



Meeting Agenda Plat Committee

Monday, October 24, 2022

6:00 PM

Betty J. Glick Assembly Chambers

Zoom Meeting ID: 907 714 2200

The hearing procedure for the Plat Committee public hearings are as follows:

- 1) Staff will present a report on the item.
- 2) The Chair will ask for petitioner's presentation given by Petitioner(s) / Applicant (s) or their representative – 10 minutes
- 3) Public testimony on the issue. – 5 minutes per person
- 4) After testimony is completed, the Planning Commission may follow with questions. A person may only testify once on an issue unless questioned by the Planning Commission.
- 5) Staff may respond to any testimony given and the Commission may ask staff questions.
- 6) Rebuttal by the Petitioner(s) / Applicant(s) to rebut evidence or provide clarification but should not present new testimony or evidence.
- 7) The Chair closes the hearing and no further public comment will be heard.
- 8) The Chair entertains a motion and the Commission deliberates and makes a decision.

All those wishing to testify must wait for recognition by the Chair. Each person that testifies must write his or her name and mailing address on the sign-in sheet located by the microphone provided for public comment. They must begin by stating their name and address for the record at the microphone. All questions will be directed to the Chair. Testimony must be kept to the subject at hand and shall not deal with personalities. Decorum must be maintained at all times and all testifiers shall be treated with respect.

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF AGENDA, EXCUSED ABSENCES, AND MINUTES

All items marked with an asterisk () are consent agenda items. Consent agenda items are considered routine and noncontroversial by the Plat Committee and may be approved by one motion. There will be no separate discussion of consent agenda items unless a Planning Commissioner removes the item from the consent agenda. The removed item will then be considered in its normal sequence on the regular agenda. If you wish to comment on a consent agenda item, please advise the recording secretary before the meeting begins, and she will inform the Chair of your wish to comment.*

1. Agenda
2. Member / Alternate Excused Absences
3. Minutes

[KPB-4695](#) October 10, 2022 Plat Committee Meeting Minutes

Attachments: [C. 101022 Plat Committee Meeting Minutes](#)

D. OLD BUSINESS

E. NEW BUSINESS

1. [KPB-4696](#) North Subdivision AHO Replat; KPB File 2022-152
Attachments: [E1. North 20 Sub AHO Replat Packet](#)
2. [KPB-4697](#) Birch Forest No. 3; KPB File 2022-151
Attachments: [E2. Birch Forest No. 3 Packet](#)
3. [KPB-4698](#) R Subdivision; KPB File 2022-091R1
Attachments: [E3. R Subdivision Packet](#)
4. [KPB-4699](#) Red Boat Subdivision; KPB File 2022-150
Attachments: [E4. Red Boat Subdivision Packet](#)
5. [KPB-4700](#) D & J Subdivision Burt Addition 2022 Replat; KPB File 2022-145
Attachments: [E5. D&J Sub Burt Addition 2022 Replat Packet](#)
6. [KPB-4701](#) Grouse Creek Subdivision 2022 Addition; KPB File 2022-022R1
Attachments: [E6 Grouse Creek Sub 2022 Addition Packet](#)
7. [KPB-4702](#) KMD Subdivision 2022 Addition; KPB File 2022-146
Attachments: [E7. K.M.D. Subdivision 2022 Addition Packet](#)
8. [KPB-4703](#) Waldron-Engle Subdivision; KPB File 2022-147
Attachments: [E8. Waldron-Engle Subdivision Packet](#)

F. PUBLIC COMMENT

(Items other than those appearing on the agenda or scheduled for public hearing. Limited to five minutes per speaker unless previous arrangements are made)

G. ADJOURNMENT**MISCELLANEOUS INFORMATIONAL ITEMS****NEXT REGULARLY SCHEDULED PLAT COMMITTEE MEETING**

The next regularly scheduled Plat Committee meeting will be held Monday, November 14, 2022 in the Betty J. Glick Assembly Chambers of the Kenai Peninsula Borough George A. Navarre Administration Building, 144 North Binkley Street, Soldotna, Alaska at 7:30 p.m.

KENAI PENINSULA BOROUGH PLANNING DEPARTMENT

Phone: 907-714-2215

Phone: toll free within the Borough 1-800-478-4441, extension 2215

Fax: 907-714-2378

e-mail address: planning@kpb.us

website: <http://www.kpb.us/planning-dept/planning-home>

Written comments will be accepted until 1:00 p.m. on the last business day (usually a Friday) before the day of the Plat Committee meeting in which the item is being heard. If voluminous information and materials are submitted staff may request seven copies be submitted. Maps, graphics, photographs, and typewritten information that is submitted at the meeting must be limited to 10 pages. Seven copies should be given to the recording secretary to provide the information to each Committee member. If using large format visual aids (i.e. poster, large-scale maps, etc.) please provide a small copy (8 ½ x 11) or digital file for the recording secretary. Audio, videos, and movies are not allowed as testimony. If testimony is given by reading a prepared statement, please provide a copy of that statement to the recording secretary.

An interested party may request that the Planning Commission review a decision of the Plat Committee by filing a written request within 10 days of the written notice of decision in accordance with KP.B 2.40.080.

C. CONSENT AGENDA

***3. Minutes**

October 10, 2022 Plat Committee Meeting Minutes

Kenai Peninsula Borough

Plat Committee

Betty J. Glick Assembly Chambers, Kenai Peninsula Borough George A. Navarre Administration Building

October 10, 2022
6:00 PM
UNAPPROVED MINUTES

A. CALL TO ORDER

Chair Gillham called the meeting to order at 6:00 p.m.

B. ROLL CALL

Plat Committee Members/Alternates

Pamela Gillham, District 1 – Kalifornsky
Franco Venuti, City of Homer
Dawson Slaughter, District 9 – South Peninsula
Troy Staggs, City of Seward

Staff Present

Vince Piagentini, Platting Manager
Julie Hindman, Platting Specialist
Walker Steinhage, Deputy Borough Attorney
Ann Shirnberg, Planning Administrative Assistant
Rhonda Foster-Deskins, LMD Administrative Assistant

C. APPROVAL OF AGENDA, EXCUSED ABSENCES, AND MINUTES

*3 Minutes

- a. September 26, 2022 Plat Committee Meeting Minutes

*4 Grouped Plats

1. Clam Gulch Heights 2022 Addition; KPB File 2022-136
Johnson Surveying / Wann Family Trust, Ciccone
Location: Ciccone Street & Russel Avenue
Clam Gulch Area
2. Kachemak Estates 17; KPB File 2022-144
Orion Surveys / Turkington
Location: Carolyn Circle & East End Road
Kachemak Area

Chair Gillham asked Platting Manager Vince Piagentini to give the staff report for the grouped plats.

Platting Manager Vince Piagentini gave the staff report for the grouped plats and noted that there was one plat containing in the report, Clam Gulch Heights 2022 Addition; KPB File 2022-136.

Chair Gillham asked if anyone from the public wished to speak to any of the items under the consent agenda. Hearing no one wishing to comment. Hearing no one wishing to comment, discussion was opened among the commission.

MOTION: Commissioner Slaughter moved, seconded by Commissioner Venuti to approve the agenda, the September 12, 2022 Plat Committee meeting minutes and grouped plats based on staff recommendations and compliance to borough code.

Seeing and hearing no objection or discussion, the motion was carried by the following vote:

MOTION PASSED BY UNANIMOUS VOTE

Yes	4	Gillham, Slaughter, Staggs, Venuti
No	0	

E. NEW BUSINESS

Chair Gillham asked Ms. Shirnberg to read into the record the public hearing procedures.

Platting Specialist, Julie Hindman, informed Chair Gillham that plat, Charles & Barbara Scott Subdivision, KPB File 2022-118, had been pulled from the agenda after initial notices had been sent out. A second notice was sent out, informing the recipients of the earlier notice, that the plat had been pulled. Just in case someone had not seen the second notice, Ms. Hindman requested that Chair Gillham check and see if there was anyone in attendance that wished to comment on this plat.

Chair Gillham asked if there was anyone wishing to comment on Charles & Barbara Scott Subdivision. Seeing and hearing no one wishing to comment, public comment was closed.

ITEM E1 – CLAM GULCH HEIGHTS 2022 ADDITION

KPB File No.	2022-136
Plat Committee Meeting:	October 10, 2022
Applicant / Owner:	Jim and Debbie Wann Family Trust of Clam Gulch, Alaska and Anthony and Kathleen Ciccone of Houston, Texas
Surveyor:	Jerry Johnson / Johnson Surveying
General Location:	Russell Avenue, Clam Gulch
Parent Parcel No.:	137-370-13, 137-370-14, and 137-370-30
Legal Description:	Lots 11 and 12 of Clam Gulch Heights Glendening 1979 Subdivision of Tracts 12-18 (KN 81-135) and Lot 8A of Clam Gulch Heights 2011 Addition (KN 2011-60)
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On-site

**Passed Under The Consent Agenda*

ITEM E2 – KACHEMAK ESTATES 17

KPB File No.	2022-144
Plat Committee Meeting:	October 10, 2022
Applicant / Owner:	Alan and Joyce Turkington of Homer, Alaska
Surveyor:	Tom Latimer / Orion Surveys
General Location:	East End Road, Carolyn Circle, City of Kachemak
Parent Parcel No.:	174-060-70, 174-060-90
Legal Description:	Tract C-2-A Kachemak Estates 15, HM 2016-30 and Tract A1 Kachemak Estates 14, HM 2006-102
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On site

**Passed Under The Consent Agenda*

ITEM E3 – STUTES ESTATE

KPB File No.	2022-139
Plat Committee Meeting:	October 24, 2022
Applicant / Owner:	Dorothy Florence Stutes Trust of Anchor Point, Alaska
Surveyor:	Jason Schollenberg / Peninsula Surveying, LLC
General Location:	Haven Avenue, Anchor Point, Anchor Point APC

Parent Parcel No.:	165-162-24
Legal Description:	N1/2 NE1/4 and NE1/4 NW1/4 of Section 25, Township 4 South, Range 15 West
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On site

Staff report given by Platting Manager Vince Piagentini.

Chair Gillham opened the item for public comment. Seeing and hearing no one wishing to comment, public comment was closed and discussion was opened among the committee.

MAIN MOTION: Commissioner Slaughter moved, seconded by Commissioner Staggs to grant preliminary approval to Stutes Estate, based on staff recommendations and compliance to borough code.

EXCEPTION REQUEST A1: Commissioner Slaughter moved, seconded by Commissioner Staggs to grant exception request to KPB 20.30.030(A) – Proposed Street Layout Requirements and KPB 20.30.170 – Block Length Requirements, for dedications along the south boundary east of the proposed Lloyd Street dedication, citing findings 4, 5, and 8-11 in support of standards one, two and three.

Seeing and hearing no objection or discussion, the motion was carried by the following vote:

EXCEPTION REQUEST A1 PASSED BY UNANIMOUS VOTE

Yes	4	Gillham, Slaughter, Staggs, Venuti
No	0	

EXCEPTION REQUEST A2: Commissioner Slaughter moved, seconded by Commissioner Staggs to grant exception request to KPB 20.30.030(A) – Proposed Street Layout Requirements and KPB 20.30.170 – Block Length Requirements, for dedications along the west boundary and the south boundary west of the Lloyd Street dedication.

Seeing and hearing no objection or discussion, the motion was carried by the following vote:

EXCEPTION REQUEST A2 FAILED BY UNANIMOUS VOTE

Yes	0	
No	4	Gillham, Slaughter, Staggs, Venuti

FINDINGS MOTION: Commissioner Slaughter moved, seconded by Commissioner Staggs to attach findings 1-3, 12-15 & 17 in support of the denial.

Seeing and hearing no objection or discussion, the motion was carried by the following vote:

FINDINGS MOTION PASSED BY UNANIMOUS VOTE

Yes	4	Gillham, Slaughter, Staggs, Venuti
No	0	

EXCEPTION REQUEST B: Commissioner Slaughter moved, seconded by Commissioner Staggs to grant exception request to KPB 20.30.190(B) – Lot Dimensions for Tract C, subject to plat notes regarding possible future limitations being added to the plat, citing findings 2, 3 and 7-12 in support of standards one, two and three.

Seeing and hearing no objection or discussion, the motion was carried by the following vote:

EXCEPTION REQUEST B PASSED BY UNANIMOUS VOTE

Yes	4	Gillham, Slaughter, Staggs, Venuti
No	0	

EXCEPTION REQUEST C: Commissioner Slaughter moved, seconded by Commissioner Staggs to grant exception request to KPB 20.60.050 – Dedication & Construction of Anadromous Waterbody Crossings for the dedication for Otta Street, subject to providing confirmation that there is not a crossing being used across the stream, citing findings 1, 2, 5, 7, 10 & 13, in support of standards one, two and three.

Seeing and hearing no objection or discussion, the motion was carried by the following vote:

EXCEPTION REQUEST C PASSED BY UNANIMOUS VOTE

Yes	4	Gillham, Slaughter, Staggs, Venuti
No	0	

Seeing and hearing no objection or discussion, the motion was carried by the following vote:

MAIN MOTION PASSED AS AMENDED BY UNANIMOUS VOTE

Yes	4	Gillham, Slaughter, Staggs, Venuti
No	0	

F. PUBLIC COMMENT

Chair Gillham asked if there was anyone from the public who would like to comment on anything not appearing on the agenda. No one wished to comment.

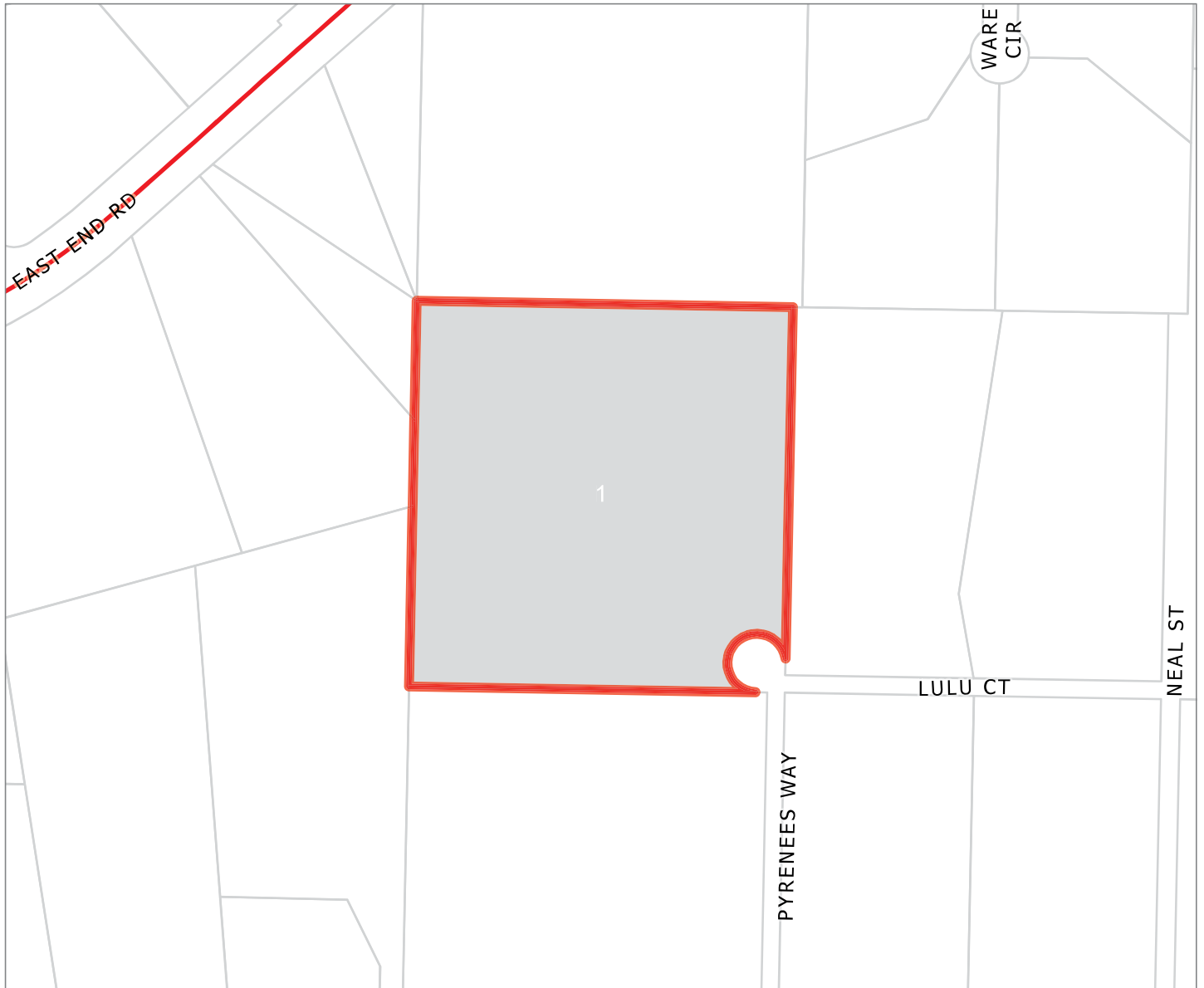
G. ADJOURNMENT

Commissioner Slaughter moved to adjourn the meeting 6:30 P.M.

Ann E. Shirnberg
Administrative Assistant

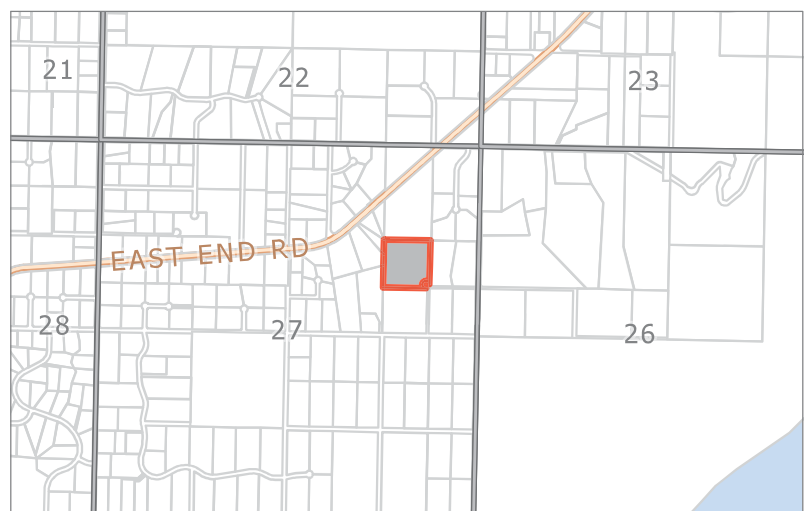
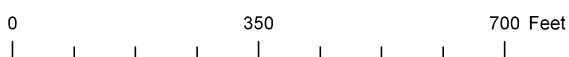
E. NEW BUSINESS

- 1. North 20 Subdivision AHO Replat
KPB File 2022-152**



KPB File 2022-152
T 05S R 12W SEC 27
Fritz Creek

10/3/2022





NOTES:

1. A building setback of 20 feet is required from all street rights-of-way unless a lesser setback is approved by resolution of the appropriate planning commission.
2. The front 10 feet and the entire setback within 5 feet of side lotlines is a utility easement.
3. 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.
4. Easement for electric lines or system together with the right to enter, maintain, repair, or clear shutoff was granted to Homer Electric Association in Book 26, Page 426, Former Recording District. No definite location disclosed.
5. A 25 feet wide roadway easement remains, for exclusive use of this subdivision, from the original 50 foot easement shown on the plat of South 20, Plat No. 83-32 H.R.D.
6. Wastewater Disposal: Lot which are at least 200,000 square feet or nominal five acres in size may not be suitable for onsite wastewater treatment and disposal. Any wastewater treatment and disposal systems must meet the regulatory requirements of the Alaska Department of Environmental Conservation.
7. Any person developing the property is responsible for obtaining all required local, state, and federal permits, including a U.S. Army Corps of Engineers wetlands determination, if applicable.
8. The Basis of Bearing for this plat was held from the plat of South 20 Subdivision, 2014 Replat, Plat No. 2014-34 H.R.D.

LEGEND

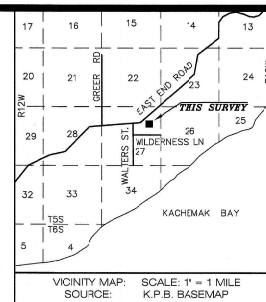
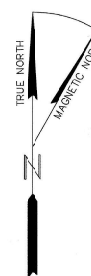
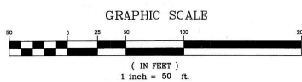
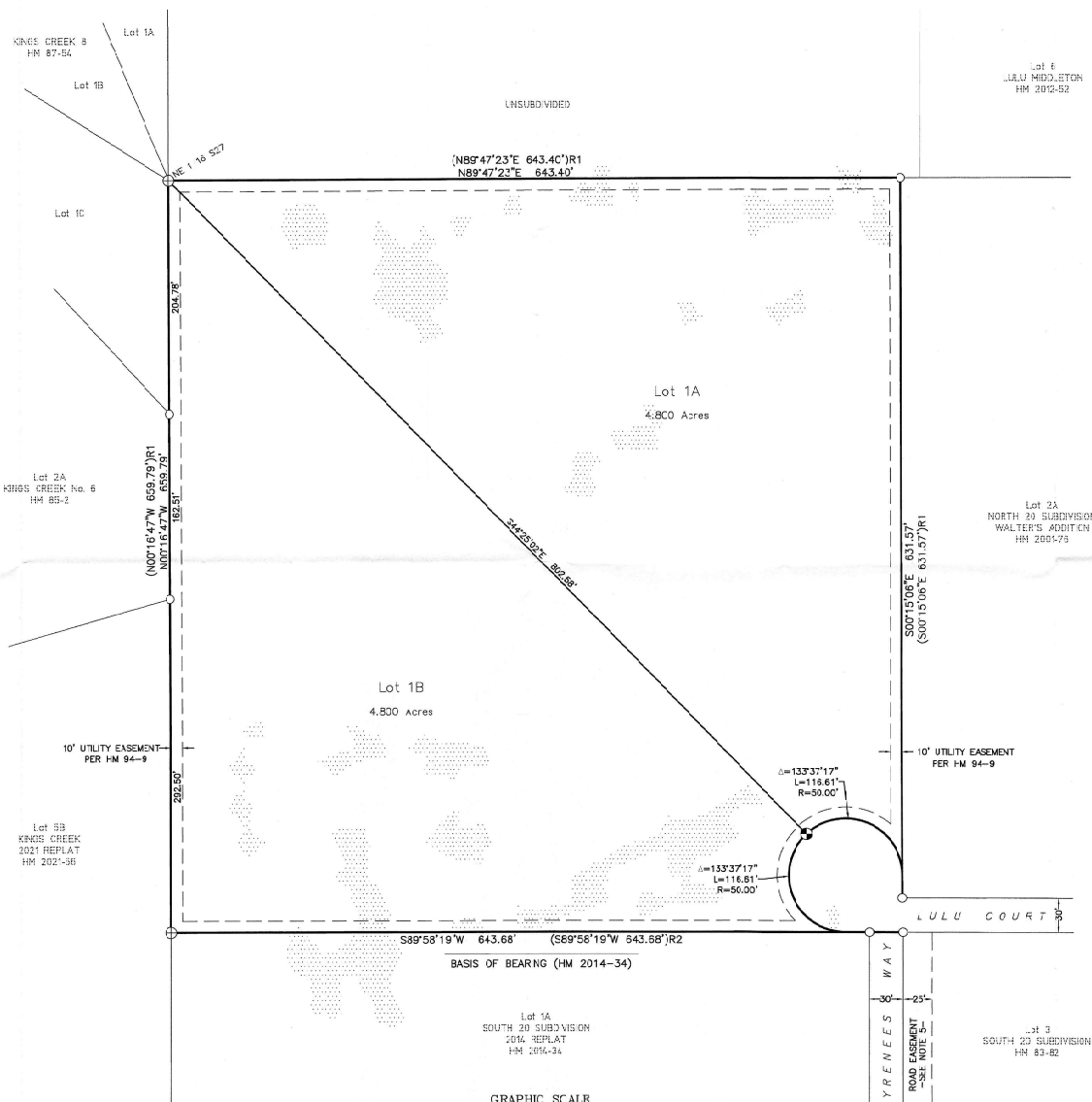
- Found Primary Monument, 3686-S
- Found 5/8" rebar
- Set 2 1/2" Alum. cap on 2" x 50' flanged Alum. pipe
- Set 2" Alum. cap on 5/8" x 24' rebar
- () F1 Record Information per: Plat No. 2001-76 H.R.D.
- () F2 Record Information per: Plat No. 2014-34 H.R.D.

Areas over 20% grade

SURVEYORS CERTIFICATE

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

Date:
Registration No.: 14449-S
Christopher L. Mullikin,
Professional Land Surveyor



CERTIFICATE OF OWNERSHIP AND DEDICATION

We hereby certify that we are the owners of the real property shown and described herein and that we hereby adopt this plan of subdivision and by our free consent dedicate all rights-of-way to public use and grant all easements to the use shown.

David Kudwa
PO Box 296
Homer AK 99603

Joe Whiteberry
PO Box 2181
Homer AK 99603

Wang Ting Fung
PO Box 296
Homer AK 99603

NOTARYS ACKNOWLEDGMENT

For: _____ AND _____
Acknowledged before me this _____ day of _____, 2022.

Notary Public for Alaska
My Commission expires: _____

PLAT APPROVAL

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of _____, 2022.

Kenai Peninsula Borough Authorized Official

NORTH 20 SUBDIVISION AHO REPLAT

A Subdivision of Lot 1, North 20 Subdivision,
Plat No. 94-9 H.R.D.

Located within the NW1/4SE1/4NE1/4 of Section 27,
Township 5 South, Range 12 West,
Seward Meridian, Kenai Peninsula Borough,
Third Judicial District, Alaska
Homer Recording District

Containing 9.559 Acres

SURVEYOR	CLIENT
MULLIKIN SURVEYS CHRISTOPHER MULLIKIN P.O. BOX 1023 HOMER, AK 99603 907-299-2289	DAVID KUDWA P.O. BOX 296 HOMER, AK 99603
SURVEY DATE: 9/12 - 8/30/2022	SCALE: 1" = 50'
PLAT DATE: 8/23/2022	BOOK No. 2022-1
CHECKED BY: CLM	FILE: NORTH 20
DRAWN BY: MRS	KPB FILE No. 2022-0000

KPB 2022-152

AGENDA ITEM E. NEW BUSINESS

ITEM 1 – NORTH 20 SUBDIVISION AHO REPLAT

KPB File No.	2022-152
Plat Committee Meeting:	October 24, 2022
Applicant / Owner:	David Kudwa, Joe Whitteberry, and Ting Fang Wang all of Homer, AK
Surveyor:	Christopher Mullikin / Mullikin Surveys
General Location:	Pyrenees Way, Lulu Court, Fritz Creek area

Parent Parcel No.:	172-061-06
Legal Description:	LOT 1, NORTH 20 SUBDIVISION, PLAT HM 94-9
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On Site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide a 9.56 acre parcel into two 4.8 acre lots.

Location and Legal Access (existing and proposed): The preliminary plat is located in the Fritz Creek area. There are several routes to access the property but many of those routes are not yet constructed and make use of section line easements. The constructed access is near mile 9.5 of state maintained East End Road. Walters Street and Wilderness Lane are borough maintained rights-of-way that provide access from East End Road to Pyrenees Way. Pyrenees Way is constructed but is only a 30 foot wide dedication atop a 25 foot portion of an access easement that was granted by Plat HM 83-82 for the use of the unsubdivided remainder to the north, which this subdivision and its parent lot were created. A 25 foot portion of the easement abuts the dedication to the east to provide a current 55 foot width. If the lot to the east is ever replatted it will be required to dedicate a 30 foot matching dedication. Pyrenees Way connects to Lulu Court, a 30 foot wide dedication that is partially constructed. The proposed plat is located on the Lulu Court cul-de-sac located west of the intersection of Lulu Court and Pyrenees Way.

The block exceeds allowable limits and an exception has been requested.

KPB Roads Dept. comments	Out of Jurisdiction: No Roads Director: Uhlin, Dil Comments: No comments
SOA DOT comments	No comment

Site Investigation: The subdivision contains gradual slopes to the south that are consistent throughout with a few areas of slopes with more than 20 percent grade. This areas are depicted on the preliminary plat. As some of the steeper slopes are present within Lot 1B's access area, ***staff recommends the steep slopes remain on the final plat and the depiction symbol be slightly increased in size to make more discernable on future copies.***

The only low wet areas present is a small area within the southeast corner of Lot 1A abutting the cul-de-sac. The Wetland/Upland Complex designated wetlands within the subdivision are present to the east and south and within the Lulu Court and Pyrenees Way dedications. The correct wetlands determination plat note is present.

It appears that there are some improvements present within proposed Lot 1A near the northern boundary. The driveway that appears to be in use is within Lot 1A. There does not appear to be any encroachment issues within the subdivision or with neighboring parcels.

KPB River Center review	A. Floodplain Reviewer: Carver, Nancy Floodplain Status: Not within flood hazard area Comments: No comments B. Habitat Protection Reviewer: Carver, Nancy Habitat Protection District Status: Is NOT within HPD Comments: No comments C. State Parks Reviewer: Russell, Pam Comments: No Comments
State of Alaska Fish and Game	No objections

Staff Analysis This is a replat of almost 10 acres into two lots. The parent lot was created by North 20 Subdivision, HM 94-9, which was a subdivision of an aliquot piece of land. The property originally had access via a 50 foot access easement shown on South 20 Subdivision, Plat HM 83-82.

The lots being created are each over 200,000 square feet and a soils report will be not be required.

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.

This is within the Kachemak Bay Advisory Planning Commission area. The Kachemak Bay APC is currently inactive.

Utility Easements The parent plat granted 10-foot utility easements around the perimeter of the lot. The proposed preliminary is carrying over the utility easement and has it correctly stated that it is from Plat HM 94-9.

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	Reviewer: Haws, Derek Affected Addresses: 54148 LULU CT Existing Street Names are Correct: No List of Correct Street Names: LULU CT PYRENEES WAY Existing Street Name Corrections Needed:
------------	--

	<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: 54148 LULU CT will remain with lot 1A.</p>
Code Compliance	<p>Reviewer: Ogren, Eric</p> <p>Comments: No comments</p>
Planner	<p>Reviewer: Raidmae, Ryan</p> <p>There are not any Local Option Zoning District issues with this proposed plat.</p> <p>Material Site Comments:</p> <p>There are not any material site issues with this proposed plat.</p>
Assessing	<p>Reviewer: Windsor, Heather</p> <p>Comments: No comment</p>

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

STAFF RECOMMENDATIONS **CORRECTIONS / EDITS**

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: All owners with their address must be within the title block.

- 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: Some of the lot designations contain hyphens per their plat.

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.

20.30.240. Building setbacks.

- A. A minimum 20-foot building setback shall be required for dedicated rights-of-way in subdivisions located outside incorporated cities.

A. The setback shall be graphically depicted and labeled on the lots; if such depiction will interfere with the legibility of the plat, a typical lot showing the depiction and label may be provided on the plat, clearly indicating that the typical setback applies to all lots created by the plat.

B. The setback shall be noted on the plat in the following format:

Building setback- A setback of 20 feet is required from all dedicated street right-of-ways unless a lesser standard is approved by resolution of the appropriate planning commission.

C. When a subdivision is affected by a Local Option Zoning District (LOZD), an approved by the assembly, all building setbacks shall be graphically depicted and labeled on the lots. A local option zoning setback shall be noted on the plat in the following format:

Building setback – This subdivision is located within (name of LOZD) Local Option Zoning District as contained in KPB Chapters 21.44 and 21.46 and adopted by KPB Ordinance (number), recorded under (serial no. and recording district). Information regarding the zoning restrictions and copies of the ordinance are available from the KPB Planning Department.

Staff recommendation: *Depict the setback or provide a typical depiction.*

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: Soils report is not required due to the size of the lots. Update the wastewater disposal plat note to comply with current code.

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.*

20.60.130. Boundary of subdivision. The boundary of the subdivision shall be designated by a wider border and shall not interfere with the legibility of figures or other data. The boundary of the subdivided area shall clearly show what survey markers, or other evidence, was found or established on the ground to determine the boundary of the subdivision. Bearing and distance ties to all survey markers used to locate the subdivision boundary shall be shown.

Staff recommendation: *The segment above Pyrenees Way should not be part of the subdivision boundary.*

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.*

- *Provide a plat note for any exceptions granted.*

Update plat note 6 by removing "or nominal five acres".

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: *The owners' names should match how they took title and the certificate to plat has them listed. Add another notary acknowledgement or provide another blank for a third name if all signing at the same time. Comply with 20.60.190.*

EXCEPTIONS REQUESTED:

KPB 20.30.170 – Blocks-Length Requirements

Staff Discussion: An exception has been requested to the non-compliant block lengths the block the preliminary plat is within.

Findings:

1. East End Road, Walters Street, Pyrenees Way, Lulu Court, Neal Street, and section line easements define the block.
2. The terrain within the block is a steady southern slope.
3. Areas within the block contain slopes greater than 20 percent.
4. East End Road, Walters Street, Pyrenees Way, and Lulu Court is the constructed access.
5. Wetlands are present to the east and south of the subdivision.
6. The terrain within the subdivision is similar to the terrain within the constructed rights-of-way.
7. A dedication along the eastern boundary will not continue north for a compliant block until the thirteen acre lot to the north is subdivided.
8. A dedication along the southern boundary would improve the block but will not complete the block unless the lot to the south dedicates a right-of-way.
9. A dedication along the south would not be able to extend further west with the current lot configurations, improvements, and road dedications in the western area.
10. Lulu Court was dedicated with a cul-de-sac bulb located in the southeast corner of the subdivision.
11. North 20 Subdivision, Plat HM 94-9 dedicated the cul-de-sac and created the parent lot.
12. Per KPB Code 20.30.100, Cul-de-sacs, a street to be permanently closed shall be no more than 1,000 feet long and end with a cul-de-sac with a 50 foot radius.
13. Lulu Court is under 1,000 feet in length and the bulb has a 50 foot radius.

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 7-13 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 7-13 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 7-13 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

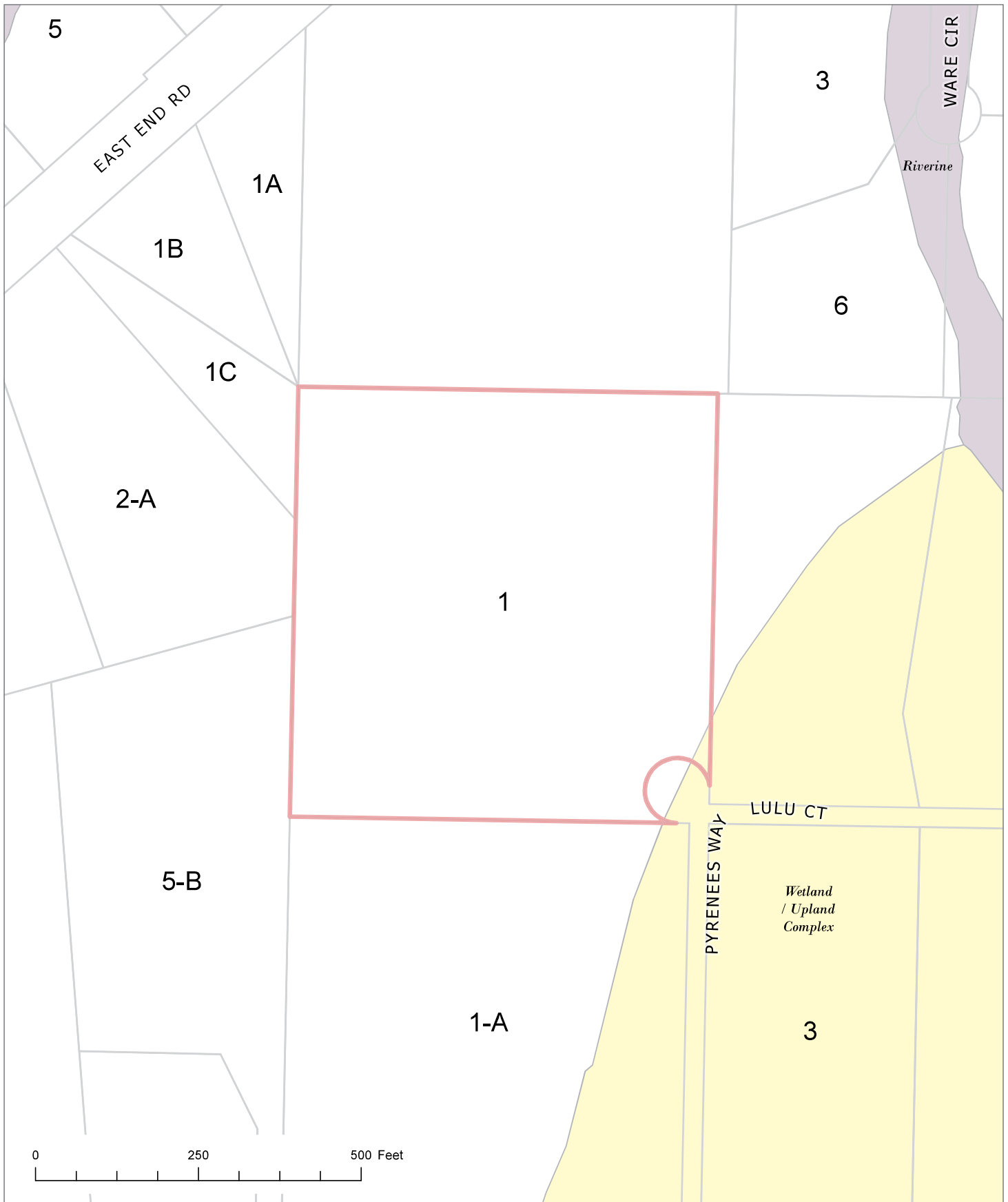


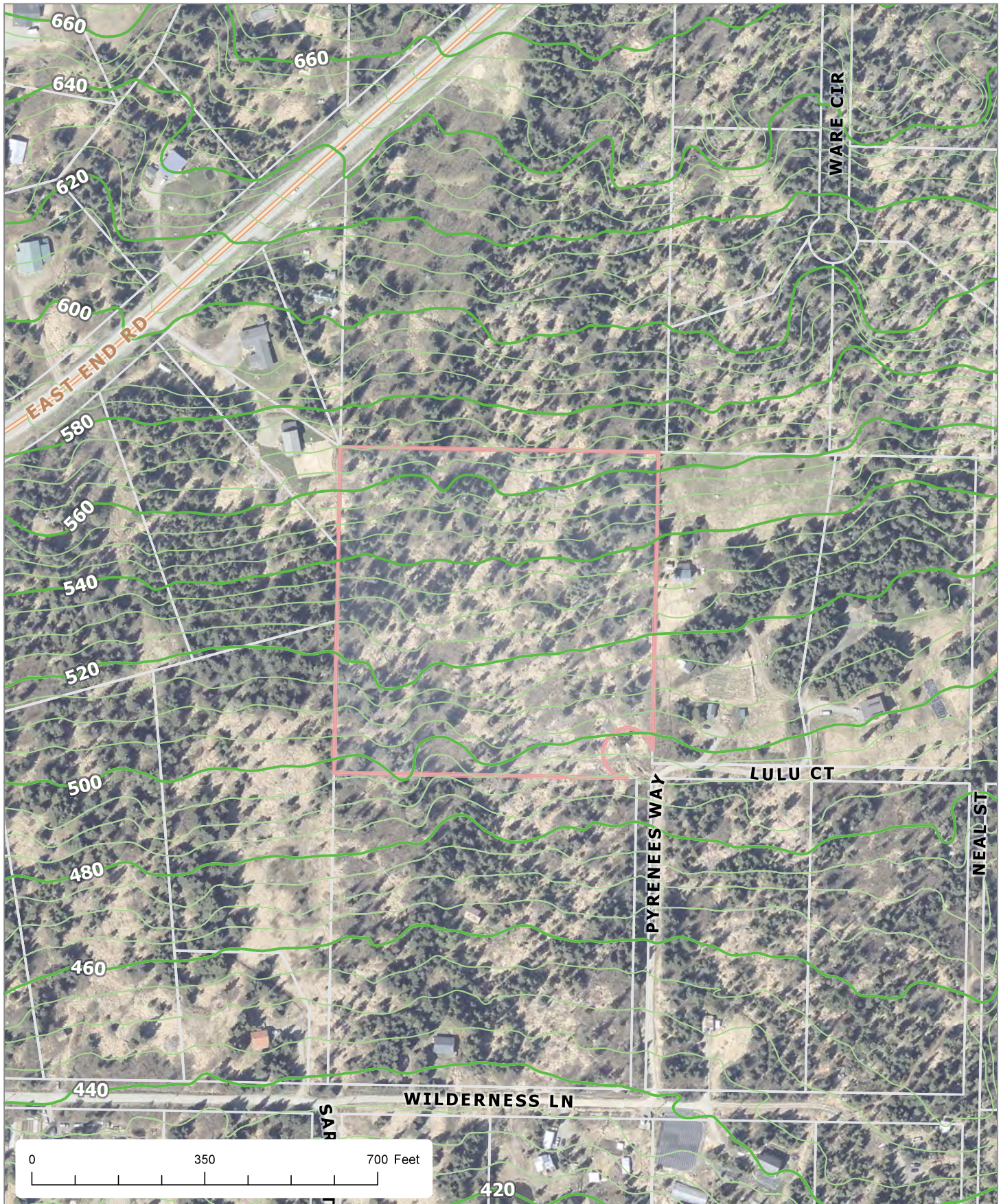
Aerial View



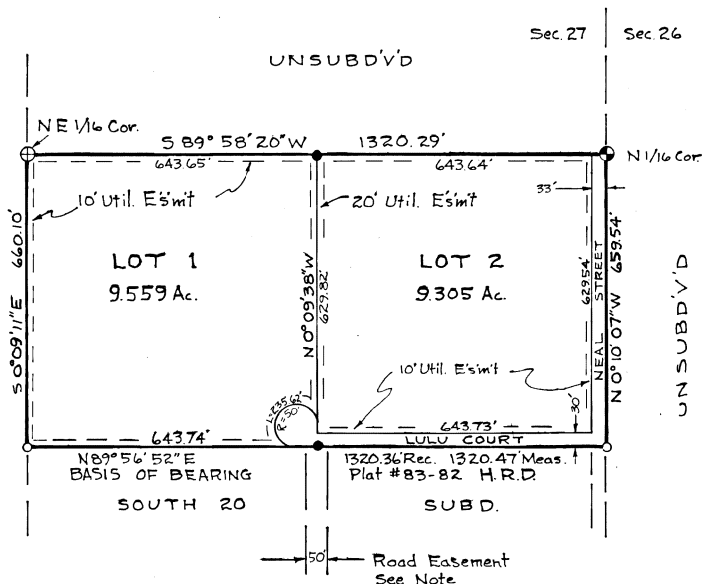


Wetlands





YINGS CREEK SUBD.



NOTES

A building setback of 20 feet exists from all street rights-of-way unless a lesser standard is approved by resolution of appropriate planning commission.

No direct access to state maintained ROWs permitted unless approved by State of Alaska Department of Transportation.

No permanent structure shall be constructed or placed within an easement which would interfere with the ability of a utility to use the easement.

A 50' wide roadway easement exists for exclusive use of this subdivision as shown on Plat #83-82 H.R.D.

LEGEND

- ⊕ Found A.C. 3686-S 1984
- ⊕ Set B.C. 4129-S
- Found B.C. 3686-S
- Set 5/8" Rebar

PLAT APPROVAL

This plat was approved by the Kenai Peninsula Planning Commission at the meeting of

January 10, 1994

KENAI PENINSULA BOROUGH

By Richard Tweager
Authorized Official



1"=200'

94-9

RECORDED	FILED	20
Homer, AK DIST		
DATE	1-31	94
TIME	8:30 A	
RECORDED BY	Carlos Freeman	

WASTEWATER DISPOSAL

Wastewater treatment and disposal systems must meet the regulatory requirements of the Alaska Department of Environmental Conservation.

The Alaska Department of Environmental Conservation approves this subdivision for platting.

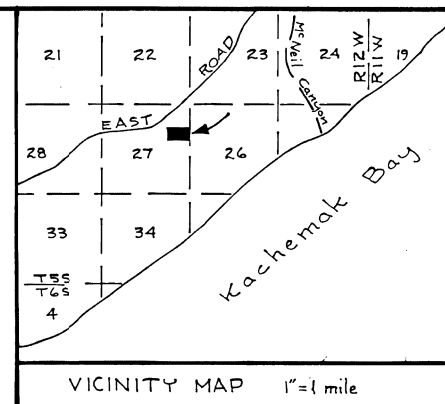
Scott Ingle EEA 11/30/93
Name and Title of Date
Alaska Department of Environmental Conservation
Approving Official



SURVEYOR'S CERTIFICATE

I hereby certify that I am a Registered Land Surveyor and that this plat represents a survey made by me and that the monuments actually exist as located and that dimensions and other details are correct.

Nov 23, 1993
Date Carlos Freeman
Carlos Freeman LS 4129



CERTIFICATE OF OWNERSHIP

I hereby certify that I am the owner of the real property shown and described hereon. I hereby adopt this plan of subdivision and by my free consent dedicate all rights-of-way to public use and grant all easements to the use shown.

