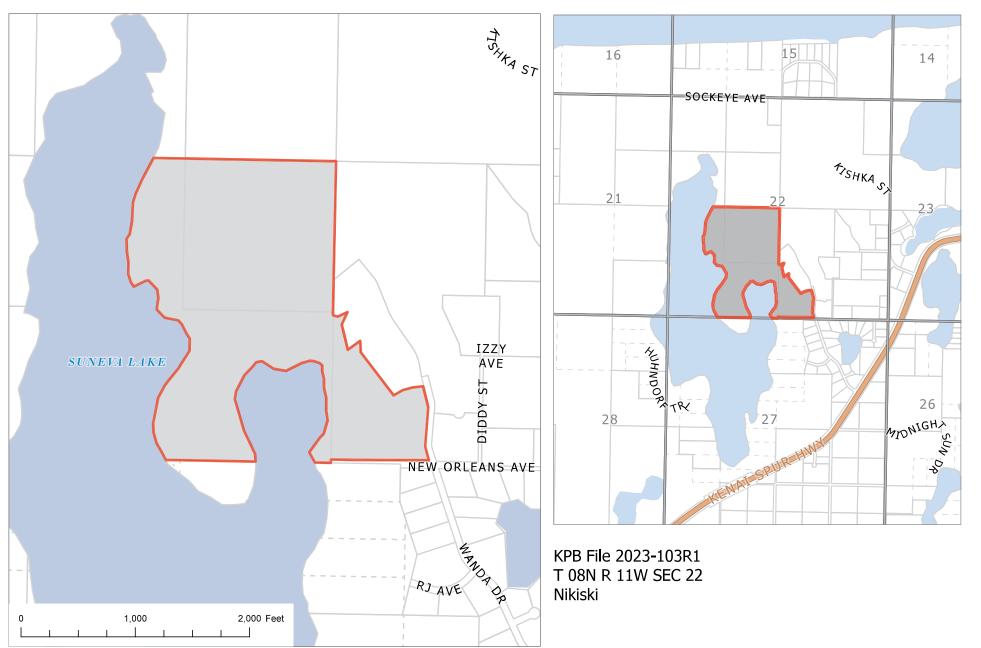
E. NEW BUSINESS

Hall-Ewing Subdivision; KPB File 2023-103R1
 Segesser Surveys / Ewing, Hall
 Location: Wanda Dr. off Kenai Spur Hwy.
 Nikiski Area / Nikiski APC



