

E. NEW BUSINESS

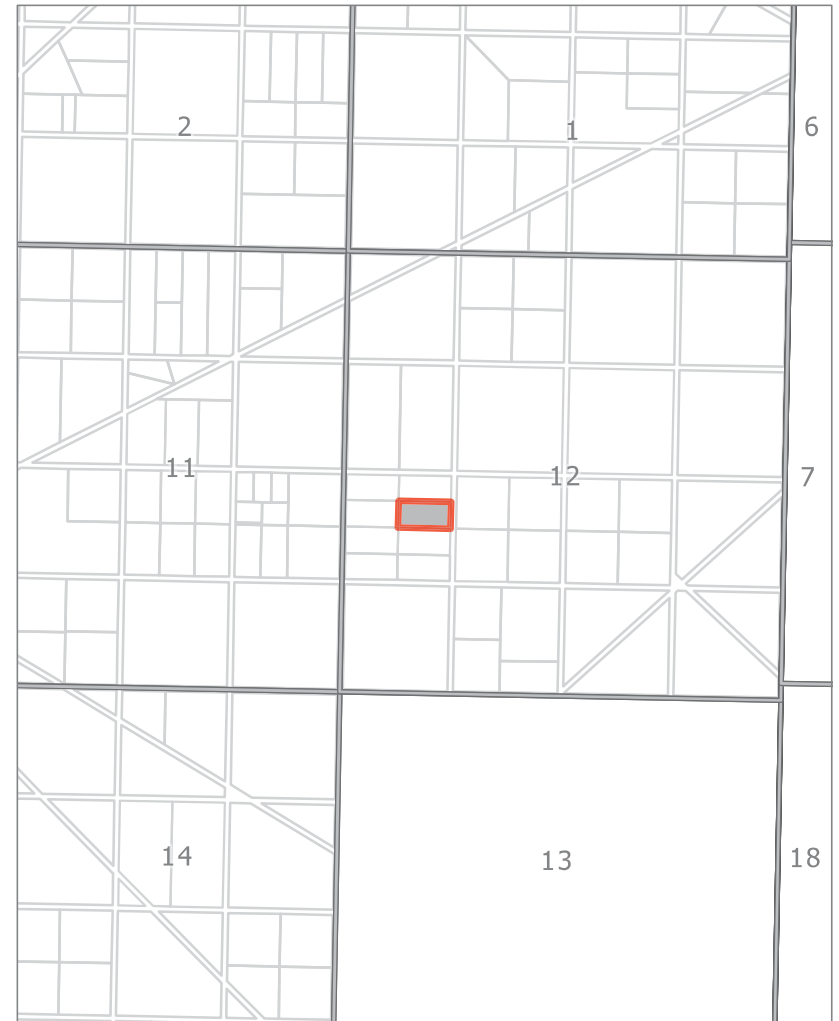
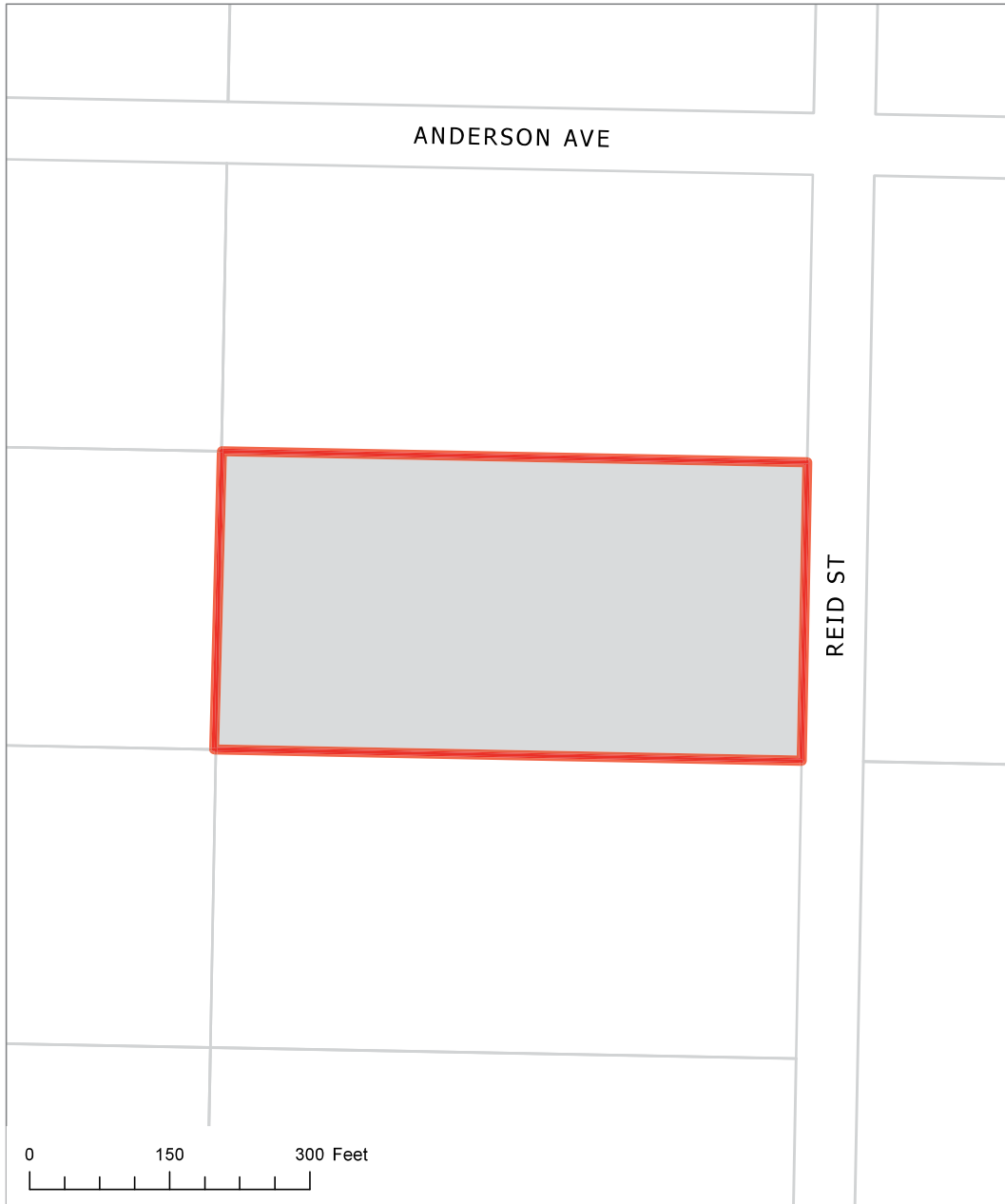
5. Libenthal Subdivision 2024 Addition

