



Meeting Agenda Plat Committee

Monday, November 13, 2023

5:30 PM

Betty J. Glick Assembly Chambers

Zoom Meeting ID: 907 714 2200

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

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

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

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF AGENDA, EXCUSED ABSENCES, AND MINUTES

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

1. Agenda
2. Member / Alternate Excused Absences - NONE
3. Minutes

[KPB-5617](#) October 9, 2023 Plat Committee Meeting Minutes

Attachments: [C3. 100923 Plat Committee Minutes](#)

4. Grouped Plats

[KPB-5618](#) November 13, 2023 Grouped Plats Staff Report

Attachments: [C4. Grouped Plats](#)

D. OLD BUSINESS - NONE

E. NEW BUSINESS

1. [KPB-5619](#) Anchor View Estates 2023 Addition; KPB File 2023-116
Fineline Surveys, Inc. / Kimbrell, Beller
Location: Shorebird Lane off the Sterling Highway
Anchor Point Area / Anchor Point APC

Attachments: [E1. Anchor View Estate 2023 Addn. Packet](#)
2. [KPB-5620](#) Baron Wood Subdivision 2023 Replat; KPB File 2023-105
Johnson Surveying / Hardcastle
Location: Childs Avenue off Bridge Access Road
City of Kenai

Attachments: [E2. Baron Wood Sub 2023 Replat Packet](#)
3. [KPB-5621](#) Marysville 2023; KPB File 2023-106
Geovera, LLC / Emmitt & Mary Trimble Joint Revocable Trust
Location: Birch Street
Anchor Point Area / Anchor Point APC

Attachments: [E3. Marysville 2023 Packet](#)
4. [KPB-5622](#) Seward Original Townsite Verhey Replat; KPB File 2023-108
AK Lands / Verhey
Location Second Avenue
City of Seward

Attachments: [E4. Seward Original Townsite Verhey Replat Packet](#)

5. [KPB-5623](#) Townsite of Kasilof Pree Replat; KPB File 2023-117
Edge Survey & Design, LLC / Kenai Peninsula Borough, Pree
Location: Heine Berger Lane off Kalifornsky Beach Road
Kasilof Area

 Attachments: [E5. Townsite of Kasilof Pree Replat_Packet](#)
6. [KPB-5624](#) Two Moose Creek Reserve Golden Eagle Airpark Unit
KPB File 2023-113
Seabright Surveying / East Road Services, Inc.
Location: Benson Road off Sterling Highway
Anchor Point Area / Anchor Point APC

 Attachments: [E6. Two Moose Creek Reserve Gold Eagle Airpark Unit 1_Packet](#)
7. [KPB-5625](#) Waterfront Tracts Resubdivision; KPB File 2023-104
Stantec Consulting Services, Inc. / City of Seward
Location: Railway Avenue & Lowell Point Road
City of Seward

 Attachments: [E7. Waterfront Tracts Resubdivision_Packet](#)
8. [KPB-5626](#) Bings Landing Subdivision Gregory Addition; KPB File 2023-110
McLane Consulting Group
Keys, Collins, Christine S & Bradley J Goetz Trust Agreement,
Roberts
Location: Sterling Highway, Jalapeno Street, Bings Landing Road
Sterling Area

 Attachments: [E8. Bings Landing Sub Gregory Addn_Packet](#)
 [E8. Bings Land Sub Gregory Addn_Desk Packet](#)
9. [KPB-5627](#) Evenson Subdivision 2023 Replat; KPB File 2023-119
McLane Consulting Group / Carroll
Location: Cobbler Lane Off Kalifornsky Beach Road
Kasilof Area

 Attachments: [E9. Evenson Subdivision 2023 Replat_Packet](#)
10. [KPB-5628](#) South Bend Bluff Estates 2023 Replat; KPB File 2023-112
McLane Consulting Group / Cunningham, Presley, Roberts
Location: Winridge Avenue
Kalifornsky Area / Kalifornsky APC

 Attachments: [E10. South Bend Bluff Estates 2023 Replat_Packet](#)

11. [KPB-5629](#) Tuttle Subdivision 2023 Replat; KPB File 2023-120
McLane Consulting Group / Rozak, Pond
Location: Moraine Vista Street off the Sterling Highway
Kasilof Area

Attachments: [E11. Tuttle Sub 2023 Replat Packet](#)
12. [KPB-5630](#) Hall-Ewing Subdivision; KPB File 2023-103
Segesser Surveys / Hall, Ewing
Location: New Orleans Avenue
Nikiski Area / Nikiski APC

Attachments: [E12. Hall-Ewing Subdivision](#)
13. [KPB-5631](#) Peaceful Acres Redwine Addition; KPB File 2023-122
Segesser Surveys / Redwine
Location: Cardwell Road
Kalifornsky Area / Kalifornsky APC

Attachments: [E13. Peaceful Acres Redwine Addn Packet](#)
14. [KPB-5632](#) Shoreline Heights 2023 Addition; KPB File 2023-121
Segesser Surveys / Lowe
Location: Pey Drive
City of Kenai

Attachments: [E14. Shoreline Heights 2023 Addn Packet](#)
15. [KPB-5633](#) St. Luke Lutheran Church Replat; KPB File 2023-118
Segesser Surveys / St. Luke Lutheran Church of the Unaltered
Augsburg Confession
Location: Kenai Spur Highway
Salamatof Area / Nikiski APC

Attachments: [E15. St. Luke Luthern Church Replat Packet](#)
[E15. St. Luke Luther Church Replat](#)

F. PUBLIC COMMENT

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

G. ADJOURNMENT

MISCELLANEOUS INFORMATIONAL ITEMS

NEXT REGULARLY SCHEDULED PLAT COMMITTEE MEETING

The next regularly scheduled Plat Committee meeting will be held Monday, December 11, 2023 in the Betty J. Glick Assembly Chambers of the Kenai Peninsula Borough George A. Navarre Administration Building, 144 North Binkley Street, Soldotna, Alaska at 7:30 p.m.

KENAI PENINSULA BOROUGH PLANNING DEPARTMENT

Phone: 907-714-2215

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

Fax: 907-714-2378

e-mail address: planning@kpb.us

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

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

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

C. CONSENT AGENDA

***3. Minutes**

a. October 9, 2023 Plat Committee Meeting

Kenai Peninsula Borough Planning Commission

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

October 9, 2023
7:30 P.M.
UNAPPROVED MINUTES

AGENDA ITEM A. **CALL TO ORDER**

Commissioner Brantley called the meeting to order at 7:30 p.m.

AGENDA ITEM B. **ROLL CALL**

Commissioners Present

Jeffery Epperheimer, Nikiski District
Pamela Gillham, Kalifornsky/Kasilof District
Virginia Morgan, Cooper Landing/Hope District
Jeremy Brantley, Ridgeway/Sterling District
Dawson Slaughter, South Peninsula District
Charlene Tautfest, City of Soldotna
Franco Venuti, City of Homer
Diane Fikes, City of Kenai

With 8 members of an 8-member seated commission in attendance, a quorum was present.

Staff Present

Robert Ruffner, Planning Director
Walker Steinhage, Borough Deputy Attorney
Todd Sherwood, Borough Deputy Attorney
Ann Shirnberg, Planning Administrative Assistant

AGENDA ITEM C. **CONSENT & REGULAR AGENDAS**

***3. Plats Granted Administrative Approval**

- a. Baywood 2022; KPB File 2022-129
- b. Bear Run Kilpin 2023 Replat; 2023-002
- c. Diamond Cape No. 6; KPB File 2022-094
- d. Kingswood Estates Subdivision 2022; KPB File 2022-183
- e. Razdolna 2023 Replat Lot 10-D-2; KPB File 2022-163
- f. Southern Bluff Acres 2023 Replat; KPB File 2023-029

***4 Plat Granted Final Approval**

- a. Corea Bend Subdivision Bumpus Replat; KPB File 2023-089
- b. Moose Range Meadows Duchame Replat; KPB File 2023-090

***6. Commissioner Excused Absences**

- a. City of Seward, Vacant

***7. Minutes**

- a. September 11, 2023 Planning Commission meeting minutes.

Chair Brantley asked Ms. Shirnberg to read the consent agenda items into the record. Chair Brantley then asked if anyone wished to speak to any of the items on the consent agenda. Seeing and hearing no one

wishing to comment, Chair Brantley brought it back to the commission for a motion.

MOTION: Commissioner Venuti moved, seconded by Commissioner Tautfest to approve the consent and regular agendas.

