

E. NEW BUSINESS

6. Baywood 2022; KPB File 2022-129

Ability Surveys / Barlow

Location: East End Road & Old East End Road

Fritz Creek Area / Kachemak Bay APC



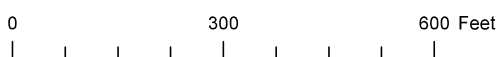
Kenai Peninsula Borough Planning Department

Vicinity Map



KPB File 2022-129
T 05S R 12W SEC 13
Fritz Creek

8/30/2022



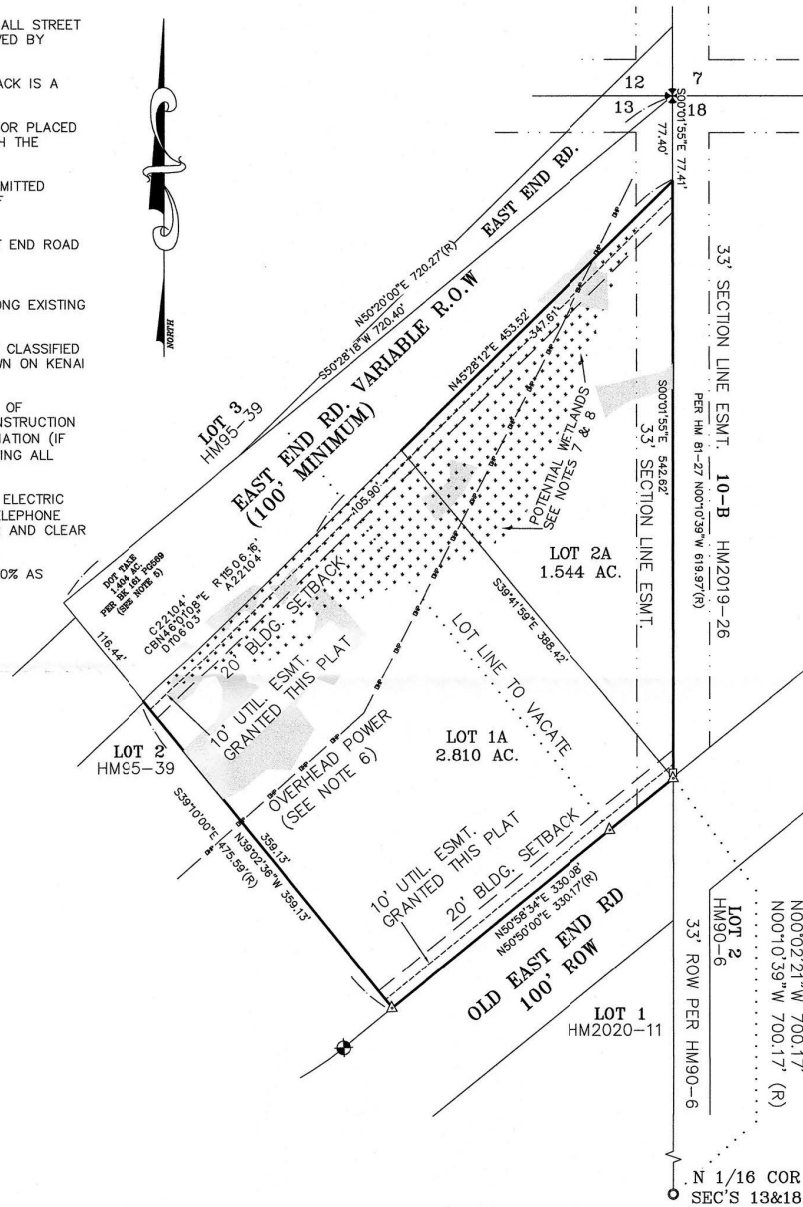


NOTES

1. 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. NO DIRECT ACCESS TO STATE MAINTAINED R.O.W. PERMITTED UNLESS APPROVED BY STATE OF ALASKA DEPARTMENT OF TRANSPORTATION.
5. BOOK 161 PAGE 569 H.R.D. GRANTED LAND FOR EAST END ROAD RIGHT-OF-WAY TO STATE OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES.
6. PER HM81-27 THERE IS A 20' UTILITY EASEMENT ALONG EXISTING POWERLINE.
7. WETLAND HATCHING REPRESENTS POTENTIAL WETLANDS CLASSIFIED AS DISCHARGE SLOPE BY KENAI WATERSHED FORUM SHOWN ON KENAI PENINSULA BOROUGH GIS MAPPING.
8. PROPERTY OWNER SHOULD CONTACT THE ARMY CORPS OF ENGINEERS PRIOR TO ANY ON-SITE DEVELOPMENT OR CONSTRUCTION ACTIVITY TO OBTAIN THE MOST CURRENT WETLAND DESIGNATION (IF ANY). PROPERTY OWNERS ARE RESPONSIBLE FOR OBTAINING ALL REQUIRED LOCAL, STATE AND FEDERAL PERMITS.
9. PER BOOK 25, PAGE 224 H.R.D. EASEMENT TO HOMER ELECTRIC ASSOCIATION FOR ELECTRIC LINES OR SYSTEM AND/OR TELEPHONE LINES TOGETHER WITH RIGHT TO ENTER, MAINTAIN, REPAIR AND CLEAR SHRUBBERY. NO DEFINITE LOCATION DISCLOSED.
10. GREY SHADING REPRESENTS SLOPES STEEPER THAN 20% AS SHOWN ON KPB GIS MAPPING.

LEGEND

- FND. 2.5"ADOT BC IN MON WELL, 7610-S, 2000
- FND 1/2" REBAR W/ YELLOW PLASTIC CAP, 3686-S, 1981
- FND 2"AL-CAP ON 5/8" REBAR, 5780-S, 1995 PER HM95-39
- FND 2"AL-CAP ON 5/8" REBAR, 10603S, 2018
- FND 1/2" REBAR
