

## **E. NEW BUSINESS**

### **1. Barber Subdivision; KPB File 2023-013**

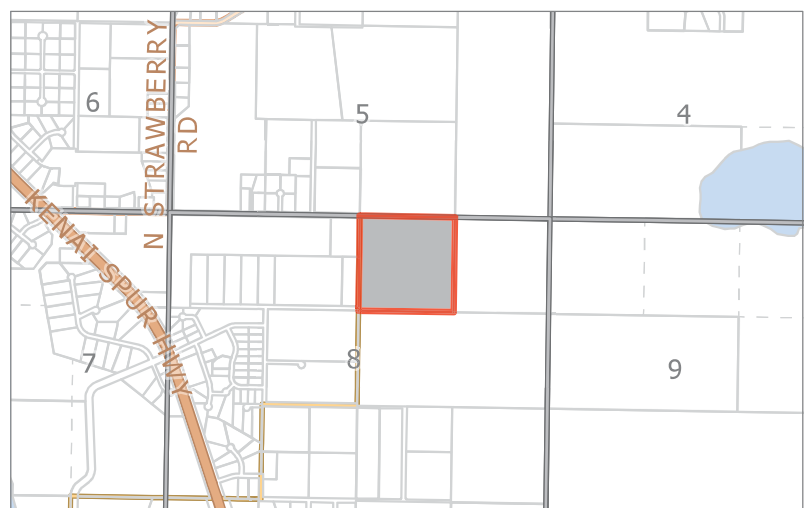
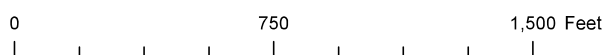


