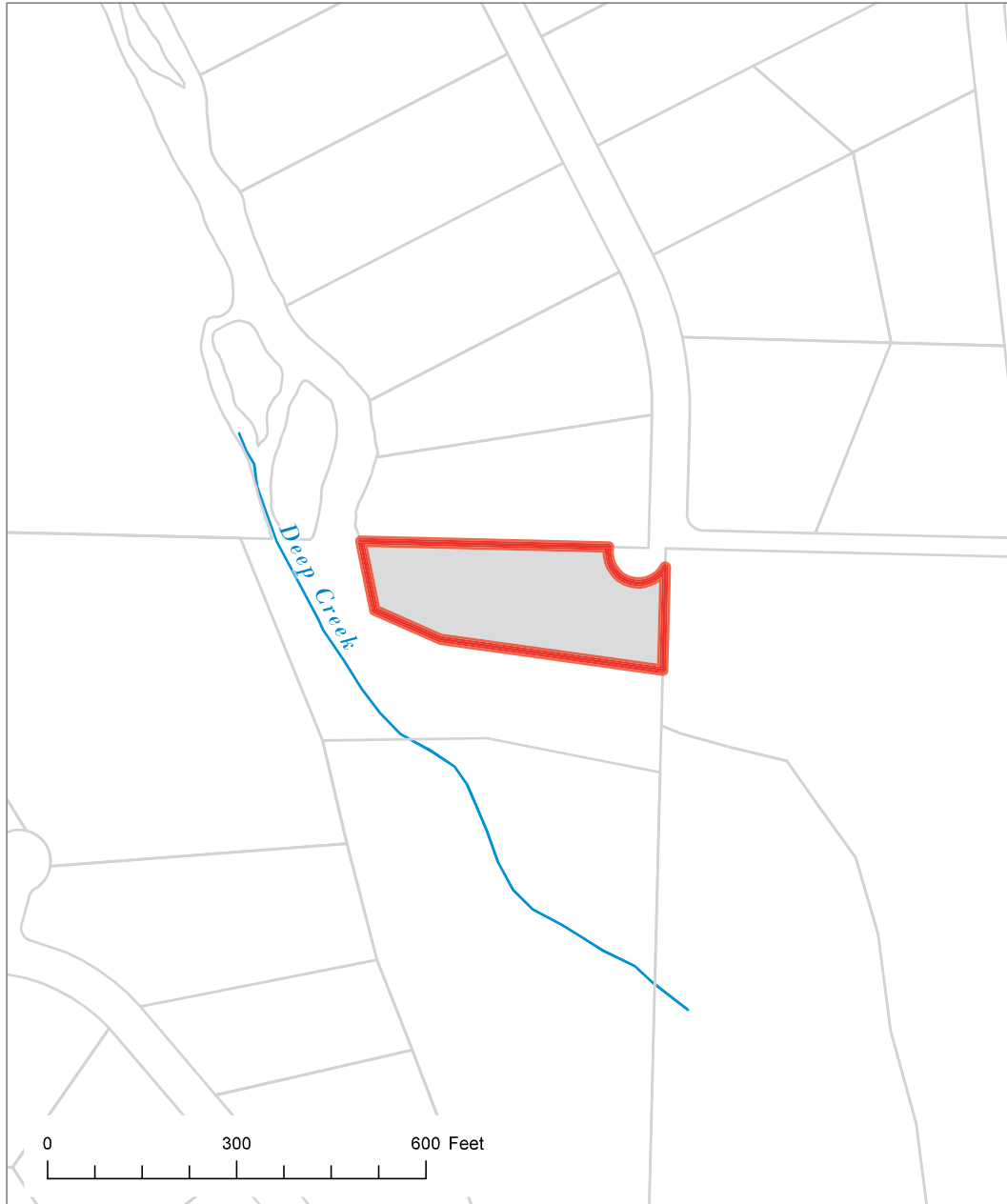


E. NEW BUSINESS

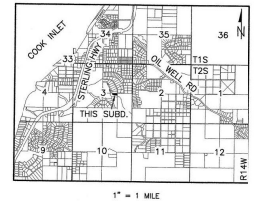
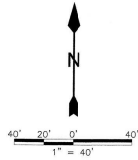
- 4. Leisure time Estates Ivy Replat
KPB File 2022-130**



KPB File # 2022-130
S3 T02S R14W
Ninilchik



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.



