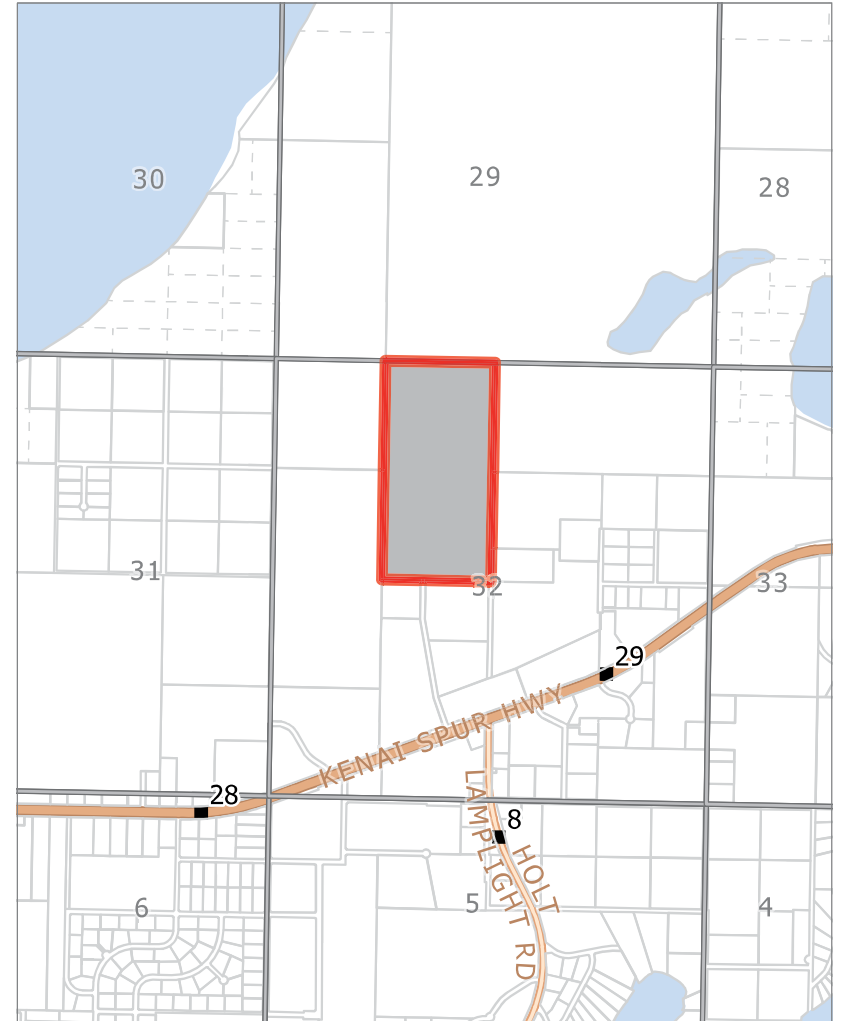
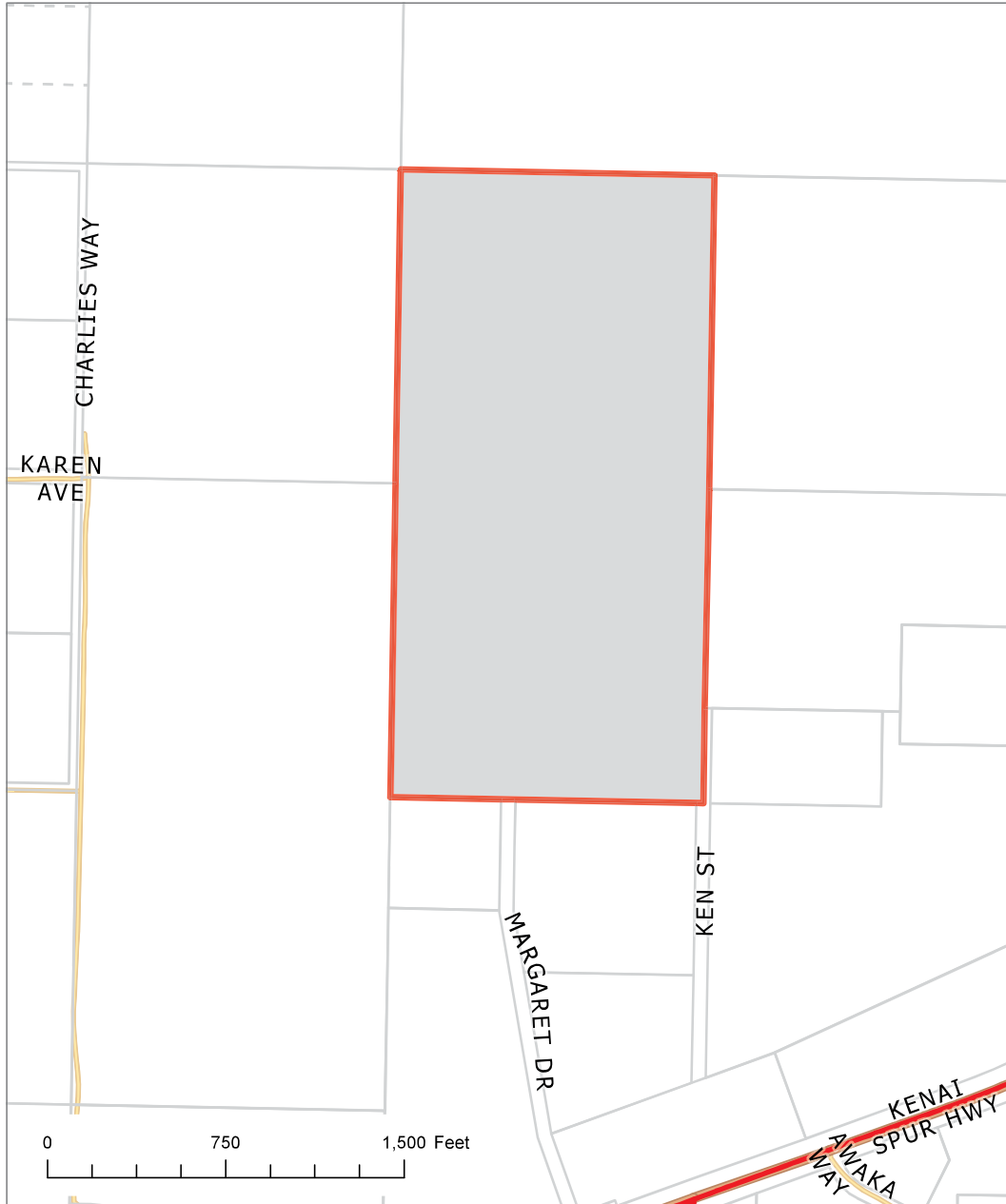


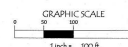
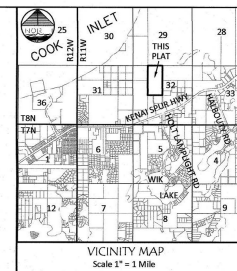
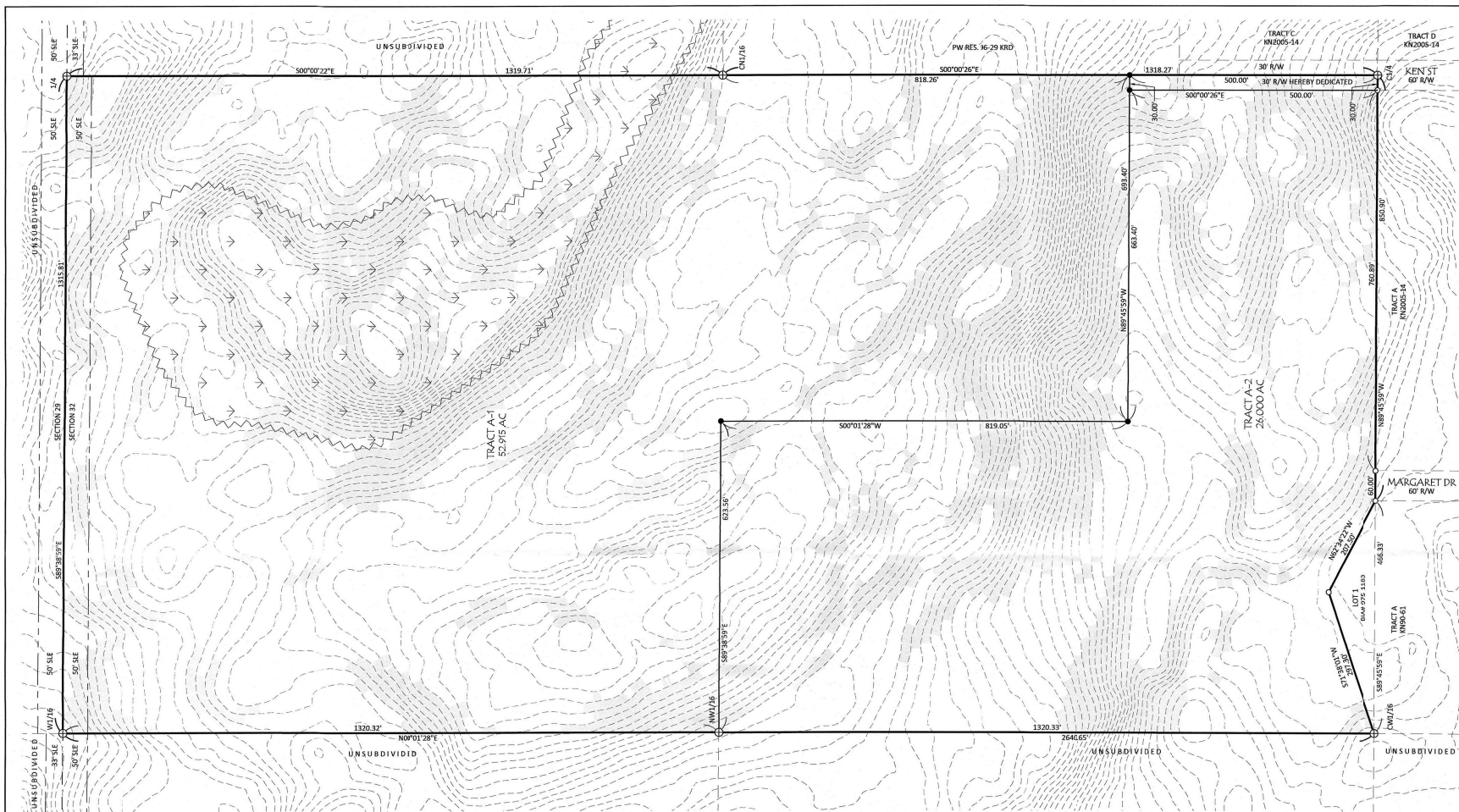
E. NEW BUSINESS

2. Scenic Ridge Lee Addition; KPB File 2022-075



KPB File # 2022-075
S32 T08N R11W
Nikiski





LEGEND

- ⊕ FOUND PRIMARY MONUMENT AS DESCRIBED
- FOUND 5/8" REBAR UNLESS NOTED
- SET 5/8"x30" REBAR w/ 1" STAINLESS STEEL CAP 85032-S
- SLE SECTION LINE EASEMENT
- AREA SUBJECT TO INUNDATION
- CONTOUR INTERVAL = 4'
- SLOPES GREATER THAN 20%

WASTEWATER DISPOSAL.
 THESE TRACTS ARE AT LEAST 200,000 SQUARE FEET IN SIZE AND CONDITIONS MAY NOT BE SUITABLE FOR ONSITE WASTEWATER TREATMENT AND DISPOSAL. ANY WASTEWATER TREATMENT OR DISPOSAL SYSTEM MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

NOTES

- BUILDING SETBACK- A BUILDING SETBACK OF 20 FT. 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 ADJOINING DEDICATED RIGHTS-OF-WAY IS ALSO A UTILITY EASEMENT HEREBY GRANTED.
- 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.

UNITED STATES DEPARTMENT OF THE INTERIOR
 BUREAU OF INDIAN AFFAIRS ALASKA REGION
 IN ACCORDANCE WITH THE PROVISIONS OF PUBLIC LAW 108-337, 118 Stat. 1357, THE WITHIN PLAT AND ANY DEDICATIONS SPECIFICALLY NOTED IN THE OWNER'S CERTIFICATE THEREON ARE HEREBY APPROVED THIS DAY OF 20 BY AUTHORITY OF THE SECRETARY OF THE INTERIOR, AS DELEGATED TO THE UNDERSIGNED BY 209 DM 8, 230 DM1, AND 3 IAM 4.

REGIONAL DIRECTOR
 BUREAU OF INDIAN AFFAIRS, ALASKA REGION

NOTARY'S ACKNOWLEDGEMENT

FOR:
 ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 20____
 MY COMMISSION EXPIRES: _____

NOTARY PUBLIC FOR THE
 STATE OF _____

CERTIFICATE OF OWNERSHIP AND DEDICATION

I HEREBY CERTIFY THAT I AM THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND 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 JSE SHOWN.

TRACI A. LEE
 PO BOX 3501, KENAI, AK 99611
 BIA TRACT No. 975 AA-52566

NOTARY'S ACKNOWLEDGEMENT

FOR: TRACI A. LEE
 ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 20____
 MY COMMISSION EXPIRES: _____

NOTARY PUBLIC FOR THE
 STATE OF _____



Plat #	
Rec'd	
Date	25
Time	AM

SCENIC RIDGE LEE ADDITION
 A SUBDIVISION OF TRACT A, SCENIC RIDGE
 (BIA DOCUMENT No. 975 1183)

TRACI A. LEE, OWNER
 PO BOX 3501, KENAI, AK 99611
 79,259 AC. M/L - SITUATED IN THE NW1/4 OF SECTION 32, TOWNSHIP 8 NORTH, RANGE 11 WEST, SEWARD MERIDIAN, KENAI PENINSULA BOROUGH, KENAI RECORDING DISTRICT AND BUREAU OF INDIAN AFFAIRS DIVISION OF LAND TITLES & RECORDS ALASKA REGION, ALASKA.



KPB FILE NO. 2022-xxx
 PROJECT NO. 212049

PLAT APPROVAL

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

AUTHORIZED OFFICIAL _____ DATE _____

SCALE: 1" = 100' DATE: DEC. 2021 BOOK NO.: xxx DRAWN BY: JAH

KPB 2022-075

AGENDA ITEM E. NEW BUSINESS

ITEM 2 – SCENIC RIDGE LEE ADDITION

KPB File No.	2022-075
Plat Committee Meeting:	June 27, 2022
Applicant / Owner:	Bureau of Indian Affairs, Alaska and Traci Lee of Kenai, Alaska
Surveyor:	James Hall / McLane Consulting Inc.
General Location:	Margaret Drive / Nikiski

Parent Parcel No.:	013-145-02
Legal Description:	E1/2 NW1/4 of Section 32 Township 8 North Range 11 West
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On Site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide an 80 acre parcel into two tracts and one lot. The tracts will be 26 and 52.915 acres. The lot will be 22,142 square feet. A matching 30 foot dedication is proposed.

Location and Legal Access (existing and proposed): The subdivision is located near mile 28.5 of the Kenai Spur Highway. Margaret Drive is a 60 foot wide right-of-way that provides access from Kenai Spur Highway. It will provide access to Tract A-2. There is a private non-exclusive easement for a 20 foot wide road through Tract A located to the south to provide access to the tract being subdivided. It appears that Margaret Drive is not constructed fully within the right-of-way and the easement is granting permission to travel outside of the dedication due to some terrain restraints.

Ken Street is a dedicated right-of-way with varying widths. The plat is proposing to dedicate a 500 foot length of Ken Street at 30 feet wide to provide a matching dedication to the eastern portion already dedicated and to continue north to provide access to the northern Tract. There are some concerns regarding if Ken Street connects to the Kenai Spur Highway. There is a deed with a description of land that has been labeled as access on past plats. The deed makes reference to a 100 foot wide northern projection of Lamplight Road. A legal determination will need to be made. If the owners wish to use this for access staff recommends they contact an attorney to help determine if there is legal access. If it is determined that there is not a connection the owners will need to be aware that they will not be able to access the property from Ken Street.

Access from section line easements are available. Rounds Road, Charlies Way, and section line easement provide access from the west and then the north to the northern proposed tract.

Neighbors have informed staff that there are many private travel ways in this area. They constructed these roads to be private and intentionally did not place them within the dedications. Prior to using any of the existing travel way, staff recommends the owners have any travel ways they intent to use surveyed prior to use to make sure they are not trespassing. If any of the private roads fall within dedications they may be used by members of the public.

Due to the size of the subdivision, the block is not compliant. Exceptions have been requested for dedications and block length.

KPB Roads Dept. comments	Out of Jurisdiction: No Roads Director: Uhlin, Dil Comments: No comments
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SOA DOT comments	No comment
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Site Investigation: There are some low wet areas present within the northeast portion of Tract A-1. They are depicted on the plat and **staff recommends the wetland depiction remain and the wetland determination note be added.**

Contours are shown on the plat with shading for the steep slopes. Steep areas are present throughout the plat. Some steep slopes are within the proposed dedication and appear to be approximately 22 percent. This dedication is to provide a match to already granted right-of-way. North of the proposed dedication the terrain gets steeper and has approximate slopes of 37 percent.

There are encroachments from the lot to the south onto the property. The encroachments will be contained within the proposed Lot 1.

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

Staff Analysis This is a proposed plat of native lands. Bureau of Indian Affairs has already recorded a subdivision, BIA #975-1183, to create a Tract A and Lot 1 of Scenic Ridge. This was recorded at the federal level and not reviewed by the planning department. This is something that is allowable but the borough does not recognize the changes of property lines and we currently show the property as an aliquot piece of property.

Lot 1 was created to resolve some encroachment issues. The native allotment owners transferred the interest over for that lot but as the borough does not recognize that lot we have no record of an ownership change. Staff is requesting that Lot 1 of the BIA subdivision, Scenic Ridge, be included in this platting item to create the lot and once there is a deed recorded the owner of the lot may combine his property if chosen. Several exceptions will be required.

A soils report will not be required for the tracts and an exception has been requested for the lot. The correct plat notes will 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 property had not been previously platted. 10 foot wide utility easements are proposed along the dedications.

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 comment
ENSTAR	No comments or recommendations
ACS	No objections
GCI	Approved as shown

KPB department / agency review:

Addressing	<p>Reviewer: Haws, Derek Affected Addresses: None</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names: MARGARET DR KEN ST</p> <p>Existing Street Name Corrections Needed:</p> <p>All New Street Names are Approved: No</p> <p>List of Approved Street Names:</p> <p>List of Street Names Denied:</p> <p>Comments: No addresses affected by this subdivision.</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>Conditional Land Use Permit CLUP Resolution Number: 2015-09 CLUP Approval Date: 4/14/2015 Material Site Comments: CLUP 2015-09 is located Southeast of subject parcel at PID 013-300-52. Across Ken St.</p>
Assessing	<p>Reviewer: Wilcox, Adeena Comments: No comment</p>

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

STAFF RECOMMENDATIONS
CORRECTIONS / EDITS

Depict the setback and utility easements or provide a typical detail.

KPB 20.25.070 – Form and contents required

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

A. Within the Title Block

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

Staff recommendation:

- Revise to be a subdivision of the E1/2 NW1/4 of Section 32, also known as Lot 1 and Tract A of Scenic Ridge (BIA Document No. 975 1183)

J. Block and lot numbering per KPB 20.60.140, approximate dimensions and total numbers of proposed lots;

Staff recommendation: Lot 1 will need to have a new lot number.

