

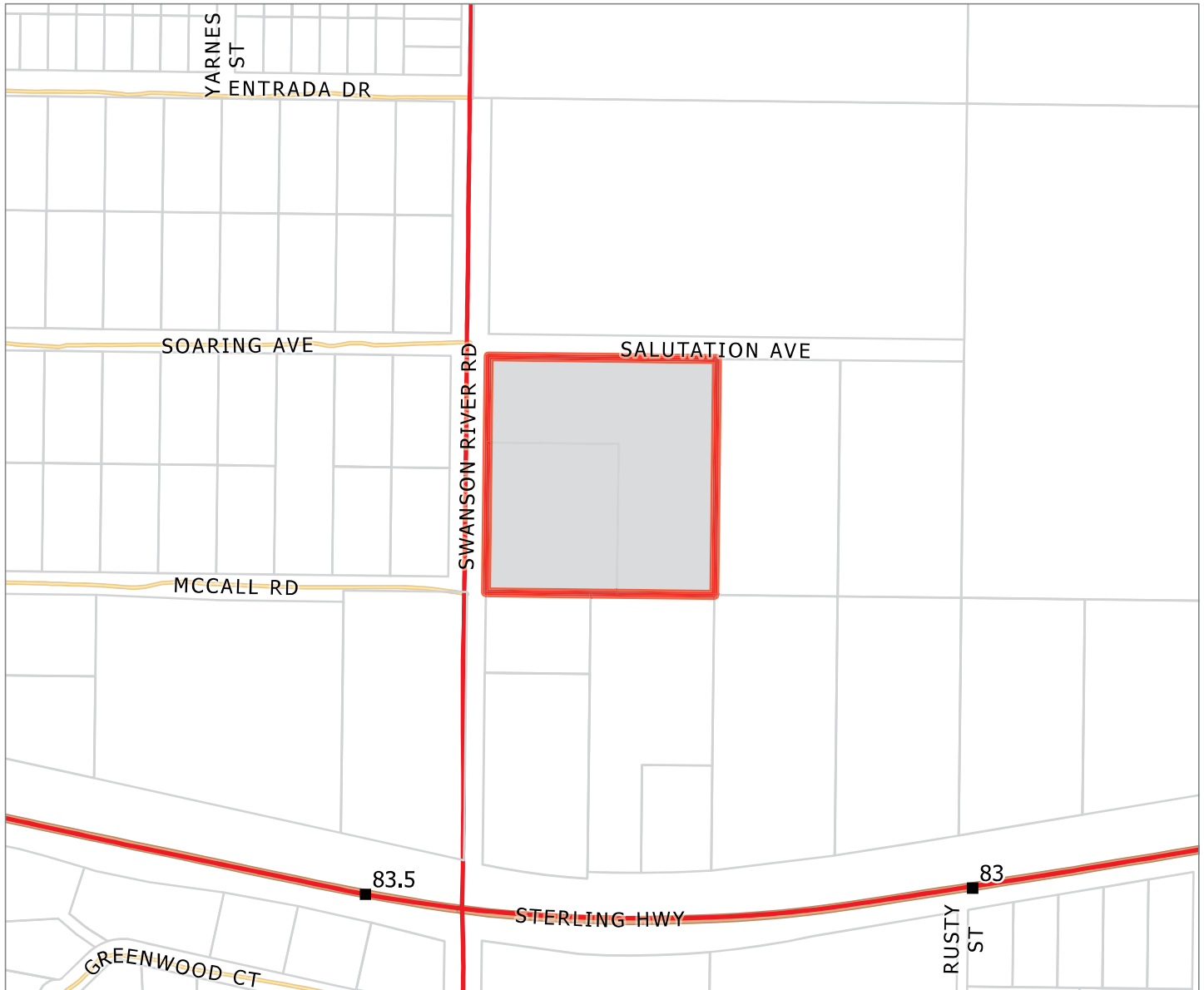
## **E. NEW BUSINESS**

- 3. McCall Subdivision 2022 Replat  
KPB File 2022-166**



# Kenai Peninsula Borough Planning Department

## Vicinity Map

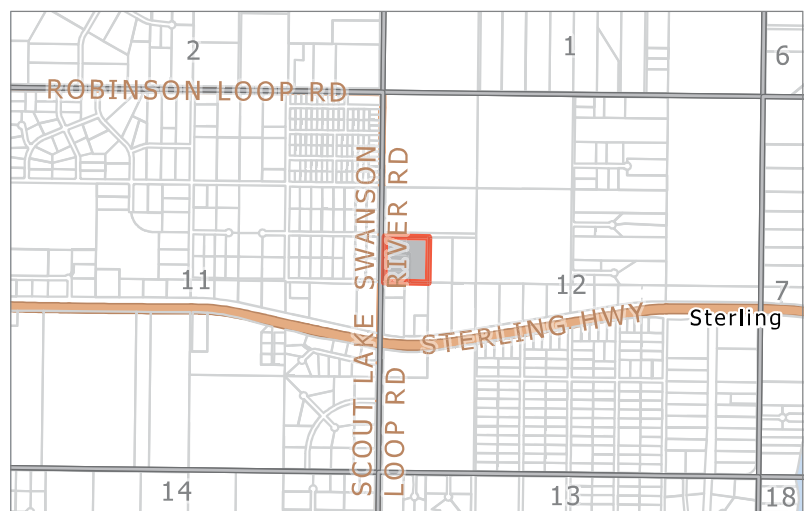
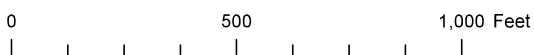


KPB File 2022-166

T 05N R09W SEC 12

Sterling

11/14/2022

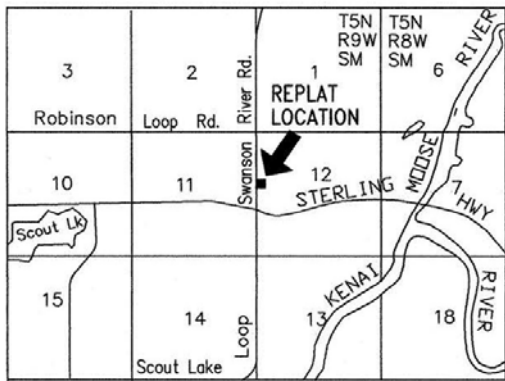




Aerial View







VICINITY 1" = 1 mile MAP

# McCall Subdivision, 2022 Replat Preliminary Plat

A replat combining Tract A1 McCall Subd., #2, (KRD 85-109) with an adjacent deed parcel.  
Located in the NW 1/4 Section 12, T5N R9W, SM, Sterling, Alaska.  
Kenai Recording District Kenai Peninsula Borough

