

E. NEW BUSINESS

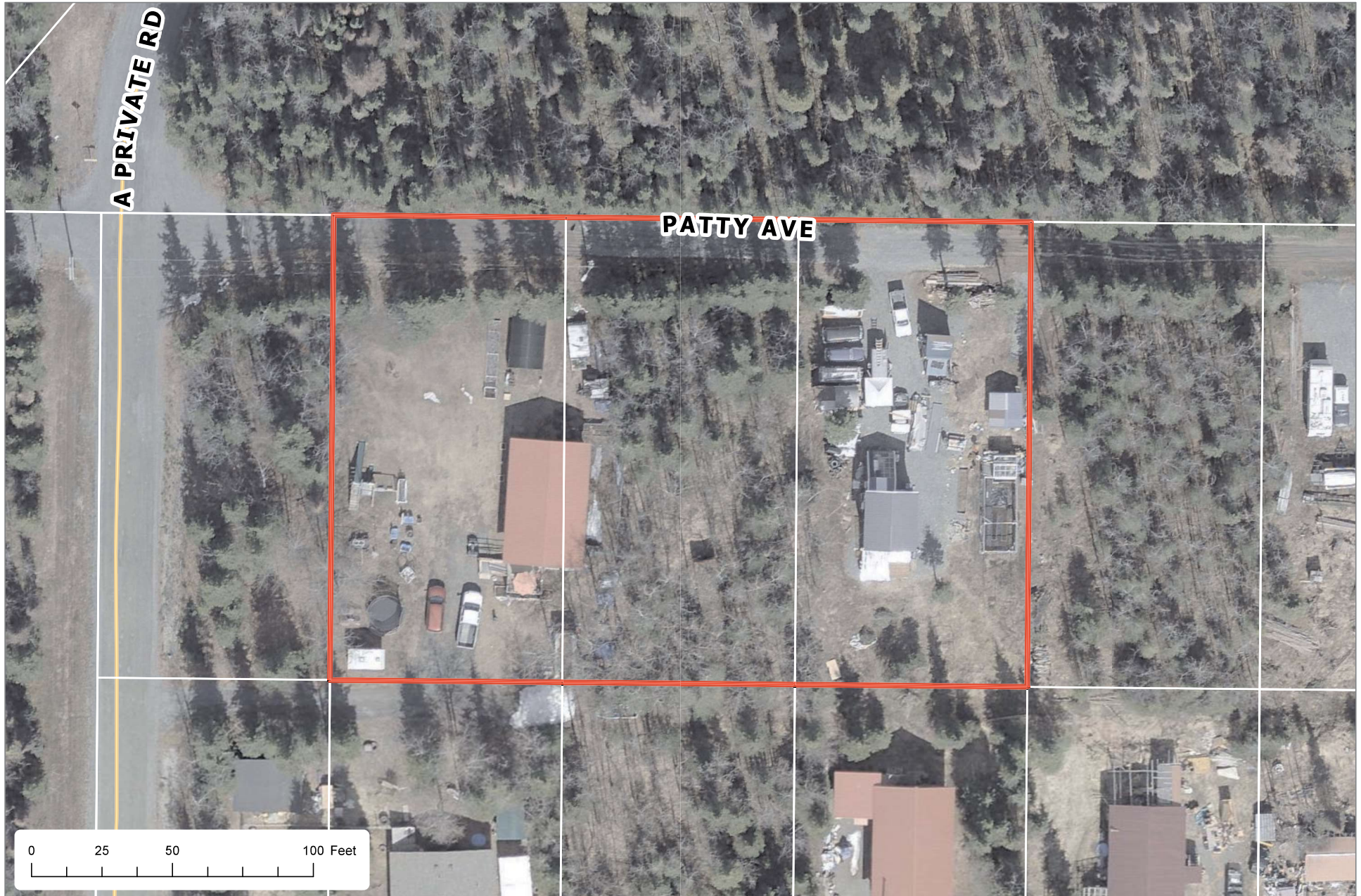
- 6. Gatten Subdivision 2024 Replat**
 - KPB File 2023-136**
 - Segesser Surveys / Hill, Croom**
 - Location: Patty Avenue**
 - Sterling Area**



KPB File # 2023-136

T05N R08W Section 7

Sterling



The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.