Hearing no objection or further discussion, the motion was carried by the following vote:

MOTION PASSED BY UNANIMOUS VOTE:

Yes - 8	Brantley, Epperheimer, Fikes, Gillham, Morgan, Slaughter, Tautfest, Venuti
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AGENDA ITEM E. PLAT COMMITTEE REPORT

Commissioner Gillham reported the plat committee reviewed and granted preliminary approval to 3 plats,

AGENDA ITEM G. PUBLIC COMMENT/PRESENTATIONS

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

AGENDA ITEM I. COMMISSIONER COMMENTS

- Commissioner Gillham asked for an excused absence for the October 23, 2023 Planning Commission meeting.

AGENDA ITEM J. NEW BUSINESS

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

1. Remand Hearing
Building Setback Encroachment; KPB File 2022-121
Legal Description: Lot 10, Lake Estates Subdivision, Plat KN 1648
Applicants: David & Nancy Whitmore
General Location: GL Hollier Street
Ridgeway Area

Borough Attorney Walker Steinhage gave a brief review of the timeline of events related to the item.

Chair Brantley opened the item for public comment.

Nancy Whitmore, Applicant; 43664 Ross Dr., Soldotna, AK 99669: Ms. Whitmore is the applicant and she spoke in favor of approving their permit request.

Craig Whitmore, Applicant; 43664 Ross Dr., Soldotna, AK 99669: Mr. Whitmore is the applicant and he spoke in favor of approving their permit request.

Autumn Taylor; 43680 Ross Dr., Soldotna, AK 99669: Ms. Taylor is a neighboring landowner and spoke in opposition to the permit request.

Troy Taylor; 43680 Ross Dr., Soldotna, AK 99669: Mr. Taylor is a neighboring landowner and spoke in opposition to the permit request.

Crystal Demeter; 36935 Hakala Drive, Soldotna, AK 99669: Ms. Demeter lives in the Sport's Lake area and spoke in favor of approving the Whitmore's permit request.

Erica Chilla; 36550 Moser St., Soldotna, AK 99669: Ms. Chilla is an area resident spoke in opposition to the permit request.

Mike Markham; 36625 GL Hollier Street, Soldotna, AK 99669: Mr. Markham is a neighboring landowner and spoke in opposition to the permit request.

Zachary Markham; 36625 GL Hollier Street, Soldotna, AK 99669: Mr. Markham is a neighboring landowner and spoke in opposition to the permit request.

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

MOTION: Commissioner Gillham moved, seconded by Commissioner Slaughter to go into adjudicative session and requested that subject matter expert Deputy Attorney Todd Sherwood and Administrative Assistant Ann Shirnberg join them.

Hearing no objection or further discussion, the motion was carried by the following vote:

MOTION PASSED BY UNANIMOUS VOTE:

Yes - 8	Brantley, Epperheimer, Fikes, Gillham, Morgan, Slaughter, Tautfest, Venuti
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The commission went into adjudicative session at 8:25 P.M.

Commission came out of adjudicative session at 9:39 P.M.

Chair Brantley informed the public the commission was still deliberating on this item and that no decision would be made tonight. The commission will go back into adjudicative session to continue deliberations and will vote on this item at the next regularly scheduled Planning Commission meeting on October 23, 2023.

MOTION: Commissioner Gillham moved, seconded by Commissioner Fikes to go into adjudicative session and requested that subject matter expert Deputy Attorney Todd Sherwood and Administrative Assistant Ann Shirnberg join them.

Hearing no objection or further discussion, the motion was carried by the following vote:

MOTION PASSED BY UNANIMOUS VOTE:

Yes - 8	Brantley, Epperheimer, Fikes, Gillham, Morgan, Slaughter, Tautfest, Venuti
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Commission came out of adjudicative session at 10:57 PM

AGENDA ITEM K. ADJOURNMENT

Commissioner Gillham moved to adjourn the meeting at 10:58 P.M.

Ann E. Shirnberg
Administrative Assistant

C. CONSENT AGENDA

***4. Grouped Plats**

- E1. Anchor View Estates 2023 Addition; KPB File 2023-116**
- E2. Baron Wood Subdivision 2023 Replat; KPB File 2023-105**
- E4. Seward Original Townsite Verhey Replat; KPB File 2023-108**
- E5. Townsite of Kasilof Pree Replat; KPB File 2023-117**
- E9. Evenson Subdivision 2023 Replat; KPB File 2023-119**
- E10. South Bend Bluff Estates 2023 Replat; KPB File 2023-112**
- E11. Tuttle subdivision 2023 Replat; KPB File 2023-120**
- E13. Peaceful Acres Redwine Addition; KPB File 2023-122**
- E14. Shoreline Heights 2023 Addition; KPB File 2023-121**
- E15. St. Luke Luther Church Replat; KPB File 2023-118**



Plat Committee Grouped Plats Staff Report

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

GROUPED PLATS KPB Plat Committee Meeting November 13, 2023

Staff has grouped the following plats located under **AGENDA ITEM C4 – Grouped Plats (AGENDA ITEM F - FINAL PLATS WILL NEED SEPARATE REVIEW)**. They are grouped as:

- A. The plats placed on the consent agenda are considered simple or non-controversial. They are generally lot splits, lot line adjustment, no exceptions or ones that received no public comments. The group plats on the consent agenda are as follows. – 10 Plats

- E1. Anchor View Estates 2023 Addition; KPB File 2023-116
- E2. Baron Wood Subdivision 2023 Replat; KPB File 2023-105
- E4. Seward Original Townsite Verhey Replat; KPB File 2023-108
- E5. Townsite of Kasilof Pree Replat; KPB File 2023-117
- E9. Evenson Subdivision 2023 Replat; KPB File 2023-119
- E10. South Bend Bluff Estates 2023 Replat; KPB File 2023-112
- E11. Tuttle subdivision 2023 Replat; KPB File 2023-120
- E13. Peaceful Acres Redwine Addition; KPB File 2023-122
- E14. Shoreline Heights 2023 Addition; KPB File 2023-121
- E15. St. Luke Luther Church Replat; KPB File 2023-118

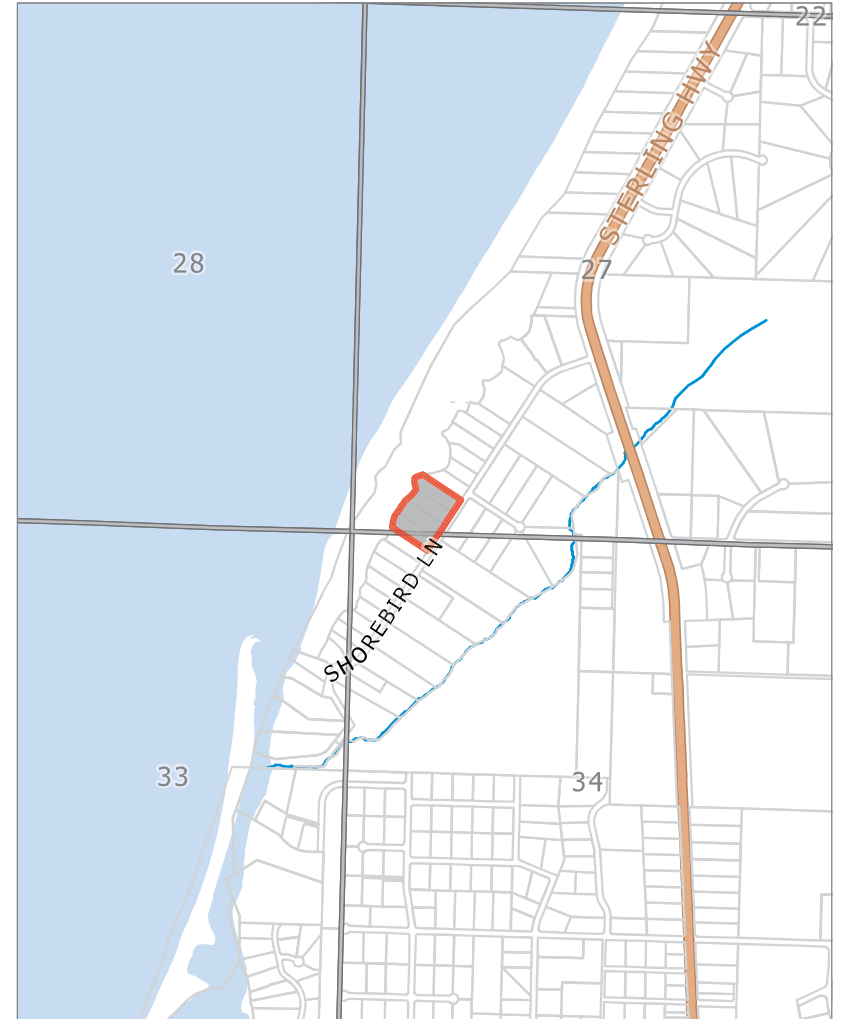
Staff recommends the committee determine whether any members of the public, surveyors or committee members wish to speak to any of the plats in this **group (A)** and remove the specific plats from the group, voting on the remainder of plats in the group in a single action to grant preliminary approval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

