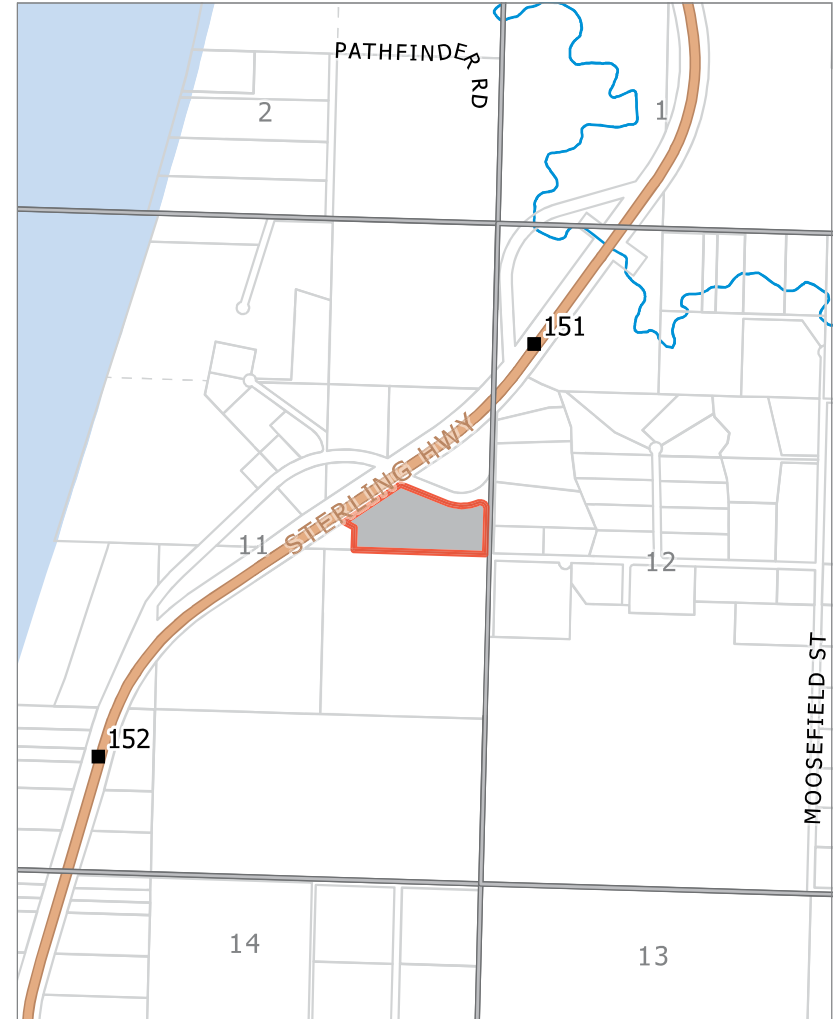
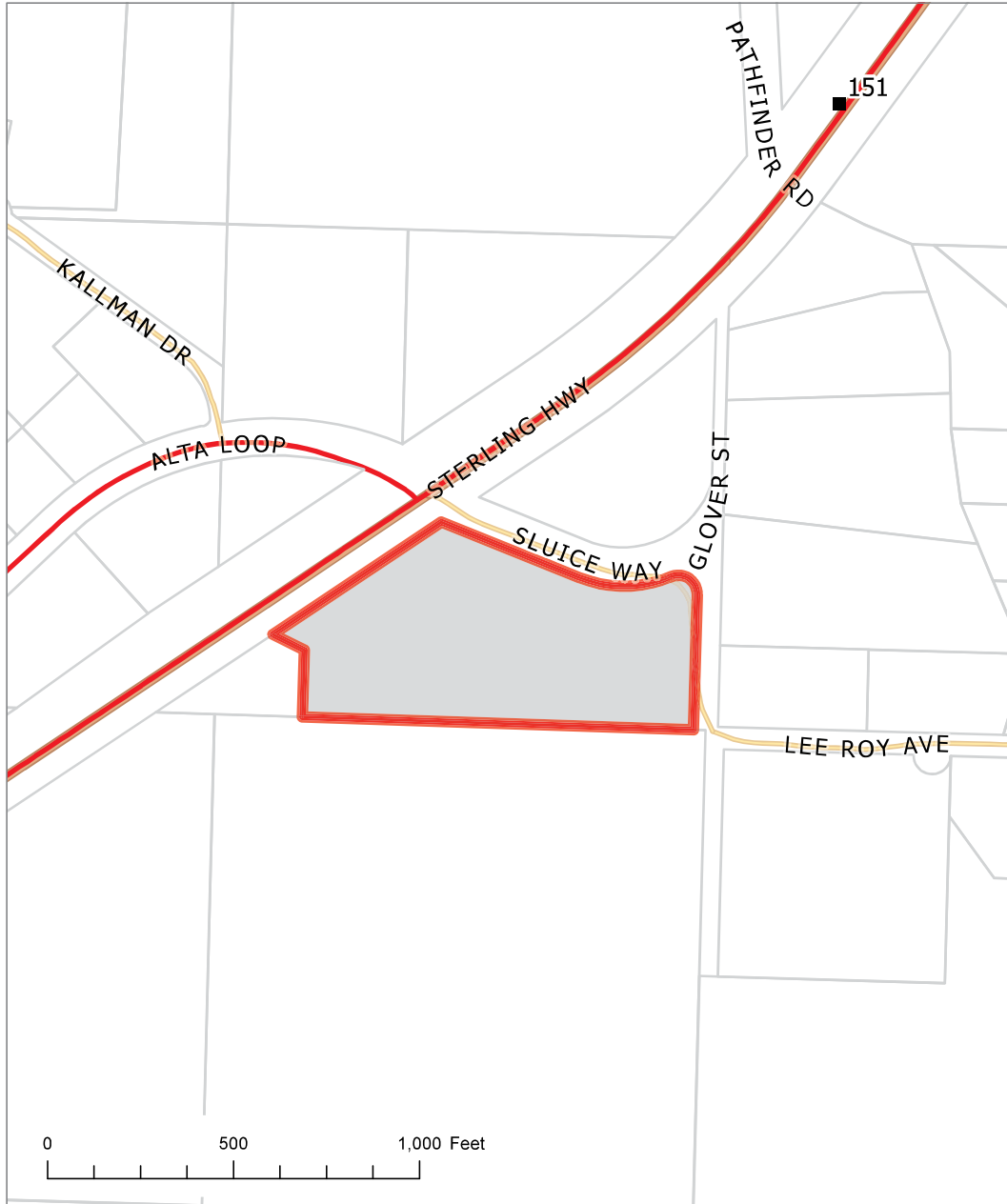


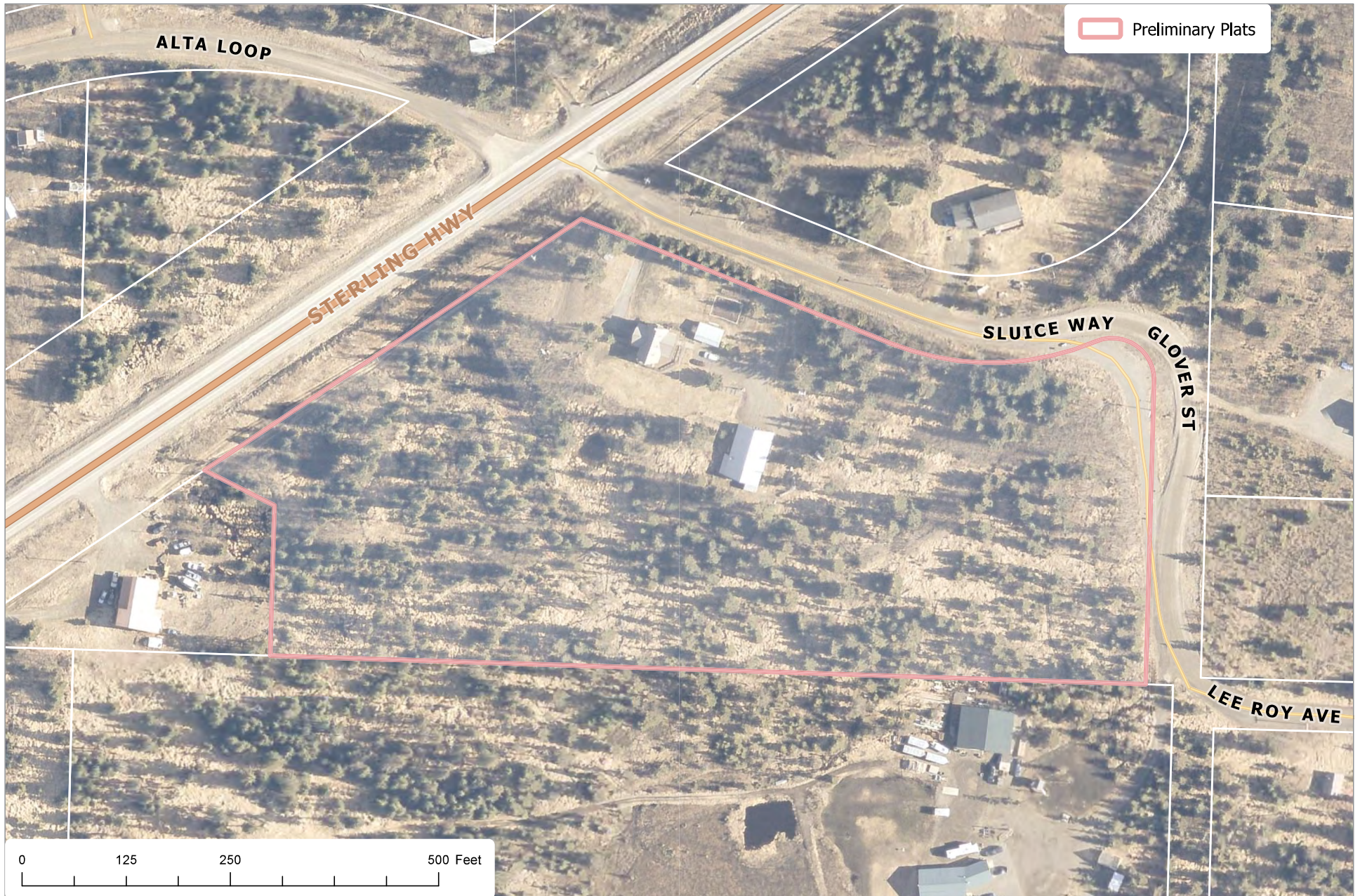
## **E. NEW BUSINESS**

- 6. Terra Firma Subdivision Johnson Addition  
KPB File 2022-171**



KPB File # 2022-171  
S11 T04S R15W  
Anchor Point





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.





AGENDA ITEM E. NEW BUSINESS

ITEM 6 - TERRA FIRMA SUBDIVISION JOHNSON ADDITION

<b>KPB File No.</b>	2022-171
<b>Plat Committee Meeting:</b>	December 12, 2022
<b>Applicant / Owner:</b>	Rosemary Johnson of Anchor Point, AK
<b>Surveyor:</b>	Jason Schollenberg / Peninsula Surveying, LLC
<b>General Location:</b>	Sterling Highway, Sluice Way, Glover Street, Anchor Point

<b>Parent Parcel No.:</b>	165-711-51
<b>Legal Description:</b>	Lot 1 Terra Firma Subdivision HM 2000-66
<b>Assessing Use:</b>	Residential
<b>Zoning:</b>	Rural Unrestricted
<b>Water / Wastewater</b>	Onsite

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STAFF REPORT

**Specific Request / Scope of Subdivision:** The proposed plat will subdivide a 10.138 acre parcel into 4 lots ranging in size from 1.002 acres to 4.279 acres.

**Location and Legal Access (existing and proposed):** The proposed plat is located on Sluice Way between Sterling Highway and Glover Street. Sterling Highway is a state maintained right-of-way that is 232 feet wide in this area. Sluice Way is located near Sterling Highway mile marker 151.5. Sluice Way is 100 feet wide and was a former portion of state maintained Old Sterling Highway. The name of the right-of-way was changed to Sluice Way by Resolution SN 2010-01. Jurisdiction of the right-of-way was given from the state to the borough and is borough maintained. Glover Street is dedicated as a 66 foot wide right-of-way atop 66 foot wide section line easements. The portion adjacent to the subdivision is constructed and borough maintained. Glover Street is only constructed to Lee Roy Avenue where the roadway turns and continues. South of the subdivision Glover Street has only received a 50 foot dedication for the eastern portion but a 33 foot section line easement provides additional width.

Existing access is developed from Sluice Way and will continue to provide access to proposed Lot 2. Lot 3 will have access from Sluice Way and Glover Street and Lot 4 will have access from Glover Street. Lot 1 is proposed to have access from the Sterling Highway. Access to the highway must be permitted by Alaska DOT. A plat note will be required that states access must be approved by the State of Alaska.

An access easement was granted by a document that is depicted and noted within note 5.

It appears that a portion of constructed travelway is within proposed Lot 3 that appears to be the portion of the access easement that was used prior to dedications. Imagery from 1996 shows this portion constructed as the dedication did not occur until 2000. Current imagery shows the new constructed road within the dedication and what appears to be barriers to limit access through Lot 3. Staff requests verification from the surveyor when the field work is completed to let us know if that portion is still in use.

The block is large and relies on section line easements to be closed. The block is currently defined by Sterling Highway, Sluice Way, Glover Street, and section line easements. Due to improvements on the lot to the west and south a dedication to provide a closed block by this subdivision would not be possible. Any dedications through this property to then connect to the Sterling Highway would create a block that does not comply with minimal distance along a state right-of-way. There are several large acreage parcels to the south that could potential give additional rights-of-way in the future but approximately 500 feet south of this subdivision are low wet areas that will make road construction difficult. ***Staff recommends the plat committee concur that an exception is not required as this plat cannot provide dedications to improve the block.***

**Staff recommends** source for highway information should be cited either by label or plat note.

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

**Site Investigation:** There does not appear to be any low wet areas within the proposed subdivision. No steep terrain is present within the proposed subdivision or within the existing adjoining dedications.

There are improvements located on the subdivision that will be located on Lot 2 of the proposed subdivision. There does not appear to be any encroachment issues but the surveyor will need to confirm the back structure will not encroach the new property line.

KPB River Center review	A. Floodplain Reviewer: Carver, Nancy Floodplain Status: Not within flood hazard area Comments: Located in Zone D – Undetermined Flood Risk  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** This parcel was originally divided by Terra Firma Subdivision HM 2000-66. It created two lots and dedicated the west half of Glover Street south of Old Sterling highway now known as Sluice Way. This plat is taking Lot 1 and dividing it into 4 lots ranging in size from 1.002 acres to 4.279 acres.

The original plat of Terra Firma Subdivision had a soils report done for Lot 2 only as Lot 1 was over 10 acres in size and did not require an analysis. A soils report will be required and an engineer will need to sign the final plat.

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 proposed plat is within the Anchor Point Advisory Planning Commission.

**Utility Easements** Terra Firma Subdivision, Plat HM 2000-66, granted 10 foot utility easements adjoining dedicated rights-of-way that increased to 20 feet within 5 feet of side lot lines. The 10 foot easement is depicted and labeled per HM 2000-66. **Staff recommends** the label include the width.

Per plat note 1 this plat will also be adding to the existing easement by granting 20 feet within 5 feet of the new side lot lines. **Staff recommends** the depiction be updated to show the 20 foot along all side lot lines.

A 20-foot utility easement centered on the existing power line located on the east side of the subdivision coming from the parent plat. HEA has requested the source of the easement be stated. **Staff recommends** that the easement be labeled “as granted on plat HM 2000-66”.

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 label for the width of the easement of record (10 ft). Add "as granted on plat 2000-66 HM" on 20 foot easement
ENSTAR	No comments or recommendations
ACS	No objections
GCI	Approved as shown

**KPB department / agency review:**

Addressing	<p>Reviewer: Haws, Derek Affected Addresses: 29115 SLUICE WAY</p> <p>Existing Street Names are Correct: Yes List of Correct Street Names: SLUICE WAY STERLING HIGHWAY GLOVER ST LEE ROY AVE</p> <p>Existing Street Name Corrections Needed:</p> <p>All New Street Names are Approved: No List of Approved Street Names: List of Street Names Denied:</p> <p>Comments: 29115SLUICE WAY will remain with Lot 2.</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>
Emergency Services	<p>Deputy Fire Chief Mathis Western Emergency Services Comments: No comments on this at this time.</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.

- 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:** Provide a depiction of the centerline of the Sterling Highway, if less than 100 feet to centerline then include the full width of the Sterling Highway in the depiction.

- N. Apparent encroachments, with a statement indicating how the encroachments will be resolved prior to final plat approval;

**Staff recommendation:** There is an existing structure that looks like it may be close to the new lot line. This will require verification and resolution if found to cross the new lot line.

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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 analysis report will be required and an engineer will need to sign the plat.

**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.

##### 20.60.180. 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.”
- Add the reservation of easement for highway purposes as described in the Certificate to Plat including all order numbers and dates.

Correct plat note 5 to “...et al...”

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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

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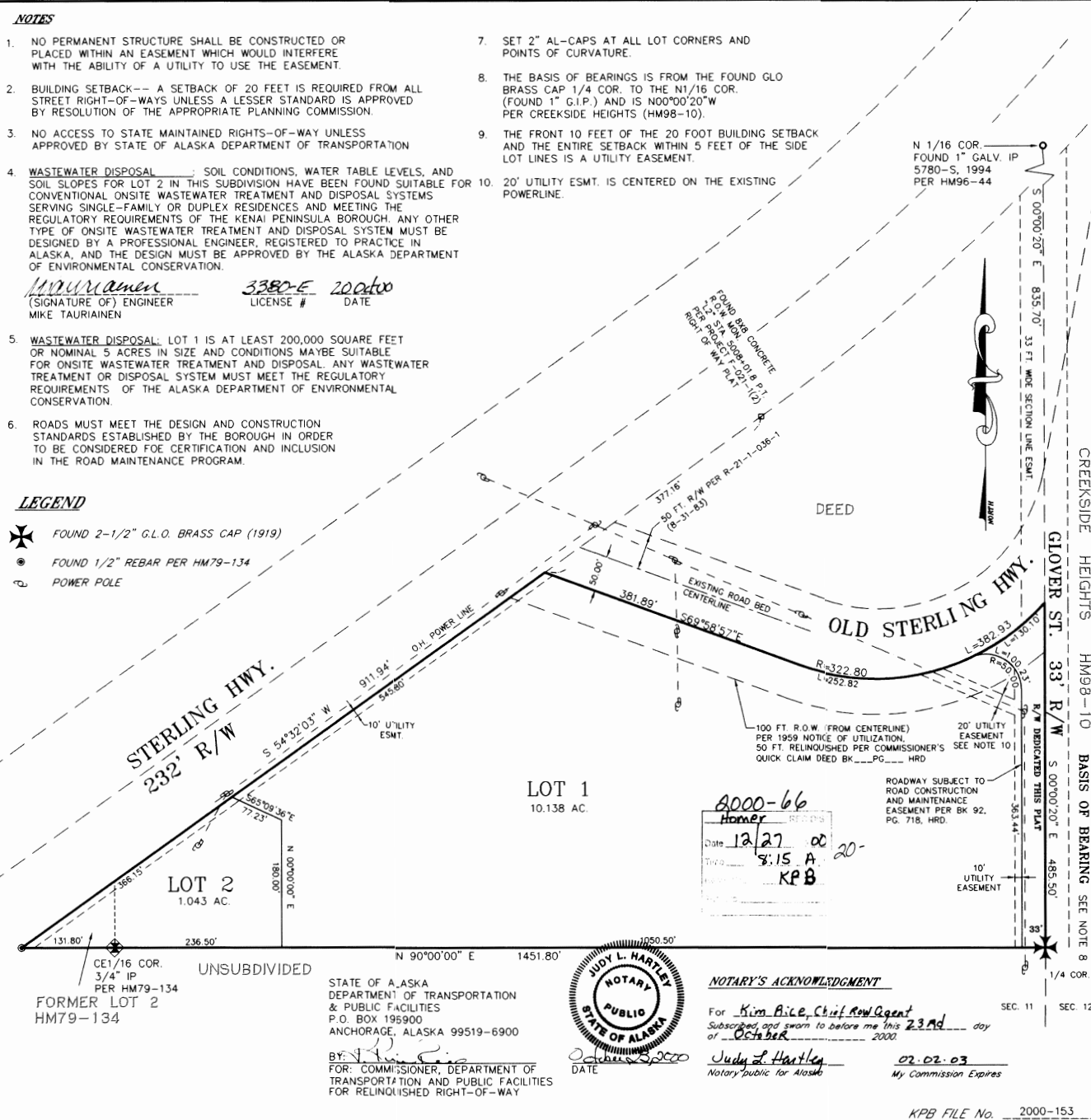
# NOTES

- NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN AN EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
- BUILDING SETBACK-- A SETBACK OF 20 FEET IS REQUIRED FROM ALL STREET RIGHT-OF-WAYS UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
- NO ACCESS TO STATE MAINTAINED RIGHTS-OF-WAY UNLESS APPROVED BY STATE OF ALASKA DEPARTMENT OF TRANSPORTATION
- WASTEWATER DISPOSAL: SOIL CONDITIONS, WATER TABLE LEVELS, AND SOIL SLOPES FOR LOT 2 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.
- WASTEWATER DISPOSAL: LOT 1 IS AT LEAST 200,000 SQUARE FEET OR NOMINAL 5 ACRES IN SIZE AND CONDITIONS MAYBE 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.
- ROADS MUST MEET THE DESIGN AND CONSTRUCTION STANDARDS ESTABLISHED BY THE BOROUGH IN ORDER TO BE CONSIDERED FOR CERTIFICATION AND INCLUSION IN THE ROAD MAINTENANCE PROGRAM.
- SET 2" AL-CAPS AT ALL LOT CORNERS AND POINTS OF CURVATURE.
- THE BASIS OF BEARINGS IS FROM THE FOUND GLO BRASS CAP 1/4 COR. TO THE N1/16 COR. (FOUND 1" G.I.P.) AND IS N00°00'20"W PER CREEKSIDE HEIGHTS (HM98-10).
- THE FRONT 10 FEET OF THE 20 FOOT BUILDING SETBACK AND THE ENTIRE SETBACK WITHIN 5 FEET OF THE SIDE LOT LINES IS A UTILITY EASEMENT.
- 20' UTILITY ESMT. IS CENTERED ON THE EXISTING POWERLINE.

Mike Tauriainen  
(SIGNATURE OF) ENGINEER  
MIKE TAURIAINEN  
3380-E 200400  
LICENSE # DATE

## LEGEND

- FOUND 2-1/2" G.L.O. BRASS CAP (1919)
- FOUND 1/2" REBAR PER HM79-134
- POWER POLE



## CERTIFICATE OF OWNERSHIP

We hereby certify that we are the owners of the real property shown and described hereon, and that we hereby adopt this plan of subdivision, and by our free consent dedicate all rights-of-way and public areas to public use and grant all easements to the use shown.

Charles L. Johnson  
CHARLES L. JOHNSON  
PO BOX 114  
Anchor Point, AK 99556

Rosemary H. Johnson  
ROSEMARY H. JOHNSON  
PO BOX 114  
Anchor Point, AK 99556



## NOTARY'S ACKNOWLEDGMENT

For Charles L. Johnson and Rosemary H. Johnson.  
Subscribed and sworn to before me this 20 day  
of October, 2000.

Stacy R. Nelson  
Notary public for Alaska  
8/29/01  
My Commission Expires

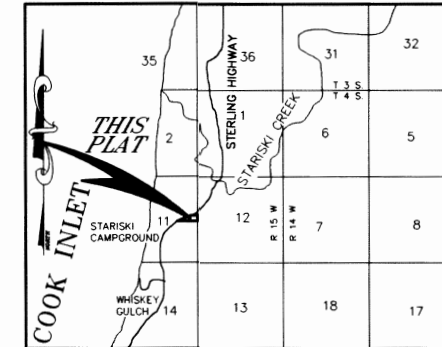
## PLAT APPROVAL

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of 9/11/00

KENAI PENINSULA BOROUGH

Authorized Official W.R. [Signature]

VICINITY MAP SCALE: 1" = 1 MILE



DATE OCTOBER 2000

SCALE 1" = 100'

GRID No. AR-1

JOB No. 2949

DRAWING: 2949



## TERRA FIRMA SUBDIVISION

A SUBDIVISION OF LAND LAST CONVEYED BY DEED IN BOOK 84, PAGE 36, TOGETHER WITH LOT 2, BLK 3, STARISKI PARK 1979 ADDY (HM79-134) WITHIN A PORTION OF NE1/4, SEC. 11, T.4S., R.15W., S.4M. KENAI PENINSULA BOROUGH, in the HOMER RECORDING DISTRICT, ALASKA CONTAINING 11.574 ACRES

## ABILITY SURVEYS

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

## NOTARY'S ACKNOWLEDGMENT

For Kim Rice, Chief Row Agent  
Subscribed and sworn to before me this 23rd day  
of October, 2000.

Judy L. Hartley  
Notary public for Alaska  
02-02-03  
My Commission Expires

KPB FILE No. 2000-153