



Meeting Agenda Plat Committee

Monday, November 14, 2022

5:30 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-4733](#) October 24, 2022 Plat Committee Meeting Minutes

Attachments: [C3. 102422 Plat Committee Meeting Minutes](#)

D. OLD BUSINESS

E. NEW BUSINESS

1. [KPB-4734](#) ASLS No. 2021-37 North Fork Micro AG Subdivision; KPB File 2022-158

Attachments: [E1. ASLS NO. 2021-37](#)

2. [KPB-4735](#) Lloyd Race Lot 4 Replat; KPB File 2022-157

Attachments: [E2. Lloyd Race Lot 4 Replat](#)

3. [KPB-4736](#) Questa Wood Subdivision Unrein Addition; KPB File 2022-159

Attachments: [E3. Questa Woods Sub Unrein Addn](#)

4. [KPB-4737](#) Tatum Denise Subdivision Derks Lake Addition; KPB File 2022-155

Attachments: [E4. Tatum Denise Sub Derks Lake Addn](#)
 [E4. Surveyor Request to Postpone](#)

5. [KPB-4738](#) Bidarki Creek No. 5; KPB File 2022-160

Attachments: [E5. Bidarki Creek No. 5](#)
 [E5. Bidarki Creek No. 5 Desk-Plat](#)

6. [KPB-4739](#) James 2022; KPB File 2022-161

Attachments: [E6. James 2022](#)
 [E6. James 2022 Desk-Plat](#)

7. [KPB-4740](#) Centennial Shores Subdivision 2023 Replat; KPB File 2022-156

Attachments: [E7. Centennial Shores Sub 2023 Replat](#)

8. [KPB-4741](#) Heath Subdivision No. 5; KPB File 2022-153

Attachments: [E8. Heath Subdivision No. 5](#)

9. [KPB-4742](#) Levan-Sterling Subdivision; KPB File 2022-125R1
Attachments: [E9. Levan-Sterling Subdivision](#)
10. [KPB-4743](#) Cameron Subdivision; KPB File 2022-162
Attachments: [E10. Cameron Subdivision](#)
11. [KPB-4744](#) Lost Lake Subdivision Addition No. 8; KPB File 2019-040R1
Attachments: [E11. Lost Lake Sub Addn No. 8](#)
12. [KPB-4745](#) Sleepy Hollow Longmere Landing Addition; KPB File 2021-003R1
Attachments: [E12. Sleep Hollow Longmere Landing Addn](#)

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, December 12, 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 KPB 2.40.080.

C. CONSENT AGENDA

- *3. Minutes**
 - a. October 24, 2022 Plat Committee Meeting Minutes**

Kenai Peninsula Borough

Plat Committee

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

October 24, 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
Virginia Morgan, District 6 – East Peninsula
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

- 6. Grouse Creek Subdivision 2022 Addition; KPB File 2022-022R1
Johnson Surveying / Ronne Living Trust
Location: Seward Highway & Punkin Avenue
Bear Creek Area
- 8. Waldron-Engle Subdivision; KPB File 2022-147
Johnson Surveying / Waldron, Cooper-Waldron
Location: Approximately MP 127 of Sterling Highway
Ninilchik 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 Staggs to approve the agenda, the October 10, 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	5	Gillham, Morgan, Slaughter, Staggs, Venuti
No	0	

E. NEW BUSINESS

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

ITEM E1 – 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 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 Morgan moved, seconded by Commission Staggs, to grant preliminary approval to North 20 subdivision AHO Replat, based on staff recommendations and compliance to borough code.

EXCEPTION REQUEST MOTION: Commissioner Morgan moved, seconded by Commissioner Staggs to grant exception request to KPB 20.30.170 – Block Length Requirements, citing findings 7-13 in support of standards one, two & three.

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

EXCEPTION REQUEST MOTION PASSED BY UNANIMOUS VOTE

Yes	5	Gillham, Morgan, 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	5	Gillham, Morgan, Slaughter, Staggs, Venuti
No	0	

ITEM E2 – 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 given by Platting Manager Vince Piagentini.

Chair Gillham opened the item for public comment.

Jason Young, Edge Survey & Design; P.O. Box 208, Kasilof, AK 99610: Mr. Young was the surveyor on this project and made himself available for questions.

Seeing and hearing no one else wishing to comment, public comment was closed and discussion was opened among the committee.

MAIN MOTION: Commissioner Staggs moved, seconded by Commission Slaughter, to grant preliminary approval to Birch Forest No. 3, based on staff recommendations and compliance to borough code.

EXCEPTION REQUEST A MOTION: Commissioner Staggs moved, seconded by Commissioner Slaughter to grant exception request to KPB 20.30.030 – Proposed Street Layout Requirements & KPB 20.30.170 – Block Length Requirements, citing findings 1-4, 6, 9, 10 & 14 in support of standards one, two & three.

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

EXCEPTION REQUEST A MOTION PASSED BY UNANIMOUS VOTE

Yes	5	Gillham, Morgan, Slaughter, Staggs, Venuti
No	0	

EXCEPTION REQUEST B MOTION: Commissioner Staggs moved, seconded by Commissioner Slaughter to grant exception request to KPB 20.30.100 – Cul-de-sacs, citing findings 2-5, 8 & 9 in support of standards one, two & three.

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

EXCEPTION REQUEST B MOTION PASSED BY UNANIMOUS VOTE

Yes	5	Gillham, Morgan, Slaughter, Staggs, Venuti
No	0	

EXCEPTION REQUEST C MOTION: Commissioner Morgan moved, seconded by Commission Slaughter to grant exception request to KPB 20.30.100-Cul-de-Sacs, for the new east-west dedication, citing findings 1, 2 & 4-8 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 MOTION PASSED BY UNANIMOUS VOTE

Yes	5	Gillham, Morgan, Slaughter, Staggs, Venuti
No	0	

EXCEPTION REQUEST D MOTION: Commissioner Morgan moved, seconded by Commission Slaughter to grant exception request to KPB 20.30.170-Block Length Requirements, citing findings 1-5 & 7-10 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 D MOTION PASSED BY UNANIMOUS VOTE

Yes	5	Gillham, Morgan, 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	

ITEM E3 – 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 given by Platting Manager Vince Piagentini.

Chair Gillham opened the item for public comment.

Jason Young, Edge Survey & Design; P.O. Box 208, Kasilof, AK 99610: Mr. Young was the surveyor on this project and made himself available for questions.

Seeing and hearing no one else wishing to comment, public comment was closed and discussion was opened among the committee.

MAIN MOTION: Commissioner Slaughter moved, seconded by Commission Morgan, to grant preliminary approval to R Subdivision, based on staff recommendations and compliance to borough code.

EXCEPTION REQUEST MOTON: Commissioner Slaughter moved, seconded by Commissioner Morgan to grant exception requestion to KPB 20.40 – Wastewater Disposal Review, citing findings 1-6 in support of standards one, two & three.

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

EXCEPTION REQUEST MOTION PASSED BY UNANIMOUS VOTE

Yes	5	Gillham, Morgan, 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	5	Gillham, Morgan, Slaughter, Staggs, Venuti
No	0	

ITEM E4 – 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 given by Platting Manager Vince Piagentini.

Chair Gillham opened the item for public comment.

Jason Young, Edge Survey & Design; P.O. Box 208, Kasilof, AK 99610: Mr. Young was the surveyor on this project and made himself available for questions.

Seeing and hearing no one else wishing to comment, public comment was closed and discussion was opened among the committee.

Commissioner Gillham recused herself from participating on this matter. The owner of Red Boat Subdivision is her neighbor.

MAIN MOTION: Commissioner Venuti moved, seconded by Commissioner Staggs, to grant preliminary approval to Red Boat Subdivision, based on staff recommendations and compliance to borough code.

EXCEPTION REQUEST A MOTION: Commissioner Venuti moved, seconded by Commissioner Staggs to grant exception request to KPB 20.30.030 – Street Layout & KPB 20.30.120 – Street Width Requirements, to not dedicate the north 30' of Rebel Run Road, citing findings 1-4, 9, 10 & 12 in support of standards one, two & three.

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

EXCEPTION REQUEST A MOTION PASSED BY UNANIMOUS VOTE

Yes	4	Morgan, Slaughter, Staggs, Venuti
No	0	
Recused	1	Gillham

EXCEPTION REQUEST B MOTION: Commissioner Venuti moved, seconded by Commissioner Staggs to grant exception request to KPB 20.30.190 – Lot Dimensions, citing findings 1-3 & 5 in support of standards one, two & three.

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

EXCEPTION REQUEST B MOTION PASSED BY UNANIMOUS VOTE

Yes	4	Morgan, Slaughter, Staggs, Venuti
No	0	
Recused	1	Gillham

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	Morgan, Slaughter, Staggs, Venuti
No	0	
Recused	1	Gillham

ITEM E5 – 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 given by Platting Manager Vince Piagentini. Mr. Piagentini requested that action on this plat be postponed. Staff had received an email from the landowners stating there were concerns expressed by DOT that needed to be addressed.

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.

MOTION: Commissioner Slaughter moved, seconded by Commissioner Morgan to postpone action on this plat until brought back by staff.

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

MOTION PASSED BY UNANIMOUS VOTE

Yes	5	Gillham, Morgan, Slaughter, Staggs, Venuti
No	0	

ITEM E6 – 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

**Passed Under the Consent Agenda*

ITEM E7 – 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 given by Platting Manager Vince Piagentini.

Chair Gillham opened the item for public comment.

Jerry Johnson, Johnson Surveying, P.O. Box 27, Clam Gulch, AK, 99568: Mr. Johnson was the surveyor on this project and made himself available for questions.

Seeing and hearing no one else wishing to comment, public comment was closed and discussion was opened among the committee.

MAIN MOTION: Commissioner Morgan moved, seconded by Commission Slaughter, to grant preliminary approval to KMD Subdivision 2022 Addition, based on staff recommendations and compliance to borough code.

EXCEPTION REQUEST MOTON: Commissioner Morgan moved, seconded by Commissioner Slaughter to grant exception requestion to KPB 20.30.190 – Lot Dimensions, for flag length for Lot 1B & setback, subject to a plat note indicating possible limitation on future subdivision, citing findings 3-6 and 8-1 in support of standards one, two & three.

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

EXCEPTION REQUEST MOTION 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	

ITEM E8 – WALDRON-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:	SW1/4 NW1/4 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

**Passed Under the Consent Agenda*

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 7.06 P.M.

Ann E. Shirnberg
Administrative Assistant

E. NEW BUSINESS

- 1. ASLS NO. 2021-37 NORTH FORK MICRO AG SUBDIVISION
KPB File 2022-158**

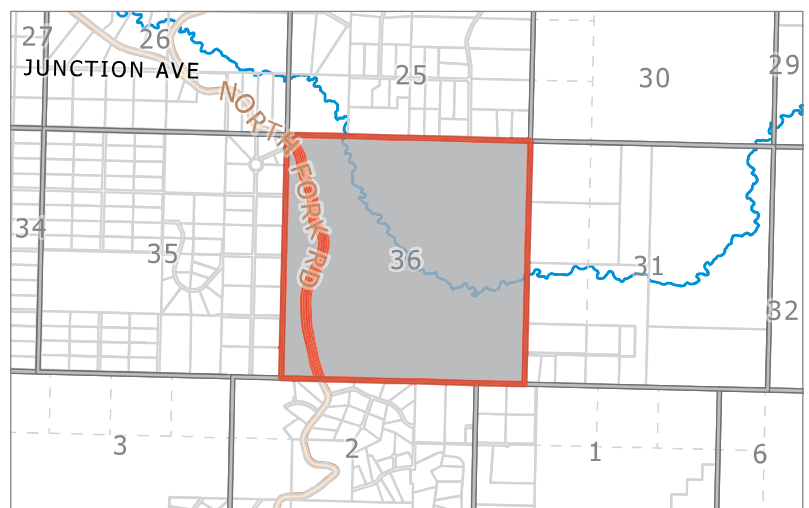
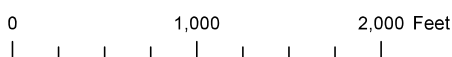


Vicinity Map



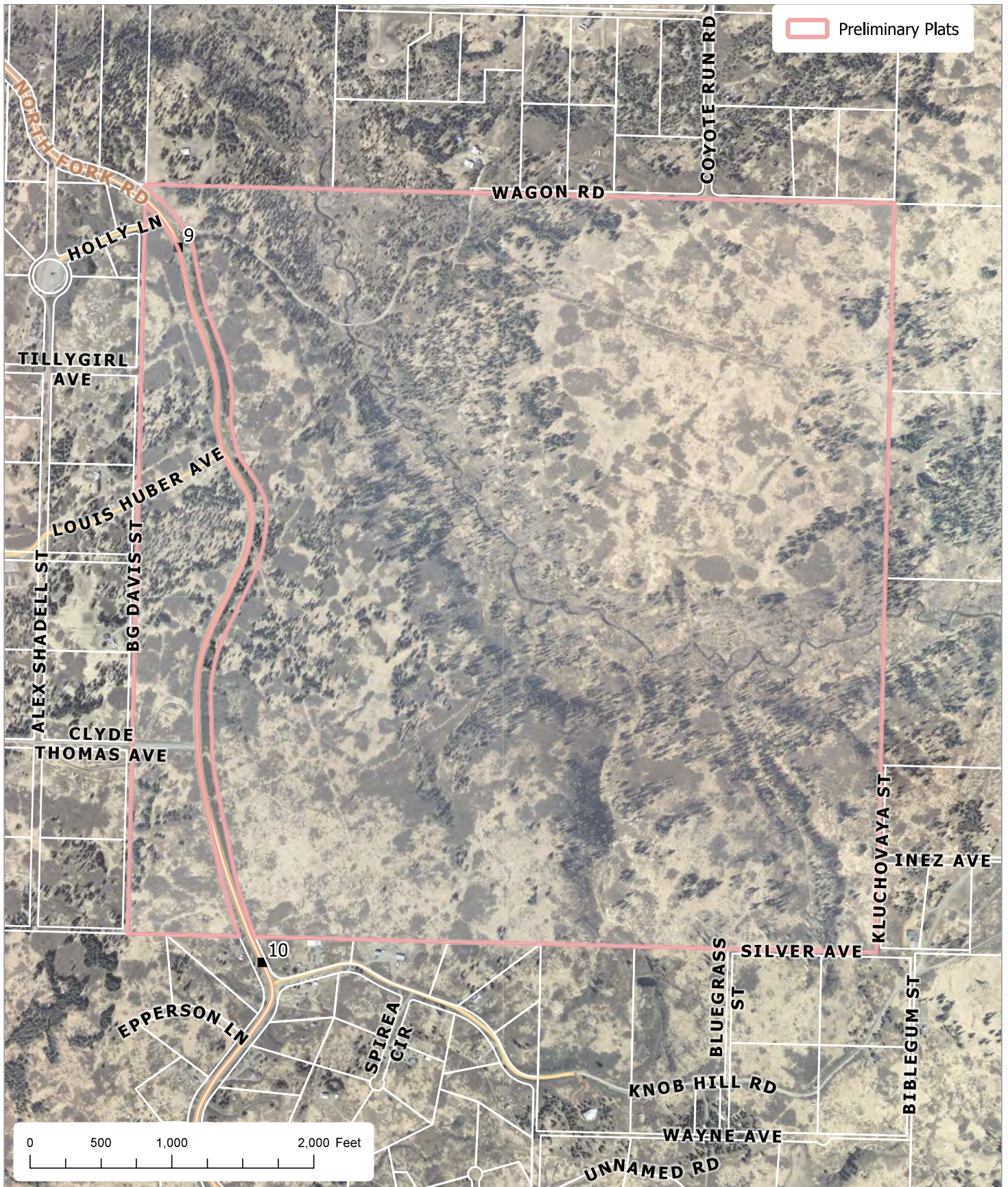
KPB File 2022-158
T 04S R 14W SEC 36
Anchor Point

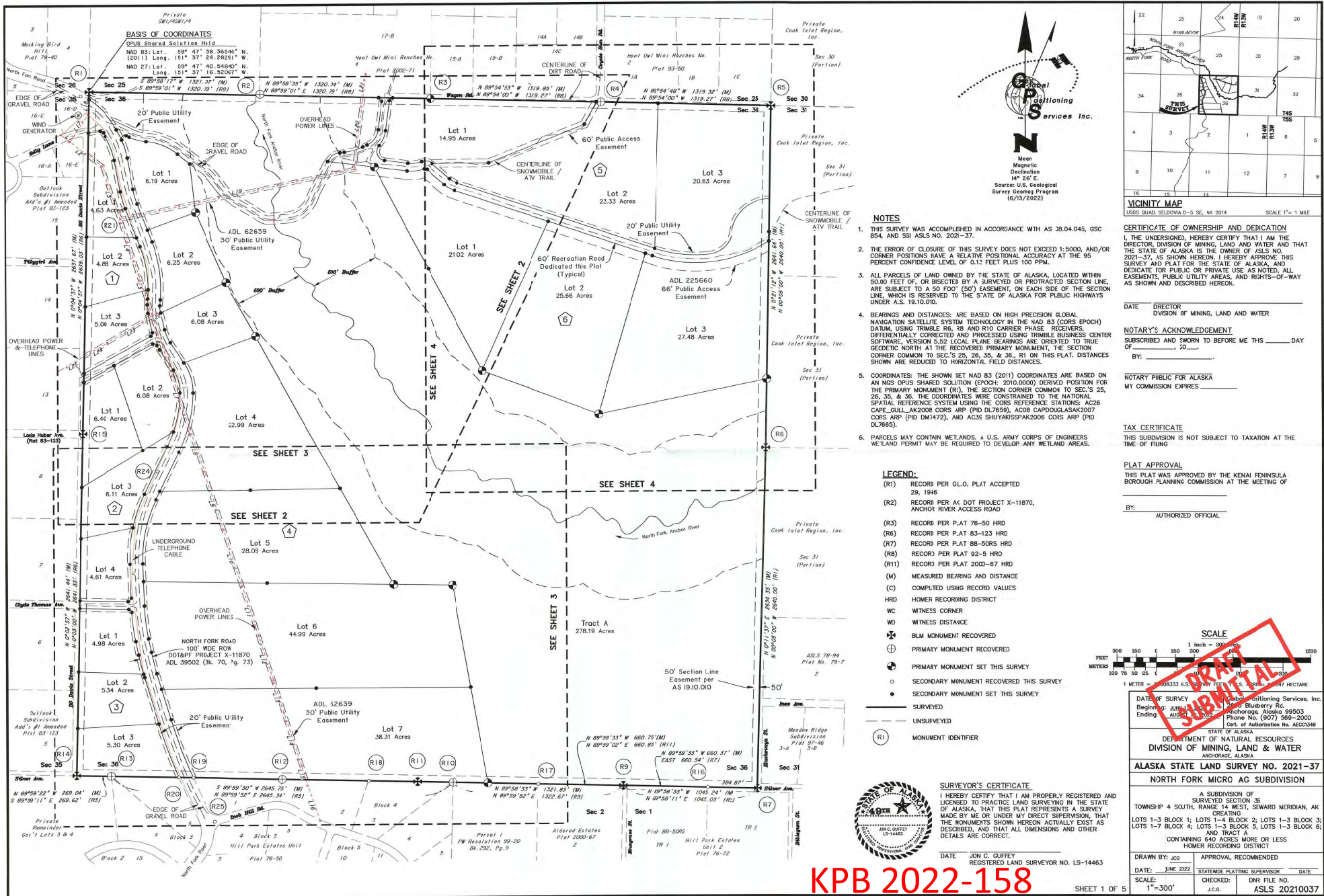
10/23/2022





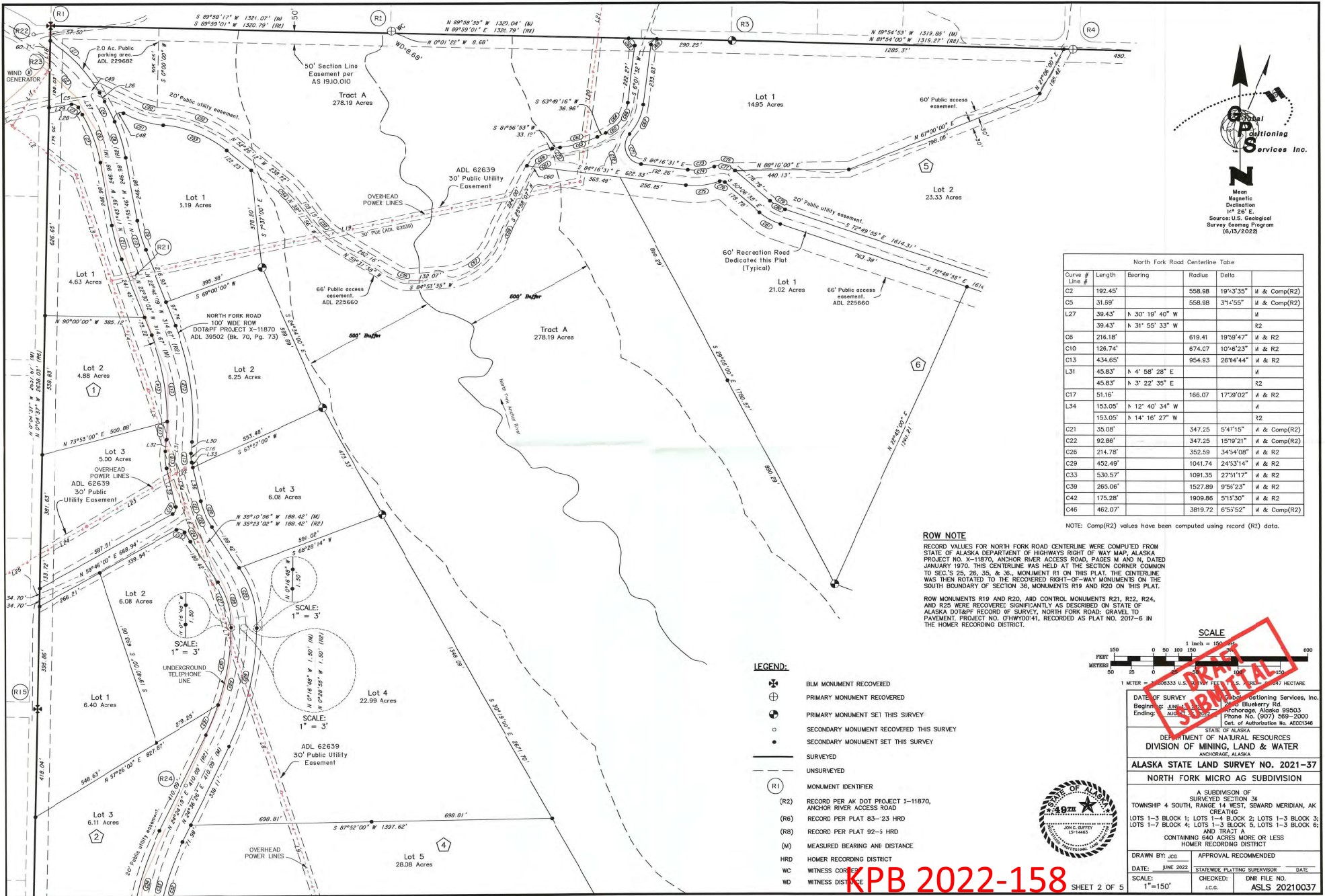
Aerial View



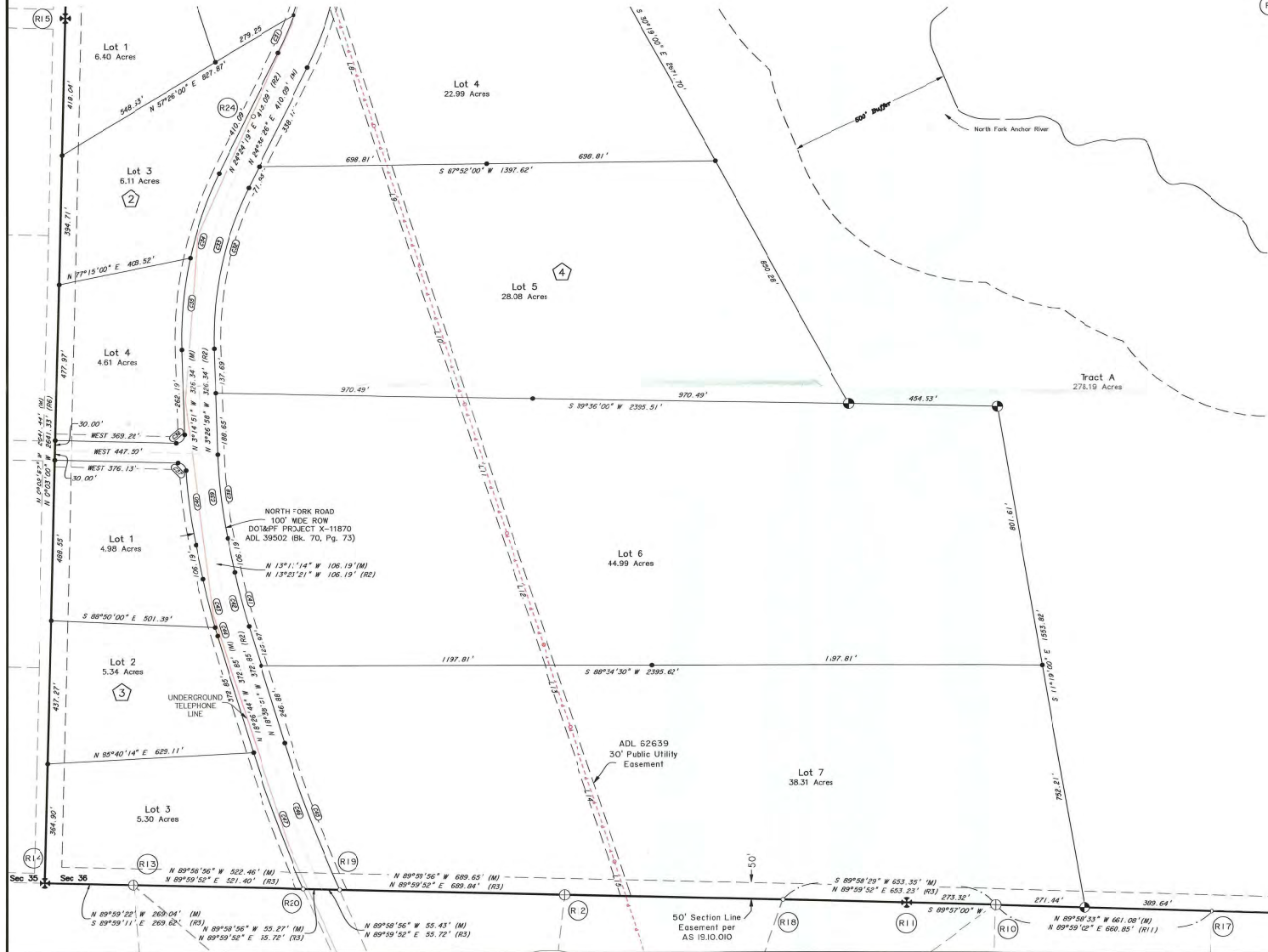


KPB 2022-158

SHEET 1 OF 5

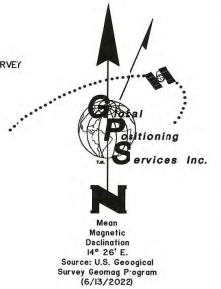


KPB 2022-158



LEGEND:

- ⊕ BLM MONUMENT RECOVERED
- ⊕ PRIMARY MONUMENT RECOVERED
- ⊕ PRIMARY MONUMENT SET THIS SURVEY
- SECONDARY MONUMENT RECOVERED THIS SURVEY
- SECONDARY MONUMENT SET THIS SURVEY
- SURVEYED
- - - UNSURVEYED
- (R1) MONUMENT IDENTIFIER
- (R2) RECORD PER AK DOT PROJECT X-11870, ANCHOR RIVER ACCESS ROAD
- (R3) RECORD PER PLAT 76-50 HRD
- (R6) RECORD PER PLAT 83-123 HRD
- (R11) RECORD PER PLAT 2008-67 HRD
- HRD HOMER RECORDING DISTRICT
- WC WITNESS CORNER
- WD WITNESS DISTANCE



Curve Table			
Curve #	Length	Radius	Delta
C1	279.01	608.98	26°15'03"
C3	29.68	25.00	68°01'34"
C4	87.30	669.41	7°28'20"
C7	198.73	569.41	19°59'47"
C8	146.32	669.41	12°31'27"
C9	117.34	624.07	10°46'23"
C11	136.14	724.07	10°46'23"
C12	457.41	1004.93	26°04'44"
C14	341.20	904.93	21°36'11"
C15	70.69	904.93	4°28'33"
C16	35.76	116.07	17°39'02"
C18	66.56	216.07	17°39'02"
C19	32.22	25.00	73°50'20"
C20	109.52	297.25	21°06'36"
C23	39.72	25.00	91°01'18"
C24	41.40	397.25	5°58'14"
C25	245.24	402.59	34°54'08"
C27	184.33	302.59	34°54'08"
C28	474.21	1091.74	24°53'14"
C30	305.05	991.74	17°37'24"
C31	125.73	991.74	7°15'50"
C32	506.26	1041.35	27°51'17"
C34	273.62	1141.35	13°44'08"
C35	281.26	1141.35	14°07'09"
C36	40.69	25.00	93°14'51"

Curve Table			
Curve #	Length	Radius	Delta
C37	37.13	25.00	85°06'21"
C38	256.39	1477.89	9°56'23"
C40	228.38	1577.89	8°17'35"
C41	170.69	1859.86	5°15'30"
C43	152.67	1859.86	4°27'48"
C44	27.20	1859.86	0°47'42"
C45	479.79	3769.72	7°17'32"
C47	444.41	3869.72	6°34'48"
C48	60.42	25.00	138°28'38"
C49	61.89	70.00	50°39'17"
C50	123.75	340.00	20°51'12"
C51	135.76	373.00	20°51'12"
C52	288.44	480.00	34°11'29"
C53	265.75	447.00	34°11'29"
C54	89.46	360.00	14°14'16"
C55	126.57	340.00	21°19'43"
C56	68.31	110.00	35°34'47"
C57	278.70	240.00	66°32'03"
C58	73.50	510.00	8°15'25"
C59	123.70	130.00	54°31'08"
C60	14.82	100.00	8°29'30"
C61	82.88	100.00	47°29'17"
C62	148.70	470.00	18°07'37"
C63	158.19	500.00	18°07'37"
C64	151.31	150.00	57°47'45"



DATE OF SURVEY: 2022
 Beginning: Blueberry Rd.
 Ending: AS 10.010

STATE OF ALASKA
 DEPARTMENT OF NATURAL RESOURCES
 DIVISION OF MINING, LAND & WATER
 ANCHORAGE, ALASKA

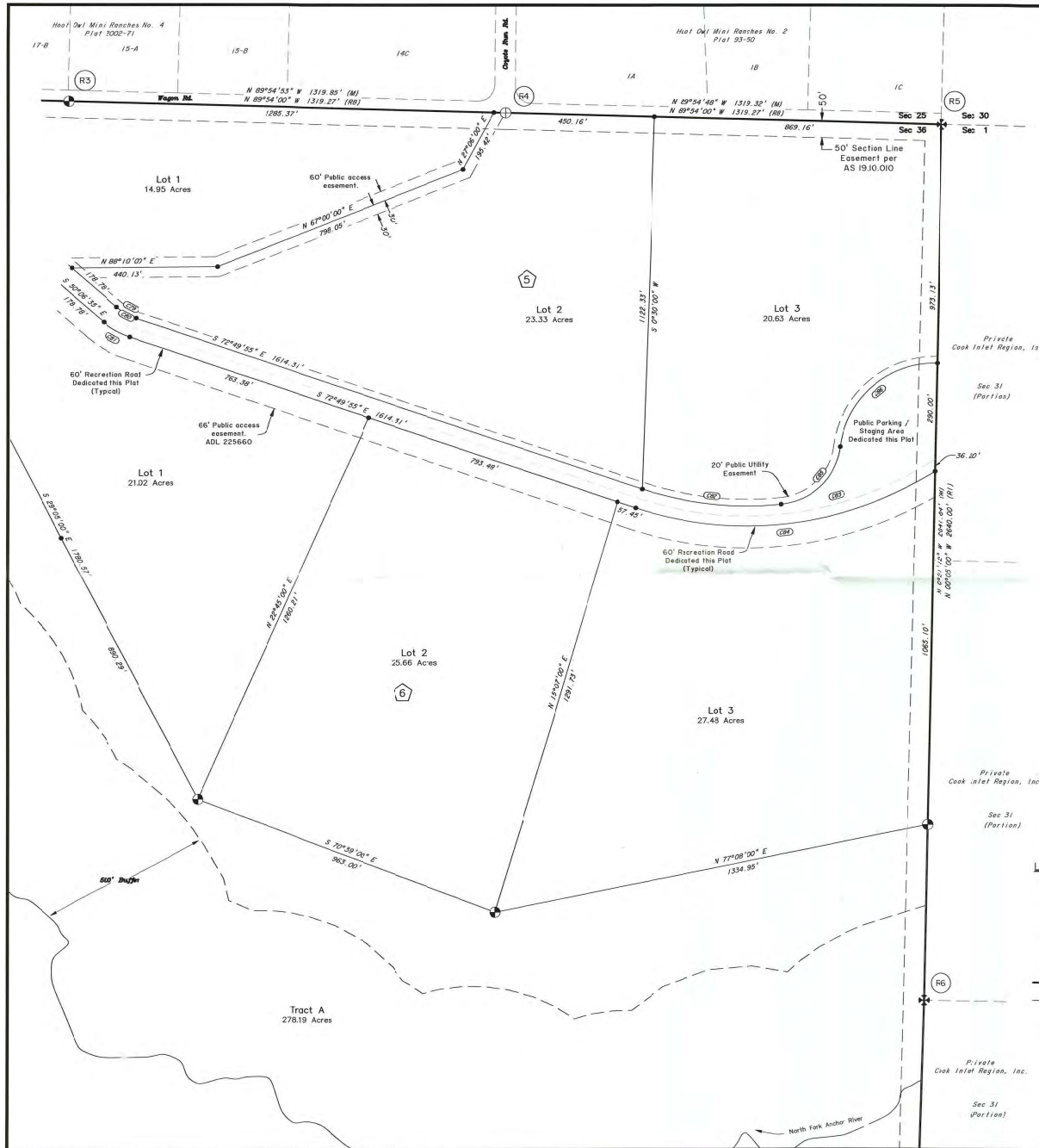
ALASKA STATE LAND SURVEY NO. 2021-37
 NCRT FORK MICRO AG SUBDIVISION

A SUBDIVISION OF
 SURVEYED SECTION 36
 CREATING
 TOWNSHIP 4 SOUTH, RANGE 14 WEST, SEWARD MERIDIAN, AK
 LOTS 1-3 BLOCK 1; LOTS 1-4 BLOCK 2; LOTS 1-3 BLOCK 3;
 LOTS 1-7 BLOCK 4; LOTS 1-3 BLOCK 5; LOTS 1-3 BLOCK 6;
 CONTAINING 640 ACRES MORE OR LESS
 HOMER RECORDING DISTRICT

DRAWN BY: JGD
 DATE: JUNE 2022
 SCALE: 1"=50'
 APPROVAL RECOMMENDED
 CHECKED: JGD
 STATEWIDE PLATTING SUPERVISOR: JGD
 DATE: JUNE 2022
 DNR FILE NO.: ASLS 20210037



SHEET 3 OF 5



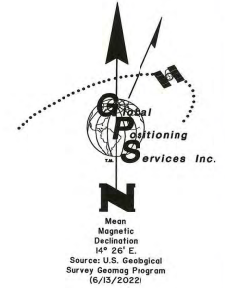
Line Table		
Line #	Length	Direction
L1	90.34'	N 52° 31' 21" W
L2	312.19'	N 52° 23' 39" W
L3	430.38'	N 18° 14' 25" W
L4	440.13'	N 18° 17' 39" W
L5	337.14'	N 18° 05' 51" W
L6	450.08'	N 18° 09' 26" W
L7	451.44'	N 18° 06' 34" W
L8	396.82'	N 18° 19' 47" W
L9	448.79'	N 18° 01' 56" W
L10	447.95'	N 18° 07' 16" W
L11	414.38'	N 18° 05' 44" W
L12	358.34'	N 18° 06' 16" W
L13	265.38'	N 18° 13' 36" W
L14	433.47'	N 18° 16' 39" W
L15	110.61'	N 18° 13' 35" W
L16	336.61'	N 18° 13' 55" W
L17	249.31'	N 33° 35' 08" E
L18	182.72'	N 4° 01' 43" E
L19	1854.41'	N 78° 16' 19" E
L20	560.89'	N 7° 11' 26" E

Line Table		
Line #	Length	Direction
L21	179.76'	N 7° 11' 26" E
L22	42.58'	S 61° 54' 07" W
L23	401.05'	S 59° 36' 22" W
L24	207.42'	S 59° 57' 33" W
L25	239.47'	S 59° 57' 33" W
L26	39.43'	S 30° 19' 40" W
L28	32.53'	S 30° 19' 40" W
L29	89.07'	S 81° 38' 46" W
L30	45.83'	N 4° 58' 28" E
L32	45.83'	N 4° 58' 28" E
L33	19.63'	N 12° 40' 34" W
L35	153.05'	N 12° 40' 34" W
L36	133.42'	N 12° 40' 34" W

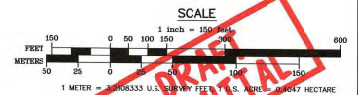
Curve Table			
Curve #	Length	Radius	Delta
C65	72.70	180.00	23°08'27"
C66	108.87	180.00	34°39'18"
C67	127.02	210.00	34°39'18"
C68	41.89	25.00	96°00'06"
C69	36.65	25.00	93°59'54"
C70	33.26	25.00	76°13'24"
C71	152.66	70.00	24°57'21"
C72	218.09	100.00	24°57'21"
C73	104.86	220.00	27°18'30"
C74	119.16	250.00	27°18'30"
C75	133.45	280.00	27°18'30"
C76	85.83	80.00	51°28'26"
C77	53.65	50.00	51°28'26"
C78	21.46	20.00	51°28'26"
C79	67.42	170.00	22°43'21"

Curve Table			
Curve #	Length	Radius	Delta
C80	79.32	200.00	22°43'21"
C81	91.21	230.00	22°43'21"
C82	428.27	1000.00	24°32'18"
C83	936.83	1030.00	52°06'47"
C84	943.56	1050.00	51°00'07"
C85	267.52	200.00	76°40'01"
C86	423.56	290.00	83°41'02"

- LEGEND:**
- ⊗ BLM MONUMENT RECOVERED
 - ⊕ PRIMARY MONUMENT RECOVERED
 - ⊙ PRIMARY MONUMENT SET THIS SURVEY
 - SECONDARY MONUMENT RECOVERED THIS SURVEY
 - SECONDARY MONUMENT SET THIS SURVEY
 - SURVEYED
 - - - UNSURVEYED
 - (R1) MONUMENT IDENTIFIER
 - (R1) RECORD PER G.L.O. PLAT ACCEPTED APRIL 29, 1946
 - (R8) RECORD PER PLAT 92-5 HRD
 - (M) MEASURED BEARING AND DISTANCE
 - (C) COMPUTED USING RECORD VALUES
 - (RD) HOMER RECORDING DISTRICT
 - (WC) WITNESS CORNER
 - (WD) WITNESS DISTANCE



KPB 2022-158



STATE OF ALASKA
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF MINING, LAND & WATER
ANCHORAGE, ALASKA

ALASKA STATE LAND SURVEY NO. 2021-37
NORTH FORK MICRO AG SUBDIVISION

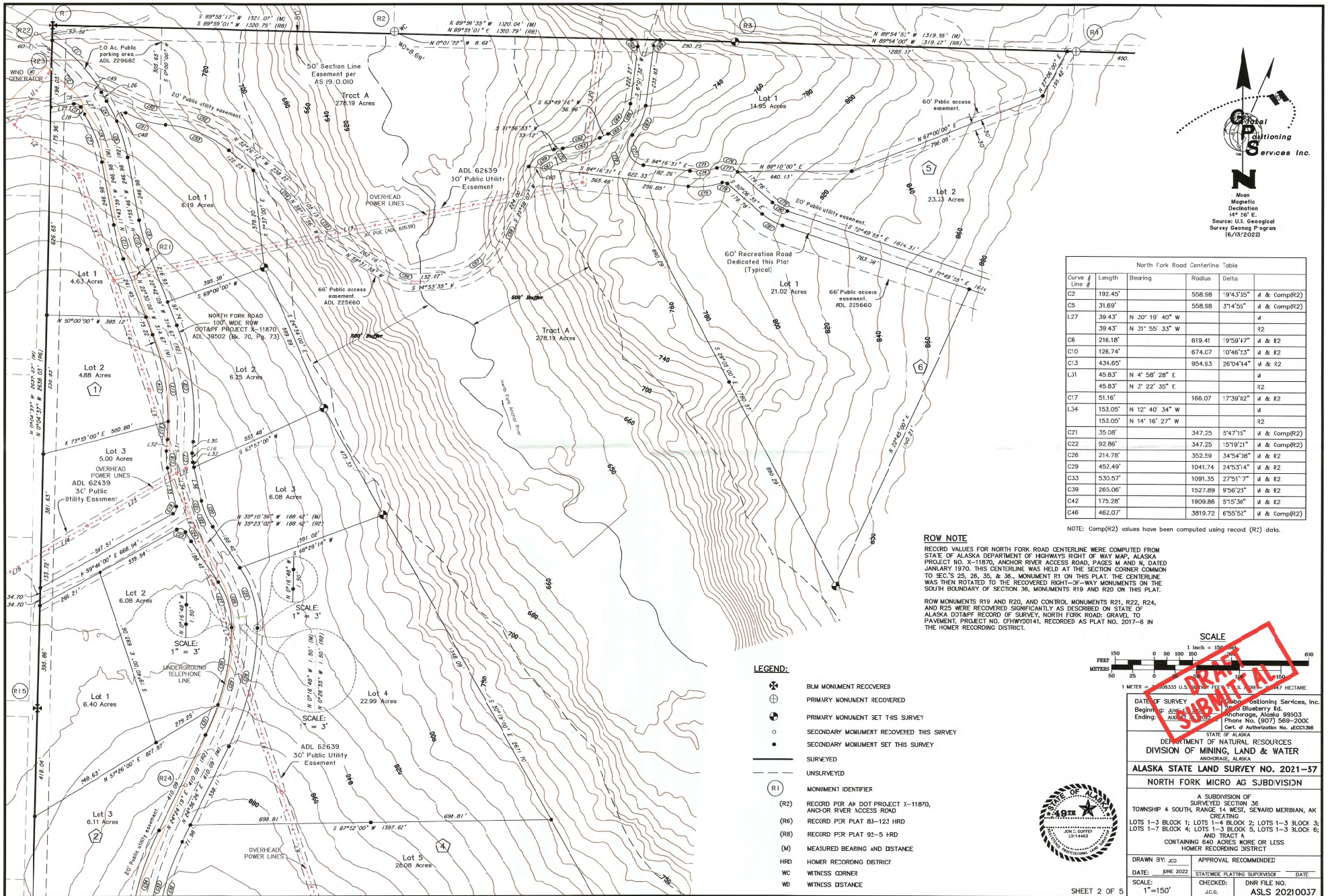
A SUBDIVISION OF
 SURVEYED SECTION 36
 TOWNSHIP 4 SOUTH, RANGE 14 WEST, SEWARD MERIDIAN, AK
 LOTS 1-3 BLOCK 1; LOTS 1-4 BLOCK 2; LOTS 1-3 BLOCK 3;
 LOTS 1-7 BLOCK 4; LOTS 1-3 BLOCK 5; LOTS 1-3 BLOCK 6;
 AND TRACT A
 CONTAINING 640 ACRES MORE OR LESS
 HOMER RECORDING DISTRICT

DRAWN BY: JCC
 DATE: JUNE 2022
 SCALE: 1"=150'

APPROVAL RECOMMENDED
 STATEWIDE PLATING SUPERVISOR
 CHECKED: JCC
 DNR FILE NO.
 ASLS 20210037



SHEET 4 OF 5



PS
Services Inc.

North
Magnetic
Declination
14° 10' E

Source: U.S. Geological
Survey Geomagnetic Program
(6/18/2022)

North Fork Road Centerline Table

Curve #	Length	Bearing	Radius	Delta	
C2	192.45'		558.58	9°43'35"	A & Comp(R2)
C5	31.69'		558.58	3°14'55"	A & Comp(R2)
L27	39.43'	N 30° 19' 40" W			R2
	39.43'	N 31° 55' 33" W			R2
C6	216.18'		619.41	19°59'47"	A & R2
C10	126.74'		674.67	10°46'33"	A & R2
C13	434.65'		954.53	26°04'14"	A & R2
L31	45.83'	N 4° 58' 28" E			A
	45.83'	N 3° 22' 35" E			R2
C17	51.16'		166.07	17°39'02"	A & R2
L34	153.05'	N 12° 40' 34" W			A
	153.05'	N 14° 16' 27" W			R2
C21	35.08'		347.25	5°47'15"	A & Comp(R2)
C22	92.86'		347.25	15°19'21"	A & Comp(R2)
C26	214.78'		352.59	34°54'36"	A & R2
C29	452.49'		1041.74	24°53'14"	A & R2
C33	530.57'		1091.35	27°51'7"	A & R2
C39	265.06'		1527.89	9°56'23"	A & R2
C42	175.28'		1909.86	5°15'30"	A & R2
C46	462.07'		3819.72	6°55'52"	A & Comp(R2)

ROW NOTE

RECORD VALUES FOR NORTH FORK ROAD CENTERLINE WERE COMPUTED FROM STATE OF ALASKA DEPARTMENT OF HIGHWAYS RIGHT OF WAY MAP, ALASKA PROJECT NO. X-11870, ANCHOR RIVER ACCESS ROAD, PAGES M AND N, DATED JANUARY 1970. THIS CENTERLINE WAS HELD AT THE SECTION CORNER COMMON TO SEC'S 25, 26, 35, & 36. MONUMENT R1 ON THIS PLAT. THE CENTERLINE WAS THEN ROTATED TO THE RECOVERED RIGHT-OF-WAY MONUMENTS ON THE SOUTH BOUNDARY OF SECTION 36, MONUMENTS R19 AND R20 ON THIS PLAT.

ROW MONUMENTS R19 AND R20, AND CONTROL MONUMENTS R21, R22, R24, AND R25 WERE RECOVERED SIGNIFICANTLY AS DESCRIBED ON STATE OF ALASKA DOT&PF RECORD OF SURVEY, NORTH FORK ROAD: GRAVEL TO PAVEMENT, PROJECT NO. CHWY01041, RECORDED AS PLAT NO. 2017-5 IN THE HOMER RECORDING DISTRICT.

LEGEND:

- ⊗ BLM MONUMENT RECOVERED
- ⊕ PRIMARY MONUMENT RECOVERED
- ⊙ PRIMARY MONUMENT SET THIS SURVEY
- SECONDARY MONUMENT RECOVERED THIS SURVEY
- SECONDARY MONUMENT SET THIS SURVEY
- SURVEYED
- - - UNSURVEYED
- (R1) MONUMENT IDENTIFIER
- (R2) RECORD PIR AK DOT PROJECT X-11870, ANCHOR RIVER ACCESS ROAD
- (R6) RECORD PIR PLAT 83-122 HRD
- (R8) RECORD PIR PLAT 92-5 HRD
- (M) MEASURED BEARING AND DISTANCE
- HRD HOMER RECORDING DISTRICT
- WC WITNESS CORNER
- WD WITNESS DISTANCE



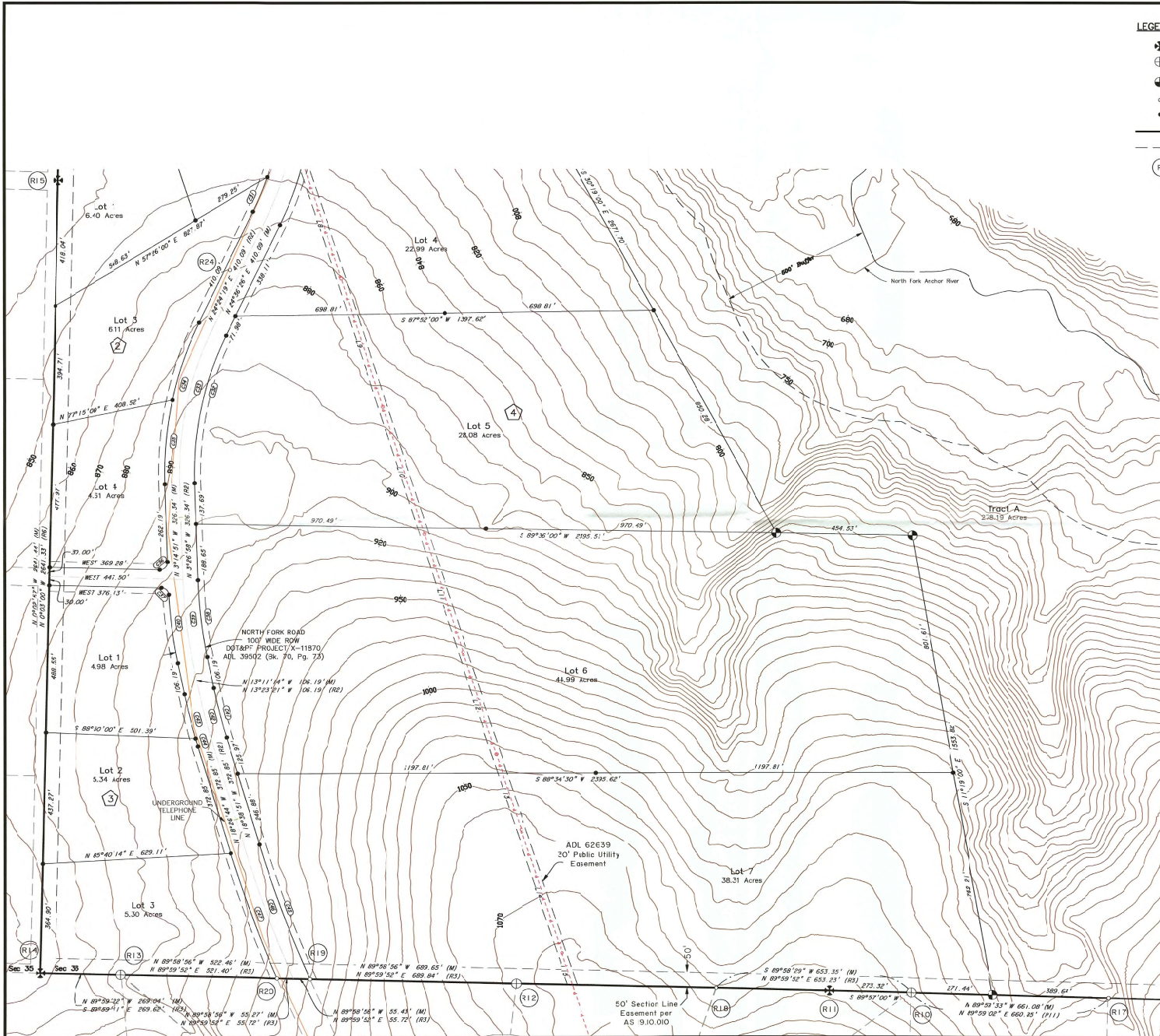
STATE OF ALASKA
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF MINING, LAND & WATER
ANCHORAGE, ALASKA

ALASKA STATE LAND SURVEY NO. 2021-37
NORTH FORK MICRO AG SUBDIVISION

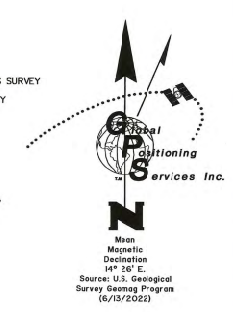
A SUBDIVISION OF
SURVEYED SECTION 36
TOWNSHIP 4 SOUTH, RANGE 14 WEST, SEWARD MERIDIAN, AK
LOTS 1-3 BLOCK 1; LOTS 1-4 BLOCK 2; LOTS 1-3 BLOCK 3;
LOTS 1-7 BLOCK 4; LOTS 1-3 BLOCK 5; LOTS 1-3 BLOCK 6;
AND TRACT A
CONTAINING 640 ACRES MORE OR LESS
HOMER RECORDING DISTRICT

DRAWN BY: JCS
DATE: JUNE 2022
SCALE: 1"=150'

APPROVAL RECOMMENDED
STATEWIDE PLATTING SUPERVISOR
CHECKED: JCS
DATE: ASLS 20210037

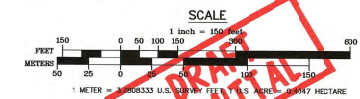


- LEGEND:**
- BLM MONUMENT RECOVERED
 - PRIMARY MONUMENT RECOVERED
 - SECONDARY MONUMENT RECOVERED THIS SURVEY
 - SECONDARY MONUMENT SET THIS SURVEY
 - SURVEYED
 - UNSURVEYED
 - MONUMENT IDENTIFIER
 - (R2) RECORD PER AK DOT PROJECT X-11870, ANCHOR RIVER ACCESS ROAD
 - (R3) RECORD PER PLAT 76-50 HRD
 - (R6) RECORD PER PLAT 83-123 HRD
 - (R11) RECORD PER PLAT 2000-67 HRD
 - HRD HOMER RECORDING DISTRICT
 - WC WITNESS CORNER
 - WD WITNESS DISTANCE



Curve Table			
Curve #	Length	Radius	Delta
C1	279.01	608.98	26°15'02"
C3	29.68	25.00	68°01'34"
C4	87.30	669.41	7°28'20"
C7	198.73	569.41	19°59'47"
C8	146.32	669.41	12°31'27"
C9	117.34	624.07	10°46'23"
C11	136.14	724.07	10°46'23"
C12	457.41	1304.93	26°04'44"
C14	341.20	904.93	21°36'11"
C15	70.69	904.93	4°28'33"
C16	35.76	16.07	17°39'02"
C18	66.56	216.07	17°39'02"
C19	32.22	25.00	73°50'20"
C20	109.52	297.25	21°06'36"
C23	39.72	25.00	91°01'18"
C24	41.40	397.25	5°58'14"
C25	245.24	402.59	34°54'08"
C27	184.33	302.59	34°54'08"
C28	474.21	1091.74	24°53'14"
C30	305.05	991.74	17°37'24"
C31	125.73	991.74	7°15'50"
C32	506.26	1041.35	27°51'17"
C34	273.62	1141.35	13°44'08"
C35	281.26	1141.35	14°07'09"
C36	40.69	25.00	93°14'51"

Curve Table			
Curve #	Length	Radius	Delta
C37	37.13	25.00	85°06'21"
C38	256.39	1477.89	9°56'23"
C40	228.38	1577.89	8°17'35"
C41	170.69	1856.86	5°15'30"
C43	152.67	1956.86	4°27'48"
C44	27.20	1956.86	0°47'42"
C45	479.79	3765.72	7°17'32"
C47	444.41	3865.72	6°34'48"
C48	60.42	25.00	138°28'38"
C49	61.89	70.00	50°36'17"
C50	123.75	340.00	20°51'12"
C51	135.76	373.00	20°51'12"
C52	286.44	480.00	34°11'29"
C53	266.75	447.00	34°11'29"
C54	89.46	360.00	14°14'16"
C55	126.57	340.00	21°19'43"
C56	68.31	110.00	35°34'47"
C57	278.70	240.00	66°32'03"
C58	73.50	510.00	8°15'25"
C59	123.70	130.00	54°31'08"
C60	14.82	100.00	8°29'30"
C61	82.88	100.00	47°25'17"
C62	148.70	470.00	18°07'37"
C63	158.19	500.00	18°07'37"
C64	151.31	150.00	57°47'45"



DATE OF SURVEY _____ **BY** GPS Positioning Services, Inc.

Beginning _____ **Blueberry Rd**

Ending _____ **Anchorage, Alaska 99503**

Phone No. (907) 569-2000 **Cert. of Authorization No.** E001366

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

DIVISION OF MINING, LAND & WATER

ANCHORAGE, ALASKA

ALASKA STATE LAND SURVEY NO. 2021-37

NORTH FORK MICRO AG SUBDIVISION

A SUBDIVISION OF SURVEYED SECTION 36 TOWNSHIP 4 SOUTH, RANGE 14 WEST, SEWARD MERIDIAN, AK

CREATING LOTS 1-3 BLOCK 1; LOTS 1-4 BLOCK 2; LOTS 1-3 BLOCK 3; LOTS 1-7 BLOCK 4; LOTS 1-3 BLOCK 5; LOTS 1-3 BLOCK 6; CONTAINING 640 ACRES MORE OR LESS HOMER RECORDING DISTRICT

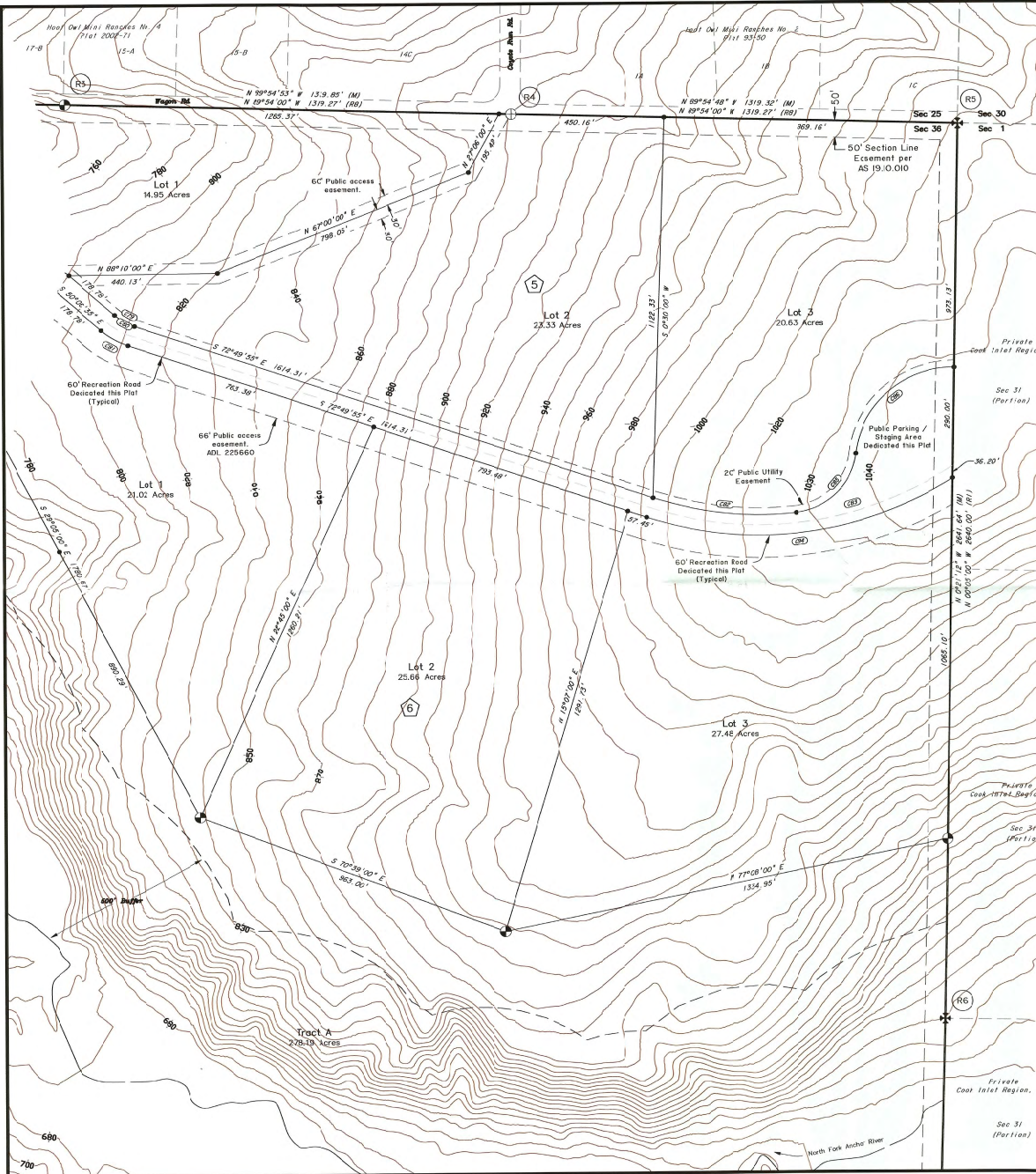
DRAWN BY: JCD **APPROVAL RECOMMENDED:** _____

DATE: JUNE 2022 **STATEWIDE PLATING SUPERVISOR:** _____ **DATE:** _____

SCALE: 1"=150' **CHECKED:** _____ **DNR FILE NO:** ASLS 20210037



SHEET 3 OF 5



Line #	Length	Direction
L1	90.34'	N 52° 31' 21" W
L2	212.19'	N 52° 23' 39" W
L3	430.38'	N 18° 14' 05" W
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C85	237.62	200.00	76°40'01"
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LEGEND:

- BLM MONUMENT RECOVERED
- PRIMARY MONUMENT RECOVERED
- PRIMARY MONUMENT SET THIS SURVEY
- SECONDARY MONUMENT RECOVERED THIS SURVEY
- SECONDARY MONUMENT SET THIS SURVEY
- SURVEYED
- UNSURVEYED
- MONUMENT IDENTIFIER
- (R1) RECORD PER G.L.O. PLAT ACCEPTED APRIL 29, 1946
- (R3) RECORD PER PLAT 92-5 HRD
- (M) MEASURED BEARING AND DISTANCE
- (C) COMPUTED USING RECORD VALLES
- HFD HOMER RECORDING DISTRICT
- WC WITNESS CORNER
- WD WITNESS DISTANCE



DATE OF SURVEY: JUNE 2022
 Beginning: 1/20 Blueberry Rd.
 Ending: SEP 2022
 Phone No. (907) 268-2000
 Cert. of Authorization No. AE001346

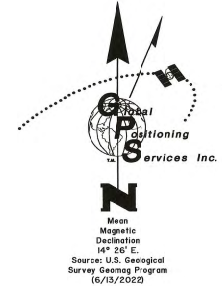
STATE OF ALASKA
 DEPARTMENT OF NATURAL RESOURCES
 DIVISION OF MINING, LAND & WATER
 ANCHORAGE, ALASKA

ALASKA STATE LAND SURVEY NO. 2021-37
 NORTH FORK MICRO AG SUBDIVISION

A SUBDIVISION OF
 SURVEYED SECTION 30
 TOWNSHIP 4 SOUTH, RANGE 14 WEST, SEWARD MERIDIAN, AK
 CREATING
 LOTS 1-3 BLOCK 1; LOTS 1-4 BLOCK 2; LOTS 1-3 BLOCK 3;
 LOTS 1-7 BLOCK 4; LOTS 1-3 BLOCK 5; LOTS 1-3 BLOCK 6;
 AND TRACT A
 CONTAINING 640 ACRES MORE OR LESS
 HOMER RECORDING DISTRICT

DRAWN BY: JCC
 DATE: JUNE 2022
 SCALE: 1"=150'
 APPROVAL RECOMMENDED
 STATEWIDE PLATING SUPERVISOR J.C.B.
 DNR FILE NO. ASLS 20210037

SHEET 4 OF 5

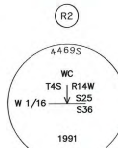




Recovered 2 1/2" Brass cap on 2" iron post, 2" above ground, firmly set, marked as shown.

New Bearing Trees:
BT 1 9" U.S. Pole N. 26° E., 5.6 ft.
BT 2 8" Cottonwood N. 08° E., 86.7 ft.
BT 3 7" Spruce N. 59° W., 84.2 ft.

Yellow carsonite post North 1 ft.



Recovered 2 1/4" Aluminum cap on 2" alum. post flush with ground, firmly set, marked as shown.

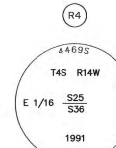
New Bearing Trees:
BT 1 10" Cottonwood N. 9° E., 9.2 ft.
BT 2 7" Cottonwood S. 18° W., 37.8 ft.
BT 3 6" Cottonwood S. 88° W., 10.3 ft.



Recovered 7" iron pipe, laying 12" underground, top 6" bent, missing cap.

Original BT's gone.

** NEW PRIMARY MONUMENT TO BE SET DURING FINAL MONUMENTATION **



Recovered 2 1/4" Aluminum cap on 2" alum. post flush with ground, firmly set, marked as shown.

New Bearing Trees:
BT 1 9" Spruce S. 19° W., 14.0 ft.
BT 2 18" Spruce S. 65° W., 69.1 ft.

** No other suitable BT's within range. **



Recovered 2 1/2" Brass cap on 2" iron post, flush with ground, firmly set, marked as shown.

New Bearing Trees:
BT 1 7" Spruce S. 43° E., 52.2 ft.
BT 2 14" Spruce N. 89° W., 24.2 ft.
BT 3 11" Spruce N. 8° W., 36.5 ft.



Recovered 2 1/2" Brass cap on 2" iron post, 5" above ground, firmly set, marked as shown.

Original Bearing Tree:
BT 2 10" Spruce stump, 4' high, N. 54° W., 39.0 ft.

New Bearing Trees:
BT 1 5" Spruce N. 82° E., 12.3 ft.
BT 2 7" Spruce S. 24° W., 28.2 ft.
BT 3 6" Spruce N. 31° W., 6.9 ft.



Recovered 3 1/2" Brass cap on 3" iron post, 8" above ground, firmly set, marked as shown.

Original Pits E. & W., 4' dist. visible.

New RM's to be set during final monumentation



Recovered 3 1/2" Brass cap on 3" iron post, 10" above ground, firmly set, marked as shown.

New RM's to be set during final monumentation



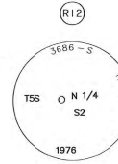
Recovered 2 1/2" Brass cap on 2" iron post flush with ground, firmly set, marked as shown.

New RM's to be set during final monumentation



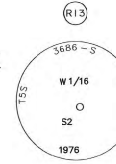
Recovered 3 1/2" Brass cap on 3" iron post, flush with ground, firmly set, marked as shown.

New RM's to be set during final monumentation



Recovered 2 1/2" Brass cap on 2" iron post 1" above ground, firmly set, marked as shown.

New RM's to be set during final monumentation



Recovered 2 1/2" Brass cap on 2" iron post flush with ground, firmly set, marked as shown.

New RM's to be set during final monumentation



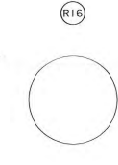
Recovered 3 1/2" Brass cap on 3" iron post, 8" above ground, firmly set, marked as shown.

New Bearing Trees:
BT 1 14" Spruce S. 8° E., 25.1 ft.
BT 2 6" Birch S. 48° W., 7.7 ft.
BT 3 6" Spruce N. 10° W., 24.7 ft.

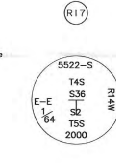


Recovered 2 1/2" Brass cap on 2" iron post, 3" above ground, firmly set, marked as shown.

New Bearing Trees:
BT 1 5" Spruce S. 79° E., 41.3 ft.
BT 2 9" Spruce S. 65° W., 42.7 ft.
BT 3 10" Spruce N. 39° W., 51.3 ft.



Recovered 5/8" rebar, missing cap, 4" above ground, firmly set.



Recovered 2" Aluminum Cap on 5/8" rebar, 4" above ground, firmly set, marked as shown.



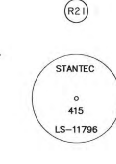
Recovered 5/8" rebar, missing cap, 2" above ground, firmly set.



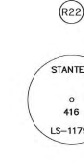
Recovered Yellow plastic Cap on 5/8" rebar, flush with ground, firmly set, marked as shown.



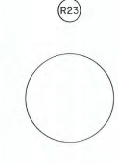
Recovered Yellow plastic Cap on 5/8" rebar, 4" above ground, firmly set, marked as shown.



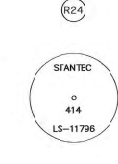
Recovered 2" Aluminum Cap on 5/8" rebar, flush with ground, firmly set, marked as shown.



Recovered 2" Aluminum Cap on 5/8" rebar, flush with ground, firmly set, marked as shown.



Recovered 1/2" rebar, missing cap, 1" above ground, firmly set.



Recovered 2" Aluminum Cap on 5/8" rebar, flush with ground, firmly set, marked as shown.



Recovered 2" Aluminum Cap on 5/8" rebar, flush with ground, firmly set, marked as shown.



DATE OF SURVEY: 10/1/2022		BY: J.C. GURLEY	
Beginning at: Blueberry Rd.		Anchorage, Alaska 99503	
Ending at: 1/4 Section 36		Phone No. (907) 565-2000	
Cert. of Authorization No. AE021446			
STATE OF ALASKA			
DEPARTMENT OF NATURAL RESOURCES			
DIVISION OF MINING, LAND & WATER			
ANCHORAGE, ALASKA			
ALASKA STATE LAND SURVEY NO. 2C21-37			
NORTH FORK MICRO AG SUBDIVISION			
A SUBDIVISION OF			
SURVEYED SECTION 33			
TOWNSHIP 4 SOUTH, RANGE 14 WEST, SEWARD MERIDIAN, AK			
CREATING			
LOTS 1-3 BLOCK 1; LOTS 1-4 BLOCK 2; LOTS 1-3 BLOCK 3;			
LOTS 1-7 BLOCK 4; LOTS 1-3 BLOCK 5; LOTS 1-3 BLOCK 6;			
AND TRACT A			
CONTAINING 640 ACRES MORE OR LESS			
HOMER RECORDING DISTRICT			
DRAWN BY: J.C.		APPROVAL: RECOMMENDED	
DATE: JUN 2022		STATEWIDE PLATING SUPERVISOR: DATE	
SCALE: N/A		CHECKED: J.C.G. DNR FILE NO. ASLS 20210002	

SHEET 5 OF 5

AGENDA ITEM E. NEW BUSINESS

ITEM 1 – ALASKA STATE LAND SURVEY NO. 2021-37 NORTH FORK MICRO AG SUBDIVISION

KPB File No.	2022-158
Plat Committee Meeting:	November 14, 2022
Applicant / Owner:	State of Alaska Department of Natural Resources, Division of Mining, Land & Water of Anchorage, Alaska
Surveyor:	Jon Guffey / Global Positioning Services, Inc.
General Location:	North Fork Road, Anchor Point

Parent Parcel No.:	165-200-14
Legal Description:	Section 26, Township 4 South, Range 14 West
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On Site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide a 640 acre section into twenty-three lots ranging in size from 4.61 acres to 44.99 acres and one tract that will be 278.19 acres. Various dedications will occur over existing ADL easements.

Location and Legal Access (existing and proposed): This proposed plat is located between miles 9 and 10 of state maintained North Fork Road. The property is one complete section that is subject to section line easements and numerous ADLs for access and utilities.

North Fork Road is a State maintained right-of-way. The portion through this subdivision is an ADL. To the north and south of the subdivision, North Fork Road has been dedicated. The depiction of the right-of-way includes the highway project and the ADL number. ***Staff recommends a formal dedication of North Fork Road be done by this plat with an acceptance by DOT.***

Section line easements exist around the perimeter of the subdivision and have some labeling. ***Staff recommends a different line style be used to depict the section line easements so minimal labels can remain but the legend will clarify the status of the line shown.***

Adjacent to the subdivision are some section line easements with varying widths. ***Staff recommends adjacent section line easements be shown with a width label provided.***

There are several half dedications abutting the subdivision. ***Staff recommends the depiction of abutting dedications be labeled with width labels on any sheets shown.*** Many of these dedications overlap section line easements. KPB Code requires a minimum 60 foot dedication and when half dedications are granted it is expected that the other half will be obtained when neighboring parcels are subdivided. Staff generally request section line easements to be dedicated if terrain is acceptable. ***Staff recommends the plat committee concur that dedications atop all the section line easements is not required but minimum 30 foot dedications should occur adjacent to half dedicated rights-of-way and they shall be depicted and labeled as being dedicated this plat.***

There are numerous ADLs throughout the property. Several are labeled as being dedicated by this plat. Some of the ADLs appear to connect to existing dedications. Staff does not object to not dedicating the ADL through Tract A. ***Staff recommends all other ADLs being used for public access be dedicated by this plat with proper street names approved by the KPB Addressing Officer or naming if a continuation of an existing street.***

It appears ADL 233136 may not have been labeled on the plat. **Staff recommends all ADLs be depicted and labeled and the adding of a plat note to list all subject ADLs.**

Several of the blocks being created will not comply. Steep terrain and wetlands are found within the center of the section. North Fork Anchor River, an anadromous stream, is located through what is proposed as Tract A. Tract A is being kept as one large tract to protect the area around the stream due to the terrain restraints within the development. **Staff recommends the plat committee concur an exception is not required due to terrain issues, an attempt to protect sensitive areas, and dedications are occurring over existing travelways.**

KPB Roads Dept. comments	Out of Jurisdiction: No Roads Director: Uhlin, Dil Comments: No comments
SOA DOT comments	The ROW for North Fork Road appears to be shown correctly. – Engineering

Site Investigation: The North Fork Anchor River runs through the proposed subdivision. Wetlands were not depicted on the preliminary plat but the majority of the wetlands are surrounding the river. A wetlands determination plat note is present. **Staff recommends the wetlands are not required to be shown on the final plat as they are within Tract A that will be retained by the State.**

There are areas of steep terrain present. The majority of the steep slopes is within Tract A and surrounding the river. A few of the lots have some steep terrain. Lot 6 Block 4 contains a lot of steep slopes on the eastern portion by the 44.99 acre lot has a large useable area to the west. The steep areas over roads appear to mostly be within the portions being retained as an ADL within Tract A. Staff is requesting some matching dedications and some of those may involve steep areas. **Staff recommends that the steep terrain does not need to be shown on the final plat as it creates minimal impact to development and that cross-sections and centerline profiles will not be required as the steepest areas are atop section line easements that already provide additional width.**

North Fork Anchor River is anadromous and the anadromous plat note will be required.

KPB River Center review	A. Floodplain Reviewer: Carver, Nancy Floodplain Status: Not within flood hazard area Comments: No comments B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: IS totally or partially within HPD Comments: i:0#.w kpb\maldrige C. State Parks Reviewer: Russell, Pam Comments: No Comments
State of Alaska Fish and Game	This plat depicts North Fork Anchor River which is cataloged as anadromous. AWC 244-10-10010-2011

Staff Analysis This is a large subdivision plat of previously unsubdivided lands being done by the State. There will be some additional information and items shown on the plat as part of the State's requirements. The borough, as platting authority, respects those requirements but does review the plat with the KPB Code requirements.

The plat will create 6 blocks that will contain multiple lots. The lots vary greatly in size with those within blocks 1, 2, and 3 being in the 4.6 acres to 6.4 acres range. A few lots within block 4 fit the same size range but the rest of block 4, block 5 and 6 all contain larger acreage lots that vary from 14.95 acres to 44.99 acres. Tract A is proposed

as 278 acres and will contain the North Fork Anchor River, the majority of steep terrain, the wetlands, and a few ADL easements.

A soils report is not required for the plat as proposed as all lots are over 200,000 square feet. Staff is requesting some dedications that abut existing dedications. This may result in a few lots, staff is estimating the most to be four, on the west boundary to drop in size slightly. **Staff recommends the plat committee concur that if dedications are received as requested and a couple of lots drop below the 200,000 square feet, that a soils report analysis for those lots will not be required, and required plat notes for wastewater disposal be added to the 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 Anchor Point advisory planning commission. The APC is currently inactive due to lack of members.

Utility Easements There is an ADL that was granted to Homer Electric Association that is depicted on the plat over existing powerlines. The property has not been previously platted and no other easements for utilities were present on the certificate to plat that require being carried over or noted.

KPB Code requires minimum 10 foot utility easements adjacent to rights-of-way. Staff is requesting additional dedications to provide for matching dedications. **Staff recommends 10 foot utility easements adjacent to all dedications within the subdivision with a required plat note, if depiction is not possible, a typical detail depiction may be used.**

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: 35390 NORTH FORK RD Existing Street Names are Correct: Yes List of Correct Street Names: NORTH FORK RD WAGON RD CLYDE THOMAS AVE LOUIS HUBER AVE HOLLY LN TILLYGIRL AVE BG DAVIS ST COYOTE RUN RD KLUCHOVAYA ST BIBLEGUM ST
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	<p>BLUEGRASS ST INEZ AVE KNOB HILL 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: 35390 NORTH FORK RD will be deleted. New street names needed for newly dedicated ROWs.</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**

The preliminary plat was submitted as a 4 page document. Unless a 5th page is going to be added at final, update all pages to state of 4 sheets.

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: *The mailing address for the owner is required. Within the information for the subdivision, Kenai Peninsula Borough and State of Alaska should be added to the location information. The KPB File number of 2022-158 should be added in or near the title block.*

- 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: *The section line easements, if not dedicated, should be shown and labeled with the correct width. Any dedications that have occurred abutting the subdivision should be labeled with the street name and the dedication width.*
- D. A vicinity map, drawn to scale showing location of proposed subdivision, north arrow if different from plat orientation, township and range, section lines, roads, political boundaries, and prominent natural and manmade features, such as shorelines or streams;
Staff recommendation: *Correct any overstrikes of labels. Instead of labeling Nikolaevsk staff recommends labeling Nikolaevsk Road.*
- 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: *Unless there is documentation (please note) of the snowmobile trail to the east being for public use it should not be depicted outside the subdivision boundary and on private lands. Land label status for neighboring lots should include the legal description if subdivided, if not subdivided an "Unsubdivided" label is all that is required. KPB requests that listing ownership status and owners names be removed. Provide a plat number label for the lots west of Coyote Run Road. Remove the reference to the record of survey for Tract 1 of Hill Park Estates. All rights-of-way depicted in surrounding areas should include names and a width label.*

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.*

20.30.030. Proposed street layout-Requirements.

- A. The streets provided on the plat must provide fee simple right-of-way dedications to the appropriate governmental entity. These 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. Adequate and safe access for emergency and service vehicle traffic shall be considered in street layout.
- B. Subdivision of land classified as agricultural conveyed subject to AS 38.05.321(a)(2)(B) may provide public access easements in lieu of fee simple dedications if necessary to comply with the minimum lot size restriction of the statute. The public access easements must meet all applicable right-of-way design criteria of Title 20 and are subject to the building setback requirements set forth in KPB 20.30.240.
- C. Preliminary plats fronting state maintained roads will be submitted by the planning department to the State of Alaska Department of Transportation and Public Facilities (DOT) for its review and comments.
Staff recommendation: *Dedications to abutting properties should be provided. All others appear to connect to ADLs which should also be dedicated except within Tract A.*

20.30.060. Easements-Requirements.

- A. The planning commission may require easements it determines necessary for the benefit of the public. Such easements include, but are not limited to, lateral support (slope) easements, drainage easements for ditching or protection of a drainage, and utility easements. Required easements do not need to be for road purposes.
- B. Upon submittal of a preliminary plat, the planning department shall provide a copy to public utility companies for their comments-and recommended design of utility easements. If the property is subject to

existing natural gas or petroleum pipeline easements, a copy shall also be furnished to the appropriate company for comment.

C. The subdivider bears the responsibility for coordination with the utility companies during the design and development phases. When a subdivider and the utility company cannot agree on easements, the final plat will be taken to the planning commission for determination of easements.

D. Unless a utility company requests additional easements, the front ten feet adjoining rights-of-way shall be designated as a utility easement, graphically or by note. Within the boundaries of an incorporated city, the width and location of utility easements will be determined by the city and affected utility providers.

Staff recommendation: *The affected utility providers were emailed the subdivision plat public hearing notice as part of the routine notification process. Grant utility easements requested by the utility providers.*

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, adjoining 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: *Half dedications are required.*

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

Staff recommendation: *All new names must be approved by the KPB Addressing Officer.*

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.

B. 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.

C. 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.

D. 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: *Plat note is needed and depiction must be provided. If unable to depict a typical depiction detail may be used.*

20.30.290. Anadromous Waters Habitat Protection District. If any portion of a subdivision or replat is located within an anadromous waters habitat protection district, the plat shall contain the following note:

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.

Platting Staff Comments: Plat note must be added.

Staff recommendation: *comply with 20.30.290.*

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: All lots are greater than 200,000 square feet and do not require a soils analysis review. Plat notes are 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: *Any state maintained dedications will require an acceptance to be signed by DOT. All others will require an acceptance to be signed by the KPB.*

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).*
- *The borough will not enforce private covenants, easements, or deed restrictions per KPB 20.60.170.*
- *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.*
- *The front ten feet adjoining rights-of-way is designated as a utility easement granted by this plat.*
- *Required wastewater disposal notes that comply with KPB 20.40 must be added.*
- **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.

Due to the number of ADLs for the property, staff recommends a plat note be included that states something similar to "Subject to easements granted by ADL ####, ADL ###, ...etc." If recorded, included the recording number and the recording district by noting HRD.

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: Acceptance for rights-of-way will be required. The notary shown is a combination of Acknowledgement and jurat. Remove "sworn" or change to Notary's Jurat. 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

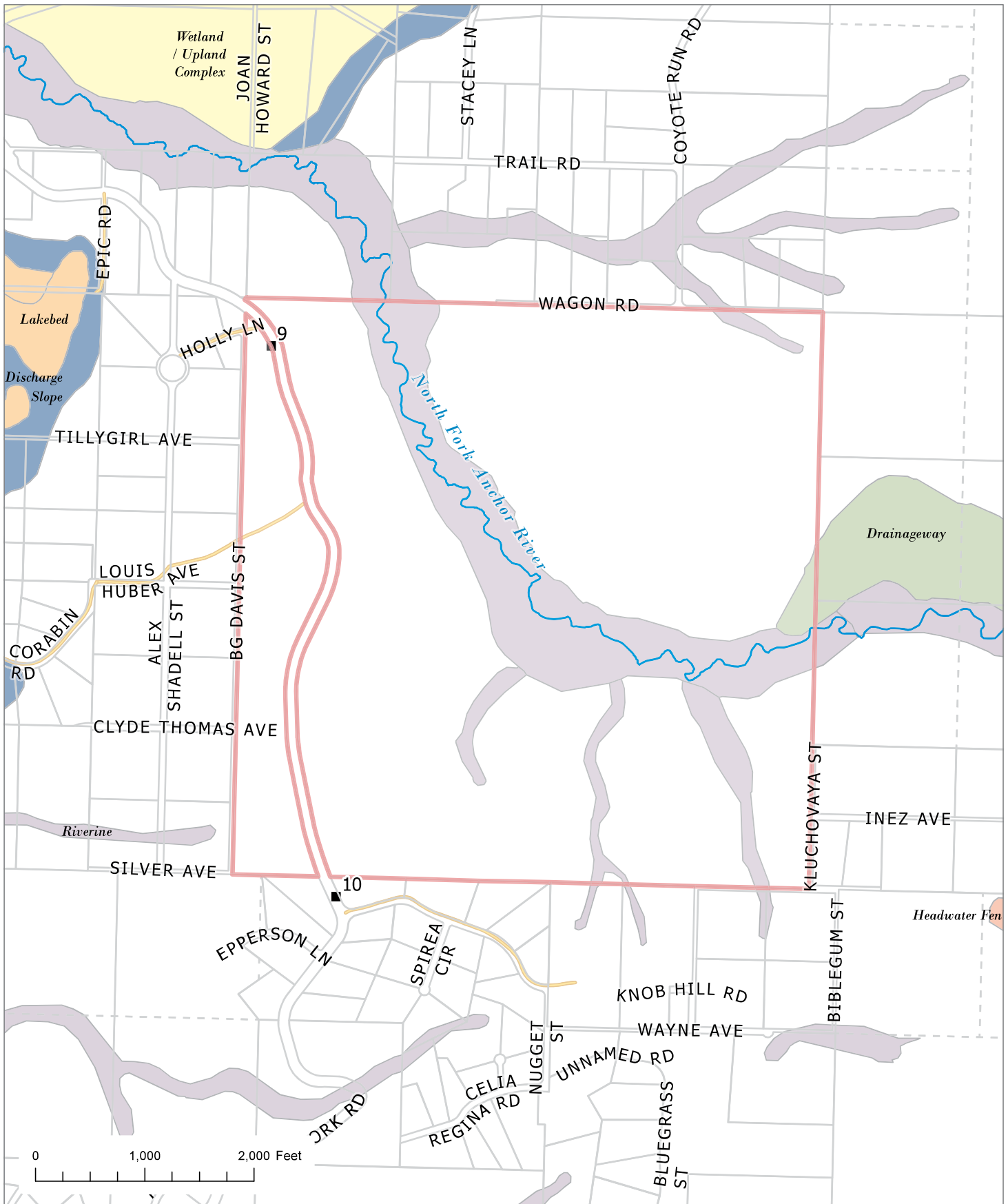


Aerial View



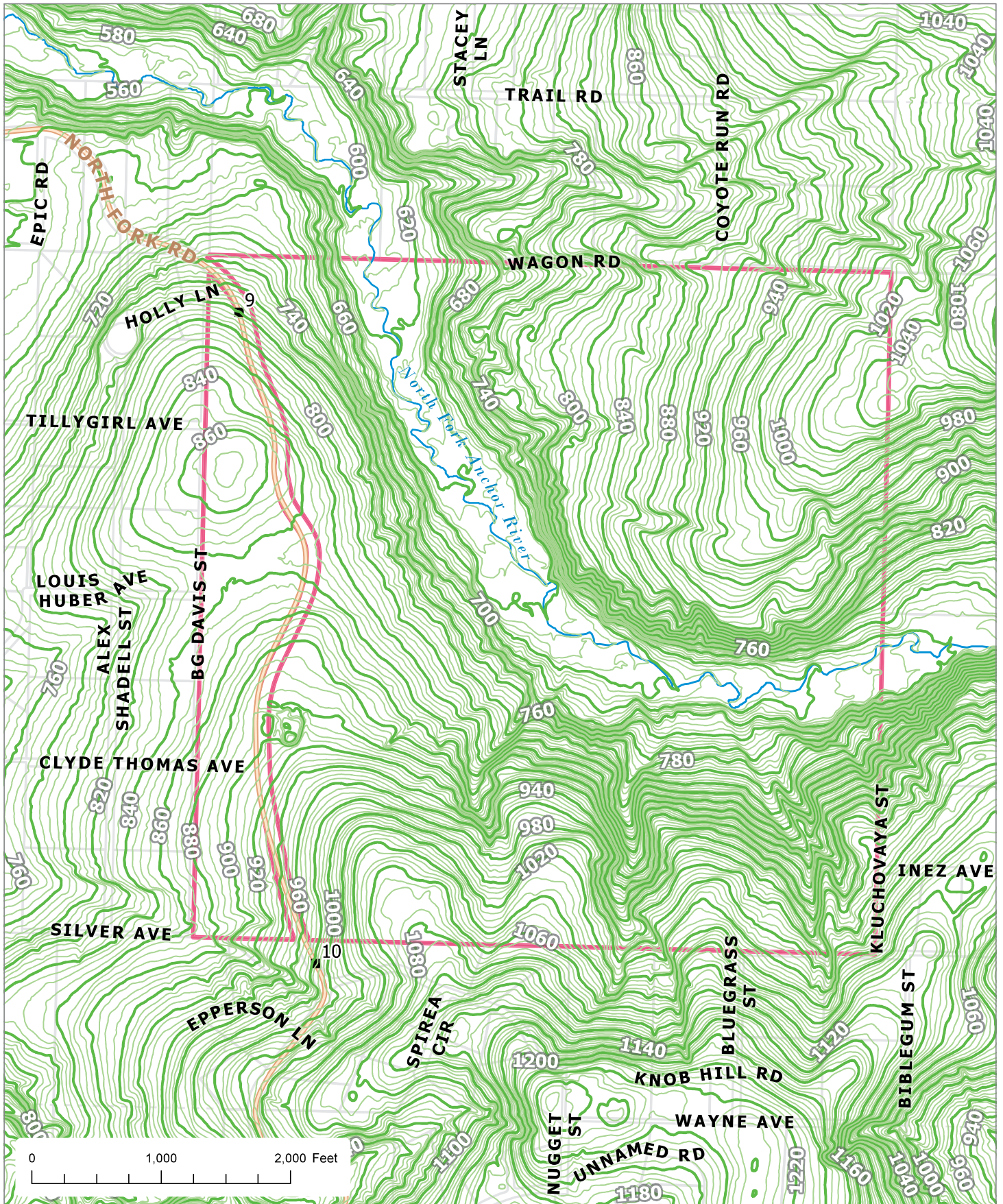


Wetlands





5-foot Contours



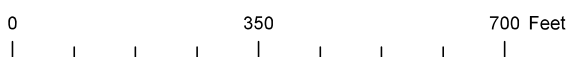
E. NEW BUSINESS

2. Lloyd race Lot 4 Replat; KPB File 2022-157



KPB File 2022-157
T 06S R 13W SEC 9
Homer

10/21/2022

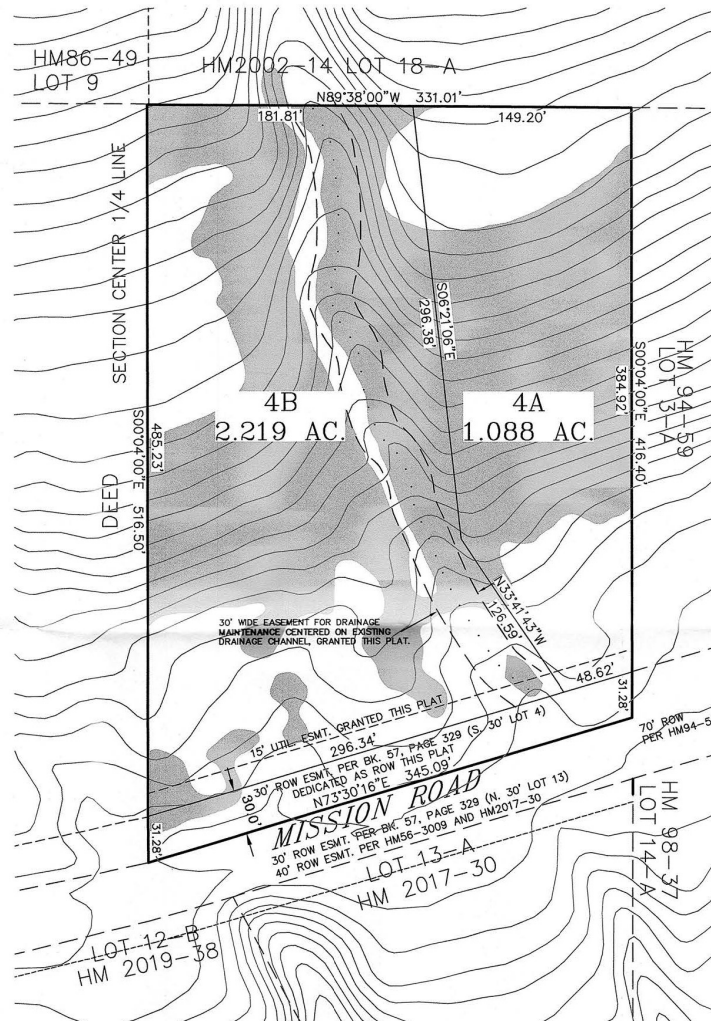




NOTES

1. DEVELOPMENT ON THESE LOTS IS SUBJECT TO HOMER CITY CODE.
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. PROPERTY OWNER SHOULD CONTACT ARMY CORPS OF ENGINEERS PRIOR TO ANY ON-SITE DEVELOPMENT OR CONSTRUCTION ACTIVITY TO OBTAIN THE MOST CURRENT WETLAND DESIGNATION (IF ANY). PROPERTY OWNERS ARE RESPONSIBLE FOR OBTAINING ALL REQUIRED LOCAL, STATE AND FEDERAL PERMITS.
4. THERE IS AN EASEMENT RECORDED AT BOOK 49, PAGE 187 H.R.D. IN FAVOR OF HOMER ELECTRIC ASSOCIATION FOR ELECTRIC LINES OR SYSTEM AND/OR TELEPHONE LINES TOGETHER WITH THE RIGHT TO ENTER, MAINTAIN, REPAIR AND CLEAR SHRUBBERY ON THESE LANDS, NO DEFINITE LOCATION DISCLOSED.
5. OWNER SHOULD CONTACT THE ARMY CORP OF ENGINEERS PRIOR TO ANY ON-SITE DEVELOPMENT OR CONSTRUCTION ACTIVITY TO OBTAIN THE MOST CURRENT WETLAND DESIGNATION (IF ANY). PROPERTY OWNERS ARE RESPONSIBLE FOR OBTAINING ALL REQUIRED LOCAL, STATE, AND FEDERAL PERMITS.
6. CONTOUR INTERVAL IS 4 FEET. CONTOURS ARE FROM KENAI PENINSULA BOROUGH TERRAIN VIEWER. GRAY SHADING SHOWS APPROXIMATE SLOPES OVER 20% DETERMINED USING KPB 4' CONTOURS.

WASTEWATER NOTES



CERTIFICATE OF ACCEPTANCE

THE UNDERSIGNED OFFICIAL IDENTIFIED BY NAME AND TITLE IS AUTHORIZED TO ACCEPT AND HEREBY ACCEPTS ON BEHALF OF THE CITY OF HOMER FOR PUBLIC USES AND FOR PUBLIC PURPOSES THE REAL PROPERTY TO BE DEDICATED BY THIS PLAT INCLUDING EASEMENTS, RIGHTS-OF-WAY, ALLES AND OTHER PUBLIC AREAS SHOWN ON THIS PLAT IDENTIFIED AS FOLLOWS: MISSION ROAD. THE ACCEPTANCE OF LANDS FOR PUBLIC USE OR PUBLIC PURPOSES DOES NOT OBLIGATE THE PUBLIC OR ANY GOVERNING BODY TO CONSTRUCT, OPERATE, OR MAINTAIN IMPROVEMENTS.

BY: _____ DATE: _____
NAME AND TITLE OF AUTHORIZED OFFICIAL
CITY OF HOMER.

CERTIFICATE OF OWNERSHIP

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 public rights-of-way and grant all easements to the use shown.

ERIC MICHAEL BENTSON
1723 BEULAH CHURCH RD
CALHOUN, LA 71225

TASSE YVETTE HIBBARD-BENTSON
1723 BEULAH CHURCH RD
CALHOUN, LA 71225

NOTARY'S ACKNOWLEDGEMENT

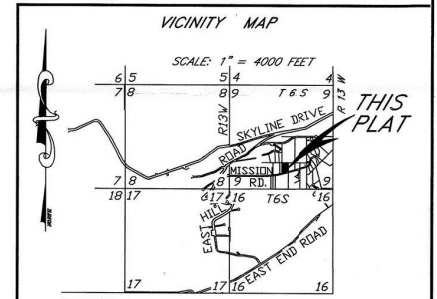
For ERIC MICHAEL BENTSON and TASSE YVETTE HIBBARD-BENTSON
Acknowledged before me this _____ day of _____, 2022.

Notary public for Alaska _____ My Commission Expires _____

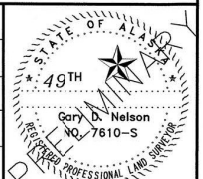
PLAT APPROVAL

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of _____
KENAI PENINSULA BOROUGH

BY _____
Authorized Official



DATE 9-26-22
SCALE 1" = 60'
GRID No. AR-73
JOB No. 5371
DRAWING: 5371_5310_5132



LLOYD RACE LOT 4 REPLAT

A SUBDIVISION OF LOT 4, LLOYD RACE ADDITION (HM56-3009), IN THE SE1/4 SEC. 9, T6S, R13W, S.M., KENAI PENINSULA BOROUGH, HOMER RECORDING DISTRICT, STATE OF ALASKA CONTAINING 3.54 ACRES

OWNERS: ERIC MICHAEL BENTSON
TASSE YVETTE HIBBARD-BENTSON
1723 BEULAH CHURCH RD
CALHOUN, LA 71225

ABILITY SURVEYS
GARY NELSON, PLS
(907) 235-8440
152 DEHEL AVE., HOMER ALASKA 99603

PLAT #	
Rec Dist	_____
Date	_____ 20_____
Time	_____ M

KPB 2022-157

KPB FILE No. 2022-_____

AGENDA ITEM E. NEW BUSINESS

ITEM 2 – LLOYD RACE LOT 4 REPLAT

KPB File No.	2022-157
Plat Committee Meeting:	November 14, 2022
Applicant / Owner:	Eric Bentson and Tasse Hibbard-Bentson of Calhoun, LA
Surveyor:	Gary Nelson / Ability Surveys
General Location:	Mission Road, City of Homer

Parent Parcel No.:	174-030-04
Legal Description:	Lot 4, Lloyd Race Addition, Plat HM 56-3009
Assessing Use:	Residential
Zoning:	Rural Residential District
Water / Wastewater	On Site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide a 3.5 acre parcel into two lots that will be 2.219 and 1.088 acres. A 30 foot dedication is proposed to increase the width along Mission Road.

Location and Legal Access (existing and proposed): The proposed plat is located within the City of Homer along Mission Road. Mission Road is a varying width right-of-way that was originally shown as a 40 foot wide road easement on the plat for the area. The City of Homer has been acquiring additional dedications as replats occur along the right-of-way. Mission Road is located off state maintained East Hill Road which is located near mile 1 of state maintained East End Road.

The plat is proposing to grant a 30 foot width dedication to increase the width of Mission Road. The dedication will be atop a right-of-way easement that is noted on the plat. **Staff recommends** add a width label be to the west for Mission Road abutting the subdivision as the right-of-way appears to widen.

The block is not compliant. There is steep terrain found throughout the area with drainage areas. Terrain dictated the location of many of the rights-of-way in the area with some being granted as cul-de-sacs due to limitations to provide continuations. Many of the lots in the area have also been improved making through dedications difficult. **Staff recommends** the plat committee concur that an exception to block length is not required as dedications will be difficult to improve the block.

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

Site Investigation: There are no low wet areas present on the plat. There is an existing drainage channel present that the City of Homer has requested an easement over.

Steep terrain appears throughout the majority of the proposed plat. Due to the amount of steep terrain present, **staff recommends** the areas with over 20 percent grade should be shown on the final plat.

Imagery shows multiple items in place on the property but KPB Assessing data does show the property vacant. Many of the items do appear to be not permanent in nature. **Staff recommends** the surveyor verify that there are no permanent structures that will be encroaching over the new property line or within the new dedication and utility easement.

KPB River Center review	Floodplain: Not within a flood hazard area. Located in a Non-Regulatory D - Zone, undetermined flood risk. Habitat Protection: Is NOT within HPD. No comments
State of Alaska Fish and Game	No Comments

Staff Analysis This is a replat of property originally created by Lloyd Race Addition, Plat HM 56-3009. The plat was only subject to the 40 foot easement for Mission Road.

The City of Homer heard and recommended approval of the plat at their August 3, 2022 Planning and Zoning Commission meeting. Their three requests have been accommodated on the plat being reviewed. The wetland determination plat note has been added, they are granting 15 foot utility easements adjacent to the new dedication of Mission Road, and they are granting a 30 foot drainage easement centered on the existing drainage way.

The City of Homer staff report did note that city sewer and water are not currently available. While there are no sewer or water connections to install, an installation agreement or documentation that one is not required will be required from the City of Homer.

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.

Utility Easements There are no platted easements to carry over. The plat will be granting 15 foot utility easements along Mission Road per the City of Homer's request.

Plat note 4 notes a recorded easement is present. It was not included with the certificate to plat. If the property is subject to the easement, work with the title company to get added to the report. If the easement is not for this property, please remove the plat note.

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 objections or recommendations
ACS	No objections
GCI	Approved as shown

KPB department / agency review:

Addressing	Reviewer: Haws, Derek Affected Addresses: 1500 MISSION RD Existing Street Names are Correct: Yes List of Correct Street Names: MISSION RD Existing Street Name Corrections Needed:
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	<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: The city of Homer will advise on affected address.</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> <p>Review Not Required</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.

- B. North point;
Staff recommendation: Add north arrow for drawing. Only north arrow given is inside vicinity map box. Add scale.
- 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: Correct some overstrikes on southern lots. Mission Road width varies but provide an overall width label for the portion adjoining the subdivision.
- J. Block and lot numbering per KPB 20.60.140, approximate dimensions and total numbers of proposed lots;
Staff recommendation: Provide a tract or lot label for each new division number. They have been noted as Lots elsewhere in this report, specifically the exception request.

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: City water and sewer are not available per the City staff report. A soils report 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.

20.60.040. 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: Include the drainage easement within the acceptance for the City of Homer.

20.60.180. Plat notes.

A. Plat notes shall not be placed on a final plat unless required by borough code or by the planning commission in order to promote or protect the public health, safety, and welfare consistent with borough and state law.

B. Revision of, or not carrying forward, an existing plat note from the parent plat will adhere to KPB 20.50.010. Separate advertising of the plat note removal is not required, Notification of the requested change will be sent by regular mail to all owners within the subdivision (parent plat and subsequent replats) as shown on the borough tax rolls. Upon approval by the planning commission, the revision or removal of the record plat note shall be finalized by recording a planning commission resolution or subdivision plat.

Staff recommendation: Place the following notes on the plat.

- Add a note for any exceptions granted.

It appears that plat notes 3 and 5 are duplicate and one may be removed.

Plat note 4 did not appear on the certificate to plat. If the lots are subject to the easement please have the title company update the CTP.

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: Verify which state the owners will be signing in and update or leave blank. Comply with 20.60.190.

EXCEPTIONS REQUESTED:

KPB 20.30.190 – Lots-Dimensions (3:1 depth to width ratio for Lot 4A)

Surveyor's Discussion: I hereby ask for an exception to the 3:1 depth to width ratio. KPB says the ratio of the Lot 4A is 3.1:1. The request is based on topographic constraints and for terms of a divorce. A drainage seems to be the limiting criteria.

Staff Discussion: KPB Code states a lots depth should not be more than three times the width. Staff found proposed Lot 4A had a ratio of 3.1:1.

Findings:

1. Code requires the depth to width to be 3:1.
2. The depth to width is 3.1:1 for Lot 4A.
3. The property is being divided as part of a divorce agreement.

4. Steep terrain is present within the lot.
5. A drainage way exists that is close to the proposed lot line.
6. Adjusting the lot line will not provide more usable area due to the terrain and drainage.
7. Shifting the lot line to the other side of the drainage way could result in that lot being non-compliant depending on location.

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 3-7 appear to support this standard.
2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title;
Findings 3-7 appear to support this standard.
3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.
Findings 3-7 appear to support this standard.

Staff recommendation: place notes on the final plat indicating any exceptions granted by the Plat Committee with the meeting date.

RECOMMENDATION:

SUBJECT TO EXCEPTION(S) GRANTED, STAFF RECOMMENDS:

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

NOTE: 20.25.120. - REVIEW AND APPEAL.

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

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

END OF STAFF REPORT





Wetlands





LLOYD RACE ADDITION

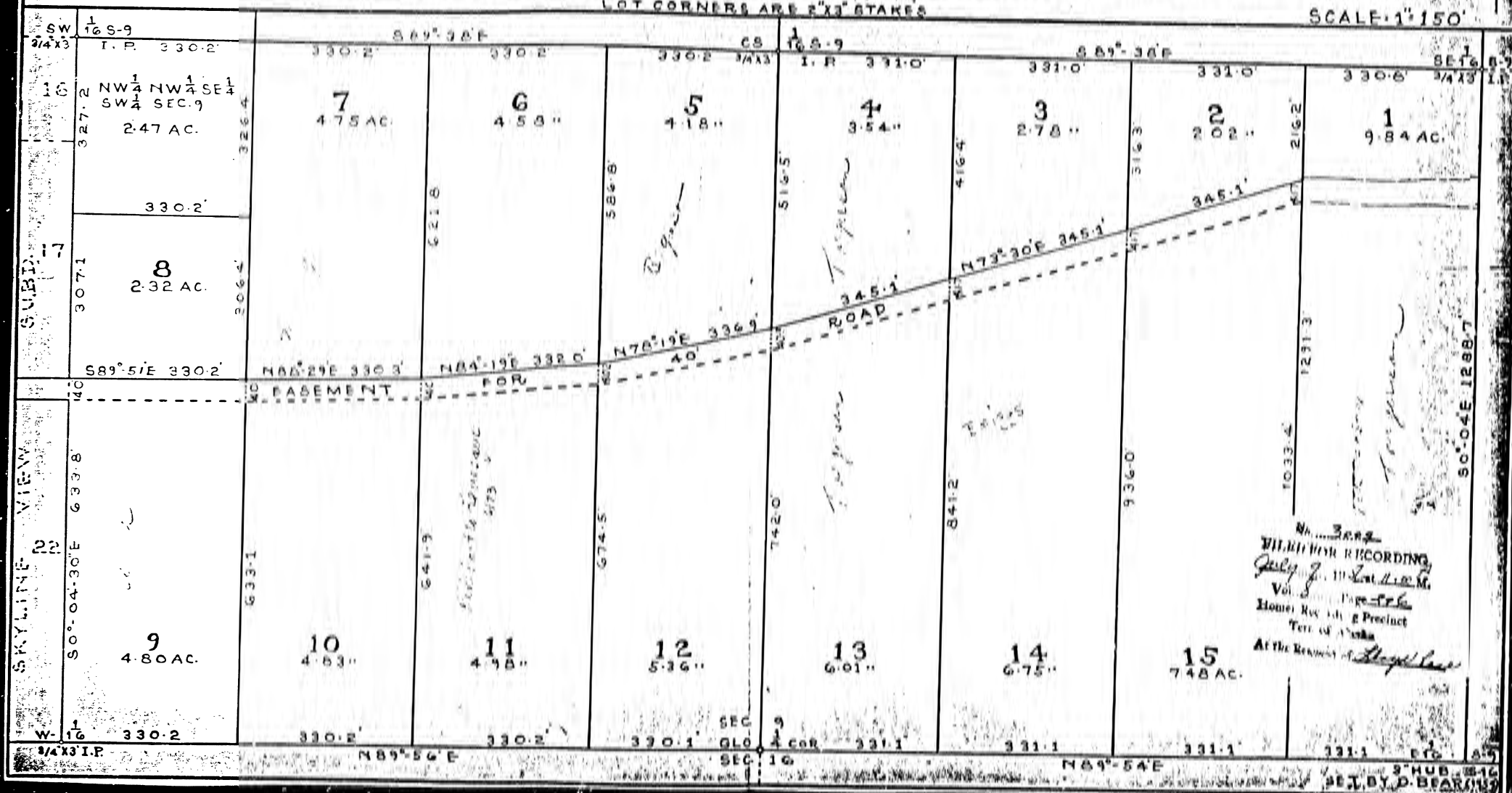
LOCATED IN SE $\frac{1}{4}$ SW $\frac{1}{4}$; SW $\frac{1}{4}$ SE $\frac{1}{4}$ SECTION 9, TOWNSHIP 6 S. RANGE 13 W.
SEWARD MERIDIAN, ALASKA JUNE 30, 1956

THE UNDERSIGNED, A REGISTERED LAND SURVEYOR IN THE TERRITORY OF ALASKA, DOES HEREBY CERTIFY THE MONUMENTS SHOWN ON THIS PLAT HAVE BEEN SET IN ACCORDANCE WITH A TRUE SUBDIVISIONAL SURVEY OF SEC. 9; THAT BEARINGS, DISTANCES AND AREAS SHOWN ARE SUBSTANTIALLY CORRECT. *Henning N. Johnson* 268-8



LOT CORNERS ARE 2"x3" STAKES

SCALE 1"=150'



Hindman, Julie

From: Gary Nelson <gary@abilitysurveys.com>
Sent: Saturday, October 29, 2022 6:20 PM
To: Hindman, Julie
Subject: <EXTERNAL-SENDER>RE: Lloyd Race Lot 4 Replat

CAUTION: This email originated from outside of the KPB system. Please use caution when responding or providing information. Do not click on links or open attachments unless you recognize the sender, know the content is safe and were expecting the communication.

Julie;

Thank you for the notification. Either we are using different methods to make that determination, or more probably I believe it was due to a last minute move of Lot division line to suite the Divorcing owners. Yes a marriage divorce is mandating this division.

I hereby ask for an exception to the 3:1 Depth to width ratio. KPB says the ratio of the Lot 4A is 3.1:1. The request is based on topographic constraints and assertion of spouse that she needs the line drawn that way for her terms of divorce. A drainage seems to be the limiting criteria.

Thank You,

Gary Nelson, PLS
907-299-1184

From: Hindman, Julie <jhindman@kpb.us>
Sent: Saturday, October 29, 2022 5:53 PM
To: Gary Nelson (gary@abilitysurveys.com) <gary@abilitysurveys.com>
Subject: Lloyd Race Lot 4 Replat

Gary,

I've checked Lot 4A a couple of times and keep finding the depth to width is 3.1:1. Please request an exception.

Julie Hindman
Platting Specialist
Ph: (907) 714-2210
Fx: (907) 714-2378

KENAI PENINSULA BOROUGH
144 North Binkley Street
Soldotna, Alaska 99669





City of Homer

www.cityofhomer-ak.gov

Planning

491 East Pioneer Avenue
Homer, Alaska 99603

Planning@ci.homer.ak.us

(p) 907-235-3106

(f) 907-235-3118

November 2, 2022

Homer Advisory Planning Commission

Notice of Action

Request: Approval of Lloyd Race Lot 4 Replat Preliminary Plat

Applicants:

Eric Bentson and Tasse Hibbard-Bentson

1723 Beulah Church Rd

Calhoun, LA 71225

Gary Nelson

Ability Surveys

152 Dehel Ave.

Homer AK 99603

At the regular meeting of August 3, 2022 the Homer Advisory Planning Commission forwarded a **recommendation for approval** of the preliminary plat with staff recommendations and the attached minutes to the Kenai Peninsula Borough Planning Commission.

Should you have any questions, please contact the planning office at 235-3106.

Cc: Madeleine Quanton, Platting Technician, Kenai Peninsula Borough

PRESENTATIONS / VISITORS

- A. Memorandum from Jenny Carroll, Special Projects & Communications Coordinator

Deputy City Clerk Krause provided guidance on this item at the request of the Chair. She noted that when the agenda was prepared by the Planning Department this topic was inadvertently listed under Presentations/Visitors and not New Business. It is the reason that this topic will be on the next meeting agenda for the Commission to take action.

STAFF & COUNCIL REPORT/COMMITTEE REPORTS

- A. Staff Report 22-45, City Planner's Report

City Planner Abboud provided a summary of Staff Report 22-45. He noted the following:

- Ordinances approved by City Council at the July 25th regular meeting
- New permitting software status update

City Planner Abboud facilitated questions and answered the following:

- status of asbuilts for completed projects

City Planner Abboud requested volunteers to make the report to City Council.

Chair Smith volunteered for the August 8th meeting. He then spoke at length explaining for Commissioner Stark what was involved in reporting at the Council meetings, noting that he always writes a summary report to submit and would be more than happy to provide a copy for him to assist in making the report.

PUBLIC HEARINGS

PLAT CONSIDERATION

- A. Staff Report 22-46, Lloyd Race Lot 4 Replat Preliminary Plat

Chair Smith introduced the item by reading of the title and invited City Planner Abboud to provide his report to the Commission.

City Planner Abboud provided a summary of Staff Report 22-46. he clarified that there would be no impact to the Public Works Department regarding the utility easement.

The Clerk confirmed for the Chair that there was no applicant present.

Chair Smith opened the public comment period. He confirmed with the Clerk that there was no public in attendance via Zoom wanting to comment and noted for the record that there was no public present in Council Chambers. He then closed the public comment period.

There were no questions or comments from the Commission for the City Planner in response to a request by the Chair, who then requested a motion from the Commission.

HIGHLAND/VENUTI - MOVED TO ADOPT STAFF REPORT 22-46 AND RECOMMEND APPROVAL OF THE PRELIMINARY PLAT WITH THE FOLLOWING COMMENTS:

1. INCLUDE A PLAT NOTE STATING PROPERTY OWNER SHOULD CONTACT THE ARMY CORP OF ENGINEERS PRIOR TO ANY ONSITE DEVELOPMENT OR CONSTRUCTION ACTIVITY TO OBTAIN THE MOST

CURRENT WETLAND DESIGNATION (IF ANY). PROPERTY OWNERS ARE RESPONSIBLE FOR OBTAINING ALL REQUIRED LOCAL, STATE AND FEDERAL PERMITS.

2. DEDICATE A 15 FOOT UTILITY EASEMENT ADJACENT TO MISSION ROAD

3. DEDICATE A 30 FOOT DRAINAGE EASEMENT CENTERED ON THE DRAINAGE.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

B. Staff report 22-47, Hamm Subdivision Preliminary Plat

Chair Smith introduced the item by reading the title and deferred to City Planner Abboud.

City Planner Abboud provided a summary of Staff Report 22-47. He noted the items that were included in the laydown materials and stated that a motion should contain a third condition regarding adding a 15 foot drainage and utility easement on the western lot line.

The Clerk confirmed for the Chair that there was no applicant present.

Chair Smith opened the floor to the Commission for questions.

City Planner Abboud provided clarification on the Borough requirement for cul-de-sacs and explained the reasoning behind the exception to KPB 20.30.100

Chair Smith hearing no further questions from the Commission requested a motion.

HIGHLAND/VENUTI MOVED TO ADOPT STAFF REPORT 22-47 AND RECOMMEND APPROVAL OF THE PRELIMINARY PLAT WITH THE FOLLOWING COMMENTS:

1. INCLUDE A PLAT NOTE STATING PROPERTY OWNER SHOULD CONTACT THE ARMY CORP OF ENGINEERS PRIOR TO ANY ONSITE DEVELOPMENT OR CONSTRUCTION ACTIVITIY TO OBTAIN THE MOST CURRENT WETLAND DESIGNATION (IF ANY). PROPERTY OWNERS ARE RESPONSIBLE FOR OBTAINING ALL REQUIRED LOCAL, STATE AND FEDERAL PERMITS.

2. THE CITY OF HOMER DOES NOT REQUEST THE DEDICATION OF COLLIE STREET OTHER THAN WHAT IS DEPICTED ON THE PLAT AND RECOMMENDS AN EXCEPTION TO KPB 20.30.100, CUL DE SACS.

3. ADD A 15 FOOT DRAINAGE AND UTILITY EASEMENT ON THE WESTERN LOT LINE.

There was no discussion

VOTE: NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PENDING BUSINESS

A. Staff Report 22-48, Review of Conditional Uses and Structures

Chair Smith introduced the item by reading of the title.

City Planner Abboud reviewed Staff Report 22-48 for the Commission. He noted the status of the discussion from the previous meeting and facilitated discussion on the following points:



City of Homer

www.cityofhomer-ak.gov

Planning

491 East Pioneer Avenue
Homer, Alaska 99603

Planning@ci.homer.ak.us

(p) 907-235-3106

(f) 907-235-3118

Staff Report 22-46

TO: Homer Planning Commission **22-46**
FROM: Julie Engebretsen, Economic Development Manager
THROUGH: Rick Abboud, City Planner
DATE: 8/3/2022
SUBJECT: Lloyd Race Lot 4 Replat Preliminary Plat

Requested Action: Approval of a preliminary plat to subdivide one larger lot into two smaller lots

General Information:

Applicants:	Eric Bentson and Tasse Hibbard-Bentson 1723 Beulah Church Rd Calhoun, LA 71225	Ability Surveys Gary Nelson, PLS 152 Dehel Ave Homer AK 99603
Location:	Mission Road	
Parcel ID:	17403004	
Size of Existing Lot(s):	3.54 acres	
Size of Proposed Lots(s):	2.152 and 1.155 acres	
Zoning Designation:	Rural Residential District	
Existing Land Use:	Vacant	
Surrounding Land Use:	North: Residential South: Residential East: Residential West: Residential/Vacant	
Comprehensive Plan:	Goal 1-C-1 Promote infill development in all housing districts.	
Wetland Status:	There is a drainage through the property, running north/south.	
Flood Plain Status:	Zone D, flood hazards undetermined.	
BCWPD:	Not within the Bridge Creek Watershed Protection District.	
Utilities:	City water and sewer are not available at this time.	
Public Notice:	Notice was sent to 33 property owners of 24 parcels as shown on the KPB tax assessor rolls.	

Analysis: This subdivision is within the Rural Residential District. This plat creates two smaller lots from one larger lot.

Homer City Code 22.10.051 Easements and rights-of-way

- A. The subdivider shall dedicate in each lot of a new subdivision a 15-foot-wide utility easement immediately adjacent to the entire length of the boundary between the lot and each existing or proposed street right-of-way.

Staff Response: The plat does not meet these requirements. Dedicate a 15 foot UE adjacent to Mission Road.

- B. The subdivider shall dedicate in each lot of a new subdivision any water and/or sewer easements that are needed for future water and sewer mains shown on the official Water/Sewer Master Plan approved by the Council.

Staff Response: The plat meets these requirements.

- C. The subdivider shall dedicate easements or rights-of-way for sidewalks, bicycle paths or other non-motorized transportation facilities in areas identified as public access corridors in the Homer Non-Motorized Transportation and Trail Plan, other plans adopted by the City Council, or as required by the Kenai Peninsula Borough Code.

Staff Response: The plat meets these requirements.

Preliminary Approval, per KPB code 20.25.070 Form and contents required. The commission will consider a plat for preliminary approval if it contains the following information at the time it is presented and is drawn to a scale of sufficient size to be clearly legible.

- A. Within the Title Block:
1. Names 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;
 2. Legal description, location, date, and total area in acres of the proposed subdivision; and
 3. Name and address of owner(s), as shown on the KPB records and the certificate to plat, and registered land surveyor;

Staff Response: The plat meets these requirements.

- B. North point;

Staff Response: The plat meets these requirements.

- 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 Response: The plat meets these requirements.

- 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 Response: The plat meets these requirements.

- E. All parcels of land including those intended for private ownership and those to be dedicated for public use or reserved in the deeds for the use of all property owners in the proposed subdivision, together with the purposes, conditions or limitation of reservations that could affect the subdivision;

Staff Response: The plat meets these requirements.

- F. The names and widths of public streets and alleys and easements, existing and proposed, within the subdivision; [Additional City of Homer HAPC policy: Drainage easements are normally thirty feet in width centered on the drainage. Final width of the easement will depend on the ability to access the drainage with heavy equipment. An alphabetical list of street names is available from City Hall.]

Staff Response: The plat meets these requirements.

- G. Status of adjacent lands, including names of subdivisions, lot lines, lock numbers, lot numbers, rights-of-way; or an indication that the adjacent land is not subdivided;

Staff Response: The plat meets these requirements.

- H. Approximate location of areas subject to inundation, flooding or storm water overflow, the line of ordinary high water, wetlands when adjacent to lakes or non-tidal streams, and the appropriate study which identifies a floodplain, if applicable;

Staff Response: The plat meets these requirements.

- I. Approximate locations of areas subject to tidal inundation and the mean high water line;

Staff Response: The plat meets these requirements.

- J. Block and lot numbering per KPB 20.60.140, approximate dimensions and total numbers of proposed lots;

Staff Response: The plat meets these requirements.

- K. Within the limits of incorporated cities, the approximate location of known existing municipal wastewater and water mains, and other utilities within the subdivision and immediately abutting thereto or a statement from the city indicating which services are currently in place and available to each lot in the subdivision;

Staff Response: The plat meets these requirements.

- 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 Response: The plat meets these requirements.

- M. Approximate locations of slopes over 20 percent in grade and if contours are shown, the areas of the contours that exceed 20 percent grade shall be clearly labeled as such;

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements.

- 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 Response: The plat meets these requirements.

Public Works Comments:

1. Dedicate a 15' utility easement fronting the ROW.
2. Dedicate a 30 foot drainage easement, centered on the drainage.

Staff Recommendation:

Planning Commission recommend approval of the preliminary plat with the following comments:

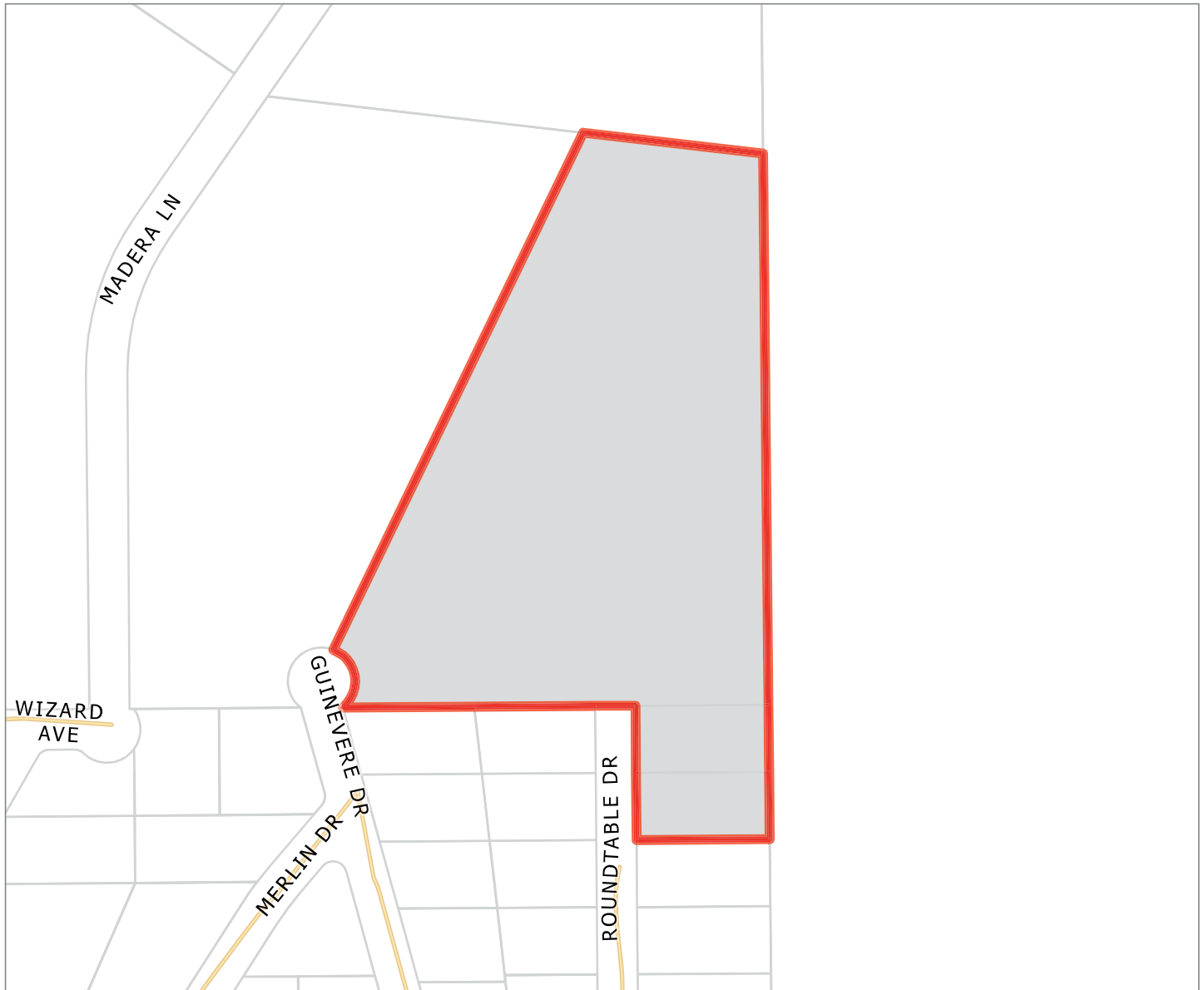
1. Include a plat note stating "Property owner should contact the Army Corps of Engineers prior to any on-site development or construction activity to obtain the most current wetland designation (if any). Property owners are responsible for obtaining all required local, state and federal permits."
2. Dedicate a 15 foot UE adjacent to Mission Road.
3. Dedicate a 30 foot drainage easement, centered on the drainage.

Attachments:

1. Preliminary Plat
2. Surveyor's Letter
3. Public Notice
4. Aerial Map

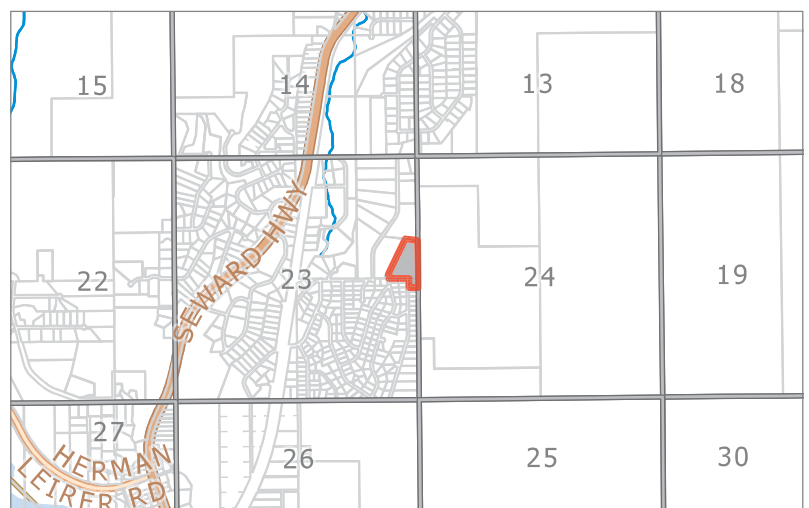
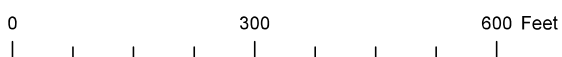
E. NEW BUSINESS

- 3. Questa Woods Subdivision Unrein Addition
KPB File 2022-159**



KPB File 2022-159
T 01N R 01W SEC 23
Bear Creek

10/23/2022





CERTIFICATE OF OWNERSHIP AND DEDICATION

I (we), hereby certify that I (we) am the owner of the real property shown and described hereon and that 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.