Vicinity Map

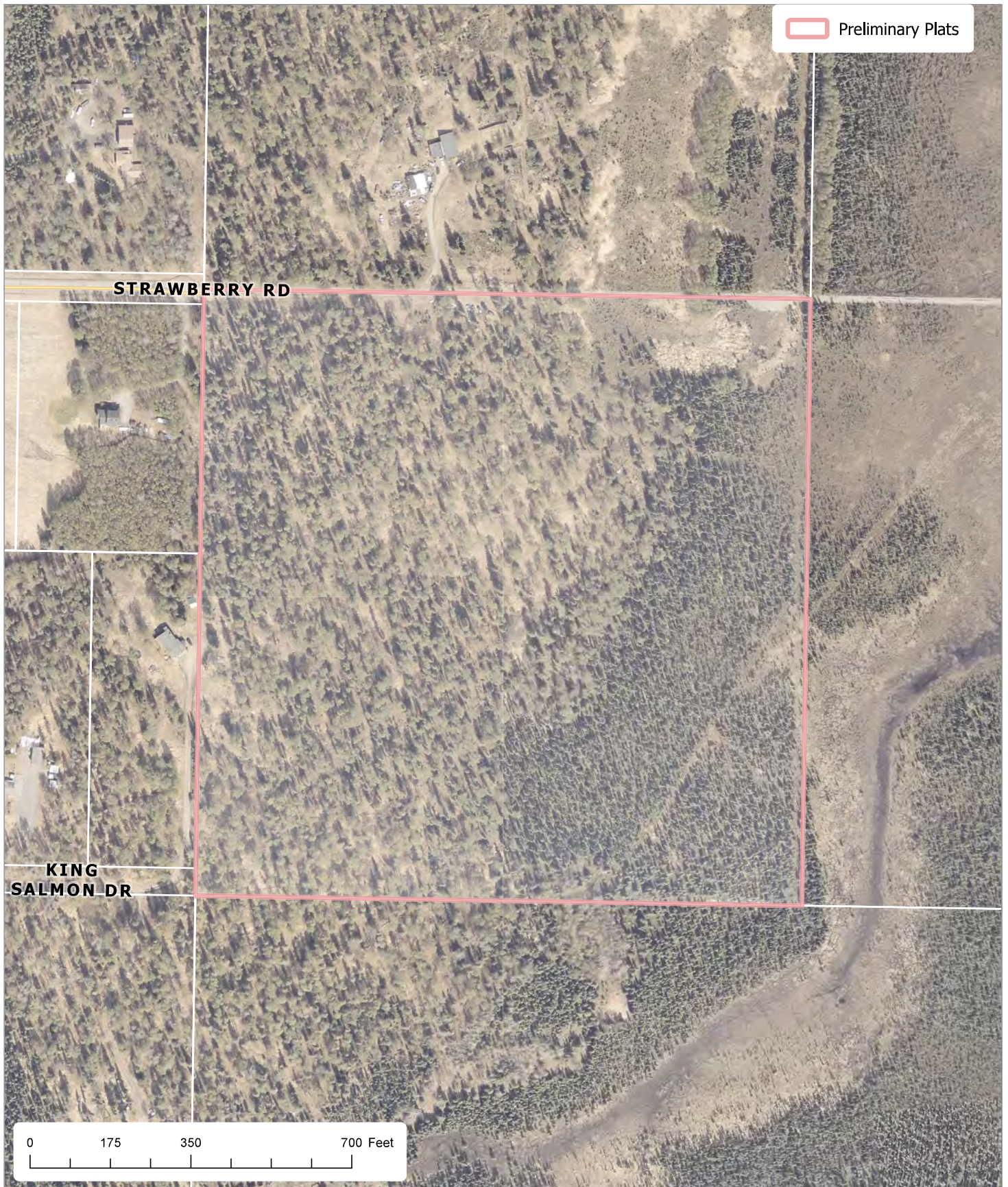


KPB File 2023-013  
T 05N R 10W SEC 8  
Ridgeway

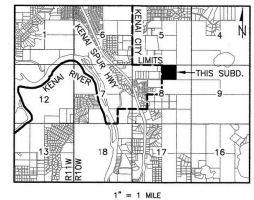
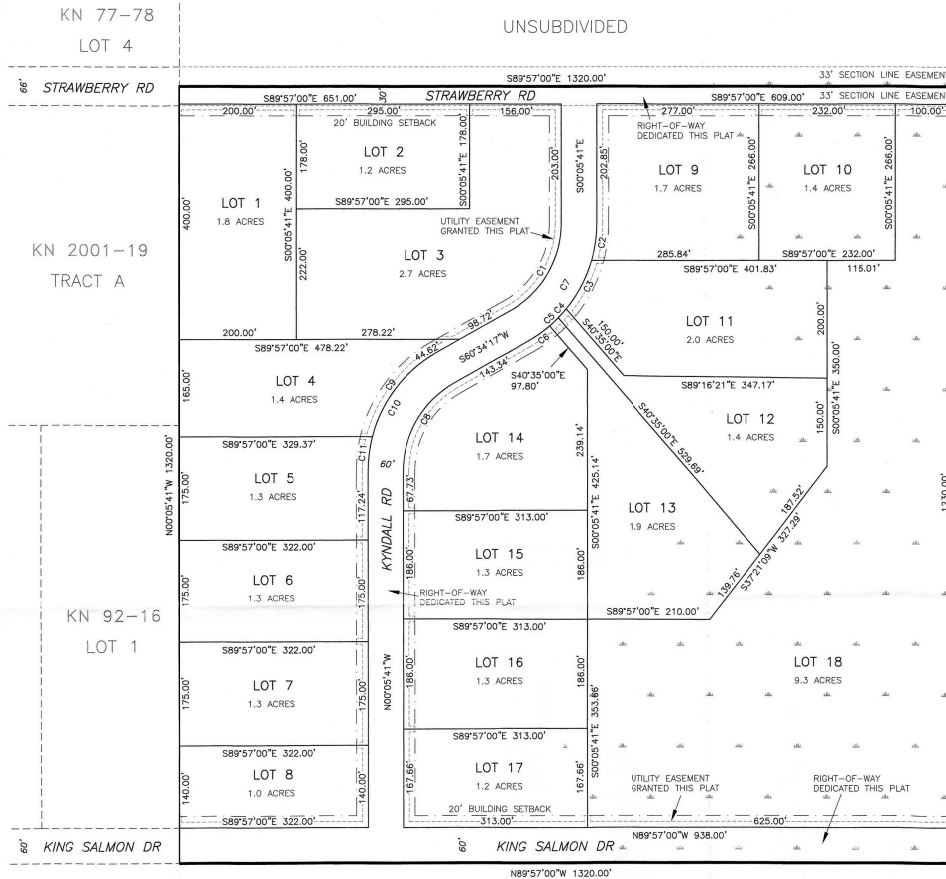
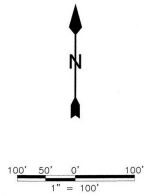
2/2/2023











**PLAT APPROVAL**  
THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF \_\_\_\_\_  
KENAI PENINSULA BOROUGH

BY: \_\_\_\_\_  
AUTHORIZED OFFICIAL

#### 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' ADJOINING DEDICATED RIGHTS-OF-WAY THAT INCREASE TO 20' WITHIN 5' OF THE SIDE LOT LINES IS GRANTED AS UTILITY EASEMENTS PER THIS PLAT.
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. 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 (KPB 14.06).
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.

