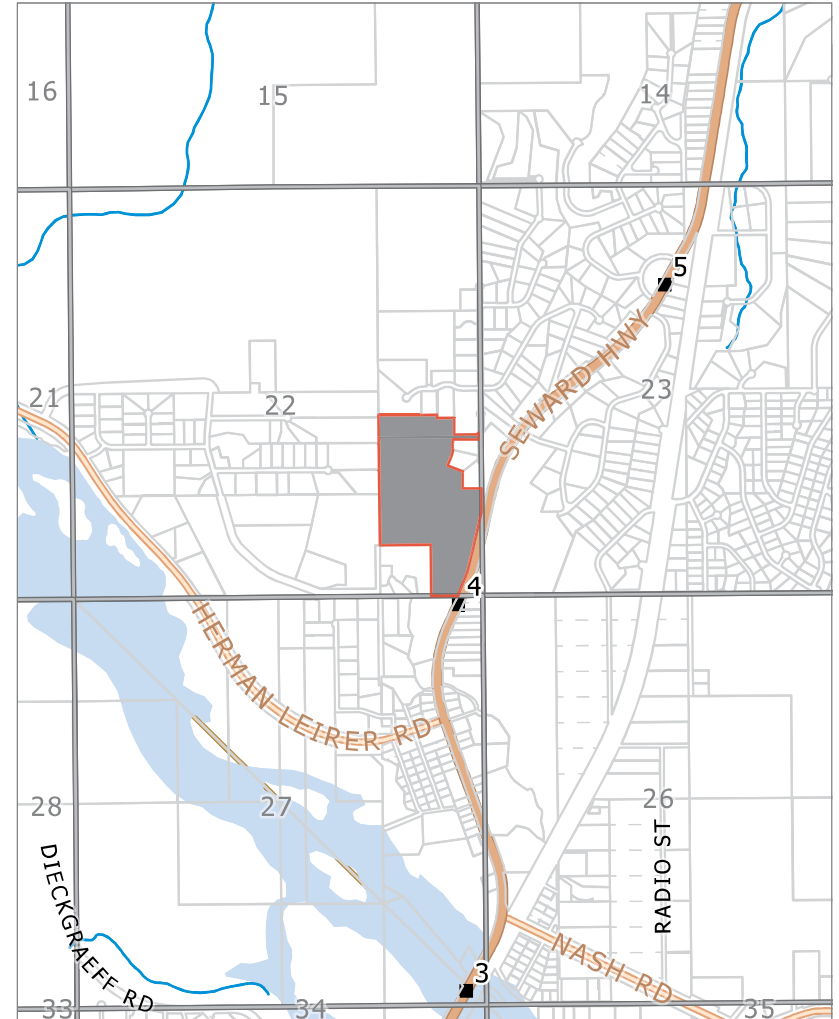
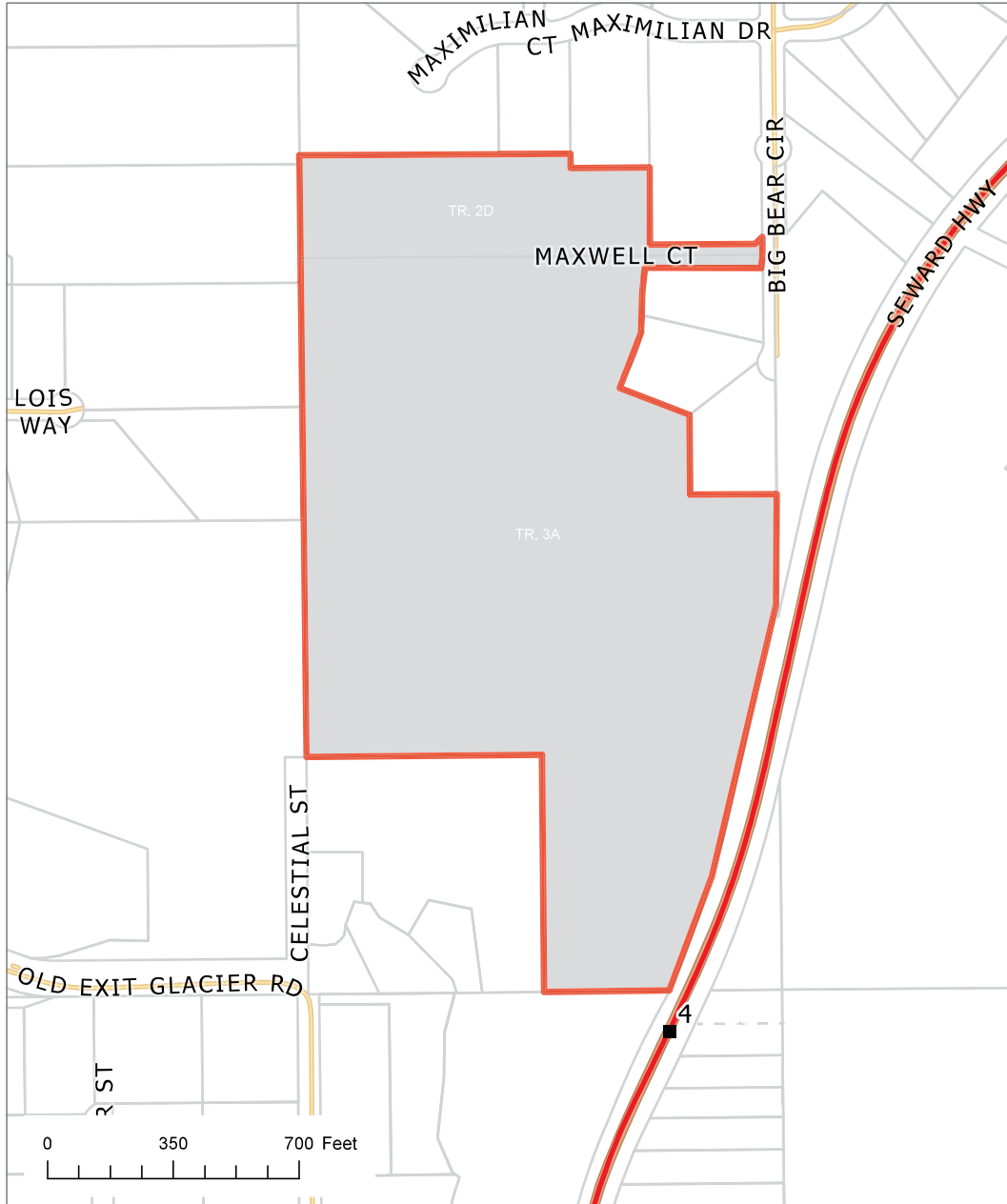