Owner

JAMES DANIEL UNREIN, HAYLEY MAE UNREIN, EMILY RENE UNREIN,
JAMIES SIMEON UNREIN, and LEANN UNREIN
P.O. Box 3474
Seward, Alaska 99664-3474

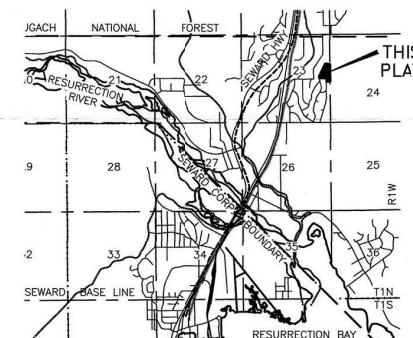
Notary Acknowledgement

for _____ Subscribed and

sworn to before me this _____ day _____

Notary Public for the State of Alaska My Commission Expires _____

Vicinity Map Scale: 1" = 1 Mile



PLAT OF UNREIN SUBDIVISION

Lots 1, 2, & 3 - CONTAINING 10.13 Acres
A RESUBDIVISION OF Lots 1 & 2, BLOCK 11
CAMELOT BY THE SEA SUBDIVISION (Serial No. 71-309, Plat #76)
AND
TRACT H, QUESTA WOOD SUBDIVISION, SOUTHERN ADDITION
(Plat No. 98-01)
LOCATED WITHIN THE E 1/2, SECTION 23, T1N, R1W,
SEWARD MERIDIAN, ALASKA
KENAI PENINSULA BOROUGH
SEWARD RECORDING DISTRICT

Lang & Associates, Inc.
Professional Land Surveyors

11500 Daryl Avenue
Anchorage, Alaska 99515-3049
(907) 522-6476
ken@langsurvey.com
jonathan@langsurvey.com
travis@langsurvey.com

State of Alaska AECC963

OWNERS

JAMES DANIEL UNREIN,
HAYLEY MAE UNREIN,
EMILY RENE UNREIN,
JAMIES SIMEON UNREIN,
LEANN UNREIN
PO BOX 3474
SEWARD, AK 99664

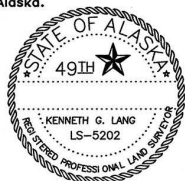
GRID: N/A SCALE: 1" = 100' DATE: 21 OCTOBER 2022

DRAWN: JCL SHEET 1 OF 1 PROJECT #: 22-416

JOB FILE: L22416pp.dwg

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.



NOTE:

THE SECTION LINE EASEMENT ONLY APPEARS ON THE PLAT OF QUEST WOODS SUBDIVISION, SOUTHERN ADDITION (Plat No. 98-01) AND IS NOT MENTIONED IN THE PATENT FOR THE SE 1/4, SECTION 23, T1N, R1W, SEWARD MERIDIAN, ALASKA, DATED JUNE 2, 1923, PATENT NUMBER 908112.

WASTEWATER DISPOSAL

Plans for wastewater disposal, that meet regulatory requirements are on file at the Department of Environmental Conservation.

PLAT APPROVAL

Plat approved by the Kenai Peninsula Borough Planning Commission at the

meeting of _____

Borough Official _____

KPB 2022-159

AGENDA ITEM E. NEW BUSINESS

ITEM 3 – QUESTA WOODS SUBDIVISION UNREIN ADDITION

KPB File No.	2022-159
Plat Committee Meeting:	November 14, 2022
Applicant / Owner:	James, Hayley, Emily, James, Leann Unrein all of Seward, Alaska
Surveyor:	Ken Lang / Lang and Associates, Inc.
General Location:	Guinevere Drive, Roundtable Drive, Bear Creek

Parent Parcel No.:	144-012-04, 144-210-01, 144-210-02
Legal Description:	Lots 1 and 2, Block 11, Camelot by the Sea Subdivision, Plat SW 76 and Tract H, Questa Wood Subdivision Southern Addition, SW 98-01
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On Site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will reconfigure three lots into three new lots and vacate a public access easement. The former parcels were .45, .47, and 9.2 acres and the new lots will be 1.148, 2.67, and 6.31 acres.

Location and Legal Access (existing and proposed): The proposed subdivision is located at the end of Guinevere Drive and Roundtable Drive, 60 foot wide dedications.

Guinevere Drive ends with a cul-de-sac bulb and it appears borough maintenance ends at the intersection with Merlin Drive leaving approximately 165 feet unmaintained. Guinevere Drive currently provides constructed access to Tract H. This access can be used by proposed Lot 2. Proposed Lot 1 will have access from Guinevere Drive.

Roundtable Drive dead ends with a temporary turnaround at the end. The right-of-way is maintained but it appears maintenance ends right at the southern portion of the subdivision. The parent lots 1 and 2 currently have access from Roundtable Drive. It also appears that parent Tract H has constructed access from Roundtable Drive. Proposed Lot 2 will have access via Roundtable Drive.

The subdivision is access by Salmon Creek Road, a state maintained right-of-way that is near mile 3 of the Seward Highway. There are multiple dedicated routes but some are not constructed or dedications not fully obtained.

Questa Woods Subdivision Southern Addition, Plat SW 98-01, depicted a 33 foot section line easement along the eastern boundary and within parent Tract H. This was not a state granted section line easement based on the date of entry for the property and the issuance of the federal patent. When depicted on a plat, where a section line easement does not exists, a public access easement is created that can be used in the same manner as a section line easement. To the south and within parent Lots 1 and 2, a section line easement does not exist and the parent plat did not indicate an easement. The lot to the east is a large acreage lot owned by Alaska Mental Health Trust Authority. Per KPB staff documentation, it appears that the large acreage parcel is subject to a 50 foot section line easement that connects to a 33 foot section line easement to the north and then to dedicated rights-of-way. The owners are requesting to vacate the public access easement that was created along Tract H and to finalize with the plat. The petition to vacate will be heard by the Kenai Peninsula Borough Planning Commission at the November 14, 2022 meeting.

The block is not compliant due to large acreage lots to the east as well as multiple rights-of-way ending with cul-de-sacs. Camelot by the Sea Subdivision was a subdivision of 160 acres and is located to the south of this subdivision. The subdivision was done in 1971 and the design created multiple meandering roads making some of the blocks

difficult to define. Guinevere Drive and Roundtable Drive were dedicated with the intent of continuing to the north. When Questa Wood Subdivision Southern Addition was done in 1998 the roads were not continued. A bulb was granted at the end of Guinevere Drive and a new road was dedicated to the north, Madera Lane, off Castle Drive. Camelot by the Sea Subdivision did but a temporary cul-de-sac at the end of Roundtable Drive with the note it would be automatically vacated with the extension of the right-of-way. The owners are requesting an exception to not continue Roundtable Drive to the north and to carry over the temporary turnarounds. **Staff recommends the plat committee concur that an exception to block length is not required as the main dedications to improve the block have an exception request.**

If the exception is granted for dedications, **staff recommends the label for the temporary turnaround be updated to state "...per Plat SW 76."**

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

Site Investigation: There are no low wet areas within the subdivision boundary or affecting adjacent rights-of-way. The submitted preliminary plat contains terrain which appears to be four foot contours. There are several areas within the subdivision that appear to contain slopes greater than 20 percent. Some of those areas are labeled. **Staff recommends any steep slopes greater than 20 percent be indicated on the final plat if they will limit development or access routes for the new lots.**

Structures are present and as-builts were supplied. The structures that will be within proposed Lot 2 are within the property boundary but a fuel tank is within the easement proposed for vacation. The improvements that will be within proposed Lot 3 will be fully contained as the lot line adjustment will correct the encroachment issue.

KPB River Center review	Floodplain: Not within flood hazard area. Located in a Non-Regulatory X - Zone, minimal flood risk. Habitat Protection: Is NOT within HPD. No comments State Parks: No comments
State of Alaska Fish and Game	No objections

Staff Analysis This is a replat of three lots from two separate parent plats. The three lots will be reconfigured to create three new lots. The two larger lots will have access from the cul-de-sac for Guinevere Drive. The width is limited and under 60 feet width but the narrow portions increase in width within a reasonable distance. A flag lot note should be added as well as one stating limited future development may occur.

The replat will also address an encroachment issue between parent Lot 1 and Tract H.

Parent parcel Tract H was subject to 20 foot building setbacks per plat notes on Questa Woods Subdivision Southern Addition, Plat SW 98-01. **Staff recommends the setbacks be depicted, if unable due to required information a typical depiction may be used, and required plat notes be added.**

If new dedications are required or granted, **staff recommends improvements be located to ensure that there will be no encroachments within dedications, setbacks, or utility easements, if any are found they are to be disclosed and resolution be provided. If within new setbacks or utility easements the structures may be grandfathered after a review by staff and the appropriate depictions and notes being added to the final plat.**

A soils report will not be required for Lot 2 due to the size of the lot. Lot 3 is increasing in size and will not require a soils analysis report. Lot 1 will require a soils analysis report to be reviewed and an engineer will need to sign the final plat. **Staff recommends** the correct wastewater notes be added that comply with KPB 20.40 and findings within the soils analysis report.

Notice of the proposed plat was mailed to the beneficial interest holder on October 24, 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 Proposed Lot 3 will be subject to a 20 foot utility easement along the eastern boundary and a 10 foot utility easement along the northern boundary of the former lot line that were granted with Camelot by the Sea Subdivision. **Staff recommends** the label for the 10 foot and 20 foot utility easement state they are granted by Plat SW 76.

Proposed Lot 1 and Lot 2 will be subject to 10 foot utility easements that were granted with Questa Wood Subdivision Southern Addition. The plat notes states the 10 feet adjacent to rights-of-way were utility easements. This would include at the end of Roundtable Drive. **Staff recommends** the utility easements be depicted along Guinevere Drive and Roundtable Drive.

Per KPB code, a required 10 foot utility easement is required adjacent to rights-of-way. New utility easements will need to be granted along Roundtable Drive and any new dedications. **Staff recommends** the new utility easements be depicted and code required plat notes be added.

An easement with a defined location has been granted to the City of Seward for utilities per the Certificate to Plat. **Staff recommends** the location be shown with a reference to a plat note that contains the recording information.

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	This subdivision is not located with HEA's service area. No comments.
ENSTAR	No comments or recommendations
ACS	No objections
GCI	Approved as shown
SEWARD ELECTRIC	No response
CHUGACH ELECTRIC	No comments. Not within service area.
TELALASKA	No response

KPB department / agency review:

Addressing	<p>Reviewer: Haws, Derek</p> <p>Affected Addresses:</p> <p>12512 ROUNDTABLE DR</p> <p>12498 ROUNDTABLE DR</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names:</p>
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	<p>GUINEVERE DR ROUNDTABLE DR</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: 12512 ROUNDTABLE DR will remain with lot 2. 12498 ROUNDTABLE DR will remain with lot 3.</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**

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: Include the KPB File number. Update the file name as discussed with staff. Update the owners' name, "James Simeon".

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: Some information is cut off such as Chugach Forest label. Instead of Seward Corp Boundary update to Seward City Limits. Make sure there are no overstrikes on information.

- 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: *Parent plat information is not requested if from the same parent plat listed within the title block. As there are more than one subdivision associated with this plat, provide the recording number for the neighboring lots. The block label for Lot 11 currently has an overstrike, make sure visible with final. The lot south of proposed Lot 3 needs updated from 2 to 3.*
- J. Block and lot numbering per KPB 20.60.140, approximate dimensions and total numbers of proposed lots;
Staff recommendation: *Staff requests the lot numbers be revised to incorporate a former lot number within the new number. Example: 1A, H1, H2. If the lot does not contain a block label it will not be carried over. This is not a requirement but if the owners wish it to be part of the new legal a label will be required.*
- N. Apparent encroachments, with a statement indicating how the encroachments will be resolved prior to final plat approval;
Staff recommendation: *House on Lot 3 appears to be in utility easement. No petition to vacate has been received.*

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: *Plat notes are required as well as depiction or detail drawing.*

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: *Proposed Lot 2 is larger than 5 acres and does not require a soils report. Lot 3 is increasing in size and does not require a soils report. Lot 1 will require a soils analysis report and an engineer must sign the plat.*

Staff recommendation: Plat notes will need to be added that note which lot the note pertains, 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: Any dedications required will need an acceptance to be signed by the borough.

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.

- If dedications are required, "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)."
- Lots from Camelot by the Sea are subject to covenants, conditions, restrictions, and/or easements recorded on July 26, 1971 in Book 51R, Page 39, Seward Recording District and amended on September 22, 1972 in Book 53R, Page 74, Seward Recording District. Lots from Questa Woods Subdivision Southern Addition are subject to covenants, conditions, restrictions, and/or easements recorded on January 21, 1998 in Book 89, Page 345, Seward Recording District.
- The borough will not enforce private covenants, easements, or deed restrictions per KPB 20.60.170.
- Subject to right-of-way easement defined by document serial number 2004-000312-0, Seward Recording District, granted to the City of Seward.
- Setback and utility required notes must be added.
- Required wastewater disposal notes must be added.
- If any exceptions are granted a plat note must be added.
- If the vacation of the section line easement is granted please add the following "The 33 foot public access easement that was designated as a section line easement on Questa Woods Subdivision, Southern Addition, Plat SW 98-01, was vacated by the Kenai Peninsula Borough Planning Commission at the November 14, 2022 meeting. Consent by the Kenai Peninsula Borough Assembly was granted on December 13, 2022."
- No structures are permitted within the panhandle portion of the flag lot(s).
- There may be possible limitations on further subdivision based on access issues, development trends in the area, or topography.

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: The certificate of ownership shall be done in the plural, correct the spelling of James Simeon's name, provide Leann's middle initial as this is how title was taken. The signature lines should indicate which former lots they are signing on behalf of. Additional notary space may be required. Correct as the current notary is a combination of acknowledgement and jurat. Comply with 20.60.190.

KPB 20.70 – Vacation Requirements

Staff recommendation. *Must be recorded within one year of consent.*

EXCEPTIONS REQUESTED:

KPB 20.30.030 – Proposed street layout-requirements and KPB 20.30.100 – Cul-de-sacs

Surveyor's Discussion: The underlying plat for Camelot by the Sea created a temporary cul-de-sac at the north end of Roundtable Drive. Since they are not allowed under the current code we are requesting an exception for it to be carried forward on this plat. By doing so Roundtable Drive could be extended in the future.

Staff Discussion: Staff has grouped the exception requests, if the Plat Committee wishes to take action on the exceptions separately they may do so by making two separate motions.

Surveyor's Findings:

1. This is a situation that has been in existence since the plat was recorded in 1971.
2. The petitioner does not want to extend the street at this time but would like the option to do so in the future.
3. The granting of these exceptions is not detrimental to the borough or the adjacent property owners.

Staff's Findings:

4. Camelot by the Sea Subdivision, SW 76, granted a temporary cul-de-sac with the note it would be automatically vacated upon street extension.
5. Camelot by the Sea Subdivision, SW 76, intended the property to the north to continue the dedication.
6. Questa Woods Subdivision Southern Addition, SW 98-01, did not continue Roundtable Drive and did not provide a turnaround area.
7. Questa Woods Subdivision Southern Addition, SW 98-01, dedicated a different through right-of-way that meanders slightly in the subdivision.
8. A through dedication of Roundtable Drive could be granted but would need to connect to Timber Drive and would not run north to connect to Melanie Lane due to Timber Drive design.
9. Additional parcels would be needed to provide a proper continuation.
10. Tract G to the north has improvements near the straight through continuation.
11. Extensions of Roundtable Drive will need to be planned with development and existing restrictions.
12. Cul-de-sacs are to be permanently closed.
13. Due to the design of the two new lots, requiring a cul-de-sac will limit their future development.
14. Current KPB Code no longer allows for temporary turnarounds.
15. The temporary turnaround is in place until the road is extended or vacated.
16. Requiring a different style turnaround dedication such as hammerhead or t-style would comply with code and allow for future extension.
17. Dedicating a hammerhead or t-style would not remove the temporary turnaround and the lot will still be subject to the temporary turnaround as the note specifically states it is street extension.

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, 6-13, 15, and 17 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, 6-13, 15, and 17 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, 6-13, 15, and 17 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.

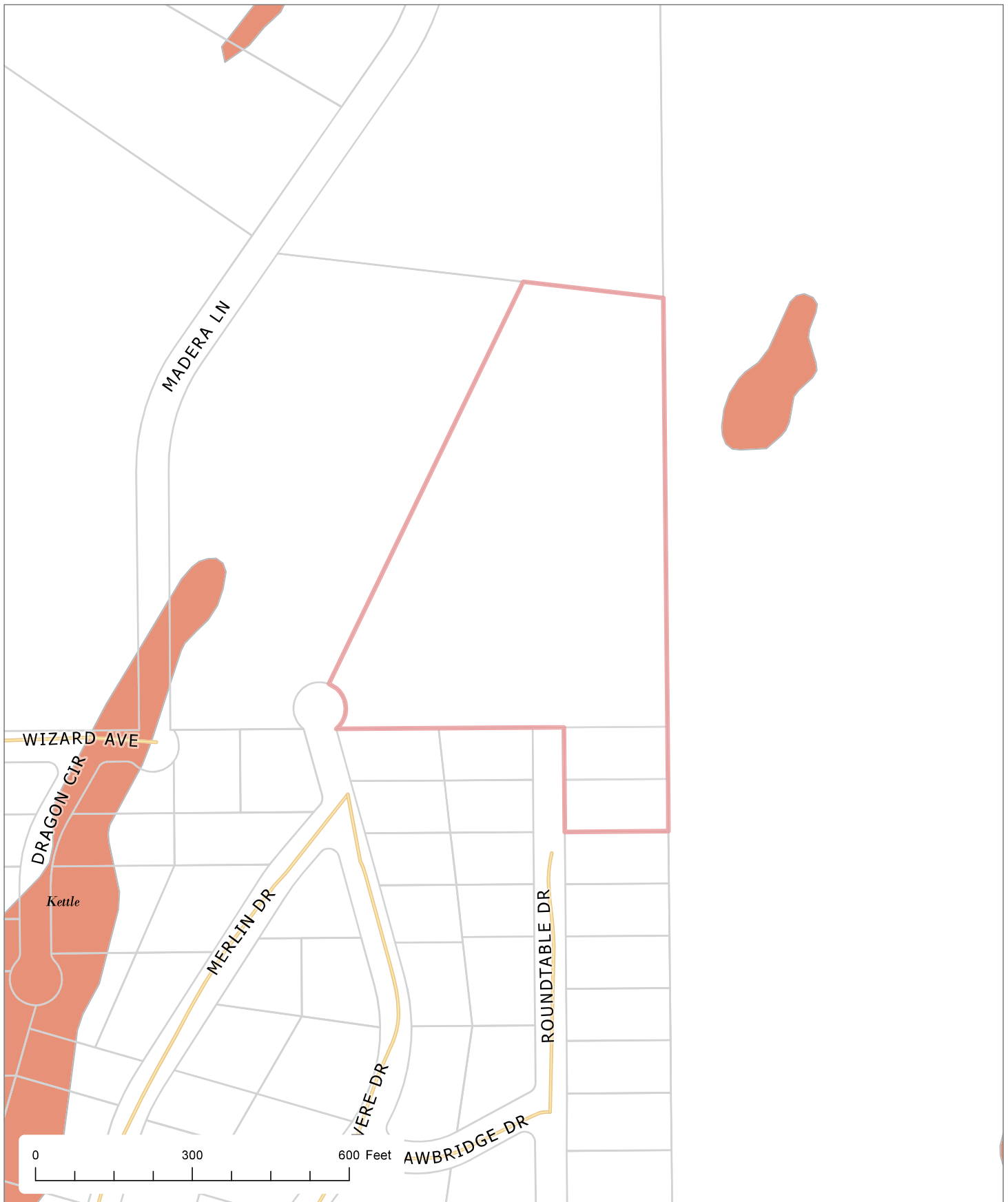
A DECISION OF THE PLANNING COMMISSION MAY BE APPEALED TO THE HEARING OFFICER BY A PARTY OF RECORD WITHIN 15 DAYS OF THE DATE OF NOTICE OF DECISION IN ACCORDANCE WITH KPB 21.20.250.

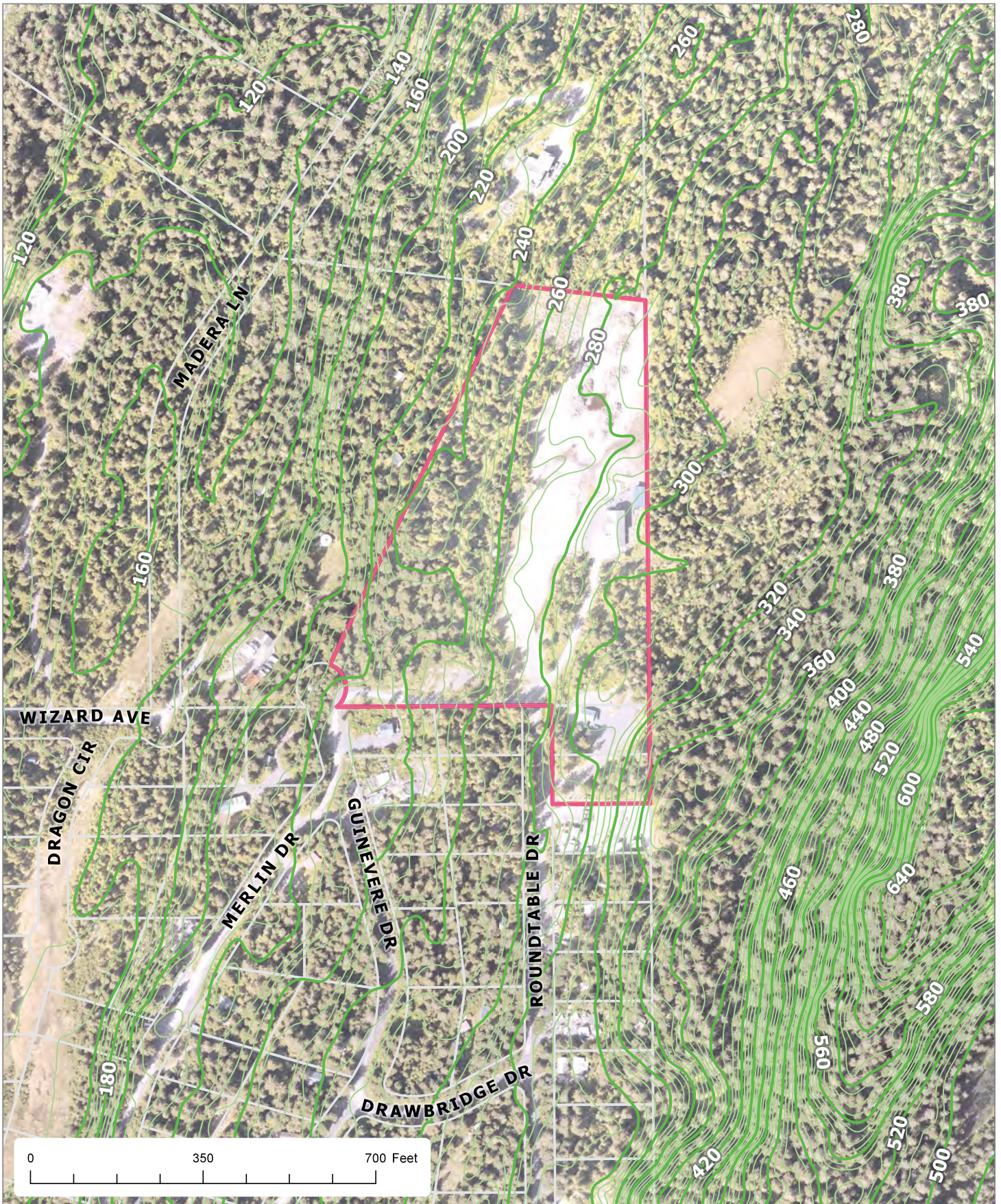
END OF STAFF REPORT





Wetlands







Planning Department

144 N. Binkley Street, Soldotna, Alaska 99669 • (907) 714-2200 • (907) 714-2378 Fax

EXCEPTION REQUEST APPLICATION

NAME OF PRELIMINARY PLAT OR PLANNING COMMISSION ITEM:

Unrein Subdivision

PROPERTY INFORMATION:

legal description: Lot 1 & 2, Blk 11 Camelot & Tract H, Questa Woods Sub, Southern add

General area location: at the north end of Roundtable Drive, Seward

20.50.010. - EXCEPTIONS TO REGULATIONS—PROCEDURE—COMMISSION AUTHORITY.

- A. Unless prohibited under this title, the commission may authorize exceptions to any of the requirements set forth in this title. Application for an exception shall present the commission with substantial evidence, justifying the requested waiver or exception stating fully the grounds for the application and the facts relied upon. The commission 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;
 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;
 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.
- B. Where a design requirement of this title is addressed by a zoning regulation adopted by the borough assembly or city council, the variance procedures of the applicable zoning code shall be utilized in lieu of the exception procedures.
- C. All exceptions must be requested and granted at the time of preliminary plat approval. Exceptions may not be requested with a final plat submittal.
- D. Upon reconsideration of a plat committee decision following the procedure in KPB 20.25.120, an appeal of a decision of the planning commission made under this section shall be taken to the

SUBMITTAL REQUIREMENTS

Identify the exceptions requested including the section identifier of KPB code. Provide evidence justifying the requested exceptions that fully states the grounds for the exception request, and the facts relied upon. A letter can be attached to this application.

20.30.030 Proposed street layout

30.30.100 Cul-de-sacs

The underlying plat for Camelot by the Sea created a temporary cul-de-sac at the north end of Roundtable Drive. Since they are not allowed under the current code we are requesting an exception for it to be carried forward on this plat. By doing so Roundtable Drive could be extended in the future. Our justification is as follows:

This is a situation that has been in existence since the plat was recorded in 1971, The petitioner does not want to extend the street at this time but would like the option to do so in the future. The granting of these exceptions is not detrimental to the Borough or the adjacent property owners.

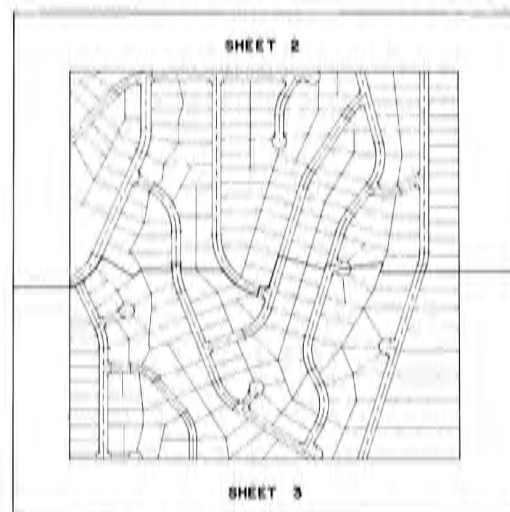
FOR OFFICE USE ONLY

RECEIVED BY _____

DATE SUBMITTED _____

KPB FILE # _____

CAMELOT BY THE SEA SUBDIVISION



PROTECTIVE COVENANTS

Restrictions on the use of the property in this subdivision are recorded in Miscellaneous Book 111 Page 17 at the District Recorder's Office Beward Alaska

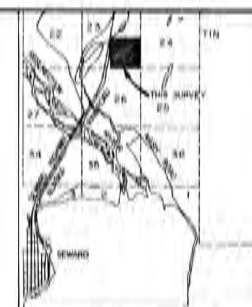
Section line right-of-way on east and south lines is vacated, except as noted.

LEGAL DESCRIPTION

The South East 1/4 of Section 23 Township 1 North, Range 1 West, Seaward Meridian containing 69.958 acres more or less.

PROPOSED LAND USE

All lots are for recreational and residential use with the exception of lot 12, Block 2, which will be a park.



VICINITY MAP
SCALE 1"=1 MILE

CERTIFICATE OF OWNERSHIP

We hereby certify that we are the owners of the property shown and described hereon and that we hereby adjust this plan of subdivision, and dedicate all streets, alleys, walks, parks, utility easements, and other open spaces to public use.

July 27 1971
Date

Robert A. Purcell
Robert A. Purcell, Secretary-Treasurer
A.I.M. Inc., 5437 Wandering Drive
Anchorage, Alaska

STATE OF ALASKA

THIRD JUDICIAL DISTRICT

On this 27 day of July, 1971, before me, the undersigned, a Notary Public for the State of Alaska personally appeared Robert A. Purcell to me known to be the person described in and who executed the foregoing certificate of ownership and dedicate, acknowledged to me that they executed the same as their free and voluntary act.

Witness my hand and official seal the day, month and year herein above written.

William J. Lee
Notary Public for Alaska

My commission expires 6-18-72

CERTIFICATE OF REGISTERED ENGINEER

I hereby certify that I am a registered civil engineer and that this plat was made by me or under my direct supervision.

July 27 1971
Date

Robert A. Purcell
Registered Engineer



FINAL PLAT APPROVAL

That approved by the commission this 27 day of July, 1971.

Robert A. Purcell
Chairman

Secretary

232 LOTS

CAMELOT BY THE SEA SUBDIVISION

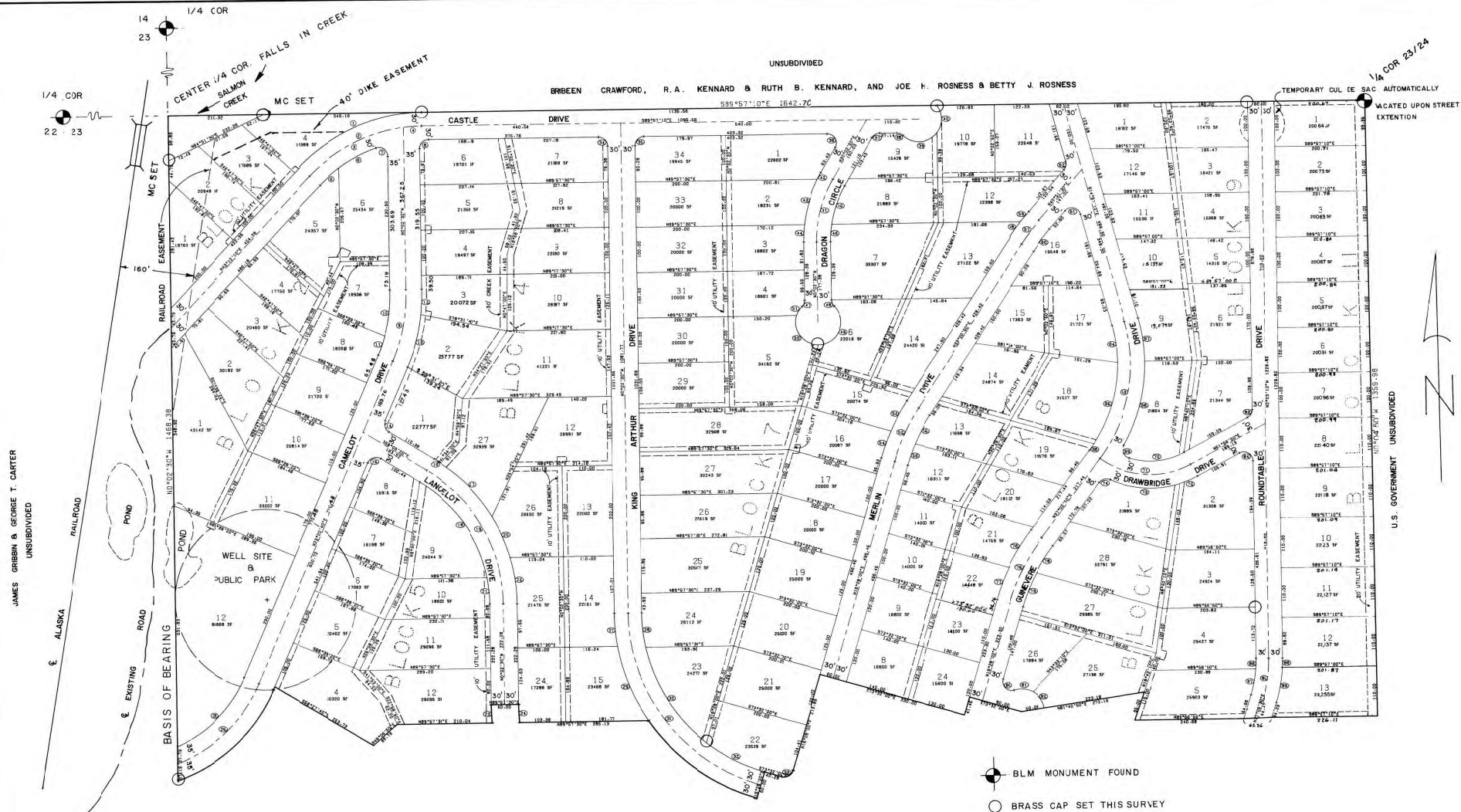
LOCATED IN SEC. 23 T1N, R1W SM

PREPARED FOR: **A.I.M. INC.**
5437 Wandering Drive
Anchorage, Alaska

SCALE AS NOTED
DATE: JULY 1971
DRAWN BY: S.J.L.
SHEET 1 OF 3

ROBERT A. SUMMERS
REGISTERED CIVIL ENGINEER
STAR ROUTE B BOX 21
PALMER, ALASKA 99645

KPB NOTE: See PC Resolutions 86-10 and 97-26



CURVE SCHEDULE

NO.	DELTA	RADIUS	LENGTH	TANGENT	CHORD	CHORD BRNG.	NO.
1	46°59'40"	370.00	332.52	182.23	294.16	N66°57'30"E	1
2	46°59'40"	340.00	277.59	147.29	270.31	N66°57'30"E	2
3	40°00'00"	340.00	237.59	123.84	232.48	N66°57'30"E	3
4	6°42'00"	340.00	40.29	20.17	40.27	N66°59'10"E	4
5	10°31'40"	310.00	57.15	28.66	57.15	N66°59'10"E	5
6	7°54'30"	310.00	52.74	26.37	52.58	N64°14'00"E	6
7	10°59'01"	20.00	38.07	28.07	32.58	N64°14'00"E	7
8	90°00'00"	20.00	31.48	20.00	28.31	N45°00'10"E	8
9	23°22'00"	378.00	153.07	77.61	152.01	N11°39'10"E	9
10	15°31'00"	340.00	34.28	22.51	30.30	N72°03'40"E	10
11	7°42'00"	340.00	44.44	22.22	44.41	N10°34'00"W	11
12	6°37'30"	410.00	46.80	23.42	46.77	N 3°13'40"E	12
13	16°53'00"	410.00	120.58	60.72	120.12	N14°52'10"E	13
14	81°33'00"	20.00	28.45	17.29	28.11	N17°24'20"W	14
15	98°31'00"	20.00	34.28	22.51	30.30	N72°03'40"E	15
16	2°41'30"	380.00	18.77	9.38	18.76	S66°44'20"E	16
17	2°41'30"	380.00	18.77	9.38	18.76	S66°44'20"E	17
18	47°53'30"	320.00	285.64	141.00	256.08	S44°22'20"E	18
19	58°03'50"	350.00	354.89	184.46	339.97	S29°05'50"E	19
20	14°00'00"	380.00	58.50	29.25	58.52	S23°05'30"E	20
21	10°31'40"	320.00	58.52	29.25	58.54	S 5°15'00"E	21
22	15°31'00"	380.00	103.53	52.14	103.31	S 7°16'10"E	22
23	4°03'20"	355.00	40.26	20.14	40.25	N 2°07'10"W	23

CURVE SCHEDULE

NO.	DELTA	RADIUS	LENGTH	TANGENT	CHORD	CHORD BRNG.	NO.
24	4°39'40"	495.00	40.27	20.14	40.18	N 2°07'10"W	24
25	46°45'20"	325.00	298.35	137.14	295.71	N44°13'30"E	25
26	40°00'00"	280.00	218.14	114.32	211.53	N44°58'40"W	26
27	3°48'20"	430.00	73.36	36.16	73.26	N 4°06'40"W	27
28	4°00'00"	280.00	76.46	38.17	76.33	N 5°07'40"W	28
29	2°48'30"	430.00	178.49	90.15	177.40	N21°43'10"W	29
30	2°48'30"	430.00	178.49	90.15	177.40	N21°43'10"W	30
31	2°48'30"	430.00	178.49	90.15	177.40	N21°43'10"W	31
32	2°48'30"	430.00	178.49	90.15	177.40	N21°43'10"W	32
33	2°48'30"	430.00	178.49	90.15	177.40	N21°43'10"W	33
34	2°48'30"	430.00	178.49	90.15	177.40	N21°43'10"W	34
35	2°48'30"	430.00	178.49	90.15	177.40	N21°43'10"W	35
36	2°48'30"	430.00	178.49	90.15	177.40	N21°43'10"W	36
37	2°48'30"	430.00	178.49	90.15	177.40	N21°43'10"W	37
38	2°48'30"	430.00	178.49	90.15	177.40	N21°43'10"W	38
39	2°48'30"	430.00	178.49	90.15	177.40	N21°43'10"W	39
40	2°48'30"	430.00	178.49	90.15	177.40	N21°43'10"W	40
41	2°48'30"	430.00	178.49	90.15	177.40	N21°43'10"W	41
42	2°48'30"	430.00	178.49	90.15	177.40	N21°43'10"W	42
43	2°48'30"	430.00	178.49	90.15	177.40	N21°43'10"W	43
44	2°48'30"	430.00	178.49	90.15	177.40	N21°43'10"W	44
45	2°48'30"	430.00	178.49	90.15	177.40	N21°43'10"W	45
46	2°48'30"	430.00	178.49	90.15	177.40	N21°43'10"W	46

CURVE SCHEDULE

NO.	DELTA	RADIUS	LENGTH	TANGENT	CHORD	CHORD BRNG.	NO.
47	44°25'40"	20.00	15.60	8.16	15.12	S22°10'00"W	47
48	44°25'40"	20.00	15.60	8.16	15.12	S22°10'00"W	48
49	34°11'20"	55.00	117.11	18.38	92.12	S22°38'40"W	49
50	108°00'00"	50.00	94.54	69.24	69.24	N 89°00'00"E	50
51	26°11'40"	50.00	22.86	11.68	22.74	N31°13'10"E	51
52	16°32'50"	480.00	128.90	66.43	129.51	N24°44'20"E	52
53	6°00'00"	480.00	76.37	37.76	76.29	N20°00'00"E	53
54	7°33'00"	480.00	63.25	31.67	63.20	N20°14'30"E	54
55	4°00'00"	480.00	76.37	37.76	76.29	N20°00'00"E	55
56	4°00'00"	480.00	76.37	37.76	76.29	N20°00'00"E	56
57	7°33'00"	480.00	63.25	31.67	63.20	N20°14'30"E	57
58	4°00'00"	480.00	76.37	37.76	76.29	N20°00'00"E	58
59	4°00'00"	480.00	76.37	37.76	76.29	N20°00'00"E	59
60	4°00'00"	480.00	76.37	37.76	76.29	N20°00'00"E	60
61	124°11'30"	20.00	43.36	37.77	35.35	S77°02'00"E	61
62	35°42'30"	20.00	18.49	10.58	18.12	S72°17'10"E	62
63	51°55'30"	350.00	317.43	170.30	306.85	N11°02'00"E	63
64	14°00'00"	320.00	82.87	41.67	82.64	S74°02'00"E	64
65	24°00'00"	320.00	103.13	51.96	103.14	S10°44'30"E	65
66	3°00'00"	320.00	82.87	41.67	82.64	S74°02'00"E	66
67	14°00'00"	320.00	82.87	41.67	82.64	S74°02'00"E	67
68	28°00'00"	320.00	165.74	83.34	165.74	S14°10'30"E	68
69	101°11'00"	20.00	35.34	24.36	30.92	N21°53'30"E	69

CURVE SCHEDULE

NO.	DELTA	RADIUS	LENGTH	TANGENT	CHORD	CHORD BRNG.	NO.
70	46°59'40"	370.00	332.52	182.23	294.16	N66°57'30"E	70
71	46°59'40"	340.00	277.59	147.29	270.31	N66°57'30"E	71
72	40°00'00"	340.00	237.59	123.84	232.48	N66°57'30"E	72
73	6°42'00"	340.00	40.29	20.17	40.27	N66°59'10"E	73
74	10°31'40"	310.00	57.15	28.66	57.15	N66°59'10"E	74
75	7°54'30"	310.00	52.74	26.37	52.58	N64°14'00"E	75
76	10°59'01"	20.00	38.07	28.07	32.58	N64°14'00"E	76
77	90°00'00"	20.00	31.48	20.00	28.31	N45°00'10"E	77
78	23°22'00"	378.00	153.07	77.61	152.01	N11°39'10"E	78
79	15°31'00"	340.00	34.28	22.51	30.30	N72°03'40"E	79
80	7°42'00"	340.00	44.44	22.22	44.41	N10°34'00"W	80
81	6°37'30"	410.00	46.80	23.42	46.77	N 3°13'40"E	81
82	16°53'00"	410.00	120.58	60.72	120.12	N14°52'10"E	82
83	81°33'00"	20.00	28.45	17.29	28.11	N17°24'20"W	83
84	98°31'00"	20.00	34.28	22.51	30.30	N72°03'40"E	84
85	2°41'30"	380.00	18.77	9.38	18.76	S66°44'20"E	85
86	2°41'30"	380.00	18.77	9.38	18.76	S66°44'20"E	86
87	47°53'30"	320.00	285.64	141.00	256.08	S44°22'20"E	87
88	58°03'50"	350.00	354.89	184.46	339.97	S29°05'50"E	88
89	14°00'00"	380.00	58.50	29.25	58.52	S23°05'30"E	89
90	10°31'40"	320.00	58.52	29.25	58.54	S 5°15'00"E	90
91	15°31'00"	380.00	103.53	52.14	103.31	S 7°16'10"E	91
92	4°03'20"	355.00	40.26	20.14	40.25	N 2°07'10"W	92

SWARD
7-28-77
Plat H76
S-2, 7/1
200
Rosen, Parnell
5431 Wandering
Anchorage, Alaska

CAMELOT BY THE SEA SUBDIVISION

LOCATED IN SEC. 23 T1N, R1W, S1M.

PREPARED FOR:

A.J.M. INC.
5437 Wandering Drive
Anchorage, Alaska

SCALE 1"=100'

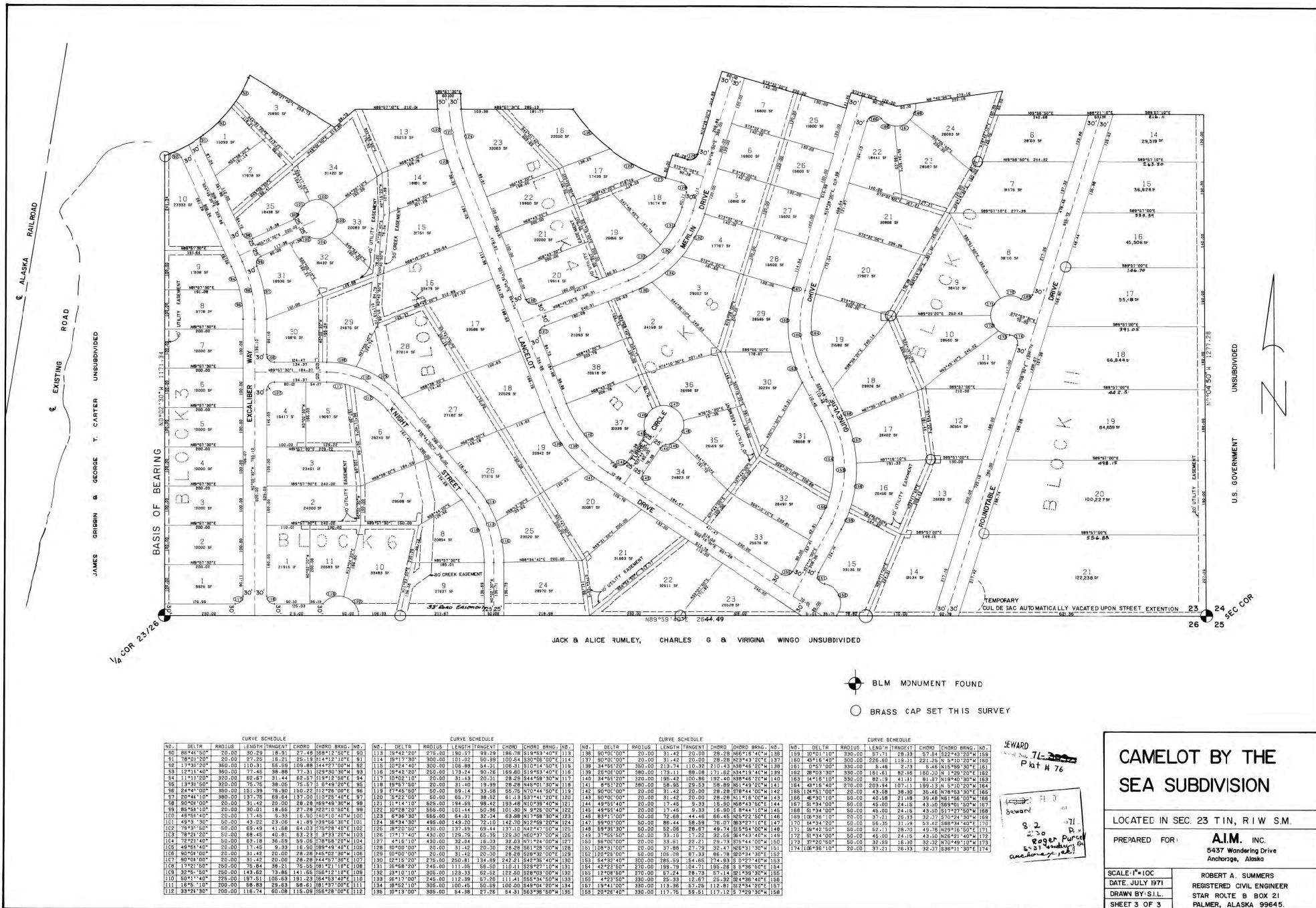
DATE JULY 1971

DRAWN BY S.I.L.

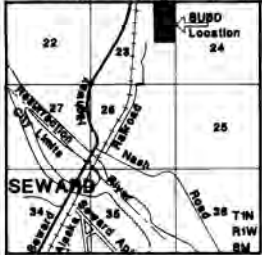
SHEET 2 OF 3

ROBERT A. SUMMERS
REGISTERED CIVIL ENGINEER
STAR ROUTE 9 BOX 21
PALMER, ALASKA 99645

KPB NOTE: See PC Resolution 99-11



SW 98-01



QUESTA WOODS SUBDIVISION, SOUTHERN ADDITION

A subdivision of Parcel 1, KPB Plat Waiver 96-7.
Located in the NE1/4 Section 23, T1N R1W, S.W. Alaska.
Seward Recording District KPB File 96-235

Prepared for

J.B. & Questa Woods
P.O. Box 1733
Seward, AK 99664

Prepared by

Johnson Surveying
Box 27
Clam Gulch, AK 99568

David B. Johnson

SCALE 1" = 200' AREA = 80.340 acres 20 Oct, 1996

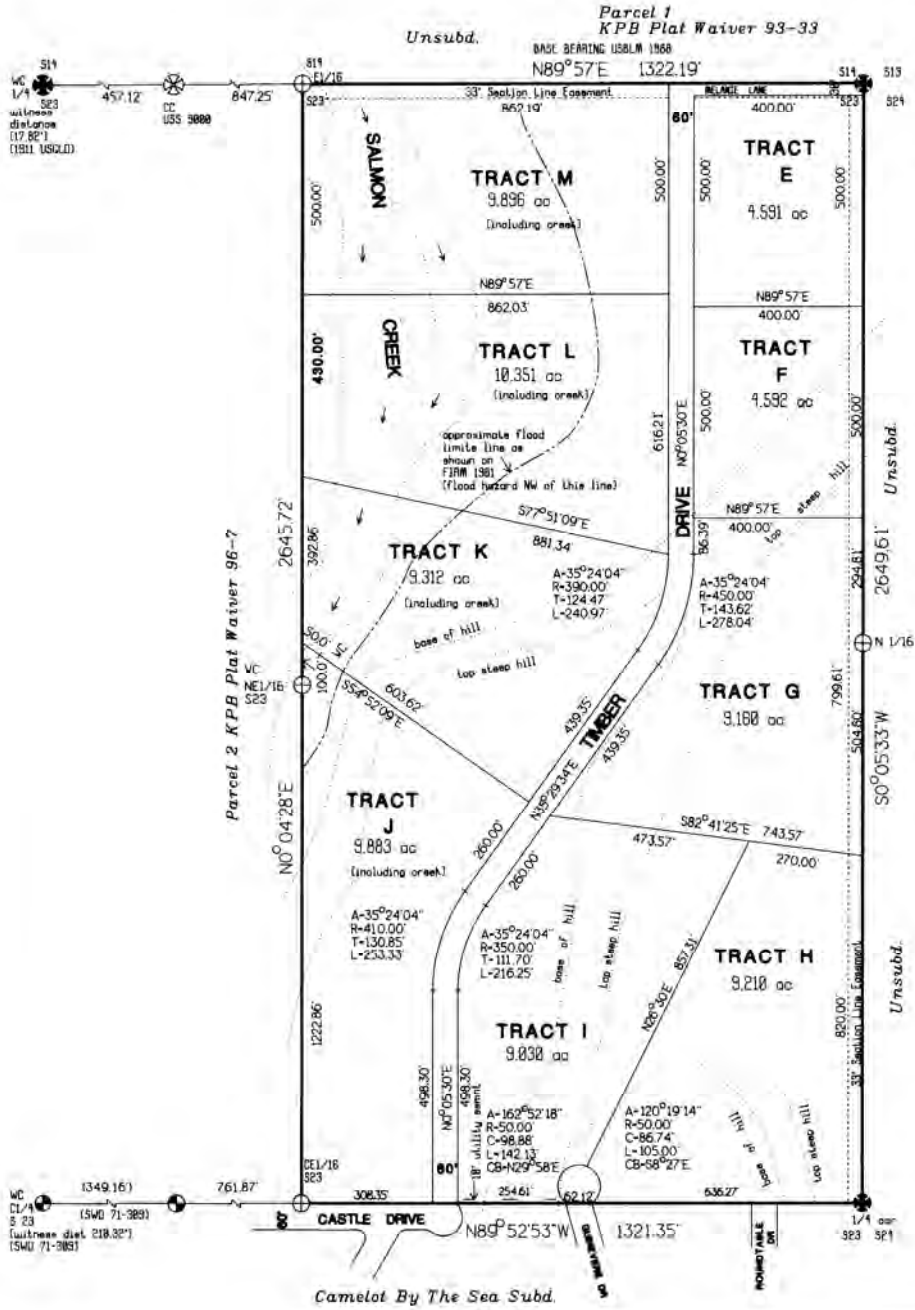
LEGEND

- ⊕ - 1911 USGLD brass cap monument, found.
- ⊗ - 1965 USBLM brass cap monument, found.
- ⊥ - 1/2" x 24" rebar with 1" plastic cap, set.
- () - Record information from source indicated.
- ⊙ - 1971 2.5" brass cap monument, 1817-E, found.
- ⊙ - 1971 brass cap monument, 1817-E, record SWU 71-389.
- ⊕ - 2.5" x 38" aluminum monument, set.

98-01

RECORDED - FILED
SEWARD RECORDING DISTRICT
DATE 1/15/98
TIME 10:30 A.M.

Requested by:
Johnson Surveying
Box 27
Clam Gulch, AK 99568



PLAT APPROVAL

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

KENAI PENINSULA BOROUGH

BY: *Max J. Best* 1/15/98
Authorized Official Date

NOTES

1. A building setback of 20' from all street R.O.W.s 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 easement 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. Lots within this subdivision may be located within a designated flood hazards area; if such is the case, development must comply with Title 21, Chapter 85 of the Kenai Peninsula Borough Code of Ordinances. A survey may be to determine the elevation of the property may be required prior to construction.
4. No access to State maintained RDWs permitted unless approved by State of Alaska Dept. of Transportation.

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 Dept. of Environmental Conservation.

OWNERSHIP CERTIFICATE

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

J.B. Woods
J.B. Woods P.O. Box 1733 Seward, AK 99664
President, Ameri-Con Construction, Ltd.
A Nevada Corporation.

NOTARY'S ACKNOWLEDGEMENT

For: J.B. Woods
Subscribed and sworn to before me this 17 day of May, 1997.
David B. Johnson
Notary Public for Alaska
My commission expires _____

KENAI PENINSULA BOROUGH PLANNING COMMISSION
PLAT WAIVER RESOLUTION 96-07

SEWARD RECORDING DISTRICT

GRANTING A PLATTING WAIVER FOR CERTAIN LANDS WITHIN SECTION 23, TOWNSHIP 1 NORTH, RANGE 1 WEST, SEWARD MERIDIAN, ALASKA.

WHEREAS, J. B. Woods, of Ameri-Can Construction, Ltd. has petitioned for a waiver of platting requirements for the following described parcel:

That portion of the Northeast Quarter (NE1/4) of Section 23, Township 1 North, Range 1 West, Seward Meridian, Seward Recording District, Third Judicial District, State of Alaska, lying east of the right-of-way of the Alaska Railroad as it runs through said Section 23, and excepting therefrom that portion of the Southwest Quarter of the Northwest Quarter of the Northeast Quarter, east of the right-of-way of said Alaska Railroad, excepting therefrom also a strip of land twenty feet (20') in width running within and along the southern portion of the Northwest one-quarter of the Northwest one-quarter of said Northeast one-quarter joining from and extending the existing or the intended right-of-way across the right-of-way of the said Alaska Railroad, making access to the land herein conveyed from the Seward Highway.

WHEREAS, 29.04.090 of Alaska Statutes provides that the platting authority shall waive the preparation, submission for approval, and recording of a plat upon satisfactory evidence that certain conditions exist.

WHEREAS, it has been determined that all requirements have been met.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH:

Section 1: That a waiver of platting requirements is hereby granted for the above described parcel.

Section 2: That the plat waiver is being granted for the purpose of creating two parcels described as follows:

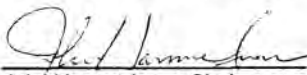
Parcel 1: East 1/2 of NE1/4, Sec 23, T1N, R1W, Seward Meridian, Alaska; cntg 80 acres m/l.

Parcel 2: West 1/2 of the NE1/4 lying east of ARR except that portion of SW1/4 of the NW1/4 of the NE1/4 of Sec. 23, T1N, R1W, Seward Meridian, Alaska; lying east of the right-of-way of the Alaska Railroad; cntg 57.86 acres m/l.

Section 3. That this resolution is void if not recorded in the appropriate Recording District within thirty days of adoption.

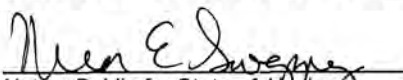
Section 4. That this resolution becomes effective upon being properly recorded.

ADOPTED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH ON THIS
8 DAY OF April, 1996

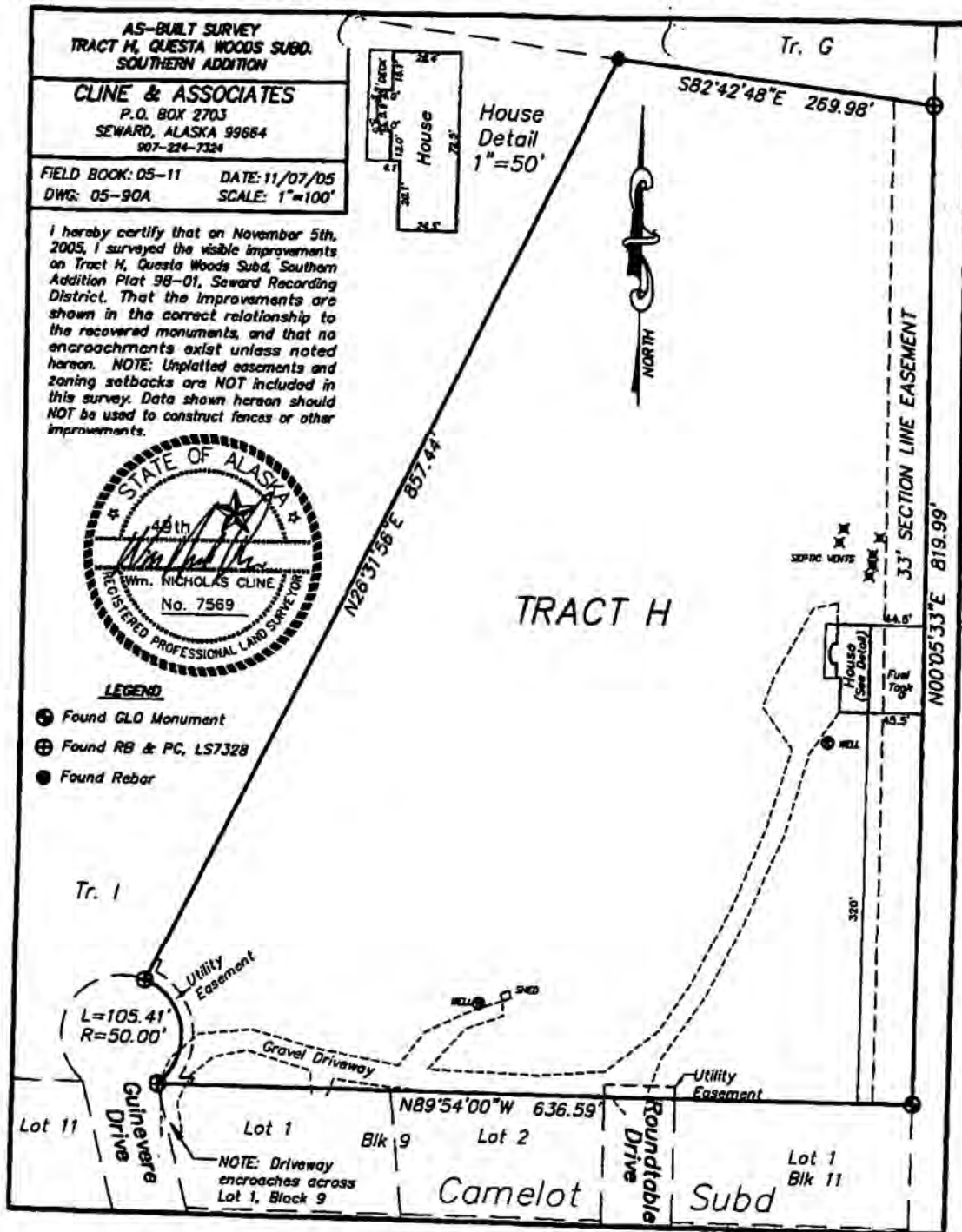

John Hammelman, Chairperson
Planning Commission

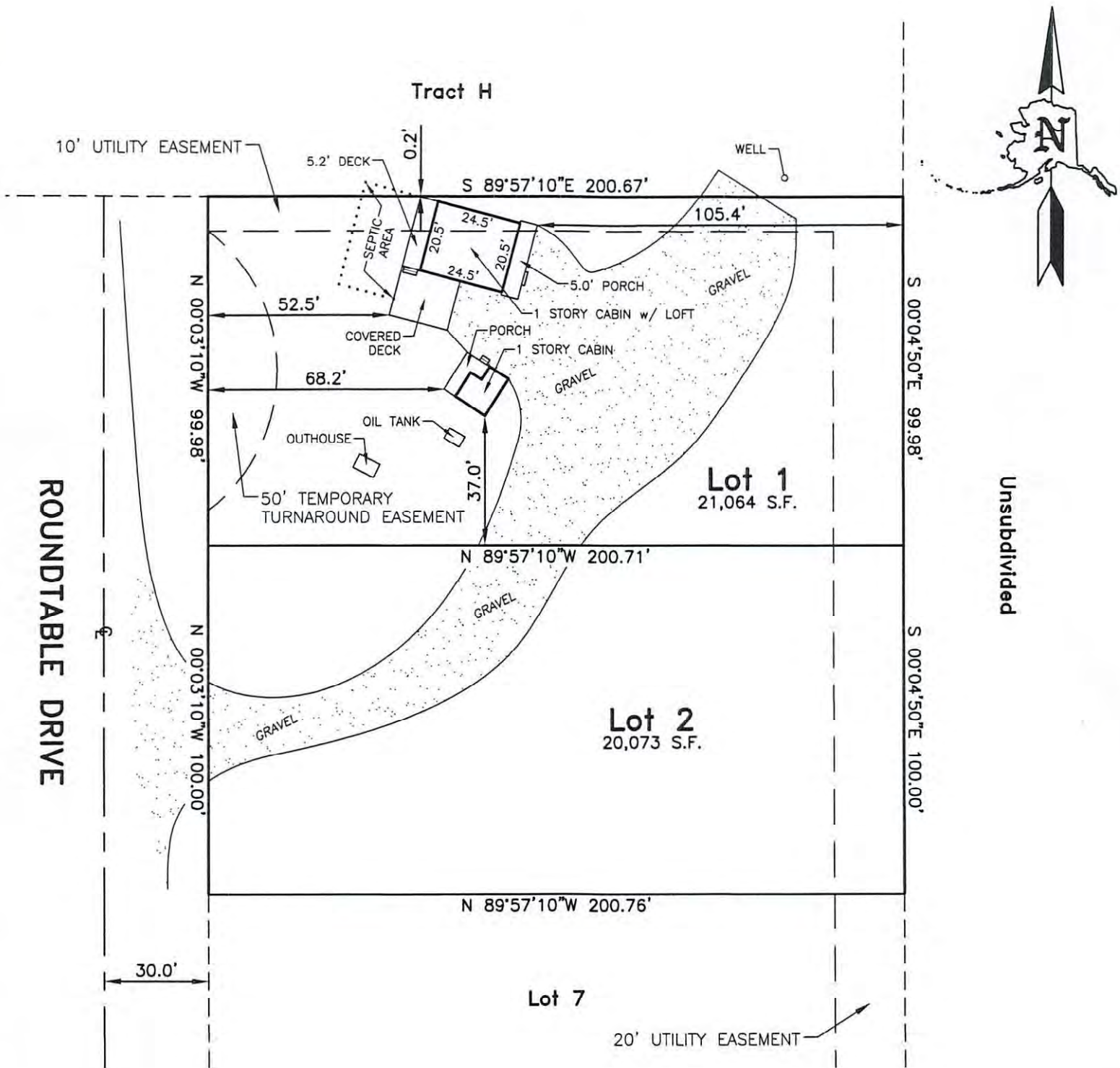
NOTARY ACKNOWLEDGEMENT:

Subscribed and sworn before me this 8 day of April, 1996.


Notary Public for State of Alaska
My Commission Expires: 11-6-99

NOTARY PUBLIC
STATE OF ALASKA
MARIA E. SWEPPY





MORTGAGE SURVEY X SCALE 1" = 40' GRID _____ Project No. 22-416/A1

Lang & Associates, inc.
Professional Land Surveyors

11500 Daryl Avenue, Anchorage, Alaska 99515-3049
(907) 522-6476 Phone
(907) 522-4625 Fax
ken@langsurvey.com
jonathan@langsurvey.com

I hereby certify that I have surveyed the following described property:
LOTS 1 & 2, BLOCK 11, CAMELOT BY THE SEA SUBDIVISION (PLAT No. 76)
 Seward Recording District, Alaska, and that this Mortgage Location Survey is a representation of the conditions that were found on the date the survey was performed. This survey does not constitute a boundary survey and is subject to any inaccuracies that a subsequent boundary survey may disclose. The information contained hereon shall not be used to establish any fence, structure, or other improvements.

Dated this the 12th Day of July, 2022, at Anchorage, Alaska

It is the responsibility of the owner to determine the existence of any easements, covenants, or restrictions which do not appear on the recorded subdivision plat.



E3-22

AECC963

E. NEW BUSINESS

- 4. Tatum Denise Subdivision Derks Lake Addition
KPB File 2022-155**

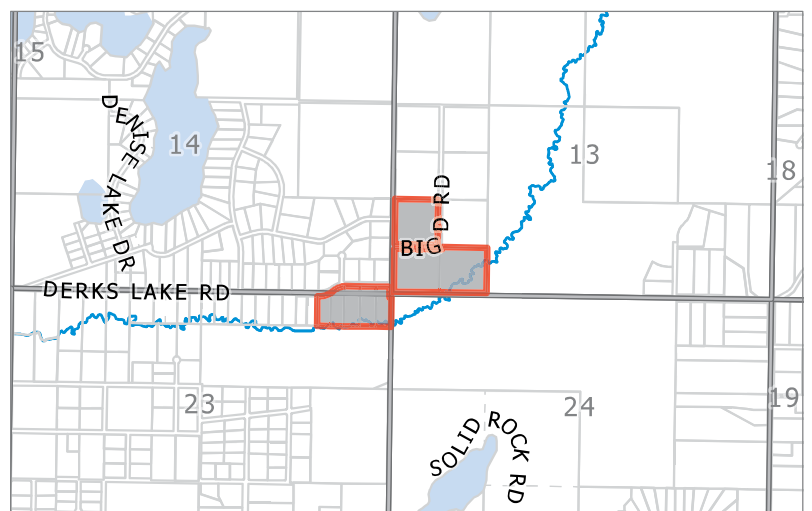
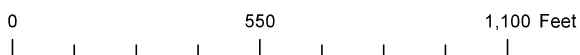


KPB File 2022-155

T 05N R 10W SEC 13, 14, AND 23

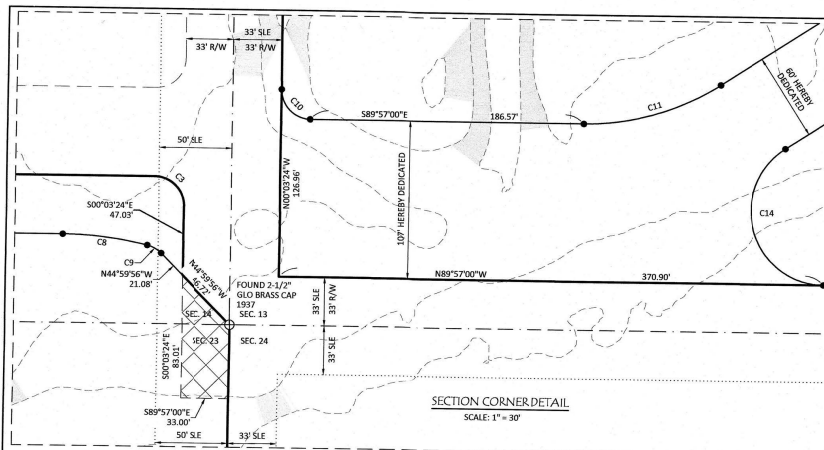
Ridgeway

10/13/2022





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.



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

GENE J. FRIENDSHUH,
 OWNER LOTS 10A THRU 14A TATUM DENISE SIBD. KN2022-43
 35581 KENAI SPUR HWY, SOLDOTNA, AK 99669

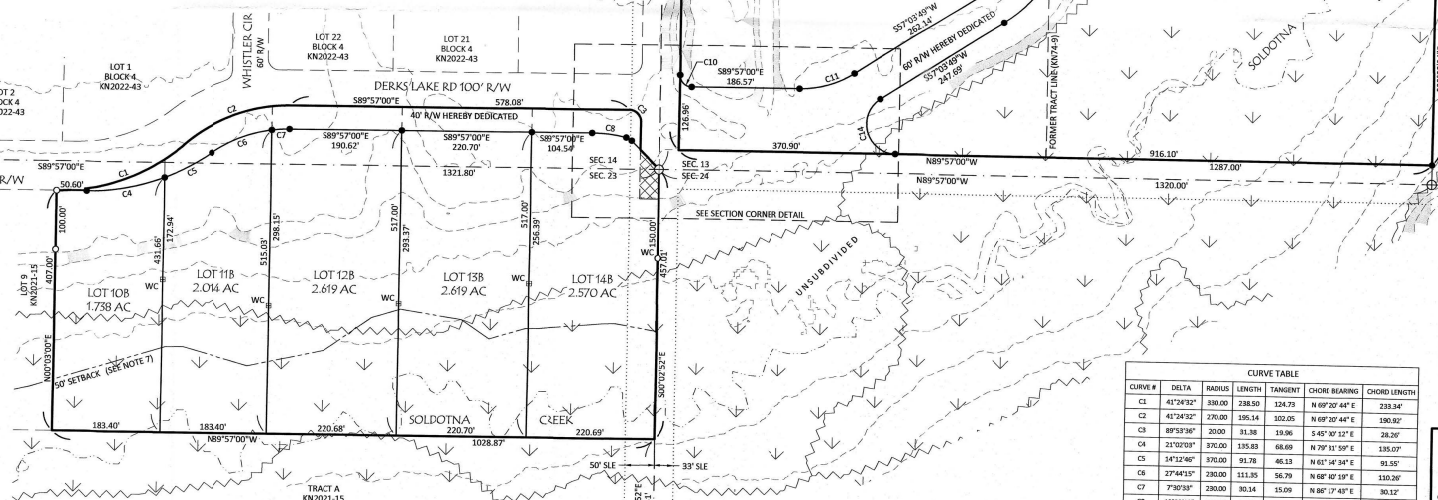
LINDA A. FRIENDSHUH,
 OWNER LOTS 10A THRU 14A TATUM DENISE SIBD. KN2022-43 AND
 35581 KENAI SPUR HWY, SOLDOTNA, AK 99669

GEORGE U. FRIENDSHUH,
 OWNER LOTS 10A THRU 14A TATUM DENISE SIBD. KN2022-43 AND
 35581 KENAI SPUR HWY, SOLDOTNA, AK 99669

NOTARY'S ACKNOWLEDGEMENT
 FOR: GENE J. FRIENDSHUH
 LINDA A. FRIENDSHUH
 GEORGE U. FRIENDSHUH
 ACKNOWLEDGED BEFORE ME THIS
 DAY OF _____, 20____
 MY COMMISSION EXPIRES: _____
 NOTARY PUBLIC FOR THE
 STATE OF ALASKA

NOTES

1. WATER SUPPLY AND SEWAGE DISPOSAL SYSTEMS SHALL BE PERMITTED ONLY IN CONFORMANCE WITH APPLICABLE REQUIREMENTS OF 18 AAC 72 AND 18 AAC 80.
2. BUILDING SETBACK: A BUILDING SETBACK OF 20 FT. IS REQUIRED FROM ALL STREET RIGHTS-OF-WAY UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
3. THE FRONT 10 FEET OF THE 20 FOOT BUILDING SETBACK ADJACENT TO DEDICATED RIGHTS-OF-WAY AND THE ENTIRE SETBACK WITHIN 5 FEET OF THE SIDE LOT LINES IS ALSO A UTILITY EASEMENT.
4. 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.
5. 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).
6. 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.
7. 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.
8. THIS PARCEL MAY BE AFFECTED BY THE FOLLOWING:
 8.1. CONDITIONAL LAND USE PERMIT TO OPERATE A SAND, GRAVEL OR MATERIAL SITE PER PLANNING COMMISSION RESOLUTION 2020-38 AND RECORDED AS SERIAL NO. 2021-003985-0 KRD. LOTS WITHIN THIS SUBDIVISION ARE NOT PERMITTED FOR MATERIAL EXTRACTION.
 8.2. AN ELECTRIC EASEMENT GRANTED TO HOMER ELECTRIC ASSOCIATION ON JUNE 25, 1973 IN BOOK 71, PAGE 912, KENAI RECORDING DISTRICT, LOCATION NOT DEFINED.
 8.3. COVENANTS, CONDITIONS AND RESTRICTIONS RECORDED SEPTEMBER 2, 2022 IN DOCUMENT NO. 2022-007416-KRD. THE BOROUGH WILL NOT ENFORCE PRIVATE COVENANTS, EASEMENTS OR DEED RESTRICTIONS PER KPB 20.60.370.
9. THE KENAI PENINSULA BOROUGH PLANNING COMMISSION APPROVED THE VACATION OF A PORTION OF BIG D ROAD, CANNON STREET AND THE DEDICATED UTILITY EASEMENT AT THE MEETING OF _____, 2022.



WASTEWATER DISPOSAL: TRACTS 1A, 2A & 4A
 THESE TRACTS ARE AT LEAST 200,000 SQUARE FEET IN SIZE AND CONDITIONS MAY NOT BE SUITABLE FOR ONSITE WASTEWATER TREATMENT AND DISPOSAL. ANY WASTEWATER TREATMENT OR DISPOSAL SYSTEM MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

WASTEWATER DISPOSAL: LOTS 10B-14B
 THE PARENT SUBDIVISION FOR LOTS RESULTING FROM THIS PLATTING ACTION WAS APPROVED BY THE KENAI PENINSULA BOROUGH ON APRIL 25, 2022. WASTEWATER TREATMENT AND DISPOSAL SYSTEMS MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

CERTIFICATE OF ACCEPTANCE

THE UNDERSIGNED OFFICIAL IDENTIFIED BY NAME AND TITLE IS AUTHORIZED TO ACCEPT AND HEREBY ACCEPTS ON BEHALF OF THE KENAI PENINSULA BOROUGH FOR PUBLIC PURPOSES THE REAL PROPERTY TO BE DEDICATED BY THIS PLAT INCLUDING EASEMENTS, RIGHTS-OF-WAY (DERKS LAKE ROAD AND BIG D ROAD), ALLEYS, AND OTHER PUBLIC AREAS SHOWN ON THIS PLAT. THE ACCEPTANCE OF LANDS FOR PUBLIC USE OR BODY TO CONSTRUCT, OPERATE, OR MAINTAIN IMPROVEMENTS.

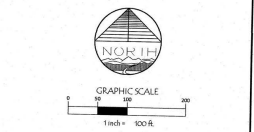
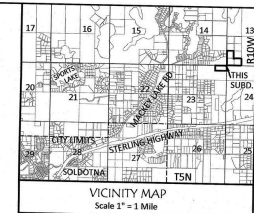
AUTHORIZED OFFICIAL _____ DATE _____

CURVE TABLE					
CURVE #	DELTA	RADIUS	LENGTH	TANGENT	CHORD BEARING
C1	41°24'32"	338.00	238.50	124.75	N 69°20'44" E
C2	41°24'32"	270.00	195.14	102.05	N 69°20'44" E
C3	89°53'36"	20.00	31.38	19.96	S 45°30'12" E
C4	27°02'00"	570.00	155.85	68.69	N 79°11'50" E
C5	14°12'46"	270.00	91.78	46.13	N 62°46'54" E
C6	37°44'13"	230.00	111.85	56.79	N 68°49'18" E
C7	7°30'38"	230.00	30.14	15.09	N 86°17'47" E
C8	31°23'18"	250.00	58.42	29.34	S 89°33'21" E
C9	31°33'40"	20.00	11.02	5.65	S 60°47'48" E
C10	89°53'36"	20.00	31.38	19.96	S 45°30'12" E
C11	37°59'11"	170.00	97.87	50.33	N 78°13'25" E
C12	57°07'13"	170.00	169.48	92.53	S 28°38'13" W
C13	57°07'13"	230.00	229.30	125.19	S 28°38'13" W
C14	147°00'49"	50.00	128.29	188.87	S 167°20'15" E

PLAT APPROVAL

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

AUTHORIZED OFFICIAL _____ DATE _____



- LEGEND**
- ⊕ FOUND PRIMARY MONUMENT AS DESCRIBED
 - FOUND 2" ALUMINUM CAP 4928-5
 - FOUND 5/8" REBAR UNLESS NOTED
 - FOUND 5/8" REBAR w/ 1" STAINLESS STEEL CAP 8502-5
 - SET 5/8"x30" REBAR w/ 1" STAINLESS STEEL CAP 8502-5
 - ▨ AREA SUBJECT TO INUNDATION
 - ▤ SECTION LINE EASEMENT
 - ▦ VACATED BOROUGH RIGHTS-OF-WAY
 - CONTOUR INTERVAL = 4'
 - SLOPES GREATER THAN 20%
 - LOT #
 - 20' BUILDING SETBACK
 - UTILITY EASEMENT - SEE NOTE 3
 - DEDICATED RIGHTS-OF-WAY



Plat #
 Date _____
 Date _____
 Time _____

TATUM DENISE SUBDIVISION
DERKS LAKE ADDITION
 RESUBDIVISION OF LOTS 10A THRU 14A TATUM DENISE SUBDIVISION (KN2022-43) AND TRACT 1, 2 & 4 DERKS LAKE SUBDIVISION (KN74-9) AND FINALIZE RIGHT-OF-WAY/UTILITY EASEMENT VACATION
 GENE J. FRIENDSHUH, OWNER
 35581 KENAI SPUR HWY, SOLDOTNA, AK 99669
 LINDA A. FRIENDSHUH, OWNER
 35581 KENAI SPUR HWY, SOLDOTNA, AK 99669
 GEORGE U. FRIENDSHUH, OWNER
 35581 KENAI SPUR HWY, SOLDOTNA, AK 99669
 35,927 AC. M/L SITUATED IN THE SE SECTION 14, NE SECTION 23 AND SW SECTION 13, TOWNSHIP 5 NORTH, RANGE 10 WEST, SEWARD MERIDIAN, KENAI PENINSULA BOROUGH, AND THE KENAI RECORDING DISTRICT, ALASKA.

ENGINEERING - TESTING SURVEYING - MAPPING P.O. BOX 489 SOLDOTNA, AK 99669 VOICE (907) 263-2519 FAX (907) 263-2505 WWW.MANCOS.COM	KPB FILE NO. 2022-XXXX 35,927 AC. M/L SITUATED IN THE SE SECTION 14, NE SECTION 23 AND SW SECTION 13, TOWNSHIP 5 NORTH, RANGE 10 WEST, SEWARD MERIDIAN, KENAI PENINSULA BOROUGH, AND THE KENAI RECORDING DISTRICT, ALASKA.
PROJECT NO. 2320239	

KPB 2022-155

AGENDA ITEM E. NEW BUSINESS

ITEM 4 – TATUM DENISE SUBDIVISION DERKS LAKE ADDITION

KPB File No.	2022-155
Plat Committee Meeting:	November 14, 2022
Applicant / Owner:	Linda, Gene, and George Friendshuh all of Soldotna, Alaska
Surveyor:	James Hall / McLane Consulting Inc.
General Location:	Derks Lake Road, Ridgeway

Parent Parcel No.:	058-301-01, 058-301-02, 058-301-04, 058-320-51, 058-320-52, 058-320-53, 058-320-54, 058-320-55
Legal Description:	Tracts 1, 2, and 4, Derek's Lake Subdivision, Plat KN 74-9 and Lots 10A, 11A, 12A, 13A, and 14A, Tatum Denise Subdivision, Plat KN 2022-43
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On Site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will reconfigure eight parcels to finalize right-of-way vacations and grant new right-of-way dedications.

Location and Legal Access (existing and proposed): The subdivision is located in the Mackey Lake area. Legal access to Derks Lake Road is via Mackey Lake Road to Denise Lake Drive. An alternate route is from Denise Lake Drive to Aksala Lane and Arctic Tern Road.

Nearby right-of-ways Goldeneye Avenue and Cinnamon Street provide additional access. Cinnamon Street does not appear to be improved. Goldeneye Avenue is maintained by the borough. Big D Road is located off of Cinnamon Street and is constructed. This plat is proposing to vacate the east-west portion and dedicate a new route to connect to the north-south constructed portion. Big D Road is not maintained by KPB.

Tatum Denise Subdivision, Plat KN 2022-43, vacated a portion of Derks Lake Road and provided a new alignment to connect to Cinnamon Street. The section line easement under the vacated portion of Derks Lake Road was approved to be vacated by the Kenai Peninsula Borough Planning Commission and Assembly. The owners are still working with the State of Alaska DNR on the vacation and this plat is to bring issues into compliance.

The northern block is closed but not within compliance for length. Cinnamon Street, Big D Road, and Blue Ridge Avenue define the block but the north-south distance exceeds code. The moving of Big D Road will extend the distance for the block. The intent is to correct some issues for the approval of the section line easement. The lots to the north are all larger acreage lots that can be further subdivided. Additional dedications existed to the north that provided complete blocks but vacations were approved and finalized. ***Staff recommends the plat committee concur that an exception is not required and no additional dedications are required at this time.***

The lots south of Derks Lake Road are within a very large block. Derks Lake Road, Birch Road, Gerrard Avenue, and section line easements define the block. Anadromous stream, Soldotna Creek, runs through the lots within the southern portion of the subdivision. A material site permit has been granted for the large acreage Tract A located to the south. The parent subdivision that created those lots was granted an exception for block length due to the anadromous stream and material site. ***Staff recommends the plat committee concur that an exception is not required as any dedication granted will not improve the block length and a dedication across an anadromous stream and additional public access to the material site is not desired.***

It does not appear that a street name has been assigned to the dedication within the section line easement to the south of Tract 4A. **Staff recommends** a width label be added with a label indicating it is an unnamed right-of-way.

PER DOT: The platting action voids any previous issued permits. You need to reapply for driveway access permits to state ROW.

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

Site Investigation: The low wet areas are depicted on the plat and a wetland determination note is present. The location of Soldotna Creek is shown with the anadromous plat note present. **Staff recommends** the low wet areas be depicted on the final plat and Soldotna Creek depiction remain.

Contours are depicted on the plat with some areas with steep terrain. The steep terrain is minimal and does not impact the new dedications. **Staff recommends** the steep terrain is not required to be shown on the final plat.

Cinnamon Street is dedicated as 66 feet wide adjacent to the subdivision north of Derks Lake Road. This dedication coincides with section line easements. There does appear to be some steep slopes present within the eastern portion of the right-of-way adjacent to proposed Tract 1A. Per the KPB Planner's review, parent Tract 1 has a prior existing use on the property. Imagery appears to show some areas where the lot has cleared and possible material extraction has occurred. It is difficult to determine if the area within the right-of-way dedication were part of an access road or if excavation occurred that caused the steep slopes. **Staff recommends** centerline profiles and cross sections be provided for that portion of Cinnamon Street to verify if the street can be built to borough standards and to determine if additional right-of-way width or easements are required.

The land that the lots were originally part of had received a Conditional Land Use Permit. The permit was for the areas south of Soldotna Creek, thus the lots are not part of the material site permit. The permit does show up on the title report and a plat note has been added which notes the lots are not permitted for material extraction.

Parent Tract 1 has a prior existing use status. Per the KPB Planner's comments, a prior existing use determination will be considered abandoned per KPB 21.29.120(A) with the finalization of this subdivision. Any desire to continue operations as a material site will require an application and hearing to receive a Conditional Land Use Permit. Any questions regarding this determination and process should be directed to the Kenai Peninsula Borough Planner.

KPB River Center review	Floodplain: Not within flood hazard area. No comments Habitat Protection: IS totally or partially within HPD State Parks: No comments
State of Alaska Fish and Game	This plat depicts Soldotna Creek which is cataloged as anadromous. AWC 244-30-10010-2039

Staff Analysis The proposed plat will reconfigure eight parcels to allow for new right-of-way dedications and vacations. Tatum Subdivision, Plat KN 2021-15, created the lots south of Derks Lake Road and they were later replatted by Tatum Denise Subdivision, Plat KN 2022-43. The lots contain setbacks from an anadromous stream as well as wetlands that limit the usable areas on the lots. A 40 foot width for Derks Lake Road is being acquired from the lots to bring the right-of-way width to 100 feet wide. The proposed vacation of Cinnamon Street is to provide more acreage to Lot 14B although the lot is still subject to section line easements. The vacation does allow for a cleaner transition to the Derks Lake Road, Cinnamon Street, Big D Road intersection.

The lots south of Derks Lake Road, had an approved soils report submitted in 2021. The lots increased in size when replatted in 2022. The lots are getting smaller but will still be larger than their designs in 2021 and thus a new soils analysis report will not be required and the correct plat note is present. The tracts exceed 5 acres each and will not require a soils analysis report. The correct plat note is present.

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 lots south of Derks Lake Road had the code required utility easements granted when subdivided by Tatum Subdivision, Plat KN 2021-15. When the lots were replatted, the utility easements associated with rights-of-way that were vacated were also vacated but new easements were granted along the new dedications. The tracts did not have utility easements granted along all dedications. A 5 foot clearing and underground utility easement was granted along portions of Big D Road including the portion proposed for vacation. For the tracts proposed for replatting, Tract 2A had a 10 foot utility easement granted along the northern boundary. Tract 1A and Tract 2A were also subject to a 20 foot utility easement 50 foot east of section line along the existing powerline on the western boundary of the lots. This would result in a 17 foot utility easement along Cinnamon Street. **Staff recommends the previous platted utility easements be depicted with labels stating the plat creating the easement.**

The plat intends to vacate the associated utility easements with the right-of-way vacations but will be granting 10 foot utility easements that increase to 20 feet within 5 feet of the side lot lines per the plat note. The easements and setbacks are not depicted but are noted and a typical depiction is present.

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 overhead and primary electric line on the final plat. Provide a label or plat note stating, "The existing overhead powerline is the centerline of a 30-foot-wide electric 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	<p>Reviewer: Haws, Derek</p> <p>Affected Addresses:</p> <p>37180 CINNAMON ST</p> <p>37140 CINNAMON ST</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names:</p> <p>DERKS LAKE RD</p> <p>CINNAMON ST</p> <p>BIG D RD</p> <p>WHISTLER CIR</p> <p>GOLDENEYE AVE</p> <p>Existing Street Name Corrections Needed:</p>
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	<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: 37180 CINNAMON ST will remain with lot 2A. 37140 CINNAMON ST 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>Prior Existing Use PEU Recognized Date: 5/10/2001 Conditional Land Use Permit CLUP Resolution Number: 2020-38 CLUP Approval Date: 12/14/2020 Material Site Comments: The CLUP is located South and adjacent to newly subdivided lots 10B through 14B. The PEU is located on the newly subdivided lot 1A. Per section 21.29.120(A), the PEU status will be considered abandoned due to the subdivision. See attachments</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.*

- 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 depiction of Cinnamon Street north of the subdivision as the dedication is only for the eastern 33 feet. Provide information regarding the unnamed right-of-way to the south.*
- D. A vicinity map, drawn to scale showing location of proposed subdivision, north arrow if different from plat orientation, township and range, section lines, roads, political boundaries, and prominent natural and manmade features, such as shorelines or streams;
Staff recommendation: *Due to scale it may just be hard to see but portion of the subdivision is within section 14 and should be included in the depiction.*
- 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: *The lot to the northwest should be labeled as unsubdivided.*

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: Correct plat notes are present. The original subdivision of the lots had a soils report and the next plat increased the lot sizes. This replat while making the lots smaller, they are still larger than the original design.

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:

Add to plat note 9 the meeting consent was granted by the Assembly.

KPB 20.70 – Vacation Requirements

Staff recommendation. *Vacation must be finalized within one year of consent.*

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.

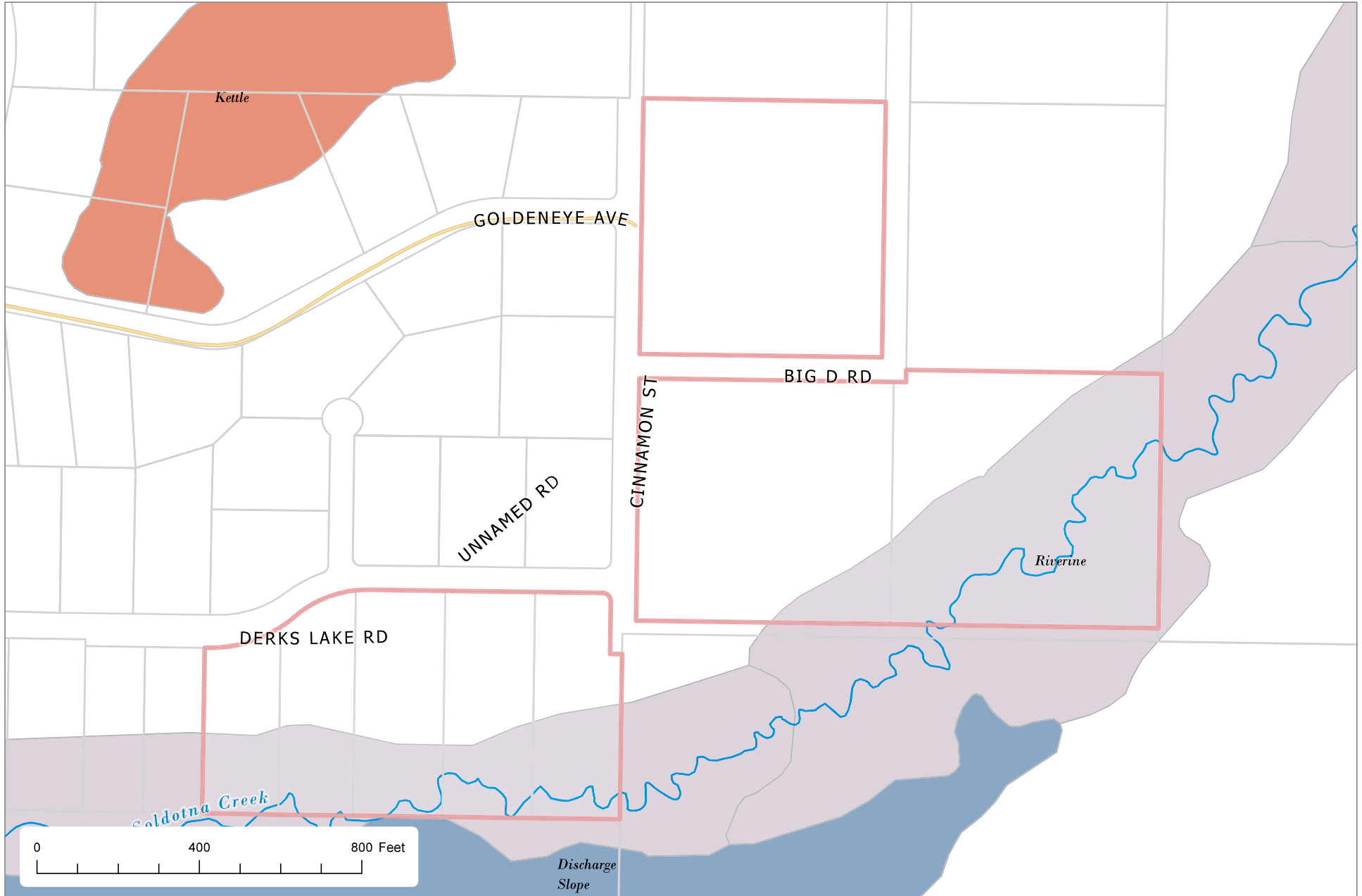
A PARTY OF RECORD MAY REQUEST THAT A DECISION OF THE PLAT COMMITTEE BE REVIEWED BY THE PLANNING COMMISSION BY FILING A WRITTEN REQUEST WITHIN 15 DAYS OF NOTIFICATION OF THE DECISION IN ACCORDANCE WITH KPB 2.40.080.

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.

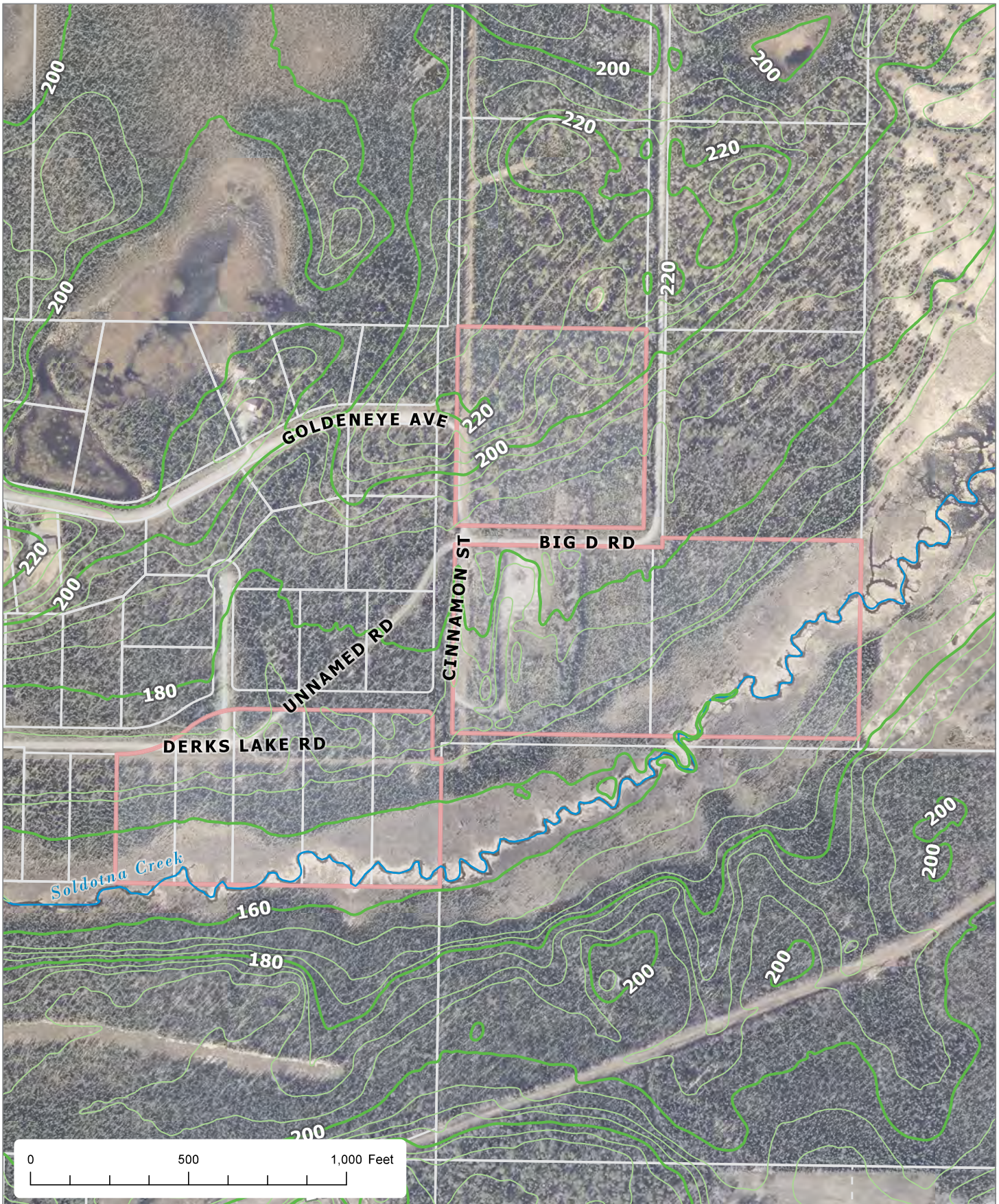
END OF STAFF REPORT



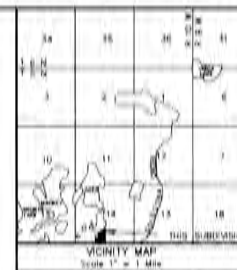
The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



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CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
1	100.00	157.08	100.00	100.00	N 00°00'00" E	90°00'00"
2	100.00	157.08	100.00	100.00	N 00°00'00" E	90°00'00"
3	100.00	157.08	100.00	100.00	N 00°00'00" E	90°00'00"
4	100.00	157.08	100.00	100.00	N 00°00'00" E	90°00'00"
5	100.00	157.08	100.00	100.00	N 00°00'00" E	90°00'00"
6	100.00	157.08	100.00	100.00	N 00°00'00" E	90°00'00"
7	100.00	157.08	100.00	100.00	N 00°00'00" E	90°00'00"
8	100.00	157.08	100.00	100.00	N 00°00'00" E	90°00'00"
9	100.00	157.08	100.00	100.00	N 00°00'00" E	90°00'00"
10	100.00	157.08	100.00	100.00	N 00°00'00" E	90°00'00"
11	100.00	157.08	100.00	100.00	N 00°00'00" E	90°00'00"
12	100.00	157.08	100.00	100.00	N 00°00'00" E	90°00'00"
13	100.00	157.08	100.00	100.00	N 00°00'00" E	90°00'00"
14	100.00	157.08	100.00	100.00	N 00°00'00" E	90°00'00"
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16	100.00	157.08	100.00	100.00	N 00°00'00" E	90°00'00"
17	100.00	157.08	100.00	100.00	N 00°00'00" E	90°00'00"
18	100.00	157.08	100.00	100.00	N 00°00'00" E	90°00'00"

CURVE	DIRECTION	DISTANCE
1	N 00°00'00" E	100.00
2	N 00°00'00" E	100.00
3	N 00°00'00" E	100.00
4	N 00°00'00" E	100.00
5	N 00°00'00" E	100.00
6	N 00°00'00" E	100.00
7	N 00°00'00" E	100.00
8	N 00°00'00" E	100.00
9	N 00°00'00" E	100.00
10	N 00°00'00" E	100.00
11	N 00°00'00" E	100.00
12	N 00°00'00" E	100.00
13	N 00°00'00" E	100.00
14	N 00°00'00" E	100.00
15	N 00°00'00" E	100.00
16	N 00°00'00" E	100.00
17	N 00°00'00" E	100.00
18	N 00°00'00" E	100.00

LEGEND

- Found 1/2" radii at property corner
- Found official survey monument as described
- Set 1/2" x 24" radii with McLane cap attached
- Record data
- Right-of-way to be updated by this plat
- Power Pole

NOTES

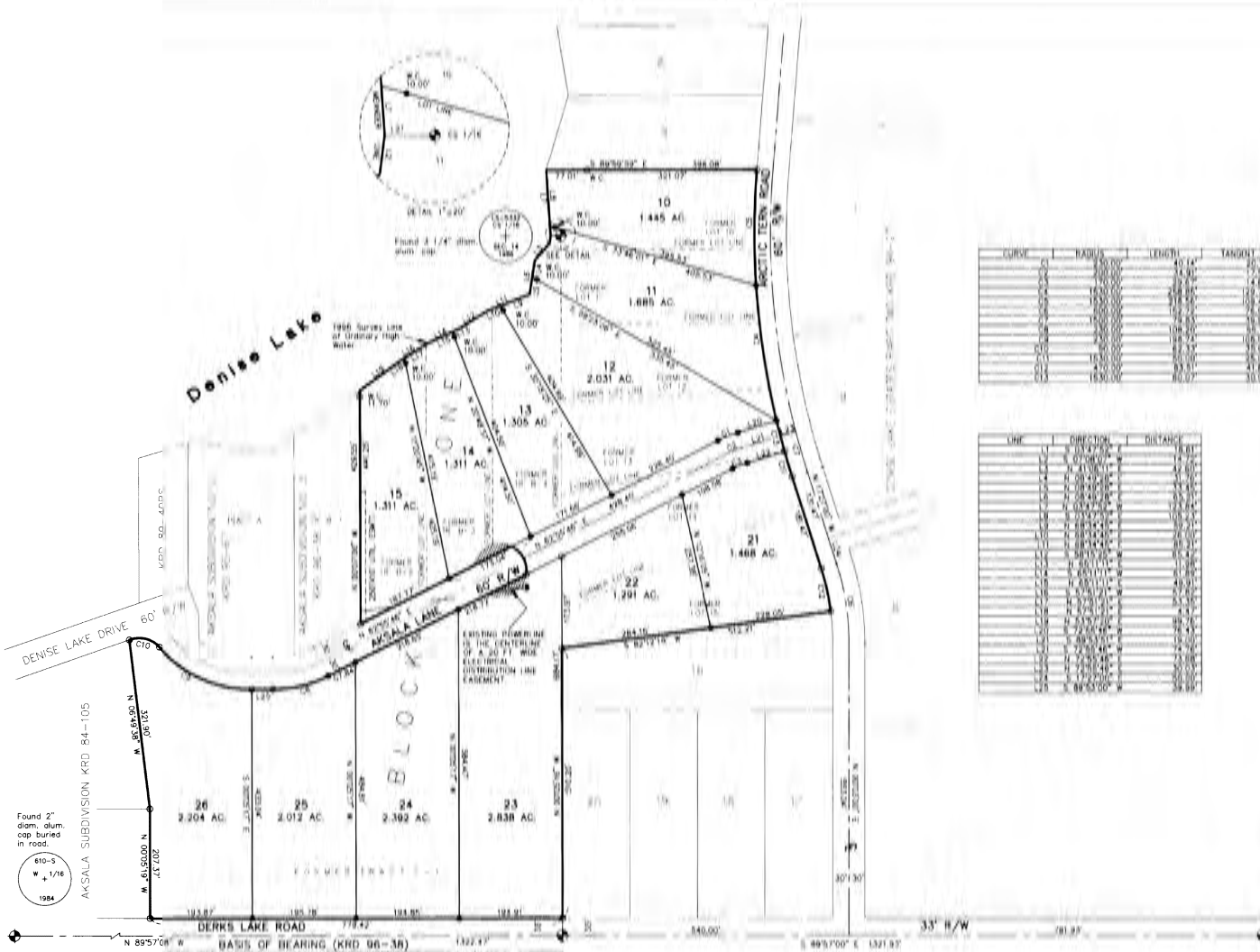
- Water supply and sewage disposal systems shall be permitted only in accordance with applicable requirements of 18 AAC 70, 18 AAC 72, and 18 AAC 80.
- No street access to state maintained roads permitted unless approved by State of Alaska Department of Transportation.
- No permanent structure shall be constructed or placed within an easement which would interfere with the ability of a utility to use the easement.
- The natural meanders of ordinary high water for Denise Lake from the true bounds of these lots. The 1980 meander line shown herein is for survey computations only.
- Minimum Set Back - A building set back of 20 ft. is required from all street rights-of-way unless a lesser standard is approved by resolution of the local Planning Commission.
- The front set back (10 ft. of the twenty (20) ft. building setback is a utility easement.
- None of the lots in this subdivision are subject to inundation by storm or tide flooding.
- The portion of Alaska Code and associated amendments adopted by this plat are approved by the Kenai Peninsula Borough Planning Commission on March 23, 1987.



DENISE LAKE ESTATES PART THREE

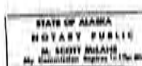
(A REBIDIVISION OF TRACTS B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, U, V, W, X, Y, Z AND TRACT 1 OF ARKALA SUBDIVISION NO. 5 AND LOT 10-15 BLOCK 1 DENISE LAKE ESTATES PART TWO) Linda & Ronald Friendshuh 36041 Kenai Spur Hwy. Kenai, AK 99540

Date of Survey	Book No.	Section/Block No.
4-28-87	48-38	20/11
Drawn by	Scale	P.S. File No.
PLM	1" = 100'	97-080



NOTARY'S ACKNOWLEDGEMENT

FOR: Linda A. Friendshuh, Ronald Friendshuh, Subscribed and sworn before me this 11th day of May, 1987. My commission expires 12/1/88. Notary Public for the State of Alaska



CERTIFICATE OF OWNERSHIP AND DEDICATION

We hereby certify that we are the owners of the real property shown and described herein and we hereby adopt this plat of subdivision and by our free consent dedicate all rights-of-way and public areas to public use and grant an easement to the Department of Environmental Conservation. The engineer's subdivision and Sub Report is available from the Kenai Peninsula Borough.

Linda A. Friendshuh, Ronald Friendshuh, Owners

WASTEWATER DISPOSAL

San conditions, water table levels, and all 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 Alaska Department of Environmental Conservation. Any other type of wastewater treatment and disposal system must be approved by the Alaska Department of Environmental Conservation. The engineer's subdivision and Sub Report is available from the Kenai Peninsula Borough.

Stan A. McLane, C.E. 7861 AK, Date 02 May 87

PLAT APPROVAL

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

March 10, 1987

Kenai Peninsula Borough by

Michael J. Smith, Mayor

CERTIFICATE OF OWNERSHIP AND DEDICATION

We hereby certify that we are the owners of the real property shown and described herein and we hereby submit 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.

Linda A. Friendshuh
Linda A. Friendshuh

George Urban Friendshuh
George Urban Friendshuh
Personal Representative of the
Estate of Rochelle Marie Friendshuh

NOTARY'S ACKNOWLEDGMENT

for Linda A. Friendshuh

Subscribed and sworn before me this

12th day of July, 2007

Michelle Green
Notary Public for the State of Alaska

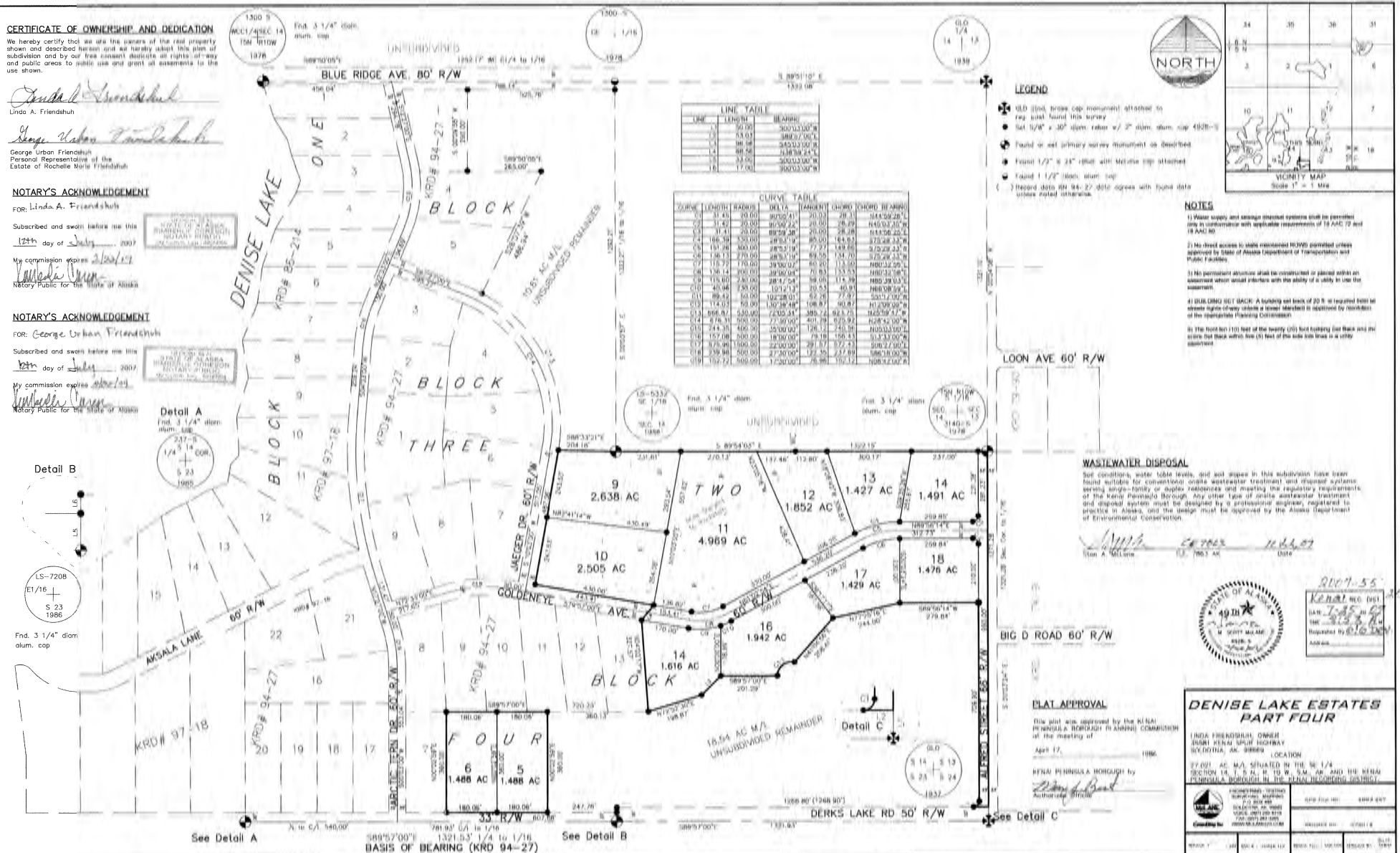
NOTARY'S ACKNOWLEDGMENT

for George Urban Friendshuh

Subscribed and sworn before me this

12th day of July, 2007

My commission expires 08/01/09
Michelle Green
Notary Public for the State of Alaska





WASTEWATER DISPOSAL: LOTS 1-4, 15 & 19-24

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 DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

CODY R. MCLEAN C.E. 11510 AK DATE 6/10/2021

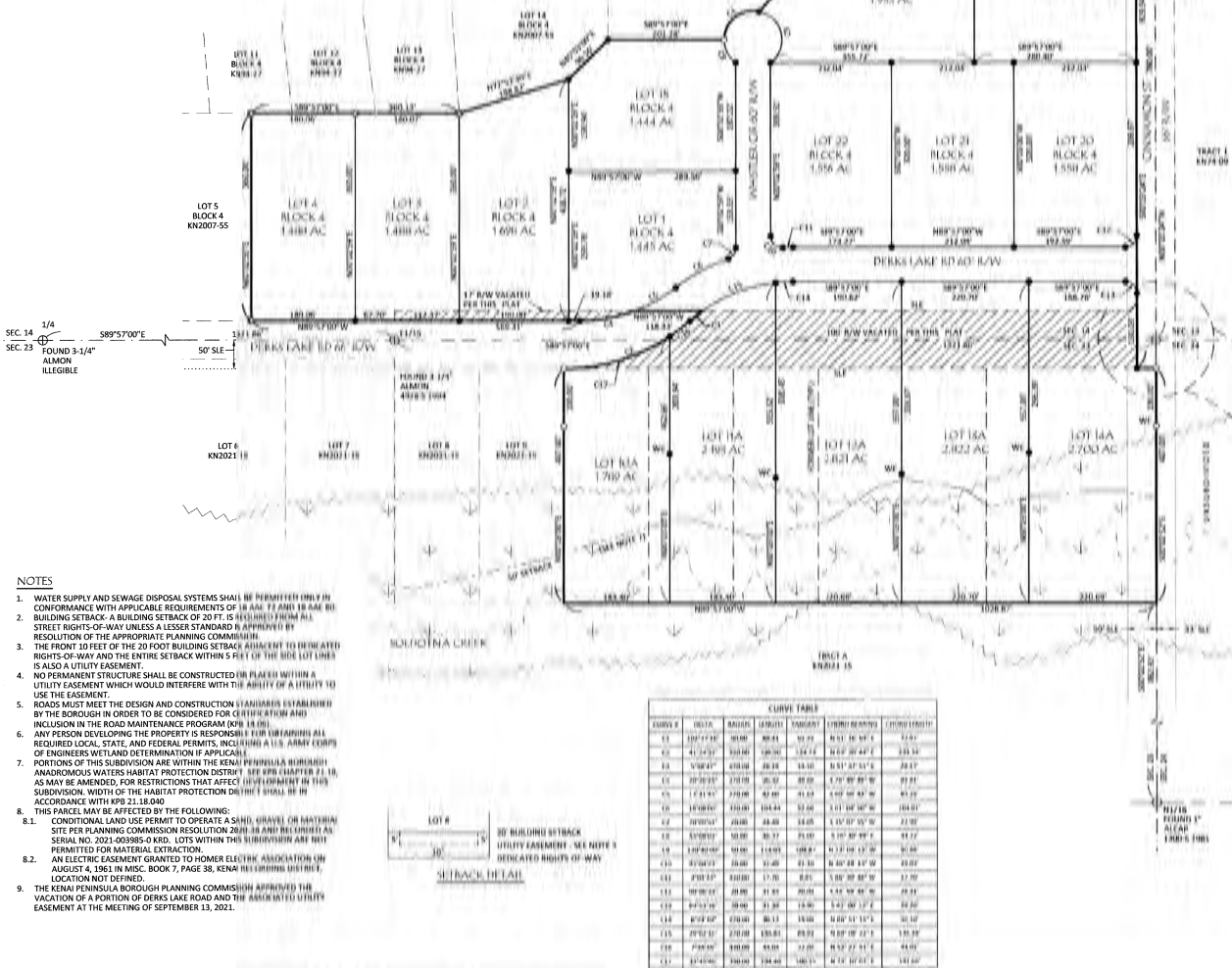
WASTEWATER DISPOSAL: LOTS 10A-14A

THE PARENT SUBDIVISION FOR LOTS RESULTING FROM THIS PLATTING ACTION WAS APPROVED BY THE KENAI PENINSULA BOROUGH ON MAY 11, 2001. WASTEWATER TREATMENT AND DISPOSAL SYSTEMS MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

CERTIFICATE OF ACCEPTANCE

THE UNDERSIGNED OFFICIAL IDENTIFIED BY NAME AND TITLE IS AUTHORIZED TO ACCEPT AND THEREBY ACCEPTS ON BEHALF OF THE KENAI PENINSULA BOROUGH FOR PUBLIC PURPOSES THE REAL PROPERTY TO BE DEDICATED BY THIS PLAT INCLUDING EASEMENTS, RIGHTS-OF-WAY (HEREIN LANE ROAD AND WHISTLER CIRCLE ALLEYS, AND OTHER PUBLIC AREAS) WITHIN THE PLAT, THE ACCEPTANCE OF WHICH FOR PUBLIC USE OR PUBLIC PURPOSE DOES NOT OBLIGATE THE PUBLIC OR ANY GOVERNING BODY TO CONSTRUCT, OPERATE, OR MAINTAIN IMPROVEMENTS.

AUTHORIZED OFFICIAL DATE 6-10-2021



Quainton, Madeleine

From: Percy, Colton T (DFG) <colton.percy@alaska.gov>
Sent: Wednesday, November 2, 2022 12:55 PM
To: Quainton, Madeleine
Subject: RE: <EXTERNAL-SENDER>FW: PLAT REVIEW FOR November 14, 2022 MEETING: Plat Review State Group; GCI; Enstar; HEA; ACS

CAUTION:This email originated from outside of the KPB system. Please use caution when responding or providing information. Do not click on links or open attachments unless you recognize the sender, know the content is safe and were expecting the communication.

Thank you for catching that. Yes, I meant 155.

Colton T. Percy

Habitat Biologist

Access Defense Program

Alaska Department of Fish and Game

Division of Wildlife Conservation

333 Raspberry Rd

Anchorage, AK 99518

907-267-2118

From: Quainton, Madeleine <mquainton@kpb.us>
Sent: Wednesday, November 2, 2022 12:54 PM
To: Percy, Colton T (DFG) <colton.percy@alaska.gov>
Subject: RE: <EXTERNAL-SENDER>FW: PLAT REVIEW FOR November 14, 2022 MEETING: Plat Review State Group; GCI; Enstar; HEA; ACS

Hi Colton,

I see 2022-153 is listed twice below. KPB 2022-155 also has Soldotna Creek running through. Did you by chance me that one?

Madeleine

From: Percy, Colton T (DFG) <colton.percy@alaska.gov>
Sent: Wednesday, November 2, 2022 12:44 PM
To: Quainton, Madeleine <mquainton@kpb.us>
Subject: <EXTERNAL-SENDER>FW: PLAT REVIEW FOR November 14, 2022 MEETING: Plat Review State Group; GCI; Enstar; HEA; ACS

CAUTION:This email originated from outside of the KPB system. Please use caution when responding or providing information. Do not click on links or open attachments unless you recognize the sender, know the content is safe and were expecting the communication.

Hi Madeleine,

Alaska Department of Fish and Game (ADF&G) has reviewed these proposed platting actions, including KPB 2022-162. ADF&G has no objections to the proposed platting actions as they will not affect public access to public lands and waters. ADF&G has the following comments:

KPB 2022-153: This plat depicts Soldotna Creek which is cataloged as anadromous. AWC 244-30-10010-2039

KPB 2022-158: This plat depicts North Fork Anchor River which is cataloged as anadromous. AWC 244-10-10010-2011

KPB 2022-153: This plat depicts Soldotna Creek which is cataloged as anadromous. AWC 244-30-10010-2039

KPB 2022-160: The correct name of the creek is Bidarki Creek, not Bidarka as depicted on the plat and the plat notes. Bidarki Creek is not anadromous.

Anadromous waters are identified to be important habitat for salmon. Any modifications to the streambank or streambed of an anadromous stream requires a permit from the ADF&G Division of Habitat.

Thank you, as always for the opportunity to review and comment.

Colton T. Percy

Habitat Biologist

Access Defense Program

Alaska Department of Fish and Game

Division of Wildlife Conservation

333 Raspberry Rd

Anchorage, AK 99518

907-267-2118

From: Quainton, Madeleine <mquainton@kpb.us>

Sent: Tuesday, October 25, 2022 10:23 AM

To: 'Olewniczak, Iwo' <iwo.olewniczak@acsalaska.com>; Marsengill, Dale <DMarsengill@HomerElectric.com>; ENSTAR ROW <row@enstarnaturalgas.com>; Biloan, Joselyn (DOT) <joselyn.biloan@alaska.gov>; Keiner, Robert (DOT) <bob.keiner@alaska.gov>; 'ospdesign@gci.com' <ospdesign@gci.com>; Percy, Colton T (DFG) <colton.percy@alaska.gov>; 'Huff, Scott' <shuff@HomerElectric.com>

Cc: 'Zubeck, Brad' <BZubeck@HomerElectric.com>

Subject: PLAT REVIEW FOR November 14, 2022 MEETING: Plat Review State Group; GCI; Enstar; HEA; ACS

CAUTION: This email originated from outside the State of Alaska mail system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,

Attached are the plats to be reviewed for the **November 14, 2022** meeting.

- Sleepy Hollow Longmere Landing Addition KPB 2021-003R1
- Heath Subdivision No 5 KPB 2022-153
- Tatum Denise Subdivision Derks Lake Addition KPB 2022-155
- Centennial Shores Subdivision 2023 Replat KPB 2022-156
- Levan-Sterling Subdivision KPB 2022-125R1
- Lloyd Race Lot 4 Replat KPB 2022-157
- ASLS No 2021-37 North Fork Micro AG Subdivision KPB 2022-158
- Questa Woods Subdivision Unrein Addition KPB 2022-159
- Bidarki Creek No. 5 KPB 2022-160

- James 2022 KPB 2022-161

Please provide comments by **November 2, 2022** to ensure the comments will be included in a preliminary plat staff report.

Preliminary plat comments will be accepted until the 1:00 p.m. Friday before the meeting date.

Madeleine Quinton

Platting Technician

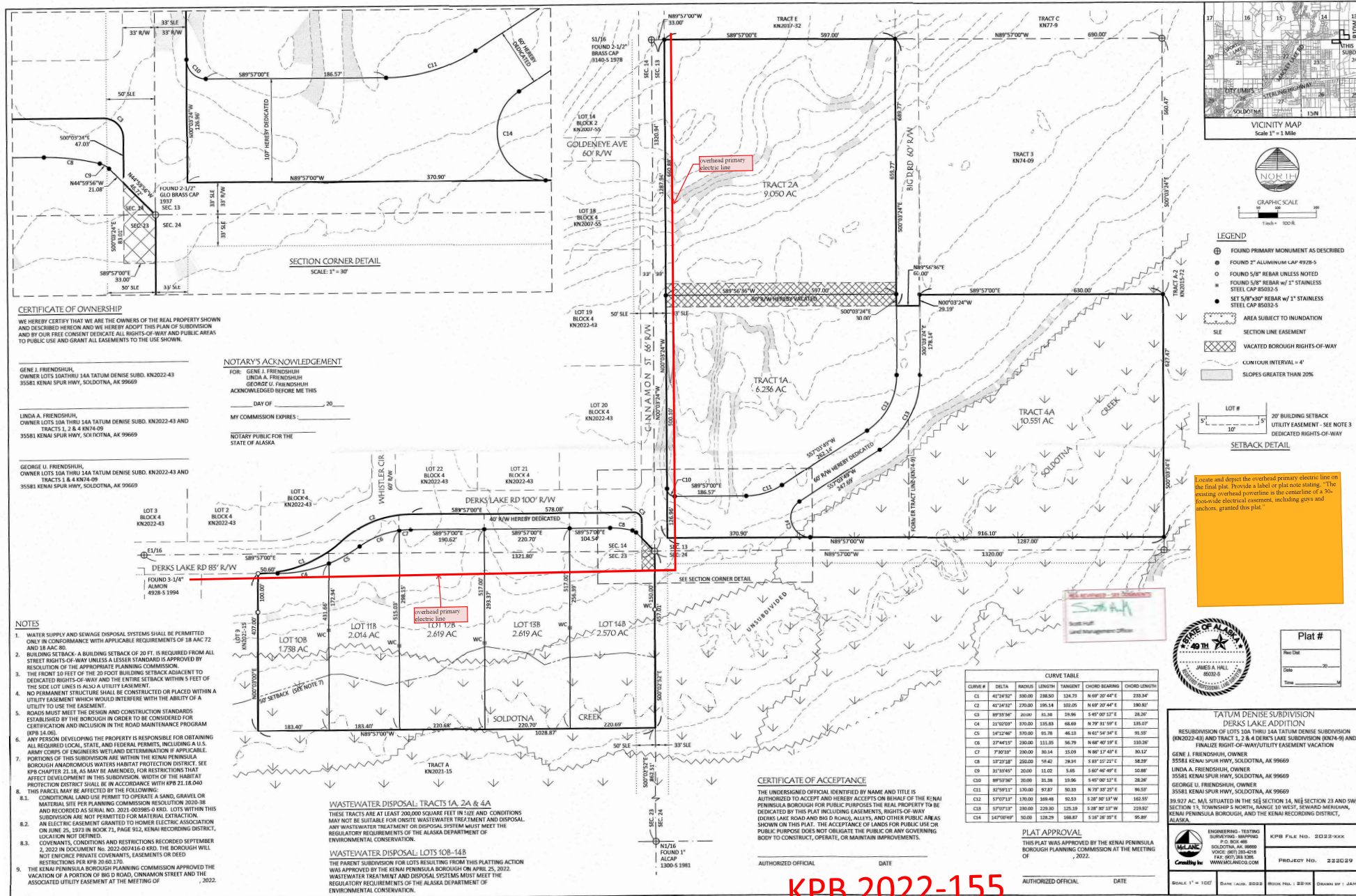
Planning Department

Ph: (907) 714-2207

Fx: (907) 714-2378

KENAI PENINSULA BOROUGH
144 North Dinkley Street
Soldotna, Alaska 99669





KPB 2022-155

From: [Quainton, Madeleine](#)
To: [Shirnberg, Ann](#)
Subject: FW: <EXTERNAL-SENDER>FW: November 14, 2022 Planning Commission Meeting
Date: Monday, November 14, 2022 8:08:14 AM
Attachments: [image001.png](#)
[PCTentativeAgenda_111422.pdf](#)
[PlatTentativeAgenda_111422.pdf](#)
[4. STAFF REPORT Tatum Denise Subdivision Derks Lake Addition KPB File 2022-155.pdf](#)
[4. STAFF REPORT Big D Road and Cinnamon Street ROW KPB File 2022-155V.pdf](#)

Madeleine

From: James Hall <jhall@mclanecg.com>
Sent: Friday, November 11, 2022 10:04 AM
To: Hindman, Julie <jhindman@kpb.us>; Piagentini, Vincent <vpiagentini@kpb.us>; Quainton, Madeleine <mquainton@kpb.us>
Subject: <EXTERNAL-SENDER>FW: November 14, 2022 Planning Commission Meeting

CAUTION: This email originated from outside of the KPB system. Please use caution when responding or providing information. Do not click on links or open attachments unless you recognize the sender, know the content is safe and were expecting the communication.

Good Morning,

We would like to remove the Tatum Denise Subdivision Derks Lake Addition and R/W vacation from KPB agenda for the meeting on 11/14/22. We will supply a revised preliminary plat by 11/18/22 with intent to get on the agenda for 12/12/22. Let me know if you need any additional information or have any questions/concerns.

Thanks for your time
James Hall, PLS
McLane Consulting, Inc.
907-283-4218 office
907-953-5886 cell

From: Shirnberg, Ann <ashirnberg@kpb.us>
Sent: Monday, November 7, 2022 8:11 AM
To: Ben Benson <BBenson@mclanecg.com>; Cody McLane <crmclane@mclanecg.com>; James Hall <jhall@mclanecg.com>; Karen Crapps <accounting@mclanecg.com>; Sam McLane <SaMcLane@mclanecg.com>
Subject: November 14, 2022 Planning Commission Meeting

Good Morning,

The following item is being heard at the 11/14/22 Plat Committee meeting:

- Tatum Denise Subdivision Derks Lake Addition

The following item is being heard at the 11/14/22 Planning Commission meeting:

- Right-Of-Way Vacation – Cinnamon Street & Big D Road

Please find attached the staff reports for the above items and the tentative agendas for the meeting.

Thank You,

Ann Shirnberg
Administrative Assistant
Planning Department
(907) 714-2215

KENAI PENINSULA BOROUGH
144 North Binkley Street
Soldotna, Alaska 99669



PUBLIC RECORDS LAW DISCLOSURE: This email and responses to this email may be subject to provisions of Alaska Statutes and may be made available to public upon request.

