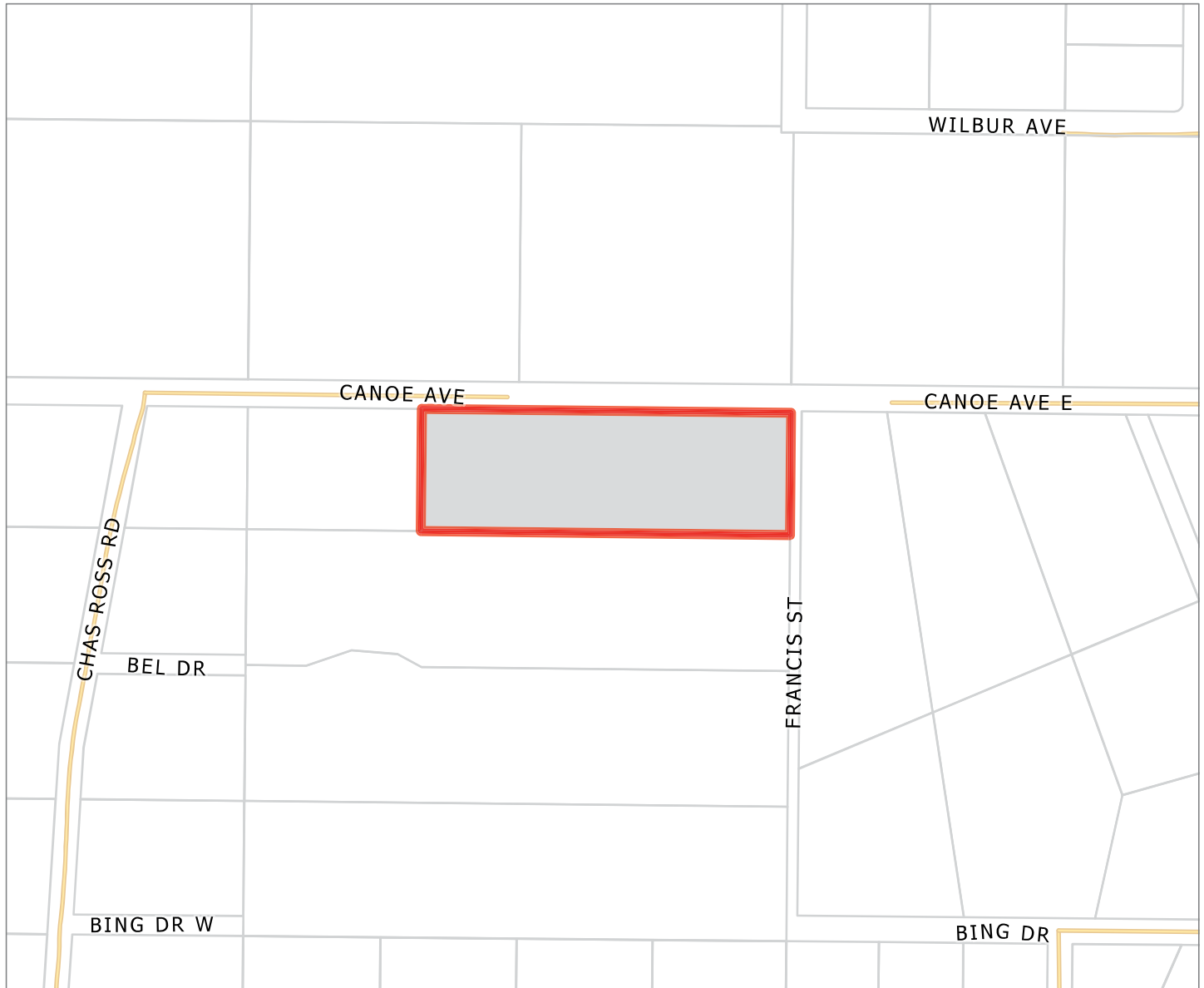


E. NEW BUSINESS

7. Petaluma Acres Koonz Addition KPB File 2022-173

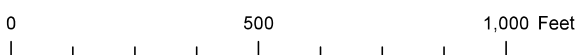


KPB File 2022-172

T 05N R 08W SEC 14

Sterling

11/21/2022





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.

LEGEND:

- 2 1/2" BRASS. CAP MON. GLO 1939 FOUND
- 5/8" REBAR w/PLASTIC CAP LS6101 FOUND
- 5/8" REBAR w/PLASTIC CAP LS6101 FOUND
- RECORD DATUM PLAT 86-194 KRD

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.

