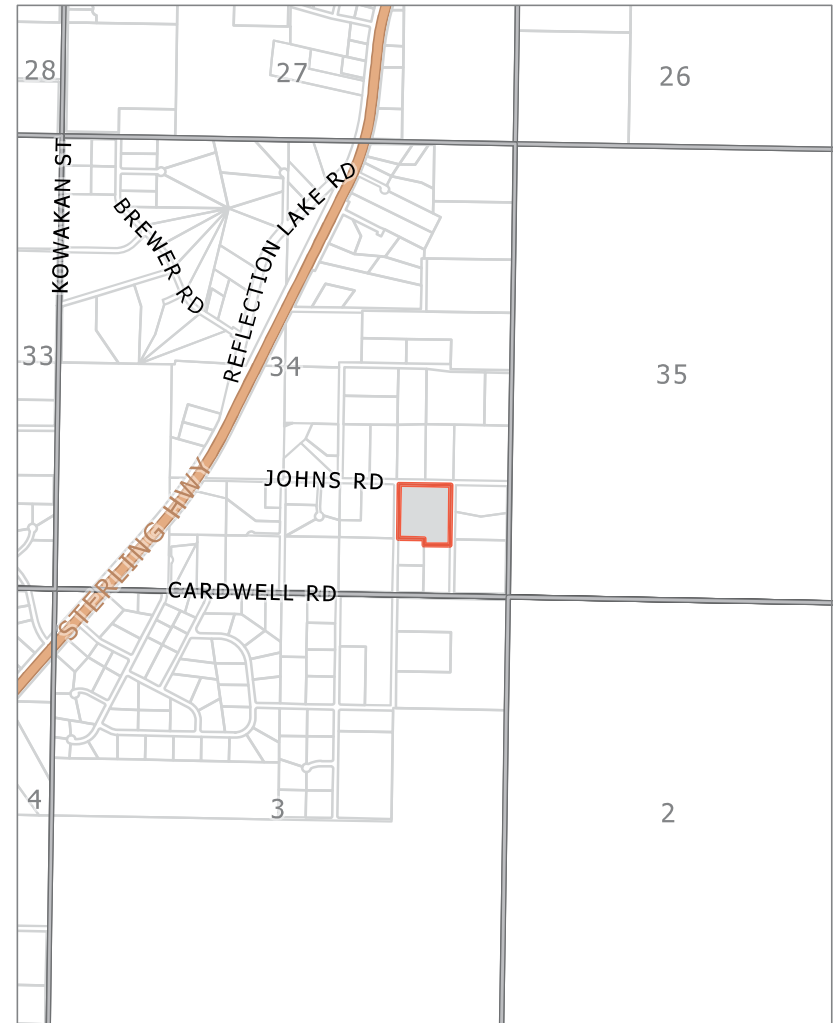
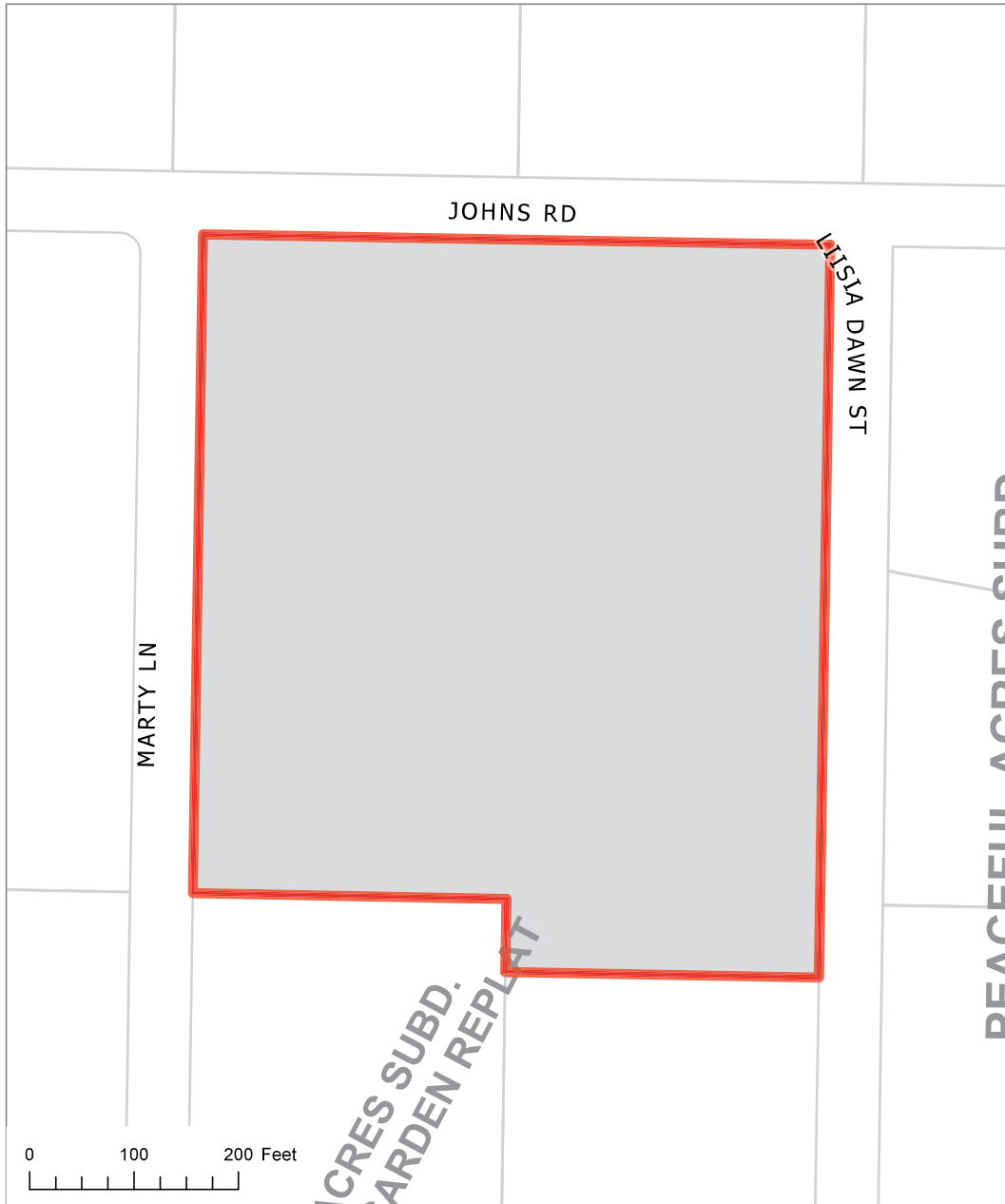


