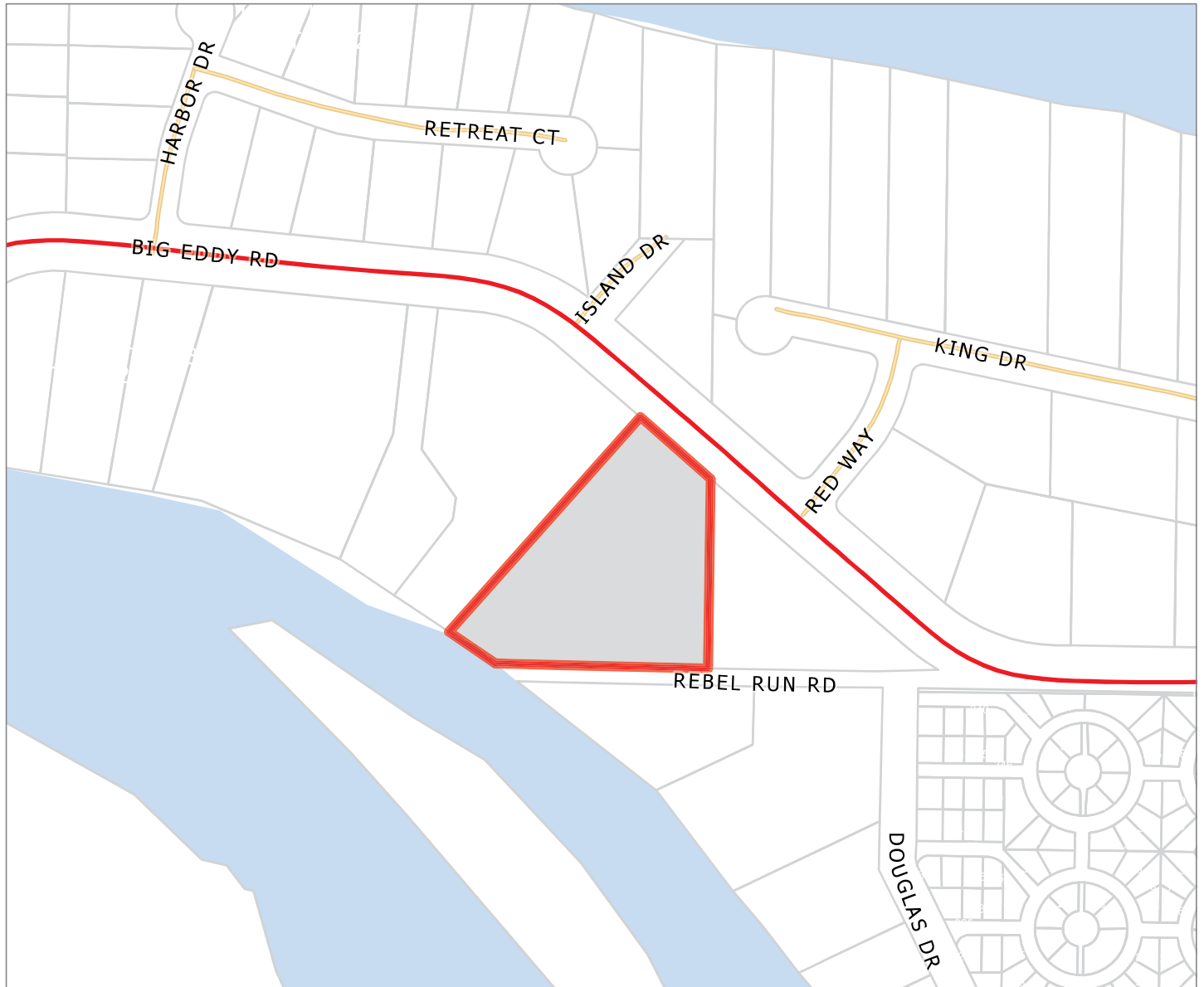


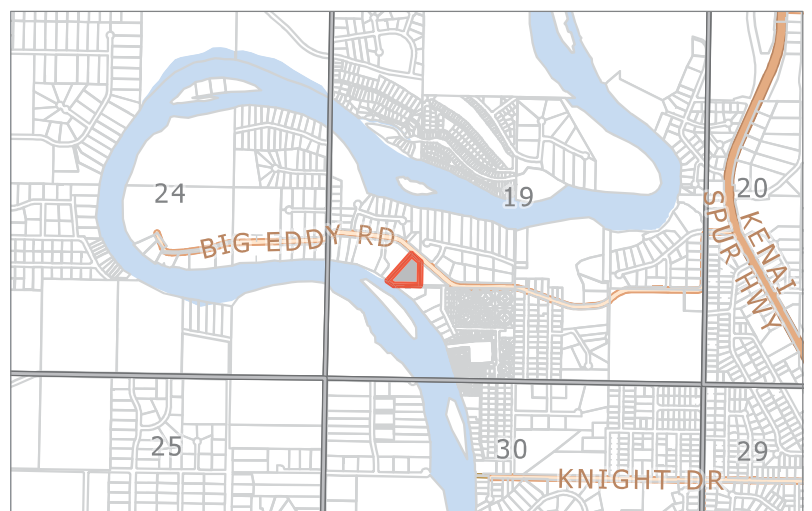
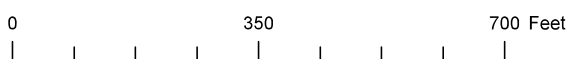
E. NEW BUSINESS

