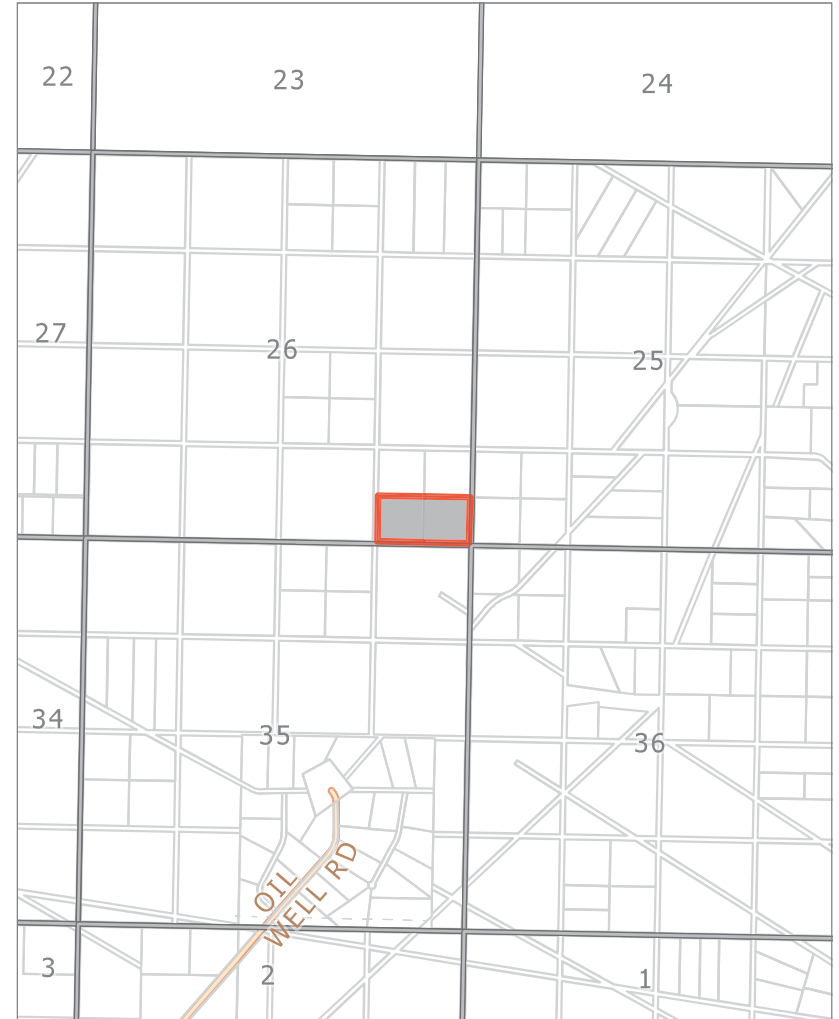
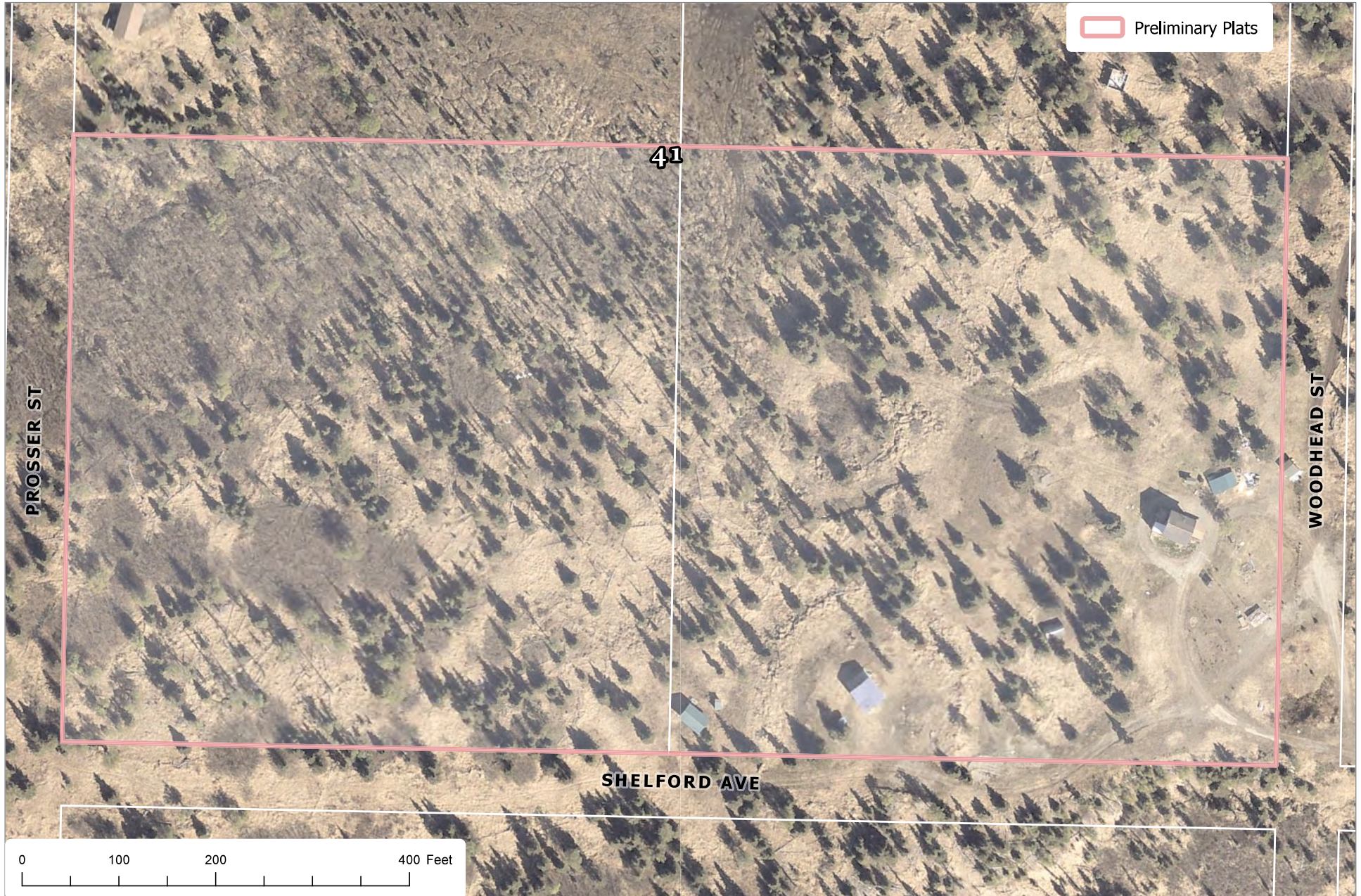


