

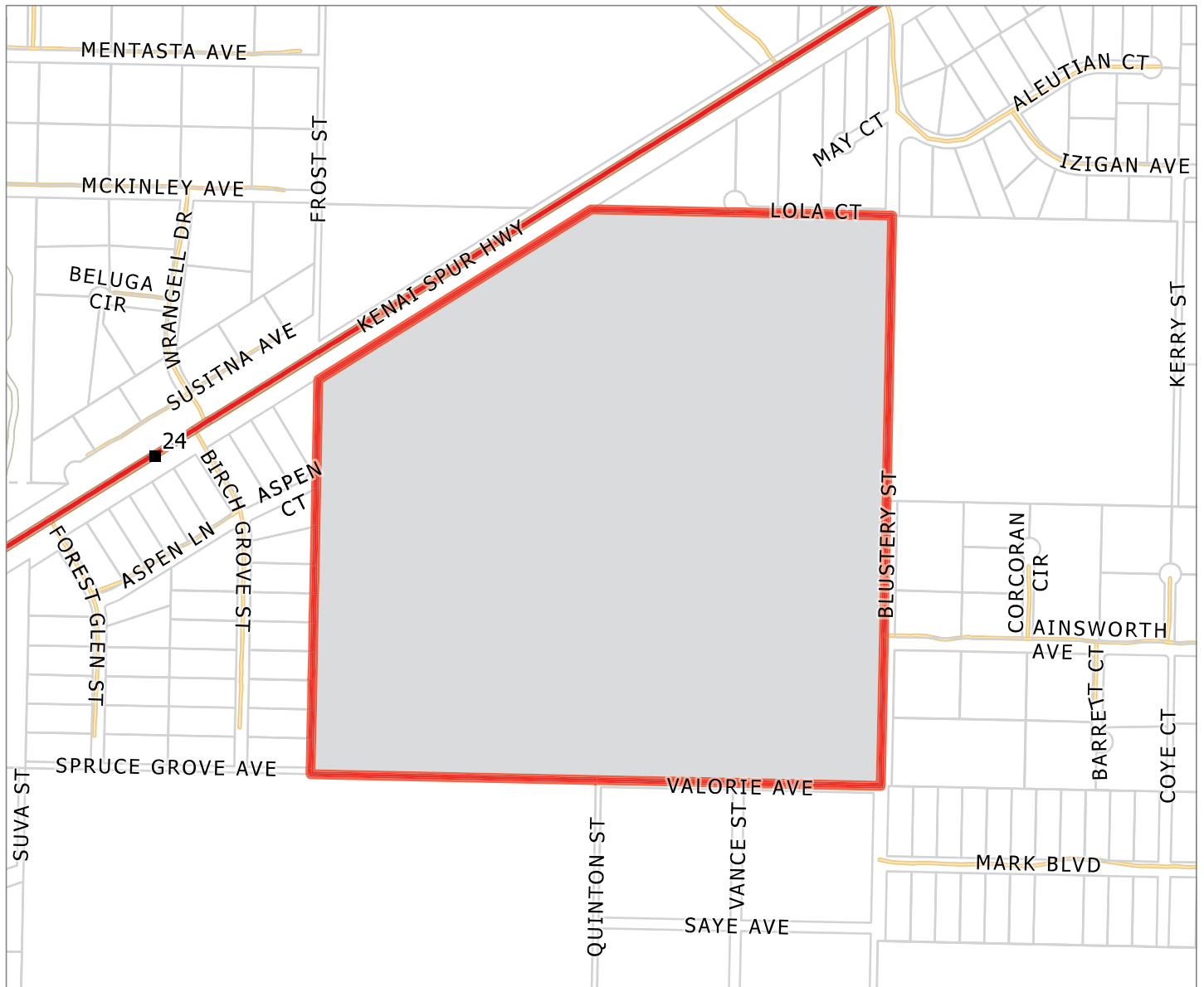
## **E. NEW BUSINESS**

**6. Jelinek Subdivision; KPB File 2023-035**



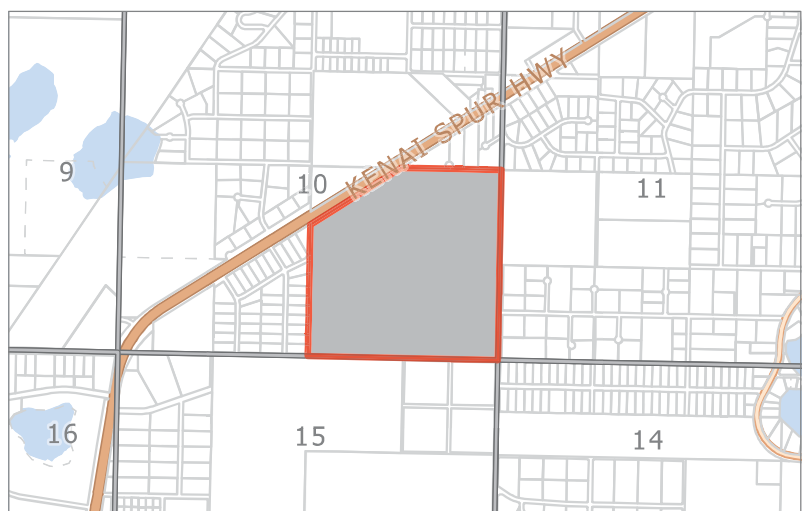
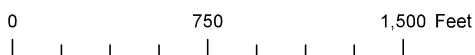
# Kenai Peninsula Borough Planning Department

## Vicinity Map

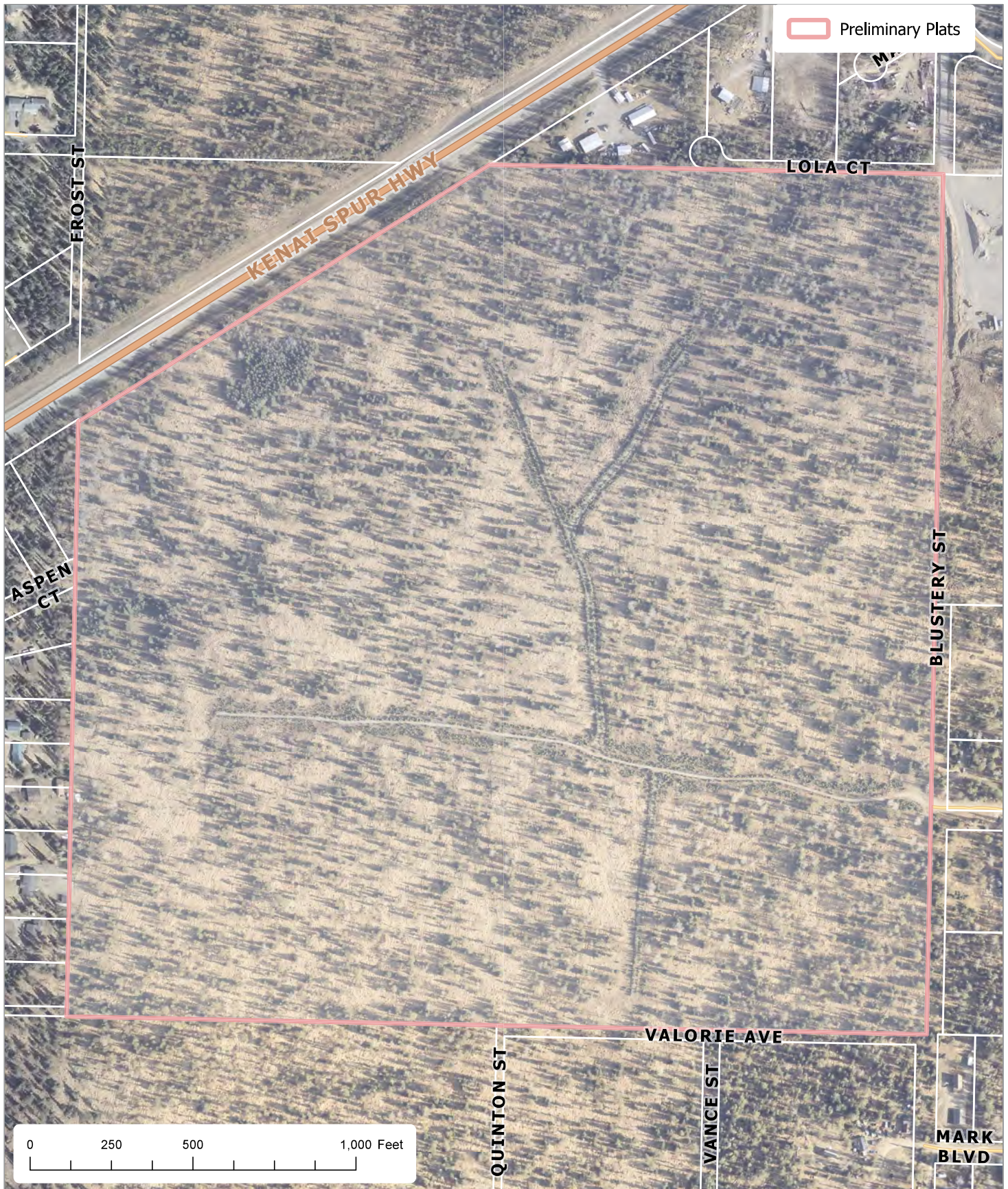


KPB File 2023-035  
T 07N R 12W SEC 10  
Nikiski

3/23/2023



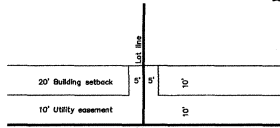






# LEGEND:

- ⊗ 3 1/4" BRASS MONUMENT BLM 1953 FOUND
- ⊕ 3 1/4" BRASS CAP MOK. FOUND
- ⊙ 1" IRON PIPE FOUND
- ⊙ 5/8" REBAR FOUND
- 5/8" REBAR w/PLASTIC CAP LSS859 SET
- ( ) RECORD DATUM PLAT 76-160 KRD



