# **E. NEW BUSINESS**

 Fisherwood Place 2022 Replat; KPB File 2022-107 Peninsula Surveying / Kieffer Location: Jeanne Circle & North Fork Road Anchor Point Area / Anchor Point APC



## Kenai Peninsula Borough Planning Department

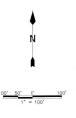
Vicinity Map

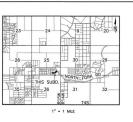












CERTIFICATE OF OWNERSHIP AND DEDICATION

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE REAL PROFERTY SHOWN AND DESCRIBED HEREON AND THAT WE HEREBY ADOPT THIS PLAN OF SUBDIVISION AND BY OUR FREE CONSENT DEDCATE ALL RIGHTS-OF-WAY AND GRANT ALL EASEVENTS TO THE USE SHOWN.

KEYTON ALLEN KIEFFER (LOT 4) PO BOX 908, ANCHOR POINT, AK 99556

ANNE LYDETTE KIEFFER (LOT 4) PO BOX 908, ANCHOR POINT, AK 99556

NOTARY ACKNOWLEDGMENT

FOR: KEYTON ALLEN KIEFFER AND ANNE LYDETTE KIEFFER

ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF\_

NOTARY PUBLIC FOR ALASKA MY COMMISSION EXPIRES: \_

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.

ANGELO JIM TOCI (LOT 3B) PO BOX 83, ANCHOR POINT, AK 99556

DONNA TOCI (LOT 3B) PO BOX 83, ANCHOR POINT, AK 99556

NOTARY ACKNOWLEDGMENT

FOR: ANGELO JIM TOCI AND DONNA TOCI ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF\_\_\_

NOTARY PUBLIC FOR ALASKA MY COMMISSION EXPIRES:

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

CURVE TABLE						
CUFVE	LENGTH	RADIUS	DELTA ANGLE	TANGENT	CHORD	CHORD BEARING
CI	52.40	50.00	50'02'42"	28.89	50.03	N30*01'20"W

WASTEWATER DISPOSAL

PLAT APPROVAL

AUTHORIZED OFFICIAL

WASIEWATER TREATMENT AND DISPOSAL SYSTEMS MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

HM 76-68

LOT 9

HM 76-68

LOT 8

& CENTENNIAL AVE

HM 76-68

LOT 7

HM 76-68

LOT 6

HM 76-68

LOT 2

HM 76-68

LOT 3

N89'59'38"E 304.75

LOT 4A

UTILITY EASEMENT GRANTED THIS PLAT

HM 76-68

LOT 5

N00°00'37"W 70.50'

10' UTILITY EASEMENT PER HM 76-58

- 1. A BUILDING SETBACK OF 20' IS REQUIRED FROM ALL STREET RIGHTS-OF-WAY UNLESS & LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.

DEED PARCEL

HM 2006-53 LOT 3A

FORMER LOT LINE

LOT 4B

BK 21 PG 206 HRD

2.821 ACRES

1. A DUILLING SCIENCE OF 2013 REQUIRED FROM ALL STREET INSTITUTE OF THE STREET OF STREET OF THE STRE RECORDED DECEMBER 9, 1959.

PENINSULA SURVEYING, LLC

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

PLAT OF

FISHERWOOD PLACE 2022 REPLAT

A SUBDIVISION OF

LOT 4, FISHERWOOD PLACE SUBDIVISION IM 76–88 AND LOT 3B, TOCI
TRACTS HM 2006–53, WITHIN SEC. 25, T.4S., R15W, S.M.
HOMER RECORDING DISTRICT, KENN PENINSULA BOROUGH
CONTAINING 4,914 ACRES

WINERS: KEYTON ALLEN KIEFFER AND ANNE LYDETTE KIEFFER PO BOX 908, ANCHOR POINT, AK 39556 ANGELO JIM TOCI AND DONNA TOC. PO BOX 83, ANCHOR POINT, AK 93556

SCALE: 1" = 100" DATE: JULY 13, 2022 SHEET: 1 OF 1

KPB 2022-107

HM 83-50

TRACT 1

HM 83-50

TRACT 2

HM 83-50 TRACT 3

HM 83-50

TRACT 4

#### AGENDA ITEM E. NEW BUSINESS

## ITEM 1 - Fisherwood Place 2022 Replat

KPB File No.	2022-107
Plat Committee Meeting:	August 8, 2022
Applicant / Owner:	Keyton Allen and Anne Lydette Kieffer and Angelo Jim and Donna Toci all of
	Anchor Point, AK
Surveyor:	Jason Schollenberg / Peninsula Surveying LLC
General Location:	Anchor Point / Anchor Point APC

