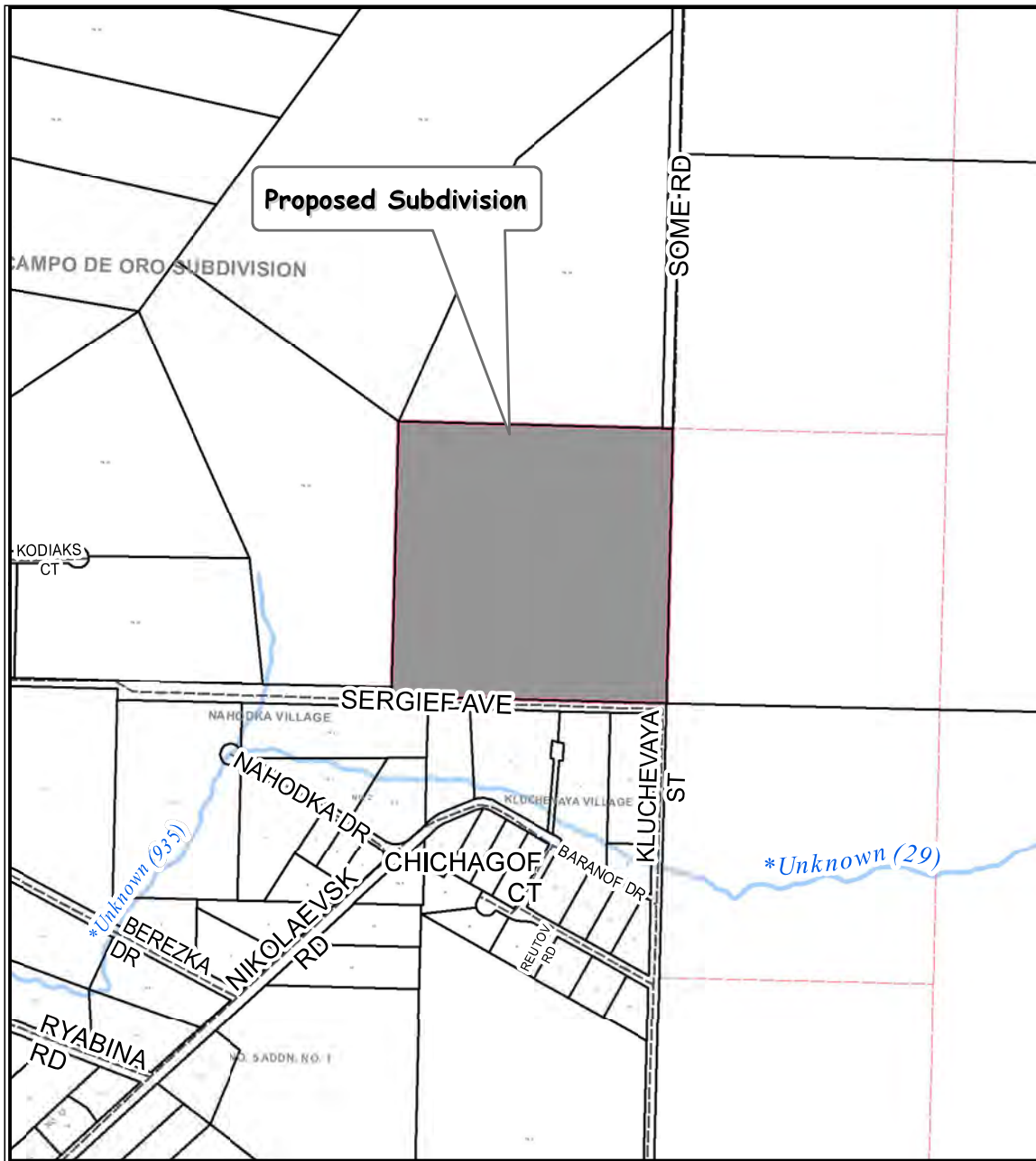
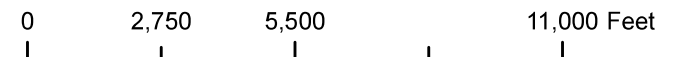
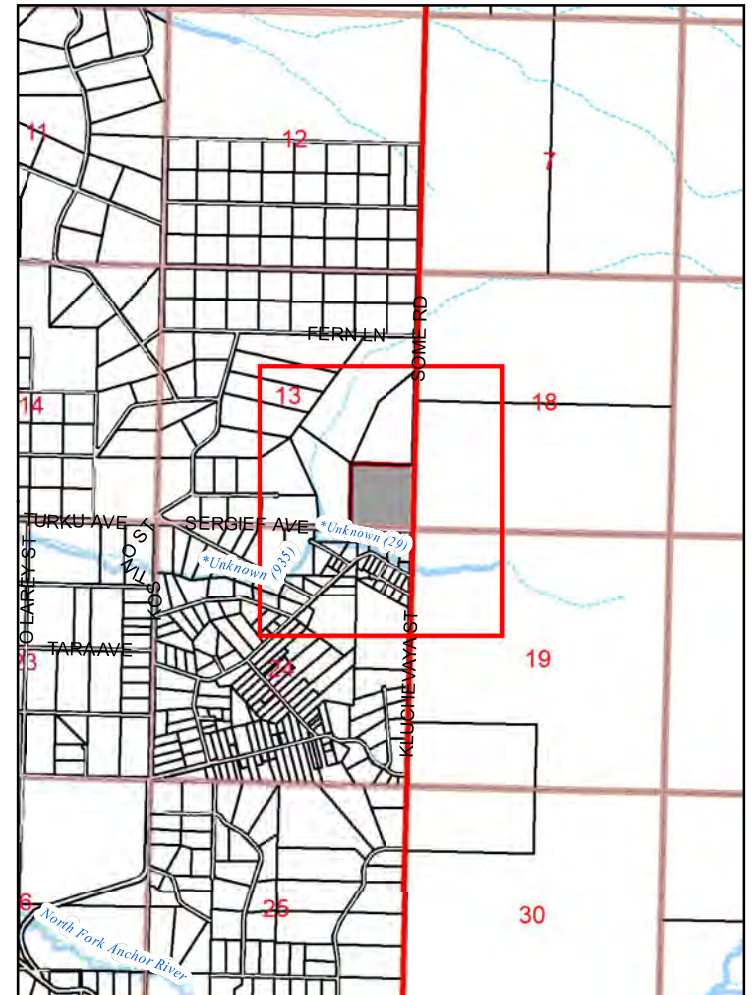
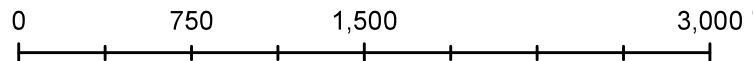


E. NEW BUISNESS

ITEM E1 - ALASKAN WILDWOOD EAST

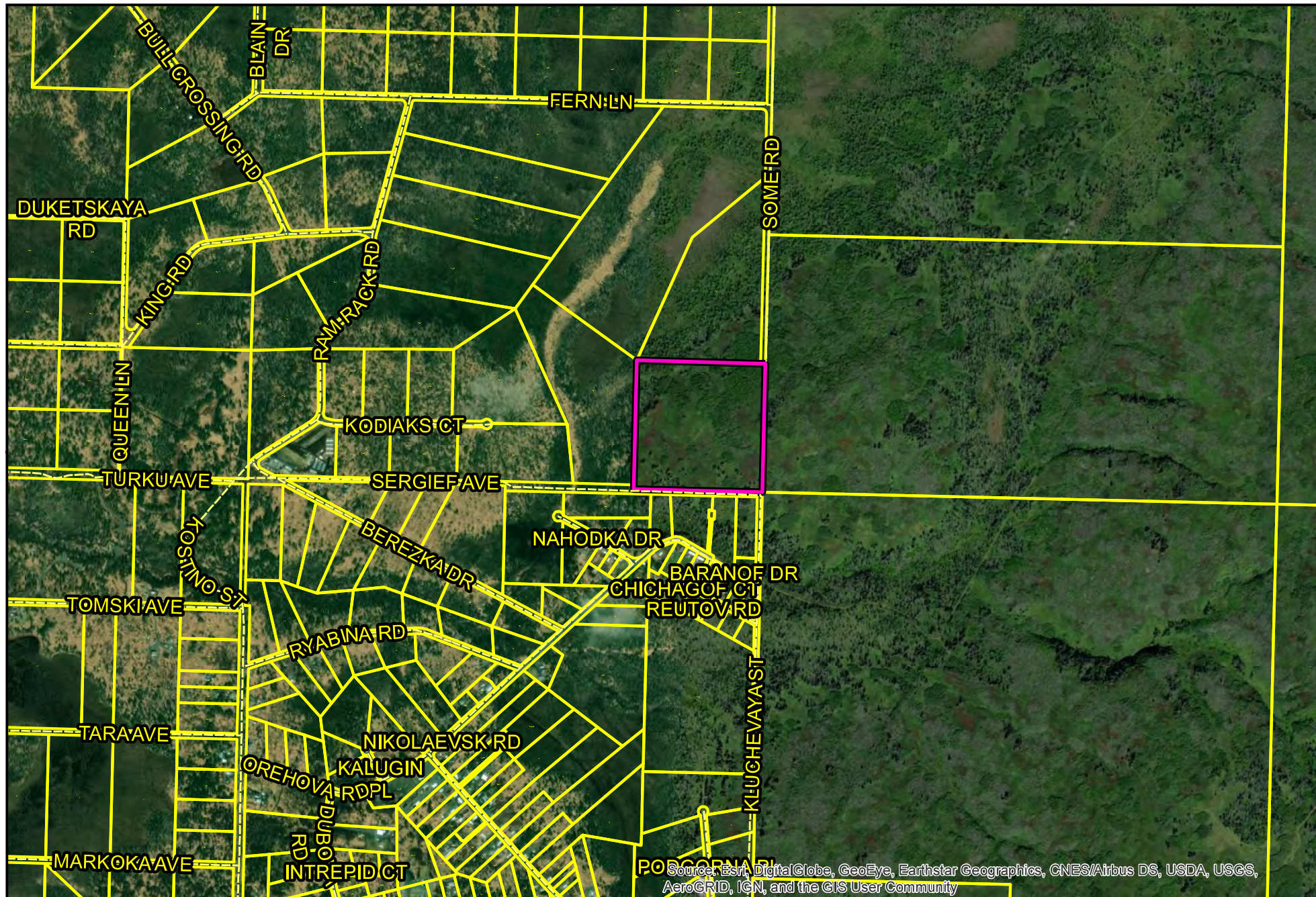


The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



KPB 2021-126
S13 T04S R14W
Nikolaevsk

PClements, KPB 2021-126 Date: 9/2/2021



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

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.

0 375 750 1,500'

Aerial View



 PRELIMINARY PLAT

PClements, KPB 2021-126
Imagery World

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF SEPTEMBER, 27-2021.

COMMISSIONER _____

DATE _____

CERTIFICATE OF ACCEPTANCE

THE UNDERSIGNED OFFICIAL, IDENTIFIED BY NAME AND TITLE IS AUTHORIZED TO ACCEPT AND HEREBY ACCEPTS ON BEHALF OF THE KENAI PENINSULA BOROUGH FOR PUBLIC USES AND FOR PUBLIC PURPOSES THE REAL PROPERTY TO BE DEDICATED BY THIS PLAT INCLUDING EASEMENTS, RIGHTS-OF-WAY, ALLEYS, AND OTHER PUBLIC AREAS SHOWN ON THE PLAT.

SERGIEF AVENUE AND HUNT/LAND STREET.

THE ACCEPTANCE OF LANDS FOR PUBLIC PURPOSES DOES NOT OBLIGATE THE PUBLIC OR ANY GOVERNING BODY TO CONSTRUCT, OPERATE, OR MAINTAIN IMPROVEMENTS.

AUTHORIZED OFFICIAL
KENAI PENINSULA BOROUGH
144 NORTH BINKLEY STREET
SOLDOTNA, ALASKA 99569

DATE _____

CERTIFICATE OF OWNERSHIP AND DEDICATION

I 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 DEDICATE ALL RIGHTS-OF-WAY AND GRANT ALL EASEMENTS TO THE USE SHOWN.

JOE BALLYEAT
6909 RISING EAGLE ROAD
BOZEMAN, MONTANA 59715

DATE _____

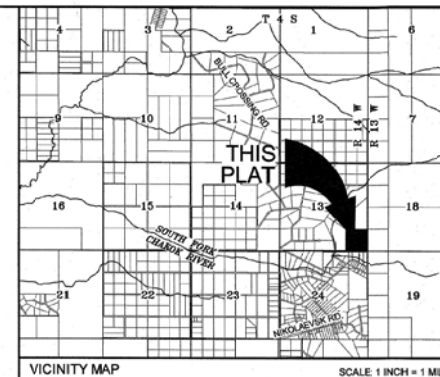
NOTARY'S ACKNOWLEDGMENT

FOR JOE BALLYEAT

ACKNOWLEDGED BEFORE ME THIS
DAY OF _____, 2021.

