



Kenai Peninsula Borough

144 North Binkley Street
Soldotna, AK 99669

Meeting Agenda Plat Committee

Monday, January 9, 2023

5:30 PM ZOOM ONLY MEETING - Meeting Not Physically Open
To Public

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-4837](#) December 12, 2022 Plat Committee Meeting Minutes

Attachments: [C3. 12-12-22 Plat Minutes](#)

D. OLD BUSINESS**E. NEW BUSINESS**

1. [KPB-4838](#) Bay Ridge Estates Lot 22 Caron 2023 Replat; KPB File 2022-175
Seabright Surveying / Caron
Location: Diamond Ridge Road
Diamond Ridge Area

Attachments: [E1. Bay Ridge Estates Lot 22 Caron 2023 Replat Packet](#)
2. [KPB-4839](#) Brown's Acre Estates Addition No. 1; KPB File 2022-170
Peninsula Surveying, LLC
Anchorage Development & Construction, LLC
Location: Lopez Avenue
Sterling Area

Attachments: [E2. Brown's Acre Estates Addn. No. 1 Packet](#)
3. [KPB-4840](#) Fort Raymond Subdivision No. 1 Hemlock Addition; KPB File 2022-177
R&M Consultants, Inc / City of Seward
Location: Hemlock Avenue, Sea Lion Avenue & Seward Highway
City of Seward

Attachments: [E3. Fort Raymond Sub No. 1 Hemlock Addn. Packet](#)

4. [KPB-4841](#) Surreal Subdivision Tract C Replat; KPB file 2022-174
Ability Surveys / Cabbage, Maxon
Location: Diamond Ridge Road, Zoe Street & Elliot Avenue
Diamond Ridge Area

Attachments: [E4. Surreal Sub Tract C Replat Packet](#)
[E4. Surreal Sub Desk Packet](#)
5. [KPB-4842](#) Hank & Mattie Bartos Subdivision; KPB File 2022-180
Edge Survey & Design, LLC / Bureau of Indian Affairs, Minium, Lee
Location: Lois Anne Lane, Jacque Street & Bend Street
Nikiski Area

Attachments: [E6. Hank & Matti Bartos Subdivision Packet](#)
6. [KPB-4843](#) Tatum Denise Subdivision Derks Lake Addition; KPB File
2022-155R1
McLane Consulting Group / Friendshuh
Location: Derks Lake Road & Cinnamon Street
Ridgeway Area

Attachments: [E5. Tatum Denise Sub Derks Lake Addn. Packet](#)
7. [KPB-4844](#) Smith-Stanton Subdivision; KPB File 2022-178
Edge Survey & Design. LLC / Smith
Location: Lower Salamatof Avenue, Amethyst Avenue & Beryl Street
Salamatof Area

Attachments: [E7. Smith-Stanton Subdivision Packet](#)
8. [KPB-4845](#) The Place Subdivision; KPB File 2022-179
Edge Survey & Design, LLC / The Place Motel Bar & Grill, LLC
Location: Sparrow Land & Kenai Spur Highway
Salamatof Area

Attachments: [E8. The Place Subdivision Packet](#)

F. PUBLIC COMMENT

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

G. ADJOURNMENT

MISCELLANEOUS INFORMATIONAL ITEMS

NEXT REGULARLY SCHEDULED PLAT COMMITTEE MEETING

The next regularly scheduled Plat Committee meeting will be held Monday, January 23, 2023 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: December 12, 2022 Plat Committee**

Kenai Peninsula Borough

Plat Committee

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

December 12, 2022
6:00 P.M.
UNAPPROVED MINUTES

AGENDA ITEM A. **CALL TO ORDER**

Chair Gillham called the meeting to order at 6:10 p.m.

AGENDA ITEM B. **ROLL CALL**

Commissioners Present

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

Staff Present

Robert Ruffner, Planning Director
Walker Steinhage, Deputy Borough Attorney
Vince Piagentini, Platting Manager
Julie Hindman, Platting Specialist
Ann Shirnberg, Planning Administrative Assistant

AGENDA ITEM C. **APPROVAL OF AGENDA, CONSENT AGENDA & MINUTES**

- *3. Minutes
 - a. November 14, 2022 Plat Committee Meeting Minutes
- *4. Grouped Plats

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

Platting Manager Vince Piagentini gave the grouped plats staff report. The following plats were a part of the Grouped Plats report:

- E1. Gateway Subdivision 2022 Lindquist Addition; KPB File 2022-164
- E3. McCall Subdivision 2022 Replat; KPB File 2022-166
- E4. Pace's Pleasant Haven 2022 Replat; KPB File 2022-168
- E5. Razdolna 2023 Replate Lot 10-D-2; KPB File 2022-163
- E6. Terra Firma Subdivision Johnson Addition; KPB File 2022-171
- E7. Petaluma Acres Koonz Addition; KPB File 2022-173

Chair Gillham asked if anyone from the public wished to speak to any of the items under the consent agenda.

Commissioner Staggs informed the committee that he had voted on Gateway Subdivision 2022 Lindquist Addition in his role as a planning commissioner for the City of Seward. He then requested that he be recused from voting on this one item on the consent agenda. Chair Gillham approved his request.

Hearing no one else wishing to comment discussion was opened among the commission.

MOTION: Commissioner Slaughter moved, seconded by Commissioner Staggs to approve the agenda, the October 24, 2022 Plat Committee meeting minutes and grouped plats based on staff recommendations and compliance to borough code.

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

MOTION PASSED BY UNANIMOUS VOTE

Yes	4	Gillham, Slaughter, Staggs, Venuti
No	0	

AGENDA ITEM E. NEW BUSINESS

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

ITEM 1 - GATEWAY SUBDIVISION 2022 LINDQUIST ADDITION

KPB File No.	2022-164
Plat Committee Meeting:	December 12, 2022
Applicant / Owner:	Thomas & Heather Lindquist of Moose Pass, Alaska
Surveyor:	Kenneth Lang / Lang & Associates
General Location:	Unimak Circle, City of Seward
Parent Parcel No.:	145-353-18
Legal Description:	Tract B Gateway Subdivision Amended SW 84-18
Assessing Use:	Residential
Zoning:	Single-Family Residential
Water / Wastewater	City

**Passed Under Grouped Plats Under The Consent Agenda*

ITEM 2 - HOMER ONE SWAN COVE ADDN 2022 REPLAT

KPB File No.	2022-165
Plat Committee Meeting:	December 12, 2022
Applicant / Owner:	Norberg Community Property Trust of Homer, Alaska
Surveyor:	Stephen Smith / Geovera, LLC
General Location:	Lakeshore Drive, City of Homer
Parent Parcel No.:	179-191-06, 179-191-07, 179-191-08
Legal Description:	Lots A1, A2, and A3, Homer One Swan Cove Addn, Plat HM 2012-23
Assessing Use:	Residential / Commercial
Zoning:	General Commercial 1 District
Water / Wastewater	City

Staff report given by Platting Manager Vince Piagentini.

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

Commissioner Venuti informed the committee he had voted on this item in his role as a planning commissioner for the City of Homer. He requested to be recused from participating on this matter. Chair Gillham approved his request.

MAIN MOTION: Commissioner Staggs moved, seconded by Commissioner Slaughter, to grant preliminary approval to Homer One Swan Cove Addition 2022 Replat, based on staff recommendations and compliance to borough code.

EXCEPTION REQUEST: Commissioner Staggs moved, seconded by Commissioner Slaughter to grant exception request to KPB 20.30.120 – Street Width Requirements, citing findings 3-9 in support of standards one, two and three.

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

MOTION PASSED BY UNANIMOUS VOTE

Yes	3	Gillham, Slaughter, Staggs
Recused	1	Venuti

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

MAIN MOTION PASSED AS AMENDED BY UNANIMOUS VOTE

Yes	3	Gillham, Slaughter, Staggs
Recused	1	Venuti

ITEM 3 - MCCALL SUBDIVISION 2022 REPLAT

KPB File No.	2022-166
Plat Committee Meeting:	December 12, 2022
Applicant / Owner:	Donald and Royce Marlowe
Surveyor:	Jerry Johnson / Johnson Surveying
General Location:	Swanson River Road, Salutation Avenue, Sterling

Parent Parcel No.:	063-330-41 and 063-330-42
Legal Description:	Deed parcel and Tract A1 McCall Subdivision #2, Plat KN 85-109
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On Site

**Passed Under Grouped Plats Under The Consent Agenda*

ITEM 4 - PACE'S PLEASANT HAVEN 2022 REPLAT

KPB File No.	2022-168
Plat Committee Meeting:	December 12, 2022
Applicant / Owner:	KOA Family Trust and Whistle Hill LLC both of Soldotna, Alaska
Surveyor:	Jason Young, Mark Aimonetti / Edge Survey and Design
General Location:	Whistle Hill Loop, Paces Boulevard, Turnbuckle Terrace Road, City of Soldotna

Parent Parcel No.:	059-012-18, 059-260-11, and 059-260-12
Legal Description:	Lot 1A Block 6 Pace's Pleasant Haven Subdivision Addition No. 2, Plat KN 2010-59, Lot 15 Eastgate Subdivision, Plat KN 2009-43, and Lot 4 Pace's Pleasant Haven Subdivision Addition No. 3, Plat KN 2022-31
Assessing Use:	General Commercial, Residential
Zoning:	Commercial
Water / Wastewater	On Site

**Passed Under Grouped Plats Under The Consent Agenda*

ITEM 5 - RAZDOLNA 2023 REPLAT LOT 10-D-2

KPB File No.	2022-163
Plat Committee Meeting:	December 12, 2022
Applicant / Owner:	Maria K. Basargin of Homer, AK
Surveyor:	Gary Nelson / Ability Surveys
General Location:	Basargin Road, Fox River

Parent Parcel No.:	185-460-37
Legal Description:	Lot 10-D-2 Razdolna 2000 Addition
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On Site

**Passed Under Grouped Plats Under The Consent Agenda*

ITEM 6 - TERRA FIRMA SUBDIVISION JOHNSON ADDITION

KPB File No.	2022-171
Plat Committee Meeting:	December 12, 2022
Applicant / Owner:	Rosemary Johnson of Anchor Point, AK
Surveyor:	Jason Schollenberg / Peninsula Surveying, LLC
General Location:	Sterling Highway, Sluice Way, Glover Street, Anchor Point

Parent Parcel No.:	165-711-51
Legal Description:	Lot 1 Terra Firma Subdivision HM 2000-66
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	Onsite

**Passed Under Grouped Plats Under The Consent Agenda*

ITEM 7 - PETALUMA ACRES KOONZ ADDITION

KPB File No.	2022-173
Plat Committee Meeting:	December 12, 2022
Applicant / Owner:	Teresa Koonz of Sterling, AK
Surveyor:	John Segesser / Segesser Surveys
General Location:	Canoe Ave and Francis Street, Sterling area

Parent Parcel No.:	065-240-35
Legal Description:	Lot 1-B Petaluma Acres No. 3 Plat KN 86-194
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	Onsite

**Passed Under Grouped Plats Under The Consent Agenda*

ITEM 8 - THORSLAND SUBDIVISION ADDITION NO 1

KPB File No.	2022-069R1
Plat Committee Meeting:	June 13, 2022
Applicant / Owner:	Evenson Estate of Anchorage, AK
Surveyor:	John Segesser / Segesser Surveys
General Location:	Holt Lamplight Road, Lake Marie Avenue, Nikiski

Parent Parcel No.:	013-105-12 and 013-105-15
Legal Description:	Lot 7-1 Thorsland Subdivision KN 2016-20, Government Lots 4-6, 8, 9, S1/2 S1/2 S1/2 NW1/4 and S1/2 SW1/4 SW1/4 NE1/4 (excluding Plats KN 2003-71, KN 2006-43, and KN 2010-30, in Section 16, Township 7 North, Range 11 West
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On site

Staff report given by Platting Manager Vince Piagentini.

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

EXCEPTION REQUEST: Commissioner Slaughter moved, seconded by Commissioner Staggs to grant exception request to KPB 20.60.200 – Survey and monumentation for Tract A, subject to locating & setting monuments with the northwest corner abutting existing subdivided lots and Lake Marie Avenue dedication, citing findings 1-3 and 6-8 in support of standards one, two and three.

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

MOTION PASSED BY UNANIMOUS VOTE

Yes	4	Gillham, Slaughter, Staggs, Venuti
No	0	

AGENDA ITEM 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

AGENDA ITEM G. ADJOURNMENT

Commissioner Staggs moved to adjourn the meeting at 6:33 PM.

Ann E. Shirnberg
Administrative Assistant

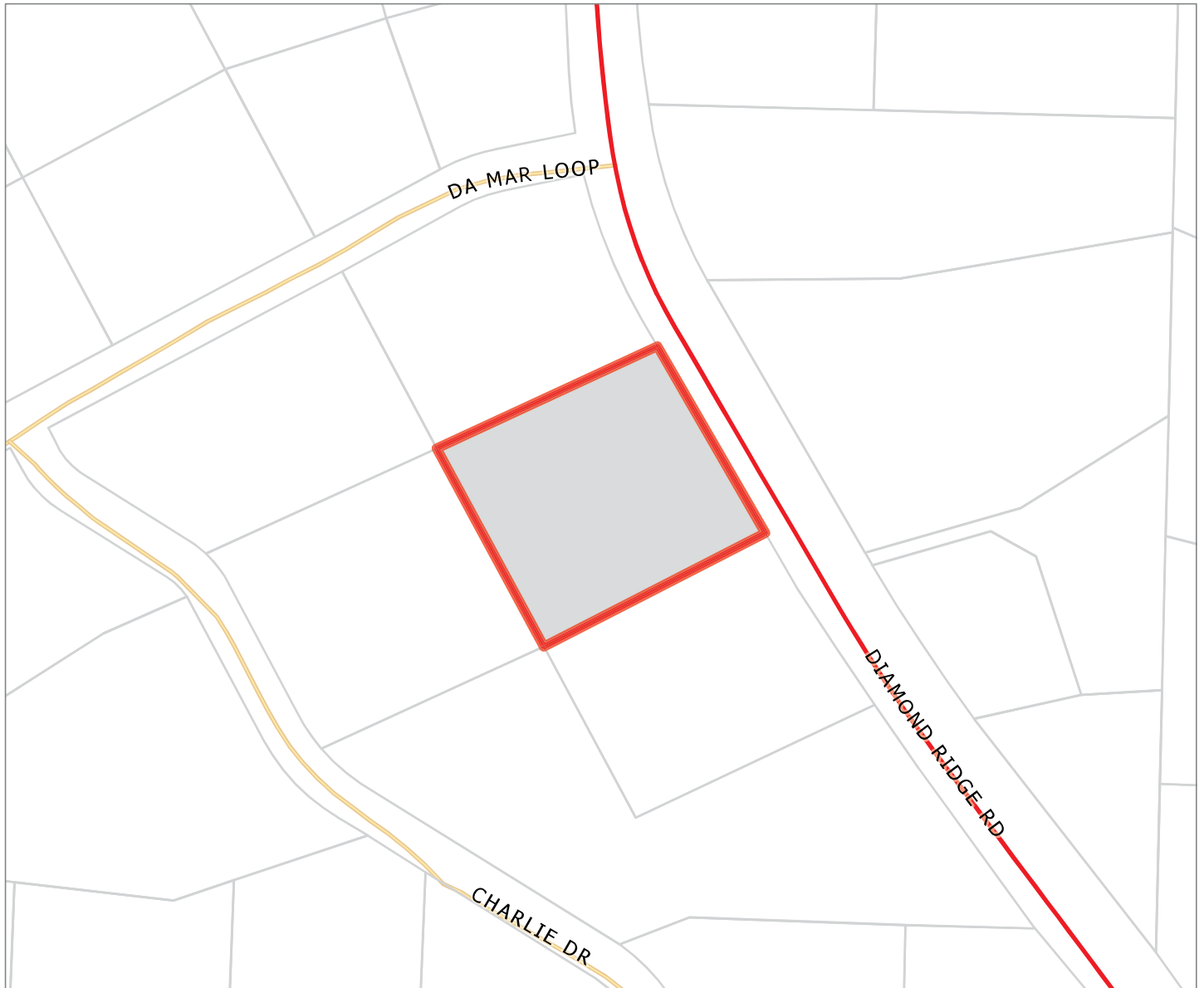
E. NEW BUSINESS

- 1. Bay Ridge Estates Lot 22 Caron 2023 Replat; KPB File 2022-175
Seabright Surveying / Caron
Diamond Ridge Road
Diamond Ridge Area / Kachemak Bay APC**



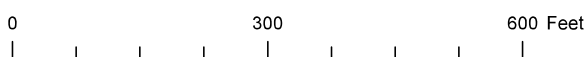
Kenai Peninsula Borough Planning Department

Vicinity Map



KPB File 2022-175
T 06S R 14W SEC 12
Diamond Ridge

12/9/2022



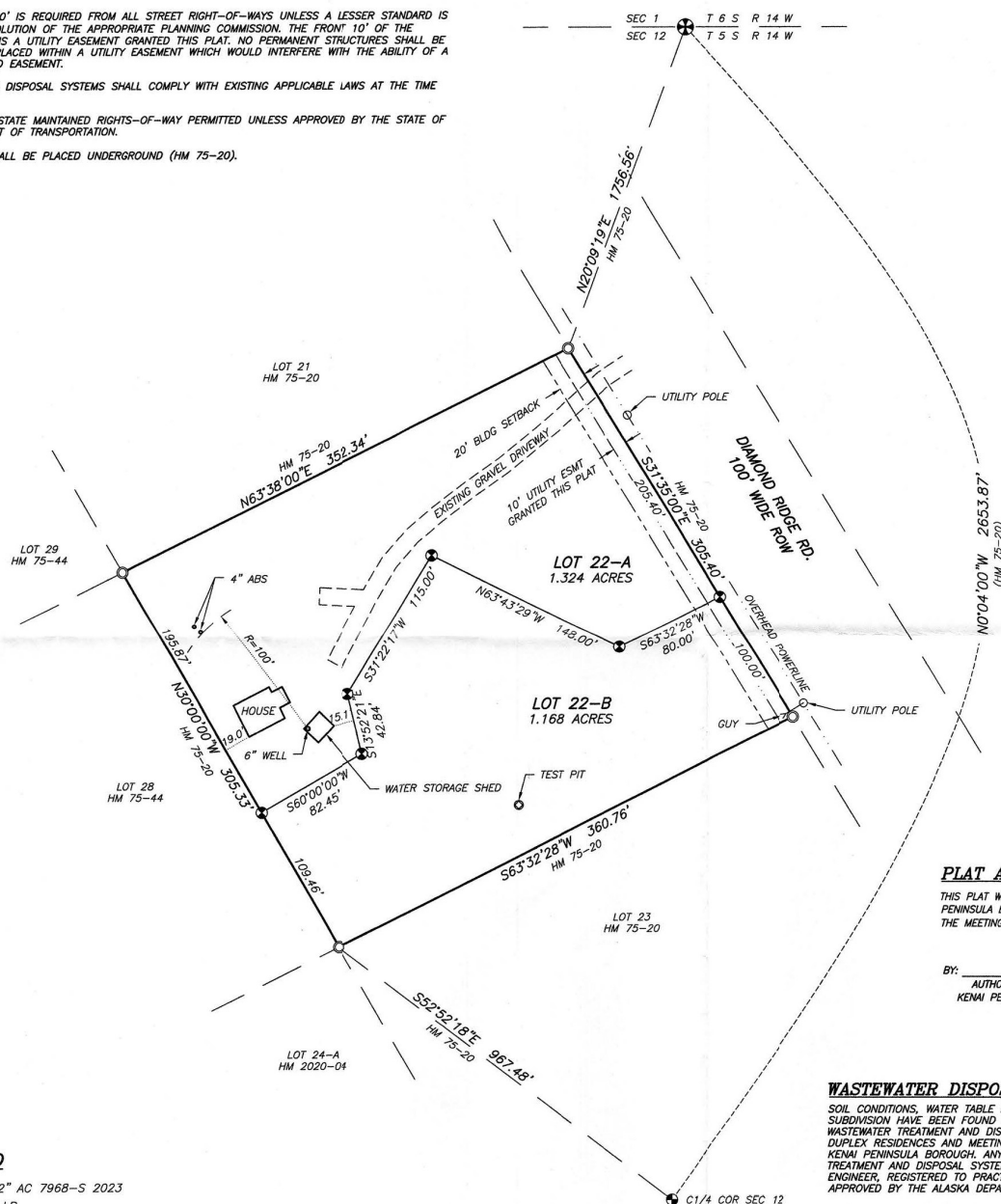


Aerial View

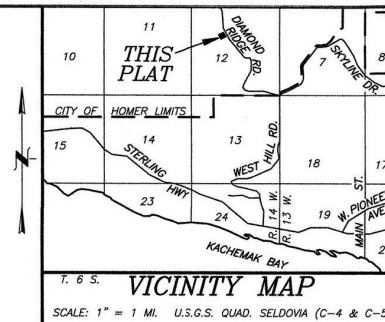


NOTES

1. 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. THE FRONT 10' OF THE BUILDING SETBACK IS A UTILITY EASEMENT GRANTED THIS PLAT. NO PERMANENT STRUCTURES SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE SAID EASEMENT.
2. ALL WASTEWATER DISPOSAL SYSTEMS SHALL COMPLY WITH EXISTING APPLICABLE LAWS AT THE TIME OF CONSTRUCTION.
3. NO ACCESS TO STATE MAINTAINED RIGHTS-OF-WAY PERMITTED UNLESS APPROVED BY THE STATE OF ALASKA DEPARTMENT OF TRANSPORTATION.
4. ALL UTILITIES SHALL BE PLACED UNDERGROUND (HM 75-20).

**LEGEND**

- SET 2" AC 7968-S 2023
- 1/2" I.P.
- ⊕ 2" AC 1301-S 1995
- ⊕ USGLO BC MON 1917

**CERTIFICATE OF OWNERSHIP**

I HEREBY CERTIFY THAT I AM THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON, 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 HEREON.

PATRICIA A. CARON
P.O. BOX 1202
HOMER, AK 99603

NOTARY'S ACKNOWLEDGMENT

FOR: _____
ACKNOWLEDGED BEFORE ME THIS _____
DAY OF _____, 2023

NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES _____

PLAT APPROVAL

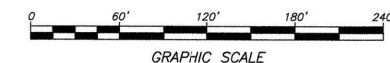
THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF _____

BY: _____ DATE _____
AUTHORIZED OFFICIAL
KENAI PENINSULA BOROUGH

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 QUALIFIED ENGINEER, REGISTERED TO PRACTICE IN ALASKA, AND THE DESIGN MUST BE APPROVED BY THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

ENGINEER _____ LICENSE NO. _____ DATE _____



HOMER RECORDING DISTRICT KPB FILE NO. 2022-XXX

**BAY RIDGE ESTATES LOT 22
CARON 2023 REPLAT**

A REPLAT OF LOT 22 BAY RIDGE ESTATES SUBDIVISION (HM 75-20), LOCATED WITHIN THE NW1/4 SEC 12, T. 5 S., R. 14 W., SEWARD MERIDIAN, KENAI PENINSULA BOROUGH, THIRD JUDICIAL DISTRICT, ALASKA

CONTAINING 2.492 ACRES

**SEABRIGHT SURVEY & DESIGN
KENTON T. BLOOM, P.L.S.**

1044 EAST ROAD, SUITE A
HOMER, ALASKA 99603
(907) 299-1091

CLIENTS: PATRICIA A. CARON
P.O. BOX 1202 HOMER, AK 99603

DRAWN BY: KK CHKD BY: KB JOB #2022-77
DATE: 12/2022 SCALE: 1"=60' SHEET #1 OF 1

KPB 2022-175

AGENDA ITEM E. NEW BUSINESS

ITEM 1 - BAY RIDGE ESTATES LOT 22 CARON 2023 REPLAT

KPB File No.	2022-175
Plat Committee Meeting:	January 9, 2023
Applicant / Owner:	Patricia Caron of Homer, Alaska
Surveyor:	Kenton Bloom / Seabright Survey + Design
General Location:	Diamond Ridge Road, Diamond Ridge, Kachemak Bay APC

Parent Parcel No.:	173-500-44
Legal Description:	Lot 22 Bay Ridge Estates (HM 75-20)
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On Site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide a 2.492 acre parcel into two lots that will be 1.324 and 1.168 acres.

Location and Legal Access (existing and proposed): Access is from state maintained Diamond Ridge Road, a 100 foot wide dedication. Diamond Ridge Road intersects the Sterling Highway near mile 167 and this provides access from the north as Diamond Ridge Road meanders to the east and south. The subdivision can also be accessed from the south from Diamond Ridge Road. The eastern access to Diamond Ridge Road is located at the intersection with state maintained West Hill Road and Skyline Drive.

An existing driveway is present from Diamond Ridge Road and will provide access to the house that will be located on Lot 22-A. Lot 22-B does not have constructed access at this time. It will have access from Diamond Ridge Road. Driveway permitting for these lots will be through Alaska DOT.

This plat is not proposing any dedications. Diamond Ridge Road, the southern portion of Da Mar Loop, Charlie Drive, and Pitzman Avenue provide for a closed block. The distances along Diamond Ridge Road and Charlie Drive exceed allowable limits. KPB Code requires the block length to be less than 1,320 feet. The distances are approximately 1,660 feet and 1,400 feet. The roads are all constructed and maintained by either the state or the Kenai Peninsula Borough. ***Staff recommends the plat committee concur that while exceeding allowable lengths the block is complete and any required dedication will not improve the block.***

KPB Roads Dept. comments	Out of Jurisdiction: No Roads Director: Painter, Jed Comments: No comments
SOA DOT comments	

Site Investigation: There are no low wet areas present within the subdivision. The terrain is relatively flat with some slight slopes present.

An existing house is depicted on the plat and will be located on proposed Lot 22-A. A water storage shed is also present within Lot 22-A. The depiction of the structures demonstrates that there will be no encroachment issues with the new lot lines proposed.

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 NOT within HPD Comments: No comments C. State Parks Reviewer: Russell, Pam Comments: No Comments
State of Alaska Fish and Game	No objections

Staff Analysis The proposed subdivision will subdivide Lot 22 from Bay Ridge Estates, HM 75-20. The property had not been subdivided prior to that plat. The preliminary plat will be creating two lots.

The surveyor included locations of structures. Reviewing that information with KPB GIS Imagery for the area there does not appear to be any encroachment issues.

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 December 12, 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 preliminary plat is within the Kachemak Bay Advisory Planning Commission area. The APC did not meet on this item due to lack of members.

Utility Easements The parent plat, Bay Ridge Estates HM 75-20, did not grant any utility easements within Lot 22. This plat is proposing to grant 10 foot utility easements adjoining rights-of-way.

The parent plat did have a note that "all utilities shall be placed underground." There are currently overhead powerlines within the right-of-way dedication. The plat indicates the intention to carry over the plat note from the parent plat. The installation of utilities will be between the land owners and the utility providers as the borough does not provide any utilities and does not have the ability to enforce such a restriction. **Staff recommends the plat note be removed or update the note "All utilities shall be placed underground per HM 75-20. Consult with utility providers regarding this plat note."**

An easement was granted to Homer Electric Association for a non-disclosed location within the NW1/4 of the section. That easement was later released by Homer Electric Association for the one within Lot 22. **Staff recommends add plat note, "An easement was granted to Homer Electric Association was granted with no location disclosed in Book 49 Page 262, HRD. That easement was released by Homer Electric Association for Lot 22 as found in Book 182 Page 241, HRD."**

Show recommended 15' HEA easement line and add label or 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	Provide a label or plat note stating, "The existing underground powerline within Lot 22-B is the centerline of a 15-foot-wide electrical easement, including pedestals, granted this plat"
ENSTAR	No comment or recommendations
ACS	
GCI	

KPB department / agency review:

Addressing	<p>Reviewer: Haws, Derek Affected Addresses: 64609 DIAMOND RIDGE RD</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names: DIAMOND RIDGE 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: 64609 DIAMOND RIDGE RD will remain on lot 22-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	<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

- On the drawing at the top correct the township accordingly.
- Call out the corner as the ¼ corner.
- In plat note 4, add per in front of the plat reference.

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: Remove "Subdivision" from parent legal description. Update the township.

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

Staff recommendation: Provide a depiction and label for the lot across Diamond Ridge Road.

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 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.

20.60.180. 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.

- Subject to covenants, conditions, restrictions and/or easements found within Book 83 Page 602, HRD recorded on October 20, 1975.
- The borough will not enforce private covenants, easements, or deed restrictions per KPB 20.60.170.
- An easement was granted to Homer Electric Association was granted with no location disclosed in Book 49 Page 262, HRD. That easement was released by Homer Electric Association for Lot 22 as found in Book 182 Page 241, HRD.

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





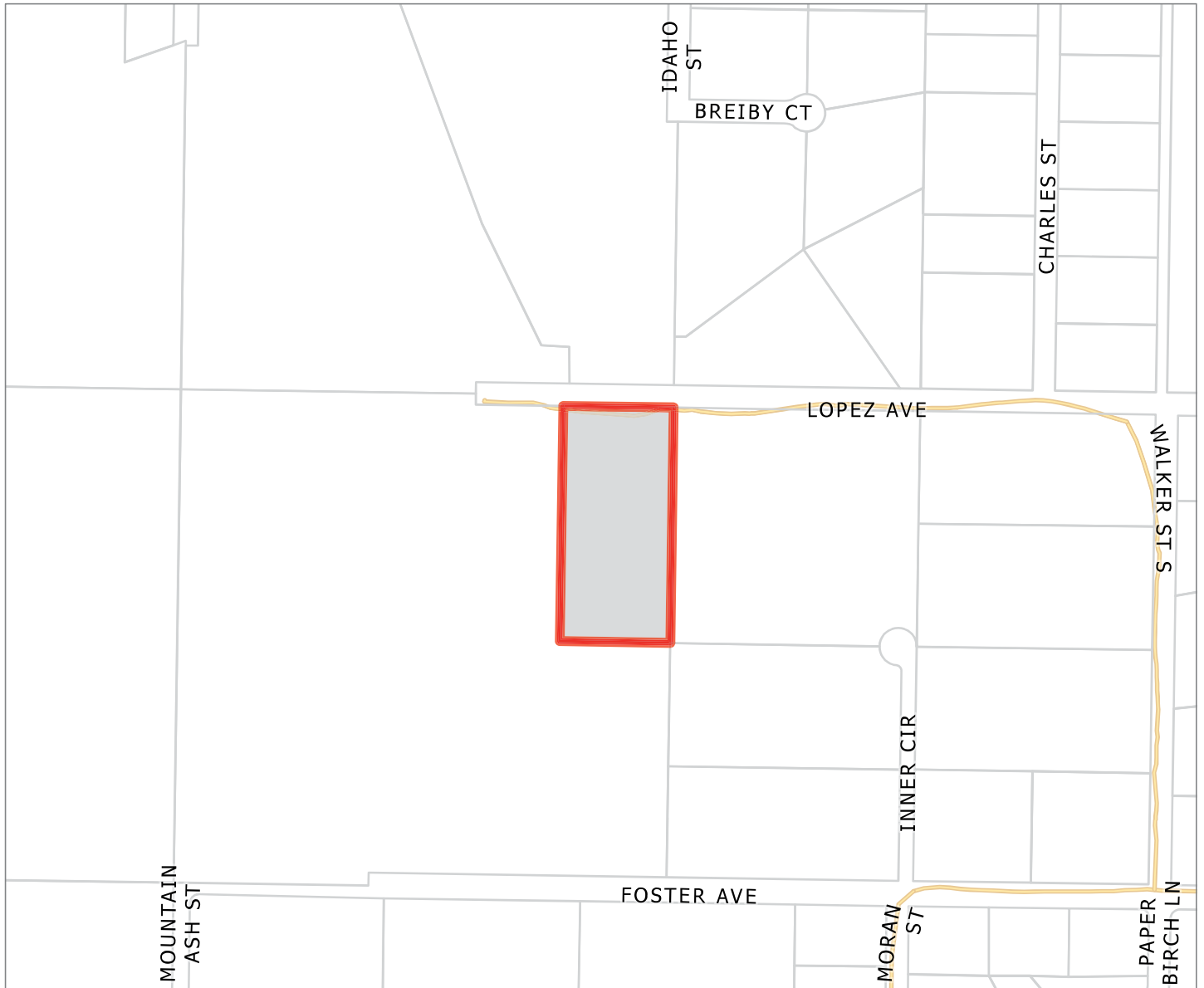
E. NEW BUSINESS

2. **Brown's Acre Estates Addition No. 1; KPB File 2022-170**
Peninsula Surveying, LLC
Anchorage Development & Construction, LLC
Location: Lopez Avenue
Sterling Area



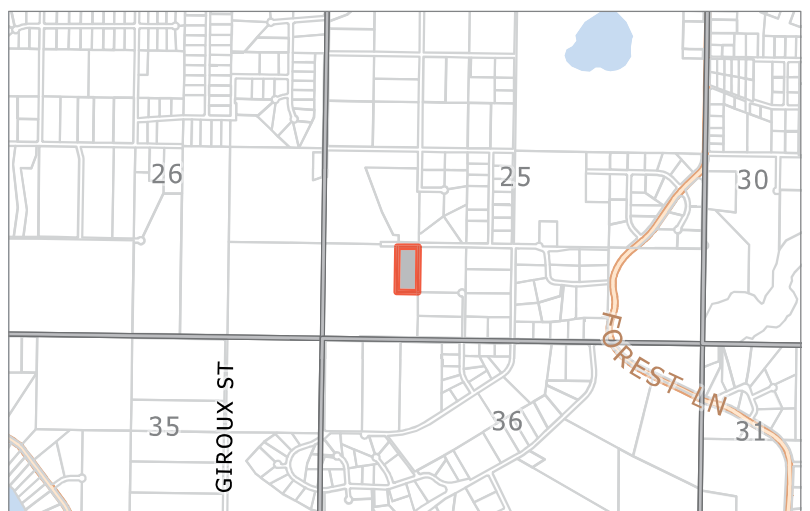
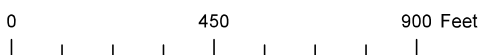
Kenai Peninsula Borough Planning Department

Vicinity Map



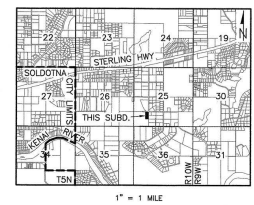
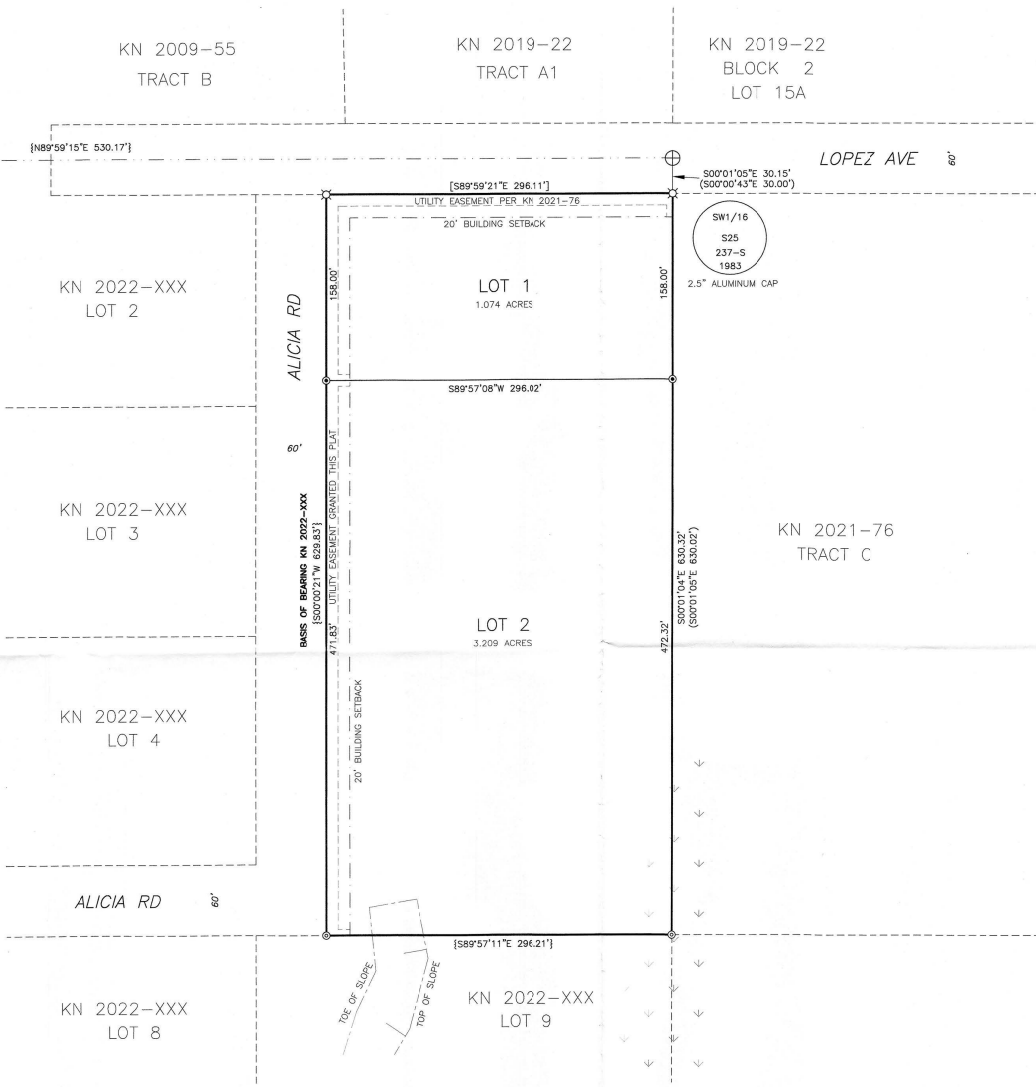
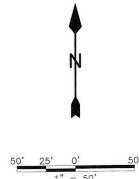
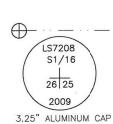
KPB File 2022-170
T 05N R 10W SEC 25
Sterling

11/18/2022





KPB 2022-170



PLAT APPROVAL
THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF _____
KENAI PENINSULA BOROUGH
BY: _____
AUTHORIZED OFFICIAL

- NOTES**
1. A BUILDING SETBACK OF 20' IS REQUIRED FROM ALL STREET RIGHTS-OF-WAY UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION. THE FRONT 10' ADJOINING DEDICATED RIGHTS-OF-WAY THAT INCREASE TO 20' WITHIN 5' OF THE SIDE LOT LINES IS GRANTED AS UTILITY EASEMENTS PER THIS PLAT.
 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. SUBJECT TO A RIGHT-OF-WAY EASEMENT WITH NO DEFINITE LOCATION FOR HOMER ELECTRIC ASSOCIATION, INC. AS FOUND IN BOOK 79, PAGE 557 KENAI RECORDING DISTRICT, RECORDED ON SEPTEMBER 4, 1974.
 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.