Vicinity Map

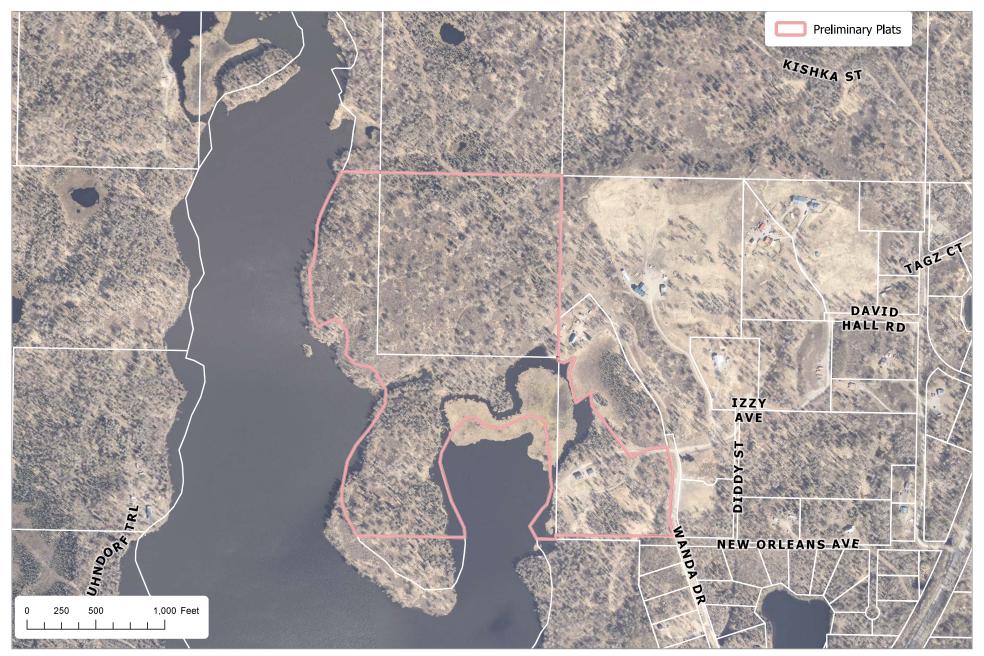
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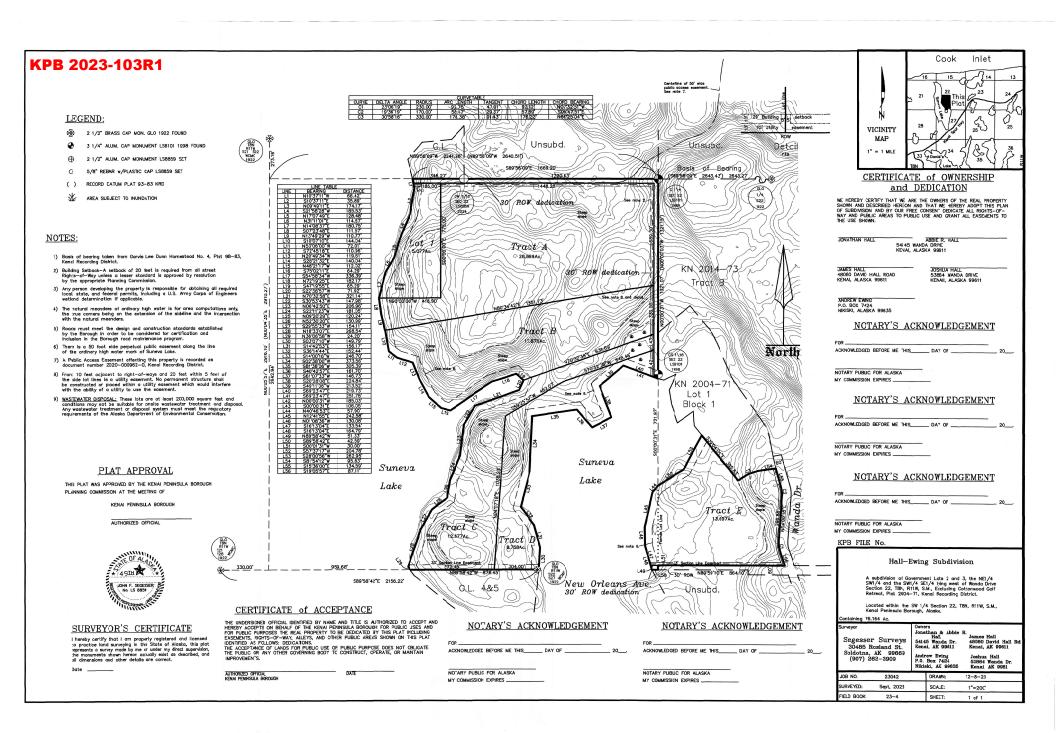




Aerial Map

KPB File 2023-103R1 \(\sum_{N} \)





ITEM ## - PRELIMINARY PLAT HALL-EWING SUBDIVISION

KPB File No.	2023-103R1
Plat Committee Meeting:	January 8, 2024
Applicant / Owner:	Andre Ewing of Nikiski, Alaska
	Jonathan Hall, James Hall, and Joshua Hall all of Kenai, Alaska
Surveyor:	John Segesser / Segesser Surveys
General Location:	Nikiski / Nikiski APC

Parent Parcel No.:	013-020-12, 013-021-18 & 013-020-77
Legal Description:	T 8N R 11W SEC 22 SEWARD MERIDIAN KN GOVT LOTS 2 & 3 AND
	NE1/4 SW1/4 T 8N R 11W SEC 22 & SW1/4 SE1/4 LYING WEST OF WANDA
	DR & EXCLUDING COTTONWOOD GOLF RETREAT
Assessing Use:	Vacant & Residential
Zoning:	Rural Unrestricted
Water / Wastewater	Onsite
Exception Request	20.30.190

STAFF REPORT

<u>Specific Request / Scope of Subdivision:</u> The proposed plat will reconfigure four parcels parcel into five tracts and a lot ranging in size from 5.077 acres to 28.669 acres.

