

E. NEW BUSINESS

5. Canyon View 2022; KPB File 2022-034

Ability Surveys / Reutov, Basargin

Location: East End Road & Caynon View Road

Fox River Area / Kachemak Bay APC



Vicinity Map

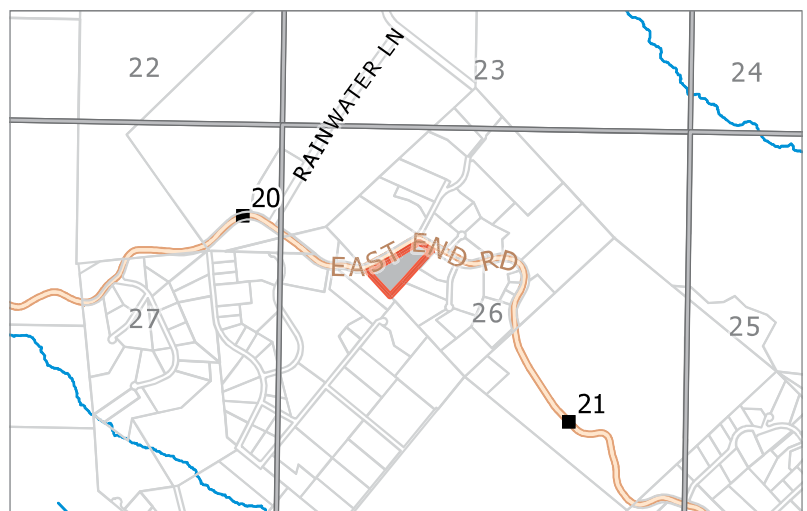
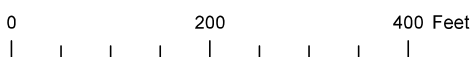


