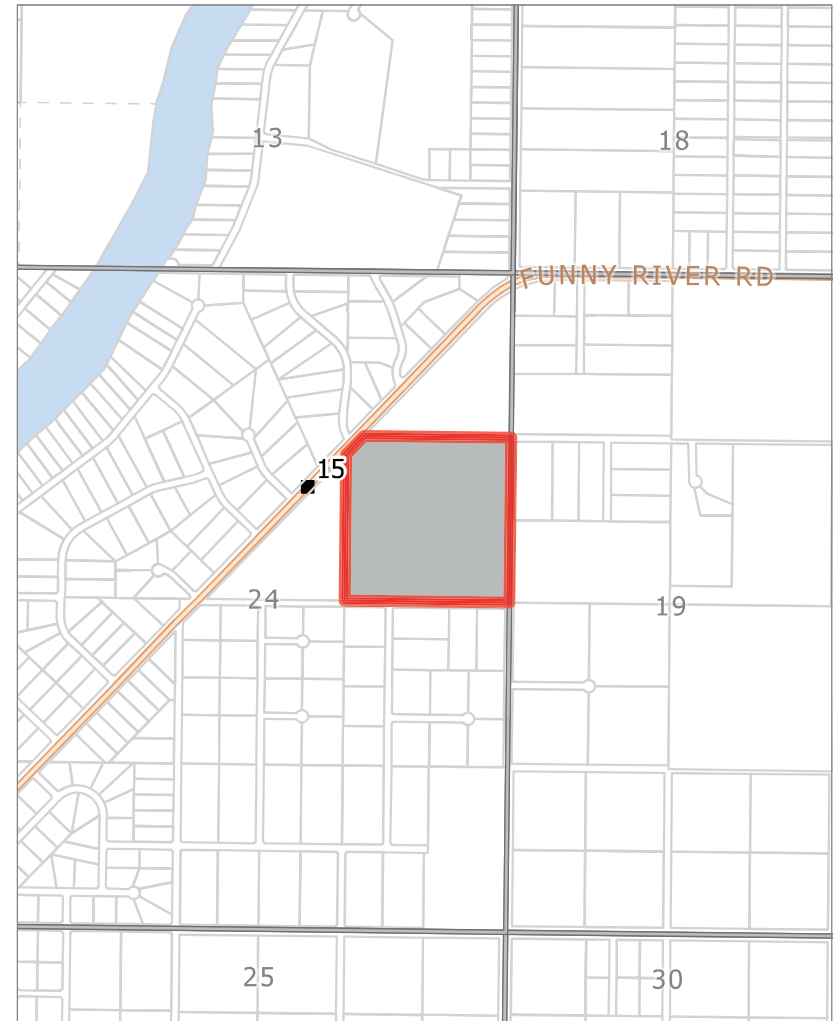


## **E. NEW BUSINESS**

- 3. Moose Acres; KPB File 2022-087  
Peninsula Surveying, LLC / A & J, LLC  
Funny River Area / Funny River APC**



