# **E. NEW BUSINESS**

4. McGahan Ridge Subdivision No. 2; KPB File 2024-134 Johnson Surveying / McGahan Terry Rae Avenue & Leah Street Nikiski Area / Nikiski APC Vicinity Map





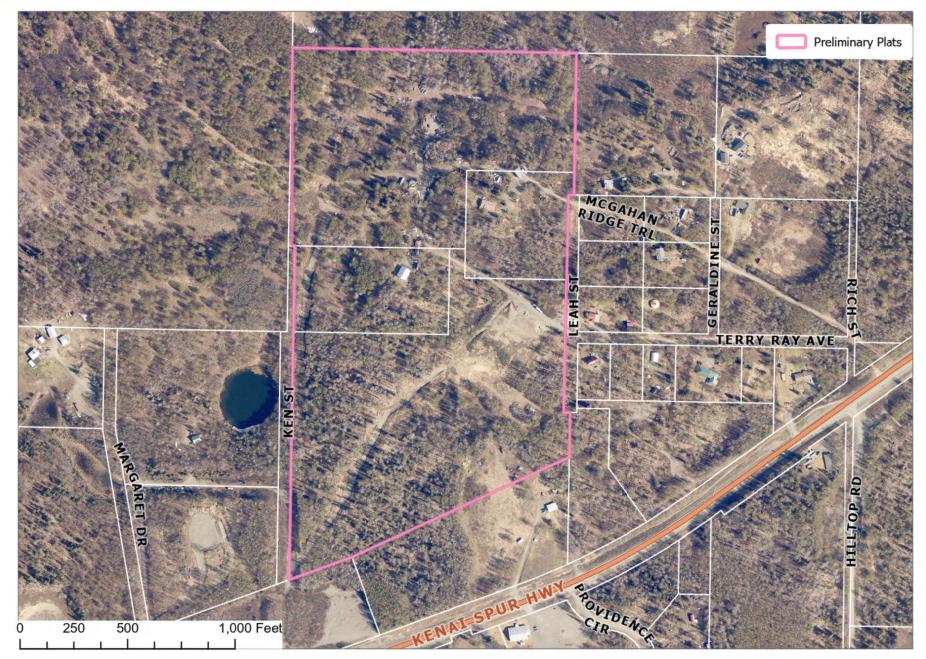




KPB FILE 2024-134 T08N R11W SEC 32 Nikiski

Aerial Map







McGahan Ridge Subdivision No. 2 Preliminary Plat

A subdivision of Tract D Margaret E. McCohan Homestead No. 3 (KRD 2005-14), Parcel 2 KPB PW 96-29 and Deed Parcel KRD Book 223 Page 62, and including a replot of Tract C Margaret E. McCohan Homestead No.3. Located in the SE1/4 & NE1/4 Section 32, T8N R11W, SM, Nikiski, Alaska Kenal Recording District Kenai Peninsula Borough File

Prepared for

Terrance Ray McGahan 54025 Kenai Spur Hwy Kenai AK 99611

Rishard Cleo McGahan JR. 54025 Kenai Spur Hwy Kenai, AK 99611

Geraldine Kay Litzen 54025 Kenai Spur Hwy Kenai, AK 99611

Karen S McGahan 54025 Kenai Spur Hwy Kenai, AK 99611 Leah Michele Jackson 54025 Kenai Spur Hwy Kenai, AK 99611

Prepared by

Johnson Surveying P.O. Box 27 Clam Gulch, Ak 99568 (907) 262-5772

Scale 1" = 200'

AREA = 64.954 acres

15 November, 2024

NOTES

1. A building setback of 20' from all street ROWs is required unless a lesser standard is approved by a resolution of the appropriate planning commission.

Front 10' of building setback is also a utility easement, as is the entire setback within 5' of side lot lines. Existing structure on Tract F predates granting of these easement and setback and are not subject to them. Any new or replacement construction will be subject to the setback and easement. 2. No permonent structure shall be constructed or placed within a utility easement which would interfere with the ability of a utility to use the easement.