KPB File 2024-086

Johnson Surveying / Needs, Muller, Crowder

Location: Reid Street

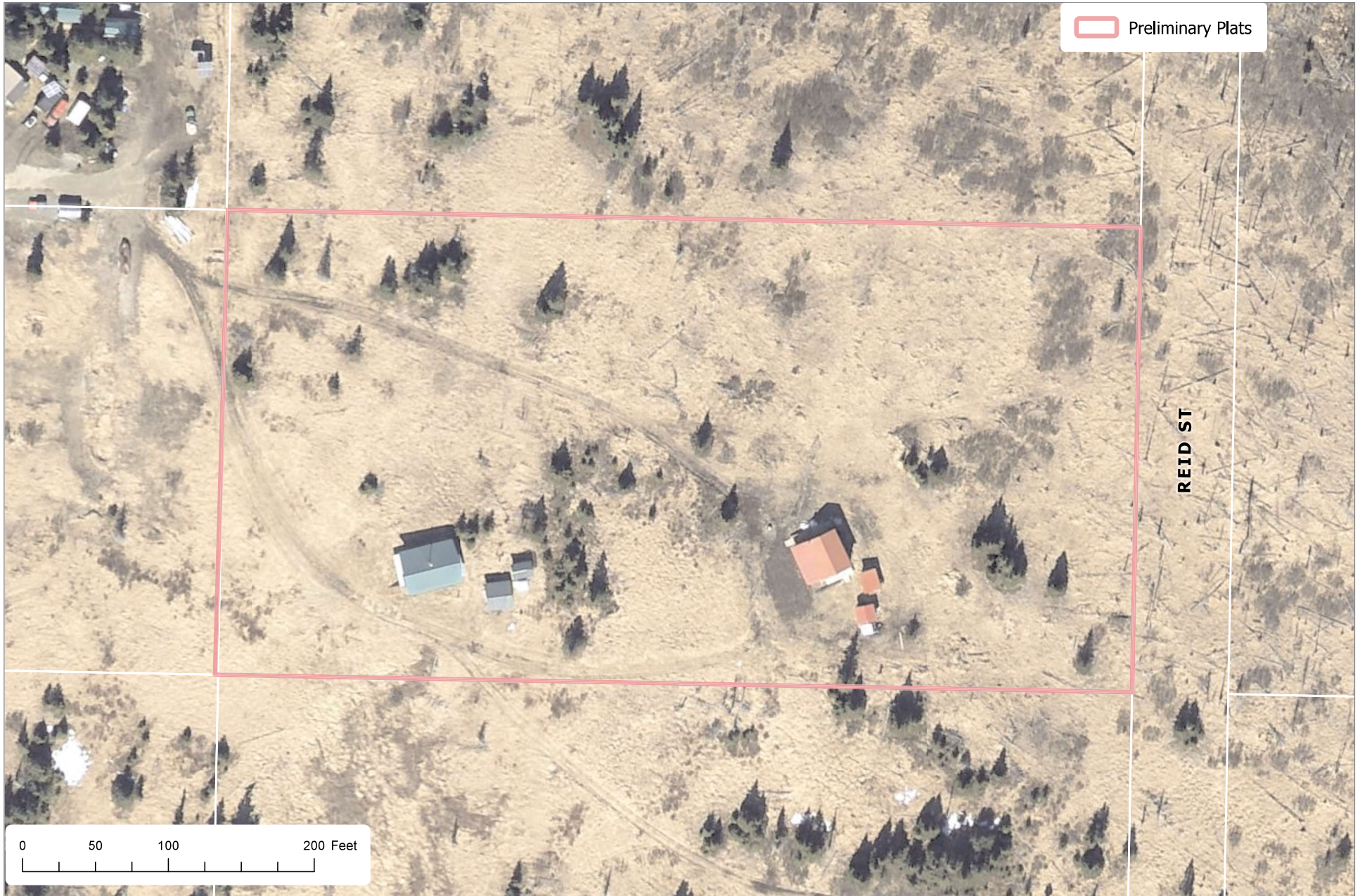
Ninilchik Area



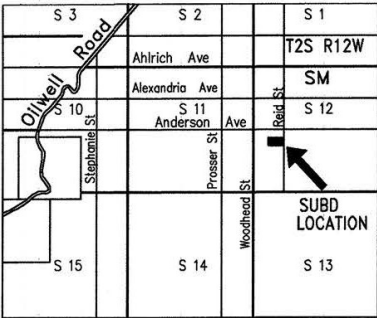
KPB File 2024-086
T 02S R 12W SEC 12
Ninilchik



Aerial 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.