Nov 29, 1993 Lulu Wave Middleton
Date Lulu Wave Middleton
54190 East End Road
Homer, Alaska 99603

NOTARY'S ACKNOWLEDGEMENT for
Lulu Wave Middleton

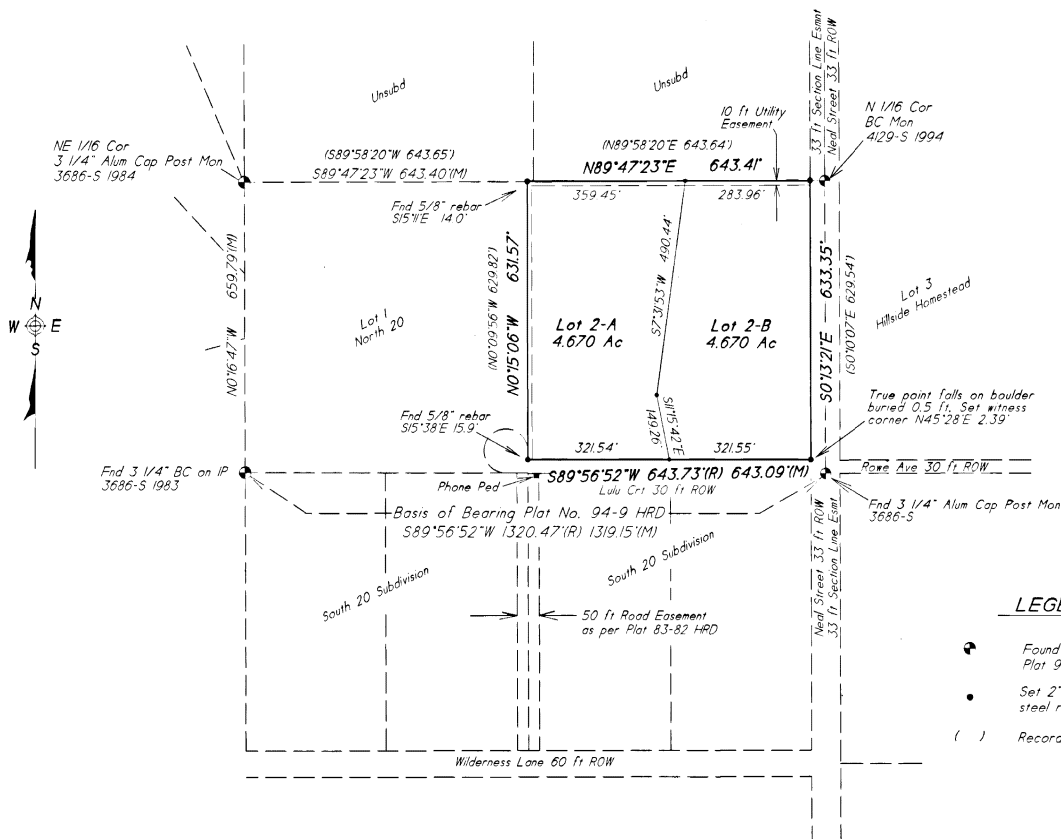
SUBSCRIBED AND SWORN TO BEFORE ME
this 29th day of November 1993.

Richard L. Ingle
Notary in and for the State of Alaska
6/17/95
my commission expires

NORTH 20

SUBDIVISION of
N 1/2 SE 1/4 NE 1/4
SEC. 27, T55, R12W, S.M.
Homer Recording District
Alaska
Containing 20.00 Acres

Surveyor:
Carlos Freeman
53045 McNeil Cyn Rd.
Homer, AK 99603
Date: Nov 3, 1993
Scale 1"=200'
K.P.B. File 93-153



LEGEND

- Found monument of record as per Plat 94-9 HRD
- Set 2" Aluminum cap on 5/8" x 36" long steel rebar for this survey
- () Record Dimension as per Plat No. 94-9

SURVEYORS CERTIFICATE

I hereby certify that I am a Registered Land Surveyor and that this plat represents a survey made by me or under my direct supervision and the monuments shown hereon actually exist as described and that the dimensions and other details are correct to the best of my knowledge.

Date 11-27-01
 Roger W. Imhoff LS 5780

PLAT APPROVAL

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of

June 11, 2001
 KENAI PENINSULA BOROUGH
 By: Max J. Best
 Authorized Official



NOTES:

1. All wastewater disposal systems shall comply with existing applicable laws at the time of construction.
2. No permanent structures shall be constructed or placed within an easement which would interfere with the ability of a utility to use the easement.
3. A building setback of 20 feet is required from all street rights-of-way unless a lesser standard is approved by the appropriate Planning Commission.
4. The front 10 ft. and the entire setback within 5 ft. of side lot lines is a utility easement.
5. Easement for electric lines or system together with the right to enter, maintain, repair, or clear shrubbery was granted to HEA in Book 28 Page 429, HRD. No definite location disclosed.
6. WASTEWATER DISPOSAL: These lots are at least 200,000 square feet or nominal 5 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.

OWNERSHIP CERTIFICATE

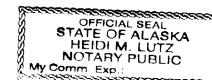
I hereby certify that I am the owner of the real property shown and described hereon and that thereby adopt this plan of subdivision and by my free consent dedicate all rights-of-way to public use and grant all easements to the use shown.

Walter M. Hebb 12-11-01
 Date
 Walter M. Hebb
 PO Box 15063
 Fritz Creek Ak 99603

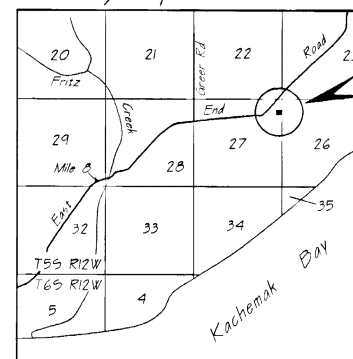
Notary's Acknowledgement
 Subscribed and sworn to me before me this 11 day of December, 2001

for Walter M. Hebb

Heidi M. Lutz
 Notary Public for Alaska
 My Commission Expires 5/18/06



Vicinity Map 1" = 1 Mile



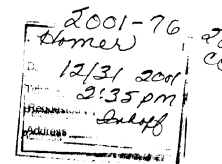
North 20 Subdivision Walter's Addition

Being a Subdivision of Lot 2 North 20 according to Plat No. 94-9 located in the SE 1/4 of the NE 1/4 Section 27, T5S, R12W, S1M

Homer Recording District, Third Judicial District, Alaska

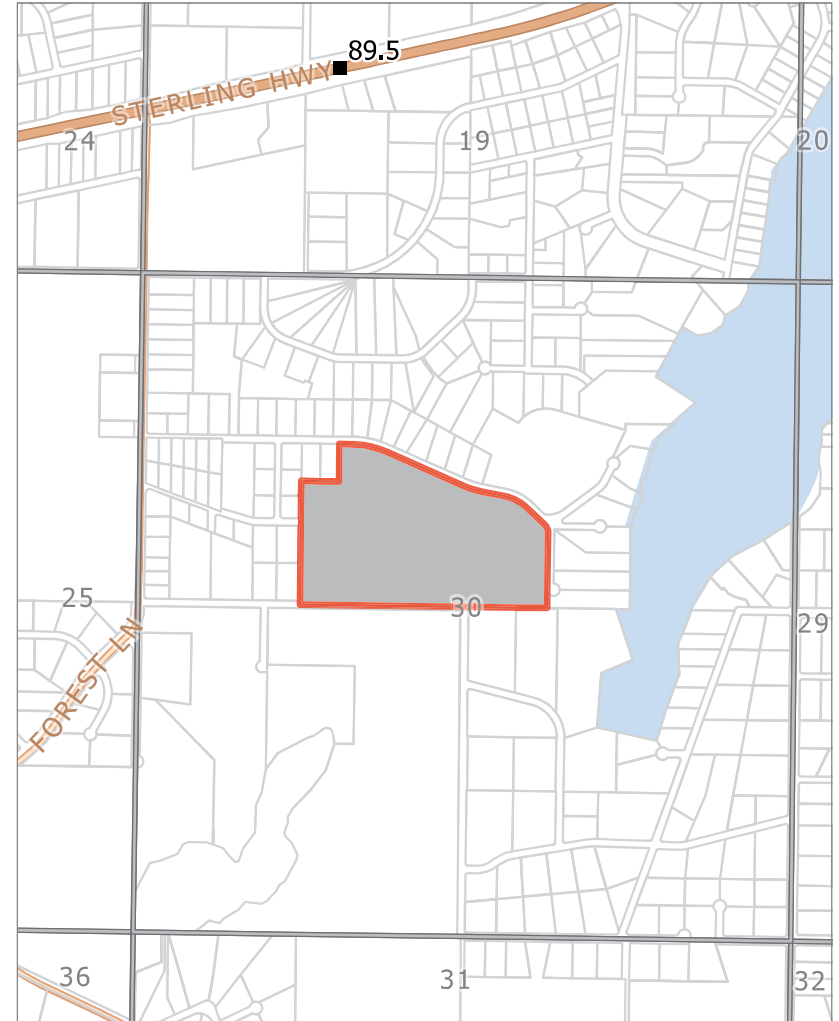
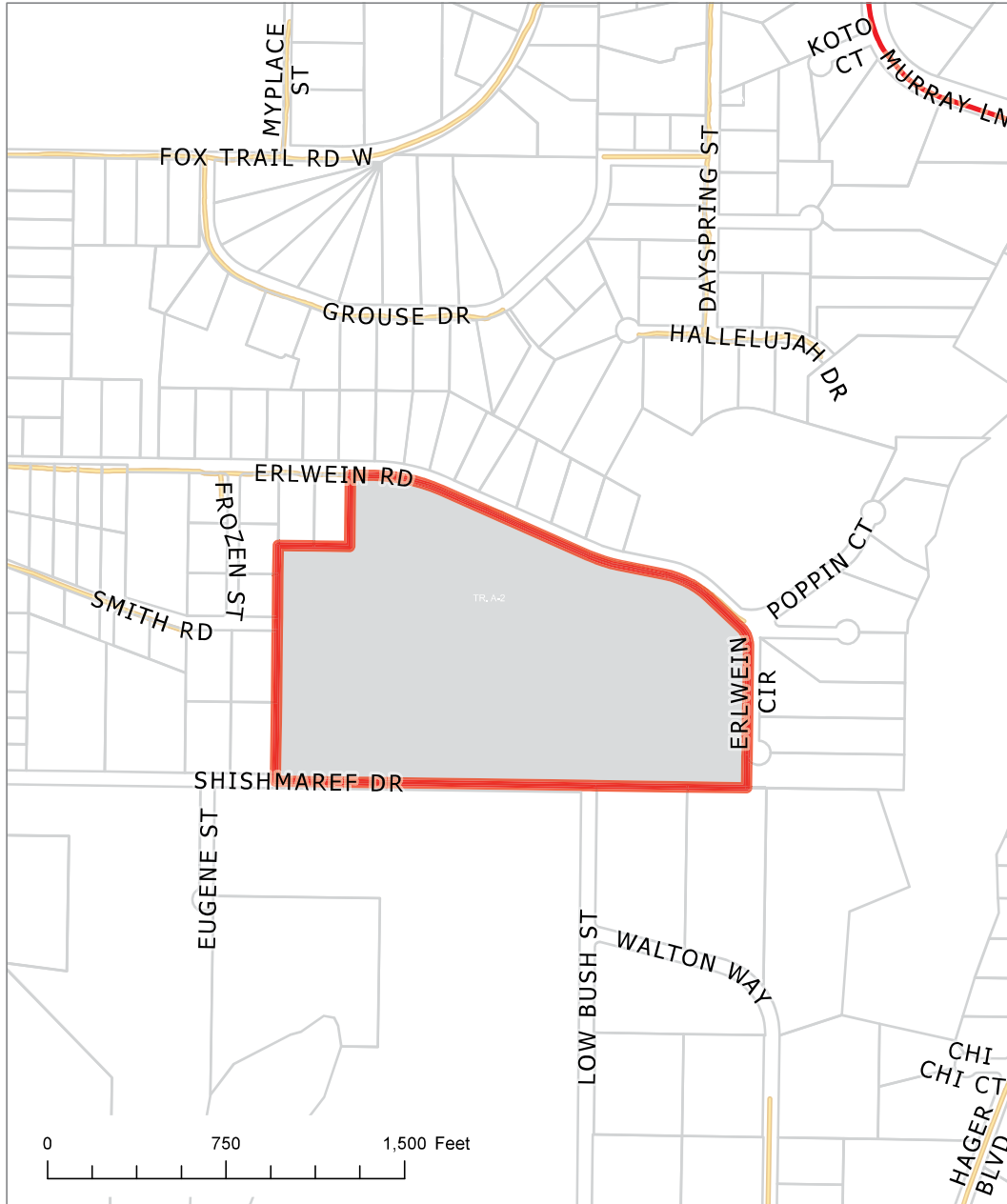
Contains 9.340 Acres, more or less.

Client: Walter M. Hebb PO Box 15063 Fritz Creek Ak 99603	Surveyor: Roger W. Imhoff, RLS PO Box 2588 Homer Ak 99603	FB 2001-2/8 Drawn RWI SCALE 1" = 200 ft KPB File No 2001-091
Date 5-14-01	File north20.vcd	



E. NEW BUSINESS

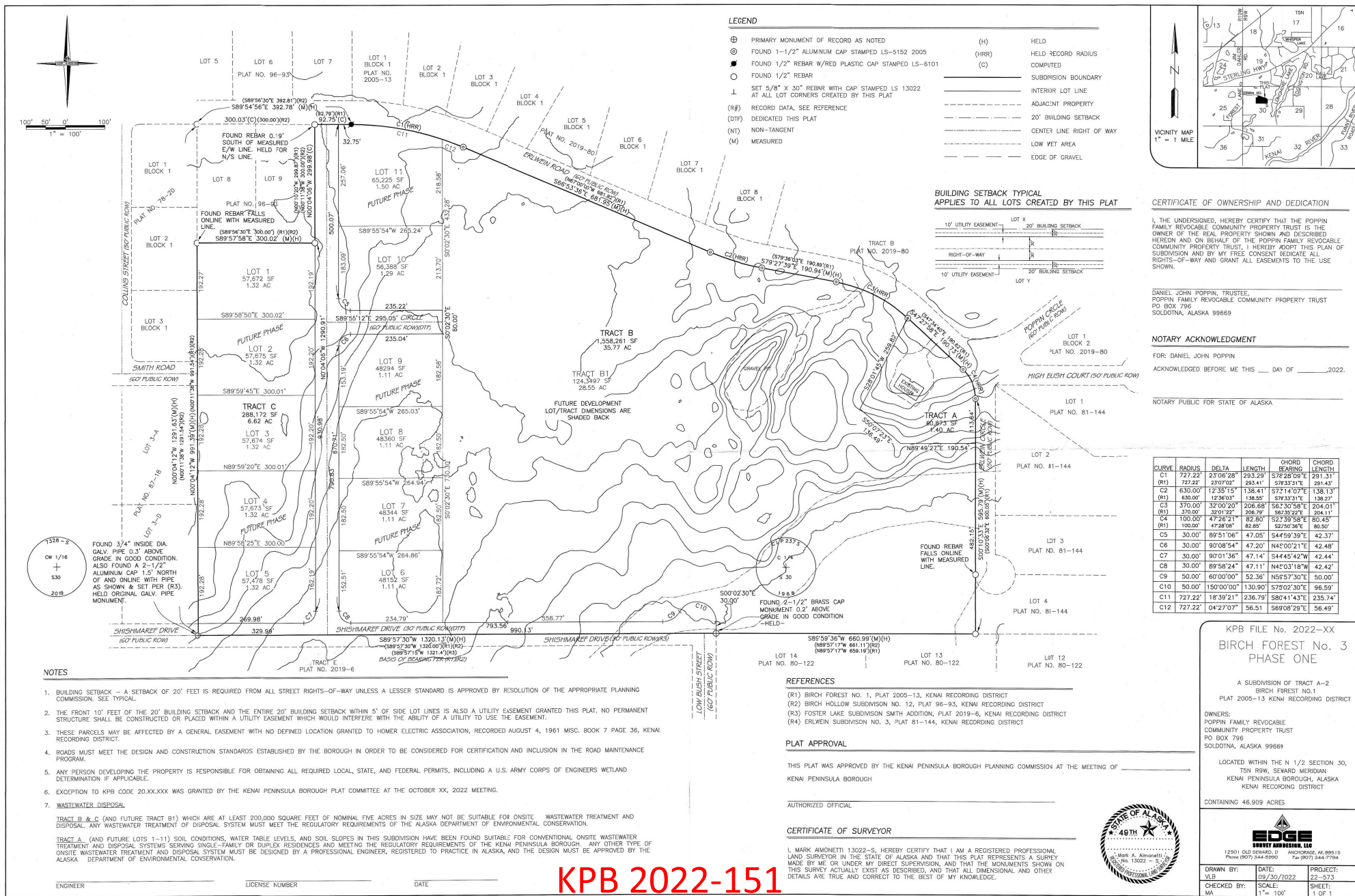
- 2. Birch Forest No. 3; KPB File 2022-151**



KPB File # 2022-151
S30 T05N R09W
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.



KPB 2022-151

AGENDA ITEM E. NEW BUSINESS

ITEM 2 – BIRCH FOREST NO. 3

KPB File No.	2022-151
Plat Committee Meeting:	October 24, 2022
Applicant / Owner:	Poppin Family Revocable Community Property Trust of Soldotna, Alaska
Surveyor:	Jason Young, Mark Aimonetti / Edge Survey and Design, LLC
General Location:	Erlwein Road, Sterling

Parent Parcel No.:	063-780-25
Legal Description:	Tract A-2 Birch Forest No. 1, Plat KN 2005-13
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On Site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat is a preliminary plat design to be done in phases. The overall design will result in eleven lots that range from 1.11 to 1.5 acres and two tracts that will be 1.4 and 28.55 acres. A new through dedication is proposed as well as some matching widths and a new connector right-of-way.

Location and Legal Access (existing and proposed): The subdivision is accessed by borough maintained Erlwein Road, a varying width dedicated right-of-way. Erlwein Road intersects state maintained Forest Lane, which is located near mile 90 of state maintained Sterling Highway. This subdivision is in the Sterling area near Longmere Lake but there is no lake frontage within this subdivision.

To the west of the subdivision is Smith Road, a varying width borough maintained road that is constructed only to the intersection with Frozen Street (shown as Colling Street on the plat). The eastern approximate 170 feet of Smith Road is not constructed that connects to the proposed subdivision. There should be a continuation of Smith Road or a cul-de-sac to permanently close the right-of-way. Exceptions have been requested for Smith Road dedications.

South of the subdivision is Shishmaref Drive, a varying width dedicated right-of-way. Only the western portion of Shishmaref Drive appears to be constructed but is not currently borough maintained. Shishmaref Drive connects to Forest lane. The dedication width of Shishmaref Drive is only 30 feet wide abutting this subdivision. The subdivision is proposing to dedicate the additional 30 feet and a partial bulb at the end of the dedication at the intersection with Low Bush Street. Just south of the intersection, Low Bush Street contains low wet area that are classified as depression and per KPB GIS imagery appear very wet. The partial bulb dedication will provide an adequate turn around area until such time that Low Bush Street is ever constructed. Due to the terrain and close proximity to a cul-de-sac, a continuation past Low Bush Street is not requested.

A new dedication is proposed to connect Erlwein Road to Shishmaref Drive. This will be a 60 foot wide dedication that provides access to all the lots within the subdivision.

An additional dedication is proposed to connect the new street to Tract B. The intent is for that road to later be continued if the owners do an additional subdivision for Tract B into smaller lots. An exception has been requested to not dedicate a cul-de-sac to allow future continuations of the dedication.

Erlwein Road is dedicated as 60 feet wide adjacent to the subdivision and is borough maintained to the intersection with Poppin Court and Erlwein Circle. Erlwein Circle is constructed but does not appear to be borough maintained. Erlwein Circle is only dedicated as 50 feet wide. While the right-of-way is constructed it does contain some steep slopes. Not having a full 60 foot wide dedication may impact the possibility of receiving road maintenance on the

right-of-way. **Staff recommends** an additional 10 feet of dedication need be required for Erlwein Circle, if the plat committee determines that the additional dedication is not required, center line profiled and cross-sections will be required to determine if slope easements will be required.

The area of the subdivision to the east of the new dedication does not comply with block length requirements. Due to the terrain in the southeastern portion of the subdivision a closed block will not occur for portions of this property. If additional subdivisions are done from Tract B, additional dedication can improve the block length distances and allow for some closed blocks to occur. Not providing a continuation of Smith Road will leave the block south of Smith Road incomplete as the block will not close without a continuation. A dedication to extend Low Bush Street would improve the block length requirements. Exceptions to block length have been requested.

As this is proposed to be done in phases, the first phase will require the dedications of the through street and the additional dedications for Shishmaref Drive and also Erlwein Circle if required by the plat committee. All other dedications may wait until future phases.

KPB Roads Dept. comments	Out of Jurisdiction: No Roads Director: Uhlin, Dil Comments: No comments
SOA DOT comments	No comment – planning No comment - engineering

Site Investigation: The southeast portion of the subdivision contains low wet areas. The plat indicates the bounds of the wetlands with a line symbol. These lines appear to be outlining the boundary of two different classifications and does not make it clear that the entire area is wetlands. **Staff recommends** the depiction be clarified by wither using a fill symbol for the low wet areas or providing a labels for the depictions.

The plat has contours added. There are some steeper areas present around what is labeled as an existing gravel pit on the property that will be within Tract B. Some steep terrain is also within Tract A south of the existing structure. Those slopes continue into Erlwein Circle right-of-way. Lot 4 and 5 contain some steeper areas but appear to be less than 20 percent. **Staff recommends** any terrain exceeding 20 percent grade be shown on the final plat within Tract A and any of the lots when finalized.

The plat has an area labeled as a gravel pit. Per KPB GIS data, there is not a prior existing use or conditional land use permit for this property.

A house is constructed on what will be Tract A. There does not appear to be any encroachment issues with the subdivision. The septic and well locations were not disclosed. Due to the terrain through part of the proposed lot, staff would like verification that there will be no encroachments for the systems. A soils report will be required for Tract A and that should disclose the locations if installed. **Staff recommends** the lot lines be adjusted if necessary depending on the finding within the soils report and actual locations of water and wastewater systems.

KPB River Center review	A. Floodplain Reviewer: Carver, Nancy Floodplain Status: Not within flood hazard area Comments: No comments B. Habitat Protection Reviewer: Carver, Nancy Habitat Protection District Status: Is NOT within HPD Comments: No comments C. State Parks Reviewer: Russell, Pam Comments: No Comments
State of Alaska Fish and Game	No objection

Staff Analysis This is a proposed preliminary plat to be finalized in phases. The property has been involved with numerous subdivision plats through the years with the most recent being Birch Forest No. 1, Plat KN 2005-13. Staff has reviewed all plats this property was associated with and found that all required plat notes and easements are being carried forward correctly.

What is being reviewed is the creation of eleven lots and two tracts along with multiple dedications. The plat shows Tract B and then Tract B1. Tract B is the intended creation with the first phase and Tract B1 will be the final design of the tract. The first phase is intending to create Tracts A, B, and C. Tract C that will later be subdivided into Lots 1 through 5. Tract B will later be subdivided into Lots 6 through 11 and dedicate the new east-west dedication. All rights-of-way that are through dedications will be required with the first phase as well as the matching dedications to provide compliant rights-of-way. As long as the phases submitted to the planning department follow the design approved with only minimal changes, the phases will not be required to return to the plat committee for review.

A soils report will be required for Tract A and the lots and an engineer will sign the final plat. The owner has some options on how they wish to handle the required soils report. If they wish to have the soils analysis report done for all the lots and Tract A prior to the finalizing of the first phase they may do so. They may also elect to only do the report for the lots requiring the soils analysis for the first phase but will need additional reports submitted prior to finalizing the additional lots. The plat notes shown will need to be corrected as we do not want references to future lots or tracts not part of the phase being recorded. The wording may be worked out with the submittal of each phase.

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 Previous plats created 10 foot utility easements along Erlwein Road and Erlwein Court that increased to 20 feet within 5 feet of the side lot lines. The plat contains the note that it will be granting 10 feet adjacent to rights-of-way that increase to 20 feet within 5 feet of the side lot lines. **Staff recommends the plat note be reworded to remove the references to the setbacks.**

There is one easement recorded by document that is noted within plat note 3.

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 objections
ACS	No objections
GCI	Approved as shown

KPB department / agency review:

Addressing	Reviewer: Haws, Derek Affected Addresses: 39455 ERLWEIN RD Existing Street Names are Correct: No List of Correct Street Names: ERLWEIN RD
------------	--

	<p>ERLWEIN CIR SMITH RD SHISHMAREF DR LOW BUSH ST</p> <p>Existing Street Name Corrections Needed: POPPIN CIR should be POPPIN CT COLLINS ST should be FROZEN ST per resolution SN2004-05 HIGHBUSH CT should be ERLWEIN RD per resolution SN2004-14 New street names needed for newly dedicated public ROWs.</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: 39455 ERLWEIN RD will be deleted and new addresses assigned upon request.</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>

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

STAFF RECOMMENDATIONS **CORRECTIONS / EDITS**

- *Have the building setback and utility easement typical depiction include side lot lines as the easements being granted include 20 feet within 5 feet of the side lot lines.*

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: *Area from the original plat for Tract A-s was 46.987 ac., you have listed 46.909 ac. in the title block, please verify.*

- 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: *Approved names are required.*
- 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: *Update Poppin Circle to Court, High Bush Court was changed to Erlwein Road, Collins Street was changed to Frozen Street. Add block label for the lots south of the subdivision.*
- 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: *Clarification of the wetland area may be needed.*
- 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 10 percent on other streets;
Staff recommendation: *Verify for new dedications and for Erlwein Circle if requested by the plat committee.*
- O. If the subdivision will be finalized in phases, all dedications for through streets as required by KPB 20.30.030 must be included in the first phase.
Staff recommendation: *The north south right-of-way along with Shishmaref Drive and Erlwein Circle, will be required with the first phase.*

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.*

20.30.120. Streets-Width requirements.

- A. The minimum right-of-way width of streets shall be 60 feet.
1. Half streets shall generally not be allowed except to provide the logical extension of a right-of-way where the remaining half street can reasonably be expected to be dedicated in the future.
 2. When a design change required as a condition of preliminary approval results in a half right-of-way that was not shown on the original preliminary plat, adjoiners to the new half right-of-way will be sent a copy of the plat committee minutes and a sketch showing the new half right-of-way and per KPB 2.40.080 can request a review of the plat committee decision by the full Planning Commission.
- B. Additional right-of-way or easement width may be required to provide for the construction of side slopes or to otherwise accommodate right-of-way construction standards set forth in KPB Title 14.
Staff recommendation: *Erlwein Circle is only dedicated as a 50 foot wide right-of-way, an additional 10 feet should be dedicated.*

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

Staff recommendation: *Discuss street names with the KPB Addressing Officer.*

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: Soils reports will be required for the lots and Tract A. Due to the size of Tract B a soils analysis report will not be required at this time.

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.

20.60.040. Dedication of public use lands. Any land shown on a plat as a street, public park or other public area must be dedicated on the final plat to a tax exempt governmental entity. If the governmental entity is not the Kenai Peninsula Borough, the governmental entity shall be required to execute an acceptance of the dedication on the plat.

Staff recommendation: An acceptance by the borough will be required.

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.

- 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).

Update the plat note for the exceptions.

Update plat note 2 by removing the reference to the building setback.

Wastewater notes will be required to be updated depending on how the owner wishes to have his soils analysis test done. Remove “or nominal five acres.”

EXCEPTIONS REQUESTED:

A. KPB 20.30.030 – Proposed street layout-Requirements and 20.30.170 – Block length-Requirements
(Extension of Smith Street)

Surveyor’s Discussion: Asking exception to not dedicate Smith Road from the west through this plat.

Staff Discussion: A through dedication of Smith Road should be provided to connect to the new north-south dedication proposed. This would provide a complete block for the area west of this subdivision and provide for projection and extension of the existing dedication.

Surveyor’s Findings:

1. No practical reason for that section of Smith Street to be developed, all surrounding parcels have adequate legal access.
2. Dedication would take up square footage from proposed future lots.
3. Parcels near the intersection of Frozen Street and Smith Road have established access and necessary right of way dedication to accommodate the local development.
4. Plats 78-20 and 87-18 assumed Smith Street would continue.

Staff's Findings:

5. KPB Code 20.30.030 states dedications must provide for the continuation or appropriate projection of all streets in surrounding areas and provide reasonable means of ingress for surrounding acreage tracts.
6. Smith Road is not constructed east of the intersection with Frozen Street.
7. Previous plats designed the road with the intention of Smith Road continuing once larger acreage lots were subdivided.
8. This is a subdivision of a 46 acre piece of property.
9. Requiring a dedication will result in a redesign to accommodate the right-of-way.
10. The lots along Smith Road have two routes either by Smith Road to Frozen Street or Smith Road to Forest Lane.
11. The block defined by Frozen Street and Smith Road, directly to the west of the subdivision, will be an incomplete block with no continuation of Smith Road.
12. The block defined by Smith Road and Shishmaref Drive, directly to the west of the subdivision, will be an incomplete block with no continuation of Smith Road.
13. With the continuation of Smith Road, lots East of Frozen Street on Erlwein Road would have a secondary route in case of emergency purposes.
14. The last plat designated Smith Road over 35 years ago and the road has not gone further than Frozen Street since that time without issues.

Denial of the exception will require a through dedication of Smith Street to connect to the new dedication.

Staff reviewed the exception request and recommends 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 1-4, 6, 9, 10 and 14 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, 6, 9, 10 and 14 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 1-4, 6, 9, 10 and 14 appear to support this standard.

B. KPB 20.30.100 – Cul-de-sacs (This exception is only required if exception A is granted).

Surveyor's Discussion: Asking exception to not dedicate cul-de-sac for Smith Street dedicated per plats 78-20 and 87-18.

Staff Discussion: If an exception is granted to not dedicate Smith Street through, the owners would like a request

Page 7 of 11

to not dedicate a cul-de-sac.

Surveyor's Findings:

1. Dedication not needed for block length requirements.
2. No practical reason for that section of Smith Street to be developed, all surrounding parcels have adequate legal access.
3. Dedication would take up some square footage from proposed future lots.
4. Plats 78-20 and 87-18 assumed Smith Street would continue.

Staff's Findings:

5. This section of Smith Street is not developed.
6. The lots along that section of Smith Street already have developed access.
7. A cul-de-sac dedication will provide adequate turnaround area if the right-of-way is developed.
8. A cul-de-sac will permanently close the right-of-way for future extensions unless approval is received by neighboring land owners.
9. This is a subdivision of a large acreage parcel that can be adjusted to provide required dedications.
10. The last plat designated Smith Road over 35 years ago and the road has not gone further than Frozen Street since that time without issues.

Approval of the exception will not require a cul-de-sac dedication at the end of Smith Street. Denial will require a code compliant cul-de-sac to be dedicated.

Staff reviewed the exception request and recommends 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 2-5, 8, and 9 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 2-5, 8, and 9 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 2-5, 8, and 9 appear to support this standard.

C. KPB 20.30.100 – Cul-de-sacs For the new east-west dedication

Surveyor's Discussion: Asking exception to not dedicate cul-de-sac for Right of Way dedicated this plat

Staff Discussion: The proposed road does not continue through and will not be required to be dedicated on the first

phase. The owners wish to allow the road to be further extended in the future.

Surveyor's Findings:

1. Right-of-way to not be developed until future platting action to the east.
2. Not dedicating a cul-de-sac prevents having to vacate the cul-de-sac or have an odd shaped right of way extending to the east in the future.

Staff's Findings:

3. A cul-de-sac dedication will provide an adequate turnaround area.
4. A cul-de-sac will permanently close the right-of-way for future extensions unless approval is received by neighboring land owners.
5. Tract B will remain a large acreage tract that can be further subdivided in the future and provide a continuation of the right-of-way.
6. The road will not be required to be dedicated on the first phase.
7. The lots adjacent to the right-of-way have access from another right-of-way.
8. Temporary turnarounds are not allowed per KPB Code.

Approval of the exception will not require a cul-de-sac dedication. Denial will require a code compliant cul-de-sac to be dedicated.

Staff reviewed the exception request and recommends 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, and 4-8 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, and 4-8 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, and 4-8 appear to support this standard.

D. KPB 20.30.170 – Block Length Requirements

Surveyor's Discussion: Asking exception to not dedicate Low Bush Street from the south through this plat to not comply with 1320' block length.

Staff Discussion: The block containing to the east of the new dedication will exceed allowable limits and is not closed due to the cul-de-sac to the east.

Surveyor's Findings:

1. Right-of-way dedication would divide proposed Tract B into two separate parcels, landowner would prefer to leave as a large tract.
2. Proposed Tract B can dedicate ROW with future subdivision phases as developed.
3. Shishmaref Drive is not developed, has no plan to be developed by the landowner and likely will not be developed soon.
4. Low Bush Street to the south is also not developed and has significant area of wet land to cross if developed. Development of Low Bush not likely soon.

Staff's Findings:

5. The block will be defined by the new north-south dedication, Shishmaref Drive, and Erlwein Road.
6. Erlwein Circle is along the eastern boundary but end with a cul-de-sac and cannot provide a closed block.
7. Low wet areas are present in the southeast corner.
8. The owner is proposing an east-west right-of-way that is not a complete dedication to allow future extension.
9. Additional north-south dedications may be required if Tract B is further subdivided in the future.
10. If Shishmaref Drive is constructed in the future it will provide alternative access for lots within the preliminary design.

Approval of the exception will not require additional dedications or an extension of Low Bush Street to improve the block length. Denial will require additional dedications to improve the block.

Staff reviewed the exception request and recommends 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 1-5, 7, and 8-10 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 1-5, 7, and 8-10 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 1-5, 7, and 8-10 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:**

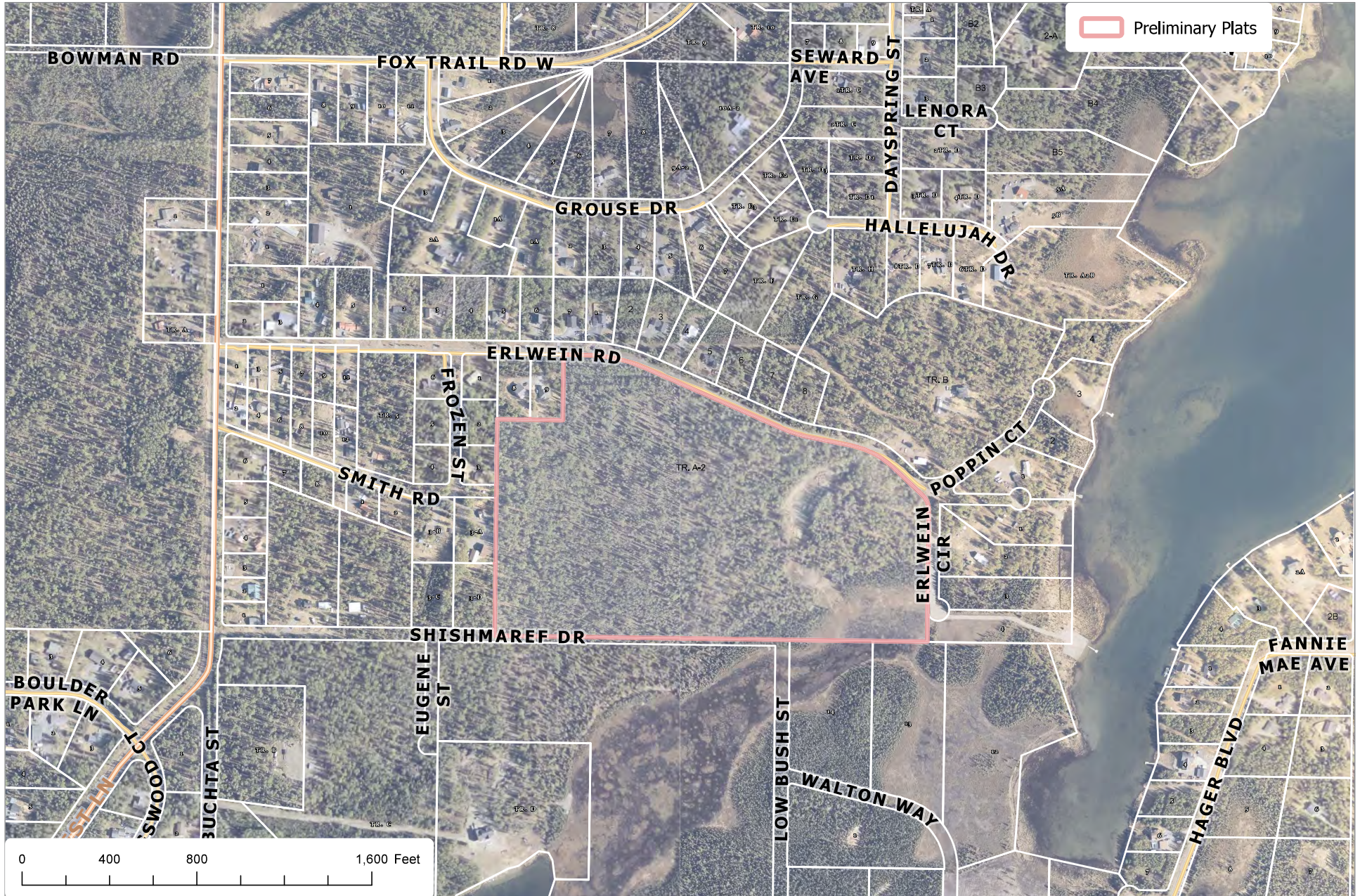
- GRANT APPROVAL OF THE PRELIMINARY PLAT SUBJECT TO STAFF RECOMMENDATIONS, AND
- COMPLIANCE WITH KPB 20.25.070 (FORM AND CONTENTS), KPB 20.25.080 (PETITION REQUIRED), KPB 20.30 (DESIGN REQUIREMENTS); AND KPB 20.40 (WASTEWATER DISPOSAL), AND
- COMPLIANCE WITH KPB 20.60 TO ENSURE ADMINISTRATIVE APPROVAL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

NOTE: 20.25.120. - REVIEW AND APPEAL.

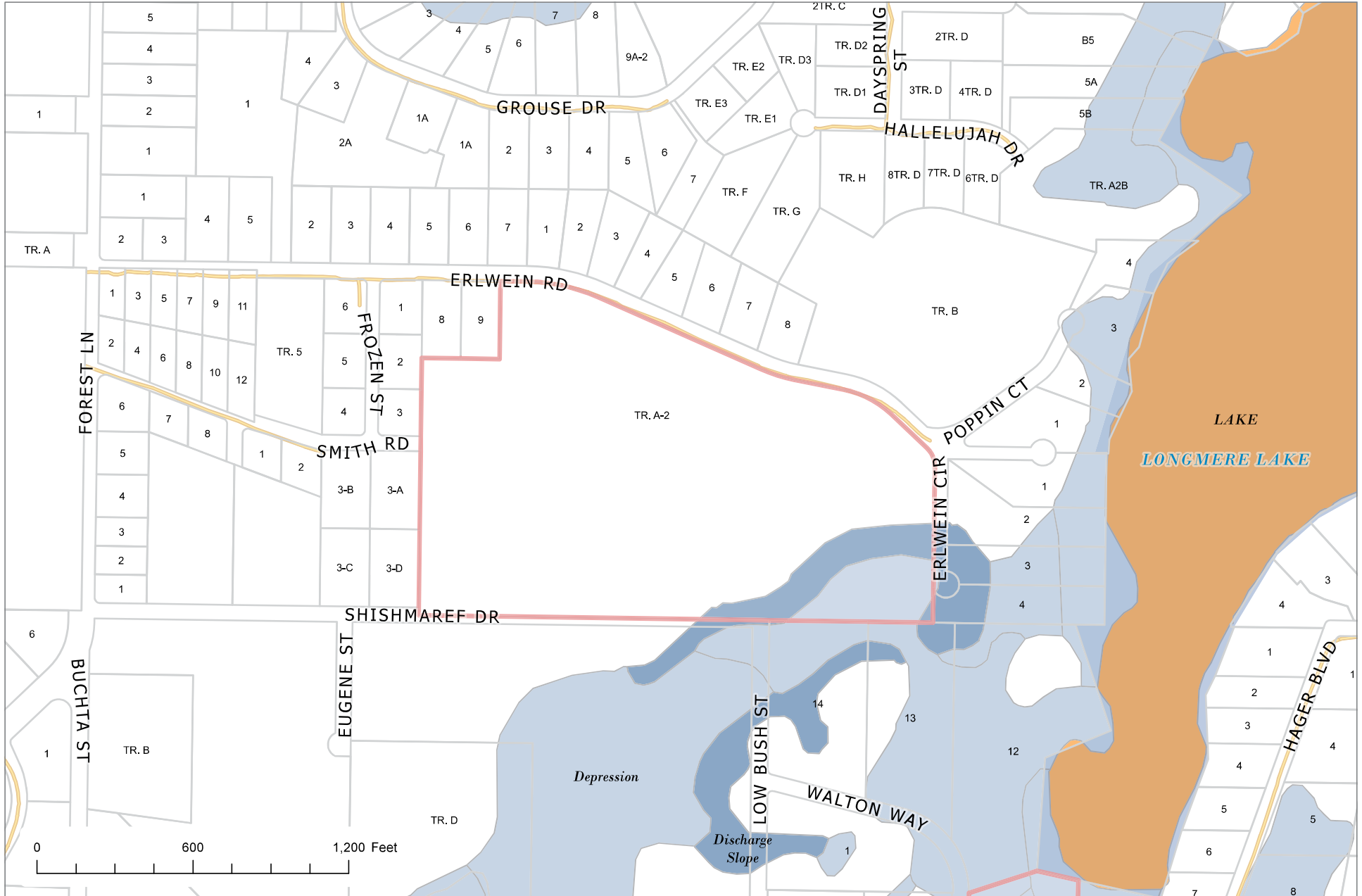
A PARTY OF RECORD MAY REQUEST THAT A DECISION OF THE PLAT COMMITTEE BE REVIEWED BY THE PLANNING COMMISSION BY FILING A WRITTEN REQUEST WITHIN 15 DAYS OF NOTIFICATION OF THE DECISION IN ACCORDANCE WITH KPB 2.40.080.

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.

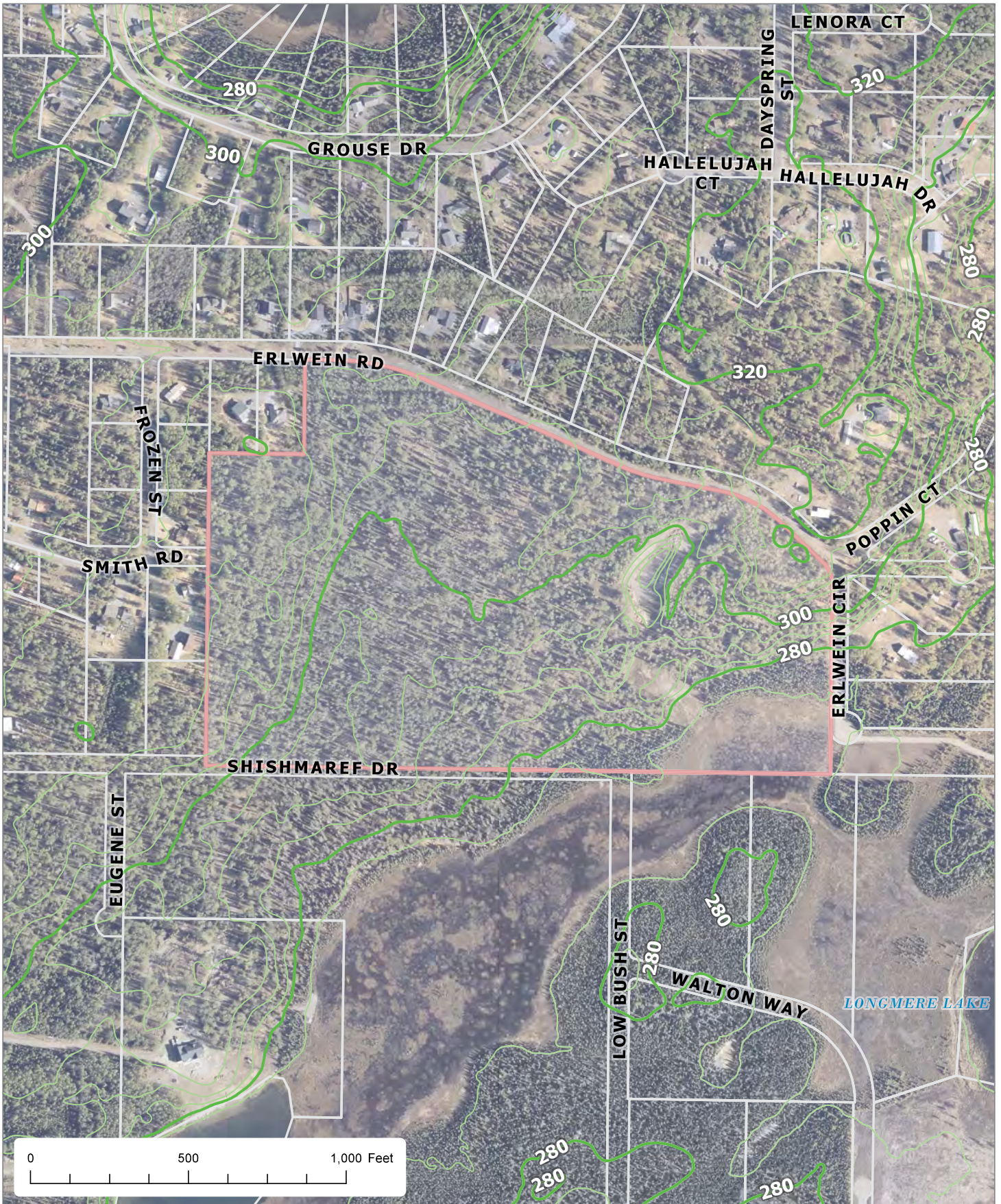
END OF STAFF REPORT

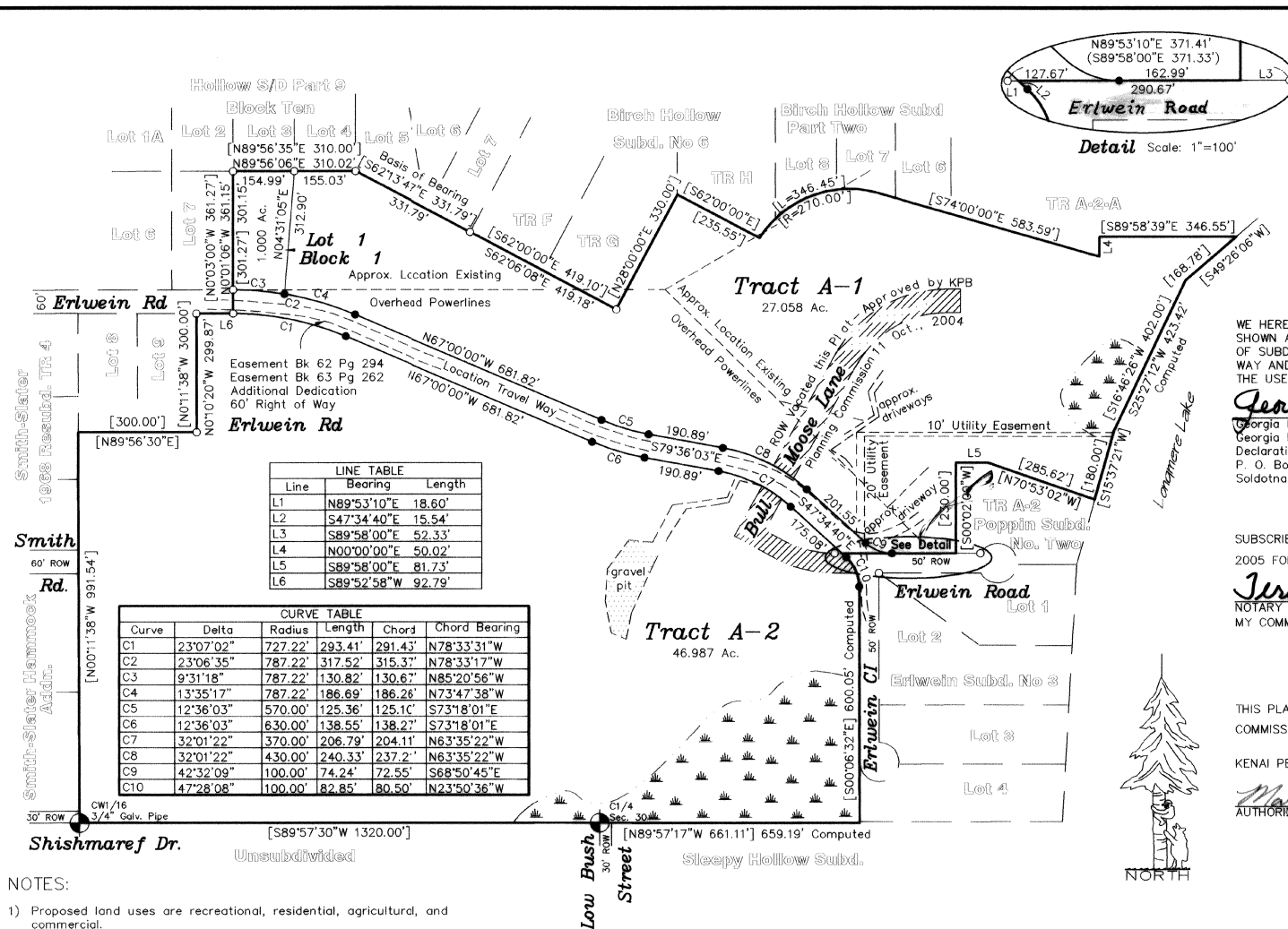


The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



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.





