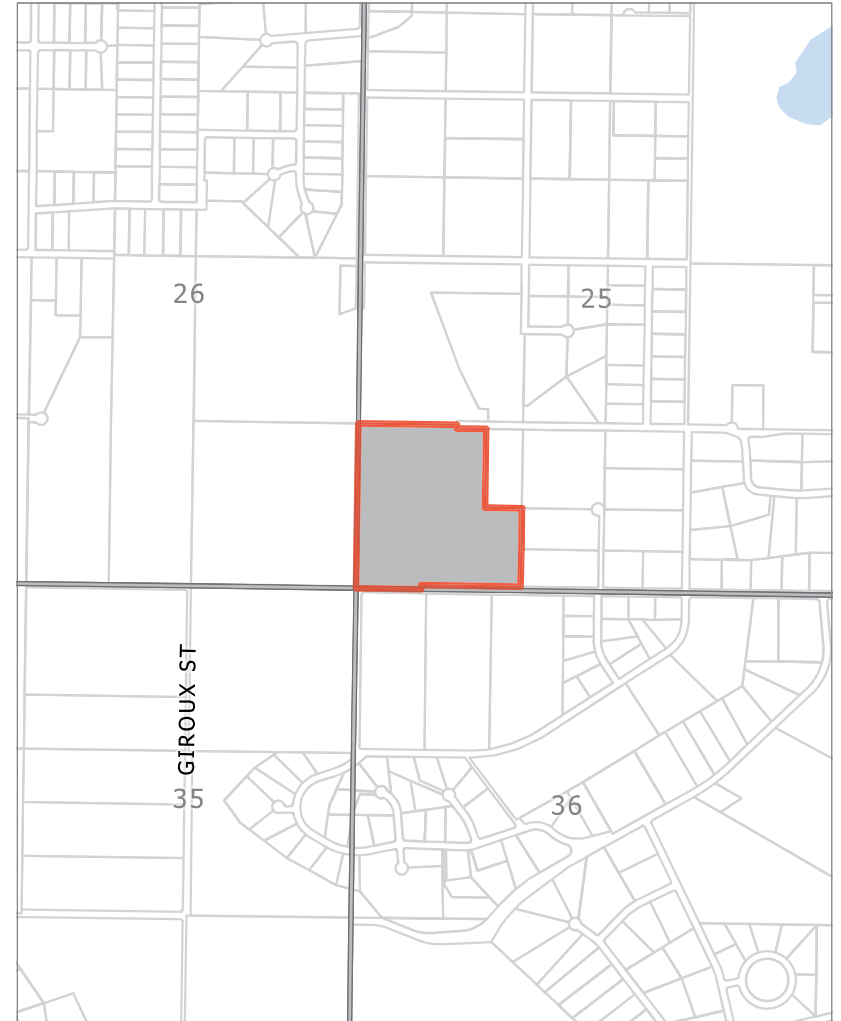
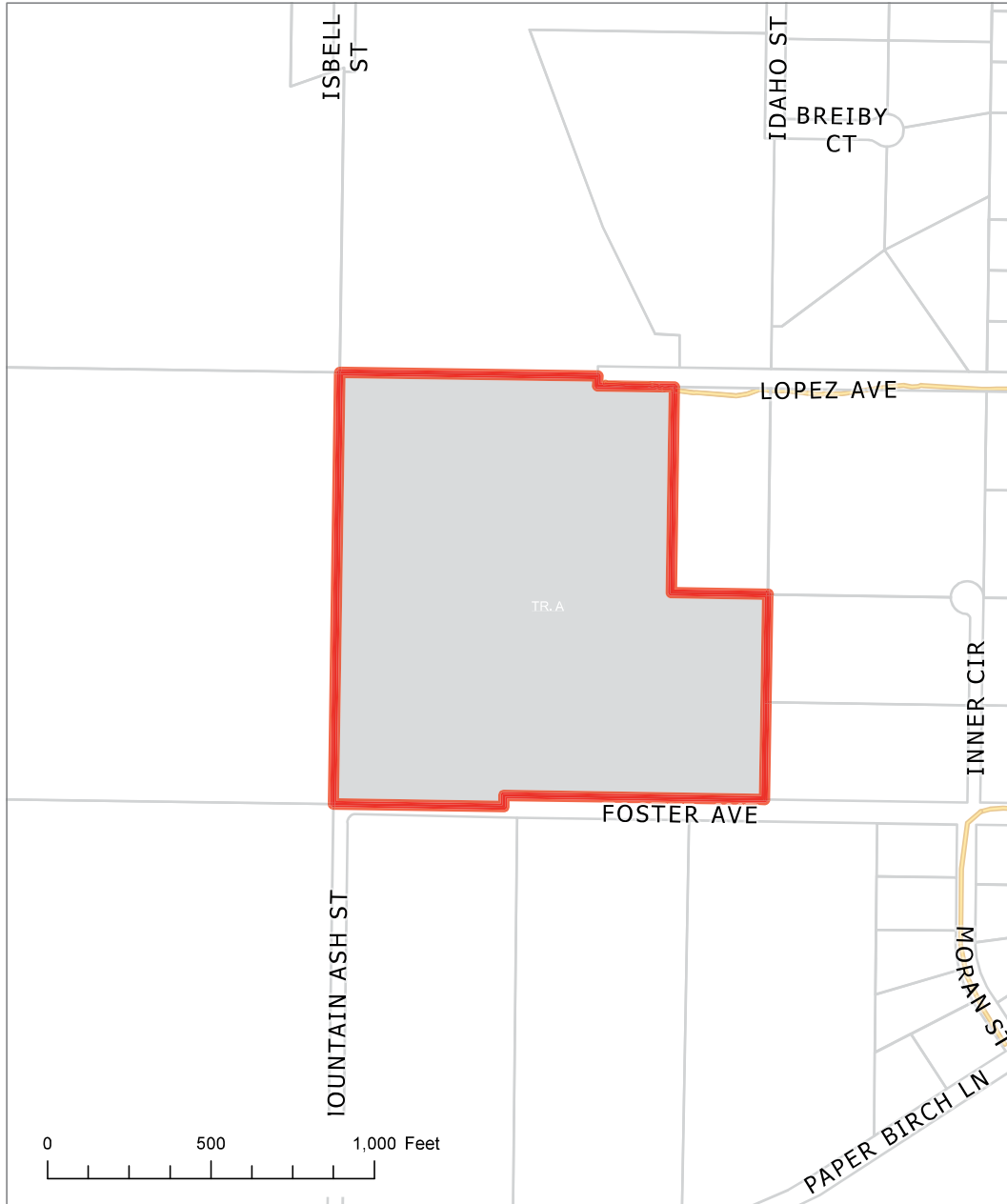


