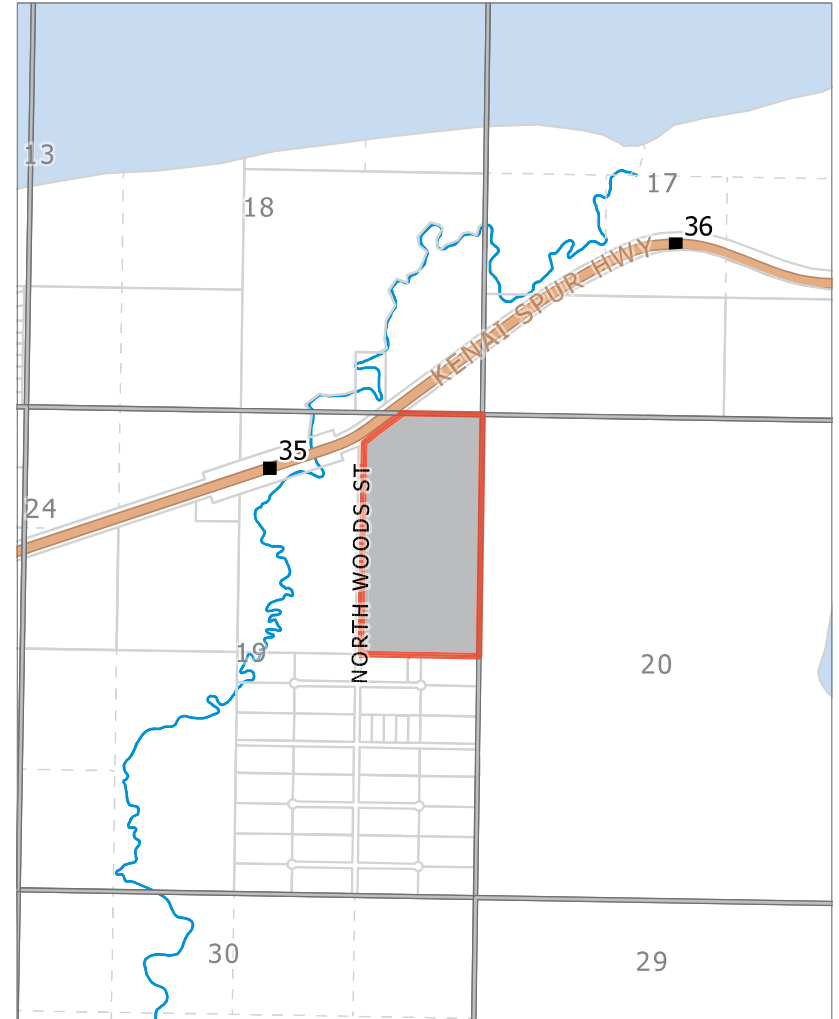
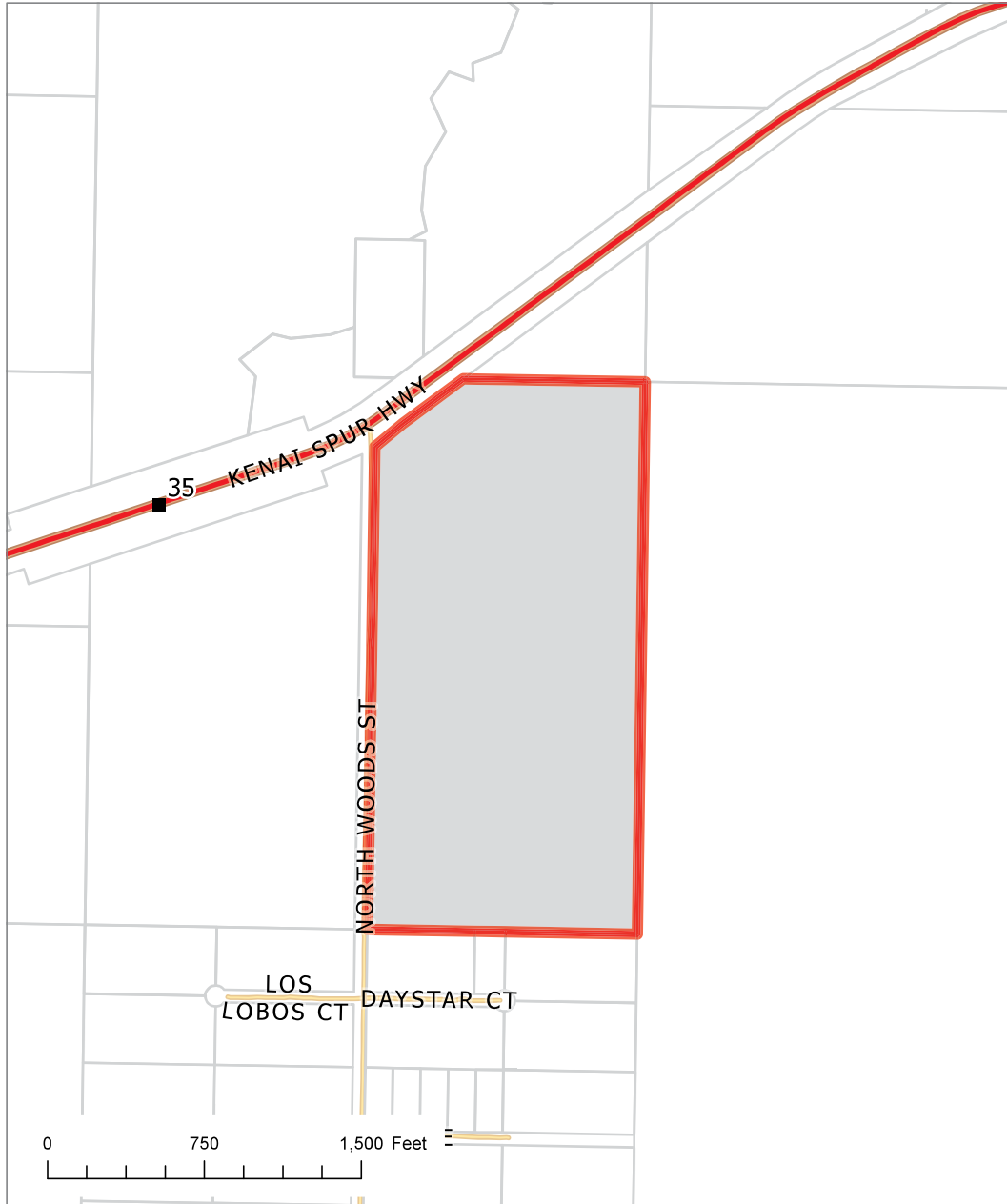