KPB File # 2022-034V

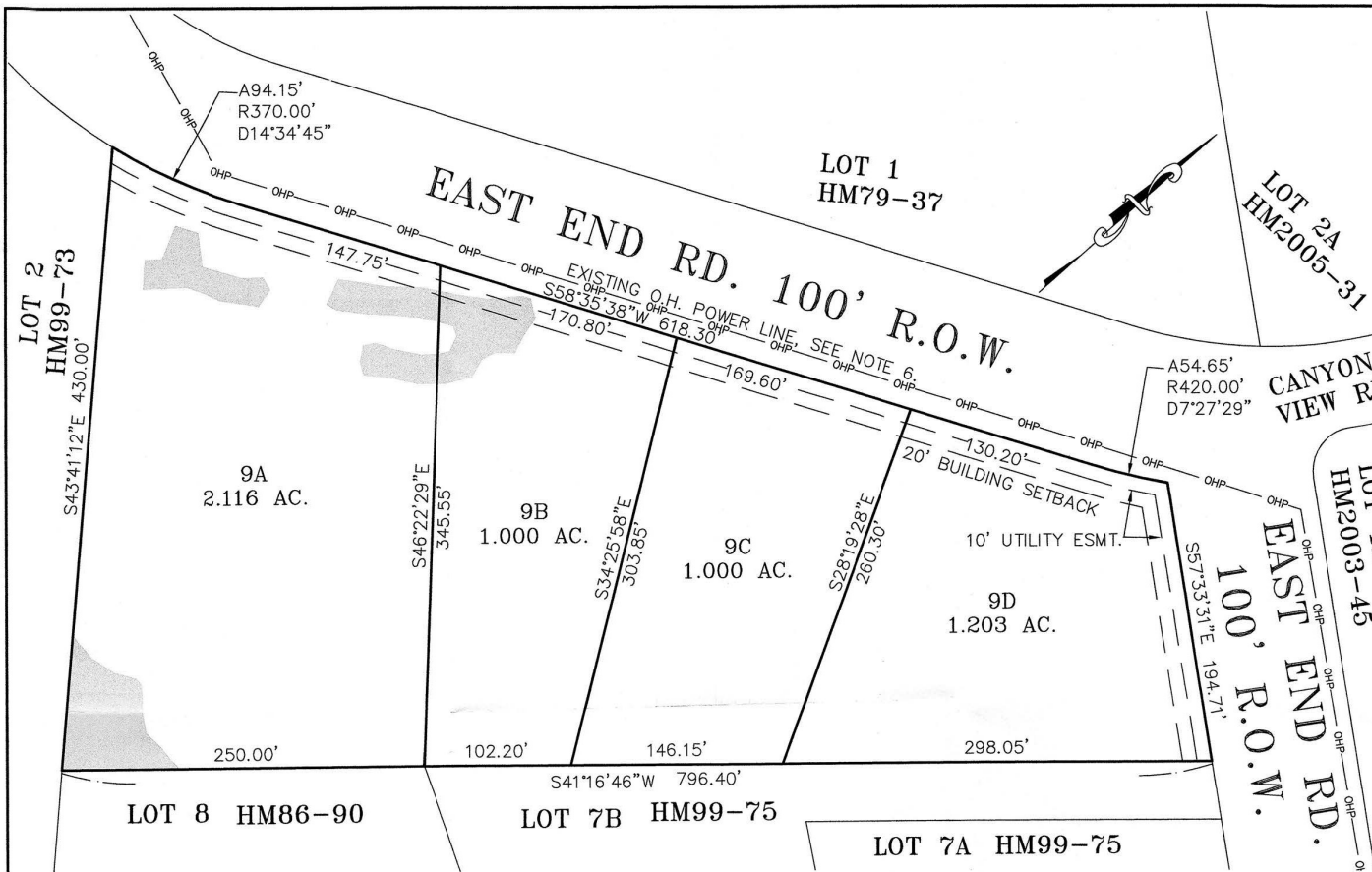
S26-T04S-R11W

Fox River

3/24/2022







CERTIFICATE OF OWNERSHIP

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 public rights-of-way and grant all easements to the use shown.

EVDOKIA V REUTOV
PO BOX 2126
Homer, AK 99603

PETRO N BASARGIN
PO BOX 2126
Homer, AK 99603

NOTARY'S ACKNOWLEDGEMENT

For EVDOKIA V REUTOV AND PETRO N BASARGIN

Acknowledged before me this ____ day of _____, 2022.

Notary public for Alaska

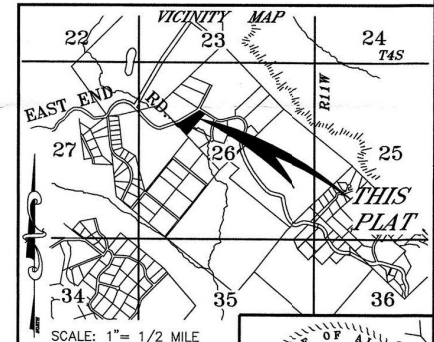
My Commission Expires _____

PLAT APPROVAL

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of _____, KENAI PENINSULA BOROUGH

BY _____

Authorized Official



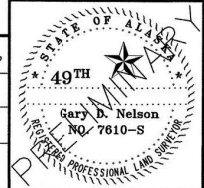
SCALE: 1" = 1/2 MILE

DATE 03-14-2022

SCALE 1" = 60'

JOB No. 5363

DRAWING: 5363_5344



CANYON VIEW 2022

A SUBDIVISION OF LOT 9, CANYON VIEW NO. 2 (HM86-90), LOCATED WITHIN THE NW1/4, SEC 26, T4S, R11W, S.M., KENAI PENINSULA BOROUGH, THIRD JUDICIAL DISTRICT, HOMER RECORDING DISTRICT, STATE OF ALASKA CONTAINING 5.318 ACRES

OWNERS: EVDOKIA V REUTOV
PETRO N BASARGIN
PO BOX 2126
HOMER, AK 99603

ABILITY SURVEYS

GARY NELSON, PLS
(907) 235-8440
152 DEHEL AVE., HOMER ALASKA 99603

NOTES

1. PER HM86-90, A BUILDING SETBACK OF 20 FEET IS REQUIRED FROM ALL STREET RIGHTS-OF-WAY UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
2. THE FRONT 10 FEET OF THE 20 FOOT BUILDING SETBACK IS A UTILITY EASEMENT.
3. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
4. THIS SUBDIVISION IS SERVED BY A PUBLIC WATER SYSTEM, ADEC PWSID #244955 (UPGRADED BY VILLAGE SAFEWATER PROJECT #890402).
5. GREY SHADING REPRESENTS SLOPES GREATER THAN 20% BASED ON 4' CONTOUR INTERVAL DATA ON KPB GIS.
6. BOOK 157, PAGE 799 IN THE HOMER RECORDING DISTRICT GRANTED HOMER ELECTRIC ASSOCIATION A RIGHT TO ENTER PREMISES TO MAINTAIN THE EXISTING ELECTRIC DISTRIBUTION LINES (GENERALLY ALONG EAST END ROAD).