- B. Plats needing specific actions or controversial - (public comments received, major staff concerns, exceptions required) – 5 Plats

- E3. Marysville 2023: KPB File 2023-106
- E6. Two Moose Creek Reserve Golden Eagle Airpark Unit 1; KPB File 2023-113
- E7. Waterfront Tracts Resubdivision; KPB File 2023-104
- E8. Bings Landing Subdivision Gregory Addition; KPB File 2023-110
- E12. Hall-Ewing Subdivision; KPB File 2023-103

E. NEW BUSINESS

- 1. Anchor View Estates 2023 Addition; KPB File 2023-116
Fineline Surveys, Inc. / Kimbrell, Beller
Location: Shorebird Lane off the Sterling Highway
Anchor Point Area / Anchor Point APC**



KPB File 2023-116
T 04S R 15W SEC 27 & SEC 34
Anchor Point



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

NOTES:

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 15 FEET OF THE 20 FOOT BUILDING SETBACK AND THE ENTIRE SETBACK WITHIN 5 FEET OF THE SIDE LOT LINES IS A UTILITY EASEMENT. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN THE UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF THE UTILITY TO USE THE EASEMENT.
3. THE ACREAGE REPORTED ON THIS PLAT REFERS TO THAT REPORTED ON THE ORIGINAL SUBDIVISION PLAT. LOCATION OF THE TOP OF BLUFF AS SHOWN ON PLAT IS APPROXIMATE, ACCORDING TO ORIGINAL PLAT.
4. THE FOLLOWING BLANKET EASEMENTS HAVE BEEN GRANTED TO HOMER ELECTRIC ASSOCIATION (BK. 17, PG. 14 6/30/1959, BK. 49, PG. 251 6/4/1968)
5. THERE ARE RESTRICTIVE COVENANTS THAT AFFECT THIS SUBDIVISION. (BK 87, PGS 332 & 826)

LEGEND:

- FOUND 5/8" REBAR
- BRASS CAP MONUMENT 268 1962 C/A CORNER S27
- ⊕ GLO MONUMENT 1918 S1/4 CORNER S27

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 SUBDIVISION PLAN AND BY OUR FREE CONSENT GRANT ALL EASEMENTS TO USE SHOWN.

RANDY E. BELLER
PO BOX 1309
ANCHOR POINT, AK 99556

SARAH D. BELLER
PO BOX 1309
ANCHOR POINT, AK 99556

NOTARY'S ACKNOWLEDGEMENT:

FOR: RANDY E. BELLER & SARAH D. BELLER

ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____ 20 _____

NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES _____

PLAT APPROVAL:

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

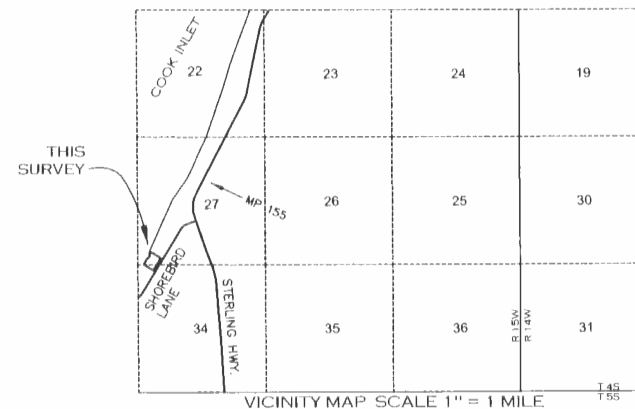
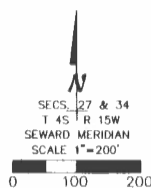
KENAI PENINSULA BOROUGH

BY: _____

AUTHORIZED OFFICIAL: _____

WASTEWATER DISPOSAL:

THE PARENT SUBDIVISION FOR LOTS RESULTING FROM THIS PLATTING ACTION WAS APPROVED BY THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION ON 10/16/1974. WASTEWATER TREATMENT AND DISPOSAL SYSTEMS MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.



CERTIFICATE OF OWNERSHIP:

I HEREBY CERTIFY THAT I AM THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREIN AND THAT I HEREBY ADOPT THIS SUBDIVISION PLAN AND BY MY FREE CONSENT GRANT ALL EASEMENTS TO USE SHOWN.

DMITRI KIMBRELL
PO BOX 774
ANCHOR POINT, AK 99556

NOTARY'S ACKNOWLEDGEMENT:

FOR: DMITRI KIMBRELL

ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____ 20 _____

NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES _____

SURVEYORS CERTIFICATE:

I HEREBY CERTIFY THAT I AM PROPERLY REGISTERED AND LICENSED TO PRACTICE LAND SURVEYING IN THE STATE OF ALASKA, AND THAT THE PLAT REPRESENTS A SURVEY MADE BY ME, AND THAT THE MONUMENTS SHOWN HEREON ACTUALLY EXIST AS DESCRIBED, AND THAT ALL DIMENSIONS AND OTHER DETAILS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

ANCHOR VIEW ESTATES - 2023 ADDITION

K.P.B. FILE # 2023-

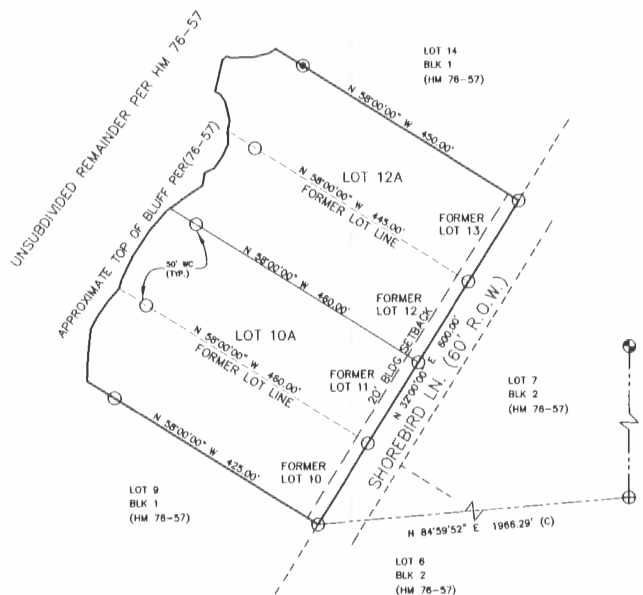
VACATING THE PROPERTY LINES BETWEEN LOTS 10 & 11, AND LOTS 12 & 13, BLOCK 1, ANCHOR VIEW ESTATES, SECTIONS 27 & 34, TOWNSHIP 4 SOUTH, RANGE 15 WEST, SEWARD MERIDIAN, KENAI PENINSULA BOROUGH, ALASKA. HOMER RECORDING DISTRICT. containing 6.314 acres.

OWNER: DMITRI KIMBRELL
P.O. BOX 774 ANCHOR POINT, AK. 99556

OWNERS: RANDY E. BELLER & SARAH D. BELLER
P.O. BOX 1309 ANCHOR POINT, AK 99556

FINELINE SURVEYS
P.O. BOX 774
ANCHOR POINT, ALASKA 99556
DMITRI D. KIMBRELL, RLS (907) 360 6382

SCALE: 1"=100' DATE: 12/6/2018



KPB 2023-116

AGENDA ITEM E. NEW BUSINESS

**ITEM #1 - PRELIMINARY PLAT
ANCHOR VIEW ESTATES 2023 ADDITION**

KPB File No.	2023-116
Plat Committee Meeting:	November 13, 2023
Applicant / Owner:	Dmitri Kimbrell and Randy and Sarah Beller, all of Anchor Point, AK
Surveyor:	Dmitri Kimbrell / Fineline Surveys
General Location:	Anchor Point / Anchor Point APC

Parent Parcel No.:	165-450-12, 165-450-13, 165-450-14 and 165-450-15
Legal Description:	T 4S R 15W SEC 27 Seward Meridian HM 0760057 Anchor View Estates Sub Lots 10 through 13 Block 1
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	Onsite
Exception Request	none

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will combine four irregular shape lots into two lots.

Location and Legal Access (existing and proposed): The subdivision fronts along Shorebird Lane and will continue to after the subdivision is finalized. Shorebird Lane is borough maintained and is accessed of the Sterling Highway between milepost 155 and 156.