Liebenthal Subdivision 2024 Addition Preliminary Plat

A Subdivision of Tract 2 Liebenthal Subd., HRD 2001-60.
 Located in the NW1/4 SW1/4 Section 12, T2S R12W, SM, Alaska.
 Homer Recording District Kenai Peninsula Borough File 2024

Prepared for

Rick Needs
 39929 Bubba's Ave
 Soldotna, AK 99669

Gary Leo &
 Lela Karlene Muller
 P.O. Box 889
 Sterling, AK 99672

Keith R Crowder
 P.O. Box 936
 Soldotna, AK 99669

Prepared by

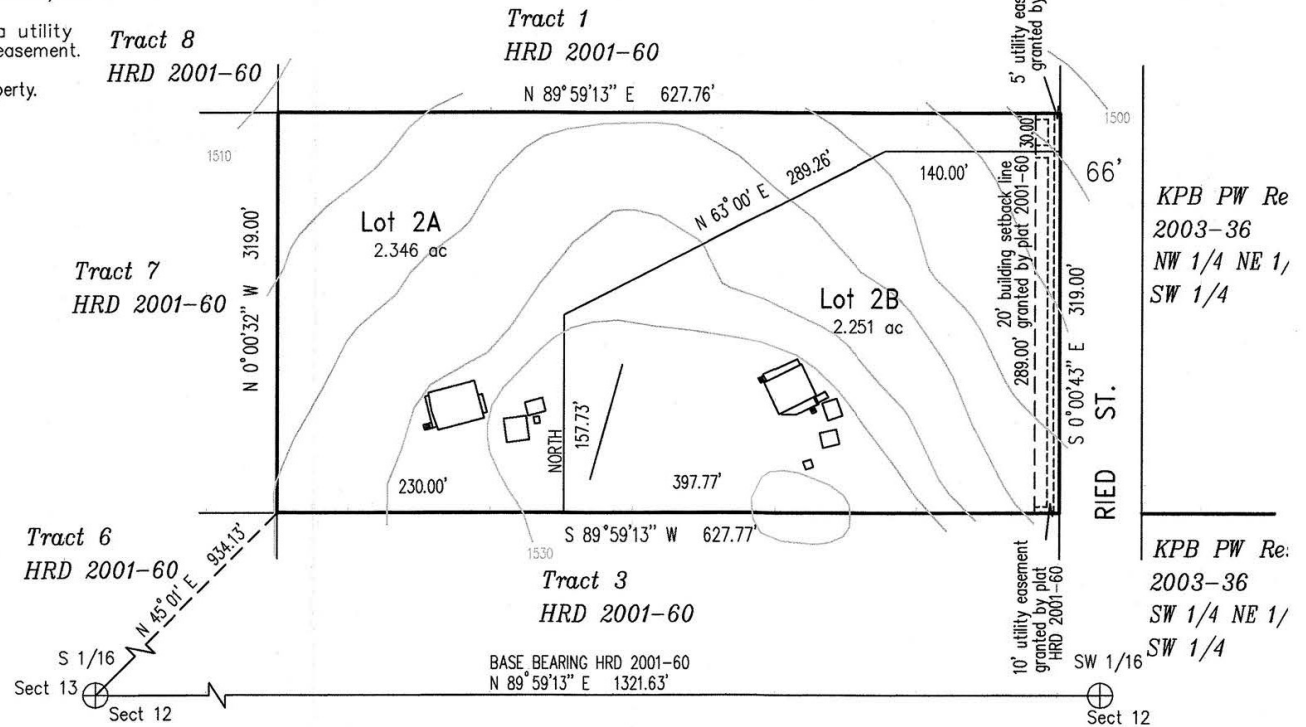
Johnson Surveying
 P.O. Box 27
 Clam Gulch, Ak 99568
 (907) 262-5772

VICINITY 1" = 1 mile MAP

SCALE 1" = 100' AREA = 4.597 acres 23 July, 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.
2. 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.
3. No structures permitted on the panhandle portion of flag lots.
4. Contour interval 5'. No grades exceed 20%. There are no wet areas on the property.



KPB 2024-086

AGENDA ITEM E. NEW BUSINESS

**ITEM #5 - PRELIMINARY PLAT
LIBENTHAL SUBDIVISION 2024 ADDITION**

KPB File No.	2024-086
Plat Committee Meeting:	September 9, 2024
Applicant / Owner:	Rick Needs of Soldotna, Alaska / Gary & Lela Muller of Sterling, AK / Keith Crowder of Soldotna, Alaska
Surveyor:	Jerry Johnson / Johnson Surveying
General Location:	Caribou Hills

Parent Parcel No.:	185-516-23
Legal Description:	T 2S R 12W SEC 12 SEWARD MERIDIAN HM 2001060 LIEBENTHAL SUB TRACT 2
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	Onsite/ Onsite
Exception Request	20.40

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide a 4.597 acre parcel into two lots of size 2.251 acres and 2.346 acres.

Location and Legal Access (existing and proposed):

Legal access to the lots is via Reid Street, a 66-foot dedication on the east side of the plat. Access to Reid Street is from Straight in Trail Rem SW to Prosser Street, then to Anderson Avenue, and finally to Reid Street. Reid Street is currently undeveloped, and access to the plat is at the northwest corner of the parent subdivision at Anderson Avenue and Woodhead Street. At the intersection of Anderson Avenue and Woodhead Street, a driveway accesses Tract 8 of the parent plat, running toward Tract 2 and crossing the corner of Tract 7. The certificate to plat does not indicate any easement agreements between lots for this drive. It is suggested that if this remains in use as an access point, easement agreements be created for use between landowners.

The plat is not proposing new dedications or vacations and is not affected by a section line easement.

Block length is compliant, being completed by Reid Street, Arneson Avenue, Woodhead Street and Anderson Ave.

KPB Roads Dept. Comments	Out of Jurisdiction: No Roads Director: Griebel, Scott Comments: No RSA comments or objections
SOA DOT Comments	No comments

Site Investigation:

There are recreational cabins and storage buildings located on the plat. Upon finalization of the plat, these structures will be divided between the lots, with one on each.