KPB File # 2022-087  
S24 T05N R09W  
Funny River

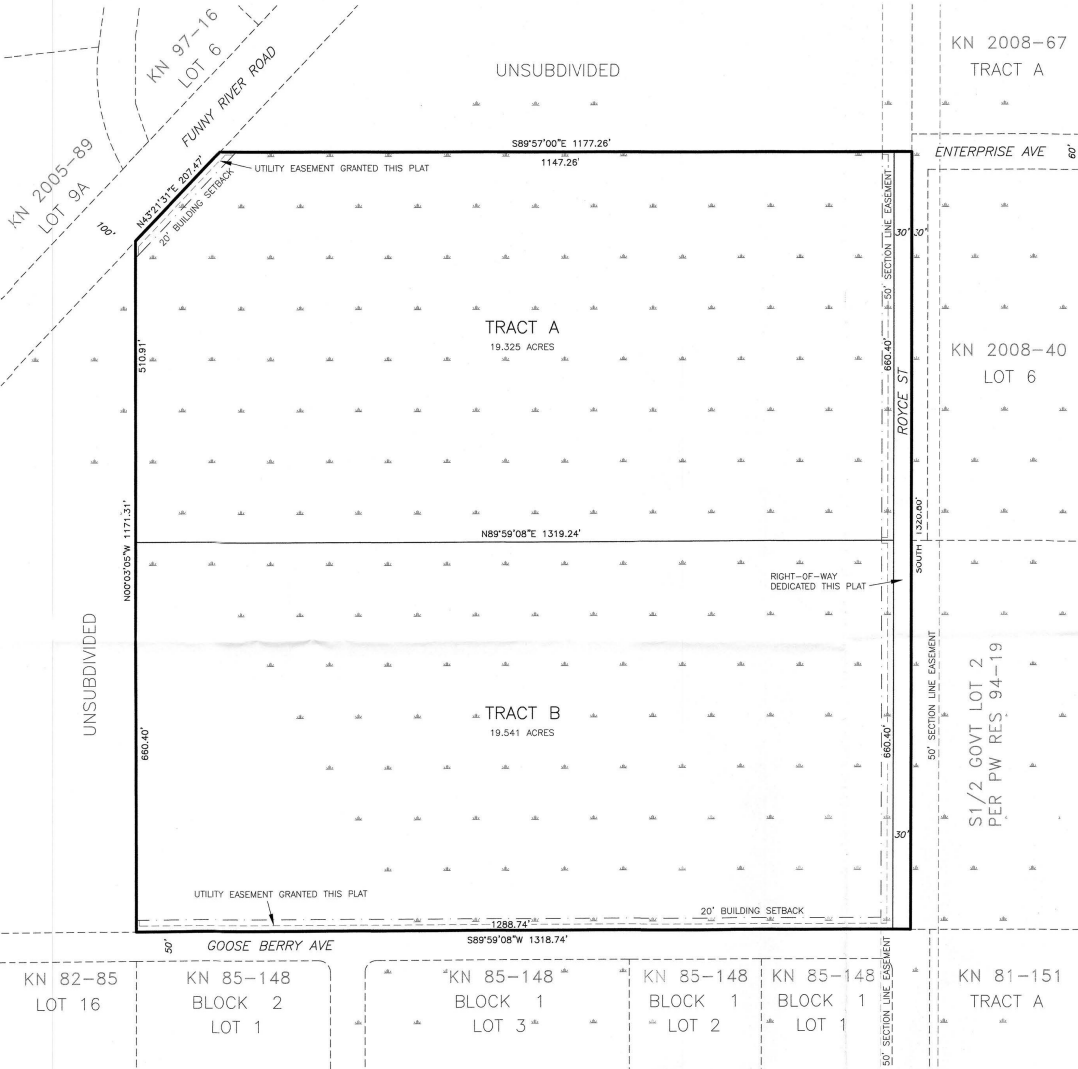
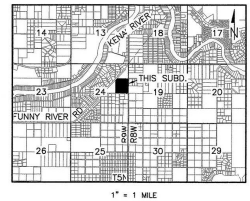
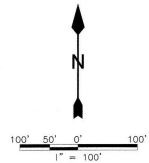




Aerial View







#### NOTES

1. 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 LOTS LINES IS ALSO UTILITY EASEMENT.
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. 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.
4. 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).
5. NO ACCESS TO STATE MAINTAINED RIGHTS-OF-WAY PERMITTED UNLESS APPROVED BY THE STATE OF ALASKA DEPARTMENT OF TRANSPORTATION.

#### LEGEND

- WETLANDS PER THE KENAI WATERSHED FORUM COOK INLET  
WETLANDS MAPPING

#### PLAT APPROVAL

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

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

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

JAMES DAVIS  
OWNER, A & J LLC  
37615 STATE PARK RD, SOLDOTNA, AK 99669

ALFRED LONSER  
OWNER, A & J LLC  
37615 STATE PARK RD, SOLDOTNA, AK 99669

#### NOTARY ACKNOWLEDGMENT

FOR: JAMES DAVIS AND ALFRED LONSER  
ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022

NOTARY PUBLIC FOR ALASKA

MY COMMISSION EXPIRES: \_\_\_\_\_

#### WASTEWATER DISPOSAL

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

#### 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:

ROYCE STREET RIGHT-OF-WAY

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.