## **E. NEW BUSINESS**

- 2. Brown's Acres Estates; KPB File 2022-088**  
**Peninsula Surveying, LLC**  
**Anchorage Development & Construction, LLC**  
**Sterling Area**



KPB File # 2022-088  
S25 T05N R10W  
Sterling

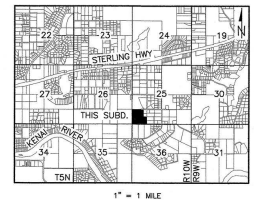
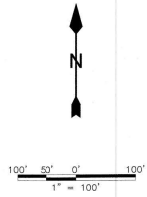




Aerial View







UNSUBDIVIDED

KN 2009-55  
TRACT B

KN 2019-22  
TRACT A1

KN 2019-22  
BLOCK 2  
LOT 15A

UNSUBDIVIDED

UNSUBDIVIDED

#### PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF \_\_\_\_\_

BY: \_\_\_\_\_  
AUTHORIZED OFFICIAL

LINE TABLE			
LINE	BEARING	LENGTH	
L1	N89°57'56"E	31.00'	
L2	N00°02'04"W	66.00'	

CURVE TABLE						
CURVE	LENGTH	RADIUS	DELTA ANGLE	TANGENT	CHORD	CHORD BEARING
C1	15.50	20.00	44°24'55"	8.16	15.12	N22°13'06"W
C2	38.81	50.00	44°28'22"	20.44	37.84	S22°11'22"E
C3	157.08	50.00	180°00'00"	INFINITE	100.00	N89°57'11"W
C4	38.71	50.00	44°21'28"	20.38	37.75	N22°13'33"E
C5	15.50	20.00	44°24'55"	8.16	15.12	S22°11'50"W

#### NOTES

- A BUILDING SETBACK OF 20' IS REQUIRED FROM ALL STREET RIGHTS-OF-WAY UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION. THE FRONT 10' OF THE BUILDING SETBACK AND THE ENTIRE SETBACK WITHIN 5' OF THE SIDE LOT LINES IS ALSO A UTILITY EASEMENT.
- 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.
- 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).
- RIGHT-OF-WAY EASEMENT FOR HOMER ELECTRIC ASSOCIATION, INC. AS FOUND IN BOOK 79, PAGE 557 KENAI RECORDING DISTRICT. RECORDED ON SEPTEMBER 4, 1974.

LOPEZ AVE

KN 2021-76  
TRACT B

KN 2021-76  
TRACT C

KN 2005-118  
TRACT 7A

KN 2005-118  
TRACT 8A

FOSTER AVE

KN 86-204  
LOT 1

KN 86-204  
LOT 2

KN 86-204  
LOT 3

#### CERTIFICATE OF ACCEPTANCE

THE UNDERSIGNED OFFICIAL IDENTIFIED BY NAME AND TITLE IS AUTHORIZED TO ACCEPT AND HEREBY ACCEPT 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 THIS PLAT IDENTIFIED AS FOLLOWS:

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

BY: \_\_\_\_\_ DATE: \_\_\_\_\_

#### CERTIFICATE OF OWNERSHIP AND DEDICATION

I HEREBY CERTIFY THAT ANCHORAGE DEVELOPMENT AND CONSTRUCTION LLC IS THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND THAT ON BEHALF OF ANCHORAGE DEVELOPMENT AND CONSTRUCTION LLC, I HEREBY ADOPT THIS PLAN OF SUBDIVISION AND BY MY OWN FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND GRANT ALL EASEMENTS TO THE USE SHOWN.

EARL W. FORD, AS MEMBER OF ANCHORAGE DEVELOPMENT AND CONSTRUCTION LLC  
9441 ELMORE ROAD, ANCHORAGE, AK 99507

#### NOTARY ACKNOWLEDGMENT

FOR: EARL W. FORD  
ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022

NOTARY PUBLIC FOR ALASKA  
MY COMMISSION EXPIRES: \_\_\_\_\_

#### WASTEWATER DISPOSAL

LOT 1: 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.

#### WASTEWATER DISPOSAL

LOTS 2-9: SOIL CONDITIONS, WATER TABLE LEVELS, AND SOIL SLOPES IN THIS SUBDIVISION HAVE BEEN FOUND SUITABLE FOR CONVENTIONAL ONSITE WASTEWATER TREATMENT AND DISPOSAL. SYSTEMS SERVING SINGLE-FAMILY OR DUPLEX RESIDENCES AND MEETING THE REGULATORY REQUIREMENTS OF THE KENAI PENINSULA BOROUGH, ANY OTHER TYPE OF ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEM MUST BE DESIGNED BY A QUALIFIED ENGINEER, REGISTERED TO PRACTICE IN ALASKA, AND THE DESIGN MUST BE APPROVED BY THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

ENGINEER \_\_\_\_\_ LICENSE # \_\_\_\_\_ DATE \_\_\_\_\_

KPB FILE NUMBER:

PENINSULA SURVEYING, LLC  
10535 KATRINA BOULEVARD, NINILCHIK, AK 99639  
(907)306-7065

PLAT OF  
**BROWN'S ACRE ESTATES**

A SUBDIVISION OF  
TRACT A, BROWN'S ACRES SUBDIVISION 2021, KN 2021-76

LOCATED WITHIN  
SW 1/4 SW 1/4 SEC. 25, T.5N., R.10W., S.M.  
KENAI RECORDING DISTRICT, KENAI PENINSULA BOROUGH  
CONTAINING 34.750 ACRES