 Preliminary Plats

LEGEND:

- 3 1/4" ALUM. CAP MONUMENT FOUND
- 5/8" REBAR w/ALUM. CAP FOUND
- 5/8" REBAR w/PLASTIC CAP FOUND
- 5/8" REBAR w/PLASTIC CAP LS8859 SET
- RECORD DATUM PLAT 2011-41 KRD

PLAT APPROVAL

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

KENAI PENINSULA BOROUGH

AUTHORIZED OFFICIAL

NOTES:

- 1) Basis of bearing taken from Gatten Subdivision Mills Replat, Plat 2008-82, Kenai Recording District.
- 2) Building Setback-A setback of 20 feet is required from all street Rights-of-Way unless a lesser standard is approved by resolution by the appropriate Planning Commission.
- 3) 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.
- 4) An easement for electric lines or system and/or telephone lines granted to Homer Electric Association is recorded in Book 3 Page 131, Kenai Recording District. No definite location disclosed.
- 5) Front 10 feet adjacent to right-of-ways and 20 feet 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.
- 6) No Engineer's Subdivision and Soils Report is available for this subdivision, soil conditions may be unsuitable for onsite wastewater treatment and disposal systems must meet the regulatory requirements of the Alaska Department of Environmental Conservation. The purpose of this platting action is to combine 2 lots into 1 and increase the area of another lot which will provide greater available wastewater disposal area as described by 20-60.020(A).



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 monuments shown hereon actually exist as described, and all dimensions and other details are correct.

Date _____

LINE	BEARING	DISTANCE
1	N00°09'56"W	15.00'

Unsubd.

Basis of Bearing
(N89°55'49"E) (1324.45') 1324.43'

North

CERTIFICATE of OWNERSHIP and DEDICATION

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND 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.

JON W. HILL
33465 PATTY AVENUE
STERLING, ALASKA 99672
FORMER LOTS 13 AND 14

OLENDIE E. CROOM AKA OLENDIE E. CROOM
P.O. BOX 181
STERLING, ALASKA 99672
FORMER LOT 15

NOTARY'S ACKNOWLEDGEMENT

FOR _____
ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____ 20____

NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES _____

NOTARY'S ACKNOWLEDGEMENT

FOR _____
ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____ 20____

NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES _____

KPB FILE No.

Gatten Subdivision 2024 Replat

A resubdivision of Lots 13, 14, and 15 Gatten Subdivision
Plat K-995, Kenai Recording District.
Located within the N/2 NW/4 Sec 7, T3N, R6W, S.M.,
Kenai Peninsula Borough, Alaska.

Containing 0.941 Ac.

Surveyor	Owners
Segesser Surveys 30485 Roeland St. Soldotna, AK 99669 (907) 262-3909	Jon W. Hill 33465 Patty Ave. P.O. Box 181 Sterling, AK 99672 Glendie E. Croom 33465 Patty Ave. P.O. Box 181 Sterling, AK 99672
JOB NO. 23166	DRAWN: 12-7-23
SURVEYED: Aug., 2023	SCALE: 1"=30'
FIELD BOOK: 23-3	SHEET: 1 of 1

KPB 2023-136

AGENDA ITEM E. NEW BUSINESS

**ITEM #6 - PRELIMINARY PLAT
GATTEN SUBDIVISION 2024 REPLAT**

KPB File No.	2023-136
Plat Committee Meeting:	January 8, 2024
Applicant / Owner:	Glendale Croom of Sterling and Jon Hill of Sterling
Surveyor:	John Segesser / Segesser Surveys
General Location:	Patty Ave in Sterling AK

Parent Parcel No.:	065-041-06, 065-041-07 & 065-041-08
Legal Description:	Lots 13, 14 & 15 Gatten Subdivision
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	onsite
Exception Request	20.40.100

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide 3 lots into 2 lots ranging in size from 0.316 acres to 0.539 acres.

Location and Legal Access (existing and proposed): The plat has access to Patty Ave which is currently a 15 foot easement being maintained by the City of Sterling. Patty Ave is gotten to from Sterling Highway at approximately mile post 81.5 to A Private Rd to Patty Ave. Sterling Highway is State Maintained and A Private Rd is Borough maintained.

The proposes to dedicate a 15 foot wide road along Patty Ave that is shown as an easement on the parent plat Gatten Subdivision Plat K-995. The easements have been determined to be 15 feet wide on the outside of the plat and 30 feet wide easement on the interior of the plat in a previous platting (Gatten Subdivision Mills Replat KN 2009-82) and staff is maintaining that interpretation. **Staff recommends:** the Plat Committee concur that an exception is not needed for KPB 20.30.120 due to maintaining consistency of right-of-way across the subdivision. 45 feet will come from property to the north.

Block length is compliant, being that Patty Ave is 1320 feet long and A Private Rd and Sterling Highway complete the block.

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

Site Investigation:

The plat is relatively flat across it as contours do not show on the map when looked at for the subdivision. There is a slight slope to the northwest toward the Moose River.