- LEGEND**
- ⊕ FOUND ALUMINUM MONUMENT AS DESCRIBED
 - ⊗ FOUND 5/8" REBAR
 - ⊙ FOUND 5/8" REBAR WITH YELLOW PLASTIC CAP, L58859
 - ⊖ SET 5/8" X 36" REBAR WITH RED PLASTIC CAP, 14488-S
 - () RECORD DATA PER PLAT KN 2021-76
 - [] RECORD AND MEASURED PER PLAT KN 2021-76
 - { } RECORD AND MEASURED PER PLAT KN 2022-XXX
 - WETLANDS PER THE KENAI WATERSHED FORUM 2013 COOK INLET WETLANDS MAPPING

CERTIFICATE OF OWNERSHIP AND DEDICATION
I HEREBY CERTIFY THAT ANCHORAGE DEVELOPMENT AND CONSTRUCTION LLC IS THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND THAT ON BEHALF OF ANCHORAGE DEVELOPMENT AND CONSTRUCTION LLC, I HEREBY ADOPT THIS PLAN OF SUBDIVISION AND BY MY OWN FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND GRANT ALL EASEMENTS TO THE USE SHOWN.

EARL W. FORD, AS MEMBER OF ANCHORAGE DEVELOPMENT AND CONSTRUCTION LLC
9441 ELMORE ROAD, ANCHORAGE, AK 99507

NOTARY ACKNOWLEDGMENT
FOR: EARL W. FORD
ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2023

NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES: _____

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 QUALIFIED ENGINEER, REGISTERED TO PRACTICE IN ALASKA, AND THE DESIGN MUST BE APPROVED BY THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

ENGINEER _____ LICENSE # _____ DATE _____

KPB FILE NUMBER:	
PENINSULA SURVEYING, LLC 10535 KATRINA BOULEVARD, NINILCHIK, AK 99639 (907)306-7065	
PLAT OF BROWN'S ACRE ESTATES ADDITION NO 1	
A SUBDIVISION OF TRACT B, BROWN'S ACRE SUBDIVISION 2021, KN 2021-76	
LOCATED WITHIN SW 1/4 SW 1/4 SEC. 25, T.5N., R.10W., S.M. KENAI RECORDING DISTRICT, KENAI PENINSULA BOROUGH CONTAINING 4.253 ACRES	
OWNER: ANCHORAGE DEVELOPMENT AND CONSTRUCTION LLC 9441 ELMORE ROAD, ANCHORAGE, AK 99507	
SCALE: 1" = 50'	DATE: NOVEMBER 14, 2022
DRAWN: JLS	SHEET: 1 OF 1



AGENDA ITEM E. NEW BUSINESS

ITEM 2 – BROWN’S ACRE ESTATES ADDITION NO. 1

KPB File No.	2022-170
Plat Committee Meeting:	January 9, 2023
Applicant / Owner:	Anchorage Development and Construction LLC of Anchorage, Alaska
Surveyor:	Jason Schollenberg / Peninsula Surveying, LLC
General Location:	Lopez Avenue, Forest Lane, Sterling

Parent Parcel No.:	058-350-23
Legal Description:	Tract B Brown’s Acres Subdivision 2021, KN 2021-76
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On Site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide a 4.283 acre parcel into two lots that will be 1.074 and 3.209 acres.

Location and Legal Access (existing and proposed): The subdivision is located on Lopez Avenue off Forest Lane in the Sterling area. The dedicated portions of Lopez Avenue is shown as constructed and maintained by the Kenai Peninsula Borough.

There are multiple dedications to provide access to the subdivision. The constructed and maintained access is near mile 90 of the Sterling Highway. Forest Lane intersects and runs south from the Sterling Highway. Approximately 1.5 miles from the intersection with the Sterling Highway is Foster Avenue. Walker Street S provides a connection between Lopez Avenue and Foster Avenue for access to the subdivision.

This plat is not proposed to dedicated any rights-of-way. Brown’s Acres Estates, KPB File 2022-088R1, is a conditionally approved preliminary plat to the west. That plat received approval by the KPB Plat Committee at the August 22, 2022 meeting. That plat will be dedicating Alicia Street, a 60 foot wide right-of-way that will provide a connection from Foster Avenue and Lopez Avenue. An exception to not provide a continuation of Lopez Avenue to the west was received due to terrain issues and other access routes available.

The current lot has access from borough maintained Lopez Avenue. The proposed Lot 1 will continue to have access from Lopez Avenue. Proposed Lot 2 will have access from Alicia Road, the newly proposed right-of-way to the west.

The current block is not closed. The dedication of Alicia Road will provide a closed block but some of the distances will exceed allowable lengths. Due to the development in the area, the approved vacations of other rights-of-way, and the new dedication from the neighboring property ***staff recommends the plat committee concur and exception is not required as new dedications will be difficult to provide continuations in the future.***

KPB Roads Dept. comments	Out of Jurisdiction: No Roads Director: Painter, Jed Comments: No comments
SOA DOT comments	

Site Investigation: The property has some low wet areas located in the southeast. A wetland determination note

is present. **Staff recommends** the wetland depiction remain on the final plat with the plat note.

The area has steep slopes present. There are some steep slopes found in the southwest portion of the subdivision. The toe and top of the slope are shown. **Staff recommends** the steep terrain remain on the final plat.

There appears to be some areas that are cleared within what will be Lot 2. No permanent structures appear to be present. KPB GIS Imagery makes it appear that Lopez Avenue is within the northern portion of the subdivision boundary. **Staff recommends** the surveyor verify the location of the constructed roadway and if any portions are outside Lopez Avenue right of way possible dedications or easements may be required.

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 The property within this subdivision has been replatted several times. Portions of the land were included in Scenic Haven Subdivision Part One, KN 83-258. The property was then included with Brown's Acres Subdivision Sims-Jensen Replat, KN 2005-118. That plat also vacated several rights-of-way including Idaho Street that connected Foster Avenue to Lopez Avenue. The current lot configuration was created by Brown's Acres Subdivision 2021, KN 2021-76.

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

Per the preliminary Certificate to Plat, beneficial interest holders do not affect the proposed plat. Notification per KPB 20.25.090 will not be required unless the final Certificate to Plat states the property is affected by beneficial interest holders.

The property is not within an advisory planning commission.

The only access for proposed Lot 2 is Alicia Road, a 60 foot wide proposed right-of-way dedication. Per KPB Code 20.30.210, all lots shall abut on a fee simple dedicated street except as provided by KPB 20.30.030, which is for agricultural lands. The current configuration in the area will not provide access to Lot 2. The preliminary plat Brown's Acres Estates, KPB File 2022-088R1, will be dedicating the right-of-way to provide the access to Lot 2. **Staff recommends** the plat committee concur that this preliminary plat cannot receive Administrative Approval until Alicia Road is dedicated with the recording of Brown's Acres Estates, KPB File 2022-088R1.

Utility Easements Scenic Haven Subdivision Part One, Plat KN 83-258, granted a 10 foot utility easement along the eastern boundary for a distance of 320 feet. When Brown's Acres Subdivision Sims-Jensen Replat, Plat KN 2005-118, vacated rights-of-way it included the associated utility easements. The easement along the eastern boundary was not granted along a dedication when it was created. The road was later dedicated. The vacation depiction did not clarify if it intended to include the one within the Scenic Haven Subdivision Part One lot that was being included in the plat. The utility easement was depicted on Brown's Acres Subdivision 2021, Plat KN 2021-

76 and cited Plat KN 83-258. **Staff recommends** the utility easement along the eastern boundary be depicted and labeled as being granted by Plat KN 83-258.

Brown's Acres Subdivision Sims-Jensen Replat, Plat KN 2005-118, granted 10 foot utility easements along rights-of-way that increased to 20 feet within 5 feet of the side lot lines. The easement was carried over onto Brown's Acres Subdivision 2021, Plat KN 2021-76. **Staff recommends** the depiction along Lopez Avenue be updated and the note be updated to plat KN 2005-118.

This plat will be granting 10 foot utility easements that increase to 20 feet within 5 feet of the side lot lines along the new Alicia Road.

The HEA utility easement right-of-way listed in the certificate to plat at Book 79 Page 557 states in the document to be 'Extending 50' from the North Property Line.' At the time the property was listed as the S1/2 of the SW1/4 of Section 25, T5N-R10W SM. **Staff recommends** note 3 be modified to reference the proper easement right-of-way distance and reference easement on the drawing.

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	

KPB department / agency review:

Addressing	<p>Reviewer: Haws, Derek Affected Addresses: N/A</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names: LOPEZ AVE ALICIA 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.</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: Access for Lot 2 will be granted with 2022-088R1 which is scheduled to record to this plat.
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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**

- Add KPB number 2022-170
- Change monument to monument distance to reference KN2009-55 for full distance (1319.96') on GLO monuments

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 subdivision name to be "Acres".*

- 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: *parcel to southeast needs to be correctly identified 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.*

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 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.*

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

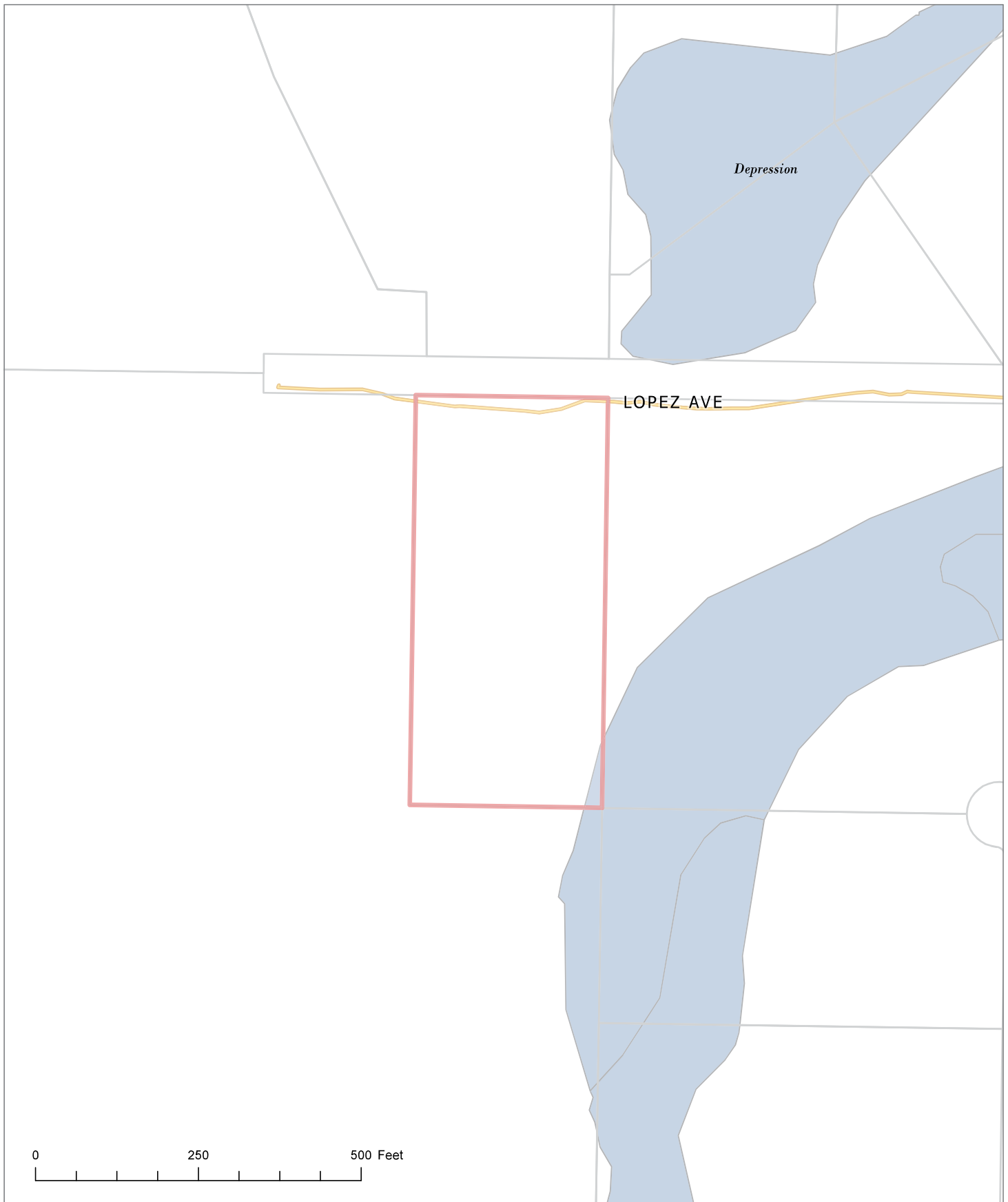


Aerial View

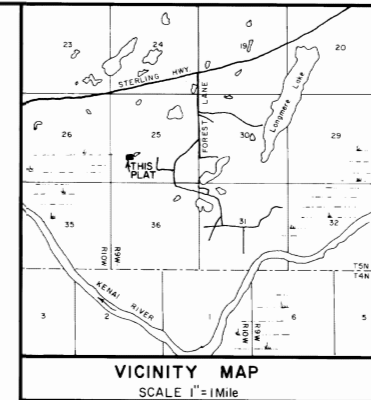
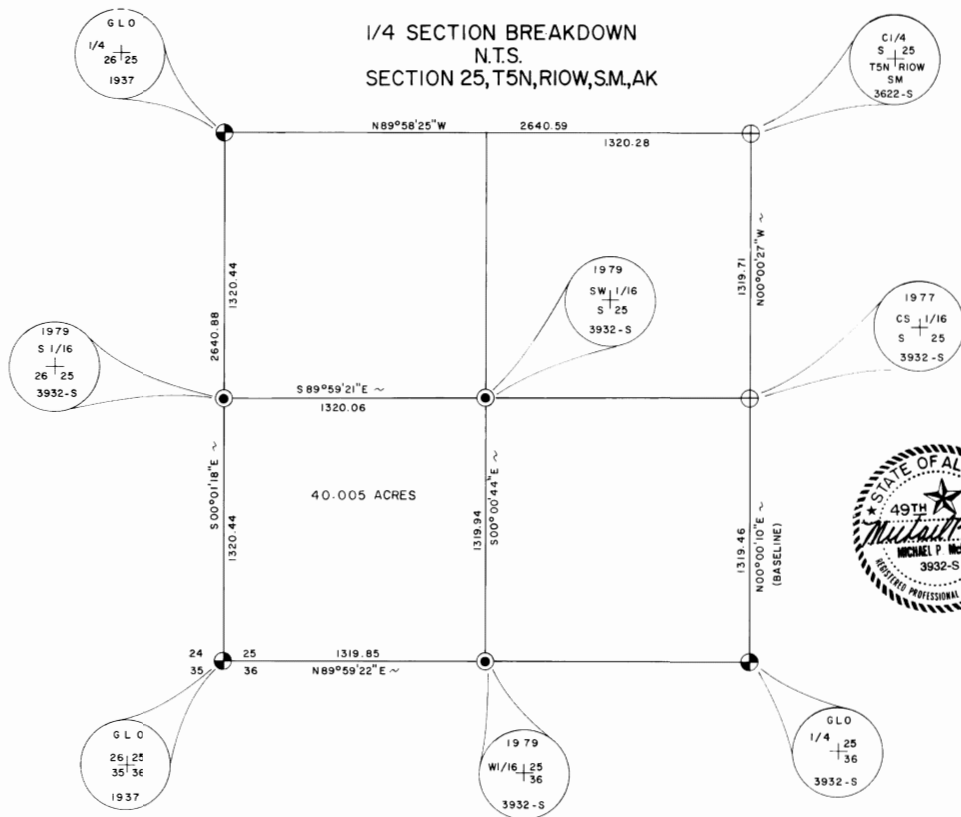




Wetlands



1/4 SECTION BREAKDOWN
N.T.S.
SECTION 25, T5N, R10W, S.M., AK



LEGEND AND NOTES

- Found G.L.O. brass cap monument
- Found official survey monument
- Set official A.I. survey monument
- Set 1/2" x 24" steel rebar at all lot corners

All bearings refer to the N-S centerline of Section 25 as being N00°00'10"E ~

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

Building set back—A building set back of 20 ft is required from all street rights of ways unless a lesser standard is approved by resolution of the appropriate planning commission.

PLAT APPROVAL

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of NOVEMBER 26, 1979...

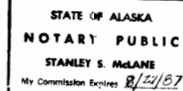
Kenai Peninsula Borough

By: Stan Thompson
Authorized Official

CERTIFICATE OF OWNERSHIP AND DEDICATION

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

Lawrence C. Erickson Sharilyn K. Erickson
Lawrence C. Erickson Sharilyn K. Erickson



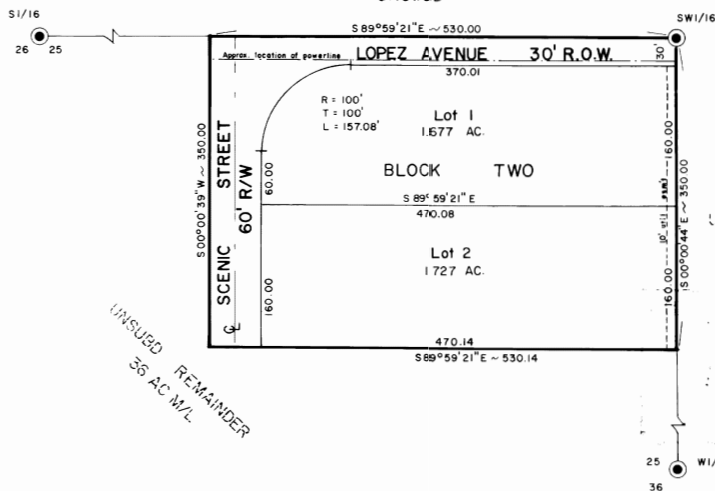
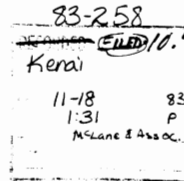
NOTARY'S ACKNOWLEDGEMENT

FOR Lawrence C. & Sharilyn K. Erickson
Subscribed and sworn before me this

19th day of Nov, 1979

My commission expires 8/22/87

Stanley S. McLane
Notary Public for Alaska



SCENIC HAVEN SUBDIVISION
PART ONE

Lawrence C. & Sharilyn K. Erickson
Box 893 Soldotna, AK 99669

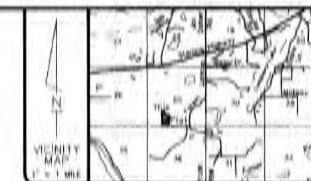
LOCATION

4.259 ACRES LOCATED IN THE SW1/4 SW1/4 SEC. 25, T5N, R10W S.M. AK. AND THE KENAI PENINSULA BOROUGH.

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

DATE	SCALE	BK. NO.
3/17/81	1" = 100'	79-05, 80-02

Curve	Delta	Radius	Tangent	Chord	Chord Bearing
(C1)	179°48'22"	80.00'	136.81'	100.00'	N89°55'34"W
(C2)	85°27'02"	80.00'	74.88'	80.00'	S42°43'18"E
(C3)	85°25'42"	80.00'	74.88'	80.00'	S42°48'55"E



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.

Charles H. Sims
Charles H. Sims
11111 28th Ave
Anchorage, Alaska 99505
(Tracts 6A & 8A)
Robert D. Jensen
Robert D. Jensen
40707 Lugal Avenue
Seward, Alaska 99685
(Tracts 6A & 8A and Lots 1 & 2, Block 2)
Shannon Smiler
Shannon Smiler
18441 Central Loop
Lafayette, CA 94504
(Lots 1 & 2, Block 2)

NOTARY'S ACKNOWLEDGMENT

SUBSCRIBED AND SWORN BEFORE ME THIS 14th DAY OF August 2005 FOR Charles H. Sims, Robert D. Jensen, and Shannon Smiler
Jack Harmon
NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES April



SUBSCRIBED AND SWORN BEFORE ME THIS 26th DAY OF July 2005 FOR Shannon Smiler, Tonia Smiler
James T. Robinson
NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES 11-21-2008



BENEFICIARIES CERTIFICATE

I HEREBY CERTIFY THAT WE HAVE AN EQUITABLE INTEREST AS BENEFICIARIES ON DEED OF TRUST OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND THAT WE HEREBY ACKNOWLEDGE THIS PLAN OF SUBDIVISION.

Charles H. Sims
Charles H. Sims
Serving Officer
Alaska Housing Finance Corporation
P.O. Box 10100
Anchorage, Alaska 99510
(Trust SA)

NOTARY'S ACKNOWLEDGMENT

SUBSCRIBED AND SWORN BEFORE ME THIS 26th DAY OF July 2005 FOR Charles H. Sims
James T. Robinson
NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES 11-21-2008

James T. Robinson
NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES 11-21-2008

- NOTES:
- Proposed land uses are recreational, residential, agricultural, and commercial.
 - Building Setback - A setback of 20 feet is required from all street rights-of-way unless a lesser standard is approved by resolution of the appropriate Planning Commission.
 - Front 10 ft. of the building setback adjacent to rights-of-way with an additional 10 ft. within 5 ft. of the side lot line is also a utility easement. No permanent structure shall be constructed or placed within a utility easement which would interfere with the ability of a utility to use the easement.
 - WASTEWATER DISPOSAL** - The parent subdivision for the Tracts 6A, 7A & 8A resulting from this platting action was approved by the Alaska Department of Environmental Conservation on 20 March, 1980. Wastewater treatment and disposal systems must meet the regulatory requirements of the Alaska Department of Environmental Conservation. Lot 1a combines 2 lots and vacated right-of-way, providing greater available area for onsite wastewater disposal, complying with the intent of KPB 20.14.020.
 - This is a paper plat. NO FIELD SURVEY WAS PERFORMED. All bearings and distances shown are record or computed from current plat.

LEGEND:

- 1-1/2" Appt. Cap Measurement of Record 1973-75, 1978
- 1/2" Radius of Record
- 5/8" Radius of Record
- Record Datum - Brown's Acres Subd. No. 2, Plat # 85-49 AHU
- Record Datum - Spring House Subd. Part 1, Plat # 85-258 AHU

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 accurately meet or exceed, and all dimensions and other details are correct to the current standards of practice of land surveyors in the State of Alaska.



PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF June 3, 2005

KENAI PENINSULA BOROUGH



KPB FILE NO. 2005-114








Brown's Acres Subd. Sims - Jensen Replat

A replat of Tracts 6A, 6, 7 & 8 Brown's Acres Subd. No. 2, Plat No. 85-49 KPB, Lots 1 & 2 Spring House Subd. Pt. 1, Plat No. 85-258 KPB, location of Spring Street & 10th St located within the SW 1/4 Section 25, 14th Range 54M, Kenai Recording District, Kenai Peninsula Borough, Alaska

Containing 19.260 Acres

Integrity Surveys

8195 Kenai Spur Hwy Kenai, Alaska 99501-0300
SURVEYORS PHONE (907) 983-9047 FAX (907) 983-9051
JOB NO. 2005 SURVED 7/5 RECAL. 7/5 JOB COST \$20,000.00
FIELD NO. 5/5 JOB BORN'S ACRES

	2 1/2" BRASS. CAP. MON. GLO 1937	10/10
	2 1/2" ALUM. CAP. MONUMENT 237-5	1981 10/10
	3 1/4" ALUM. CAP. MONUMENT 3932-5	1977 10/10
	3 1/4" ALUM. CAP. MONUMENT LS7201	2000 10/10
	5/8" REBAR FOUND	
	1/2" REBAR FOUND	
	5/8" REBAR w/PLASTIC CAP LS8859	10/1
()	RECORD DATUM PLAT 85-49 KRD	

LINE TABLE		
LINE	BEARING	DISTANCE
1-1	N00°02'09"E	30.00'
1-2	S00°00'43"W	30.00'
1-3	S00°01'43"E	34.00'
1-4	N00°01'51"W	33.00'

CURVE TABLE						
CURVE	DELTA ANGLE	RADIUS	ARC LENGTH	TANGENT	CHORD LENGTH	CHORD BEARING
A1	15.4670°	50.000	136.61	704.75 4.3°	100.000	100.00 0.0°

- 9) Plans of building located from Horner's Avenue Subdivision Horner Tract, Plot #6-40, Rural Residing District.
- 10) Building without A setbacks of 20 feet is required from all street Right-of-Way unless a license is issued by or resolution by the appropriate Planning Commission.
- 11) House must meet the design and construction standards established by the Board of Health as it relates to ventilation, fire protection, and insulation in the through road maintenance program.
- 12) An easement for electric lines or system and/or telephone lines granted to Horner Electric Association, Inc. as recorded in Book 78 Page 257, and Home Telephone Company, Inc., as recorded in Book 78 Page 258.
- 13) Easements in 1991 2003-03-030, Protection of right-of-way, and RWP 2003-170, those tracts were granted by the plat committee at the meeting of June 14, 2003
- 14) Front 10 feet of the building exterior adjacent to rights-of-way with and minimum 10 feet setback from the side and rear lot lines in a utility easement shall have no portion of the structure shall be constructed or placed within a utility easement which would interfere with the ability of a utility in the easement.

WASTEWATER DISPOSAL: Tract B The present subdivision for lots resulting from this platting action was approved by the Alaska Department of Environmental Conservation on March 26, 1999. Wastewater Treatment and disposal easements exist over the regulatory requirements of the Alaska Department of Environmental Conservation.

WASTEWATER DISPOSITION: Tracts A and C these lots are at least partially covered by a wastewater treatment facility 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.

THE UNDERSIGNED OFFICIAL, SIGNIFIED BY NAME AND TITLE, IS AUTHORIZED TO ACCEPT AND
 VOUCHER ACCEPTS ON BEHALF OF THE BUREAU OF PUBLIC UTILITIES, BUREAU OF PUBLIC UTILITIES
 AND PUBLIC UTILITIES, THE REAL PROPERTY TO BE IDENTIFIED BY THIS PLAT INCLUDING
 EASEMENTS, RIGHTS-OF-WAY, ALLEYS, AND OTHER PUBLIC AREAS SHOWN ON THIS PLAT
 IDENTIFIED AS FOLLOWS: FOLDER AREAS, TO UTILITY EASEMENT
 THE PUBLIC OR ANY OTHER GOVERNING BODY TO CONTROL, OPERATE, OR MAINTAIN
 IMPROVEMENTS.

John J. Gendron 11/17/21
 JOHN J. GENDRON
 BUREAU OF PUBLIC UTILITIES

THIS PLAN WAS APPROVED BY THE KENAI PENINSULA BOROUGH
PLANNING COMMISSION AT THE MEETING OF JUNE 13, 2021.

KENAI PENINSULA BOROUGH
M. Ann Archuleta
AUTHORIZED OFFICIAL

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

NOTARY PUBLIC FOR _____
MY COMMISSION EXPIRES _____

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.

RANDAL D. JOHNSON KAREN M. JOHNSON
 TRAILS RAI, RD, RA LOT 1A BLOCK 9, REM. SW1/4 SW1/4
 SHANNON SALKER TOMA SALKER
 LOT 1A BLOCK 9, REM. SW1/4 SW1/4
 240 80TH STREET N
 TOWER, NORTH HAVEN, ARK

FOR Tanaka and Larry Tanaka
ACKNOWLEDGED BEFORE ME THIS 2 DAY OF September, 2021
Tanaka & Sons
NOTARY PUBLIC FOR
MY COMMISSION EXPIRES 06/01/2023

FOR 408 TOWN CENTER
ACKNOWLEDGED BEFORE ME THIS 13 DAY OF September 2002
James E. Seale
NOTARY PUBLIC FOR
MY COMMISSION EXPIRES 01/31/2006

James E. Seale
Notary Public
My Commission Expires 01/31/2006

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

 NOTARY PUBLIC FOR _____
 MY COMMISSION EXPIRES _____

KPB FILE No. 2021-072

Brown's Acres Subdivision 2021

A resubdivision of Tract 58 Brown's Acres Subdivision No. 2, Plot 85-89, Tract 58A1, Tract 85 and Lot 1A Block Two, Brown's Acres Subdivision, Jensen-Jensen, Keno, Plot 2005-118, and the SW1/4 SW1/4 Section 26, T19S, R10W, S.M., excepting therefrom plot RN 83-258, Keno Recording District.

located within the SE1/4 SW1/4 and SW1/4 SW1/4 Section 26, T19 R10W, S.M., Keno Fremont-Borough Alaska.

Negensers Surveys 30400 Hurvay St Boulders, AK 99609 (907) 842-3909		Owners Randall D & Karen E Jensen Sherron & Paula Sailer 840 65th Street N Turner, ND 58790	
JOB NO.	11084	DRAWN	8-23-21
SURVEYED	May, 2021	SCALE	1"=100'
FIELD BOOK	21-1	SHEET	1 of 1

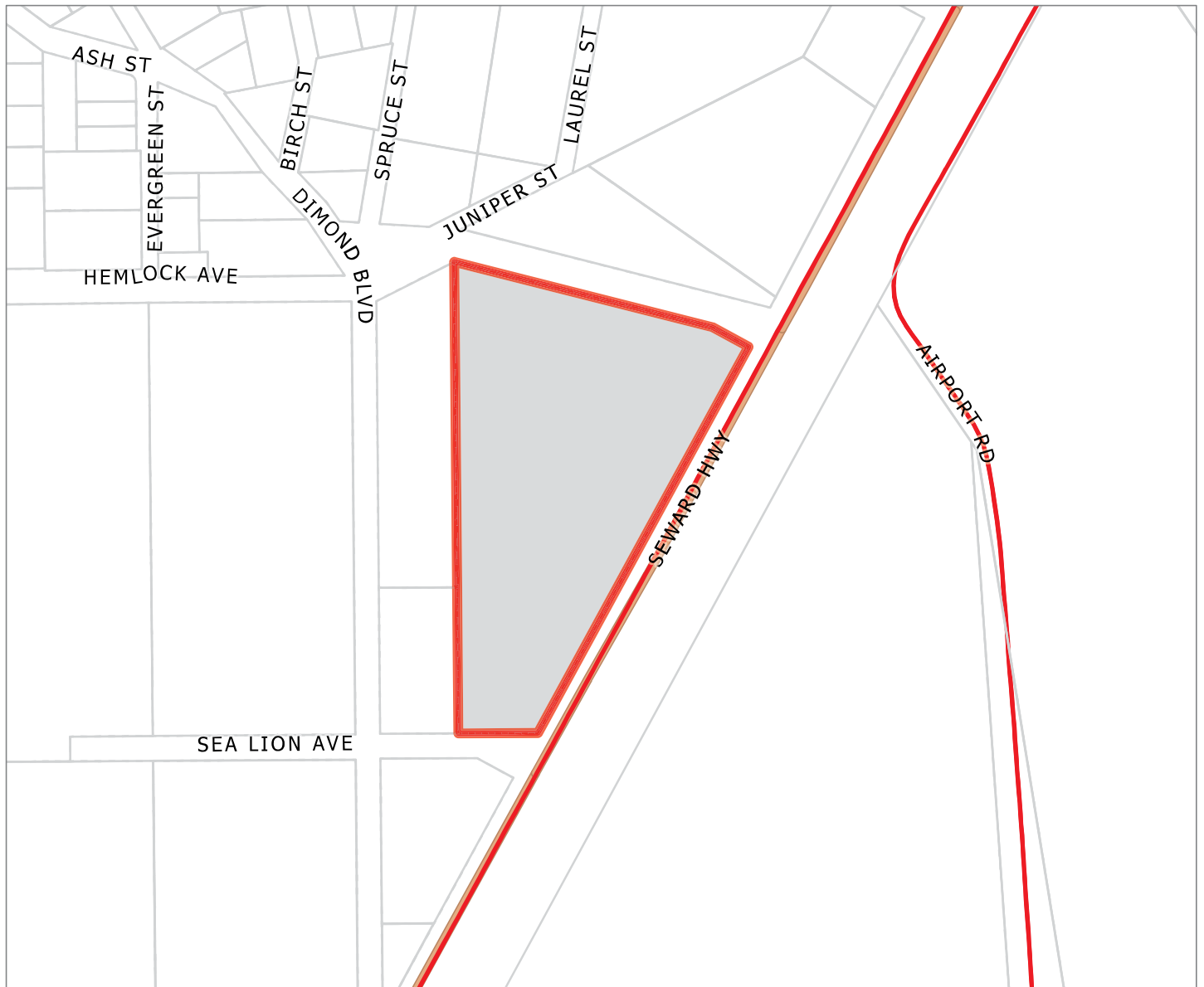
E. NEW BUSINESS

3. **Fort Raymond Subdivision No. 1 Hemlock Addition**
KPB File 2022-177
R&M Consultants, Inc / City of Seward
Location: Hemlock Ave., Sea Lion Ave. & Seward Hwy.
City of Seward



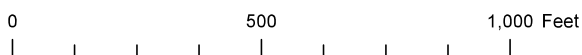
Kenai Peninsula Borough Planning Department

Vicinity Map



KPB File 2022-177
T 01N R 01W SEC 34
Seward

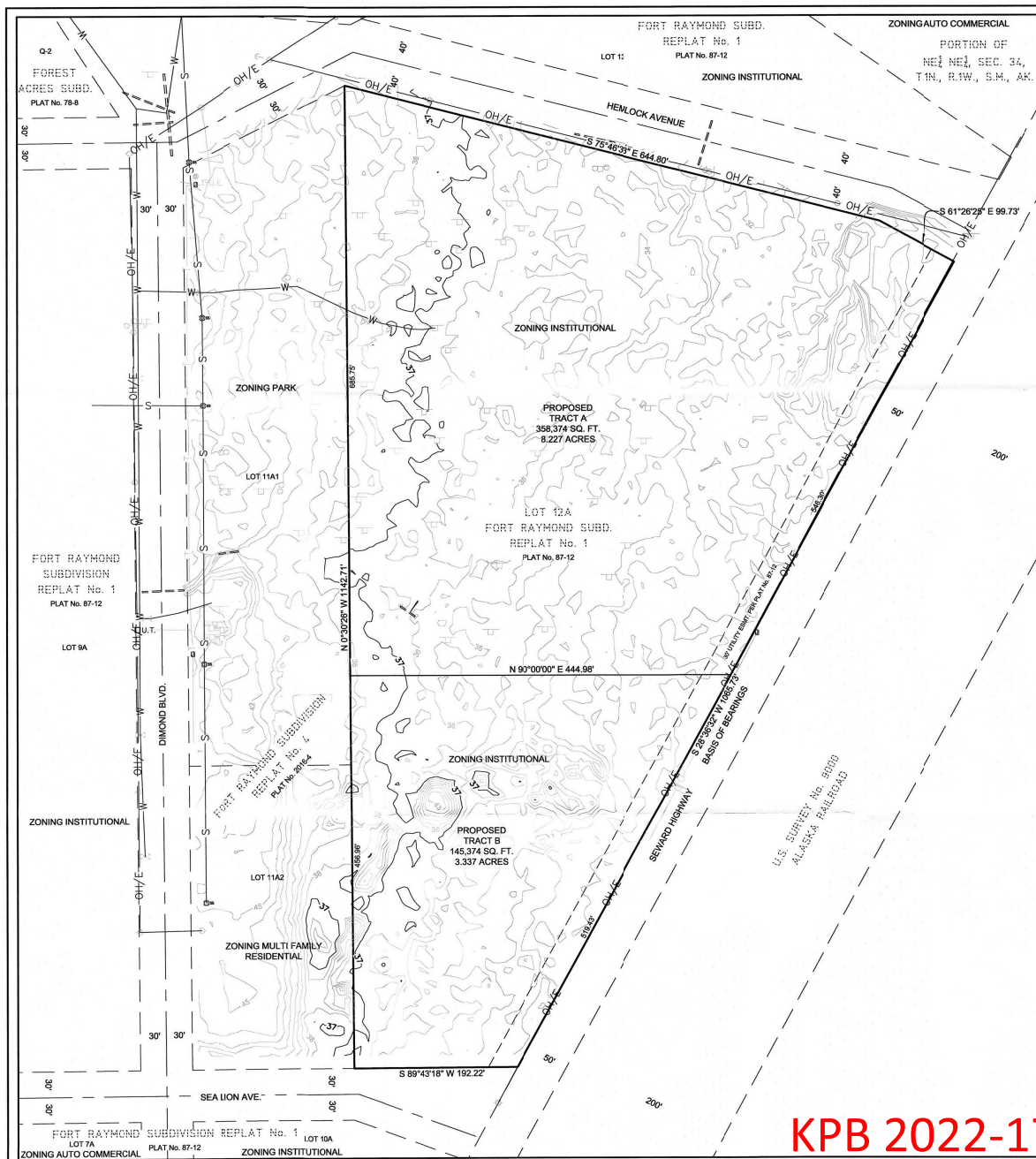
12/14/2022





Aerial View





AGENDA ITEM E. NEW BUSINESS

ITEM 3 – FORT RAYMOND SUBDIVISION NO. 1 HEMLOCK REPLAT

KPB File No.	2022-177
Plat Committee Meeting:	January 9, 2023
Applicant / Owner:	City of Seward, Seward, Alaska
Surveyor:	David Hale, R&M Consultants, Inc.
General Location:	Hemlock Avenue, Sea Lion Avenue, Seward Highway, City of Seward

Parent Parcel No.:	145-026-02
Legal Description:	Lot 12A, Fort Raymond Subdivision Replat No. 1, Plat SW 87-12
Assessing Use:	Residential
Zoning:	Institutional
Water / Wastewater	City

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide an 11.57 acre parcel into two tracts that will be 8.227 and 3.337 acres.

Location and Legal Access (existing and proposed): The proposed plat is located near mile 2.5 of state maintained Seward Highway. Hemlock Avenue abuts along the northern boundary and Sea Lion Avenue is located along the southern boundary. Both rights-of-way are 60 feet wide and are constructed and maintained by the City of Seward. Hemlock Avenue continues to the west and provides access to other rights-of-way and developments. Sea Lion Avenue dedications continue to the west but not the entire length of the constructed right-of-way. A public access easement provides access to City of Seward facilities and the remainder is on borough property to access schools.