Easement Detail  
Scale 1"=25'

## NOTES:

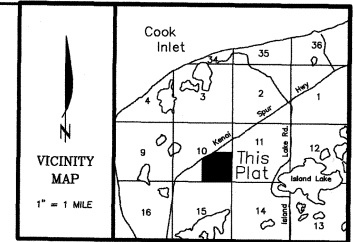
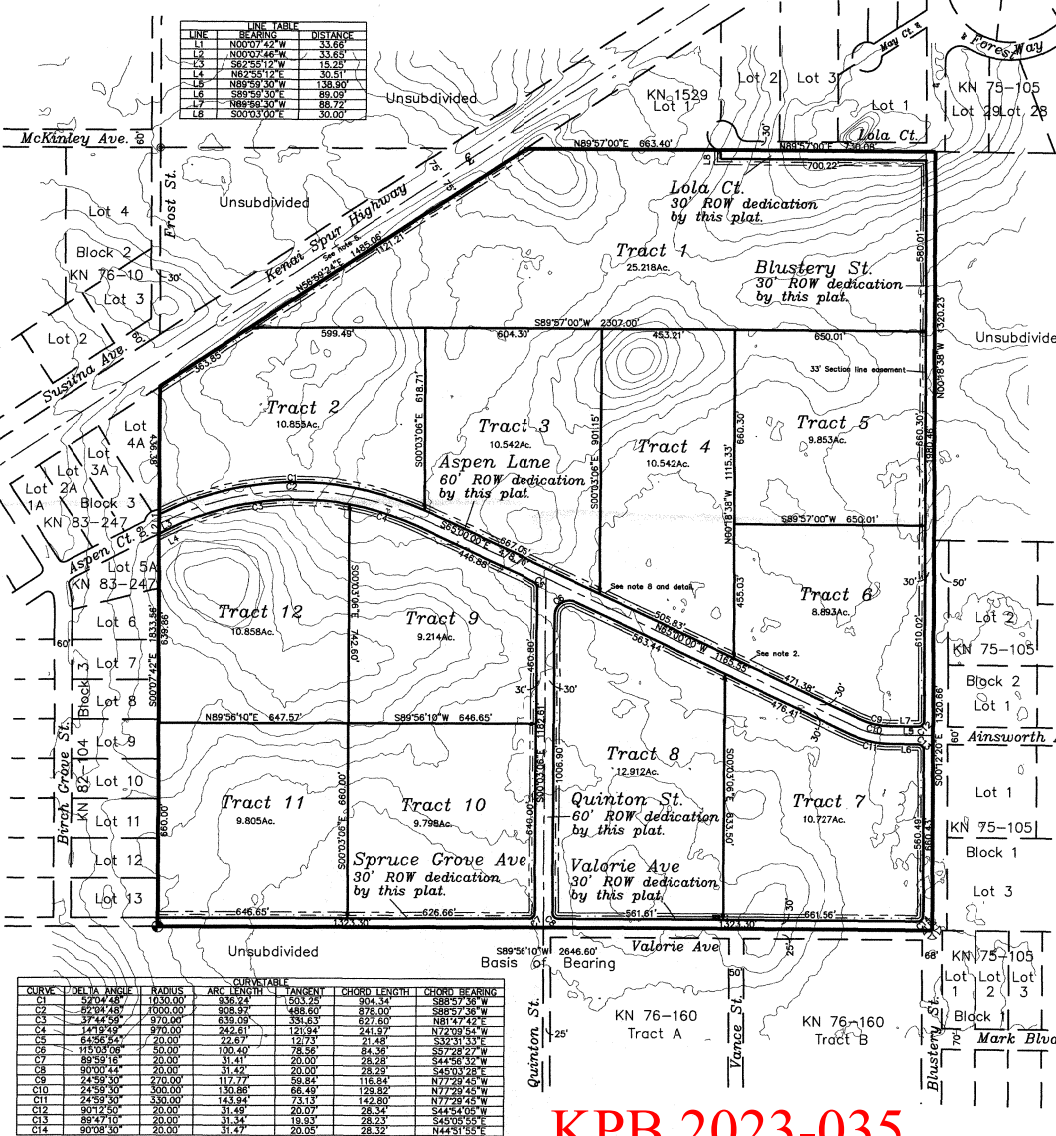
- 1) Basis of bearing taken from North Bernice Subdivision, Plat 76-160, Kenal Recording District.
- 2) Building Setback-A setback of 20 feet is required from all street Rights-of-Way unless a lesser standard is approved by resolution by the appropriate Planning Commission.
- 3) Roads must meet the design and construction standards established by the Borough in order to be considered for certification and inclusion in the Borough road maintenance program.
- 4) No private access to State maintained ROWs permitted unless approved by the State of Alaska Department of Transportation.
- 5) Information for the Kenal Spur Highway was taken from State of Alaska Department of Highway Right of Way Map Alaska Project No. S-0490(2), page 20 of 29 and instrument recorded May 9, 1966 in Book 39 Page 8, Kenal Recording District.
- 6) This property is subject to a reservation of easement for highway purposes, and any assignments or uses thereof for recreational, utility or other purposes, as disclosed by Public Land Order No. 801, dated August 10, 1949; and amended by Public Land Order No. 757, dated October 10, 1959; Public Land Order No. 1813, dated April 1, 1959; Department of the Interior Order Number 2665, dated October 16, 1951, Amendment Number 1 thereto, dated July 17, 1952 and Amendment Number 2 thereto, dated September 15, 1956, filed in the Federal Register.
- 7) An easement for electric lines or system and/or telephone lines granted to Homer Electric Association is recorded in Book 2 Page 117, Kenal Recording District. No definite location disclosed.
- 8) Front 10 feet adjacent to right-of-ways and 20 feet within 5 feet of the side lot lines is a utility easement. No permanent structure shall be constructed or placed within a utility easement which would interfere with the ability of a utility to use the easement.
- 9) WASTEWATER DISPOSAL: These lots are at least 200,000 square feet and conditions may not be suitable for on-site wastewater treatment and disposal. Any wastewater treatment or disposal system must meet the regulatory requirements of the Alaska Department of Environmental Conservation.



