

## **E. NEW BUSINESS**

- 4. Coles Corner No. 3; KPB File 2022-052**  
**Johnson Surveying / Knapp Estate**  
**Location: Kalifornsky Beach Road & Capstan Street**  
**Kasilof Area**



Vicinity Map

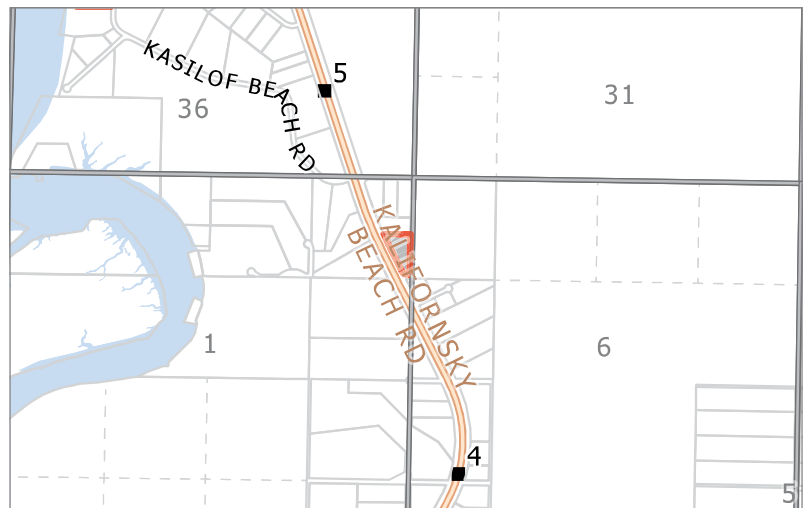
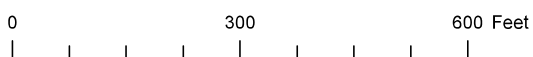


KPB File # 2022-052

S01-T03N-R12W

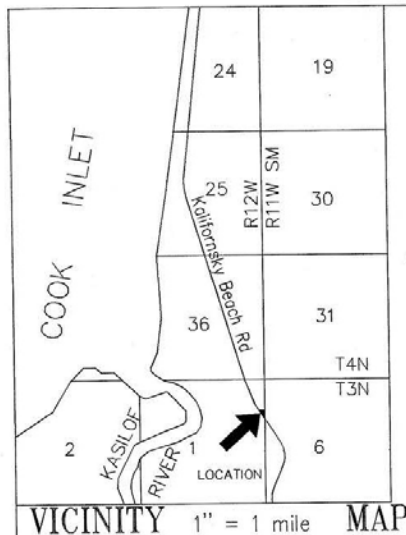
Kalifornsky

4/14/2022









# Coles Corner #2

## Preliminary Plat

A subdivision of Lot 5 Cole's Corner, KRD 85-31, including a utility vacation.  
 Located in the NE1/4 Section 1, T3N R12W, SM, Kasilof, Alaska.  
 Kenai Recording District Kenai Peninsula Borough