The plat is relatively level, with the highest point situated in the middle of the south line, near the new lot line where the structures are located. The hill slopes away to the west, north, and east at a gradient of approximately 7-13 percent slope.

There are no wetlands located on the plat, and the River Center Reviewers confirmed that the plat is not within a

FEMA designated flood hazard area or habitat protected district.

<p>KPB River Center Review</p>	<p>A. Floodplain Reviewer: Hindman, Julie Floodplain Status: Not within flood hazard area Comments: No comments</p> <p>B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments</p>
<p>State of Alaska Fish & Game</p>	

Staff Analysis

The land was originally aliquot parcels of Section 12, Township 2 South, Range 12 West, Seward Meridian, Alaska, within the Homer Recording District of the Kenai Peninsula Borough. According to the Right of Way Map, this area was designated as Tract 217. Tract 217 was subsequently subdivided by the Liebenthal Subdivision, HM 2001-60, into eight Tracts, each with 33-foot dedications abutting them. Lot 2 is now being replatted with the proposed plat.

At the intersection of Anderson Avenue and Woodhead Street, a driveway accesses Tract 8 of the parent plat, running toward Tract 2 and crossing the corner of Tract 7. The certificate to plat does not indicate any easement agreements between lots for this drive. It is suggested that if this remains in use as an access point, easement agreements be created for use between landowners.

A soils report is required for the plat, but the developer has requested an exception to Chapter 20.40 Wastewater Disposal requirements.

There does not appear to be any encroachment issue per KPB GIS data. The surveyor should note any that may be noticed when doing the field work though and notify staff of any findings.

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.

The property is not within an advisory planning commission.

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

Utility Easements

The plat maintains a 10-foot utility easement, extending within 5 feet of the side lot lines and the entire 20-foot building setback from the parent plat. No new utilities have been proposed.

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:

<p>HEA</p>	<p>No facilities in the area</p>
<p>ENSTAR</p>	<p>No comments or recommendations</p>
<p>ACS</p>	<p>No response</p>
<p>GCI</p>	<p>No comments</p>

KPB Department / Agency Review:

Addressing	Reviewer: Leavitt, Rhealyn Affected Addresses: 52991 ANDERSON AVE Existing Street Names are Correct: No List of Correct Street Names: REID ST Existing Street Name Corrections Needed: All New Street Names are Approved: No List of Approved Street Names: List of Street Names Denied: Comments: 52991 ANDERSON AVE WILL REMAIN WITH LOT 2A
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.
Assessing	Reviewer: Windsor, Heather Comments: No comment

STAFF RECOMMENDATIONS
CORRECTIONS / EDITS

Check the font of the plat notes for uniformity throughout.

Add plat note regarding covenants as listed in the certificate to plat.

Add plat note, "The borough will not enforce private covenants, easements, or deed restrictions per KPB 20.60170(B).

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:

Revise the KPB File to 2024-086

- 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 the spelling of Reid Street

- 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:
Oil Well Road is two words in the vicinity map

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 20.40 Wastewater review

Surveyor's Discussion:

Findings:

1. Lots are in a remote area not readily accessible to equipment to dig test holes
2. Lots are to recreational use only, not permanently occupied.
3. No wells or septic systems are intended on these lots

Staff Discussion:

20.40.010. - Wastewater disposal.

A. All lots within a proposed subdivision in the Kenai Peninsula Borough must meet the following applicable standards of this chapter for wastewater disposal.

Findings:

4. The structures are existing.
5. No adjacent properties will be affected with the granting of this exception.

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 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 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 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.