- 4. Red Boat Subdivision; KPB File 2022-150**



KPB File 2022-150
T 05N R 10W SEC 19
Ridgeway

9/30/2022



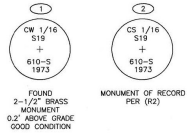


Aerial View



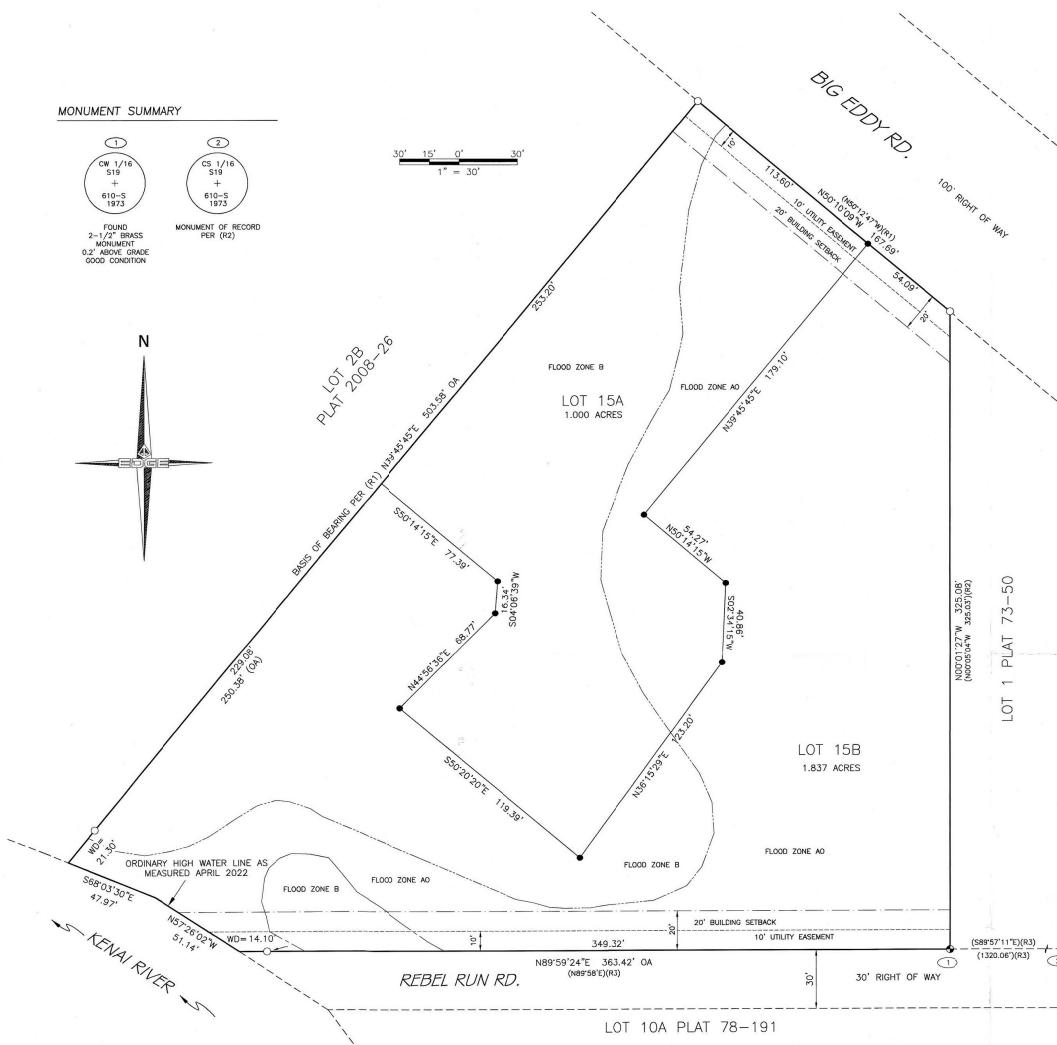
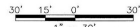
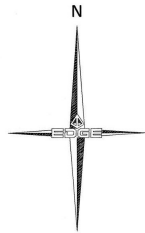
The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.

MONUMENT SUMMARY



FOUND
2-1/2\"/>

MONUMENT OF RECORD
PBR (R2)



LEGEND

- | | | | |
|---|--|---------|----------------------------|
| ● | FOUND PRIMARY MONUMENT AS REFERENCED | — | SUBDIVISION BOUNDARY |
| ⊕ | RECORD PRIMARY MONUMENT AS REFERENCED | --- | INTERIOR LOT LINE |
| ○ | FOUND PROPERTY CORNER - REBAR | - - - - | ADJACENT PROPERTY LINE |
| ● | SET PROPERTY CORNER
5/8" X 30" REBAR
WITH 2" ALUMINUM CAP
STAMPED EDGE SURVEY LS-13022 2022 | ---- | FLOOD ZONE |
| Ⓜ | MONUMENT REFERENCE NUMBER | --- | 20 FOOT BUILDING SETBACK |
| | | --- | 10 FOOT UTILITY EASEMENT |
| | | (R1) | RECORD DATA, SEE REFERENCE |
| | | OA | OVERALL |

NOTES

- BUILDING SETBACK - A SETBACK OF 20 FEET IS REQUIRED FROM ALL STREET RIGHTS-OF-WAY UNLESS A LESSER STANDARD IS REQUIRED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
- THE FRONT 10 FEET ADJACENT TO THE RIGHTS-OF-WAY IS A UTILITY EASEMENT. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
- NO STRUCTURES ARE PERMITTED WITHIN THE PANHANDLE PORTION OF THE FLAG LOT.
- FLOOD HAZARD NOTICE, SOME OR ALL OF THE PROPERTIES SHOWN ON THIS PLAT HAVE BEEN DESIGNATED BY FEMA AS A FLOOD HAZARD AREA DISTRICT AS OF THE DATE THIS PLAT IS RECORDED WITH THE DISTRICT RECORDER'S OFFICE. PRIOR TO DEVELOPMENT, THE KENAI PENINSULA BOROUGH FLOODPLAIN ADMINISTRATOR SHOULD BE CONTACTED FOR CURRENT INFORMATION AND REGULATIONS. DEVELOPMENT MUST COMPLY WITH CHAPTER 21.06 OF THE KENAI PENINSULA BOROUGH CODE. THIS PLAT IS EFFECTED BY FLOOD ZONES AO AND C PER MAP PANEL 02001220645C.
- ANADROMOUS HABITAT PROTECTION NOTICE: PORTIONS OF THIS SUBDIVISION ARE WITHIN THE KENAI PENINSULA BOROUGH ANADROMOUS HABITAT PROTECTION DISTRICT. SEE KPB CHAPTER 21.18 AS MAY BE AMENDED, FOR RESTRICTIONS THAT AFFECT DEVELOPMENT IN THIS SUBDIVISION.
- FLOODWAY NOTICE: PORTIONS OF THIS SUBDIVISION ARE WITHIN THE FLOODWAY. PURSUANT TO KPB CHAPTER 21.06, ALL DEVELOPMENT (INCLUDING FILL) IN THE FLOODWAY IS PROHIBITED UNLESS CERTIFICATION BY AN ENGINEER OR ARCHITECT IS PROVIDED DEMONSTRATING THAT ENCROACHMENTS SHALL NOT RESULT IN ANY INCREASES IN FLOOD LEVELS DURING THE OCCURRENCE OF THE BASE FLOOD DISCHARGE.
- THIS SUBDIVISION SUBJECT TO EASEMENT, WITH NO DEFINED LOCATION, FOR ELECTRIC LINES OR SYSTEM AND/OR TELEPHONE LINES TOGETHER WITH RIGHT TO ENTER, MAINTAIN, REPAIR AND CLEAR SHRUBBERY, RECORDED: JANUARY 3, 1961, MISC. VOLUME/PAGE: 6/224, GRANTED TO HOMER ELECTRIC ASSOCIATION, INC.
- THIS SUBDIVISION SUBJECT TO RESERVATION OF EASEMENT FOR HIGHWAY PURPOSES, AND ANY ASSIGNMENTS OR JSES THEREOF FOR RECREATIONAL, UTILITY OR OTHER PURPOSES, AS DISCLOSED BY PUBLIC LAND ORDER NO. 601, DATED AUGUST 10, 1949 AND AMENDED BY PUBLIC LAND ORDER NO. 757, DATED OCTOBER 10, 1959; PUBLIC LAND ORDER NO. 1613, DATED APRIL 7, 1958; AND DEPARTMENT OF THE INTERIOR ORDER NO. 2665, DATED OCTOBER 16, 1951, AMENDMENT NO. 1 THERETO, DATED JULY 17, 1952 AND AMENDMENT NO. 2 THERETO, DATED SEPTEMBER 15, 1956, FILED IN THE FEDERAL REGISTER.
- THIS SUBDIVISION SUBJECT TO RIGHTS OF THE PUBLIC AND OR GOVERNMENTAL AGENCIES IN AND TO THAT PORTION OF SAID PREMISES LYING BELOW THE MEAN HIGH WATER MARK THE KENAI RIVER AND ANY QUESTIONS OF RIGHT OF ACCESS TO THE RIVER IN THE EVENT SAID LANDS DO NOT IN FACT ABUT THE RIVER.
- THIS SUBDIVISION SUBJECT TO ANY PROHIBITION OR LIMITATION ON THE USE, OCCUPANCY OR IMPROVEMENT OF THE LAND RESULTING FROM THE RIGHTS OF THE PUBLIC OR RIPARIAN OWNERS TO USE ANY WATERS WHICH MAY COVER THE LAND OR TO USE ANY PORTION OF THE LAND WHICH IS NOW OR MAY FORMERLY HAVE BEEN COVERED BY WATER.
- EXCEPTION TO 20.30.030, STREET LAYOUT AND 20.30.190, LOTS DIMENSIONS WAS GRANTED BY THE KPB PLAT COMMITTEE AT THE MEETING OF OCTOBER 24, 2022.
- WASTE WATER DISPOSAL: SOIL CONDITIONS, WATER TABLE LEVELS, AND SOIL SLOPES 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 _____