There are no wetlands shown on the plat and currently the plat is not listed within a Flood Insurance Rate Map (FIRM) area. Staff at the KPB River Center has asked that prior to Administrative Approval of the final, they be notified to check against the new FIRM maps if they have been adopted at that time.

There are improvements on the plat, located on current Lots 13 and 15. When the plat is complete the improvements will remain on Lots 13A and 15A. the plat is fixing an encroachment issue from Lot 15 by moving the line to alleviate the problem.

KPB River Center review	<p>A. Floodplain</p> <p>Reviewer: Hindman, Julie Floodplain Status: Not within flood hazard area Comments: Staff requests to be notified when a final is submitted. If after the new FIRM maps are adopted a plat note may be required.</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 land was previously an aliquot part of Section 7, Township 5 North Range 8 West of the Seward Meridian, Alaska. Gatten Subdivision K-995 subdivided the N1/2 of the NW/4 of the SE1/4 of said Section 7 into 64 lots having 4 road easement and 2 alley easements. This platting action is re-subdividing 3 of those lots with a dedication of the road easement along the north of the lots.

A request for an exception to KPB 20.40.100 Waster Water Soils Report has been received.

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.

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

Utility Easements

The original plat Gatten Subdivision K-995 identifies a 15 foot utility easement going along with the road easement on the north, which is shown on the drawing.

The plat is also proposing a 10 foot utility easement along the front 10' adjacent to the right-of-way and 20 feet within 5' of the side lot lines, both shown on the plat and listed in the 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:

HEA	
-----	--

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

KPB department / agency review:

Addressing	<p>Reviewer: Leavitt, Rhealyn Affected Addresses: 33481 PATTY AVE, 33471 PATTY AVE, 33465 PATTY AVE</p> <p>Existing Street Names are Correct: No</p> <p>List of Correct Street Names: PATTY AVE, A PRIVATE RD, MOCKINGJAY AVE</p> <p>Existing Street Name Corrections Needed: GATTEN RD WAS CHANGED TO MOCKINGJAY AVE SN 2012-07</p> <p>All New Street Names are Approved: No</p> <p>List of Approved Street Names:</p> <p>List of Street Names Denied:</p> <p>Comments: 33481 PATTY AVE WILL REMAIN WITH LOT 15A, 33465 PATTY AVE WILL REMAIN WITH LOT 13A.</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.</p>
Assessing	<p>Reviewer: Windsor, Heather Comments: No comment</p>
Advisory Planning Commission	

STAFF RECOMMENDATIONS
CORRECTIONS / EDITS

Add record dimensions to the drawing.

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 to KPB File No '2023-136'

Check spelling in the legal description

- 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 and label A Private Rd to the northwest.

- 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:

Alley should be a 10' easement per K-995

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.

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: comply with 20.60.190.

Add Certificate of Acceptance to final

Add date of January 8, 2024 to Plat Approval

20.60.200. Survey and monumentation.

Staff recommendation: comply with 20.60.200

Tie the subdivision to closest BLM / GLO corner

EXCEPTIONS REQUESTED:

A. KPB 20.40.100 Soils Analysis and Report

Surveyor's Discussion: We would like a request an exception to the engineer's wastewater report

Staff Discussion:

20.40.010. - Wastewater disposal.

A. All lots within a proposed subdivision in the Kenai Peninsula Borough must meet the following applicable standards of this chapter for wastewater disposal.

20.40.100. - Soils analysis and report.

A. The soils analysis and report required by this chapter must demonstrate subsurface conditions and soils are suitable for designation as a usable wastewater disposal area under KPB 20.40.040(A)(4).

20.40.020. - Wastewater system review not required.

A. Wastewater system review will not be required if any of the following criteria are satisfied:

1. The existing parent subdivision was approved by the Department of Environmental Conservation, current state agency, or the Kenai Peninsula Borough under this chapter and the proposed subdivision is limited to:
 - a. Vacating lot lines to create fewer lots;
 - b. Moving one or more lot lines a total distance of ten feet or less without increasing the number of lots having prior onsite wastewater approval; or
 - c. Moving one or more lot lines without increasing the number of developable lots, while maintaining a minimum of 20,000 square feet of contiguous area, as described in KPB 20.40.040(A)(4)(a), for each lot affected by the lot line movement.
2. The plat increases lot sizes by 1,000 square feet or more of area suitable for conventional development.
3. The sole purpose of a plat is to depict an area approved for vacation under KPB Chapter 20.65 or under KPB 20.10.090.
4. The sole purpose of a plat is to show a survey and delineate parcels as a condition prior to transfer of title for a municipal entitlement pursuant to AS 29.65, under KPB 20.10.100.

