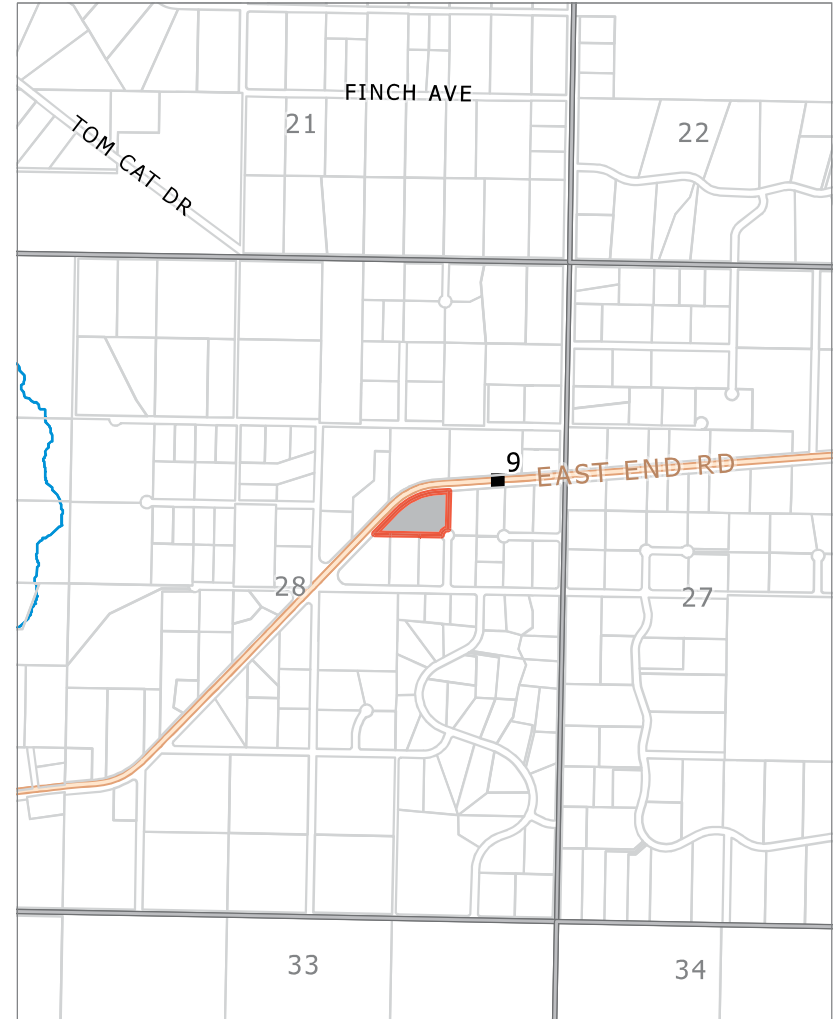
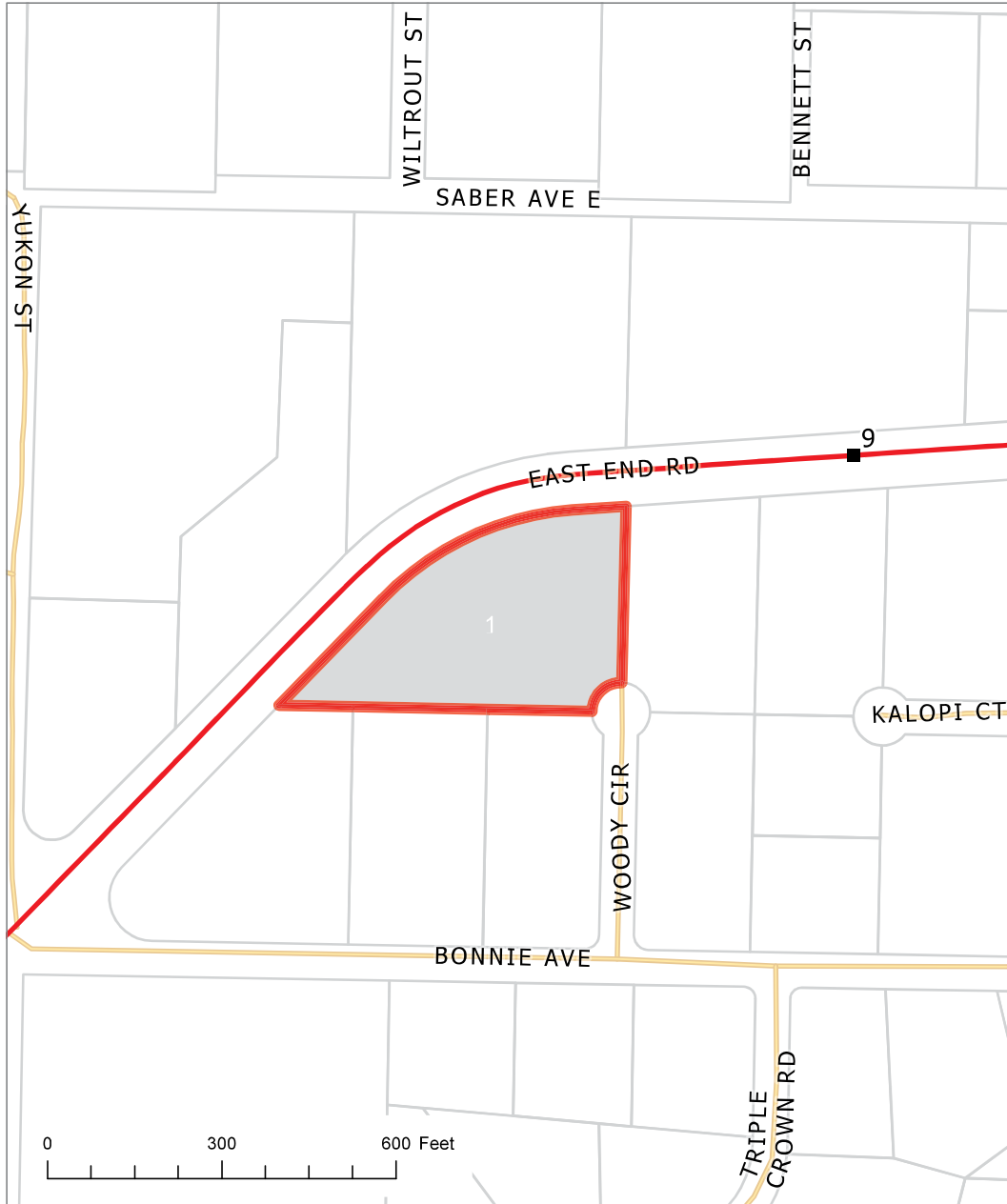


E. NEW BUSINESS

- 7. Spruce Woods Lot 1 Replat; KPB File 2022-132
Ability Surveys / Ivanov
Location: Woody Circle & East End Road
Fritz Creek Area / Kachemak Bay APC**



KPB File # 2022-132
S28 T05S R12W
Fritz Creek

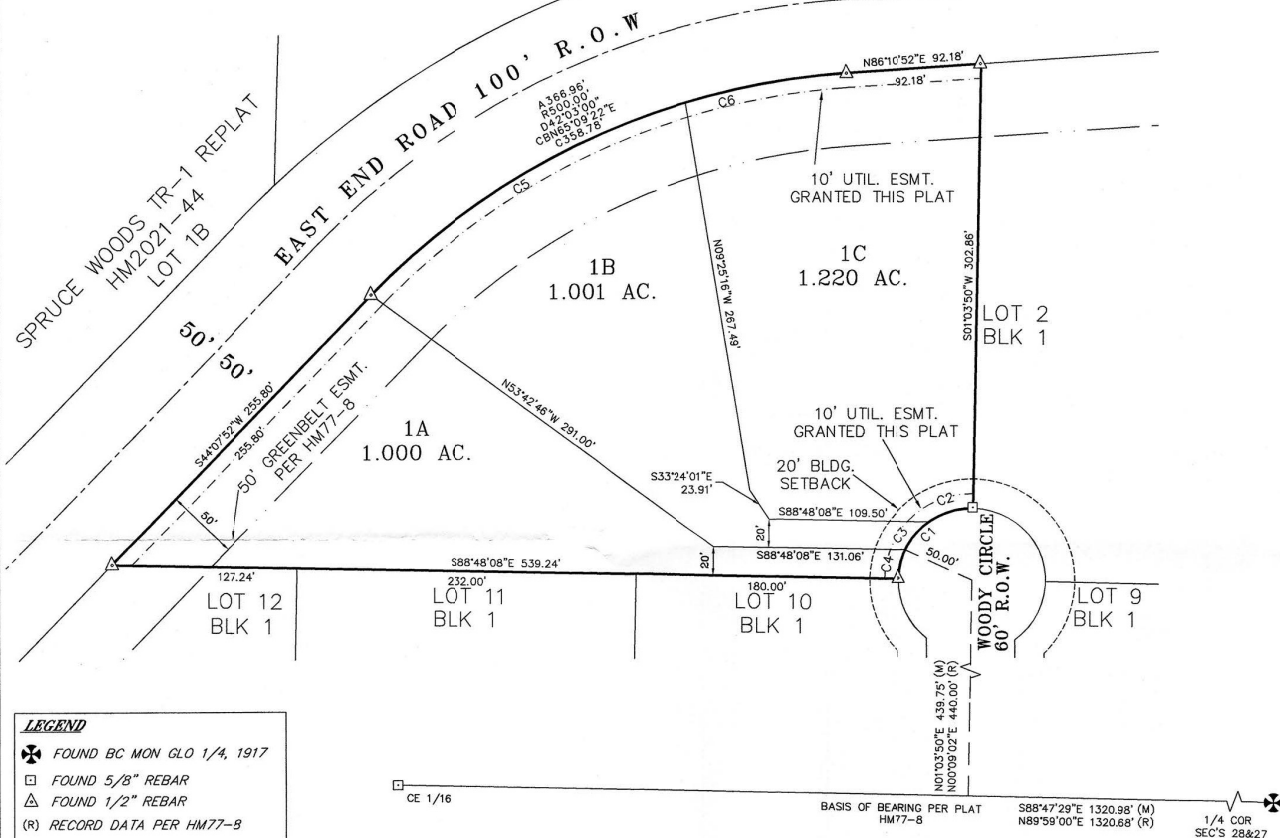


The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.

CURVE TABLE				
CURVE	LENGTH	RADIUS	DELTA	CHORD
C1	78.42'	50.00'	89°51'58"	S46°07'51"W 70.63'
C2	32.06'	50.00'	36°44'10"	S72°41'45"W 31.51'
C3	25.79'	50.00'	29°33'07"	N39°33'07"E 25.50'
C4	20.58'	50.00'	23°34'41"	S12°59'13"W 20.43'
C5	254.78'	500.00'	29°11'44"	S58°43'44"W 252.03'
C6	51.94'	500.00'	5°57'09"	S76°28'41"W 51.92'

SPRUCE WOODS SUBDIVISION
1975 ADDITION
(HM75-12)
TRACT 2

TRACT 3



LEGEND

- ✕ FOUND BC MON GLO 1/4, 1917
- FOUND 5/8" REBAR
- △ FOUND 1/2" REBAR
- (R) RECORD DATA PER HM77-8

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 HEREBY GRANTED AS 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. PER HM77-8, NO BUILDING IMPROVEMENTS, INSTALLATION OF SEPTIC TANKS OR ROADWAYS OR TREE CLEARING WILL BE PERMITTED WITHIN THE GREENBELT AREAS INDICATED HEREON.
5. NO DIRECT ACCESS TO STATE MAINTAINED R.O.W. PERMITTED UNLESS APPROVED BY STATE OF ALASKA DEPARTMENT OF TRANSPORTATION.
6. NO STRUCTURES ARE PERMITTED WITHIN THE PANHANDLE PORTION OF THE FLAG LOT(S).
7. THE BOROUGH WILL NOT ENFORCE PRIVATE COVENANTS, EASEMENTS, OR DEED RESTRICTIONS PER KPB 20.60.170.
8. GREY SHADING REPRESENTS SLOPES STEEPER THAN 20% AS SHOWN ON KPB GIS MAPPING.
9. THERE ARE NO WETLANDS IDENTIFIED ON KPB GIS MAPPING.

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.

ANATOLY IVANOV
46547 E END RD
HOMER, AK 99603

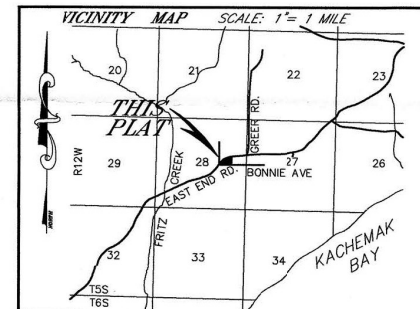
NOTARY'S ACKNOWLEDGEMENT

For ANATOLY IVANOV
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

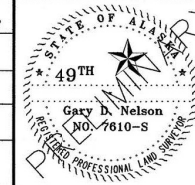


DATE 8-10-2022

SCALE 1" = 60'

JOB No. 5419

DRAWING: 5419_5365



SPRUCE WOODS LOT 1 REPLAT

A SUBDIVISION OF LOT 1, BLOCK 1, OF THE SPRUCE WOODS SUBDIVISION (HM77-8), WITHIN THE NE1/4 SEC. 28, T5S, R12W, S.M., KENAI PENINSULA BOROUGH, HOMER RECORDING DISTRICT, STATE OF ALASKA CONTAINING 3.221 ACRES

OWNERS: ANATOLY IVANOV
46547 E END RD
HOMER, AK 99603

ABILITY SURVEYS

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

PLAT #
Rec Dist
Date
Time

KPB FILE No. 2022-_____

AGENDA ITEM E. NEW BUSINESS

ITEM 7 - SPRUCE WOODS LOT REPLAT

KPB File No.	2022-134
Plat Committee Meeting:	September 26, 2022
Applicant / Owner:	Anatoly Ivanov of Homer, AK
Surveyor:	Gary Nelson / Ability Surveys
General Location:	Woody Circle, Fritz Creek Area, Kachemak Bay APC

Parent Parcel No.:	172-133-13
Legal Description:	Lot 1 Block 1 Spruce Woods Subdivision 1976 Addition
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	Onsite

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide a 3.221 acre lot into 3 lots ranging in size from 1.00 acres to 1.220 acres. Two of the lots are proposed to be flag lots.

Location and Legal Access (existing and proposed): The proposed plat is located on Woody Circle, a 60 foot wide right-of-way that ends with a 50 foot radius cul-de-sac that is maintained by the borough. All three lots will have access to Woody Circle. Lot 1 and Woody Circle were created and dedicated by the subdivision Spruce Woods Subdivision 1976 addition (HM 77-8). Woody Circle is accessed from borough maintained Bonnie Avenue that is located near mile 8.5 of state maintained East End Road.

The lots front along East End Road. Access from a state maintained road must obtain permission from Alaska DOT. The parent plat contained a plat note that specifically limited access from East End Road, then known as Homer East Road. The ability to have access from East End Road is also limited due to the additional restrictions outlined by the parent plat for the uses within the greenbelt easement. **Staff recommends an additional plat note be added or added to plat note 5 that carries over the parent plat note limiting access from East End Road.**

East End Road, Bonnie Avenue, and Greer Road define the block. The block is closed but the distance along Bonnie Avenue exceeds allowable code lengths being approximately 2,000 feet in length. Due to the design of the block and the two cul-de-sacs within the block, the ability to get a compliant block length is not possible. **Staff recommends the plat committee concur that an exception is not required nor any dedications as this plat cannot improve the block lengths.**

KPB Roads Dept. comments	Out of Jurisdiction: No Roads Director: Painter, Jed Comments: No comments
SOA DOT comments	The ROW for East End Road is as shown on Homer: East End Road, M.P.3.75-12.2, Kachemak Drive to McNeil Canyon (0414(10)/Z524770000) sheets 30 of 53, and appears to be shown correctly.

Site Investigation: The area is located on the south side of East End Road. The terrain falls at a rate of 7 percent from the northeast corner to the southwest corner across the plat. No steep terrain is present. No wetlands or FEMA Flood Zone are present on the property.

There does not appear to be any improvements on the property.

KPB River Center review	A. Floodplain
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	Reviewer: Carver, Nancy Floodplain Status: Not within flood hazard area 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 This is a replat of Lot 1 Block 1 Spruce Woods Subdivision 1976 Addition, Plat HM 77-8, which was a subdivision of aliquot lands. The three lots being created comply with lot dimension requirements for depth to width and panhandle lots.

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

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.

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.

Utility Easements The parent plat did not grant any utility easements that pertain to the parent lot. The plat is proposing to grant the required 10 foot utility easements along East End Road and Woody Circle. A 50 foot Greenbelt Easement on the north side of the lots is being carried over from the parent plat. Per the parent plat this easement will not allow improvements, installation of septic tanks, roadways or tree clearing. This easement will be required to be carried over and is depicted and noted on the plat. Due to the restrictions within this greenbelt easement the ability for the front 10 feet to be used as a utility easement will be limited or in violation of the greenbelt easement. Staff has provided the utility providers the notification of this change. Any objections will be provided to the surveyor. **Staff recommends the plat committee concur that requirement per KPB 20.30.060(D) is not required within the greenbelt easement along East End Road unless objections by utility providers is received.**

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 comment
ENSTAR	No comment
ACS	No objections
GCI	Approved as shown

KPB department / agency review:

Addressing	Reviewer: Haws, Derek Affected Addresses: 38405 WOODY CIR Existing Street Names are Correct: Yes
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	List of Correct Street Names: WOODY CIR EAST END RD Existing Street Name Corrections Needed: All New Street Names are Approved: Yes List of Approved Street Names: List of Street Names Denied: Comments: 38405 WOODY CIR will remain with Lot 1B
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**

- Check the monuments found for verification of them.
- Check data totals, individual curve data is not adding up to total curve data

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: In the legal description add 1976 Addition to the parent plat name.

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: Extend Woody Cir south a little and move the name and 60' R.O.W. south also.

- 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: *Adjust the plat depiction as currently it appears the subdivision is abutting Bonnie Avenue.*
- 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 proposed 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 the plat name and filing on the lots to the south and east.*
- J. Block and lot numbering per KPB 20.60.140, approximate dimensions and total numbers of proposed lots;
Staff recommendation: *Add Block 1 label to the lots.*

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: *Soils report will be required and an engineer will need to sign the plat.*

Staff recommendation: *Add the correct plat notes based on the soils report. 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.*

20.60.110. Dimensional data required.

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. Give measured and recorded distances and bearings. If recorded data is being used, check for accuracy.*

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:

- *Add appropriate wastewater notes.*

- Parent plat contained a plat note that should be carried over but reworded and may be part of note 5. "Per HM 77-8, no lot in this subdivision shall front on East End Road."
- If the plat committee concurs with the removal of the utility easement along East End Road, add "Due to the 50 foot greenbelt easement, the 10 foot utility easement per KPB 20.30.060(D) along East End Road was determined by the Plat Committee at the September 26, 2022 meeting to not be required."
- Reword plat note 2, "The front 10 feet adjacent to Woody Circle (or to "rights-of-way" if the plat committee does not concur) is hereby granted as a utility easement."
- Plat note 7 may be removed as the certificate to plat did not indicate any covenants or record.
- As there is no steep terrain, plat note 8 may be removed or updated to state none are present.
- Add a plat note with the East End Road highway map information unless provided in a label in the highway depiction.
- Add a reference to a code to plat note 6. "...lot(s), per KPB 20.30.190(B)."

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.

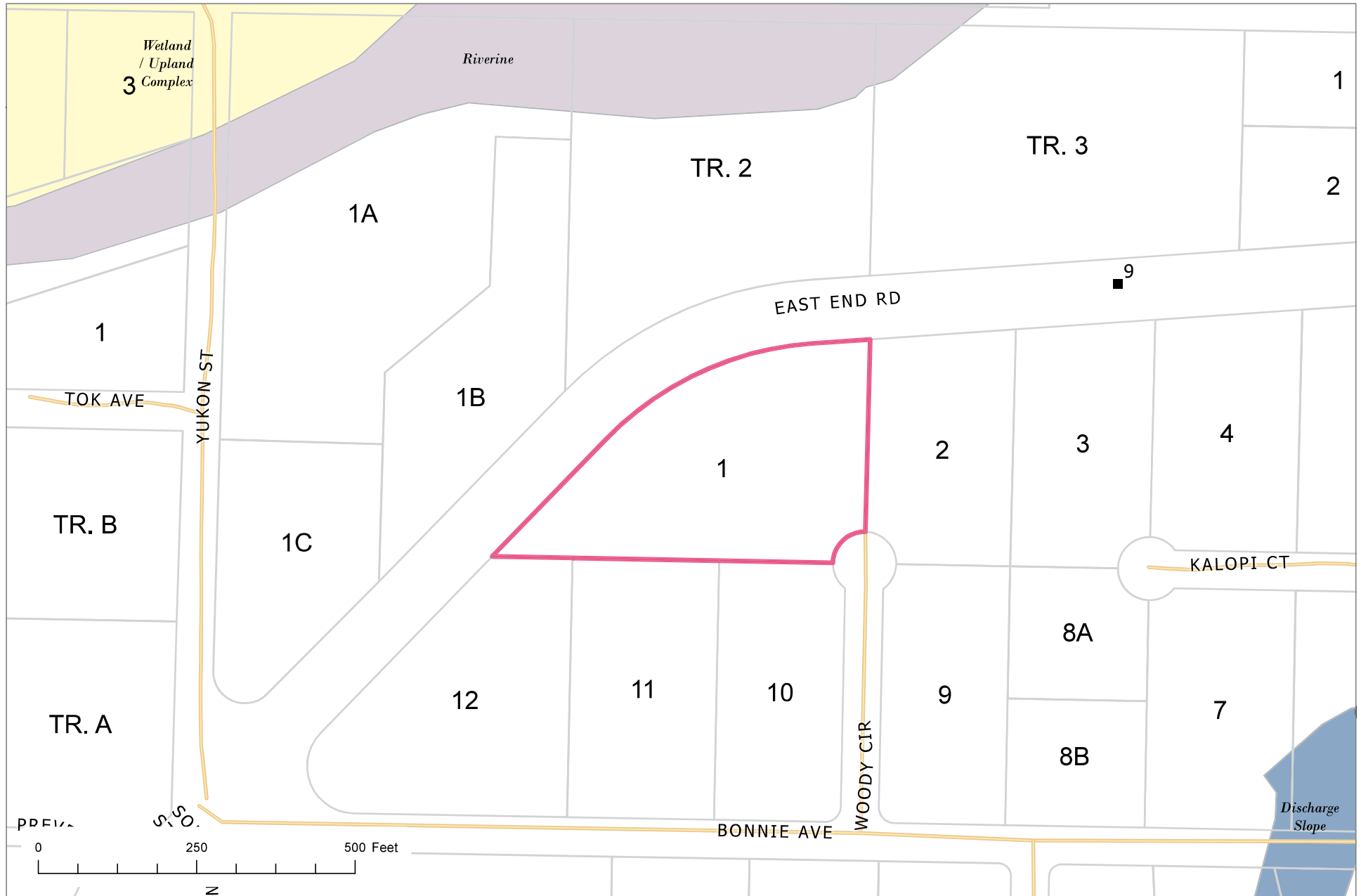
A PARTY OF RECORD MAY REQUEST THAT A DECISION OF THE PLAT COMMITTEE BE REVIEWED BY THE PLANNING COMMISSION BY FILING A WRITTEN REQUEST WITHIN 15 DAYS OF NOTIFICATION OF THE DECISION IN ACCORDANCE WITH KPB 2.40.080.

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



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