There are no vacations or dedications proposed with this subdivision.

There is a section line easement shown on KPB GIS information but not shown crossing the lots on the parent plat. The parent plat does show the SLE to the east though. ***Staff recommends: the surveyor verify with the State DNR if the section line easement has been vacated through this portion of the sections. If not this needs to be shown on the drawing.***

Block length is not compliant, but with the Cook Inlet to the west of these lots a dedication is not possible. ***Staff recommends: the Plat Committee concur that an exception is not necessary.***

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

Site Investigation: The terrain of the subdivision is flat with a slight slope to the west towards the Cook Inlet. The steep slope begins beyond the limits of the subdivision.

There are improvements on the lots that will remain within their respective lots and not cause encroachment issues.

The subdivision is in a flood hazard area, but not in a floodway. ***Staff recommends: the standard Flood Hazard Notice be added to the plat notes.***

KPB River Center review	See attachments
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	<p>A. Floodplain Reviewer: Hindman, Julie Floodplain Status: IS in flood hazard area Comments: Flood Zone: X (shaded) Map Panel: 02122C-1890E In Floodway: False Floodway Panel:</p> <p>B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments</p> <p>C. State Parks Reviewer: VACANT Comments:</p>
State of Alaska Fish and Game	

Staff Analysis The parent plat Anchor View Estates Subdivision HM76-57 was platted from part of Section 27, 33 and 34 of Township 4S, Range 15W, SM AK and a portion of HES 48.

A soils report will not be required as the subdivision is vacating lot lines to create fewer lots.

Notice of the proposed plat was mailed to the beneficial interest holder on October 23, 2023. 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.

Anchor Point Advisory Planning Commission minutes for the November 9, 2023 meeting were not available when the staff report was prepared (KPB 21.02.020). These will be provided with the desk packet if available.

Utility Easements There is a 10' Utility Easement on either side of an existing powerline as shown on the parent plat of Anchor View Estates Subdivision HM76-57 that need to be added to the drawing. There is an easement listed in the certificate to plat at #16, serial number 2003-004614-0, that needs to be added to the drawing and plat notes also.

Homer Electric Association Inc. (HEA) has made request for easements to be shown on the subdivision, which can be viewed in the packet.

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	See HEA Comment in the packet
ENSTAR	
ACS	No objections
GCI	

KPB department / agency review:

Addressing	<p>Reviewer: Leavitt, Rhealyn Affected Addresses: 33015 SHOREBIRD LN, 32939 SHOREBIRD LN</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names: SHOREBIRD LN</p> <p>Existing Street Name Corrections Needed:</p> <p>All New Street Names are Approved: No</p> <p>List of Approved Street Names:</p> <p>List of Street Names Denied:</p> <p>Comments: 33015 SHOREBIRD LN will remain with Lot 10A 32939 SHOREBIRD LN will remain with Lot 12A</p>
Code Compliance	<p>Reviewer: Ogren, Eric Comments: No comments</p>
Planner	<p>Reviewer: Raidmae, Ryan There are not any Local Option Zoning District issues with this proposed plat.</p> <p>Material Site Comments: There are not any material site issues with this proposed plat.</p>
Assessing	<p>Reviewer: Windsor, Heather Comments: No comment</p>
Advisory Planning Commission	

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

STAFF RECOMMENDATIONS **CORRECTIONS / EDITS**

- Show width of each lot on the drawing.

KPB 20.25.070 – Form and contents required

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

A. Within the Title Block

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

Staff recommendation: Add the KPB file no of 2023-116 to title block. Add the parent plat number to the legal description.

- D. A vicinity map, drawn to scale showing location of proposed subdivision, north arrow if different from plat orientation, township and range, section lines, roads, political boundaries, and prominent natural and manmade features, such as shorelines or streams;
Staff recommendation:
Center site on map or move site to the right some.
- J. Block and lot numbering per KPB 20.60.140, approximate dimensions and total numbers of proposed lots;
Staff recommendation:
- Add block numbers to lot names

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.

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.

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: Not required, reducing lots.

Staff recommendation: comply with 20.40.

KPB 20.60 – Final Plat

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

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

Staff recommendation:

- add block number to lots labels

20.60.150. Utility easements.

A. The utility easements approved by the planning commission shall be clearly shown on the final plat in dimensioned graphic form or as a note.

B. The following note shall be shown on the final plat:

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

Staff recommendation: The easement list at #16 in the certificate to plat need to be shown and added to the plat notes and *comply with 20.60.150.*

20.60.160. Easements.

A. The plat shall clearly show the location, width, and use of all easements. The easements must be clearly labeled and identified and, if already of record, the recorded reference given. If public easements are being granted by the plat, they shall be properly set out in the owner's certification of dedication.

1. Special purpose easements being granted by the plat shall be clearly defined for allowed use. Special purpose easements may require a signed acceptance statement on the plat.

B. Private easements may not be granted on the plat.

Staff recommendation: *comply with 20.60.160.*

- There is a section line easement that needs verification to be shown. There is not enough information in the certificate to plat and should be verified with the DNR.

20.60.180. Plat notes.

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

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

Staff recommendation: *Place the following notes on the plat.*

- *The borough will not enforce private covenants, easements, or deed restrictions per KPB 20.60.170.*

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: *comply with 20.60.190.*

- Under the names under Certificate of Ownership, list the lots being signed for.
- Add the meeting date of November 13, 2023 to the Plat Approval

20.60.200. Survey and monumentation.

Staff recommendation: *Correct any overstrikes and comply with 20.60.200.*

RECOMMENDATION:

STAFF RECOMMENDS:

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

NOTE: 20.25.120. - REVIEW AND APPEAL.

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

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

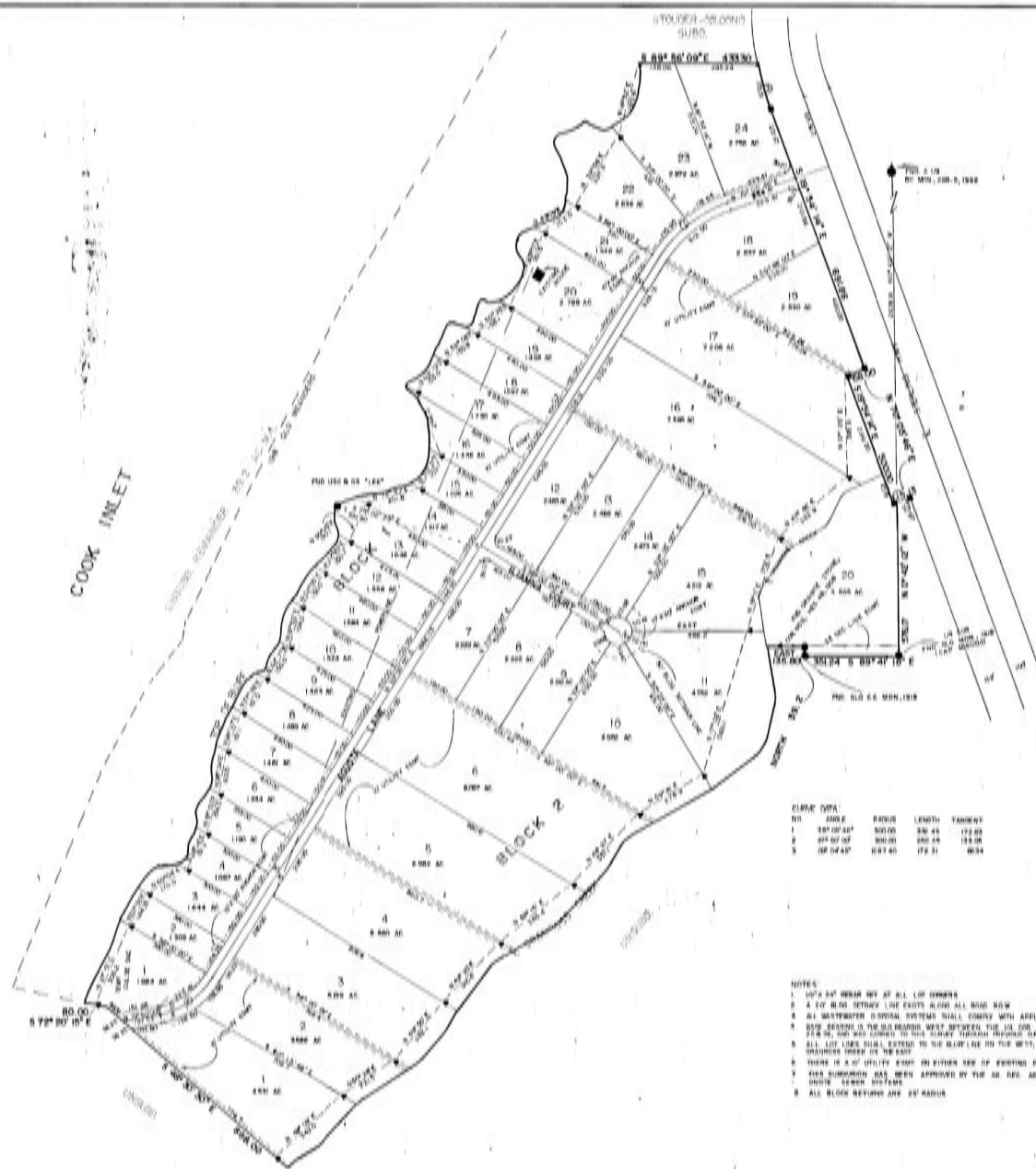
END OF STAFF REPORT



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CERTIFICATE OF OWNERSHIP

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREIN. WE HEREBY REQUEST APPROVAL OF THIS PLAT SHOWING SUCH EASEMENTS FOR PUBLIC UTILITIES, ROADWAYS AND ALLEYS DEDICATED BY US FOR PUBLIC USE.