## **E. NEW BUSINESS**

**ITEM E1 - Clan Maxwell Estates Woodland Hollow Addition**



KPB File # 2022-017

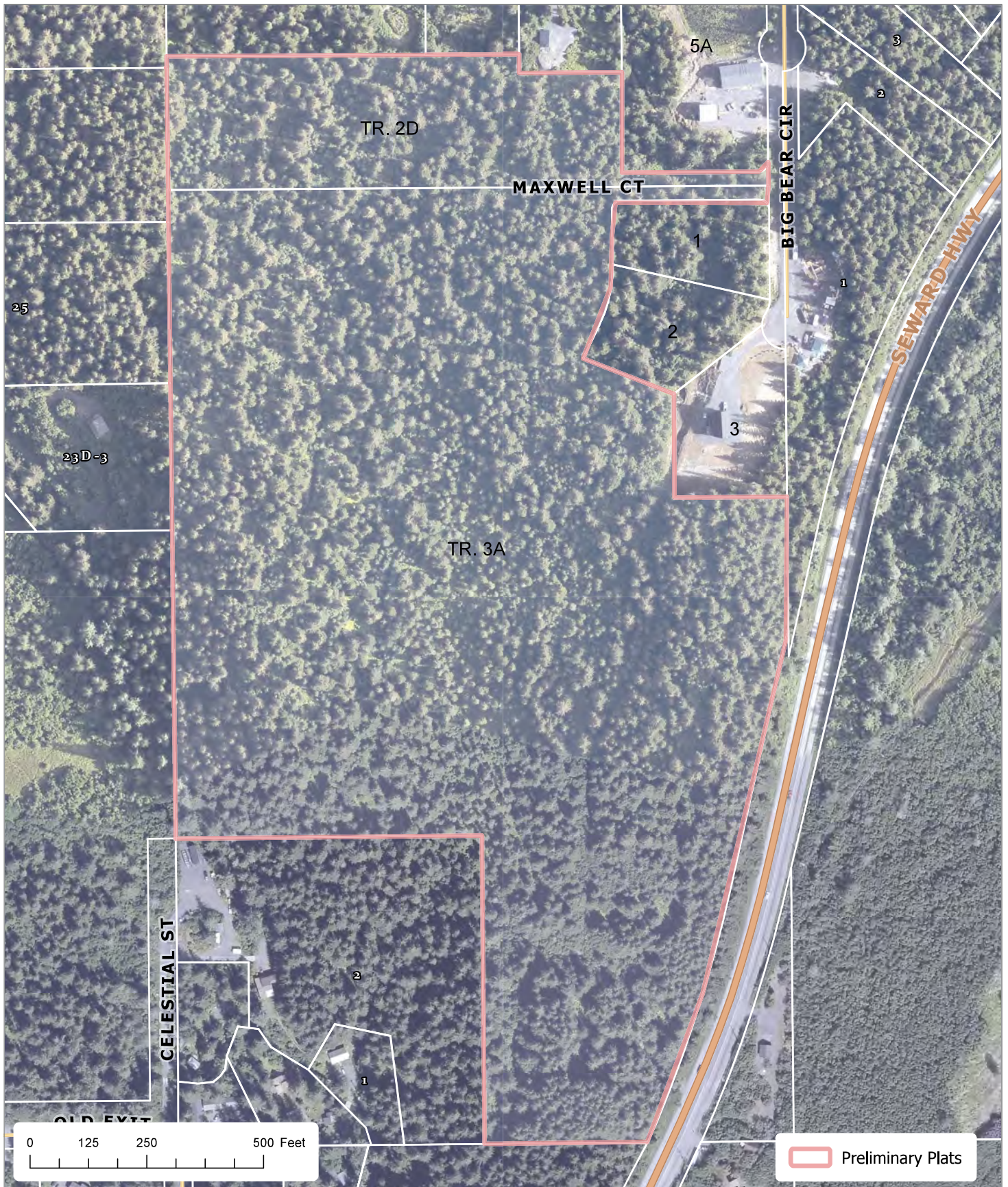
Township 01N-Range 01W-Section 22

Bear Creek





Aerial View





# **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 to the normal standards of practice of land surveyors in the State of Alaska.



## **PLAT APPROVAL**

Plat approved by the Kenai Peninsula Borough Planning Commission at the meeting of \_\_\_\_\_

## **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-ways and public areas to public use and grant all easements to the use shown.

### **Owner**

Harold L. Maxwell II, Managing Member  
Maxwell Enterprises, LLC  
4545 42nd Ave. S.W., Apartment 407  
Seattle, WA 98166-4245

### **Notary Acknowledgement**

for \_\_\_\_\_  
Subscribed and sworn to before me this \_\_\_\_\_ day  
of \_\_\_\_\_,

Notary Public for the State of Alaska My Commission Expires \_\_\_\_\_

### **Owner**

Robert J. Cutler  
4251 Reson Court, Apartment C  
Anchorage, AK 99508

### **Notary Acknowledgement**

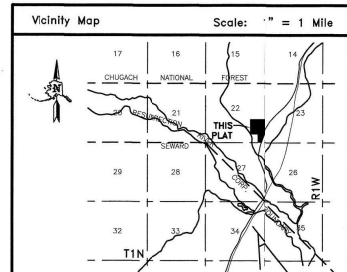
for \_\_\_\_\_  
Subscribed and sworn to before me this \_\_\_\_\_ day  
of \_\_\_\_\_,

Notary Public for the State of Alaska My Commission Expires \_\_\_\_\_

**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.



Steven R. Pansone License# \_\_\_\_\_



**PLAT OF**  
**CLAN MAXWELL ESTATES**  
**WOODLAND HOLLOW ADDITION**  
A SUBDIVISION OF TRACT 2D OF CLAN MAXWELL ESTATES, (PLAT No. 2018-5), and TRACT 3A OF CLAN MAXWELL ESTATES, WOODLAND HOLLOW ADDITION (Plat No. 2014-24) LOCATED WITHIN THE SE 1/4, SECTION 22, T1N, R1W, SEWARD MERIDIAN, ALASKA - KENAI PENINSULA BOROUGH SEWARD RECORDING DISTRICT

**Lang & Associates, Inc.** 11500 Daryl Avenue  
Anchorage, Alaska 99515  
Registered Land Surveyors (907) 522-6476  
(907) 522-6525 Fax

GRID: N/A	SCALE: 1" = 100'	DATE: 11 FEBRUARY 2022
DRAWN: JCL	SHEET 1 OF 1	PROJECT #: 21-611
JOB FILE: L21811p.crd/.dwg		CASE No: KPB

**KPB 2022-017**



AGENDA ITEM E. NEW BUSINESS

**ITEM 1 - Clan Maxwell Estates Woodland Hollow Addition**

<b>KPB File No.</b>	2022-017
<b>Plat Committee Meeting:</b>	March 21, 2022
<b>Applicant / Owner:</b>	Robert J Cutler of Anchorage, AK Maxwell Enterprises LLC of Seattle, WA
<b>Surveyor:</b>	Ken Lang / Lang & Associates, Inc
<b>General Location:</b>	Big Bear Circle, Bear Creek

<b>Parent Parcel No.:</b>	144-010-66 and 144-010-73
<b>Legal Description:</b>	Tract 2D Clan Maxwell Estates Avalon Heights Addn #4 Plat SW 2018-05 Tract 3A Clan Maxwell Estates Woodland Hollow Addn Plat SW 2014-24
<b>Assessing Use:</b>	Residential
<b>Zoning:</b>	Rural Unrestricted
<b>Water / Wastewater</b>	On site

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**STAFF REPORT**

**Specific Request / Scope of Subdivision:** The proposed plat will subdivide two tracts into ten lots and one tract. The lots range in size from .928 acres to 1.559 acres. The tract will be 35.6 acres. Two right of way dedications are proposed.

**Location and Legal Access (existing and proposed):** The proposed subdivision is in the Bear Creek area near mile 4 of the Seward Highway. The subdivision's constructed access is from South Fork Lane, which intersects state maintained Seward Highway near mile 4.5. At the end of South Fork is Blying Sound Drive that ends at Big Bear Circle and Big Bear Street intersection. All the right of ways mentioned are currently maintained by the borough. Big Bear Circle was extended with Plat SW 2014-24 to provide access to Lot 2 and Lot 3 of Plat SW 2014-24. That portion is constructed and maintained by the borough. A 33 foot section line easement coincides with Big Bear Circle right of way, and extends south to connect with the Seward Highway.

The plat is proposing to dedicate a cul-de-sac to provide access to the new lots. The dedication is atop former portions of flag lots that contain a private road. Planning Commission Resolution SN 2021-23 named the private road Maxwell Court. This plat will now dedicate it as a public right-of-way. An additional road is proposed to provide access to the Tract and for future development. An exception has been requested not to dedicate a turnaround area at this time.

A 33 foot section line easement is present along the southern subdivision boundary to provide access to the Seward Highway. An exception has been requested not to provide dedications atop the section line easements.

Celestial Street is located to the southwest of the subdivision. It is not maintained by the borough but appears to be constructed to provide access to existing improvements. An exception has been requested not to provide a continuation of Celestial Street.

The block is not compliant. There are large acreage tracts located to the north. There are many cul-de-sacs dedicated in the area and they do not provide compliant blocks. An exception has been requested.

KPB Roads Dept. comments	Out of Jurisdiction: No Roads Director: Uhlin, Dil Comments: No comments
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SOA DOT comments	The ROW for Seward Highway is generally as shown on Seward Highway MP 0-8 Right of Way Map NH-031-1(26) Seward Recording District 2013-1 and appears to be shown correctly.
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**Site Investigation:** The preliminary plat contains the contour information. There are various areas with steep slopes. **Staff recommends** the contours be removed from the final plat but the top or toe of any steep areas be depicted and labeled.

The preliminary plat indicates an area of inundation located in the southwest corner. KPB GIS data indicates an anadromous stream in that area. This stream is not a KPB managed steam and an anadromous note is not required. **Staff recommends** any low wet areas be depicted and labeled on the final plat and place a plat note, "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."