OWNERS: ANCHORAGE DEVELOPMENT AND CONSTRUCTION LLC  
9441 ELMORE ROAD, ANCHORAGE, AK 99507

SCALE: 1" = 100' DATE: JUNE 15, 2022  
DRAWN: JLS SHEET: 1 OF 1



KPB 2022-088



AGENDA ITEM E. NEW BUSINESS

ITEM 2 – BROWN’S ACRE ESTATES

<b>KPB File No.</b>	2022-088
<b>Plat Committee Meeting:</b>	July 18, 2022
<b>Applicant / Owner:</b>	Anchorage Development and Construction LLC of Anchorage, Alaska
<b>Surveyor:</b>	Jason Schollenberg / Peninsula Surveying, LLC
<b>General Location:</b>	Foster Avenue, Sterling

<b>Parent Parcel No.:</b>	058-350-22
<b>Legal Description:</b>	Tract A, Brown’s Acres Subdivision 2021, Plat KN 2021-76
<b>Assessing Use:</b>	Residential
<b>Zoning:</b>	Rural Unrestricted
<b>Water / Wastewater</b>	On Site

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STAFF REPORT

After notifications were sent out a request was received by the surveyor to postpone the approval of the proposed design. The owners are wanting to make some changes to the design as submitted. As notification of a public hearing was sent out, **staff recommends the plat committee allow the opportunity for public testimony to be given and then postpone the item until brought back by staff.**

**Specific Request / Scope of Subdivision:** The proposed plat will subdivide a 34.75 acre tract into nine lots and dedicate a cul-de-sac. The lots will range in size from 1.615 to 15.252 acres.

**Location and Legal Access (existing and proposed):** The subdivision is located between Lopez Avenue and Foster Avenue off of Forest Lane in the Sterling area. The dedicated portions of Lopez Avenue is shown as constructed and maintained by the Kenai Peninsula Borough. Foster Avenue construction and maintenance end about 650 feet east of the subdivision.

The general area has numerous locations with steep terrain present. There is a request for exceptions to KPB Code to not provide a continuation of Lopez Avenue coming from the East at this time. Foster Avenue is dedicated on the South, but contains steep terrain within the dedication on the south and further to the west. The exception to KPB Code includes not providing the matching dedication for the western portion of Foster Avenue. Section line easements are present along the south, within and adjacent to Foster Avenue dedication, and along the west.

To the south of the subdivision is approved preliminary plat, Forest Hills Lookout Subdivision Boulder Heights Addition KPB File 2019-117. Forest Hills Lookout Subdivision Boulder Heights Addition KPB File 2019-117 is located adjacent to the south of Lot 4 and west. Once finalized, said plat will vacate a portion of Mountain Ash Street and create a realignment of the right-of-way by moving it further west. Authentic Road will continue through to connect to Foster Avenue and will provide another access route once completed. The Authentic Road intersection appears to be in line with the proposed cul-de-sac dedication.

The plat will be dedicating a cul-de-sac that will provide access to six of the lots. Lopez Avenue and Foster Avenue will provided the other frontage along dedicated rights-of-way to lots.

The portion of Foster Avenue to the east of the dedication is dedicated as a 66 foot wide right-of-way. Per KPB GIS data, additional width is available to the to south due to a 50 foot wide section line easement that provides a total 83 feet of right-of-way. Foster Avenue is currently the main access to the lots and to the proposed cul-de-sac. Steep terrain that exceeds the slopes allowed per code appear to be present within the dedication. **Staff recommends centerline profiles be submitted for Foster Avenue, west of the cul-de-sac dedication, to determine if**

*the right-of-way can be built to borough standards and to dedicate additional right-of-way width or slope easements if required.*

An exception is being requested to not provide a continuation to the west for Foster Avenue. If that request is denied **staff recommends** the centerline profiles also be submitted for the western portion of Foster Avenue to determine appropriate widths and possible easements.

The block is not closed with allowable lengths. An exception has been requested.

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

**Site Investigation:** There are some small low wet areas present in the southwest corner and along the eastern portion of the subdivision. **Staff recommends** the low wet areas be depicted on the final plat and a Corps. of Engineers plat note be added.

There are steep slopes present throughout the property. The toe and top of slopes are depicted on the plat. **Staff recommends** the depictions of slopes remain on the final plat.

Per KPB GIS imagery and KPB Assessing information, the subject property is currently vacant. There does not appear to be any encroachments present. The property to the west does have improvements that may be close to the property line and possibly within the section line easements. **Staff recommends** if any encroachments are discovered during the field survey the method for resolution be presented to staff for review.

KPB 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
State of Alaska Fish and Game	No objections

**Staff Analysis** This is the subdivision of a large acreage tract created by Brown's Acres Subdivision 2021, Plat KN 2021-76. That plat was a replat of previously unsubdivided land and reconfiguration of previously subdivided lands.

A soils report will be required for Lots 2-9 and an engineer will sign the final 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.

The property is not within an advisory planning commission.



**Utility Easements** Multiple utility easements have been granted through the various platting process. A 10 foot utility easement was granted along the Foster Avenue dedication on Plat KN 2021-76. An easement was not granted along the western portion of Foster Avenue as this is a section line easement and may be used for easements with the proper permitting. While not depicted, Plat KN 2021-76 did include a plat note to grant utility easements along the dedications and this would include along the dedication of Lopez Avenue. This plat contains the proper utility easement note and the easements from the parent plat as well as new ones are depicted on the face of the plat.

Along the north is the depiction of a 50 foot wide utility easement and a reference to plat note 4. The document noted in note 4 is vague on the description and does state that it is for down guy and anchor. Homer Electric Association is requesting that the depiction be removed and plat note 4 be updated to state the location is not defined.

The parent plat contained a depiction of a utility easement along the eastern boundary and cited Plat KN 85-49. Staff reviewed the easement and did not locate an easement in that location. While the depiction cited another plat, the fact that it was shown as an available easement created the easement and allowed it to be used by providers.