REFERENCES

- (R1) RIVERSIDE SUBDIVISION KROGSENG ADDITION, PLAT 2008-26, KENAI RECORDING DISTRICT
- (R2) KENAI RIVER ACRES SUBDIVISION, PLAT 74-29, KENAI RECORDING DISTRICT
- (R3) RESUBDIVISION OF LOT 10 BLOCK ONE WILSON SUBDIVISION, PLAT 78-191, KENAI RECORDING DISTRICT

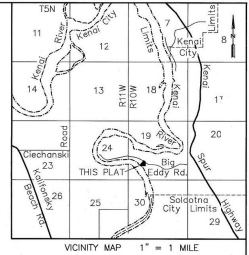
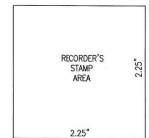
PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF OCTOBER 24, 2022.
KENAI PENINSULA BOROUGH

AUTHORIZED OFFICIAL _____

CERTIFICATE OF SURVEYOR

I, MARK ANONETTI 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 HEREBY CERTIFY THAT RED BOAT CLUB LLC IS THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND THAT ON BEHALF OF RED BOAT CLUB LLC, I HEREBY ADOPT THIS PLAN OF SUBDIVISION AND BY MY FREE CONSENT DEDICATE ALL RIGHTS-OF-WAYS AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

JAMES WILLIAM DRATH - MEMBER
PO BOX 4326
SOLDOTNA, ALASKA 99669

NOTARY ACKNOWLEDGEMENT

FOR: JAMES WILLIAM DRATH
ACKNOWLEDGED BEFORE ME
THIS _____ DAY OF _____ 2022

PUBLIC NOTARY SIGNATURE _____



KPB FILE No. 2022-XXX

RED BOAT SUBDIVISION

A SUBDIVISION OF
PORTION OF GOVERNMENT LOT 15
LYING SOUTH OF BIG EDDY ROAD
AND EAST OF PLAT 2008-26

OWNERS: ROAD BOAT CLUB LLC
PO BOX 4326
SOLDOTNA, ALASKA 99669

LOCATED WITHIN SW 1/4 SECTION 19,
T.5N., R.10W, S.M.
STATE OF ALASKA
KENAI PENINSULA BOROUGH
KENAI RECORDING DISTRICT

CONTAINING 2.837 ACRES



12501 OLD SEWARD, D ANCHORAGE, AK 99515
Phone (907) 344-5990 Fax (907) 344-7794
NECL# 1392

DRAWN BY: JY DATE: 8/20/2022 PROJECT: 22-533
CHECKED BY: MA SCALE: 1" = 30' SHEET: 1 OF 1

KPB 2022-150

PRELIMINARY PLAT

AGENDA ITEM E. NEW BUSINESS

ITEM 4 – RED BOAT SUBDIVISION

KPB File No.	2022-150
Plat Committee Meeting:	October 24, 2022
Applicant / Owner:	Red Boat Club LLC of Soldotna, Alaska
Surveyor:	Jason Young, Mark Aimonetti / Edge Survey and Design, LLC
General Location:	Big Eddy Road, Ridgeway

Parent Parcel No.:	057-042-25
Legal Description:	Portion of Government Lot 15, Section 19, Township 5 North, Range 10 West
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On Site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide a 2.837 acre parcel into two lots that will be 1 acre and 1.837 acres.

Location and Legal Access (existing and proposed): The subdivision is located on state maintained Big Eddy Road. Big Eddy Road intersects state maintained Kenai Spur Highway near mile 2 in the Ridgeway area.

An existing driveway is in place and appears to be within proposed Lot 15A. The existing driveway appears to circle around the property. If Lot 15B intends to share the driveway a driveway or access easement should be recorded if ownership changes. Lot 15B has dedicated access from Big Eddy Road but access is subject to approval by DOT. Rebel Run Road is a 30 foot wide dedication that provides additional access to Lot 15B.

Rebel Run Road is 30 feet wide and provides access to several lots and the Kenai River. The constructed area is not maintained by the borough. An exception to not grant the additional 30 feet is being requested.

Lot 15B will have access from the Kenai River. Lot 15A will not abut the river.

A section line easement, Big Eddy Road, and Rebel Run Road are the rights-of-way defining the block. Using the Kenai River to close the block, the distance along Big Eddy Road exceeds allowable lengths. The distance is about 2,000 feet in length. Any right-of-way dedication required would be in close proximity to Rebel Run Road and would not improve a right-of-way block as it would end at the Kenai River. **Staff recommends the plat committee concur that an exception to block length is not required as a dedication will not improve the block length requirements.**

KPB Roads Dept. comments	Out of Jurisdiction: No Roads Director: Uhlin, Dil Comments: This road will not meet standards to receive road maintenance without 60' of dedicated ROW. Per 14.06.100 1.Roads must be contiguous with an existing road system maintained by the borough or other governmental agency. All roads must be on a dedicated right-of-way or a section-line easement and must be built along the right-of-way centerline. Minimum right-of-way width shall be 60 feet.
SOA DOT comments	No comment – Planning The ROW for Big Eddy Road appears to be shown correctly. – Engineering

Site Investigation: There are no low wet areas on the property except at the edge of the Kenai River. The terrain through the lots is relatively flat.