E. NEW BUSINESS

- 3. Peaceful Acres Jackson's Garden No. 2; KPB File 2025-064
Johnson Surveying / Jackson
Location: John's Road off MP 103 Sterling Highway
Kalifornsky Area**



KPB File 2025-064
T 4N R 11W Sec34
Kalifornsky



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.

AGENDA ITEM E. NEW BUSINESS

**ITEM #3 - PRELIMINARY PLAT
PEACEFUL ACRES JACKSON'S GARDEN NO. 2**

KPB File No.	2025-064
Plat Committee Meeting:	May 27, 2025
Applicant / Owner:	Harold Arthur Jackson III and Bobbie Jean Jackson of Soldotna, Alaska
Surveyor:	Jerry Johnson; Johnson Surveying
General Location:	Johns Road, Liisia Dawn Street and Marty Lane, Kalifornsky Area

Parent Parcel No.:	131-360-58
Legal Description:	Tract D1, Peaceful Acres Subdivision Jackson's Garden Replat, Plat 2006-112, Kenai Recording District, Township 4 North, Range 11 West, Section 34
Assessing Use:	Lodge- Multiple Cabins
Zoning:	Rural Unrestricted
Water / Wastewater	On-site / On-site
Exception Request	20.40 Wastewater Review

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide a 9.171-acre parcel into two parcels: one of 5.721 acres and one of 3.450 acres.

Location and Legal Access (existing and proposed):

The proposed plat is located east of the Sterling Highway at the intersection of John's Road and Marty Lane.

Multiple access points are available to the subject area. John's Road is located to the north, Liisia Dawn Street is located to the east and Marty Lane is located to the west. Liisia Dawn Street and Marty Lane are each 60-foot rights-of-way and both intersect with Johns Road to the North and Cardwell Road to the south. Liisia Dawn Street is partially borough-maintained from John's Road approximately 416 feet to the south. John's Road is a 66-foot borough-maintained road which can be accessed near Milepost 103 Sterling Highway, a state-maintained road.

There appears to be a drive from coming from Liisia Dawn St through proposed Tract D1B to proposed Tract D1A. If this drive will remain with the intent as an access; **Staff recommends** the surveyor depict this drive and label it as private.

No section line easement affects this plat.

No right-of-way vacations or dedications are proposed by this platting action.

Johns Road, Liisia Dawn Street, Cardwell Road and Marty Lane form a complete block.

KPB Roads Dept RSA review	Out of Jurisdiction: No Roads Director: Uhlin, Dil Comments: Applicant has multiple buildings within the setback. Recommend that the that we ensure setback encroachment permits are in place.
SOA DOT comments	No Comments

Site Investigation:

Several structures appear to be located on the property according to KPB GIS data. Multiple structures are depicted

on the preliminary plat. Two greenhouses are located on the west boundary of proposed Tract D1A, encroaching approximately 1 foot into the building setback and a carport into the right-of-way of Marty Lane. According to KPB GIS Imagery, there is a greenhouse located on the north boundary line of proposed Tract D1 not shown. There are also cabins on proposed Lot D1B shown. **Staff recommends** the surveyor to confirm the location of the structures and depict them on the plat with dimensions and distances to line, if encroaching into the building setback.