LINE TABLE		
LINE	BEARING	LENGTH
L1	S00°04'15"W	30.00'
L2	N89°47'09"E	21.86'

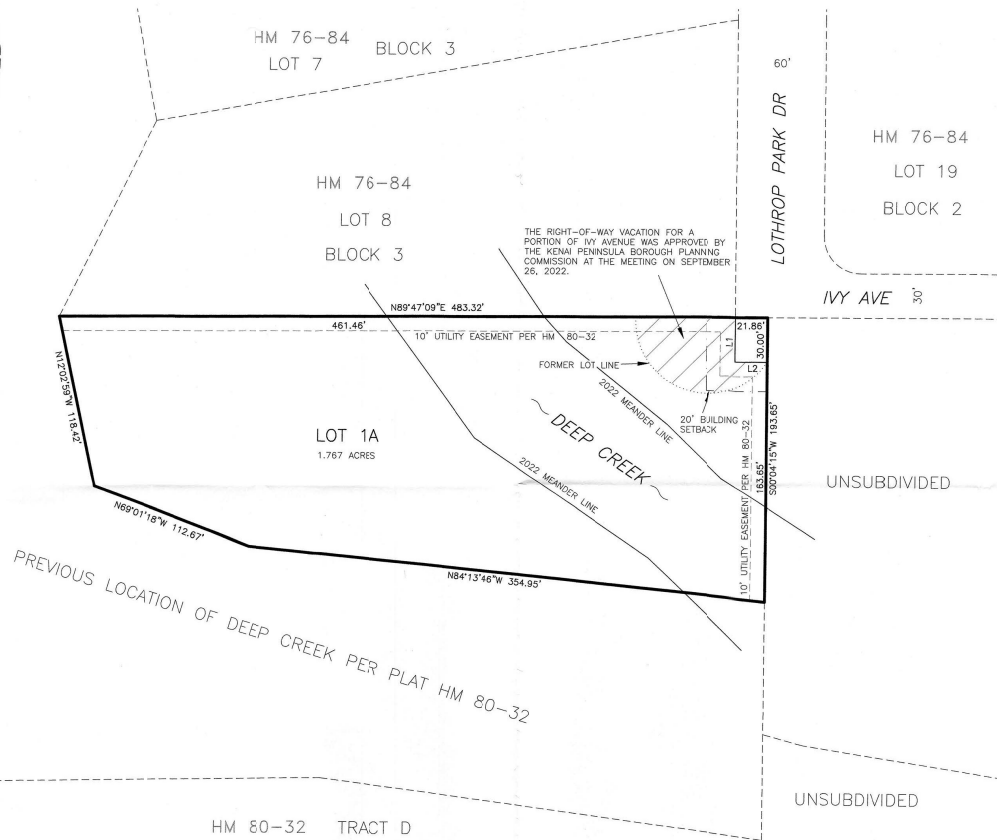
WASTEWATER DISPOSAL
WASTEWATER TREATMENT AND DISPOSAL SYSTEMS MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

NOTES

1. A BUILDING SETBACK OF 20' IS REQUIRED FROM ALL STREET RIGHTS-OF-WAY UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION. THE FRONT 10' OF THE BUILDING SETBACK AND THE ENTIRE SETBACK WITHIN 10' OF THE SIDE LOT LINE IS ALSO A UTILITY EASEMENT.
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. ANADROMOUS WATERS HABITAT PROTECTION DISTRICT NOTE: PORTIONS OF THIS SUBDIVISION ARE WITHIN THE KENAI PENINSULA BOROUGH ANADROMOUS WATERS HABITAT PROTECTION DISTRICT. SEE KPB CHAPTER 21.18, AS MAY BE AMENDED, FOR RESTRICTIONS THAT AFFECT DEVELOPMENT IN THIS SUBDIVISION. WIDTH OF THE HABITAT PROTECTION DISTRICT SHALL BE IN ACCORDANCE WITH KPB 21.18.040.

