E. NEW BUSINESS

 Crane-France Subdivision; KPB file 2022-096 Segesser Surveys / Crane, France Location: Forest Lane Sterling Area









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.



Aerial View



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.



E7-3

AGENDA ITEM E. NEW BUSINESS

KPB File No.	2022-096		
Plat Committee Meeting:	at Committee Meeting: August 8, 2022		
Applicant / Owner:	cant / Owner: Alan and Jo Ann Crane and Dan France all of Soldotna, AK		
Surveyor:	John Segesser / Segesser Surveys		
General Location:	Sterling		
Parent Parcel No.:	rent Parcel No.: 063-181-26 and 063-850-04		
Legal Description:	gal Description: NW ¼ SE ¼ and Government Lot 6 T05N R09W S31, Excepting theref		
	Dykema Subdivision Plat No KN 2005-23		
Assessing Use:	sessing Use: Residential Dwelling		
Zoning:	g: Rural Unrestricted		
Water / Wastewater	On site		

ITEM 7 - Crane-France Subdivision

STAFF REPORT

<u>Specific Request / Scope of Subdivision</u>: The proposed plat will adjust the lot line between two existing lots totaling 120.225 acres resulting in two new tracts being 65.785 acres and 53.680 acres and a 50-foot dedication of Forest Lane.

Location and Legal Access (existing and proposed): The proposed plat is located in Sterling along the Kenai River at Forest Lane and Talon Loop. Forest Lane is a 100-foot right-of-way on the North side of the proposed plat. Forest Lane is a State of Alaska DOT maintained road. Both tracts will have access to Forest Lane. There is a 33-foot section line easement on the South side of the proposed plat.

KPB Roads Dept. comments	Out of jurisdiction: NO Roads Director: Painter, Jed Comments: No Comment
SOA DOT comments	No objections

<u>Site Investigation</u>: There are low wet areas located in the subdivision. **Staff recommends** the wet area be depicted and a wetland determination note be added to the final plat.

The plat are shows an area of steep terrain along the Kenai River. **Staff recommends** depict areas over 20% on the Final plat.

KPB satellite imagery indicates this property may contain wet areas. **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: Is in flood hazard area Comments: Flood Zone: A4, C, Floodway Map Panel: 020012-2065A In Floodway: False Floodway Panel:
	B. Habitat Protection

	Reviewer: Aldridge, Morgan Habitat Protection District Status: IS totally or partially within HPD Comments:i:0#.w kpb\maldridge C. State Parks Reviewer: Russell, Pam Comments: No Comments
State of Alaska Fish and Game	No objections

<u>Staff Analysis</u> The proposed plat is composed of two large parcels located South of Forest Lane and Northwest of the Kenai River in the E1/2 of the SW1/4 and part of the NW1/4 of the SE1/4 and Lot 6 of Section 31, Township 5 North, Range 9 West SM Kenai Peninsula Borough.

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.

A soils report will not be required per KPB code 20.40.

Plat is not within an Advisory Planning Commission area.

20.30.170. Blocks-Length requirements. Blocks shall not be less than 330 feet or more than 1,320 feet in length. Along arterial streets and state maintained roads, block lengths shall not be less than 800 feet. Block lengths shall be measured from centerline intersections. **Staff recommendation:** Surveyor requested an exception to 20.30.170

Utility Easements

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:** HEA has asked for a 30' easement on the existing overhead power lines crossing the property. Surveyor needs to locate overhead lines and show on Final Plat as center of 30' Easement and add a note to the plat as follows: "The existing overhead powerline is the centerline of a 30-foot-wide electrical easement, including guys and anchors, granted this plat."

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	Has requested a 30' easement along existing overhead power lines crossing the property and note added as shown above.	
ENSTAR	No comments	
ACS	No objections	
GCI	No comments or objections	

KPB department / agency review:

Addressing	Reviewer: Haws, Derek
	Affected Address:
	34075 FOREST LN
	34105 FOREST LN
	Existing Street Names are Correct: Yes

	List of Correct Street Names FOREST LN BUBBAS AVE	
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

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: Add KPB file number 2022-096.

Β. North point;

Staff recommendation: Add North Arrow to main part of map and scale.

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: Add Section line easement on south line

- 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: HEA has asked for a 30' easement on the existing overhead power lines crossing the property. Surveyor needs to locate overhead lines and show on Final Plat as center of 30' Easement and add a note to the plat as follows: "The existing overhead powerline is the centerline of a 30-foot-wide electrical easement, including guys and anchors, granted this plat."
- 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: Below Sultana Ct, change plat number to 2014-52. To the southwest of Tract A, add Gov't Lot 5 to label.

- 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: According to KPB GIS data there are wetlands in the eastern part of the plat. The surveyor should add the top and toe of the ridge to the Final plat
- J. Block and lot numbering per KPB 20.60.140, approximate dimensions and total numbers of proposed lots; **Staff recommendation:** Check the total area, the Forest Lane dedication is off by 130 sq ft which come out 2.61 feet in length by 50 feet width of road.

Staff recommendation: final plat submittals must comply with 20.25.070. Additional information, revisions, and/or corrections are required as noted below.

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.

20.30.020. Reserved strips prohibited-Exception. There shall be no reserve strips controlling access to land dedicated or intended to be dedicated to public use, except when the control and disposition of land comprising such strips is placed within the jurisdiction of the borough under conditions specified by the commission and noted on the final plat.

Staff recommendation

20.30.170. Blocks-Length requirements. Blocks shall not be less than 330 feet or more than 1,320 feet in length. Along arterial streets and state maintained roads, block lengths shall not be less than 800 feet. Block lengths shall be measured from centerline intersections.