Per the KPB River Center review, the subdivision plat is within multiple flood zones and within the Seward Mapped Flood Data Area. **Staff recommends** a flood hazard note be required, depict and label mapped flood zones, and provide a plat note that references the Map Panel.

KPB River Center review	<p>A. Floodplain Reviewer: Carver, Nancy Floodplain Status: IS in flood hazard area Comments: Flood Zone: A,AE,X (shaded),SMFDA Map Panel: 02122C-4543E In Floodway: False Floodway Panel:</p> <p>B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments</p> <p>C. State Parks Reviewer: Russell, Pam Comments: No Comments</p>
State of Alaska Fish and Game	No objections.

**Staff Analysis** This is a proposed subdivision made up of tracts from two different subdivisions. Both tracts were originally part of Clan Maxwell Estates, Plat SW 2003-9. This was a plat of aliquot lands into large acreage tracts. Clan Maxwell Estates Avalon Heights Addition, Plat SW 2006-9, subdivided the northern tract and the portion within this subdivision was left as an unsubdivided remainder. Three other additions were recorded with the last being Clan Maxwell Estates Avalon Heights Addition #4, Plat SW 2018-5. That plat provides the current configuration of parent Tract 2D.

Clan Maxwell Estates Woodland Hollow Addition, Plat SW 2014-24, subdivided Tract 3 from the original subdivision. That plat dedicated a portion of Big Bear Circle and created three lots plus Tract 3A into the current configuration.

Clan Maxwell Estates Avalon Heights Addition #4, Plat SW 2018-5, dedicated a 33 foot wide dedication atop the section line easement. This dedication extended Big Bear Circle past the cul-de-sac bulb to connect to the southern portion of Big Bear Circle.

A 33 foot section line easement was depicted on Plat SW 86-06 that is to the east of the Big Bear Circle dedication. It was later determined that the easement may not have been in place but due to the owner signing the plat and



granting all easements shown for the intended uses, a public access easement was created. **Staff recommends the 33 foot access easement be shown and labeled noting "per Plat SW 86-06".**

A soils report will be required for the lots being created and an engineer will sign the final plat. Two separate plat notes will be needed if Tract 3A is not part of the report.

Notice of the proposed plat was mailed to the beneficial interest holder on February 22, 2022. The beneficial interest holder will be given 30 days from the date of the mailing of the notification to respond. They are given the opportunity to notify staff if their beneficial interest prohibits or restricts subdivision or requires their signature on the final plat. If no response is received within 30 days, staff will assume they have no requirements regarding the subdivision and it may be finalized.

**Utility Easements** Clan Maxwell Estates, Plat SW 2003-9, granted 10 foot utility easements along the right of ways. That plat created a 10 foot utility easement along the Seward Highway that should be carried over to this plat. Clan Maxwell Estates Woodland Hollow Addition, Plat SW 2014-24, carried over the plat note. That plat also granted 10 foot utility easements along the newly dedicated portion of Big Bear Circle and along the new lots adjacent to the flag and along the west boundary. The granting of those easements at that time now provides utility easements along the new dedications proposed by this plat. **Staff recommends the depiction of the utility easements within Clan Maxwell Estates Woodland Hollow Addition not be depicted as they are outside the boundary of this preliminary plat.**

A plat note will need to be added to grant 10 foot utility easements along the dedications and should be depicted if possible. **Staff recommends the code required 10 foot utility easements be granted, include depiction, and provide the correct plat notes.**

The affected utility providers were emailed the subdivision plat public hearing notice as part of the routine notification process. **Staff recommends** to grant utility easements requested by the utility providers or work with the utility providers to obtain approval.

**Utility provider review:**

HEA	
ENSTAR	No comments or recommendations
ACS	Not in service area/no objections
GCI	Approved as shown
SEWARD ELECTRIC	
CHUGACH ELECTRIC	No comments. Not located in our service area.
TELALASKA	

**KPB department / agency review:**

Addressing	Reviewer: Haws, Derek Affected Addresses: No addresses affected by this subdivision.  Existing Street Names are Correct: Yes List of Correct Street Names: SEWARD HWY BIG BEAR CIR MAXWELL CT EXIT GLACIER RD CELESTIAL ST  Existing Street Name Corrections Needed:
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	<p>All New Street Names are Approved: No</p> <p>List of Approved Street Names:</p> <p>List of Street Names Denied:</p> <p>New street name needed for newly dedicated right-of-way.</p> <p>Comments:</p> <p>New street name needed for newly dedicated right-of-way.</p>
Code Compliance	<p>Reviewer: Ogren, Eric</p> <p>Comments: No comments</p>
Planner	
Assessing	<p>Reviewer: Wilcox, Adeena</p> <p>Comments: No Comment</p>

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

### **STAFF RECOMMENDATIONS**

#### **CORRECTIONS / EDITS**

- Platting staff consulted the Addressing Officer and Exit Glacier Road should be revised to "Old Exit Glacier Road".

#### **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 proposed subdivision name is one of the parent subdivision's name. A new name must be submitted to be approved by Platting Staff. Staff suggests "Clan Maxwell Estates Woodland Hollow Addition 2".*
- *Owners should be added to the title block.*
- *Tract 2D needs the full subdivision name added, "Clan Maxwell Estates Avalon Heights Addition #4".*

#### **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:**

- *Provide a width label for the Seward Highway or a "width varies" label.*
- *Provide a reference to the state project map either within the right of way depiction or within a plat note.*
- *The right of way dedicated with Plat No 2014-24 should be more obvious and may be once contours are removed.*
- *The section line easements not within right of way dedications should be depicted and labeled.*
- *Update the road name to "Old Exit Glacier Road" and provide a width label.*



- Provide a width label for Celestial Street.
- The dedication of Celestial Street continues north to the southwest corner of the preliminary plat.

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:**

- The depiction should be revised to exclude lots of Plat 2014-24 that are not part of this subdivision.
- There are multiple dark lines present with no labels. Please remove or provide labels.
- There are overstrikes on the section labels and some of the other labels. Make sure all labels are legible.

F. The location, width and name of existing and platted streets and public ways, railroad rights-of-way, easements, and travel ways existing and proposed, within the subdivision;

**Staff recommendation:** The new right of way will required an approved street name. The section line easement located along the southern border and eastern border should be labeled and depicted.

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

**Staff recommendation:** Update the subdivision labels to the west. Lot 25 is from Gentles Subdivision but Lot 23D-3 is from Gentles Subdivision Lyon Addition. A block label should be provided for the lots within Harbor View Subdivision.

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

**Staff recommendation:** Tract 3A will require a new designation. Staff recommends Tract 3B.

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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.

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 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 and grant code required 10 foot utility easements along the dedicated right of ways.

20.30.240. Building setbacks.

A. A minimum 20-foot building setback shall be required for dedicated rights-of-way in subdivisions located outside incorporated cities.

A. 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.

B. The setback shall be noted on the plat in the following format:

Building setback- A setback of 20 feet is required from all dedicated street right-of-ways unless a lesser standard is approved by resolution of the appropriate planning commission.

C. When a subdivision is affected by a Local Option Zoning District (LOZD), an approved by the assembly, all building setbacks shall be graphically depicted and labeled on the lots. A local option zoning setback shall be noted on the plat in the following format:

Building setback – This subdivision is located within (name of LOZD) Local Option Zoning District as contained in KPB Chapters 21.44 and 21.46 and adopted by KPB Ordinance (number), recorded under (serial no. and recording district). Information regarding the zoning restrictions and copies of the ordinance are available from the KPB Planning Department.

**Staff recommendation:** *Plat note required and depict the 20 foot building setback.*

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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: Soils analysis report will be required for all lots and an engineer will need to sign the plat. Add the appropriate plat note for the lots that will be determined by the engineer's findings. An additional plat note for the tract should be added.*

**Staff recommendation:** *comply with 20.40.*

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**KPB 20.60 – Final Plat**

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

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

**Staff recommendation:** *All dedicated right of ways shall be accepted by the borough.*

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. The boundary of the subdivided area shall clearly show what survey markers, or other evidence, was found or established on the ground to determine the boundary of the subdivision. Bearing and distance ties to all survey markers used to locate the subdivision boundary shall be shown.