Both proposed lots will front along the Seward Highway. Proposed Tract A has constructed access from Hemlock Avenue that can continue to provide access. Proposed Tract b has existing access from Sea Lion Avenue that will continue to provide access. Any desired access from the Seward Highway will require approval and permitting from Alaska Department of Transportation. **Staff recommends a plat note indicating access from state rights-of-way require approval should be added.**

The Seward Highway, Hemlock Avenue, Dimond Boulevard, and Sea Lion Avenue define the block. The block is closed and compliant.

Proposed Tract A is currently used as a campground and proposed Tract B contains the bike park. KPB Code 20.30.180 notes that blocks longer than 600 feet may require pedestrian ways to provide circulation or access to schools, playgrounds, shopping center, transportation, or other community facilities if deemed necessary. The property is within the City of Seward and owned by the City of Seward. **Staff recommends the plat committee agree that the KPB will not require minimum 8 feet wide pedestrian ways but the City of Seward may request this provision as the owner.**

KPB Roads Dept. comments	Out of Jurisdiction: Yes Roads Director: Painter, Jed Comments: No comments
SOA DOT comments	

Site Investigation: There are no low wet areas present with the subdivision. Terrain is relatively flat with no steep slopes present except for those intentionally created within the bike park.

The parent lot contains a campground on the northern portion and a bike park on the southern area. There does not appear to be any encroachment issues present.

The property is within the Floodplain Zone AE. This zone has a 1% annual chance of flooding. The plat currently has a note regarding the floodplain and include the map number. The majority of the property also falls within the Seward Mapped Flood Data Area. **Staff recommends the existing plat note remain and an additional plat note be added to the plat regarding the Seward Mapped Flood Data Area.**

KPB River Center review	<p>A. Floodplain Reviewer: Carver, Nancy Floodplain Status: Within City of Seward 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 The property was originally part of a State of Alaska Boundary Location Survey of U.S. Survey No. 149 and 242 and created Lot 2 of Tract B. This was recorded in 1963 with the serial number 63-594. Lot 2 was replatted by Fort Raymond Subdivision, SW 86-10. That plat created Lot 12 and dedicated Hemlock Avenue and Cottonwood Avenue, which is now Sea Lion Avenue. Lot 12 was platted into its current configuration of Lot 12A by Fort Raymond Subdivision Replat No. 1, SW 87-12. This proposal will now split Lot 12A into two Tracts.

Per the information provided by the surveyor with the application, sewer and water is present along Dimond Boulevard. A soils report will not be required as connection to city services is available. An installation agreement or documentation that one is not required will need to be submitted.

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 proposed preliminary plat is within the City of Seward. The City of Seward Planning and Zoning Commission heard the plat at their October 11, 2022 meeting. A recommendation to approve the preliminary plat was given by majority vote of 5 to 1. The City of Seward Planning and Zoning Commission Resolution 2022-021 was adopted and did not contain any requests or items to address. The City of Seward does intend to rezone portions of the property once subdivided. Kenai Peninsula Borough staff does not take city zoning requirements or intentions into the review or recommendation of a platting item unless a zoning requirement conflicts with the platting action and the city notes the conflict. **Staff recommends the zoning labels be removed from that final as zoning can change and add a plat note that it is subject to city zoning.**

Utility Easements Fort Raymond Subdivision, SW 86-10, granted a 30 foot utility easement along the Seward Highway. There is no other depiction or notes affecting the subject property shown on that plat. Fort Raymond Subdivision Replat No. 1, SW 87-12, carried over the easement along the Seward Highway. That plat also vacated a portion of Cottonwood Avenue, renamed to Sea Lion Avenue, to relocate the right-of-way 30 feet to the south. A 30 foot utility easement was placed in the vacated areas along Lots 8A and 9A of SW 87-12. It does not appear that a utility easement was granted along the southern boundary of Lot 12A. **Staff recommends the label for the 30 foot utility easement along the Seward Highway be updated to Plat 86-10.**

There are no recorded easement per the Certificate to Plat.

KPB Code 20.30.060(D) requires the front ten feet adjoin rights-of-way be designated as utility easements. This is within the City of Seward and they, along with utility providers, can determine if additional widths, locations, or reductions of width are needed. **Staff recommends** a 10 foot utility easement be depicted along Hemlock Avenue and Sea Lion Avenue with required plat notes being added. If it is determined during the field survey permanent improvements are encroaching into the easement, depictions of the improvements should be added with notes regarding them predating the easement.

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	Not within HEA service area. No comments at this time.
ENSTAR	No comments or recommendations
ACS	
GCI	
SEWARD ELECTRIC	
CHUGACH ELECTRIC	Not located within our service area.
TELALASKA	

KPB department / agency review:

Addressing	<p>Reviewer: Haws, Derek Affected Addresses: 911 HEMLOCK AVE</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names: HEMLOCK AVE SEWARD HWY SEA LION AVE DIMOND BLVD</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: The city of Seward will advise on affected address.</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:</p>

	There are not any material site issues with this proposed plat. Review Not Required
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 legend on the final plat.

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:

- *This plat was submitted as Hemlock Subdivision. The parent plat's name shall be the primary. Staff is currently calling this Fort Raymond Subdivision No. 1 Hemlock Addition. If the owners wish to provide a different name they may as long as the parent plat name is the primary. Please contact staff for name approval prior to submitting the final.*
- *The current title block states Tract A and B which this plat is creating but they are in the same font style and immediately after the title name. This could be interpreted as part of the subdivision name. Staff suggests if that information is wanted it be placed in a different font and states "Creating Tracts A and B".*
- *Update the location to E1/2*
- *Include "City of Seward" within the location information.*
- *Update the recording district to "Seward"*

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 boundary for the City of Seward and Chugach National Forest should be added with labels.*

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 depiction needs to be extended to the north of the northwest corner of the subdivision boundary.*
- *The lot labeled as a portion of aliquot land and be labeled as "Unsubdivided"*
- *Lot 13 to the north was created from Fort Raymond Subdivision Plat SW 86-10 and the label should be updated.*

- The subdivision name for Q-2 to the west is incomplete.
- Lot 7A located to the southwest was replatted by SW 2022-12 and should be updated.
- Adjust the subdivision label and plat number to the south as it only applies to Lot 10A
- Zoning labels should be removed
- Add a "widths varies" within the Highway dedication along with the DOT project information that information was taken.
- Add an additional Hemlock Avenue label for the depiction west of Dimond Boulevard.

L. Contours at suitable intervals when any roads are to be dedicated unless the planning director or commission finds evidence that road grades will not exceed 6 percent on arterial streets, and 10 percent on other streets;

Staff recommendation: Remove drainage structures shown on drawing.

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 Seward 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 is not required as city services 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.

20.60.040. 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: Unless dedications or additional easements are required, the Certificate of Acceptance in place may be removed.

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: Installation agreement will be required or documentation that one is not required

20.60.110. Dimensional data required.

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: *comply with 20.60.110. add measured and recorded distances on final with reference plat.*

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."*
- *Subject to terms, reservations, conditions and provisions contained in the Quitclaim Deed from the State of Alaska located within Book 31D Page 5 with release of condition in deed located in Book 27 Page 75, waiver reversionary interest/release in deed located in Book 87 Page 863 and release of public purpose and conditions within Serial No. 2004-00620-0, all documents within the Seward Recording District.*
- *The borough will not enforce private covenants, easements, or deed restrictions per KPB 20.60.170.*
- *Subject to City of Seward Zoning. Contact the City of Seward prior to development for any restrictions.*
- *The front ten feet adjacent to dedicated rights-of-way is 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.*
- **FLOOD HAZARD NOTICE:**
Some or all of the property shown on this plat has been designated by the Kenai Peninsula Borough Seward Mapped Flood Data Area 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.

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: *If using a Notary's Acknowledgement is must comply as it is currently a combination of acknowledgment and jurat. May be changed to Jurat if desired. As the City of Seward is the only owner of the property, remove "Owner, Tracts A & B, Hemlock Subdivision". If it is desired to list the property it should be of the parent lot as Tracts A & B do not exist until recorded. Comply with 20.60.190.*

20.60.200. Survey and monumentation.

F. Bearings and distances between the nearest subdivision property lines and official GLO or BLM monuments shall be accurately described and delineated on the plat and the basis of bearings shall be indicated.

Staff recommendation: *comply with 20.60.200*

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





PRELIMINARY PLAT APPLICATION

R&M CONSULTANTS, INC

TO:	Mr. Vince Piagentini, Platting Manager, Kenai Peninsula Borough
FROM:	Dave Hale, PLS, Land Surveyor, R&M Consultants Inc. on behalf of the City of Seward
SUBJECT:	Preliminary Plat Application Narrative for Hemlock Subdivision Tracts A & B
ACTION:	Subdivision of Lot 12A (Plat No. 87-12), Fort Raymond Subdivision, Replat No. 1.
DATE:	November 21, 2022

Overview of Proposed Action:

On behalf of the City of Seward, R&M Consultants, Inc. has prepared the following application for the proposed plat of Hemlock Subdivision Tracts A and B. This action is an 11.564-acre subdivision of Lot 12A, Fort Raymond Subdivision, Replat No. 1, according to Kenai Recording District Plat No. 87-12. See Figure 1. Vicinity Map, and Attachments 1 and 2.

The City of Seward owns Lot 12A, located south of Hemlock Avenue and west of the Seward Hwy at 911 Hemlock Ave, and is currently using the parcel for Forest Acres Park. The lot is currently being used for a campground on the northerly portion of the parcel, and a bike park on the southerly portion. The city would like to create two tracts, separated at the northern extents of the bike park (see Figure 2). Proposed Tract A would encompass the campground, and proposed Tract B would include the extents of the Seward Community Bike Park.

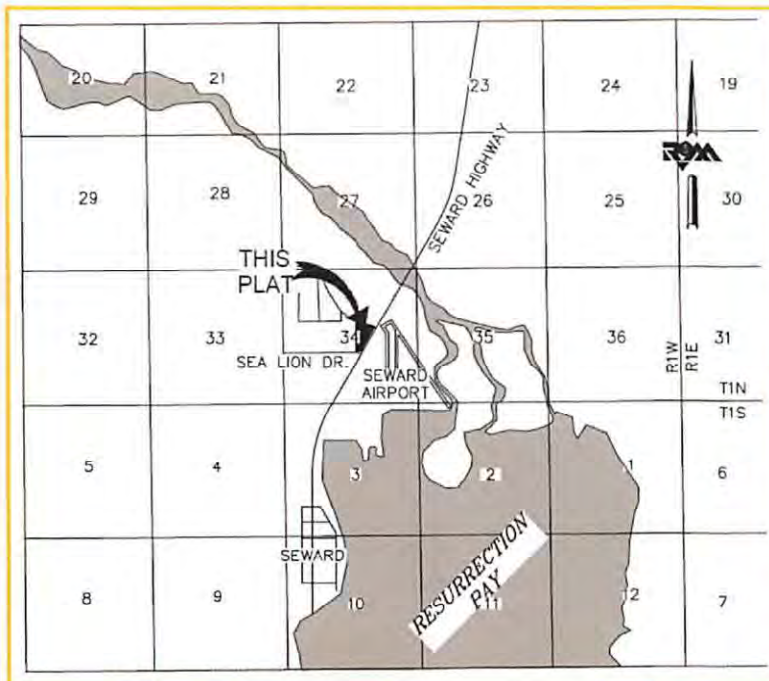


Figure 1. Hemlock Subdivision Tracts A & B Vicinity Map

Parcel ID: 14502602

Site Address: 911 Hemlock Ave, Seward

Size: 11.564 acres

Uses: The parcel is currently used as a bicycle park and for a municipal-run campground. Proposed Tract A will be an 8-acre parcel containing the campground, and Proposed Tract B will be a 3-acre parcel that remains a bike park. Adjacent land uses west of the proposed subdivision include a park, a multifamily develop owned by Kenai Peninsula Housing Initiatives, Inc., Seward Resort and Seward Elementary. Land uses to the north include private residential dwelling and several B&Bs and vacant land.





Figure 2. Lot 12A Fort Raymond Subdivision highlighted, with general proposed subdivision into Tracts A & B shown in dashed line (see Attachment 2 Proposed Plat for detail)

Zoning: City of Seward zoning for Lot 12A is current Institutional. A rezoning request was submitted concurrently to the Seward Planning Commission and City Council with this replat to rezone proposed Tract B from Institutional District to Parks District. Proposed Tract A will remain Institutional zoning. Adjacent zoning districts includes Multifamily Residential and Park to the west, Institutional to the south, and Auto Commercial, Institutional and Single Family Residential to the north. City Council approved Ordinance 2022-015 to rezone Tract B to Parks District, contingent on this replat, on November 28, 2022.

Access: Primary access to proposed Tract A will be via Hemlock Drive, an existing 80-foot right-of-way, and the primary access for proposed Tract B will be from Sea Lion Ave, a 60-foot right-of-way to the south.



Utilities: Overhead electric conductors are adjacent to Lot 12A to the west, north and east. Water and sewer mains run north-south along Dimond Blvd and Spruce St but are not existing on site (see Figure 3). Water and wastewater will be extended onsite when future subdivision and development plans are determined. Utility company GCI approved of an earlier subdivision proposed for Lot 12A which included a residential neighborhood, and their approval is being carried forward in this current request for subdivision (see attachment 9).

Flood Zone: Lot 12A Fort Raymond Subdivision, Replat No. 1 is partly within a mapped Special Flood Hazard Area 'AE', which is an area of inundation by the 1-percent-annual-chance flood. The parcel is also partly within the 1986 and 1995 Seward Mapped Floodplain Areas (see Attachment 3. Floodway Map).

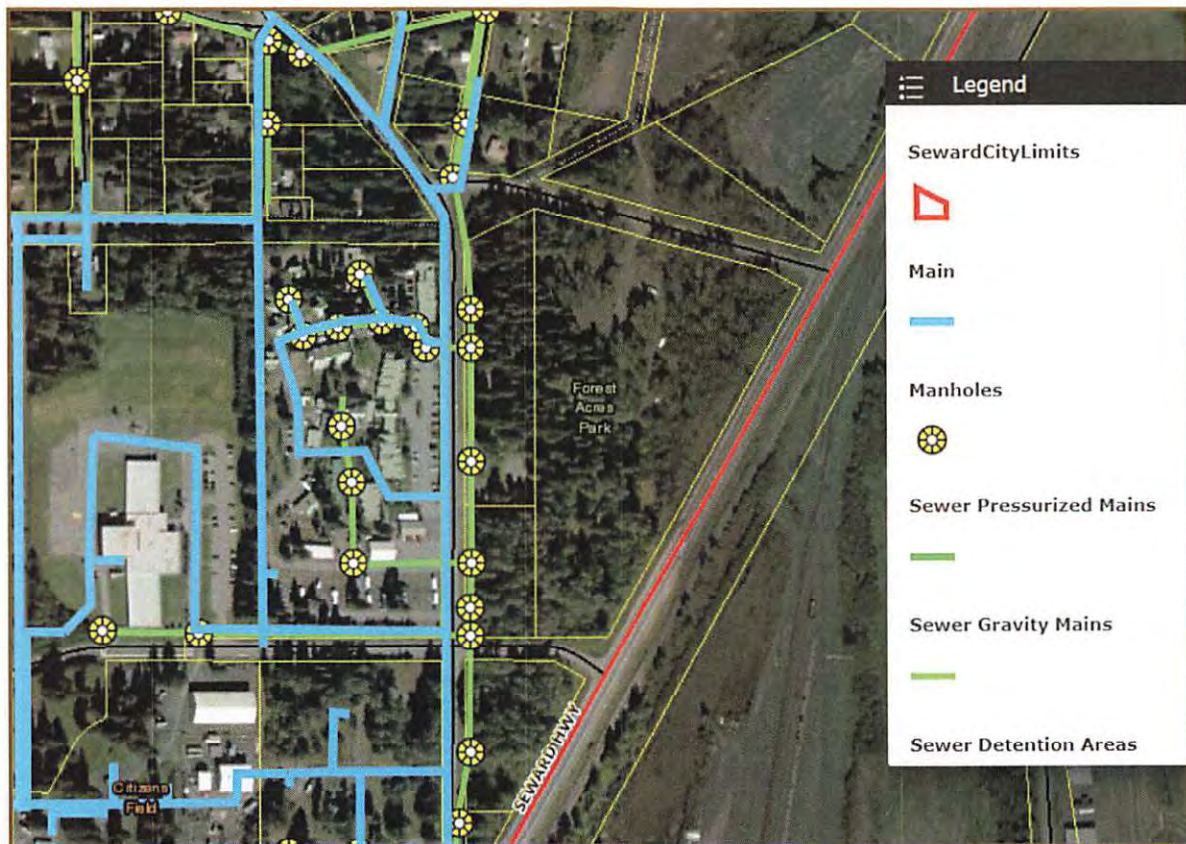


Figure 3. Existing Water and Sewer Infrastructure adjacent to proposed subdivision (source: City of Seward GIS)

Compliance with City of Seward Adopted Plans:

The City of Seward Municipal Lands Management Plan (2014) identifies Lot 12A of Fort Raymond Subdivision, Replat No. 1 as Forest Acres Campground. The Plan recommends continuing to use the parcel as a public park and to sell with a sound development plan. This proposed subdivision and concurrent rezone of proposed Tract B helps implement the plan for Lot 12A by separating the lot into two tracts to ensure the bike park continues as a public park (Tract B) and provide flexibility for the city to sell Tract A if a community-supported development plan is presented.



Compliance with City of Seward Title 16.01.015 Conditions to Plat Approval:

No new rights-of-way will be dedicated or required for this platting action. Both tracts will have existing access from constructed roadways. No new utilities are required for this platting action.

City Approvals & Status:

Seward City Council authorized R&M Consultants for the rezone and replat of the Forest Acres Campground and Bike Park (Lot 12A, Fort Raymond Subdivision, Replat No. 1 (Plat No. 87-12)) through Resolution 2022-097 on September 12th, 2022. See Attachment 4.

The Planning & Zoning Commission passed and approved Resolution 2022-021 on October 11, 2022, recommending City Council and the Kenai Peninsula Borough approval of the preliminary replat of the Fort Raymond Subdivision, Replat No. 1, Lot 12A, creating Hemlock Subdivision Tracts A and B. See Attachment 5. Minutes from the October 11th, 2022, Planning & Zoning Commission hearing are provided as Attachment 6.

Seward City Council passed and approved Resolution 2022-115 on November 28th, 2022, recommending Kenai Peninsula Borough approval of the preliminary replat (see Attachment 7); Council also approved Ordinance 2022-015 to amend the land use plan to rezone proposed Tract B from Institutional zoning district to Parks zoning district. All posting and noticing requirements of the City of Seward were adhered to during the local review process.

Compliance with Kenai Peninsula Borough Title 20.25.070:

The submitted preliminary plat shows the applicable required information. See Form checklist on second page of this application packet, and the preliminary plat of Hemlock Subdivision Tracts A & B.

Compliance with Kenai Peninsula Borough Title 20.25.080:

- A. **Proposed means of supplying water:** Existing city water mains run north-south along Dimond Blvd and Spruce St but are not existing on site. Following future subdivision and development plans, city water will be extended onsite.
- B. **Proposed means of wastewater disposal:** Existing city sewer mains run north-south along Dimond Blvd and Spruce St but are not existing on site. Following future subdivision and development plans, city wastewater will be extended onsite.
- C. **Proposed subdivision phases:** Not Applicable
- D. **Name, address, and signature of the subdivider:** Provided on the application page.
- E. **Certificate to plat current to not more than 28 business days:** An updated certificate to plat will be submitted with the final plat per KPB 20.60.190(A)(2).

Summary of Request:

The City of Seward requests the Kenai Peninsula Borough Approval of the Preliminary Plat of Lot 12A, Fort Raymond Subdivision Replat No. 1, creating Tract A and B.

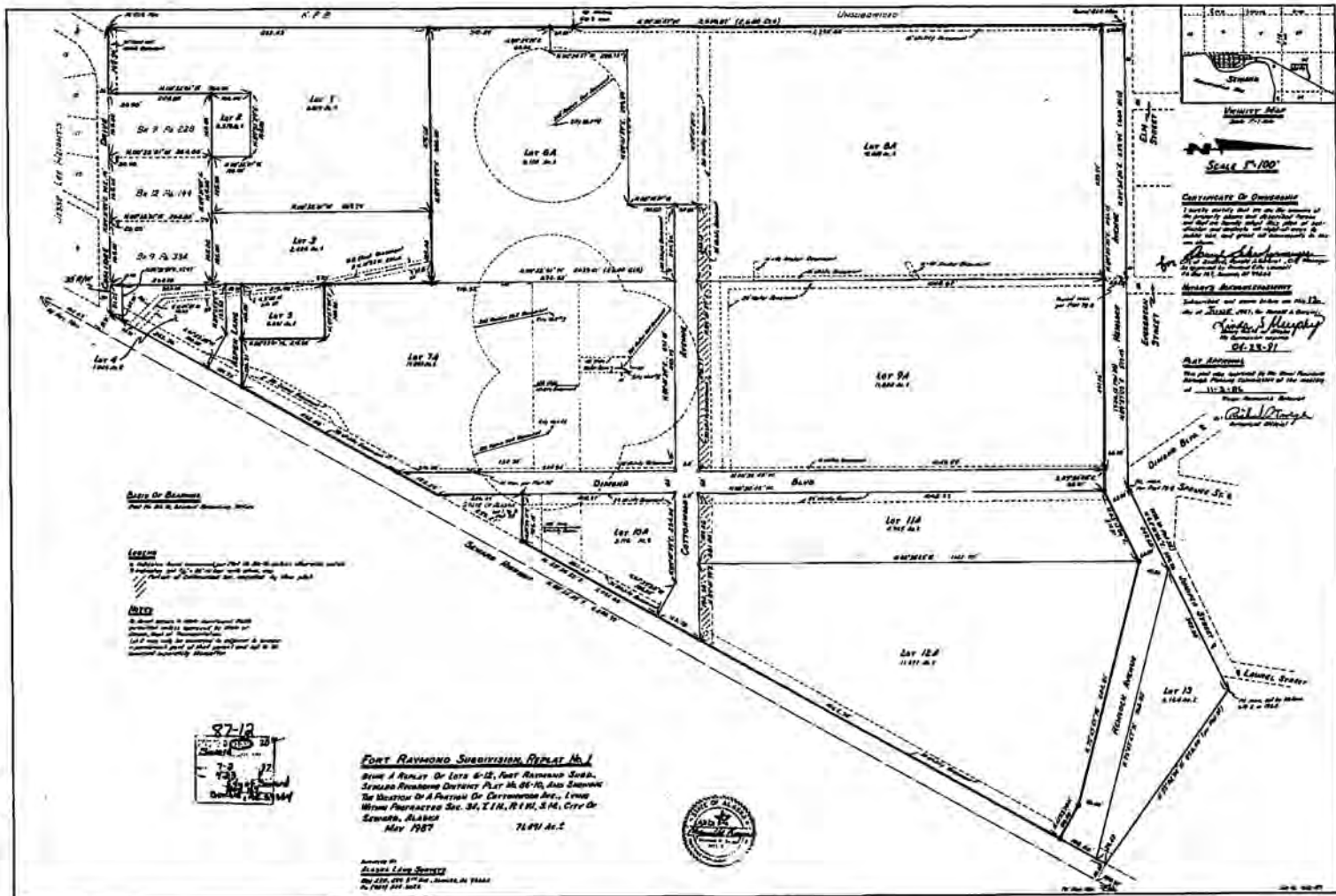


ATTACHMENTS:

1. 87-12 Fort Raymond Subdivision, Replat No. 1
2. Proposed Plat of Hemlock Subdivision, Tracts A & B
3. Floodway Map for area of Preliminary Plat
4. City Council Resolution 2022-097: *Replat Authorization*
5. Planning & Zoning Resolution 2022-021: *Replat Approval*
6. Planning & Zoning Commission Meeting Minutes from October 11th, 2022
7. City Council Resolution 2022-115: *Replat Approval*
8. Certification to Plat
9. Utility Company GCI Approval of *prior* Preliminary Plan of Hemlock Subdivision Tract A and Lots 1 through 40

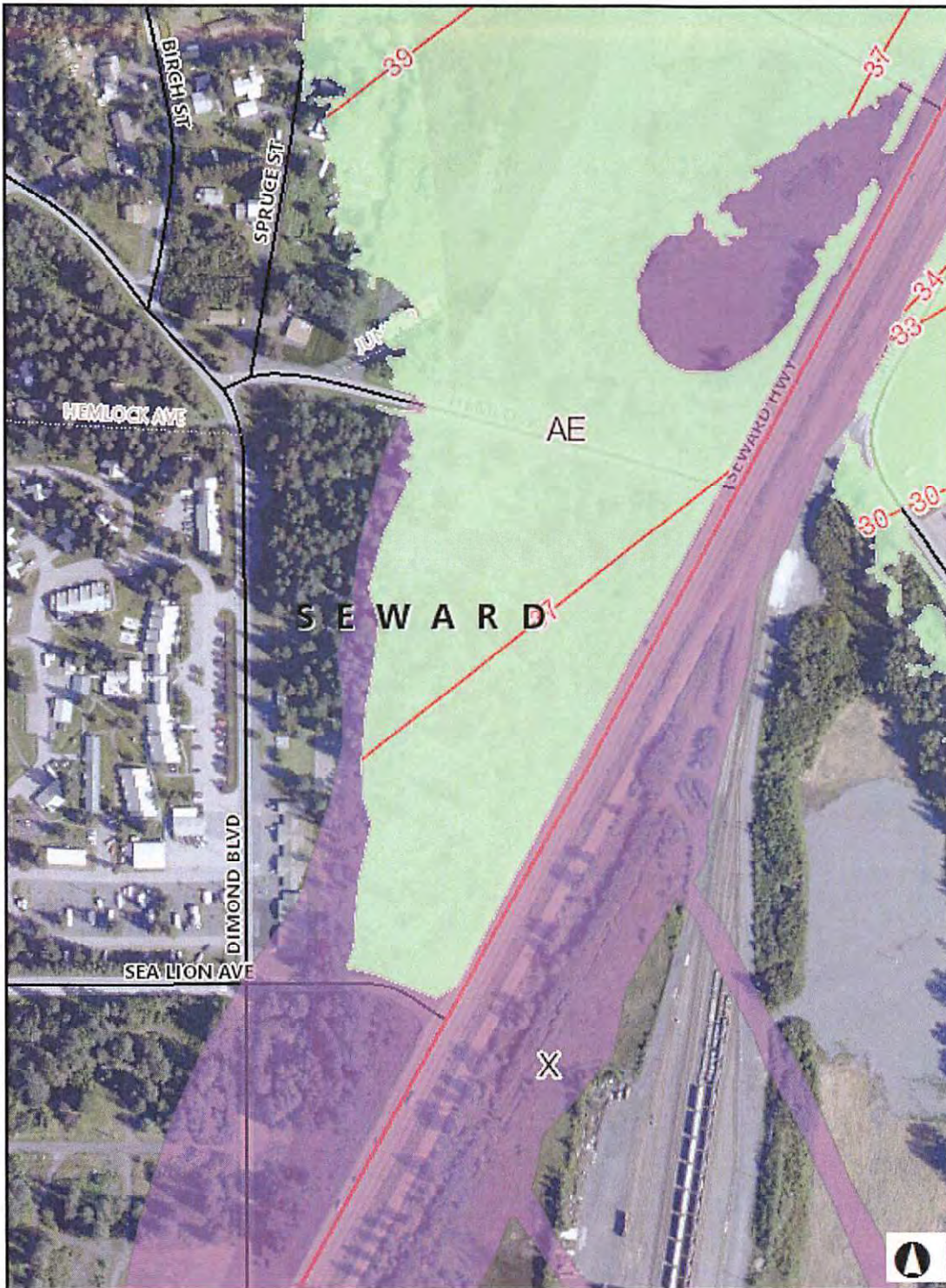


36J 17-12





Floodway Map for area of Preliminary Plat Hemlock Subdivision Tracts A & B



Legend

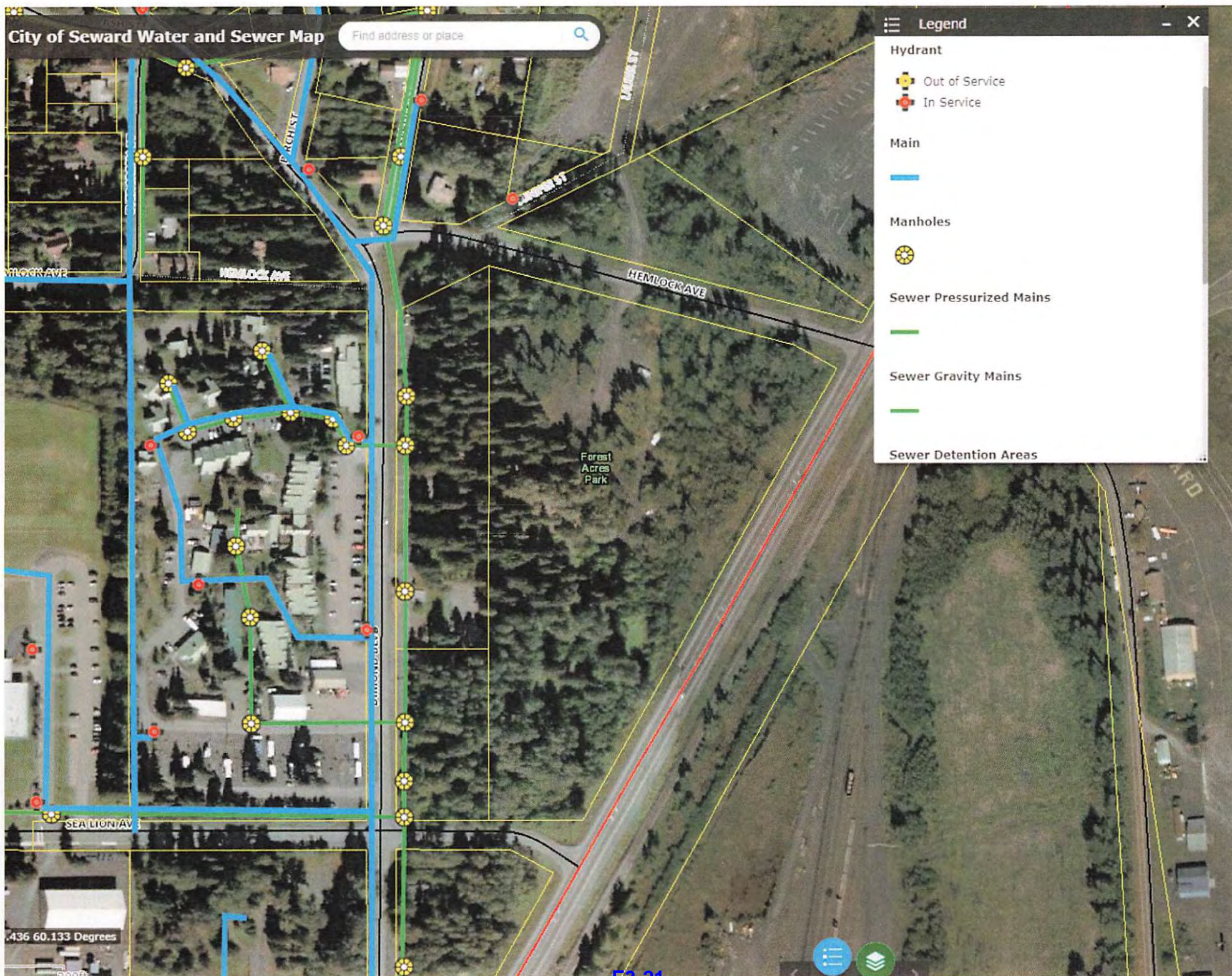
- 2021 Control
- SBCFSA Boundary
- City Limits
- Mileposts
- Base Flood Elevation (BFE)
- ▨ Floodway
- Special Flood Hazard Areas**
 - A
 - AE
 - AH
 - AO
 - VE
 - X
- 2006 SEWARD FLOODING
- 1995 SEWARD FLOODING
- 1986 SEWARD FLOODING
- Highways
- Major Roads
- Roads**
 - Town Medium Volume
 - Town Low/Seasonal; Other
 - Proposed

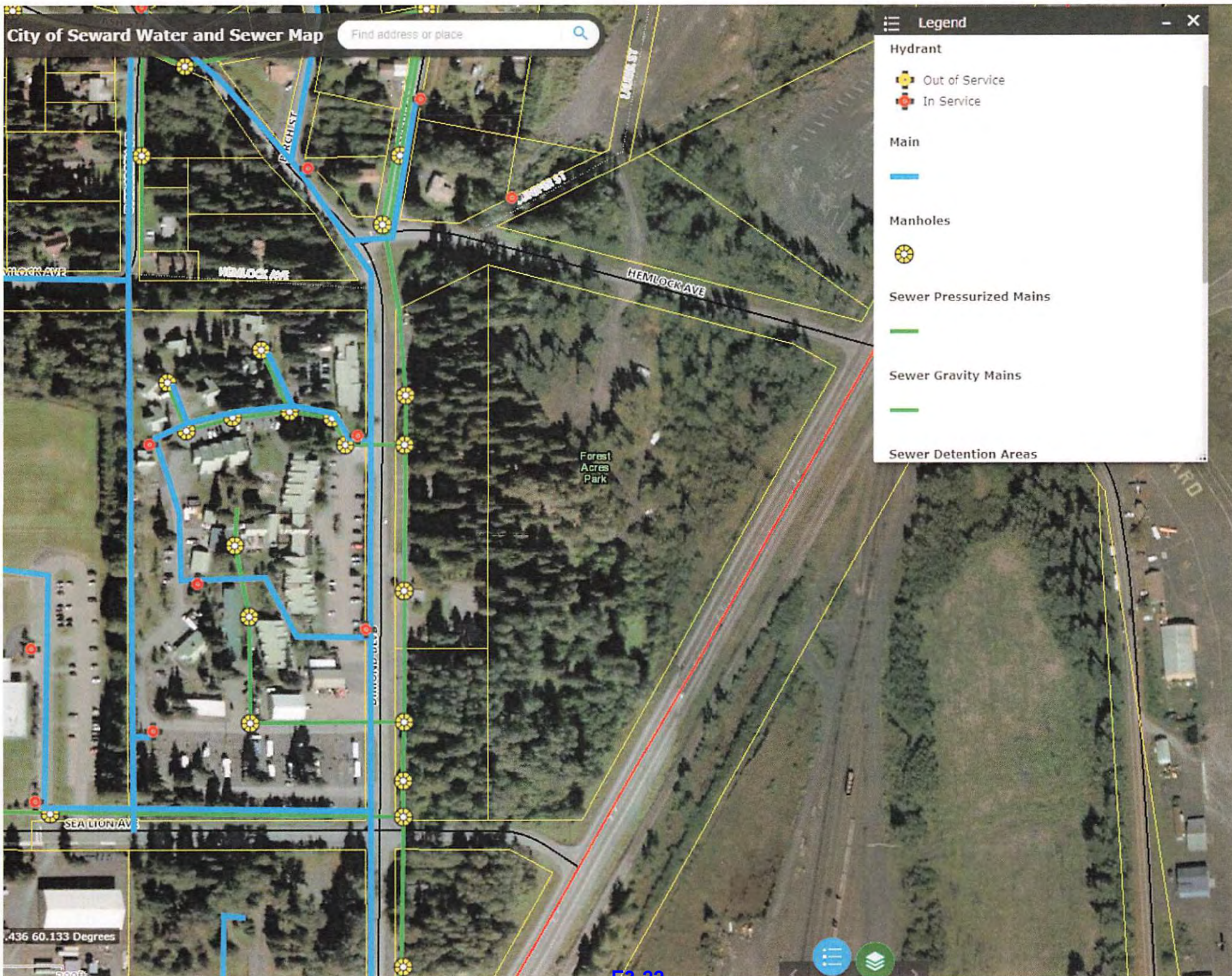
This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. It is not to be used for navigation.

Notes

Proposed Hemlock Subdivision Tracts A & B is located north of Sea Lion Ave, east of Dimond Blvd, west of the Seward Hwy, and south of Hemlock Dr.

DATE PRINTED: 11/17/2022





CALL TO ORDER

The October 11, 2022 regular meeting of the Seward Planning & Zoning Commission was called to order at 7:00 p.m. by Chair Clare Sullivan.

OPENING CEREMONY

The commission led the pledge of allegiance to the flag.

ROLL CALL

There were present:

Clare Sullivan presiding, and

Vanessa Verhey

~~Victoria Monaco~~

Troy Staggs

Nathaniel Charbonneau

Brenan Hornseth

Sean Ulman

Comprising a quorum of the Commission; and

Jason Bickling, Community Development Director

Courtney Bringham, City Planner

Brenda Ballou, City Clerk

Excused – Monaco

Absent – None

CITIZEN COMMENTS ON ANY SUBJECT EXCEPT THOSE ITEMS SCHEDULED FOR PUBLIC HEARING

Carol Griswold, inside city limits, thought the draft Municipal Plan was a vast improvement over the 2014 plan; she hoped the commission consider incorporating some of her suggestions in the next iteration. She believed the Forest Acres Campground should remain a campground and not be sold.

APPROVAL OF AGENDA AND CONSENT AGENDA

Motion (Charbonneau/Staggs)

Approval of Agenda and Consent Agenda

Motion Passed

Unanimous

The clerk read the following approved consent agenda items:

Approval of the August 2, 2022 Regular Meeting Minutes.

SPECIAL ORDERS, PRESENTATIONS AND REPORTS

Proclamations and Awards – None

City Administration Report. Community Development Director Jason Bickling stated the department had been busy preparing for tonight's meeting. He announced that on October 17, 2022 the commission would have a joint work session with the Seward Bear Creek Flood Service Area Board (SBCFSAB) at the Seward Community Library. He said the November 1, 2022 P&Z meeting would be rescheduled to November 8, 2022 and would also be held at the Seward Community Library.

Other Reports and Announcements – None

Presentations – None

PUBLIC HEARINGS

Resolutions Requiring Public Hearing

Resolution 2022-019, Recommending Kenai Peninsula Borough Approval Of The Preliminary Replat Of Gateway Subdivision, Amended Tract B; Located At 2109 Unimak Circle; Creating Gateway Subdivision 2022 Lindquist Addition, Lots 14-18, Block 8.

Motion to Approve (Charbonneau/Verhey) Approve Resolution 2022-019

City Planner Courtney Bringhurst recited the information in the agenda statement, reviewed the conditions being proposed, and recommended approval.