E. NEW BUSINESS

- 2. Breakfield-McCaughey Subdivision; KPB File 2022-054
Edge Survey & Design LLC / Andrade & Breakfield
Location: Prosser St., Shelford Ave. & Woodhead St.
Ninilchik Area**



KPB File # 2022-054
S26 T01S R12W
Ninilchik



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.

NOTES

1. THERE MAY BE FEDERAL, STATE, OR LOCAL REQUIREMENTS GOVERNING LAND USE. ANY PERSONS DEVELOPING THIS PROPERTY IS RESPONSIBLE FOR OBTAINING ALL REQUIRED FEDERAL, STATE, OR LOCAL PERMITS INCLUDING THE U.S. ARMY CORPS OF ENGINEERS WETLAND DETERMINATION IF APPLICABLE.
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 APPROPRIATE PLANNING COMMISSION.
3. THE FRONT 10 FEET OF THE BUILDING SETBACK ADJACENT TO THE RIGHTS-OF-WAY IS ALSO A UTILITY EASEMENT, PER (R1). NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
4. THIS SUBDIVISION IS SUBJECT TO TERMS, COVENANTS, CONDITIONS AND PROVISIONS, INCLUDING RIGHT OF WAYS AND EASEMENTS AS CONTAINED IN THE ALASKA NATIVE CLAIMS SETTLEMENT ACT, DATED DECEMBER 18, 1971, U.S. PUBLIC LAW 92-203, 85 STAT. 688, U.S.C. 1601 ET SEQ.
5. THIS SUBDIVISION SUBJECT TO RESERVATIONS OF THE SUBSURFACE ESTATE IN SAID LAND INCLUDING, BUT NOT LIMITED TO, RIGHTS OF ENTRY TO EXPLORE, DEVELOP OR REMOVE MINERALS FROM SAID SUBSURFACE ESTATE, AS SET FORTH IN SECTION 14(F) AND 14(G) OF THE ALASKA NATIVE CLAIMS SETTLEMENT ACT.
6. THIS SUBDIVISION IS SUBJECT TO RESERVATIONS, RESTRICTIONS, CONDITIONS AND EASEMENTS AS CONTAINED IN INTERIM CONVEYANCE, RECORDED JUNE 19, 1978, VOLUME 100 PAGE 226, AND AS CONTAINED IN DEED RECORDED FEBRUARY 10, 1986, VOLUME 135 PAGE 447, HOMER RECORDING DISTRICT.
7. THE KENAI PENINSULA BOROUGH WILL NOT ENFORCE PRIVATE COVENANTS, EASEMENTS, OR DEED RESTRICTIONS PER KPB 21.44.080.
8. WASTEWATER DISPOSAL: THESE LOTS ARE AT LEAST 200,000 SQUARE FEET IN SIZE AND CONDITIONS MAY NOT BE SUITABLE FOR ONSITE WASTEWATER TREATMENT AND DISPOSAL. ANY WASTEWATER TREATMENT AND DISPOSAL SYSTEM MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF MAY 9, 2022.
KENAI PENINSULA BOROUGH