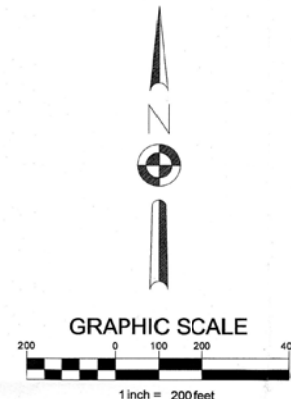
NOTARY PUBLIC _____

MY COMMISSION EXPIRES _____



NOTES

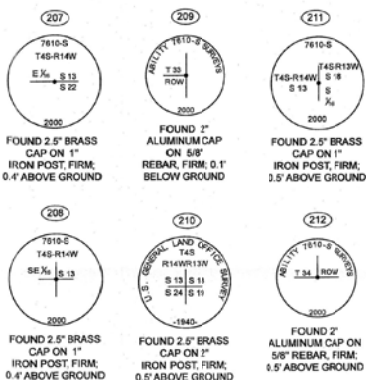
- ROADS MUST MEET THE DESIGN AND CONSTRUCTION STANDARDS ESTABLISHED BY THE BOROUGH IN ORDER TO BE CONSIDERED FOR CERTIFICATION AND INCLUSION IN THE ROAD MAINTENANCE PROGRAM (KPB 14.06).
- BUILDING SETBACK - A SETBACK OF 20 FEET IS REQUIRED FROM ALL STREET RIGHTS-OF-WAY UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
- THE FRONT 10 FEET OF THE 20 FOOT 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.
- SET 5/8" X 30" REBAR WITH 1.5" DIAMETER ORANGE PLASTIC CAP AT ALL LOT CORNERS AND PC/PT OF CURVES ALONG LOT LINES.
- WASTEWATER DISPOSAL: THESE LOTS ARE AT LEAST 200,000 SQUARE FEET IN SIZE AND CONDITIONS MAY NOT BE SUITABLE FOR ON-SITE WASTEWATER TREATMENT AND DISPOSAL. ANY WASTEWATER TREATMENT OR DISPOSAL SYSTEM MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.
- ANY PERSON DEVELOPING THE PROPERTY IS RESPONSIBLE FOR OBTAINING ALL LOCAL, STATE, AND FEDERAL PERMITS, INCLUDING A U.S. ARMY CORPS OF ENGINEERS WETLAND DETERMINATION, IF APPLICABLE.
- EXCEPTIONS TO KPB 20.30.030 (PROPOSED STREET LAYOUT) AND KPB 20.30.170 (BLOCKS-LENGTH REQUIREMENTS) WERE GRANTED BY THE KPB PLANNING COMMISSION AT THE MEETING HELD ON SEPTEMBER 27, 2021.



LEGEND

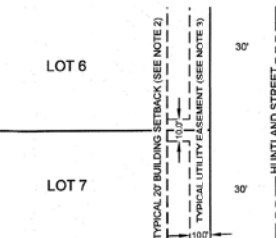
- FOUND 2.5" DIAMETER BRASS MONUMENT
- FOUND 2" DIAMETER ALUMINUM CAP
- RECORD MEASUREMENT - PLAT No. 2011-31
- (DTP) ROW DEDICATED THIS PLAT
- (SLE) SECTION LINE EASEMENT
- SECTION LINE
- EASEMENT LINE
- ROAD MAINTENANCE EASEMENT LINE
- POORLY DRAINED SOILS DETERMINED FROM KENAI PENINSULA BOROUGH AERIAL PHOTOGRAPHY (2012 / 2013)

MONUMENT DETAILS



TYPICAL CAP SET

TYPICAL EASEMENT DETAIL
(APPLIES TO ALL LOTS)



LINE	BEARING	DIST. (ft.)
L1	N 29°42'11" W	178.28'
L2	N 29°23'30" E	193.87'
L3	S 29°23'30" W	159.91'
L4	N 29°42'11" W	121.39'

CURVE	RADIUS	DELTA ANGLE	ARC	CHORD BEARING	CHORD
C1	20.00'	60°22'52"	21.08'	N 59°52'42" W	20.12'
C2	170.00'	29°38'14"	87.94'	S 14°53'04" E	86.95'
C3	170.00'	29°38'14"	87.94'	S 14°45'10" W	86.95'
C4	230.00'	27°47'56"	111.59'	N 15°38'48" E	110.50'
C5	230.00'	1°48'48"	7.28'	S 00°50'22" W	7.28'
C6	230.00'	0°44'50"	3.00'	S 00°26'22" E	3.00'
C7	230.00'	28°53'24"	115.97'	S 15°15'30" E	114.75'
C8	20.00'	119°38'58"	41.77'	N 30°06'23" E	34.58'

SURVEYOR'S CERTIFICATE

I 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 AND THAT THE MONUMENTS SHOWN HEREON ACTUALLY EXIST AS DESCRIBED, AND THAT ALL DIMENSIONS AND OTHER DETAILS ARE TRUE AND CORRECT.

BUKU SALIZ LS-14837
REGISTERED LAND SURVEYOR

10/8/2021
DATE



PLAT OF	
ALASKAN WILDWOOD EAST SUBDIVISION	
A SUBDIVISION OF	
PARCEL #3 OF PLAT WAIVER 93-26 AMENDED	
PER Doc. No. 1993-003636-0, HOMER RECORDING DISTRICT CONTAINING 46.100 ACRES	
<div> </div>	
OWNER:	JOE BALLYEAT; 6909 RISING EAGLE ROAD; BOZEMAN, MT; 59715
KPB FILE NO.:	2021-128
PROJECT NO.:	21024
SURVEY DATE:	JUNE 15, 2021
FIELD BOOK:	21-01
DRAWN BY:	JK
CHECKED BY:	BS
SCALE:	1" = 200'
SHEET:	1 OF 1

AGENDA ITEM E. NEW BUSINESS

ITEM 1 - ALASKAN WILDWOOD EAST

KPB File No.	2021-126
Plat Committee Meeting:	April 11, 2022
Applicant / Owner:	Joe Balyeat of Bozeman, MT
Surveyor:	Andre Kaeppele, Buk Saliz / Fixed Height LLC
General Location:	Nikolaevsk / Anchor Point APC

Parent Parcel No.:	165-111-42
Legal Description:	SE1/4 SE1/4 Section 13, Township 4 South, Range 14 West. Parcel 2 of Plat Waiver Resolution 93-26 Amended, Serial Number 93-3636 HRD.
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On-site

STAFF REPORT

Specific Request / Scope of Subdivision: The Kenai Peninsula Borough Plat Committee heard and approved the preliminary plat originally named Alaskan Wildwood Phase1, at the September 27, 2021 meeting. An exception was granted to KPB 20.30.00, proposed street layout, so that a dedication was not required along the eastern boundary. An exception was also approved for KPB 20.30.170, block length requirements.

The original design, approved by the Plat Committee, was going to subdivide a 40 acre parcel into eight lots and provide a right of way dedication. This plat is being brought back to the plat committee as the surveyor has requested an exception to KPB 20.30.190 – lots dimensions, 3:1 depth to width ratio for Lot 4.

EXCEPTIONS REQUESTED:

KPB 20.30.190 – Lots dimensions (3:1 depth to width ratio for Lot 4)

Surveyor's Discussion: An exception is requested to the borough code requiring that the average depth of a lot shall be no greater than three times the average width. This request is for Lot 4 of the proposed subdivision.

Staff Discussion: The Kenai Peninsula Borough Plat Committee heard and approved the preliminary plat at the September 27, 2021 meeting. A final was received for review on November 8, 2021 with the same design. Due to the terrain, centerline profiles were requested to determine if slope easements would be required. The surveyor determined, due to the terrain, the road needed to be slightly adjusted. The final submitted on February 22, 2022 showed a minor design change. There are still eight lots but the configuration and the road design have slightly changed. The design is keeping the lots above 200,000 square feet so that soils analysis report is not required. The new design has resulted in one of the lots not complying with the 3:1 depth to width requirements.

The granting of the exception will not change the original approval date of the preliminary plat. Time extensions will be permitted as outlined in KPB 20.25.110.

Approval will require a new plat note for the exception granted in addition to any corrections noted by staff during their final review.

If denied, a redesign will be required to bring all lots into compliance.

Surveyor's Findings:

1. The configuration of the lot is constrained by the surrounding topography and lot area requirements.
2. The location of the Huntland Street is the best location along the side sloping topography to place a roadway with a grade under 10 percent.
3. Additionally, in an attempt to keep lot areas above the requirements for a soil analysis report while keeping eight lots within the subdivision, the width of the lot is restricted.
4. The resulting depth to width ratio is only slightly higher than the ratio illustrated in the code.

Staff's Findings:

5. KPB Code requires a ratio of 3:1 for the depth to width of lots.
6. Due to the change in design, the ratio for Lot 4 is 3.3:1.
7. There are some low wet lands present in the western portion of Lot 4.
8. The change in design can be attributed to the terrain and the need to place the right of way dedication in the best location.
9. The road has been shifted to the east to provide a better connection to Sergief Avenue.
10. Slope easements are proposed and have been reviewed and approved by the KPB Roads Department.
11. The redesign changed from four lots on each side of the dedication to five on one side and three on the other.

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 and 7-10 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 and 7-10 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 and 7-10 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 and provide the correct Wastewater Disposal note.

RECOMMENDATION:

SUBJECT TO EXCEPTION(S) GRANTED, STAFF RECOMMENDS:

- **GRANT THE EXCPETION REQUESTED TO THE ALL READY APPROVED PRELIMINARY PLAT, 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.

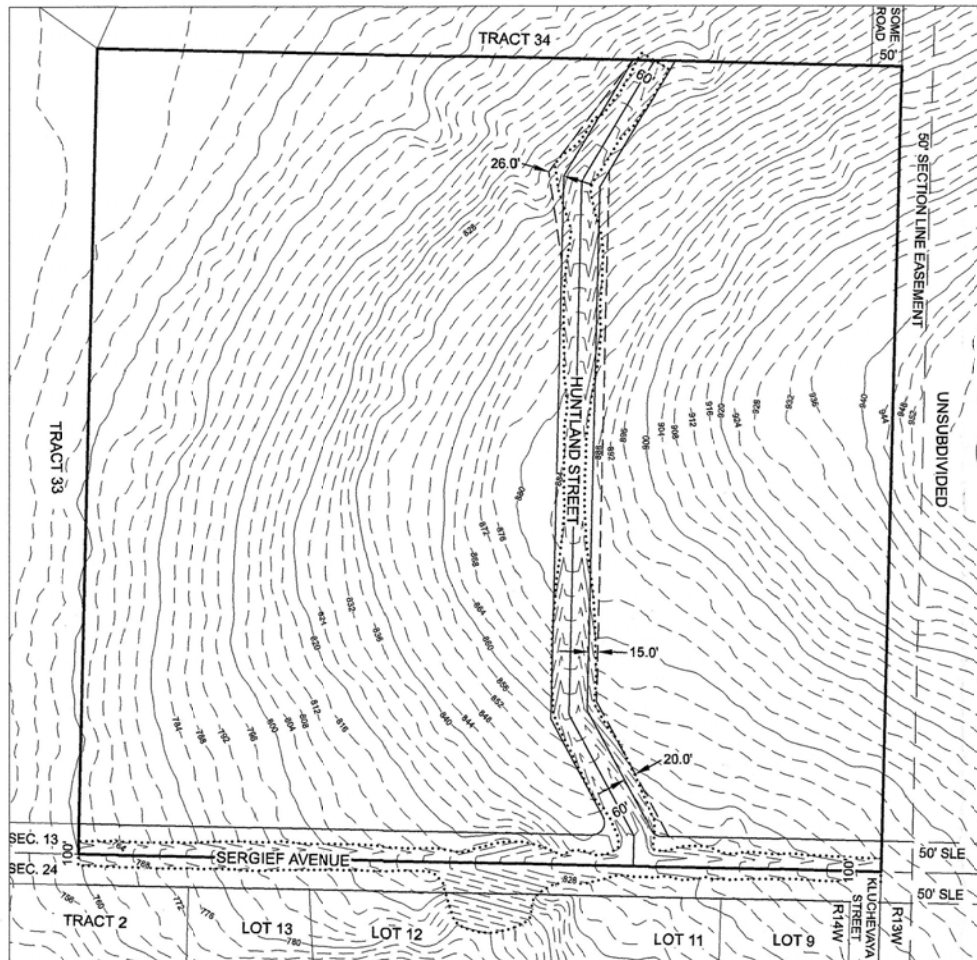
NOTE: 20.25.120. - REVIEW AND APPEAL.

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.

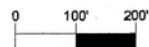
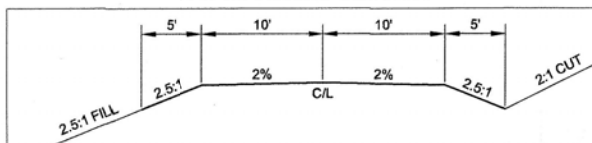
A DECISION OF THE PLANNING COMMISSION MAY BE APPEALED TO THE HEARING OFFICER BY A PARTY OF RECORD WITHIN 15 DAYS OF THE DATE OF NOTICE OF DECISION IN ACCORDANCE WITH KPB 21.20.250.