Prepared for  
 Estate of Josephine S Knapp  
 P.O. Box 389  
 Kasilof, AK 99610

Prepared by  
 Johnson Surveying  
 P.O. Box 27  
 Clam Gulch, Ak 99568

SCALE 1" = 100' AREA = 2.56 acres 23 March, 2022

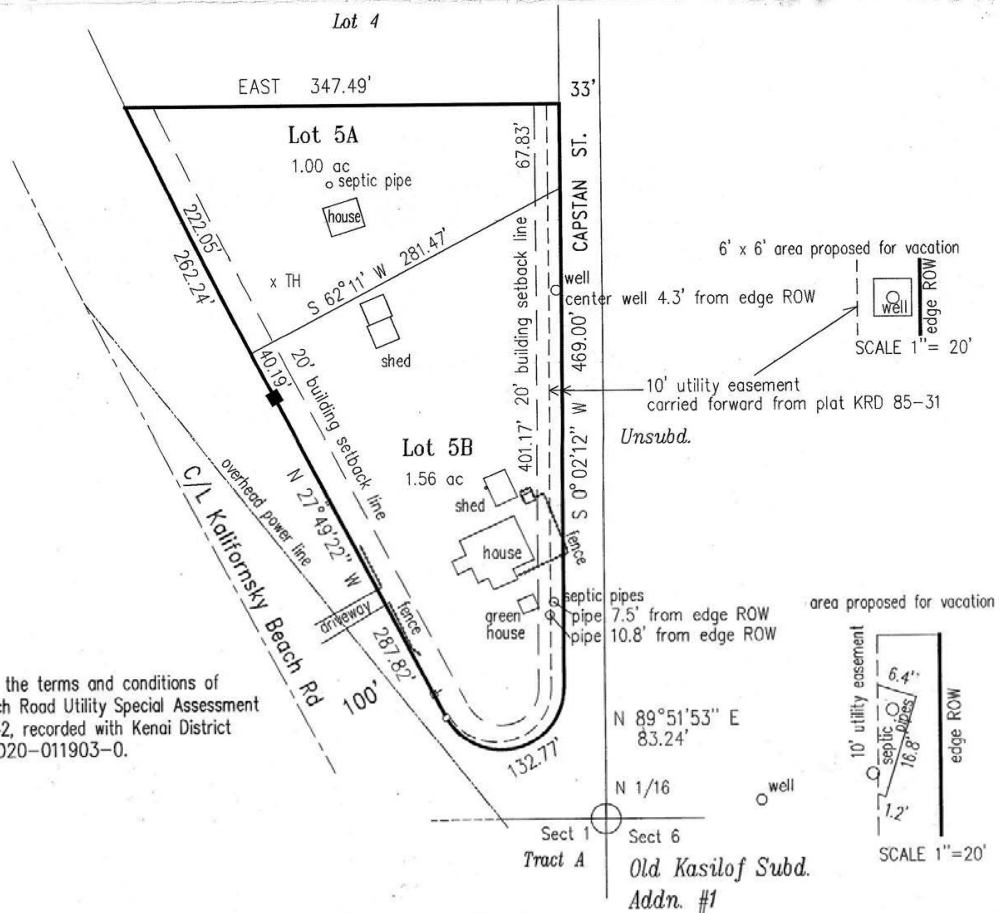
### NOTES

1. A building setback of 20' from all street ROW's is required unless a lesser standard is approved by a resolution of the appropriate planning commission. 10' of setback adjoining ROWs is also a utility easement, extending to 20' setback within 5' of side lot lines.
2. No permanent structure shall be constructed or placed within a utility easement which would interfere with the ability of a utility to use the easement.
3. No access to State maintained ROWs permitted unless approved by the State of Alaska Dept. of Transportation.
4. This property is subject to a reservation of easement for highway purposes, and any assignments or uses thereof for recreational, utility or other purposes, as disclosed by Public Land Order No. 601, dated August 10, 1949 and amended by Public Land Order No. 757, dated October 10, 1959; Public Land Order No. 1613, dated April 7, 1958; and Dept. of the Interior Order No. 2665, dated October 16, 1951, Amendment No. 1 thereto, dated July 17, 1952 and Amendment No. 2 thereto, dated September 15, 1956, filed in the Federal Register.
5. Kalifornsky Beach Road ROW is as shown on State DOT plans S-0463(4) sheet 17 and S-0463(8) sheet 5.
6. This property is subject to an electrical easement granted to Homer Electric Association filed with the Kenai District Recorder in Misc. Book 31 Page 159. This is a general easement, no specific location given.
7. This property is subject to private covenants filed with the Kenai District Recorder in Book 266 Page 139. The borough will not enforce private covenants, easements, or deed restrictions per KPB 20.60.170.
8. Topography of the subdivision is flat. There are no wet areas on the property.

KPB 2022-052

### NOTE

This property is subject to the terms and conditions of the South Kalifornsky Beach Road Utility Special Assessment per KPB Ordinance 2020-42, recorded with Kenai District by instrument serial #2020-011903-0.



AGENDA ITEM E. NEW BUSINESS

ITEM 4 - COLES CORNER NO 3

KPB File No.	2022-052
Plat Committee Meeting:	May 9, 2022
Applicant / Owner:	Estate of Josephine S. Knapp of Anchorage, AK
Surveyor:	Jerry Johnson / Johnson Surveying
General Location:	Kalifornsky Beach Road, Capstan Street, Kasilof / Kalifornsky APC

Parent Parcel No.:	133-471-05
Legal Description:	Lot 5 Coles Corner Plat No KN 85-31
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On site

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STAFF REPORT

The plat being reviewed states the name is Coles Corner No. 2. The surveyor notified us that it should be Coles Corner No. 3.