AUTHORIZED OFFICIAL

CERTIFICATE OF SURVEYOR

I, MARK AMONETTI 13022-S, HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF ALASKA AND THAT THIS PLAT REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, AND THAT THE MONUMENTS SHOWN ON THIS SURVEY ACTUALLY EXIST AS DESCRIBED, AND THAT ALL DIMENSIONAL AND OTHER DETAILS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.



CERTIFICATE OF OWNERSHIP AND DEDICATION

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

PAMELA E. BREAKFIELD
35335 HAGER BLVD
SOLDOTNA, ALASKA 99669 - FORMER PARCEL 3

JEFFREY A. BREAKFIELD
35335 HAGER BLVD
SOLDOTNA, ALASKA 99669 - FORMER PARCEL 3

NOTARY ACKNOWLEDGEMENT

FOR: PAMELA E. BREAKFIELD
ACKNOWLEDGED BEFORE ME
THIS _____ DAY OF _____, 2022

PUBLIC NOTARY SIGNATURE

MY COMMISSION EXPIRES _____

NOTARY ACKNOWLEDGEMENT

FOR: JEFFREY A. BREAKFIELD
ACKNOWLEDGED BEFORE ME
THIS _____ DAY OF _____, 2022

PUBLIC NOTARY SIGNATURE

MY COMMISSION EXPIRES _____

CERTIFICATE OF OWNERSHIP AND DEDICATION

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

KAREN ANDRADE
PO BOX 39566
NINILCHIK, ALASKA 99639 - FORMER PARCEL 4

ROBERT ANDRADE
PO BOX 39566
NINILCHIK, ALASKA 99639 - FORMER PARCEL 4

NOTARY ACKNOWLEDGEMENT

FOR: KAREN ANDRADE
ACKNOWLEDGED BEFORE ME
THIS _____ DAY OF _____, 2022

PUBLIC NOTARY SIGNATURE

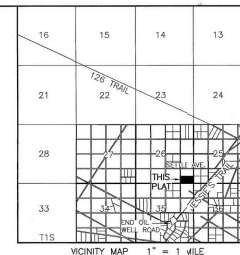
MY COMMISSION EXPIRES _____

NOTARY ACKNOWLEDGEMENT

FOR: ROBERT ANDRADE
ACKNOWLEDGED BEFORE ME
THIS _____ DAY OF _____, 2022

PUBLIC NOTARY SIGNATURE

MY COMMISSION EXPIRES _____



KPB FILE No. 2022-000

BREAKFIELD-McCAUGHEY SUBDIVISION

A SUBDIVISION OF
PARCEL 3 AND 4
PLAT WAIVER RESOLUTION 94-14
HOMER RECORDING DISTRICT

OWNERS:
ROBERT AND KAREN ANDRADE
PO BOX 39566
NINILCHIK, ALASKA 99639
JEFFREY A. AND PAMELA E. BREAKFIELD
35335 HAGER BLVD
SOLDOTNA, ALASKA 99669

LOCATED WITHIN SE 1/4 SECTION 25,
T.1S., R.12W. S.M.
STATE OF ALASKA
KENAI PENINSULA BOROUGH
HOMER RECORDING DISTRICT
CONTAINING 18.064 ACRES



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

DRAWN BY: JY	DATE: 4/12/2022	PROJECT: 22-507
CHECKED BY: MA	SCALE: AS SHOWN	SHEET: 2 OF 2

PRELIMINARY PLAT

KPB 2022-054

AGENDA ITEM E. NEW BUSINESS

ITEM 2 - BREAKFIELD-MCCAUGHEY SUBDIVISION

KPB File No.	2022-054
Plat Committee Meeting:	May 9, 2022
Applicant / Owner:	Robert and Karen Andrade of Ninilchik, AK Jeffrey and Pamela Breakfield of Soldotna, AK
Surveyor:	Mark Aimonetti, Jason Young / Edge Survey & Design
General Location:	Shelford Avenue, Woodhead Street, Prosser Street, Ninilchik

Parent Parcel No.:	185-505-16 & 185-505-17
Legal Description:	Parcel 3 and 4 of Plat Waiver Resolution 94-14
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will be adjusting a lot line to resolve an encroachment issue.