**Staff recommendation:** *The boundary must be revised to exclude the lots and right of way dedications that are not included within this subdivision.*

20.60.180. Plat notes.

A. Plat notes shall not be placed on a final plat unless required by borough code or by the planning commission in order to promote or protect the public health, safety, and welfare consistent with borough and state law.



B. Revision of, or not carrying forward, an existing plat note from the parent plat will adhere to KPB 20.50.010. Separate advertising of the plat note removal is not required, Notification of the requested change will be sent by regular mail to all owners within the subdivision (parent plat and subsequent replats) as shown on the borough tax rolls. Upon approval by the planning commission, the revision or removal of the record plat note shall be finalized by recording a planning commission resolution or subdivision plat.

**Staff recommendation:** Place the following notes on the plat.

- "No access to state maintained rights-of-way permitted unless approved by the State of Alaska Department of Transportation."
- 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).
- Front 10 feet adjacent to dedicated right of ways 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.
- 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 (KPB 20.30.240).
- Add a plat note for any exceptions granted that includes the meeting date they were granted.
- If Tract 3A is not included in the soils analysis add, "WASTEWATER DISPOSAL: (Tract 3A) Lots which are at least 200,000 square feet in size may not be suitable for onsite wastewater treatment and disposal. Any wastewater treatment or disposal system must meet the regulatory requirements of the Alaska Department of Environmental Conservation." For the existing note on the plat, add "(Lots)" or "(Lots 20-29)".
- 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."
- FLOOD HAZARD NOTICE:  
Some or all of the property shown on this plat has been designated by FEMA or the Kenai Peninsula Borough Seward Mapped Flood Data Area as a flood hazard area district as of the date this plat is recorded with the district recorder's office. Prior to development, the Kenai Peninsula Borough floodplain administrator should be contacted for current information and regulations. Development must comply with Chapter 21.06 of the Kenai Peninsula Borough Code. Map panel 02122C-4543E.

20.60.190. Certificates, statements, and signatures required.

**Staff recommendation:** Verify which state Mr. Maxwell will be signing in and update the Notary accordingly or leave blank. Next to each owner's name, include the parent tract number they are signing on behalf. Include a right of way acceptance to be signed by the borough. Comply with 20.60.190.

### **EXCEPTIONS REQUESTED:**

**A. KPB 20.30.030 – Proposed street layout-requirements** (extension of Celestial Street and dedications on section line easements) **and KPB 20.30.170 – Blocks-length requirements**

Surveyor's Discussion: 20.30.030 Dedications. Due to steep terrain, it is impractical to make a dedication to extend Celestial Street further in a northerly direction. Likewise, due to steep terrain, it is impractical to dedicate the section line easements that lie on the southerly and easterly boundaries of the parcel. They could be used for utilities if necessary but not for physical access.

20.30.170 Block Length. Looking at the Tract in whole, there are terrain issues that do not allow for physical access from the west, south, or east other than what has been proposed. Our development plan for the remaining phases will be to extend the unnamed street in a southerly direction for an additional 1,200 feet with a standard cul-de-sac at the end. In addition, there will be 2 short streets running in a westerly direction and terminating in cul-de-sac's.

Staff Discussion: Staff grouped the two exceptions. The plat committee may wish to review the exceptions separately by making two separate motions.

Terrain restraints are found through various areas of the subdivision. The existing and proposed dedications are taking into consideration the terrain. The tract is large enough to be further subdivided in the future and the owners intent is do so. The request does indicate that future dedications will be cul-de-sacs and those will not be able to help provide closed blocks. There are section line easements present that can provide access if desired.

Denial of the exception will require a 30 foot wide dedication along the western boundary to extend Celestial Street. Additional minimum 30 foot wide dedications would be required atop the section line easements.

#### **Findings:**

1. A creek is present north of the Celestial Street dedication.
2. Low wet areas are present north of the Celestial Street dedication.
3. Celestial Street is dedicated as 60 feet wide; a 30 foot dedication within this subdivision will result in an offset centerline.
4. Steep terrain is present along the western boundary that would affect a dedication in the area.
5. A 33 foot section line easement is present along the southern boundary of the subdivision.
6. Steep terrain is present where the section line easement meets the Seward Highway.
7. Big Bear Circle right of way is dedicated atop a section line easement.
8. Big Bear Circle's original cul-de-sac bulb was opened to continue providing access by dedicated right of way that is atop the section line easement.
9. Requiring further dedication of the section line easement along the eastern boundary will require opening the cul-de-sac bulb.
10. Per KPB code, cul-de-sac bulbs are to remain permanently closed.
11. Surrounding parcels have existing access via dedicated right of ways or section line easements.
12. The section line easements will remain in place for access and may be used by utility providers.
13. The parent subdivision, Clan Maxwell Estates Woodland Hollow Addition received exceptions to 20.30.030 (dedicating the section line easement and extending Celestial Street) and 20.20.160 (Block Length).
14. The mentioned future developments will not improve the block length.

#### **Staff reviewed the exception request and recommends granting approval.**

Staff recommends the Committee select the findings they determine are applicable, make additional findings if needed, tie the findings to the following standards, and vote on the exception in a separate motion.

Unless prohibited under this title, the commission (committee) may authorize exceptions to any of the requirements set forth in this title. Application for an exception shall present the commission (committee) with substantial evidence, justifying the requested waiver or exception stating fully the grounds for the application and the facts relied upon. All exceptions must be requested and granted at the time of preliminary plat approval. Exceptions may not be requested with a final plat submittal.

The commission (committee) shall make findings of fact meeting the following standards before granting any exception:

1. That special circumstances or conditions affecting the property have been shown by application;  
**Findings 1-14 appear to support this standard.**
2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title;  
**Findings 1-14 appear to support this standard.**
3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.  
**Findings 1-14 appear to support this standard.**

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

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**EXCEPTIONS REQUESTED:**

**B. KPB 20.30.100 – Cul-de-sacs**

Surveyor's Discussion: 20.30.100 Dedicated turnaround. We do not plan to construct the unnamed street in this phase of development. It will, however be extended and constructed in the next phase.

Staff Discussion: Staff recommends right of ways that are not intended to be permanently closed to provide a hammerhead or t-type turnaround. This will provide adequate area for maintenance and emergency vehicle to turn around. The requirement of a turnaround dedication at the end of the proposed vacation may result in the owners having to vacate a portion if their future designs cannot incorporate the dedication within the new dedications.

Denial of the exception will require a turnaround dedication at the end of the unnamed right of way.

**Findings:**

1. The tract will be 35.6 acres.
2. The tract can be further subdivided.
3. The owners have a design planned for the remaining acreage that will include new right of way dedications.
4. The owner does not have plans to construct the right of way until ready for next phase of subdivision.
5. Once the right of way is dedicated, it is public right of way and anyone may pursue the construction of the right of way.
6. The right of way is off Maxwell Court, a right of way that provides an adequate turnaround.
7. The KPB Roads Department did not request additional right of way.
8. Temporary turnarounds or self-vacating turnarounds are not allowed per KPB Code.

Staff reviewed the exception request and recommends granting approval.

Staff recommends the Committee select the findings they determine are applicable, make additional findings if needed, tie the findings to the following standards, and vote on the exception in a separate motion.

Unless prohibited under this title, the commission (committee) may authorize exceptions to any of the requirements set forth in this title. Application for an exception shall present the commission (committee) with substantial evidence, justifying the requested waiver or exception stating fully the grounds for the application and the facts relied upon. All exceptions must be requested and granted at the time of preliminary plat approval. Exceptions may not be requested with a final plat submittal.

The commission (committee) shall make findings of fact meeting the following standards before granting any exception:

1. That special circumstances or conditions affecting the property have been shown by application;  
**Findings 1-4, and 6-8 appear to support this standard.**
2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title;  
**Findings 1-4, and 6-8 appear to support this standard.**
3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.  
**Findings 1-4, and 6-8 appear to support this standard.**

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



the meeting date.