TERESA R. KOONZ
P.O. BOX 547
STERLING, ALASKA 99672

NOTARY'S ACKNOWLEDGEMENT

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

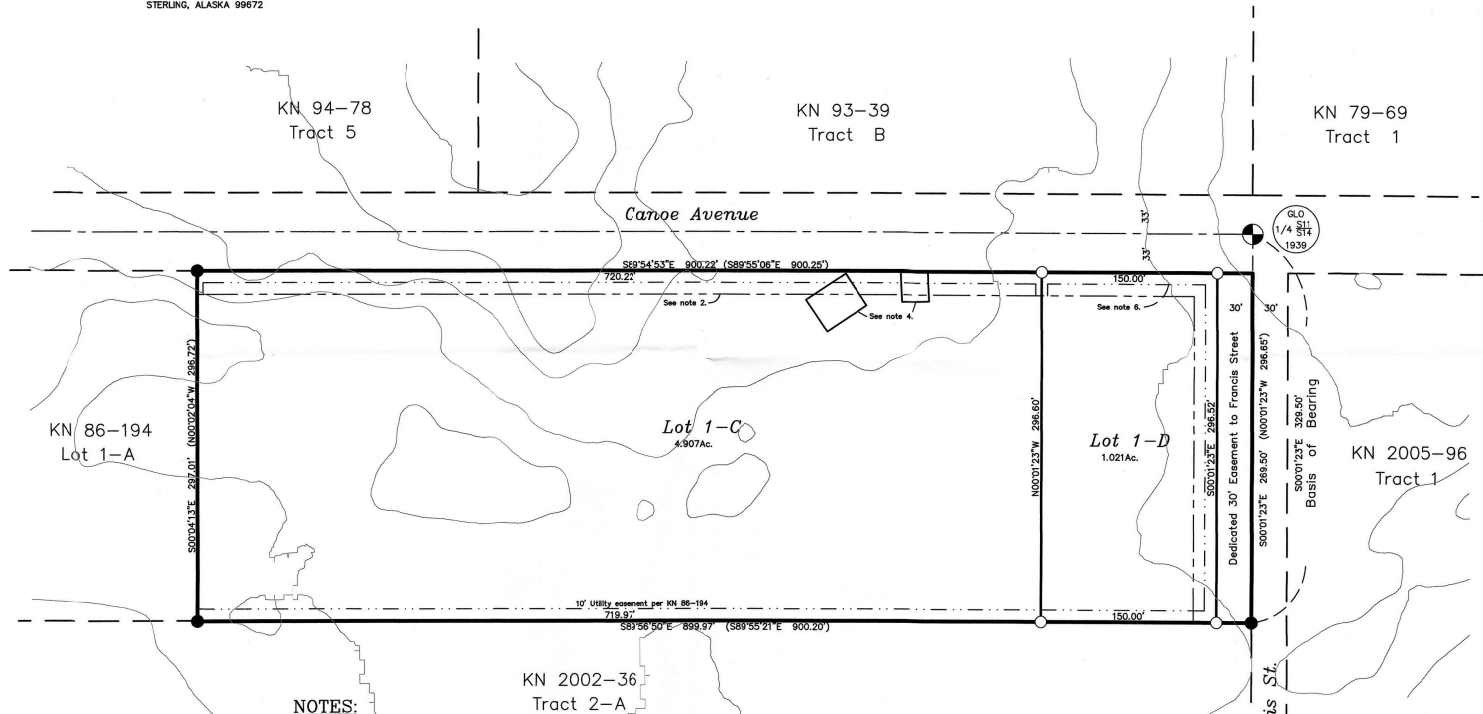
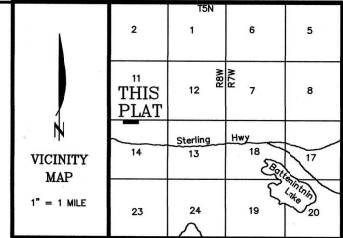
NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES _____

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF _____

KENAI PENINSULA BOROUGH

AUTHORIZED OFFICIAL _____



NOTES:

- 1) Basis of bearing taken from Petaluma Acres No. 3 Subdivision, Plot 86-194 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 463 Page 909 Kenai Recording District. The borough will not enforce private covenants, easements, or deed restrictions per KPB 21.44.080.
- 4) This property is subject to Kenai Peninsula Borough Planning Commission Resolution 2002-16, recorded in Volume 642 Page 262 Kenai Recording District.
- 5) 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.
- 6) 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.
- 7) WASTEWATER DISPOSAL: Lot 1-C 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.

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 _____

KPB 2022-173

KPB FILE No. _____

Petaluma Acres Koonz Addition

A resubdivision of Lot 1-B, Petaluma Acres No. 3, Plot 96-194 Kenai Recording District.

Located within the NE1/4 NW1/4 Section 14, T5N, R5W, S1M, Kenai Peninsula Borough, Alaska.

Containing 6.13 Ac.

Surveyor Secesser Surveys 30485 Rosland St. Soldotna, AK 99669 (907) 262-3908	Owner Teresa R. Koonz P.O. Box 547 Sterling, AK 99672
JOB NO. 22349	DRAWN: SMB
SURVEYED: October 2022	SCALE: 1"=50'
FIELD BOOK: 22-6	SHEET: 1 of 1

AGENDA ITEM E. NEW BUSINESS

ITEM 7 - PETALUMA ACRES KOONZ ADDITION

KPB File No.	2022-173
Plat Committee Meeting:	December 12, 2022
Applicant / Owner:	Teresa Koonz of Sterling, AK
Surveyor:	John Segesser / Segesser Surveys
General Location:	Canoe Ave and Francis Street, Sterling area

Parent Parcel No.:	065-240-35
Legal Description:	Lot 1-B Petaluma Acres No. 3 Plat KN 86-194
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	Onsite

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide a 6.13 acres parcel into 2 lots that will be 1.021 acres and 4.907 acres.