- FND 2"AL-CAP ON 5/8" REBAR, 7610-S, 2020
- (R) RECORD DATA PER HM81-27



CERTIFICATE OF OWNERSHIP

I hereby certify that I am the owner of the real property shown and described hereon, and that I hereby adopt this plan of subdivision, and by my free consent dedicate all public rights-of-way and grant all easements to the use shown.

JAMES W BARLOW
52024 OLD EAST END RD
HOMER, AK 99603

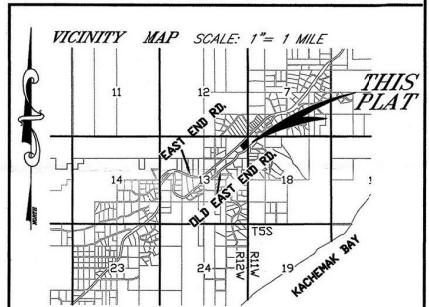
NOTARY'S ACKNOWLEDGEMENT

For JAMES W BARLOW
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



DATE	08-15-2022
SCALE	1" = 80'
GRID No.	AR-38
JOB No.	5412
DRAWING:	5412_5396



BAYWOOD 2022

A REPLAT OF LOTS 1 & 2, OF THE "BAYWOOD SUBDIVISION" (HM81-27), EXCEPTING THEREFROM THAT PORTION DEEDED TO THE STATE OF ALASKA IN WARRANTY DEED RECORDED SEPTEMBER 19, 1985 IN BOOK 161, PAGE 569, WITHIN THE NE1/4 SEC. 13, T5S, R12W, S.M., KENAI PENINSULA BOROUGH, HOMER RECORDING DISTRICT, STATE OF ALASKA CONTAINING 5.758 ACRES

OWNERS: JAMES W BARLOW
52024 OLD EAST END RD
HOMER, AK 99603

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

PLAT #	
Rec Dist	
Date	20
Time	__M

KPB FILE No. 2022-_____

KPB 2022-129

AGENDA ITEM E. NEW BUSINESS

ITEM 6 - BAYWOOD 2022

KPB File No.	2022-129
Plat Committee Meeting:	September 26, 2022
Applicant / Owner:	James Barlow of Homer, AK
Surveyor:	Gary Nelson / Ability Surveys
General Location:	East End Road, Old East End Road, Fritz Creek area / Kachemak APC

Parent Parcel No.:	172-420-06 & 172-420-07
Legal Description:	Lots 1 & 2 Baywood
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	Onsite

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will reconfigure two lots and will adjust them from 2.34 acres to 2.81 acres and from 2.08 acres to 1.544 acres.