E. NEW BUSINESS

- 6. Bear Lahai Roi Subdivision 2022 Addition
KPB File 2022-089
Segesser Surveys / Smardo
Nikiski Area**



KPB File # 2022-089
S19 T08N R10W
Nikiski



LEGEND:

- ⊗ 1" CONCRETE FILLED PIPE
- 5/8" REBAR FOUND
- 5/8" REBAR w/PLASTIC CAP LS8859 SET
- () RECORD DATUM PLAT 2011-5 KRD

CURVE	DELTA ANGLE	RADIUS	ARC LENGTH	TANGENT	CHORD LENGTH	CHORD BEARING
C1	42°57'	1532.50	119.42	59.75	119.42	N54°41'28"E

NOTES:

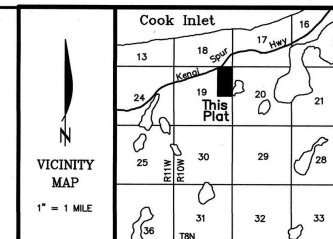
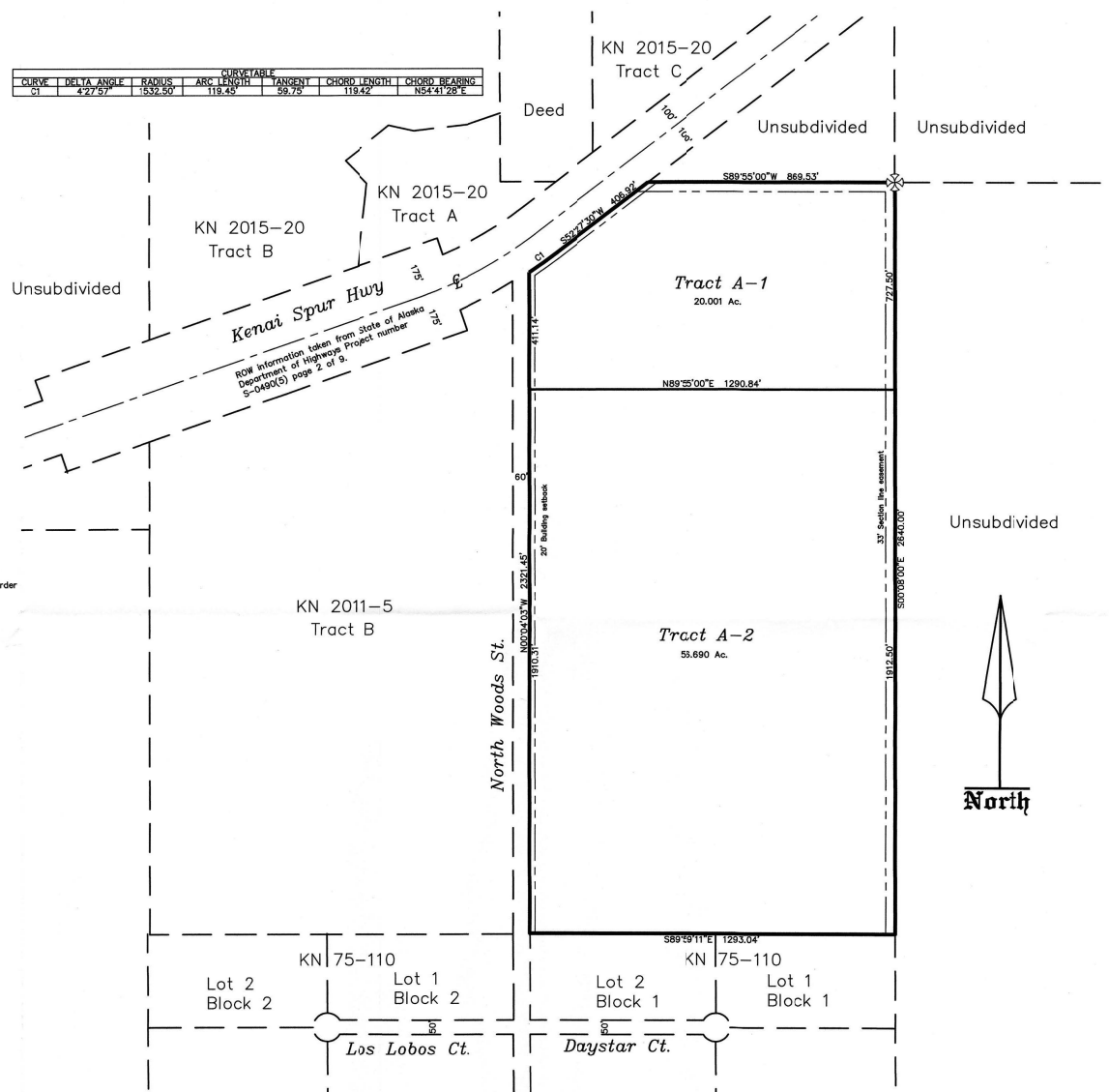
- 1) Basis of bearing taken from Bear Lahai Roi Subdivision, Plat 2011-5, Kenai Recording District.
- 2) Building Setback-A setback of 20 feet is required from all street Rights-of-Way unless a lesser standard is approved by resolution by the appropriate Planning Commission.
- 3) Roads must meet the design and construction standards established by the Borough in order to be considered for certification and inclusion in the Borough road maintenance program.
- 4) No private access to State maintained ROW's permitted unless approved by the State of Alaska Department of Transportation.
- 5) This property is subject to a reservation of easement for highway purposes, and any assignments or uses thereof for recreational, utility or other purposes, as disclosed by Public Land Order No. 601, dated August 10, 1949; and amended by Public Land Order Number No. 757, dated October 10, 1959; Public