Parent Parcel No.:	165-250-18 and 77
Legal Description:	Lot 4 Fisherwood Place Subdivision HM 76-68 and Lot 3B, Toci Tracts HM 2006-53
Assessing Use:	Residential and Commercial
Zoning:	Rural Unrestricted
Water / Wastewater	On site

#### STAFF REPORT

<u>Specific Request / Scope of Subdivision:</u> The proposed plat will reconfigure the shared lot lines between the two lots. Two exceptions have been requested to KPB Code. A) 20.40 Wastewater Review. and B) 20.30.120 Street Width

<u>Location and Legal Access (existing and proposed):</u> Lot 4 of Fisherwood Place Subdivision, HM 76-68 is accessed on Jeanne Circle, a 50-foot-wide existing right-of-way. Jeanne Circle ends in cul-da-sacs at both ends accessed from the west by Centennial Avenue. Both Jeanne Circle and Centennial Avenue are maintained by the borough. With this replat, access to lot 4A will remain on Jeanne Circle.

Lot 3B of Toci Tracts, HM 2006-53 is accessed on North Fork Road which is a 100-foot dedication. North Fork Road is a State of Alaska maintained road. Plat HM 76-68 depicts a possible shared driveway with Lot 3A.

These are existing road dedications; no new dedication is proposed. An exception to KPB 2.30.120 Streets – Width requirement for Jeanne Circle, has been requested by the surveyor.

KPB Roads Dept. comments	Roads Director: Painter, Jed Comments:
	No comments
SOA DOT comments	No objection

<u>Site Investigation:</u> Terrain in the area is relatively flat. KPB satellite imagery indicates this property may border wet areas with a pond to the South of lot 4B.

**Staff recommendation**: place a note on the final plat indicating 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.

KPB River Center review	A. Floodplain
	Reviewer: Carver, Nancy
	Floodplain Status: Not within flood hazard area
	Comments: Parcels located in Zone D which is Non-Regulatory
	Confinence. Faicers located in Zone D which is Non-Negulatory
	D. Habitat Protection
	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

<u>Staff Analysis</u> This is a replat of two existing lots. Lot 4 of Fisherwood Place Subdivision HM76-68 and Lot 3B of Toci Tracts HM2006-53. This plat is re-aligning the lot line between the two lots to the East by approximately 125 feet. Access is currently provided by Jeanne Cir, and North Fork Road

A soils report is required and an engineer will sign the final plat, per KBP 20.40. An exception to KPB 20.40 Wastewater review has been requested by the surveyor.

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.

Anchor Point 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.

There appears to be a joint drive usage with Lot 3A to the North of Lot 4B. If this is going to be a continuing use, a drive easement needs to be depicted, filed and shown on the Final Plat. If not, a note needs added to the Final stating new access is being acquired from the State of Alaska.

## **Utility Easements**

Utility easements are shown on the preliminary design Lot 4 of Fisherwood Place Subdivision, HM 76-68 finalized a right of way vacation and the 10-foot utility easement remained. This easement is depicted correctly. On Lot 3B of Toci Tracts, HM 2006-53 building setbacks and utility easements were granted along North Fork Road entirely. Plat note 1 of HM 2006-53 has carried forward.

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:**

Chility provided reviews		
HEA	Locate the overhead electric line and depict on the final plat. Provide a plat note that states, "The existing overhead powerline is the centerline of a 30-foot-wide electrical easement,	
	The existing overhead powerline is the centerline of a 30-100t-wide electrical easement,	
	including guys and anchors, granted this plat."	
ENSTAR	No objection	
ACS	No objection	
GCI	No objection	

KPB department / agency review:

IN D acpartment / agency review	<u>-</u>
Addressing	Reviewer: Haws, Derek
	Affected Addresses:
	32930 JEANNE CIR
	34621 NORTH FORK RD
	Comments:
	32930 JEANNE CIR will remain with lot 4A.
	34621 NORTH FORK RD will remain with lot 4B.
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
Advisory Planning Commission	APC Minuets have not been received when this staff report was prepared

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.