Location and Legal Access (existing and proposed): The proposed plat is situated near mile 13.5 of East End Road and is between East End Road to the north and Old East End Road to the south. Both rights-of-way are state maintained. East End Road has varying width but both rights-of-way are 100 feet in width along the proposed subdivision. The abutting portion of Old East End Road was dedicated by Baywood, Plat HM 81-27, as Homer East Road. The portion of East End Road abutting the subdivision was deeded to Alaska DOT from the parent lots in a recorded document in 1985. The property is being shown on the plat with a note that it was part of the DOT take. This would reflect the difference in acreage from the parent plat to now.

An existing driveway from Old East End Road is present and will be on Lot 1A to provide access to improvements. Both lots have access to East End Road with permission from the State of Alaska. Due to the proposed design shape of Lot 2A, it appears the access would have to be from East End Road but the use of section line easements will allow for access to Old East End Road. There is a 33 foot section line easement on the east side of the plat crossing Lot 2A and a tip of Lot 1A, providing a connection between the two state maintained rights-of-way. A 33 foot section line easement is adjacent to the subdivision providing a 66 foot wide access.

Block length exceeds allowable limits. Old East End Road, Dixie Street, East End Road, and section line easements define the block. Further north is a road access easement that is constructed that provides an additional connection but does not improve the block length for this subdivision. The roads are situated in areas that fit the terrain. Old East End Road contains a lot of curves and meanders with the terrain. East End Road provides a straighter roadway and replaced the Old East End Road as the main access route. In order to bring the block into compliance dedications would be required to provide a north-south connection. ***Staff recommends the plat committee concur that no exception is required as there is already an access present within this subdivision.***

Staff generally requests dedications atop existing section line easements. As the section line easements still provide access, the dedication in this location would provide a connection between two state rights-of-way, DOT did not request additional dedication, it is known DOT tries to limit the connections, and the location is not compliant and would require additional dedications instead of just the 33 foot, ***staff recommends to not require the dedication atop the section line easements at this time.***

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

SOA DOT comments	The ROW for East End Road appears to be shown correctly
------------------	---

Site Investigation: There are some areas of steep slope as shown on the plat. Per KPB GIS data, contours in the southeast portion are an even grade towards Old East End Road. The northern portion contains low wet areas and are depicted. Plat note 8 states to contact the Corps of Engineers for wetland determination. **Staff recommends the wetlands remain on the final plat and add to Note 8 "U.S." to the Army Corps.**

A residential structure is on parent Lot 1 and will remain on proposed Lot 1A. There does not appear to be any encroachment issues within the subdivision or with any neighboring properties.

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

Staff Analysis The proposed plat will realign the shared lot line between. The original Lots 1 and 2 were created in Baywood HM 81-27 and then reduced by the deeding of a portion East End Road as shown in Record of Survey HM 2000-30.

A soils report will be required for Lot 2A and an engineer will sign the final plat. Lot 1A is acquiring more than 1,000 square feet and per KPB 20.40.020(A)(2), a soils report will not be required but may be performed if the owner wishes. The appropriate plat notes in accordance with 20.40 will need to be added.

Notice of the proposed plat was mailed to the beneficial interest holder on August 31, 2022. The beneficial interest holder will be given 30 days from the date of the mailing of the notification to respond. They are given the opportunity to notify staff if their beneficial interest prohibits or restricts subdivision or requires their signature on the final plat. If no response is received within 30 days, staff will assume they have no requirements regarding the subdivision and it may be finalized.

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 The parent plat granted a 10 foot utility easement along the western lot line of parent Lot 1 to connect with a 20 foot wide utility easement centered on an existing overhead powerline. The plat is carrying over the 20 foot utility easement but will need to carry over the 10 foot along the western boundary. **Staff recommends the 10 foot utility easement be carried over and it be noted that it was granted per HM 81-27.**

The parent plat did not grant any utility easements along the dedicated right-of-way, Old East End Road. When property is deeded for the use of rights-of-way utility easements are not created adjacent to the right-of-way unless done so later by document. This plat is proposing to grant the required 10 foot utility easements along both rights-of-way, East End Road and Old East End Road.

An additional easement with no definite location was granted by recorded document and is noted within the plat notes.