**Specific Request / Scope of Subdivision:** The proposed plat will subdivide a 2.56 acre parcel into two lots that will be 1 acre and 1.56 acres.

**Location and Legal Access (existing and proposed):** The proposed plat is located near mile 4.5 of Kalifornsky Beach Road. Kalifornsky Beach Road is a state maintained right-of-way with a 200 foot width along the portion the proposed subdivision fronts along. Capstan Street is a dedicated right-of-way that intersects Kalifornsky Beach Road south of this subdivision. The dedication then continues north along the eastern boundary of the subdivision. The dedication coincides with a 33 foot section line easement. A 33 foot section line easement appears to be present to the east of the dedication within a 32 acre lot that has not been subdivided. ***Staff recommends a width for Capstan Street be added for the southern portion or a width varies label and the section line easement adjacent to Capstan Street be depicted and labeled.***

Kalifornsky Beach Road, Capstan Street, and Leslies Way define the closed block. The southern length does not comply due to the angle of Kalifornsky Beach Road resulting in a short block length. There is nothing this subdivision plat may do to improve the distance along that area.

The proposed lots will have access from Kalifornsky Beach Road and Capstan Street. Capstan Street is not currently built. A driveway is currently present from Kalifornsky Beach Road that will provide access to proposed Lot 5B. The structures proposed to be on Lot 5A appear to be accessed through the same driveway and through proposed Lot 5B. If this is to be the main access, staff suggests an access or driveway easement be issued if ownership of either lot changes. A driveway permit for direct access from Kalifornsky Beach Road would need to be approved by the State of Alaska DOT.

Multiple fences are present on the property. The fence by the house appears to encroach into the section line easement and right-of-way for Capstan Street. Based on the Roads Department comment, staff will not sign the final plat until the Roads Department provides a written notice that any issues have been resolved to comply with KPB Code. ***Staff recommends the owner/surveyor work with the KPB Roads Department for resolution to the encroachment.***

KPB Roads Dept. comments	Out of Jurisdiction: No
	Roads Director: Uhlin, Dil

	Comments: The property owner has a fence in the ROW. We object to approving this subdivision until the fence is removed from the Section line easement.
SOA DOT comments	The 200' ROW for Kalifornsky Beach Road is as shown on Sheet 2 of 10 Kasilof Road S-0463(8) ROW Map and Sheet 17 of 17 S-0463(4) and appears to be shown correctly.

**Site Investigation:** The area is relatively flat. Per KPB GIS data, there are wetlands present within the eastern portion of the proposed plat. **Staff recommends** any low wet areas be depicted on the final plat and a plat note regarding wetland determinations be added.

The proposed plat will result in an existing house within Lot 5A. The septic pipe is depicted on the lot as well. Lot 5B will have multiple existing structures including a house, green house, and multiple sheds. The septic pipes near the house are within the building setback and the 10 foot utility easement along Capstan Street. A well is shown to the north and is within the setback and utility easement along Capstan Street.

A petition for a utility easement alternation is being worked on for the well and septic pipes within the 10 foot utility easement along Capstan Street. Comments regarding the fence from utility providers will be reviewed. Once a complete petition with all required items is submitted it will be scheduled for the first available KPB Planning Commission meeting in accordance with KPB Code 20.65.070.

Within the setback along Kalifornsky Beach Road is a fence on either side of the driveway. Along Capstan Street the well, septic pipes, and a fence are within the setback. Per KPB Code 20.90.010, definitions, a "building setback is there area of the lot where permanent structures are not allowed. The purpose of the setback is to promote safe public access, areas for emergency response, and traffic sight distance." Per the definitions for permanent structures the well casing and vent pipes are allowed. Transparent fencing is also allowed within the setback. It appears the fencing used on this property is wood planks and is not transparent. The Roads Department has already noted that the fence along Capstan Street is within the right-of-way and will require resolution. As the fence is not a permanent structure, Capstan Street is not constructed, and there is adequate distance from the constructed roadway for Kalifornsky Beach Road, staff will not request the removal of the fence from the setbacks to finalize the plat. Staff would like the owners to be aware, that they are still in violation of the setback and the ability to sell or finance the property may require resolution. **Staff recommends** a plat note be added that the borough is not accepting any encroachments and strongly urges the owners to work on moving the fence location or replace with transparent fencing that is acceptable per KPB Code.