<u>Location and Legal Access (existing and proposed):</u> The proposed subdivision is located west of statemaintained Kenai Spur Highway at mile marker 32 in the Nikiski area. The main part of the subdivision does not front an existing dedication and is accessed via a public access easement recorded under serial number 2020-000962-0. The easement is depicted in the northeast and a plat note is provided in note seven. The plat is proposing several half dedications along the north, east, and southern boundaries. Only the proposed dedication along the southern boundary of Tract D is labeled as New Orleans Avenue. Tract E access off of New Orleans to Wanda Drive. The other two proposed dedications will be required to be named and approved by the KPB Addressing Officer. **Staff recommends:** possible names be submitted for review and approval by the Addressing Officer

The subdivision does have access to section line easements along the southern boundary. The easement needs to be corrected to 50 feet according to comments from Alaska DOT.

Due to Suneva Lake and large unsubdivided parcels in the area the block is not compliant. **Staff recommends:** the plat committee concur an exception to block length is not required at this time.

KPB Roads Dept. comments	Out of Jurisdiction: No
	Roads Director: Griebel, Scott
	Comments:
	Access to parcels is largely kettle wetland and/or non-dedicated
SOA DOT comments	No state roads shown on the plat
	Incorrect SLE Width, Survey Approval 06/26/1923
	Patent Application Filed by State, DNR 11/29/1963
	Change to 50'

Site Investigation:

There are steep areas noted on the plat. Contours can be removed and the steep area labels an remain on the

final submittal.

This proposed subdivision borders along Suneva Lake and has several wet areas along the boundary. There are no wetlands depicted on the preliminary plat. The standard wetland delineation note is shown under plat note three **staff recommends** this note remain on the final submittal.

Tracts C and D are flag lots. **Staff recommend:** to place the standard note on the plat for flag lots, "No structures are permitted within the panhandle portion of the flag lot".

An exception to 20.30.190 (A) Lots-Dimensions 3:1 has been requested for Tracts C and D.

There are improvements on Tract E that do not appear to be encroaching across any property line

Per 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 are required to demonstrate that compliant construction in the right-of-way is feasible.

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: Comments:
State of Alaska Fish and Game	

<u>Staff Analysis</u> These parcels have never been subdivision and are Government lots two and three and aliquot parcels of NE1/4 SW1/4 and the SW1/4 SE1/4 all within Section 22 Township 8 North Range 11 West SM AK.

All lots and tracts are over 200,000 sq ft, a soils report will not be required. **Staff recommends:** to comply with KPB 20.40 Wastewater Disposal and show proper note on final.

Notice of the proposed plat was mailed to the beneficial interest holder on December 19, 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.

Nikiski Advisory Planning Commission minutes for the January 4, 2024 meeting were not available when the staff report was prepared (KPB 21.02.020). These will be provided with the desk packet if available.

Page 2 of 7

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

Utility Easements

These parcels have never been platted and there are no platted utility easements to carry forward. The Certificate to Plat also did not list any utility easements recorded by document.

This subdivision will be granting ten-foot utility easements along all new dedications.

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	
ENSTAR	No comments or recommendations
ACS	
GCI	
SEWARD	
ELECTRIC	
CHUGACH	
ELECTRIC	
TELALASKA	

KPB department / agency review:

Addressing	Reviewer: Leavitt, Rhealyn
	Affected Addresses:
	54145 WANDA DR
	Existing Street Names are Correct: No
	List of Correct Street Names: WANDA DR, NEW ORLEANS AVE
	Existing Street Name Corrections Needed:
	All New Street Names are Approved: No
	List of Approved Street Names:
	List of Street Names Denied:
	Comments:
	NEW ROW DEDICATIONS WILL NEED APPROVED STREET NAMES
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	Special assessment district??
Advisory Planning Commission	

Page 3 of 7

STAFF RECOMMENDATIONS

CORRECTIONS / EDITS

Add date of January 8, 2024 to Plat Approval

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:

Total acreage is incorrect.

