

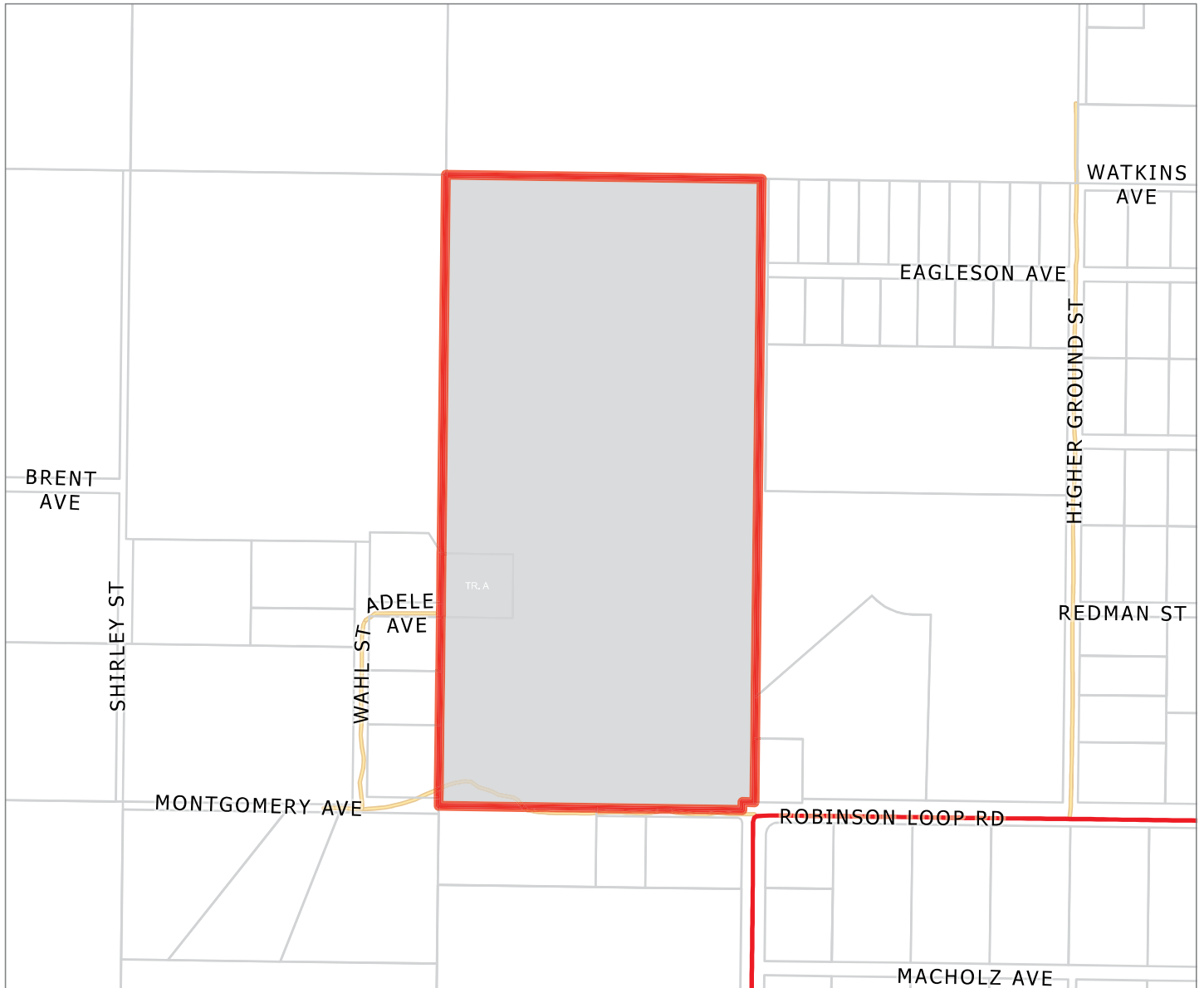
E. NEW BUSINESS

- 8. Wahl Subdivision; KPB File 2022-092R1
Segesser Surveys / Whal
Location: Adele Avenue & Montgomery Avenue
Sterling Area**



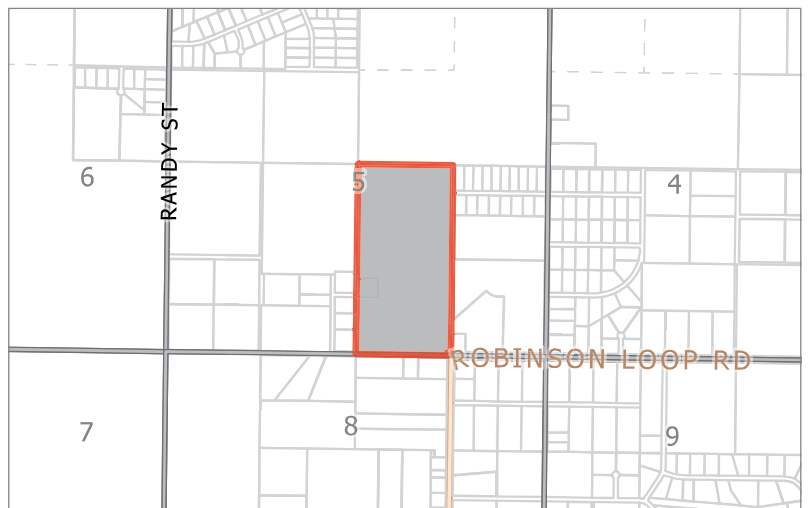
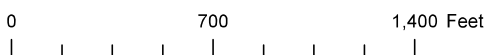
Kenai Peninsula Borough Planning Department

Vicinity Map



KPB File 2022-092R1
T 05N R 09W SEC 05
Sterling

8/30/2022





LEGEND:

- 2 1/2" BRASS CAP MONUMENT GLO 1939 FOUND
- 3 1/4" ALUM. CAP MONUMENT LS6101 1986 FOUND
- 3 1/4" ALUM. CAP MONUMENT LS5152 2001 FOUND
- 5/8" REBAR FOUND
- 1/2" REBAR FOUND
- 2 1/2" ALUM. CAP MONUMENT LS8859 SET
- 5/8" REBAR w/PLASTIC CAP LS8859 SET
- RECORD DATUM PLAT 2001-62 KRD

NOTES:

- 1) Basis of bearing taken from Record of Survey of Tract 3 Bibbans Subdivision, Plat 2001-62, Kenai Recording District.
- 2) Building Setback-A setback of 20 feet is required from all street Rights-of-Way unless a lesser standard is approved by resolution by the appropriate Planning Commission.
- 3) Covenants, conditions, and restrictions which affect this subdivision are recorded in Book 74 Page 142 Kenai Recording District. The borough will not enforce private covenants, easements, or deed restrictions per KPB 20.60.170.
- 4) 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.
- 5) An exception to KPB 20.30.170, Block length, was granted by the Plat Committee at the meeting of July 18, 2022.
- 6) An access agreement which affects this property is recorded in Book 273 Page 486, Kenai Recording District.
- 7) This property is subject to a reservation of easement for highway purposes, and any easements or uses thereof for recreational, utility or other purposes, as disclosed by Public Land Order No. 601, dated August 10, 1949; and amended by Public Land Order Number No. 757, dated October 10, 1959; Public Land Order No. 1613, dated April 7, 1958; Department of the Interior Order Number 2665, dated October 16, 1951; Amendment Number 1 thereto, dated July 17, 1952 and Amendment Number 2 thereto, dated September 15, 1956, filed in the Federal Register.
- 8) Roads must meet the design and construction standards established by the Borough in order to be considered for certification and inclusion in the Borough road maintenance program.
- 9) An easement for electric lines or system and/or telephone lines granted to Homer Electric Association is recorded as serial number 2012-009170-0, Kenai Recording District.
- 10) Front 10 feet adjacent to right-of-ways and 20 feet within 5 feet of the side lot lines is a utility easement. 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.
- 11) WASTEWATER DISPOSAL: Tract B This lot is at least 200,000 square feet and conditions may not be suitable for onsite wastewater treatment and disposal. Any wastewater treatment or disposal system must meet the regulatory requirements of the Alaska Department of Environmental Conservation.