Location and Legal Access (existing and proposed): The proposed subdivision is in the area known as Caribou Hills. The Ninilchik Right of Way Map that was done for the Ninilchik Native Association, Inc. (NNAI) dedicated 66 foot wide rights-of-way centered on all 1/16 and 1/4 aliquot lines, section lines, and seismograph lines. Oilwell Road is the main access to the area with various rights-of-way, mostly developed as trails, connecting to provide access. The subdivision has multiple dedicated access routes. The route that appears to be in use is by Jesses Trail located at the end of Oilwell Road. From Jesses Trail, a trail appears to be present within the Shelford Avenue dedication that is being used by the multiple structures located within this subdivision.

Proposed Tract 4A will continue having the same current access, Shelford Avenue and Woodhead Street. Proposed Tract 3A will continue having the same current access, Shelford Avenue and Prosser Street.

Shelford Avenue, Prosser Street, Woodhead Street, and Settle Avenue define the closed and compliant block.

KPB Roads Dept. comments	Out of Jurisdiction: No Roads Director: Uhlin, Dil Comments: The RSA has no comment at this time.
SOA DOT comments	No comment

Site Investigation: There are some wet areas present in the northern portions of the subdivision. The boundary of the wet areas is depicted.

There does appear to be some steep slopes present, mostly around the wet areas. ***Staff recommends any areas with slopes greater than 20 percent be reviewed and if possible show the top or toe of any steep areas and label.***

Structures that were to be on Tract 3 are across the property line and are located on Tract 4. The preliminary plat will be adjusting the lot line around the structures to have them be part of proposed Tract 3A.

KPB River Center review	A. Floodplain Reviewer: Carver, Nancy Floodplain Status: Not within flood hazard area
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	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
State of Alaska Fish and Game	No objections

Staff Analysis The proposed plat is in the Caribou Hills area. Right of Way Map, Plat HM 84-115, referred to as the Ninilchik ROW Map, subdivided thirteen sections. The plat dedicated 66 foot wide rights-of-way centered on seismograph lines as well as 66 foot rights-of-way on all 1/16 and 1/4 aliquot line and section lines. The Right of Way Map, HM 84-115, is a paper plat with no field survey. Terrain was not considered with the right-of-way dedications and steep terrain or low wet areas affect many rights-of-way. Local trails, that may cross private lands, are used for physical access. Subsequent subdivisions have divided lands and provided right-of-way dedications in practical areas or where trails were already being used for access.

The property within the proposed plat was considered Lot 41, located on sheet 2 of Plat HM 84-115. Kenai Peninsula Borough Planning Commission adopted Resolution 94-14 on May 9, 1994. The Resolution approved a plat waiver of Lot 41 into four equal lots that were described by their aliquot descriptions. The preliminary plat will be adjusting the lot line between two of the plat waiver parcels.

The Right of Way Map, Plat HM 84-115, did grant utility easements along rights-of-way but did not put a building setback into place. The cabin that will be within Tract 3A will be within the building setback being created by this plat. **Staff recommends any buildings within the setback be depicted on the final plat and a plat note be added that the building predates the setback.**

The lots are larger than 200,000 square feet and a soils analysis report will not be required.

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.

The property is not within an advisory planning commission.