AUTHORIZED OFFICIAL: \_\_\_\_\_ DATE: \_\_\_\_\_

KPB FILE NUMBER:

PENINSULA SURVEYING, LLC  
10535 KATRINA BOULEVARD, NUILECH, AK 99639  
(907)306-7045

PLAT OF  
**MOOSE ACRES**

A SUBDIVISION OF  
SE 1/4 NE 1/4 SEC. 24, T.5N., R.9W., S.M.  
KENAI RECORDING DISTRICT, KENAI PENINSULA BOROUGH  
CONTAINING 39.776 ACRES

OWNER: A & J LLC  
37615 STATE PARK RD, SOLDOTNA, AK 99669

SCALE: 1" = 100'

DATE: JUNE 13, 2022

DRAWN: JLS

SHEET: 1 OF 1



**KPB 2022-087**

AGENDA ITEM E. NEW BUSINESS

ITEM 3 - MOOSE ACRES

|                                |   |
|--------------------------------|---|
| <b>KPB File No.</b>            | 2022-087  |
| <b>Plat Committee Meeting:</b> | July 18, 2022                                     |
| <b>Applicant / Owner:</b>      | A & J LLC of Soldotna, AK                         |
| <b>Surveyor:</b>               | Jason Schollenberg / Peninsula Surveying LLC      |
| <b>General Location:</b>       | Goose Berry Avenue, Funny River / Funny River APC |

|                           |                           |
|---------------------------|---------------------------|
| <b>Parent Parcel No.:</b> | 066-060-19                |
| <b>Legal Description:</b> | SE1/4 NE1/4 S24 T05N R09W |
| <b>Assessing Use:</b>     | Residential               |
| <b>Zoning:</b>            | Rural Unrestricted        |
| <b>Water / Wastewater</b> | On site                   |

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STAFF REPORT

**Specific Request / Scope of Subdivision:** The proposed plat will subdivide a 39.78 acre parcel into two tracts that will be 19.325 acres and 19.541 acres. A 30 foot width dedication for Royce Street is proposed.

**Location and Legal Access (existing and proposed):** The proposed plat is located near mile 15 of state maintained Funny River Road. Borough maintained Goose Berry Avenue is located along the southern boundary. A partial dedication of Royce Street is located to the east and coincides with 50 foot wide section line easements.

The proposal includes a 30 foot wide dedication for Royce Street, which is located along the eastern boundary. There is a 30 foot dedication for the northern eastern portion of Royce Street for a distance of 660 feet. This will bring that portion into compliance as a 60 foot wide right-of-way. The southern portion proposed for dedication will be a 30 foot width with the other 30 foot expected from the adjacent lot if it is ever subdivided. The right-of-way dedications are atop existing section line easements that provide a 100 foot width the entire distance along the subdivision's eastern boundary.

Goose Berry Avenue was dedicated as a 50 foot width right-of-way by Salmon Berry Acres, Plat KN 82-85, and Happy Man Subdivision, Plat KN 85-148. Per KPB 20.30.120, the minimum right-of-way width of streets shall be 60 feet. Narrower rights-of-way are allowed if the other portion can be reasonably expected to be dedicated from adjacent properties in the future. The entire 50 foot portion of Goose Berry Avenue was dedicated from the property to the south. A 10 foot dedication will bring the street width for Goose Berry Avenue into compliance for approximately 1,290 foot portion. ***Staff recommends a 10 foot width dedication for Goose Berry Avenue be required.***

Tract A will have frontage to Funny River Road and along Royce Street and section line easements. Tract B will have access from Goose Berry Avenue and also along Royce Street and the section line easements.

An exception to KPB Code 20.30.030 has been requested. The owners wish to not dedicate a continuation of Enterprise Avenue along the northern boundary at this time.

Block lengths exceed allowable lengths per KPB Code 20.30.170. An exception has been requested. In order to comply dedications along the western and northern boundary would be required.

|                          |  |
|--------------------------|--|
| KPB Roads Dept. comments | Out of Jurisdiction: No<br><br>Roads Director: Uhlin, Dil<br>Comments: No comments |
|--------------------------|--|

|                  |  |
|------------------|--|
| SOA DOT comments | The ROW for Funny River Road appears to be shown correctly |
|------------------|--|

**Site Investigation:** The terrain is relatively flat with no steep slopes detected within the lots or proposed dedications. The majority of the property contains low wet areas. A stretch of Riverine is present that goes through the property and then Kettle is present through the majority of the property. The correct wetlands designation note is present. **Staff recommends the wetland depiction remain on the final plat.**

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

**Staff Analysis** The proposed plat is a subdivision of an aliquot parcel in the Funny River area. It will create two lots that will both be around 19 acres. The majority of the property contains low wet areas. A driveway appears to be present off Goose Berry Avenue into proposed Tract B. There does not appear to be any other improvements or encroachment issues present.

A soils report will not be required and the correct plat note is present.