DATE: 5-28-78

ANNE L. CARROLL, Vice President
SOLOMA PARK, INC.
2541 FAIRBANKS DRIVE
ANCHORAGE, ALASKA

NOTARY'S ACKNOWLEDGMENT

SUBSCRIBED AND SWORN TO BEFORE ME THIS 28th DAY OF July, 1978

By: Anne L. Carroll, Vice President
NOTARY PUBLIC FOR ALASKA

5-28-78
MY COMMISSION EXPIRES

SURVEYOR'S CERTIFICATE

I, THE UNDERSIGNED REGISTERED SURVEYOR, HEREBY CERTIFY THAT A LAND SURVEY HAS BEEN COMPLETED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT EASEMENTS AND EMBLEMENTS HAVE BEEN LOCATED AND ESTABLISHED AND THAT EMBLEMENTS SHOWN HEREON ARE TRUE AND CORRECT.

DATE: 5-28-78

JERRY ANDERSON, 3686-S

PLAT APPROVAL

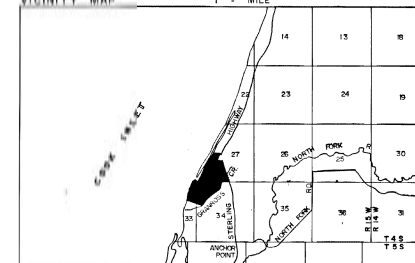
PLAT APPROVED BY THE BOROUGH PLANNING COMMISSION THIS 28th DAY OF July, 1978

DATE: 5-28-78

Ronald S. Helman
BOROUGH MAYOR

VICINITY MAP

1" = MILE



DATE: MAY, 1976

PLAT OR NO: 9-5-12

SCALE: 1" = 200'

DESIGNED BY: J.W.

CHECKED BY: C.W.

DRAWN BY: C.W.



ANCHOR VIEW ESTATES SUBDIVISION

SITUATED IN SEC 27, 33 & 34, T 4 S, R 15 W, S 4, ALASKA
AND A PORTION OF SEC 48

CONTAINING 100.763 ACRES

ABILITY SURVEYS

JERRY ANDERSON, L.S. BOX 1283, HOMER, ALASKA 99603

76-57
RECORDED, FILED IN
ANCHORAGE, ALASKA
DATE: 7-16-78
BY: J.B.B. 1278
J.B.B.

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 15 FEET OF THE 20 FOOT BUILDING SETBACK AND THE ENTIRE SETBACK WITHIN 5 FEET OF THE SIDE LOT LINES IS A UTILITY EASEMENT. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN THE UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF THE UTILITY TO USE THE EASEMENT.
3. THE ACREAGE REPORTED ON THIS PLAT REFERS TO THAT REPORTED ON THE ORIGINAL SUBDIVISION PLAT. LOCATION OF THE TOP OF BLUFF AS SHOWN ON PLAT IS APPROXIMATE, ACCORDING TO ORIGINAL PLAT.
4. THE FOLLOWING BLANKET EASEMENTS HAVE BEEN GRANTED TO HOMER ELECTRIC ASSOCIATION (BK. 17, PG. 14 6/30/1959, BK. 49, PG. 251 6/4/1968)
5. THERE ARE RESTRICTIVE COVENANTS THAT AFFECT THIS SUBDIVISION. (BK 87, PGS 332 & 826)

LEGEND:

- FOUND 5/8" REBAR
- BRASS CAP MONUMENT 268 1962 CH 1/4 CORNER S27
- ⊕ GLO MONUMENT 1918 S1/4 CORNER S27

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 SUBDIVISION PLAN AND BY OUR FREE CONSENT GRANT ALL EASEMENTS TO USE SHOWN.

RANDY E. BELLER
PO BOX 1309
ANCHOR POINT, AK 99556

SARAH D. BELLER
PO BOX 1309
ANCHOR POINT, AK 99556

NOTARY'S ACKNOWLEDGEMENT:

FOR: RANDY E. BELLER & SARAH D. BELLER

ACKNOWLEDGED BEFORE ME THIS ____ 20 ____
DAY OF ____

NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES ____

PLAT APPROVAL:

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING DATED, ____

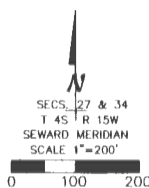
KENAI PENINSULA BOROUGH

BY: _____

AUTHORIZED OFFICIAL: _____

WASTEWATER DISPOSAL:

THE PARENT SUBDIVISION FOR LOTS RESULTING FROM THIS PLATING ACTION WAS APPROVED BY THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION ON 10/16/1974. WASTEWATER TREATMENT AND DISPOSAL SYSTEMS MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

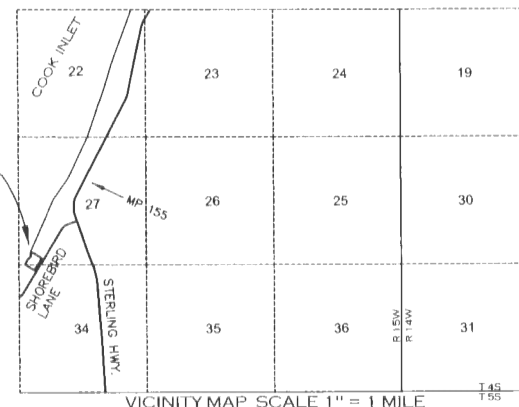


THIS SURVEY

Depict and label the 10 ft. x 205 ft. electric easement adjoining the northeast boundary of Lot 13 per serial no. 2003-004614-0 HM. There is a 5 foot easement within Lot 14 (2003-004615-0 HM) for a full 15 width. The easement within Lot 14 does not need to be shown or labeled on this plat.

Depict and label the underground primary electric line. Provide a label or plat note stating, "The existing underground powerline is the centerline of a 15-foot-wide electrical distribution line easement, including pedestals and transformers, granted this plat."

Depict and label the overhead electric line. Provide a label or plat note stating a 20 foot utility easement, centered on the overhead electric line was granted per plat 76-57 HRD.



CERTIFICATE OF OWNERSHIP:

I HEREBY CERTIFY THAT I AM THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREIN AND THAT I HEREBY ADOPT THIS SUBDIVISION PLAN AND BY MY FREE CONSENT GRANT ALL EASEMENTS TO USE SHOWN.

DMITRI KIMBRELL
PO BOX 774
ANCHOR POINT, AK 99556

NOTARY'S ACKNOWLEDGEMENT:

FOR: DMITRI KIMBRELL

ACKNOWLEDGED BEFORE ME THIS ____ 20 ____
DAY OF ____

NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES ____

SURVEYORS CERTIFICATE:

I HEREBY CERTIFY THAT I AM PROPERLY REGISTERED AND LICENSED TO PRACTICE LAND SURVEYING IN THE STATE OF ALASKA, AND THAT THE PLAT REPRESENTS A SURVEY MADE BY ME, AND THAT THE MONUMENTS SHOWN HEREON ACTUALLY EXIST AS DESCRIBED, AND THAT ALL DIMENSIONS AND OTHER DETAILS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

ANCHOR VIEW ESTATES- 2023 ADDITION,

K.P.B. FILE # 2023-

VACATING THE PROPERTY LINES BETWEEN LOTS 10 & 11, AND LOTS 12 & 13, BLOCK 1, ANCHOR VIEW ESTATES, SECTIONS 27 & 34, TOWNSHIP 4 SOUTH, RANGE 15 WEST, SEWARD MERIDIAN, KENAI PENINSULA BOROUGH, ALASKA. HOMER RECORDING DISTRICT, containing 6.314 acres.