Land Order No. 1613, dated April 7, 1958; Department of the Interior Order Number 2665, dated October 16, 1951, Amendment Number 1 thereto, dated July 17, 1952 and Amendment Number 2 thereto, dated September 15, 1955, filed in the Federal Register.
- 6) An easement for electric lines or system and/or telephone lines granted to Homer Electric Association is recorded in Book 10 Page 17, Kenai Recording District. No definite location disclosed.
- 7) A right of way grant for pipeline and related purposes in favor of Phillips Petroleum Company is recorded in Book 30 Page 179, Kenai Recording District.
- 8) An easement for pipeline and related purposes granted to Niliaki Alaska Pipeline Company is recorded in Book 92 Page 767, Kenai Recording District.
- 9) A right of way lease for Niliaki Alaska Pipeline affecting a portion of this subdivision is recorded in Book 54 Page 652, Kenai Recording District. No definite location disclosed.
- 10) A right of way permit in favor of Phillips Petroleum Company which affects this subdivision is recorded in Book 563 Page 972, Kenai Recording District. No definite location disclosed.
- 11) Front 10 feet adjacent to right-of-ways and 20 feet within 5 feet of the side lot lines is 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.
- 12) WASTEWATER DISPOSAL: These lots are at least 200,000 square feet 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.



