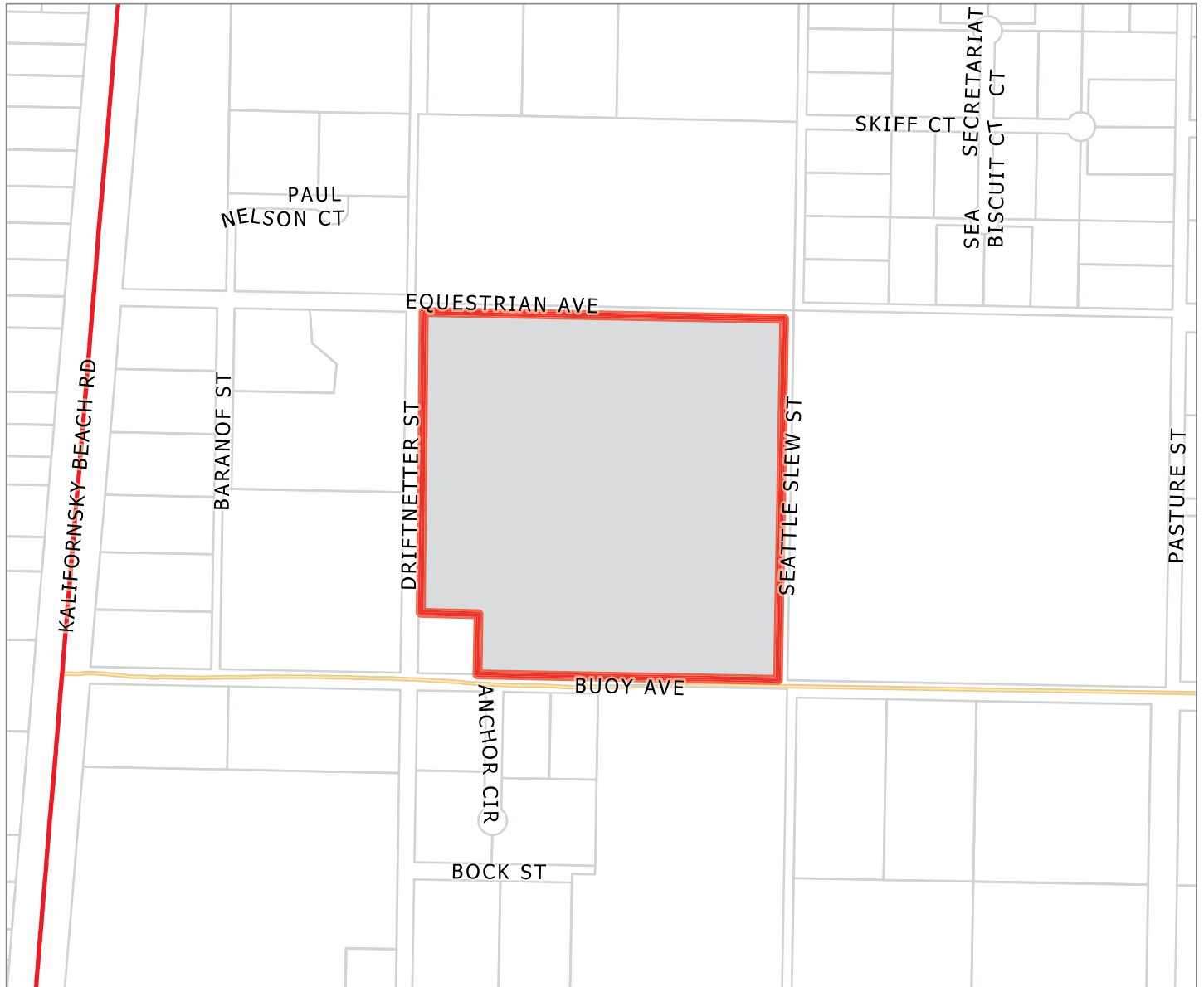


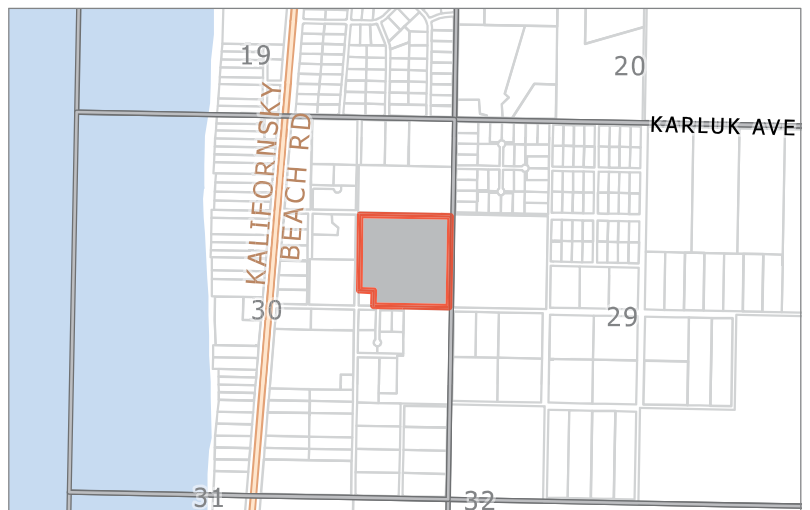
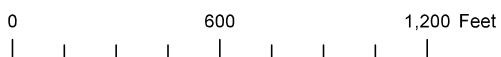
# **E. NEW BUSINESS**

- 2. Kingswood Estates Subdivision 2022; KPB File 2022-183  
Ability Surveys / Nelson  
Location: Buoy Ave., Seattle Slew St. & Equestrian Ave.  
Kalifornsky Area / Kalifornsky APC**



KPB File 2022-183  
T 05N R 11W SEC 30  
Kalifornsky

12/27/2022





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.

**NOTES**

1. A BUILDING 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.
2. THE FRONT 10 FEET OF THE 20 FOOT BUILDING SETBACK IS A UTILITY EASEMENT.
3. 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.
4. 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).
5. THERE ARE NO SLOPES GREATER THAN 20% ON THESE PARCELS.
6. WETLAND HATCHING REPRESENTS POTENTIAL WETLANDS CLASSIFIED BY KENAI WATERSHED FORUM SHOWN ON ON KENAI PENINSULA BOROUGH GIS MAPPING (12/15/2022).