There are multiple structures on the property. The lot design is to have specific buildings placed on each lot. This is resulting in an unusual lot design and an exception has been requested. **Staff recommends the locations of all permanent structures are verified and written acknowledgement be given to the planning department that the plat will not be creating any encroachment issues.**

The subdivision is subject to Anadromous Habitat Protection District and is within flood hazard area. Plat notes have been added. **Staff recommends verify the map panel listed in plat note 4. On the drawing is labeled Flood Zone B on the lower part connected to Rebel Run Road, verify this part as reviewer did not see it on the FEMA Map Panel.**

KPB River Center review	<p>A. Floodplain Reviewer: Carver, Nancy Floodplain Status: IS in flood hazard area Comments: Flood Zone: AO,A4,B,Floodway Map Panel: 020012-2045C In Floodway: False Floodway Panel:</p> <p>B. Habitat Protection Reviewer: Carver, Nancy Habitat Protection District Status: IS totally or partially within HPD Comments: No comments</p> <p>C. State Parks Reviewer: Russell, Pam Comments: No Comments</p>
State of Alaska Fish and Game	This plat depicts the Kenai River which has been identified as anadromous (AWC 244-30-10010). Any modifications to the streambank or bed will require a Fish Habitat Permit from ADF&G's Division of Habitat.

Staff Analysis This is a subdivision of a previously unplatted Government Lot. It will be creating two lots that will be irregular in shape.

This property did not have setbacks previously put into place. The structures should be verified if they will be within the new setbacks and/or utility easements. If so they will need to be depicted with required plat notes added.

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

Notice of the proposed plat was mailed to the beneficial interest holder on October 3, 2022. The beneficial interest holder will be given 30 days from the date of the mailing of the notification to respond. They are given the opportunity to notify staff if their beneficial interest prohibits or restricts subdivision or requires their signature on the final plat. If no response is received within 30 days, staff will assume they have no requirements regarding the subdivision and it may be finalized.

The property is not within an advisory planning commission.

Utility Easements There are no previously platted easements. An easement granted by recorded document is contained in plat note 7.

This plat will be granting the required 10 foot utility easements along right-of-way dedications. HEA and ENSTAR are both requesting specific easements over existing services. Staff reached out to ACS for clarification as their response includes language for a vacation. If a response is received it will be forwarded to the surveyor.

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	Locate and depict the underground electric service line. The approximate location has been shown on this review. Provide a label or plat note that states "The existing underground powerline is the centerline of a 15-foot electrical easement, including pedestals, granted this plat."
ENSTAR	There is an existing natural gas service line which appears to cross proposed Lot 15B to serve Lot 15A. ENSTAR objects to this plat unless one of the following scenarios is met: 1. Add a note which says, "There is a ten foot (10 FT) wide natural gas easement centered on the existing service line." And draw in the approximate location of the service line on the map and add, "Approximate location of natural gas service line and centerline of ten foot (10 FT) wide natural gas easement". 2. Owner signs an ENSTAR Natural Gas Easement document for a ten foot (10 FT) wide natural gas easement, centered on the service line at this location.
ACS	ACS has existing plant, a new easement must be dedicated over existing facilities, or a contract or reimbursement for the relocation of facilities to the new easement must be in place prior to the vacation of this ROW and Utility Easement.
GCI	Approved as shown

KPB department / agency review:

Addressing	<p>Reviewer: Haws, Derek Affected Addresses: 45773 BIG EDDY RD</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names: BIG EDDY RD REBEL RUN RD</p> <p>Existing Street Name Corrections Needed:</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: 45773 BIG EDDY RD will remain with lot 15B.</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	Reviewer: Windsor, Heather Comments: No comment
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The subdivision plat has been reviewed and generally complies with the 2019 Kenai Peninsula Borough Comprehensive plan.

STAFF RECOMMENDATIONS
CORRECTIONS / EDITS

KPB 20.25.070 – Form and contents required

Staff recommendation: final plat submittals must comply with 20.25.070. Additional information, revisions, and/or corrections are required as noted below.

- A. Within the Title Block
1. Name of the subdivision which shall not be the same as an existing city, town, tract, or subdivision of land in the borough, of which a plat has been previously recorded, or so nearly the same as to mislead the public or cause confusion. The parent plat's name shall be the primary name of the preliminary plat.
 2. Legal description, location, date, and total area in acres of the proposed subdivision;
 3. Name and address of owner(s), as shown on the KPB records and the certificate to plat, and registered land surveyor.

Staff recommendation: Update the owners name and verify if the address listed is a mailing address. Move the owner info below the rest of the legal description.

- 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: Update the spelling of Kalifornsky

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

Staff recommendation: Update the labels for the lots to the east and south and include block labels.

KPB 20.30 – Subdivision Design Requirements

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

KPB 20.40 – Wastewater Disposal

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

20.40.010 Wastewater disposal.

Platting Staff Comments: Soils analysis report required.

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: *If exception not granted, an acceptance to be signed by the borough 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: *Place the following notes on the plat.*

- *"No access to state maintained rights-of-way permitted unless approved by the State of Alaska Department of Transportation."*
- *Roads must meet the design and construction standards established by the borough in order to be considered for certification and inclusion in the road maintenance program (KPB 14.06). (if a dedication is required)*
- *If the exception to lot design is granted add, "Further subdivision may be limited based on access issues, development trends in the area, or topography."*
- *The natural meanders of ordinary high water is for area computations only, the true corners being on the extension of the sidelines and the intersection with the natural meanders.*

EXCEPTIONS REQUESTED:

A. KPB 20.30.030 – Street Layout (Staff includes 20.30.120 Street-Width requirements)

Surveyor's Discussion: Asking exception to not dedicate north 30 feet of Rebel Run Road.

Staff Discussion: The surveyor requested an exception to street layout seeing this as a continuation or projections of right-of-way. This would be a matching dedication to bring Rebel Run Road into compliance. Staff added 20.30.120 to the request to allow for a substandard width.

Surveyor's Findings:

1. Right-of-way dead ends into Kenai River and is not a practical location for a bridge.
2. Right-of-way undeveloped and functions as a driveway for parcels to the south.
3. Likely hood of right-of-way being developed is minimal.
4. Plat 74-29 did not dedicate north 30 foot of right-of-way.

Staff's Findings:

5. KPB Code 20.30.120 requires right-of-way width to be 60 feet.
6. Rebel Run Road is only dedicated as 30 feet wide.
7. The lots south of Rebel Run Road are one acre and 1.99 acres.
8. The one acre lot south of Rebel Run Road uses the right-of-way as access and it is the only access.
9. The lot to the east of the subdivision was subdivided by Plat KN 74-29 and did not grant a dedication.
10. Rebel Run Road was shown as a 30 foot right of way on Wilson Subdivision (Plat K-1374) recorded in 1964.
11. The KPB Roads Department will not certify or maintain a road without a 60 foot width.
12. Structures may be within the setback if the right-of-way is increased.
13. The right-of-way provides access to the Kenai River.