SURVEYOR'S CERTIFICATE

I hereby certify that I am properly registered and licensed to practice land surveying in the State of Alaska, this plat represents a survey made by me or under my direct supervision, the monuments shown hereon actually exist as described, and all dimensions and other details are correct.

Date _____



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 PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

JEFFERY A. SMARDO CAROLINE E. SMARDO
45112 DAYSTAR CT.
KENAI, ALASKA 99611

NOTARY'S ACKNOWLEDGEMENT

FOR _____
ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____ 20____

NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES _____

NOTARY'S ACKNOWLEDGEMENT

FOR _____
ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____ 20____

NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES _____

PLAT APPROVAL

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

KENAI PENINSULA BOROUGH

AUTHORIZED OFFICIAL _____

KPB FILE No. _____

Bear Lahai Roi Subdivision
2022 Addition

A resubdivision of Tract A Bear Lahai Roi Subdivision Amended Plat 2011-5, Kenai Recording District.

Located within the NE1/4 and the NW1/4 Section 19, T8N, R10W, S.M., Kenai Peninsula Borough Alaska.

Containing 102.653 Ac.

Surveyor Segesser Surveys 30485 Rosland St. Soldotna, AK 99669 (907) 262-3909	Owners Jeffery A. & Caroline E. Smardo 45112 Daystar Ct. Kenai, Alaska 99611
--	--

JOB NO. 22071	DRAWN: 5-31-22
SURVEYED: May, 2022	SCALE: 1"=200'
FIELD BOOK: 22-2	SHEET: 1 of 1

KPB 2022-089

AGENDA ITEM E. NEW BUSINESS

ITEM 6 - BEAR LAHAI ROI SUBDIVISION 2022 ADDITION

KPB File No.	2022-089
Plat Committee Meeting:	July 18, 2022
Applicant / Owner:	Jeffrey and Caroline Smardo of Kenai, AK
Surveyor:	John Segesser / Segesser Surveys
General Location:	Kenai Spur Highway, North Woods Street, Nikiski

Parent Parcel No.:	025-190-27
Legal Description:	Tract A Bear Lahai Roi Sub Amended KN 2011-5
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide a 76.69 acre parcel into two tracts that will be 20 acres and 56.69 acres.

Location and Legal Access (existing and proposed): The proposed plat is located near mile 35 of the Kenai Spur Highway in the Nikiski area. The property abuts the Kenai National Wildlife Refuge boundary along the eastern side. North Woods Street is a 60 foot wide borough maintained right-of-way that is along the western boundary of the subdivision. A 33 foot wide section line easement is present along the northern and eastern boundary of the subdivision.

Both of the new tracts will have access from North Woods Street. Section line easements may also be utilized to access portions of the tracts. The northern tract will also have frontage to the Kenai Spur Highway but access must be approved by Alaska DOT.

The block exceeds allowable limits. Exceptions to block length and right-of-way dedications have been requested.

KPB Roads Dept. comments	Out of Jurisdiction: No Roads Director: Uhlin, Dil Comments: No comments
SOA DOT comments	The ROW for Kenai Spur Highway appears to be shown correctly.

Site Investigation: Some low wet areas are present within the subdivision. **Staff recommends the low wet areas be depicted and a wetland determination note be added to the final plat.**

Per KPB GIS data, there appears to be a few areas with steep terrain present. **Staff recommends terrain exceeding 20 percent slopes be shown on the final plat and if right-of-way dedications are required in areas with terrain steeper than allowed by code, centerline profiles be submitted for review.**

Staff would like to note the depiction of slopes and wetlands are a requirement under KPB 20.25.070 and the failure to present the information on the preliminary submittal may cause a delay in scheduling items for a meeting.