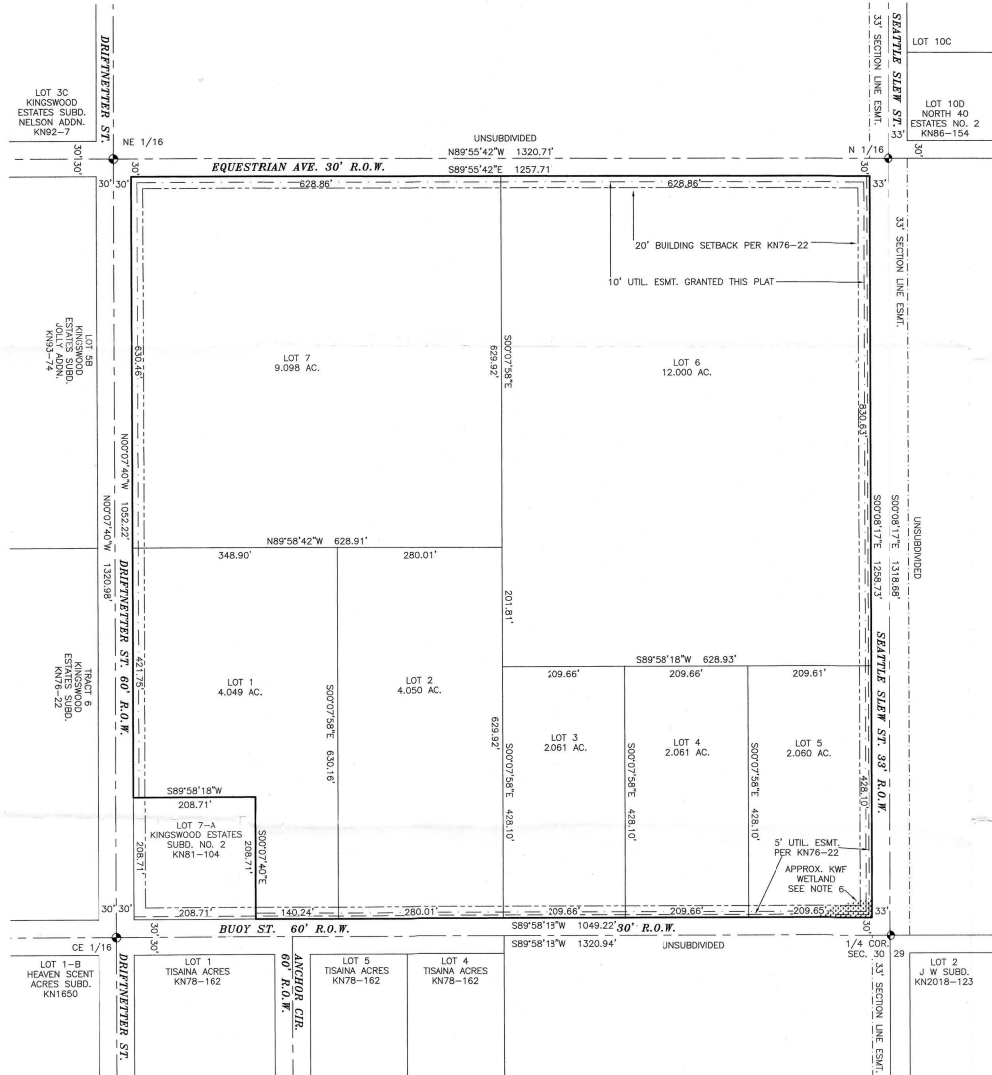
**WASTEWATER NOTES**

FOR LOTS 1-7, SOILS TESTING TO BE COMPLETED

ENGINEER \_\_\_\_\_ LICENSE # \_\_\_\_\_ DATE \_\_\_\_\_

**LEGEND**

RECORD MONUMENT AS DESCRIBED



**CERTIFICATE OF OWNERSHIP**

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 public rights-of-way and grant all easements to the use shown.

MELINDA M NELSON  
37215 KALIFORNISKY BEACH RD  
KENAI, AK 99611

WILLIAM J NELSON  
37215 KALIFORNISKY BEACH RD  
KENAI, AK 99611

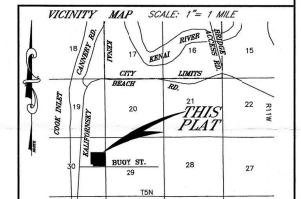
**NOTARY'S ACKNOWLEDGMENT**

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of \_\_\_\_\_ 2023.  
Acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_ 2023.  
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

BY: \_\_\_\_\_ Authorized Official



DATE	12-02-2022
SCALE	1" = 100'
JOB No.	5448
DRAWING:	5448



**KINGSWOOD ESTATES SUBDIVISION 2022**

A SUBDIVISION OF TRACT 7, KINGSWOOD ESTATES SUBDIVISION (KN78-22), WITHIN THE NE 1/4 SEC. 30, T5N, R11W, S1M., KENAI PENINSULA BOROUGH, KENAI RECORDING DISTRICT, STATE OF ALASKA CONTAINING 35.372 ACRES

OWNERS: MELINDA M NELSON  
WILLIAM J NELSON  
37215 KALIFORNISKY BEACH RD  
KENAI, AK 99611

**ABILITY SURVEYS**

GARY NELSON, P.E.  
(907) 335-8440  
152 ODELL AVE., HOMER ALASKA 99603

PLAT #	
Rec Dist	20
Date	
Time	M

KPB FILE No. 2023-\_\_\_\_\_

**KPB 2022-183**

AGENDA ITEM E. NEW BUSINESS

ITEM 2 – KINGSWOOD ESTATES SUBDIVISION 2022

<b>KPB File No.</b>	2022-183
<b>Plat Committee Meeting:</b>	January 23, 2023
<b>Applicant / Owner:</b>	Melinda and William Nelson of Kenai, Alaska
<b>Surveyor:</b>	Gary Nelson / Ability Surveys
<b>General Location:</b>	Equestrian Avenue, Driftnetter Street, Buoy Avenue, and Seattle Slew Street, Kalifornsky