NOTES:

- Proposed land uses are recreational, residential, agricultural, and commercial.
- Building Setback - A setback of 20 feet is required from all street rights-of-way unless a lesser standard is approved by resolution of the appropriate Planning Commission.
- Existing powerline(s) is centerline of a 20' wide electrical distribution line easement.
- Front 10 ft. of the building setback adjacent to rights-of-way and entire setback within 5' of side lot lines is also 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.
- WASTEWATER DISPOSAL:** Soil conditions, water table levels, and soil slopes in 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 professional engineer, registered to practice in Alaska, and the design must be approved by the Alaska Dept. of Environmental Conservation.

3365-E
 Engineer License #
 Date March 11, 2005

- WASTEWATER DISPOSAL:** Both Tracts are at least 200,000 square feet or nominal 5 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.

LEGEND:

- Monument of Record
- 1/2" Rebar (found)
- 5/8" Rebar (set)
- [] Record Datum - Birch Hollow Subd.
No. 12, Plat # 96-93 KRD
- () Record Datum - Poppin Subd.
No. 2, Plat # 87-8 KRD
- Low Wet Area

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 to the normal standards of practice of land surveyors in the State of Alaska.

Date 9 March 05

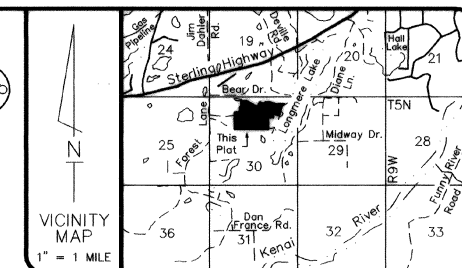


2005-13

RECORDED
Kenai REC. DIST.

DATE: 3-15-2005
TIME: 10:02 A.M.

REQUESTED BY:
INTEGRITY SURVEYS
605 SWIRES DRIVE
KENAI, ALASKA 99611

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.

Georgia L. Poppin, Trustee

Georgia L. Poppin - Trustee
Georgia L. Poppin
Declaration of Trust
P. O. Box 796
Soldotna, AK 99669

NOTARY'S ACKNOWLEDGMENT

SUBSCRIBED AND SWORN BEFORE ME THIS 7th DAY OF March
2005 FOR Georgia L. Poppin

Jerome A. Jorin
NOTARY PUBLIC FOR HAWAII
MY COMMISSION EXPIRES 12/26/2005

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF June 14, 2004

KENAI PENINSULA BOROUGH

Max B. Burt
AUTHORIZED OFFICIAL

KPB FILE No. 2002-126

Birch Forest No. 1

A resubdivision of Tract A, Birch Hollow S/D No. 12. Located within the N 1/2 Section 30, T5N, R9W, S.M., Kenai Recording District, Kenai Peninsula Borough, Alaska.

Containing 77,448 Acres

Integrity Surveys

605 Swires Drive Kenai, Alaska 99611-8363
SURVEYORS PHONE - (907) 283-9047 FAX - (907) 283-9071 PLANNERS

JOB NO: 24042 DRAWN: 01 March, 2005 CB
SURVEYED: October 2004 SCALE: 1" = 200'
FIELD BK: 2004-6, Pg. 1 DISK: Birch Forest

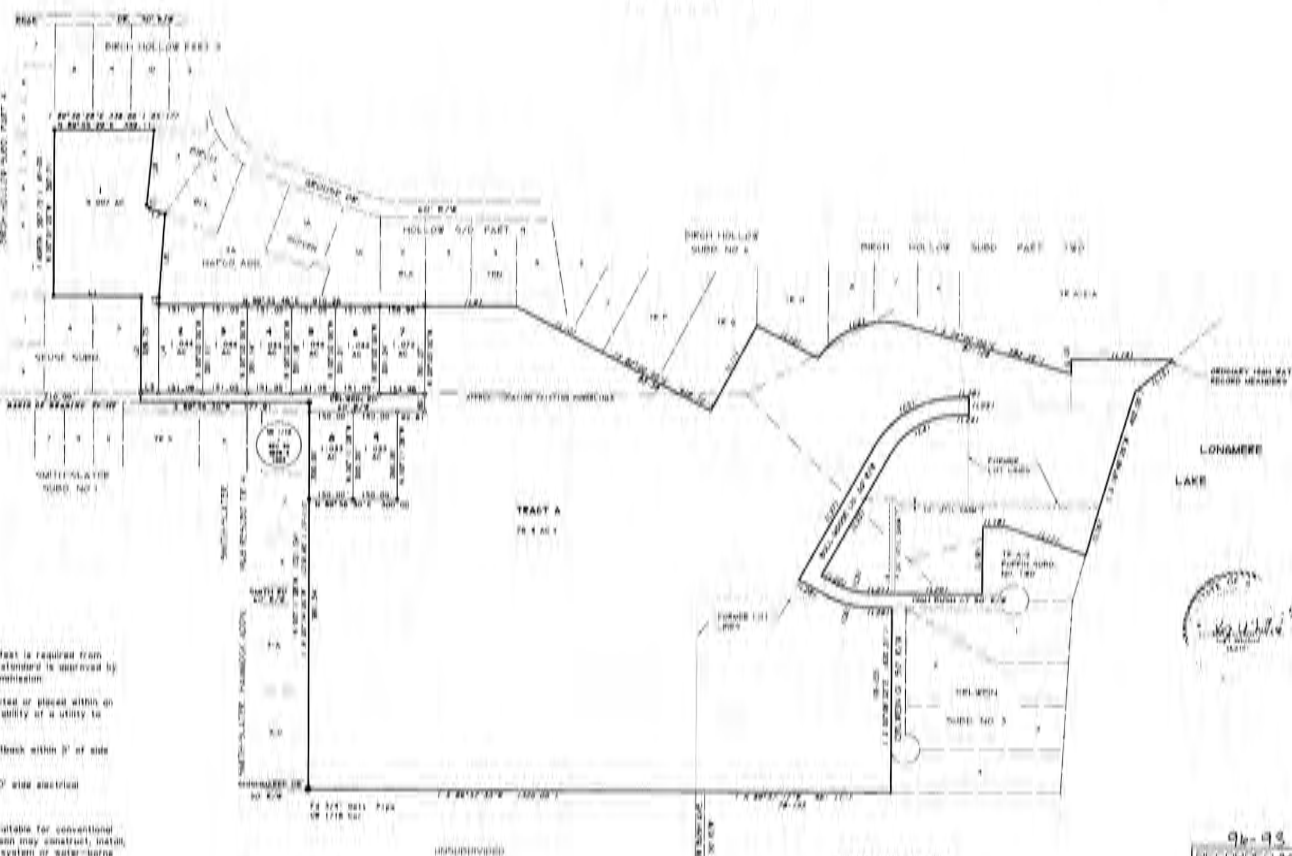
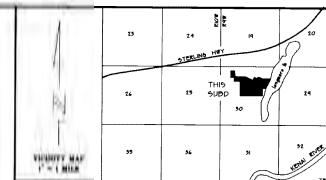
CURVE	DELTA ANGLE	RAADIUS	ARC	TANGENT	CHORD	CURVE BEARING
1	247°28'57"	50.00'	15.55'	8.18'	15.12'	S 87°18'04"E
2	247°28'57"	50.00'	15.55'	8.18'	15.12'	S 87°18'32"E
3	251°21'40"	250.00'	540.45'	201.89'	525.17'	S 89°12'25"E
4	251°21'40"	250.00'	540.45'	201.89'	525.17'	S 251°20'17"E
5	271°02'46"	250.00'	287.86'	100.18'	278.23'	S 19°33'17"E
6	271°02'46"	250.00'	287.86'	100.18'	278.23'	S 19°33'04"E
7	287°00'00"	250.00'	189.10'	89.05'	182.25'	S 71°28'05"E

LINE	BEARING	DISTANCE
1	S 89°12'25"E	200.71'
2	N 107°53'30"W	350.75'
3	S 89°58'30"W	80.58'
4	N 107°53'30"W	351.58'
5	S 107°53'30"W	352.58'
6	S 107°53'30"W	353.58'
7	S 107°53'30"W	354.58'

LINE	BEARING	DIST	KEY
1	S 89°12'25"E	200.71'	72-87
2	S 89°58'30"W	80.58'	83-74
3	S 107°53'30"W	352.58'	84-102
4	S 107°53'30"W	353.58'	85-108
5	S 107°53'30"W	354.58'	86-108
6	S 107°53'30"W	355.58'	87-108
7	S 107°53'30"W	356.58'	88-108
8	S 107°53'30"W	357.58'	89-108
9	S 107°53'30"W	358.58'	90-108
10	S 107°53'30"W	359.58'	91-108
11	S 107°53'30"W	360.58'	92-108
12	S 107°53'30"W	361.58'	93-108
13	S 107°53'30"W	362.58'	94-108
14	S 107°53'30"W	363.58'	95-108
15	S 107°53'30"W	364.58'	96-108
16	S 107°53'30"W	365.58'	97-108
17	S 107°53'30"W	366.58'	98-108
18	S 107°53'30"W	367.58'	99-108
19	S 107°53'30"W	368.58'	100-108
20	S 107°53'30"W	369.58'	101-108
21	S 107°53'30"W	370.58'	102-108
22	S 107°53'30"W	371.58'	103-108
23	S 107°53'30"W	372.58'	104-108
24	S 107°53'30"W	373.58'	105-108
25	S 107°53'30"W	374.58'	106-108
26	S 107°53'30"W	375.58'	107-108
27	S 107°53'30"W	376.58'	108-108
28	S 107°53'30"W	377.58'	109-108
29	S 107°53'30"W	378.58'	110-108
30	S 107°53'30"W	379.58'	111-108



- * 3/4" ALUM CAP NOT REQUIRED
- * REBAR REQUIRED
- * 5/8" REBAR/CLIP SET THIS SURVEY
- ** RECORD DATA



NOTES

BIRCH HOLLOW SUBD. NO. 1: A setback of 20' feet is required from all street rights-of-way unless a lesser standard is approved by resolution of the appropriate planning commission.

No permanent structure shall be constructed or placed within an easement which would interfere with the utility of a utility to use the easement.

Front 10' of building setback & entire setback within 3' of side lot lines is a utility easement.

Existing powerline(s) is centerline of a 20' wide electrical distribution line easement.

Soils on these lots may or may not be suitable for conventional on-site waste disposal systems. No person may construct, install, maintain or operate a pressurized water system or water-borne waste disposal system unless approval of the Alaska Department of Environmental Conservation is obtained.

No access to State maintained right-of-way provided unless approved by State of Alaska Department of Transportation.

Tract A may be subject to additional Right-of-Way easements for ingress and egress as recorded in Bk. 54, Pg. 514; Bk. 67, Pg. 294; Bk. 83, Pg. 263, R.R.D.

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 in public use and grant all easements to the use shown.

George L. Poppin By *David L. Poppin* P.O.A.

George L. Poppin *David L. Poppin* P.O.A.
Trustee of Birch Hollow Subd. No. 1 Trustee of Georgia Louise Poppin
Declaration of Trust Declaration of Trust
PO Box 708 Kilauea Kaula, Hawaii 96754

NOTARY'S ACKNOWLEDGEMENT

Subscribed and sworn before me this 30th day of January, 1996.

For *George L. Poppin* P.O.A. for *N.J. Poppin & Georgia L. Poppin*

Sharon A. W. Lunde
Notary Public for Alaska
My Commission Expires 1-1-97

PLAT APPROVAL

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of December 16, 1996.

KENAI PENINSULA BOROUGH

By *Sharon A. W. Lunde*
Authorized Official



BIRCH HOLLOW SUBD. NO. 1 2

A RESUBDIVISION OF
LOTS 1 & 2, BIRCH HOLLOW S/D PART 1, TR. A-1, POPPIN S/D
Bk. 5, Tr. A, EILMIN S/D NO. 2, A DEEDED PARCEL & AN UNDEED REMAINDER
LOCATED WITHIN THE N 1/2 SEC. 30, T5N, R5W, S4, AK
65.6 AC.

WHITFORD SURVEYING
PO BOX 4032 - SOLDOTNA, AK 99669
(907) 260-9082

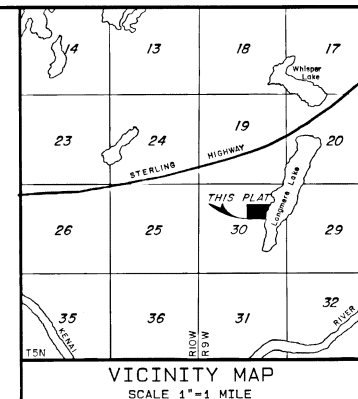
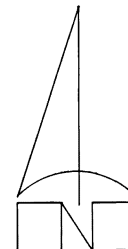
SURVEYED BY *W. J. W.* SCALE: 1" = 200'
DATE 12-31-96 DWG. FILE: POPPIN.DWG

LETTER OF APPROVAL BY THE ALASKA
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

This subdivision has been reviewed in accordance with
18AAC72.085 and is approved, subject to any noted restrictions.

Nov. 14, 1986

Date

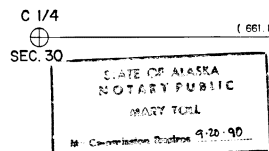
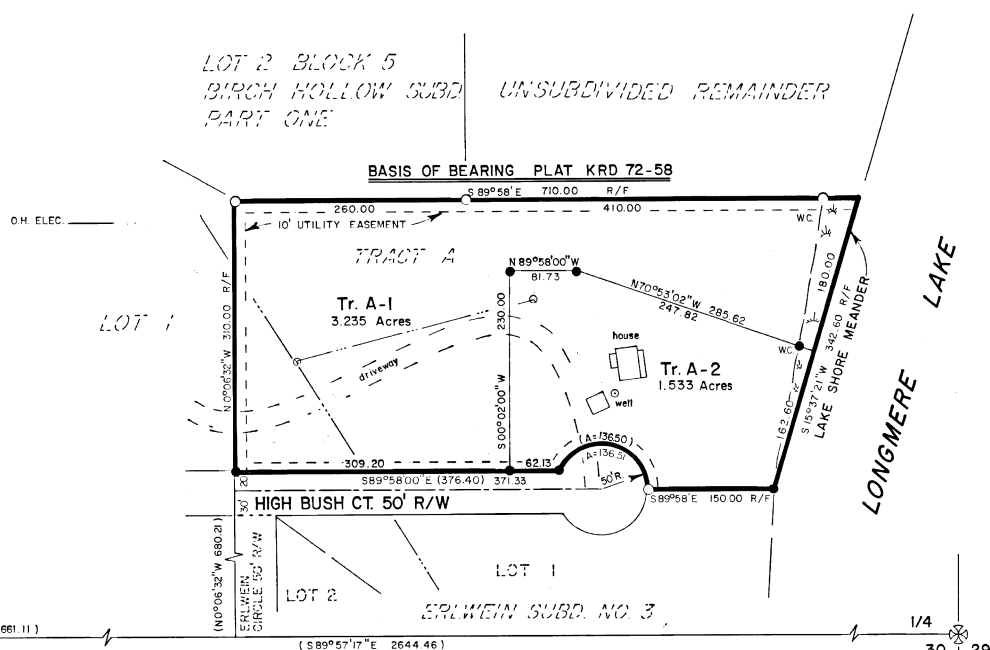


LEGEND

- BLM or GLO monument recovered
- BLM or GLO monument not recovered
- Found official survey monument
- Set Benrtsen 3 1/4" x 30" aluminum survey monument
- Monument of record not recovered
- Found 5/8" rebar
- Set 5/8" x 30" rebar with 2" aluminum cap
- Found 1/2" rebar
- Set 1/2" x 24" rebar with plastic cap C 283
- Found 1 1/2" aluminum cap
- R/F Record and found data agree K72-58
- () Indicates record data K72-58

NOTES

- 1) Water supply and sewage disposal systems shall be permitted only in conformance with applicable requirements of 18 AAC 70, 18 AAC 72, and 18 AAC 80.
- 2) The ordinary waterline of Longmere Lake forms the true bounds of the lake front lots. The Lake Shore Meander shown hereon is for survey computational purposes only.
- 3) No direct access to state maintained ROWs permitted unless approved by State of Alaska Dept. of Transportation.
- 4) BUILDING SET BACK - A building set back of 20 ft. is required from all street right-of-ways unless a lesser standard is approved by resolution of the appropriate Planning Commission.
- 5) The existing powerline is the centerline of a 20' utility easement.
- 6) The front 10' of building setback is also a utility easement.



NOTARY'S ACKNOWLEDGEMENT

FOR: Georgia Poppin and Georgia L. Poppin P.O.A. for N.J. Poppin
Subscribed and sworn before me this

16th day of November, 1986.

My commission expires 9-20-90

Mary Tull
Notary Public for the State of Alaska

CERTIFICATE OF OWNERSHIP AND DEDICATION

We hereby certify that we are the owners of the property shown and described hereon and that we hereby adopt this plan of subdivision and dedicate all right-of-ways to public use and grant all easements to the use shown.

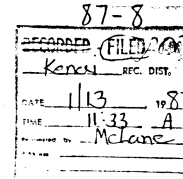
N.J. Poppin, Georgia L. Poppin
Georgia L. Poppin

PLAT APPROVAL

This plat was approved by the KENAI PENINSULA BOROUGH PLANNING COMMISSION at the meeting of

OCTOBER 6, 1986
KENAI PENINSULA BOROUGH

By [Signature] Authorized Official



POPPIN SUBDIVISION
NUMBER TWO

(A RESUBDIVISION OF TRACT A POPPIN SUBDIVISION)

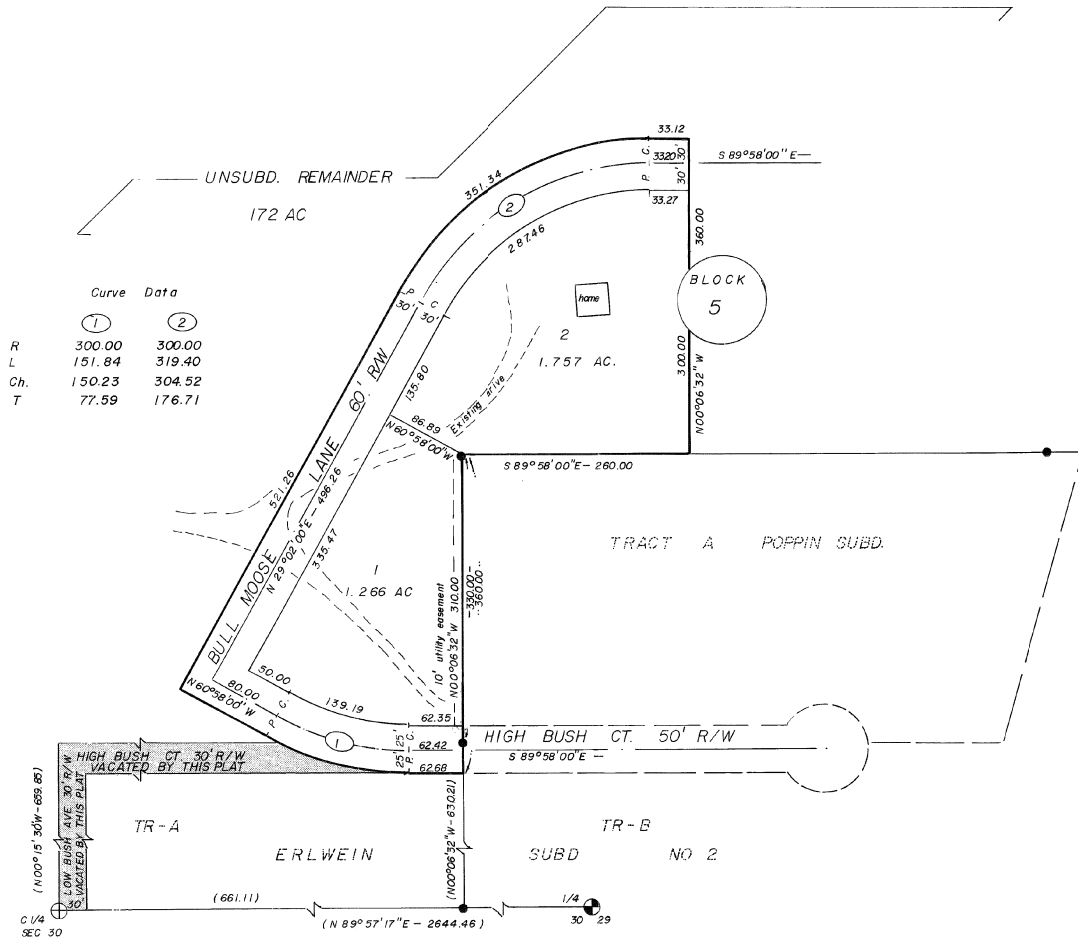
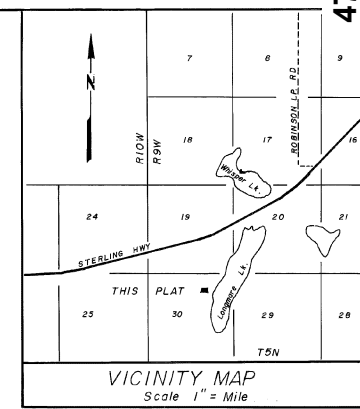
N.J. Poppin, owner
PO Box 796
Soldotna, AK 99669

LOCATION

4.768 AC. SITUATED IN S 1/2 NE 1/4 SECTION 30, T5N, R9W, SEWARD MERIDIAN, ALASKA IN THE KENAI PENINSULA BOROUGH AND THE KENAI RECORDING DISTRICT.

Surveyed by: McLANE and ASSOCIATES, INC.
Soldotna, AK 99669

DATE OF SURVEY 7/9 - 12/11/86	SCALE 1" = 100'	SHEET 1 of 1
DRAWN BY qb,mt	BK. No. 86-25,87-05	K.P.B. FILE No. 86-316
CHECKED BY msm	JOB No. 86-2072	



Curve Data

	(1)	(2)
R	300.00	300.00
L	151.84	319.40
Ch.	150.23	304.52
T	77.59	176.71

LEGEND AND NOTES

- 1. Set 1/2" X 24" steel rebar at all lot corners.
- Found 1/2" X 24" steel rebar
- Found G.L.O. brass monument
- Found Official Survey monument

All bearings refer to the E-W center line of Sec. 30 as being S 89°57'17"E data of record Plat K 72-58

All wastewater disposal systems shall comply with existing law at time of construction.

All lots are subject to a 20' building set back along dedicated R/W's

() Data of record

Right of Way vacated by this plat

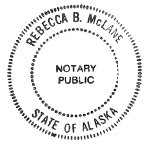
CERTIFICATE OF OWNERSHIP AND DEDICATION

We hereby certify that we are the owners of said property and request the approval of this plat showing such easements for public utilities, roadways, and or streets dedicated by us for public use.

N.J. Poppin Georgia L. Poppin
N.J. Poppin and Georgia L. Poppin, owners
Box 796
Soldotna, Alaska

NOTARY'S ACKNOWLEDGEMENT

Subscribed and sworn before me this 18th day of Aug., 1978
My commission expires 9-19-81
Rebecca B. McLane
notary public for Alaska



PLAT APPROVAL

This plat having been approved by the Kenai Peninsula Borough Planning Commission as recorded in the official minutes of the meeting of August 7, 1978, is hereby acknowledged and accepted as the official plat, subject to any and all conditions and requirements of ordinances and law appertaining thereto.

KENAI PENINSULA BOROUGH
By: Paul Waring

78-155

RECORDED - FILED	800
KENAI	REC. DIST.
DATE	8/18 1978
TIME	2:31 P.M.
Requested by	KPB
Address	

BIRCH HOLLOW SUBDIVISION PART ONE	
N.J. Poppin owner Box 796 Soldotna, Alaska 99669	
DESCRIPTION 4.530 AC. LOCATED IN GOV'T LOT 4, SEC. 30, T5N, R9W 5M AK. AND THE KENAI PENINSULA BOROUGH.	
Surveyed by: McLane and Associates Soldotna, Alaska	
Date of Survey 7/11/78	Scale 1" = 100'
Bk. No 78-18	

A vicinity map of the area around Sterling, Nevada. The map shows the Nevada-South Dakota border running diagonally from the bottom left to the top right. Highway 19 is shown running horizontally across the middle. Sterling, Nevada is marked with a star. The subject area is indicated by a hatched rectangle near the border. The map includes a north arrow, a scale bar (1 inch = 1 mile), and various place names and coordinates.

- ⊗ Found U.S.G.L.Q. brass cap monument.
- ⊕ Found official survey brass cap (237-S)
- Set 1/2" x 24" Rebar
- ⊖ H.E.A. Power Pole

All bearings refer to the E-W center line of Sec. 30 as being $N 89^{\circ} 55' E$ as established by C.L. Parker (237-S) as shown on Smith-Slater subd. plat K-1548.

E2-24

E. NEW BUSINESS

3. R Subdivision; KPB File 2022-091R1

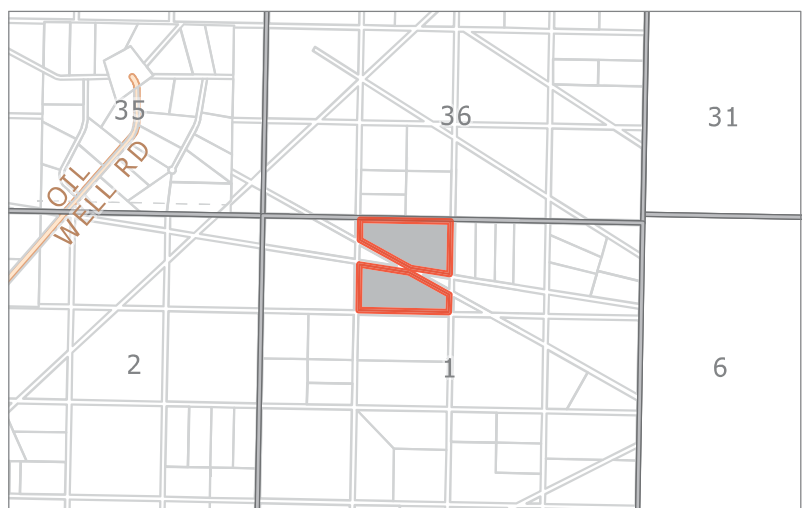
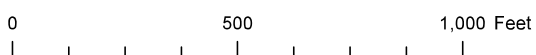


KPB File 2022-091R1

T 02S R 12W SEC 01

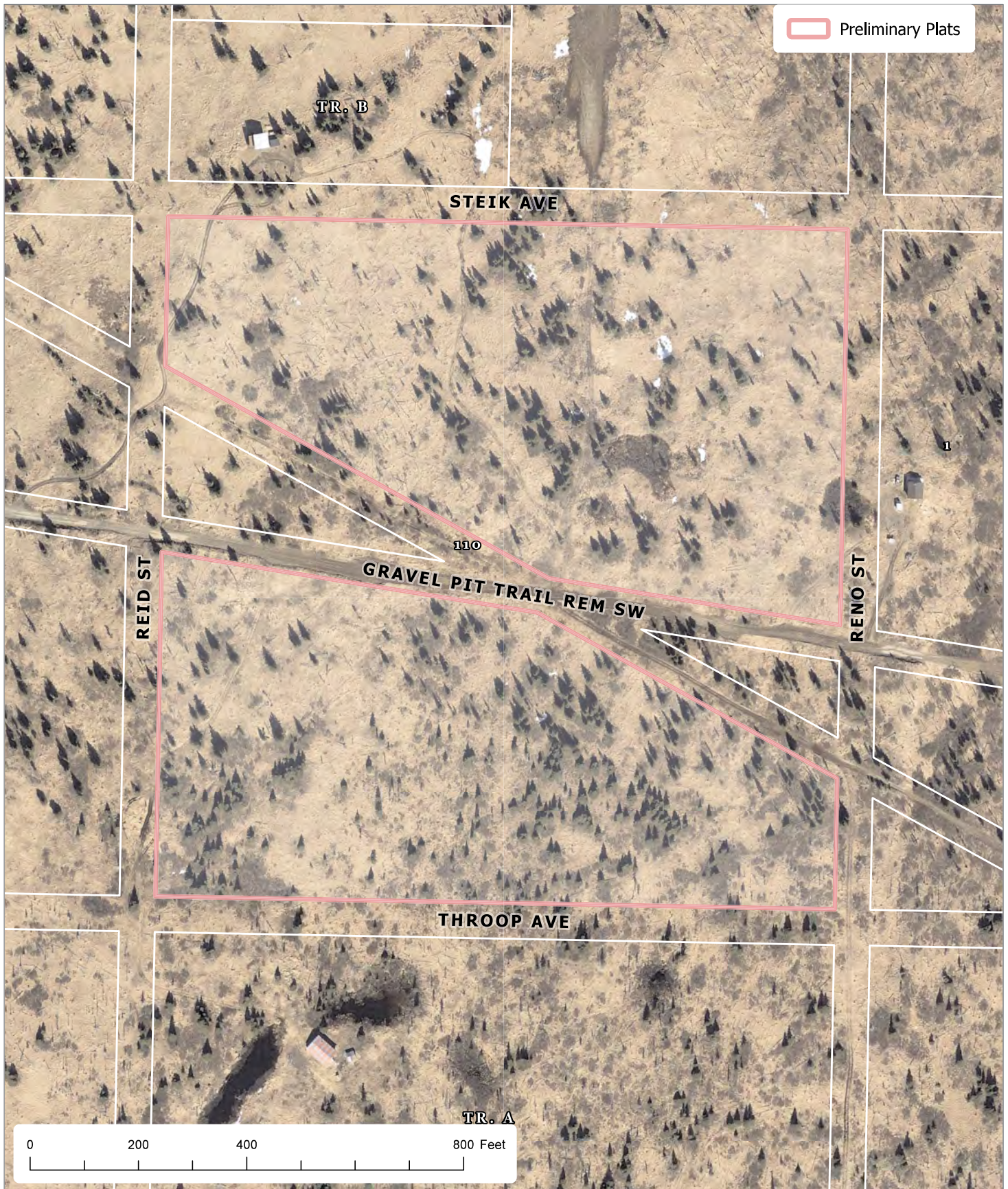
Ninilchik

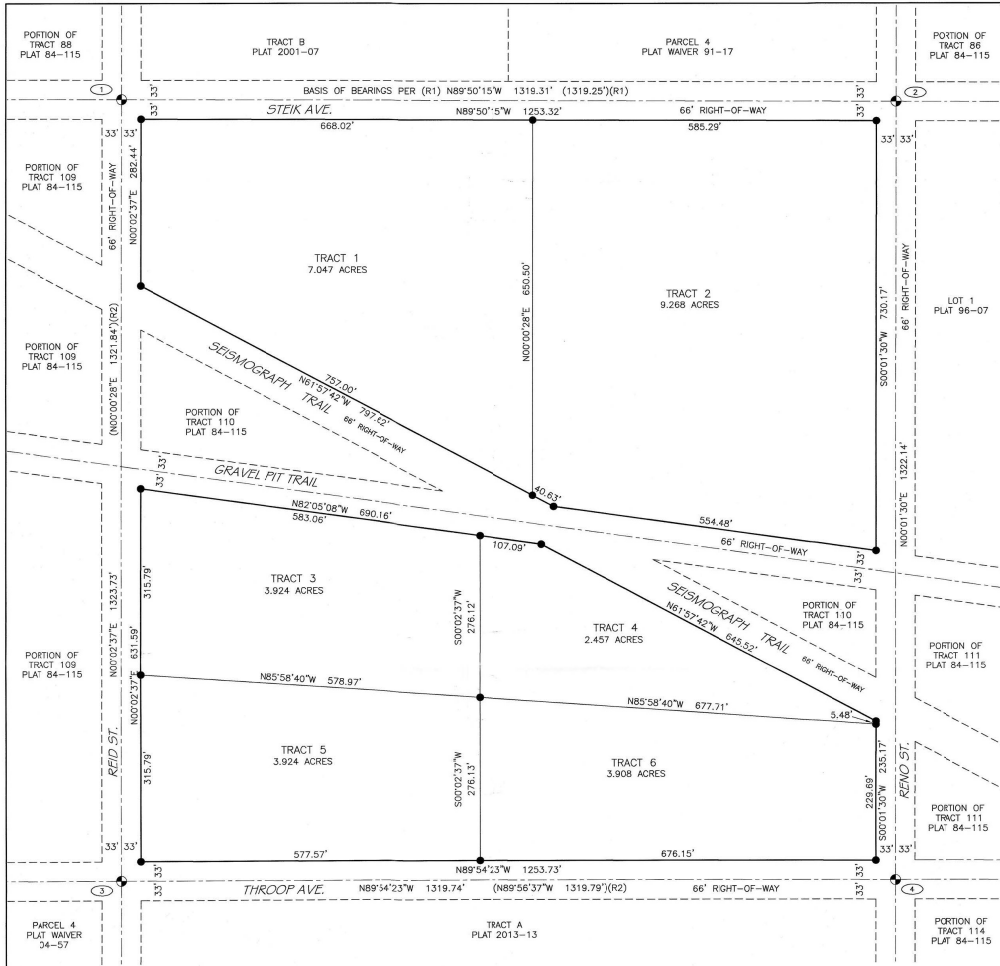
9/30/2022





Aerial View

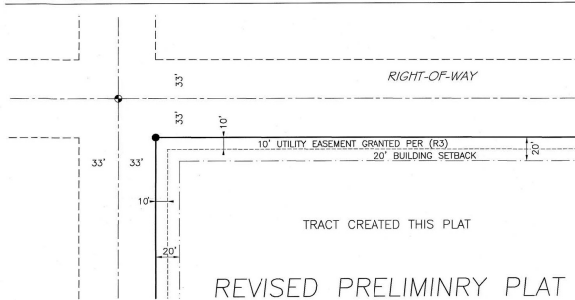




MONUMENT SUMMARY

- | | |
|---|--|
| <p>1</p> <p>7328-S
W 1/16
+ 536
S1
2001</p> <p>FOUND
2-1/2" ALUMINUM
MONUMENT
0.3" ABOVE GRADE
GOOD CONDITION</p> | <p>2</p> <p>7328-S
E 1/4
+ 536
S1
2001</p> <p>FOUND
2-1/2" ALUMINUM
MONUMENT
0.1" ABOVE GRADE
GOOD CONDITION</p> |
| <p>3</p> <p>7328-S
NW 1/16
+
S1
2012</p> <p>FOUND
2-1/2" ALUMINUM
MONUMENT
0.1" ABOVE GRADE
GOOD CONDITION</p> | <p>4</p> <p>7328-S
NW 1/16
+
S1
2012</p> <p>FOUND
2-1/2" ALUMINUM
MONUMENT
FLUSH WITH GRADE
GOOD CONDITION</p> |

BUILDING SETBACK AND UTILITY EASEMENT TYPICAL - SCALE 1" = 50'



NOTES

- THERE MAY BE FEDERAL, STATE, OR LOCAL REQUIREMENTS GOVERNING LAND USE. ANY PERSONS DEVELOPING THIS PROPERTY IS RESPONSIBLE FOR OBTAINING ALL REQUIRED FEDERAL, STATE, OR LOCAL PERMITS, INCLUDING THE U.S. ARMY CORPS OF ENGINEERS WETLAND DETERMINATION IF APPLICABLE.
- BUILDING SETBACK - A SETBACK OF 20 FEET IS REQUIRED FROM ALL STREET RIGHTS-OF-WAY UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
- THE FRONT 10 FEET OF THE BUILDING SETBACK ADJACENT TO THE RIGHTS-OF-WAY IS ALSO A UTILITY EASEMENT, PER (R3), 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.
- THIS SUBDIVISION IS SUBJECT TO TERMS, COVENANTS, CONDITIONS AND PROVISIONS, INCLUDING RIGHT OF WAYS AND EASEMENTS AS CONTAINED IN THE ALASKA NATIVE CLAIMS SETTLEMENT ACT, DATED DECEMBER 18, 1971, U.S. PUBLIC LAW 92-203, 85 STAT. 688, U.S.C. 1601 ET SEQ.
- THIS SUBDIVISION SUBJECT TO RESERVATIONS OF THE SUBSURFACE ESTATE IN SAID LAND INCLUDING, BUT NOT LIMITED TO, RIGHTS OF ENTRY TO EXPLORE, DEVELOP OR REMOVE MINERALS FROM SAID SUBSURFACE ESTATE, AS SET FORTH IN SECTION 14(F) AND 14(G) OR THE ALASKA NATIVE CLAIMS SETTLEMENT ACT.
- THIS SUBDIVISION SUBJECT TO COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS RECORDED JANUARY 7, 1985, VOLUME 153 PAGE 252.
- THIS SUBDIVISION IS SUBJECT TO RESERVATIONS, RESTRICTIONS, CONDITIONS AND EASEMENTS AS CONTAINED IN INTERIM CONVEYANCE, RECORDED JUNE 19, 1978, VOLUME 100 PAGE 226, AND AS CONTAINED IN DEED RECORDED APRIL 12, 1983 AND OCTOBER 4, 1983, VOLUME 134 PAGE 950 HOMER RECORDING DISTRICT.
- THE KENAI PENINSULA BOROUGH WILL NOT ENFORCE PRIVATE COVENANTS, EASEMENTS, OR DEED RESTRICTIONS PER KPB 20.30.170.
- THIS SUBDIVISION IS SUBJECT TO EASEMENT OVER EXISTING RIGHT-OF-WAY, RECORDED MAY 31, 1991, VOLUME 206 PAGE 609. HOMER RECORDING DISTRICT
- EXCEPTION TO KPB CODE 20.40 WAS GRANTED BY THE KPB PLAT COMMITTEE AT THE MEETING OF OCTOBER 24, 2022.
- WASTEWATER DISPOSAL: ANY WASTEWATER TREATMENT AND DISPOSAL SYSTEM MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

NOTARY ACKNOWLEDGEMENT

FOR: JESSICA RANGUETTE
ACKNOWLEDGED BEFORE ME

THIS _____ DAY OF _____, 2022

PUBLIC NOTARY SIGNATURE

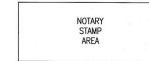


NOTARY ACKNOWLEDGEMENT

FOR: BRIAN RANGUETTE
ACKNOWLEDGED BEFORE ME

THIS _____ DAY OF _____, 2022

PUBLIC NOTARY SIGNATURE



LEGEND

- | | |
|--|------------------------------|
| ● FOUND PRIMARY MONUMENT AS REFERENCED | — SUBDIVISION BOUNDARY |
| ● SET PROPERTY CORNER
5/8" X 30" REBAR
WITH 2" ALUMINUM CAP
STAMPED EDGE SURVEY LS-13022 2022 | — INTERIOR LOT LINE |
| ● MONUMENT REFERENCE NUMBER | --- ADJACENT PROPERTY LINE |
| (R1) RECORD DATA, SEE REFERENCE | --- CENTERLINE |
| | --- 20 FOOT BUILDING SETBACK |
| | --- 10 FOOT UTILITY EASEMENT |
| | ▨ RIGHT-OF-WAY VACATED |

REFERENCES

- (R1) LAS VEGAS SUBDIVISION, PLAT 2001-07, HOMER RECORDING DISTRICT
- (R2) PORTER-SYVERSON SUBDIVISION, PLAT 2013-13, HOMER RECORDING DISTRICT
- (R3) RIGHT OF WAY MAP, PLAT 84-115, HOMER RECORDING DISTRICT

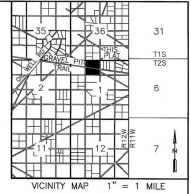
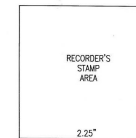
PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF JULY 18, 2022.
KENAI PENINSULA BOROUGH

AUTHORIZED OFFICIAL

CERTIFICATE OF SURVEYOR

I, MARK AMONETTI 13022-S, HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF ALASKA AND THAT THIS PLAT REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, AND THAT THE MONUMENTS SHOWN ON THIS SURVEY ACTUALLY EXIST AS DESCRIBED, AND THAT ALL DIMENSIONAL AND OTHER DETAILS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.



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 OUR FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

JESSICA RANGUETTE
PO BOX 7181
NIKISKI, ALASKA 99635

BRIAN RANGUETTE
PO BOX 7181
NIKISKI, ALASKA 99635

KPB FILE No. 2022-091

R SUBDIVISION

A SUBDIVISION OF
THE NE 1/4 NW 1/4 OF SECTION 1
EXCLUDING RIGHT-OF-WAYS,
ALSO SHOWN AS TRACT 110
OF RIGHT-OF-WAY
PLAT 84-115
HOMER RECORDING DISTRICT

OWNERS:

JESSICA RANGUETTE
AND
BRIAN RANGUETTE
PO BOX 7181
NIKISKI, ALASKA 99635

LOCATED WITHIN NW 1/4 SECTION 1,
T.25S., R.12W. S.M.
STATE OF ALASKA
KENAI PENINSULA BOROUGH
HOMER RECORDING DISTRICT

CONTAINING 34.243 ACRES



12501 OLD SEWARD, D. ANCHORAGE, AK 99515
Phone (907) 344-5990 Fax (907) 344-7794
AECL# 1392

DRAWN BY: JY	DATE: 7/31/2022	PROJECT: 22-542
CHECKED BY: MA	SCALE: 1" = 100'	SHEET: 1 OF 1

KPB 2022-091R1

AGENDA ITEM E. NEW BUSINESS

ITEM 3 – R SUBDIVISION

KPB File No.	2022-091R1
Plat Committee Meeting:	October 24, 2022
Applicant / Owner:	Jessica and Brian Ranguette of Nikiski, AK
Surveyor:	Jason Young, Mark Aimonetti / Edge Survey and Design, LLC
General Location:	Gravel Pit Trail, Caribou Hills, Ninilchik

Parent Parcel No.:	185-509-24 and 185-509-26
Legal Description:	Portions of NE1/4 NW1/4 Section 1, Township 2 South, Range 12 West, portions of what is also known as Tract 110 of the Right of Way Map, HM 84-115
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide two parcels into six lots ranging in size from 2.457 acres to 9.268 acres.

An application for the vacation of the seismograph trail had been received and was heard at the July 18, 2022 Planning Commission meeting. The Kenai Peninsula Borough Assembly vetoed the vacation at their August 9, 2022 meeting. A preliminary plat that included the proposed vacation was heard and received conditional approval by the Plat Committee at the July 18, 2022 meeting. This is a revised preliminary design that removes the vacation and the two smaller pieces of property as there is no changes to be made to those lots without a right-of-way vacation.

Location and Legal Access (existing and proposed): The proposed plat is in the Caribou Hills area. The Ninilchik Right of Way Map, HM 84-115, dedicated 66 foot wide rights-of-way on section lines, 1/4 and 1/16 aliquot lines as well as along some existing seismograph trails. The proposed plat is located near mile 18 of Oil Well Road. The property within this subdivision has dedicated 66 foot wide rights-of-way on all sides, being Reno Street, Steik Avenue, Reid Street and Throop Avenue. Additionally, a seismograph trail was dedicated that is known as Gravel Pit Trail. An additional seismograph trail was also dedicated through the original lot. Gravel Pit Trail is a trail that is in use for access. The seismograph trail has a portion in use. No new dedications are indicated with this proposed plat. Due to dedications the plat will only be dealing with two parcels that are parts of the aliquot lot and are not contiguous. Two smaller portions of the aliquot lot are not part of the subdivision. While all part of the original aliquot lot designation on the Ninilchik ROW map, they have been given unique descriptions and separate parcel numbers.

The block is closed. Due to the multiple dedications, portions of the existing blocks are short of the minimum distances outlined in code. A previous vacation petition and preliminary plat design would have improved the block length requirements but due to the veto of the vacation this plat is unable to improve the block lengths. ***Staff recommendation due to the veto of the vacation the owners are not able to improve the short block lengths and staff asks the plat committee to concur that an exception is not required.***

KPB Roads Dept. comments	Out of Jurisdiction: No Roads Director: Uhlin, Dil Comments: No comments
SOA DOT comments	No comment

Site Investigation: The parcels within the proposed subdivision do not contain any low wet areas per KPB GIS data. The terrain is relatively flat. There are some steep slopes present within the northern corners of the subdivision but the majority of the steeper terrain is outside the bounds of the subdivision within the right-of-way dedications and neighboring properties.

There are currently no structures or improvements onsite.

The proposed subdivision is in an area with a high recreational use. The Right of Way Map, HM 84-115, dedicated rights-of-way without considering terrain.

KPB River Center review	A. Floodplain Reviewer: Carver, Nancy Floodplain Status: Not within flood hazard area Comments: No comments B. Habitat Protection Reviewer: Carver, Nancy Habitat Protection District Status: Is NOT within HPD Comments: No comments C. State Parks Reviewer: Russell, Pam Comments: No Comments
State of Alaska Fish and Game	No Objections

Staff Analysis The proposed plat will reconfigure two parcels into six tracts. The Right of Way Map, HM 84-115, dedicated the rights-of-way surrounding the property and defined the block.