END OF STAFF REPORT

PLAN VIEW



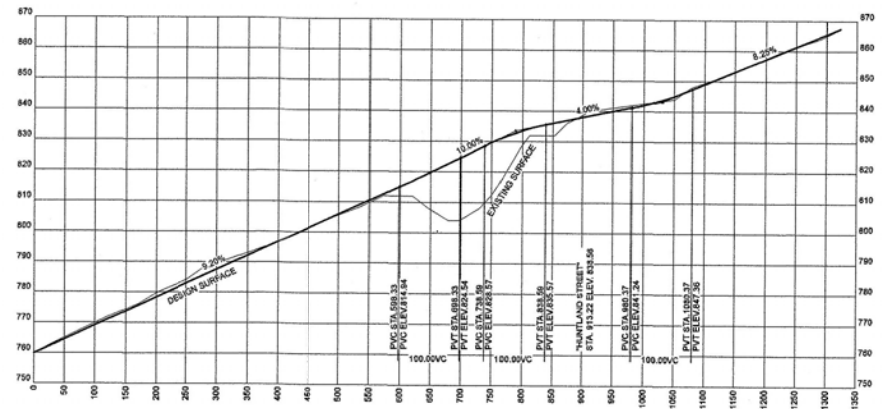
TYPICAL ROAD SECTION



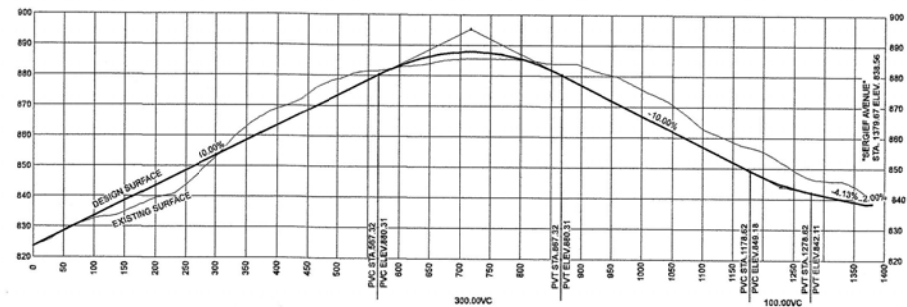
NOTES

1. THIS EXHIBIT REPRESENTS A POSSIBLE ROAD DESIGN FOR SERGIEF AVENUE AND HUNTLAND STREET.
2. TOTAL CUT: 12,786.4 C.Y.
3. TOTAL FILL: 9,893.3 C.Y.
4. CUT TO FILL RATIO: 1.29

PROFILE VIEW - HUNTLAND STREET



PROFILE VIEW - SERGIEF AVENUE



LEGEND

- LIMITS OF CUT AND FILL
- SLOPE EASEMENT



EXHIBIT

ALASKAN WILDWOOD EAST SUBDIVISION

ROAD PLAN AND PROFILE OF

SERGIEF AVENUE & HUNTLAND STREET



FIXED HEIGHT LLC

907.290.8949
WWW.FIXEDHEIGHT.COM

225 W 23rd AVE.
ANCHORAGE, AK 99503
C.O.A. 122544

OWNER: JOE BALLYEAT ; 6909 RISING EAGLE ROAD ; BOZEMAN, MT ; 59715

KPB FILE NO.: 2021-127 DRAWN BY: BS

PROJECT NO.: 21024 CHECKED BY: AP

SURVEY DATE: JUNE 15, 2021 SCALE: 1" = 200'

FIELD BOOK: 21-01 SHEET: 1 OF 1



Fixed Height, LLC
225 W 23rd Avenue
Anchorage, AK 99503
907.290.8949
www.fixedheight.com

March 21, 2022

ATTN: Julie Hindman
Platting Department
Kenai Peninsula Borough
144 North Binkley Street
Soldotna, AK 99669

Hello Julie,

In regards to the final plat of Alaskan Wildwood East, we would like to request an exception to the following conflict with borough code:

KPB 20.30.190 – Lots Dimensions

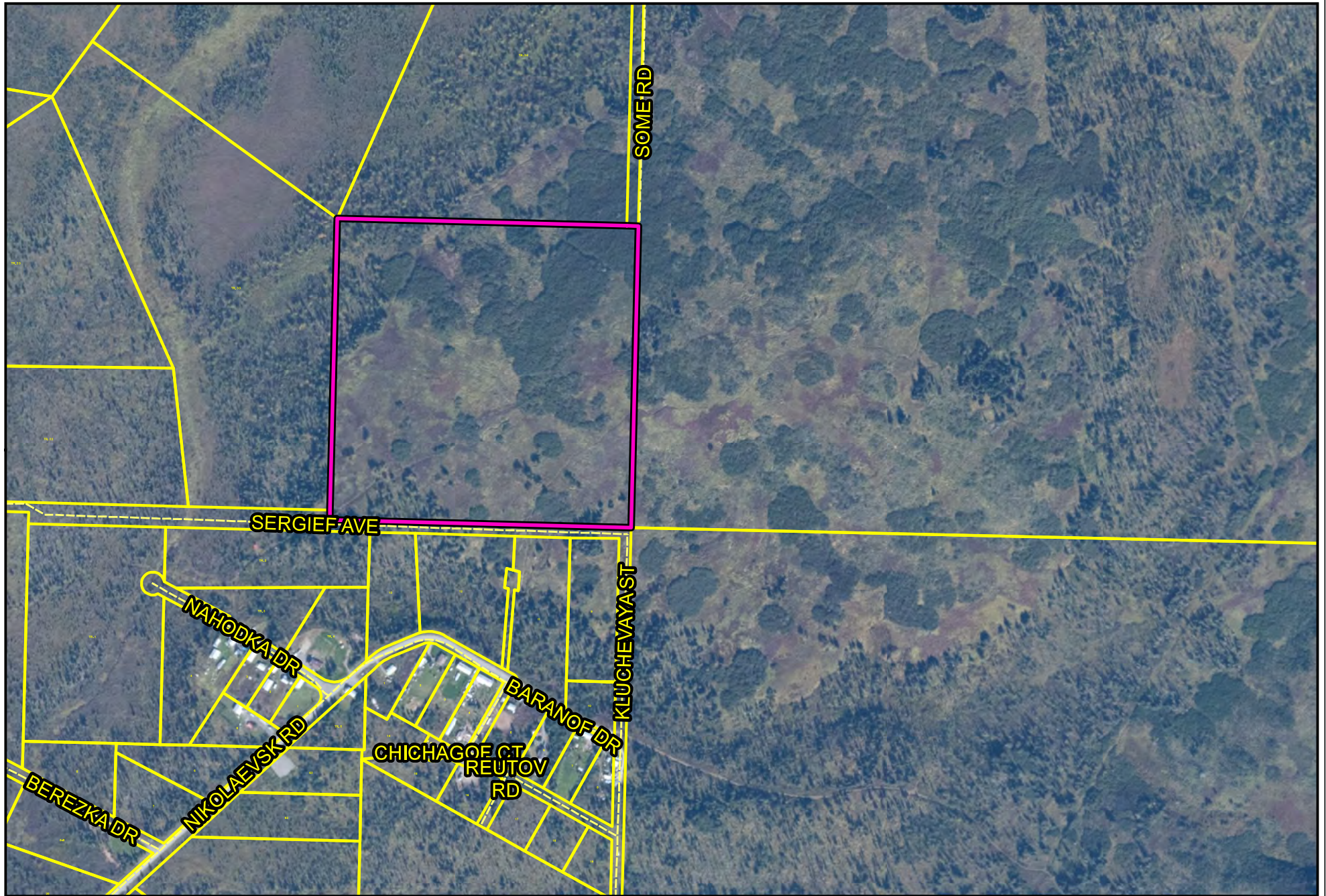
An exception is requested to the borough code requiring that the average depth of a lot shall be no greater than three times the average width. This request is for Lot 4 of the proposed subdivision.

Supportive Findings:

- The configuration of the lot is constrained by the surrounding topography and lot area requirements.
- The location of the Huntland Streets is the best location along the side sloping topography to place a roadway with a grade under 10 percent.
- Additionally, in an attempt to keep lot areas above the requirement for a soil analysis report while keeping 8 lots within the subdivision, the width of the lot is restricted.
- The resulting depth to width ratio is only slightly higher than the ratio illustrated in the code.

Thank you for your time.

Andre Kaeppele, PLS
907.290.8949
www.fixedheight.com



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.

0 150 300 600 '
|-----|-----|-----|-----|

Aerial View



 PRELIMINARY PLAT

PClements, KPB 2021-126
Imagery 2016

CERTIFICATE OF OWNERSHIP

I 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 DEDICATE ALL RIGHTS-OF-WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

JOE BALYEA
8909 RISING EAGLE ROAD
BOZEMAN, MONTANA 59715

DATE

NOTARY'S ACKNOWLEDGEMENT

SUBSCRIBED AND SWORN TO, BEFORE ME,
THIS ____ DAY OF _____, 20__.

PERSONALLY APPEARED

MY COMMISSION EXPIRES

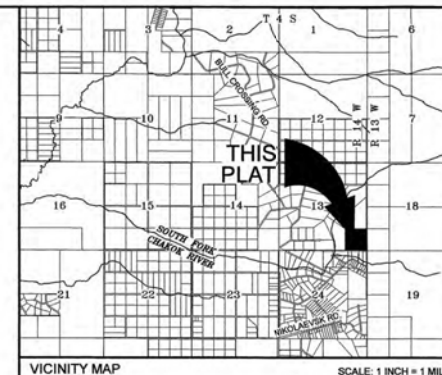
NOTARY PUBLIC

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF XX-XX-XXX

COMMISSIONER

DATE



VICINITY MAP

SCALE: 1 INCH = 1 MILE

NOTES

1. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN AN EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
2. BUILDING SETBACK - A SETBACK OF 20 FEET IS REQUIRED FROM ALL STREET RIGHTS-OF-WAY UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATED PLANNING COMMISSION.
3. THE FRONT 10 FEET OF THE 20 FOOT 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.
4. SET 5/8" X 3/4" REBAR WITH 1 1/2" DIAMETER ORANGE PLASTIC CAP AT ALL LOT CORNERS AND PC/PT OF CURVES ALONG LOT LINES.
5. WASTEWATER DISPOSAL: THESE LOTS ARE AT LEAST 200,000 SQUARE FEET OR NOMINAL 5 ACRES IN SIZE AND CONDITIONS MAY NOT BE SUITABLE FOR ON SITE WASTEWATER TREATMENT AND DISPOSAL. ANY WASTEWATER TREATMENT OR DISPOSAL SYSTEM MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.
6. THE TRADEMARK ALASKAN WILDWOOD RANCH(R) IS REGISTERED AND OWNED BY: ALASKAN LIFE REALTY LLC; SERIAL NUMBER: 87518956; REGISTRATION NUMBER: 5406113.

LEGEND

- FOUND 2.5" DIAMETER BRASS MONUMENT
- FOUND 2" DIAMETER ALUMINUM CAP
- (R) RECORD MEASUREMENT - PLAT No. 2011-31
- SECTION LINE
- EASEMENT LINE
- ROW DEDICATED THIS PLAT

PRELIMINARY PLAT OF

ALASKAN WILDWOOD PHASE 1

A SUBDIVISION OF

SE 1/4 SE 1/4, SECTION 13, TOWNSHIP 4 SOUTH, RANGE 14 WEST, SEWARD MERIDIAN

PER Doc. No. 2019-002734-0, HOMER RECORDING DISTRICT
CONTAINING 40 ACRES



FIXED HEIGHT LLC

907.290.8949
WWW.FIXEDHEIGHT.COM
225 W 23rd AVE.
ANCHORAGE, AK 99503
C.O.A. 122544

SURVEY DATE: JUNE 15, 2021

SHEET: 1 OF 2

PROJECT NO.: 21024

DRAWN BY: AK

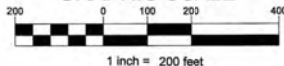
CHECKED BY: BS

SCALE: 1" = 200'

TYPICAL CAP SET



GRAPHIC SCALE



CURVE TABLE					
CURVE	RADIUS	DELTA ANGLE	ARC	CHORD BEARING	CHORD
C1	20.00'	89°59'49"	31.41'	N 44°55'57" E	28.28'
C2	20.00'	90°00'11"	31.42'	N 45°04'03" W	28.29'

KPB 2021-126

SURVEYOR'S CERTIFICATE

I 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 AND THAT THE MONUMENTS SHOWN HEREON ACTUALLY EXIST AS DESCRIBED, AND THAT ALL DIMENSIONS AND OTHER DETAILS ARE TRUE AND CORRECT.

BUKU SALIZ LS-14837
REGISTERED LAND SURVEYOR

6/1/2021
DATE



E1-10

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.

- 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).
- Improvements on Lot 1-A Block 2 predate the 20' building setback created by this plat and are not subject to the 20' building setback. Any new construction, replacement, or improvement to the building must comply with the 20 foot building setback as shown on this plat.

Reword plat note 2, "The front 10 feet adjoining dedicated right of ways is a utility easement. No permanent..."

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: An acceptance will be required to be signed by the Kenai Peninsula Borough for the new dedication of C Street. The certificate of ownership for Bureau of Indian Affairs may be removed as well as their notary. The ownership information shall reflect the Certificate to Plat. This may be done by listing as Native Village of Nanwalek (aka English Bay Village Council). If this is not correctly representing the ownership, the owners must work with the title company. We have received documentation authorizing Mr. Kvasnikoff to sign on behalf of the Council. Comply with 20.60.190.

KPB 20.70 – Vacation Requirements

Staff recommendation. This plat must be recorded within one year of consent, August 3, 2022.

RECOMMENDATION:

STAFF RECOMMENDS:

- GRANT APPROVAL OF THE PRELIMINARY PLAT SUBJECT TO STAFF RECOMMENDATIONS, AND
- COMPLIANCE WITH KPB 20.25.070 (FORM AND CONTENTS), KPB 20.25.080 (PETITION REQUIRED), KPB 20.30 (DESIGN REQUIREMENTS); AND KPB 20.40 (WASTEWATER DISPOSAL), AND
- COMPLIANCE WITH KPB 20.60 TO ENSURE ADMINISTRATIVE APPROVAL OF THE FINAL PLAT.

NOTE: 20.25.120. - REVIEW AND APPEAL.

