

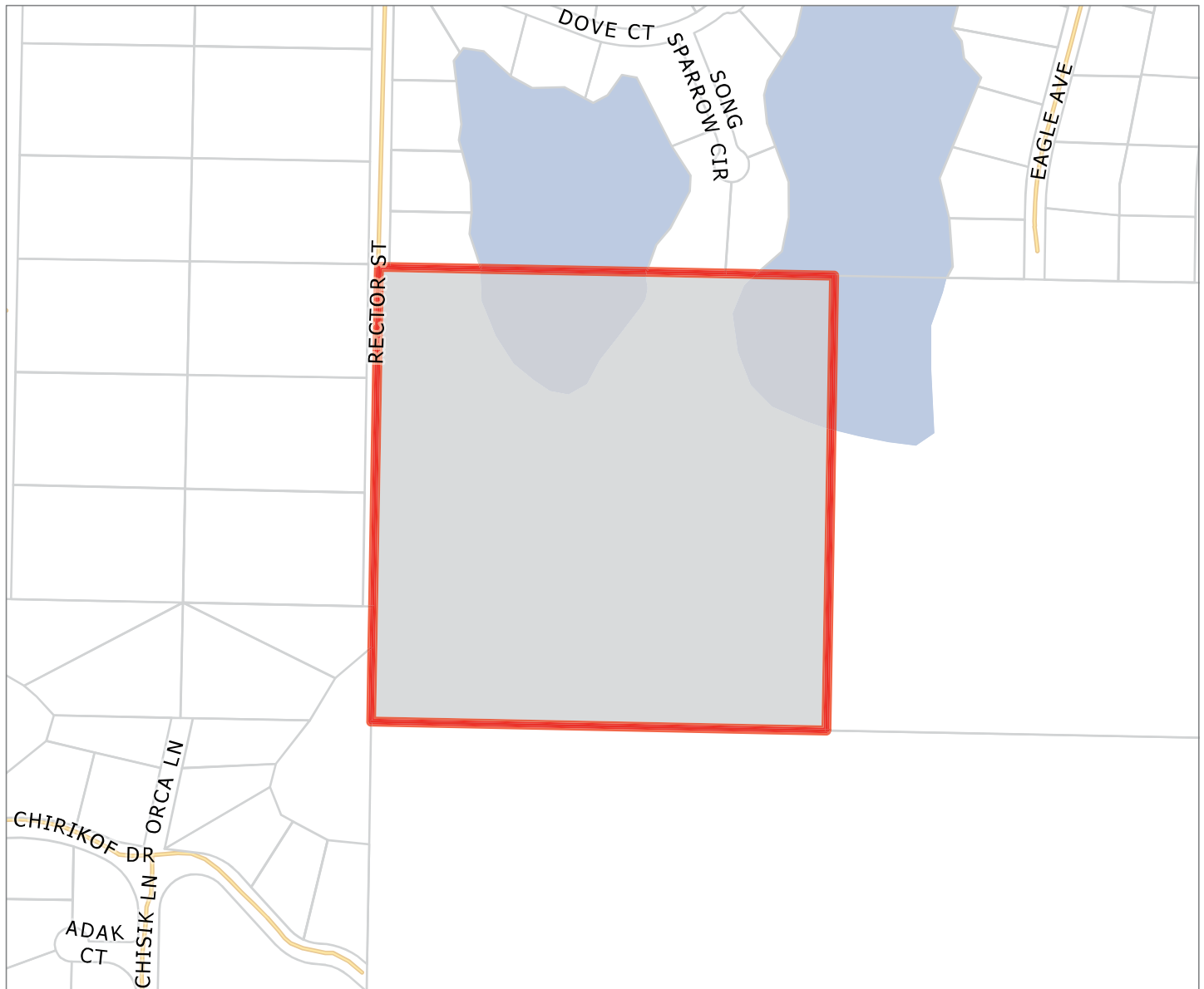
E. NEW BUSINESS

- 9. Tulin Birch Lake Subdivision; KPB File 2023-011
Segesser Surveys / Alaska Growth Properties, LLC
Location: Rector Street
Nikiski Area / Nikiski APC**



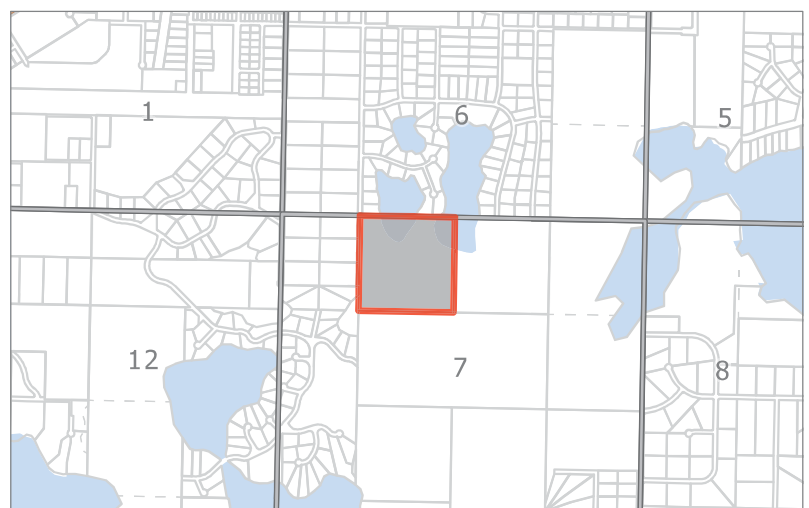
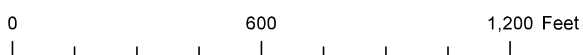
Kenai Peninsula Borough Planning Department