Utility Easements The parent plat, HM 84-115, granted 10 foot utility easements along all dedicated rights-of-way. The plat is carrying over the utility easement and it is depicted on the plat. It does not appear that the structures are within the utility easement. If it is discovered during the field survey that it does indeed encroach into the utility easement, a utility easement alteration will be required to be resolved. **Staff recommends the label for the utility easements included "granted by HM 84-115".**

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 recommendations
ACS	No objections
GCI	Approved as shown

KPB department / agency review:

Addressing	Reviewer: Haws, Derek Affected Addresses: 14981 JESSES TRL 14985 JESSES TRL Existing Street Names are Correct: Yes List of Correct Street Names: SHELFORD AVE WOODHEAD ST SETTLE AVE PROSSER ST Existing Street Name Corrections Needed: All New Street Names are Approved: No List of Approved Street Names: List of Street Names Denied: Comments: 14981 JESSES TRL and 14985 JESSES TRL will remain with tract 4A.
Code Compliance	Reviewer: Ogren, Eric Comments: No comments
Planner	Reviewer: Raidmae, Ryan There are not any Local Option Zoning District issues with this proposed plat. Material Site Comments: There are not any material site issues with this proposed plat.
Assessing	Reviewer: Wilcox, Adeena Comments: Structure in building setback

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

STAFF RECOMMENDATIONS
CORRECTIONS / EDITS**KPB 20.25.070 – Form and contents required**

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

A. Within the Title Block

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

Staff recommendation: Verify the spelling on Jeffery Breakfield. Different spellings throughout document and on deed.

- 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: *There appears to be steep slopes in various areas with the steepest areas near the wetland areas.*
- N. Apparent encroachments, with a statement indicating how the encroachments will be resolved prior to final plat approval;
Staff recommendation: *Multiple structures are located across the lot line. This platting action will correct the issue.*

KPB 20.30 – Subdivision Design Requirements

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

KPB 20.40 – Wastewater Disposal

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

20.40.010 Wastewater disposal.

Platting Staff Comments: The lots are over 200,000 square feet. This is a lot line adjustment for encroachment in a recreational area. Correct plat note is present.

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.*

20.60.180. 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: *Please add the following plat notes*

- *'Improvements on Tract 3A predate the 20' building setback created by this plat and are not subject to the 20' building setback. Any replacement, or improvement, to the building must comply with the 20 foot building setback as shown on this plat.'*

Plat note revisions

- *Plat note 6 needs a space added between "226" and "And".*
- *For plat note 7, update the code reference to KPB 20.60.170.*

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: *Verify the spelling for Mr. Breakfield's name. If the spelling differs from the title report add an "AKA" or "took title as". Comply with 20.60.190.*

RECOMMENDATION:

STAFF RECOMMENDS:

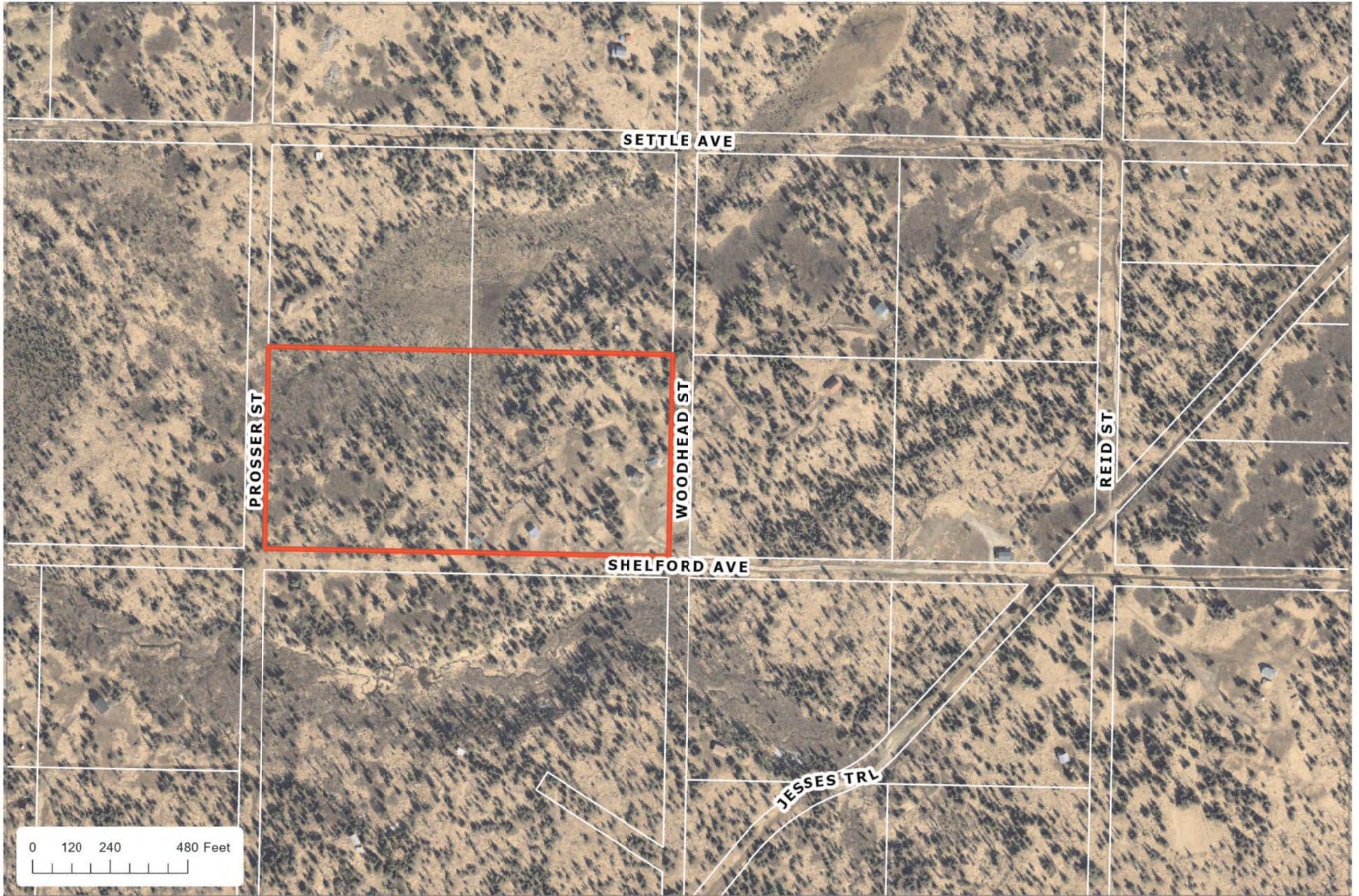
- GRANT APPROVAL OF THE PRELIMINARY PLAT SUBJECT TO STAFF RECOMMENDATIONS, AND
- COMPLIANCE WITH KPB 20.25.070 (FORM AND CONTENTS), KPB 20.25.080 (PETITION REQUIRED), KPB 20.30 (DESIGN REQUIREMENTS); AND KPB 20.40 (WASTEWATER DISPOSAL), AND
- COMPLIANCE WITH KPB 20.60 TO ENSURE ADMINISTRATIVE APPROVAL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