Add 2023-103R1 to title block.

Correct zip code for Joshua Hall's address

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:

Show Wanda Drive and ROW with width going south

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:

Correct shape of plat to represent subdivision.

F. The location, width and name of existing and platted streets and public ways, railroad rights-of-way, easements, and travel ways existing and proposed, within the subdivision;

Staff recommendation:

Section line easement ae 50' on the south per ADOT

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:

To the south of Tract E, label the lots correctly.

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:

Centerline profiles will be required for the new dedication located to the north and east of the subdivision.

20.30.160. Streets-Name requirements. Streets shall be named to conform to KPB Chapter 14.10

Staff recommendation:

Names for new dedications will be required for review and approval by the KPB Addressing Officer. Please submit to the Addressing Officer proposed names to be put on final.

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.
- Add reference to easement in bk 10 pg. 319 to the plat notes.
- Add standard flag lot note.
- 20.60.190. Certificates, statements, and signatures required.

Staff recommendation: comply with 20.60.190.

Under the Certificate of ownership and Dedication, correct Kenai under Joshua Hall's name.

EXCEPTIONS REQUESTED:

A. KPB 20.30.190 Lots - Dimensions - A

<u>Surveyor's Discussion:</u> Need an exception to KPB 0.30.190 for Tracts C and D. The peninsula that comprises these two lots is being divided so that there will be 2 building sites on the lake.

Page **5** of **7**

Staff Discussion: 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.

Findings:

- 1. Tract C has a ratio of 1.04: 1 depth to 3 times the width.
- 2. Tract D has a ratio of 1.70: 1 depth to 3 time the width.
- 3. When calculating the ratio past the flag pole section as required, the tracts are compliant.
- 4. Lake Suneva and Tract B help to create the neck of the flag poles.
- 5. Government lots ae located to the south of these tracts, owned by Cook Inlet Region Inc.
- 6. By splitting the peninsula, it creates two buildable tracts.
- 7. No other properties are affected by the division of the property.

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 & 7 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 & 7 appear to support this standard.
- 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 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

Page **6** of **7**

- 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.

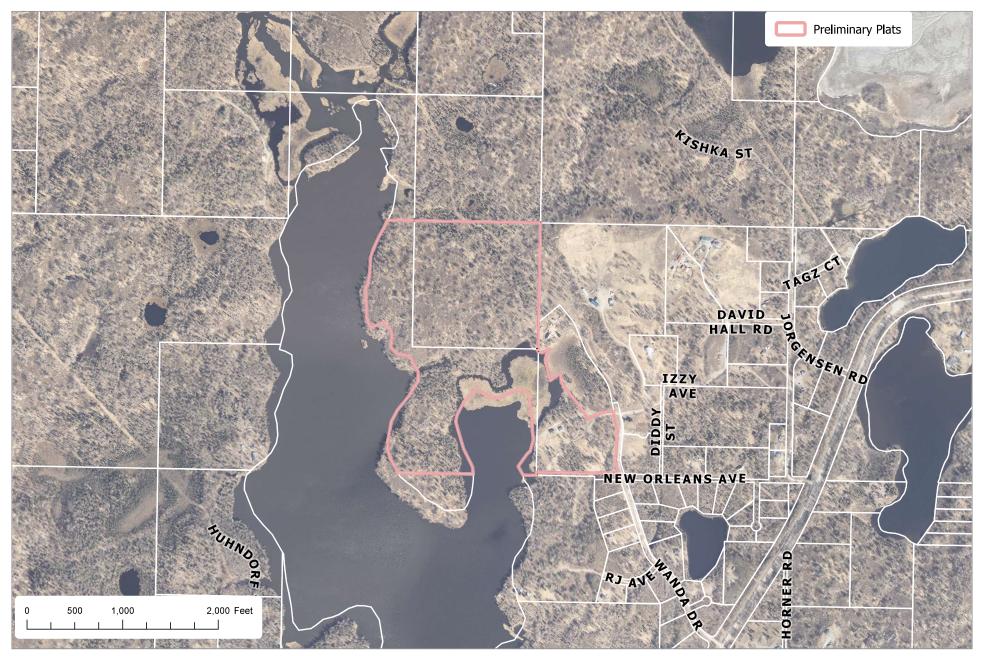
A DECISION OF THE PLANNING COMMISSION MAY BE APPEALED TO THE HEARING OFFICER BY A PARTY OF RECORD WITHIN 15 DAYS OF THE DATE OF NOTICE OF DECISION IN ACCORDANCE WITH KPB 21.20.250.