KPB 2022-130

E4-3



PLAT APPROVAL

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

BY: _____

AUTHORIZED OFFICIAL

CERTIFICATE OF OWNERSHIP AND DEDICATION

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 GRANT ALL EASEMENTS TO THE USE SHOWN.

ALAIN R WILKINSON
PO BOX 39404, NINILCHIK, AK 99639

VIRGINIA J WILKINSON
PO BOX 39404, NINILCHIK, AK 99639

NOTARY ACKNOWLEDGMENT

FOR: ALAIN R WILKINSON AND VIRGINIA J WILKINSON

ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2023

NOTARY PUBLIC FOR ALASKA

MY COMMISSION EXPIRES: _____

KPB FILE NUMBER:

PENINSULA SURVEYING, LLC
10535 KATRINA BOULEVARD, NINILCHIK, AK 99639
(907)306-7065

**PLAT OF
LEISURE TIME ESTATES IVY REPLAT**

A SUBDIVISION OF
LOT 1 BLK 4 LEISURE TIME ESTATES, PLAT HM 80-32, THIS PLAT IS
ALSO FINALIZING A VACATION OF A PORTION OF IVY AVENUE
RIGHT-OF-WAY.

LOCATED WITHIN
SEC. 1, T25S, R14W, S.M.
HOMER RECORDING DISTRICT, KENAI PENINSULA BOROUGH
CONTAINING 1.782 ACRES

OWNERS: ALAIN R WILKINSON AND VIRGINIA J WILKINSON
PO BOX 39404, NINILCHIK, AK 99639

SCALE: 1" = 40'

DATE: DECEMBER 29, 2022

DRAWN: JLS

SHEET: 1 OF 1



AGENDA ITEM E. NEW BUSINESS

ITEM 4 – LEISURE TIME ESTATE IVY REPLAT

KPB File No.	2022-130
Plat Committee Meeting:	February 13, 2023
Applicant / Owner:	Alain and Virginia Wilkinson of Ninilchik, Alaska
Surveyor:	Jason Schollenberg / Peninsula Surveying, LLC
General Location:	Ivy Avenue, Lothrop Park Drive, Ninilchik

Parent Parcel No.	159-540-07
Legal Description:	Lot 1 Block 4, Leisure Time Estates, Plat HM 80-32
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will finalize a right-of-way vacation for a portion of a bulb located at the intersection of Lothrop Park Drive and Ivy Avenue.

Location and Legal Access (existing and proposed): The preliminary plat is located at the intersection of Lothrop Park Drive, a 60 foot wide borough maintained right-of-way, and Ivy Avenue, a 30 foot wide borough maintained right-of-way. Ivy Avenue is located at the end of borough maintained Bluff Drive that is off state maintained Oil Well Road that is near mile 136 of the Sterling Highway.

The plat is to finalize a vacation of a portion of Ivy Avenue. The Kenai Peninsula Borough Planning Commission heard the vacation at their September 26, 2022 meeting. The Kenai Peninsula Borough Assembly gave consent to the vacation at their October 11, 2022 meeting. The area to be vacated is a partial right-of-way bulb located to the southwest of the Lothrop Park Drive and Ivy Avenue intersection. The vacation of the right-of-way is resulting in land reverting back to the lot within this preliminary plat. The vacated portion is used by the lot for access to Ivy Avenue. The access to the new lot will not change. The lot will have a 21.86 foot access to a dedicated right-of-way, Ivy Avenue.