An exception has been requested to not be required to submit a soils analysis report.

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 the Right of Way Map, HM 84-115, granted 10-foot-wide utility easements along the dedicated rights-of-way. Staff recommends revising plat note 3 slightly. A typical drawing is being included on the plat.

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	No comments or recommendations
ACS	No objections
GCI	Approved as Shown

KPB department / agency review:

Addressing	Reviewer: Haws, Derek Affected Addresses:
------------	--

	<p>None</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names: THROOP AVE REID ST STEIK AVE RENO ST SEISMOGRAPH TRAIL</p> <p>Existing Street Name Corrections Needed:</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: No addresses affected by this subdivision.</p>
Code Compliance	<p>Reviewer: Ogren, Eric</p> <p>Comments: No comments</p>
Planner	<p>Reviewer: Raidmae, Ryan</p> <p>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</p> <p>Comments: No comment</p>

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

STAFF RECOMMENDATIONS **CORRECTIONS / EDITS**

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.*

- Check lines that have a split distance in them. Computer rounding on the total versus the smaller division number is off.

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: Since portions of the NE1/4 NW1/4 are being excluded from this plat the title block should be revised to state “excluding those portions between seismograph rights-of-way and Reid Street and Reno Street. Verify final acreage and update accordingly.

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: An exception to not require a soils analysis report has been requested.

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:

Revise the following plat notes.

- Note 3, updated by removing “of the building setback”.
- Update the portion of code for the exception to 20.40.100 and add “... Code 20.40.100 to not require a soils analysis and report was granted...”

20.60.110. Dimensional data required.

A. The bearing and length of every lot line, block line, and boundary line shall be shown. Dimensions of lots shall be given as net dimensions to the boundaries of adjoining streets and shall be shown in feet. No ditto marks shall be used. Information shall be shown for all curves, including radius, central angle, arc length, chord length and chord bearing. The initial point of survey shall be shown and labeled. All non-radial lines shall be labeled. If monumented lines were not surveyed during this platting action, show the computed data per the record plat information.

Staff recommends

Show distances and bearings between lots on east and west where stopped by at roads.

20.60.200. Survey and monumentation.

Staff recommendation: comply with 20.60.200(F) tie plat corner to GLO monuments with more precise distances.

EXCEPTIONS REQUESTED:

KPB 20.40 – Wastewater Disposal - Review

Staff Discussion: An exception is being requested to not be required to submit a soils analysis report for review and approval. These are lots that are within an area with a high recreational use.

Surveyor's Findings:

1. Parcels are recreational properties in a remote area near the end of Oil Well Road.
2. A soils analysis was not prepared for plat 84-115 which created the small portions of Tract 110.
3. Parcels are 2.5-3.9 acres in size, near the minimum size for no review, with sufficient area for wastewater disposal.
4. All new parcels will have well above the 20,000 square feet of continuous area available for wastewater installation.
5. Parcels are on high ground with good draining soils.
6. Parcels have a variety of waste disposal alternatives including privy, incinerations, composting, and transporting away.

Staff's Findings:

7. Two of the proposed tracts will be over 200,000 square feet each and do not require soils analysis.
8. One of the proposed tracts will be 2.5 acres and the other three will be 3.9 acres each.
9. KPB Code 20.40.020 outlines the circumstance and criteria to not require a wastewater system review and these lots do not fall under that portion of code.
10. The required note that states systems must meet DEC requirements is present on the plat.

If the exception is denied, a soils analysis report will be required for Tracts 3-6 and an engineer will need to sign the plat.

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 1-6 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 1-6 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:

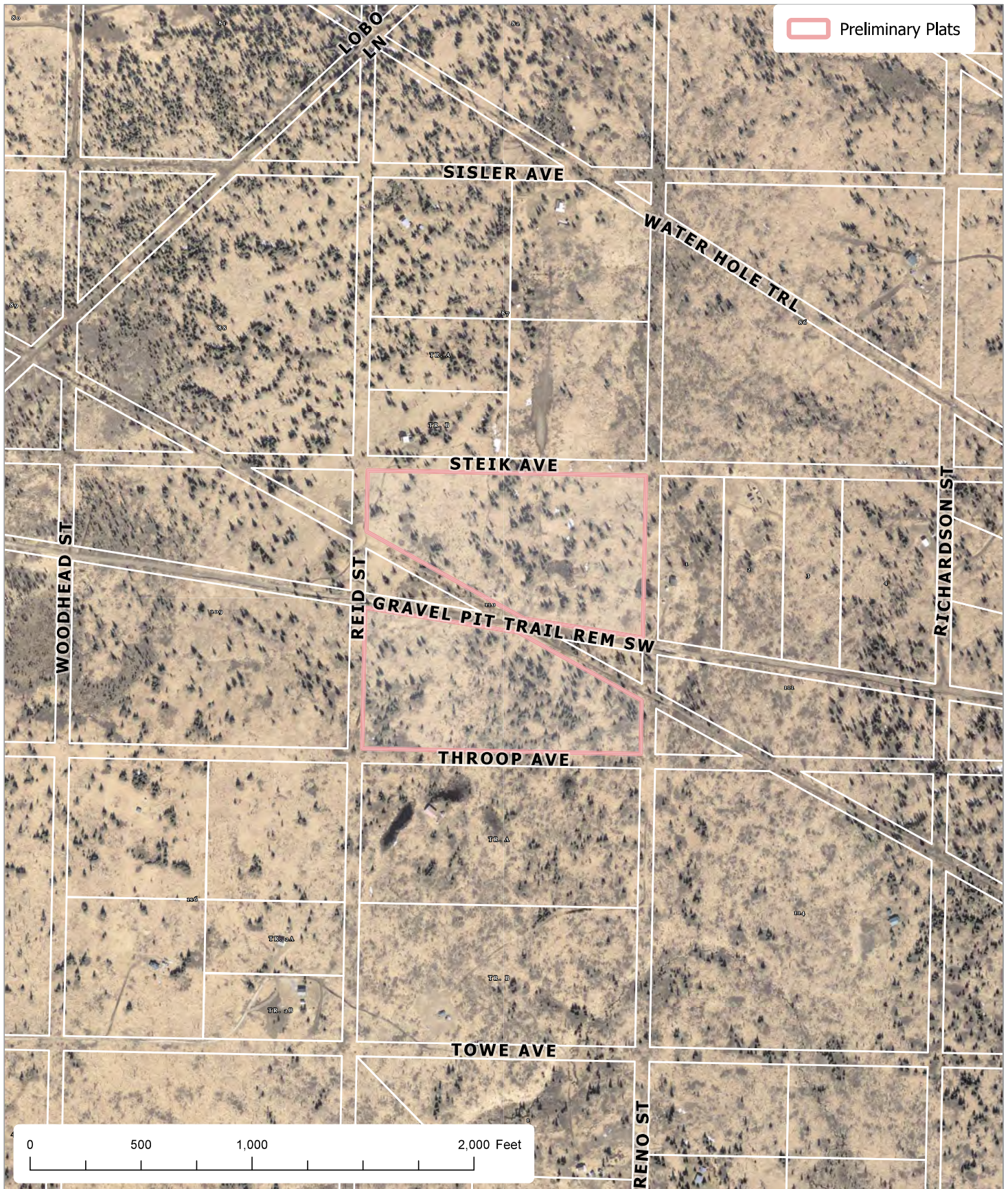
- GRANT APPROVAL OF THE PRELIMINARY PLAT SUBJECT TO STAFF RECOMMENDATIONS, AND
- COMPLIANCE WITH KPB 20.25.070 (FORM AND CONTENTS), KPB 20.25.080 (PETITION REQUIRED), KPB 20.30 (DESIGN REQUIREMENTS); AND KPB 20.40 (WASTEWATER DISPOSAL), AND
- COMPLIANCE WITH KPB 20.60 TO ENSURE ADMINISTRATIVE APPROVAL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

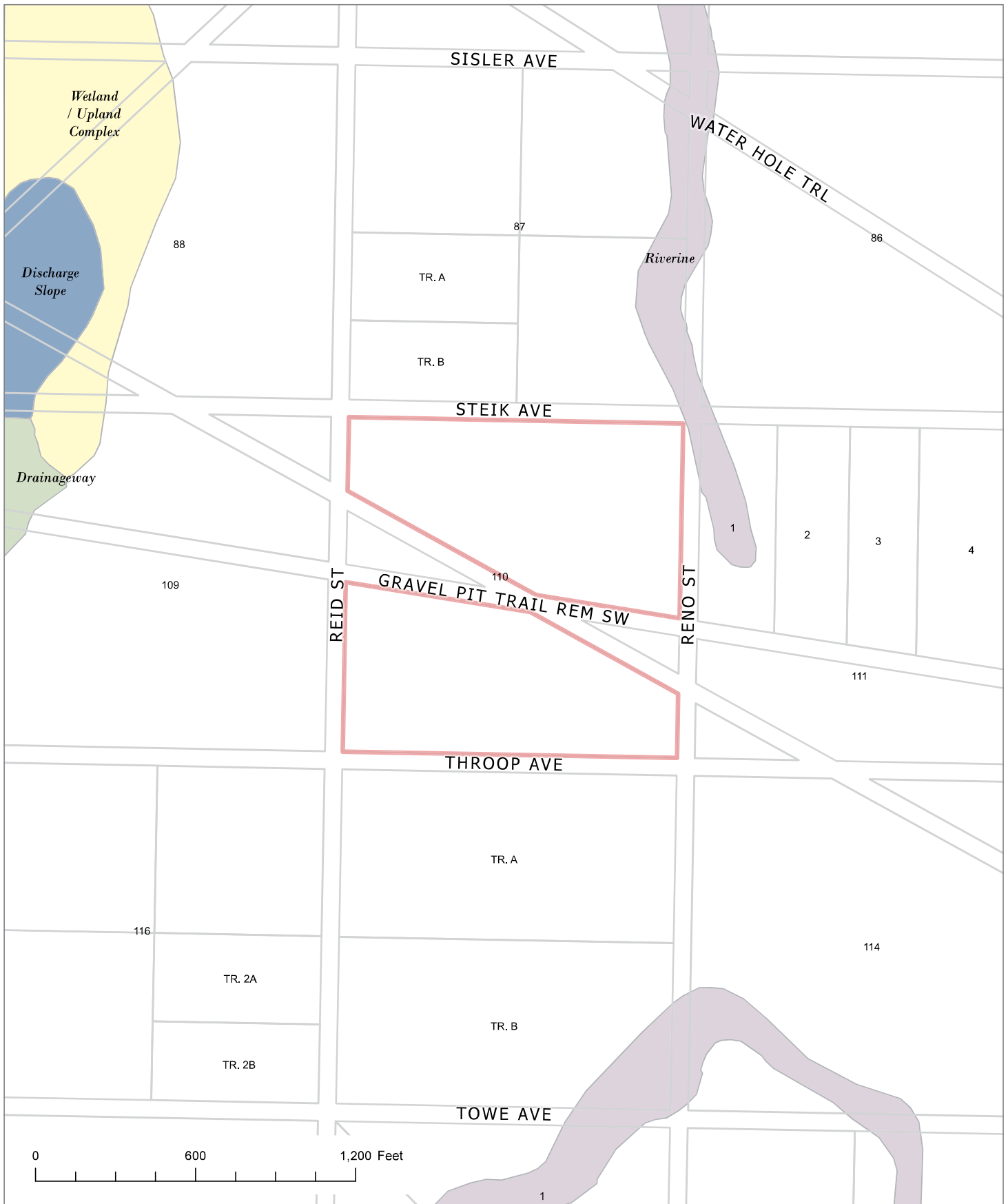
NOTE: 20.25.120. - REVIEW AND APPEAL.

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.

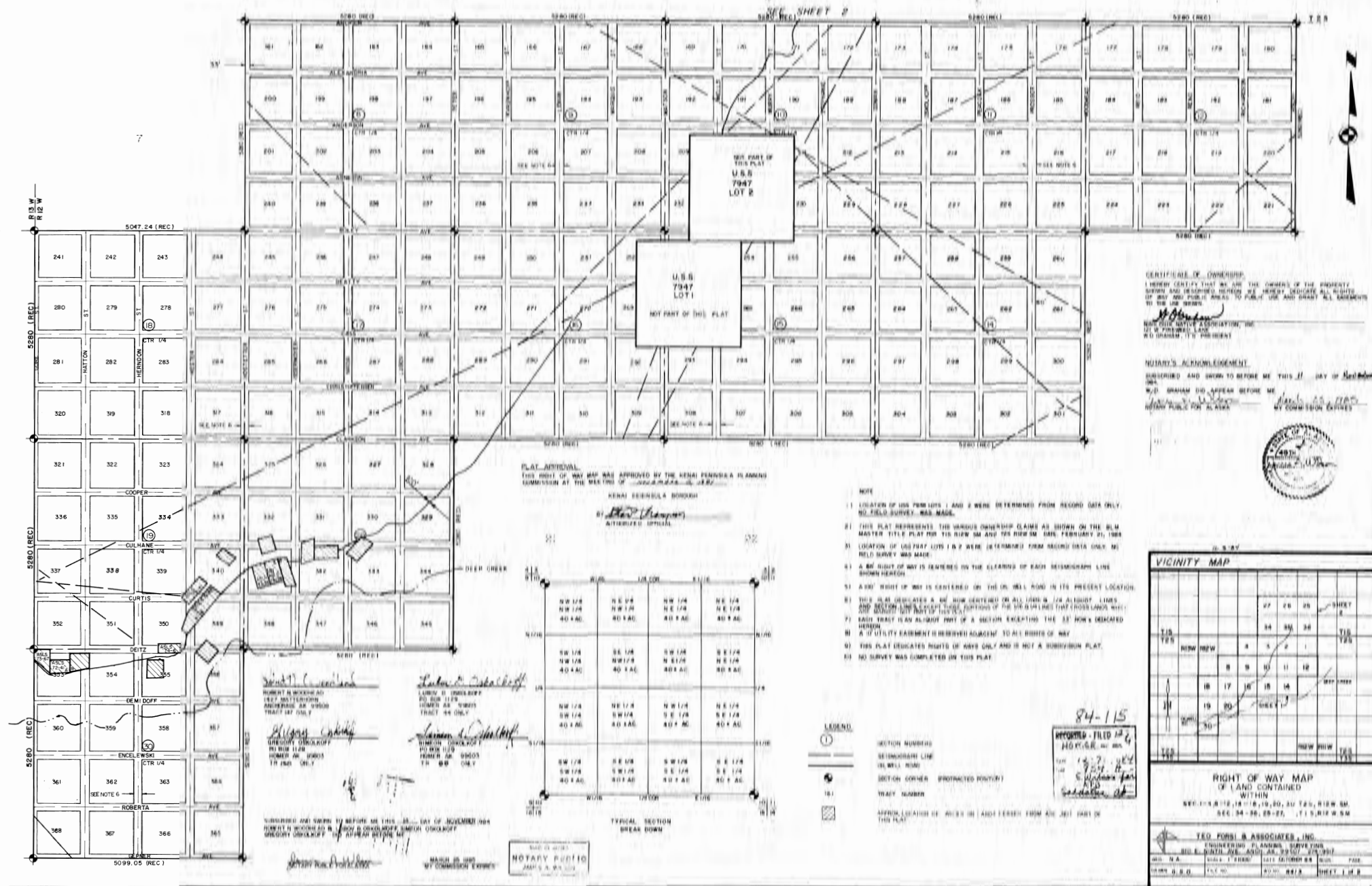
A DECISION OF THE PLANNING COMMISSION MAY BE APPEALED TO THE HEARING OFFICER BY A PARTY OF RECORD WITHIN 15 DAYS OF THE DATE OF NOTICE OF DECISION IN ACCORDANCE WITH KPB 21.20.250.

END OF STAFF REPORT



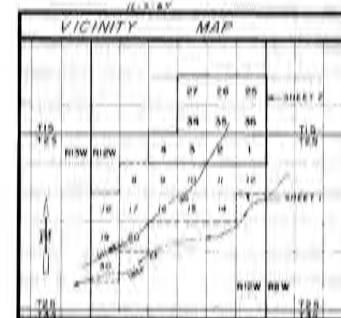
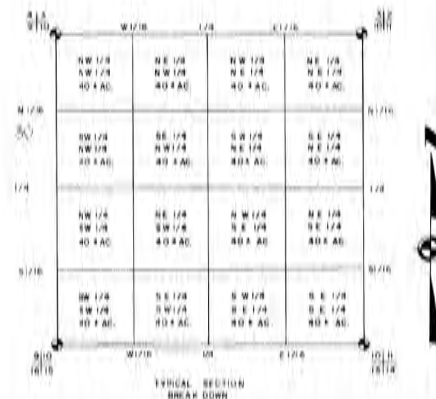
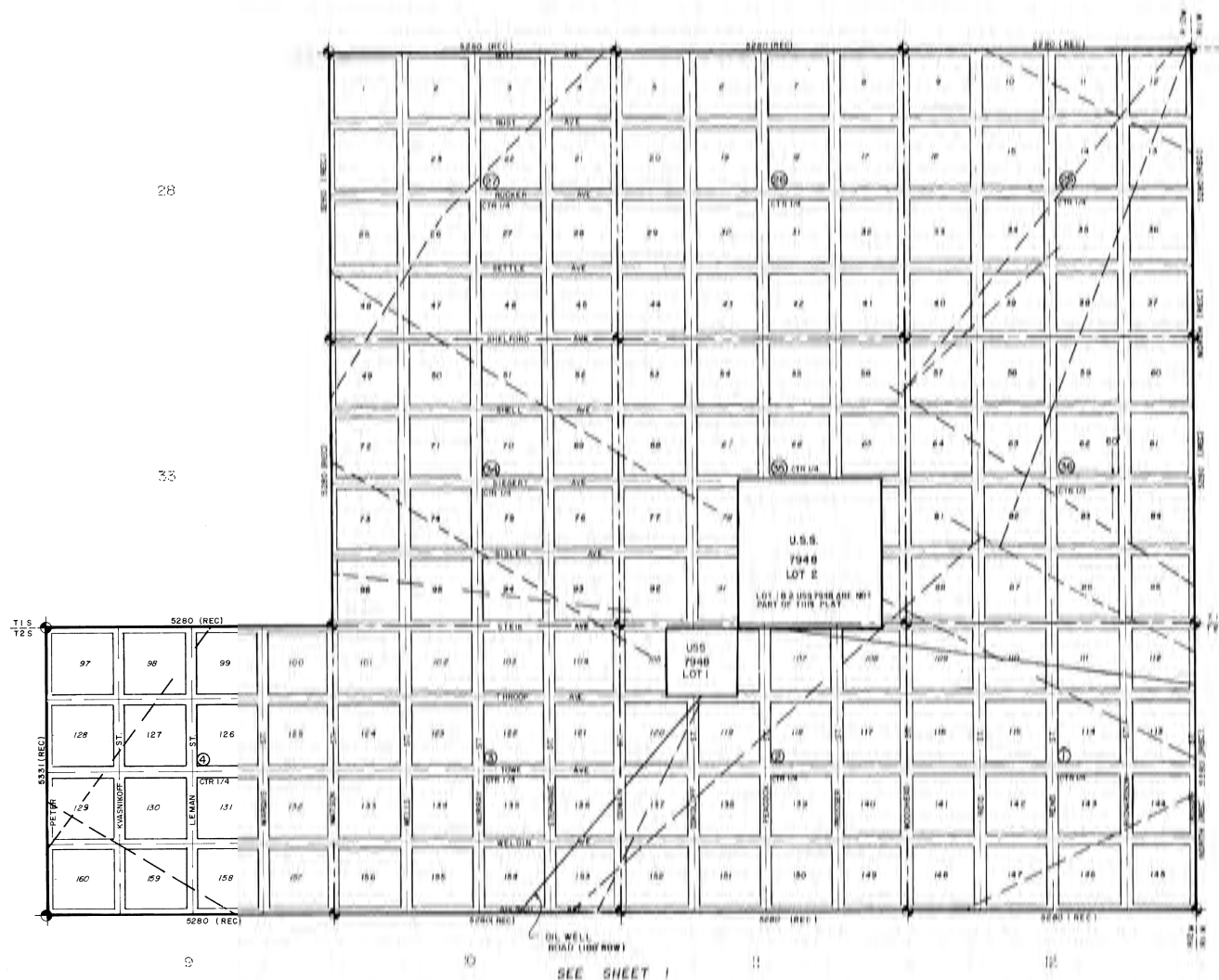






28

33



RIGHT OF WAY MAP
OF LAND CONTAINED
WITHIN
SEC 34-36, 25-27, T1S, R12W S3
SEC. 1-3, 8-12, 14-16, 19, 20, 30 T2S, R12W S3

TEO FORS & ASSOCIATES, INC.
REGISTERED PROFESSIONAL SURVEYOR
NO. 6, NORTH DAKOTA, EX. 0001, 5/24/87

DATE: 7/2/88
DRAWN: G.D.O.
FILE NO.:
SHEET 2 OF 2

84-115
HOMER
12-7-84
SOLD

WM 84-115

NINTCHIK ROW MAP

E. NEW BUSINESS

4. Red Boat Subdivision; KPB File 2022-150



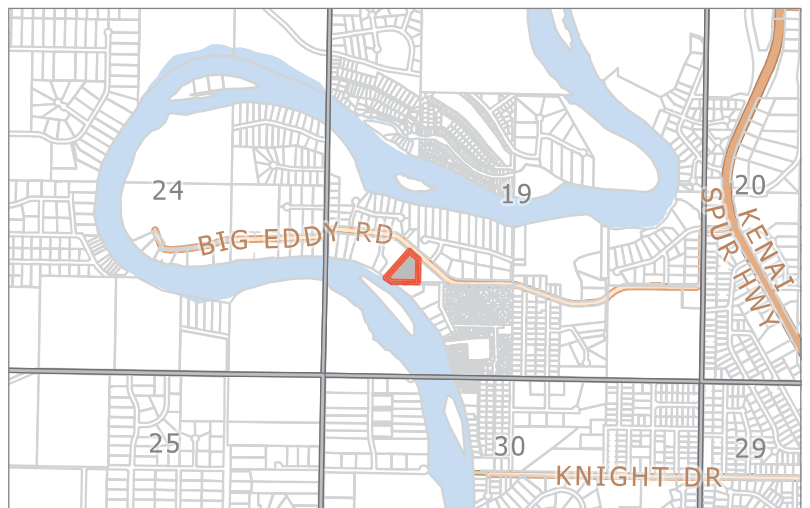
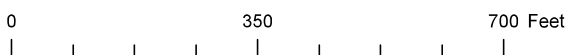
Kenai Peninsula Borough Planning Department

Vicinity Map



KPB File 2022-150
T 05N R 10W SEC 19
Ridgeway

9/30/2022

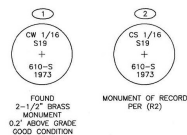




Aerial View



MONUMENT SUMMARY



30' 15' 0' 30'

1" = 30'



LOT 28
PLAT 2008-26

LOT 15A
1.000 ACRES

LOT 15B
1.837 ACRES

LOT 10A PLAT 78-191

LEGEND

- FOUND PRIMARY MONUMENT AS REFERENCED
- ⊙ RECORD PRIMARY MONUMENT AS REFERENCED
- FOUND PROPERTY CORNER - REBAR
- SET PROPERTY CORNER
5/8" X 30" REBAR
WITH 2" ALUMINUM CAP
STAMPED EDGE SURVEY LS-13022 2022
- ① MONUMENT REFERENCE NUMBER

- SUBDIVISION BOUNDARY
- INTERIOR LOT LINE
- ADJACENT PROPERTY LINE
- FLOOD ZONE
- 20 FOOT BUILDING SETBACK
- 10 FOOT UTILITY EASEMENT
- (R1) RECORD DATA, SEE REFERENCE
- OA OVERALL

PRELIMINARY PLAT

NOTES

- BUILDING SETBACK - A SETBACK OF 20 FEET IS REQUIRED FROM ALL STREET RIGHTS-OF-WAY UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
- THE FRONT 10 FEET ADJACENT TO THE RIGHTS-OF-WAY 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.
- NO STRUCTURES ARE PERMITTED WITHIN THE PANHANDLE PORTION OF THE FLAG LOT.
- FLOOD HAZARD NOTICE: SOME OR ALL OF THE PROPERTIES SHOWN ON THIS PLAT HAVE BEEN DESIGNATED BY FEMA AS A FLOOD HAZARD AREA DISTRICT AS OF THE DATE THIS PLAT IS RECORDED WITH THE DISTRICT RECORDER'S OFFICE. PRIOR TO DEVELOPMENT, THE KENAI PENINSULA BOROUGH FLOODPLAN ADMINISTRATOR SHOULD BE CONTACTED FOR CURRENT INFORMATION AND REGULATIONS. DEVELOPMENT MUST COMPLY WITH CHAPTER 21.06 OF THE KENAI PENINSULA BOROUGH CODE. THIS PLAT IS EFFECTED BY FLOOD ZONES AO AND C PER MAP PANEL 02001220645C.
- ANDROMEDUS HABITAT PROTECTION NOTE: PORTIONS OF THIS SUBDIVISION ARE WITHIN THE KENAI PENINSULA BOROUGH ANDROMEDUS HABITAT PROTECTION DISTRICT. SEE KPB CHAPTER 21.18 AS MAY BE AMENDED, FOR RESTRICTIONS THAT AFFECT DEVELOPMENT IN THIS SUBDIVISION.
- FLOODWAY NOTICE: PORTIONS OF THIS SUBDIVISION ARE WITHIN THE FLOODWAY. PURSUANT TO KPB CHAPTER 21.06, ALL DEVELOPMENT (INCLUDING FILL) IN THE FLOODWAY IS PROHIBITED UNLESS CERTIFICATION BY AN ENGINEER OR ARCHITECT IS PROVIDED DEMONSTRATING THAT ENCROACHMENTS SHALL NOT RESULT IN ANY INCREASES IN FLOOD LEVELS DURING THE OCCURRENCE OF THE BASE FLOOD DISCHARGE.
- THIS SUBDIVISION SUBJECT TO EASEMENT, WITH NO DEFINED LOCATION, FOR ELECTRIC LINES OR SYSTEM AND/OR TELEPHONE LINES TOGETHER WITH RIGHT TO ENTER, MAINTAIN, REPAIR AND CLEAR SHRUBBERY, RECORDED: JANUARY 3, 1961, MISC. VOLUME/PAGE: 6/224, GRANTED TO HOMER ELECTRIC ASSOCIATION, INC.
- THIS SUBDIVISION SUBJECT TO RESERVATION OF EASEMENT FOR HIGHWAY PURPOSES, AND ANY ASSIGNMENTS OR JSES THEREOF FOR RECREATIONAL, UTILITY OR OTHER PURPOSES, AS DISCLOSED BY PUBLIC LAND ORDER NO. 601, DATED AUGUST 10, 1949 AND AMENDED BY PUBLIC LAND ORDER NO. 757, DATED OCTOBER 10, 1959; PUBLIC LAND ORDER NO. 1613, DATED APRIL 7, 1958; AND DEPARTMENT OF THE INTERIOR ORDER NO. 2665, DATED OCTOBER 16, 1951, AMENDMENT NO. 1 THEREOF, DATED JULY 17, 1952 AND AMENDMENT NO. 2 THEREOF, DATED SEPTEMBER 15, 1956, FILED IN THE FEDERAL REGISTER.
- THIS SUBDIVISION SUBJECT TO RIGHTS OF THE PUBLIC AND/OR GOVERNMENTAL AGENCIES IN AND TO THAT PORTION OF SAID PREMISES LYING BELOW THE MEAN HIGH WATER MARK THE KENAI RIVER AND ANY QUESTIONS OF RIGHT OF ACCESS TO THE RIVER IN THE EVENT SAID LANDS DO NOT IN FACT ABUT THE RIVER.
- THIS SUBDIVISION SUBJECT TO ANY PROHIBITION OR LIMITATION ON THE USE, OCCUPANCY OR IMPROVEMENT OF THE LAND RESULTING FROM THE RIGHTS OF THE PUBLIC OR RIPARIAN OWNERS TO USE ANY WATERS WHICH MAY COVER THE LAND OR TO USE ANY PORTION OF THE LAND WHICH IS NOW OR MAY FORMERLY HAVE BEEN COVERED BY WATER.
- EXCEPTION TO 20.30.30, STREET LAYOUT AND 20.30.190, LOTS DIMENSIONS WAS GRANTED BY THE KPB PLAT COMMITTEE AT THE MEETING OF OCTOBER 24, 2022.
- WASTE WATER DISPOSAL: SOIL CONDITIONS, WATER TABLE LEVELS, AND SOIL SLOPES 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 PROFESSIONAL ENGINEER, REGISTERED TO PRACTICE IN ALASKA, AND THE DESIGN MUST BE APPROVED BY THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

ENGINEER

LICENSE NUMBER

DATE

REFERENCES

- (R1) RIVERSIDE SUBDIVISION KROGSENG ADDITION, PLAT 2008-26, KENAI RECORDING DISTRICT
- (R2) KENAI RIVER ACRES SUBDIVISION, PLAT 74-29, KENAI RECORDING DISTRICT
- (R3) RESUBDIVISION OF LOT 10 BLOCK ONE WILSON SUBDIVISION, PLAT 78-191, KENAI RECORDING DISTRICT

PLAT APPROVAL

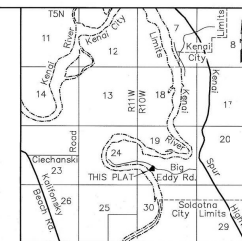
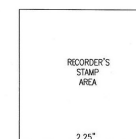
THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF OCTOBER 24, 2022.

KENAI PENINSULA BOROUGH

AUTHORIZED OFFICIAL

CERTIFICATE OF SURVEYOR

I, MARK ANONETTI 13022-S, HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF ALASKA AND THAT THIS PLAT REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, AND THAT THE MONUMENTS SHOWN ON THIS SURVEY ACTUALLY EXIST AS DESCRIBED, AND THAT ALL DIMENSIONAL AND OTHER DETAILS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.



VICINITY MAP 1" = 1 MILE

CERTIFICATE OF OWNERSHIP AND DEDICATION

I HEREBY CERTIFY THAT RED BOAT CLUB LLC IS THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND THAT ON BEHALF OF RED BOAT CLUB LLC, I HEREBY ADOPT THIS PLAN OF SUBDIVISION AND BY MY FREE CONSENT DEDICATE ALL RIGHTS-OF-WAYS AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

JAMES WILLIAM DRATH - MEMBER
PO BOX 4326
SOLDOTNA, ALASKA 99669

NOTARY ACKNOWLEDGEMENT

FOR: JAMES WILLIAM DRATH
ACKNOWLEDGED BEFORE ME
THIS _____ DAY OF _____, 2022

PUBLIC NOTARY SIGNATURE

NOTARY
STAMP
AREA

KPB FILE No. 2022-XXX

RED BOAT SUBDIVISION

A SUBDIVISION OF
PORTION OF GOVERNMENT LOT 15
LYING SOUTH OF BIG EDDY ROAD
AND EAST OF PLAT 2008-26

OWNERS:

ROAD BOAT CLUB LLC
PO BOX 4326
SOLDOTNA, ALASKA 99669

LOCATED WITHIN SW 1/4 SECTION 19,
T.5N., R.10W., S.M.
STATE OF ALASKA
KENAI PENINSULA BOROUGH
KENAI RECORDING DISTRICT

CONTAINING 2.837 ACRES



12501 OLD SEWARD, D ANCHORAGE, AK 99515
Phone (907) 344-5990 Fax (907) 344-7794

DRAWN BY: JY
CHECKED BY: MA
DATE: 8/20/2022
SCALE: 1" = 30'

PROJECT: 22-533
SHEET: 1 OF 1

KPB 2022-150

AGENDA ITEM E. NEW BUSINESS

ITEM 4 – RED BOAT SUBDIVISION

KPB File No.	2022-150
Plat Committee Meeting:	October 24, 2022
Applicant / Owner:	Red Boat Club LLC of Soldotna, Alaska
Surveyor:	Jason Young, Mark Aimonetti / Edge Survey and Design, LLC
General Location:	Big Eddy Road, Ridgeway

Parent Parcel No.:	057-042-25
Legal Description:	Portion of Government Lot 15, Section 19, Township 5 North, Range 10 West
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On Site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide a 2.837 acre parcel into two lots that will be 1 acre and 1.837 acres.

Location and Legal Access (existing and proposed): The subdivision is located on state maintained Big Eddy Road. Big Eddy Road intersects state maintained Kenai Spur Highway near mile 2 in the Ridgeway area.

An existing driveway is in place and appears to be within proposed Lot 15A. The existing driveway appears to circle around the property. If Lot 15B intends to share the driveway a driveway or access easement should be recorded if ownership changes. Lot 15B has dedicated access from Big Eddy Road but access is subject to approval by DOT. Rebel Run Road is a 30 foot wide dedication that provides additional access to Lot 15B.

Rebel Run Road is 30 feet wide and provides access to several lots and the Kenai River. The constructed area is not maintained by the borough. An exception to not grant the additional 30 feet is being requested.

Lot 15B will have access from the Kenai River. Lot 15A will not abut the river.

A section line easement, Big Eddy Road, and Rebel Run Road are the rights-of-way defining the block. Using the Kenai River to close the block, the distance along Big Eddy Road exceeds allowable lengths. The distance is about 2,000 feet in length. Any right-of-way dedication required would be in close proximity to Rebel Run Road and would not improve a right-of-way block as it would end at the Kenai River. ***Staff recommends the plat committee concur that an exception to block length is not required as a dedication will not improve the block length requirements.***

KPB Roads Dept. comments	Out of Jurisdiction: No Roads Director: Uhlin, Dil Comments: This road will not meet standards to receive road maintenance without 60' of dedicated ROW. Per 14.06.100 1.Roads must be contiguous with an existing road system maintained by the borough or other governmental agency. All roads must be on a dedicated right-of-way or a section-line easement and must be built along the right-of-way centerline. Minimum right-of-way width shall be 60 feet.
SOA DOT comments	No comment – Planning The ROW for Big Eddy Road appears to be shown correctly. – Engineering

Site Investigation: There are no low wet areas on the property except at the edge of the Kenai River. The terrain through the lots is relatively flat.

There are multiple structures on the property. The lot design is to have specific buildings placed on each lot. This is resulting in an unusual lot design and an exception has been requested. **Staff recommends the locations of all permanent structures are verified and written acknowledgement be given to the planning department that the plat will not be creating any encroachment issues.**

The subdivision is subject to Anadromous Habitat Protection District and is within flood hazard area. Plat notes have been added. **Staff recommends verify the map panel listed in plat note 4. On the drawing is labeled Flood Zone B on the lower part connected to Rebel Run Road, verify this part as reviewer did not see it on the FEMA Map Panel.**

KPB River Center review	<p>A. Floodplain Reviewer: Carver, Nancy Floodplain Status: IS in flood hazard area Comments: Flood Zone: AO,A4,B,Floodway Map Panel: 020012-2045C In Floodway: False Floodway Panel:</p> <p>B. Habitat Protection Reviewer: Carver, Nancy Habitat Protection District Status: IS totally or partially within HPD Comments: No comments</p> <p>C. State Parks Reviewer: Russell, Pam Comments: No Comments</p>
State of Alaska Fish and Game	This plat depicts the Kenai River which has been identified as anadromous (AWC 244-30-10010). Any modifications to the streambank or bed will require a Fish Habitat Permit from ADF&G's Division of Habitat.

Staff Analysis This is a subdivision of a previously unplatted Government Lot. It will be creating two lots that will be irregular in shape.

This property did not have setbacks previously put into place. The structures should be verified if they will be within the new setbacks and/or utility easements. If so they will need to be depicted with required plat notes added.

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

Notice of the proposed plat was mailed to the beneficial interest holder on October 3, 2022. 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.

The property is not within an advisory planning commission.

Utility Easements There are no previously platted easements. An easement granted by recorded document is contained in plat note 7.

This plat will be granting the required 10 foot utility easements along right-of-way dedications. HEA and ENSTAR are both requesting specific easements over existing services. Staff reached out to ACS for clarification as their response includes language for a vacation. If a response is received it will be forwarded to the surveyor.

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	Locate and depict the underground electric service line. The approximate location has been shown on this review. Provide a label or plat note that states "The existing underground powerline is the centerline of a 15-foot electrical easement, including pedestals, granted this plat."
ENSTAR	There is an existing natural gas service line which appears to cross proposed Lot 15B to serve Lot 15A. ENSTAR objects to this plat unless one of the following scenarios is met: 1. Add a note which says, "There is a ten foot (10 FT) wide natural gas easement centered on the existing service line." And draw in the approximate location of the service line on the map and add, "Approximate location of natural gas service line and centerline of ten foot (10 FT) wide natural gas easement". 2. Owner signs an ENSTAR Natural Gas Easement document for a ten foot (10 FT) wide natural gas easement, centered on the service line at this location.
ACS	ACS has existing plant, a new easement must be dedicated over existing facilities, or a contract or reimbursement for the relocation of facilities to the new easement must be in place prior to the vacation of this ROW and Utility Easement.
GCI	Approved as shown

KPB department / agency review:

Addressing	<p>Reviewer: Haws, Derek Affected Addresses: 45773 BIG EDDY RD</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names: BIG EDDY RD REBEL RUN RD</p> <p>Existing Street Name Corrections Needed:</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: 45773 BIG EDDY RD will remain with lot 15B.</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	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**

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:** *Update the owners name and verify if the address listed is a mailing address. Move the owner info below the rest of the legal description.*
- 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: *Update the spelling of Kalifornsky*
- 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: *Update the labels for the lots to the east and south and include block labels.*

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: Soils analysis report required.

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.*

20.60.040. Dedication of public use lands. Any land shown on a plat as a street, public park or other public area must be dedicated on the final plat to a tax exempt governmental entity. If the governmental entity is not the Kenai Peninsula Borough, the governmental entity shall be required to execute an acceptance of the dedication on the plat.

Staff recommendation: *If exception not granted, an acceptance to be signed by the borough will be required.*

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.*

- *"No access to state maintained rights-of-way permitted unless approved by the State of Alaska Department of Transportation."*
- *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). (if a dedication is required)*
- *If the exception to lot design is granted add, "Further subdivision may be limited based on access issues, development trends in the area, or topography."*
- *The natural meanders of ordinary high water is for area computations only, the true corners being on the extension of the sidelines and the intersection with the natural meanders.*

EXCEPTIONS REQUESTED:

A. KPB 20.30.030 – Street Layout (Staff includes 20.30.120 Street-Width requirements)

Surveyor's Discussion: Asking exception to not dedicate north 30 feet of Rebel Run Road.

Staff Discussion: The surveyor requested an exception to street layout seeing this as a continuation or projections of right-of-way. This would be a matching dedication to bring Rebel Run Road into compliance. Staff added 20.30.120 to the request to allow for a substandard width.

Surveyor's Findings:

1. Right-of-way dead ends into Kenai River and is not a practical location for a bridge.
2. Right-of-way undeveloped and functions as a driveway for parcels to the south.
3. Likely hood of right-of-way being developed is minimal.
4. Plat 74-29 did not dedicate north 30 foot of right-of-way.

Staff's Findings:

5. KPB Code 20.30.120 requires right-of-way width to be 60 feet.
6. Rebel Run Road is only dedicated as 30 feet wide.
7. The lots south of Rebel Run Road are one acre and 1.99 acres.
8. The one acre lot south of Rebel Run Road uses the right-of-way as access and it is the only access.
9. The lot to the east of the subdivision was subdivided by Plat KN 74-29 and did not grant a dedication.
10. Rebel Run Road was shown as a 30 foot right of way on Wilson Subdivision (Plat K-1374) recorded in 1964.
11. The KPB Roads Department will not certify or maintain a road without a 60 foot width.
12. Structures may be within the setback if the right-of-way is increased.
13. The right-of-way provides access to the Kenai River.

14. Proposed Lot 15B will be 1.837 acres.
15. Lot 15B will be a unique shape if approved.
16. If Lot 15B were to ever be subdivided further, Rebel Run Road could provide access.

Denial of the exception will require a 30 foot dedication of Rebel Run Road. Approval of the exception will result in no dedications being required.

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 1-4, 9, 10, and 12 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, 9, 10, and 12 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 1-4, 9, 10, and 12 appear to support this standard.

B. KPB 20.30.190 – Lots Dimensions

Staff Discussion: The surveyor requested an exception due to the unique design of the lots.

Surveyor's Findings:

1. Parent parcel irregular shape.
2. New parcels designed around existing development.
3. Landowner future development plans require irregular shaped parcels.

Staff's Findings:

4. Per KPB Code 20.30.190, lot should generally be square or rectangular.
5. The design is an attempt to locate specific existing structures onto specific lots.
6. The design will severely limit future development.

Denial of the exception will require a redesign to improve the lot designs.

Staff reviewed the exception request and recommends granting approval subject to a plat note that states further subdivision may be limited.

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 and 5 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 and 5 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 1-3 and 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

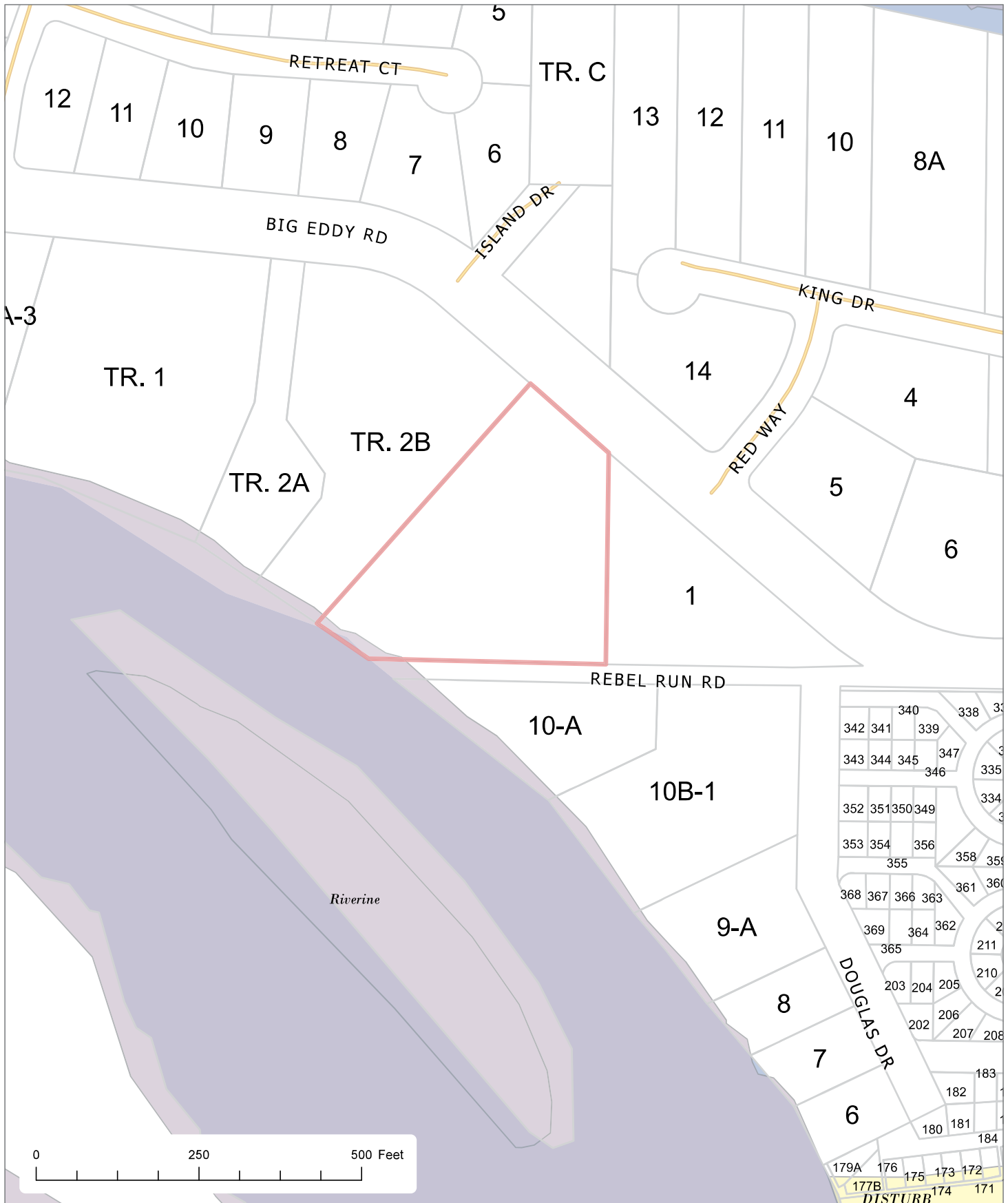


Aerial View





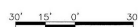
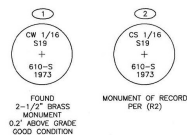
Wetlands





ACS has existing plant, a new easement must be dedicated over existing facilities, or a contract of reimbursement for the relocation of facilities to the new easement must be in place prior to the vacation of this ROW & Utility Easement.
Alaska Communications
IWO OLEWNICZAK OSPE2 (10/10/22)

MONUMENT SUMMARY



LOT 28
PLAT 2008-26

LOT 15A
1.000 ACRES

LOT 15B
1.837 ACRES

LOT 10A PLAT 78-191

LEGEND

- FOUND PRIMARY MONUMENT AS REFERENCED
- ⊙ RECORD PRIMARY MONUMENT AS REFERENCED
- FOUND PROPERTY CORNER - REBAR
- SET PROPERTY CORNER
5/8" X 30" REBAR
WITH 2" ALUMINUM CAP
STAMPED EDGE SURVEY LS-13022 2022
- ① MONUMENT REFERENCE NUMBER

- SUBDIVISION BOUNDARY
- INTERIOR LOT LINE
- - - ADJACENT PROPERTY LINE
- FLOOD ZONE
- 20 FOOT BUILDING SETBACK
- 10 FOOT UTILITY EASEMENT
- (R1) RECORD DATA, SEE REFERENCE
- OA OVERALL

NOTES

- BUILDING SETBACK - A SETBACK OF 20 FEET IS REQUIRED FROM ALL STREET RIGHTS-OF-WAY UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
- THE FRONT 10 FEET ADJACENT TO THE RIGHTS-OF-WAY 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.
- NO STRUCTURES ARE PERMITTED WITHIN THE PANHANDLE PORTION OF THE FLAG LOT.
- FLOOD HAZARD NOTICE: SOME OR ALL OF THE PROPERTIES SHOWN ON THIS PLAT HAVE BEEN DESIGNATED BY FEMA AS A FLOOD HAZARD AREA DISTRICT AS OF THE DATE THIS PLAT IS RECORDED WITH THE DISTRICT RECORDER'S OFFICE. PRIOR TO DEVELOPMENT, THE KENAI PENINSULA BOROUGH FLOODPLAN ADMINISTRATOR SHOULD BE CONTACTED FOR CURRENT INFORMATION AND REGULATIONS. DEVELOPMENT MUST COMPLY WITH CHAPTER 21.06 OF THE KENAI PENINSULA BOROUGH CODE. THIS PLAT IS EFFECTED BY FLOOD ZONES AO AND C PER MAP PANEL 02001220645C.
- ANDROMEDUS HABITAT PROTECTION NOTICE: PORTIONS OF THIS SUBDIVISION ARE WITHIN THE KENAI PENINSULA BOROUGH ANDROMEDUS HABITAT PROTECTION DISTRICT. SEE KPB CHAPTER 21.18 AS MAY BE AMENDED, FOR RESTRICTIONS THAT AFFECT DEVELOPMENT IN THIS SUBDIVISION.
- FLOODWAY NOTICE: PORTIONS OF THIS SUBDIVISION ARE WITHIN THE FLOODWAY. PURSUANT TO KPB CHAPTER 21.06, ALL DEVELOPMENT (INCLUDING FILL) IN THE FLOODWAY IS PROHIBITED UNLESS CERTIFICATION BY AN ENGINEER OR ARCHITECT IS PROVIDED DEMONSTRATING THAT ENCROACHMENTS SHALL NOT RESULT IN ANY INCREASES IN FLOOD LEVELS DURING THE OCCURRENCE OF THE BASE FLOOD DISCHARGE.
- THIS SUBDIVISION SUBJECT TO EASEMENT, WITH NO DEFINED LOCATION, FOR ELECTRIC LINES OR SYSTEM AND/OR TELEPHONE LINES TOGETHER WITH RIGHT TO ENTER, MAINTAIN, REPAIR AND CLEAR SHRUBBERY, RECORDED: JANUARY 3, 1961, MISC. VOLUME/PAGE: 6/224, GRANTED TO HOMER ELECTRIC ASSOCIATION, INC.
- THIS SUBDIVISION SUBJECT TO RESERVATION OF EASEMENT FOR HIGHWAY PURPOSES, AND ANY ASSIGNMENTS OR JSES THEREOF FOR RECREATIONAL, UTILITY OR OTHER PURPOSES, AS DISCLOSED BY PUBLIC LAND ORDER NO. 601, DATED AUGUST 10, 1949 AND AMENDED BY PUBLIC LAND ORDER NO. 757, DATED OCTOBER 10, 1989; PUBLIC LAND ORDER NO. 1613, DATED APRIL 7, 1958; AND DEPARTMENT OF THE INTERIOR ORDER NO. 2685, DATED OCTOBER 16, 1951, AMENDMENT NO. 1 THEREOF, DATED JULY 17, 1952 AND AMENDMENT NO. 2 THEREOF, DATED SEPTEMBER 15, 1956, FILED IN THE FEDERAL REGISTER.
- THIS SUBDIVISION SUBJECT TO RIGHTS OF THE PUBLIC AND/OR GOVERNMENTAL AGENCIES IN AND TO THAT PORTION OF SAID PREMISES LYING BELOW THE MEAN HIGH WATER MARK THE KENAI RIVER AND ANY QUESTIONS OF RIGHT OF ACCESS TO THE RIVER IN THE EVENT SAID LANDS DO NOT IN FACT ABUT THE RIVER.
- THIS SUBDIVISION SUBJECT TO ANY PROHIBITION OR LIMITATION ON THE USE, OCCUPANCY OR IMPROVEMENT OF THE LAND RESULTING FROM THE RIGHTS OF THE PUBLIC OR RIPARIAN OWNERS TO USE ANY WATERS WHICH MAY COVER THE LAND OR TO USE ANY PORTION OF THE LAND WHICH IS NOW OR MAY FORMERLY HAVE BEEN COVERED BY WATER.
- EXCEPTION TO 20.30.030, STREET LAYOUT AND 20.30.190, LOTS DIMENSIONS WAS GRANTED BY THE KPB PLAT COMMITTEE AT THE MEETING OF OCTOBER 24, 2022.
- WASTE WATER DISPOSAL: SOIL CONDITIONS, WATER TABLE LEVELS, AND SOIL SLOPES 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 PROFESSIONAL ENGINEER, REGISTERED TO PRACTICE IN ALASKA, AND THE DESIGN MUST BE APPROVED BY THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

ENGINEER

LICENSE NUMBER

DATE

REFERENCES

- (R1) RIVERSIDE SUBDIVISION KROGSENG ADDITION, PLAT 2008-26, KENAI RECORDING DISTRICT
- (R2) KENAI RIVER ACRES SUBDIVISION, PLAT 74-29, KENAI RECORDING DISTRICT
- (R3) RESUBDIVISION OF LOT 10 BLOCK ONE WILSON SUBDIVISION, PLAT 78-191, KENAI RECORDING DISTRICT

PLAT APPROVAL

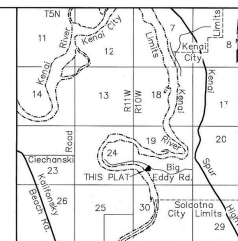
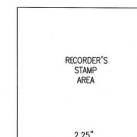
THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF OCTOBER 24, 2022.