CURVE TABLE						
CURVE	LENGTH	RADIUS	DELTA ANGLE	TANGENT	CHORD	CHORD BEARING
C1	180.00	170.00	360°39'58"	99.47	171.71	N30°14'18"E
C2	63.95	230.00	318°55'51"	32.18	63.74	N07°52'14"E
C3	93.04	230.00	323°10'40"	47.17	92.41	N27°25'30"E
C4	20.20	230.00	305°01'53"	10.11	20.19	N41°31'47"E
C5	20.03	230.00	304°59'24"	10.02	20.03	N46°32'25"E
C6	46.31	230.00	311°32'09"	23.23	46.23	N54°48'12"E
C7	243.53	230.00	360°39'58"	134.58	232.31	N30°14'18"E
C8	180.00	170.00	360°39'58"	99.47	171.71	S30°14'18"W
C9	185.16	230.00	346°07'32"	97.93	180.20	S37°30'31"W
C10	243.53	230.00	360°39'58"	134.58	232.31	S30°14'18"W
C11	58.37	230.00	014°32'28"	29.34	58.21	S07°10'32"W

#### CERTIFICATE OF ACCEPTANCE

THE UNDERSIGNED OFFICIAL, IDENTIFIED BY NAME AND TITLE IS AUTHORIZED TO ACCEPT AND HEREBY ACCEPT 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:

KYNDALL ROAD RIGHT-OF-WAY  
STRAWBERRY ROAD RIGHT-OF-WAY  
KING SALMON DRIVE RIGHT-OF-WAY

THE ACCEPTANCE OF LANDS FOR PUBLIC USE OR PUBLIC PURPOSES DOES NOT OBLIGATE THE PUBLIC OR ANY GOVERNING BODY TO CONSTRUCT, OPERATE, OR MAINTAIN IMPROVEMENTS.

BY: \_\_\_\_\_ 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 ADAPT THIS PLAN OF SUBDIVISION AND BY MY OWN FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND GRANT ALL EASEMENTS TO THE USE SHOWN.

MATT BARBER  
20777 S 64TH CT  
HICKMAN, NE 68372

#### NOTARY ACKNOWLEDGMENT

FOR: MATT BARBER  
ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023

NOTARY PUBLIC FOR: \_\_\_\_\_  
MY COMMISSION EXPIRES: \_\_\_\_\_

#### WASTEWATER DISPOSAL

LOTS 1-17: 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 QUALIFIED ENGINEER, REGISTERED TO PRACTICE IN ALASKA, AND THE DESIGN MUST BE APPROVED BY THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

ENGINEER \_\_\_\_\_ LICENSE # \_\_\_\_\_ DATE \_\_\_\_\_

#### WASTEWATER DISPOSAL

LOT 18: LOTS WHICH ARE AT LEAST 200,000 SQUARE FEET IN SIZE 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.

KPB FILE NUMBER:

PENINSULA SURVEYING, LLC

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

PLAT OF  
**BARBER SUBDIVISION**

A SUBDIVISION OF  
NW1/4 NE1/4 SEC. 8, T54N, R10W, S4M  
KENAI RECORDING DISTRICT, KENAI PENINSULA BOROUGH  
CONTAINING 40.000 ACRES

OWNER: MATT BARBER  
20777 S 64TH CT, HICKMAN, NE 68372

SCALE: 1" = 100' DATE: JANUARY 30, 2023  
DRAWN: JLS SHEET: 1 OF 1



KPB 2023-013

AGENDA ITEM E. NEW BUSINESS

**ITEM 1 - BARBER SUBDIVISION**

<b>KPB File No.</b>	2023-013
<b>Plat Committee Meeting:</b>	February 27, 2023
<b>Applicant / Owner:</b>	Matt Barber of Hickman, Nebraska
<b>Surveyor:</b>	Jason Schollenberg / Peninsula Surveying, LLC
<b>General Location:</b>	Strawberry Road, Ridgeway

<b>Parent Parcel No.:</b>	057-010-06
<b>Legal Description:</b>	NW1/4 NE1/4 Section 8, Township 5 North, Range 10 West
<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 subdivide a 40 acre parcel into eighteen lots ranging in size from 1 acre to 9.3 acres. Several right-of-way dedications are proposed.

**Location and Legal Access (existing and proposed):** Near mile 5 of state maintained Kenai Spur Highway is Strawberry Road. The western portion of Strawberry Road is state maintained to N Strawberry Road, which is also state maintained. The portion east of N Strawberry Road is maintained by the borough. Strawberry Road is a varying width dedication that is atop section line easements. The City of Kenai limits run along N Strawberry Road and along the dedication of Strawberry Road to the western edge of the proposed plat.

Additional access to the preliminary plat is available via Silver Salmon Drive, Chisik Street, to King Salmon Drive that is along the southern boundary of the proposed subdivision. These rights-of-way are managed by the City of Kenai. King Salmon Drive is dedicated as a 60 foot wide right-of-way that abuts the proposed subdivision. The eastern portion appears to be cleared and used by several lots for access but does not appear to be fully constructed.

This plat is proposing to dedicate a 30 foot width for Strawberry Road atop an existing 33 foot section line easement. It appears to be cleared and used for access for the lot to the north as well as a large acreage lot to the east with improvements present. The northern portion of Strawberry Road appears to be subject to a 33 foot section line easement to provide additional width. If the owner to the north ever subdivides a matching dedication can be obtained. The western portion of Strawberry Road appears to contain some steep slopes. ***Staff recommends proof that the slopes comply with code or submittal of centerline profiles and cross-sections be submitted for review to determine if additional width or easements are required.***

The plat will be dedicating a 60 foot right-of-way continuation of King Salmon Drive along the southern portion. There are wetlands within that area but it does not appear that there are any areas of open water.

A 60 foot wide right-of-way is proposed to provide a connection between Strawberry Road and King Salmon Drive within the middle of the subdivision. This location avoids a dedication through the designated wetlands. All proposed rights-of-way dedication will fall under borough jurisdiction as the City of Kenai limits ends along the western boundary.

The block length is not compliant. There are many large acreage lots within this area. The new dedication will improve the eastern block but it will still exceed allowable limits. The new dedications will help provide a closed block to the west. The plat is proposing to dedicate the right-of-way in the middle of the subdivision instead of along the western and eastern boundary to avoid some terrain issues. Lot 18 is a large acreage lot with designated

wetlands throughout. This lot does have 100 foot access along Strawberry Road if it was later determined a road could be feasible constructed in that area it could be dedicated in the future. To the east is property owned by Cook Inlet Region Inc that has wetlands throughout and some areas of what appears to be standing water. **Staff recommends the plat committee concur that the subdivision is improving the block by providing a continuation between Strawberry Road and King Salmon Drive, an exception is not required as any dedications at this time are not needed, and there are prospects to get continuations in the future with current lots not being denied access.**

Section line easements are along the northern boundary. **Staff recommends adjacent section line easements should be shown if right-of-way dedications have not been granted.**

KPB Roads Dept. comments	Out of Jurisdiction: No Roads Director: Griebel, Scott Comments: Property is served by existing Strawberry Rd, which is currently subject to Category I standard. Subdivision pushes existing roadway to the high end lot count of Cat II or possibly to Cat III
SOA DOT comments	No comment

**Site Investigation:** The property contains some low wet area within the eastern portion. **Staff recommends the wetlands remain on the final plat along with the determination note.**

Steep areas appear to be present within the proposed Strawberry Road dedication. The recommendation regarding the dedication is made within that portion of the staff report. The steep areas do appear to continue down into proposed Lots 1 through 4. **Staff recommends the slopes be verified and if any exceed 20 percent that the steep areas be depicted in some manner as it may impact development on lots of this size.**

There does not currently appear to be any improvements on this land.

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 preliminary plat for aliquot lands with no previous platting action. It will create eighteen lots and dedicate two 60 foot wide rights-of-way and a half width right-of-way. This subdivision is just outside the City of Kenai.

A soils report will be required and an engineer will sign the final plat. Lot 10 does appear to contain low wet areas throughout and Lots 1 through 4 may have steep slopes. Any wastewater issues due to terrain should be shown on the soils analysis report. Lot 18, due to its size, does not require a soils analysis report.

Notice of the proposed plat was mailed to the beneficial interest holder on February 3, 2023. The beneficial interest holder will be given 30 days from the date of the mailing of the notification to respond. They are given the opportunity

to notify staff if their beneficial interest prohibits or restricts subdivision or requires their signature on the final plat. If no response is received within 30 days, staff will assume they have no requirements regarding the subdivision and it may be finalized.

The beneficial interest holder did contact Platting Staff in regards to their notice. They have stated that the deed of trust had limitations that they intend to uphold. Staff advised that a letter of objection would be required for the record. Staff also explained that the review by the plat committee would be to see if the subdivision plat complied with the requirements of Title 20. A conditional preliminary approval could be granted but the file would not be able to receive Administrative Approval until the deed of trust was either released or a non-objection letter was received from the beneficial interest holder.

The property is not within an advisory planning commission. City of Kenai had no comments.

A letter of objection was received.

**Utility Easements** There are no platted easements to carry forward. The plat intends to grant 10 foot utility easements along dedicated rights-of-way that increase to 20 feet withing 5 feet of the side lot lines.

An easement granted by recorded document was granted to Homer Electric Association, Inc. in 1959. Per the Certificate to Plat, the easement was released in 1997. It appears within the release that HEA reserved a 20 foot wide electrical distribution line easement centered on existing powerlines. **Staff recommends the surveyor work with HEA to determine the possible location of the reserved easement to depict, if the location cannot be found as the original easement had no defined location, then add plat notes with the original document information and the remaining easement.**

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 and recommendations
ACS	No objections
GCI	

**KPB department / agency review:**

Addressing	Reviewer: Haws, Derek Affected Addresses:  Existing Street Names are Correct: Yes  List of Correct Street Names: KING SALMON DR STRAWBERRY RD  Existing Street Name Corrections Needed:  All New Street Names are Approved: Yes  List of Approved Street Names: KYNDALL RD
------------	--

	List of Street Names Denied:  Comments: MQUANTON: No other comments
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
Advisory Planning Commission	

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:** *A new unique subdivision name will be required as there is a Barber Tract Subdivision, KN 83-272.*
- 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 section line easement designations to the east of the subdivision. The City of Kenai limits are located along the western boundary. Provide a depiction and label.*
- 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:** *Provide a Township label.*
- L. Contours at suitable intervals when any roads are to be dedicated unless the planning director or commission finds evidence that road grades will not exceed 6 percent on arterial streets, and 10 percent on other streets;  
**Staff recommendation:** *The western portion of Strawberry Road dedication appears to have some slopes near 11 percent.*



- M. Approximate locations of slopes over 20 percent in grade and if contours are shown, the areas of the contours that exceed 20 percent grade shall be clearly labeled as such;  
**Staff recommendation:** *There appears to be some areas with slopes greater than 20 percent within lots within the northwest portion.*

---

#### 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.*

- 20.30.090. Streets-Maximum grades allowed. The subdivider shall demonstrate that streets can be readily constructed in accordance with current borough road standards and that the grades on any such roads shall not exceed 6 percent on arterial streets and 10 percent on other streets, or 4 percent within 130 feet of any centerline intersections. Submittal of centerline profiles and cross-sections may be required to demonstrate that compliant construction in the right-of-way is feasible.

**Staff recommendation:** *Provide documentation that the slopes comply with code or provide centerline profiles and cross-sections for Strawberry Road for review to determine if additional right-of-way width or easements are required.*

- 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:** *Add the plat note: No structures are permitted within the panhandle portion of the flag lots.*

---

#### 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 will be required for Lots 1-17. Lot 18 does not require a soils 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.*

- 20.60.180. 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 structures are permitted within the panhandle portion of the flag lots.*

---

**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





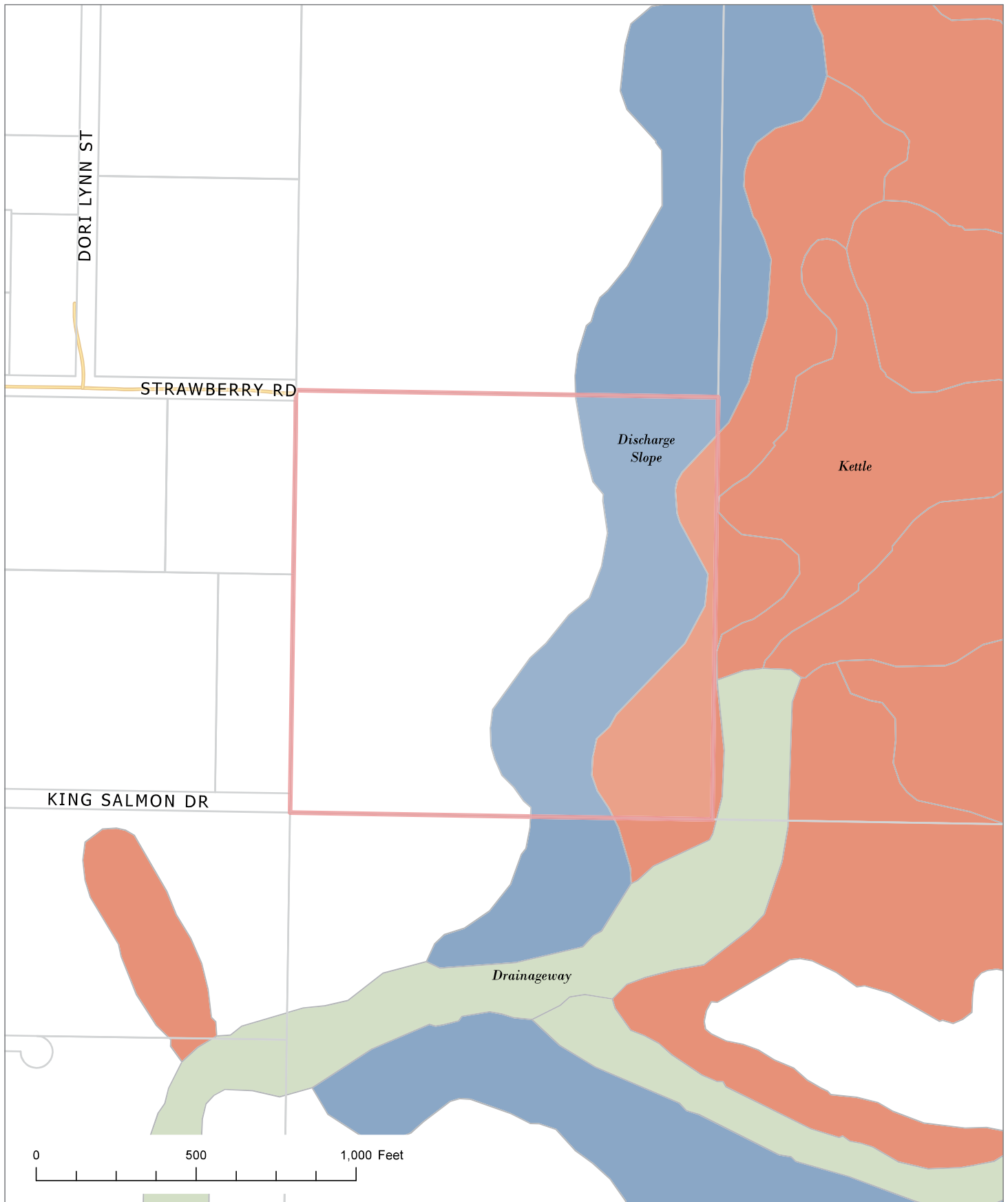
**Aerial View**





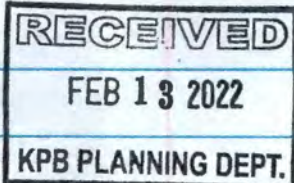


**Wetlands**





Dear Planning Committee,



I have received your letter about subdividing (40 ac. P.B. 2023-013 Barber Subdivision.)

I strongly object. Also there's a clause in the land contract stating no subdividing until note is paid in full.

Thank you for your letter informing me on this subject. If there are any questions you can call me at 479-222-0101.

Sincerely,

Lisa Wilson

683 Roadrunner Rd.  
Gepp, Arkansas 72538