OWNER: DMITRI KIMBRELL
P.O. BOX 774 ANCHOR POINT, AK. 99556

OWNERS: RANDY E. BELLER & SARAH D. BELLER
P.O. BOX 1309 ANCHOR POINT, AK 99556

FINELINE SURVEYS

P.O. Box 774
ANCHOR POINT, ALASKA 99556
DMITRI D. KIMBRELL, RLS (907) 360 6382

SCALE: 1"=100' DATE: 12/6/2018

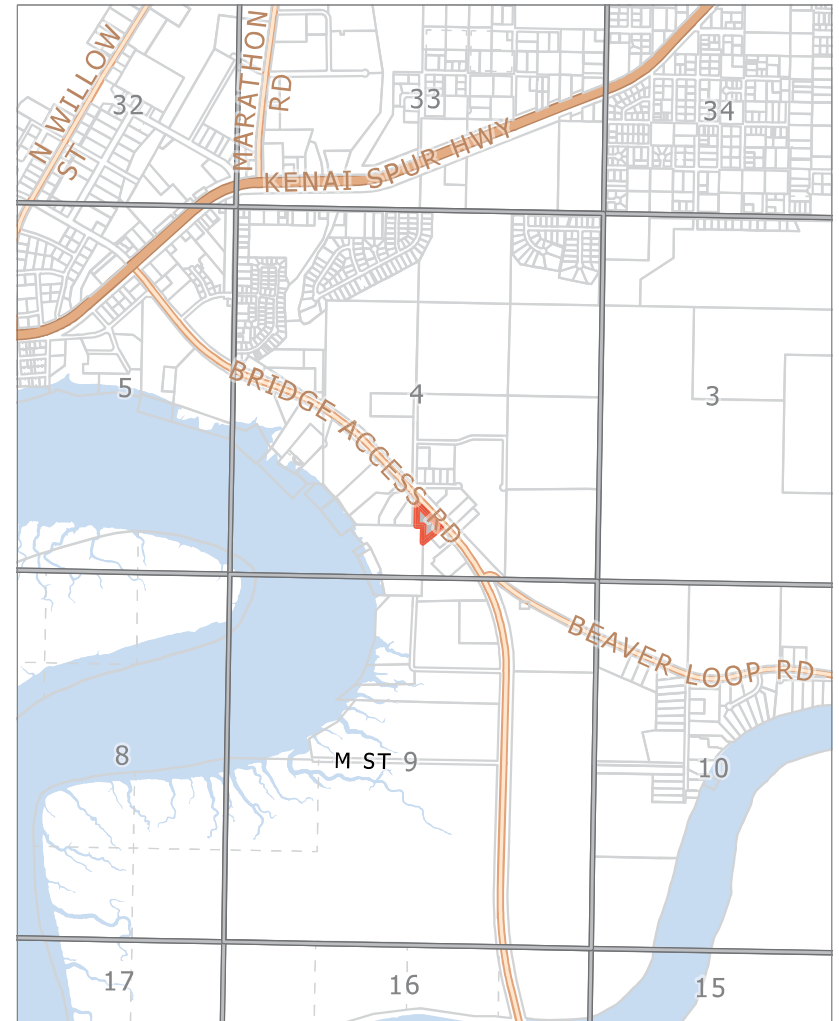
HEA REVIEWED - SEE COMMENTS

Scott Huff
10/26/2023
Land Management Officer

KPB 2023-116

E. NEW BUSINESS

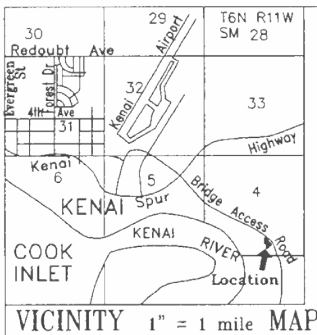
- 2. Baron Wood Subdivision 2023 Replat; KPB File 2023-105
Johnson Surveying / Hardcastle
Location: Childs Avenue off Bridge Access Road
City of Kenai**



KPB File 2023-105
T 05N R 11W SEC 04
Kenai



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Baron Wood Subdivision 2023 Replat Preliminary Plat

A replat combining Lots 1 & 2 Baron Wood Subd., KRD 84-191.
Located in the SE 1/4 Section 4, T5N R11W, SM, City of Kenai,
Kenai Recording District Kenai Peninsula Borough

Prepared for

Duke Hardcastle
1152 Bridge Access Rd.
Kenai, AK 99611

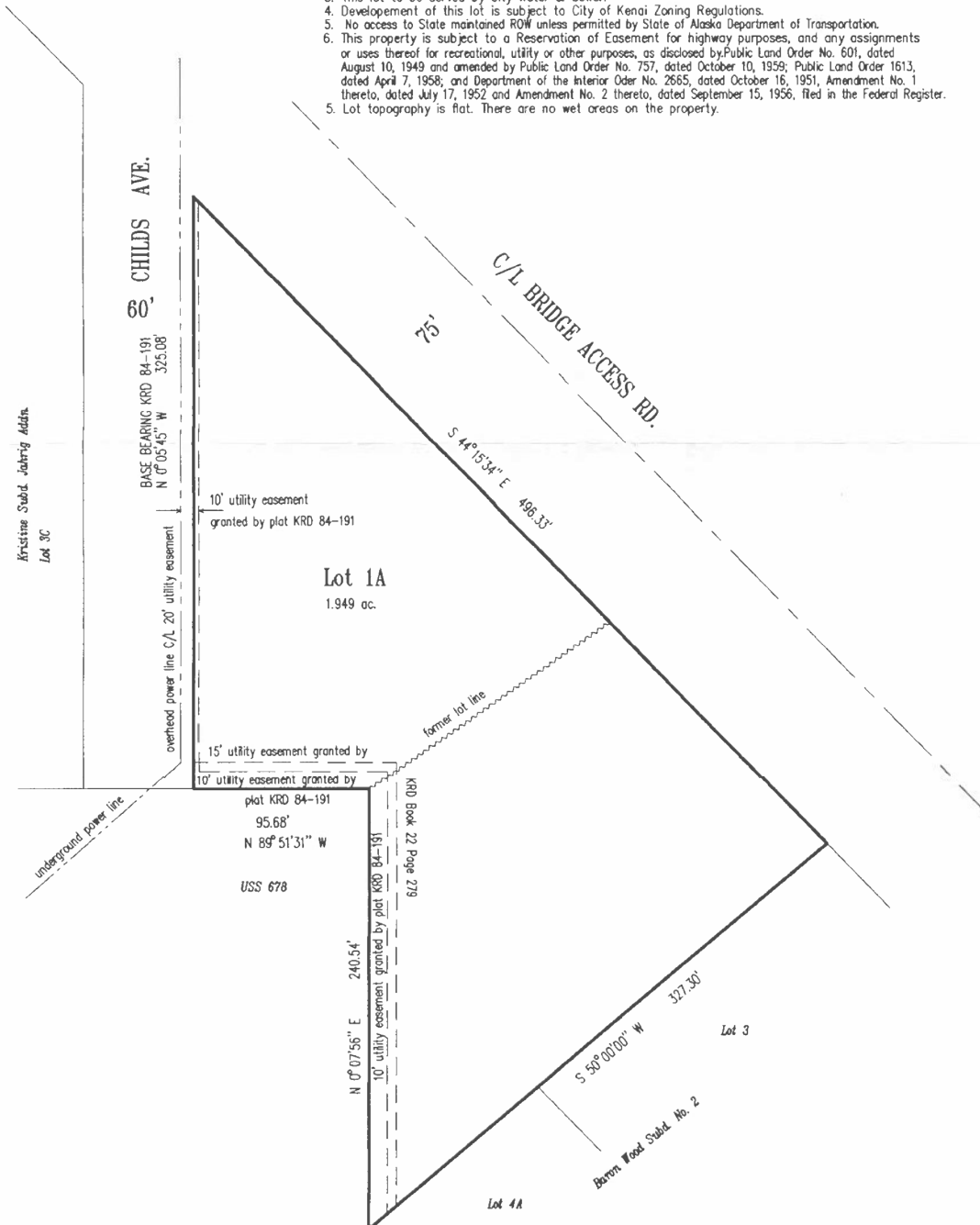
Prepared by

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

SCALE 1" = 50' AREA = 1.949 acres
3 October, 2023

NOTES

1. This is a paper plat based on data from plat KRD 84-191. No field survey was performed in conjunction with preparing this plat, no corners were found or set.
2. No permanent structure may be placed within a utility easement which would interfere with the ability of a utility to use the easement.
3. This lot to be served by City Water & Sewer.
4. Development of this lot is subject to City of Kenai Zoning Regulations.
5. No access to State maintained ROW unless permitted by State of Alaska Department of Transportation.
6. This property is subject to a Reservation of Easement for highway purposes, and any assignments or uses thereof for recreational, utility or other purposes, as disclosed by Public Land Order No. 601, dated August 10, 1949 and amended by Public Land Order No. 757, dated October 10, 1959; Public Land Order 1613, dated April 7, 1958; and Department of the Interior Order No. 2665, dated October 16, 1951, Amendment No. 1 thereto, dated July 17, 1952 and Amendment No. 2 thereto, dated September 15, 1956, filed in the Federal Register.
5. Lot topography is flat. There are no wet areas on the property.