KENAI PENINSULA BOROUGH

AUTHORIZED OFFICIAL

CERTIFICATE OF SURVEYOR

I, MARK ANONETTI 13022-S, HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF ALASKA AND THAT THIS PLAT REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, AND THAT THE MONUMENTS SHOWN ON THIS SURVEY ACTUALLY EXIST AS DESCRIBED, AND THAT ALL DIMENSIONAL AND OTHER DETAILS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.



CERTIFICATE OF OWNERSHIP AND DEDICATION

I HEREBY CERTIFY THAT RED BOAT CLUB LLC IS THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND THAT ON BEHALF OF RED BOAT CLUB LLC, I HEREBY ADOPT THIS PLAN OF SUBDIVISION AND BY MY FREE CONSENT DEDICATE ALL RIGHTS-OF-WAYS AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

JAMES WILLIAM DRATH - MEMBER
PO BOX 4326
SOLDOTNA, ALASKA 99669

NOTARY ACKNOWLEDGEMENT

FOR: JAMES WILLIAM DRATH
ACKNOWLEDGED BEFORE ME
THIS _____ DAY OF _____, 2022

PUBLIC NOTARY SIGNATURE

NOTARY
STAMP
AREA

KPB FILE No. 2022-XXX

RED BOAT SUBDIVISION

A SUBDIVISION OF
PORTION OF GOVERNMENT LOT 15
LYING SOUTH OF BIG EDDY ROAD
AND EAST OF PLAT 2008-26

OWNERS:

ROAD BOAT CLUB LLC
PO BOX 4326
SOLDOTNA, ALASKA 99669

LOCATED WITHIN SW 1/4 SECTION 19,
T.5N., R.10W., S.M.
STATE OF ALASKA
KENAI PENINSULA BOROUGH
KENAI RECORDING DISTRICT

CONTAINING 2.837 ACRES

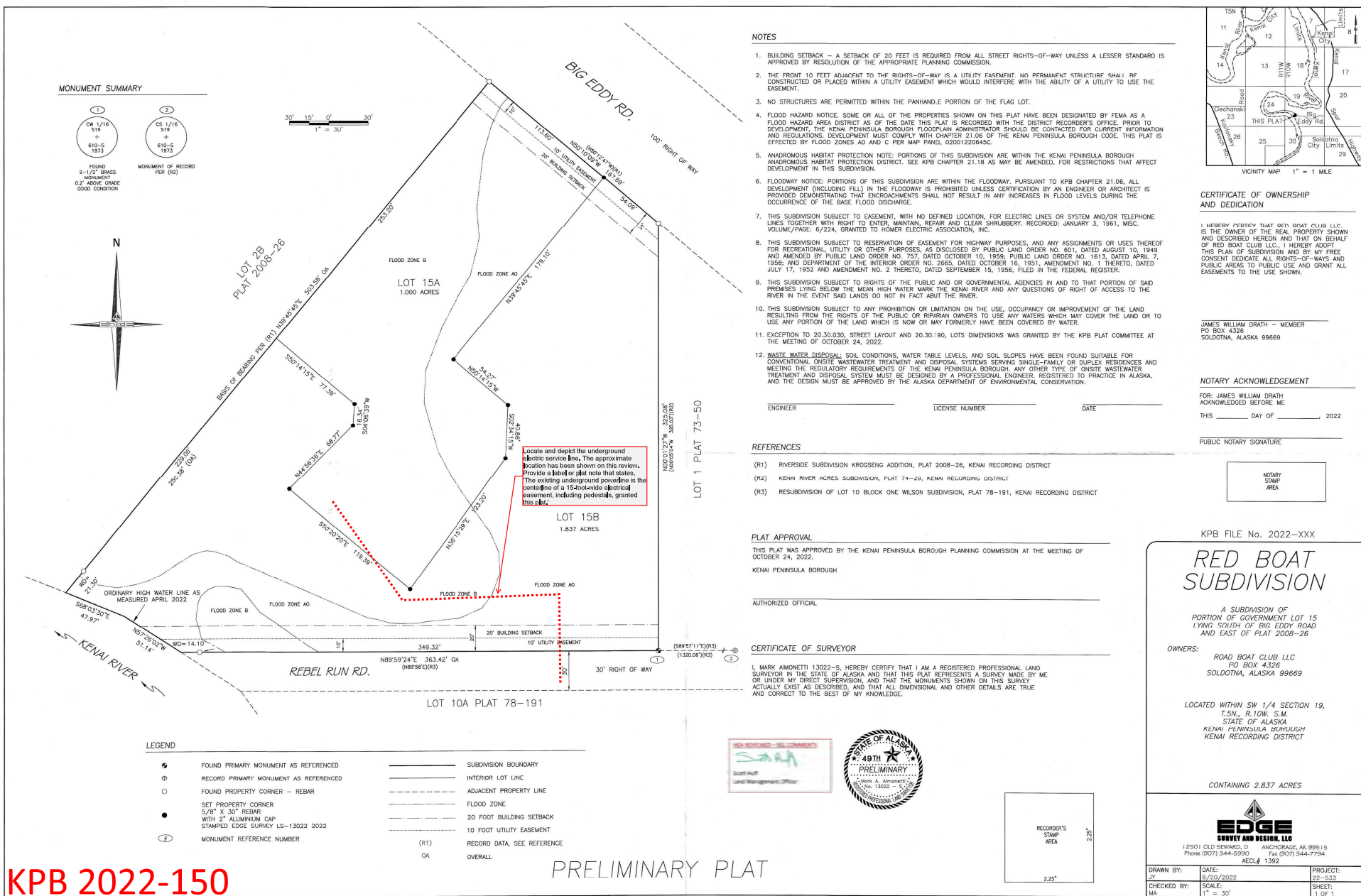


12501 OLD SEWARD, D ANCHORAGE, AK 99515
Phone (907) 344-5990 Fax (907) 344-7794

DRAWN BY: JY DATE: 8/20/2022 PROJECT: 22-533
CHECKED BY: MA SCALE: 1" = 30' SHEET: 1 OF 1

KPB 2022-150

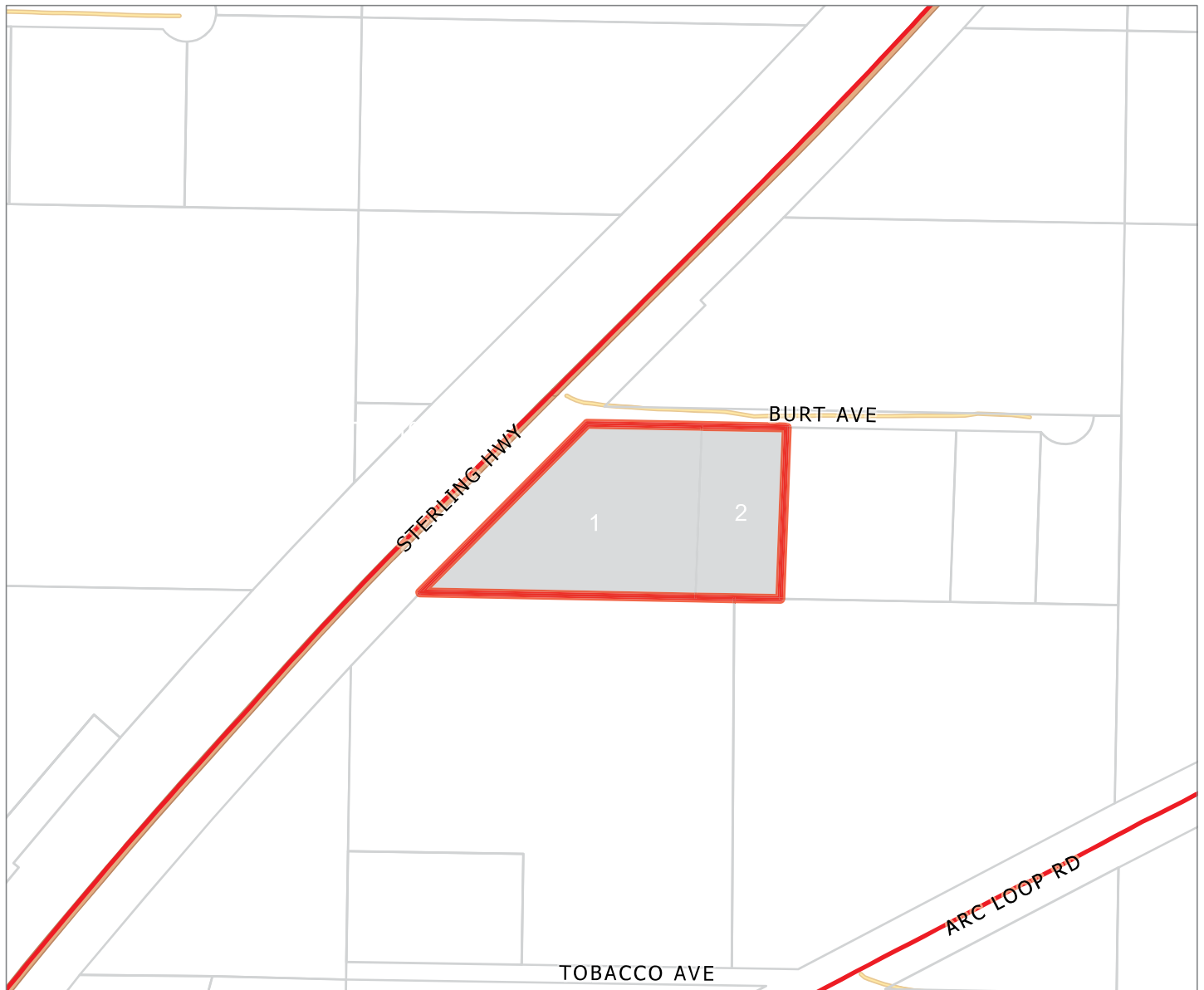
PRELIMINARY PLAT



KPB 2022-150

E. NEW BUSINESS

- 5. D & J Sub Burt Addition 2022 Replat
KPB File 2022-145**

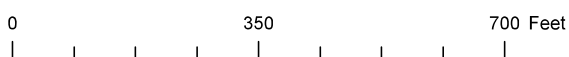


KPB File 2022-145

T 04N R 11W SEC 23

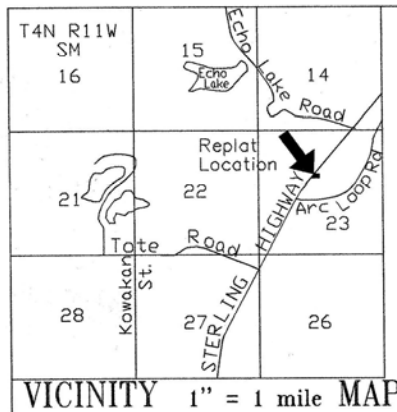
Kalifornsky

9/20/2022





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.



D & J Subdivision Burt Addn. 2022 Replat Preliminary Plat

A replat of Lots 1 & 2 D & J Subdivision Burt Addn. (KRD 84-69)
Located in the SE1/4 Section 23, T4N R11W, SM, Alaska.
Kenai Recording District Kenai Peninsula Borough

Prepared for

Dianne MacLean
Jan Gunderson
30330 Stubblefield Dr.
Soldotna, AK 99669

Steve E Brandt
Angela K Brandt
47375 Burt Ave.
Soldotna, AK 99669

Prepared by

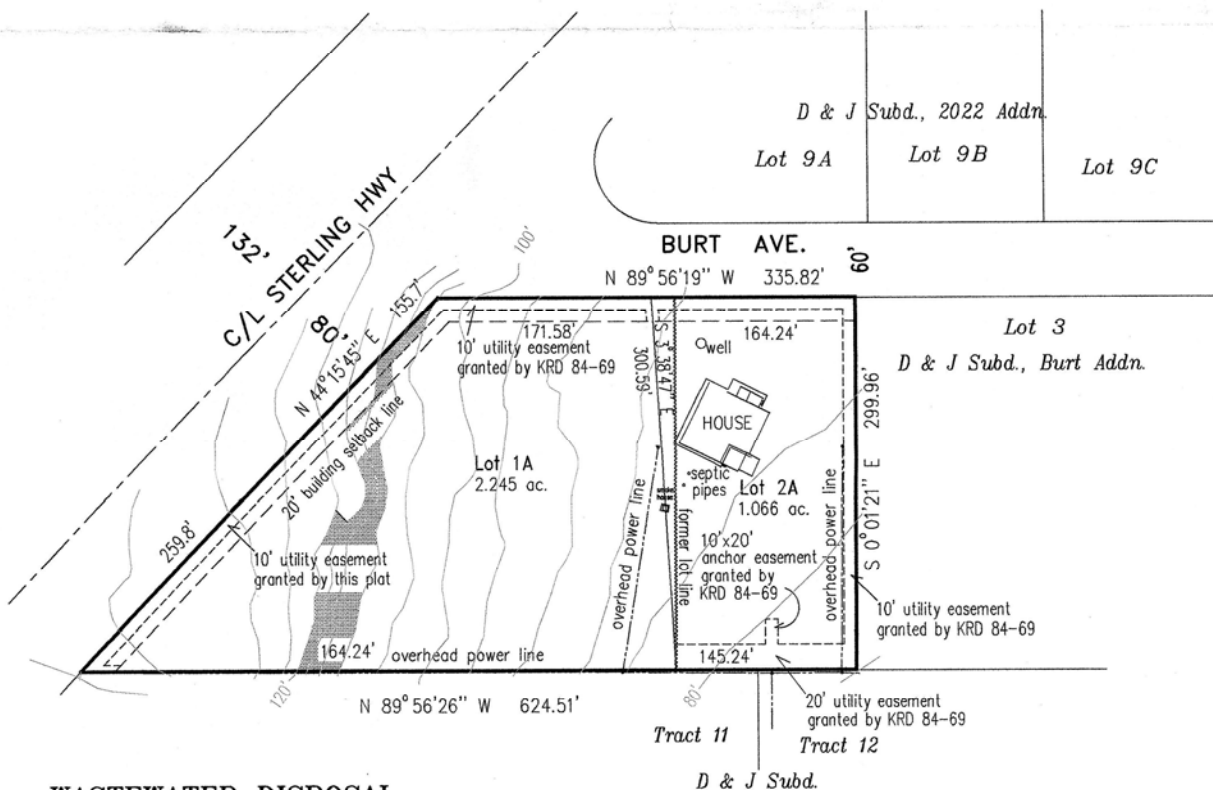
Johnson Surveying
P.O. Box 27
Clam Gulch, Ak 99568
(907) 262-5772

SCALE 1" = 100'
18 August, 2022

AREA = 3.315 acres

NOTES

1. A building setback of 20' from all street ROWs is required unless a lesser standard is approved by a resolution of the appropriate planning commission. Front 10' of building setback is also a utility easement as is the entire setback within 5' of side lot lines.
2. No permanent structure shall be constructed or placed within an easement which would interfere with the ability of a utility to use the easement.
3. No access to state maintained ROWs permitted unless approved by the Stat of Alaska Dept. of Transportation.
4. Contour interval 4'. Shading indicates grades over 25%. There are no wet areas on the property.



WASTEWATER DISPOSAL

20.40.020
The parent plat for lots resulting in this platting action was approved by the Kenai Peninsula Borough on 2/6/1984. Wastewater treatment and disposal systems must meet the regulatory requirements of the Alaska Department of Environmental Conservation.

KPB 2022-145

AGENDA ITEM E. NEW BUSINESS

ITEM 5 – D&J SUBDIVISION BURT ADDN 2022 REPLAT

KPB File No.	2022-145
Plat Committee Meeting:	October 24, 2022
Applicant / Owner:	Dianne MacLean, Jan Gundersen, Steve Brandt, and Angela Brandt all of Soldotna, Alaska
Surveyor:	Jerry Johnson / Johnson Surveying
General Location:	Sterling Highway, Burt Avenue, Kalifornsky

Parent Parcel No.:	131-300-37 and 131-300-38
Legal Description:	Lots 1 and 2, D & J Subdivision Burt Addition (KN 84-69)
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On Site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will adjust a lot line between two lots to accommodate an existing structure. Lot 1 will go from 2.315 acres to 2.245 acres. Lot 2 will increase from 1 acre to 1.066 acres.

Location and Legal Access (existing and proposed): The preliminary plat is located near mile 100.5 of state maintained Sterling Highway. Proposed Lot 1A is located on the corner of the Sterling Highway and Burt Avenue. Proposed Lot 2A fronts on Burt Avenue. Burt Avenue is a 30 foot wide dedication that ends with a cul-de-sac and is borough maintained. Across the street from the proposed plat is conditionally approved plat D&J Subdivision 2022 Addition, KPB File 2022-065. That plat was heard and approved by the Plat Committee on June 13, 2022. A final review was done on September 28, 2022 but the mylar has not yet been submitted. That plat is proposing to dedicate the remaining 30 foot width for Burt Avenue. **Staff recommends the surveyor verify the status of the northern replat prior to printing the mylar as the street width and lots to the north may need to be revised to current status.**

The parents have driveways constructed. Lot 1 has a constructed access from the Sterling Highway and Lot 2 from Burt Avenue. A comment was received from DOT that no direct access to the Sterling Highway will be permitted and both lots should use Burt Avenue for access. There is no information provided about the existing driveway from the Sterling Highway. Lot 1A does have frontage along Burt Avenue and a driveway permit would need to be acquired from KPB Roads Department.

The preliminary plat is between the Sterling Highway and state maintained Arc Loop Road. There are several connections between the two rights-of-way but the closed block exceeds allowable limits. Burt Avenue is a cul-de-sac and due to improvements and lot designs in the area it will be difficult to get matching dedications to provide a closed compliant block. **Staff recommends the plat committee concur that an exception is not required or new dedications as this replat will not be able to improve the block length requirements.**

KPB Roads Dept. comments	Out of Jurisdiction: No Roads Director: Uhlin, Dil Comments: No comments
SOA DOT comments	No direct access to Sterling Highway will be permitted. Both lots should access by Burt Avenue. The ROW for Sterling Highway appears to be shown correctly.

Site Investigation: Some steep terrain is present within proposed Lot 1A. The areas are shaded on the plat. This terrain may cause some issues with access to the eastern portion of the lot or allowing the existing structures to use Burt Avenue. **Staff recommends the steep terrain remain on the final plat.**

Per the Kenai Watershed Wetlands Assessment, there are wetlands designated as kettle within proposed Lot 2A. The lot does have improvements in place and Burt Avenue is constructed through the low wet area. **Staff recommends the wetlands do not require depiction on the final but a wetland determination note must be added.**

The plat indicates the structures and improvements on proposed Lot 2A. It appears that the reason for the plat is due to the location of the house which either crosses the property line or is very close to the existing line. There appears to be a smoke house that will be on the new lot line. **Staff recommends the structure must be moved as not to be creating an encroachment and provide a written statement that the encroachment has been resolved.**

The improvements on proposed Lot 1A are not depicted on the preliminary. Using KPB GIS imagery there are several structures present. D&J Subdivision Burt Addition, Plat KN 84-69, created the parent lots and put a 20 foot building setback into place. The main building appears close to the property line. Per KPB Assessing information, the main building was constructed in 1980 prior to the setback being put in place. **Staff recommends the surveyor determine the true location of the structure and if within the 20 foot building setback, depict on the plat and add a plat note that it predates the setback.**

It does appear that a newer structure has been added to the property. Staff did not locate any specific information regarding the structure but looking at KPB GIS imagery from previous years, the structure was put in place after 2016. This newer structure appears to be very close to the setback that was created prior to the structure. **Staff recommends the surveyor verify the location of the structure in relation to the property line, setbacks and utility easements to verify if any encroachment issues exist, provide that information to the planning department to determine if any encroachments need resolved prior to finalizing the plat and if known how they plan to resolve.**

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

Staff Analysis This plat is to adjust a shared lot line between two lots. The lots were created on D&J Subdivision Burt Addn, Plat KN 84-69. That was a replat of Tract 10 of D&J Subdivision, Plat KN 73-46 that divided aliquot lands.

Per KPB 20.40.020, a soils report will be not be required as the parent subdivision was approved by the Kenai Peninsula Borough and the moving of the lot line is not increasing the number of developable lots and the lots will still have 20,000 square feet of contiguous area.

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 within the Kalifornsky advisory planning commission boundary but it is currently inactive.

Utility Easements D&J Subdivision, Plat KN 73-46, did not grant any utility easements within the subject area. D&J Subdivision Burt Addn., Plat KN 84-69, did not create a utility easement along the Sterling Highway. It did create a 10 foot utility easement along Burt Avenue, 10 foot along the eastern boundary of Lot 2, and a 20 foot easement along the southern boundary of Lot 2 with a 10 foot by 20 foot anchor easement. The previously platted easements are being brought over with the correct source being referenced. A 10 foot utility easement is being granted along the Sterling Highway and the utility easement is increasing to 20 feet within 5 feet of the side lot lines. **Staff recommends the utility easement plat note be revised.**

The parent plat indicated existing powerlines but did not note any easements existing or being granted. HEA has reviewed the plat and is requesting easements be granted that are centered on the existing lines.

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	Provide a label or plat note stating that the overhead secondary service line is the centerline of a 15 foot wide electrical easement, including guys and anchors, granted this plat. Provide a label or plat note stating that the existing overhead primary electric line is the center of a 30 foot wide electrical easement, including guys and anchors, granted this plat.
ENSTAR	No comments or recommendations
ACS	No objections
GCI	Approved as shown

KPB department / agency review:

Addressing	Reviewer: Haws, Derek Affected Addresses: 48745 STERLING HWY 47375 BURT AVE Existing Street Names are Correct: Yes List of Correct Street Names: STERLING HWY BURT AVE Existing Street Name Corrections Needed: All New Street Names are Approved: No List of Approved Street Names: List of Street Names Denied: Comments: 48745 STERLING HWY will remain with lot 1A. 47375 BURT AVE will remain with lot 2A.
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	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

- Check the areas, lots should both increase the same amount.

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: Update the aliquot description of the location. Correct the spelling for Jan Gundersen.

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: Prior to printing mylar verify if the plat to the north has recorded. The presented lot designations and subdivision name may need to be corrected.

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: Per the Kenai Watershed Wetlands Assessment, there are areas of kettle within proposed Lot 2A. The lot is developed and staff will not request depiction but a wetlands determination note must be added.

N. Apparent encroachments, with a statement indicating how the encroachments will be resolved prior to final plat approval;

Staff recommendation: The moving of the lot line is to resolve an encroachment. A smoke house appears to be on the new lot line and should be moved prior to finalization. The structures along the Sterling Highway will need to be addressed and information is under site analysis.

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: This platting action is adjusting the northern end of a lot line due to an encroachment or close proximity of a structure. The parent plat was approved by the KPB and the moving of this lot line is minimal with existing structures present. Per 20.40.020(A)(1)(c), a soils report is not required as this is not increasing the number of developable lots and still maintains a minimum 20,000 square feet of contiguous area.

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.

- ANADROMOUS WATERS HABITAT PROTECTION DISTRICT NOTE: Portions of this subdivision are within the Kenai Peninsula Borough Anadromous Waters Habitat Protection District. See KPB Chapter 21.18, as may be amended, for restrictions that affect development in this subdivision. Width of the habitat protection district shall be in accordance with KPB 21.18.040.
- Subject to an easement granted to Homer Electric Association, Inc. found in Book Misc 38 Page 138, KRD. No definite location defined.
- Any required additional plat notes for encroachments or setback exemptions.
- A plat note should be provided for the requested easements centered on powerlines.
- 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.
- RESERVATION OF EASEMENT for highway purposes, and any assignments or uses thereof for recreational, utility or other purposes, as disclosed by Public Land Order No. 601, dated August 10, 1949 and amended by Public Land Order No. 757, dated October 10, 1959; Public Land Order No. 1613, dated April 7, 1958; and Department of the Interior Order No. 2665, dated October 16, 1951, Amendment No. 1 thereto, dated July 17, 1952 and Amendment No. 2 thereto, dated September 15, 1956, filed in the Federal Register.

Please make the following corrections.

- Revise plat note 1, "Front 10 feet adjoining rights-of-way is designated as a utility easement that increases to 20 feet within 5 feet of the side lot line."
- Plat note 3 contains a typographical error.
- If the contours are not required removed plat note 4.
- Wastewater Disposal note contains several spelling errors.

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: Include the former lot, the owners are signing on behalf. Comply with 20.60.190.

Page 5 of 6

RECOMMENDATION:

STAFF RECOMMENDS:

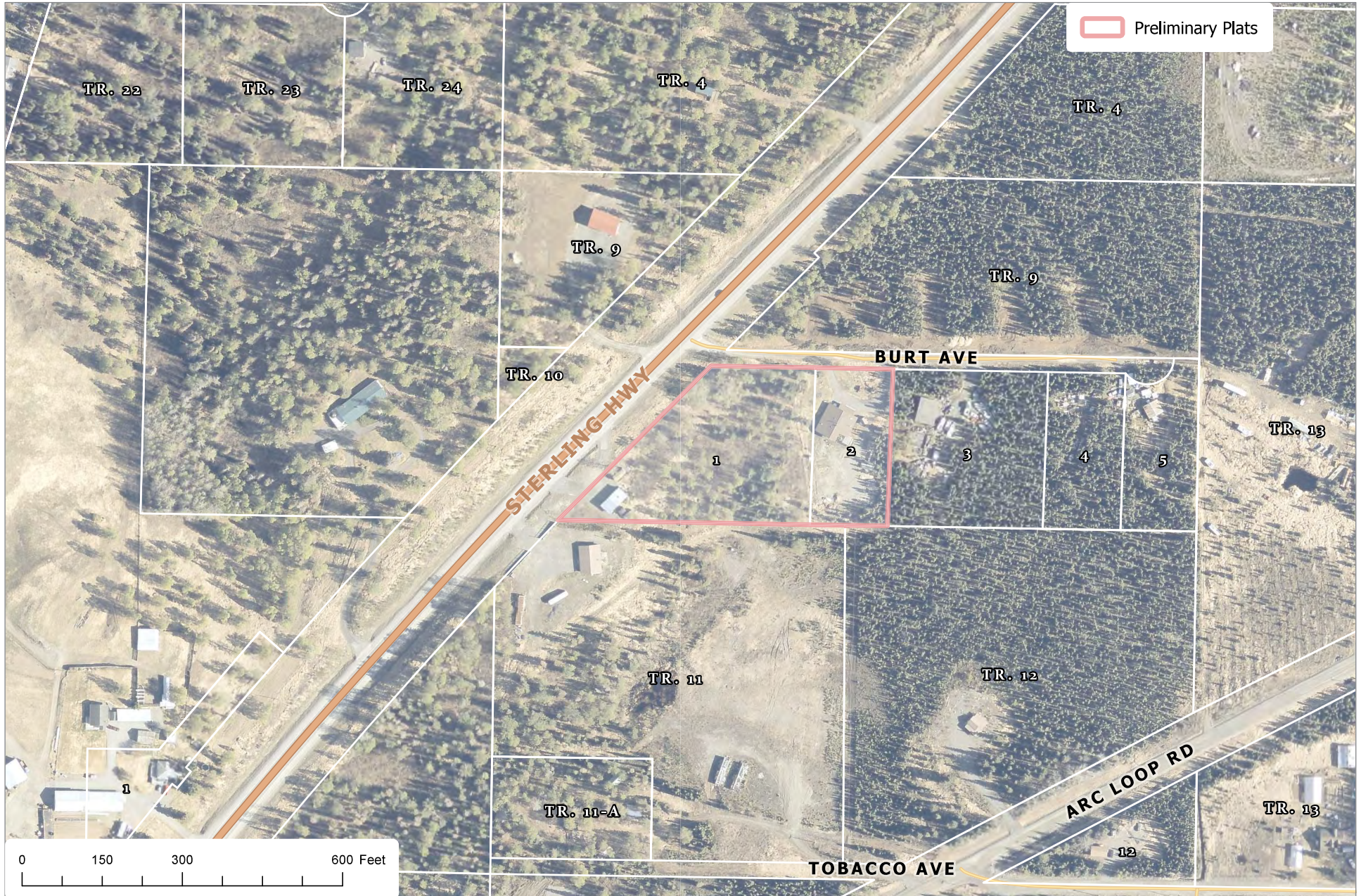
- GRANT APPROVAL OF THE PRELIMINARY PLAT SUBJECT TO STAFF RECOMMENDATIONS, AND
- COMPLIANCE WITH KPB 20.25.070 (FORM AND CONTENTS), KPB 20.25.080 (PETITION REQUIRED), KPB 20.30 (DESIGN REQUIREMENTS); AND KPB 20.40 (WASTEWATER DISPOSAL), AND
- COMPLIANCE WITH KPB 20.60 TO ENSURE ADMINISTRATIVE APPROVAL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

NOTE: 20.25.120. - REVIEW AND APPEAL.

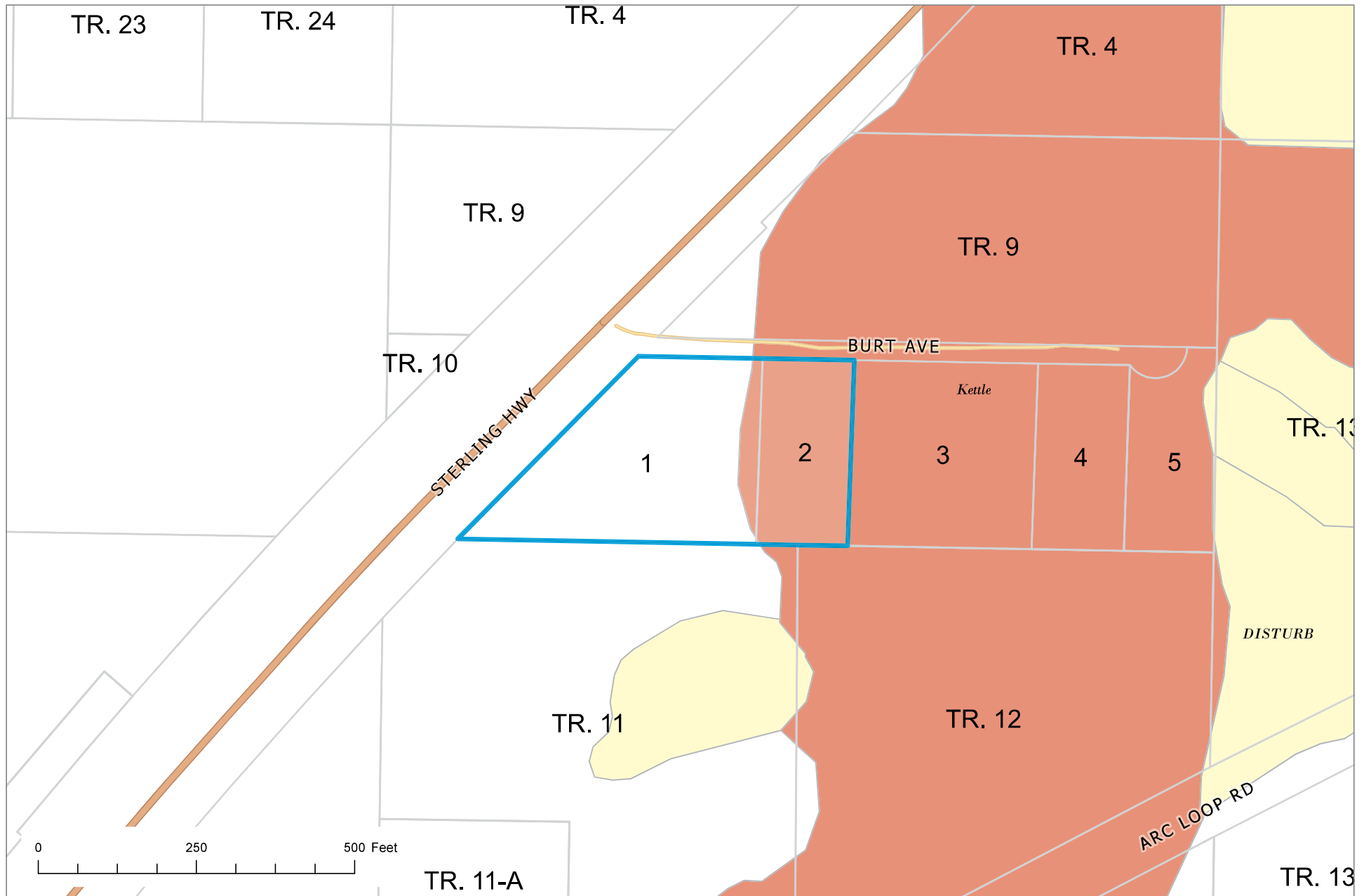
A PARTY OF RECORD MAY REQUEST THAT A DECISION OF THE PLAT COMMITTEE BE REVIEWED BY THE PLANNING COMMISSION BY FILING A WRITTEN REQUEST WITHIN 15 DAYS OF NOTIFICATION OF THE DECISION IN ACCORDANCE WITH KPB 2.40.080.

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

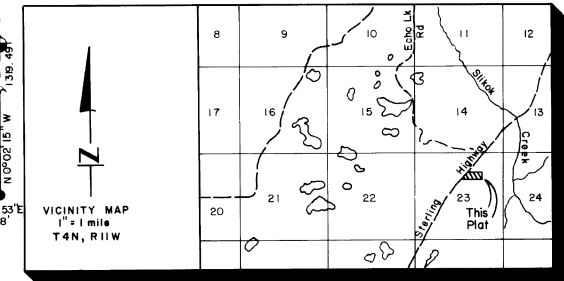
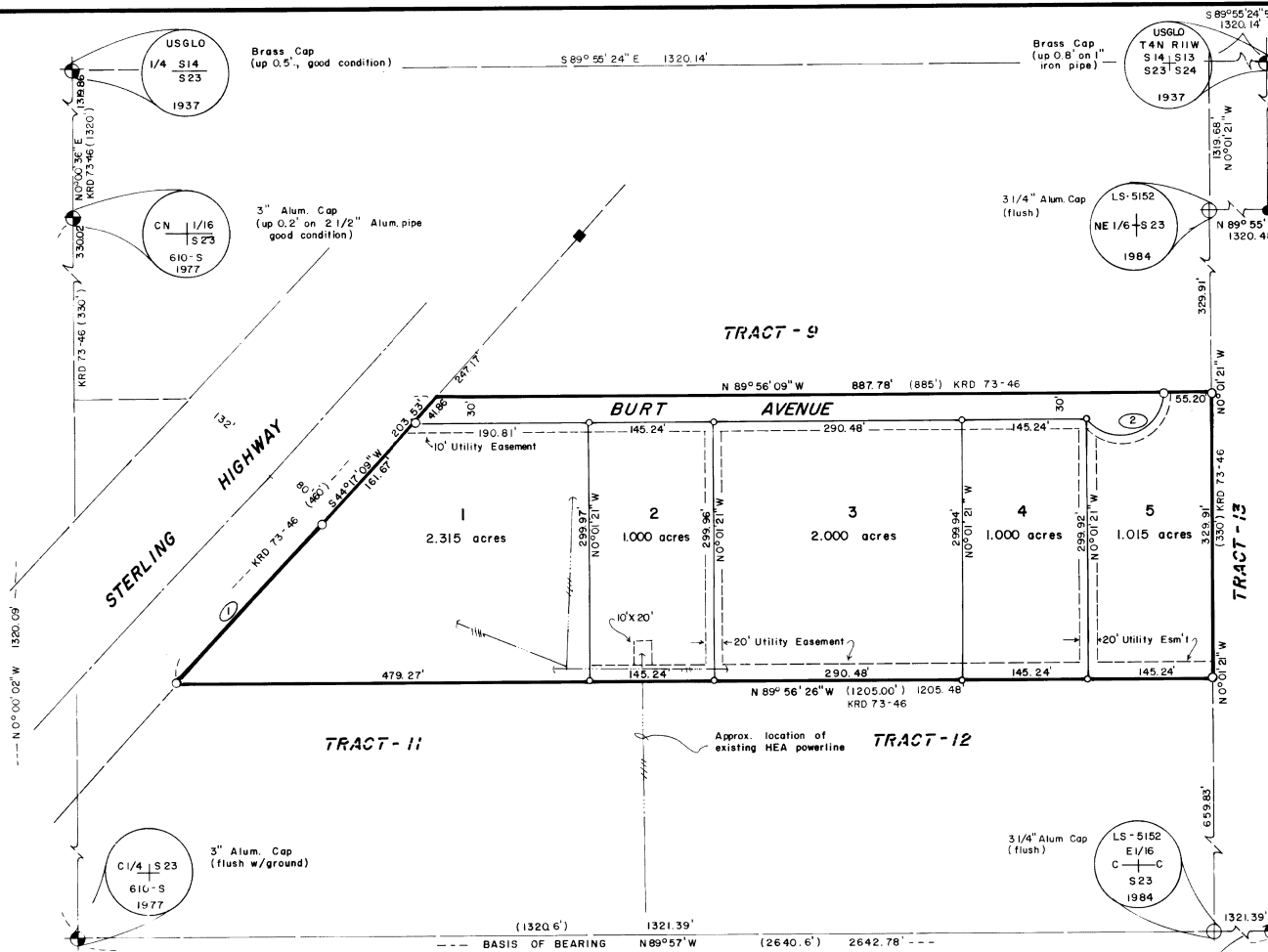


The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



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.





CERTIFICATE of OWNERSHIP and DEDICATION

I HEREBY CERTIFY THAT I AM THE OWNER(S) OF THE PROPERTY SHOWN & DESCRIBED HEREON & THAT I HEREBY ADOPT THIS PLAN OF SUBDIVISION & DEDICATE ALL RIGHT-OF-WAYS & PUBLIC AREAS TO PUBLIC USE & GRANT ALL EASEMENTS TO THE USE SHOWN.

David J. Burt
David J. Burt
Box 3310
Soldotna, Alaska 99669

NOTARY'S ACKNOWLEDGEMENT

SUBSCRIBED AND SWORN BEFORE ME THIS 23 DAY OF Feb., 1984 FOR DAVID J. BURT

STATE OF ALASKA
JANIS BISHOP
NOTARY PUBLIC

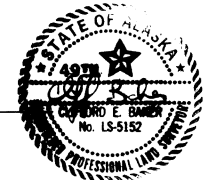
Janis Bishop
NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES 2/24/86

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF February 6, 1984.

KENAI PENINSULA BOROUGH

Cliff Burt
AUTHORIZED OFFICIAL



Cliff Burt
CLIFFORD E. BAKER, R.L.S.
REGISTRATION NO. LS-5152

CURVE DATA

	R	Δ	L	T	C	CB
1	11,379.20'	01°16'48"	254.22'	127.12'	254.22'	S 43° 38' 45" W
2	50.00'	143°07'49"	124.91'	150.00'	94.87'	S 71° 37' 45" W

LEGEND

- ⊕ MONUMENT (Found this survey)
- ⊕ MONUMENT (Set this survey)
- 1/2" REBAR (Found this survey)
- 5/8" x 30" REBAR (Set this survey)
- () RECORD DATUM 76-142
- 6" x 6" CONC. HWY. ROW. MON.
- CURVE NO.

NOTES:

- 1) PROPOSED LAND USES ARE RECREATIONAL, RESIDENTIAL & AGRICULTURAL.
- 2) A SETBACK OF 20 FEET IS REQ'D FROM ALL STREET RIGHT-OF-WAYS UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
- 3) ALL WASTEWATER DISPOSAL SYSTEMS SHALL COMPLY WITH EXISTING LAWS AT THE TIME OF CONSTRUCTION.
- 4) NO DIRECT ACCESS TO STATE MAINTAINED ROW'S PERMITTED UNLESS APPROVED BY STATE OF ALASKA DEPT. OF TRANSPORTATION.

D & J SUBDIVISION BURT ADDN.

A RESUB OF TRACT 10 D & J SUBDIVISION LOCATED WITHIN THE SW 1/4 NE 1/4 SEC 23 T4N R11W, 5M, AK. AND THE KENAI PENINSULA BOROUGH.

7.934 acres containing 5 lots

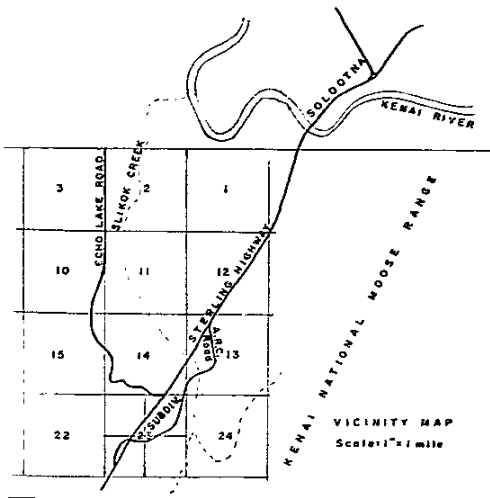
DOWLING-RICE and ASSOCIATES
P.O. BOX 1974 SOLDOTNA, ALASKA 99669

ENGINEERS 262-9011 SURVEYORS

SURVEYED: January 1984 PLATTED: January 1984

DRAFTED: DDP SCALE: 1"=100'

CHECKED: CEB SHEET:



CERTIFICATE OF OWNERSHIP & DEDICATION

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREON, AND THAT WE ADOPT THIS PLAN OF SUBDIVISION AND DEDICATE TO PUBLIC USE THE ROADWAY AND EASEMENTS SHOWN.

Alfred Derkevorkian OWNER
Alfred Derkevorkian OWNER
Alfred Derkevorkian OWNER
Alfred Derkevorkian OWNER

NOTARY'S ACKNOWLEDGEMENT

SUBSCRIBER'S NAME: Alfred Derkevorkian BEFORE ME THIS 20 DAY OF Sept, 1972.