WASTEWATER NOTES

PLAT #
Rec Dist
Date
Time

KPB 2022-034 KPB FILE NO. 2022-_____

AGENDA ITEM E. NEW BUSINESS

ITEM 5 - CANYON VIEW 2022

KPB File No.	2022-034
Plat Committee Meeting:	August 8, 2022
Applicant / Owner:	Evdokia Reutov & Petro Basargin both of Homer, Alaska
Surveyor:	Gary Nelson / Ability Surveys
General Location:	East End Road and Canyon View Road, Fox River / Kachemak APC

Parent Parcel No.:	185-330-08
Legal Description:	Lot 9 Canyon View No. 2 (HM86-90)
Assessing Use:	Residential
Zoning:	Unrestricted
Water / Wastewater	Public water / onsite wastewater

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide a 5.318-acre parcel into 4 lots ranging in size from 1.000 to 2.116 acres.

Location and Legal Access (existing and proposed): The proposed plat is located along East End Road. The majority of East End Road is state maintained but per KPB Data, this section is Borough maintained. This is in the Fox River area at the intersection with Canyon View Road, a 60 foot wide borough maintained right-of-way. All rights-of-way are existing, no new dedications are proposed.

Current access is from the North side of the lot. The three newly created proposed lots (9A-9C) will all have access to East End Road on the West side and the north lot (Lot 9D) will also access East End Road continue from the North side.

There is currently a driveway in existence from the northern portion of East End Road. This will provide access to Lot 9D. It appears that one of the structures currently present on the property will be within Lot 9C. Staff recommends if the ownership of the lots change and the intended access remains through Lot 9D for Lot 9C, a driveway or access easement be recorded.

The block is not compliant. Due to the terrain, cul-de-sac dedications, and improvements, a dedication by this subdivision to improve the block is not possible. ***Staff recommends the plat committee concur that an exception is not required as there are no practical dedications that can improve the block within this subdivision.***

KPB Roads Dept. comments	
SOA DOT comments	No comment

Site Investigation: There are steep areas in the Southeast corner of the property as indicated on the drawing by the shaded areas. The ground gradually slopes towards this steep area as the land drains to Kachemak Bay by open ravine over 3 miles.

There is a house located on proposed Lot 9D. The three lots located East of this subdivision all have houses situated on them, which are accessed from Secluded Circle. To the South is a vacant lot. To the east there is a flag portion of a lot that abuts this subdivision. It provides access to East End Road. The flag is not in use as the owner is accessing the property by Secluded Circle.

There does not appear to be any low wet areas present within the subdivision.

KPB River Center review	
State of Alaska Fish and Game	No objections

Staff Analysis East End Road was conveyed as a 60-foot right-of-way, by the plat Canyon View HM 79-37, which was divided out of Lot 3 of the U.S.S. 3354 lying in Section 26, T4S, R11W, SM, Homer Recording District, Kenai Peninsula Borough, Third Judicial District, Alaska. An additional 40 feet of right-of-way was dedicated by Canyon View No 2 HM 86-90, which also created the parent Lot 9 for this subdivision.

Per plat note 4 the subdivision will be connecting to a public water system. Documentation will be required to show that the system can support the additional lots and that the new lots will be allowed to connect, otherwise the plat note will need to be removed.

A soils report will be required and an engineer will need to sign the plat.

The locations of the structures should be located during the field survey. The plat cannot create an encroachment issue. **Staff recommends** the surveyor notify the planning department with the submittal of the final if there were found to be any issues with the building locations and if there is the possibility of encroachments the plat will need to be adjusted to comply.

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.

Kachemak Bay 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 There is a 10-foot utility easement granted by the parent subdivision that was carried over and can be found in the notes and shown on the plat along the right-of-way. **Staff recommends** the depiction or note for the utility easement state that it was granted by HM 86-90.

There exist a waterline and reservoir easement in Volume 24 Page 270 in favor of Charles and Janice Rainwater across Lot 3 of USS 3354, using a blanket location being unplottable. **Staff recommends** the easement be included within a plat note unless it can be demonstrated that it does not apply to this property or has been removed.