Location and Legal Access (existing and proposed): This subdivision is located on the corner of Canoe Avenue and Francis Street in the Sterling area. There are multiple routes dedicated to provide access but many are unconstructed. The subdivision is accessed near mile 78 of the Sterling Highway by taking Chas Ross Road, a borough maintained right-of-way. Chas Ross Road goes north until it intersects with Canoe Avenue. Canoe Avenue is a 66 foot wide dedication that coincides with section line easements. The portion from Chas Ross Road to the improvements within this subdivision is constructed and maintained by the borough. This access from Canoe Avenue will continue to be the access to proposed Lot 1-C. Lot 1-D will be a corner lot and access from Canoe Avenue or Francis Street are available but it appears that no portion of Francis Street is constructed. Canoe Avenue construction is short of the newly proposed lot and Canoe Avenue E, which is located east of Francis Street, is only partially constructed. Access from the east is approximately 250 feet from Lot 1-D to the constructed and maintained portion of Canoe Avenue E.

Francis Street is currently only a 30 foot wide dedication. This plat will be providing a 30 foot wide dedication to make a compliant 60 foot wide right-of-way for the adjacent portion.

There are some incomplete dedications in the area and road designs currently create non-compliant block lengths. Taking future continuations of right-of-way into consideration the block will be better but will still exceed code defined distances. **Staff recommends the plat committee concur that an exception to block length is not needed as any required dedications will not improve the block at this time and future developments will improve the block.**

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

Site Investigation: There are no low wet areas or steep areas present within this proposed subdivision or within adjacent rights-of-way.

Multiple improvements are located on the parent lot. It appears that all the structures will remain on Lot 1-C. The preliminary plat has two structures shown that predate the 20' setback requirement as set forth in the plat Petaluma

Acres No. 3 Plat 86-194 as indicated at Note 4 on this subdivision. The Planning Commission resolution stated in Note 4, Resolution 2002-16, did not give an exception or remove the setback but the resolution did clarify that the buildings pre-dated the plat. Another structure does appear on KPB GIS imagery between the house and Canoe Avenue. This structure appears to be close to the building setback but it may also be a non-permanent structure. **Staff recommends the surveyor provide staff an update on the structure type and if it falls within the 20 foot building setback how it will be resolved.**

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	

Staff Analysis This is a replat of a 6.13 acres lot created by Petaluma Acres No. 3 Plat 86-194. That plat was a replat of Lot 1 of Petaluma Acres Plat K-1779.

A soils report will be required and an engineer will sign the final plat for Lot 1-D. Lot 1-C will be exempt as it is over 200,000 square feet.

It was determined that the structures shown predated the creation of the setback as stated in KPB PC Resolution 2002-16. The resolution did not discuss the utility easements. Reviewing the creation of the utility easements and using the information provided within the resolution, the buildings pre-date the utility easement.

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 Petaluma Acres, Plat K-1779, created 10 foot utility easements that ran along the west, south, and east property lines of Tract 1. When Tract 1 was replatted by Petaluma Acres No. 3, Plat KN 86-194, the easements from the parent plat were carried over and depicted. The plat also granted a 10 foot utility easement along Canoe Avenue dedication, the road was named Kelly Lane at the time. This replat indicates the intent to carry over the easements. The eastern easement will now be within the dedication for Frances Street but a new easement will be granted along the dedication. **Staff recommends the easements to the south state "granted per K-1779, and revise plat note 6 to the following, "The front 10 feet adjacent to Canoe Avenue is a utility easement granted by Plat KN 86-194. This plat will be granting a 10 foot utility easement along the dedication for Francis Street and increasing all 10 foot utility easements adjacent to rights-of-way to 20 feet within 5 feet of the side lot lines. No permanent..."**

HEA has requested that the line for the 10' Utility Easement be removed from inside the two structures on the north line and a note be added to the plat. Staff reviewed this request and would like for the lines for the easement and setback to remain on the plat as the easement was created, no vacation has been granted, and the buildings predate. While the current situation will result in a utility easement that cannot be currently used but if the structures

were to ever be moved or destroyed the easement and setback would remain for any new improvements. **Staff recommends the depiction as shown on the preliminary remain but additional notes be added to clarify.**

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	Remove the depictions of the easement within the improvements as the improvements predate the granting of the easements on the parent plat. Provide an additional plat note stating that the buildings predate the granting of the easements as the resolution only identifies the building setback.
ENSTAR	No comments or recommendations
ACS	No comment
GCI	Approved as shown

KPB department / agency review:

Addressing	<p>Reviewer: Haws, Derek Affected Addresses: 29625 CANOE AVE</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names: CANOE AVE FRANCIS STREET</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: 29625 CANOE AVE will remain with Lot 1-C</p>
Code Compliance	<p>Reviewer: Ogren, Eric Comments: Appears that structures are set within the building set back.</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

The Certificate to Plat references Plat KN 96-194. This appears to be a typo found in several locations of the title report. Please work with the title company to have corrected on the final report.