14. Proposed Lot 15B will be 1.837 acres.
15. Lot 15B will be a unique shape if approved.
16. If Lot 15B were to ever be subdivided further, Rebel Run Road could provide access.

Denial of the exception will require a 30 foot dedication of Rebel Run Road. Approval of the exception will result in no dedications being required.

Staff reviewed the exception request and recommends granting approval.

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

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

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

1. That special circumstances or conditions affecting the property have been shown by application;
Findings 1-4, 9, 10, and 12 appear to support this standard.
2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title;
Findings 1-4, 9, 10, and 12 appear to support this standard.
3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.
Findings 1-4, 9, 10, and 12 appear to support this standard.

B. KPB 20.30.190 – Lots Dimensions

Staff Discussion: The surveyor requested an exception due to the unique design of the lots.

Surveyor's Findings:

1. Parent parcel irregular shape.
2. New parcels designed around existing development.
3. Landowner future development plans require irregular shaped parcels.

Staff's Findings:

4. Per KPB Code 20.30.190, lot should generally be square or rectangular.
5. The design is an attempt to locate specific existing structures onto specific lots.
6. The design will severally limit future development.

Denial of the exception will require a redesign to improve the lot designs.

Staff reviewed the exception request and recommends granting approval subject to a plat note that states further subdivision may be limited.

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 1-3 and 5 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 1-3 and 5 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 1-3 and 5 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