- 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:** To the west, Lot 6 is 6A and 7 is 7A in subdivision HM87-19, please change accordingly.
- H. Approximate locations of low wet areas, areas subject to inundation, areas subject to flooding or storm water overflow, and the line of ordinary high water. This information may be provided on an additional sheet if showing these areas causes the preliminary plat to appear cluttered and/or difficult to read;
  - Staff recommendation: There is a lake on the lot to the South depicted as BK 21 PG 206 HRD.
- L. Contours at suitable intervals when any roads are to be dedicated unless the planning director or commission finds evidence that road grades will not exceed 6 percent on arterial streets, and 1 0 percent on other streets;
  - **Staff recommendation:** No contours shown; however, the land is flat enough that no steep slopes or street grade issues are present.

#### **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.

#### 20.30.050. Legal access.

- A. The applicant shall provide an access plan to the planning department verifying the existence of legal access to the subdivision boundary. The plan shall consist of the documents depicting the access, a map depicting the location of the access, and topographic information indicating that construction which meets the design requirements set forth in KPB Chapter 20.30 is practical and economical. In this title, legal access exists where an unrestricted, public right-of-way connects the subdivision to the state highway system, the state marine highway system or a regularly served public airport, and one of the following is met:
  - 1. Ingress and egress will be provided over section line easements located within a surveyed section;
  - 2. The applicant provides copies of borough-accepted recorded conveyances creating the public easement or right-of-way where the access is located;
  - 3. That access is a State of Alaska maintained road or municipal maintained road;
  - 4. The applicant provides documentation satisfactory to the borough demonstrating that public legal access is guaranteed through judicial decree; or
  - 5. The right-of-way is an easement or fee interest at least 60 feet in width dedicated or irrevocably conveyed to the public and acceptable to the planning commission.
- B. The following situations may qualify for a waiver of the legal access requirement:
  - 1. Upon finding that no practical means of providing road access to a proposed subdivision exists and upon presentation of credible and convincing evidence by the applicant that permanent public access by air, water, or railroad is both practical and feasible, the planning commission may waive the legal access requirements of KPB 20.30.050(A). If access other than by road is approved, the mode of access shall be noted on the plat.
  - 2. Where only a 30-foot dedication exists over all or a portion of the legal access to a subdivision, the provisions of KPB 20.30.050(A) may be considered met if it is reasonable to expect that the other 30 feet will be dedicated in the future.
  - 3. Where a road is in use for physical access but there is no right-of-way document for all or part of the access road, the provisions of KPB 20.30.050(A) may be considered met if it is reasonable to expect that the right-of-way will be dedicated in the future.

**Staff recommendation:** Access to 4B currently is from the North on Lot 3A. if this is to continue, and easement document for ingress / egress needs to draw up and filed.

#### 20.30.060. Easements-Requirements.

- A. The planning commission may require easements it determines necessary for the benefit of the public. Such easements include, but are not limited to, lateral support (slope) easements, drainage easements for ditching or protection of a drainage, and utility easements. Required easements do not need to be for road purposes.
- B. Upon submittal of a preliminary plat, the planning department shall provide a copy to public utility companies for their comments-and recommended design of utility easements. If the property is subject to existing natural gas or petroleum pipeline easements, a copy shall also be furnished to the appropriate company for comment.
- C. The subdivider bears the responsibility for coordination with the utility companies during the design and development phases. When a subdivider and the utility company cannot agree on easements, the final plat will be taken to the planning commission for determination of easements.

D. Unless a utility company requests additional easements, the front ten feet adjoining rights-of-way shall be designated as a utility easement, graphically or by note. Within the boundaries of an incorporated city, the width and location of utility easements will be determined by the city and affected utility providers. **Staff recommendation**: The affected utility providers were emailed the subdivision plat public hearing notice as part of the routine notification process. Show the HEA 30' Utility Easement as requested.

#### **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:

**Staff recommendation**: comply with 20.40. A request for exception to wastewater disposal has been submitted

#### **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.

20.60.120. Accuracy of measurements. All linear measurements shall be shown to the nearest 1/10 foot, and angular measurements shall be at least to the nearest minute. All lot areas shall be shown to the nearest 10 square feet or to the nearest 1/1,000 of total acres. Meander lines, dry land areas and submerged land areas shall be shown in addition to total area when applicable. All boundary closures shall be to a minimum accuracy of 1:5,000. Boundary and lot closure computations must be submitted with the final plat.