## 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 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

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.

STEPHEN K. JELINEK  
LESA A. HALL  
15631 STANWOOD CIRCLE  
ANCHORAGE, ALASKA 99516

## NOTARY'S ACKNOWLEDGEMENT

FOR \_\_\_\_\_  
ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

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

## 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. \_\_\_\_\_

Jelinek Subdivision

A subdivision of the SE1/4 SE1/4 Section 10, T7N, R12W, S.M., lying south of the Kenal Spur Highway by instrument recorded May 9, 1966 in Book 39 at Page 8, Kenal Recording District. Located within the SE1/4 SE1/4 Section 10, T7N, R12W, S.M., Kenal Peninsula Borough, Alaska.

Containing 148.762 Ac.

Surveyor: Segesser Surveys  
30485 Roland St.  
Soldotna, AK 99689  
(907) 262-3909  
Owner: Stephen K. Jelinek and  
Lesa A. Hall  
15631 Stanwood Circle  
Anchorage, Alaska 99516

JOB NO. 23011 DRAWN: 3-18-23  
SURVEYED: Jan., 2023 SCALE: 1"=100'  
FIELD BOOK: 22-7 SHEET: 1 of 1

KPB 2023-035

AGENDA ITEM E. NEW BUSINESS

ITEM 6 - JELINEK SUBDIVISION

<b>KPB File No.</b>	2023-035
<b>Plat Committee Meeting:</b>	April 24, 2023
<b>Applicant / Owner:</b>	Stephen Jelinek and Lesa Hall, Anchorage, Alaska
<b>Surveyor:</b>	John Segesser / Segesser Surveys Inc
<b>General Location:</b>	Kenai Spur Highway, Aspen Court, Spruce Grove Avenue, Nikiski, Nikiski APC

<b>Parent Parcel No.:</b>	012-210-19
<b>Legal Description:</b>	SE ¼ SE ¼ Township 7N Range 12W Section 10
<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 a 148.762 acre parcel into 12 tracts ranging in size from 8.893 acres to 25.218 acres. Multiple right-a-way dedications are proposed.

**Location and Legal Access (existing and proposed):** The proposed subdivision is located near mile 24 of state maintained Kenai Spur Highway. There are numerous dedications providing access though few are constructed to the boundary of the subdivision. The current constructed access appears to be from Aleutian Court to Blustery Street. Aleutian Court is constructed and maintained by the borough. Blustery Street is partially constructed but does not appear to be maintained.