William A. Allen
 NOTARY PUBLIC FOR ALASKA

MY COMMISSION EXPIRES 11/8/75

PLAT APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION

Barry E. Thompson
 PLANNING OFFICER

JAN 29 22, 1973
 DATE

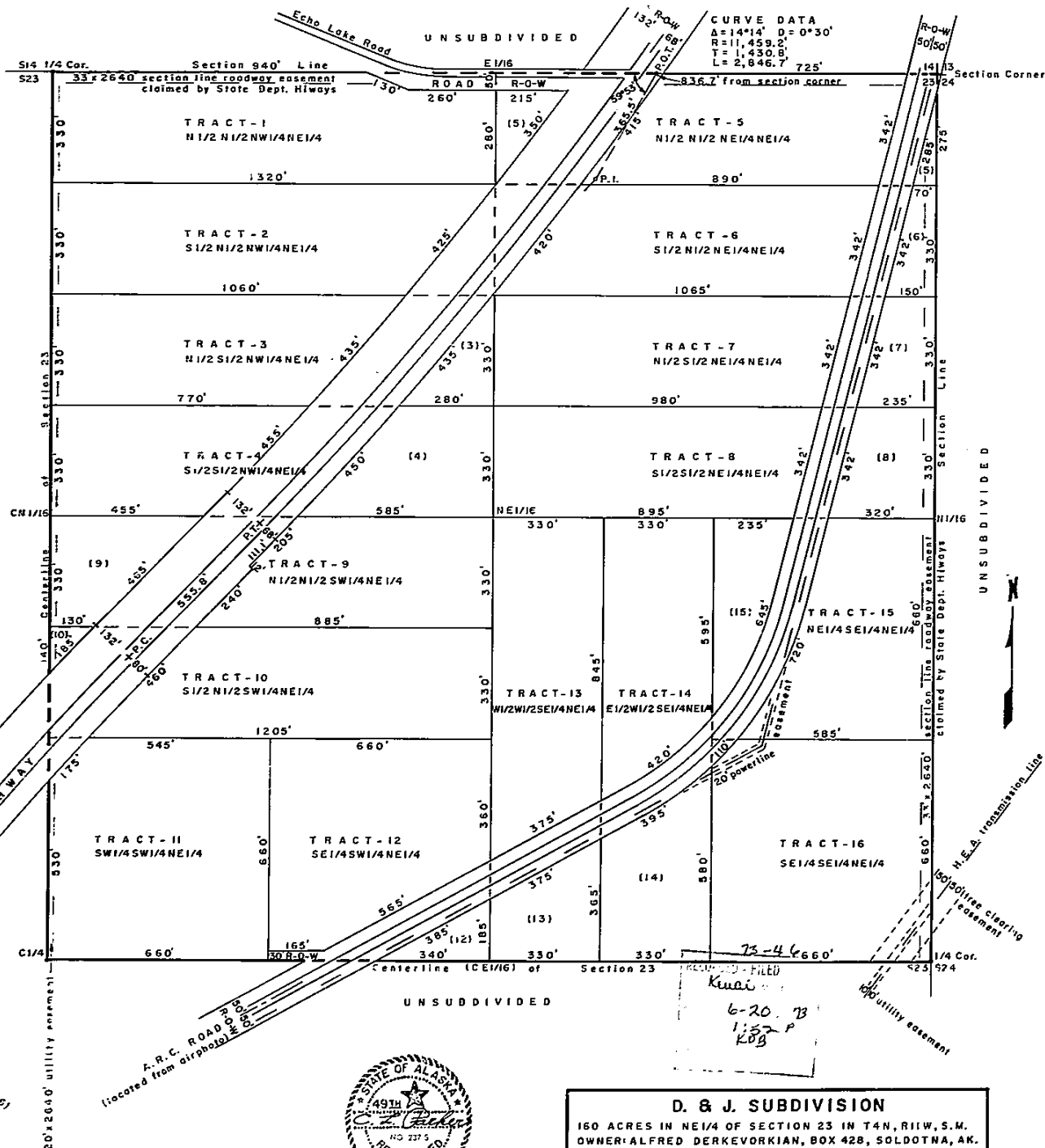
NOTES

1. ALL 16 TRACTS SHOWN ARE UNSURVEYED 10 ACRE ALIQUOT PARTS OF SECTION 23, MINUS THE SHADED ROAD RIGHT-OF-WAY AREA FROM EACH.
2. ALL TRACT DIMENSIONS SHOWN ARE SCALED APPROXIMATELY ONLY, AND WILL CHANGE SOME (NORMALLY LESS THAN 1%) AFTER SECTION 23 IS SUBDIVIDED INTO THESE ALIQUOT PARTS BY A FIELD SURVEY.
3. THE STERLING HIGHWAY RIGHT-OF-WAY DATA IS FROM THE 6/1/60 STATE DIVISION OF HIGHWAYS RIGHT-OF-WAY PLAT OF PROJECT F-021-1(3), SHEETS 7 AND 8. (KENAI RIVER TO KASILEF RIVER)

f.p.i.

CURVE DATA
 $\Delta = 15^{\circ}01'30''$
 $D = 0^{\circ}30'$
 $R = 11,459.2'$
 $T = 1,511.3'$
 $L = 3,005.0'$

UNSUBDIVIDED



D. & J. SUBDIVISION

160 ACRES IN NE1/4 OF SECTION 23 IN T4N, R11W, S.M.
 OWNER: ALFRED DERKEVORKIAN, BOX 428, SOLDOTNA, AK.
 SURVEYOR: C.L. PARKER, R.L.S. 237, SOLDOTNA
 SEPTEMBER, 1970 SCALE: 1"=200'

A replat of Lots 1 & 2 D & J Subdivision Burt Acdn. (KRD 84-69)
 Located in the SE1/4 Section 23, T4N R11W, SM, Alaska.
 Kenai Recording District Kenai Peninsula Borough

Prepared for

Dianne MacLean
Jan Gunderson
30330 Stubblefield Dr.
Soldotna, AK 99669

Steve E Brandt
Angela K Brandt
47375 Burt Ave.
Soldotna, AK 99669

Prepared by

Johnson Surveying
P.O. Box 27
Clam Gulch, Ak 99568
(907) 262-5772

SCALE 1" = 100'
18 August, 2022

AREA = 3.315 acres

NOTES

- ## NOTES
1. A building setback of 20' from all street ROWs is required unless a lesser standard is approved by a resolution of the appropriate planning commission. Front 10' of building setback is also a utility easement as is the entire setback within 5' of side lot lines.
 2. No permanent structure shall be constructed or placed within an easement which would interfere with the ability of a utility to use the easement.
 3. No access to state maintained ROWs permitted unless approved by the State of Alaska Dept. of Transportation.
 4. Contour interval 4'. Shading indicates grades over 25%. There are no wet areas on the property.

HEA REVIEWED – SEE COMMENTS

Scott Huff
Land Management Officer

Provide a label or plat note stating that the overhead secondary service line is the centerline of a 15 foot wide electrical easement, including guys and anchors, granted this plat.

WASTEWATER DISPOSAL

20.40.020
The parent plat for lots resulting in this platting
the Kenai Peninsula Borough on 2/6/1984. Waste
disposal systems must meet the regulatory require-
Department of Environmental Conservation.

Provide a label of plat note stating that the existing overhead primary electric line is the center of a 30 ft. wide electrical easement, including guys and anchors, granted this plat.

KPB 2022-145

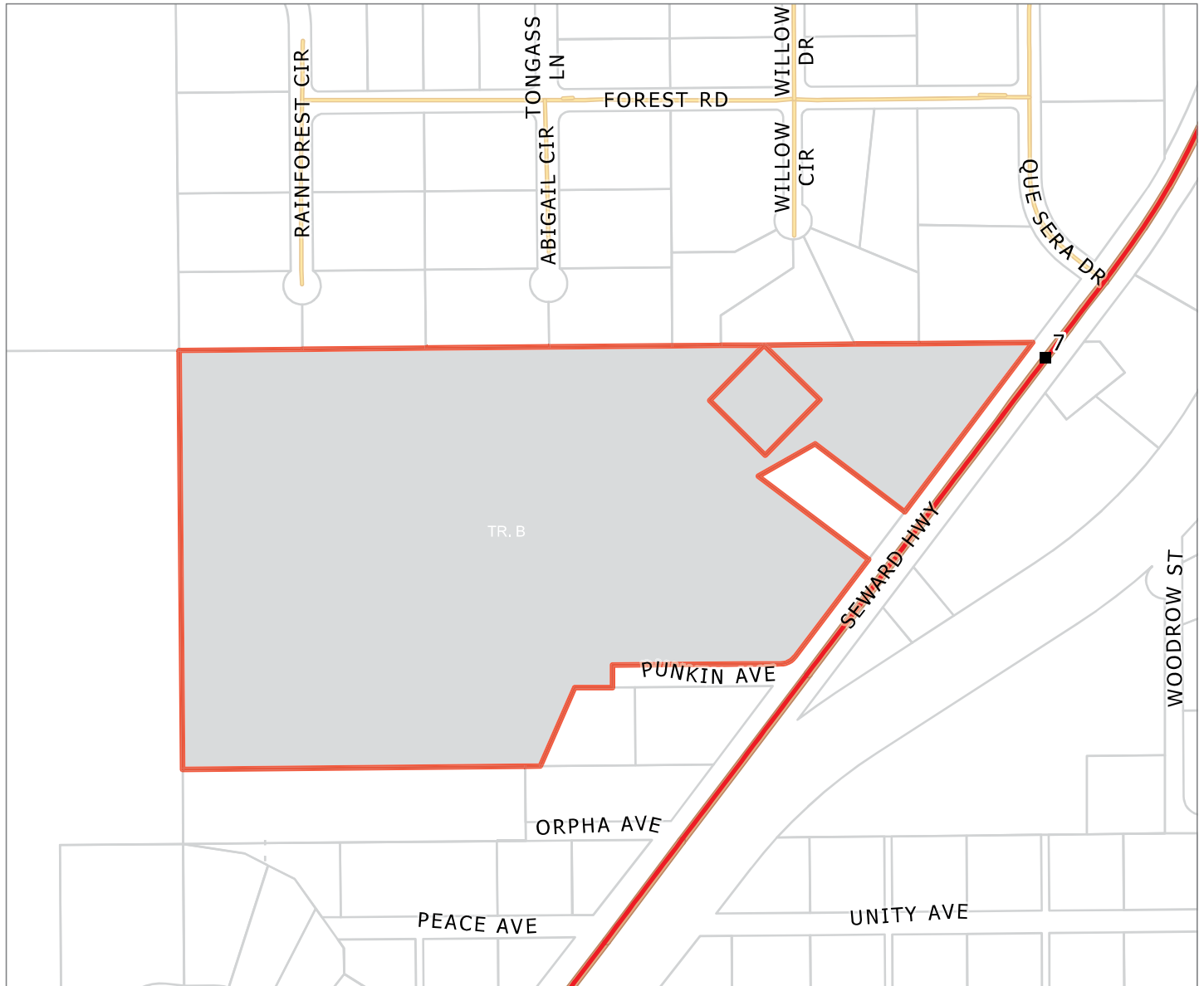
E. NEW BUSINESS

- 6. Grouse Creek Subdivision 2022 Addition
KPB File 2022-022R1**



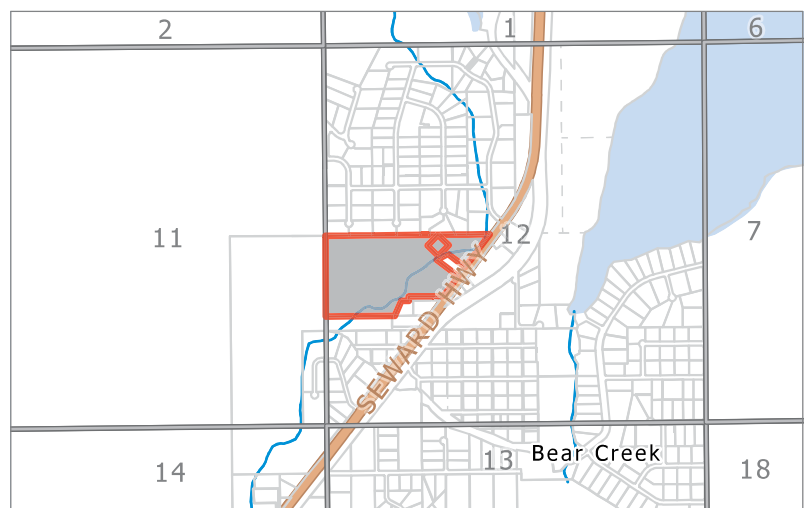
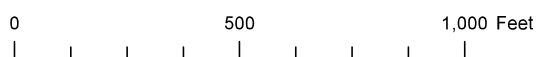
Kenai Peninsula Borough Planning Department

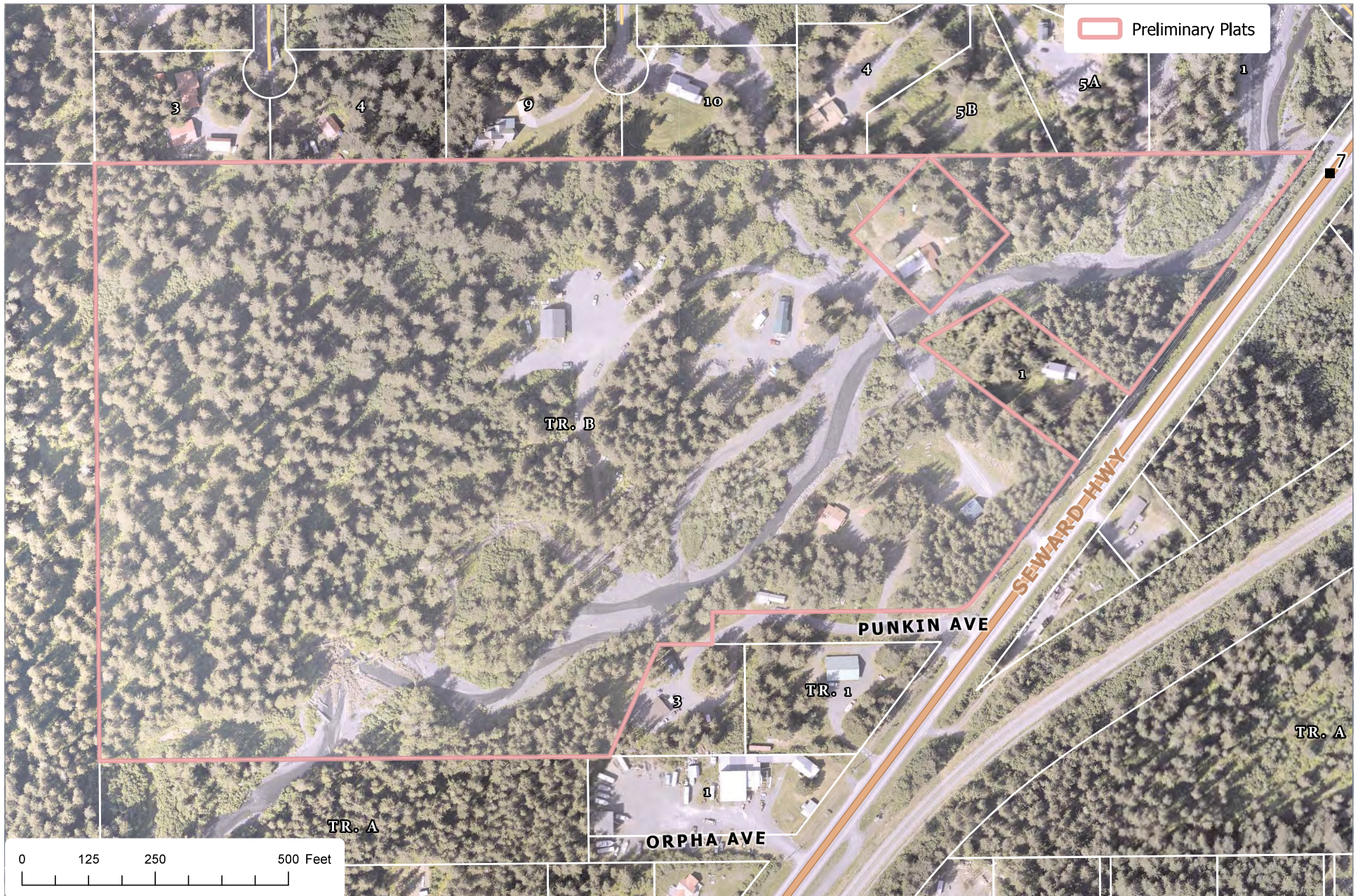
Vicinity Map



KPB File 2022-022R1
T 01N R 01W SEC 12
Bear Creek

8/24/2022





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.



Grouse Creek Subdivision 2022 Addition Preliminary Plat

A subdivision of Tract B Grouse Creek Subd., 2016 Addn, SWD 2016-7.
Located in the NSW1/4 Section 12, T1N R1W, SM, Alaska.
Seward Recording District Kenai Peninsula Borough File 2022-22
Creating

Prepared for
Marshall & Ester Rouse Living Trust
P.O. Box 763
Seward, AK 99664

Prepared by
Johnson Surveying
P.O. Box 27
Clam Gulch, AK 99560
(907) 282-5772

SCALE 1" = 100'
23 August, 2022

AREA = 42.487 acres

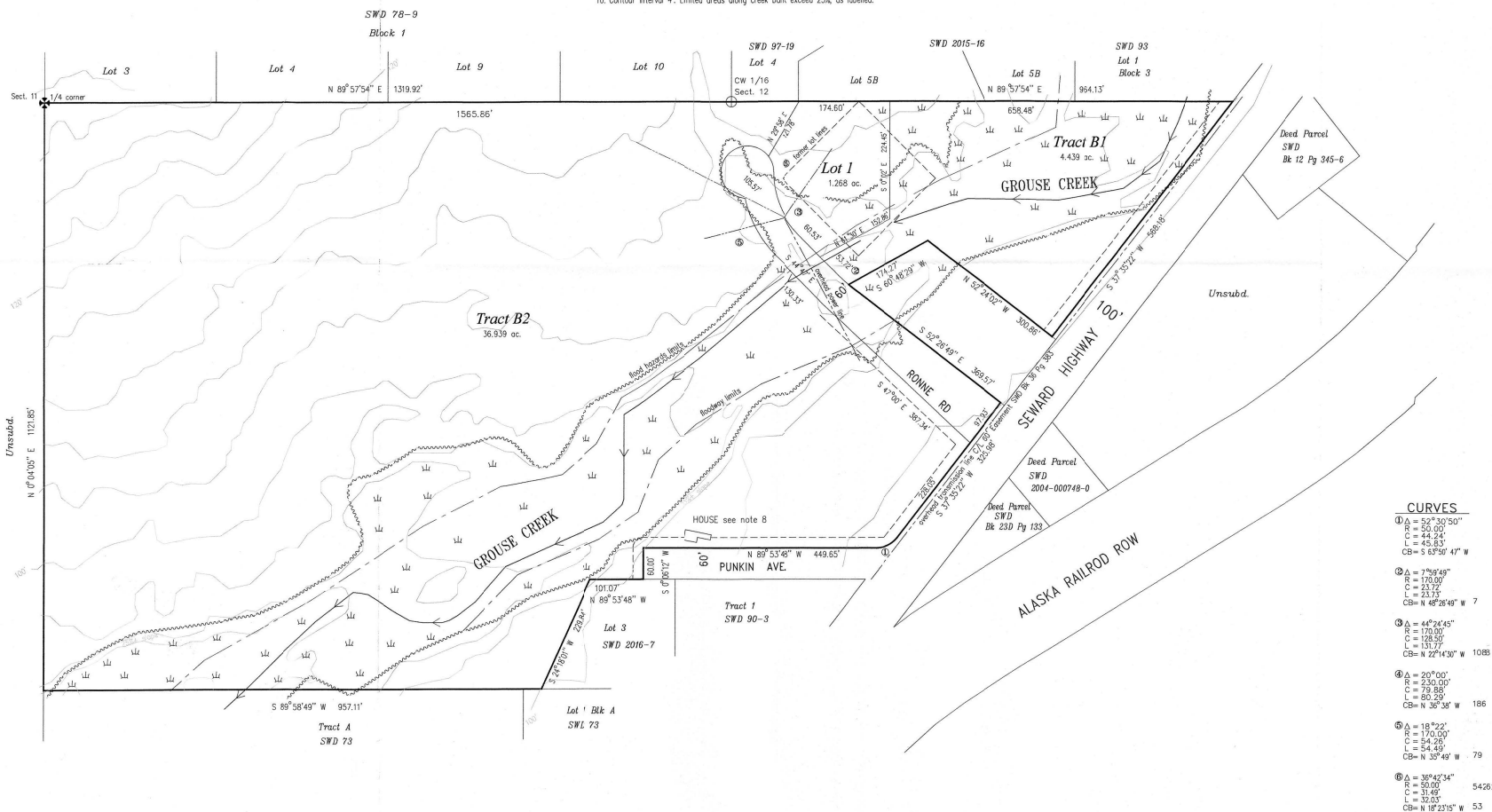
NOTES

1. A building setback of 20' from all street ROWs is required unless a lesser standard is approved by a resolution of the appropriate planning commission. SWD plat 2016-7 reserved a 15' utility easement adjacent to Seward Highway & Punkin Ave. ROWs extending to 20' within 5' of side lot lines. This plat grants a 10' utility easement adjacent to new street ROWs extending to 20' within 5' of new side lot lines.
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. Any person developing the property is responsible for obtaining all required local, state, and federal permits, including a J.S. Army Corps of Engineers wetland determination if applicable.
4. No access to state maintained ROWs permitted unless approved by the State of Alaska Dept. of Transportation.
5. FLOOD HAZARD NOTICE: Some or all of the property within this subdivision has been designated by FEMA as Flood Hazard Area District as of the date this plat is filed with the District Recorder's Office. Prior to development, the Kenai Peninsula Borough Floodplain Administrator should be contacted for current information and regulations. Development must comply with Chapter 21.06 of the Kenai Peninsula Borough Code. A survey to determine the elevation of the property may be required prior to construction.
6. FLOODWAY NOTICE: Portions of this subdivision are within Floodway. Pursuant to KPB Chapter 21.06, (including III) in the floodway is prohibited unless certification by an Engineer or Architect is provided demonstrating that encroachments shall not result in any increases in flood levels during the occurrence of the base flood discharge.
7. Roads must meet the design and construction standards establish by the borough in order to be considered for certification and inclusion in the road maintenance program.
8. The house predates the granting of the building setback and is not subject to it. Any new or replacement will be subject to the 20' building setback. No other building setback exceptions are noted in this subdivision.
9. This property is subject to Reservation of an easement for highway purposes as disclosed by Public Land Order No. 601, dated August 10, 1949 and amended by Public Land Order No. 757, dated October 10, 1959; Public Land Order No. 1813, dated April 7, 1958, and Department of the Interior Order No. 2865, dated October 16, 1951, Amendment No. 1, thereto, dated July 17, 1952, and Amendment No. 2, thereto, dated September 15, 1956, filed in the Federal Register.
10. Contour interval 4'. Limited areas along creek bank exceed 25%, as labelled.

WASTEWATER DISPOSAL

Tract B2
KPB 2016-0330
This lot is at least 200,000 square feet in size and conditions may not be suitable for onsite wastewater treatment and disposal. Any wastewater treatment and disposal systems must meet the regulatory requirements of the Alaska Dept. of Environmental Conservation.

Tract B1
2016-080
This lot is to be used for flood control only.
No wastewater will be generated or disposed of on this lot. Conditions might not be suitable for onsite wastewater treatment and disposal systems. Any onsite wastewater treatment and disposal systems must meet the wastewater disposal requirements of KPB Chapter 20.14 and regulatory requirements of the Alaska Dept. of Environmental Conservation.



CURVES

1. $\Delta = 52^\circ 30' 50''$
 $R = 50.00'$
 $C = 44.24'$
 $L = 45.83'$
 $CB = 5.63' 30'' 47'' W$
2. $\Delta = 7^\circ 58' 49''$
 $R = 170.00'$
 $C = 23.72'$
 $L = 23.72'$
 $CB = N 48^\circ 28' 49'' W 7$
3. $\Delta = 44^\circ 26' 45''$
 $R = 170.00'$
 $C = 126.50'$
 $L = 131.77'$
 $CB = N 22^\circ 14' 30'' W 1088$
4. $\Delta = 20^\circ 00'$
 $R = 230.00'$
 $C = 78.86'$
 $L = 80.29'$
 $CB = N 36^\circ 36' W 186$
5. $\Delta = 18^\circ 22'$
 $R = 174.00'$
 $C = 54.26'$
 $L = 54.49'$
 $CB = N 39^\circ 49' W 79$
6. $\Delta = 35^\circ 42' 34''$
 $R = 50.00'$
 $C = 31.49'$
 $L = 32.03'$
 $CB = N 18^\circ 23' 16'' W 53$

KPB 2022-022R1

AGENDA ITEM E. NEW BUSINESS

ITEM 6 – GROUSE CREEK SUBDIVISION 2022 ADDITION

KPB File No.	2022-022R1
Plat Committee Meeting:	October 24, 2022
Applicant / Owner:	Marshall and Ester Ronne Living Trust and Dyllon Paquette all of Seward, AK
Surveyor:	Jerry Johnson / Johnson Surveying
General Location:	Mile 7 Seward Highway, Bear Creek

Parent Parcel No.:	125-033-28 and 125-033-28
Legal Description:	Tract B Grouse Creek Subdivision 2016 Addition Plat No SW 2016-7 and deed parcel
Assessing Use:	Lodge - Multiple Cabins, Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will take a large acreage lot and deeded parcel and create three parcels. The deeded parcel will increase from 1 acre to 1.268 acres. Two more tracts will be created that will be 4.439 acres and 36.939 acres. A cul-de-sac dedication is proposed over an existing travelway.

This is a revised design of a preliminary plat that received conditional approval at the March 21, 2022 plat committee meeting. This design is incorporating the additional deed lot that is located within the large acreage tract.

Location and Legal Access (existing and proposed): The preliminary plat is located near mile 7 of the Seward Highway in the Bear Creek Area. Additional access is available on Punkin Avenue, a 60 foot wide right-of-way that appears constructed but is not maintained by the Kenai Peninsula Borough.

The plat is proposing to dedicate a new right-of-way, Ronne Road, a 60 foot wide right-of-way ending in a cul-de-sac. This dedication will provide access to proposed Lot 1 that is a replat of a deed parcel located in the middle of the parent tract. Additional access will be made available to Lot 1 of Grouse Subdivision, Plat SW 88-11 by the new dedication. Proposed Tract B1 will have access available via the Seward Highway and the new dedication. Proposed Tract B2 will have access available by the new dedication, Punkin Avenue, and the Seward Highway.

The plat, along with the parent plats, indicate a creek named Grouse Creek running through the subdivision. KPB GIS data indicates the name of the creek is Lost Creek. **Staff recommends the surveyor verify the name of the subdivision for the final plat. The River Center may be assistance in verifying the name.**

The location of the creek will limit the ability for Tract B1 to use the new dedication for access and the creek runs through the narrow portion of the tract. Tract B2 is also divided by the creek but the northern portion will have access via the dedication. There appears to be an existing travelway that is used by multiple structures located thorough out the property and the Deed Parcel and Lot 1 from SW 88-11. The dedication appears to encompass the majority of that travelway. It does appear that the intersection with the Seward Highway may not be within the dedication. This will require verification and may impact future KPB maintenance. **Staff recommends the dedication include all portions of the travelway.**

There are some access easements that have been recorded. If any of those easements are within the dedication a plat note should be added that provides the recording information and states that it is now within the dedication. If the portion of the travelway is outside of the dedication and is part of an already granted access easement, it should be shown and the document noted. If the travelway is not part of the dedication or one of the access easements and a common or shared access through Tract B2 is to be used for the portion outside the new

dedication **staff recommends** access or shared driveway easements be recorded by separate document and noted on the plat, all existing easements be noted and depicted if location is known.

The existing drive and the proposed right-of-way will be crossing the creek. This is shown as an anadromous stream but is exempt from KPB management. A bridge of some type appears to be constructed and in use. Per KPB Code 20.60.050, additional dedication or slope easements may be required. Additionally, this is considered an existing road crossing the waterbody that has protection under AS 16.05.871 and the road must be brought up to the permitting standards established by KPB 14.40.061(A) prior to approval of the final plat with a certification being provided by the road service area to the planning department. Per code, the preliminary plat will be granted an initial three year approval with one year time extensions available. The KPB Road Service Area will be required to inspect and provide a certification to the planning department that the waterbody crossing meets the permitting requirements of KPB 14.40.061(A). Due to this being an anadromous stream additional state or borough permits may be required. **Staff recommends** the owners work with the KPB River Center and KPB Road Department.

The block does not close or contain compliant lengths. This is a large acreage tract with a 70 acre parcel owned by Alaska DNR to the west. Due to constructed improvements, terrain, floodways, flood hazard areas, and streams, the ability to get a closed block will be difficult. **Staff recommends** the plat committee concur and exception is not required, as any required dedications will not improve the block.

The Certificate to Plat indicates the subdivision is subject to 33 foot section line easements along the western boundary. KPB GIS research indicates a 50 foot wide section line easement is present within the DNR lands. A section line easement is not shown within the bounds of the subdivision. **Staff recommends** the surveyor review documentation to determine if the section line easements are present and if so provide documentation to the borough and depict on the plat.

KPB Roads Dept. comments	Out of Jurisdiction: No Roads Director: Uhlin, Dil Comments: No comments
SOA DOT comments	The ROW for Seward Highway appears to be shown correctly.

Site Investigation: The proposed subdivision has slopes throughout with areas with slopes greater than 25 percent labeled. **Staff recommends** the toe and/or top of any steep bluffs be depicted and labeled on the final plat if not in conflict with other required information.

The low wet areas are depicted on the plat. The correct plat note is present that a wetlands determination may be required.

The proposed subdivision is within a flood hazard area. The flood hazards are depicted and labeled on the plat and should remain on the final plat.

Plat notes are present on the plat. Flood Hazard and Floodway notices are present as notes 5 and 6. The Seward Bear Creek Flood Service Area had requested additional wording to the flood hazard note or a new note be added when they reviewed the first design. **Staff recommends** adding to the flood hazard notice or adding an additional note, "Portions of the parcel are also designated as Seward Mapped Flood Data Area as included in the Flood Risk Assessment and Hydrologic and Hydraulic Report."

Grouse Creek is depicted on the plat. Other information has provided the name of Lost Creek. This is an anadromous stream but does not fall under KPB Title 21 but does have protections in place from the state.

Proposed Tract B2 has multiple improvements throughout the property. There appears to be three larger structures within the portion south of the creek. Two other improvements are visible on KPB GIS imagery north of the creek. There is a structure located on the proposed Lot 1.

KPB River Center review	<p>A. Floodplain Reviewer: Carver, Nancy Floodplain Status: IS in flood hazard area Comments: Flood Zone: SMFDA,AE,Floodway,X (shaded) Map Panel: 02122C-4534D In Floodway: False Floodway Panel:</p> <p>B. Habitat Protection Reviewer: Carver, Nancy Habitat Protection District Status: Is NOT within HPD Comments: No comments</p> <p>C. State Parks Reviewer: Russell, Pam Comments: No Comments</p>
State of Alaska Fish and Game	This plat depicts Grouse Creek which has been identified as an anadromous stream (AWC 231-30-10080-2010-3065). Any modifications to the streambank or bed will require a Fish Habitat Permit from ADF&G's Division of Habitat.

Staff Analysis The proposed subdivision is a revision to a previously reviewed preliminary plat. The new design will create one lot, two tracts, and dedicate a right of way. This is a subdivision of Tract B that was created by Grouse Creek Subdivision 2016 Addition, Plat SW 2016-7, and a deeded parcel located within the middle of Tract B. Previously to the Plat SW 2016-7 it was an unsubdivided remainder that was not platted as it divided off Lot 1 of Grouse Creek Subdivision, Plat SW 88-11 and Tract 1 of Ronne Subdivision, Plat SW 90-03. The deed parcel was created in 1965.

KPB GIS data shows the property within Chugach National Forest. This is common and is considered a private inholding and the laws and regulations within the Chugach National Forest do not apply to the property.

Per a wastewater disposal note, Tract B1 is "to be used for flood control only." The note references KPB Code 20.40.080 – subdivisions with no wastewater disposal. Per 20.40.080(A), "This section applies to subdivisions where no wastewater will be generated or disposed, and the land use cannot produce wastewater." Due to the proximity to the creek and the flood hazard areas, only a small portion may be found to provide adequate location for a wastewater disposal system. **Staff recommends the plat committee discuss to determine if they are in agreement with this tract falling under this portion of code. If agreed to by the plat committee, the plat note needs to be reworded to correct a typo and to match what is outlined in KPB Code. "WASTEWATER DISPOSAL: Conditions might not be suitable for onsite wastewater treatment and disposal systems. No wastewater will be generated or disposed of on these lots as of the date of this plat. If circumstances change to allow lawful onsite wastewater treatment and disposal systems, those systems must meet the wastewater disposal requirements of KPB Chapter 20.40 and regulatory requirements of the Alaska Departmental of Environmental Conservation."**

If the plat committee does not agree that Tract B1 can fall under KPB Code 20.40.080, a soils report will be required for Tract B1 and an engineer will sign the final plat. If the plat committee determines a soils report is required the surveyor would like to request an exception to KPB 20.40 for submittal of a soils analysis report.

Tract B2 is large enough that it will not require a soils report.

An additional wastewater note should be added for Lot 1. The lot is increasing in size by this platting action. Per KPB 20.40.020(2), a soils report would not be required. The majority of the existing lot is within low wet areas or within a flood hazard area. The added area to the lot will provide additional space outside of the low wet areas and flood hazard area.

Staff would like to mention that the Certificate to Plat included a statutory warranty deed recorded in 2021. The deed attempted to deed a portion of proposed Tract B2. The deed used GPC coordinates to describe the property. Due to the description, the title company included the note "The legal description in said Warranty Deed is insufficient to determine the location, further, Grantor Ester K. Ronne, is identified as an "Agent" rather than a "Trustee" of the Trust." They also included the note "The following condition may affect in regards to subject recorded Warranty Deed: Any question which may be raised by a government entity, as the land is a portion of a larger parcel for which no plat has been filed, as required by Alaska Statutes or local law."

The change in property lines by a deed is regarded by the borough as an "illegal subdivision". The borough has not recognized the deed and no ownership or property lines have changes. Platting staff requested the KPB GIS department review the deed and the description given. Staff did find some discrepancies between the distances and points mentioned in the deed but it appears to be for the eastern improvement located north of the creek within Tract B2. It does not appear that this platting action will be creating that lot. Unless the ownership of the Tract is later conveyed, including the portion described and to the owner listed in the deed, a cloud on the title may remain. The owners may need to work with a title company or seek legal counsel to clear the title and determine how to deal with the recorded deed.

The building setback along Punkin Avenue was created after the structure was in place. The structure will be exempt from the setback. Plat note 8 explains that all other setbacks have no exceptions and that any replacements or additions to that structure will abide by the setback.

Per the certificate to plat and Grouse Creek Subdivision 2016 Addition, Plat SW 2016-7, a prescriptive rights claim was recorded for the driveway for access to the Deed Parcel. The title company did note the owners did not sign the document and was signed by the owners of the Deed Parcel. **Staff recommends** *it be determined if the driveway within the document is now within the dedication. If so a plat note should be added, "The dedication of the right of way, Ronne Road, the access easement for driveway as described in Book 41 Page 839, SRD, terminates with the recording of the plat." If the easement is outside the dedication area, carry over the plat note from the parent plat.*

Notice of the proposed plat was mailed to the beneficial interest holder on February 24, 2022 and October 13, 2022. 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.

The property is not within an advisory planning commission.

Utility Easements Grouse Creek Subdivision 2016 Addition, Plat SW 2016-7, granted 15 foot utility easements along the right of ways of Punkin Avenue and the Seward Highway. **Staff recommends** *plat note 1 be revised to remove the portion "extending to 20' within 5' of side lot lines."*

An easement was granted by recorded document that is 60 feet wide and centered on the overhead transmission line along the Seward Highway. This is depicted on the plat with reference to the recorded document.

An additional easement was granted by document for existing lines. Per the attachment recorded with the easement, this easement runs through portions of Tract B2 to the Deed lot. The plat is depicting some overhead lines within the proposed dedication and within portions of Tract B2. **Staff recommends** *the depiction of the easement as granted be shown on the plat with a reference to the recording document or provide a plat note.*

The plat will be granting 10 foot utility easements that increase to 20 feet within 5 feet of the side lot lines along the new right of way 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	No comment. Not within our service area.
ENSTAR	No comments or objections
ACS	No objections
GCI	Approved as shown
SEWARD ELECTRIC	I believe most infrastructure is in place. For new services and any additional easement to be noted would be at a customer's discretion. I think this plat looks fine for a utility standpoint.
CHUGACH ELECTRIC	No comment. Not within our service area.
TELALASKA	

KPB department / agency review:

Addressing	<p>Reviewer: Haws, Derek</p> <p>Affected Addresses: 33236 PUNKIN AVE 33276 PUNKIN AVE 14835 SEWARD HWY</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names: SEWARD HWY PUNKIN AVE</p> <p>Existing Street Name Corrections Needed:</p> <p>All New Street Names are Approved: Yes</p> <p>List of Approved Street Names: RONNIE RD</p> <p>List of Street Names Denied:</p> <p>Comments: 33236 PUNKIN AVE WILL REMAIN WITH TRACT B2. 33276 PUNKIN AVE WILL REMAIN WITH TRACT B2. 14835 SEWARD HWY WILL BE DELETED AND REPLACED WITH A RONNIE RD ADDRESS ON TRACT B2.</p>
Code Compliance	<p>Reviewer: Ogren, Eric</p> <p>Comments: No comments</p>
Planner	<p>Reviewer: Raidmae, Ryan</p> <p>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</p> <p>Comments: No comment</p>

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

STAFF RECOMMENDATIONS

CORRECTIONS / EDITS

- *Make the interior lot lines more prominent on 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: *Update the location description to "N1/2 SW 1/4". Verify the owner's address. Update the description to include the added lot and add additional owner information.*

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 for Alaska Railroad ROW and provide a width label.*

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: *Update the depiction due to addition of a lot. Label the Chugach National Forest Boundary.*

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:

- *Lot "5B" to the north, needs corrected to "5A".*
- *A label is needed for Lot 1 of SW 88-11.*

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.*

20.30.240. Building setbacks.

A. A minimum 20-foot building setback shall be required for dedicated rights-of-way in subdivisions located outside incorporated cities.

A. The setback shall be graphically depicted and labeled on the lots; if such depiction will interfere with the legibility of the plat, a typical lot showing the depiction and label may be provided on the plat, clearly indicating that the typical setback applies to all lots created by the plat.

B. The setback shall be noted on the plat in the following format:

Building setback- A setback of 20 feet is required from all dedicated street right-of-ways unless a lesser standard is approved by resolution of the appropriate planning commission.

- C. When a subdivision is affected by a Local Option Zoning District (LOZD), an approved by the assembly, all building setbacks shall be graphically depicted and labeled on the lots. A local option zoning setback shall be noted on the plat in the following format:

Building setback – This subdivision is located within (name of LOZD) Local Option Zoning District as contained in KPB Chapters 21.44 and 21.46 and adopted by KPB Ordinance (number), recorded under (serial no. and recording district). Information regarding the zoning restrictions and copies of the ordinance are available from the KPB Planning Department.

Staff recommendation: *Continue depiction along Ronne Road. Provide a label for the various portions.*

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: A soils report will not be required for Lot 1 as it is increasing in size. Staff believes Tract B1 may fall under KPB 20.40.080 if not an exception to not require soils report for Tract B1 is requested and a soils report is not required for Tract B2 due to its size. Plat note will be required to be revised.

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.*

- 20.60.040. Dedication of public use lands. Any land shown on a plat as a street, public park or other public area must be dedicated on the final plat to a tax exempt governmental entity. If the governmental entity is not the Kenai Peninsula Borough, the governmental entity shall be required to execute an acceptance of the dedication on the plat.

Staff recommendation: *An acceptance by the borough will be required for new dedicated right of ways.*

20.60.050. Dedication and construction of anadromous waterbody crossings.

A. Where a dedication crosses a waterbody within the Kenai Peninsula Borough Road Service Area cataloged as important to the protection of anadromous fish under AS 16.05.871 as now enacted or as may be hereinafter amended, additional right-of-way dedication or slope easements may be required by the planning commission as necessary for construction to meet the criteria of KPB 14.40.061(B).

B. Where a dedication is proposed over an existing road crossing a waterbody within the Kenai Peninsula Borough Road Service Area cataloged as important to the protection of anadromous fish under AS 16.05.871 as now enacted or as may be hereinafter amended, the road and crossing must be brought up to the permitting standards established by KPB 14.40.061(A) prior to planning commission approval of the final plat.

C. Where a plat dedicates a right-of-way over an existing road which crosses an anadromous waterbody as described in KPB 20.60.050(B), the applicant shall have three years from the approval of the preliminary plat to have the final plat approved. The time frame may be extended by the planning director if the extension is requested prior to the termination of the initial three-year period for final plat approval or any previously granted extension, and only if there has been no change in the design of the subdivision's road system since preliminary plat approval. Extensions may only be granted for one year at a time.

D. The road service area shall inspect and provide certification to the planning department that waterbody crossings meet the permitting requirements of KPB 14.40.061(A) prior to the approval of the final plat.

Staff recommendation: *The proposed dedication is over an existing travelway that will cross an anadromous stream that falls under AS 16.05.871. The plat should be granted a three year approval and the road will be required to be brought up to the permitting standards of KPB 14.40.061(A).*

20.60.060. Dedications within 100 feet of waterbodies. In addition to the criteria set forth in KPB 14.40.061(B), where dedications are proposed within 100 feet of a waterbody, the requirements of KPB 20.30.040 shall be met as part of the subdivision design.

Staff recommendation: *Comply with 20.60.060.*

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.*

- *Correct "then" to "the" within the first line of plat note 6.*
- *Correct "will" within plat note 8.*
- *Correct the spelling of "Reservation" within plat note 9.*
- *Provide the plat notes as required and noted within the staff report.*

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: *The Owners Certificate should include the signatures are on behalf of the Trust. The signature lines should include their title, such as trustee or manager. Add the additional owner and make sure owners' signature lines indicate which property they are signing as owner. Comply with 20.60.190.*

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.

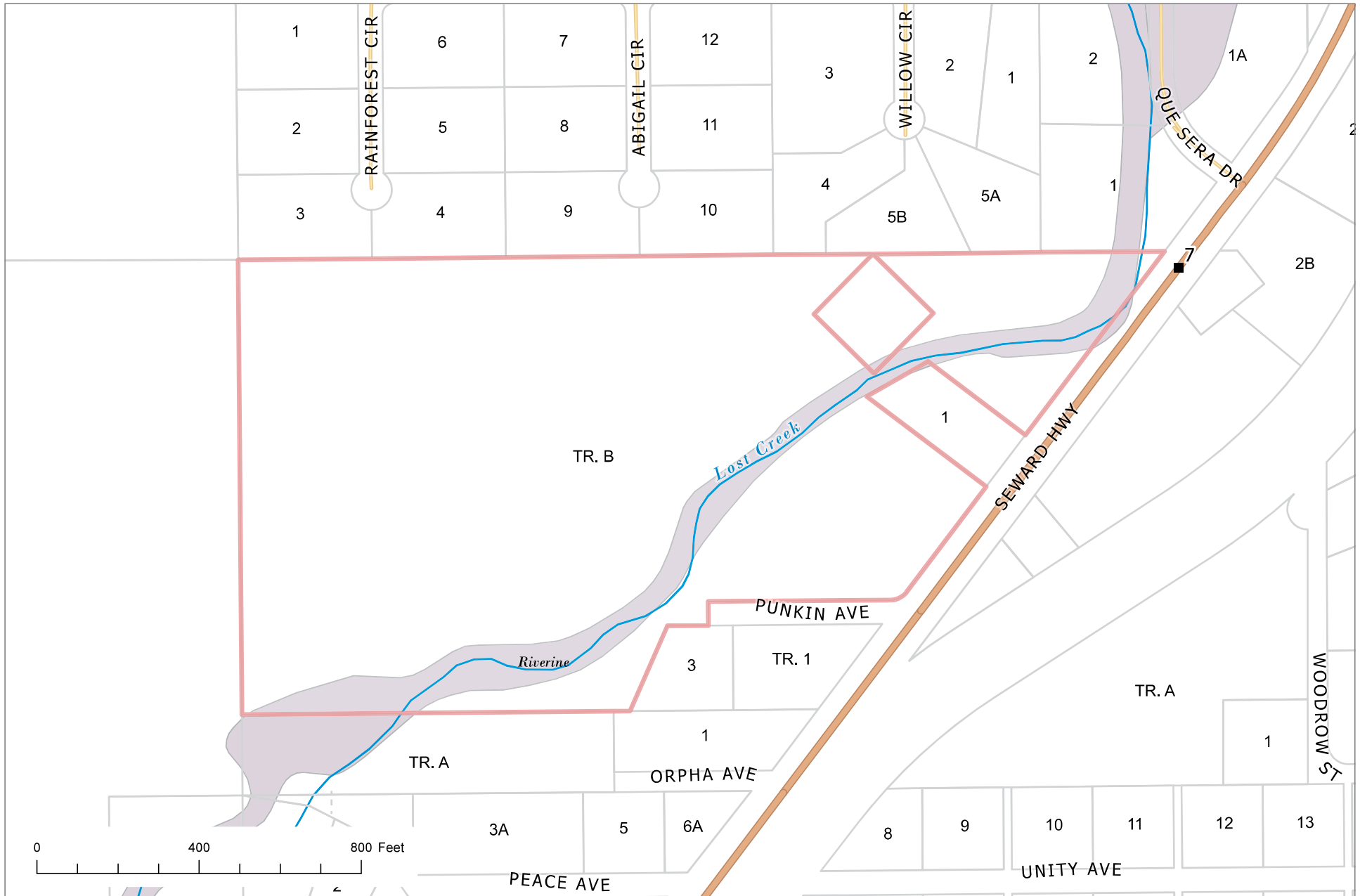
A PARTY OF RECORD MAY REQUEST THAT A DECISION OF THE PLAT COMMITTEE BE REVIEWED BY THE PLANNING COMMISSION BY FILING A WRITTEN REQUEST WITHIN 15 DAYS OF NOTIFICATION OF THE DECISION IN ACCORDANCE WITH KPB 2.40.080.

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.

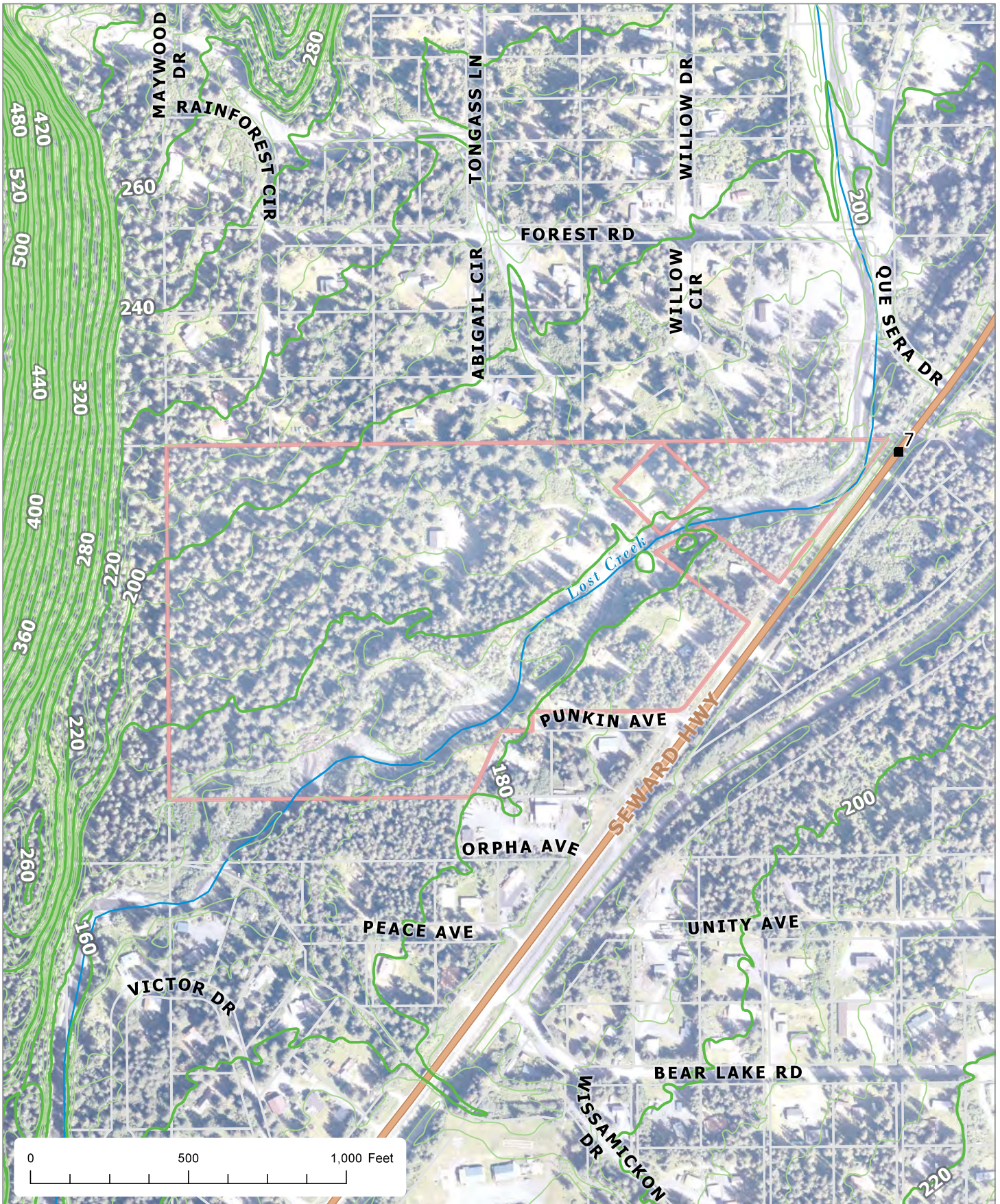
END OF STAFF REPORT



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.



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.





CERTIFICATE OF OWNERSHIP AND DEDICATION

I, THE UNDERSIGNED, HEREBY CERTIFY THAT MARSHALL & ERIK BONNE LIVING TRUST IS THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND TO GRANT TO THE MARSHALL & ERIK BONNE LIVING TRUST, I HEREBY ADOPT THIS PLAN OF SUBDIVISION AND BY MY FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND GRANT ALL EASEMENTS TO THE USE SHOWN.

Ethel K. Bonne
ETHEL K. BONNE
MARSHALL & ERIK BONNE LIVING TRUST
PO BOX 733
SEWARD, AK 99684

NOTARY'S ACKNOWLEDGMENT
FOR ETHEL K. BONNE
APPROVED BEFORE ME THIS 19 DAY OF JULY, 2016
NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES 08/01/17

PLAT APPROVAL
THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF April 28, 2016
KENAI PENINSULA BOROUGH
APPROVED: [Signature]
APPROVED: [Signature]

KPB FILE NO. 2016-048

GROUSE CREEK SUBDIVISION 2016 ADDITION

A SUBDIVISION OF NORTHEAST ONE HALF OF THE SOUTHWEST ONE QUARTER (OR TWO SECTIONS 15, 16, 17, 18, SEWARD HIGHWAY 1, 1/2 MILE WEST OF THE SEWARD HIGHWAY RIGHT OF WAY AND NORTH OF ENVIRONMENTAL SUBDIVISION, EXCEPTING THEREFROM GROUSE CREEK SUBDIVISION (PLAT NO. 88-11 580) FURTHER EXCEPTING THE TRACTS SHOWN SUBDIVISION (PLAT NO. 90-1 580) FURTHER EXCEPTING THEREFROM WARRANTY DEED CONVEYED TO HENRY MURPHY AND LOIS MURPHY AS RECORDED ON APRIL 20, 1989 IN BK 300 PG 138 580.

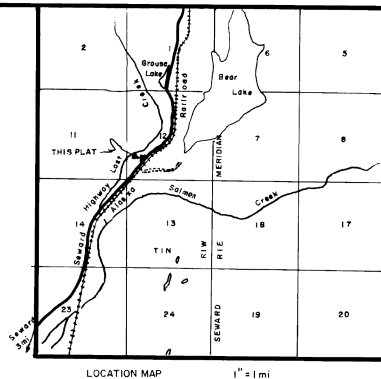
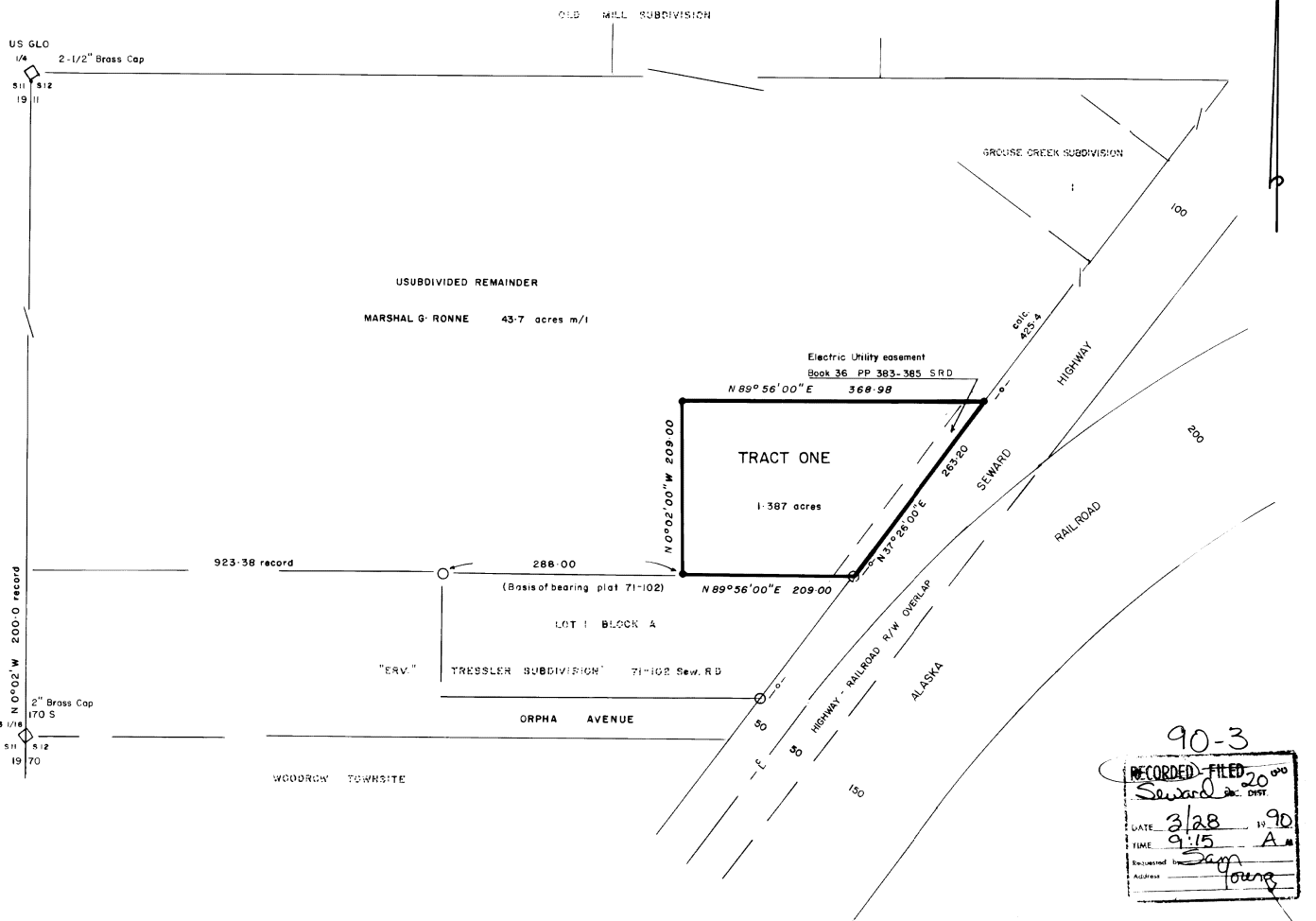
OWNER: MARSHALL & ERIK BONNE LIVING TRUST
PO BOX 733
SEWARD, AK 99684

LOCATED WITHIN THE 1/4 SECTION 15, 1/2 MILE WEST OF SEWARD HIGHWAY, SEWARD RECORDING DISTRICT, KENAI PENINSULA BOROUGH, ALASKA
CONTAINING 44.113 ACRES

INTEGRITY SURVEYS INC.
820 SET NET DRIVE KENAI AK 99611
PHONE: (907) 985-0877
FAX: (907) 985-0977
www.integritysurveys.net

JOB NO. 210250 DRAWN: JRM 27, 2015 SH
SURVEYED: NOV. 2014-MAY 2016 TOTAL: 1" = 100'
FIELD Bk: 2015-9 PG. 6-10 FILE: 210250 PP.DWG

STREET 1041



CERTIFICATE OF OWNERSHIP AND DEDICATION

I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I HEREBY ADOPT THIS PLAN OF SUBDIVISION AND DEDICATE ALL RIGHTS OF WAY TO THE PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

Marshall G. Ronne *Esther K. Ronne*
 Marshall G. Ronne
 Box 723
 Seward, Alaska 99664
Esther K. Ronne

NOTARY'S ACKNOWLEDGEMENT

FOR *Marshall G. Ronne & Esther K. Ronne*
 SUBSCRIBED AND SWORN TO BEFORE ME THIS *24th* DAY OF *April*, 1986
Marie L. Ladd
 NOTARY PUBLIC FOR ALASKA
 MY COMMISSION EXPIRES *2-1-86*

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF MAY 12, 1986.

KENAI PENINSULA BOROUGH
 By *[Signature]*
 AUTHORIZED OFFICIAL

SEWARD RECORDING DISTRICT

RONNE SUBDIVISION			
A subdivision within the S 1/2 N 1/2 SW 1/4 sec. 12 T1N R1W SM Kenai Peninsula Borough, Alaska			
SCALE 1" = 100'	AREA SUBDIVIDED 1.387 acres	PROPOSED LAND USE residential	DATE SURVEY COMPLETED March 5, 1986
SURVEYED FOR SAM YOUNG Box 24 Seward, Alaska 99664		SURVEYED BY DEVELOPMENT SERVICES INC. P O Box 7517 Nikiski, Alaska 99635	
KPB FILE NO. 86-134	Book 128 Drawn by <i>[Signature]</i>	Crew J. Loddell A. Bute	

LEGEND

- Survey monument of record.
- 5/8" rebar with aluminum cap found at lot corner.
- 1/2" x 24" rebar set at lot corner.
- electric utility line

CERTIFICATE OF APPROVAL BY THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION

This subdivision has been reviewed in accordance with ASAC 72.060 and is approved, subject to any noted restrictions.

Marshall G. Ronne *Esther K. Ronne* *3/6/90*
 SIGNATURE TITLE DATE

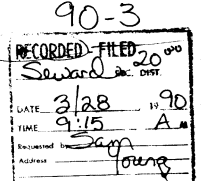
NOTES

A minimum 20' building setback is required adjacent to all street right of ways unless a lesser standard is adopted by resolution of the appropriate planning commission.

All waste water disposal systems shall meet requirements of existing law at time of construction.

No direct access to state maintained ROWs permitted unless approved by State of Alaska Department of Transportation.

3608 S
 SURVEYOR'S REGISTRATION NUMBER, SEAL AND SIGNATURE



No.	Delta	Radius	Arc Length
C1	01°18'40"	1398.34	32.00
C2	18°35'36"	1398.34	453.79
C3	18°45'50"	1575.95	516.11

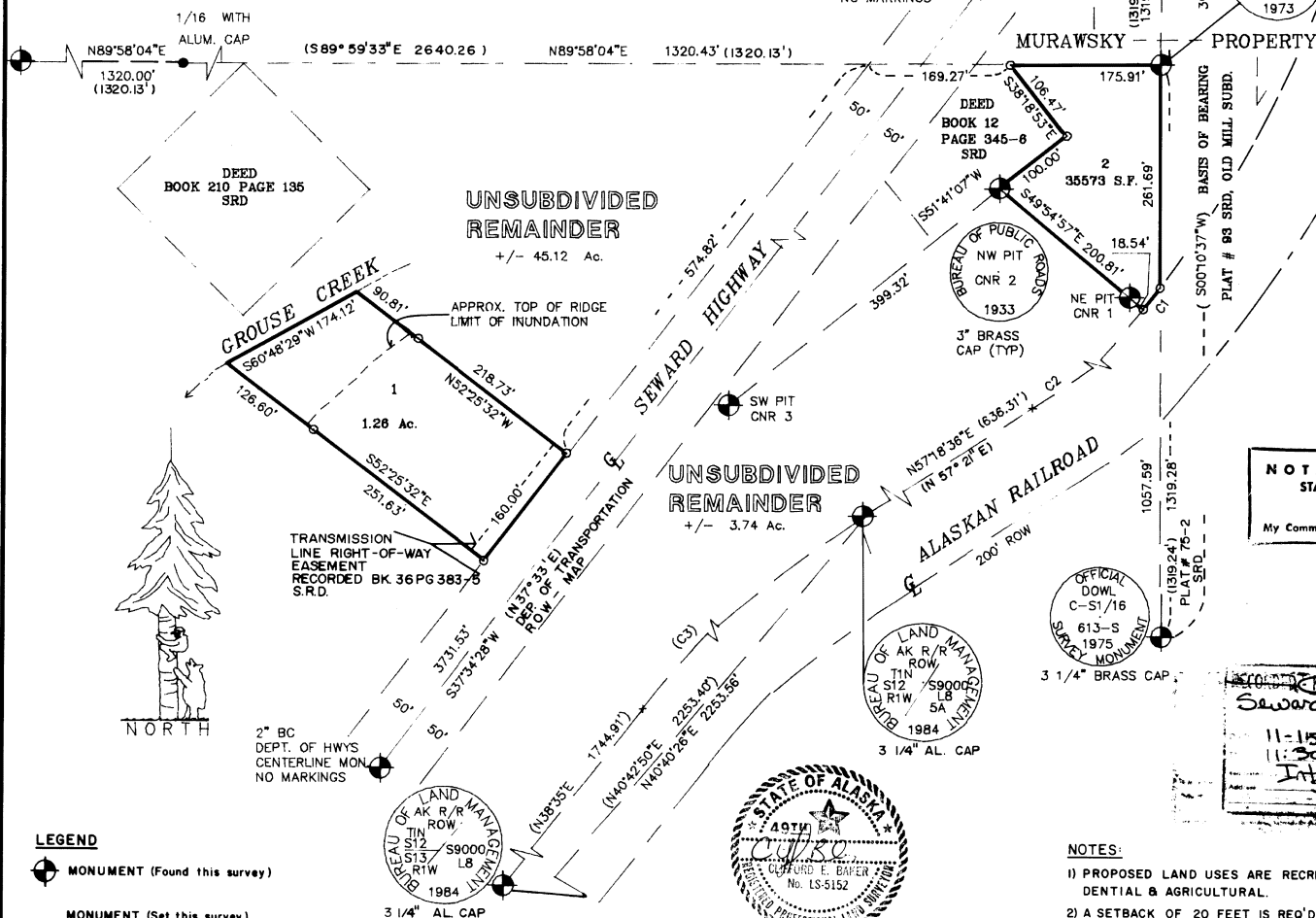
RADIUS USED AND RECORD INFORMATION SHOWN
FOR ALASKA RAILROAD ROW OBTAINED FROM BLW
U. S. SURVEY No. 9000, FILED FEBRUARY 9, 1988.

2 1/2" BRASS CAP



FROM WHICH FOUND BT's
17" SPRUCE N4°W 11.3'
15" SPRUCE S82°E 11.4'

OLD MILL SUBDIVISION

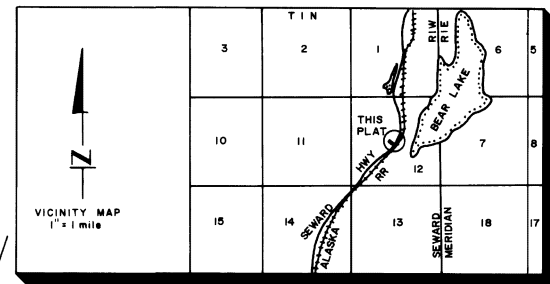


LEGEND

- MONUMENT (Found this survey)
- MONUMENT (Set this survey)
- 5/8" REBAR (Found this survey)
- 5/8" x 30" REBAR (Set this survey)
WITH 1 1/2" ALUM. CAP
- () RECORD DATUM

CERTIFICATE OF APPROVAL BY THE ALASKA
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
THIS SUBDIVISION HAS BEEN REVIEWED IN ACCORDANCE WITH
18 AAC 72.065 AND IS APPROVED, SUBJECT TO ANY NOTED RESTRICTIONS.

Paul D. Horvath *EE* *10/31/88*
SIGNATURE TITLE DATE



CERTIFICATE of OWNERSHIP and DEDICATION

WE HEREBY CERTIFY THAT WE ARE THE OWNER(S) OF THE
PROPERTY SHOWN & DESCRIBED HEREON & THAT WE HEREBY
ADOPT THIS PLAN OF SUBDIVISION & DEDICATE ALL RIGHT-OF-
WAYS & PUBLIC AREAS TO PUBLIC USE & GRANT ALL EASEMENTS
TO THE USE SHOWN.

Marshall G. Ronne
MARSHALL G. RONNE

Esther K. Ronne
ESTHER K. RONNE

P.O. BOX 723
SEWARD, ALASKA 99664

NOTARY'S ACKNOWLEDGEMENT

SUBSCRIBED AND SWORN BEFORE ME THIS 4 DAY OF November,
1988 FOR MARSHALL G. RONNE & ESTHER K. RONNE

NOTARY PUBLIC
STATE OF ALASKA
CLIFF BAKER
My Commission Expires 8/12/91

Cliff Baker
NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES 8/12/91

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH
PLANNING COMMISSION AT THE MEETING OF August 22, 1988

KENAI PENINSULA BOROUGH
Cliff Baker
AUTHORIZED OFFICIAL

KPB. FILE NO. 88-066

GROUSE CREEK SUBDIVISION

LOCATED WITHIN THE NE 1/4 SW 1/4 SEC. 12,
T1N, R1W, S12E, WOODROW, SEWARD RECORDING
DISTRICT, KENAI PENINSULA BOROUGH, AK.

CONTAINING 2.08 Ac. INTO 2 LOTS

INTEGRITY SURVEYS

P.O. BOX 1831 SOLDOTNA, ALASKA 99669	
SURVEYORS 262 - 9461	PLANNERS
JOB NO.: <u>88-27</u>	FIELD BOOK: <u>88-2</u>
DISK NO.: <u>OLD MILL</u>	FILE NAME: <u>OLD MILL</u>
SURVEYED: <u>AUG.-OCT. 88</u>	PLATTED: <u>OCTOBER 88</u>
DRAFTED: <u>CB</u>	SCALE: <u>1" = 100'</u>
CHECKED: <u>CB</u>	SHEET:

NOTES:

- PROPOSED LAND USES ARE RECREATIONAL, RESIDENTIAL & AGRICULTURAL.
- A SETBACK OF 20 FEET IS REQ'D FROM ALL STREET RIGHT-OF-WAYS UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
- ALL WASTEWATER DISPOSAL SYSTEMS SHALL COMPLY WITH EXISTING LAWS AT THE TIME OF CONSTRUCTION.
- NO PRIVATE ACCESS TO STATE MAINTAINED ROW'S PERMITTED UNLESS APPROVED BY STATE OF ALASKA DEPARTMENT OF TRANSPORTATION.
- LOT 2 IS RESTRICTED TO A ONE-TIME CONVEYANCE TO MURAWSKY PROPERTY, ADJOINING NORTH AND EAST OF SAID LOT 2.

E. NEW BUSINESS

- 7. K.M.D. Subdivision 2022 Addition
KPB File 2022-146**



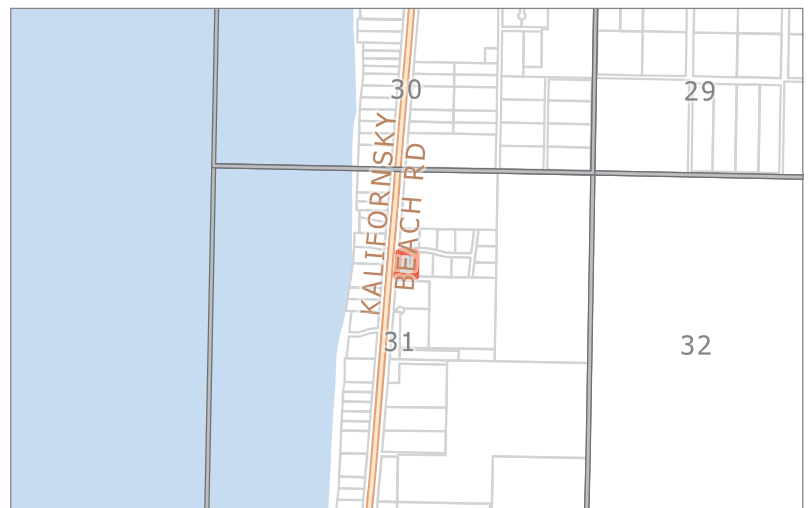
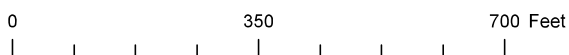
Kenai Peninsula Borough Planning Department

Vicinity Map

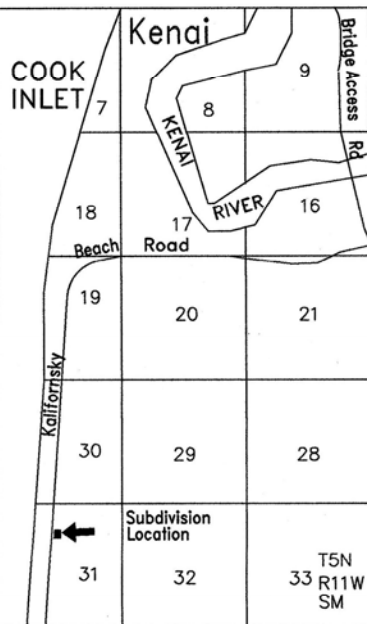


KPB File 2022-146
T 05N R 11W SEC 31
Kalifornsky

9/21/2022







K.D.M. Subd., 2022 Addition Preliminary Plat

A subdivision of Lot 1 Block 1 K.D.M. Subd., (KRD 76-18)
Located in the NW1/4 Section 19, T5N R11W, SM., Alaska.
Kenai Recording District Plat 78-78 Kenai Peninsula Borough

Prepared for
Stuart Kizer
2801 Iris Dr. Apt 4
Anchorage, AK 99517

Prepared by
Johnson Surveying
P.O. Box 27
Clam Gulch, Ak 99568
(907) 262-5772

SCALE 1" = 50' AREA = 1.978 acres 13 October, 2022

1. A building setback of 20' from all street ROWs is required unless a lesser standard is approved by a resolution of the appropriate planning commission. The front 10' adjacent to ROWs is also a utility easement, extending to 20' within 5' of side lot lines
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. Topography is basically flat. There are no wet areas on the property.

VICINITY 1" = 1 mile MAP

Section 30
1/4 cor
Section 31

Block 2
Lot 1

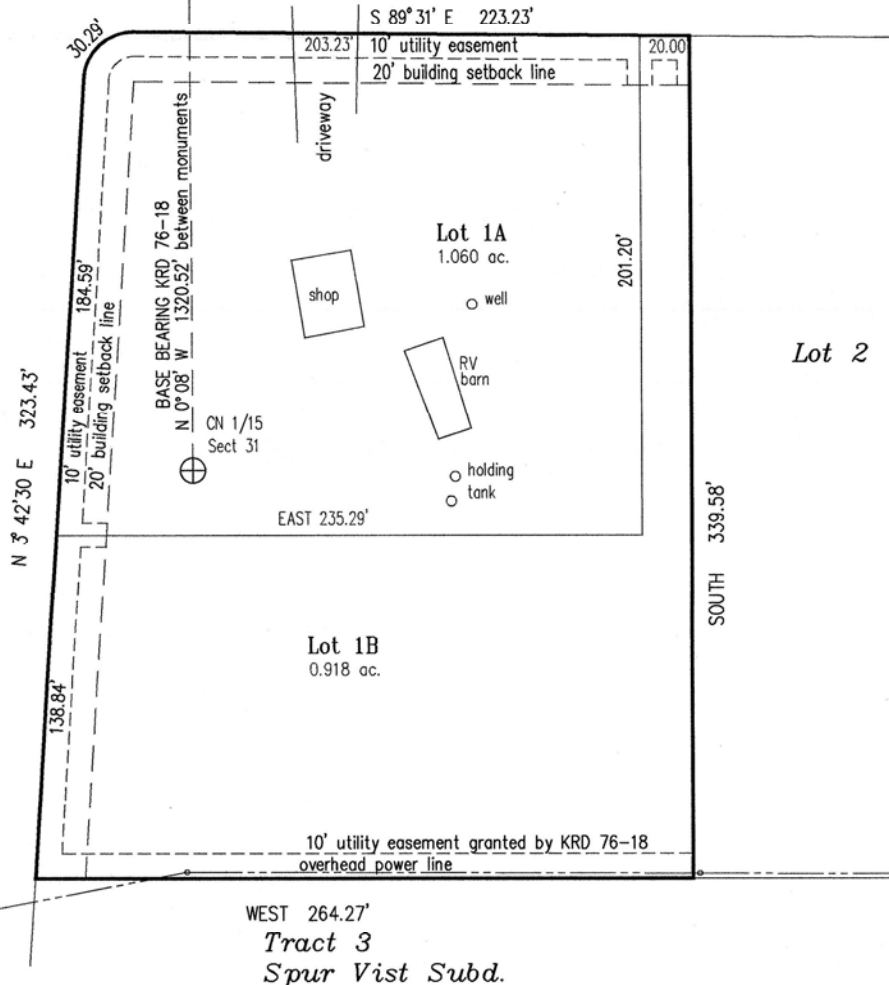
Lot 2

DOG FISH AVE.

60'

C/L KALIFORNISKY BEACH RD

100'



WEST 264.27'
Tract 3
Spur Vist Subd.

AGENDA ITEM E. NEW BUSINESS

ITEM 7 – KDM SUBDIVISION 2022 ADDITION

KPB File No.	2022-146
Plat Committee Meeting:	October 24, 2022
Applicant / Owner:	Stuart Kizer of Anchorage, AK
Surveyor:	Jerry Johnson / Johnson Surveying
General Location:	Kalifornsky Beach Road, Dog Fish Avenue, Kalifornsky area

Parent Parcel No.:	055-290-01
Legal Description:	Lot 1 Block 1, KDM Subdivision, Plat KN 76-18
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On Site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide a 1.978 acre parcel into two lots that will be 1.060 and .918 acres.

Location and Legal Access (existing and proposed): The subdivision is located on the corner of state maintained Kalifornsky Beach Road, near mile 11.5, and Dog Fish Avenue. Dog Fish Avenue is a 60 foot wide dedication that is borough maintained.

The parent lot currently has access from Dog Fish Avenue. An original design was submitted that did not include a flag lot. Alaska DOT submitted the comment that they would not allow direct access to Kalifornsky Beach Road for Lot 1A. The surveyor discussed with the owners and came up with a design that includes a flag so that neither lot will be required to access from Kalifornsky Beach Road.

The block length is not compliant. The distance along Dog Fish Avenue is compliant as the right-of-way is around 1,200 feet in length. Dog Fish Avenue continues east from Kalifornsky Beach Road and intersects the dedication of Pipeline Street. Pipeline Street dedication extends south approximately 300 feet but does not continue further or connect with any dedications to provide a closed block. To the south of the subdivision is a 21.6 acre lot that contains a 60 foot panhandle that connects to Kalifornsky Beach Road. Additional irregular shaped and large acreage lots surround the areas that can provide dedications in the future that help bring the block into compliance. ***Staff recommends the plat committee concur that an exception to block length is not requires as any dedications requested would not improve the block.***

KPB Roads Dept. comments	Out of Jurisdiction: No Roads Director: Uhlin, Dil Comments: No comments
SOA DOT comments	No direct access to Kalifornsky Beach Road for Lot 1A The ROW for K-Beach Road appears to be shown correctly.

Site Investigation: The proposed subdivision does not contain any steep slopes or low wet areas. There are some low wet areas north of Dog Fish Avenue and to the east but none within the bounds of the replat.

There are several structures on the parent plat that appear to be contained within proposed Lot 1A. The plat indicates the location of a holding tank. It appears to be close to the property line the surveyor has noted that the owners state that there is only a holding tank and no leach field is present. Per the submittal it appears that there is not any encroachment issues.

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

Staff Analysis The proposed replat will be splitting a 1.978 acre lot into two lots that will be 1.0660 and .918 acres. This is a replat of Lot 1 Block 1 of KDM Subdivision, Plat KN 76-68. That was a replat of some previously unplatted land and a portion of Lot 1 Block 2 of Edelman Subdivision, Plat K-1673. Plat K-1673 put a 20 foot building setback into place along Kalifornsky Beach Road. Plat KN 76-68 dedicated Dog Fish Avenue and created 20 foot setbacks along Dog Fish Avenue and carried over the setback along Kalifornsky Beach Road.

The original design submitted did not include a flag lot. After the comments from DOT were received the surveyor submitted a design with a flag lot. There was time for us to notify the owners within 600 feet of the subdivision of the design change and a second notice was sent out with the new proposed design. No comments have been received. Prior to the staff report being prepared the surveyor revised the drawing as the first flag lot design was done to comply with KPB Code panhandle requirements. The surveyor revised the drawing and has now requested an exception to panhandle length. Staff has reviewed the new drawing with the exception request. It was determined that this was a minor design changed with minimal impact to neighboring lots when compared to the second drawing they received.

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.

The property is within the Kalifornsky advisory planning commission area but the commission is inactive.

Utility Easements There were no utility easements created by Edelman Subdivision, K-1673 that affect this property. KDM Subdivision, Plat KN 76-78, created a 10 foot utility easement along the southern boundary and is correctly depicted and noted on the plat. This plat will be creating 10 foot utility easements along Kalifornsky Beach Road and Dog Fish Avenue that extend to 20 feet within 5 feet of the side lot lines.

Homer Electric Association is requesting an easement over the existing line that will cross Lot 1B to the improvements on Lot 1A.

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	Locate the existing underground secondary service line in the field and depict on the final plat. The approximate location has been added to this review. Provide a label or pat note that states the existing underground powerline is the centerline of a 15 foot wide electrical easement granted this plat.
ENSTAR	No comment or recommendations
ACS	
GCI	Approved as shown

KPB department / agency review:

Addressing	<p>Reviewer: Haws, Derek Affected Addresses: 51475 DOG FISH AVE</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names: DOG FISH AVE KALIFORNSKY BEACH RD</p> <p>Existing Street Name Corrections Needed:</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: 51475 DOG FISH AVE will remain with lot 1A.</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>

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

STAFF RECOMMENDATIONS
CORRECTIONS / EDITS

- *Notation on the CN in Lot 1A needs corrected.*

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:** *Update the section number. Remove the plat number between Kenai Recording District and Kenai Peninsula Borough.*
- 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 proposed 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:** *Add a block label to the lot to the east.*
- J. Block and lot numbering per KPB 20.60.140, approximate dimensions and total numbers of proposed lots;
- Staff recommendation:** *Add a block label to the lots.*

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.*

- 20.30.230. Lots-Double frontage prohibited when. Double frontage lots with depths less than 250 feet will not be approved except where necessitated by topographic or other physical conditions, or to provide reverse frontage along arterial streets. Corner lots are not subject to the double frontage prohibition.
- Staff recommendation:** *Lot 1B will front on Kalifornsky Beach Road and Dog Fish Avenue to reduce access from state right-of-way.*

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: A soils report will be required and an engineer will need to sign the plat.*
- 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.*

- 20.60.140. Block and lot numbering. Blocks and lots within each block shall be numbered consecutively or all lots shall be numbered consecutively. If possible, each block should be shown entirely on one sheet. Each lot shall be shown entirely on one sheet.
- Staff recommendation:** *Block labels need added.*
- 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.*

- *No structures are permitted within the panhandle portion of the flag lot(s).*
- *"No access to state maintained rights-of-way permitted unless approved by the State of Alaska Department of Transportation."*
- *RESERVATION OF EASEMENT for highway purposes, and any assignments or uses thereof for recreational, utility or other purposes, as disclosed by Public Land Order No. 601, dated August 10, 1949 and amended by Public Land Order No. 757, dated October 10, 1959; Public Land Order No. 1613, dated April 7, 1958; and Department of the Interior Order No. 2665, dated October 16, 1951, Amendment No. 1 thereto, dated July 17, 1952 and Amendment No. 2 thereto, dated September 15, 1956, filed in the Federal Register.*
- *Subject to an easement for pipelines and related purposes as granted to Alaska Pipeline Company in Book Misc. 5 Page 149, KRD. No definite location disclosed.*
- *Subject to an easement granted to Homer Electric Association, Inc. in Book Misc. 7 Page 134, KRD. No definite location disclosed.*
- *Note for any exceptions granted.*
- *If the exception is granted, "Lot 1B may have possible limitations on further subdivision based on access issues, development trends in the area, or topography."*

EXCEPTIONS REQUESTED:

KPB 20.30.190 – Lots-Dimensions (flag length for Lot 1B and setback)

Surveyor's Discussion: I am requesting an exception to flag length limit for this subdivision to allow for squared lot lines to allow for existing improvements.

Staff Discussion: After the Alaska Department of Transportation commenting about limiting the access to Kalifornsky Beach Road for Lot 1A it was determined to make Lot 1B a flag lot to provide access from Dog Fish Avenue.

Findings:

1. KPB Code requires panhandle portions of flag lots to be less than 150 feet in length if less than 60 feet wide.
2. The proposed panhandle will be 20 feet wide by 201 feet in length.
3. There are existing structures on the property that are trying to be within Lot 1A.
4. State of Alaska DOT noted they wanted to reduce access for Lot 1A.
5. Access to Kalifornsky Beach Road is permitted by the State of Alaska DOT.
6. Having access from Dog Fish Avenue helps reduce multiple accesses onto Kalifornsky Beach Road.
7. The intent on having a length and width requirement on panhandles is to provide for possible future dedications.
8. The lot to the east has access from Dog Fish Avenue.
9. The lot to the south has a 60 foot wide panhandle to provide access to Kalifornsky Beach Road and does not require a future continuation of the proposed panhandle.
10. The intent of the panhandle is to only use as an access to Lot 1B.

Staff reviewed the exception request and recommends granting approval subject to a plat note indicating possible limitations on future subdivision.

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 3-6 and 8-10 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 3-6 and 8-10 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 3-6 and 8-10 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

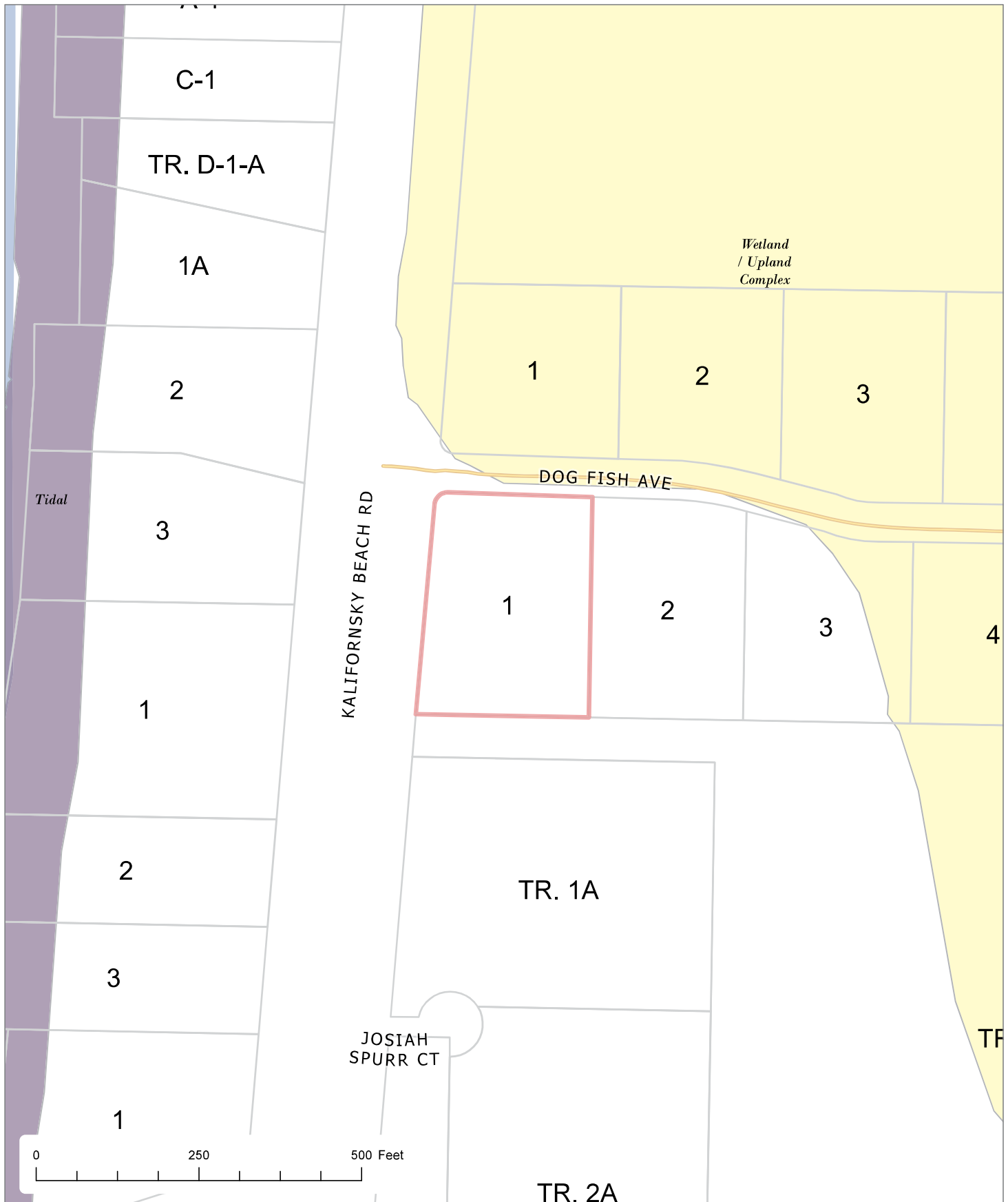


Aerial View





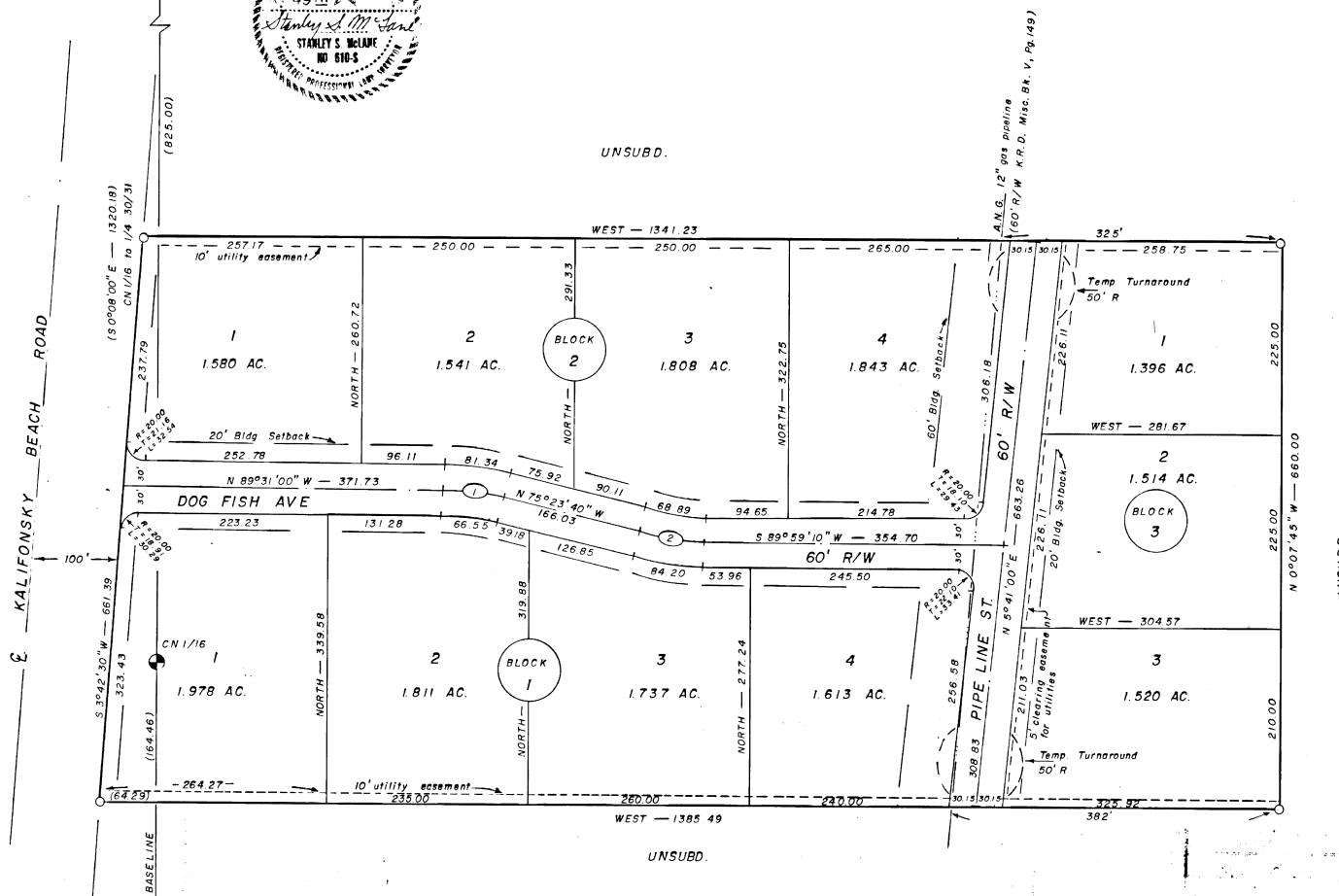
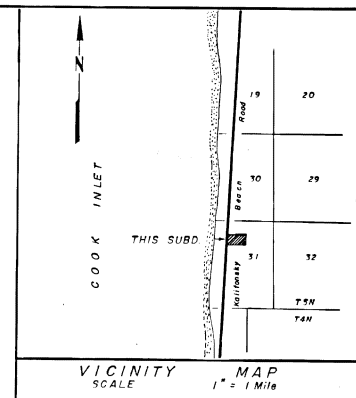
Wetlands







CURVE DATA					
CURVE	Δ	R	L	Ch	T
①	14°07'20"	300.00	73.94	73.76	37.16
②	14°37'10"	300.00	76.55	76.34	38.48

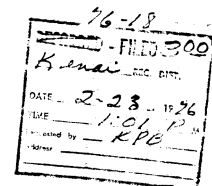


LEGEND AND NOTES

- Found official survey brass cap (610-S)
- Found A.D.L. brass cap monument.
- Found 1/2" x 24" steel rebar.
- Set 1/2" x 24" steel rebar at all lot corners.

All bearings refer to the N-S center line of Section 31 as being S0°08'E of record.

Date of record shown in ().



CERTIFICATE OF OWNERSHIP AND DEDICATION

We hereby certify that we are the owners of said property, and request the approval of this plat showing such easements for public utilities, roadways, and or streets dedicated by us for public use.

Date Oct. 16, 1975 Roseleen S. Moore owner

NOTARY'S ACKNOWLEDGEMENT.

Subscribed and sworn before me this 16th day of October, 1975.

My commission expires January 20, 1979 William J. Nichols notary public for Alaska

PLAT APPROVAL.

Plat approved by the commission this 18th day of August, 1975

Donald E. Selman Mayor

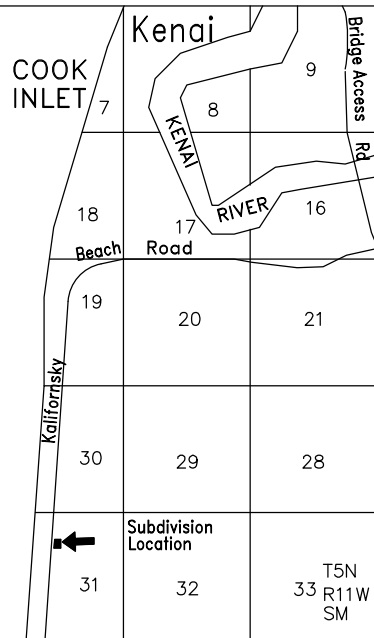
**K.D.M. SUBDIVISION
A REPLAT OF KENNETH &
ROSELEEN MOORE PROPERTY &
RESUBD. OF LOT 1 BLOCK 2
EDELMAN SUBDIVISION**

Kenneth and Roseleen Moore, owners
Box 746 Homer, Alaska

DESCRIPTION
20.657 ACRES SITUATED IN THE N1/2 SEC. 31
T5N, R11W, S.M. AK. EAST OF THE KALIFONSKY
BEACH ROAD AND IN THE KENAI PENINSULA
BOROUGH.