Findings:

1. **There are existing systems in use.**
2. **The systems shall remain on the lots with the houses they service.**
3. **There should be no effect to the neighbors by use of the current systems.**
4. **The plat is reducing lots from 3 to 2.**
5. **Lot 13A decreased by 1271 sq ft.**
6. **Lot 15A increased by 1390 sq ft.**
7. **The plat is to fix an encroachment issue.**

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 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 – 4 & 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, 2, 4 & 7 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 3, 4 & 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
- 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



The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.

 Preliminary Plats

Located in $N\frac{1}{2}$ of $NW\frac{1}{4}$ of $SE\frac{1}{4}$ of
Sec. 7, T5N, R8W, S.M., Alaska.

35

Charlotte & son

NORTH

121.

← 591 →

75

SOUTH

30 Ft. Lowland
Muddy & ROAD

20 Ft
Alley

15th & vicinity of Broad & Exchange Sts.
Remains east side of Broadway

Homor \leftrightarrow Hi-way \rightarrow Anchorage

Gaffen Sub. K-995

GATTEN SUBDIVISION.
Located in NW 1/4 of Sec. 12, T. 2N, R. 8W, M. 2, Alaska.
7. 12. 1964

K-995

61 - 1224

Book III Page 199

RECORDED - FILED	
<u>Kenai</u>	REC. DIST.
DATE <u>12-4</u>	19 <u>64</u>
TIME <u>3:10</u>	<u>P</u> .M.
Requested by <u>Charles Dase</u>	
Address _____	

K-995 ps 2



LEGEND:

- MONUMENT (found this survey)
- REBAR (found this survey)
- REBAR (not this survey)
- () RECORD DATUM PLAT 73-32 RRB

NOTES:

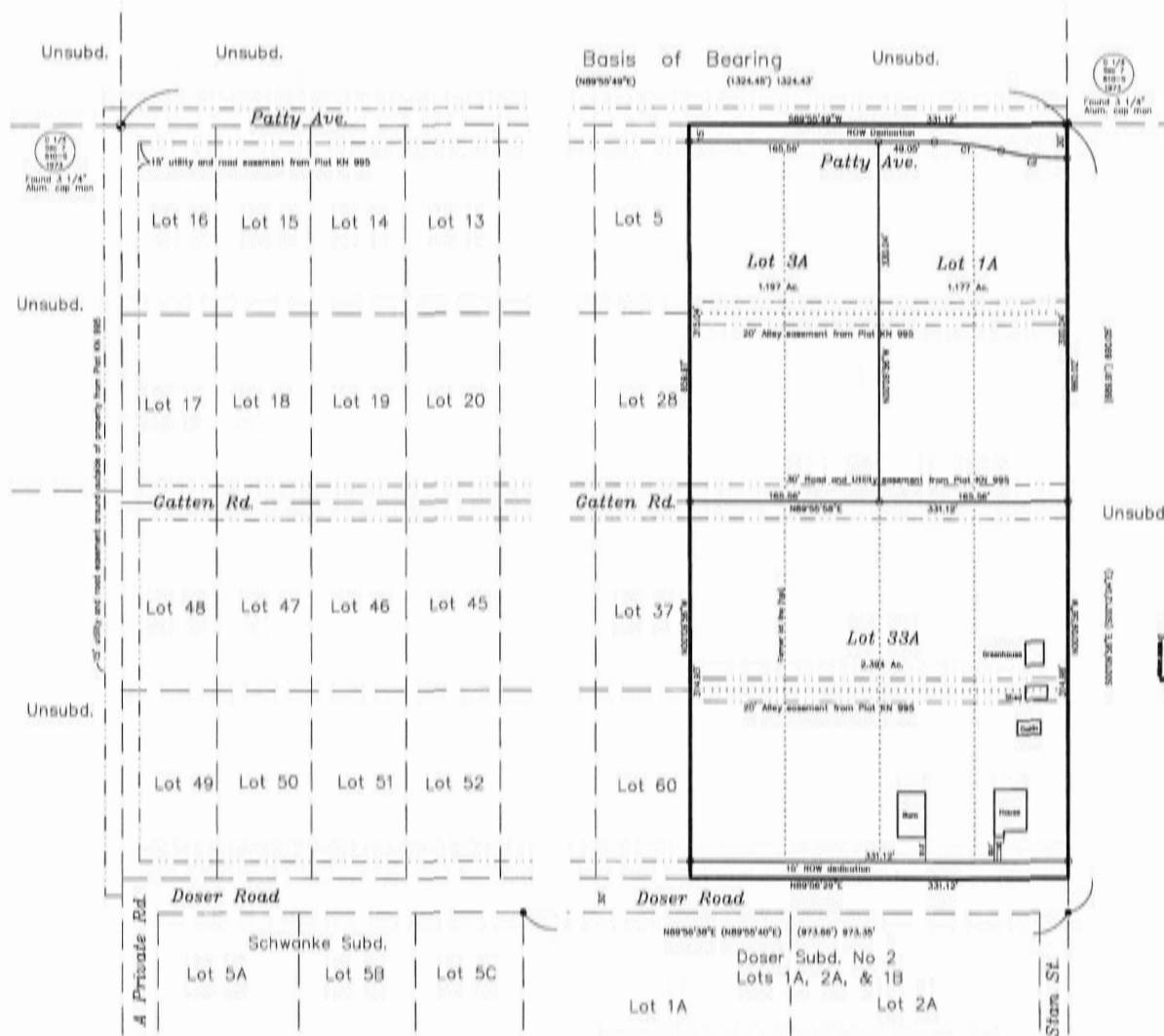
- 1) Basis of bearing taken from Dezer Subdivision No. 2, Plat 73-32 Kenai Recording District.
- 2) Building Setback-A setback of 30 feet is required from all street Rights-of-Way unless a lesser standard is approved by resolution by the appropriate Planning Commission.
- 3) Existing structures on Lot 33A preclude the location of the building setback and are exempt from the requirement. Any new or replacement construction will be subject to the restriction.
- 4) Exceptions to KPB 20.20.110 (street width) and KPB 20.20.630 (dedication of Gatten Road and Stora's Street) were granted by the Plat Committee at the meeting of October 26, 2009.
- 5) All waste disposal systems shall comply with existing laws at the time of construction.
- 6) 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.
- 7) No Engineer's Subdivision and Sales Report is available for this subdivision, soil conditions may be unsuitable for onsite wastewater treatment and disposal systems must meet the regulatory requirements of the Alaska Department of Environmental Conservation. The purpose of this plotting action is to combine 16 lots into 3, which will provide greater available wastewater disposal area as described by 20.14.040(4)(c).