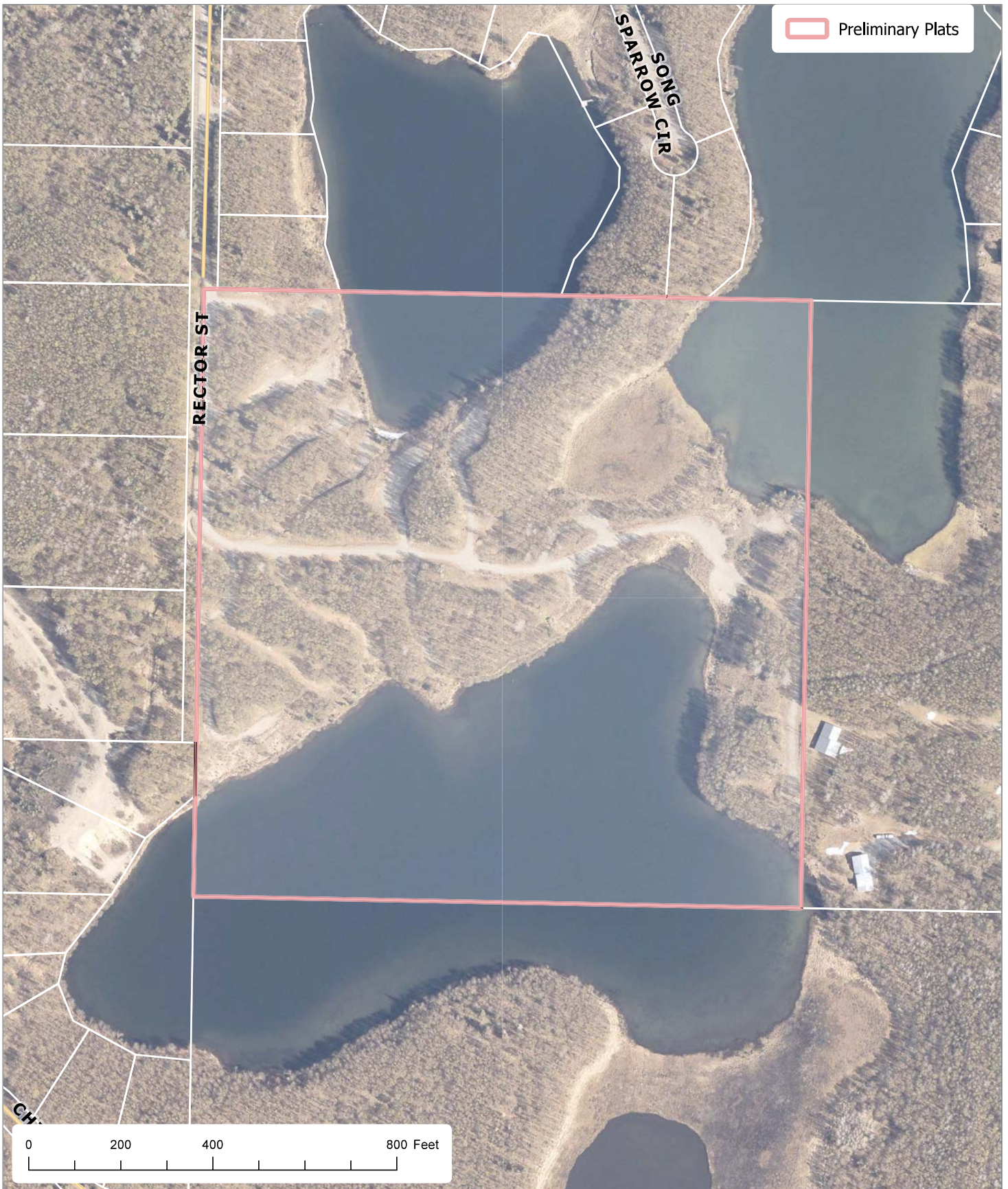
Vicinity Map



KPB File 2023-011
T 07N R 11W SEC 7
Nikiski

11/07/2023





LEGEND:

- FOUND 3 1/4" BRASS CAP BLM MONUMENT 1955
- FOUND 3 1/4" BRASS CAP MON. 1064-S 1982
- FOUND 2 1/2" BRASS CAP MON. 232-S 1987
- FOUND 2 1/2" ALUM. CAP MON. 608-S 1988
- FOUND 2" IRON PIPE NO CAP
- FOUND 5/8" REBAR w/2" ALUM. CAP 1064-S 1982
- FOUND 1/2" REBAR
- SET 5/8" REBAR w/PLASTIC CAP 1588-S
- RECORD DATUM PLAT 63-44 KRD
- RECORD DATUM PLAT 84-265 KRD

NOTES:

- 1) Basis of bearing taken from Dan's Place Subdivision, Plat 63-44, Kernal Recording District.
 - 2) Building Setback-A setback of 30 feet is required from all street rights-of-way unless a lesser standard is approved by resolution by the appropriate Planning Commission.
 - 3) No structures are permitted within the pondside portion of the flag lot.
 - 4) Roads must meet the design and construction standards established by the Borough in order to be considered for certification and inclusion in the Borough road maintenance program.
 - 5) Covenants, conditions and restrictions which affect this plat are recorded in document #6017-01348-0, Kernal Recording District.
 - 6) Front 10 feet of the 30 foot building setback and the entire setback within 5 feet of the side lot lines is a utility easement. 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.
 - 7) WASTEWATER DISPOSAL: Lot 7. This lot is at least 800,000 square feet or nominal 8 acres in size and conditions 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.
- WASTEWATER DISPOSAL: Lots 1-6, 8-15. Soil conditions, water table levels, and soil types in this subdivision have been found suitable for conventional onsite wastewater treatment and disposal systems serving single-family or small businesses and meeting the regulatory requirements of the Kernal Peninsula Borough. Any other type of onsite wastewater treatment and disposal system must be designed by a professional engineer, registered to practice in Alaska, and the design must be approved by the Alaska Department of Environmental Conservation.

Engineer _____ Date _____

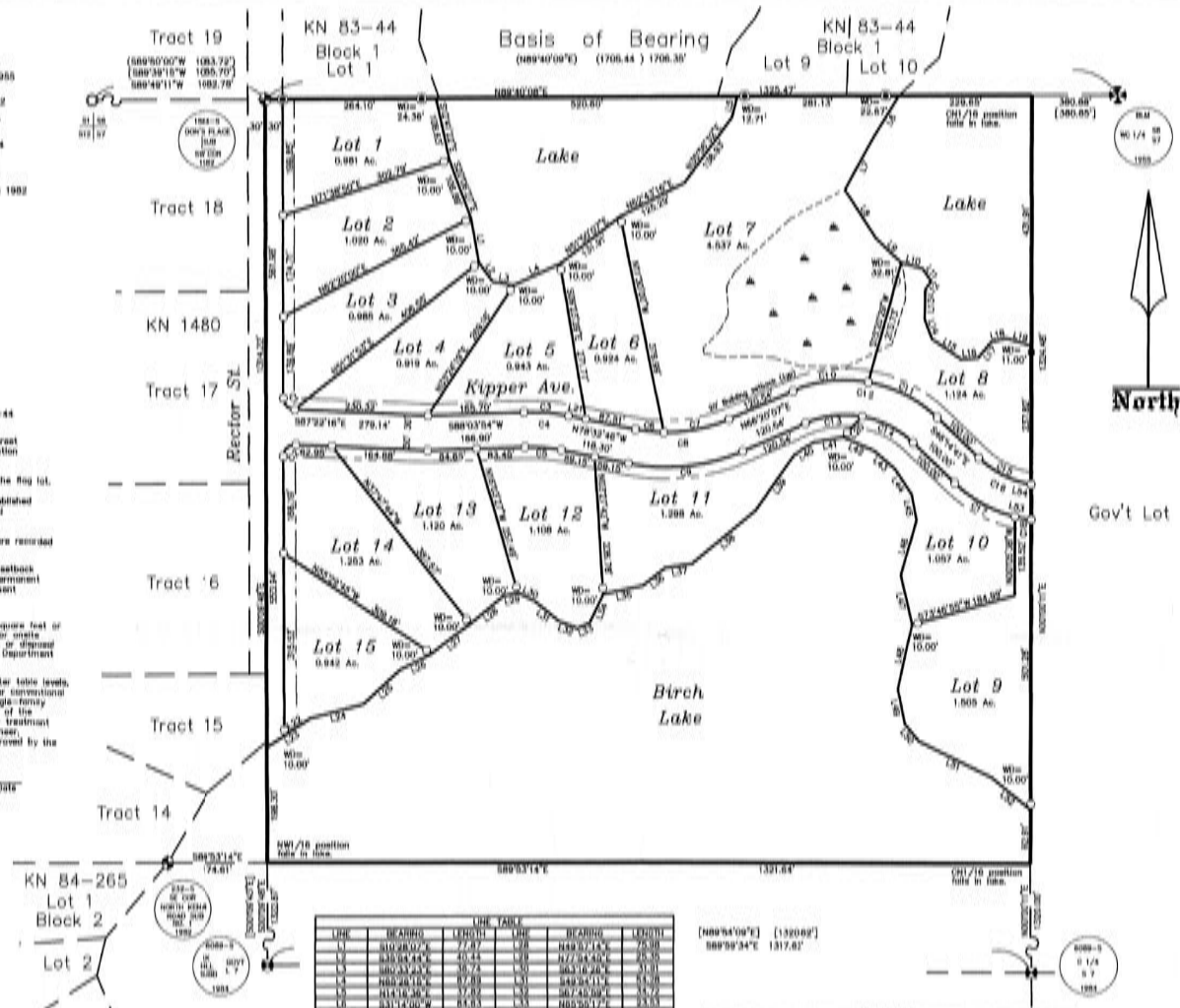


SURVEYOR'S CERTIFICATE

I hereby certify that I am properly registered and licensed to practice land surveying in the State of Alaska; this plat represents a survey made by me or under my direct supervision; the measurements shown herein actually exist as described, and all dimensions and other details are correct.