**Staff recommends** the surveyor verify if the easement was created by a former plat and cite the recording number, if it is not located on any other plats besides KN 2021-76, depict and reference that plat and add a plat note that the depiction and citation of Plat KN 85-49 was done in error and the easement was created by KN 2021-76.

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	Remove the 50 foot offset line depicting a utility easement. The easement of record is for a down guy and anchor that extends 50 feet from the north property line. HEA is not able to determine the location of the down guy and anchor. Revise plat note 4 to state that the location is not defined. Depict and label the 10 foot utility easement as granted per KN 85-49
ENSTAR	No comments or recommendations
ACS	No objections
GCI	Approved as shown

**KPB department / agency review:**

Addressing	<p>Reviewer: Haws, Derek</p> <p>Affected Addresses: None</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names: FOSTER AVE LOPEZ AVE</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>
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	Comments: Street name needed for newly dedicated ROW.
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: Windsor, Heather Comments: No comment

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.

- 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:** KPB information indicates that the section line easement adjacent to the western boundary is 50 feet in width. Please verify the width and if the easement is 33 feet in width please provide documentation to the KPB.
- 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:** Include the Soldotna City Limits.
- 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:** An approved name will be required, please contact the KPB Addressing Officer
- 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:** A final plat has been submitted for Forest Hills Lookout Bolder Heights Addition, KPB File 2019-117. Please verify prior to submitting the mylar the status of the plat as the depictions and labels south of Foster Avenue may need updated.

#### **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.



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:** *The new dedication appears to be within an area with suitable slopes. However, the applicant is requesting exceptions to not dedicate additional rights-of-way due to terrain. Staff will recommend center line profiles for Foster Avenue to show that the right-of-way to connect to the new dedication can be built to borough standards and additional slope easements or dedications of width may be required along Foster Avenue to the newly proposed dedication.*

20.30.120. Streets-Width requirements.

A. The minimum right-of-way width of streets shall be 60 feet.

1. Half streets shall generally not be allowed except to provide the logical extension of a right-of-way where the remaining half street can reasonably be expected to be dedicated in the future.
2. When a design change required as a condition of preliminary approval results in a half right-of-way that was not shown on the original preliminary plat, adjoiners to the new half right-of-way will be sent a copy of the plat committee minutes and a sketch showing the new half right-of-way and per KPB 2.40.080 can request a review of the plat committee decision by the full Planning Commission.

B. Additional right-of-way or easement width may be required to provide for the construction of side slopes or to otherwise accommodate right-of-way construction standards set forth in KPB Title 14.

**Staff recommendation:** *If the exception to not dedicate Foster Avenue continuation is granted this portion of code cannot be met and shall be noted.*

20.30.160. Streets-Name requirements. Streets shall be named to conform to KPB Chapter 14.10

**Staff recommendation:** *An approved name from the Addressing Officer is required.*

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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:** *Soils report will be required for Lots 2-9 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.*

20.60.040. 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:** *Once the street name is approved it should be added to the Certificate of Acceptance. Any other dedications that are determined to be required shall be added to the statement.*

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.*
- *Add a note for any exceptions granted.*
- *Additional plat note may be required in regards to a utility easement depicted on the parent plat.*

*Plat note 4 should include "No definite location"*

### **EXCEPTIONS REQUESTED:**

**KPB 20.30.030(A) – Proposed street layout – Requirements and KPB 20.30.170 – Block length** Extension of Foster Avenue, Lopez Avenue, connection between Foster Avenue and Lopez Avenue and the dedication of the west section line easement.

Surveyor's Discussion: This plat is located outside of Soldotna City Limits in a fairly undeveloped area. There are multiple, large parcels in the vicinity that have not been subdivided. The terrain is very steep, with multiple gullies and hills on the property. The extension of Foster Avenue, Lopez Avenue, and the west section line easement are all affected by steep terrain. Road construction will be extremely difficult. A new right-of-way will be dedicated with this plat that will extend north from Foster Avenue. The owner is planning to build this road as soon as the plat receives preliminary approval. It will provide a legal and constructed access to all of the lots. Due to the steep terrain between Foster Avenue and Lopez Avenue it would require an impractical amount of cuts and fills to build a road connecting the two that met KPB standards. Lot 1 will be over 15 acres. Due to the terrain it seems unlikely that it will be subdivided in the future, but if it is, then additional right-of-way can occur at that time.

Staff Discussion: Staff grouped the exceptions together. If the Planning Commission wishes to address the exceptions or the portions of the right-of-way exceptions separately this may be done by making separate motions.

The granting of the requested exceptions will not require a western dedication for Lopez Avenue or the matching half dedication for the western portion of Foster Avenue. The western portion of Foster Avenue does contain section line easements as does the western boundary of the subdivision. Not requiring the dedication of those easements will not impact the use of the section line easements. They may still be used for access and can help improve the block lengths. With no further dedication of Lopez Avenue to the west, the block would exceed allowable lengths. Using the section line easements the next intersection to bring the block into compliance is McSmith Avenue, which is 1,320 feet north of the Lopez Avenue. The block also exceeds the length requirements along the east-west portions. Without the ability to connect the section line easement to Lopez Avenue a right-of-way dedication from Foster Avenue to the end of the Lopez Avenue dedication would improve the block length but will still result in either incomplete blocks or blocks that exceed allowable lengths.

If the exception to not dedicate Foster Avenue is granted, KPB 20.30.120, Streets-Width requirements, cannot be met. **Staff recommends** *if the exception is approved the plat note include KPB 20.30.120 as being granted.*

### **Findings:**

1. KPB Code requires dedications for the appropriate projection of streets in surrounding area.
2. KPB Code requires right-of-way width to be 60 feet wide with half dedications allowed if the other half can reasonably be expected to be dedicated in the future.
3. KPB code requires block lengths be no less than 330 feet or no more than 1,320 feet in length.
4. A 30 foot wide dedication of Lopez Avenue is required to comply with KPB Code.
5. A 33 foot wide dedication along the section line easement will provide a fee simple right-of-way dedication along the western boundary.