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.

KENAI PENINSULA BOROUGH
PLANNING COMMISSION

PLAT WAIVER RESOLUTION 94-14

HOMER RECORDING DISTRICT

GRANTING A PLATTING WAIVER FOR CERTAIN LANDS WITHIN SECTION 26, TOWNSHIP 1 SOUTH, RANGE 12 WEST, SEWARD MERIDIAN, ALASKA

WHEREAS, Bruce A. and Randi L. Rogers have petitioned for a waiver of platting requirements for the following described parcel:

The SE1/4 SE1/4 Section 26, Township 1 South, Range 12 West, Seward Meridian, Homer Recording District, Alaska; excepting therefrom 33 foot rights-of-way within north, east, south and west boundaries; cntg 40 acres less rights-of-way.

WHEREAS, 29.04.090 of the 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 four parcels described as follows:

Parcel 1: NW1/4 SE1/4 SE1/4 Section 26, Township 1 South, Range 12 West, Seward Meridian, Alaska; excepting therefrom 33 foot right-of-way within north and west boundary; cntg 9 acres m/l.

Parcel 2: NE1/4 SE1/4 SE1/4 Section 26, Township 1 South, Range 12 West, Seward Meridian, Alaska; excepting therefrom 33 foot right-of-way within north and east boundary; cntg 9 acres m/l.

Parcel 3: SW1/4 SE1/4 SE1/4 Section 26, Township 1 South, Range 12 West, Seward Meridian, Alaska; excepting therefrom 33 foot right-of-way within south and west boundary; cntg 9 acres m/l.

Parcel 4: SE1/4 SE1/4 SE1/4 Section 26, Township 1 South, Range 12 West, Seward Meridian, Alaska; excepting therefrom 33 foot right-of-way within south and east boundary; cntg 9 acres m/l.

Section 3: That this Resolution is void if not recorded in the appropriate Recording District within ten 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 9
DAY OF May 1994.


Philip Bryson, Vice Chairperson
Planning Commission

NOTARY ACKNOWLEDGEMENT:

Subscribed and sworn before me this 9 day of May 1994.


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

Return to:
Planning Department
Kenai Peninsula Borough
144 N. Binkley Street
Soldotna, Alaska 99669



94-1713

HOMER REC 15th
DISTRICT
REQUESTED BY n/m Rogers

'94 MAY 16 PM 2 45

