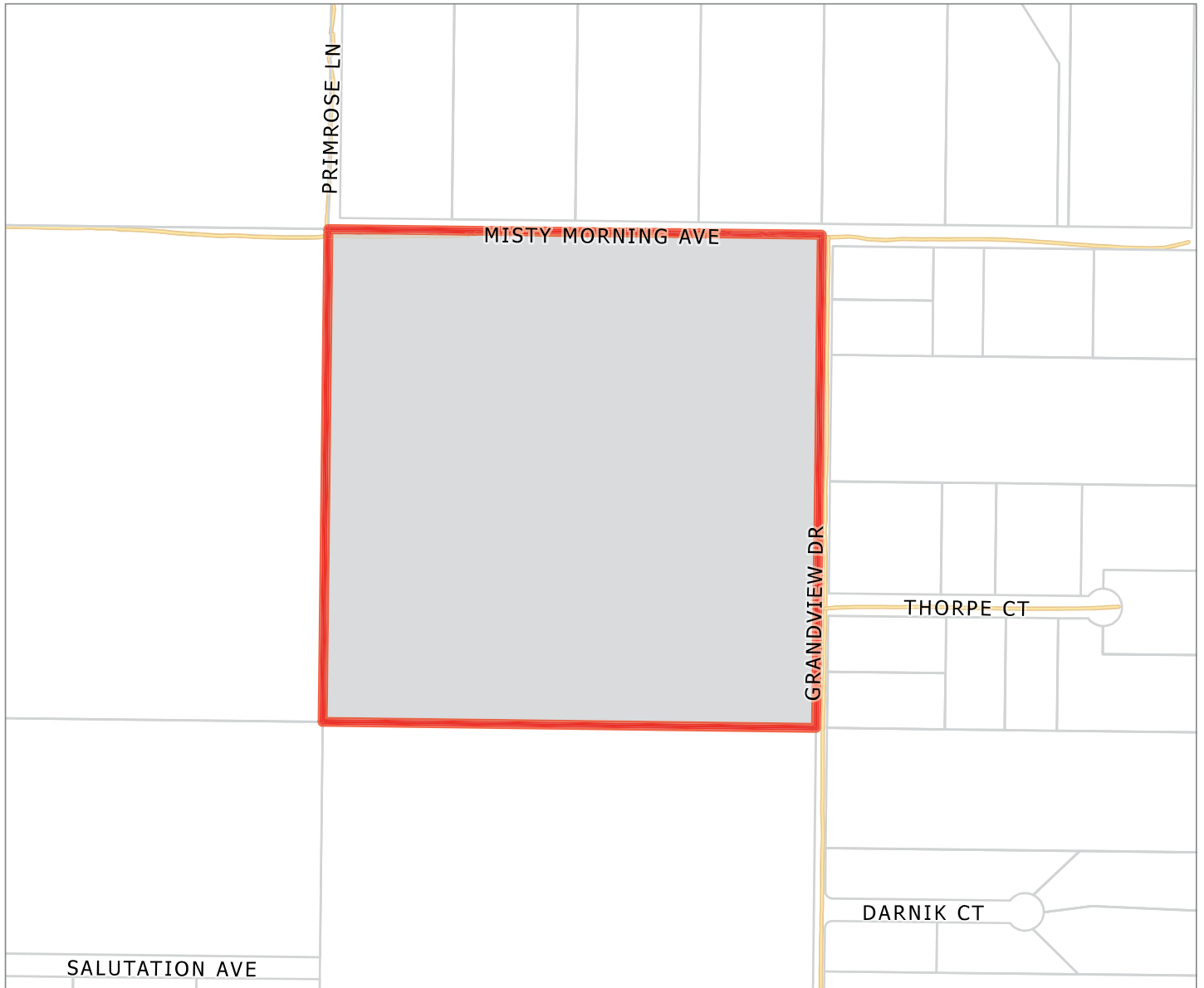


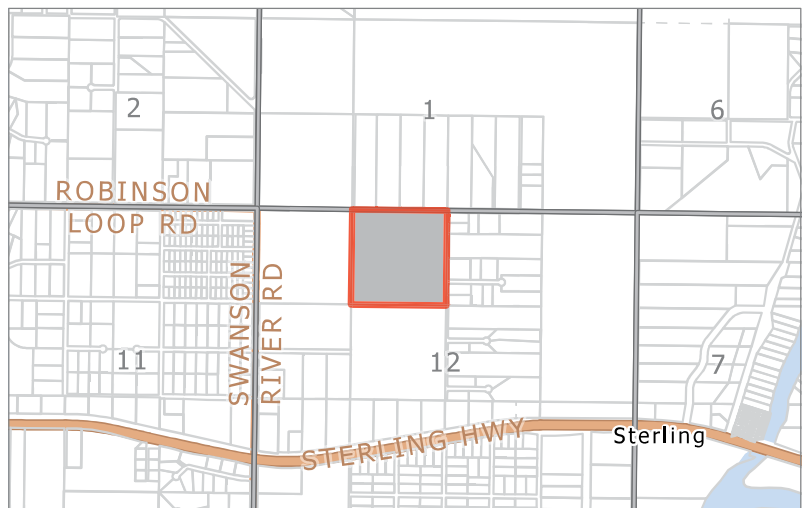
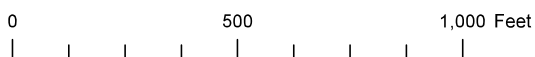
# **E. NEW BUSINESS**

**9. Levan-Sterling Subdivision; KPB File 2022-125R1**



KPB File 2022-125R1  
 T 05N R 09W SEC 12  
 Sterling

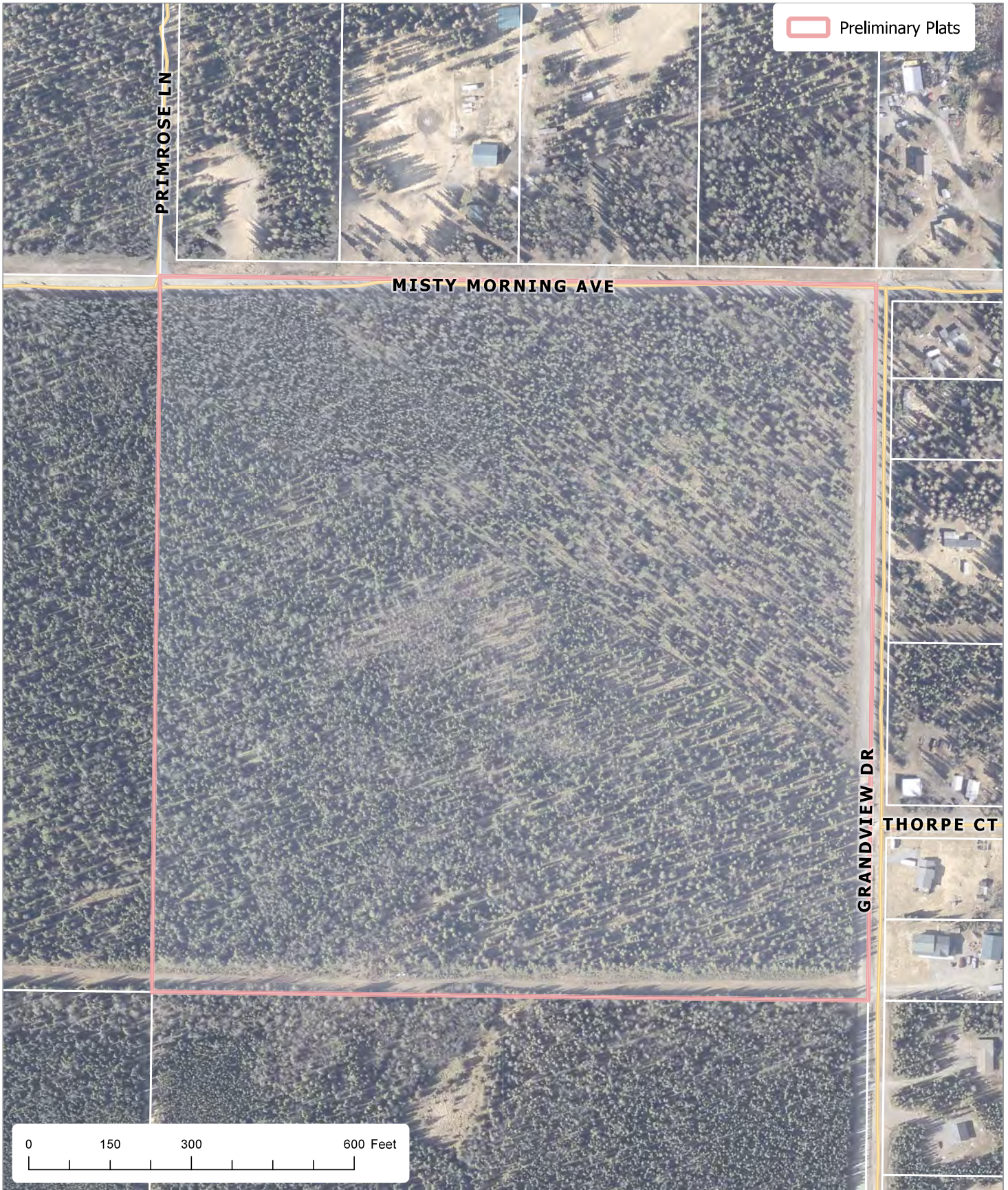
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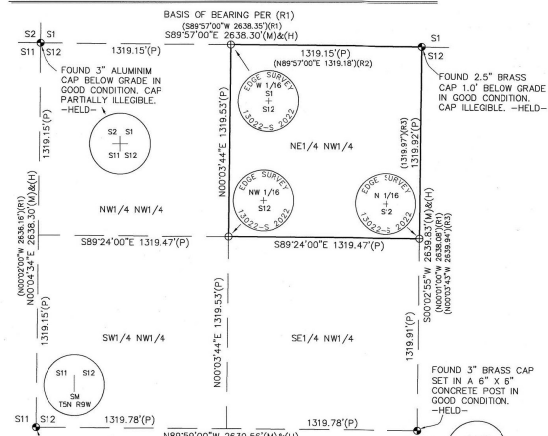
Aerial View



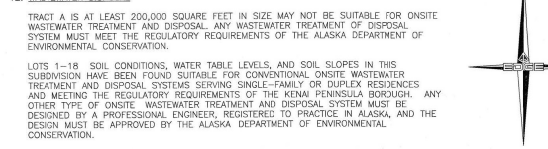
The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



**NORTHWEST QUARTER OF SECTION 12 BREAKDOWN**



- NOTES**
- 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. SEE TYPICAL.
  - THE FRONT 10' FEET OF THE 20' BUILDING SETBACK AND THE ENTIRE 20' BUILDING SETBACK WITHIN 5' OF SIDE LOT LINES IS ALSO A UTILITY EASEMENT GRANTED BY THIS PLAN. 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.
  - THESE PARCELS MAY BE AFFECTED BY A GENERAL EASEMENT WITH NO DEFINED LOCATION GRANTED TO HOMER ELECTRIC ASSOCIATION, RECORDED NOVEMBER 15, 1963 IN MISC. BOOK 11, PAGE 115, AND ON JANUARY 9, 1964 IN MISC. BOOK 12, PAGE 27 IN THE KENAI RECORDING DISTRICT.
  - THESE PARCELS MAY BE AFFECTED BY AN OIL AND GAS LEASE GRANTED TO MARATHON OIL COMPANY, RECORDED OCTOBER 15, 1999 IN VOLUME 570, PAGE 291 AND ON NOVEMBER 1, 2004 UNDER SERIAL NUMBER 2004-01134-D IN THE KENAI RECORDING DISTRICT.
  - 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.
  - APC TRANSMISSION LINE LOCATED WITHIN THE 60 FOOT RIGHT-OF-WAY AGREEMENT. ANY CONSTRUCTION ACTIVITY CONDUCTED WITHIN THE 60 FOOT RIGHT-OF-WAY NEEDS TO BE COORDINATED WITH APC.
  - EXCEPTION TO KPB CODE 20.30.170, BLOCK LENGTH AND 20.30.100, CUL-DE-SACS WAS GRANTED BY THE KPB PLAT COMMITTEE AT THE MEETING OF NOVEMBER 14, 2022.
  - WASTEWATER DISPOSAL  
TRACT A IS 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.
  - LOTS 1-18 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.

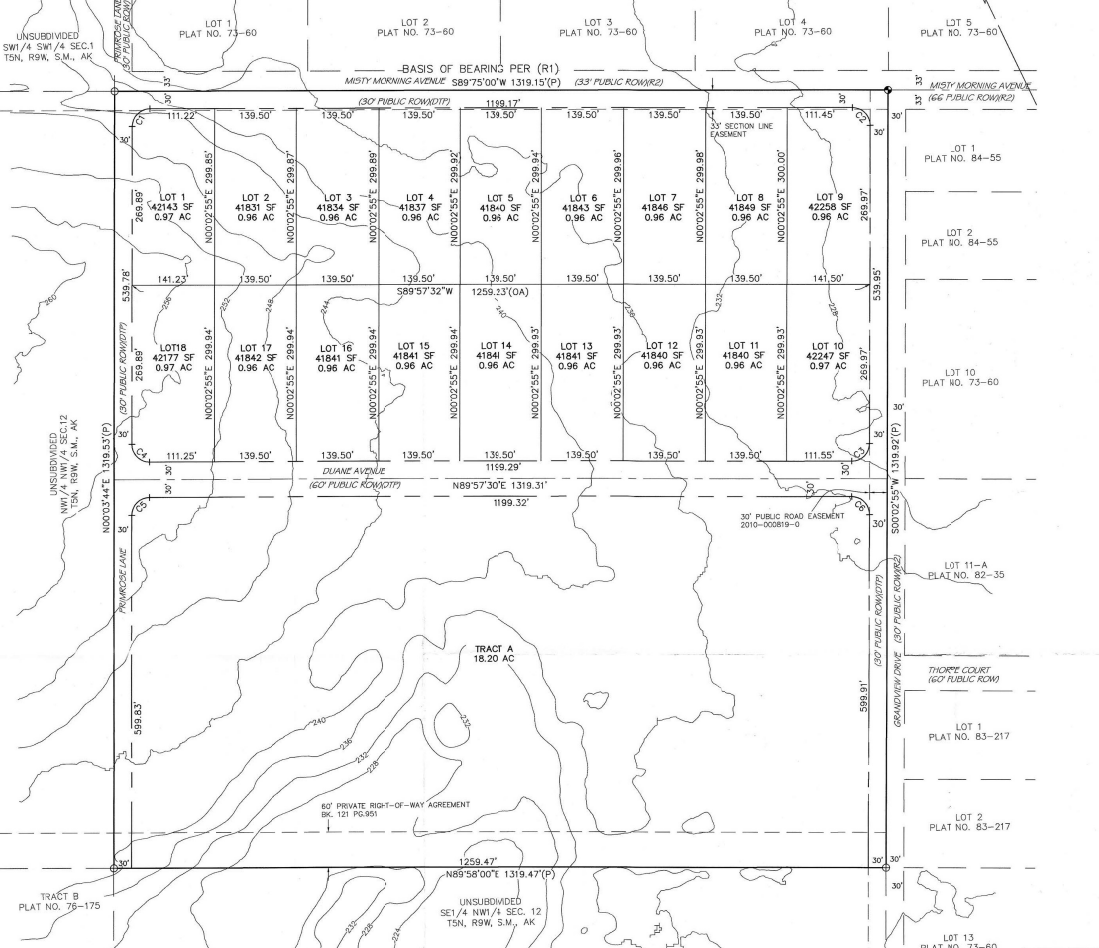


ENGINEER	LICENSE NUMBER	DATE

LEGEND	DESCRIPTION
(#)	FOUND MONUMENT AS NOTED
(*)	SET PRIMARY MONUMENT - AS NOTED
(#)	5/8" x 30" REBAR WITH 2-1/2" ALUMINUM CAP
(#)	SET 5/8" x 30" REBAR WITH CAP STAMPED LS 13022 AT ALL LOT CORNERS CREATED BY THIS PLAT UNLESS OTHERWISE NOTED
(#)	RECORD DATA, SEE REFERENCE
(DTP)	DEDICATED THIS PLAT
(M)	MEASURED
(H)	HELD
(P)	PROPORTIONED
---	SUBDIVISION BOUNDARY
---	INTERIOR LOT LINE
---	RIGHT-OF-WAY (DTP)
---	ADJACENT PROPERTY
---	EASEMENT LINE
---	CENTER LINE RIGHT OF WAY

