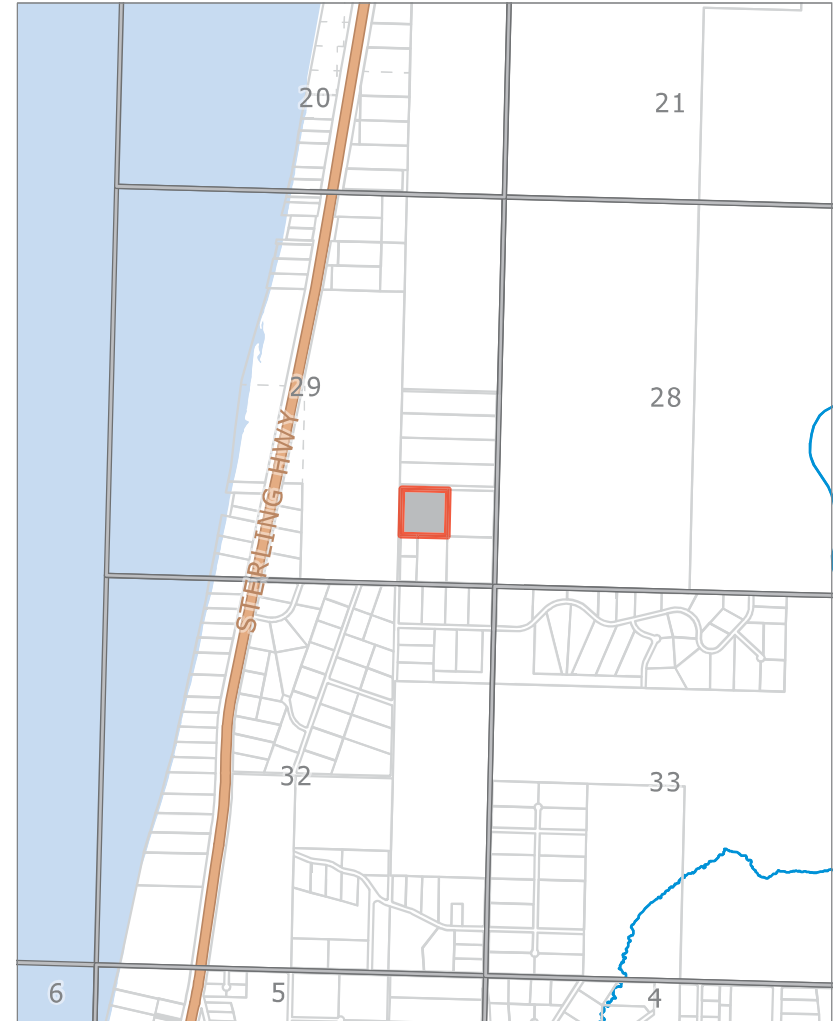


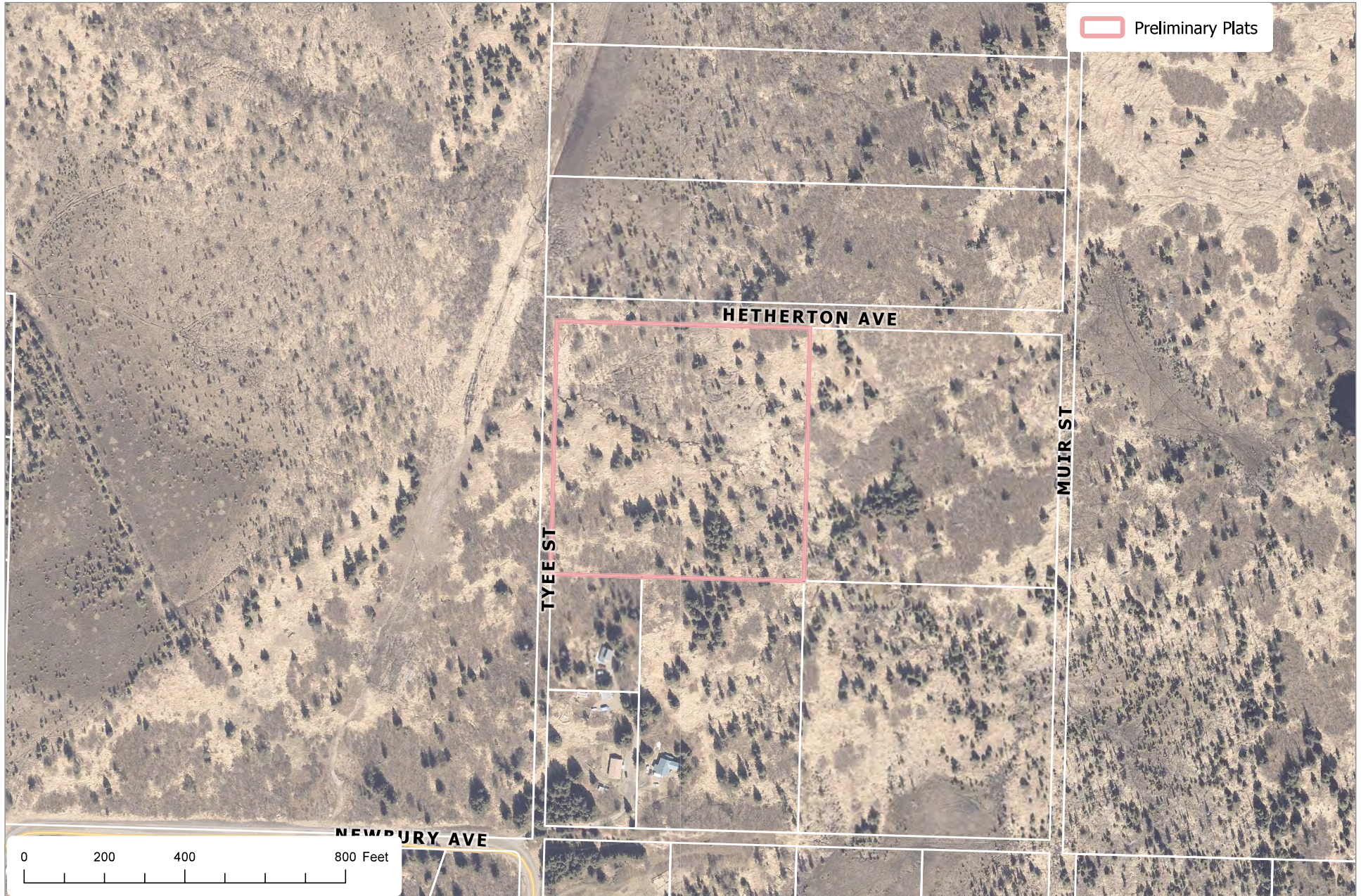
## **E. NEW BUSINESS**

- 1. Hetherton Homestead Acres Phillips Addition; KPB File 2023-099  
Peninsula Surveying, LLC / Hetherton-Phillips  
Location: Hetherton Avenue & Tyee Street    PIN: 15941008  
Happy Valley Area**



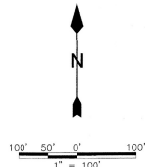
KPB File 2023-099  
T 02S R 14W SEC 29  
Happy Valley



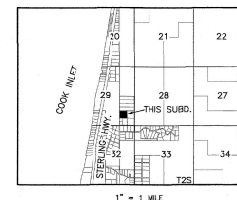


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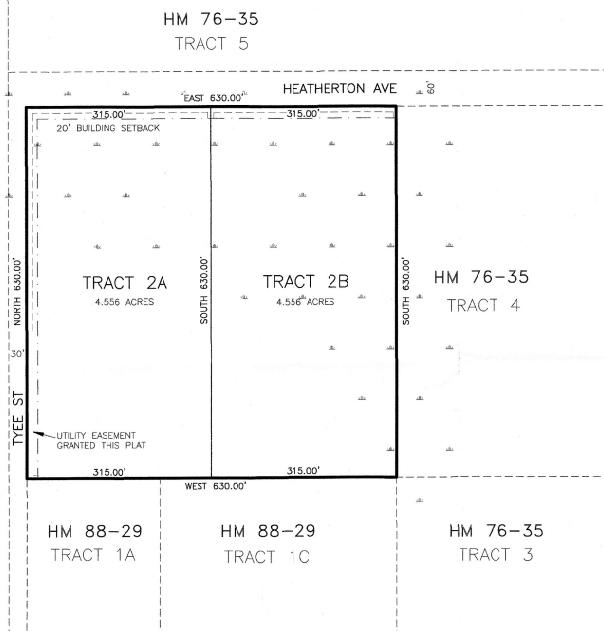




**PLAT APPROVAL**  
THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF OCTOBER 9TH, 2023.  
KENAI PENINSULA BOROUGH  
BY: \_\_\_\_\_  
AUTHORIZED OFFICIAL



PORTION OF GOVT LOT 3 EAST OF  
STERLING HWY & W1/2 SE1/4 &  
SW1/4 NE1/4



**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 ACCEPT THIS PLAN OF SUBDIVISION AND BY MY OWN FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND GRANT ALL EASEMENTS TO THE USE SHOWN.

BILLIE JEAN HETHERTON PHILLIPS  
680 E PRIMROSE CIR, APT B  
PALMER, AK 99645

**NOTARY ACKNOWLEDGMENT**  
FOR: BILLIE JEAN HETHERTON PHILLIPS  
ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024

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

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

**LEGEND**  
WETLANDS PER THE KENAI WATERSHED FORUM 2013 COOK INLET WETLANDS MAPPING

- 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 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. THE KPB PLAT COMMITTEE GRANTED EXCEPTIONS TO KPB 20.40 WASTEWATER SYSTEM REVIEW, AT THE MEETING ON OCTOBER 9TH, 2023.

KPB 2023-099



KPB FILE NUMBER:	
PENINSULA SURVEYING, LLC 10535 IATENA BOULEVARD, NINILCHIK, AK 99639 (907)306-7065	
PLAT OF <b>HETHERTON HOMESTEAD ACRES PHILLIPS ADDITION</b>	
A SUBDIVISION OF TRACT 2 HETHERTON HOMESTEAD ACRES SUBDIVISION HM 76-35 LOCATED WITHIN E 1/2, SE 1/4, SEC. 29, T.2S., R.14W., S.M. HOMER RECORDING DISTRICT, KENAI PENINSULA BOROUGH, ALASKA CONTAINING 9.112 ACRES	
OWNER: BILLIE JEAN HETHERTON PHILLIPS 680 E PRIMROSE CIR, APT B PALMER, AK 99645	
SCALE: 1" = 100'	DATE: SEPTEMBER 12, 2023
DRAWN: JLS	SHEET: 1 OF 1

AGENDA ITEM E. NEW BUSINESS

**ITEM #1 - PRELIMINARY PLAT  
HETHERTON HOMESTEAD ACRES PHILLIPS ADDITION**

<b>KPB File No.</b>	2023-099
<b>Plat Committee Meeting:</b>	October 9, 2023
<b>Applicant / Owner:</b>	Billie Jean Hetherton Phillips of Palmer, Alaska
<b>Surveyor:</b>	Jason Schollenberg / Peninsula Surveying
<b>General Location:</b>	Happy Valley

<b>Parent Parcel No.:</b>	159-410-08
<b>Legal Description:</b>	T 2S R 14W SEC 29 Seward Meridian HM 0760035 Hetherton Homestead Acres Sub Tract 2
<b>Assessing Use:</b>	Residential
<b>Zoning:</b>	Rural Unrestricted
<b>Water / Wastewater</b>	On site
<b>Exception Request</b>	20.40

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**STAFF REPORT**

**Specific Request / Scope of Subdivision:** The proposed plat will subdivide a ten-acre parcel into two lots that are 4.556 acres each.

**Location and Legal Access (existing and proposed):** The subdivision is located just before mile post 142 of the Sterling Highway. The subdivision is accessed via Greenfield Drive and Newbury Avenue and both are maintained by the Road Service Area. The proposed subdivision fronts two unconstructed rights-of-ways those being Tyee Street to the west and Hetherton Avenue to the north. Tyee Street is a 30-foot-wide dedication and Hetherton Avenue is 60 feet wide. Tract 2A will front along Tyee Street and Hetherton Avenue. Tract 2B will front only along Hetherton Avenue.

No new right of way will be dedicated with this plat.

The block is closed and compliant.

KPB Roads Dept. comments	
SOA DOT comments	

**Site Investigation:** A majority of the proposed subdivision has classified wetlands located on the property and are indicated on the preliminary plat. According to KPB imagery there appears to be a creek that meanders through both lots. ***Staff recommends: the wetland depiction remain on the final plat.***

There are gradual slopes running northwest to southeast through the subdivision. There are no slopes over 20 percent.

According to KPB imagery and Assessing records the parcel is currently vacant, as are the adjacent parcels.

KPB satellite imagery indicates this property may contain wet areas. ***Staff recommendation: place a note on the final plat indicating 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.***

KPB River Center review	A. Floodplain
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	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** This area was originally an aliquot described parcel and was subdivided by Hetherton Homestead Acres, HM 76-35. A field survey was not performed as detailed in plat note one of HM 76-35. 20-foot building setbacks were granted along all dedicated rights-of-ways.

The surveyor has requested an exception to KPB 20.40 with the reasoning the lots are just short of the 200,000 square feet needed to not have a soils report preformed. KPB 20.40.030 – Abbreviated Submittal details where the square footage requirement comes from. If the exception is granted **staff recommends the following note be added: WASTEWATER DISPOSAL: Wastewater treatment and disposal systems must meet the regulatory requirements of the Alaska Department of Environmental Conservation.**

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** There are no platted utility easements to carry forward. The correct depiction and plat note for 10-foot utility easements being granted are shown.

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	
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.  Prior Existing Use PEU Recognized Date: 7/9/2001

	Material Site Comments: A PEU material site currently exists directly West of the subject parcel. PEU is located on parcel 159-080-02.
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**

Add KPB number 2023-099 to title block

#### **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:** *Please correct the spelling of Primrose.*

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:** *Correct the spelling of Hetherton Avenue.*

#### **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:*

**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.*

- *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.*

### **EXCEPTIONS REQUESTED:**

#### **A. KPB 20.40 Wastewater Review**

**Surveyor's Discussion:** This plat is dividing a "10 acre" aliquot parts tract of land in half. The new lots will be approximately 4.6 acres each. This is very close to meeting the minimum size of 5 acres for lots that are not required to have a soils report. Neither of the proposed lots have any type of development on them. There is well over 40,000 square feet of usable area on each of the lots for septic placement.

#### **Staff Discussion:**

#### **Findings:**

1. Each lot is 4.556 acres in size.
2. 4.556 acres is equivalent to 198,459 square feet.
3. The lots will be short of the needed 200,000 by 1,541 square feet.
4. The northern portions of the lots are classified wetlands.
5. There is a creek meandering through the subdivision across both lots.
6. There will be room for a new and a replacement system.

#### **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 1-3 & 6 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 1-3 & 6 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 1-6 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:

HETHERTON HOMESTEAD ACRES PHILLIPS ADDITION

PROPERTY INFORMATION:

legal description: T 2S R 14W SEC 29 SEWARD MERIDIAN HM 0760035 HETHERTON HOMESTEAD ACRES SUB TRACT 2

General area location: Ninilchik

#### 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.

#### 20.40 Wastewater Review

This plat is dividing a "10 acre" aliquot parts tract of land in half. The new lots will be approximately 4.6 acres each. This is very close to meeting the minimum size of 5 acres for lots that are not required to have a soils report. Neither of the proposed lots have any type of development on them. There is well over 40,000 square feet of of usable area on each of the lots for septic placement.

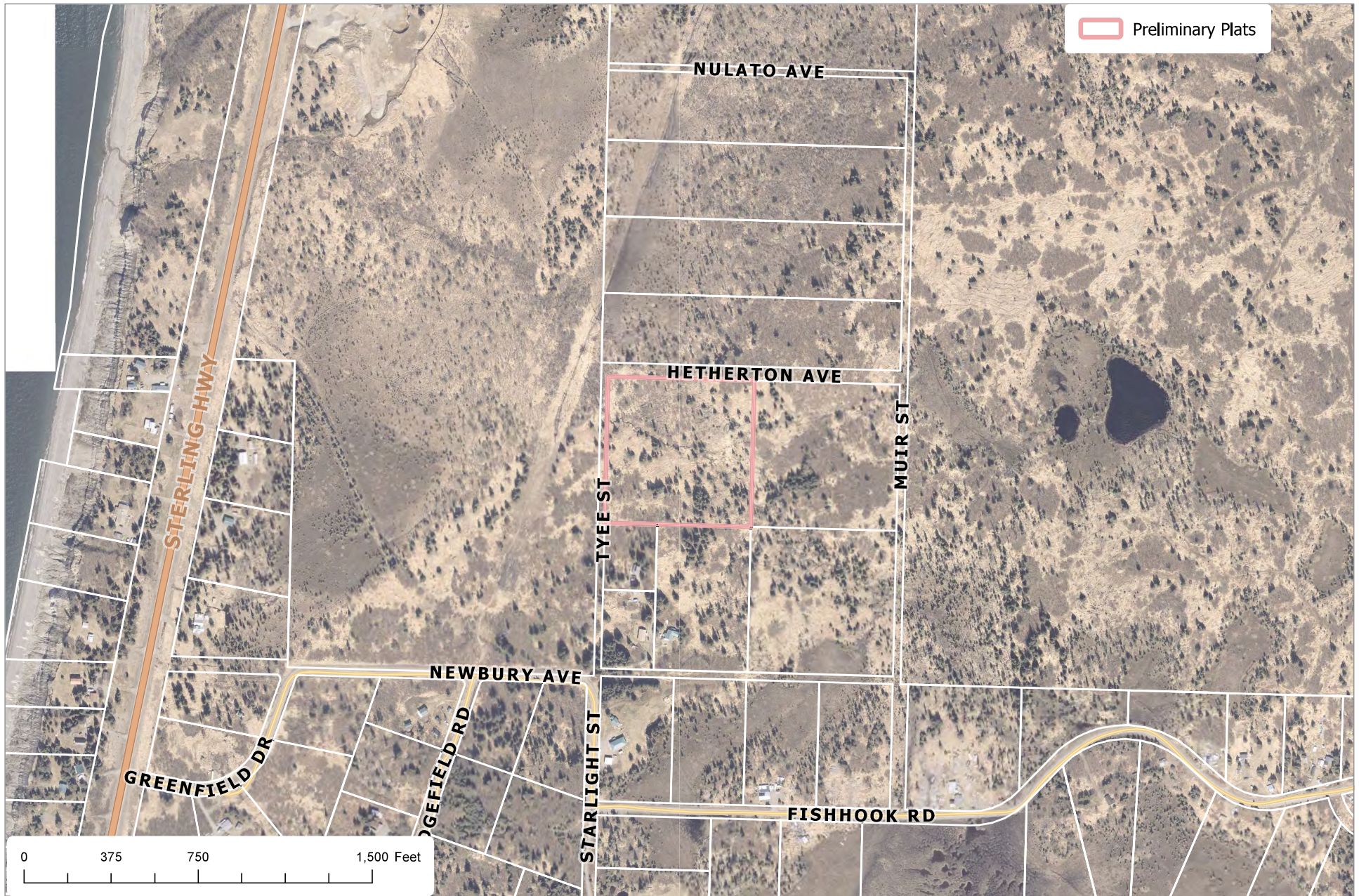
FOR OFFICE USE ONLY

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

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

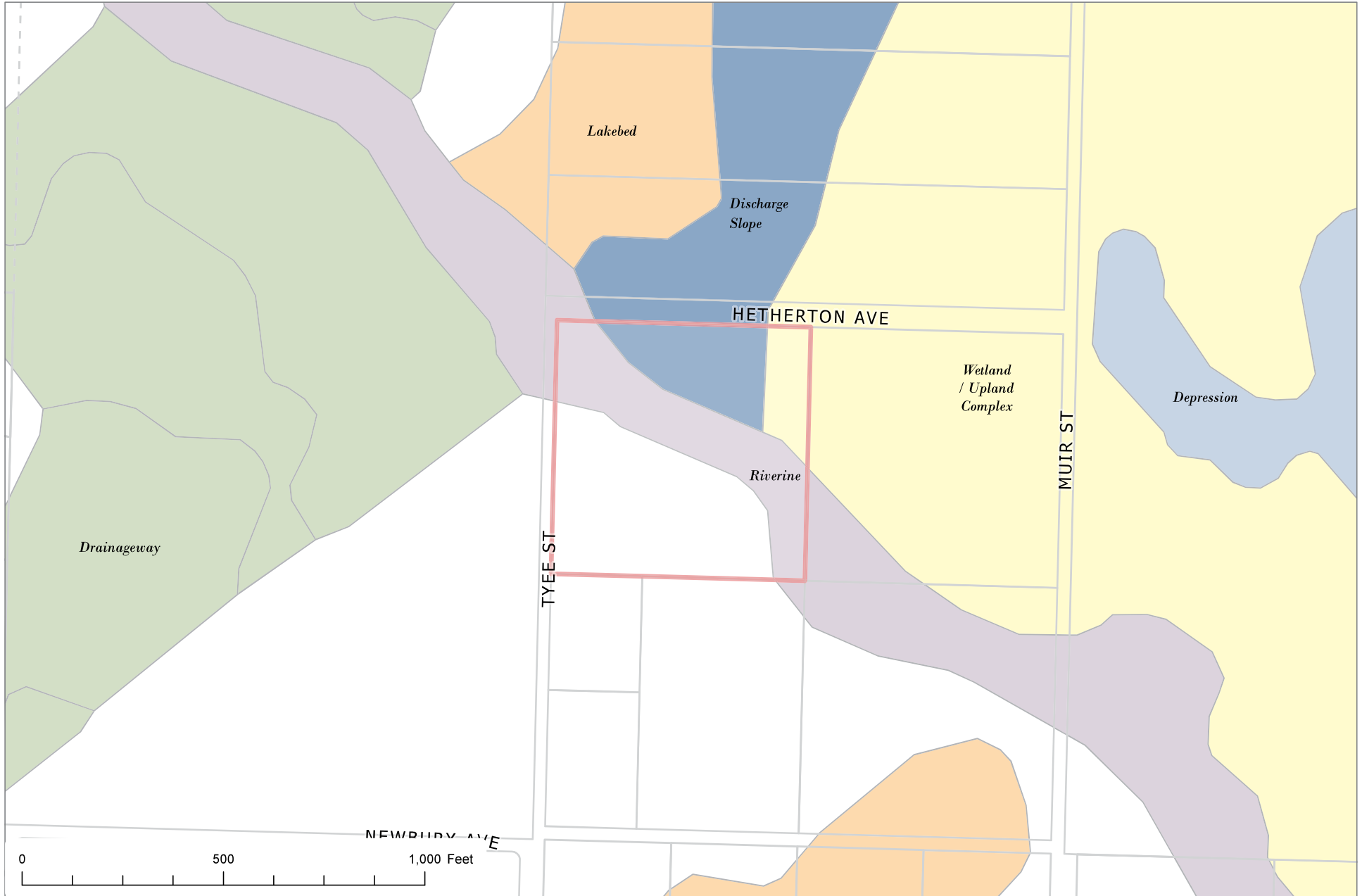
KPB FILE # \_\_\_\_\_





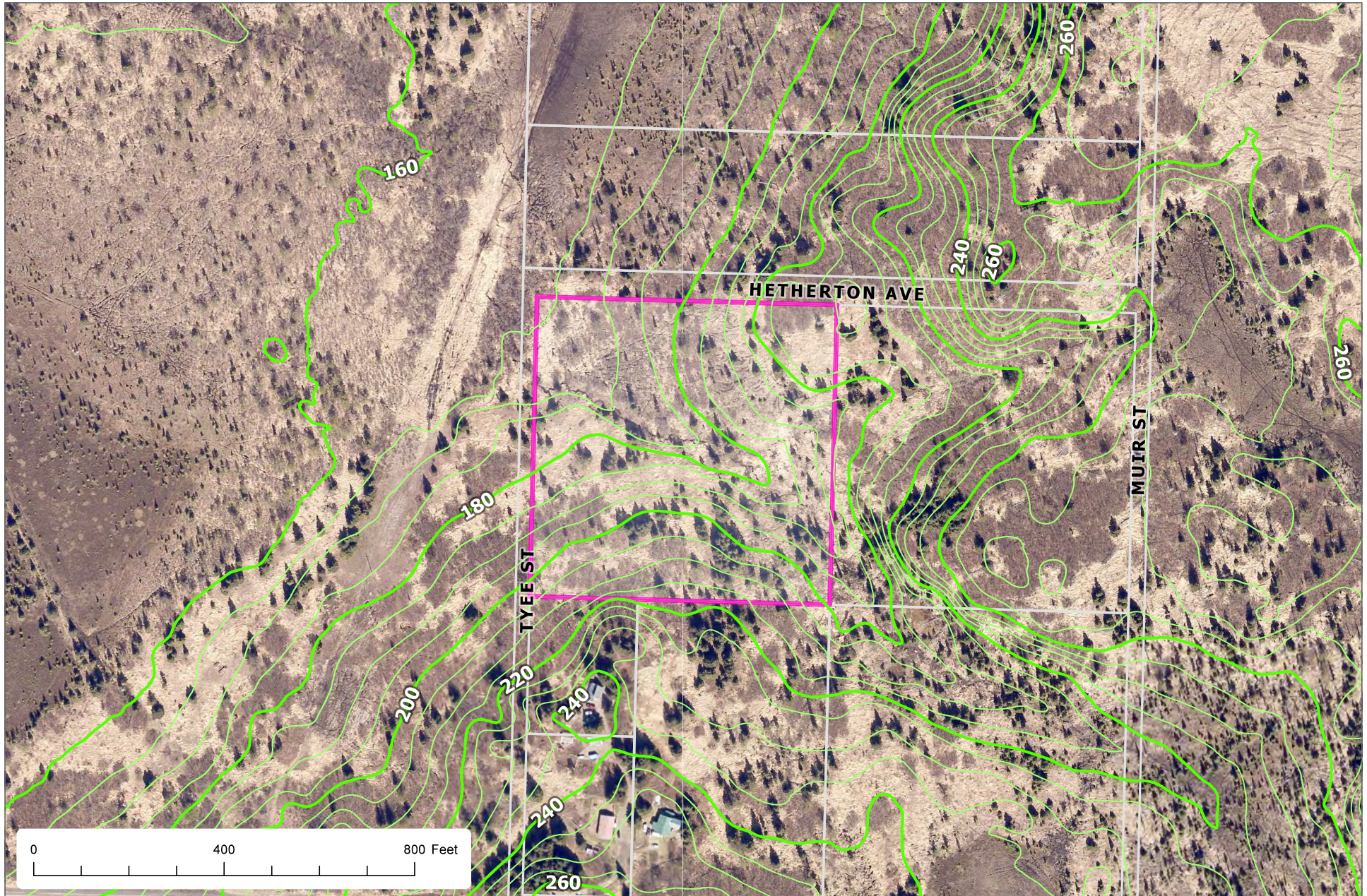
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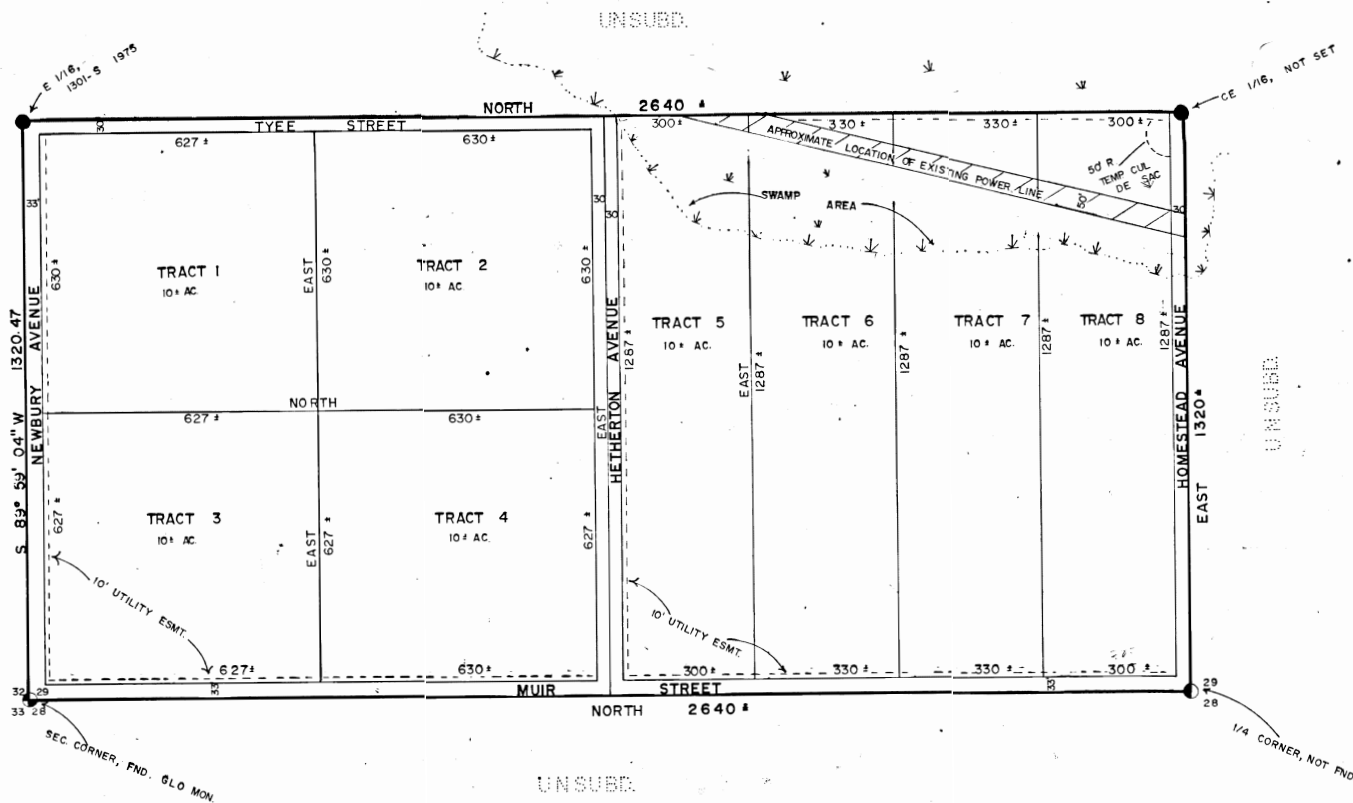




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UNSUBD.



- NOTES:
1. NO SURVEY WAS MADE NOR WERE ANY STAKES OR MONUMENTS SET.
  2. A 20' SETBACK LINE EXISTS ALONG ALL ROAD RIGHTS OF WAY.
  3. ALL WASTEWATER DISPOSAL SYSTEMS SHALL COMPLY WITH EXISTING APPLICABLE LAWS.

# CERTIFICATE OF OWNERSHIP

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREON. WE HEREBY REQUEST APPROVAL OF THIS PLAT SHOWING SUCH EASEMENTS FOR PUBLIC UTILITIES, ROADWAYS AND ALLEYS DEDICATED BY US FOR PUBLIC USE.

Ruby Bishop  
 RUBY BISHOP  
 BOX 629  
 SOLDOTNA, ALASKA

## NOTARY ACKNOWLEDGEMENT

SUBSCRIBED AND SWORN BEFORE ME THIS 9 DAY OF April 1976.

Shirley B. Taylor 4-2-79  
 NOTARY PUBLIC FOR ALASKA MY COMMISSION EXPIRES

## SURVEYORS CERTIFICATE

I, THE UNDERSIGNED REGISTERED SURVEYOR, HEREBY CERTIFY THAT THE INFORMATION SHOWN ON THIS PLAT IS BASED UPON THE MOST RECENT PLATS OF THE PROPERTIES SHOWN; AND NO FIELD SURVEY WAS PERFORMED.

4-7-76 Jerry A. Anderson  
 DATE SURVEYOR

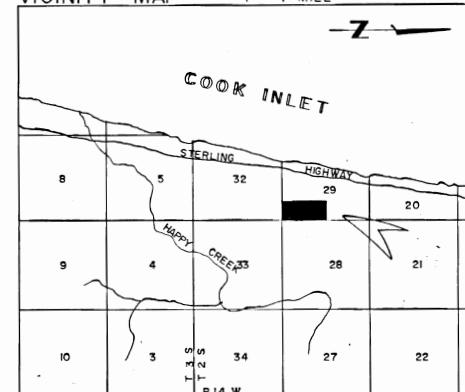
## PLAT APPROVAL

PLAT APPROVED BY THE BOROUGH PLANNING COMMISSION THIS 5<sup>th</sup> DAY OF April 1976.

5-17-76 Ronald E. Lilman  
 DATE BOROUGH MAYOR

## VICINITY MAP

1" = 1 MILE



DATE: MARCH 1976

SCALE: 1" = 200'

CHECKED BY: J.A.

DESIGNED BY: R.B.

DRAWN BY: S.W.

FLD BK NO.: S-8



## HETHERTON HOMESTEAD ACRES

AN ALIQUOT PARTS SUBDIVISION  
 SITUATED WITHIN THE E 1/2 SE 1/4, S 29, T 2 S, R 14 W, S.M.  
 CONTAINING 80+ ACRES.

ABILITY SURVEYS

JERRY ANDERSON, L.S. BOX 1263 HOMER, ALASKA 99603

76-35  
 RECORDED  
 DIMENSIONAL  
 DATE 5/20/76  
 TIME 9:52 A.M.  
 Requested By KPB  
 Add