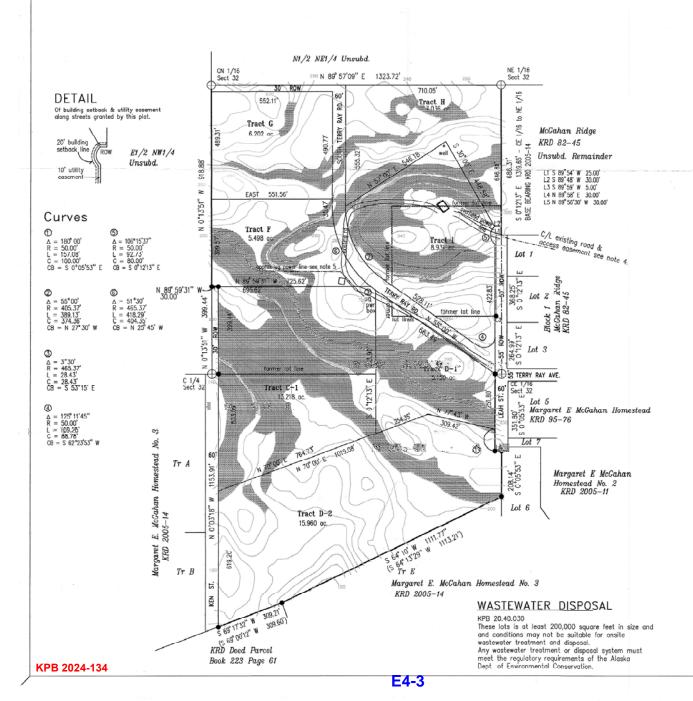
3. Electrical utility easements were gronted to Homer Electrict Association, Inc in Kenai Records Misc Book 2 Page 102 & Misc Book 10 Page. 28. These are general easements, no definite location given.

4. An access easement benefitting this property was granted by Kenai Records Deed Book 407 Page 584, and defined as 20' wide by Kenai Records Deed service #2006-005830-0.

5. Existing underground powerline is the centerline of a 10' wide utility easement, granted by Kenai Records Deed 2012-011071-0 and 2012-011072-0.

6. Contour interval 5'. Shaded areas indicate grades over 25%, there are no wet areas on the property.

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## ITEM #4 - PRELIMINARY PLAT MCGAHAN RIDGE SUBDIVISION NO 2

KPB File No.	2024-134
Plat Committee Meeting:	January 13, 2025
Applicant / Owner:	Terrance McGahan, Geraldine Litzen, Karen McGahan, Rishard McGahan Jr and
	Leah Jackson all of Kenai
Surveyor:	Jerry Johnson / Johnson Surveying
General Location:	Kenai Spur Rd, Nikiski

Parent Parcel No.:	013-330-52, 013-680-09, 013-300-51 and 013-680-14
Legal Description:	T8N R11W SEC 32 S M KN 2005014 MARGARET E MCGAHAN HOMESTEAD
	NO 3 TRACT C & D AND SW1/4 NE1/4 EXCL S400' & EXCL PARCEL PER
	DEED 223/62 PER PW RES 96-29 REC @491/497 AND PTN OF SW1/4 NE 1/4
	BEGIN @CE1/16 CORNER TH N0 DEG 12'13"W 265 FT TO POB; TH N0 DEG
	12'13"W 500 FT; TH S89 DEG 56'18"W 500 FT; TH S0 DEG 12'13"E 500 FT; TH
	N89 DEG 56'18"E 500 FT TO POB
Assessing Use:	Vacant and Residential
Zoning:	Rural Unrestricted
Water / Wastewater	Onsite / Onsite
Exception Request	20.30.030, 20.30.170

#### **STAFF REPORT**

<u>Specific Request / Scope of Subdivision:</u> The proposed plat will combine four parcels of land totaling 64.954 acres to subdivide into seven new tracts ranging in size of 5.150 acres to 15.960 acres and two dedications, along with the request for two exceptions. First exception request for KPB 20.30.030 Proposed Street Layout requirements and the second request KPB 20.30.170 Block Length Requirements.