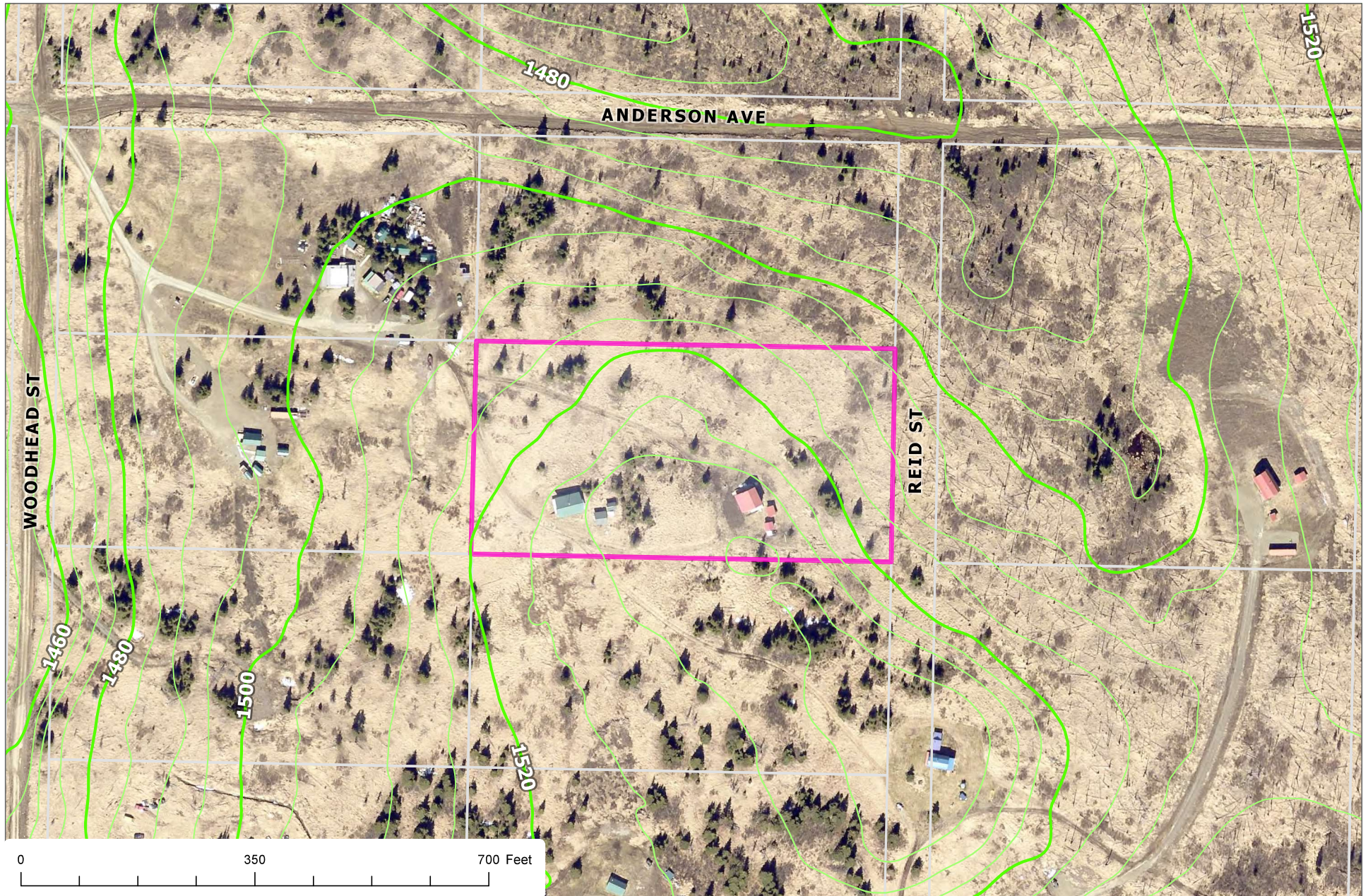
END OF STAFF REPORT



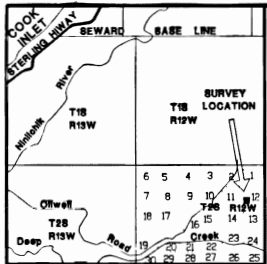
Aerial Map



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.



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LIEBENTHAL SUBDIVISION

DF Tract 217 of NNAI ROW Map (HRD 84-115)
 Located in the NW1/4 SW1/4 Section 12, T2S R12W SM
 Homer Recording District KPB File 2001-178

Prepared for

Jon & Sheri Liebenthal
 PO Box 39185
 Nulitck AK 99639

Prepared by

Johnson Surveying
 Box 27
 Clam Gulch, Ak 99568



VICINITY 1" = 4 miles MAP

SCALE 1" = 200' AREA = 36.155 acres 8 Sept, 2001

LEGEND

- ⊗ - 3/8" USBLM brass cap monument 1987 Found
- ⊙ - 3/8" alcap monument 610-S, 1992 Found
- ⊕ - 2 1/2" x 30" aluminum monument set
- ⊥ - 1/2" x 4" rebar with 1" plastic cap set

PLAT APPROVAL

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of 22 October 2001

KENAI PENINSULA BOROUGH

BY: Mary J. Best December 19, 2001
 Authorized Official Date

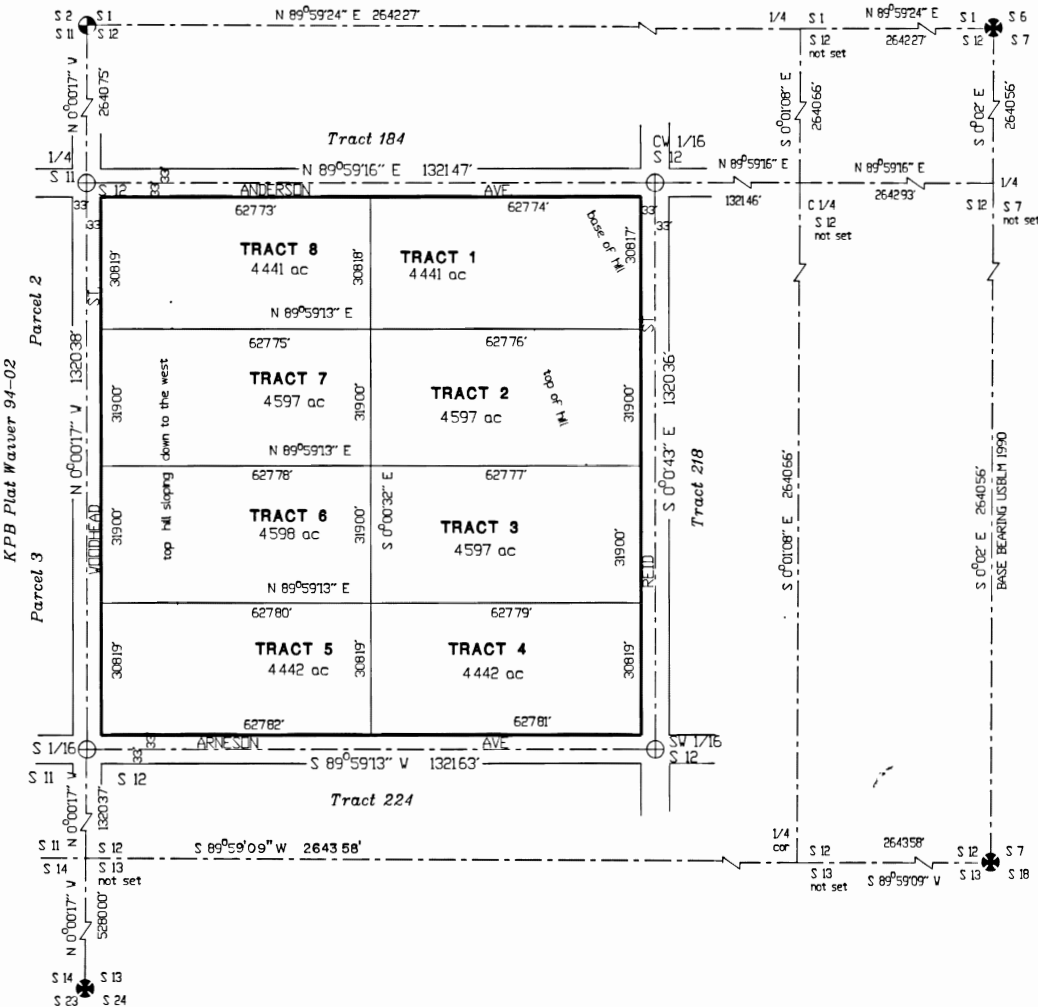
WASTEWATER DISPOSAL

These lots are at least 200,000 square feet or a nominal 5 acres in size and conditions may not be suitable for onsite wastewater treatment and disposal. Any wastewater treatment and disposal system must meet the regulatory requirements of the Alaska Dept of Environmental Conservation.