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**RECOMMENDATION:**

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

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

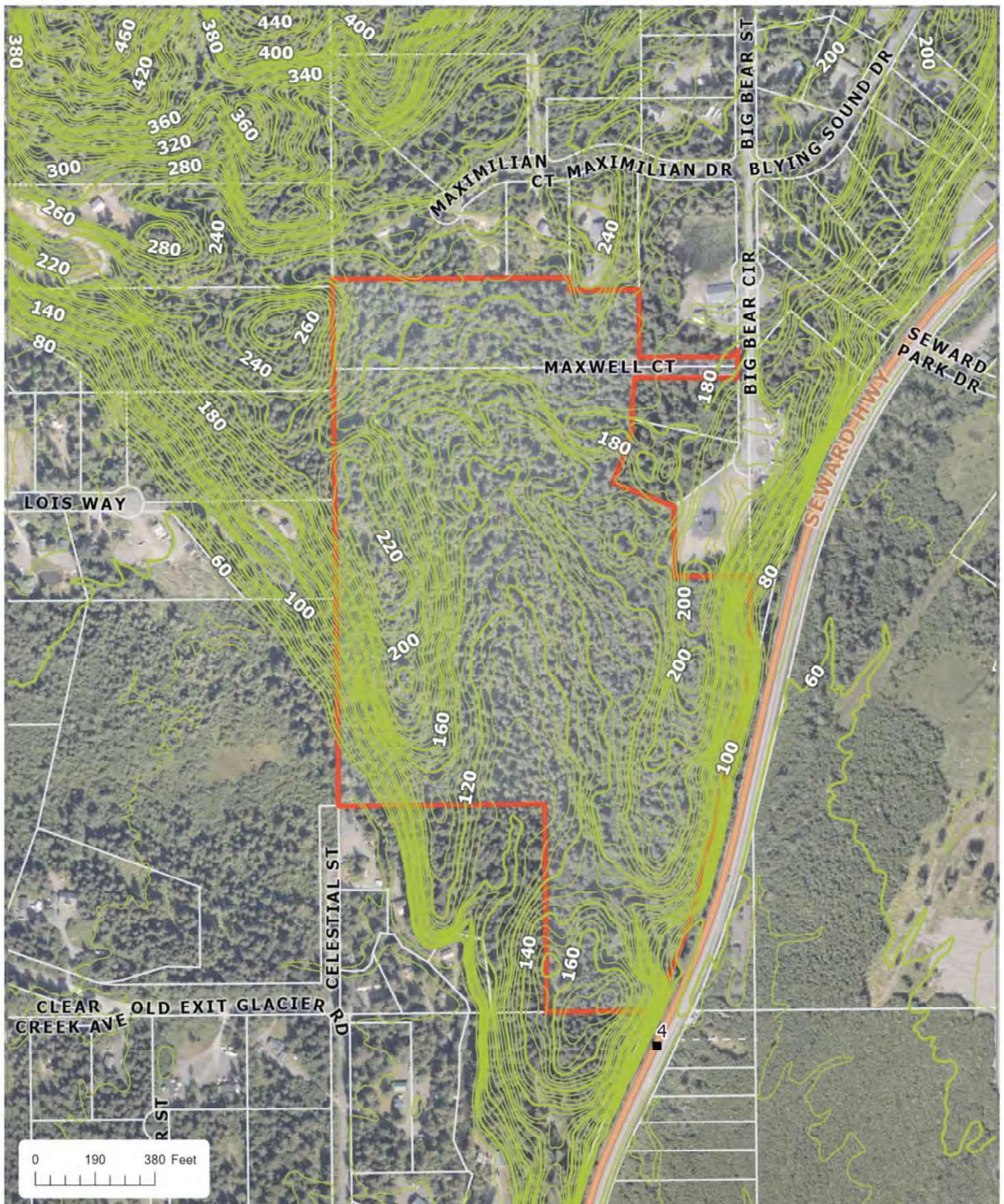
NOTE: 20.25.120. - REVIEW AND APPEAL.

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

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

END OF STAFF REPORT

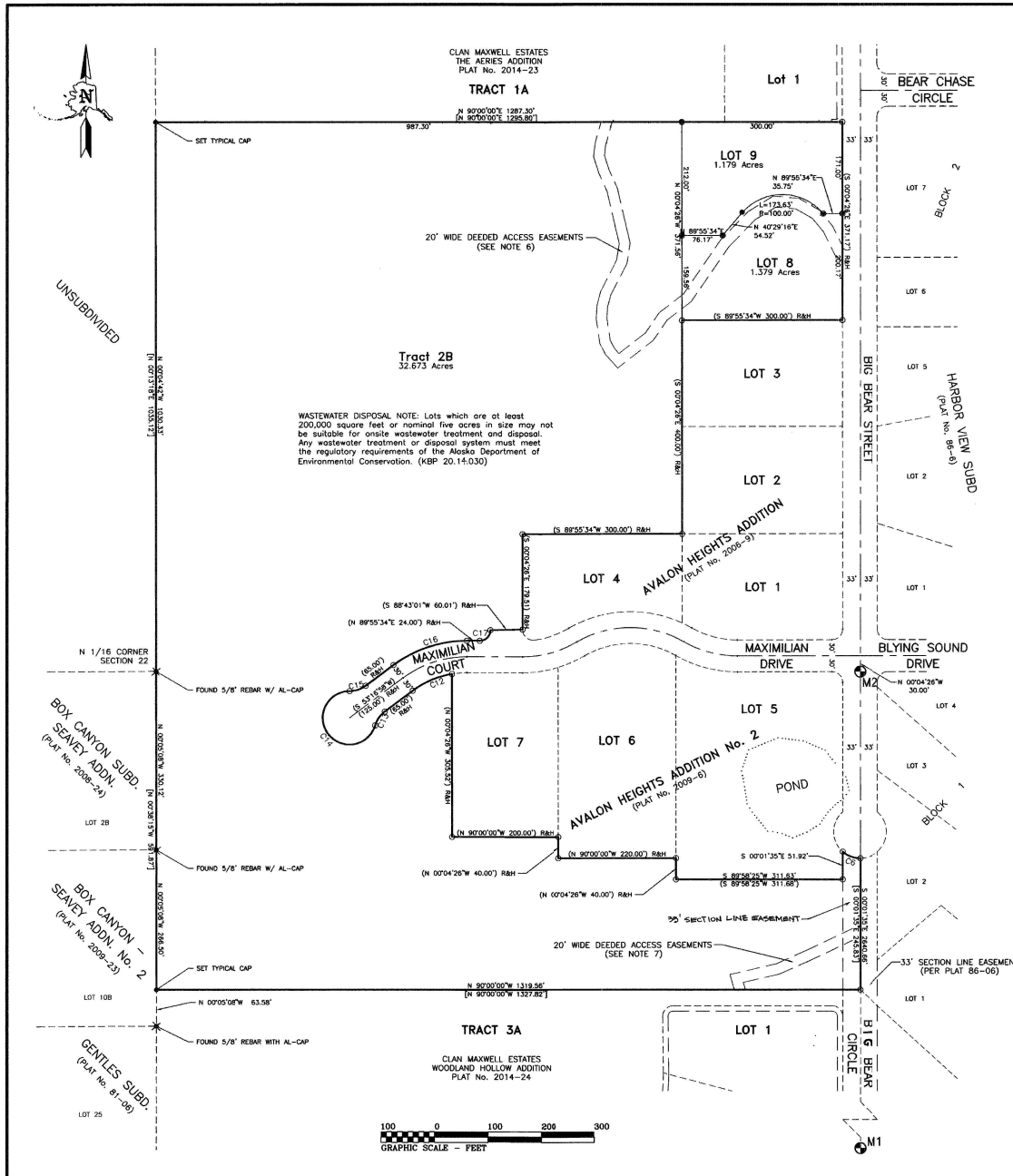










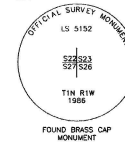


Curve	Radius	Tangent	Length	Delta	Chord	Chord Bear
C1	50.00'	18.54'	38.64'	41°19'00"	35.37'	N 69°22'35" W R&H
C2	170.00'	41.07'	80.78'	27°09'17"	74.83'	N 54°50'09" W R&H
C3	50.00'	18.57'	39.18'	26°09'17"	37.83'	N 54°50'09" W R&H
C4	50.00'	18.57'	39.18'	26°09'17"	37.83'	N 54°50'09" W R&H
C5	50.00'	18.57'	39.18'	26°09'17"	37.83'	N 54°50'09" W R&H
C6	50.00'	18.57'	39.18'	26°09'17"	37.83'	N 54°50'09" W R&H
C7	50.00'	18.57'	39.18'	26°09'17"	37.83'	N 54°50'09" W R&H

#### LEGEND

- MONUMENT RECOVERED
- TYPICAL CAP - FOUND
- RECORD PER PLAT 2009-06 (SEE NOTE 9)
- RECORD PER PLAT 2009-06 AND HELD
- TYPICAL CAP SET
- 1/8" BRASS WITH ALUMINUM PAINTED

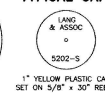
M1



M2



TYPICAL CAP



#### 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, and the monuments shown hereon actually exist as described, and all dimensions and other details are correct to the normal standards of practice of land surveyors in the State of Alaska.