KPB River Center review	A. Floodplain Reviewer: Carver, Nancy Floodplain Status: Not within flood hazard area
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	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 The proposed plat is a replat of a large acreage tract that was created by Bear Lahai Roi Subdivision Amended, KN 2011-5. The recording of the plat prior to amendments was done in 2010. The amendment was to add a plat note for an easement.

A soils report will be not be required due to the size of the lots.

Notice of the proposed plat was mailed to the beneficial interest holder on June 27, 2022. A response of non-objection has been received.

The property is not within an advisory planning commission.

It appears that lots to the south may be using a utility easement along the southern boundary of the property for access. All lots do have additional access and it appears that multiple access points may be in use. Staff would like to note that easements for utilities are for the providers and not to be used as rights-of-way for the public. It does appear that the property may be the same owners of the proposed subdivision and they have the right to cross their own property for access but if ownership changes on the properties involved access may be denied if there are no access or driveway easements in place.

Utility Easements The parent plat granted 10 foot utility easements adjacent to the dedicated rights-of-way. The proposed plat will be carrying over the 10 foot utility easements and granting 20 foot utility easement within 5 feet of the side lot lines. Due to the scale of the plat, **staff recommends a typical setback/utility easement depiction be added to the plat that include the side lot line easements.**

Several recorded easements are present and noted on the plat. Several of the easements contain information regarding the location and several of them were depicted on the parent plat. **Staff recommends any easement granted by document be shown on the plat with a label referring to a plat note or state the document creating the easement.**

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: Yes</p> <p>List of Correct Street Names: NORTH WOODS ST KENAI SPUR HWY LOS LOBOS CT DAYSTAR CT</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

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.
4. Show found and set pins on drawing.

Staff recommendation: The location needs revised as this is within the E1/2 NE1/4 or just NE1/4 is sufficient. The owner's first name is misspelled according to the Certificate to Plat and the deed within the Certificate to Plat. Update the acreage.

- 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: The Kenai National Wildlife Refuge is located to the east of the property. This should be noted and depicted on the neighboring property.
- 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: The Kenai National Wildlife Refuge boundary should be depicted and a label added.
- 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: Lot 2 Block 1 located south of the subdivision has been replatted and should be revised for a corrected depiction and labeling. A plat has been submitted for the property to the west of North Woods Street. Prior to creating the mylar the status of the property should be verified to determine if a new depictions and labels will be required.

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: Due to the size of the proposed lots, a soils analysis report will not be required.

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: 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 plat note for any exceptions granted.

The plat note numbers need to be revised.

Plat note 4 is not required unless right-of-way dedications are required.

Plat note 11 should include the Assignment recorded as document 2017-000-133-0, KRD.

EXCEPTIONS REQUESTED:

KPB 20.30.030 – Proposed street layout-requirements and KPB 20.30.170 – Blocks-Length Requirements

Surveyor's Discussion: We are asking for exceptions to block length and road dedications for this plat. The property to the east is owned by US Fish and Wildlife and the section line easements provide access. The owners want to sell Tract A-1 and retain Tract A-2. Both tracts are large enough to be subdivided in the future and rights-of-way could be dedicated at that time.

Staff Discussion: KPB Code state streets should be provided for the continuation or appropriate projection of all streets and to provide reasonable means of ingress for surrounding acreage tracts. The dedications should be done in a way that the block is not less than 330 feet and no more than 1,320 feet.

Section line easements, North Woods Street, and the Kenai Spur Highway define the incomplete block. There is no east-west right-of-way until Silvertip Avenue to help improve the block lengths. The distance along North Woods Street is 2,321 feet and exceeds the distance for the block.

Findings:

1. KPB Code requires right-of-way projection for future needs and to provide adequate access.
2. Block lengths should not exceed 1,320 feet.
3. The Kenai National Wildlife Refuge is located to the east.
4. A 33 foot section line easement is present along the northern and eastern boundary of the subdivision.
5. Per the parent plat, underground gas lines are along the southern and eastern boundary of the subdivision.
6. Wetlands are present in several locations of the subdivision.
7. Some areas of steep terrain are present with the steepest area within the southeastern corner of the subdivision.
8. The proposed plat is creating large acreage tracts.