Surveyed by: SS. McLane R.L.S

Date of Survey August 1-11, 1975	Scale 1" = 100'	BK. NO. 74-1
-------------------------------------	--------------------	-----------------



VICINITY 1" = 1 mile MAP

K.D.M. Subd., 2022 Addition Preliminary Plat

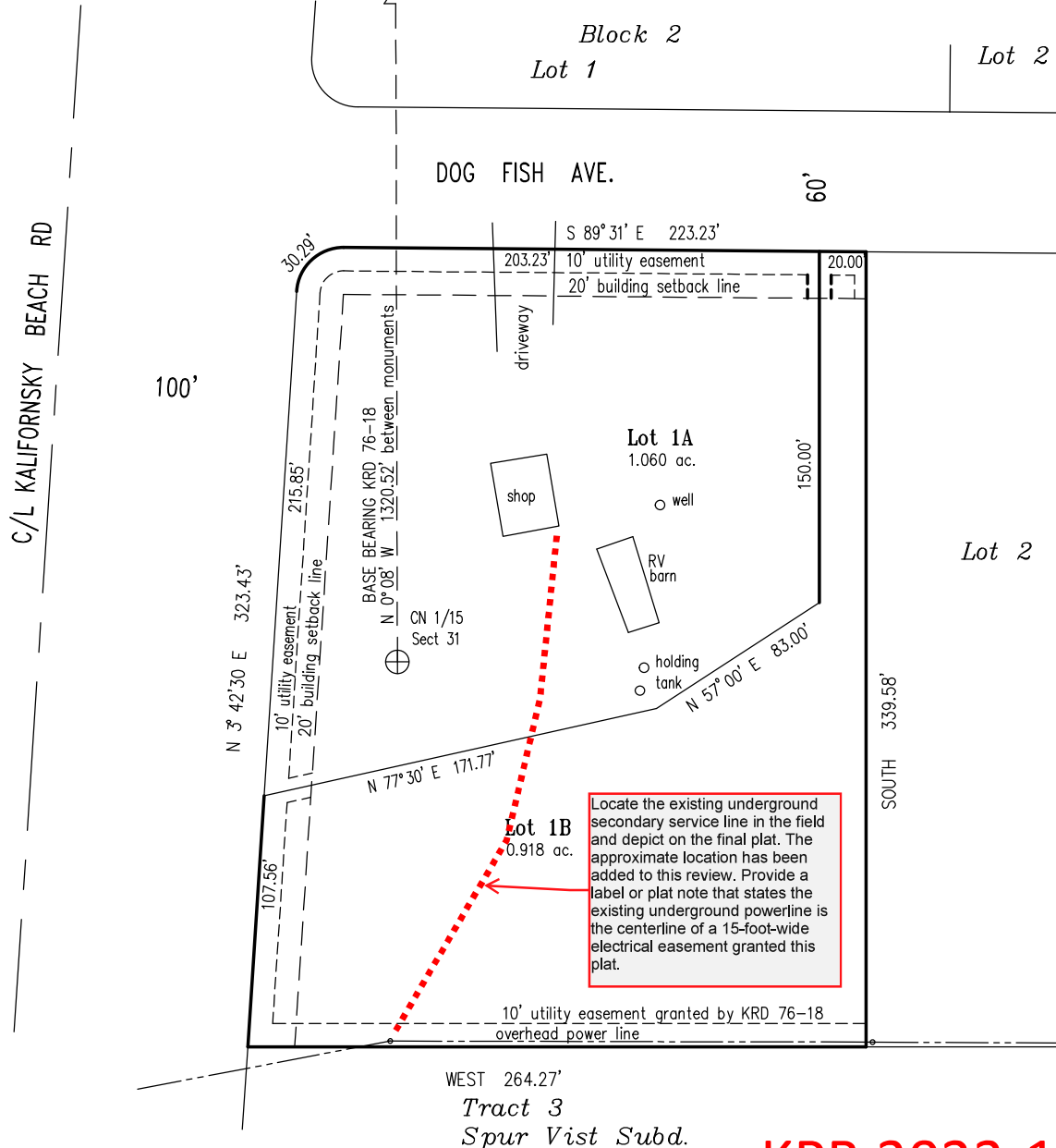
A subdivision of Lot 1 Block 1 K.D.M. Subd., (KRD 76-18)
 Located in the NW1/4 Section 19, T5N R11W, SM., Alaska.
 Kenai Recording District Plat 78-78 Kenai Peninsula Borough

Prepared for
 Stuart Kizer
 2801 Iris Dr. Apt 4
 Anchorage, AK 99517

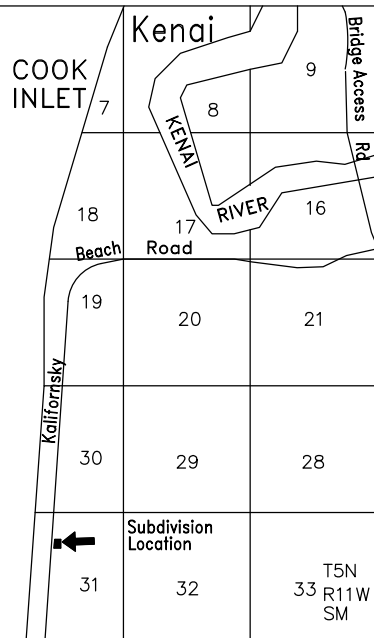
Prepared by
 Johnson Surveying
 P.O. Box 27
 Clam Gulch, Ak 99568
 (907) 262-5772

SCALE 1" = 50' AREA = 1.978 acres 5 August, 2022

1. A building setback of 20' from all street ROWs is required unless a lesser standard is approved by a resolution of the appropriate planning commission. The front 10' adjacent to ROWs is also a utility easement, extending to 20' within 5' of side lot lines
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. Topography is basically flat. There are no wet areas on the property.



KPB 2022-146



VICINITY 1" = 1 mile MAP

K.D.M. Subd., 2022 Addition Preliminary Plat

A subdivision of Lot 1 Block 1 K.D.M. Subd., (KRD 76-18)
 Located in the NW1/4 Section 19, T5N R11W, SM., Alaska.
 Kenai Recording District Plat 78-78 Kenai Peninsula Borough

Prepared for
 Stuart Kizer
 2801 Iris Dr. Apt 4
 Anchorage, AK 99517

Prepared by
 Johnson Surveying
 P.O. Box 27
 Clam Gulch, Ak 99568
 (907) 262-5772

SCALE 1" = 50' AREA = 1.978 acres 5 August, 2022

1. A building setback of 20' from all street ROWs is required unless a lesser standard is approved by a resolution of the appropriate planning commission. The front 10' adjacent to ROWs is also a utility easement, extending to 20' within 5' of side lot lines
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. Topography is basically flat. There are no wet areas on the property.

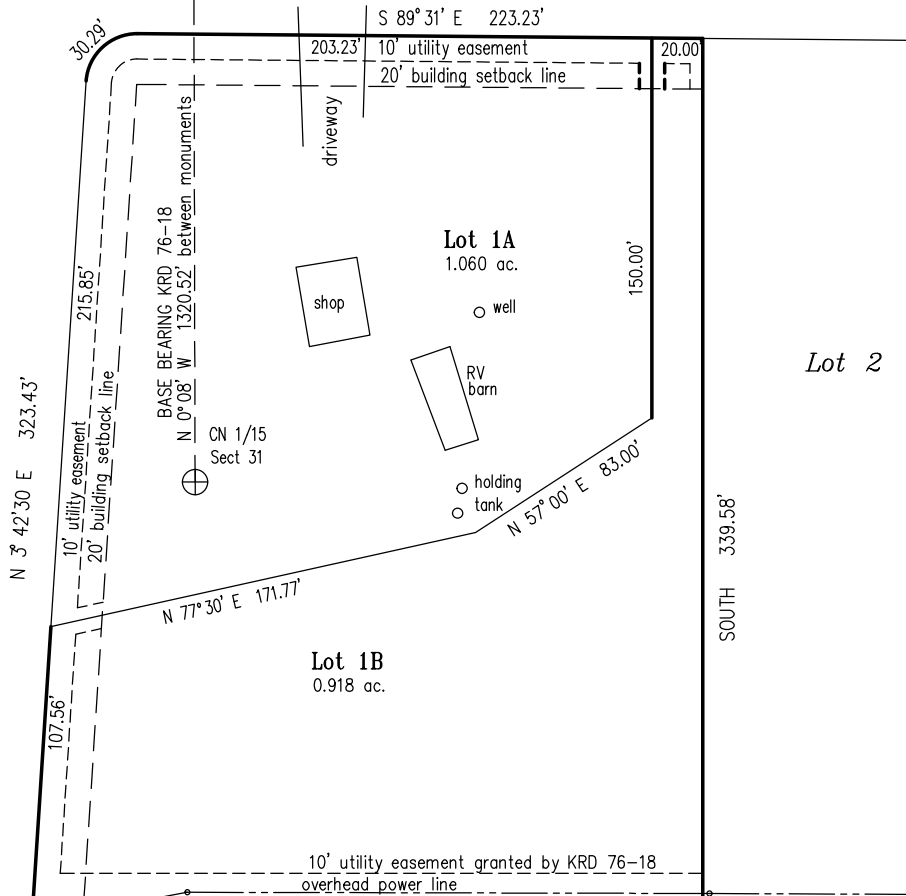
Section 30
 1/4 cor
 Section 31

Block 2
 Lot 1 Lot 2

DOG FISH AVE.

C/L KALIFORNIA BEACH RD

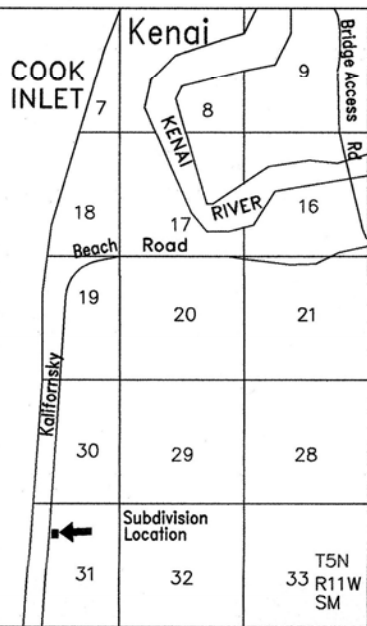
100'



WEST 264.27'

Tract 3
 Spur Vist Subd.

KPB 2022-146



VICINITY 1" = 1 mile MAP

K.D.M. Subd., 2022 Addition Preliminary Plat

A subdivision of Lot 1 Block 1 K.D.M. Subd., (KRD 76-18)
Located in the NW1/4 Section 19, T5N R11W, SM., Alaska.
Kenai Recording District Plat 78-78 Kenai Peninsula Borough

Prepared for
Stuart Kizer
2801 Iris Dr. Apt 4
Anchorage, AK 99517

Prepared by
Johnson Surveying
P.O. Box 27
Clam Gulch, Ak 99568
(907) 262-5772

SCALE 1" = 50' AREA = 1.978 acres 5 August, 2022

1. A building setback of 20' from all street ROWs is required unless a lesser standard is approved by a resolution of the appropriate planning commission. The front 10' adjacent to ROWs is also a utility easement, extending to 20' within 5' of side lot lines
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. Topography is basically flat. There are no wet areas on the property.

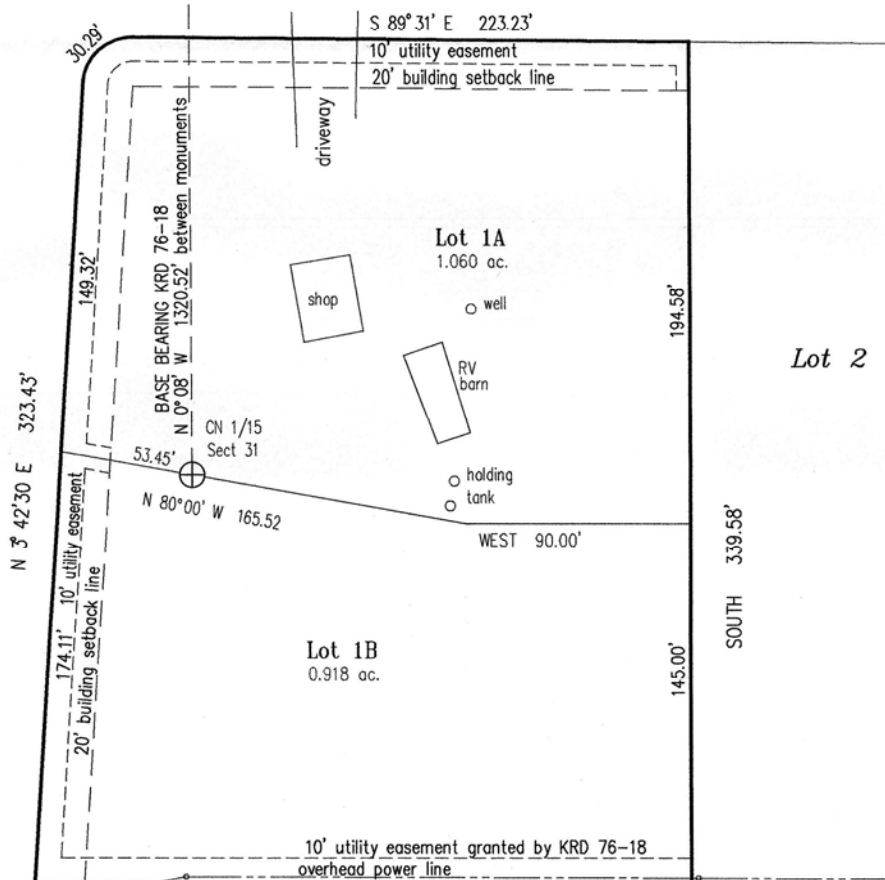
Sect 30
1/4 cor
Sect 31

Block 2
Lot 1 Lot 2

DOG FISH AVE.

C/L KALIFORNIA BEACH RD

100'

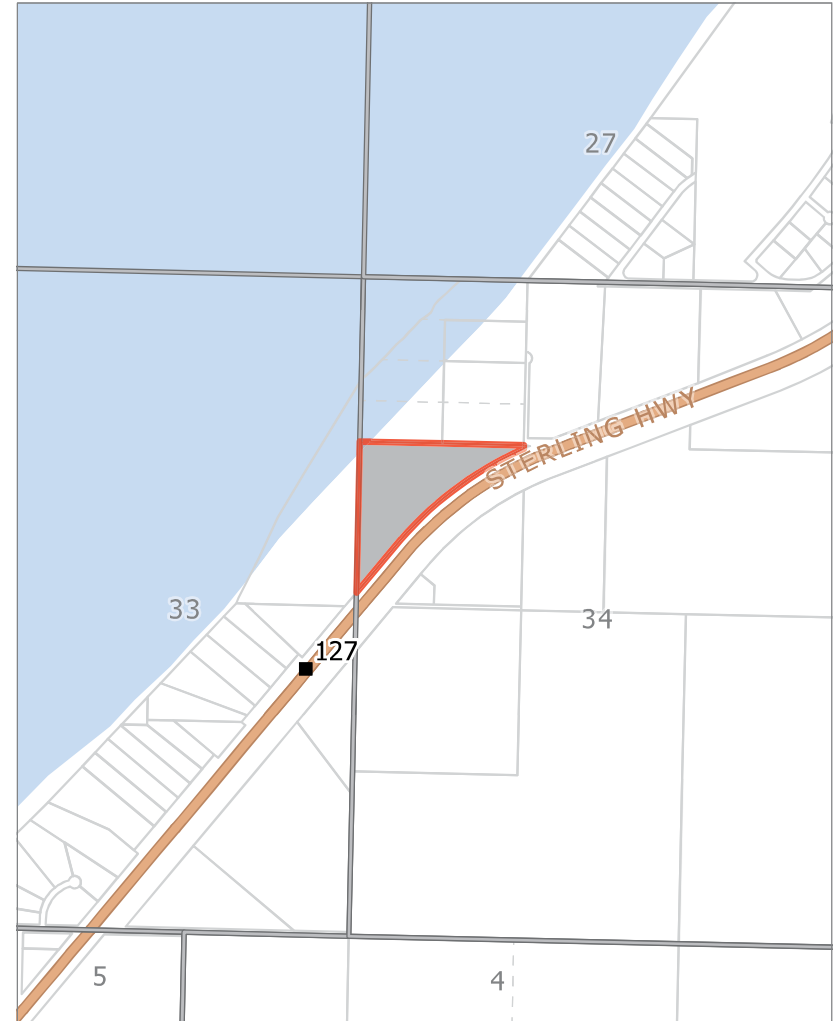
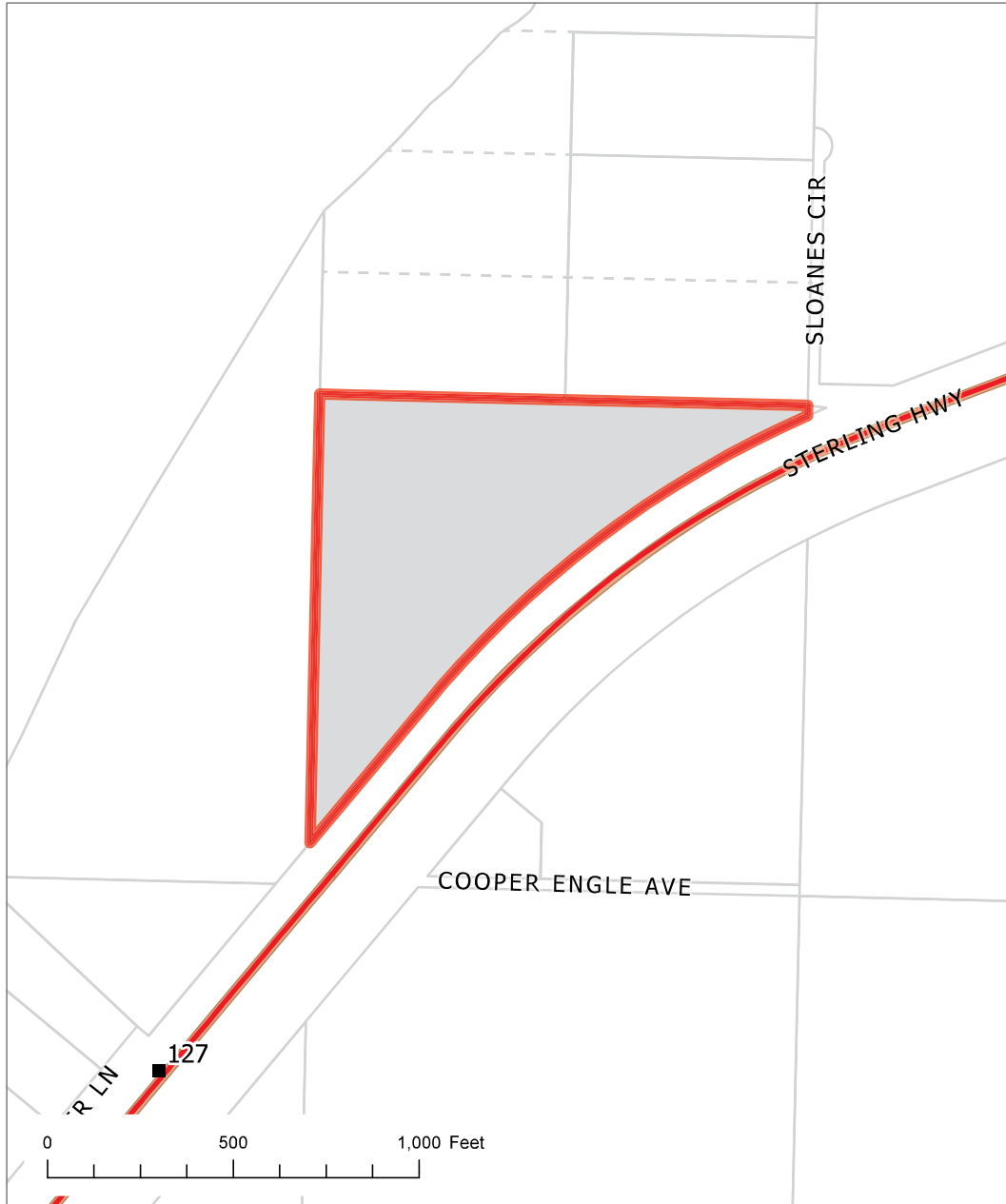


WEST 264.27'
Tract 3
Spur Vist Subd.

KPB 2022-146

E. NEW BUSINESS

- 8. Waldron-Engle Subdivision; KPB File 2022-147**

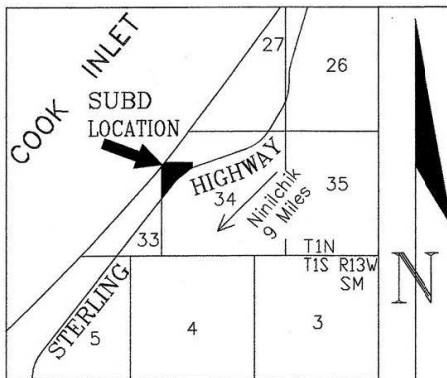


KPB File # 2022-147
S34 T01N R13W
Ninilchik



Aerial View





VICINITY 1" = 1 mile MAP

NOTES

1. A building setback of 20' from all street ROW's is required unless a lesser standard is approved by a resolution of the appropriate planning commission. Front 15' of building setback is also a utility easement, as is the entire setback within 5' of side lot lines.
2. No permanent structure shall be constructed or placed within an easement which would interfere with the ability of a utility to use the easement.
3. No access to State maintained ROW's permitted unless approved by the State of Alaska Dept. of Transportation.
4. Sterling Highway ROW is as shown on State of Alaska Dept. of Transportation ROW Plan F-021-1(3).
5. Contour interval 4' above top bluff, 20' below. Shaded areas are grades over 25%.

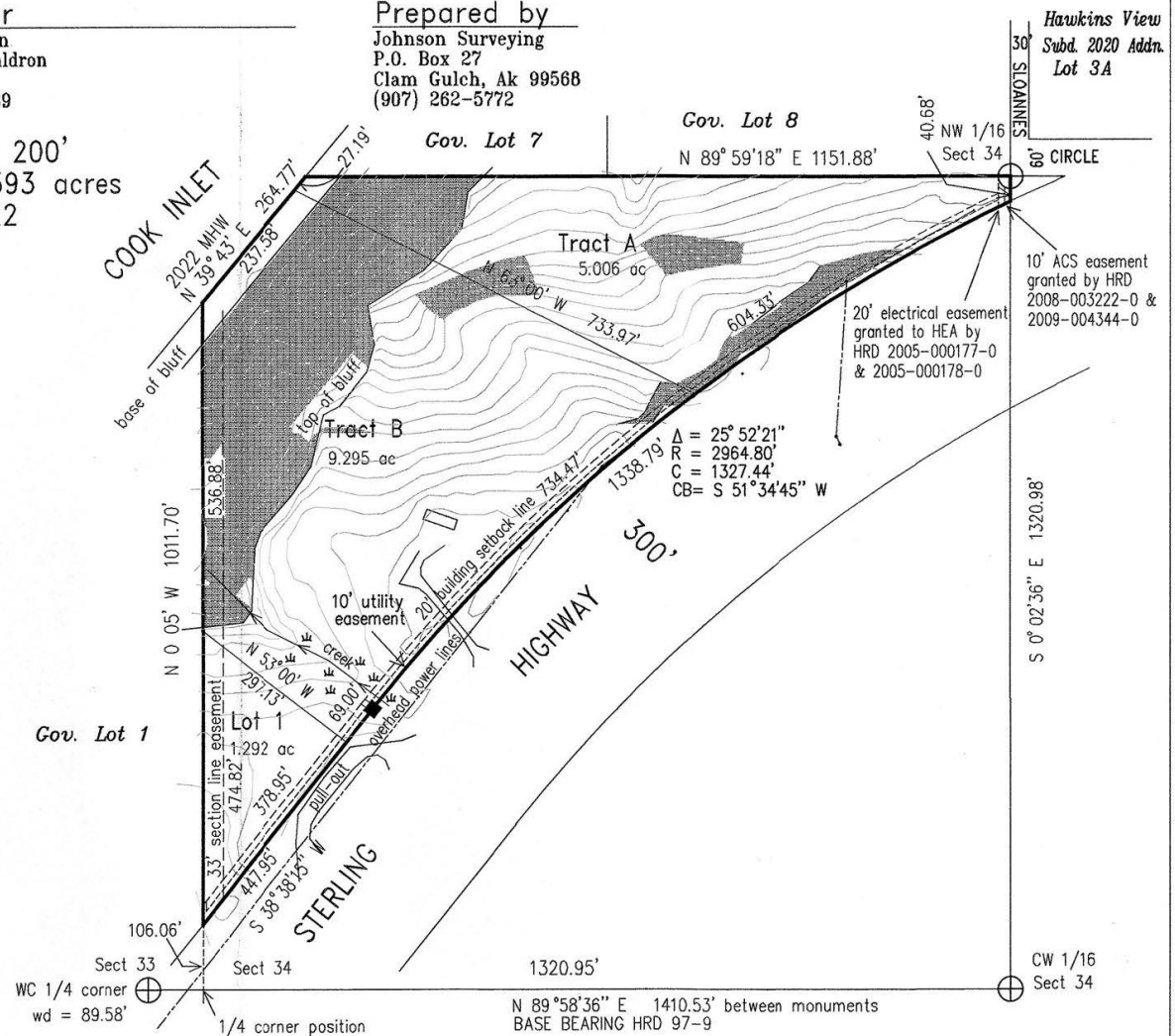
Waldron-Engle Subdivision PRELIMINARY PLAT

A subdivision of SW 1/4 NW 1/4 Section 34, portion lying NW of Sterling Highway.
Located in the NW 1/4 Section 34, T1N R13W, SM, Alaska
Homer Recording District Kenai Peninsula Borough

Prepared for
Franklin D Waldron
Ella May Cooper-Waldron
P.O. Box 39083
Ninilchik, AK 99639

Prepared by
Johnson Surveying
P.O. Box 27
Clam Gulch, Ak 99568
(907) 262-5772

SCALE 1" = 200'
AREA = 15.593 acres
15 July, 2022



KPB 2022-147

AGENDA ITEM E. NEW BUSINESS

ITEM 8 – WALRON-ENGLE SUBDIVISION

KPB File No.	2022-147
Plat Committee Meeting:	October 24, 2022
Applicant / Owner:	Franklin Waldron and Ella May Cooper-Waldron of Ninilchik, Alaska
Surveyor:	Jerry Johnson / Johnson Surveying
General Location:	Mile 127 Sterling Highway, Ninilchik

Parent Parcel No.:	139-100-33
Legal Description:	SW 1/4 NW 1/4 of Section 34, portion lying Northerly of Sterling Highway, Section 34, Township 1 North, Range 13 West
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On Site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide a 15.6 acre parcel into three parcels. The lot is proposed to be 1.292 acres and the tracts will be 5.006 and 9.295 acres.

Location and Legal Access (existing and proposed): The proposed subdivision is north of mile 127 of the Sterling Highway. The parent lot currently has developed access from the Sterling Highway. Cook Inlet is along the northwest boundary of the subdivision. A section line easement is present along the western boundary. All three proposed parcels will have access from the Sterling Highway subject to approval from the State of Alaska Department of Transportation.

Sloanes Circle is a 30 foot dedication located along the northeast corner. A corner of Tract A touches the dedication but use of that right-of-way would require crossing private property. There is a small .08 privately owned lot restricts the access to the dedication. That small lot is an unsubdivided remainder due to the highway.

Tract B will have the existing structure on it and has an existing driveway from the Sterling Highway.

Lot 1 will have frontage along the Sterling Highway. If does appear that there is a highway pull out along the Lot. The placement of that pull out will reduce the access to the highway and may cause issues with installing a driveway. A 33 foot wide section line easement appears to be present within the western boundary of the plat. Adjacent to that section line easement there is a 50 foot section line easement, per KPB data. The section line easements will provide another access the Lot 1. Staff provided copies of the preliminary plat to DOT to comment. There were no comments received regarding the access for any of the lots to the Sterling Highway. Staff does advise the owners/surveyor discuss with DOT the concerns with the pull out and how it may impact the access to Lot 1 as it may cause reasons to make changes to the design.

The block does not comply with block lengths. The block is incomplete due to the proximity to the Cook Inlet. Looking at the distances between the rights-of-way dedicated along the Sterling Highway the distance exceed allowable limits. Using Sloanes Circle, Sterling Highway, section line easements, and Cook Inlet to define the block, the distance between Sloanes Circle and the section line easement within this subdivision is approximately 2,200 feet. ***Staff recommends the plat committee concur that an exception is not required as another dedication will not improve the block due to terrain and development in that area.***

The section line easement within the subdivision is depicted and noted. Staff is not requesting the dedication atop the section line easement due to the location and steep terrain to the north. The section line easements may be used by the public for access and they do provide access to Lot 1, the back portion of Tract B, and the neighboring

lot to the west. KPB data indicates that a 50 foot wide easement is within the neighboring parcel. **Staff recommends the plat committee concur that no dedication is needed atop the section line easement but that the abutting easement be depicted and labeled.**

KPB Roads Dept. comments	Out of Jurisdiction: No Roads Director: Uhlin, Dil Comments: No comments
SOA DOT comments	No comment – Planner The ROW for Sterling Highway appears to be shown correctly. - Engineering

Site Investigation: The only wetlands present per the Kenai Watershed Forum Wetlands Assessment is along Cook Inlet. The surveyor has noted that there is a small creek located on the property with some low wet areas surrounding the creek. **Staff recommends the depiction remain on the final and a wetland determination note be added.**

The terrain slopes towards the inlet. There are a few steep areas found throughout the subdivision with most of the steep areas along the northern boundary. The steep areas not found as approaching the inlet are found mostly within Tract A. The plat has shaded the steep areas and labeled the top and base of the bluff. **Staff recommends the top and base of bluff depictions and label remain on the final with other contour information being removed.**

There are several structures present on the parent parcel. It appears that they will all be within the boundary of Tract B. The plat indicates the location of the existing driveway and one of the structures. As this plat will be putting setbacks into place, **staff recommends the surveyor verify if the structures are permanent and if so, determine if within the new setback or utility easements being granted. If they are they shall be depicted on the plat with appropriate plat notes that they pre-date the setback and/or utility easement. If it is found that they are not going to be encroaching or are not considered permanent and do not interfere with line of sight, notify staff in writing of the findings.**

KPB River Center review	A. Floodplain Reviewer: Carver, Nancy Floodplain Status: Not within flood hazard area Comments: No comments B. Habitat Protection Reviewer: Carver, Nancy Habitat Protection District Status: Is NOT within HPD Comments: No comments C. State Parks Reviewer: Russell, Pam Comments: No Comments
State of Alaska Fish and Game	No objections

Staff Analysis This is a subdivision of a parcel that has not been previously platted. It will be creating three parcels of varying size.

A soils report will be required for Lot 1 and an engineer will sign the final plat. The tracts are large enough to not require a soils report. Appropriate plat notes will need to be added that indicate the lots the notes are referring.

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 easements to carry over. Per plat note 1, the plat will be granting 15 foot utility easements along the Sterling Highway that increases to 20 feet within 5 feet of the side lot lines. The plat currently contains a depiction and label that indicate 10 foot utility easements. KPB Code only requires 10 foot utility easements unless additional is requested by the providers. **Staff recommends the depiction and labeling match the note whether it is 10 feet or 15 feet, that the 20 foot within 5 feet of the side lot lines be depicted, and that the plat note be reworded to closer reflect the wording in KPB Code.**

There are several easements that have been granted by documents that are depicted and labeled on the plat. There are some additional powerlines shown. They will only require depiction if that are to indicate the location or existing or easements being granted.

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	Comments received and shown within the packet.
ENSTAR	No comments or recommendations
ACS	No objections
GCI	Approved as shown

KPB department / agency review:

Addressing	Reviewer: Haws, Derek Affected Addresses: 73950 STERLING HWY Existing Street Names are Correct: Yes List of Correct Street Names: STERLING HWY Existing Street Name Corrections Needed: All New Street Names are Approved: No List of Approved Street Names: List of Street Names Denied: Comments: 73950 STERLING HWY will remain with tract B.
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	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

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:** Verify the owners' PO Box number.
- 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:** Update the spelling of Sloanes Circle.
- 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:** Provide labels for the lots across the Sterling Highway.
- N. Apparent encroachments, with a statement indicating how the encroachments will be resolved prior to final plat approval;
- Staff recommendation:** Verify if any of the structures are within the new setback and utility easement and if so if they are permanent. If they are, show them on the plat with appropriate plat notes.

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: 20.40.010 Wastewater disposal.

Platting Staff Comments: A soils report will be required for Lot 1. Tracts A and B will not require a soils report based on their size. Wastewater notes will be required.

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.*

- *The natural meanders of mean high water line is for area computations only, the true corners being on the extension of the sidelines and the intersection with the natural meanders.*
- *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.*
- *Plat notes that will be determined if buildings are found within the proposed setback and utility easement.*
- *Provide the correct wastewater disposal notes as determined by the soils analysis report and per KPB Code.*

Update plat note 1 to either leave 15 feet or change to 10 feet. Reword the note, "Front 15 feet (or 10 feet) adjacent to dedicated rights-of-way is a utility easement that increase to 20 feet within 5 feet of the side lots lines being granted by this plat."

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.

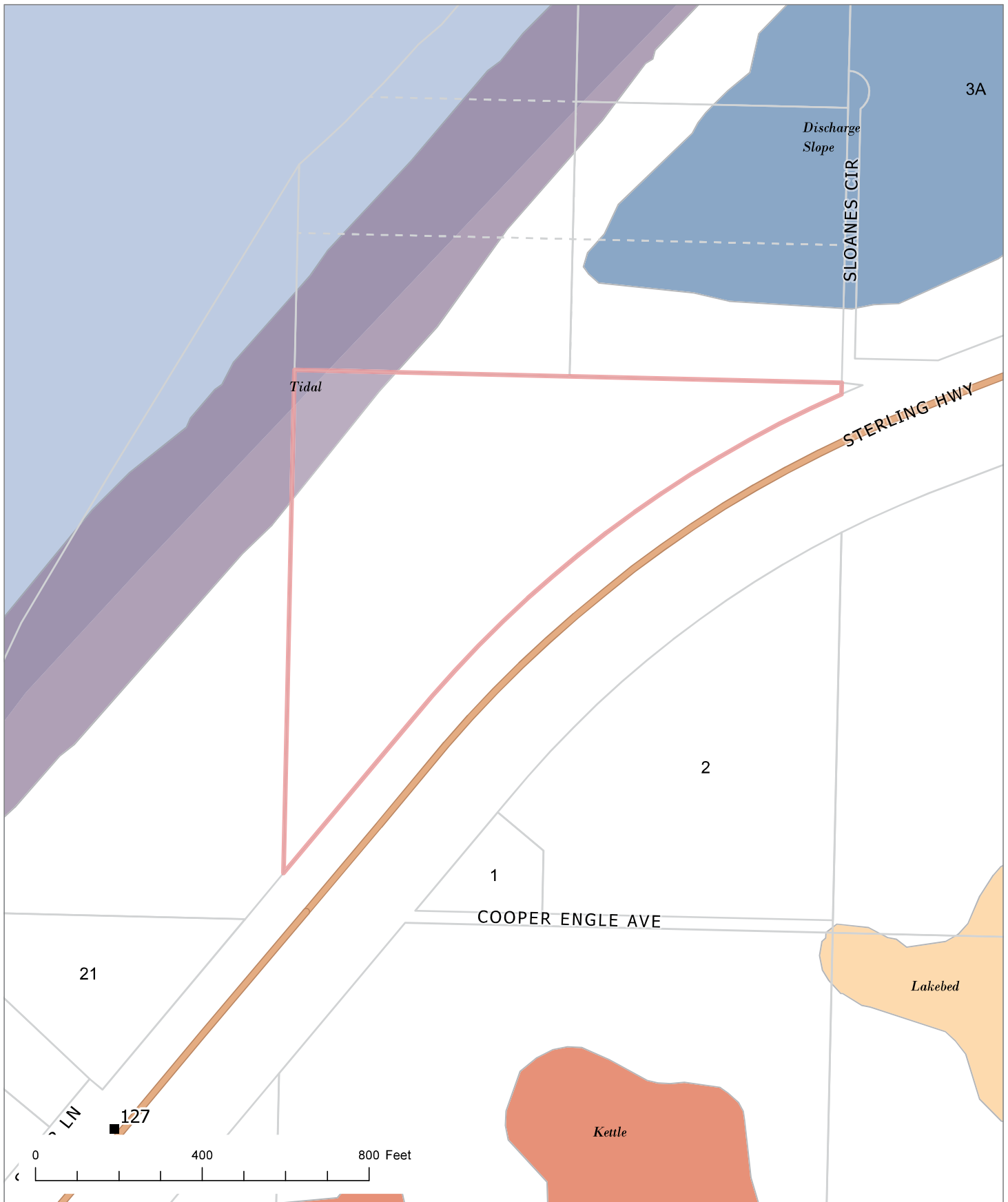
A DECISION OF THE PLANNING COMMISSION MAY BE APPEALED TO THE HEARING OFFICER BY A PARTY OF RECORD WITHIN 15 DAYS OF THE DATE OF NOTICE OF DECISION IN ACCORDANCE WITH KPB 21.20.250.

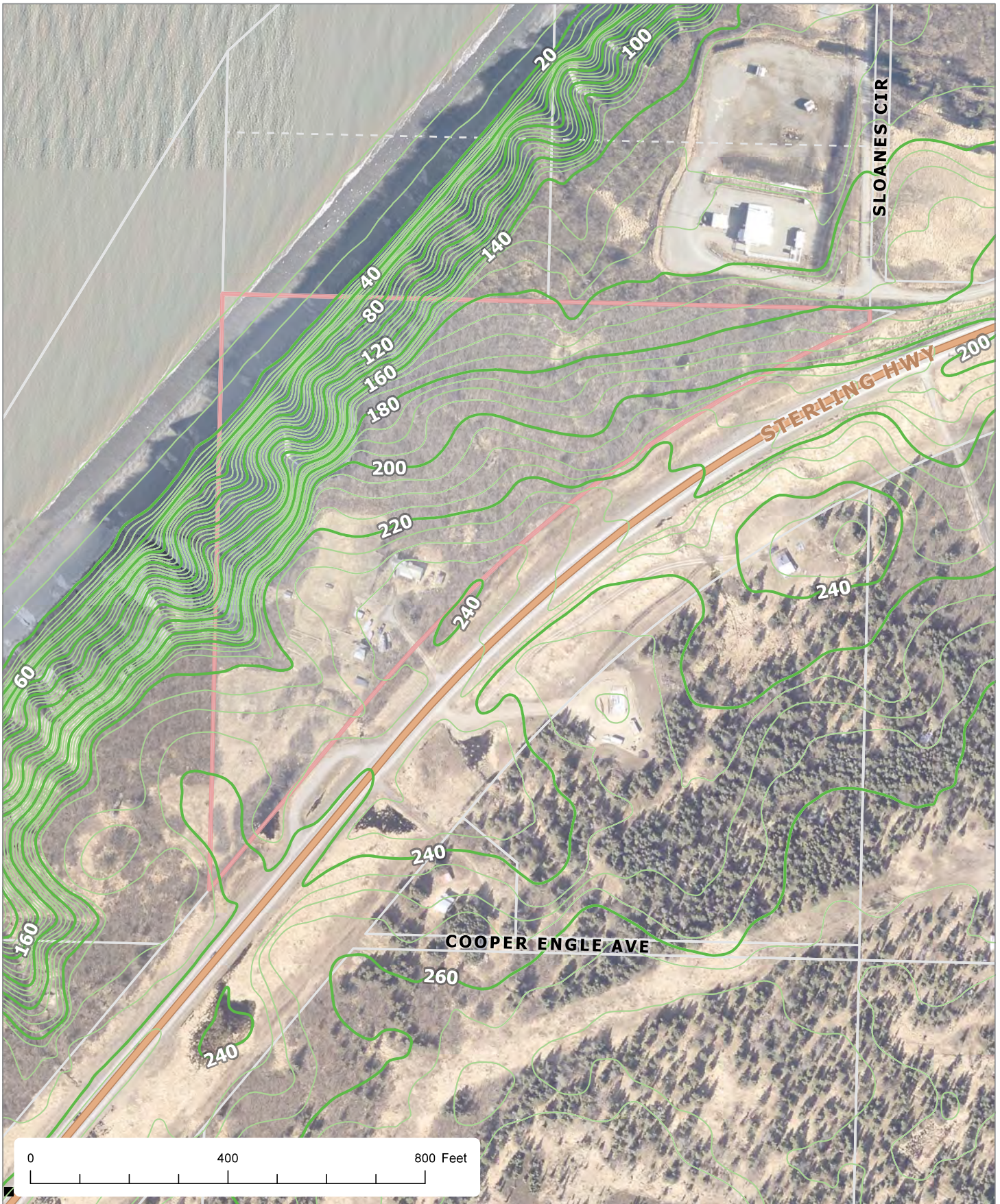
END OF STAFF REPORT

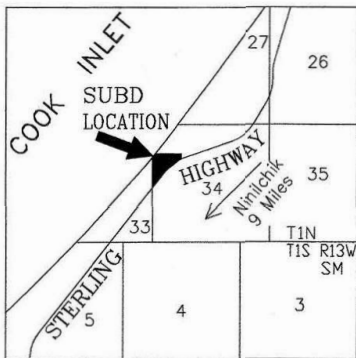




Wetlands







VICINITY 1" = 1 mile MAP

NOTES

1. A building setback of 20' from all street ROW's is required unless a lesser standard is approved by a resolution of the appropriate planning commission. Front 15' of building setback is also a utility easement, as is the entire setback within 5' of side lot lines.
2. No permanent structure shall be constructed or placed within an easement which would interfere with the ability of a utility to use the easement.
3. No access to State maintained ROW's permitted unless approved by the State of Alaska Dept. of Transportation.
4. Sterling Highway ROW is as shown on State of Alaska Dept. of Transportation ROW Plan F-021-1(3).
5. Contour interval 4' above top bluff, 20' below. Shaded areas are grades over 25%.

HEA REVIEWED - SEE COMMENTS

Scott Huff

Scott Huff
Land Management Officer

Waldron-Engle Subdivision

A subdivision of SW 1/4 NW 1/4 Section 34, portion lying NW of Sterling Highway. Located in the NW 1/4 Section 34, T1N R13W, SM, Alaska
Homer Recording District Kenai Peninsula Borough

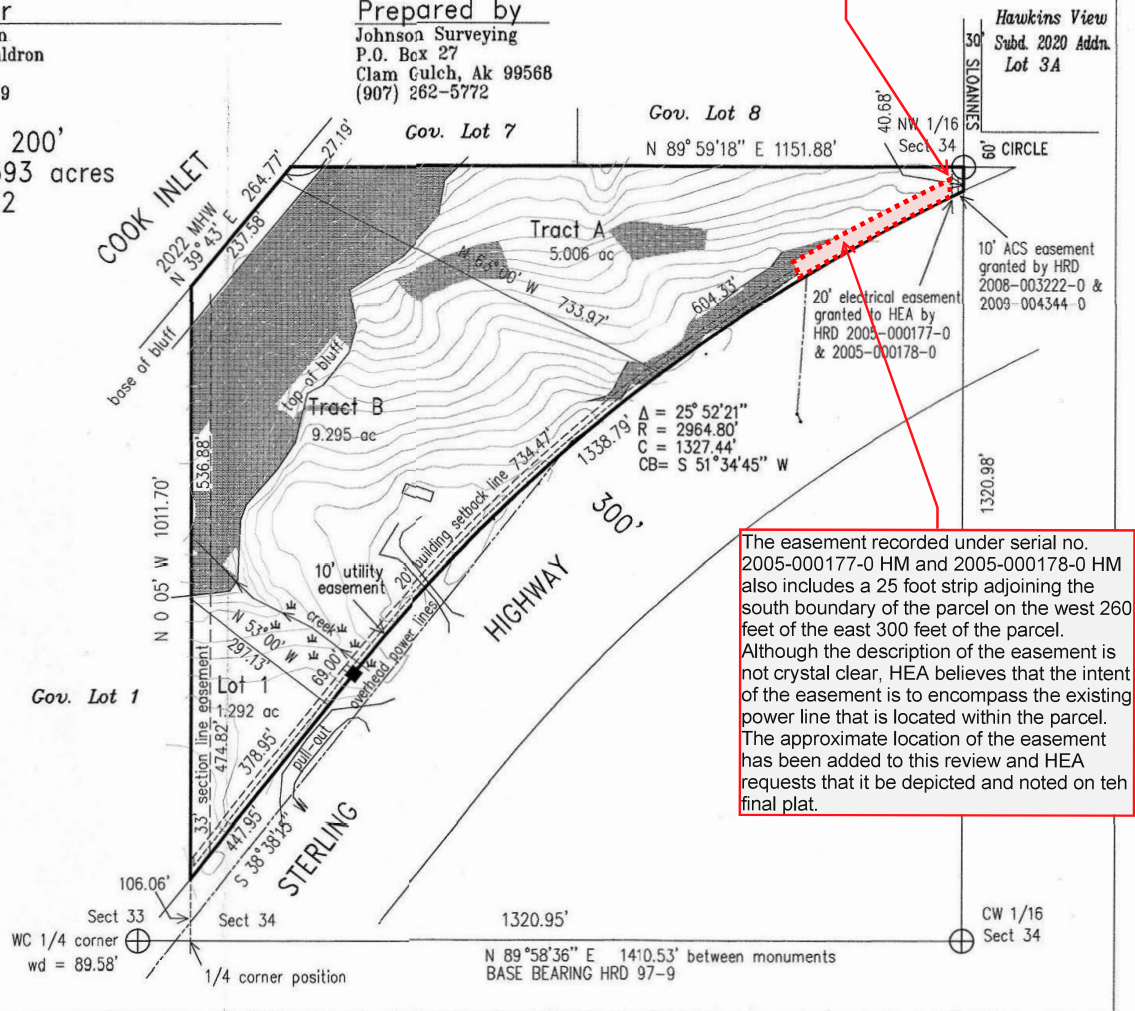
Prepared for

Franklin D Waldron
Ella May Cooper-Waldron
P.O. Box 39083
Ninilchik, AK 99639

Prepared by

Johnson Surveying
P.O. Box 27
Clam Gulch, AK 99568
(907) 262-5772

SCALE 1" = 200'
AREA = 15.593 acres
15 July, 2022



KPB 2022-147