KPB River Center review	<p>A. Floodplain Reviewer: Carver, Nancy Floodplain Status: Not within flood hazard area Comments: Located in Zone D non-regulatory</p> <p>B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments</p> <p>C. State Parks Reviewer: Russell, Pam Comments: No Comments</p>
State of Alaska Fish and Game	No objections

**Staff Analysis** The proposed plat is a subdivision of Lot 5 Coles Corner, Plat KN 85-31. Coles Corner was a subdivision of a Government Lot into five lots and the dedication of Leslie's Way and Cole's Corner, later changed to Capstan Street. The parent plat created 20 foot building setbacks along all street rights-of-way.

The proposed plat will be creating two lots from Lot 5. This will place a house on each of the lots. Lot 5B will also have sheds and a green house. There are multiple encroachment issues. The owners/surveyor is working on resolving the utility easement encroachments. Staff is recommending any fencing within the setbacks be removed or replaced with code compliant fencing. Platting staff will require notification from the Roads Department that the fence encroachment into the right-of-way has been resolved prior to signing the final plat.

The structure located on proposed Lot 5A appears to be getting access through proposed Lot 5B. Access to the lot from Kalifornsky Beach Road will be reviewed by Alaska DOT. There is a driveway from Kalifornsky Beach Road for access to proposed Lot 5B. There is also a driveway for the lot north of this subdivision. The driveways are about 550 feet apart. If Alaska DOT denies a driveway permit, Lot 5A has dedicated access from Capstan Street, which is currently not constructed. The owners of Lot 5A may also try to get an access or shared driveway easement from Lot 5B.

The subdivision is within the South Kalifornsky Beach Road Utility Special Assessment District per KPB Ordinance 2020-42. The plat currently has a note present regarding the Special Assessment District. Per KPB Code 20.60.030, all taxes and special assessments levied on the property within the subdivision must be paid prior to recording the final plat. Staff requests the owners contact the KPB Finance Department to discuss payoff amounts. Once the current year taxes and the Special Assessment have been paid, the owner or surveyor may contact the KPB Platting Department to order the Tax Certificate. The note will be removed from the final.

A soils report will be required and an engineer will sign the final plat.

Notice of the proposed plat was mailed to the beneficial interest holder on April 14, 2022. The beneficial interest holder will be given 30 days from the date of the mailing of the notification to respond. They are given the opportunity to notify staff if their beneficial interest prohibits or restricts subdivision or requires their signature on the final plat. If no response is received within 30 days, staff will assume they have no requirements regarding the subdivision and it may be finalized.

The proposed plat is within the Kalifornsky Advisory Planning Commission area. The APC is currently inactive.

**Utility Easements** Coles Corner, Plat KN 85-31, created a 10 foot utility easement along the dedication of Cole's Street, which is now Capstan Street. This easement is along the curved southern boundary and the eastern boundary of the lot. The plat did not create a utility easement along Kalifornsky Beach Road. The easement granted by the parent plat is depicted and labeled correctly. Per plat note 1, this plat will be increasing that easement to 20 feet within 5 feet of the side lot lines and granting an easement along Kalifornsky Beach Road. **Staff recommends the depiction be revised to show the full 20 feet within side lot lines and along Kalifornsky Beach Road. The plat note can be revised, "Plat KRD 85-31 granted 10 foot utility easements adjacent to the dedication of Capstan Street. This plat will be granting additional 10 foot utility easement along Kalifornsky Beach Road and increasing the utility easements to 20 feet within 5 feet of the side lot lines."**

A petition is being worked on for the encroachments into the utility easements. Once a completed petition is received it will be scheduled for hearing at a Kenai Peninsula Borough Planning Commission meeting.

The fences are not considered permanent structures. It should be noted that the utility providers may remove or request fences be removed or relocated if they hinder their ability to use the utility easements.