E. NEW BUSINESS

5. Bidarki Creek No. 5; KPB File 2022-160



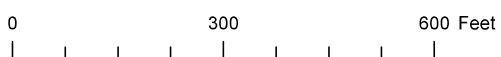
Kenai Peninsula Borough Planning Department

Vicinity Map



KPB File 2022-160
T 06S R 14W SEC 24
Homer

10/24/2022





NOTES:

1. This subdivision is subject to Homer City Code.
2. All wastewater disposal systems shall comply with existing applicable laws at the time of construction.
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. This subdivision is subject to the zoning regulations of the City of Homer. Portions of this subdivision may contain wetlands. Owners should consult with the City of Homer Planning Dept. and the Army Corps of Engineers prior to any development activity.
5. The location of the northerly edge of the ROW of the Sterling Highway is shown per Bidarki Creek No. 4 HM2012-27.
6. Per Plat HM2007-106 a 50' wide drainage easement is on each side of the centerline of Bidarki Creek for maintenance purposes regarding drainage for the Sterling Highway.
7. No access to state maintained rights-of-way permitted unless approved by the State of Alaska, Department of Transportation.
8. Covenants, conditions and restrictions which may affect portions of this subdivision are recorded in Bk. 68, Pg. 145 H.R.D.
9. The location of the northerly edge of the Sterling Highway is shown per Bidarki Creek No. 4 HM2012-27.
10. There is a 15' Utility and Drainage easement benefiting the City of Homer recorded per Serial No. 2003-01950-0, H.R.D.
11. Bidarki Creek is subject to periodic flooding.
12. 15' Utility and Drainage easement per Serial 2003-01950-0, HRD.

LEGEND

- Found Survey Monument
- Set 2" Alcap on 5/8" 30" rebar
- Fire Hydrant
- Bollard
- Abandoned CMP Well
- Utility Pole with anchor
- Wetland areas per KVF Wetland Assessment
- Approximate Slopes 20% or greater

Line	Bearing	Distance
L1	S76°05'22"W	18.00
L2	N73°54'38"W	12.59
L3	S75°53'07"W	19.86
L4	S29°58'24"W	33.52

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	766.20	151.83	151.59	N68°14'01"W	112°15'
C2	20.00	22.25	21.12	S42°02'07"E	63°45'01"
C3	50.00	86.58	72.13	S27°45'07"E	92°19'01"
C4	50.00	21.38	21.41	S30°48'10"W	24°43'52"
C5	50.00	20.16	20.03	S44°41'07"W	23°36'25"
C6	50.00	22.70	22.57	S29°16'33"W	38°25'10"
C7	50.00	21.75	21.07	N71°58'16"W	31°24'31"
C8	50.00	20.17	20.04	S44°42'33"E	23°06'57"
C9	230.00	20.16	20.15	N6°02'08"W	5°01'19"
C10	230.00	20.46	20.46	S25°34'50"E	5°05'51"
C11	230.00	20.83	20.84	S20°02'20"E	5°13'40"
C12	230.00	24.89	24.88	N05°43'48"W	23°22'26"
C13	766.20	62.45	62.43	N64°51'22"W	44°01'19"
C14	766.20	18.35	18.35	S6°21'55"E	6°21'55"
C15	766.20	58.12	58.11	S70°02'21"E	4°20'46"
C16	766.20	22.71	22.71	S73°03'41"E	1°41'53"

Plat Approval:

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of _____, 20____.

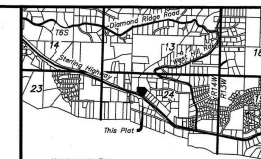
Kenai Peninsula Borough

By: _____
Authorized Official

Certificate of Acceptance

The undersigned official identified by name and title is authorized to accept and hereby accepts on behalf of the City of Homer for public use and for public purposes the Public Access Easement granted this plat. The acceptance of lands for public use or public purpose does not obligate the public or any governing body to construct, operate, or maintain improvements.

By: _____ Date _____
Rob Dumouchel, City Manager
City of Homer



VICINITY MAP 1" = 1/2 Mile

Ownership Certificate:

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

Mckennan Lamb, for former Tract 2
2585 Timview Dr.
Provo, UT 84604

Notary's Acknowledgment:

For _____
Acknowledged before me this _____ day of _____, 20____.

Notary Public for Alaska
My commission expires: _____

Rachael Lamb, for former Tract 2
2585 Timview Dr.
Provo, UT 84604

Notary's Acknowledgment:

For _____
Acknowledged before me this _____ day of _____, 20____.

Notary Public for Alaska
My commission expires: _____

Kristen Lamb Realty, for former Tract 1
2795 Rolling Hills Dr.
Provo, UT 84604

Notary's Acknowledgment:

For _____
Acknowledged before me this _____ day of _____, 20____.

Notary Public for Alaska
My commission expires: _____

WASTEWATER CERTIFICATE:

Plans for wastewater disposal that meet regulatory requirements are on file at the Department of Environmental Conservation.

Engineer _____ License # _____ Date _____

BIDARKI CREEK No. 5

A subdivision of Tracts 1 and 2
Bidarki Creek No. 4 HM2012-27
Within NW1/4, Sec. 14, T6S, R14W, S4E,
in the City of Homer, Kenai Peninsula Borough,
Homer Recording District,
Third Judicial District, Alaska
Containing 3.114 Acres

Prepared for:
Mckennan and Rachael Lamb
2585 Timview Dr.
Provo, Utah 84604 and
Kristen Lamb Realty
2795 Rolling Hills Dr.
Provo, Utah 84604

Prepared by:
Orion Surveys
PO Box 55025,
36570 Maria Road,
Fritz Creek, AK 99603
(907) 359-7028
tom@orionsurveys.com

Scale: 1"=30' Date: 8/24/2022
78: 24 Job# 365 KPB File No. 2022-

KPB 2022-160

NOTES:

1. This subdivision is subject to Homer City Code.
2. All wastewater disposal systems shall comply with existing applicable laws at the time of construction.
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. This subdivision is subject to the zoning regulations of the City of Homer. Portions of this subdivision may contain wetlands. Owners should consult with the City of Homer Planning Dept. and the Army Corps of Engineers prior to any development activity.
5. The location of the northern edge of the ROW of the Sterling Highway is shown per Bidarki Creek No. 4 HM2012-27.
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LEGEND

- Found Survey Monument
- Set 2" Alcap on 5/8"x30" rebar
- Fire Hydrant
- Billard
- Abandoned CMP Well
- Utility Pole with anchor
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- Approximate Slopes 20% or greater

Line	Bearing	Distance
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L2	N72°42'28"W	10.50
L3	S75°58'07"W	19.86
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CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
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C8	50.00	20.17	20.04	S44°42'33"E	23°58'57"
C9	130.00	20.16	20.15	N30°18'25"W	2°01'10"
C10	130.00	20.46	20.46	S25°34'50"E	5°05'31"
C11	130.00	20.93	20.94	S20°05'20"E	5°10'01"
C12	130.00	64.89	64.86	N05°43'48"W	88°52'59"
C13	166.20	62.45	62.43	N64°31'22"W	43°01'13"
C14	166.20	22.71	22.71	S67°49'43"E	1°08'24"
C15	166.20	58.17	58.11	S27°09'21"E	4°29'46"
C16	166.20	22.71	22.71	S73°03'41"E	1°41'33"

Plat Approval:

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of _____, 20____.

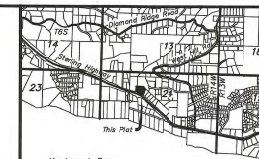
Kenai Peninsula Borough

By: _____
Authorized Official

Certificate of Acceptance

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By: _____
Job Demosioch, City Manager
City of Homer



VICINITY MAP 1" = 1/2 Mile

Ownership Certificate:

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

McKernan Lamb, for former Tract 2

2385 Timmyview Dr.

Provo, UT 84604

Notary's Acknowledgment:

For Acknowledged before me this _____ day of _____, 20____.

Notary Public for Alaska

My commission expires: _____

Rachael Lamb, for former Tract 2

2385 Timmyview Dr.

Provo, UT 84604

Notary's Acknowledgment:

For Acknowledged before me this _____ day of _____, 20____.

Notary Public for Alaska

My commission expires: _____

Kristen Lamb Reilly, for former Tract 1

2795 Rolling Hills Dr.

Provo, UT 84604

Notary's Acknowledgment:

For Acknowledged before me this _____ day of _____, 20____.

Notary Public for Alaska

My commission expires: _____

WASTEWATER CERTIFICATE:

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Engineer _____ License # _____ Date _____

0 30 60 90

BIDARKI CREEK No. 5

A subdivision of Tracts 1 and 2
Bidarki Creek No. 4 HM2012-27
Within NW1/4, Sec. 14, T05, R14W, SH,
in the City of Homer, Kenai Peninsula Borough,
Homer Recording District,
Third Judicial District, Alaska
Containing 3.114 Acres

Prepared for:

McKernan and Rachael Lamb

2385 Timmyview Dr.

Provo, Utah 84604 and

Kristen Lamb Reilly

2795 Rolling Hills Dr.

Provo, Utah 84604

Scale: 1"=33'

781-24

Prepared by:

Orion Surveys

PO Box 15025,

36577 Maria Road,

Fritz Creek, AK 99603

(907) 395-7028

tom@orionsurveys.com

Date: 8/24/2022

KPB file No. 2022-

KPB 2022-160

AGENDA ITEM E. NEW BUSINESS

ITEM 5 – BIDARKI CREEK NO. 5

KPB File No.	2022-160
Plat Committee Meeting:	November 14, 2022
Applicant / Owner:	McKennen and Rachael Lamb and Kristen Lamb Reilly all of Provo, Utah
Surveyor:	Tom Latimer / Orion Surveys
General Location:	Near mile 171 Sterling Highway, City of Homer

Parent Parcel No.:	175-250-12 and 175-250-13
Legal Description:	Tracts 1 and 2, Bidarki Creek No. 4, Plat HM 2012-27
Assessing Use:	Residential
Zoning:	Rural Residential District
Water / Wastewater	City

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide two tracts into 10 lots with a cul-de-sac dedication. The lots will range in size from 10,015, square feet (approximately .23 acres) to 20,167 square feet (approximately .46 acres).

Location and Legal Access (existing and proposed): The proposed plat is located just south of mile 171 of state maintained Sterling Highway. The existing lots have a share driveway directly from the highway. The plat is proposing to dedicate a cul-de-sac atop the main portion of the existing driveway to provide access to all lots. The majority of the lots will be flag lots to have access to the new dedication and one access to the highway.

Hunter Street, Coyote Way, section line easements, West Hill Road, and the Sterling Highway define the block. The block exceeds allowable limits. The other dedications within the block are incomplete or end with cul-de-sacs. There is steep terrain to the north and a creek within the western portion of the subdivision. Due to previous road designs, terrain, and exiting improvements, **staff recommends the plat committee concur that this plat cannot improve the block length.**

While the width of the Sterling Highway varies, **staff recommends the width to the centerline be shown and record source for the right-of-way be provided in a label or plat note if it differs than that noted in note 5.**

Staff discussed with the surveyor during a pre-application conference the concerns regarding the length of the cul-de-sac in regards to maintenance and snow removal in addition to its entry to the Sterling Highway. The surveyor stated he has been working with City of Homer Public Works, Roads and DOT on the design.

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

Site Investigation: Wetlands have been determined to be within the western and southern portions of the subdivision. The western wetlands are around the existing creek that meanders through a portion of the western area. The southern wetlands are considered discharge slope as are the neighboring portions of the right-of-way. The preliminary plat contains the wetland areas. Plat note 4 contains the required wetland determination note. **Staff recommends the wetlands remain on the final plat as the southern wetlands may impact access and development.**

The surveyor provided a separate contour map but the main preliminary has slopes greater than 20 percent shown. The terrain may limit some of the developable areas. There is an existing structure contained within some of the steep slopes. The steep slopes are found within some of the access portions of the lots.

The creek is depicted on the plat. Bidarki Creek No. 3, Plat HM 2007-106, granted a 50 foot wide drainage easement on each side of Bidarki Creek. The creek is depicted and the easement edge is depicted within the bounds of the subdivision. **Staff recommends a reference to plat note 6 be added to the setback label and the spelling of the creek be updated in all locations.**

No known encroachments exist. The City Planner noted that the original design they reviewed contained encroachment issues with their side lot line requirements. The plat has been adjusted and **staff recommends the owner/surveyor verify with the Homer Planning Department that they will be compliant.**

KPB River Center review	<p>A. Floodplain Reviewer: Carver, Nancy Floodplain Status: Not within flood hazard area Comments: Located in a Non-Regulatory D - Zone, undetermined flood risk</p> <p>B. Habitat Protection Reviewer: Aldridge, Morgan 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	The correct name of the creek is Bidarki Creek, not Bidarka as depicted on the plat and the plat notes. Bidarki Creek is not anadromous.

Staff Analysis This is a replat of property that has been replatted numerous times. The first plat was Bidarki Creek Subdivision, HM 73-81. The most recent plat is Bidarki Creek No. 4, HM 2012-27.

The plat is proposing to create ten lots with six being traditional flag lots. All flag lots comply with the width and length requirements. **Staff recommends a plat note be added regarding no improvements within the flag lots.**

The lots are all proposed under a half acre. Per KPB Code 20.30.200, if lots will be served by public wastewater disposal and water systems they must be at least 6,000 square feet. There were some concerns discussed at the City of Homer meeting about the terrain and the lot sizes. KPB Code does have restrictions with street grades and that all lots must have access that is practical and economical. The surveyor submitted a draft mutual access easement agreement. That will allow for a single driveway to provide access for multiple lots. This plan will allow for a reduced amount of driveways having access to the small proposed right-of-way and also to take advantage of the terrain and build the driveway in the best location. **Staff recommends the mutual access easement agreement be revised as some lots have been changed, the owners consult with an attorney to make sure the easement is not viewed as self-serving or adjust to not be, and that the easement must be recorded with the State of Alaska Homer Recording Office concurrently with the plat.**

Concurrent recordings occur on occasion and the Platting Staff can help the surveyor with the process and steps required to insure both documents have the needed information. This will allow for the easement to be depicted on the final plat with recording information being added at the recording office. The City of Homer Planner also requested a depiction of the easement on the plat.

The lots will be served by City of Homer water and sewer. A soils report will not be required but an installation agreement or documentation that one is not required must be provided.

Notice of the proposed plat was mailed to the beneficial interest holder on October 25, 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 proposed plat is within the City of Homer. The Homer Planning Commission heard the plat at their September 21, 2022 meeting. They took public testimony with many being opposed due to terrain and size of the lots. The owners' intent to use this subdivision as a tiny home development. The City Planner noted that the proposed plans and configuration follow the requirements for the current zoning and that their minimum lot size was 10,000 square feet. It was questioned that it was not taking terrain into consideration and the City Planner noted it was complying with KPB Code. The City Planner also advised that if they voted to deny, the applicants still could present to the KPB Planning Commission as they are just making a recommendation. The Homer Planning Commission denied the preliminary plat by a vote of 3-2. There was no requested amendments or citing of code for the KPB Staff to take into consideration or to review. Due to the discussions during the public meeting, the design before the KPB Plat Committee has been reduced from 11 lots to 10 to provide more space for the lots. The change also allowed an exception for 3:1 depth to width ratio to not be required as many objected to exceptions being granted. The adjustment also allows for an existing structure to comply with municipal code side lot line setbacks.

KPB Code does not require approval from the City Planning Commissions. It is required that they are presented to them for possible hearings with minutes or memos being sent with the application. While the Homer Planning Commission denied the proposed plat, KPB Staff reviewed the Homer Staff Report for the recommendations made by the Planning Department to incorporate those recommendations as allowed by code.

A couple of additional requests is that a street name must be provided for the new cul-de-sac. They also requested a name be granted to the easement as it will be used for access by multiple lots and this can assist with 9-1-1 calls. It is not uncommon to name easements or driveways if they serve more than three separate residents/businesses as it can assist with routing emergency services. **Staff recommends the owners/surveyor work with the KPB Addressing Officer on road names and the possibility of naming the easement.**

Utility Easements A 10 foot wide utility easement was granted along the northern boundary of the subdivision on Bidarki Creek Subdivision, Plat HM 73-81. Bidarki Creek No. 4, Plat HM 2012-27, granted a 10 foot water main easement along the eastern boundary. **Staff recommends both easements be depicted and labeled including the plat number granting the easements.**

Bidarki Creek No. 3, Plat HM 2007-106, granted 15 foot utility easements that increased to 20 feet within 5 feet of the side lot lines adjacent to rights-of-way. This would be the 15 foot utility easement adjacent to the Sterling Highway. **Staff recommends the depiction be updated to include the 20 foot portions and labeled that it was granted by HM 2007-106.**

The plat is depicting 15 foot utility easements along the new dedication being granted by this plat. **Staff recommends the depiction and label remain but include a plat note regarding the easement being granted.**

Several easements have been granted by recorded document and are noted and depicted if location is known.

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	<p>Reviewer: Haws, Derek Affected Addresses: 1762 STERLING HWY 1742 STERLING HWY</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names: STERLING HWY</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: City of Homer will advise on affected street name. New street name needed for newly dedicated row.</p>
Code Compliance	<p>Reviewer: Ogren, Eric Comments: No comments</p>
Planner	<p>Reviewer: Raidmae, Ryan There are not any Local Option Zoning District issues with this proposed plat.</p> <p>Material Site Comments: There are not any material site issues with this proposed plat. Review Not Required</p>
Assessing	<p>Reviewer: Windsor, Heather Comments: No comment</p>

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

STAFF RECOMMENDATIONS
CORRECTIONS / EDITS

A depiction within Lot 1, between the right-of-ways, is unclear on what it is representing. Provide a new symbol or update the depiction.

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;

Page 4 of 6

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. Verify Kristen Lamb Reilly's address as KPB Assessing has Rolling Knolls. Please update or if KPB records are incorrect, advise contacting KPB Assessing to update.

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.

20.30.190. Lots-Dimensions.

A. The size and shape of lots shall provide usable sites appropriate for the locality in which the subdivision is located and in conformance with the requirements of any zoning ordinance effective for the area in which the proposed subdivision is located. Generally, lots shall be square or rectangular. Lots shall be at least 60 feet wide on the building setback line. The minimum depth shall be no less than 100 feet, and the average depth shall be no greater than three times the average width.

B. The access portion of a flag lot shall not be less than 20 feet wide. A flag lot with the access portion less than 60 feet wide may be subject to a plat note indicating possible limitations on further subdivision based on access issues, development trends in the area, or topography. If the access portion is less than 60 feet wide, it may not exceed 150 feet in length. The access portion may not be used for permanent structures or wastewater disposal area, must meet the design standards of KPB 20.30.030(A) and 20.30.090 for access, and, if at least 60 feet wide, will be subject to the building setback restrictions of KPB 20.30.240.

Staff recommendation: place the standard note on the plat for the flag lot(s): No structures are permitted within the panhandle portion of the flag lot(s).

20.30.270. Different standards in cities. Where cities have enacted by ordinance different subdivision design standards than those set forth in this chapter, the planning commission shall apply the city standards in lieu of those set forth in this chapter. Any appeal of a city design standard is subject to KPB 21.01.020(E).

Staff recommendation: The City of Homer does not meet the specified requirements for the application and consideration of different standards.

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 not required, city water and sewer are available.

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.

20.60.080. Improvements-Installation agreement required. A final plat of a subdivision located within city limits shall not be recorded with the district recorder prior to compliance with any city ordinances concerning the installation of improvements. Evidence of compliance shall be provided by the subdivider in the form of a written statement from the appropriate city official that improvements required by city ordinance are or will be installed. Evidence of compliance shall be a part of the final plat submission and the time for action required by KPB 20.60.210 shall not commence until evidence of compliance is submitted.

Staff recommendation: An installation agreement will be required or documentation that one is not 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.*

- *The borough will not enforce private covenants, easements, or deed restrictions per KPB 20.60.170.*
- *No structures are permitted within the panhandle portion of the flag lot(s).*
- *If the driveway agreement is required to be recorded concurrently, a plat note may be needed unless fully depicted and noted on the plat.*

Plat notes 5 and 9 are similar and only one is required.

Plat notes 10 and 12 are similar and only one is required (if 10 is left correct the serial number).

There is a typo within plat note 8 to be corrected.

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: *Street name added to City Acceptance. Verify the owner's address for signature line. 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.

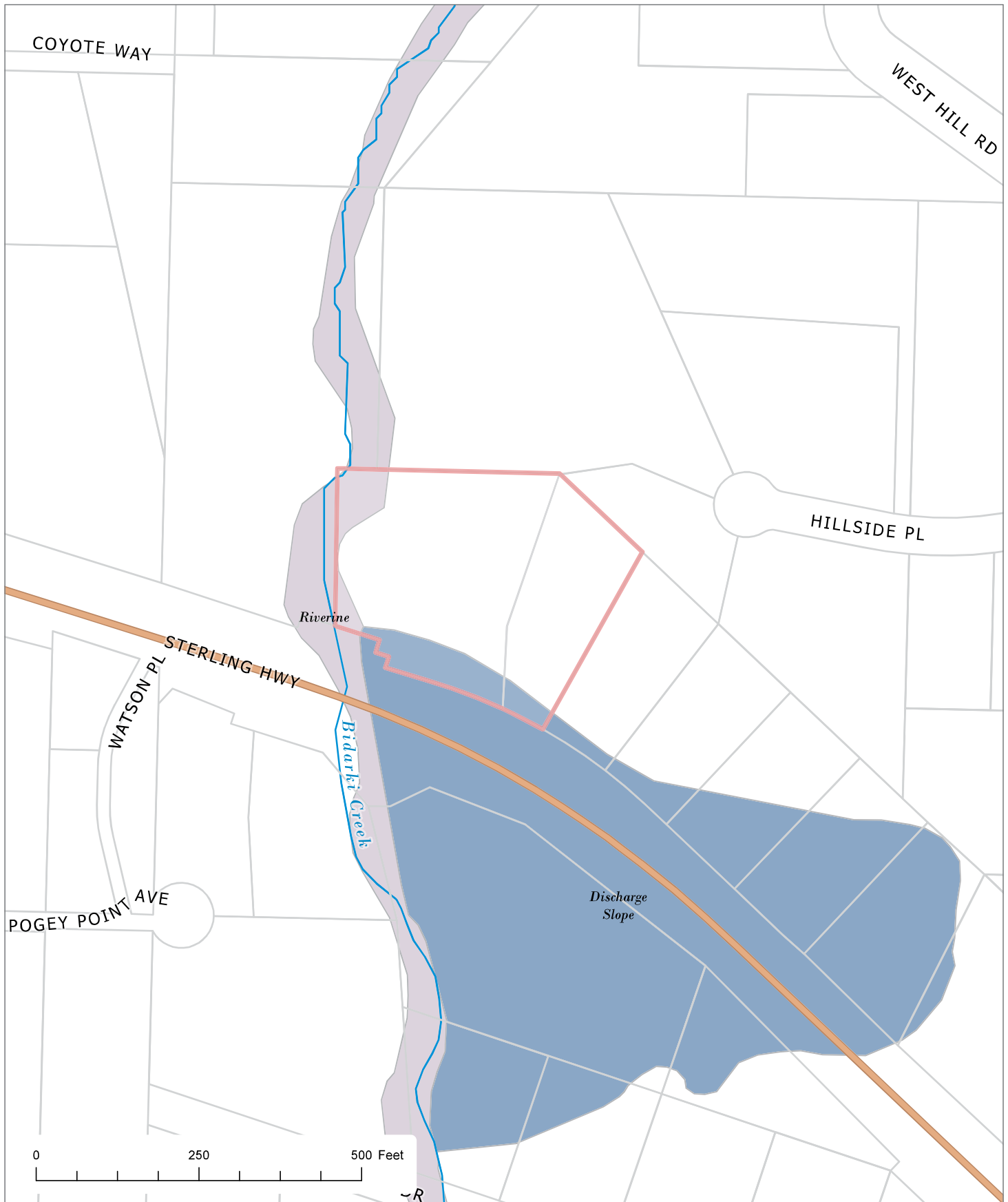
A DECISION OF THE PLANNING COMMISSION MAY BE APPEALED TO THE HEARING OFFICER BY A PARTY OF RECORD WITHIN 15 DAYS OF THE DATE OF NOTICE OF DECISION IN ACCORDANCE WITH KPB 21.20.250.

END OF STAFF REPORT





Wetlands



MUTUAL ACCESS EASEMENT AGREEMENT

THIS MUTUAL ACCESS EASEMENT AGREEMENT (this "Agreement"), by and between **MCKENNEN LAMB** and **RACHAEL LAMB**, of 2585 Timpview Dr., Provo, Utah 84604, and **KRISTEN LAMB REILLY**, of 2795 Rolling Knolls Dr., Provo, Utah 84604, hereinafter referred to as "**GRANTORS**", and **MCKENNEN LAMB** and **RACHAEL LAMB**, of 2585 Timpview Dr., Provo, Utah 84604, and **KRISTEN LAMB REILLY**, of 2795 Rolling Knolls Dr., Provo, Utah 84604, hereinafter referred to as "**GRANTEES**", in connection with adjacent properties in Homer Recording District, Kenai Peninsula Borough, Alaska, owned by Grantors and Grantees.

RECITALS

A. **WHEREAS**, Grantors are the owners of real property legally described as:

LOTS 7 THROUGH 10, BIDARKI CREEK NO. 5, according to Plat No. _____, Homer Recording District, Third Judicial District, State of Alaska.

which are known as the "Grantor Tracts".

B. **WHEREAS**, Grantees are the owners of real property legally described as:

LOTS 6 THROUGH 11, BIDARKI CREEK NO. 5, according to Plat No. _____, Homer Recording District, Third Judicial District, State of Alaska.

which are known as the "Grantee Tracts".

C. **WHEREAS**, _____ (road name), a public road, does not continue onto the Grantee Tracts. A shared private driveway runs from _____ (road) through the boundaries between the Grantor Tracts and the Grantee Tracts.

D. **WHEREAS**, Grantees wish to obtain pedestrian and vehicle access to the Grantee Tracts from _____ (road) over the shared private driveway on Grantor Tracts.

E. **WHEREAS**, Grantors and Grantees wish to enter into this Agreement to allow Grantees to access the Grantee Tracts over the shared private driveway on the Grantor Tracts for residential purposes. Grantors and Grantees also wish to set out the terms and conditions that will govern use of the shared private driveway for the benefit of the Grantee Tracts, and to provide for the maintenance and repair of the shared private driveway.

WHEREAS, it is the intent of the parties hereto that Grantors shall grant and convey unto Grantees a Mutual Access Easement across that certain shared private driveway which is presently in existence and set forth in "Exhibit A" which is attached hereto and incorporated herein by reference for all purposes.

NOW, THEREFORE, the parties agree as follows:

1. **GRANT OF EASEMENT**. For good consideration, Grantors hereby grant to Grantees for the benefit of, and appurtenant to, the Grantee Tracts, a non-exclusive, perpetual easement for pedestrian and vehicle ingress and egress between _____ (road) and the Grantee Tracts over and across the shared private driveway (the "Easement Area") that is located in approximately the location depicted on the attached **Exhibit A**. The easement is limited to the purpose of access for residential use of the Grantee Tracts.

2. **AS IS**. Grantees accept the use of the Easement Area in its present condition, AS IS, with all defects, apparent or latent, without any representation or warranty by Grantors or any representative of Grantors, expressed or implied. Grantees hereby assume all risk of Grantees' use of the Easement Area.

3. **MAINTENANCE AND REPAIR**. Grantees shall maintain the Easement Area to be reasonably flat and readily passable by pedestrians and Class ____ vehicles. Grantees shall divide the expense of maintenance of the shared private driveway in proportion to the use made of the easement by each holder of an interest in the easement. OR PROPORTION? Ex. Lot 11: 1/10; Lot 10: 2/10; etc.

4. **BINDING EFFECT**. This Agreement, and the rights and obligations herein, run with the land and bind and benefit the future owners of the Grantor Tract and the Grantee Tract. This Agreement is intended to create a covenant running with the land.

5. **NO DEDICATION**. This Agreement shall not be interpreted or

construed to create any third-party beneficiary rights in any person other than the Grantors, the Grantees, and their respective successors and assigns with respect to the fee ownership of the Grantor Tracts and the Grantee Tracts, and any subdivision or parcel thereof. This Agreement shall not be deemed a gift or dedication of the Easement Area or any other portion of any property to any governmental agency, to any private third party, or to the general public whatsoever.

6. **EMERGENCY VEHICLE ACCESS AND TURN AROUND.** Grantors and Grantees agree that no party shall utilize the Easement Area in a manner that may impede use of Easement Area by emergency vehicles, or emergency vehicle use of the Emergency Vehicle Turn Around Area marked in **Exhibit A**.

7. **ATTORNEYS' FEES.** In the event suit or action is instituted to interpret, enforce, or rescind this Agreement, the prevailing party shall be entitled to recover from the other party such sum as the court may adjudge as attorneys' fees.

8. **MODIFICATIONS.** Any modifications to this Agreement must be in writing and signed by the parties, or by their respective heirs, successors, or assigns.

9. **GOVERNING LAW.** This Agreement is made under Alaska law.

10. **SEVERABILITY.** Any provision of this Agreement which is found to be invalid or in violation of any statute, rule, regulation, or common law shall be considered null and void, with the remaining provisions remaining in effect.

11. **ENTIRE AGREEMENT.** This Agreement constitutes the entire agreement of the Parties with respect to the Easement Area. This Agreement supersedes any written and oral agreements previously made or existing between the Parties with respect to the Easement Area.

IN WITNESS WHEREOF, the parties have executed this agreement on the _____ day of _____, 2022.

SIGNATURE OF GRANTORS:

MCKENNEN LAMB

RACHAEL LAMB

KRISTEN LAMB REILLY

SIGNATURE OF GRANTEES:

MCKENNEN LAMB

RACHAEL LAMB

KRISTEN LAMB REILLY

STATE OF UTAH)
 : ss.

COUNTY)

THIS IS TO CERTIFY that on this _____ day of _____, 2022, before me the undersigned Notary Public in and for the State of Utah, personally appeared MCKENNEN LAMB and RACHAEL LAMB known to me to be the persons named in the foregoing instrument, and acknowledged to me that they executed the same freely and voluntarily for the uses and purposes therein contained.

IN WITNESS HEREOF, I have hereunto set my hand and seal the day and year first hereinabove written.

NOTARY PUBLIC, State of Utah
My Commission Expires: _____

STATE OF UTAH)
 : ss.

COUNTY)

THIS IS TO CERTIFY that on this _____ day of _____, 2022, before me the undersigned Notary Public in and for the State of Utah, personally appeared KRISTEN LAMB REILLY known to me to be the person named in the foregoing instrument, and acknowledged to me that she executed the same freely and voluntarily for the uses and purposes therein contained.

IN WITNESS HEREOF, I have hereunto set my hand and seal the day and year first hereinabove written.

NOTARY PUBLIC, State of Utah
My Commission Expires: _____

RETURN TO:

Legend

- Found Monument as described
- Found 2" Alum Cap Lounsbury and Associates
- Found 2" Alum Cap on 5/8" Rebar 5780-S per Plat No. 2007-106
- Dimension of Record Metes and Bounds Description Book 102 Page 4, HRD
- Dimension of Record Bidarki Creek No. 2 Plat No. 2000-56
- Approximate Slopes 20% or greater

Line Chart

L1	S73°53'43"E	71.83'
	(S73°54'38"E	71.83')
L2	S15°55'07"W	19.86'
	(S16°05'22"W	19.97')
L3	S73°54'38"E	21.52'
L4	S16°05'22"W	18.00'
L5	S73°54'38"E	109.40'

Wastewater Disposal

Plans for wastewater disposal that meet regulatory requirements are on file at the State of Alaska Department of Environmental Conservation.

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 7-14-2012 R. W. Imhoff
 Roger W. Imhoff LS 5780

Plat Approval

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of June 11, 2012

KENAI PENINSULA BOROUGH
 By: Max Bred
 Authorized Official

Ownership Certificate

I hereby certify that I am the owner of the real property shown and described herein and that 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.

I further certify that the Deed of Trust affecting this property does not contain restrictions which would prohibit this subdivision or require signature and approval of the beneficiary.

Pamela Breckenridge 7/19/2012
 Pamela Breckenridge Date
 PO Box 455
 Homer AK 99603

Notary's Acknowledgment
 Subscribed and sworn to me before me this 19th day of July, 2012
 for Pamela Breckenridge
Kathy Oakland
 Notary Public for Alaska
 My Commission Expires 7-6-13

Vicinity Map 1" = 1 Mile

Notes

- All wastewater disposal systems shall comply with existing applicable laws at the time of construction.
- No permanent structures shall be constructed or placed within an easement which would interfere with the ability of a utility to use the easement.
- No access to State maintained rights-of-way permitted unless approved by State of Alaska Department of Transportation.
- Set a Blue PVC Cap on 5/8" x 33" long steel rebar at all lot corners and ROW points of curvature for this survey (unless noted otherwise).
- Basis of Bearing between the NW 1/16 Corner and the W 1/16 Corner as shown.
- Covenants, conditions, and restrictions which may effect portions of this subdivision are recorded in Bk 68 Page 145, HRD.
- State of Alaska Permit and Certificate of Appropriation of Water recorded in Bk 102 Page 290, HRD.
- The location of the Northerly edge of the ROW of the Sterling Highway was determined from calculations made using surveyed locations of found monuments and record data from Plat No. 73-81, Plat No. 73-551, DOT&PF Right-of-Way Maps from Alaska Project No. F 021-1(37) Homer Hill, and the corresponding ROW 'Take' as shown in Book 251 Page 324.
- This subdivision is subject to the zoning regulations of the City of Homer. Portions of this subdivision may contain wetlands. Owners should consult with the City of Homer Planning Dept and the Army Corps of Engineers prior to any development activity.
- Per Plat No. 2007-106 HRD, a 50 ft wide drainage easement on each side of the centerline of Bidarki Creek for maintenance purposes regarding drainage for the Sterling Highway.
- The 15 ft fronting the edge of right-of-way and the 20 ft fronting the edge of right-of-way within 5 ft of each side of any side lot line is a utility easement. No permanent structure shall be constructed or placed within the utility easement which would interfere with the ability of the utility to use the easement.
- A 15 ft Utility & Drainage Easement benefiting the City of Homer per Serial No. 2003-1950.
- Bidarki Creek is subject to periodic flooding.

2012-27
Plat # HOMER
 Rec Dist
 Date 8-10-2012
 Time 8:52 AM

Files
 bidarkino3.vcd
 bidarki.cgo
 FB 2006-7

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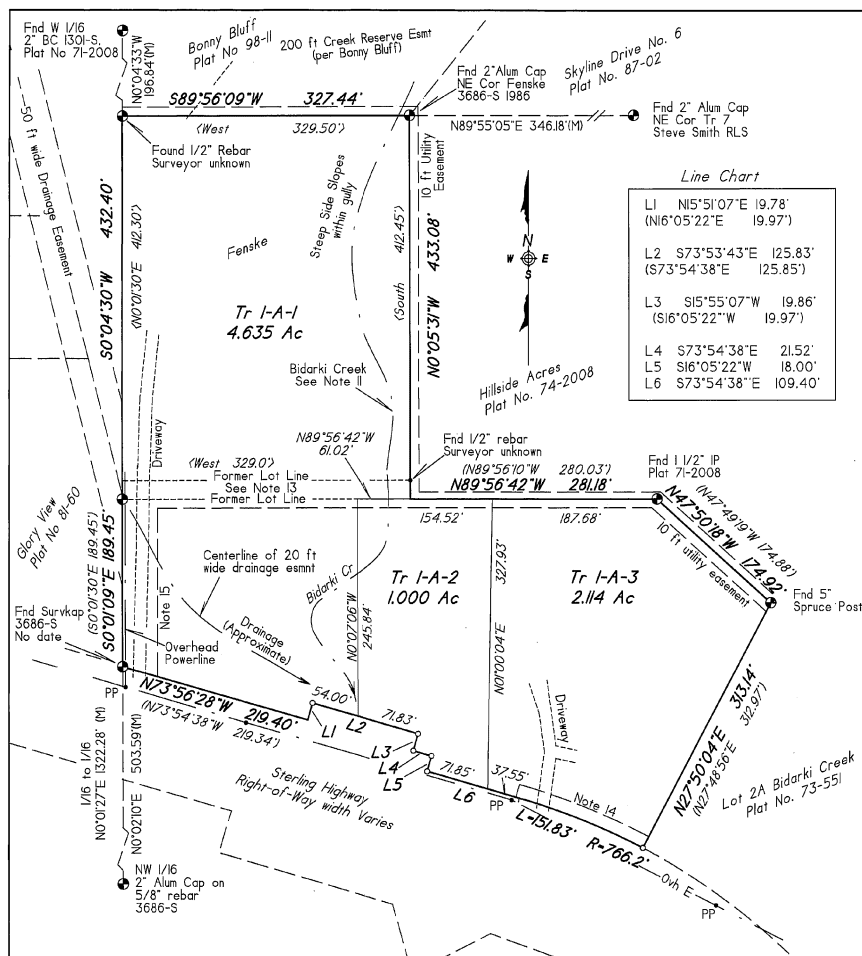
Vicinity Map 1" = 1 Mile

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Nov 7, 2007
Date
Roger W. Imhoff LS 5780

Legend

- Found Monument as described
- Found 2" Alum Cap Lounsbury and Associates
- < > Dimension of Record Metes and Bounds Description Book 102 Page 4, HRD
- () Dimension of Record Bidarki Creek No. 2 Plat No. 2000-56

Wastewater Disposal

Tract I-A-4: These lots is 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.

Tract I-A-2 and Tract I-A-3: Plans for wastewater that meet regulatory requirements are on file at the State of Alaska Department of Environmental Conservation.

Ownership Certificate

I hereby certify that I am the owners of the real property shown and described hereon and that 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.

I further certify that the Deed of Trust affecting this property does not contain restrictions which would prohibit this subdivision or require signature and approval of the beneficiary.

Pamela Kae Breckenridge
Owner of former Tract I-A Bidarki Creek No. 2
Pamela Kae Ackling aka Pamela Kae Breckenridge Date 11/9/07
PO Box 455
Homer AK 99603

Notes

- All wastewater disposal systems shall comply with existing applicable laws at the time of construction.
- No permanent structures shall be constructed or placed within an easement which would interfere with the ability of a utility to use the easement.
- No access to State maintained rights-of-way permitted unless approved by State of Alaska Department of Transportation.
- Set a 2" self identifying Aluminum Cap on 5/8" x 33" long steel rebar at all lot corners and ROW points of curvature for this survey (unless noted otherwise).
- Basis of Bearing was GPS RTK best fit of found monumentation in Bidarki Creek Subdivision Plat No. 73-81 Homer Recording District.
- Covenants, conditions, and restrictions which may effect portions of this subdivision are recorded in Bk 68 Page 143, HRD.
- State of Alaska Permit and Certificate of Appropriation of Water recorded in Bk 102 Page 290, HRD.
- Existing overhead powerline is located within a 10 ft wide electrical distribution line easement which adjoins the west line of former Tract I-A.
- The location of the Northerly edge of the ROW of the Sterling Highway was determined from calculations made using surveyed locations of found monuments and record data from Plat No. 73-81, Plat No. 73-551, DOT&PF Right-of-Way Maps from Alaska Project No. F 0214371 Homer Hill, and the corresponding ROW "Take" as shown in Book 251 Page 324.
- This subdivision is subject to the zoning regulations of the City of Homer. Portions of this subdivision may contain wetlands. Owners should consult with the City of Homer Planning Dept and the Army Corps of Engineers prior to any development activity.
- This plat grants a 50 ft wide drainage easement on each side of the centerline of Bidarki Creek for maintenance purposes regarding drainage for the Sterling Highway.
- The 15 ft fronting the edge of right-of-way and the 20 ft fronting the edge of right-of-way within 5 ft of each side of any side lot line is a utility easement. No permanent structure shall be constructed or placed within the utility easement which would interfere with the ability of the utility to use the easement.
- This strip of land approximately 21 ft wide is effected by that "Default Judgement" per Case No 340-06-274CI recorded Serial No. 2007-3720.
- A 15 ft Utility & Drainage Easement benefitting the City of Homer per Serial No. 2003-1950.
- 40 ft wide easement to satisfy encroachment of private road and future utilities per Plat No. 73-81 HRD.

2007-106
HOMER REC DIST
Date 11/29 2007
Time 2:29 PM
Requested By QNH05
Address _____

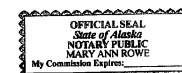
Sheet 1 of 2
Sheet 2 is a Signature
Sheet Only

Files
bidarkino3.vcd
bidarki.cao
FB 2006-7

Notary's Acknowledgment
Subscribed and sworn to me before me this 9 day of November, 2007

for Pamela Kae Breckenridge

May J. Best
Notary Public for Alaska
My Commission Expires 7-30-10



Plat Approval

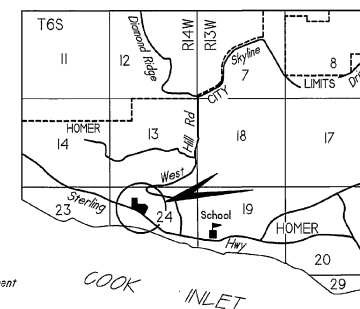
This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of

October 9, 2006

KENAI PENINSULA BOROUGH

By: May J. Best
Authorized Official

Vicinity Map 1" = 1 Mile



Bidarki Creek No. 3

Being a subdivision of Tract I-A Bidarki Creek No. 2 as shown on Plat No. 2000-56 and those parcels described in Book 102 Page 4 and Serial No. 2007-3720, HRD

Located within the NW 1/4 Section 24, T6S, R14W, S1M, in the City of Homer Kenai Peninsula Borough

Homer Recording District
Third Judicial District, Alaska

Contains 7.748 Acres, more or less

Clients: Breckenridge & Fenske Homer AK 99603	Surveyor: Roger W. Imhoff, RLS PO Box 2588 Homer AK 99603
Drawn: RWI	Date: Sept 2007
Scale 1" = 100 ft	KPB File No. 2006-191

Signature Sheet
Sheet 2 of 2

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

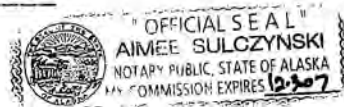
We further certify that the Deed of Trust affecting this property does not contain restrictions which would prohibit this subdivision; or require signature and approval of the beneficiary.

[Signature] 11/03/2007 *[Signature]* 11/03/07
Owner of former M/B Parcel Portion of W 1/2 NW 1/4 NE 1/4 NW 1/4
Section 24
John E. Fenske Date Donna M. Fenske Date
PO Box 2112
Homer Ak 99603

Notary's Acknowledgement
Subscribed and sworn to me before me this 8th day
of November, 2007

for John E. Fenske and Donna M. Fenske

[Signature]
Notary Public for Alaska
My Commission Expires 12-3-07



Bidarki Creek No. 3

Being a subdivision of Tract I-A Bidarki Creek No. 2
as shown on Plat No. 2000-56 and that parcel described in
Book 102 Page 4. HRD and Serial No. 2007-3720

Located within the NW 1/4 Section 24,
T6S, R14W, SM. in the City of Homer
Kenai Peninsula Borough

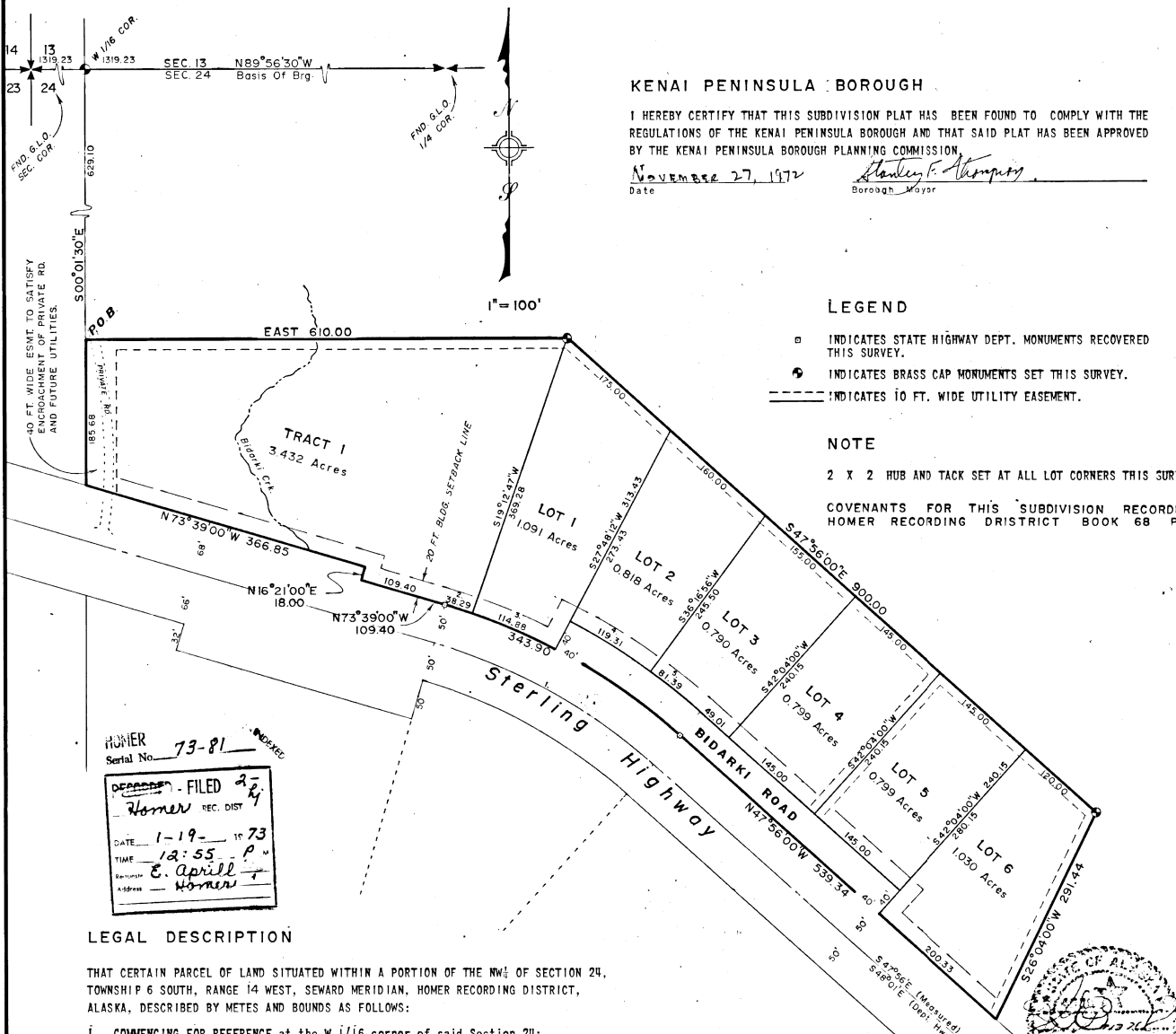
Homer Recording District
Third Judicial District, Alaska

Contains 7.748 Acres, more or less

Clients: Breckenridge & Fenske Homer Ak 99603	Surveyor: Roger W. Imhoff, RLS PO Box 2588 Homer Ak 99603
Drawn: RWI	Date: Sept 2007
Scale 1" = 100 ft	KPB File No. 2006-191

Homer 2007-106





KENAI PENINSULA BOROUGH

I HEREBY CERTIFY THAT THIS SUBDIVISION PLAT HAS BEEN FOUND TO COMPLY WITH THE REGULATIONS OF THE KENAI PENINSULA BOROUGH AND THAT SAID PLAT HAS BEEN APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION.

NOVEMBER 27, 1972

Stanley F. Thompson

Borough Mayor

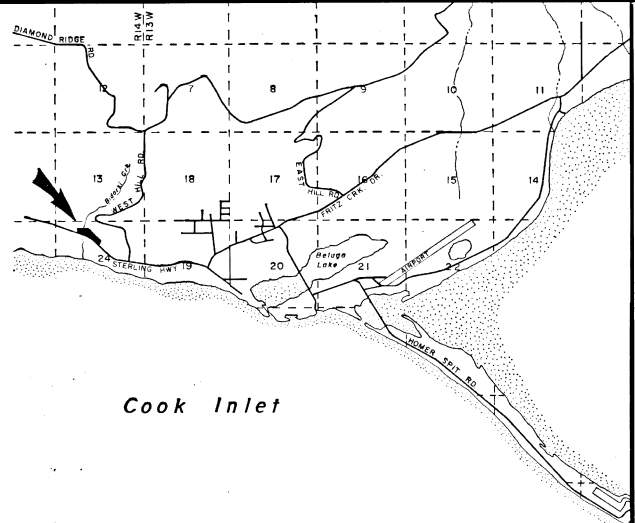
LEGEND

- INDICATES STATE HIGHWAY DEPT. MONUMENTS RECOVERED THIS SURVEY.
- INDICATES BRASS CAP MONUMENTS SET THIS SURVEY.
- INDICATES 10 FT. WIDE UTILITY EASEMENT.

NOTE

2 X 2 HUB AND TACK SET AT ALL LOT CORNERS THIS SURVEY.

COVENANTS FOR THIS SUBDIVISION RECORDED IN HOMER RECORDING DISTRICT BOOK 68 PAGE 145.



VICINITY MAP

1"=1 MILE

CERTIFICATE OF OWNERSHIP

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT WE HEREBY ADOPT THIS PLAN OF SUBDIVISION WITH OUR FREE CONSENT AND DEDICATE ALL STREETS, EASEMENTS AND OTHER OPEN SPACES TO PUBLIC USE.

December 27, 1972

Elisabeth D. Aprill

NOTARY'S ACKNOWLEDGMENT

CERTIFICATE OF OWNERSHIP SUBSCRIBED AND SWORN TO BEFORE ME THIS 27 DAY OF December 1972.

Margaret Sullivan-Pate

My Commission Expires 7/6/73

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR AND THAT THIS PLAT REPRESENTS A SURVEY MADE UNDER MY DIRECT SUPERVISION AND THAT MONUMENTS ACTUALLY EXIST AS LOCATED AND THAT DIMENSIONAL AND OTHER DETAILS ARE CORRECT.

12/13/72

E. G. Branch, R.L.S.

BIDARKI CREEK SUBDIVISION

SITUATED IN

A PORTION OF THE NW 1/4 OF SECTION 24, TOWNSHIP 6 SOUTH, RANGE 14 WEST, S.M., HOMER RECORDING DISTRICT, ALASKA. 9.251 ACRES

PREPARED FOR: MRS. ELISABETH D. APRILL, C/O "TOTEM REALTY", HOMER, ALASKA
PREPARED BY: KEN BRANCH, R.L.S., 746 "F" STREET, ANCHORAGE, ALASKA
DATE: OCTOBER 20, 1972
SCALE: 1"=100'



City of Homer

www.cityofhomer-ak.gov

Planning

491 East Pioneer Avenue
Homer, Alaska 99603

Planning@ci.homer.ak.us

(p) 907-235-3106

(f) 907-235-3118

October 28, 2022

Homer Advisory Planning Commission

Notice of Action

Request: Approval of Bidarki Creek 5 Preliminary Plat

Applicants:

McKennen and Rachel Lamb
2585 Timpview Dr.
Provo, UT 84604

Kristen Lamb-Reilly
2795 Rolling Meadows Dr.
Provo, UT 84604

Tom Latimer
Orion Surveys
PO Box 15025
Fritz Creek, AK 99603

At the regular meeting of September 21, 2022 the Homer Advisory Planning Commission forwarded a **recommendation for denial** of the preliminary plat with staff recommendations and the attached minutes to the Kenai Peninsula Borough Planning Commission.

Should you have any questions, please contact the planning office at 235-3106.

Cc: Madeleine Quinton, Platting Technician, Kenai Peninsula Borough

Session 22-13, a Regular Meeting of the Planning Commission was called to order by Chair Scott Smith at 6:36 p.m. on September 7, 2022 at the Cowles Council Chambers in City Hall, located at 491 E. Pioneer Avenue, Homer, Alaska, and via Zoom Webinar.

PRESENT: COMMISSIONERS SMITH, CHIAPPONE, HIGHLAND, CONLEY, AND STARK

ABSENT: COMMISSIONERS BARNWELL, VENUTI (EXCUSED)

STAFF: CITY PLANNER ABBOD
DEPUTY CITY CLERK KRAUSE

AGENDA APPROVAL

Chair Smith noted that there was a request to address Plat Considerations, Item A before Public Hearing Item A and requested a motion to amend the agenda.

HIGHLAND/CONLEY MOVED TO AMEND THE AGENDA TO ADDRESS PLAT CONSIDERATION ITEM A BEFORE PUBLIC HEARING ITEM A.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

Chair Smith requested a motion and second to approve the amended agenda.

HIGHLAND/CONLEY MOVED TO APPROVE THE AGENDA AS AMENDED.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PUBLIC COMMENTS ON ITEMS ALREADY ON THE AGENDA

RECONSIDERATION

CONSENT AGENDA

- A. Unapproved Regular Meeting Minutes for September 7, 2022

Chair Smith requested a motion and second to approve the Consent Agenda.

HIGHLAND/CONLEY MOVED TO APPROVE THE CONSENT AGENDA AS PRESENTED.

There was no further discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PRESENTATIONS / VISITORS

A. Homer Quality of Life - A Presentation of City of Homer Economic Development Advisory Commission Presented by Karin Marks, Chair and Julie Engebretsen, Economic Development Manager

Chair Smith introduced Chair Marks and Economic Development Manager Engebretsen. He then advised that the Commission will be given the opportunity to ask questions at the end of the presentation.

Ms. Marks and Ms. Engebretsen presented on what is positive economic growth for Homer and how it leads to the quality of life and growth outcomes desired by the community. They stated that the Economic Development Advisory Commission (EDC) has conducted an analysis on Strengths, Weaknesses, Opportunities and Threats (SWOT) for Homer's quality of life dividing these into four categories of Business Climate, Built Environment, Natural Environment, and Social Climate. This analysis is offered as a gateway to a larger community conversation about Homer's future as a place to live, work, and thrive.

Ms. Marks and Ms. Engebretsen responded to questions and comments regarding the following:

- Weaknesses – Local regulations is not resulting in the patterns and development the community would like to see references zoning and development in downtown Homer and where you want people to walk and have a dense community. Building setbacks and parking standards need to be addressed on Pioneer Avenue if you want downtown to be pedestrian friendly and have more activity requires changes to be made to our building blocks.
 - o Specifics were not addressed by the EDC it was general information that as things in a dense area there could be some zoning issues and differences.
- Under Business Climate, Threats and Weaknesses – too many people moving in at a rate faster than the City can increase infrastructure and housing will destroy what is here and Homer will be like everywhere else. Were there any ideas or discussions on that?
 - o The City has miles of water and sewer pipe and maintains it. The City is doing okay, but not going too far on that point, but typically the preference is for more customers per mile of pipe to have financial stability of the utility. The City needs to think about how to have more people living in the same space that it currently has rather than annexing of other areas further out which would require more pipe and then more space for people.
- Under Built Environment – Opportunities- Rethink Chamber marketing.
 - o The EDC has not come up with specific ways to do this, as there needs to be more conversation as there are always two perspectives. That is why bringing this into the discussion now the City can reflect more specifically when working on the comprehensive plan using details of what is being experienced.
 - Relationship with the Homer Chamber is interesting in that it is a private entity and at a recent meeting that even the Mayor attended and encouraged the City to have a closer relationship with the Chamber.
 - Part of the Chamber's mission is to promote businesses and sound business climate while the City has the interest not to create impediments but to control where certain types of businesses are located with like businesses. The City is in the process of getting these changes on how the town is laid out, how the town wants to work and addressing business growth in a responsible and appropriate manner.
- Under Business Climate Risk of Over-regulation – Please provide further clarification.

- Not over-regulating businesses to the point that they do not want to bring, buy, or do business in the City. The City needs to ensure the level of regulations matches our community desire or acceptance of that regulation. The EDC was careful in the language used in the SWOT and hence why the word “risk” was chosen.
 - Homer is a unique place with many perspectives
- The EDC is hoping to have this included in the structure of the Comprehensive Plan and have each Commission provide input on some of the points on how things can change.
- EDC top priorities and recommendations to the Planning Commission
 - Will be re-evaluating specifics for 2023 but continue to be interested in Housing
 - They have received informational presentation on short-term rentals
 - Transportation
 - Day Care
 - Small Business Development Assistance
 - Strategic Plan of the EDC will be provided to the Planning Commission when updated.
- EDC top three requests or suggestions to the Planning Commission
 - When considering things at the Planning Commission level consider sending to the EDC for input.

Ms. Marks stated that she could only provide her personal opinion and not speaking for the EDC in response to Commissioner Stark on what the Planning Commission should keep on their radar, would be zoning changes, conditional use permit changes, in terms of density, the need for middle housing. There is a need for year round housing for people who want to live in the area and there is no housing available.

STAFF & COUNCIL REPORT/COMMITTEE REPORTS

A. Staff Report 22-58, City Planner's Report

City Planner Abboud provided a summary of Staff Report 22-58 for the Commission. He elaborated on the following topics:

- Homeless Coordinator Position with the Borough funded through a HUD grant for three years
- Transportation Planning – Homer can do better than just a voucher
 - Survey will be distributed soon
- RFP/RFQ being drafted for the Comprehensive Plan update.
- Work continues on the Grading ordinance and will be presented to the Commission for input
- Short term Rentals – passing around ideas, research on ways to address the issue, no policy discussion as yet

Chair Smith will submit a written report and Commissioner Stark will attend in person.

City Planner Abboud responded to questions on the following:

- Number of homeless in Homer
- Brief description on what the grading ordinance will encompass and or address.

PLAT CONSIDERATION

A. Staff Report 22-60, Bidarki Creek No. 5 Preliminary Plat

Chair Smith introduced the item by reading of the title and deferred to City Planner Abboud.

City Planner Abboud reviewed Staff Report 22-60 for the Commission. He shared screen so that a larger view of the map could be provided for those in attendance in Council Chambers.

Chair Smith noted the laydowns provided in the supplemental packet.

Tom Latimer, surveyor for the Applicant; McKennen & Rachael Lamb, Kristen Lamb-Reilly, Applicants

Mr. Latimer noted the letter included in the supplemental packet should address questions the Commission may have as the one in the packet is incorrect; the plat in the packet is incorrect please do not reference it; the encroachment of the deck they are working with Public Works on language for an easement; he understands that it is not allowed by code. The Borough will not allow it to occur. As for the 3:1 width requirement they will be providing valid reasons to allow that and the Borough is the last authority to allow the exception. He further provided comment on those reasons. He then provided information on the drainage and what the Engineer is working on to address those issues. The owners are trying to provide more affordable housing for the community. He then provided some input on neighboring properties that are built to the same percentage of 35% the one difference is they are proposing shared driveways.

Chair Smith opened the public comment portion.

Kristen Lamb-Reilly, applicant, introduced herself and her son and their intent to build a pleasing and aesthetic development and provided a brief history of their relationship living and visiting Homer.

McKennen Lamb, resident and applicant spoke to the application and the intent to work with the City and neighboring property owners on their project. If they can fix the deck encroachment they will and if a lot needs to be removed then that can happen.

Linda Rourke, adjacent property owner to the west at the end of Hillside, expressed concerns with drainage, and the density of the project and it appears very overwhelming and did not support exceptions to code. She continued by stating that the land shakes when you put large equipment on it. She has submitted written testimony as well. She opined that large development projects will make it not a nice place to live.

Jon Faulkner, city resident, close property owner, spoke in opposition to the project, in his opinion this appeared to be a subdivision plat when it should be a rezone. He believed it was effectively rezoning rural residential land. He questioned where the zoning ordinances that relate to rezoning, as they regard findings of fact that the Commission typically has to make relating to impacts of adjacent values. He questioned the public need for smaller lots, how many existing lots were for sale in town with utilities. He did not think that there was a demand for smaller lots. Mr. Faulkner then stated that it was not in character and keeping with the surrounding neighborhood which was one of the findings that typically are in conjunction with a rezone application. He stated that this is a gateway to this town and then expressed the aesthetic values that the current development on Baycrest provides. Mr. Faulkner urged the commission to consider this a back door rezone and that the entire neighborhood of Hillside is on record opposing this sort of rezone.

Sarah Faulkner, city resident, echoed the comments expressed by Linda Rourke and her husband Jon Faulkner. She stated further that they live between West Hill and Hillside Acres in neighboring subdivisions and fought really hard to keep it that way during the earlier meeting regarding rezoning earlier this year.

The neighbors are not happy with the proposed project and you have a lot letters in your packets from neighbors who are unhappy about this project. They just found out about this today as they were not included in the notification. She expressed concerns regarding the exceptions to code, the encroachments, setbacks, parking, steep slope development and fire response. Ms. Faulkner noted that there were wetlands and runoff drainages into the Bidarki Creek as well.

Susan Jeffrey, city resident, sharing a property line with the proposed development, expressed her concerns about the slope and removal of vegetation and the possible significant erosion that would cause. She noted that there was very wet soil there and it did not conduct water well and it is a jiggly mess. Ms. Jeffrey stated that she is not opposed to developing this project but thought it was overkill and requested the applicants to consider half the lots not eleven.

Mike Jeffrey, city resident, he lives right up the hill above the proposed development and he expressed concerns on installation of utilities, removal of trees, the land is hilly and not sure how they would develop them and possible erosion. He understands that the town needs more affordable places to rent or live.

Chair Smith stated for the record that the Applicants and Mr. Latimer will be able to respond to comments after the public comment period is closed.

Chair Smith hearing and seeing no other members of the public wishing to provide comment closed the public comment period. He offered rebuttal to City Planner Abboud who declined.

Chair Smith then opened the floor to questions from the Commission, noting that they could question the City Planner, Applicant, Mr. Latimer or any of the members of the public who commented.

The Following questions were responded to by the Applications and Mr. Latimer:

- Motive for creating eleven lots.
 - o The intent was to create a development of small lots and small affordable houses and to disturb the soil as minimally as possible.
 - o The reason for maximizing the number of lots was primarily to make it affordable. This cannot be accomplished with fewer lots and not naturally increase the cost of the overall project. The cost of the infrastructure would then be split between less numbers of lots. There is a need to have a safe refuge in economic troubling times.
- Creating less lots and constructing duplexes or triplexes
 - o Considerations was given to construction of condominiums which creates a clustering of homes but this does not change the infrastructure
 - o Condominiums or similar developments then depend on creation of a oversight for maintenance for the life of the project. If there is one non-payer then that share of cost is spread to all other property owners. IT is believed that the pride of ownership being a property owner and creation of requirements and rules written into the development agreement will take care of that and empower people to be responsible and not have to police each other.
- Creating underground utilities versus overhead
 - o All utilities will be underground unless there is a reason that it cannot be constructed as such.

- City Code requires underground utilities

Chair Smith recognized Mr. Faulkner stating that the public comment period has expired and he would have to request a motion to suspend the rules.

- When standing on the sidewalk at the highway level and looking at the land, the existing houses are higher up but the area between the house and road are lower, is there plans to bring in fill for that area
 - One of the issues with bringing fill in would be extensive compaction and if that is not done right you would create avalanche slope effect and the water gets underneath and wash it out which we do not want it washing into Bidarki Creek. The area was reviewed for the placement of the homes with the surveyor on the placement of the structures based on the natural clearings to minimize the amount of trees and vegetation removal and maintaining the strongest strength of soil naturally. Further explanation was provided on proposed building foundations.
- Awareness of the soils, wetlands, Bidarki Creek cutting through and in the event of an earthquake possible jellification of the slopes, was there any concerns?
 - John Bishop, Engineer has reviewed this property and while he has been very busy and has not been able to devote an extreme amount of time, he has expressed that the issues you have brought up are solvable and they will be minimizing the impact on any disturbance by using the helical piles.

There were no further questions or comments from the Commission.

Chair Smith requested a motion and second.

HIGHLAND/STARK MOVED TO ADOPT STAFF REPORT 22-60 AND RECOMMEND APPROVAL OF A PRELIMINARY PLAT TO DEDICATE A CUL DE SAC AND SUBDIVIDE TWO LOTS INTO ELEVEN LOTS WITH THE FOLLOWING COMMENTS:

1. INCLUDE A PLAT NOTE STATING "PROPERTY OWNER SHOULD CONTACT THE ARMY CORPS OF ENGINEERS PRIOR TO ANY ON-SITE DEVELOPMENT OR CONSTRUCTION ACTIVITY TO OBTAIN THE MOST CURRENT WETLAND DESIGNATION (IF ANY). PROPERTY OWNERS ARE RESPONSIBLE FOR OBTAINING ALL REQUIRED LOCAL, STATE AND FEDERAL PERMITS."
2. DEDICATE A 15 FOOT UTILITY EASEMENT ADJACENT TO ALL RIGHTS OF WAY PER HCC 22.10.051.
3. RESOLVE THE DECK AND STAIRWAY ENCROACHMENT BETWEEN LOTS 5 AND 7 AND ENSURE ALL STRUCTURES MEET ZONING CODE SETBACK REQUIREMENTS.
4. ALL FUTURE DEVELOPMENT MUST MEET APPLICABLE REGULATIONS AT THE TIME OF CONSTRUCTION, INCLUDING SETBACK REQUIREMENTS FOR DECKS AND STAIRWAYS.
5. A STREET NAME IS REQUIRED FOR THE NEW CUL-DE-SAC.
6. THE LONG SHARED DRIVEWAY EASEMENTS SHOULD BE NOTED ON THE PLAT AND PREFERABLY NAMED FOR E- 911 PURPOSES. THE SHORTER WESTERN SHARED DRIVEWAY EASEMENT SHOULD BE NOTED ON THE PLAT BUT DOES NOT NEED TO BE NAMED.
7. VERIFY PROPERTY OWNERS TO BE INCLUDED ON THE PLAT.

Discussion ensued with Commissioners expressing their concern on the amount of development proposed for this property and while supportive of a tiny home development this property is not the appropriate place; technical issues of drainage, slope and soils can be addressed but comments from the public should be addressed; the concept of eleven different homes and properties on this property with regard to the slope and drainage issues; total of three acres and developing nine additional homes and rural residential does not encompass the number of structures on the amount of buildable property; the consideration of reducing the number of lots and constructing condominiums and or duplexes/triplexes which may be a more suitable; previously considering to rezone the area from Rural Residential to Urban Residential.

City Planner Abboud advised that if the Commission votes this down that they are very specific on the reasons for voting in opposition as it will go before the Borough and the City is advisory to the Borough.

Chair Smith expressed that there is a concern on having shared driveways and possible litigation between owners over damages, encroachments, etc., and public safety access.

McKennen Lamb responded quickly in response to the public safety concerns by relating his discussions with their attorney and the Fire Chief with regard to the proposed design.

Commissioner Chiappone commented on not wanting to make decisions based on aesthetics or if it was the right thing for Homer and did not see that there was a codified reason to vote against this action.

Further discussion followed pointing out the following:

- creating affordable housing needs to start somewhere
- Affordable housing may be developed on the outer edges of town, but then there is a lack of transportation.
- Applicant may come back with a condominium project which presents ambiguity
- Applicant can address concerns expressed and reduce the size and number of the lots which creates an area denser than expected or seen in the area.
- Commission is only voting on the preliminary plat and the Applicant has expressed a willingness to work with the neighboring property owners.

CONLEY/HIGHLAND MOVED TO SUSPEND THE RULES TO ALLOW THE PUBLIC TO COMMENT AGAIN ON THE ISSUE.

Commissioner Highland expressed that it was highly unusual to allow a second public comment period.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Chair Smith invited Mr. Faulkner to speak to the Commission.

Mr. Faulkner, city resident, commented on raising his hand to ask a technical question and was will to wait until the end of the meeting, and stated it was not his intent to provide more testimony. He continued by asking, how is the subdivision that creates lots that are not allowed in the zoning district legal and is there a determination by an authority on this, that it is legal? he reiterated his opinion that this was a technical question.

Chair Smith deferred to City Planner Abboud.

City Planner Abboud responded that he would not recommend anything illegal, and in city code for Rural Residential District, if property is served by water and sewer, lots can be subdivided to 10,000 square feet.

Sarah Faulkner, stated that she understood the 10,000 square foot size but did not believe the contour of the parcel was not conducive to that, maybe if it was flat it may make sense. She continued by that there is so much that is undevelopable that you are squishing the development into the areas that are available. Ms. Faulkner further commented that Homer does not have a house shortage, what they have is a housing shortage due to all the short term rentals which the City still has not figured out how to manage and regulate. Ms. Faulkner continued by commenting that there are plenty of houses, it's just people of renting only short term and if that gets solved then there will be plenty of homes for people.

Mr. Jeffrey posed a question that you are making an exception to the rules you are then not following the rules.

City Planner Abboud responded that they were following Borough code and this is allowed. There is a provision for making these decisions. In Homer you can divide into 10000 square foot lots and the Commission can recommend whether they support the exceptions or not.

Commissioner Highland stated that this is the problem with this, referring to suspension of the rules to allow public comment, as members of the public and applicants were speaking without being recognized.

Mr. Lamb responded to concerns regarding lot size, 3:1 and doing what was best for the property and neighbors and if they were required to reduce by a lot then they will reduce the number of lots.

Karin Marks, city resident, commented on hearing a presentation on short term rentals and the housing issue is much more complex than having to do with short term housing. She then noted that the neighborhood that is at the corner of West Hill Road and Sterling Highway is made up of 10,000 square foot lots which is a somewhat dense complex so in her opinion it would not be unthinkable for one to see another dense neighborhood while traveling up Baycrest Hill.

Chair Smith closed the second public comment period.

Discussion continued on the concerns brought forward and the following points were reiterated:

- final decision is at the Borough level
 - o In past decisions the borough has followed the recommendations of the City and did not want the sentiment of the Borough will handle this issue to be part of this Commission's thinking.
 - o Commission appears to be divided on this action by comments expressed
- the action is meeting the regulations and requirements in code and what would direct us to request the smaller lot size
- Referral to the Comprehensive Plan recommendations
- Consideration to make an amendment to the motion to make less lots
 - o If they reduce the recommendation to lower the subdivision to five lots from eleven lots can they do this procedurally

City Planning Abboud responded that the applicant has submitted their plat and paid the fees, the Commission votes it up or down, the Applicant can make amendments to their plans and resubmit to the

Commission or they can take it to the Borough. If they submit something different to the Borough, the Borough will contact the City and ask if the Planning Commission wants to review this again which due to the response we have gotten he will tell them yes. It might be a small thing and you can reconfigure a lot but it would be worth reviewing it again at this body to get a positive recommendation up to the Borough.

Commissioner Stark commented on the application being within the legal rights but the negative response from the public and neighboring properties that the Applicants should work further with the City Planner to address the concerns expressed tonight. He then stressed they are voting on the preliminary plat.

Commissioner Highland expressed the main the concern is that if this Commission votes to recommend approval it goes to the Borough and they will approve it and this Commission will not see it again.

City Planner Abboud confirmed that the Applicant could bring this action to the Borough even though the Commission did not recommend approval.

STARK/HIGHLAND MOVED TO AMEND MOTION TO REDUCE THE NUMBER OF LOTS.

A brief discussion on just recommending the number of lots be reduced without being specific on the number of lots to reduce to; over regulations on development; provide the opportunity to the applicants to reduce the number of lots and bring it back to the Commission; amending the motion does exactly that as the Applicant has expressed a willingness to work with the city and neighbors.

VOTE. NO. SMITH, CHIAPPONE, CONLEY

VOTE. YES. HIGHLAND, STARK

Motion failed.

There was no further discussion on the main motion.

VOTE. YES. CHIAPPONE, STARK

VOTE. NO. HIGHLAND, CONLEY, SMITH.

Motion failed.

Chair Smith called for a recess at 8:50 p.m. He called the meeting back to order at 8:58 p.m.

PUBLIC HEARINGS

A. Staff Report 22-59, Conditional Uses and Structures - Draft Ordinance Amending Title 21 Sections 21.12. Rural Residential District; 21.14, Urban Residential District; 21.16 Residential Office District 21.18 Central Business District; 21.20 Town Center District; 21.22 Gateway Business District; 21.24 GC1 General Commercial District 1; 21.26 GC2 General Commercial District 2; 21.27 East End Mixed Use District Regarding Conditional Uses in Each District. Planning Commission.

Staff Report 22-59 Conditional Use Permit Reduction

Chair Smith introduced the item by reading of the title and deferred to City Planner Abboud.

City Planner Abboud reviewed Staff Report 22-59 and noted the actions taken by the Planning Commission in each of the zoning districts. He noted the ordinance provides the input from the Commissioners at the September 7, 2022 regular meeting. City Planner Abboud stated that he has made some minor changes on intent and impact and provided the comprehensive review on the proposed amendments.

Chair Smith open the Public Hearing.

Karen Marks, city resident, commented that she appreciated the Commissions work on this and believed it will move toward an easier business climate and provides the time to work on those things that exceptionally difficult.

Jon Faulkner, 35 year city resident, owner operator of Lands' End Resort urged the Commission to consider a broader outreach as this significant change warrants more than social media, newspaper, and radio as they don't quite capture getting the word out to the community. He believed that this was a community consensus-driven process, and should use direct mail to advise the community. He believed that would be worth the costs of a dollar per resident at 3200 residents. He lives here and very specifically engaged and he learned about this because of attending the meeting to comment on another matter, but he believes that there are a lot of people like himself who care a great deal about this town and they may not be aware of some of these significant changes that this Commission is putting a lot of time into and Mr. Faulkner applauded the Commission for that effort. He then stated that he is an expert in development as he has spent a lifetime doing it. Condominium, hotel, residential, etcetera, etcetera. He believed that if you are truly interested in affordable housing because it is becoming the same word and almost a justification for everything that is being done he would like the Commission to apply the brakes on it for a bit and think about the context of these changes. What developer like himself might actually think about building affordable housing? An 8000 square foot limitation is the biggest impediment in his view to multifamily inexpensive housing. You are not going to get it from detached houses and that is where you keep focusing your energy. He referenced the development by Alex Treweiler located in Old Town as being a successful model. Mr. Faulkner provided an example of developing an 8000 square foot lot and the difficulties that would present to a developer. He requested the Commission to think about direct mailing the residents so that they can gain consensus on these changes.

Ken Castner, stated that when he became Mayor it was his ambition to reduce the number of conditional use permits, because that's been the root of almost all city litigation in court, and he urged the Commission at that time to either allow it or not. When there is a condition that can be permitted under certain set of circumstances, you are going to tell them how they have to conform. So there is a conformity issue, as well as the application where what you have effectively done through this change, and I congratulate you on doing it, because he believes it brings certainty by definitively stating what is either allowed or not. A person can still go for a conditional use permit, but with the expectation that there is going to be conditions.

Chair Smith seeing no further persons coming forward to provide testimony closed the public hearing. He then deferred to questions from the Commission.

Commissioner Highland noted a typographical error on line 18 of the draft ordinance, the word should be "forth" not "for" as written. She then questioned the number of residents in Homer is more in the number of 5500 referring to the comment from Mr. Faulkner regarding mailing notice of action to all city residents.

City Planner Abboud provided clarification that there are a few more opportunities to comment on this action as it will be going before the City Council. He then provided additional clarification and purpose for the changes that the Commission is recommending.

Chair Smith requested a motion and second.

HIGHLAND/CONLEY MOVE TO ADOPT STAFF REPORT 22-59 AND FORWARD DRAFT ORDINANCE AMENDING HOMER CITY CODE SECTIONS 21.12 RURAL RESIDENTIAL DISTRICT; 21.14, URBAN RESIDENTIAL DISTRICT; 21.16 RESIDENTIAL OFFICE DISTRICT; 21.18, CENTRAL BUSINESS DISTRICT; 21.20, TOWN CENTER DISTRICT;

21.22, GATEWAY BUSINESS DISTRICT; 21.24, GENERAL COMMERCIAL 1 DISTRICT; 21.26, GENERAL COMMERCIAL 2 DISTRICT; AND HOMER CITY CODE 21.27, EAST END MIXED USE DISTRICT REGARDING CONDITIONAL USES IN EACH DISTRICT TO CITY COUNCIL.

Commissioners commented on the time spent and the efforts expending in putting the information together to make all the changes.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PENDING BUSINESS

- A. Memorandum from Deputy City Clerk re: Final Draft Recommendations for Ordinance 22-42

Chair Smith introduced the item by reading of the title and deferred to City Planner Abboud.

City Planner Abboud reviewed the Memorandum prepared by Deputy City Clerk Krause.

Chair Smith requested any amendments from the Commission, noting that the Clerk has requested all amendments be made by a motion.

HIGHLAND/STARK MOVED TO AMEND THE MEMORANDUM, RECOMMENDATION NUMBER TWO, TO STRIKE LANGUAGE AFTER THE WORD "PLANS".

Chair Smith noted that this amended statement was more representative of the overall discussion by the Commission to be sent to Council.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Chair Smith requested additional amendments to the memorandum and hearing none he then requested a motion and second to adopt the memorandum as amended.

HIGHLAND/STARK MOVED TO ADOPT THE MEMORANDUM REGARDING RECOMMENDATIONS ON ORDINANCE 22-42 AS AMENDED AND FORWARD TO CITY COUNCIL FOR THE SEPTEMBER 26, 2022 MEETING.

There was no further discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Mayor Castner confirmed with the Clerk that there was a position on the Council agenda for this item.

NEW BUSINESS

INFORMATIONAL MATERIALS

- A. Memorandum from City Clerk re: Implementation of New Agenda Management Software
- B. Planning Commission Calendar 2022
- C. City Manager's Report for City Council Meeting on September 12, 2022

COMMENTS OF THE AUDIENCE

COMMENTS OF THE STAFF

Deputy City Clerk Krause commented that the Commission did some fine work getting through everything on the agenda tonight.

COMMENTS OF THE COMMISSION

Commissioner Conley expressed his appreciation for the work provided by the staff and the Commission working through the items.

Commissioner Chiappone expressed his appreciation for the work of the Clerk and the City Planner and that it was a very interesting meeting.

Commissioner Stark expressed his appreciation for everyone wrestling through a very difficult situation.

Chair Smith thanked everyone for their work tonight and doing what their conscious allows. He then noted the Transportation meeting on October 1st and encouraged everyone to attend that event however he may not as it competition with a Mariners playoff game during the same time. His attention will be divided.

ADJOURN

There being no further business before the Commission, the meeting was adjourned at 9:30 p.m. The next Regular Meeting is Wednesday, October 5, 2022 at 6:30 p.m. A worksession is scheduled for 5:30 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska and via Zoom webinar.

RENEE KRAUSE, MMC, DEPUTY CITY CLERK II

Approved: _____



City of Homer

www.cityofhomer-ak.gov

Planning

491 East Pioneer Avenue
Homer, Alaska 99603

Planning@ci.homer.ak.us
(p) 907-235-3106
(f) 907-235-3118

Staff Report 22-60

TO: Homer Planning Commission **22-60**
FROM: Rick Abboud, City Planner, AICP
DATE: 9/15/2022
SUBJECT: Bidarki Creek No. 5 Preliminary Plat

Requested Action: Recommend approval of a preliminary plat to dedicate a cul de sac, and subdivide two lots into eleven lots.

General Information:

Applicants:	McKennen and Rachael Lamb	Tom Latimer, Orion Surveys
Kristen Lamb-Reilly	2585 Timpview Dr	PO Box 15025
2795 Rolling Meadows Dr	Provo, UT 84604	36570 Maria Rd
Provo, UT 84604		Fritz Creek, AK 99603
Location:	Sterling Highway, west of West Hill Road, just east of Bidarki Creek	
Parcel ID:	17525012, 17525013	
Size of Existing Lot(s):	1.01 and 2.11 acres	
Size of Proposed Lots(s):	11 lots of 10,000 to 12,000 square feet	
Zoning Designation:	Rural Residential District	
Existing Land Use:	Residential, Vacant	
Surrounding Land Use:	North: Residential South: Vacant/residential East: Residential West: Residential	
Comprehensive Plan:	Chapter 4 item 1-C-1 Promote infill housing in all housing districts	
Wetland Status:	The 2005 wetland mapping shows wetlands along Bidarki Creek. The creek itself appears to be west of these properties.	
Flood Plain Status:	Zone D, flood hazards undetermined.	
BCWPD:	Not within the Bridge Creek Watershed Protection District.	
Utilities:	City water and sewer are available	
Public Notice:	Notice was sent to 36 property owners of 30 parcels as shown on the KPB tax assessor rolls.	

Analysis: This subdivision is within the Rural Residential District. This plat dedicates a cul de sac, and subdivides two lots into eleven lots. Staff has had discussion with the surveyor that this subdivision may not extend beyond the preliminary plat phase. This development proposal may come back to the Planning Commission as a condominium project, which would use the Conditional Use Permit process. Please be aware if the applicant applies for a conditional use permit, all ex-parte communication must be disclosed.

Subdivision review

The City of Homer does not have code regarding lot configuration, or driveways on private property. The survey stated in his July 1, 2022 letter to the City that he would be asking an exception to KPB20.30.190(A) for lots 4,5 and 6, which requires lots be 60 feet in width at the building setback line. Additionally, he may ask for an exception to the 3:1 depth to width requirement, if needed. Generally, the City of Homer is not in favor of non-complaint lot configurations. These lots will be served by city water and waste water, so there are no issues with well and septic system separation. Providing physical and utility access quickly becomes challenging. However there is nothing in City code that prevents the use of a shared driveway to access future homes on lots 6-11. Shared driveway easement should be part of the platting process, as some lots will be undevelopable without it.

Commission should make recommendation regarding exceptions. The Applicant has met with Public Works and has made a workable plan for the development of the lots.

Land development/zoning issues

There are a few issues with this proposed development that are outside the platting process but will affect the development as proposed.

The surveyor letter states they will use Mutual Use Agreements for any decks and stairs that cross property lines, however Homer City Code does not allow for this type of encroachments into side yard setbacks. Lots 5 and 7 have a shared deck and stairwell that does not meet the 5 foot side yard setback requirement. This should be resolved prior to final platting or a zoning violation will be created by the platting action. Parking for a single family home must be provided on the zone lot.

Portions of this subdivision contain steep areas. Steep slope development regulations may apply, particularly for the installation of water and sewer lines to the building sites, as those must lie within the panhandle portion of each subject lot. Utility connections between the main lines in the right of way, and the home sites, must stay within the property lines of the parcel they serve.

Homer City Code 22.10.051 Easements and rights-of-way

- A. The subdivider shall dedicate in each lot of a new subdivision a 15-foot-wide utility easement immediately adjacent to the entire length of the boundary between the lot and each existing or proposed street right-of-way.

Staff Response: The plat does not meet these requirements. Dedicate a 15 foot utility easement adjacent to all rights of way per HCC 22.10.051

- B. The subdivider shall dedicate in each lot of a new subdivision any water and/or sewer easements that are needed for future water and sewer mains shown on the official Water/Sewer Master Plan approved by the Council.

Staff Response: The plat meets these requirements.

- C. The subdivider shall dedicate easements or rights-of-way for sidewalks, bicycle paths or other non-motorized transportation facilities in areas identified as public access corridors in the Homer Non-Motorized Transportation and Trail Plan, other plans adopted by the City Council, or as required by the Kenai Peninsula Borough Code.

Staff Response: The plat meets these requirements.

Preliminary Approval, per KPB code 20.25.070 Form and contents required. The commission will consider a plat for preliminary approval if it contains the following information at the time it is presented and is drawn to a scale of sufficient size to be clearly legible.

- A. Within the Title Block:
1. Names 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;
 2. Legal description, location, date, and total area in acres of the proposed subdivision; and
 3. Name and address of owner(s), as shown on the KPB records and the certificate to plat, and registered land surveyor;

Staff Response: The plat meets these requirements.

- B. North point;

Staff Response: The plat meets these requirements.

- 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 Response: The plat does not meet this requirement; a street name is required for the new cul-de-sac.

- 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 Response: The plat meets these requirements.

- E. All parcels of land including those intended for private ownership and those to be dedicated for public use or reserved in the deeds for the use of all property owners in the proposed subdivision, together with the purposes, conditions or limitation of reservations that could affect the subdivision;

Staff Response: The plat does not meet these requirements. The long shared driveway should be noted and preferably named for E 911 purposes. The shorter western shared driveway should be noted but does not need to be named.

- F. The names and widths of public streets and alleys and easements, existing and proposed, within the subdivision; [Additional City of Homer HAPC policy: Drainage easements are normally thirty feet in width centered on the drainage. Final width of the easement will depend on the ability to access the drainage with heavy equipment. An alphabetical list of street names is available from City Hall.]

Staff Response: The plat meets this requirements.

- G. Status of adjacent lands, including names of subdivisions, lot lines, lock numbers, lot numbers, rights-of-way; or an indication that the adjacent land is not subdivided;

Staff Response: The plat meets these requirements.

- H. Approximate location of areas subject to inundation, flooding or storm water overflow, the line of ordinary high water, wetlands when adjacent to lakes or non-tidal streams, and the appropriate study which identifies a floodplain, if applicable;

Staff Response: The plat meets these requirements.

- I. Approximate locations of areas subject to tidal inundation and the mean high water line;

Staff Response: The plat meets these requirements.

- J. Block and lot numbering per KPB 20.60.140, approximate dimensions and total numbers of proposed lots;

Staff Response: The plat meets these requirements.

- K. Within the limits of incorporated cities, the approximate location of known existing municipal wastewater and water mains, and other utilities within the subdivision and immediately abutting thereto or a statement from the city indicating which services are currently in place and available to each lot in the subdivision;

Staff Response: The plat meets these requirements.

- 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 Response: The plat meets these requirements.

- M. Approximate locations of slopes over 20 percent in grade and if contours are shown, the areas of the contours that exceed 20 percent grade shall be clearly labeled as such;

Staff Response: The plat meets these requirements.

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

Staff Response: The plat does not meet these requirements. Lots 5 and 7 have a shared deck and stairwell that does not meet the 5 foot side yard setback requirement.

- 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 Response: The plat meets these requirements.

Public Works Comments:

1. A Development Agreement is required. This will include but is not limited to water and waste water mainline extensions and construction of the new right of way dedication.

Fire Department Comments: No comments received.

Staff Recommendation:

Planning Commission recommend approval of the preliminary plat with the following comments:

1. Include a plat note stating “Property owner should contact the Army Corps of Engineers prior to any on-site development or construction activity to obtain the most current wetland designation (if any). Property owners are responsible for obtaining all required local, state and federal permits.”
2. Dedicate a 15 foot utility easement adjacent to all rights of way per HCC 22.10.051.
3. Resolve the deck and stairway encroachment between lots 5 and 7 and ensure all structures meet zoning code setback requirements.
4. All future development must meet applicable regulations at the time of construction, including setback requirements for decks and stairways.
5. A street name is required for the new cul-de-sac.
6. The long shared driveway easements should be noted on the plat and preferably named for E-911 purposes. The shorter western shared driveway easement should be noted on the plat but does not need to be named.
7. Verify property owners to be included on the plat.

Attachments:

1. Preliminary Plat
2. Working Drawing w/contours
3. Surveyor and Applicant Letters
4. Public Notice
5. Aerial Map

NOTES:

1. This subdivision is subject to Homer City Code.
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. This subdivision is subject to the zoning regulations of the City of Homer. Portions of this subdivision may contain wetlands. Owners should consult with the City of Homer Planning Dept. and the Army Corps of Engineers prior to any development activity.
4. The location of the northerly edge of the ROW of the Sterling Highway is shown per Bidarki Creek No. 4 HM2012-27.
5. Per Plat HM2007-106 a 50' wide drainage easement on each side of the centerline of Bidarki Creek for maintenance purposes regarding drainage for the Sterling Highway.

LEGEND

- Found Survey Monument
- Set 2" Alcap on 5/8"x30" rebar
- Fire Hydrant
- Bollard
- Abandoned CHP Well
- Utility Pole with anchor

Wetlands areas per KWF Wetland Assessment (Typical)

Line	Bearing	Distance
1	S76°02'22"W	118.00'
2	S74°52'46"W	121.50'
3	S75°40'07"W	119.86'
4	S23°33'05"W	136.74'

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	766.20	151.83	151.59	S68°14'01"E	112°11'15"
C2	20.00	22.25	21.72	S42°02'07"E	63°46'01"
C3	50.00	80.56	72.71	S27°45'02"E	52°12'01"
C4	50.00	21.58	21.41	N30°46'10"E	244°33'32"
C5	50.00	120.16	20.03	S54°41'07"W	233°06'22"
C6	50.00	22.76	22.57	S78°12'41"W	263°05'10"
C7	50.00	27.41	27.07	S71°58'18"E	312°24'31"
C8	50.00	10.77	10.04	N44°42'41"E	233°06'53"
C9	230.00	20.16	20.15	S30°38'28"E	50°11'19"
C10	230.00	20.46	20.46	S25°34'50"E	50°55'21"
C11	230.00	20.95	20.94	S20°29'50"E	51°11'10"
C12	230.00	21.67	21.66	N15°06'49"W	52°33'59"
C13	230.00	43.22	43.16	N07°45'52"W	104°46'00"
C14	766.20	123.45	66.43	S64°53'29"E	142°01'24"
C15	766.20	18.35	18.35	N67°32'47"W	07°48'51"
C16	766.20	158.12	58.11	N70°09'11"W	42°01'46"
C17	766.20	22.71	22.71	N73°03'41"E	174°15'33"

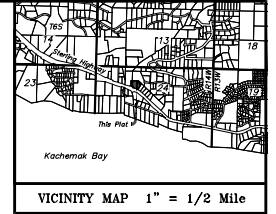


Plat Approval:

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of _____, 20__.

Kenai Peninsula Borough

By: _____
Authorized Official



Ownership Certificate:

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

McKennen Lamb, for former Tract 2
2585 Timpleview Dr.
Provo, UT 84604

Notary's Acknowledgement:

For
Acknowledged before me this _____ day of _____, 20__.

Notary Public for Alaska
My commission expires: _____

Rachael Lamb, for former Tract 2
2585 Timpleview Dr.
Provo, UT 84604

Notary's Acknowledgement:

For
Acknowledged before me this _____ day of _____, 20__.

Notary Public for Alaska
My commission expires: _____

Kristen Lamb Reilly, for former Tract 1
2795 Rolling Hills Dr.
Provo, UT 84604

Notary's Acknowledgement:

For
Acknowledged before me this _____ day of _____, 20__.

Notary Public for Alaska
My commission expires: _____

WASTEWATER CERTIFICATE:

Plans for wastewater disposal that meet regulatory requirements are on file at the Department of Environmental Conservation.

Engineer _____ License # _____ Date _____



BIDARKI CREEK No. 5

A subdivision of Tracts 1 and 2
Bidarki Creek No. 4 HM2012-27
Within NW1/4, Sec. 14, T6S, R14W, S4M,
in the City of Homer, Kenai Peninsula Borough,
Homer Recording District,
Third Judicial District, Alaska
Containing 3.114 Acres

Prepared for: McKennen and Rachael Lamb 2585 Timpleview Dr. Provo, Utah 84604 and Kristen Lamb Reilly 2795 Rolling Hills Dr. Provo, Utah 84604	Prepared by: Orion Surveys PO Box 15025, 36570 Maria Road, Fritz Creek, AK 99603 (907) 399-7028 tom@orionsurveys.com
Scale: 1"=30'	Date: 8/24/2022
PS: 24	Job#: 965
	KPB File No. 2022-

PRELIMINARY

NOTES:

1. This subdivision is subject to Home City Code.
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. This subdivision is subject to the zoning regulations of the City of Homer. Portions of this subdivision may contain wetlands. Owners should consult with the City of Homer Planning Dept. and the Army Corps of Engineers prior to any development activity.
4. The location of the northern edge of the ROW of the Sterling Highway is shown per Bidarka Creek No. 4 HM2012-27.
5. Per-Box HM2007-106/6 50' wide drainage easement on each side of the centerline of Bidarka Creek for maintenance purpose regarding drainage for the Sterling Highway.

LEGEND

- Survey Monument
- Set 2" cap on 5/8"x3/8" rebar
- Fire hydrant
- Bollard
- Abandoned CMP Well
- Utility Pole with anchor

Line	Bearing	Distance
1	S76°02'22"W	18.00'
2	S76°02'22"W	18.00'
3	S76°02'22"W	18.00'
4	S23°03'00"W	136.74'

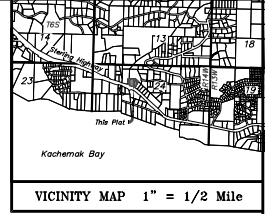
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	BECKET ANGLE
C1	766.20	151.83	151.83	S68°42'01"E	112°11'15"
C2	20.00	22.25	21.72	S42°02'07"E	63°45'07"
C3	50.00	60.56	52.71	S07°45'02"E	92°12'01"
C4	50.00	21.58	21.41	N30°46'10"E	244°3'32"
C5	50.00	20.16	20.03	S54°41'07"W	245°55'22"
C6	50.00	22.76	22.57	S79°46'44"W	265°05'10"
C7	50.00	27.41	27.07	S71°58'18"E	312°24'31"
C8	50.00	20.17	20.04	N44°41'11"E	218°5'51"
C9	230.00	20.16	20.15	S30°38'28"E	530°11'9"
C10	230.00	20.46	20.46	S25°34'50"E	505°57'
C11	230.00	20.25	20.24	S20°29'50"E	511°10'0"
C12	230.00	21.67	21.66	N15°06'49"W	523°55'
C13	230.00	43.22	43.18	S07°01'52"E	511°10'0"
C14	766.20	152.45	152.43	S64°53'28"E	244°0'24"
C15	766.20	18.35	18.35	N67°35'47"W	078°0'0"
C16	766.20	158.12	158.11	N70°09'11"W	420°0'0"
C17	766.20	22.71	22.71	N73°03'41"W	141°53'

Contours from KPB GIS
Contour interval = 4'



Plat Approval:

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of _____, 20____.
Kenai Peninsula Borough
By: _____
Authorized Official



Ownership Certificate:
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.

McKennen Lamb, for former Tract 2
2585 Timpleview Dr.
Provo, UT 84604

Notary's Acknowledgment:

For
Acknowledged before me this _____ day of _____, 20____.

Notary Public for Alaska
My commission expires: _____

Rachael Lamb, for former Tract 2
2585 Timpleview Dr.
Provo, UT 84604

Notary's Acknowledgment:

For
Acknowledged before me this _____ day of _____, 20____.

Notary Public for Alaska
My commission expires: _____

Kristen Lamb Reilly, for former Tract 1
2795 Rolling Hills Dr.
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Within NW1/4, Sec. 14, T6S, R14W, S4M,
in the City of Homer, Kenai Peninsula Borough,
Homer Recording District,
Third Judicial District, Alaska
Containing 3.114 Acres

Prepared for:
McKennen and Rachael Lamb
2585 Timpleview Dr.
Provo, Utah 84604 and
Kristen Lamb Reilly
2795 Rolling Hills Dr.
Provo, Utah 84604

Prepared by:
Orion Surveys
PO Box 15025,
36570 Maria Road,
Fritz Creek, AK 99603
(907) 399-7028
tom@orionsurveys.com

Scale: 1"=30'
Date: 8/24/2022
KPB File No. 2022-_____
Job# 965

Orion Surveys
PO Box 15025
Fritz Creek, AK 99603

July 1, 2022,

Planning Staff,
City of Homer Planning Department
491 East Pioneer Avenue,
Homer, AK 99669

Re: Bidarka Creek 5, preliminary plat submittal

Staff,

Please find enclosed two full size copies and one reduced (11"x17") copy of this plat and check #295 for the ~~\$300.00~~ plat submittal fee.

~~\$300.00~~
\$1100.00 *R*

This proposed plat reconfigures two adjoining lots along the Sterling Highway on Baycrest hill into 11 lots. Additional right of way needs to be dedicated as shown. These lots are served by City water and sewer.

The owners plan to work with the city on a comprehensive development plan for all these lots. The plan generally is to build tiny houses on each lot using a Techno Metal post type foundation. Lot configurations are guided by this plan. All lots meet the current 10,000 Sq. Ft. size requirement for this zone.

The owners plan to grant Mutual Use Driveway Agreements to enable some common use of the flag portions of the lots if needed to meet city code for parking. They also plan to use Mutual Use Agreements for any decks that cross property lines as does the deck and stairs between Lots 5 and 7. This will allow for shared decks and stairs where applicable and will be addressed in the development plan with the city.

We plan to ask the KPB Plat Committee for exception to:

KPB 20.30.190 (A) for Lots 4, 5, and 6. While city code governs the setback on these lots these lots do not meet the borough requirement to be 60' wide at the building setback. While flag portions could be designed on these lots the configuration shown is governed by the existing houses. These lots will be difficult to evaluate for the 3:1 depth to width requirement but it is likely that Lots 4 and 5 will be close. If the KPB staff determines that these lots do not meet the 3:1 criteria we will be asking for exception to that part of the code also.

Please contact me if you have any questions.

Sincerely



Tom Latimer

encl

Full size paper plats (2)

Reduced paper plat (11"x17")

Plat fee \$300.00, Check #295

#1100⁰⁰
T2

July 6, 2022

Homer City, To Whom It May Concern:

I just wanted to do a quick introduction. Our family has been coming to Alaska every summer for the past almost 20 years. We LOVE Homer and have dreamed of having it as part of what we call "home". My son and his wife (McKennen and Rachael Lamb) moved there a few years ago for work during the summers but made the decision last year to make it their year round home. (I miss them dearly and look for every opportunity to visit.)

My husband and I bought the property next to my son and we decided to create this development together so that we could find more ways to spend time there with them. My background is in interior design and construction but I also served on the planning commission for the Town of Woodland Hills in Utah. My greatest concern while I lived and served in WH was to make sure we were able to maintain the natural beauty that drew us there. We feel the same way about Homer. Our goal in this process is to create a beautiful gateway community that sets a standard anyone would be proud to call home.

There are several things we looked at while creating this site plan which we think you'll appreciate.

1. We love the trees and wanted to protect them with as little disruption as possible, leaving the natural surroundings intact. As you'll notice, we've designed the cul-de-sac into the natural clearing that's already there. Although it's not easily seen on the plat, the cul-de-sac is actually much farther away from the main road than it appears which we love. It lets you safely enter and exit the subdivision with one well designed access point instead of each lot trying to enter the busy road from multiple locations.
2. We wanted to make sure the homes could be placed in undisturbed locations as well which you can see on the plans with the tentative sample build zones. They are in natural clearings where beautiful usable yards can be easily maintained.
3. We've also thought through parking. Though we've shown the plat with the minimum 2 stalls per lot, we also wanted to consider the visiting guest as well. We've been that "guest" on many occasions over the years when we've come to visit Homer and parking was a bit challenging so we've planned a few extra "guests parking" spots off the road for good measure. We hope you don't mind that we added those into the mix.
4. We wanted to create something that was affordable AND beautiful. The homes aren't large but will be inviting and functional. Young couples or old would enjoy the beauty we are creating. Beautiful "affordable" homes are hard to find so we felt like this would be a perfect place.

We are excited to be part of the permanent community and want to help keep the natural beauty that exists and bring a fun vibe with us in all that we create together with the city of Homer. We are anxious to move forward so please let us know if we've missed anything.

Sincerely,
Kristen Lamb-Reilly (801-420-5812)

NOTICE OF SUBDIVISION

Public notice is hereby given that a preliminary plat has been received proposing to subdivide or replat property. You are being sent this notice because you are an affected property owner within 500 feet of a proposed subdivision and are invited to comment.

Proposed subdivision under consideration is described as follows:

Bidarki Creek No. 5 Preliminary Plat

The location of the proposed subdivision affecting you is provided on the attached map. A preliminary plat showing the proposed subdivision may be viewed at the City of Homer Planning and Zoning Office. Subdivision reviews are conducted in accordance with the City of Homer Subdivision Ordinance and the Kenai Peninsula Borough Subdivision Ordinance. A copy of the Ordinance is available from the Planning and Zoning Office. **Comments should be guided by the requirements of those Ordinances.**

A public meeting will be held by the Homer Planning Commission on Wednesday, August 3, 2022 at 6:30 p.m. In-person meeting participation is available in Cowles Council Chambers located downstairs at Homer City Hall, 491 E. Pioneer Ave., Homer, AK 99603. To attend the meeting virtually, visit zoom.us and enter the Meeting ID & Passcode listed below. To attend the meeting by phone, dial any one of the following phone numbers and enter the Webinar ID & Passcode below, when prompted: 1-253-215-8782, 1-669-900-6833, (toll free) 888-788-0099 or 877-853-5247.

Meeting ID: 979 8816 0903

Passcode: 976062

Additional information regarding this matter will be available by 5pm on the Friday before the meeting. This information will be posted to the City of Homer online calendar page for August 3, 2022 at <https://www.cityofhomer-ak.gov/calendar>. It will also be available at the Planning and Zoning Office at Homer City Hall and at the Homer Public Library.

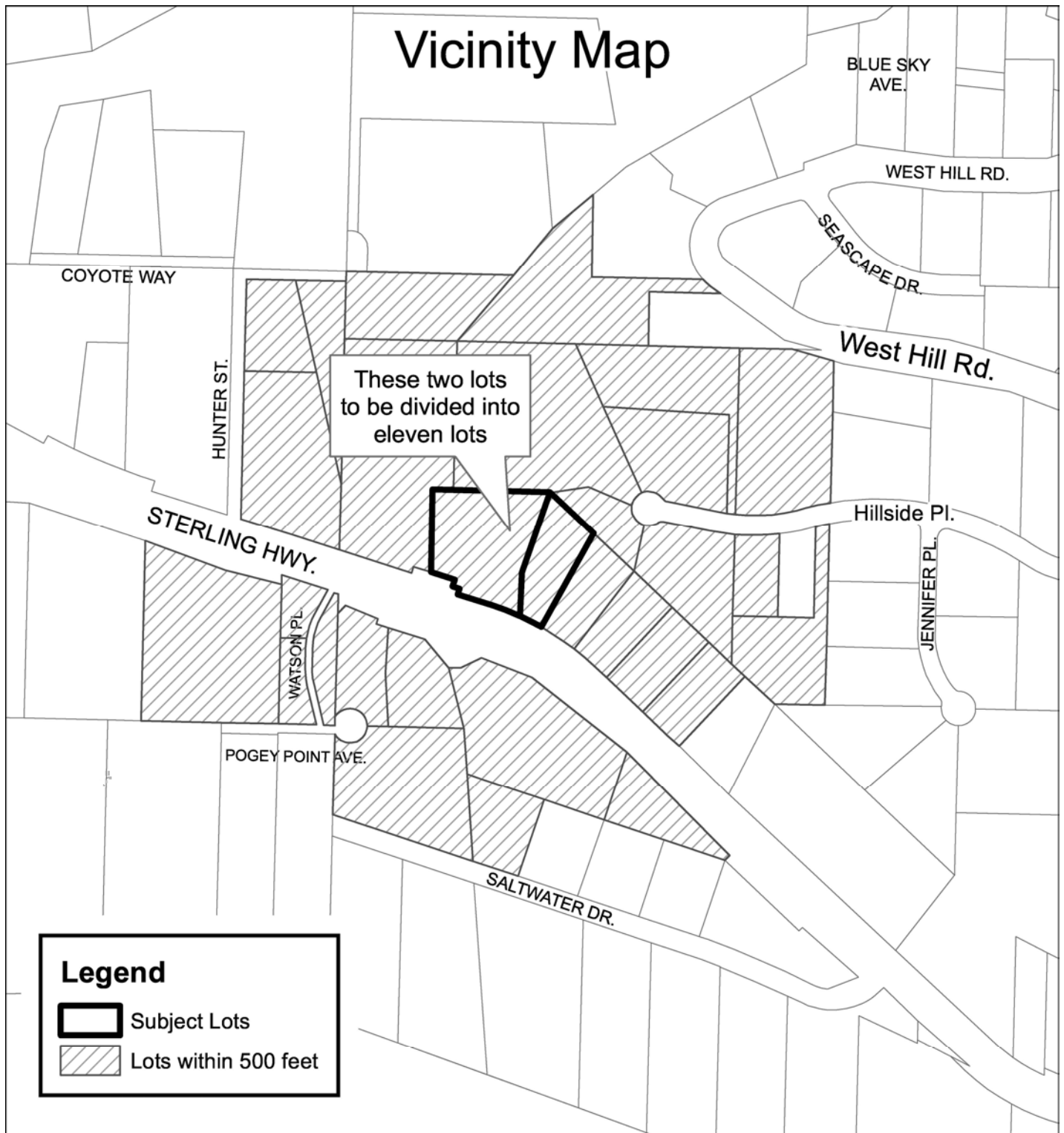
Written comments can be emailed to the Planning and Zoning Office at the address below, mailed to Homer City Hall at the address above, or placed in the Homer City Hall drop box at any time. Written comments must be received by 4pm on the day of the meeting.

If you have questions or would like additional information, contact Rick Abboud at the Planning and Zoning Office. Phone: (907) 235-3106, email: clerk@cityofhomer-ak.gov, or in-person at Homer City Hall.

NOTICE TO BE SENT TO PROPERTY OWNERS WITHIN 500 FEET OF PROPERTY.

VICINITY MAP ON REVERSE

Vicinity Map



City of Homer
Planning and Zoning Department

July 21, 2022

Request for Bidarki Creek 5 Preliminary Plat

Marked lots are within 500 feet and
property owners notified.

0 250 500 Feet



Disclaimer:
It is expressly understood the City of
Homer, its council, board,
departments, employees and agents are
not responsible for any errors or omissions
contained herein, or deductions, interpretations
or conclusions drawn therefrom.

NOTES:

1. This subdivision is subject to Homer City Code.
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. This subdivision is subject to the zoning regulations of the City of Homer. Portions of this subdivision may contain wetlands. Owners should consult with the City of Homer/Planning Dept. and the Army Corps of Engineers prior to any development activity.
4. The location of the northerly edge of the ROW of the Sterling Highway is shown per Bidarki Creek No. 4 HM2012-27.
5. Per Plat HM2007-106 a 50' wide drainage easement on each side of the centerline of Bidarki Creek for maintenance purposes regarding drainage for the Sterling Highway.

LEGEND

- Found Survey Monument
- Set 2" Alcap on 5/8"x30" rebar
- Fire Hydrant
- Bollard
- Abandoned CHP Well
- Utility Pole with anchor

Wetlands areas per KWF
Wetland Assessment
(Typical)

Line	Bearing	Distance
1	S76°02'22"W	118.00'
2	S74°42'46"W	101.00'
3	S75°40'07"W	118.86'
4	S23°33'05"W	136.14'

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	766.20	151.83	151.59	S68°14'01"E	112°11'15"
C2	20.00	22.25	21.12	S42°02'07"E	63°46'01"
C3	50.00	80.56	72.13	S27°45'03"E	52°12'01"
C4	50.00	21.58	21.41	N30°46'10"E	244°33'32"
C5	50.00	120.16	120.03	S54°41'07"W	233°36'22"
C6	50.00	22.78	22.57	S29°16'54"W	263°55'10"
C7	50.00	27.41	27.07	S71°58'18"E	31°24'31"
C8	50.00	10.17	10.04	N44°42'41"W	233°36'53"
C9	230.00	20.16	20.15	S30°38'28"E	50°11'19"
C10	230.00	20.46	20.46	S25°34'50"E	55°55'51"
C11	230.00	20.95	20.94	S20°29'50"E	51°11'10"
C12	230.00	21.67	21.66	N15°06'49"W	52°33'59"
C13	230.00	43.22	43.18	N07°01'52"E	10°46'00"
C14	766.20	152.45	152.43	S64°53'29"E	124°40'24"
C15	766.20	18.35	18.35	N67°35'47"W	07°18'51"
C16	766.20	158.12	158.11	N70°09'11"W	42°02'46"
C17	766.20	22.71	22.71	N73°03'41"E	174°15'31"

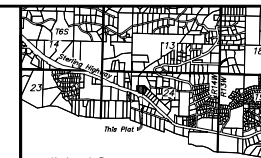


Plat Approval:

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

Kenai Peninsula Borough

By: _____
Authorized Official



VICINITY MAP 1" = 1/2 Mile

Ownership Certificate:

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

McKennen Lamb
2585 Timview Dr.
Provo, UT 84604

Notary's Acknowledgement:

For _____
Acknowledged before me this _____ day of _____, 20____.

Notary Public for Alaska
My commission expires: _____

Rachael Lamb
2585 Timview Dr.
Provo, UT 84604

Notary's Acknowledgement:

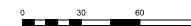
For _____
Acknowledged before me this _____ day of _____, 20____.

Notary Public for Alaska
My commission expires: _____

WASTEWATER CERTIFICATE:

Plans for wastewater disposal that meet regulatory requirements are on file at the Department of Environmental Conservation.

Engineer _____ License # _____ Date _____



BIDARKI CREEK No. 5

A subdivision of Tracts 1 and 2
Bidarki Creek No. 4 HM2012-27
Within NW1/4, Sec. 14, T6S, R14W, S4M,
in the City of Homer, Kenai Peninsula Borough,
Homer Recording District,
Third Judicial District, Alaska
Containing 3.114 Acres

Prepared for:
McKennen and Rachael Lamb
2585 Timview Dr.
Provo, Utah 84604

Prepared by:
Orion Surveys
PO Box 15025,
36570 Maria Road,
Fritz Creek, AK 99603
(907) 399-7028
tom@orionsurveys.com

Scale: 1"=30'
PB: 24 Job# 965 Date: 5/5/2022
KPB File No. 2022-

PRELIMINARY

Aerial Map



City of Homer
Planning and Zoning Department

July 21, 2022

Request for Bidarki Creek 5 Preliminary Plat

Marked lots are within 500 feet and
property owners notified.

0 250 500 Feet



Disclaimer:
It is expressly understood the City of
Homer, its council, board,
departments, employees and agents are
not responsible for any errors or omissions
contained herein, or deductions, interpretations
or conclusions drawn therefrom.

August 2, 2022


Attention: Homer Planning Commission

We have major concerns about the new Bidarki Creek No.5 Preliminary Plat that is up for consideration.

Since we are zoned Rural Residential and would like to remain that way, we feel this proposed subdivision is too dense in relationship to the surrounding area and the watershed needs to be factored in. We would request that no exceptions to our current rules and regulations be made for the newly proposed subdivision.

As lifelong Homer residents, we feel there is enough Urban Residential area East of West Hill and would like to maintain the Rural Residential feel that we currently have.

Thank you for your time,



Charlie and Debbie Rehder

From: Travis Brown
To: Rick Abboud
Subject: FW: Written Testimony for Commission/Board Meetings
Date: Tuesday, August 2, 2022 10:31:01 AM

Just want to make sure you got this

From: Jeffres <homer-ak@municodeweb.com>
Sent: Tuesday, August 2, 2022 4:46 AM
To: Travis Brown <tbrown@ci.homer.ak.us>
Subject: Written Testimony for Commission/Board Meetings

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Written Testimony for the Planning Commission Name: Susan Jeffres Email: Fljeffres@msn.com Phone: 303-909-4280 Residency: City Resident Meeting to Participate In: Planning Commission Regular Meeting Wed, 08/03 Plat Consideration (Planning Commission Only) - Citizens may comment on plats scheduled for consideration. Bidarki Creek No. 5 Written Testimony: I am writing in opposition to the proposed platting change to Bidarki Creek No. 5. We live on 7-A and have first hand knowledge of the drainage issues and steep slopes that some of these lots will have. Also, with the watershed right there, the environmental impact is huge. Additionally, the density of housing is not in keeping with the surrounding neighborhood. Please abide by the codes and regulations already in place and deny this change.

Electronic Signature: Susan Jeffres Submitted on Tuesday, August 2, 2022 - 4:45am The results of this submission may be viewed at: <https://www.cityofhomer-ak.gov/node/60481/submission/49651>

DESK PACKET

(ITEMS THAT CAME IN AFTER MEETING PACKET WAS POSTED)

E5. Bidarki Creek No. 5; KPB File 2022-160

Quinton, Madeleine

From: Kristen Lamb <kristen.lamb10@gmail.com>
Sent: Tuesday, November 8, 2022 11:45 AM
To: Quinton, Madeleine
Subject: <EXTERNAL-SENDER> Bidarki Creek No 5

CAUTION: This email originated from outside of the KPB system. Please use caution when responding or providing information. Do not click on links or open attachments unless you recognize the sender, know the content is safe and were expecting the communication.

Madeleine,

Thanks for sending the certified letter regarding the Bidarki Creek No 5 Subdivision. Nothing in the Deed of Trust within Serial Number 2021-003891-01-0, Homer Recording District prohibits or limits the request for subdivision. Please consider this the formal notice of NON-OBJECTION which will allow the plat to proceed prior to the end of the 30-day time frame. We fully support the process.

Let me know if you need something mailed to you as well, if not, I'm good with this being printed and standing as our formal support.

Kristen Lamb
801-420-5812
kristen.lamb10@gmail.com

Fax 907-714-2378
File No 2022-160

Paul Finney wish to oppose
this subdivision/Replot

For the same reasons the
City of Homer THE Residents vote
it down once before hope
Borough does the same

THANK YOU

Paul Finney
1588 Hillside Place
Homer AK 99603

Public Hearing Nov 14/22 530pm

November 1, 2022

Kenai Peninsula Borough - Planning and Zoning Committee

KPB File No. 2022 -160

Petitioner(s)/Land Owners:

McKennen and Rachael Lamb and Kristen Lamb Reilly of Provo, Utah

I am writing this as a concerned property owner, (Hillside Acres Tract 7B), which borders the proposed Bidarki Creek #5 Preliminary Plat.

First and foremost - the land west of West Hill Road is zoned Rural Residential, which has been addressed at numerous Homer zoning meetings. The following decisions have been made:

April 20, 2022 - Minutes Homer Planning Commission - Land west of West Hill Road remains "rural residential"; east of West Hill Road rezoned "urban residential"

August 2022 - The initial Bidarki proposal was withdrawn by owners

September 21, 2022 - Minutes Homer Planning Commission - Recommendation for this proposal was denied by Homer Planning and Zoning

Please do not override local jurisdiction on this matter.

In my review, this preliminary proposal is flawed in many ways:

1. Rural Residential was designed to be low in population density this proposal creates a high density population area
2. The excavation to create all ten access areas (driveways) and to install all the water/ sewer lines will be very disruptive to the hillside area

3. The topography of the area (much over 20% slope, wetlands and watershed) will also make this type of development not only disruptive, but somewhat impossible - Homer City Planning committee referred to the need for the army corp of engineers
4. The cost of \$26k per lot to hook up city water/sewer would be considered a deterrent
5. This water/sewer charges also raises a question with Homer city finance as to whether original lot owners would get a rebate on their portions of water/sewer costs
6. The fire department must have an opportunity to view this proposal.
7. Parking ideas are an unresolved issue - shared driveways are not a good solution and the cul-de-sac is half wetlands
8. Utility easements are not met (HCC 22.10.051)

In conclusion, my requests are:

- **NO** special concessions be allowed, this is not the type of development for this area
- **NO** conditional Use Permits be considered
- **NO** exceptions to ANY codes
- **NO** exceptions be made for Lot configuration
- **NO** exceptions to KPB20.30.190A regarding width and setbacks/ 3:1 Depth/Width ration
- **NO** Mutual Use agreements crossing property lines - encroaching into setbacks

Please do not allow this proposal to move forward as presented.

Sincerely,

LS Rourke

Linda Schauer Rourke / Owner adjacent property

Quainton, Madeleine

From: Cody Booth <mayancodybooth@gmail.com>
Sent: Tuesday, November 8, 2022 9:28 AM
To: Quainton, Madeleine
Subject: <EXTERNAL-SENDER>Opposition: Bidarki Creek #5 Preliminary Plat

CAUTION:This email originated from outside of the KPB system. Please use caution when responding or providing information. Do not click on links or open attachments unless you recognize the sender, know the content is safe and were expecting the communication.

Hello,

I am the owner of the house located at 1587 Hillside Place in Homer, Alaska.

I am writing this email as my formal opposition to the rezoning proposal to the Bidarki Creek #5 Preliminary Plat.

I have lived on this specific area of town for over 30 years. I grew up here and later built a house a few doors down. I have a family of my own and chose to live here based on the surrounding neighbors who share my similar beliefs. I also chose this specific subdivision and area of town because I've always enjoyed the space between neighbors, the ability to have pets (chickens, horses, dogs etc...) and the distance and trees between my house and the highway. I strongly oppose the rezoning proposal for the Bidarki Creek #5 Preliminary Plat. Please reach out to me if you have further questions.

Thank you for your time,

Maya Rourke

1587 Hillside Place
Homer, Alaska
907-299-6292

November 9, 2022

Kenai Peninsula Borough- Planning and Zoning Committee

KPB File No. 2022-160

Petitioner(s) Land Owners:

McKennen and Rachael Lamb and Kristen Lamb Reilly of Provo, Utah

We are writing this letter concerning the proposed Bidarki Creek #5 Preliminary Plat.

We currently own three Lots that border Bidarki Creek and are behind these two Lots. We were happy to see the Land west of West Hill Road remain "rural residential" and east of West Hill Road rezoned "urban residential" because of the current subdivisions that are already being developed there.

We request that no exceptions be made for this area and that you do not override local jurisdiction on this matter.

Thank you for your time,

Charlie and Debbie Rehder

From: Mark Sass
To: [Planning Dept.](#)
Cc: [Gmail](#)
Subject: <EXTERNAL-SENDER>Notice of subdivision/replat KPB file # 2022-160
Date: Thursday, November 10, 2022 8:22:10 PM

CAUTION:This email originated from outside of the KPB system. Please use caution when responding or providing information. Do not click on links or open attachments unless you recognize the sender, know the content is safe and were expecting the communication.

Petitioner/Land owners
McKennen and Rachael Lamb Reilly

This property plan was denied in past meeting of September 21,2022

This land is zoned Rural Residential
The density does not fit with all land West of West Hill Rd.
Spot zoning this dense property is NOT correct and certainly does not match the area.

Challenges
Complexity of utilities including sewer water electricity in such a tight wet boggy drainage area would be very challenging along with future Maintance added to the narrow lot property lines. For city and homeowners
Setbacks of structures shared driveways and all kinds of agreements needed.
10 lots shared driveways then dumping into busy traffic coming down a hill with speed. Fire protection?
Maintance added to the narrow lot property lines.

I do not believe the city or borough should have to amend and adjust all kinds of codes to accommodate this kind of density.

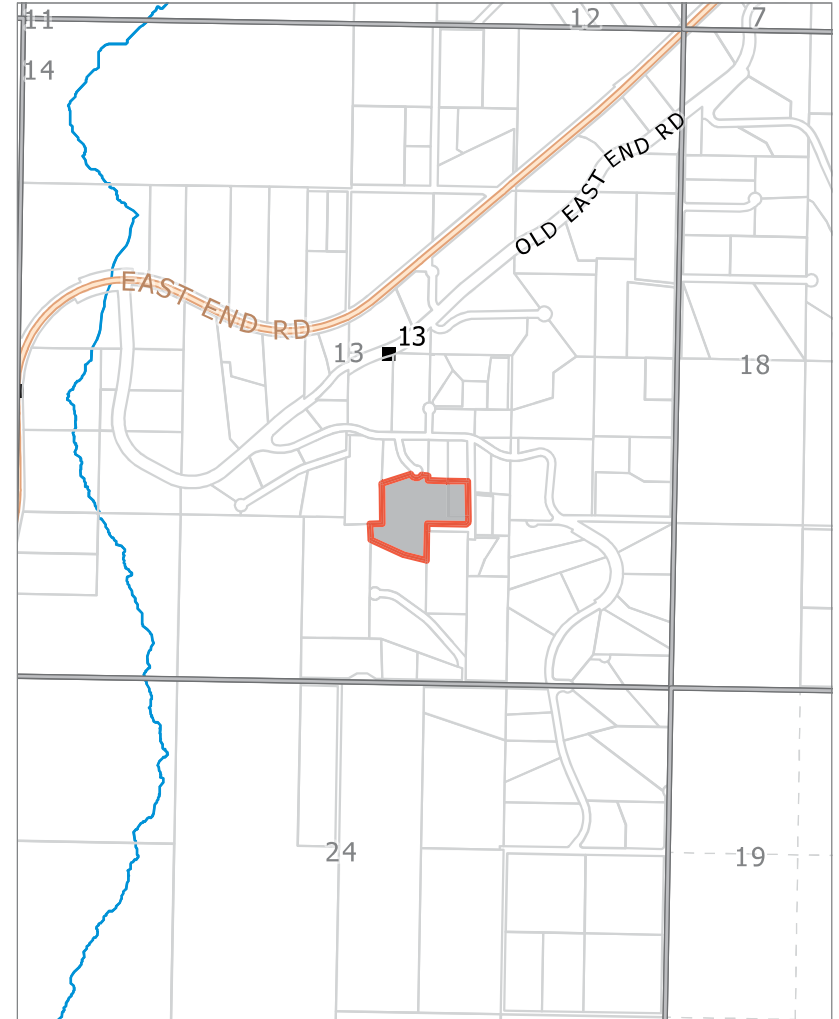
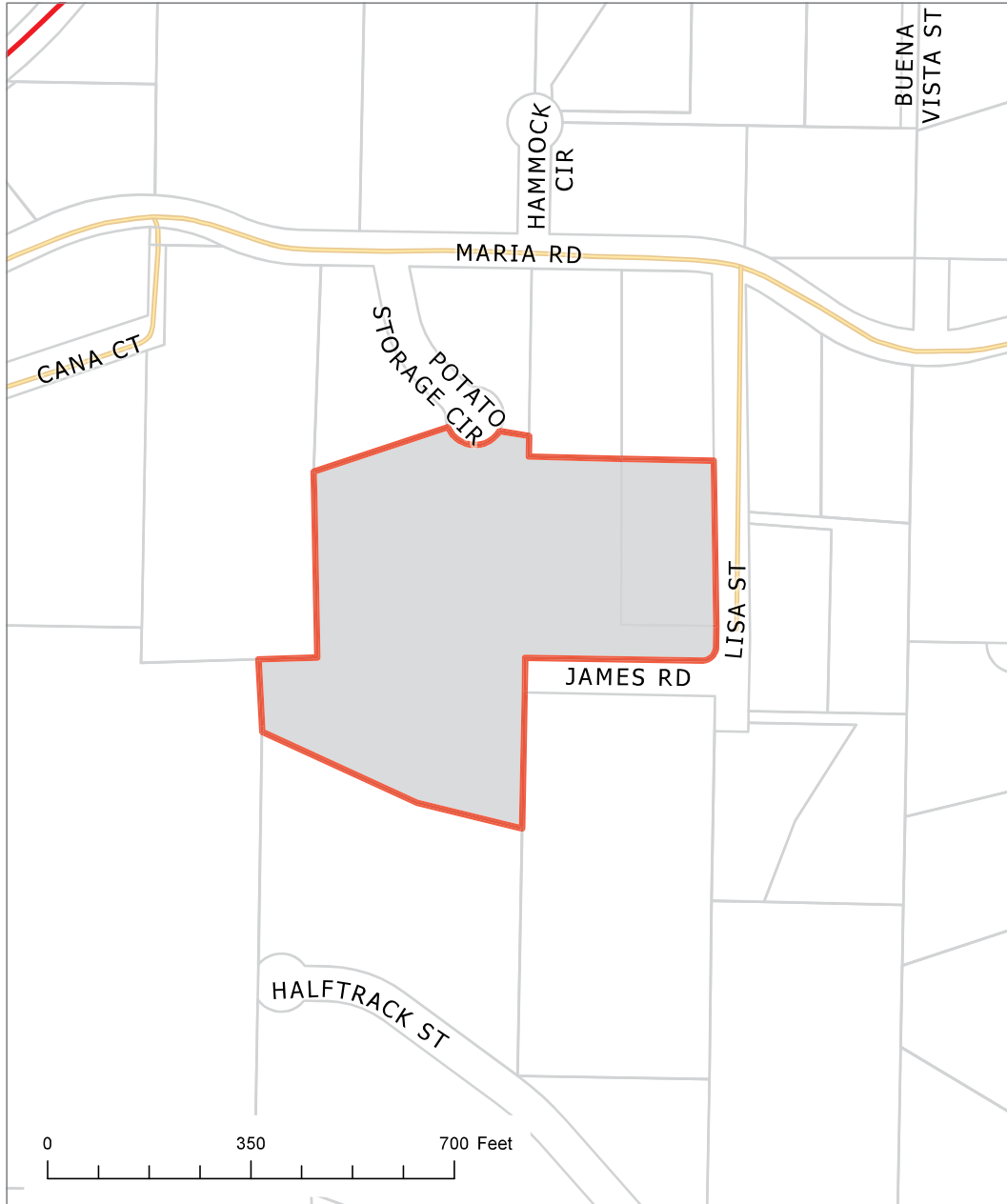
I absolutely do not want city and planning to have to start making any variances and exceptions to accommodate this.
This development should NOT proceed as shared.

Thank you for all your work on this.
Mark Sass
612-919-0735
Property owner near this property
1641 Hillside Place.