6. A 30 foot wide dedication of Foster Avenue is required by KPB Code to bring the width of the right-of-way into compliance.
7. If Lopez Avenue is not required to be dedicated, a connection between Foster Avenue and Lopez Avenue would improve the block length.
8. A new dedication is proposed that ends with a cul-de-sac that does not help improve the block requirements.
9. The current block is defined by section line easements, Foster Avenue, Walker Street, and McSmith Avenue and exceeds allowable length requirements.
10. Steep slopes are present within Lot 1 but areas are present that would support a through right-of-way dedication if designed around the terrain.
11. A new dedication is proposed that ends with a cul-de-sac that provides adequate access.
12. Terrain within proposed Lot 1 varies but slopes of 47 percent are within areas making a through dedication difficult.
13. Slopes of approximately 32 percent are present within the possible extension area of Lopez Avenue.
14. Slopes of approximately 31 percent are present with the western section line easements.
15. Slopes of approximately 38 percent are present within the portion of Foster Avenue to the west of the cul-de-sac dedication.

Denial of the exceptions will require additional dedications. If required, ***staff recommends centerline profiles be required for the dedications to determine if additional right-of-way widths or slope easements will be required.***

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 11-15 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 11-15 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 11-15 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.

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**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.

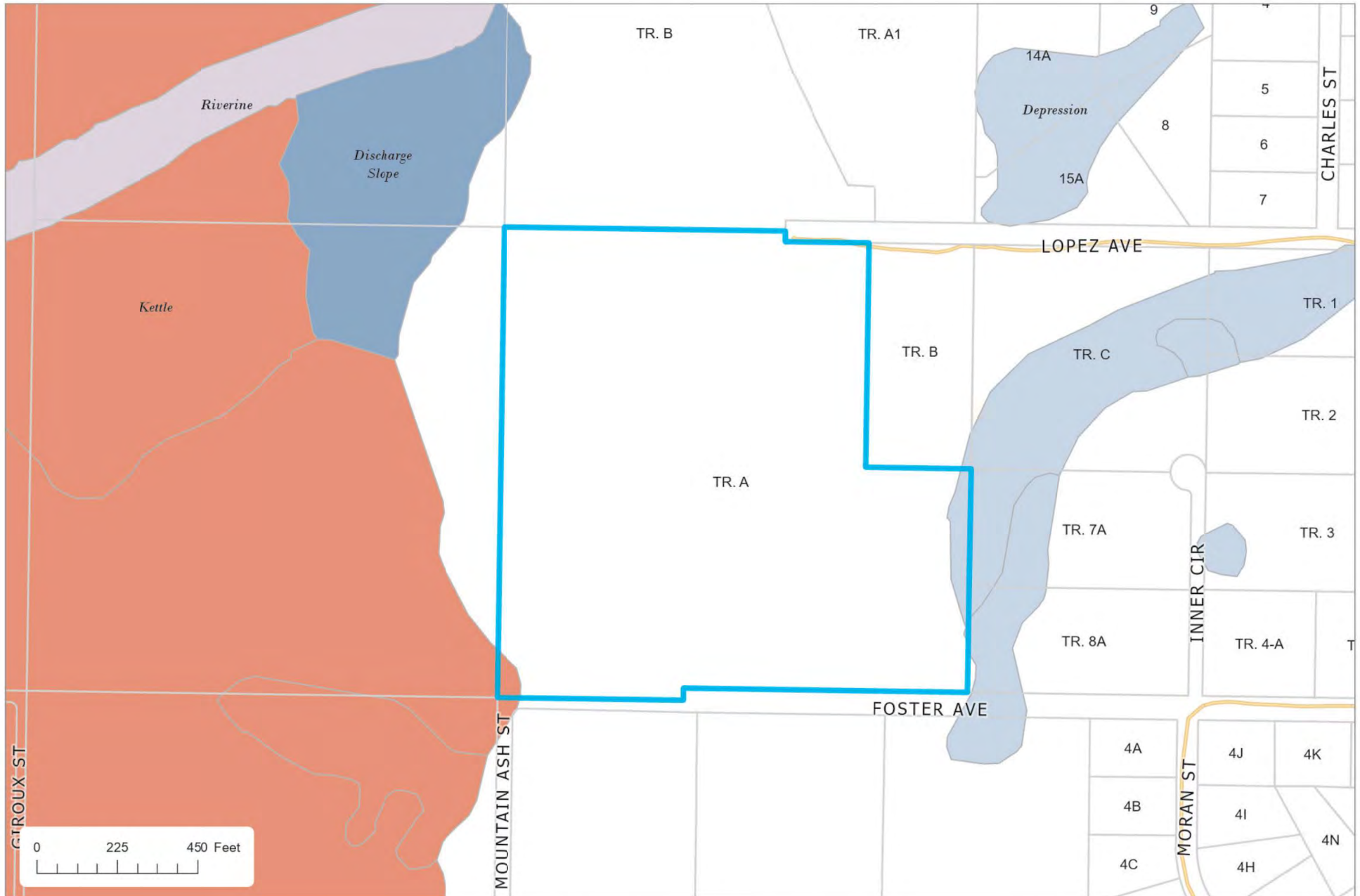
**NOTE: 20.25.120. - REVIEW AND APPEAL.**

