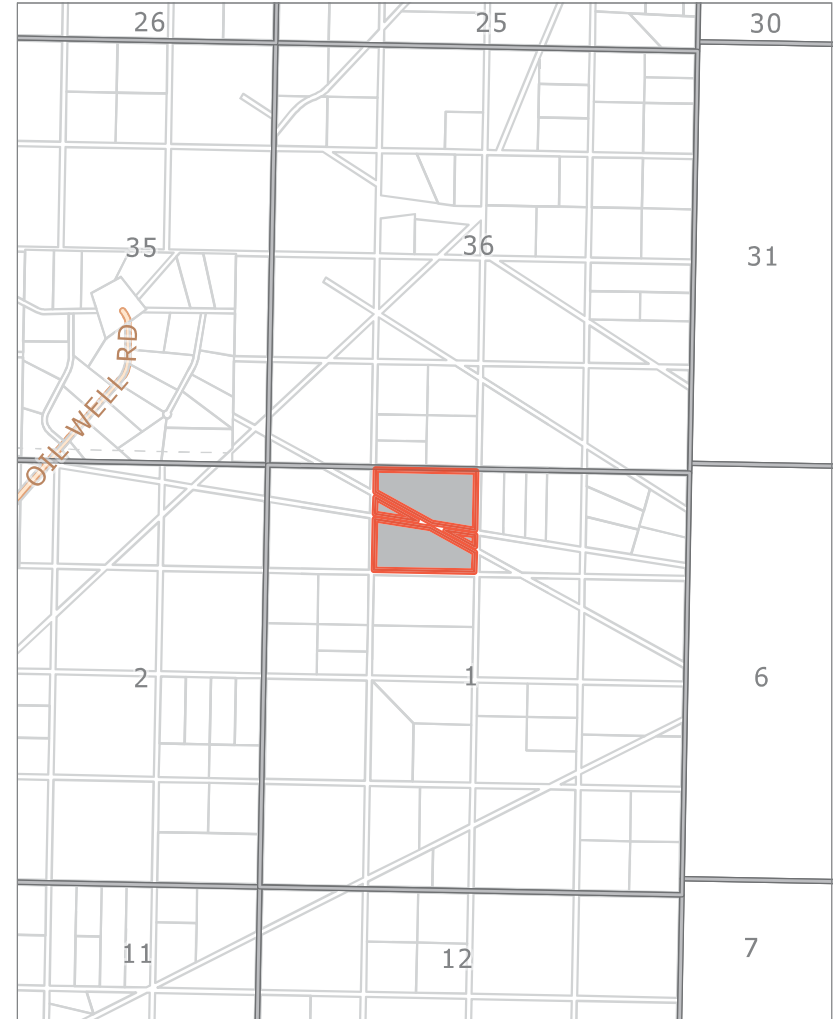


E. NEW BUSINESS

- 1. R Subdivision; KPB File 2022-091
Edge Survey & Design, LLC / Ranhuette
Ninilchik Area**



KPB File # 2022-091
S01 T02S R12W
Ninilchik



Aerial View

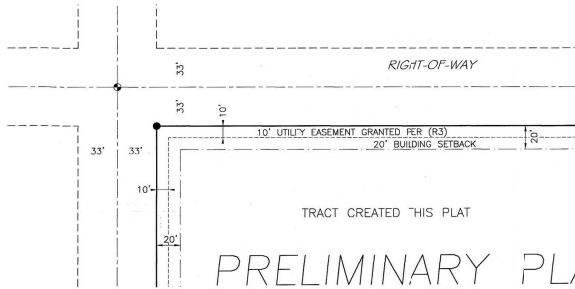




MONUMENT SUMMARY

<p>1</p> <p>328-5 V 1/16 + S36 S1 2001</p> <p>FOUND 2-1/2" ALUMINUM MONUMENT 0.3" ABOVE GRADE GOOD CONDITION</p>	<p>2</p> <p>7328-5 1/4 + S36 S1 2001</p> <p>FOUND 2-1/2" ALUMINUM MONUMENT 0.1" ABOVE GRADE GOOD CONDITION</p>
<p>3</p> <p>328-5 NW 1/16 + S1 2012</p> <p>FOUND 2-1/2" ALUMINUM MONUMENT 0.1" ABOVE GRADE GOOD CONDITION</p>	<p>4</p> <p>7328-5 ON 1/16 + S1 2012</p> <p>FOUND 2-1/2" ALUMINUM MONUMENT FLUSH WITH GRADE GOOD CONDITION</p>

BUILDING SETBACK AND UTILITY EASEMENT TYPICAL - SCALE 1" = 50'



PRELIMINARY PLAT **KPB 2022-091**

NOTES

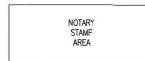
1. THERE MAY BE FEDERAL, STATE, OR LOCAL REQUIREMENTS GOVERNING LAND USE. ANY PERSONS DEVELOPING THIS PROPERTY IS RESPONSIBLE FOR OBTAINING ALL REQUIRED FEDERAL, STATE, OR LOCAL PERMITS, INCLUDING THE U.S. ARMY CORPS OF ENGINEERS WETLAND DETERMINATION IF APPLICABLE.
2. BUILDING SETBACK - A SETBACK OF 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 (R3), 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 SUBJECT TO COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS RECORDED JUNE 7, 1985, VOLUME 153 PAGE 252.
7. 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 APRIL 12, 1983 AND OCTOBER 4, 1983, VOLUME 134 PAGE 950 HOMER RECORDING DISTRICT.
8. THE KENAI PENINSULA BOROUGH WILL NOT ENFORCE PRIVATE COVENANTS, EASEMENTS, OR DEED RESTRICTIONS PER KPB 20.60.170.
9. THIS SUBDIVISION IS SUBJECT TO EASEMENT OVER EXISTING RIGHT-OF-WAY, RECORDED MAY 31, 1991, VOLUME 206 PAGE 609. HOMER RECORDING DISTRICT
10. EXCEPTION TO KPB CODE 20.40 WAS GRANTED BY THE KPB PLAT COMMITTEE AT THE MEETING OF JULY 18, 2022.
11. THE KENAI PENINSULA BOROUGH PLANNING COMMISSION APPROVED THE VACATION OF A PORTION OF SEISMOGRAPH TRAIL AND THE ASSOCIATED UTILITY EASEMENTS AT THE MEETING OF JULY 18, 2022.
12. WASTEWATER DISPOSAL: ANY WASTEWATER TREATMENT AND DISPOSAL SYSTEM MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

NOTARY ACKNOWLEDGEMENT

FOR: JESSICA RANGUETTE
ACKNOWLEDGED BEFORE ME

THIS DAY OF , 2022

PUBLIC NOTARY SIGNATURE

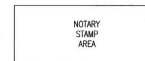


NOTARY ACKNOWLEDGEMENT

FOR: BRIAN RANGUETTE
ACKNOWLEDGED BEFORE ME

THIS DAY OF , 2022

PUBLIC NOTARY SIGNATURE



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.

JESSICA RANGUETTE
PO BOX 7181
NIKISKI, ALASKA 99635

BRIAN RANGUETTE
PO BOX 7181
NIKISKI, ALASKA 99635

LEGEND

- FOUND PRIMARY MONUMENT AS REFERENCED
- SET PROPERTY CORNER
5/8" X 30" REBAR
WITH 2" ALUMINUM CAP
STAMPED EDGE SURVEY LS-13022 2022
- MONUMENT REFERENCE NUMBER
- (R1) RECORD DATA, SEE REFERENCE

- SUBDIVISION BOUNDARY
- INTERIOR LOT LINE
- ADJACENT PROPERTY LINE
- CENTERLINE
- 20 FOOT BUILDING SETBACK
- 10 FOOT UTILITY EASEMENT
- RIGHT-OF-WAY VACATED

KPB FILE No. 2022-XXX

R SUBDIVISION

A SUBDIVISION OF
TRACT 110
RIGHT OF WAY MAP
PLAT 84-115
HOMER RECORDING DISTRICT

OWNERS:

JESSICA RANGUETTE
AND
BRIAN RANGUETTE
PO BOX 7181
NIKISKI, ALASKA 99635

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

CONTAINING 34.187 ACRES



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

DRAWN BY: DATE: 6/22/2022 PROJECT: 22-542
JY
CHECKED BY: SCALE: 1" = 100' SHEET: 1 OF 1
MA



AGENDA ITEM E. NEW BUSINESS

ITEM 1 – R SUBDIVISION

KPB File No.	2022-091
Plat Committee Meeting:	July 18, 2022
Applicant / Owner:	Jessica and Brian Ranguette of Nikiski, AK
Surveyor:	Jason Young, Mark Aimonetti / Edge Survey and Design, LLC
General Location:	Gravel Pit Trail, Caribou Hills, Ninilchik

Parent Parcel No.:	185-509-24, 185-509-25, 185-509-26, 185-509-49
Legal Description:	NE1/4 NW1/4 of Section 1, Township 2 South, Range 12 West, also known as Tract 110 of the Right of Way Map, HM 84-115
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On Site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide / finalize a right-of-way vacation and reconfigure four parcels into six tracts that will range from 3.907 to 9.278 acres.

Location and Legal Access (existing and proposed): The proposed plat is in the Caribou Hills area. The Ninilchik Right of Way Map, HM 84-115, dedicated 66 foot wide rights-of-way on section lines, 1/4 and 1/16 aliquot lines as well as along some existing seismograph trails. The proposed plat is located near mile 18 of Oil Well Road. The property within this subdivision has dedicated 66 foot wide rights-of-way on all sides, being Reno Street, Steik Avenue, Reid Street and Throop Avenue. Additionally, a seismograph trail was dedicated that is known as Gravel Pit Trail. An additional seismograph trail was also dedicated that is proposed for vacation. Gravel Pit Trail is a trail that is in use for access. The trail proposed for vacation has a portion in use and the owner is proposing to develop a new portion of trail within Reno Street that will connect Gravel Pit Trail to an existing continuation of the trail. No new dedications are indicated with this proposed plat.

Due to the multiple dedications, portions of the existing blocks are short of the minimum distances outlined in code. The vacation and proposed configuration of the proposed plat will provide closed blocks that will all comply with length requirements.

An application for the vacation of the seismograph trail has been received and is scheduled for hearing at the July 18, 2022 Planning Commission meeting. If approved the vacation will require the consent of the Kenai Peninsula Borough Assembly. The portion south of Gravel Pit Trail is currently in use and the owner is proposing to construct a portion of Reno Street to connect Gravel Pit Trail to the seismograph trail located to the east of the subdivision.

The block is closed. Some portions are currently smaller than allowed by code but the proposed vacation will bring the block into compliance. The new lots meet KPB Code compliance.

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

Site Investigation: The parcels within the proposed subdivision do not contain any low wet areas per KPB GIS data. The terrain is relatively flat. There are some steep slopes present within the northern corners of the subdivision but the majority of the steeper terrain is outside the bounds of the subdivision within the right-of-way dedications

and neighboring properties.

There are currently no structures or improvements onsite.

The proposed subdivision is in an area with a high recreational use. The Right of Way Map, HM 84-115, dedicated rights-of-way without considering terrain. The dedications that impact the property have resulted in two smaller lots, one of which does not comply with current KPB Code.

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 The proposed plat will reconfigure four parcels into six tracts. If the vacation of the seismograph trail is approved it will allow for the new lot configurations that will bring all the lots into code compliance. The Right of Way Map, HM 84-115, dedicated the rights-of-way surrounding the property and defining the block. The additional dedications on the Gravel Pit Trail and the other seismograph trail created two triangle lots with limited use.

An exception has been requested to not be required to submit a soils analysis report.

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 Right of Way Map, HM 84-115, granted 10-foot-wide utility easements along the dedicated rights-of-way. The vacation petition includes vacating the associated utility easements with the portion being vacated. Ten foot utility easements will remain along all of the dedicated rights-of-way. The correct plat note is present and a typical drawing is being included on the plat.

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	<p>Reviewer: Haws, Derek Affected Addresses: None</p> <p>Existing Street Names are Correct: No</p> <p>List of Correct Street Names: THROOP AVE REID ST STEIK AVE RENO ST SEISMOGRAPH TRAIL</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>Material Site Comments: There are not any material site issues with this proposed plat.</p>
Assessing	<p>Reviewer: Windsor, Heather 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**

*Remove "ROW to be improved" from the final plat.
Check REFERENCES for corrections and additional for the final plat.*

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: *As the property is actually an aliquot description revise to "A subdivision of the NE1/4 NW1/4 of Section 1, Excluding Rights-of-Way, also shown as Tract 110 of Right of Way Map Plat 84-115 Homer Recording District." Also, if approved include in the title block that the plat is finalizing the vacation of a dedicated right-of-way and associated utility easements.*

- D. A vicinity map, drawn to scale showing location of proposed subdivision, north arrow if different from plat orientation, township and range, section lines, roads, political boundaries, and prominent natural and manmade features, such as shorelines or streams;

Staff recommendation: *Verify the alignment of the section lines for the sections within Range 11 West. KPB GIS data indicates a small shift in section line alignment between the ranges.*

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: Exception for soils analysis report has been requested.

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:

Correct plat note 6 by changing "June" to "January" as stated in the Certificate to Plat.

If the vacation is approved and the Assembly consents, add "The Kenai Peninsula Borough Assembly consented to the vacation at the meeting of August 9, 2022."

KPB 20.70 – Vacation Requirements

Staff recommendation. *If approved the plat will need to be recorded within one year of consent.*

EXCEPTIONS REQUESTED:

KPB 20.40 – Wastewater Disposal - Review

Staff Discussion: An exception is being requested to not be required to submit a soils analysis report for review and approval. These are lots that are within an area with a high recreational use. The proposed plat will be removing or adding acreage to the smaller parent lots, there are additional lots being created from a larger acreage parcel that have not previously had a waste water review done.

Surveyor's Findings:

1. Parcels are recreational properties in a remote area near the end of Oil Well Road.
2. A soils analysis was not prepared for plat 84-115 which created the small portions of Tract 110.
3. Parcels are 3.9 acres in size, near the minimum size for no review, with sufficient area for wastewater disposal.
4. All new parcels will have well above the 20,000 square feet of continuous area available for wastewater installation.
5. Parcels are on high ground with good draining soils.
6. Parcels have a variety of waste disposal alternatives including privy, incinerations, composting, and transporting away.

Staff's Findings:

7. Two of the proposed tracts will be over 9 acre each and do not require soils analysis.
8. Four of the proposed tracts will be 3.9 acres each.
9. KPB Code 20.40.020 outlines the circumstance and criteria to not require a wastewater system review and these lots do not fall under that portion of code.
10. The required note that states systems must meet DEC requirements is present on the plat.

If the exception is denied, a soils analysis report will be required for Tracts 3-6 and an engineer will need to sign the plat.

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 1-6 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 1-6 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 1-6 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.

RECOMMENDATION:

SUBJECT TO EXCEPTION(S) GRANTED, STAFF RECOMMENDS:

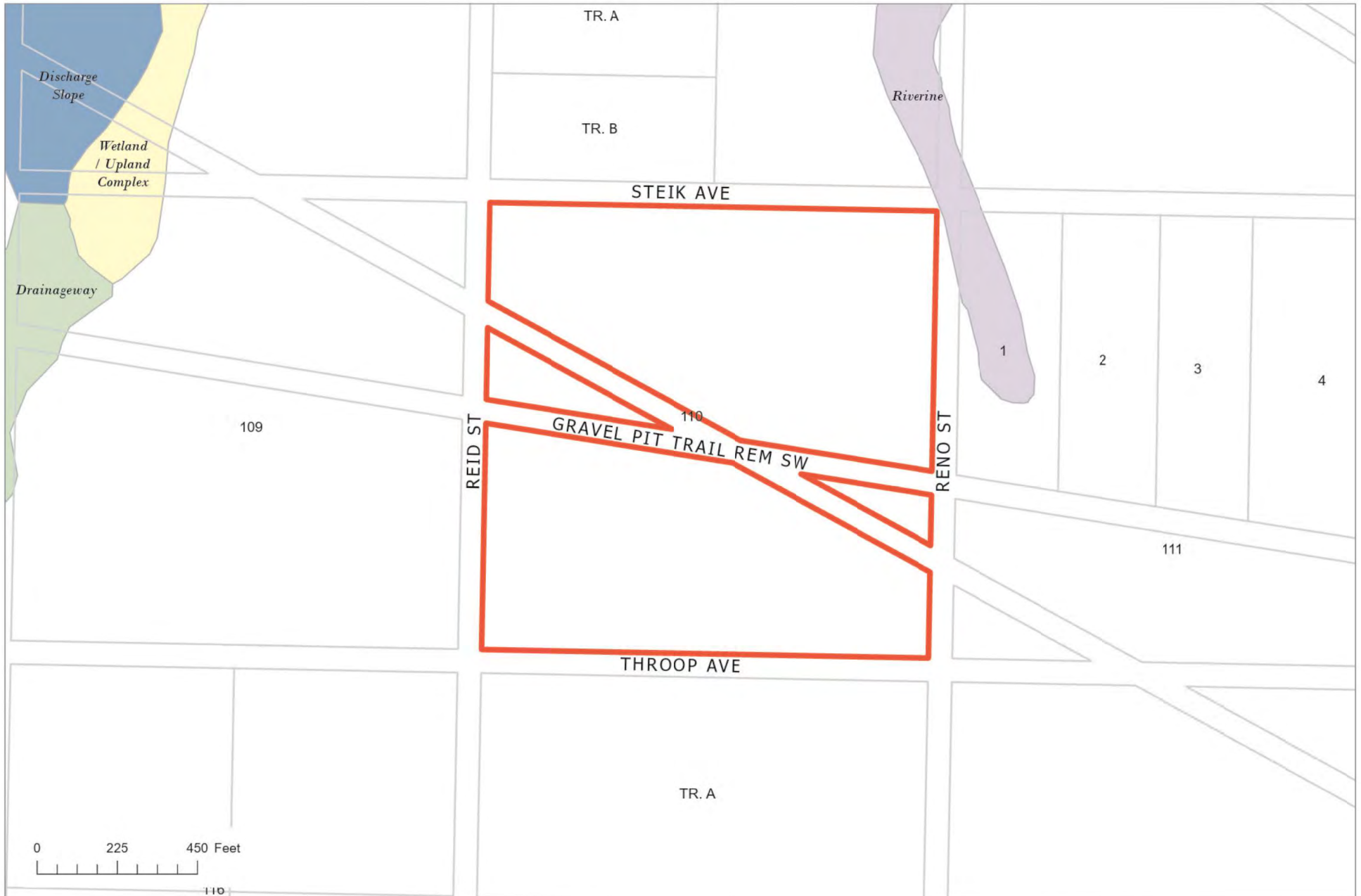
- GRANT APPROVAL OF THE PRELIMINARY PLAT SUBJECT TO STAFF RECOMMENDATIONS, AND
- COMPLIANCE WITH KPB 20.25.070 (FORM AND CONTENTS), KPB 20.25.080 (PETITION REQUIRED), KPB 20.30 (DESIGN REQUIREMENTS); AND KPB 20.40 (WASTEWATER DISPOSAL), AND
- COMPLIANCE WITH KPB 20.60 TO ENSURE ADMINISTRATIVE APPROVAL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

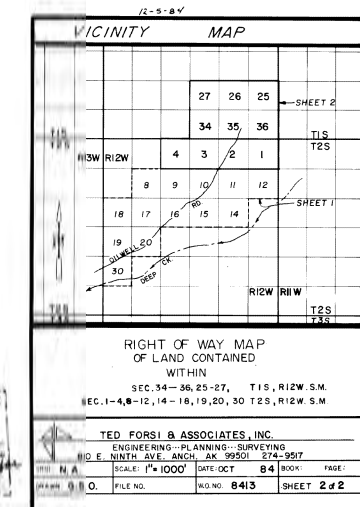
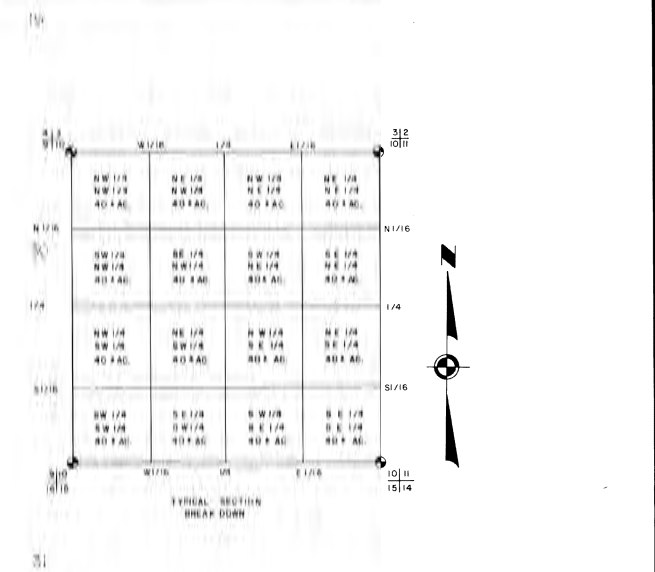
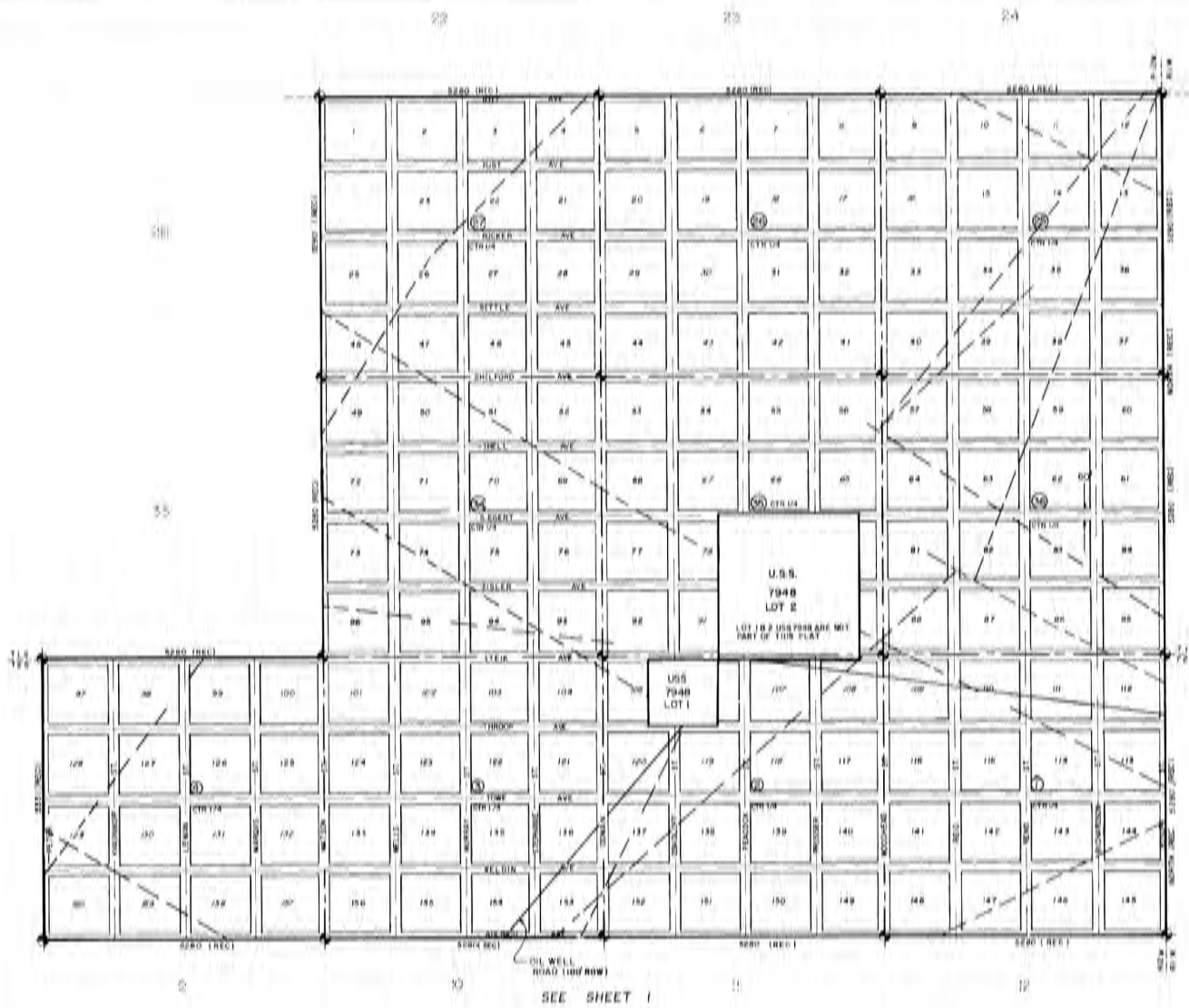
END OF STAFF REPORT



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



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84-115
HOMER
12-5-84
SOLD

RIGHT OF WAY MAP
OF LAND CONTAINED
WITHIN
SEC. 34-56, 25-27, T1S, R12W, S.M.
SEC. 1-4, 8-12, 14-16, 19, 20, 30 T2S, R12W, S.M.

TED FORSI & ASSOCIATES, INC.
ENGINEERING - PLANNING - SURVEYING
810 E. NINTH AVE. ANCH. AK 99501 274-9917
SCALE: 1"=1000' DATE: OCT 84 BOOK: PAGE:
DRAWN: O.B. FILE NO. NO. NO. 8413 SHEET 2 of 2

WM 84-115 HINILCHIK R.O.W. MAP