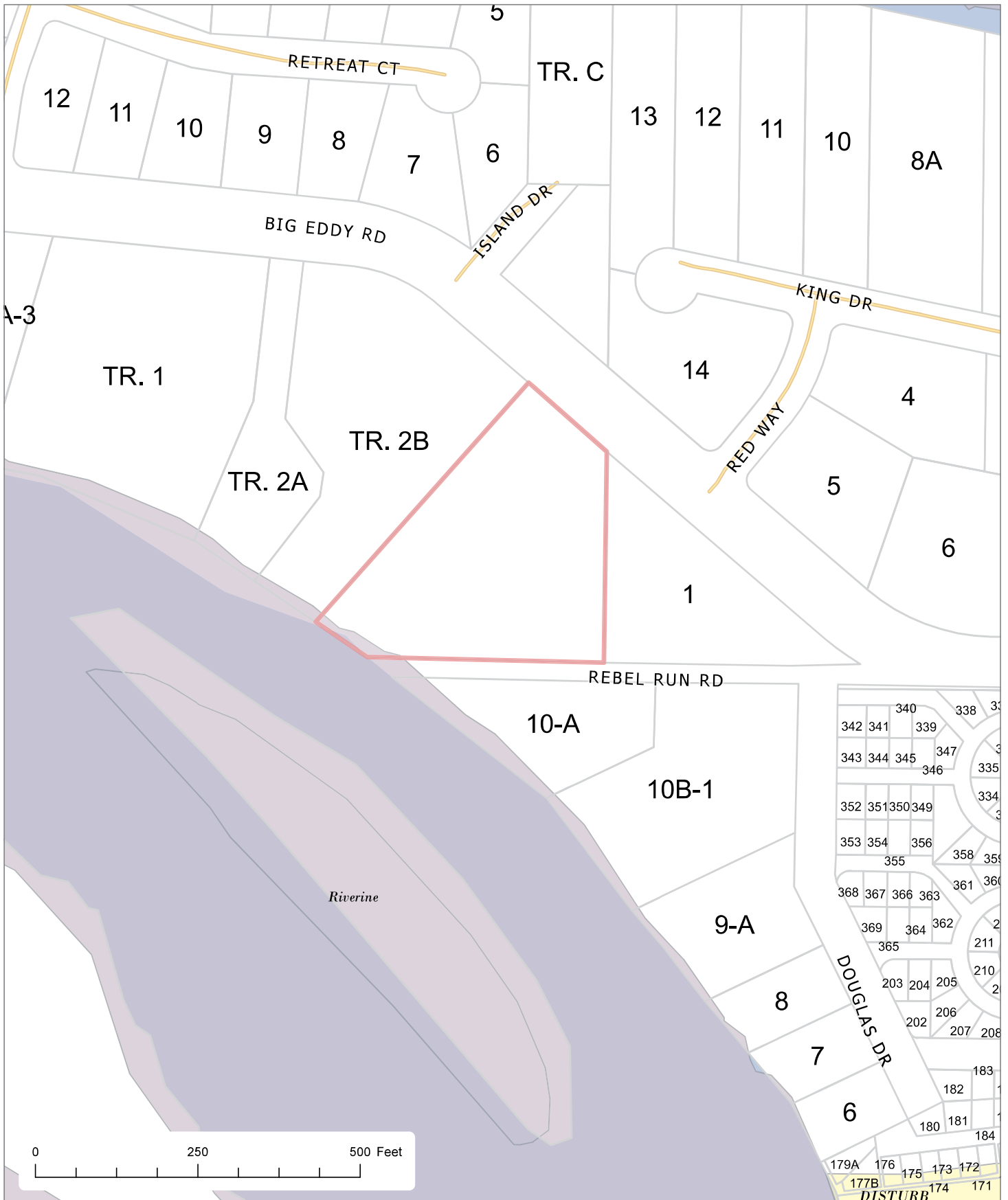
Aerial View



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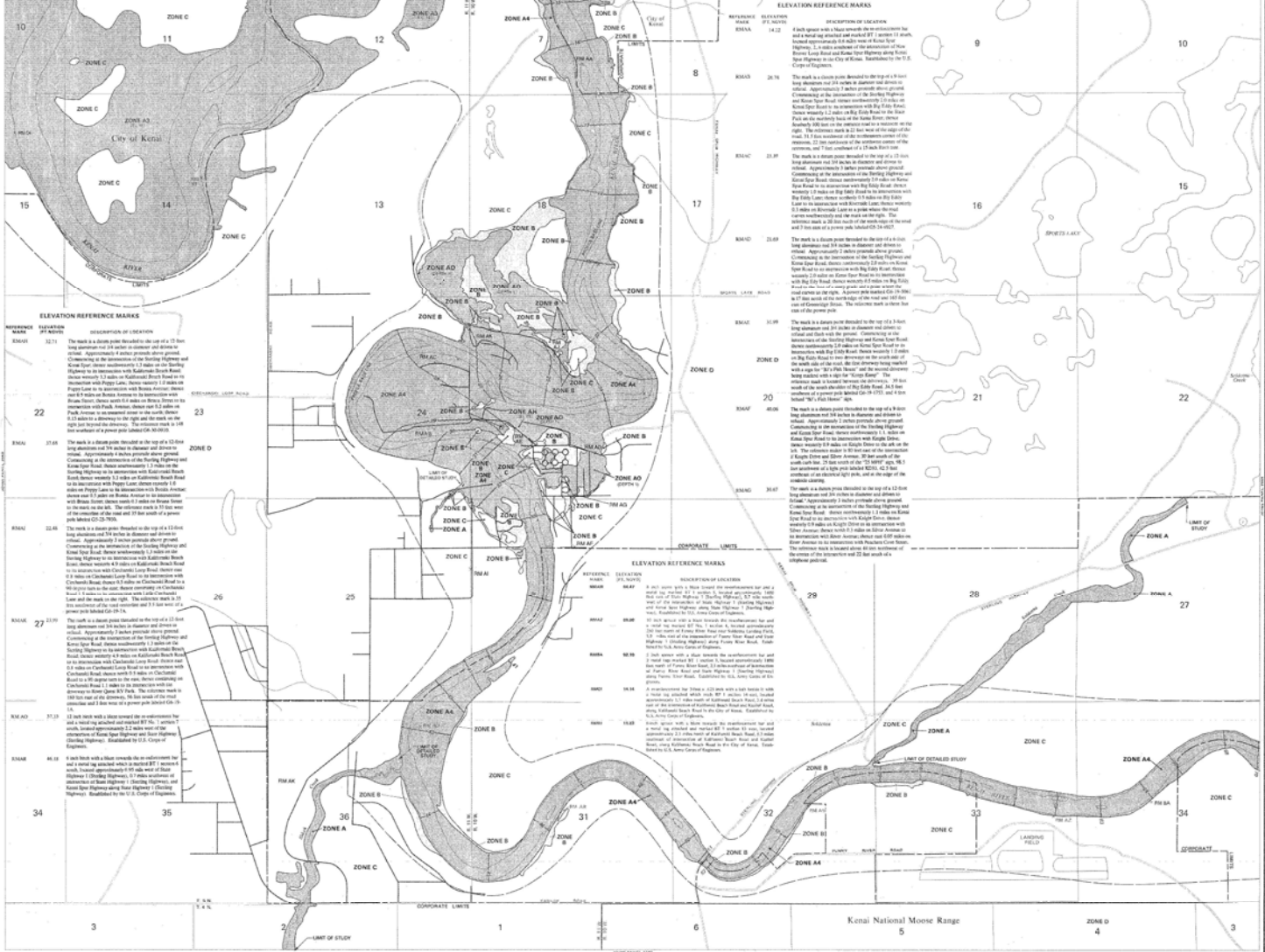
Wetlands



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KEY TO MAP

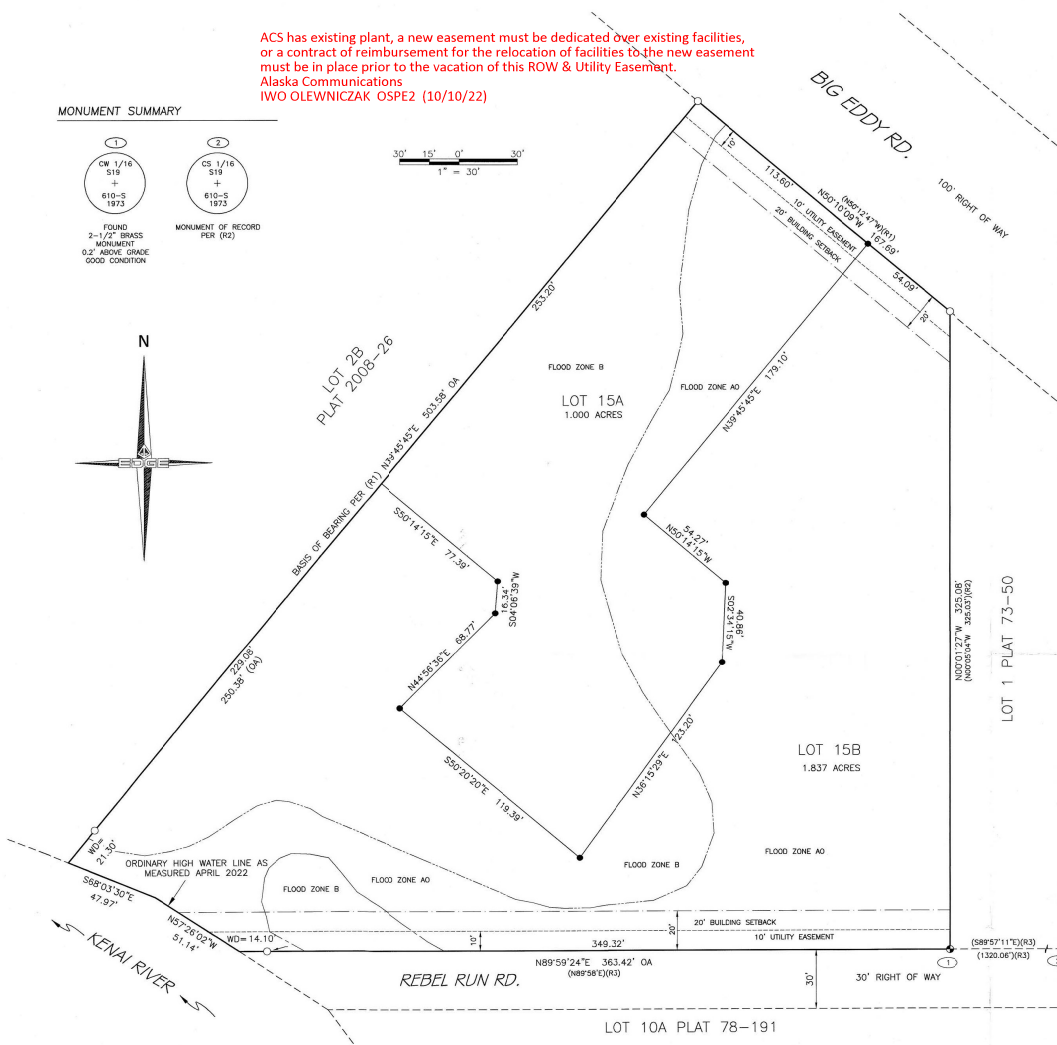
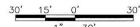
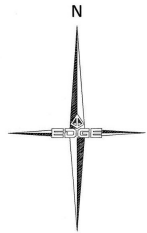
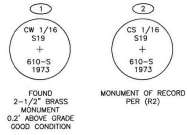
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NATIONAL FLOOD INSURANCE PROGRAM

FIRM FLOOD INSURANCE RATE MAP
 KENAI PENINSULA BOROUGH, ALASKA
 PANEL 2045 OF 8275
 COMMUNITY PANEL NUMBER 82012 2045 C
 MAP REVISED DECEMBER 6, 1995
 Federal Emergency Management Agency