The parent plat, KN 2006-112, included a depiction of a pre-existing carport 19 feet from the west property line of former Tract D1 and was not subject to the building setback requirements. This is not the same carport shown on the current plat submittal. The greenhouse in the same location of the past carport looks to have replaced the old carport.

Staff recommends a Building Setback Encroachment Permit must be applied for the any of the buildings encroaching into the building setback, including the carport. Additionally, a permit must be applied for through the KPB Roads department for the carport encroaching into the right-of-way. Alternatively, the owners may choose to remove the carport. These permits must be completed and added as a note on the plat giving the date of approval and the filed Resolution information on the final plat. The plat shall also show the structures with reference to the plat note.

Contours have been added to the preliminary plat at intervals of 5-feet and correlate to KPB GIS Terrain Viewer. A small area in the southeast of the subject property has been shaded on the plat of slopes exceeding 20% grade. **Staff recommends** the surveyor may remove the contours on the final plat per KPB 20.60.010.

KWF Wetlands Assessment identified wetlands on the southeast corner of proposed Lot D1B. The wetlands have been added to the preliminary plat labeled as swamp limits. **Staff recommends** place a note on the final plat indicating "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."

The proposed plat is not within a flood hazard area or habitat protection district per the KPB River Center Review.

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

Staff Analysis

Originally, the land was an aliquot part of the SE1/4 SW1/4, S1/2 SE1/4, NW1/4 SE1/4 of Section 34, Township 4 North, Range 11 West, Seward Meridian, Alaska. In 1974, Peaceful Acres Subdivision (KN 74-18) first subdivided the land into four Blocks, each Block consisting of four Tracts. In 2006, Peaceful Acres Jackson's Garden Replat (KN 2006-112) further subdivided Tracts C and D, Block 1 into Lots C1 through Lot C3 and Tract D1. The proposed plat will subdivide Tract D1 into one Tract and one Lot.

The Surveyor has submitted an exception request to KPB 20.40 Wastewater Review and will be discussed later in the staff report.

Tract D1A will not require a soils report as the lot is greater than 200,000 square feet.

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

There is a fence depicted on the preliminary plat, it appears to be a chain link fence according to KPB GIS Imagery and is allowable within the building setback

KPB 20.90 defines “permanent structures” for purposes of the building setback shall mean anything of a permanent nature that requires footings, foundations or pilings. Improvements of a minor nature that do not interfere with the sight distance from the right-of-way are allowed. Examples of allowable improvements are well casings, low retaining walls, vent pipes, individual mailboxes, address sign posts and transparent fencing such as metal chain link. Staff recommends the fence can be removed from the drawing if it is still a chain link fence. If it is a solid wood fence now the surveyor should keep it on the drawing and a Building Setback Encroachment Permit will be required.

Utility Easements

A 5-foot clearing and/or utility easement was granted by parent plat, Peaceful Acres Subdivision KN 74-48 along the north boundary of former Tract D. **Staff recommends** the surveyor carry this easement forward from KN74-18 as a note and label on the drawing.

Peaceful Acres Jackson’s Garden Replat (KN 2006-171) granted a 10-foot utility easement within the building setback and the entire setback within 5 feet of the side lot lines as a utility easement. The easement is depicted and referenced in plat note number 1.

An easement for electric lines or system and/or telephone lines was granted to Homer Electric Association, Inc. in Misc. Book 6, Page 125, Kenai Recording District. This easement is denoted as plat note number 3.

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.

Utility provider review:

HEA	No Comments
ENSTAR	No Comments or Recommendations
ACS	No Response
GCI	Approved as Shown

KPB department / agency review:

Addressing Review	Reviewer: Leavitt, Rhealyn Affected Addresses: 48195 JOHNS RD, 28235 LIISIA DAWN ST Existing Street Names are Correct: No List of Correct Street Names: JOHNS RD, LIISIA DAWN ST, MARTY LN Existing Street Name Corrections Needed: LISA DAWN ST ON PLAT SHOULD BE LIISIA DAWN ST PER SN RESOLUTION 2014-04
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	<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: 48195 JOHNS RD WILL REMAIN WITH TRACT D1A, 28235 LIISIA DAWN ST WILL REMAIN WITH LOT D1B</p>
Code Compliance	<p>Reviewer: Ogren, Eric</p> <p>Comments: There appears to be a structure in the ROW of Marty Ln. and two structures in the 20ft set back along Marty Ln. RSA would approval for the ROW encroachment and a Resolution from the PC to allow the Structures in the Set back to remain.</p>
LOZMS Review Planner	<p>Reviewer: Raidmae, Ryan</p> <p>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 Review	<p>Reviewer: Windsor, Heather</p> <p>Comments: No comment</p>

STAFF RECOMMENDATIONS

CORRECTIONS / EDITS

- Modify the KPB File Number to 2025-064

PLAT NOTES TO ADD

- 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.

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:

- Remove "Block 1" from the legal description. KN 2006-112 did not include "Block" on the parcel labels and neither does KPB Assessing or any of the deeds.