Date _____

KPB 2023-011



AGENDA ITEM E. NEW BUSINESS

**ITEM #9 - PRELIMINARY PLAT
Tulin Birch Lake Subdivision**

KPB File No.	2023-011
Plat Committee Meeting:	December 11, 2023
Applicant / Owner:	Alaska Growth Properties, LLC located in Anchorage
Surveyor:	John Segesser / Segesser Surveys
General Location:	Rector Street in Nikiski

Parent Parcel No.:	013-211-14
Legal Description:	Gov't Lot 3 in Sec 7, T7 N R11 W SM Kenai Recording District Kenai Peninsula Borough Alaska
Assessing Use:	Vacant
Zoning:	Rural Unrestricted
Water / Wastewater	onsite
Exception Request	20.30.040

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide a 40.087-acre parcel into 15 lots ranging in size from 0.919 ac to 4.557 ac.

Location and Legal Access (existing and proposed):

Legal access to the subdivision is by Rector Street. Rector St is accessed from State maintained Kenai Spur Highway near mile 26.7 then to McGahan Drive to Rediske Avenue to Rector Street. These three roads are Borough maintained with borough maintenance ending at the northwest corner of the proposed subdivision and Nikiski maintenance ending at the entrance to Kipper Avenue.

The subdivision is proposing to dedicate a 60' right-of-way across the subdivision to be named Kipper Avenue.

Lots 1-3, 14 and 15 will have access to Rector Street and Lots 4-14 will access to Kipper Avenue.

The subdivision is affected by a 33' section line easement across the north line of the subdivision. **Staff recommends:** the surveyor verify the existence and width of the section line easement and show it on the final.

KPB Roads Dept. comments	Out of Jurisdiction: No Roads Director: Griebel, Scott Comments: Where the partially developed portion of Rector St (this plat) meets the maintained portion, the road category may change, due to the additional lot count served.
SOA DOT comments	

Site Investigation:

There are steep areas per the KPB GIS information, contours were not given on the drawing. **Staff recommends:** steep areas be shown on the final and plan and profile be submitted along Kipper Avenue to be reviewed by the Roads Department for steep grades in case slope easements are needed.

Wetlands are shown on the plat in Lots 7 & 8, the identifier should be added to the legend. **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.

There are no mapped flood hazard zones and KPB River Center review has confirmed that assessment.

KPB River Center review	<p>A. Floodplain</p> <p>Reviewer: Hindman, Julie Floodplain Status: Not within flood hazard area Comments: No comments</p> <p>B. Habitat Protection</p> <p>Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments</p> <p>C. State Parks</p> <p>Reviewer: Comments:</p>
State of Alaska Fish and Game	

Staff Analysis

The subdivision is being created from Government Lot 3 of Section 7, Township 7 North, Range 11 West Seward Meridian, Kenai Recording District, State of Alaska. This is the first platting of the land so there are no easements to carry forward from a previous subdivision.

A soils report will be required and an engineer will sign the final plat.

The road is going between two lakes along an existing undeveloped road. The road is within 100 feet of both lakes. Exception needed.

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.

Nikiski Advisory Planning Commission minutes for the December 7, 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.

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

There does not appear to be any encroachment issues.

Utility Easements

There are no utility easements listed in the certificate to plat.

The plat is proposing a 15 foot utility easement along road rights-of-ways and 20 feet within 5 of side lot lines. **Staff recommends:** the surveyor show the easement on the drawing or provide a typical detail.

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 comment
ENSTAR	
ACS	No objection
GCI	
CHUGACH ELECTRIC	
TELALASKA	

KPB department / agency review:

Addressing	<p>Reviewer: Leavitt, Rhealyn Affected Addresses: NONE</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names: RECTOR ST</p> <p>Existing Street Name Corrections Needed:</p> <p>All New Street Names are Approved: Yes</p> <p>List of Approved Street Names: KIPPER AVE</p> <p>List of Street Names Denied:</p> <p>Comments: No other comments</p>
Code Compliance	<p>Reviewer: Ogren, Eric Comments: No comments</p>
Planner	<p>Reviewer: Raidmae, Ryan There are not any Local Option Zoning District issues with this proposed plat.</p> <p>Material Site Comments: There are not any material site issues with this proposed plat. Review Not Required</p>
Assessing	<p>Reviewer: Windsor, Heather Comments: No comment</p>

STAFF RECOMMENDATIONS
CORRECTIONS / EDITS

PLAT NOTES?

- 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).

- The natural meanders of ordinary high water (or mean high water line as applicable) is for area computations only, the true corners being on the extension of the sidelines and the intersection with the natural meanders.
- The borough will not enforce private covenants, easements, or deed restrictions per KPB 20.60.170(B).
- Add a plat note concerning Lot 9 and the flag portion being less than 60 feet wide causing possible limitations on further subdivision based on access issues, development trends in the area, or topography.

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:

Add 2023-011 to the KPB File No.

Remove NW1/4 from the legal to match the certificate to plat and deeded description.

Area of land computed is 40.087 ac, please correct to surveyed area for final.

- 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:

Vicinity map should square out Lot 3 being the subdivision but not the lake area portion.

Label and show Rector Street site and identify Birch Lake. Show roads out to Kenai Spur Highway but don't label.

- G. The status of adjacent lands within 100 feet of the proposed subdivision boundary or the land status across from any dedicated rights-of-way that adjoin the propose subdivision boundary, including names of subdivisions, lot lines, block numbers, lot numbers, rights-of-way; or an indication that the adjacent land is not subdivided;

Staff recommendation:

All adjacent lots need to have the plat label added them.

Add "unnamed" to the two lakes on the north.

- H. Approximate locations of low wet areas, areas subject to inundation, areas subject to flooding or storm water overflow, and the line of ordinary high water. This information may be provided on an additional sheet if showing these areas causes the preliminary plat to appear cluttered and/or difficult to read;

Staff recommendation:

Add to the legend a label for the wetlands

- 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 1 0 percent on other streets;

Staff recommendation:

Contours not shown. GIS data shows areas where grade may be steep, supply plan and profile along road alignments.

- 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:

No contours given. GIS data shows areas where steep grades look to be over 20%. Top and tow with the label 'steep grade' need to be added to the final

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.*

- 20.30.040. Streets within 100 feet of waterbodies. No dedications are allowed within 100 feet of the ordinary high water line of a waterbody unless necessary for access to a lot where no reasonable alternative access exists or the dedication provides access to a bridge or public facility, waterbody or watercourse. Final plats must comply with KPB 20.60.050 and 20.60.060.