There exist a 20-foot right-of-way easement in Volume 157 Page 799 in favor of Homer Electric Association, located centered on the overhead line on the west side of the property in East End Road and is noted within the plat notes.

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	Locate the secondary service and if it crosses a boundary line then provide an easement that states. "The existing overhead power line is the centerline of a 20-foot-wide electric easement, including guys and anchors, granted this plat."
ENSTAR	No comment
ACS	No objections
GCI	Approved as shown

KPB department / agency review:

Addressing	
Code Compliance	
Planner	
Assessing	
Advisory Planning Commission	

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. A. Within the Title Block
 - 1. Name of the subdivision which shall not be the same as an existing city, town, tract, or subdivision of land in the borough, of which a plat has been previously recorded, or so nearly the same as to mislead the public or cause confusion. The parent plat's name shall be the primary name of the preliminary plat.
 - 2. Legal description, location, date, and total area in acres of the proposed subdivision;
 - 3. Name and address of owner(s), as shown on the KPB records and the certificate to plat, and registered land surveyor.

Staff recommendation: *Total acreage of lots is different than title block, verify for final.*
- 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: *There are some overstrikes on section labels and the road label. Adjust or use symbology to make all labels easy to read.*
- 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: *Add a right-of-way width label to Canyon View Road.*
- M. Approximate locations of slopes over 20 percent in grade and if contours are shown, the areas of the contours that exceed 20 percent grade shall be clearly labeled as such;

Staff recommendation: *Check indicated locations in front of lots 9A and 9B for correctness.*
- N. Apparent encroachments, with a statement indicating how the encroachments will be resolved prior to final plat approval;

Staff recommendation: *Check the location of the structure to line between Lots 9C and 9D to be sure it does not encroach. Encroachments are not accepted or approved. If the structure is to be on Lot 9C, show how it will be accessed. If accessed through Lot 9D, an access easement should be created.*

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.*

20.30.220. Lots-Side line requirements. Where reasonable, side lines of lots shall be at right angles to straight portions of the right-of-way or radial to curved portions of the right-of-way.
Staff recommendation: *Lines are not at right angles, but reasoning is seen.*

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: Per plat note 4 the lots will be served by a public water system. Documentation will be required that shows the lots are connected or can/will be connected in the future and can be supported. A soils report will be required and an engineer signature will 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.*

20.60.090 Improvements-Other public systems. A final plat of a subdivision outside city limits served by a public or existing ADEC approved water or wastewater disposal system shall not be approved prior to provision of documentation from the owner of the system that service to the system is installed and available to each lot in the subdivision, and that connection to all lots will not exceed the capacity of the system.

Staff recommendation: *Documentation is required.*

20.60.110. Dimensional data required.

A. The bearing and length of every lot line, block line, and boundary line shall be shown. Dimensions of lots shall be given as net dimensions to the boundaries of adjoining streets and shall be shown in feet. No ditto marks shall be used. Information shall be shown for all curves, including radius, central angle, arc length, chord length and chord bearing. The initial point of survey shall be shown and labeled. All non-radial lines shall be labeled. If monumented lines were not surveyed during this platting action, show the computed data per the record plat information.

B. The natural meanders of ordinary high water (or mean high water line as applicable) is for area computations only, the true corners being on the extension of the sidelines and the intersection with the natural meanders.

C. Any discrepancy between the survey and the record description, and the source of all information used in making the survey shall be indicated. When an inconsistency is found including a gap or overlap, excess or deficiency, erroneously located boundary lines or monuments, or when any doubt as to the location on the ground of the true boundary or property rights exists, the nature of the inconsistency shall be clearly shown on the drawing.