#### Location and Legal Access (existing and proposed):

Existing access is from Terry Ray Ave a 55' dedication to Leah St a varied width dedication on the east side of the plat, giving access to the projection of Terry Ray Rd into the plat and a currently unnamed road on the north heading to the northwest corner. On the west side of the plat is Ken St a 30' and 60' dedication with no direct access to it and is a standalone dedication. Leah St and Ken St are not developed at this time. The surveyor has requested an exception to KBP 20.30.030 to not extend Leah St and Ken St

There is an existing road and access easement in the northeast corner of the plat giving access Tract I as shown on the drawing and noted at plat note #4.

The plat is proposing to dedicate an extension of Terry Ray Ave into the plat as Terry Ray Rd a 60' dedication. Addressing has suggested that the name extension of Rd be changed to Ave to match the name to the east. At the north end of Terry Ray Rd is a 30' dedication currently with no name. **Staff recommends** the surveyor contact Addressing to get an appropriate name for the road.

Block length is not compliant and the surveyor has requested an exception to KPB 20.30.170 Block Length Requirements.

KPB Roads Dept RSA review	Out of Jurisdiction: No
	Roads Director: Griebel, Scott Comments:

Page 1 of 7

	The Western "Ken St." access does not have contiguously granted ROW to the Spur Hwy. No other RSA comments or objections.
SOA DOT comments	No comment

#### **Site Investigation:**

There are several structures located on the current 4 properties that when the plat is complete will be placed on two of the tracts.

There are several areas of steep terrain as shown on the drawing with the shaded spots through out the plat. the areas cross through a majority of the plat, but are mostly in the southerly part of the plat.

There does not appear to be any wetlands on the plat and the River Center reviews did not identify the plat to be located in a FEMA designated flood hazard area or a habitat protection district.

KPB River Center review	A. Floodplain
	Reviewer: Hindman, Julie 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
State of Alaska Fish and Game	

#### **Staff Analysis**

The land was originally part of the NW1/4 SE1/4 and the SW1/4 NE1/4 of Section 32, Township 8 North, Range 11 West, SM Alaska. Plat Waiver Resolution 96-29 split the land in the SW1/4 NE1/4 owned by Richard and Karen McGahan at the time into two parcels. Margaret E. McGahan Homestead No 2 KN 2005-14 replatted land in the NW1/4 SE1/4 and one of the parcels created by the plat waiver. This platting action is combining the remaining parcel of the plat waiver, two tracts from KN 2005-14 and a deed parcel to create seven new tracts.

A soils report will not be needed for this plat, as the lots are over 200,000 sq ft in size.

Per the preliminary Certificate to Plat, beneficial interest holders do not affect the proposed plat. Notification per KPB 20.10.100 will not be required unless the final Certificate to Plat states the property is affected by beneficial interest holders.

Nikiski Advisory Planning Commission minutes for the January 9, 2025 meeting were not available when the staff report was prepared on January 3, 2025 (KPB 21.02.020). Meeting notes will be provided with the desk packet if available but not necessarily addressed in the staff report.

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

If the requested exceptions are denied Leah St and Ken St will need to be extended out to the subdivision limits and the current unnamed road on the north will need to be extended east to the east limits of the subdivision.

There does not appear to be any encroachments to or from the outer boundary lines of the plat. Staff recommends the surveyor watch for any encroachments when doing the field survey and identify any encroachments found on the final plat drawing and a plat note. There are encroachments within the plat that will be cleared up with the completion of the plat and new tract lines.

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#### **Utility Easements**

The plat is proposing a 10' utility easement along the front 10' of the building setback adjacent to the right-of-way and within 5' of the sidelines it is the full setback depth. There is a structure noted on Tract F being located within the building setback and being there prior to the creation of the 20' building setback. **Staff recommends** the surveyor show a detail of the building into the building setback line as it exists today for verification for any future additions or replacement as noted in plat note #1.