ACS has existing plant, a new easement must be dedicated over existing facilities, or a contract of reimbursement for the relocation of facilities to the new easement must be in place prior to the vacation of this ROW & Utility Easement.
Alaska Communications
IWO OLEWNICZAK OSPE2 (10/10/22)

MONUMENT SUMMARY



LEGEND

- | | | | |
|---|--|---------|----------------------------|
| ● | FOUND PRIMARY MONUMENT AS REFERENCED | — | SUBDIVISION BOUNDARY |
| ⊕ | RECORD PRIMARY MONUMENT AS REFERENCED | --- | INTERIOR LOT LINE |
| ○ | FOUND PROPERTY CORNER - REBAR | - - - - | ADJACENT PROPERTY LINE |
| ⊙ | SET PROPERTY CORNER
5/8" X 30" REBAR
WITH 2" ALUMINUM CAP
STAMPED EDGE SURVEY LS-13022 2022 | ---- | FLOOD ZONE |
| ① | MONUMENT REFERENCE NUMBER | --- | 20 FOOT BUILDING SETBACK |
| | | --- | 10 FOOT UTILITY EASEMENT |
| | | (R1) | RECORD DATA, SEE REFERENCE |
| | | OA | OVERALL |

NOTES

- BUILDING SETBACK - A SETBACK OF 20 FEET IS REQUIRED FROM ALL STREET RIGHTS-OF-WAY UNLESS A LESSER STANDARD IS REQUIRED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
- THE FRONT 10 FEET ADJACENT TO THE RIGHTS-OF-WAY IS A UTILITY EASEMENT. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
- NO STRUCTURES ARE PERMITTED WITHIN THE PANHANDLE PORTION OF THE FLAG LOT.
- FLOOD HAZARD NOTICE, SOME OR ALL OF THE PROPERTIES SHOWN ON THIS PLAT HAVE BEEN DESIGNATED BY FEMA AS A FLOOD HAZARD AREA DISTRICT AS OF THE DATE THIS PLAT IS RECORDED WITH THE DISTRICT RECORDER'S OFFICE. PRIOR TO DEVELOPMENT, THE KENAI PENINSULA BOROUGH FLOODPLAIN ADMINISTRATOR SHOULD BE CONTACTED FOR CURRENT INFORMATION AND REGULATIONS. DEVELOPMENT MUST COMPLY WITH CHAPTER 21.06 OF THE KENAI PENINSULA BOROUGH CODE. THIS PLAT IS EFFECTED BY FLOOD ZONES AO AND C PER MAP PANEL 02001220645C.
- ANADROMOUS HABITAT PROTECTION NOTE: PORTIONS OF THIS SUBDIVISION ARE WITHIN THE KENAI PENINSULA BOROUGH ANADROMOUS HABITAT PROTECTION DISTRICT. SEE KPB CHAPTER 21.18 AS MAY BE AMENDED, FOR RESTRICTIONS THAT AFFECT DEVELOPMENT IN THIS SUBDIVISION.
- FLOODWAY NOTICE: PORTIONS OF THIS SUBDIVISION ARE WITHIN THE FLOODWAY. PURSUANT TO KPB CHAPTER 21.66, ALL DEVELOPMENT (INCLUDING FILL) IN THE FLOODWAY IS PROHIBITED UNLESS CERTIFICATION BY AN ENGINEER OR ARCHITECT IS PROVIDED DEMONSTRATING THAT ENCROACHMENTS SHALL NOT RESULT IN ANY INCREASES IN FLOOD LEVELS DURING THE OCCURRENCE OF THE BASE FLOOD DISCHARGE.
- THIS SUBDIVISION SUBJECT TO EASEMENT, WITH NO DEFINED LOCATION, FOR ELECTRIC LINES OR SYSTEM AND/OR TELEPHONE LINES TOGETHER WITH RIGHT TO ENTER, MAINTAIN, REPAIR AND CLEAR SHRUBBERY, RECORDED: JANUARY 3, 1961, MISC. VOLUME/PAGE: 6/224, GRANTED TO HOMER ELECTRIC ASSOCIATION, INC.
- THIS SUBDIVISION SUBJECT TO RESERVATION OF EASEMENT FOR HIGHWAY PURPOSES, AND ANY ASSIGNMENTS OR JSES THEREOF FOR RECREATIONAL, UTILITY OR OTHER PURPOSES, AS DISCLOSED BY PUBLIC LAND ORDER NO. 601, DATED AUGUST 10, 1949 AND AMENDED BY PUBLIC LAND ORDER NO. 757, DATED OCTOBER 10, 1959; PUBLIC LAND ORDER NO. 1613, DATED APRIL 7, 1958; AND DEPARTMENT OF THE INTERIOR ORDER NO. 2665, DATED OCTOBER 16, 1951, AMENDMENT NO. 1 THERETO, DATED JULY 17, 1952 AND AMENDMENT NO. 2 THERETO, DATED SEPTEMBER 15, 1956, FILED IN THE FEDERAL REGISTER.
- THIS SUBDIVISION SUBJECT TO RIGHTS OF THE PUBLIC AND OR GOVERNMENTAL AGENCIES IN AND TO THAT PORTION OF SAID PREMISES LYING BELOW THE MEAN HIGH WATER MARK THE KENAI RIVER AND ANY QUESTIONS OF RIGHT OF ACCESS TO THE RIVER IN THE EVENT SAID LANDS DO NOT IN FACT ABUT THE RIVER.
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- WASTE WATER DISPOSAL: SOIL CONDITIONS, WATER TABLE LEVELS, AND SOIL SLOPES 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 _____

REFERENCES

- (R1) RIVERSIDE SUBDIVISION KROGSENG ADDITION, PLAT 2008-26, KENAI RECORDING DISTRICT
- (R2) KENAI RIVER ACRES SUBDIVISION, PLAT 74-29, KENAI RECORDING DISTRICT
- (R3) RESUBDIVISION OF LOT 10 BLOCK ONE WILSON SUBDIVISION, PLAT 78-191, KENAI RECORDING DISTRICT

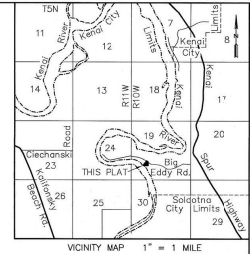
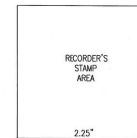
PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF OCTOBER 24, 2022.
KENAI PENINSULA BOROUGH

AUTHORIZED OFFICIAL _____

CERTIFICATE OF SURVEYOR

I, MARK ANONETTI 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 HEREBY CERTIFY THAT RED BOAT CLUB LLC IS THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND THAT ON BEHALF OF RED BOAT CLUB LLC, I HEREBY ADOPT THIS PLAN OF SUBDIVISION AND BY MY FREE CONSENT DEDICATE ALL RIGHTS-OF-WAYS AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