#### WASTEWATER DISPOSAL NOTE

LOT 8 & LOT 9 - 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.

Seward Recording District

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

Owner

MAXWELL D. CUTLER, TRUSTEE  
AVALON HEIGHTS LAND TRUST  
1019 W. 72nd AVENUE  
Anchorage, Alaska 99518

Notary Acknowledgement

for Alaska Subscribed and  
sworn to before me this 15th day of August, 2015  
Pauline K. Brown July 23, 2016  
Notary Public for the State of Alaska My Commission Expires

Owner

JULIE R. PACE, TRUSTEE  
AVALON HEIGHTS LAND TRUST  
1019 W. 72nd AVENUE  
Anchorage, Alaska 99518

Notary Acknowledgement

for Alaska Subscribed and  
sworn to before me this 15th day of August, 2015  
Pauline K. Brown July 23, 2016  
Notary Public for the State of Alaska My Commission Expires

Owner

See 2007-00073 S.R.D.  
Robert J. Cutler, Trustee  
AVALON HEIGHTS LAND TRUST  
1019 W. 72nd AVENUE  
Anchorage, Alaska 99518

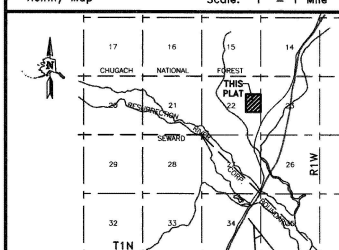
Notary Acknowledgement

for \_\_\_\_\_ Subscribed and  
sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2015  
Notary Public for the State of Alaska My Commission Expires

#### PLAT APPROVAL

Plat approved by the Kenai Peninsula Borough Planning Commission at the meeting of OCTOBER 23, 2015  
Mayor Bob  
Borough Official

Vicinity Map Scale: 1" = 1 Mile



PLAT OF  
CLAN MAXWELL ESTATES  
AVALON HEIGHTS ADDITION #3

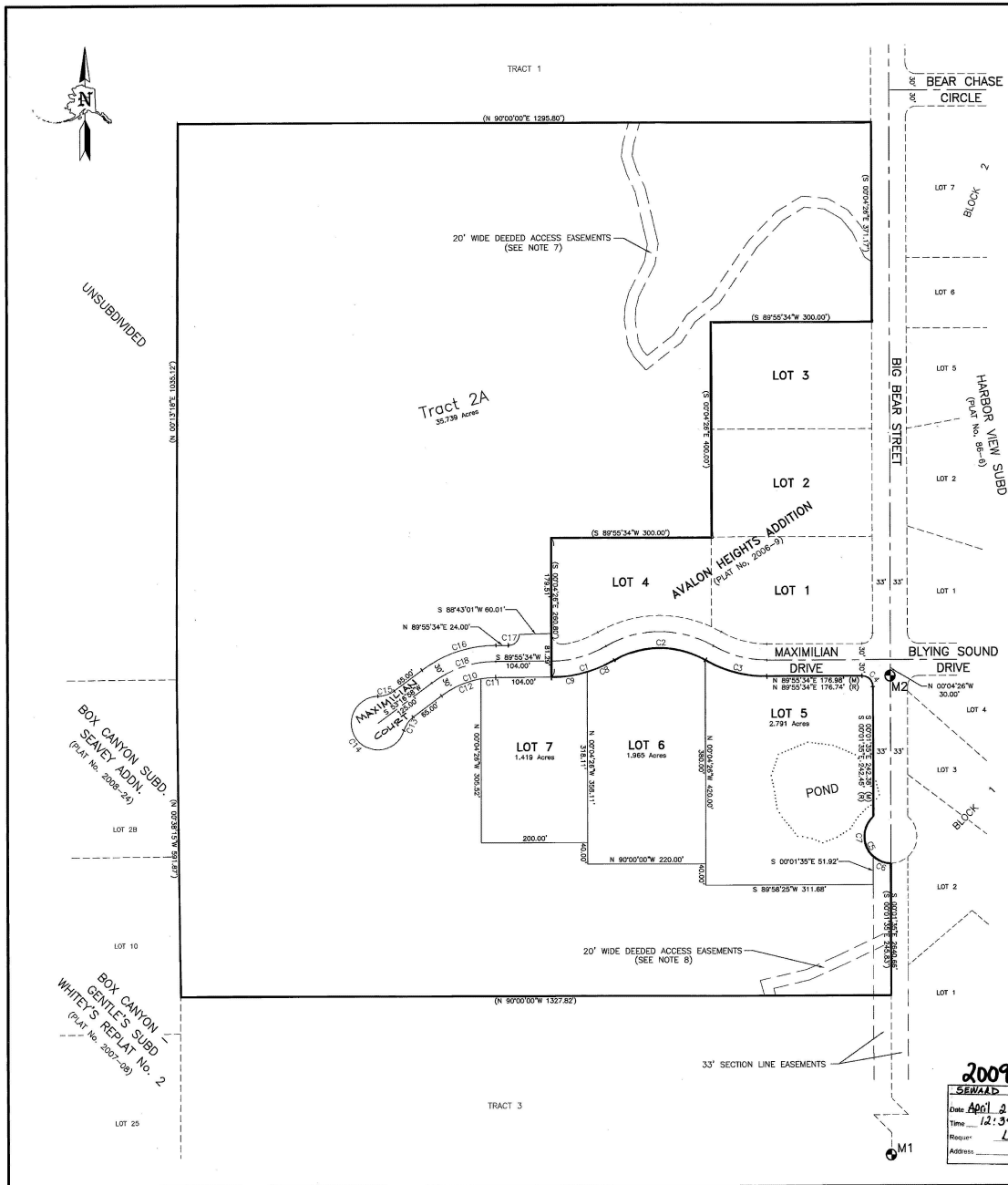
Containing 35.230 Acres  
A SUBDIVISION OF TRACT 2A OF CLAN MAXWELL ESTATES, AVALON HEIGHTS ADDITION #2 (PLAT No. 2009-06), LOCATED WITHIN THE E 1/2, SECTION 22, T1N, R1W, SEWARD MERIDIAN, ALASKA  
KENAI PENINSULA BOROUGH  
SEWARD RECORDING DISTRICT

Lang & Associates, Inc.  
11500 Daryl Avenue  
Anchorage, Alaska 99515  
Registered Land Surveyors (907) 522-6476  
(907) 522-4625 Fax

GRD: N/A SCALE: 1" = 100' DATE: JUNE 2014  
DRAWN: JCL SHEET 1 OF 1 PROJECT #: 13-175  
JOB FILE: L13175pp.crd/dwg

CASE No.: KPB 2013-180





Curve	Radius	Tangent	Length	Delta	Chord	Chord Bear.
C1	238.00'	63.57'	123.57'	29°59'58"	122.18'	N 74°55'45" E M
C2	238.00'	63.57'	123.57'	30°30'30"	122.18'	N 75°26'09" E R
C3	238.00'	63.57'	123.57'	30°30'30"	122.18'	N 75°26'09" E R
C4	238.00'	63.57'	123.57'	30°30'30"	122.18'	N 75°26'09" E R
C5	238.00'	63.57'	123.57'	30°30'30"	122.18'	N 75°26'09" E R
C6	238.00'	63.57'	123.57'	30°30'30"	122.18'	N 75°26'09" E R
C7	238.00'	63.57'	123.57'	30°30'30"	122.18'	N 75°26'09" E R
C8	238.00'	63.57'	123.57'	30°30'30"	122.18'	N 75°26'09" E R
C9	238.00'	63.57'	123.57'	30°30'30"	122.18'	N 75°26'09" E R
C10	238.00'	63.57'	123.57'	30°30'30"	122.18'	N 75°26'09" E R
C11	238.00'	63.57'	123.57'	30°30'30"	122.18'	N 75°26'09" E R
C12	238.00'	63.57'	123.57'	30°30'30"	122.18'	N 75°26'09" E R
C13	238.00'	63.57'	123.57'	30°30'30"	122.18'	N 75°26'09" E R
C14	238.00'	63.57'	123.57'	30°30'30"	122.18'	N 75°26'09" E R
C15	238.00'	63.57'	123.57'	30°30'30"	122.18'	N 75°26'09" E R
C16	238.00'	63.57'	123.57'	30°30'30"	122.18'	N 75°26'09" E R
C17	238.00'	63.57'	123.57'	30°30'30"	122.18'	N 75°26'09" E R
C18	238.00'	63.57'	123.57'	30°30'30"	122.18'	N 75°26'09" E R