The plat was sent to utility providers for comment. Homer Electric Association has requested the easement over the existing overhead powerline be increased to 40 feet and will exclude any existing structures. The surveyor should verify the structures, if any, that will be within the additional easement and not such structures on the final. The plat note in place should be updated and should include reference to any existing structures, if any. **Staff recommends the easement be extended and plat note 6 be revised, "Per HM 81-27 there is a 20' utility easement along existing powerline. This plat will be granting additional width to the easement that will be 40 feet wide centered on the existing overhead powerline. The existing structures of _____ within Lot 1A predates the additional granting of the utility easement. The structure is only subject to the 20 foot utility easement as created on plat HM 81-27."**

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	Provide a 40 foot wide electric easement centered on the existing overhead electric line, excluding any existing structure.
ENSTAR	No comments or recommendations
ACS	No objections
GCI	Approved as shown

KPB department / agency review:

Addressing	<p>Reviewer: Haws, Derek Affected Addresses: 52024 OLD EAST END RD</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names: OLD EAST END RD EAST END RD</p> <p>Existing Street Name Corrections Needed:</p> <p>All New Street Names are Approved: Yes</p> <p>List of Approved Street Names:</p> <p>List of Street Names Denied:</p> <p>Comments: 52024 OLD EAST END RD will remain with lot 1A.</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	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**

Per KPB 20.60.070, the scale will need to be changed to be compliant.

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.

Staff recommendation: *Verify acreage and update.*

- 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: *Update the section label for section 17.*

- 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 street name for dedication south of Old East End Road of Langhus St. N.*

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: A soils report will be required for Lot 2A.

Staff recommendation: *Provide plat notes that 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.*

20.60.130. Boundary of subdivision. The boundary of the subdivision shall be designated by a wider border and shall not interfere with the legibility of figures or other data. The boundary of the subdivided area shall

clearly show what survey markers, or other evidence, was found or established on the ground to determine the boundary of the subdivision. Bearing and distance ties to all survey markers used to locate the subdivision boundary shall be shown.

Staff recommendation: *Use heavier line weight on the northwest line of Lot 1A along East End Road.*

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.*

- *Wastewater notes will be required.*
- *Revise plat note 6 as needed per the utility easement request.*

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: *The owner took title with middle initial and without. The certificate of ownership should include both by using "aka" or "also took title as". Comply with 20.60.190.*

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.

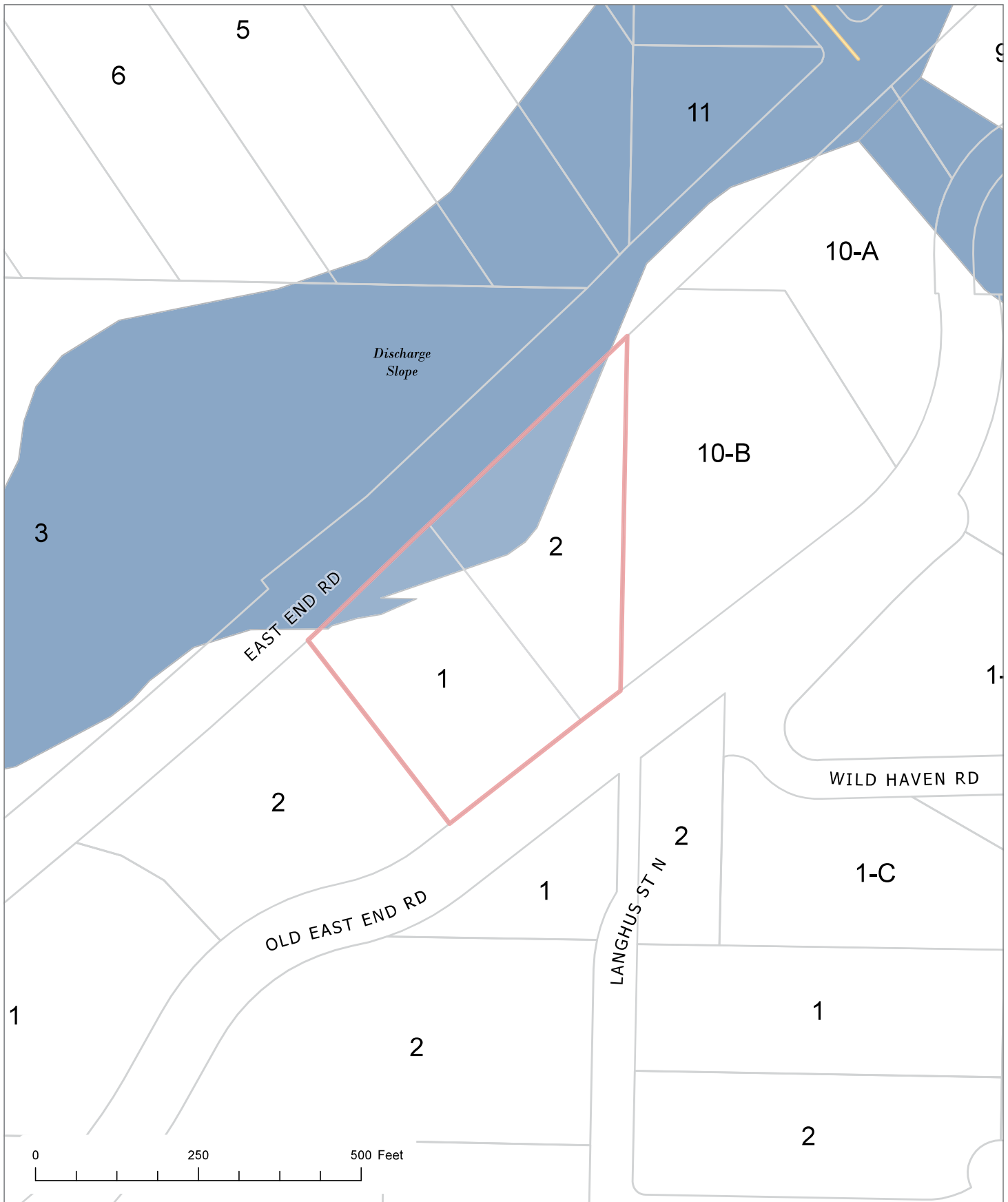
A DECISION OF THE PLANNING COMMISSION MAY BE APPEALED TO THE HEARING OFFICER BY A PARTY OF RECORD WITHIN 15 DAYS OF THE DATE OF NOTICE OF DECISION IN ACCORDANCE WITH KPB 21.20.250.