**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.**

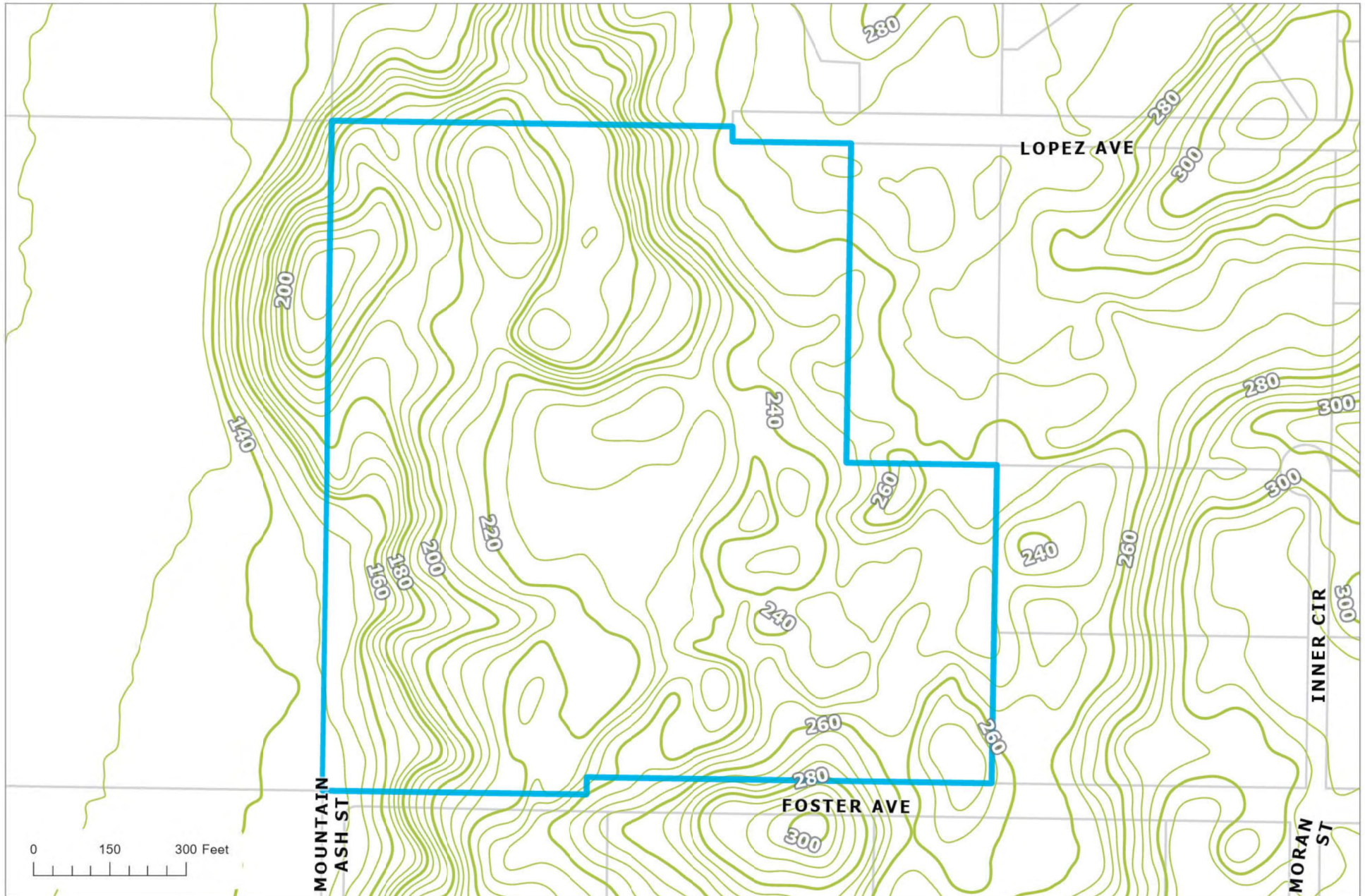
**A DECISION OF THE PLANNING COMMISSION MAY BE APPEALED TO THE HEARING OFFICER BY A PARTY OF RECORD WITHIN 15 DAYS OF THE DATE OF NOTICE OF DECISION IN ACCORDANCE WITH KPB 21.20.250.**

**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.



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.



	2 1/2" BRASS. CAP. MON. GLO 1937	10/10
	2 1/2" ALUM. CAP. MONUMENT 237-5	1981 10/10
	3 1/4" ALUM. CAP. MONUMENT 3932-5	1977 10/10
	3 1/4" ALUM. CAP. MONUMENT LS7201	1909 10/10
	5/8" REBAR FOUND	
	1/2" REBAR FOUND	
	5/8" REBAR w/PLASTIC CAP LS8859	10/1
( )	RECORD DATUM PLAT 85-49 KRD	

LINE TABLE		
LINE	BEARING	DISTANCE
1-1	N00°02'09"E	30.00'
1-2	S00°00'43"W	30.00'
1-3	S00°01'23"E	34.00'
1-4	N00°01'51"W	33.00'

CURVE TABLE						
CURVE	DELTA ANGLE	RADIUS	ARC LENGTH	TANGENT	CHORD LENGTH	CHORD BEARING
A1	15.4670°	50.00'	136.31'	704.75 4.3°	100.00'	100.00 10.0°

- 1) Plans of building located from Honser's Aerial Substation, Honser, Tex. Plot #26-04-06, Rural Reseading District.
- 2) Building Honser-A A network of 20 feet is required from all street Right-of-Way if utility is lines attached to the network by regulation by the appropriate Planning Commission.
- 3) House must meet the design and construction standards established by the International Building Code for the foundation, roof, and exterior, and included in the thorough road maintenance program.
- 4) An easement for electric lines or system and/or telephone lines granted to Honser Electric Association, Inc. is recorded as Book 78 Page 557, Rural Planning District. The utility lines include the following:
  - a) Easements in APN #26-03-030, Protection of right-of-way, and RPB #26-03-070, which lengths are granted by the joint committee at the meeting of June 14, 2003.
  - b) Front 10 feet of the building network adjacent to right-of-way with and adjacent 10 feet within 5 feet of the site lot line in a utility easement, but no easement attached to the network by regulation in a utility easement which must interfere with the utility of a utility in the network.
- 5) **WASTEWATER DISPOSAL:** Tract B five percent subdivision for lots resulting from this platting action was approved by the Alameda Department of Environmental Conservation on March 21, 1997. Wastewater treatment and disposal easements must meet the regulatory requirements of the Alameda Department of Environmental Conservation.
- 6) **WASTEWATER DISPOSAL:** Tracts A and C five lots are at least 20,000 square feet and therefore may not be suitable for onsite wastewater treatment, and therefore, the wastewater treatment or disposal system must meet the regulatory requirements of the Alameda Department of Environmental Conservation.