#### LEGEND

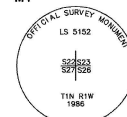
● MONUMENT RECOVERED

○ TYPICAL CAP (SEE AT ALL LOT CORNERS AND DEDICATION)

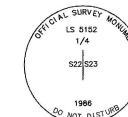
#### TYPICAL CAP

LAND & ASSOC  
5202-S  
1" YELLOW PLASTIC CAP  
SET ON 5/8" x 3/4" REBAR

M1



M2



#### NOTES:

- 1.) Proposed land uses are recreational, residential, agricultural and commercial.
- 2.) Building Setback - A setback of 20 feet is required from all street rights-of-way unless a lesser standard is approved by resolution of the appropriate Planning Commission (KPB 20.20.230).
- 3.) Distances shown in parenthesis are record per Plat 2006-09. Distances shown without parenthesis are measured.
- 4.) Front 10 feet of the building setback adjacent to rights-of-way is also a utility easement. No permanent structure shall be constructed or placed within a utility easement which would interfere with the ability of a utility to use the easement.
- 5.) 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).
- 6.) THE BASIS OF BEARINGS IS FROM M1 TO M2.
- 7.) Easement reserved in a deed recorded June 3, 2004 as Serial No. 2004-000999-0 and also granted in an instrument recorded June 3, 2004 as Serial No. 2004-001000-0 in the Seward Recording District.
- 8.) Easement reserved in a deed recorded June 3, 2004 as Serial No. 2004-000999-0 and also granted in an instrument recorded June 3, 2004 as Serial No. 2004-001000-0 in the Seward Recording District. A portion of this easement was relinquished by an instrument recorded May 17, 2006 as Serial No. 2006-000663-0.

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.

2009-6  
SEWARD REC DIST  
Date: April 21, 2007  
Time: 12:39 PM  
Request: LANG  
Address: Steven R. Pannone  
License#

#### 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.

Owner

MAXWELL D. CUTLER, TRUSTEE  
AVALON HEIGHTS LAND TRUST  
2440 E. Tudor Road PMB 119  
Anchorage, Alaska 99507

JULIA R. PACE, TRUSTEE  
AVALON HEIGHTS LAND TRUST  
2440 E. Tudor Road PMB 119  
Anchorage, Alaska 99507

#### Notary Acknowledgement

for Julia R. Pace & Maxwell D. Cutler, Subscribed and

sworn to before me this 21st day of March, 2007

Notary Public for the State of Alaska My Commission Expires

#### 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 to the normal standards of practice of land surveyors in the State of Alaska.



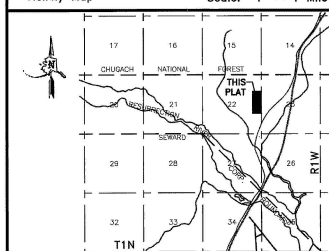
#### PLAT APPROVAL

Plat approved by the Kenai Peninsula Borough Planning Commission at the meeting of April 14, 2008

Mayor, Official

#### Vicinity Map

Scale: 1" = 1 Mile



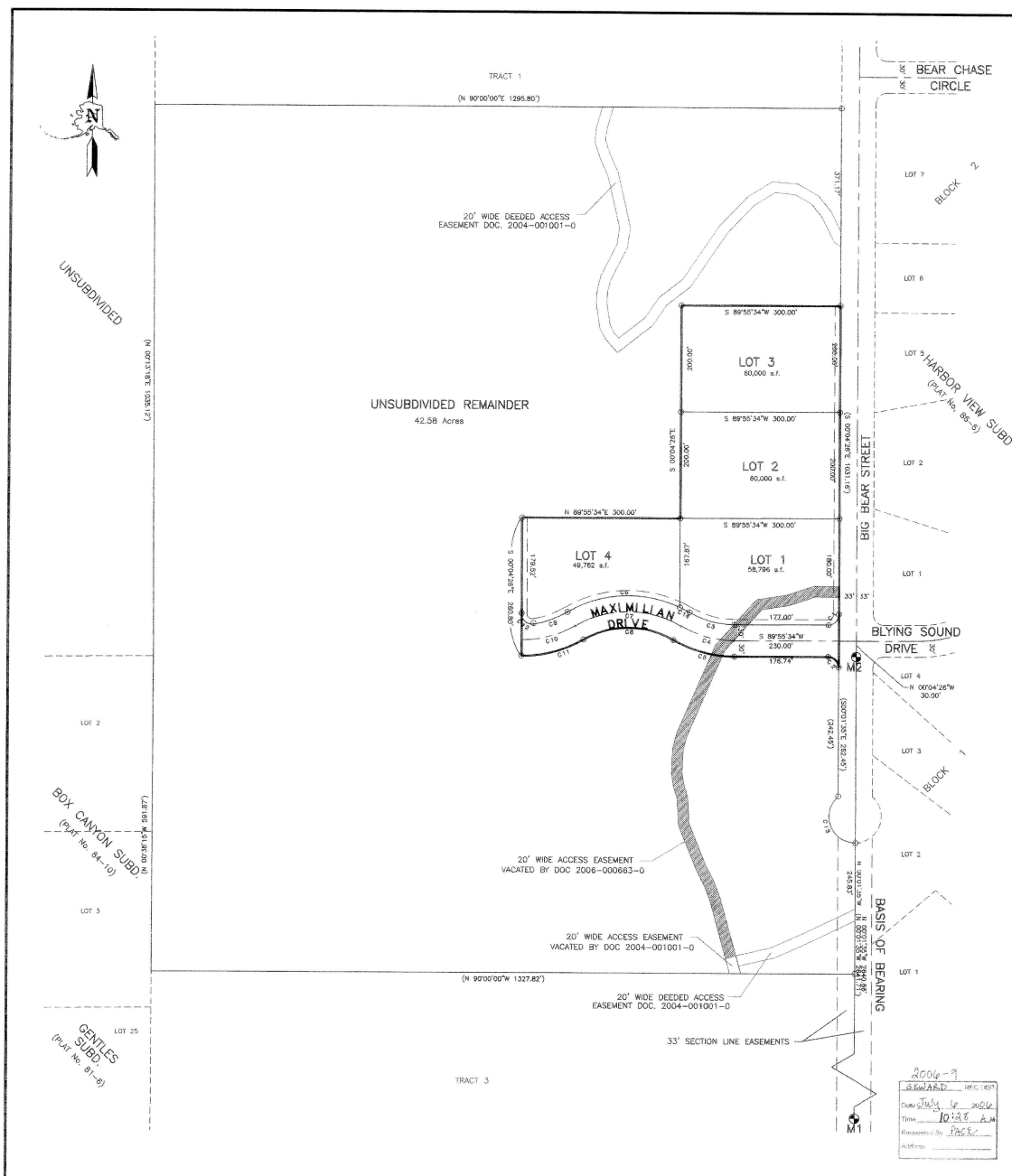
PLAT OF  
CLAN MAXWELL ESTATES  
AVALON HEIGHTS ADDITION #2  
LOTS 5, 6, 7 & Tract 2A  
CONTAINING 8.88 Acres  
A SUBDIVISION OF THE UNSUBDIVIDED REMAINDER OF CLAN MAXWELL ESTATES, AVALON HEIGHTS ADDN. (PLAT No. 2006-9), LOCATED WITHIN THE 1/2, SECTION 22, T1N, R1W, SEWARD MERIDIAN, ALASKA  
KENAI PENINSULA BOROUGH  
SEWARD RECORDING DISTRICT

Lang & Associates, Inc. 11500 Daryl Avenue  
Anchorage, Alaska 99515  
Registered Land Surveyors (907) 522-6476  
(907) 522-4625 Fax