END OF STAFF REPORT



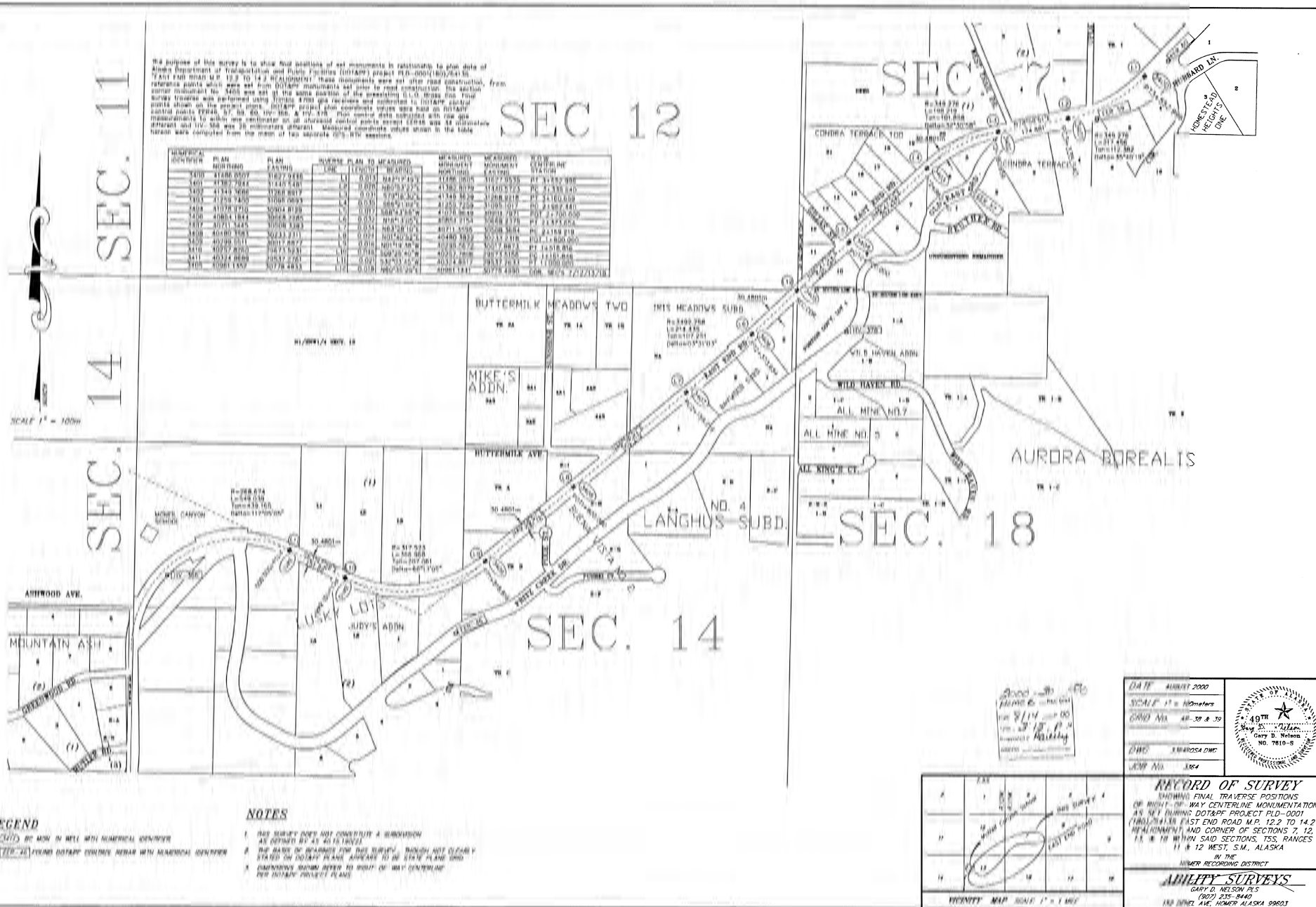


Wetlands



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.





PHILOMENA VANDEN EYNDE
BOX 2398
HOMER, AK. 99603

NOTARY PUBLIC FOR ALASKA
SURVEYOR'S CERTIFICATE

I, THE UNDERSIGNED REGISTERED SURVEYOR, HEREBY CERTIFY THAT THE SURVEY HAS BEEN COMPLETED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT CORNERS AND MONUMENTS HAVE BEEN LOCATED