The plat proposes to provide matching dedications for Valorie Avenue, Blustery Street, and Lola Court. Additionally, there will be continuations of Spruce Grove Avenue, Quinton Street, and Blustery Street. A through dedication will be granted to connect Aspen Court to Blustery Street.

Aspen Court was dedicated by Forest Subdivision Part Three, KN 83-247. Aspen Court was a continuation of Aspen Lane with a partial bulb dedicated. It appears that the intent was to provide a turnaround area with the ability to have a future continuation. This plat proposes to dedicate a 60 foot wide right-of-way from the end of Aspen Court to Blustery Street. ***Staff recommends that the plat committee concur that the dedication was not intended to be permanently closed and a continuation complies with KPB Code.***

The dedication of Aspen Lane will result in the name of the right-of-way changing through the dedication. Further to the west the right-of-way is Aspen Lane and then changes to Aspen Court, east of the intersection with Birch Grove Street. The new dedication is proposed as Aspen Lane. Staff is aware of the confusion that this may cause and will monitor to determine when to present a name change resolution to change Aspen Court to Aspen Lane.

The subdivision will be creating multiple closed blocks that will be defined by existing dedications and proposed dedications. The southeastern block will be compliant. The southwestern block will exceed allowable limits as it must extend further west to be defined by Birch Grove Street. The northern block will exceed allowable limits as Lola Court is a cul-de-sac and a proposed dedication from Aspen Lane is not proposed. The lots are all proposed to be large acreage lots that can be further subdivided and provide the needed dedications at that time. ***Staff recommends the plat committee concur that an exception to block length is not required at this time as this subdivision is creating large acreage tracts and providing multiple routes with proposed dedications.***

The preliminary plat shows multiple lines along the rights-of-way. ***Staff recommends the line styles be added to the legend for clarity.*** Along the eastern boundary is a label for a 33 foot section line easement. It is difficult to determine where the leader is pointing. Per data available to the KPB, it does not appear that there is a section

line easement present within the bounds of the subdivision, but there is one adjacent to the eastern boundary that provides a full width for Blustery Street. **Staff recommends** the owner/surveyor work with the State of Alaska DNR to determine the easement widths within and abutting the property and correct depiction and labeling be added.

Per the Certificate to Plat there is a right-of-way lease within the subject property. **Staff recommends** the owner/surveyor determine the location of the lease and provide a depiction and plat note if within the subdivision. If the lease is found within a dedication, provide a plat note with the document information and state which dedication it is found within.

KPB Roads Dept. comments	<p>Out of Jurisdiction: No</p> <p>Roads Director: Griebel, Scott</p> <p>Comments:</p> <p>Access through Birch Grove St. is currently subject to category II standards. The addition of lots would push that to category III. Further, there is concern that the intertie to Ainsworth Ave. would pull a substantial amount of additional traffic directly through to the highway access of Birch Grove. The first section of Birch Grove Ave (Spur to Aspen Ct.) should be improved as part of development. Department has concerns about the Ainsworth intertie impact to both the proposed roads and Birch Grove.</p>
SOA DOT comments	The ROW for Kenai Spur Highway appears to be shown correctly. - Engineering

**Site Investigation:** The terrain is relatively flat with some steeper terrain located in a few locations. It does not appear that any of the terrain within the lots exceeds 20 percent. The lots are large enough that the slopes present should not impact development or access. **Staff recommends** the contour information within the lots is not required.

A low wet area designated as a depression is located within proposed Tract 12. The depiction appears to be lacking but it may be due to the contour information. **Staff recommends** the low wet area be depicted on the final plat and a wetland determination note be added.

There does appear to be some steep slopes present within the northern portion of the Blustery Street dedication. **Staff recommends** centerline profiles and cross-sections be provided for review to determine if additional easements or dedication width are required.

There are no structures present within the subdivision and there does not appear to be any encroachment issues. KPB Imagery does show some trails or roadway clearings within the property. It appears that portions of those will be within the proposed dedications.

Located to the south and to the east are unsubdivided properties with permits for material extraction. The lot to the south does not appear to have much, if any, extraction that has occurred. The lot to the east does appear to have an area of excavation that is near the Blustery Street dedication. It does not appear that the permitted areas will impact the subdivision design.

KPB River Center review	<p>A. Floodplain Reviewer: Carver, Nancy Floodplain Status: Not within flood hazard area Comments: No comments</p> <p>B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments</p>
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	C. State Parks Reviewer: Russell, Pam Comments: No Comments
State of Alaska Fish and Game	

**Staff Analysis** This is a subdivision of an aliquot property. There are no platted easements or setbacks to carry over.

A soils report will not be required due to the size of the tracts. The correct wastewater note is shown as plat note nine.