A PARTY OF RECORD MAY REQUEST THAT A DECISION OF THE PLAT COMMITTEE BE REVIEWED BY THE PLANNING COMMISSION BY FILING A WRITTEN REQUEST WITHIN 15 DAYS OF NOTIFICATION OF THE DECISION IN ACCORDANCE WITH KPB 2.40.080.

A DECISION OF THE PLANNING COMMISSION MAY BE APPEALED TO THE HEARING OFFICER BY A PARTY OF RECORD WITHIN 15 DAYS OF THE DATE OF NOTICE OF DECISION IN ACCORDANCE WITH KPB 21.20.250

END OF STAFF REPORT

**Passed by Grouped Agenda*

AGENDA ITEM E. NEW BUSINESS

ITEM 1 – ALASKAN WILDWOOD PHASE 1

KPB File No.	2021-126
Plat Committee Meeting:	September 27, 2021
Applicant / Owner:	Joe Balyeat of Bozeman, MT
Surveyor:	Andre Kaeppele, Buk Saliz / Fixed Height LLC
General Location:	Nikolaevsk / Anchor Point APC

Parent Parcel No.:	165-111-42
Legal Description:	SE1/4 SE1/4 Section 13, Township 4 South, Range 14 West. Parcel 2 of Plat Waiver Resolution 93-26 Amended, Serial Number 93-3636 HRD.
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On-site

Staff report given by Scott Huff.

Specific Request / Scope of Subdivision: The proposed plat will subdivide a 40 acre parcel into eight lots that are all 4.6 acres and dedicate multiple right of ways.

Location and Legal Access (existing and proposed): The subdivision is located in Nikolaevsk and will subdivide a 40 acre lot parcel in the southeast corner of section 13. Section line easements affect the east and south boundary. Some Road and Sergief Avenue are partially dedicated right of ways that coincide with the section line easements.

Per KPB GIS imagery, there is currently no improved access to the property. The closest constructed access from the west is Tonski Avenue to Kostino Street, which provide access to Sergief Avenue. Additional constructed access is located to the south, Nikolaevsk Road to Baranof Drive, which connects to unconstructed Kluchevaya Street. The only right of ways maintained by the borough are Tonski Avenue and Nikolaevsk Road.

The plat is proposing to dedicate a 50 foot wide right of way along the south boundary. This will be atop an existing 50 foot section line easement. The southern portion has been dedicated and with this dedication will provide a 100 foot dedication for Sergief Avenue.

A new right of way dedication is proposed within the subdivision. This is proposed as a 60 foot wide dedication named Huntland Street and will provide legal access to all lots in this subdivision. Lot 1 and 8 will also have access via Sergief Avenue.

A 50 foot section line easement affects the eastern boundary of the subdivision and has been depicted on the plat. The section line easement provides access to the four eastern lots. To the north is a 50 foot dedication for Some Road. **Staff recommends per KPB 20.30.030 proposed street layout – projection of right of ways, a minimum 30 foot right of way dedication be provided for the extension of Some Road.**

The subdivision is located within a closed block but the block length is longer than allowed per KPB code. Sergief Avenue, Ramrack Road, Fern Lane, Some Road, and section line easements define the block. The dedication within the subdivision does improve the block length along the south. **Staff recommends a minimum 30 foot wide dedication around the perimeter of the subdivision to comply with KPB 20.30.170 Blocks – Length requirements.**

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

Site Investigation: Per GIS Data, there appears to be some wetlands located within the northwest corner of the subdivision.

The terrain generally slopes downward to the west with a 13% grade. The terrain drops approximately 180 feet from the east boundary to the west boundary. There are small sections with steeper slopes or drainages.

Centerline profiles and cross-sections may be required if slopes greater than 10 percent are present along dedicated right of ways, both existing and proposed. **Staff recommends**

- *Depict and label any low wet areas on the final plat.*
- *Depict and label any slopes greater than 20 percent on the final plat*
- *Provide centerline profiles and cross sections for any right of way dedications affected by slopes*

great than 10 percent.

- *Place a note on the final plat that reads, "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."*

River Center Review	A. Floodplain Reviewer: Carver, Nancy 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 C. State Parks Reviewer: Russell, Pam Comments: No Comments
Alaska Fish and Game	No objections

Staff Analysis A plat waiver was completed in 1993 to subdivide a 640 acre parcel. Plat Waiver Resolution 93-26 Amended, created Parcel 1 which is the parent 40 acre parcel.

The surveyor and owner are encouraged to contact the Planning Department on any questions or concerns regarding the approval requirements and compliance with KPB subdivision code requirements.

The proposed lots are more than 200,000 square feet, a soils report is not required and an engineer will not need to sign the plat. Based on staff's recommendations and requirements to provide right of way dedications the lots may become smaller than 200,000 square feet. Lots that are less than 200,000 sq. ft. will require a soils analysis report and an engineer to sign the plat.

Per the preliminary Certificate to Plat, beneficial interest holders do not affect the proposed plat. Notification per KPB 20.25.090 will not be required unless the final Certificate to Plat states the property is affected by beneficial interest holders.

Anchor Point Advisory Planning Commission minutes were not available when the staff report was prepared (KPB 21.02.020). These will be provided with the desk packet if available.

Utility Easements The property has not been subdivided by the typical platting process therefore no utility easements have been dedicated by plat. The certificate to plat does not indicate any utility easements granted by document. Plat note 3 states the intent to grant 10 foot utility easements along dedicated right of ways as well as 20 feet along the side lot lines. **Staff recommends the easements be depicted on the plat or a detail showing the setback and typical utility easements being granted.**

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

Utility provider review:

HEA	No comments.
ENSTAR	No comments or objections.
ACS	No objections.
GCI	Approved as shown.

KPB department / agency review:

Addressing – Derek Haws	Affected Addresses: None
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	<p>Existing Street Names are Correct: Yes List of Correct Street Names: SERGIEF AVE SOME RD Existing Street Name Corrections Needed:</p> <p>All New Street Names are Approved: Yes List of Approved Street Names: HUNTLAND ST List of Street Names Denied:</p> <p>Comments: HUNTLAND ST is approved. No addresses affected by this subdivision.</p>
Code Compliance – Eric Ogren	Comments: No comments
Planner – Bryan Taylor	There are not any Local Option Zoning District or material site issues with this proposed plat.
Assessing – Matt Bruns	Comments: No concerns from Assessing Dept.
Advisory Planning Commission	Comments not available when staff report was prepared.

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.

- 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 description of the parent parcel that is being subdivided to 'Parcel #3 of Plat Waiver 93-26 Amended, Serial No. 1993-3636 HRD'.
 - Update the subdivision name to Alaskan Wildwood Subdivision. Phase is a designation used for a portion of a larger approved plan where portions are finalized at different times.
 - Provide the KPB file number (2021-126) near or within the title block.
 - Within the title block remove the reference to Document No. 2019-002734 as that is a deed and not a document that created the parcel of land.
 - Provide the owners name and mailing address within the title block.
 - Update the sheet to 1 of 1.
- 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:** Label all section line easements within and abutting the subdivision such as the one within Section 19. Provide a street name label and right of way width for Kluchevaya Street.
- 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: *The hatching used on the plat is typically used to depict vacations. No hatching is required for ROW dedications. Provide labels that state ROW being dedicated this plat. Update to the subdivision boundary to show the parent parcel as the boundary.*

- 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: *The label to the south should be updated to Kluchevaya Village Subdivision Amended.*

- H. Approximate locations of low wet areas, areas subject to inundation, areas subject to flooding or storm water overflow, and the line of ordinary high water. This information may be provided on an additional sheet if showing these areas causes the preliminary plat to appear cluttered and/or difficult to read;

Staff recommendation: *Per KPB GIS data, the northwest corner may contain wetlands. Verify during the field survey and depict and label any low wet areas that affect the subdivision.*

- L. Contours at suitable intervals when any roads are to be dedicated unless the planning director or commission finds evidence that road grades will not exceed 6 percent on arterial streets, and 10 percent on other streets;

Staff recommendation: *Per KPB GIS data, sloping terrain is present within a majority of the subdivision. This may affect the right of way dedications and additional right of way width or easements may be needed.*

- M. Approximate locations of slopes over 20 percent in grade and if contours are shown, the areas of the contours that exceed 20 percent grade shall be clearly labeled as such;

Staff recommendation: *Depict and label any steep slopes greater than 20 percent.*

KPB 20.30 Design Requirements

Platting staff comments: *Staff reviewed the plat and all the items required by 20.30 were met, unless otherwise noted below:*

20.30.030. Proposed street layout-Requirements.

A. The streets provided on the plat must provide fee simple right-of-way dedications to the appropriate governmental entity. 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. Adequate and safe access for emergency and service vehicle traffic shall be considered in street layout.

B. Subdivision of land classified as agricultural conveyed subject to AS 38.05.321(a)(2)(B) may provide public access easements in lieu of fee simple dedications if necessary to comply with the minimum lot size restriction of the statute. The public access easements must meet all applicable right-of-way design criteria of Title 20 and are subject to the building setback requirements set forth in KPB 20.30.240.

C. Preliminary plats fronting state maintained roads will be submitted by the planning department to the State of Alaska Department of Transportation and Public Facilities (DOT) for its review and comments.

Staff recommendation: *Provide a minimum 30 foot dedication along the eastern boundary for the extension of Some Road.*

20.30.060. Easements-Requirements.

A. The planning commission may require easements it determines necessary for the benefit of the public. Such easements include, but are not limited to, lateral support (slope) easements, drainage easements for ditching or protection of a drainage, and utility easements. Required easements do not need to be for road purposes.

B. Upon submittal of a preliminary plat, the planning department shall provide a copy to public utility companies for their comments and recommended design of utility easements. If the property is subject to existing natural gas or petroleum pipeline easements, a copy shall also be furnished to the appropriate company for comment.

C. The subdivider bears the responsibility for coordination with the utility companies during the design and development phases. When a subdivider and the utility company cannot agree on easements, the final plat will be taken to the planning commission for determination of easements.

D. Unless a utility company requests additional easements, the front ten feet adjoining rights-of-way shall be designated as a utility easement, graphically or by note. Within the boundaries of an incorporated city, the width and location of utility easements will be determined by the city and affected utility providers.

Staff recommendation: *If necessary, provide lateral support (slope) easements for any roadways that are affected by steep terrain so that a road way can be constructed with no more than a 10% grade. Provide road plans with centerline profiles and cross sections to show the roadway limits.*

20.30.090. Streets-Maximum grades allowed. The subdivider shall demonstrate that streets can be readily constructed in accordance with current borough road standards and that the grades on any such roads shall not exceed 6 percent on arterial streets and 10 percent on other streets, or 4 percent within 130 feet of any centerline intersections. Submittal of centerline profiles and cross-sections may be required to demonstrate that compliant construction in the right-of-way is feasible.

Staff recommendation: *Provide road plans with centerline profiles and cross sections to show the roadway limits.*

20.30.240. Building setbacks.

A. A minimum 20-foot building setback shall be required for dedicated rights-of-way in subdivisions located outside incorporated cities.

D. The setback shall be graphically depicted and labeled on the lots; if such depiction will interfere with the legibility of the plat, a typical lot showing the depiction and label may be provided on the plat, clearly indicating that the typical setback applies to all lots created by the plat.

E. The setback shall be noted on the plat in the following format:

Building setback- A setback of 20 feet is required from all dedicated street right-of-ways unless a lesser standard is approved by resolution of the appropriate planning commission.

F. When a subdivision is affected by a Local Option Zoning District (LOZD), an approved by the assembly, all building setbacks shall be graphically depicted and labeled on the lots. A local option zoning setback shall be noted on the plat in the following format:

Building setback – This subdivision is located within (name of LOZD) Local Option Zoning District as contained in KPB Chapters 21.44 and 21.46 and adopted by KPB Ordinance (number), recorded under (serial no. and recording district). Information regarding the zoning restrictions and copies of the ordinance are available from the KPB Planning Department.

Staff recommendation: *Within the drawing, depict and label the 20 foot building setback.*

KPB 20.40 -- Wastewater Disposal

20.40.010 Wastewater disposal.

Platting Staff Comments: Lots larger than 200,000 sq. ft. will not require soils analysis report. If the requirement to provide right of way dedications reduces the size of the lots to less than 200,000 sq. ft. then a soils analysis, prepared by a licensed engineer, will be required and an engineer will sign the final plat.

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: *A certificate of acceptance for all dedicated right of ways is required to be signed by the Kenai Peninsula Borough.*

20.60.130. Boundary of subdivision. The boundary of the subdivision shall be designated by a wider border and shall not interfere with the legibility of figures or other data. The boundary of the subdivided area shall clearly show what survey markers, or other evidence, was found or established on the ground to determine the boundary of the subdivision. Bearing and distance ties to all survey markers used to locate the subdivision boundary shall be shown.

Staff recommendation: *All lands within the parent parcel are to be within a wider border to define the limits of the proposed plat. This would include any right of way dedications being proposed.*

20.60.180. Plat notes.

E. 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.

F. 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.*

- *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).*

Plat note 1 is duplicated within plat note 3. Remove plat note 1 or remove that portion from plat note 3.

Plat note 5 needs to be worded to match code by removing "or nominal 5 acres".

Plat note 6 refers to a registered trademark. Staff is unsure as to the intent for this note, as there does not appear to be any reference outside of the plat note to Alaska Wildwood Ranch. Remove plat note 6 from the final plat.