If the exception is denied dedications will be required to bring the blocks into compliance. This may be done by a mixture or using section line easements or right-of-way dedications. This would include a dedication within the bounds of the subdivision and along the southern boundary. If a dedication is required along the eastern boundary a full 60 foot dedication should be considered as the property to the east is not subject to a section line easement and is part of the Kenai National Wildlife Refuge and no matching dedication would be expected.

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 3-8 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 3-8 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 3-8 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.

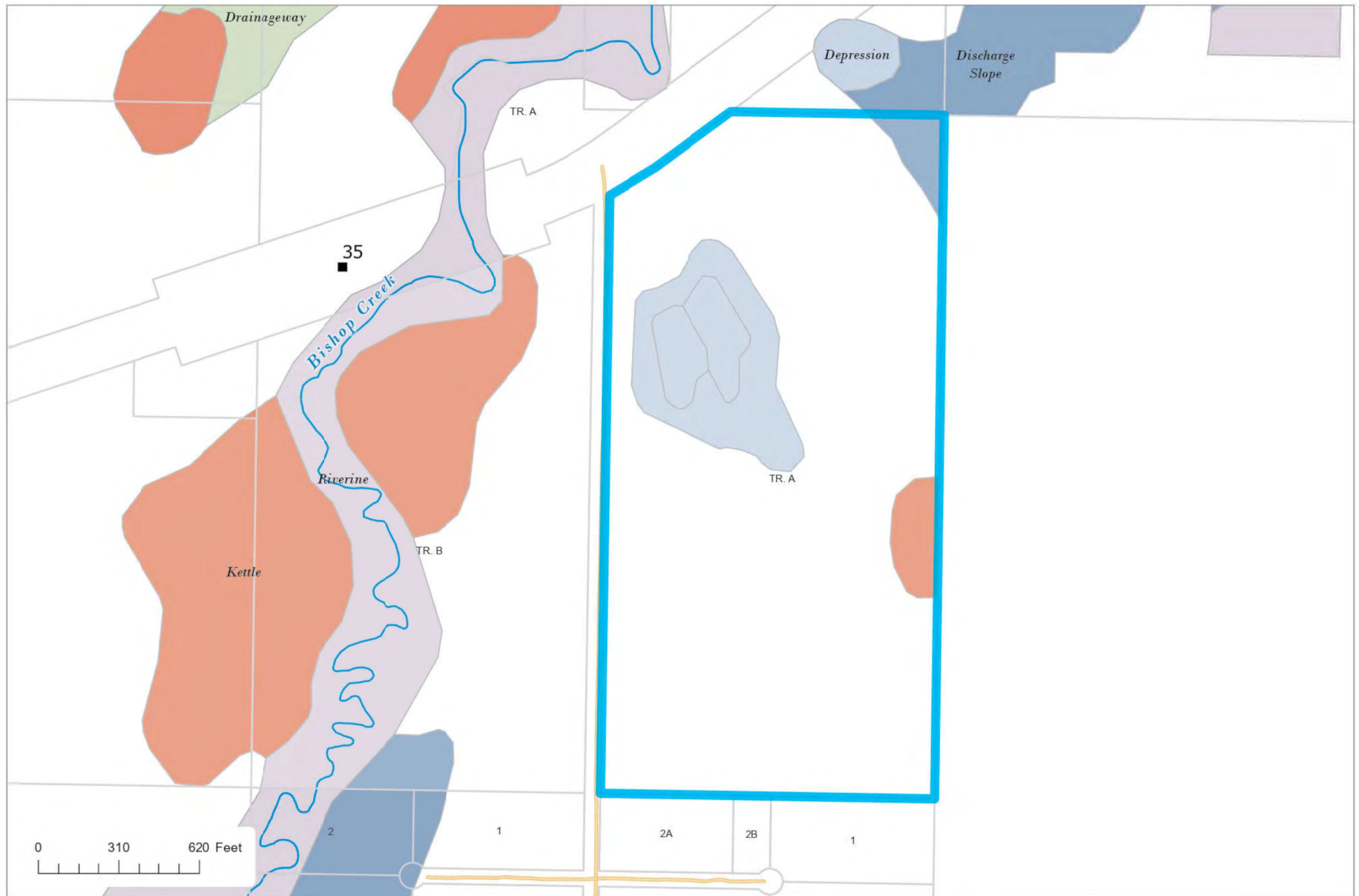
A PARTY OF RECORD MAY REQUEST THAT A DECISION OF THE PLAT COMMITTEE BE REVIEWED BY THE PLANNING COMMISSION BY FILING A WRITTEN REQUEST WITHIN 15 DAYS OF NOTIFICATION OF THE DECISION IN ACCORDANCE WITH KPB 2.40.080.