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:** Change plat number reference to 86-194
- 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 section lines easement designation to Canoe Avenue.
- 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:** Center the plat location on the map, add road names to map
- 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:** 30' dedication for Francis St. label needs to be revised to 30 foot right-of-way dedicated this plat.

KPB 20.30 – Subdivision Design Requirements

Staff recommendation: final plat submittals must comply with 20.30. Additional information, revisions, and/or corrections are required as noted below.

KPB 20.40 – Wastewater Disposal

Staff recommendation: final plat submittals must comply with 20.40. Additional information, revisions, and/or corrections are required as noted below.

20.40.010 Wastewater disposal.

Platting Staff Comments: A soils report will be required for Lot 1-D. Due to size Lot 1-C does not require an analysis report.

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 to be signed by the borough will be required for the right-of-way dedication.

20.60.120. Accuracy of measurements. All linear measurements shall be shown to the nearest 1/10 foot, and angular measurements shall be at least to the nearest minute. All lot areas shall be shown to the nearest 10 square feet or to the nearest 1/1,000 of total acres. Meander lines, dry land areas and submerged land areas shall be shown in addition to total area when applicable. All boundary closures shall be to a minimum accuracy of 1:5,000. Boundary and lot closure computations must be submitted with the final plat.

Staff recommendation: provide boundary and lot closure computations with the paper final plat. KPB will verify closure complies with 20.60.120. Check the recorded distance listed on the of the plat and confirm. Need to check area calculations. The area left from the lots for the ROW computes to a 3.2 foot shortage in the north/south distance of the ROW size or a shortage in the ease/west distance not given and intended to be 30'.

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:

Make the following corrections to plat notes.

- Add the reference to code for note 5, (KPB 14.06).
- Update the code cited in note 3, 20.60.170.
- Revise Plat Note 4 or add additional notes. "...Kenai Recording District. The buildings shown predate the creation of the building setback and the utility easement adjacent to Canoe Avenue. The structures do not constitute an encroachment but any new structures or additions to the existing footprints are subject to the setback and utility easement."

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: comply with 20.60.190. Add Certificate of Acceptance for Francis Street.

20.60.200. Survey and monumentation.

Staff recommendation: comply with 20.60.200 In the Legend, the open circle indicates as found monuments instead of being set as shown on the drawing, please correct accordingly.

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.

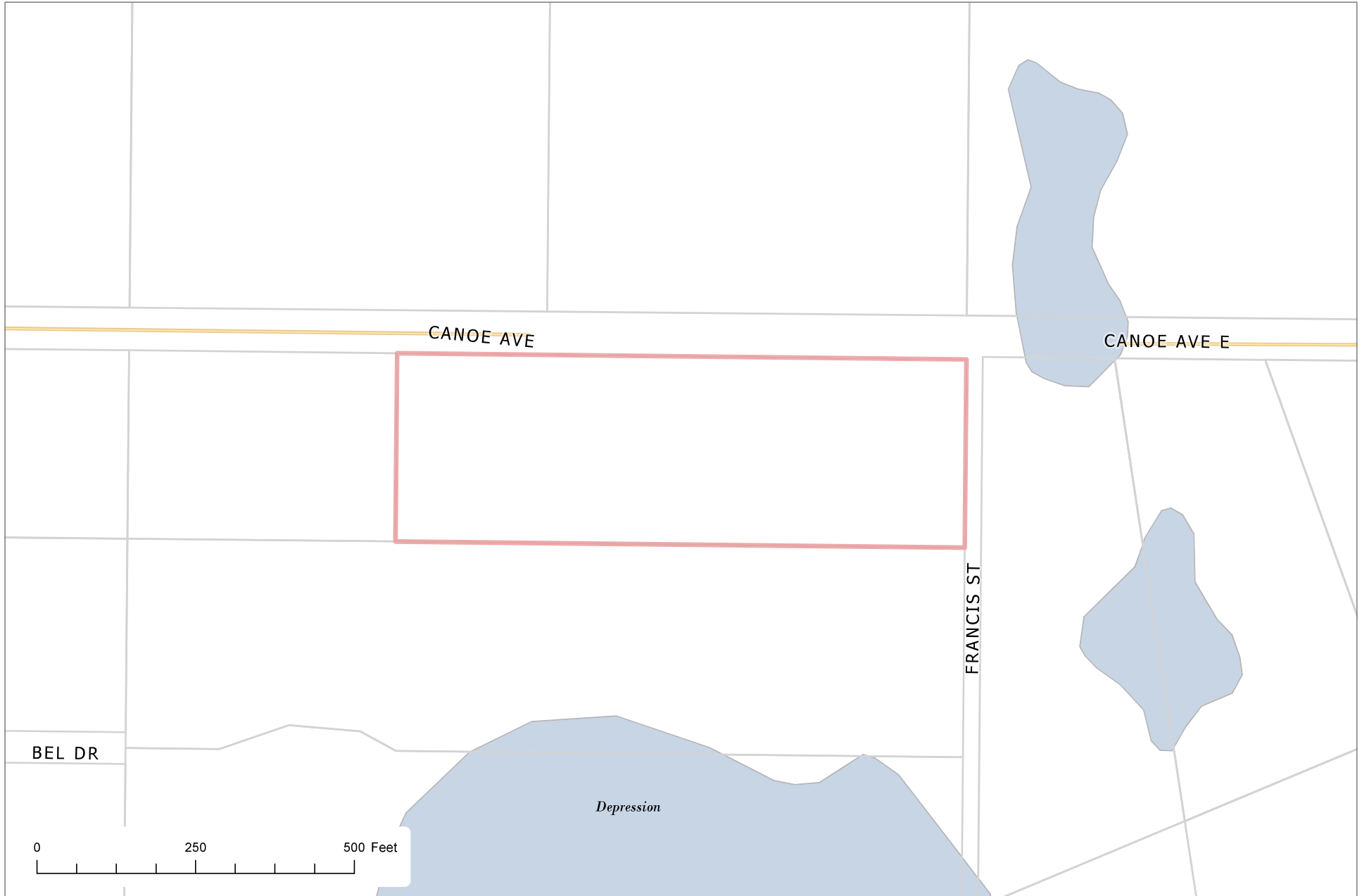
A PARTY OF RECORD MAY REQUEST THAT A DECISION OF THE PLAT COMMITTEE BE REVIEWED BY THE PLANNING COMMISSION BY FILING A WRITTEN REQUEST WITHIN 15 DAYS OF NOTIFICATION OF THE DECISION IN ACCORDANCE WITH KPB 2.40.080.