AND ESTABLISHED AND THAT DIMENSIONS SHOWN HEREON ARE TRUE AND CORRECT.

STATE OF ALASKA
NOTARY PUBLIC EXPIRES

SHIRLEY ANN WILSON

DAT

37. [Signature]
AUTHORIZED OFFICIAL

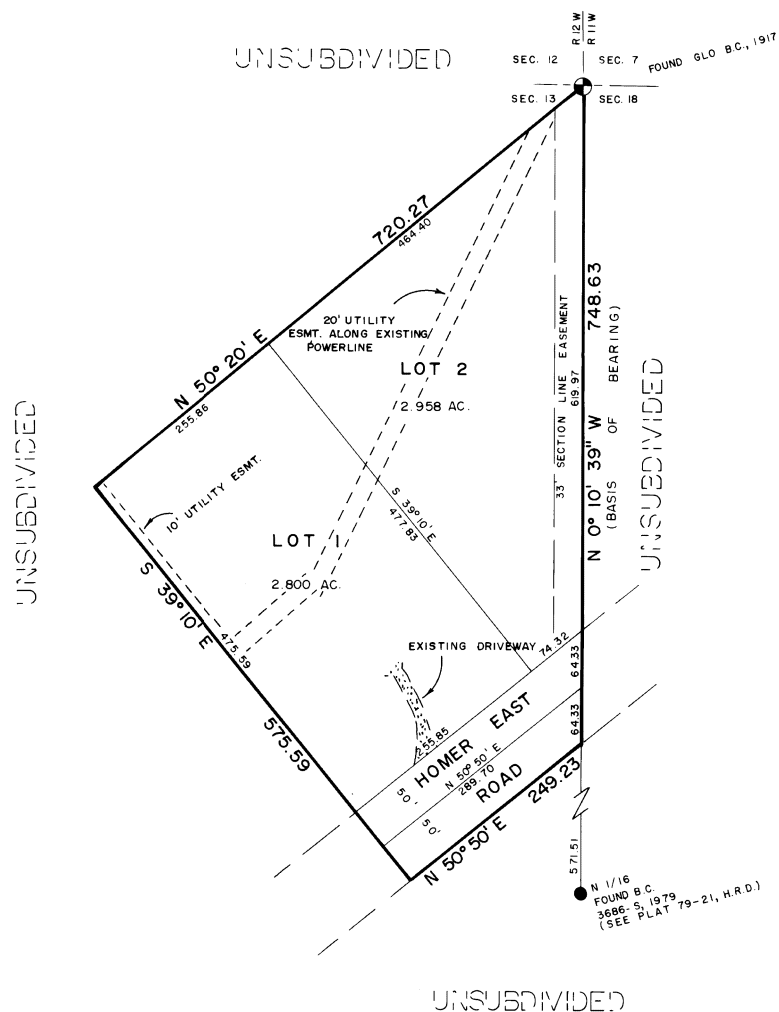
1. A SETBACK OF 20' IS REQUIRED FROM ALL STREET RIGHTS OF WAY UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
2. SET 1/2" X 24" REBAR AT ALL LOT CORNERS.
3. ALL ADJACENT PROPERTY IS UNSUBDIVIDED.