WASTEWATER DISPOSAL: Tract C Soil conditions, water table levels, and soil slopes in this subdivision have been found suitable for conventional onsite wastewater treatment and disposal systems serving single-family or duplex residences and meeting the regulatory requirements of the Kenai Peninsula Borough. Any other type of onsite wastewater treatment and disposal system must be designed by a professional engineer, registered to practice in Alaska, and the design must be approved by the Alaska Department of Environmental Conservation.

Engineer License No. date



SURVEYOR'S CERTIFICATE

I hereby certify that I am properly registered and licensed to practice land surveying in the State of Alaska, this plat represents a survey made by me or under my direct supervision, the monuments shown hereon actually exist as described, and all dimensions and other details are correct.

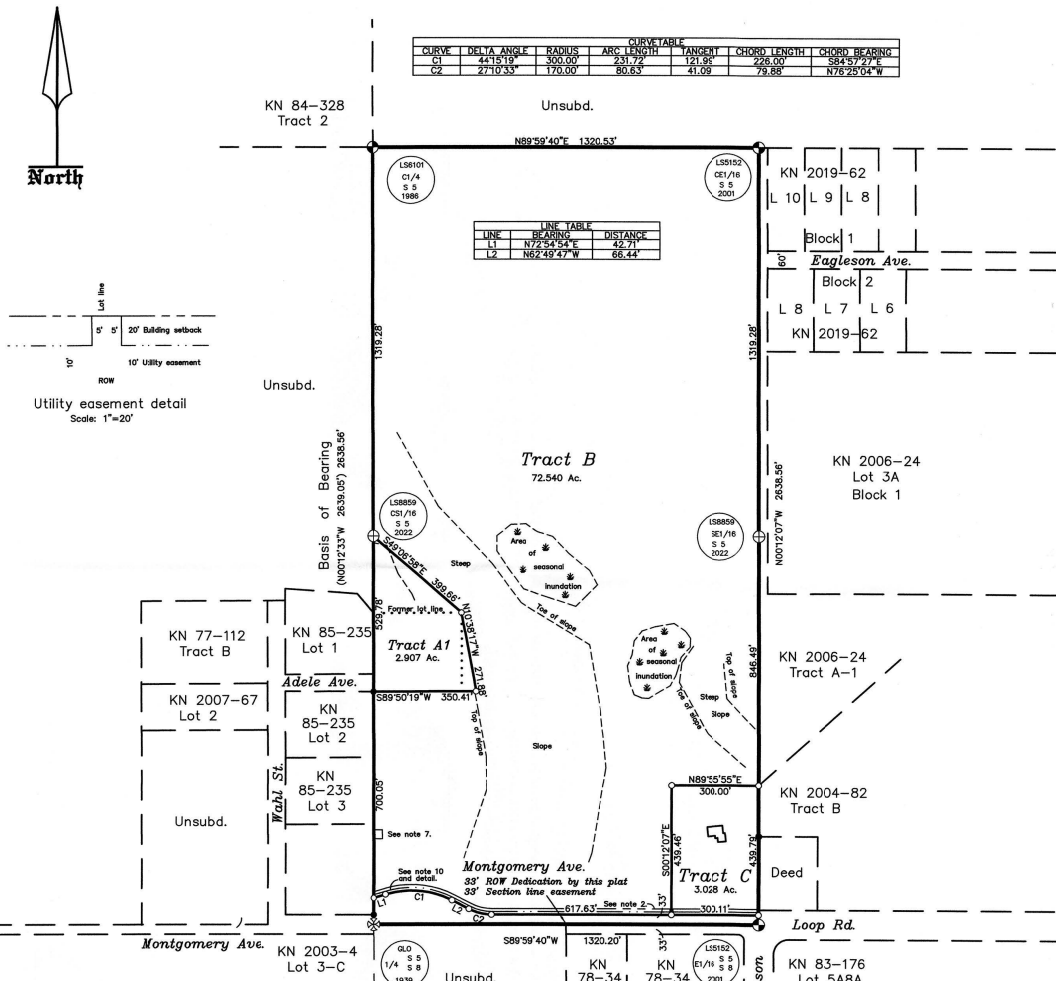
Date

CERTIFICATE of ACCEPTANCE

THE UNDERSIGNED OFFICIAL IDENTIFIED BY NAME AND TITLE IS AUTHORIZED TO ACCEPT AND HEREBY ACCEPTS ON BEHALF OF THE KENAI PENINSULA BOROUGH FOR PUBLIC USES AND FOR PUBLIC PURPOSES THE REAL PROPERTY TO BE DEDICATED BY THIS PLAT INCLUDING EASEMENTS, RIGHTS-OF-WAY, ALLEYS, AND OTHER PUBLIC AREAS SHOWN ON THIS PLAT IDENTIFIED AS FOLLOWS: MONTGOMERY AVENUE DEDICATION. THE ACCEPTANCE OF LANDS FOR PUBLIC USE OR PUBLIC PURPOSE DOES NOT OBLIGATE THE PUBLIC OR ANY OTHER GOVERNING BODY TO CONSTRUCT, OPERATE, OR MAINTAIN IMPROVEMENTS.

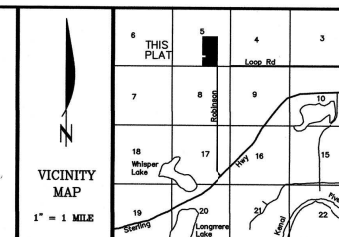
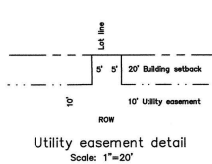
AUTHORIZED OFFICIAL
KENAI PENINSULA BOROUGH

DATE



CURVE	DELTA ANGLE	RADIUS	ARC LENGTH	TANGENT	CHORD LENGTH	CHORD BEARING
C1	22°19'33"	170.00'	57.72'	41.09'	295.00'	384°57'27"
L2	N62°49'47" W	66.44'				N70°32'02" W

LINK	BEARING	DISTANCE
L1	N72°54'54" E	42.71'
L2	N62°49'47" W	66.44'



CERTIFICATE of OWNERSHIP and DEDICATION

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 RIGHTS-OF-WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

BEVERLY A. WAHL
38480 ADELE AVENUE
STERLING, ALASKA 99672

NOTARY'S ACKNOWLEDGEMENT

FOR _____
ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 20____

NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES _____

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF JULY 18, 2022.

KENAI PENINSULA BOROUGH

AUTHORIZED OFFICIAL

KPB FILE No. 2022-092

Wahl Subdivision

A subdivision of the W1/2 SE1/4 Section 5, T5N, R9W, S.M., Excepting therefrom Tract A, Montgomery Homestead, Plat 78-46, Kenai Recording District.

Located in the W1/2 SE1/4 Section 5, T5N, R9W, S.M., Kenai Peninsula Borough, Alaska.

Containing 24.123 Ac.

Surveyor Segesser Surveys 30485 Rosland St. Soldotna, AK 99669 (907) 262-3909	Owner Beverly A. Wahl 38480 Adele Avenue Sterling, Alaska 99672
JOB NO. 22100	DRAWN 8-29-22
SURVEYED: May, 2022	SCALE: 1"=200'
FIELD BOOK: 22-2	SHEET: 1 of 1

KPB 2022-092R1

AGENDA ITEM E. NEW BUSINESS

ITEM 8 - WAHL SUBDIVISION

KPB File No.	2022-092R1
Plat Committee Meeting:	September 26, 2022
Applicant / Owner:	Beverly A Wahl of Sterling, AK
Surveyor:	John Segesser / Segesser Surveys
General Location:	Adele Avenue, Robinson Loop Road, Montgomery Avenue, Sterling

Parent Parcel No.:	063-016-14 & 063-01-604
Legal Description:	W1/2 SE1/4 T05N R09W S05 and Tract A Montgomery Homestead KN 76-46
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide two parcels that total about 80 acres into three tracts that will be 2.907, 3.028, and 72.54 acres. A dedication for Montgomery Avenue is proposed.

Location and Legal Access (existing and proposed): The subdivision is accessed by Robinson Loop Road near mile 87.5 of state maintained Sterling Highway. Robinson Loop Road is a state maintained right-of-way. The proposed plat is located on Montgomery Avenue that is located to the west of Robinson Loop Road at the point that Robinson Loop Road turns east. Montgomery Avenue is a varying width dedication atop section line easements and is maintained by the borough. Adele Avenue is 60 foot wide borough maintained right-of-way that ends at parent Tract A. Tract A1 will have access by Adele Ave from Wahl Street, and Tracts B & C will have access from Montgomery Avenue.

To the east is a 27 acre flag lot. The flag adjacent to the eastern boundary for approximately 1,300 feet. This limits access to Eagleson Avenue located to the east. The flag does not meet current borough standards as it exceeds the length requirements for a 30 foot wide flag. The lot was created in 2006 by plat.

Adele Avenue is located to the west but the design of existing Tract A from Montgomery Homestead KN 76-46, does not provide for a continuation or access to Tract B from Adele Avenue. Tract A is subject to a temporary turnaround that was depicted on the parent plat. A request for exception to extending Adele Avenue has been requested.

There is a 33 foot section line easement on the south of the plat that is adjacent to the proposed Montgomery Avenue dedication. The Montgomery Avenue dedication will coincide with 33 foot section line easement. The original design only proposed to dedicate a 33 foot width for Montgomery Avenue. As the constructed travelway goes north to avoid a low depression area and steeper slopes. Staff requested and the plat committee agreed to require the dedication be expanded to include 30 feet north of the existing centerline. The presented revision does show additional right-of-way width to comply.

The block is not compliant and an exception was granted at the July 18, 2022 Plat Committee meeting. This revision is to include Tract A and adjust the common lot lines to make the parcel bigger. The exception was granted with the following findings.

1. Large acreage tracts are to the north, northwest, and west.
2. The neighboring large acreage tracts have access from dedications and section line easements.
3. The western portion of the subdivision contains steep terrain.
4. KPB GIS data indicates no wetlands within the proposed tracts but imagery shows possible low wet areas.
5. To improve the block length and to be compliant, a dedication should be granted along the eastern

subdivision boundary.

6. An existing structure is located on proposed Tract C.
7. The proximity to a code compliant dedication would have to be reviewed to determine if there would be possible encroachments.
8. Terrain north of Tract C contains steep slopes.
9. The northern portion of the eastern boundary abuts a panhandle for a flag lot.
10. Due to the location of structures within adjacent Tract A, a continuation of Adele Avenue will be difficult.
11. The plat is proposing to dedicate atop the section line easement a right-of-way for Montgomery Avenue.
12. There are no current right-of-way dedications abutting the subdivision needing continuation.

Staff recommends the plat committee concur that the exception should stand based on the previously stated findings and plat note 5 should remain.

KPB Roads Dept. comments	Out of Jurisdiction: No Roads Director: Uhlin, Dil Comments: No comments
SOA DOT comments	The ROW for Robinson Loop Road appears to be shown correctly

Site Investigation: Area of steep slopes are present throughout the proposed subdivision. The top and toe of the bluff has been added to the drawing. Imagery indicates there may be some low wet area or standing water, areas of seasonal inundation are shown on the drawing to correspond. **Staff recommends** the depicted low wet areas and steep terrain remain on the final plat.

KPB River Center review	A. Floodplain 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 subdivision of aliquot lands and Tract A of Montgomery Homestead, Plat KN 76-46. Subdivisions have been done around the property but there are still several unsubdivided and/or large acreage tracts in the area. A design was conditional approved by the Plat Committee at the July 18, 2022 meeting. That design only included the large unsubdivided aliquot lands and created two tracts and provided a dedication of Montgomery Avenue. The owner has decided to include their Tract A to adjust the lot lines and increase the parcel's size.

A soils report will be required for Tract C and an engineer will sign the final plat. Tract B, due to the size of the lot will not require a soils analysis report. Tract A1 is increasing in size by more than 1,000 square feet and will not require a soils report but an additional plat note will be required for Tract A1.

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.

The property is not within an advisory planning commission.

Utility Easements As a majority of this property has not been included in any subdivision plats there are no current platted easements to carry over. There is a 10 utility easement from Montgomery Homestead KN 76-46 on the west side of former Tract A that needs to be shown. The HEA review includes a request for a plat note and 30 foot easement on the southwest corner of the plat, centered on the OH Electric line. **Staff recommends the utility easement from KN 76-46 be depicted with a label or plat note that it was granted by KN 76-46 and grant requested easements and notes from utility providers.**

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 plat note for an electric easement of record as recorded in Book 4 Page 123, KRD. Location not defined. Provide a 30 foot wide electric easement centered on the existing overhead primary electric line including down guys and anchors. The approximate location has been depicted.
ENSTAR	No comments or objections
ACS	No objections
GCI	Approved as shown

KPB department / agency review:

Addressing	Reviewer: Haws, Derek Affected Addresses: 38268 MONTGOMERY AVE Existing Street Names are Correct: Yes List of Correct Street Names: MONTGOMERY AVE ROBINSON LOOP RD EAGLESON AVE WAHL ST Existing Street Name Corrections Needed: All New Street Names are Approved: No List of Approved Street Names: List of Street Names Denied: Comments: 38268 MONTGOMERY AVE will remain with tract C.
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
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The subdivision plat has been reviewed and generally complies with the 2019 Kenai Peninsula Borough Comprehensive plan.

STAFF RECOMMENDATIONS **CORRECTIONS / EDITS**

- On the drawing, reference to note 7, should be 9.
- The utility easement detail should be reviewed as the depiction appears to be missing information or not labeled correctly.

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:** Revise legal to include Tract A, add R1 to end of the KPB number.
- 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 ROW width to Adele Avenue, Montgomery Avenue to the west, Robinson Loop Rd to the east. Depict and label the adjacent section line easements where dedications have not been granted.
- 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:** Include Tract A in the darkened area.
- E. All parcels of land including those intended for private ownership and those to be dedicated for public use or reserved in the deeds for the use of all property owners in the proposed subdivision, together with the purposes, conditions, or limitations of reservations that could affect the subdivision;
- Staff recommendation:** It should be determined by the surveyor with further research of the document in book 273 page 486 the location of the access. Document mentions a tax map that is not included in the Certificate to Plat or attached with the document on the recorders website.
- 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:** Provide an additional dedication label for the wider portion of Montgomery Avenue as that portion is not 33 feet in width.
- 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: Parcel in southwest corner from plat needs label. Parcel to the east of plat needs correct plat reference

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.

20.30.240. Building setbacks.

A. A minimum 20-foot building setback shall be required for dedicated rights-of-way in subdivisions located outside incorporated cities.

A. The setback shall be graphically depicted and labeled on the lots; if such depiction will interfere with the legibility of the plat, a typical lot showing the depiction and label may be provided on the plat, clearly indicating that the typical setback applies to all lots created by the plat.

B. The setback shall be noted on the plat in the following format:
Building setback- A setback of 20 feet is required from all dedicated street right-of-ways unless a lesser standard is approved by resolution of the appropriate planning commission.

C. 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: On Montgomery Homestead KRD76-46 is shown a 20 foot building setback line going around the temp turn around.

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: Tract A1 will be increasing by more than 1,000 square feet. A soils report will not be required for Tract A1 or Tract B. Soils report will be required for Tract C.

Staff recommendation: Add a wastewater disposal note for Tract A1. 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: make the lines for Tracts A1 and Tract C lighter

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.*

- *The borough will not enforce private covenants, easements, or deed restrictions per KPB 20.60.170.*

EXCEPTIONS REQUESTED:

KPB 20.30.030 – Proposed street layout-Requirements (extending Adele Avenue)

Surveyor's Discussion: The owner is asking for an exception to extending Adele Avenue. The land to the south of Tract A can be access from Montgomery Avenue.

Staff Discussion: The original preliminary design did not include Tract A. Adele Avenue is a 60 foot wide borough maintained right-of-way that the original design did not front or abut to and thus unable to provide any dedication to Adele Avenue. The inclusion of Tract A would now require a continuation of Adele Avenue per KPB 20.30.030. Plat KN 76-46, Montgomery Homestead dedicated Wahl Street, Adele Avenue, and created Tract A. Tract A is subject to a 50 foot radius temporary turnaround and a 20 foot building setback. The plat did not indicate what requirements would need to be meet for the turnaround to be considered removed. KPB Code no longer allows the creation of temporary turnarounds.

Denial of the exception request will require a through 60 foot dedication of Adele Avenue.

Findings:

1. Tract A is subject to a 50 foot radius temporary turnaround and 20 foot building setback.
2. Adele Avenue is a constructed and borough maintained right-of-way.
3. The dedication of Adele Avenue is a 60 feet wide that ends abutting Tract A.
4. KPB 20.30.030 would require a continuation of Adele Avenue through the subdivision.
5. The location of the existing right-of-way would require a through continuation to go through steep terrain and low seasonal wet areas.
6. A through dedication would not connect to other dedications as an exception for block length and required dedications was previously granted.
7. Proposed Tract B has access from Montgomery Avenue.
8. Tract B is large enough to be further subdivided.
9. A portion of Tract B will be located west of the steep slopes and will be large enough to be further subdivided.
10. A dedication or continuation will allow the western portion of Tract B to be further subdivided with multiple access available.
11. There is room within Tract B for future dedications to avoid terrain issues through the eastern portion of the tract.
12. The dedication of a cul-de-sac will provide for a permanently closed right-of-way.

Staff reviewed the exception request and recommends granting approval subject to the following:

- Dedicate a 60 foot radius cul-de-sac to replace the temporary turnaround in place.
- The dedication should extend the 60 foot right-of-way to allow for a full cul-de-sac to be granted from Tract A1 and Tract B as the ability to get the remainder of the bulb from Lot 2 of KN 85-235 is minimal as this is a 1.56 acre lot.
- In addition to the 20 foot setback, the dedication will be subject to a 10 foot utility easement.
- If the requested design causes issues with existing permanent structures, the surveyor shall disclose to determine if a change to road design will be required or if the structures will be exempt from setbacks or utility easements.

If the plat committee grants the exception but does not agree with the request of a cul-de-sac dedication, **staff recommends** the exception be granted and the temporary turnaround and setback from the parent plat be depicted and labeled with source.

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, 2, 5-8, 11, and 12 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, 2, 5-8, 11, and 12 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, 2, 5-8, 11, and 12 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.

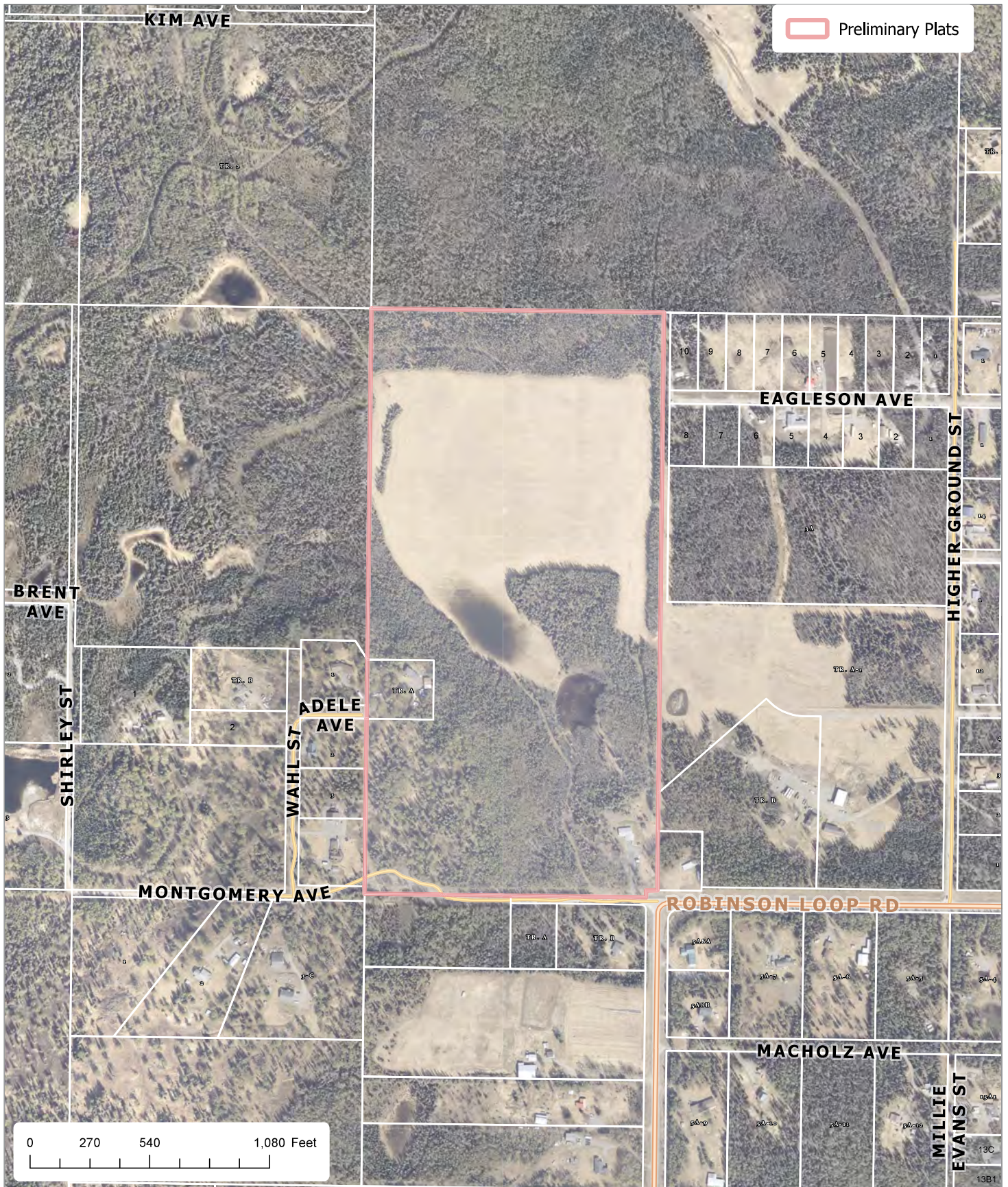
A PARTY OF RECORD MAY REQUEST THAT A DECISION OF THE PLAT COMMITTEE BE REVIEWED BY THE PLANNING COMMISSION BY FILING A WRITTEN REQUEST WITHIN 15 DAYS OF NOTIFICATION OF THE DECISION IN ACCORDANCE WITH KPB 2.40.080.

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.

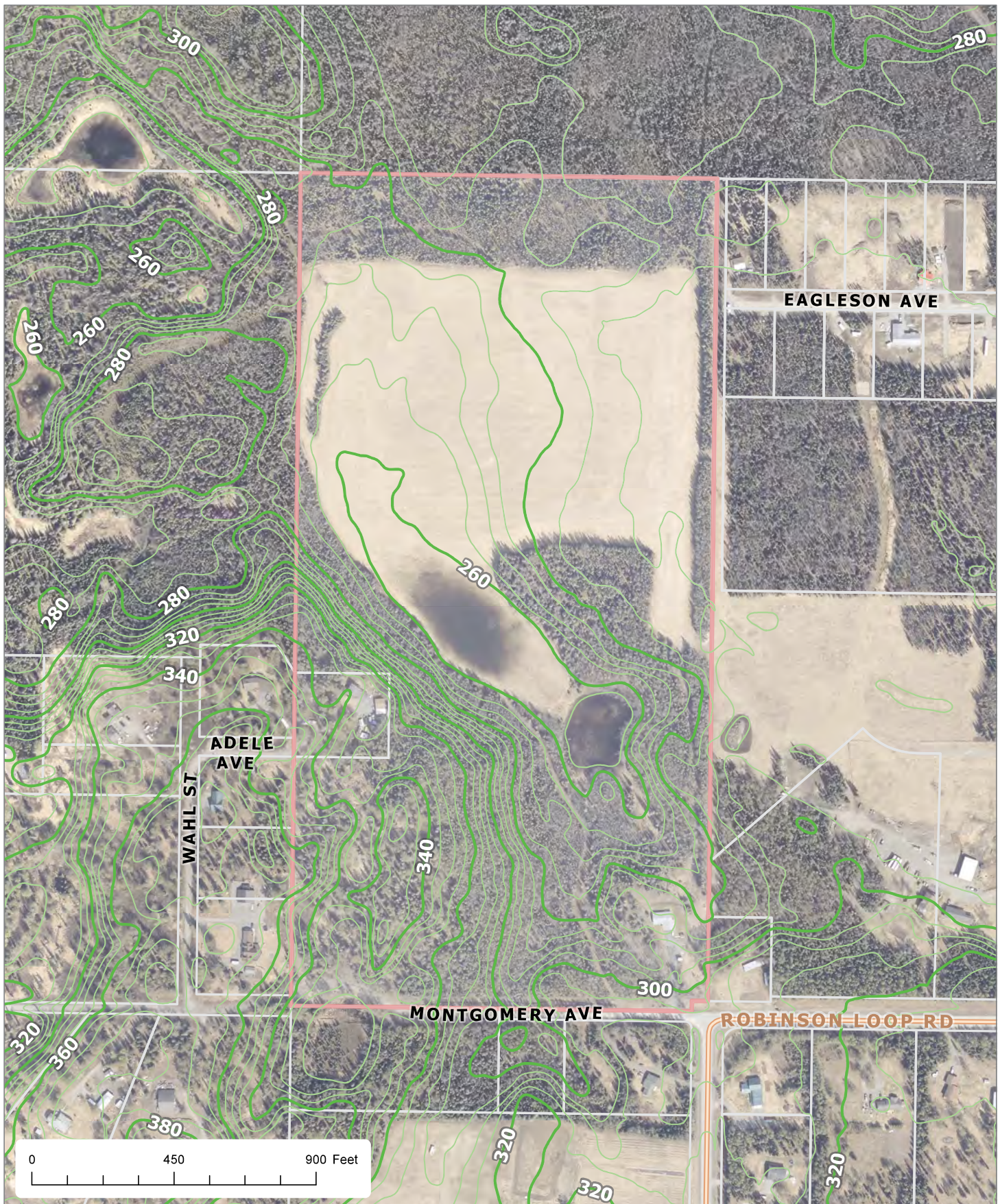
END OF STAFF REPORT



Aerial View







Seeing and hearing no objection or discussion, the motion, as amended, was carried by the following vote:

MOTION PASSED AS AMENDED BY UNANIMOUS VOTE

Yes	5	Brantley, Fikes, Horton, Morgan, Venuti
No	0	

ITEM E8 - WAHL SUBDIVISION

KPB File No.	2022-092
Plat Committee Meeting:	July 18, 2022
Applicant / Owner:	Beverly A Wahl of Sterling, AK
Surveyor:	John Segesser / Segesser Surveys
General Location:	Robinson Loop Road, Montgomery Avenue, Sterling

Parent Parcel No.:	063-016-14
Legal Description:	W1/2 SE1/4 T05N R09W S05
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On site

Staff report given by Platting Specialist Julie Hindman.

Chair Brantley opened the item for public comment. Seeing and hearing no one wishing to comment, public comment was closed and discussion was opened among the committee.

MOTION: Commissioner Fikes moved, seconded by Commissioner Venuti to grant preliminary approval to Wahl Subdivision based on staff recommendations and compliance with borough code.

AMENDMENT MOTION: Commissioner Fikes moved, seconded by Commissioner Venuti, to grant exception request to KPB 20.30.030 – Proposed Street Layout Requirements & KPB 20.30.170 – Block Length Requirements, citing findings 1-12 in support of standards one, two & three.

Seeing and hearing no objection or discussion, the motion was carried by the following vote:

MOTION PASSED BY UNANIMOUS VOTE

Yes	5	Brantley, Fikes, Horton, Morgan, Venuti
No	0	

ITEM E9 - LILLIAN WALLI ESTATE 2022 REPLAT

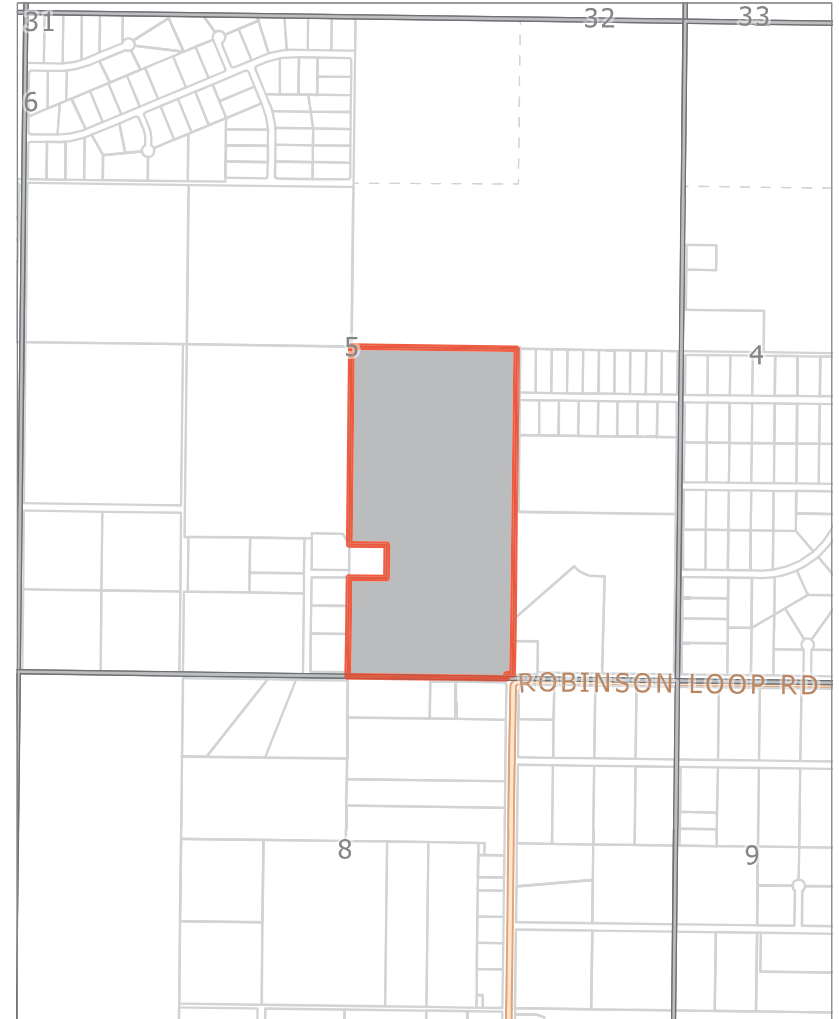
KPB File No.	2022-083
Plat Committee Meeting:	July 18, 2022
Applicant / Owner:	Weisser Homes LLC of Homer, AK
Surveyor:	Stephen Smith / Geovera LLC
General Location:	Eric Lane, City of Homer

Parent Parcel No.:	175-240-27
Legal Description:	Lot 28-A Lillian Walli Estate 2020 Replat HM 2021-47
Assessing Use:	Residential
Zoning:	Rural Residential District (in the process of rezoning to Urban Residential)
Water / Wastewater	City

***PASSED BY GROUPED PLATS UNDER THE CONSENT AGENDA**

E. NEW BUSINESS

- 8. Wahl Subdivision; KPB File 2022-092**
Segesser Surveys / Wahl
Ninilchik Area



KPB File # 2022-092
S05 T05N R09W
Sterling



Aerial View



LEGEND:

- 2 1/2" BRASS CAP MONUMENT GLO 1939 FOUND
- 3 1/4" ALUM CAP MONUMENT LS6101 1986 FOUND
- 3 1/4" ALUM CAP MONUMENT LS5152 2007 FOUND
- 5/8" REBAR w/PLASTIC CAP FOUND
- 2 1/2" ALUM CAP MONUMENT LS3859 SET
- 5/8" REBAR w/PLASTIC CAP LS3859 SET
- () RECORD DATUM PLAT 2001-62 KRD



NOTES:

- 1) Basis of bearing taken from Record of Survey of Tract 3 Binkens Subdivision, Plat 2001-62, Kenai Recording District.
- 2) Building Setback-A setback of 20 feet is required from all street Rights-of-Way unless a lesser standard is approved by resolution by the appropriate Planning Commission.
- 3) Covenants, conditions, and restrictions which affect this subdivision are recorded in Book 74 Page 142 Kenai Recording District. The borough will not enforce private covenants, easements, or deed restrictions per KPB 20.00.000.
- 4) An access agreement which affects this property is recorded in Book 273 Page 485, Kenai Recording District.
- 5) This property is subject to a reservation of easement for highway purposes, and any assignments or uses thereof for recreational, utility or other purposes, as disclosed by Public Land Order No. 601, dated August 10, 1949 and amended by Public Land Order Number No. 757, dated October 10, 1950; Public Land Order No. 1613, dated April 7, 1958; Department of the Interior Order Number 2665, dated October 16, 1951, Amendment Number 1 thereto, dated July 17, 1952 and Amendment Number 2 thereto, dated September 15, 1956 filed in the Federal Register.
- 6) Roads must meet the design and construction standards established by the Borough in order to be considered for certification and inclusion in the Borough road maintenance program.
- 7) An easement for electric lines or system and/or telephone lines granted to Homer Electric Association is recorded as serial number 2002-000170-2, Kenai Recording District.
- 8) Front 10 feet adjacent to right-of-ways and 20 feet within 5 feet of the side lot lines is a utility easement. 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.
- 9) WASTEWATER DISPOSAL: Tract B This lot is at least 200,000 square feet and conditions may not be suitable for onsite wastewater treatment and disposal. Any wastewater treatment or disposal system must meet the regulatory requirements of the Alaska Department of Environmental Conservation.

WASTEWATER DISPOSAL: Tract C Soil conditions, water table levels and soil slopes in this subdivision have been found suitable for conventional onsite wastewater treatment and disposal systems serving single-family or duplex residences and meeting the regulatory requirements of the Kenai Peninsula Borough. Any other type of onsite wastewater treatment and disposal system must be designed by a professional engineer, registered to practice in Alaska, and the design must be approved by the Alaska Department of Environmental Conservation.

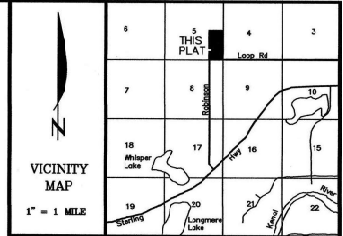
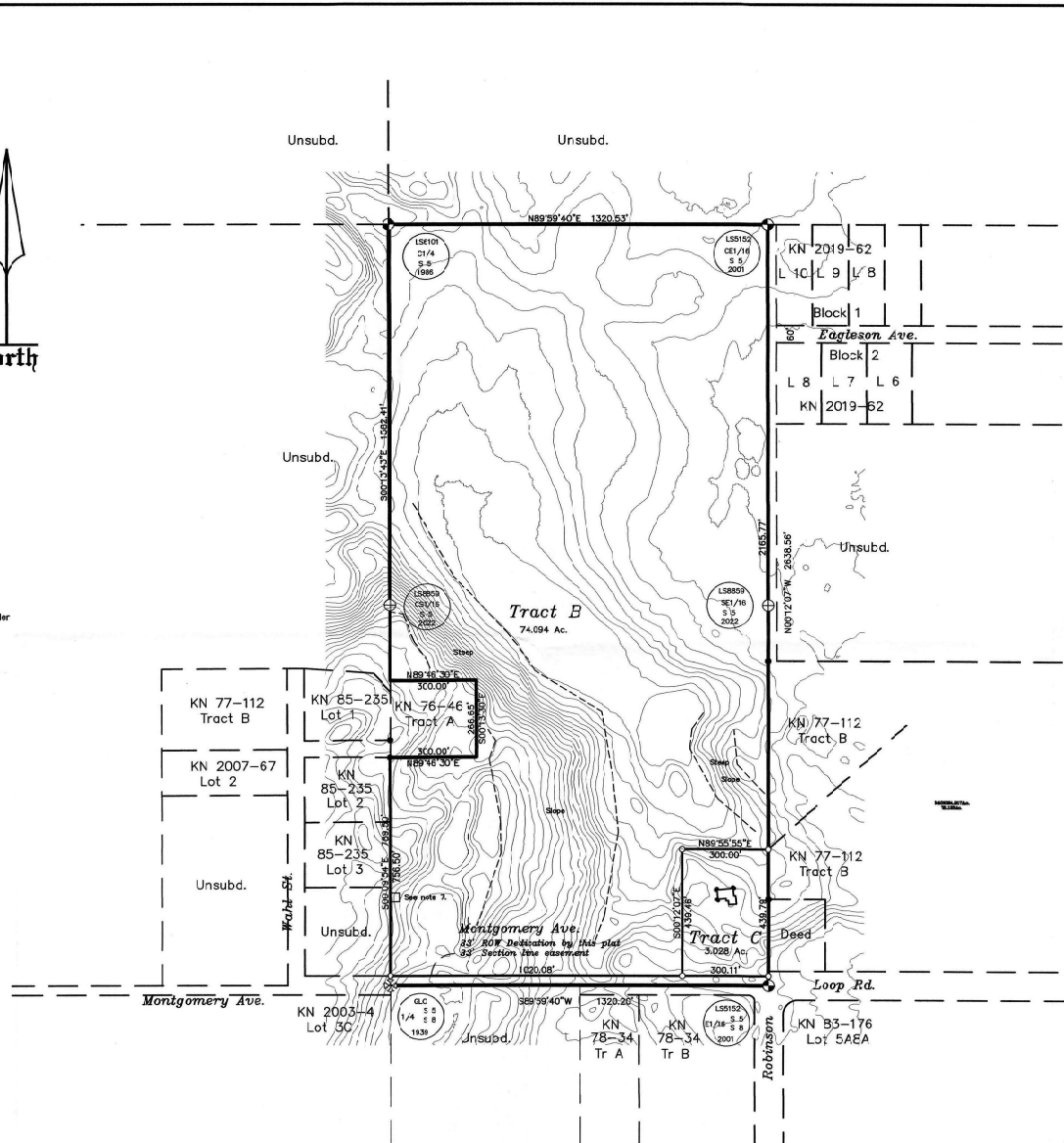
Engineer License No. 4918



SURVEYOR'S CERTIFICATE

I hereby certify that I am properly registered and licensed to practice land surveying in the State of Alaska, this plat represents a survey made by me or under my direct supervision, the monuments shown hereon actually exist as described, and all dimensions and other details are correct.

Date _____



CERTIFICATE of OWNERSHIP and DEDICATION

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 RIGHTS-OF-WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

BEVERLY A. WAHL
38480 ADELE AVENUE
STERLING, ALASKA 99722

NOTARY'S ACKNOWLEDGEMENT

FOR _____
ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____ 20____

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

AUTHORIZED OFFICIAL _____

KPB FILE No. _____

Wahl Subdivision

A subdivision of the W1/2 SE1/4 Section 5, T5N, R9W, S.M., Excepting therefrom Tract A, Montgomery Homestead, Plat 78-46, Kenai Recording District.

Located in the W1/2 SE1/4 Section 5, T5N, R9W, S.M., Kenai Peninsula Borough, Alaska.

Containing 78.123 Ac.

Surveyor	Owner
Segesser Surveys 30485 Rosland St. Soldotna, AK 99689 (907) 262-3909	Beverly A. Wahl 38480 Adele Avenue Sterling, Alaska 99722
JOB NO. 22130	DRAWN 6-24-22
SURVEYED: May, 2022	SCALE: 1"=200'
FIELD BOOK: 22-2	SHEET: 1 of 1

KPB 2022-092

AGENDA ITEM E. NEW BUSINESS

ITEM 8 - WAHL SUBDIVISION

KPB File No.	2022-092
Plat Committee Meeting:	July 18, 2022
Applicant / Owner:	Beverly A Wahl of Sterling, AK
Surveyor:	John Segesser / Segesser Surveys
General Location:	Robinson Loop Road, Montgomery Avenue, Sterling

Parent Parcel No.:	063-016-14
Legal Description:	W1/2 SE1/4 T05N R09W S05
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide a 78 acre parcel into a 74 acre tract and a 3 acre tract. A 33 foot right-of-way dedication for Montgomery Avenue is proposed.

Location and Legal Access (existing and proposed): The subdivision is accessed by Robinson Loop Road near mile 87.5 of state maintained Sterling Highway. Robinson Loop Road is a state maintained right-of-way. The proposed plat is located on Montgomery Avenue that is located to the west of Robinson Loop Road at the point that Robinson Loop Road turns east. Montgomery Avenue is a varying width dedication atop section line easements and is maintained by the borough. Both of the tracts will have access from Montgomery Avenue.

To the east is a 27 acre flag lot. The flag adjacent to the eastern boundary for approximately 1,300 feet. This limits access to Eagleson Avenue located to the east. The flag does not meet current borough standards as it exceeds the length requirements for a 30 foot wide flag. The lot was created in 2006 by plat.

Adele Avenue is located to the west but the design of Tract A does not provide for a continuation or access to Tract B from Adele Avenue.

The block is not compliant and exceptions have been requested for block length and right-of-way dedications.

Upon looking at the KPB GIS imagery, there appears to be a portion of Montgomery Avenue constructed and maintained outside the section line easement and the proposed dedication. The road appears to go around a low depression area and go back into the dedication where it avoids some steeper slopes. As a dedication is proposed for the right-of-way staff would like to see the dedication include the constructed portion. Staff's recommendation would be for the edge of the right-of-way be determined during the field survey and then to dedicate 30 feet north of centerline and North of section line to centerline or 33 feet offset of section line, whichever is further, for inclusion in the constructed right-of-way. **Staff recommends the plat committee make a separate motion to discuss the Montgomery Avenue dedication.**

KPB Roads Dept. comments	Out of Jurisdiction: No Roads Director: Uhlin, Dil Comments: No comments
SOA DOT comments	The ROW for Robinson Loop Road appears to be shown correctly

Site Investigation: Several areas of steep slopes are present throughout the proposed subdivision. Contours are present on the preliminary plat. **Staff recommends** the top or toe of bluffs be shown or the areas of steep slopes remain on the final.

A small portion of a depression area is located in the southwest corner where the right-of-way is proposed to be dedicated. No other wetlands appear to be present within the subdivision per KPB GIS data. Imagery does indicate there may be some low wet areas or standing water. **Staff recommends** the wetland determination note be added and any low wet areas found during the field survey be depicted. If open water is present it should be shown and labeled as pond or seasonal pond depending on the situation.

Improvements are located on proposed Tract C. There are improvements located on adjacent Tract A and appear to be close to the property line. It does not appear that there are any encroachment issues between lots. **Staff recommends** if any encroachments are located during the field survey they should be presented to the planning department with proposed resolutions.

The constructed portion of Montgomery Avenue appears to encroach onto what will be Tract B. It is requested that the location be determined during the field survey.

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 This is a subdivision of aliquot lands. Subdivisions have been done around the property but there are still several unsubdivided and/or large acreage tracts in the area.

A soils report will be required for Tract C and an engineer will sign the final plat. Tract B, due to the size of the lot will not require a soils analysis report.

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.

The property is not within an advisory planning commission.

Utility Easements As this property has not been included in any subdivision plats there are no current platted easements to carry over. There is an easement granted by document and is noted and depicted in the western portion of the plat. The HEA review includes the request for a plat note for a recorded easement that did not show up within the Certificate to Plat. **Staff recommends** the surveyor/owner review the noted easement and if it is determined to affect this property they work with the title company. If it is determined to not impact this property they should work with HEA to make sure all needs are being met.

The plat is proposing to dedicate 10 foot wide utility easements adjacent to the dedicated rights-of-way that increase to 20 feet within 5 feet of the side lot lines. Due to the scale depicting the easements and the setback will be difficult. **Staff recommends** a detailed depiction of typical setbacks and easements be shown on the 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	Provide a plat note for an electric easement of record as recorded in Book 4 Page 123, KRD. Location not defined. Provide a 30 foot wide electric easement centered on the existing overhead primary electric line including down guys and anchors. The approximate location has been depicted.
ENSTAR	No comments or objections
ACS	No objections
GCI	Approved as shown

KPB department / agency review:

Addressing	<p>Reviewer: Haws, Derek Affected Addresses: 38268 MONTGOMERY AVE</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names: MONTGOMERY AVE ROBINSON LOOP RD EAGLESON AVE WAHL ST</p> <p>Existing Street Name Corrections Needed:</p> <p>All New Street Names are Approved: No</p> <p>List of Approved Street Names:</p> <p>List of Street Names Denied:</p> <p>Comments: 38268 MONTGOMERY AVE will remain with tract C.</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	<p>Reviewer: Windsor, Heather Comments: No comment</p>

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.

- 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: Provide width of dedications that are existing for Montgomery Avenue and depict and label the adjacent section line easements where dedications have not been granted.
- 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:
- Any rights-of-way being shown should include a width label.
 - There is an overstrike on the Wahl Street label.
 - Provide a street name label for Adele Avenue in addition to a width label.
 - The unsubdivided parcel to the northwest is Tract 2 of KN 84-328.
 - The unsubdivided parcel to the east is Lot 3A Block 1 of KN 2006-24
 - The northern Tract B to the east is Tract A-1 of KN 2006-70.
 - The southern Tract B to the east is from KN 2004-82 and miscellaneous text appears within the lot boundary.
 - Lot 3C to the southwest is Lot 3-C.
 - On the vicinity map, place the site in the correct location.
 - Correct the drawing of KN 85-235 Lot 1 as needed.

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: Correct plat notes are present. A report will not be required for Tract B due to the size of the tract. Tract C will require a soils analysis report and an engineer will need to sign the plat.

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.

- 20.60.040. Dedication of public use lands. Any land shown on a plat as a street, public park or other public area must be dedicated on the final plat to a tax exempt governmental entity. If the governmental entity is not the Kenai Peninsula Borough, the governmental entity shall be required to execute an acceptance of the dedication on the plat.

Staff recommendation: An acceptance for the Montgomery Avenue dedication will be required for signature by the Kenai Peninsula Borough.

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.

- Add a plat note for any exceptions granted.
- 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.

Correct plat note 3 code reference, should be 20.60.170.

Get complete copy of easement referenced in Book 273 Page 486 to correctly show location of easement.

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: There is a typo within the certificate of ownership and dedication. Comply with 20.60.190.

EXCEPTIONS REQUESTED:

KPB 20.30.030 – Proposed street layout-Requirements and 20.30.170 – Blocks-Length Requirements

Surveyor's Discussion: We are asking for exceptions to block length and road dedications for this plat. Tract B is large enough to be subdivided in the future and rights-of-way could be dedicated at that time. Rights-of-way along the boundary of this subdivision do not look practical for development at this time.

Staff Discussion: KPB Code requires rights-of-way dedications 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.

Findings:

1. Large acreage tracts are to the north, northwest, and west.
2. The neighboring large acreage tracts have access from dedications and section line easements.
3. The western portion of the subdivision contains steep terrain.
4. KPB GIS data indicates no wetlands within the proposed tracts but imagery shows possible low wet areas.
5. To improve the block length and to be compliant, a dedication should be granted along the eastern subdivision boundary.
6. An existing structure is located on proposed Tract C.
7. The proximity to a code compliant dedication would have to be reviewed to determine if there would be possible encroachments.
8. Terrain north of Tract C contains steep slopes.
9. The northern portion of the eastern boundary abuts a panhandle for a flag lot.
10. Due to the location of structures within adjacent Tract A, a continuation of Adele Avenue will be difficult.
11. The plat is proposing to dedicate atop the section line easement a right-of-way for Montgomery Avenue.
12. There are no current right-of-way dedications abutting the subdivision needing continuation.

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 1-12 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 1-12 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 1-12 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:

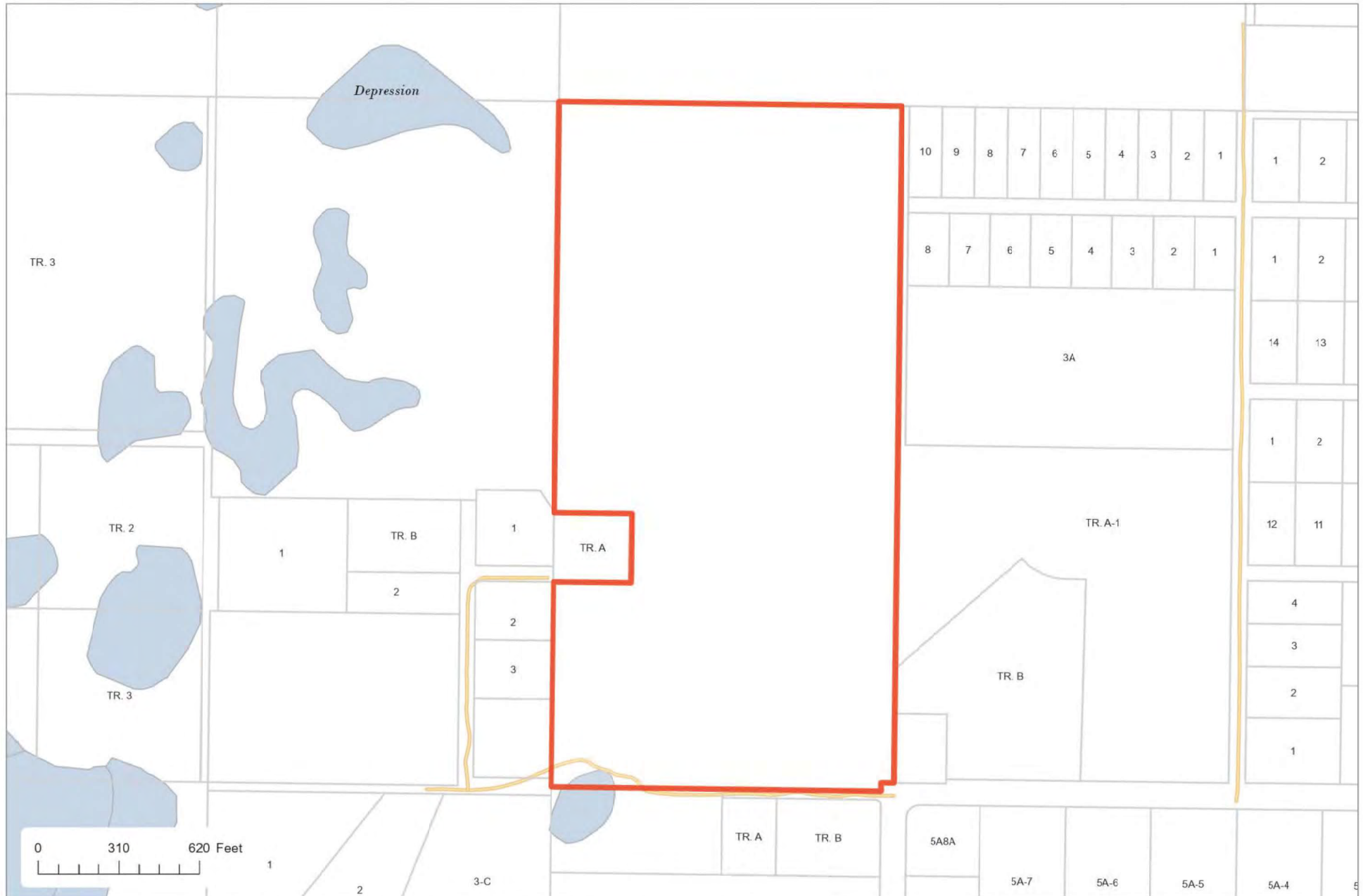
- GRANT APPROVAL OF THE PRELIMINARY PLAT SUBJECT TO STAFF RECOMMENDATIONS, AND
- COMPLIANCE WITH KPB 20.25.070 (FORM AND CONTENTS), KPB 20.25.080 (PETITION REQUIRED), KPB 20.30 (DESIGN REQUIREMENTS); AND KPB 20.40 (WASTEWATER DISPOSAL), AND
- COMPLIANCE WITH KPB 20.60 TO ENSURE ADMINISTRATIVE APPROVAL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

NOTE: 20.25.120. - REVIEW AND APPEAL.

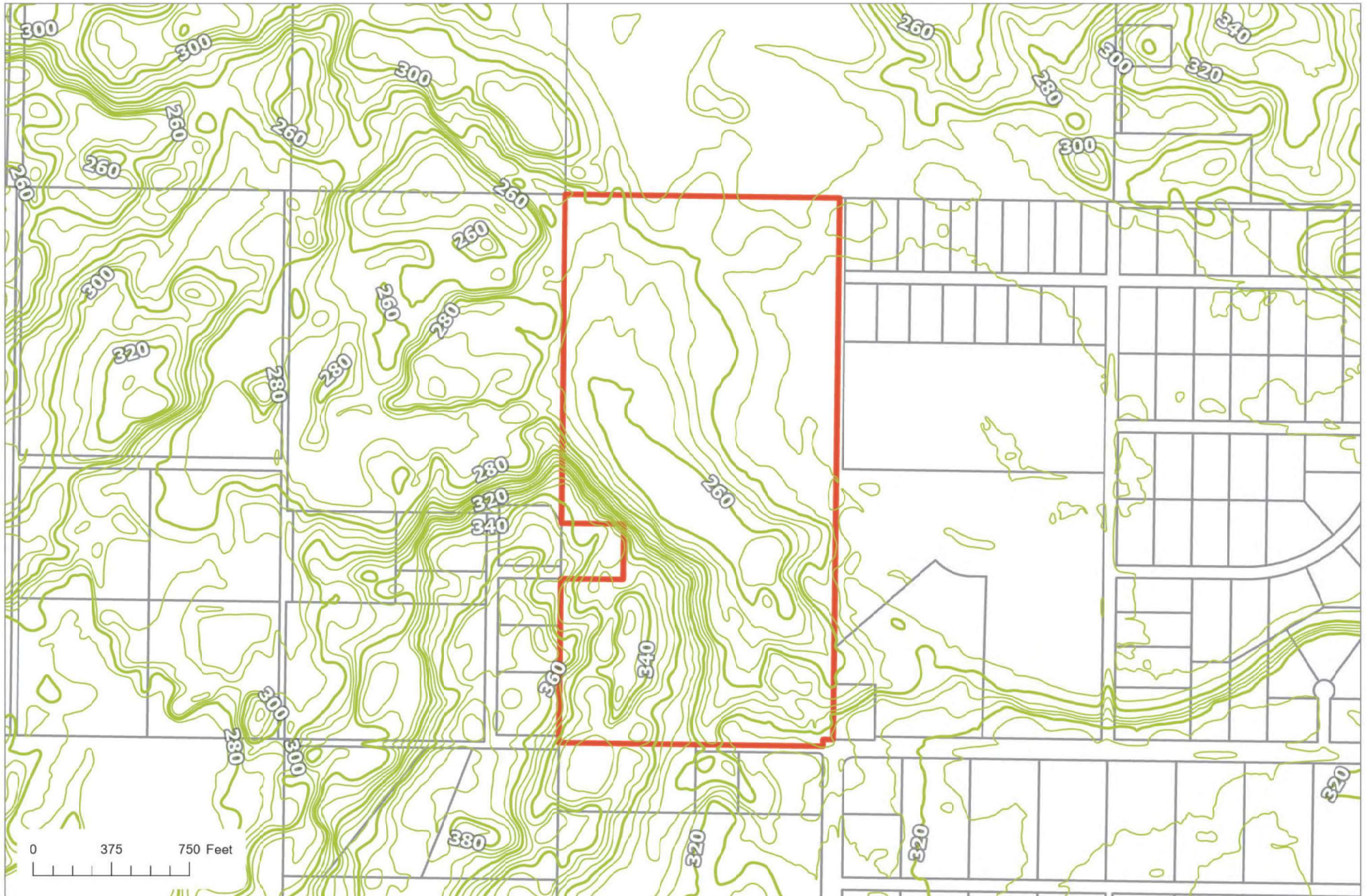
A PARTY OF RECORD MAY REQUEST THAT A DECISION OF THE PLAT COMMITTEE BE REVIEWED BY THE PLANNING COMMISSION BY FILING A WRITTEN REQUEST WITHIN 15 DAYS OF NOTIFICATION OF THE DECISION IN ACCORDANCE WITH KPB 2.40.080.

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



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.



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