The staff report presented to the Planning Commission on September 26, 2022 did include a request for a 30 foot portion of the cul-de-sac to remain. The Planning Commission, by unanimous vote, removed the requirement for the approximate 30 foot by 30 foot portion to remain. The Assembly consented to the Planning Commission decision. The plat currently indicates the intent to leave a 21.86 foot by 30 foot portion of the right-of-way. This may remain if the owner desires but during the September 26, 2022 meeting, the owner stated that they wished to vacate the full bulb. ***Staff recommends the drawing be updated to what was approved or provide notice that the owner has decided to leave that portion of right-of-way.*** If the portion of the right-of-way is removed, the setback and utility easement depictions will require updating.

A label is provided for the vacation on the face of the plat. ***Staff recommends adding to the note the date the Assembly granted consent.***

The block length is not compliant due to the location of Deep Creek. The vacation of the right-of-way does not change the block length issues and cannot improve it. ***Staff recommends the plat committee concur that an exception to block length requirements is not required as this plat cannot provide any dedications to improve the block.***

When the property was subdivided, Deep Creek was along the western boundary of the lot. Deep Creek changed course and has split the lot in half. The western portion of the lot can only be accessed by Deep Creek at this time. There are subdivisions to the west that do not provide a dedication for access to that portion of the property.

KPB Roads Dept. comments	Out of Jurisdiction: No Roads Director: Painter, Jed Comments: This vacation will have no impact on road maintenance
SOA DOT comments	No comments - Engineering

Site Investigation: The proposed plat is to finalize a vacation for a partial right-of-way bulb that currently has encroachments within the dedication. When the lot was created in 1980, Deep Creek, an anadromous stream, defined the western and southern boundary of the lot. Staff reviewed older available imagery for the area and between 2000 and 2003, Deep Creek changed course and has split the lot. This resulted in the portion with the proposed vacation to be the only portion accessible by right-of-way. Per KPB Assessing data, the structures on the property were added in 2009 and 2014. Due to the location of Deep Creek, the lot has minimal area for improvements.

There is a cabin and shed located on the property. The shed is completely within the right-of-way and the cabin has a portion within the cul-de-sac. The location of the cabin appears to be closer than allowed to the edge of Deep Creek. The owner has stated to staff that he has documentation that allowed the location. This is an issue to be reviewed by the River Center and KPB Code Compliance. The recording of this plat will resolve the encroachments within the right-of-way. A new setback and utility easement will be granted along the new right-of-way edge. **Staff recommends the surveyor verify if any improvements will be within the setback or utility easement and if so, they should be depicted and additional plat notes will be required to show they are exempt to the setback/utility easement.**

The entire preliminary plat is considered wetlands with a Riverine designation. **Staff recommends a wetland determination plat note be added to the plat.**

The terrain appears to be relatively flat. **Staff recommends if any steep terrain is found during the field survey it should be depicted on the final plat.**

The 2022 meander lines for Deep Creek are shown on the plat. **Staff recommends the source or method for determining the meander lines should be noted or labeled.**

KPB River Center review	A. Floodplain Reviewer: Carver, Nancy Floodplain Status: Not within flood hazard area Comments: Located in an unregulated X Zone B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: IS totally or partially within HPD Comments: i:0#.w kpb\maldrige C. State Parks Reviewer: Russell, Pam Comments: No Comments
State of Alaska Fish and Game	

Staff Analysis The parent lot and the right-of-way were dedicated by Leisure Time Estates, Plat HM 80-32, a plat of aliquot property. The dedication occurred at the end of Lothrop Park Drive and Ivy Avenue. Both of those rights-of-way were dedicated as currently exists by Deep Creek Estates, Plat HM 76-84. Staff is not aware of the intent of the dedication of the bulb and no matching portions were dedicated.

Due to the location of Deep Creek, both when the dedication occurred and as it is now, there is no need for access for the bulb. There does not appear to have a future continuation of right-of-way in this area.

The vacation of the bulb will correct some encroachment issues for the lot. Due to the change in course of Deep Creek, the accessible area has been severally reduced with limited buildable area.

The certificate to plat indicates an easement has been granted. The document provides the location for the easement. **Staff recommends the surveyor review the easement and determine if it applies to this property and provide a note with recording information if it does apply.**

A soils report will not be required as the property is increasing in size. Any installation of new or replacement systems will require to comply with all setback restrictions and DEC requirements.

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 The parent plat, HM 80-32, granted 10 foot utility easements along the northern and eastern boundary of the lot. These easements are correctly depicted and labeled. An easement was not granted along the right-of-way vacation. This plat should provide new utility easements adjacent to the remaining right-of-way but to also connect to the previously granted easements by granting easements in place of the vacated portions of the right-of-way.

Staff suggests that plat note 1 be split so that one note deals with the setback and another with the utility easements. The utility easement note could be combined with note 2 if desired. Due to the design of the utility easements along the north and east, the statement about 20 feet within 5 feet of the side lot line is not required. **Staff recommends the note regarding utility easements be revised, "The front 10 foot adjacent to dedicated rights-of-way is a utility easement granted by this plat. This plat will also be granting 10 foot utility easements along the boundary within the vacated area to provide continuations of the previously granted 10 foot utility easements."**

There is an easement issued by recorded document to Homer Electric Association. The easement refers to a specific transmission line but no specific location. **Staff recommends a plat note with the easement information be added unless it can be shown to staff that it does not apply to the subject property.**

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 recommendations
ACS	No objections
GCI	Approved as shown

KPB department / agency review:

Addressing	Reviewer: Affected Addresses:
------------	----------------------------------

	66247 Ivy Avenue Existing Street Names are Correct: Yes List of Correct Street Names: Lothrop Park Drive Ivy Avenue Existing Street Name Corrections Needed: All New Street Names are Approved: No List of Approved Street Names: List of Street Names Denied: Comments: MQuainton - Addresses will be reviewed upon recording and this action may result in required address changes.
Code Compliance	Reviewer: Ogren, Eric Comments: Current Code Compliance with encroachment in to the ROW. If granted, will satisfy compliance issues.
Planner	Reviewer: Raidmae, Ryan There are not any Local Option Zoning District issues with this proposed plat. Material Site Comments: There are not any material site issues with this proposed plat.
Assessing	Reviewer: Windsor, Heather Comments: No comment

The subdivision plat has been reviewed and generally complies with the 2019 Kenai Peninsula Borough Comprehensive plan.

STAFF RECOMMENDATIONS
CORRECTIONS / EDITS

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: Include SE1/4 in location description.

- J. Block and lot numbering per KPB 20.60.140, approximate dimensions and total numbers of proposed lots;
Staff recommendation: Add a block label to the lot to carry over the designation.

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.

20.30.190. Lots-Dimensions.

A. The size and shape of lots shall provide usable sites appropriate for the locality in which the subdivision is located and in conformance with the requirements of any zoning ordinance effective for the area in which the proposed subdivision is located. Generally, lots shall be square or rectangular. Lots shall be at least 60 feet wide on the building setback line. The minimum depth shall be no less than 100 feet, and the average depth shall be no greater than three times the average width.

B. The access portion of a flag lot shall not be less than 20 feet wide. A flag lot with the access portion less than 60 feet wide may be subject to a plat note indicating possible limitations on further subdivision based on access issues, development trends in the area, or topography. If the access portion is less than 60 feet wide, it may not exceed 150 feet in length. The access portion may not be used for permanent structures or wastewater disposal area, must meet the design standards of KPB 20.30.030(A) and 20.30.090 for access, and, if at least 60 feet wide, will be subject to the building setback restrictions of KPB 20.30.240.

Staff recommendation: Due to the restraints created by Deep Creek and the minimal access to dedicated right-of-way a plat note should be added "There are possible limitations on further subdivision based on access issues, development trends in the area, or topography."

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: Acreage is increasing. Soils report will not be required.

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.

20.60.120. 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: In addition to the overall acreage provide the acreage for dry area and submerged land. Provide boundary and lot closure computations with the paper final plat. KPB will verify closure complies with 20.60.120.

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.*

- *This is a paper plat. A field survey was not performed.*
- *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.*
- *There are possible limitations on further subdivision based on access issues, development trends in the area, or topography.*
- *Subject to a right-of-way easement to Homer Electric Association Incorporation within Serial 2019-000154-0, HRD.*
- *The natural meanders of ordinary high water is for area computations only, the true corners being on the extension of the sidelines and the intersection with the natural meanders.*

KPB 20.70 – Vacation Requirements

Staff recommendation. *The right-of-way vacation received Assembly Consent on October 11, 2022. The vacation must be finalized within one year of consent or a new petition to vacate will be required.*

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.

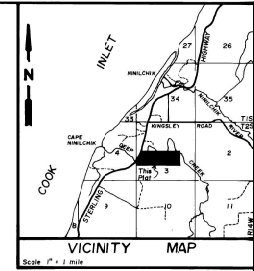
A DECISION OF THE PLANNING COMMISSION MAY BE APPEALED TO THE HEARING OFFICER BY A PARTY OF RECORD WITHIN 15 DAYS OF THE DATE OF NOTICE OF DECISION IN ACCORDANCE WITH KPB 21.20.250.

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.

CURVE	DELTA	RADIUS	LENGTH	TANGENT
1	49°06'00"	300.00'	256.57'	156.79'
2	43°06'00"	397.86'	298.59'	156.72'
3	44°06'00"	300.00'	157.18'	121.34'
4	42°06'00"	300.00'	119.91'	115.16'
5	43°06'00"	300.00'	125.15'	118.11'



LEGEND AND NOTES

- Found Brass Cap monument
 - Found Iron Pipe
 - Set 1/2" x 30" steel rebar
 - Set 1/2" Aluminum Cap monument (1300-S 1979)
- All lots are subject to a 20' strip setback along all dedicated R/W's.
- All datum of record shown thus ().
- All wastewater disposal and treatment systems shall comply with existing law at time of construction.
- Lots 1 and 2, Block 1 shall share a single common drive.
- Tract A cannot be conveyed separately except as a portion of Tract B.

80-32

RECORDED 11/10

DATE 1-25-80

TIME 11:09

RECORDED BY [Signature]

PLAT APPROVAL

This plat having been approved by the Kenai Peninsula Borough Planning Commission as recorded in the official minutes of the meeting of December 4, 1979, is hereby acknowledged and accepted as the official plat, subject to city and all conditions and requirements of ordinances and law pertaining thereto.

KENAI PENINSULA BOROUGH
By: Philip Hanning

CERTIFICATE OF OWNERSHIP AND DEDICATION

We hereby certify that we are the owners of the property shown and described herein and that we hereby adopt this plan of subdivision, and dedicate all streets, alleys, walks, parks, utility easements, and other open spaces to public use.

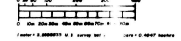
William J. Forteau Sharon L. Forteau
Witness: James H. Forteau, Rte. 1 Box 205, Kenai, AK 99601

NOTARY'S ACKNOWLEDGEMENT

Subscribed and sworn to before me this 9th day of January, 1980.

Carlton L. Thompson
Notary Public for Alaska
My Commission Expires: 9-21-80

SCALE



LEISURE TIME ESTATES

DESCRIPTION: Located within the NW1/4SE1/4 and the NW2SW1/4 lying Easterly of the Sterling Highway in Sec. 3, T15, R14W, S1E, AK and the Kenai Peninsula Borough containing 119.771 acres more or less

OWNER: William J. and Sharon L. Forteau
Rte. 1 Box 205
Kenai, AK 99601

P.O. Box 478
Geologist, Registered Land Surveyor
Date Surveyed: November 1979 Scale: 1" = 800' Sh. No. 80-32