KPB 2023-105

AGENDA ITEM E. NEW BUSINESS

ITEM #2 - PRELIMINARY PLAT
BARON WOOD SUBDIVISION 2023 REPLAT

KPB File No.	2023-105
Plat Committee Meeting:	November 13, 2023
Applicant / Owner:	Duke Hardcastle of Kenai, Alaska
Surveyor:	Jerry Johnson / Johnson Surveying
General Location:	City of Kenai

Parent Parcel No.:	049-013-12 and 13
Legal Description:	T 5N R 11W SEC 4 Seward Meridian KN 0840191 Baron Wood Sub Lot 1 and 2
Assessing Use:	
Zoning:	Commercial and Residential
Water / Wastewater	City
Exception Request	None

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will combine two parcels into one with a total acreage of 1.949 acres.

Location and Legal Access (existing and proposed): This subdivision is located within the city limits of Kenai on the corner of Childs Avenue and Bridge Access Road. Childs Avenue is a 60-foot-wide constructed right-of-way along the west boundary. Bridge Access Road is 150 feet wide in this area and is maintained by State of Alaska: DOT. No dedications are being proposed with this platting action.

Due to an unsubdivided parcel to the southwest the block does not close and is not compliant. If the parcel to the southwest is ever subdivided dedications will be required and will improve the block. **Staff recommends: the plat committee concur an exception to block length is not needed at this time.**

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

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

Site Investigation: Both parcels are currently vacant.

There are no steep slopes or classified wetlands within the boundary of the subdivision.

KPB River Center review	A. Floodplain Reviewer: Hindman, Julie Floodplain Status: Within City of Kenai Comments: No comments
-------------------------	---

	<p>B. Habitat Protection</p> <p>Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments</p> <p>C. State Parks</p> <p>Reviewer: Comments:</p>
State of Alaska Fish and Game	

Staff Analysis This area was originally a portion of Government Lot 9 and was subdivided by Baron Wood Subdivision KN 84-191. KN 84-191 created the current configuration for the parcels in this platting action.

*Per Planning and Zoning Resolution 2023-11 this subdivision will have access to city water and sewer. A soils report will not be required, but **staff recommends** the correct wastewater note be added to the final plat to comply with KPB 20.40.*

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

Utility Easements The parent plat granted a 20-foot utility easement with an overhead powerline being the centerline along the west boundary of lot one. The easement appears to be shown correctly. A 10-foot utility easement was also granted along the southern boundary of exiting lot one and the west boundary of existing lot two with the correct depiction shown.

The Certificate to Plat listed several recorded easements one of them being a 15-foot utility easement. **Staff recommends** the surveyor review the book and page number for the depicted easement as we believe it should be Book 299 Page 759. All easement listed in the Certificate to Plat are required to depicted if the location is known or a plat note for easements with no defined locations. Surveyor needs to show easement in Serial 2023-005502-0 on drawing and list in plat notes.

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

Utility provider review:

HEA	
ENSTAR	
ACS	No objections
GCI	

KPB department / agency review:

Addressing	<p>Reviewer: Leavitt, Rhealyn Affected Addresses: 1088 BRIDGE ACCESS RD, 1120 BRIDGE ACCESS RD</p> <p>Existing Street Names are Correct: Yes</p>
------------	--

	List of Correct Street Names: CHILDS AVE, BRIDGE ACCESS RD Existing Street Name Corrections Needed: All New Street Names are Approved: No List of Approved Street Names: List of Street Names Denied: Comments: CITY OF KENAI WILL ADVISE ON ADDRESSING
Code Compliance	Reviewer: Ogren, Eric Comments: No comments
Planner	Reviewer: Raidmae, Ryan There are not any Local Option Zoning District issues with this proposed plat. Material Site Comments: There are not any material site issues with this proposed plat. Review Not Required
Assessing	Reviewer: Windsor, Heather Comments: No comment

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

STAFF RECOMMENDATIONS **CORRECTIONS / EDITS**

Correct note numbering.
Add code reference of KPB 20.60.200(A) to plat note one.
Add 150' ROW to Bridge Access Rd.
Need to show easement in CTP at 2023-005502-0 on drawing and in plat notes.

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: *Please add Alaska to the title block.*

- D. A vicinity map, drawn to scale showing location of proposed subdivision, north arrow if different from plat orientation, township and range, section lines, roads, political boundaries, and prominent natural and manmade features, such as shorelines or streams;
Staff recommendation: *Several section labels are missing as well as the label for Township 5N.*
- 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: *Please add plat recording numbers to Lot 3C to the west and lots 4A and 3 to the southeast.*

KPB 20.30 – Subdivision Design Requirements

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

KPB 20.40 – Wastewater Disposal

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

20.40.010 Wastewater disposal.

Platting Staff Comments: *Lots currently have access to city utilities. Please provide correct wastewater note.*

Staff recommendation: *comply with 20.40.*

KPB 20.60 – Final Plat

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

20.60.180. Plat notes.

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

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

Staff recommendation: *Place the following notes on the plat.*

- All development must comply with the Kenai municipal zoning requirements.

RECOMMENDATION:

STAFF RECOMMENDS:

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

- COMPLIANCE WITH KPB 20.60 TO ENSURE ADMINISTRATIVE APPROVAL OF THE FINAL PLAT.

NOTE: 20.25.120. - REVIEW AND APPEAL.

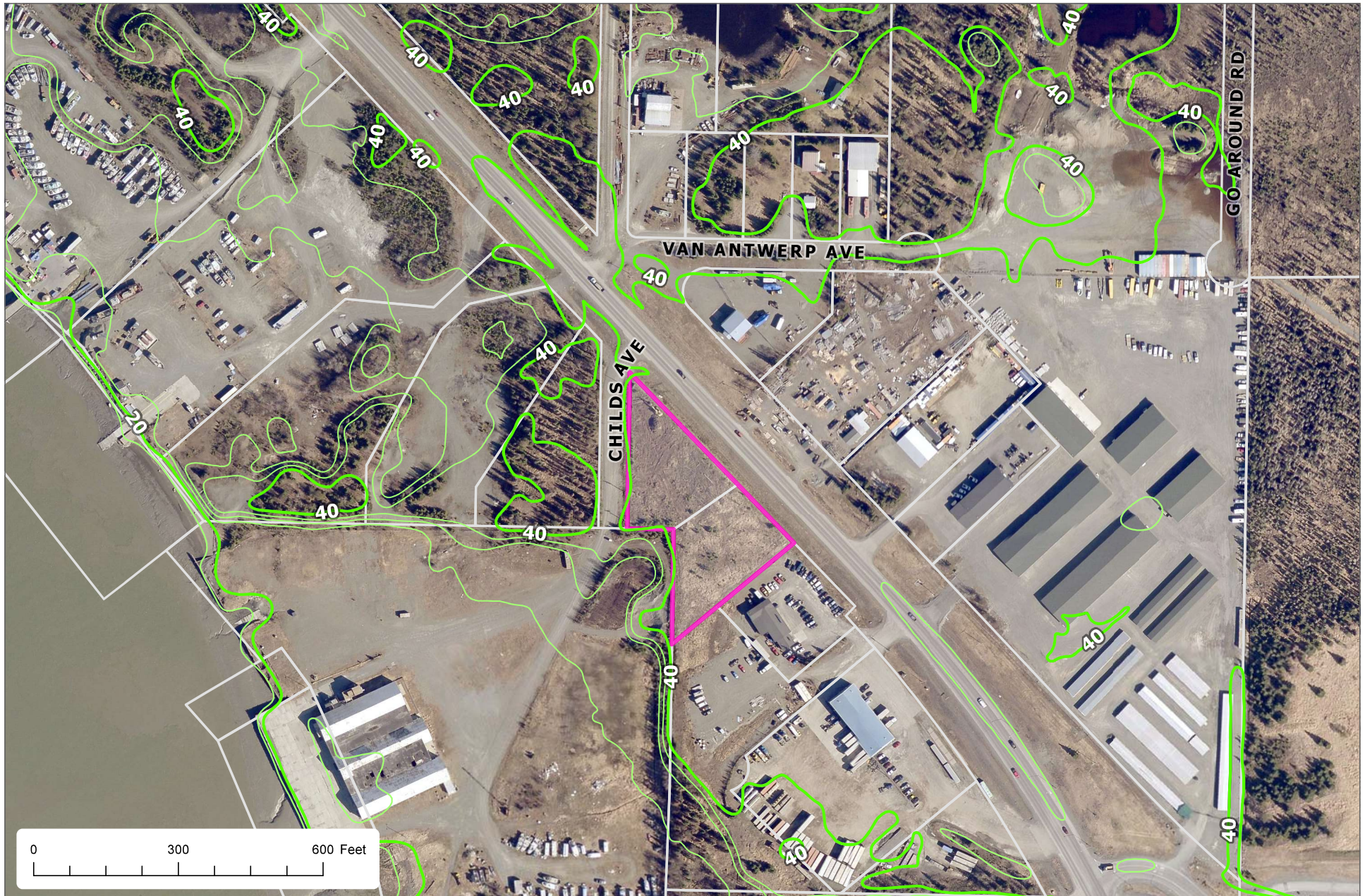
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A DECISION OF THE PLANNING COMMISSION MAY BE APPEALED TO THE HEARING OFFICER BY A PARTY OF RECORD WITHIN 15 DAYS OF THE DATE OF NOTICE OF DECISION IN ACCORDANCE WITH KPB 21.20.250.