Notice of the public hearing being posted and published as required by law was noted and the public hearing was opened.

Thomas Lindquist, outside the city, supported this resolution.

Carol Griswold, inside city limits, requested the parcel widths and frontages in the resolution be corrected to say 60 feet.

No one else appeared and the public hearing was closed.

Motion to Amend (Charbonneau/Verhey) **Amend Resolution 2022-019 in the 5th Whereas by striking the words "30'-60' and" and "respectively" so that it reads, "...the parcels widths and frontages meet the required minimum of 60'."**

Motion to Amend Passed **Unanimous**

Main Motion Passed **Unanimous**

Resolution 2022-020, Granting A Conditional Use Permit To Zimmerman Investments LLC To Construct A Tri-Plex On Lot 42, Block 2, Gateway Subdivision Addition No. 1; Located At 2007 Dunham Drive; Within A Multi-Family (R3) Zoning District.

Motion to Approve (Charbonneau/Staggs)

Approve Resolution 2022-020

Bringhurst recited the information in the agenda statement, reviewed the conditions being proposed, and recommended approval.

Notice of the public hearing being posted and published as required by law was noted and the public hearing was opened. No one appeared and the public hearing was closed.

Motion to Amend (Charbonneau/Verhey)

Amend Resolution 2022-020 to require a three-wall structure with a roof to house the bear-proof trash receptacles rather than a dumpster.

Motion to Amend Passed

Unanimous

Motion Passed

Unanimous

Resolution 2022-021, Recommending City Council And Kenai Peninsula Borough Approval Of The Preliminary Replat Of Fort Raymond Subdivision, Replat No. 1, Lot 12A; Located At 911 Hemlock Ave; Creating Hemlock Subdivision, Tracts A And B.

Motion to Approve (Charbonneau/Verhey)

Approve Resolution 2022-021

Bringhurst recited the information in the agenda statement, reviewed the conditions being proposed, and recommended approval.

Notice of the public hearing being posted and published as required by law was noted and the public hearing was opened.

Carol Griswold, inside the city, said the preliminary plat needed to be corrected because it contained conflicting flood information wherein there were references indicating the property was not in a flood zone and other references indicating it was in a flood zone. As well, there were adjacent properties that had not included in the plat but which should be represented for accuracy. Griswold said the documentation was incomplete in other areas, as well.

Peggy Ventura, outside the city, had recently watched a documentary that gave her an appreciation about how important parks were to communities. She asked that this property be retained as a park so that visitors and locals alike could enjoy it year round. She said there were other places in town to develop housing, and if this area was destroyed it would never be regained. Ventura shared moments of observing wildlife and nature in this area.

Dave Hale, outside the city, represented R&M Consultants. He said replatting the property would not change the current use of the property; instead, the replat would allow the city to rezone the bike park as a park, which was what the community wanted.

No one else appeared and the public hearing was closed.

Staggs believed that retaining the property in its current form without replatting it would protect it the best. Unless there was the intention to develop this portion, he didn't see the point of replatting this property. He wished to keep the properties together and rezone them to park.

Charbonneau believed the bike park needed to be zoned as a park, and he thought the bike park portion needed to be separated from the campground property. He thought it made sense to separate the property into two parcels.

Motion Passed

**Yes: Verhey, Hornseth, Ulman,
Charbonneau, Sullivan
No: Staggs**

Resolution 2022-022, Recommending City Council Approval Of The Land Use Amendment To Rezone Proposed Tract B, Hemlock Subdivision; From An Institutional (INS) Zoning District To Park (P) Zoning District.

Motion to Approve (Verhey/Charbonneau)

Approve Resolution 2022-022

Bringhurst recited the information in the agenda statement, reviewed the conditions being proposed, and recommended approval.

Notice of the public hearing being posted and published as required by law was noted and the public hearing was opened. No one appeared and the public hearing was closed.

The commission suspended the rules to speak with Dave Hale from R&M Consultants.

Sullivan wished to clarify the impact of this resolution and the previous resolution.

R&M Consultant Dave Hale stated if this resolution was approved, it would rezone the southern tract, the bike park, to park; the northern tract, the campground, would remain institutional.

The commission went back on the rules.

Motion Passed

Unanimous

Resolution 2022-023, Recommending City Council Amend Portions Of Seward City Code; 15.10.140(B)(49) Definitions, Lodging; 15.10.226(B) Land Uses Allowed, Modifying And Including Additional Regulations Relating To Lodging, Short-Term Rentals; And 15.10.226 Land Uses Allowed Table.

Motion to Approve (Charbonneau/Staggs)

Approve Resolution 2022-023

Bringhurst recited the information in the agenda statement, reviewed the conditions being proposed, and recommended approval. Bringhurst called attention to the laydown provided which provided an alternate draft ordinance than what was included in the packet.

Notice of the public hearing being posted and published as required by law was noted and the public hearing was opened.

Carol Griswold, inside the city, supported the substitute ordinance, but requested that the definition for "Bed and Breakfast" be deleted because it was redundant to short term rental, that the commission modify the definition of "Short Term Rental", and that the Life Safety requirements be updated to align with Fire Department recommendations. In addition, she requested that the number of bedrooms be limited to three rather than five in principally residential zones.

No one else appeared and the public hearing was closed.

Motion to Amend (Charbonneau/Staggs)

Amend Resolution 2022-023 by adopting the substitute ordinance provided as a laydown.

Motion to Amend Passed

Unanimous

Motion to Amend (Charbonneau/Staggs)

Amend Resolution 2022-023 under SCC 15.10.226 (b) (6) by striking "five" and replacing it with "three".

Main Motion Passed

Unanimous

UNFINISHED BUSINESS – None

NEW BUSINESS

Resolutions

Resolution 2022-015, Recommending City Council Adoption Of The Municipal Lands Inventory And Management Plan – 2022 Update.

Motion to Approve (Verhey/Charbonneau)

Approve Resolution 2022-015

Bickling thanked the public for all their input, and appreciated all the work the commission had done on this document. He commended Planning Technician Selena Soto for the work she did on the mapping.

Bringhurst announced that the resolution number would be changed from 2022-015 to 2022-024 because the original resolution number was assigned some time ago when the resolution was expected to go before the commission; however, due to unforeseen delays, the resolution was coming tonight for the first time so Bringhurst wished to align the number to bring it current.

Sullivan stated this was a living document.

Motion Passed

Unanimous

INFORMATIONAL ITEMS AND REPORTS

Reminder: October 17, 2022 joint work session with the Seward Bear Creek Flood Service Area Board at 6:00 p.m. at the Seward Community Library.

Reminder: November 1, 2022 regular meeting at 7:00 p.m.

Bickling stated the November 1, 2022 meeting was rescheduled to November 8, 2022 and would be held at the Seward Community Library.

CITIZEN COMMENTS

Carol Griswold, inside the city, suggested the commission reconsider the Resolution 2022-021 for the bike park because the preliminary plat was simply not accurate. She also wished the definitions would be cleaned up in the lodging section of city code. Griswold appreciated the amendments to reduce the number of bedrooms from five to three. She suggested the language for a new owner being eligible to apply for a permit was currently misleading because it suggested the new owner was automatically eligible, not just eligible to apply.

Tim McDonald, inside the city, asked the commission to consider the boundaries of the city; his property straddled inside and outside city limits. He asked the commission to consider taking a position on annexing land outside city limits; he believed annexation would ultimately prove to be more beneficial to the annexed citizens. McDonald said the city was currently pressing him hard on various issues related to his property, he didn't think it was fair, and he believed there might be more people in that boat than just himself. He also thought that residents outside city limits should have a chance to cast their vote for city issues. He thought there was not enough land to develop housing inside the city.

COMMISSION AND ADMINISTRATION COMMENTS AND RESPONSES TO CITIZEN COMMENTS

Charbonneau thanked the Community Development Department for all their work. He thought they did a wonderful job.

Sullivan echoed those sentiments and thanked the staff for all their hard work.

ADJOURNMENT

The meeting was adjourned at 8:05 p.m.

Brenda Ballou, MMC
City Clerk

(City Seal)

Clare Sullivan
Chair

**CITY OF SEWARD, ALASKA
RESOLUTION 2022-115**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEWARD,
ALASKA, RECOMMENDING KENAI PENINSULA BOROUGH
APPROVAL OF THE PRELIMINARY REPLAT OF FORT RAYMOND
SUBDIVISION, REPLAT NO. 1, LOT 12A; LOCATED AT 911 HEMLOCK
AVE; CREATING HEMLOCK SUBDIVISION, TRACTS A AND B**

WHEREAS, on September 12, 2022, the City Council passed Resolution 2022-097 authorizing the City Manager to execute a task order with R&M Consultants, Inc. to replat and rezone Lot 12A, Fort Raymond Subdivision, Replat No 1. also known as 911 Hemlock Ave; and

WHEREAS, October 11, 2022, the Seward Planning and Zoning Commission passed Resolution 2022-021, recommending City Council and Kenai Peninsula Borough approval of the preliminary replat of Fort Raymond Subdivision, Replat No. 1, Lot 12A; and

WHEREAS, this replat will separate the Forest Acres campground from the Seward Community Bike Park by creating Hemlock Subdivision, Tracts A and B; and

WHEREAS, the current Lot 12A is 11.57 acres; and

WHEREAS, proposed Tract A will be 8.227 acres and continue to host the Forest Acres campground; and

WHEREAS, proposed Tract B will be 3.337 acres and continue to host the Seward Community Bike Park; and

WHEREAS, the parcels are currently zoned Institutional (INS); and

WHEREAS, administration has determined that a subdivision agreement is not required as the intended use for each proposed Tract will not change; and

WHEREAS, if at some time in the future Tract A is sold with a sound development plan, a subdivision agreement will be required to satisfy Seward City Code §16.01.010.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEWARD, ALASKA that:

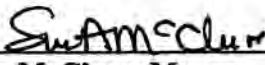
Section 1. The Seward City Council hereby recommends Kenai Peninsula Borough approval of the Preliminary Replat of Fort Raymond Subdivision, Replat No. 1, Lot 12A; Located at 911 Hemlock Ave; Creating Hemlock Subdivision, Tracts A and B.

**CITY OF SEWARD, ALASKA
RESOLUTION 2022-115**

Section 2. This resolution shall take effect immediately upon its adoption.

PASSED AND APPROVED by the City Council of the City of Seward, Alaska, this 28th day of November, 2022.

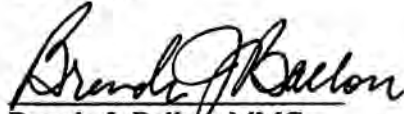
THE CITY OF SEWARD, ALASKA



Sue McClure, Mayor

AYES: Calhoon, Wells, Barnwell, Finch, DeMoss, McClure
NOES: None
ABSENT: Osenga
ABSTAIN: None

ATTEST:



Brenda J. Ballou, MMC
City Clerk



**CITY OF SEWARD, ALASKA
RESOLUTION 2022-097**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEWARD, ALASKA, AUTHORIZING THE CITY MANAGER TO EXECUTE TASK ORDER 2734.26 WITH R&M CONSULTANTS FOR THE REZONE AND REPLAT OF THE FOREST ACRES CAMPGROUND AND BIKE PARK (LOT 12A, FORT RAYMOND SUBDIVISION, REPLAT NO. 1 (PLAT NO. 87-12), PHYSICAL ADDRESS 911 HEMLOCK AVE.) IN THE AMOUNT NOT TO EXCEED \$33,985 AND APPROPRIATING FUNDS

WHEREAS, the City of Seward owns the Fort Raymond Property at 911 Hemlock Avenue, which consists of the Forest Acres Campground and the Seward Bike Park; and

WHEREAS, re-platting the parcel into two smaller parcels, and re-zoning the Seward Bike Park from Institutional (INS) to Parks (P) is the forthcoming recommendation from the Planning and Zoning Commission in the Municipal Lands Inventory and Use Plan; and

WHEREAS, the replat and rezone of this property is the next step to make best use of this property for the community.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEWARD, ALASKA that:

Section 1. The City Manager is authorized to execute the task order 2734.26 with R&M Consultants for the replat of the Forest Acres Campground and Bike Park (Lot 12A, Fort Raymond Subdivision, Replat No. 1 (Plat No.87-12), physical address 911 Hemlock Ave.)

Section 2. Funding in the amount of \$33,985.00 is hereby appropriated from General Fund Unassigned Fund Balance account no. 01000-0000-3400 to Community Development Contracted Services account no. 01000-1122-7009 within the 2022 operating budget.

Section 3. This resolution shall take effect immediately upon adoption.

PASSED AND APPROVED by the City Council of the City of Seward, Alaska, this 12th day of September, 2022.


THE CITY OF SEWARD, ALASKA


Christy Terry, Mayor

**CITY OF SEWARD, ALASKA
RESOLUTION 2022-097**

AYES: McClure, Osenga, Calhoon, DeMoss, Terry
NOES: Casagrande
ABSENT: Wells
ABSTAIN: None

ATTEST:


Brenda J. Ballou/MMC
City Clerk

(City Seal)



**CITY OF SEWARD, ALASKA
PLANNING AND ZONING COMMISSION
RESOLUTION 2022-021**

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF SEWARD, ALASKA RECOMMENDING CITY COUNCIL AND KENAI PENINSULA BOROUGH APPROVAL OF THE PRELIMINARY REPLAT OF FORT RAYMOND SUBDIVISION, REPLAT NO. 1, LOT 12A; LOCATED AT 911 HEMLOCK AVE; CREATING HEMLOCK SUBDIVISION, TRACTS A AND B.

WHEREAS, R&M Consultants, Inc, on behalf of the City of Seward has submitted a preliminary replat to the City of Seward for review and recommendation to the City Council and Kenai Peninsula Borough; and

WHEREAS, on September 12, 2022, the City Council passed Resolution 2022-097 authorizing the City Manager to execute a task order with R&M Consultants to replat and rezone Lot 12A, Fort Raymond Subdivision, Replat No 1. also known as 911 Hemlock Ave; and

WHEREAS, this replat will separate the Seward Community Bike Park from Forest Acres campground by creating Hemlock Subdivision, Tracts A and B; and

WHEREAS, the current City property is 11.57 acres; and

WHEREAS, proposed Tract A will be 8.227 acres and continue to host the Forest Acres campground; and

WHEREAS, proposed Tract B will be 3.337 acres and continue to host the Seward Community Bike Park; and

WHEREAS, the parcels are currently zoned Institutional (INS); and

WHEREAS, administration has determined that a subdivision agreement is not required as the intended use for each proposed Tract will not change; and

WHEREAS, if at some time in the future Tract A is sold with a sound development plan, a subdivision agreement will be required to satisfy Seward City Code §16.01.010; and

WHEREAS, all conditions required by Seward City Code §16.01.015, Conditions to plat approval, were met; the property owners within 300 feet of the requested replat were notified of the proposed subdivision, and the property was posted with public notice signage; and

WHEREAS, it is the Planning and Zoning Commission's responsibility to act in an advisory capacity to the Seward City Council and the Kenai Peninsula Borough regarding

subdivision plat proposals.

NOW, THEREFORE, BE IT RESOLVED by the Seward Planning and Zoning Commission that:

Section 1. The Commission hereby recommends that, in accordance with Seward City Code Section 16.01.015 (B), the City Council and Kenai Peninsula Borough approve the submittal of the Replat of Fort Raymond Subdivision, Replat No. 1, Lot 12A; Located at 911 Hemlock Ave; Creating Hemlock Subdivision, Tracts A and B.

Section 2. This resolution shall take effect immediately upon its adoption.

PASSED AND APPROVED by the Seward Planning and Zoning Commission this 11th day of October, 2022.

THE CITY OF SEWARD, ALASKA


Clare Sullivan, Chair

AYES: Ulman, Hornseth, Charbonneau, Verhey, Sullivan
NOES: Staggs
ABSENT: Monaco
ABSTAIN: None
VACANT: None

ATTEST:


Brenda Ballou, MMC
City Clerk



E. NEW BUSINESS

- 4. Surreal Subdivision Tract C Replat; KPB file 2022-174
Ability Surveys / Cabbage, Maxon
Location: Diamond Ridge Road, Zoe Street & Elliot Avenue
Diamond Ridge Area / Kachemak Bay APC**

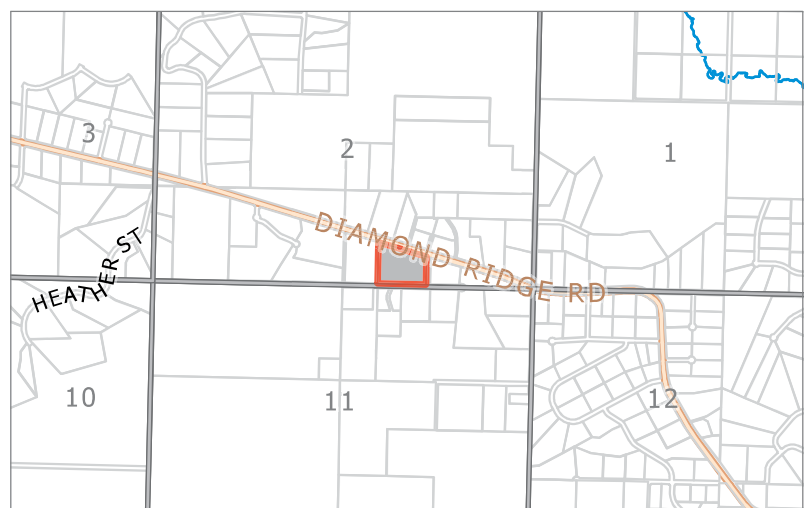
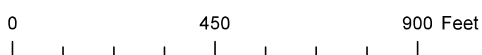


Vicinity Map



KPB File 2022-174
T 06S R 14W SEC 02
Diamond Ridge

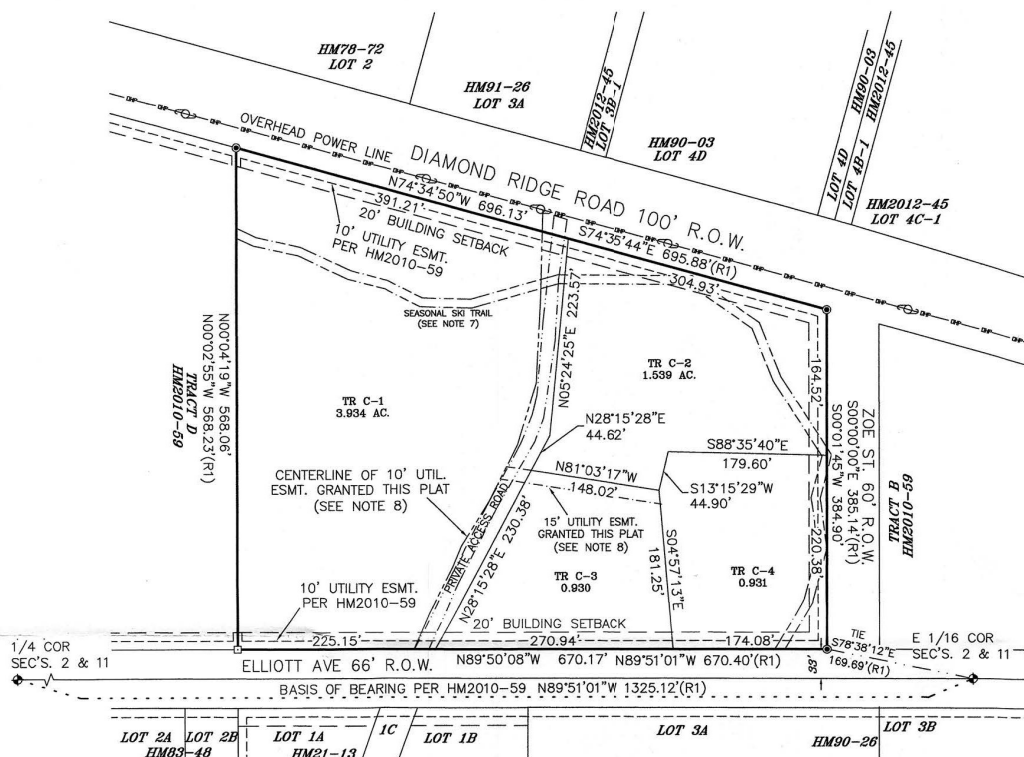
12/9/2022





Aerial View





NOTES

1. 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 PER HM2010-59.
2. THE FRONT 10 FEET OF THE 20 FOOT BUILDING SETBACK AND THE ENTIRE SETBACK WITHIN 5 FEET OF SIDE LOT LINES IS A UTILITY EASEMENT PER HM2010-59.
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. PER BOOK 19, PAGE 85, AND BOOK 41, PAGE 196 FILED IN HOMER RECORDING DISTRICT, A GENERAL EASEMENT WAS GRANTED TO HOMER ELECTRIC ASSOCIATION, INC. FOR ELECTRIC LINES OR SYSTEM AND/OR TELEPHONE LINES TOGETHER WITH RIGHT TO ENTER, MAINTAIN, REPAIR AND CLEAR SHRUBBERY WITH NO DEFINITE LOCATION DISCLOSED.
5. SUBJECT TO AN EASEMENT GRANT AGREEMENT AS CONTAINED IN INSTRUMENT SERIAL NO.: 2022-000582-0, HOMER RECORDING DISTRICT.
6. THERE ARE NO WETLANDS OR SLOPES GREATER THAN 20% IDENTIFIED ON KPB GIS MAPPING.
7. SKI TRAIL LOCATION SHOWN FOR INFORMATION ONLY. NO EASEMENT IS IMPLIED OR GRANTED BY THIS PLAT.
8. A 10 FOOT UTILITY EASEMENT CENTERED ON THE EXISTING UNDERGROUND ELECTRIC LINE LOCATED WEST OF THE PRIVATE ACCESS ROAD FROM DIAMOND RIDGE ROAD TO ELLIOT AVE, AND A 15 FOOT UTILITY EASEMENT ALONG THE NORTH PROPERTY LINE OF TRACT C-3 TO THE INTERSECTION OF THE EXISTING UNDERGROUND ELECTRIC LINE GRANTED THIS PLAT.
9. PRIVATE ACCESS ROAD SHOWN IS FOR USE OF OWNERS AND IS NOT DEDICATED TO PUBLIC USE.

WASTEWATER NOTE

TBD

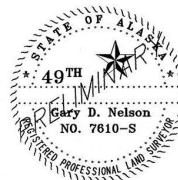
LEGEND

- ◆ MONUMENT OF RECORD
- FOUND 2" AL-CAP ON 5/8" REBAR BY 5780-S, 2010
- FOUND 5/8" REBAR
- (R1) RECORD DATA PER HM2010-59
- POWER POLE

PLAT APPROVAL

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of XX-XX-2022.
KENAI PENINSULA BOROUGH

BY _____
Authorized Official



PLAT #
Rec Dist
Date 20
Time M

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 grant all easements to the use shown.

DAPHNE MAXON
P.O. Box 1089
Anchor Point, AK 99556

DAWSON CABBAGE
P.O. Box 1089
Anchor Point, AK 99556

SHAHAR M. MAXON
P.O. Box 1089
Anchor Point, AK 99556

NOTARY'S ACKNOWLEDGEMENT

For DAPHNE MAXON
Acknowledged before me this _____ day of _____ 2023.

Notary public for Alaska _____ My Commission Expires _____

NOTARY'S ACKNOWLEDGEMENT

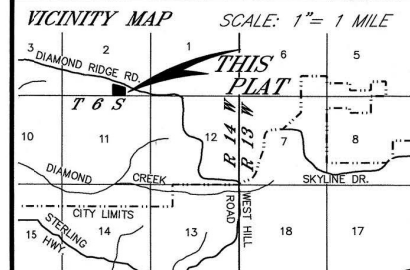
For DAWSON CABBAGE
Acknowledged before me this _____ day of _____ 2023.

Notary public for Alaska _____ My Commission Expires _____

NOTARY'S ACKNOWLEDGEMENT

For SHAHAR M. MAXON
Acknowledged before me this _____ day of _____ 2023.

Notary public for Alaska _____ My Commission Expires _____



SURREAL SUBDIVISION TRACT C REPLAT

A SUBDIVISION OF TRACT C, SURREAL SUBDIVISION UNIT 5 (HM2010-59), WITHIN THE SE1/4, SEC. 2, T6S, R14W, S.M., KENAI PENINSULA BOROUGH, THIRD JUDICIAL DISTRICT, HOMER RECORDING DISTRICT, ALASKA CONTAINING 7.334 ACRES

OWNERS:
DAWSON CABBAGE, SHAHAR M. MAXON & DAPHNE MAXON
P.O. Box 1089
ANCHOR POINT, AK 99556

ABILITY SURVEYS

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

KPB 2022-174

GRID No. AR-68 DRAWING: 5416 JOB No. 5416 SCALE 1"= 100' DATE 12-02-2022

KPB FILE No. 2022-_____

AGENDA ITEM E. NEW BUSINESS

ITEM 4 – SURREAL SUBDIVISION TRACT C REPLAT

KPB File No.	2022-174
Plat Committee Meeting:	January 9, 2023
Applicant / Owner:	Dawson Cabbage, Shahar and Daphane Maxon all of Anchor Point, Alaska
Surveyor:	Gary Nelson / Ability Surveys
General Location:	Diamond Ridge Road, Zoe Street, Elliott Avenue, Diamond Ridge area, Kachemak APC

Parent Parcel No.:	173-710-18
Legal Description:	Tract C, Surreal Subdivision Unit 5, HM 2010-59
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On Site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide a 7.334 acre parcel into four tracts that will range in size from .93 acres to 3.934 acres.

Location and Legal Access (existing and proposed): The proposed plat is located on Diamond Ridge Road, a 100 foot wide dedicated right-of-way managed by the State of Alaska. Abutting the eastern boundary is Zoe Street and along the south is Elliott Avenue. Zoe Street is dedicated at 60 feet wide and Elliott Avenue as 66 feet wide. Neither is constructed at this time. Section line easements are present along the south within the Elliott Avenue dedication.

An existing driveway exists from Diamond Ridge Road through the property to Elliott Avenue. A private access easement has been granted to the home located on Lot 1C south of Elliott Avenue. The private access easement is depicted and shown to be along the eastern property line for proposed Tract C-1 and will be fully within said tract. A plat note indicates the private access easement. **Staff recommends the label for the access easement include a reference to the plat note and the plat note include the serial number for the recorded easement.**

Proposed Tract C-1 will have access from Diamond Ridge Road and has the existing private access road within its boundary. Elliott Avenue will also be able to provide access. Tract C-2 will have access from Diamond Ridge Road and Zoe Street. Tract C-3 will have access from Elliott Avenue and Tract C-4 will also have access from Elliott Avenue and Zoe Street. Permitting and approval for access to Diamond Ridge Road will be done by Alaska DOT. **Staff recommends a plat note be added that states approval for access is through Alaska DOT.**

Zoe Street and Elliott Avenue are not currently constructed. If the owners wish to allow owners of the new lots to use the existing private access road, **staff recommends additional access easements be recorded when the ownership of the lots change.**

The block is defined by Diamond Ridge Road, Zoe Street, Elliott Avenue, and Zelda Flo Street. This is a closed and compliant block but only Diamond Ridge Road is constructed at this time.

East of Zoe Street, Elliott Avenue turns into Elliott Court and ends with a cul-de-sac. The continuation of the dedication was vacated by Surreal Subdivision Unit 5, Plat HM 2010-59. Per KPB available information, a section line easement still exists in that location.

KPB Roads Dept. comments	Out of Jurisdiction: No
--------------------------	-------------------------

	Roads Director: Painter, Jed Comments: No comments
SOA DOT comments	

Site Investigation: There are no low wet areas within the subdivision. The terrain is relatively flat with no steep slopes present.

As discussed above, there is an existing private access road within the subdivision that is subject to a recorded private easement. There does not appear to be any encroachment issues being created by this plat. There is a structure close to the property line in the southwest corner. This plat would not be creating an encroachment issue and would be a civil matter if it is encroaching. **Staff recommends the surveyor verify the location of the structure during the field survey and notify staff the status of the structure and if it is an issue and a statement for resolution.**

The plat does show a seasonal ski trail. This trail was depicted on the parent plat and the plat note is proposed to be carried over that states it is for information only and no easement is implied or granted. Unless an access easement is granted Tract C-4 will have to cross the existing ski trail for access. A comment was received by a land owner to the west. They are requesting the landowner grant a permanent easement for the trail. Staff was not able to find within KPB Code that this could be something we can require for this plat. If there is documentation to demonstrate an established public right to the trail we could address some options. At this time the granting of an easement atop the existing ski trail is at the discretion of the land owners. Based on the inclusion of Plat Note 7 there does not appear to be an interest in granting an easement.

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 NOT within HPD Comments: No comments C. State Parks Reviewer: Russell, Pam Comments: No Comments
State of Alaska Fish and Game	No objections

Staff Analysis The property within the proposed subdivision was unplatted until Surreal Subdivision Unit 5, Plat HM 2010-59, which created the current lot configuration. This will now divide that lot into four new tracts.

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.

This is within the Kachemak Bay Advisory Planning Commission area. The Advisory Planning Commission for this area has not been meeting due to lack of members.

Utility Easements Surreal Subdivision Unit 5, Plat HM 2010-59, granted 10 foot utility easements that increased to 20 feet within 5 feet of the side lot lines. The preliminary plat depicts that easement with a label and a plat note with both including the plat number that created the easement. The plat carries that over but will not be granting additional width at the new side lot lines based on the depiction and the wording within the plat note.

Utility easements granted by recorded documents are noted within plat note 4.

Additional easements will be granted by this plat over existing powerlines. The lines are depicted with labels and reference to plat note 8. One of the easements is labeled as 10 feet and the other as 15 feet with the plat note stating 10 feet. **Staff recommends** both labels should state 15 foot easements and update the plat note to 15.

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	Revise to 15 foot wide easement within Tract C-1 and within plat note 8
ENSTAR	No comments or recommendations
ACS	
GCI	

KPB department / agency review:

Addressing	Reviewer: Haws, Derek Affected Addresses: NA Existing Street Names are Correct: Yes List of Correct Street Names: DIAMOND RIDGE RD ELLIOT AVE ZOE ST Existing Street Name Corrections Needed: All New Street Names are Approved: No List of Approved Street Names: List of Street Names Denied: Comments: No addresses affected by this subdivision.
Code Compliance	Reviewer: Ogren, Eric Comments: No comments
Planner	Reviewer: Raidmae, Ryan There are not any Local Option Zoning District issues with this proposed plat. Material Site Comments: There are not any material site issues with this proposed plat.
Assessing	Reviewer: Windsor, Heather Comments: No comment

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

STAFF RECOMMENDATIONS
CORRECTIONS / EDITS

Check the recorded distances for accuracy on the side lines of the plat.

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: For Lots 1A, 1C, and 1B to the south, adjust the plat number so it is clear it is for all three lots. Update the label Lot 4A located to the north and east of Lot 4D. East of Zoe Street, add a label for Elliott Court.

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 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.

20.60.180. 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."
- The certificate to plat indicated some additional easements were granted by recorded document. Add a plat note, "Subject to private easements recorded in Book 107 Page 333 and Book 122 Page 258, Homer Recording District." Depict the easements as described and if it is found that those easements are no longer within this subdivision work with the title company for removal or if the

easements are now within a dedicated right-of-way they do not require depiction but add to the note "Easements are located within the STREET NAME right-of-way dedication."

Update or corrections to plat notes on the preliminary plat.

- *Remove "Per HM2010-59" from plat note 1.*
- *As requested by HEA update plat note 8 to "15".*
- *Add the serial number for the private access easement within plat note 9 or combine the note with note 5.*

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



WASTEWATER DISPOSAL

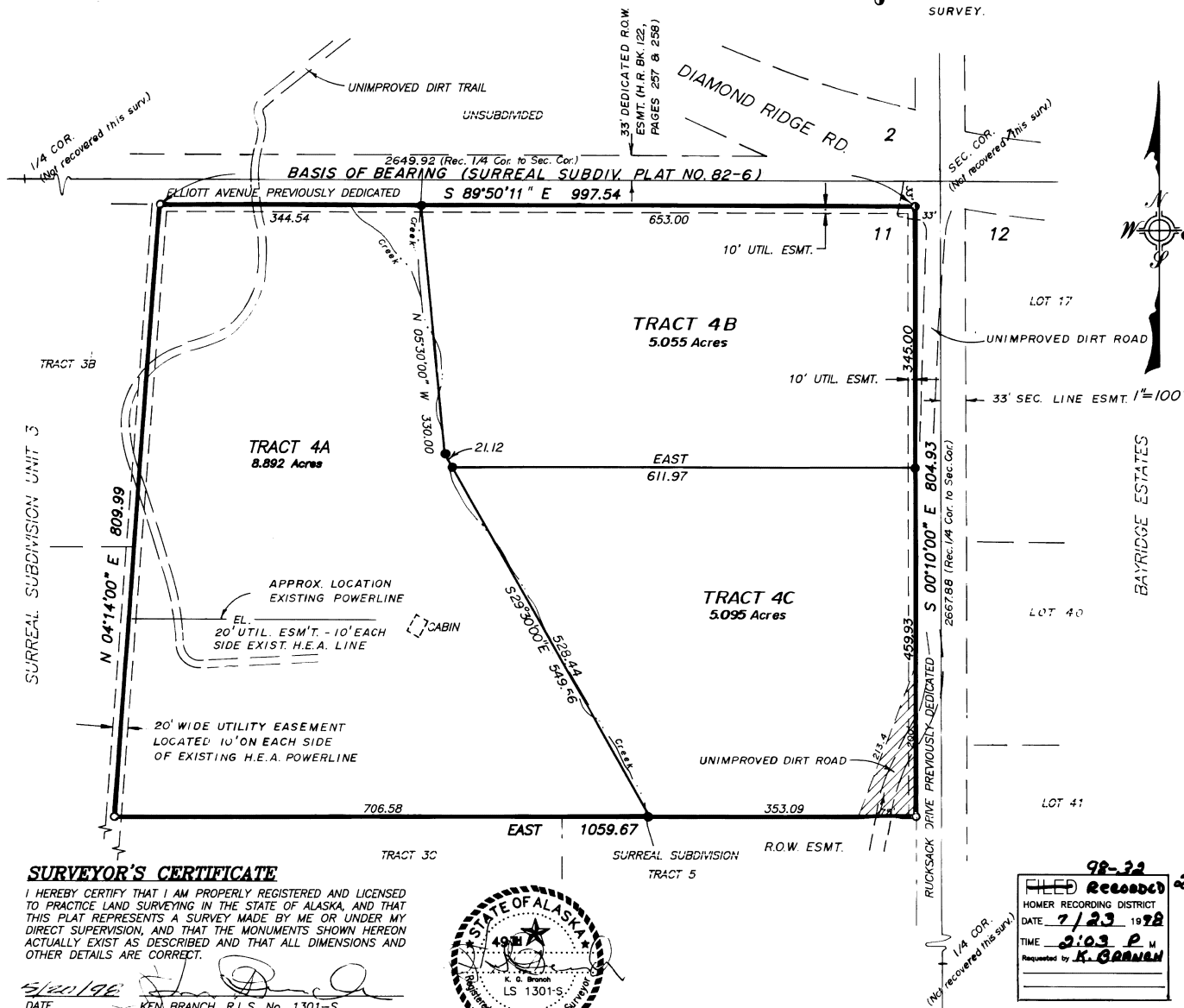
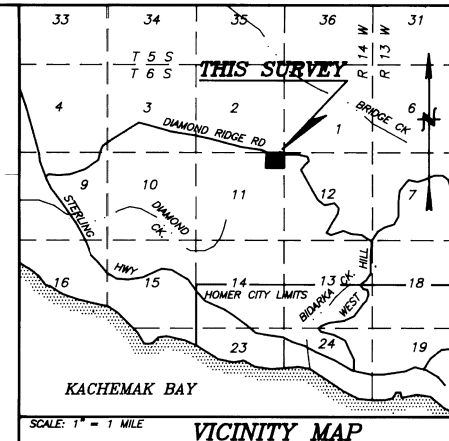
THESE LOTS ARE AT LEAST 200,000 SQUARE FEET OR NOMINAL 5 ACRES IN SIZE AND CONDITIONS MAY NOT BE SUITABLE FOR ONSITE WASTEWATER TREATMENT AND DISPOSAL. ANY WASTEWATER TREATMENT OR DISPOSAL SYSTEM MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPT. OF ENVIRONMENTAL CONSERVATION.

NOTES

1. A BUILDING 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.
2. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN AN EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF THE UTILITY TO USE THE EASEMENT.
3. NO ACCESS TO STATE MAINTAINED RIGHTS-OF-WAY PERMITTED UNLESS APPROVED BY STATE OF ALASKA DEPT. OF TRANSPORTATION.
4. THE FRONT 10' OF THE 20' BUILDING SETBACK AND WITHIN 5' OF THE SIDE LOT LINES IS A UTILITY EASEMENT.

LEGEND

- INDICATES 5/8" REBAR WITH 2" ALCAP SET THIS SURVEY.
- INDICATES ADJACENT PROPERTY LINES
- INDICATES 1 1/2" ALCAP SET IN 1981, 1301-S RECOVERED THIS SURVEY.
- /// INDICATES R.O.W. EASEMENT DEDICATED THIS PLAT.
- INDICATES 5/8" REBAR RECOVERED THIS SURVEY.



SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I AM PROPERLY REGISTERED AND LICENSED TO PRACTICE LAND SURVEYING 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 HEREON ACTUALLY EXIST AS DESCRIBED AND THAT ALL DIMENSIONS AND OTHER DETAILS ARE CORRECT.

5/20/98
DATE
KEN BRANCH, R.L.S. No. 1301-S



98-32
FILED
HOMER RECORDING DISTRICT
DATE 7/23 1998
TIME 2:03 P.M.
Requested by K. Branch

KPB File No. 97-274

CERTIFICATE OF OWNERSHIP

I HEREBY CERTIFY THAT I AM THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON, THAT I HEREBY ADOPT THIS PLAT 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 HEREON.

Michael W. Sirl
MICHAEL W. SIRL
65105 ELLIOTT AVE.
HOMER, ALASKA 99603

NOTARY'S ACKNOWLEDGEMENT

SUBSCRIBED AND SWORN TO BEFORE ME THIS 25th DAY OF June, 1998

FOR: MICHAEL W. SIRL
Notary Public for State of New York

MY COMMISSION EXPIRES
MARY ELLEN HUGHES
Notary Public, State of New York
No. 304772454
Qualified in Nassau County
Commission Expires June 30, 1998

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF November 24, 1997
KENAI PENINSULA BOROUGH BY: [Signature]
AUTHORIZED OFFICIAL

SURREAL SUBDIVISION

UNIT 4

A subdivision of Tract 4 of the Surreal Subdivision situated within a portion of the N1/2 NE 1/4 of Section 11, T.6S, R.14W, S.M., Alaska CONTAINING 19.042 ACRES MORE OR LESS
HOMER RECORDING DISTRICT, ALASKA

Prepared For: Michael W. Sirl
65105 Elliott Ave.
Homer, Alaska
Prepared By: Ken Branch, R.L.S.
Box 1295
Homer, Alaska 99603

DRAWN BY: H.F.	DATE: 10/10/97	SCALE: 1" = 100'
CHK BY: K.B.	JOB #97-41	SHEET 1 OF 1

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.

Plat Approval

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

SEPTEMBER 13, 2010

KENAI PENINSULA BOROUGH

By: *[Signature]*
Authorized Official

Owners Certification

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.

[Signature] 11-24-10
Date
Donald Wellington Marlatt
460 Grubstake Avenue
Homer AK 99603

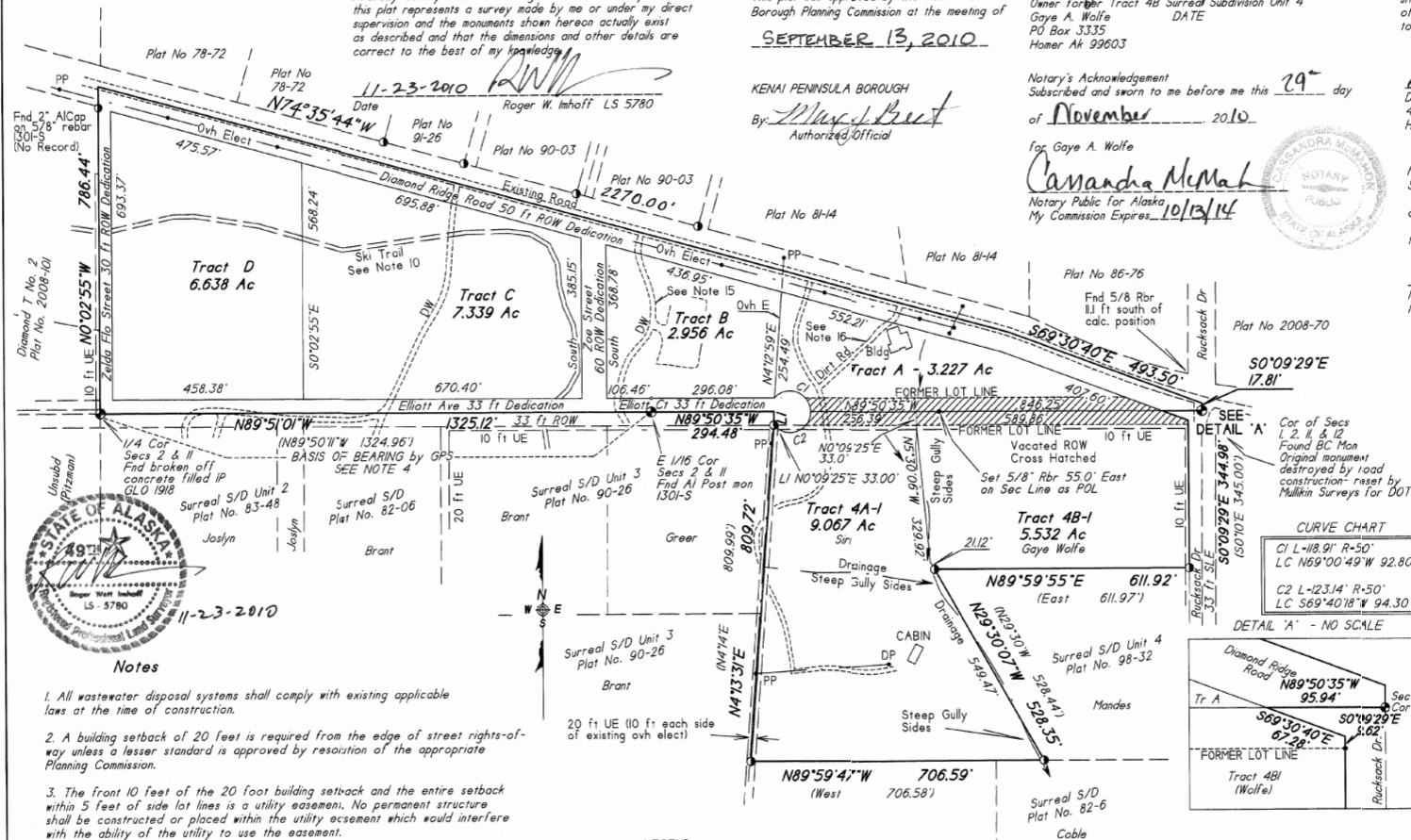
Notary's Acknowledgment
Subscribed and sworn to me before me this 29th day
of November 2010

For Gaye A. Wolfe
[Signature]
Notary Public for Alaska
My Commission Expires 10/13/14

Notary's Acknowledgment
Subscribed and sworn to me before me this 24th day
of November 2010

For Donald Wellington Marlatt

Notary Public for Alaska
My Commission Expires 8/28/2014



Signature Sheet

Sheet 2 of 4

Surreal Subdivision Unit 5

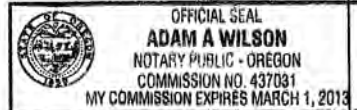
I hereby certify that I am the owner of the real property shown and described hereon and that I hereby adopt this plan of subdivision and by my free consent dedicate all rights-of-way to public use and grant all easements to the use shown.

Michael W. Sirl 11/29/2010
 Michael W. Sirl Date
 2866 Talbot Rd. S.
 Jefferson, Or. 97352

Notary's Acknowledgement
 Subscribed and sworn to me before me this 29th day
 of November, 2010

for Michael W. Sirl

Adam Wilson
 Notary Public for Oregon
 My Commission Expires March 1, 2013



Surreal Subdivision Unit 5

Being a partial vacation of the ROW of Elliott Avenue AND
 a subdivision of that portion of the S 1/2 SE 1/4
 Section 2, Township 6 South, Range 14 West, Seward
 Meridian, lying south of Diamond Ridge Road AND
 Tracts 4A and 4B Surreal Subdivision Unit 4 Plat No 98-32

within the Kenai Peninsula Borough

Homer Recording District
 Third Judicial District, Alaska

Containing 40.286 Acres, more or less

Clients:
 Sirl, Brant, Marlatt, Ford,
 and Wolfe
 Homer Ak 99603

Surveyor:
 Roger W. Imhoff, RLS
 PO Box 2588
 Homer AK 99603

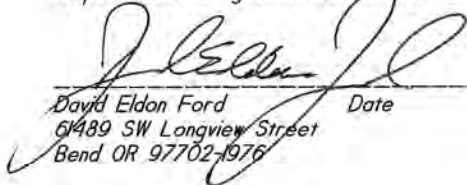
KPB File No 2010-116 KPB File No 2010-119

Signature Sheet

Sheet 3 of 4

Surreal Subdivision Unit 5

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

 12-1-10
 David Eldon Ford Date
 61489 SW Longview Street
 Bend OR 97702-1976

Notary's Acknowledgement
 Subscribed and sworn to me before me this 1st day

of December, 2010

for David Eldon Ford





Notary Public for Deschutes Co. Oregon

My Commission Expires Oct. 7, 2011

Surreal Subdivision Unit 5

Being a partial vacation of the ROW of Elliot Avenue AND
 a subdivision of that portion of the S 1/2 SE 1/4
 Section 2, Township 6 South, Range 14 West, Seward
 Meridian, lying south of Diamond Ridge Road AND
 Tracts 4A and 4B Surreal Subdivision Unit 4 Plat No 98-32

within the Kenai Peninsula Borough

Homer Recording District
 Third Judicial District, Alaska

Containing 40.286 Acres, more or less

Clients:
 Sirl, Brant, Marlatt, Ford,
 and Wolfe
 Homer Ak 99603

Surveyor:
 Roger W. Imhoff, RLS
 PO Box 2588
 Homer AK 99603

KPB File No 2010-116 KPB File No 2010-119

Signature Sheet

Sheet 4 of 4

Surreal Subdivision Unit 5

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 J. Brant, Jr. 12/8/10 Pamela J. Brant 12/8/10
 Robert J. Brant, Jr. Date Pamela J. Brant Date
 65299 Elliott Ave
 Homer AK 99603

Notary's Acknowledgement
 Subscribed and sworn to me before me this 8th day
 of December, 2010

For Robert J. Brant, Jr and Pamela J. Brant

Mary Ann Rowe

Notary Public for ALASKA

My Commission Expires 7-30-14

STATE OF ALASKA
 NOTARY PUBLIC
 MARY ANN ROWE
 My Commission Expires _____

Surreal Subdivision Unit 5

Being a partial vacation of the ROW of Elliott Avenue AND
 a subdivision of that portion of the S 1/2 SE 1/4
 Section 2, Township 6 South, Range 14 West, Seward
 Meridian, lying south of Diamond Ridge Road AND
 Tracts 4A and 4B Surreal Subdivision Unit 4 Plat No 98-32

within the Kenai Peninsula Borough

Homer Recording District
 Third Judicial District, Alaska

Containing 40.286 Acres, more or less

Clients:
 Sirl, Brant, Marlatt, Ford,
 and Wolfe
 Homer AK 99603

Surveyor:
 Roger W. Imhoff, RLS
 PO Box 2588
 Homer AK 99603

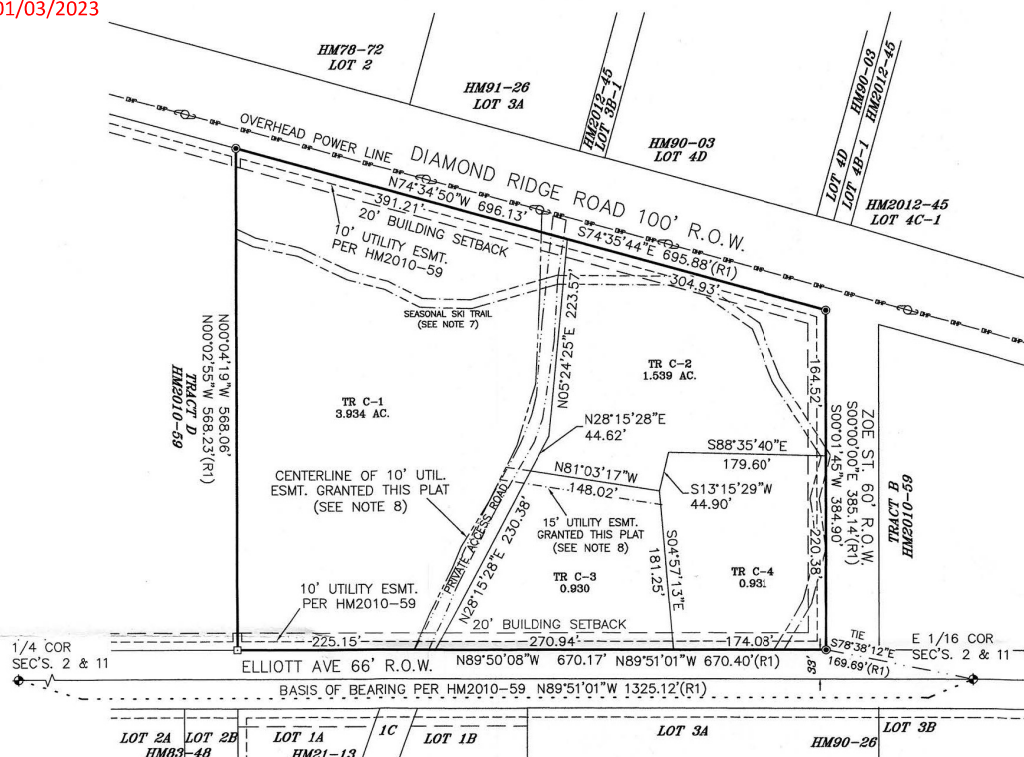
KPB File No 2010-116 KPB File No 2010-119

DESK PACKET

(Items submitted after the packet publish date of 01-05-23)

- 4. Surreal Subdivision Tract C Replat; KPB File 2022-174
Ability Surveys / Cabbage, Maxon
Location: Diamond Ridge Road, Zoe Street & Elliot Avenue
Diamond Ridge Area / Kachemak Bay APC**

AS LONG AS 10' EASEMENT (POINT 8) COVERS ACS UTILITIES WE HAVE NO OBJECTIONS.
ALASKA COMMUNICATIONS.
IWO OLEWNICZAK OSPE2 01/03/2023



NOTES

1. 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 PER HM2010-59.
2. THE FRONT 10 FEET OF THE 20 FOOT BUILDING SETBACK AND THE ENTIRE SETBACK WITHIN 5 FEET OF SIDE LOT LINES IS A UTILITY EASEMENT PER HM2010-59.
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. PER BOOK 19, PAGE 85, AND BOOK 41, PAGE 196 FILED IN HOMER RECORDING DISTRICT, A GENERAL EASEMENT WAS GRANTED TO HOMER ELECTRIC ASSOCIATION, INC. FOR ELECTRIC LINES OR SYSTEM AND/OR TELEPHONE LINES TOGETHER WITH RIGHT TO ENTER, MAINTAIN, REPAIR AND CLEAR SHRUBBERY WITH NO DEFINITE LOCATION DISCLOSED.
5. SUBJECT TO AN EASEMENT GRANT AGREEMENT AS CONTAINED IN INSTRUMENT SERIAL NO.: 2022-000582-0, HOMER RECORDING DISTRICT.
6. THERE ARE NO WETLANDS OR SLOPES GREATER THAN 20% IDENTIFIED ON KPB GIS MAPPING.
7. SKI TRAIL LOCATION SHOWN FOR INFORMATION ONLY. NO EASEMENT IS IMPLIED OR GRANTED BY THIS PLAT.
8. A 10 FOOT UTILITY EASEMENT CENTERED ON THE EXISTING UNDERGROUND ELECTRIC LINE LOCATED WEST OF THE PRIVATE ACCESS ROAD FROM DIAMOND RIDGE ROAD TO ELLIOT AVE, AND A 15 FOOT UTILITY EASEMENT ALONG THE NORTH PROPERTY LINE OF TRACT C-3 TO THE INTERSECTION OF THE EXISTING UNDERGROUND ELECTRIC LINE GRANTED THIS PLAT.
9. PRIVATE ACCESS ROAD SHOWN IS FOR USE OF OWNERS AND IS NOT DEDICATED TO PUBLIC USE.

WASTEWATER NOTE

TBD

LEGEND

- ◆ MONUMENT OF RECORD
- FOUND 2" AL-CAP ON 5/8" REBAR BY 5780-S, 2010
- FOUND 5/8" REBAR
- (R1) RECORD DATA PER HM2010-59
- ⊙ POWER POLE

PLAT APPROVAL

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of XX-XX-2022.
KENAI PENINSULA BOROUGH

BY _____
Authorized Official



PLAT #	
Rec Dist	
Date	20
Time	M

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 grant all easements to the use shown.

DAPHNE MAXON
P.O. Box 1089
Anchor Point, AK 99556

DAWSON CABBAGE
P.O. Box 1089
Anchor Point, AK 99556

SHAHAR M. MAXON
P.O. Box 1089
Anchor Point, AK 99556

NOTARY'S ACKNOWLEDGEMENT

For DAPHNE MAXON
Acknowledged before me this _____ day of _____ 2023.

Notary public for Alaska My Commission Expires _____

NOTARY'S ACKNOWLEDGEMENT

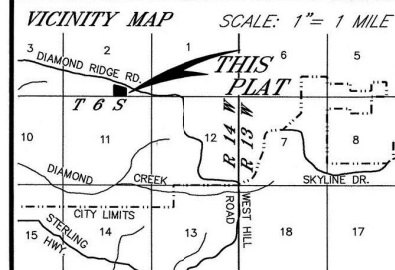
For DAWSON CABBAGE
Acknowledged before me this _____ day of _____ 2023.

Notary public for Alaska My Commission Expires _____

NOTARY'S ACKNOWLEDGEMENT

For SHAHAR M. MAXON
Acknowledged before me this _____ day of _____ 2023.

Notary public for Alaska My Commission Expires _____



SURREAL SUBDIVISION TRACT C REPLAT

A SUBDIVISION OF TRACT C, SURREAL SUBDIVISION UNIT 5 (HM2010-59), WITHIN THE SE1/4, SEC. 2, T6S, R14W, S.M., KENAI PENINSULA BOROUGH, THIRD JUDICIAL DISTRICT, HOMER RECORDING DISTRICT, ALASKA CONTAINING 7.334 ACRES

OWNERS:
DAWSON CABBAGE, SHAHAR M. MAXON & DAPHNE MAXON
P.O. Box 1089
ANCHOR POINT, AK 99556

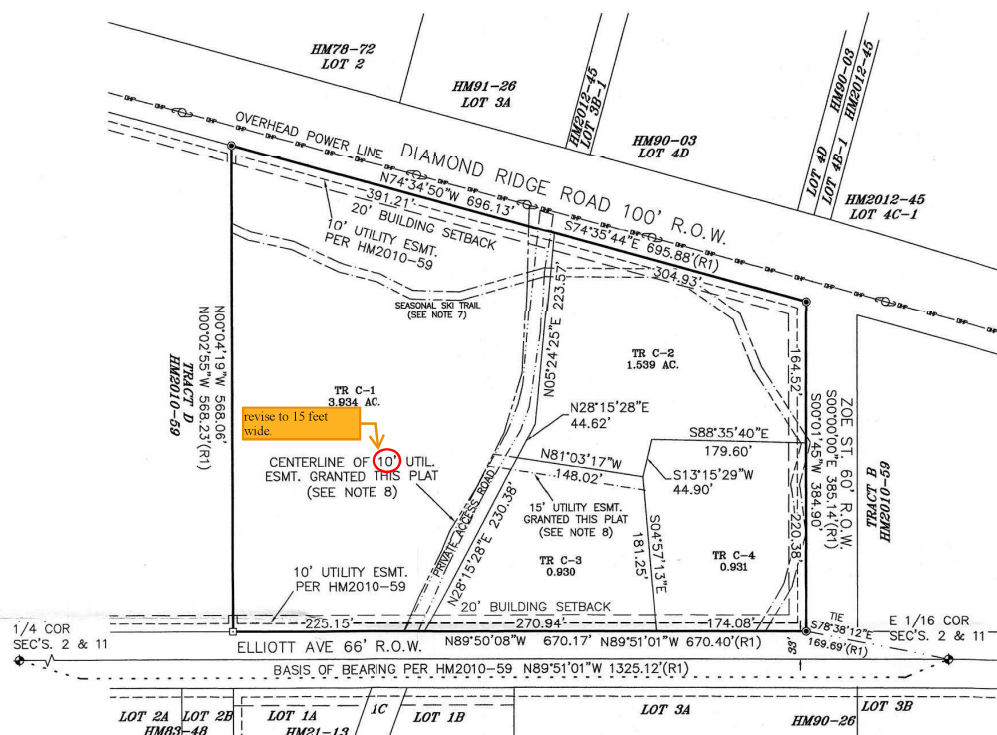
ABILITY SURVEYS

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

KPB 2022-174

GRID No. AR-68 DRAWING: 5416 JOB No. 5416 SCALE 1"= 100' DATE 12-02-2022

KPB FILE No. 2022-_____



NOTES

1. 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 PER HM2010-59.
2. THE FRONT 10 FEET OF THE 20 FOOT BUILDING SETBACK AND THE ENTIRE SETBACK WITHIN 5 FEET OF SIDE LOT LINES IS A UTILITY EASEMENT PER HM2010-59.
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. PER BOOK 19, PAGE 85, AND BOOK 41, PAGE 196 FILED IN HOMER RECORDING DISTRICT, A GENERAL EASEMENT WAS GRANTED TO HOMER ELECTRIC ASSOCIATION, INC. FOR ELECTRIC LINES OR SYSTEM AND/OR TELEPHONE LINES TOGETHER WITH RIGHT TO ENTER, MAINTAIN, REPAIR AND CLEAR SHRUBBERY WITH NO DEFINITE LOCATION DISCLOSED.
5. SUBJECT TO AN EASEMENT GRANT AGREEMENT AS CONTAINED IN INSTRUMENT SERIAL NO.: 2022-000582-0, HOMER RECORDING DISTRICT.
6. THERE ARE NO WETLANDS OR SLOPES GREATER THAN 20% IDENTIFIED ON KPB GIS MAPPING.
7. SKI TRAIL LOCATION SHOWN FOR INFORMATION ONLY. NO EASEMENT IS IMPLIED OR GRANTED BY THIS PLAT.
8. A 10 FOOT UTILITY EASEMENT CENTERED ON THE EXISTING UNDERGROUND ELECTRIC LINE LOCATED WEST OF THE PRIVATE ACCESS ROAD FROM DIAMOND RIDGE ROAD TO ELLIOT AVE, AND A 15 FOOT UTILITY EASEMENT ALONG THE NORTH PROPERTY LINE OF TRACT C-3 TO THE INTERSECTION OF THE EXISTING UNDERGROUND ELECTRIC LINE GRANTED THIS PLAT.
9. PRIVATE ACCESS ROAD SHOWN IS FOR USE OF OWNERS AND IS NOT DEDICATED TO PUBLIC USE.

WASTEWATER NOTE

TBD

LEGEND

- ◆ MONUMENT OF RECORD
- FOUND 2" AL-CAP ON 5/8" REBAR EY 5780-S, 2010
- FOUND 5/8" REBAR
- (R1) RECORD DATA PER HM2010-59
- ⊙ POWER POLE

PLAT APPROVAL

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

KENAI PENINSULA BOROUGH

BY _____

Authorized Official

HEA REVIEWED - SEE COMMENTS

Scott Huff

Scott Huff 12/22/2022
Land Management Officer



PLAT #	
Rec Dist	
Date	20
Time	M

KPB FILE No. 2022-_____

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 grant all easements to the use shown.

DAPHNE MAXON
P.O. Box 1089
Anchor Point, AK 99556

DAWSON CABBAGE
P.O. Box 1089
Anchor Point, AK 99556

SHAHAR M. MAXON
P.O. Box 1089
Anchor Point, AK 99556

NOTARY'S ACKNOWLEDGEMENT

For DAPHNE MAXON

Acknowledged before me this

_____ day of _____ 2023.

Notary public for Alaska

My Commission Expires

NOTARY'S ACKNOWLEDGEMENT

For DAWSON CABBAGE

Acknowledged before me this

_____ day of _____ 2023.

Notary public for Alaska

My Commission Expires

NOTARY'S ACKNOWLEDGEMENT

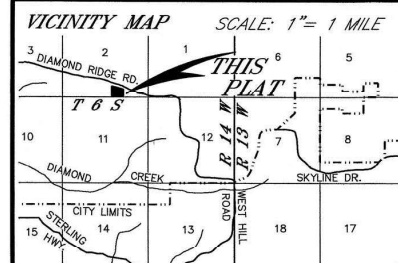
For SHAHAR M. MAXON

Acknowledged before me this

_____ day of _____ 2023.

Notary public for Alaska

My Commission Expires



SURREAL SUBDIVISION TRACT C REPLAT

A SUBDIVISION OF TRACT C, SURREAL SUBDIVISION UNIT 5 (HM2010-59), WITHIN THE SE1/4, SEC. 2, T6S, R14W, S.M., KENAI PENINSULA BOROUGH, THIRD JUDICIAL DISTRICT, HOMER RECORDING DISTRICT, ALASKA CONTAINING 7.334 ACRES

OWNERS:
DAWSON CABBAGE, SHAHAR M MAXON &
DAPHNE MAXON
P.O. Box 1089
ANCHOR POINT, AK 99556

ABILITY SURVEYS

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

KPB 2022-174

GRID No. AR-68 DRAWING: 5416 JOB No. 5416 SCALE 1" = 100' DATE 12-02-2022

Quinton, Madeleine

From: Planning Dept,
Sent: Friday, January 6, 2023 8:27 AM
To: Quinton, Madeleine
Subject: FW: <EXTERNAL-SENDER> Platting Committee meeting for Jan. 9, 2023, and KPB File 22-174

Madeleine

From: Michael Armstrong <wordfolk@gmail.com>
Sent: Thursday, January 5, 2023 9:26 PM
To: Planning Dept, <planning@kpb.us>
Subject: <EXTERNAL-SENDER> Platting Committee meeting for Jan. 9, 2023, and KPB File 22-174

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.

Jan. 5, 2023

Platting Committee members:

I am a landowner and resident of 65240 Diamond Ridge Road, with our house located on lot 4A north of the proposed replat.

I have these comments:

- The staff report for KPB File 22-174, a replat of Surreal Subdivision Tract C, was not made publicly available until today, Jan. 5, 2023. The notice for this replat said the report would be available the Monday before the Jan. 9 meeting, that is, Jan. 2. Since that was a holiday, it should have been available on Jan. 3. Because the staff report was not made public until the day before comments were due, I request that the Platting Committee hold a public hearing at its Jan. 9 meeting, but keep the hearing open and take no action until its next meeting so that nearby residents may have more time to review and research the staff report.
- Staff report item G: The report recommends that the replat should "update the label lot 4A located to the north and east of Lot 4D." The replat incorrectly identifies the flag portion of lot 4A as being lot 4D. It would be more precise to say that the replat should "correct the label of the flag portion of lot 4A to the north and east of Lot 4D." The label on the replat does not need updating; it needs correcting.
- Kachemak Nordic Ski Association Sunset Loop Ski Trail: For at least 25 years, I and other members of the Kachemak Nordic Ski Club have enjoyed use of a portion of the Sunset Loop Ski Trail identified on the replat of Tract C. The staff report reads "If there is documentation to demonstrate a public right to the trail we could address some options." I would recommend that the property owners and the ski club meet to investigate if that portion of the trail has fallen into the public domain. Such an investigation should consider any prior

agreements with the previous landowners and if those agreements dedicate an easement for the ski club on that property.

If there is not a public right or easement, I would also recommend that the landowners work with the ski club to negotiate an easement, with the potential for the ski club to purchase that easement.

Note that there exist rights of way to the east of Tract C and along Diamond Ridge Road that could allow for rerouting of the ski trail. Such a reroute might involve clearing of trees and brush, and this could possibly mean removing vegetation that offers the Tract C landowners some privacy.

While I do not know the Tract C landowners' intent to develop their property, I would note that if they choose to build vacation rentals, nearby access to a well groomed and popular ski trail system could make that rental more attractive to potential customers. Protecting the ski trail also would be in the interest of enhancing good neighbor relations.

- I concur with the staff's recommendation that if owners of the new lots want access to the private road "additional access easements be recorded when the ownership of the lots change."

All but proposed lot C-4 will have access to this private driveway. For lot C-4 to have road access, the owners would need to develop a road along Elliott Avenue to the private driveway (if they have access) or along Zoe Street. If they develop Elliott Avenue to the driveway, and that new road is to borough standards, the borough may be required to maintain a road but not the private driveway — a problematic issue for road maintenance. A better solution might be to replat C-4 such that there is a flag portion of the lot connecting to the private driveway along the north edge of lot C-3. The owners of lots C-3 and C-4 could collaborate on a driveway connecting their driveways to the private road.

- Wastewater disposal requirements: While lots C-3 and C-4 at .9 acres each may technically meet the requirements of borough code, practically speaking it may be difficult or expensive to build a septic field on those lots. I concur with the staff's recommendation requiring a soils test.

Most of the lots in the Diamond Ridge Road area are 1.25 acres or more. Since the replat would allow for larger lots, it might be more practical to increase the size of lots C-3 and C-4 to 1.25 acres each to provide property owners more options in selecting a septic field. Given the issue with road access and potential septic field sighting, lots C-3 and C-4 might be difficult to sell if replatted as suggested. The Platting Board is not required to make land easy to sell, but the public interest is best served if a slight change can protect potential buyers. This issue also could be resolved by combining lots C-3 and C-4 in the replat.

* Light pollution: While I could not find anything in borough code regarding light sources on buildings, the Diamond Ridge area traditionally has been a dark sky area where residents can enjoy the beauty of the winter and night sky, including northern lights, without the distraction of bright lights. I would recommend to the landowners that any exterior lights be designed with light shields or lower brightness lights to minimize light pollution. Alternatively, motion-sensor lights could be installed that would go off after a reasonable time. The Dark Sky website, <https://www.darksky.org/our-work/lighting>, has some excellent resources for minimizing light pollution.

Thank you for your consideration.

Best,

Michael Armstrong
65240 Diamond Ridge Road
Homer, Alaska 99603
wordfolk@gmail.com

Quainton, Madeleine

From: Planning Dept,
Sent: Tuesday, December 27, 2022 8:04 AM
To: Quainton, Madeleine
Subject: FW: <EXTERNAL-SENDER>KPB File 2022-174

Madeleine

From: Megan Corazza <megancorazza@hotmail.com>
Sent: Saturday, December 24, 2022 11:19 AM
To: Planning Dept, <planning@kpb.us>
Subject: <EXTERNAL-SENDER>KPB File 2022-174

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.

To The Kenai Peninsula Borough Planning Commission,

My name is Megan Corazza and I live on Dimond Ridge at 40953 Knott Circle. I received a notice of Subdivision for T 062 R 14W Sec 02.

My comments pertain to the ski trail location on the plat for which no easement is implied or granted.

I believe that one of the defining and wonderful characteristics of our community here on top of Dimond Ridge is the Sunset Loop Winter Only Ski Trail. There is great community volunteerism and involvement in this trail. One of our neighbors runs his tractor to mow the trail system in the fall, our other neighbors groom and maintain the trail, and we all ski on it almost every day during the winter. It is a gem for Homer's outdoor enthusiasts and it is the main reason that I bought land and a house here so that I could raise my son skiing out the door. I believe that having dedicated trails is something that is extremely important for all of us in Homer, as well as everyone else who travels from elsewhere in Alaska to ski our beautiful trail system.

I would like to ask that the land owners consider making a permanent trail easement for the winter only ski trail as they continue to divide up this parcel of land. Sometimes land owners believe that a trail could simply be rerouted on an existing parcel line easement if a future owner didn't want the trail on their land, but in this case the easements are right next to the road which get very dirty and gritty from passing snowplows.

I think that the magic of this neighborhood is our ski trail system, and I hope that our new neighbors can join us in helping making a permanent trail easement for current and future generations to enjoy.

Thank you for your consideration,

Megan Corazza
Box 732

Homer, AK 99603
(907) 299-0687

Hindman, Julie

From: Planning Dept,
Sent: Thursday, January 5, 2023 10:13 AM
To: Hindman, Julie
Subject: FW: <EXTERNAL-SENDER>Replat KPB File No. 2022-174

-----Original Message-----

From: Jenny Stroyeck <wordfolk@xyz.net>
Sent: Wednesday, January 4, 2023 5:41 PM
To: Planning Dept, <planning@kpb.us>
Subject: <EXTERNAL-SENDER>Replat KPB File No. 2022-174

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.

To whom it may concern:

Thank you for the notice concerning this replat.

I understand that the replatted lots meet the minimum size requirements for the borough code for this area. However, because of my personal knowledge and experience, and that of other nearby landowners, I am concerned that the soils here will not support 4 wells and septic systems with the 100 foot separation required for safety within this lot size. I would suggest that a soils study be added as a requirement to this petition to subdivide.

Also, the ski trail shown (for informational purposes only) on the plat map is a long-time trail maintained by the Kachemak Nordic Ski Club for the use of cross-country skiers in the Homer area (and visitors, of course!). I suspect it is outside the scope of the planning commission to encourage that this ski trail be retained, but I would encourage the borough to develop a plan for recreational easements where properties have had trails continuously for long periods. Winter recreation is an important mental and physical health asset to residents of the borough, and it would be nice to see official support.

Thanks for your time-

Jennifer Stroyeck
65240 Diamond Ridge Rd.
Homer, AK 99603

E. NEW BUSINESS

- 6. Hank & Mattie Bartos Subdivision; KPB File 2022-180
Edge Survey & Design, LLC
Bureau of Indian Affairs, Minium, Lee
Location: Lois Anne Lane, Jacque Street & Bend Street
Nikiski Area / Nikiski APC**

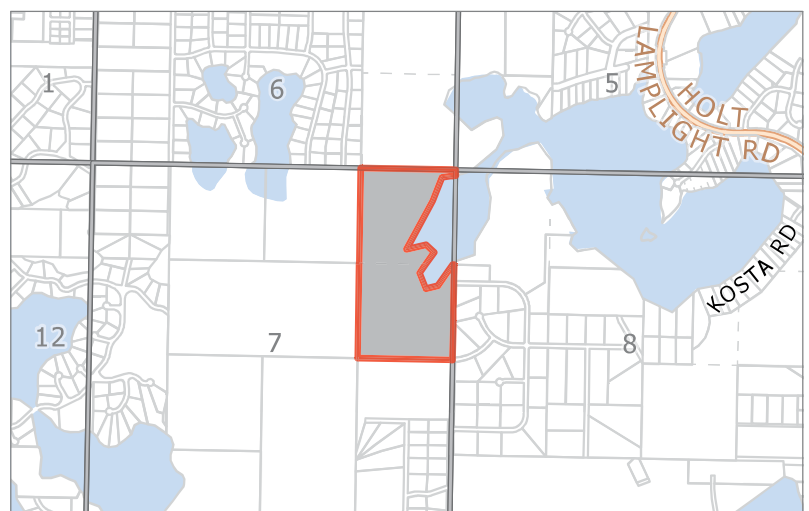
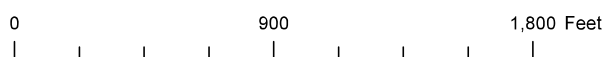


Vicinity Map



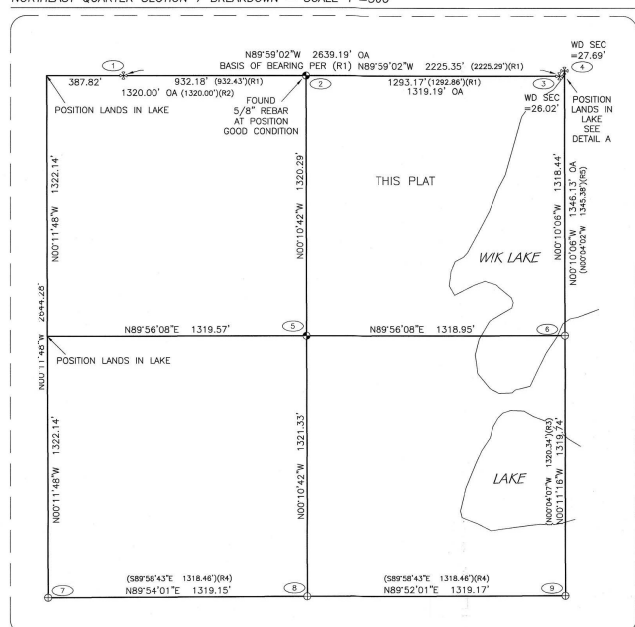
KPB File 2022-180
T 07N R 11W SEC 07
Nikiski

12/16/2022





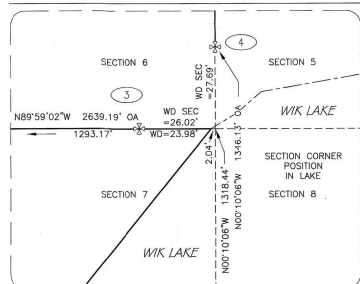
NORTHEAST QUARTER SECTION 7 BREAKDOWN - SCALE 1"=300'



DETAIL A - SCALE 1"=30'

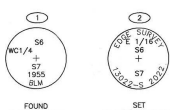
LINE	BEARING	DISTANCE
L1	N38°41'08"E	88.79'
L2	S59°37'55"W	78.18'
L3	N40°07'26"E	79.76'
L4	N15°41'55"E	174.77'
L5	S28°14'05"W	89.14'
L6	S20°45'39"W	110.21'
L7	N27°33'40"E	133.92'
L8	N41°28'57"E	30.12'
L9	S67°40'51"W	48.90'
L10	S24°01'05"W	55.40'
L11	N06°55'38"E	73.34'
L12	N30°08'13"W	55.19'
L13	N63°05'57"E	114.89'
L14	S70°11'01"W	56.02'
L15	N72°24'59"W	58.46'
L16	N50°48'13"W	103.78'
L17	N19°36'04"W	26.38'
L18	N14°40'40"E	28.00'
L19	N60°07'45"E	130.40'
L20	N30°20'52"E	109.52'
L21	N14°43'36"E	87.53'
L22	S08°19'52"E	96.18'
L23	S30°01'01"E	98.99'
L24	N63°29'40"W	54.69'
L25	S8°19'00"W	66.34'
L26	N69°20'54"E	97.04'
L27	N25°16'22"E	91.19'
L28	S26°48'09"W	97.12'
L29	S37°34'36"W	181.19'
L30	N51°45'27"W	62.72'
L31	S50°41'25"E	59.36'
L32	S69°12'05"E	70.41'
L33	S60°18'48"E	56.56'
L34	N87°37'49"W	67.37'
L35	S71°46'46"W	42.49'
L36	N36°06'53"E	67.03'
L37	N14°55'57"E	56.26'
L38	N33°30'10"E	78.76'
L39	S24°13'58"W	65.64'
L40	N22°41'55"E	141.45'
L41	S13°40'13"W	118.25'
L42	S14°07'58"E	34.43'
L43	N68°37'38"W	85.11'
L44	S62°35'03"E	75.88'
L45	N82°07'13"E	34.43'
L46	N82°48'44"E	110.26'
L47	N86°35'49"W	57.53'
L48	N79°17'28"E	73.59'
L49	S00°10'42"E	30.00'
L50	S89°48'44"W	30.00'
L51	S89°48'44"W	30.00'
L52	N00°10'06"W	67.26'

DETAIL A - SCALE 1"=30'



PRELIMINARY PLAT

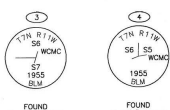
MONUMENT SUMMARY



FOUND
3-1/4" BRASS
MONUMENT
0.2' ABOVE GRADE
GOOD CONDITION



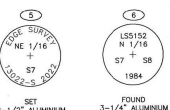
SET
2-1/2" ALUMINUM
MONUMENT
0.1' BELOW GRADE



FOUND
3-1/4" BRASS
MONUMENT
0.2' ABOVE GRADE
GOOD CONDITION



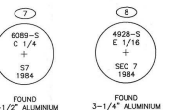
FOUND
3-1/4" BRASS
MONUMENT
0.2' ABOVE GRADE
GOOD CONDITION



SET
2-1/2" ALUMINUM
MONUMENT
0.1' ABOVE GRADE



FOUND
3-1/4" ALUMINUM
MONUMENT
0.1' ABOVE GRADE
GOOD CONDITION



FOUND
2-1/2" ALUMINUM
MONUMENT
0.2' ABOVE GRADE
GOOD CONDITION



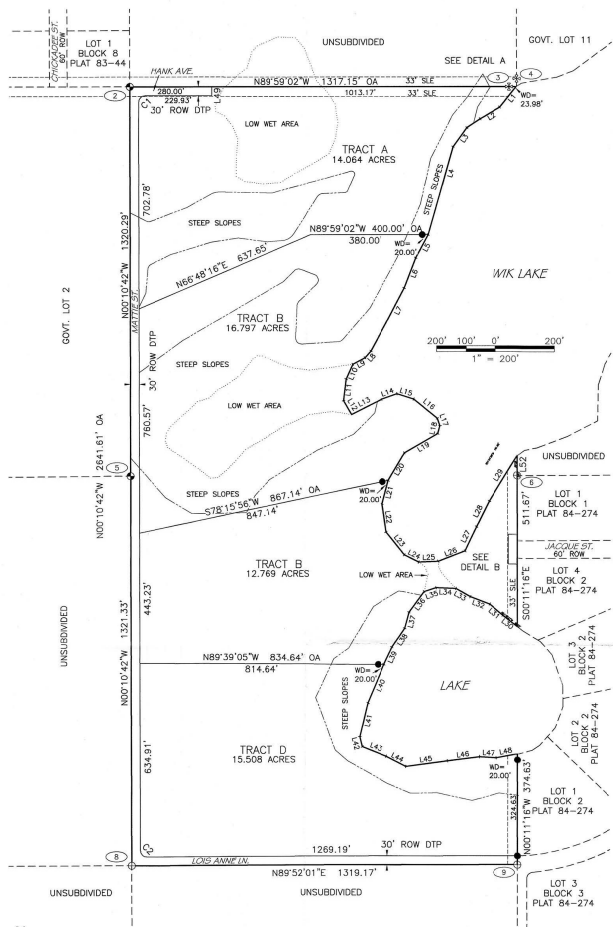
FOUND
3-1/4" ALUMINUM
MONUMENT
0.4' ABOVE GRADE
GOOD CONDITION



FOUND
2-1/2" ALUMINUM
MONUMENT
0.2' ABOVE GRADE
GOOD CONDITION



FOUND
3-1/4" BRASS
MONUMENT
0.2' ABOVE GRADE
GOOD CONDITION



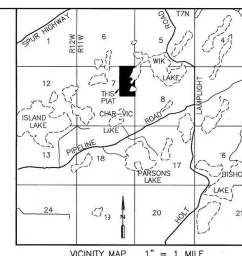
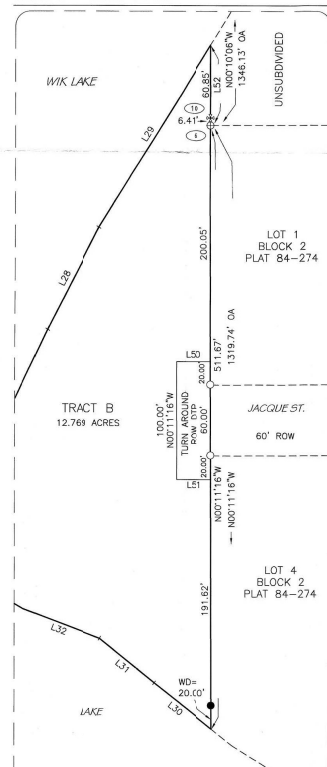
REFERENCES

- (R1) DON'S PLACE SUBDIVISION, PLAT 83-44, KRD
(R2) BLM PLAT OF T7N R11W SM, DATED SEPTEMBER 30, 1958
(R3) THOMPSON HOMESTEAD HAPPY HOLLOW ACRES ADD., PLAT 84-274, KRD
(R4) CENTENNIAL SHORES SUBDIVISION NUMBER ONE, PLAT 85-157, KRD
(R5) RECORD OF SURVEY, PLAT 2021-31 KRD

LEGEND

- FOUND BLM MONUMENT AS REFERENCED
FOUND PRIMARY MONUMENT AS REFERENCED
FOUND REBAR WITH YELLOW PLASTIC CAP STAMPED LS 5152 1984
SET PRIMARY MONUMENT AS REFERENCED
SET PROPERTY CORNER 5/8" X 30" REBAR WITH 2" ALUMINUM CAP STAMPED EDGE SURVEY LS-13022 2023
MONUMENT REFERENCE NUMBER
RECORD DATA, SEE REFERENCE
OVERALL
WD SEC WITNESS DISTANCE TO SECTION CORNER
WD WITNESS DISTANCE TO PROPERTY CORNER
KRD KNAL RECORDING DISTRICT
SLE SECTION LINE EASEMENT
ROW RIGHT-OF-WAY
DTP DEDICATED THIS PLAT
SLEB DIVISION BOUNDARY
INTERIOR LOT LINE
ADJACENT PROPERTY LINE
LOW WET AREA
BUILDING SETBACK
EASEMENT
STEEP SLOPES

DETAIL B - SCALE 1"=50'



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.



KPB FILE No. 2022-000

HANK AND MATTIE BARTOS SUBDIVISION

A SUBDIVISION OF
GOVERNMENT LOTS 1 AND 6
BLM PLAT OF T7N R11W SM,
DATED SEPTEMBER 30, 1958

LOCATED WITHIN NE 1/4 SECTION 7

T7N, R11W S.M.
STATE OF ALASKA
KENAI PENINSULA BOROUGH
KENAI RECORDING DISTRICT

OWNERS:

HENRIETTA S. MINUIN
PO BOX 30X
NIKISKI, ALASKA 99635
KATHERINE J. LEE
PO BOX 30X
NIKISKI, ALASKA 99635

CONTAINING 62.089 ACRES



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

AECL# 1392

DRAWN BY: JY
CHECKED BY: MA
DATE: 12/07/2022
SCALE: AS SHOWN
PROJECT: 22-587
SHEET: 1 OF 2

KPB 2022-180

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.
2. 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.
3. 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).
4. THIS SUBDIVISION SUBJECT TO RESERVATIONS AND EXCEPTIONS AS CONTAINED IN NATIVE ALLOTMENT; RECORDED: JULY 16, 1981 VOLUME/PAGE: 173/775.
5. THIS SUBDIVISION SUBJECT TO RESTRICTION AGAINST ALIENATION AND TAXATION PURSUANT TO THE PROVISIONS OF THE ACT OF MAY 17, 1906 (34 STAT. 197) AS AMENDED, AS IMPOSED UPON SAID LAND BY NATIVE ALLOTMENT; SERIAL NO.: AA-6458 CERTIFICATE NO.: 50-81-0151, RECORDED: JULY 14, 1981, VOLUME/PAGE: 173/775.
6. THIS SUBDIVISION SUBJECT TO RIGHT, TITLE AND INTEREST OF THE SECRETARY OF THE INTERIOR, BUREAU OF INDIAN AFFAIRS.
7. 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 WIK LAKE AND UNNAMED LAKE AND ANY QUESTIONS OF RIGHT OF ACCESS TO THE LAKES IN THE EVENT SAID LANDS DO NOT IN FACT ADJUT THE LAKES.
8. EXCEPTION TO 20.30.100, CUL-DE-SAC AND 20.30.170, BLOCK LENGTH WAS GRANTED BY THE KPB PLAT COMMITTEE AT THE MEETING OF DECEMBER 12, 2022.
9. WASTEWATER DISPOSAL: LOT 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.

CERTIFICATE OF ACCEPTANCE AND DEDICATION BY KENAI PENINSULA BOROUGH

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 THE PLAT IDENTIFIED AS FOLLOWS:

RIGHT OF WAY DEDICATED ON THIS PLAT — EAST 30' OF MATTIE AVENUE, THE NORTH 30' OF LOIS ANN LANE, THE SOUTH 30' OF HANK STREET AND THE 30 FOOT BY 100 FOOT TURN AROUND AREA AT THE END OF JACQUE STREET

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.

AUTHORIZED OFFICIAL
KENAI PENINSULA BOROUGH
144 NORTH BRINKLEY STREET
SOLDOTNA, ALASKA 99669

DATE

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF JANUARY 9, 2023.

KENAI PENINSULA BOROUGH

AUTHORIZED OFFICIAL

UNITED STATES DEPARTMENT OF THE INTERIOR BUREAU OF INDIAN AFFAIRS ALASKA REGION

IN ACCORDANCE WITH THE PROVISIONS OF PUBLIC LAW 108-337, 118- STAT. 1357, THE WITHIN PLAT AN ANY DEDICATION(S) SPECIFICALLY NOTED IN THE OWNER'S CERTIFICATE THERON ARE HEREBY APPROVED THIS _____ DAY OF _____, 2023.
BY AUTHORITY OF THE SECRETARY OF THE INTERIOR, AS DELEGATED TO THE UNDERSIGNED BY 209 DM, 230 DM1 AND 3 AM 4.

REGIONAL DIRECTOR
BUREAU OF INDIAN AFFAIRS, ALASKA REGION

NOTARY ACKNOWLEDGEMENT

FOR:
ACKNOWLEDGED BEFORE ME

THIS _____ DAY OF _____, 2023

PUBLIC NOTARY SIGNATURE

NOTARY
STAMP
AREA

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.

KATHERINE J. LEE
PO BOX XXX
NIKISKI, ALASKA 99635

HENRIETTA S. MINIUM
PO BOX XXX
NIKISKI, ALASKA 99635

NOTARY ACKNOWLEDGEMENT

FOR: KATHERINE J. LEE
ACKNOWLEDGED BEFORE ME

THIS _____ DAY OF _____, 2023

PUBLIC NOTARY SIGNATURE

NOTARY
STAMP
AREA

NOTARY ACKNOWLEDGEMENT

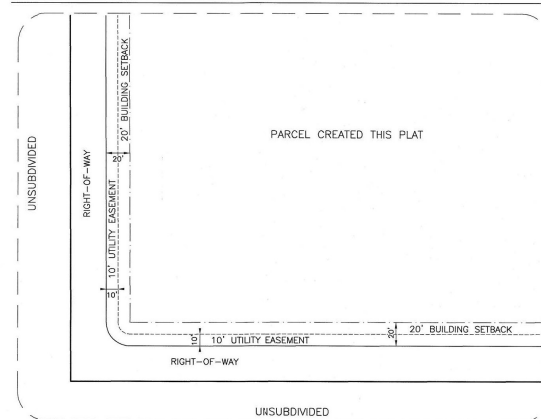
FOR: HENRIETTA S. MINIUM
ACKNOWLEDGED BEFORE ME

THIS _____ DAY OF _____, 2023

PUBLIC NOTARY SIGNATURE

NOTARY
STAMP
AREA

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



KPB FILE No. 2022-000

HANK AND MATTIE BARTOS SUBDIVISION

A SUBDIVISION OF
GOVERNMENT LOTS 1 AND 6
BLM PLAT OF T7N R11W SM,
DATED SEPTEMBER 30, 1958

LOCATED WITHIN NE 1/4 SECTION 7
T7N, R11W S.M.
STATE OF ALASKA
KENAI PENINSULA BOROUGH
KENAI RECORDING DISTRICT

OWNERS:

HENRIETTA S. MINIUM
PO BOX XXX
NIKISKI, ALASKA 99635

KATHERINE J. LEE
PO BOX XXX
NIKISKI, ALASKA 99635

CONTAINING 62.089 ACRES

EDGE
SURVEY AND DESIGN, LLC

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

AECL# 1392

DRAWN BY: JY	DATE: 12/07/2022	PROJECT: 22-587
CHECKED BY: MA	SCALE: AS SHOWN	SHEET: 2 OF 2

KPB 2022-180

AGENDA ITEM E. NEW BUSINESS

ITEM 6 – HANK AND MATTIE BARTOS SUBDIVISION

KPB File No.	2022-180
Plat Committee Meeting:	January 9, 2023
Applicant / Owner:	Henrietta Minium and Katherine Lee both of Nikiski, Alaska Bureau of Indian Affairs
Surveyor:	Jason Young, Mark Aimonetti / Edge Survey and Design, LLC
General Location:	Louis Anne Lane, Bend Street, Chickadee Street, Wik Lake, Nikiski, Nikiski APC

Parent Parcel No.:	013-211-11
Legal Description:	Government Lots 1 and 6 within Section 7, Township 7 North, Range 11 West
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On Site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide a 62 acre parcel into four tracts ranging in size from 12.769 to 16.797 acres and will provide several right-of-way dedications.

Location and Legal Access (existing and proposed): The proposed plat is located in the Nikiski area with frontage along Wik Lake. There is access available from the north and from the south.

The southern access has multiple routes with portions not constructed. The most direct southern access is Pipeline Road to Bend Street. Pipeline Road has varying widths and is not fully dedicated but easements do exist for other portions. The eastern portion that connects to Holt Lamplight Road is maintained by the borough to the Bend Street intersection. Bend Street is a varying width dedication that is atop section line easements. A few portions are constructed but not maintained. Bend Street ends at the intersection with Lois Anne Lane. The section line easements continue north to the small pond within the subdivision.

The northern access also has multiple routes with many constructed. The most direct access is from Chickadee Street, a 60 foot wide dedication that is borough maintained, that connects to other borough maintained roads to connect to the Kenai Spur Highway near mile 28. Chickadee Street dedication ends about 240 feet to the west of the proposed subdivision. Chickadee Street connects to section line easements that provide a connection to the proposed subdivision. Chickadee Street and the section line easement are currently being used to access the property and provides access to multiple improvements on the property. The driveway along the western boundary is proposed to be dedicated as right-of-way to continue providing access to the improvements and the additional tracts being created.

A dedication is proposed at the end of Jacque Street. This is to provide a turnaround area only. An exception to not require a cul-de-sac bulb has been requested and instead provide a t-type turnaround. A 30 foot wide dedication is proposed along the southern boundary that will be a continuation of Lois Anne Lane. Along the western boundary a 30 foot wide dedication is proposed. Along the northern boundary is a proposed 30 foot dedication. This dedication is proposed to only be 230 feet long and an exception for a cul-de-sac is requested.

Along the north and east of the subdivision are 33 foot wide section line easement within the subdivision and adjacent. These are labeled. On the north, two 33 foot wide section line easements are depicted west of the subdivision and are currently used for access. The status of the southern 33 feet should be verified with the State of Alaska as the current depiction contradicts the status the KPB shows. ***Staff recommends verify the section line easement status and widths and provide correct depictions.***

The current constructed access will still provide access to the subdivision. All proposed lots will have access from Mattie Street. Tract A will also having access from Hank Avenue. Tract C will have additional access from Jacque Street and Tract D will have additional access from Lois Anne Lane.

The block is not compliant or closed. An exception has been requested.

KPB Roads Dept. comments	Out of Jurisdiction: No Roads Director: Painter, Jed Comments: No comments
SOA DOT comments	

Site Investigation: The proposed plat is along the shores of Wik Lake. There is also an open pond or lake within the southeast portion. There are several low wet areas present within the subdivision. These are shown on the plat. **Staff recommends the low wet areas remain on the final plat and a wetland determination note be added.**

There are some areas with steep terrain present. The steep slopes are shown on the plat. Most of the steep slopes are present along the lakes but there are some present within proposed Tract A and Tract B. The steep slopes within Tract A and Tract B include the proposed dedication. Per KPB Code 20.30.090, grades shall not exceed 6 percent on arterial streets and 10 percent on other streets. Submittal of centerline profiles and cross-sections may be required. **Staff recommends the steep terrain be shown on the final plat and centerline profiles and cross-sections be submitted for review to determine if additional right-of-way width or slope easements will be required.**

There are existing improvements within the proposed subdivision. This plat will put some of the improvements on Tract A and others on Tract B. Tracts C and D appear to be vacant. The proposed plat does not appear to be creating any encroachment issues but **staff recommends the surveyor verify the improvements that are to be within Tract A do not encroach into Tract B.**

The plat to the east, Thompson Homestead Happy Hollow Acres Addition KN 84-274, indicated the small body of water as a pond. The lot lines continued through the lake. This plat is proposing to remove the body of water, labeled as lake, from the bounds of the property. There is access to the lake by section line easements. According to the Bureau of Land Management map obtained, the lake is included in Gov't Lot 6. **Staff recommends the depiction of the neighboring lots be updated to match their subdivision plat, and for the surveyor/owner to discuss with the State of Alaska the status of the lake and determine if the lake should be included within the plat boundaries.**

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 NOT within HPD Comments: No comments C. State Parks Reviewer: Russell, Pam Comments: No Comments
State of Alaska Fish and Game	No objections

Staff Analysis The proposed plat is to subdivide two Government lots as found on a BLM Plat dated September 30, 1958. This property is currently owned by Bureau of Indian Affairs with Native Allotments in place. The original allottee has passed and the heirs of the estate are the ones working on the plat.

Kenai Peninsula Borough has the Bureau of Indian Affairs (BIA) listed as the owner. These are properties under a federal ownership and the property is tax exempt. BIA issues native allotments to people and BIA considers them the owners. In order to remain tax exempt BIA must still remain as owner with the allotments noted as interested parties with a claim on the property. BIA requires any transference of interest to receive their approval as well as any platting procedures. The required BIA note is present on the plat. KPB staff is reviewing the requirements for plats to determine if revisions to the title block and the certificate of ownership may be required. **Staff recommends the surveyor contact staff prior to submitting the final if they have not received an update on the requirements prior.**

Due to the size of the lots a soils report will not be required and the correct plat note is in place. Due to the low wet areas, steep slopes, and proximity to a lake, **staff recommends the surveyor provide a working map that shows the existing systems and wells on proposed Tract A and Tract B and demonstrate that there is sufficient area for replacement systems taking required setbacks and slopes into consideration.**

Per the preliminary Certificate to Plat, beneficial interest holders do not affect the proposed plat. Notification per KPB 20.25.090 will not be required unless the final Certificate to Plat states the property is affected by beneficial interest holders.

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

Utility Easements There are no previously platted easements to carry over. Per the Certificate to plat there are no easements granted by recorded document.

Per the plat notes, a 10 foot utility easement will be granted by this plat adjacent to all dedicated rights-of-way. Sheet 2 of the plat contains a typical depiction of the utility easement and setback.

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	
GCI	

KPB department / agency review:

Addressing	<p>Reviewer: Haws, Derek Affected Addresses: 51024 CHICKADEE ST 51020 CHICKADEE ST</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names: LOIS ANNE LN CHICKADEE ST JACQUE ST</p> <p>Existing Street Name Corrections Needed:</p>
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	<p>All New Street Names are Approved: Yes</p> <p>List of Approved Street Names: HANK AVE MATTIE ST</p> <p>List of Street Names Denied:</p> <p>Comments: 51024 CHICKADEE ST and 51020 CHICKADEE ST will be deleted. New addresses will be assigned.</p>
Code Compliance	<p>Reviewer: Ogren, Eric</p> <p>Comments: No comments</p>
Planner	<p>Reviewer: Raidmae, Ryan</p> <p>There are not any Local Option Zoning District issues with this proposed plat.</p> <p>Material Site Comments: There are not any material site issues with this proposed plat.</p>
Assessing	<p>Reviewer: Windsor, Heather</p> <p>Comments: No comment</p>

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

STAFF RECOMMENDATIONS **CORRECTIONS / EDITS**

- On east line between points identified as 6 and 9 there is a recorded distance from plat 84-274 KRD that can be referenced and shown measured.
- Verify location of lake in relation to property lines of Government Lot 6.

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: *Changes to how the ownership is listed may be required. Add the PO Box numbers for Minium and Lee.*

- 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 labeled as "Unsubdivided" north of Jacque Street has been part of a subdivision and will require the note to be updated.
- Per the Plat 84-274, the lot property lines extend into the small lake.
- Provide a label for Lois Anne Lane with a width label to the east.
- The adjacent section line easements to the east should be depicted if possible as this provides access to waters.

J. Block and lot numbering per KPB 20.60.140, approximate dimensions and total numbers of proposed lots;
Staff recommendation: Update to remove duplicate Tract B to make a Tract C

KPB 20.30 – Subdivision Design Requirements

Staff recommendation: final plat submittals must comply with 20.30. Additional information, revisions, and/or corrections are required as noted below.

20.30.090. Streets-Maximum grades allowed. The subdivider shall demonstrate that streets can be readily constructed in accordance with current borough road standards and that the grades on any such roads shall not exceed 6 percent on arterial streets and 10 percent on other streets, or 4 percent within 130 feet of any centerline intersections. Submittal of centerline profiles and cross-sections may be required to demonstrate that compliant construction in the right-of-way is feasible.

Staff recommendation: Sections within proposed Mattie Street has areas that appear to be more than 10 percent grades. Centerline profiles and cross sections should be submitted for the areas of concern to determine if additional right-of-way width is needed or slope/maintenance easements.

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 lots are all over 200,000 square feet. Staff is requesting due to terrain that it can be demonstrated that there is enough room for systems that abide to required setbacks.

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.

- 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 natural meanders of ordinary high water is for area computations only, the true corners being on the extension of the sidelines and the intersection with the natural meanders.

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: *Correct the spelling of Lois Anne Lane in the certificate of acceptance. Additional signatures or wording for ownership certificate may be required. Comply with 20.60.190.*

EXCEPTIONS REQUESTED:

A. KPB 20.30.170 – Blocks-Length requirements

Staff Discussion: KPB Code requires blocks be no less than 330 feet and no more than 1,320 feet in length that is measured from centerline intersections. Due to the proximity of Wik Lake and the unnamed lake, the ability to get a closed block with dedicated rights-of-way will not be possible but dedications can improve the distances between lots.

Surveyor's Findings:

1. Wetland on the north boundary limits practical dedication of right-of-way.
2. Wetlands and lake limit the practical dedication across center of subdivision.
3. Lake limits practical dedication north along the east parcel.
4. Proposed larger tracts with this plating action, future subdivisions can dedicate right-of-way as needed.

Staff's Findings:

5. With proposed dedications, Hank Avenue, section line easements, Mattie Street, and Lois Anne Lane define the block.
6. The length along Mattie Street will be approximately 2,640 feet in length.
7. Using Wik Lake for the block, all distances except Mattie Street will comply with KPB Code.
8. A dedication that intersects Mattie Street to make both sections of Mattie Street compliant can be granted.
9. A required dedication would require a change to Tract B and Tract C design.
10. A required dedication would encounter steep terrain and low wet areas.
11. A required dedication would only provide access to Wik Lake.
12. Wik Lake has access from the northern section line easements and the eastern section line easements.
13. No lots are being denied access.

If the exception is denied additional rights-of-way will be required to improve the 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 1-4, 7, 10, 12, and 13 appear to support this standard.
2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title;
Findings 1-4, 7, 9, 10, 12, and 13 appear to support this standard.
3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property

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in the area in which said property is situated.

Findings 1-4, 7, 10, 12, and 13 appear to support this standard.

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

B. KPB 20.30.100 – Cul-de-sacs

Surveyor Discussion: Asking to not dedicate traditional circular cul-de-sac at end of proposed Hank Avenue. Asking to dedicate T-type turnaround instead of circular cul-de-sac.

Staff Discussion: KPB Code requires streets that are to be permanently closed to end with a cul-de-sac or may be approved with hammerhead or t-type turnaround on case by case basis. This exception request is to not dedicate turn around area for Hank Avenue and to provide a t-type at the end of Jacque Street. Staff has grouped the two requests but the Plat Committee may decide to review each area separately by making two separate motions.

Surveyor's Findings:

1. East end of Hank Avenue ends at wetlands.
2. Dedication of Hank Avenue plans for future development on this plat and parcels to the north.
3. T-type turnaround at end of Jacque Street takes up less usable space and encroaches Wik Lake less than a circular cul-de-sac would.

Staff's Findings:

4. Hank Avenue is atop section line easements that will continue to the east.
5. At the end of Jacque Street is section line easements that run north-south.
6. The section line easements may be used for access and turnaround areas.
7. The end of Jacque Street is between to open bodies of water that if continues will be close to the water edge.
8. The lots are large enough to be further subdivided.
9. Jacque Street dedication is longer than 1,000 square feet.
10. A street that ends with a cul-de-sac is to not exceed 1,000 square feet per KPB Code 20.30.100.

If this exception is denied a turnaround area will be required at the end of Hank Avenue and a cul-de-sac bulb at the end of Jacque Street. The denial for Jacque Street will require an exception be granted to 20.30.100 for the length of Jacque Street.

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 1-9 appear to support this standard.
2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is

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the most practical manner of complying with the intent of this title;
Findings 1-9 appear to support this standard.

3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.
Findings 1-9 appear to support this standard.

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

RECOMMENDATION:

SUBJECT TO EXCEPTION(S) GRANTED, STAFF RECOMMENDS:

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

NOTE: 20.25.120. - REVIEW AND APPEAL.

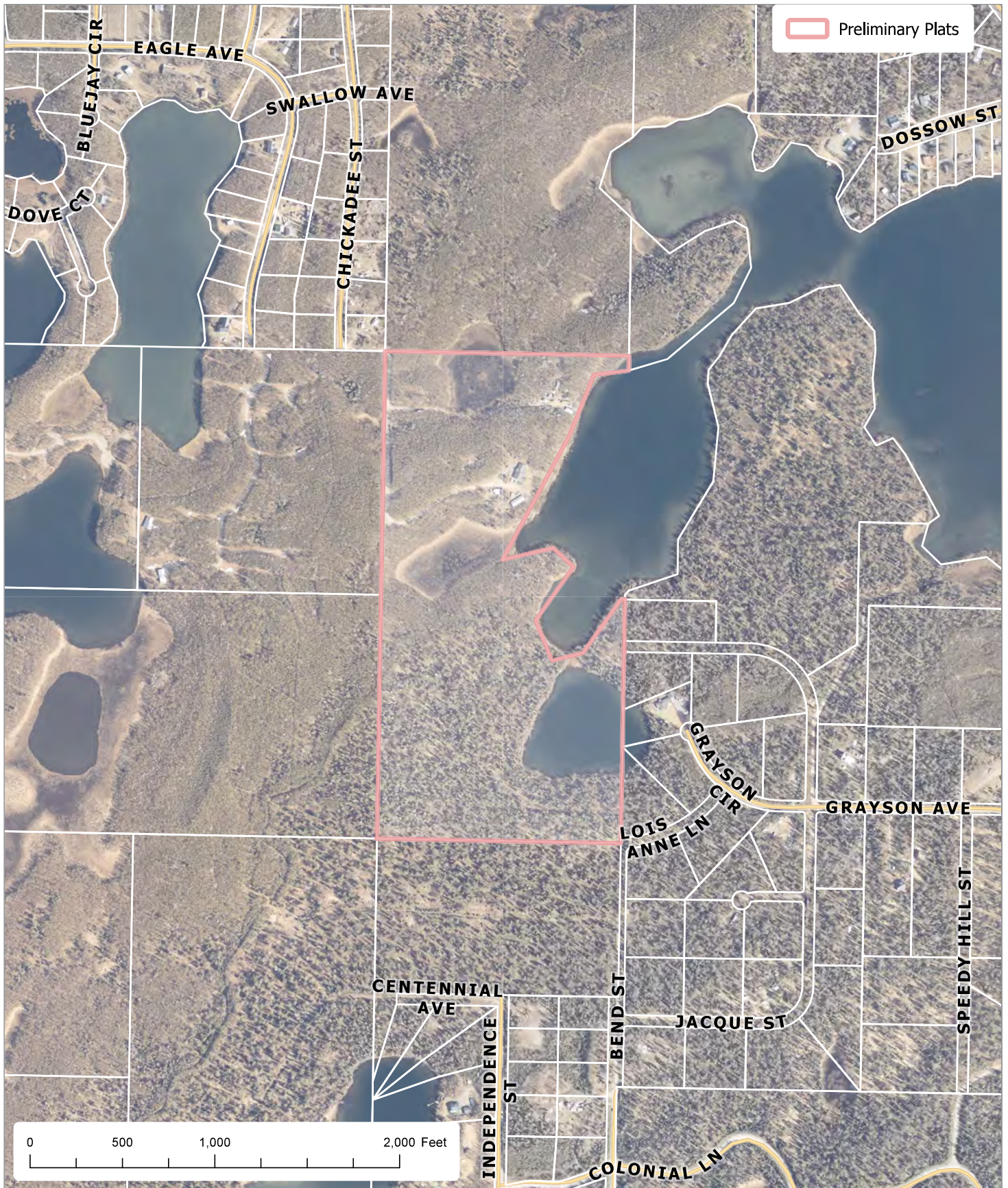
A PARTY OF RECORD MAY REQUEST THAT A DECISION OF THE PLAT COMMITTEE BE REVIEWED BY THE PLANNING COMMISSION BY FILING A WRITTEN REQUEST WITHIN 15 DAYS OF NOTIFICATION OF THE DECISION IN ACCORDANCE WITH KPB 2.40.080.

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

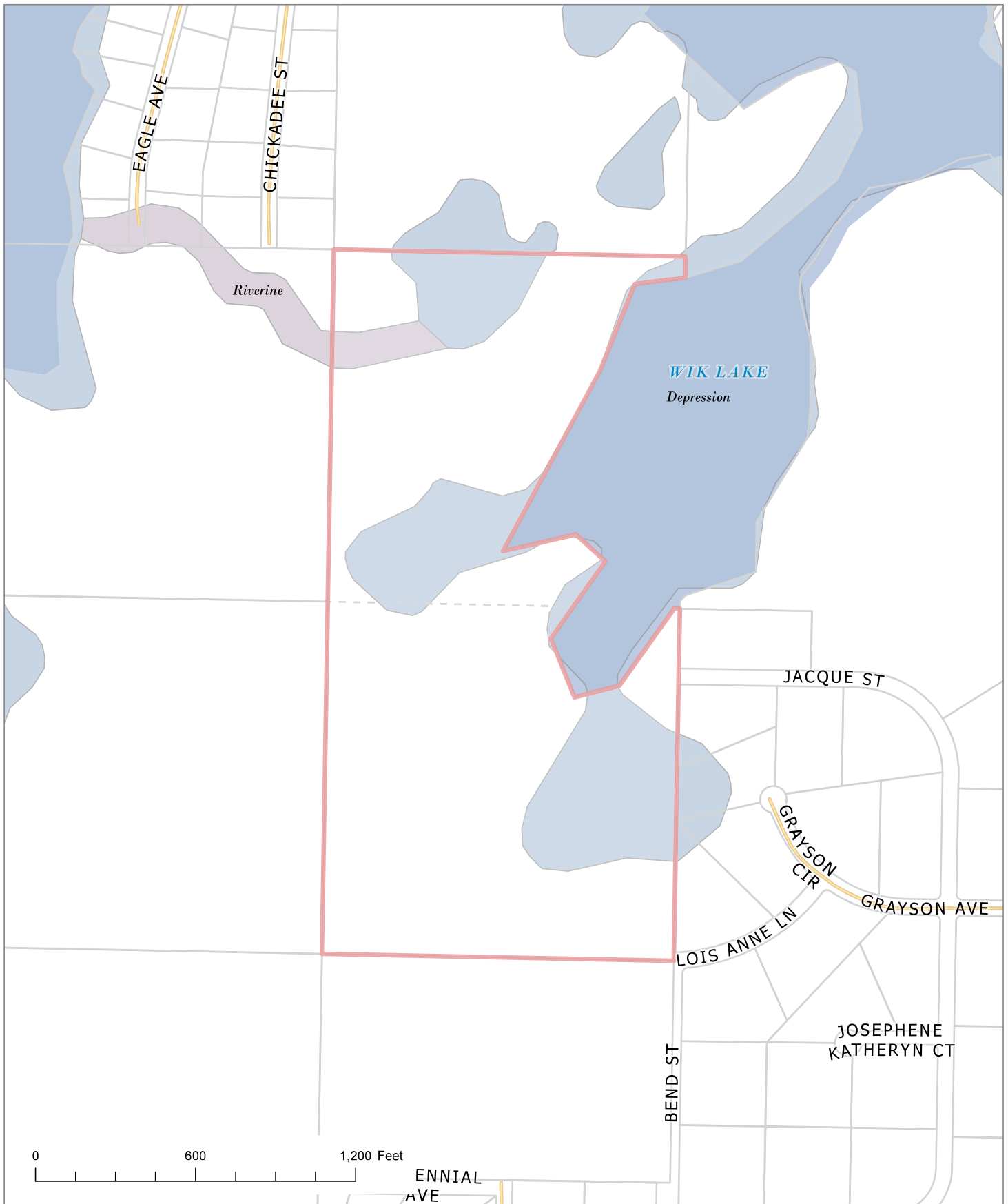
END OF STAFF REPORT



Aerial View

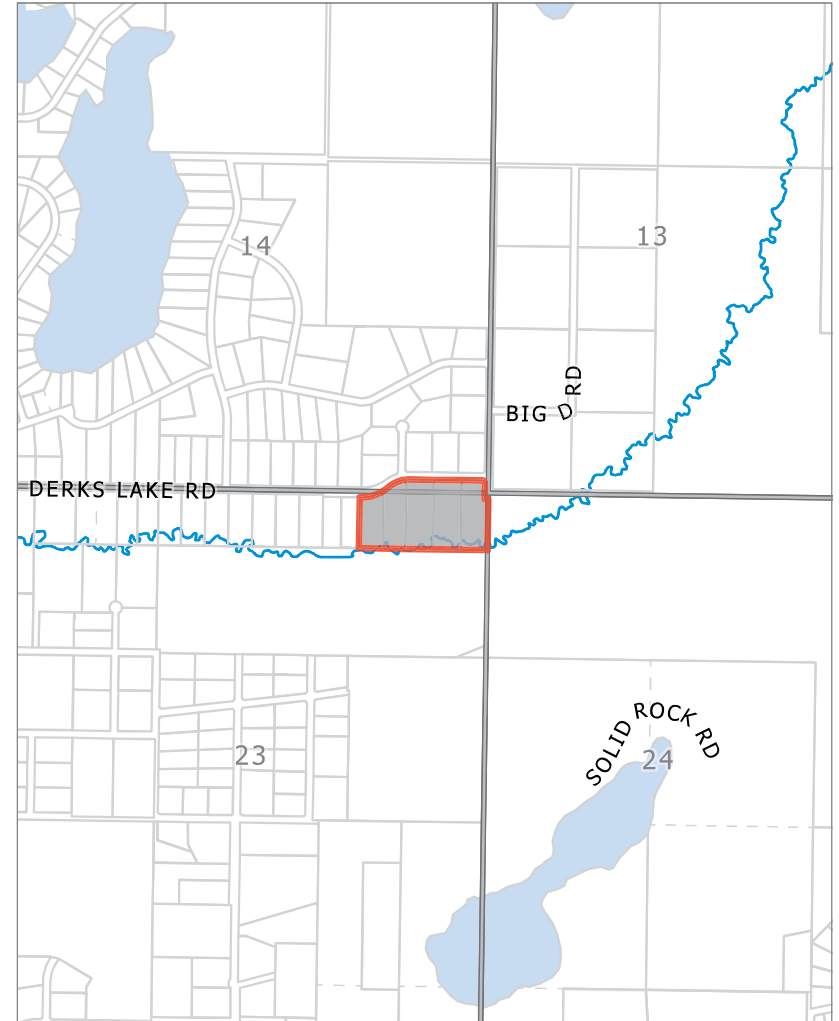
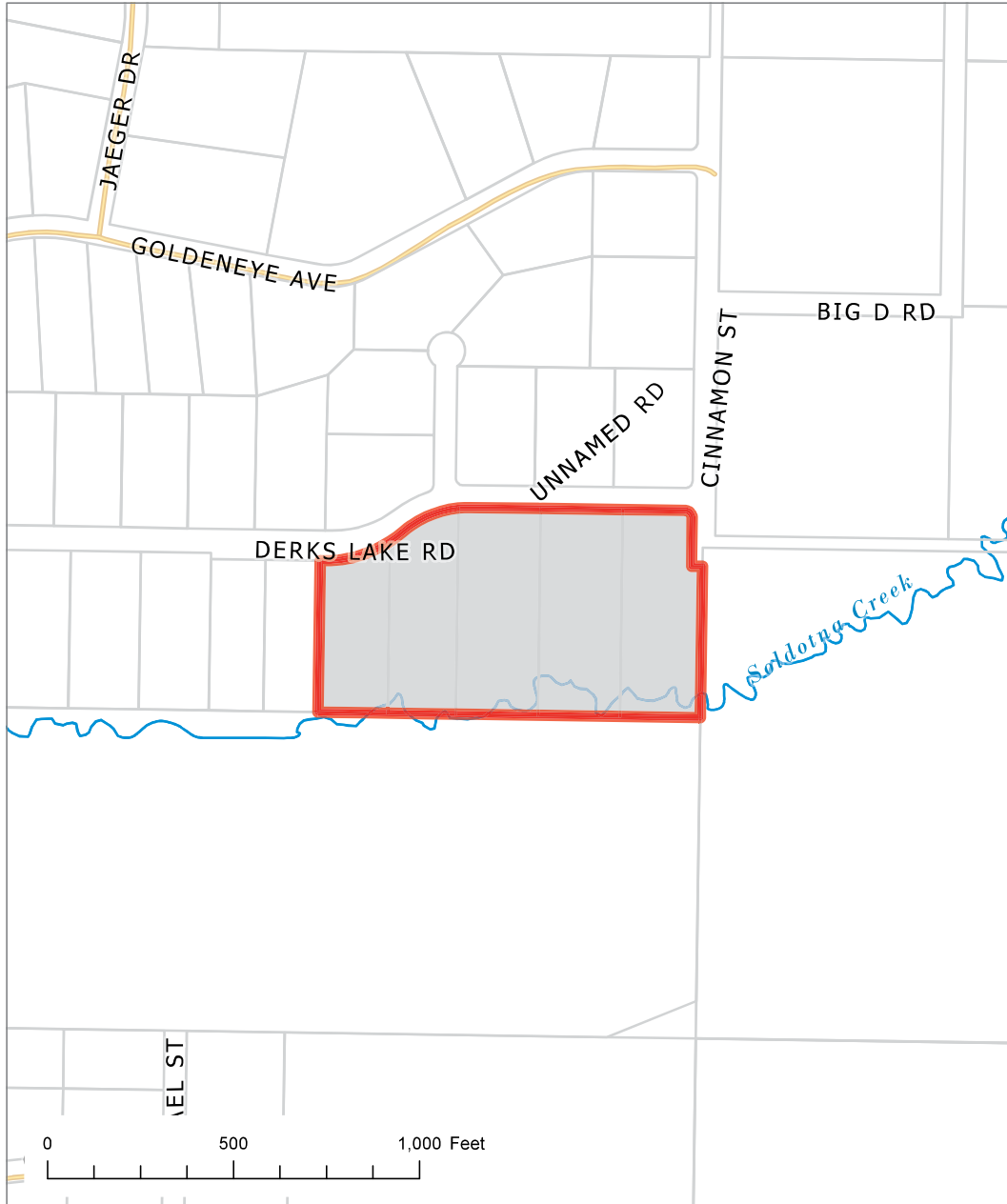




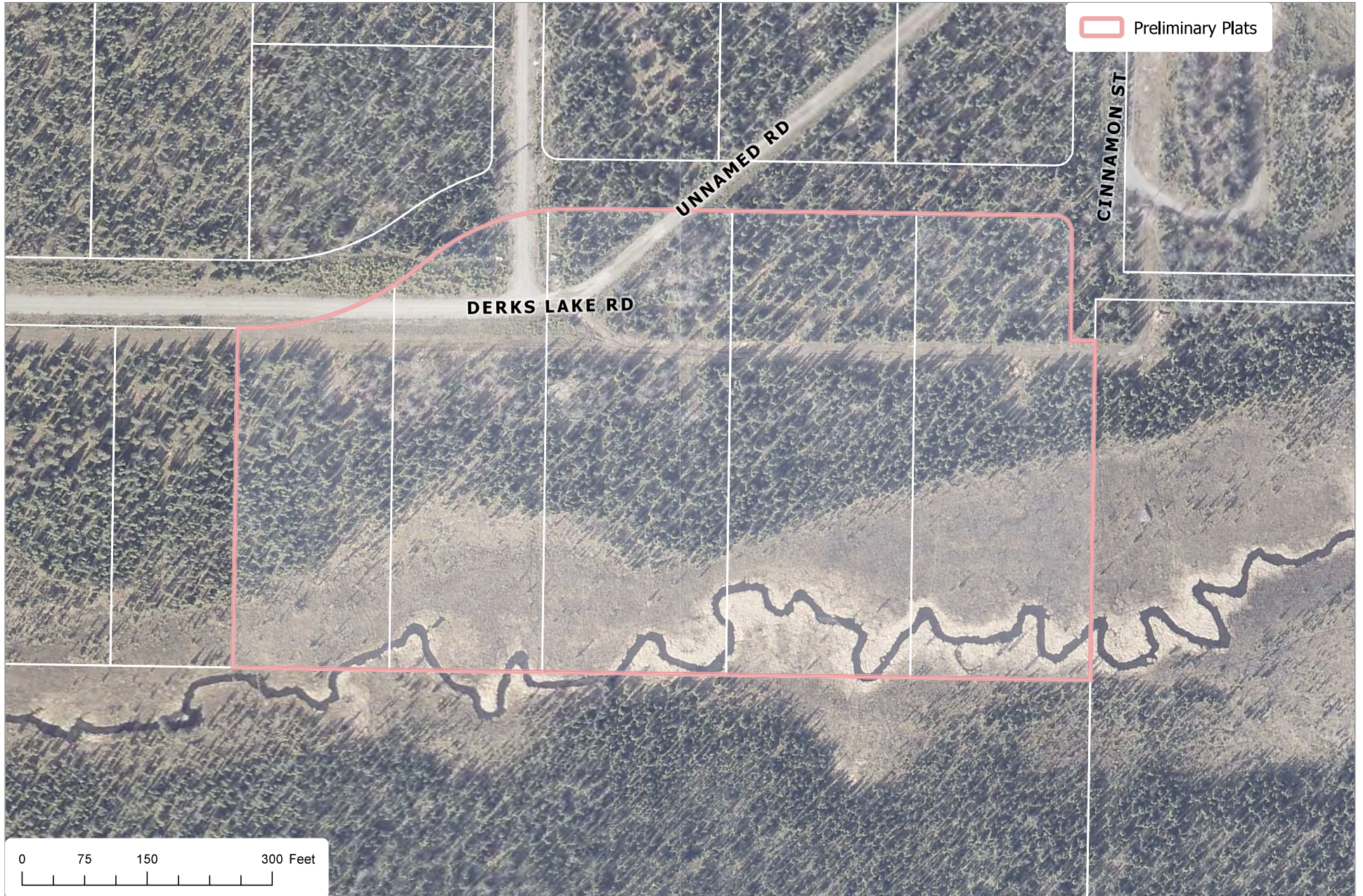


E. NEW BUSINESS

- 5. Tatum Denise Subdivision Derks Lake Addn.; KPB File 2022-155R1
McLane Consulting Group / Friendshuh
Location: Derks Lake Road & Cinnamon Street
Ridgeway Area**



KPB File # 2022-155R1
S 14 & 23 T05N R10W
Fritz Creek



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.

AGENDA ITEM E. NEW BUSINESS

ITEM 5 – TATUM DENISE SUBDIVISION DERKS LAKE ADDITION

KPB File No.	2022-155R1
Plat Committee Meeting:	January 9, 2023
Applicant / Owner:	Gene, Linda, and George Friendshuh all of Soldotna, Alaska
Surveyor:	James Hall / McLane Consulting Inc.
General Location:	Derks Lake Road, Cinnamon Street, Ridgeway

Parent Parcel No.:	058-320-51, 058-320-52, 058-320-53, 058-320-54, and 058-320-55
Legal Description:	Lot 10A, Lot 11A, Lot 12A, Lot 13A, and Lot 14A, Tatum Denise Subdivision, KN 2022-43
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On Site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will dedicate an additional 40 feet to make Derks Lake Road a 100 foot wide right-of-way.

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.

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 to receive approval of the section line easement vacation.

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. A parent subdivision that created the original 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.***

This platting action is to grant a 40 foot width to Derks Lake Road to satisfy conditions for the section line easement vacation. Along the eastern boundary is Cinnamon Street that coincides with section line easements. The portion adjacent to the property within this subdivision has only been dedicated to provide a dedicated connection to a dedicated right-of-way to the east that is currently unnamed. South of the unnamed right-of-way there are still section line easements providing access.

If the section line easement is approved it is possible to finalize this plat with the vacation of the section line easement. If it is required to have the dedication in place prior to the approval, the section line easement will be required to be depicted within the lots. ***Staff recommends the 100 foot section line easement running through the property be depicted and labeled unless finalized prior to the plat or done concurrently in which the plat will show the vacation.***

All lots currently have access from the 60 foot dedication of Derks Lake Road. They will continue to have their access from Derks Lake Road but the dedicated width will be increased to 100 feet.

KPB Roads Dept. comments	Out of Jurisdiction: No Roads Director: Painter, Jed Comments: No comments
SOA DOT comments	

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 and the anadromous plat note present. The plat note does indicate the anadromous code may be amended. A label on the creek states a 50 foot setback and then references the plat note. **Staff recommends the low wet areas be depicted on the final plat, Soldotna Creek depiction remain with a label added, the "50' setback" label be removed, and the reference to the plat note remain. The current location of Soldotna Creek does not match previous locations depicted on parent plats, surveyor should match those locations.**

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.**

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.

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	No objections

Staff Analysis The proposed plat will dedicate a 40 foot width for Derks Lake Road from 5 lots. 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.

Tatum Denise Subdivision, Plat KN 2022-43, finalized a 100 foot vacation of Derks Lake Road and realigned the right-of-way with a KPB Code compliant width of 60 feet. The Kenai Peninsula Borough Planning Commission approved the vacation on September 13, 2021. At that meeting the Planning Commission also approved a recommendation to the State of Alaska to vacate the underlying 100 foot wide section line easement. The section line easement vacation is still being worked on at the state level. This platting action will now bring the realigned Derks Lake Road to a width of 100 feet to replace the vacated 100 foot wide right-of-way and to replace the 100 foot section line easement if the vacation is approved.

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. **Staff recommends the wastewater note be updated to "...April 25, 2022. Soils report is available for review at the Kenai Peninsula Borough. Wastewater..."**

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 utility easements will be moved to be 10 feet along the new dedication that increase to 20 feet within 5 feet of the side lot lines.

Per HEA's review, an overhead primary electric line runs though the lots. They are requesting a depiction and easement be granted. The powerline should be depicted with the requested note. The owners may work with HEA on the process to move the powerlines if the location of the easement is an issue. If the lines are moved prior to finalization, written notice from HEA that they no longer require the easement shall be submitted. If said notice is not received prior to final, the easement shall be granted. If the lines are moved in the future, the owners may work then apply to have the easement removed by the requirements within KPB Code at time of the application.

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 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 electrical easement, including guys and anchors, granted this plat."
ENSTAR	No comments or recommendations.
ACS	
GCI	

KPB department / agency review:

Addressing	<p>Reviewer: Haws, Derek</p> <p>Affected Addresses: NA</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names: DERKS LAKE RD CINNAMON ST WHISTLER CIR</p> <p>Existing Street Name Corrections Needed:</p> <p>All New Street Names are Approved: No</p> <p>List of Approved Street Names:</p>
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	List of Street Names Denied: Comments: No addresses affected by this subdivision.
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. Conditional Land Use Permit CLUP Resolution Number: 2020-38 CLUP Approval Date: 12/14/2020 Material Site Comments: Conditional land use permit to operate a sand, gravel or material site per planning 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.
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**

- Add an existing and a post dedication right-of-way label to Derk's Lake Road
- Move Soldotna Creek location to previous representations.

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: Section line easements within the subdivision boundary currently still exist.
- D. A vicinity map, drawn to scale showing location of proposed subdivision, north arrow if different from plat orientation, township and range, section lines, roads, political boundaries, and prominent natural and manmade features, such as shorelines or streams;
Staff recommendation: Update the subdivision depiction.
- 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: Existing right of way of Derk's Lake Rd is 60', show an existing and post dedication right of way width.

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 and label the building setback along the right-of-way.*

KPB 20.40 – Wastewater Disposal

Staff recommendation: *final plat submittals must comply with 20.40. Additional information, revisions, and/or corrections are required as noted below.*

20.40.010 Wastewater disposal.

Platting Staff Comments: Soils report is on file for parent plat, Tatum Subdivision.

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.*

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.

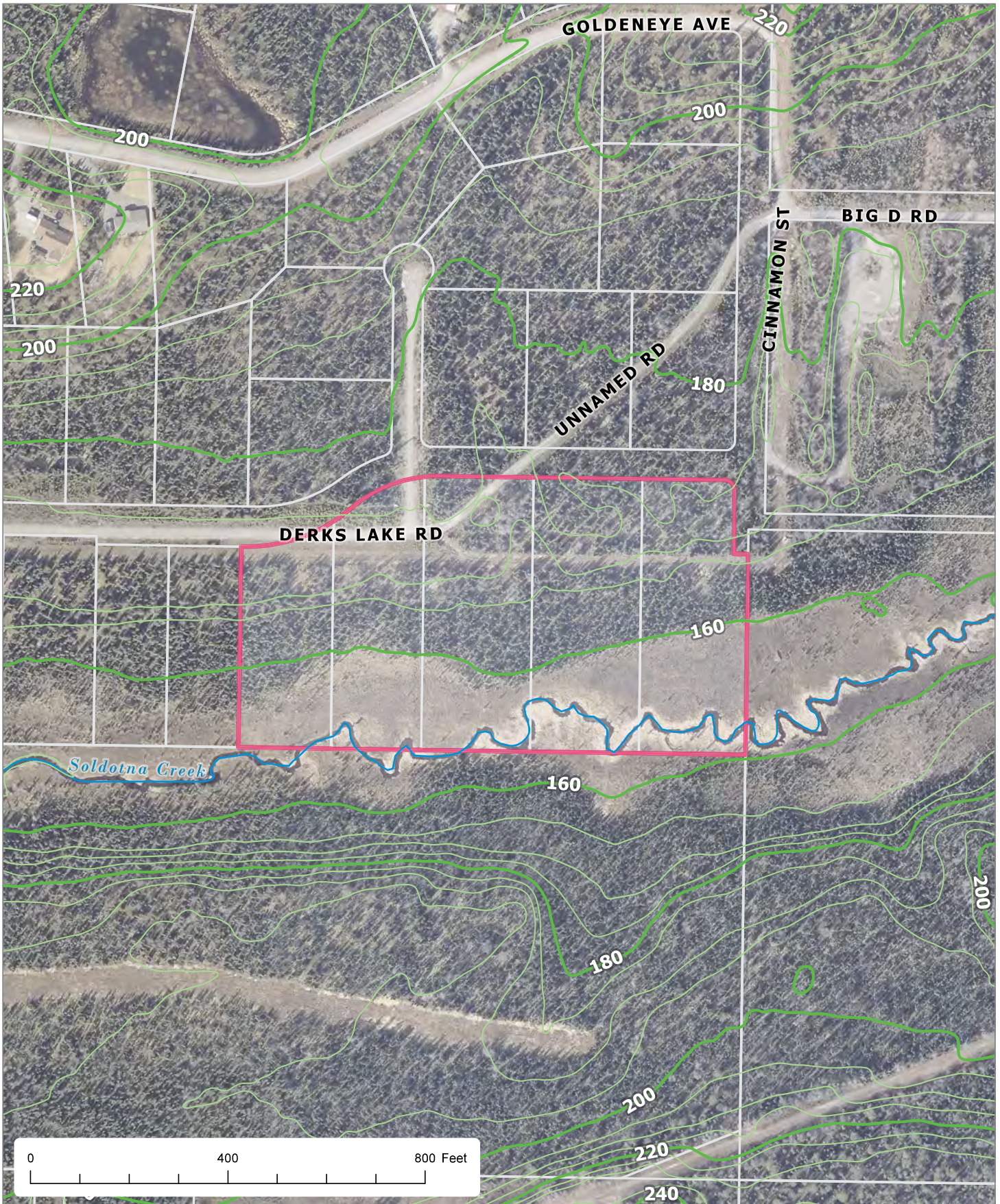
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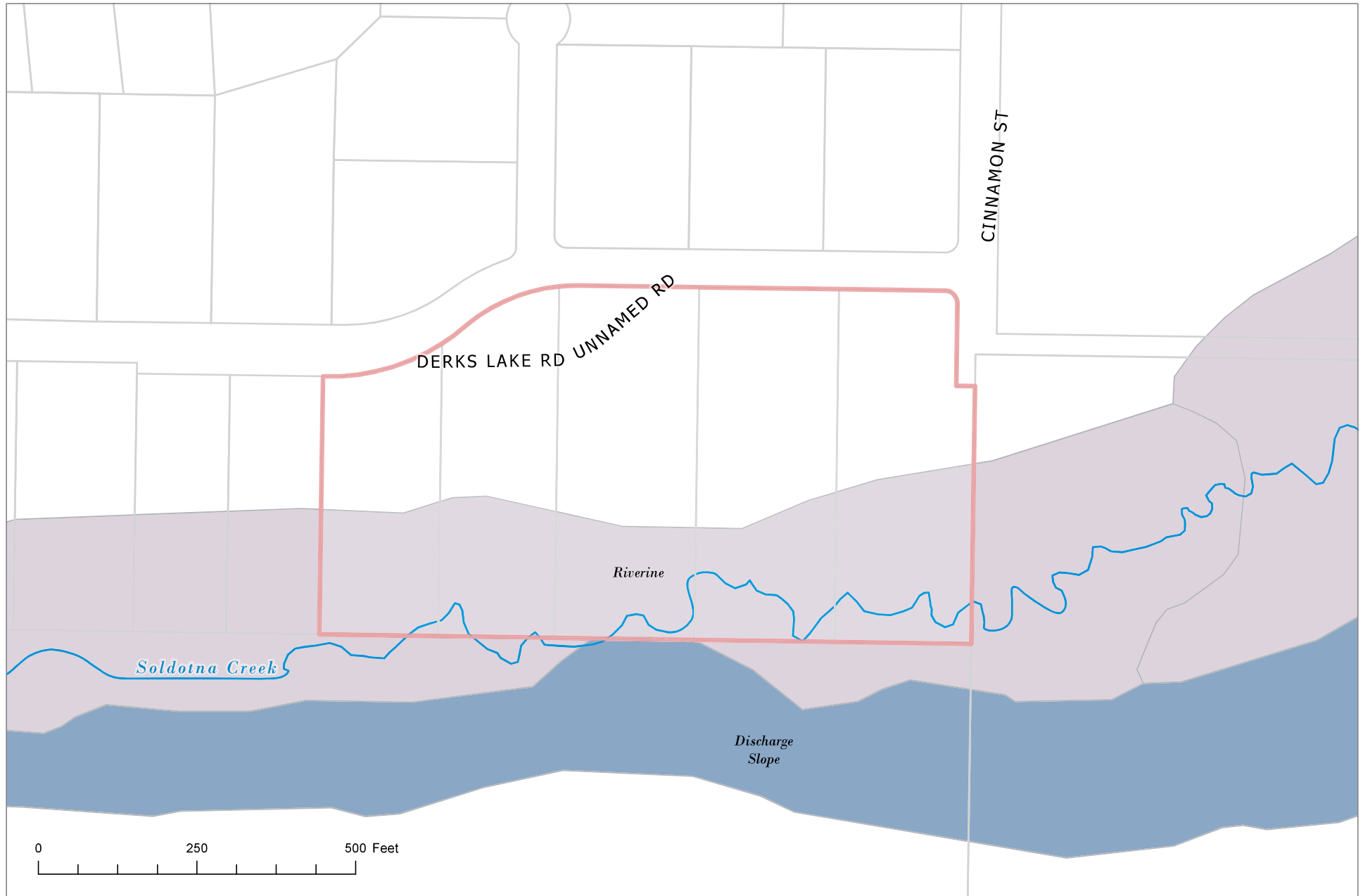
A DECISION OF THE PLANNING COMMISSION MAY BE APPEALED TO THE HEARING OFFICER BY A PARTY OF RECORD WITHIN 15 DAYS OF THE DATE OF NOTICE OF DECISION IN ACCORDANCE WITH KPB 21.20.250.

END OF STAFF REPORT

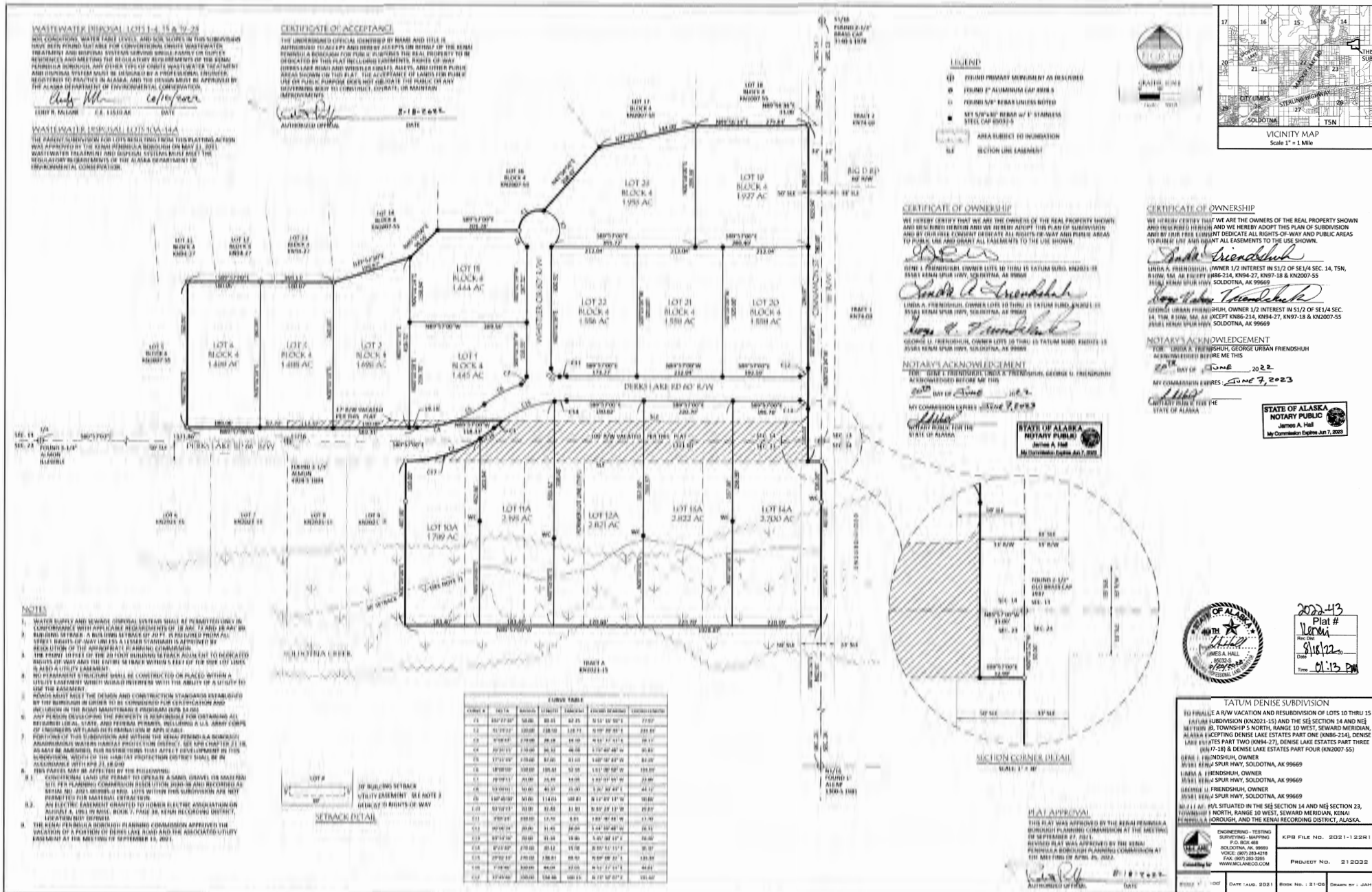


The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



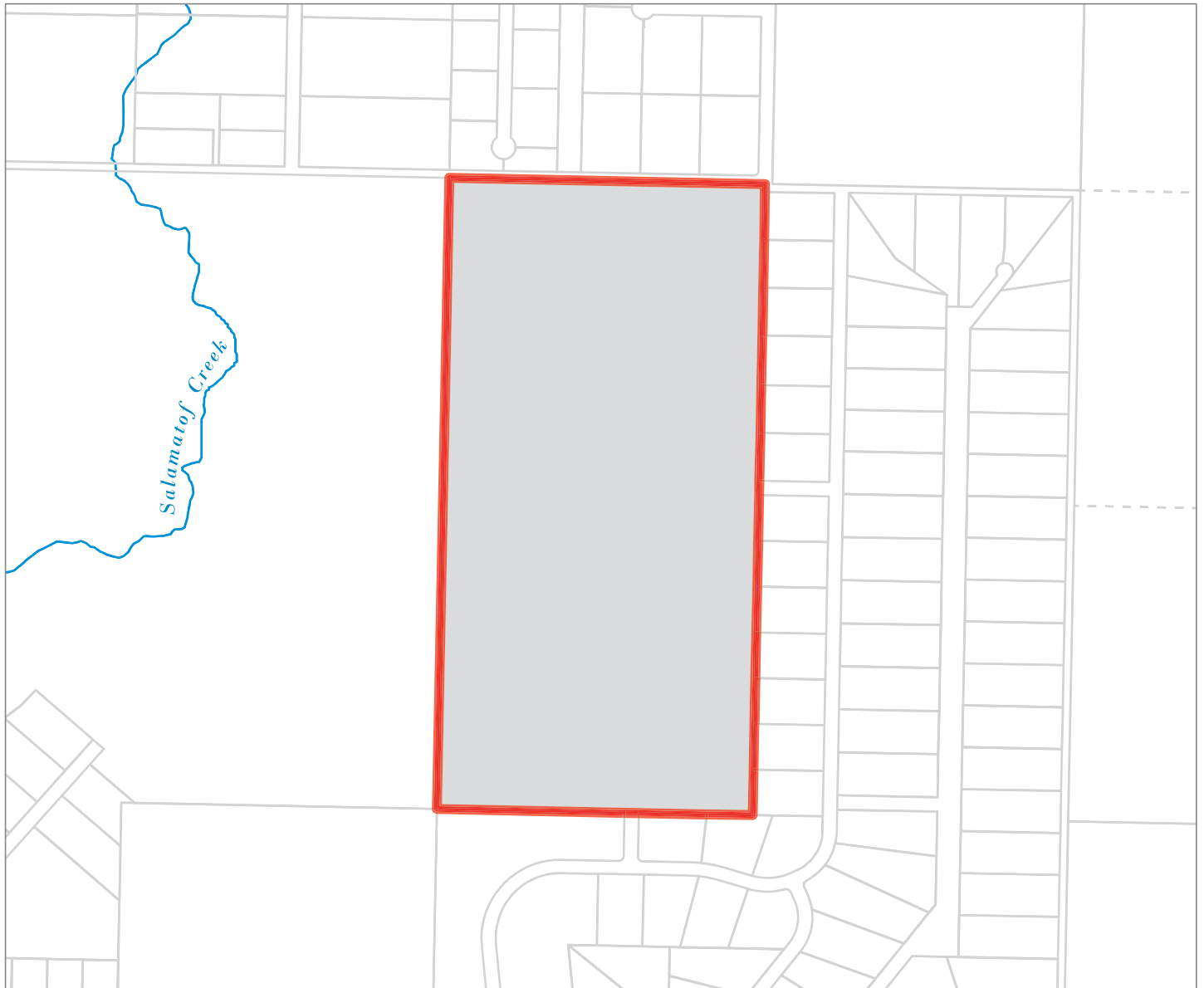


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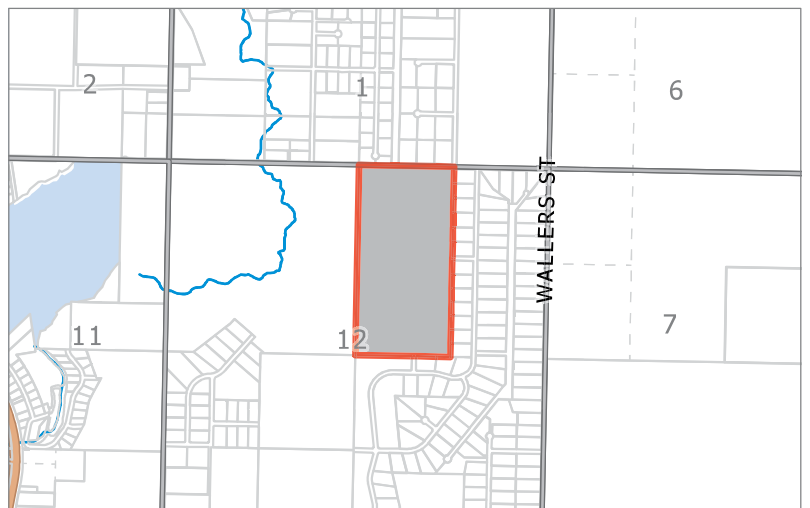
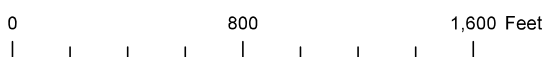
E. NEW BUSINESS

- 7. Smith-Stanton Subdivision; KPB File 2022-178
Edge Survey & Design. LLC / Smith
Location: Lower Salamatof Ave., Amethyst Ave. & Beryl St.
Salamatof Area / Nikiski APC**

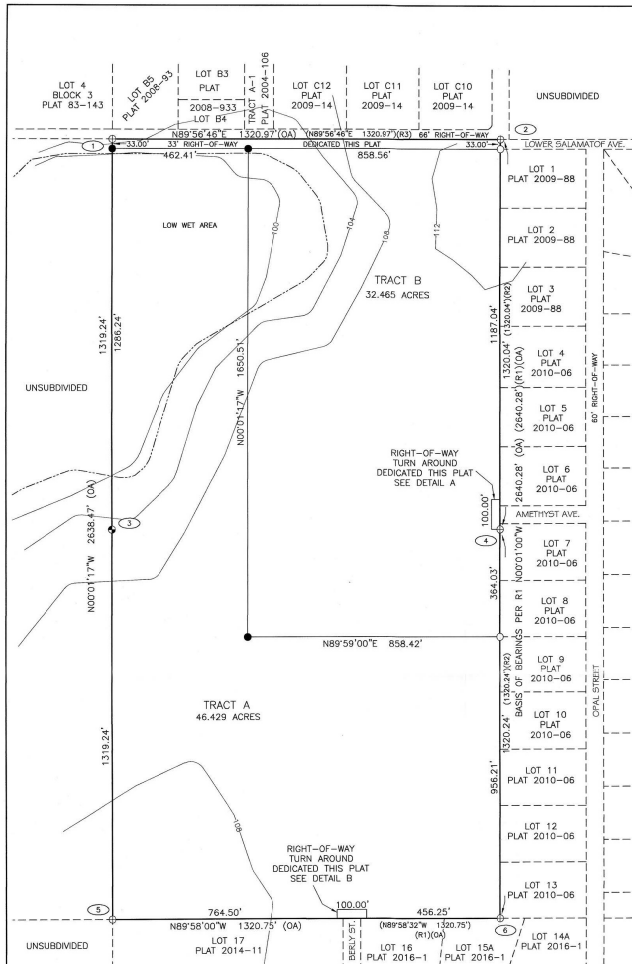


KPB File 2022-178
T 06N R 12W SEC 12
Salamatof

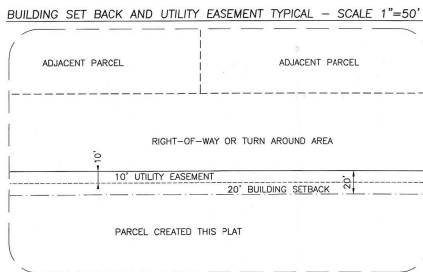
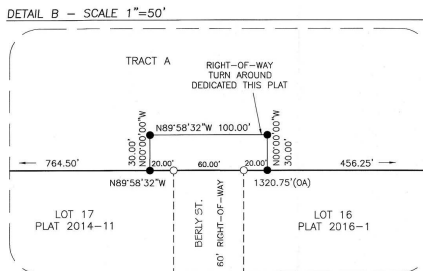
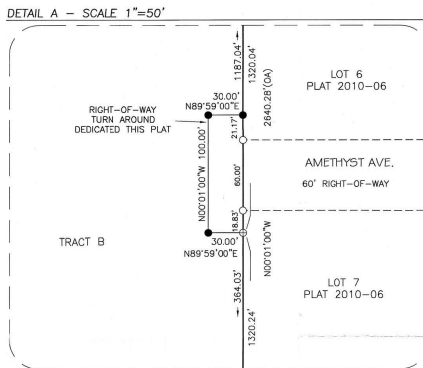
12/15/2022







- LEGEND**
- ⊙ FOUND PRIMARY MONUMENT AS REFERENCED
 - FOUND SECONDARY MONUMENT - REBAR
 - SET PRIMARY MONUMENT AS REFERENCED
 - SET SECONDARY MONUMENT
 - SUBDIVISION BOUNDARY
 - INTERIOR LOT LINE
 - - - ADJACENT PROPERTY LINE
 - - - EASEMENT
 - - - SETBACK
 - - - LOW WET AREA
 - OA OVERALL
 - (R#) RECORD DATA, SEE REFERENCE



- NOTES**
- 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.
 - 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.
 - 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.
 - ANY PERSON DEVELOPING THE PROPERTY IS RESPONSIBLE FOR OBTAINING ALL REQUIRED LOCAL, STATE, AND FEDERAL PERMITS, INCLUDING A U.S. ARMY CORPS OF ENGINEERS WETLANDS DETERMINATION IF APPLICABLE.
 - EXCEPTIONS TO KPB 20.30.170 - BLOCK LENGTH AND 20.30.100 - CUL-DE-SAC WERE GRANTED BY THE KPB PLANNING COMMISSION AT THE MEETING OF JANUARY 9, 2023.
 - WASTEWATER DISPOSAL, LOTS WHICH ARE AT LEAST 200,000 SQUARE FEET IN SIZE MAY NOT BE SUITABLE FOR AN ONSITE WASTEWATER TREATMENT AND DISPOSAL. ANY WASTEWATER TREATMENT AND DISPOSAL SYSTEM MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

CERTIFICATE OF ACCEPTANCE AND DEDICATION

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 THE PLAT IDENTIFIED AS FOLLOWS:

RIGHT OF WAY DEDICATED ON THIS PLAT - SOUTH 33' OF LOWER SALAMATOF AVENUE AND THE TURN AROUND AREA AT END OF BERYL STREET AND AMETHYST AVENUE, AS SHOWN

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.

AUTHORIZED OFFICIAL: _____ DATE: _____
 KENAI PENINSULA BOROUGH
 144 NORTH BINKLEY STREET
 SOLDOTNA, ALASKA 99669

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF JANUARY 9, 2023

KENAI PENINSULA BOROUGH

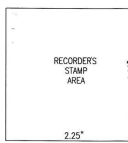
AUTHORIZED OFFICIAL: _____

CERTIFICATE OF SURVEYOR

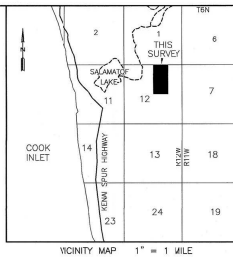
I, MARK AMONETTI 13022-S, HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF ALASKA AND THAT THIS PLAT REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, AND THAT THE MONUMENTS SHOWN ON THIS SURVEY ACTUALLY EXIST AS DESCRIBED, AND THAT ALL DIMENSIONAL AND OTHER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



PRELIMINARY



KPB 2022-178



CERTIFICATE OF OWNERSHIP AND DEDICATION

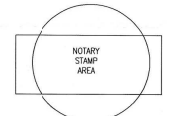
I HEREBY CERTIFY THAT I AM THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I HEREBY ADOPT THIS PLAN OF SUBDIVISION AND BY MY FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

JOSHUA SMITH
 PO BOX 39128
 NIKISKI, AK 99639

NOTARY ACKNOWLEDGEMENT

FOR: JOSHUA SMITH
 ACKNOWLEDGED BEFORE ME
 THIS ____ DAY OF _____
 2023

NOTARY PUBLIC SIGNATURE



KPB FILE No. 2022-000

SMITH-STANTON SUBDIVISION

A SUBDIVISION OF
 W 1/2 NE 1/4
 SECTION 12
 TOWNSHIP 6 NORTH
 RANGE 12 WEST
 SEWARD MERIDIAN
 DEED PARCEL
 SERIAL NUMBER 2021-013815-0
 KENAI RECORDING DISTRICT

LOCATED WITHIN NE 1/4 SECTION 12,
 T.6N., R.12W., S.M.
 KENAI PENINSULA BOROUGH
 KENAI RECORDING DISTRICT

OWNERS:
 JOSHUA SMITH
 PO BOX 39128
 NIKISKI, AK 99639

CONTAINING 80.00 ACRES



12501 OLD SEWARD, ANCHORAGE, AK 99515
 Phone (907) 344-5990 Fax (907) 344-7754

RECL# 1392

DRAWN BY: JY DATE: 12/11/2022 PROJECT: 22-621
 CHECKED BY: SCALE: 1" = 200' SHEET: 1 OF 1
 MA

- REFERENCES**
- (R1) PRINCES LAKE ESTATES PHASE 1, PLAT 2009-88, KENAI RECORDING DISTRICT
 - (R2) PRINCES LAKE ESTATES PHASE 2, PLAT 2010-06, KENAI RECORDING DISTRICT
 - (R3) SALAMATOF AIR PARK, ALCAN ADDITION NO. 2, PLAT 2009-14, KENAI RECORDING DISTRICT

- MONUMENT SUMMARY**
- 1. FOUND 3-1/4" ALUMINUM MONUMENT 0.2' BELOW GRADE GOOD CONDITION
 - 2. FOUND 3-1/4" ALUMINUM MONUMENT 0.2' BELOW GRADE GOOD CONDITION
 - 3. SET 2-1/2" ALUMINUM MONUMENT FLUSH WITH GRADE
 - 4. FOUND 3-1/4" ALUMINUM MONUMENT FLUSH WITH GRADE GOOD CONDITION
 - 5. FOUND 3-1/4" ALUMINUM MONUMENT FLUSH WITH GRADE GOOD CONDITION
 - 6. FOUND 3-1/4" ALUMINUM MONUMENT FLUSH WITH GRADE GOOD CONDITION

AGENDA ITEM E. NEW BUSINESS

ITEM 7 – SMITH-STANTON UBDIVISION

KPB File No.	2022-178
Plat Committee Meeting:	January 9, 2023
Applicant / Owner:	Joshua and Melissa Smith of Ninilchik, Alaska
Surveyor:	Jason Young, Mark Aimonetti / Edge Survey and Design, LLC
General Location:	Lower Salamatof Avenue, Amethyst Avenue, Berly Street, Salamatof area, Nikiski APC

Parent Parcel No.:	017-260-29
Legal Description:	W1/2 NE1/4 Section 12, Township 6 North, Range 12 West
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On Site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide an 80 acre parcel into two tracts that will be 32.465 acres and 46.429 acres. A half dedication for Lower Salamatof Avenue is proposed as well as two turnaround areas at the end of Berly Street and Amethyst Avenue.

Location and Legal Access (existing and proposed): There are various routes to the property but not all are constructed. The most direct constructed access at this time is from near mile 1 of state maintained Miller Loop Road. Borough maintained rights-of-way from Miller Loop Road provide the access to the subdivision. Dividend Street, Warren Avenue, and Nola Street provide the access to Lower Salamatof Avenue. Opal Street is a borough maintained right-of-way that provides access to Amethyst Avenue and Beryl Street that also provides access to the subdivision but neither are currently constructed. Amethyst Avenue is a 60 foot wide right-of-way that dead ends at the eastern boundary of this plat. Berly Street is a 60 foot wide right-of-way that dead ends at the southern boundary of this plat.

The plat is proposing to dedicate a 33 foot width along the northern boundary. This dedication will match a previously dedicated 33 foot width to the north to bring the right-of-way width to 66 feet. Lower Salamatof Avenue is atop a section line easements. Lower Salamatof Avenue width varies to the west and east as there are still large acreage lots that have not dedicated the right-of-way. ***Staff recommends section line easements for portions not dedicated should be labeled and provide a label that the dedication coincides with the section line easement.***

Both proposed tracts will have access from Lower Salamatof Avenue. Tract B will also have access from Amethyst Avenue. Additional access to Tract A will be from Berly Street.