Staff recommendation:

Road is between two lakes along an existing road. 210 feet between lakes per GIS data at the closest point, need better data.

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.*

- 20.60.170. Other data required by law.

A. The plat shall show all other data that are or may be required on the plat by statute or ordinance.

B. Private covenants and restrictions of record in effect at the time the final plat is approved shall be referenced on the plat. The borough will not enforce private covenants, easements, or deed restrictions. The borough will not enforce private covenants, easements, or deed restrictions.

C. The plat must adhere to the requirement of the local option zone, where applicable.

Staff recommendation: *comply with 20.60.170.*

Plat note 5 list Covenants not listed in the Certificate to Plat but recorded for Birch Lake Subdivision. If these are included in the final Certificate to Plat, keep the note on the final, if not included the note should be removed.

- 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.

Add Certificate of Acceptance.

Add manager behind Don Tulin's name under the signature line in the Certificate of Ownership and Dedication.

- 20.60.200. Survey and monumentation.

Staff recommendation: *comply with 20.60.200*
Comply with 20.60.200 for the final.

EXCEPTIONS REQUESTED:

A. KPB 20.30.040 Streets within 100 feet of waterbodies

Surveyor's Discussion: The ROW is centered on the existing road which is the only access to the eastern portion of the property.

Findings:

1. The ROW is centered on the existing road which is the only access to the eastern portion of the property.

Staff Discussion:

20.30.040. - Streets within 100 feet of waterbodies.

No dedications are allowed within 100 feet of the ordinary high water line of a waterbody unless necessary for access to a lot where no reasonable alternative access exists or the dedication provides access to a bridge or public facility, waterbody or watercourse. Final plats must comply with KPB 20.60.050 and 20.60.060.

Findings:

2. There is limited space between the lakes, as measured it is approximately 210'.
3. From KPB contour data the road appears to be over 5 feet above the waterline of the lakes.
4. By granting the exception, no lots will be denied access.
5. The property to the east of this land can extend access to this property in the future.

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, 2, & 4 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, & 4 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, 2 & 5 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:

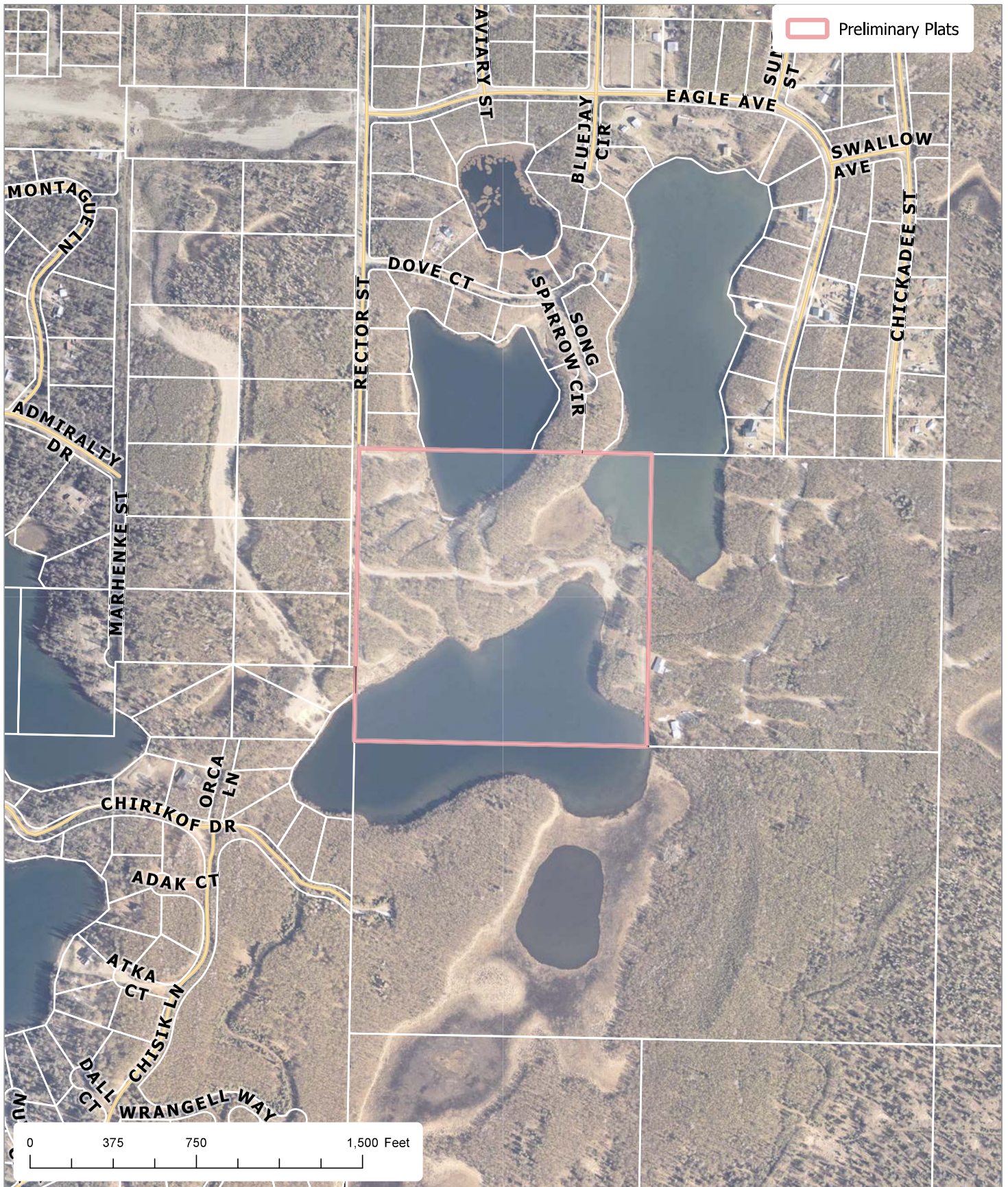
- GRANT APPROVAL OF THE PRELIMINARY PLAT SUBJECT TO STAFF RECOMMENDATIONS, AND
- COMPLIANCE WITH KPB 20.25.070 (FORM AND CONTENTS), KPB 20.25.080 (PETITION REQUIRED), KPB 20.30 (DESIGN REQUIREMENTS); AND KPB 20.40 (WASTEWATER DISPOSAL), AND
- COMPLIANCE WITH KPB 20.60 TO ENSURE ADMINISTRATIVE APPROVAL OF THE FINAL PLAT.