Sent from my iPhone

E. NEW BUSINESS

6. James 2022; KPB File 2022-161



KPB File # 2022-161
S13 T05S R12W
Fritz Creek



Aerial View



LEGEND

- Found 2"-/2" Brass Cap, 3686-S 1978
- Found monument as noted
- Found 2" Aluminum Cap 10603-S, 2016
- Found 2" Aluminum Cap as noted
- Set 2" Aluminum Cap on 5/8" x 30" Rebar
- Utility Pole

Riverine per Kenai Watershed Forum 2013
Cook Inlet Wetlands Mapping

Plat Approval:

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

Kenai Peninsula Borough

By: _____
Authorized Official

Wastewater Certificate:

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 qualified engineer, registered to practice in Alaska, and the design must be approved by the Alaska Department of Environmental Conservation.

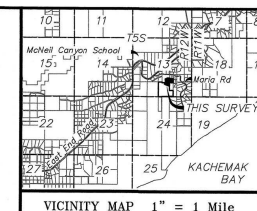
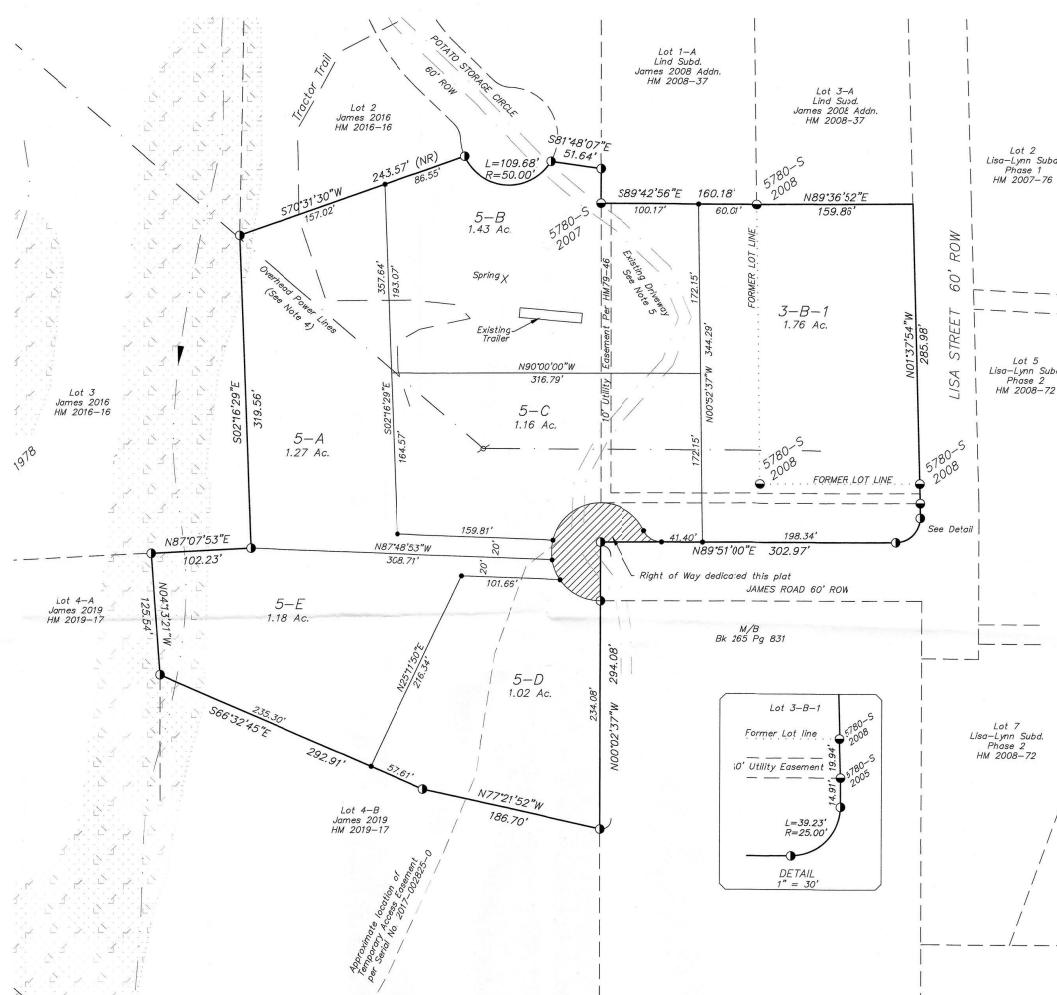
Engineer _____ License # _____ Date _____

NOTES:

1. A building setback of 20' is required from all street rights-of-way unless a lesser standard is approved by the appropriate Planning Commission.
2. The front 15' and the entire setback within 5 ft. of side lot lines is a utility easement. No permanent structures shall be constructed or placed within a utility easement which would interfere with the ability of the utility to use the easement.
3. Roads must meet design and construction standards established by the Borough in order to be certified for inclusion in the Borough road maintenance program.
4. Overhead power line is centerline of 20 ft. wide electrical distribution easement (Homer Electric Association).
5. 20 ft. wide ingress/egress easement centered on a portion of the existing driveway benefits the South 660 ft. of the North 760 ft. of the W 1/2 E 1/2 SW 1/4 SE 1/4 Section 13 per Bk. 265 Pg. 826 H.R.D.
6. Any person developing this property is responsible for obtaining all required local, state, and federal permits, including a U.S. Army Corps of Engineers wetland determination if applicable.



PRELIMINARY



Ownership Certificate:
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 to public use and grant all easements to the use shown.

Jesse R. James
690 E Meadowhurst Drive
Saint Maries, ID 83861
for former Lot 3

Notary's Acknowledgment:

For _____
Acknowledged before me this _____ day
of _____, 20____.

Notary Public for Alaska
My commission expires: _____

Emily Robert Rogers
PO Box 2783
Homer, AK 99603
for former Lot 3-B

Notary's Acknowledgment:

For _____
Acknowledged before me this _____ day
of _____, 20____.

Notary Public for Alaska
My commission expires: _____

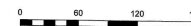
Jeremy Clayton Rogers
PO Box 2783
Homer, AK 99603
for former Lot 3-B

Notary's Acknowledgment:

For _____
Acknowledged before me this _____ day
of _____, 20____.

Notary Public for Alaska
My commission expires: _____

PRELIMINARY



JAMES 2022

A SUBDIVISION OF
Lot 5 James 2019, HM2019-39 and
Lot 3-B Lind Subdivision, James 2008 Addition HM 2008-37
T.5S, R.12W, S.4M, Alaska
Kenai Peninsula Borough, Homer Recording District
Third Judicial District, Alaska
Containing 7.896 Acres

Prepared for:
Jesse James,
690 Meadowhurst Drive
Saint Maries ID 83861

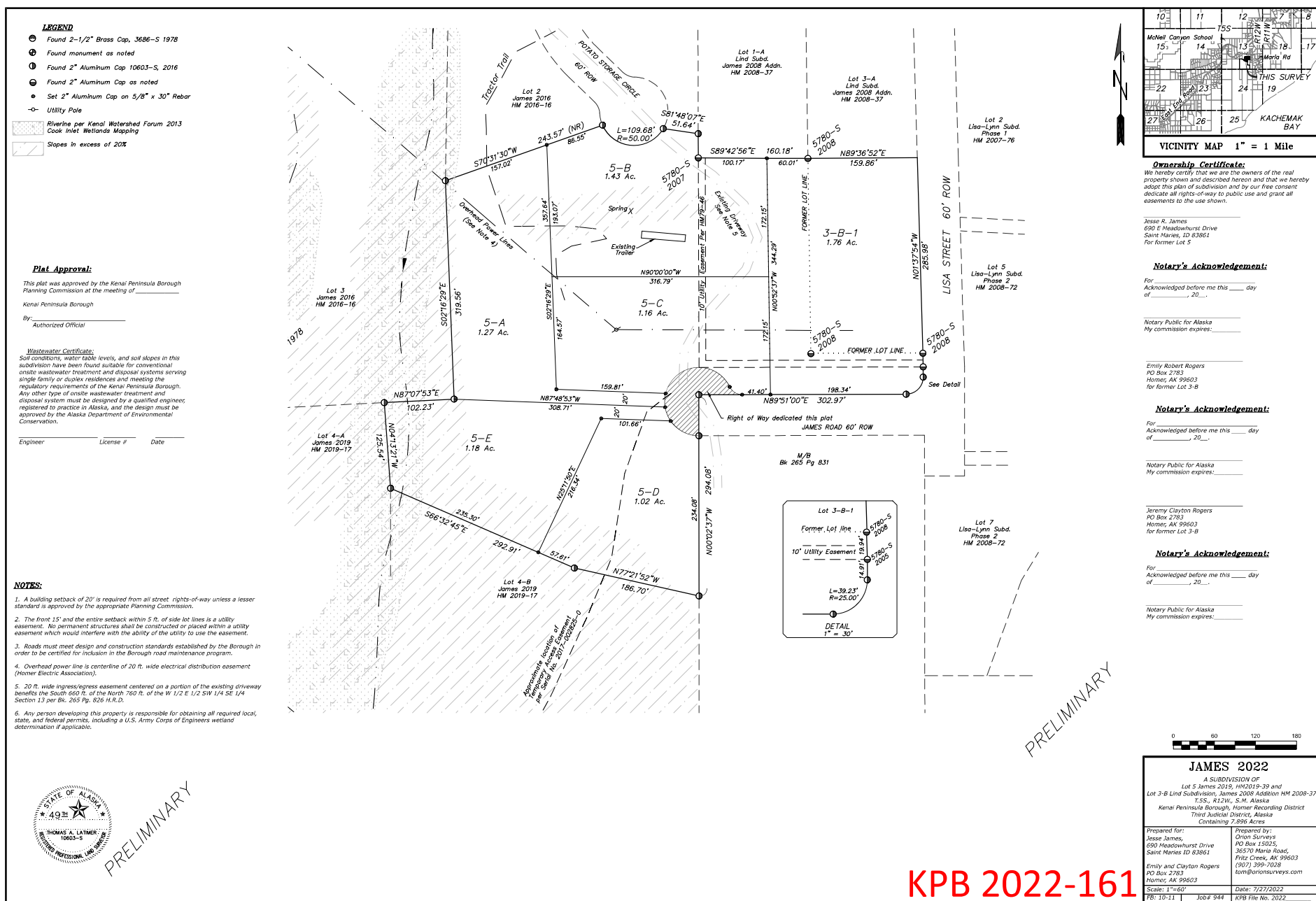
Prepared by:
Orion Surveys
PO Box 15035,
36570 Maria Road,
Pritz Creek, AK 99603
(907) 859-7028
tom@orionsurveys.com

Scale: 1"=60'

Date: 7/27/2022

Job# 944 KPB File No. 2022

KPB 2022-161



AGENDA ITEM E. NEW BUSINESS

ITEM 6 – JAMES 2022

KPB File No.	2022-161
Plat Committee Meeting:	November 14, 2022
Applicant / Owner:	Jesse James of Saint Maries, Idaho and Emily and Jeremy Rogers of Homer, Alaska
Surveyor:	Tom Latimer / Orion Surveys
General Location:	Potato Storage Circle, Lisa Street, James Road, Fritz Creek

Parent Parcel No.:	172-310-31 and 172-310-50
Legal Description:	Lot 5 James 2017, HM 2018-24 and Lot 3-B Lind Subdivision James 2008 Addition, HM 2008-37
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On Site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will reconfigure two lots into six lots and dedicate a cul-de-sac bulb at the end of a right-of-way. The new lots will vary from 1.02 acres to 1.76 acres.

Location and Legal Access (existing and proposed): The proposed plat is near mile 12 of State maintained East End Road. The subdivision is accessed off State maintained Old East End Road that provides a loop connection to East End Road. Off Old East End Road is borough maintained Maria Road. Potato Storage Circle is a cul-de-sac right-of-way off Maria Road that provides access to the northwest portion of the subdivision. Potato Storage Circle has an existing travelway but it is not borough maintained. The southern and eastern portions of the subdivision front along Lisa Street and James Road. Lisa Street is constructed with the majority maintained by the borough. It does not appear that James Road is constructed. This plat is proposing to dedicate a cul-de-sac bulb at the end of James Road.

The existing travelway within Potato Storage Circle has a recorded easement in place and the travelway continues through portions of this subdivision and loops back to James Road. The driveway is noted with a plat note. **Staff recommends that the label or plat note contain "private easement".**

Potato Storage Circle will provide dedicated access to Lot 5-B. Lots 5-A, 5-C thru 5-E. Lot 3-B-1 will have access from James Road or Lisa Street.

Lot 3-B has existing access from Lisa Street. The other portions of the subdivision appear to be accessed from Potato Storage Circle and the existing driveway.

Due to the terrain in the area, the block is not compliant. West of the subdivision are steep slopes that make it difficult to continue James Road to the west. The other rights-of-way in the area end with cul-de-sac bulbs with limited connectivity. James 2017, Plat HM 2018-24, received an exception to block length. **Staff recommends the plat committee concur that an exception to block length is not required due to terrain restraints, lack of connectivity, and existing improvements.**

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

Site Investigation: A separate copy of the preliminary plat was supplied that indicates slopes greater than 20 percent. There are areas within the northern portion as well as the southwest. The existing driveway runs along the edge of the steep contours so while the slopes split Lot 5-B, both areas will be able to be accessed. The slopes in the southwest are contiguous and contained within the southern portion. **Staff recommends the contours and slopes may be removed from the final plat.**

The preliminary plat indicates wet lands within the southwest area. The area is minimal and a wetland determination plat note is present. **Staff recommends the wetlands be depicted on the final with the plat note remaining, the depiction should stand out more.**

There are numerous items appearing on KPB Imagery. It does appear that the majority of the items are not permanent. There was a Quonset hut noted on James 2016 and James 2017. James 2016, Plat HM 2016-16, dedicated James Road and the structure existed prior to the creation of the setbacks. 15 foot utility easements were also created but did not specify if the building encroached into the utility easement. **Staff recommends the structure be depicted on the plat with plat note 3 of James 2016, Plat HM 2016-16, being carried over onto the plat but reworded to include the utility easement if encroaching.**

The plat proposes a dedication of a cul-de-sac at the end of James Road. The status of items on the property need to be verified to determine if any are permanent. If there will be any within the new dedication, it will need to be addressed prior to finalization as the plat cannot be creating an encroachment into a borough dedication. If any structures are located within the new setback or utility easements along the cul-de-sac bulb, they will require disclosure on the plat with appropriate plat notes added.

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: Aldridge, Morgan 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 comment

Staff Analysis This is a proposed replat of lands that have been replatted numerous times. The proposal will create six lots. The owners of Lot 3-B are working with a bank to allow the change in their property lines. The surveyor noted that if they are unable to get a release, the owners of Lot 5 will continue with their plan and the land being added to Lot 3-B will go to Lots 5-B and 5-C. That design would be considered minor to not require a return to the planning commission for review unless exceptions will be required. It will result in an odd shape for Lot 5-C including a panhandle to Lisa Street.

An X appears within Lot 5-B with a label "Spring". Staff is unsure of the significance of this depiction unless it relates to one of the many easements within the property. **Staff recommends if the spring is for locations of an easement or water right it may be shown but must refer to a plat note indicating the significance, otherwise it should be removed.**

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 25, 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 certificate to plat contains many easements, covenants, and agreements. A few of them are shown and listed on the preliminary plat but many were missing. **Staff recommends all easements shall be noted, depicted if descriptions provided, and all required plat notes be added.**

The property is within Kachemak Bay advisory planning commission, which is currently inactive.

Utility Easements There are easements granted by previous plats. The easement created by Lind Subdivision, Plat HM 79-46 is depicted. Lind Subdivision-James 2006 Addition, Plat HM 2007-129, granted 10 foot utility easements along Lisa Street that increased to 20 feet within 5 feet of the side lot lines. The plat also depicted an overhead powerline and plat note 6 indicated it was center of a 20 foot utility easement. James 2016, Plat HM 2016-16, granted 15 foot utility easements adjacent to Potato Storage Circle and James Road that increase to 20 feet within 5 feet of the side lot lines. **Staff recommends the utility easements adjacent to rights-of-way be depicted but if unable due to scale restraints, a typical detail will be required.**

The power line shown on the preliminary plat with a reference to a plat note should be verified if the same line as shown on Plat HM 2007-129. It refers to plat note 4 and HEA had a comment to grant 30 foot easement by this plat. The surveyor/owner should verify if this is a new easement or just additional width being granted. **Staff recommends depict and note existing utility easement and new easements being requested, if this is adding width add to the note the plat granting 20 feet and add that additional 10 feet will be granted by this plat.**

There are many recorded easements that need to be depicted if necessary. Some of the easements are for or to utility providers. **Staff recommends plat notes be added with recording information for all easements, if location is known it shall be depicted, and if unknown state "no definite location disclosed."**

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	Depict and label the 15 foot wide electric easement of record as recorded under serial no. 2018-002989-0 HRD. Update plat note 4. Provide a label or plat note stating, "The existing overhead powerline is the centerline of a 30 foot wide electrical easement, including guys and anchors, granted this plat." Depict and label the remaining overhead primary electric line on the final plat.
ENSTAR	No comments or recommendations
ACS	No objections
GCI	Approved as shown (noted title block correction)

KPB department / agency review:

Addressing	Reviewer: Haws, Derek Affected Addresses: 36715 LISA ST Existing Street Names are Correct: Yes List of Correct Street Names:
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	POTATO STORAGE CIR JAMES RD LISA ST Existing Street Name Corrections Needed: All New Street Names are Approved: No List of Approved Street Names: List of Street Names Denied: Comments: 36715 LISA ST will remain with lot 3-B-1.
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**

Provide a lot or tract label for each lot.

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: *The parent subdivision name for Lot 5 needs to be corrected. The section needs to be added to the location. Update the owners' names and addresses to match the CTP and Assessing records.*

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: *The lot east of Potato Storage Circle needs to be labeled. The flag lots shown east of Lisa Street should be labeled.*

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 on the drawing or a typical detail should be added.*

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 will be required and verify the correct wastewater notes are present.

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 to be signed by the Borough must be 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.*

- *Add a note for any exceptions granted.*
- *There are numerous easements and covenants and restrictions within the Certificate to Plat. They must all be noted and depicted if possible.*
- *Add code to plat note 3, "(KPB 14.06)".*
- *Plat note 4 should note the creation of the easement either by plat number or recorded document. If a new easement include "granted by this plat."*
- *The borough will not enforce private covenants, easements, or deed restrictions per KPB 20.60.170.*
- *Although the depiction refers to the plat note, make it clear either in the plat note or with the label that it is a "private driveway" or "private easement".*
- *If there are structures within the setbacks that predate the creation they must be depicted with appropriate plat notes added regarding their status.*
- *No structures are permitted within the panhandle portion of the flag lot(s).*

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: *Verify owners' names match the deeds/certificate to plat. Verify which state the owners will be signing in and update or leave state blank in notary's acknowledgement. Comply with 20.60.190.*

EXCEPTIONS REQUESTED:

KPB 20.30.190(B) – Lots-Dimensions (Length of flag for Lot 5A)

Surveyor's Discussion: The lot as shown is governed by wanting to have the east and west lines parallel and to keep certain areas of ground on their own lots.

Staff Discussion: The current design includes two flag lots. The panhandle for Lot 5A does not comply with KPB Code. The intent is for access portions exceeding 150 feet to be 60 feet wide to provide enough area if a right-of-way is later needed in that area.

Surveyor's Findings:

1. The flag portion of the lot traverses nearly level ground.
2. As requested the flag is only 9 feet longer than code.
3. Attempts to bring the flag into compliance may place lot lines in unwanted locations.

Staff's Findings:

4. KPB Code requires the access portion of a flag that is less than 60 feet wide to not exceed 150 feet in length.
5. Lot 5-A has a 20 foot wide access portion.
6. Lot 5-A is proposed to have an access portion of 159.81 feet in length.
7. The access portion for Lot 5-A will abut the access portion for Lot 5-E.
8. The access portion of Lot 5-E is 20 feet wide and compliant in length.
9. Requiring a wider access portion for Lot 5-A would impact the acreage for the neighboring lots.
10. There are existing driveways and travelways throughout the property.
11. There are some improvements within the subdivision.
12. Extending James Road further to the west and then dedicating the cul-de-sac could print the flag length into compliance.
13. Extending James Road will require additional dedications that will reduce acreage for the neighboring lots.
14. Lot sizes and terrain to the west make the need for a continuation of right-of-way atop the panhandles unlikely.
15. Limitations on future development may occur.

Denial of the exception will require a redesign to bring the access portion of Lot 5-A into compliance.

Staff reviewed the exception request and recommends granting approval subject to a plat note as outlined in KPB Code 20.30.190(B).

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, 7, 9-11, and 13-14 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 1-3, 7, 9-11, and 13-14 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 1-3, 7, 9-11, and 13-14 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:

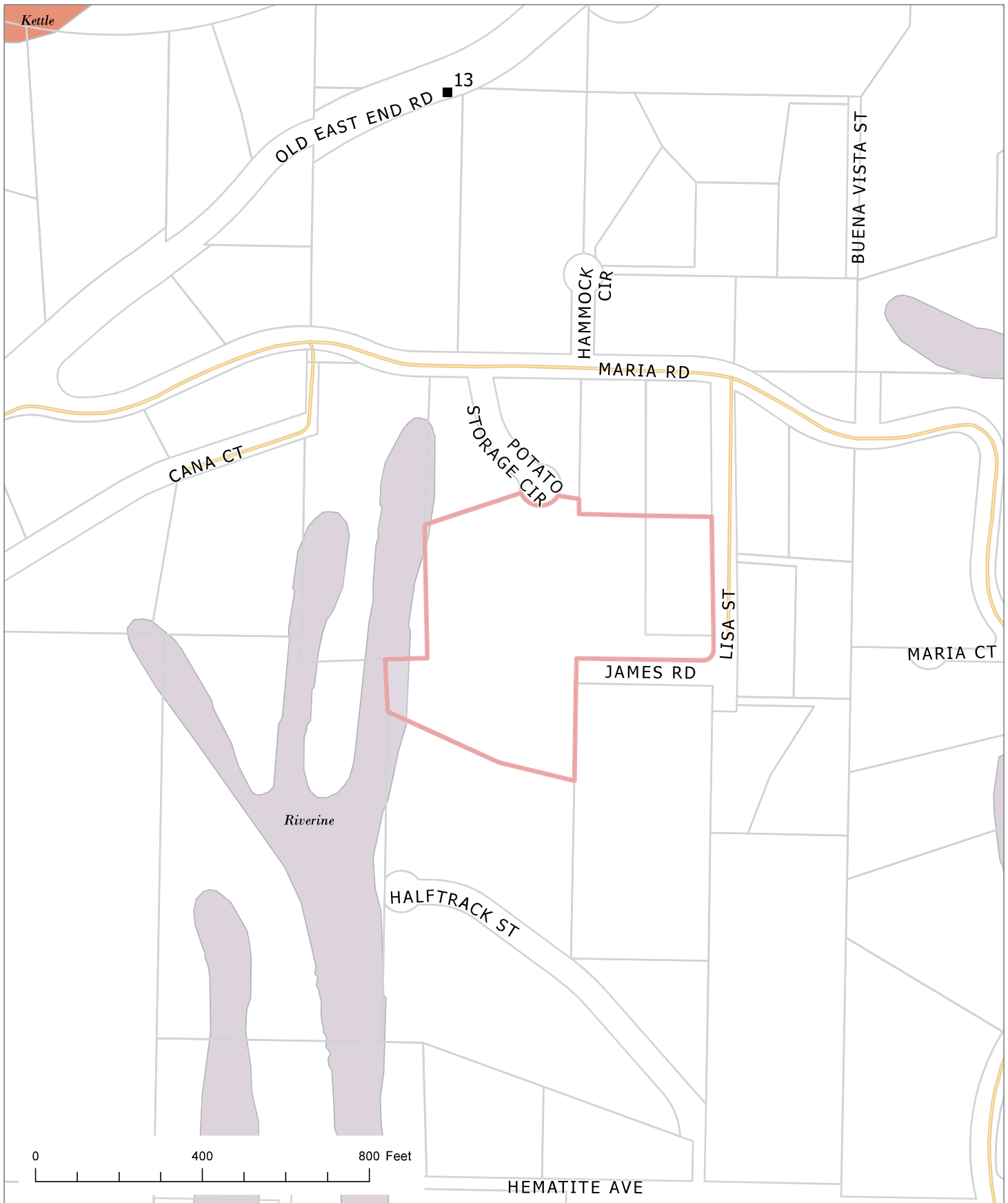
- GRANT APPROVAL OF THE PRELIMINARY PLAT SUBJECT TO STAFF RECOMMENDATIONS, AND
- COMPLIANCE WITH KPB 20.25.070 (FORM AND CONTENTS), KPB 20.25.080 (PETITION REQUIRED), KPB 20.30 (DESIGN REQUIREMENTS); AND KPB 20.40 (WASTEWATER DISPOSAL), AND
- COMPLIANCE WITH KPB 20.60 TO ENSURE ADMINISTRATIVE APPROVAL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

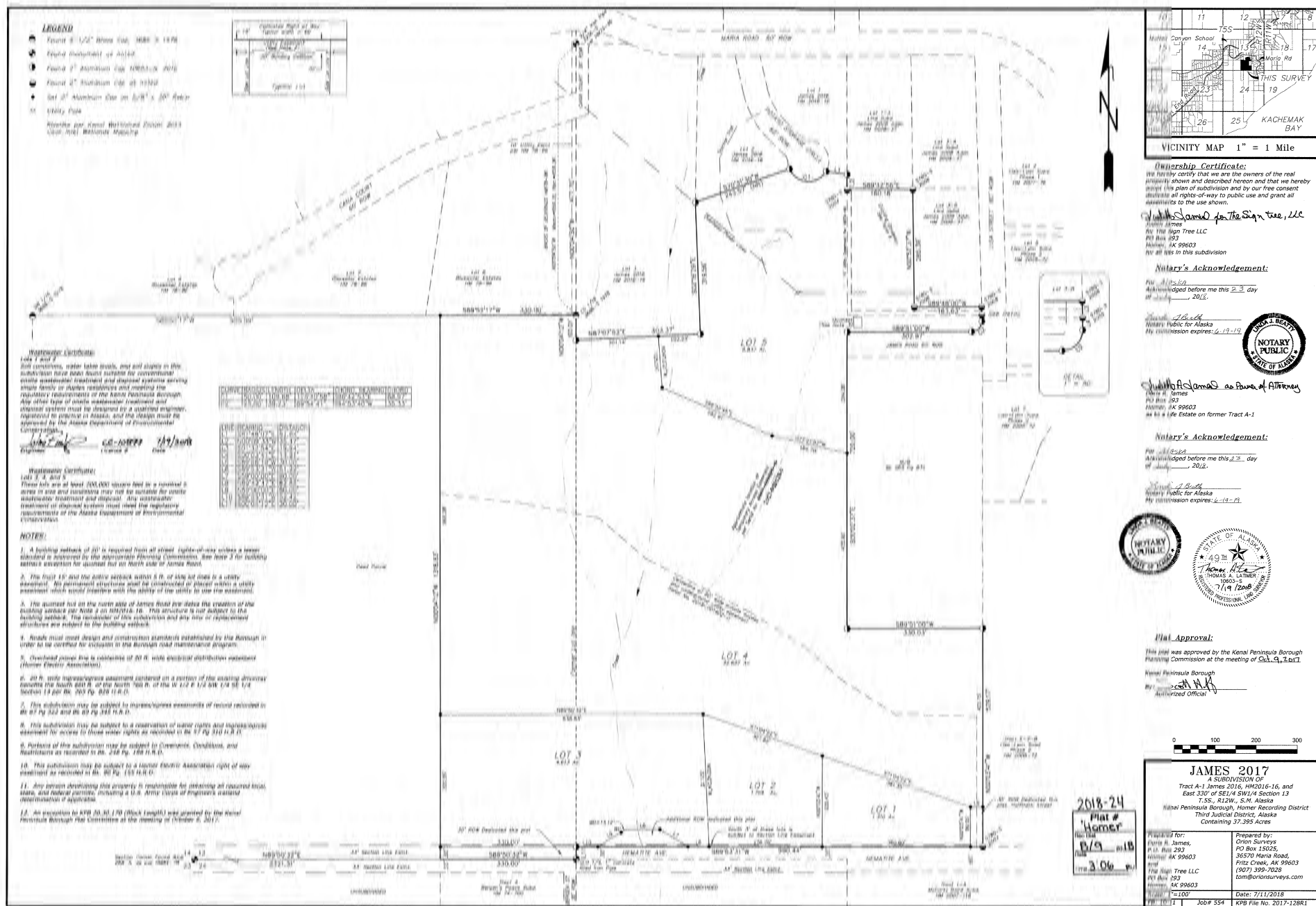
NOTE: 20.25.120. - REVIEW AND APPEAL.

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





Ownership Certificate

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

Robert P. James, Doris R. James 11-19-2009
Robert P. James Date
30745 James Road Doris R. James Date
Homer AK 99603-9656

Notary's Acknowledgement

Subscribed and sworn to me before me this 11th day of November, 2009

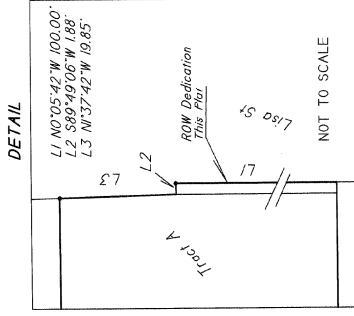
For Robert P. James and Doris R. James

Notary Public for Alaska
My Commission Expires 12-31-09



Legend

- < > Dimension of Record Blower Estates
- [] Dimension of Record of Survey Plat No. 97-26
- [] Dimension of Record of Record Lisa Lynn Sub Phase 2
- [] Calculated Dimension



Surveyor's Certificate

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

Nov 12 2009
Date
Roger W. Imhoff LS 5780

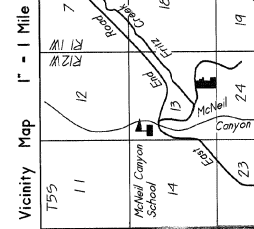


RECORD
Date: DEC 15 2009
Time: 1:40 P.M.
Requested by: Roger W. Imhoff
Address: Homer AK

Plat Approval

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of November 23, 2009

KENAI PENINSULA BOROUGH
By: **Roger W. Imhoff**
Authorized Official



Notes

- All wastewater disposal systems shall comply with existing applicable laws at the time of construction.
- The front 10 ft. and the entire setback within 5 ft. of side lot lines is a utility easement. No permanent structures shall be constructed or placed within an easement which would interfere with the ability of a utility to use the easement.
- A building setback of 20 feet is required from all street rights-of-way unless a lesser setback is approved by the appropriate Planning Commission.
- Roads must meet design and construction standards established by the Borough in order to be certified for inclusion in the Borough road maintenance program.
- Overhead power line is centerline of 20 ft wide electrical distribution easement (Homer Electric Association).
- 20 ft wide ingress - egress easement centered on a portion of the existing survey plat No. 97-26, South 660 ft. of the North 760 ft. of the W 1/2 E 1/4 SW 1/4 SE 1/4 Section 13 per Book 265 Page 826. HAD.
- The purpose of this plat is to vacate the common interior lot lines. No field survey was conducted. Dimensions shown are taken and/or calculated from record information as indicated Basis of Bearing is the Record Dimensions as shown hereon.
- A portion of this subdivision may be subject to Covenants, Conditions, and Restrictions as recorded in BK 246 Pg 166.
- This subdivision may be subject to easements of record recorded in BK 67 Pg 322 and BK 69 Pg 345.
- This subdivision may be subject to a reservation of water rights as recorded in BK 57 Pg 310.
- At its meeting of October 12, 2009, the KPB Planning Commission granted a Survey and Monumentation Waiver (KPB 2009.04.045) for this plat subject to a 30 ft Building Setback from all unsurveyed property lines, which will revert to the standard setback when surveyed.
- At its meeting of October 12, 2009, the KPB Planning Commission granted an exception to 20.20.60 Maximum Block Length.
- At its meeting of Nov 23, 2009, the KPB Planning Commission granted an exception to **KPB 20.20.60.0.0.0**.
- WASTEWATER DISEPOSAL
This lot is at least 200,000 square feet or nearly 5 acres in size and conditions may not be suitable for treatment or disposal system and must meet the regulatory requirements of the Alaska Department of Environmental Conservation.

James 2009

Being a vacation of the common lot lines of Lot 2-A and Subdivision James 2008 Addition Plat No. 2008-37 AND the SW 1/4 NW 1/4 SE 1/4 AND the SW 1/4 SE 1/4 excepting the East 330 feet and the South 660 feet of the North 760 feet of the W 1/2 E 1/2 SW 1/4 SE 1/4

All located within Section 13, T5S, R2W, S1M

Kenai Peninsula Borough
Homer Recording District, Third Judicial District, Alaska
Contains 36.206 Acres, more or less.

Client:	Bob and Doris James	Surveyor:	Roger W. Imhoff, RLS
	Homer AK		P.O. Box 250003
			Homer AK 99603
Date Sept 2009	James2009.rcd	Scale	1" = 150 ft.
			KPB File No 2009-157

Plat Approval

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

April 28, 2008

KENAI PENINSULA BOROUGH

By: [Signature]
Authorized Official

Surveyor's 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.

June 18, 2008 [Signature]
Date Roger W. Inhoff LS 5780



Ownership Certificate

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

Robert R. James 6-1908

Robert P. James Date
36745 James Road
Homer AK 99603-9656

Doris R. James 6-19-08

Doris R. James Date
36745 James Road
Homer AK 99603-9656

Notary's Acknowledgement

Subscribed and sworn to me before me this 19th day of June, 2008

for Robert P. James

Kathy Oakland
Notary Public for Alaska

My Commission Expires 7-6-09



Notary's Acknowledgement

Subscribed and sworn to me before me this 19th day of June, 2008

for Doris R. James

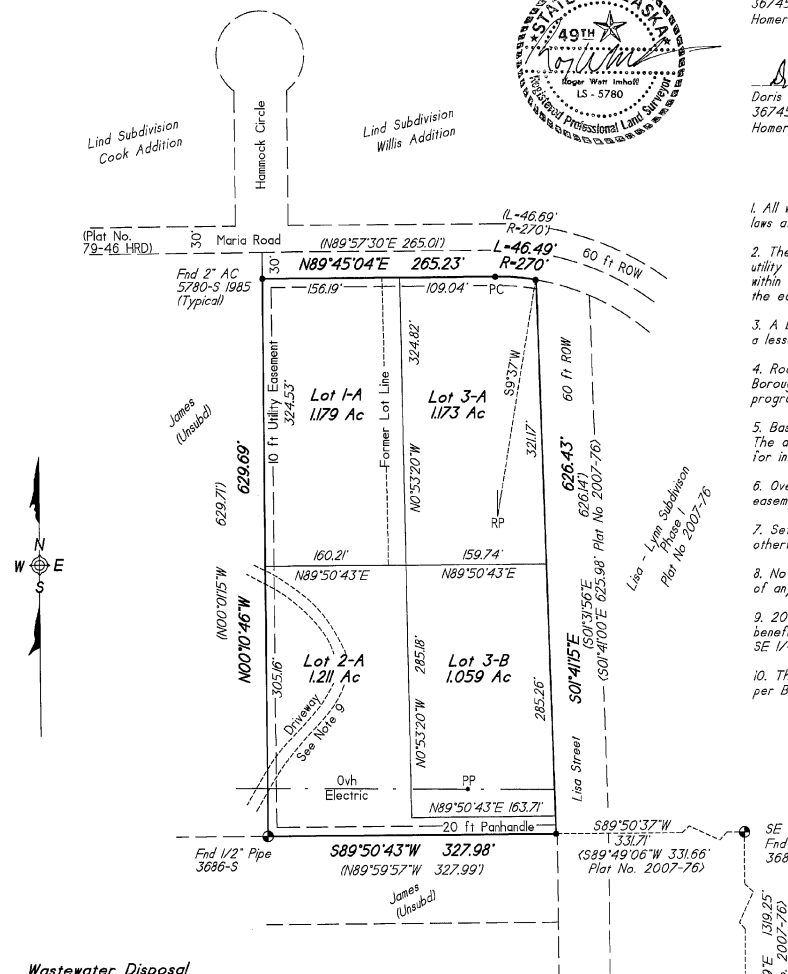
Kathy Oakland
Notary Public for Alaska

My Commission Expires 7-6-09



Notes

1. All wastewater disposal systems shall comply with existing applicable laws at the time of construction.
2. The front 10 ft. and the entire setback within 5 ft. of side lot lines is a utility easement. 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. Roads must meet design and construction standards established by the Borough in order to be certified for inclusion in the Borough road maintenance program.
5. Basis of Bearing Lind S/D 2001 Addn Plat No. 2001-51 HRD. The dimensions of record from Lind Subdivision No. 1 are shown in parenthesis for information only.
6. Overhead power line is centerline of 20 ft wide electrical distribution easement (Homer Electric Association).
7. Set self identifying 2" alum cap on 5/8" rebar at all lot corners unless otherwise specified.
8. No permanent buildings shall be constructed within the panhandle portion of any lot.
9. 20 ft wide ingress - egress easement centered on existing driveway benefits the South 660 ft of the North 760 ft of the W 1/2 E 1/2 SW 1/4 SE 1/4 Section 13 per Book 265 Page 826, HRD.
10. This subdivision may be subject to covenants, conditions, and restrictions per Book 248 Page 188, HRD.



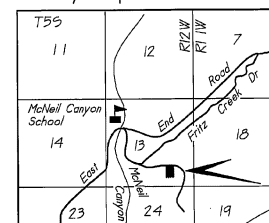
Wastewater Disposal

LOTS 3-A and 3-B
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 Department of Environmental Conservation.

M. Thurman 3380-E 24 June 08
Engineer License No. Date

WASTEWATER DISPOSAL LOTS 1-A and 2-A
According to 'Lind Subdivision James 2006 Addition' Plat No. 2007-129. Soil conditions, water table levels, and soil slopes for these lots were found suitable for conventional onsite wastewater treatment and disposal systems serving single-family or duplex residences and meeting the regulatory requirements of the Alaska Department of Environmental Conservation. Soils Report on file with the KPB Planning Dept. Wastewater treatment and disposal systems must meet the regulatory requirements of the Alaska Dept. of Environmental Conservation.

Vicinity Map 1" = 1 Mile



2008-37
Homer REC DIST
Date 7/2 2008
Time 11:21 A.M.
Requested by [Signature]
Address _____

Lind Subdivision - James 2008 Addition

Being a Subdivision of Lots 1, 2, and 3
Lind Subdivision - James 2006 Addition
according to Plat No. 2007-129
located in the SE 1/4 Section 13, T5S, R12W, SM

Kenai Peninsula Borough
Homer Recording District, Third Judicial District, Alaska
Contains 4.622 Acres, more or less.

Client: Bob and Doris James Homer AK	Surveyor: Roger W. Inhoff, RLS PO Box 2588 Homer AK 99603	FB 2006-1/08-1 Draw RWI Scale 1" = 100 ft
--	--	---

Date Feb 2008	lindjames2008.vcd	KPB File No 2008-109
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Plat Approval

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

October 8, 2007

KENAI PENINSULA BOROUGH

By: Max J. Buel
Authorized Official

Surveyor's 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.

Nov. 11, 2007
Date Roger W. Imhoff, RLS
S 5780



Ownership Certificate

We hereby certify that we are the owners of the real property shown and described hereon and that 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.

Robert P. James 11-29-07
Robert P. James Date
36745 James Road
Homer AK 99603-9656

Doris R. James 11-29-07
Doris R. James Date
36745 James Road
Homer AK 99603-9656

Notary's Acknowledgement

Subscribed and sworn to me before me this 29th day of November, 2007

for Robert P. James

Jim D.
Notary Public for Alaska

My Commission Expires 12-31-07



Notary's Acknowledgement

Subscribed and sworn to me before me this 29th day of November, 2007

for Doris R. James

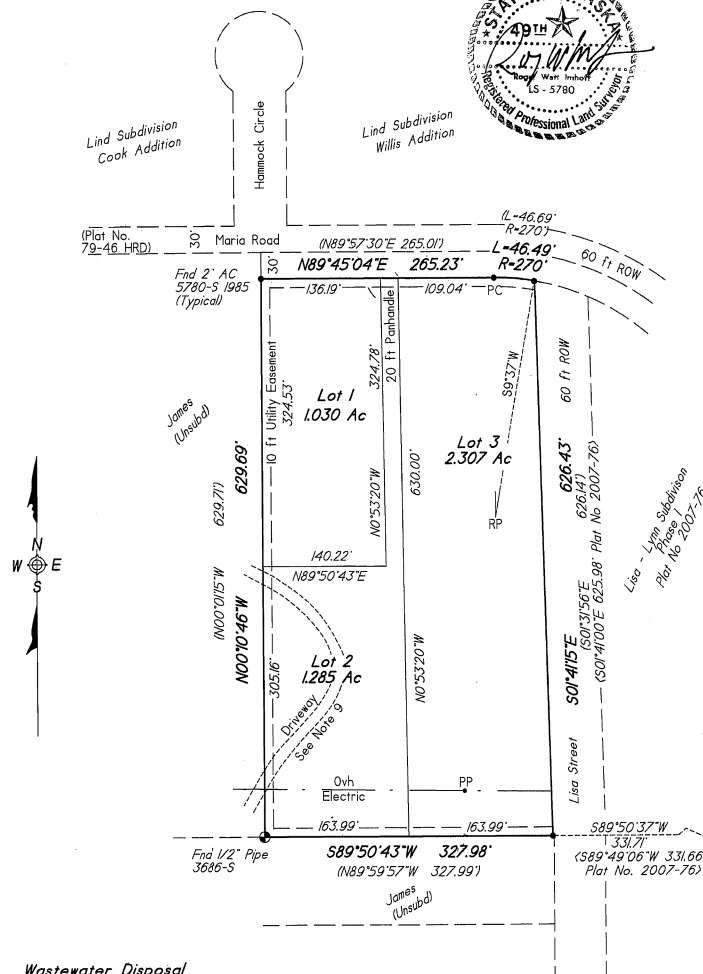
Jim D.
Notary Public for Alaska

My Commission Expires 12-31-07



Notes

1. All wastewater disposal systems shall comply with existing applicable laws at the time of construction.
2. The front 10 ft. and the entire setback within 5 ft. of side lot lines is a utility easement. 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. Roads must meet design and construction standards established by the Borough in order to be certified for inclusion in the Borough road maintenance program.
5. Basis of Bearing Lind S/D 2001 Addn Plat No. 2001-51 HRD. The dimensions of record from Lind Subdivision No. 1 are shown in parenthesis for information only.
6. Overhead power line is centerline of 20 ft wide electrical distribution easement (Homer Electric Association).
7. Set self identifying 2" alum cap on 5/8" rebar at all lot corners unless otherwise specified.
8. No permanent buildings shall be constructed within the panhandle portion of any lot.
9. 20 ft wide ingress - egress easement centered on existing driveway benefits the South 660 ft of the North 760 ft of the W 1/2 E 1/2 SW 1/4 SE 1/4 Section 13 per Book 265 Page 826, HRD.
10. This subdivision may be subject to covenants, conditions, and restrictions per Book 248 Page 188, HRD.



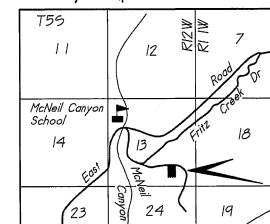
Wastewater Disposal

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 Department of Environmental Conservation.

M. Tammann 3380-E 11 Dec 07
Engineer License No. Date

2007-129
Homer REC DIST
Date 12/19 2007
Time 2:30 P.M.
Requested By Imhoff
Address _____

Vicinity Map 1" = 1 Mile

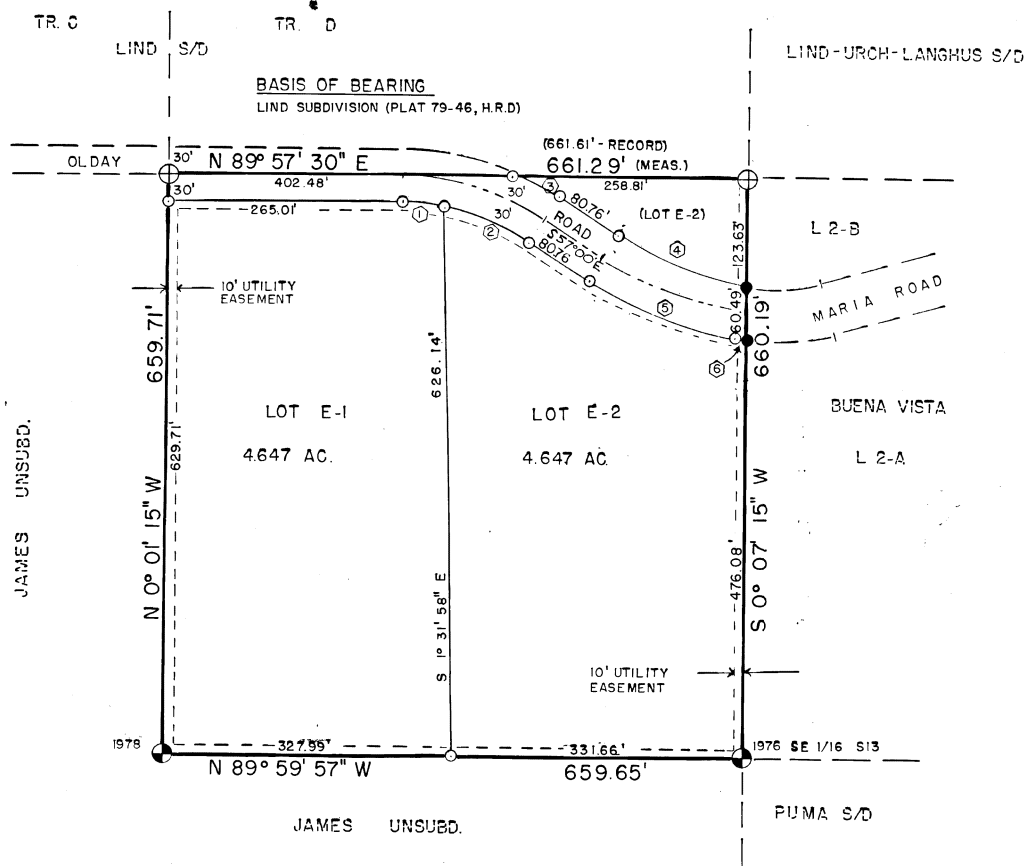


Lind Subdivision - James 2006 Addition

Being a Subdivision of Tract "E" Lind Subdivision No. 1 according to Plat No. 85-42 located in the SE 1/4 Section 13, T55, R12W, S13

Kenai Peninsula Borough
Homer Recording District, Third Judicial District, Alaska
Contains 4.622 Acres, more or less.

Client: Bob and Doris James Homer AK	Surveyor: Roger W. Imhoff, RLS PO Box 2588 Homer AK 99603	FB 2006-1
		Drawn RWI
Date January 2006	lindjames2006.vcd	Scale 1" = 100 ft KPB File No 06-019



CURVE DATA (ARC DEFINITION)					
D	I	RADIUS	TANGENT	LENGTH	
①	21° 13' 14"	9° 54' 30"	270'	23.40'	46.69'
②	21° 13' 14"	23° 03' 00"	270'	55.06'	108.62'
③	17° 21' 44"	8° 20' 18"	330'	24.06'	48.03'
④	15° 20' 25"	24° 31' 03"	373.50'	81.15'	159.83'
⑤	13° 13' 01"	24° 31' 03"	433.50'	94.19'	185.50'
⑥	22° 02' 13"	1° 56' 35"	260'	4.41'	8.82'

LEGEND:

- 1 7/8" ALUMINUM CAP ON 5/8"x36" LONG REBAR SET THIS SURVEY
- ⊕ FOUND RECORD MONUMENT SET 3236-S, 1/2" IRON PIPE
- ⊕ FOUND RECORD MONUMENT SET 3234-S, 1978, 1/2" IRON PIPE
- FOUND 1/2" REBAR, 3686-S, 1981

85-42

FILED 107
HOMER, AK, APR 1 1985

DATE 4-19-85 TO 85
TIME 1109-A

Recorded by KPB
Address Seldovia

PLAT APPROVAL

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of February 11, 1985

KENAI PENINSULA BOROUGH

By: *[Signature]*
Authorized Official

OWNERSHIP CERTIFICATE

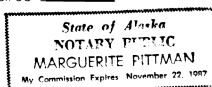
I hereby certify that I am the owner of the property shown and described hereon and that I hereby adopt this plan of subdivision, and dedicate all right-of-ways to public use, and grant all easements to the use shown.

Rangvald T. Lind Alice Love Lind
Rangvald T. Lind Alice Love Lind
Box 2171, Homer, Alaska 99603

NOTARY'S ACKNOWLEDGEMENT

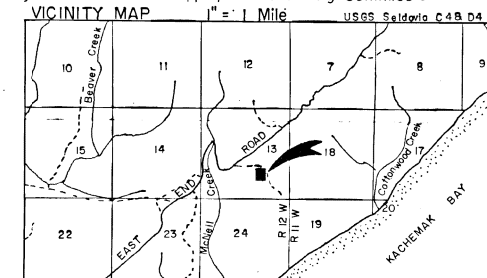
Subscribed and sworn before me this 11th day of March, 1985, for Rangvald T. Lind and Alice Love Lind.

Marquerite Pittman
Notary Public for Alaska
My Commission Expires:



NOTES:

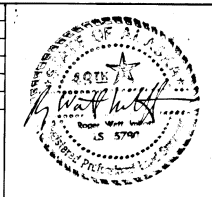
- All wastewater disposal systems shall comply with existing applicable laws at time of construction.
- The State of Alaska requires that all wastewater disposal systems be a minimum of 100' from any water source.
- Building Setback: A setback of 20' is required from all street right-of-ways unless a lesser standard is approved by resolution of the appropriate Planning Commission.



LIND NO.1 SUBDIVISION

A replat of Tract E, Lind Subdivision as recorded on Plat No. 79-46, Homer Recording District, located in the E 1/2 NW 1/4 SE 1/4 Section 13, T.5 S., R.12 W., S.M., Kenai Peninsula Borough, Alaska Containing 10.006 Acres

COMPUTED:	R I
FIELD BOOK:	LIND
PROJECT:	LIND
DRAWN:	RI/JM
DATE:	2/28/85
SCALE:	1" = 100'
SURVEYED FOR:	
	RANGVALD T. LIND
	ALICE LOVE LIND
	P.O. BOX 2171
	HOMER, AK 99603



SURVEY NORTH
PO BOX 2588 HOMER, AK 99603
ROGER IMHOFF, R. L. S.

CHRISTOPHER (UNSUBDIVIDED)

LEGAL DESCRIPTION

A PARCEL OF LAND SITUATED IN THE EAST 1/2 OF SECTION 13, T5S, R12W, SEWARD MERIDIAN, ALASKA, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS: BEGINNING AT BLM BRASSCAP MONUMENTING THE COMMON CORNER OF SECTIONS 13, 19, 24, 25, THENCE NORTH 1320.53', THENCE N 89°59'55" W 1320.00' TO A CORNER MARKING THE SOUTHEAST CORNER OF SAID PARCEL OF LAND, AND THE POINT OF BEGINNING OF THE PARCEL OF LAND, THENCE S 89°59'30" W 659.60', THENCE N 00°01'55" W 659.62', THENCE S 89°58'00" W 659.94', THENCE N 00°00'05" E 1980.16', THENCE S 89°59'45" E 659.83', THENCE S 00°00'45" W 1319.44', THENCE S 89°58'10" E 663.60', THENCE S 00°08'40" W 1319.44' CLOSING UPON SAME SOUTHEAST CORNER OF SAID PARCEL OF LAND, THE POINT OF BEGINNING, AND CONTAINING 50.029 ACRES MORE OR LESS.

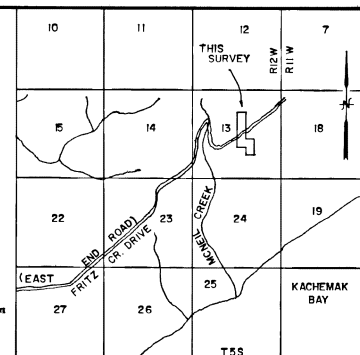
NOTARY'S ACKNOWLEDGEMENT

SUBSCRIBED AND SWORN TO BEFORE ME THIS 16th DAY OF June, 1977.

Notary Public, Second Judicial Court
State of Hawaii

James M. Aragon
NOTARY FOR ALASKA
MY COMMISSION EXPIRES: 6-15-79

SCALE 1"=1 MILE
VICINITY MAP



CERTIFICATE OF ROADWAY DEDICATION

I, DELORES G. URCH, CERTIFY THAT I AM THE OWNER OF AND HEREBY DEDICATE THAT PORTION OF LAND SHOWN ON THE PLAT AS PART OF TRACT 2 OF THE LIND-URCH-LANGHUS SUBDIVISION AND FURTHER IDENTIFIED AS PIXIE STREET, TO PUBLIC USE.

DeLores G. Urch
DELORES G. URCH

CERTIFICATE OF OWNERSHIP AND DEDICATION

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREON. WE HEREBY REQUEST APPROVAL OF THIS PLAT, SHOWING SUCH EASEMENTS FOR PUBLIC UTILITIES, ROADWAYS, AND ALLEYS DEDICATED BY US FOR PUBLIC USE.

Rangvald T. Lind
(RANGVALD T. LIND
1514 WOLVERINE ST.
ANCHORAGE, ALASKA)

Alice Love Lind
ALICE LOVE LIND

TRACT D
10.037 AC.

TRACT E
10.005 AC.

SURVEYOR'S CERTIFICATE

I, THE UNDERSIGNED REGISTERED LAND SURVEYOR, HEREBY CERTIFY THAT THIS PLAT REPRESENTS A SURVEY MADE UNDER MY DIRECT SUPERVISION, AND THAT THE MEASUREMENT DETAILS AND DIMENSIONS SHOWN THEREON ARE CORRECT.

Mar's '79
DATE: 1979
REGISTERED LAND SURVEYOR
REG. NO. 3234 S

PLAT APPROVAL

THIS PLAT HAS BEEN APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AS RECORDED IN THE OFFICIAL MINUTES OF THE MEETING OF January 19, 1979, IS HEREBY ACKNOWLEDGED AND ACCEPTED AS THE OFFICIAL PLAT, SUBJECT TO ANY AND ALL CONDITIONS AND REQUIREMENTS OF ORDINANCES AND LAW APPLICABLE THERETO.

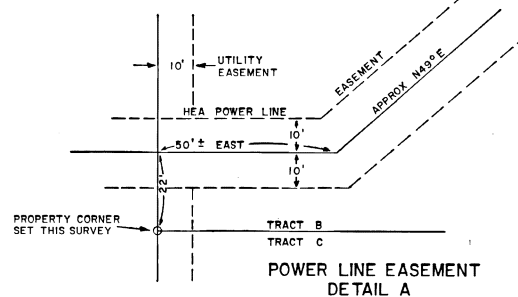
KENAI PENINSULA BOROUGH
BY: *Philip Manning*



BLM B.C. MONUMENT

NOTES:

1. A 100 FOOT ROAD DEDICATION EXISTS ALONG THE EXISTING FRITZ CREEK DRIVE WITH 50 FEET ON EACH SIDE OF CENTERLINE.
2. A 60 FOOT ROAD DEDICATION IS HEREBY DEDICATED FOR OLDAY ROAD. A 50 FOOT ROAD DEDICATION IS HEREBY DEDICATED FOR PIXIE STREET.
3. A 20 FOOT EASEMENT EXISTS AND IS SHOWN ON THE PLAT FOR THE HOMER ELECTRIC ASSOCIATION POWER LINE.
4. A 20 FOOT BUILDING SETBACK SHALL BE MAINTAINED ALONG ALL DEDICATED R.O.W.'S.
5. FOUR ADDITIONAL PROPERTY CORNERS SET THIS SURVEY. NEW CORNERS ARE 1" DIAMETER x 36" GALVANIZED IRON PIPE, SET 30" DEEP.



POWER LINE EASEMENT
DETAIL A

PLAT OF

LIND SUBDIVISION
W 1/2 SW 1/4 NE 1/4 (TR A&B),
NW 1/4 NW 1/4 SE 1/4 (TR C),
E 1/2 NW 1/4 SE 1/4 (TR D&E),
T5S, R12W, SEC. 13, S.M., ALASKA

STRID ENGINEERING

Box 4033 SRA Anchorage Alaska

DRAWN BY BRIAN WEST	SCALE: 1"=200'
DATE: AUGUST 1978	SH: I OF I
CHECKED BY: GS/LS	GRID:

DESK PACKET

(ITEMS THAT CAME IN AFTER MEETING PACKET WAS POSTED)

E6. James 2022; KPB File 2022-161

Quinton, Madeleine

From: Planning Dept,
Sent: Monday, November 7, 2022 8:18 AM
To: Piagentini, Vincent; Quinton, Madeleine
Subject: FW: <EXTERNAL-SENDER>NOTICE OF SUBDIVISION/REPLAT KPB File No. 2022-161

From: Deborah Hart <dlhgshosh@aol.com>
Sent: Sunday, November 6, 2022 10:03 AM
To: Planning Dept, <planning@kpb.us>
Subject: <EXTERNAL-SENDER>NOTICE OF SUBDIVISION/REPLAT KPB File No. 2022-161

CAUTION:This email originated from outside of the KPB system. Please use caution when responding or providing information. Do not click on links or open attachments unless you recognize the sender, know the content is safe and were expecting the communication.

WRITTEN TESTIMONY SUBMITTED BY:
GS and Deborah (Dasher) Hart 36678 Lisa St.

RE: KPB File No. 2022-161

We have three lots totaling approximately 6 acres of Bob James Original Property.

We wish to have links to access our latest lot, 4B James 2019-17, from our house at the corner of Lisa and Maria Rd (Lisa-Lynn Subd Phase 2 HM 2008-72)

Lot 5D has illustrated a temporary access easement (Serial No 2017-002825-0) that we hope to use to access our lot 4-B James 2019 HM 2019-17.

If the easement becomes permanent, we can reach our lot 4B. If not, we cannot connect our properties with common access off James Rd.

We would like consideration in resolving this problem without unreasonable expense.

Thank you for your consideration,
GS and Deborah Hart
Nov 6,2022

Quainton, Madeleine

From: Planning Dept,
Sent: Thursday, November 10, 2022 11:15 AM
To: Quainton, Madeleine
Subject: FW: <EXTERNAL-SENDER>Submission for Plat Committee Meeting (E-6 KPB File 2022-161) (November 14, 2022 - 5:30 PM)
Attachments: KPB File 2022-161 Submission (Austin Jones).pdf; AK_Seldovia C-4_361821_1961_63360_geo (Minor Revisions 1966).pdf; 309-1972-001446-0 (Permanent Easement BK 67 PG 322).pdf; 309-1973-000553-0 (Easement BK 69 PG 345).pdf

Madeleine

From: Austin Jones <austin@austindjones.com>
Sent: Thursday, November 10, 2022 11:01 AM
To: Planning Dept, <planning@kpb.us>
Subject: <EXTERNAL-SENDER>Submission for Plat Committee Meeting (E-6 KPB File 2022-161) (November 14, 2022 - 5:30 PM)

CAUTION:This email originated from outside of the KPB system. Please use caution when responding or providing information. Do not click on links or open attachments unless you recognize the sender, know the content is safe and were expecting the communication.

Enclosed please find materials that are submitted to the Plat Committee for consideration related KPB File 2022-161. We will attend the meeting via zoom and will be prepared to offer additional testimony regarding the submission if necessary. Let me know if you have any questions.

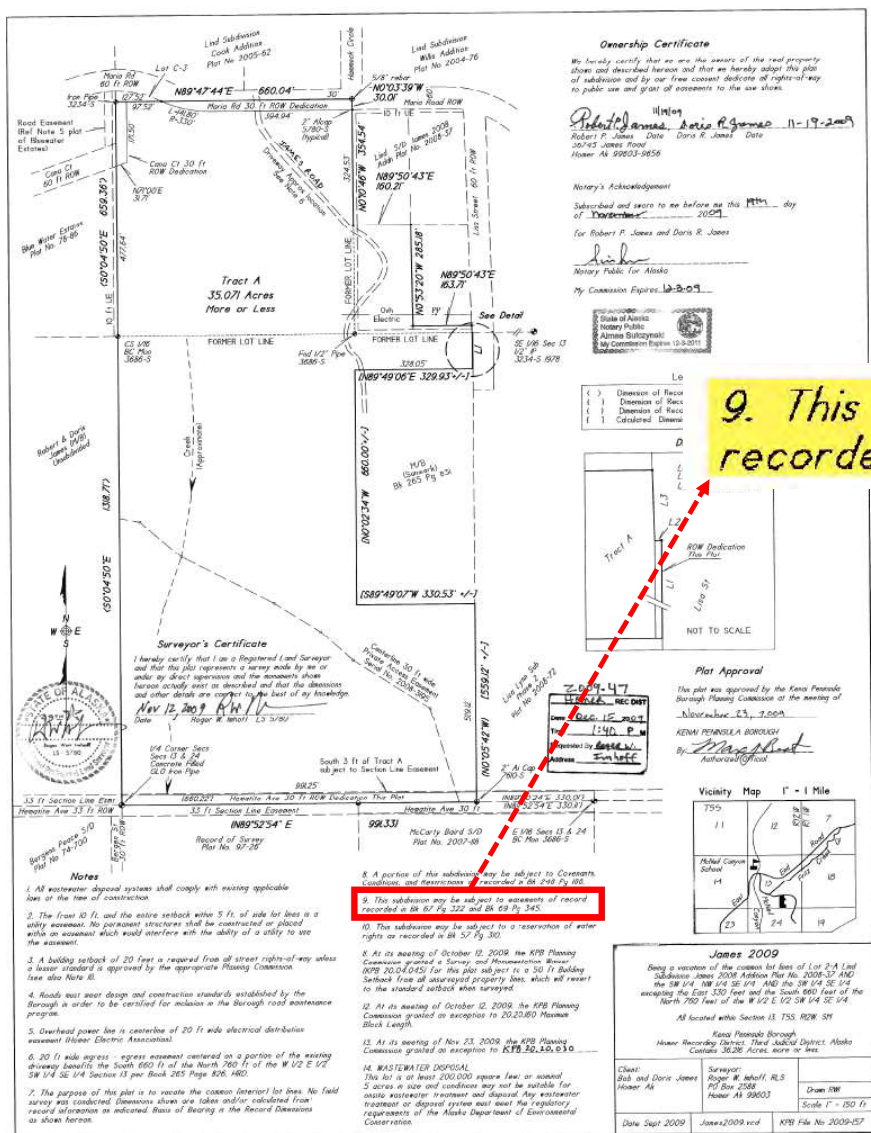
Austin Jones & Katherine Koppman
36786 Halftrack Street
Fritz Creek, AK 99603

KPB File # 2022-161

Items for consideration / discussion related to preliminary James 2022 Plat

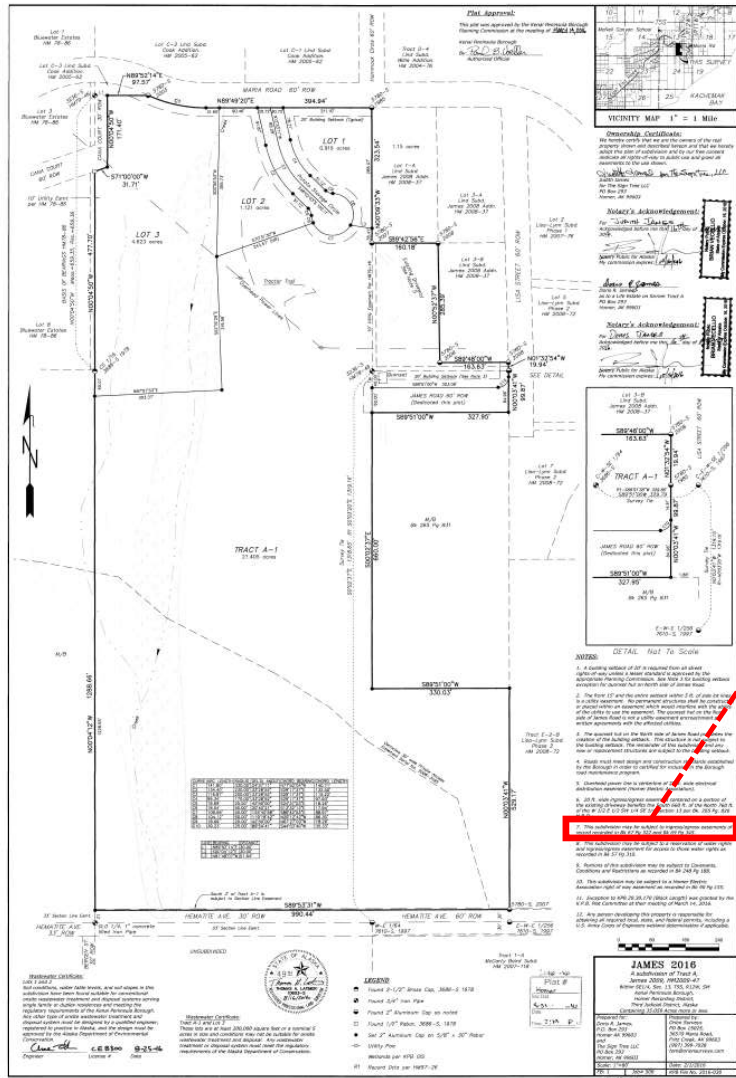
Items for Consideration / Discussion

1. Request the addition, depiction and/or notation of historical easements. As noted by the committee, numerous easements have been referenced on prior plats related to the same area.
2. Request the addition of relevant Covenants and Conditions that may restrict use of the property contained within the preliminary Plat.
3. Is the requested exemption to KPB 20.30.190(B) supported or necessary?

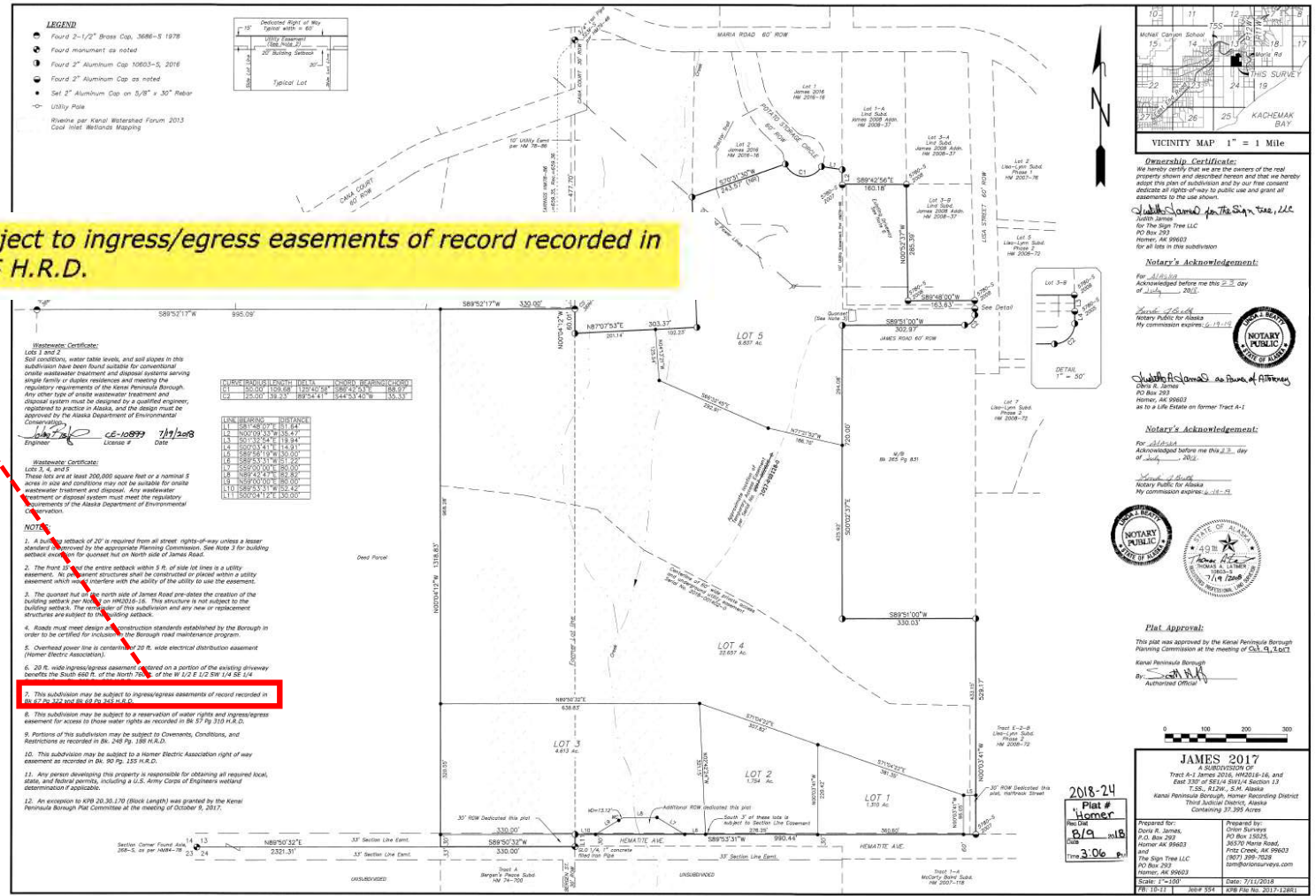


9. This subdivision may be subject to easements of record recorded in Bk 67 Pg 322 and Bk 69 Pg 345.

7. This subdivision may be subject to ingress/egress easements of record recorded in Bk 67 Pg 322 and Bk 69 Pg 345.



7. This subdivision may be subject to ingress/egress easements of record recorded in Bk 67 Pg 322 and Bk 69 Pg 345 H.R.D.



HOMER

Serial No. 72-1446

BOOK 67 PAGE 322
Homer Recording District

EASEMENT

The grantors, ROBERT P. JAMES and DORIS JAMES, husband and wife of Homer, Alaska, for money in hand paid and other valuable consideration, convey to JOHN W. STARK a single man of Anchorage, Alaska a permanent easement for ingress and egress to the following property: The E 1/2 of the W 1/2 of the NE 1/4 of Section 24, Township 5 South, Range 12 West, Seward Meridian, containing 40 acres more or less, and the E 1/2 of the E 1/2 of the SW 1/4 of the SE 1/4, Section 13, Township 5 South, Range 12 West, Seward Meridian, containing 10 acres more or less, all of said property being located within the Homer Recording District, Third Judicial District, State of Alaska, said Easement existing upon:

Section 13, Township 5 South, Range 12 West, Seward Meridian as described and shown as an unimproved dirt road upon the U. S. Geological Survey Soldovia (C-4) Quadrangle Map as dated 1961 with minor revisions of 1966.

DATED this 13 day of Nov., 1972.

Robert P. James
ROBERT P. JAMES

Doris James
DORIS JAMES

STATE OF ALASKA)
THIRD JUDICIAL DISTRICT) ss.

THIS IS TO CERTIFY that on the 13 day of Nov., 1972, before me, the undersigned Notary Public in and for Alaska, duly commissioned and sworn as such, personally appeared ROBERT P. JAMES and DORIS JAMES, known to me and to me known to be the individuals named in and who executed the above and foregoing Easement, and they acknowledged to me the execution thereof as their free and voluntary act and deed for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal, the day and year in this certificate first above written.

John W. Stark
Notary Public in and for Alaska. My Commission expires 7-26-76.

RECORDED - FILED 37
Homer REC. DIST.
DATE 12-4 1972
TIME 10:35 A.M.

Frederick, Virginia
Notary & Notarities
Lansing
820 E. 8th Ave.
Anchorage, Alaska
377-0201
272-9511

The grantors, ROBERT P. JAMES and DORIS JAMES, husband and wife of Homer, Alaska, for money in hand paid and other valuable consideration, convey to JOHN W. STARK a single man of Anchorage, Alaska a permanent easement for ingress and egress to the following property: The E 1/2 of the W 1/2 of the NE 1/4 of

Judicial District, State of Alaska, said Easement existing upon:

Section 13, Township 5 South, Range 12 West, Seward Meridian as described and shown as an unimproved dirt road upon the U. S. Geological Survey Soldovia (C-4) Quadrangle Map as dated 1961 with minor revisions of 1966.

USGS Survey Soldovia (C-4) Quadrangle Map as dated 1961 with minor revisions of 1966

The grantors, ROBERT P. JAMES and DORIS JAMES, husband and wife of Homer, Alaska, for money in hand paid and other valuable consideration, convey to JOHN W. STARK a single man of Anchorage, Alaska a permanent easement for ingress and egress to the following property: The E 1/2 of the W 1/2 of the NE 1/4 of

Judicial District, State of Alaska, said Easement existing upon:

Section 13, Township 5 South, Range 12 West, Seward Meridian as described and shown as an unimproved dirt road upon the U. S. Geological Survey Soldovia (C-4) Quadrangle Map as dated 1961 with minor revisions of 1966.

ROAD CLASSIFICATION

Light-duty Unimproved dirt =====



HOMER

Serial No. 73-553BOOK 69 PAGE 345 ADDED
Homer Recording District

E A S E M E N T

We, ROBERT P. JAMES and DORIS JAMES, husband and wife, of Homer, Alaska, owner of land described as:

South West Quarter (SW 1/4), South East Quarter (SE 1/4), and South East Quarter (SE 1/4), South West Quarter (SW 1/4) and South West Quarter (SW 1/4), North West Quarter (NW 1/4), South East Quarter (SE 1/4), all in Section 13 (s 13), Township 5 South (T 5 S), Range 12 West (R 12 W), Seward Meridian, Homer Recording District, Third Judicial District, State of Alaska.

SUBJECT to all reservations, restrictions, easements and encumbrances of record.

in consideration of ONE DOLLAR (\$1.00), receipt of which is hereby acknowledged, hereby grant, bargain, sell and convey to CARL M. GREEN and JILL P. GREEN, husband and wife, of Anchorage, Alaska, a permanent easement and right-of-way over the existing access road used by the Grantors for ingress and egress from the above described property to the East Road, a State maintained highway, at a point approximately 11 miles from the corporate limits of the City of Homer, Alaska. The property of the Grantees is described as:

The East 330 Feet of the SE 1/4 of the SW 1/4, S 13, T 5 S, R 12 W, Seward Meridian, Homer Recording District, Third Judicial District, State of Alaska, Said parcel containing ten (10) acres more or less.

SUBJECT to all reservations, restrictions, easements and encumbrances of record.

It is specifically provided, that Grantors may move the alignment of said easement or provide an alternate access to the premises of the Grantees depending on weather and soil conditions and that such realignment or alternate access may be made at the discretion of the Grantors.

Grantors expressly agree that this easement is assignable to the heirs and successors of the Grantees and shall be considered an easement running with the land.

IN WITNESS WHEREOF we have hereunto set our hands this 27th day of March, 1973.

GRANTORS:

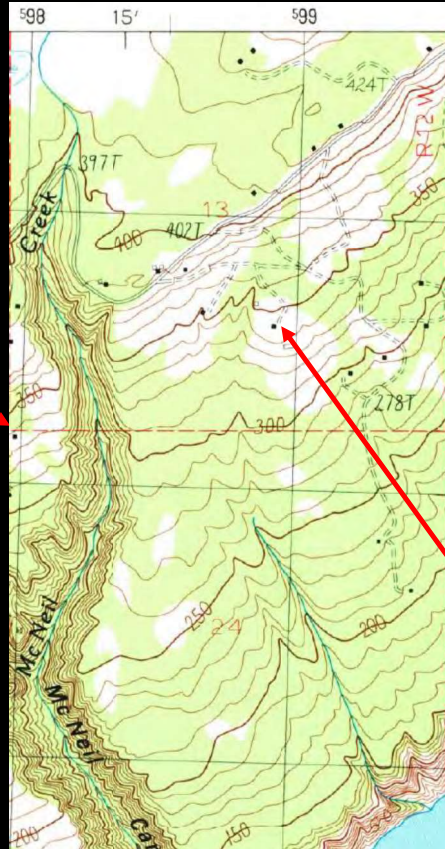
Robert P. James
ROBERT P. JAMES

Doris James
DORIS JAMES

LAW OFFICES OF
HAYEN & JEWELL
505 W. SECOND AVENUE
ANCHORAGE, ALASKA
775-1544
HOMER, ALASKA
733-8789
SEWARD, ALASKA
263-7758

acknowledged, hereby grant, bargain, sell and convey to CARL M. GREEN and JILL P. GREEN, husband and wife, of Anchorage, Alaska, a permanent easement and right-of-way over the existing access road used by the Grantors for ingress and egress from the above described property to the East Road, a State maintained highway, at a point approximately 11 miles from the corporate limits of the City of Homer, Alaska. The property of the Grantees is des-

Grantors expressly agree that this easement is assignable to the heirs and successors of the Grantees and shall be considered an easement running with the land.



USGS Survey Soldovia (C-4)
Quadrangle Map dated 1987

acknowledged, hereby grant, bargain, sell and convey to CARL M. GREEN and JILL P. GREEN, husband and wife, of Anchorage, Alaska, a permanent easement and right-of-way over the existing access road used by the Grantors for ingress and egress from the above described property to the East Road, a State maintained highway, at a point approximately 11 miles from the corporate limits of the City of Homer, Alaska. The property of the Grantees is des-

Grantors expressly agree that this easement is assignable to the heirs and successors of the Grantees and shall be considered an easement running with the land.

James 2022 Preliminary Plat

[illegible]

KPB 2022-161

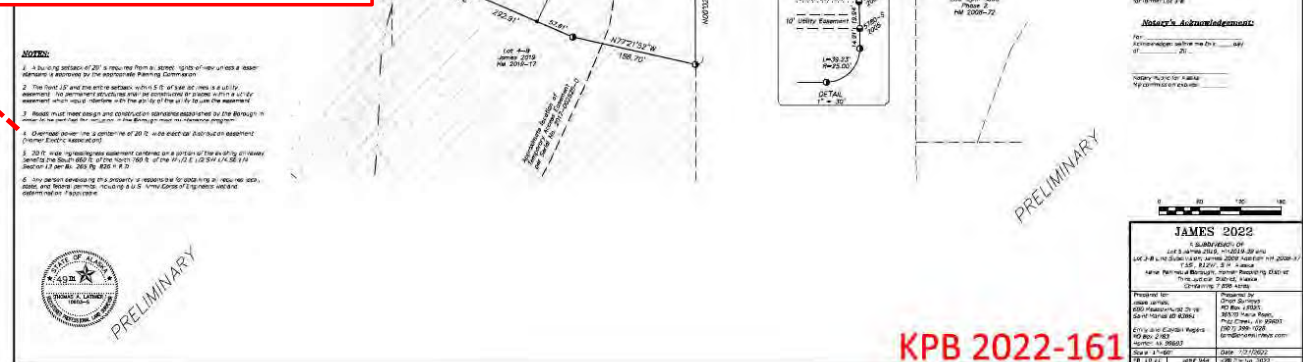
E6-4

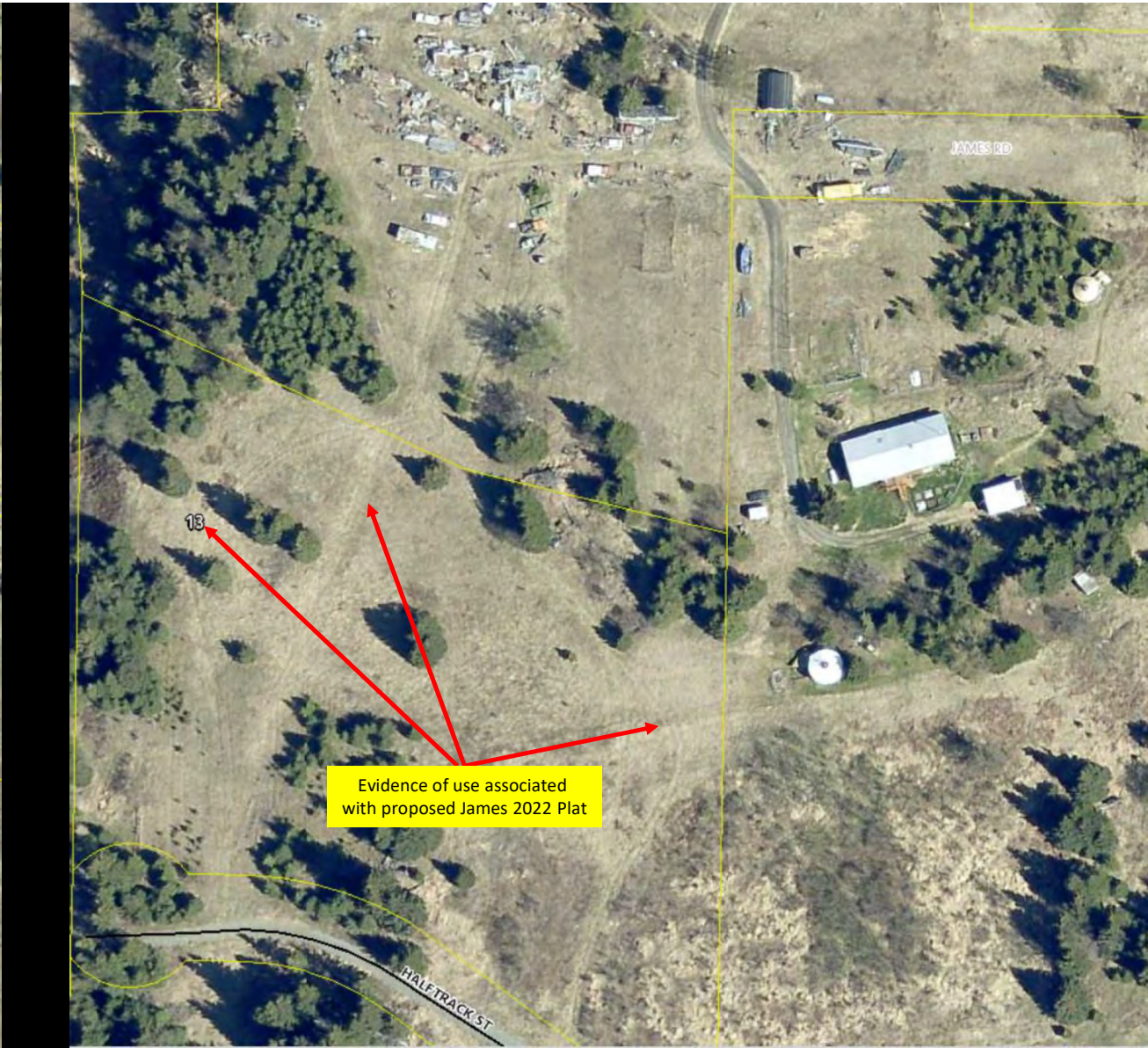
NOTES:

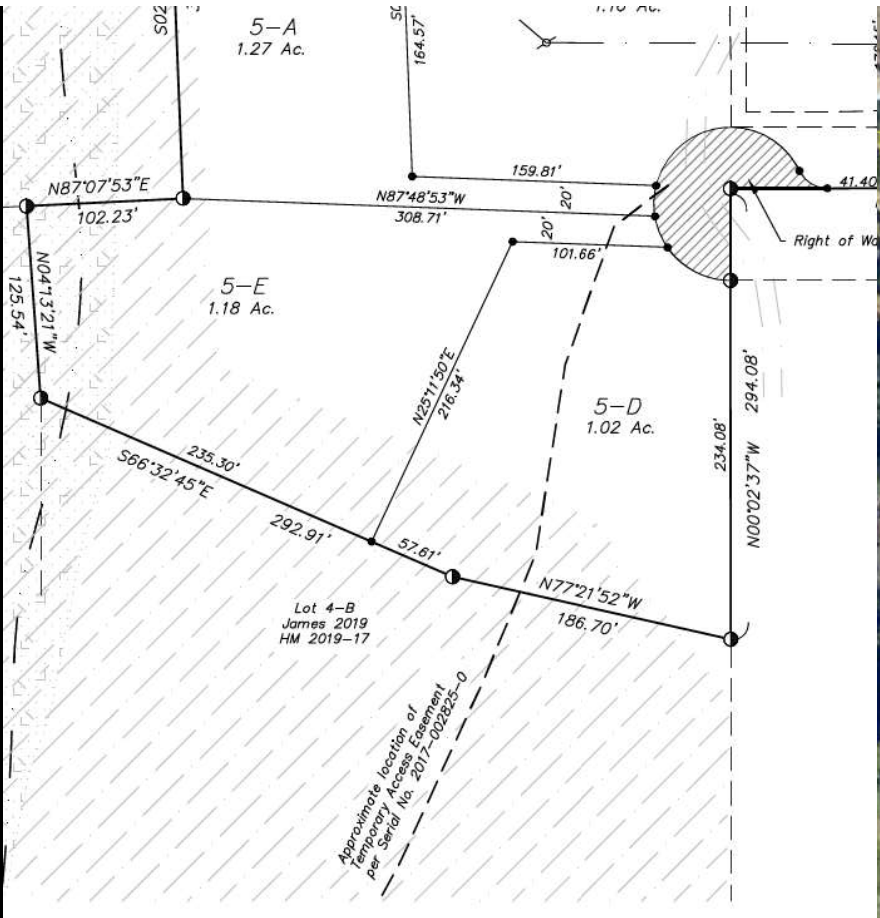
1. A building setback of 20' is required from all street rights-of-way unless a lesser standard is approved by the appropriate Planning Commission.
2. The front 15' and the entire setback within 5 ft. of side lot lines is a utility easement. No permanent structures shall be constructed or placed within a utility easement which would interfere with the ability of the utility to use the easement.
3. Roads must meet design and construction standards established by the Borough in order to be certified for inclusion in the Borough road maintenance program.
4. Overhead power line is centerline of 20 ft. wide electrical distribution easement (Homer Electric Association).
5. 20 ft. wide ingress/egress easement centered on a portion of the existing driveway benefits the South 660 ft. of the North 760 ft. of the W 1/2 E 1/2 SW 1/4 SE 1/4 Section 13 per Bk. 265 Pg. 826 H.R.D.
6. Any person developing this property is responsible for obtaining all required local, state, and federal permits, including a U.S. Army Corps of Engineers wetland determination if applicable.

Request the addition of the same note that was included on James 2009, 2016, and 2017 Plats. To the extent the referenced easements can be identified and plotted, we request that they be added to the Plat. Recent aerial surveys suggests historical use of various paths and/or easements tied to proposed subdivision. (see aerial imagery pulled from KPB and provided)

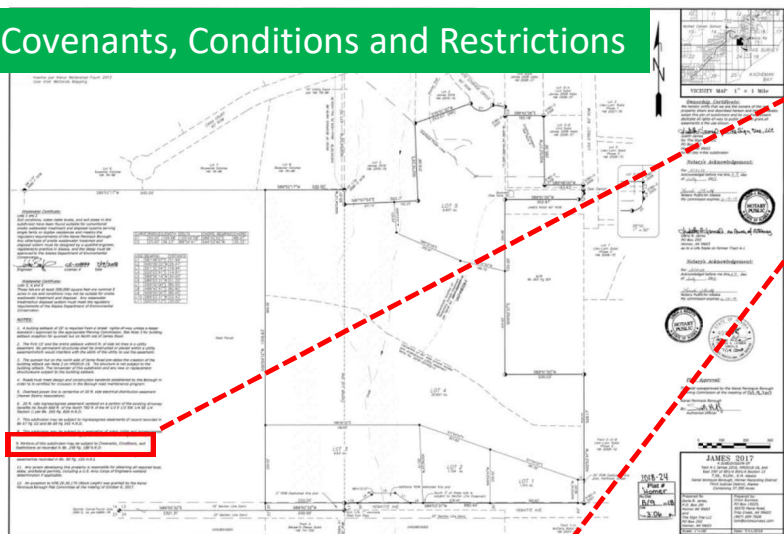
7. This subdivision may be subject to ingress/egress easements of record recorded in Bk 67 Pg 322 and Bk 69 Pg 345 H.R.D.







Covenants, Conditions and Restrictions



9. Portions of this subdivision may be subject to Covenants, Conditions, and Restrictions as recorded in Bk. 248 Pg. 188 H.R.D.

8. A portion of this subdivision may be subject to Covenants, Conditions, and Restrictions as recorded in Bk 248 Pg 188.

9. Portions of this subdivision may be subject to Covenants, Conditions and Restrictions as recorded in Bk 248 Pg 188.

BOOK 0248 PAGE 188
Y DEED

Return to:
GRANTEE

THIS INDENTURE, made this 2nd day of November, 1995, by and between RANGVALD T. LIND and ALICE L. LIND, husband and wife, whose address is 166 Bunnell Street, Apt. 201, Homer, AK 99603, Grantors, and ROY L. CENTERS and CANDICE L. CENTERS, husband and wife, whose address is 26924 120th Avenue, Kent, WA 98031, Grantees, WITNESSETH:

That the said Grantors, for and in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration in hand paid, convey and warrant to Grantees, as tenants by the entirety with full rights of survivorship, and to Grantees' heirs and assigns, the following:

FURTHER SUBJECT TO and reserving unto Grantors, their heirs, successors and assigns, the restriction that Grantees, their heirs, successors and assigns, shall erect, place upon or permit to remain upon the subject real property only permanent buildings, as the term is used in the residential construction trade, and further that any dog owned or controlled by either Grantee, or any of their heirs, successors or assigns, and kept upon the subject real property, shall be confined by leash, tether, fencing or other means prevented from leaving the subject property unrestrained. Grantees, for themselves, their heirs, successors and assigns, agree to comply with such restrictions of use and occupancy.

TO HAVE AND TO HOLD the same with the appurtenances, unto the said Grantees and to Grantees' heirs and assigns, FOREVER.

DATED this 2nd day of November, 1995
RANGVALD T. LIND

ALICE L. LIND

ROY L. CENTERS

CANDICE L. CENTERS

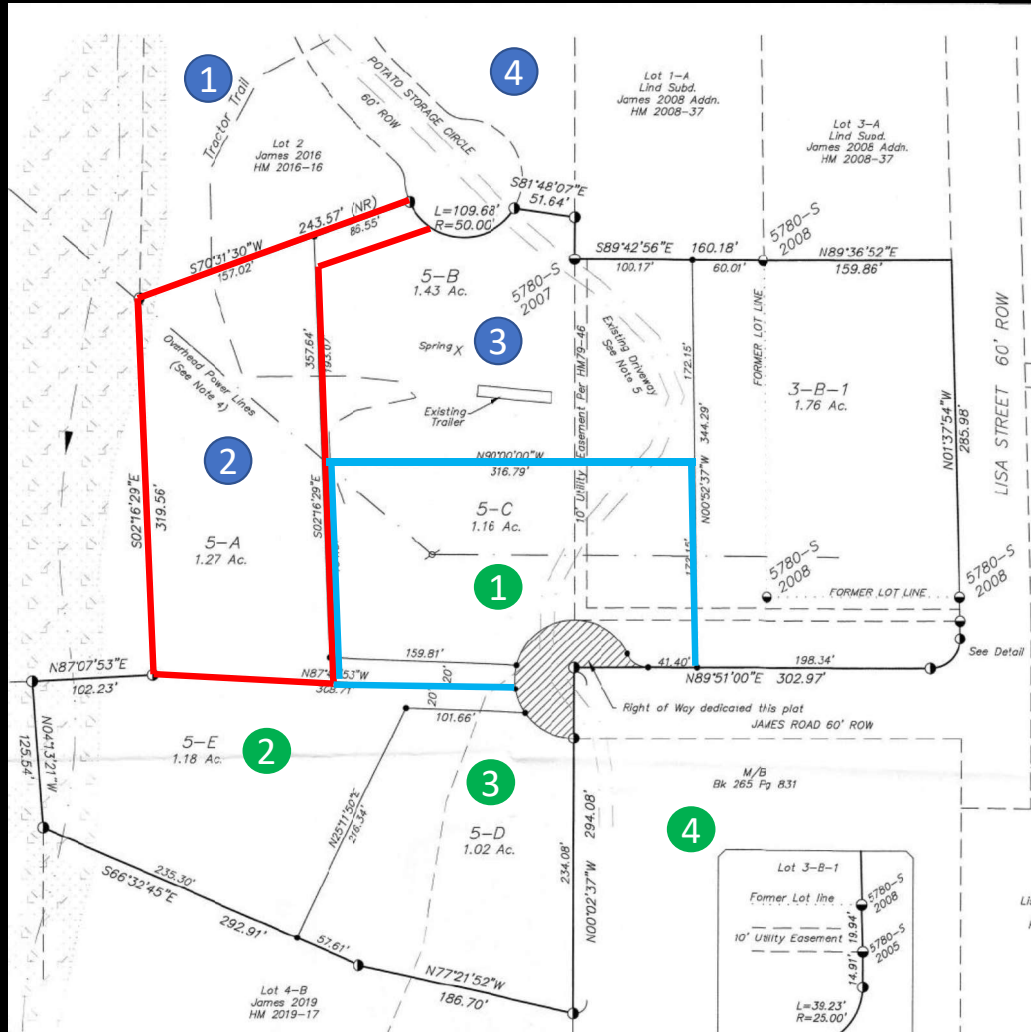
G. MICHAEL HUGHES
Attorney at Law
1601 Ben Wilson
Lima, Idaho 2
HOMER, ALASKA
99603
Tel: (907) 234-8184
Fax: (907) 234-2420

STATUTORY WARRANTY DEED

Page 1 of 2

Is the requested Exemption for Lot 5A Necessary?

KPB 20.30.190 (B)



The diagram to the right shows an alternative configuration of the proposed lots that would comply with KPB 20.30.190(B) without the need for an exemption.

This configuration also divides the traffic pattern tied to the proposed subdivision equally between two separate roads

1. Potato Storage Circle
2. James Road

Four lots would be accessed through each road. The lots that would be accessed are shown to the left in two different colors (Blue and Green).



Mapped, edited, and published by the Geological Survey
Control by USGS, USCGS, and USACE
Topography by photogrammetric methods from aerial photographs
taken 1953 and 1957, last annotated 1961. May not field checked
Selected hydrographic data compiled from USCGS
Charts 1831, 1859 and 1854 (1:200,000 scale, 1959). This
information is not intended for navigation purposes
Universal Transverse Mercator projection (1927 North American datum)
10,000 foot grid based on Alaska coordinate system, zone 4
1000 meter Universal Transverse Mercator grid ticks
zone 5, datum on foot
Gray land cover represents unimproved and unimproved (unimproved)
by the Bureau of Land Management
Folio 5-16, Seward Meridian
Barriers in port and visible only the water area,
usually of low relief, as interpreted from aerial photographs.



U.S.G.S.
FILE COPY
TOPOGRAPHIC DIVISION

ROAD CLASSIFICATION
Light duty — Unimproved dirt

SELDONIA (C-4), ALASKA
N9930-W15407 5, 15422 5
1961
4000-500000-1961

FOR SALE BY U.S. GEOLOGICAL SURVEY
FAIRBANKS, ALASKA 99701, DENVER, COLORADO 80225, OR WASHINGTON, D.C. 20424
A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST

USGS
Historical File
Topographic Division

DEC 1 1967

5675
207

INDEXED

HOMER

Serial No. 72-1446

EASEMENT

The grantors, ROBERT P. JAMES and DORIS JAMES, husband and wife of Homer, Alaska, for money in hand paid and other valuable consideration, convey to JOHN W. STARK a single man of Anchorage, Alaska a permanent easement for ingress and egress to the following property: The E 1/2 of the W 1/2 of the NE 1/4 of Section 24, Township 5 South, Range 12 West, Seward Meridian, containing 40 acres more or less, and the E 1/2 of the E 1/2 of the SW 1/4 of the SE 1/4, Section 13, Township 5 South, Range 12 ~~West~~ Seward Meridian, containing 10 acres more or less, all of said property being located within the Homer Recording District, Third Judicial District, State of Alaska, said Easement existing upon:

Section 13, Township 5 South, Range 12 West, Seward Meridian as described and shown as an unimproved dirt road upon the U. S. Geological Survey Soldovia (C-4) Quadrangle Map as dated 1961 with minor revisions of 1966.

DATED this 13 day of Nov., 1972.

Robert P. James
ROBERT P. JAMES

Doris James
DORIS JAMES

STATE OF ALASKA)
) ss.
THIRD JUDICIAL DISTRICT)

THIS IS TO CERTIFY that on the 13 day of Nov., 1972, before me, the undersigned Notary Public in and for Alaska, duly commissioned and sworn as such, personally appeared ROBERT P. JAMES and DORIS JAMES, known to me and to me known to be the individuals named in and who executed the above and foregoing Easement and they acknowledged to me the execution thereof as their free and voluntary act and deed for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal, the day and year in this certificate first above written.

Col. L. Jewell
Notary Public in and for Alaska. My
Commission expires 7-26-76

RECORDED - FILED 34
Homer REC. DIST.

DATE 12-4 1972
TIME 10:35 A M

Friedman, Wright &
Ravin & Robinson
Lawyers
820 E. 8th Ave.
Anchorage, Alaska
277-0232
272-9811

HOMER

Serial No. 73553

BOOK 69 PAGE 345 INDEXED
Homer Recording District

E A S E M E N T

We, ROBERT P. JAMES and DORIS JAMES, husband and wife, of
Homer, Alaska, owner of land described as:

South West Quarter (SW 1/4), South East Quarter
(SE 1/4), and South East Quarter (SE 1/4), South
West Quarter (SW 1/4) and South West Quarter (SW 1/4),
North West Quarter (NW 1/4), South East Quarter
(SE 1/4), all in Section 13 (s 13), Township 5
South (T 5 S), Range 12 West (R 12 W), Seward
Meridian, Homer Recording District, Third Judicial
District, State of Alaska.

SUBJECT to all reservations, restrictions,
easements and encumbrances of record.

in consideration of ONE DOLLAR (\$1.00), receipt of which is hereby
acknowledged, hereby grant, bargain, sell and convey to CARL M.
GREEN and JILL P. GREEN, husband and wife, of Anchorage, Alaska,
a permanent easement and right-of-way over the existing access
road used by the Grantors for ingress and egress from the above
described property to the East Road, a State maintained highway,
at a point approximately 11 miles from the corporate limits of
the City of Homer, Alaska. The property of the Grantees is des-
cribed as:

The East 330 Feet of the SE 1/4 of the
SW 1/4, S 13, T 5 S, R 12 W, Seward
Meridian, Homer Recording District, Third
Judicial District, State of Alaska, Said
parcel containing ten (10) acres more or
less.

SUBJECT to all reservations, restrictions,
easements and encumbrances of record.

It is specifically provided, that Grantors may move the
alignment of said easement or provide an alternate access to the
premises of the Grantees depending on weather and soil conditions
and that such realignment or alternate access may be made at the
discretion of the Grantors.

Grantors expressly agree that this easement is assignable
to the heirs and successors of the Grantees and shall be considered
an easement running with the land.

IN WITNESS WHEREOF we have hereunto set our hands this 27th
day of March, 1973.

GRANTORS:

Robert P. James
ROBERT P. JAMES

Doris James
DORIS JAMES

HOMER

Serial No. 73-553

BOOK 69 PAGE 346 INDEXED
Homer Recording District

1 We hereby accept the above and foregoing grant of easement
2 as above set forth.

3 DATED this 28th day of March, 1973.

4 GRANTEES:

5 Carl M. Green
6 CARL M. GREEN

7 Jill P. Green
8 JILL P. GREEN

9 THIS IS TO CERTIFY that on this 27th day of March, 1973,
10 before me, the undersigned, a Notary Public in and for the State
11 of Alaska, duly commissioned and sworn as such, personally
12 appeared ROBERT P. JAMES and DORIS JAMES, husband and wife, who
13 are known to me and to me known to be the individuals named in
14 and who executed the above and foregoing Easement, and they
15 acknowledged to me the execution thereof as their free and volun-
16 tary act and deed for the uses and purposes therein set forth.

17 IN WITNESS WHEREOF, I have hereunto set my hand and
18 affixed my notarial seal the day and year first above written.

19 Robert Hahn
20 Notary Public in and for Alaska
21 My Commission Expires: 6-10-75

22 THIS IS TO CERTIFY that on this 28th day of March, 1973,
23 before me, the undersigned, a Notary Public in and for the State
24 of Alaska, duly commissioned and sworn as such, personally
25 appeared CARL M. GREEN and JILL P. GREEN, husband and wife, who
26 are known to me and to me known to be the individuals named in
27 and who executed the above and foregoing Easement, and they
28 acknowledged to me the execution thereof as their free and volun-
29 tary act and deed for the uses and purposes therein set forth.

30 IN WITNESS WHEREOF, I have hereunto set my hand and
31 affixed my notarial seal the day and year first above written.

32 Robert Hahn
Notary Public in and for Alaska
My Commission Expires: 6-10-75

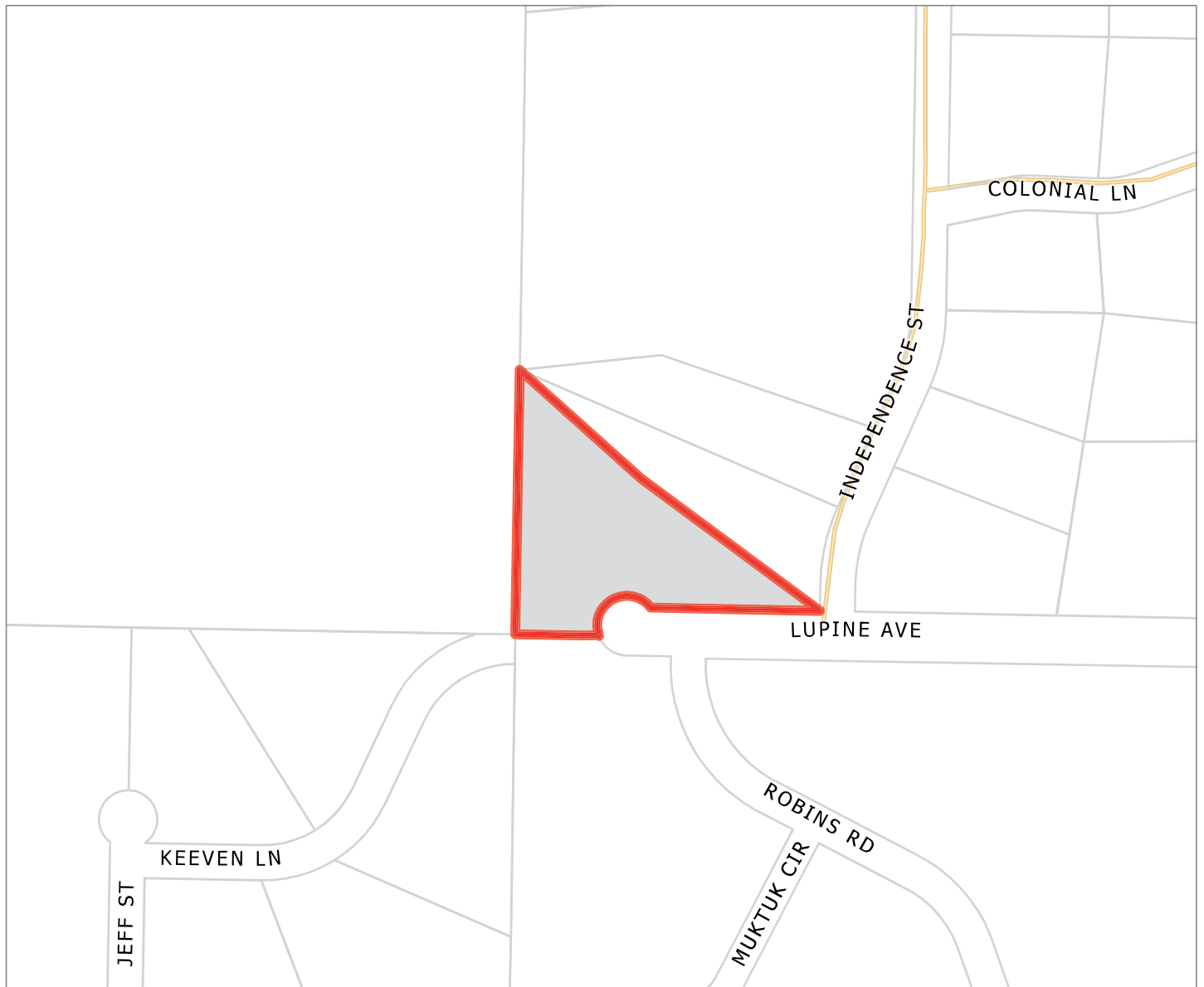
RECORDED - FILED	5-9-73
<u>Homer</u>	REC. DIST.
DATE	5-9-1973
TIME	1:00 PM
By	<u>Hahn & Jewell</u>
Address	<u>Anchorage</u>

E. NEW BUSINESS

E7. Centennial Shores Subdivision 2023 Replat

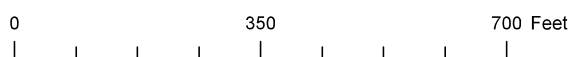


Vicinity Map

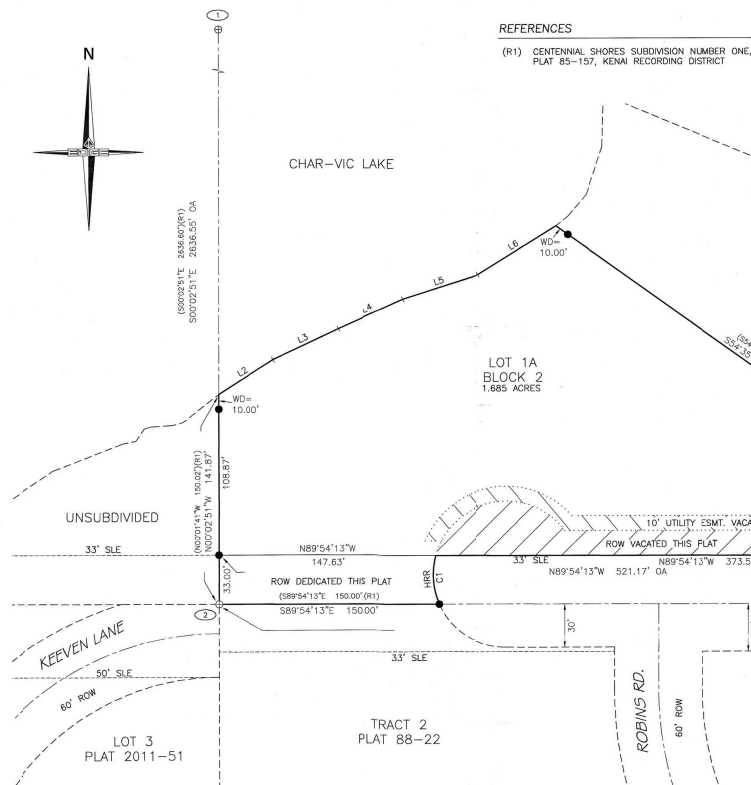


KPB File 2022-156
T 07N R 11W SEC 7
Nikiski

10/19/2022







MONUMENT SUMMARY

1	2	3
4928-S CE 1/16 7 57 1984	E 1/16 57 58 518 1984 4928-S	CENTRAL TIN RTW 57.58 518.517 1983 BLM
FOUND 3-1/4" ALUMINUM MONUMENT 0.5' ABOVE GRADE GOOD CONDITION	FOUND 3-1/4" ALUMINUM MONUMENT 0.4' ABOVE GRADE GOOD CONDITION	FOUND 3-1/4" BRASS MONUMENT 0.3' ABOVE GRADE GOOD CONDITION

LEGEND

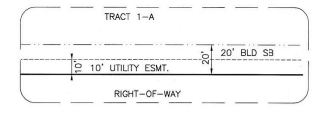
⊗	FOUND BLM MONUMENT - SEE REFERENCE	—	SUBDIVISION BOUNDARY
⊕	FOUND PRIMARY MONUMENT - SEE REFERENCE	---	INTERIOR LOT LINE
○	FOUND 5/8" REBAR	---	ADJACENT PROPERTY LINE
●	SET PROPERTY CORNER 5/8" X 30" REBAR WITH 2" ALUMINUM CAP STAMPED EDGE SURVEY LS-13022 2022	---	CENTERLINE/MONUMENT TIE LINE
(R1)	RECORD DATA, SEE REFERENCE	---	EASEMENT
OA	OVERALL	---	BUILDING SETBACK
(HRR)	HELD RECORD RADIUS	---	FORMER LOT LINE/EASEMENT LINE
ESMT	EASEMENT	---	ROW VACATED THIS PLAT
ROW	RIGHT-OF-WAY	---	UTILITY ESMT. VACATED THIS PLAT
SLE	SECTION LINE EASEMENT		
BLD SB	BUILDING SETBACK		

REFERENCES

(R1) CENTENNIAL SHORES SUBDIVISION NUMBER ONE, PLAT 85-157, KENAI RECORDING DISTRICT

- 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.
 - THE KENAI PENINSULA BOROUGH PLANNING COMMISSION APPROVED THE VACATION OF A PORTION OF LUPINE AND ASSOCIATED UTILITY EASEMENTS GRANTED BY PLAT KN 85-157, AT THE MEETING OF DECEMBER 12, 2022. THE VACATION RECEIVED CONSENT BY THE KENAI PENINSULA ASSEMBLY JANUARY ??, 2023.
 - ROADS MUST MEET THE DESIGN AND CONSTRUCTION STANDARDS ESTABLISHED BY THE BOROUGH IN ORDER TO BE CONSIDERED FOR CERTIFICATION AND INCLUSION IN THE ROADS MAINTENANCE PROGRAM PER KPB 14.08.
 - THIS SUBDIVISION IS SUBJECT TO A GENERAL ELECTRICAL EASEMENT, WITH NO DEFINED LOCATION, GRANTED TO HOMER ELECTRIC ASSOCIATION ON OCTOBER 16, 1962 IN MISC. BOOK 9 PAGE 58, KENAI RECORDING DISTRICT.
 - 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 OF CHAR-VIC LAKE AND ANY QUESTIONS OF RIGHT OF ACCESS TO THE LAKE IN THE EVENT SAID LANDS DO NOT IN FACT ABUT THE LAKE.
 - WASTEWATER DISPOSAL: ANY WASTEWATER TREATMENT AND DISPOSAL SYSTEM MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

BUILDING SETBACK AND UTILITY EASEMENT TYPICAL



CURVE TABLE

CURVE	RADIUS	ARC LENGTH	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	50.00'	33.73'	38°38'54"	S04°09'28"E	33.09'
C1(R1)	50.00'				

CERTIFICATE OF ACCEPTANCE AND DEDICATION BY CITY OF KENAI

THE UNDERSIGNED OFFICIAL IDENTIFIED BY NAME AND TITLE IS AUTHORIZED TO ACCEPT AND HEREBY ACCEPTS ON BEHALF OF THE CITY OF KENAI FOR PUBLIC USES AND FOR PUBLIC PURPOSES THE REAL PROPERTY TO BE DEDICATED BY THIS PLAT INCLUDING EASEMENTS, RIGHTS-OF-WAY, ALLEYS, AND OTHER PUBLIC AREAS SHOWN ON THE PLAT IDENTIFIED AS FOLLOWS:

DEDICATION OF RIGHT OF WAY - 33' WIDE EXTENSION OF LUPINE AVE

THE ACCEPTANCE OF LANDS FOR PUBLIC USE OR PUBLIC PURPOSES DOES NOT OBLIGATE THE PUBLIC OR ANY GOVERNING BODY TO CONSTRUCT, OPERATE, OR MAINTAIN IMPROVEMENTS.

BY: _____ DATE: _____

AUTHORIZED OFFICIAL
KENAI PENINSULA BOROUGH
144 NORTH BRINKLEY STREET
SOLDOTNA, ALASKA 99669

PLAT APPROVAL

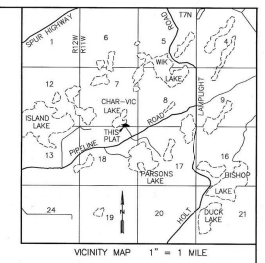
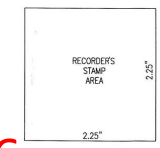
THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF DECEMBER 12, 2022.

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

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

ERIC C. RANGUETTE
34760 POPPYWOOD STREET
SOLDOTNA, ALASKA 99669

NOTARY ACKNOWLEDGEMENT

FOR: ERIC C. RANGUETTE
ACKNOWLEDGED BEFORE ME
THIS _____ DAY OF _____, 2023

PUBLIC NOTARY SIGNATURE _____



KPB FILE No. 2022-XXX

CENTENNIAL SHORES SUBDIVISION 2023 REPLAT
VACATING A PORTION OF LUPINE AVENUE

A SUBDIVISION OF LOT 1 BLOCK 2 CENTENNIAL SHORES SUBDIVISION NUMBER ONE PLAT 85-157 KENAI RECORDING DISTRICT

OWNER: ERIC C. RANGUETTE
34760 POPPYWOOD STREET
SOLDOTNA, ALASKA 99669

LOCATED WITHIN SE 1/4 SECTION 7, T.7N., R.11W. S.M. STATE OF ALASKA KENAI PENINSULA BOROUGH KENAI RECORDING DISTRICT

CONTAINING 1.796 ACRES



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

DRAWN BY: JY	DATE: 10/10/2022	PROJECT: 22-555
CHECKED BY: MA	SCALE: 1" = 40'	SHEET: 1 OF 1

KPB 2022-156

AGENDA ITEM E. NEW BUSINESS

ITEM E7 - CENTENNIAL SHORES SUBDIVISION 2023 REPLAT

KPB File No.	2022-156
Plat Committee Meeting:	November 14, 2022
Applicant / Owner:	Eric Ranguette of Soldotna, AK
Surveyor:	Jason Young, Mark Aimonetti / Edge Survey and Design, LLC
General Location:	Lupine Avenue, Keeven Lane, Nikiski area

Parent Parcel No.:	013-218-24
Legal Description:	Lot 1 Block 2, Centennial Shores Subdivision Number One, Plat KN 85-157
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On Site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will finalize a vacation of a right-of-way and dedication a continuation of the right-of-way.

Location and Legal Access (existing and proposed): The access will remain from Lupine Avenue. The proposed vacation will be reducing the width of the right-of-way and removing a portion of the cul-de-sac bulb.

Lupine Avenue is located at the south end of borough maintained Independence Street. The area is accessed from Pipeline Road that is located near mile 6 of state-maintained Holt Lamplight Road. Not all portions of Pipeline Road are maintained by the roads accessing this vacation do connect to the maintained portion.

Lupine Avenue is dedicated as 83 feet wide atop section line easements that are 66 feet in width. The northern half of Lupine Avenue was dedicated as 50 feet in width. The right-of-way ends with a cul-de-sac bulb. While this right-of-way ends with a bulb, which indicates it is to be permanently closed, it is atop a section line easement and a travelway exists beyond the bulb to connect to Keeven Lane and then to Jeff Street. While these rights-of-way have dedicated access to Pipeline Road, the dedications go through some low wet areas and so the owners in the area use Lupine Avenue for their access. Lupine Avenue, Keeven Lane, and Jeff Street are not borough maintained.

There is an existing structure within the building setback and utility easement adjacent to Lupine Avenue. The proposal is to reduce the width of the right-of-way, vacate a portion of the bulb, and provide a through dedication atop the existing travelway. The vacation will vacate a 17 foot width of Lupine Avenue and a portion of the cul-de-sac bulb. The plat will straighten the dedication and provide a 33 foot wide continuation of Lupine Avenue.

The block is not compliant due to lakes, wetlands, and large acreage tracts in the area. The proposed dedication does improve the block and access but this plat will not be able to provide any additional dedications to improve the block due to the lake. **Staff recommends the plat committee concur an exception is not required for block length as this plat cannot improve the block lengths.**

A petition for the vacation of Lupine Avenue and associated utility easements has been received and is scheduled to be heard by the Planning Commission at the November 14, 2022 meeting and will require consent by the Kenai Peninsula Borough Assembly.

PER DOT: The platting action voids any previous issued permits. You need to reapply for driveway access permits to state ROW.

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

Site Investigation: There are some areas of steeper terrain that lead to the shore of Char-Vic Lake. There are no areas of steep terrain within the vacation or proposed vacation areas. Other than along the shore of the lake there are no low wet areas present. **Staff recommends a wetland determination note be added.**

An as-built was done for a previous submittal for a setback encroachment permit and utility easement vacation. The as-built shows a portion of the house with portions of the deck are within the building setback associated with the cul-de-sac bulb for Lupine Avenue. The roadway continues past the house and uses the section line easement to go past the bulb for access to lots further to the west. The petitions were denied by the Planning Commission on August 8, 2022. The desire was to correct the issue by a vacation and new dedication. This proposal will allow for a dedication on the existing travelway and will resolve the encroachment issues. **Staff recommends the surveyor verify that the setback and utility easement being created along the new right-of-way edge will be clear of all existing structures and that the location of the existing roadway be verified to make sure it is within the dedicated areas.**

The original plat for the property extended the property lines into the lake. Per the certificate to plat there are rights to the public below mean high water of the lake. This plat is indicating that the lake will no longer be part of the lot. Currently all portions of the lake are included within the bounds of lots. Even if the lot boundary includes the lake, the rights of the public remain and with the inclusion of the plat note it makes that clear. It needs to be determined if the lake should be excluded from the lot's boundary. If the depiction as shown on the preliminary remains, **staff recommends the source or date of the meander must be give, and a note regarding the side lot lines must be added.**

KPB River Center review	Floodplain: No comments Habitat Protection: Is NOT within HPD. No comments. State Parks: No comments
State of Alaska Fish and Game	No objections

Staff Analysis The property was originally subdivided by Centennial Shores Subdivision Number one, Plat KN 85-157. The plat created Lot 1 Block 2 as well as dedicated Lupine Avenue, originally named Dog Bone Avenue, as a 50 foot wide right-of-way that ended with a partial bulb as an existing roadway continued to the south.

The property to the south was originally subdivided by Robins Subdivision No. 1, KN 79-139. It did not dedicate any portion of Lupine Avenue but did indicate a section line easement was present. The property was then replatted by Kenai Timbers, Plat KN 86-133, which was amended by KN 86-195. That plat vacated the original dedication of Robins Road and dedicated the new location as currently exists. The plat also dedicated the southern portion of Lupine Avenue by granting 30 feet to 33 feet of dedication. The plat indicates 30 feet at the western portion with 33 feet on the eastern portion with a 33 foot section line easement still in place. Kenai Timbers Replat, KN 88-22, was recorded which removed lot lines to create larger tracts but the dedications remained as granted by the parent plats.

The current configuration is an 80 to 83 foot wide right of way atop section line easements. The cul-de-sac bulb has been broke through to provide access to the properties to the west by the use of the section line easements.

The Kenai Peninsula Borough Planning Commission heard a petition for a building setback encroachment permit and a utility easement vacation for the encroachments shown on the as-built. The Planning Commission, at their August 8, 2022 meeting denied the encroachment permit and utility easement alteration. As the dedicated right-of-way is wider than required by KPB Code and that landowners were using the section line easements west of the

dedication, it was recommended to propose a vacation and dedication to resolve not only the encroachment issues but to provide a dedication.

A soils report will not be required but the plat note should be updated as the parent plat was approved by DEC.

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 parent plat granted 10 foot utility easements adjacent to the right-of-way dedications. The proposed vacation includes the associated utility easements as there are encroachments within the easement. The plat will be granting the required 10 foot utility easements adjacent to the rights-of-way. The granting of the 10 foot utility easement will include along the new right-of-way edge. **Staff recommends** the plat note granting the easement include “granted this plat”. To make clear to all seeing the plat that it does include within the vacation area, this may be done by note or depiction.

A recorded easement to Homer Electric Association has been granted and is noted 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 comments
ENSTAR	No comments for recommendations
ACS	No objections
GCI	Approved as shown

KPB department / agency review:

Addressing	<p>Reviewer: Haws, Derek Affected Addresses: 51200 LUPINE AVE</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names: LUPINE AVE INDEPENDENCE ST ROBINS RD KEEVEN LN</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:</p>
------------	---

	51200 LUPINE AVE will remain with lot 1A.
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**

*Please update the typical setback and utility easement depiction to match the lot label on the plat.
Recorded measurement on west line 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 owners address as Poppy Wood is two words.
- 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:** Add "Kenai" to the Spur Highway label. Verify the name of Duck Lake. There is a line within Section 24 that should be labeled or removed.
- N. Apparent encroachments, with a statement indicating how the encroachments will be resolved prior to final plat approval;
- Staff recommendation:** This platting action is to resolve encroachments within the setback and utility easement.

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, adjoining 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: *The plat is reducing the width of the right-of-way but still complies with KPB Code.*

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: *The parent subdivision was approved by DEC. Update the wastewater disposal note to comply with 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.*

20.60.040. 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: *The acceptance in place needs updated as it currently contains wording for the City of Kenai instead of the Kenai Peninsula Borough.*

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.*

- *Update plat note 3 with the correct days and remove "granted by plat KN 85-157.*
- *Correct the wastewater disposal note, "The parent subdivision for lots resulting from this platting action was approved by the Alaska Department of Environmental Conservation on August 16, 1985. Wastewater treatment and disposal systems must meet the regulatory requirements of the Alaska Department of Environmental Conservation.*
- *The natural meanders of ordinary high water is for area computations only, the true corners being on the extension of the sidelines as shown on the parent plat and the intersection with the natural meanders. (Only if current configuration is used.)*
- *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.*

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: Correct the owner's street name for his signature line. Update the date in the plat approval note. Comply with 20.60.190.

KPB 20.60.190 corrected the Notary's Acknowledgement so it is an acknowledgement instead of a combination of an acknowledgement and a jurat.

Staff recommendation: the Notary's Acknowledgement on the final plat must comply with 20.60.190.
Flip Notary and Public around

20.60.200. Survey and monumentation.

Staff recommendation: comply with 20.60.200
Monument 3 in the Monument Summary is not labeled

KPB 20.70 – Vacation Requirements

Staff recommendation. Must be recorded within one year of Assembly consent.

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.

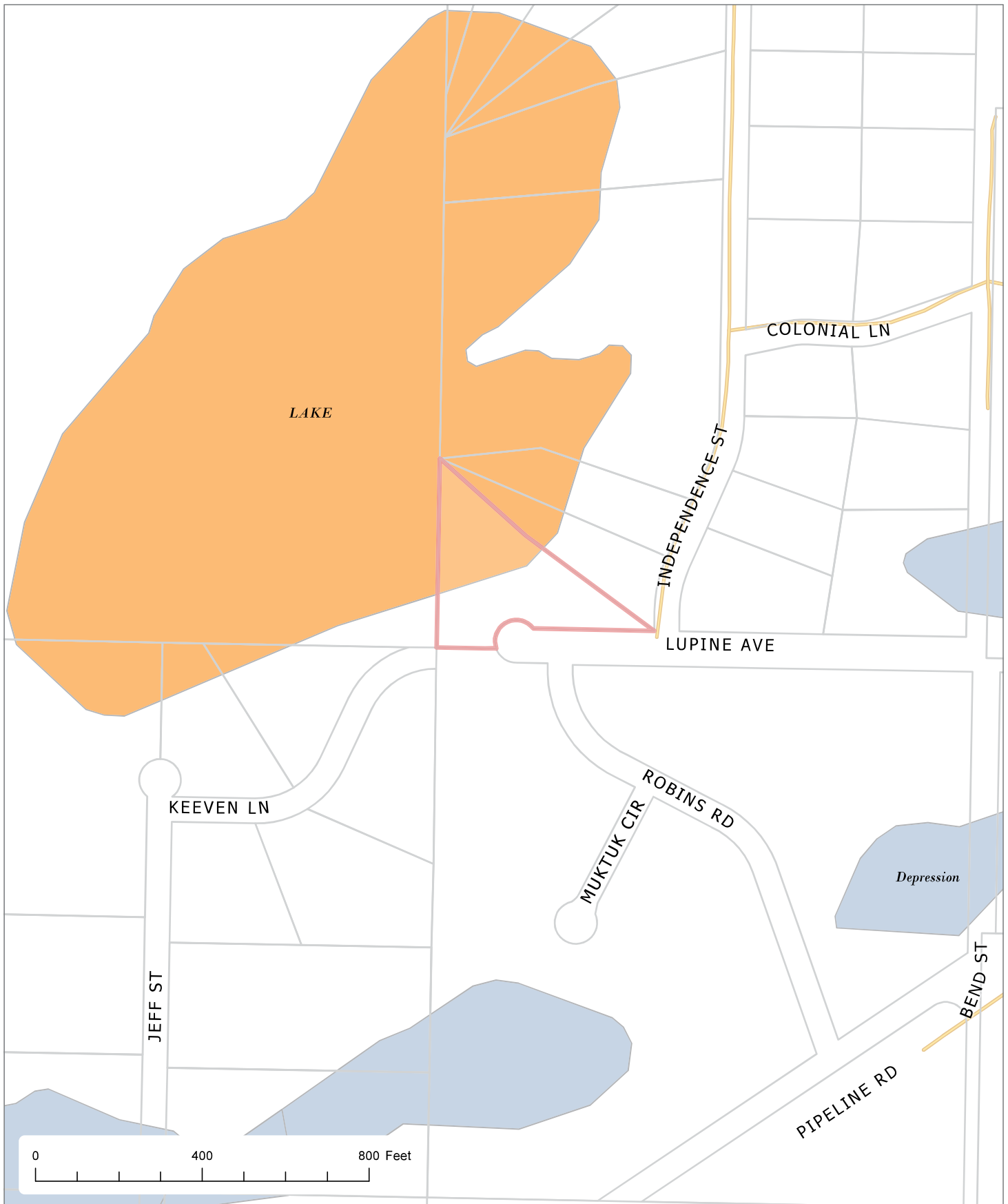
A DECISION OF THE PLANNING COMMISSION MAY BE APPEALED TO THE HEARING OFFICER BY A PARTY OF RECORD WITHIN 15 DAYS OF THE DATE OF NOTICE OF DECISION IN ACCORDANCE WITH KPB 21.20.250.