As part of our routine notification process, the subdivision plat was emailed to the affected utility providers for review. **Staff recommends:** the surveyor work with the utility providers to accommodate their request, ensuring optimal use of the owner's land and maximum benefit for both the provider and the public.

HEA and Enstar have both submitted comments concerning the location of existing utilities and easements to be noted and drawing. the comments are included in the packet for viewing.

**Utility provider review:** 

Gtility provided reviews	
See comment in packet	
See comment in packet	

KPB department / agency review:

Addressing Review	Reviewer: Leavitt, Rhealyn Affected Addresses: 52525 LEAH ST, 50280 MCGAHAN RIDGE TRL  Existing Street Names are Correct: No List of Correct Street Names: LEAH ST, TERRY RAY AVE, KEN ST
	Existing Street Name Corrections Needed:  All New Street Names are Approved: No  List of Approved Street Names:
	List of Street Names Denied:  Comments: 52525 LEAH ST WILL BE DELETED AND NEW ADDRESS ASSIGNED. IF NEW ROW DEDICATION WILL BE CONTINUATION OF TERRY RAY AVE PLEASE CORRECT SUFFIX FROM RD, SOUTH SHOULD NOT BE INCLUDED IN THE ROW NAME. NEW ROW DEDICATION IN NW SHOULD HAVE A STREET NAME.
Code Compliance	Reviewer: Ogren, Eric Comments: No comments
LOZMS Review Planner	Reviewer: Raidmae, Ryan

	There are not any Local Option Zoning District issues with this proposed plat.
	Conditional Land Use Permit CLUP Resolution Number: 2015-09 CLUP Approval Date: 3/23/2015 Material Site Comments: Permit Resolution 2015-09, condition number 11 states, "The permittee shall notify the planning department of any further subdivision or return to acreage of this parcel. The planning director may issue a written exemption from the permit amendment requirement if it is determined that the subdivision is consistent with the use of the parcel as a material site and all original permit conditions can be met." After reviewing the Site Plan for the CLUP and the Preliminary Plat, it appears that a CLUP modification will be needed, because the subdivision is not consistent with material site operations of the original permit.
Assessing Review	Reviewer: Windsor, Heather Comments: No comment

#### STAFF RECOMMENDATIONS

#### **CORRECTIONS / EDITS**

Add necessary certificates and statements.

PLAT NOTES TO ADD

- 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).
- The borough will not enforce private covenants, easements, or deed restrictions per KPB 20.60.170(B).
- Acceptance of this plat by the Borough does not indicate acceptance of any encroachments.
- Add plat notes for CTP items not already addressed.

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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:

Add to Kenai Peninsula Borough File designation 2024-134

The certificate to plat list Richard C McGahan Sr as owner to a parcel of the plat, who is not included on the plat as being prepared for. Surveyor should verify if he should be listed on plat and provide documentation if not.

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:

Show more detail of the dedications for this plat and label as granted this plat.

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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.

#### **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:

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.

#### **EXCEPTIONS REQUESTED:**

#### A. KPB 20.30.030 Proposed Street layout - Requirements

#### Surveyor's Discussion:

Extension of Ken St & Leah St ROWs due to topography

#### Findings:

- 1. Topography is a factor
- 2. No properties will be denied access
- 3. Existing portions of these ROWs are to steep for construction, a portion of Ken St is possibly to close to a lake.

#### Staff Discussion:

20.30.030 Proposed Street layout - Requirements

A. These dedications must provide for the continuation or appropriate projection of all streets in surrounding areas and provide reasonable means of ingress for surrounding acreage tracts.

#### Findings:

- 4. Ken St has no dedicated access to get to it
- 5. To install the roads, would be putting them in areas costly due to the terrain.

#### 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 committee shall make findings of fact meeting the following standards before granting any exception:

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- 1. That special circumstances or conditions affecting the property have been shown by application; Findings 1. 3 & 4 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 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 2 appear to support this standard.

#### B. KPB 20.30.170 Block Length Requirements

#### Surveyor's Discussion:

Block length where applicable

#### Findings:

1. Additional street dedications would cross steep grades

#### Staff Discussion:

#### 20.30.170. - Blocks-Length requirements.

Blocks shall not be less than 330 feet or more than 1,320 feet in length. Along arterial streets and state maintained roads, block lengths shall not be less than 800 feet. Block lengths shall be measured from centerline intersections.

#### Findings:

- 2. No properties will be denied access.
- 3. Current dedications cross steep terrain
- 4. Ken St was dedicated by Margaret E McGahan Homestead No 3 KN 2005-14
- 5. Leah St was dedicated by McGahan Ridge KN 82-45, Margaret E McGahan Homestead KN 95-76 and Margaret E McGahan Homestead No 3 KN 2005-14
- 6. Looking at the road on the north line, east of Terry Ray Rd looks flatter than to the west.

#### 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.

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- 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 appear to support this standard.

Page **6** of **7** 

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 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.

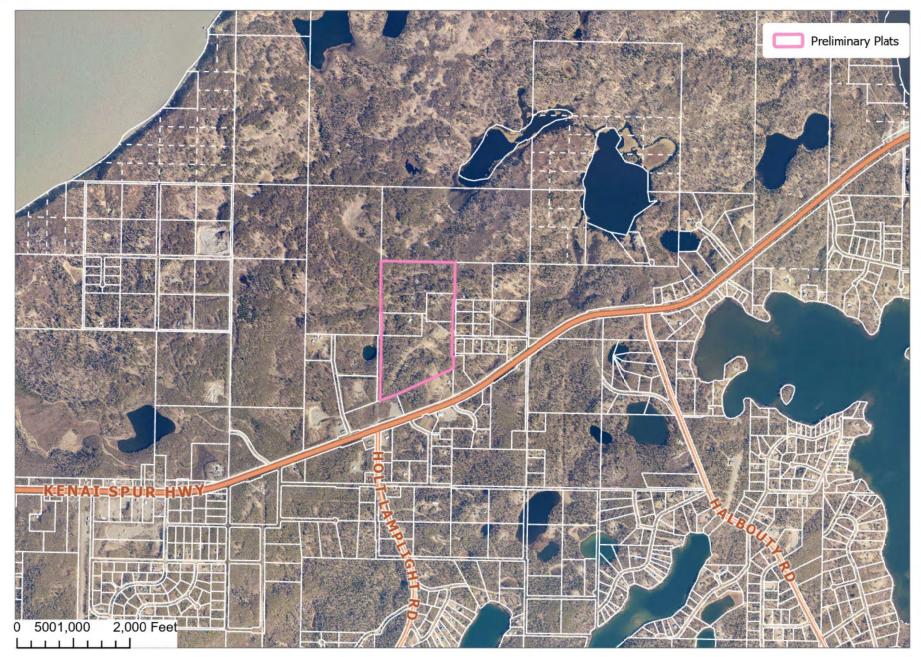
NOTE: 20.25.120. - REVIEW AND APPEAL.

A DECISION OF THE PLAT COMMITTEE 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 Map





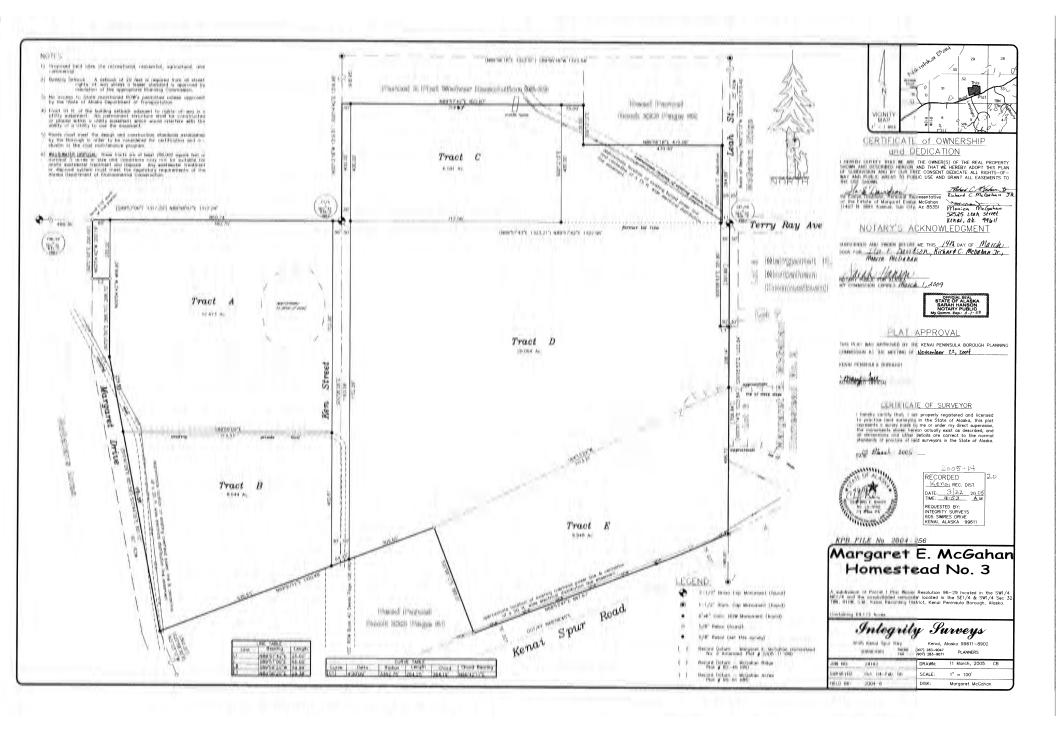
Wetlands

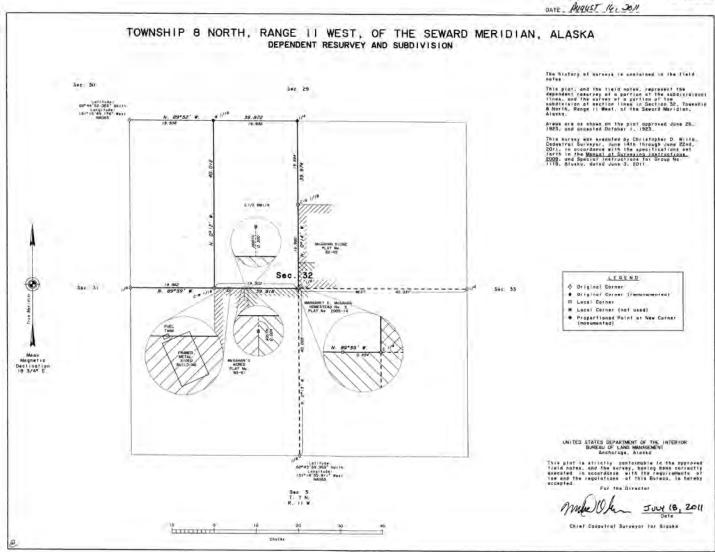
KPB File 2024-134 12/10/2024

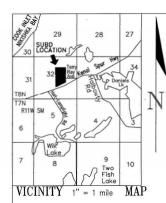












HEA REVIEWED - SEE COMMENTS Sidth Hul Scott Huff 12/30/2024

McGahan Ridge Subdivision No.

Preliminary Plat

A subdivision of Tract D Margaret E. McCohan Homestead No. 3 (KRD 2005-14), Parcel 2 KPB PW 96-29 and Deed Parcel KRD Book 223 Page 62, and including a replat of Tract C Margaret E. McCohan Homestead No.3. Located in the SE1/4 & NE1/4 Section 32, T8N R11W, SM, Nikiski, Alaska Kenai Recording District Kenai Peninsula Borough File

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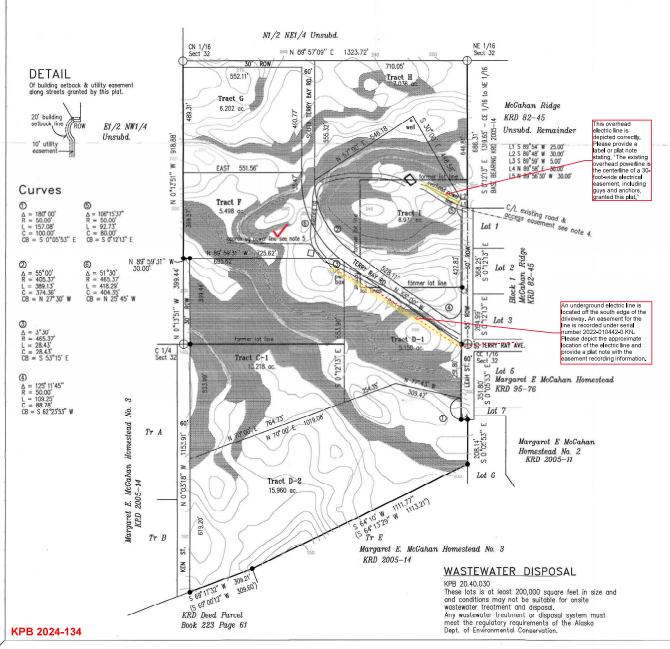
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**ENSTAR Natural Gas Company, LLC** 

Engineering Department, Right of Way Section 401 E. International Airport Road P. O. Box 190288 Anchorage, Alaska 99519-0288 (907) 277-5551 FAX (907) 334-7798

December 31, 2024

Kenai Peninsula Borough, Platting Division 144 North Binkley Street Soldotna, AK 99669

To whom it may concern:

ENSTAR Natural Gas Company has reviewed preliminary plat **McGahan Ridge Subdivision No. 2 (KPB Case # 2024-134)** and advises that there is an existing natural gas service line which appears to cross proposed Tract 1 and Tract D-1 to serve proposed Lot C-1 Attached is an approximate ENSTAR as-built for your reference. 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 that crosses Tract 1 and Tract D-1 to serve Tract C-1".
- 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.

If you have any questions, please feel free to contact me at 907-714-7521 or by email at Skylar.furlong@enstarnaturalgas.com.

Sincerely,

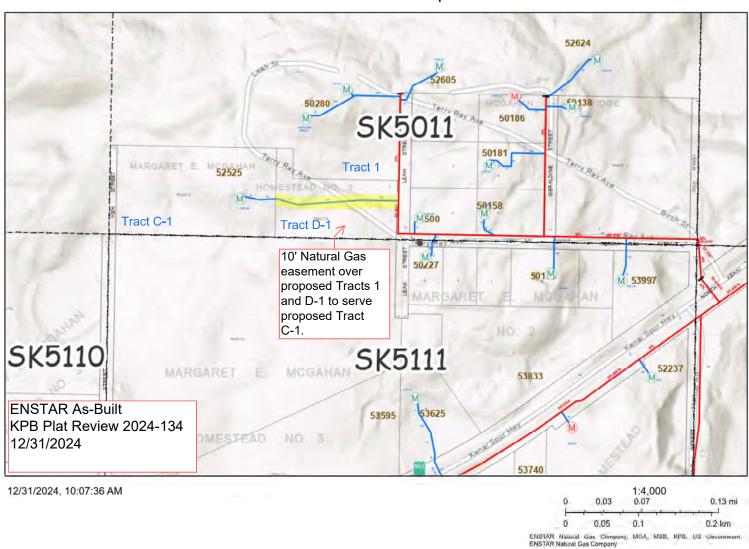
Skylar Furlong

Skylar Furlong

Environmental Permitting & Compliance

ENSTAR Natural Gas Company, LLC

### ArcGIS Web Map



ArcGIS Web AppBuilder ENSTAR Natural Gas Company