Staff recommendation: Surveyor requested an exception to 20.30.170

20.30.240. Building Setbacks

A. When a subdivision is affected by a Local Option Zoning District (LOZD), an approved by the assembly, all building setbacks shall be graphically depicted and labeled on the lots. A local option zoning setback shall be noted on the plat in the following format:

Building setback – This subdivision is located within (name of LOZD) Local Option Zoning District as contained in KPB Chapters 21.44 and 21.46 and adopted by KPB Ordinance (number), recorded under (serial no. and recording district). Information regarding the zoning restrictions and copies of the ordinance are available from the KPB Planning Department.

Staff recommendation: 20' Setback needs shown on drawing

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.

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.

E7-7

EXCEPTIONS REQUESTED

KPB 20.30.170 – Blocks-Length requirements

<u>Surveyor's Discussion</u>: We request an exception to KPB 20.30.170 Block Length, as these lots are large enough to accommodate future subdivision and road dedication at that time

<u>Staff Discussion</u>: KPB code requires rights-of-way dedication to provide appropriate projections and to provide reasonable means of ingress for surrounding lots. The road dedications are to help provide blocks that are within 330 feet and 1,320 feet in length. Surveyor and owners are on notice that future subdivision will necessitate additional rights-of-way to bring the block closer into compliance.

Findings:

- 1. The two lots being reconfigured are large acreage and can accommodate future dedications
- 2. Tract B is limited to the south by the Kenai River and steep slopes
- 3. Tract A is limited to the south by KN 87-100 Tract G on steep slopes and Gov't Lot 1 and 2 along a section line easement
- 4. The 50' dedication will extend Forest lane to west and connect with an existing 30' dedication on KN 2005-23 Tract A, thus providing a continuous connection

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 1-4 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 1-4 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 1-4 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





Wetlands



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.



Aerial with 5-foot Contours

7/5/2022





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July 18, 2022

Planning Department Kenai Peninsula Borough 144 N Binkley St. Soldotna, AK 99669

To the Planning Department:

This letter is written as further explanation to Segesser Survey's submittal of 6/30/22 regarding a request for exceptions to road layout and block length for the Crane-France Subdivision to reconfigure the lot line between them to be in the center of the private access lane to their homes to give Cranes legal access, and to formally legalize a sale agreement dated 9/22/1992 between Dan & Mary France and previous owner Dave Thomas now between Dan France III and Cranes which gave Frances relief for an encroachment of their home on Thomas's property. This contains less than ½ acre of land.

That is, Crane intends to purchase the acreage located directly west of his property over to the center of the present private lane to give France and Crane co-ownership of the common driveway. In explanation, Dan and Mary France and Dave and Donna Thomas homesteaded their adjoining properties in 1958/59, built an airstrip spanning both properties, shared a well, and built a common driveway via the shortest route to access both home sites through a portion of the France property. Thus, for 60 years, the Thomas/Crane property has had only a prescriptive easement to their home. Adding the acreage to the west side of their property over to the center of the driveway assures legal access.

It was determined in a subsequent survey that France's buildings were encroaching on the Thomas property. Thus, in 1992, Dave Thomas quit claimed a small piece of his property to Frances to give relief along the property line, but it was apparently never platted. The Cranes are paying property tax on this piece that the France family purchased 30 years ago. Please reference the plat from Segesser Surveys for details. We have also attached a copy of the Quit Claim Deed between Frances and Thomas dated 9/22/1992.

Thank you,

nunce II

Alan R Crane Dan L France III

LAW OFFICES

DALE DOLIFKA P.O. BOX 498 SOLDOTNA, ALASKA 99669

> (907) 262-2910 May 12, 2003

Mr. and Mrs. Dan France 39550 Forest Lane Soldotna, Alaska 99669

Re: Quitclaim Deed

Dear Dan and Mary:

- 14

Please find enclosed a copy of the recorded Quitclaim Deed for the following described real property:

> The East One-Half (E1/2) of the Southwest One-Quarter (SW1/4), of Township Five (5) North, Kenai Recording District, Third Judicial District, State of Alaska, Seward Meridian.

If you have further questions regarding this matter, please contact me.

Sincerely,

Dale Doli

DD: dlr

Enc:

QUIT-CLAIM DEED (ALASKA)

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the undersigned, a Notary Public in and for the State of Ala	Ska, duly commissioned and sworn,
 personally appeared DAVID J. THOMAS	to me known
to be the person described in and who executed the ab	ove and foregoing instrument, and
acknowledged to me that	
WITNESS My Hand and Official Seal the day and year of	this contificate first above written.
	S II A AL
Notary Public in and for the State of Alaska, fesicing at	Soldotno, ALASKa.
My commission expires 3-21-95	
Er Direction Berthon, 3- 21-95	
Quil-Claim Deed (Alaska) Washington Legal Blank Ca., Bellevue, WA Form No. 1003, 5/78 MATERIAL MAY NOT BE REPRODUCED IN WHOLE OR IN PART IN ANY FORM WHAT	SOEVER.

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SEGESSER SURVEYS, INC.

30485 ROSLAND ST. SOLDOTNA, AK 99669 PHONE (907) 262-3909 FAX (907) 262-3910 E-MAIL seggy@ptialaska.



6-30-22

Dear Planning,

We are requesting exceptions to Road Layout and Block Length. The owners are reconfiguring the lot line between them to be in the center of the access road to their homes. The lots are big enough to subdivide and road layout could be done in the future.

Sincerely your

John Segesser