GRID: N/A SCALE: 1" = 100' DATE: AUGUST 2008  
DRAWN: MES SHEET 1 OF 1 PROJECT #: 07-209  
JOB FILE: L05166fp.crd/.dwg

CASE No.: KPB 2008-084





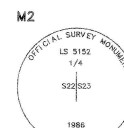
CURVE TABLE

Curve	Radius	Tangent	Length	Delta	Chord	Chord Bear
C1	19.00'	20.00'	31.43'	90.00°	28.28'	45.00° 01' 10" W
C2	20.00'	20.00'	31.43'	90.00°	28.28'	45.00° 01' 10" W
C3	175.00'	33.39'	104.72'	30.00°	103.53'	79.04° 28' 10" W
C4	230.00'	118.39'	220.34'	30.00°	217.21'	81.25° 45' 10" W
C5	175.00'	33.39'	104.72'	30.00°	103.53'	79.04° 28' 10" W
C6	175.00'	33.39'	104.72'	30.00°	103.53'	79.04° 28' 10" W
C7	175.00'	33.39'	104.72'	30.00°	103.53'	79.04° 28' 10" W
C8	175.00'	33.39'	104.72'	30.00°	103.53'	79.04° 28' 10" W
C9	175.00'	33.39'	104.72'	30.00°	103.53'	79.04° 28' 10" W
C10	175.00'	33.39'	104.72'	30.00°	103.53'	79.04° 28' 10" W
C11	175.00'	33.39'	104.72'	30.00°	103.53'	79.04° 28' 10" W
C12	175.00'	33.39'	104.72'	30.00°	103.53'	79.04° 28' 10" W
C13	175.00'	33.39'	104.72'	30.00°	103.53'	79.04° 28' 10" W
C14	175.00'	33.39'	104.72'	30.00°	103.53'	79.04° 28' 10" W

LEGEND

- (XX) RECORD PER PLAT 2003-09
- XX MEASURED OR CALCULATED
- MONUMENT RECOVERED
- TYPICAL CAP

TYPICAL CAP



NOTES:

- There are no slopes greater than 20% within the boundary of lots 1-4.
- Building Setback - A setback of 20 feet is required from all street rights-of-way unless a lesser standard is approved by resolution of the appropriate Planning Commission.
- No private access to State maintained ROW's permitted unless approved by the State of Alaska Department of Transportation.
- Front 10 feet of the building setback adjacent to rights-of-way is also a utility easement. No permanent structure shall be constructed or placed within a utility easement which would interfere with the ability of a utility to use the easement.
- 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.

WASTEWATER DISPOSAL - Soil conditions, water table levels, and soil slopes in this subdivision have been found suitable for conventional on-site 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 on-site 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.

Steven R. Pannone

License #

CERTIFICATE OF OWNERSHIP AND DEDICATION

I hereby certify that we are the owner(s) of the real property shown and described herein and that we hereby adopt this plan of subdivision and by our free consent dedicate all rights-of-way and public areas to public use and grant all easements to the use shown.

Owner

Julie R. Pace  
2440 E. Tudor Road PMB 119  
Anchorage, Alaska 99507

Notary Acknowledgement

for Julie R. Pace Subscribed and sworn to before me this 27 day of January, 2005.

Notary Public for the State of Alaska My Commission Expires



SURVEYOR'S CERTIFICATE

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

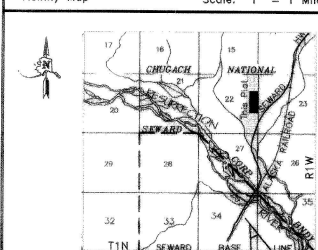


PLAT APPROVAL

Plat approved by the Kenai Peninsula Borough Planning Commission at the meeting of January 12, 2005.

Mary Sue

Vicinity Map Scale: 1" = 1 Mile



PLAT OF  
CLAN MAXWELL ESTATES  
AVALON HEIGHTS ADDITION  
LOTS 1,2,3,4 & UNSUBDIVIDED REMAINDER  
CONTAINING 6.08 Acres  
A RESUBDIVISION OF TRACT 2, CLAN MAXWELL ESTATES (PLAT 2003-9)  
LOCATED WITHIN THE E1/2, NE1/4, & SE1/4  
SECTION 22, T1N, R1W, SEWARD MERIDIAN, ALASKA  
SEWARD RECORDING DISTRICT

Lang & Associates, Inc.  
11500 Daryl Avenue  
Anchorage, Alaska 99515  
(907) 522-6476  
(907) 522-4525 Fax

GRID: N/A SCALE: 1" = 100' DATE: MARCH 2006  
DRAWN: MES SHEET 1 OF 1 PROJECT #: 05-168  
JOB FILE: LUS168PP.crd/.dwg

# CERTIFICATE OF SURVEYOR

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, if properly set and disturbed, and all dimensions and other details are correct to the current standards of practice of land surveyors in the State of Alaska.

26 August, 2003  
DATE

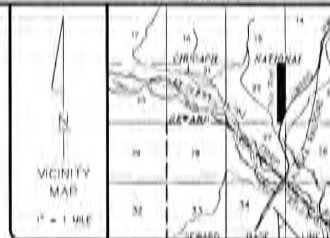


## PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF May 27, 2003.

KENAI PENINSULA BOROUGH

*[Signature]*  
AUTHENTICATED



Lost Lake  
Subd. #8

Unsubdivided

USGL  
N89°57'W 40.01' ch. 2640.99'

1320.30'



## CERTIFICATE of OWNERSHIP and DEDICATION

I HEREBY CERTIFY THAT WE ARE THE OWNER(S) OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND THAT WE HEREBY AGREE THAT EACH OF SUBDIVISION AND BY OUR FREE CONSENT DEEDS ALL RIGHTS OF WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

*Lou Anne Maxwell*  
Lou Anne Maxwell  
Maxwell Investments  
1780 Truist Avenue  
Anchorage, Alaska 99507-4123

## NOTARY'S ACKNOWLEDGMENT

SUBSCRIBED AND SWORN BEFORE ME THIS 30 DAY OF Aug. 2003 FOR Lou Anne Maxwell

*[Signature]*  
NOTARY PUBLIC  
MY COMMISSION EXPIRES 11/11/2005



## LEGEND

- Monument of Record
- 1/8" Eaker of Record

DATE	DATE	DATE	DATE	DATE	DATE
1/1/01	1/1/01	1/1/01	1/1/01	1/1/01	1/1/01
1/1/01	1/1/01	1/1/01	1/1/01	1/1/01	1/1/01
1/1/01	1/1/01	1/1/01	1/1/01	1/1/01	1/1/01

LINE	BEARING	LENGTH
1	N 89° 57' W	40.01'
2	S 89° 57' E	40.01'

## NOTES

- Proposed land uses are recreational, residential, agricultural, and commercial.
- Building setbacks: A setback of 10 feet is required from all street rights-of-way unless a lesser standard is approved by resolution of the appropriate Planning Commission.
- No private access to state maintained ROWs permitted unless approved by the State of Alaska Department of Transportation.
- Front 10 ft. of the building setback adjacent to rights-of-way is also a utility easement. No permanent structures shall be constructed or placed within a utility easement which would interfere with the ability of a utility to use the easement.
- 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.
- WASTEWATER DISPOSAL: These lots are at least 100,000 square feet or 100,000 sq. ft. to size and conditions may not be suitable for onsite wastewater treatment and disposal. Any wastewater treatment or disposal system must meet the regulatory requirements of the Alaska Department of Environmental Conservation.
- This is a paper plat. NO FIELD SURVEY WAS PERFORMED. All dimensional data shown is of record or calculated from record.
- The plat contains no corrections to KPB 20/04/04 (c) at the May 27, 2003 meeting.

KPB FILE No. 2003-108

## Clan Maxwell Estates

Located within the E1/2 SE1/4 & E1/2 SE1/4 of Section 22, T14N, R14W, 14M, Seward Recording District, Kenai Peninsula Borough, Alaska.

Containing 145.077 Acres

## Integrity Surveys

AKS Survey (100) Rural, Alaska 99611-0563

SURVEYOR: DATE: 2003 08 26 PLANNERS:

JOB NO. 25087	DRAWN 13 August, 2003 CS
SURVEYED: N/A	SCALE: 1" = 200'
FIELD BK: N/A	DATE: Maxwell