Staff recommendation: show basis of bearing.

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.

Staff recommendation: Add a legend to the drawing

- 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.
  - "No access to state-maintained rights-of-way permitted unless approved by the State of Alaska Department of Transportation."
  - 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).
  - The borough will not enforce private covenants, easements, or deed restrictions per KPB 20.60.170.

If the travel way shown on the plat is a private drive, **staff suggests** the following note be placed on the final plat to avoid confusion about public use in the future: Private road shown is for use of owners only and is <u>not</u> dedicated to public use.

20.60.200. Survey and monumentation.

**Staff recommendation**: Show monumentation of found and set pins

20.60.210. Approval-Authority-Certificate issued when.

Platting Staff Comments: If the Plat Committee conditionally approves the preliminary plat, staff will comply with, and follow, Add meeting date of August 8, 2022 to Plat Approval certificate.

#### **EXCEPTIONS REQUESTED:**

## A. KPB 20.40 Wastewater Review

<u>Surveyor's Discussion:</u> This plat will move the lot line that is common to lot 4 and lot 3B. Lot 4 will be renamed lot 4A, containing 2.1 acres, Lot 4A is increasing in size by approximately 18,000 square feet. Lot 3B will be renamed as lot 4B, containing 2.8 acres. Lot 3B will still over 20,000 square feet of usable area for septic placement.

#### Staff Discussion:

## Findings:

- 1. KPB Code 20.40 requires soil testing for all lots.
- 2. Toci Tracts Plat HM 2006-53 Wastewater Disposal includes a wastewater disposal statement that lots are suitable for conventional on-site wastewater treatment and disposal systems, signed by a licensed engineer.
- **3. 20.40.020 1.c** Moving one or more lot lines without increasing the number of developable lots, while maintaining a minimum of 20,000 square feet of contiguous area, as described in KPB 20.40.040(A)(4)(a), for each lot affected by the lot line movement.

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 1-3 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 1-3 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 1-3 appear to support this standard.

## B. KPB 20.30.120 Street Width

Surveyor's Discussion: Existing access to lot 4 is from North Fork Rd, to David Lee St, to Centennial Ave, to Jeanne

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Cir. The platted right-of-way width for Centennial Ave and Jeanne Cir 50 ft. Jeanne Cir ends in a cul-de-sac and currently provides access to only one more residential lot beyond lot 4. The portion of Jeanne Cir that would be need to be widened to meet KPB code is unlikely to ever serve more than the two residential lots that is does now.

<u>Staff Discussion:</u> Fisherwood Place Subdivision, HM 76-68 dedicated the right-of-way ending in cul-de-sac Jeanne Circle as 50 foot wide. When dedicated, eight lots would have access from Jeanne Circle, which it remains at. No new lots are being created with this plat and no more are indicated at this time.

If denied, this plat will be required to dedicate a portion of right-of-way.

## Findings:

- 1. KPB Code 20.30.120 requires right of way widths to be 60 feet.
- 2. Plat HM 76-68, Fisherwood Place Subdivision, dedicated Jeanne Circle as 50 foot wide
- 3. Jeanne Circle is approximately 200 feet long in the South direction.
- 4. Jeanne Circle ends with a bulb that has a 50-foot radius.
- 5. Per KPB Code 20.90, definitions, a cul-de-sac serve no through traffic and are closed permanently.
- 6. There are currently four lots with available access from Jeanne Circle.
- 7. Currently two lots have constructed access from Jeanne Circle.

## Staff reviewed the exception request and recommends granting approval.

Staff recommends the Committee select the findings they determine are applicable, make additional findings if needed, tie the findings to the following standards, and vote on the exception in a separate motion.

Unless prohibited under this title, the commission (committee) may authorize exceptions to any of the requirements set forth in this title. Application for an exception shall present the commission (committee) with substantial evidence, justifying the requested waiver or exception stating fully the grounds for the application and the facts relied upon. All exceptions must be requested and granted at the time of preliminary plat approval. Exceptions may not be requested with a final plat submittal.

The commission (committee) shall make findings of fact meeting the following standards before granting any exception:

- 1. That special circumstances or conditions affecting the property have been shown by application; Findings 2-7 appear to support this standard.
- That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title;
   Findings 2-7 appear to support this standard.
- That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.
   Findings 2-7 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

Page **7** of **8** 

- 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** 







KPB File 2022-107