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 tracts are larger than 200,000 square feet and do not require a wastewater review. Lot 1 – an exception has been requested. Add correct plat notes.

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: Acceptance of any dedications is required.

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: The boundary must be updated to include Lot 1.

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).*
- *Add a note for any exceptions granted.*
- *WASTEWATER DISPOSAL (Tracts A-1 and A-2): Lots which are at least 200,000 square feet in size may not be suitable for onsite wastewater treatment and disposal. Any wastewater treatment or disposal system must meet the regulatory requirements of the Alaska Department of Environmental Conservation.*
- *If the exception is granted, "WASTEWATER DISPOSAL (Lot 1): Conditions might not be suitable for onsite wastewater treatment and disposal systems. 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 required local, state, and federal permits, including a U.S. Army Corps of Engineers wetland determination if applicable.*

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: *Comply with 20.60.190.*

EXCEPTIONS REQUESTED:

A. KPB 2030.030(A) – Proposed street layout-Requirements, continuation or projection of right-of-way and KPB 20.30.170 – Blocks-Length Requirements

Staff Discussion: Staff grouped the two exceptions. If the planning commission wishes to discuss or vote on the code exceptions separately, two motions will be required.

Per code the continuation of Ken Street and Margaret Drive should continue into this subdivision. Additional rights-of-way would be required to bring the block into compliance.

The intent of this subdivision is to divide a large acreage parcel into two large acreage parcels. A dedication is proposed to match the current 30 foot width of Ken Street and to provide a connection to the northern tract. The plat has access from section line easements to the north. The subdivision has areas of steep terrain. The property would benefit at this time from not being required to dedicate rights-of-way or continuations to allow any future roads to be planned with an overall design that will allow the rights-of-way to be created in areas where construction feasibility will be higher.

Findings:

1. There are areas of steep terrain throughout the subdivision.
2. Access from the south may be limited due to access questions and concerns.
3. Developed roads to the west, along with section line easements, provide a northern access.
4. The tracts are proposed to be large acreage tracts.
5. There are wetlands present in the northeast portion of the subdivision.
6. The land could be subdivided again in the future.
7. Lot 1 will be accessed through Tract A to the south.
8. The block is incomplete and is longer than allowable limits.
9. Proper continuation and projections would require extensions of Ken Street and Margaret Drive.

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 1-7 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 1-7 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 1-7 appear to support this standard.

B. KPB 20.30.200 – Lots-Minimum Size, KPB 2030.210 – Lots-Access to Street, and KPB 20.40 – Wastewater Disposal, requirement for soils analysis report All for Lot 1

Staff Discussion: Staff grouped the three exceptions. If the planning commission wishes to discuss or vote on the code exceptions separately, three motions will be required.

Lot 1 was created by BIA to resolve encroachment issues from the owner of Tract A, KN 90-61. They have recorded a deed to transfer the ownership. The KPB does not recognize the property line change as it did not go through the platting process. Allowing these exceptions to be granted and to create Lot 1 will provide an opportunity for the property to get the title issues worked out. The owner of Tract A would be able to work on combining the lot with their current tract if they wish and all requirements for BIA are met.

Findings:

1. Lot 1 will be 22,142 square feet.
2. Lot 1 will be accessed through Tract A to the south.
3. Leaving Lot 1 from this plat will result in a gap in KPB parcel data and will leave a portion of land we do not recognize.
4. The BIA has recorded their own record at the federal level that created the lot.
5. The lot was created to fix an encroachment issue.

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 2-5 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 2-5 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 2-5 appear to support this standard.

Staff recommendation: place notes on the final plat indicating any exceptions granted by the Plat Committee with the meeting date.

RECOMMENDATION:

SUBJECT TO EXCEPTION(S) GRANTED, STAFF RECOMMENDS:

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

NOTE: 20.25.120. - REVIEW AND APPEAL.

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

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

END OF STAFF REPORT