NOTES

- 1 A building setback of 20' from all street ROW's 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.
- 2 No permanent structure shall be constructed or placed within an easement which would interfere with the ability of a utility to use the easement.

2001-60
 RECORDED-FILED
 HOMER REC DIST
 DATE 12-27-2001
 TIME 1:24 P M
 Requested by:
 Johnson Surveying
 Box 27
 Clam Gulch Ak 99568



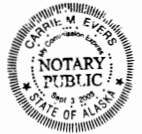
OWNERSHIP CERTIFICATE

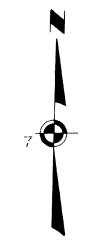
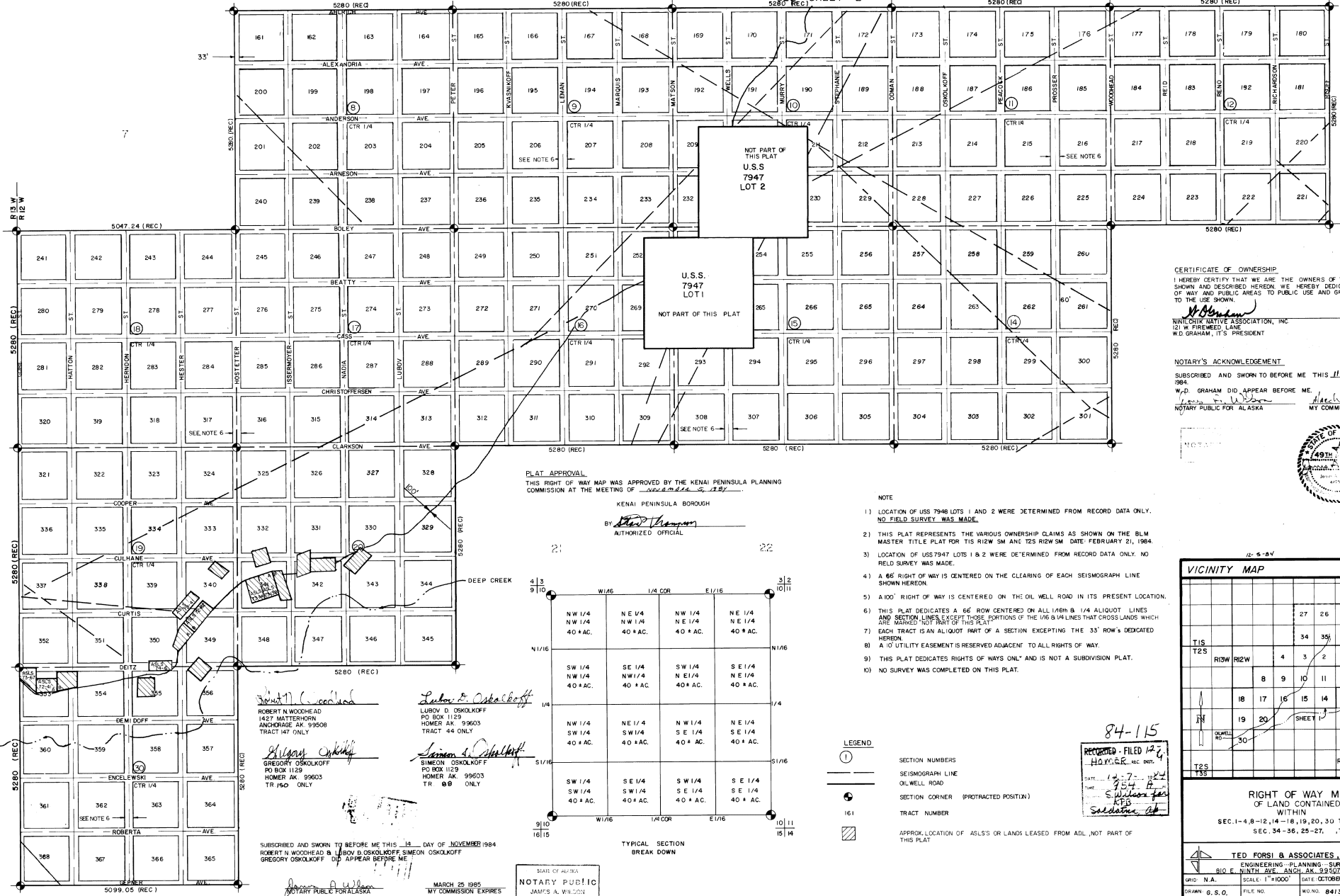
I hereby certify that I am the owner of the real property shown and described hereon; and that I hereby adopt this plan of subdivision, and by my free consent grant all easements to the use shown.