END OF STAFF REPORT

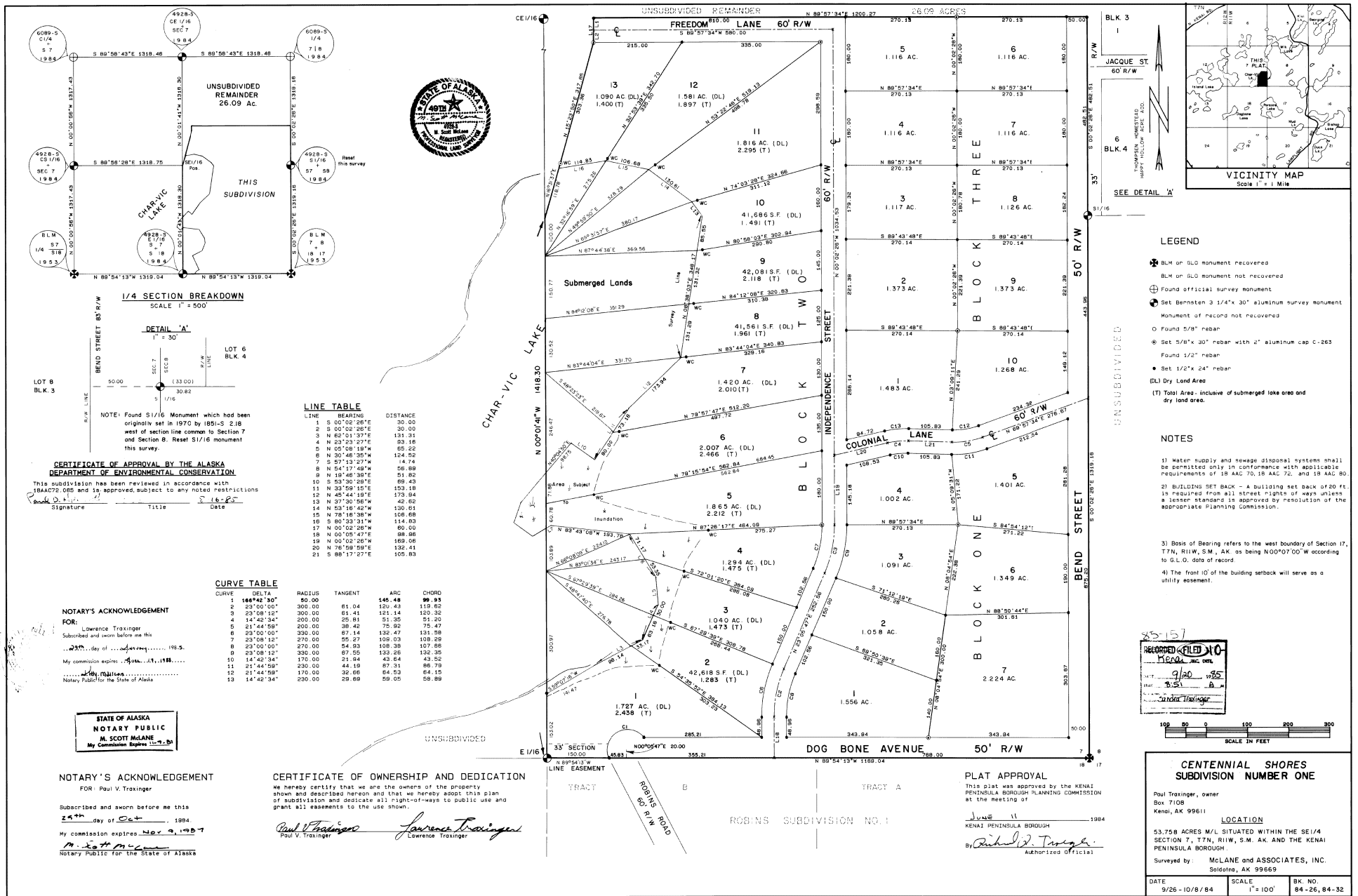


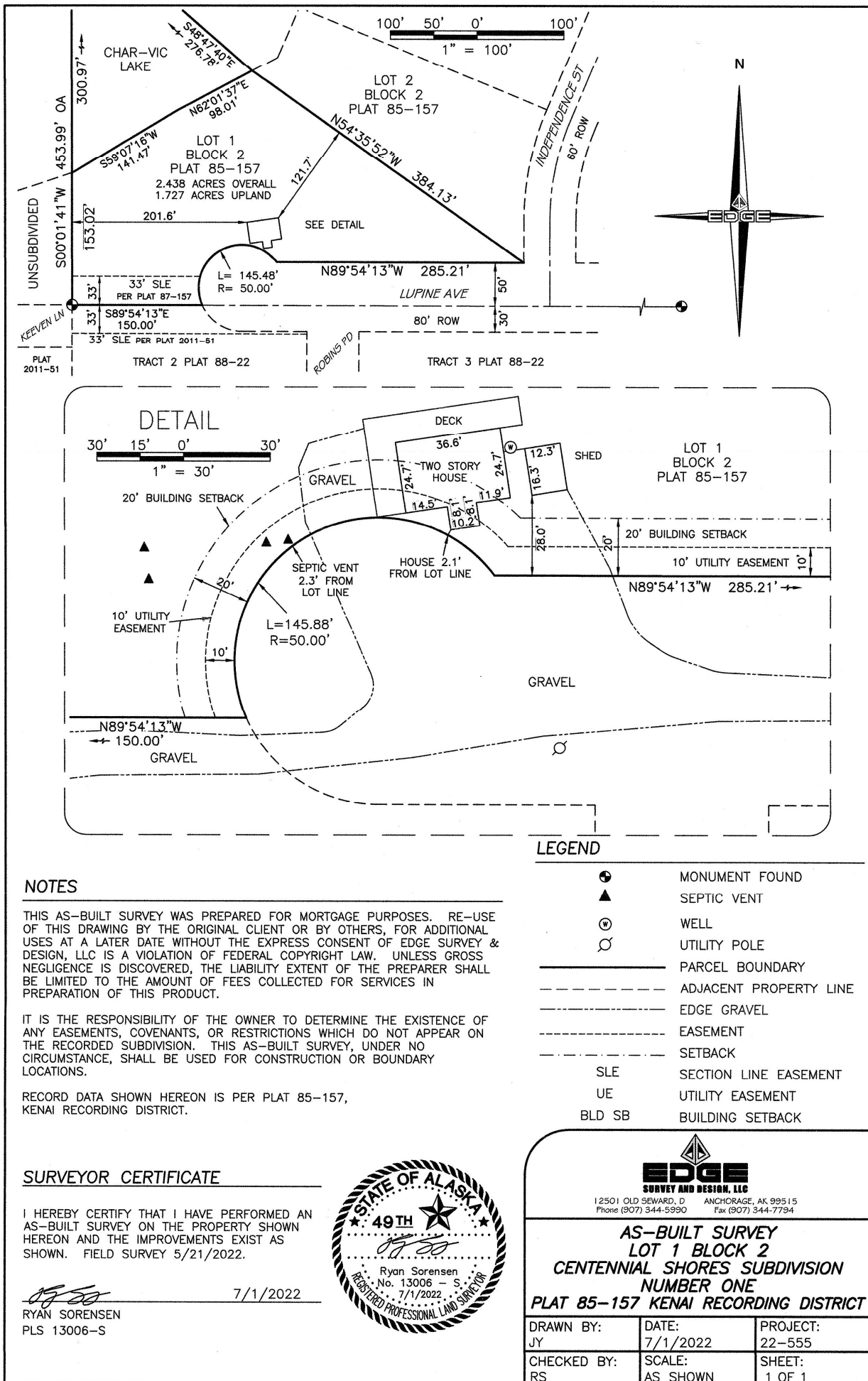


Wetlands



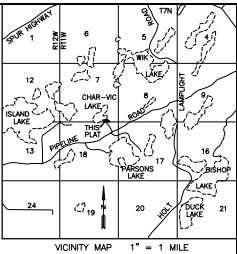
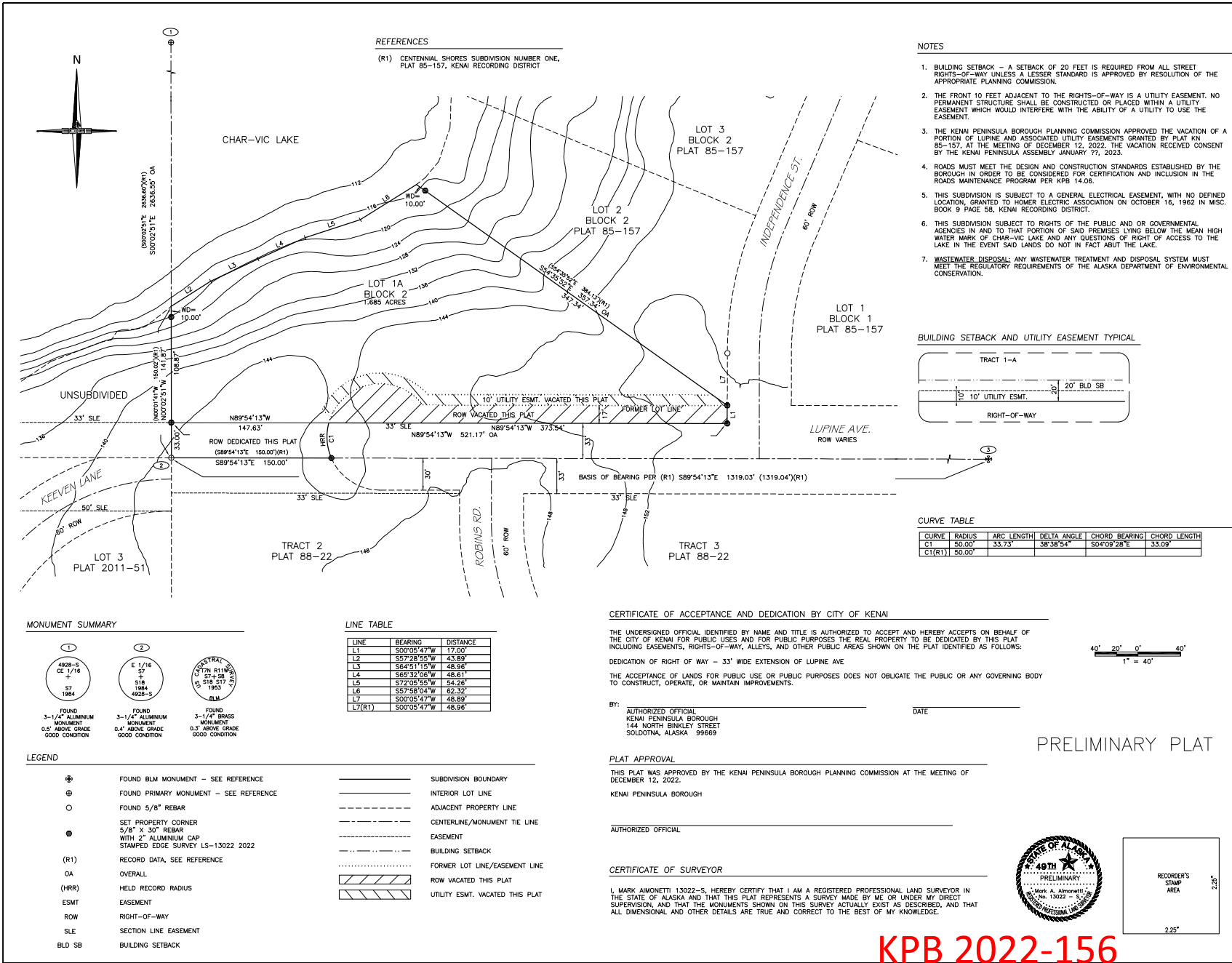






C:\Users\Juson Young\Documents\1-Active Jobs 2022 05 27\22-555 Char Vic - Rangnette ASB\DWG\22-555 Char Vic Rangnette ASB.dwg PLOTTED: 6/30/2022 9:11:27 PM

KPB 2022-100



CERTIFICATE OF OWNERSHIP AND DEDICATION

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

ERIC C. RANGUETTE
34760 POPPYWOOD STREET
SOLDOTNA, ALASKA 99669

NOTARY ACKNOWLEDGEMENT

FOR: ERIC C. RANGUETTE
ACKNOWLEDGED BEFORE ME
THIS _____ DAY OF _____, 2023

PUBLIC NOTARY SIGNATURE

NOTARY
STAMP
AREA

KPB FILE No. 2022-XXX

CENTENNIAL SHORES SUBDIVISION 2023 REPLAT

VACATING A PORTION OF LUPINE AVENUE

A SUBDIVISION OF LOT 1 BLOCK 2 CENTENNIAL SHORES SUBDIVISION NUMBER ONE PLAT 85-157 KENAI RECORDING DISTRICT

OWNER: ERIC C. RANGUETTE
34760 POPPYWOOD STREET
SOLDOTNA, ALASKA 99669

LOCATED WITHIN SE 1/4 SECTION 7, T.7N., R.11W. S.M. STATE OF ALASKA KENAI PENINSULA BOROUGH KENAI RECORDING DISTRICT

CONTAINING 1.796 ACRES

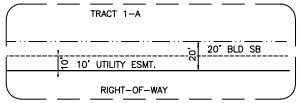


12501 OLD Seward, Anchorage, AK 99515
Phone (907) 344-5393 Fax (907) 344-7794

DRAWN BY: JY
CHECKED BY: MA
DATE: 10/10/2022
SCALE: 1" = 40'
PROJECT: 22-555
SHEET: 1 OF 1

- 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.
 - THE KENAI PENINSULA BOROUGH PLANNING COMMISSION APPROVED THE VACATION OF A PORTION OF LUPINE AND ASSOCIATED UTILITY EASEMENTS GRANTED BY PLAT KN 85-157, AT THE MEETING OF DECEMBER 12, 2022. THE VACATION RECEIVED CONSENT BY THE KENAI PENINSULA ASSEMBLY JANUARY ??, 2023.
 - ROADS MUST MEET THE DESIGN AND CONSTRUCTION STANDARDS ESTABLISHED BY THE BOROUGH IN ORDER TO BE CONSIDERED FOR CERTIFICATION AND INCLUSION IN THE ROADS MAINTENANCE PROGRAM PER KPB 14.06.
 - THIS SUBDIVISION IS SUBJECT TO A GENERAL ELECTRICAL EASEMENT, WITH NO DEFINED LOCATION, GRANTED TO HOMER ELECTRIC ASSOCIATION ON OCTOBER 16, 1962 IN MISC. BOOK 9 PAGE 58, KENAI RECORDING DISTRICT.
 - 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 OF CHAR-VIC LAKE AND ANY QUESTIONS OF RIGHT OF ACCESS TO THE LAKE IN THE EVENT SAID LANDS DO NOT IN FACT ABUT THE LAKE.
 - WASTEWATER DISPOSAL: ANY WASTEWATER TREATMENT AND DISPOSAL SYSTEM MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

BUILDING SETBACK AND UTILITY EASEMENT TYPICAL



CURVE TABLE

CURVE	RADIUS	ARC LENGTH	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	50.00'	33.73'	38°38'54"	S04°09'28"E	33.09'
C1(R1)	50.00'	33.73'	38°38'54"	S04°09'28"E	33.09'

CERTIFICATE OF ACCEPTANCE AND DEDICATION BY CITY OF KENAI

THE UNDERSIGNED OFFICIAL IDENTIFIED BY NAME AND TITLE IS AUTHORIZED TO ACCEPT AND HEREBY ACCEPTS ON BEHALF OF THE CITY OF KENAI FOR PUBLIC USES AND FOR PUBLIC PURPOSES THE REAL PROPERTY TO BE DEDICATED BY THIS PLAT INCLUDING EASEMENTS, RIGHTS-OF-WAY, ALLEYS, AND OTHER PUBLIC AREAS SHOWN ON THE PLAT IDENTIFIED AS FOLLOWS:

DEDICATION OF RIGHT OF WAY - 33' WIDE EXTENSION OF LUPINE AVE

THE ACCEPTANCE OF LANDS FOR PUBLIC USE OR PUBLIC PURPOSES DOES NOT OBLIGATE THE PUBLIC OR ANY GOVERNING BODY TO CONSTRUCT, OPERATE, OR MAINTAIN IMPROVEMENTS.

BY: AUTHORIZED OFFICIAL
KENAI PENINSULA BOROUGH
144 NORTH BINKLEY STREET
SOLDOTNA, ALASKA 99669

DATE: _____

PLAT APPROVAL

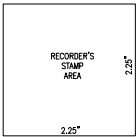
THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF DECEMBER 12, 2022.

KENAI PENINSULA BOROUGH

AUTHORIZED OFFICIAL

CERTIFICATE OF SURVEYOR

I, MARK A. MONNETTI 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.



KPB 2022-156

E. NEW BUSINESS

8. Heath Subdivision No. 5; KPB File 2022-153



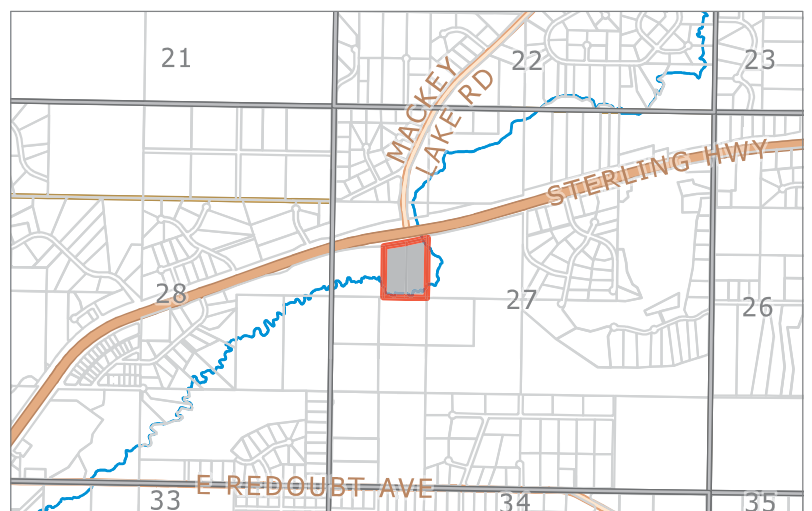
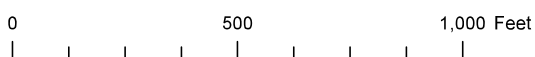
Kenai Peninsula Borough Planning Department

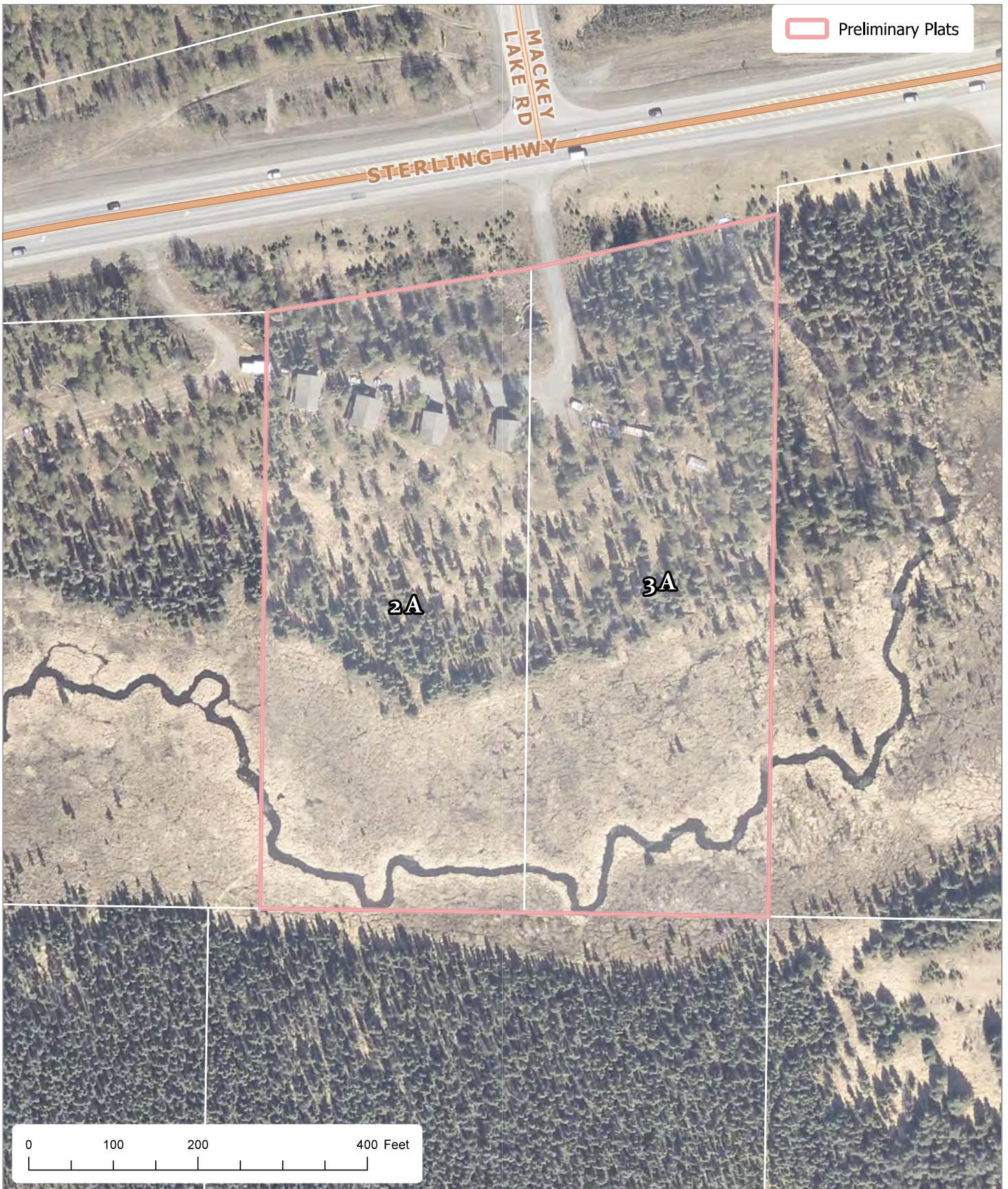
Vicinity Map

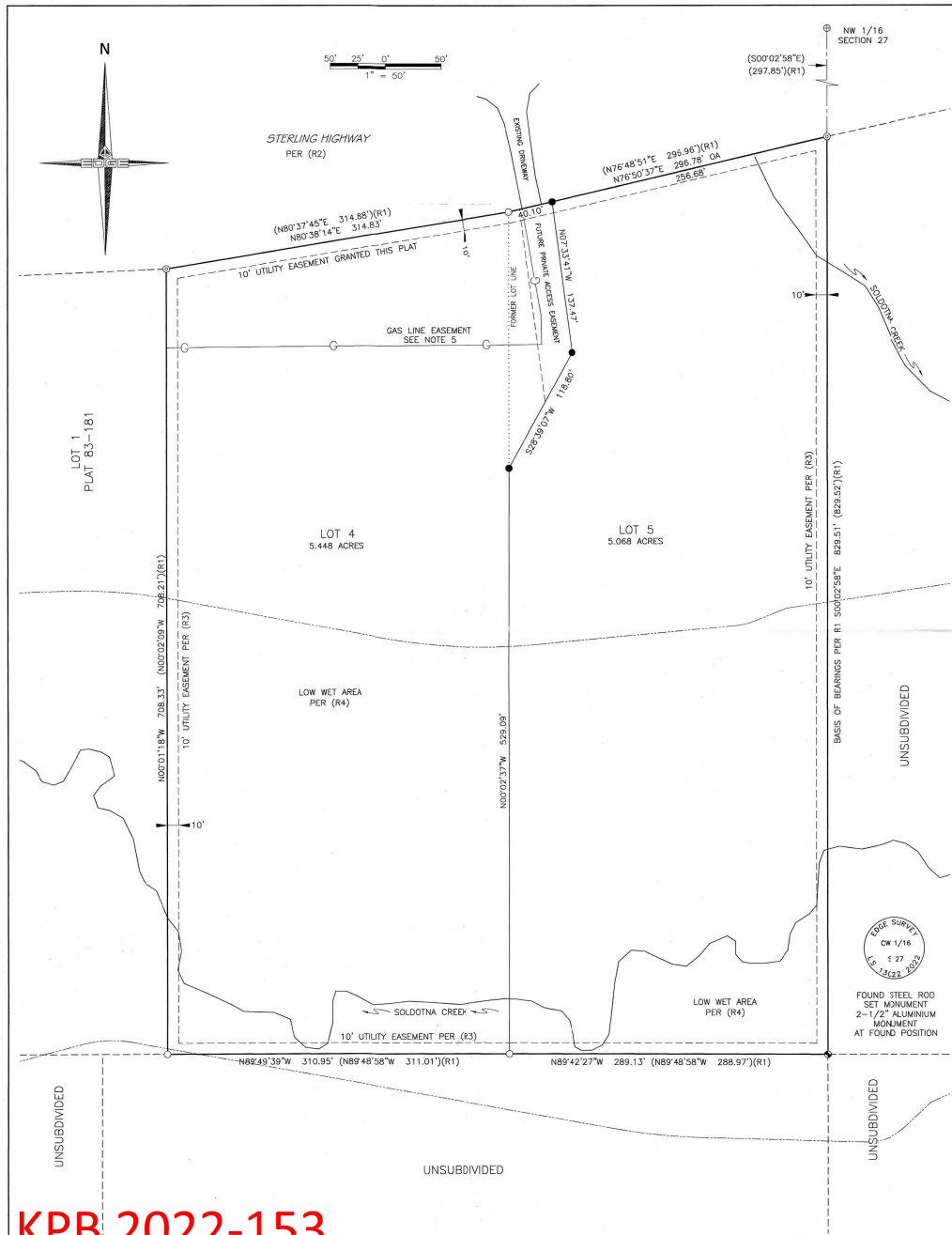


KPB File 2022-153
T 05N R 10W SEC 27
Soldotna

10/11/2022







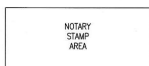
NOTES

- 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.
- PER THIS PLAT 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.
- ANADROMOUS HABITAT PROTECTION NOTE: PORTIONS OF THIS SUBDIVISION ARE WITHIN THE KENAI PENINSULA BOROUGH ANADROMOUS HABITAT PROTECTION DISTRICT. SEE KPB CHAPTER 21.18 AS MAY BE AMENDED, FOR RESTRICTIONS THAT AFFECT DEVELOPMENT IN THIS SUBDIVISION.
- THIS PLAT SUBJECT TO 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. 801, 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 18, 1951; AMENDMENT NO. 1 THERETO, DATED JULY 17, 1952 AND AMENDMENT NO. 2 THERETO, DATED SEPTEMBER 15, 1956, FILED IN THE FEDERAL REGISTER.
- THIS PLAT SUBJECT TO EASEMENT AFFECTING THE PORTION OF SAID PREMISES AND FOR THE PURPOSES STATED HEREIN, AND INCIDENTAL PURPOSES THERETO: FOR PIPELINES AND RELATED PURPOSES, IN FAVOR OF ENSTAR NATURAL GAS COMPANY, RECORDED: MARCH 12, 2008, SERIAL NO.: 2008-002552-0, AS SHOWN.
- THIS PLAT 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 OF SOLDOTNA CREEK AND ANY QUESTIONS OF RIGHT OF ACCESS TO THE CREEK IN THE EVENT SAID LANDS DO NOT IN FACT ABUT THE CREEK.
- WASTEWATER DISPOSAL: THESE LOTS ARE 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 SYSTEM MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

NOTARY ACKNOWLEDGEMENT

FOR: JANICE K. SHIELDS
ACKNOWLEDGED BEFORE ME
THIS _____ DAY OF _____, 2022

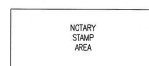
PUBLIC NOTARY SIGNATURE



NOTARY ACKNOWLEDGEMENT

FOR: DONALD E. SHIELDS
ACKNOWLEDGED BEFORE ME
THIS _____ DAY OF _____, 2022

PUBLIC NOTARY SIGNATURE



LEGEND

- ⊕ PRIMARY MONUMENT OF RECORD
- FOUND YELLOW PLASTIC CAP
- ⊙ FOUND 1" IRON PIPE IN MONUMENT CASE
- ⊙ SET PRIMARY MONUMENT AS REFERENCED
- SET PROPERTY CORNER
- 5/8" X 30" REBAR
- WITH 2" ALUMINUM CAP
- STAMPED EDGE SURVEY LS-13022 2022
- (R1) RECORD DATA, SEE REFERENCE
- OA OVERALL
- _____ SUBDIVISION BOUNDARY
- _____ INTERIOR LOT LINE
- _____ ADJACENT PROPERTY LINE
- _____ LOW WET AREA
- _____ 10 FOOT UTILITY EASEMENT
- _____ FORMER LOT LINE
- _____ MONUMENT TIE LINE
- _____ GAS LINE

REFERENCES

- (R1) HEATH SUBDIVISION NO. 4, PLAT 2006-97, KENAI RECORDING DISTRICT
- (R2) STATE OF ALASKA RIGHT OF WAY MAP, PROJECT IR-043-3(3) PLAT 2013-26, KENAI RECORDING DISTRICT
- (R3) HEATH SUBDIVISION NO. 3, PLAT 83-181, KENAI RECORDING DISTRICT
- (R4) KENAI WATERSHED FORUM WETLANDS INVENTORY

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF APRIL 25, 2022.
KENAI PENINSULA BOROUGH

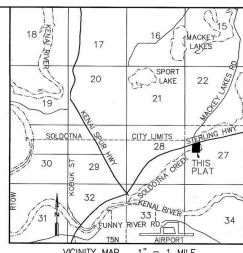
AUTHORIZED OFFICIAL

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.



PRELIMINARY PLAT

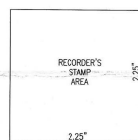


CERTIFICATE OF OWNERSHIP AND DEDICATION

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.

JANICE K. SHIELDS
42737 STERLING HIGHWAY
SOLDOTNA, ALASKA 99669

DONALD E. SHIELDS
42737 STERLING HIGHWAY
SOLDOTNA, ALASKA 99669



KPB FILE No. 2022-XXX

HEATH SUBDIVISION NO. 5

A SUBDIVISION OF
LOTS 2A AND 3A
HEATH SUBDIVISION NO. 4
PLAT 2006-97 KENAI RECORDING DISTRICT

OWNERS:
JANICE K. SHIELDS AND
DONALD E. SHIELDS
42737 STERLING HIGHWAY
SOLDOTNA, ALASKA 99669

LOCATED WITHIN NW 1/4 SECTION 27,
T.5N., R.10W., S.M.
STATE OF ALASKA
KENAI PENINSULA BOROUGH
KENAI RECORDING DISTRICT
CITY OF SOLDOTNA

CONTAINING 10.516 ACRES



12501 OLD SEWARD, D ANCHORAGE, AK 99515
Phone (907) 344-5890 Fax (907) 344-7794
AEC# 1392

DRAWN BY: JY	DATE: 10/10/2022	PROJECT: 22-590
CHECKED BY: MA	SCALE: 1" = 50'	SHEET: 1 OF 1

AGENDA ITEM E. NEW BUSINESS

ITEM 8 – HEATH SUBDIVISION NO. 5

KPB File No.	2022-153
Plat Committee Meeting:	November 14, 2022
Applicant / Owner:	Janice and Donald Shields of Soldotna, Alaska
Surveyor:	Jason Young, Mark Aimonetti / Edge Survey and Design, LLC
General Location:	Sterling Highway, City of Soldotna

Parent Parcel No.:	059-320-43 and 059-320-44
Legal Description:	Lots 2A and 3A, Heath Subdivision No. 4, Plat KN 2006-97
Assessing Use:	Lodge-Multiple Cabins, Commercial
Zoning:	Split Zone – commercial for north halves and rural residential in the southern halves
Water / Wastewater	On Site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide reconfigure a shared lot line between two lots. The lots will change from 5.242 acres to 5.448 acres and 5.278 acres to 5.068 acres.

Location and Legal Access (existing and proposed): The proposed plat is located near mile 92.75 of the Sterling Highway, across from the Mackey Lake Road intersection.

Both lots will front along the Sterling Highway. The intent is to have a shared driveway between the two lots. The driveway is currently constructed and in use. The reconfiguration will move the existing driveway within the boundary of Lot 4 but the driveway will remain shared and a future easement will be recorded.

The access to these lots have been changed in the past to have them across from the Mackey Lake Road intersection. The access from the Sterling Highway is permitted by State of Alaska Department of Transportation. The City of Soldotna questioned an old letter that a new permit would be required upon replat. They have reached out to DOT for clarification. KPB recently had a similar comment on another subdivision plat and questioned if this is something required on all plats or if case by case situation. A response was not received. **Staff recommends the owners reach out to Alaska DOT to make sure the proper permitting is handled or future requirements will be met.**

The intent is a future private access easement but if not recorded prior to the finalization of the plat, **staff recommends the depiction and label be removed.**

The block is not compliant. The proposed subdivision is bordered by the Sterling Highway along the north. Soldotna Creek meanders through the northeast corner and then along the southern boundary. The property is surrounded by 10 acre or large parcels. **Staff recommends the plat committee concur that an exception is not required as additional entrances to the highway or crossings of Soldotna Creek are not desired at this time.**

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

Site Investigation: The property has Soldotna Creek, an anadromous stream, running through portions of the proposed subdivision. It is located in the northeast corner then meanders back onto the property within the southern

portion. The anadromous plat note is present.

The River Center review determined that this is within a flood hazard area. **Staff recommends a plat note be added that includes the Map Panel information.**

Low wet areas are present in the southern half of the lots. The low wet areas are depicted with a boundary line and labels on each side of Soldotna Creek. **Staff recommends a wetland determination plat note be added.**

Steep terrain is present on the property. The improvements are located on the flat area with steep terrain located around the improvements. Steep slopes are not present in the southern portion of the property. As a reminder, steep slopes greater than 20 percent are to be shown on the preliminary submittal. **Staff recommends the toe and top of steep slopes be shown on the plat unless it conflicts with required information.**

There are multiple improvements on the lots. Multiple cabins appear to be located on proposed Lot 4. Proposed Lot 5 appears to have multiple items on the lot but per Assessing records they are not permanent in nature. This replat will allow the existing driveway to be part of the lot that is utilizing the driveway for access to the cabins.

KPB satellite imagery indicates this property may contain wet areas. **Staff recommendation: place a note on the final plat indicating any person developing the property is responsible for obtaining all required local, state, and federal permits, including a U.S. Army Corps of Engineers wetland determination if applicable.**

KPB River Center review	Floodplain: IS in flood hazard area Comments: Flood Zone: A4 Map Panel: 020012-2045C Habitat Protection: IS totally or partially within HPD State Parks: No comments
State of Alaska Fish and Game	This plat depicts Soldotna Creek which is cataloged as anadromous. AWC 244-10-10010-2011

Staff Analysis This is a replat of two lots to have the driveway included with one of the lots. The adjustment will result in a minor change in acreage. The property was originally platted with Heath Subdivision No. 3, Plat KN 83-181 and then replatted with Heath Subdivision No. 4, Plat KN 2006-97.

Plat KN 2006-97 vacated some previously granted easements for access and utilities.

The City of Soldotna Planning and Zoning Commission heard the proposed replat at their October 5, 2022 meeting. They recommended approval and adopted Resolution No. PZ2022-011. KPB Staff notified the Soldotna Planning Department of the scheduling for KPB hearing. We did receive a comment from the City Associate Planner that plat note 1 would require revision.

Per the City of Soldotna Staff Report and Resolution, water and sewer services are not available and an installation agreement is not required. Due to the size of the lots a soils report will not be required.

The existing driveway is depicted where it connects with the Sterling Highway. The future access easement is shown over the existing driveway. There is a line shown and the intent is unsure as it appears to be the same line style as adjacent property lines. **Staff recommends the existing driveway, the depiction and label of a future access easement be removed, and review the line depicted and adjust accordingly.**

Notice of the proposed plat was mailed to the beneficial interest holder on October 11, 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.

Utility Easements The plat has shown the correct previously granted utility easements along the west, south, and east boundary. The plat will be granting a utility easement along the Sterling Highway as required by KPB Code. The line symbol does not appear to match what is in the legend or is close to another line symbology. **Staff recommends update the depiction or provide a new line style.**

Plat KN 2006-97 had vacated some utility easements. Crossing one of the easements vacated it appears a powerline was depicted and per the plat note was center of a 20 foot easement including guys and anchors. **Staff recommends verify the easement and depict and note as being created on Plat KN 2006-97.**

Additional easements have been granted by recorded documents and are noted on the plat. The easement over the existing gas line is depicted.

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, "The existing overhead powerline is the centerline of a 30 foot wide electrical easement, including guys and anchors, granted this plat." Provide a label or plat note stating, "The existing underground powerline is the centerline of a 15 foot wide electrical distribution line easement, including pedestals and transformers, granted this plat."
ENSTAR	No objections or recommendations
ACS	No objections
GCI	Approved as shown

KPB department / agency review:

Addressing	Reviewer: Haws, Derek Affected Addresses: 42737 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: 42737 STERLING HWY will remain with lot 4
Code Compliance	Reviewer: Ogren, Eric Comments: No comments
Planner	Reviewer: Raidmae, Ryan

	<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. Review Not Required</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

Line depictions versus the legend should be reviewed.

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.*

- 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: *A width for Sterling Highway adjacent to the subdivision should be provided as well as a width varies label. We want the depiction to be at a minimum of 100 feet or in the case of major highways to the centerline if the road is larger than 100 feet.*

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.*

20.30.270. Different standards in cities. Where cities have enacted by ordinance different subdivision design standards than those set forth in this chapter, the planning commission shall apply the city standards in lieu of those set forth in this chapter. Any appeal of a city design standard is subject to KPB 21.01.020(E).

Staff recommendation: *The City of Soldotna does not meet the specified requirements for the application and consideration of different standards.*

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: City services not available. Due to size of lots, soils analysis report is not 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.*

- *"No access to state maintained rights-of-way permitted unless approved by the State of Alaska Department of Transportation."*
- *Remove plat note 1 and replace with "Subject to the City of Soldotna Title 17 Zoning Regulations."*
- *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.*
- **FLOOD HAZARD NOTICE:**

Some or all of the property shown on this plat has 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 floodplain administrator should be contacted for current information and regulations. Development must comply with Chapter 21.06 of the Kenai Peninsula Borough Code. A4 Map Panel: 020012-2045C

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

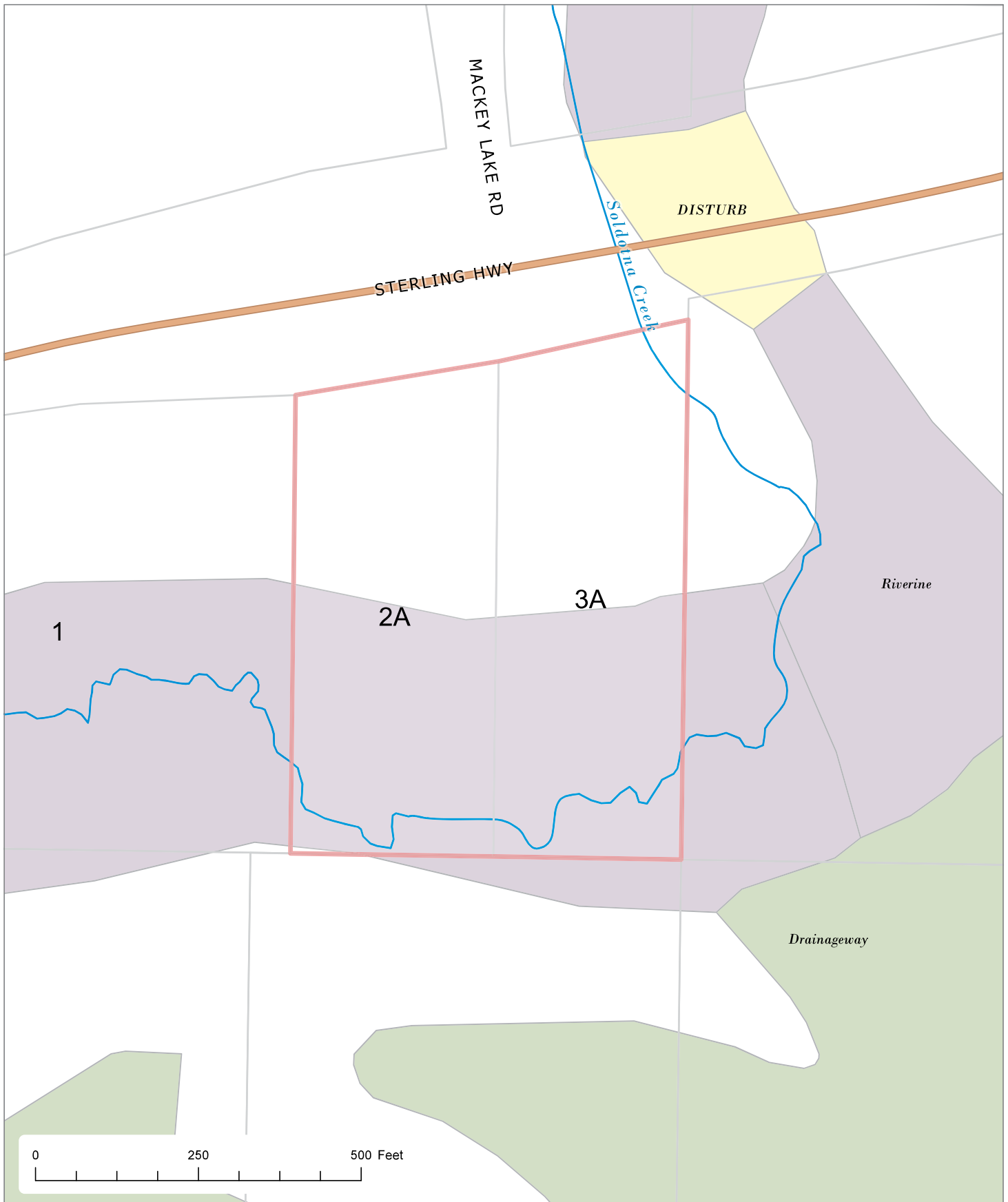


Aerial View

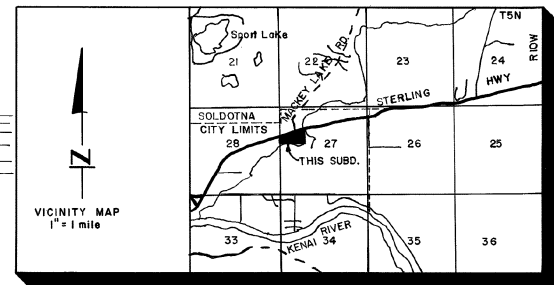




Wetlands







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.

TO THE USE SHOWN
Alton J. Heath *Twila N. Heath*
ALTON J. AND TWILA N. HEATH
BOX 58
SOLDOTNA, ALASKA 99669

SUBSCRIBED AND SWORN BEFORE ME THIS 22 DAY OF July
1983 FOR ALTON J. & TWILA N. HEATH

STATE OF ALASKA
JANICE BISHOP
NOTARY PUBLIC

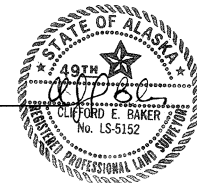
Vanice Bishop
NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES 2/24/06

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH
PLANNING COMMISSION AT THE MEETING OF JUNE 13, 1983

KENAI PENINSULA BOROUGH

Frank S. Lyon
AUTHORIZED OFFICIAL

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



⊕ MONUMENT (Found this survey)
 ⊕ MONUMENT (Set this survey)
 ● REBAR (Found this survey)
 ⊥ 5/8" x 30" REBAR (Set this survey)
 () RECORD DATUM KRD K-1663

THE STATE OF ALASKA DEPARTMENT OF TRANSPORTATION CLAIMS AN ADDITIONAL 50' ALONG THE STERLING HIGHWAY. AT THE TIME OF RECORDATION THIS CLAIM IS UNDER LITIGATION. BEFORE CONSTRUCTING WITHIN 50' OF THE HIGHWAY THE CURRENT STATUS OF THIS CLAIM MUST BE RESOLVED.

NOTE:
FLOODING AREAS SHOWN FOR
PICTORIAL PURPOSE ONLY &
IS NOT THE RESPONSIBILITY OF
THE LAND SURVEYOR. THE DIS-
PLAY OF THESE FEATURES IS A
REQUIREMENT OF THE KENAI
PENINSULA BOROUGH & IS NOT
INTENDED TO DELINEATE PER-
MANENT FEATURES OF THE PROPERTY.

CERTIFICATE OF APPROVAL BY THE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

This subdivision has been reviewed in accordance with
SAC 72.065 and is approved, subject to any noted restrictions

Robert P. Cannon 1.12 8-30-83
SIGNATURE TITLE DATE

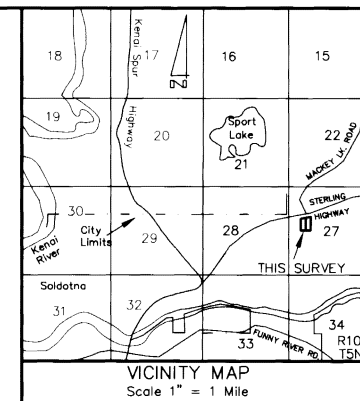
- 1) ALL WASTEWATER DISPOSAL SYSTEMS SHALL COMPLY WITH EXISTING LAWS AT THE TIME OF CONSTRUCTION.
- 2) ACCESS TO LOTS FROM STERLING HWY PROHIBITED. EXISTING TRAIL IS FOR ACCESS TO ALL LOTS.

A SUBD. LOCATED WITHIN THE CITY OF SOLDOTNA
PORTION OF THE SW 1/4 NW 1/4, SEC 27
T5N, R10W, S.M. AK., SOUTH OF THE
STERLING HWY. - PATENT RECORDED
BOOK 19, PAGE 60, KENAI RECORDING DIST.
CONTAINING 23 ± ACRES INTO 3 LOTS

DOWLING-RICE and ASSOCIATES
220 PARK 1074, 220 PARKWAY, ALABAMA 35202

ENGINEERS 262 - 9011 SURVEYORS

SURVEYED: 7/83	PLATTED: 7/83
DRAFTED: DDP/DAM	SCALE: 1" = 100'
CHECKED: CEB	SHEET: 1 of 1



- ☒ Found 1" pipe inside monument box
- ☒ Set 1/2" x 24" rebar with McLane cap attached.
- ☒ Found ADOT&PF Monument
- ☒ Found 5/8" diam. rod or rebar
- ☐ () Record data

- 1) This survey does not constitute a subdivision as defined by A.S. 40.15.190(2).
- 2) This plat represents a boundary survey of the remainder of Lots 2 and 3 Heath Subdivision Plat No. 81-183 KRD created by Book 0381 Page 030 KRD.



2000-55
Kenai REC. DIST. 20
Date 11-15 20 20
Time 3:08 P M
Requested By McNamee
Address

Surveyed by: McLANE	McLane Consulting Group Mile Post 3.5 Kenai Spur Hwy. P.O. Box 456 Soldotna, AK 99669 ph. (907) 283-4218	
RECORD OF SURVEY		
BOOK 0381 PAGE 030 AND REMAINING PORTION OF LOT 2 AND LOT 3 ACCORDING TO THE PLAT OF HEATH SUBDIVISION NO. 3 FILED AS PLAT 83-181 KENAI RECORDING DISTRICT WITHIN SW 1/4 NW 1/4, SECTION 27, T5N, R10W, S.M., AK		
Date of Survey 9/7/00	Book No. 00-15-29	Dwg. No. 002016
Drawn by msm	Scale 1" = 100'	

Quainton, Madeleine

From: Jennifer Hester <jhester@soldotna.org>
Sent: Tuesday, October 25, 2022 10:38 AM
To: Quainton, Madeleine; John Czarnezki
Cc: Jason Young
Subject: <EXTERNAL-SENDER>RE: PLAT REVIEW FOR November 14, 2022 MEETING: City of Soldotna

CAUTION: This email originated from outside of the KPB system. Please use caution when responding or providing information. Do not click on links or open attachments unless you recognize the sender, know the content is safe and were expecting the communication.

Dear Madeleine,

Thank you for sharing the Heath Subdivision No 5 Plat. Jason, from Edge Survey & Design, and I discussed an edit to Plat Note #1 to a generic zoning note instead of listing setbacks.

Please let me know if there are any questions.

Thanks!
Jen

From: Quainton, Madeleine [mailto:mquainton@kpb.us]
Sent: Tuesday, October 25, 2022 10:24 AM
To: John Czarnezki <jczarnezki@soldotna.org>; Jennifer Hester <jhester@soldotna.org>
Subject: PLAT REVIEW FOR November 14, 2022 MEETING: City of Soldotna

Hello,

Attached are the plats to be reviewed for the **November 14, 2022** meeting.

- Heath Subdivision No 5 KPB 2022-153

Please provide comments by **November 2, 2022** to ensure the comments will be included in a preliminary plat staff report.

Preliminary plat comments will be accepted until 1:00p.m. Friday before the Plat Committee's meeting date.

Kind regards,

Madeleine Quainton
Platting Technician
Planning Department
Ph: (907) 714-2207
Fx: (907) 714-2378

Quinton, Madeleine

From: Percy, Colton T (DFG) <colton.percy@alaska.gov>
Sent: Wednesday, November 2, 2022 12:44 PM
To: Quinton, Madeleine
Subject: <EXTERNAL-SENDER>FW: PLAT REVIEW FOR November 14, 2022 MEETING: Plat Review State Group; GCI; Enstar; HEA; ACS
Attachments: Plat Revision KPB 2021-003R1 Reduced.pdf; Plat Prelim KPB 2022-153 Reduced.pdf; Plat Prelim KPB 2022-156 Reduced.pdf; Plat Prelim KPB 2022-158 Reduced.pdf; Plat Prelim KPB 2022-155 Reduced.pdf; Plat Prelim KPB 2022-157 Reduced.pdf; Plat Prelim KPB 2022-159 Reduced.pdf; Plat Prelim KPB 2022-125R1 Reduced.pdf; Plat Prelim KPB 2022-160 Reduced.pdf; Plat Prelim KPB 2022-161 Reduced.pdf

CAUTION: This email originated from outside of the KPB system. Please use caution when responding or providing information. Do not click on links or open attachments unless you recognize the sender, know the content is safe and were expecting the communication.

Hi Madeleine,

Alaska Department of Fish and Game (ADF&G) has reviewed these proposed platting actions, including KPB 2022-162. ADF&G has no objections to the proposed platting actions as they will not affect public access to public lands and waters. ADF&G has the following comments:

KPB 2022-153: This plat depicts Soldotna Creek which is cataloged as anadromous. AWC 244-30-10010-2039

KPB 2022-158: This plat depicts North Fork Anchor River which is cataloged as anadromous. AWC 244-10-10010-2011

KPB 2022-153: This plat depicts Soldotna Creek which is cataloged as anadromous. AWC 244-30-10010-2039

KPB 2022-160: The correct name of the creek is Bidarki Creek, not Bidarka as depicted on the plat and the plat notes. Bidarki Creek is not anadromous.

Anadromous waters are identified to be important habitat for salmon. Any modifications to the streambank or streambed of an anadromous stream requires a permit from the ADF&G Division of Habitat.

Thank you, as always for the opportunity to review and comment.

Colton T. Percy

Habitat Biologist

Access Defense Program

Alaska Department of Fish and Game

Division of Wildlife Conservation

333 Raspberry Rd

Anchorage, AK 99518

907-267-2118

From: Quinton, Madeleine <mquinton@kpb.us>

Sent: Tuesday, October 25, 2022 10:23 AM

To: 'Olewniczak, Iwo' <iwo.olewniczak@acsalaska.com>; Marsengill, Dale <DMarsengill@HomerElectric.com>; ENSTAR ROW <row@enstarnaturalgas.com>; Biloan, Joselyn (DOT) <joselyn.biloan@alaska.gov>; Keiner, Robert (DOT) <bob.keiner@alaska.gov>; 'ospdesign@gci.com' <ospdesign@gci.com>; Percy, Colton T (DFG) <colton.percy@alaska.gov>; 'Huff, Scott' <shuff@HomerElectric.com>

Cc: 'Zubeck, Brad' <BZubeck@HomerElectric.com>

Subject: PLAT REVIEW FOR November 14, 2022 MEETING: Plat Review State Group; GCI; Enstar; HEA; ACS

CAUTION: This email originated from outside the State of Alaska mail system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,

Attached are the plats to be reviewed for the **November 14, 2022** meeting.

- Sleepy Hollow Longmere Landing Addition KPB 2021-003R1
- Heath Subdivision No 5 KPB 2022-153
- Tatum Denise Subdivision Derks Lake Addition KPB 2022-155
- Centennial Shores Subdivision 2023 Replat KPB 2022-156
- Levan-Sterling Subdivision KPB 2022-125R1
- Lloyd Race Lot 4 Replat KPB 2022-157
- ASLS No 2021-37 North Fork Micro AG Subdivision KPB 2022-158
- Questa Woods Subdivision Unrein Addition KPB 2022-159
- Bidarki Creek No. 5 KPB 2022-160
- James 2022 KPB 2022-161

Please provide comments by **November 2, 2022** to ensure the comments will be included in a preliminary plat staff report.

Preliminary plat comments will be accepted until the 1:00 p.m. Friday before the meeting date.

Madeleine Quainton

Platting Technician

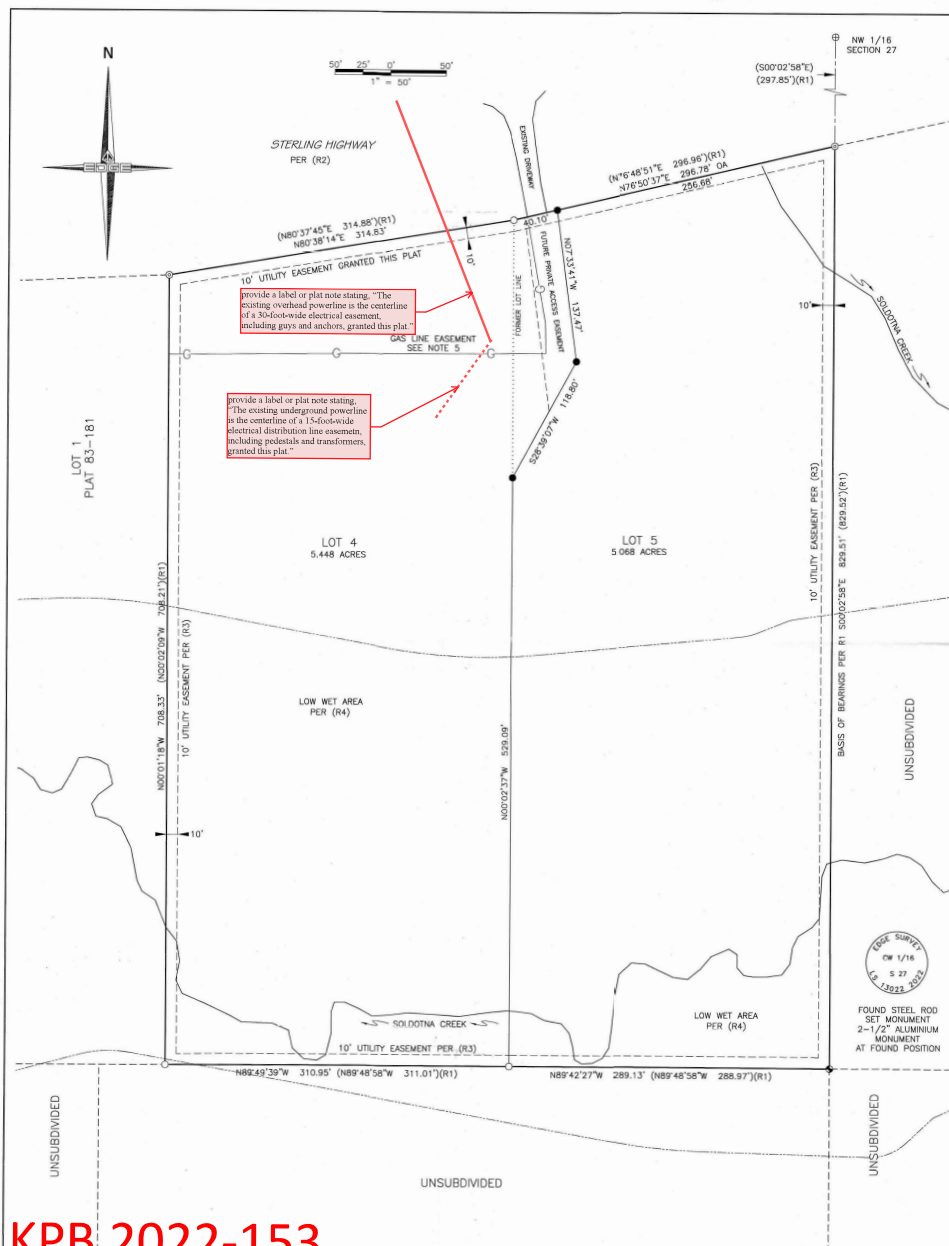
Planning Department

Ph: (907) 714-2207

Fx: (907) 714-2378

KENAI PENINSULA BOROUGH
144 North Binkley Street
Soldotna, Alaska 99669





KPB 2022-153

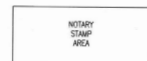
NOTES

- 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.
- PER THIS PLAT 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.
- ANADROMOUS HABITAT PROTECTION NOTE: PORTIONS OF THIS SUBDIVISION ARE WITHIN THE KENAI PENINSULA BOROUGH ANADROMOUS HABITAT PROTECTION DISTRICT. SEE KPB CHAPTER 21.18 AS MAY BE AMENDED, FOR RESTRICTIONS THAT AFFECT DEVELOPMENT IN THIS SUBDIVISION.
- THIS PLAT SUBJECT TO 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. 691, 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. 2466, 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.
- THIS PLAT SUBJECT TO EASEMENT AFFECTING THE PORTION OF SAID PREMISES AND FOR THE PURPOSES STATED HEREIN, AND INCIDENTAL PURPOSES THERETO: FOR PIPELINES AND RELATED PURPOSES, IN FAVOR OF: ENSTAR NATURAL GAS COMPANY, RECORDED: MARCH 12, 2008, SERIAL NO. 2008-002552-0, AS SHOWN.
- THIS PLAT 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 OF SELDOTNA CREEK AND ANY QUESTIONS OF RIGHT OF ACCESS TO THE CREEK IN THE EVENT SAID LANDS DO NOT IN FACT ABUT THE CREEK.
- WASTEWATER DISPOSAL: THESE LOTS ARE 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 SYSTEM MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

NOTARY ACKNOWLEDGEMENT

FOR: JANICE K. SHIELDS
ACKNOWLEDGED BEFORE ME
THIS DAY OF 2022

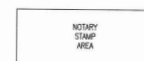
PUBLIC NOTARY SIGNATURE



NOTARY ACKNOWLEDGEMENT

FOR: DONALD E. SHIELDS
ACKNOWLEDGED BEFORE ME
THIS DAY OF 2022

PUBLIC NOTARY SIGNATURE



LEGEND

- | | |
|---------------------------------------|------------------------------|
| ○ PRIMARY MONUMENT OF RECORD | — SUBDIVISION BOUNDARY |
| ○ FOUND YELLOW PLASTIC CAP | --- INTERIOR LOT LINE |
| ● FOUND 1" IRON PIPE IN MONUMENT CASE | --- ADJACENT PROPERTY LINE |
| ● SET PRIMARY MONUMENT AS REFERENCED | --- LOW WET AREA |
| ● SET PROPERTY CORNER | --- 10 FOOT UTILITY EASEMENT |
| ● 5/8" X 30" REBAR | --- FORMER LOT LINE |
| ● WITH 2" ALUMINUM CAP | --- MONUMENT LINE |
| ● STAMPED EDGE SURVEY LS-13022 2022 | --- G GAS LINE |
| (R1) RECORD DATA, SEE REFERENCE | |
| OA OVERALL | |

REFERENCES

- (R1) HEATH SUBDIVISION NO. 4, PLAT 2006-97, KENAI RECORDING DISTRICT
(R2) STATE OF ALASKA RIGHT OF WAY MAP, PROJECT IR-043-3(3) PLAT 2013-26, KENAI RECORDING DISTRICT
(R3) HEATH SUBDIVISION NO. 3, PLAT 83-181, KENAI RECORDING DISTRICT
(R4) KENAI WATERSHED FORUM WETLANDS INVENTORY

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF APRIL 25, 2022.
KENAI PENINSULA BOROUGH

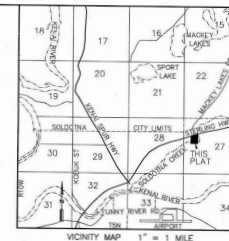
AUTHORIZED OFFICIAL

CERTIFICATE OF SURVEYOR

I, MARK ANONETTI 13022-5, 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.



PRELIMINARY PLAT

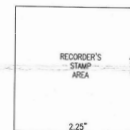


CERTIFICATE OF OWNERSHIP AND DEDICATION

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

JANICE K. SHIELDS
42737 STERLING HIGHWAY
SELDOTNA, ALASKA 99569

DONALD E. SHIELDS
42737 STERLING HIGHWAY
SELDOTNA, ALASKA 99569



KPB FILE NO. 2022-XXX

HEATH SUBDIVISION NO. 5

A SUBDIVISION OF
LOTS 2A AND 3A
HEATH SUBDIVISION NO. 4
PLAT 2006-97 KENAI RECORDING DISTRICT

OWNERS:

JANICE K. SHIELDS AND
DONALD E. SHIELDS
42737 STERLING HIGHWAY
SELDOTNA, ALASKA 99569

LOCATED WITHIN NW 1/4 SECTION 27,
T.5N., R.10W., S.M.
STATE OF ALASKA
KENAI PENINSULA BOROUGH
KENAI RECORDING DISTRICT
CITY OF SELDOTNA

CONTAINING 10.516 ACRES



12501 OLD SEWARD, D
ANCHORAGE, AK 99515
Phone (907) 344-9990 Fax (907) 344-7794
AEC# 1392

DRAWN BY:	DATE:	PROJECT:
21	10/10/2022	22-260
CHECKED BY:	SCALE:	SHEET:
MA	1" = 50'	1 OF 1

Quainton, Madeleine

From: Jennifer Hester <jhester@soldotna.org>
Sent: Thursday, October 13, 2022 3:39 PM
To: Quainton, Madeleine
Cc: Jason Young
Subject: <EXTERNAL-SENDER>Heath Subdivision 2022 Replat
Attachments: 22PM1005 unapproved.pdf; 22PRS011_approved_not signed.pdf; 22PRS011_packetitem.pdf

CAUTION: This email originated from outside of the KPB system. Please use caution when responding or providing information. Do not click on links or open attachments unless you recognize the sender, know the content is safe and were expecting the communication.

Dear Madeleine,

Please see attached for the Heath Subdivision 2022 Information.

There were a few items Jason & I chatted about potentially changing from the preliminary plat submitted to us to what the KPB will have submitted:

- Plat note #1 refers to a 20 ft. building setback. A general note referencing the City's Zoning code would be preferred. (Two reasons, we could amend our zoning code & the setback distances then could change, or the change of use could be different. This property is in the Commercial District with no setbacks, but then if the use is single-family residential then the 20 ft. setback would be required. However the use of recreational lodging typically wouldn't trigger the setback as the use is defined differently in our code)
- I'm not sure if the KPB will want you to call out Soldotna Creek again in the Northeast corner of the plat. The location & name is clearly legible to the south, just the stream line is broken. (I haven't encountered that broken depiction before.... You likely know better than I what the standard is.)

Also, this is between the DOT & landowners, but there is a letter in our records from DOT that requires a new driveway permit upon replat (page 15 of the packet item, last paragraph). We had never seen this before. Our Public Works Director sent an email to DOT about this but never heard back.

Kind regards,
Jen

 **Jennifer Hester**
Associate Planner
City of Soldotna | jhester@soldotna.org
P: 907.714.1234 F: 866.743.2194

CALL TO ORDER & PLEDGE OF ALLEGIANCE

A Regular Meeting of the Soldotna Planning and Zoning Commission was held on October 5, 2022. Chair Vadla called the meeting to order at 5:30 p.m.

There were present:

Kaitlin Vadla, Chair
Charlene Tautfest
Thomas Anderson
Dennis Murray

Sonja Barbaza
Jenny Smithwick-Aley
Mark Burton

Comprising a quorum of the Commission.

There were absent:

None

Also in attendance were:

Paul Whitney, Mayor
Lisa Parker, City Council Ex-Officio
John Czarnecki, Director of Economic Development and Planning Department
Jennifer Hester, Associate Planner

APPROVAL OF THE AGENDA

MOTION: Commissioner Anderson moved to suspend the rules and address agenda item 5. A. Granting a Conditional Use Permit for the Development of a Storage Yard at 199 Karen St immediately following agenda item 7. B. Recommending Approval of the John Buchanan Subdivision.

VOTE ON MOTION:

Yes: Anderson, Barbaza, Burton, Murray, Smithwick-Aley, Tautfest, Vadla

No: None

Absent: None

MOTION PASSED: 7 Yes, 0 No, 0 Absent

The agenda was approved as amended unanimously.

APPROVAL OF THE MINUTES

The September 7, 2022 meeting minutes were approved unanimously.

NEW BUSINESS**Resolution PZ 2022-011 – Recommending Approval of the Heath Subdivision**

MOTION: Commissioner Anderson moved to approve Resolution PZ 2022-011.

Associate Planner Hester summarized the written staff report.

Commissioner Murray inquired as to the placement of the buildings on Lot 2A and access.

Associate Planner Hester stated the buildings are on proposed Lot 4, currently Lot 2A, and the access is from a driveway that will be on Lot 4, currently Lot 3A. She was unable to find an access agreement in the Record's Office.

Council Member Parker inquired as to the access of Lot 2A.

Associate Planner Hester stated that the access is a shared driveway created by the Department of Transportation (DOT) for the two lots.

Commissioner Anderson asked if Lot 3A's access would still be shared or if Lot 5 would have to put in a new driveway.

Associate Planner Hester stated that her understanding is for a shared access between the two lots.

Chair Vadla inquired as to the split zoned properties, if there are standards for driveways and access points for Commercial properties specifically along that stretch of the Sterling Highway. She hopes that the access points along the Sterling Highway are as safe as possible.

Director Czarnezki stated the DOT grants access to established lots on the Sterling Highway regardless of their zoning.

Chair Vadla asked for public comment.

The following person spoke in support of Resolution PZ 2022-011:

Jason Young, Edge Surveying, stated that technically as Lot 5 fronts the Sterling Highway it has access, but the practicality is not there due to elevation grade. Mr. Young speculated that DOT would not want any additional driveways along that stretch of the Sterling Highway. A private easement shall grant proposed Lot 5 access to proposed Lot 4. A private access easement shall be drafted and recorded after the plat is finalized. The well, waterfall and sign for the Stillwater Chalets encroaches over the current property line. This replat would correct for the encroachment, making all improvements reside on Lot 4.

Commissioner Anderson asked if there was any residential development on 3A.

Mr. Young stated 3A is vacant.

With no one else wishing to speak, the item was back before the Commission.

VOTE ON MOTION:

Yes: Anderson, Barbaza, Burton, Murray, Smithwick-Aley, Tautfest, Vadla

No: None

Absent: None

MOTION PASSED: 7 Yes, 0 No, 0 Absent

Resolution PZ 2022-012 – Recommending Approval of the John Buchanan Subdivision

MOTION: Commissioner Murray moved to approve Resolution PZ 2022-012.

Associate Planner Hester summarized the written staff report.

Associate Planner Hester on behalf of Kyle Kornelis, Director of Public Works, stated "Utility services to Lot 2 may need an easement through Lot 1." The City has not confirmed the existing alignment of the service lines for water and sewer. Soldotna Municipal Code (SMC) 13.10.040(E) and 13.18.040(E) states requirements for replat to be in compliance.

Chair Vadla inquired as to the access to Tract B, the adjacent lot along the Sterling Highway.

Director Czarnezki stated there would not be a change to access in this platting action and the access points shall remain as they are.

Commissioner Murray inquired if Tract B is a separate piece of property or if it is part of the right-of-way.

Director Czarnezki clarified Tract B is a separate piece of property owned by the applicant.

Chair Vadla asked for public comment. With no one wishing to speak, the item was back before the Commission.

VOTE ON MOTION:

Yes: Anderson, Barbaza, Burton, Murray, Smithwick-Aley, Tautfest, Vadla

No: None

Absent: None

MOTION PASSED: 7 Yes, 0 No, 0 Absent

PUBLIC HEARINGS

Resolution PZ 2022-013 – Granting a Conditional Use Permit for the Development of a Storage Yard at 199 Karen St

MOTION: Commissioner Anderson moved to approve Resolution PZ 2022-013.

Director Czarnezki summarized the written staff report.

Commissioner Murray stated the storage yard next to the parcel does not have either type of buffers on either side.

Director Czarnezki was not aware of when the site was developed and if it predates the section of code regarding buffer requirements. The lot may have originally developed as a parking lot and expanded its use to include a storage component.

Commissioner Anderson asked for the City's standards for barb wire and stated it is not decorative.

Director Czarnezki stated there is no City standard for barb wire, and there is no definition that would help determine if such a fence would meet the definition of "decorative" or not. Although he agrees barb wire is not decorative, Director Czarnezki also understands the applicants need to provide security to the property.

Commissioner Anderson clarified that the application states 6 ft. chain link fence with vinyl slats and barb wire. He inquired if the fence was at the 8 ft. standard without barb wire, would that provide enough protection.

Commissioner Smithwick-Aley inquired as to City Code requirements regarding the 6 ft. instead of the 8 ft. fence condition.

Director Czarnezki stated that there are two sections of Soldotna Municipal Code that are in conflict. One section requires 6 ft. and one sections requires 8 ft. Staff recommends the 6 ft. is adequate for buffering. However, it is up to the commission to approve the resolution as provided.

Commissioner Burton stated that a 6 ft. fence with barb wire would not be considered decorative. His preference is to raise the fence to 8 ft. and remove the barb wire.

Chair Vadla inquired into the paving requirement.

Director Czarnezki stated that paving is required by code for all access aisles and parking areas from a paved street in the Commercial District. As there are no parking areas, the access way is recommended to be paved to access the connexes.

Commissioner Anderson verified that the recommendation is to pave all the way through the lot verses up to the gate and have a gravel pad.

Director Czarnezki verified that is how the conditions are recommended. The Planning Commission is able to amend the resolution.

Commissioner Anderson inquired as to the benefit to the City by requiring the entire access way to be paved. He also asked if it is the intention of the applicant to pave the area or is the paving of the access way what staff recommends as a conditional requirement.

Director Czarnezki stated that a benefit of paving is to have better containment of gravel and materials from being transported to the street. Additionally, there is paving requirements for esthetics, ease of travel and safety. The applicant did not indicate anything to be paved on the submitted site plan. This occurs often in site plan applications as code requirements are not always known. Staff then provides the interpretation of the code minimum requirements.

Commissioner Barbaza inquired to the code's requirement of paving and the feasibility of access.

Director Czarnezki clarified the City Code states access areas and parking areas need to be paved. The paving of the access area was staff's interpretation of how the lot would be used in relation to ingress and egress.

Commissioner Tautfest stated she is a board member of Peninsula Community Health Services (PCHS) and wanted to ensure that was not a conflict of interest.

Chair Vadla did not deem a conflict as Charlene is not receiving any financial compensation.

Chair Vadla opened the public hearing.

The following person spoke in support of Resolution PZ 2022-013:

Chris Cruickshank, Soldotna, does not believe raising the fence to 8 ft. would stop theft of building materials. The fence in the adjacent lot that Legacy Electric's fence would be abutting is also a 6 ft. fence with barb wire and the proposed fence in the application would match the neighboring existing fence.

Commissioner Murray stated that for someone attempting to gain entry a 6 ft. fence with barb wire for would cause injury verses an 8 ft. fence makes it less hostile.

Chair Vadla stated her concern that Karen Street Park is near and likely shall see an increase in youth access as the park expands. She asked if there is a better deterrent than barb wire, for example video cameras or other security, that would deter from theft but also be safe.

Chris Cruickshank stated that barb wire is the best deterrent for theft and that future plans include the construction of a structure to house materials.

Commissioner Smithwick-Aley inquired as to the storage of materials in the yard outside of the connexes and for the intention of paving.

Chris Cruickshank stated that materials will be stored in the yard as well as in connexes. The preference is to not pave beyond the gate, as that pavement in the access area will be removed upon future development.

Chair Vadla stated her support of the retention of trees as a buffer.

Commissioner Tautfest mentioned the neighboring PCHS lot had issues with vehicles being vandalized and that is the reason for the fence and barb wire of their parking lot.

Commissioner Anderson supported matching the existing fence next door and to remove the requirement to pave as it may be an unnecessary cost. Paving to the gate would be beneficial to the City. He inquired as to the landscaping plans for Legacy Electric.

Chris Cruickshank has no plans in place, but knew that there would be requirements in the future to landscape.

With no one else wishing to speak, the item was back before the Commission.

Commissioner Anderson would like to amend the resolution to only pave up to the gate.

Chair Vadla stated that Streets Department had more work with the absence of paving. Runoff mitigation may be different.

Director Czarnezki stated that grading requirements come in when a structure is placed, so that runoff moves away from buildings, does not flow to neighboring lots and is kept on site.

Associate Planner Hester stated on behalf of Mike Allen, the City's Utility Manager, that the parcel is within 300 ft. of existing water and sewer mains and future development would be required to connect to City infrastructure.

MOTION TO AMEND: Commissioner Murray moved to amend the seventh whereas, item number 5, of Resolution PZ 2022-013 as follows:

5. All landscaping and paving up to the gate of the property owner shall be complete by July 1, 2023.

VOTE ON MOTION TO AMEND:

Yes: Anderson, Barbaza, Burton, Murray, Smithwick-Aley, Tautfest, Vadla

No: None

Absent: None

MOTION TO AMEND PASSED: 7 Yes, 0 No, 0 Absent

MOTION TO AMEND: Chair Vadla moved to amend the seventh whereas, item number 1 of Resolution PZ 2022-013 as follows:

1. ~~A six-foot~~ An eight-foot tall decorative fence shall be constructed to screen the storage yard. The fence shall be setback from the property lines at least 10-feet to allow for the required buffer landscape bed.

Commissioner Tautfest inquired into the availability to purchase eight-foot vinyl slats. She asked if the eight-foot fence would include the barbwire and if the applicant wants to install an eight-foot fence.

Chair Vadla stated the eight-foot vinyl slats are available, the applicant is fine with either height of the fence and that the eight-foot would include barb wire.

Commissioner Smithwick-Aley inquired if the property would share a fence with the adjacent lot and would construct a fence that is three sided. She asked if the three sides would be required to be eight-foot in height, while the forth is six-foot in height.

Commissioner Tautfest inquired if the fence height requirement was left at six-foot could the applicant install an eight-foot fence.

Director Czarnezki stated the six-foot. would be the minimum and the applicant could install a taller fence if elected to do so.

Chair Vadla stated that an eight-foot fence is not outside of what normally would be required by Code.

Commissioner Anderson affirmed that the fence would have three sides of an eight-foot requirement and on the forth side, the existing building and a span of six-foot fence of the neighboring lot would remain in place.

Commissioner Burton inquired as to the benefit to reduce the space between trees in the buffer landscaping requirement.

Director Czarnezki stated the buffer landscaping code requires a 15-foot wide landscaping bed with two rows of trees. The trees are to be spaced 20 ft. apart & staggered. The code allows for a six-foot decorative fence to be in place of one row of trees. If the commissioner prefers something else to meet the intent of the code, then the resolution can be amended.

Commissioner Anderson stated that if the barb wire will be installed regardless of the height of the fence then the additional two-feet does not seem to be a necessary requirement.

VOTE ON MOTION TO AMEND:

Yes: Anderson, Barbaza, Murray, Vadla

No: Burton, Smithwick-Aley, Tautfest

Absent: None

MOTION TO AMEND PASSED: 4 Yes, 3 No, 0 Absent

MOTION TO AMEND: Commissioner Murray moved to amend the second whereas, nithe item pf the Resolution PZ 2022-013 as follows:

9. ~~A six-foot~~ An eight-foot tall decorative fence meets the intent of Soldotna Municipal Code to partially buffer the proposed use.

VOTE ON MOTION TO AMEND:

Yes: Anderson, Burton, Barbaza, Murray, Vadla

No: Smithwick-Aley, Tautfest

Absent: None

MOTION TO AMEND PASSED: 5 Yes, 2 No, 0 Absent

VOTE ON MAIN MOTION AS AMENDED:

Yes: Anderson, Barbaza, Burton, Murray, Smithwick-Aley, Tautfest, Vadla

No: None

Absent: None

MAIN MOTION AS AMENDED PASSED: 7 Yes, 0 No, 0 Absent

The resolution was approved as amended unanimously.

REPORTS

Council Member Parker reported that Council appealed the judge's decision for Annexation. The City Clerk position is still open with a hiring bonus to be provided. The voters in Soldotna supported the Field House.

Mayor Whitney reported that the Accessory Dwelling Unit Ordinance is before Council. The bond issue passed, and the Field House will be a great benefit to the community. The Riverfront Redevelopment consultants are doing the preliminary studies and hope to see results in the next few months. The new fire station and school remodeling bonds also passed, and the City will have a lot of construction as a result.

Mayor Whitney extended his gratitude for the work of the Planning Commission.

Director of Economic Development and Planning Czarnezki reported that the consultants for the Riverfront Redevelopment Project met with staff last week and met with nine different stakeholders from the community, including Mayor Whitney and a member of the Planning Commision, Commissioner Smithwick-Aley.

COMMISSION COMMENTS

Commissioner Smithwick-Aley commented that she would like to see updates to the Commercial Zoning District to restrict the uses allowed within the district and disallow storage units to be a conditional use. Storage units and storage yards are industrial, not commercial. Where Legacy Electric applied to construct the storage yard, that type of storage facility use is already present. It's regrettable that is where the skate park is located. Moving the skate park may be ideal so there is no temptation to climb a barb wire fence. We don't want to discourage a barb wire fence for protection, but it's not what we are looking for as a buffer in beautification. Whether the fence is six-foot or eight-foot, the intention of a beautification buffer is not met. This brings the conversation back to if that use should be in that area.

Commissioner Smithwick-Aley also commented about the new cannery at K-Beach and the Sterling Highway. That building looks like it should be down Cannery Road. The commission can do work to improve the façade standards and architecture with rooflines or other changes in the architecture. Other cities have similar buildings that are more esthetic. She asked what can we do so that buildings don't look like a warehouse that belong somewhere else.

Commissioner Anderson commented that there was work done with the Planning Commission for beautification. The timeframe could be expedited so new buildings that are constructed have a different standard.

Director Czarnezki stated the Commission has held multiple work sessions on the uses in the Commercial District as well as Façade Design. The uses will be discussed with our Riverfront Redevelopment consultants as to when is the appropriate time to implement those code changes.

Commissioner Burton voiced his support for what the other Commissioners said. He would like to take a part of workshops or future work to implement those changes.

Commissioner Tautfest voiced her support for what the other Commissioner said.

Chair Vadla expressed her gratitude for the Mayor's attendance to the meeting and for the work he did towards the Field House and the other developments that are in place.

Chair Vadla stated the workshops that the Commission conducted had the intention to place stop-gap measures before new construction was underway. We see in hindsight what changes we wish had or had not occurred. The proposed changes and standards would affect the way the City looks and be inviting for people to participate in the commercial district. She hopes this can be on the agenda before the end of the year. Implementable measures could be addressed during the sessions.

Chair Vadla commented that she was excited by the field house and inquired as to the number of registered voters and the turnout for the vote.

ADJOURNMENT

There being no further business to come before the Commission, Chair Vadla adjourned the October 5, 2022 Planning & Zoning Commission meeting at 7:15 p.m. The next regular meeting is scheduled for 5:30 p.m. on November 2, 2022.

Jennifer Hester, Associate Planner

Approved by the Commission: _____

CITY OF SOLDOTNA
PLANNING AND ZONING COMMISSION
RESOLUTION NO. PZ2022-011

A RESOLUTION RECOMMENDING APPROVAL OF THE HEATH SUBDIVISION 2022

WHEREAS, the attached plat for the Heath Subdivision 2022 was referred to the City of Soldotna Planning and Zoning Commission, and initially received from Edge Survey and Design on August 25, 2022; and

WHEREAS, the City of Soldotna Planning and Zoning Commission find:

1. The Heath Subdivision 2022 allocates 9,343 ft² from the existing Lot 3A to the existing Lot 2A;
2. The parcels are legally described as T 5N R 10W SEC 27 SEWARD MERIDIAN KN 2006097 HEATH SUB NO 4 LOT 2A and as T 5N R 10W SEC 27 SEWARD MERIDIAN KN 2006097 HEATH SUB NO 4 LOT 3A;
3. The two existing lots are owned by the applicants, Donald and Janice Shields;
4. Lot 2A is developed with recreational lodging and Lot 3A is undeveloped;
5. The replat creates Lot 4, a 5.448 acre lot, and Lot 5, a 5.068 acre lot;
6. The properties are split-zoned Commercial and Rural Residential;
7. The surrounding zoning to the north and west is Commercial. The parcel to the east is zoned Institutional District. The parcel to the south is zoned Rural Residential.;
8. Municipal water and sewer are not available;
9. Lot 2A and 3A have a shared access driveway from the Sterling Highway;
10. The plat does not subdivide property within a public improvement district subject to special assessments. There is not a delinquency amount owed to the City of Soldotna for the referenced property;
11. An installation or subdivision agreement is not required;
12. The replat meets all other general standards of Soldotna Municipal Code; and,

WHEREAS, in accordance with SMC 16.10.040.E the City mailed 7 notices to property owners within 300 feet notifying them of the proposed action.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF SOLDOTNA, ALASKA:

Section 1. That the Commission recommends the Kenai Peninsula Borough Planning Commission approve the Heath Subdivision 2022 subject to the findings as stated above.

Section 2. A copy of this resolution shall be forwarded to the Kenai Peninsula Borough Planning Department for their consideration.

Section 3. This resolution shall become effective immediately upon its adoption.

PASSED BY THE PLANNING AND ZONING COMMISSION THIS 5th DAY OF OCTOBER, 2022.

Kaitlin Vadla, Chair

ATTEST:

Jennifer Hester, Associate Planner

Yes: Anderson, Barbaza, Burton, Murray, Smithwick-Aley, Tautfest, Vadla
No: None
Absent: None

TO: Planning and Zoning Commission
THROUGH: John Czarnezki, Director of Economic Development & Planning
FROM: Jennifer Hester, Associate Planner
DATE: September 12, 2022
SUBJ: Resolution PZ 2022-011 Recommending Approval of the Heath Subdivision 2022

GENERAL INFORMATION

Applicant(s): Don & Janice Shields
42737 Sterling Highway
Soldotna, AK 99669
Jason Young
Edge Survey & Design
PO Box 208
Kasilof, AK 99610

Legal descriptions: T 5N R 10W SEC 27 SEWARD MERIDIAN KN 2006097
HEATH SUB NO 4 LOT 2A
T 5N R 10W SEC 27 SEWARD MERIDIAN KN 2006097
HEATH SUB NO 4 LOT 3A

Parcel IDs: 059-320-43 (Lot 2A)
059-320-44 (Lot 3A)

Physical Address: 42737 Sterling Hwy (Lot 2A)

Location: Between Milepost 92.5 and 93 of the Sterling Highway

Size of Existing Lots: 5.24 acres (Lot 2A)
5.28 acres (Lot 3A)

Size of Proposed Lots: 5.448 acres (Lot 2A; proposed Lot 4)
5.068 acres (Lot 3A; proposed Lot 5)

Zoning: Split zoned: commercial in the north halves and rural residential in the southern halves.

Existing Land Use: Lot 2A is developed with recreational lodging.

**Surrounding Zoning
and Land Use:**

North:	Commercial	Undeveloped
South:	Rural Residential	Undeveloped
East:	Institutional District	AK Forestry
West:	Commercial	Undeveloped

**Kenai River Overlay
District (KROD):**

The property does not contain land within the KROD.

Utilities:

The property is not served by municipal sewer and water

Access:

Access is provided via the Sterling Highway.

BACKGROUND INFORMATION

The proposed preliminary plat for the Heath Subdivision 2022 intends to transfer 9,343 ft² from Heath Subdivision No. 4 Lot 3A to Lot 2A. Lot 2A is currently developed with recreational lodgings. The petitioner, Edge Survey & Design, submitted the application on behalf of the owners of record for the two parcels, Don & Janice Shields, on August 25, 2022. The intention is to have all the infrastructure and improvements on one lot.

Lot 2A (42737 Sterling Highway) is developed with four single-family dwellings used for recreational lodging and is served by a driveway that extends across the property line into Lot 3A. The driveway was developed by the State of Alaska Department of Transportation in exchange for a portion of Lot 2 and 3 during a highway project in 2006. The shared access at that time was relinquished and one shared driveway access for Lots 2 and 3 was relocated directly across the Sterling Highway from Mackey Lake Road. A letter from the Department of Transportation states “it was a benefit to the Department, and for the safety of the traveling public, that the shared access be relinquished and one shared driveway access for Lots 2 and 3 be relocated directly across the Sterling Highway from Mackey Lake Road.”

This replat would expand Lot 2A so that the access is confined within the newly created Lot 4 (figure 2). A letter from 2006 to the City states “development, replatting, or change in use of a property requires property owners to apply for new driveway permits.”

A replat in 2006 of these two parcels had vacated two easements: a 30’ access easement along a driveway and a 20’ utility easement along a powerline that is no longer in service.

The parcels are split zoned Commercial and Rural Residential. The surrounding parcels to the north and west are zoned Commercial. The parcel to the east is Institutional District. The parcel to the south is zoned Rural Residential.

Legal access to proposed Lot 4 and Lot 5 is provided by the Sterling Highway. Neither municipal water nor sewer are available to the two lots.

Authority to review and approve proposed vacations, abbreviated subdivision plats, subdivision plat waivers, and preliminary plats showing a subdivision of land within the corporate boundary of the City of Soldotna is provided by AS 29.40.010 and Kenai Peninsula Borough (KPB) code 20.25.050, and is codified within Soldotna Municipal Code (SMC) 16.10.040.

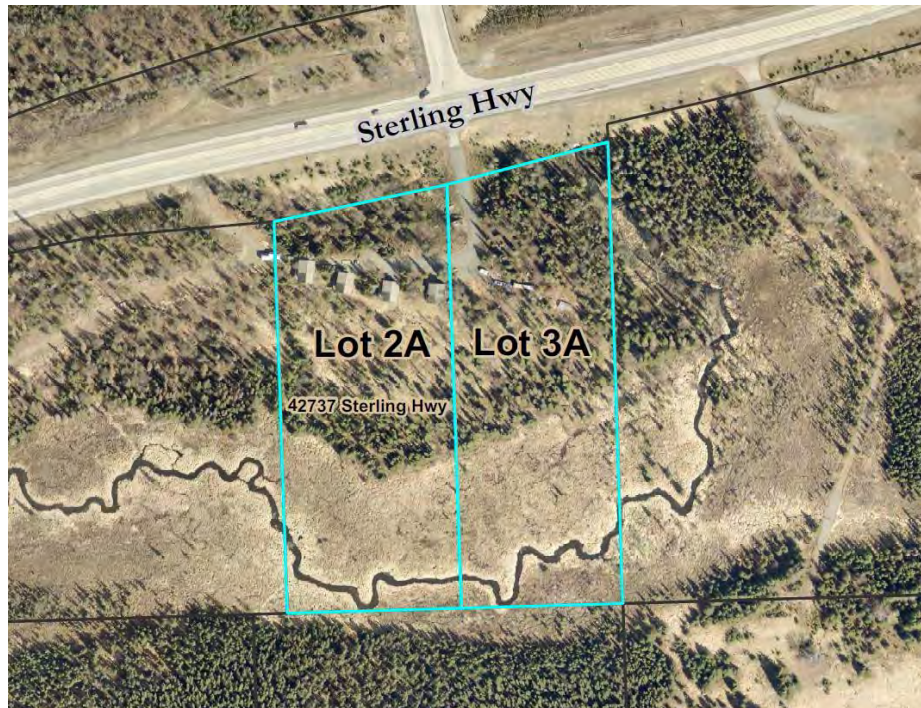


Figure 1. Subject lots to redistribute 9,343 ft² from Lot 2A to Lot 3A.

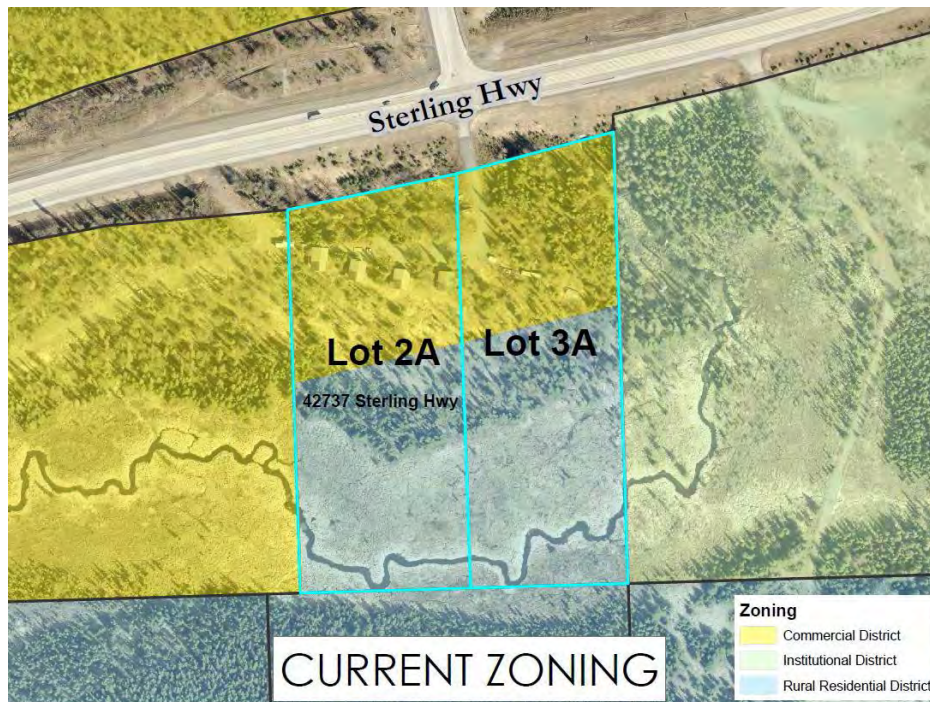


Figure 2. Lot 2A and Lot 3A are currently split zoned.

ANALYSIS

The intent of the Commercial (C) District is to provide an area which is convenient, visually pleasing, contributes to the economic welfare of the community, and allows a wide range of general business and other compatible uses.

Commercial District

Standard		Required	Proposed		Standard Met?	Code Reference
			Lot 4	Lot 5		
Minimum Lot Size		See note*	237,315 ft ²	220,762 ft ²	YES	17.10.265.E.1
Minimum Lot Width		See note*	311 ft.	289 ft.	YES	17.10.265.E.2
Maximum Lot Coverage		30%	2%	No structure	YES	17.10.265.E.3
Maximum Building Height		48 ft.	20 ft.	No structure	YES	17.10.265.E.4
Minimum Yard Setback	Front: Back: Side:	See note**	184 ft. 550 ft. 20 ft.	No structure	YES	17.10.265.E.5

*area, width, coverage and yard setback requirements shall be governed by off-street parking, loading, landscaping, building, and fire code requirements

** Minimum yard, if abutting a residential district is twenty feet; unless a greater distance is specified in a conditional use permit. Approximate setback distances based on aerial imagery.

Rural Residential District

The intent of the Rural Residential District is to provide an area for stable, quiet, and low density residential development and other uses which are both compatible with the maintenance of a rural, open environment and convenient to the residents of such a district. A 131,168 ft² area of Lot 4 and a 139,373 ft² would be rural residential. The rest of the lot is zoned commercial. The preliminary plat meets all the following general standards for the Rural Residential District, which can be found under Section 17.10.230 of the SMC and are summarized in the table below:

Rural Residential District

Standard		Required	Proposed		Standard Met?	Code Reference
			Lot 4	Lot 5		
Minimum Lot Size		40,000 ft ²	237,315 ft ²	220,762 ft ²	YES	17.10.230.E.1
Minimum Lot Width		125 ft.	311 ft.	289 ft.	YES	17.10.230.E.2
Maximum Lot Coverage		30%	2%	No structure	YES	17.10.230.E.3
Maximum Building Height		36 ft.	20 ft.	No structure	YES	17.10.230.E.4
Minimum Yard Setback**	Front: Back: Side:	20 ft. 20 ft. 10 ft.	184 ft. 550 ft. 20 ft.	No structure	YES	17.10.230.E.5

**Approximate setback distances based on aerial imagery.

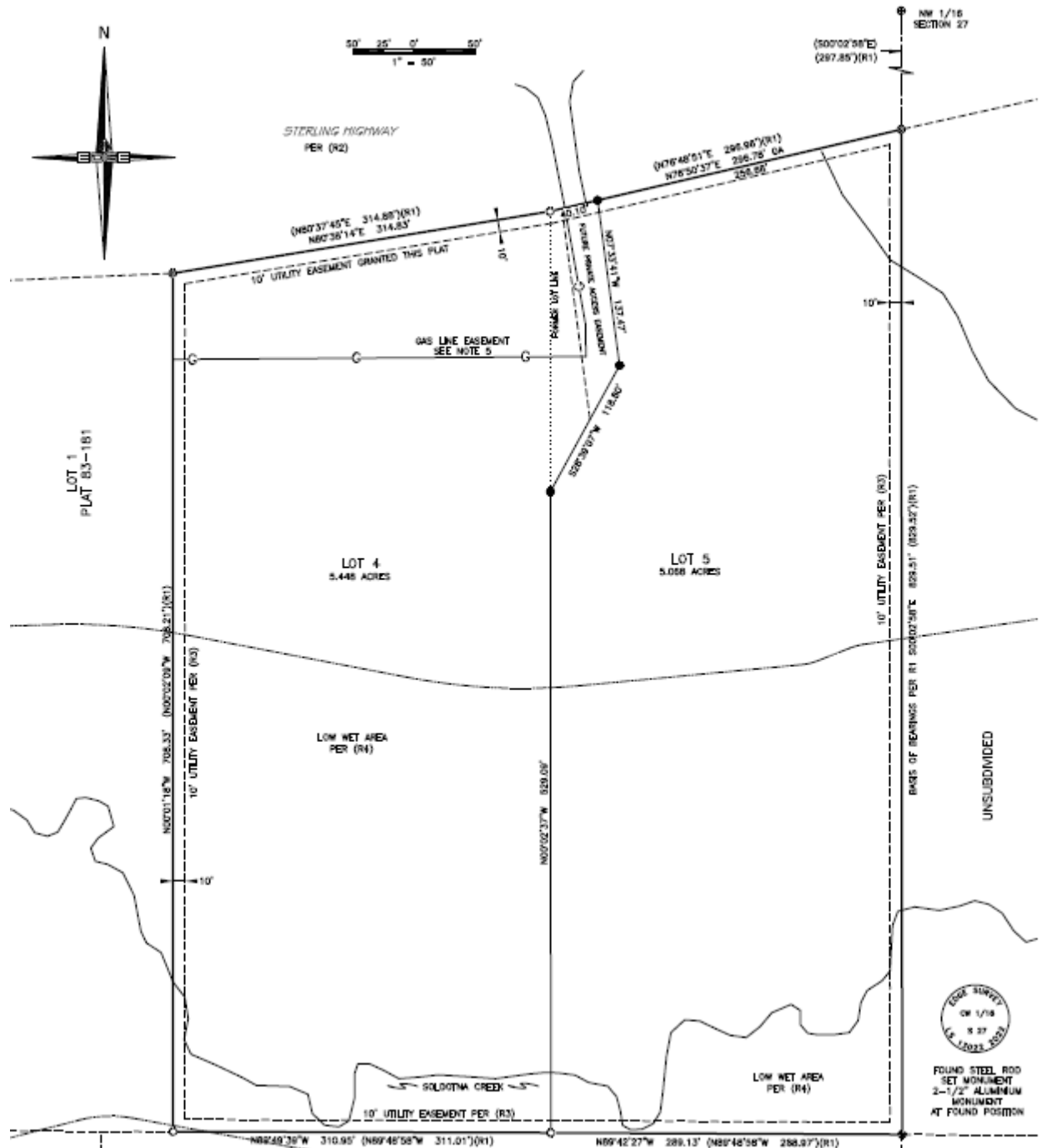


Figure 3. The preliminary plat depicts the location of the driveway that serve the lots.

STAFF COMMENTS

This plat is a reallocation of 9,343 ft² from Lot 3A to Lot 2A.

The plat was circulated to City Staff for review.

Seven (7) public notices were mailed on September 14, 2022. No comments had been received at the time this report was drafted.

STAFF RECOMMENDATION

Staff finds the preliminary plat for Heath Subdivision 2022 meets the general standards of the Soldotna Municipal Code, and therefore recommends approval.

Resolution PZ 2022-011 has been provided for your use, and would recommend approval to the Kenai Peninsula Borough.

Attachments:

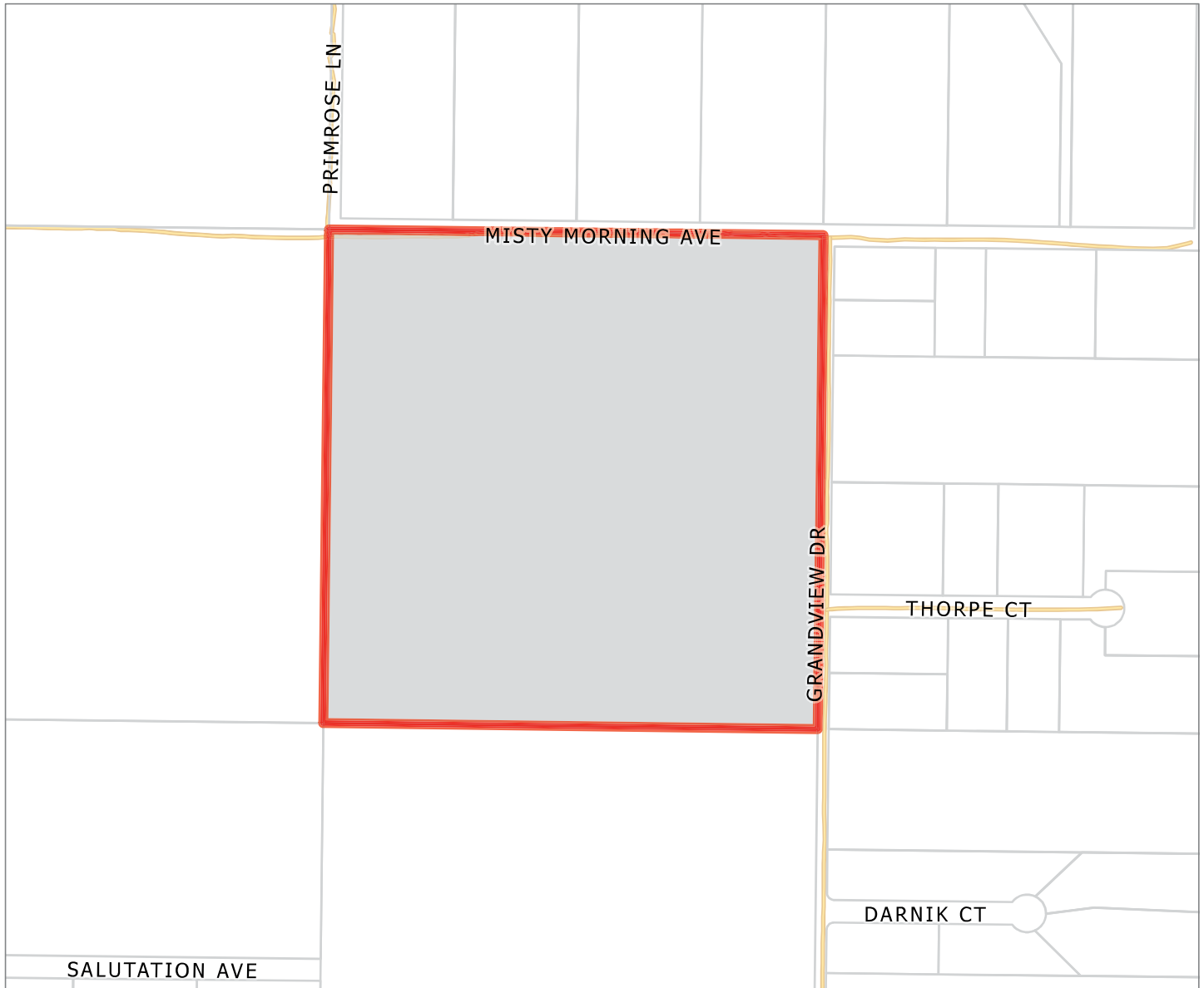
- A. Location Map
- B. Preliminary Plat, Heath Subdivision No. 5
- C. Parent Plat, Heath Subdivision No. 4
- D. Department of Transportation letter Re: 30' Access Easement – Relinquishment Lots 2 and 3, Heath Subdivision No. 3

E. NEW BUSINESS

9. Levan-Sterling Subdivision; KPB File 2022-125R1

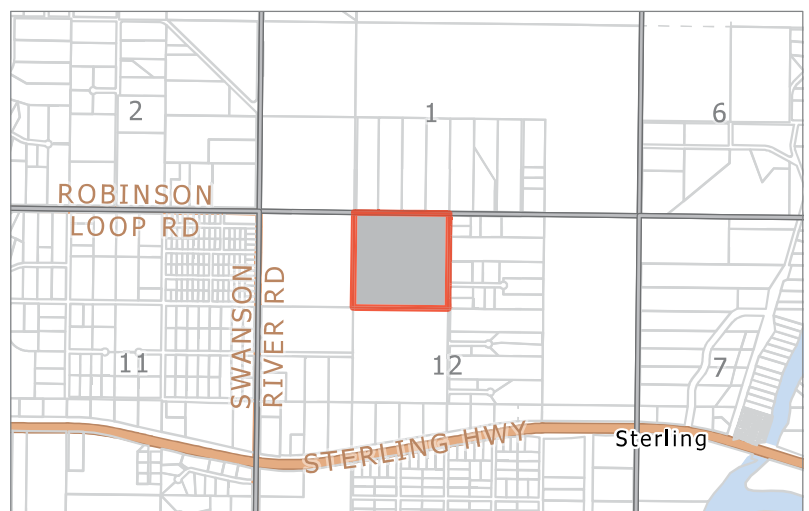
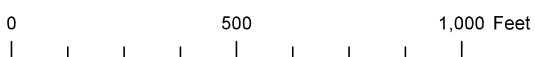


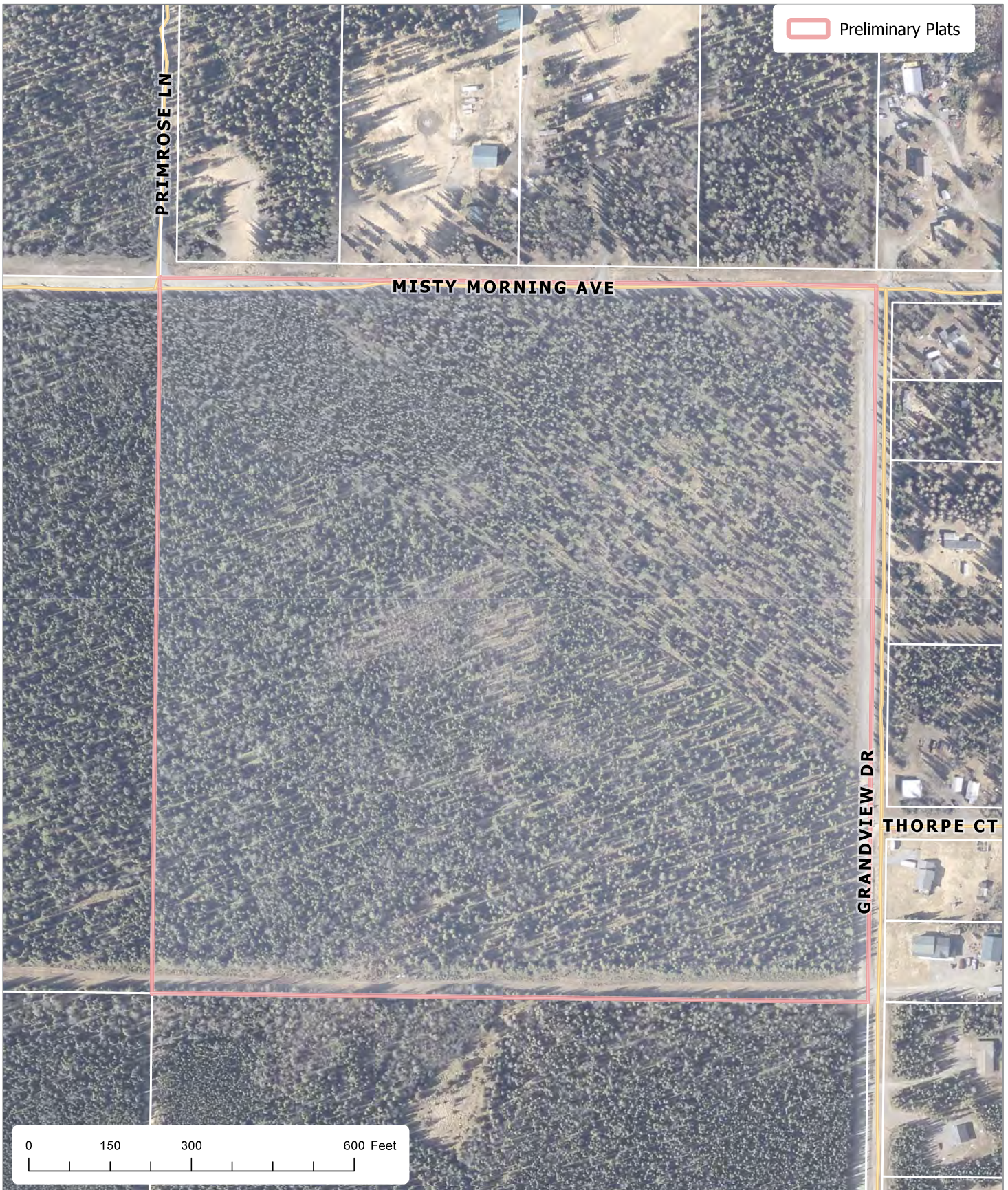
Vicinity Map



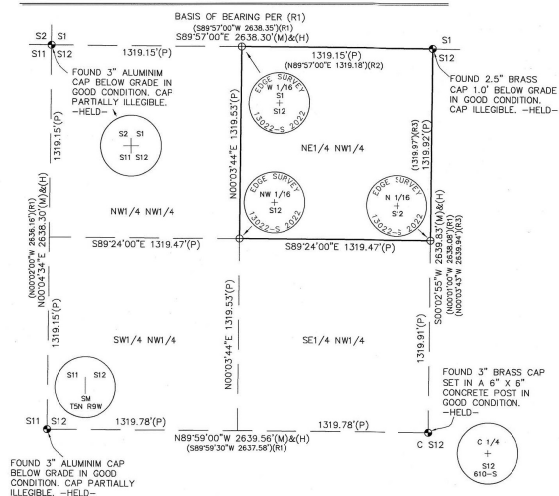
KPB File 2022-125R1
T 05N R 09W SEC 12
Sterling

10/21/2022





NORTHWEST QUARTER OF SECTION 12 BREAKDOWN



NOTES

1. 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. SEE TYPICAL.
2. THE FRONT 10' FEET OF THE 20' BUILDING SETBACK AND THE ENTIRE 20' BUILDING SETBACK WITHIN 5' OF SIDE LOT LINES IS ALSO A UTILITY EASEMENT GRANTED BY THIS PLAT. 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. THESE PARCELS MAY BE AFFECTED BY A GENERAL EASEMENT WITH NO DEFINED LOCATION GRANTED TO HOMER ELECTRIC ASSOCIATION, RECORDED NOVEMBER 15, 1963 N MISC. BOOK 11, PAGE 115, AND ON JANUARY 9, 1964 IN MISC. BOOK 12, PAGE 27 IN THE KENAI RECORDING DISTRICT.
4. THESE PARCELS MAY BE AFFECTED BY AN OIL AND GAS LEASE GRANTED TO MARATHON OIL COMPANY, RECORDED OCTOBER 15, 1999 IN VOLUME 570, PAGE 291 AND ON NOVEMBER 1, 2004 UNDER SERIAL NUMBER 2004-011134-D IN THE KENAI RECORDING DISTRICT.
5. 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).
6. 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.
7. APC TRANSMISSION LINE LOCATED WITHIN THE 60 FOOT RIGHT-OF-WAY AGREEMENT. ANY CONSTRUCTION ACTIVITY CONDUCTED WITHIN THE 60 FOOT RIGHT-OF-WAY NEEDS TO BE COORDINATED WITH APC.
11. EXCEPTION TO KPB CODE 20.30.170, BLOCK LENGTH AND 20.30.100, CUL-DE-SACS WAS GRANTED BY THE KPB PLAT COMMITTEE AT THE MEETING OF NOVEMBER 14, 2022.
12. WASTEWATER DISPOSAL

TRACT A IS AT LEAST 200,000 SQUARE FEET IN SIZE MAY NOT BE SUITABLE FOR ONSITE WASTEWATER TREATMENT AND DISPOSAL. ANY WASTEWATER TREATMENT OF DISPOSAL SYSTEM MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

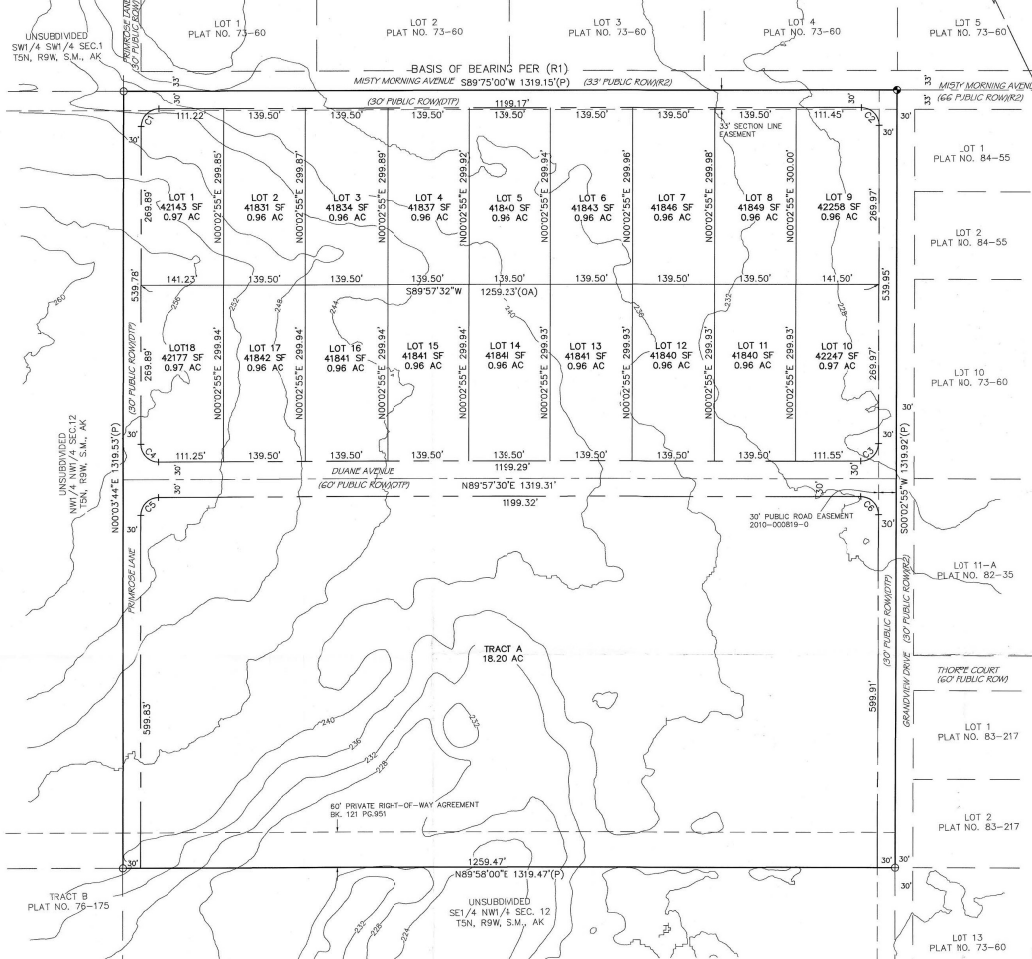
LOTS 1-18 SOIL CONDITIONS, WATER TABLE LEVELS, AND SOIL SLOPES IN THIS SUBDIVISION HAVE BEEN FOUND SUITABLE FOR CONVENTIONAL ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEMS SERVING SINGLE-FAMILY OR DUPLEX RESIDENCES AND MEETING THE REGULATORY REQUIREMENTS OF THE KENAI PENINSULA BOROUGH. ANY OTHER TYPE 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 DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

ENGINEER LICENSE NUMBER DATE

LEGEND

- (F) FOUND MONUMENT AS NOTED
 (S) SET PRIMARY MONUMENT - AS NOTED
 (R) SET 5/8" X 30" REBAR WITH 2-1/2" ALUMINUM CAP
 (L) AT ALL LOT CORNERS CREATED BY THIS PLAT UNLESS OTHERWISE NOTED
 (R#) RECORD DATA, SEE REFERENCE
 (DTP) DEDICATED THIS PLAT
 (W) MEASURED
 (H) HELD
 (P) PROPORTIONED
- SUBDIVISION BOUNDARY
 INTERIOR LOT LINE
 RIGHT-OF-WAY (DTP)
 ADJACENT PROPERTY
 EASEMENT LINE
 CENTER LINE RIGHT OF WAY

KPB 2022-125R1



PRELIMINARY PLAT

CURVE TABLE					
CURVE #	RADIUS	DELTA	LENGTH	CHORD DIRECTION	CHORD LENGTH
C1	30.00'	89°53'16"	47.07'	S45°00'22"W	42.38'
C2	30.00'	90°05'55"	47.18'	N45°00'03"W	42.46'
C3	30.00'	89°54'35"	47.08'	N45°00'12"E	42.39'
C4	30.00'	90°06'14"	47.16'	S44°59'23"E	42.40'
C5	30.00'	89°53'46"	47.07'	S45°00'37"W	42.39'
C6	30.00'	90°05'25"	47.17'	N44°59'48"W	42.46'

REFERENCES

- (R1) TOWNSHIP PLAT OF TSN, R9W, S.M., ALASKA, ACCEPTED MAY 6, 1941
 (R2) GRANDVIEW SUBDIVISION, PLAT NO. 73-60, KENAI RECORDING DISTRICT
 (R3) RESUBDIVISION LOTS 11&12 GRANDVIEW SUB., PLAT NO. 82-33 KENAI RECORDING DISTRICT

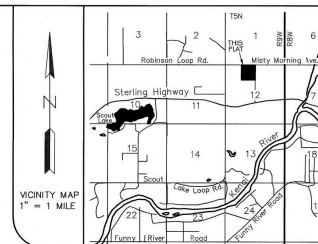
PLAT APPROVAL

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

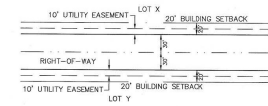
I, THE UNDERSIGNED, HEREBY CERTIFY THAT I, MEL E. LEVAN IS THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND I HEREBY ADOPTE THIS PLAN OF SUBDIVISION AND BY MY FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND GRANT ALL EASEMENTS TO THE USE SHOWN.

MEL E. LEVAN
PO BOX 8676
KODIAK, ALASKA 99615

NOTARY ACKNOWLEDGMENT

FOR: MEL E. LEVAN
ACKNOWLEDGED BEFORE ME THIS ____ DAY OF _____, 2022.

NOTARY PUBLIC FOR STATE OF ALASKA

BUILDING SETBACK TYPICAL
APPLIES TO ALL LOTS CREATED BY THIS PLAT

100' 50' 0' 100'
1" = 100'

KPB FILE No. 2022-125R1

LEVAN-STERLING
SUBDIVISION

A SUBDIVISION OF THE NE1/4 NW1/4 SECTION 12,
TSN, R9W, SEWARD MERIDIAN
KENAI PENINSULA BOROUGH, THIRD JUDICIAL
DISTRICT, STATE OF ALASKA

OWNERS:
MEL E. LEVAN
PO BOX 8676
KODIAK, ALASKA 99615

CONTAINING 39.971 ACRES



8000 KING STREET, ANCHORAGE, AK 99515
Phone (907) 544-2880 Fax (907) 544-7734
AEC 14852 WWW.EDGESURVEY.NET

DRAWN BY: DATE: 10/18/2022 FIELD BOOK: 2108-14
VLB
CHECKED BY: SCALE: 1" = 100' SHEET: 1 OF 1
MA

AGENDA ITEM E. NEW BUSINESS

ITEM 9 – LEVAN-STERLING SUBDIVISION

KPB File No.	2022-125R1
Plat Committee Meeting:	November 14, 2022
Applicant / Owner:	Mel Levan of Kodiak AK
Surveyor:	Jason Young, Mark Aimonetti / Edge Survey and Design, LLC
General Location:	Misty Morning Avenue, Sterling area

Parent Parcel No.:	063-330-47
Legal Description:	NE1/4 NW1/4 Section 12, Township 5 North, Range 9 West
Assessing Use:	Residential
Zoning:	Rural Residential
Water / Wastewater	Onsite

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide a 39.971 acres parcel into 18 lots and one tract ranging in size from 0.96 acres to 0.97 acres for the lots and 17.33 acres for the tract. Several right-of-way dedications are proposed.

This preliminary plat received approval by the Plat Committee on September 12, 2022. The original design contained a dedication along the southern boundary to comply with code. A 60 foot wide easement is within the area the dedication was proposed that was issued to Alaska Pipeline Company (APC). A travelway appeared in imagery and it was determined that this travelway is in relation to the easement and not intended as a public travelway. Per the staff's recommendations that the Plat Committee approved, the owner/surveyor has been working with APC regarding the easement and the best location of the right-of-way. The surveyor began discussions with APC to discuss options for the right-of-way dedication. There is a high pressure pipeline within the easement and while the surveyor located the pipeline, APC was not willing to give up any portions of the easement and did not advise for any right-of-way dedication be granted that overlaps their easement. The surveyor has had discussions with staff regarding the various options previously outlined in the staff report. Several options were possible but it was determined that a redesign would provide a resolution to the issue that helps provide some safety measures in regards to the pipeline.

The redesign follows the same previously approved preliminary plat but without a right-of-way dedication along the southern boundary. This redesign is resulting in the need for exceptions to KPB Code.

Location and Legal Access (existing and proposed): The proposed plat is located on Misty Morning Avenue. Misty Morning Avenue is located north of state maintained Sterling Highway at milepost 83.5 and accessed by state maintained Swanson River Road that provides a connection to the Sterling Highway. Misty Morning Avenue is borough maintained as is Grandview Drive on the east side of the proposed subdivision.

Along the eastern boundary the plat shows a 30-foot right-of-way dedication for Grandview Drive to bring the right-of-way into compliance for width. Grandview Drive is constructed and maintained by the borough. This dedication is occurring atop a public easement granted by recorded document. **Staff recommends the easement label include the recording district or "KRD".**

Two additional dedications are proposed. Along the western boundary is a dedication of a 30-foot right-of-way that is proposed as Primrose Lane and provides a compliant continuation of the dedicated Primrose Lane to the north. Through the middle of the plat is a dedication for a 60-foot right-of-way proposed as Duane Avenue. This dedication will provide a connection between Primrose Lane and Grandview Drive.

Lots 1 – 9 will have access to Misty Morning Avenue, Lots 10 – 18 will have access to Duane Avenue. Tract A will have access to Duane Avenue, Primrose Lane, and Grandview Drive. Lots 9 & 10 will have access to Grandview Drive. Lots 1 & 18 will have access to Primrose Lane.

The northern portion complies with block length. The removal of the dedication along the southern boundary creates a non-compliant block. An exception has been requested for block length. The removal of the southern dedication also results in dead end dedication and an exception to not dedicate a turnaround area has been requested.

A private right-of-way easement exists along the southern boundary that contains a high pressure pipeline. **Staff recommends the label include the recording district or “KRD”.**

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

Site Investigation: The preliminary plat does not contain any steep areas or low wet lands. The land appears to be vacant with no neighboring encroachment issues. As discussed under the legal access portion of the staff report, the rights-of-way along the north and west are constructed and maintained by the borough. **Staff recommends the terrain be removed from the final plat.**

KPB River Center review	Floodplain: Not within flood hazard area. No comments Habitat Protection: Is NOT within HPD. No comments State Parks: No Comments
State of Alaska Fish and Game	No objections

Staff Analysis This preliminary plat is a subdivision of lands currently not platted. The proposed plat is located in the Sterling area and not within an advisory planning commission area.

A soils report will be required for the lots and an engineer will sign the final plat. The tract is large enough that the soils analysis is not 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.

Utility Easements As the property has not been previously platted, there are no utility easements to carry over from previous plats. Per the Certificate to Plat there are several easements affecting the property that were created by recorded documents. The easements granted to Homer Electric Association did not have areas defined and are present within plat note 3.

New utility easement as identified in note 2 as “the front 10’ of the 20’ Building Setback and the entire 20’ Building Setback within 5’ of side lot lines”. A typical building setback detail is provided but does not depict within side lot lines. **Staff recommends the depiction be updated to show the 20 foot easement within 5 feet of the side lot 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	No comments
ENSTAR	No comments or recommendations

ACS	No objections
GCI	Approved as shown

KPB department / agency review:

Addressing	<p>Reviewer: Haws, Derek Affected Addresses: 34637 MISTY MORNING AVE</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names: GRANDVIEW DR MISTY MORNING AVE PRIMROSE LN THORPE CT</p> <p>Existing Street Name Corrections Needed:</p> <p>All New Street Names are Approved: Yes</p> <p>List of Approved Street Names: DUANE AVE PRIMROSE LN</p> <p>List of Street Names Denied:</p> <p>Comments: 34637 MISTY MORNING AVE 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

Update the plat note numbers.

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: Kenai Recording District should be present within the title block area.

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: The soils report has been submitted and received approval. Engineer must sign the final 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.

20.60.040. 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 for the new dedications is required to be signed by the KPB.

EXCEPTIONS REQUESTED:

A. KPB 20.30.170 – Blocks-Length Requirements

Surveyor's Discussion: Asking exception to not dedicate right-of-way along southern boundary.

Staff Discussion: Due to the placement of a pipeline within the southern 60 feet of the subdivision it is advised to not dedicate a right-of-way atop. There are other areas that dedications have occurred and has resulted in split roadways or concerns about construction or maintenance atop and adjacent to the pipeline. Staff had hoped that if the pipeline was in the northern portion of the 60 foot private easement that a 30 foot dedication could occur. It was advised by Alaska Pipeline Company to not allow a right-of-way dedication atop their 60 foot easement. The southern dedication would have brought the southern portion of the subdivision into compliance with block length. The granting of the exception will bring that block out of compliance.

Surveyor's Findings:

1. Southern boundary has existing main gas line with 60' easement.
2. Gas company provider does not want any road development on or near the main gas line.
3. Southern half of subdivision remaining one large tract with no plans for development.
4. Tract A can dedicate right-of-way as needed with future platting actions.
5. Large undeveloped tracts to the west, south-west, and south with adequate legal access from other

Page 4 of 7

dedicated right-of-ways.

Staff's Findings:

6. The southern block will be defined by Primrose Lane, Duane Avenue, Grandview Drive and Sterling Highway.
7. The north-south block distance will be approximately 2,500 feet.
8. Primrose Lane does not continue to the south at this time to provide a connection to the Sterling Highway or other dedications.
9. Grandview Drive is constructed and continues south and intersects the Sterling Highway.
10. Access to the subdivision will be from Grandview Drive and Misty Morning Avenue.
11. This is not a continuation of an adjacent dedication.
12. The lot to the west and south are forty acre parcels that have not been platted.
13. If the parcel to the south is subdivided a continuation of Salutation Avenue would be required by code.
14. A future continuation of Salutation Avenue will bring the block into compliance.
15. It is advised to not require a dedication within the 60 foot private easement due to the pipeline.
16. Requiring a dedication will result in the dedication needing to be the full 60 feet wide and north of the 60 foot utility easement that would result in a non-compliant 60 foot wide lot that the owner cannot utilize or a 120 foot wide dedication that the borough would have to limit access within the southern 60 feet.

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 1-5 and 9-16 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 and 9-16 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 and 9-16 appear to support this standard.

B. KPB 20.30.100 – Cul-de-sacs (This exception is only needed if exception to 20.30.170 is granted)

Surveyor's Discussion: Asking exception to not dedicate cul-de-sac and the two terminal right-of-way ends.

Staff Discussion: If the exception to not require a dedication along the southern boundary is granted Primrose Lane will dead end. A cul-de-sac would not be recommended as future subdivisions to the south can provide a continuation that will connect to Salutation Avenue. Unless being used for access, the development for the southern portion is not expected to be done in near future. Providing a hammerhead or t-type turnaround would indicate

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possible continuation to the east or west which is not desired. If Primrose Lane is continued to the south it will cross over the pipeline but upon review, Grandview Drive is a borough maintained right-of-way that crosses the pipeline and state maintained Swanson River Road does as well. The placement of the pipeline cannot limit the access and development of neighboring lands but should be considered in the planning. It was discussed to not dedicate south of Duane Avenue but the continuation of Primrose Lane will be a benefit to the plat as well as the neighboring parcel if ever subdivided.

Surveyor's Findings:

1. Leaving a 30' wide dead end allows for future continuation of the right-of-way.
2. Gas company does not want developed turnarounds on or near the main gas line.

Staff's Findings:

3. A future connection to Salutation Avenue is desired.
4. The property to the west has not been platted and the dedication will provide options for their development.
5. Allowing the dedication to continue past Duane Avenue will provide future options for Tract A if new east-west dedications are needed.
6. A cul-de-sac bulb would indicate the desire to permanently close the right-of-way for future continuation.
7. There is currently minimal development in the area.

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 1-7 appear to support this standard.
2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title;
Findings 1-7 appear to support this standard.
3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.
Findings 1-7 appear to support this standard.

Staff recommendation: place notes on the final plat indicating any exceptions granted by the Plat Committee with the meeting date.

RECOMMENDATION:

SUBJECT TO EXCEPTION(S) GRANTED, STAFF RECOMMENDS:

- **GRANT APPROVAL OF THE PRELIMINARY PLAT SUBJECT TO STAFF RECOMMENDATIONS, AND**

Page 6 of 7

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

NOTE: 20.25.120. - REVIEW AND APPEAL.

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

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

END OF STAFF REPORT

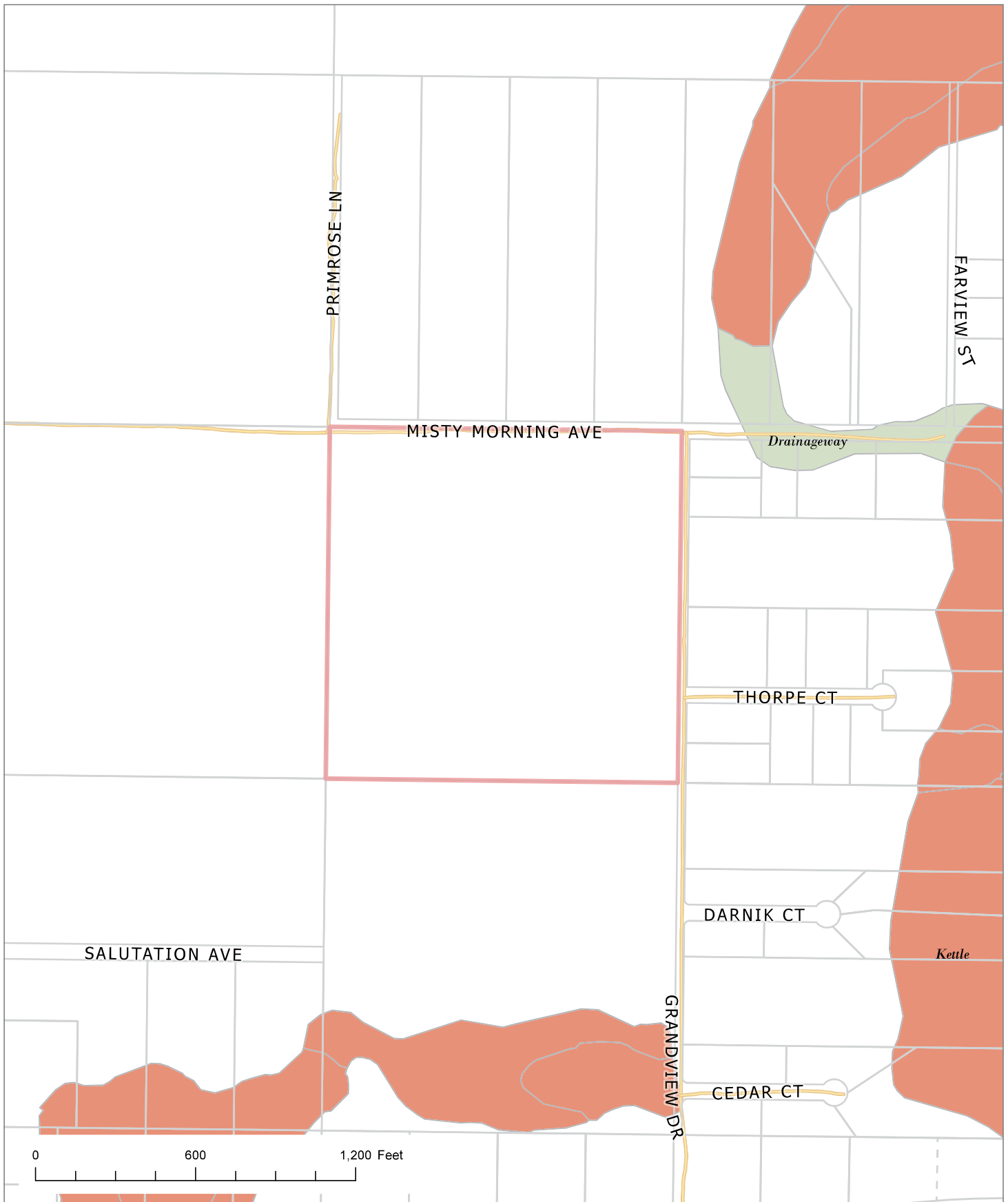


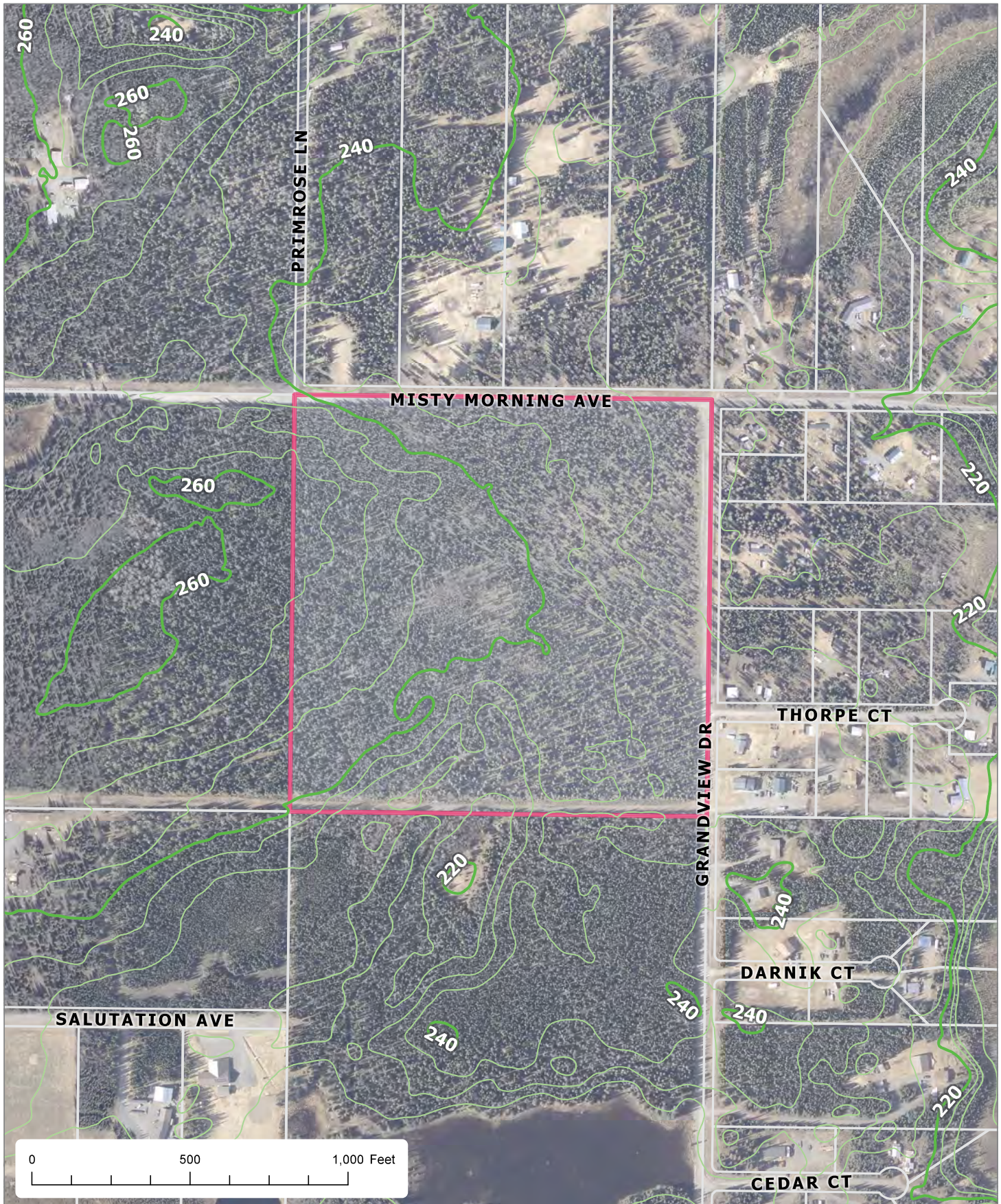
Aerial View





Wetlands







LEVAN-STERLING SUBDIVISION SUBDIVISION SOIL REPORT

September 8, 2022



PURPOSE.

The purpose of this report is to confirm that lots created as a result of this subdivision action contain sufficient useable wastewater disposal area to meet the requirements of the Kenai Peninsula Borough (KPB) Title 20. Based on the soil and groundwater conditions found during this soil investigation, the proposed subdivision falls under the provisions of KPB 20.40.040 Conventional Onsite Soil Absorption Systems of the referenced ordinance.

LOCATION AND SCOPE.

The proposed subdivision contains approximately 40 acres (including the un-subdivided remainder) and is located in NE ¼ NW ¼ Section 12 Town 5 North Range 9 West, Seward Meridian, in Sterling, Alaska. The northerly half of the original 40 acre tract is being subdivided into 18 individual lots, each about 1 acre in size. The remaining un-subdivided remainder contains 17.33 acres.

EXISTING SOIL DATA.

The USDA Soil Survey of the Kenai-Kasilof Area Alaska, published by the United States Department of Agriculture in 1958, indicates that soil within the bounds of this subdivision is generally classified as Tustumena silt loam nearly level to gently sloping with a small inclusion of Naptowne silt loam soil. According to that study, "*The Tustumena series consists of well-drained soils developed in a moderately deep deposit of wind-laid silty material underlain by water-worked sand and gravel or, in places, by coarse sand.*" The Naptowne series soils are described as being "*developed in a moderately deep, wind-laid, silty material that lies over gravelly glacial till.*"

Subsurface soils encountered in this investigation are consistent with the soils described in the referenced USDA Soil Survey although gravelly glacial till was not found.

Additionally, the Alaska Department of Environmental Conservation Septic System Tracking System (SEPTS) contains numerous onsite wastewater documentation submittals for adjacent properties that closely resemble the subsurface soil and groundwater data discovered in this investigation.

EXISTING DEVELOPMENT.

The original parcel contains approximately 40 acres and is undeveloped. Single family homes are located on adjacent properties immediately to the north (across a 60' platted right of way) and to the east. Other adjacent properties are undeveloped. Existing wells and onsite sewers that would negatively impact the useable areas within the proposed subdivision were not noted on adjacent property.

It's important to note that the information in this report summarizes current site conditions. Future development could occur on adjacent properties, including placing drinking water wells and onsite wastewater disposal systems in locations that could adversely impact the useable wastewater



disposal area shown on the working map. Additionally, future public drinking water wells that require greater separation distances than private wells could further restrict the useable area indicated.

Prior to developing any of the proposed lots, locations of all wells and wastewater systems on adjacent properties should be thoroughly investigated.

TOPOGRAPHY.

The proposed subdivision surface varies from gently sloping to isolated areas that could approach 20%. However, no areas were identified as sloping more than 20%. Drinking water wells, septic systems and surface waters that would restrict development of the proposed subdivision are indicated on the working map. Vegetation consists of forested land made up primarily of aspen, birch and spruce.

SOIL INVESTIGATION.

On August 26, 2022, nine test holes were excavated using a tracked excavator. The approximate test hole locations are shown on the working map. Samples from the various soil horizons were visually classified for soil type, color and moisture content with stratigraphy as indicated on the attached test hole log sheets. Two samples representative of the two major usable soil groups encountered in this investigation (clean sand and sand with some silt) were analyzed for grain size in general accordance with ASTM 6913. The gradation test results are summarized on the Grain Size Distribution Graph – Aggregate Gradation Chart sheets attached to this report.

In general, all nine test holes revealed similar subsurface conditions consisting of a shallow layer of topsoil overlying a layer of sandy silt/silty sand of variable thickness, which in-turn is underlain by a thick layer of clean, fine sand and in some cases, sand with some silt. A groundwater table was not encountered in any of the test holes. Both the clean sand and sand with some silt soil horizons may be used for constructing onsite wastewater soil absorption systems.

Because of the granular soils encountered, percolation tests are not required by Alaska Department of Environmental Conservation (ADEC) prior to installing onsite systems. Accordingly, percolation tests were not run.

REQUIRED PLAT NOTES.

In accordance with Kenai Peninsula Borough Title 20, the following plat note should be placed on the final plat:

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 Department of Environmental Conservation.

(signature of) Engineer License # Date

CONCLUSIONS AND RECOMMENDATIONS.

Based on the information presented above, all lots in the proposed subdivision have at least 20,000 square feet of area that meet the definition for usable wastewater disposal area as defined in KPB 20.40.040(a)(4) and are suitable for construction of conventional on-site soil absorption systems serving single family or duplex residences. The clean sand and sand with some silt soil horizons should be utilized for constructing soil absorption systems with application rates of 1 gallon per day per square foot (or 150 square feet per bedroom) for the clean sand soil and 0.75 gallons per day per square foot (200 square feet per bedroom) for the sand with some silt soil. Actual system type (deep trench or shallow bed) will need to be determined at the time of system installation based on the findings of a deeper test hole.

Onsite wastewater system installers should contact the local ADEC office prior to installing a system to confirm other requirements that may apply.

The recommendations made in this report are based on the conditions encountered at the test hole locations. It should be noted that soil conditions may vary significantly over relatively short distances. Accordingly, as with any property utilizing on-site wastewater disposal, determining a suitable location for a wastewater disposal system should be a first priority during development.

Possible locations for an initial and replacement wastewater disposal system for each proposed lot are shown on the working map in order to comply with the KPB Code. These locations are preliminary and are provided only to show that under current developmental conditions, wastewater systems meeting all required separation distances may be constructed. Prior to constructing any wastewater treatment and disposal system, a thorough site evaluation should be performed to make sure that site conditions have not changed.

EXCLUSIONS AND LIMITATIONS.

This report was prepared for the sole purpose of providing a generalized overview of the subsurface soil and groundwater conditions within the proposed subdivision as required by KPB Ordinances. Use of this information for any other purpose is not authorized. Locating bury pits or land that has been "turned over" and determining surface or subsurface contamination of any type, was not requested and is beyond the scope of this report. Determining the location and/or adequacy of drinking water sources or existing wastewater disposal systems is also considered beyond the scope of this report. No guarantee/warranty is offered or implied regarding the overall suitability of this property for development. It must be noted that a test hole reveals conditions only at that specific location.

Attachments: Working Map;
Test Hole Logs;
Grain Size Distribution Graph

UNSUBDIVIDED
SW1/4 SW1/4 SEC.12
T5N, R9W, S.M., AK

LOT 1
PLAT NO. 73-60

LOT 2
PLAT NO. 73-60

LOT 6
LOT 3
OPLAT NO. 73-60

LOT 4
PLAT NO. 73-60

LOT 5
PLAT NO. 73-60

APPROXIMATE CENTER
OF EXISTING ROAD

MISTY MORNING AVENUE S89°25'00"E 1319.15'(P)

(30' PUBLIC ROW)(DTP)

33' SECTION LINE
EASEMENT

GRANDVIEW DRIVE

LOT 1
PLAT NO. 84-55

LOT 2
PLAT NO. 84-55

LOT 10
PLAT NO. 73-60

REVISIONS
THIS DRAWING HAS
BEEN PREPARED AS AN
ATTACHMENT TO A SOIL
REPORT FOR
LEVAN-STERLING
SUBDIVISION DATED
SEPTEMBER 8, 2022.



WORKING MAP
LEVAN-STERLING SUBDIVISION

JOHNSON
ENGINEERING LLC
P.O. Box 4087
Soldotna, Alaska 99669
907.398.2670

DATE SEPT 2022
DRAWN DEJ
CHECKED DEJ
SCALE AS SHOWN
PROJ. NO.

SHEET

1

OF 1

UNSUBDIVIDED
NW1/4 NW1/4 SEC.12
T5N, R9W, S.M., AK

N00°41'44"E 1319.53'(P)

PRIMROSE LANE (30' PUBLIC ROW)(DTP)

111.22'

N00°41'44"E 269.89'

N00°41'44"E 269.89'

111.25'

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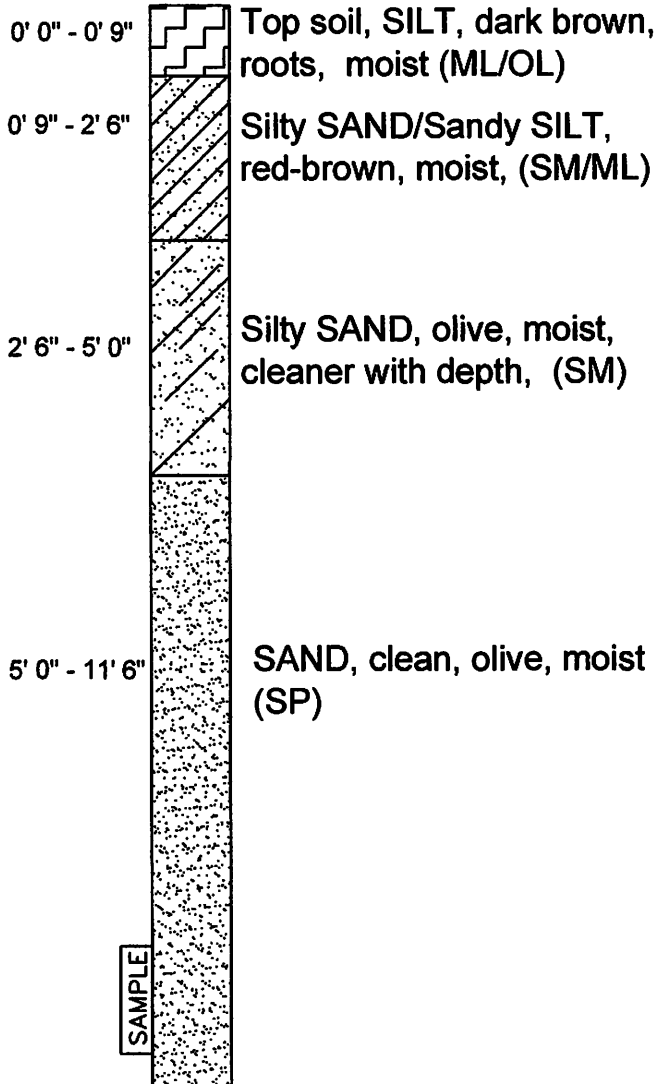
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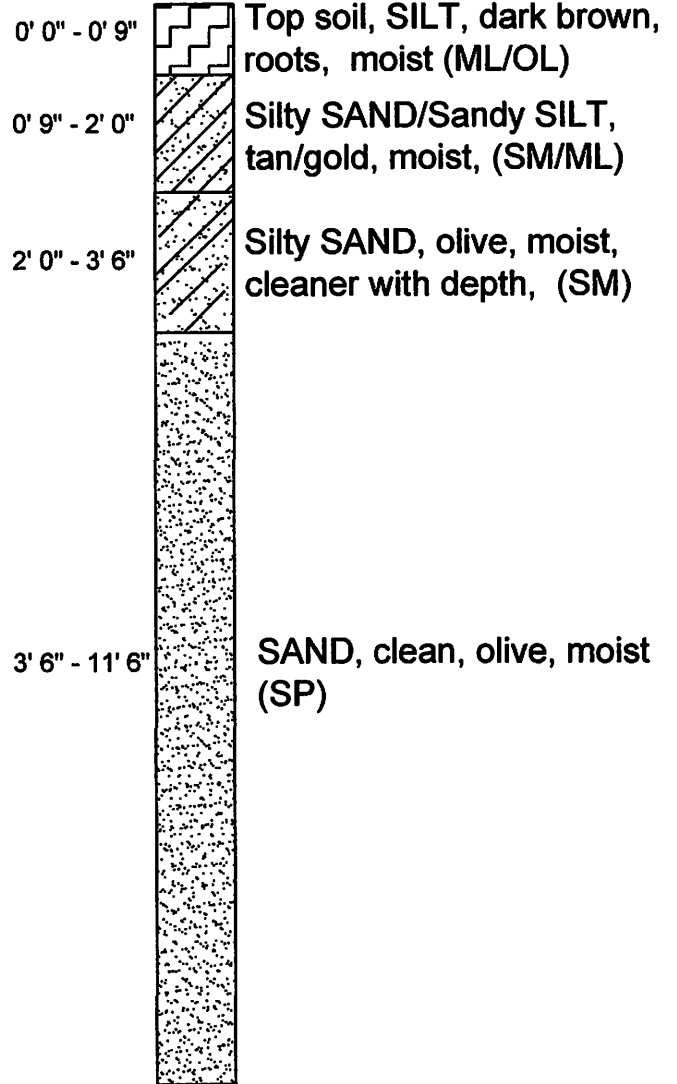
30'

Testhole 1 8-26-22



Total Depth 11' 6". Groundwater table not encountered this date (8-26-2022)

Testhole 2 8-26-22

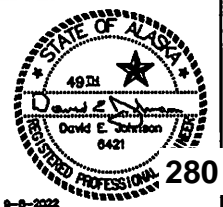


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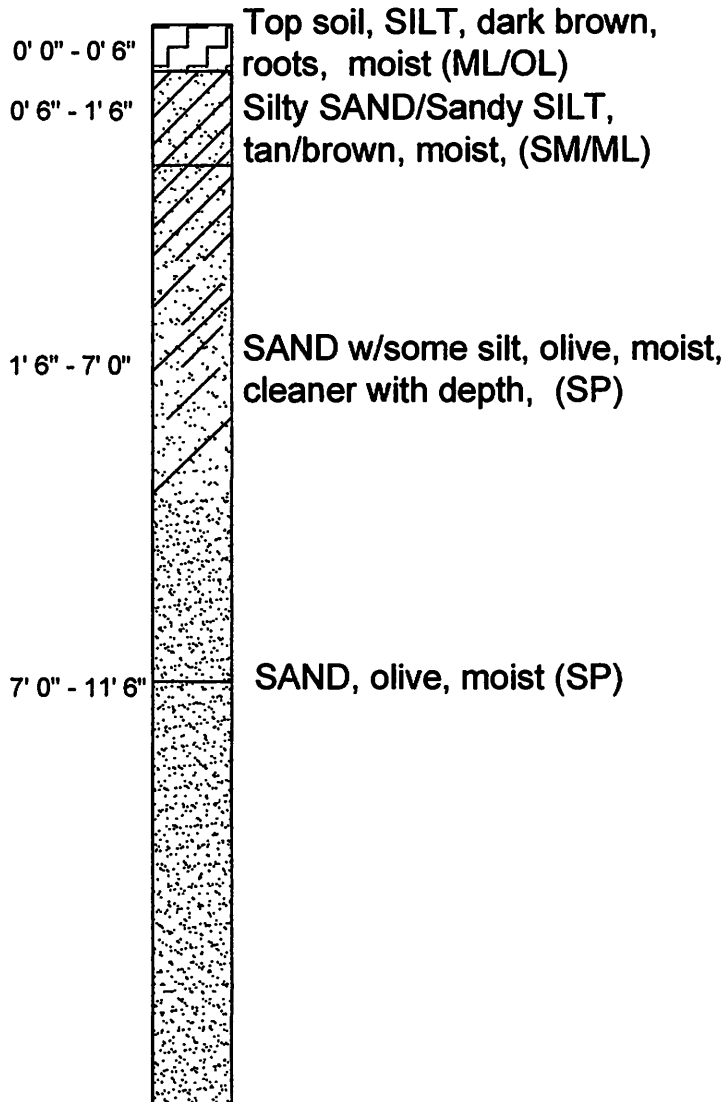
TEST HOLE
LOG 1 & 2

LEVAN-STERLING
SUBDIVISION

E9-18

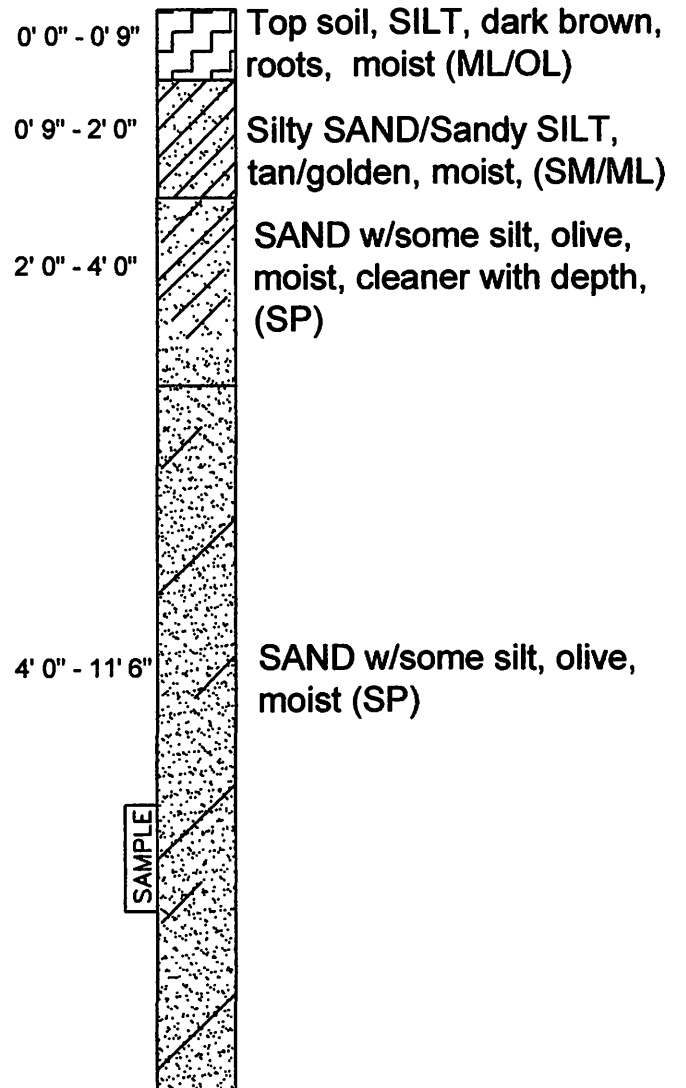


Testhole 3 8-26-22



Total Depth 11' 6". Groundwater table not encountered this date (8-26-2022)

Testhole 4 8-26-22

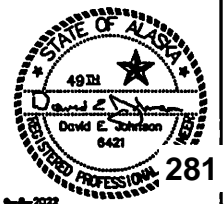


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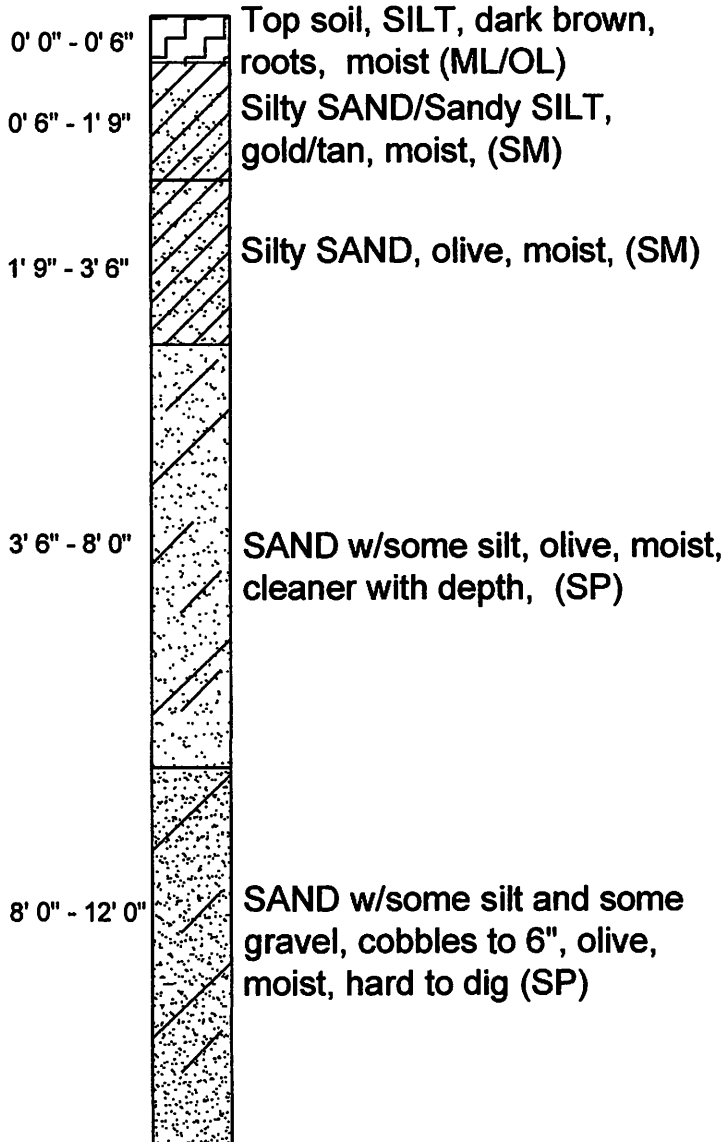
TEST HOLE
LOG 3 & 4

LEVAN-STERLING
SUBDIVISION

E9-19

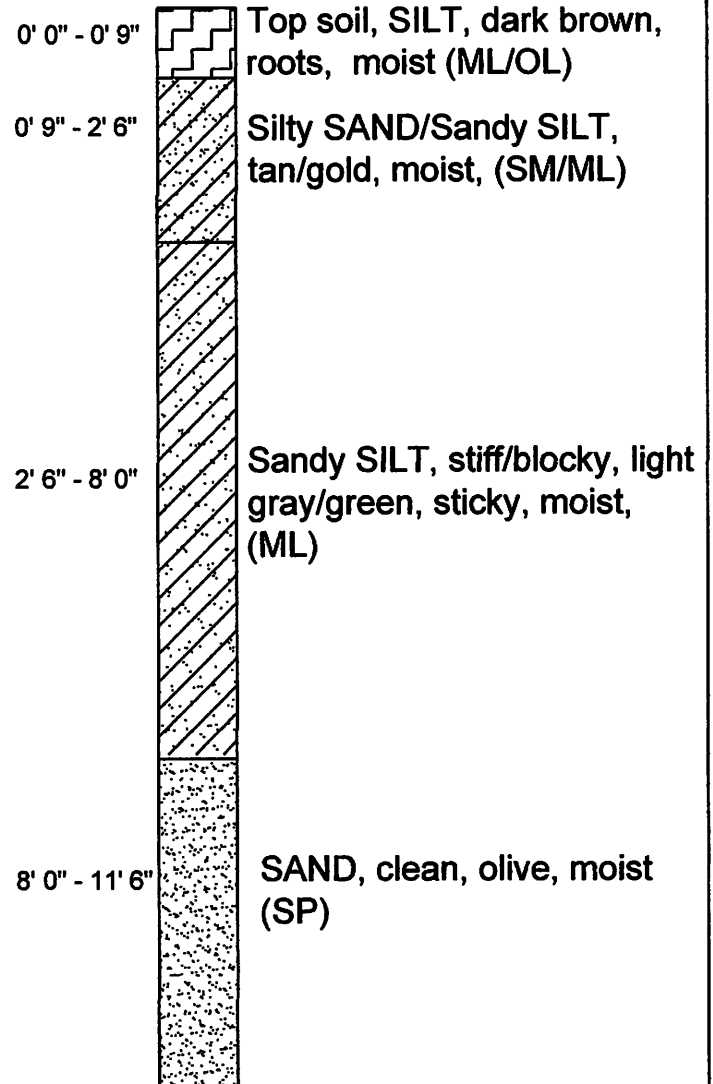


Testhole 5 8-26-22



Total Depth 12' 0". Groundwater table not encountered this date (8-26-2022)

Testhole 6 8-26-22

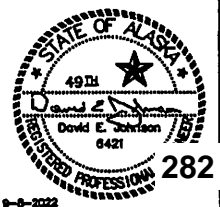


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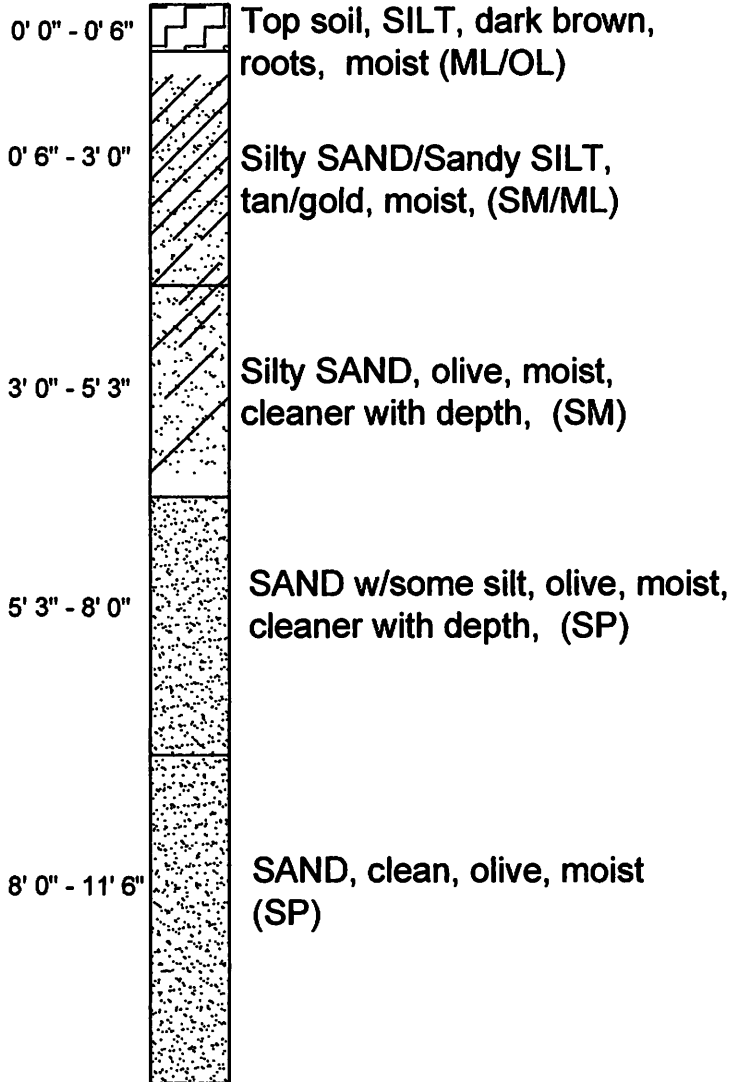
TEST HOLE
LOG 5 & 6

LEVAN-STERLING
SUBDIVISION

E9-20

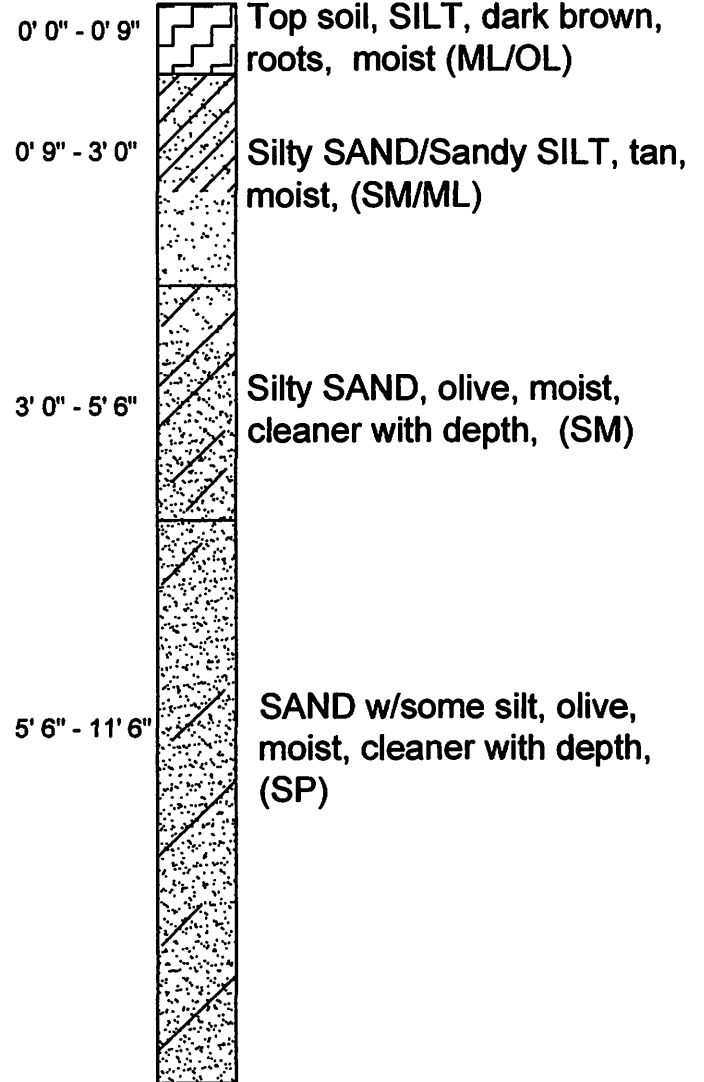


Testhole 7
8-26-22



Total Depth 11' 6". Groundwater table not encountered this date (8-26-2022)

Testhole 8
8-26-22

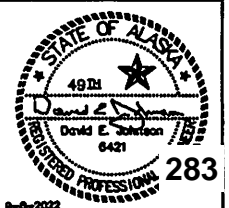


Total Depth 11' 6". Groundwater table not encountered this date (8-26-2022)

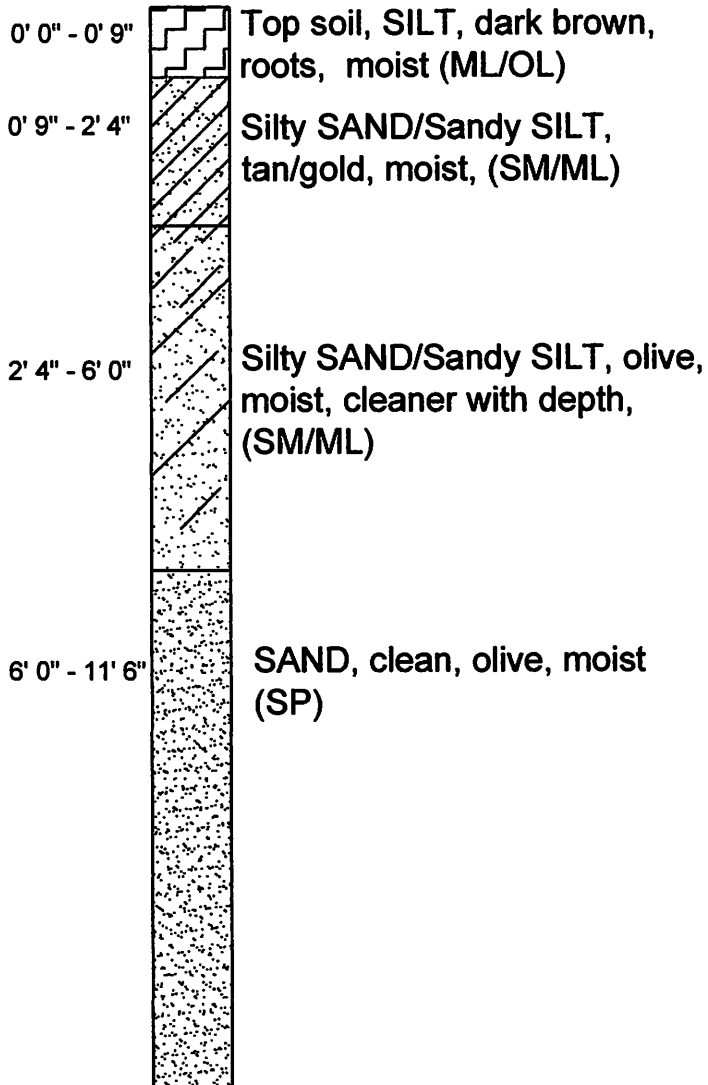
TEST HOLE
LOG 7 & 8

LEVAN-STERLING
SUBDIVISION

E9-21



Testhole 9 8-26-22

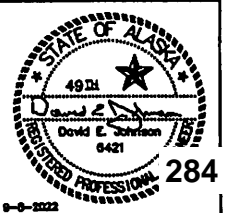


Total Depth 11' 6". Groundwater table not encountered this date (8-26-2022)

TEST HOLE
LOG 9

LEVAN-STERLING
SUBDIVISION

E9-22



GRAIN SIZE DISTRIBUTION GRAPH – AGGREGATE GRADATION CHART

**SAMPLE
GRADATION**

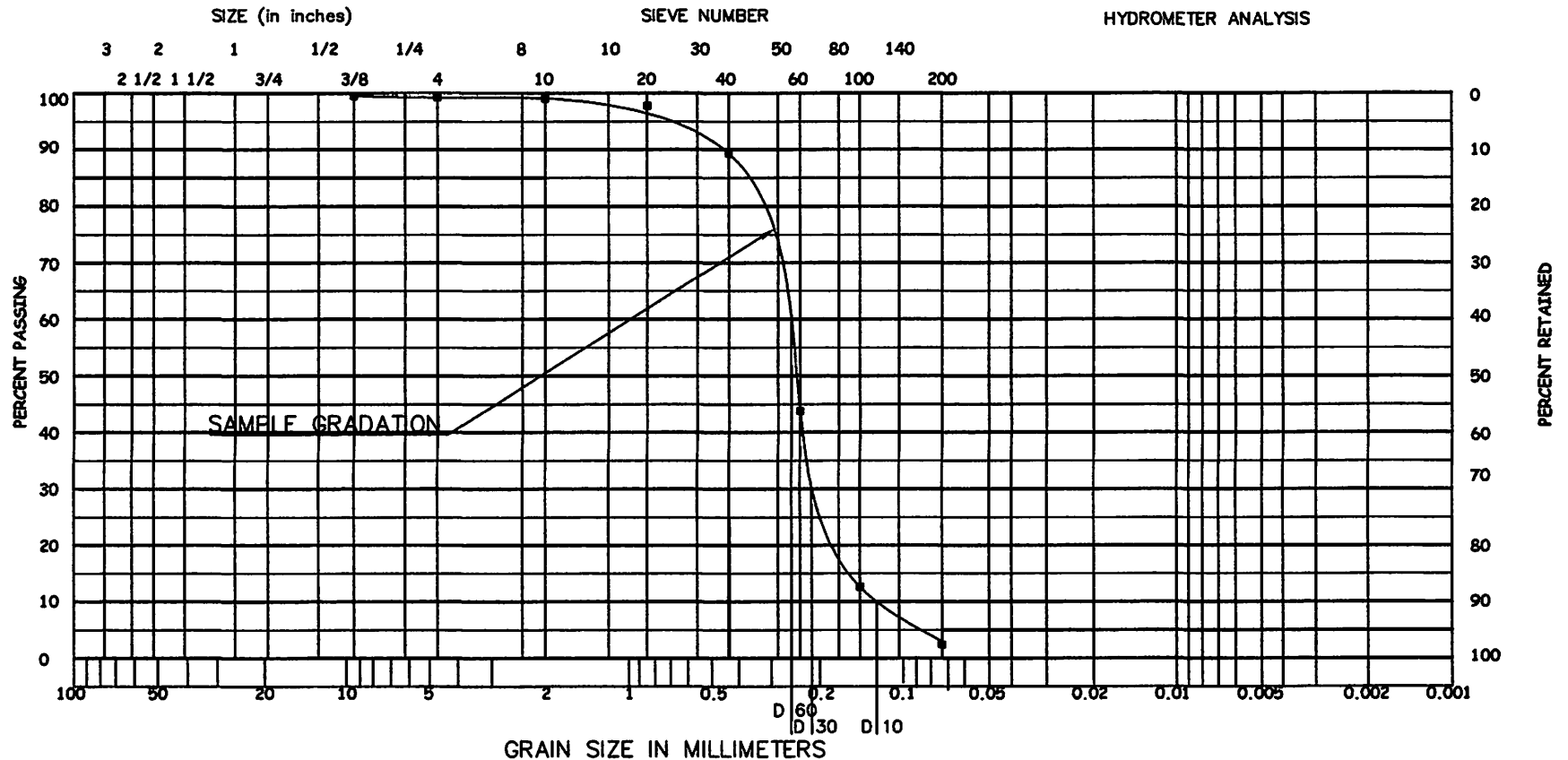
Levan – Sterling Subdivision

September 2022

**us sieve
size** **percent
passing**

2"	
1"	
3/4"	
3/8"	99.7
1/4"	
4	99.4
10	98.9
20	97.4
40	89.2
60	44.0
100	12.9
200	2.7
MOISTURE CONTENT	

SIEVE ANALYSIS – US STANDARD SIEVE SIZES



TEST HOLE NUMBER	SAMPLE NUMBER	D60	D30	D10	Cu	Cc	SOIL DESCRIPTION	CLASSIFICATION USCS
1	1 @ 9.5' BGS	.25	.21	.13	1.9	1.4	SAND	SP
TECHNICIAN (signature)		PLOTTED BY (signature)			CHECKED BY (signature)			
David E. Johnson		David E. Johnson			David E. Johnson			

GRAIN SIZE DISTRIBUTION GRAPH – AGGREGATE GRADATION CHART

**SAMPLE
GRADATION**

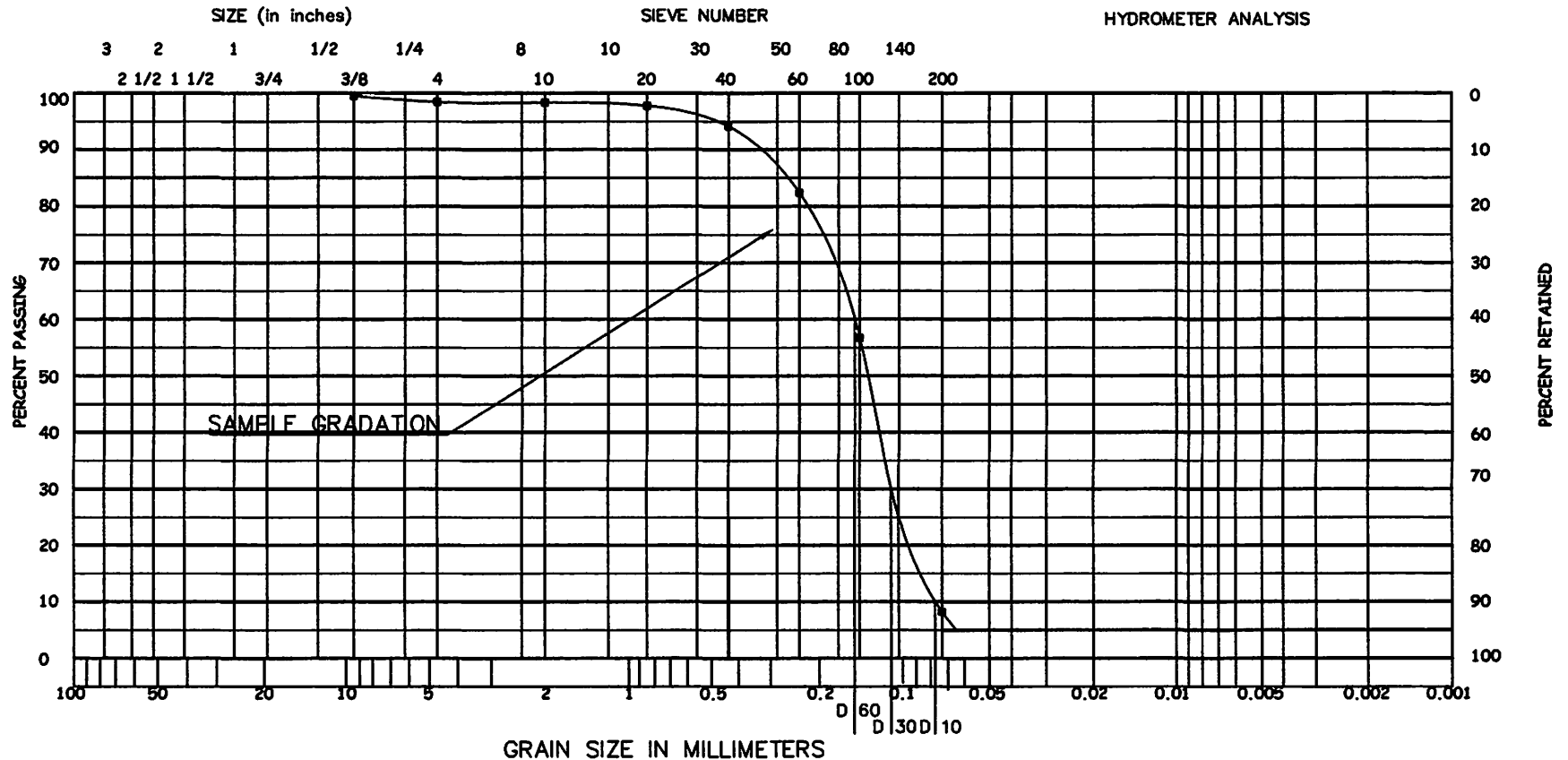
Levan – Sterling Subdivision

September 2022

us sieve size **percent passing**

2"	
1"	
3/4"	
3/8"	
1/4"	
4	99.8
10	98.9
20	97.7
40	94.4
60	83.2
100	56.2
200	8.2
MOISTURE CONTENT	

SIEVE ANALYSIS – US STANDARD SIEVE SIZES



TEST HOLE NUMBER	SAMPLE NUMBER	D60	D30	D10	Cu	Cc	SOIL DESCRIPTION	CLASSIFICATION USCS
4	1 @ 11' BGS	.16	.11	.08	2.0	0.94	SAND with (some silt)	SP
TECHNICIAN (signature)				PLOTTER BY (signature)			CHECKED BY (signature)	
David E. Johnson				David E. Johnson			David E. Johnson	

Legal Description:	Lots 5 & 6 Block 1 Kasilof Alaska Subdivision Amended, KN 83-166
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On Site

**Passed Under The Consent Agenda*

ITEM E3 - LEVAN-STERLING SUBDIVISION

KPB File No.	2022-125
Plat Committee Meeting:	September 12, 2022
Applicant / Owner:	Mel Levan of Kodiak AK
Surveyor:	Jason Young, Mark Aimonetti / Edge Survey and Design, LLC
General Location:	Misty Morning Avenue, Sterling area

Parent Parcel No.:	063-330-47
Legal Description:	NE1/4 NW1/4 Section 12, Township 5 North, Range 9 West
Assessing Use:	Residential
Zoning:	Rural Residential
Water / Wastewater	Onsite

Staff report was given by Platting Manager Vince Piagentini.

Chair Gillham opened the item for public comment.

Mary Gordon; 34395 Thorpe Court, P.O. Box 281, Sterling, AK 99672: Ms. Gordon is a neighboring landowner and she wanted to know what the applicant's development plans were for this lot. Planning Director Robert Ruffner replied that borough code does not require that the applicant submitted development plans with a subdivision petition. The plat committee is only tasked with approving the subdivision plat.

Seeing and hearing no one else wishing to comment, public comment was closed and discussion was opened among the committee.

MOTION: Commissioner Brantley moved, seconded by Commissioner Staggs, to grant preliminary approval to Levan-Sterling Subdivision, 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	Brantley, Gillham, Slaughter, Staggs
No	0	

ITEM E4 - O'ROURKE SUBDIVISION MATRANGA ADDITION

KPB File No.	2022-124
Plat Committee Meeting:	September 12, 2022
Applicant / Owner:	Gregory & Teresa Matranga / Soldotna, Alaska
Surveyor:	John Segesser / Segesser Surveys
General Location:	Irish Hills Avenue / Kalifornsky Area

Parent Parcel No.:	133-032-34
Legal Description:	Tract A in O'Rourke Subdivision KRD 76-44
Assessing Use:	Residential
Zoning:	Rural Residential
Water / Wastewater	Onsite

**Passed Under The Consent Agenda*

E. NEW BUSINESS

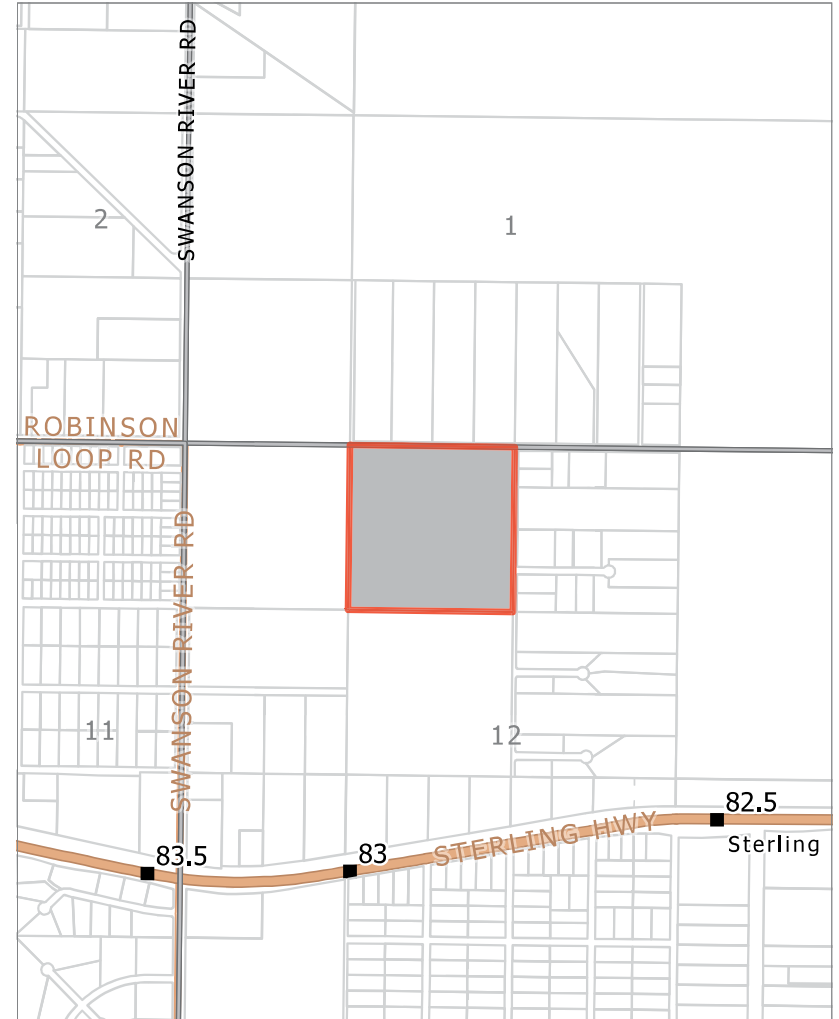
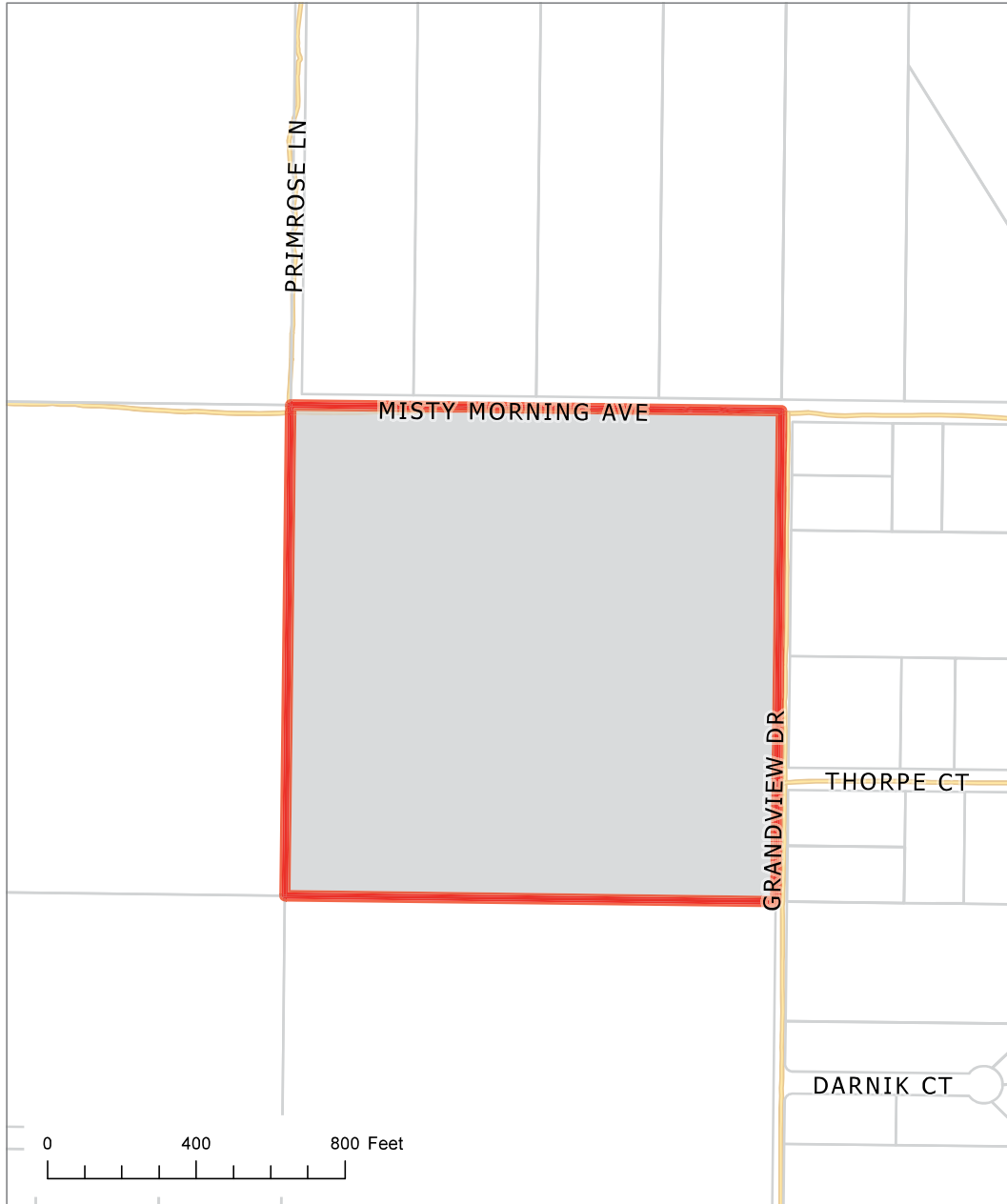
3. Levan-Sterling Subdivision

KPB File 2022-125

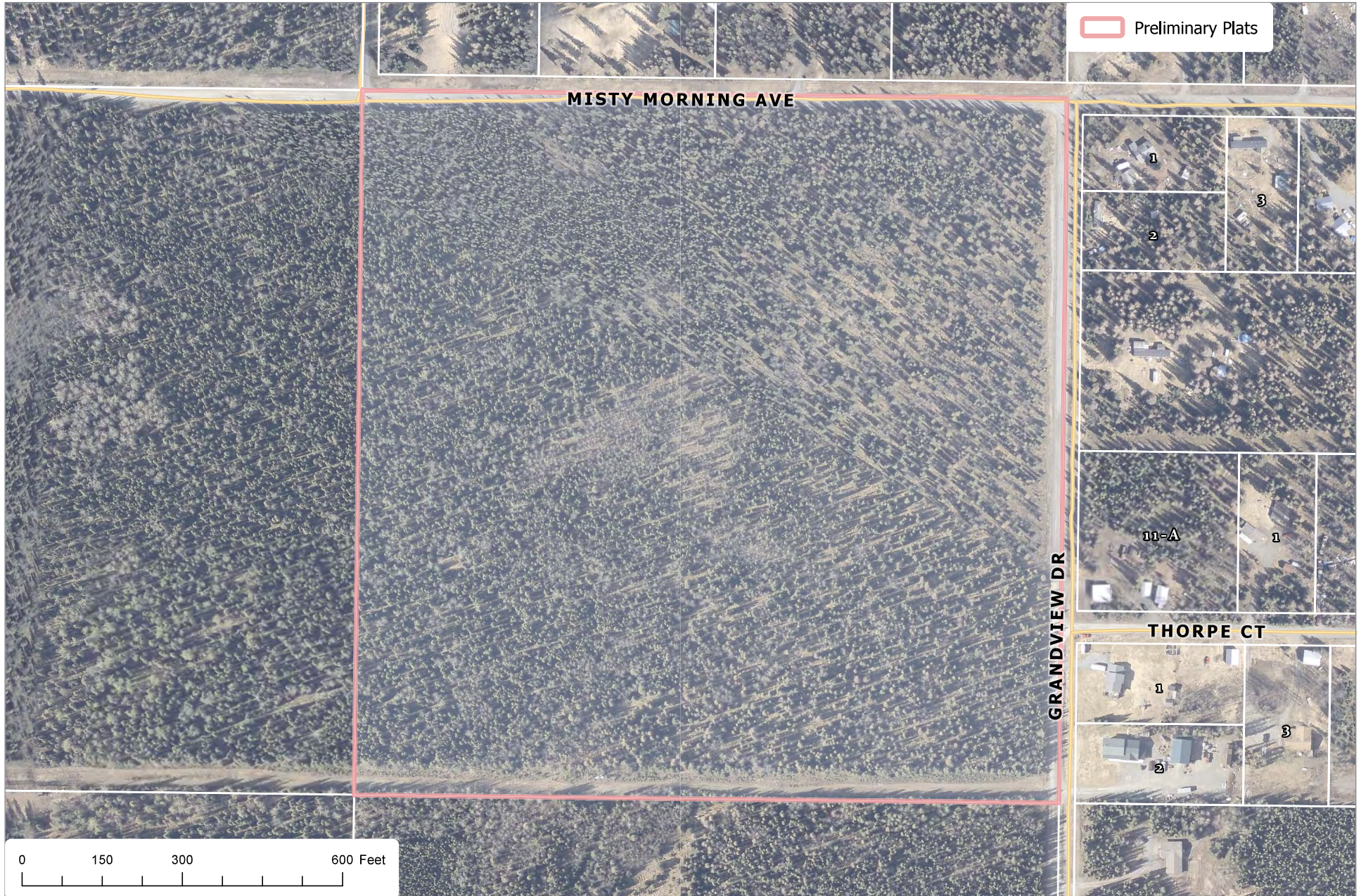
Edge Survey & Design / Leva

**Location: Misty Morning Ave. &
Grandview Dr.**

Sterling Area

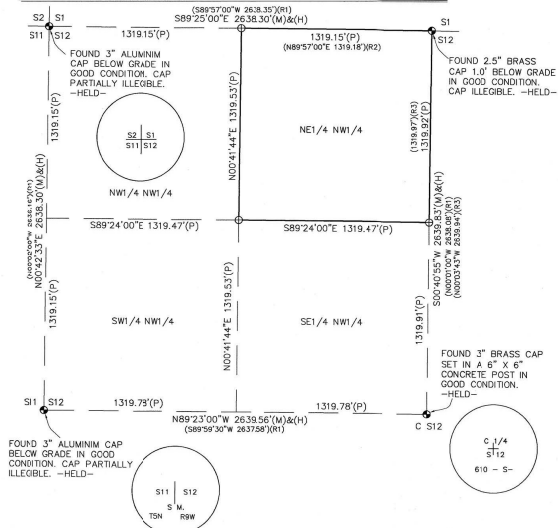


KPB File # 2022-125
S12 T05N R09W
Sterling



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.

NORTHWEST QUARTER OF SECTION 12 BREAKDOWN



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. SEE TYPICAL.
- THE FRONT 10' FEET OF THE 20' BUILDING SETBACK AND THE ENTIRE 20' BUILDING 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.
- THESE PARCELS MAY BE AFFECTED BY A GENERAL EASEMENT WITH NO DEFINED LOCATION GRANTED TO HOMER ELECTRIC ASSOCIATION, RECORDED NOVEMBER 15, 1963 IN MISC. BOOK 11, PAGE 115, AND ON JANUARY 9, 1964 IN MISC. BOOK 12, PAGE 27 IN THE KENAI RECORDING DISTRICT.
- THESE PARCELS MAY BE AFFECTED BY AN OIL AND GAS LEASE GRANTED TO MARATHON OIL COMPANY, RECORDED OCTOBER 15, 1999 IN VOLUME 570, PAGE 291 AND ON NOVEMBER 1, 2004 UNDER SERIAL NUMBER 2004-011134-0 IN THE KENAI RECORDING DISTRICT.
- 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.
- 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.
- WASTEWATER DISPOSAL

TRACT A IS AT LEAST 300,000 SQUARE FEET OF NOMINAL FIVE ACRES IN SIZE MAY NOT BE SUITABLE FOR ONSITE WASTEWATER TREATMENT AND DISPOSAL. ANY WASTEWATER TREATMENT OF DISPOSAL SYSTEM MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

LOTS 1-18 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 DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

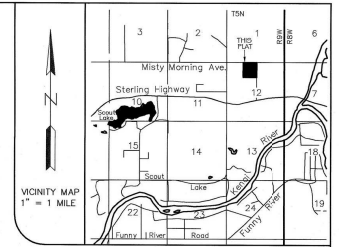
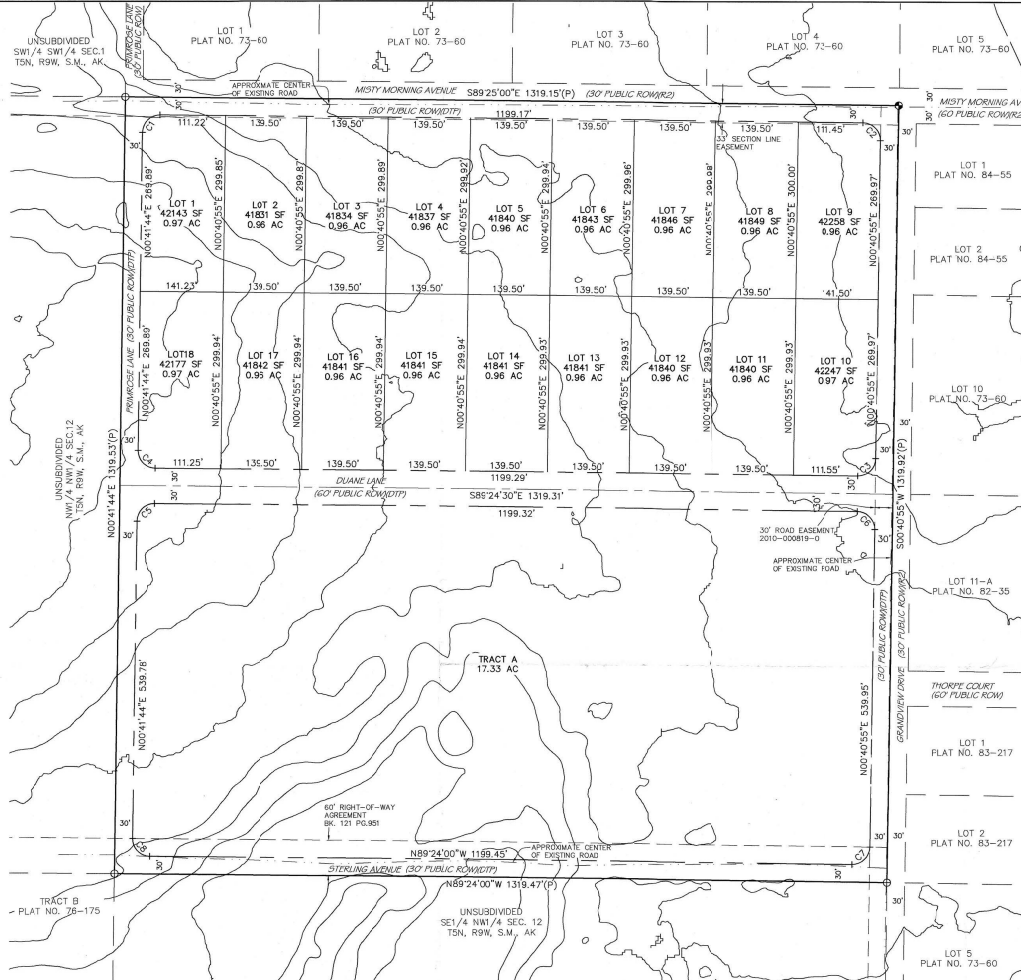
ENGINEER LICENSE NUMBER DATE

LEGEND

- FOUND MONUMENT AS NOTED
- SET 5/8" X 30" REBAR WITH ALUMINUM CAP
- STAMPED LS 13022
- SET 5/8" X 30" REBAR WITH CAP STAMPED LS 13022 AT ALL LOT CORNERS CREATED BY THIS PLAT UNLESS OTHERWISE NOTED
- RECORD DATA, SEE REFERENCE
- DEDICATED THIS PLAT
- MEASURED
- HELD
- PROPORTIONED
- SUBDIVISION BOUNDARY
- INTERIOR LOT LINE
- RIGHT-OF-WAY (DTP)
- ADJACENT PROPERTY
- EASEMENT LINE
- CENTER LINE RIGHT OF WAY
- EXISTING ROAD CENTER LINE

REFERENCES

- (R1) TOWNSHIP PLAT OF T5N, R9W, S.M., ALASKA, ACCEPTED MAY 6, 1941
- (R2) GRANDVIEW SUBDIVISION, PLAT NO. 73-60, KENAI RECORDING DISTRICT
- (R3) RESUBDIVISION LOTS 11&12 GRANDVIEW SUB., PLAT NO. 82-35 KENAI RECORDING DISTRICT



CERTIFICATE OF OWNERSHIP AND DEDICATION

WE, THE UNDERSIGNED, HEREBY CERTIFY THAT WE, MEL E. LEVAN AND ALICE LEVAN ARE THE OWNERS OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND WE HEREBY ADOPT THIS PLAN OF SUBDIVISION AND BY MY FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND GRANT ALL EASEMENTS TO THE USE SHOWN.

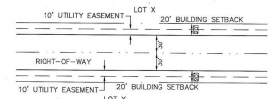
MEL E. LEVAN
PO BOX 8676
KODIAK, ALASKA 99615

NOTARY ACKNOWLEDGMENT

FOR: MEL E. LEVAN
ACKNOWLEDGED BEFORE ME THIS ____ DAY OF ____, 2022.

NOTARY PUBLIC FOR STATE OF ALASKA

BUILDING SETBACK TYPICAL APPLIES TO ALL LOTS CREATED BY THIS PLAT



100' 50' 0' 100'
1" = 100'

PRELIMINARY PLAT

PLAT APPROVAL

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

AUTHORIZED OFFICIAL

CERTIFICATE OF SURVEYOR

I, MARK ALMONETTI 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.



KPB FILE No. 2022-XX

LEVAN-STERLING SUBDIVISION

A SUBDIVISION OF THE NW 1/4 NW 1/4 SECTION 12, T5N, R9W, SEWARD MERIDIAN KENAI PENINSULA BOROUGH, THIRD JUDICIAL DISTRICT, STATE OF ALASKA

OWNERS:
MEL E. LEVAN
PO BOX 8676
KODIAK, ALASKA 99615

CONTAINING 39.971 ACRES



12301 OLD SWARD, D ANCHORAGE, AK 99515
Phone (907) 544-9500 Fax (907) 544-7784
A00113982

DRAWN BY: DATE: 08/18/2022 PROJECT: 22-576
V.B. SCALE: 1" = 100' SHEET: 1 OF 1
CHECKED BY: MA

KPB 2022-125

AGENDA ITEM E. NEW BUSINESS

ITEM 3 - LEVAN-STERLING SUBDIVISION

KPB File No.	2022-125
Plat Committee Meeting:	September 12, 2022
Applicant / Owner:	Mel Levan of Kodiak AK
Surveyor:	Jason Young, Mark Aimonetti / Edge Survey and Design, LLC
General Location:	Misty Morning Avenue, Sterling area

Parent Parcel No.:	063-330-47
Legal Description:	NE1/4 NW1/4 Section 12, Township 5 North, Range 9 West
Assessing Use:	Residential
Zoning:	Rural Residential
Water / Wastewater	Onsite

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide a 39.971 acres parcel into 18 lots and one tract ranging in size from 0.96 acres to 0.97 acres for the lots and 17.33 acres for the tract. Several right-of-way dedications are proposed.

Location and Legal Access (existing and proposed): The proposed plat is located on Misty Morning Avenue. Misty Morning Avenue is located north of state maintained Sterling Highway at milepost 83.5 and accessed by state maintained Swanson River Road that provides a connection to the Sterling Highway. Misty Morning Avenue is borough maintained as is Grandview Drive on the east side of the proposed subdivision.

The preliminary plat shows a dedication along the north of a 30 foot right-of-way for Misty Morning Avenue that will be atop a 33-foot section line easement. The plat indicates that the abutting dedication and the dedication to the east is 30 feet on each side, per Grandview Subdivision, Plat KN 73-60 the dedications are 33 feet in width. **Staff recommends the depiction and labels be adjusted.**

Along the eastern boundary the plat shows a 30-foot right-of-way dedication for Grandview Drive to bring the right-of-way into compliance for width. Grandview Drive is constructed and maintained by the borough. This dedication is occurring atop a public easement granted by recorded document. **Staff recommends the easement label include "public" or a plat note be added that includes the details and description of location and states it is now within the dedicated portion of Grandview Drive.**

On the south of the plat a 30 foot wide dedication is proposed for Sterling Avenue. A new name will be required to be approved by the Addressing Officer as well as confirming all other names proposed on the plat. The plat shows along the proposed dedication the approximate center of an existing travelway. There is also a 60 foot wide right-of-way created by recorded document. Upon reviewing the document it needs to be clarified if that easement is public or private. ENSTAR reviewed the plat and noted there is a transmission line within the 60 foot right-of-way agreement and any development within the dedication should be coordinated with Alaska Pipeline Company (APC). The question remains if the depicted existing road is truly a road or the cleared area used by APC or the location of the pipeline. Upon staff's review of the proposed dedication, the existence of the 60 foot wide easement, and ENSTAR's comments, **staff recommends the transmission line be located, the surveyor work with APC and based on the line's location determine the best dedications along the southern boundary. Update the label to indicate if the right-of-way agreement is public or private or add a plat note with the details, and do one of the following or provide alternative that is agreeable by all parties.**

- The dedication of a full 60 foot dedication that encompasses the travelway as long as the pipeline is within the adjacent utility easement or within edge of dedication, or

- providing a 30 foot dedication as currently proposed and make sure the pipeline is within the edge of the right-of-way or north of the dedication, or
- provide a reduced width for the right-of-way to not have the dedication atop the pipeline, or
- provide a full 60 foot dedication that is north of the existing pipeline.

Two additional dedications are proposed. Along the western boundary is a dedication of a 30-foot right-of-way that is proposed as Primrose Lane and provides a compliant continuation of the dedicated Primrose Lane to the north. Through the middle of the plat is a dedication for a 60-foot right-of-way proposed as Duane Lane. The name will require approval from the Addressing Officer. This dedication will provide a connection between Primrose Lane and Grandview Drive.

Lots 1 – 9 will have access to Misty Morning Avenue, Lots 10 – 18 will have access to Duane Lane. Tract A will have access to Duane Lane, Primrose Lane, Grandview Drive and Sterling Avenue. Lots 9 & 10 will have access to Grandview Drive. Lots 1 & 18 will have access to Primrose Lane.

The proposed dedications will provide for a compliant block.

KPB Roads Dept. comments	
SOA DOT comments	No comment

Site Investigation: The preliminary plat does not contain any steep areas or low wet lands. The land appears to be vacant with no neighboring encroachment issues. As discussed under the legal access portion of the staff report, the rights-of-way along the north and west are constructed and maintained by the borough. **Staff recommends the terrain be removed from the final plat.**

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: Aldridge, Morgan 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 This preliminary plat is a subdivision of lands currently not platted. The proposed plat is located in the Sterling area and not within an advisory planning commission area.

A soils report will be required for the lots and an engineer will sign the final plat. The tract is large enough that the soils analysis is not 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.

Utility Easements As the property has not been previously platted, there are no utility easements to carry over from previous plats. Per the Certificate to Plat there are several easements affecting the property that were created

by recorded documents. The easements granted to Homer Electric Association did not have areas defined and are present within plat note 3.

New utility easement as identified in note 2 as “the front 10’ of the 20’ Building Setback and the entire 20’ Building Setback within 5’ of side lot lines”. A typical building setback detail is provided that shows the setback and utility easements as described within the plat note. **Staff recommends** the plat note include “granted by this 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	Add a note which says, “APC transmission line located with 60ft Right of Way Agreement. Any construction activity conducted within the 60ft Right of Way needs to be coordinated with APC”.
ACS	No objections
GCI	No objections

KPB department / agency review:

Addressing	
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

*In references, check the spelling of subdivisions.
The existing road depictions may be removed.*

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: The legal description needs corrected to NE1/4 NW1/4

- 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: *North half of Misty Morning Avenue is 33' change on drawing*
- 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: *The Misty Morning Avenue label appears along the right-of-way known as Robinson Loop Road. Add "Loop Road" to Scout Lake Loop Road Label. The Funny River label in section 24 should have "Road" added. If this is to reference the river the line depiction should be added to make it clear.*
- 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: *Sterling is not an allowable street name. Continue Entrada Drive or receive an approved name from the addressing officer. Duane Lane should be Avenue and approval will be required from the Addressing Officer.*
- 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 to southeast needs to be corrected from Lot 5 to Lot 13.*

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.

- 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: *Update the dedication of Sterling Avenue as determined by field survey.*

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

Staff recommendation: *check for conformity to adjacent names. Receive approval from the 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: A soils report will be required for the lots 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.*

- 20.60.040. 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 from the KPB for new dedications 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:

- Update plat note 5 to include KPB Code reference. "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)."
- Remove "nominal five acres" from the wastewater note.

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: *Per the Certificate to Plat the ownership is under Mr. Levan's name only. Correct the ownership statement to be in the singular and remove Alice Levan from the statement. Comply with 20.60.190.*

RECOMMENDATION:

STAFF RECOMMENDS:

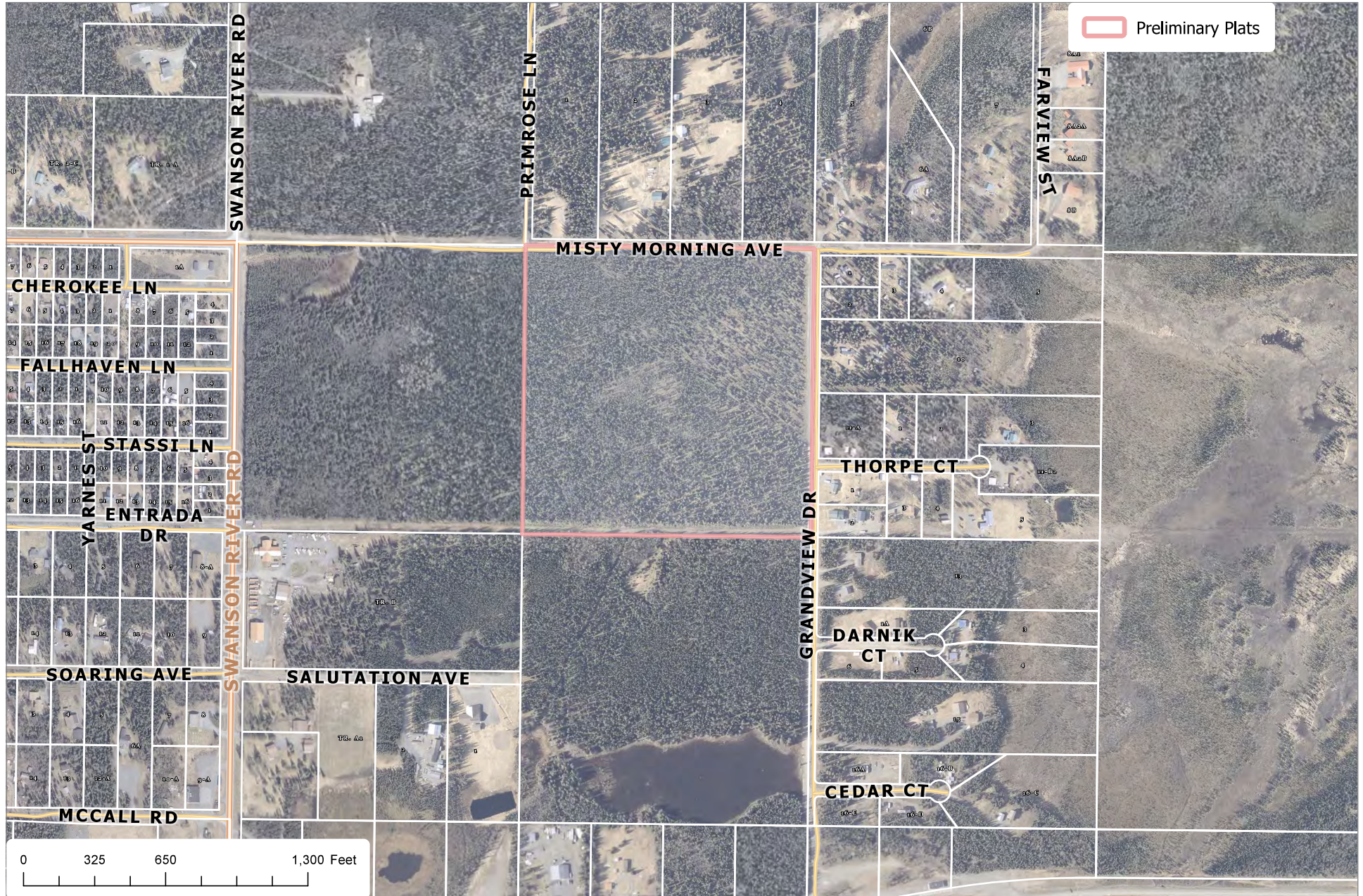
- GRANT APPROVAL OF THE PRELIMINARY PLAT SUBJECT TO STAFF RECOMMENDATIONS, AND
- COMPLIANCE WITH KPB 20.25.070 (FORM AND CONTENTS), KPB 20.25.080 (PETITION REQUIRED), KPB 20.30 (DESIGN REQUIREMENTS); AND KPB 20.40 (WASTEWATER DISPOSAL), AND
- COMPLIANCE WITH KPB 20.60 TO ENSURE ADMINISTRATIVE APPROVAL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

NOTE: 20.25.120. - REVIEW AND APPEAL.

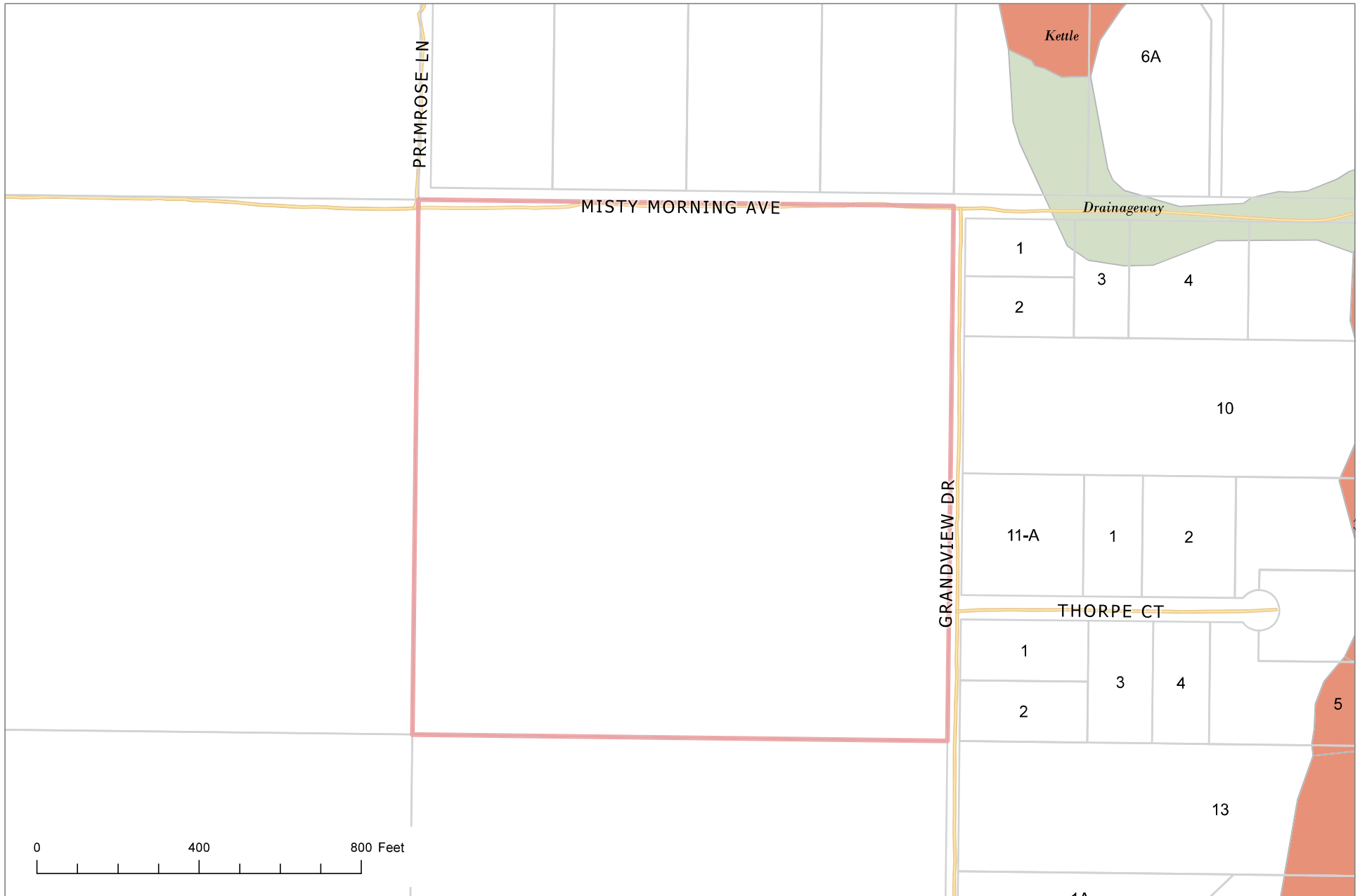
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A DECISION OF THE PLANNING COMMISSION MAY BE APPEALED TO THE HEARING OFFICER BY A PARTY OF RECORD WITHIN 15 DAYS OF THE DATE OF NOTICE OF DECISION IN ACCORDANCE WITH KPB 21.20.250.

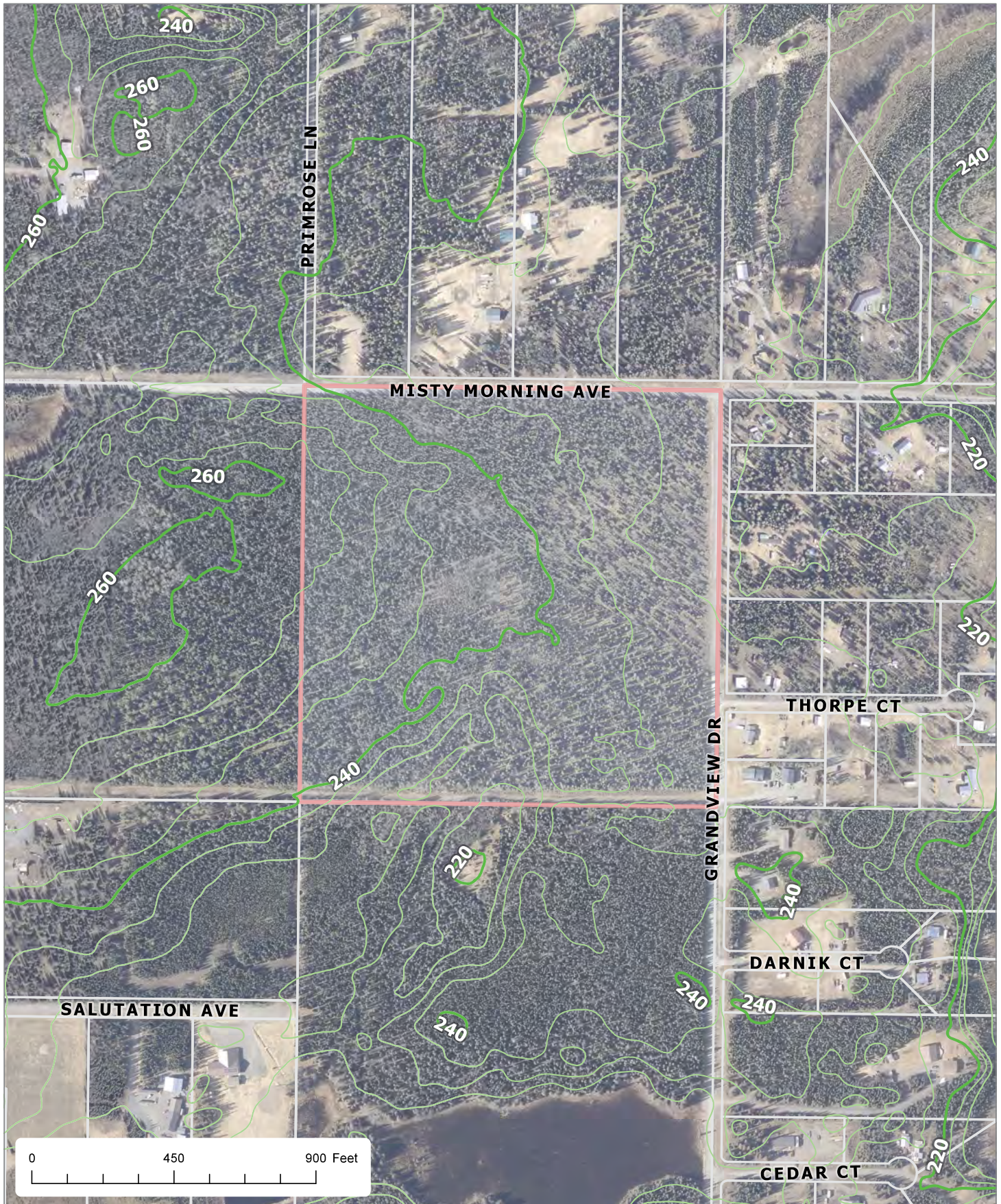
END OF STAFF REPORT



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.



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Levan Subdivision

Finding for exception to KPB code

Exception to code 20.30.170 Block-Length Requirements

Asking exception to not dedicate right-of-way along Southern boundary.

1. Southern boundary has existing main gas line with 60' easement.
2. Gas company provider does not want any road development on or near the main gas line.
3. Southern half of subdivision remaining one large tract with no plans for development.
4. Tract A can dedicate right-of-way as needed with future platting actions.
5. Large undeveloped tracts to the West, South-West and South with adequate legal access from other dedicated right-of -ways.

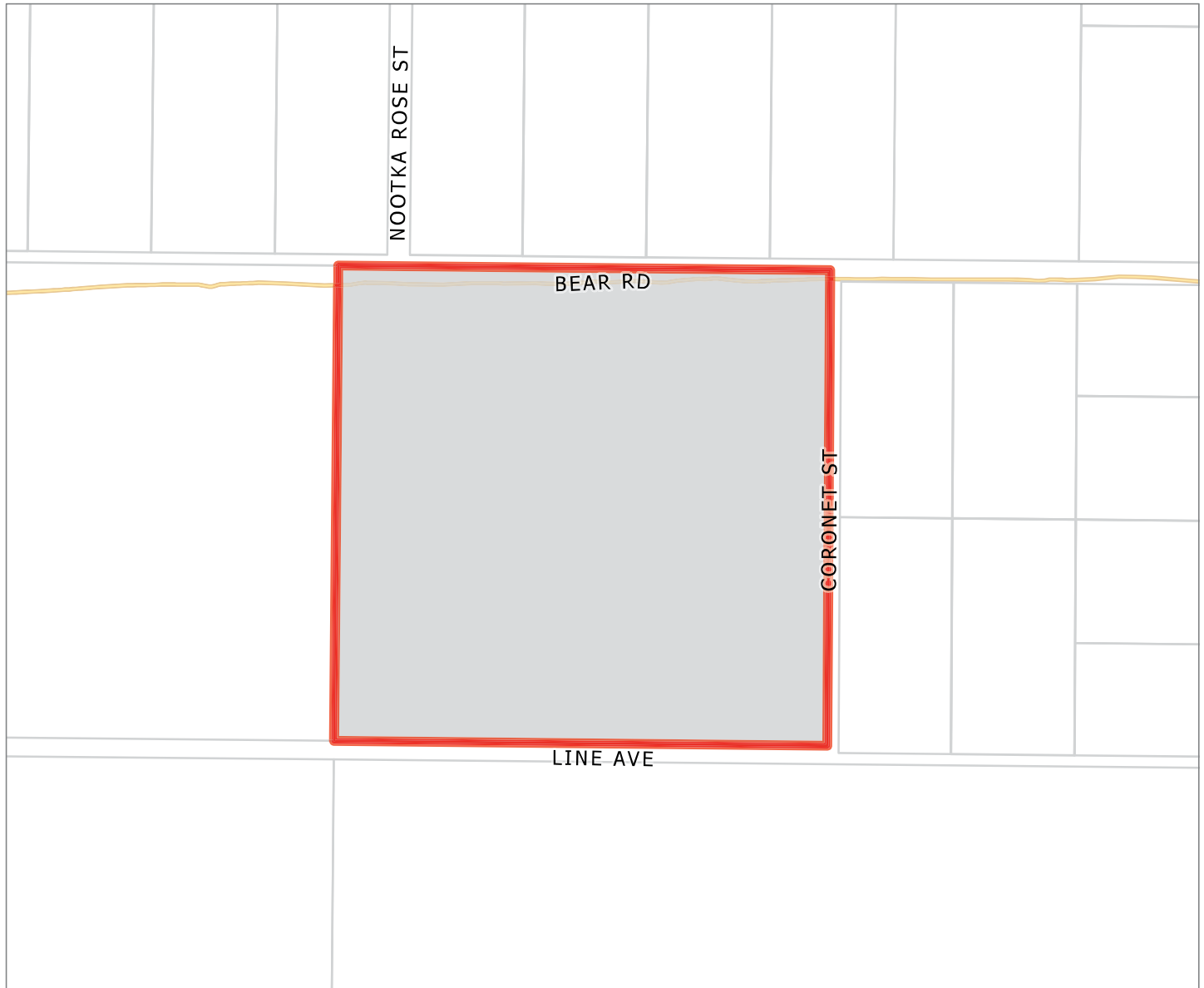
Exception to code 20.30.100 Cul-de-sacs

Asking exception to not dedicate cul-de-sac and the two terminal right-of-way ends.

1. Leaving a 30' wide dead end allows for future continuation of the right-of-way.
2. Gas company does not want developed turn arounds on or near the main gas line.

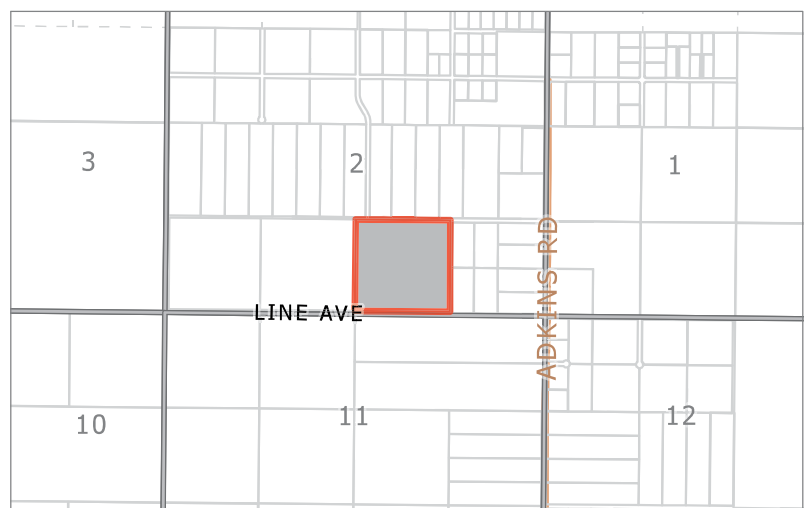
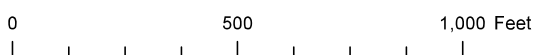
E. NEW BUSINESS

10. Cameron Subdivision; KPB File 2022-162



KPB File 2022-162
T 05N R 08W SEC 2
Sterling

10/25/2022





LEGEND:

- 3 1/4" ALUM. CAP MONUMENT LS7208 2007 FOUND
- 2 1/2" BRASS. CAP MON. GLO 1939 FOUND
- 5/8 REBAR w/PLASTIC CAP LBS859 SET
- () RECORD DATUM PLAT 2007-47 KRD

NOTES:

- 1) Basis of bearing taken from Record of Survey SW1/4 SE1/4 Section 2, T5N, R6W, S4, AC, Plat 2007-47 Kenai Recording District.
- 2) Building Setback-A setback of 20 feet is required from all street Rights-of-Way unless a lesser standard is approved by resolution by the appropriate Planning Commission.
- 3) Roads must meet the design and construction standards established by the Borough in order to be considered for certification and inclusion in the Borough road maintenance program.
- 4) An easement for right of way construction and maintenance is recorded in Book 287 Page 567, Kenai Recording District. This easement lies within the Bear Road dedication by this plat.
- 5) A public road easement granted to the Kenai Peninsula Borough is recorded as document number 2014-007892-0, Kenai Recording District. This easement lies within the Bear Road dedication by this plat.
- 6) Right of way easements which affect this property are recorded in document number 2004-012709-0 Kenai Recording District. These easements lie within the right-of-way dedications by this plat.
- 7) An easement for public utilities granted to the Alaska Energy Authority, is recorded as document number 2021-00915-0 Kenai Recording District.
- 8) Front 10 feet, adjacent to right-of-way and 20 feet within 5 feet of the side lot lines is a utility easement. No permanent structure shall be constructed or placed within a utility easement which would interfere with the ability of a utility to use the easement.
- 9) WASTEWATER DISPOSAL: These lots are at least 200,000 square feet 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.



SURVEYOR'S CERTIFICATE

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

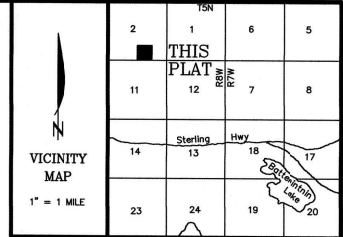
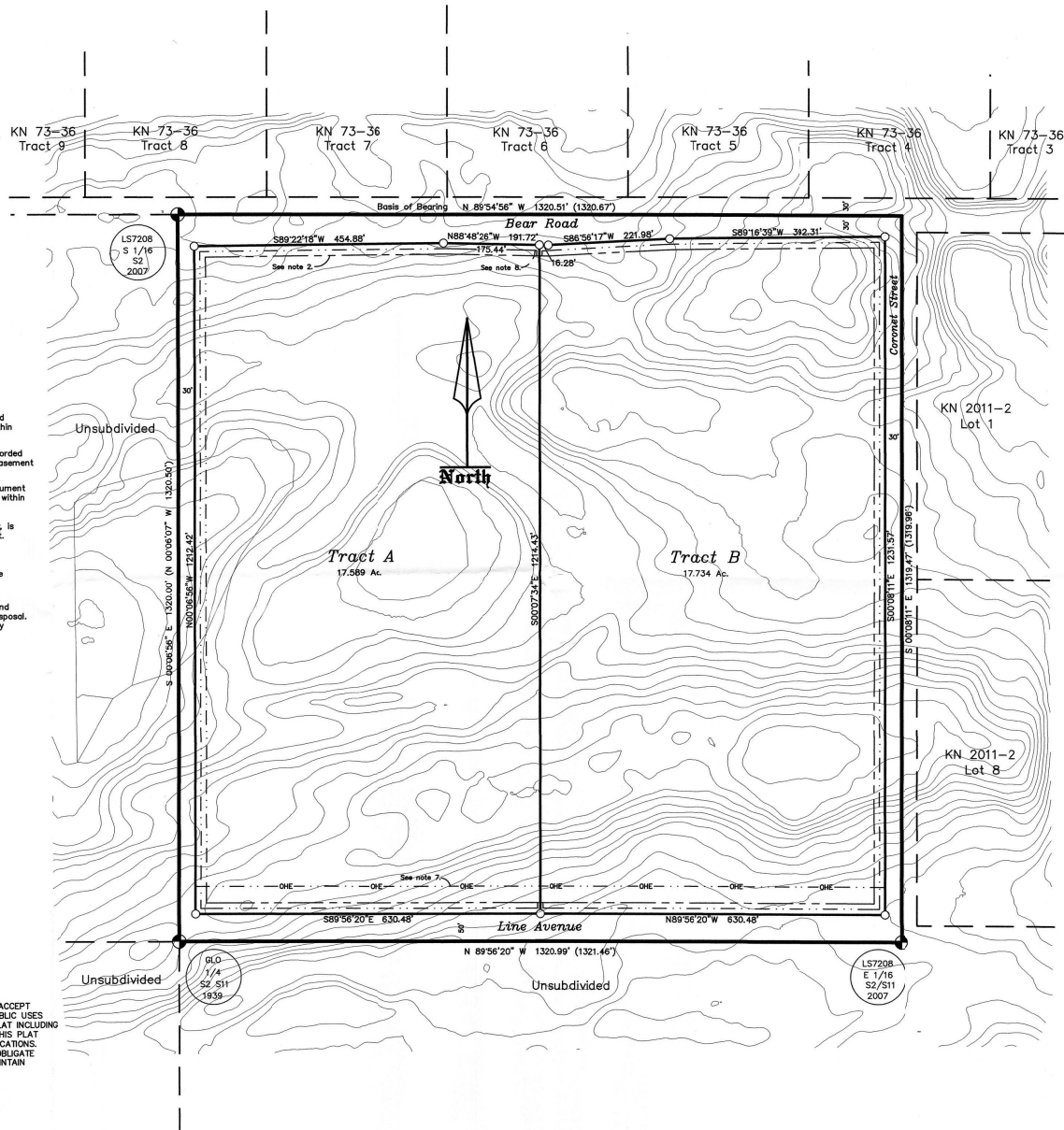
Date _____

CERTIFICATE of ACCEPTANCE

THE UNDERSIGNED OFFICIAL IDENTIFIED BY NAME AND TITLE IS AUTHORIZED TO ACCEPT AND HEREBY ACCEPTS ON BEHALF OF THE KENAI PENINSULA BOROUGH FOR PUBLIC USES AND FOR PUBLIC PURPOSES THE REAL PROPERTY TO BE DEDICATED BY THIS PLAT INCLUDING EASEMENTS, RIGHTS-OF-WAY, ALLEYS, AND OTHER PUBLIC AREAS SHOWN ON THIS PLAT IDENTIFIED AS FOLLOWS: BEAR ROAD, CORONET STREET, AND LINE AVENUE DEDICATIONS. THE ACCEPTANCE OF LANDS FOR PUBLIC USE OR PUBLIC PURPOSE DOES NOT OBLIGATE THE PUBLIC OR ANY OTHER GOVERNING BODY TO CONSTRUCT, OPERATE, OR MAINTAIN IMPROVEMENTS.

AUTHORIZED OFFICIAL
CITY OF KENAI

DATE _____



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.

ROBERT K. WALL RENAE E. WALL
P.O. BOX 781
STERLING, ALASKA 99672

NOTARY'S ACKNOWLEDGEMENT

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

NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES _____

NOTARY'S ACKNOWLEDGEMENT

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

NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES _____

PLAT APPROVAL

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

KENAI PENINSULA BOROUGH

AUTHORIZED OFFICIAL _____

KPB FILE No. _____

Cameron Subdivision

Located within the SW1/4 SE1/4 Section 2, T5N, R6W, S4, AC, Kenai Peninsula Borough, Alaska.

Containing 40.014 Ac.

Surveyor
Segesser Surveys
30485 Rosland St.
Soldotna, AK 99669
(907) 262-3909

Owner
Robert K. & Renae E. Wall
P.O. Box 781
Sterling, AK 99672

JOB NO. 22271	DRAWN: 10-11-22
SURVEYED: October, 2022	SCALE: 1"=100'
FIELD BOOK: 22-6	SHEET: 1 of 1

KPB 2022-162

AGENDA ITEM E. NEW BUSINESS

ITEM 10 – CAMERON SUBDIVISION

KPB File No.	2022-162
Plat Committee Meeting:	November 14, 2022
Applicant / Owner:	Robert and Renae Wall of Sterling, Alaska
Surveyor:	John Segesser / Segesser Surveys
General Location:	Bear Road, Line Avenue, Sterling

Parent Parcel No.:	065-510-18
Legal Description:	SW 1/4 SE 1/4, Section 2, Township 5 North, Range 8 West
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On Site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide a 40 acre parcel into two tracts that will be 17.6 acres and 17.7 acres. Right-of-way dedications are proposed along the subdivision perimeter.

Location and Legal Access (existing and proposed): The proposed plat is in the Sterling area and situated between Bear Road and Line Avenue. The subdivision is accessed near mile 77 of state maintained Sterling Highway by Adkins Road, a borough maintained varying width right-of-way. Bear Road is a varying width right-of-way that is maintained by the borough and off of Adkins Road. Portions of Bear Road have not been dedicated but various easements have been granted in the past. South of the subdivision is Line Avenue. This right-of-way is partially dedicated and within section line easements. There is an existing powerline in this area with a used travelway.

The plat will be dedicating a portion of Bear Road. The eastern width is code required 30 feet wide to provide a full 60 foot dedication. At the eastern portion of Bear Road, the dedication starts to widen from previous easements. The portion to the west is proposed to be wider to accommodate the existing roadway. ***Staff recommends a width label be added for the western portion and the east line of Coronet Street.***

Coronet Street is located to the east and is dedicated as 30 feet wide. The plat is proposing to dedicate the other 30 feet to allow for a compliant right-of-way width.

The proposed plat will be granting a 30 foot wide right-of-way along the western boundary. To the north of Bear Road is Nootka Rose Street. It appears the intersections from centerlines will be approximately 150 feet and thus compliant with KPB Code for intersection distances. Nootka Rose Street was placed where it is due to improvements on a lot but the course of the right-of-way goes northwest to dedications in line with the one proposed by this plat. ***Staff recommends an approved street name will be required on the new dedication.***

Line Avenue is proposed to be dedicated at 50 feet wide to match the section line easement width along the southern boundary of the plat. Portions of Line Avenue have been dedicated but the portions along this subdivision have not yet been granted. KPB data indicates a 50 foot section line easement is located to the south of the section line providing a 100 foot easement. Staff did not find indication of a dedication along the southern boundary but the KPB parcel data does show the southern 50 feet excluded from the property boundary. The official dedication is needed that this plat is granting. Within this area is a 100 foot utility easement and an overhead powerline is in existence. It appears that there is a trail being used with portions within the section line easement and others within the powerline easement. As utility easements are for the benefit of the utility providers, staff will not be requesting the dedication that includes the existing trail.

Staff recommends the right-of-way dedications include labels of the width being dedicated and include “right-of-way dedicated by this plat.”

Line Avenue dedication will be atop a 50 foot section line easement. There is an additional 50 foot section line easement to the south per KPB staff information. **Staff recommends** verify the section line easement status and widths and depict and label the adjoining section line easement.

The proposed dedications will provide for a closed and compliant block.

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

Site Investigation: Per the Kenai Watershed Forum Wetland Assessment, there are two areas categorized as depressions that will be within proposed Tract A. Due to the nature of the classification and the locations within the subdivision, **staff recommends** the low wet areas not be required to be shown but a wetland determination plat note be added.

The plat shows the terrain for the area. Staff would like to note that per KPB Code 20.25 that the requirement is not to just show the terrain but to indicate those areas that have areas steeper than 20 percent and asks the surveyor to start clearly showing the steep terrain.

It appears that there are areas of steep terrain present. Due to the size of the lots, **staff recommends** the steep slopes do not need to be depicted on the final plat.

It does appear that some steep slopes are present within the proposed dedications. Per KPB 20.30.090, roads shall not exceed 6 percent on arterial streets and 10 percent on other streets or 4 percent within 130 feet of centerline intersections. Due to the terrain within the proposed dedications, **staff recommends** centerline profiles and cross-sections be submitted for review for any portions of rights-of-way to determine if additional width or slope easements are required.

The terrain within the Line Avenue dedication appears to be acceptable and with a 100 foot width available, **staff recommends** centerline profiles and cross-sections will not be required for Line Avenue.

KPB River Center review	Floodplain: Not within flood hazard area. No comments Habitat Protection: Is NOT within HPD. No comments. State parks: No comments
State of Alaska Fish and Game	No objections

Staff Analysis The proposed plat is for property not previously platted. A record of survey was previously performed. The property is subject to several right-of-way easements that are noted within the plat notes. Those right-of-way easements are being dedicated by this plat and are noted as such within the plat notes.

KPB Assessing information indicates there may be an accessory building present but it is not detected on KPB Imagery. There does not appear to be any encroachment issues.

A soils report will not be required due to the size of the lots. The correct wastewater disposal note is present.

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. The plat will be granting the code required 10 feet adjacent to dedications. They intend to increase the width to 20 feet within 5 feet of the side lots lines.

There is a recorded easement for a powerline that is 100 feet wide. The powerline is shown with a reference to the plat note. **Staff recommends** the width of the utility easement be depicted 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	Depict and dimension the 100 foot wide easement centered on the existing overhead electric transmission line.
ENSTAR	No comments or recommendations
ACS	No objections
GCI	No comment

KPB department / agency review:

Addressing	<p>Reviewer: Haws, Derek Affected Addresses: None</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names: CORONET ST LINE AVE BEAR 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: No addresses affected by this subdivision. New street name needed for newly dedicated ROW west of tract A</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
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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: *Add "State of" to Alaska and include the recording district.*
- C. The location, width, and name of existing or platted streets and public ways, railroad rights-of-way, and other important features such as section lines or political subdivisions or municipal corporation boundaries abutting the subdivision;

Staff recommendation: *Show the section line easement abutting the subdivision that is located to the south.*
- D. A vicinity map, drawn to scale showing location of proposed subdivision, north arrow if different from plat orientation, township and range, section lines, roads, political boundaries, and prominent natural and manmade features, such as shorelines or streams;

Staff recommendation: *Depict and label the Kenai National Wildlife Refuge.*
- 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: *An approved name will be needed for the western right-of-way. It appears that Bear Road dedication is trying to encompass the constructed right-of-way. Provide a label for the width at the western end.*
- G. The status of adjacent lands within 100 feet of the proposed subdivision boundary or the land status across from any dedicated rights-of-way that adjoin the propose subdivision boundary, including names of subdivisions, lot lines, block numbers, lot numbers, rights-of-way; or an indication that the adjacent land is not subdivided;

Staff recommendation: *To the north is Nootka Rose Street. It should be depicted and labeled.*

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.*

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

Staff recommendation: *An approved name is needed for western dedication*

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 not required due to lot size.

Staff recommendation: comply with 20.40.

KPB 20.60 – Final Plat

Staff recommendation: final plat submittals must comply with 20.60. Additional information, revisions, and/or corrections are required as noted below.

20.60.180. Plat notes.

A. Plat notes shall not be placed on a final plat unless required by borough code or by the planning commission in order to promote or protect the public health, safety, and welfare consistent with borough and state law.

B. Revision of, or not carrying forward, an existing plat note from the parent plat will adhere to KPB 20.50.010. Separate advertising of the plat note removal is not required. Notification of the requested change will be sent by regular mail to all owners within the subdivision (parent plat and subsequent replats) as shown on the borough tax rolls. Upon approval by the planning commission, the revision or removal of the record plat note shall be finalized by recording a planning commission resolution or subdivision plat.

Staff recommendation: Place the following notes on the plat.

- Add code to plat note 3, "(KPB 14.06)".

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
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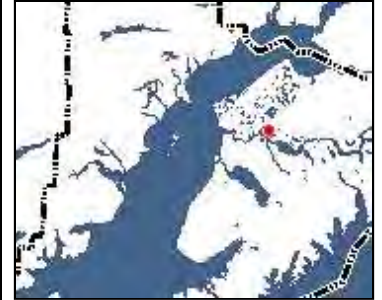
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END OF STAFF REPORT



Aerial



Legend

- Mileposts
- City Limits
- Highways
- Major Roads
- Roads
 - Town Medium Volume
 - Town Low/Seasonal; Other
 - Proposed
- Parcels
- Image
 - Red: Red
 - Green: Green
 - Blue: Blue

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. It is not to be used for navigation.

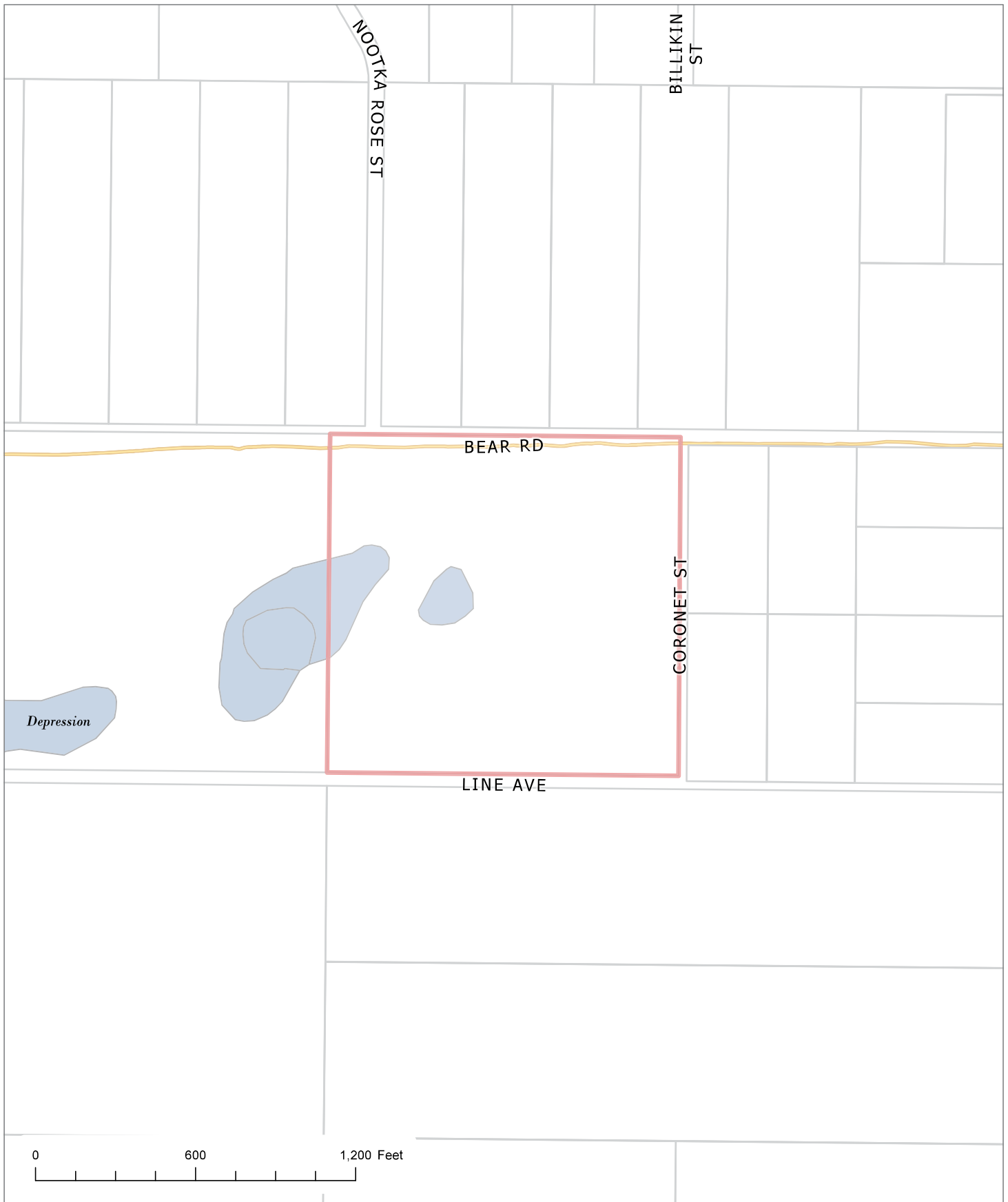
Notes

KPB 2022-162

DATE PRINTED: 11/3/2022



Wetlands





Aerial with 4-foot contours



Legend

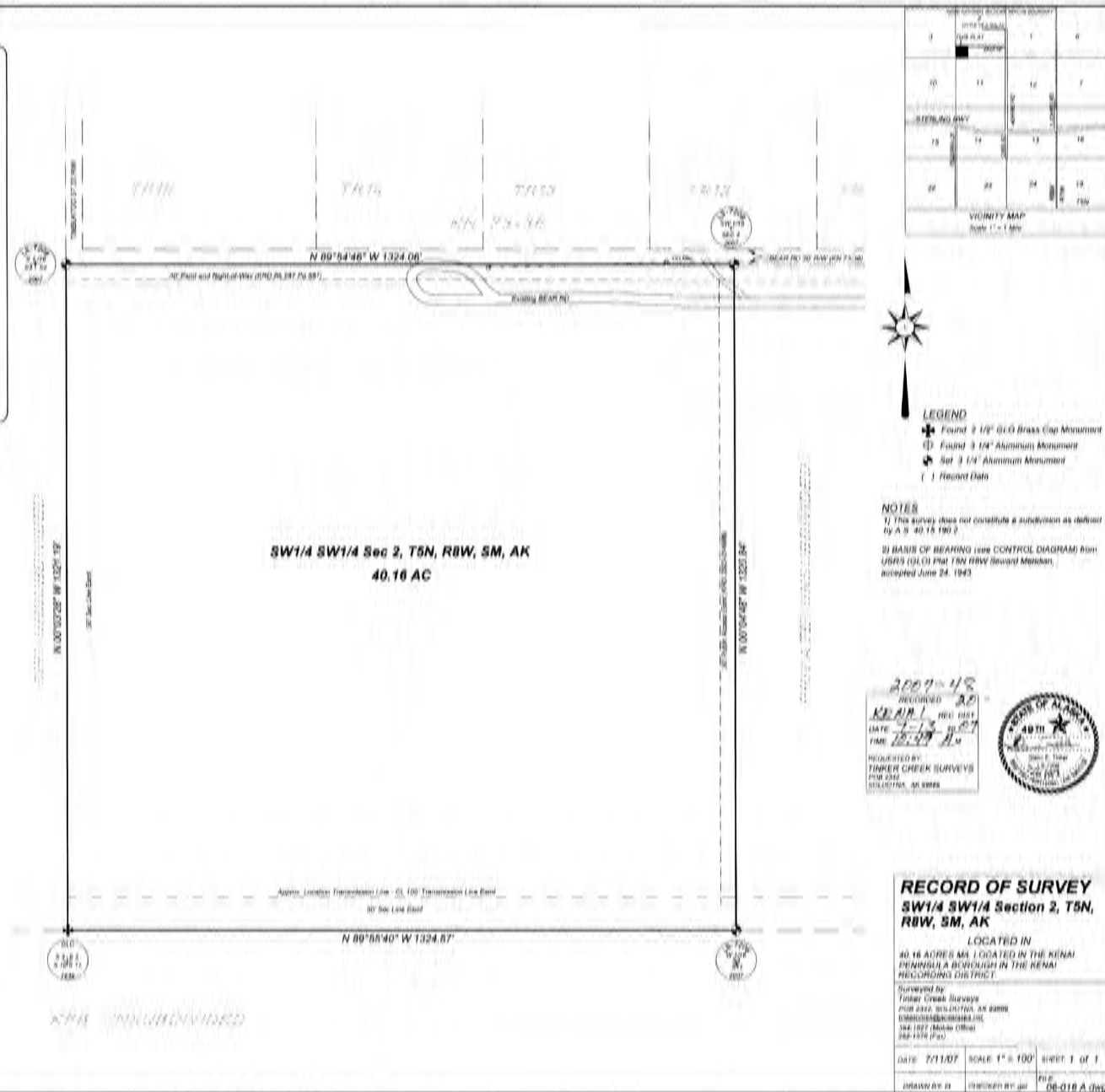
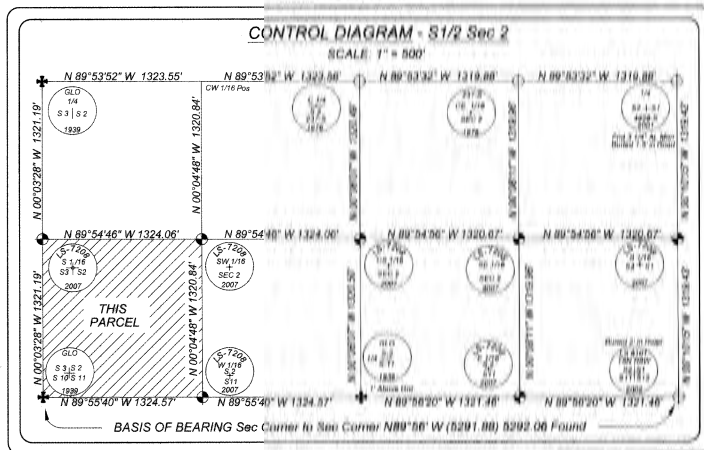
- Mileposts
- Major Roads
- [] Township Lines
- [] Section Lines
- [] Parcels

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Notes

KPB 2022-162

DATE PRINTED: 11/3/2022



LEGEND:

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- 2 1/2" BRASS. CAP MON. GLO 1939 FOUND
- 5/8 REBAR w/PLASTIC CAP L5859 SET
- () RECORD DATUM PLAT 2007-47 KRD

NOTES:

- 1) Basis of bearing taken from Record of Survey SW1/4 SE1/4 Section 2, T24N, R36W, S34, AC, Plat 2007-47 Kenai Recording District.
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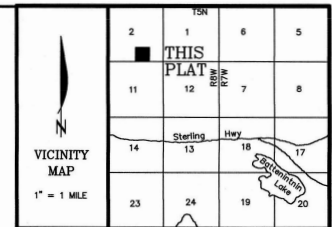
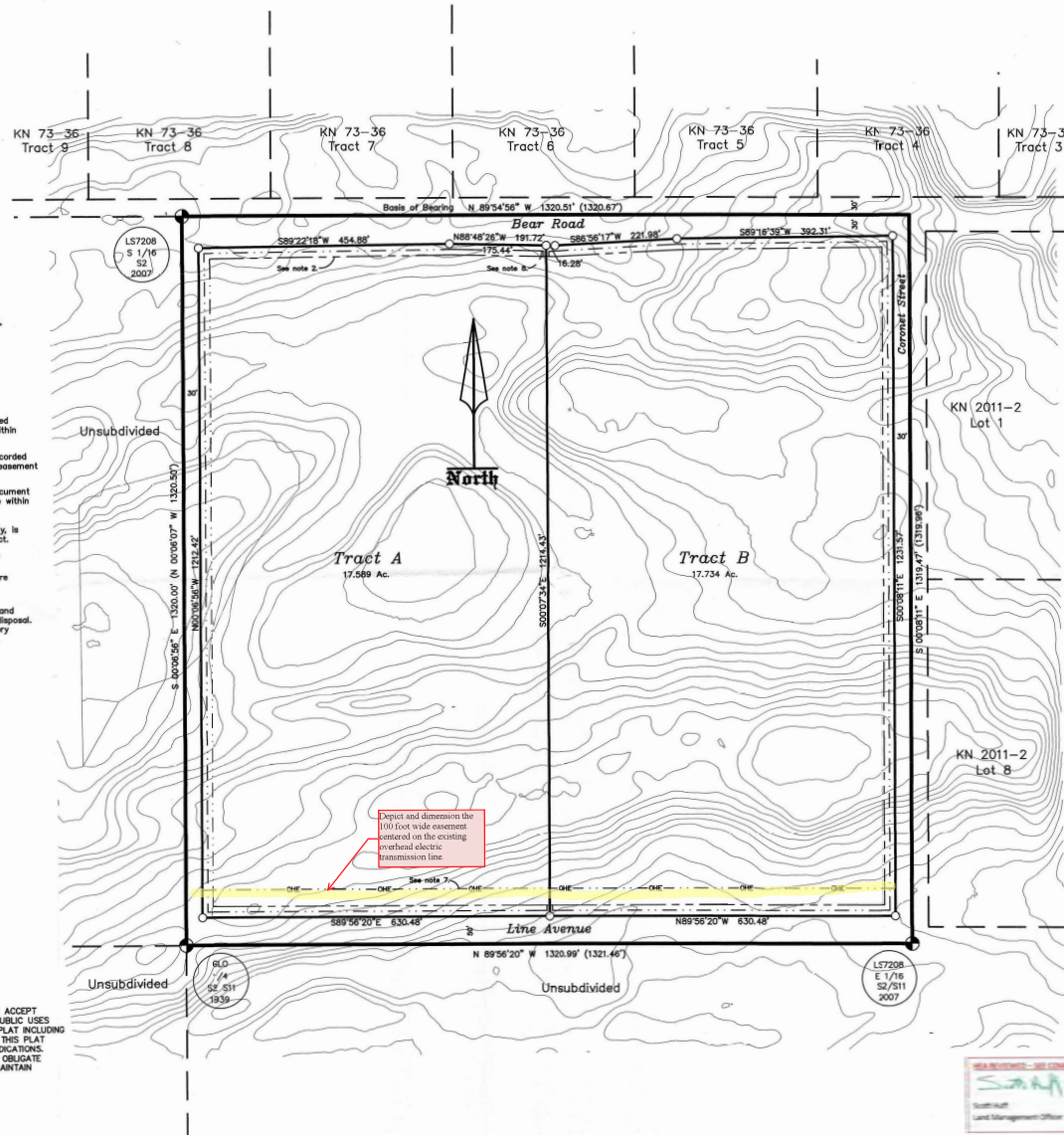
Date _____

CERTIFICATE of ACCEPTANCE

THE UNDERSIGNED OFFICIAL IDENTIFIED BY NAME AND TITLE IS AUTHORIZED TO ACCEPT AND HEREBY ACCEPTS ON BEHALF OF THE KENAI PENINSULA BOROUGH FOR PUBLIC USES AND FOR PUBLIC PURPOSES THE REAL PROPERTY TO BE DEDICATED BY THIS PLAT INCLUDING EASEMENTS, RIGHTS-OF-WAY, ALLEYS, AND OTHER PUBLIC AREAS SHOWN ON THIS PLAT IDENTIFIED AS FOLLOWS: BEAR ROAD, CORONET STREET, AND LINE AVENUE DEDICATIONS. THE ACCEPTANCE OF LANDS FOR PUBLIC USE OR PUBLIC PURPOSE DOES NOT OBLIGATE THE PUBLIC OR ANY OTHER GOVERNING BODY TO CONSTRUCT, OPERATE, OR MAINTAIN IMPROVEMENTS.

AUTHORIZED OFFICIAL
CITY OF KENAI

DATE _____



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.

ROBERT K. WALL

RENAE E. WALL

P.O. Box 781
STERLING, ALASKA 99672

NOTARY'S ACKNOWLEDGEMENT

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

NOTARY PUBLIC FOR ALASKA

MY COMMISSION EXPIRES _____

NOTARY'S ACKNOWLEDGEMENT

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

NOTARY PUBLIC FOR ALASKA

MY COMMISSION EXPIRES _____

PLAT APPROVAL

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

KENAI PENINSULA BOROUGH

AUTHORIZED OFFICIAL _____

KPB FILE No. _____

Cameron Subdivision

Located within the SW1/4 SE1/4 Section 2, T24N, R36W, S34, AC, Kenai Peninsula Borough, Alaska.

Containing 40.014 Ac.

Surveyor
Segesser Surveys
30485 Rosland St.
Soldotna, AK 99669
(907) 265-3909

Owner

Robert K. & Renae E. Wall
P.O. Box 781
Sterling, AK 99672

JOB NO.

22271

DRAWN:

10-11-22

SURVEYED:

October, 2022

SCALE:

1"=100'

FIELD BOOK:

22-6

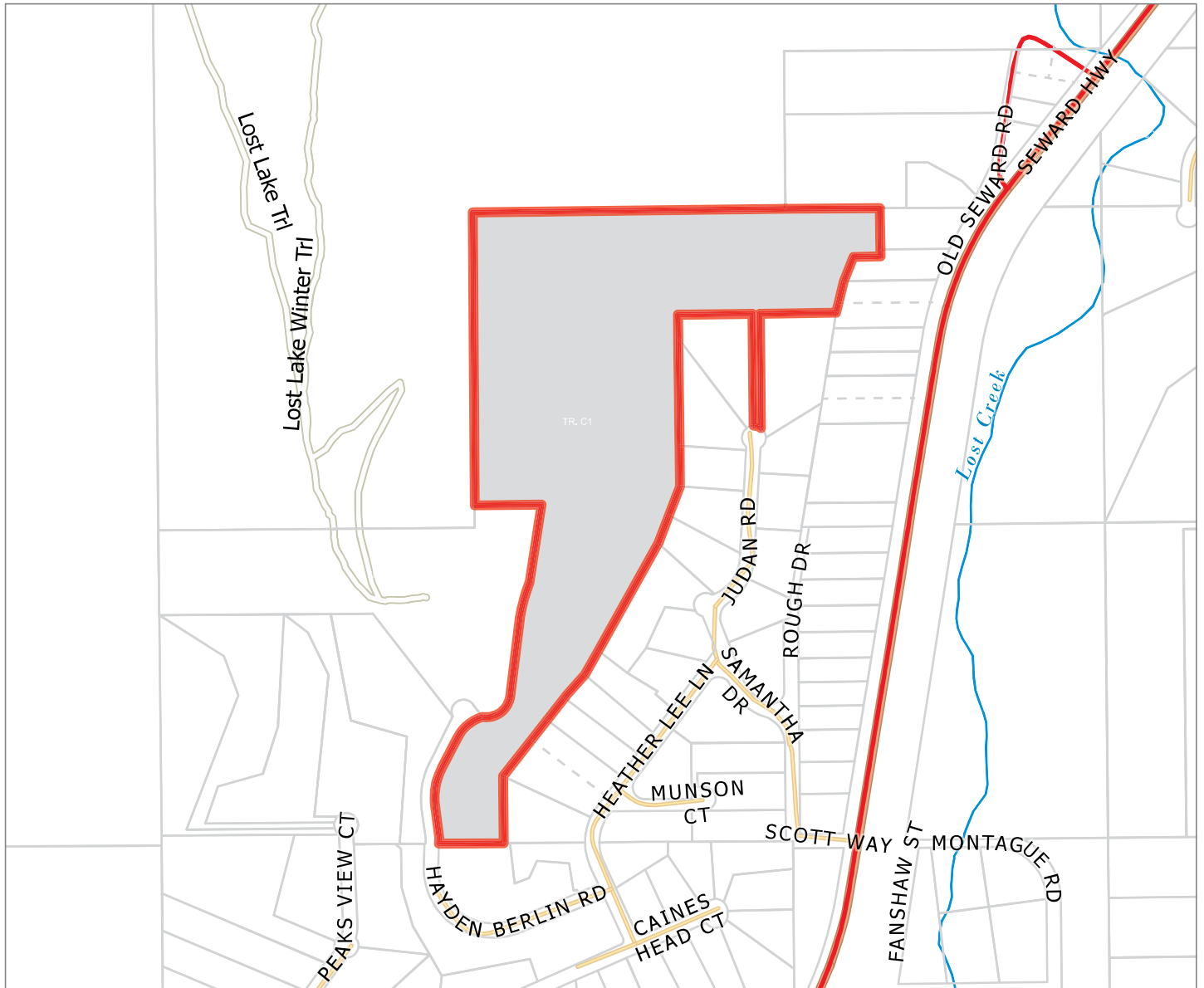
SHEET:

1 of 1

KPB 2022-162

E. NEW BUSINESS

- 11. Lost Lake subdivision Addition No. 8
KPB File 2019-040R1**

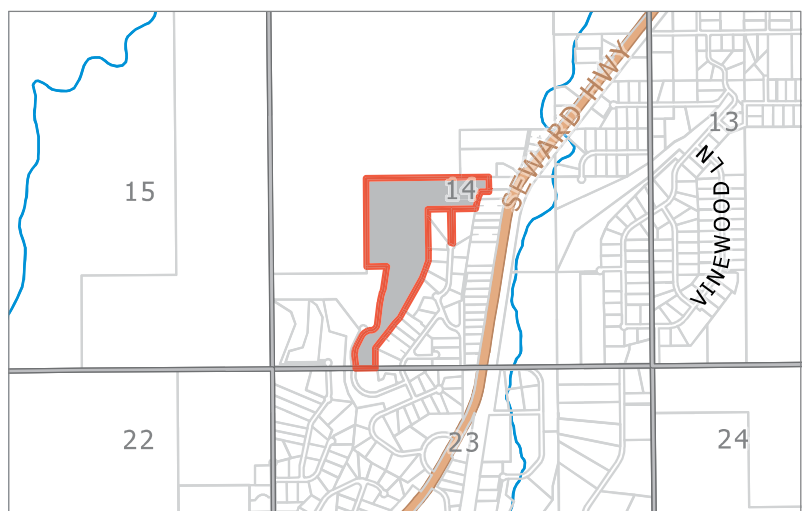
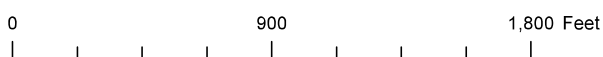


KPB File 2019-040R1

T 01N R 01W SEC 14

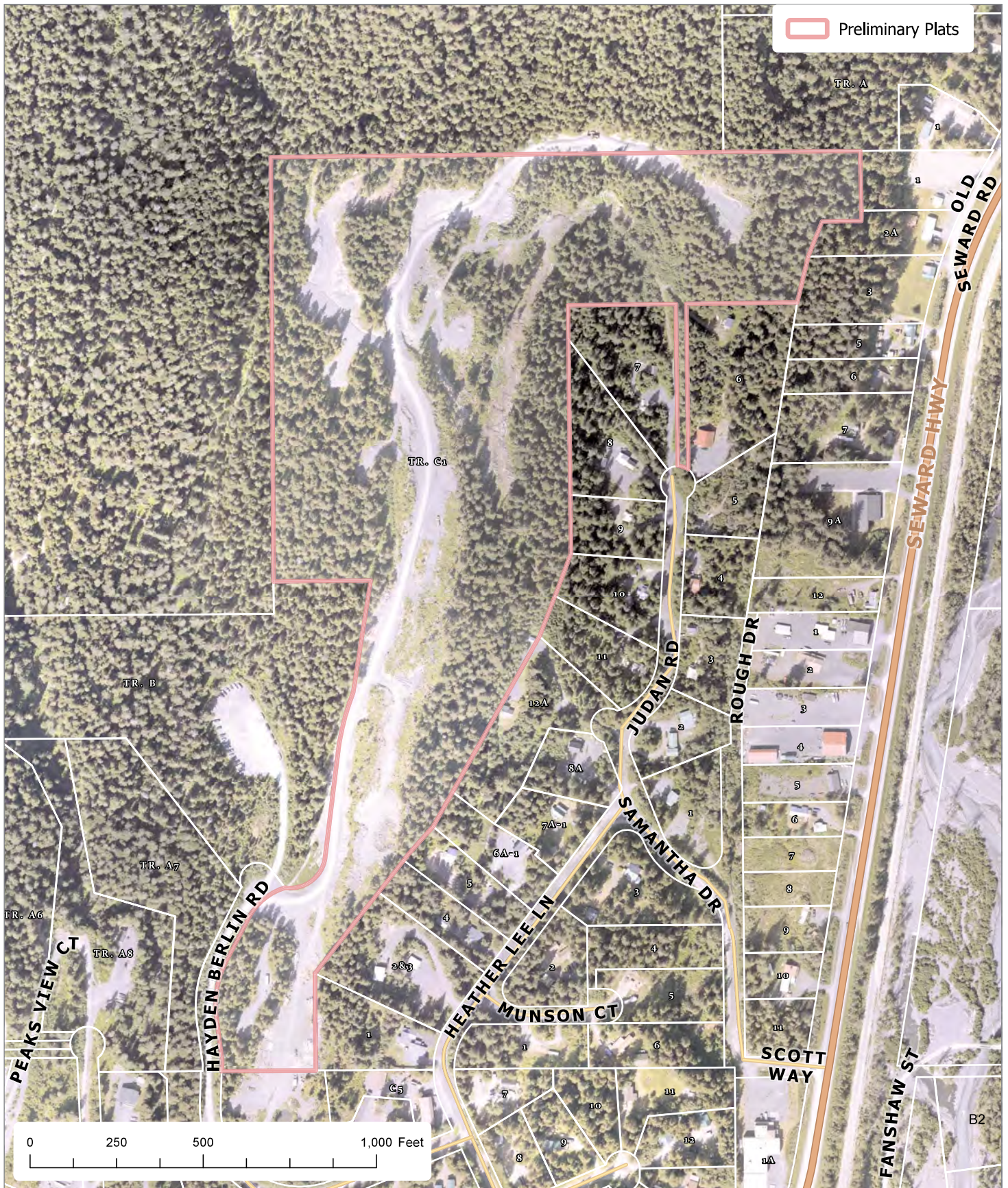
Bear Creek

10/18/2022





Aerial View



LEGEND:

- * 3 1/4" ALUM. MON. USFS FOUND
 • 2 1/2" ALUM. CAP MON. LS5152 1994 FOUND
 • 5/8" REBAR w/PLASTIC CAP FOUND
 ○ 5/8" REBAR w/PLASTIC CAP LS8859 SET
 () RECORD DATUM PLAT 96-20 SRD

NOTES:

- 1) Basis of bearing taken from Lost Lake Subdivision Addition No. 4, Plat 96-20, Seward Recording District.
- 2) Building Setback-A setback of 20 feet is required from all street Rights-of-Way unless a lesser standard is approved by resolution by the appropriate Planning Commission.
- 3) An easement agreement which affects this property is recorded as document number 2009-000081-0, Seward Recording District.
- 4) Roads must meet the design and construction standards established by the Borough in order to be considered for certification and inclusion in the Borough road maintenance program.
- 5) Front 10 feet adjacent to rights-of-way and 20 feet within 5 feet of the side lot lines is a utility easement. No permanent structure shall be constructed or placed within a utility easement which would interfere with the ability of a utility to use the easement.
- 6) **WASTEWATER DISPOSAL:** Lots 6, 7 and 12. 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.

WASTEWATER DISPOSAL: Lots 1-5, 8-11 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 Department of Environmental Conservation.

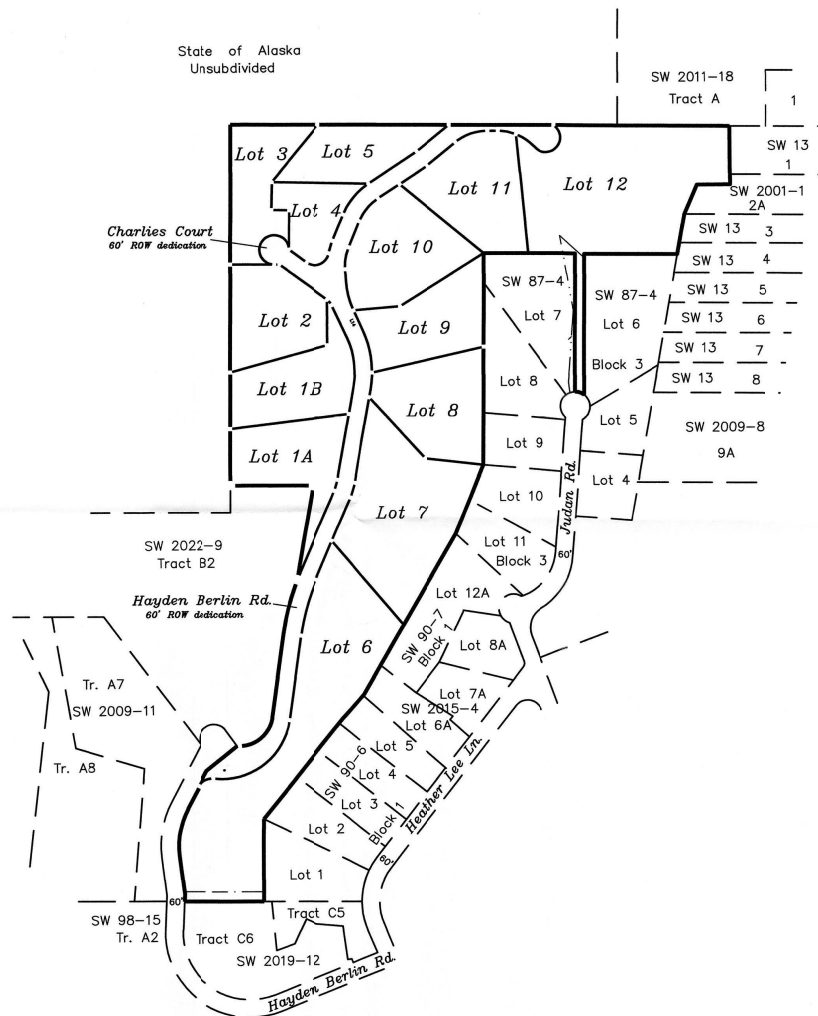
Engineer License No. Date

**SURVEYOR'S CERTIFICATE**

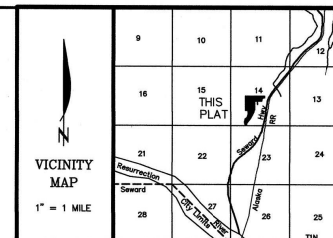
I hereby certify that I am properly registered and licensed to practice land surveying in the State of Alaska, this plat represents a survey made by me or under my direct supervision, the monuments shown herein actually exist as described, and all dimensions and other details are correct.

Date _____

State of Alaska
Unsubdivided



See page 2 for dimensional data

**CERTIFICATE of OWNERSHIP and DEDICATION**

I HEREBY CERTIFY THAT I AM THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I HEREBY ADOPT THIS PLAN OF SUBDIVISION AND BY MY FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

DANA S. ROUGH
13146 HAYDEN BERLIN RD, #7
SEWARD, AK 99664

NOTARY'S ACKNOWLEDGMENT

FOR
ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____ 20____

NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES _____

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF MAY 13, 2019.

KENAI PENINSULA BOROUGH

AUTHORIZED OFFICIAL _____

CERTIFICATE of ACCEPTANCE

THE UNDERSIGNED OFFICIAL IDENTIFIED BY NAME AND TITLE IS AUTHORIZED TO ACCEPT AND HEREBY ACCEPTS ON BEHALF OF THE KENAI PENINSULA BOROUGH FOR PUBLIC USES AND FOR PUBLIC PURPOSES THE REAL PROPERTY TO BE DEDICATED BY THIS PLAT INCLUDING EASEMENTS, RIGHTS-OF-WAY, ALLEYS, AND OTHER PUBLIC AREAS SHOWN ON THIS PLAT IDENTIFIED AS FOLLOWS: DEDICATIONS.

THE ACCEPTANCE OF LANDS FOR PUBLIC USE OR PUBLIC PURPOSE DOES NOT OBLIGATE THE PUBLIC OR ANY OTHER GOVERNING BODY TO CONSTRUCT, OPERATE, OR MAINTAIN IMPROVEMENTS.

AUTHORIZED OFFICIAL _____ DATE _____
KENAI PENINSULA BOROUGH

KPB FILE No. 2019-040R1

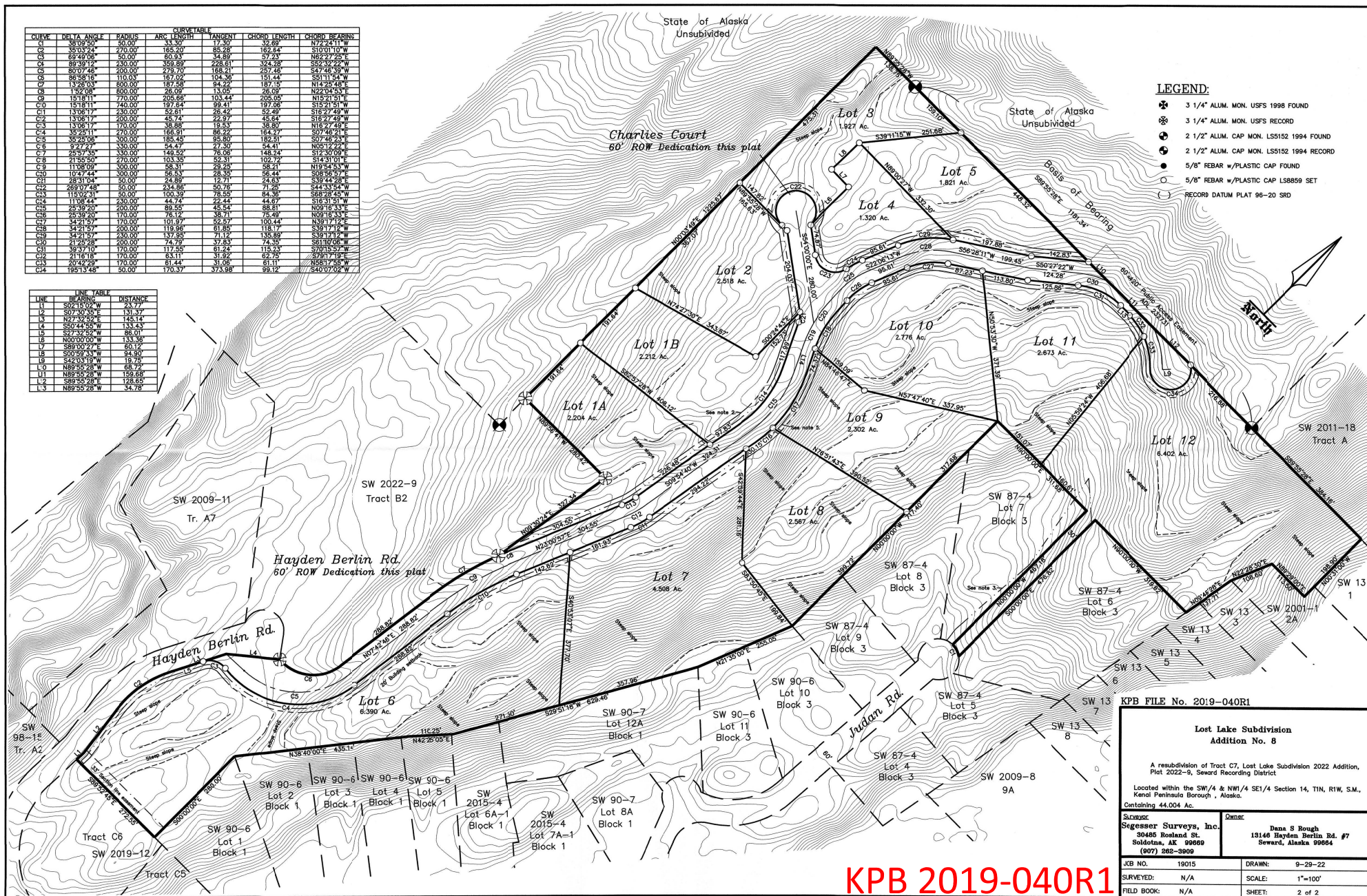
Lost Lake Subdivision Addition No. 8

A resubdivision of Tract C7, Lost Lake Subdivision 2022 Addition Plat 2022-9, Seward Recording District

Located within the SW1/4 & NW1/4 SE1/4 Section 14, T1N, R1W, S.M., Kenai Peninsula Borough, Alaska.
Containing 44.004 Ac.

Surveyor: Segesser Surveys, Inc. 30485 Rosland St. Soldotna, AK 99669 (907) 262-3009	Date: Dana S. Rough 13146 Hayden Berlin Rd. #7 Seward, Alaska 99664
JOB NO. 19015	DRAWN: 9-26-22
SURVEYED: N/A	SCALE: 1"=100'
FIELD BOOK: N/A	SHEET: 1 of 2

KPB 2019-040R1



AGENDA ITEM E. NEW BUSINESS

ITEM 11 – LOST LAKE SUBDIVISION ADDITION NO. 8

KPB File No.	2019-040R1
Plat Committee Meeting:	November 14, 2022
Applicant / Owner:	Dana and Kathie Rough of Seward, Alaska
Surveyor:	John Segesser / Segesser Surveys
General Location:	Hayden Berlin Road, Judan Road, Bear Creek

Parent Parcel No.:	125-010-61
Legal Description:	Tract C7, Lost Lake Subdivision 2022 Addition, Plat SW 2022-9
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On Site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide a 44 acre parcel into thirteen lots ranging in size from 1.320 acres to 6.402 acres. Several right-of-way dedications are proposed.

Location and Legal Access (existing and proposed): The proposed plat is located north of mile 5 of State maintained Seward Highway in the Bear Creek area. The subdivision is accessed by several borough maintained rights-of-way including Scott Way, Samantha Drive, and Heather Lee Lane. Those rights-of-way provide access to Judan Road, a 60 foot wide borough maintained right-of-way that ends with a cul-de-sac and provides access to proposed Lot 12. Hayden Berlin Road is the other right-of-way that provides access and is partially maintained by the borough. The road is constructed past the borough maintenance and provides access to the parking lot for the Lost Lake Trailhead. The roadway continues past the dedication into the proposed plat with a new dedication proposed to provide access to all the lots except Lot 3. Lot 3 as well as Lot 2 and Lot 4, will have access off a new proposed cul-de-sac, named Charlies Court.

A 60 foot by 420 foot public access easement was granted by ADL 232731. It is located to the north of the subdivision and includes an existing travelway. The plat shows the ADL and intends to use it for portions of the road dedication to bring the width into compliance.

An easement agreement is in place, depicted, and noted on the plat. This agreement provides access for the travelway that is outside the access portion of proposed Lot 12.

A 33 foot section line easement is present along the southern boundary and is labeled and depicted within Lot 6.

Due to the proximity to the Chugach National Forest and the terrain in the area, the block is not compliant. A previous design for this subdivision received conditional approval at the May 13, 2019 Plat Committee meeting. This design is very similar with a few changes that are requiring a new hearing. The road dedications are very similar and an exception was granted at that meeting for Block Length with the following findings.

1. The proposed subdivision provides a 60-foot dedication for Hayden Berlin Road per KPB 20.30.030.
2. Per KPB GIS 4-foot contours, much of the block is affected by slopes greater than 20 percent.
3. Staff is recommending a centerline profile be provided (KPB 20.30.090), dedicate additional right-of-way (KPB 20.30.120), and/or grant easements for side slopes (KPB 20.30.120) if needed to address terrain constraints.
4. Per Kenai Watershed Forum 2013 Cook Inlet Wetlands Mapping, the proposed subdivision is not affected by low wet areas.

5. National Wetlands Inventory indicates the plat may be effected by a minor riverine in the northwest portion of the subdivision.
6. No right-of-way is proposed to be dedicated in the northwest portion of the subdivision.
7. All adjoining lots and tracts front existing rights-of-way.
8. No adjoining or adjacent acreage parcels will be denied access.
9. Lot 12 will be a double fronting parcel but is acceptable due to lot depth greater than 150 feet and topographic conditions.
10. KPB Roads Director provided a review of 'No Comment'.
11. The flag area between Lots 6 and 7 is affected by steep side sloping terrain.
12. A private access easement across Lot 7 and former Tract C-1 provides access to Lot 6 (2009-00081-0 SRD).

Staff recommends the plat committee concur to carry forward the previously granted exception to block length and a plat note be added stating the exception was granted at the May 13, 2019 Plat Committee meeting.

Due to the design of the new right-of-way, a new name should be reviewed for the new dedication as it intersects Hayden Berlin Road as opposed to continues. **Staff recommends** the owners/surveyor work with the KPB Addressing Officer to provide compliant and approved street names.

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

Site Investigation: The property is free from any low wet areas. This subdivision is located at the base of mountainous terrain. The second page of the preliminary plat shows the terrain with steep terrain areas outlined and labeled. Due to the amount of steep slopes that may impact development, **staff recommends** the areas with slopes greater than 20 percent remain on the final plat.

The owners have been working on constructing the rights-of-way and some areas appear to meander more than what is shown on the plat. **Staff recommends** the surveyor verify that the constructed road is within the dedicated right-of-way boundary.

Per KPB 20.30.090, the subdivider shall demonstrate that streets can be constructed with current borough road standards and that grades on roads shall not exceed 10 percent or 4 percent within 130 feet of centerline intersections. Due to the steep slopes found throughout the property, **staff recommends** centerline profiles and cross sections be provided for the steep areas within the new dedications to demonstrate they can be built to borough standards and if additional right-of-way width or slope easements are required.

The roadway encroached onto State of Alaska lands to the north. An ADL was granted by the State of Alaska to allow continued use of the roadway.

KPB River Center review	<p>A. Floodplain Reviewer: Carver, Nancy Floodplain Status: Not within flood hazard area Comments: Located in a Non-Regulatory X - Zone, minimal flood risk & a Non-Regulatory D-Zone, undetermined flood risk</p> <p>B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments</p> <p>C. State Parks</p>
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	Reviewer: Russell, Pam Comments: No Comments
State of Alaska Fish and Game	No objections

Staff Analysis This is a revised design of a preliminary plat originally heard by the Plat Committee on May 13, 2019. The plat was named Lost Lake Subdivision Addition No. 6 but that name and 7 had been used so this version is Addition 8. The plat received conditional approval but some exceptions were denied. The former design had a non-compliant lot due to the locations of the right-of-way proposed on this plat and the entry to the trailhead parking lot. The road for this subdivision went onto some of the federal land and some of the drive to the trailhead went onto the private land. The owners were able to work with Chugach National Forest and a replat, Lost Lake Subdivision 2022 Addition, was recorded on September 6, 2022 that provided a land swap to correct the issues.

While waiting for the finalization of Lost Lake Subdivision 2022 Addition, Plat SW 2022-9, the owners requested and received a time extension for their first preliminary design. Once the plat with Chugach National Forest was finalized it allowed the owners to proceed with their original plat.

The main design has remained close. The plat had to be brought back to the Plat Committee as the owners have elected to add an additional lot to their design. While reducing the number of lots does not require a new hearing the addition of lots or major changes to right-of-way will require a new hearing. If approved, **staff recommends a new approval date be granted as this version is being reviewed under new code that took effect on April 1, 2021.**

The plat will be creating thirteen lots with a dedication the length of the subdivision to provide access. There are steep terrain concerns but it appears the owner has been working with a developer to start the construction of rights-of-way and access into lots.

A soils report had previously been submitted and was approved. The addition of another lot will require a revision to the submittal as well and septic placements did not take the new lot into consideration. The required plat notes per the soils analysis report will need to be provided and an engineer will sign the final plat. The square footage of Lot 7 should be verified and if under 200,000, it should be included within the soils analysis report.

Notice of the proposed plat was mailed to the beneficial interest holder on October 19, 2022. A notice was mailed with the first preliminary design but a new notice with the changes was sent. 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 Lost Lake Subdivision Addition No. 4, Plat SW 96-20, granted 10 foot utility easements adjacent to dedicated rights-of-way. This would have been within the access area adjacent to Judan Road and along Hayden Berlin Road. Those easements were carried over in the form of plat notes. Those easements will be carried over and per the plat note increase to 20 feet within 5 feet of the side lot lines. The plat depicts the utility easements along Hayden Berlin Road and the new dedications. **Staff recommends the utility easement be depicted along Judan Road.**

Lost Lake Subdivision Addition No. 4, Plat SW 96-20, and Lost Lake Subdivision Number 5, Plat SW 98-14, both placed a 20 foot easement on a proposed location for powerlines within what will be Lot 6. Staff did not require the easement to be shown on Lost Lake Subdivision 2022 Addition, Plat SW 2022-9, as it was not disclosed if the powerlines had been installed. **Staff recommends the powerlines be depicted if located and note they are center of a 20 foot utility easement. If the powerlines are not installed, the owners/surveyor should work with the utility provider regarding installation or granting of an easement at a later time.**

The affected utility providers were emailed the subdivision plat public hearing notice as part of the routine notification process. **Staff recommends** to grant utility easements requested by the utility providers or work with the utility providers to obtain approval.

Utility provider review:

HEA	
ENSTAR	No comments or recommendations
ACS	
GCI	Approved as shown
SEWARD ELECTRIC	
CHUGACH ELECTRIC	No comments. Not located in our service area.
TELALASKA	

KPB department / agency review:

Addressing	<p>Reviewer: Haws, Derek Affected Addresses: 13274 HAYDEN BERLIN RD</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names: HAYDEN BERLIN RD HEATHER LEE LN JUDAN RD</p> <p>Existing Street Name Corrections Needed:</p> <p>All New Street Names are Approved: Yes</p> <p>List of Approved Street Names: CHARLIES CT</p> <p>List of Street Names Denied:</p> <p>Comments: 13274 HAYDEN BERLIN RD WILL REMAIN WITH LOT 6.</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

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 of record are required to be listed within the Title Block.
- 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:** Depict and label Chugach National Forest. Spell out railroad instead of abbreviation.
- 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:** On sheet 1 – correct some of the overstrikes, provide the recording number for the lot shown in the northeast. Update Lot 6A from SW 2015-4 to 6A-1 and Lot 7A to 7A-1. On both sheets – provide the label “Lot” for the lots created by SW13. C6 and C5 south of the subdivision were designated as “Lot” on the plat. Update their 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.

20.30.050. Legal access.

- A. The applicant shall provide an access plan to the planning department verifying the existence of legal access to the subdivision boundary. The plan shall consist of the documents depicting the access, a map depicting the location of the access, and topographic information indicating that construction which meets the design requirements set forth in KPB Chapter 20.30 is practical and economical. In this title, legal access exists where an unrestricted, public right-of-way connects the subdivision to the state highway system, the state marine highway system or a regularly served public airport, and one of the following is met:
1. Ingress and egress will be provided over section line easements located within a surveyed section;
 2. The applicant provides copies of borough-accepted recorded conveyances creating the public easement or right-of-way where the access is located;
 3. That access is a State of Alaska maintained road or municipal maintained road;
 4. The applicant provides documentation satisfactory to the borough demonstrating that public legal access is guaranteed through judicial decree; or
 5. The right-of-way is an easement or fee interest at least 60 feet in width dedicated or irrevocably conveyed to the public and acceptable to the planning commission.
- B. The following situations may qualify for a waiver of the legal access requirement:

1. Upon finding that no practical means of providing road access to a proposed subdivision exists and upon presentation of credible and convincing evidence by the applicant that permanent public access by air, water, or railroad is both practical and feasible, the planning commission may waive the legal access requirements of KPB 20.30.050(A). If access other than by road is approved, the mode of access shall be noted on the plat. .

2. Where only a 30-foot dedication exists over all or a portion of the legal access to a subdivision, the provisions of KPB 20.30.050(A) may be considered met if it is reasonable to expect that the other 30 feet will be dedicated in the future.

3. Where a road is in use for physical access but there is no right-of-way document for all or part of the access road, the provisions of KPB 20.30.050(A) may be considered met if it is reasonable to expect that the right-of-way will be dedicated in the future.

Staff recommendation: *It must be demonstrated that the right-of-way can be built to borough standards and feasible access is available from the lots to the right-of-way.*

20.30.090. Streets-Maximum grades allowed. The subdivider shall demonstrate that streets can be readily constructed in accordance with current borough road standards and that the grades on any such roads shall not exceed 6 percent on arterial streets and 10 percent on other streets, or 4 percent within 130 feet of any centerline intersections. Submittal of centerline profiles and cross-sections may be required to demonstrate that compliant construction in the right-of-way is feasible.

Staff recommendation: *Centerline profiles and cross-sections will be required.*

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 updated 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.*

20.60.040. 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: *Road dedications will be required to be accepted by the Kenai Peninsula Borough. Add the street names to the acceptance.*

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.

B. The natural meanders of ordinary high water (or mean high water line as applicable) is for area computations only, the true corners being on the extension of the sidelines and the intersection with the natural meanders.

C. Any discrepancy between the survey and the record description, and the source of all information used in making the survey shall be indicated. When an inconsistency is found including a gap or overlap,

excess or deficiency, erroneously located boundary lines or monuments, or when any doubt as to the location on the ground of the true boundary or property rights exists, the nature of the inconsistency shall be clearly shown on the drawing.

Staff recommendation: *Verify that all curves and line segments are within their tables as it appears some may be missing. Comply with 20.60.110.*

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).*
- *If approved, a note carrying over the exception for block length will be required.*
- *While the ADL is depicted provide a plat note as done on parent plats.*

Wastewater disposal notes will be required to be updated based on soils report and the lot designations need updated.

Provide a reference to KPB Code within plat note 4.

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: *Additional ownership signature line will be required as ownership should be shown as found in the Certificate to Plat. 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.

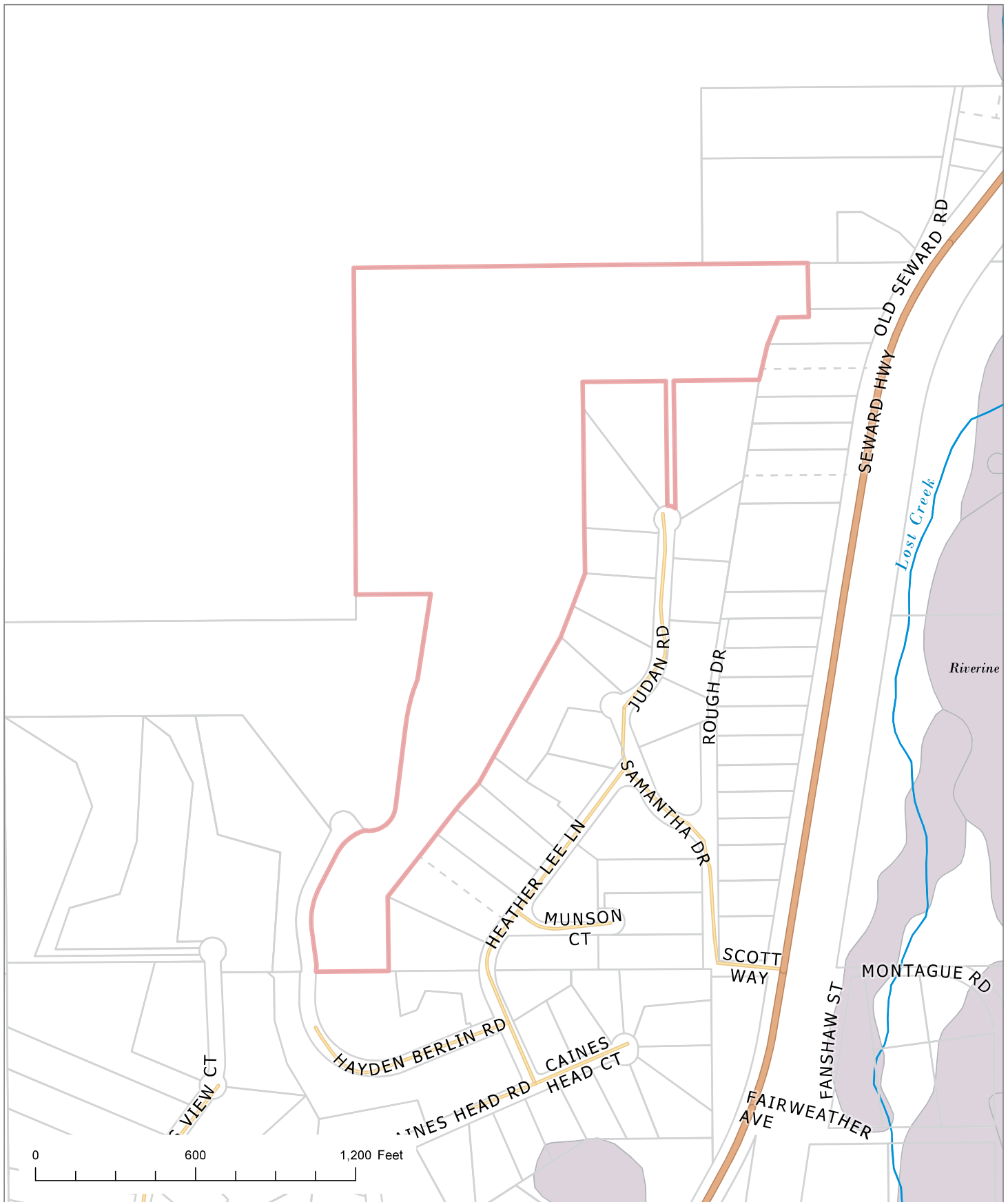
A DECISION OF THE PLANNING COMMISSION MAY BE APPEALED TO THE HEARING OFFICER BY A PARTY OF RECORD WITHIN 15 DAYS OF THE DATE OF NOTICE OF DECISION IN ACCORDANCE WITH KPB 21.20.250.

END OF STAFF REPORT



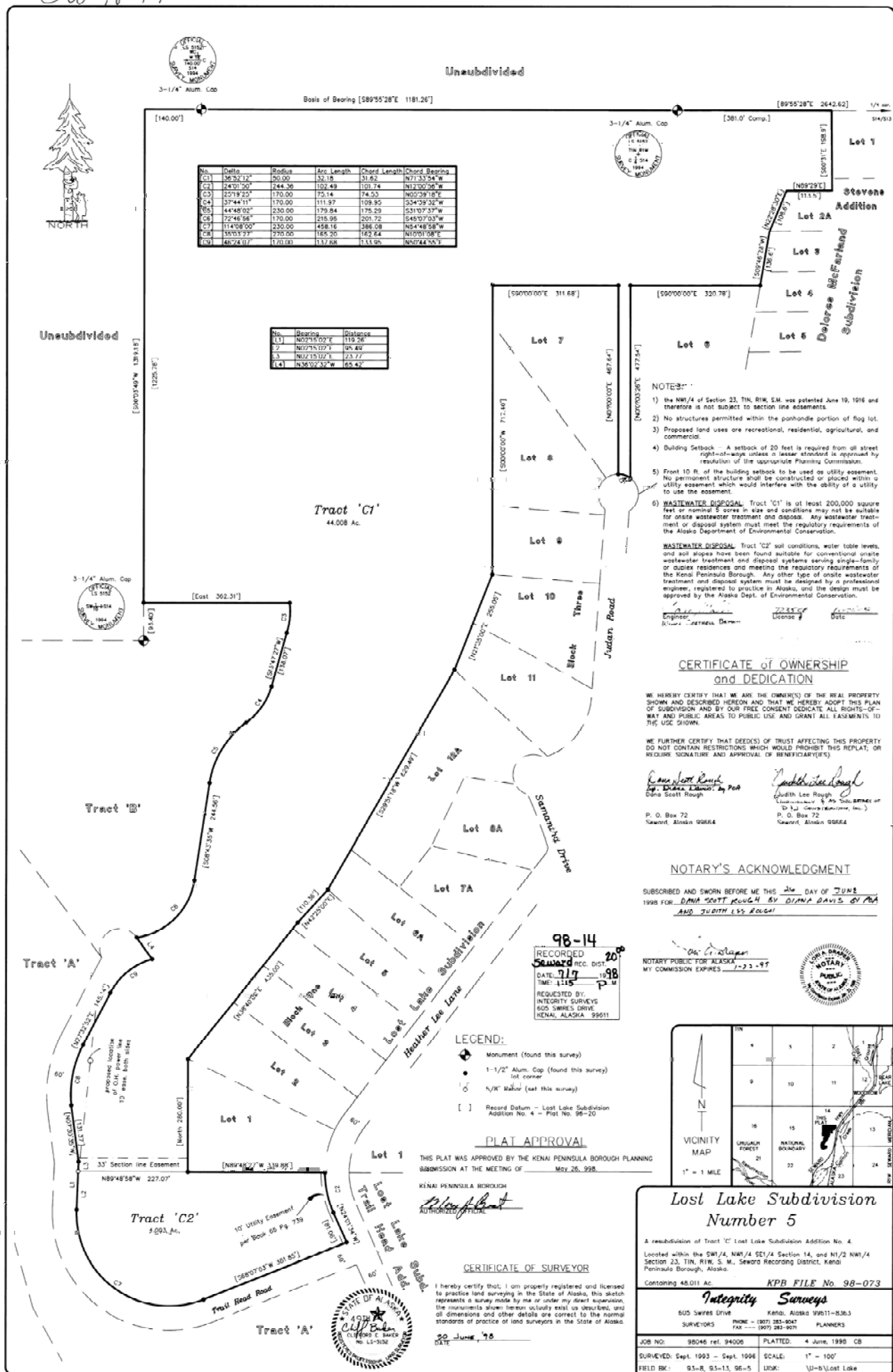
Aerial View







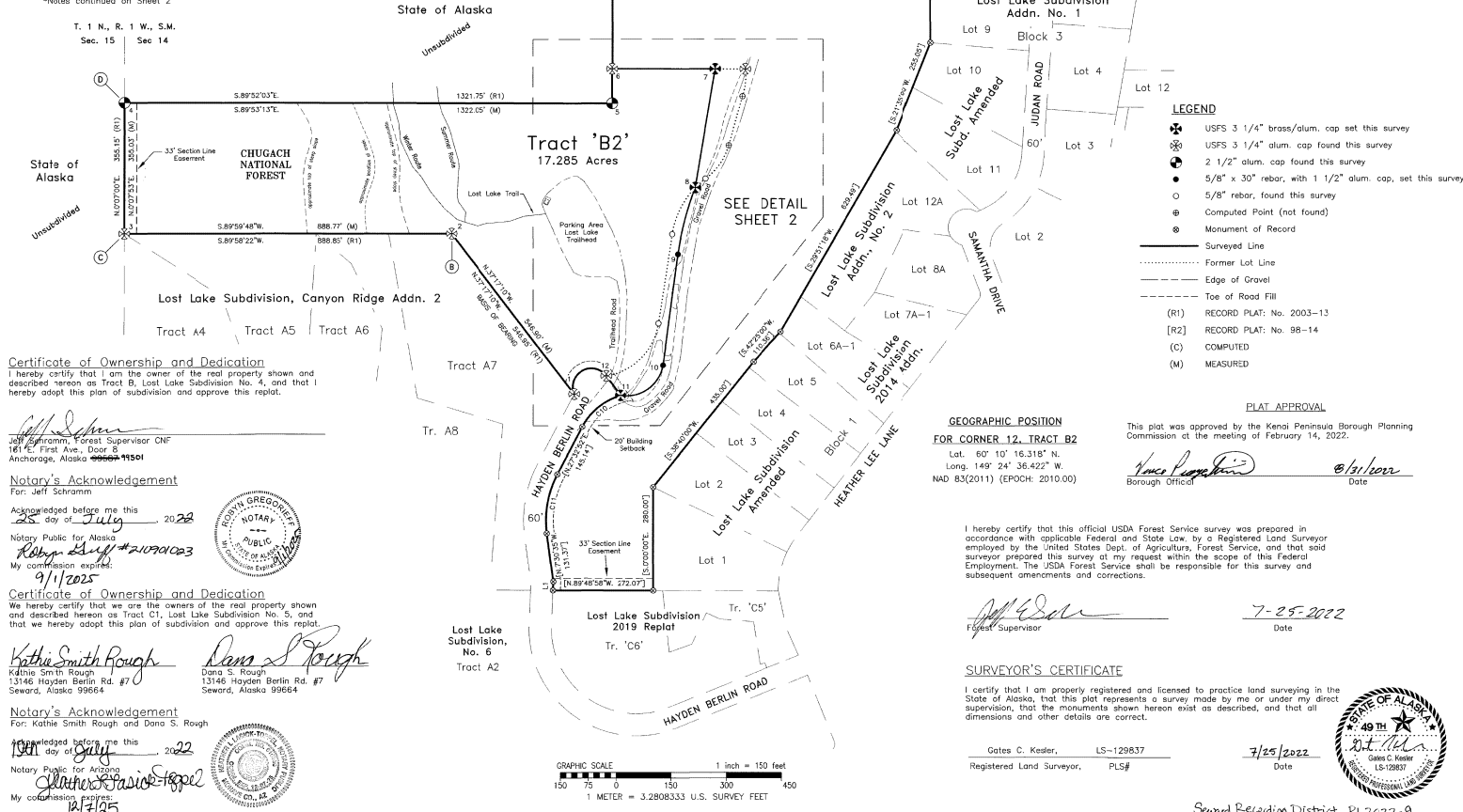
SW 98-14



NOTES:

- This replat intended to resolve existing road encroachments of the Lost Lake Trailhead Road through original Tract C1, Lost Lake Subdivision No. 5, and the gravel road through original Tract B, Lost Lake Subdivision, Addition No. 4.
- The error of closure of this survey does not exceed 1:5000.
- All bearings shown on this plat are true bearings as oriented to the basis of bearing. All distances shown are ground distances in U.S. Survey Feet.
- Basis of bearing taken from the Retracement Survey of Lost Lake Subdivision, Addition No. 4, Tract B, recorded as Plat No. 2003-13, Seward Recording District.
- Record information for former Tract C1 is from the survey of Lost Lake Subdivision No. 5 performed by Clifford E. Baker, recorded as Plat No. 98-14, in the Seward Recording District.
- Survey monuments along the former lot line removed from field.
- The geographic position of Corner No. 12, Tract B2, determined by GNSS observations utilizing the National Geodetic Survey, Online Positioning User Service.
- A building 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.
- Front 10 feet of the building setback to be used as 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 flag lots.
- ADL 232731, a Public Access Easement 60' x 420', approved on March 20, 2019, by the State of Alaska.
- Easement Agreement, 2009-00081-0, was recorded in the Seward Recording District on January 23, 2009.
- WASTEWATER DISPOSAL: Lots which are at least 200,000 square feet in size 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.
- Exceptions to KPB 20.30.030(Street Layout), KPB 20.30.170(Block Length), and KPB 20.60.200(Survey and Monumentation) were granted by the KPB Plat Committee on February 14, 2022.

*Notes continued on Sheet 2



Certificate of Ownership and Dedication

I hereby certify that I am the owner of the real property shown and described herein as Tract B, Lost Lake Subdivision No. 4, and that I hereby adopt this plan of subdivision and approve this replat.

Jeff Schramm
Jeff Schramm, Forest Supervisor CNF
161 E. First Ave., Door 8
Anchorage, Alaska 99501-1501

Notary's Acknowledgment

For: Jeff Schramm

Acknowledged before me this 25 day of July, 2022

Notary Public for Alaska

Robyn Lipp #20901003

My commission expires: 9/1/2025

Certificate of Ownership and Dedication

We hereby certify that we are the owners of the real property shown and described herein as Tract C1, Lost Lake Subdivision No. 5, and that we hereby adopt this plan of subdivision and approve this replat.

Kathie Smith Rough
Kathie Smith Rough
13146 Hayden Berlin Rd. #7
Seward, Alaska 99664

Dana S. Rough
Dana S. Rough
13146 Hayden Berlin Rd. #7
Seward, Alaska 99664

Notary's Acknowledgment

For: Kathie Smith Rough and Dana S. Rough

Acknowledged before me this 25 day of July, 2022

Notary Public for Alaska

Shirley Basile-Rogel

My commission expires: 11/1/25

GEOGRAPHIC POSITION

FOR CORNER 12, TRACT B2

Lat. 60° 10' 16.318" N.

Long. 149° 24' 36.422" W.

NAD 83(2011) (EPOCH: 2010.00)

PLAT APPROVAL

This plat was approved by the Kena Peninsula Borough Planning Commission at the meeting of February 14, 2022.

Wesley Lipp
Borough Official
8/1/2022
Date

I hereby certify that this official USDA Forest Service survey was prepared in accordance with applicable Federal and State Law, by a Registered Land Surveyor employed by the United States Dept. of Agriculture, Forest Service, and that said surveyor prepared this survey at my request within the scope of this Federal Employment. The USDA Forest Service shall be responsible for this survey and subsequent amendments and corrections.

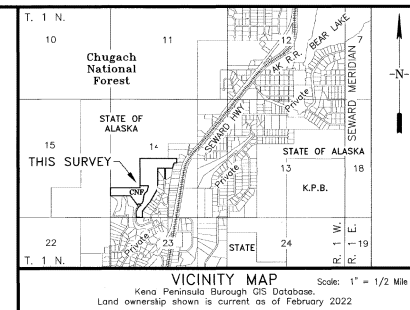
Wesley Lipp
Forest Supervisor
7-25-2022
Date

SURVEYOR'S CERTIFICATE

I 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 direct supervision, that the monuments shown herein exist as described, and that all dimensions and other details are correct.

Gates C. Kesler, LS-129837
Registered Land Surveyor, PLS#

7/25/2022
Date



CURVE TABLE					
Curve #	Delta	Radius	Length	Chord	Chord Bearing
C10 [R2]	46°24'07"	170.00'	137.68'	133.95'	N.50°44'55"E.
C10 (C)	46°24'13"	170.00'	137.68'	133.95'	N.50°44'55"E.
C11 [R2]	35°03'27"	270.00'	165.20'	162.64'	N.10°01'08"E.
C11 (C)	35°03'27"	270.00'	165.21'	162.64'	N.10°01'08"E.
C12 [R2]	36°52'12"	50.00'	32.18'	31.62'	N.71°33'54"W.
C12 (C)	36°52'00"	50.00'	32.17'	31.62'	N.71°33'54"W.
LINE TABLE					
Line #	Bearing	Distance			
L1 [R2]	N.02°15'02"E.	23.77'			

SURVEY HISTORY

Section 14, Township 1 North, Range 1 West, Seward Meridian, Alaska, was originally surveyed by G.G. McDaniel and John P. Walker, US Land Surveyors for the General Land Office (GLO), from May 24 to June 23, 1911, and accepted by the GLO on July 7, 1914.

The subdivision of Section 14, T. 1 N., R. 1 W., Seward Meridian, Alaska into quarter sections and quarter-quarter sections, was surveyed by Clifford E. Baker, Registered Land Surveyor (LS-5152), between September 1, 1993 and January 21, 1994, and recorded February 2, 1994, in the Seward Recording District Office as No. Plat 34-285.

The survey of Lost Lake Subdivision, Addition No. 4, was performed by Clifford E. Baker, Registered Land Surveyor (LS-5152), between September, 1993 and September, 1996, and recorded November 8, 1996 in the Seward Recording District as Plat No. 96-20.

The survey of Lost Lake Subdivision No. 5, was performed by Clifford E. Baker, Registered Land Surveyor (LS-5152), between September, 1993 and September, 1996, and recorded July 7, 1998 in the Seward Recording District as Plat No. 98-14.

On September 29, 1997, Tract B of the Lost Lake Subdivision, Addn. No. 4, was acquired by the U.S. Forest Service via general warranty deed, and said deed was recorded September 30, 1997 in the Seward Recording District Office as document No. 97-1384, Book 87, Page 644.

The survey of Lost Lake Subdivision No. 7, was performed by Johnson Surveying, August 13, 1995, and recorded on March 28, 2000 in the Seward Recording District as Plat No. 2000-8.

The Retracement Survey of Lost Lake Subdivision, Addition No. 4, Tract B, was performed for the U.S. Forest Service by Randy D. Schramm, Registered Land Surveyor (LS-7609), between July 14, 1998 and August 20, 2003, and recorded December 17, 2003 in the Seward Recording District as Plat No. 2003-13.

The survey of Lost Lake Subdivision 2019 Replat, was performed by John F. Segesser, Registered Land Surveyor (LS-8859), May 2019, and recorded on November 26, 2019 in the Seward Recording District as Plat No. 2019-12.

KPB FILE NO: 2022-003

SEWARD RECORDING DISTRICT

DATES OF SURVEY: BEGINNING: Sept. 15, 2020

ENDING: May 25, 2022

EQUIPMENT: Trimble R10 and R12 GNSS Receivers, Spectra Precision Ranger 3 and Trimble TSC2 Data Collectors, Nikon Nivo ZC2 Total Station

LOST LAKE SUBDIVISION 2022 ADDITION

A REPLAT OF LOST LAKE SUBDIVISION, ADDITION NO. 4, TRACT B, AND LOST LAKE SUBDIVISION NO. 5, TRACT C1

LOCATED WITHIN

SECTION 14, T. 1 N., R. 1 W., SEWARD MERIDIAN, ALASKA

CONTAINING 61.289 ACRES

SURVEYOR/OWNER: CHUGACH NATIONAL FOREST

161 EAST 1ST AVE., DOOR 8

ANCHORAGE, ALASKA 99501

ADDITIONAL OWNERS: DANA & KATHIE ROUGH

13146 HAYDEN BERLIN RD. #7

SEWARD, ALASKA 99664

DRAWN BY/DATE: G. KESLER / 8-8-2022

CHECKED BY/DATE: G. KESLER / 8-8-2022

PROJECT NO: 3054-20

SHEET NO: 1 of 2

Seward Recording District, PL 2022-9



**WINCE – CORTHELL – BRYSON
CONSULTING ENGINEERS
Box 1041 Kenai, Alaska 99611
Phone 907-283-4672 Fax 907-283-4676**

**LOST LAKE SUBDIVISION NUMBER 5
Site and Soils Investigation
April 2019**

AREA DESCRIPTION:

Lost Lake Subdivision is located near Seward, Alaska at approximately milepost 5.3 along the Seward Highway. The subdivision is accessed, off the Seward Highway, at Scott Way near the Bear Creek Fire Station.

The subdivision is situated on moderate to steep mountainous terrain, densely forested with mature spruce and Hemlock trees of significant size. Several isolated benches and moderately sloping ridgelines exist available for large lot development that provides more than the 20,000 square feet of developable land on the proposed lot layout for residential development. The proposed lots, as laid out, provide nominally two to seven-acre parcels.

The developer has, over the past few years, pioneered and constructed a Borough Category-I road with a minimum width of 20 feet and maximum grades of nominally 10 percent as determined using a clinometer along the steeper grades. A typical section of the constructed roadway is attached.

Contours, shown on the attached site map, were converted to five-foot interval from the Borough GIS site four-foot LIDAR contours. They appear reasonably accurate, considering the heavy forest ground cover. The recent road construction was not surveyed so does not alter the contours along the road alignment.

SOIL CONDITIONS:

Once the road was substantially completed and potential lots cleared, and accessible, potential home sites were located, and soils investigations conducted to document and determine the locations for onsite septic effluent disposal areas for each home site.

Soils conditions within the subdivision are typical of the higher elevations in the area consisting of one to three feet of silt and silty sand overburden overlying fractured and rotten shale and bedrock. The depressions between the rock nobs and ridgelines were found to hold glacially deposited coarse silty sand mixed with shale talus deposits of varying depths. The overlying soils, with the exception of test holes 11-13 appeared well drained with no evidence of subsurface drainage even when test holes were left open overnight.

Three percolation tests were performed in the coarse silty sand strata, in test hole 6, and in the surface silt overburden of test holes 1 and 11 with results of 3 minutes per inch and 13 to 20 minutes per inch respectfully documenting good to fair percolation rates available on each proposed lot.

Test hole logs are provided on the site map and the percolation test data are attached to this report.

RECOMMENDATIONS

Site Development:

All the proposed lots have enough grade and elevation differential to allow for carefully planned excavation to provide, uniformly rock supported building foundations and providing fill material for yards, driveways, parking areas and septic disposal areas in excess of the required 20,000 square feet per lot. These areas are shaded on the attached site map. The shale formations are, for a most part, excavatable with heavy equipment however the solid bedrock outcroppings required drilling and blasting as reported by the developer. Additional fill material is available from several sources in the Seward area.

Twenty-foot driveway easements may be required across Lots 9, 10 and 11 to provide easier access from the subdivision below. These driveways were pioneered in during the soil's investigation.

There are no well or septic systems within 100 feet of this subdivision that impacts existing or proposed development, at this time.

On Site Septic Systems:

Lots 1 – 5 and 8 - 12 will support conventional septic system installations after first placing fill material to provide enough area and the minimum separation of four feet to ground water and six feet to bedrock with two to four feet of cover material. After clearing and grubbing separation fill may be placed over the in-situ silt and silty sand soils after percolation tests have provided the required area for each design. An alternative could be to strip the silt overburden for soil cover material and place the separation fill directly over the silty sand and or bedrock. The silt overburden should be stockpiled for later cover material and the septic disposal area constructed utilizing on site rock, shale and imported gravel as required. Disposal areas situated over rock fills will require a 24-inch sand liner immediately below the septic drain rock. System cover will require rigid insulation with at least two feet of soil cover or a full four feet of soil cover.

Most of the proposed lots have enough elevation differential to situate residences high enough to allow gravity flow to elevated septic disposal beds. In the event the developer or the lot cannot construct or provide sufficient elevation differential elevated pressurized mound type systems could be constructed.

Utilizing the above design rational allowable loading rates to disposal areas may vary from 0.5 to 1.0 gallons per square foot per day or about 150 to 300 square feet per bedroom. Lots 6 and 7 may or may not be suitable for conventional septic systems without more site development and site specific surveys and soils investigations.

In all cases septic systems will require site specific survey and designs submitted to and approved by the Alaska Department of Conservation prior to installation. Required Plat notes to this affect are shown on the preliminary plat.

Schematic designs details and locations for system installations are provided in the report and shown on the site map.

Domestic Water Systems:

There are no water wells within the subdivision that would indicate what quantity or quality of water may be available. Low yield wells drilled into bedrock can be utilized to maintain water storage and delivery systems or developers may consider the installation of water storage and delivery systems with water provided from approved water sources in the area.

Building Considerations:

The following design criteria is recommended for structural design parameters.

Foundations over rock and gravel pads	3000 PSF with frost line depth 42"
Wind Load	100 MPH and exposure C
Snow Loads minimum values	120 PSF ground, 80 PSF roof
Seismic Category	D-2

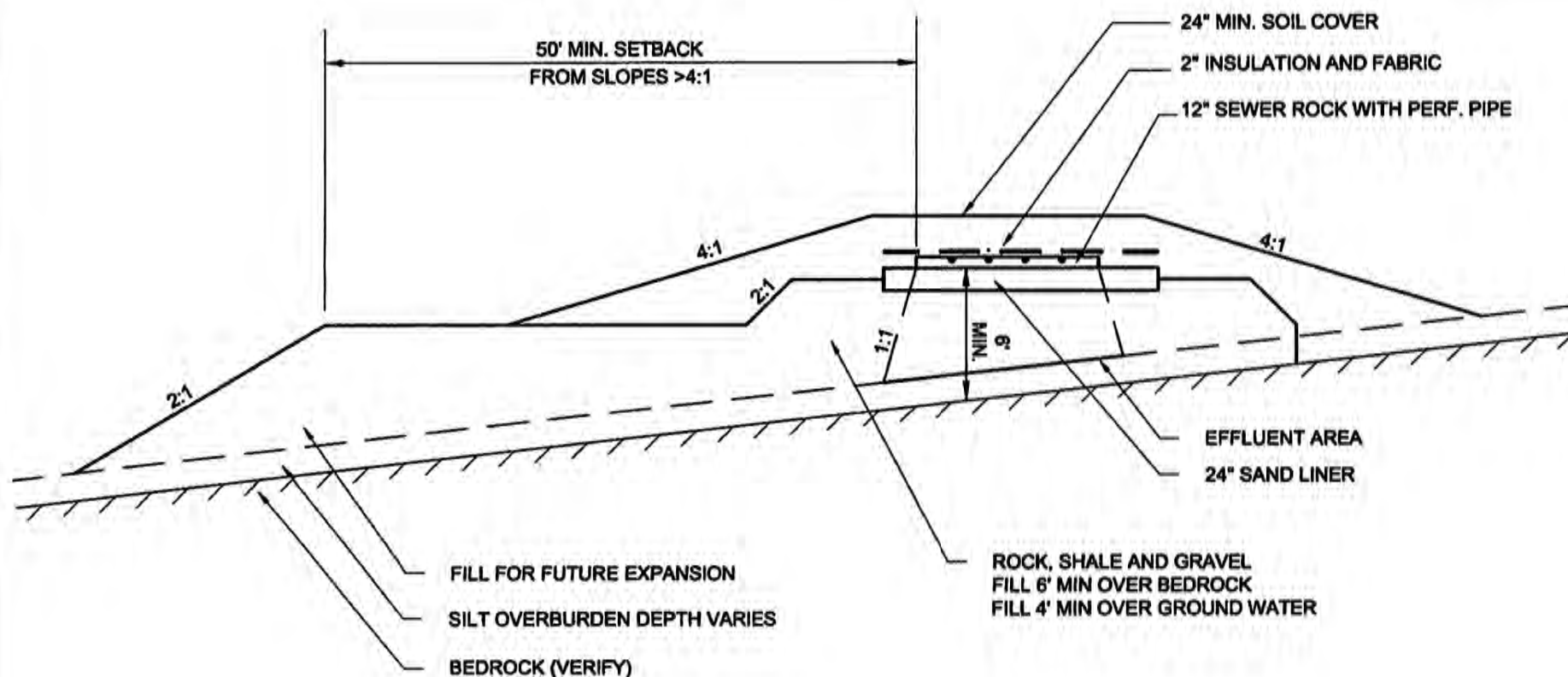
Other Considerations:

The area can be subject to high wind and snowfall conditions. Site development should take into consideration the removal of potential hazard trees as well as winter snow storage and spring runoff.

Attachments:

- Typical septic system schematics
- Road typical section
- Percolation test data
- Site pictures
- Subdivision Soils Investigation Map and Test Hole Logs



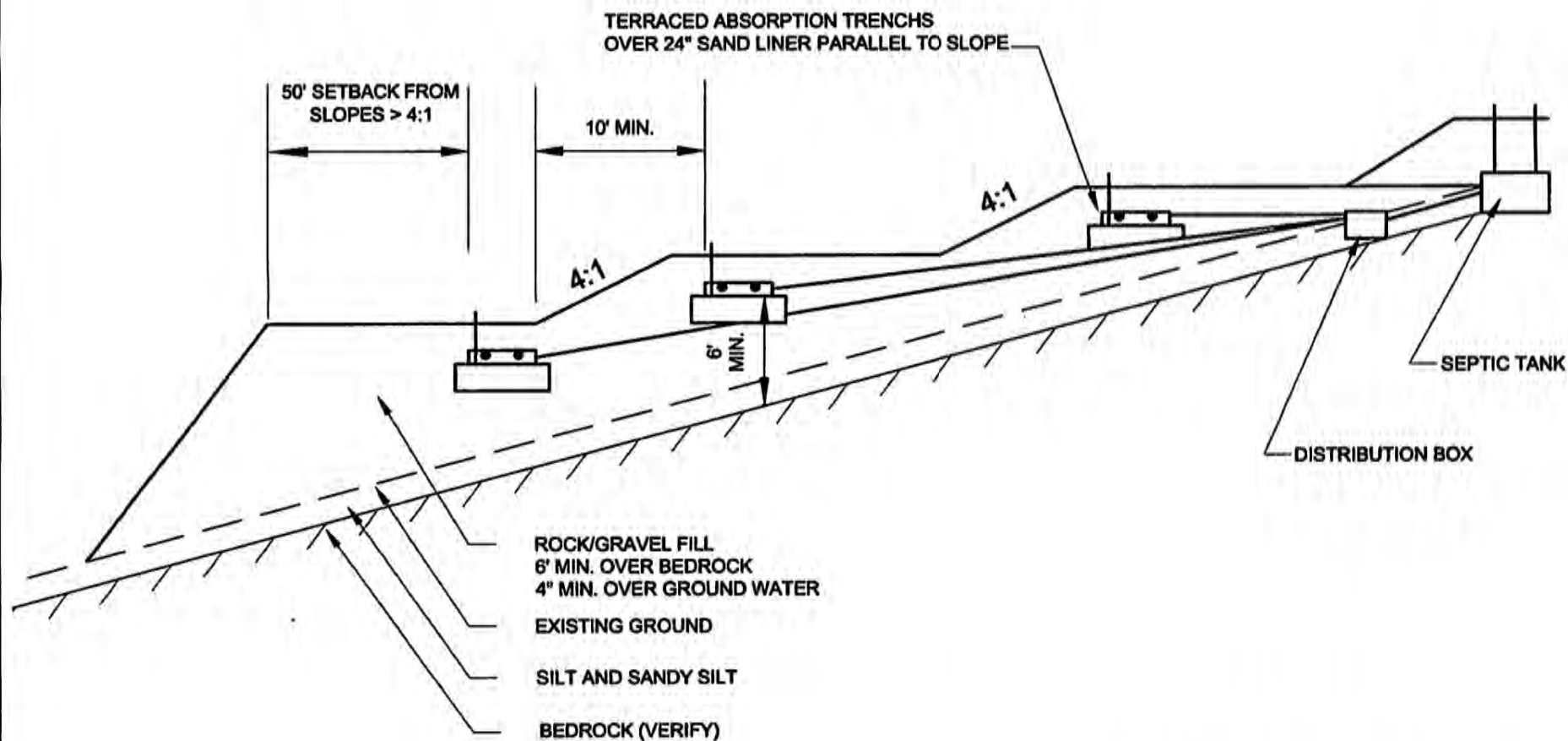


SEPTIC SYSTEM SCHEMATIC DESIGN-ONE N.T.S.

NOTES:

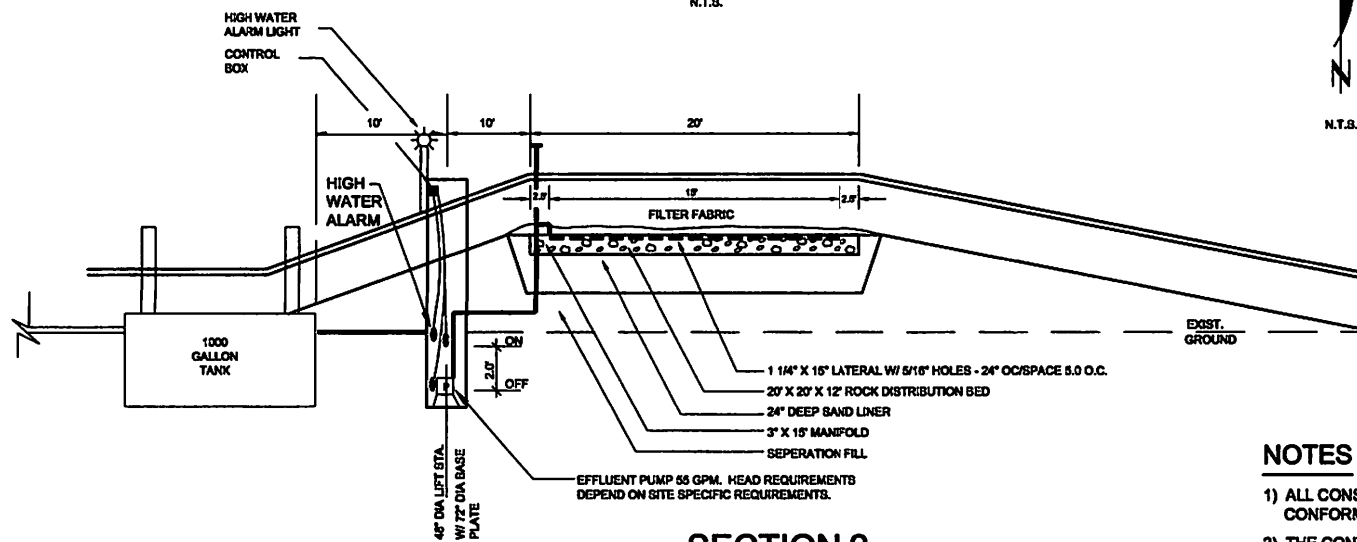
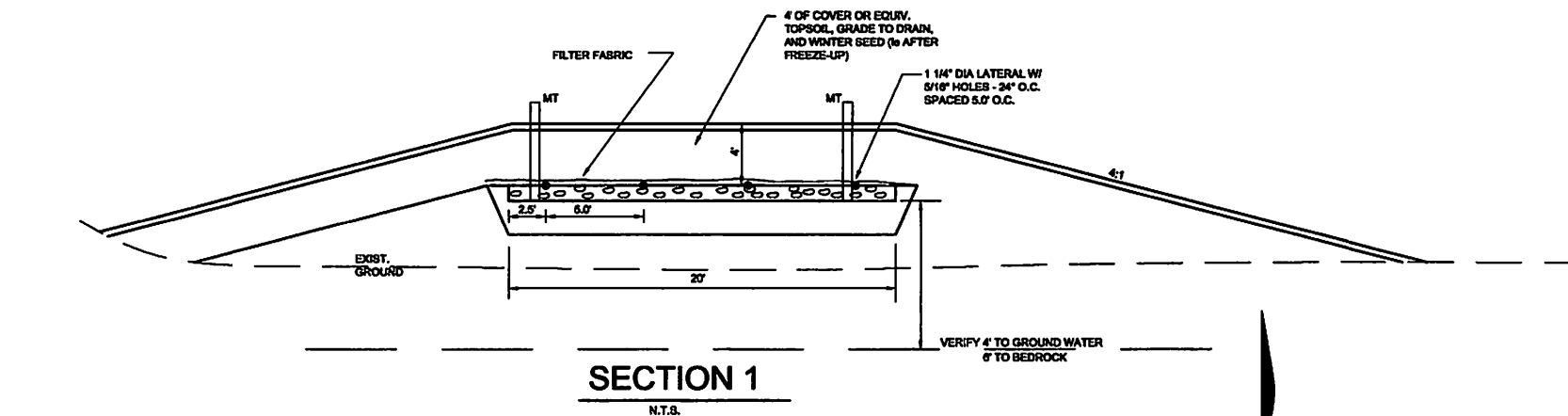
1. SITE SPECIFIC SURVEY DESIGN AND ADEC SUBMITTAL FOR REVIEW AND APPROVAL REQUIRED.
2. EFFLUENT AREA LOADING RATE AT SILT OVERBURDEN FOOTPRINT AREA (I.E. 1:1 PROJECT BELOW SEWER ROCK) VERIFY PERCOLATION RATE WITH SITE SPECIFIC DESIGN
3. AN ALTERNATIVE DESIGN COULD CONSIDER REMOVING THE SILT OVERBURDEN FOR USE AS SOIL COVER MATERIAL AND PLACING THE REQUIRED SEPARATION FILL DIRECTLY OVER EXISTING MINERAL SOIL OR BEDROCK.

RESUBDIVISION OF TRACT C1
LOST LAKE SUBDIVISION
NUMBER 5
DETAIL 1



SEPTIC SYSTEM SCHEMATIC DESIGN- TWO
N.T.S.

RESUBDIVISION OF TRACT C1
LOST LAKE SUBDIVISION
NUMBER 5
DETAIL 2



NOTES

- 1) ALL CONSTRUCTION & MATERIALS SHALL CONFORM TO PLANS AND ADEC SPECS.
- 2) THE CONTRACTOR SHALL ARRANGE FOR ALL NECESSARY INSPECTIONS AND SYSTEM TESTS AS REQUIRED.
- 3) WELL SEWER SEPARATIONS PRIVATE-100' CLASS C - 150'. CLASS A & B-200'.
- 4) ALL WATER AND SEWER LINES AND SERVICES SHALL BE SEPARATED A MINIMUM OF 10 FEET.
- 5) SEPTIC TANK WITH PUMP AVAILABLE FROM SUPPLIERS.

SECTION 2

N.T.S.

TYPICAL DESIGN FOR 1.2 GPD/SF

3 BEDROOM RESIDENCE
150 GPD/BEDROOM = 450 GPD

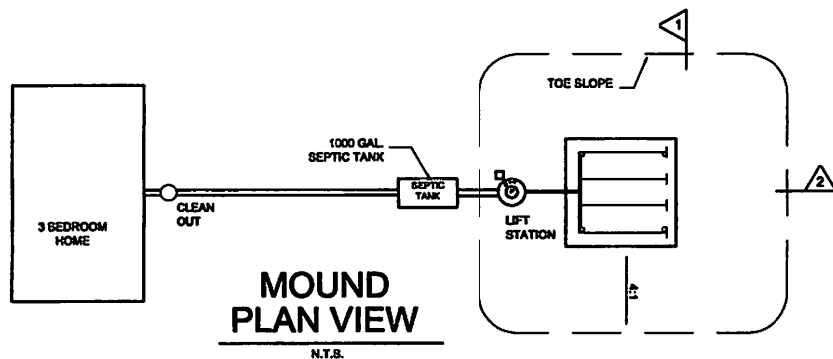
SAND LINER 1.2 GAL/DAY/S.F.
450 GPD = 375 SF BED AREA
1.2 GPD/S.F.

DISCHARGE RATE THROUGH 1 1/4" X 15' LAT.
5/16 HOLE 24" ON CENTER

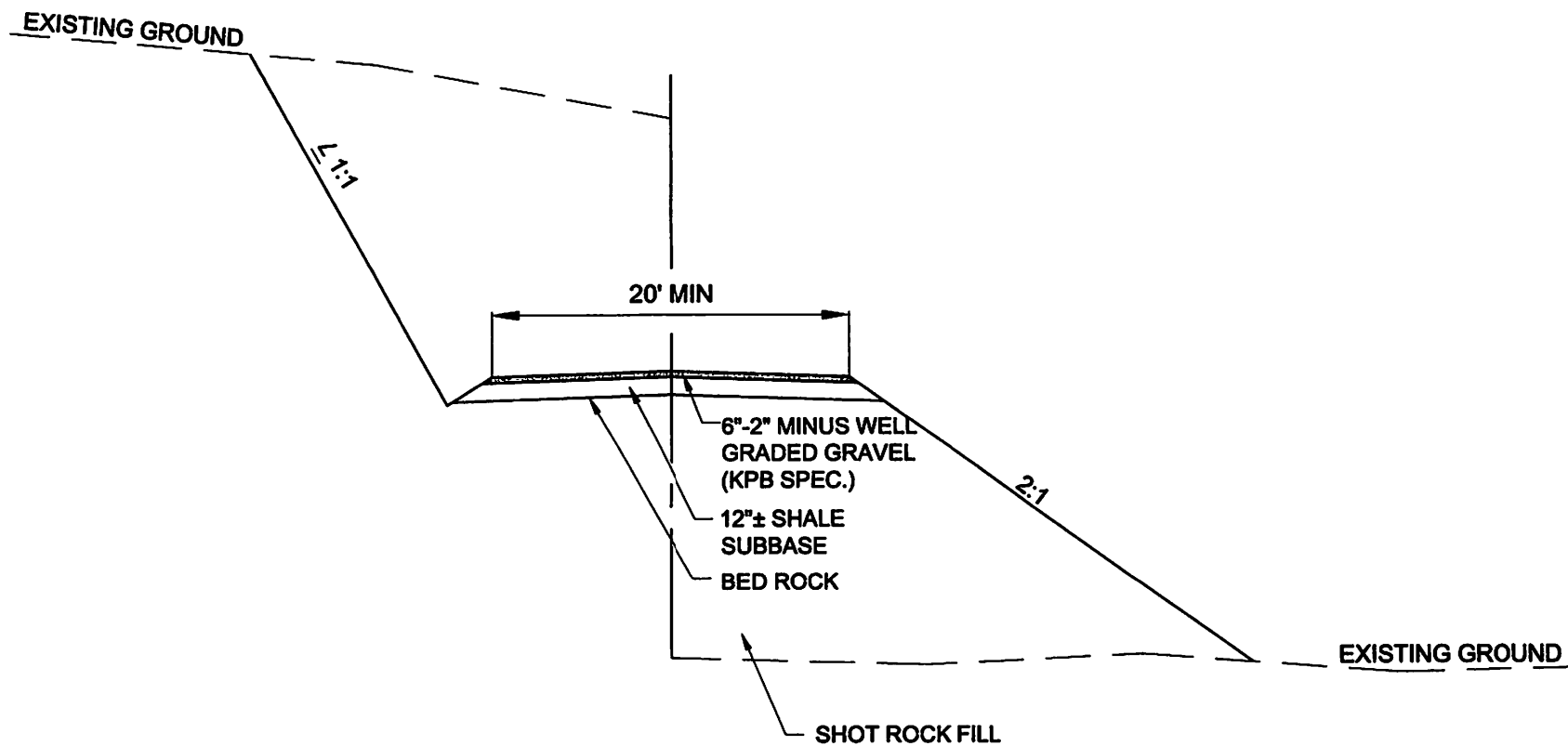
1.99 X 7 = 13.9 GPM (4)=55.7 GPM TOTAL

END MANIFOLD - 3 INCH

SYSTEM MUST BE SIZED TO SITE SPECIFIC
SITE REQUIREMENTS.



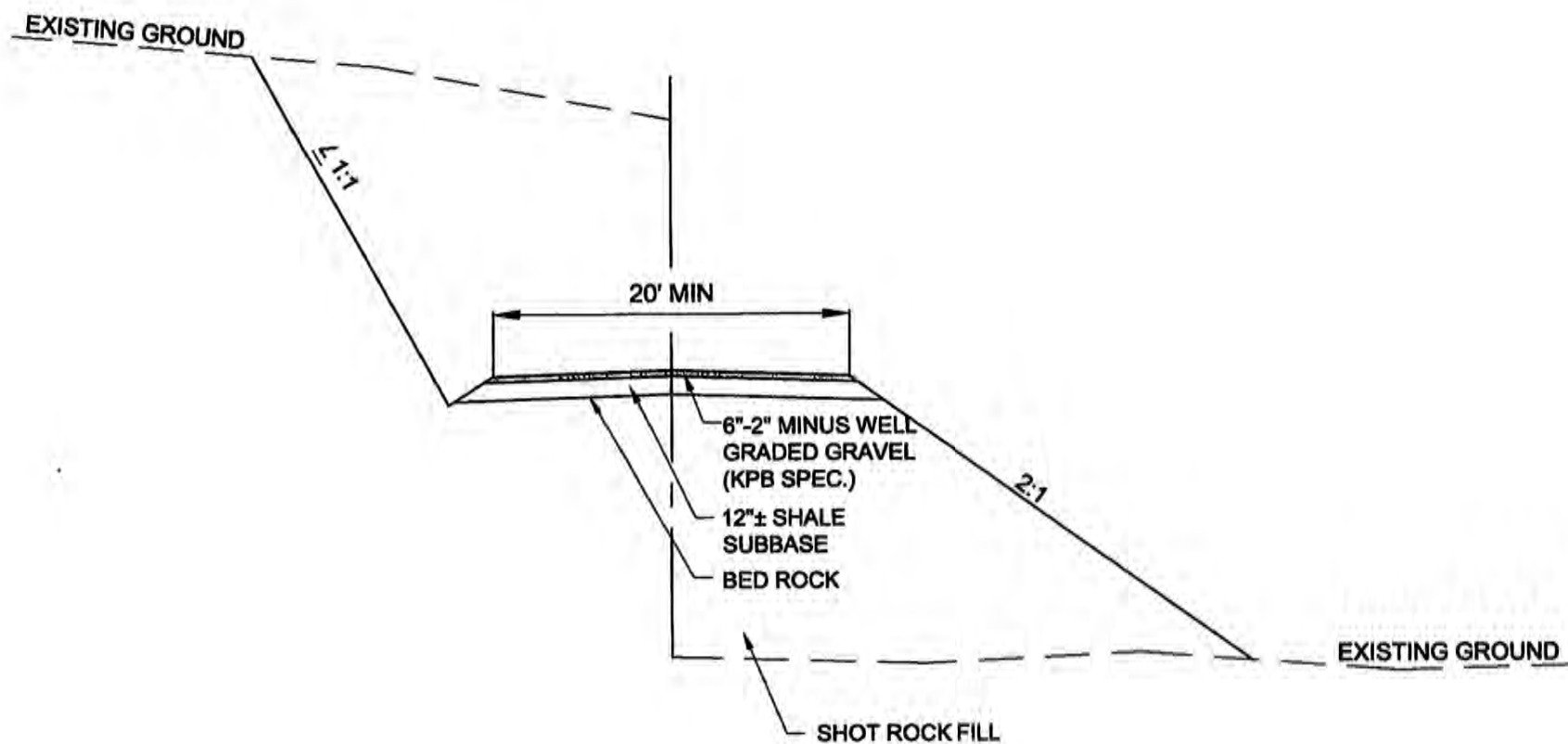
RESUBDIVISION OF TRACT C1 LOST LAKE SUBDIVISION NUMBER 5 DETAIL 3



CUT/FILL SECTION

N.T.S.

RESUBDIVISION OF TRACT C1
LOST LAKE SUBDIVISION
NUMBER 5
DETAIL 4



CUT/FILL SECTION

N.T.S.



WINCE-CORTHELL-BRYSON

BOX 1041

KENAI, AK (907)283-4672

JOB NO.

14-019

ENGINEER

CM

DATE

9-6-18

PERCOLATION TEST DATA

TEST HOLE #1 0-12"

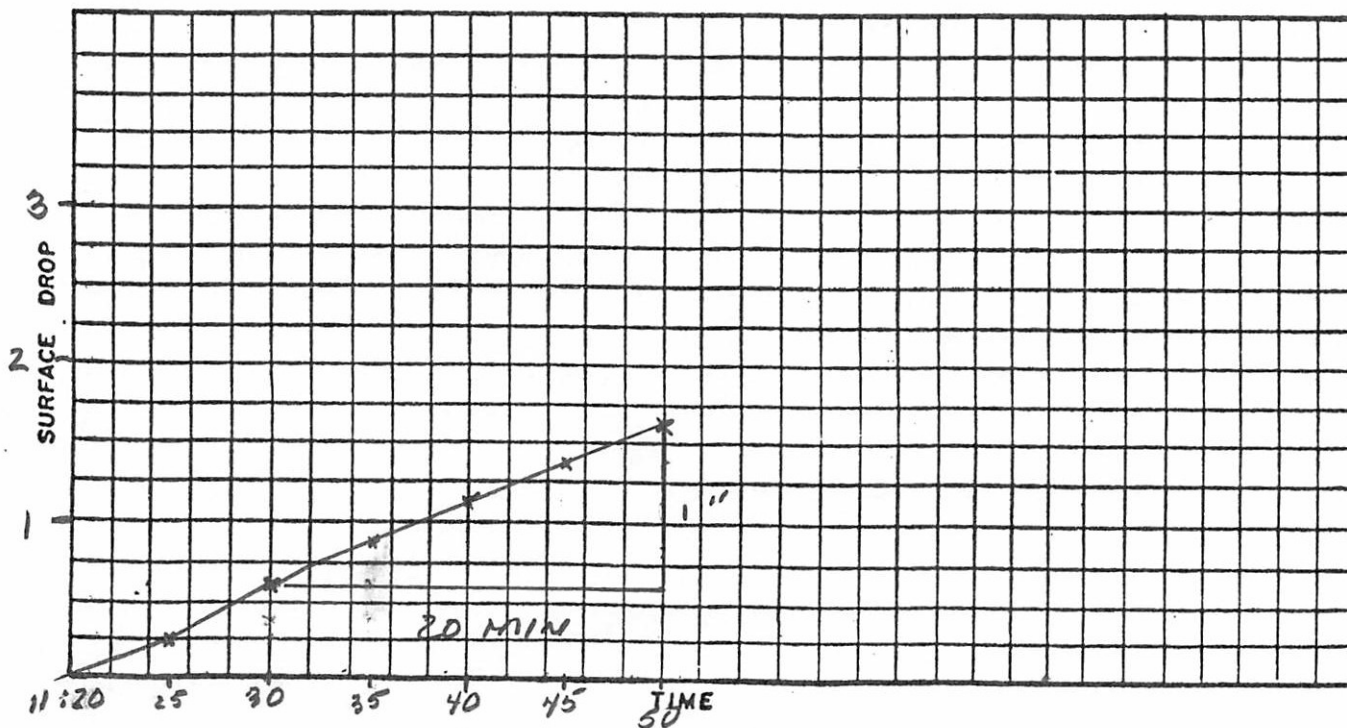
FIRST FILLING:

BOTTOM OF HOLE FILLED WITH 12" OF WATER AND MAINTAINED
~~ALLOWED TO DRAIN OUT.~~

SECOND FILLING:

BOTTOM OF HOLE FILLED WITH _____ OF WATER AND TEST RUN.

TIME	11:00	:20	:25	:30	:35	:40	:45	:50						
SURFACE DROP	-	-	.25	.38	.25	.25	.25	.25						
TIME														
SURFACE DROP														



PERCOLATION RATE: 20 MIN./IN.

DATA RECORDED BY: CASCHY MADDEN, P.E.

RATE COMPUTED BY: _____

CHECKED BY: _____



WINCE-CORTHELL-BRYSON

BOX 1041

KENAI, AK (907)283-4672

JOB NO.

14-019

ENGINEER

CM

DATE

9-6-18

PERCOLATION TEST DATA

TEST HOLE #6 2.5'-3.5'

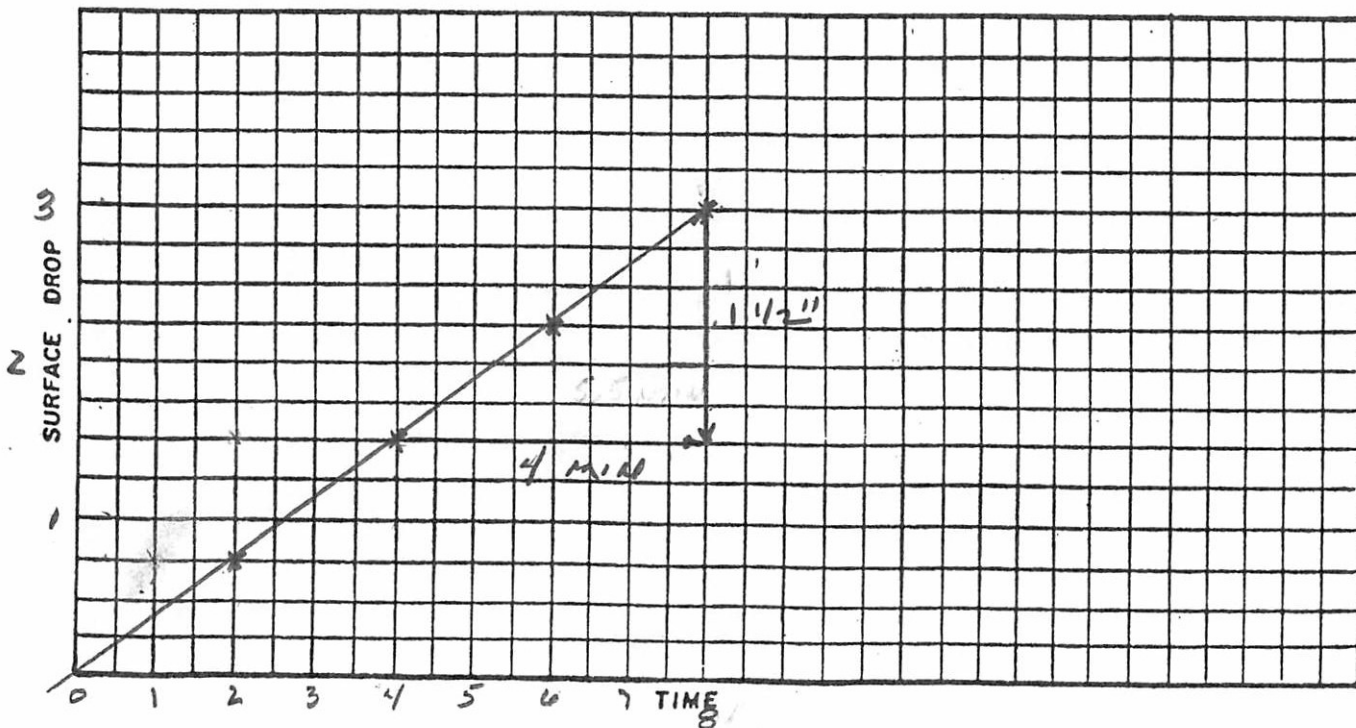
FIRST FILLING:

BOTTOM OF HOLE FILLED WITH 12" OF WATER AND MAINTAINED
ALLOWED TO DRAIN OUT

SECOND FILLING:

BOTTOM OF HOLE FILLED WITH _____ OF WATER AND TEST RUN.

TIME	10:45	:47	:49	:51	:53												
SURFACE DROP	-	.75	.75	.75	.75												
TIME																	
SURFACE DROP																	



PERCOLATION RATE: 2.67 MIN./IN.

DATA RECORDED BY: CASEY MADDEN, P.E.

RATE COMPUTED BY: _____

CHECKED BY: _____



WINCE-CORTHELL-BRYSON

BOX 1041

KENAI, AK (907)283-4672

JOB NO.

14-019

ENGINEER

CM

DATE

9-6-18

PERCOLATION TEST DATA

TEST HOLE #11 1.0'-2.0'

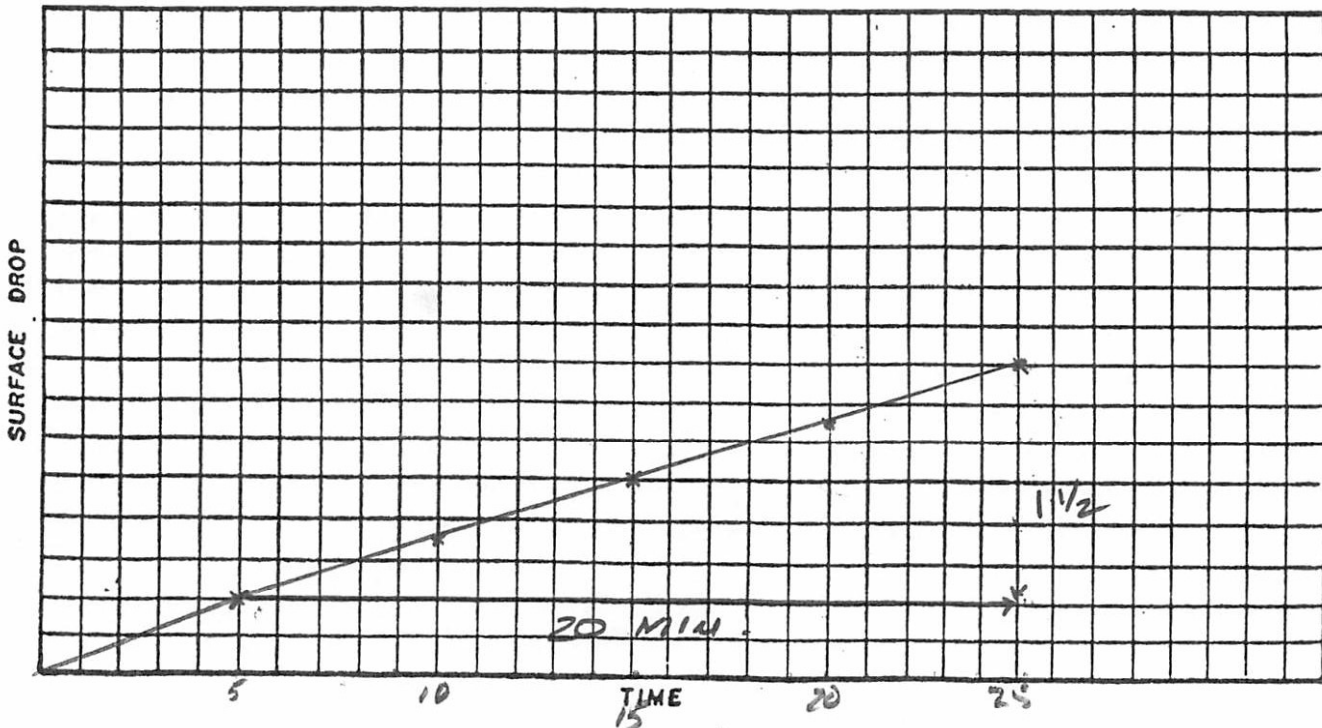
FIRST FILLING:

BOTTOM OF HOLE FILLED WITH 12" OF WATER AND MAINTAINED
~~ALLOWED TO DRAIN OUT.~~

SECOND FILLING:

BOTTOM OF HOLE FILLED WITH _____ OF WATER AND TEST RUN.

TIME	3:00	:05	:10	:15	:20	:25	:30							
SURFACE DROP	-	1/2	3/8	3/8	3/8	3/8	3/8							
TIME														
SURFACE DROP														



PERCOLATION RATE: 13.3 MIN./IN. 50% 1.0' - 2.0'

DATA RECORDED BY: _____

RATE COMPUTED BY: _____

CHECKED BY: _____



LOOKING uphill BETWEEN
LOT 6 AND TRACT A

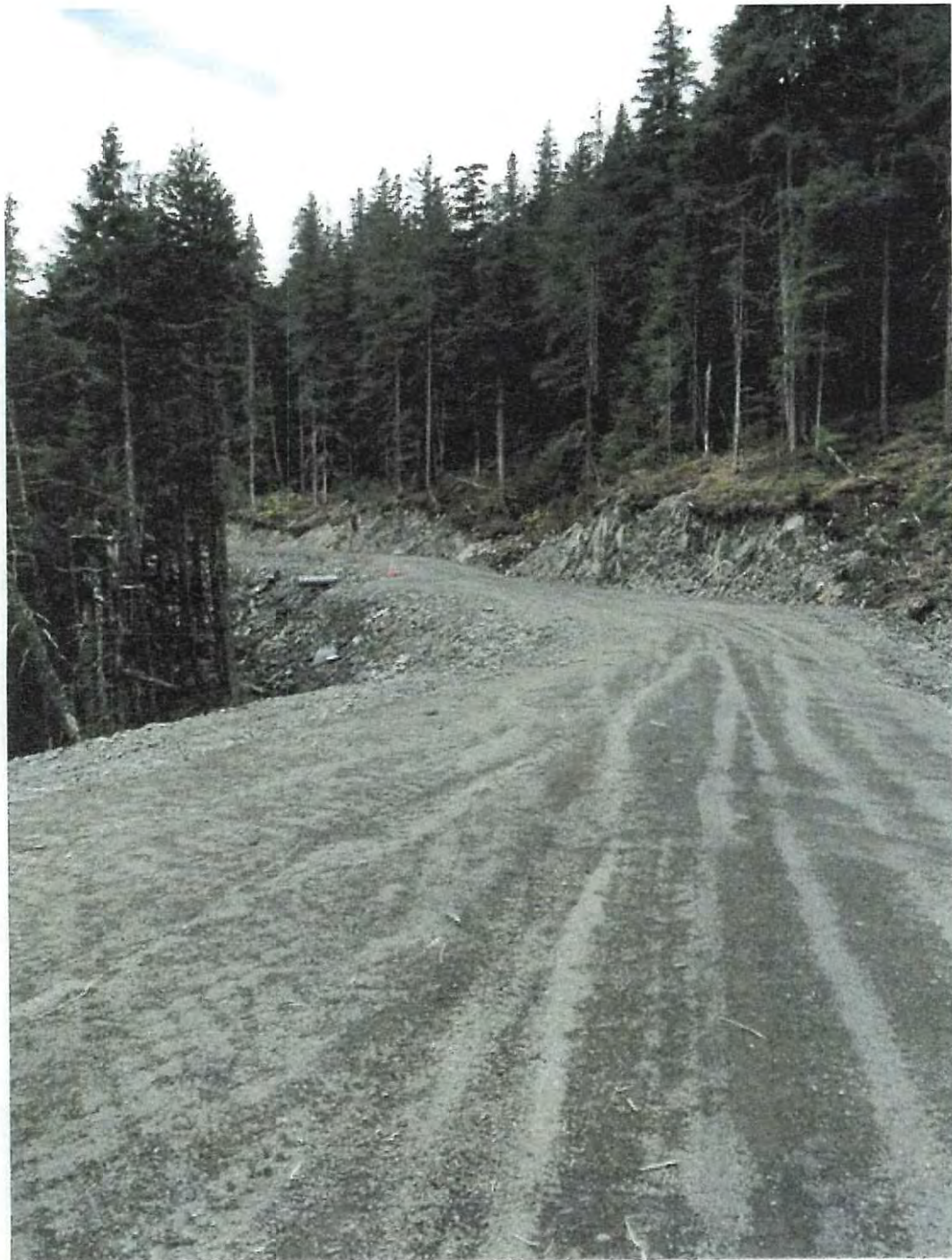


CULDE SAC SERVING LOTS 2, 3, 4 and 5

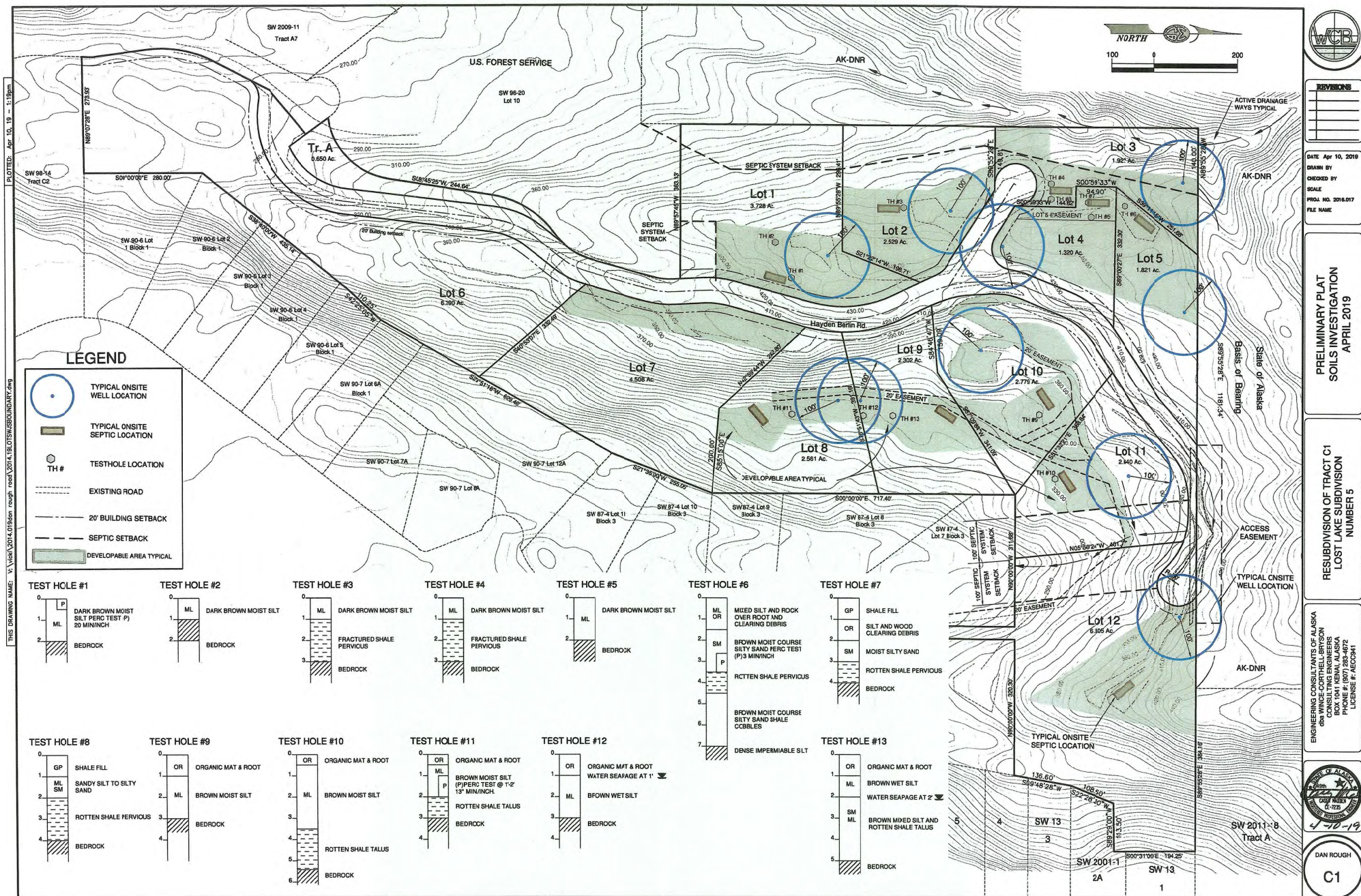
E11-31



CULDESAC AT END OF
HAYDEN-BERLIN ROAD
LOOKING WEST



Looking Down from
upper culdesac



AMENDMENT A MOTION: Commissioner Ruffner moved, seconded by Commissioner Whitney to grant exception A. KPB 20.30.030- A Private Road not be dedicated as public right-of-way and KPB 20.30.170- block length, citing the finding that all lots in the subject subdivision have legal access, and the unique positioning adjacent to the Moose River creates a unique geography to allow this exception.

Vice Chair Ecklund wanted Commissioner Ruffner to explain his motion. Commissioner Ruffner wants to go along with the applicant and not grant this as a public road. Mr. Huff asked if they want to grant the exception but did not have requirements for a public access easement. Commissioner Ruffner confirmed.

Commissioner Whitney wanted to make sure what the results would be for a “Yes” vote or a “No” vote. Mr. Huff explained that a “Yes” vote would grant an exception to block length and right-of-way continuation the petitioner will not have to dedicate any rights-of-way. The motion did not have any requirements for a public access easement.

AMENDMENT A PASSED BY UNANIMOUS VOTE: 4 Yes; 0 No

Yes: Brantley, Ecklund, Ruffner, Whitney

No: –

Vice Chair Ecklund noted that exception B had been withdrawn. Commissioner Whitney noted there was an exception C. Mr. Huff noted that exception C was no longer needed due to exception A being granted. Vice Chair Ecklund stated that exception B and C would not be addressed by the Plat Committee due to no longer being required.

MAIN MOTION PASSED: Seeing and hearing no discussion or objection, the motion passed by unanimous consent.

AGENDA ITEM E. SUBDIVISION PLAT PUBLIC HEARINGS

8. Lost Lake Subdivision Addition No. 6 (name to be updated)
KPB File No. 2019-040; Segesser Surveys/Rough

Staff Report given by Scott Huff

Plat Committee Meeting: 5/13/19

Location:	off Hayden Berlin Road and Judan Road, Bear Creek area
Proposed Use:	Residential, Recreational, Agricultural, Commercial
Water/Sewer:	On-site
Zoning:	Unrestricted
Assessing Use:	Improved Land
Parent Parcel Number(s):	125-290-76

Supporting Information:

The proposed plat subdivides a 44-acre tract into 12 lots and 1 tract ranging in size from .650 acres to 6.4 acres. A soils report is required for lots less than 200,000 sq. ft. (4.59 acres), and an engineer will sign the plat. The subdivision fronts Hayden Berlin Road, which is constructed to approximately Lot 1 in the subject plat. Lot 12 also fronts KPB maintained Judan Road.

Notice of the proposed plat was mailed to the beneficial interest holder on April 15, 2019. 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.

Staff recommends that notes be placed on the final plat indicating any exceptions granted by the Plat

Committee with the meeting date.

Exception Requested:

A. Minimum lot size – KPB 20.30.200

Surveyor's Discussion: Tract A is intended to be in a resubdivision of Lot 10 [Staff Note: Tract B, SW 96-20] to resolve a road encroachment (land swap).

Platting Staff Discussion: The most current imagery for this area is dated 2012-2013. Imagery supports the submittal's statement regarding encroachment of a road.

An existing travel way branches off Hayden Berlin Road into the U.S. Forest Service parcel which has a parking area for the Lost Lake Trailhead, a popular hiking trail.

Staff recommends an exception to wastewater review (KPB 20.40) be included with the exception to minimum lot size. In this case, both exceptions are closely related.

Findings

1. Tract A contains 0.650 acres, or 28,314 square feet.
2. Per the submittal, Tract A is intended to be in a resubdivision of Lot 10 (Tract B, SW 96-20) to resolve a road encroachment (land swap).
3. Imagery dated 2012-2013 appears to support the submittal's statement that an improved road or trail is located within Tract A.
4. Tract B, SW 96-20, belongs to the U.S. Forest Service and is used as a trailhead and parking area for Lost Lake Trail, a popular hiking trail.
5. If a road is located within Tract A it will be an encroachment and not comply with KPB 20.25.070.N.
6. The improved traveled ways are not shown on the preliminary plat.
7. Conveyance of Tract A to the U.S. Forest Service will place an improved road into federal owned lands.
8. KPB GIS 4-foot contours indicate much of the subdivision is affected by steep terrain, making it challenging to locate appropriate locations for practical rights-of-way.
9. It appears that moving the traveled way further to the east will be affected by very steep terrain.
10. Plat 2003-13 SRD shows the improved trail for the proposed subdivision wholly within former Tract C1.
11. The updated plat, provided by the surveyor, shows the travel way for Lost Lake Trail crossing proposed Tract A.
12. Staff has no information that the U.S. Forest Service is in agreement to acquiring Tract A.
13. Per the wastewater disposal note on the plat, no wastewater will be generated on Tract A.
14. A licensed professional engineer will sign the plat.
15. Signature by the licensed professional engineer will confirm no wastewater will be disposed on Tract A.

Based on findings 1-11 staff cannot recommend approval. **Staff recommends** Tract A be dedicated to public right of way so that the improved road to the trailhead will be within a dedicated right of way.

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;
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;
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.

Exception Requested:

B. Block length – KPB 20.30.170

Staff Discussion: Tract C was created in 1996 by Lost Lake Subdivision Addition No. 4, SW 96-20. Tract C was further subdivided by Lost Lake Subdivision Number 5 (SW 98-14). The Planning Commission/Plat Committee did not discuss block length in 1996 or 1998.

KPB GIS 4-foot contours show much of the block is affected by slopes greater than 20 percent. Staff is recommending a centerline profile be provided (KPB 20.30.090), dedicate additional right-of-way (KPB 20.30.120), and/or grant easements for side slopes (KPB 20.30.120) if needed to accommodate terrain constraints.

Findings

1. The proposed subdivision provides a 60-foot dedication for Hayden Berlin Road per KPB 20.30.030.
2. Per KPB GIS 4-foot contours, much of the block is affected by slopes greater than 20 percent.
3. Staff is recommending a centerline profile be provided (KPB 20.30.090), dedicate additional right-of-way (KPB 20.30.120), and/or grant easements for side slopes (KPB 20.30.120) if needed to address terrain constraints.
4. Per Kenai Watershed Forum 2013 Cook Inlet Wetlands Mapping, the proposed subdivision is not affected by low wet areas.
5. National Wetlands Inventory indicates the plat may be affective by a minor riverine in the northwest portion of the subdivision.
6. No right-of-way is proposed to be dedicated in the northwest portion of the subdivision.
7. All adjoining lots and tracts front existing rights-of-way.
8. No adjoining or adjacent acreage parcels will be denied access.
9. Lot 12 will be a double fronting parcel but is acceptable due to lot depth greater than 150 feet and topographic conditions.
10. KPB Roads Director provided a review of 'No Comment'.
11. The flag area between Lots 6 and 7 is affected by steep side sloping terrain.
12. A private access easement across Lot 7 and former Tract C-1 provides access to Lot 6 (2009-00081-0 SRD).
13. A 30-foot-wide right of way could be dedicated within former Tract C-1 extending from Judan Road between Lots 6 and 7, then widening to a 60-foot width to connect to the proposed Hayden Berlin Road. This would provide a closed loop block.

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 1-12 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 1-12 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 1-12 appear to support this standard.

KPB 20.25.070 - Form and contents required.

Platting staff comments: Additional information is provided for the following portions of 20.25.070 or additional information, revision or corrections are required

- 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;
 2. Legal description, location, date, and total area in acres of the proposed subdivision; and
 3. Name and address of owner(s), as shown on the KPB records and the certificate to plat, and registered land surveyor;
Platting Staff Comments: The proposed plat's name is too similar to an existing subdivision (Lost Lake Subdivision Number Six). Staff recommends a new name be provided for this platting action, such as, Lost Lake Subdivision Addition No. 8, Lost Lake Subdivision Rough Addition, or Lost Lake Subdivision 2019 Addition.
- 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;
Platting Staff Comments: Staff recommends
- *The existing right of way of Hayden Berlin Road outside of the subdivision be labeled with a road name and width.*
 - *The existing right of way of Judan Road be labeled with a road name and width.*
- 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;
Platting Staff Comments: Staff recommends the Seward City limits be shown and labeled using a distinctive line style.
- F. The names and widths of public streets and alleys and easements, existing and proposed, within the subdivision;
Platting Staff Comments: Staff recommends:
1. *Show and label the 33-foot section line easement.*
 2. *Show and label the easement per SW 2009-000081-0. Include the recording information.*
 3. *Show and label the 20-foot utility easement centered on the existing overhead power line.*

- Cite the source.*
4. *Work with GIS staff to select a new name for the cul-de-sac being dedicated. The suffix is Court.*
- G. Status of adjacent lands, including names of subdivisions, lot lines, block numbers, lot numbers, rights-of-way; or an indication that the adjacent land is not subdivided;
Platting Staff Comments: **Staff recommends:**
1. *Add Unsubdivided for the DNR parcel adjoining the west and north boundaries.*
 2. *Add Block 1 to Lot 12A.*
 3. *Correct the recording information for Lot 10 and Lot 22 Block 3.*
 4. *Correct the plat number for Lot 2A.*
 5. *Correct Lot 10 to Tract B, SW 96-20.*
 6. *Correct the recording information and tract number for Tract C4, SW 2000-8.*
 7. *Correct the lot numbers and recording number for Lot 6A-1 and Lot 7A-1. Include the block number.*
- H. Approximate locations of areas subject to inundation, flooding, or storm water overflow, the line of ordinary high water, wetlands when adjacent to lakes or non-tidal streams, and the appropriate study which identifies a floodplain, if applicable;
Platting Staff Comments: *National Wetlands Inventory indicates a minor riverine may cross into the subdivision. Staff requested additional information from the surveyor.*
- J. Block and lot numbering per KPB 20.60.140, approximate dimensions and total numbers of proposed lots;
Platting Staff Comments: *Lot numbers in the proposed plat are duplicates of existing adjoining lot numbers. Staff could find no combination of renumbering that would eliminate duplicate adjoining lot numbers. The adjoining lots are within blocks so the block numbers will help differentiate the lots.*
- 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;
Platting Staff Comments: *If KPB GIS mapping is correct, a map with contours should have been included with the plat submittal. Staff reminds the surveyor KPB 20.25.070 requires a contour map to be submitted when road grades exceed 6 percent on arterial streets and 10 percent on other streets.*
- M. Approximate locations of slopes over 20 percent in grade and if contours are shown, the areas of the contours that exceed 20 percent grade shall be clearly labeled as such;
Platting Staff Comments: *KPB GIS 4-foot contours indicates much of the subdivision may be affected by slopes greater than 20 percent. Staff requested additional information from the surveyor and the surveyor submitted an updated drawing showing areas with steep slopes.*
- N. Apparent encroachments, with a statement indicating how the encroachments will be resolved prior to final plat approval; and
Platting Staff Comments: *Per the submittal, creation of Tract A is intended to resolve the road encroachment for access to Lost Lake Trailhead, but will continue the road encroachment on a separate parcel. Staff recommends the encroachment of the roadway be resolved such as a right of way being dedicated that encompasses the roadway.*

KPB Department/Agency Review Comments

- KPB Addressing/Street Name Review:
 - No addresses have been assigned to the parent tract.
 - The NW/SE ROW dedication ending in a cul-de-sac needs a name by the final plat (suffix will be Court)
- KPB Planner: No local option zone or material site issues.

- KPB Roads Department: Within KPB jurisdiction. No Comments.
- State Department of Fish & Game: Not available when the staff report was prepared.
- State Parks: No comments.

KPB 20.30 Design Requirements

Platting staff comments: Additional information is provided for the following portions of 20.30 or additional information, revision or corrections are required

20.30.020. Reserved strips prohibited-Exception. There shall be no reserve strips controlling access to land dedicated or intended to be dedicated to public use, except when the control and disposition of land comprising such strips is placed within the jurisdiction of the borough under conditions specified by the commission and noted on the final plat.

Platting Staff Comments: *Proposed Tract A appears to be a reserved strip which would limit access to Forest Service property and the Lost Lake Trail. Staff recommends that no reserved strips be created by this platting action.*

20.30.030. Proposed street layout-Requirements.

- A. The streets provided on the plat must provide fee simple right-of-way dedications to the appropriate governmental entity. These 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. Adequate and safe access for emergency and service vehicle traffic shall be considered in street layout.

Platting Staff Comments: *ADL 232731 is public access easement, granted by the State of Alaska, which encompasses the improved roadway that is within State lands. Staff recommends 'dedicated by this plat' be included in the label for Hayden Berlin Road being dedicated by this plat.*

- C. Preliminary plats fronting state maintained roads will be submitted by the planning department to the State of Alaska Department of Transportation and Public Facilities (DOT) for its review and comments.

State Department of Transportation Comments: *No comment.*

Platting Staff Comments: *The subdivision does not front a State right-of-way.*

20.30.090. Streets-Maximum grades allowed. The subdivider shall demonstrate that streets can be readily constructed in accordance with current borough road standards and that the grades on any such roads shall not exceed 6 percent on arterial streets and 10 percent on other streets, or 4 percent within 130 feet of any centerline intersections. Submittal of centerline profiles and cross-sections may be required to demonstrate that compliant construction in the right-of-way is feasible.

Platting Staff Comments: *Staff recommends compliance with KPB 20.30.090 if required due to steep terrain.*

20.30.100. Cul-de-sacs.

- A. Streets designed to have one end permanently closed shall be no more than 1000 feet long. The closed end of the cul-de-sac shall have a suitable turnaround with a minimum radius of 50 feet to the property line. The turnaround shall be constructible to a 4 percent grade or less.
- B. Hammerhead or T-type turnarounds may be allowed on a case-by-case basis. Adequate turning radii, width and depth must be provided for road maintenance and emergency vehicle access. Plans must be reviewed with a recommendation by emergency service providers and the KPB Road Service Area Board prior to submittal for planning commission review.
- C. Temporary turnarounds and self-vacating turnarounds shall not be granted or reserved on plats.

Platting Staff Comments: *Hayden Berlin Road ends in a parcel that is 6 acres and could possibly be further subdivided. A right of way connection to Judan Road could be possible in the future. Staff recommends the end of Hyden Berlin Road terminate with a turnaround area that could still be extended in the future, such as an eye-brow turn around, hammer head, to T type turnaround. The design can be worked out with staff.*

ADL 232731, a public access, provides a turnaround area for Hayden Berlin Road. Staff is not recommending a cul-de-sac dedication because Lot 12 contains 6 acres and can be further subdivided.

20.30.120. Streets-Width requirements.

- A. The minimum right-of-way width of streets shall be 60 feet.
- 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.

Platting Staff Comments: *Staff recommends compliance with KPB 20.30.120 if required to accommodate steep terrain.*

20.30.130. Streets-Curve requirements.

- A. Where a deflection angle of more than 10 degrees in the alignment of a right-of-way occurs, a curve of minimum radius is required. On streets 100 feet or more in width, the centerline radius of curvature shall be not less than 300 feet; on other streets not less than 200 feet. If it is not possible to design a curve to be radial, or tangential, that curve shall be clearly labeled non-radial or non-tangential.

- B. A minimum 100-foot tangent is required between curves.

Platting Staff Comments: *Road centerline information was not provided. Staff recommends compliance with KPB 20.30.130.*

20.30.150. Streets-Intersection requirements.

- A. Street intersections shall be as nearly at right angles as possible, and no intersection shall be at an angle of less than 60 degrees. Where acute street intersections are designed, a minimum 50-foot radius corner at the right-of-way line of the acute angle shall be provided.

Platting Staff Comments: *Staff recommends compliance with KPB 20.30.150 by dedicating Tract A to right of way.*

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

Platting Staff Comments: *The 285-foot cul-de-sac to Lot 3 will need a street name. Staff recommends compliance with KPB 20.30.160.*

20.30.190. Lots-Dimensions.

- B. The access portion of a flag lot shall not be less than 20 feet wide. A flag lot with the access portion less than 60 feet wide may be subject to a plat note indicating possible limitations on further subdivision based on access issues, development trends in the area, or topography. If the access portion is less than 60 feet wide, it may not exceed 150 feet in length. The access portion may not be used for permanent structures or wastewater disposal area, must meet the design standards of KPB 20.30.030(A) and 20.30.090 for access, and, if at least 60 feet wide, will be subject to the building setback restrictions of KPB 20.30.240.

Platting Staff Comments: *The 477-foot long flag was created by a 1987 plat (Lost Lake Subdivision Addition No. 1, SW 87-4). The title report indicates the flag may be subject to a 30-foot access easement (SW 2009-000081-0).*

Staff recommends the width of the flag be labeled.

Staff recommends the standard note be placed on the plat for the flag lot(s): *No structures are permitted within the panhandle portion of the flag lot(s).*

Since Lot 12 (the flag lot) has two right-of-way frontages, a plat note about possible limitation on further subdivision is not required in this case.

20.30.280. Floodplain requirements.

Platting Staff Comments: *Per River Center review, the plat is not affected by a mapped flood hazard zone.*

Per KPB GIS mapping, the proposed subdivision was not affected by the 1986, 1995, or 2006 flood events.

20.30.290. Anadromous habitat protection district.

Platting Staff Comments: *Per KPB 21.18.025, all portions of waterways found within the Seward-Bear Creek Flood Service Area are exempt from KPB 21.18.*

Per KPB GIS mapping, no anadromous streams flow through the subdivision.

KPB 20.40 -- Wastewater Disposal

Platting Staff Comments: *If the Committee approves the exception to wastewater review for Tract A, **staff recommends** the wastewater disposal note be revised per KPB 20.40.080.*

Subject to exception(s) granted, staff recommends compliance with KPB 20.40.

KPB 20.60 – Final Plat

Platting staff comments: Additional information is provided for the following portions of 20.60 or additional information, revision or corrections are required:

20.60.020. Filing-Form and number of copies required. The subdivider shall file a standard number of prints as determined by the planning director. All prints shall be folded as required by KPB 20.25.030 except those to be recorded with the district recorder.

Platting Staff Comments: **Staff recommends** one full-sized paper copy of the plat be submitted for final review prior to submittal of the mylar. Electronic submittals are not acceptable for final reviews.

20.60.030. Certificate of borough finance department required.

Platting Staff Comments: *All taxes and special assessments levied on the property within the subdivision shall be paid prior to recordation of the final plat. If approval is sought between January 1 and the tax due date, there shall be on deposit with the borough finance department an amount sufficient to pay the entire estimated real property tax for the current year. Additionally, the entire balance, or estimated balance of all special assessments or pending special assessments, as provided in KPB 5.35.070(8) and KPB 14.31.080(8), against the property owed to the borough must be paid in full prior to filing of the final plat. Prior to filing of the final plat, a certificate to this effect shall be provided by the borough finance director or [HIS] designee upon request by the planning director. Estimated tax payments shall be applied to the actual bill as of July 1 or such earlier date as the taxes due have been determined.*

Per KPB GIS mapping, the proposed subdivision is not within a special assessment district.

Staff recommends compliance with 20.60.030.

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.

Platting Staff Comments: **Staff recommends** compliance with 20.60.110.

20.60.120. Accuracy of measurements. All linear measurements shall be shown to the nearest 1/10 foot, and angular measurements shall be at least to the nearest minute. All lot areas shall be shown to the nearest 10 square feet or to the nearest 1/1,000 of total acres. Meander lines, dry land areas and submerged land areas shall be shown in addition to total area when applicable. All boundary closures shall be to a minimum accuracy of 1:5,000. Boundary and lot closure computations must be submitted with the final plat.

Platting Staff Comments: *KPB GIS will verify closure complies with 20.60.120. **Staff recommends** boundary and lot closure computations be provided with the paper final plat.*

20.60.180. Plat notes. 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.

Platting Staff Comments: *Staff recommends the recording district be corrected for the basis of bearing. Staff recommends the recording number of the plat used for the basis of bearing be provided.*

20.60.200. Survey and monumentation.

Platting Staff Comments: *Staff recommends compliance with 20.60.200.*

SUBJECT TO EXCEPTION(S) GRANTED, STAFF RECOMMENDS:

- **GRANT APPROVAL OF THE PRELIMINARY PLAT SUBJECT TO ANY ABOVE 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 10 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

Vice Chair Ecklund opened the meeting for public comment.

1. Casey Madden, Wince-Corthell-Bryson, 609 Marine Avenue, Kenai

Mr. Madden did the engineering portion of this project. He worked with Mr. and Mrs. Rough and Segesser Surveys. The Roughs asked him to address a few items. One of the comments that staff has on Tract A is that there is no information regarding the Forest Service's position on the road encroachment issue. Last Tuesday he participated in a teleconference with the Roughs and Forest Service's land person and engineer. Several alternatives were discussed. A letter was provided from the Forest Service dated May 10th. There are three alternatives that they have forwarded on. One is the realignment of the Lost Lake trailhead access road. This would require surveying, engineering, bidding, and reconstruction. Another option is acquiring a simple easement for that portion of the road. The Roughs did not like that option. The Roughs proposed another option which it seemed Forest Services were agreeable to. It would be a land trade. The Roughs would relinquish Tract A to the Forest Service and that would take care of some drainage issues and the encroachment problem. They would trade a like value and sized piece of property up by Tract 1. This would require a platting action. He would like the Plat Committee to consider that the Forest Service has responded.

There was discussion about the contours on the map. The soils report was submitted and approved. It contained a working map that had the contours on it. Another worry was the roads being over 10%. In the soils report the road, which is constructed now, it is not an issue of proving constructability as it is already built. As part of the soils work he did inspect the road and checked

the steeper parts of the road. He found them to be nominally 10%. This is a result of when Mr. Rough began putting the road in he had several places where it was in excess of that. Mr. Madden showed him how to use a clinometer and Mr. Rough used one to help get the road in. There is still some work that needs to be done.

2. John Segesser, 30485 Rosland St., Soldotna

Mr. Segesser is the surveyor on the project and let the Committee know he was available for questions.

Mr. Huff wanted to know if there was a way to bring the Forest Service into the platting action now to resolve the issues. The land swap could be done and not end up with remnant parcels. Mr. Segesser said it would be up to the Forest Service and how fast they want to move forward. Mr. Madden responded that during the teleconference Forest Service mentioned that things do not move real fast. It is not real slow but it could take up to two years to get through the process. He doesn't know but with Federal property it may take an act of Congress like for FAA property. It will take time but the Roughs have other property they will be replatting as more development is done to make some suitable ground to develop. They are willing to pay the taxes on the little tract until they can make the replat happen. They would like to get the subdivision moving and get cash flow coming back in instead of going out. It has been an expense getting the roads in. They would like to get some of the lots moving to get paid back and deal with it at a later time. Right now they would like to leave the Tract until it can be replatted and not dedicate the whole piece of property to right-of-way.

Vice Chair Ecklund noted that in the desk packet there was a red part and a green part. She was not sure what the colors represented. Mr. Huff answered that the green part is the area that would be given to Mr. Rough. Further down the road is 2450 square feet which is red. That is the section that they would acquire from the Forest Service. Vice Chair Ecklund referenced the map on page 145 of the packet. At the top there is a red dotted rectangle. She was unsure of that area and what that was. Mr. Huff stated that the road got constructed by Mr. Rough and he went outside of his boundary in that area. It is state property and it looks like he is working with the state to get an ADL easement so that his road will be within an easement. Mr. Segesser added that the ADL is about to be recorded.

Commissioner Ruffner wanted to know about the request for the minimum lot size exception. He asked if it is wrapped up in the potential deed to trade lands to make this all happen. Mr. Segesser said yes it is for Tract A and is the potential trade parcel from the Roughs.

Mr. Huff asked if the Roughs would be willing to dedicate right-of-way over the existing road that goes to Lost Lake Trailhead. Mr. Segesser said it would still leave them with a sub-sized lot. They are hoping to do a trade. Mr. Huff said there would still be an encroachment across Tract A. Mr. Segesser said yes, until the land swap happens. Mr. Huff said they could dedicate it or grant a public access easement for this platting action to allow open access to the trailhead. Mr. Segesser said a document may work.

Seeing and hearing no one else wishing to comment, public comment was closed and discussion among the committee was opened.

MAIN MOTION: Commissioner Ruffner moved, seconded by Commissioner Whitney to grant preliminary approval to Lost Lake Subdivision Addition No. 6 based on staff recommendations and compliance with borough code.

AMENDMENT A MOTION: Commissioner Ruffner moved, seconded by Commissioner Whitney to grant exception requested A. Minimum lot size – KPB 20.30.200.

Mr. Huff asked the Committee if they wanted to include an exception to wastewater review since they are both for the small tract.

AMENDMENT A MOTION AMENDED: Commissioner Ruffner amended his motion to include exception to KPB 20.40 for minimum lot size attached to a septic system, Commissioner Whitney concurred.

Commissioner Ruffner is inclined not to support the exception. There are some serious issues to sort out before proceeding. There is a letter that they have not seen yet that give three options. He is agreeing with staff recommendations at this time.

Vice Chair Ecklund asked Mr. Huff about some options he mentioned that would allow this to be approved tonight. She mentioned an easement or right-of-way and she wanted to know if those were things that they could take up tonight if the applicants agree. Mr. Huff stated that the staff report does suggest Tract A become right-of-way. That would clear up the road into the Lost Lake Trailhead. The second portion is Mr. Rough's road that encroaches onto the Forest Service property. Mr. Huff's suggestion was to acquire an access easement from Forest Service for that portion of his road. Vice Chair Ecklund said that would probably take time. Mr. Huff said it probably would.

Vice Chair Ecklund asked the applicant to come forward to answer for a few questions.

3. Dan Rough, 13146 Hayden Berlin Rd. #7, Seward, AK 99664

Vice Chair Ecklund asked Mr. Rough if he would be willing to have Tract A be given as right-of-way. Mr. Rough answered that part of that has to do with having something to trade to make another lot up above. Vice Chair Ecklund wanted to know if this could be postponed until Forest Service does the swap or take parts out of the subdivision that are conflicting. Mr. Rough has worked with Forest Service before. It is not a speedy process and he is not getting any younger. He said it is a beautiful subdivision and if this trade goes through it would smooth up the line. It is rough building roads there since there is bedrock.

Vice Chair Ecklund asked Mr. Huff if the committee does not allow the exception would this plat be able to be approved and could they start selling lots. Mr. Huff said the road is still an encroachment on Tract A and it is required to show how to resolve the encroachments prior to final plat approval per code. Vice Chair Ecklund wanted to know if a statement on how the encroachment would be resolved would be through a land swap with the United States Forest Service would be sufficient. Mr. Huff said it would still be an encroachment until the swap. Vice Chair Ecklund noted the code said a statement on how the encroachment would be resolved. Mr. Huff said that is what the code says.

Commissioner Brantley wanted to know about the intended route of the road. He asked if it was to be the west portion of Tract A. Mr. Huff said that on the plat the road going to Lot 10 is the road to the Lost Lake Trailhead. Mr. Rough's driveway comes off of that and goes to the south of Tract A. He is then within the right-of-way he is dedicating after that. The road going to Forest Service encroaches on Mr. Rough's property from when they put the road in.

AMENDMENT A FAILED BY MAJORITY VOTE: 1 Yes, 3 No

Yes: Ecklund

No: Brantley, Ruffner, Whitney

AMENDMENT TO A MOTION: Commissioner Ruffner moved, seconded by Commissioner Whitney to cite staff report findings 1 through 11, supporting the three standards to support denial of the exception requested.

AMENDMENT TO A PASSED: Seeing and hearing no discussion or objection the motion passed by unanimous consent.

AMENDMENT B MOTION: Commissioner Ruffner moved, seconded by Commissioner Whitney to grant exception requested to KPB 20.30.170, citing staff report findings 1 through 12 in support of the three standards.

AMENDMENT B PASSED: Seeing and hearing no discussion or objection, the motion passed by unanimous consent.

Commissioner Ruffner stated the Committee's responsibility is to follow through with what the borough code says. Making the lot larger or resolving the encroachment needs to be figured out before they can move forward. The commissioners would like to do this faster but it is up to Forest Service and getting it resolved before the Committee can do their part.

Commissioner Whitney noted an alternative is for Forest Service to move their road. It appears that it is not a significant encroachment.

Vice Chair Ecklund allowed Mr. Rough to come forward. Mr. Rough said that the Forest Service is willing to make the trade it will take time. When they put the road in they knew and admitted that they knew where they were going but it was easier due to wet areas. They hugged the side of the hill knowing they were on his property because it was easier. They are willing to trade.

Commissioner Ruffner let Mr. Rough know that if there is anything that the borough can do to help speed things along to let staff know. It sounds like Forest Service screwed up to begin with by encroaching on Mr. Rough's property so hopefully that will be some motivation for it to not take long.

Vice Chair Ecklund agreed with Mr. Ruffner and suggested that Mr. Rough meet with Mr. Huff and provide the letter from Forest Service. There could be a chance he could meet the code requirement and make a statement of how he would resolve the conflict. Mr. Huff added that they could maybe get Forest Service to work on this by submitting a new plat that includes the land swap.

MAIN MOTION PASSED: Seeing and hearing no discussion or objection, the motion passed by unanimous consent.

AGENDA ITEM E. SUBDIVISION PLAT PUBLIC HEARINGS

9. The Renaissance Phase Two
KPB File No. 2019-043; McLane Consulting, Inc./Salamatof Native Association, Inc.

Staff report given by Scott Huff

Plat Committee Meeting: 5/13/19

Location:	off the Escape Route Road, Nikiski
Proposed Use:	Residential
Water/Sewer:	On-site
Zoning:	Unrestricted
Assessing Use:	Vacant
Parent Parcel Number(s):	013-122-28

Supporting Information:

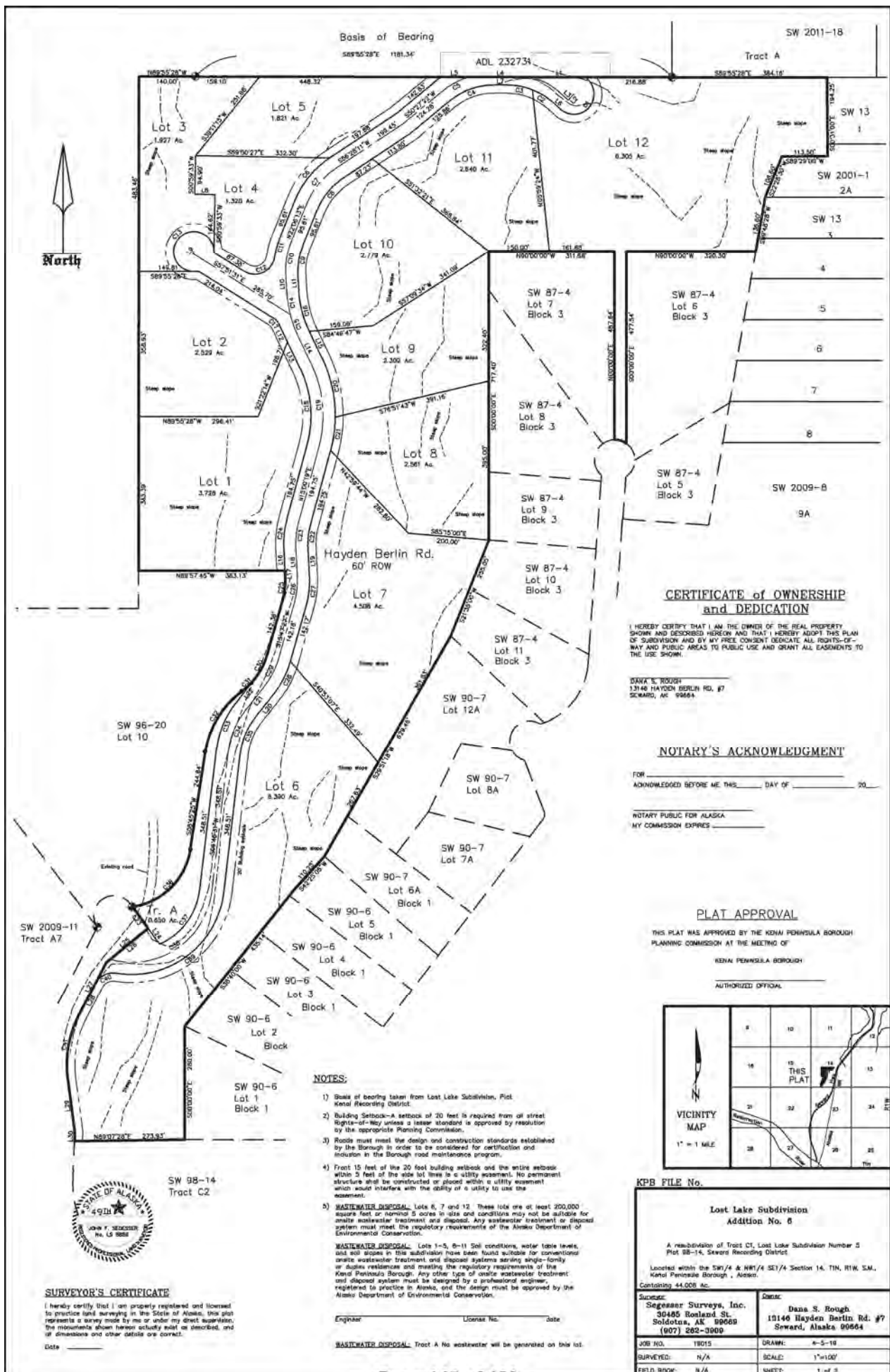
The Committee approved a phased development for the subject property in 2014. The first phase was recorded on September 3, 2014. Preliminary approval expired in 2016. Per KPB 20.25.110, the Renaissance Phase Two was submitted as a new preliminary plat.

The proposed plat subdivides an approximate 190-acre tract into 6 blocks with 64 lots and 1 tract. The tract contains 75.5 acres. Lots range in size from 1.3 to approximately 2 acres. A soils report is required for the lots, and an engineer will sign the plat. The proposed subdivision creates five more lots than the phase approved in 2014, but the basic subdivision design is approximately the same. This platting action is providing the following dedications:

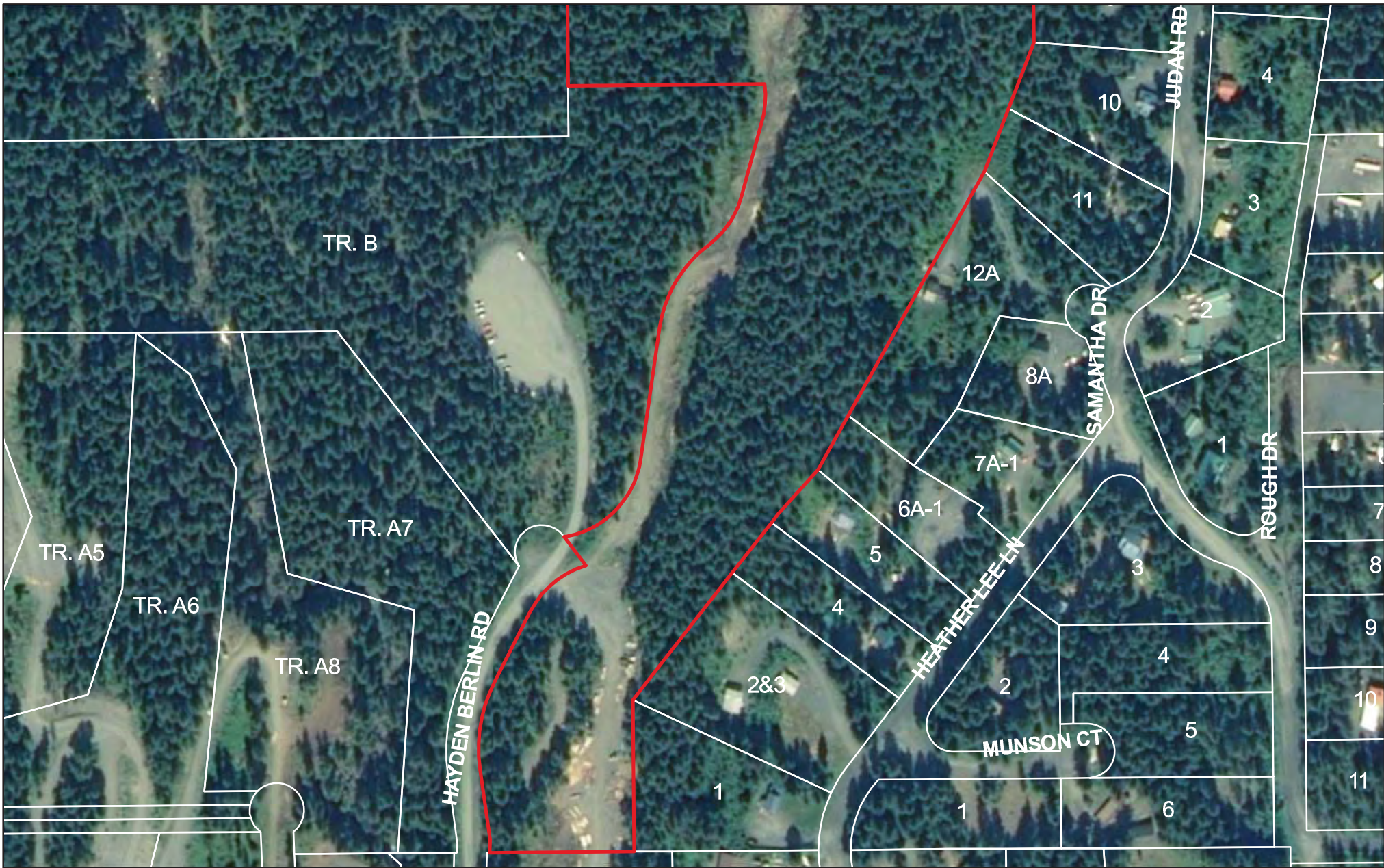
1. 60-foot wide extension of Edwardian Loop, making it a full looped access.
2. 60-foot right-of-way (unnamed) from Edwardian Loop to Moody Avenue.

E. SUBDIVISION PLAT PUBLIC HEARINGS

**8. Lost Lake Subdivision Addition No. 6
KPB File 2019-040**

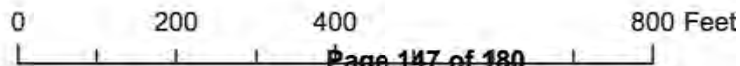






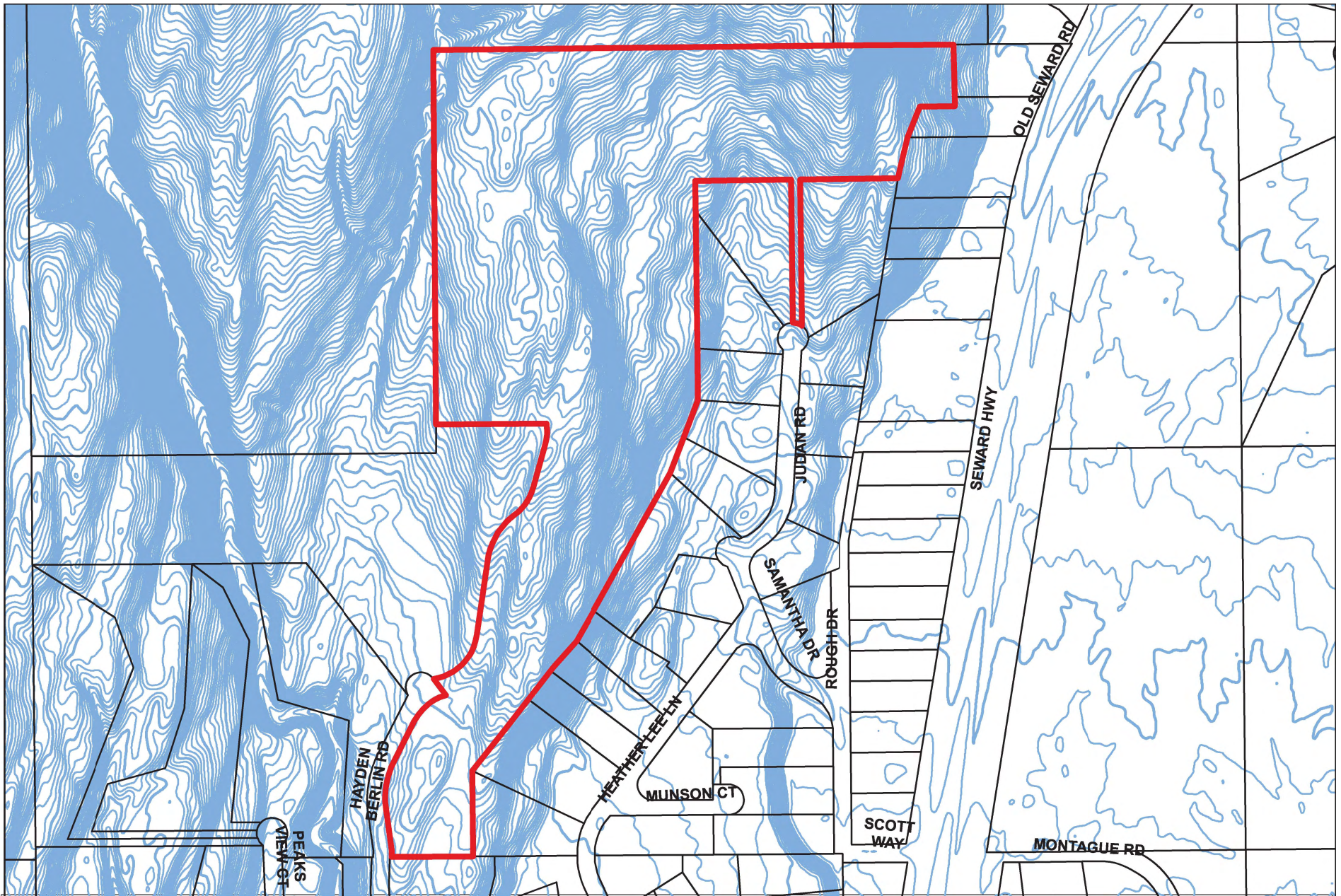
The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.

Vicinity Map
2012-2013 imagery



Date: 4/28/2019

Author: MSweppy



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.

Date: 4/28/2019

Kenai Peninsula Borough Planning Department


4-foot contours

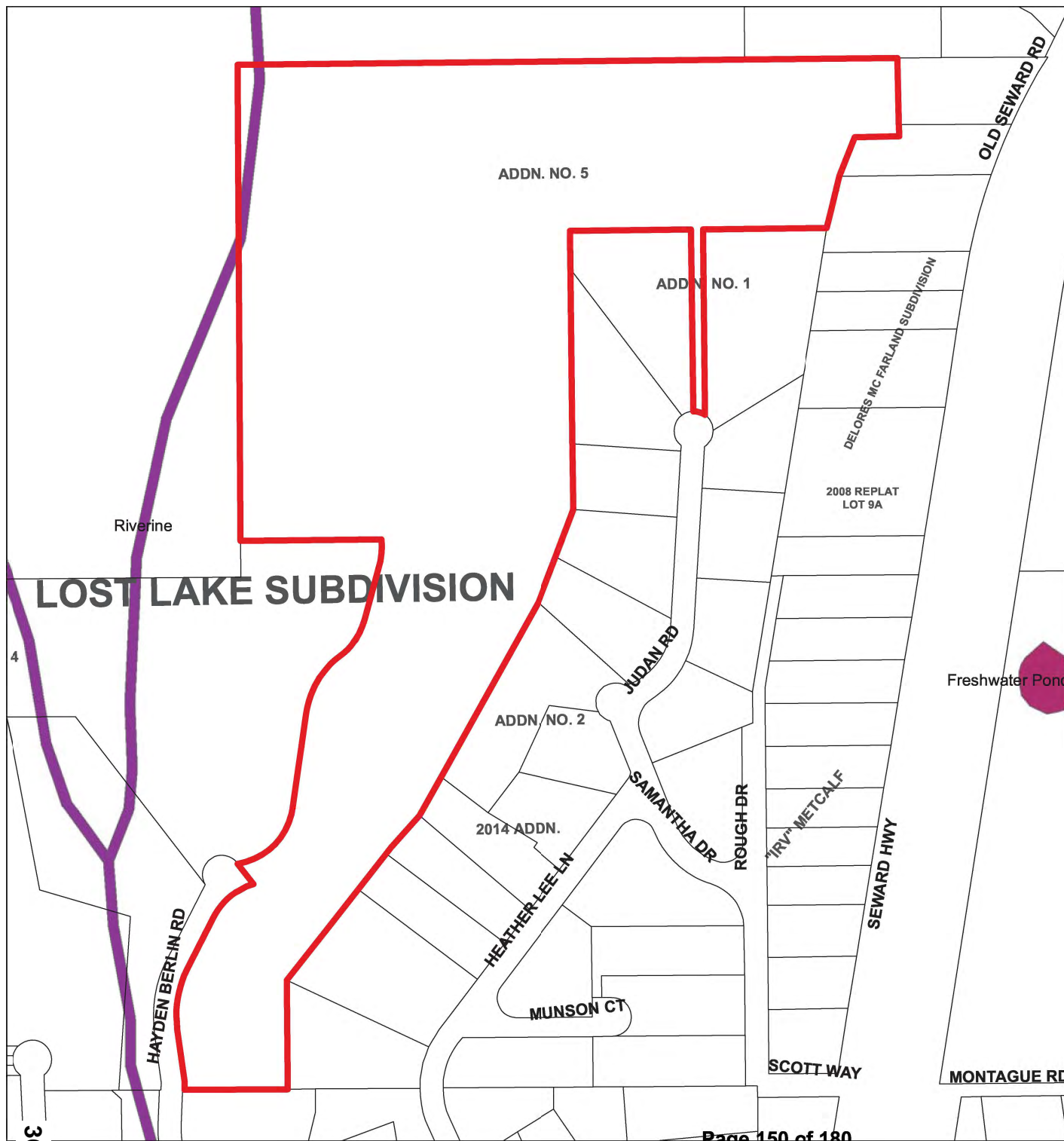
0 250 500 1,000 Feet



National Wetlands Inventory

WETLAND_TYPE

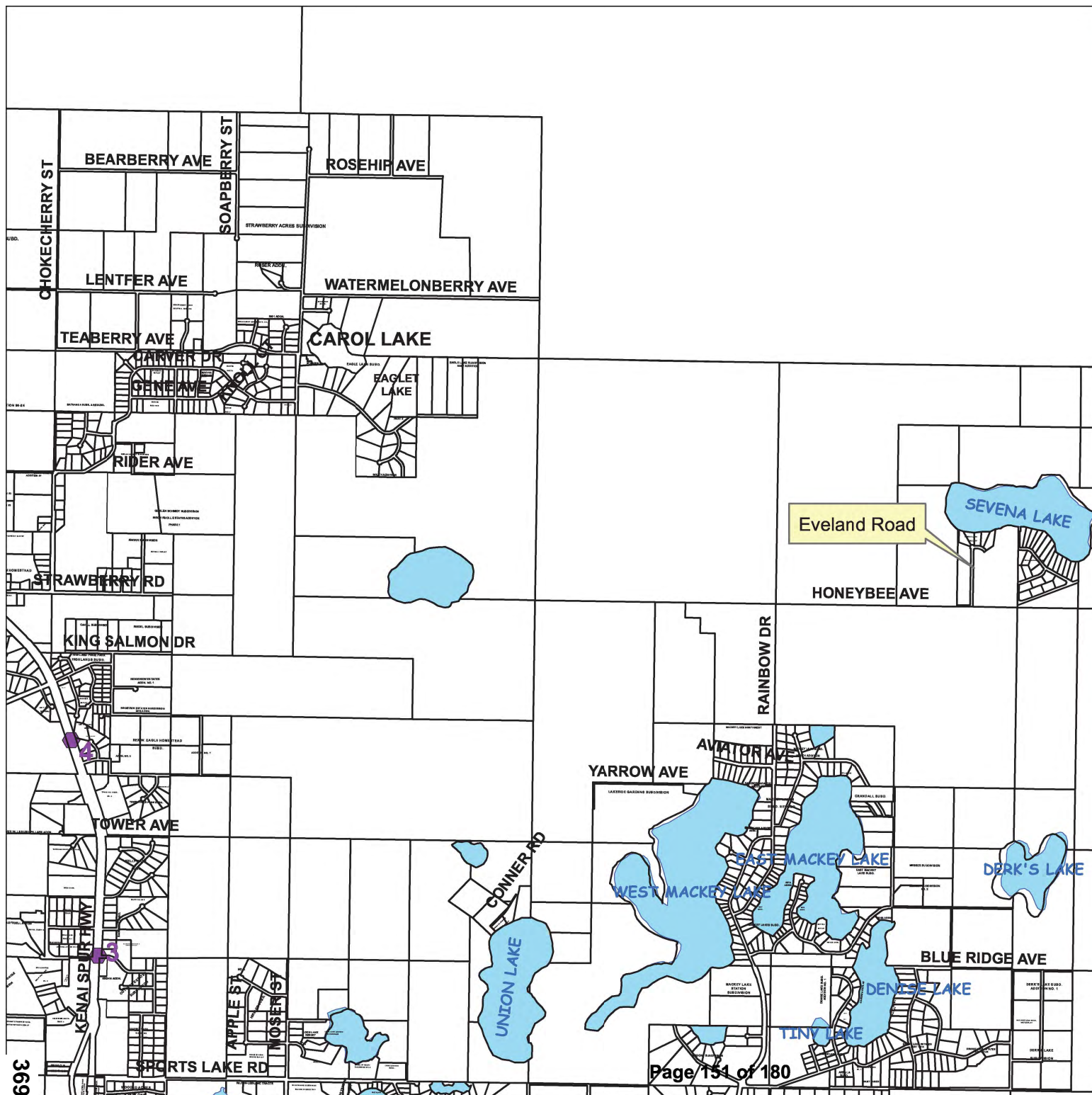
-  Estuarine and Marine Deepwater
-  Estuarine and Marine Wetland
-  Freshwater Emergent Wetland
-  Freshwater Forested/Shrub Wetland
-  Freshwater Pond
-  Lake
-  Other
-  Riverine



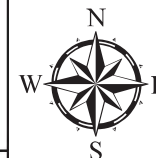
The information depicted hereon
is for a graphical representation
only of best available sources.
The Kenai Peninsula Borough
assumes no responsibility
for any errors on this map.

Date: 4/28/2019

0 100 200 400 feet

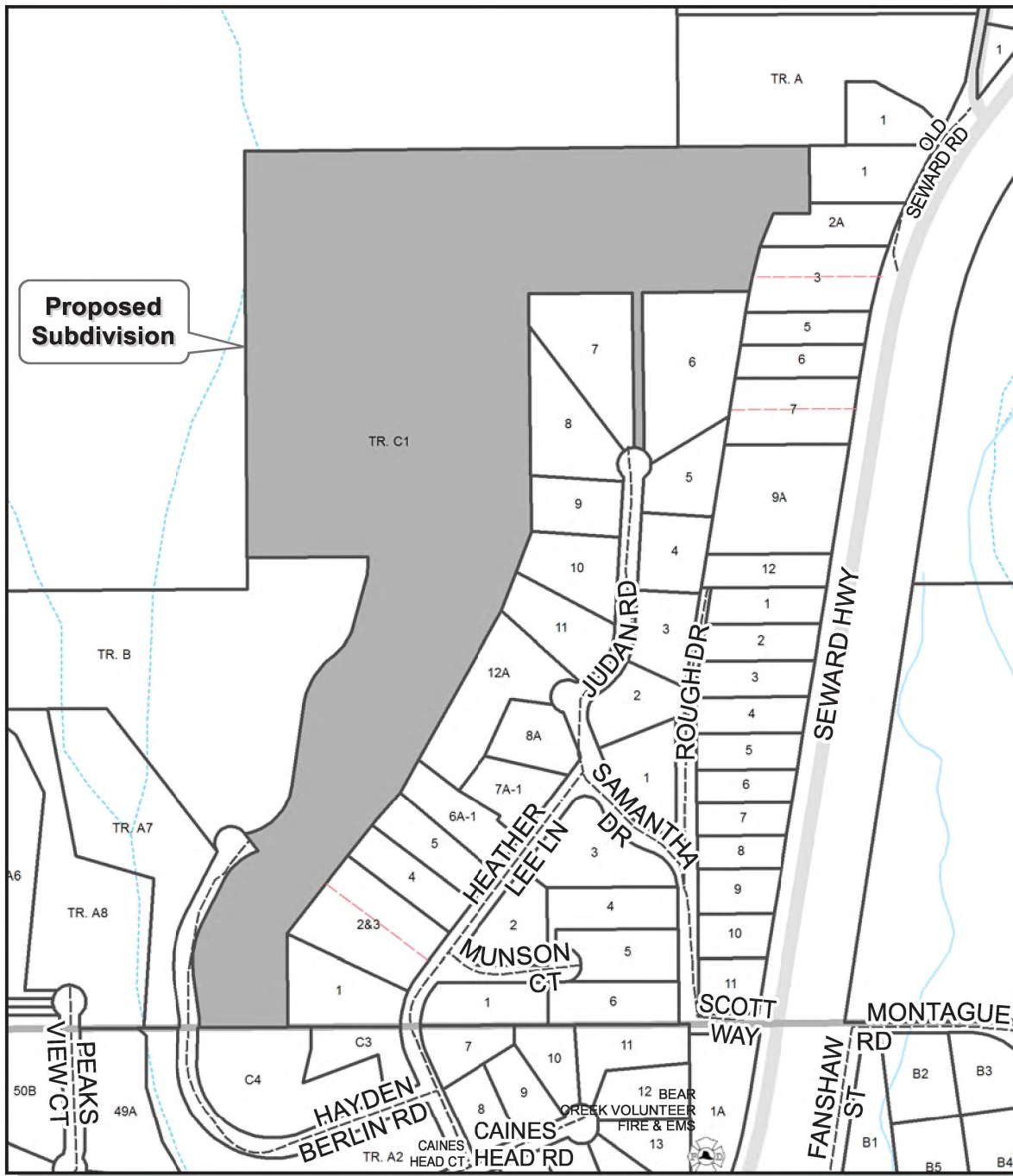


0 1,250 2,500 5,000 Feet



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.



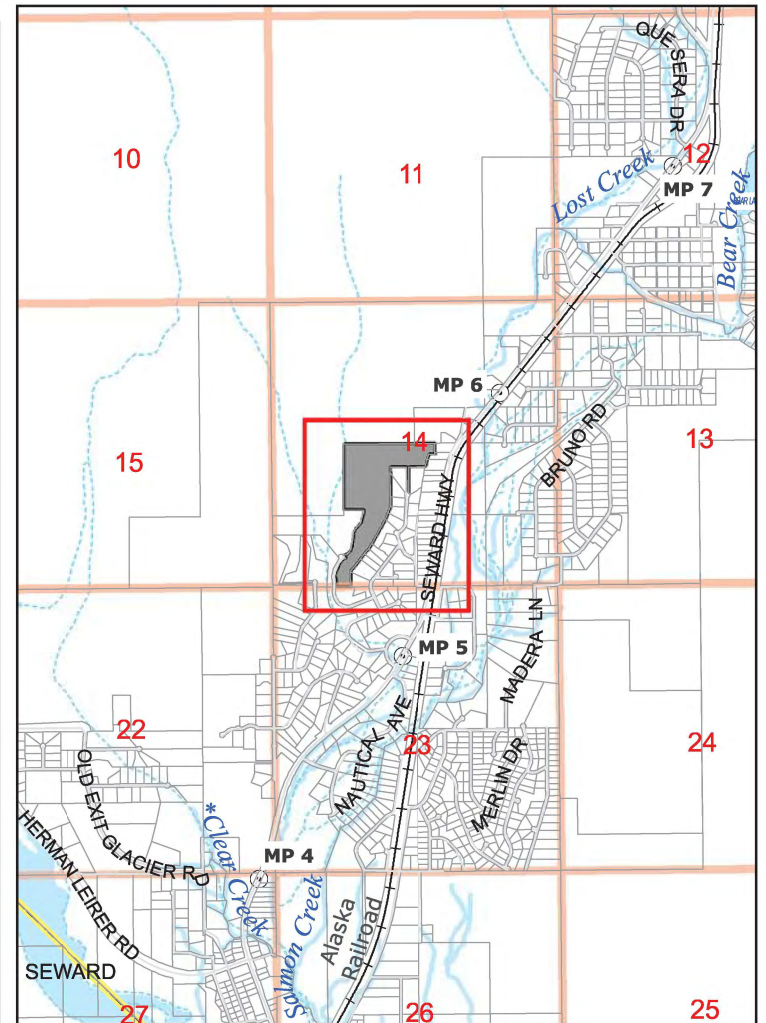


The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.

0 330 660 1,320'

Page 152 of 180

E11-55



0 2,500 5,000 10,000 Feet



KPB 2019-040
T01N R01W S14
BEAR CREEK

JReif, KPB
 Date: 4/11/2019

Huff, Scott

From: John Segesser <seggy@ptialaska.net>
Sent: Thursday, May 02, 2019 8:59 AM
To: Huff, Scott
Subject: Re: Lost Lake Subdivision
Attachments: Lost Lake #6 pg1.pdf

Scott,

Here is the plat showing the road and steep slopes. Tract A is intended to be part of a land swap with the Forest Service for additional area on the south side of Lot 1. Mr. Rough is working on this, but it will take time. Dedicating it would make a land swap impossible. I will get back to you as soon as I hear from Mr. Rough.

John Segesser

From: Huff, Scott
Sent: Tuesday, April 30, 2019 9:06 AM
To: John Segesser (seggy@ptialaska.net)
Subject: Lost Lake Subdivision

John,

I am working on the plat review for Lost Lake Subdivision. I am trying to figure out what is going on with the road and proposed Tract A. It appears that the improved road is within Tract A. Did you locate the improved road? If so, could you provide the planning department with an updated drawing.

If the road is within Tract A wouldn't it be better to dedicate Tract A as a ROW? The ROW may need to be wider than 60 feet but at least the ROW would encompass the improved road.


At this time, staff will be recommending Tract A be a dedicated ROW. If you have more information on the roadway and Tract A please let me know.

Thanks,

Scott Huff
Platting Manager
(907) 714-2212 (Direct)
(907) 714-2378 (Fax)

KENAI PENINSULA BOROUGH
144 North Binkley Street
Soldotna, Alaska 99669



PUBLIC RECORDS LAW DISCLOSURE: This email and responses to this email may be subject to provisions of Alaska Statutes and may be made available to the public upon request.  Please consider the environment before printing this email.

E. NEW BUSINESS

- 12. Sleepy Hollow Longmere Landing Addition
KPB File 2021-003R1**



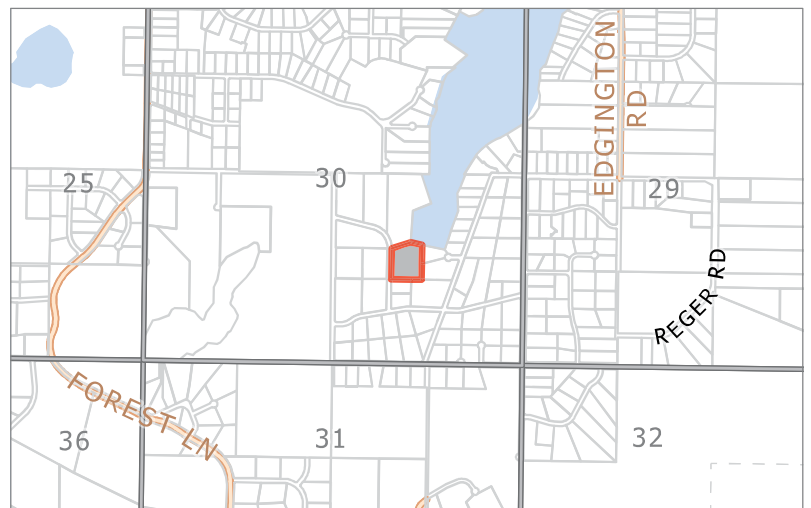
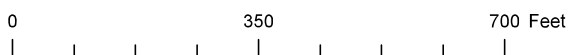
Kenai Peninsula Borough Planning Department

Vicinity Map



KPB File 2021-003R1
T 05N R 09W SEC 30
Sterling

10/6/2022





AGENDA ITEM E. NEW BUSINESS

ITEM 12 – SLEEPY HOLLOW SUBDIVISION LONGMERE LANDING ADDITION

KPB File No.	2021-003R1
Plat Committee Meeting:	November 14, 2022
Applicant / Owner:	Estate of Kent Bangerter of Salt Lake City, UT
Surveyor:	John Segesser / Segesser Surveys
General Location:	Walton Way, Longmere Lake, Sterling

Parent Parcel No.:	063-630-53
Legal Description:	Lot 11, Block 1, Sleepy Hollow Subdivision First Addition, Plat KN 80-122
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On Site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide a 4.7 acre parcel into four lots that will be from 1.002 to 1.254 acres and will dedicate a right-of-way ending with a cul-de-sac.

Location and Legal Access (existing and proposed): The subdivision is located at the southern end of Longmere Lake in the Sterling area. There are dedications from the west that provide access but are not developed. The proposed subdivision is accessed by multiple roads that are off of Edgington Road. The roads for access are borough maintained. The property fronts Walton Way, a 60 foot wide dedication. A cul-de-sac is proposed to provide access to the lots.

Proposed Lots 11A and 11D will be corner lots with the proposed cul-de-sac Bangerter Court and Walton Way. Proposed Lot 11B and Lot 11C will have access via Bangerter Court. Lot 11B will also have approximately 30 foot access to Longmere Lake.

The block is not compliant due to cul-de-sacs to the north and east, and the proximity to Longmere Lake. **Staff recommends the plat committee concur an exception is not required as there are no dedications possible to improve the block length.**

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

Site Investigation: There are no low wet areas present within the subdivision except along the lake boundary. It appears the owner had reached out to U.S. Army Corps of Engineers regarding a wetland determination. The letter states the property did not contain areas under their jurisdiction but all other state, federal, and local regulations must be followed. **Staff recommends the wetlands remain on the final plat and plat note 4 remain.**

There are no areas of steep terrain within the bounds of the preliminary plat.

The subdivision acreage may adjust and the boundary update from the previously platted boundary of the lot. The property is to the natural meander of Longmere Lake and current meander information may adjust the boundary. A revised boundary is shown with 2020 lake meander information.

KPB River Center review	Floodplain: Not within flood hazard area. No comments Habitat Protection: Is NOT within HPD. No comments State Parks: No comments
State of Alaska Fish and Game	No objections

Staff Analysis This is a revised preliminary plat. The original plat was heard on February 9, 2021 and was reviewed and approved under KPB 20.80, Private Streets and Gated Communities. A final had been submitted and was reviewed but since that time the owner has passed away. The estate does not wish to continue with Bangerter Court as a private road. The new proposal will dedicate the court as a public right-of-way. Additionally, Ordinance 2020-45 took effect on April 1, 2021 and this revision should be reviewed under new code. Due to the change in code and road status, this revision will have a new hearing and decision from the Plat Committee.

This is replat of property originally platted by Sleepy Hollow Subdivision, Plat KN 78-79. The property was further subdivided into the current lot configuration by Sleepy Hollow Subdivision First Addition, Plat KN 80-122. Plat KN 78-79 did put 20 foot building setbacks into place along Walton Way.

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

An updated Certificate to Plat will be required and any beneficial interest holders found 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.

Staff recommends an update Certificate to Plat be ordered prior to submitting the final plat to make sure all newly recorded documents are properly documented and questions regarding ownership can be answered.

Utility Easements The previous plats did not grant any utility easements except for the anchor easement shown on the preliminary plat. The plat will be granting 15 foot utility easements adjacent to rights-of-way that increase to 20 feet within 5 feet of the side lot lines as stated in plat note 8. **Staff recommends** the easements be depicted on the plat or a typical depiction detail be added.

It appears multiple easements have been granted to utility providers prior to the decision to change from a private right-of-way to public right-of-way with the required adjacent utility easements. **Staff recommends** the easements be depicted and labeled or refer to plat notes with recording information.

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	Depict and dimension the easement of record per document
ENSTAR	No objections or recommendations
ACS	No objections
GCI	Approved as shown

KPB department / agency review:

Addressing	Reviewer: Haws, Derek Affected Addresses: 35200 WALTON WAY Existing Street Names are Correct: Yes
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	List of Correct Street Names: WALTON WAY Existing Street Name Corrections Needed: All New Street Names are Approved: Yes List of Approved Street Names: BANGERTER CT List of Street Names Denied: Comments: 35200 WALTON WAY will be deleted.
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:** The ownership must be verified and match the certificate to plat. Unless additional deeds are recorded the ownership will be the owner's estate.
- 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:** There is a duplicate section label. Township label is 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 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: *The lots to the southeast of the subdivision have been replatted and need new labels and depiction.*

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 report required and an engineer will need to sign the final 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.*

20.60.110. 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.

B. The natural meanders of ordinary high water (or mean high water line as applicable) is for area computations only, the true corners being on the extension of the sidelines and the intersection with the natural meanders.

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

Staff recommendation: *Add measured and recorded data to final.*

20.60.180. Plat notes.

A. Plat notes shall not be placed on a final plat unless required by borough code or by the planning commission in order to promote or protect the public health, safety, and welfare consistent with borough and state law.

B. Revision of, or not carrying forward, an existing plat note from the parent plat will adhere to KPB 20.50.010. Separate advertising of the plat note removal is not required. Notification of the requested change will be sent by regular mail to all owners within the subdivision (parent plat and subsequent replats) as shown on the borough tax rolls. Upon approval by the planning commission, the revision or removal of the record plat note shall be finalized by recording a planning commission resolution or subdivision plat.

Staff recommendation:

- *Add the code to plat note 3, "(KPB 14.06)".*

- Update the code listed in plat note 6, KPB 20.60.170.
- Plat notes for any additional easements that have been granted per the Certificate to Plat

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: *The certificate should be updated to be on behalf of the estate and the signature line updated to personal representative on behalf of the estate unless ownership has changed. 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.

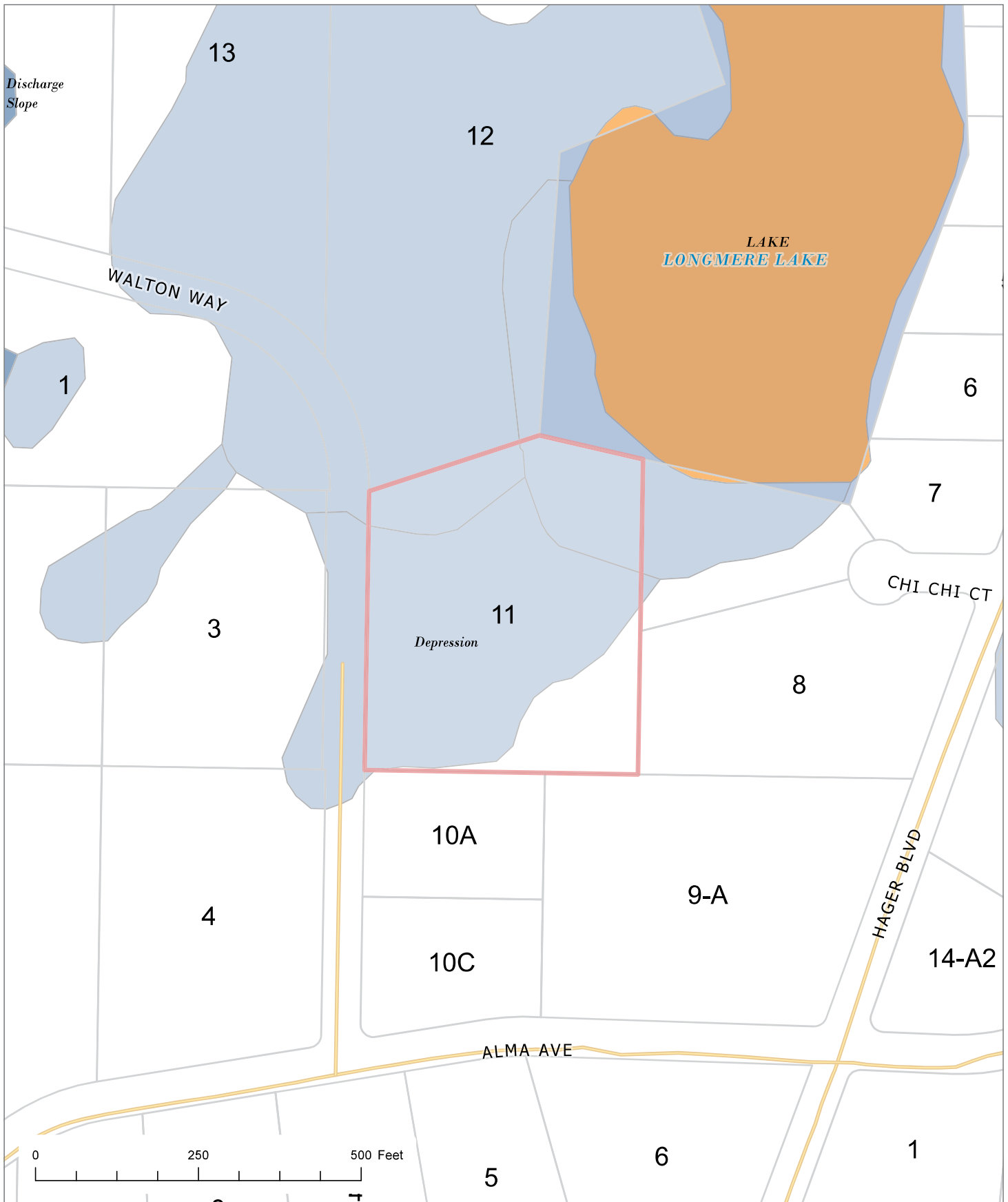
A DECISION OF THE PLANNING COMMISSION MAY BE APPEALED TO THE HEARING OFFICER BY A PARTY OF RECORD WITHIN 15 DAYS OF THE DATE OF NOTICE OF DECISION IN ACCORDANCE WITH KPB 21.20.250.

END OF STAFF REPORT

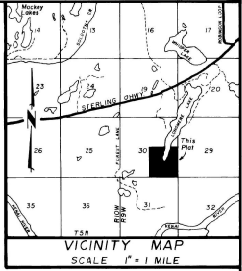
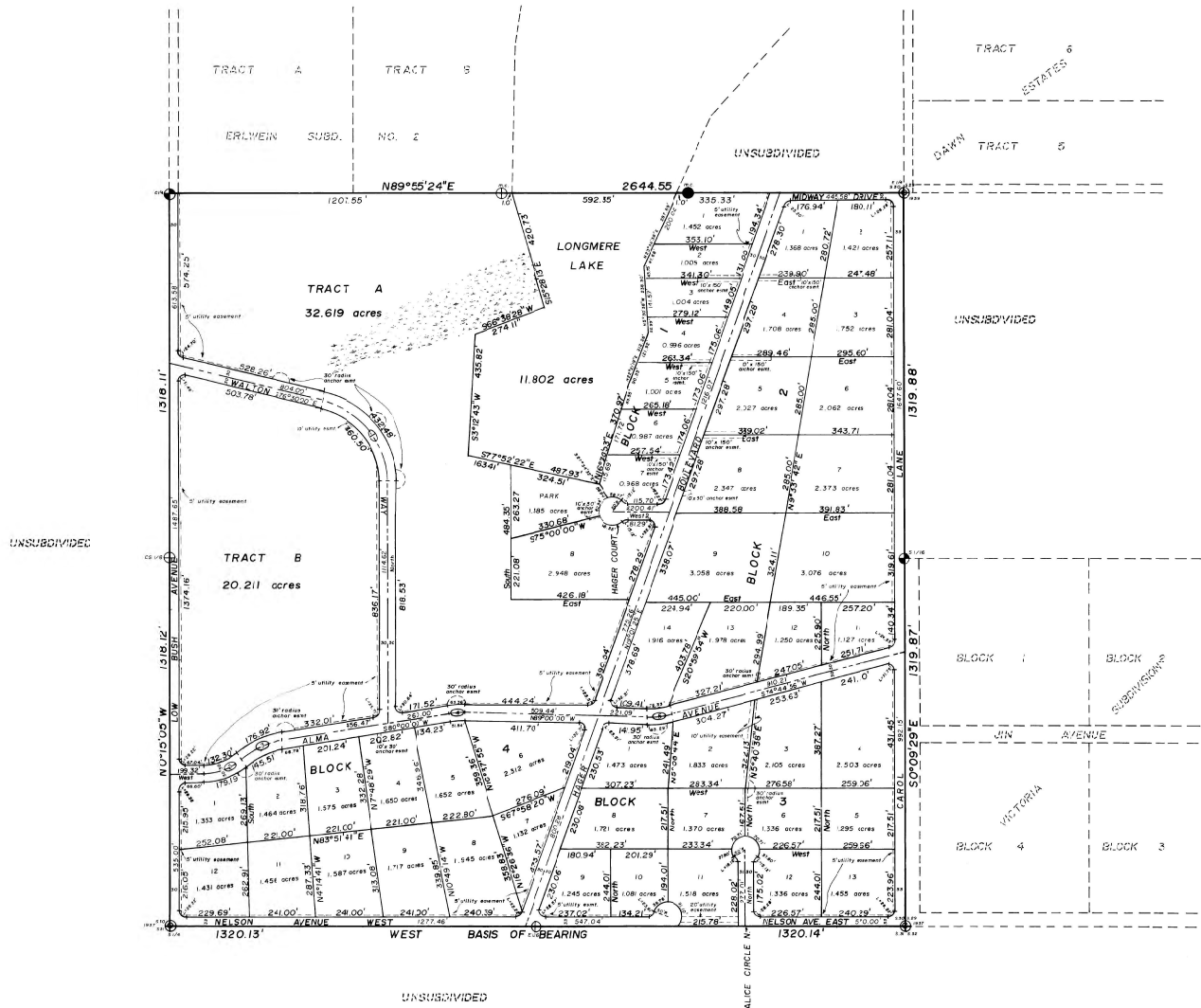




Wetlands







- LEGEND AND NOTES**
- Set 3 1/4" alum. cap monument (1300-S)
 - ⊕ Found U.S.G.L.D. B.C. monument
 - ⊕ Found official survey alum cap monument (237-S)
 - ⊕ Set 1/2" x 24" steel rebar.
 - ⊕ Set 1 1/2" Aluminum Cap monument (1300-S)

All datum of record shown thus ().

All lot are subject to a 20' bldg setback along all dedicated R/W's.

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

All corner returns have a radius of 20'.

CERTIFICATE OF OWNERSHIP AND DEDICATION

We hereby certify that we are the owners of the property shown and described herein and that we hereby adopt this plan of subdivision, and dedicate all streets, alleys, walks, parks, utility easements, and other open spaces to public use.

William Schneider J. H. Company
 William Schneider, President Peter Walton, Secretary

NOTARY'S ACKNOWLEDGEMENT

Subscribed and sworn to before me this 10th day of May, 1978.

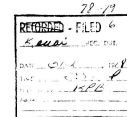
Curry L. Thompson
 Notary Public for Alaska

4-21-78
 My Commission Expires

PLAT APPROVAL

This plat having been approved by the Kenai Peninsula Borough Planning Commission as recorded in the official minutes of the meeting of January 9, 1978, is hereby acknowledged and accepted as the official plat, subject to any and all conditions and requirements of ordinances and law pertaining thereto.

KENAI PENINSULA BOROUGH
 By *Samuel J. Salinger*



SLEEPY HOLLOW SUBDIVISION

DESCRIPTION

Located within U.S. Govt. Lots 6 & 7 and the S 1/2 SE 1/4 Section 30, T5N, R9W, 3 M., AK. containing 160 acres M/L, including the lake.

Owner: J. H. Company
 By Peter Walton, Attorney-in-Fact
 330 L Street
 Anchorage, Alaska 99501

PD Box 476 Sold to: AL

G.S. Best
 Geologist, Registered Land Surveyor

Date Surveyed: April, 1978
 Scale: 1" = 200'
 Bk No: 77-3

CENTERLINE CURVE DATA			
No.	Δ	Radius	Length
1	76°30'00"	300.00	236.90'
2	40°00'00"	226.37	82.53'
3	30°00'00"	307.89	82.53'
4	11°00'00"	300.00	28.87'
5	18°15'04"	300.00	42.83'

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 streets, alleys, walks, parks, utility easements, and other open spaces to public use.

BIP Co.
by: *[Signature]*
Secretary

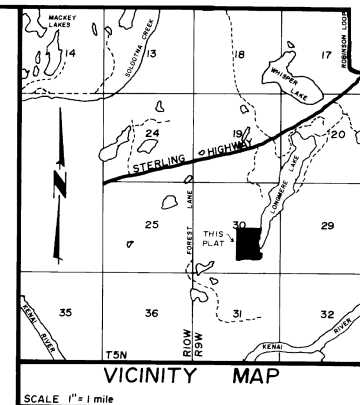
BIP Co., Box 8, Anchorage, AK 99510 by Peter Walton, Secretary

NOTARY'S ACKNOWLEDGEMENT

Subscribed and sworn to before me this 19th day of November, 1978

[Signature]
Notary Public for Alaska

My Commission Expires: 7-7-81



LEGEND AND NOTES

- ⊕ Found Aluminum Cap monument
- Found 1/2" rebar.
- ⊥ Set 1/2" x 20" steel rebar.

All bearings refer to the north/south centerline of Section 30, T5N, R9W, S.M., AK as being N00°15'05"W

All datum of record shown thus ().

All lots are subject to a 20' bldg. setback along all dedicated R/W's.

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

PLAT APPROVAL

This plat having been approved by the Kenai Peninsula Borough Planning Commission as recorded in the official minutes of the meeting of June 5, 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: *[Signature]*

SCALE



SLEEPY HOLLOW SUBDIVISION
FIRST ADDITION

DESCRIPTION: A resubdivision of Tracts A and B, Sleepy Hollow Subdivision, plat 78-79, K.R.D., and within Government Lot 7 and a portion of S1/2SE1/4, Section 30, T5N, R9W, S.M., AK and within the Kenai Peninsula Borough containing 55.295 acres more or less

OWNER: BIP Co.

Box 8, Anchorage, AK 99510

Box 476, Soldotna, Ak 99669

G S Best
Geologist, Registered Land Surveyor

Date Surveyed: April 1978
Scale: 1" = 200'
Bk No: 77-3

CENTERLINE CURVE DATA

NO.	Δ	RADIUS	TANGENT	LENGTH
①	76° 30' 00"	300.00'	236.50'	400.00'
②	40° 00' 00"	226.67'	82.50'	158.24'
③	30° 00' 00"	307.89'	82.50'	161.21'
④	11° 00' 00"	300.00'	28.89'	85.09'

LEGEND:

- 3 1/4" BRASS CAP MONUMENT 237-S FOUND
 2" ALUM. CAP MONUMENT 1300-S 1978 FOUND
 1/2" REBAR FOUND
 5/8" REBAR w/PLASTIC CAP L58859 SET
 () RECORD DATUM PLAT 80-122 KRD

NOTES:

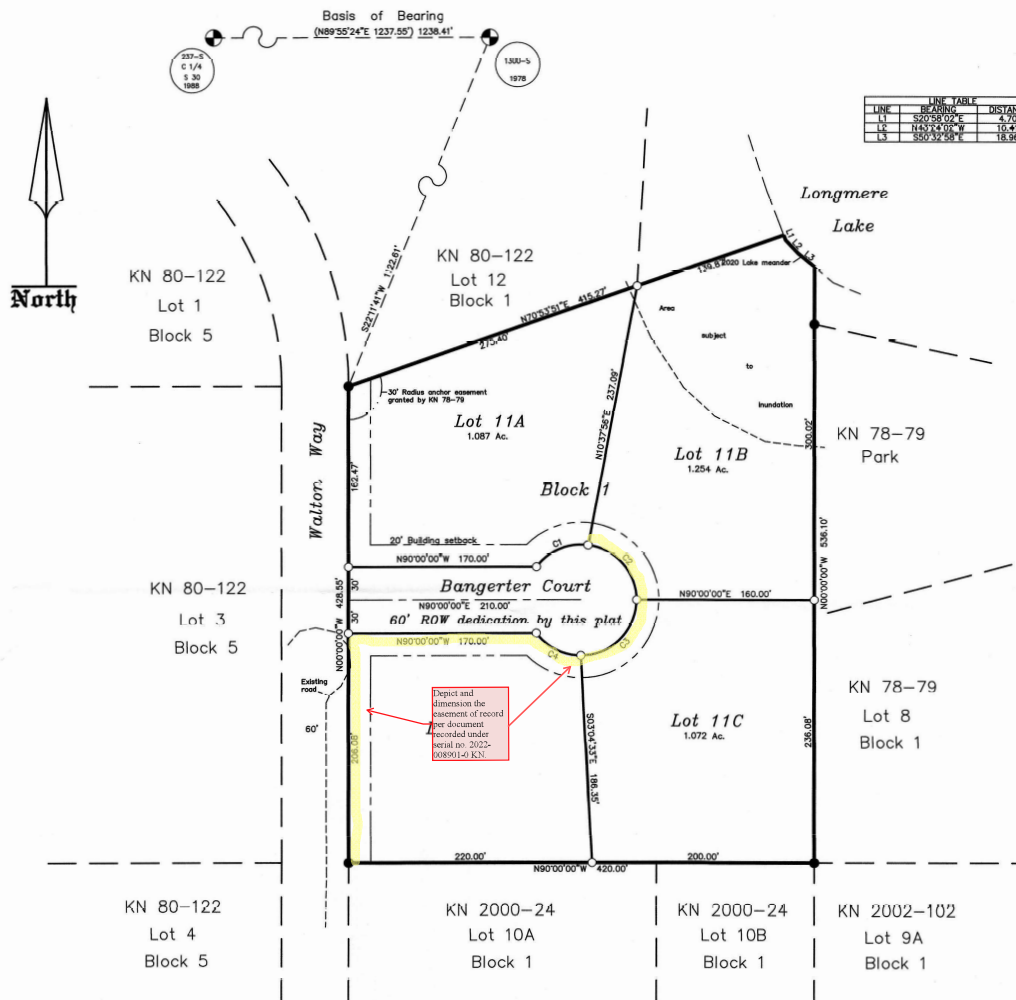
- 1) Basis of bearing taken from Sleepy Hollow Subdivision First Addition, Plat 80-122, Kenai Recording District.
- 2) Building Setback-A setback of 20 feet is required from all street rights-of-way, both public and private, unless a lesser standard is approved by resolution by the appropriate Planning Commission.
- 3) Roads must meet the design and construction standards established by the Borough in order to be considered for certification and inclusion in the Borough road maintenance program.
- 4) 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.
- 5) The natural meanders of ordinary high water is for area computations only, the true corners being on the extension of the sideline and the intersection with the natural meanders.
- 6) Covenants, conditions, and restrictions which affect this subdivision are recorded in Book 188 Page 830 Kenai Recording District. The Borough will not enforce private covenants, easements, or deed restrictions per KPB 21.44.080.
- 7) An easement for electric lines or system and/or telephone lines granted to Homer Electric Association is recorded in Book 7 Page 125, Kenai Recording District. No definite location disclosed.
- 8) Front 15 feet of the 20 foot building setback and the entire setback within 5 feet of the side lot lines is a utility easement. No permanent structure shall be constructed or placed within a utility easement which would interfere with the ability of a utility to use the easement.
- 9) **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 Department of Environmental Conservation.

Engineer License No. Date

**SURVEYOR'S CERTIFICATE**

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

Date _____



LINE	BEARING	DISTANCE
1	S20°55'24"E	2.00'
2	N45°42'54"E	10.41'
3	S55°42'54"E	18.90'

CERTIFICATE of OWNERSHIP and DEDICATION

I HEREBY CERTIFY THAT I AM THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I HEREBY ADOPT THIS PLAN OF SUBDIVISION AND BY MY FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

TERRY SCOTT ROBINSON, MANAGING MEMBER
KENAI GRAVEL PRODUCTS, LLC
822 W 2150 S
WOODS CROSS, UTAH 84087

NOTARY'S ACKNOWLEDGEMENT

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

NOTARY PUBLIC FOR ALASKA _____

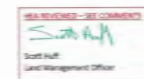
MY COMMISSION EXPIRES _____

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF FEBRUARY 8, 2021.

KENAI PENINSULA BOROUGH

AUTHORIZED OFFICIAL _____



KPB File No. 2021-003

**Sleepy Hollow Subdivision
Longmere Landing Addition**

A resubdivision of Lot 11 Block 1 Sleepy Hollow Subdivision First Addition, Plat 80-122, Kenai Recording District.

Located within the SE1/4 Section 30, T5N, R9W, S1M, Kenai Peninsula Borough, Alaska.

Containing 4.669 Ac.

Surveyor Seigesser Surveys 30485 Rosland St. Soldotna, AK 99669 (907) 262-3909	Owner Kenai Gravel Products 000 W 2150 S Woods Cross, Utah 84087
JOB NO. 20026	DRAWN: 8-10-22
SURVEYED: Oct., 2019	SCALE: 1"=50'
FIELD BOOK: 19-4	SHEET: 1 of 1

CURVE	DELTA ANGLE	RADIUS	ARC LENGTH	TANGENT	CHORD LENGTH	CHORD BEARING
C1	80°30'22"	50.00'	32.87'	23.21'	50.44'	S67°09'53"W
C2	82°33'44"	50.00'	29.03'	4.18'	65.95'	N41°18'13"W
C3	90°00'00"	50.00'	78.54'	50.00'	70.71'	S45°00'00"W
C4	53°07'48"	50.00'	46.36'	25.00'	44.72'	N63°28'05"W

CERTIFICATE of ACCEPTANCE

THE UNDERSIGNED OFFICIAL IDENTIFIED BY NAME AND TITLE IS AUTHORIZED TO ACCEPT AND HEREBY ACCEPTS ON BEHALF OF THE KENAI PENINSULA BOROUGH FOR PUBLIC USES AND FOR PUBLIC PURPOSES THE REAL PROPERTY TO BE DEDICATED BY THIS PLAT INCLUDING EASEMENTS, RIGHTS-OF-WAY, ALLEYS, AND OTHER PUBLIC AREAS SHOWN ON THIS PLAT IDENTIFIED AS FOLLOWS: BANGARTER COURT DEDICATION. THE ACCEPTANCE OF LANDS FOR PUBLIC USE OR PUBLIC PURPOSE DOES NOT OBLIGATE THE PUBLIC OR ANY OTHER GOVERNING BODY TO CONSTRUCT, OPERATE, OR MAINTAIN IMPROVEMENTS.

AUTHORIZED OFFICIAL
KENAI PENINSULA BOROUGH

DATE _____

KPB 2022-003R1

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 10 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

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

MOTION: Commissioner Brantley moved, seconded by Commissioner Gillham, to grant preliminary approval to Gerhart Homestead 2020 Replat based on staff recommendations and compliance with borough code.

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

MOTION PASSED BY UNANIMOUS VOTE

Yes	4	No	0	Absent	0
Yes	Brantley, Carluccio, Fikes, Gillham				

AGENDA ITEM E. NEW BUSINESS

4. Sleepy Hollow Longmere Landing Addition (PRIVATE STREETS AND GATED COMMUNITIES)
KPB File No. 2021-003; Segesser Surveys / Bangerter

Staff report given by Scott Huff.

Location: Walton Way, Sterling area
Proposed Use: Residential
Water/Sewer: On Site
Zoning: Rural Unrestricted
Assessing Use: Residential
Parent Parcel Number(s): 063-630-53

Supporting Information:

This subdivision has been submitted and reviewed under KPB 20.80 – Private Streets and Gated Communities. The submittal must meet all the requirements of KPB Title 20 excluding 20.30.210 and 20.50. The plat is showing a private street to provide access to four lots.

The proposed subdivision will subdivide a 4.67 acre lot into 4 residential lots and one private access tract. The sizes of the residential lots will range from 0.981 to 1.103 acres. The access tract will be 0.4 acres.

A soils analysis report will be required and an engineer will need to sign the plat. The subdivision fronts Walton Way, 60 foot dedicated right of way, in the Sterling area. The parent lot has frontage along the southern portion of Longmere Lake. Per KPB GIS data and imagery, Walton Way is constructed and maintained to the subdivision. The northern portion of Walton Way does not appear to be constructed at this time.

The cul-de-sac as shown does meet the KPB standards for a dedicated right of way. For the cul-de-sac to be a private access tract following items must be met.

20.80.020 - Requirements

- B. All private streets shall comply with street naming and street addressing per KPB 14.10 and 14.20.
Staff recommends working with the addressing officer to obtain an approved private street name.

- C. A public vehicular turn around shall be provided to allow vehicles that have been denied entry to the private streets the ability to exit. An unrestricted turn around located within the private street, shall be provided to allow vehicles that have been denied entry to the private streets the ability to exit. If borough maintenance of a turnaround is requested, then the turnaround must:

- (1) remain a public right-of-way;
- (2) be constructed with a minimum radius of 30 feet with a grade of 4 percent or less per KPB 14.06.160(D); and
- (3) be accepted into the borough's road maintenance program. The owner(s) of an approved gated subdivision shall be responsible for providing maintenance to all private streets and unmaintained turnarounds.

Staff recommends a turnaround area that complies with 20.80.020(C) be provided.

- D. Private streets shall be contained within a separate lot which meets the right of way requirements of Chapter 20. The entrances to all private streets will be marked with a sign stating that it is a private street in compliance with KPB 14.06.200.

Staff recommends the access tract be given a lot designation such as 11E.

- E. The borough shall not pay for or contribute to any cost to construct, improve, or maintain a private street.

- F. The following notes are required on the subdivision final plat:

1. Borough maintenance shall not be provided on any private streets.
2. Private streets are not public and are subject to private construction and maintenance.
3. To convert private streets back to a public right of way, the requirements of KPB 14.06 - Road Standards, must be met.

Staff recommends the above plat notes be added to the final plat.

- G. Gated subdivisions and private streets may be approved, so long as emergency services are provided access within the private subdivision. Written approval by the fire and emergency services provider, with jurisdiction in the area of the gated subdivision is required. The fire and emergency services provider must be satisfied that fire and emergency services providers will have safe access into and within the gated subdivision.

Staff recommends provide written approval by the fire and emergency services provider.

20.80.030. - Gates.

If a gate is installed to prevent public access to a subdivision with private streets the gate must conform to the following requirements:

- A. The fire and emergency services provider that serves the proposed gated subdivision must approve the fire and emergency services access plan for each gate prior to installation. The fire and emergency services provider should consider access for emergency vehicles into, and within, the private streets and gated subdivision.
- B. The approach and departure areas for the gate(s) must be designed by a licensed professional civil engineer.
- C. Approach and departure areas on both sides of a gated entrance must provide adequate setbacks and proper alignment to allow free and unimpeded passage of emergency vehicles through the entrance area.
- D. After installation, all emergency access systems must be approved by the fire and emergency services providers serving the gated subdivision. The owner(s) of the private street parcel must maintain all components of the gate system in a normal operating condition and have them serviced on a regular basis, as needed, to ensure proper gate operation.

- E. No part of the gate system may be placed in a public right-of-way.

Platting Staff Comments: If a gate system is installed, the owners of the private street must work with CES to obtain approval. It is also recommended that the owners work with their utility providers and the KPB Assessing department.

Staff recommendation: *If a gate is installed, comply with 20.80.030.*

The tract that will contain the private street will be subject to taxation. There are no requirements per code for ownership of such access tracts. The owner should determine his options for managing the access tract and it is advised to make that information known to future owners within the subdivision.

The subdivision is not within a closed block. Due to the location of Longmere Lake and a cul-de-sac located to the east, any new right of way dedications will not improve the block length or provide a closed block.

Staff recommends the plat committee concur that an exception to block length is not required.

Notice of the proposed plat was mailed to the beneficial interest holder on January 11, 2021. 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.

KPB satellite imagery indicates this property may contain wet areas. **Staff recommendation:** place a note on the final plat indicating any person developing the property is responsible for obtaining all required local, state, and federal permits, including a U.S. Army Corps of Engineers wetland determination if applicable.

KPB Department/Agency Review Comments

- KPB Addressing/Street Name Review: 35200 Walton Way will be deleted from the system. Addresses for the new lots can be requested from the Borough. A new road name will need to be approved for the private driveway off of Walton.
- KPB Code Compliance: No comments.
- KPB Planner: There are not any local option zoning district or material site issues with this proposed plat.
- KPB Roads Dept.: Within jurisdiction; no objection
- State Parks: No comments.
- Central Emergency Services: The drive should be marked "Private Drive" that is reflective and permanent. We would request a Knox Padlock / or Know Key box be placed on the gate to allow Emergency Responders (Fire Trucks and Ambulances) the ability to open the gate in an emergency response incident.
- KPB Assessing: Assessing would need to have access to perform state mandated canvas inspections.

KPB 20.25.070 - Form and contents required.

Platting staff comments: Staff reviewed the plat and all the items required by 20.25.070 were met, unless otherwise noted below:

- 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: *Add the road width label for Walton Way.*
- 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;
Platting Staff Comments: *There is a line through sections 9, 8, 7, 18, 13, 24 that shall be labeled or removed. The Township and Range need to be added to the map.*
Staff recommendation: *Label or remove additional lines and add the township and range labels.*
- E. All parcels of land including those intended for private ownership and those to be dedicated for public use or reserved in the deeds for the use of all property owners in the proposed subdivision, together with the purposes, conditions, or limitations of reservations that could affect the subdivision;

Platting Staff Comments: This subdivision is affected by covenants, conditions and restrictions and is reference in plat note 4. The proposed cul-de-sac is being requested to be a private right of way. This right of way will be a tract for the benefit of the lots within the subdivision.

Staff recommendation: Must comply with 20.80 and appropriate notes will need to be added to the plat.

- G. Status of adjacent lands, including names of subdivisions, lot lines, block numbers, lot numbers, rights-of-way; or an indication that the adjacent land is not subdivided;
Platting Staff Comments: The lot labeled "Park" should have the recording number listed, KN 78-79. The lot line depiction of Lot 10A to the south is in the incorrect location. Plat KN 2000-24 moved the lots lines and Lot 10A is not in line with the eastern boundary of the subdivision.
Staff recommendation: Update the label for the park and show the correct lot line placement for Lot 10A.
- H. Approximate locations of areas subject to inundation, flooding, or storm water overflow, the line of ordinary high water, wetlands when adjacent to lakes or non-tidal streams, and the appropriate study which identifies a floodplain, if applicable;
Platting Staff Comments: The property is not within a floodplain. Longmere Lake is located in the northeast corner and per KPB GIS data there are wetlands on the property. Updated meander lines should be shown for Longmere Lake as this may result in changes to the subdivision boundary.
Staff recommendation: Determine the location of, and depict, the current ordinary high water boundary for Longmere Lake. Designate or label wetlands located within the subdivision and provide updated boundary of Longmere Lake.
- J. Block and lot numbering per KPB 20.60.140, approximate dimensions and total numbers of proposed lots;
Staff recommendation: Label the private access tract as with a lot number and the approved street name.
- L. Contours at suitable intervals when any roads are to be dedicated unless the planning director or commission finds evidence that road grades will not exceed 6 percent on arterial streets, and 1 0 percent on other streets;
Staff recommendation: Contours are shown and the right of way appears compliant.
- M. Approximate locations of slopes over 20 percent in grade and if contours are shown, the areas of the contours that exceed 20 percent grade shall be clearly labeled as such;
Platting Staff Comments: The contours shown on the plat do not match KPB GIS data. KPB GIS data does not show any steep slopes. Using the lines presented it does not appear that there are slopes exceeding 20 percent.
Staff recommendation: Final plat can remove the contours but should depict any steep slopes or top/toe of bluffs.

KPB 20.25.080. Petition required.

Platting staff comments: Staff reviewed the plat and all the items required by 20.25.080 were met, unless otherwise noted below.

KPB 20.30 Design Requirements

Platting staff comments: Staff reviewed the plat and all the items required by 20.30 were met, unless otherwise noted below:

20.30.030. Proposed street layout-Requirements.

- A. The streets provided on the plat must provide fee simple right-of-way dedications to the appropriate governmental entity. These 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. Adequate and safe access for emergency and service vehicle traffic shall be considered in street layout.

Platting Staff Comments: The proposed cul-de-sac is being requested as a private right of way. There will need to be a turnaround area between Walton Way and the gate to allow vehicles who are denied access the ability to exit safely.

Staff recommendation: *An appropriate turn around area will need to be dedicated.*

20.30.060. Easements-Requirements.

- A. The planning commission may require easements it determines necessary for the benefit of the public. Such easements include, but are not limited to, lateral support (slope) easements, drainage easements for ditching or protection of a drainage, and utility easements. Required easements do not need to be for road purposes.
- B. Upon submittal of a preliminary plat, the planning department shall provide a copy to public utility companies for their comments-and recommended design of utility easements. If the property is subject to existing natural gas or petroleum pipeline easements, a copy shall also be furnished to the appropriate company for comment.
- C. The subdivider bears the responsibility for coordination with the utility companies during the design and development phases. When a subdivider and the utility company cannot agree on easements, the final plat will be taken to the planning commission for determination of easements.
- D. Unless a utility company requests additional easements, the front ten feet of the building setback shall be designated as a utility easement, graphically or by note.

Platting Staff Comments: The affected utility providers were emailed the subdivision plat public hearing notice as part of the routine notification process.

Comments from and GCI were not available when the staff report was prepared.

ACS and ENSTAR supplied reviews of no comments / no objections / no concerns.

HEA requests that the 30 foot radius anchor easement from parent plat KN 80-122 be carried over and depicted on the plat.

There is an easement to HEA within the certificate to plat and is found on the plat as note number 5. Add to the plat note "No definite location disclosed."

Staff recommendation: *Depict and label the anchor easement and reference the plat that granted the easement KN 78-79, update the plat note, and grant utility easements requested by the utility providers and the Committee should concur that granting the easements requested by the utility providers satisfy 20.30.060.*

20.30.100. Cul-de-sacs.

- A. Streets designed to have one end permanently closed shall be no more than 1000 feet long. The closed end of the cul-de-sac shall have a suitable turnaround with a minimum radius of 50 feet to the property line. The turnaround shall be constructible to a 4 percent grade or less.
- B. Hammerhead or T -type turnarounds may be allowed on a case-by-case basis. Adequate turning radii, width and depth must be provided for road maintenance and emergency vehicle access. Plans must be reviewed with a recommendation by emergency service providers and the KPB Road Service Area Board prior to submittal for planning commission review.

- C. Temporary turnarounds and self-vacating turnarounds shall not be granted or reserved on plats.

Platting Staff Comments: The design of the private road complies. An additional turn around area needs to be provided where the private drive meets Walton Way. This may be another bulb with a 50 foot radius or a hammerhead or T-type turnaround. This area will provide for an adequate around for delivery, service, or emergency vehicles who are denied entry past the gate to be able to turn around. The turnaround area will lead directly to the private road. Where the turnaround area ends and the private road begins a gate may be installed.

Staff recommendation: *Provide adequate turn around area to comply with the private street standards.*

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

Platting Staff Comments: The tract to be designated as a private road will still need to be named. The name will need to be approved by the KPB Addressing Officer.

Staff recommendation: Work with the KPB Addressing Officer for an approved street name.

20.30.170. Blocks-Length requirements. Blocks shall not be less than 330 feet or more than 1,320 feet in length. Along arterial streets and state maintained roads, block lengths shall not be less than 800 feet. Block lengths shall be measured from centerline intersections.

Platting Staff Comments: The block is irregular in size due to lots around Longmere Lake. Due to the lake and a cul-de-sac to the east a dedication will not improve the block.

Staff recommendation: Concur an exception is not required as any dedications required will not bring the block into compliance.

20.30.200. Lots-Minimum size.

Except in cities where zoning and subdivision regulations establish different minimums, lots must be designed to meet the following area requirements:

- B. Lots shall contain at least 40,000 square feet if both the well and wastewater disposal are to be located on the lot unless it can be demonstrated to the satisfaction of the commission that a smaller lot size is adequate for the safe location and operation of an on-site well and wastewater disposal system.

Platting Staff Comments: The current configuration meets the requirements of 20.30.200. Proposed Lot 11D is currently proposed at approximately 42,732 square feet. The design change to include a turn around area may reduce the square feet depending on the configuration used. If any of the lots fall below the required 40,000 square feet, the final will be presented to Plat Committee with the soils analysis report to decide if is demonstrated that a smaller lot size is acceptable.

Staff recommendation: Provide 40,000 sq. ft. within all new residential lots that will have onsite well and onsite septic installation.

20.30.210. Lots-Access to street. Each lot shall abut on a fee simple dedicated street except as provided by KPB 20.30.030(B).

Platting Staff Comments: This portion is exempt from review if the plat is finalized under 20.80. If the owner decides to not finalize under 20.80 the proposed design meets the requirements of 20.30.210 if the road is dedicated as a public right of way.

Staff recommendation: Comply with 20.30.210 if required.

20.30.240. Building setbacks.

- A. The commission shall require a building setback of at least 70 feet from the centerline of all fee simple arterial rights-of-way in a subdivision. A minimum 20-foot building setback shall be required for fee simple non-arterial rights-of-way in subdivisions located outside incorporated cities.
- B. 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.
- C. The setback shall be noted on the plat in the following format:
Building setback- A setback of 20 feet is required from all street right-of-ways unless a lesser standard is approved by resolution of the appropriate planning commission.

Platting Staff Comments: The parent lot already has a 20 foot building setback adjoining Walton Way. The building setback shall be depicted on the plat. A 20 foot building setback shall also be depicted and labeled adjoining the private road. The appropriate note is on the plat but depiction will make it clear that it will include the parcel for access.

Staff recommendation: Comply with 20.30.240.

20.30.280. Floodplain requirements.

Platting Staff Comments: River Center review determined the proposed plat is not affected by a mapped flood hazard zone or within a floodway.

20.30.290. Anadromous Waters Habitat Protection District.

Platting Staff Comments: River Center review determined the proposed plat is not within a Anadromous Waters Habitat Protection District.

Staff recommendation: *comply with 20.30.290.*

KPB 20.40 -- Wastewater Disposal

Platting Staff Comments: A soils analysis report is required and an engineer will need to sign the plat.

Staff recommendation: *comply with 20.40.*

KPB 20.60 – Final Plat

Platting staff comments: Staff provided additional information to portions of 20.60 as noted below.

Staff recommendation: *final plat submittals must comply with 20.60. Additional information, revisions, and/or corrections are required as noted below.*

20.60.010. Preparation requirements generally. The final plat shall be prepared in accordance with this chapter and the preliminary plat as approved. Information required for the preliminary plat by KPB 20.25.070 shall be included on the final plat except that the information required by KPB 20.25.070 (K) - (N) shall not be included. The approximate dimensions required by KPB 20.25.070(J) shall be replaced with accurate dimensions as required by KPB 20.60.110 and KPB 20. 60.120. If the final plat contains only a portion of the preliminary plat, it must comply with KPB 20.25.110(B).

Platting Staff Comments:

Staff recommendation: *comply with 20.60.010.*

20.60.020. Filing-Form and number of copies required. The subdivider shall file a standard number of prints as determined by the planning director. All prints shall be folded as required by KPB 20.25.030 except those to be recorded with the district recorder.

Platting Staff Comments:

Staff recommendation: *submit one full-sized paper copy of the plat for final review prior to submittal of the mylar. Electronic submittals are not acceptable for final reviews.*

20.60.030. Certificate of borough finance department required.

Platting Staff Comments: All taxes levied on the property within the subdivision shall be paid prior to recordation of the final plat. If approval is sought between January 1 and the tax due date, there shall be on deposit with the borough finance department an amount sufficient to pay the entire estimated real property tax for the current year. Prior to filing of the final plat, a certificate to this effect shall be provided by the borough finance director or his designee upon request by the planning director. Estimated tax payments shall be applied to the actual bill as of July 1 or such earlier date as the taxes due have been determined.

Taxes owed may include special assessments for utility or road assessment districts established by KPB ordinance.

Staff recommendation: *comply with 20.60.030.*

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.

Platting Staff Comments:

Staff recommendation:

20.60.070. Plat specifications. The final subdivision plat shall be clearly and legibly drawn to scale on good quality polyester film at least 3 mm in thickness. All lines, letters, figures, certifications, acknowledgements and signatures shall be clear and legible. The plat shall be so made, and shall be in such condition when filed, that legible prints and negatives can be made therefrom. Sheets shall be one of these sizes: 8 1/2" x 14"; 11" x 17"; 18" x 24"; and 24" or 30" x 36". When more than one sheet is required, an index map shall be provided on the first sheet showing the entire subdivision and indicating the portion contained on each sheet. Each sheet shall show the total number (e.g. sheet 1 of 3). When more than one sheet is submitted, all sheets shall be the same size. Indelible ink or sealant shall be used to insure permanency.

Platting Staff Comments:

Staff recommendation: *comply with 20.60.070.*

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.
- B. The natural meanders of ordinary high water (or mean high water line as applicable) is for area computations only, the true corners being on the extension of the sidelines and the intersection with the natural meanders.

Platting Staff Comments:

Staff recommendation: *Determine, and depict, the current meander line of Longmere Lake. If necessary, update the acreage of the parent parcel in the title block as well as Lot 11B. Provide a plat note that reads, 'The natural meanders of ordinary high water (or mean high water line as applicable) is for area computations only, the true corners being on the extension of the sidelines and the intersection with the natural meanders.' Comply with 20.60.110.*

20.60.120. Accuracy of measurements. All linear measurements shall be shown to the nearest 1/10 foot, and angular measurements shall be at least to the nearest minute. All lot areas shall be shown to the nearest 10 square feet or to the nearest 1/1,000 of total acres. Meander lines, dry land areas and submerged land areas shall be shown in addition to total area when applicable. All boundary closures shall be to a minimum accuracy of 1:5,000. Boundary and lot closure computations must be submitted with the final plat.

Platting Staff Comments: KPB will verify closure complies with 20.60.120.

Staff recommendation: *provide boundary and lot closure computations with the paper final plat.*

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.

Platting Staff Comments: The boundary is correct but does have strike through on several of the survey marker symbols.

Staff recommendation: *Correct the boundary so symbols do not have any strike through.*

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.

Platting Staff Comments: The private road shall be a lot or tract with an appropriate number.

Staff recommendation: *Comply with 20.60.140.*

20.60.150. Utility easements.

- A. The utility easements approved by the planning commission shall be clearly shown on the final plat in dimensioned graphic form or as a note.
- B. The following note shall be shown on the final plat:
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.

Platting Staff Comments:

Staff recommendation: *comply with 20.60.150.*

20.60.160. Easements.

- A. The plat shall clearly show the location, width, and use of all easements. The easements must be clearly labeled and identified and, if already of record, the recorded reference given. If public easements are being granted by the plat, they shall be properly set out in the owner's certification of dedication.
1. Special purpose easements being granted by the plat shall be clearly defined for allowed use. Special purpose easements may require a signed acceptance statement on the plat.

B. Private easements may not be granted on the plat.

Platting Staff Comments:

Staff recommendation: *comply with 20.60.160.*

20.60.170. Other data required by law.

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

B. Private covenants and restrictions of record in effect at the time the final plat is approved shall be referenced on the plat.

Platting Staff Comments: The subdivision has covenants as noted in plat note 4. Either add to plat note 4 or add a new plat note that states "The borough will not enforce private covenants, easements, or deed restrictions per KPB 21.44.080."

Staff recommendation: *comply with 20.60.170.*

20.60.180. Plat notes. 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.

Platting Staff Comments: Additional plat notes may be required based on easements/covenants in the final Certificate to 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).*
- *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.*
- *The borough will not enforce private covenants, easements, or deed restrictions per KPB 21.44.080.*
- *Lot ## is a private street and is for use of owners within the subdivision only and is not dedicated to public use.*
- *Borough maintenance shall not be provided on any private streets.*
- *Private streets are not public and are subject to private construction and maintenance.*
- *To convert private streets back to a public right of way, the requirements of KPB 14.06 - Road Standards, must be met.*

20.60.190. Certificates, statements, and signatures required.

Platting Staff Comments:

Staff recommendation: *comply with 20.60.190.*

20.60.200. Survey and monumentation.

Platting Staff Comments: Provide sectional information for found BLM / GLO survey markers. Provide symbols that are the same size between the legend and the drawing.

Staff recommendation: *comply with 20.60.200*

20.60.210. Approval-Authority-Certificate issued when.

Platting Staff Comments: If the Plat Committee conditionally approves the preliminary plat, staff will comply with, and follow, 20.60.210.

20.60.220. Administrative approval.

Platting Staff Comments: If the Plat Committee conditionally approves the preliminary plat and the final plat conforms to the conditions, staff will issue an administrative approval with notice to the Planning Commission as set forth in 20.60.220.

The planning director may refer the final plat to the planning commission when:

10. *Major redesign was a condition of preliminary approval by the planning commission or the advisory planning commission of the city in which the subdivision is located;*
11. *Final approval by the commission was a condition of preliminary approval; or*
12. *The planning director determines there are other conditions to support referral to the commission.*

KPB 20.80 – Private Streets and Gated Communities

Staff provided additional information to portions of 20.80 as noted below.

Staff recommendation: final plat submittals must comply with 20.80. Additional information, revisions, and/or corrections are required as noted below.

20.80.005. - Application.

This chapter applies to all subdivisions within the Kenai Peninsula Borough boundaries except for those within an incorporated city within the borough.

20.80.010. - Purpose.

This chapter provides standards and requirements for the establishment of private streets in subdivisions in the borough. In accordance with the requirements of this chapter, a subdivision with private streets and gated access may be created either at the time of subdivision by the owner of the parcel being subdivided or by the owners of the parcels along public street(s).

Platting Staff Comments: This is a new subdivision that will create a new road to be considered private.

20.80.020. - Requirements.

Private streets in subdivisions shall meet the following requirements:

- A. Provisions of KPB Title 20, excluding 20.30.210 and 20.50, apply and must be met.
- B. All private streets shall comply with street naming and street addressing per KPB 14.10 and 14.20.
- C. A public vehicular turn around shall be provided to allow vehicles that have been denied entry to the private streets the ability to exit. An unrestricted turn around located within the private street, shall be provided to allow vehicles that have been denied entry to the private streets the ability to exit. If borough maintenance of a turnaround is requested, then the turnaround must: (1) remain a public right-of-way; (2) be constructed with a minimum radius of 30 feet with a grade of 4 percent or less per KPB 14.06.160(D); and (3) be accepted into the borough's road maintenance program. The owner(s) of an approved gated subdivision shall be responsible for providing maintenance to all private streets and unmaintained turnarounds.
- D. Private streets shall be contained within a separate lot which meets the right of way requirements of Chapter 20. The entrances to all private streets will be marked with a sign stating that it is a private street in compliance with KPB 14.06.200.
- E. The borough shall not pay for or contribute to any cost to construct, improve, or maintain a private street.
- F. The following notes are required on the subdivision final plat:
 - 1. Borough maintenance shall not be provided on any private streets.
 - 2. Private streets are not public and are subject to private construction and maintenance.
 - 3. To convert private streets back to a public right of way, the requirements of KPB 14.06 - Road Standards, must be met.
- G. Gated subdivisions and private streets may be approved, so long as emergency services are provided access within the private subdivision. Written approval by the fire and emergency services provider, with jurisdiction in the area of the gated subdivision is required. The fire and emergency services provider must be satisfied that fire and emergency services providers will have safe access into and within the gated subdivision.

Platting Staff Comments:

- *Item C will need to be met. Staff is recommending a 50 foot radius bulb or a hammer or t-type turn around area. Plat note 3 address how to get inclusion into the road maintenance program.*
- *Item D requires that the private street is within a separate lot. The lot needs to be given a tract or lot number and add a plat note that states "Lot ## is a private street to and is for use of owners within the subdivision only and is not dedicated to public use.."*
- *The plat notes within item F will need to be added to the plat.*

- *Item G – Comment was received by Central Emergency Services requesting a Knox Padlock/ or Knox Key box be used if a gate is put in place. The owner needs to work with CES, utility providers, and KPB Assessing to provide required and adequate access for emergencies, required maintenance, and to fulfill state requirements.*

20.80.030. - Gates.

If a gate is installed to prevent public access to a subdivision with private streets the gate must conform to the following requirements:

- A. The fire and emergency services provider that serves the proposed gated subdivision must approve the fire and emergency services access plan for each gate prior to installation. The fire and emergency services provider should consider access for emergency vehicles into, and within, the private streets and gated subdivision.
- B. The approach and departure areas for the gate(s) must be designed by a licensed professional civil engineer.
- C. Approach and departure areas on both sides of a gated entrance must provide adequate setbacks and proper alignment to allow free and unimpeded passage of emergency vehicles through the entrance area.
- D. After installation, all emergency access systems must be approved by the fire and emergency services providers serving the gated subdivision. The owner(s) of the private street parcel must maintain all components of the gate system in a normal operating condition and have them serviced on a regular basis, as needed, to ensure proper gate operation.

- E. No part of the gate system may be placed in a public right-of-way.

Platting Staff Comments: The owners of the private street must work with CES to install an approved gate system. It is also recommended that the owners work with their utility providers and the KPB Assessing department.

Staff recommendation: *Comply with 20.80.030.*

20.80.040. - Converting to gated subdivision.

- A. To convert a publicly dedicated street to a private street, the dedicated street must be vacated. A dedicated public right-of-way may only be vacated upon petition by resolution of the governing body from a municipality in which the property is located or upon petition by the owner(s) of the majority of land fronting or abutting the right of way to be vacated. The request shall comply with the applicable replat and vacation requirements and procedures in this title, except as provided otherwise in this chapter.
- B. Converting public street to private street - standards.
 - 1. Vacation of the public right-of-way shall be in accordance with the criteria set forth in KPB 20.70.
 - 2. The proposed gated subdivision shall not cause discontinuity in the existing or proposed public street system for adjoining lands.
 - 3. The proposed gated subdivision must not cause discontinuity in the existing or proposed road system to any property owner within the proposed gated subdivision that fronts on the public right-of-way that is to be vacated.
 - 4. Prior to recording, the private tract owner(s) shall accept the road "as-is" in its present condition and shall agree to indemnify, hold harmless, and defend the borough against any claims arising from the private ownership, maintenance and control of the converted street.
 - 5. The private tract owner(s) shall execute a defense and indemnification agreement in favor of the borough in the following form: Except to the extent limited by law, the private tract owner(s) shall indemnify, defend, and hold and save the borough, its elected and appointed officers, officials, agents and employees, hereinafter collectively referred to as "agents", harmless from any claim of, or liability for, the independent negligent acts, errors, and omissions or willful misconduct, including costs, expenses, and attorneys' fees, in connection with or relating to the private tract owner(s) construction, improvement,

maintenance, regulation, or use of any gates or private streets. The private tract owner(s) shall be responsible under this clause for any and all legal actions or claims of any character arising from the private tract owner(s) acts or omissions related to its private streets and gates in any way what so ever. This defense and indemnification responsibility includes claims alleging acts or omissions of the borough or its agents, which are said to have contributed to the losses, failure, violations, or damages, except for acts or omissions solely attributable to the borough.

6. Unanimous consent of property owners within a 600-foot radius of the boundary of the street to be vacated is required.
- C. A public street constructed or improved with borough funds, either through a Capital Improvement Project (CIP) or Road Improvement Assessment District (RIAD), cannot be converted to a private street within ten (10) years of the CIP or RIAD completion date for that street.

Platting Staff Comments: This proposal is not to revert but to create a private street. The owners and developers of the subdivision should be aware of the requirements to convert to a public street in case the need or desire arises.

20.80.050. - Converting private streets to public right-of-way in gated subdivision.

- A. The owner(s) of a private street may petition to dedicate the private street through the platting process. The plat must comply with KPB Chapter 20.
- B. The private street to be dedicated to a public right of way must meet the design criteria set forth in KPB 20.30 and KPB 14.06.
- C. At the expense of the private street tract owner(s), a civil engineer will determine whether the private streets meet KPB Title 14 and Title 20 standards for street design and construction. If the streets do not meet borough standards the dedication shall be denied.
- D. The borough may also require, at the private street tract owner's expense, the removal of any improvements, access control devices, gates, landscaping or other aesthetic amenities associated with the private street.

Platting Staff Comments: This is a newly designed road to be designated as a private street. This portion of code does not apply.

20.80.060. - Enforcement.

Violations of this chapter shall be in accordance with KPB 20.10.030 and KPB 21.50.

Platting Staff Comments: Any concerns or issues brought about by the public, emergency responders or other borough departments may result in an inspection by the KPB Code Compliance Officer.

Staff recommendation: Failure to comply may result in fines.

STAFF RECOMMENDS:

- **GRANT APPROVAL OF THE PRELIMINARY PLAT SUBJECT TO ABOVE 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, AND**
- **COMPLIANCE WITH KPB 20.80 (PRIVATE STREETS AND GATED COMMUNITIES)**

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 10 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

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

MOTION: Commissioner Brantley moved, seconded by Commissioner Gillham, to grant preliminary approval to Sleepy Hollow Longmere Landing Addition based on staff recommendations and compliance with borough code.

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

MOTION PASSED BY UNANIMOUS VOTE

Yes	4	No	0	Absent	0
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Yes	Brantley, Carluccio, Fikes, Gillham
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F. PUBLIC COMMENT - None

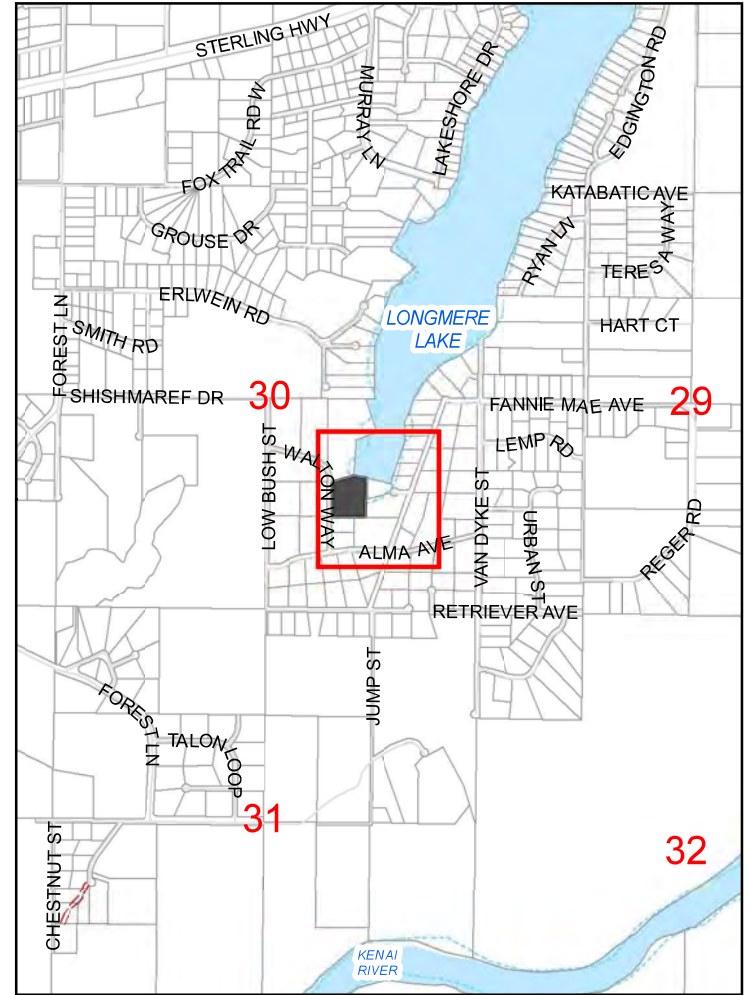
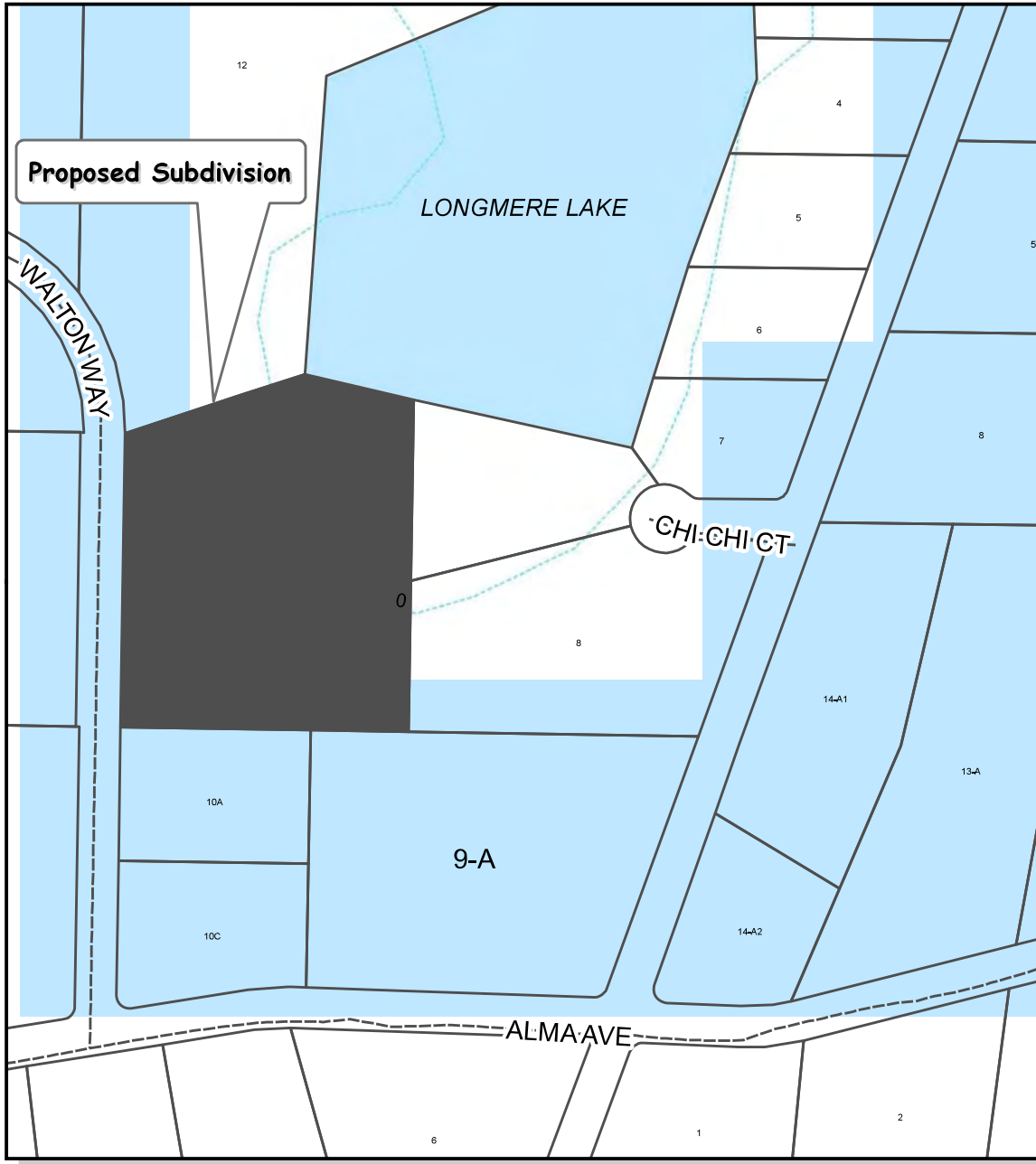
G. ADJOURNMENT

Commissioner Brantley moved to adjourn the meeting at 7:02 P.M.

Ann E. Shirnberg
Administrative Assistant

E. NEW BUSINESS

- 4. Sleepy Hollow Longmere Landing Addition**
KPB File: 2021-003; [Segesser Surveys / Bangerter]
Location: On Walton Way
Sterling Area



0 1,250 2,500 5,000 Feet



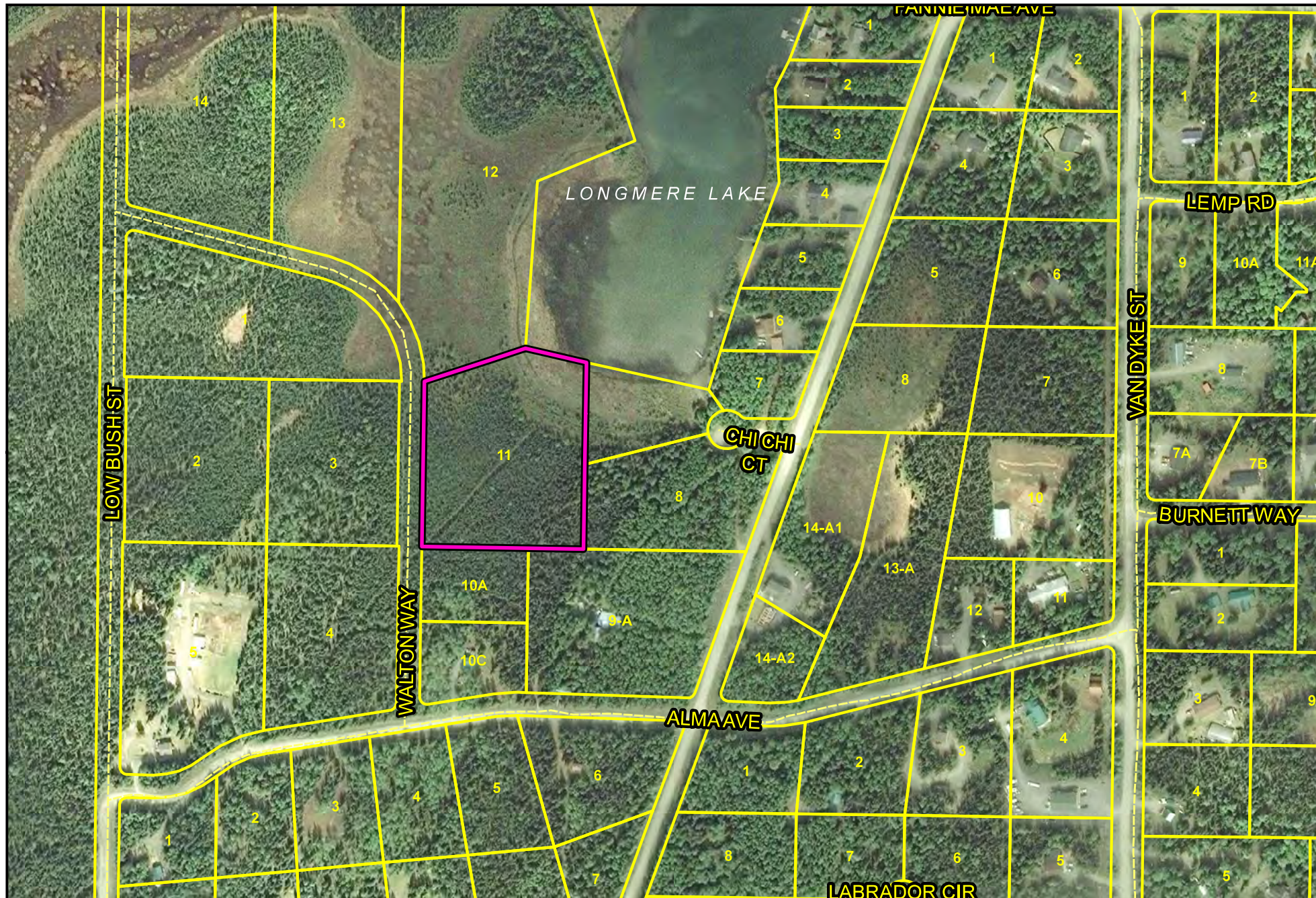
KPB 2021-003
S30 T05N R09W
STERLING



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.

0 250 500 1,000'

Date: 1/8/2021
 PClements, KPB 2021-003



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.

Aerial View

0 125 250 500'

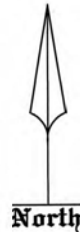


PRELIMINARY PLAT

PClements, KPB 2021-003
Date: 1/11/2021
Imagery Sterling 2018

LEGEND:

- ALUM. CAP MONUMENT 237-S FOUND
- ALUM. CAP MONUMENT 1300-S 1976 FOUND
- 1/2" REBAR FOUND
- 5/8" REBAR w/PLASTIC CAP LS8859 SET
- RECORD DATUM PLAT 80-122 KRD



NOTES:

- 1) Basis of bearing taken from Sleepy Hollow Subdivision First Addition, Plat 80-122 Kenai Recording District.
- 2) Building Setback-A setback of 20 feet is required from all street Rights-of-Way unless a lesser standard is approved by resolution by the appropriate Planning Commission.
- 3) Roads must meet the design and construction standards established by the Borough in order to be considered for certification and inclusion in the Borough road maintenance program.
- 4) Covenants, conditions, and restrictions which affect this subdivision are recorded in Book 186 Page 630 Kenai Recording District.
- 5) An easement for electric lines or system and/or telephone lines granted to Homer Electric Association is recorded in Book 7 Page 125, Kenai Recording District.
- 6) Front 15 feet of the 20 foot building setback and the entire setback within 5 feet of the side lot lines is a utility easement. No permanent structure shall be constructed or placed within a utility easement which would interfere with the ability of a utility to use the easement.
- 7) WASTEWATER DISPOSAL: Soil conditions, water table levels, and soil slopes in this subdivision have been found suitable for conventional on-site 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 on-site 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.

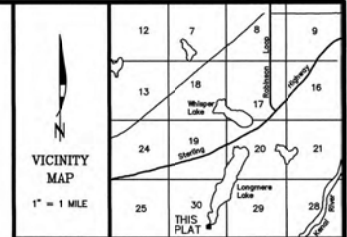
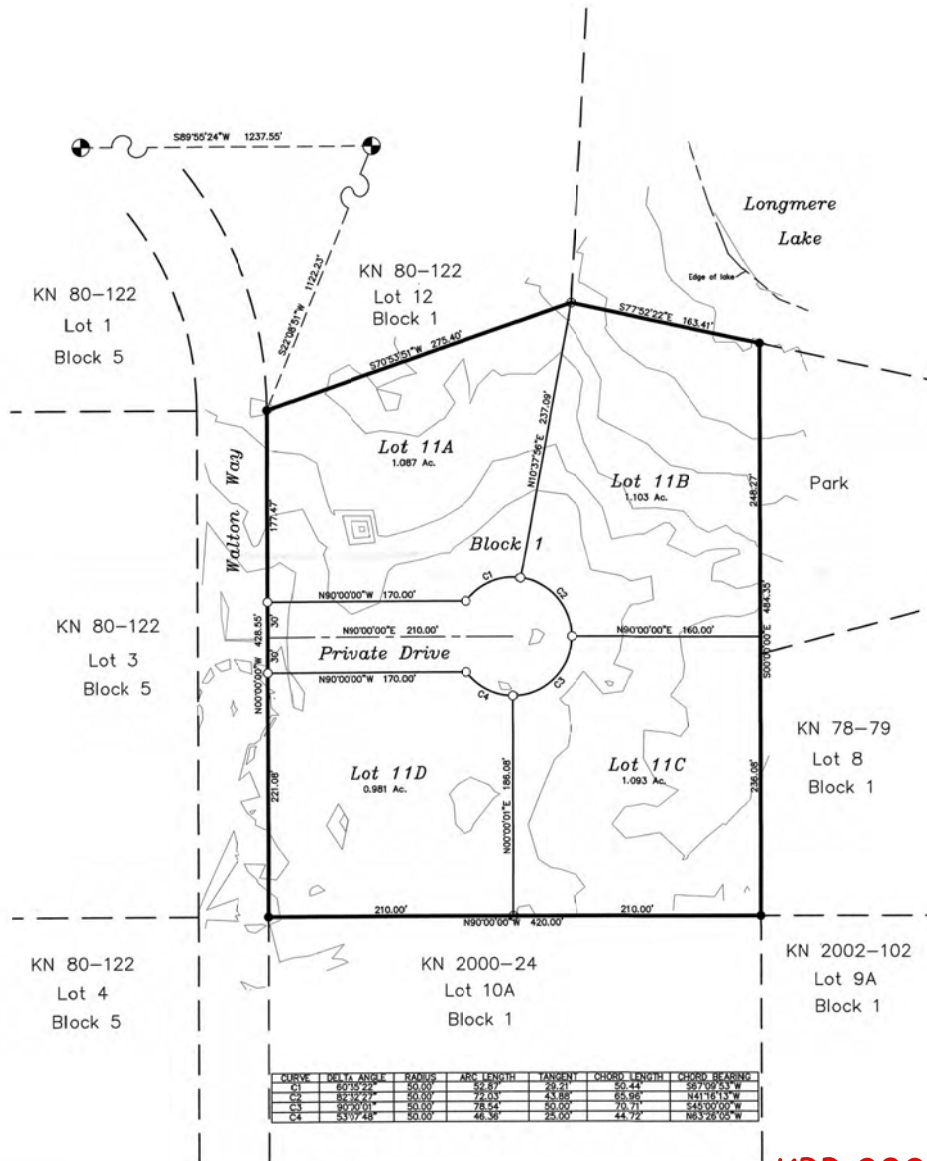
Engineer License No. Date



SURVEYOR'S CERTIFICATE

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

Date



CERTIFICATE of OWNERSHIP and DEDICATION

I HEREBY CERTIFY THAT I AM THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I HEREBY ADOPT THIS PLAN OF SUBDIVISION AND BY MY FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

KENT BANGERTER
4255 S 300 W STE 6
SALT LAKE CITY, UTAH 84107

NOTARY'S ACKNOWLEDGEMENT

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

NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES _____

PLAT APPROVAL

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

KENAI PENINSULA BOROUGH
AUTHORIZED OFFICIAL _____

KPB File No.

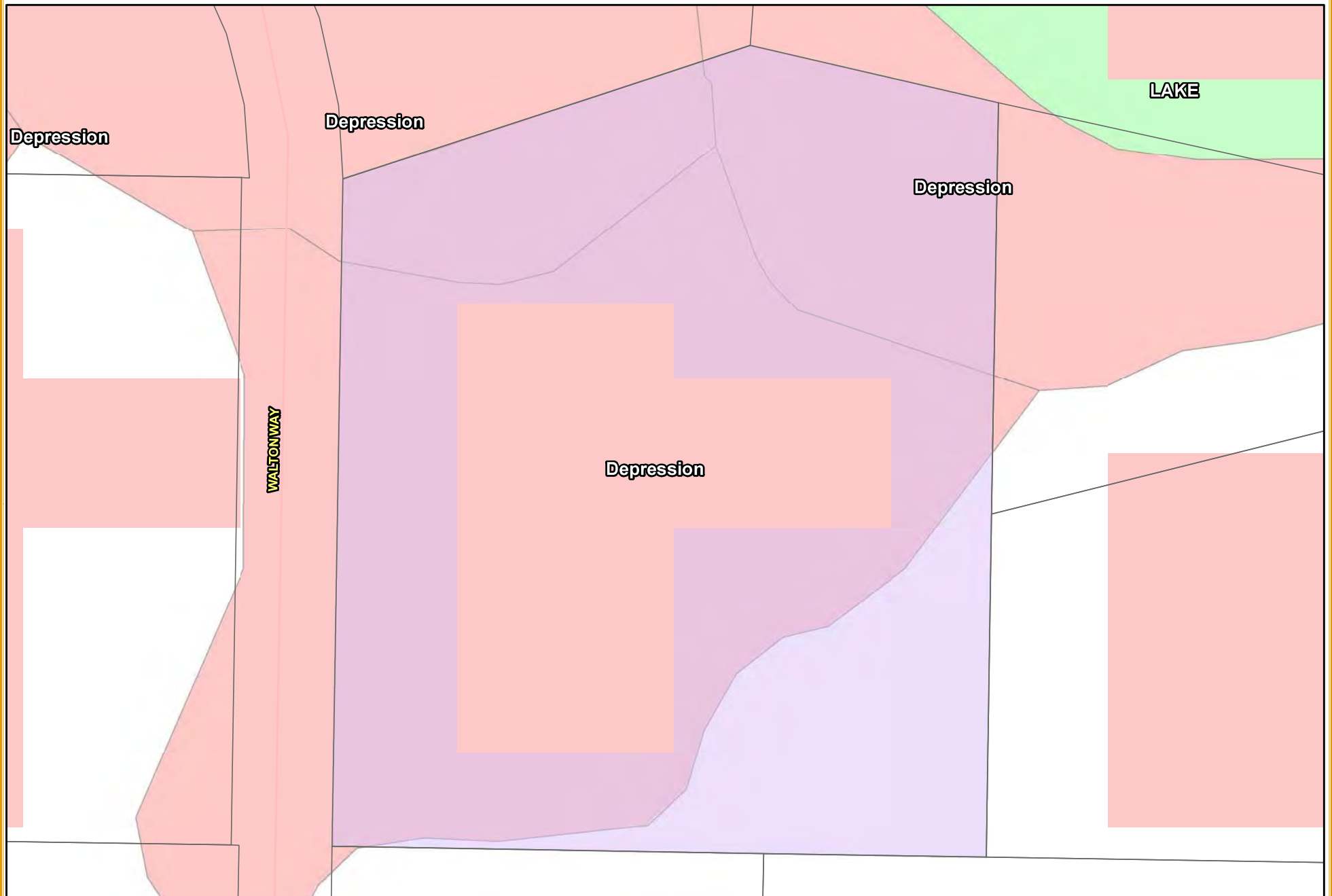
Sleepy Hollow Subdivision Longmere Landing Addition

A resubdivision of Lot 11 Block 1 Sleepy Hollow Subdivision First Addition, Plat 80-122, Kenai Recording District.

Located within the SE1/4 Section 30, T4N, R9W, S.M.
Kenai Peninsula Borough, Alaska.
Containing 4.669 Ac.

Surveyor Segesser Surveys 30485 Rosland St. Soldotna, AK 99669 (907) 262-3909	Owner Kent Bangerter 4255 S 300 W Ste 6 Salt Lake City, Utah 84107
JOB NO. 20026	DRAWN: 1-14-21
SURVEYED: Oct., 2019	SCALE: 1"=50'
FIELD BOOK: 19-4	SHEET: 1 of 1

KPB 2021-003



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.

GIS WETLANDS



Date: 1/11/2021

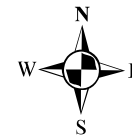


405

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.

0 155 310 620 Feet

AERIAL IMAGERY - 2018
CONTOUR INTERVAL
4 FEET



Date: 1/28/2021
S. Huff, KPB

E12-33

CERTIFICATE OF OWNERSHIP AND DEDICATION

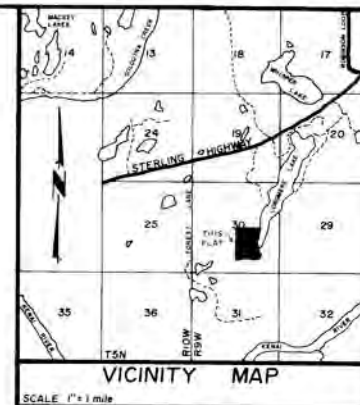
We hereby certify that we are the owners of the property shown and described hereon and that we hereby adopt this plan of subdivision, and dedicate all streets, alleys, walks, parks, utility easements, and other open spaces to public use.

BIP Co.
by Secretary
BIP Co., Box B, Anchorage, AK 99510 by Peter Waton, Secretary

NOTARY'S ACKNOWLEDGEMENT

Subscribed and sworn to before me this 19th day of November, 1978

Notary Public for Alaska
My Commission Expires 7-7-81



LEGEND AND NOTES

- ⊕ Found Aluminum Cap monument
- Found 1/2" rebar
- ⊥ Set 1/2" x 20" steel rebar

All bearings refer to the north/south centerline of Section 30, T5N, R9W, S.M., AK as being N00°15'05"W

All datum of record shown thus ().

All lots are subject to a 20' bldg setback along all dedicated R/W's.

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

PLAT APPROVAL

This plat having been approved by the Kenai Peninsula Borough Planning Commission as recorded in the official minutes of the meeting of June 5, 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 Philip Waring

SCALE



SLEEPY HOLLOW SUBDIVISION FIRST ADDITION

DESCRIPTION: A resubdivision of Tracts A and B, Sleepy Hollow Subdivision, plat 78-79, K.R.D., and within Government Lot 7 and a portion of S1/2SE1/4, Section 30, T5N, R9W, S.M., AK and within the Kenai Peninsula Borough containing 55.295 acres more or less

OWNER: BIP Co.
Box B, Anchorage, AK 99510

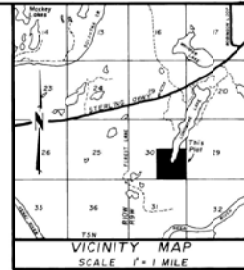
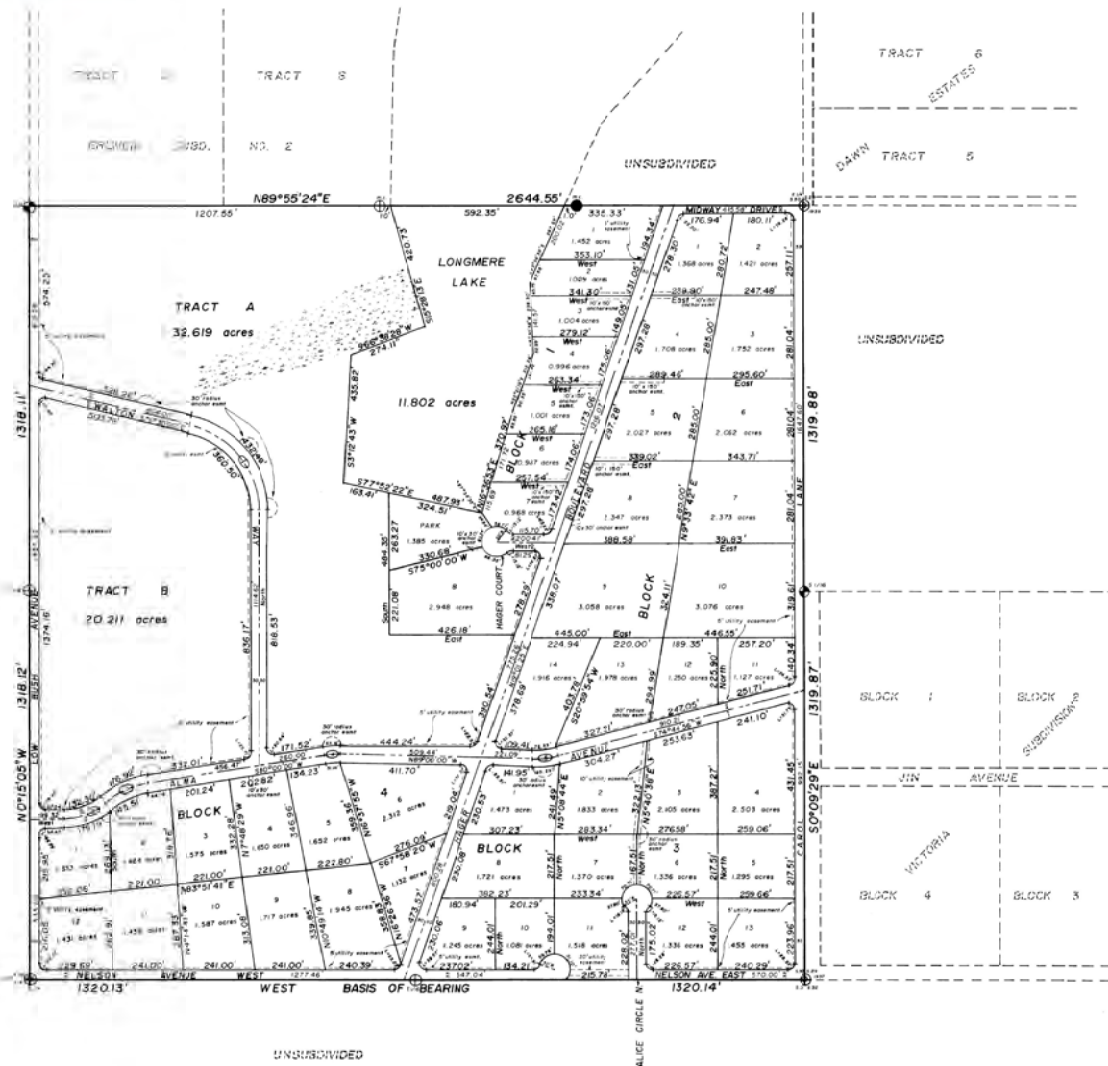
Map G-78 by S. Best Anchorage, AK 99569

Geologist, Registered Land Surveyor

Date Surveyed April 1978 Scale 1" = 200' Bk No 77-3

CENTERLINE CURVE DATA

NO.	Δ	RADIUS	TANGENT	LENGTH
①	76° 30' 00"	300.00'	236.50'	400.00'
②	40° 00' 00"	226.67'	82.50'	158.24'
③	30° 00' 00"	307.89'	82.50'	161.21'
④	11° 00' 00"	306.00'	28.89'	85.09'



- LEGEND AND NOTES**
- Set 3 1/4" aluminum cap monument (1300-S)
 - Found U.S.G.L.O. B.C. monument
 - Found official survey aluminum cap monument (237-S)
 - Set 1/2" x 24" steel rebar
 - Set 1 1/2" Aluminum Cap monument (1300-S)

All datum of record shown thus ().

All lots are subject to a 20' bldg setback along all dedicated R/W's.

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

All corner returns have a radius of 20'.

CERTIFICATE OF OWNERSHIP AND DEDICATION

We hereby certify that we are the owners of the property shown and do hereby certify that we have duly adopted this plan of subdivision, and dedicate all streets, alleys, walks, parks, utility easements, and other open spaces to public use.

William Schneider *Peter Walton*
 J. H. Company J. H. Company
 William Schneider, President Peter Walton, Secretary

NOTARY'S ACKNOWLEDGEMENT

Subscribed and sworn to before me this 10th day of May, 1978.

Curly H. Thompson
 Notary Public for Alaska

4-21-78
 My Commission Expires

PLAT APPROVAL

This plat having been approved by the Kenai Peninsula Borough Planning Commission as recorded in the official minutes of the meeting of January 9, 1978, is hereby acknowledged and accepted as the official plat, subject to any and all conditions and requirements of ordinances and law pertaining thereto.

KENAI PENINSULA BOROUGH
 By *Samuel J. Haggard*

78-17
 RECEIVED - FILED
 4-21-78
 10:00 AM
 1978
 10:00 AM



SLEEPY HOLLOW SUBDIVISION
 DESCRIPTION

Located within U.S. Govt. Lots 6 & 7 and the S1/2 SE 1/4 Section 30, 15N, 20W, S.M., Alaska containing 60 acres M/L including the lake.

Owner: J. H. Company
 56 Peter Walton, Attorney-in-fact
 330 C Street
 Anchorage, Alaska 99501

P.O. Box 476
 G.S. Best
 Geologist, Registered Land Surveyor

Date Surveyed: April, 1978 Scale: 1" = 200' Bk No: 77-3

No.	Δ	Radius	Tangent	Length
1	78°30'00"	236.50'	400.55'	
2	49°00'00"	216.67'	82.50'	58.24'
3	30°00'00"	307.89'	82.50'	161.21'
4	11°30'00"	300.00'	28.89'	57.60'
5	18°00'00"	300.00'	42.87'	82.09'