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

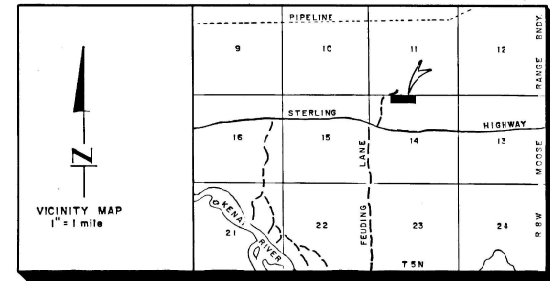
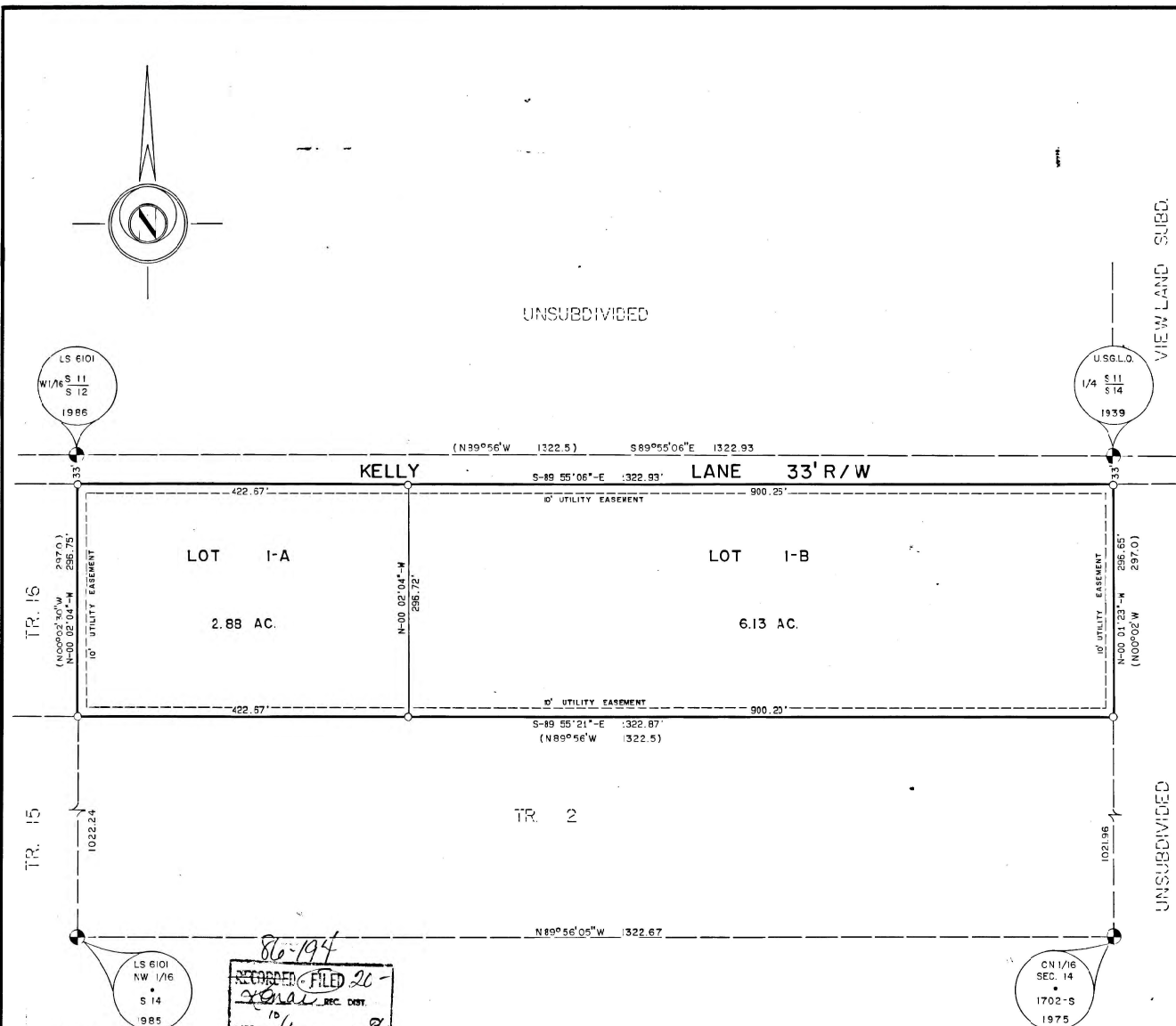