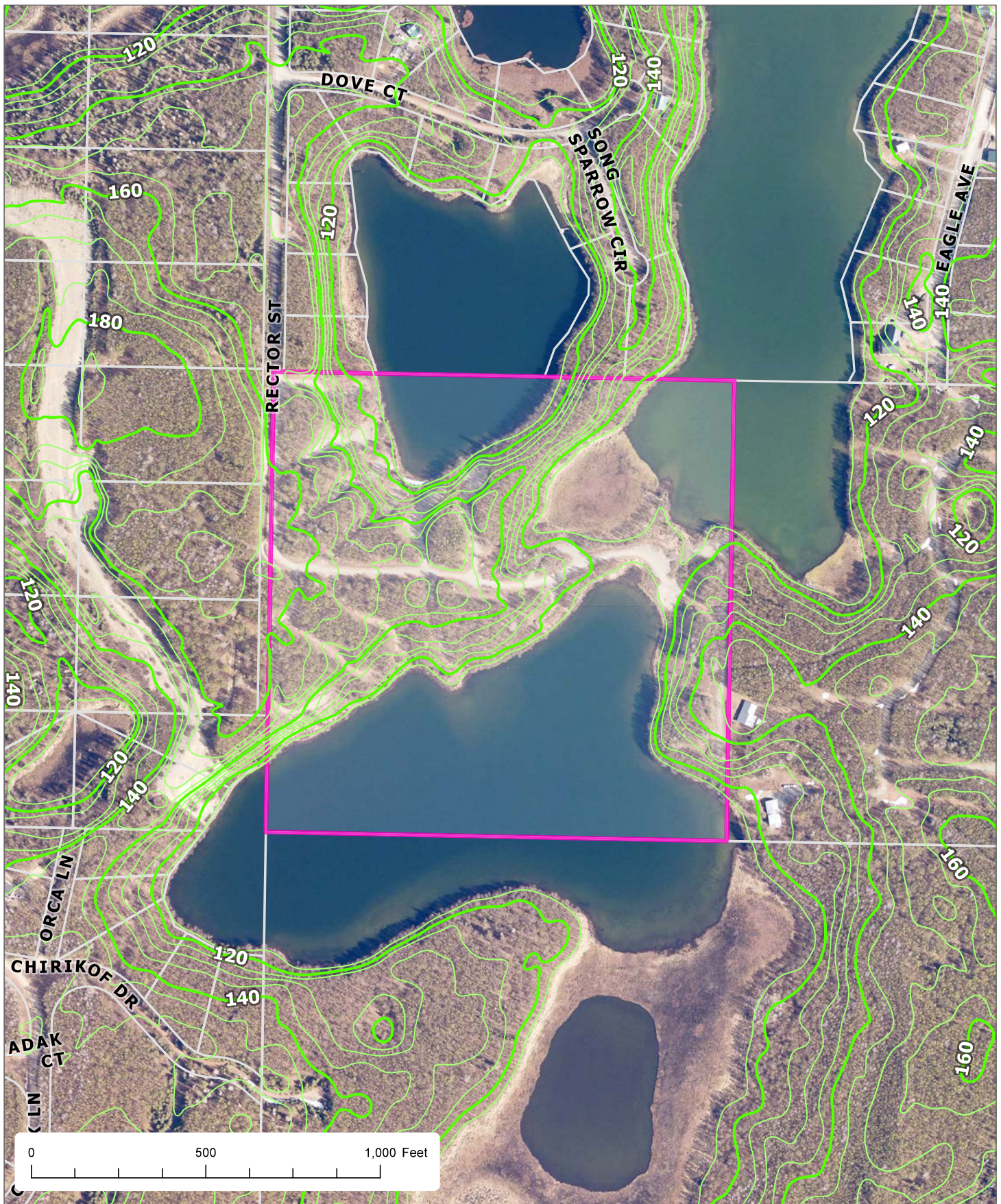
NOTE: 20.25.120. - REVIEW AND APPEAL.

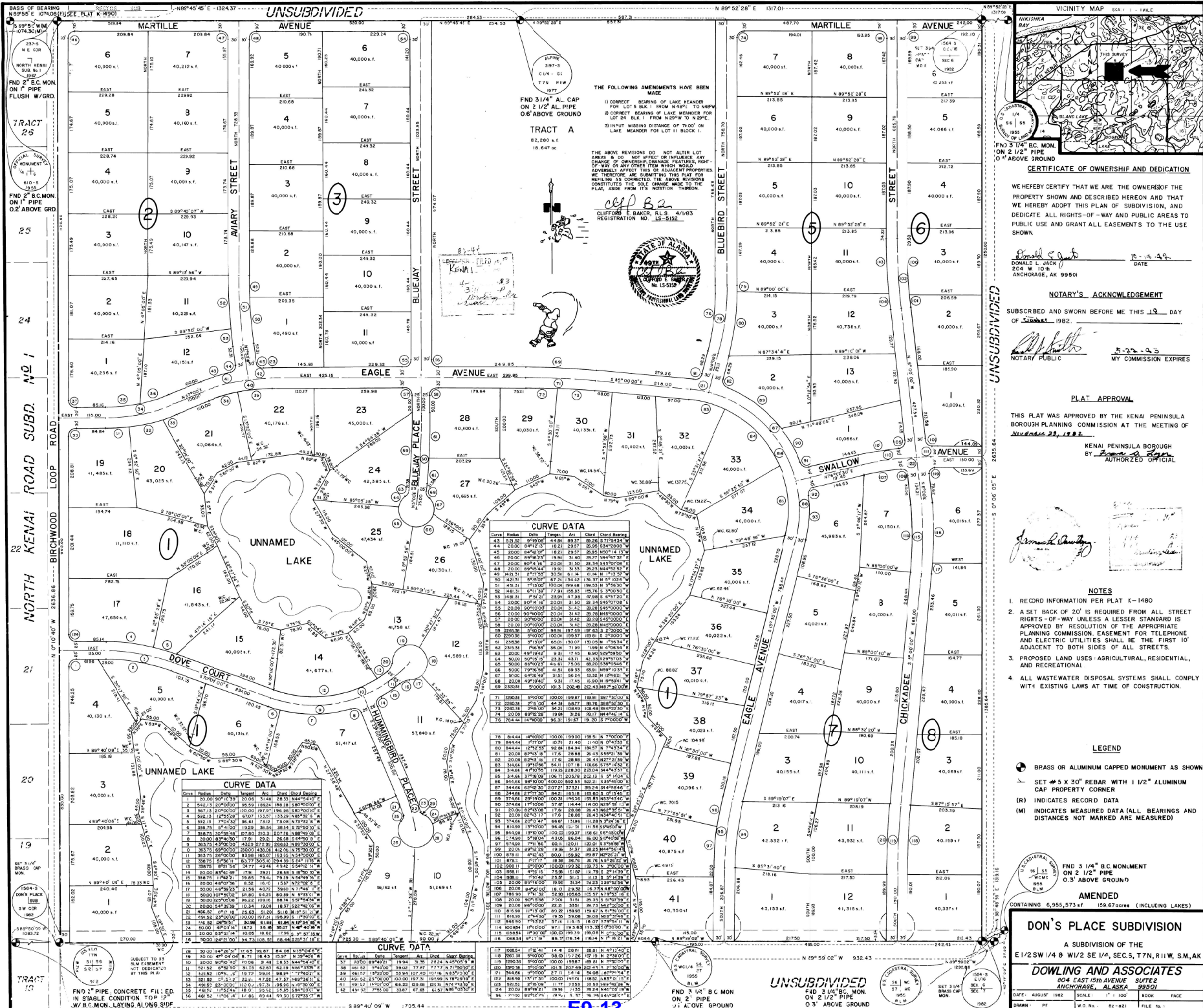
A PARTY OF RECORD MAY REQUEST THAT A DECISION OF THE PLAT COMMITTEE BE REVIEWED BY THE PLANNING COMMISSION BY FILING A WRITTEN REQUEST WITHIN 15 DAYS OF NOTIFICATION OF THE DECISION IN ACCORDANCE WITH KPB 2.40.080.