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:

- Modify the ROW name to the east: Liisia Dawn Street
- Modify the width of John's Road to 66 feet

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:

- Staff suggests labeling Reflection Lake

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 proposed 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:

- Remove the block numbers from the parcel labels to the east
- Modify the southeast parcel to KRD 2020-42 Tract B-1A
- Remove the block numbers from the parcel labels directly to the south

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 Disposal

Surveyor's Discussion: Both lots have working wastewater disposal systems that have been in place for years.

The Surveyor/Applicant has submitted the following proposed Findings in support of the exception request.

1. Both lots have working wastewater disposal systems that have been in place for years.
2. Proposed Tract D1A is 5.721 acres- exceeding the minimum 200,000 square feet.
3. The septic system for proposed Lot D1B is shown on the preliminary plat and has been in-use with the cabins on the lot operating successfully for several years.
4. The wells for both proposed parcels have been found and depicted on the preliminary plat.

Staff Discussion:

The Soils Report for the parent plat subdivision did not include former Tract D1 as it was over 200,000 square feet.

20.40.020. - Wastewater system review not required.

A. Wastewater system review will not be required if any of the following criteria are satisfied:

1. The existing parent subdivision was approved by the Department of Environmental Conservation, current state agency, or the Kenai Peninsula Borough under this chapter and the proposed subdivision is limited to:
 - a. Vacating lot lines to create fewer lots;
 - b. Moving one or more lot lines a total distance of ten feet or less without increasing the number of lots having prior

onsite wastewater approval; or

c. Moving one or more lot lines without increasing the number of developable lots, while maintaining a minimum of 20,000 square feet of contiguous area, as described in KPB 20.40.040(A)(4)(a), for each lot affected by the lot line movement.

2. The plat increases lot sizes by 1,000 square feet or more of area suitable for conventional development.

3. The sole purpose of a plat is to depict an area approved for vacation under KPB Chapter 20.65 or under KPB 20.10.090.

4. The sole purpose of a plat is to show a survey and delineate parcels as a condition prior to transfer of title for a municipal entitlement pursuant to AS 29.65, under KPB 20.10.100.

Findings.

5. Staff researched the ADEC website and was unable to find a report for the proposed platting area. The surveyor confirmed via email that there is no engineer report available.
6. Proposed Tract D1A is approximately 249,206.76 square feet.
7. Proposed Lot D1B is approximately 150,282 square feet
8. The plat is creating an additional lot.
9. A Soils Report will be an additional cost to the Owner's.
10. Any replacement systems will require compliance with ADEC.
11. There is sufficient area for a replacement system on both lots if either were to fail.

Staff reviewed the exception request and recommends granting approval.

Staff recommends the Committee (or Commission, as applicable) 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 KPB Title 20, the Committee may authorize exceptions to any of the requirements set forth in KPB Title 20. A request for an exception shall be in writing and presented to the 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:

1. That special circumstances or conditions affecting the property have been shown
Findings 1-4; 5-7 and 11 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 1-2 and 9-11 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 1-2 and 10-11 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. Add the Wastewater Disposal Notes to the plat in addition to the exception: KPB 20.040.020 (B2) for Proposed Lot D1B and KPB 20.40.030 for Tract D1A.

RECOMMENDATION:

SUBJECT TO EXCEPTION(S) GRANTED, STAFF RECOMMENDS:

- GRANT APPROVAL OF THE PRELIMINARY PLAT SUBJECT TO STAFF RECOMMENDATIONS, AND
- COMPLIANCE WITH EITHER:
 - APPLYING FOR A BUILDING SETBACK ENCROACHMENT PERMIT / RIGHT-OF-WAY PERMIT FOR ALL STRUCTURES WITHIN THE BUILDING SETBACK AND/OR RIGHT-OF-WAY
 - CONFIRMATION THAT THE ENCROACHING STRUCTURES HAVE BEEN REMOVED FROM THE BUILDING SETBACK LINE AND/OR RIGHT-OF-WAY
- 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: KPB 20.25.120. - REVIEW AND APPEAL.

IN ACCORDANCE WITH KPB 2.40.080, ANY PERSON, AGENCY, OR CITY THAT PARTICIPATED AT THE PLAT COMMITTEE HEARING, EITHER BY WRITTEN OR ORAL PRESENTATION, MAY REQUEST THAT A DECISION OF THE PLAT COMMITTEE BE REVIEWED BY THE PLANNING COMMISSION BY FILING A WRITTEN REQUEST WITHIN 15 DAYS OF DATE OF DISTRIBUTION OF THE DECISION.

A DECISION OF THE PLAT 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.