The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



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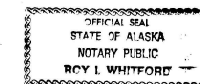
CERTIFICATE OF OWNERSHIP AND DEDICATION

I (We) hereby certify that I am (we are) the owner (s) of the property shown and described hereon and that I (we) hereby adopt this plan of subdivision, and dedicate all Right-of-Ways and public areas to public use, and grant all easements to the use shown.

Jeanne Diane Belnap
JEANNE DIANE BELNAP
P.O. BOX 32 STERLING ALASKA 99672

NOTARY'S ACKNOWLEDGEMENT

Subscribed and sworn before me this 24th day of July 1985 for *Jeanne Diane Belnap*



Roy Whitford
NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES 2-21-90

CERTIFICATE OF REGISTERED SURVEYOR

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

DATE 7-21-86 REGISTRATION NUMBER LS-6101



Roy Whitford
ROY L. WHITFORD
REGISTERED LAND SURVEYOR

PLAT APPROVAL

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of July 12, 1986

KENAI PENINSULA BOROUGH
BY *Richard P. Tingle*
Authorized Official

PETALUMA ACRES NO. 3

A RESUBDIVISION OF TRACT 1 PETALUMA ACRES. LOCATED WITHIN THE NW 1/4 SECTION 14, T5N, R6W, S.M. AK.

2 LOTS - 9.01 ACRES

RICE-WHITFORD and ASSOCIATES

155 SMITH WAY SOLDOTNA, ALASKA 99669

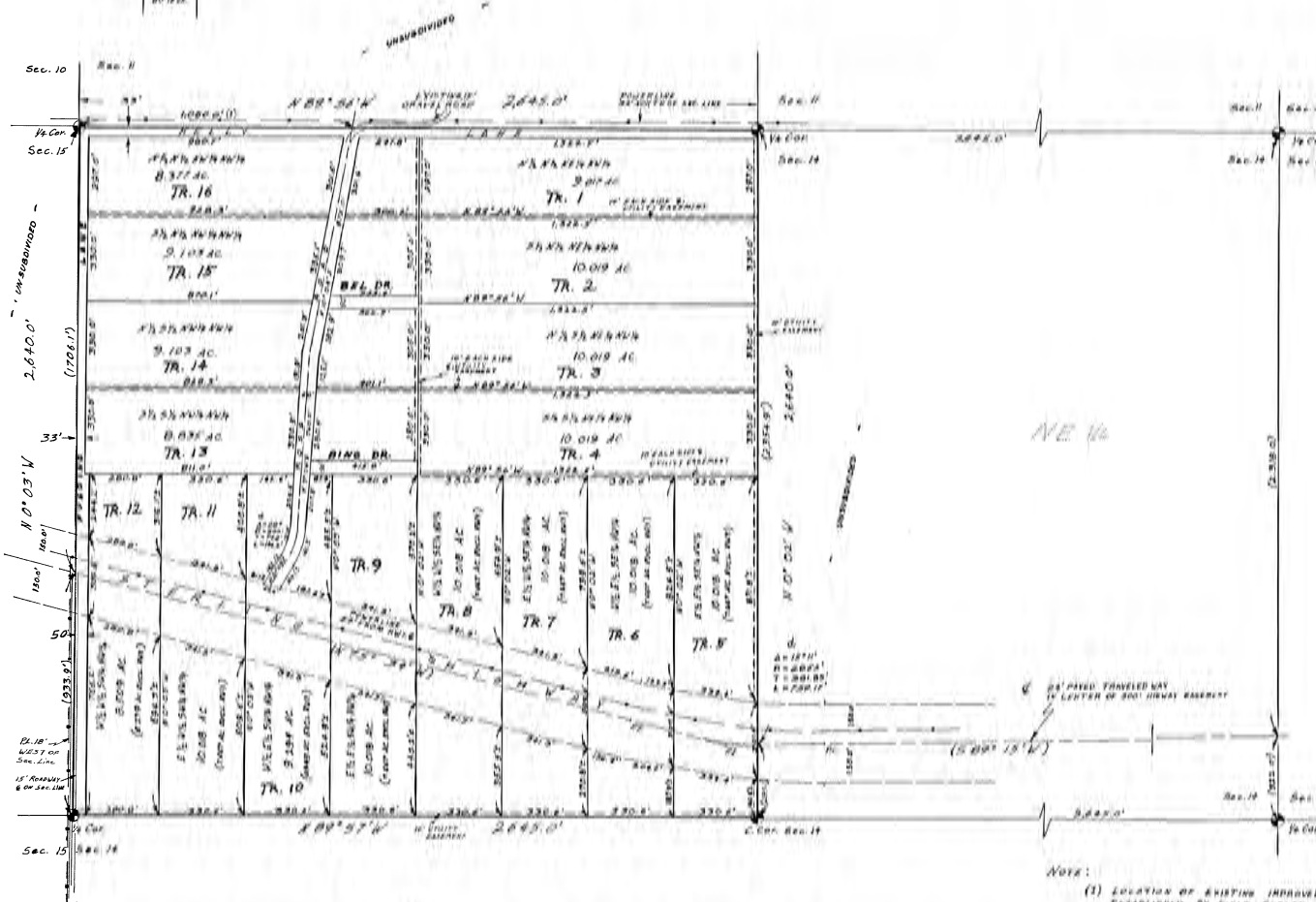
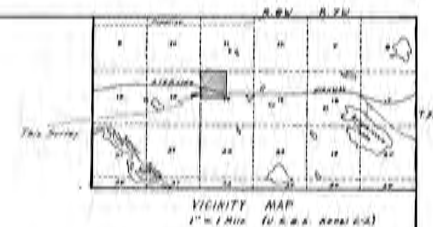
ENGINEERS 262 - 9011 SURVEYORS