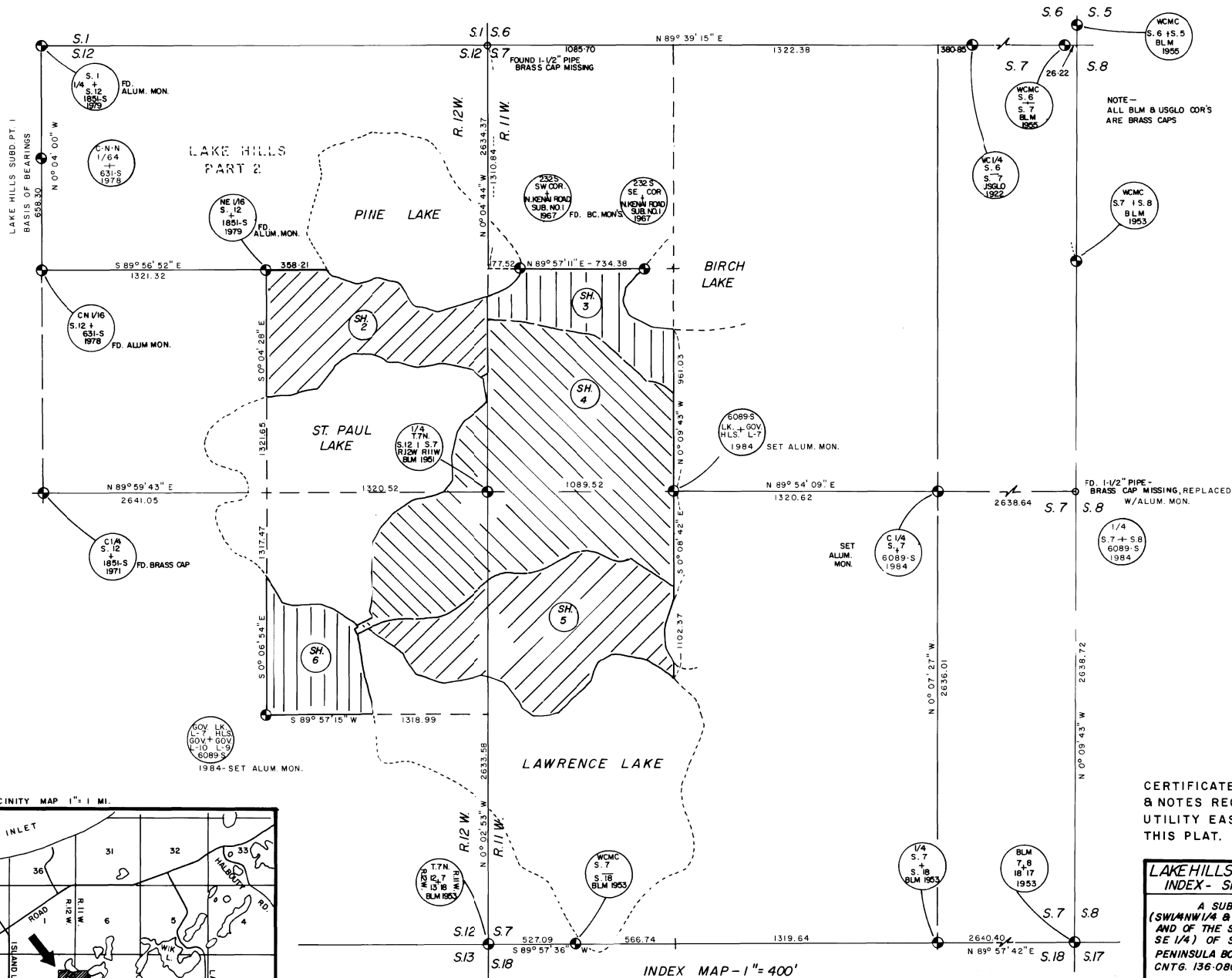
A DECISION OF THE PLANNING COMMISSION MAY BE APPEALED TO THE HEARING OFFICER BY A PARTY OF RECORD WITHIN 15 DAYS OF THE DATE OF NOTICE OF DECISION IN ACCORDANCE WITH KPB 21.20.250.

END OF STAFF REPORT





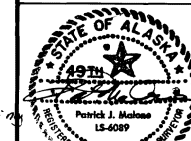




CERTIFICATE of OWNERSHIP & DEDICATION
& NOTES REGARDING BLDG. SETBACKS &
UTILITY EASEMENTS ARE ON PAGE 6 of
THIS PLAT.

LAKEHILLS SUBDIVISION - PART 3
INDEX - SHEET 1 OF 6

A SUBDIVISION OF GOV'T. LOTS 5 AND 8
(SW1/4NW1/4 & NW1/4SW1/4) OF SEC. 7 T.7N, R.11W, S.M.,
AND OF THE SE1/4NE1/4 AND GOV'T. LOT 8 (NE 1/4
SE 1/4) OF SEC. 12, T.7N, R.12W, S.M., KENAI
PENINSULA BOROUGH, ALASKA.
CNTG. 136.080 AC ± INCL. LAKE AREA.

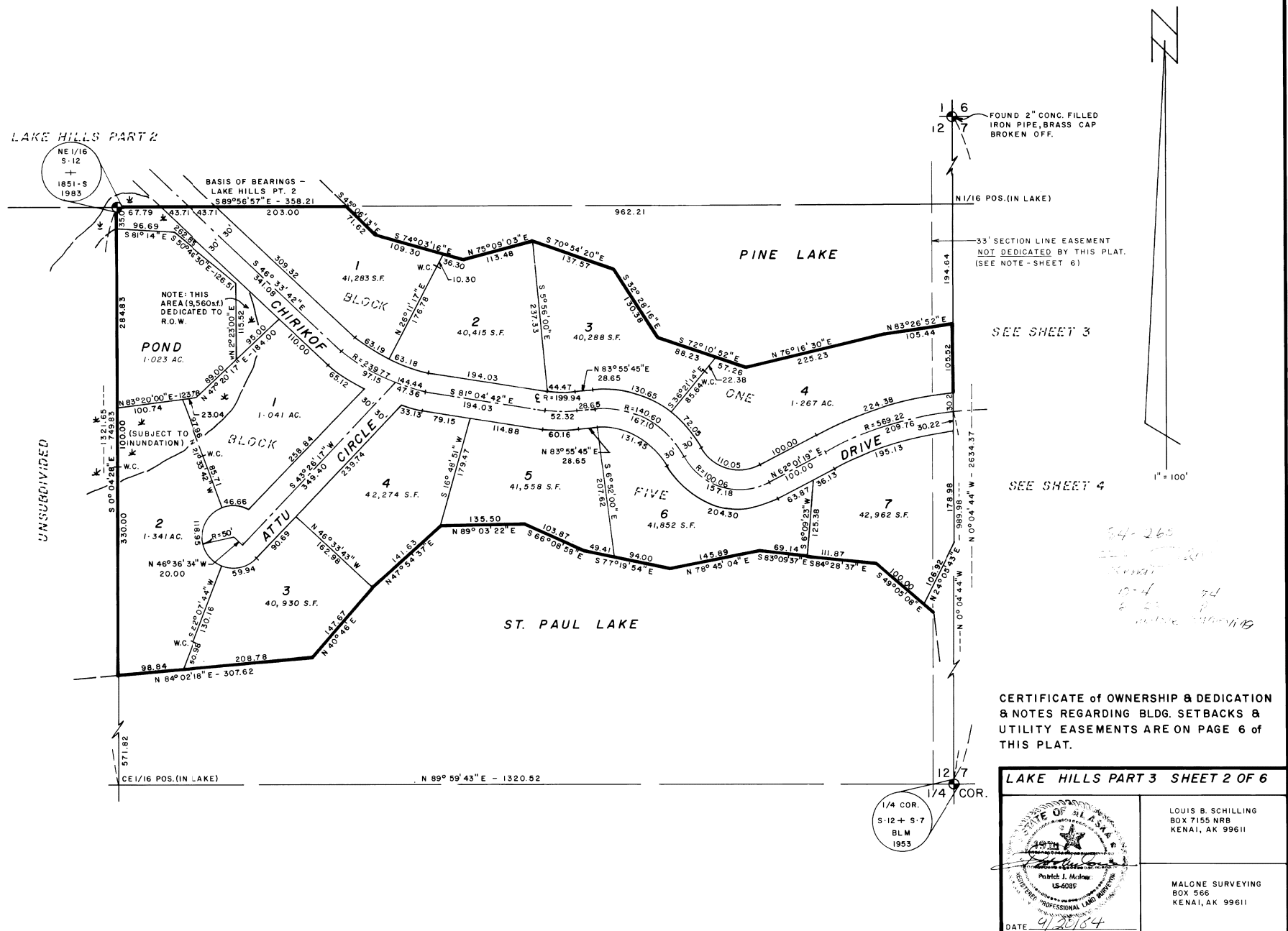


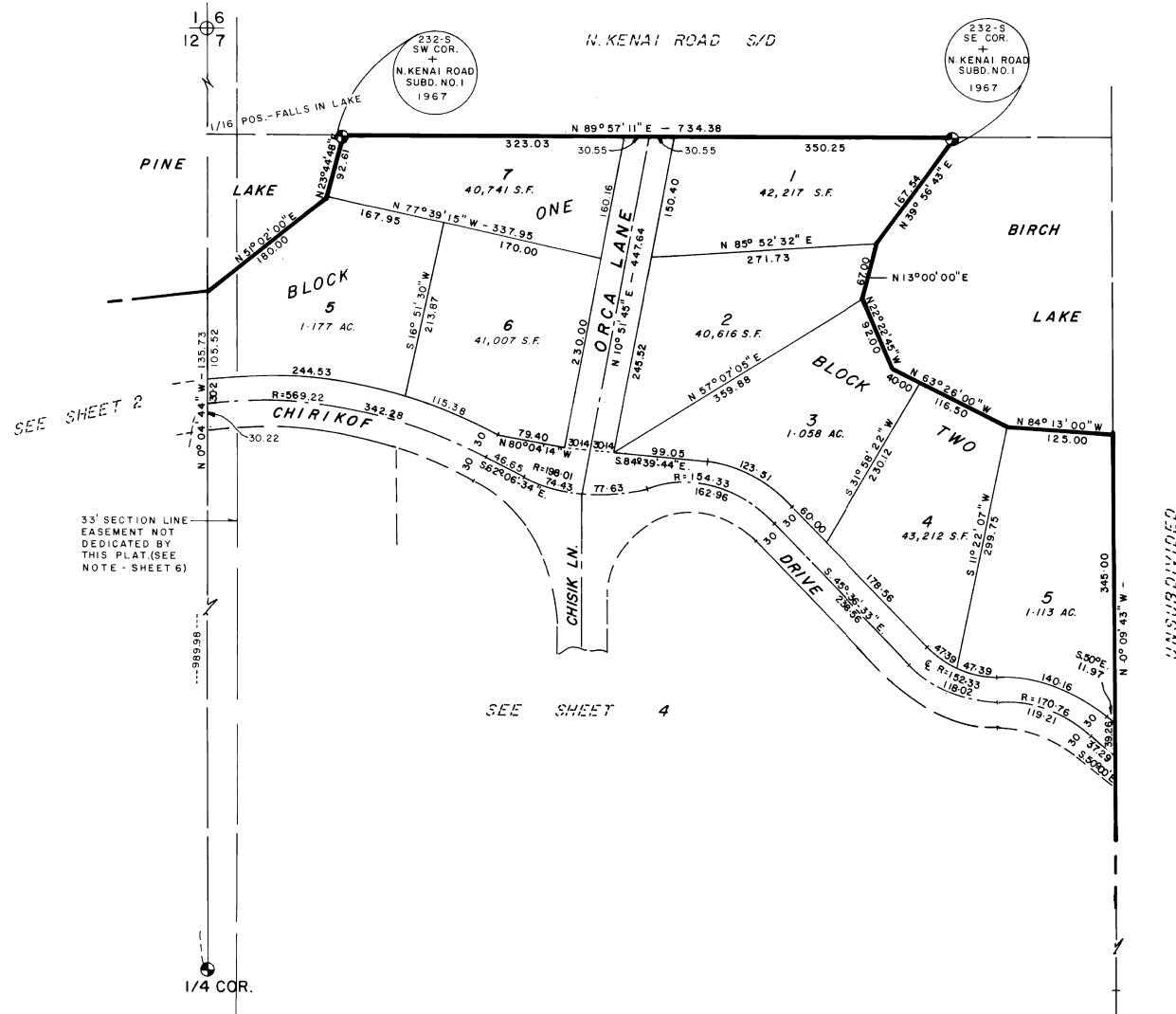
LOUIS B. SCHILLING
BOX 7155 NRB
KENAI, AK. 99611

MALONE SURVEYING
BOX 566
KENAI, AK. 99611

DATE **9/20/24**

84-265
RECORDED 20-
Kenai
10-4 84
2:23 P
Malone Surveying

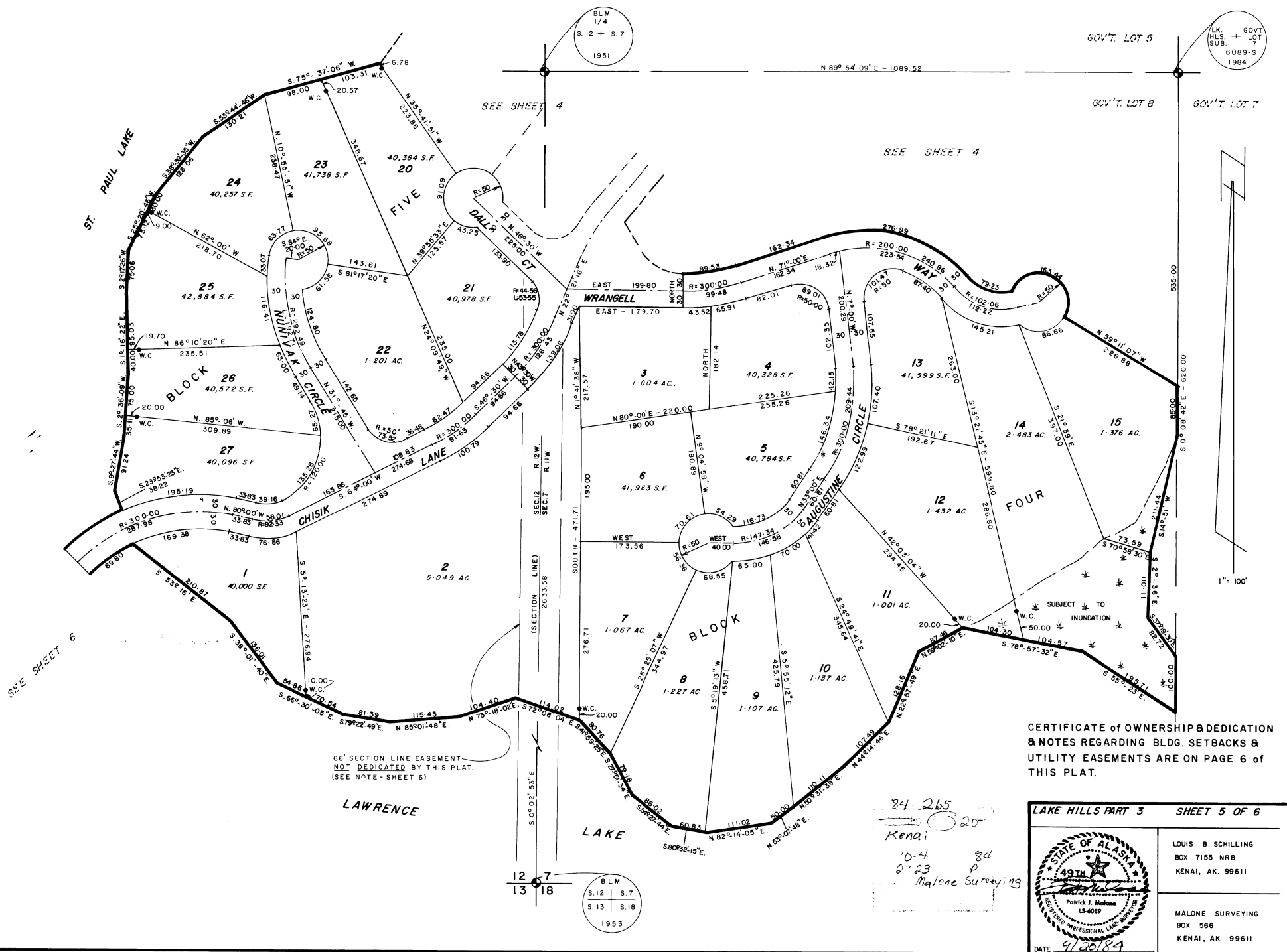




CERTIFICATE of OWNERSHIP & DEDICATION
& NOTES REGARDING BLDG. SETBACKS &
UTILITY EASEMENTS ARE ON PAGE 6 of
THIS PLAT.

LAKE HILLS PART 3 SHEET 3 OF 6	
	LOUIS SCHILLING BOX 7155 NRB KENAI, AK. 99611
	MALONE SURVEYING BOX 566 KENAI, AK. 99611
DATE 9/20/84	





CERTIFICATE OF OWNERSHIP & DEDICATION

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREON, THAT WE ADOPT THIS PLAN OF SUBDIVISION, AND GRANT ALL RIGHTS-OF-WAY TO PUBLIC USE, AND GRANT ALL EASEMENTS TO THE USE SHOWN.

Louis B. Schilling Paul Traxinger Lawrence Traxinger
LOUIS B. SCHILLING PAUL TRAXINGER LAWRENCE TRAXINGER

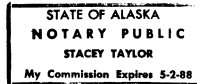
ADDRESS: BOX 7155 NR8
KENAI, AK. 99611

NOTARY'S ACKNOWLEDGMENT FOR LOUIS B. SCHILLING, PAUL TRAXINGER & LAWRENCE TRAXINGER

SUBSCRIBED AND SWORN BEFORE ME THIS 27th DAY OF June, 19 84.

Stacey D. Taylor
NOTARY PUBLIC FOR ALASKA

MY COMMISSION EXPIRES 5-2-88.



PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF NOVEMBER 16, 1981.

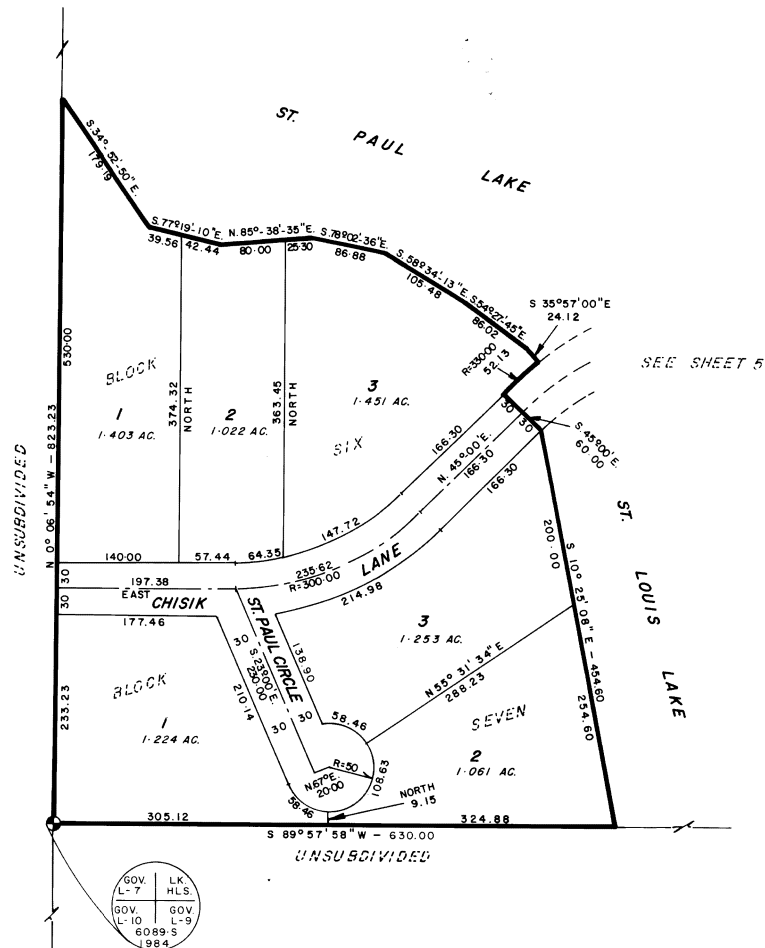
KENAI PENINSULA BOROUGH

BY Stacey D. Taylor
AUTHORIZED OFFICIAL

NOTES-- A MINIMUM BUILDING SETBACK OF 20' IS REQUIRED FROM ALL RIGHTS-OF-WAY UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.

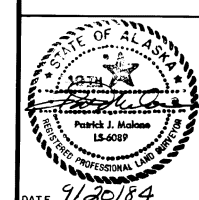
THE FRONT 10' OF BUILDING SETBACK ABUTTING ALL RIGHTS OF WAY IS RESERVED FOR UTILITY EASEMENTS.
A 10' UTILITY EASEMENT IS RESERVED ON EACH SIDE OF ALL INTERIOR LOT LINES.

THE 66' SECTION LINE EASEMENT BETWEEN SECTIONS 7 & 12 WAS PETITIONED FOR VACATION AND GRANTED APPROVAL BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION, APRIL 23, 1984.
THE VACATION PLAT IS CURRENTLY BEING REVIEWED FOR APPROVAL BY THE STATE OF ALASKA.



Kenai
10-4
2-23
Malone Surveying

LAKE HILLS PART 3 SHEET 6 OF 6



LOUIS B. SCHILLING
BOX 7155 NR8
KENAI, AK. 99611

MALONE SURVEYING
BOX 566
KENAI, AK. 99611

DATE 9/20/84