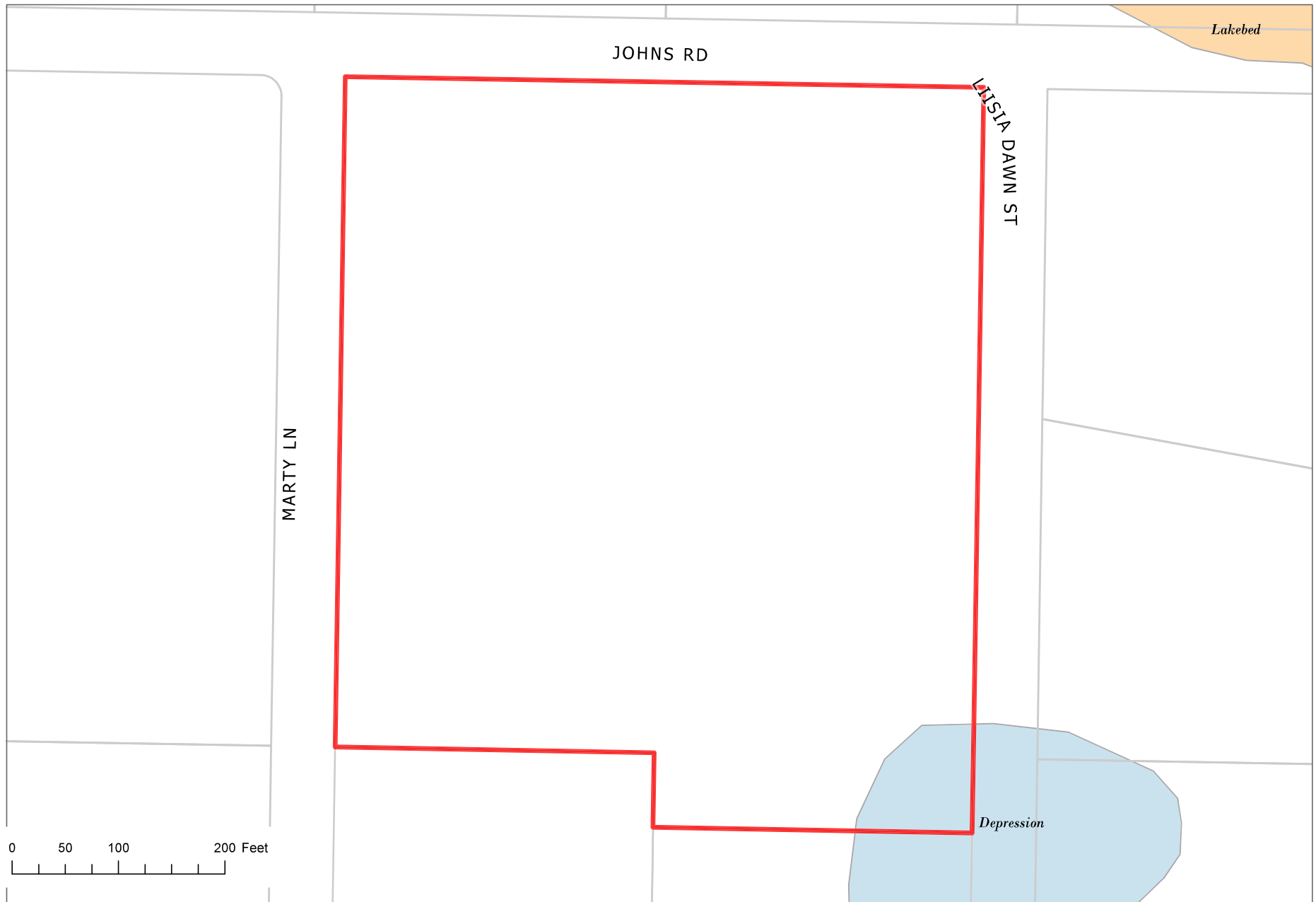
END OF STAFF REPORT



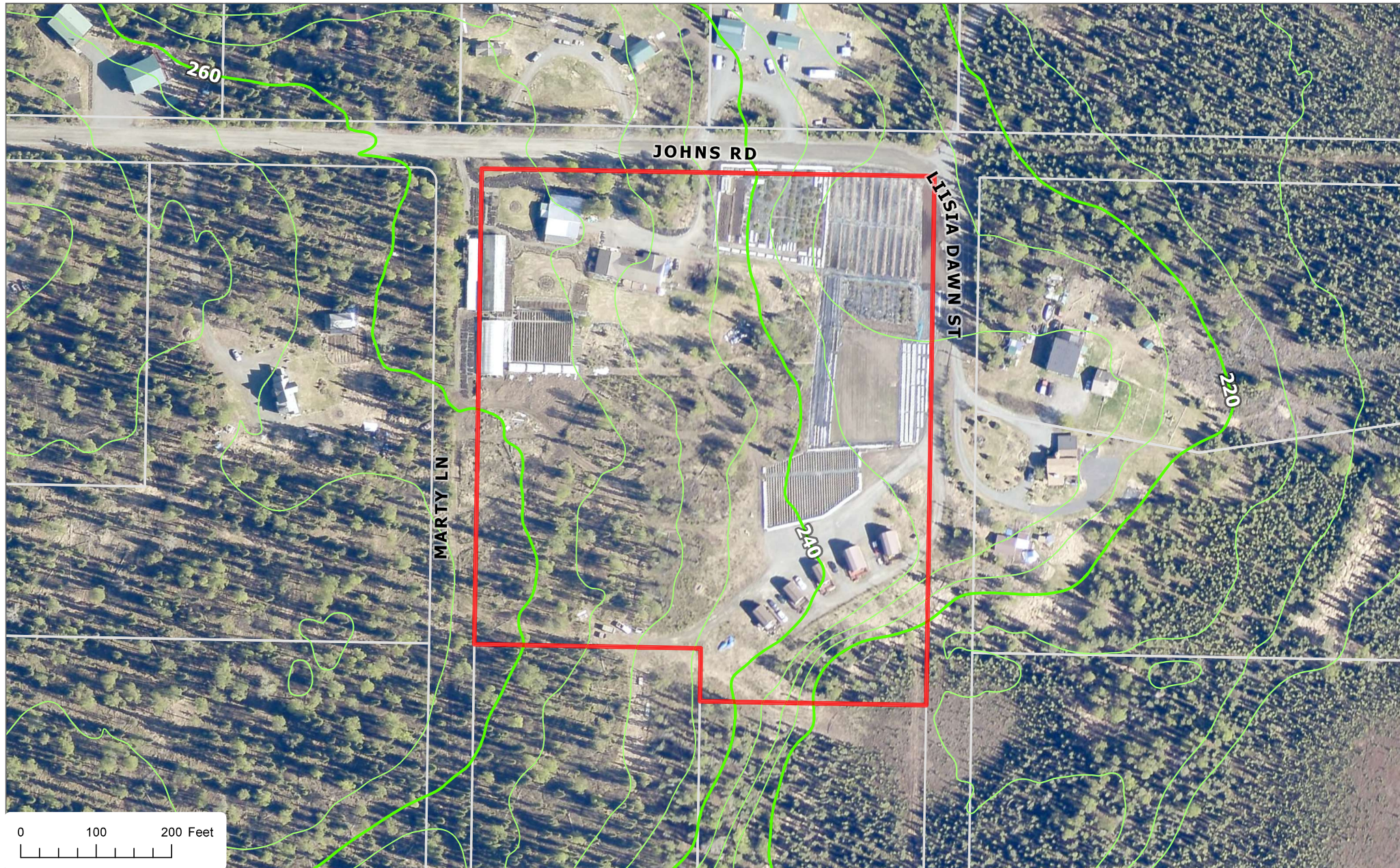
Aerial Map



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