Sheri A. Liebenthal
 Sheri A Liebenthal Formerly Sheri A Stonecipher
 PO Box 39185 Nulitck AK 99639-0185

NOTARY'S ACKNOWLEDGEMENT

For: Sheri A Liebenthal
 Subscribed and sworn to before me this 17
 day of December 2001
Carrie M. Evers
 Notary Public for Alaska
 My commission expires 7/31/09





CERTIFICATE OF OWNERSHIP
 I HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREON. WE HEREBY DEDICATE ALL RIGHTS OF WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.
W.D. Graham
 WINCHUK NATIVE ASSOCIATION, INC.
 121 W. FIREWEED LANE
 W.D. GRAHAM, IT'S PRESIDENT

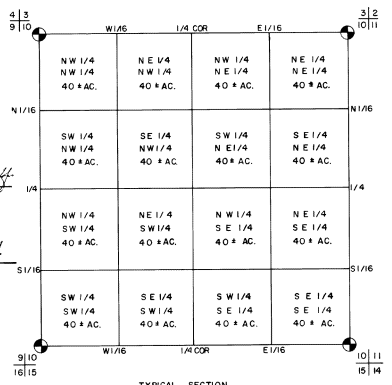
NOTARY'S ACKNOWLEDGEMENT
 SUBSCRIBED AND SWORN TO BEFORE ME THIS 11 DAY OF November 1984.
 W.D. GRAHAM DID APPEAR BEFORE ME.
James A. Wilson March 25, 1985
 NOTARY PUBLIC FOR ALASKA MY COMMISSION EXPIRES



PLAT APPROVAL
 THIS RIGHT OF WAY MAP WAS APPROVED BY THE KENAI PENINSULA PLANNING COMMISSION AT THE MEETING OF November 5, 1984

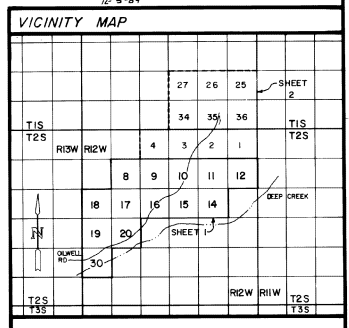
KENAI PENINSULA BOROUGH
 BY: *Paul Thompson*
 AUTHORIZED OFFICIAL

- NOTE**
- 1) LOCATION OF US947 LOTS 1 AND 2 WERE DETERMINED FROM RECORD DATA ONLY. NO FIELD SURVEY WAS MADE.
 - 2) THIS PLAT REPRESENTS THE VARIOUS OWNERSHIP CLAIMS AS SHOWN ON THE BLM MASTER TITLE PLAT FOR T1S R12W SM AND T2S R12W SM DATE: FEBRUARY 21, 1964.
 - 3) LOCATION OF US947 LOTS 1 & 2 WERE DETERMINED FROM RECORD DATA ONLY. NO REID SURVEY WAS MADE.
 - 4) A 66' RIGHT OF WAY IS CENTERED ON THE CLEARING OF EACH SEISMOGRAPH LINE SHOWN HEREON.
 - 5) A 100' RIGHT OF WAY IS CENTERED ON THE OIL WELL ROAD IN ITS PRESENT LOCATION.
 - 6) THIS PLAT DEDICATES A 66' ROW CENTERED ON ALL 1/6th & 1/4 ALIQUOT LINES AND SECTION LINES EXCEPT THOSE PORTIONS OF THE 1/6 & 1/4 LINES THAT CROSS LANDS WHICH ARE MARKED "NOT PART OF THIS PLAT".
 - 7) EACH TRACT IS AN ALIQUOT PART OF A SECTION EXCEPTING THE 33' ROW'S DEDICATED HEREON.
 - 8) A 10' UTILITY EASEMENT IS RESERVED ADJACENT TO ALL RIGHTS OF WAY.
 - 9) THIS PLAT DEDICATES RIGHTS OF WAYS ONLY AND IS NOT A SUBDIVISION PLAT.
 - 10) NO SURVEY WAS COMPLETED ON THIS PLAT.



- LEGEND**
- 1 SECTION NUMBERS
 - SEISMOGRAPH LINE
 - OIL WELL ROAD
 - SECTION CORNER (PROTRACTED POSITION)
 - TRACT NUMBER
 - APPROX. LOCATION OF ASLSS OR LANDS LEASED FROM ADL, NOT PART OF THIS PLAT

84-115
 RECORDED - FILED 127
 H.D.M.R. REC. 087
 DATE: 12-7-84
 TIME: 2:54 P.M.
 S. Williams
 KFB
 Saldatore



RIGHT OF WAY MAP OF LAND CONTAINED WITHIN
 SEC. 1-4-8-12, 14-18, 19, 20, 30 T2S, R12W, SM.
 SEC. 34-36, 25-27, T1S, R12W, SM.

TED FORSI & ASSOCIATES, INC.
 ENGINEERING - PLANNING - SURVEYING
 810 E. NINTH AVE. ANCH. AK. 99507 274-9517
 GRID: N.A. SCALE: 1"=1000' DATE: OCTOBER 84 BOOK: PAGE:
 DRAWN: G.S.O. FILE NO. W.D. NO. 8413 SHEET 1 of 2

Robert N. Woodhead
 ROBERT N. WOODHEAD
 1427 WATERHORN
 ANCHORAGE AK 99508
 TRACT 147 ONLY

Lubov D. Oskolkoff
 LUBOV D. OSKOLKOFF
 PO BOX 1129
 HOMER AK 99603
 TRACT 44 ONLY

Gregory Oskolkoff
 GREGORY OSKOLKOFF
 PO BOX 1129
 HOMER AK 99603
 TR 150 ONLY

Simon Oskolkoff
 SIMON OSKOLKOFF
 PO BOX 1129
 HOMER AK 99603
 TR 88 ONLY

SUBSCRIBED AND SWORN TO BEFORE ME THIS 11 DAY OF NOVEMBER 1984
 ROBERT N. WOODHEAD & LUBOV D. OSKOLKOFF SIMON OSKOLKOFF
 GREGORY OSKOLKOFF DID APPEAR BEFORE ME.
James A. Wilson
 MARCH 25 1985
 NOTARY PUBLIC FOR ALASKA MY COMMISSION EXPIRES