Staff recommendation: *comply with 20.60.110. Check the total line distance versus the individual lines on the West side.*

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.*

- *"No access to state maintained rights-of-way permitted unless approved by the State of Alaska Department of Transportation."*
- *The borough will not enforce private covenants, easements, or deed restrictions per KPB 20.60.170.*
- *Provide the correct wastewater disposal note based on the soils analysis report.*

RECOMMENDATION:

STAFF RECOMMENDS:

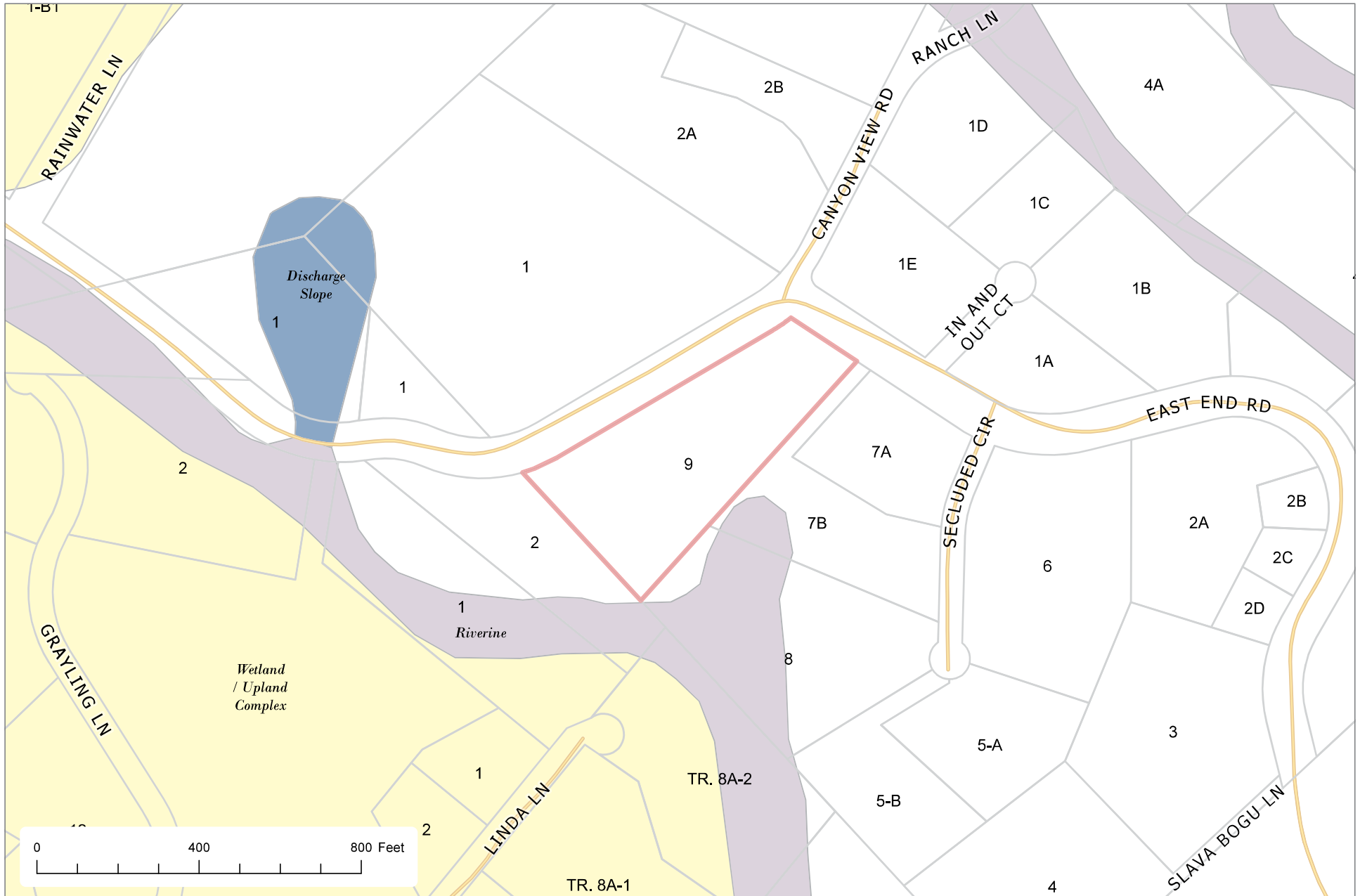
- GRANT APPROVAL OF THE PRELIMINARY PLAT SUBJECT TO STAFF RECOMMENDATIONS, AND
- COMPLIANCE WITH KPB 20.25.070 (FORM AND CONTENTS), KPB 20.25.080 (PETITION REQUIRED), KPB 20.30 (DESIGN REQUIREMENTS); AND KPB 20.40 (WASTEWATER DISPOSAL), AND
- COMPLIANCE WITH KPB 20.60 TO ENSURE ADMINISTRATIVE APPROVAL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