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Peaceful Acres Jackson Addition
Tract 5 Tract 4 Tract 3

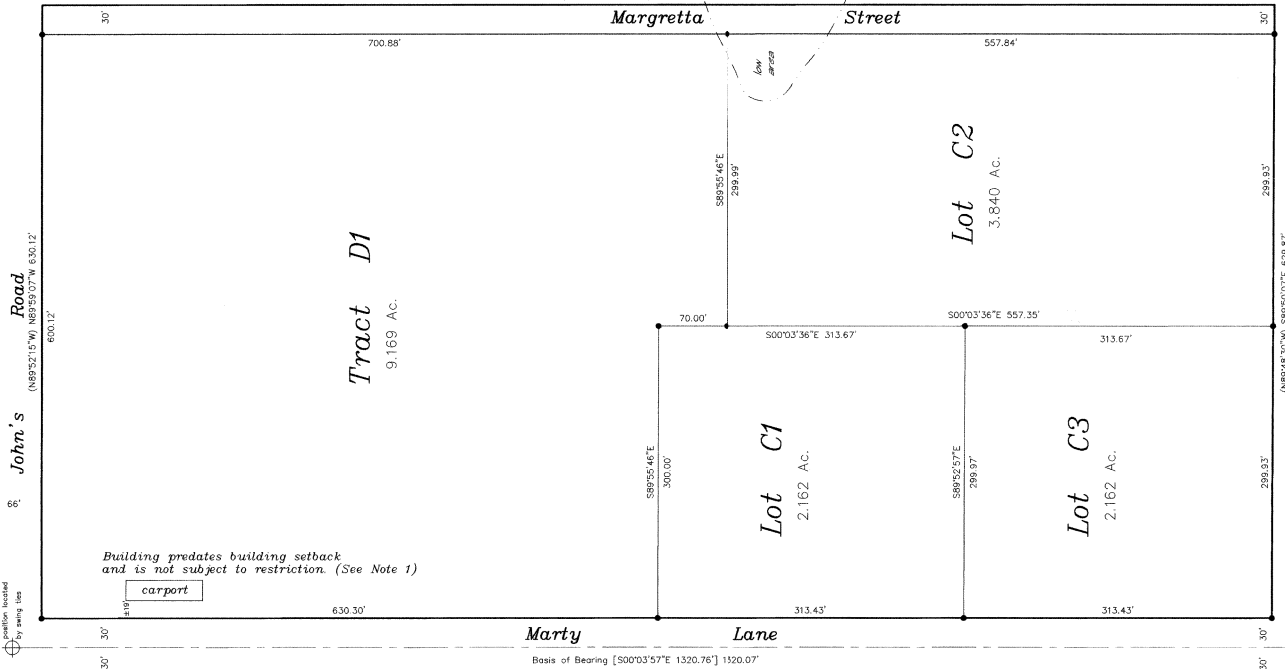
NOTES:

- Existing carport in Tract D1 is not subject to 20' Building Setback. Any new or replacement construction will be subject to setback.
- Building Setback (for all new or replacement construction):
A setback of 20 feet is required from all street rights-of-way unless a lesser standard is approved by resolution of the appropriate Planning Commission.
- Front 10 ft. of the building setback and the entire setback within 5 feet of the side lot lines is a utility easement. No permanent structure shall be constructed or placed within the utility easement which would interfere with the ability of the utility to use the easement.
- 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.
- WASTEWATER DISPOSAL:** Soil conditions, water table levels, and soil slopes in this subdivision have been found suitable for conventional onsite wastewater treatment and disposal systems serving single-family or duplex residences and meeting the regulatory requirements of the Kenai Peninsula Borough. Any other type of onsite wastewater treatment and disposal system must be designed by a professional engineer, registered to practice in Alaska, and the design must be approved by the Alaska Dept. of Environmental Conservation.

Peaceful Acres Tracts - A + B, Block 1

Tract A-1

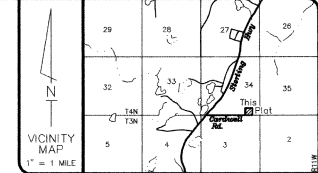
Engineer License # Date Tract A-2 Tract B-1 Tract B-2



Building predates building setback and is not subject to restriction. (See Note 1)

Block 2
Peaceful Acres
Hanrahan's Replat

- LEGEND:
- 3-1/4" Alum. Cap Monument (found)
 - 3-1/4" Alum. Cap Monument (reset)
 - 1-1/2" Alum. Cap (found)
 - 5/8" Rebar (found)
 - 1/2" Rebar (found)
 - 5/8" Rebar (set)
 - Record Datum - Peaceful Acres Hanrahan's Replat, Plot # 89-11
 - Record Datum - Peaceful Acres Subd. Tracts A&B, BLK 1 - Plot # 89-60



CERTIFICATE of OWNERSHIP and DEDICATION

WE HEREBY CERTIFY THAT WE ARE THE OWNER(S) OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND THAT WE HEREBY ADOPT THIS PLAN OF SUBDIVISION AND BY OUR FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

Harold A. Jackson III (Tract D)
Bobbie Jean Jackson (Tract D)
Bobbie G Jackson POA (Tract C)
Harold A. Jackson IV (Tract C)
Martin E. Jackson (Tract C)
Brandy L. Jackson (Tract C)
Bobbie G Jackson POA (Tract C)
Trina Ann Davis (Tract C)
formerly known as Trina Ann Jackson
a.k.a. Trina A. Jackson

48195 Johns Road
Soldotna, Alaska 99611

NOTARY'S ACKNOWLEDGMENT

SUBSCRIBED AND SWORN BEFORE ME THIS 14th DAY OF DECEMBER, 2006, for *Harold Arthur Jackson III, Bobbie Jean Jackson, Harold A. Jackson IV, Martin E. Jackson, Brandy L. Jackson, Trina A. Davis*

Sarah Hanson
NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES 3/31/09



PLAT APPROVAL

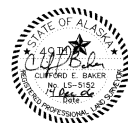
THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF August 28, 2006

KENAI PENINSULA BOROUGH

myself
AUTHORISED OFFICIAL

SURVEYOR'S CERTIFICATE

I hereby certify that I am properly registered and licensed to practice land surveying in the State of Alaska, this plat represents a survey made by me or under my direct supervision, the monuments shown herein actually exist as described, and all dimensions and other details are correct to the normal standards of practice of land surveyors in the State of Alaska.



2006-112
RECORDED 20-12-19
KNAI REC. DIST.
DATE 12-19-20
TIME 11:22 A.M.
REQUESTED BY:
INTEGRITY SURVEYS
8195 KENAI SPUR HWY
KENAI, ALASKA 99611