STATE OF ALASKA
NOTARY PUBLIC
 JAMES A. WILSON

22

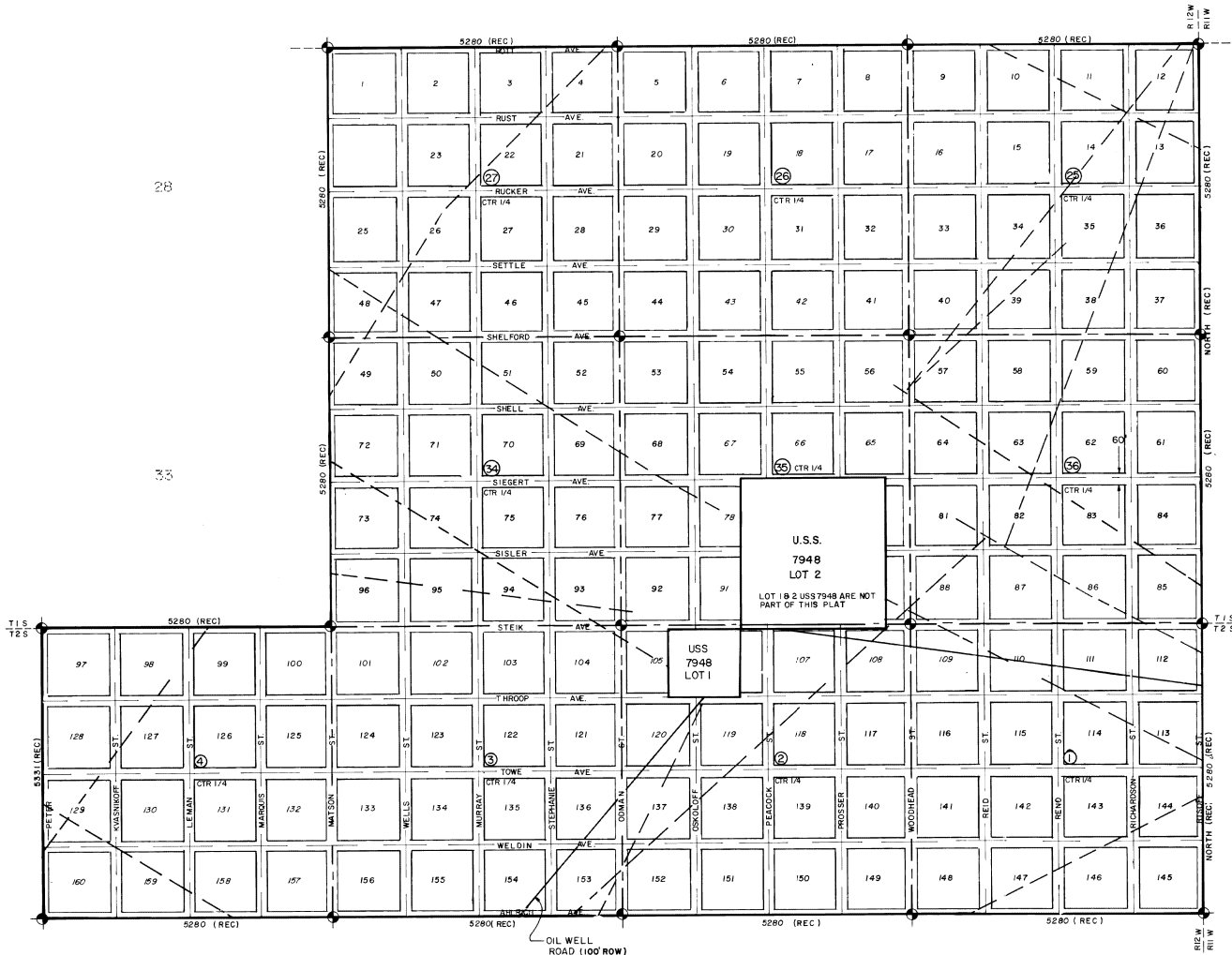
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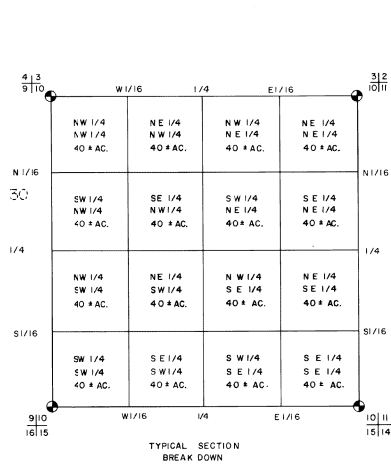
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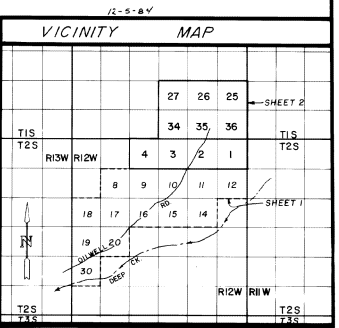
35



SEE SHEET 1



TYPICAL SECTION BREAK DOWN



RIGHT OF WAY MAP
OF LAND CONTAINED
WITHIN
SEC. 34-36, 25-27, T1S, R12W, S.M.
SEC. 1-4, 8-12, 14-16, 19, 20, 30 T2S, R12W, S.M.

TED FORSI & ASSOCIATES, INC.
ENGINEERING - PLANNING - SURVEYING
810 E. NORTH AVE. ANCHORAGE, AK 99501 274-9917

DATE: 12-7-84
SCALE: 1"=1000'
DRAWN: G.S.O. FILE NO. 8413 SHEET 2 of 2

84-115
HOMER
12-7-84
9:54 A
S. Wilson
KFB
Sold to Homer, Alaska

HM 84-115

NINILCHIK R.O.W. MAP