

## **E. NEW BUSINESS**

- 3. McNamara Acres at Moose Hill; KPB File 2023-009R1  
Surveyor: Peninsula Surveying LLC; Owner Lastinger  
Location: McNamara Court, Royce Street & Emilie Avenue  
PINs: 066-102-06; 066-102-07; 066-102-08; 066-102-09  
Funny River Area / Funny River APC**



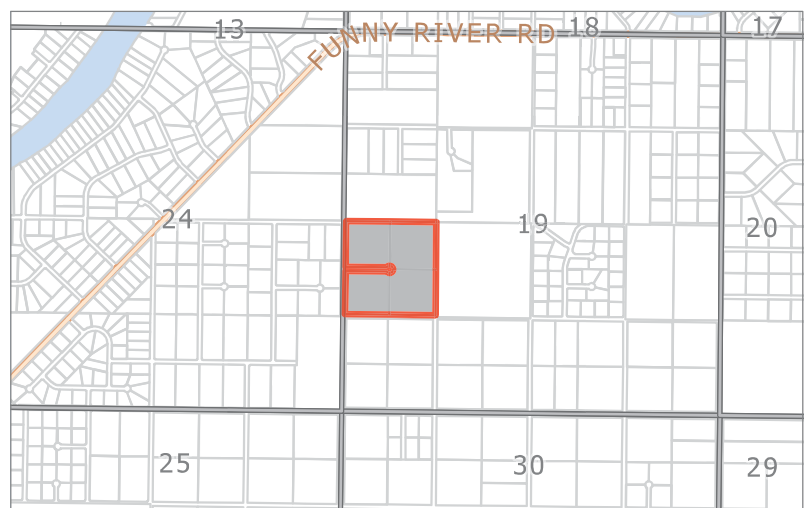
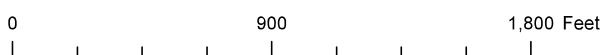
# Kenai Peninsula Borough Planning Department

## Vicinity Map



KPB File 2023-009R1  
T 05N R 08W SEC 19  
Funny River

08/17/2023











AGENDA ITEM E. NEW BUSINESS

**ITEM #3 - PRELIMINARY PLAT  
MCNAMARA ACRES AT MOOSE HILL**

<b>KPB File No.</b>	2023-009R1
<b>Plat Committee Meeting:</b>	September 11, 2023
<b>Applicant / Owner:</b>	George and Laurel Lastinger of Soldotna, Alaska
<b>Surveyor:</b>	Jason Schollenberg / Peninsula Surveying, LLC
<b>General Location:</b>	Goose Berry Avenue, Royce Street, Funny River, Funny River APC

<b>Parent Parcel No.:</b>	066-102-06, 066-102-07, 066-102-08, and 066-102-09
<b>Assessor Description:</b>	T 5N R 8W SEC 19 SEWARD MERIDIAN KN 0810151 McNamara Acres Sub Tract A, B, C, AND D
<b>Assessing Use:</b>	Residential
<b>Zoning:</b>	Rural Unrestricted
<b>Water / Wastewater</b>	On site
<b>Exception Request</b>	20.30.030(A) and 20.30.170

---

**STAFF REPORT**

**Specific Request / Scope of Subdivision:** The proposed plat will reconfigure four tracts into sixteen lots. The new lots will range in size from 1.046 acres to 4.406 acres. The plat will also finalize a right-of-way vacation and dedicate several new rights-of-way.

This plat was originally heard and given conditional approval by the Plat Committee on March 20, 2023 and is being brought back as a revision. The revisions include new proposed dedications of Goose Berry Avenue, Detroit Circle and Laurelwood Street.

**Location and Legal Access (existing and proposed):** The subdivision is located at the end of Goose Berry Avenue, a varying width right-of-way that is borough maintained. Goose Berry is located off State maintained Funny River Road approximately at mile 14.75. The dedication of Gooseberry will be continued until the intersection with proposed Laurelwood Street. The maintenance ends at the end of the current dedication. A driveway continues at the end of Goose Berry Avenue to the lot north of this subdivision. Per the parent plat, there is a temporary turnaround at the corner of Goose Berry and Royce Street.

At the end of the Goose Berry Avenue dedication is the dedication for Royce Street. This north-south dedication has varying width and is atop varying width section line easements. It does not appear that the portion of Royce Street adjacent to the subdivision is constructed beyond a trail.

Emilie Avenue, along the south of the subdivision is unconstructed.

The existing right-of-way, McNamara Court, received approval to vacate a portion of the cul-de-sac bulb in order to extend the right-of-way. The Planning Commission heard and approved the right-of-way vacation at the February 13, 2023 meeting with Assembly consenting at their meeting of February 21, 2023.

Detroit Street is a proposed half dedication along the eastern half. This is a continuation of Detroit Street located to the south. The proposed plat has Detroit Street ending with a cul-de-sac bulb.

McNamara Acres Subdivision, Plat KN 81-151, had an 80-foot airstrip easement along the top of the subdivision. This easement is in line with Goose Berry Avenue. It does not appear that this easement is on adjacent parcels. There is no documentation of the creation of this easement within the Certificate to Plat so it appears to be an easement granted by plat. The owners have elected to work with an attorney to remove the easement.

Staff would like to remind the owner and surveyor the approval of the right-of-way vacation of McNamara bulb expires on February 21, 2024.

The south half of the plat is a compliant block of Royce Street, Emile Ave, Detroit Street, and McNamara Ave. The North half of the plat is a non-compliant block of Goose Berry Ave, Laurelwood St, McNamara Avenue, and Detroit Circle. A request for 20.30.170 Block Length Requirement has been received.

KPB Roads Dept. comments	Out of Jurisdiction: No  Roads Director: Griebel, Scott Comments: Goose Berry Ave., that serves the platted section is currently a category II, which serves up to 20 lots. The additional 16 lots changes the cat. requirement to III (21-50 lots).
SOA DOT comments	No State ROW shown, so no comments. However, some of the adjacent lands are/were original Mental Health Trust Lands, so the question of Section Line Easement width was raised. Not applicable to the lands being subdivided, just the adjacent lands. - Engineering

**Site Investigation:** The terrain is relatively flat. There are some low wet areas in the western half of the subdivision. These are shown on the plat and the wetland determination note is present. **Staff recommends the wetland depiction remain on the final plat along with the plat note.**

The lots appear to be vacant. There does not appear to be any issues with encroachments. The lot to the north has a driveway that starts within the northwest corner of this subdivision. **Staff recommends the surveyor verify the driveway does not encroach when performing the field survey.**

An airstrip easement is present along the north but it does not appear that it has been used in such a manner. There is clearing to the northeast of the subdivision that may be used as an airstrip. Easement has been terminated by the owners.

KPB River Center review	A. Floodplain Reviewer: Hindman, Julie 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: VACANT Comments:
State of Alaska Fish and Game	

**Staff Analysis** The proposed preliminary is a replat of four tracts created by McNamara Acres Subdivision, Plat KN 81-151, which subdivided an aliquot piece of property into four tracts. This proposed plat will reconfigure those four tracts into sixteen lots as well as provide new rights-of-way dedications.

A soils report will be required and an engineer will 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.

Funny River Advisory Planning Commission minutes for the September 6, 2023 meeting were not available when the staff report was prepared (KPB 21.02.020). These will be provided with the desk packet if available.

**Utility Easements** The parent plat did not grant 10-foot utility easements along all rights-of-way. It did have a 5-foot utility easement along the northern dedication of McNamara Court with a 30-foot radius anchor easement along the northwestern portion of the cul-de-sac bulb. The easement continued around the cul-de-sac and then followed the shared lot line between Tract B and Tract C. The width of the easement increased to 20 feet in that area. A 10-foot utility easement was also granted along the eastern boundary. A 5-foot utility easement was granted along the southern boundary adjacent to Emilie Avenue.

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	<p>Reviewer: Leavitt, Rhealyn</p> <p>Affected Addresses: NONE</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names: ROYCE ST, MCNAMARA CT, EMILIE AVE, DETROIT ST, GOOSE BERRY AVE,</p> <p>Existing Street Name Corrections Needed:</p> <p>All New Street Names are Approved: Yes</p> <p>List of Approved Street Names: LAURELWOOD ST, MCNAMARA AVE, DETROIT CIR</p> <p>List of Street Names Denied:</p>
------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

	Comments: 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
Funny River Advisory Planning Commission	

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

---

**STAFF RECOMMENDATIONS**  
**CORRECTIONS / EDITS**

Give the net overall dimension of lots broken by lot lines where needed.

---

**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.

---

**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:* Soils report will be required and licensed engineer will need to sign the plat.

**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.

Tie the northwest corner of the plat to the ¼ corner with a dimension.

Tie the southeast corner of the plat to the 1/16<sup>th</sup> corner with a dimension.

**EXCEPTIONS REQUESTED:**

**KPB 20.30.030 – Proposed Street Layout** – continuation of Goose Berry Avenue and Detroit Street **and 20.30.170 – Blocks-length requirements**



Surveyor's Discussion: This plat will be creating sixteen lots from the existing four tracts of land. There will be legal access to all of the lots from new right-of-way dedications. There is an existing air strip to the northeast of the property on Tract 2-A. Extending Goose Berry would put the right-of-way through this air strip.

Staff Discussion: Staff grouped the exceptions but the Plat Committee may determine they wish to act on each request separately by making separate motions. Both of these exceptions were granted at the March 20, 2023 meeting, but because this is a revision they will need to be requested again.

20.30.030. Proposed street layout-Requirements.

- A. The streets provided on the plat must provide fee simple right-of-way dedications to the appropriate governmental entity. These dedications must provide for the continuation or appropriate projection of all streets in surrounding areas and provide reasonable means of ingress for surrounding acreage tracts. Adequate and safe access for emergency and service vehicle traffic shall be considered in street layout.

20.30.170. Blocks-Length requirements.

Blocks shall not be less than 330 feet or more than 1,320 feet in length. Along arterial streets and state-maintained roads, block lengths shall not be less than 800 feet. Block lengths shall be measured from centerline intersections.

Through discussions with the surveyor his clients have indicated they will work with an attorney to have the air strip easement removed outside of the platting action. Documentation will be required showing this has been completed before the plat can be finalized. The recoded document has been received.

It does appear that there may be an airstrip in use on Tract 2-A that is located northeast of the subdivision. While staff does not want a dedication atop the airstrip, having Detroit Street end with a cul-de-sac limits future extension if the airstrip easement is ever removed.

**Findings:**

1. KPB Code 20.30.030 would require a continuation of Goose Berry Avenue along the northern boundary.
2. Per KPB 14.06.190, airstrips cannot interfere with vehicular use of the roadway.
3. There appears to be an airstrip located to the northeast of the subdivision.
4. Having Detroit Street continue all the way through could provide for the possibility of future development to the north.
5. There is large acreage lots in the area that have not yet been subdivided.
6. If Detroit Street continues a turnaround is provided at the end.
7. The new plat will create a compliant and closed southern block defined by Royce Street, McNamara Avenue, Detroit Street, and Emilie Avenue.
8. The incomplete northern block will be defined by Goose Berry Ave, Laurelwood St, McNamara Avenue, and Detroit Circle.
9. The area has other cul-de-sacs or dedications not yet through to improve blocks or to accurately predict future connections.
10. The revision brings the design closer to compliance.
11. The easement was vacated for convenience of the plat.

Staff reviewed the exception request and recommends granting approval.

Staff recommends the Committee select the findings they determine are applicable, make additional findings if needed, tie the findings to the following standards, and vote on the exception in a separate motion.

Unless prohibited under this title, the commission (committee) may authorize exceptions to any of the requirements set forth in this title. Application for an exception shall present the commission (committee) with substantial evidence, justifying the requested waiver or exception stating fully the grounds for the application and the facts relied upon. All exceptions must be requested and granted at the time of preliminary plat approval. Exceptions may not be requested with a final plat submittal.

The commission (committee) shall make findings of fact meeting the following standards before granting any exception:

1. That special circumstances or conditions affecting the property have been shown by application;  
**Findings 5-7, 9 & 10 appear to support this standard.**
2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title;  
**Findings 5-7, 9 & 10 appear to support this standard.**
3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.  
**Findings 5-7, 9 & 10 appear to support this standard.**

**Staff recommendation:** place notes on the final plat indicating any exceptions granted by the Plat Committee with the meeting date.

---

**RECOMMENDATION:**

**SUBJECT TO EXCEPTION(S) GRANTED, 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**



## Planning Department

144 N. Binkley Street, Soldotna, Alaska 99669 • (907) 714-2200 • (907) 714-2378 Fax

### EXCEPTION REQUEST APPLICATION

NAME OF PRELIMINARY PLAT OR PLANNING COMMISSION ITEM:

MOOSE HAVEN

PROPERTY INFORMATION:

legal description: T 5N R 8W SEC 19, KN 81-151 MCNAMARA ACRES SUB TRACT A, TRACT B, TRACT C, TRACT D

General area location: Goose Berry Ave, Funny River

#### 20.50.010. - EXCEPTIONS TO REGULATIONS—PROCEDURE—COMMISSION AUTHORITY.

- A. Unless prohibited under this title, the commission may authorize exceptions to any of the requirements set forth in this title. Application for an exception shall present the commission with substantial evidence, justifying the requested waiver or exception stating fully the grounds for the application and the facts relied upon. The commission shall make findings of fact meeting the following standards before granting any exception:
  1. That special circumstances or conditions affecting the property have been shown by application;
  2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title;
  3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.
- B. Where a design requirement of this title is addressed by a zoning regulation adopted by the borough assembly or city council, the variance procedures of the applicable zoning code shall be utilized in lieu of the exception procedures.
- C. All exceptions must be requested and granted at the time of preliminary plat approval. Exceptions may not be requested with a final plat submittal.
- D. Upon reconsideration of a plat committee decision following the procedure in KPB 20.25.120, an appeal of a decision of the planning commission made under this section shall be taken to the

#### SUBMITTAL REQUIREMENTS

Identify the exceptions requested including the section identifier of KPB code. Provide evidence justifying the requested exceptions that fully states the grounds for the exception request, and the facts relied upon. A letter can be attached to this application.

20.30.030(A) - Proposed Street Layout - Continuation of Goose Berry Ave  
20.30.170 - Block Length

This plat will be creating sixteen lots from the existing four tracts of land. There will be legal access to all of the lots from new right-of-way dedications. There is an existing air strip to the northeast of the property on Tract 2-A. Extending Goose Berry would put the right-of-way through this air strip.

FOR OFFICE USE ONLY

RECEIVED BY \_\_\_\_\_

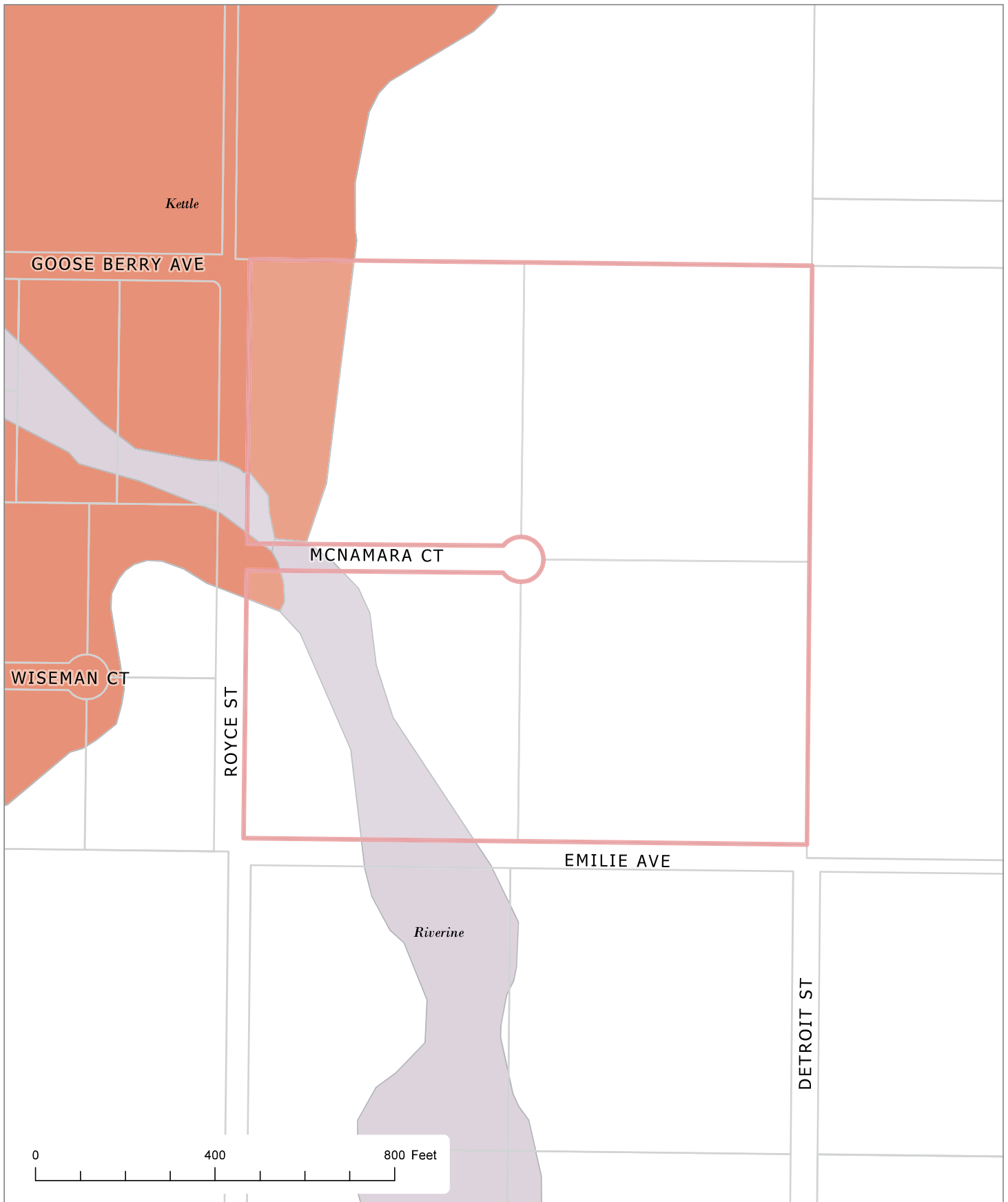
DATE SUBMITTED \_\_\_\_\_

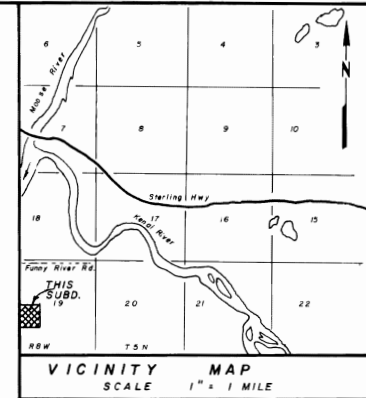
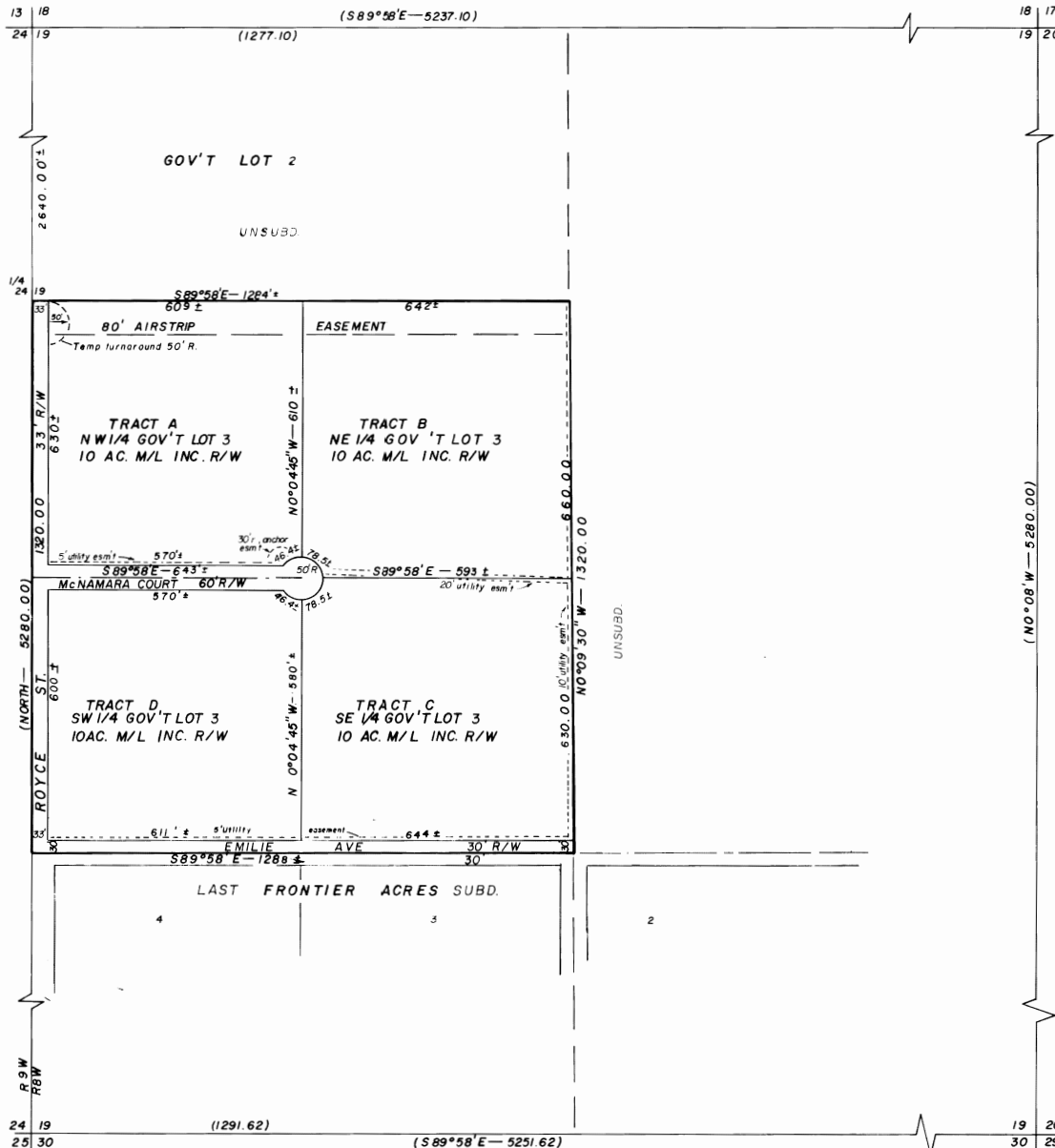
KPB FILE # \_\_\_\_\_











#### NOTES

This is a paper plat subdivision of Gov't lot 3 Section 19, T 5 N, R 8 W, S. M. AK.

All bearing and distances refer to the G.L.O. datum as shown on the official township plat.

Datum of record is shown in ( ).

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

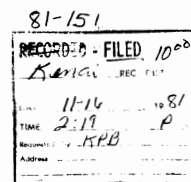
All tracts are subject to a minimum building setback of 20' along all dedicated R.O.W.s

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

#### PLAT APPROVAL

This plat having been approved by the Kenai Peninsula Borough Planning Commission as recorded in the official minutes of the meeting of March 19, 1979, is hereby acknowledged and accepted as the official plat, subject to any and all conditions and requirements of ordinances and law appertaining thereto.

KENAI PENINSULA BOROUGH  
By: [Signature]  
ADMINISTRATIVE OFFICER



#### McNAMARA ACRES SUBDIVISION

Douglas A. Dicken - William R. Stevens owners  
3310 Jerde Circle  
Anchorage, AK. 99504

LOCATION  
NW 1/4 SW 1/4 SECTION 19, T 5 N, R 8 W S. M. ALASKA  
CONTAINING 39 AC. M/L IN THE KENAI PENINSULA BOROUGH. (K.R.D. BK 78 Pg 64, NW 1/4 SEC. 19)

Prepared by: McLane and Associates  
Soldotna Alaska

DATE  
Aug. 16, 1978

SCALE  
1" = 200'

#### 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.

Douglas A. Dicken  
Douglas A. Dicken, Owner, 3310 Jerde Circle Anchorage, Ak. 99504

William R. Stevens  
William R. Stevens, owner,  
Ann M. Stevens  
Ann M. Stevens, owner

#### NOTARY'S ACKNOWLEDGEMENT

for Douglas A. Dicken  
Subscribed and sworn before me this  
8th day of September, 1981

My commission expires 4/1/84  
Barbara Young  
notary public for Alaska

#### NOTARY'S ACKNOWLEDGEMENT

for William R. Stevens and Ann M. Stevens  
Subscribed and sworn before me this

17th day of September, 1981  
My commission expires 4/1/83

Lisa A. Mitchell  
notary public for Alaska