1" = 1 MILE



ABILITY SURVEYS

HOMER ALASKA



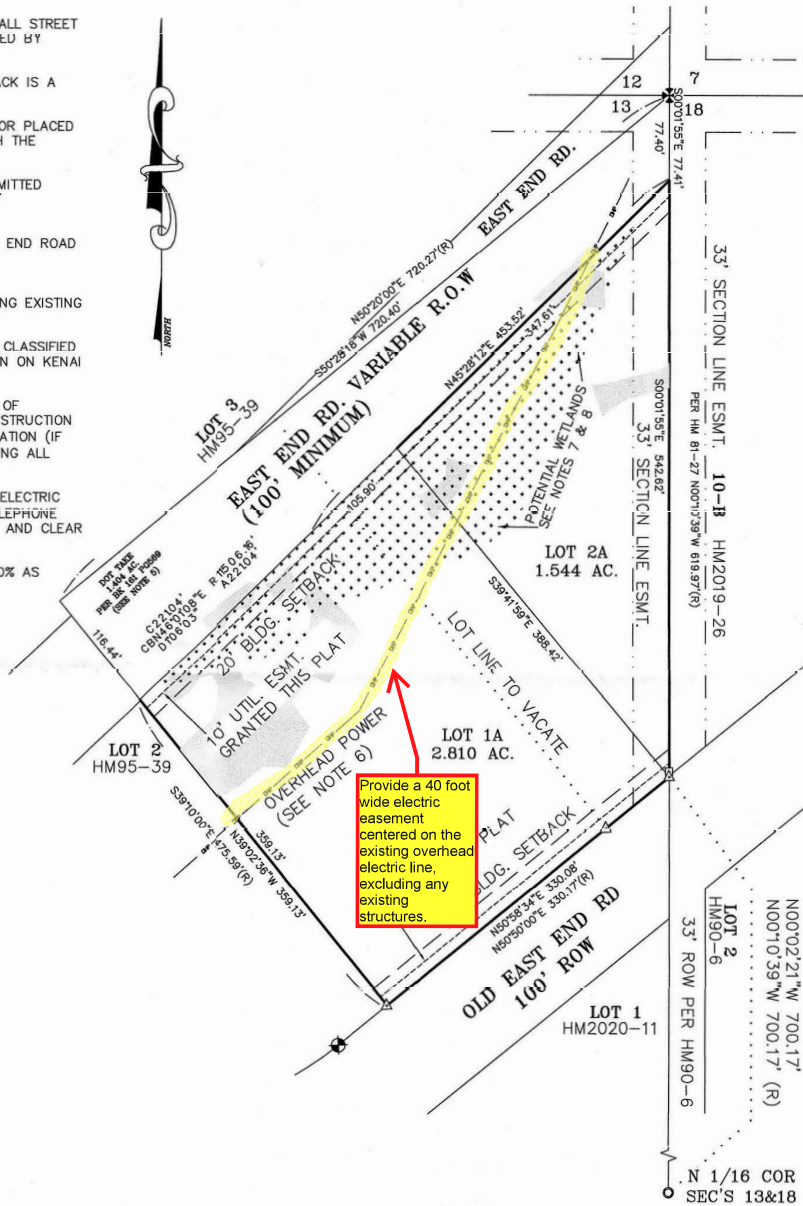
RECORDED - FILED 10-
Homer REC. DIST.
DATE 4-22-1981
TIME 3:00 P.
Requested by F.P. Branch
Address via Atlanta

1. 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.

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. NO DIRECT ACCESS TO STATE MAINTAINED R.O.W. PERMITTED UNLESS APPROVED BY STATE OF ALASKA DEPARTMENT OF TRANSPORTATION.
5. BOOK 161 PAGE 569 H.R.D. GRANTED LAND FOR EAST END ROAD RIGHT-OF-WAY TO STATE OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES.
6. PER HM81-27 THERE IS A 20' UTILITY EASEMENT ALONG EXISTING POWERLINE.
7. WFTD AND HATCHING REPRESENTS POTENTIAL WETLANDS CLASSIFIED AS DISCHARGE SLOPE BY KENAI WATERSHED FORUM SHOWN ON KENAI PENINSULA BOROUGH GIS MAPPING.
8. PROPERTY OWNER SHOULD CONTACT THE ARMY CORPS OF ENGINEERS PRIOR TO ANY ON-SITE DEVELOPMENT OR CONSTRUCTION ACTIVITY TO OBTAIN THE MOST CURRENT WETLAND DESIGNATION (IF ANY). PROPERTY OWNERS ARE RESPONSIBLE FOR OBTAINING ALL REQUIRED LOCAL, STATE AND FEDERAL PERMITS.
9. PER BOOK 25, PAGE 224 H.R.D. EASEMENT TO HOMER ELECTRIC ASSOCIATION FOR ELECTRIC LINES OR SYSTEM AND/OR TELEPHONE LINES TOGETHER WITH RIGHT TO ENTER, MAINTAIN, REPAIR AND CLEAR SHRUBBERY. NO DEFINITE LOCATION DISCLOSED.
10. GREY SHADING REPRESENTS SLOPES STEEPER THAN 20% AS SHOWN ON KPB GIS MAPPING.

LEGEND

- * FND, 2.5"ADOT BC IN MON WELL, 7610-S, 2000
 ▲ FND 1/2" REBAR W/ YELLOW PLASTIC CAP, 3686-S, 1981
 ◆ FND 2"AL-CAP ON 5/8" REBAR, 5780-S, 1995 PER HM95-39
 ■ FND 2"AL-CAP ON 5/8" REBAR, 10603S, 2018
 * FND 1/2" REBAR
 ○ FND 2"AL-CAP ON 5/8" REBAR, 7610-S, 2020
 (R) RECORD DATA PER HM81-27



CERTIFICATE OF OWNERSHIP

I hereby certify that I am the owner of the real property shown and described hereon, and that I hereby adopt this plan of subdivision, and by my free consent dedicate all public rights-of-way and grant all easements to the use shown.

JAMES W BARLOW
52024 OLD EAST END RD
HOMER, AK 99603

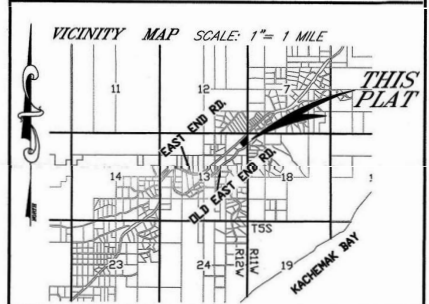
NOTARY'S ACKNOWLEDGEMENT

For JAMES W BARLOW
Acknowledged before me this _____ day of _____ 2022.
Notary public for Alaska _____ My Commission Expires _____

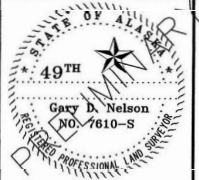
PLAT APPROVAL

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

BY _____
Authorized Official



DATE	08-15-2022
SCALE	1" = 80'
GRID No.	AR-38
JOB No.	5412
DRAWING:	5412_5396



BAYWOOD 2022

A REPLAT OF LOTS 1 & 2, OF THE "BAYWOOD
SUBDIVISION" (HM81-27), EXCEPTING
THEREFROM THAT PORTION DEEDED TO THE
STATE OF ALASKA IN WARRANTY DEED
RECORDED SEPTEMBER 19, 1985 IN BOOK 161,
PAGE 569, WITHIN THE NE1/4 SEC. 13, T5S,
R12W, S1M., KENAI PENINSULA BOROUGH, HOMER
RECORDING DISTRICT, STATE OF ALASKA
CONTAINING 5.758 ACRES

OWNERS: JAMES W BARLOW
52024 OLD EAST END RD
HOMER, AK 99603

ABILITY SURVEYS

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

HEA REVIEWED, AND REQUESTS
UTILITY EASEMENTS AS NOTED.

Scott A. A.

Scott Huff
Land Management Officer

PLAT # _____
 Rec Dist _____
 Date _____ 20____
 Time _____

KPB FILE No. 2022-__