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.

Funny River Advisory Planning Commission minutes were not available when the staff report was prepared (KPB 21.02.020). These will be provided with the desk packet if available.

**Utility Easements** The property has no platted easements nor recorded utility easements listed within the Certificate to Plat. The plat is proposing to grant 10 foot utility easements that increase to 20 within 5 feet of the side lot lines adjacent to dedicated rights-of-way.

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</p> <p>Affected Addresses:</p> |
|------------|---|

|                              |  |
|------------------------------|--|
|                              | <p>34214 GOOSE BERRY AVE</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names:<br/>GOOSE BERRY AVE<br/>FUNNY RIVER RD<br/>ENTERPRISE AVE<br/>ROYCE 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:<br/>34214 GOOSE BERRY AVE will remain with TRACT B.</p> |
| Code Compliance              | <p>Reviewer: Ogren, Eric</p> <p>Comments: No comments</p>  |
| Planner                      | <p>Reviewer: Raidmae, Ryan</p> <p>There are not any Local Option Zoning District issues with this proposed plat.</p> <p>Material Site Comments:<br/>There are not any material site issues with this proposed plat.</p>  |
| Assessing                    | <p>Reviewer: Windsor, Heather</p> <p>Comments: No comment</p>  |
| Advisory Planning Commission | <p>Comments not received when the staff report was prepared</p>  |

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

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

*Update the plat note numbers.*

#### **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.*

- 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:** *Include a block label for Lot 9A located to the northwest of Funny River Road. Provide street name and width labels for Rousing Road and Chandalar Street.*

#### **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.

20.30.120. 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:** An additional 10 foot width dedication for Goose Berry Avenue needs to be provided.

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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:* Due to size of lots, soils analysis report will not be required.

**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.

20.60.180. 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.

- Add a note for any exceptions granted.

20.60.190. Certificates, statements, and signatures required.

**Staff recommendation:** The Certificate of Ownership should be revised so that it shows A & J LLC is the owner and they are signing on behalf of the LLC. Comply with 20.60.190.

**EXCEPTIONS REQUESTED:**

**KPB 20.30.030(A) – Proposed street layout-Requirements (Extension of Enterprise Avenue) and KPB 20.30.170 – Blocks-Length requirements**

Surveyor's Discussion: KPB 20.30.030(A) - This platting action will result in 2 large tracts that will be approximately



19 acres each. Legal access to Tract A will still be provided along the east side by Royce Street, and to the northwest corner by Funny River Road. Tract A is large enough to be subdivided in the future, and have additional right-of-way dedications added at that time. The extension of Enterprise Avenue would also go across a swampy area that would be difficult to construct a road on.

KPB 20.30.170 - The property is located near mile marker 15 on Funny River Road. There are multiple large parcels of land in the vicinity. There is a dedicated right-of-way along the south boundary and the east boundary.

Staff Discussion: KPB Code states that there should be extensions or projected extensions of rights-of-way. KPB Code also has block length requirements. A dedication of Enterprise Avenue along the northern boundary as well as a dedication along the western boundary will bring the block into compliance and meet the street layout requirements. Staff grouped the exceptions but the Planning Commission may vote on the exceptions separately by making separate motions.

Denial of KPB 20.30.030(A) will require a 30 foot wide dedication of Enterprise Avenue along the northern boundary. Denial of KPB 20.30.170 will required the extension of Enterprise Avenue as well as a 30 foot wide dedication along the western boundary.

**Findings:**

1. KPB 20.30.030(A) would require a continuation of Enterprise Avenue along the northern boundary by dedicating a minimum 30 foot width.
2. KPB 20.30.170 requires blocks to be between 300 feet and 1,320 feet in length.
3. Funny River Road, Goose Berry Avenue, Royce Street, and section line easements provide a closed block.
4. The block length from Funny River Road to Royce Street along Goose Berry Avenue is approximately 2,480 feet in length.
5. The block length from Goose Berry Avenue to Funny River Road along Royce Street and section line easements is approximately 2,560 feet.
6. A dedication along the northern boundary to provide a continuation of Enterprise Avenue would provide a compliant block by reducing the length to approximately 1,320 feet.
7. A dedication along the western boundary would provide a compliant block length along Goose Berry Avenue of approximately 1,320 feet.
8. A dedication along the northern and western boundary will create a distance of 100 feet between their intersections with Funny River Road.
9. The dedication areas would be within wetland areas.
10. The tracts being created are large acreage tracts that can be further subdivided.
11. No lots are being denied access or utilities.
12. Goose Berry Avenue is constructed with direct access from Funny River Road and is constructed and maintained the entire length of the dedication to the southeast corner of this subdivision.
13. Enterprise Avenue is constructed and is accessed from the east by borough maintained Ansel Street N or Lake Road.
14. The eastern 2,620 feet of Enterprise Avenue is maintained by the borough.
15. Enterprise Avenue is constructed another 2,280 feet from the end of the maintained portion.
16. The last 350 feet of the Enterprise Avenue dedication appears cleared to provide limited access.
17. Royce Street is partially cleared but does not appear to be used as regular access and is not maintained.