THE UNDERSIGNED OFFICIAL, DESIGNATED BY NAME AND TITLE, IS AUTHORIZED TO ACCEPT AND VOUCHER ACCEPTS ON BEHALF OF THE BENTON POND AREA BOARDSTOP FOR PUBLIC USE AND FOR PUBLIC PURPOSES THE REAL PROPERTY TO BE DESIGNATED BY THIS PLAT INCLUDING EASEMENTS, RIGHTS-OF-WAY, ALLEYS, AND OTHER PUBLIC AREAS SHOWN ON THIS PLAT DESCRIBED AS FOLLOWS: FOURER AREAS, TO UTILITY EASEMENT.

THE PURPOSE OF THIS PLAT OF LAND FOR PUBLIC USE OF PUBLIC PURPOSE DOES NOT CONFER THE PUBLIC OR ANY OTHER GOVERNING BODY TO CONTROL, OPERATE, OR MAINTAIN IMPROVEMENTS.

*John A. Goodfellow* 11/17/21  
JOHN A. GOODFELLOW  
BENTON POND AREA BOARDSTOP  
DATE





THIS PLAY WAS APPROVED BY THE KONA PENINSULA HERITAGE PLANNING COMMISSION AT THE MEETING OF JUNE 18, 2021.

KENAI PENINSULA BOROUGH  
*M. Ann Crook*  
 AUTHORIZED OFFICIAL

FOR \_\_\_\_\_  
ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC FOR \_\_\_\_\_  
MY COMMISSION EXPIRES \_\_\_\_\_

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 BY OUR FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.


  
 RANDALL D. JENSEN      KAREN K. JENSEN  
 TRADTS RAI, 60, RA LOT 1A BLOCK 2, REM. SW1/4 SW1/4  

  
 SHANNON TAYLOR      TORIA TAYLOR  
 LOT 1A BLOCK 2, REM. SW1/4 SW1/4  
 240 60TH STREET N  
 MINNAPOLIS, MINN 55412

FOR Donald and Mary Joany  
ACKNOWLEDGED BEFORE ME THIS 2 DAY OF September 2021  
Robert J. Jones  
NOTARY PUBLIC FOR  
MY COMMISSION EXPIRES Nov 14, 2023

FOR 908 Pine St. 1st fl.  
ACKNOWLEDGED BEFORE ME THIS 13 DAY OF September 2002  
[Signature]  
NOTARY PUBLIC FOR  
MY COMMISSION EXPIRES 01/31/2005

FOR \_\_\_\_\_  
 ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_  
 \_\_\_\_\_  
 NOTARY PUBLIC FOR \_\_\_\_\_  
 MY COMMISSION EXPIRES \_\_\_\_\_

KPH FILE No. 2021-072

## Brown's Acres Subdivision 2021

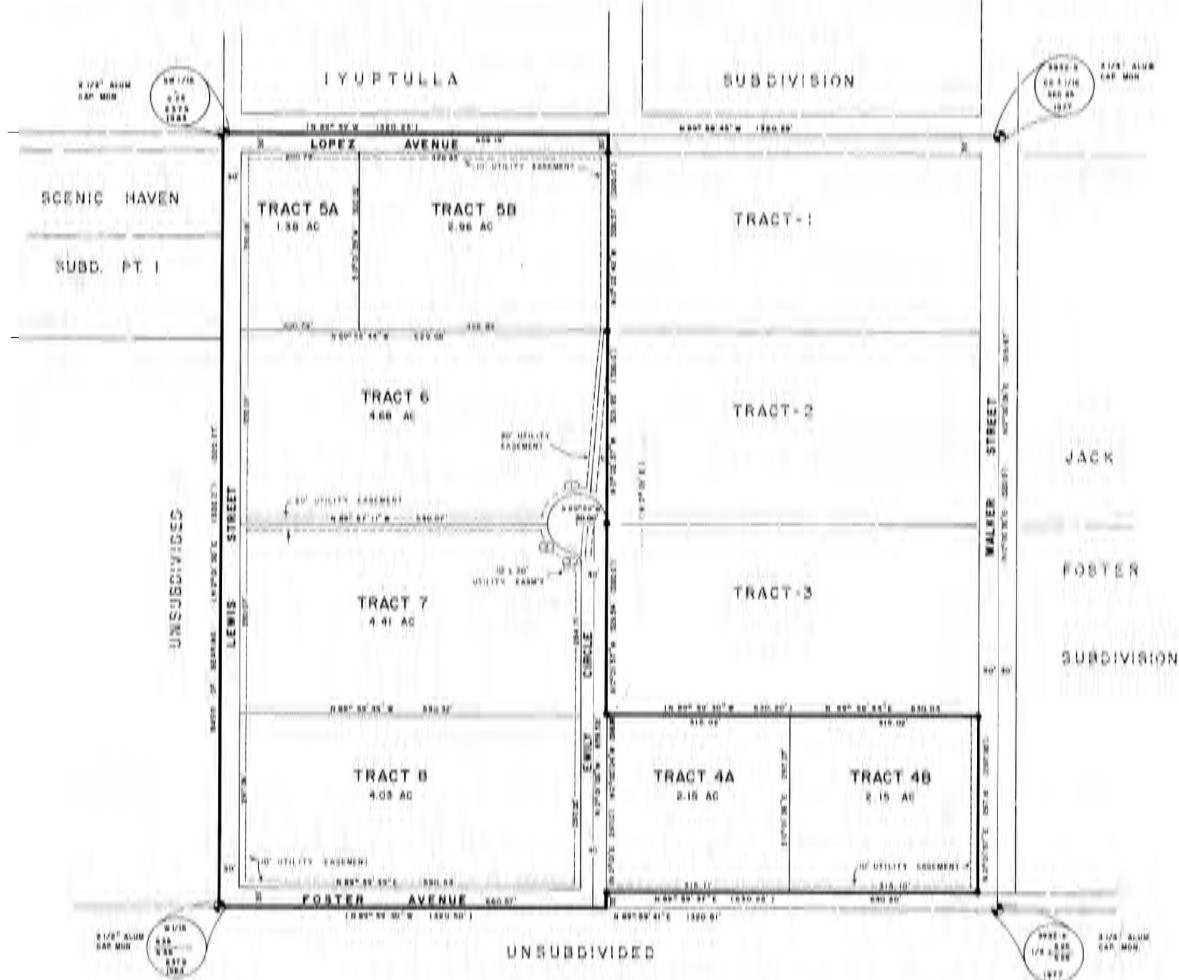
A redivision of Tract 581 Brown's Acres Subdivision No. 2, Plat 85-49, Tract 5A1, Tract 8A and Lot 1A Block Two, Brown's Acres Subdivision Sine-sine Replat, Plat 2005-118, and the SW1/4 SW1/4 Section 26, T8N, R10W, S1M., accepting therefrom plat EN 85-258, Kennel Recording District.

located within the SE1/4 SW1/4 and SW1/4 SW1/4 Section 25, T5N,  
R10W, S.M., Keweenaw Peninsula Borough Alaska.