END OF STAFF REPORT



Aerial Map

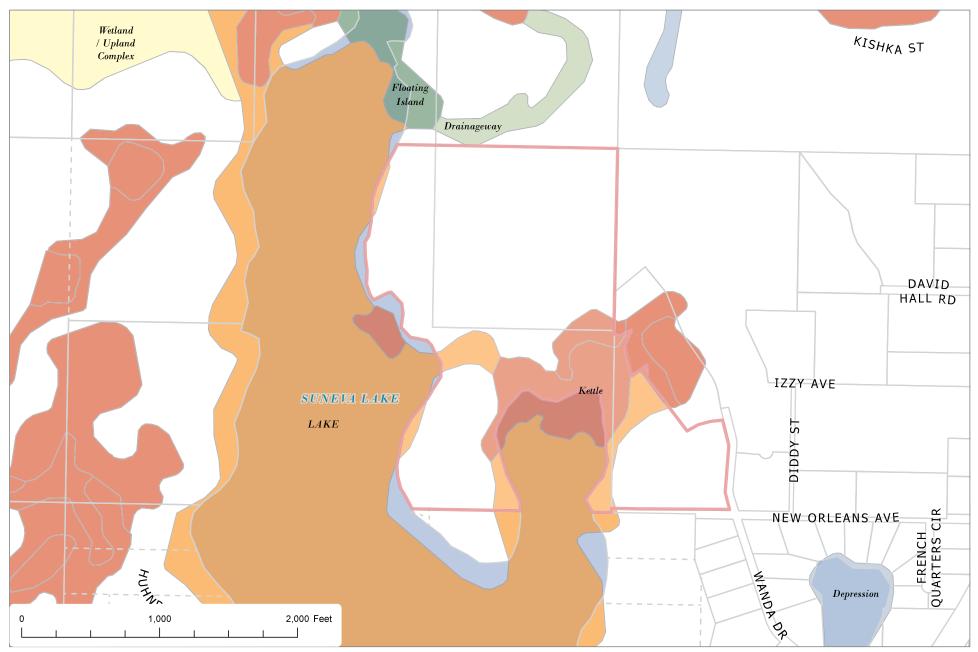
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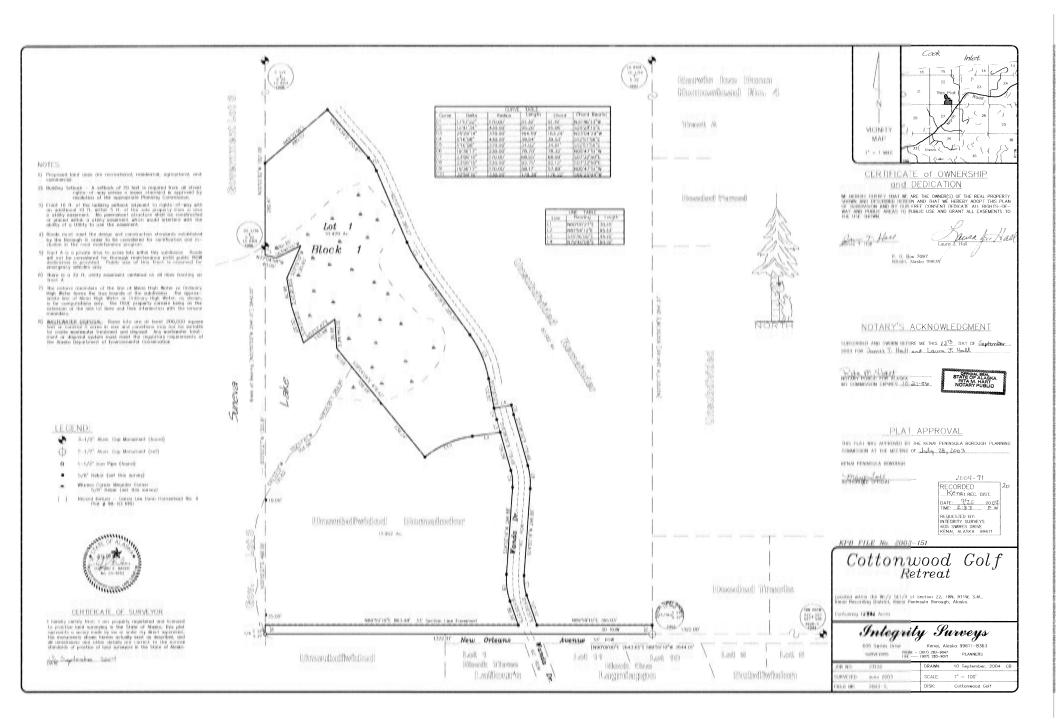


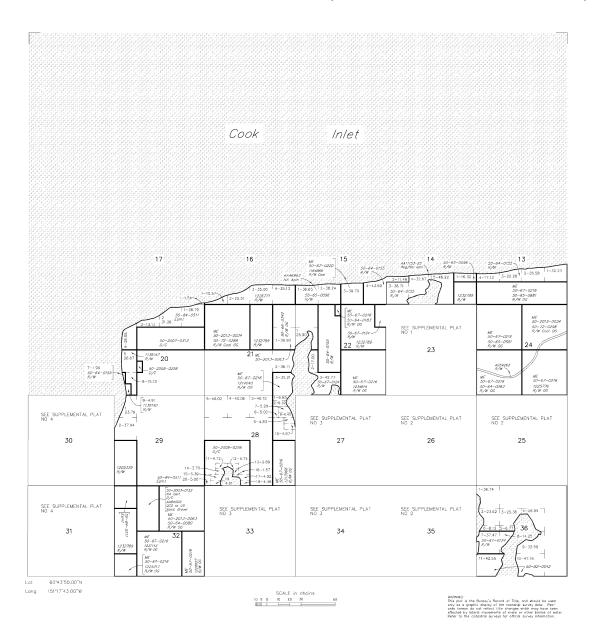


Wetlands

KPB File 2023-103R1 \(\)
12/15/2023 \(\)







STATUS OF PUBLIC DOMAIN LAND AND MINERAL TITLES

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FOR ORDERS EFFECTING DISPOSAL OR USE OF UN-IDENTIFIED LANDS WITHDRAWN FOR CLASSIFICATION MINERALS, WATER AND/OR OTHER PUBLIC PURPOSES REFER TO INDEX OF MISCELLANEOUS DOCUMENTS.