Per the preliminary Certificate to Plat, beneficial interest holders do not affect the proposed plat. Notification per KPB 20.25.090 will not be required unless the final Certificate to Plat states the property is affected by beneficial interest holders.

Nikiski Advisory Planning Commission minutes were not available when the staff report was prepared (KPB 21.02.020). These will be provided with the desk packet if available. The Nikiski APC heard the preliminary plat at its April 6, 2023 meeting and recommended approval.

**Utility Easements** There are no platted utility easements to carry forward. This plat will be granting 10 feet adjacent to the right-of-way dedications that increase to 20 feet within 5 feet of the side lot lines as utility easements. It appears a depiction of the easement and setback are on the face of the plat but no labels are present. **Staff recommends the lines be labeled or added to the legend.**

A typical drawing is used to show the setback and easements being granted by this plat. **Staff recommends the 10 foot label be updated to 20 for the correct depiction of the building setback.**

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

**Utility provider review:**

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

**KPB department / agency review:**

Addressing	Reviewer: Robinson, Celina Affected Addresses: NONE  Existing Street Names are Correct: Yes  List of Correct Street Names: ASPEN CT; BIRCH GROVE ST; SPRUCE GROVE AVE; VALORIE AVE; QUINTON ST; BLUSTERY ST; LOLA CT  Existing Street Name Corrections Needed:  All New Street Names are Approved: Yes  List of Approved Street Names:
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	<p>QUINSTON ST; ASPEN LN</p> <p>List of Street Names Denied:</p> <p>Comments:  ASPEN CT (WEST OF THE ASPEN LN ROW DEDICATION OF THIS PLAT) WILL NEED TO BE RENAMED VIA RESOLUTION TO ASPEN LN</p>
Code Compliance	<p>Reviewer: Ogren, Eric</p> <p>Comments: No comments</p>
Planner	<p>Reviewer: Raidmae, Ryan</p> <p>There are not any Local Option Zoning District issues with this proposed plat.</p> <p>Conditional Land Use Permit  CLUP Resolution Number: 2016-05, 2017-30  CLUP Approval Date: 1/1/0001  Material Site Comments:  There are two material sites (CLUP's) adjacent to Plat 2023-035, 012-210-19. The first is directly to the East, Chumleys Inc, 012-140-39 and the second is to the South, Gas Holding LLC, 014-180-05.</p>
Assessing	<p>Reviewer: Windsor, Heather</p> <p>Comments: No comment</p>
Advisory Planning Commission	Approved

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

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

- Correct any overstrikes on the face of the plat and clean up the linework.

#### **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:** *Correct the legal description to include the excepting therefrom verbiage.*

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** *Correct Forest Way to Aleutian Court. Correct the width label for Valorie Avenue. Per information available to KPB, the subject property is not subject to section line easements. The unsubdivided property located to the east is subject to a section line easement. Verify any section like*



*easements within and abutting, depict and label. Increase the font on some of the labeling as it does not comply with state requirements and are difficult to read.*

- 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:** *Include a label for the township and range*
- 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:** *Add block 2 label to the subdivision to the northeast, Field Subdivision No 1. Correct lot 1 of the same subdivision to lot 7. Correct the overstrikes in lots 28 and 29 Forest Hills Subdivision Part 2.*
- H. Approximate locations of low wet areas, areas subject to inundation, areas subject to flooding or storm water overflow, and the line of ordinary high water. This information may be provided on an additional sheet if showing these areas causes the preliminary plat to appear cluttered and/or difficult to read;  
**Staff recommendation:** *There is a small depression area located within proposed Tract 12. The wetlands will need to be depicted on the final plat and a wetland determination note will be added.*
- 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;  
**Staff recommendation:** *Contours are present. The plat does not indicate the contour measurements.*

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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.*

- 20.30.090. Streets-Maximum grades allowed. The subdivider shall demonstrate that streets can be readily constructed in accordance with current borough road standards and that the grades on any such roads shall not exceed 6 percent on arterial streets and 10 percent on other streets, or 4 percent within 130 feet of any centerline intersections. Submittal of centerline profiles and cross-sections may be required to demonstrate that compliant construction in the right-of-way is feasible.  
**Staff recommendation:** *It appears that there may be slopes greater than 10% within the proposed dedication for Blustery Street. Submittal of centerline profiles and cross-sections should be submitted for rights-of-way containing steep slopes for review to determine if additional dedicated width is needed or maintenance/slope easements.*
- 20.30.130. Streets-Curve requirements.
- A. Where a deflection angle of more than 10 degrees in the alignment of a right-of-way occurs, a curve of minimum radius is required. On streets 100 feet or more in width, the centerline radius of curvature shall be not less than 300 feet; on other streets not less than 200 feet. If it is not possible to design a curve to be radial or tangential, that curve shall be clearly labeled non-radial or non-tangential.
- B. A minimum 100-foot tangent is required between curves.  
**Staff recommendation:** *The design of Aspen Lane needs revised adjacent to the Aspen Court dedication to connect to the existing curve correctly. The dedication for Lola Court shall be revised so that there is not a 90 degree and provides smooth and compliant connection to the existing dedication.*
- 20.30.160. Streets-Name requirements. Streets shall be named to conform to KPB Chapter 14.10  
**Staff recommendation:** *KPB Addressing Officer accepts the suffix of Lane for Aspen, but Aspen Court will need a resolution to change the Court suffix to Lane.*

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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:* Due to the size of the lots, a soils report will not be required

**Staff recommendation:** comply with 20.40.

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#### **KPB 20.60 – Final Plat**

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

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

**Staff recommendation:** Provide Certificate of Acceptance for all new right-of-way dedications.

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 or provide noted corrections.

- Provide the reference to KPB code to plat note three.
  - Add in front of the book in note 7 "misc."
  - There is a right-of-way to lease noted within the certificates replat. A plat note should be added.
  - 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.
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#### **RECOMMENDATION:**

#### **STAFF RECOMMENDS:**

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

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

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

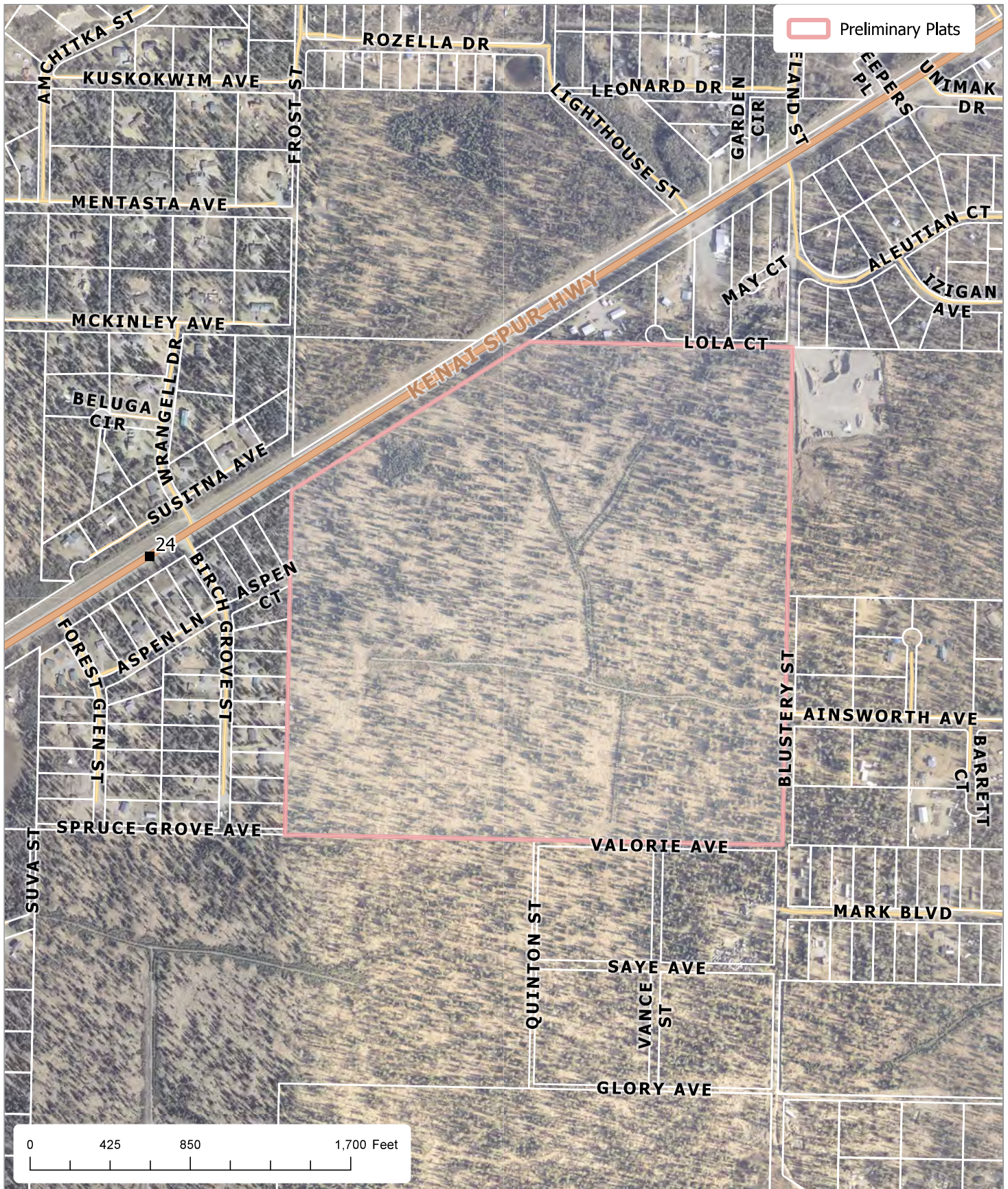
**A DECISION OF THE PLANNING COMMISSION MAY BE APPEALED TO THE HEARING OFFICER BY A PARTY OF RECORD WITHIN 15 DAYS OF THE DATE OF NOTICE OF DECISION IN ACCORDANCE WITH KPB 21.20.250.**

**END OF STAFF REPORT**





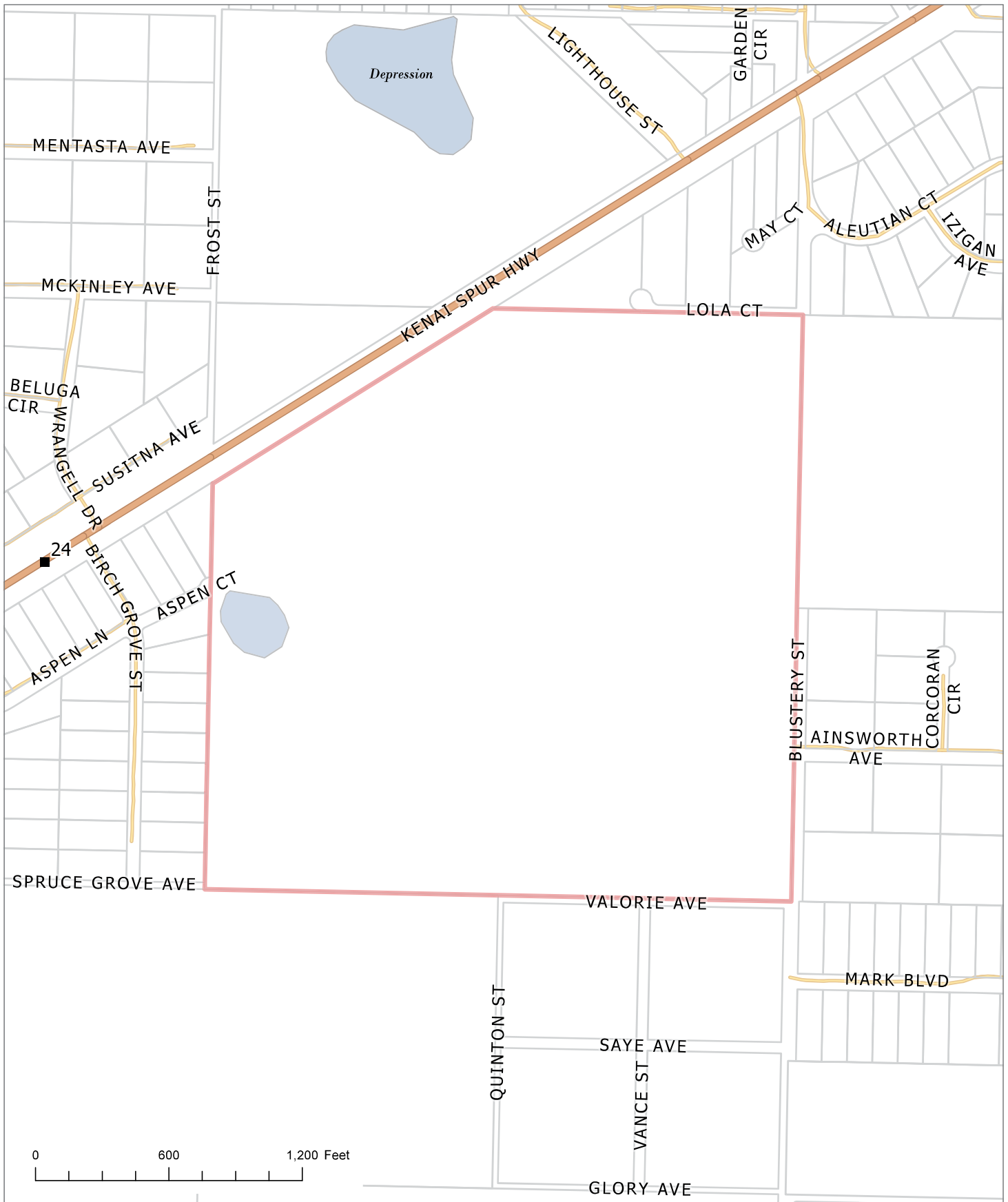
Aerial View







Wetlands







**Aerial with 5-foot Contours**