KPB FILE No. 2006-171

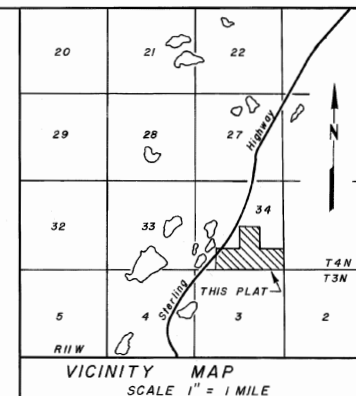
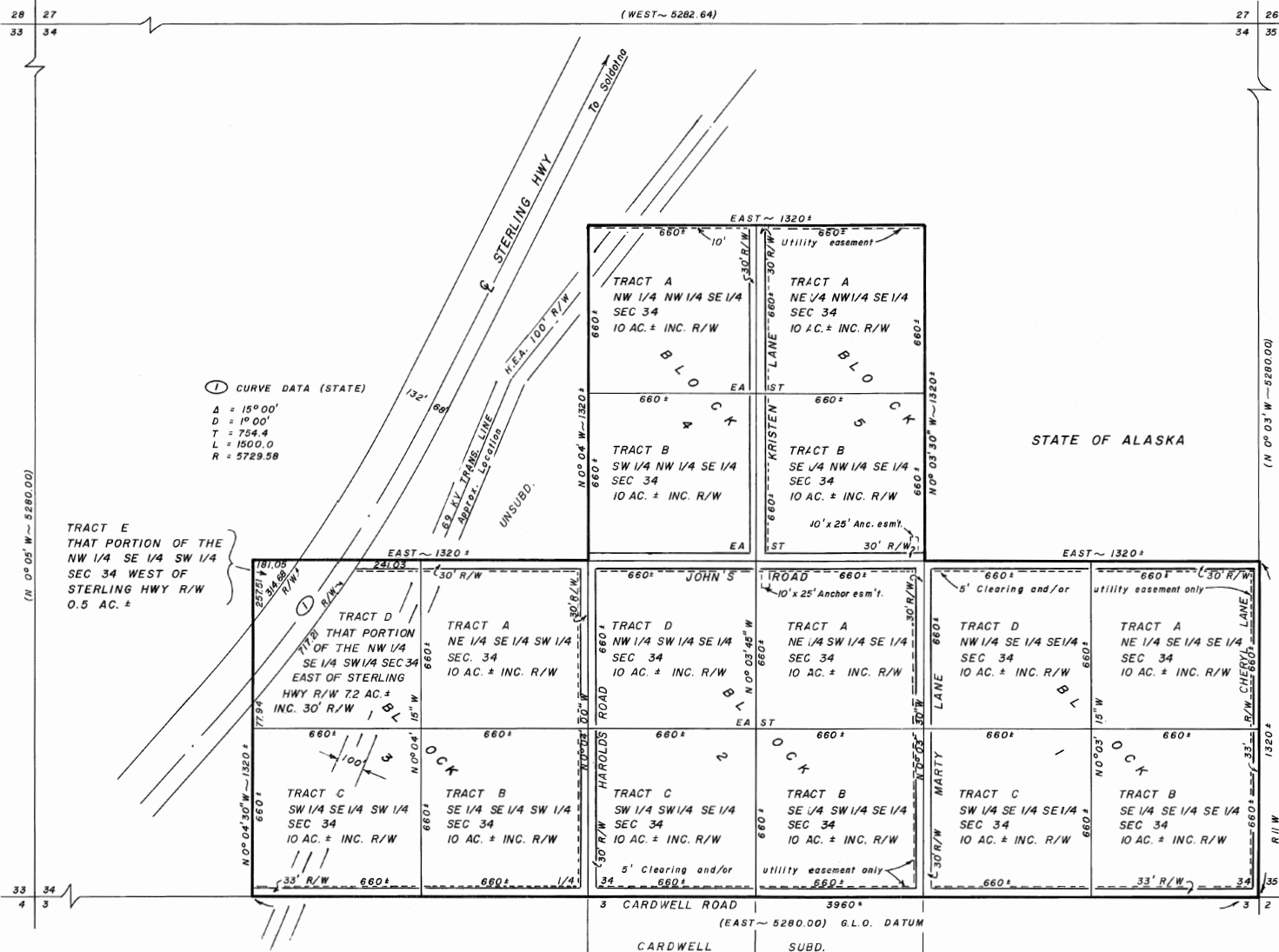
Peaceful Acres Jackson's Garden Replat

A subdivision of Tracts C & D Block 1, Peaceful Acres Subdivision
Located within the 1/4 1/4 Section 34, T4N, R11W, S.M., Kenai Recording District, Kenai Peninsula Borough, AK, Peninsula Borough, Alaska.
Containing 19.194 Acres

Integrity Surveys

8195 Kenai Spur Hwy Kenai, Alaska 99611-8902
SURVEYORS PHONE (907) 283-9047 PLANNERS
FAX (907) 283-9071

JOB NO. 26091 DRAWN: 03 December, 2006 CB
SURVEYED: July 2006 SCALE: 1" = 60'
FIELD BK: 2006-2, Pg. 53 DISK: Peaceful Acres



24-18
RECORDED - FILED
Kusi S.C. DIST.
DATE 2-26 1974
TIME 10:28 A.M.
REGISTERED BY KPB
ADDRESS 600

John W. Martin, owner
Rt. 2; Soldotna, Ak. 99669

DATE Jan. 14, 1974	SCALE 1" = 300'
-----------------------	--------------------

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.

NOTARY'S ACKNOWLEDGEMENT.

My commission expires July 1, 1974

PLAT APPROVAL.

Stanley F. Thompson
Mayor

KN 74-18