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: *An acceptance of right of way dedications is required. As there are roads being dedicated, the Certificate of Ownership should read "Certificate of Ownership and Dedication". Comply with 20.60.190.*

KPB 20.60.190 corrected the Notary's Acknowledgement so it is an acknowledgement instead of a combination of an acknowledgement and a jurat.

Staff recommendation: *the Notary's Acknowledgement on the final plat must comply with 20.60.190.*

20.60.200. Survey and monumentation.

Staff recommendation: *Provide all survey marker cap information for found monuments. Comply with 20.60.200*

RECOMMENDATION:

STAFF RECOMMENDS:

- **GRANT APPROVAL OF THE PRELIMINARY PLAT SUBJECT TO STAFF RECOMMENDATIONS, AND**
- **COMPLIANCE WITH KPB 20.25.070 (FORM AND CONTENTS), KPB 20.25.080 (PETITION REQUIRED), KPB 20.30 (DESIGN REQUIREMENTS); AND KPB 20.40 (WASTEWATER DISPOSAL),**

AND

- COMPLIANCE WITH KPB 20.60 TO ENSURE ADMINISTRATIVE APPROVAL OF THE FINAL PLAT.

NOTE: 20.25.120. - REVIEW AND APPEAL.

A PARTY OF RECORD MAY REQUEST THAT A DECISION OF THE PLAT COMMITTEE BE REVIEWED BY THE PLANNING COMMISSION BY FILING A WRITTEN REQUEST WITHIN 15 DAYS OF NOTIFICATION OF THE DECISION IN ACCORDANCE WITH KPB 2.40.080.

A DECISION OF THE PLANNING COMMISSION MAY BE APPEALED TO THE HEARING OFFICER BY A PARTY OF RECORD WITHIN 15 DAYS OF THE DATE OF NOTICE OF DECISION IN ACCORDANCE WITH KPB 21.20.250.

STAFF REPORT - ADDENDUM

After the staff report was prepared, a request for exceptions from code was received from the surveyor.

EXCEPTIONS REQUESTED:

A. KPB 20.30.030 – Proposed Street Layout

Surveyor's Discussion: Although the current design fails to extend the platted ROW along the east boundary of the subject parcel, it does provide through access to the adjoining tract to the north via the proposed 60' wide "Huntland Street". This location for access is preferable because it is both the most suitable orientation for development based on soils and topography, and allows access to all proposed lots through a single corridor. Further, due to the predominately poorly drained soils of parcels to the West and the North, the proposed "Huntland Street" is one of the only reasonable locations for road access.

Staff Discussion: Along the eastern boundary is a 50 foot section line easement on both sides of the section line, providing a 100 foot easement. To the north of the subdivision is dedicated Some Road. Some Road is a 50 foot right of way dedication that coincides with a 50 foot wide section line easement. Some Road was dedicated on Campo De Oro Subdivision, Plat HM 2000-48.

The section line easements continue south past the subdivision. A 50 foot dedication of Kluchevaya Street coincides with a 50 foot section line easement. Kluchevaya Street was dedicated by Nikolaevsk Village Subdivision Addition No. 1, Plat HM 75-8.

Per KPB Code 20.30.030, "dedications must provide for continuation or appropriate projection of all streets in surrounding areas and provide reasonable means of ingress for surrounding acreage tracts." A minimum 30 foot dedication, as provided in KPB 20.30.120, would be expected along the eastern boundary to provide a continuation of Some Road to the intersection of Kluchevaya Street and Sergief Avenue.

If the exception is denied, a minimum 30 foot right of way dedication will be required along the eastern boundary to provide a continuation of Some Road right of way.

Findings:

1. A 50 foot section line easement is located within the subdivision adjoining the entire eastern boundary.
2. A full 100 foot section line easement is available for access along the eastern boundary of the proposed subdivision.
3. A new dedication is proposed within the middle of the subdivision to provide additional access.
4. A reduction in lot sizes will require a soils analysis report for all lots under 200,000 square feet.
5. The terrain slopes to the west.
6. Per KPB GIS Images from 2021, Some Road is not constructed.

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 1-3, 6 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, 6 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, 6 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.

EXCEPTIONS REQUESTED:

B. KPB 20.30.170 – Blocks Length Requirements

Surveyor's Discussion: Due to the rural nature of the proposed subdivision, our client would like to request an exemption to the block length requirements. Many of the parcel to the north are undeveloped and unsubdivided. As the parcels get developed there will be Rights of Way added that will decrease the current block length.

The benefit of running the Rights of Way North-South through the center of the parcel:

- It avoids areas with soils that are not conducive to road construction
- It follow the side slope of the hill to avoid excessive grades
- It will decrease development costs for the proposed parcels because they could share the same physical access.

Staff Discussion: Fern Lane, Some Road, Sergief Avenue, Ram Rack Road, and section line easements define the block. The block is closed but exceeds allowable limits. The proposed dedication within the center of the subdivision will improve the block for the eastern portion of the subdivision but it will not be closed. The western portion of the subdivision will still be within a large non-compliant block.

The distance of the boundary of the subdivision is approximately 1,320 feet. Per KPB 20.30.170, "Blocks shall not be less than 330 feet or more than 1,320 feet in length."

If denied, the proposed subdivision will need to provide a minimum 30 foot dedication along the west and north to provide compliant block lengths.

Findings:

1. A 50 foot section line easement is located within the subdivision adjoining the entire eastern boundary.
2. A new dedication is proposed within the middle of the subdivision to provide additional access and improve block length for a portion of the subdivision.
3. The block is defined by Fern Lane, Some Road, Sergief Avenue, Ram Rack Road, and section line easements.
4. The shortest block boundary distance is approximately 3,600 feet.
5. The longest block boundary distance is approximately 5,250 feet.
6. Code requires the block length to be no more than 1,320 feet.
7. New dedications will require a reduction in lots sizes.
8. A reduction in lot sizes will require a soils analysis report for all lots under 200,000 square feet.

9. The terrain slopes to the west.
10. The current block contains 17 lots including the one within the subdivision.
11. Of the 17 lots within the block, only 3 contain improvements, per KPB Assessing information.
12. The subdivision owner owns seven additional lots within the block.
13. There are nine additional landowners within the block.
14. The lots within the block range in size from 6.7 acres to 70 acres.
15. A stream or creek divides the block.
16. The southern portion of the stream is within the Anadromous Streams Catalog.
17. Northern portions of the block contain wetlands.
18. The northwest area of the subdivision appears to be affected by low wet areas of land.

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, 2, 7, 14, 17, 18 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, 7, 14, 17, 18 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, 7, 14, 17, 18 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.

END OF STAFF REPORT ADDENDUM

Chair Brantley opened the meeting for public comment. Hearing no one wishing to comment, public comment was closed and discussion was opened among the committee.

MAIN MOTION: Commissioner Ruffner moved seconded by Commissioner Venuti, to grant preliminary approval to Alaskan Wildwood Phase 1 based on staff recommendations and compliance with borough code.

AMENDMENT A: Commissioner Ruffner moved, seconded by Commissioner Venuti to grant exception request to KPB 20.30.030 – Proposed Street Layout, citing findings 1-3 & 6 in support of standards one, two & three.

Seeing and hearing no objection or discussion, the motion was carried by the following vote:

AMENDMENT A PASSED BY UNANIMOUS VOTE

Yes	5	No	0
Yes	Brantley, Ecklund, Gillham, Ruffner, Venuti		

AMENDMENT B: Commissioner Ruffner moved, seconded by Commissioner Venuti to grant exception request to KPB 20.30.170 – Block Length Requirements, citing finding 1, 2, 7, 14, 17 & 18 in support of standards one, two and three.

Seeing and hearing no objection or discussion, the motion was carried by the following vote:

AMENDMENT B PASSED BY UNANIMOUS VOTE

Yes	5	No	0
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Yes	Brantley, Ecklund, Gillham, Ruffner, Venuti
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Seeing and hearing no objection or discussion, the motion was carried by the following vote:

MAIN MOTION PASSED BY UNANIMOUS VOTE

Yes	5	No	0
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Yes	Brantley, Ecklund, Gillham, Ruffner, Venuti
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Move AGENDA ITEM E. NEW BUSINESS

ITEM 2 – J BOOTH RECREATIONAL SUBD 2019 BLAUVELT ADDITION

KPB File No.	2021-069
Plat Committee Meeting:	September 27, 2021
Applicant / Owner:	Walter and Brandi Blauvelt of Anchor Point, Alaska
Surveyor:	Dmitri Kimbrell / FineLine Surveys
General Location:	Happy Valley / Anchor Point APC

Parent Parcel No.:	159-310-17
Legal Description:	Lot A-2C, J Booth Recreational Subd 2019 (HM 2019-16)
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On-Site

Staff report given by Scott Huff.

Specific Request / Scope of Subdivision: The proposed plat will subdivide a 4.88 acre parcel into four lots ranging in size from 1.018 acres to 1.604 acres.

Legal Access (existing and proposed): The subdivision is located in the Happy Valley area near mile 149 of state maintained, Sterling Highway.

All lots have legal access from Walt Court, a 60 foot wide right of way that runs east-west along the northern boundary of the subdivision. The southern 30 feet of Walt Court was originally dedicated as Walt Road on Plat HM 75-49. The northern 30 feet was dedicated as a partial cul-de-sac with the name Walt Court on Plat HM 2002-17. J. Booth Recreational Sub Olsgard Replat, Plat HM 2003-39, vacated the western 400 feet and dedicated the remaining portion of the cul-de-sac bulb.

Access, with state approval, is available to proposed Lot A-2C-1 via the Sterling Highway.

Walt Court is constructed but the Kenai Peninsula Borough does not provide maintenance. KPB GIS Imagery shows that the right of way may not be constructed within the dedicated right of way. The parent plat noted that the surveyor thought the basis of bearings on parent plats were based on erroneous information due to disturbed monuments. If true, this could result in errors of geometric symmetry and the width of Walt Court. **Staff recommends the surveyor verify the boundary of the subdivision and determine if any portions of Walt Court are within the proposed lots. Right of way across private property may require a realignment of the constructed right of way or easement/additional right of way width being granted.**

The block is closed but not compliant. The Sterling Highway, Isabelle Road, Moore Street and section line easements define the block. The original design of Walt Road would have improved the block but it was approved to be vacated and end with a cul-de-sac. **Staff recommends the plat committee concur that an exception is not required, as any road dedications required will not improve the block length.**

AGENDA ITEM E. NEW BUSINESS

ITEM 1 – ALASKAN WILDWOOD PHASE 1

KPB File No.	2021-126
Plat Committee Meeting:	September 27, 2021
Applicant / Owner:	Joe Balyeat of Bozeman, MT
Surveyor:	Andre Kaeppele, Buk Saliz / Fixed Height LLC
General Location:	Nikolaevsk / Anchor Point APC

Parent Parcel No.:	165-111-42
Legal Description:	SE1/4 SE1/4 Section 13, Township 4 South, Range 14 West. Parcel 2 of Plat Waiver Resolution 93-26 Amended, Serial Number 93-3636 HRD.
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On-site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide a 40 acre parcel into eight lots that are all 4.6 acres and dedicate multiple right of ways.

Location and Legal Access (existing and proposed): The subdivision is located in Nikolaevsk and will subdivide a 40 acre lot parcel in the southeast corner of section 13. Section line easements affect the east and south boundary. Some Road and Sergief Avenue are partially dedicated right of ways that coincide with the section line easements.

Per KPB GIS imagery, there is currently no improved access to the property. The closest constructed access from the west is Tonski Avenue to Kostino Street, which provide access to Sergief Avenue. Additional constructed access is located to the south, Nikolaevsk Road to Baranof Drive, which connects to unconstructed Kluchevaya Street. The only right of ways maintained by the borough are Tonski Avenue and Nikolaevsk Road.

The plat is proposing to dedicate a 50 foot wide right of way along the south boundary. This will be atop an existing 50 foot section line easement. The southern portion has been dedicated and with this dedication will provide a 100 foot dedication for Sergief Avenue.

A new right of way dedication is proposed within the subdivision. This is proposed as a 60 foot wide dedication named Huntland Street and will provide legal access to all lots in this subdivision. Lot 1 and 8 will also have access via Sergief Avenue.

A 50 foot section line easement affects the eastern boundary of the subdivision and has been depicted on the plat. The section line easement provides access to the four eastern lots. To the north is a 50 foot dedication for Some Road. ***Staff recommends per KPB 20.30.030 proposed street layout – projection of right of ways, a minimum 30 foot right of way dedication be provided for the extension of Some Road.***

The subdivision is located within a closed block but the block length is longer than allowed per KPB code. Sergief Avenue, Ramrack Road, Fern Lane, Some Road, and section line easements define the block. The dedication within the subdivision does improve the block length along the south. ***Staff recommends a minimum 30 foot wide dedication around the perimeter of the subdivision to comply with KPB 20.30.170 Blocks – Length requirements.***

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

Site Investigation: Per GIS Data, there appears to be some wetlands located within the northwest corner of the subdivision.

The terrain generally slopes downward to the west with a 13% grade. The terrain drops approximately 180 feet from the east boundary to the west boundary. There are small sections with steeper slopes or drainages.

Centerline profiles and cross-sections may be required if slopes greater than 10 percent are present along dedicated right of ways, both existing and proposed. **Staff recommends**

- *Depict and label any low wet areas on the final plat.*
- *Depict and label any slopes greater than 20 percent on the final plat*
- *Provide centerline profiles and cross sections for any right of way dedications affected by slopes great than 10 percent.*
- *Place a note on the final plat that reads, "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."*

River Center Review	A. Floodplain Reviewer: Carver, Nancy 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
	C. State Parks Reviewer: Russell, Pam Comments: No Comments
Alaska Fish and Game	No objections

Staff Analysis A plat waiver was completed in 1993 to subdivide a 640 acre parcel. Plat Waiver Resolution 93-26 Amended, created Parcel 1 which is the parent 40 acre parcel.

The surveyor and owner are encouraged to contact the Planning Department on any questions or concerns regarding the approval requirements and compliance with KPB subdivision code requirements.

The proposed lots are more than 200,000 square feet, a soils report is not required and an engineer will not need to sign the plat. Based on staff's recommendations and requirements to provide right of way dedications the lots may become smaller than 200,000 square feet. Lots that are less than 200,000 sq. ft. will require a soils analysis report and an engineer to sign the plat.

Per the preliminary Certificate to Plat, beneficial interest holders do not affect the proposed plat. Notification per KPB 20.25.090 will not be required unless the final Certificate to Plat states the property is affected by beneficial interest holders.

Anchor Point Advisory Planning Commission minutes were not available when the staff report was prepared (KPB 21.02.020). These will be provided with the desk packet if available.

Utility Easements The property has not been subdivided by the typical platting process therefore no utility easements have been dedicated by plat. The certificate to plat does not indicate any utility easements granted by document. Plat note 3 states the intent to grant 10 foot utility easements along dedicated right of ways as well as

Page 2 of 7

20 feet along the side lot lines. **Staff recommends** the easements be depicted on the plat or a detail showing the setback and typical utility easements being granted.

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

Utility provider review:

HEA	No comments.
ENSTAR	No comments or objections.
ACS	No objections.
GCI	Approved as shown.

KPB department / agency review:

Addressing – Derek Haws	<p>Affected Addresses: None</p> <p>Existing Street Names are Correct: Yes List of Correct Street Names: SERGIEF AVE SOME RD Existing Street Name Corrections Needed:</p> <p>All New Street Names are Approved: Yes List of Approved Street Names: HUNTLAND ST List of Street Names Denied:</p> <p>Comments: HUNTLAND ST is approved. No addresses affected by this subdivision.</p>
Code Compliance – Eric Ogren	Comments: No comments
Planner – Bryan Taylor	There are not any Local Option Zoning District or material site issues with this proposed plat.
Assessing – Matt Bruns	Comments: No concerns from Assessing Dept.
Advisory Planning Commission	Comments not available when staff report was prepared.

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.

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 description of the parent parcel that is being subdivided to 'Parcel #3 of Plat Waiver 93-26 Amended, Serial No. 1993-3636 HRD'.
- Update the subdivision name to Alaskan Wildwood Subdivision. Phase is a designation used for a portion of a larger approved plan where portions are finalized at different times.
- Provide the KPB file number (2021-126) near or within the title block.
- Within the title block remove the reference to Document No. 2019-002734 as that is a deed and not a document that created the parcel of land.
- Provide the owners name and mailing address within the title block.
- Update the sheet to 1 of 1.

- 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: Label all section line easements within and abutting the subdivision such as the one within Section 19. Provide a street name label and right of way width for Kluchevaya Street.
- 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: The hatching used on the plat is typically used to depict vacations. No hatching is required for ROW dedications. Provide labels that state ROW being dedicated this plat. Update to the subdivision boundary to show the parent parcel as the boundary.
- 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: The label to the south should be updated to Kluchevaya Village Subdivision Amended.
- H. Approximate locations of low wet areas, areas subject to inundation, areas subject to flooding or storm water overflow, and the line of ordinary high water. This information may be provided on an additional sheet if showing these areas causes the preliminary plat to appear cluttered and/or difficult to read;
Staff recommendation: Per KPB GIS data, the northwest corner may contain wetlands. Verify during the field survey and depict and label any low wet areas that affect the subdivision.
- L. Contours at suitable intervals when any roads are to be dedicated unless the planning director or commission finds evidence that road grades will not exceed 6 percent on arterial streets, and 1 0 percent on other streets;
Staff recommendation: Per KPB GIS data, sloping terrain is present within a majority of the subdivision. This may affect the right of way dedications and additional right of way width or easements may be needed.
- M. Approximate locations of slopes over 20 percent in grade and if contours are shown, the areas of the contours that exceed 20 percent grade shall be clearly labeled as such;
Staff recommendation: Depict and label any steep slopes greater than 20 percent.

KPB 20.30 Design Requirements

Platting staff comments: Staff reviewed the plat and all the items required by 20.30 were met, unless otherwise noted below:

20.30.030. Proposed street layout-Requirements.

- A. The streets provided on the plat must provide fee simple right-of-way dedications to the appropriate governmental entity. 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. Adequate and safe access for emergency and service vehicle traffic shall be considered in street layout.

B. Subdivision of land classified as agricultural conveyed subject to AS 38.05.321(a)(2)(B) may provide public access easements in lieu of fee simple dedications if necessary to comply with the minimum lot size restriction of the statute. The public access easements must meet all applicable right-of-way design criteria of Title 20 and are subject to the building setback requirements set forth in KPB 20.30.240.

C. Preliminary plats fronting state maintained roads will be submitted by the planning department to the State of Alaska Department of Transportation and Public Facilities (DOT) for its review and comments.
Staff recommendation: *Provide a minimum 30 foot dedication along the eastern boundary for the extension of Some Road.*

20.30.060. Easements-Requirements.

A. The planning commission may require easements it determines necessary for the benefit of the public. Such easements include, but are not limited to, lateral support (slope) easements, drainage easements for ditching or protection of a drainage, and utility easements. Required easements do not need to be for road purposes.

B. Upon submittal of a preliminary plat, the planning department shall provide a copy to public utility companies for their comments-and recommended design of utility easements. If the property is subject to existing natural gas or petroleum pipeline easements, a copy shall also be furnished to the appropriate company for comment.

C. The subdivider bears the responsibility for coordination with the utility companies during the design and development phases. When a subdivider and the utility company cannot agree on easements, the final plat will be taken to the planning commission for determination of easements.

D. Unless a utility company requests additional easements, the front ten feet adjoining rights-of-way shall be designated as a utility easement, graphically or by note. Within the boundaries of an incorporated city, the width and location of utility easements will be determined by the city and affected utility providers.
Staff recommendation: *If necessary, provide lateral support (slope) easements for any roadways that are affected by steep terrain so that a road way can be constructed with no more than a 10% grade. Provide road plans with centerline profiles and cross sections to show the roadway limits.*

20.30.090. Streets-Maximum grades allowed. The subdivider shall demonstrate that streets can be readily constructed in accordance with current borough road standards and that the grades on any such roads shall not exceed 6 percent on arterial streets and 10 percent on other streets, or 4 percent within 130 feet of any centerline intersections. Submittal of centerline profiles and cross-sections may be required to demonstrate that compliant construction in the right-of-way is feasible.

Staff recommendation: *Provide road plans with centerline profiles and cross sections to show the roadway limits.*

20.30.240. Building setbacks.

A. A minimum 20-foot building setback shall be required for dedicated rights-of-way in subdivisions located outside incorporated cities.

A. The setback shall be graphically depicted and labeled on the lots; if such depiction will interfere with the legibility of the plat, a typical lot showing the depiction and label may be provided on the plat, clearly indicating that the typical setback applies to all lots created by the plat.

B. The setback shall be noted on the plat in the following format:
Building setback- A setback of 20 feet is required from all dedicated street right-of-ways unless a lesser standard is approved by resolution of the appropriate planning commission.

- C. When a subdivision is affected by a Local Option Zoning District (LOZD), an approved by the assembly, all building setbacks shall be graphically depicted and labeled on the lots. A local option zoning setback shall be noted on the plat in the following format:

Building setback – This subdivision is located within (name of LOZD) Local Option Zoning District as contained in KPB Chapters 21.44 and 21.46 and adopted by KPB Ordinance (number), recorded under (serial no. and recording district). Information regarding the zoning restrictions and copies of the ordinance are available from the KPB Planning Department.

Staff recommendation: *Within the drawing, depict and label the 20 foot building setback.*

KPB 20.40 -- Wastewater Disposal

20.40.010 Wastewater disposal.

Platting Staff Comments: Lots larger than 200,000 sq. ft. will not require soils analysis report. If the requirement to provide right of way dedications reduces the size of the lots to less than 200,000 sq. ft. then a soils analysis, prepared by a licensed engineer, will be required and an engineer will sign the final plat.

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: *A certificate of acceptance for all dedicated right of ways is required to be signed by the Kenai Peninsula Borough.*

- 20.60.130. Boundary of subdivision. The boundary of the subdivision shall be designated by a wider border and shall not interfere with the legibility of figures or other data. The boundary of the subdivided area shall clearly show what survey markers, or other evidence, was found or established on the ground to determine the boundary of the subdivision. Bearing and distance ties to all survey markers used to locate the subdivision boundary shall be shown.

Staff recommendation: *All lands within the parent parcel are to be within a wider border to define the limits of the proposed plat. This would include any right of way dedications being proposed.*

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.*

- *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).*

Plat note 1 is duplicated within plat note 3. Remove plat note 1 or remove that portion from plat note 3.

Plat note 5 needs to be worded to match code by removing "or nominal 5 acres".

Plat note 6 refers to a registered trademark. Staff is unsure as to the intent for this note, as there does not appear to be any reference outside of the plat note to Alaska Wildwood Ranch. Remove plat note 6 from the final plat.

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: *An acceptance of right of way dedications is required. As there are roads being dedicated, the Certificate of Ownership should read "Certificate of Ownership and Dedication". Comply with 20.60.190.*

KPB 20.60.190 corrected the Notary's Acknowledgement so it is an acknowledgement instead of a combination of an acknowledgement and a jurat.

Staff recommendation: *the Notary's Acknowledgement on the final plat must comply with 20.60.190.*

20.60.200. Survey and monumentation.

Staff recommendation: *Provide all survey marker cap information for found monuments. Comply with 20.60.200*

RECOMMENDATION:

STAFF RECOMMENDS:

- GRANT APPROVAL OF THE PRELIMINARY PLAT SUBJECT TO STAFF RECOMMENDATIONS, AND
- COMPLIANCE WITH KPB 20.25.070 (FORM AND CONTENTS), KPB 20.25.080 (PETITION REQUIRED), KPB 20.30 (DESIGN REQUIREMENTS); AND KPB 20.40 (WASTEWATER DISPOSAL), AND
- COMPLIANCE WITH KPB 20.60 TO ENSURE ADMINISTRATIVE APPROVAL OF THE FINAL PLAT.

NOTE: 20.25.120. - REVIEW AND APPEAL.

A PARTY OF RECORD MAY REQUEST THAT A DECISION OF THE PLAT COMMITTEE BE REVIEWED BY THE PLANNING COMMISSION BY FILING A WRITTEN REQUEST WITHIN 15 DAYS OF NOTIFICATION OF THE DECISION IN ACCORDANCE WITH KPB 2.40.080.

A DECISION OF THE PLANNING COMMISSION MAY BE APPEALED TO THE HEARING OFFICER BY A PARTY OF RECORD WITHIN 15 DAYS OF THE DATE OF NOTICE OF DECISION IN ACCORDANCE WITH KPB 21.20.250.

END OF STAFF REPORT



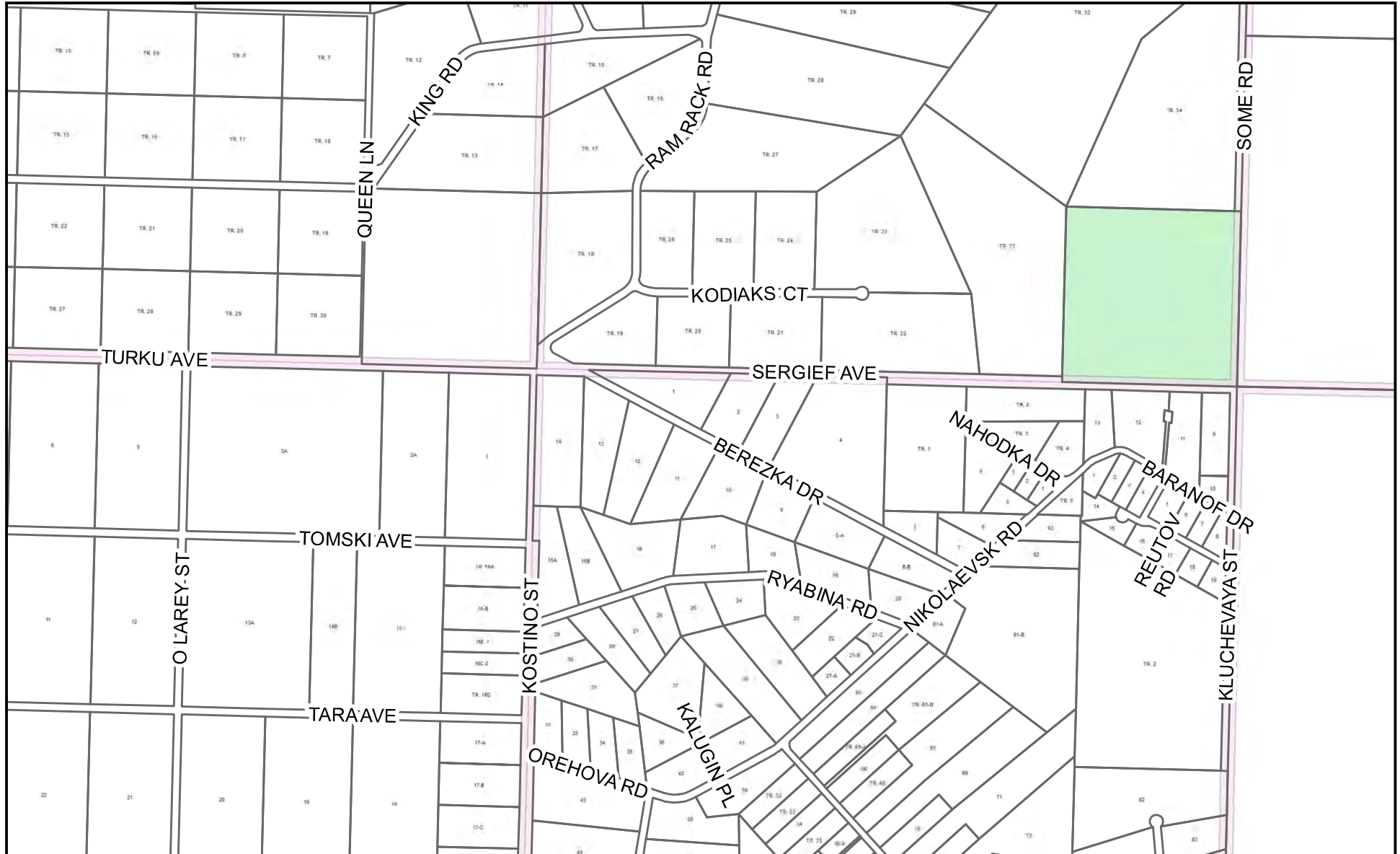
Kenai Peninsula Borough Planning Department

Access

Date: 9/16/2021



Alaskan Wildwood Phase 1
KPB File 2021-126

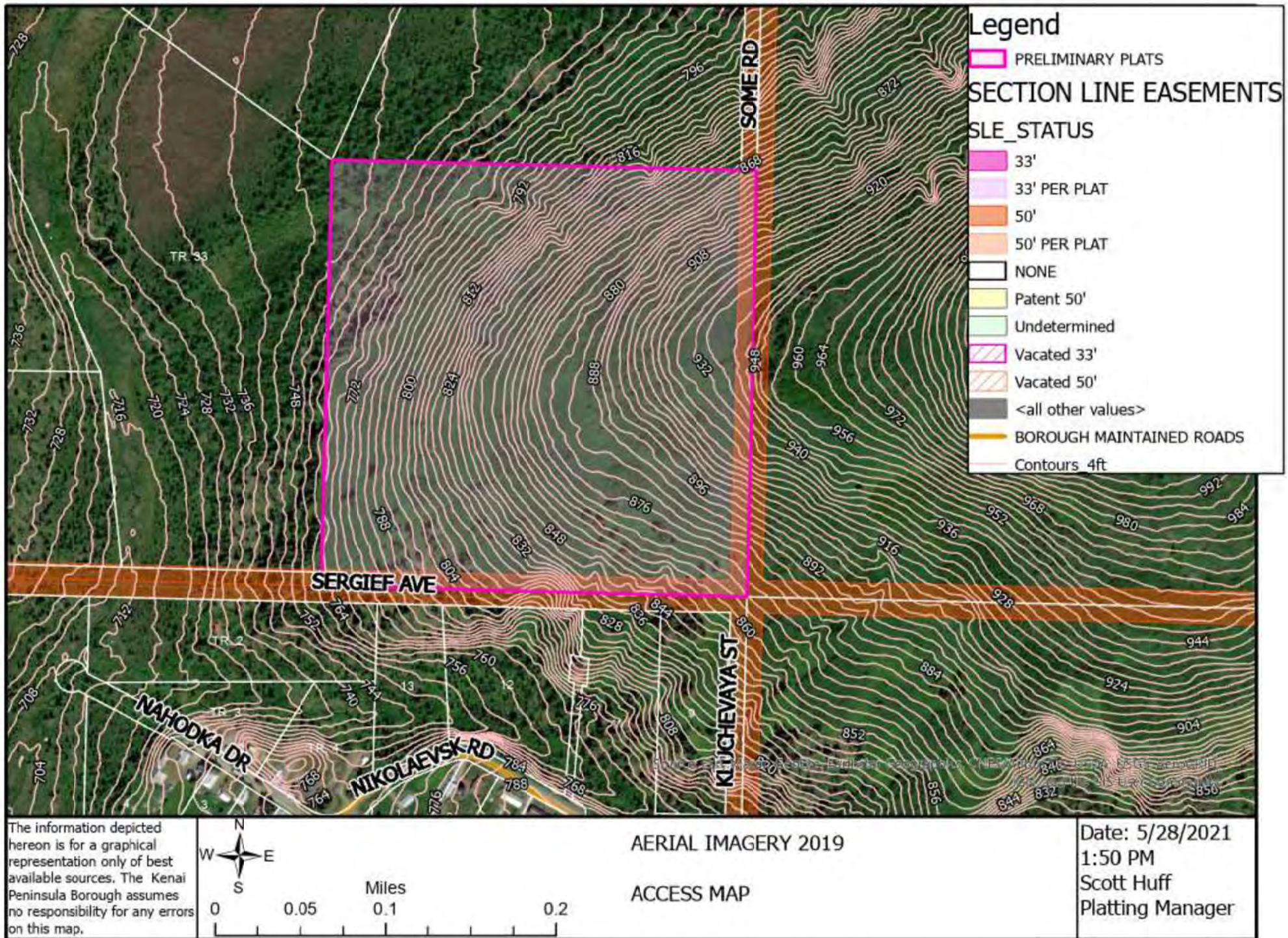


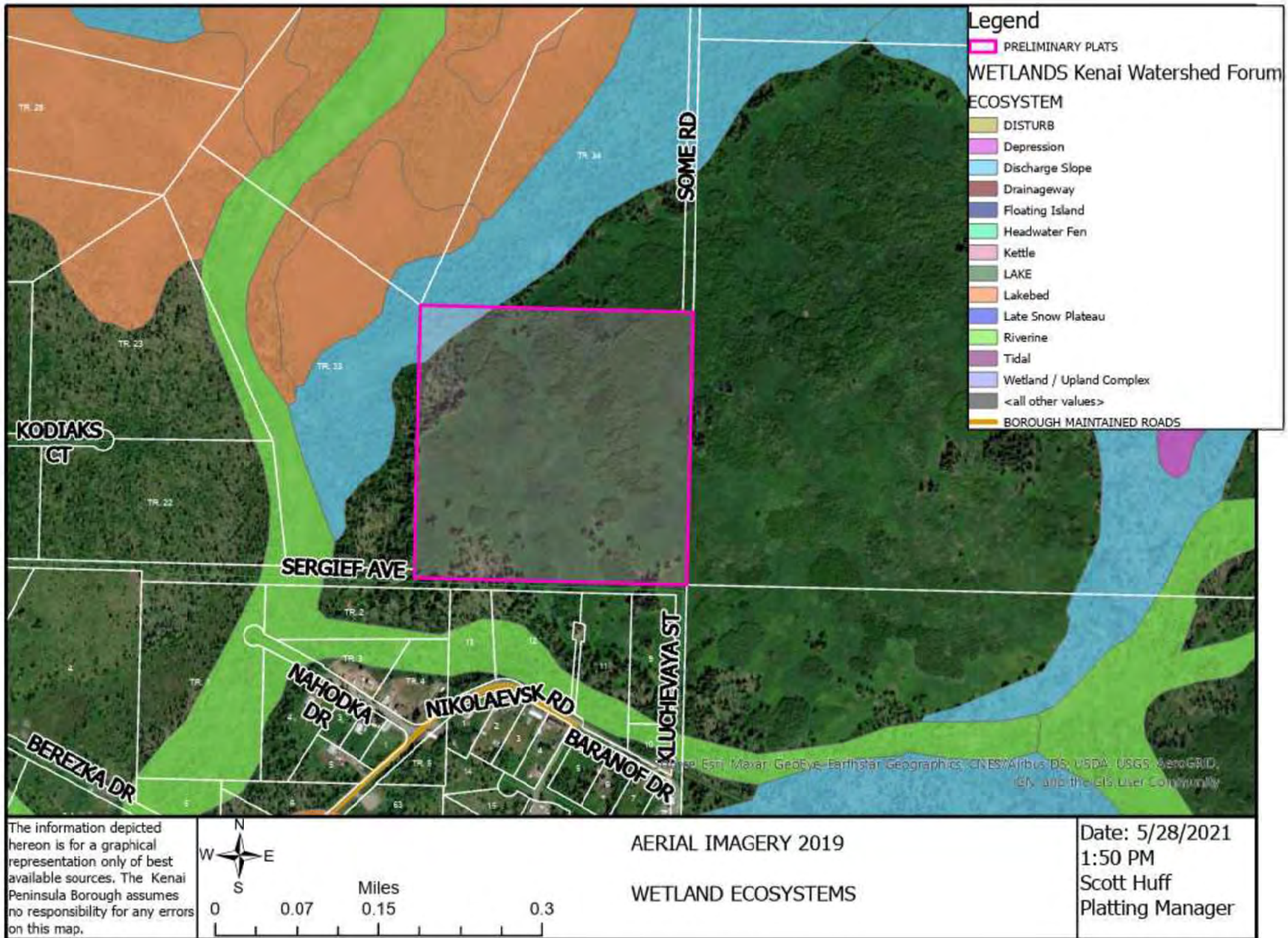
The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.

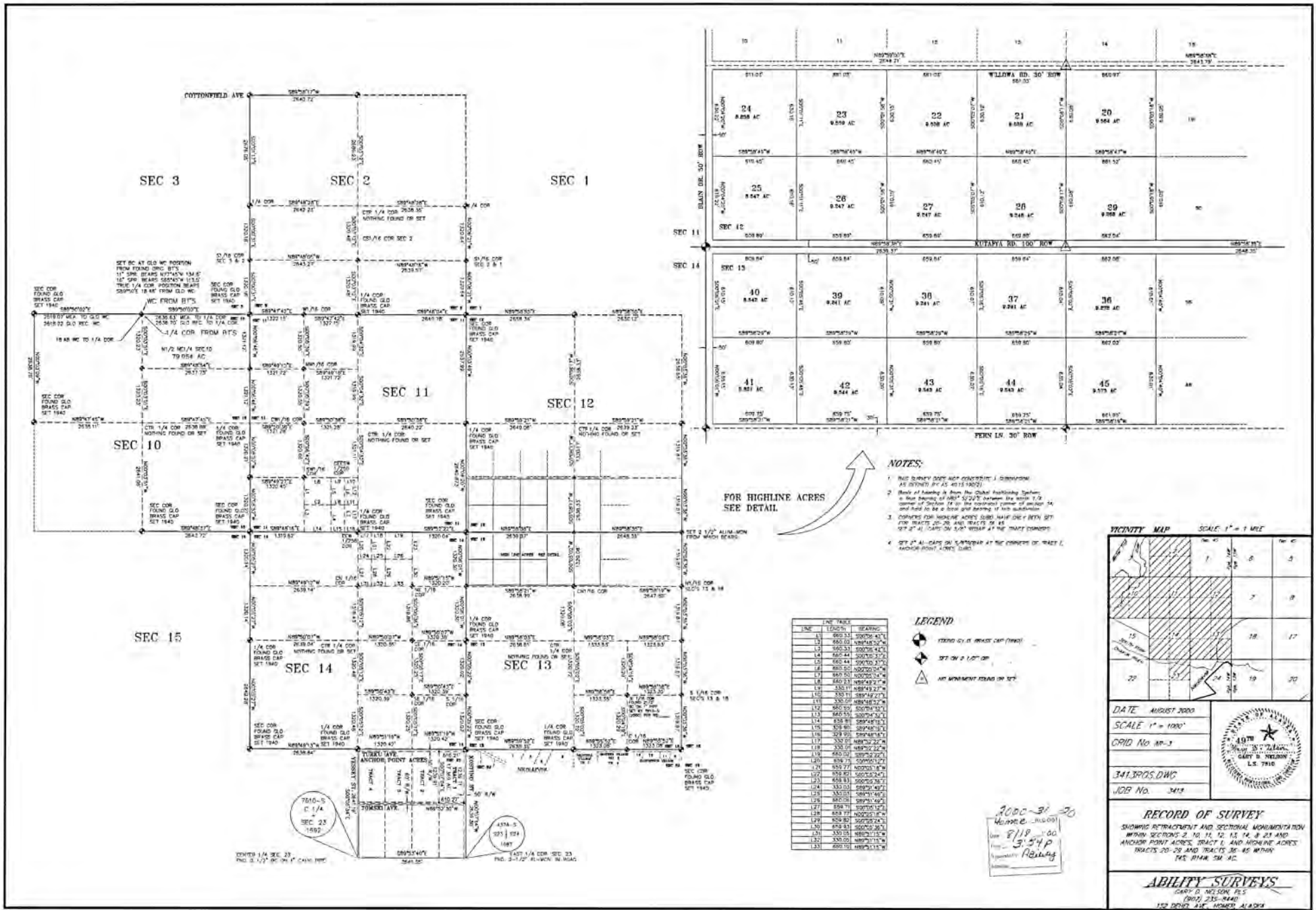


Alaskan Wildwood Phase 1 KPB File 2021-126









FOR HIGHLINE ACRES
SEE DETAIL

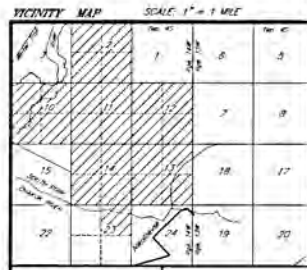
NOTES:

1. THIS SURVEY WAS MADE FOR THE PURPOSE OF A SUBDIVISION AS SHOWN BY PLAT 45, 46 & 47, 1907.
2. Beads of bearing to the Chain Surveying System, in that bearing of 180° 00' 00" between the north 1/4 corner of Section 14 to the northeast corner of section 14 and back to it is to be a true bearing of 180° 00' 00".
3. CORNERS FOR HIGHLINE ACRES SHOWN HAVE ONLY BEEN SET FOR TRACTS 20-25 AND TRACTS 36-45.
4. SET 2" AL. CENTS ON "WATERWAY" AT THE CORNERS OF TRACT 1, AND/OR POINT ACRES, (CUB).

LINE	BEARING	FEET
1	180° 00' 00"	660.33
2	180° 00' 00"	660.33
3	180° 00' 00"	660.33
4	180° 00' 00"	660.33
5	180° 00' 00"	660.33
6	180° 00' 00"	660.33
7	180° 00' 00"	660.33
8	180° 00' 00"	660.33
9	180° 00' 00"	660.33
10	180° 00' 00"	660.33
11	180° 00' 00"	660.33
12	180° 00' 00"	660.33
13	180° 00' 00"	660.33
14	180° 00' 00"	660.33
15	180° 00' 00"	660.33
16	180° 00' 00"	660.33
17	180° 00' 00"	660.33
18	180° 00' 00"	660.33
19	180° 00' 00"	660.33
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29	180° 00' 00"	660.33
30	180° 00' 00"	660.33
31	180° 00' 00"	660.33
32	180° 00' 00"	660.33
33	180° 00' 00"	660.33
34	180° 00' 00"	660.33
35	180° 00' 00"	660.33
36	180° 00' 00"	660.33
37	180° 00' 00"	660.33
38	180° 00' 00"	660.33
39	180° 00' 00"	660.33
40	180° 00' 00"	660.33
41	180° 00' 00"	660.33
42	180° 00' 00"	660.33
43	180° 00' 00"	660.33
44	180° 00' 00"	660.33
45	180° 00' 00"	660.33

LEGEND

- STATION ON A BRASS CAP (TYP)
- SET ON A LOT OF
- NO MONUMENT FOUND ON SET



DATE: AUGUST 2000
 SCALE: 1" = 1000'
 GRID NO. NP-3
 341.3025.DWG
 JOB NO. 3413



RECORD OF SURVEY
 SHOWING RETRACTIONMENT AND SECTIONAL MONUMENTATION
 WITHIN SECTIONS 2, 10, 11, 12, 13, 14, 8, 21 AND
 ANCHOR POINT ACRES, TRACT 1, AND HIGHLINE ACRES,
 TRACTS 20-25 AND TRACTS 36-45 WITHIN
 TMS. PLAT 45, 46 & 47, 1907.

ABILITY SURVEYS
 GARY D. NELSON, PLS.
 (200) 235-7440
 152 DRIVE 31E, FARMER, ALASKA

2000-31-20
 HANCE JULY 01
 8/18/00
 3:54P
 Rainy

KENAI PENINSULA BOROUGH
PLANNING COMMISSION

PLAT WAIVER RESOLUTION 93-26 AMENDED

HOMER RECORDING DISTRICT

AMENDING RESOLUTION 93-26, FILED AS 93-44W IN THE HOMER RECORDING DISTRICT, GRANTING A PLATTING WAIVER FOR CERTAIN LANDS WITHIN SECTIONS 13 AND 14, TOWNSHIP 4 SOUTH, RANGE 14 WEST, SEWARD MERIDIAN, HOMER RECORDING DISTRICT, ALASKA

WHEREAS, Elizabeth S. Dempsey and Belvidere National Bank & Trust Co., Trustee of Van A. Dempsey Insurance Trust, have petitioned for a waiver of platting requirements for the following described parcel:

S1/2 & S1/2 N1/2 of Section 13 and E1/2 E1/2 of Section 14, all within Township 4 South, Range 14 West, Seward Meridian, Homer Recording District, Alaska; cntg 640 Ac m/l.

WHEREAS, on August 23, 1993, the Planning Commission of Kenai Peninsula Borough approved that application; and

WHEREAS, after filing, an error in description of Parcel 1 was discovered.

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH:

Section 1. That the parcel description in Section 2 of Plat Waiver Resolution 93-26, filed as 93-44W in the Homer Recording District is hereby amended to read:

Parcel 1: S1/2 N1/2 & NE1/4 SE1/4 & W1/2 SE1/4 & SW1/4 Section 13; and E1/2 NE1/4 & NE1/4 SE1/4 Section 14, Township 4 South, Range 14 West, Seward Meridian, Homer Recording District, Alaska; cntg 560 Ac m/l.

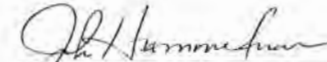
Parcel 2: SE1/4 SE1/4 Section 14, Township 4 South, Range 14 West, Seward Meridian, Homer Recording District, Alaska; cntg 40 Acres m/l.

Parcel 3: SE1/4 SE1/4 Section 13, Township 4 South, Range 14 West, Seward Meridian, Homer Recording District, Alaska; cntg 40 Acres m/l.

Section 3. That the only change is the correction of the description of Parcel 1 described under Section 2 of Resolution 93-26.


Section 4. That this Resolution becomes effective upon being properly recorded.

ADOPTED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH ON THIS 25th DAY OF OCTOBER, 1993.


John Hammelman, Chairperson
Planning Commission

NOTARY ACKNOWLEDGEMENT:

Subscribed and sworn before me this 25 day of October, 1993.


Notary Public for State of Alaska
My Commission Expires 12-16-95

Please return to:
Planning Department
Kenai Peninsula Borough
144 N. Binkley Street
Soldotna, AK 99669



93-3636

HOMER REC 20 cc
DISTRICT
REQUESTED BY KPB

'93 NOV 3 PM 2 27

93-44W

KENAI PENINSULA BOROUGH
PLANNING COMMISSION

PLAT WAIVER RESOLUTION 93-26

SUB RESOLUTION 93-26 AMENDED

HOMER RECORDING DISTRICT

GRANTING A PLATTING WAIVER FOR CERTAIN LANDS WITHIN SECTIONS 13 AND 14, TOWNSHIP 4 SOUTH, RANGE 14 WEST, SEWARD MERIDIAN, HOMER RECORDING DISTRICT, ALASKA

WHEREAS, Elizabeth S. Dempsey and Belvidere National Bank & Trust Co., Trustee of Van A. Dempsey Insurance Trust, have petitioned for a waiver of platting requirements for the following described parcel:

S1/2 & S1/2 N1/2 of Section 13 and E1/2 E1/2 of Section 14, all within Township 4 South, Range 14 West, Seward Meridian, Homer Recording District, Alaska; cntg 640 Ac m/l.

WHEREAS, 29.04.090 of Alaska Statutes provides that the platting authority shall waive the preparation, submission for approval, and recording of a plat upon satisfactory evidence that certain conditions exist.

WHEREAS, it has been determined that all requirements have been met.

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH:

Section 1: That a waiver of platting requirements is hereby granted for the above described parcel.

Section 2: That the plat waiver is being granted for the purpose of creating three parcels described as follows:

Parcel 1: S1/2 N1/2 & NE1/4 SE1/4 & W1/2 SE1/4 & SE1/4 Section 13; and E1/2 NE1/4 & NE1/4 SE1/4 Section 14; Township 4 South, Range 14 West, Seward Meridian, Homer Recording District, Alaska; cntg 560 Ac m/l.

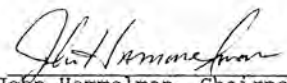
Parcel 2: SE1/4 SE1/4 Section 14, Township 4 South, Range 14 West, Seward Meridian, Homer Recording District, Alaska; cntg 40 Acres m/l.

Parcel 3: SE1/4 SE1/4 Section 13, Township 4 South, Range 14 West, Seward Meridian, Homer Recording District, Alaska; cntg 40 Acres m/l.

Section 3. That this Resolution is void if not recorded in the appropriate Recording District within twenty days of adoption.


Section 4. That this Resolution becomes effective upon being properly recorded.

ADOPTED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH ON THIS 23 DAY OF August 1993.


John Hammelman, Chairperson,
Planning Commission

NOTARY ACKNOWLEDGEMENT:

Subscribed and sworn before me this 23 day of August 1993.


Notary Public for State of Alaska
My Commission Expires: 1-16-95



93-2827
HOMER REC DISTRICT
REQUESTED BY Polco Pacific Inc

'93 SEP 3 PM 2 05

PLEASE RETURN TO:
Planning Department
Kenai Peninsula Borough
144 North Binkley
Soldotna, Alaska 99669

AGENDA ITEM E. NEW BUSINESS

ITEM 1 – ALASKAN WILDWOOD PHASE 1

KPB File No.	2021-126
Plat Committee Meeting:	September 27, 2021

STAFF REPORT - ADDENDUM

After the staff report was prepared, a request for exceptions from code was received from the surveyor.

EXCEPTIONS REQUESTED:

A. KPB 20.30.030 – Proposed Street Layout

Surveyor's Discussion: Although the current design fails to extend the platted ROW along the east boundary of the subject parcel, it does provide through access to the adjoining tract to the north via the proposed 60' wide "Huntland Street". This location for access is preferable because it is both the most suitable orientation for development based on soils and topography, and allows access to all proposed lots through a single corridor. Further, due to the predominately poorly drained soils of parcels to the West and the North, the proposed "Huntland Street" is one of the only reasonable locations for road access.

Staff Discussion: Along the eastern boundary is a 50 foot section line easement on both sides of the section line, providing a 100 foot easement. To the north of the subdivision is dedicated Some Road. Some Road is a 50 foot right of way dedication that coincides with a 50 foot wide section line easement. Some Road was dedicated on Campo De Oro Subdivision, Plat HM 2000-48.

The section line easements continue south past the subdivision. A 50 foot dedication of Kluchevaya Street coincides with a 50 foot section line easement. Kluchevaya Street was dedicated by Nikolaevsk Village Subdivision Addition No. 1, Plat HM 75-8.

Per KPB Code 20.30.030, "dedications must provide for continuation or appropriate projection of all streets in surrounding areas and provide reasonable means of ingress for surrounding acreage tracts." A minimum 30 foot dedication, as provided in KPB 20.30.120, would be expected along the eastern boundary to provide a continuation of Some Road to the intersection of Kluchevaya Street and Sergief Avenue.

If the exception is denied, a minimum 30 foot right of way dedication will be required along the eastern boundary to provide a continuation of Some Road right of way.

Findings:

1. A 50 foot section line easement is located within the subdivision adjoining the entire eastern boundary.
2. A full 100 foot section line easement is available for access along the eastern boundary of the proposed subdivision.
3. A new dedication is proposed within the middle of the subdivision to provide additional access.
4. A reduction in lot sizes will require a soils analysis report for all lots under 200,000 square feet.
5. The terrain slopes to the west.
6. Per KPB GIS Images from 2021, Some Road is not constructed.

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 1-3, 6 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, 6 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, 6 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.

EXCEPTIONS REQUESTED:

B. KPB 20.30.170 – Blocks Length Requirements

Surveyor's Discussion: Due to the rural nature of the proposed subdivision, our client would like to request an exemption to the block length requirements. Many of the parcel to the north are undeveloped and unsubdivided. As the parcels get developed there will be Rights of Way added that will decrease the current block length.

The benefit of running the Rights of Way North-South through the center of the parcel:

- It avoids areas with soils that are not conducive to road construction
- It follow the side slope of the hill to avoid excessive grades
- It will decrease development costs for the proposed parcels because they could share the same physical access.

Staff Discussion: Fern Lane, Some Road, Sergief Avenue, Ram Rack Road, and section line easements define the block. The block is closed but exceeds allowable limits. The proposed dedication within the center of the subdivision will improve the block for the eastern portion of the subdivision but it will not be closed. The western portion of the subdivision will still be within a large non-compliant block.

The distance of the boundary of the subdivision is approximately 1,320 feet. Per KPB 20.30.170, "Blocks shall not be less than 330 feet or more than 1,320 feet in length."

If denied, the proposed subdivision will need to provide a minimum 30 foot dedication along the west and north to provide compliant block lengths.

Findings:

1. A 50 foot section line easement is located within the subdivision adjoining the entire eastern boundary.
2. A new dedication is proposed within the middle of the subdivision to provide additional access and improve block length for a portion of the subdivision.
3. The block is defined by Fern Lane, Some Road, Sergief Avenue, Ram Rack Road, and section line easements.
4. The shortest block boundary distance is approximately 3,600 feet.

5. The longest block boundary distance is approximately 5,250 feet.
6. Code requires the block length to be no more than 1,320 feet.
7. New dedications will require a reduction in lots sizes.
8. A reduction in lot sizes will require a soils analysis report for all lots under 200,000 square feet.
9. The terrain slopes to the west.
10. The current block contains 17 lots including the one within the subdivision.
11. Of the 17 lots within the block, only 3 contain improvements, per KPB Assessing information.
12. The subdivision owner owns seven additional lots within the block.
13. There are nine additional landowners within the block.
14. The lots within the block range in size from 6.7 acres to 70 acres.
15. A stream or creek divides the block.
16. The southern portion of the stream is within the Anadromous Streams Catalog.
17. Northern portions of the block contain wetlands.
18. The northwest area of the subdivision appears to be affected by low wet areas of land.

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, 2, 7, 14, 17, 18 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, 7, 14, 17, 18 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, 7, 14, 17, 18 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.

END OF STAFF REPORT ADDENDUM