**KPB 2022-125R1**



CURVE #	RADIUS	DELTA	LENGTH	CHORD DIRECTION	CHORD LENGTH
C1	30.00'	89°53'16"	47.07'	S45°00'22"W	42.38'
C2	30.00'	90°05'55"	47.18'	N45°00'03"W	42.46'
C3	30.00'	89°54'35"	47.08'	N45°00'12"E	42.39'
C4	30.00'	90°06'14"	47.18'	S44°59'37"E	42.46'
C5	30.00'	89°53'46"	47.07'	S45°00'37"W	42.39'
C6	30.00'	90°05'25"	47.17'	N44°59'48"W	42.46'

- REFERENCES**
- (R1) TOWNSHIP PLAT OF TSN, R9W, S.M., ALASKA, ACCEPTED MAY 6, 1941
  - (R2) GRANDVIEW SUBDIVISION, PLAT NO. 73-60, KENAI RECORDING DISTRICT
  - (R3) RESUBDIVISION LOTS 11&12 GRANDVIEW SUB., PLAT NO. 82-33 KENAI RECORDING DISTRICT

**PRELIMINARY PLAT**

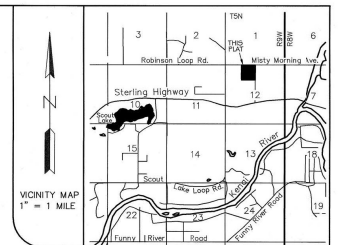
**PLAT APPROVAL**

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF SEPTEMBER 12, 2022. KENAI PENINSULA BOROUGH

**AUTHORIZED OFFICIAL**

**CERTIFICATE OF SURVEYOR**

I, MARK AMONETTI 13022-S, HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF ALASKA AND THAT THIS PLAT REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, AND THAT THE MONUMENTS SHOWN ON THIS SURVEY ACTUALLY EXIST AS DESCRIBED, AND THAT ALL DIMENSIONAL AND OTHER DETAILS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.



**CERTIFICATE OF OWNERSHIP AND DEDICATION**

I, THE UNDERSIGNED, HEREBY CERTIFY THAT I, MEL E. LEVAN IS THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND I HEREBY ADOPT THIS PLAN OF SUBDIVISION AND BY MY FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND GRANT ALL EASEMENTS TO THE USE SHOWN.

MEL E. LEVAN  
PO BOX 8676  
KODIAK, ALASKA 99615

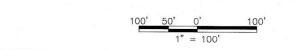
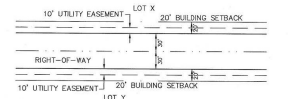
**NOTARY ACKNOWLEDGMENT**

FOR: MEL E. LEVAN  
ACKNOWLEDGED BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2022.

NOTARY PUBLIC FOR STATE OF ALASKA



**BUILDING SETBACK LAYOUT APPLICABLE TO ALL LOTS CREATED BY THIS PLAT**



KPB FILE No. 2022-125R1

**LEVAN-STERLING SUBDIVISION**

A SUBDIVISION OF THE NE1/4 NW1/4 SECTION 12, TSN, R9W, SEWARD MERIDIAN, KENAI PENINSULA BOROUGH, THIRD JUDICIAL DISTRICT, STATE OF ALASKA

OWNERS:  
MEL E. LEVAN  
PO BOX 8676  
KODIAK, ALASKA 99615  
CONTAINING 39.971 ACRES

**EDGE SURVEY AND DESIGN, LLC**  
0000 BING STREET ANCHORAGE, AK 99515  
Phone (907) 544-2980 Fax (907) 544-7734  
AEC # 13022-S www.EDGE-SURVEY.COM

DRAWN BY:	DATE:	FIELD BOOK:
VLB	10/18/2022	2108-14
CHECKED BY:	SCALE:	SHEET:
MA	1" = 100'	1 OF 1



AGENDA ITEM E. NEW BUSINESS

ITEM 9 – LEVAN-STERLING SUBDIVISION

<b>KPB File No.</b>	2022-125R1
<b>Plat Committee Meeting:</b>	November 14, 2022
<b>Applicant / Owner:</b>	Mel Levan of Kodiak AK
<b>Surveyor:</b>	Jason Young, Mark Aimonetti / Edge Survey and Design, LLC
<b>General Location:</b>	Misty Morning Avenue, Sterling area

<b>Parent Parcel No.:</b>	063-330-47
<b>Legal Description:</b>	NE1/4 NW1/4 Section 12, Township 5 North, Range 9 West
<b>Assessing Use:</b>	Residential
<b>Zoning:</b>	Rural Residential
<b>Water / Wastewater</b>	Onsite

STAFF REPORT

**Specific Request / Scope of Subdivision:** The proposed plat will subdivide a 39.971 acres parcel into 18 lots and one tract ranging in size from 0.96 acres to 0.97 acres for the lots and 17.33 acres for the tract. Several right-of-way dedications are proposed.

This preliminary plat received approval by the Plat Committee on September 12, 2022. The original design contained a dedication along the southern boundary to comply with code. A 60 foot wide easement is within the area the dedication was proposed that was issued to Alaska Pipeline Company (APC). A travelway appeared in imagery and it was determined that this travelway is in relation to the easement and not intended as a public travelway. Per the staff’s recommendations that the Plat Committee approved, the owner/surveyor has been working with APC regarding the easement and the best location of the right-of-way. The surveyor began discussions with APC to discuss options for the right-of-way dedication. There is a high pressure pipeline within the easement and while the surveyor located the pipeline, APC was not willing to give up any portions of the easement and did not advise for any right-of-way dedication be granted that overlaps their easement. The surveyor has had discussions with staff regarding the various options previously outlined in the staff report. Several options were possible but it was determined that a redesign would provide a resolution to the issue that helps provide some safety measures in regards to the pipeline.

The redesign follows the same previously approved preliminary plat but without a right-of-way dedication along the southern boundary. This redesign is resulting in the need for exceptions to KPB Code.

**Location and Legal Access (existing and proposed):** The proposed plat is located on Misty Morning Avenue. Misty Morning Avenue is located north of state maintained Sterling Highway at milepost 83.5 and accessed by state maintained Swanson River Road that provides a connection to the Sterling Highway. Misty Morning Avenue is borough maintained as is Grandview Drive on the east side of the proposed subdivision.

Along the eastern boundary the plat shows a 30-foot right-of-way dedication for Grandview Drive to bring the right-of-way into compliance for width. Grandview Drive is constructed and maintained by the borough. This dedication is occurring atop a public easement granted by recorded document. **Staff recommends the easement label include the recording district or “KRD”.**

Two additional dedications are proposed. Along the western boundary is a dedication of a 30-foot right-of-way that is proposed as Primrose Lane and provides a compliant continuation of the dedicated Primrose Lane to the north. Through the middle of the plat is a dedication for a 60-foot right-of-way proposed as Duane Avenue. This dedication will provide a connection between Primrose Lane and Grandview Drive.

Lots 1 – 9 will have access to Misty Morning Avenue, Lots 10 – 18 will have access to Duane Avenue. Tract A will have access to Duane Avenue, Primrose Lane, and Grandview Drive. Lots 9 & 10 will have access to Grandview Drive. Lots 1 & 18 will have access to Primrose Lane.

The northern portion complies with block length. The removal of the dedication along the southern boundary creates a non-compliant block. An exception has been requested for block length. The removal of the southern dedication also results in dead end dedication and an exception to not dedicate a turnaround area has been requested.

A private right-of-way easement exists along the southern boundary that contains a high pressure pipeline. **Staff recommends the label include the recording district or “KRD”.**

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

**Site Investigation:** The preliminary plat does not contain any steep areas or low wet lands. The land appears to be vacant with no neighboring encroachment issues. As discussed under the legal access portion of the staff report, the rights-of-way along the north and west are constructed and maintained by the borough. **Staff recommends the terrain be removed from the final plat.**

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 preliminary plat is a subdivision of lands currently not platted. The proposed plat is located in the Sterling area and not within an advisory planning commission area.

A soils report will be required for the lots and an engineer will sign the final plat. The tract is large enough that the soils analysis is not required.

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.

**Utility Easements** As the property has not been previously platted, there are no utility easements to carry over from previous plats. Per the Certificate to Plat there are several easements affecting the property that were created by recorded documents. The easements granted to Homer Electric Association did not have areas defined and are present within plat note 3.

New utility easement as identified in note 2 as “the front 10’ of the 20’ Building Setback and the entire 20’ Building Setback within 5’ of side lot lines”. A typical building setback detail is provided but does not depict within side lot lines. **Staff recommends the depiction be updated to show the 20 foot easement within 5 feet of the side lot lines.**

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	<p>Reviewer: Haws, Derek  Affected Addresses:  34637 MISTY MORNING AVE</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names:  GRANDVIEW DR  MISTY MORNING AVE  PRIMROSE LN  THORPE CT</p> <p>Existing Street Name Corrections Needed:</p> <p>All New Street Names are Approved: Yes</p> <p>List of Approved Street Names:  DUANE AVE  PRIMROSE LN</p> <p>List of Street Names Denied:</p> <p>Comments:  34637 MISTY MORNING AVE will be deleted and new addresses assigned upon request.</p>
Code Compliance	<p>Reviewer: Ogren, Eric  Comments: No comments</p>
Planner	<p>Reviewer: Raidmae, Ryan  There are not any Local Option Zoning District issues with this proposed plat.</p> <p>Material Site Comments:  There are not any material site issues with this proposed plat.</p>
Assessing	<p>Reviewer: Windsor, Heather  Comments: No comment</p>

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

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

*Update the plat note numbers.*

**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:** Kenai Recording District should be present within the title block area.

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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.

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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:* The soils report has been submitted and received approval. Engineer must sign the final plat.

**Staff recommendation:** comply with 20.40.

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### **KPB 20.60 – Final Plat**

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

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

**Staff recommendation:** An acceptance for the new dedications is required to be signed by the KPB.

### **EXCEPTIONS REQUESTED:**

#### **A. KPB 20.30.170 – Blocks-Length Requirements**

Surveyor's Discussion: Asking exception to not dedicate right-of-way along southern boundary.

Staff Discussion: Due to the placement of a pipeline within the southern 60 feet of the subdivision it is advised to not dedicate a right-of-way atop. There are other areas that dedications have occurred and has resulted in split roadways or concerns about construction or maintenance atop and adjacent to the pipeline. Staff had hoped that if the pipeline was in the northern portion of the 60 foot private easement that a 30 foot dedication could occur. It was advised by Alaska Pipeline Company to not allow a right-of-way dedication atop their 60 foot easement. The southern dedication would have brought the southern portion of the subdivision into compliance with block length. The granting of the exception will bring that block out of compliance.

#### **Surveyor's Findings:**

1. Southern boundary has existing main gas line with 60' easement.
2. Gas company provider does not want any road development on or near the main gas line.
3. Southern half of subdivision remaining one large tract with no plans for development.
4. Tract A can dedicate right-of-way as needed with future platting actions.
5. Large undeveloped tracts to the west, south-west, and south with adequate legal access from other



dedicated right-of-ways.

**Staff's Findings:**

6. The southern block will be defined by Primrose Lane, Duane Avenue, Grandview Drive and Sterling Highway.
7. The north-south block distance will be approximately 2,500 feet.
8. Primrose Lane does not continue to the south at this time to provide a connection to the Sterling Highway or other dedications.
9. Grandview Drive is constructed and continues south and intersects the Sterling Highway.
10. Access to the subdivision will be from Grandview Drive and Misty Morning Avenue.
11. This is not a continuation of an adjacent dedication.
12. The lot to the west and south are forty acre parcels that have not been platted.
13. If the parcel to the south is subdivided a continuation of Salutation Avenue would be required by code.
14. A future continuation of Salutation Avenue will bring the block into compliance.
15. It is advised to not require a dedication within the 60 foot private easement due to the pipeline.
16. Requiring a dedication will result in the dedication needing to be the full 60 feet wide and north of the 60 foot utility easement that would result in a non-compliant 60 foot wide lot that the owner cannot utilize or a 120 foot wide dedication that the borough would have to limit access within the southern 60 feet.

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 1-5 and 9-16 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 1-5 and 9-16 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 1-5 and 9-16 appear to support this standard.**

**B. KPB 20.30.100 – Cul-de-sacs** (This exception is only needed if exception to 20.30.170 is granted)

Surveyor's Discussion: Asking exception to not dedicate cul-de-sac and the two terminal right-of-way ends.

Staff Discussion: If the exception to not require a dedication along the southern boundary is granted Primrose Lane will dead end. A cul-de-sac would not be recommended as future subdivisions to the south can provide a continuation that will connect to Salutation Avenue. Unless being used for access, the development for the southern portion is not expected to be done in near future. Providing a hammerhead or t-type turnaround would indicate

possible continuation to the east or west which is not desired. If Primrose Lane is continued to the south it will cross over the pipeline but upon review, Grandview Drive is a borough maintained right-of-way that crosses the pipeline and state maintained Swanson River Road does as well. The placement of the pipeline cannot limit the access and development of neighboring lands but should be considered in the planning. It was discussed to not dedicate south of Duane Avenue but the continuation of Primrose Lane will be a benefit to the plat as well as the neighboring parcel if ever subdivided.

**Surveyor's Findings:**

1. Leaving a 30' wide dead end allows for future continuation of the right-of-way.
2. Gas company does not want developed turnarounds on or near the main gas line.

**Staff's Findings:**

3. A future connection to Salutation Avenue is desired.
4. The property to the west has not been platted and the dedication will provide options for their development.
5. Allowing the dedication to continue past Duane Avenue will provide future options for Tract A if new east-west dedications are needed.
6. A cul-de-sac bulb would indicate the desire to permanently close the right-of-way for future continuation.
7. There is currently minimal development in the area.

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 1-7 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 1-7 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 1-7 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.

---

**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**



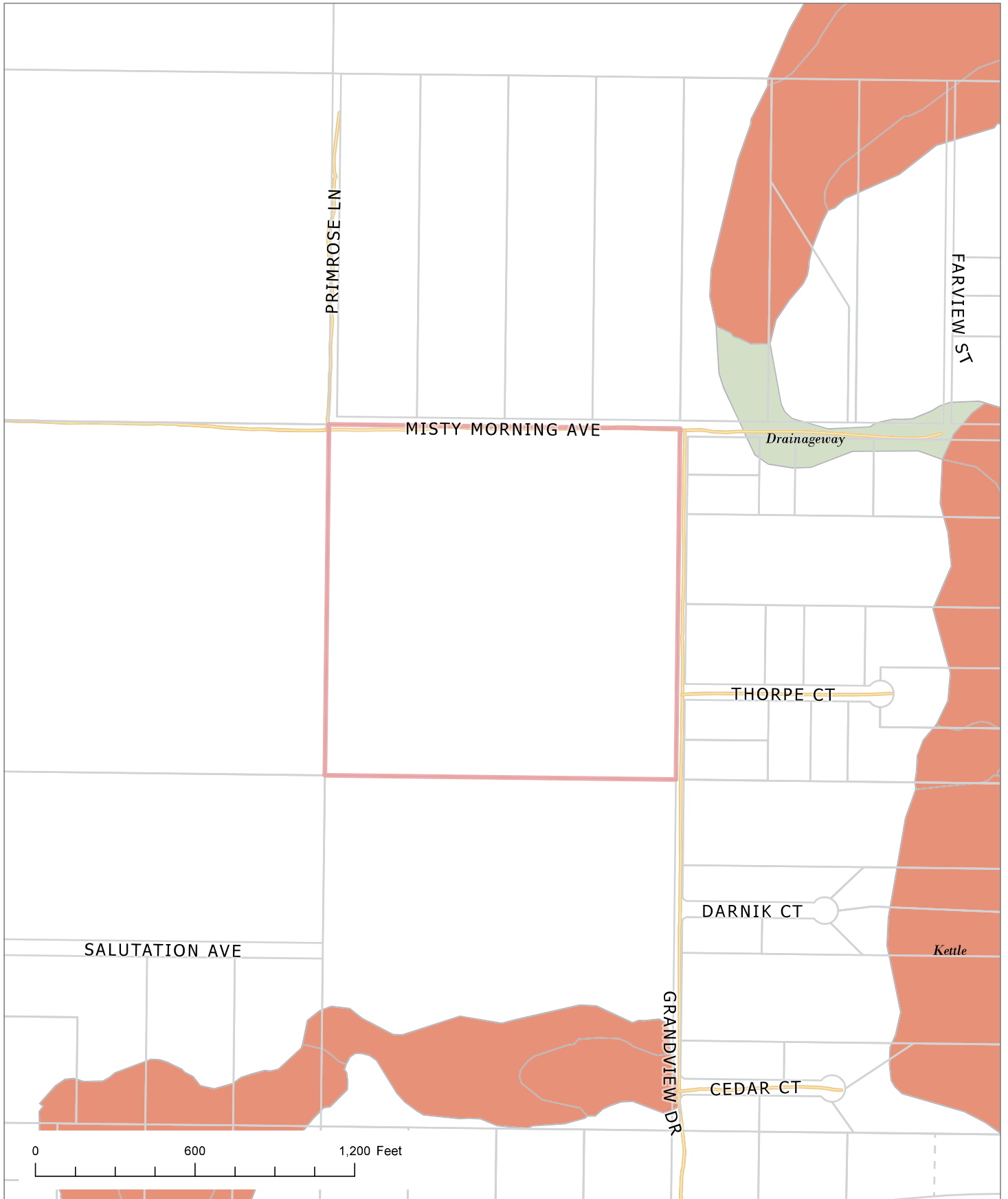


Aerial View



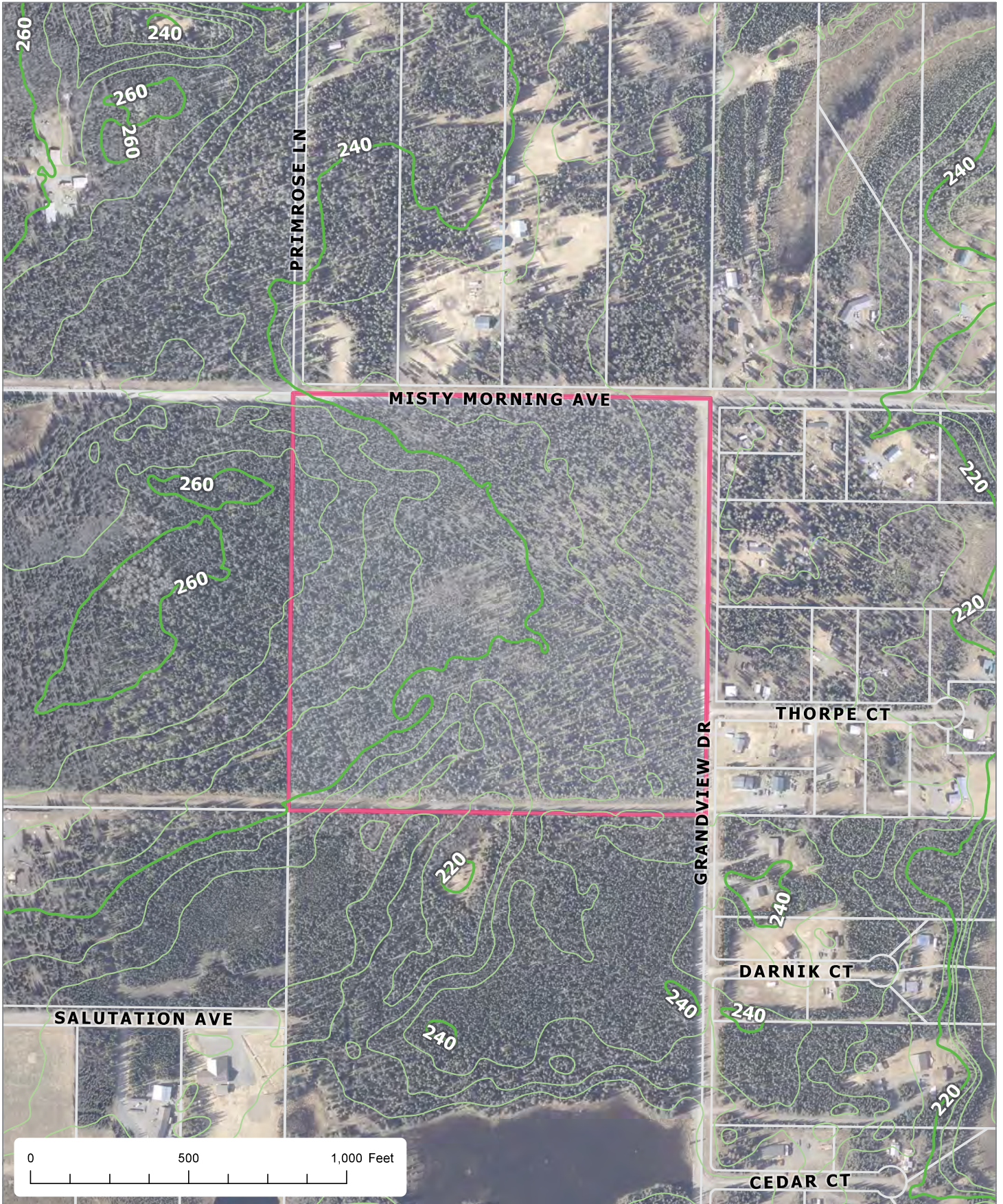
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# LEVAN-STERLING SUBDIVISION SUBDIVISION SOIL REPORT

September 8, 2022



## PURPOSE.

The purpose of this report is to confirm that lots created as a result of this subdivision action contain sufficient useable wastewater disposal area to meet the requirements of the Kenai Peninsula Borough (KPB) Title 20. Based on the soil and groundwater conditions found during this soil investigation, the proposed subdivision falls under the provisions of KPB 20.40.040 Conventional Onsite Soil Absorption Systems of the referenced ordinance.

## LOCATION AND SCOPE.

The proposed subdivision contains approximately 40 acres (including the un-subdivided remainder) and is located in NE ¼ NW ¼ Section 12 Town 5 North Range 9 West, Seward Meridian, in Sterling, Alaska. The northerly half of the original 40 acre tract is being subdivided into 18 individual lots, each about 1 acre in size. The remaining un-subdivided remainder contains 17.33 acres.

## EXISTING SOIL DATA.

The USDA Soil Survey of the Kenai-Kasilof Area Alaska, published by the United States Department of Agriculture in 1958, indicates that soil within the bounds of this subdivision is generally classified as Tustumena silt loam nearly level to gently sloping with a small inclusion of Naptowne silt loam soil. According to that study, "*The Tustumena series consists of well-drained soils developed in a moderately deep deposit of wind-laid silty material underlain by water-worked sand and gravel or, in places, by coarse sand.*" The Naptowne series soils are described as being "*developed in a moderately deep, wind-laid, silty material that lies over gravelly glacial till.*"

Subsurface soils encountered in this investigation are consistent with the soils described in the referenced USDA Soil Survey although gravelly glacial till was not found.

Additionally, the Alaska Department of Environmental Conservation Septic System Tracking System (SEPTS) contains numerous onsite wastewater documentation submittals for adjacent properties that closely resemble the subsurface soil and groundwater data discovered in this investigation.

## EXISTING DEVELOPMENT.

The original parcel contains approximately 40 acres and is undeveloped. Single family homes are located on adjacent properties immediately to the north (across a 60' platted right of way) and to the east. Other adjacent properties are undeveloped. Existing wells and onsite sewers that would negatively impact the useable areas within the proposed subdivision were not noted on adjacent property.

It's important to note that the information in this report summarizes current site conditions. Future development could occur on adjacent properties, including placing drinking water wells and onsite wastewater disposal systems in locations that could adversely impact the useable wastewater





disposal area shown on the working map. Additionally, future public drinking water wells that require greater separation distances than private wells could further restrict the useable area indicated.

Prior to developing any of the proposed lots, locations of all wells and wastewater systems on adjacent properties should be thoroughly investigated.

**TOPOGRAPHY.**

The proposed subdivision surface varies from gently sloping to isolated areas that could approach 20%. However, no areas were identified as sloping more than 20%. Drinking water wells, septic systems and surface waters that would restrict development of the proposed subdivision are indicated on the working map. Vegetation consists of forested land made up primarily of aspen, birch and spruce.

**SOIL INVESTIGATION.**

On August 26, 2022, nine test holes were excavated using a tracked excavator. The approximate test hole locations are shown on the working map. Samples from the various soil horizons were visually classified for soil type, color and moisture content with stratigraphy as indicated on the attached test hole log sheets. Two samples representative of the two major usable soil groups encountered in this investigation (clean sand and sand with some silt) were analyzed for grain size in general accordance with ASTM 6913. The gradation test results are summarized on the Grain Size Distribution Graph – Aggregate Gradation Chart sheets attached to this report.

In general, all nine test holes revealed similar subsurface conditions consisting of a shallow layer of topsoil overlying a layer of sandy silt/silty sand of variable thickness, which in-turn is underlain by a thick layer of clean, fine sand and in some cases, sand with some silt. A groundwater table was not encountered in any of the test holes. Both the clean sand and sand with some silt soil horizons may be used for constructing onsite wastewater soil absorption systems.

Because of the granular soils encountered, percolation tests are not required by Alaska Department of Environmental Conservation (ADEC) prior to installing onsite systems. Accordingly, percolation tests were not run.

**REQUIRED PLAT NOTES.**

In accordance with Kenai Peninsula Borough Title 20, the following plat note should be placed on the final plat:

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.

-----  
(signature of) Engineer      License #      Date





## **CONCLUSIONS AND RECOMMENDATIONS.**

Based on the information presented above, all lots in the proposed subdivision have at least 20,000 square feet of area that meet the definition for usable wastewater disposal area as defined in KPB 20.40.040(a)(4) and are suitable for construction of conventional on-site soil absorption systems serving single family or duplex residences. The clean sand and sand with some silt soil horizons should be utilized for constructing soil absorption systems with application rates of 1 gallon per day per square foot (or 150 square feet per bedroom) for the clean sand soil and 0.75 gallons per day per square foot (200 square feet per bedroom) for the sand with some silt soil. Actual system type (deep trench or shallow bed) will need to be determined at the time of system installation based on the findings of a deeper test hole.

Onsite wastewater system installers should contact the local ADEC office prior to installing a system to confirm other requirements that may apply.

The recommendations made in this report are based on the conditions encountered at the test hole locations. It should be noted that soil conditions may vary significantly over relatively short distances. Accordingly, as with any property utilizing on-site wastewater disposal, determining a suitable location for a wastewater disposal system should be a first priority during development.

Possible locations for an initial and replacement wastewater disposal system for each proposed lot are shown on the working map in order to comply with the KPB Code. These locations are preliminary and are provided only to show that under current developmental conditions, wastewater systems meeting all required separation distances may be constructed. Prior to constructing any wastewater treatment and disposal system, a thorough site evaluation should be performed to make sure that site conditions have not changed.

## **EXCLUSIONS AND LIMITATIONS.**

This report was prepared for the sole purpose of providing a generalized overview of the subsurface soil and groundwater conditions within the proposed subdivision as required by KPB Ordinances. Use of this information for any other purpose is not authorized. Locating bury pits or land that has been "turned over" and determining surface or subsurface contamination of any type, was not requested and is beyond the scope of this report. Determining the location and/or adequacy of drinking water sources or existing wastewater disposal systems is also considered beyond the scope of this report. No guarantee/warranty is offered or implied regarding the overall suitability of this property for development. It must be noted that a test hole reveals conditions only at that specific location.

Attachments: Working Map;  
Test Hole Logs;  
Grain Size Distribution Graph



UNSUBDIVIDED  
SW1/4 SW1/4 SEC.12  
T5N, R9W, S.M., AK

LOT 1  
PLAT NO. 73-60

LOT 2  
PLAT NO. 73-60

LOT 6  
LOT 3  
OPLAT NO. 73-60

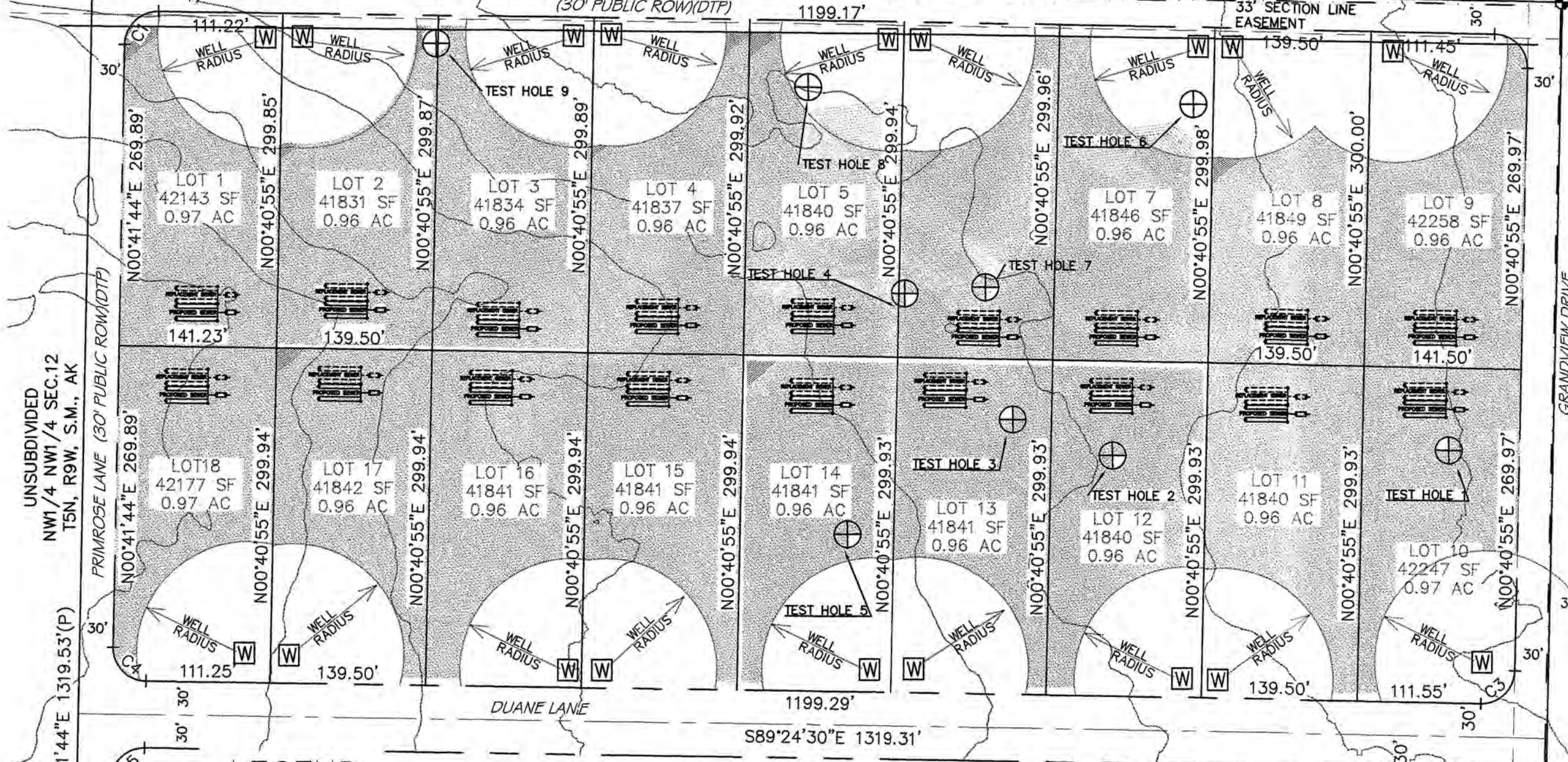
LOT 4  
PLAT NO. 73-60

LOT 5  
PLAT NO. 73-60

APPROXIMATE CENTER OF EXISTING ROAD  
MISTY MORNING AVENUE S89°25'00"E 1319.15'(P)

(30' PUBLIC ROW)(DTP)

33' SECTION LINE EASEMENT



LEGEND

- WELL RADIUS
- EXISTING WELL
- USEABLE AREA AS DEFINED IN KPB CODE 20.40.040(A)(4)
- TEST HOLE LOCATION
- POTENTIAL NEW WELL LOCATION
- POSSIBLE LOCATION FOR AN INITIAL AND REPLACEMENT ONSITE WASTEWATER SYSTEM
- 4' CONTOUR (FROM KPB MAPPING)

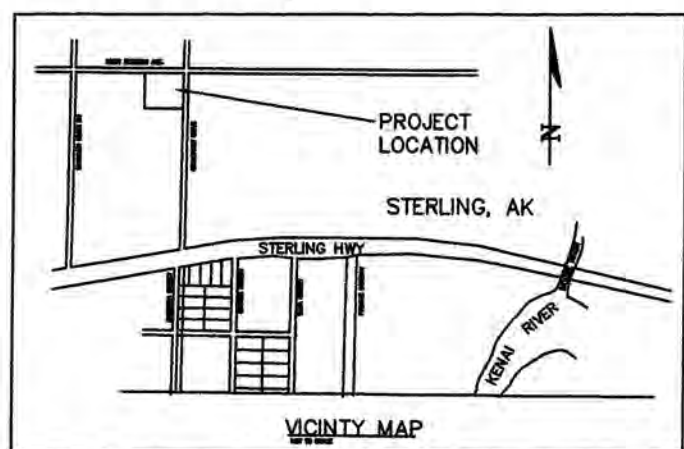


APPROX SCALE  
1" = 100'

UNSUBDIVIDED REMAINDER

NO CREEKS, LAKES, PONDS OR SLOUGHS OBSERVED WITHIN PROPOSED SUBDIVISION BOUNDARY NOR WITHIN 100' OF SUBDIVISION BOUNDARY THAT WOULD IMPACT THE USEABLE AREA OTHER THAN THOSE SHOWN

NO PUBLIC WELLS OBSERVED WITHIN 200' OF SUBDIVISION BOUNDARY & NO PRIVATE WELLS OBSERVED WITHIN 100' OF SUBD BOUNDARY THAT WOULD IMPACT THE USEABLE AREA OTHER THAN THOSE SHOWN.



REVISIONS  
THIS DRAWING HAS BEEN PREPARED AS AN ATTACHMENT TO A SOL REPORT FOR LEVAN-STERLING SUBDIVISION DATED SEPTEMBER 8, 2022.



WORKING MAP  
LEVAN-STERLING SUBDIVISION

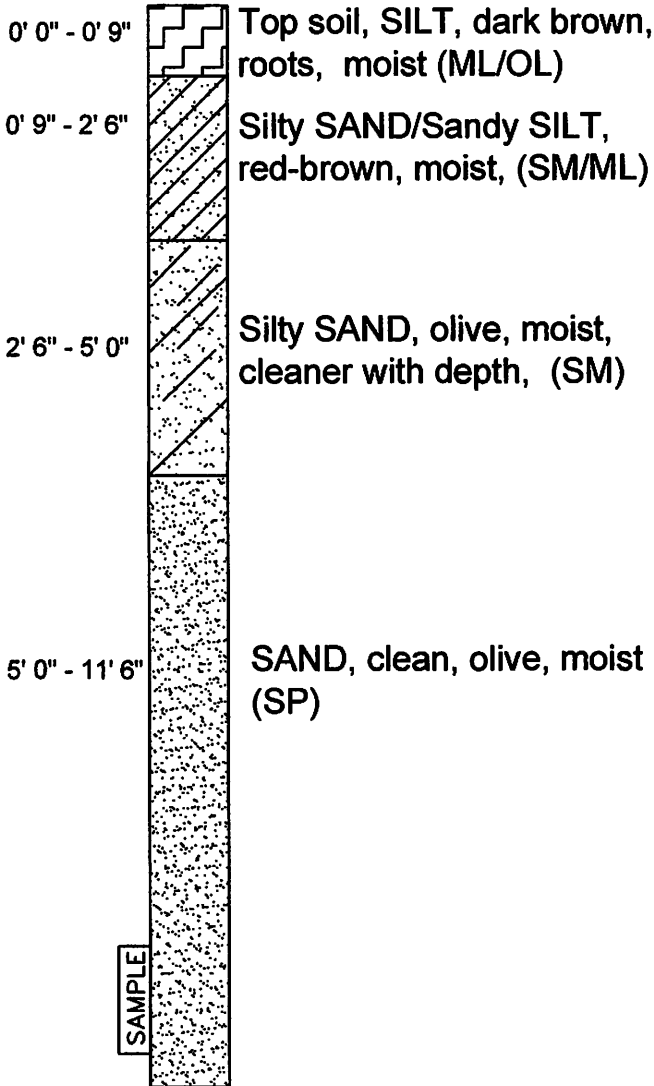
JOHNSON ENGINEERING LLC  
P.O. Box 4087  
Soldotna, Alaska 99669  
907.398.2670

DATE SEPT 2022  
DRAWN DEJ  
CHECKED DEJ  
SCALE AS SHOWN  
PROJ NO.

SHEET  
1  
OF 1

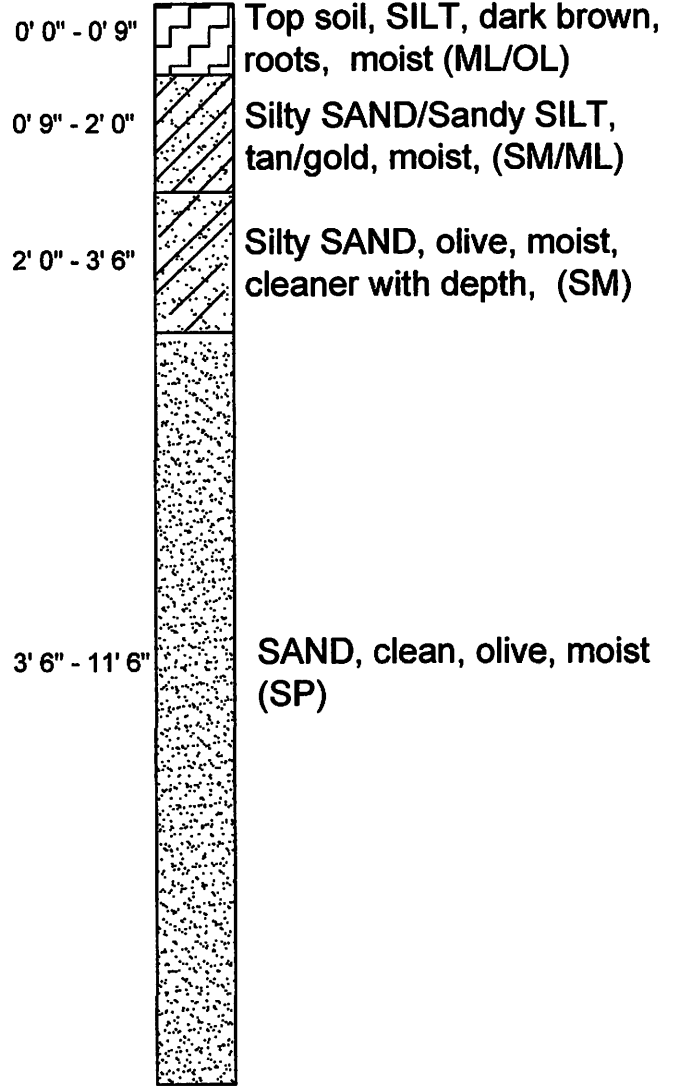


**Testhole 1**  
8-26-22



Total Depth 11' 6". Groundwater table not encountered this date (8-26-2022)

**Testhole 2**  
8-26-22



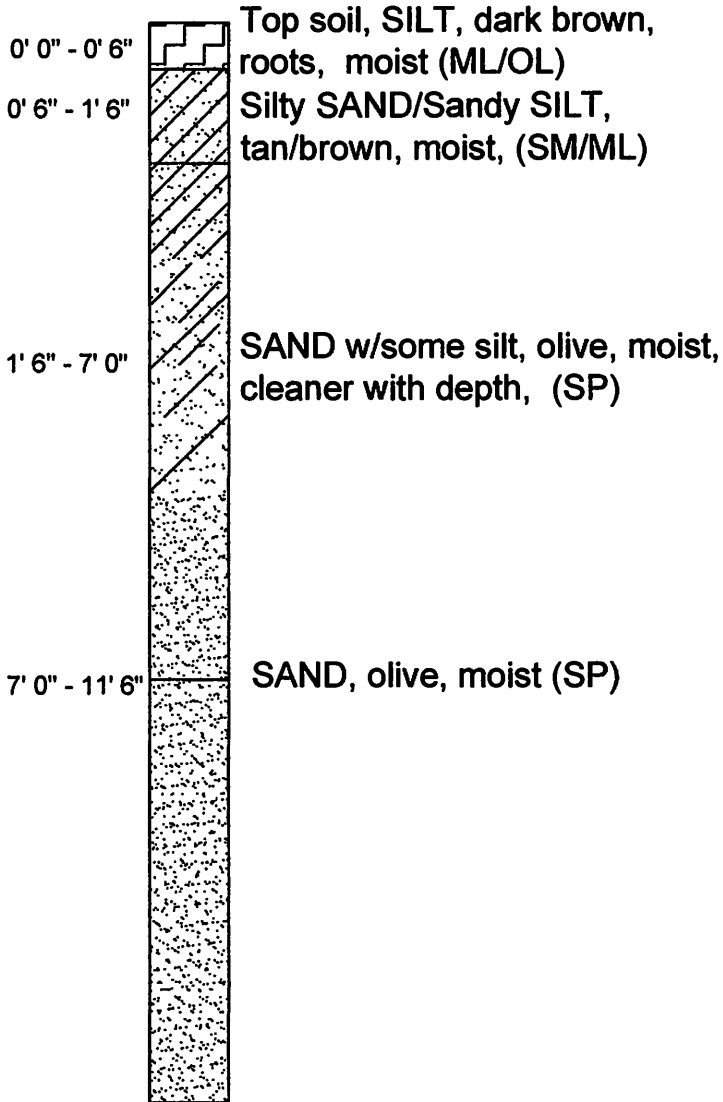
Total Depth 11' 6". Groundwater table not encountered this date (8-26-2022)

**TEST HOLE  
LOG 1 & 2**

**LEVAN-STERLING  
SUBDIVISION**

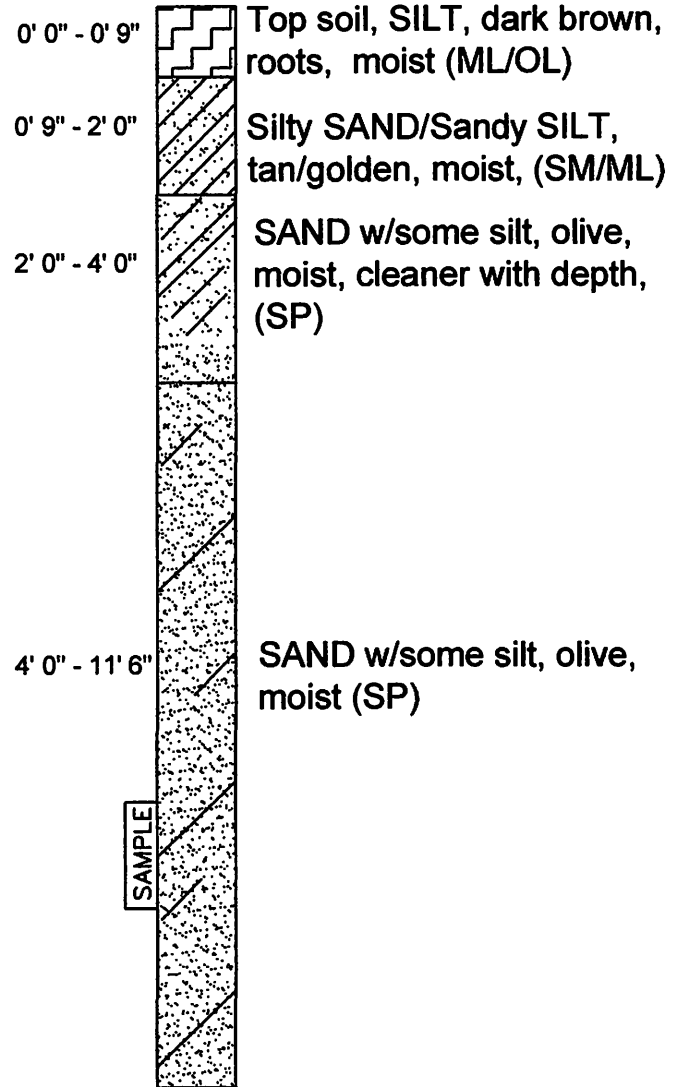


**Testhole 3**  
8-26-22



Total Depth 11' 6". Groundwater table not encountered this date (8-26-2022)

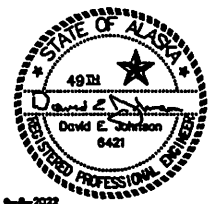
**Testhole 4**  
8-26-22



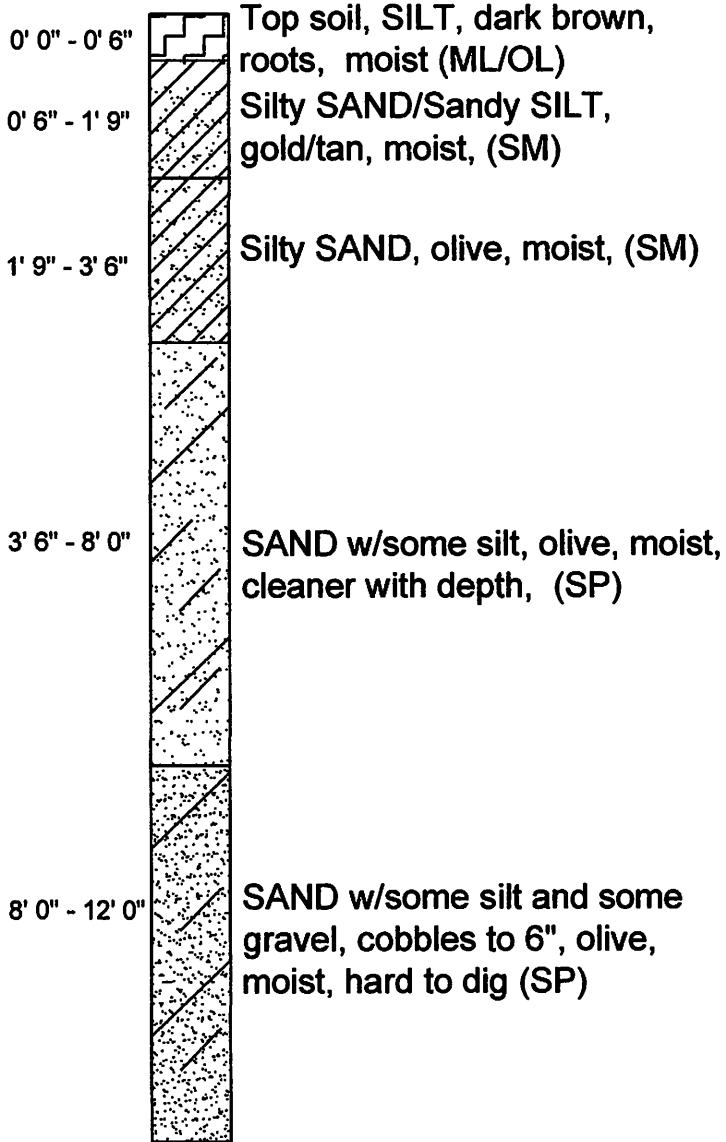
Total Depth 11' 6". Groundwater table not encountered this date (8-26-2022)

**TEST HOLE  
LOG 3 & 4**

**LEVAN-STERLING  
SUBDIVISION**

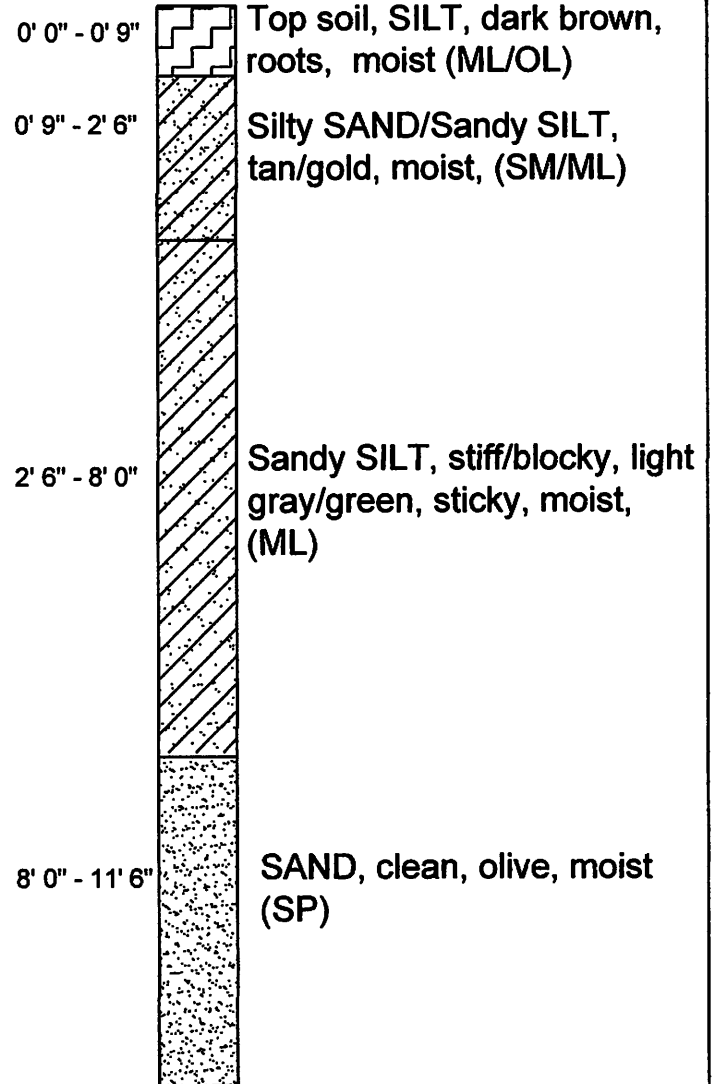


**Testhole 5**  
8-26-22



Total Depth 12' 0". Groundwater table not encountered this date (8-26-2022)

**Testhole 6**  
8-26-22

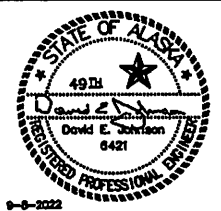


Total Depth 11' 6". Groundwater table not encountered this date (8-26-2022)

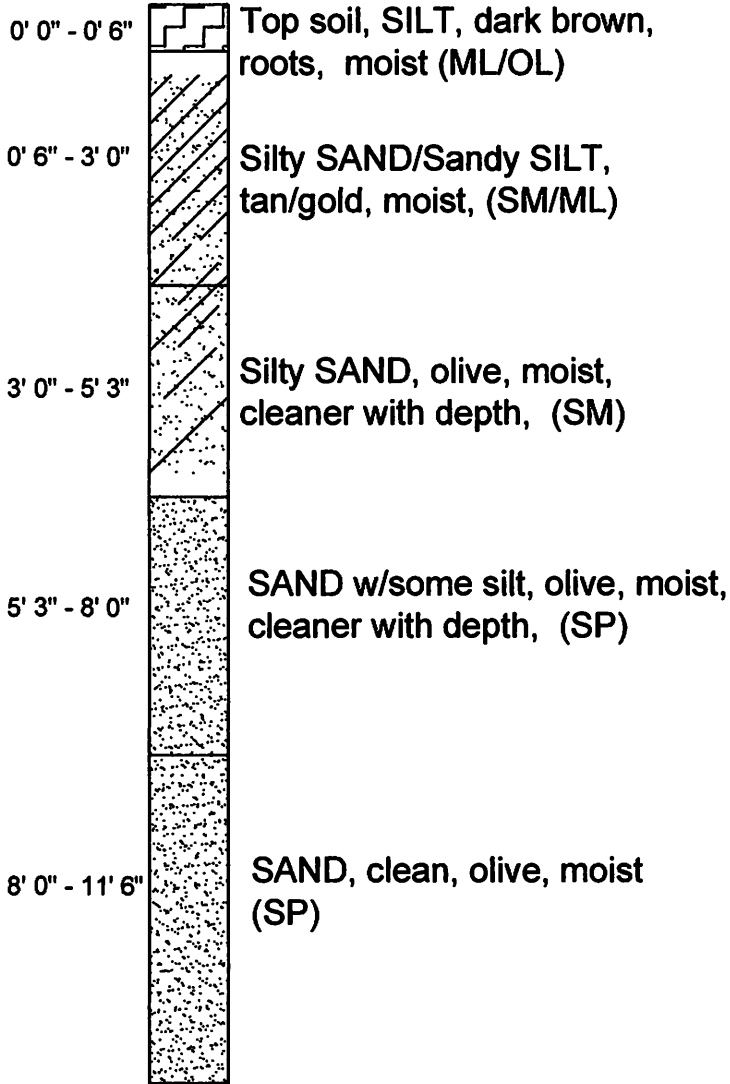
**TEST HOLE  
LOG 5 & 6**

**LEVAN-STERLING  
SUBDIVISION**

E9-20

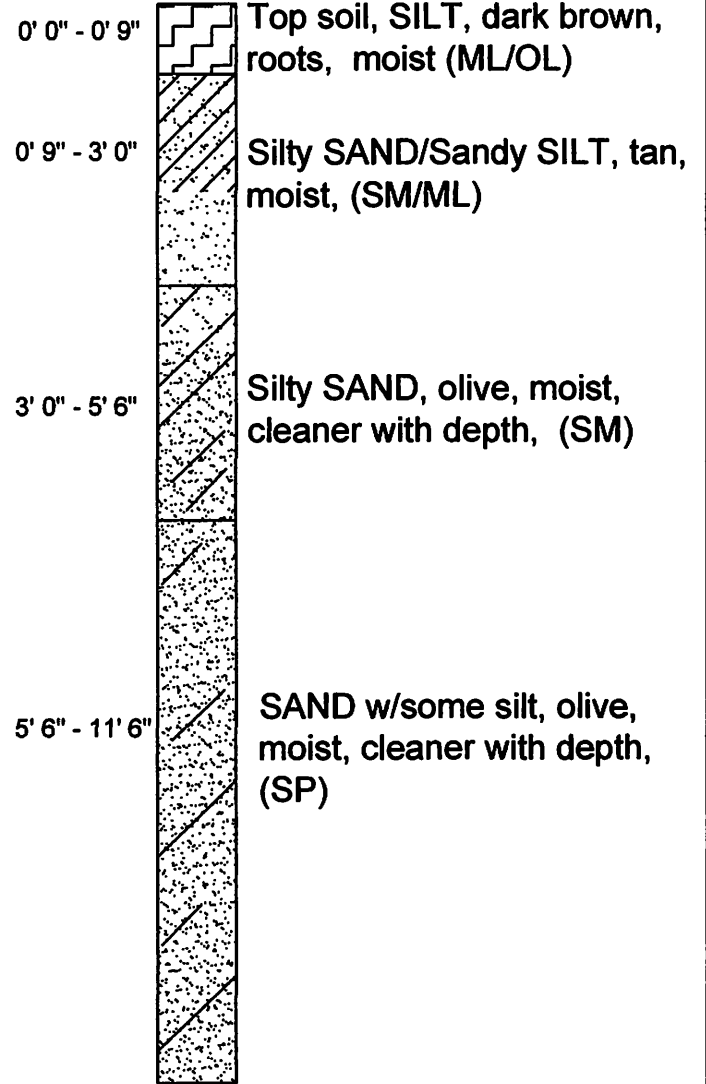


**Testhole 7**  
8-26-22



Total Depth 11' 6". Groundwater table not encountered this date (8-26-2022)

**Testhole 8**  
8-26-22

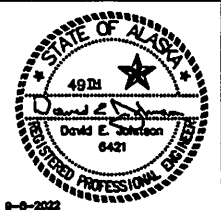


Total Depth 11' 6". Groundwater table not encountered this date (8-26-2022)

**TEST HOLE  
LOG 7 & 8**

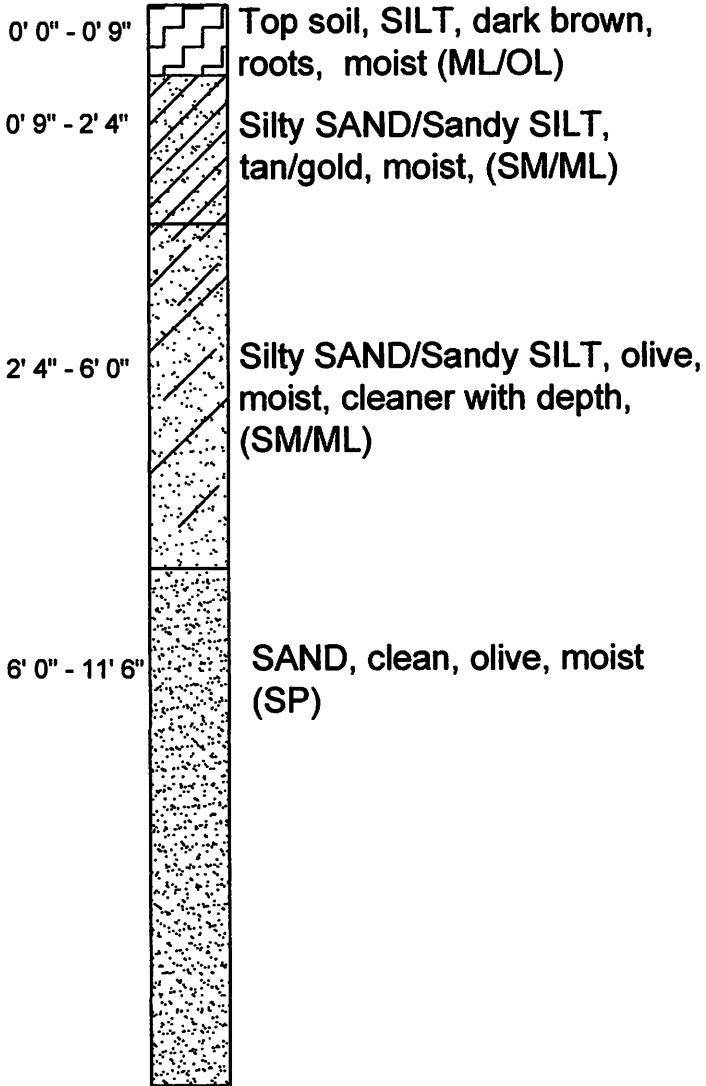
**LEVAN-STERLING  
SUBDIVISION**

E9-21





**Testhole 9**  
**8-26-22**

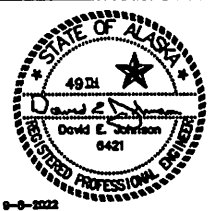


Total Depth 11' 6". Groundwater table not encountered this date (8-26-2022)

**TEST HOLE**  
**LOG 9**

**LEVAN-STERLING**  
**SUBDIVISION**

**E9-22**

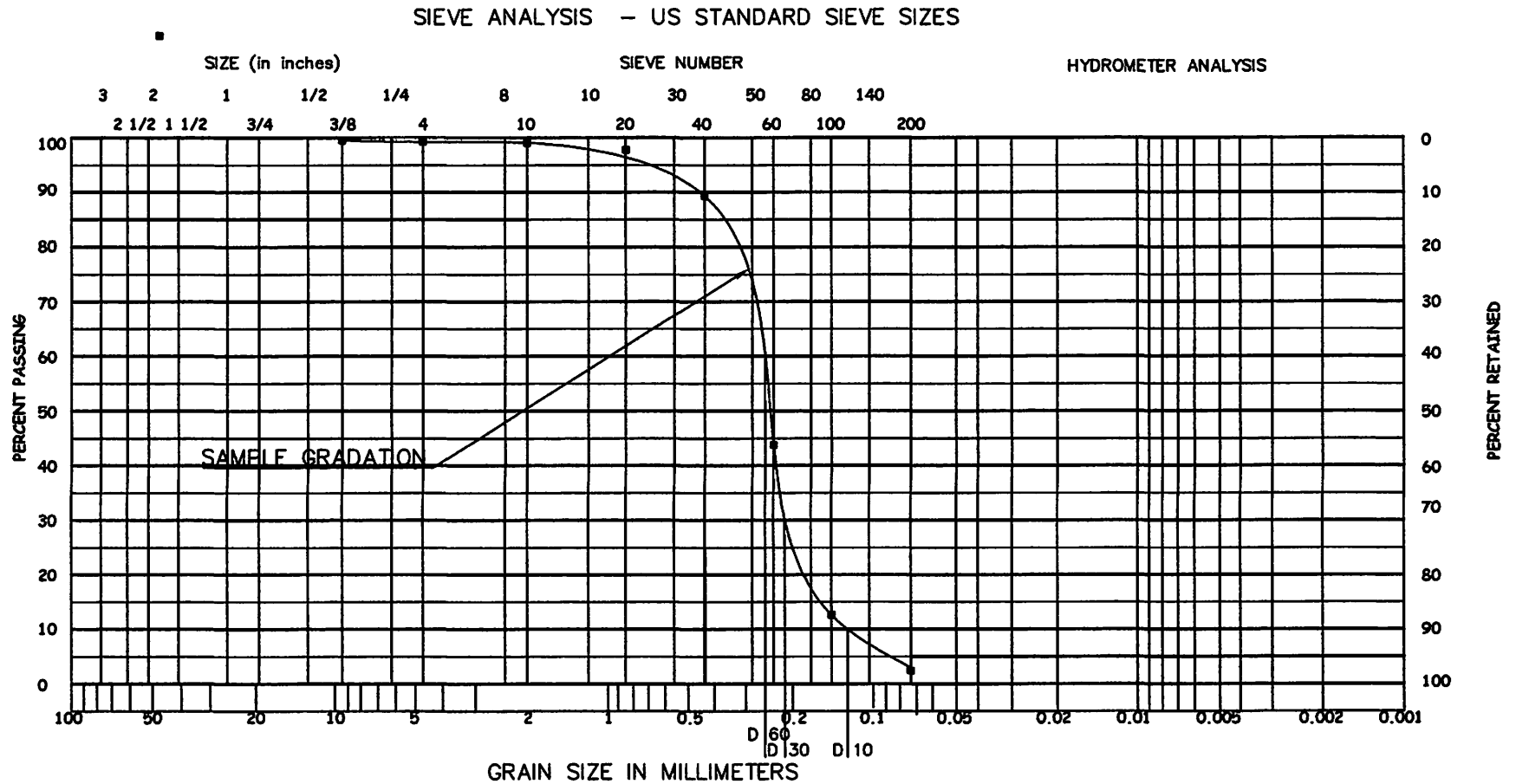


# GRAIN SIZE DISTRIBUTION GRAPH – AGGREGATE GRADATION CHART

Levan – Sterling Subdivision

September 2022

SAMPLE GRADATION	us sieve size	percent passing
2"		
1"		
3/4"		
3/8"		99.7
1/4"		
4		99.4
10		98.9
20		97.4
40		89.2
60		44.0
100		12.9
200		2.7
MOISTURE CONTENT		



TEST HOLE NUMBER	SAMPLE NUMBER	D60	D30	D10	Cu	Cc	SOIL DESCRIPTION	CLASSIFICATION USCS
1	1 @ 9.5' BGS	.25	.21	.13	1.9	1.4	SAND	SP
TECHNICIAN (signature)				PLOTTED BY (signature)			CHECKED BY (signature)	
<i>David E. Johnson</i>				<i>David E. Johnson</i>			<i>David E. Johnson</i>	

# GRAIN SIZE DISTRIBUTION GRAPH – AGGREGATE GRADATION CHART

**SAMPLE GRADATION**

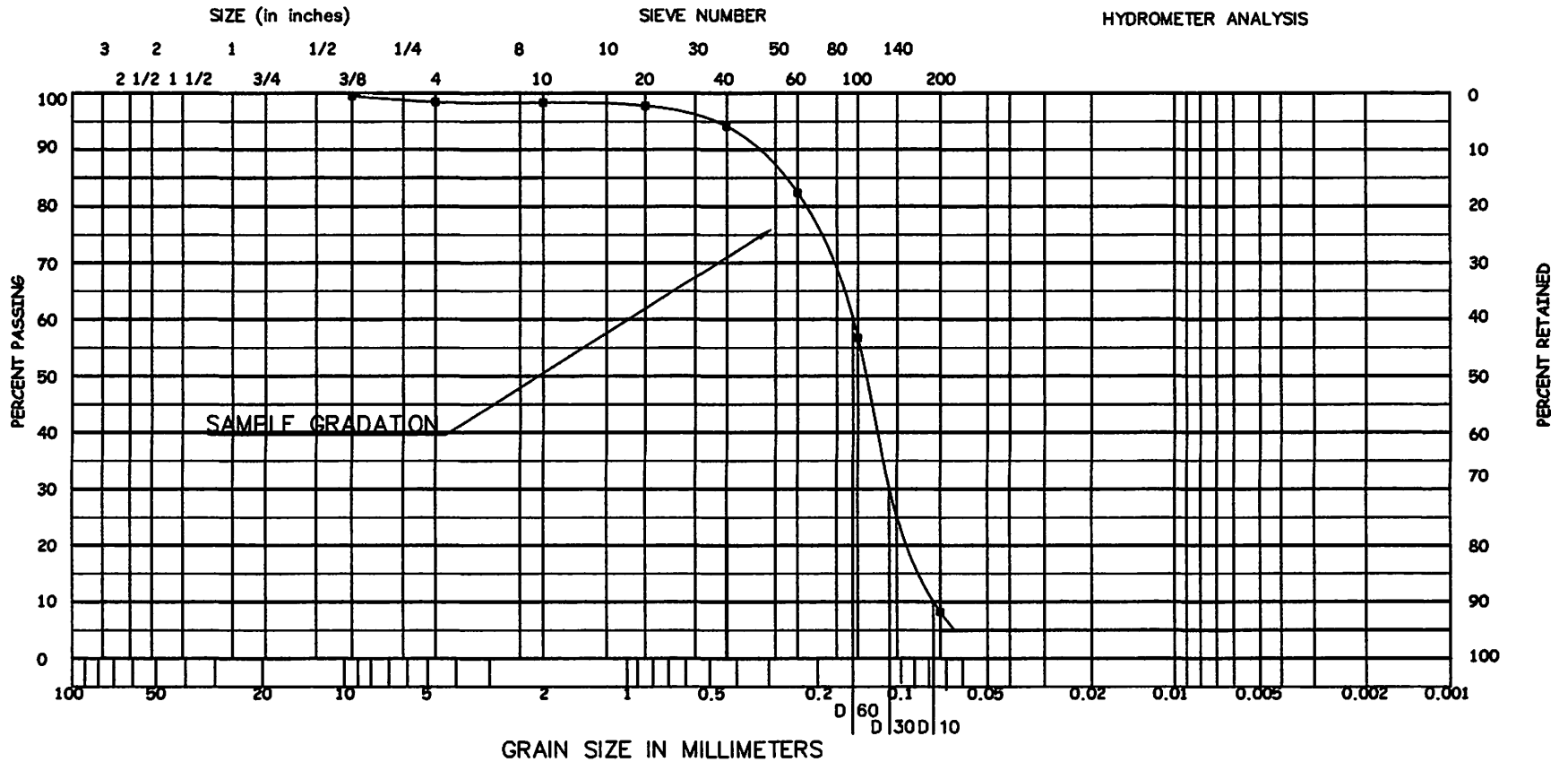
Levan – Sterling Subdivision

September 2022

**us sieve size**    **percent passing**

2"	
1"	
3/4"	
3/8"	
1/4"	
4	99.8
10	98.9
20	97.7
40	94.4
60	83.2
100	56.2
200	8.2
MOISTURE CONTENT	

## SIEVE ANALYSIS – US STANDARD SIEVE SIZES



TEST HOLE NUMBER	SAMPLE NUMBER	D60	D30	D10	Cu	Cc	SOIL DESCRIPTION	CLASSIFICATION USCS
4	1 @ 11' BGS	.16	.11	.08	2.0	0.94	SAND with (some silt)	SP
TECHNICIAN (signature)		PLOTTED BY (signature)			CHECKED BY (signature)			
<i>David E. Johnson</i>		<i>David E. Johnson</i>			<i>David E. Johnson</i>			

<b>Legal Description:</b>	Lots 5 & 6 Block 1 Kasilof Alaska Subdivision Amended, KN 83-166
<b>Assessing Use:</b>	Residential
<b>Zoning:</b>	Rural Unrestricted
<b>Water / Wastewater</b>	On Site

*\*Passed Under The Consent Agenda*

**ITEM E3 - LEVAN-STERLING SUBDIVISION**

<b>KPB File No.</b>	2022-125
<b>Plat Committee Meeting:</b>	September 12, 2022
<b>Applicant / Owner:</b>	Mel Levan of Kodiak AK
<b>Surveyor:</b>	Jason Young, Mark Aimonetti / Edge Survey and Design, LLC
<b>General Location:</b>	Misty Morning Avenue, Sterling area

<b>Parent Parcel No.:</b>	063-330-47
<b>Legal Description:</b>	NE1/4 NW1/4 Section 12, Township 5 North, Range 9 West
<b>Assessing Use:</b>	Residential
<b>Zoning:</b>	Rural Residential
<b>Water / Wastewater</b>	Onsite

Staff report was given by Platting Manager Vince Piagentini.

Chair Gillham opened the item for public comment.

Mary Gordon; 34395 Thorpe Court, P.O. Box 281, Sterling, AK 99672: Ms. Gordon is a neighboring landowner and she wanted to know what the applicant's development plans were for this lot. Planning Director Robert Ruffner replied that borough code does not require that the applicant submitted development plans with a subdivision petition. The plat committee is only tasked with approving the subdivision plat.

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

**MOTION:** Commissioner Brantley moved, seconded by Commissioner Staggs, to grant preliminary approval to Levan-Sterling Subdivision, based on staff recommendations and compliance to borough code.

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

**MOTION PASSED BY UNANIMOUS VOTE**

Yes	4	Brantley, Gillham, Slaughter, Staggs
No	0	

**ITEM E4 - O'ROURKE SUBDIVISION MATRANGA ADDITION**

<b>KPB File No.</b>	2022-124
<b>Plat Committee Meeting:</b>	September 12, 2022
<b>Applicant / Owner:</b>	Gregory & Teresa Matranga / Soldotna, Alaska
<b>Surveyor:</b>	John Segesser / Segesser Surveys
<b>General Location:</b>	Irish Hills Avenue / Kalifornsky Area

<b>Parent Parcel No.:</b>	133-032-34
<b>Legal Description:</b>	Tract A in O'Rourke Subdivision KRD 76-44
<b>Assessing Use:</b>	Residential
<b>Zoning:</b>	Rural Residential
<b>Water / Wastewater</b>	Onsite

*\*Passed Under The Consent Agenda*



## **E. NEW BUSINESS**

### **3. Levan-Sterling Subdivision**

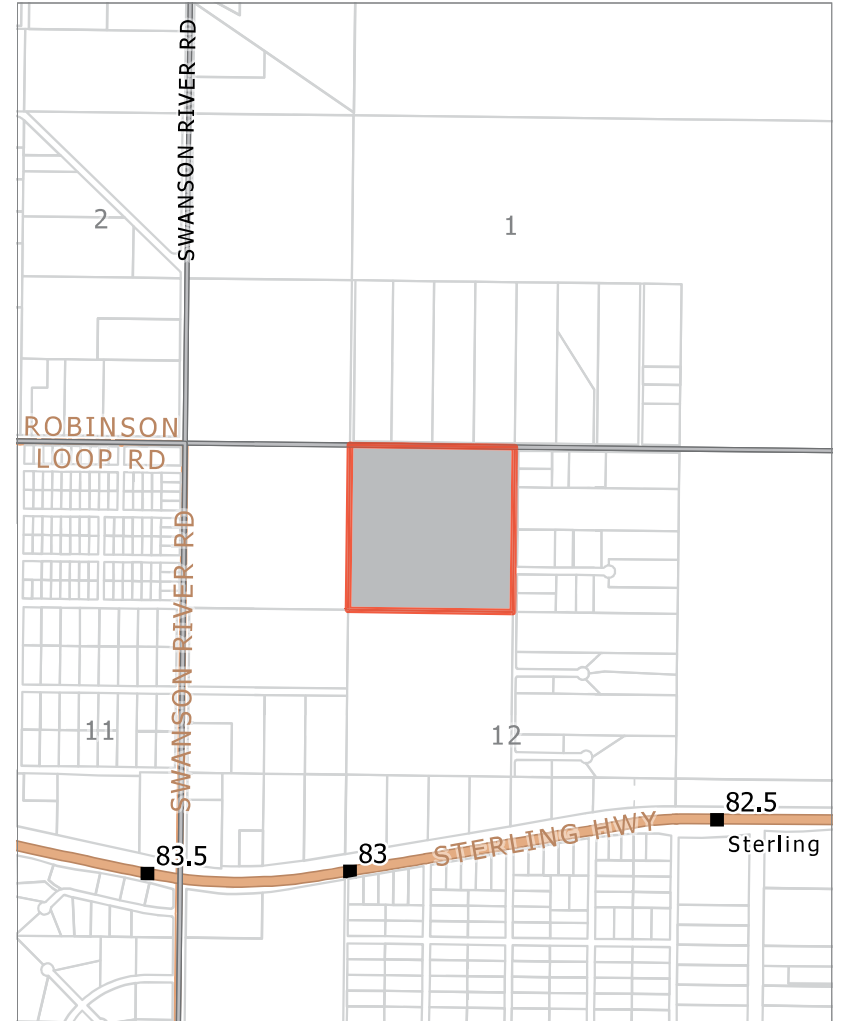
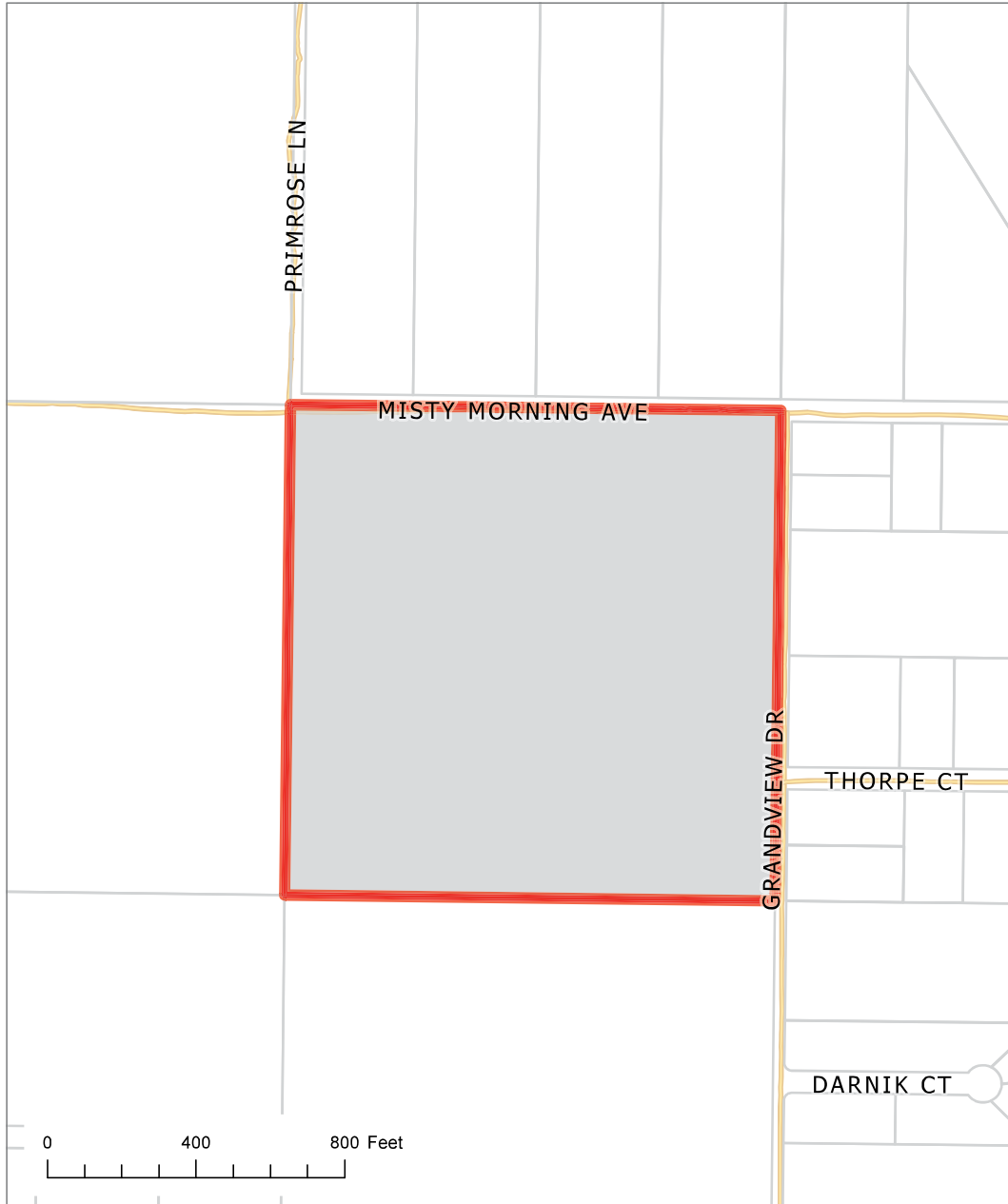
**KPB File 2022-125**

**Edge Survey & Design / Leva**

**Location: Misty Morning Ave. &**

**Grandview Dr.**

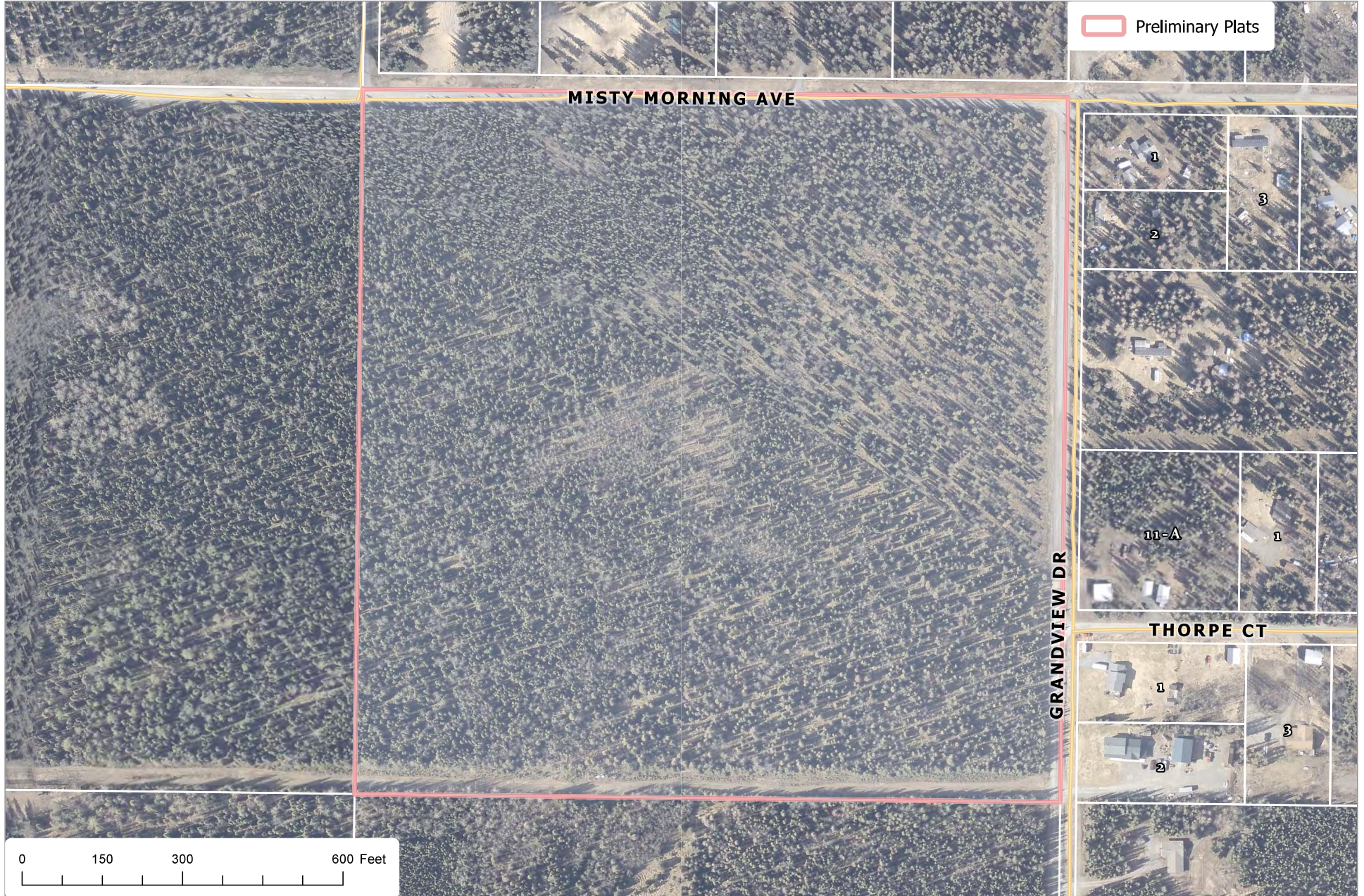
**Sterling Area**



KPB File # 2022-125  
 S12 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.

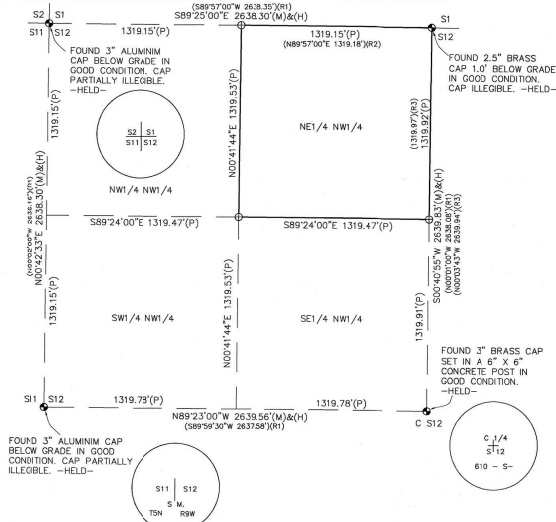




The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



**NORTHWEST QUARTER OF SECTION 12 BREAKDOWN**



**NOTES**

- 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. SEE TYPICAL.
- THE FRONT 10' FEET OF THE 20' BUILDING SETBACK AND THE ENTIRE 20' BUILDING SETBACK WITHIN 5' OF SIDE LOT LINES IS ALSO A UTILITY EASEMENT. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
- THESE PARCELS MAY BE AFFECTED BY A GENERAL EASEMENT WITH NO DEFINED LOCATION GRANTED TO HOMER ELECTRIC ASSOCIATION, RECORDED NOVEMBER 15, 1963 IN MISC. BOOK 11, PAGE 115, AND ON JANUARY 9, 1964 IN MISC. BOOK 12, PAGE 27 IN THE KENAI RECORDING DISTRICT.
- THESE PARCELS MAY BE AFFECTED BY AN OIL AND GAS LEASE GRANTED TO MARATHON OIL COMPANY, RECORDED OCTOBER 15, 1999 IN VOLUME 570, PAGE 291 AND ON NOVEMBER 1, 2004 UNDER SERIAL NUMBER 2004-011134-0 IN THE KENAI RECORDING DISTRICT.
- 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.
- 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.
- WASTEWATER DISPOSAL

TRACT A IS AT LEAST 300,000 SQUARE FEET OF NOMINAL FIVE ACRES IN SIZE MAY NOT BE SUITABLE FOR ONSITE WASTEWATER TREATMENT AND DISPOSAL. ANY WASTEWATER TREATMENT OF DISPOSAL SYSTEM MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

LOTS 1-18 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 NUMBER	DATE
----------	----------------	------

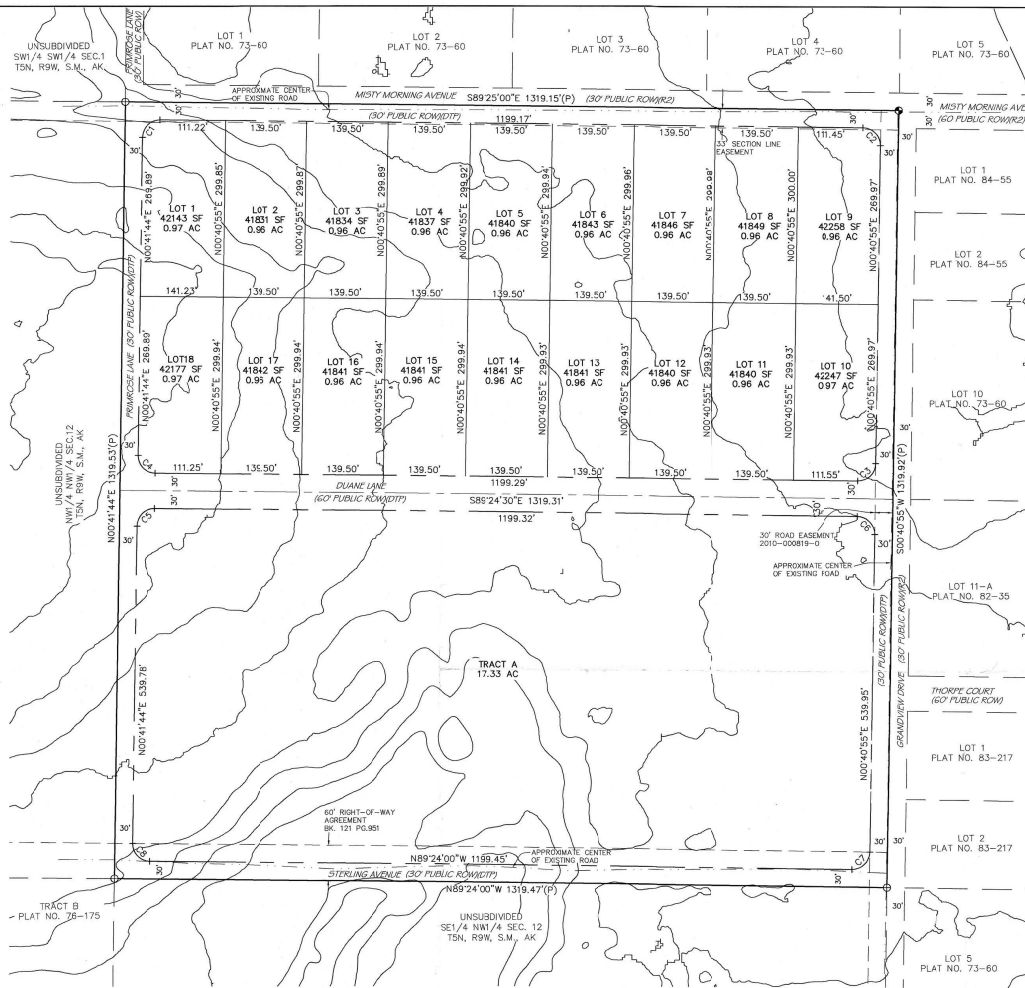
**LEGEND**

- (M) FOUND MONUMENT AS NOTED
- (S) SET 5/8" X 30" REBAR WITH ALUMINUM CAP
- (S) STAMPED LS 13022
- (S) SET 5/8" X 30" REBAR WITH CAP STAMPED LS 13022 AT ALL LOT CORNERS CREATED BY THIS PLAT UNLESS OTHERWISE NOTED
- (R) RECORD DATA, SEE REFERENCE
- (D) DEDICATED THIS PLAT
- (M) MEASURED
- (H) HELD
- (P) PROPORTIONED
- SUBDIVISION BOUNDARY
- INTERIOR LOT LINE
- RIGHT-OF-WAY (DTP)
- ADJACENT PROPERTY
- EASEMENT LINE
- CENTER LINE RIGHT OF WAY
- EXISTING ROAD CENTER LINE

CURVE TABLE					
CURVE #	RADIUS	DELTA	LENGTH	CHORD DIRECTION	CHORD LENGTH
C1	30.00'	89°53'16"	47.07'	S45°38'22"W	42.38'
C2	30.00'	90°05'55"	47.18'	N44°22'03"W	42.46'
C3	30.00'	89°54'35"	47.08'	N45°38'12"E	42.39'
C4	30.00'	90°06'14"	47.18'	S44°21'23"E	42.46'
C5	30.00'	89°53'46"	47.07'	S45°38'37"W	42.39'
C6	30.00'	90°05'25"	47.17'	N44°21'48"W	42.46'
C7	30.00'	89°55'05"	47.08'	N45°38'27"E	42.40'
C8	30.00'	90°05'44"	47.17'	S44°21'08"E	42.46'

**REFERENCES**

- (R1) TOWNSHIP PLAT OF T5N, R9W, S.M., ALASKA, ACCEPTED MAY 6, 1941
- (R2) GRANDVIEW SUBDIVISION, PLAT NO. 73-60, KENAI RECORDING DISTRICT
- (R3) RESUBDIVISION LOTS 11&12 GRANDVIEW SUB., PLAT NO. 82-35 KENAI RECORDING DISTRICT



**PRELIMINARY PLAT**

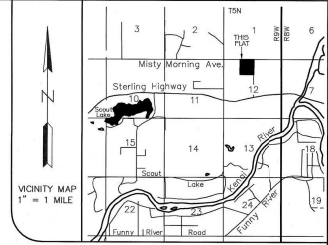
**PLAT APPROVAL**

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

AUTHORIZED OFFICIAL

**CERTIFICATE OF SURVEYOR**

I, MARK AMONETTI 13022-S, HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF ALASKA AND THAT THIS PLAT REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, AND THAT THE MONUMENTS SHOWN ON THIS SURVEY ACTUALLY EXIST AS DESCRIBED, AND THAT ALL DIMENSIONAL AND OTHER DETAILS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.



**CERTIFICATE OF OWNERSHIP AND DEDICATION**

WE, THE UNDERSIGNED, HEREBY CERTIFY THAT WE, MEL E. LEVAN AND ALICE LEVAN ARE THE OWNERS OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND WE HEREBY ADOPT THIS PLAN OF SUBDIVISION AND BY MY FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND GRANT ALL EASEMENTS TO THE USE SHOWN.

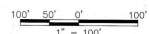
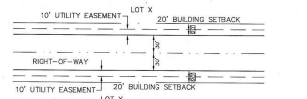
MEL E. LEVAN  
PO BOX 8676  
KODIAK, ALASKA 99615

**NOTARY ACKNOWLEDGMENT**

FOR: MEL E. LEVAN  
ACKNOWLEDGED BEFORE ME THIS \_\_\_ DAY OF \_\_\_, 2022.

NOTARY PUBLIC FOR STATE OF ALASKA

**BUILDING SETBACK TYPICAL APPLIES TO ALL LOTS CREATED BY THIS PLAT**



KPB FILE No. 2022-XX

**LEVAN-STERLING SUBDIVISION**

A SUBDIVISION OF THE NW 1/4 NW 1/4 SECTION 12, T5N, R9W, SEWARD MERIDIAN, KENAI PENINSULA BOROUGH, THIRD JUDICIAL DISTRICT, STATE OF ALASKA

OWNERS:  
MEL E. LEVAN  
PO BOX 8676  
KODIAK, ALASKA 99615

CONTAINING 39.971 ACRES



12301 OLD SEWARD, D... ANCHORAGE, AK 99515  
Phone (907) 544-9500 Fax (907) 544-7754  
SIC # 13022 SCL # 1392

DRAWN BY: VLB	DATE: 08/18/2022	PROJECT: 22-576
CHECKED BY: MA	SCALE: 1" = 100'	SHEET: 1 OF 1

**KPB 2022-125**

**ITEM 3 - LEVAN-STERLING SUBDIVISION**

<b>KPB File No.</b>	2022-125
<b>Plat Committee Meeting:</b>	September 12, 2022
<b>Applicant / Owner:</b>	Mel Levan of Kodiak AK
<b>Surveyor:</b>	Jason Young, Mark Aimonetti / Edge Survey and Design, LLC
<b>General Location:</b>	Misty Morning Avenue, Sterling area

<b>Parent Parcel No.:</b>	063-330-47
<b>Legal Description:</b>	NE1/4 NW1/4 Section 12, Township 5 North, Range 9 West
<b>Assessing Use:</b>	Residential
<b>Zoning:</b>	Rural Residential
<b>Water / Wastewater</b>	Onsite

**STAFF REPORT**

**Specific Request / Scope of Subdivision:** The proposed plat will subdivide a 39.971 acres parcel into 18 lots and one tract ranging in size from 0.96 acres to 0.97 acres for the lots and 17.33 acres for the tract. Several right-of-way dedications are proposed.

**Location and Legal Access (existing and proposed):** The proposed plat is located on Misty Morning Avenue. Misty Morning Avenue is located north of state maintained Sterling Highway at milepost 83.5 and accessed by state maintained Swanson River Road that provides a connection to the Sterling Highway. Misty Morning Avenue is borough maintained as is Grandview Drive on the east side of the proposed subdivision.

The preliminary plat shows a dedication along the north of a 30 foot right-of-way for Misty Morning Avenue that will be atop a 33-foot section line easement. The plat indicates that the abutting dedication and the dedication to the east is 30 feet on each side, per Grandview Subdivision, Plat KN 73-60 the dedications are 33 feet in width. **Staff recommends the depiction and labels be adjusted.**

Along the eastern boundary the plat shows a 30-foot right-of-way dedication for Grandview Drive to bring the right-of-way into compliance for width. Grandview Drive is constructed and maintained by the borough. This dedication is occurring atop a public easement granted by recorded document. **Staff recommends the easement label include "public" or a plat note be added that includes the details and description of location and states it is now within the dedicated portion of Grandview Drive.**

On the south of the plat a 30 foot wide dedication is proposed for Sterling Avenue. A new name will be required to be approved by the Addressing Officer as well as confirming all other names proposed on the plat. The plat shows along the proposed dedication the approximate center of an existing travelway. There is also a 60 foot wide right-of-way created by recorded document. Upon reviewing the document it needs to be clarified if that easement is public or private. ENSTAR reviewed the plat and noted there is a transmission line within the 60 foot right-of-way agreement and any development within the dedication should be coordinated with Alaska Pipeline Company (APC). The question remains if the depicted existing road is truly a road or the cleared area used by APC or the location of the pipeline. Upon staff's review of the proposed dedication, the existence of the 60 foot wide easement, and ENSTAR's comments, **staff recommends the transmission line be located, the surveyor work with APC and based on the line's location determine the best dedications along the southern boundary. Update the label to indicate if the right-of-way agreement is public or private or add a plat note with the details, and do one of the following or provide alternative that is agreeable by all parties.**

- *The dedication of a full 60 foot dedication that encompasses the travelway as long as the pipeline is within the adjacent utility easement or within edge of dedication, or*



- providing a 30 foot dedication as currently proposed and make sure the pipeline is within the edge of the right-of-way or north of the dedication, or
- provide a reduced width for the right-of-way to not have the dedication atop the pipeline, or
- provide a full 60 foot dedication that is north of the existing pipeline.

Two additional dedications are proposed. Along the western boundary is a dedication of a 30-foot right-of-way that is proposed as Primrose Lane and provides a compliant continuation of the dedicated Primrose Lane to the north. Through the middle of the plat is a dedication for a 60-foot right-of-way proposed as Duane Lane. The name will require approval from the Addressing Officer. This dedication will provide a connection between Primrose Lane and Grandview Drive.

Lots 1 – 9 will have access to Misty Morning Avenue, Lots 10 – 18 will have access to Duane Lane. Tract A will have access to Duane Lane, Primrose Lane, Grandview Drive and Sterling Avenue. Lots 9 & 10 will have access to Grandview Drive. Lots 1 & 18 will have access to Primrose Lane.

The proposed dedications will provide for a compliant block.

KPB Roads Dept. comments	
SOA DOT comments	No comment

**Site Investigation:** The preliminary plat does not contain any steep areas or low wet lands. The land appears to be vacant with no neighboring encroachment issues. As discussed under the legal access portion of the staff report, the rights-of-way along the north and west are constructed and maintained by the borough. **Staff recommends the terrain be removed from the final plat.**

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

**Staff Analysis** This preliminary plat is a subdivision of lands currently not platted. The proposed plat is located in the Sterling area and not within an advisory planning commission area.

A soils report will be required for the lots and an engineer will sign the final plat. The tract is large enough that the soils analysis is not required.

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.

**Utility Easements** As the property has not been previously platted, there are no utility easements to carry over from previous plats. Per the Certificate to Plat there are several easements affecting the property that were created

by recorded documents. The easements granted to Homer Electric Association did not have areas defined and are present within plat note 3.

New utility easement as identified in note 2 as “the front 10’ of the 20’ Building Setback and the entire 20’ Building Setback within 5’ of side lot lines”. A typical building setback detail is provided that shows the setback and utility easements as described within the plat note. **Staff recommends the plat note include “granted by this plat”.**

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

**Utility provider review:**

HEA	No comment
ENSTAR	Add a note which says, “APC transmission line located with 60ft Right of Way Agreement. Any construction activity conducted within the 60ft Right of Way needs to be coordinated with APC”.
ACS	No objections
GCI	No objections

**KPB department / agency review:**

Addressing	
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**

*In references, check the spelling of subdivisions.  
The existing road depictions may be removed.*

**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 legal description needs corrected to NE1/4 NW1/4

- 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:** *North half of Misty Morning Avenue is 33' change on drawing*
- 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 Misty Morning Avenue label appears along the right-of-way known as Robinson Loop Road. Add "Loop Road" to Scout Lake Loop Road Label. The Funny River label in section 24 should have "Road" added. If this is to reference the river the line depiction should be added to make it clear.*
- 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:** *Sterling is not an allowable street name. Continue Entrada Drive or receive an approved name from the addressing officer. Duane Lane should be Avenue and approval will be required from the Addressing Officer.*
- G. The status of adjacent lands within 100 feet of the proposed subdivision boundary or the land status across from any dedicated rights-of-way that adjoin the propose subdivision boundary, including names of subdivisions, lot lines, block numbers, lot numbers, rights-of-way; or an indication that the adjacent land is not subdivided;  
**Staff recommendation:** *Lot to southeast needs to be corrected from Lot 5 to Lot 13.*

**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.*

20.30.120. Streets-Width requirements.

- B. Additional right-of-way or easement width may be required to provide for the construction of side slopes or to otherwise accommodate right-of-way construction standards set forth in KPB Title 14.

**Staff recommendation:** *Update the dedication of Sterling Avenue as determined by field survey.*

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

**Staff recommendation:** *check for conformity to adjacent names. Receive approval from the Addressing Officer.*

**KPB 20.40 – Wastewater Disposal**

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

20.40.010 Wastewater disposal.

*Platting Staff Comments: A soils report will be required for the lots and an engineer will need to sign the 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.*

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

**Staff recommendation:** *An acceptance from the KPB for new dedications will be required.*

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:**

- Update plat note 5 to include KPB Code reference. "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)."
- Remove "nominal five acres" from the wastewater note.

20.60.190. Certificates, statements, and signatures required.

**Staff recommendation:** *Per the Certificate to Plat the ownership is under Mr. Levan's name only. Correct the ownership statement to be in the singular and remove Alice Levan from the statement. Comply with 20.60.190.*

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**RECOMMENDATION:**

**STAFF RECOMMENDS:**

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

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

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

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

**END OF STAFF REPORT**

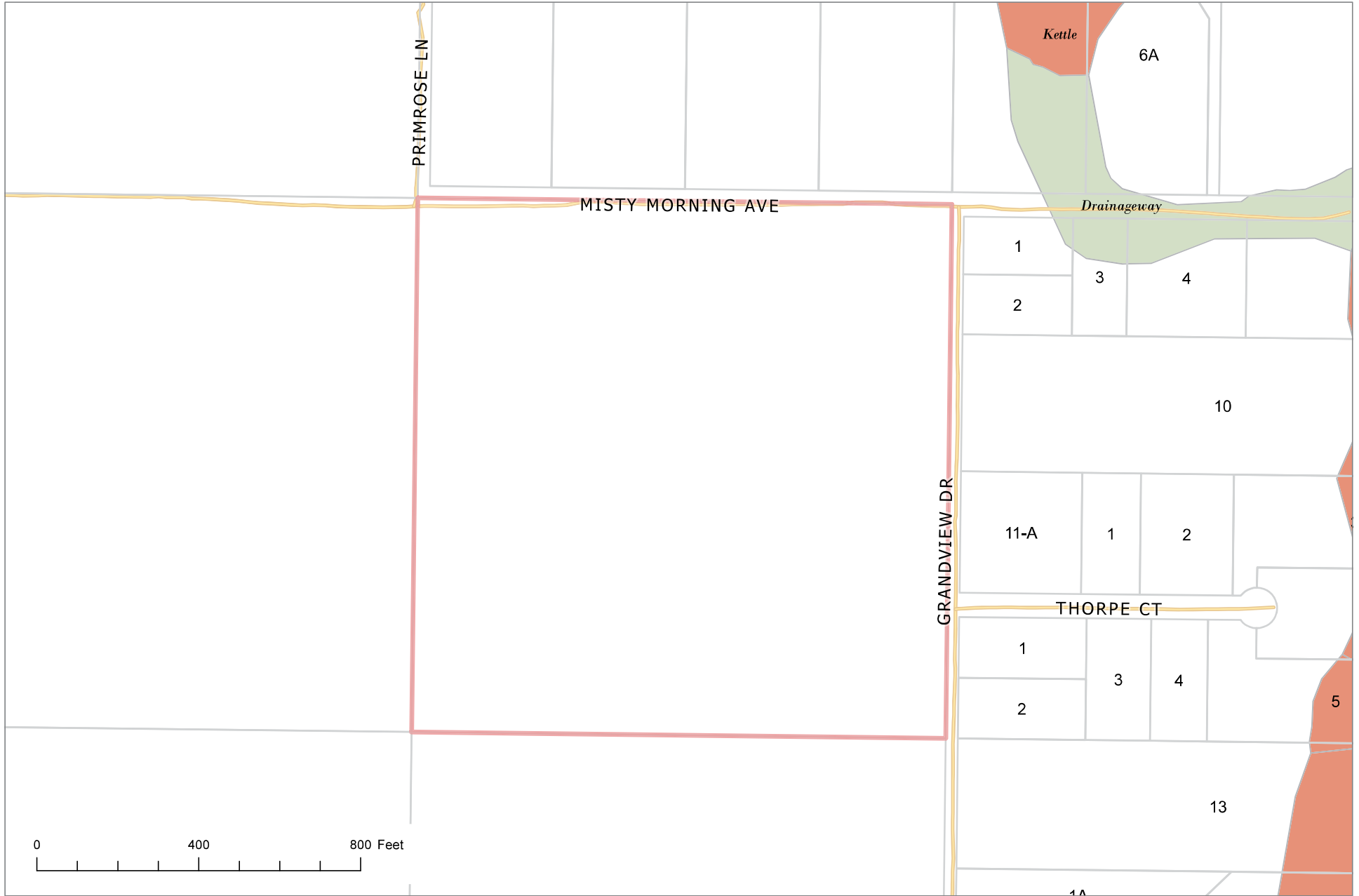
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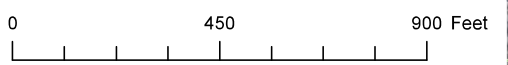
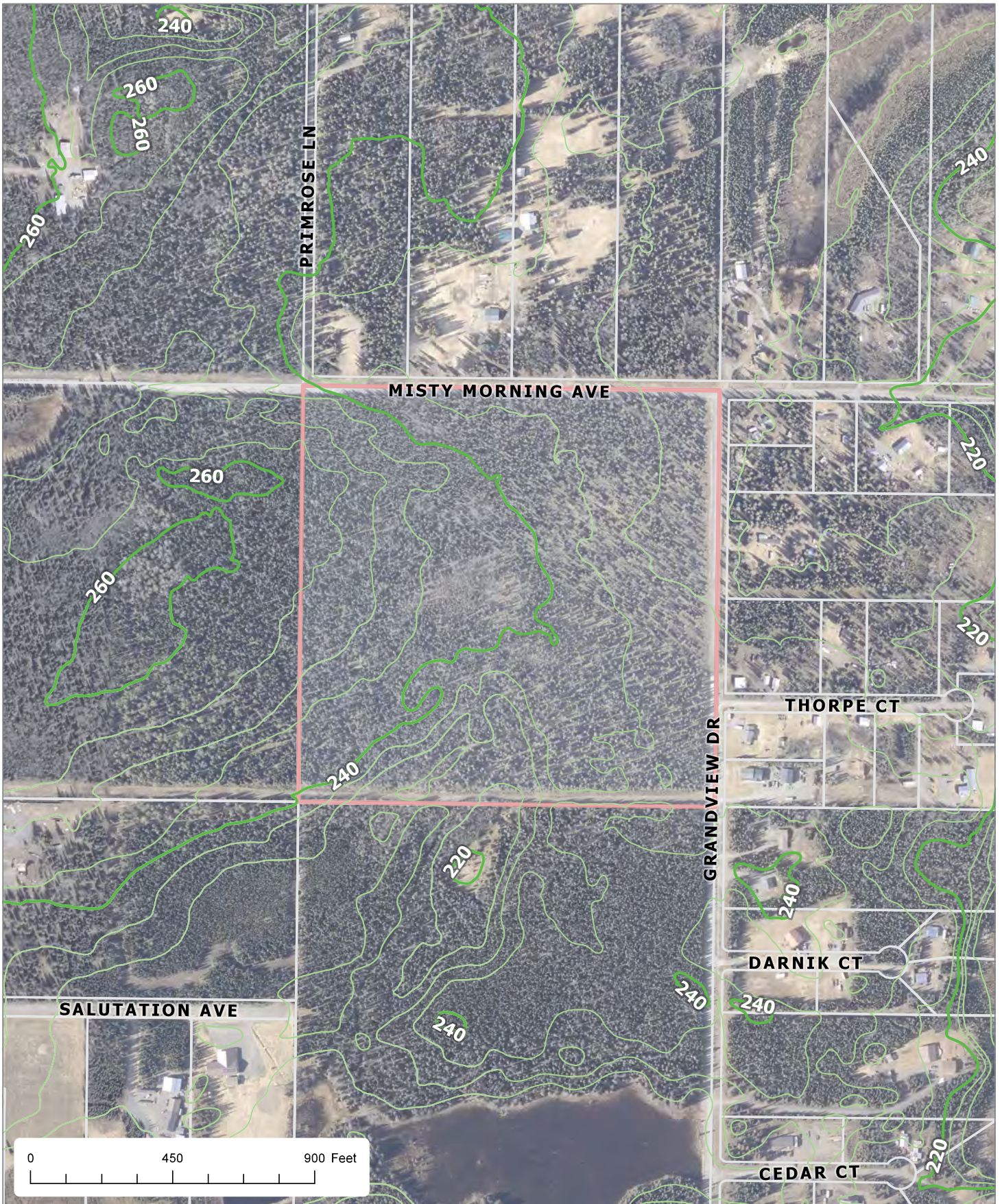
The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.





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**Levan Subdivision**

**Finding for exception to KPB code**

**Exception to code 20.30.170 Block-Length Requirements**

**Asking exception to not dedicate right-of-way along Southern boundary.**

1. Southern boundary has existing main gas line with 60' easement.
2. Gas company provider does not want any road development on or near the main gas line.
3. Southern half of subdivision remaining one large tract with no plans for development.
4. Tract A can dedicate right-of-way as needed with future platting actions.
5. Large undeveloped tracts to the West, South-West and South with adequate legal access from other dedicated right-of -ways.

**Exception to code 20.30.100 Cul-de-sacs**

**Asking exception to not dedicate cul-de-sac and the two terminal right-of-way ends.**

1. Leaving a 30' wide dead end allows for future continuation of the right-of-way.
2. Gas company does not want developed turn arounds on or near the main gas line.