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.
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**KPB department / agency review:**

Addressing	<p>Reviewer: Haws, Derek  Affected Addresses:  28200 KALIFORNSKY BEACH RD</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names:  KALIFORNSKY BEACH RD  CAPSTAN ST</p> <p>Existing Street Name Corrections Needed:  All New Street Names are Approved: Yes  List of Approved Street Names:  List of Street Names Denied:</p> <p>Comments:  28200 KALIFORNSKY BEACH RD will remain on lot 5B.</p>
Code Compliance	<p>Reviewer: Ogren, Eric  Comments: No comments</p>
Planner	<p>Reviewer: Raidmae, Ryan  There are not any Local Option Zoning District issues with this proposed plat.</p> <p>Material Site Comments:  There are not any material site issues with this proposed plat.</p>
Assessing	<p>Reviewer: Wilcox, Adeena  Comments: Improvements on parcel 5B located in setback. Access to parcel 5A would be considered platted if access to K-Beach Road is denied by SOA</p>
Advisory Planning Commission	Inactive

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

**STAFF RECOMMENDATIONS**  
**CORRECTIONS / EDITS**

*On Lot 5A there is an "x" with "TH" next to the mark. It is unclear what the mark is representing. If it is required or pertinent information it should be included in the legend or plat notes should be added to explain the mark. If it is not required information or pertinent, it should be removed from the final.*

*Structures may be removed from the final but any encroachments should remain with labels.*

**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:** Email from Surveyor stating this will be Coles Corner No 3. Verify the owner's address. KPB records have an Anchorage address instead of Kasilof PO Box.

- 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:** *Note the 33 foot side section line easement adjacent to the Capstan Street dedication.*

- 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 lot located in Section 6 should have the lot designation of Lot 1-A added. The lot in Section 1 is labeled Tract A, staff found this to be an unsubdivided lot. The lot to the east of Capstan Street should be updated from "Unsubd" to "Government Lot 4".*

- 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 the Kenai Watershed forum information, some wet areas are present along and within Capstan Street. They are classified as drainage way.*

- N. Apparent encroachments, with a statement indicating how the encroachments will be resolved prior to final plat approval;

**Staff recommendation:** *The owner/surveyor is working on a utility easement vacation for the encroaching well and septic pipes. A fence is depicted within the setback. The fence is also within the utility easement and appears to possibly be within the right-of-way.*

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#### **KPB 20.30 – Subdivision Design Requirements**

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

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#### **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: A soils report will be required and an engineer will need to sign the plat.*

**Staff recommendation:** *comply with 20.40.*

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#### **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.*

##### **20.60.030. Certificate of borough finance department required.**

*Platting Staff Comments: All taxes levied on the property within the subdivision shall be paid prior to recordation of the final plat. If approval is sought between January 1 and the tax due date, there shall be*

on deposit with the borough finance department an amount sufficient to pay the entire estimated real property tax for the current year. Prior to filing of the final plat, a certificate to this effect shall be provided by the borough finance director or his designee upon request by the planning director. Estimated tax payments shall be applied to the actual bill as of July 1 or such earlier date as the taxes due have been determined.

Taxes owed may include special assessments for utility or road assessment districts established by KPB ordinance.

**Staff recommendation:** The Utility Special Assessment will be required to be paid in addition to current year taxes prior to recording. Comply with 20.60.030.

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.

- 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.
- Acceptance of this plat by the Kenai Peninsula Borough does not indicate acceptance of any encroachments.

20.60.190. Certificates, statements, and signatures required.

**Staff recommendation:** Both of the co-personal representatives for the estate will need to sign. The certificate of ownership will need to be in the plural and on behalf of the estate. Comply with 20.60.190.

KPB 20.70 – Vacation Requirements

**Staff recommendation.** A utility easement vacation is proposed. The vacation, if to be finalized by the plat as proposed, will require the plat to be recorded within one year of the vacation approval.

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**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**







# KPB File 2022-052

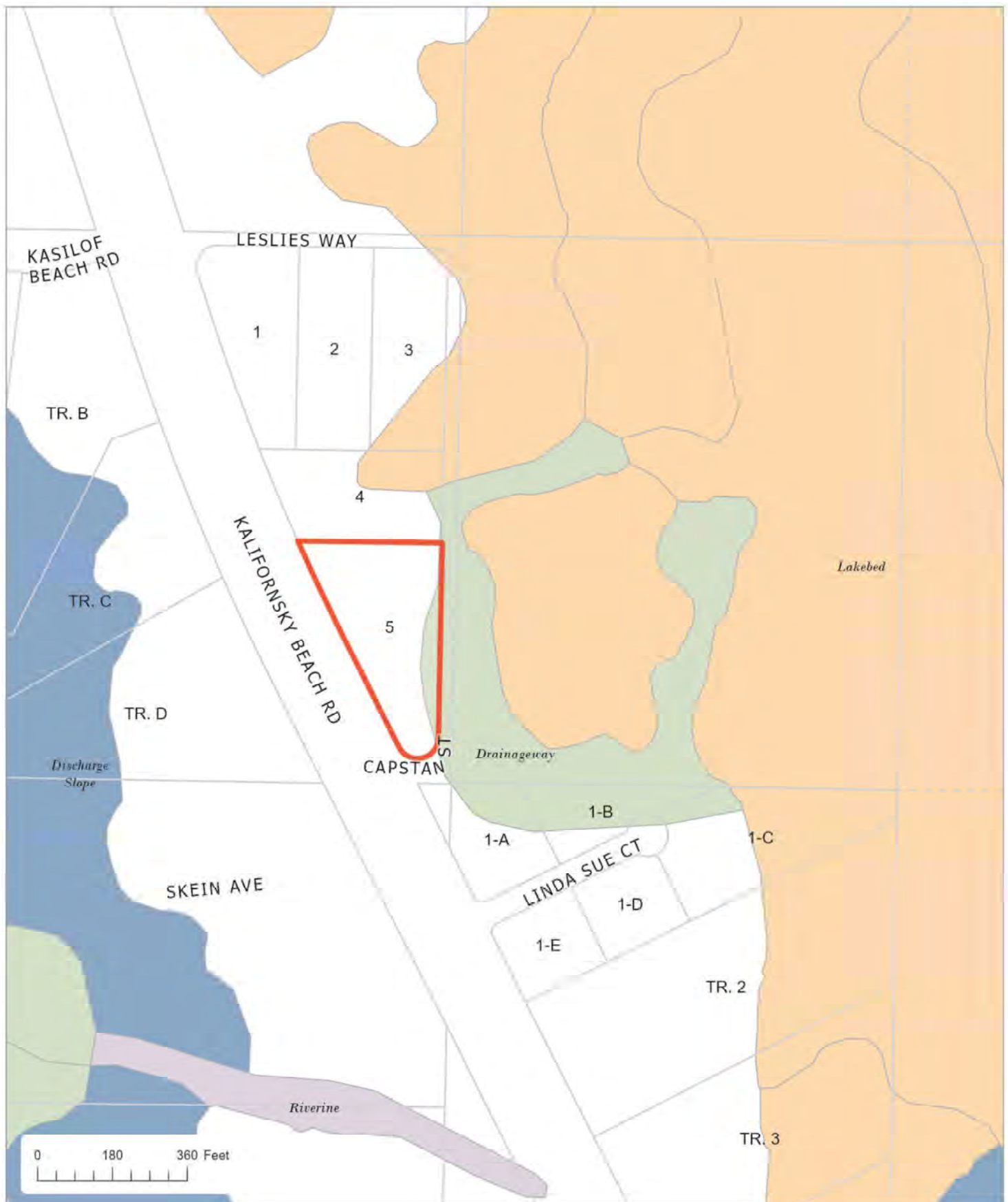


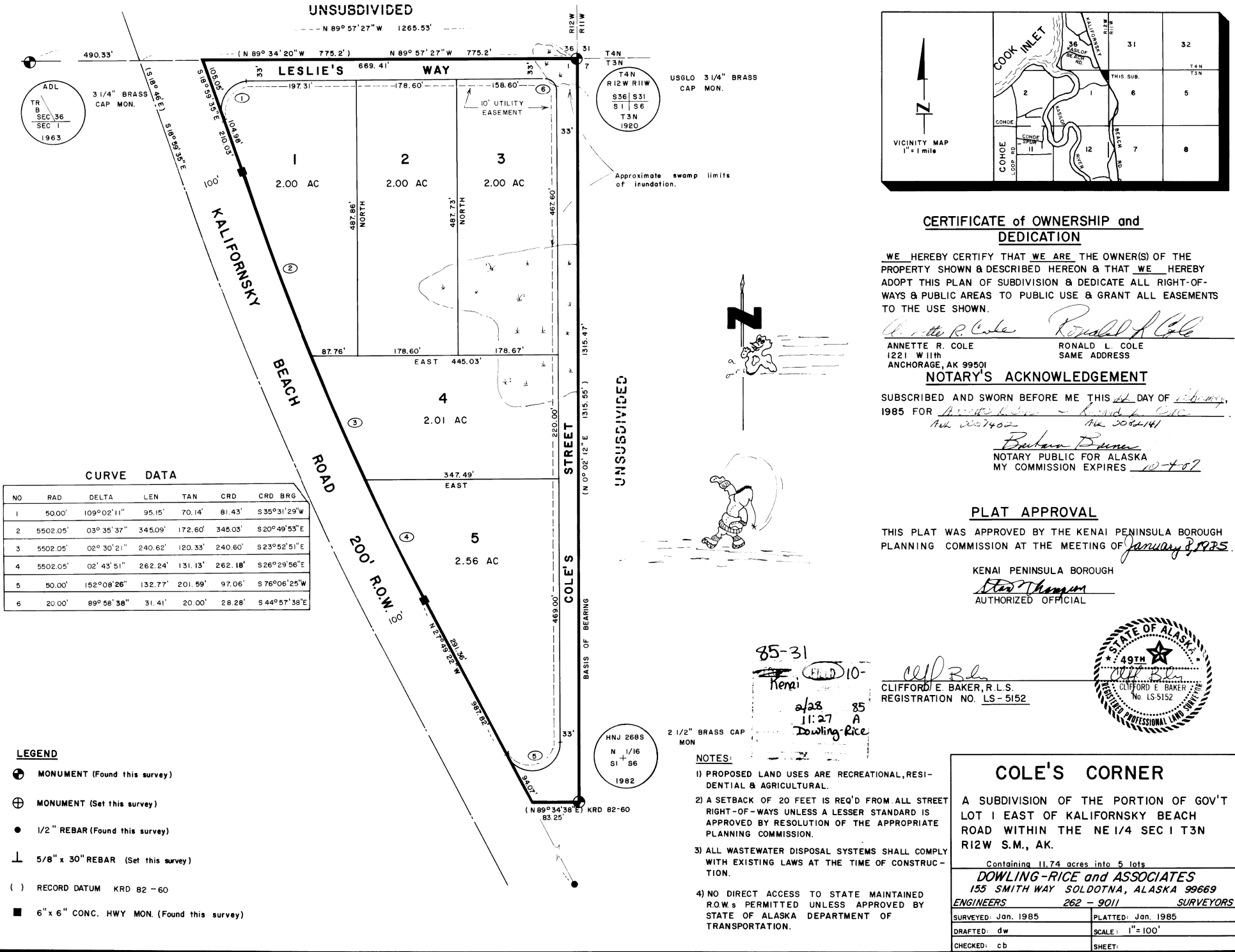
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05/13/2021

E4-12







**CERTIFICATE of OWNERSHIP and**  
**DEDICATION**

WE HEREBY CERTIFY THAT WE ARE THE OWNER(S) OF THE  
PROPERTY SHOWN & DESCRIBED HEREON & THAT WE HEREBY  
ADOPT THIS PLAN OF SUBDIVISION & DEDICATE ALL RIGHT-OF-  
WAYS & PUBLIC AREAS TO PUBLIC USE & GRANT ALL EASEMENTS  
TO THE USE SHOWN.

TO THE USE SHOWN.

	
ANNETTE R. COLE	RONALD L. COLE
1221 W 11th	SAME ADDRESS
ANCHORAGE, AK 99501	

## NOTARY'S ACKNOWLEDGEMENT

SUBSCRIBED AND SWORN BEFORE ME THIS 14 DAY OF February,  
1985 FOR Barbara L. Carr - Richard L. Carr  
Att 3087402 Att 3082141

Barbara Burner  
NOTARY PUBLIC FOR ALASKA  
MY COMMISSION EXPIRES 10-4-87

## PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH  
PLANNING COMMISSION AT THE MEETING OF January 8, 1985.

KENAI PENINSULA BOROUGH  
*Star Thompson*  
\_\_\_\_\_  
AUTHORIZED OFFICIAL

CLIFFORD E. BAKER, R.L.S.  
REGISTRATION NO. LS-5152

## COLE'S CORNER

A SUBDIVISION OF THE PORTION OF GOV'T  
LOT 1 EAST OF KALIFORNKY BEACH  
ROAD WITHIN THE NE 1/4 SEC 1 T3N  
R12W S.M., AK.

Containing 11.74 acres into 5 lots

**DOWLING-RICE and ASSOCIATES**  
155 SMITH WAY SOLDOTNA, ALASKA 996

*ENGINEERS*                      *262 - 9011*                      *SURVEYORS*

SURVEYED: Jan. 1985	PLATTED: Jan. 1985
DRAFTED: dw	SCALE: 1" = 100'
CHECKED: cb	SHEET: