



## Meeting Agenda Plat Committee

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Monday, January 23, 2023

6:30 PM

Betty J. Glick Assembly Chambers

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**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-4869](#) January 9, 2023 Plat Committee Meeting Minutes

Attachments: [C3. 010923 Plat Committee Meeting Minutes](#)

#### **D. OLD BUSINESS**

#### **E. NEW BUSINESS**

1. [KPB-4870](#) Federal Addition to Seward Saltwater Safari Replat; KPB File 2022-184  
Attachments: [E1. Federal Addn. Seward Saltwater Safari Replat Packet](#)  
[E1. Federal Addn. Seward Saltwater Safari Replat Desk Packet](#)
2. [KPB-4871](#) Kingswood Estates subdivision 2022; KPB File 2022-183  
Attachments: [E2. Kingswood Estates Subdivision Packet](#)
3. [KPB-4872](#) Ninilchik Townsite Vanek 2023 Replat; KPB File 2022-182  
Attachments: [E3. Ninilchik Townsite Vanek 2023 Replat Packet](#)
4. [KPB-4873](#) Russian Gap Subdivision 2023 Addition; KPB File 2022-185  
Attachments: [E4. Russian Gap Sub 2023 Addn. 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, February 13, 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](mailto:planning@kpb.us)

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

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

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

## **C. CONSENT AGENDA**

### **\*3. Minutes**

#### **a. January 9, 2023 Plat Committee Meeting Minutes**



# Kenai Peninsula Borough

## Plat Committee

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

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January 9, 2023

5:30 PM

**UNAPPROVED MINUTES**

*(Meeting Held Via Zoom)*

### **A. CALL TO ORDER**

Commissioner Gillham called the meeting to order at 5:30 p.m.

### **B. ROLL CALL**

*Plat Committee Members/Alternates*

Pamela Gillham, District 1, Kalifornsky

Troy Staggs, City of Seward

David Stutzer, District 8 - Homer

Franco Venuti, City of Homer

*Staff Present*

Samantha Lopez, Acting Planning Director

Vince Piagentini, Platting Manager

Julie Hindman, Platting Specialist

Ann Shirnberg, Planning Administrative Assistant

Rhonda Foster-Deskins, Land Management Administrative Assistant

With 4 members of a 4-member committee in attendance, a quorum was present.

### **Election of Officers**

Commissioner Venuti nominated, seconded by Commissioner Stutzer, Commissioner Gillham for the position of Chairman. Seeing and hearing no objections, discussion or other nominations, Commissioner Gillham was appointed Chairman.

Commissioner Stutzer nominated, seconded by Commissioner Horton, Commissioner Venuti for the position of Vice Chair. Seeing and hearing no objections, discussion or other nominations, Commissioner Venuti was appointed Vice-Chairman.

### **C. APPROVAL OF AGENDA, EXCUSED ABSENCES, AND MINUTES**

\*3. Approval of Minutes

a. December 12, 2022 Plat Committee Meeting Minutes

\*4. Grouped Plats

Staff report by Platting Manager Vince Piagentini.

Staff has grouped the following plats located under **AGENDA ITEM E**. They are grouped as simple or non-controversial. The type of plats grouped are lot splits, creating a small number of lots, replats, no exceptions required and no public comments were received. – 4 Plats

1. Bay Ridge Estates Lot 22 Caron 2023 Replat; KPB File 2022-175
2. Brown's Acre Estates Addition No.; KPB File 2022-170
3. Fort Raymond subdivision No. 1 Hemlock Addition; KPB File 2022-177

## 5. Tatum Denise Subdivision Derks Lake Addition; KPB File 2022-155R1

**Staff recommends** the committee determine whether any members of the public, surveyors or committee members wish to speak to any of the plats in this group and remove the specific plats from the group, voting on the remainder of plats in the group in a single action to grant preliminary approval to the plats subject to staff recommendations and the conditions noted in the individual staff reports.

**END OF STAFF REPORT**

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

**MOTION:** Commissioner Venuti moved, seconded by Commissioner Stutzer to approve the agenda and grouped plates 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, Staggs, Stutzer, Venuti
No - 0	

**D. OLD BUSINESS – None****E. NEW BUSINESS****ITEM E1 - BAY RIDGE ESTATES LOT 22 CARON 2023 REPLAT**

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

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

*\*Passed Under Grouped Plats Under The Consent Agenda*

**ITEM E2 – BROWN'S ACRE ESTATES ADDITION NO. 1**

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

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

*\*Passed Under Grouped Plats Under The Consent Agenda*

**ITEM E3 – FORT RAYMOND SUBDIVISION NO. 1 HEMLOCK REPLAT**

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

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

*\*Passed Under Grouped Plats Under The Consent Agenda*

**ITEM E4 – SURREAL SUBDIVISION TRACT C REPLAT**

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

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

Staff report given by Platting Manager Vince Piagentini.

Chair Gillham opened the item for public comment.

Kristen Dixon; 65375 Diamond Ridge Rd., Homer AK 99603: Ms. Dixon is a neighboring landowner and she expressed concerns regarding the size of the lots and potential issues that the wastewater systems on these lots could negatively affect other properties in the area. She also noted that the ski trail that crosses this property has been maintained by the Kachemak Nordic Ski Club and used for years. She does not want to lose access to this trail and would like to see the trail become a dedicated easement.

Daphne Maxon; PO Box 1089, Anchor Point, AK 99556: Ms. Maxon is the owner of this parcel and she stated that she is aware of the ski trail and has no plans to limit its' use. She stated that she would be happy to talk with any of the area residents about the development plans for the proposed lots.

Jennifer Edwards; 66740 Elliot Ave., Homer AK 99603: Ms. Edwards is a neighboring landowner and expressed the same concerns as Ms. Dixon.

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

Commissioner Stutzer informed the committee that he is a resident in this neighborhood and received the public notice on this item. However he did not believe this would create a conflict of interest in this matter. He just wanted this to be noted in the record.

Commissioner Stutzer noted that several of the proposed lots were pretty small and asked staff per code what is the minimum lot size. Platting Manager Piagentini replied that 20.30.200(B) states that lots must

contain at least 40,000 square feet if both the well and wastewater system are to be located on the lot. The smallest lot is .93 acres and meets the require minimum lot size.

Commissioner Stutzer also noted that the proposed legal access for these lots are unconstructed roads. He noticed there was a private easement on this lot and wondered if the new lots would be able to use this easement. Platting Specialist Hindman replied that code requires that there be platted legal access, code does not require that it be constructed. The private access road is currently for the owners use only and they do not wish to dedicate it. Currently the owner would not be able to grant access to this private easement, as the new lots do not yet legally exist. Granting use of the private easement could be discussed after the subdivision is finalized and recorded.

**MOTION:** Commissioner Venuti moved, seconded by Commissioner Stutzer to grant preliminary approval to Surreal Subdivision Tract C Replat, 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, Staggs, Stutzer, Venuti
No - 0	

**ITEM 5 – TATUM DENISE SUBDIVISION DERKS LAKE ADDITION**

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

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

*\*Passed Under Grouped Plats Under The Consent Agenda*

**ITEM 6 – HANK AND MATTIE BARTOS SUBDIVISION**

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

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

Staff report given by Platting Manager Vince Piagentini.

Chair Gillham opened the item for public comment.

Jason Young, Edge Survey & Design: PO Box 59, Kasilof, AK 99610: Mr. Young is the surveyor on this project and made himself available for questions.

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

**MOTION:** Commissioner Venuti moved, seconded by Commissioner Stutzer to grant preliminary approval to Hank & Mattie Bartos Subdivision, based on staff recommendations and compliance to borough code.

**EXCEPTION REQUEST A:** Commissioner Venuti moved, seconded by Commissioner Stutzer to grant exception request to KPB 20.30.17 – Block Length Requirements, citing findings 1-4, 7, 10, 12 & 13 in support of standards one, two and three.

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

**EXCEPTION REQUEST A MOTION PASSED BY UNANIMOUS VOTE**

Yes 4	Gillham, Staggs, Stutzer, Venuti
No - 0	

**EXCEPTION REQUEST B:** Commissioner Venuti moved, seconded by Commissioner Horton, to grant exception request to 20.30.100 – Cul-de-sacs, citing findings 1-9 in support of standards one, two and three.

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

**EXCEPTION REQUEST B MOTION PASSED BY UNANIMOUS VOTE**

Yes 4	Gillham, Staggs, Stutzer, Venuti
No - 0	

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

**MOTION PASSED AS AMENDED BY UNANIMOUS VOTE**

Yes 4	Gillham, Staggs, Stutzer, Venuti
No - 0	

**ITEM 7 – SMITH-STANTON SUBDIVISION**

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

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

Staff report given by Platting Manager Vince Piagentini.

Chair Gillham opened the item for public comment.

Jason Young, Edge Survey & Design: PO Box 59, Kasilof, AK 99610: Mr. Young is the surveyor on this project and made himself available for questions.

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

**MOTION:** Commissioner Horton moved, seconded by Commissioner Venuti to grant preliminary approval to Smith-Stanton Subdivision, based on staff recommendations and compliance to borough code.

**EXCEPTION REQUEST:** Commissioner Horton moved, seconded by Commissioner Venuti to grant exception request to KPB 20.30.170 – Block Length Requirements, citing findings 1-3 & 7-9 in support of standards one, two and three.

**EXCEPTION REQUEST PASSED BY UNANIMOUS VOTE**

Yes 4	Gillham, Staggs, Stutzer, Venuti
No - 0	

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

**MOTION PASSED AS AMENDED BY UNANIMOUS VOTE**

Yes 4	Gillham, Staggs, Stutzer, Venuti
No - 0	

**ITEM 8 – THE PLACE SUBDIVISION**

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

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

Staff report given by Platting Manager Vince Piagentini.

Chair Gillham opened the item for public comment.

Jason Young, Edge Survey & Design: PO Box 59, Kasilof, AK 99610: Mr. Young is the surveyor on this project and made himself available for questions.

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

**MOTION:** Commissioner Horton moved, seconded by Commissioner Stutzer to grant preliminary approval to The Place Subdivision, based on staff recommendations and compliance to borough code.

**EXCEPTION REQUEST:** Commissioner Horton moved, seconded by Commissioner Stutzer to grant exception request to KPB 20.30.19 – Lot Dimensions, subject to a plat note stating “There may be possible limitation on further subdivision based on access issues, development trends in the area or topography, citing findings 1-4, 6-8 & 13-15 in support of standards one, two and three.

**EXCEPTION REQUEST PASSED BY UNANIMOUS VOTE**

Yes 4	Gillham, Staggs, Stutzer, Venuti
No - 0	

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

**MOTION PASSED AS AMENDED BY UNANIMOUS VOTE**

Yes 4	Gillham, Staggs, Stutzer, Venuti
No - 0	

**F. PUBLIC COMMENT**

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

**G. ADJOURNMENT**

Commissioner Stutzer moved to adjourn the meeting 6:35 P.M.

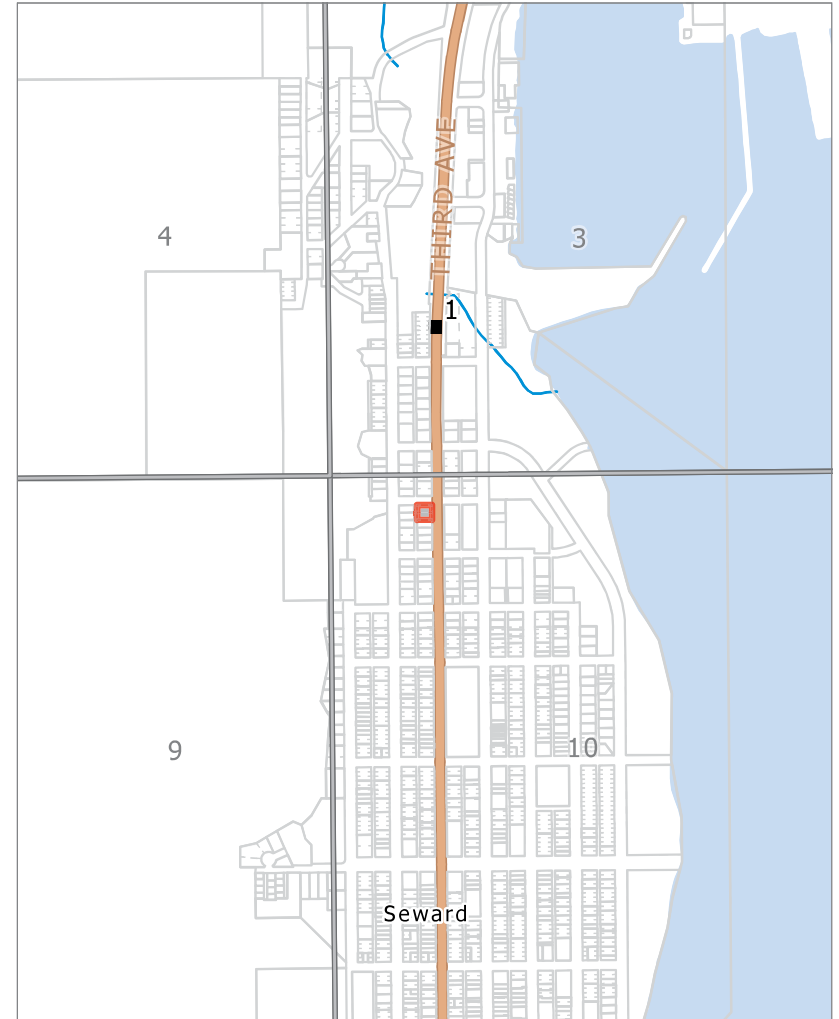
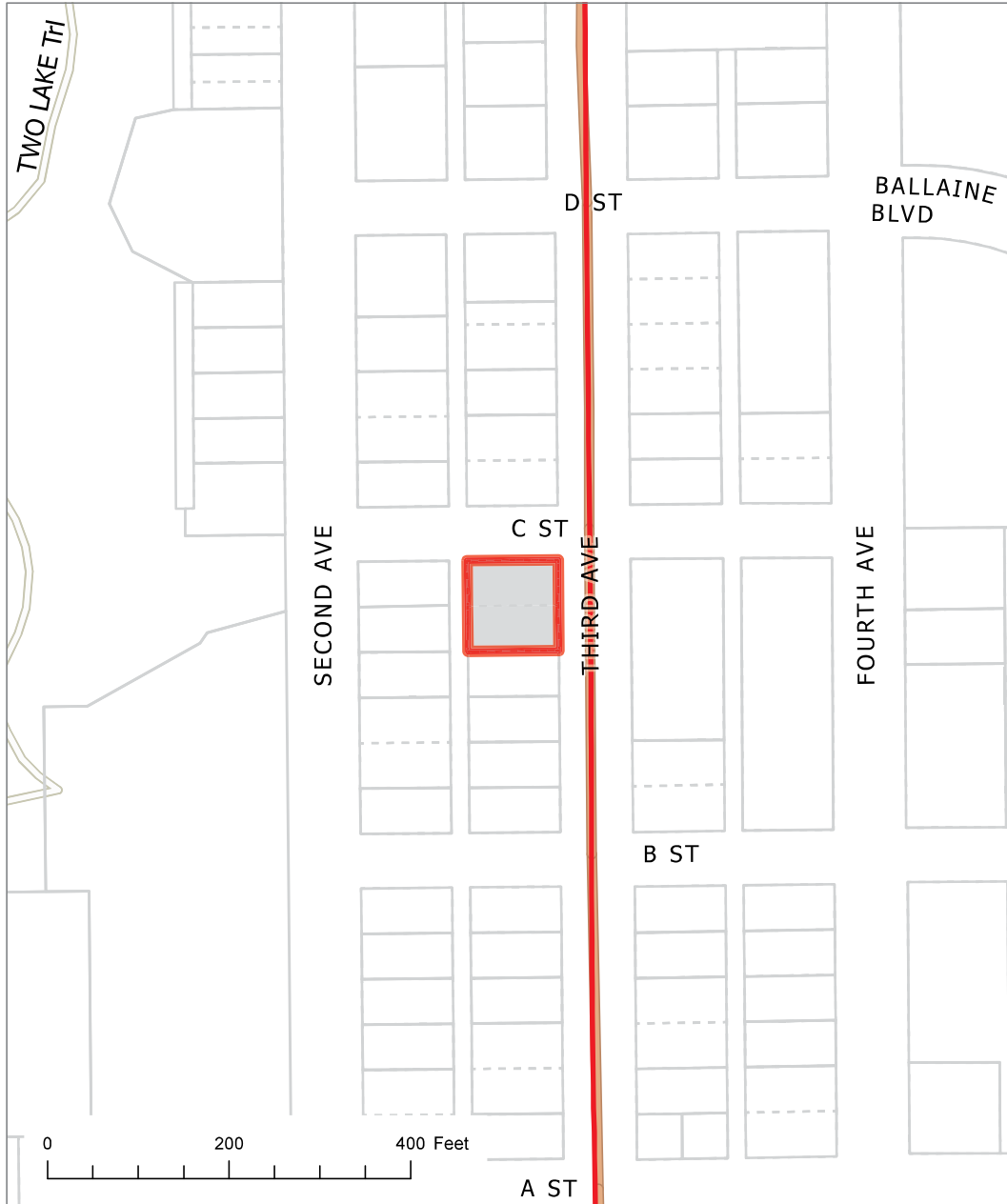
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Ann E. Shirnberg  
Administrative Assistant

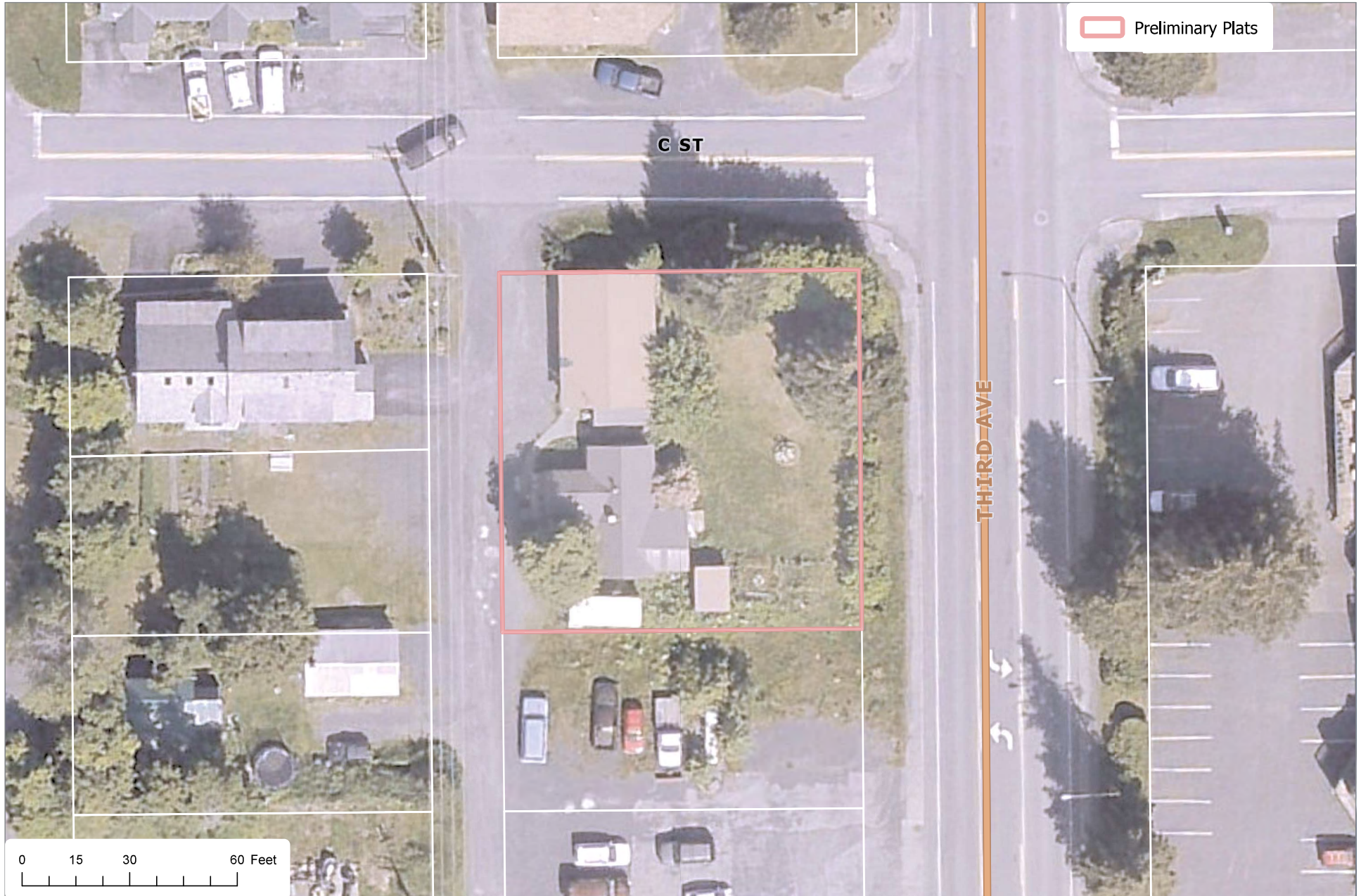
## **E. NEW BUSINESS**

- 1. Federal Addition to Seward Saltwater Safari Replat;  
KPB File 2022-184  
Lang & Associates Inc.  
Saltwater Safari Properties LLC  
Location: C Street & Third Avenue  
City of Seward**





KPB File # 2022-184  
S10 T01S R01W  
Seward



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



# CERTIFICATE OF OWNERSHIP AND DEDICATION

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

## Owner

ROBERT CANDOPOULES, MEMBER  
SALTWATER SAFARI PROPERTIES LLC  
P.O. Box 1689  
Seward, AK 99664

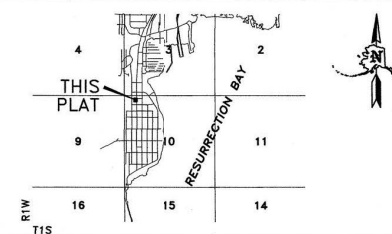
## Notary Acknowledgement

for \_\_\_\_\_ Subscribed and

sworn to before me this \_\_\_\_\_ day \_\_\_\_\_

Notary Public for the State of Alaska My Commission Expires \_\_\_\_\_

## Vicinity Map Scale: 1" = 1 Mile



## PLAT OF FEDERAL ADDITION TO SEWARD SALTWATER SAFARI REPLAT

Lot 5A, Block 14 - CONTAINING 0.230 Acres  
A RESUBDIVISION OF Lots 5 & 6, Block 14

FEDERAL ADDITION TO SEWARD (Plat No. 4)  
LOCATED WITHIN THE N.W. 1/4, SECTION 10, T1S, R1W,  
SEWARD MERIDIAN, ALASKA  
KENAI PENINSULA BOROUGH

## SEWARD RECORDING DISTRICT

## Lang & Associates, Inc.

Professional Land Surveyors  
11500 Daryl Avenue  
Anchorage, Alaska 99515-3049  
(907) 522-6478  
ken@langsurvey.com  
jonathan@langsurvey.com  
State of Alaska AECC963

## Owner

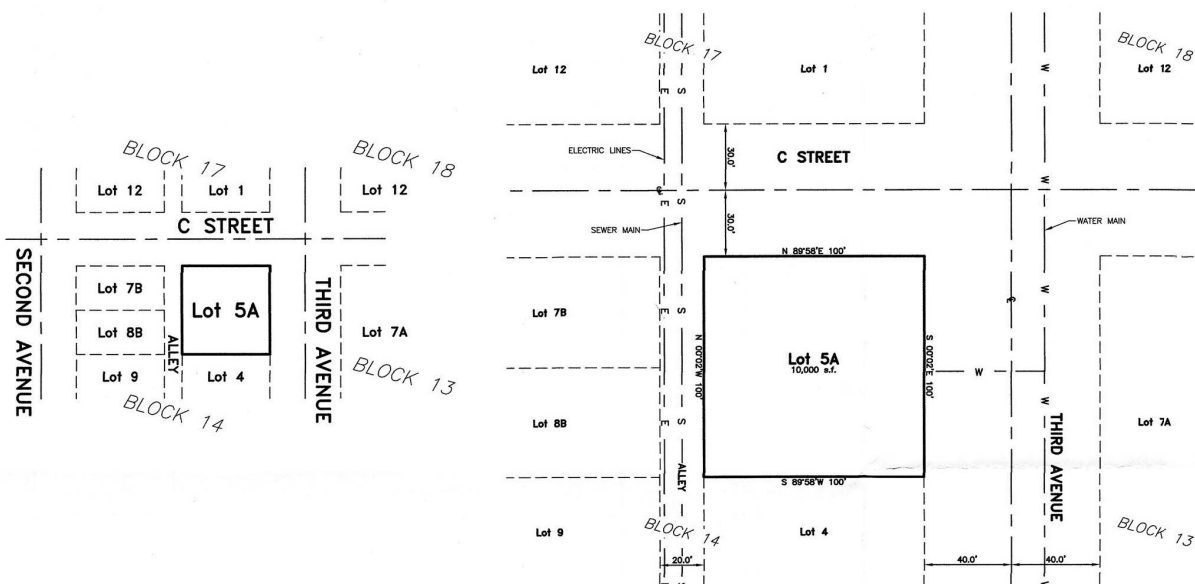
SALTWATER SAFARI  
PROPERTIES LLC  
P.O. Box 1689  
Seward, AK 99664

GRID: N/A SCALE: 1" = 30' DATE: OCTOBER 2022  
DRAWN: JCL SHEET 1 OF 1 PROJECT #: 22-667

JOB FILE: L22667pp.dwg

PRELIMINARY

DETAIL  
SCALE: 1"=30'



PRELIMINARY

## SURVEYOR'S CERTIFICATE

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

## PLAT APPROVAL

Plat approved by the Kenai Peninsula Borough Planning Commission at the meeting of \_\_\_\_\_

Borough Official \_\_\_\_\_



## WASTEWATER DISPOSAL

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

## NOTES

- The purpose of this plat is to vacate the interior lot line of Lots 5 and 6, Block 14, Federal Addition to Seward (Plat No. 4).
- This parcel is subject to the City of Seward zoning and land use regulations.

AGENDA ITEM E. NEW BUSINESS

**ITEM 1 - FEDERAL ADDITION TO SEWARD SALTWATER SAFARI REPLAT**

<b>KPB File No.</b>	2022-184
<b>Plat Committee Meeting:</b>	January 23, 2023
<b>Applicant / Owner:</b>	Saltwater Safari Properties, LLC of Seward, Alaska
<b>Surveyor:</b>	Ken Lang / Lang & Associates, inc.
<b>General Location:</b>	C Street, Third Avenue, City of Seward

<b>Parent Parcel No.:</b>	147-140-05
<b>Legal Description:</b>	Lot 5 and Lot 6 Block 14, Federal Addition to Seward, SW 4
<b>Assessing Use:</b>	Residential
<b>Zoning:</b>	Auto-Commercial (AC)
<b>Water / Wastewater</b>	City

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**STAFF REPORT**

**Specific Request / Scope of Subdivision:** The proposed plat combine two lots into one lot that will be 10,000 square feet in size (.23 acres).

**Location and Legal Access (existing and proposed):** The proposed subdivision is located on the corner of C Street and Third Avenue in the City of Seward. Third Avenue is also known as part of the Seward Highway and is maintained by the State of Alaska. The subdivision is near mile .75 of the Seward Highway. Third Avenue/Seward Highway has an 80 foot wide dedication adjacent to the subdivision. The subdivision is on the corner of Third Avenue and C Street. C Street is a Seward managed right-of-way that is constructed and has a 60 foot wide dedication. Along the western boundary of the subdivision is a 20 foot wide alley.

The alley appears to be the current access to the lots within the subdivision. Any other access will require approval from State of Alaska DOT or City of Seward depending on the access desired.

Not using the alley for defining the block, the block is short of the code allowed block lengths. C Street, Second Avenue, B Street, and Third Avenue define the closed block. The distance between Second Avenue and Third Avenue is approximately 300 feet. The distance between C Street and B Street is approximately 350 feet.

KPB Code 20.30.170 states a block should be no less than 330 feet and along state maintained road no less than 800 feet. This plat is only proposing to combine two lots and has right-of-way along three sides. ***Staff recommends the plat committee concur that an exception is not required as there is no option to increase the block length with this platting action.***

KPB Roads Dept. comments	Out of Jurisdiction: Yes Roads Director: Painter, Jed Comments: No comments
SOA DOT comments	The ROW for Third Avenue/Seward Highway appears to be shown correctly.

**Site Investigation:** There are no low wet areas within the subdivision boundary. The terrain is relatively flat. The property is within Floodplain Zone X, which is minimal flood risk and is non-regulatory. No additional plat notes or depictions are required.

The property contains multiple structures and per the City of Seward Agenda Statement it is a single family dwelling and a garage. The owner of the property has received a Conditional Use Permit from the City of Seward to construct a 9-plex with crew housing. Per the City of Seward Code, only single-family residence can be constructed across platted lot lines. This replat will allow for the construction of the approved building to be within parent Lots 5 and 6.

Some of the structures appear very close to the property lines. **Staff recommends building locations be verified to determine if any encroachments exist.**

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	

**Staff Analysis** The proposed plat is a replat to combine two lots that were part of the Federal Addition to Seward, Plat SW No. 4. The survey was performed in 1915 and approved in 1916.

The KPB Assessing records currently show the lots as one parcel. This was a former practice for some of the smaller lots in the borough to only provide one tax bill. In many cases this assisted when structures were built straddling the lot lines. While shown as one parcel they are legal two lots and this platting process will officially combine them into one lot.

Water and sewer are available to the lot. A soils report will be not be required. An installation agreement will need to be provided by the City of Seward or documentation that one is not required.

Per KPB 20.60.200(A), a survey must be performed except when the only purpose is to eliminate existing property lines. It is not disclosed if a field survey will be performed. If a field survey is not performed all record data must be provided and any computed distances that differ from record should be shown. This includes ties to GLO/BLM monuments. **Staff recommends if a field survey is not performed, provide all record data versus computed and add a plat note "A field survey was not performed in accordance with KPB 20.60.200(A). All information presented is from record data as cited."**

While a survey may not be required there are concerns regarding structures being close to lot lines. **Staff recommends the locations of structures be verified to make sure no encroachments exist.**

The preliminary plat has a small depiction with a detail with utilities shown. **Staff recommends the smaller depiction is not required and unless being used to grant an easement, the utility information may be removed from the final.**

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 preliminary plat is within the City of Seward. The City of Seward Planning and Zoning Commission held a hearing on the plat at their November 8, 2022 meeting. The City of Seward Planning and Zoning Commission adopted their Resolution 2022-028 to recommend approval to the Kenai Peninsula Borough Planning Commission.

**Utility Easements** There are no platted easements to carry over. The Certificate to Plat did not indicate any recorded easements for the property.

Per KPB Code 20.30.0609(D), the front ten feet adjoining rights-of-way shall be designated as a utility easement. The plat does not indicate the intent to grant the easement and an exception was not requested. Per the same portion of code, if within the boundaries of an incorporated city, the width and location of utility easements may be determined by the city and affected utility providers. The information presented by the City of Seward Planning and Zoning Commission did not discuss the utility easements or a desire to reduce the code minimum of 10 feet. **Staff recommends the plat grant the minimum 10 foot utility easements unless documentation is provided that the City of Seward wishes to reduce the amount or locations and all utility providers in the area agree to the changes.**

If utility easements are being granted by this plat, the location of structures will need to be determined if they are within the easements. If so, they will predate the creation of the easements and will require to be shown on the plat and additional plat notes to be added.

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's service area. No comments
ENSTAR	No comments or recommendations
ACS	ACS has no plants in Seward area. No objections
GCI	Approved as shown
SEWARD ELECTRIC	
CHUGACH ELECTRIC	No comments. Not located in our service area.
TELALASKA	

**KPB department / agency review:**

Addressing	<p>Reviewer: Haws, Derek  Affected Addresses:  809 THIRD AVE</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names:  C ST  SECOND AVE  THIRD AVE</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 addresses.</p>
Code Compliance	<p>Reviewer: Ogren, Eric  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. Review Not Required</p>
Assessing	<p>Reviewer: Windsor, Heather Comments: No comment</p>

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

### **STAFF RECOMMENDATIONS** **CORRECTIONS / EDITS**

Legend will be needed.

Monumentation should be shown whether set, found, or record.

#### **KPB 20.25.070 – Form and contents required**

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

- A. Within the Title Block
1. Name of the subdivision which shall not be the same as an existing city, town, tract, or subdivision of land in the borough, of which a plat has been previously recorded, or so nearly the same as to mislead the public or cause confusion. The parent plat's name shall be the primary name of the preliminary plat.
  2. Legal description, location, date, and total area in acres of the proposed subdivision;
  3. Name and address of owner(s), as shown on the KPB records and the certificate to plat, and registered land surveyor.

**Staff recommendation:** Add "City of Seward" to where it is located.

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

**Staff recommendation:** Lot 7B and 8B to the west and Lot 7A to the east have been replatted and their most recent plat information should be shown. This can be the name of the subdivision, the plat recording number, or a combination of both. Any lots that are from the same parent plat as the lots being replatted do not need a label.

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

**Staff recommendation:** A block label within the lot will be required to carry over the block designation.

#### **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.

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### KPB 20.40 – Wastewater Disposal

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

#### 20.40.010 Wastewater disposal.

*Platting Staff Comments: City water and sewer available. Soils report will not be required. As the lots will be connecting to an existing system and on site will note be available, the plat note should be updated to "Plans for wastewater disposal that meet regulatory requirements are on file at the Department of Environmental Conservation."*

**Staff recommendation:** comply with 20.40.

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### KPB 20.60 – Final Plat

**Staff recommendation:** final plat submittals must comply with 20.60. Additional information, revisions, and/or corrections are required as noted below.

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

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

#### 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 Seward Planning and Zoning Commission Conditional Use Permit No. 2022-004 recorded June 13, 2022 as Serial Number 2022-000583-0, Seward Recording District.
- The front 10 feet adjoining rights-of-way are designated utility easements as 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.

*Additional notes may be required in regards to any possible encroachments and/or utility easements.*

#### 20.60.190. Certificates, statements, and signatures required.

**Staff recommendation:** The current Notary Acknowledgment is a combination of acknowledgement and jurat. Either change to a Notary Jurat or remove "sworn" form the acknowledgment. The Certificate of ownership will require rewording. "I, hereby certify that Saltwater Safari Properties, LLC is the owner of the real property shown and described hereon and that I, on behalf of Saltwater Safari Properties, LLC, 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." Additional documentation will be required to verify who is allowed to sign on behalf of the LLC and if additional member signatures will be required. If so the certificate of ownership should be changed to plural pronouns. Comply with 20.60.190.



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**RECOMMENDATION:**

**STAFF RECOMMENDS:**

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

NOTE: 20.25.120. - REVIEW AND APPEAL.

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

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

END OF STAFF REPORT



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



# Plat of FEDERAL ADDITION

TO  
SEWARD  
T1S R1W Seward Meridian  
ALASKA

Scale: 1 inch = 100 feet

Survey commenced July 22, 1915 completed August 12, 1915

Total area 66.55 acres

Survey No. 1116

DEPARTMENT OF THE INTERIOR  
GENERAL LAND OFFICE

I hereby certify that this plat of Federal Addition to Seward in T1S, R1W, Seward Meridian, Alaska, as surveyed under instructions dated July 16, 1915 by J. Frank Warner and V.H. Wilhelm, U.S. Surveyors in accordance with the provisions of the act of March 12, 1914 (38 Stats.) is strictly conformable to the field notes of the survey thereof on file in this office which have been examined and approved.

Washington, D.C.

Approved May 22, 1916.

*Thelma C. Eder*  
Chief Clerk, General Land Office

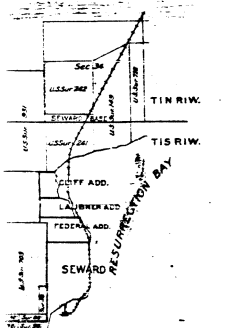
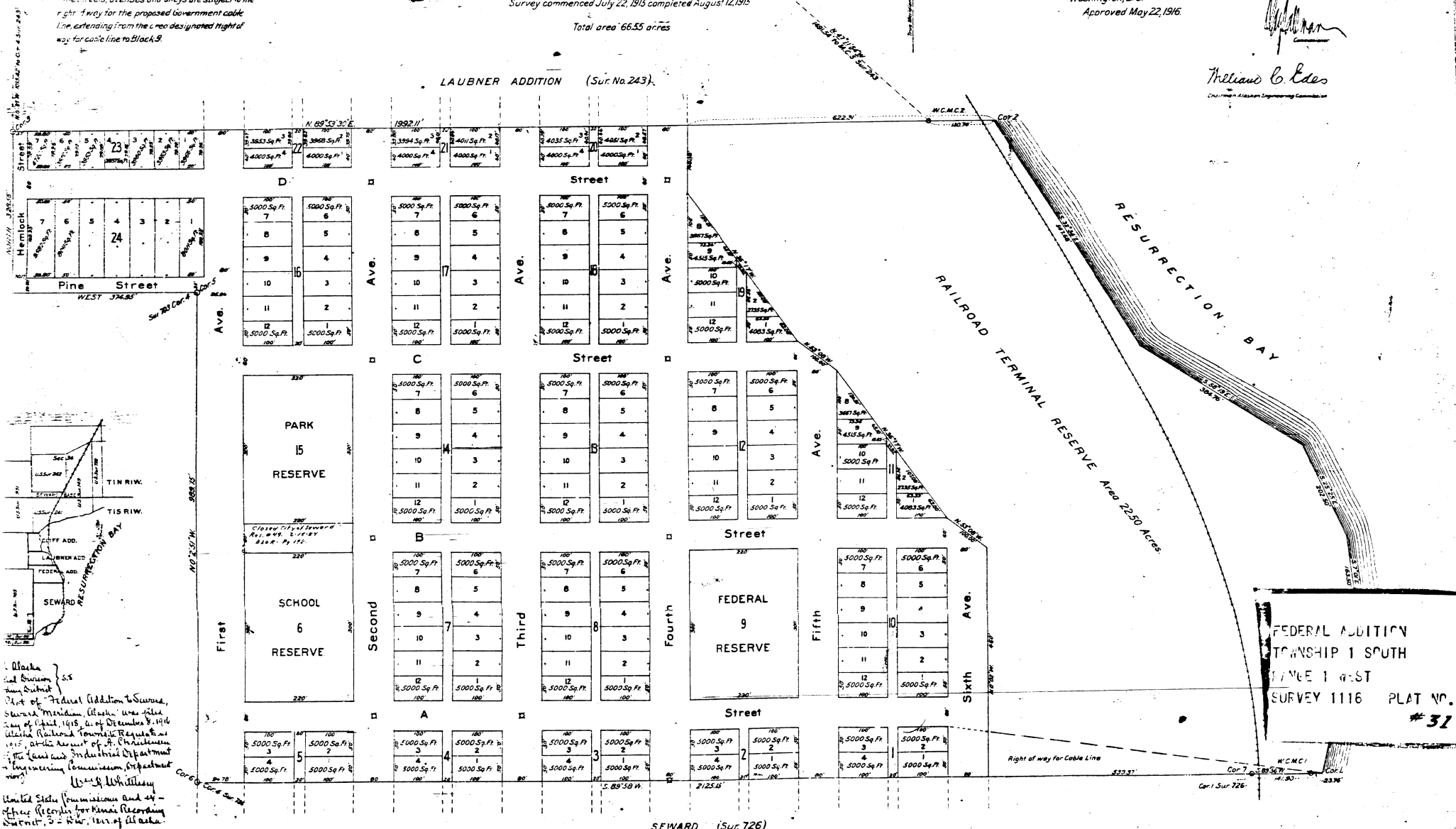
## LEGEND

Block corners are for posts 3x3x30 inches.  
Lot corners are for posts 1 1/2 x 1 1/2 x 30 inches.  
Solid iron bolts 2 inch diameter, 8 inches long sunk 2 feet below the ground are located at the intersection of center lines of streets and indicated thus:

## Note:

The streets, avenues and alleys are subject to the right of way for the proposed Government cable line, extending from the line designated Right of way for cable line to Block 9.

LAUBNER ADDITION (Sur. No. 243)



Alaska  
Federal Addition to Seward  
Seward Meridian, Alaska  
Surveyed under instructions dated July 16, 1915 by J. Frank Warner and V.H. Wilhelm, U.S. Surveyors in accordance with the provisions of the act of March 12, 1914 (38 Stats.) is strictly conformable to the field notes of the survey thereof on file in this office which have been examined and approved.

SEWARD (Sur. 726)

FEDERAL ADDITION  
TOWNSHIP 1 SOUTH  
RANGE 1 WEST  
SURVEY 1116 PLAT NO. 4  
#31

Charbonneau stated that the proposed rezone does not support the Comprehensive Plan, and that the lot could have been used for potential homes. He agreed with Griswold that the area where the lot was located was steep and possibly not a good area for housing development. He stated that the area would be better for boat storage in case of possible flooding.

Verhey stated that the zoning map showed the lots on the north side of the proposed rezone as resource management so the rezone would not necessarily be a spot zone.

**Motion Passed**

**Unanimous**

**Resolution 2022-027, A Resolution of the Planning and Zoning Commission of the City of Seward, Alaska, Recommending City Council Amend Portions of Seward City Code, 15.25 Floodplain Management, Adopting Recommended Language and Regulations from the Federal Emergency Management Agency (FEMA).**

**Motion to Approve (Charbonneau/Monaco)**

**Approve Resolution 2022-027**

Bringhurst stated that the portion of code relating to floodplain development has not been updated since 2016. The Commission's joint work session held on October 17, 2022 with the Seward Bear Creek Flood Service Area reviewed the model ordinance sent by FEMA. After that work session, Bringhurst reached out to the City's FEMA representative to clarify a few points on the model ordinance. The FEMA representative has not responded yet so she recommended a postponement on Resolution 2022-027.

*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 Postpone (Charbonneau/Ulman)**

**Postpone Resolution 2022-027 until FEMA representative responds to questions.**

**Motion Passed**

**Unanimous**

**UNFINISHED BUSINESS – None**

**NEW BUSINESS**

**Resolutions**

**Resolution 2022-028, A Resolution of the Planning and Zoning Commission of the City of Seward, Alaska, Recommending Kenai Peninsula Borough Approval of the Preliminary Replat of Lots 5 & 6, Block 14, Original Townsite of Seward, Federal Addition, Vacating the Interior Lot Line and Creating One Lot to be known as, Lot 5A, Block 14, Original Townsite of Seward, Federal Addition, Saltwater Safari Replat.**

**Motion to Approve (Charbonneau/Monaco)**

**Approve Resolution 2022-028**

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

**Motion Passed**

**Unanimous**

**Other New Business Items**

**Set topic for November 15, 2022 work session.**

Bickling stated that a lot of these topics have come up throughout the year and gave a quick review of each topic.

The commission discussed the priorities and asked staff to pick a topic. Charbonneau mentioned he would like to see the Fourth of July Beach/Spring Creek campground parking addressed this winter.

**Discuss cancelling the December 20, 2022 work session.**

Charbonneau mentioned he would be here all December. Monaco stated she would be here as well.

Bickling stated he would reach out to the other commissioners to see their availability for the work session.

**Discuss adjusting January meeting dates.**

Bickling suggested moving the January meeting dates back a week since the January 3, 2023 meeting was so close to a holiday.

**INFORMATIONAL ITEMS AND REPORTS**

*Reminder: November 15, 2022 regular Planning and Zoning Work Session at 6:00 p.m. in the Council Chambers, City Hall.*

*Reminder: December 6, 2022 regular meeting at 7:00 p.m.*

**CITIZEN COMMENTS**

**Carol Griswold**, inside city limits, stated that she was pleased with some of the commissioners' findings with Resolution 2022-025 where the rezone would be a better fit to resource management as the elevation of that lot was lower. However, she was unhappy with the preliminary replats as the replats should contain more information. She stated that the commissioners should request for utility easements to be placed on the preliminary replats in order to plan for the future.

## Planning and Zoning Agenda Statement



Meeting Date: November 8, 2022

To: Planning and Zoning Commission

Through: Jason Bickling, Community Development Director

From: Courtney Bringhurst, Planner

Agenda Item: Resolution 2022-028: Recommending Kenai Peninsula Borough Approval of the Preliminary Replat of Lots 5 & 6, Block 14, Original Townsite of Seward, Federal Addition, Vacating the Interior Lot Line and Creating One Lot to be known as, Lot 5A, Block 14, Original Townsite of Seward, Federal Addition, Saltwater Safari Replat

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### Background and justification:

Attached for the Commission's review and recommendation to the Kenai Peninsula Borough Planning Commission is a preliminary replat submitted by Saltwater Safari Properties LLC. This platting action will create a single lot by vacating the interior lot line of Lots 5 & 6, Block 14, Original Townsite of Seward, Federal Addition.

This parcel is located at 809 Third Ave. A vacant single-family dwelling and garage are currently located on the property. Saltwater Safari Properties LLC has received a Conditional Use Permit to construct a 9-Plex with crew housing on this property.

Seward City Code 12.01.030 states that "No building, except a single-family residence, may be constructed across platted property lines." This requires Saltwater Safari Properties LLC to remove the interior lot line in order to construct the 9-Plex with crew housing.

In accordance with Borough requirements, the City must review and comment on a plat before submittal to the Borough for approval.

### Subdivision Review:

**Zoning:** The property is zoned Auto-Commercial (AC).

**Size:** The lot is 10,000 square feet (Required: Minimum of 9,000 s.f.)

**Utilities:** The lots currently have access to water, sewer, and electric.

**Existing Use:** There is currently a vacant single-family dwelling and garage located on the property.

**Access:** Primary access to the lot will be from Third Ave and C Street.

**Flood Zone:** According to the Kenai Peninsula Borough Floodplain map, the lot is not within a Flood Zone.

### Comprehensive and Strategic Plan Consistency Information

This legislation is consistent with (citation listed):

Comprehensive Plan: Vol 1, Chapter 2.2.11 – “Promote infill development by encouraging and promoting construction on vacant sites in areas of the City which are already established.”  
 Vol 1, Chapter 3.2.1 – “Promote residential and commercial development within the City of Seward and its vicinity in accordance with community values.”  
 Vol 1, Chapter 3.3.1 – “Encourage development of new housing in Seward.”

Strategic Plan: Promote Residential and Commercial Development Inside the City (Page 9-10)  
 • Encourage construction of residential and seasonal housing at all market levels  
 Promote in-fill development by encouraging and promoting construction on vacant sites in already established areas of the City. (Page 10)

### Staff Comments

Department	Comments	No Comment	N/A
Building Department		X	
Fire Department		X	
Public Works Department		X	
Harbor Department		X	
Police Department		X	
Electric Department		X	
Telecommunications		X	

### Public Comment

Seward City Code 16.01.015(f) states that “a plat submitted to create a single parcel through the vacation of interior lot lines shall be exempt from subsection (c), public posting, (d), proof of posting and (e), notification of property owners.”

At the time of this publication the Community Development Department has received no public inquiries. If any correspondence is received after publication of this agenda statement, it will be submitted to the Commissioners for their review.

### Recommendation

Commission approve Resolution 2022-028, recommending Kenai Peninsula Borough Approval of the Preliminary Replat of Lots 5 & 6, Block 14, Original Townsite of Seward, Federal Addition, Vacating the Interior Lot Line and Creating One Lot to be known as, Lot 5A, Block 14, Original Townsite of Seward, Federal Addition, Saltwater Safari Replat

**CITY OF SEWARD, ALASKA  
PLANNING AND ZONING COMMISSION  
RESOLUTION 2022-028**

**A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF  
THE CITY OF SEWARD, ALASKA RECOMMENDING KENAI  
PENINSULA BOROUGH APPROVAL OF THE PRELIMINARY REPLAT  
OF LOTS 5 & 6, BLOCK 14, ORIGINAL TOWNSITE OF SEWARD,  
FEDERAL ADDITION, VACATING THE INTERIOR LOT LINE AND  
CREATING ONE LOT TO BE KNOWN AS, LOT 5A, BLOCK 14,  
ORIGINAL TOWNSITE OF SEWARD, FEDERAL ADDITION,  
SALTWATER SAFARI REPLAT**

**WHEREAS**, Saltwater Safari Properties LLC has submitted a preliminary replat to the City of Seward for review and recommendation to the Kenai Peninsula Borough; and

**WHEREAS**, the physical location of this platting action is 809 Third Ave; and

**WHEREAS**, this replat will vacate the interior lot line, creating one lot to be known as Lot 5A, Block 14, Original Townsite of Seward, Federal Addition, Saltwater Safari Replat; and

**WHEREAS**, the parcel is zoned Auto-Commercial (AC); and

**WHEREAS**, Seward City Code 12.01.030 states that “No building, except a single-family residence, may be constructed across platted property lines”; and

**WHEREAS**, Saltwater Safari Properties LLC has received a Conditional Use Permit to construct a 9-Plex with crew housing on Lots 5 & 6; and

**WHEREAS**, the interior lot line between Lots 5 & 6 must be removed through a replat of the property before construction may begin; and

**WHEREAS**, the proposed Lot 5A will be 10,000 square feet, which meets the required minimum buildable lot size of 9,000 square feet; and

**WHEREAS**, the lot width meets the required minimum of 30’; and

**WHEREAS**, the lot currently has access to a platted public right-of-way as well as all public utilities; and

**WHEREAS**, Seward City Code §16.01.015(f), states that “a plat submitted to create a single parcel through the vacation of interior lot lines shall be exempt from subsection (c), public posting, (d), proof of posting and (e), notification of neighboring property owners”; and

**WHEREAS**, it is the Planning and Zoning Commission’s responsibility to act in an



advisory capacity to 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 Kenai Peninsula Borough approve the submittal of the replat of Lots 5 & 6, Block 14, Original Townsite of Seward, Federal Addition, vacating the interior lot line and creating one lot to be known as, Lot 5A, Block 14, Original Townsite of Seward, Federal Addition, Saltwater Safari Replat.

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

**PASSED AND APPROVED** by the Seward Planning and Zoning Commission this 8<sup>th</sup> day of November, 2022.

**THE CITY OF SEWARD, ALASKA**

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**Vanessa Verhey, Vice Chair**

AYES: Charbonneau, Ulman, Monaco, Verhey

NOES:

ABSENT: Hornseth, Staggs, Sullivan

ABSTAIN:

VACANT:

ATTEST:

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Brenda Ballou, MMC  
City Clerk

(City Seal)

# DESK PACKET

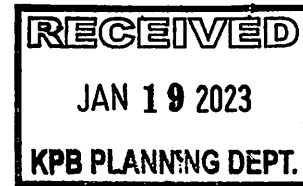
Information that came in after the  
01-06-23 meeting packet publish date

1. Federal Addition to Seward Saltwater Safari Replat  
KPB File 2022-184  
Lang & Associates Inc. / Saltwater Safari Properties LLC  
Location: C Street & Third Avenue  
City of Seward

Robert Gardner  
PO Box 231  
Seward, Alaska 99664

January 17, 2023

Kenai Peninsula Borough  
Planning Department  
144 N. Binkley Street  
Soldotna, Alaska 99669



Subject: PLANNING COMMISSION NOTICE OF SUBDIVISION/REPLATT

Dear Mike Navarre, Borough Mayor:

I, Robert Gardner am writing in regards to the replattof the apartment complexes in my living block in my neighborhood. I am worried this will bring noisier traffic through my quiet neighborhood and be more congested. There are other complexes in other areas round me, and it's no longer a residential area. My residence doesn't feel like home anymore. It is changing from a small town to more like Anchorage.

Sincerely,

A handwritten signature in cursive script that reads "Robert Gardner".

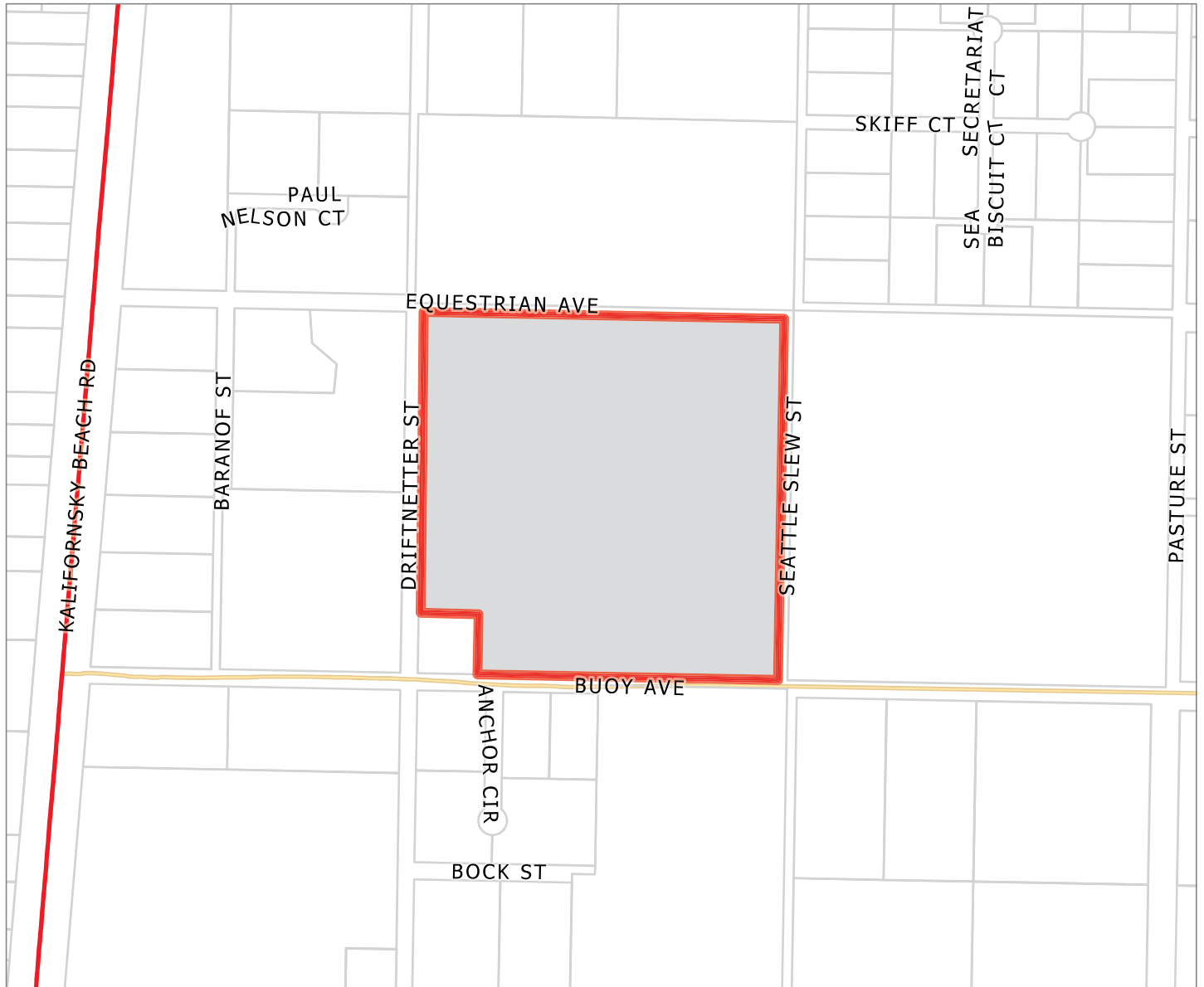
Robert Gardner

## **E. NEW BUSINESS**

- 2. Kingswood Estates Subdivision 2022; KPB File 2022-183  
Ability Surveys / Nelson  
Location: Buoy Ave., Seattle Slew St. & Equestrian Ave.  
Kalifornsky Area / Kalifornsky APC**



Vicinity Map

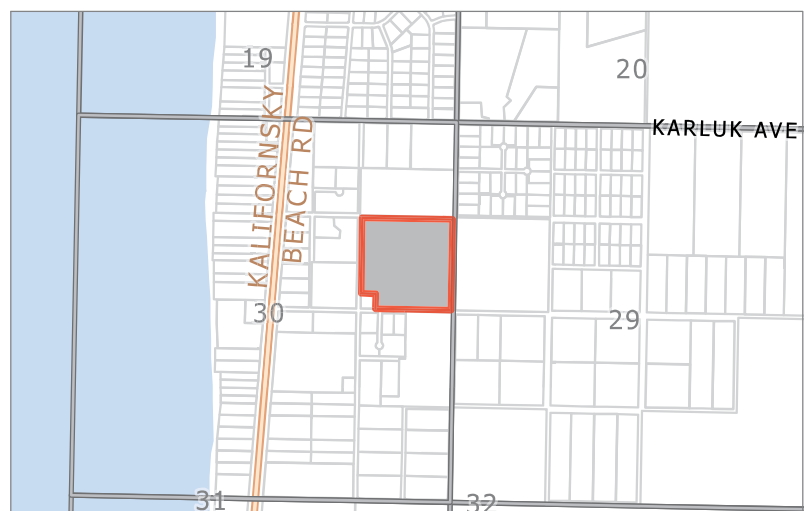
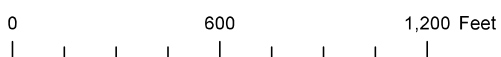


KPB File 2022-183

T 05N R 11W SEC 30

Kalifornsky

12/27/2022









# 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.
2. THE FRONT 10 FEET OF THE 20 FOOT BUILDING SETBACK IS A UTILITY EASEMENT.
3. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
4. 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).
5. THERE ARE NO SLOPES GREATER THAN 20% ON THESE PARCELS.
6. WETLAND HATCHING REPRESENTS POTENTIAL WETLANDS CLASSIFIED BY KENAI WATERSHED FORUM SHOWN ON KENAI PENINSULA BOROUGH GIS MAPPING (12/15/2022).

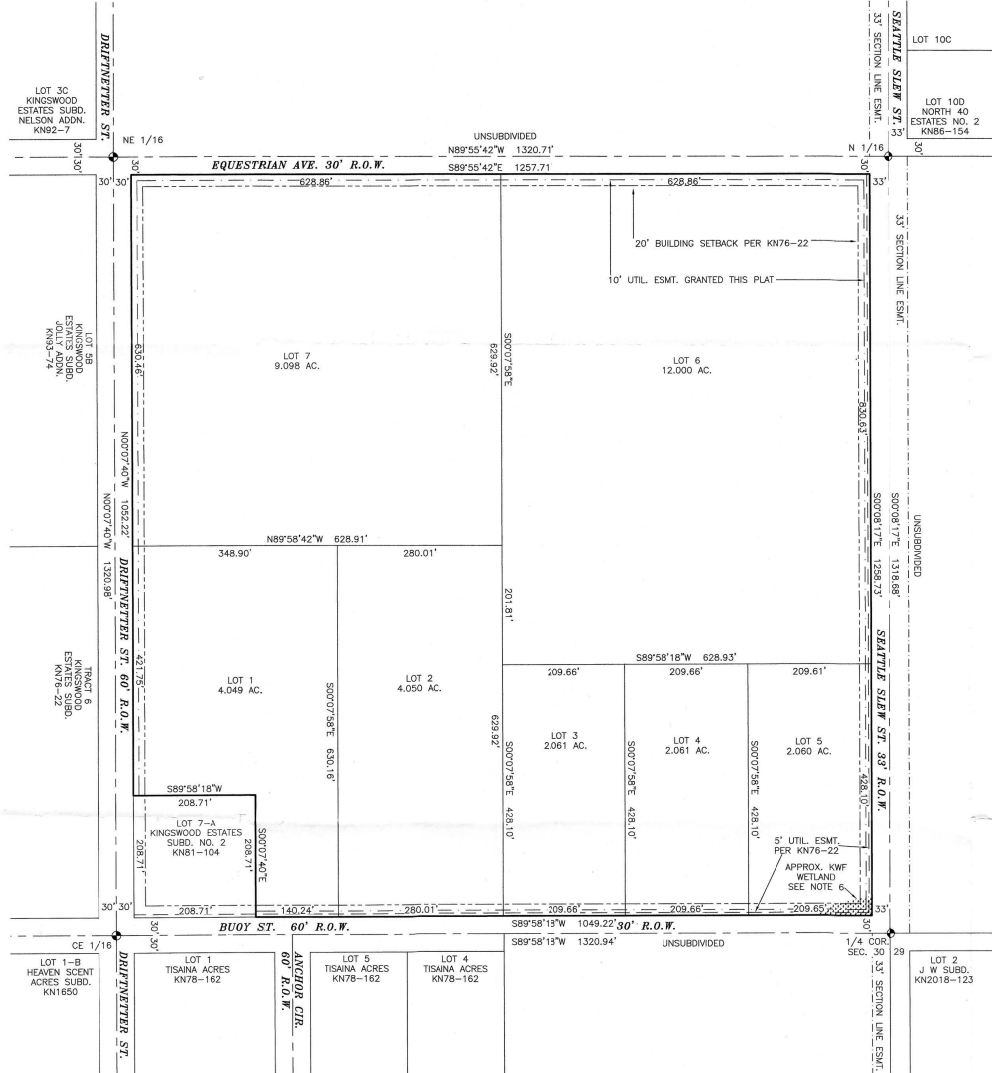
## WASTEWATER NOTES

FOR LOTS 1-7, SOILS TESTING TO BE COMPLETED

ENGINEER \_\_\_\_\_ LICENSE # \_\_\_\_\_ DATE \_\_\_\_\_

## LEGEND

RECORD MONUMENT AS DESCRIBED



## CERTIFICATE OF OWNERSHIP

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

MELINDA M NELSON  
37215 KALIFORNISKY BEACH RD  
KENAI, AK 99611

WILLIAM J NELSON  
37215 KALIFORNISKY BEACH RD  
KENAI, AK 99611

## NOTARY'S ACKNOWLEDGMENT

For MELINDA M NELSON and WILLIAM J NELSON

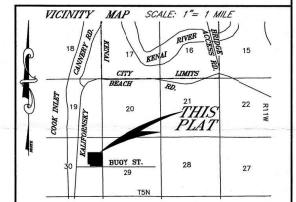
Acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

Notary public for Alaska My Commission Expires \_\_\_\_\_

## PLAT APPROVAL

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

BY \_\_\_\_\_ Authorized Official



DATE 12-02-2022

SCALE 1" = 100'

JOB No. 5448

DRAWING: 5448



## KINGSWOOD ESTATES SUBDIVISION 2022

A SUBDIVISION OF TRACT 7, KINGSWOOD ESTATES SUBDIVISION (KN76-22), WITHIN THE NE1/4 SEC. 30, T5N, R11W, S4M, KENAI PENINSULA BOROUGH, KENAI RECORDING DISTRICT, STATE OF ALASKA CONTAINING 35.379 ACRES

OWNERS: MELINDA M NELSON  
WILLIAM J NELSON  
37215 KALIFORNISKY BEACH RD  
KENAI, AK 99611

## ABILITY SURVEYS

GARY NELSON P.E.  
(907) 235-6440  
152 DENAL AVE., HOMER ALASKA 99603

PLAT #	
Rec Dist	20
Date	
Time	M

KPB FILE No. 2023-

KPB 2022-183

AGENDA ITEM E. NEW BUSINESS

**ITEM 2 – KINGSWOOD ESTATES SUBDIVISION 2022**

<b>KPB File No.</b>	2022-183
<b>Plat Committee Meeting:</b>	January 23, 2023
<b>Applicant / Owner:</b>	Melinda and William Nelson of Kenai, Alaska
<b>Surveyor:</b>	Gary Nelson / Ability Surveys
<b>General Location:</b>	Equestrian Avenue, Driftnetter Street, Buoy Avenue, and Seattle Slew Street, Kalifornsky

<b>Parent Parcel No.:</b>	055-300-17
<b>Legal Description:</b>	Tract 7, Kingswood Estates Subdivision, KN 76-22, excepting therefrom, Lot 7-A, Kingswood Estates Subdivision No. 2, KN 81-104
<b>Assessing Use:</b>	Residential
<b>Zoning:</b>	Rural Unrestricted
<b>Water / Wastewater</b>	On Site

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**STAFF REPORT**

**Specific Request / Scope of Subdivision:** The proposed plat will subdivide a 35.4 acre tract into seven lots that will range in size from 2.06 to 12 acres.

**Location and Legal Access (existing and proposed):** The proposed subdivision is accessed near mile 12.5 of state maintained Kalifornsky Beach Road. The subdivision has right-of-way dedications on all sides. Buoy Avenue is located along the south and is borough maintained. Along the north is Equestrian Avenue. The portion adjacent to the subdivision has not yet been constructed and is currently only dedicated as 30 feet wide. Driftnetter Street is located to the west. It is not currently constructed and is dedicated as a 60 foot wide right-of-way. Seattle Slew Street is along the east and is not constructed. The current dedication is 33 feet wide and coincides with section line easements. There are a few lots within the area that have not been subdivided and they will be required to grant dedications when they are part of a subdivision to provide the full 60 foot dedications. The property within this subdivision has granted dedications of 30 or 33 feet for rights-of-way.

The block is closed and compliant.

A section line easement is present along the eastern boundary. A parent plat dedicated a 33 foot right-of-way atop the easement. The plat does depict the section line easement continuing to the north and south as those dedications have not occurred at this time. A 33 foot section line easement is being shown adjacent within an unsubdivided property. There is some question on the status of that easement and if the width being shown is correct. ***Staff recommends the surveyor verify the width of the easement with the State of Alaska.***

There does not appear to be any driveways constructed on the property at this time. Lot 1 will have access from Driftnetter Street and Buoy Avenue. Lots 2, 3, and 4 will have access from Buoy Avenue. Seattle Slew Street and Buoy Avenue provide access to Lot 5. Lot 6 fronts along Equestrian Avenue and Seattle Slew Street. Lot 7 will have access from Equestrian Avenue and Driftnetter Street.

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



**Site Investigation:** There are some low wet areas present within the southeast corner. The area is depicted and labeled to reference plat note 6. **Staff recommends the wetlands remain depicted on the final plat and a wetland determination note be added.**

The terrain is relatively flat within the subdivision and within the abutting right-of-way dedications.

There does not appear to be any current improvements within the subdivision to create any encroachment issues. The lot located in the southwest corner has improvements but no encroachment issues appear to be present. If any issues are detected during the field survey, the owner should notify staff of any issues to discuss resolution or additional plat notes needed.

The design of Lot 1 is unusual in shape. The design does comply and due to the width along Buoy Avenue, staff does not regard this as a panhandle. The lot is proposed to be 4.049 acres in size and could be further subdivided in the future. The design for future lots may be limited to make sure compliant lots can be created. Staff is not recommending any additional notes at this time. The plat committee may determine that an additional plat note should be provided regarding future development.

KPB River Center review	A. Floodplain Reviewer: Carver, Nancy Floodplain Status: Not within flood hazard area Comments: Is located within a D Zone which is unregulated  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	

**Staff Analysis** The property was originally platted into a 40 acre tract, Tract 7, by Kingswood Estates Subdivision, Plat KN 76-22. That plat dedicated the portions of right-of-way needed from the property for the rights-of-way that now border the subdivision. Kingswood Estates Subdivision No. 2, Plat KN 81-104, created Lot 7-A, a 1 acre lot, from the original Tract 7. The remaining portion of Tract 7 was left whole and considered an unsubdivided remainder. This proposed plat will replat the remaining portion of Tract 7 into seven new lots.

A soils report will be required for those lots smaller than 200,000 square feet and an engineer will sign the final plat. The owners may include the lots greater than 200,000 square feet if desired. The appropriate plat notes will be required to be added and they should indicate which lots that pertain to if multiple notes are added.

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.

Kalifornsky Beach Advisory Planning Commission is inactive.

**Utility Easements** Kingswood Estates Subdivision, Plat KN 76-22, granted a 5 foot clearing easement along the southern and eastern boundary of Tract 7. This easement is being shown to be carried over. **Staff recommends the label be updated to state "5' clearing esmt..."**

The plat will be granting 10 foot utility easements adjacent to all rights-of-way. The easement is correctly depicted, labeled, and noted on the plat.

A recorded easement was found within the Certificate to Plat. No definite location was stated. **Staff recommends a plat note be added with easement information.**

The affected utility providers were emailed the subdivision plat public hearing notice as part of the routine notification process. **Staff recommends** to grant utility easements requested by the utility providers or work with the utility providers to obtain approval.

**Utility provider review:**

HEA	No comments
ENSTAR	No comments or recommendations
ACS	No objections
GCI	Approved as shown

**KPB department / agency review:**

Addressing	<p>Reviewer: Haws, Derek Affected Addresses: 51215 EQUESTRIAN AVE</p> <p>Existing Street Names are Correct: No</p> <p>List of Correct Street Names: EQUESTRIAN AVE DRIFTNETTER ST SEATTLE SLEW ST ANCHOR CIR</p> <p>Existing Street Name Corrections Needed: BUOY ST should be BUOY AVE.</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: 51215 EQUESTRIAN AVE will be deleted.</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**

Remove the depiction of the setback and 5 foot utility easement within Lot 7-A as it is not part of this subdivision.

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**KPB 20.25.070 – Form and contents required**

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

A. Within the Title Block

1. Name of the subdivision which shall not be the same as an existing city, town, tract, or subdivision of land in the borough, of which a plat has been previously recorded, or so nearly the same as to mislead the public or cause confusion. The parent plat's name shall be the primary name of the preliminary plat.
2. Legal description, location, date, and total area in acres of the proposed subdivision;
3. Name and address of owner(s), as shown on the KPB records and the certificate to plat, and registered land surveyor.

**Staff recommendation:** Include within the description "excepting therefrom, Lot 7A Kingswood Estates Subdivision No. 2, KN 81-104."

C. The location, width, and name of existing or platted streets and public ways, railroad rights-of-way, and other important features such as section lines or political subdivisions or municipal corporation boundaries abutting the subdivision;

**Staff recommendation:** Correct Buoy Street to Buoy Avenue.

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:** Adjust the label or add an additional label for the lots to the northeast as Lot 10C is the same plat as Lot 10D. Update the recording number for the lot to the southeast to 2018-102.

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**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.

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**KPB 20.40 – Wastewater Disposal**

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

20.40.010 Wastewater disposal.

*Platting Staff Comments:* Soils reports will be required for lots less than 200,000 square feet. Lot 6 and Lot 7 are not required to have a report but may if owners wish to include. Provide appropriate plat notes with lot designations the note applies.

**Staff recommendation:** comply with 20.40.

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**KPB 20.60 – Final Plat**

**Staff recommendation:** final plat submittals must comply with 20.60. Additional information, revisions, and/or corrections are required as noted below.

20.60.110. Dimensional data required.

- A. The bearing and length of every lot line, block line, and boundary line shall be shown. Dimensions of lots shall be given as net dimensions to the boundaries of adjoining streets and shall be shown in feet. No ditto marks shall be used. Information shall be shown for all curves, including radius, central angle, arc length, chord length and chord bearing. The initial point of survey shall be shown and labeled. All non-radial

lines shall be labeled. If monumented lines were not surveyed during this platting action, show the computed data per the record plat information.

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. Provide recorded distances and source.*

#### 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 an easement issued to Homer Electric Association, Inc. as recorded in Book 6 Page 175, KRD. No definite location disclosed.*
- *Any person developing the property is responsible for obtaining all required local, state, and federal permits, including a U.S. Army Corps of Engineers wetland determination if applicable.*

*Plat note 4 may be removed as no new roads are being dedicated but may remain if desired. Plat note 5 may be removed. Correct plat note 6 as the word "on" is duplicated.*

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### **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.**





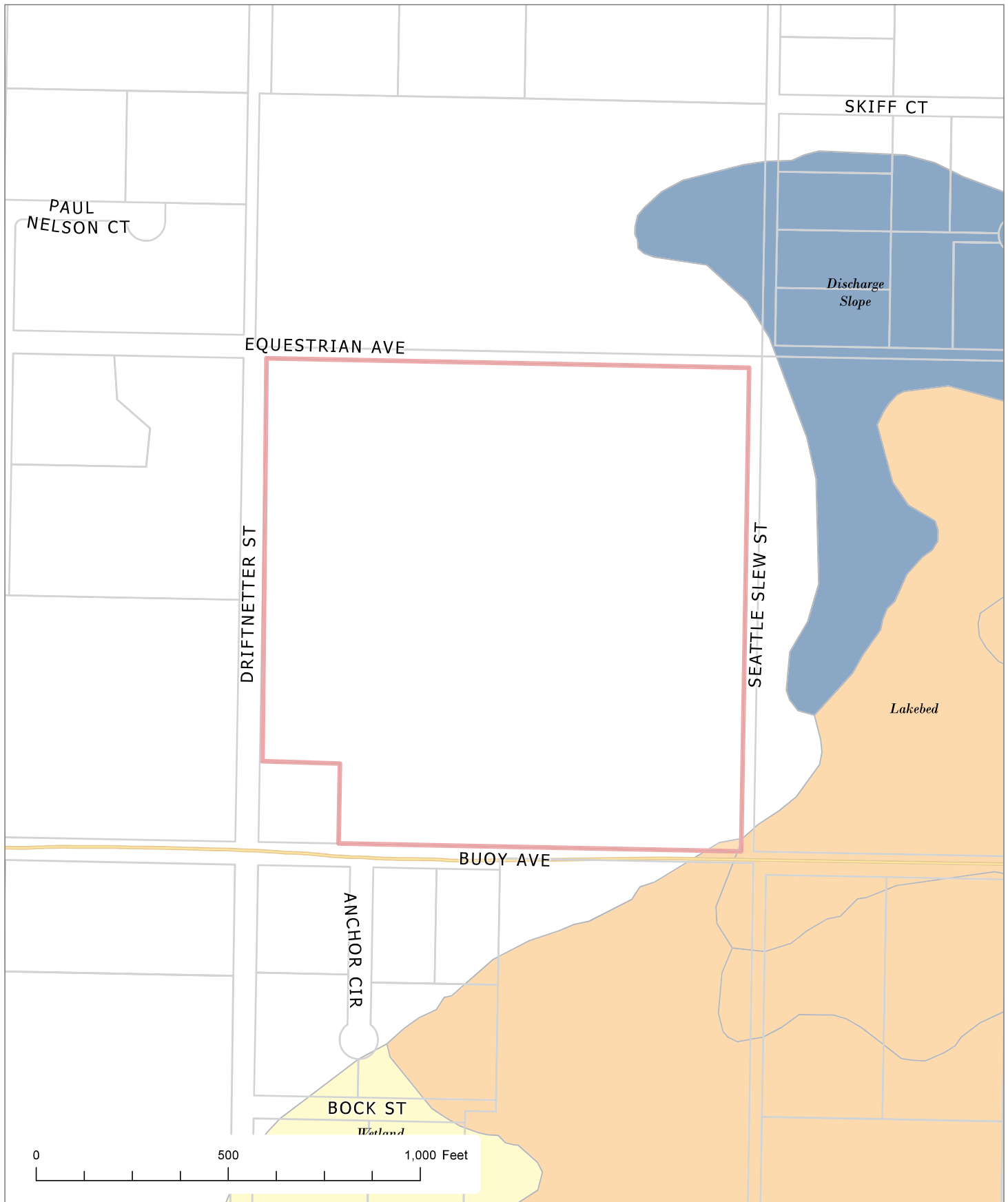
Aerial View



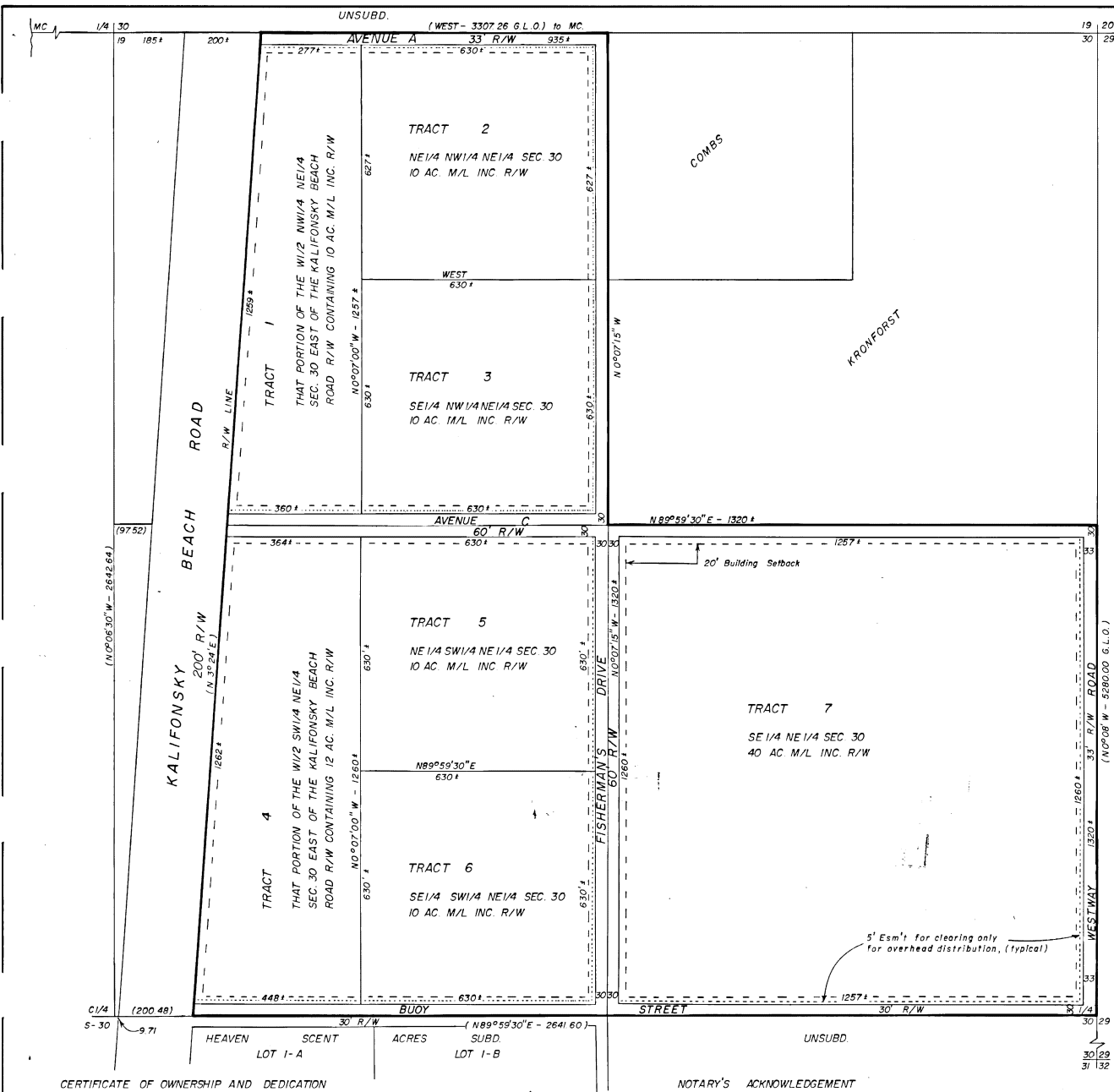




**Wetlands**







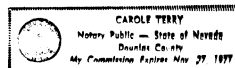
#### CERTIFICATE OF OWNERSHIP AND DEDICATION

We hereby certify that we are the owners of said property, and request the approval of this plat showing such easements for public utilities, roadways, and/or streets dedicated to us for public use. Date February 15, 1976

Paul W. Nelson owner  
Betty J. Nelson owner

#### NOTARY'S ACKNOWLEDGEMENT

Subscribed and sworn before me this 14<sup>th</sup> day of FEBRUARY, 1976.  
My commission expires 11-22-77



Carol Terry notary public for



#### NOTES

This is a paper plat of a portion of the NE 1/4 Sec. 30, T5N, R11W, S.M. Ak divided by aliquot parts.

All bearings and distances refer to the B.L.M. township plat of record for T5N, R11W, S.M. Ak and later survey data of record for Sec. 30.

Data of record shown within ( ).

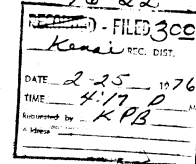
No field survey was made this date and no stakes or monuments set.

#### PLAT APPROVAL

Plat approved by the commission this

19<sup>th</sup> day of January, 1976.

Donald E. Gilman  
Mayor



#### KINGSWOOD ESTATES SUBDIVISION

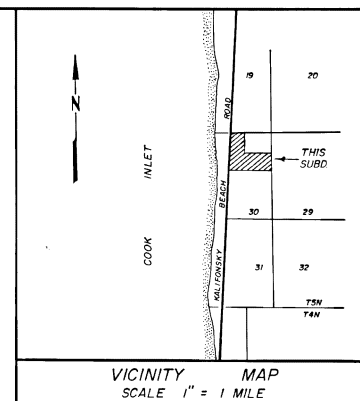
Paul W. Nelson — owner  
Rt. 2, Box 753, Soldotna, Ak. 99669

DESCRIPTION  
THAT PORTION OF THE W 1/2 NE 1/4 EAST OF THE KALIFONSKY BEACH ROAD R/W & THE SE 1/4 NE 1/4 SEC. 30, T5N, R11W, S.M. AK CONTAINING 102+ ACRES WITHIN THE KENAI PENINSULA BOROUGH

Prepared by — McLane & Associates, Soldotna, Ak.

DATE OF PREPARATION  
Sept 22, 1975

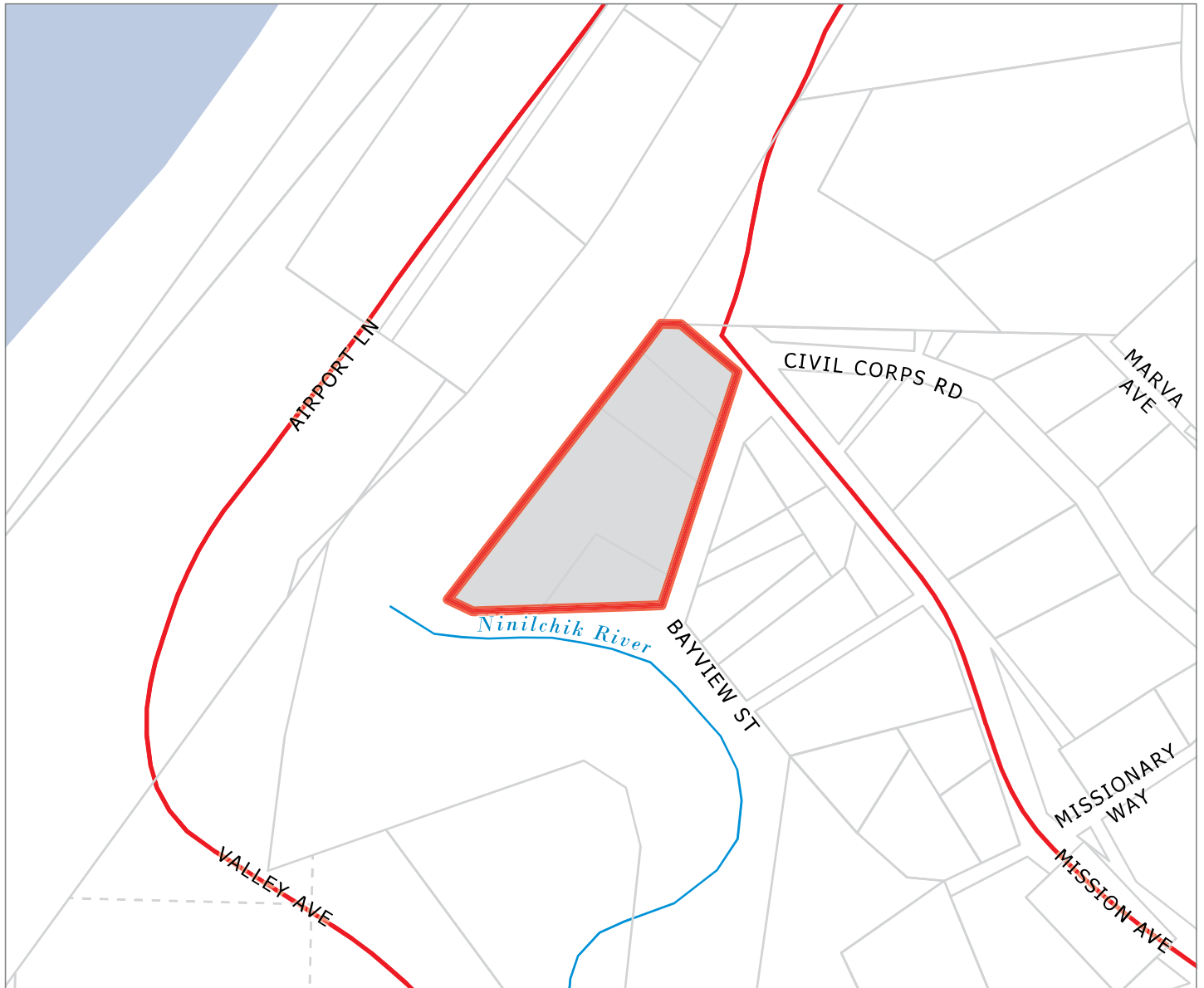
SCALE  
1" = 200'





## **E. NEW BUSINESS**

- 3. Ninilchik Townsite Vane 2023 Replat  
KPB File 2022-182  
Peninsula Surveying LLC / Vanek  
Location: Bayview Street & Mission Avenue  
Ninilchik Area**

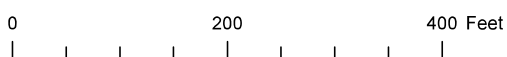


KPB File 2022-182

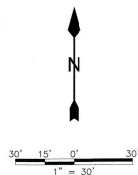
T 01S R 14W SEC 34

Ninilchik

12/23/2022



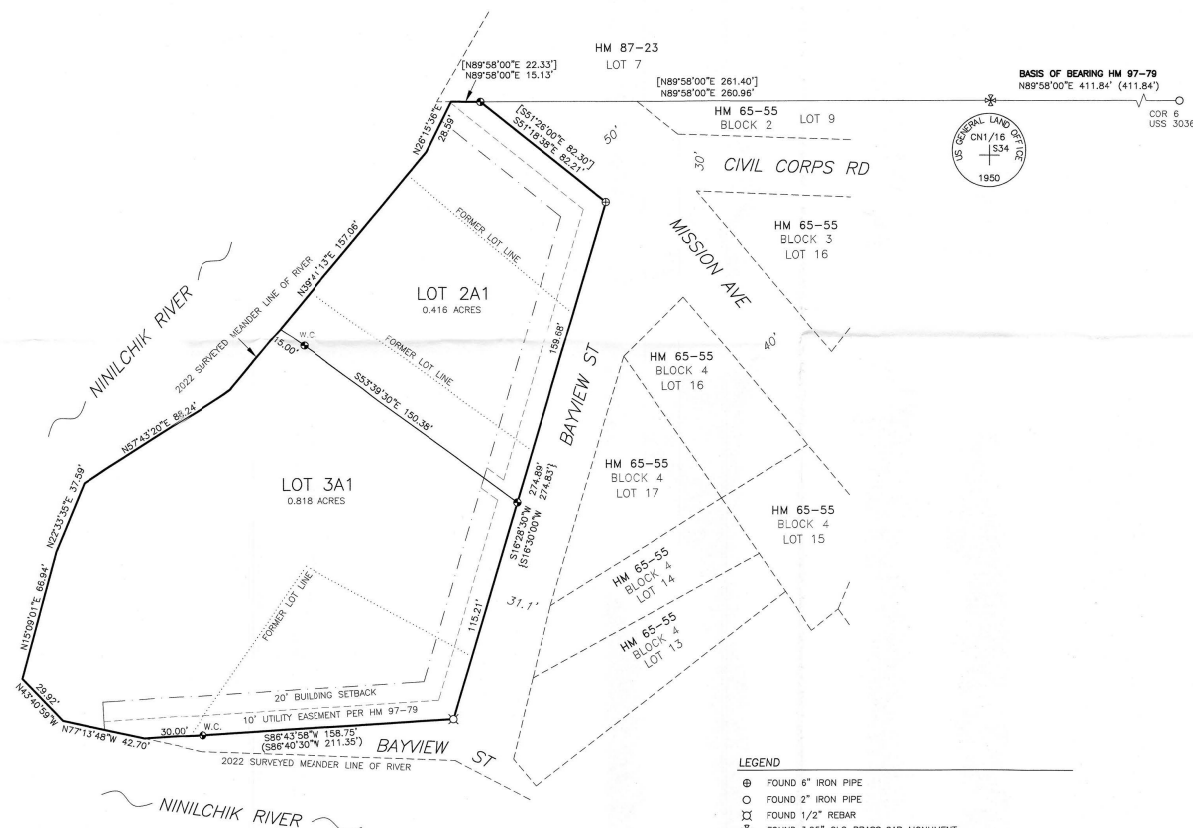
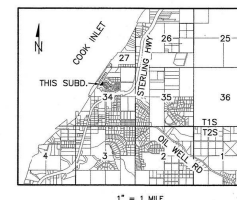




# PLAT APPROVAL

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

BY: \_\_\_\_\_  
AUTHORIZED OFFICIAL



## LEGEND

- ⊕ FOUND 6" IRON PIPE
- FOUND 2" IRON PIPE
- ⊠ FOUND 1/2" REBAR
- ⊗ FOUND 3.25" GLO BRASS CAP MONUMENT
- ⊙ SET 5/8" X 36" REBAR WITH 2.5" ALUMINUM CAP 2023, 14488-S
- ( ) RECORD DATA PER PLAT HM 97-79
- [ ] RECORD DATA PER PLAT HM 65-55
- | | RECORD DATA COMBINED PER HM 97-79 AND HM 65-55

## NOTES

1. A BUILDING SETBACK OF 10' 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 ALSO A UTILITY EASEMENT.
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.
4. ANY PERSON DEVELOPING THE PROPERTY IS RESPONSIBLE FOR OBTAINING ALL REQUIRED LOCAL, STATE, AND FEDERAL PERMITS, INCLUDING A U.S. ARMY CORPS OF ENGINEERS WETLAND DETERMINATION IF APPLICABLE.
5. SUBJECT TO A UTILITY EASEMENT FOR ALASKA COMMUNICATIONS SYSTEMS, SERIAL NUMBER 2004-002624-0, RECORDED ON JUNE 3, 2004.

## 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 GRANT ALL EASEMENTS TO THE USE SHOWN.

BETSY ANN VANEK, AKA BETSY A VANEK  
PO BOX 39251, NINILCHIK AK 99556

RION TEAGUE VANEK, AKA RION T VANEK  
PO BOX 39251, NINILCHIK AK 99556

## NOTARY ACKNOWLEDGMENT

FOR: BETSY ANN VANEK AND RION TEAGUE VANEK

ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023

NOTARY PUBLIC FOR ALASKA

MY COMMISSION EXPIRES: \_\_\_\_\_

## WASTEWATER DISPOSAL

WASTEWATER TREATMENT AND DISPOSAL SYSTEMS MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

KPB FILE NUMBER:

<b>PENINSULA SURVEYING, LLC</b> 10535 KATRINA BOULEVARD, NINILCHIK, AK 99639 (907)306-7065	
PLAT OF <b>NINILCHIK TOWNSITE VANEK 2023 REPLAT</b>	
A SUBDIVISION OF LOT 1, BLK 5 NINILCHIK TOWNSITE OF USS 3036 A & B, HM 65-55, AND LOTS 2A, 3A, 4A, BLK 5 NINILCHIK TOWNSITE JACKSONY-VANEK REPLAT, HM 97-79	
LOCATED WITHIN NW 1/4 SEC. 34, T.15, R.14W, S.4M HOMER RECORDING DISTRICT, KENAI PENINSULA BOROUGH CONTAINING 1.234 ACRES	
OWNERS: BETSY ANN VANEK AND RION TEAGUE VANEK PO BOX 39251, NINILCHIK, AK 99639	
SCALE: 1" = 30'	DATE: DECEMBER 20, 2022
DRAWN: JLS	SHEET: 1 OF 1



**KPB 2022-182**



AGENDA ITEM E. NEW BUSINESS

**ITEM 3 - NINILCHIK TOWNSITE VANEK 2023 REPLAT**

<b>KPB File No.</b>	2022-182
<b>Plat Committee Meeting:</b>	January 23, 2023
<b>Applicant / Owner:</b>	Betsy and Rion Vanek of Ninilchik, Alaska
<b>Surveyor:</b>	Jason Schollenberg / Peninsula Surveying, LLC
<b>General Location:</b>	Mission Avenue, Bayview Street, Ninilchik area

<b>Parent Parcel No.:</b>	157-071-01, 157-071-05, 157-071-06, and 157-071-07
<b>Legal Description:</b>	Lot 1 Block 5 Ninilchik Townsite of USS 3036 A & B, HM 65-55 and Lots 2A, 3A, 4A, Block 5 Ninilchik Townsite Jackinsky-Vanek Replat, HM 97-79
<b>Assessing Use:</b>	Residential
<b>Zoning:</b>	Rural Unrestricted
<b>Water / Wastewater</b>	On Site

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**STAFF REPORT**

**Specific Request / Scope of Subdivision:** The proposed plat will reconfigure four lots into two lots that will be .818 acres and .416 acres.

**Location and Legal Access (existing and proposed):** The proposed subdivision is located along the Ninilchik River. Mission Avenue intersects the Sterling Highway near mile 135. Mission Avenue meanders around with the proposed plat located at the end of the dedication. The subdivision is on the corner of Mission Avenue and Bayview Street. Mission Avenue is a state maintained right-of-way with varying widths and goes through a lot owned by Alaska DOT to provide access. The width of Mission Avenue adjacent to the subdivision is 50 feet in width and east of the intersection with Bayview Street it has a width of 40 feet. Bayview Street appears to be in use to access the lots within the subdivision but is not fully constructed or maintained by KPB or DOT. Per KPB Aerial Imagery, it may also be used to access the Ninilchik River. Bayview Street was dedicated by USS No 3036A and 3036B, HM 65-55, as a varying width right-of-way. The majority of the street adjacent to the proposed subdivision was dedicated as 50 feet wide and a 25 foot wide dedication running along the southern boundary and to the southeast. Ninilchik Townsite Jackinsky-Vanek Replat, HM 97-79, vacated a portion of the adjacent Bayview Street reducing it to a 31.1 foot width. The portions of Bayview Street along the southern portion is still a dedication but the river course has changed resulting in minimal usable area for Bayview Street. The lots are currently accessed from Bayview Street along the eastern boundary. The new lots will continue having access from Bayview Street. Lot 2A1 can have access from Mission Avenue if approved by State of Alaska DOT.

Due to the location of the Ninilchik River, right-of-way dedications do not provide a closed block. There are also some roadways being used that are not within dedications. Using the existing roads and the Ninilchik River to define the block the distances are not compliant. This areas was surveyed in the 1950's and recorded in 1965 resulting in some areas not complying with current KPB Code. The meandering of the river has also impacted some access areas and block lengths. ***Staff recommends the plat committee concur that this subdivision cannot provide any dedications that would improve the block that would be within a desired location.***

The right-of-way widths are not compliant with KPB Code. The roads were dedicated with the recording of the USS in 1965. The plat done in 1997 further reduced the width of Bayview Street. The approval granted to the vacation was due to the reduced width on the northern portion, the road was constructed for access to lots and river, the reduction would not limit public access to the river, and the owners' were looking for additional usable area for their property. The Kenai Peninsula Borough Comprehensive Plan 2019 contains as Goal 3, "Preserve and improve quality of life in the Kenai Peninsula Borough through increased access to local and regional facilities, activities, programs and services." One of the focus areas under that goal is Historic Preservation with objectives that include efforts to protect cultural history and resources in borough communities and also to maintain the character of historic

towns and districts. Reviewing the proposal with the goals and objections within the Comprehensive Plan, the current right-of-way configuration fits with the historic character of the Ninilchik Townsite. **Staff recommends the plat committee concur that an exception for right-of-way width is not required nor any additional dedications.**

KPB Roads Dept. comments	Out of Jurisdiction: No Roads Director: Painter, Jed Comments: No comments
SOA DOT comments	The ROW for Mission Avenue appears to be shown correctly.

**Site Investigation:** While no obvious wet areas are present, the entire subdivision is within a wetland assessment area. Portions along the southwest are considered tidal and the remaining is riverine. The note to have a wetland determination is present. **Staff recommends due to the entire subdivision containing areas designated as wetlands, the depiction is not required on the final but the plat note should remain.**

There does not appear to be any steep slopes present within the boundary of the subdivision.

The property shows the 2022 surveyed meander of the Ninilchik River. **Staff recommends the source or method for finding the meander should be noted or provided within a note, and a note regarding natural meander is for computations only should be added.**

The proposed subdivision is within multiple Flood Hazard Zones. The majority is within X which is minimal risk and is non-regulatory. Portions within the western and southern areas are within AE zone. The AE zone is regulatory and has a 1% annual chance of flooding. **Staff recommends the AE zone boundary be shown on the plat and the required flood hazard note be added.**

The Ninilchik River is an anadromous stream. **Staff recommends the anadromous waters habitat protection district note is required to be added.**

There are multiple structures on the property. It appears the removal and movement of lot lines will fix any encroachment issues within the subdivision boundary. Per KPB GIS Imagery, there may be a structure within the Bayview Street dedication. Additionally, some of the structure may be close to the building setbacks and utility easements. Parent Lot 1 was not subject to a setback or platted utility easement until this plat is recorded. The remainder of the subdivision had setbacks put into place with Ninilchik Townsite Jackinsky-Vanek Replat, HM 97-79. If it can be proven buildings existed prior to setback creations plat notes may be added that they are exempt. **Staff recommends all structure locations be verified, if any permanent structures are found within the rights-of-way, setbacks or utility easements additional requirements or notes may be required, if no encroachment issues are found this should be disclosed in writing.**

Per the Certificate to Plat there is a cabin on the property that was sold. There is no mention if the cabin was to be later relocated or what the access rights are to the cabin. **Staff recommends if the cabin is still present to depict on the plat with a reference to a plat note with the information regarding the sale of the cabin.**

KPB River Center review	<p>A. Floodplain Reviewer: Carver, Nancy Floodplain Status: IS in flood hazard area Comments: Flood Zone: AE,X (shaded) Map Panel: 02122C-1620E In Floodway: False Floodway Panel:</p> <p>B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: IS totally or partially within HPD</p>
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	Comments: i:0#.w kpb\maldridge  C. State Parks Reviewer: Russell, Pam Comments: No Comments
State of Alaska Fish and Game	

**Staff Analysis** The proposed subdivision is a replat of parcels originally create by U.S. Survey No 3036A and 3036B, HM 65-55. The design was small lots with irregular right-of-way widths. This is considered the plat for the Townsite of Ninilchik. Three of the lots from the Townsite survey were replatted by Ninilchik Townsite, Jackinsky-Vanek Replat, HM 97-79. The purpose of that plat was to vacate a portion of Bayview Street. The plat did not create or remove any lots. The plat did however put into place the building setback and utility easement within the lots shown on that plat. The proposed plat will take the four existing lots and will combine and reconfigure to create two lots. Staff will need to be notified of the status of the buildings to make sure there are no encroachment issues.

A cabin on parent Lot 3A Block 5 has been sold per a bill of sale that was recorded. The purchasers of the cabin have no rights to the underlying property unless agreements are in place. The purchases was for a historic cabin and was purchased by Ninilchik Native Descendants. Platting Staff sent a letter to the owners of the cabin as changes to the property could impact their personal property. It is not known by the Bill of Sale or per the Certificate to Plat if there are access easements or other usage of the property allowed by the owners of the cabin. **Staff recommends a plat note be added regarding the cabin as well as a depiction and if any additional agreements are in place they should be recorded and noted on the final plat.**

An easement for a leach field is shown on the Certificate to Plat. The easement affects Lot 3A Block 5. This easement is for the benefit of Lot 13 Block 4. **Staff recommends a plat note be added with the information regarding the easement.**

The lots being created are less than the required 40,000 square feet as provided in KPB 20.30.200. The lots are increasing in size and the subdivision is improving the lot sizes. **Staff recommends the plat committee concur that the platting action is improving the lot sizes and an exception is not required.**

The lots are being reconfigured so that more than 1,000 square feet will be added to each new lot. A soils report will not be required.

Notice of the proposed plat was mailed to the beneficial interest holder on December 27, 2022. The beneficial interest holder will be given 30 days from the date of the mailing of the notification to respond. They are given the opportunity to notify staff if their beneficial interest prohibits or restricts subdivision or requires their signature on the final plat. If no response is received within 30 days, staff will assume they have no requirements regarding the subdivision and it may be finalized.

The property is not within an advisory planning commission.

**Utility Easements** A recorded easement to ACS is within the Certificate to Plat. The easement is within parent Lot 1. The easement states the location and it should be depicted on the final plat. This plat will be granting utility easements along the rights-of-way for those not previously granted. If it is found that the ACS easement will be within a new or already granted utility easement it does not require depiction but a reference to a plat note. **Staff recommends a plat note be added with the information regarding the ACS easement and if within another existing easement state as such.**

Parent lots 2A, 3A, and 4A had 10 foot utility easements granted along the rights-of-way that increased to 20 feet within 5 feet of the side lot lines. Parent Lot 1 does not have any platted easements to carry over. **Staff recommends the depiction of the utility easements be updated to include the 20 feet within 5 feet of the former side lot lines as they apply.**

This plat is proposing to grant 10 foot utility easements that increase to 20 feet within 5 feet of the side lot lines. These are depicted and noted on the plat. **Staff recommends** the portion of the utility easement within parent Lot 1 should include "granted by this plat".

If any buildings are within the utility easements it will need to be determined if the structures predate any easements. If they predate they will be required to be depicted and additional plat notes added. Any encroachments found will need to be discussed with KPB Staff.

The affected utility providers were emailed the subdivision plat public hearing notice as part of the routine notification process. **Staff recommends** to grant utility easements requested by the utility providers or work with the utility providers to obtain approval.

**Utility provider review:**

HEA	No comments
ENSTAR	No comments or recommendations
ACS	No objection
GCI	Approved as shown

**KPB department / agency review:**

Addressing	<p>Reviewer: Haws, Derek  Affected Addresses:  15249 BAYVIEW ST  15251 BAYVIEW ST  15287 BAYVIEW ST</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names:  BAYVIEW ST  MISSION AVE  CIVIL CORPS 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:  15249 BAYVIEW ST and 15251 BAYVIEW ST will remain with lot 2A1.  15287 BAYVIEW ST will remain with lot 3A1.</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.

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**STAFF RECOMMENDATIONS**  
**CORRECTIONS / EDITS**

*Update the plat note numbers.  
Add KPB number*

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**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:** *Provide a width label for the portion of Bayview Street located south of the plat even though the river takes up a portion.*
- H. Approximate locations of low wet areas, areas subject to inundation, areas subject to flooding or storm water overflow, and the line of ordinary high water. This information may be provided on an additional sheet if showing these areas causes the preliminary plat to appear cluttered and/or difficult to read;  
**Staff recommendation:** *Not shown. The entire subdivision is low wet areas and within a floodplain. Notes will be required.*
- J. Block and lot numbering per KPB 20.60.140, approximate dimensions and total numbers of proposed lots;  
**Staff recommendation:** *Include a block label within the lots to carry over the block designation.*
- N. Apparent encroachments, with a statement indicating how the encroachments will be resolved prior to final plat approval;  
**Staff recommendation:** *Verification of structure locations will be needed.*

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**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.*

20.30.280. Floodplain requirements.

- A. All subdivision plats which are within areas where the floodplain has been identified by the Federal Emergency Management Agency (FEMA), and which involve 50 lots or five acres whichever is lesser, shall include the base flood elevation source.
- B. Any area of the subdivision within the floodplain, floodway or Seward Mapped Flood Data Area (SMFDA) is to be shown and labeled on the plat.
- C. All subdivisions which are wholly or partially located within flood hazard areas as defined by KPB 21.06.030 must comply with KPB 21.06.050 standards for Floodplain Management.
- D. All subdivisions or replats within the Flood Insurance Rate Map (FIRM) area or SMFDA, as amended, as defined by KPB 21.06.020, shall contain the following note:

FLOOD HAZARD NOTICE:

Some or all of the property shown on this plat has been designated by FEMA or 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.

- E. All subdivisions or replats that include any portion of the mapped floodway shall contain the following note:

**FLOODWAY NOTICE:**

Portions of this subdivision are within the floodway. Pursuant to KPB Chapter 21.06, all development (including fill) in the floodway is prohibited unless certification by an engineer or architect is provided demonstrating that encroachments shall not result in any increases in flood levels during the occurrence of the base flood discharge.

- F. Each plat within a city which has met the requirements of this section shall contain the following statement: "The first finished and habitable floor of a building constructed within a floodplain shall be built at or above the 100-year flood level."
- G. This section applies to all cities which adopt a resolution requesting participation in the FEMA floodplain program and which are subsequently recognized by the state as participants.
- H. A city may adopt an ordinance as part of its building code with greater restrictions than those set forth in KPB 20.30.280(A). A note shall be placed on the plat to indicate that the developer is responsible for contacting the city to determine the restrictions prior to any development.

**Staff recommendation:** *Comply with 20.30.280.*

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

**ANADROMOUS WATERS HABITAT PROTECTION DISTRICT NOTE:**

Portions of this subdivision are within the Kenai Peninsula Borough Anadromous Waters Habitat Protection District. See KPB Chapter 21.18, as may be amended, for restrictions that affect development in this subdivision. Width of the habitat protection district shall be in accordance with KPB 21.18.040.

**Staff recommendation:** *comply with 20.30.290.*

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**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: Lots are increasing by more than 1,000 square feet. Soils report not required.*

**Staff recommendation:** *comply with 20.40.*

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**KPB 20.60 – Final Plat**

**Staff recommendation:** *final plat submittals must comply with 20.60. Additional information, revisions, and/or corrections are required as noted below.*

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

**Staff recommendation:** Block label needed.

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."*
- **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-1620E.*
- **ANADROMOUS WATERS HABITAT PROTECTION DISTRICT NOTE:**  
*Portions of this subdivision are within the Kenai Peninsula Borough Anadromous Waters Habitat Protection District. See KPB Chapter 21.18, as may be amended, for restrictions that affect development in this subdivision. Width of the habitat protection district shall be in accordance with KPB 21.18.040.*
- *Subject to an easement for leach field access as recorded on November 23, 2020 as serial number 2020-004045-0, HRD.*
- *A cabin located on parent Lot 3A Block 5, Ninilchik Townsite Jackinsky-Vanek Replat, Plat HM 97-79 had title severed by a Bill of Sale recorded on September 23, 2022 as Serial Number 2003-004786-0, HRD.*
- *The natural meanders of mean high water line is for area computations only, the true corners being on the extension of the sidelines and the intersection with the natural meanders.*

**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.

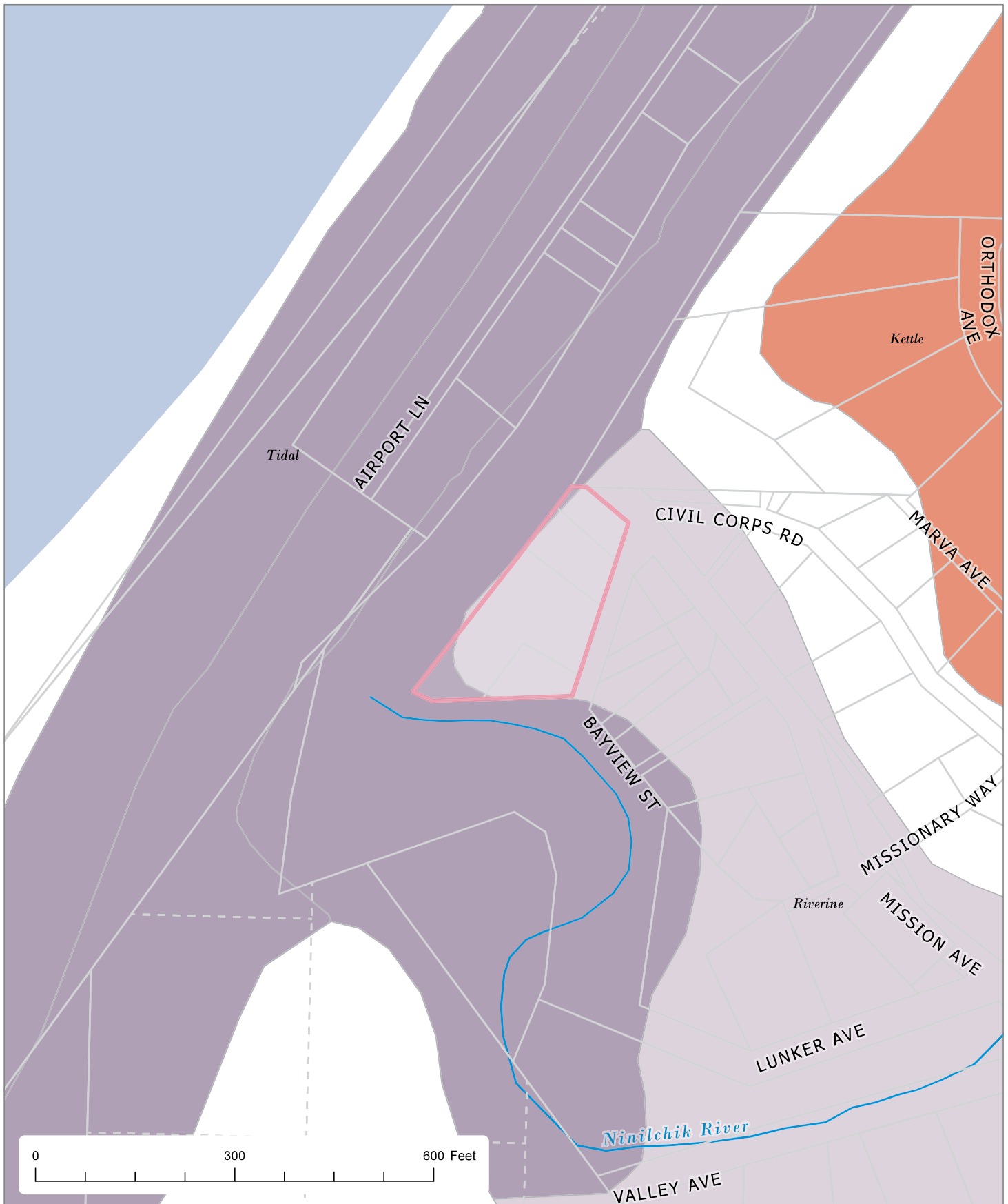
END OF STAFF REPORT

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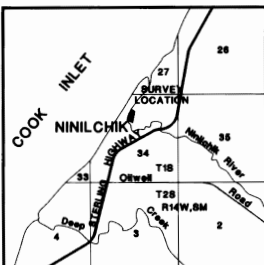
**Wetlands**











VICINITY 1" = 1 mile MAP

# NINILCHIK TOWNSITE, JACKINSKY-VANEK REPLAT

Replat of lots 2, 3, & 4 block 5 of Ninilchik Townsite, (USS 3036B HR 65-55);  
vacating a portion of Bayview Street.  
Located in the NW 1/4 Section 34, T1S R14W, SM, Ninilchik, Alaska.  
Homer Recording District KPB File 97-088

## Prepared for

Gary Jackinsky  
P.O. Box 127  
Ninilchik, Ak 99639

## Prepared by

Johnson Surveying  
Box 27  
Clam Gulch, Ak 99568



Steve VaneK  
P.O. Box 103  
Ninilchik, Ak 99639

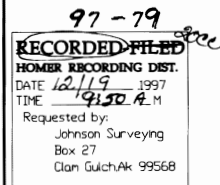
SCALE 1" = 50'

AREA = 1.096 acres

24 Aug, 1997

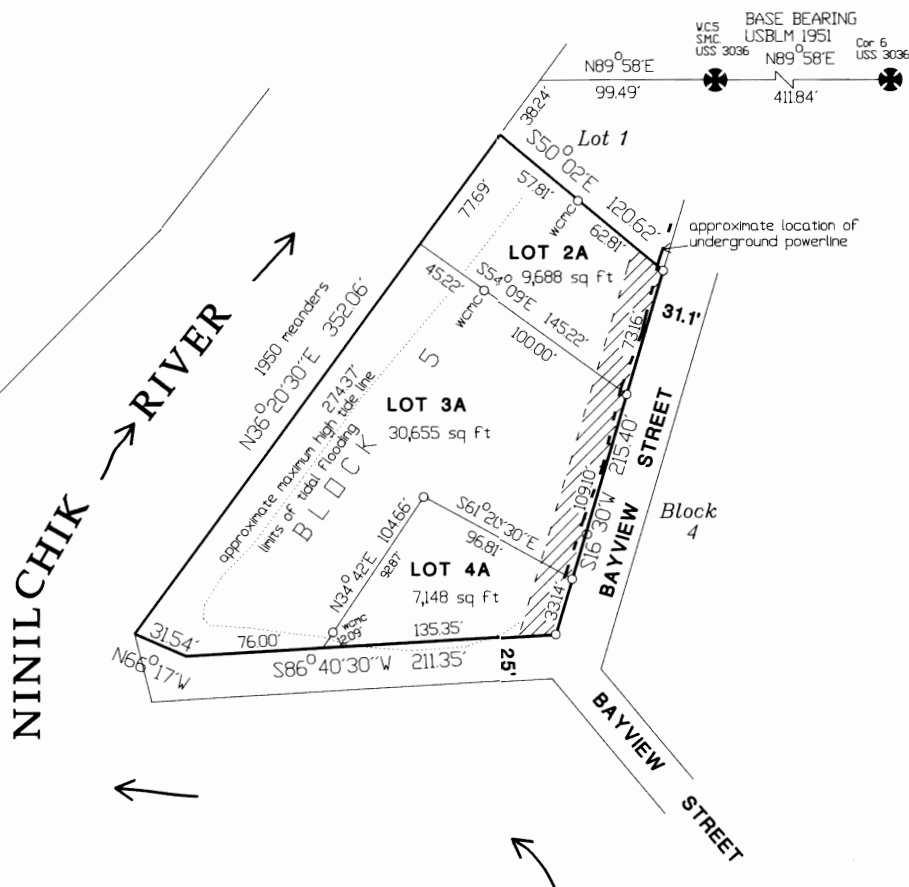
## LEGEND

- ✱ 1950 USBLM brass cap monument found.
- ⊕
- 1/2" rebar lot corner found.
- 1/2" x 2" or 4" rebar with 1" plastic cap, set.
- ( ) Record information HR 65-55.
- ▨ indicates ROW being vacated by this plat.



## NOTES

- A building setback of 20' from all street ROW's is required unless a lesser standard is approved by a resolution of the appropriate planning commission. Front 10' of building setback is also a utility easement as is the entire setback within 5' of side lot lines.
- No permanent structure shall be constructed or placed within an easement which would interfere with the ability of a utility to use the easement.
- Bayview Street vacation approved by the Kenai Peninsula Borough Planning Commission on 12 May 1997.
- This vacation does not constitute a subdivision as defined by 2008150 Borough Code of Ordinances.
- All wastewater disposal systems shall comply with existing law at time of construction.
- Lots within this subdivision may be within a designated tidal flood hazards area; if such is the case, development must comply with Title 21, Chapter 05 of the Kenai Peninsula Borough Code of Ordinances. A survey to determine the elevation of the property may be required prior to construction.
- Underground powerline shown is the centerline of a 15' wide electrical distribution line easement.



## PLAT APPROVAL

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of 13 October, 1997.

KENAI PENINSULA BOROUGH

By: Max J. Gunt Dec. 18, 1997  
Authorized Official Date

## OWNERSHIP CERTIFICATE & 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 replat, and by our Free consent dedicate and grant all easements to the use shown.

Gary W. Jackinsky 12-10-97  
Gary W. Jackinsky P.O. Box 127 Ninilchik, Ak 99639

Stephen VaneK, JR. 12-12-97  
Stephen VaneK, JR. P.O. Box 103 Ninilchik, Ak 99639

Monica J. VaneK 12-12-97  
Monica J. VaneK P.O. Box 103 Ninilchik, Ak 99639

We further certify that Deeds of Trust affecting this property do not contain restrictions which would prohibit this replat, or require signature and approval of beneficiaries.

Rion T. VaneK 12-10-97  
Rion T. VaneK P.O. Box 251 Ninilchik, Ak 99639

Betsy A. VaneK 12-10-97  
Betsy A. VaneK P.O. Box 251 Ninilchik, Ak 99639

## NOTARY'S ACKNOWLEDGEMENT

For: Stephen VaneK, JR.  
Subscribed and sworn to before me this 14th

day of December, 1997.

Katherine L. Bowden  
NOTARY PUBLIC STATE OF MISSOURI  
SHANNON COUNTY  
My COMMISSION EXP. MAR. 14, 2000

My commission expires 3/14/2000.

## NOTARY'S ACKNOWLEDGEMENT

For: Rion T. & Betsy A. VaneK, & Monica J. VaneK  
Subscribed and sworn to before me this 10th

day of Dec, 1997.

Shirley A. Lieberthal  
Notary Public for Alaska  
My commission expires 11/25/2001

## NOTARY'S ACKNOWLEDGEMENT

For: Gary W. Jackinsky  
Subscribed and sworn to before me this 10th

day of Dec, 1997.

Shirley A. Lieberthal  
Notary Public for Alaska  
My commission expires 11/25/2001



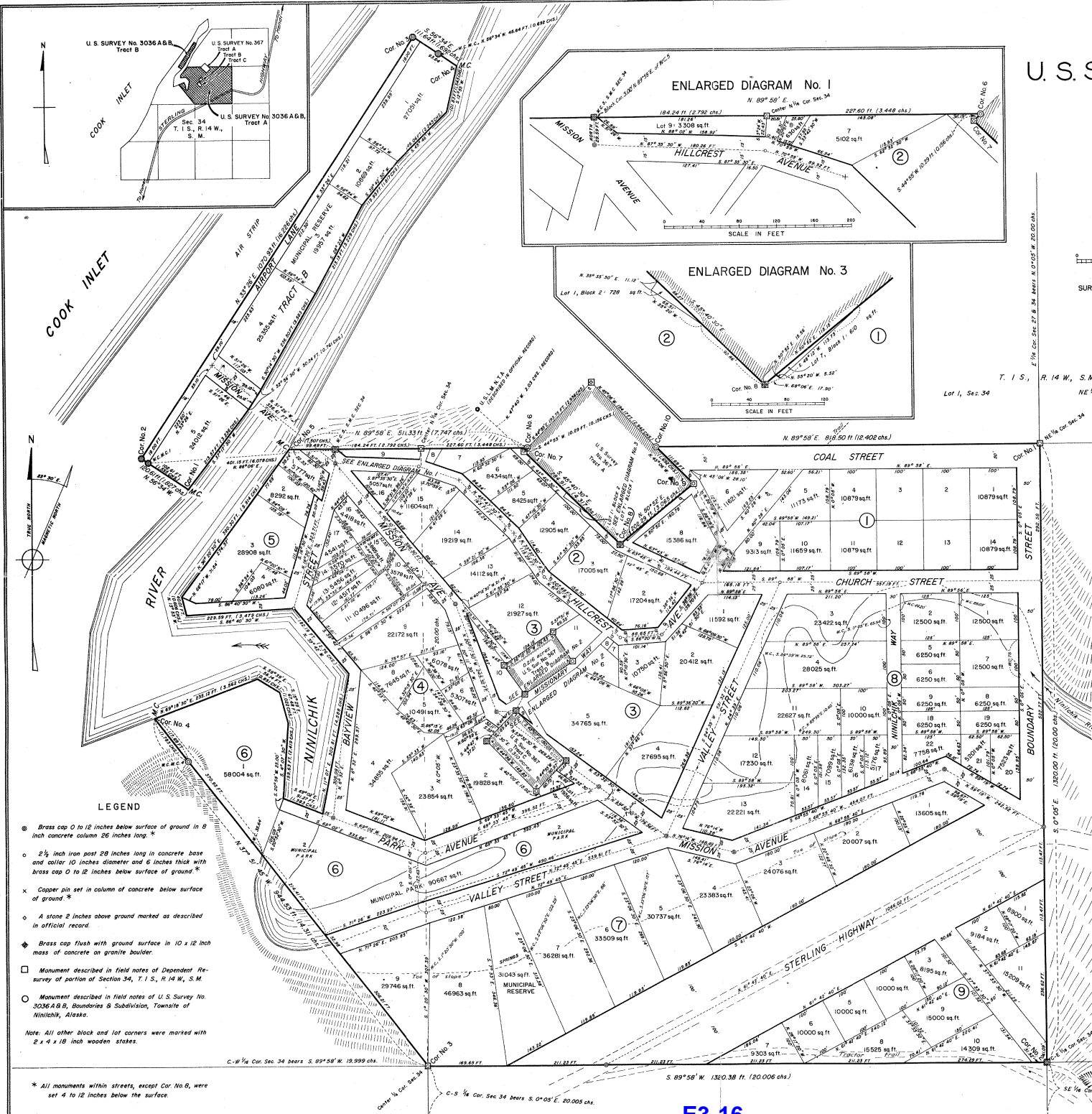
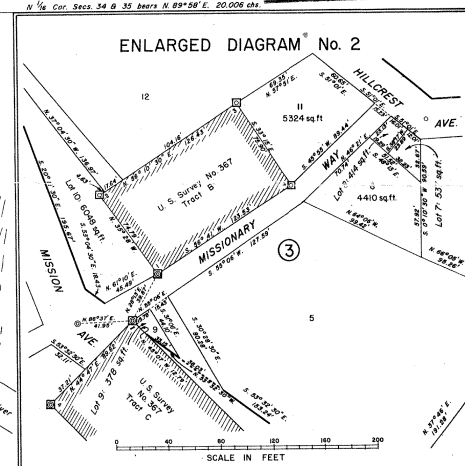
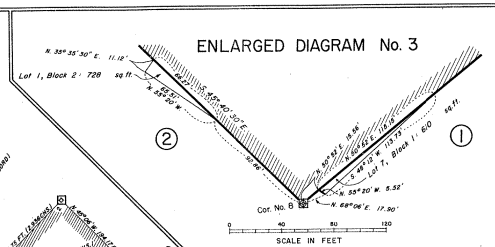
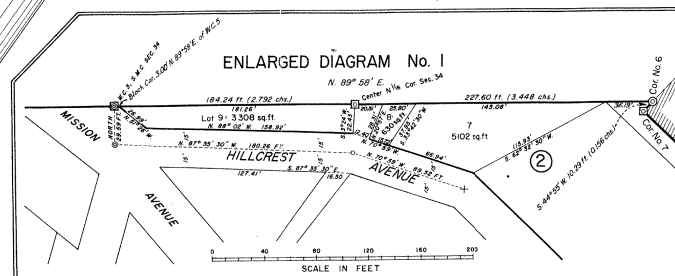
# U. S. SURVEY No. 3036A (BOUNDARIES) AND 3036 B (SUBDIVISION)

TRACT A and TRACT B  
TOWNSITE OF NINILCHIK, ALASKA

NET AREA TRACT A: 47.648 ACRES  
AREA U.S. SURVEY No. 307, Tract B: 0.216 ACRES  
TRACT C: 0.310 ACRES  
Total: 48.174 ACRES  
AREA TRACT B: 3.039 ACRES  
LATITUDE 60°02'52"N, LONGITUDE 151°30'43"W,  
AT CORNER No. 1, TRACT A

SCALE IN FEET  
SURVEYED BY ELLIOTT PEARSON, AUGUST 26 TO SEPTEMBER 14, 1950

RECORDED - FILED  
Homer FILED. DIST.  
DATE 1-26-1965  
TIME 1:40 P.  
Requested by B. J. M.  
Address Anch.



## LEGEND

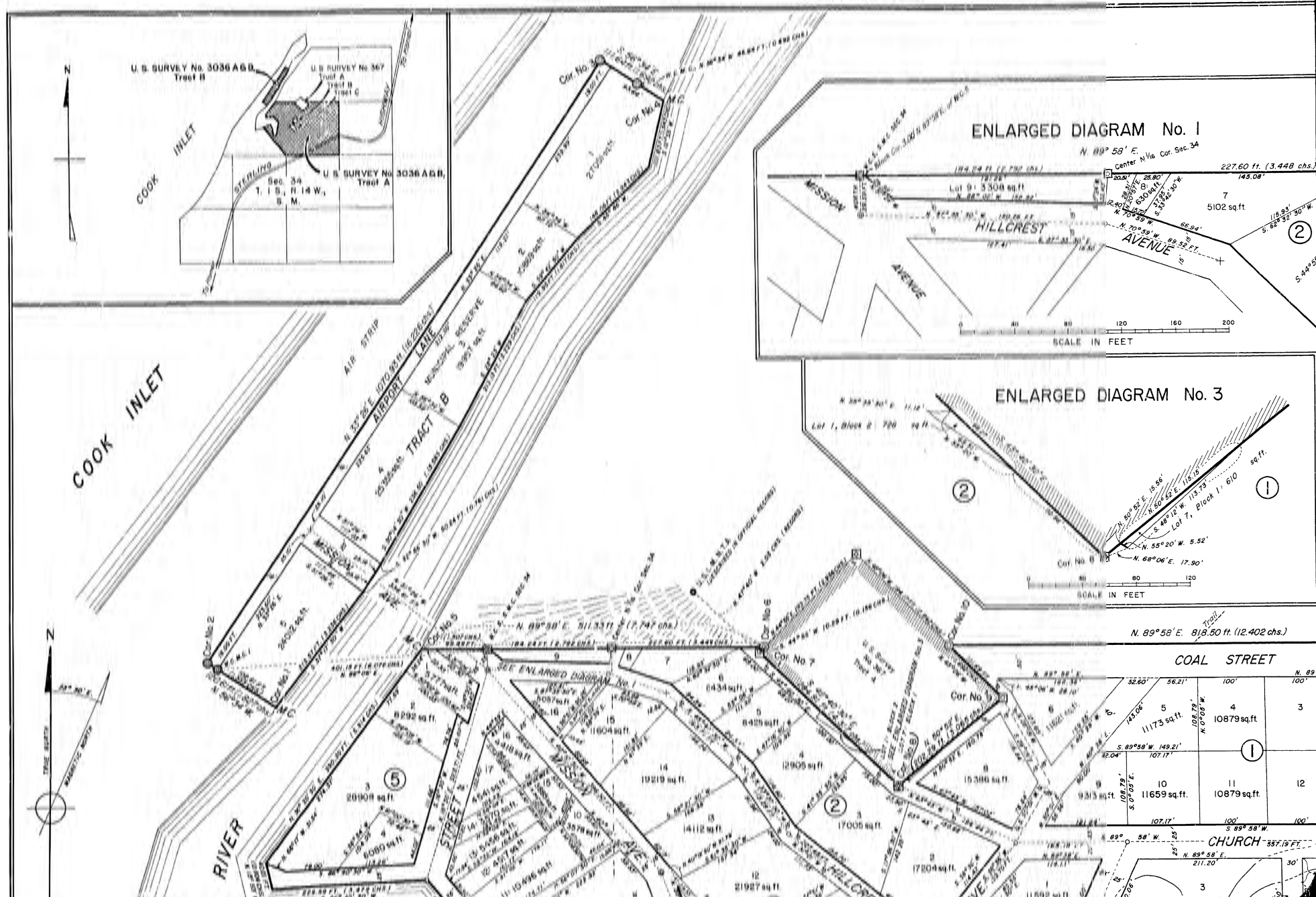
- Brass cap 0 to 12 inches below surface of ground in 8 inch concrete column 26 inches long.
  - 2 1/2 inch iron post 28 inches long in concrete base and collar 10 inches diameter and 6 inches thick with brass cap 0 to 12 inches below surface of ground.
  - ✕ Copper pin set in column of concrete below surface of ground.
  - ◇ A stone 2 inches above ground marked as described in official record.
  - ◆ Brass cap flush with ground surface in 10 x 12 inch mass of concrete on granite boulder.
  - Monument described in field notes of Dependent Survey of portion of Section 34, T. 1 S., R. 14 W., S. M.
  - Monument described in field notes of U. S. Survey No. 3036A & B, Boundaries & Subdivision, Townsite of Ninilchik, Alaska.
- Note: All other block and lot corners were marked with 2 x 4 x 18 inch wooden stakes.

UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
Washington, D. C., Aug. 7, 1951

This plat is strictly conformable to the approved field notes, and the survey, having been correctly executed in accordance with the requirements of law and regulations of this bureau, is hereby accepted.

For the Director:

William F. Richards  
Chief, Branch of Surveys





ORIGINAL

# U. S. SURVEY No. 3036A (BOUNDARIES) AND 3036 B (SUBDIVISION)

## TRACT A and TRACT B TOWNSITE OF NINILCHIK, ALASKA

NET AREA TRACT A:----- 47.648 ACRES  
AREA U. S. SURVEY No. 367, Tract B:----- 0.216 "  
Tract C:----- 0.310 "  
Total:----- 48.174 "

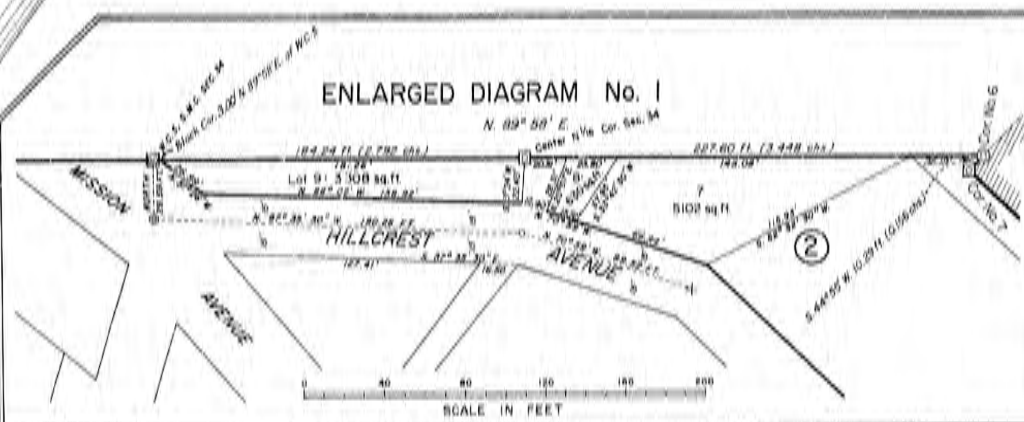
AREA TRACT B ----- 3.039 ACRES

LATITUDE 60°02' 52" N., LONGITUDE 151° 30' 43" W.,  
AT CORNER No. 1, TRACT A

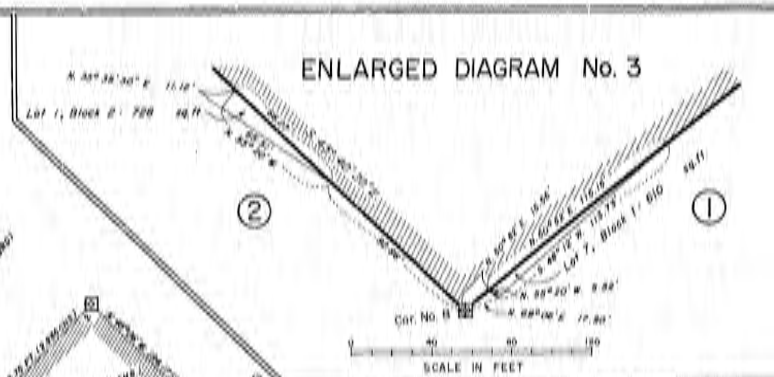
0 40 80 120 160 200 240 280 320 360 400 440 480 520 560 600 640  
SCALE IN FEET

SURVEYED BY ELLIOTT PEARSON, AUGUST 26 TO SEPTEMBER 14, 1950

ENLARGED DIAGRAM No. 1



ENLARGED DIAGRAM No. 3



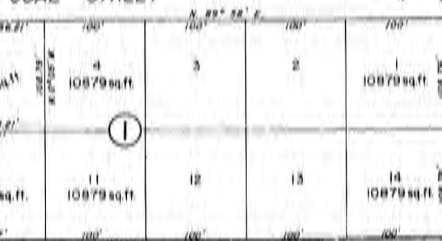
T. 1 S., R. 14 W., S. 34

Lot 1, Sec. 34

NE 1/4, NE 1/4, Sec. 34

N. 89° 58' E. 818.50 ft (12.402 chs.)

COAL STREET

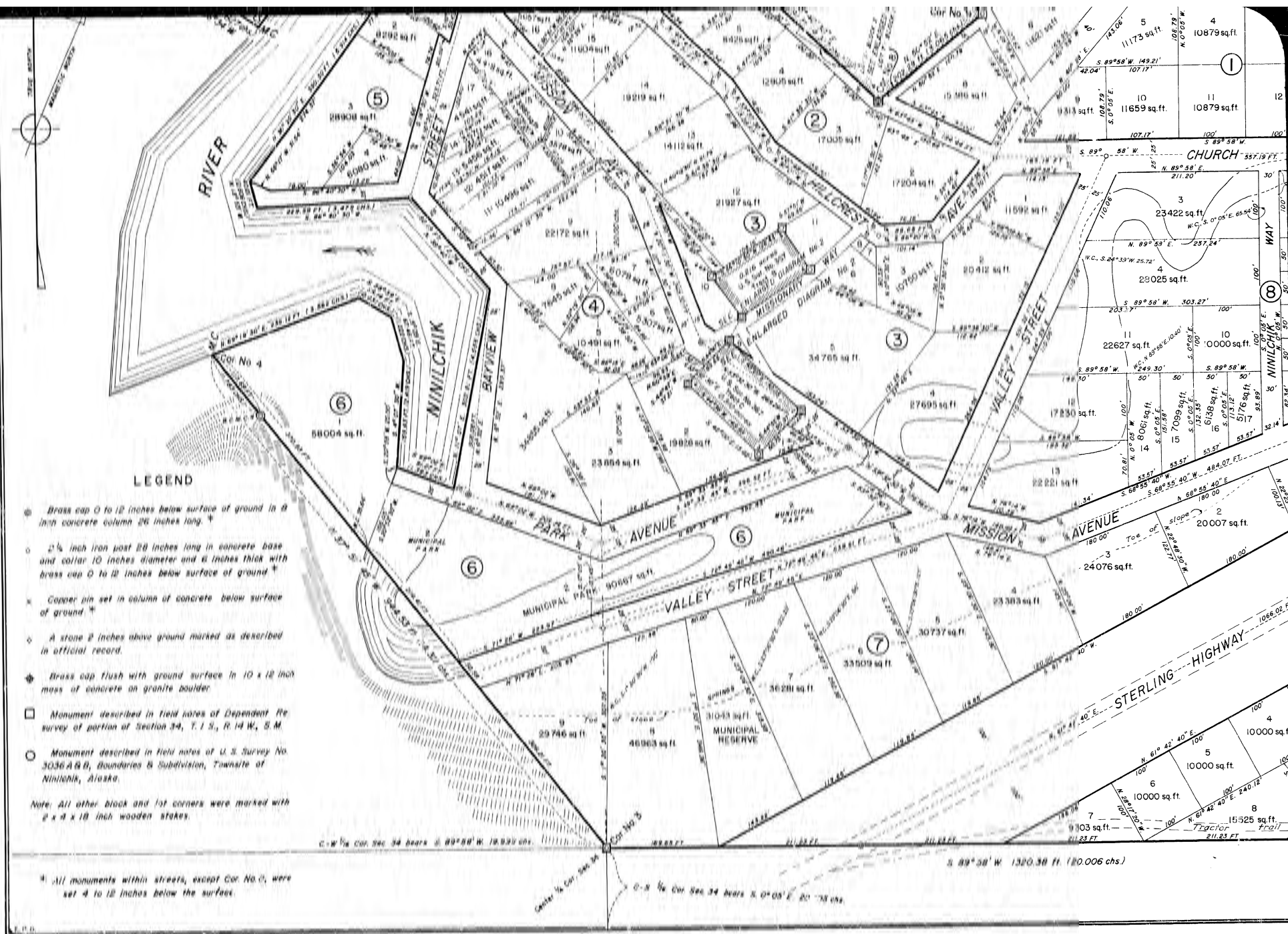


CHURCH STREET

ENLARGED DIAGRAM No. 2













Chief Cadastral Surveyor for Alaska

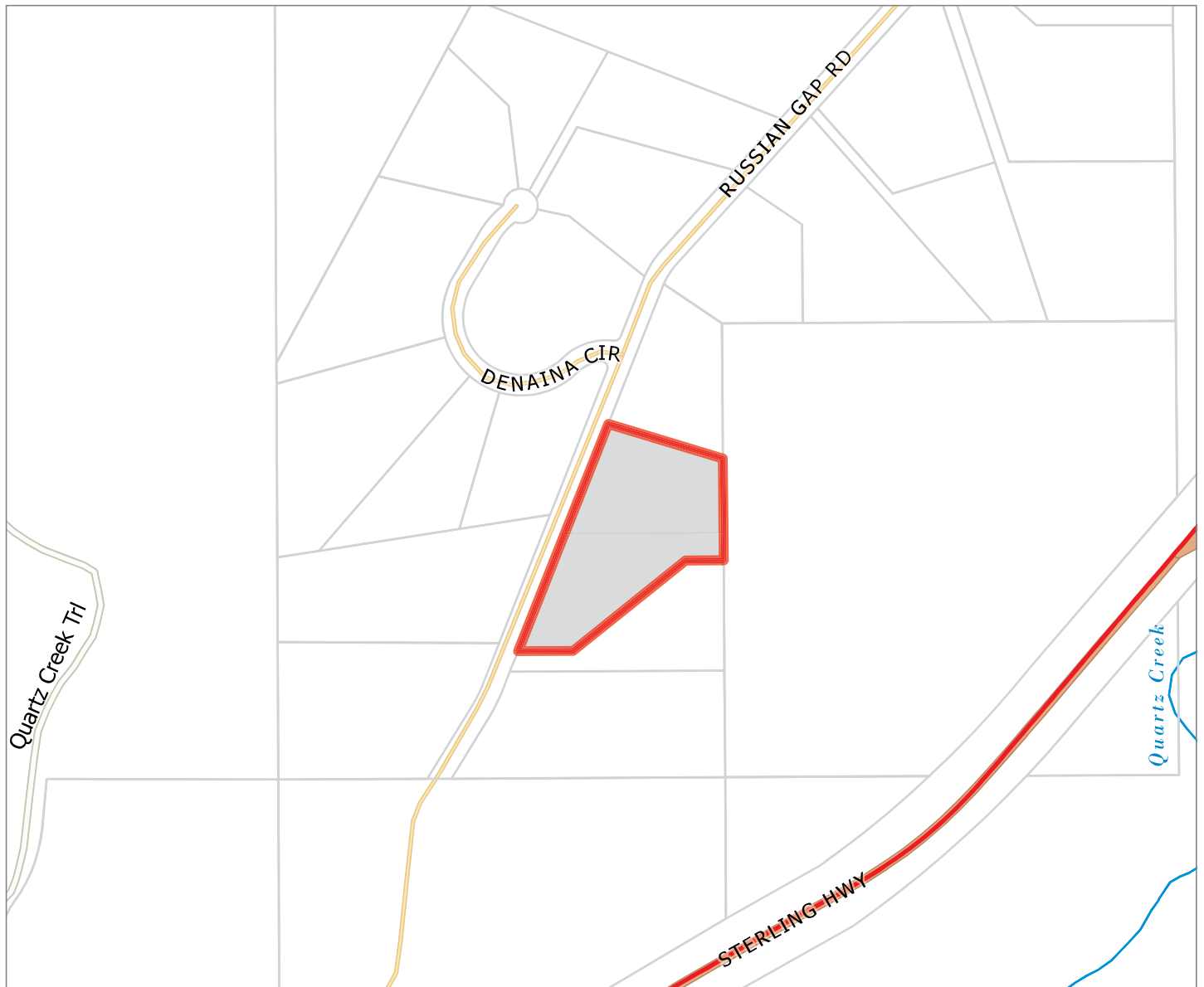


## **E. NEW BUSINESS**

- 4. Russian Gap Subdivision 2023 Addition; KPB File 2022-185  
Johnson Surveying / Tarcy, Coulliette, Byrd  
Location: Russian Gap Road  
Cooper Landing Area / Cooper Landing APC**

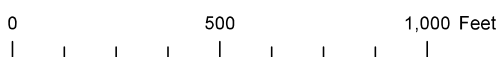


Vicinity Map



KPB File 2022-185  
T 05N R 02W SEC 30  
Cooper Landing

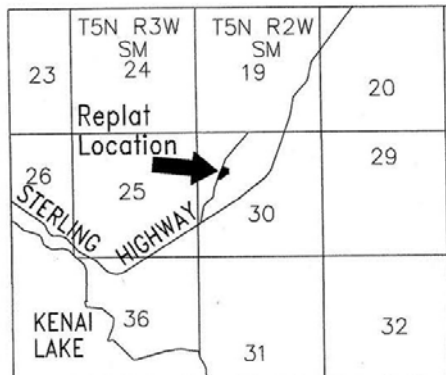
12/30/2022











VICINITY 1" = 1 mile MAP

# RUSSIAN GAP SUBDIVISION 2023 ADDITION PRELIMINARY PLAT

A replat of Tract 10B Russian Gap Subd., Reger Addn., Amended, SWD 2003-7; and Tract 11A Russian Gap Subd., 2015 Addn., SWD 2015-8. Located in the NW1/4 Section 30, T5N R2W, SM, Cooper Landing, Alaska. Seward Recording District Kenai Peninsula Borough

Prepared for

Paul David Tarey  
2314 Foraker Dr.  
Anchorage, AK 99517

William Michael Coulliette  
Dusty Rose Byrd  
P.O. Box 632  
Cooper Landing, AK 99572

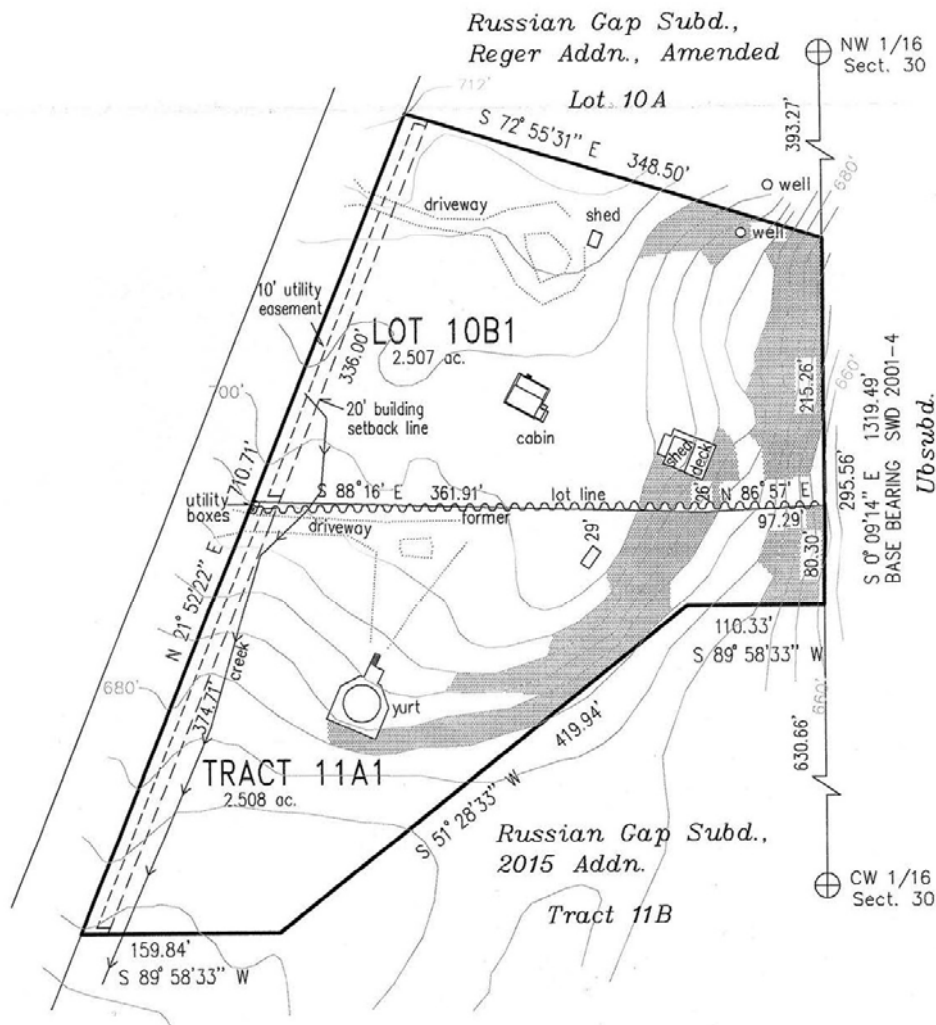
Prepared by

Johnson Surveying  
P.O. Box 27  
Clam Gulch, Ak 99568

SCALE 1" = 100' AREA = 5.015 acres  
29 December, 2022

## NOTES

1. A building setback of 20' from all street ROW's is required unless a lesser standard is approved by a resolution of the appropriate planning commission. Building setback is also a utility easement, as granted by plat SWD 2001-4.
2. No permanent structure shall be constructed or placed within an easement which would interfere with the ability of a utility to use the easement.
3. These lots are within a KPB Local Zoning District under KPB 21.46.030, as filed with the Seward District Recorder in Book 110 Page 725, and amended by Deed Serial #2011-000638-0 and rerecorded as Deed Serial#2011-000909-0.
4. Covenants, conditions, and restrictions affecting this property are filed with the Seward District Recorder in Book 112 Page 909.
5. Contour interval 4'. Creek shown is the extent of wet areas on the property.



KPB 2022-185



AGENDA ITEM E. NEW BUSINESS

**ITEM 4 – RUSSIAN GAP SUBDIVISION 2023 ADDITION**

<b>KPB File No.</b>	2022-185
<b>Plat Committee Meeting:</b>	January 23, 2023
<b>Applicant / Owner:</b>	Paul Tarcy of Anchorage, Alaska William Coulliette and Dusty Rose Byrd of Cooper Landing, Alaska
<b>Surveyor:</b>	Jerry Johnson / Johnson Surveying
<b>General Location:</b>	Russian Gap Road, Cooper Landing, Cooper Landing APC

<b>Parent Parcel No.:</b>	119-301-27 and 119-301-37
<b>Legal Description:</b>	Lot 10B Russian Gap Subdivision Reger Addition, SW 2003-7 and Tract 11A Russian Gap Subdivision 2015 Addition, SW 2015-8
<b>Assessing Use:</b>	Residential
<b>Zoning:</b>	Rural Residential (R-R) LOZD
<b>Water / Wastewater</b>	On Site

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**STAFF REPORT**

**Specific Request / Scope of Subdivision:** The proposed plat will adjust a common lot line between two lots. The lot line is being shifted approximately 6 feet along the western boundary.

**Location and Legal Access (existing and proposed):** The subdivision is located near mile 44 of state maintained Sterling Highway. The subdivision is accessed by Russian Gap Road, a 60 foot wide borough maintained right-of-way. Russian Gap Road intersects the Sterling Highway near the Cooper Landing Transfer Site. Both lots front along the Russian Gap Road. There are existing driveways into the lots and the access will not change.

The block is incomplete and not compliant. The Russian Gap Subdivision was done by the Kenai Peninsula Borough and the subdivision is surrounded by large acreage lots, highway, steep terrain, existing trails, and Chugach National Forest. The zoning for this property limits the lot size to where any dedications will result in the lots no longer being compliant and any dedications required would require crossing or ending at steep terrain. ***Staff recommends the plat committee concur that an exception to block length is not required as this plat is unable to improve the block length.***

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

**Site Investigation:** Steep areas are present and shown. They are mostly within the eastern portion of the subdivision. ***Staff recommends the steep terrain be removed and plat note 5 remove the portion regarding contours.***

There are low wet areas present along the western boundary. They are designated as kettle. The wetlands are not depicted but the surveyor has noted a creek is present and plat note 5 indicates it is the extent of the wet area. KPB GIS data does not indicate a creek within that area and parent plats did not indicate the creek. This may be the result of development. ***Staff recommends the creek and the plat note remain on the final plat and a wetlands determination note be added to the plat.***

Multiple structures are located on each of the lots. This subdivision is within Rural Residential Local Option Zoning District (LOZD) that has 25 foot side lot line setbacks. The buildings as shown are in compliance.

It appears a driveway for Tract 11A is very close to the existing parcel line and this plat will move the lot line to the north slightly near the driveway. Staff reviewed the LOZD code and there does not appear to be an issue with the proximity of the driveway to the lot line. The KPB Planner noted this platting action would comply.

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	

**Staff Analysis** This is a replat of lots in the Cooper Landing area. The property was conveyed to the Kenai Peninsula Borough by the State of Alaska by patent in 1997. The borough took a portion of those conveyed lands and recorded the Russian Gap Subdivision, SW 2001-4, on February 14, 2001. That plat created 12 tracts that were all 5 acres or larger. The Kenai Peninsula Borough Assembly enacted Ordinance 2000-19-07 on February 20, 2001. The ordinance approved the property within the Russian Gap Subdivision to be offered for sale through a sealed bid process. The Kenai Peninsula Borough Assembly enacted Ordinance 2001-30 on October 9, 2001 that created the Russian Gap Subdivision Local Option Zoning District. The tracts that are part of this subdivision were transferred from the borough by deeds in 2002.

Tract 10 of the Russian Gap Subdivision, SW 2001-4, was replatted into two lots and created Lot 10B by Russian Gap Subdivision Reger Addition, SW 2003-7. Tract 11 of the Russian Gap Subdivision, SW 2001-4, was replatted into two lots and created Tract 11A by Russian Gap Subdivision 2015 Addition, SW 2015-8. This proposed plat will adjust the common lot line between those two lots.

The parent subdivisions had soils analysis reports submitted. Both reports indicate that the soils are unsuitable for conventional wastewater disposal systems. Since existing reports have been done and this action will be adjusting the lot line less than 10 feet, new soils analysis reports will not be required. **Staff recommends code required plat notes be added and provide a statement within the note that soils are unsuitable for conventional wastewater disposal systems.**

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.

Cooper Landing 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** Russian Gap Subdivision, SW 2001-4, granted a 20 foot utility easement adjacent to the Russian Gap Road dedication. The easement was carried over onto the replats. **Staff recommends the depiction, labeling, and notes be revised to carry over the 20 foot utility 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's service area. No comment.
ENSTAR	No comments or recommendations
ACS	No objections
GCI	Approved as shown
SEWARD ELECTRIC	
CHUGACH ELECTRIC	No comments
TELALASKA	

**KPB department / agency review:**

Addressing	<p>Reviewer: Haws, Derek  Affected Addresses:  35578 RUSSIAN GAP RD  35520 RUSSIAN GAP RD</p> <p>Existing Street Names are Correct: No</p> <p>List of Correct Street Names:</p> <p>Existing Street Name Corrections Needed:  RUSSIAN GAP RD should be labeled.</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:  35578 RUSSIAN GAP RD will remain with lot 10B1.  35520 RUSSIAN GAP RD will remain with lot 11A1.</p>
Code Compliance	<p>Reviewer: Ogren, Eric  Comments: No comments</p>
Planner	<p>Reviewer: Raidmae, Ryan  Located Within an LOZD  LOZD Name: Russian Gap Subdivision  LOZD Comments:  This proposed plat is located within the Russian Gap Subdivision Local Option Zoning District. The zoning designation for this property is Rural Residential (R-R). The proposed plat meets the requirements of the R-R District. The new parcels will continue to be subject to the land use regulations contained in KPB 21.44 generally, and specifically KPB 21.44.170.</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.

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**STAFF RECOMMENDATIONS**  
**CORRECTIONS / EDITS**

Add legend to drawing

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**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 Tract 10B to "Lot". Remove "Amended" from the parent subdivision name.*
- 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:** *Label Russian Gap Road and provide a right-of-way width label.*
- D. A vicinity map, drawn to scale showing location of proposed subdivision, north arrow if different from plat orientation, township and range, section lines, roads, political boundaries, and prominent natural and manmade features, such as shorelines or streams;  
**Staff recommendation:** *Include the boundary and a label for Chugach National Forest. Center the section numbers.*
- G. The status of adjacent lands within 100 feet of the proposed subdivision boundary or the land status across from any dedicated rights-of-way that adjoin the proposed subdivision boundary, including names of subdivisions, lot lines, block numbers, lot numbers, rights-of-way; or an indication that the adjacent land is not subdivided;  
**Staff recommendation:** *Remove "Amended" from the subdivision label to the north. Provide the depiction of Russian Gap Road and lots west of the right-of-way.*
- H. Approximate locations of low wet areas, areas subject to inundation, areas subject to flooding or storm water overflow, and the line of ordinary high water. This information may be provided on an additional sheet if showing these areas causes the preliminary plat to appear cluttered and/or difficult to read;  
**Staff recommendation:** *There are some areas of kettle. Not shown but a creek is depicted.*

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**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:** *Per code all setbacks shall be depicted. Per the code for RR LOZD, the property is subject to the following setbacks, 60 foot front, 25 side lot lines, and 40 rear. Provide depiction and labels and provide a reference to the plat note for setbacks.*

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#### KPB 20.40 – Wastewater Disposal

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

##### 20.40.010 Wastewater disposal.

*Platting Staff Comments: The parent subdivisions had soils analysis reports that determined the soils were unsuitable for conventional systems. The shared lot line is being adjusted with the front line moving less than 6 feet and the back line is not moving. Per KPB 20.40.020, a new soils report will not be required.*

**Staff recommendation:** *comply with 20.40.*

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#### 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.*

- *WASTEWATER DISPOSAL: The parent subdivision for lots resulting from this platting action was approved by the Kenai Peninsula Borough on August 15, 2003 and May 28, 2015. Previous soils analysis reports indicate the soil conditions were found to be unsuitable for conventional onsite wastewater treatment and disposal systems. Reports are on file with the Kenai Peninsula Borough. Wastewater treatment and disposal systems must meet the regulatory requirements of the Alaska Department of Environmental Conservation.*
- *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.*
- *Building setback – Subject to a minimum 20 foot building setback from all rights-of-way is required per KPB 20.30.240 unless a lesser standard is approved by resolution of the appropriate planning commission. There are additional setbacks as this subdivision is located within Russian Gap*



Subdivision Local Option Zoning District as contained in KPB Chapters 21.44 and 21.46 and adopted by KPB Ordinance 2001-30, the amended notice was recorded under 2020-001405-0, Seward Recording District. Information regarding the zoning restrictions and copies of the ordinance are available from the KPB Planning Department. Setback distances are determined by zoning designation. This subdivision has been zoned as Rural Residential (R-R) as found within KPB 21.44.170.

- A 20 foot utility easement is adjacent to the Russian Gap Road dedication as granted by SW 2001-4.
- No tracts or lot being created by this subdivision can be further subdivided to parcels less than 2.50 acres.

Revise the existing plat notes.

- Plat note 1 - Remove to provide new notes stated above.
- Plat note 3 – “These lots are within Russian Gap Subdivision Local Option Zoning District with notice recorded with the Seward Recording District in Book 110 Page 725, amendments within Serial Number 2011-000638, 2011-000909-0, and 2020-001405-0.”
- Plat note 4 – add “...and Book 111 Page 105.”

Plat note 5 – remove “Contour interval 4’.” Leave the remainder of the note on the final.

20.60.190. Certificates, statements, and signatures required.

**Staff recommendation:** Make sure the signature lines indicate the former lot the owner is signing. Comply with 20.60.190.

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#### **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**

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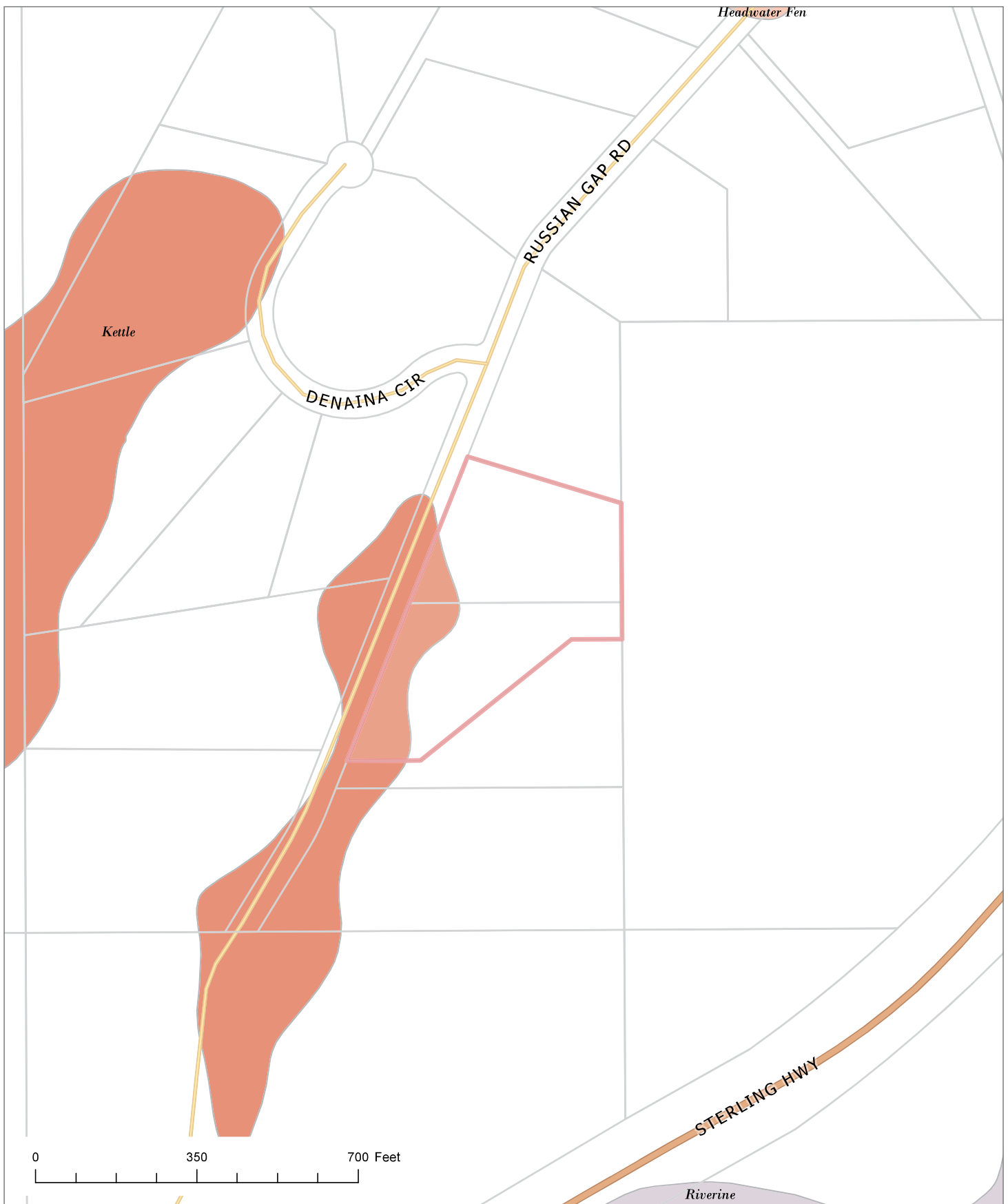
Aerial View







**Wetlands**





VICINITY 1" = 1 mile MAP

2015-8  
Plat #  
Seward  
Rec. Dist.  
6/1 2015  
DATE  
TIME 2:43 PM

# RUSSIAN GAP SUBDIVISION 2015 ADDITION

A subdivision of Tract 11 Russian Gap Subd., SWD 2001-4.  
Located in the NW 1/4 Section 30, T5N R2W SM, Cooper Landing, Alaska.  
Seward Recording District - Kenai Peninsula Borough File 2015-003  
Creating Tract 11A and Tract 11B

Prepared for

Paul & Suzanne Finney  
1588 Hillside Pl.  
Homer, AK 99603

John Dupier  
Michelle Egan  
2147 Solstice Circle  
Anchorage, AK 99503

Prepared by

Johnson Surveying  
Box 27  
Diam Gulch, AK 99568

SCALE 1" = 100' AREA = 5.008 acres  
29 December, 2014



## LEGEND

- ⊕ - 2 1/2" alcap monument, LS-5152, 12000, record plat SWD 2001-4
- - 5/8" rebar with alcap, LS-5152, found.
- ▲ - 5/8" rebar with plastic cap, 'COOPER', found.
- - 1/2" x 4' rebar with plastic cap, set.
- [ ] - Record information from plat SWD 2001-4.

## PLAT APPROVAL

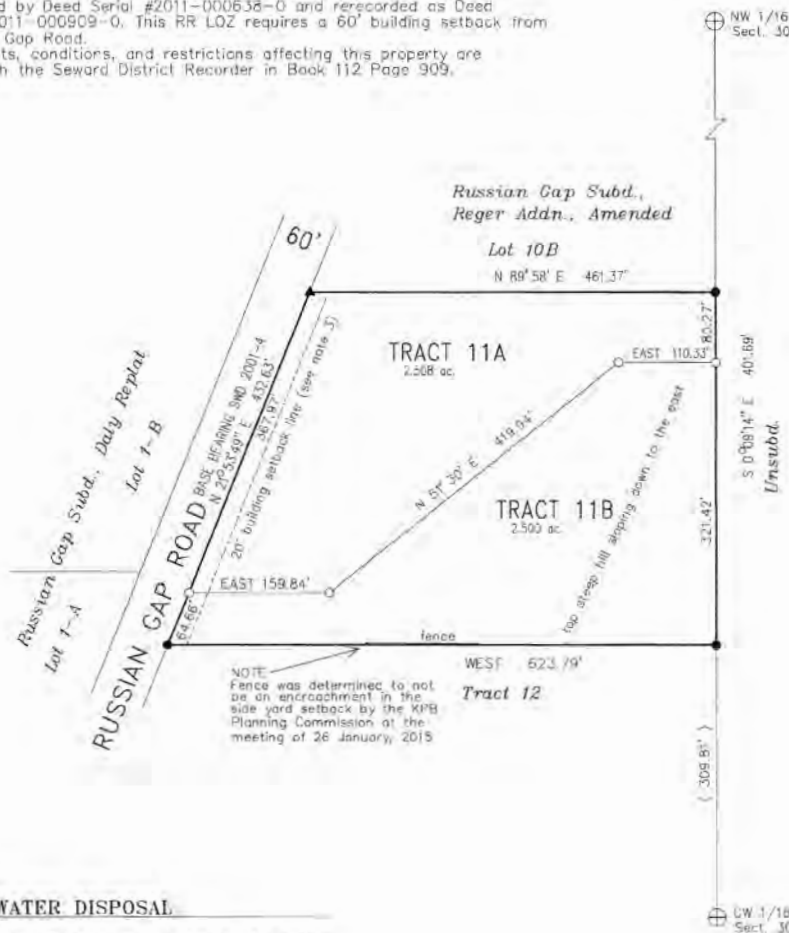
This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of 26 January, 2015

KENAI PENINSULA BOROUGH

(s) *May 28, 2015*  
Authorized Official Date

## NOTES

1. A building setback of 20' from all street ROW's is required unless a lesser standard is approved by a resolution of the appropriate planning commission. Building setback is also a utility easement, as granted by plat SWD 2001-4.
2. No permanent structure shall be constructed or placed within an easement which would interfere with the ability of a utility to use the easement.
3. This lot is within a KPB Local Zoning District under KPB 21.46.030, as filed with the Seward District Recorder in Book 110 Page 725, and amended by Deed Serial #2011-000638-0 and rerecorded as Deed Serial #2011-000909-0. This RR LOZ requires a 60' building setback from Russian Gap Road.
4. Covenants, conditions, and restrictions affecting this property are filed with the Seward District Recorder in Book 112 Page 909.



## OWNERSHIP CERTIFICATE

We hereby certify that we are the owners of the real property shown and described hereon; and that we hereby adopt this plan of replat, and by our free consent grant all easements to the use shown.

*Paul G. Finney*  
Paul G. Finney 1588 Hillside Place Homer, AK 99603-8319  
*Suzanne Y. Finney*  
Suzanne Y. Finney 1588 Hillside Place Homer, AK 99603-8319  
*John L. Dupier as POA*  
John L. Dupier 2147 Solstice Circle Anchorage, AK 99503  
*Michelle Egan*  
Michelle Egan 2147 Solstice Circle Anchorage, AK 99503

## NOTARY'S JURAT

For: Paul G. & Suzanne Y. Finney  
Subscribed and sworn to before me this 15

day of May, 2015.

*Notary Public for Alaska*

My commission expires: 8/10/18



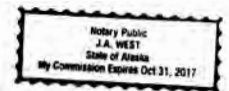
## NOTARY'S JURAT

For: John L. Dupier & Michelle Egan  
Subscribed and sworn to before me this: 18th

day of May, 2015.

*Notary Public for Alaska*

My commission expires: 10-31-17



## WASTEWATER DISPOSAL

20.40.050  
Soil conditions in this subdivision have been found unsuitable for conventional onsite wastewater treatment and disposal systems. Plans for a typical alternate wastewater disposal system for use on lots in this subdivision are included in the Engineers Subdivision and Sales Report and are available from the Kenai Peninsula Borough. All alternate onsite wastewater treatment and disposal systems must be designed by a professional engineer registered to practice in Alaska, and the design must be approved by the Alaska Dept. of Environmental Conservation prior to construction.

*Anna T. Baker*  
Engineer License # 5-22-15 Date





KPB NOTE: This subdivision is zoned; see KPB 21.46.030 (SW 2011-000638-0); See PC Resolution 2015-14

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 entire 10' building setback adjacent to rights-of-way 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.
- 3) WASTEWATER DISPOSAL: These lots are at least 200,000 square feet or nominal 5 acres in size and conditions may not be suitable for onsite wastewater treatment and disposal. Any wastewater treatment or disposal system must meet the regulatory requirements of the Alaska Department of Environmental Conservation.
- 4) No tract being created by the subdivision can be further subdivided to parcels less than 2,500 acres.
- 5) ROW corners will be set after road construction is completed.
- 6) 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.
- 7) The KPB Plot Committee granted an exception to Ordinance 20.20.200 on July 10, 2000, for Tract 5.
- 8) The recreation trail shown is the centerline of a 20 ft. Public Trail and Utility Company Access Easement.

LEGEND:

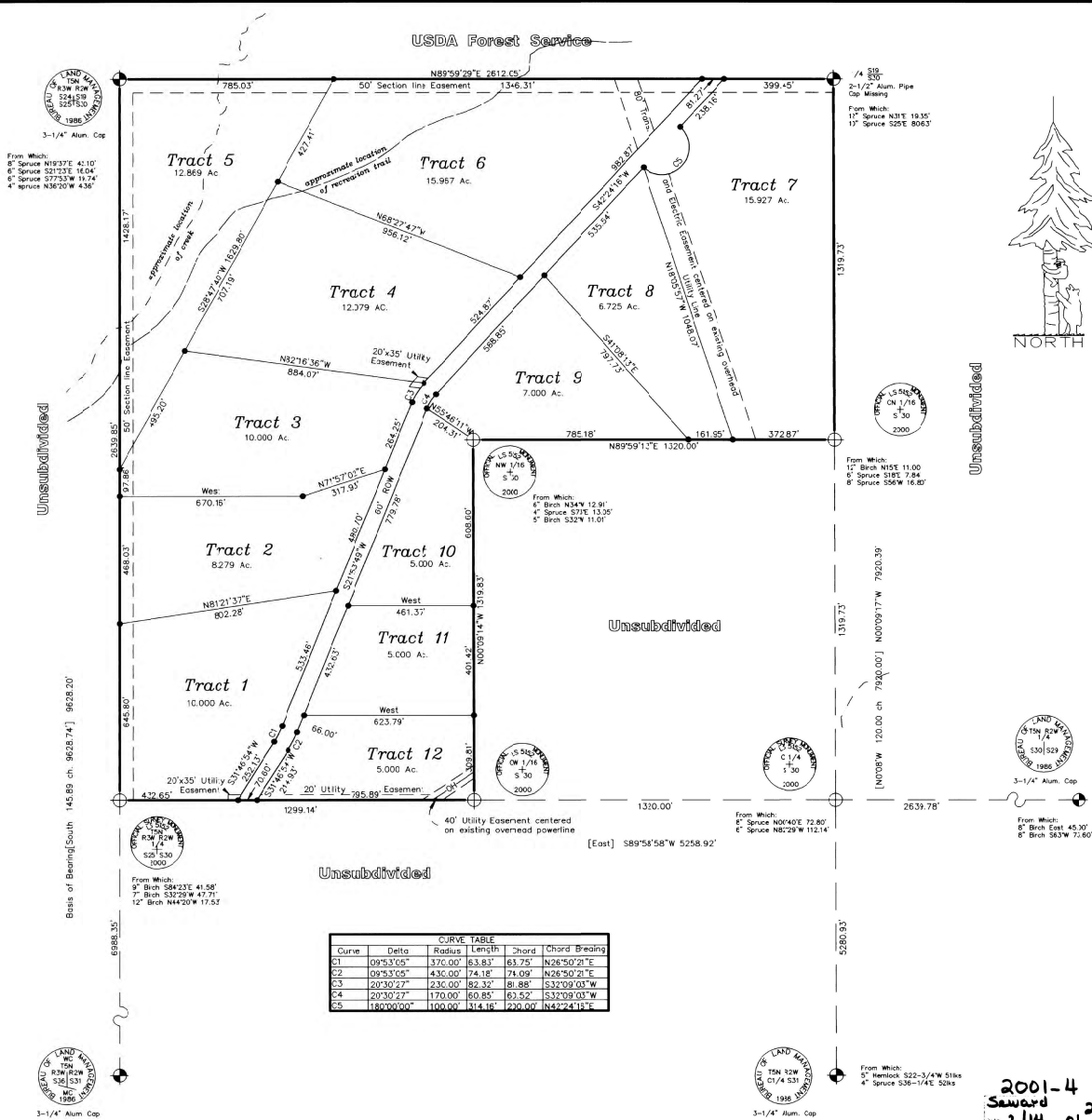
- Monument (found this survey)
- 2-1/2" Alum. Cap Monument (set this survey)
- 5/8" Rebar (set this survey)
- [ ] Record Datum - Bureau of Land Management Dated October 8, 1992
- OH- Overhead Utility Line



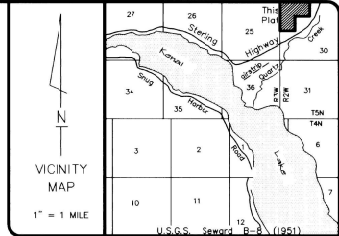
CERTIFICATE OF SURVEYOR

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

27 November 2000  
DATE



CURVE TABLE					
Curve	Delta	Radius	Length	Chord	Chord Bearing
C1	09°53'05"	370.00'	63.83'	63.75'	N28°50'21"E
C2	09°53'05"	430.00'	74.18'	74.09'	N28°50'21"E
C3	20°30'27"	230.00'	82.32'	81.88'	S32°09'03"W
C4	20°30'27"	170.00'	60.85'	60.52'	S32°09'03"W
C5	160°00'00"	100.00'	314.16'	200.00'	N44°24'15"E



CERTIFICATE of OWNERSHIP and DEDICATION

HEREBY CERTIFY THAT WE ARE THE OWNER(S) OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND THAT WE HEREBY ACCEPT 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.

Dale L. Bagley  
Dale Bagley, Mayor  
Kenai Peninsula Borough  
144 N. Binkley Street  
Soldotna, Alaska 99669

NOTARY'S ACKNOWLEDGEMENT

SUBSCRIBED AND SWORN BEFORE ME THIS 21<sup>st</sup> DAY of December 2000 FOR Dale L. Bagley

Sherr Biggs  
NOTARY PUBLIC FOR ALASKA  
MY COMMISSION EXPIRES 2/15/02



PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF July 10, 2000

KENAI PENINSULA BOROUGH  
Margaret  
AUTHORIZED OFFICIAL

RECORDED	REC. DIST.
DATE: 20	TIME: M
REQUESTED BY: INTEGRITY SURVEYS	
605 SWIRES DRIVE	
KENAI, ALASKA 99511	

KPB FILE No. 2000-108

Russian Gap Subdivision

A subdivision of the NE1/4 NW1/4, Government Lots 1 & 2 Located within the NW1/4 of Section 30, T5N, R2W, S1M., Seward Recording District, Kenai Peninsula Borough, Alaska.

Containing 118.507 Acres

Integrity Surveys

605 Swires Drive Kenai, Alaska 99611-8363  
SURVEYORS PHONE: (907) 383-9047 FAX: (907) 383-9071 PLANNERS

JOB NO: 20052	DRAWN: 15 May, 2000	CB
SURVEYED: April - June 2000	SCALE: 1" = 200'	
FIELD BK: 2003-2, Pg. 42-	DISK: Russian Gap	

2001-4  
Seward  
2/14 of 20  
Integrity  
Address: