# **E. NEW BUSINESS**

 Nakada Subdivision 2023 Replat KPB File 2023-123 Geovera, LLC / Kelley

Location: Heather Street off Diamond Ridge Road

Diamond Ridge Area / Kachemak Bay APC



## Kenai Peninsula Borough Planning Department

Aerial Map

KPB File 2023-123 \( \)\\\ 10/31/2023 \( \)\



#### NOTES

1. BASIS OF BEARING FOR THIS SURVEY IS S 27°34'05" E BETWEEN A 2" ALCAP AT THE NW CORNER OF LOT 3 AND A 2" ALCAP AT THE SW CORNER OF LOT 3 AS SHOWN ON THE PLAT OF NAKADA SUBDIVISION (HM 92-18).

2. ALL WASTEWATER DISPOSAL SYSTEMS SHALL COMPLY WITH EXISTING APPLICABLE LAWS AT THE TIME OF CONSTRUCTION.

A BUILDING SETBACK OF 20 FEET IS REQUIRED FROM ALL STREET RIGHT-OF-WAYS UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE FLANNING COMMISSION.

4. THE FRONT 10 FEET OF THE BULLDING SETBACK AND 10 FEET EACH SDE OF INTERIOR LOT LINES IS A UTILITY EASEMENT PER THE PARENT PLAT (HM 92-18). AN ADDITIONAL 10 FOOT WIDE HEA EASEMENT EXISTS OVER THE EXISTING 10 FOOT WIDE UTILITY EASEMENT ALONG THE NORTH BOUNDARY OF LOT 3. IT IS DESCRIBED AS THE WESTERLY 300 FEET OF THE NORTHERLY 10 FEET OF LOT 3 PER BOOK 304, PAGE 737 (HRD). NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE

5. THE LOT IS AFFECTED BY AN EASEMENT OF RECORD WITH NO DEFINED LOCATION GRANTED TO HONER ELECTRIC ASSOCIATION (BK19,

6. THIS SUBDIVISION MAY BE AFFECTED BY COVENANTS, CONDITIONS AND RESTRICTIONS AS CONTAINED IN DECLARATION OF PROTECTIVE RESTRICTIONS (BK 226, PG 427 HRD). THE BOROUGH WILL NOT ENFORCE PRIVATE COVENANTS, EASEMENTS OR DEED RESTRICTIONS.

7. NO STRUCTURES ARE PERMITTED WITHIN THE PANHANDLE PORTION OF THE FLAG LOT AND THERE COULD BE POSSIBLE LIMITATIONS ON FURTHER SUBDIVISION BASED ON ACCESS ISSUES, DEVELOPMENT

8. ANY PERSON DEVELOPING THE PROPERTY IS RESPONSIBLE FOR OBTAINING ALL REQUIRED LOCAL, STATE, AND FEDERAL PERNITS, INCLUDING A U.S. ARMY CORPS OF ENGINEERS WETLAND DETERMINATION IF APPLICABLE.

#### CURVE TABLE

CURVE	DELTA	RADIUS	LENGTH	CHORD BRNG	CHORD DIST
C1	54.15,25"	230.00	217.80'	N 39'37'29" E	209.75
C2	46'41'01"	230.00'	187.40'	N 43'24'42" E	182.26
C3	734'24"	230.00'	30.40'	N 1616'59" E	30.38

#### LINE TABLE

LINE	BEARING	DISTANCE
11	S 89:55'30" W	36.00'

#### WASTEWATER DISPOSAL

SOIL CONDITIONS, WATER TABLE LEVELS, AND SOIL SLOPES ON THE LOTS WITHIN 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

#### PLAT APPROVAL

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

LOT 2

HM 92-18

LOT 3-B 2.850 Ac.

33' SECTION LINE ESMT.

217.68

AUTHORIZED OFFICIAL KENAI PENINSULA BOROUGH

DATE



UNSUBDIVIDED

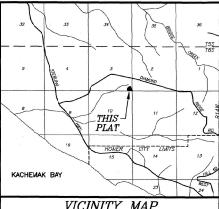
REPLACED OUT OF

UNSUBDIVIDED

POSITION IRON PIPE AS SHOWN ON HM 92-18

LS-7538

.....



#### VICINITY MAP

U.S.G.S. QUAD. SELDOVIA (C-5

CERTIFICATE OF OWNERSHIP AND DEDICATION

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON, THAT WE HEREBY ADOPT THIS PLAN OF SUBDIVISION, AND BY OUR FREE CONSENT DEDICATE ALL RIGHTS OF WAY AND PUBLIC AREAS TO PUBLIC USE, AND GRANT ALL EASEMENTS TO THE USE SHOWN HEREON.

CHARLES C. KELLEY PC BOX 273 HCMER, ALASKA 99603

LAURA KELLEY PC BOX 273 HCMER, ALASKA 99603

#### NOTARY'S ACKNOWLEDGMENT

FOR CHARLES C. AND LAURA KELLEY

ACKNOWLEDGED BEFORE ME THIS DAY OF \_\_\_\_\_\_, 2023.

NCTARY PUBLIC FOR ALASKA

MY COMMISSION EXPIRES:

HOMER RECORDING DISTRICT KPB FILE No. 2023-???

## NAKADA SUBDIVISION 2023 REPLAT

BEING A SUBDIVISION OF LOT 3, NAKADA SUBDIVISION (92-18 HRD) LOCATED WITHIN THE SE1/4 SE1/4, SECTION 3, AND THE SW1/4 SW1/4, SECTION 2.

T. 6 S., R. 14 W., SEWARD MERIDIAN, KENAI PENINSULA BOROUGH, THIRD JUDICIAL DISTRICT, ALASKA CONTAINING 5.322 ACRES

OWNERS:
CHARLES C. AND LAURA KELLEY
PO BOX 273 HOMER, AK 99603

#### GEOVERA, LLC

PO BOX 3235 HOMER ALASKA 996C3 (907) 399-4345 EMAIL: scsmith@gci.net

RAWN BY: SCS	DATE: OCTOBER 2023	SCALE: 1" = 100'
CHK BY: SCS	JOB #2023-31	SHEET 1 OF 1

#### **LEGEND**

LOT 6

HM 92-18

MEATHER 3.

I\_OT 4-B

HM 2020-20

-10' UTILITY ESMT. (TYP) (PER HM 92-18)

LOT 3-A

2.472 Ac.

CCR SECS 2/3/10/11

LOT 3

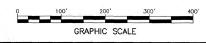
HM 98-47

INDICATES 1918 2-1/2" GLO BC MONUMENT RECOVERED THIS SURVEY (CAP EROKEN OFF)

INDICATES 3-1/4" BRASS CAP MONUMENT RECOVERED THIS SURVEY (3686-S 1991)

INDICATES 2" ALCAP (7538-S 1991) RECOVERED THIS SURVEY

INDICATES 5/8" X 30" REBAR WITH 2" ALCAP (7538-S, 2023) SET THIS SURVEY



PB 2023-123

## ITEM #6 - PRELIMINARY PLAT Nakada Subdivision 2023 Replat

KPB File No.	2023-123
Plat Committee Meeting:	December 11, 2023
Applicant / Owner:	Charles & Laura Kelly of Homer Alaska
Surveyor:	Stephen Smith / Geovera, LLC
General Location:	Heather Street in Kachemak APC

Parent Parcel No.:	173-033-15
Legal Description:	T 6S R 14W SEC 2 & 3 SEWARD MERIDIAN HM 0920018 NAKADA SUB
	LOT 3
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	Onsite / onsite
Exception Request	none

### STAFF REPORT

<u>Specific Request / Scope of Subdivision:</u> The proposed plat will subdivide a 5.322-acre lot into 2 lots ranging in size from 2.472 acres to 2.850 acres.

## **Location and Legal Access (existing and proposed):**

The existing lot is accessed from Heather Street which is a Borough maintained 60-foot right-of-way. Heather Street can be accessed from Diamond Ridge Road being state maintained. Both lots will continue to access Heather Street.

Staff notes that both houses are accessing Heather Street from one drive and access point. If a change of ownership for either lot occurs and access agreement should be drawn up if this is to remain as the means of access to the structure on Lot 3-B and not the flag pole entrance lane.

No new dedication is being proposed. The subdivision is affected by a 33-foot section line easement along the south line.

The block Is not compliant. Staff recommends: the Commission concur an exception is not needed.

DESCRIBE THE EXISTING LEGAL ACCESS TO THE SUBDIVISION AND WHAT ACCESS WILL BE DEDICATED BY THE SUBDIVISION.

WILL THIS PLAT BE COMPLETING A ROW VACATION?

IS THE SUBDIVISION AFFECTED BY A SLE?

ANY SPECIFIC ACCESS EASEMENTS GRANTED BY PATENT?

ANY PRIVATE TRAILS? IF SO, LABEL AS 'PRIVATE USE ONLY, NOT DEDICATED THIS PLAT.'

IS BLOCK LENGTH OK?

PUT A REMINDER ON THE CALENDAR FOR THESE PLATS AFTER PLAT COMMITTEE REVIEW: IF WE REQUEST A HALF DEDICATION AND THE COMMITTEE APPROVES IT BUT IT WAS NOT ON THE PRELIMINARY PLAT DISTRIBUTED FOR THE PUBLIC HEARING, SEND THE MEETING MINUTES & COPY OF THE REVISED PLAT TO THE ADJOINERS PER 20.30.110 ASAP

KPB Roads Dept. comments	Out of Jurisdiction: No
	Roads Director: Griebel, Scott Comments:

	Road access for lot 3-B places the driveway is very close proximity to lot 2 to the north. No department objection, just an issue that may require some conditions through driveway permitting.
SOA DOT comments	

## Site Investigation:

There are no steep areas on the subdivision as the terrain is relatively flat.

There are improvements on the property. This subdivision will divide and put structures on both lots with access from a common driveway. It does not appear there will be any encroachment issues cause by the subdivision or from adjacent lots.

The KPB Floodplain review stated the area the subdivision is not within a floodway. It is within the Floodplain Zone X, which is minimal flood risk and shown as not regulatory. Unless advised otherwise there will be no required floodplain or floodway notes needed.

STEEP AREAS? DRAINAGES?
IMPROVEMENTS? BUILDINGS?
WETLANDS, LAKES, OCEANS, RIVERS?
MAPPED FLOOD HAZARD ZONE? FLOODWAY?
ANADROMOUS WATERS HABITAT PROTECTION DISTRICT?
PER KPB 21.18.025, ALL PORTIONS OF WATERWAYS FOUND WITHIN THE SEWARD - BEAR CREEK MAPPED FLOOD SERVICE AREA (SMFDA) ARE
EXEMPT FROM KPB 21.18.

KPB River Center review	A. Floodplain
	Reviewer: Hindman, Julie Floodplain Status: Not within flood hazard area Comments: This parcel lies within the FEMA mapped Floodplain but in a non regulatory X zone and there are no permitting requirements.
	B. Habitat Protection
	Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments
	C. State Parks
	Reviewer: Comments:
State of Alaska Fish and Game	

## **Staff Analysis**

The land was originally subdivided by Nakada Subdivision HRD 92-18 from the aliquot lands of Sections 2 & 3 of Township 6 South, Range 14 West SM, Alaska. Nakada Subdivision gave the current layout and the building setback and 10' utility easements.

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.

Kachemak Bay Advisory Planning Commission meeting for December 4, 2023 has been cancelled an minutes will not be available.

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

### **Utility Easements**

Nakada Subdivision granted the 10' front utility easement at the right of way along with 10' side utility easements on interior lot lines. **Staff recommends:** the Commission concur that the 10' utility easements on the interior lot lines does not need to be carried forward to this subdivision interior lot lines.

Nakada Subdivision HRD 92-18 granted a 10' utility easement along the front right-of-way and sidelines of the lots and they are shown on the drawing. **Staff recommends:** the note flagging the easement in as (typ) be moved as the arrow is intersecting with the lot line to the west.

There is an easement to HEA in Book 309 Page 737. **Staff recommends:** the surveyor flag this easement in with a reference to corresponding plat note.

Easement in Book 9 Page 99 to Home Electric Association need to be added to Plat notes.

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:

Othicy provide	<u>-10410W1</u>
HEA	No comment
ENSTAR	
ACS	No objections
GCI	
CHUGACH	
ELECTRIC	
TELALASKA	

KPB department / agency review:

A	
Addressing	Reviewer: Leavitt, Rhealyn
	Affected Addresses:
	40750 HEATHER ST
	40730 FIEATTIER ST
	Existing Street Names are Correct: Yes
	Existing Street Names are Correct. Tes
	List of Correct Street Names:
	HEATHER ST
	Existing Street Name Corrections Needed:
	All New Street Names are Approved: No
	List of Approved Street Names:
	List of Street Names Denied:

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Code Compliance	Comments: 40750 HEATHER ST WILL BE RETAINED WITH LOT 3-A 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	

## **STAFF RECOMMENDATIONS**

**CORRECTIONS / EDITS** 

Add 2023-123 to KPB File No. Lot 4-A to the west need labeled.

### 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.

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:

Move subdivision block east to be in both sections.

Label the rivers and creeks on the map.

Show and label Heather Street

## **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.

20.60.110. Dimensional data required.

C. Any discrepancy between the survey and the record description, and the source of all information used in making the survey shall be indicated. When an inconsistency is found including a gap or overlap, excess or deficiency, erroneously located boundary lines or monuments, or when any doubt as to the location on the ground of the true boundary or property rights exists, the nature of the inconsistency shall be clearly shown on the drawing.

Staff recommendation: comply with 20.60.110.

Comply with 20.60.110 on final.

#### 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.
  - Plat note 4 should be separated for the two easements listed, the front 10-foot utility easement and the utility easement along the northerly line with a book and page.
  - Add to Plat note #6, the code at the end of the sentence as shown, "The borough will not enforce private covenants, easements, or deed restrictions per KPB 20.60.170.".
  - Plat note #8 can be removed as there are no wetlands on or near the property.
  - Plat note needs added for easement in book 9 page 99at CTP #7

20.60.190. Certificates, statements, and signatures required.

**Staff recommendation**: comply with 20.60.190. Add the date of December 11, 2023 to the Plat Approval

20.60.200. Survey and monumentation.

Staff recommendation: comply with 20.60.200

Comply with 20.60.200 for final.

### **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.

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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** 



## Kenai Peninsula Borough Planning Department

Aerial Map

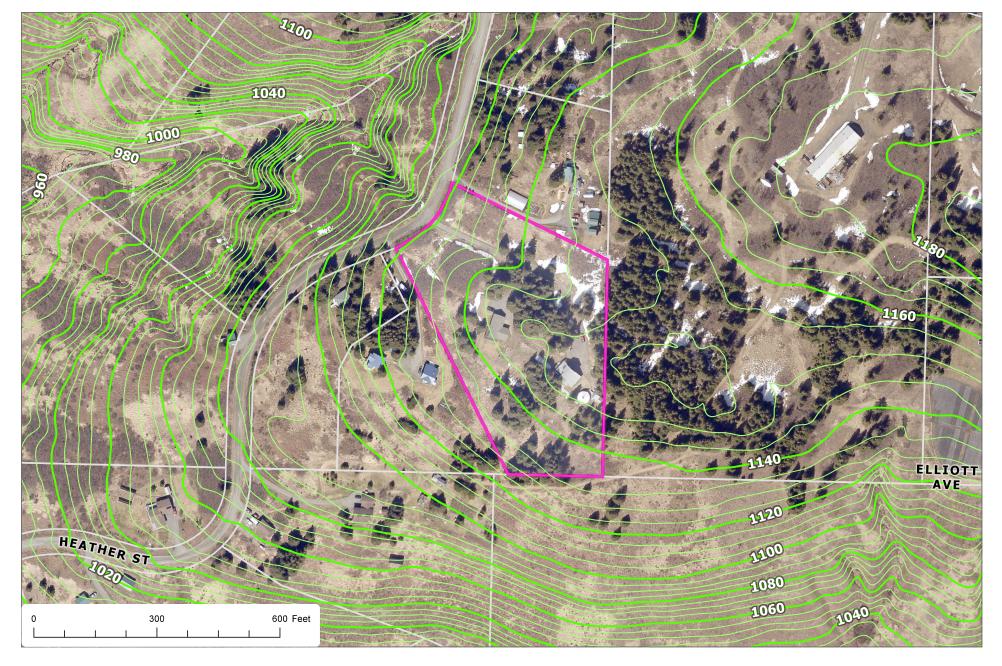
KPB File 2023-123 \( \)\\\ 10/31/2023 \( \)\

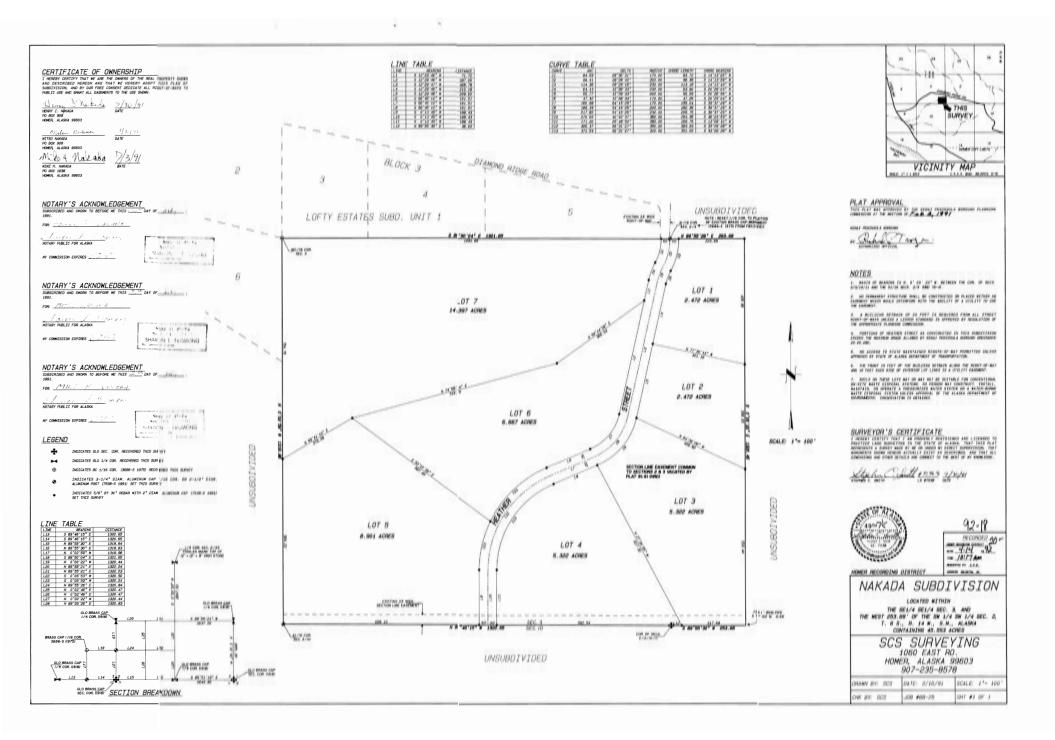


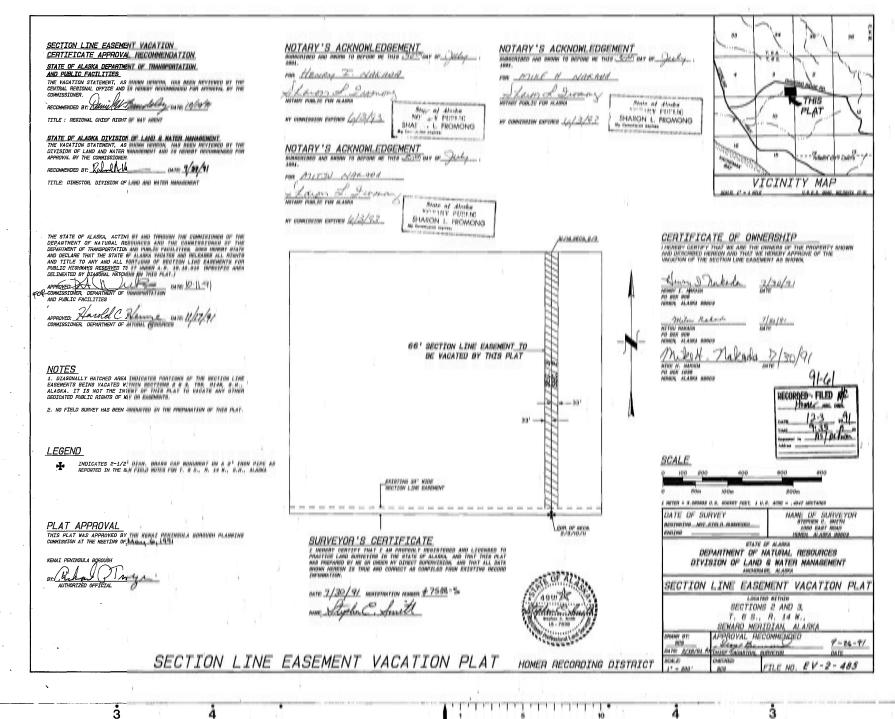
## Kenai Peninsula Borough Planning Department

Aerial with 5-foot Contours

KPB File 2023-123 \( \sqrt{11/1/2023} \)







E6-13