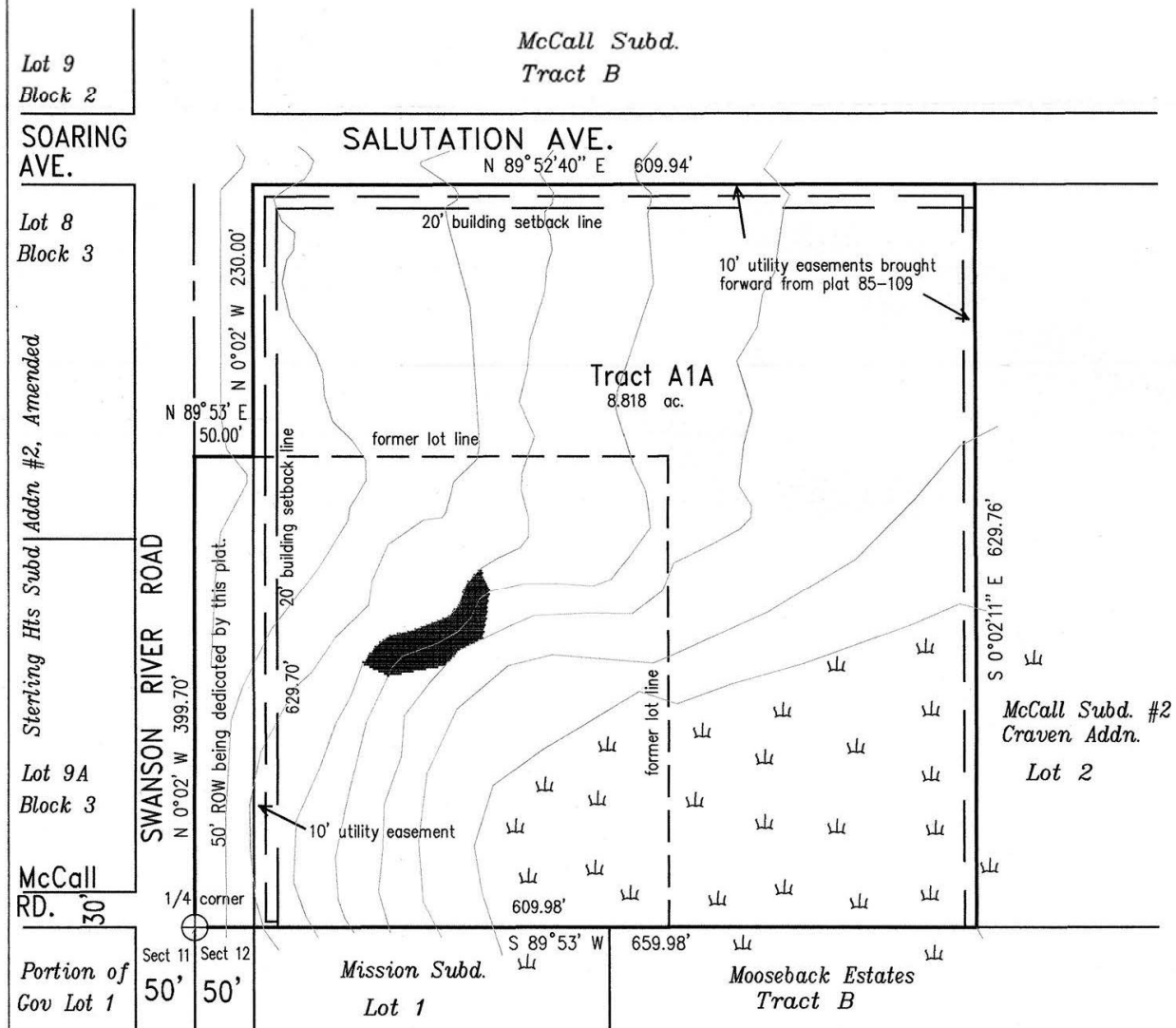
**Prepared for**  
Donald W & Royce R Marlowe  
38540 Swanson River Rd.  
Sterling, AK 99672

**Prepared by**  
Johnson Surveying  
P.O. Box 27  
Clam Gulch, Ak 99568  
(907) 262-5772

SCALE 1" = 100' AREA = 9.277 acres  
1 September, 2022

## NOTES

1. A building setback of 20' from all street ROWs is required unless a lesser standard is approved by a resolution of the appropriate planning commission.  
Front 10' adjoining ROWs is also a utility easement, extending to 20' within 5' of side lot lines.
2. 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.
3. 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 No. 757, dated October 10, 1959; Public Land Order No. 1613, dated April 7, 1958; and Department of the Interior No. 2665, dated September 15, 1956, filed in the Federal Register.
4. This property is subject to electrical easements granted to Homer Electric Association, Inc. by Kenai Records Misc Books 11 Page 115 and Book 12 Page 27. These are general easements, no definite locations given.
3. Contour interval 4'. shaded areas indicate grades over 25%.



KPB 2022-166

AGENDA ITEM E. NEW BUSINESS

ITEM 3 - MCCALL SUBDIVISION 2022 REPLAT

<b>KPB File No.</b>	2022-166
<b>Plat Committee Meeting:</b>	December 12, 2022
<b>Applicant / Owner:</b>	Donald and Royce Marlowe
<b>Surveyor:</b>	Jerry Johnson / Johnson Surveying
<b>General Location:</b>	Swanson River Road, Salutation Avenue, Sterling

<b>Parent Parcel No.:</b>	063-330-41 and 063-330-42
<b>Legal Description:</b>	Deed parcel and Tract A1 McCall Subdivision #2, Plat KN 85-109
<b>Assessing Use:</b>	Residential
<b>Zoning:</b>	Rural Unrestricted
<b>Water / Wastewater</b>	On Site

STAFF REPORT

**Specific Request / Scope of Subdivision:** The proposed plat will combine two parcels into one tract that will be 8.818 acres and dedicate a portion of Swanson River Road.

**Location and Legal Access (existing and proposed):** The subdivision is located along Swanson River Road and Salutation Avenue. Swanson River Road is located near mile 83.5 of the Sterling Highway. Swanson River Road is a varying width right-of-way atop section line easements and is constructed and maintained by the State of Alaska. Swanson River Road is to be a 100 foot wide right-of-way. This plat will be dedicating a portion of a 50 foot width along the deed parcel. Salutation Avenue is a 60 foot wide constructed right-of-way that is not maintained by the borough or state.

The proposed plat contains a deed parcel. While KPB GIS mapping excludes the area for the Swanson River Road the area adjacent has not been formally dedicated. This plat will dedicate that adjoining 50 foot portion. The tract was previously subdivided and dedicated the 50 foot for Swanson River Road for the adjacent portion.

The deed parcel has access from Swanson River Road while the tract as access from Swanson River Road and Salutation Avenue. The replat will continue to have access from both rights-of-way. A developed access appears to be onto the deed parcel from Swanson River Road. There does not appear to be access constructed from Salutation Avenue and all structures within the two lots are accessed from the same driveway off Swanson River Road.

Section line easements are located within the Swanson River Road dedication. The section line easements do not need to be noted except in relation to the depiction of the Government Lot located to the southwest. That lot has not been platted and the Swanson River Road dedication does not appear to have occurred. The lot depiction should be revised and it should be noted that a section line easement is present.

The block is incomplete and not compliant to KPB Code. The block is currently defined by the Sterling Highway, Swanson River Road and Salutation Avenue. The length along Swanson River Road between the Sterling Highway and Salutation Avenue is approximately 1,450 feet. KPB Code requires blocks to not be more than 1,320 feet. KPB Code also states blocks along state maintained rights-of-way should be no less than 800 feet. Requiring a dedication along the southern boundary will make the block less than 800 feet. A dedication along the south will also go through low wet areas and potential waters located to the east if the road was to continue. Salutation Avenue should extend further to the east in future to provide a closed block by connecting to Grandview Drive. ***Staff recommends the plat committee concur an exception to block length is not required nor any new dedications as any new dedications will not provide the best location for right-of-way continuations and future projections, dedications will not close the block, and future continuation of Salutation Avenue will provide a closed larger block.***

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

**Site Investigation:** Low wet areas are present within the southeastern portion of the subdivision. **Staff recommends** the depiction of the low wet areas remain on the final plat and a wetlands determination note be added.

A small area of steep slopes is present within the deed parcel. The impact to development is minimal and existing structures are on the property. **Staff recommends** contours and steep slopes may be removed from the final plat.

The deed parcel contains a residential dwelling and the tract contains multiple out buildings. The buildings do not appear to create any encroachment issues but some may be close or crossing property lines that will be removed by this plat. Any encroachment issues will be resolved by this platting action.

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	

**Staff Analysis** The proposed plat will combine a deed parcel with a previously platted tract. The deed parcel will provide any required dedications and utility easements per outlined in KPB Code. The tract was originally part of McCall Subdivision, Plat KN 76-175 and was later replatted by McCall Subdivision No. 2, Plat KN 85-109. All easements and required plat notes will be carried over from the parent plats.

A soils report will not be required as this platting action will be increasing the usable area into a tract larger than 200,000 square feet.

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** McCall Subdivision, Plat KN 76-176, did not create any utility easements to carry over as the standard easements along dedicated rights-of-way were not required. A building setback was created. McCall Subdivision No. 2, Plat KN 85-109, granted 10 foot utility easements along Salutation Avenue, originally named Hi Avenue, and along the eastern property line. The plat has carried over the easements. **Staff recommends** the label for the easement be revised to state "granted by plat KN 85-109".

This plat will be granting 10 foot utility easements that increase to 20 feet within 5 feet of the side lot lines. These easements will be granted along Swanson River Road's existing dedication and the new dedication. **Staff recommends** the label include "granted by this plat".

The affected utility providers were emailed the subdivision plat public hearing notice as part of the routine notification process. **Staff recommends** to grant utility easements requested by the utility providers or work with the utility providers to obtain approval.

**Utility provider review:**

HEA	No comments
ENSTAR	No comments or objections
ACS	No objections
GCI	Approved as shown

**KPB department / agency review:**

Addressing	<p>Reviewer: Haws, Derek  Affected Addresses:  38540 SWANSON RIVER RD  38580 SWANSON RIVER RD</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names:  SWANSON RIVER RD  MCCALL RD  SALUTATION AVE  SOARING AVE</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:  38540 SWANSON RIVER RD will remain with tract A1A.  38580 SWANSON RIVER RD will be deleted.</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**

- Add legend to drawing

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**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:** The legal description will need to include more information regarding the deed parcel. As the legal description is long it may state "Deed parcel as described in warranty deed found in Book 188, Page 86, KRD.

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 a width label for Salutation 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 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:** It appears that the portion of Government Lot 1 should be drawn to the section line with the section line easement labeled for that portion. Width label for Soaring Avenue should be added and update McCall Road width to 40 foot for the portion shown.

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**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.

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**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 is not required as lots are increasing in size and will be over 200,000 square feet. Add correct wastewater disposal notes.*

**Staff recommendation:** comply with 20.40.

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**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:** *The dedication of Swanson River Road will need to be accepted by State of Alaska DOT. Please work with DOT for correct authorized personnel and acquiring signature.*

20.60.180. Plat notes.

A. Plat notes shall not be placed on a final plat unless required by borough code or by the planning commission in order to promote or protect the public health, safety, and welfare consistent with borough and state law.

B. Revision of, or not carrying forward, an existing plat note from the parent plat will adhere to KPB 20.50.010. Separate advertising of the plat note removal is not required, Notification of the requested change will be sent by regular mail to all owners within the subdivision (parent plat and subsequent replats) as shown on the borough tax rolls. Upon approval by the planning commission, the revision or removal of the record plat note shall be finalized by recording a planning commission resolution or subdivision plat.

**Staff recommendation:** *Place the following notes on the plat.*

- *"No access to state maintained rights-of-way permitted unless approved by the State of Alaska Department of Transportation."*
- *WASTEWATER DISPOSAL: Wastewater treatment and disposal systems must meet the regulatory requirements of the Alaska Department of Environmental Conservation.*
- *Restriction apply for water well locations per the terms and conditions within Book 286 Page 651, KRD.*
- *The borough will not enforce private covenants, easements, or deed restrictions per KPB 20.60.170.*
- *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.*

*Check plat note numbers before submitting the final.*

*Plat note 3 should include the original date with amendments being noted with their dates.*

*Plat note 4, replace "Kenai Records" with "Kenai Recording District" or "KRD".*

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**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**



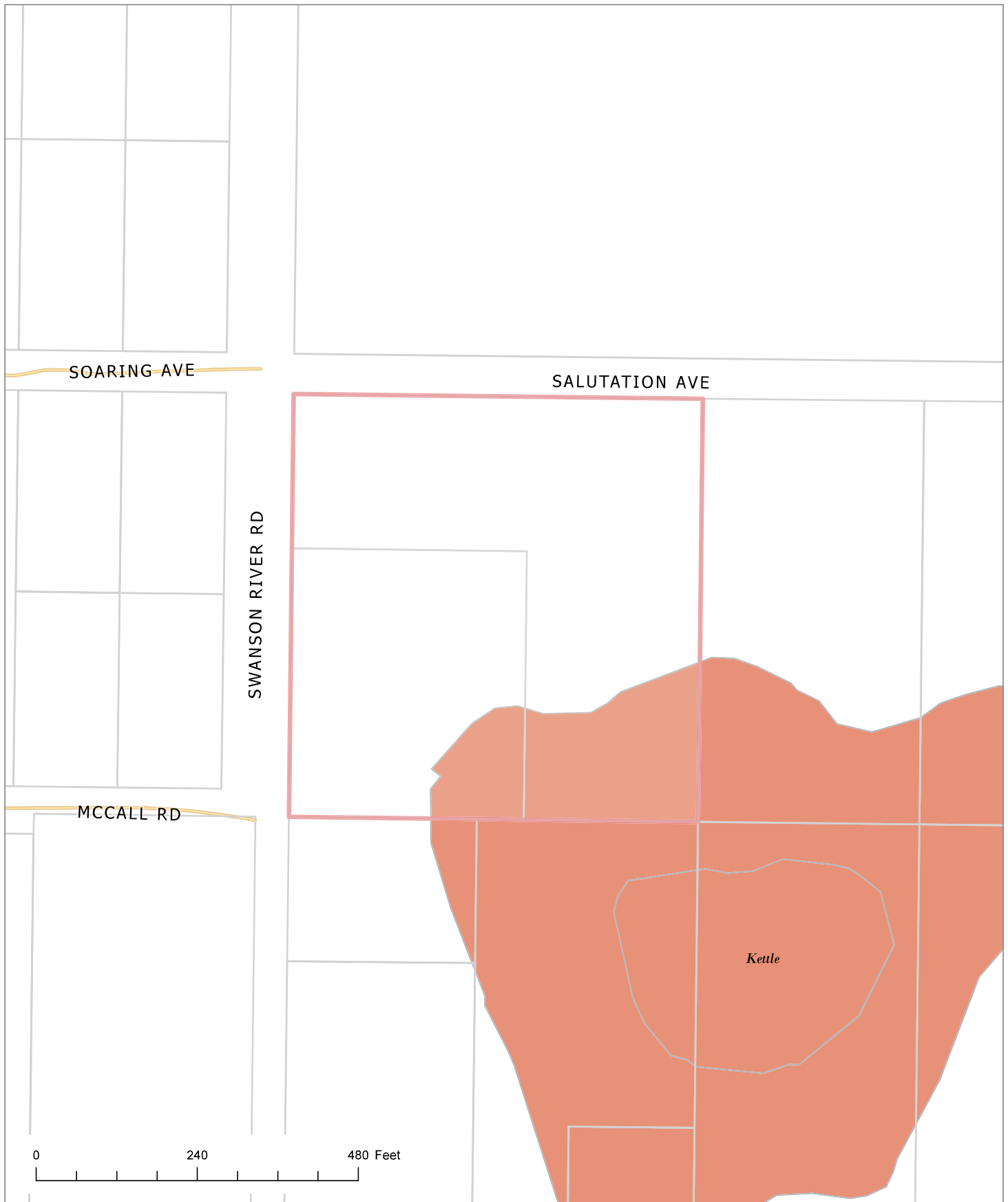


**Aerial View**



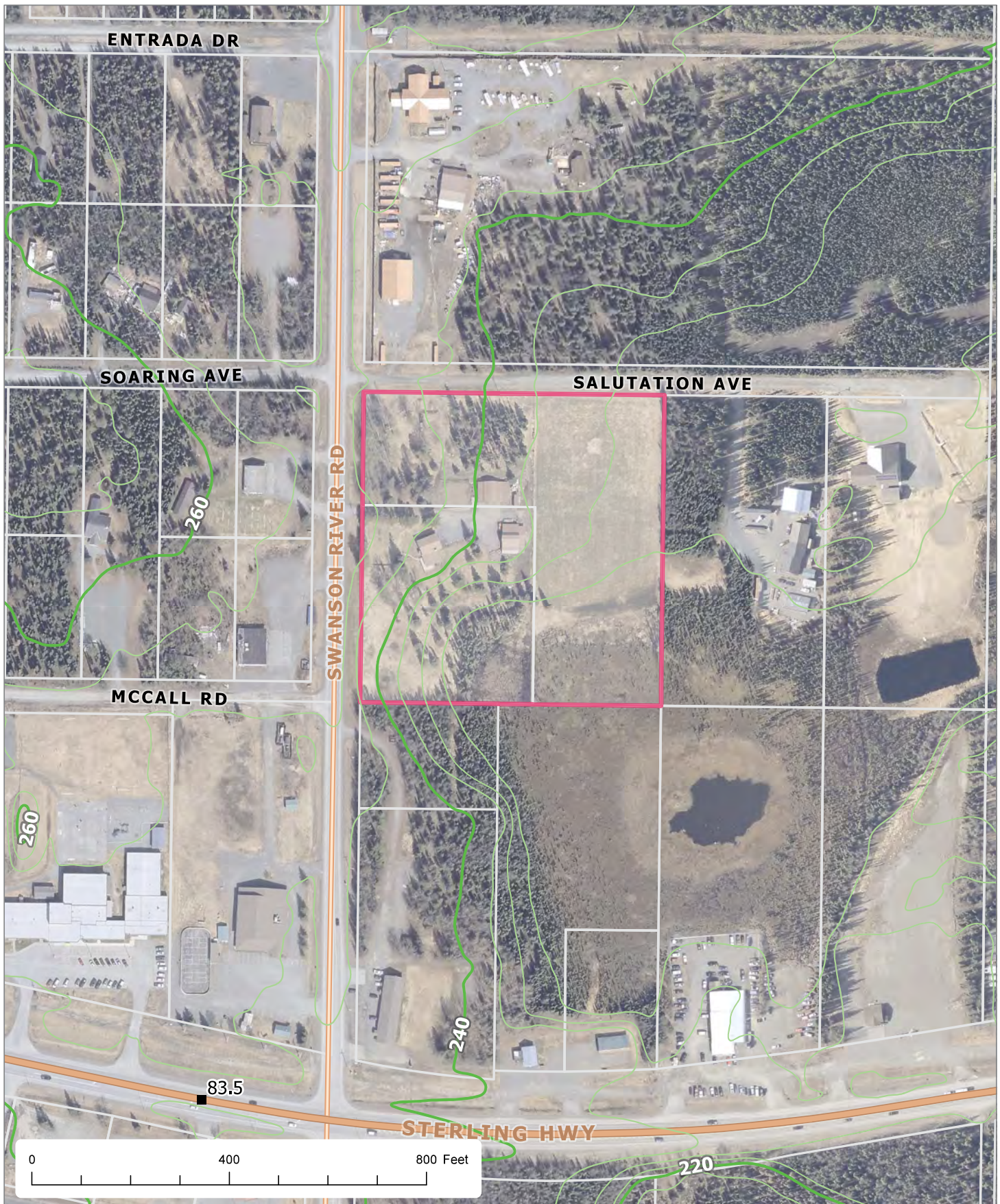


**Wetlands**



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.







(S 89° 57' W — 5276.70)

1 6  
12 7

Donald W. Marlowe  
Donald W. Marlowe—owner—Box 3, Sterling, AK. 99672

Royce R. Marlowe  
Royce R. Marlowe—owner

NOTARY'S ACKNOWLEDGEMENT

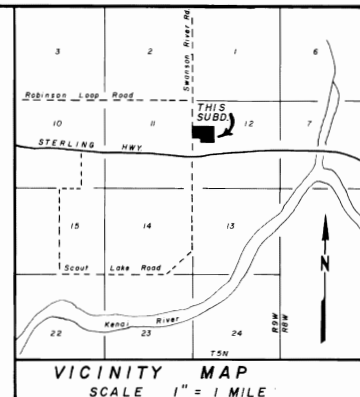
Subscribed and sworn before me this 9<sup>th</sup> day of December, 1976.

My commission expires September 21, 1980

Carolyn R. Thompson  
notary public for Alaska



(NORTH — 5580.00)

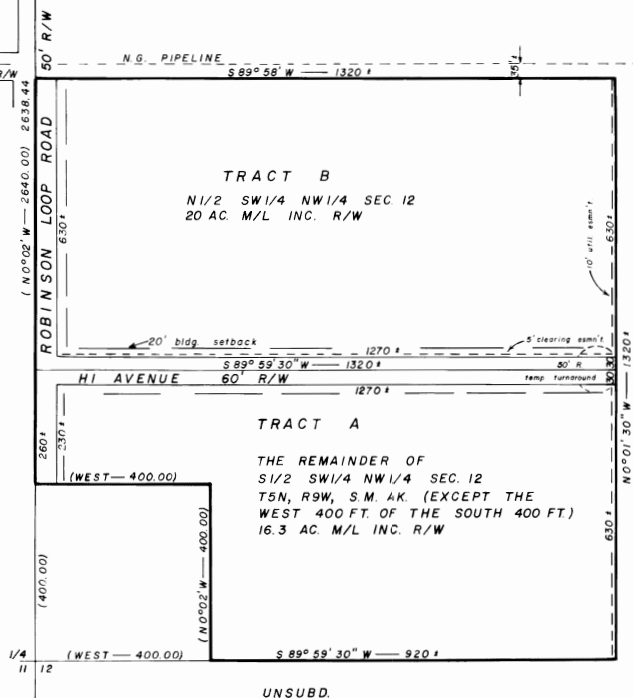


STERLING HEIGHTS SUBD.

UNSUBD.

ENTRADA DRIVE 60' R/W

UNSUBD. McCall  
Remainder 40 AC.



CERTIFICATE OF OWNERSHIP AND DEDICATION

We hereby certify that we are the owners of said property, and request the approval of this plat showing such easements for public utilities, roadways, and/or streets dedicated by us for public use

Fred F. McCall  
Fred F. McCall—owner—Box 592, Sterling, Ak. 99672

Thelma F. McCall  
Thelma F. McCall—owner

NOTARY'S ACKNOWLEDGEMENT

Subscribed and sworn before me this 15<sup>th</sup> day of November, 1976.

My commission expires June 19, 1977

NOTES:

This is a paper plat subdivision of the remainder of SW1/4 NW1/4 SECTION 12, T5N, R9W, S.M. AK. divided by aliquot parts.

All bearings and distances refer to the G.L.O. official township plat of T5N, R9W, S.M. AK.

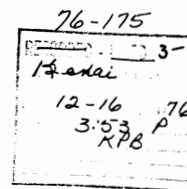
Data of record shown in ( ).

No field survey was accomplished this date nor were any monuments, stakes, or etc. set.

All wastewater disposal systems shall comply with existing law at time of construction.

1976

Louise M. Mendoza  
notary public for Alaska



PLAT APPROVAL

Plat approved by the Commission this 1<sup>st</sup> day of December, 1976.

John A. Winters  
Mayor or  
Planning Director

12 7  
13 18

McCALL SUBDIVISION

Fred F. and Thelma F. McCall, owners  
Box 592, Sterling, Ak. 99672

DESCRIPTION

THE REMAINDER OF SW1/4 NW1/4 SECTION 12 T5N, R9W, S.M. AK. (EXCEPTING THE WEST 400 FT. OF THE SOUTH 400 FT.) CONTAINING 36.3 ACRES M/L IN THE KENAI PENINSULA BOROUGH.

Prepared by: McLane & Associates

DATE  
Sept. 23, 1976

SCALE  
1" = 200'

**E3-13**

Drawn by T. Eastham , April 1985 , Scale : 1" = 200'