Containing 42 07056		Owner	
Surveyor <b>Beggs Surveys</b> 30400 Holland St Solihulla, AK 90069 (907) 882-5900		Bandal D & Karen E Jensen Shannon & Paula Sailer 840 66th Street N Turner, ND 58770	
JOB NO.	21084	DRAWN	8-23-21
SURVEYED	May, 2021	SCALE	1"=100'
FIELD BOOK	21-1	SHEETS	1 of 1







**CURVE DATA**

NO.	PC	PT	DTA	TAN	LEN	END	END BEG
1	100.00'	175° 30' 00"	100.00'	100.00'	100.00'	100.00'	100.00'
2	100.00'	175° 30' 00"	100.00'	100.00'	100.00'	100.00'	100.00'
3	100.00'	175° 30' 00"	100.00'	100.00'	100.00'	100.00'	100.00'



**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.

*Donald H. Brown* *Carolyn A. Brown*  
DONALD H. BROWN CAROLYN A. BROWN  
RUE 1000 RUE 1000  
SOLDOTNA, AK 99669 SOLDOTNA, AK 99669

**NOTARY'S ACKNOWLEDGEMENT**

SUBSCRIBED AND SWORN BEFORE ME THIS 24th DAY OF August 1985 FOR *Donald H. Brown and Carolyn A. Brown*

*Notary Public for Alaska*  
MY COMMISSION EXPIRES *1987*

**PLAT APPROVAL**

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF *Sept. 24, 1985*

KENAI PENINSULA BOROUGH  
*[Signature]*  
AUTHORIZED OFFICIAL

**CERTIFICATE OF APPROVAL BY THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

THIS SUBDIVISION HAS BEEN REVIEWED IN ACCORDANCE WITH ISAAC 72.005 AND IS APPROVED, SUBJECT TO ANY RESTRICTIONS.

*[Signature]* *[Signature]* *[Signature]*  
SIGNATURE TITLE DATE



CLIFFORD E. BAKER, B.L.S.  
REGISTRATION NO. LB-5192

*95.49*  
*Kenai*  
*4/22/85*  
*Douglas E. Lee*

- LEGEND**
- ⊕ MONUMENT (Found this survey)
  - ⊕ MONUMENT (Set this survey)
  - 1/2" REBAR (Found this survey)
  - ⊥ 5/8" x 30" REBAR (Set this survey)
  - ( ) RECORD DATUM KRD 83-156

- NOTES:**
1. PROPOSED LAND USES ARE RECREATIONAL, RESIDENTIAL & AGRICULTURAL.
  2. A SETBACK OF 20 FEET IS REQUIRED FROM ALL STREET RIGHT-OF-WAYS UNLESS A LESSER STANDARD IS APPROVED BY REGULATION OF THE APPROPRIATE PLANNING COMMISSION.
  3. ALL WASTEWATER DISPOSAL SYSTEMS SHALL COMPLY WITH EXISTING LAW AT THE TIME OF CONSTRUCTION.

**BROWNS ACRES SUBD. NUMBER TWO**

A SUBD. OF THE UNSUBD. REMAINDER AND A RESUBD. OF TRACT 4, BROWNS ACRES SUB.

LOCATED WITHIN THE SE 1/4, SW 1/4, SEC. 15, T5N, R9W, 12E, 14E AND THE KENAI PENINSULA BOROUGH.

**BOWLING-RICE and ASSOCIATES**  
P.O. BOX 974, SIOUX FALLS, ALASKA 99605

ENGINEERS	DATE	SCALE	SHEET NO.
<i>[Signature]</i>	SEPT 1985	1" = 400'	1
<i>[Signature]</i>	SEPT 1985	1" = 400'	2
<i>[Signature]</i>	SEPT 1985	1" = 400'	3



NOTARY'S ACKNOWLEDGMENT

Subscribed and sworn before me  
this 1<sup>st</sup> day of July 1983  
for:  
Donald H. Brown  
Carolyn J. Brown

RECORDED - FILED 10  
 DATE 8-3 19  
 TIME 10:11  
 Requested by Person  
 Address

*Whiskey Ellstrom*  
Notary Public for Alaska

My Commission expires 8/18/85

**ISOLATED  
SUBDIVISION  
ADEC APPROVAL  
NOT REQUIRED  
18 ACC 72.065**  
*Robert P. Carrone*



Scale : 1" = 200'

**Hindman, Julie**

---

**From:** JASON SCHOLLENBERG <jason@peninsulasurveying.com>  
**Sent:** Friday, July 8, 2022 12:23 PM  
**To:** Hindman, Julie; Quainton, Madeleine  
**Subject:** <EXTERNAL-SENDER> Brown's Acre Estates

CAUTION: This email originated from outside of the KPB system. Please use caution when responding or providing information. Do not click on links or open attachments unless you recognize the sender, know the content is safe and were expecting the communication.

Julie,

If possible, can we hold off on the review for Brown's Acre Estates? The owners have decided they want to make some extensive changes to the design before moving forward.

Thank You

**Jason Schollenberg, PLS**

Peninsula Surveying, LLC  
10535 Katrina Blvd  
Ninilchik, AK 99639

Phone: (907)306-7065  
Fax: (907) 567-1017