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 8-13, 16, and 17 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 8-13, 16, and 17 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 8-13, 16, and 17 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.

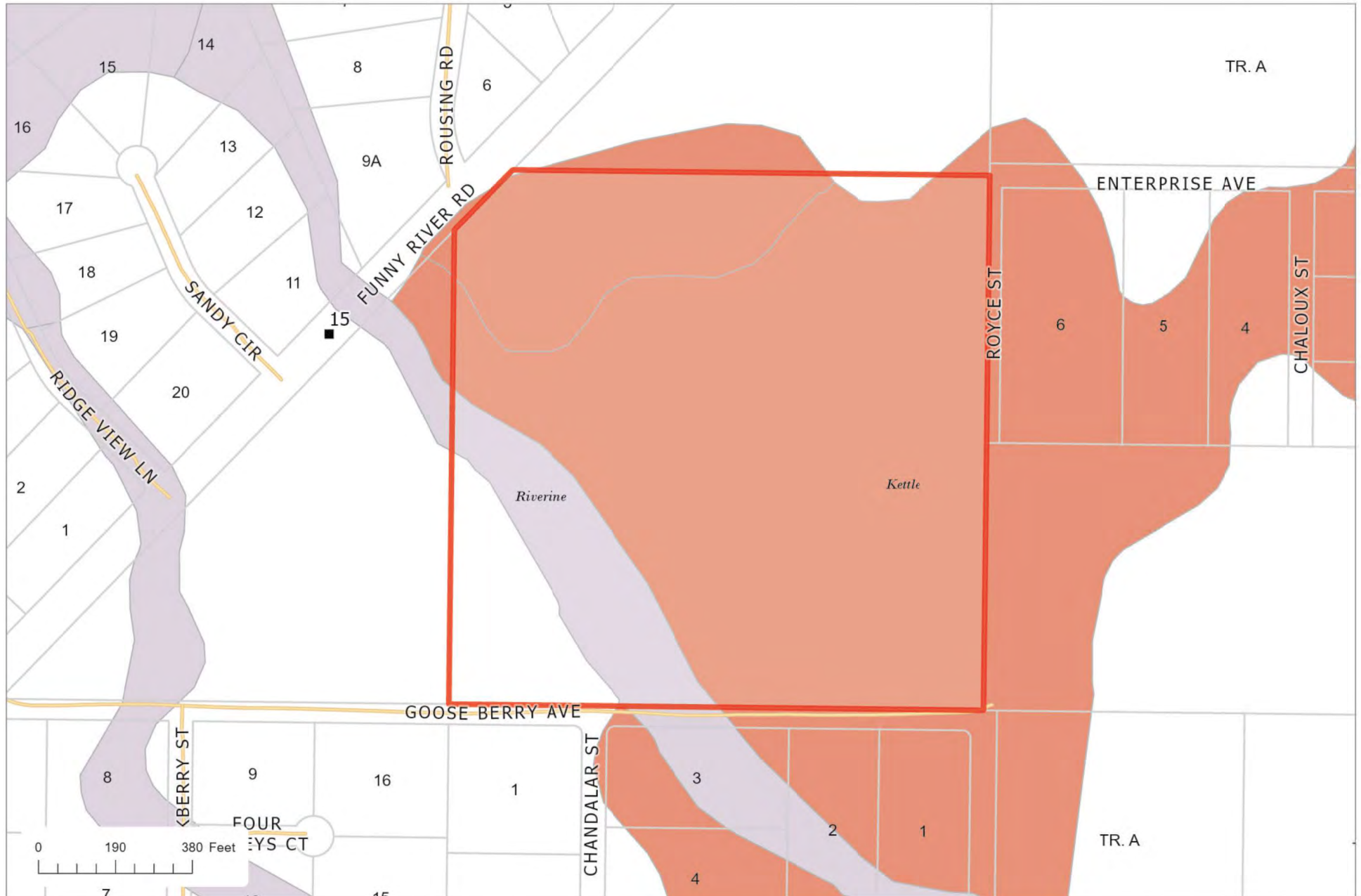
**NOTE: 20.25.120. - REVIEW AND APPEAL.**