PL 92-203 Wdl AA6698

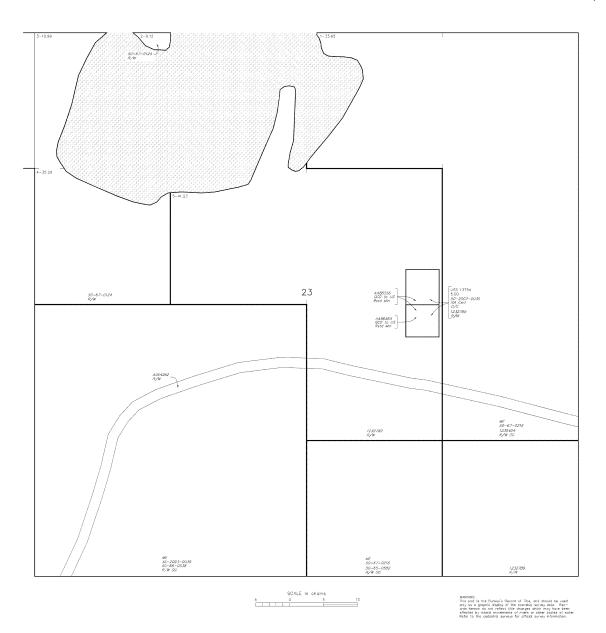
PLO 5184 Wdl Cl affects Lds/Interest not conveyed

A050580 SS entire Tp Excl NE1/4 Sec 24

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Group Survey 1118, approved 7/18/2011, affects patented Lds W/l section(s) 32

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MTP SUPPL SEC 23

NO.

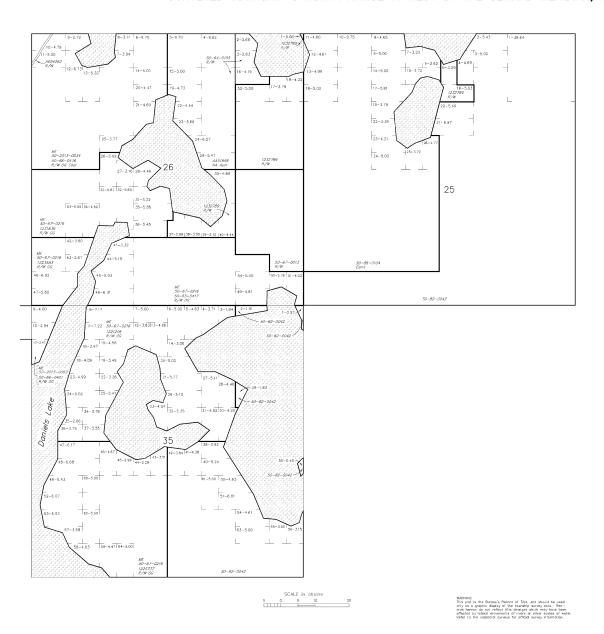
FOR ORDERS EFFECTING DISPOSAL OR USE OF UN-IDENTIFIED LANDS WITHDRAWN FOR CLASSIFICATION MINERALS, WATER AND/OR OTHER PUBLIC PURPOSES REFER TO MIDEX OF MISCELLANEOUS DOCUMENTS.

PL 92-203 Wdl AA6698

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STATUS OF PUBLIC DOMAIN LAND AND MINERAL TITLES

MTP SUPPL SECS 25, 26, 35

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FOR ORDERS EFFECTING DISPOSAL OR USE OF UN-IDENTIFIED LANDS WITHDRAWN FOR CLASSIFICATION MINERALS, WATER AND/OR OTHER PUBLIC PURPOSES REFER TO MODEL OF MISCELLANEOUS DOCUMENTS.

PL 92-203 Wdl AA6698

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STATUS OF PUBLIC DOMAIN LAND AND MINERAL TITLES

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SUPPL SECS 27, 33, 34

FOR ORDERS EFFECTING DISPOSAL OR USE OF UN-IDENTIFIED LANDS WITHDRAWN FOR CLASSIFICATION MINERALS, WATER AND/OR OTHER PUBLIC PURPOSES REFER TO MIDEX OF WISCELLANEOUS DOCUMENTS.

PL 92-203 Wd/ AA6698

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STATUS OF PUBLIC DOMAIN LAND AND MINERAL TITLES

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PL 92-203 Wd/ AA6698

PLO 5184 Wdl Cl affects Lds/Interests not conveyed

A058731 SS Reserved Min Estate Only

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WARRING:
This plat is the Bureau's Record of Title, and should be used only as a graphic display of the township survey data. Records hereon do not reflect title changes which may have been affected by lateral movements of rivers or other badiss of well for the codestrol surveys for official survey infalled surveys for difficial survey infalled surveys.

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