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.

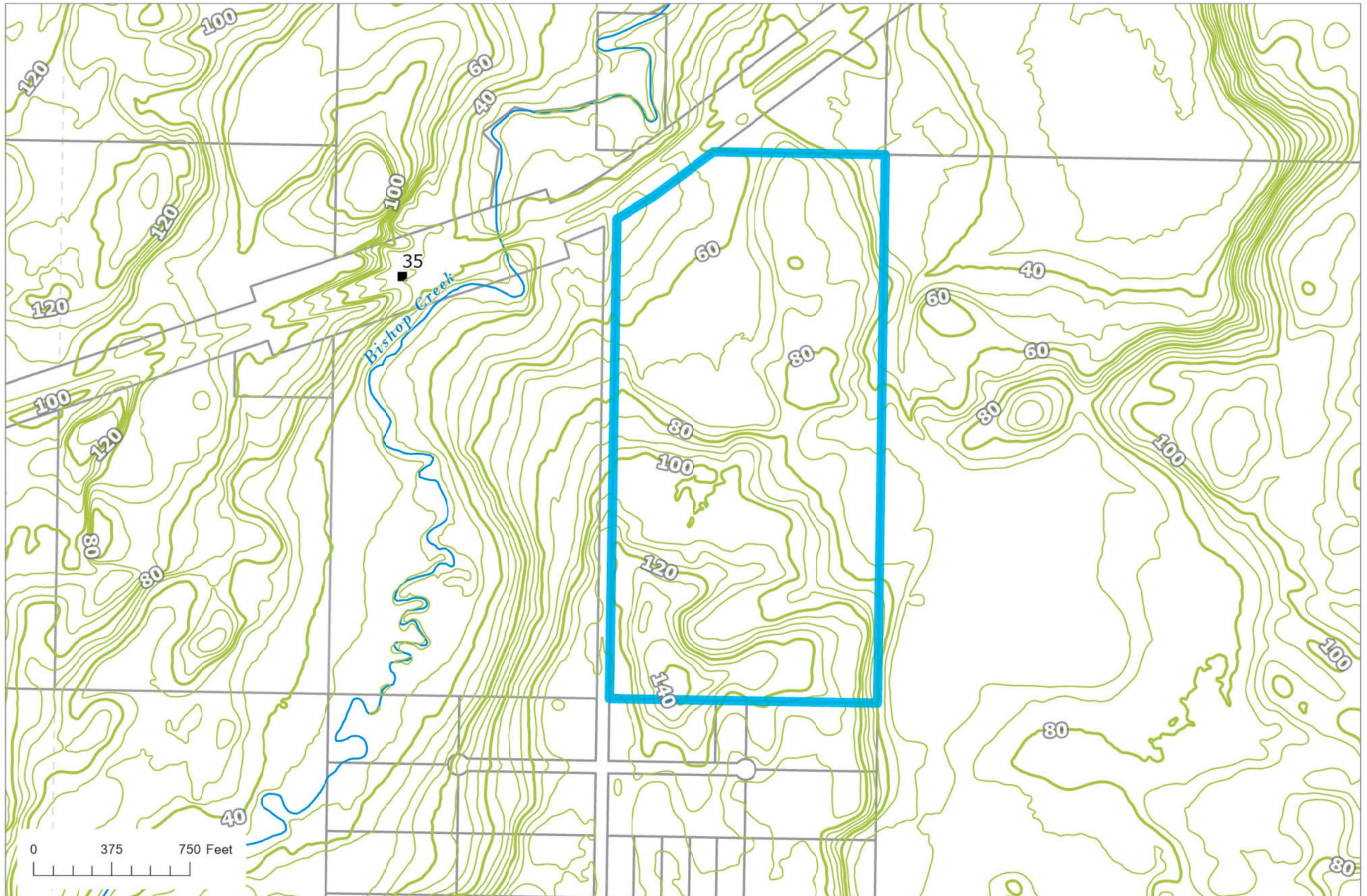
END OF STAFF REPORT



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.



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.