SURVEYOR'S CERTIFICATE

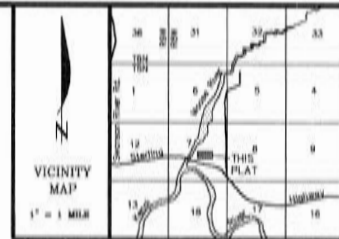
I hereby certify that: I am properly registered and licensed to practice land surveying in the State of Alaska, this plan represents a survey made by me or under my direct supervision, the monuments shown herein actually exist as described, and all dimensions and other details are correct.

Date 12-8-09



CURVE TABLE					
CURVE	DELTA	RADIUS	TANGENT	CHORD	CHORD BEARING
C1	14°40'20"	230.00	58.30	39.81	S82°43'52"W
C2	14°40'43"	230.00	58.37	39.87	S82°44'04"E

RECORDED
Kenai REC. DIST.
DATE: 12/10/09
TIME: 11:00 AM
REQUESTED BY:
SEGESSER SURVEYS
30485 ROSLAND ST.
SOLDOTNA, AK 99669



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 ADAPT THIS PLAN OF SUBDIVISION AND BY MY FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

Seymour Marvin Mills
SEYMOUR MARVIN MILLS
AKA SEYMOUR M. MILLS, JR.
P.O. BOX 51
STERLING, AK 99672

NOTARY'S ACKNOWLEDGMENT

SUBSCRIBED AND SWORN BEFORE ME THIS 7 DAY of December, 2009, for *Seymour Marvin Mills*



Patricia Hatten
NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES 3-7-13

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF OCTOBER 26, 2009.

KENAI PENINSULA BOROUGH

Patricia Hatten
AUTHORIZED OFFICIAL

KPB FILE No. 2009-161

Gatten Subdivision Mills Replat

A replat of lots 1-3, 28-36, and 61-64 of Gatten Subdivision, Plat 955, Kenai Recording District. Located within the N1/2 S21/4 S21/4 Section 7, T9N, R9W, S.M., Kenai Recording District, Kenai Peninsula Borough, Alaska.

October 3, 2017 An.

SEGESSER SURVEYS
30485 Rosland St.
Soldotna, AK 99669

JOB NO. 09087	DATE: 12-3-09
SURVEYED: Sept., 2009	SCALE: 1"=50'
FIELD BOOK: 09-3	SHEET: 1 of 1