SURVEYED: 6-86 / B.D. 86-4 PLATTED: 6-86

DRAFTED: RW SCALE: 1" = 100'

CHECKED: RW KPB FILE NO 86-226

DATA FROM G.L.O. PLAT
T.5N, R.6W of S.M.
DATED JUNE 24, 1943
1" = 80.0 ft.



CERTIFICATE OF OWNERSHIP AND DEDICATION

I hereby certify that I am the Owner of the Property Shown and Described Hereon and That I hereby Adopt This Plan of Subdivision and Dedicate All Streets and Utility Easements as Shown to Public Use.

DATE 9-10-71 OWNER *James Voss*

NOTARY'S ACKNOWLEDGMENT

Subscribed and Sworn Before Me This 10th Day of Sept. 1971.

ENGINEER'S CERTIFICATE

I, The Undersigned Registered Surveyor, Hereby Certify That This Plat is a Compilation of Data from Existing Available Maps, and Field Survey Has Been Made (Except as Indicated by Note 1).

DATE 9-10-71 SURVEYOR *David N. Voss*

PLAT APPROVAL

Plat Approved By The BOROUGH PERMITS & RECORDS PLANNING COMMISSION This 22nd Day of October, 1971.

David N. Voss
Authorized Official

LAND USE: RESIDENTIAL, CONTAINING 160.303 ACRES, MORE OR LESS.

PETALUMA ACRES

A SUBDIVISION OF THE

N.W. 1/4 OF SECTION NO. 14

T.5N., R.6W. OF THE SEWARD MERIDIAN, ALASKA

DATE 9-10-71 SCALE 1" = 80.0 FT.
DRAWN BY *David N. Voss* DAVID N. VOSS, L.S.
CHECKED BY *David N. Voss* ANCHORAGE, ALASKA

NOTES:

- (1) LOCATION OF EXISTING IMPROVED ROAD ESTABLISHED BY FIELD SURVEY, 8' OF 12' GRAVEL ROADWAY CHANGES APPROX. 10% & OF 60' R.O.W. HEREBY DEDICATED.
- (2) INDICATED DATA FROM JULY R.O.W. MAPS ADJUSTED TO MATCH G.L.O. PLAT INTERCEPTS OF HIGHWAY EASEMENT CURVE SINES AND A-B PROPERTY LINES ARE CALCULATED. R.O.W. LOCATION NOT VARIED BY FIELD SURVEY.

— PREPARED IN ACCORDANCE WITH SEC. 20.15.046 (2) OF BOROUGH CODE —

**KENAI PENINSULA BOROUGH PLANNING COMMISSION
RESOLUTION 2002-16**

CLARIFYING THAT AN EXCEPTION TO A PORTION OF THE TWENTY FOOT BUILDING SETBACK LIMIT FOR LOT 1-B PETALUMA ACRES NO. 3 (PLAT 86-194 KENAI RECORDING DISTRICT) IS NOT REQUIRED FOR TWO POLE BARN; WITHIN SECTION 14, TOWNSHIP 5 NORTH, RANGE 8 WEST, SEWARD MERIDIAN, ALASKA

WHEREAS, a setback of twenty feet is required by designation on the plat in accordance with Kenai Peninsula Borough Code of Ordinances; and

WHEREAS, the setback restriction was imposed in 1986 by plat of Petaluma Acres No. 3; and

WHEREAS, KPB Assessing records indicate the house and shop were constructed in 1973, with no information about the pole barns; and

WHEREAS, 1985 aerial photography shows the barns in place; and

WHEREAS, the Kenai Peninsula Borough Planning Commission addressed all concerns about this situation at their April 8, 2002, meeting.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH:

Section 1. That the two pole barns shown on a 1992 as-built survey predate the 1986 building setback restriction.