This plat is proposing to dedicate a t-type turnaround right-of-way for the end of Amethyst Avenue and Berly Street. Those rights-of-way were granted by plats that developed a subdivision plan with those roads providing future continuations to have compliant block lengths. The owner of this subdivision is only creating two large acreage tracts and does not wish to continue the dedications at this time. Future development of this property will be required to dedicate rights-of-way that meet code and meet the design needs. An exception to KPB 20.30.100 - cul-de-sacs was requested by the surveyor. Instead of a cul-de-sac bulb they wish to dedicate the t-type turnaround as it takes up less usable space than a circular cul-de-sac. Staff reviewed and based on code, does not believe an exception is required but the determination if a hammerhead or t-type turnaround is sufficient as KPB 20.30.100(B) states those are allowed on case by case basis. The intent of a cul-de-sac per KPB 20.30.100(A) would be to permanently close the right-of-way. These are large acreage lots that could have the need to continue rights-of-way in the future. ***Staff recommends Staff recommends the plat committee concur that an exception is not required as the***

Page 1 of 6

conditions of KPB 20.30.100 are being met with the proposed dedications and that the plat committee review the design of the turnarounds to verify they meet the intended need of such type dedications. Additionally, **staff recommends** that the turnarounds be enlarged to 60 by 100 feet and the following plat note be required "The t-type dedications are to provide adequate turning areas until such time that additional dedications are granted to extend the rights-of-way."

The subdivision is within a large incomplete block and an exception has been requested.

KPB Roads Dept. comments	Out of Jurisdiction: No Roads Director: Painter, Jed Comments: per 14.06.160 - Turnarounds. Roads designed to have one end closed, either permanently or temporarily, shall be constructed with a suitable turnaround with a minimum radius of 30 feet. Dedicated cul-de-sacs shall be constructed with a minimum radius of 35 feet. The turnaround shall be constructed to a four percent grade or less.
SOA DOT comments	

Site Investigation: Low wet areas are present within the northwest portion of the subdivision. A wetlands determination plat note is present. **Staff recommends the low wet areas and the plat note remain on the final plat.**

There does not appear to be any areas with steep terrain and the dedication areas appear to comply.

The property appears to be currently vacant with no encroachment issues being created by this platting action. There does appear to be some type of clearing or trail within the property. No indication of an existing easement per the Certificate to Plat.

Some of the lots to the east appear to have some improvements close to property lines. **Staff recommends the surveyor verify there are no encroachments from neighboring lots when performing the field survey.** This platting action would not be creating the encroachment issues if any are found and will not create an issue for proceeding. Any encroachment issues on the property would be handled at a civil level and may cause concern for the owners if they wish to sell or finance.

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 NOT within HPD Comments: No comments C. State Parks Reviewer: Russell, Pam Comments: No Comments
State of Alaska Fish and Game	No objection

Staff Analysis This is a plat of an aliquot piece of property. It is an 80 acre parcel to have road dedications given and to create two tracts from the one parcel.

Due to the size of the lots, a soils report will be not required and 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.

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

Utility Easements The property was not previously platted so there are no easements to carry over. The certificate to plat did not contain any recorded easements to note.

The plat is proposing to grant 10 foot utility easements adjacent to dedications. This would include around the proposed t-type turnaround areas. A typical setback and utility easement depiction is included due to the scale of the subdivision. **Staff recommends** update the typical depiction to make "set back" one word.

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	
GCI	

KPB department / agency review:

Addressing	Reviewer: Haws, Derek Affected Addresses: None Existing Street Names are Correct: Yes List of Correct Street Names: BERYL ST OPAL ST AMETHYST AVE LOWER SALAMATOF AVE Existing Street Name Corrections Needed: All New Street Names are Approved: No List of Approved Street Names: List of Street Names Denied: Comments: No addresses affected by this subdivision.
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:

- This is property defined by aliquot description. The deed parcel and serial number information may be removed from the title block.
- Per the Certificate to Plat, Melissa Smith will need to be added to the title block as an owner.
- KPB Assessing information has the owners' city as Ninilchik. Please verify.
- Confirm area to surveyed land total.

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: Note the adjacent section line easements and provide a label for the section line easement within the Lower Salamatof Avenue dedication.

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 lots to the north are being replatted. Status should be verified prior to printing the mylar.
- Lot 17 to the south is part of a phased development. Status should be verified prior to printing the mylar.
- Right-of-way width labels should be added for Berly Street and Amethyst Avenue.
- Add a label and width label for Citabria Street.

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: Due to size of lots, a soils analysis report will not 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.

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: Melissa Smith needs to be added. Update the Certificate of Ownership to plural, add her a signature line and a notary acknowledgment. Verify the owners' city for their address. Comply with 20.60.190.

EXCEPTIONS REQUESTED:

KPB 20.30.170 – Blocks-Length requirements

Staff Discussion: KPB Code requires closed blocks with lengths between 330 and 1,320 feet that is measured from centerline intersections. The block for this subdivision is not closed. Lower Salamatof Avenue and Opal Street help define a block, lack of western dedications and incomplete dedications do not allow for a closed or compliant block. There are several large acreage tracts to the west and southwest that have not been subdivided to provide continuations or new dedications to improve the block lengths. Continuations of Amethyst Avenue and Beryl Street could improve the block issues but the preliminary plat submitted would leave those rights-of-way open for possible future continuations or dedications to meet future design needs. A dedication along the western boundary would improve the block but would cross through wetlands and due to the design to the south, a connection through may be difficult in that location.

Surveyor's Findings:

1. Wetland on the north boundary limits practical dedication of right-of-way.
2. Adequate road access dedicated in the general area.
3. Proposed larger tracts with this plating action, future subdivisions can dedicate right-of-way as needed.

Staff's Findings:

4. Code requires blocks be within 330 feet and 1,320 feet in length between intersections.
5. The distance along the western boundary is approximately 2,640 feet in length.
6. A dedication along the western boundary would improve the block but without additional dedications would still exceed allowable lengths.
7. Future continuations of Amethyst Avenue and Beryl Street will indicate how the blocks will layout.
8. Blocks in the area are irregular in shape due to terrain and design of previous subdivisions.
9. Multiple routes are available to the area but not are constructed.

If the exception is denied, dedications will be required to bring the block into compliance.

Staff reviewed the exception request and recommends granting approval.

Staff recommends the Committee select the findings they determine are applicable, make additional findings if needed, tie the findings to the following standards, and vote on the exception in a separate motion.

Unless prohibited under this title, the commission (committee) may authorize exceptions to any of the requirements set forth in this title. Application for an exception shall present the commission (committee) with substantial evidence, justifying the requested waiver or exception stating fully the grounds for the application and the facts

relied upon. All exceptions must be requested and granted at the time of preliminary plat approval. Exceptions may not be requested with a final plat submittal.

The commission (committee) shall make findings of fact meeting the following standards before granting any exception:

1. That special circumstances or conditions affecting the property have been shown by application;
Findings 1-3 and 7-9 appear to support this standard.
2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title;
Findings 1-3 and 7-9 appear to support this standard.
3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.
Findings 1-3 and 7-9 appear to support this standard.

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

RECOMMENDATION:

SUBJECT TO EXCEPTION(S) GRANTED, STAFF RECOMMENDS:

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

NOTE: 20.25.120. - REVIEW AND APPEAL.

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

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

END OF STAFF REPORT

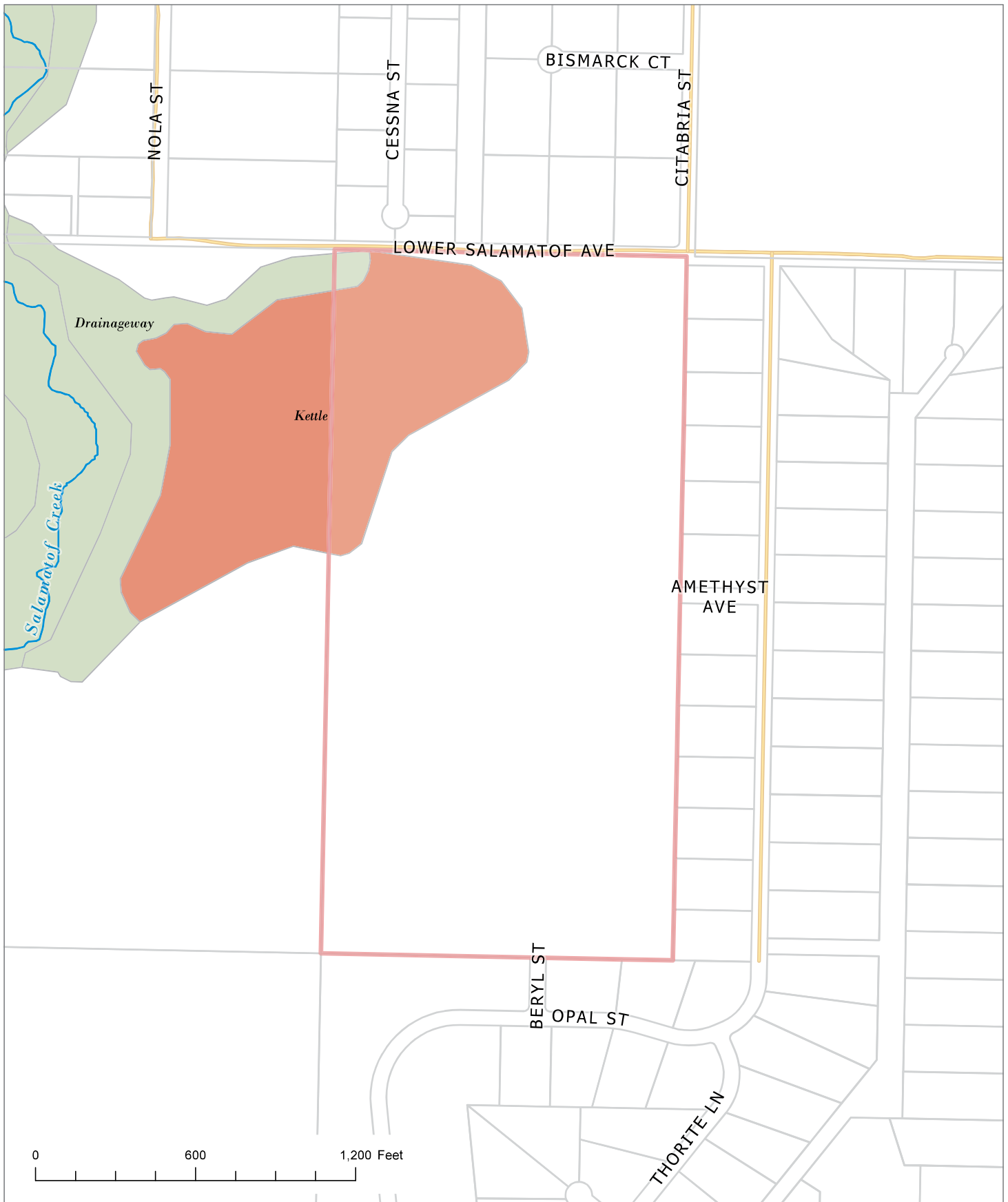


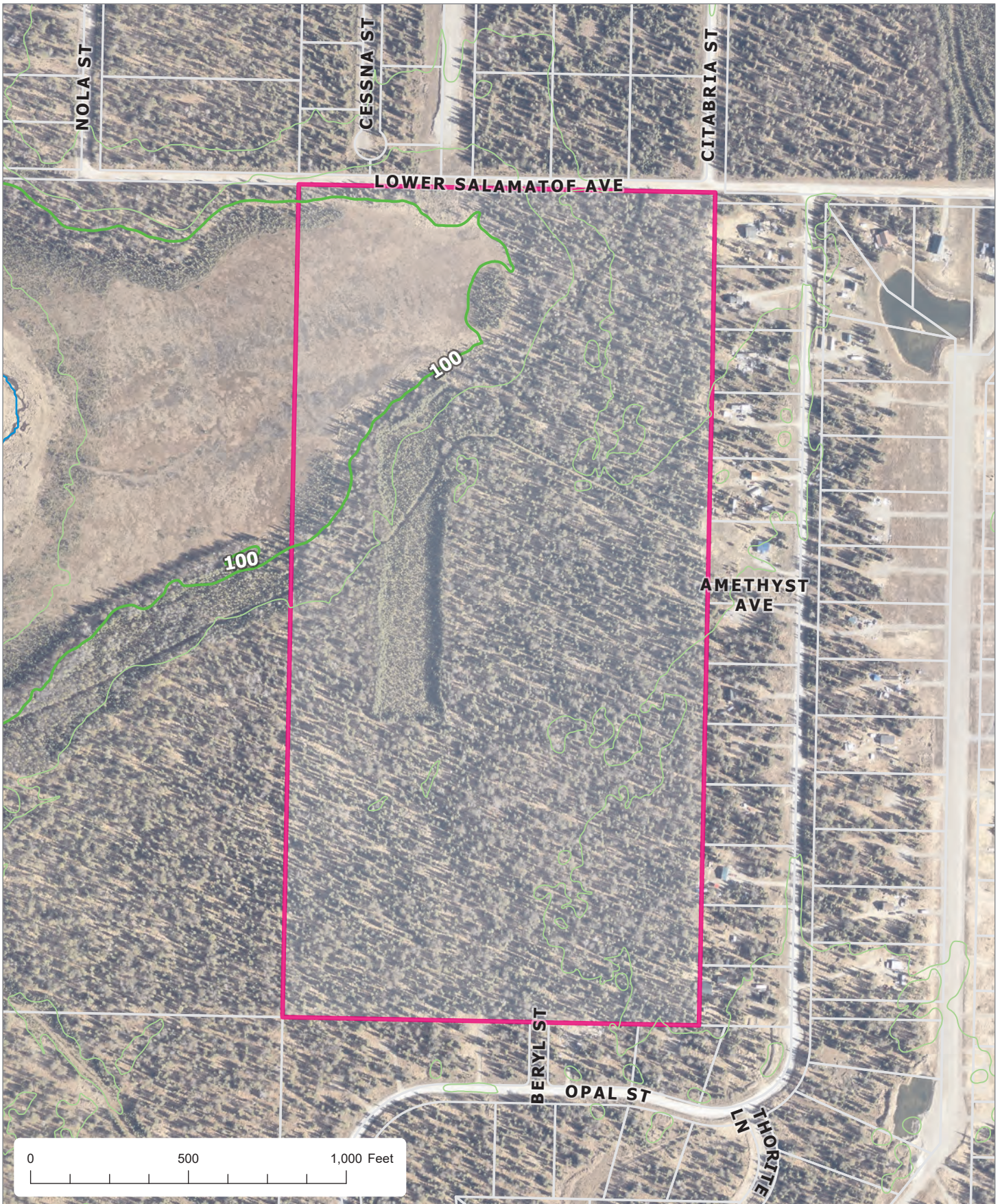
Aerial View





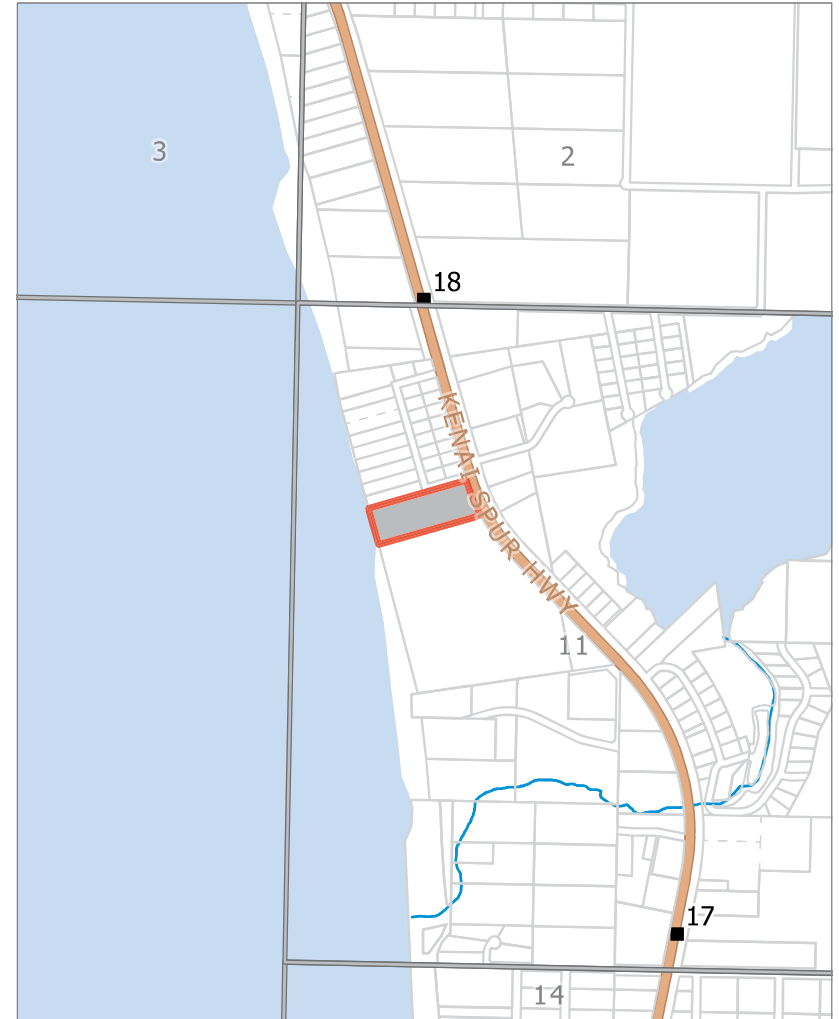
Wetlands





E. NEW BUSINESS

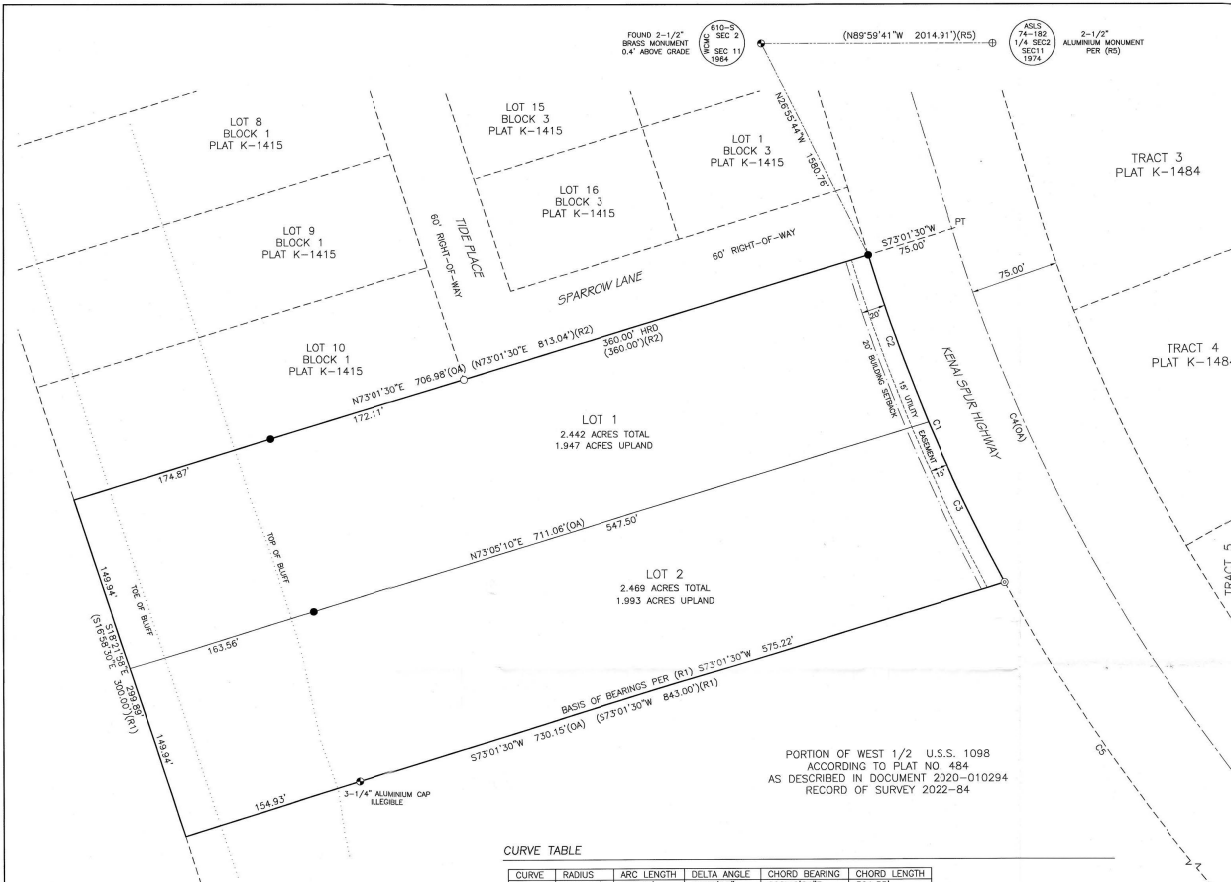
- 8. The Place Subdivision; KPB File 2022-179
Edge Survey & Design, LLC / The Place Motel Bar & Grill, LLC
Location: Sparrow Land & Kenai Spur Highway
Salamatof Area / Nikiski APC**



KPB File # 2022-179
S11 T06N R11W
Salamatof



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.



- LEGEND**
- FOUND PRIMARY MONUMENT AS SHOWN
 - ⊕ RECORD PRIMARY MONUMENT AS SHOWN
 - FOUND SECONDARY MONUMENT - REBAR
 - ⊙ FOUND SECONDARY MONUMENT 1-1/2" BRASS CAP IN CONCRETE NO MARKINGS
 - SET SECONDARY MONUMENT 5/8" X 30" REBAR WITH 2" ALUMINUM CAP STAMPED EDGE SURVEY LS-13022 2023
 - SUBDIVISION BOUNDARY
 - INTERIOR LOT LINE
 - ADJACENT PROPERTY LINE
 - HIGHWAY CENTERLINE
 - EASEMENT
 - SETBACK
 - TOP/TOE OF BLUFF
 - MONUMENT TIE LINE
 - OA OVERALL
 - WD WITNESS DISTANCE
 - (R#) RECORD DATA, SEE REFERENCE
 - HRD HELD RECORD DISTANCE

CURVE TABLE

CURVE	RADIUS	ARC LENGTH	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	1507.34	301.83	11°28'23"	S22°46'24"E	301.33
C1(R1)	1507.34	150.92	11°28'23"	S22°40'30"E	300.90
C2	1507.34	150.92	5°44'12"	S19°54'18"E	150.85
C3	1507.34	150.93	5°44'13"	S25°38'30"E	150.86
C4	1432.34	697.53	27°54'08"	N30°59'28"W	690.66
C4(R3)	1432.34	699.20	27°56'	N36°43'34"W	430.81
C5	1507.34	432.29	16°25'55"	S35°34'05"E	430.97
C5(R4)	1507.34	432.46	16°26'17"	S35°34'05"E	430.97

REFERENCES

- (R1) STATUTORY WARRANTY DEED, BOOK 112 PAGE 499, KENAI RECORDING DISTRICT
- (R2) REDOUBT VIEW SUBDIVISION, PLAT NO. K-1415, KENAI RECORDING DISTRICT
- (R3) STATE OF ALASKA, DEPARTMENT OF HIGHWAYS, RIGHT OF WAY MAP, S-0490(2)
- (R4) RECORD OF SURVEY, PLAT 2020-84, KENAI RECORDING DISTRICT
- (R5) ELIAS INDUSTRIAL PARK SUBDIVISION, PLAT 2014-77, KENAI RECORDING DISTRICT

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF JANUARY 9, 2023.
KENAI PENINSULA BOROUGH

AUTHORIZED OFFICIAL

PRELIMINARY

NOTES

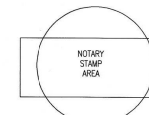
- NO PRIVATE ACCESS TO STATE MAINTAINED RIGHTS-OF-WAY IS PERMITTED UNLESS APPROVED BY THE STATE OF ALASKA DEPARTMENT OF TRANSPORTATION.
- THE FRONT 15 FEET ADJACENT TO THE RIGHTS-OF-WAY IS A UTILITY EASEMENT. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
- 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.
- THIS SUBDIVISION 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. 601, DATED AUGUST 10, 1949 AND AMENDED BY PUBLIC LAND ORDER NO. 757, DATED OCTOBER 10, 1950; PUBLIC LAND ORDER NO. 1613, DATED APRIL 7, 1958; AND DEPARTMENT OF THE INTERIOR ORDER NO. 2665, DATED OCTOBER 16, 1951, AMENDMENT NO. 1 THERETO, DATED JULY 17, 1952 AND AMENDMENT NO. 2 THERETO, DATED SEPTEMBER 15, 1956, FILED IN THE FEDERAL REGISTER.
- THIS SUBDIVISION SUBJECT TO GENERAL EASEMENT WITH NO DEFINED LOCATION FOR ELECTRIC LINES OR SYSTEM AND/OR TELEPHONE LINES TOGETHER WITH RIGHT TO ENTER, MAINTAIN, REPAIR AND CLEAR SHRUBBERY, RECORDED: APRIL 5, 1998, VOLUME/PAGE: 2-17, GRANTED TO HOMER ELECTRIC ASSOCIATION, INC.
- RIGHTS OF THE PUBLIC AND OR GOVERNMENTAL AGENCIES IN AND TO THAT PORTION OF SAID PREMISES LYING BELOW THE MEAN HIGH WATER MARK OF COOK INLET AND ANY QUESTIONS OF RIGHT OF ACCESS TO THE INLET IN THE EVENT SAID LANDS DO NOT IN FACT ABUT THE INLET.
- ANY PROHIBITION OR LIMITATION ON THE USE, OCCUPANCY OR IMPROVEMENT OF THE LAND RESULTING FROM THE RIGHTS OF THE PUBLIC OR RIPARIAN OWNERS TO USE ANY WATERS WHICH MAY COVER THE LAND OR TO USE ANY PORTION OF THE LAND WHICH IS NOW OR MAY FORMERLY HAVE BEEN COVERED BY WATER.
- ANY ADVERSE CLAIM BASED UPON THE ASSERTION THAT SOME PORTION OF SAID LAND IS TIDE OR SUBMERGED LANDS, OR HAS BEEN CREATED BY ARTIFICIAL MEANS OR HAS ACCRUED TO SUCH PORTION SO CREATED, ANY PREFERENCE RIGHTS WHICH MAY EXIST UNDER THE ALASKA LAND ACT, TERMS, PROVISIONS AND RESERVATIONS UNDER THE SUBMERGED LANDS ACT (43 USCA 1301, 67 STAT. 29) AND THE ENABLING ACT (PUBLIC LAW 85-508, 72 STAT. 339).
- RIGHTS AND EASEMENTS OF THE UNITED STATES OVER AND ACROSS LANDS LYING BENEATH NAVIGABLE WATERS, TIDE LANDS NECESSARY TO ITS JURISDICTION OVER COMMERCE, NAVIGATION AND FISHERIES.
- THE NATURAL MEANDERS OF THE MEAN HIGH WATER LINE IS FOR COMPUTATIONS ONLY, THE TRUE PROPERTY CORNERS BEING THE EXTENSION OF THE SIDE LOT LINES AND THEIR INTERSECTION WITH THE NATURAL MEANDERS OF THE MEAN HIGH WATER LINE.
- MEAN HIDE TIDE WAS DETERMINED BY TIME COORDINATED TIDAL OBSERVATION ON JANUARY 20, 2023 AS PROTRACTED FROM THE NOAA PUBLICATION FOR THE PREDICTIONS OF HIGH AND LOW WATERS FOR 2023 IN NIKISKI, ALASKA.
- EXCEPTION TO KPB 20303190 - LOTS - DIMENSIONS, WAS GRANTED BY THE KPB PLAT COMMITTEE AT THE MEETING OF JANUARY 9, 2022.
- WASTEWATER DISPOSAL: SOIL CONDITIONS, WATER TABLE LEVELS, AND SOIL SLOPES HAVE BEEN FOUND SUITABLE FOR CONVENTIONAL ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEMS SERVING SINGLE-FAMILY OR DUPLEX RESIDENCES AND MEETING THE REGULATORY REQUIREMENTS OF THE KENAI PENINSULA BOROUGH. ANY OTHER TYPE OF ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEM MUST BE DESIGNED BY A PROFESSIONAL ENGINEER, REGISTERED TO PRACTICE IN ALASKA, AND THE DESIGN MUST BE APPROVED BY THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

ENGINEER LICENSE NUMBER DATE

NOTARY ACKNOWLEDGEMENT

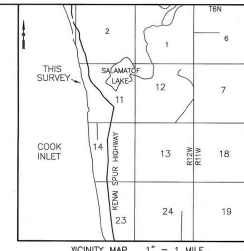
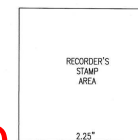
FOR: GRANT GRAYTRIX
ACKNOWLEDGED BEFORE ME
THIS DAY OF 2023

NOTARY PUBLIC SIGNATURE



CERTIFICATE OF SURVEYOR

I, MARK AMONETTO 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 THE PLACE MOTEL, BAR AND GRILL, LLC, IS THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND THAT ON BEHALF OF THE PLACE MOTEL, BAR AND GRILL, LLC, I HEREBY ADOPT THIS PLAN OF SUBDIVISION AND BY MY FREE CONSENT DEDICATE ALL RIGHTS-OF-WAYS AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

GRANT GRAYTRIX - MEMBER
THE PLACE MOTEL, BAR AND GRILL LLC.
PO BOX 1037
KENAI, AK 99610



KPB FILE NO. 2022-000

THE PLACE SUBDIVISION

A SUBDIVISION OF
PORTION OF
US SURVEY 1098
LAYING WEST OF
KENAI SPUR HIGHWAY
DEED PARCEL
BOOK 112 PAGE 499
KENAI RECORDING DISTRICT

LOCATED WITHIN NE 1/4 SECTION 11,
T.6N., R.12W. S.M.
STATE OF ALASKA
KENAI PENINSULA BOROUGH
KENAI RECORDING DISTRICT

OWNERS:
THE PLACE MOTEL, BAR AND GRILL
PO BOX 1037
KENAI, ALASKA 99611

CONTAINING 4.911 ACRES



12501 OLD SEWARD, ANCHORAGE, AK 99515
Phone (907) 344-5950 Fax (907) 344-7754
IECL# 1392

DRAWN BY: DATE: 12/11/2022 PROJECT: 22-618
CHECKED BY: SCALE: 1" = 50' SHEET: 1 OF 1
MA

KPB 2022-179

AGENDA ITEM E. NEW BUSINESS

ITEM 8 – THE PLACE SUBDIVISION

KPB File No.	2022-179
Plat Committee Meeting:	January 9, 2023
Applicant / Owner:	The Place Motel, Bar and Grill LLC of Kenai, Alaska
Surveyor:	Jason Young, Mark Aimonetti / Edge Survey and Design, LLC
General Location:	Mile 17.75 Kenai Spur Highway, Sparrow Lane, Salamatof Area, Nikiski APC

Parent Parcel No.:	017-260-11
Legal Description:	A portion of US Survey 1098 west of the Kenai Spur Highway as defined in Book 112 Page 499, KRD
Assessing Use:	General Commercial
Zoning:	Rural Unrestricted
Water / Wastewater	On Site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide a 4.9 acre parcel into two lots that will be 2.442 and 2.469 acres.

Location and Legal Access (existing and proposed): The subdivision is located near mile 17.75 of state maintained Kenai Spur Highway and along Sparrow Lane. Sparrow Lane is a 60 foot wide dedicated right-of-way that is not currently constructed. It runs a distance of 360 feet along the northern boundary of the subdivision. A constructed access is within the Sparrow Lane from the Kenai Spur Highway that will provide access to proposed Lot 1. An additional access is from the Kenai Spur Highway that will provide access to Lot 2. Cook Inlet is located along the western boundary. **Staff recommends the source for the Kenai Spur Highway should be cited within the depiction or within a plat note, add a "width varies" label or a defined width within the highway depiction.**

The block does not comply. Due to a large acreage lot to the south and Cook Inlet the block is incomplete and unable to have right-of-way dedications to close the block. Using Cook Inlet to define the block, the block still exceeds limits along the Kenai Spur Highway and due to lack of right-of-way continuations does not close. Requiring a dedication to try to improve the block will result in a dedication to Cook Inlet and the distance between the dedication and Sparrow Lane cannot be placed in any location to comply with minimum block length requirements. **Staff recommends the plat committee concur that an exception is not required as a dedication will not improve the block.**

KPB Roads Dept. comments	Out of Jurisdiction: No Roads Director: Painter, Jed Comments: No comments
SOA DOT comments	

Site Investigation: The only low wet areas is the area below the bluff and adjacent to Cook Inlet. Steep terrain is shown by depicting the top and toe of the bluff along the inlet.

The property is within a flood hazard area and the appropriate note should be added.

The property contains a building that is known as The Place, a motel, bar, and grill. Per KPB GIS Imagery, the building appears to be very close to the property line. The soils report has already been submitted and it depicts the building within the property boundary but indicates a well may be outside of the lot line. **Staff recommends the**

surveyor verify the location of the structure and well during the field survey to verify if either is encroaching into the Sparrow Lane right-of-way.

This plat will be creating a buildings setback as well as granting utility easements along the rights-of-way. These are depicted along the Kenai Spur Highway but not along Sparrow Lane. **Staff recommends** if the structures are within the property but within the setback or utility easements being granted, the structure will need to be shown on the final and plat notes will be required that state the structure pre-dates the setback and/or utility easement.

KPB River Center review	<p>A. Floodplain Reviewer: Carver, Nancy Floodplain Status: IS in flood hazard area Comments: Flood Zone: VE Map Panel: 02122C-0040E In Floodway: False Floodway Panel:</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 property was originally part of a homestead entry survey. The survey was for 160 acres. The property has had multiple subdivisions done as well as selling off property through deeds. The parcel within this subdivision is one of the lots that was created by a deed.

A soils report will be required and an engineer will sign the final plat. The report has been submitted and states the soils are suitable for conventional onsite wastewater treatment systems. Staff will review the report to verify it complies with code requirements.

Per the preliminary Certificate to Plat, beneficial interest holders do not affect the proposed plat. Notification per KPB 20.25.090 will not be required unless the final Certificate to Plat states the property is affected by beneficial interest holders.

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

Utility Easements There are no previously platted easements to carry forward. The certificate to plat included an easement granted by document that is within the plat notes.

The plat intends to grant 15 foot utility easements along the rights-of-way. The easement along the Kenai Spur Highway, as well as the setback, are depicted and labeled. This plat should also be creating a setback and utility easement along Sparrow Lane. As discussed the building may be within those areas and once the field survey is done a depiction of the structure and additional plat notes may be required. Staff would like to note that the setback and utility easement should be granted but the building will be exempt. No improvements or additions may encroach into those areas and if the building were to be removed and replaced the new improvements would be subject to the full setback and utility easement. **Staff recommends** depict the easements along Sparrow Lane and include in the labels or within the plat note that the easements are being created 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	Locate the existing overhead three phase electric line. If it is located within the subdivision boundary, then provide a label or note stating, "The existing overhead powerline is the centerline of a 40 ft. wide electrical distribution line, including guys and anchors, granted this plat." If either of the two poles are located within Lot 2, then provide additional 15 foot wide easements for the service lines that are located within Lot 2 and servicing Lot 1.
ENSTAR	No comments or recommendations
ACS	
GCI	

KPB department / agency review:

Addressing	<p>Reviewer: Haws, Derek Affected Addresses: 53791 SPARROW LN</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names: SPARROW LN TIDE PL KENAI SPUR 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: 53791 SPARROW LN will remain with lot 1.</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

Staff recommendation: final plat submittals must comply with 20.25.070. Additional information, revisions, and/or corrections are required as noted below.

- A. Within the Title Block
1. Name of the subdivision which shall not be the same as an existing city, town, tract, or subdivision of land in the borough, of which a plat has been previously recorded, or so nearly the same as to mislead the public or cause confusion. The parent plat's name shall be the primary name of the preliminary plat.
 2. Legal description, location, date, and total area in acres of the proposed subdivision;
 3. Name and address of owner(s), as shown on the KPB records and the certificate to plat, and registered land surveyor.
- Staff recommendation:** Update the location to NW1/4 and add "LLC" to the owner's name.
- 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 subdivision depiction needs added. Update the name of the lake to Lower Salamatof.
- 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:** Add a label for Cook Inlet.

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 is required and an engineer will be required 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.

20.60.180. 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.

- 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. Map Panel 02122C-0040E

- *If the exception is granted add "There may be possible limitations on further subdivision based on access issues, development trends in the area, or topography."*

Update the following notes.

- *Note 5 needs the date updated and add "KRD" or "Kenai Recording District" with the document information.*
- *Note 12 will need the year updated.*

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: *Unless documentation is provided, all members of the LLC will be required to sign the final plat. Update the certificate of acceptance to plural pronouns, add additional member information and signature lines. Add additional notary acknowledgments. Comply with 20.60.190.*

EXCEPTIONS REQUESTED:

KPB 20.30.190 – Lots-Dimensions

Staff Discussion: KPB Code 20.30.190 requires lots have the average depth be no greater than three times the average width, or 3:1 depth to width ratio.

Surveyor's Findings:

1. Parent deed parcel dimensions limits subdivision options.
2. Useable upland area near 3:1 depth to width ratio.
3. With the annual erosion rate of the bluff the upland portion will meet depth to width ratio in time.
4. Proposed parcels have adequate space for well, septic, and future development.

Staff's Findings:

5. KPB Code requires a 3:1 depth to width ratio.
6. Cook Inlet is along the western boundary.
7. Steep slopes are found within the western portion.
8. Terrain limits the subdivision designs available.
9. Lot 1 has a ratio of 4.7:1.
10. Lot 2 has a ratio of 4.8:1.
11. Using upland area only, Lot 1 has a ratio of 3.03:1.
12. Using upland area only, Lot 2 has a ratio of 3.7:1.
13. Soils report states there is more than 20,000 square feet available for wastewater and replacement systems.
14. Lots will be approximately 2.4 acres.
15. Lots will have approximately 1.9 acres of upland area.

Denial of the exception will require a redesign that brings the blocks into compliance.

Staff reviewed the exception request and recommends granting approval subject to a plat note "There may be possible limitations on further subdivision based on access issues, development trends in the area, or topography."

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, 6-8, and 13-15 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, 6-8, and 13-15 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, 6-8, and 13-15 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



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