CURVE	DELTA	RADIUS	LENGTH	(1/4" = 100')	(1/4" = 100')
C1	14°54'50"	1532.50'	398.91'	397.70'	1505.54'
C2	7°48'42"	1532.50'	208.94'	208.70'	803.22'
C3	2°38'12"	1532.50'	70.52'	70.51'	280.18'
C4	4°27'57"	1532.50'	119.42'	119.42'	464.91'



NOTES:

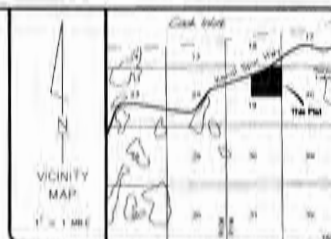
- Proposed land uses are recreational, residential, agriculture, and commercial.
- Building Setback - With the acceptance of the Survey and Monumentation waiver a 50 foot setback is required from all street right-of-ways, which will result in the standard 20 foot setback from all street right-of-ways when the property lines are surveyed and monumented.
- No private access to State maintained ROW's permitted unless approved by the State of Alaska Department of Transportation.
- Front 10 ft. of the building setback adjacent to rights-of-way is also on 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.
- This is a paper plat. Kenai Peninsula Borough Planning Commission approved a survey and monumentation waiver, at the last council meeting on January 4, 2010, for this plat to be exempt from the survey and monumentation requirements of Section 20.16.01. The boundary and lot lines were not surveyed for this plat. An on-site survey was performed on the existing grant road and the overhead utility line within North Woods Street ROW to verify true location within the ROW.
- WASTEWATER DISPOSAL** - Grass lots are at least 20,000 square feet or nominal 5 acres 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.
- Portions of this subdivision are within the Kenai Peninsula Borough 50-Foot Anadromous Stream Habitat Protection Area. See Chapter 21.18 Borough Code of Ordinances for restrictions that affect development in this subdivision.
- Stream and low wet areas were digitized from a certified aerial photograph. Actual field work was not performed to show the location of these areas.
- Blanket utility easement which affects this property is recorded in Book Misc.18 Page 17, Kenai Recording District.
- Existing overhead power line is the centerline of a 30 foot wide electrical distribution line easement including guys and anchors.
- A right-of-way easement for a 50 foot easement centered on a buried pipeline affects the property. Recorded in Map Book 30, pages 179 and 180, Kenai Recording District.

LEGEND:

-
-
-
-
-
- [] Record Datum - State of Alaska ROW Map Project No. S-0480 (3) & S-0480 (5)
- () Record Datum - North Woods Subdivision Plot # 75-110
- [] Record Datum - ROW ROW & U.M., BLM Survey accepted April 27, 1985

CERTIFICATE OF SURVEYOR

I hereby certify that I am properly registered and licensed to practice land surveying in the State of Alaska, this plat represents a survey made by me or under my direct supervision, the instruments shown hereon actually exist as described, and all dimensions and other details are correct in the normal standards of practice of land surveyors in the State of Alaska.



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 ADJUST THIS PLAN OF SUBDIVISION AND BY THIS DEED, CONVEY, DEDICATE, AS, RIGHTS-OF-WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

Paul J. Hulse, Notary Public for Alaska, My Commission Expires 11-10-13

PG 100003
Kenai, AK 99545

NOTARY'S ACKNOWLEDGMENT

SUBSCRIBED AND SHOWN BEFORE ME THIS 20th DAY OF FEBRUARY, 2010 FOR PAUL J. HULSE, A SUBJECT OF ALASKA.

NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES 11-10-13

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF JANUARY 11, 2010.

KENAI PENINSULA BOROUGH

Notary Public

2010-3

AMENDED

KPB FILE NO. 2010-005

Bear Lahai Roi Subdivision

A subdivision of the portion of the NE 1/4, Section 16, Township 6 North, Range 10 West, Seward Meridian, 1900 South of the Rural Four Highway. Located within the NE 1/4 S16 T6N R10W S4 Kenai Recording District, Kenai Peninsula Borough, Alaska.

Containing 137.902 Acres (Computed)

INTEGRITY SURVEYS, INC.

43550 Kalfakessy Road, Suite 10, Seward, Alaska 99589
SANDY: (907) 383-0047
JANIS: (907) 383-0071

JOB NO: 29156
SURVEYED: January 15, 2010
FIELD BY: 2010-1 PS: 1
DRAWN: 10 February 2010
SCALE: 1" = 200'
FILED: 20106 psdm plot.dwg