Section 2. That the two pole barns do not constitute an encroachment.

Section 3. That any new and/or additional construction will be subject to the 20-foot building setback limit.

Section 4. That an as-built survey showing the location of the structures on the lot as of 1992 be recorded with this resolution and made a part of this resolution, becoming page 2 of 2.

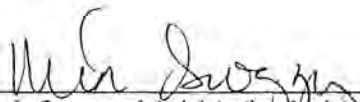
Section 5. That this resolution is void if not recorded in the appropriate Recording District within 90 days of adoption.

Section 6. That this resolution becomes effective upon being properly recorded.

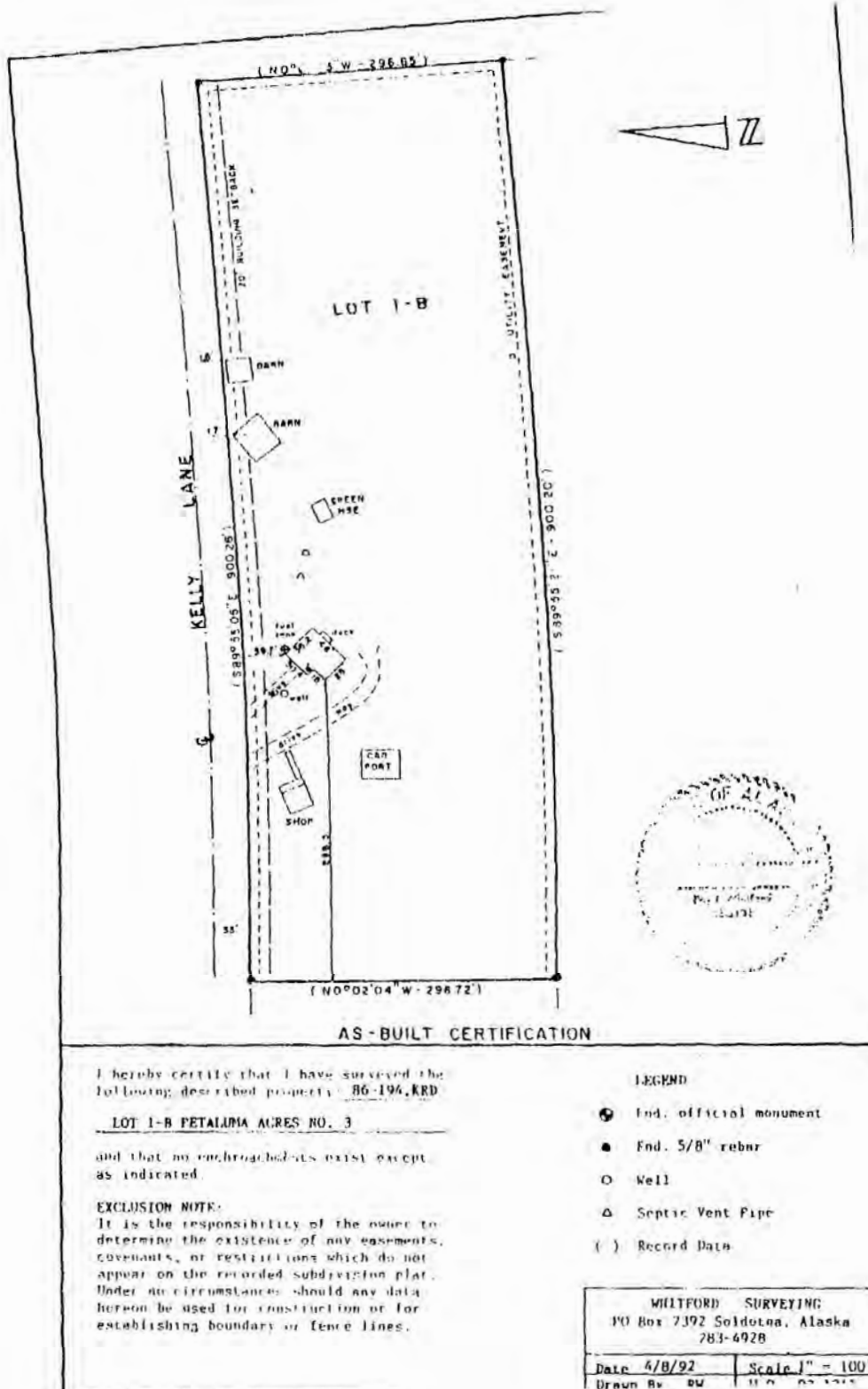
ADOPTED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH
ON THIS 8 DAY OF April, 2002.


Philip Bryson, Vice Chairperson
Planning Commission

ATTEST:


Maria Sweppy, Administrative Assistant

Please return to:
Planning Department
Kenai Peninsula Borough
144 North Binkley Street
Soldotna, Alaska 99669-7599



KPB #2002-060

KPB Planning Commission Resolution 2002-16 Page 2 of 2

003440
REKAI
RECORDING DISTRICT

E7-16

2002 APR 16 A 11:48

REQUESTED BY
Tipler