**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.**

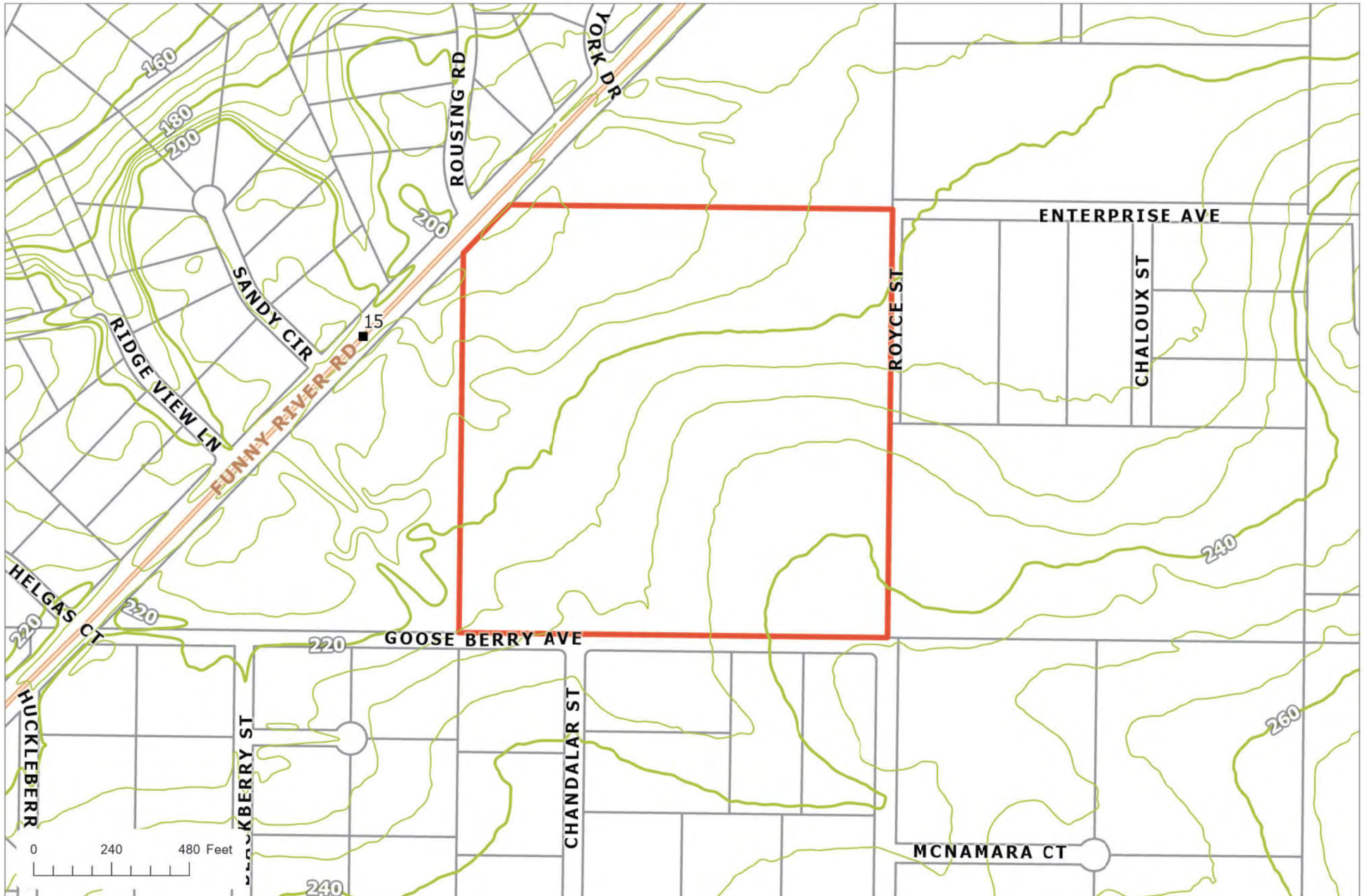
**END OF STAFF REPORT**

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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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