<b>Parent Parcel No.:</b>	055-300-17
<b>Legal Description:</b>	Tract 7, Kingswood Estates Subdivision, KN 76-22, excepting therefrom, Lot 7-A, Kingswood Estates Subdivision No. 2, KN 81-104
<b>Assessing Use:</b>	Residential
<b>Zoning:</b>	Rural Unrestricted
<b>Water / Wastewater</b>	On Site

STAFF REPORT

**Specific Request / Scope of Subdivision:** The proposed plat will subdivide a 35.4 acre tract into seven lots that will range in size from 2.06 to 12 acres.

**Location and Legal Access (existing and proposed):** The proposed subdivision is accessed near mile 12.5 of state maintained Kalifornsky Beach Road. The subdivision has right-of-way dedications on all sides. Buoy Avenue is located along the south and is borough maintained. Along the north is Equestrian Avenue. The portion adjacent to the subdivision has not yet been constructed and is currently only dedicated as 30 feet wide. Driftnetter Street is located to the west. It is not currently constructed and is dedicated as a 60 foot wide right-of-way. Seattle Slew Street is along the east and is not constructed. The current dedication is 33 feet wide and coincides with section line easements. There are a few lots within the area that have not been subdivided and they will be required to grant dedications when they are part of a subdivision to provide the full 60 foot dedications. The property within this subdivision has granted dedications of 30 or 33 feet for rights-of-way.

The block is closed and compliant.

A section line easement is present along the eastern boundary. A parent plat dedicated a 33 foot right-of-way atop the easement. The plat does depict the section line easement continuing to the north and south as those dedications have not occurred at this time. A 33 foot section line easement is being shown adjacent within an unsubdivided property. There is some question on the status of that easement and if the width being shown is correct. **Staff recommends the surveyor verify the width of the easement with the State of Alaska.**

There does not appear to be any driveways constructed on the property at this time. Lot 1 will have access from Driftnetter Street and Buoy Avenue. Lots 2, 3, and 4 will have access from Buoy Avenue. Seattle Slew Street and Buoy Avenue provide access to Lot 5. Lot 6 fronts along Equestrian Avenue and Seattle Slew Street. Lot 7 will have access from Equestrian Avenue and Driftnetter Street.

KPB Roads Dept. comments	Out of Jurisdiction: No  Roads Director: Painter, Jed Comments: No comments
SOA DOT comments	No comments

**Site Investigation:** There are some low wet areas present within the southeast corner. The area is depicted and labeled to reference plat note 6. **Staff recommends the wetlands remain depicted on the final plat and a wetland determination note be added.**

The terrain is relatively flat within the subdivision and within the abutting right-of-way dedications.

There does not appear to be any current improvements within the subdivision to create any encroachment issues. The lot located in the southwest corner has improvements but no encroachment issues appear to be present. If any issues are detected during the field survey, the owner should notify staff of any issues to discuss resolution or additional plat notes needed.

The design of Lot 1 is unusual in shape. The design does comply and due to the width along Buoy Avenue, staff does not regard this as a panhandle. The lot is proposed to be 4.049 acres in size and could be further subdivided in the future. The design for future lots may be limited to make sure compliant lots can be created. Staff is not recommending any additional notes at this time. The plat committee may determine that an additional plat note should be provided regarding future development.

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

**Staff Analysis** The property was originally platted into a 40 acre tract, Tract 7, by Kingswood Estates Subdivision, Plat KN 76-22. That plat dedicated the portions of right-of-way needed from the property for the rights-of-way that now border the subdivision. Kingswood Estates Subdivision No. 2, Plat KN 81-104, created Lot 7-A, a 1 acre lot, from the original Tract 7. The remaining portion of Tract 7 was left whole and considered an unsubdivided remainder. This proposed plat will replat the remaining portion of Tract 7 into seven new lots.

A soils report will be required for those lots smaller than 200,000 square feet and an engineer will sign the final plat. The owners may include the lots greater than 200,000 square feet if desired. The appropriate plat notes will be required to be added and they should indicate which lots that pertain to if multiple notes are added.

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.

Kalifornsky Beach Advisory Planning Commission is inactive.

**Utility Easements** Kingswood Estates Subdivision, Plat KN 76-22, granted a 5 foot clearing easement along the southern and eastern boundary of Tract 7. This easement is being shown to be carried over. **Staff recommends the label be updated to state "5' clearing esmt..."**

The plat will be granting 10 foot utility easements adjacent to all rights-of-way. The easement is correctly depicted, labeled, and noted on the plat.

A recorded easement was found within the Certificate to Plat. No definite location was stated. **Staff recommends a plat note be added with easement information.**

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

**Utility provider review:**

HEA	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:  51215 EQUESTRIAN AVE</p> <p>Existing Street Names are Correct: No</p> <p>List of Correct Street Names:  EQUESTRIAN AVE  DRIFTNETTER ST  SEATTLE SLEW ST  ANCHOR CIR</p> <p>Existing Street Name Corrections Needed:  BUOY ST should be BUOY AVE.</p> <p>All New Street Names are Approved: No</p> <p>List of Approved Street Names:</p> <p>List of Street Names Denied:</p> <p>Comments: 51215 EQUESTRIAN AVE will be deleted.</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**

Remove the depiction of the setback and 5 foot utility easement within Lot 7-A as it is not part of this subdivision.

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**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:** Include within the description "excepting therefrom, Lot 7A Kingswood Estates Subdivision No. 2, KN 81-104."
- 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 Buoy Street to Buoy Avenue.
- 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:** Adjust the label or add an additional label for the lots to the northeast as Lot 10C is the same plat as Lot 10D. Update the recording number for the lot to the southeast to 2018-102.

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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:* Soils reports will be required for lots less than 200,000 square feet. Lot 6 and Lot 7 are not required to have a report but may if owners wish to include. Provide appropriate plat notes with lot designations the note applies.

**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.

20.60.110. Dimensional data required.

A. The bearing and length of every lot line, block line, and boundary line shall be shown. Dimensions of lots shall be given as net dimensions to the boundaries of adjoining streets and shall be shown in feet. No ditto marks shall be used. Information shall be shown for all curves, including radius, central angle, arc length, chord length and chord bearing. The initial point of survey shall be shown and labeled. All non-radial



lines shall be labeled. If monumented lines were not surveyed during this platting action, show the computed data per the record plat information.

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

**Staff recommendation:** *comply with 20.60.110. Provide recorded distances and source.*

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.*

- *Subject to an easement issued to Homer Electric Association, Inc. as recorded in Book 6 Page 175, KR.D. No definite location disclosed.*
- *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.*

*Plat note 4 may be removed as no new roads are being dedicated but may remain if desired. Plat note 5 may be removed. Correct plat note 6 as the word "on" is duplicated.*

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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.**



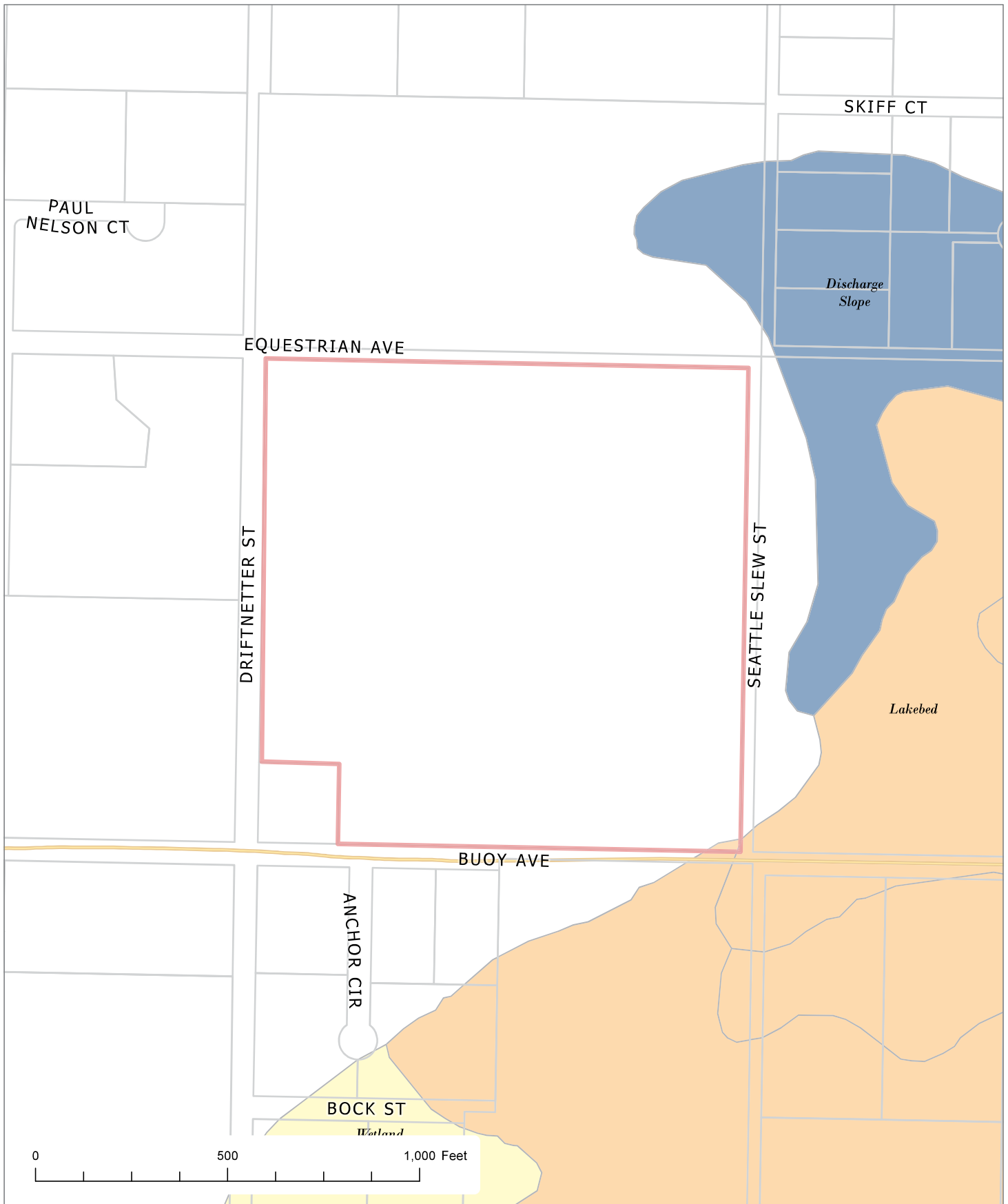
Aerial View



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.



Wetlands



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

AVE. C 30' R/W

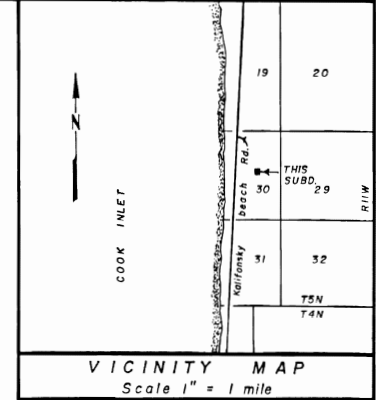
TR - 5

FISHERMAN'S DRIVE 60' R/W

TR - 6

TRACT 7  
UNSUBD. REMAINDER 39 AC. m/l

WESTWAY ROAD 33' R/W



LEGEND AND NOTES

- Found G.L.O. brass cap (1921).
- Found official survey brass cap monument.
- Set 1/2" X 24" rebar.

All bearings refer to the E-W centerline of Section 30 as being N89-58-18 E from plat of record (K-77-27)

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

Building set back—A building set back of 20' is required from all street rights of ways unless a lesser standard is approved by resolution of the appropriate planning commission.

PLAT APPROVAL

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of July 6, 1981.

Kenai Peninsula Borough  
By: *Frank J. Lane*  
Authorized Official

81-104

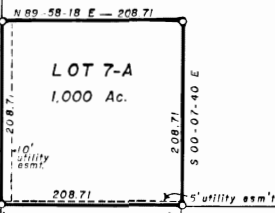
RECORDED - 10<sup>00</sup>

Kenai, AK DIST.

DATE 8-5 1981

FILE 9-16 A.S.

Surveyed by: *McLane & Assoc.*



BUOY STREET 30' R/W

LOT 1-B HEAVEN SCENT SUBD. TISAINA

ANCHOR CIRCLE 60' R/W

CERTIFICATE OF OWNERSHIP AND DEDICATION

We hereby certify that we are the owners of said property and request the approval of this plat showing such easements for public utilities, roadways, and/or streets dedicated by us for public use.

*Paul W. Nelson* Paul W. Nelson, owner  
Rt. 2 Box 753, Soldotna, AK. 99669

*Betty Jane Nelson* Betty Jane Nelson, owner  
Rt. 2 Box 753, Soldotna, AK. 99669

*Susan McLane*  
SUSAN McLANE  
NOTARY PUBLIC ALASKA  
My Commission Expires - 4-83

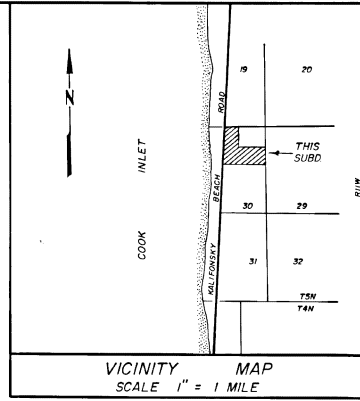
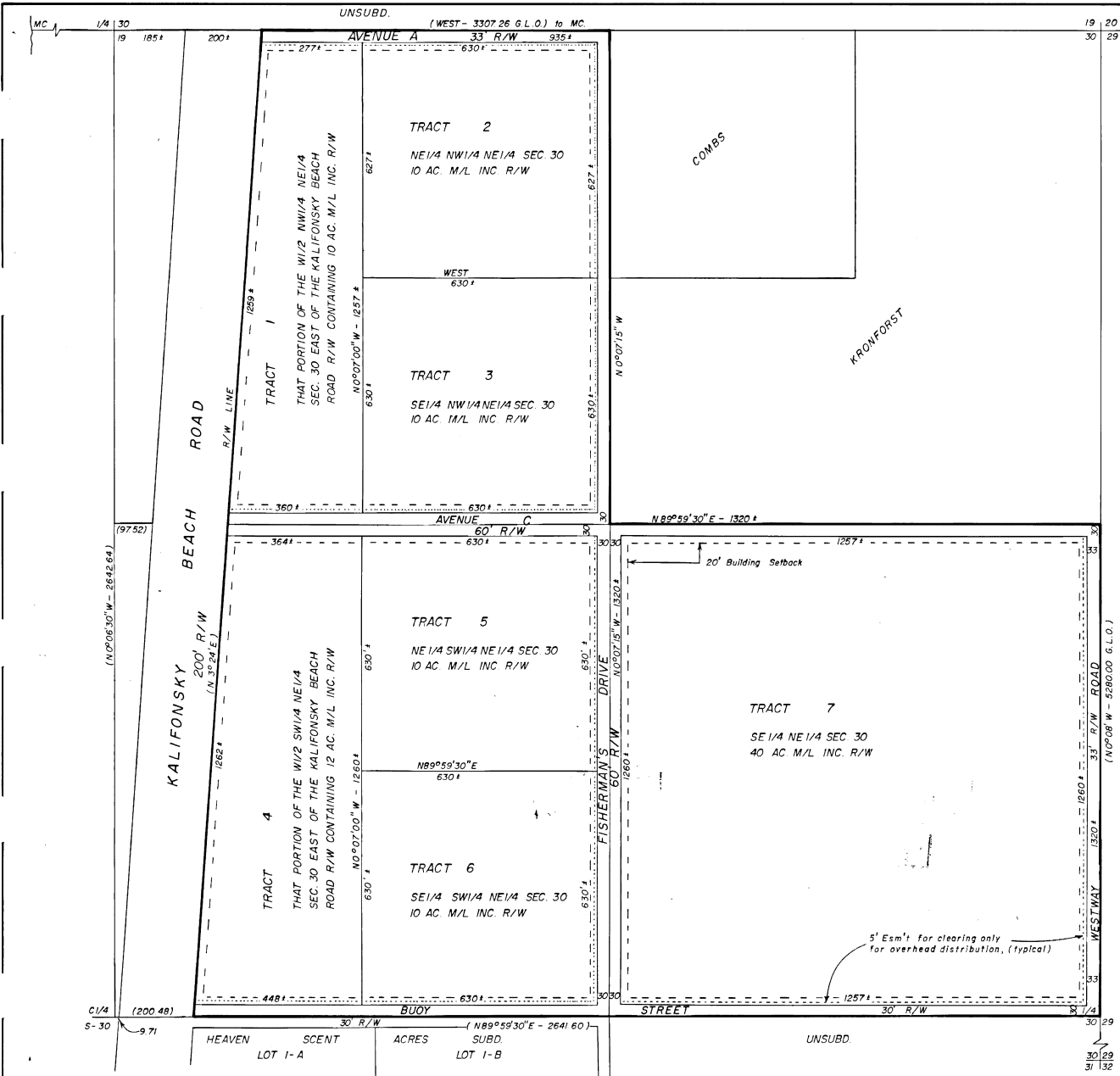
NOTARY'S ACKNOWLEDGEMENT  
Paul W. Nelson and Betty Jane Nelson  
Subscribed and sworn before me this  
4 day of Aug. 1981.  
My commission expires 9-81.  
*Susan McLane*  
notary public for Alaska

KINGSWOOD ESTATES  
SUBDIVISION NO. 2  
PORTION OF TRACT 7 KINGSWOOD  
ESTATES SUBDIVISION

Paul W. Nelson, owner  
Rt. 2 Box 753, Soldotna, Ak. 99669  
LOCATION  
One acre situated in SE 1/4 NE 1/4 Sec. 30  
T5N, R11W, S.M. Alaska.

Surveyed by: *McLane & Associates, Inc.*  
Soldotna, Ak. 99669

Date of Survey 6 - 18 - 81	Scale 1"=100'	Bk. No. 80 - 23
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**NOTES**

This is a paper plat of a portion of the NE 1/4 Sec. 30, T5N, R11W, S.M. Ak divided by aliquot parts.

All bearings and distances refer to the B.L.M. township plat of record for T5N, R11W, S.M. Ak and later survey data of record for Sec. 30.

Data of record shown within ( ).

No field survey was made this date and no stakes or monuments set.

**PLAT APPROVAL**

Plat approved by the commission this

19<sup>th</sup> day of January, 1976  
*Donald E. Gilman*  
 Mayor

76-22  
 FILED 300  
 Kenai REC. DIST.  
 DATE 2-25-1976  
 TIME 4:17 P  
 Recorded by KPB

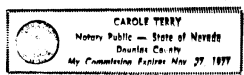
**CERTIFICATE OF OWNERSHIP AND DEDICATION**

We hereby certify that we are the owners of said property, and request the approval of this plat showing such easements for public utilities, roadways, and/or streams dedicated to us for public use.  
 Date: February 15, 1976

owner  
*Paul W. Nelson*  
 owner  
*Patty J. Nelson*  
 owner

**NOTARY'S ACKNOWLEDGEMENT**

Subscribed and sworn before me this 14<sup>th</sup> day of FEBRUARY, 1976.  
 My commission expires 11-22-77



notary public for  
*Carole Terry*

**KINGSWOOD ESTATES SUBDIVISION**

Paul W. Nelson — owner  
 Rt. 2, Box 753, Soldotna, Ak. 99669

DESCRIPTION  
 THAT PORTION OF THE W 1/2 NE 1/4 EAST OF THE KALIFONSKY BEACH ROAD R/W & THE SE 1/4 NE 1/4 SEC. 30, T5N, R11W, S.M. AK CONTAINING 102+ ACRES WITHIN THE KENAI PENINSULA BOROUGH

Prepared by — McLane & Associates, Soldotna, Ak.

DATE OF PREPARATION Sept 22, 1975  
 SCALE 1" = 200'