JAMES WILLIAM DRATH - MEMBER
PO BOX 4326
SOLDOTNA, ALASKA 99669

NOTARY ACKNOWLEDGEMENT

FOR: JAMES WILLIAM DRATH
ACKNOWLEDGED BEFORE ME
THIS _____ DAY OF _____ 2022

PUBLIC NOTARY SIGNATURE _____



KPB FILE No. 2022-XXX

RED BOAT SUBDIVISION

A SUBDIVISION OF PORTION OF GOVERNMENT LOT 15 LYING SOUTH OF BIG EDDY ROAD AND EAST OF PLAT 2008-26

OWNERS: ROAD BOAT CLUB LLC
PO BOX 4326
SOLDOTNA, ALASKA 99669

LOCATED WITHIN SW 1/4 SECTION 19, T5N., R10W, S.M. STATE OF ALASKA KENAI PENINSULA BOROUGH KENAI RECORDING DISTRICT

CONTAINING 2.837 ACRES

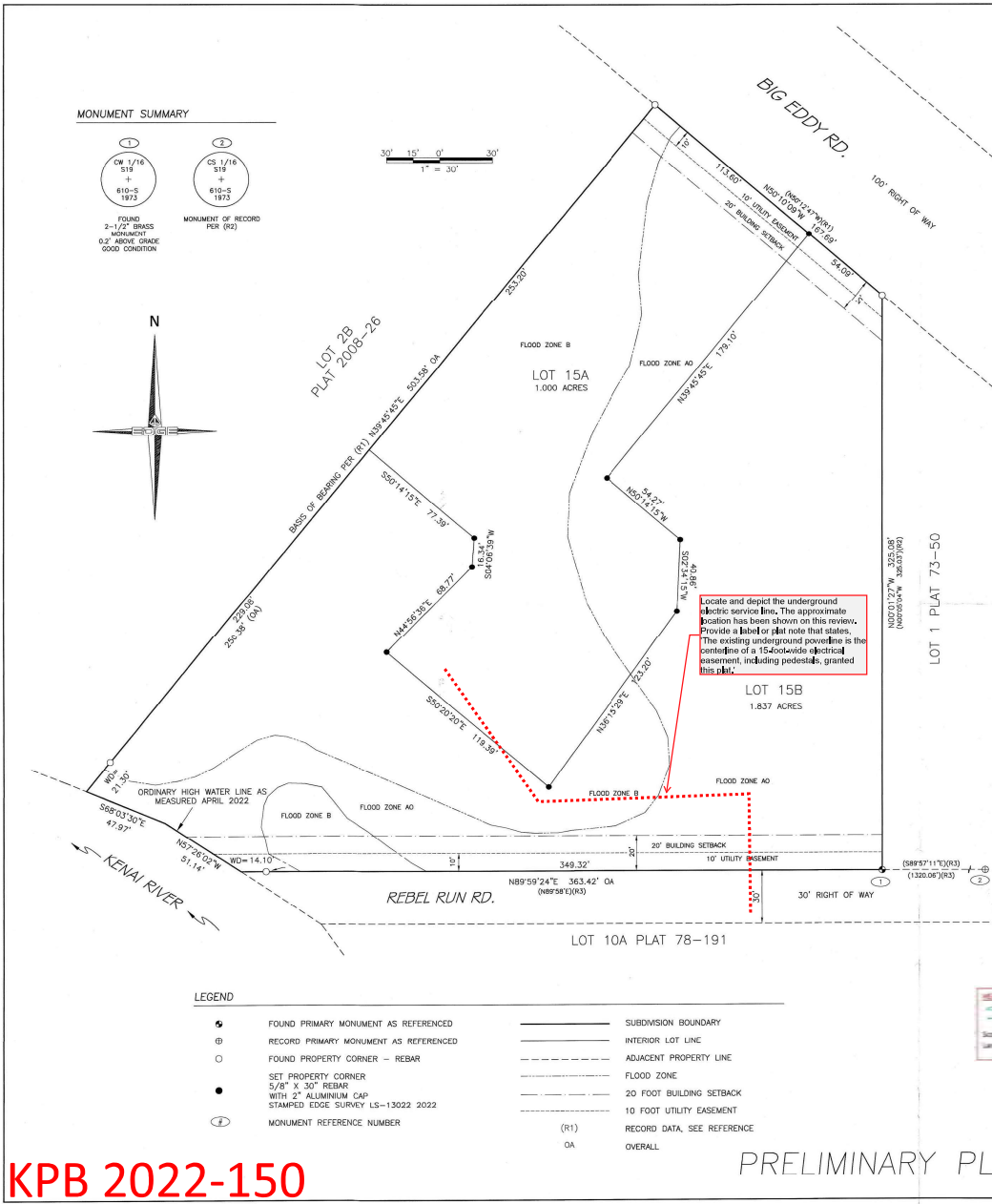


12501 OLD SEWARD, D ANCHORAGE, AK 99515
Phone (907) 344-5990 Fax (907) 344-7794
NECL# 1392

DRAWN BY: JY	DATE: 8/20/2022	PROJECT: 22-533
CHECKED BY: MA	SCALE: 1" = 30'	SHEET: 1 OF 1

KPB 2022-150

PRELIMINARY PLAT



NOTES

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ENGINEER	LICENSE NUMBER	DATE

REFERENCES

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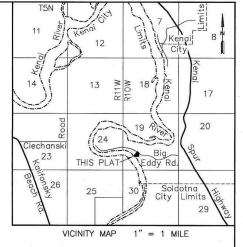
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KENAI PENINSULA BOROUGH

AUTHORIZED OFFICIAL

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JAMES WILLIAM DRATH - MEMBER
PO BOX 4326
SOLDOTNA, ALASKA 99669

NOTARY ACKNOWLEDGEMENT

FOR: JAMES WILLIAM DRATH
ACKNOWLEDGED BEFORE ME
THIS _____ DAY OF _____, 2022

PUBLIC NOTARY SIGNATURE



KPB FILE No. 2022-XXX

RED BOAT SUBDIVISION

A SUBDIVISION OF
PORTION OF GOVERNMENT LOT 15
LYING SOUTH OF BIG EDDY ROAD
AND EAST OF PLAT 2008-26

OWNERS:
ROAD BOAT CLUB LLC
PO BOX 4326
SOLDOTNA, ALASKA 99669

LOCATED WITHIN SW 1/4 SECTION 19,
T.54N., R.10W., S.5M.
STATE OF ALASKA
KENAI PENINSULA BOROUGH
KENAI RECORDING DISTRICT

CONTAINING 2.837 ACRES



12501 OLD SEWARD, D ANCHORAGE, AK 99515
Phone (907) 344-5990 Fax (907) 344-7794
AEC# 1392

DRAWN BY: JY	DATE: 8/20/2022	PROJECT: 22-533
CHECKED BY: MA	SCALE: 1" = 30'	SHEET: 1 OF 1

KPB 2022-150

PRELIMINARY PLAT