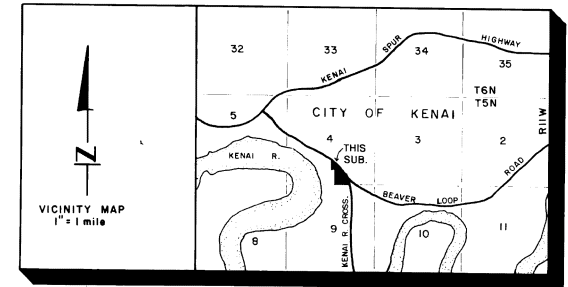
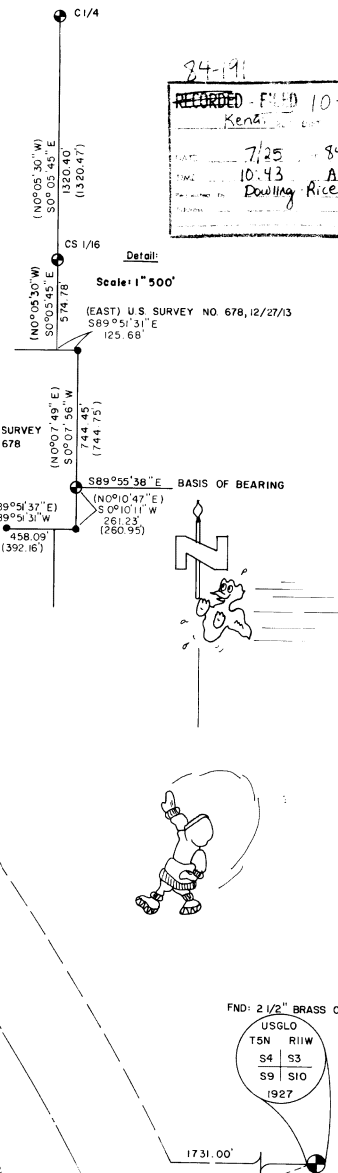
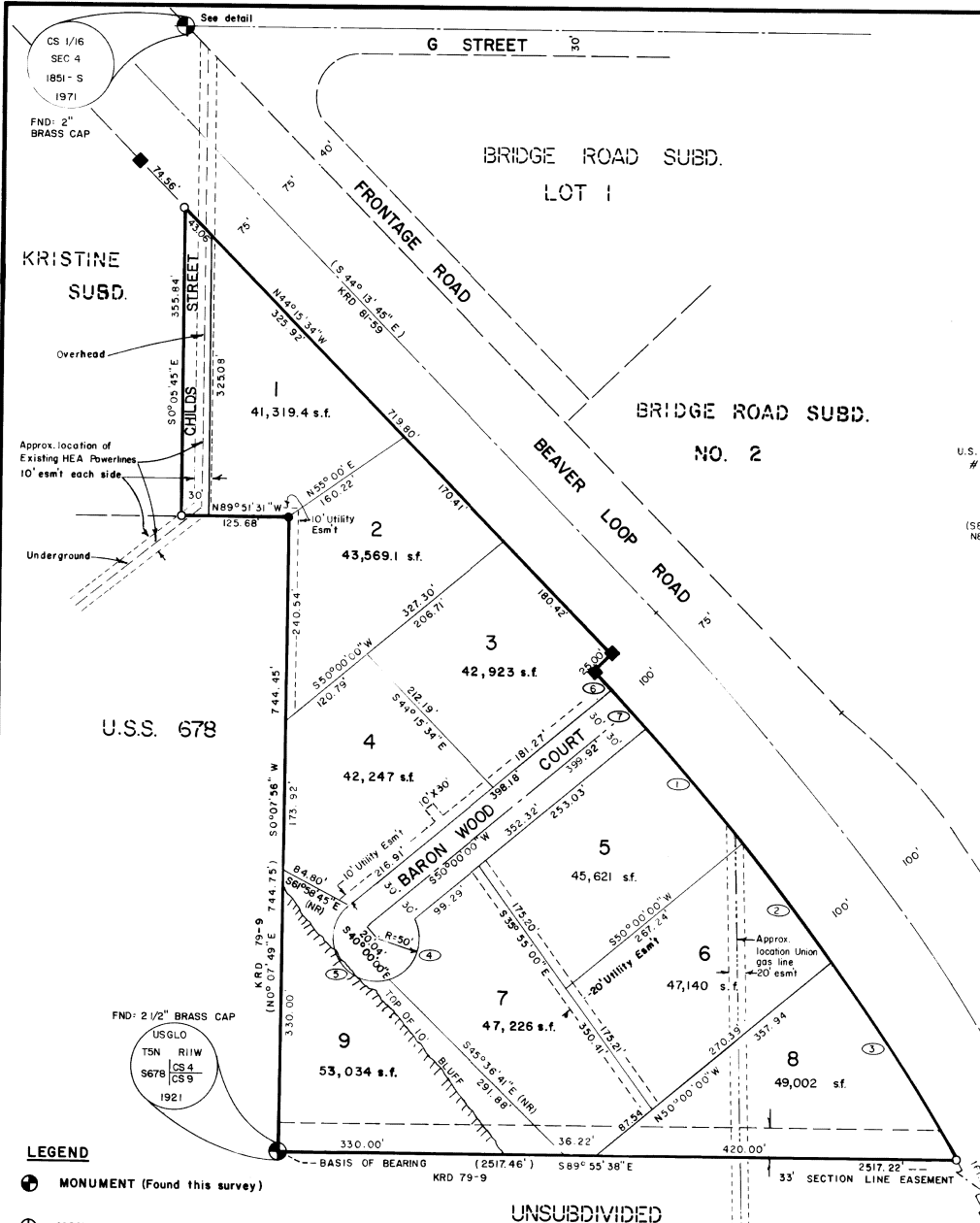
END OF STAFF REPORT



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CERTIFICATE of OWNERSHIP and DEDICATION

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

Jess L. Hall, Kathleen L. Hall, Clinton D. Hall
 JESS L. HALL and KATHLEEN L. HALL CLINTON D. HALL
 PO BOX 651 PO BOX 2829
 KENAI, ALASKA 99611 KENAI, AK. 99611

NOTARY'S ACKNOWLEDGEMENT

SUBSCRIBED AND SWORN BEFORE ME THIS 23 DAY of April, 1984, FOR Jess L. Hall, Kathleen L. Hall, Clinton D. Hall.



PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF MARCH 12, 1984.

KENAI PENINSULA BOROUGH

Clifford E. Baker, R.L.S.
 AUTHORIZED OFFICIAL



BARON WOOD SUBD.

A SUBDIVISION OF THAT PORTION OF GOV'T LOT 9 SW OF BEAVER LOOP AND LOCATED IN THE SW 1/4 SE 1/4 SEC 4 T5N R11W S.M., AK. AND THE CITY OF KENAI.

10.37 acres containing 9 lots

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

ENGINEERS 262 - 9011 SURVEYORS

SURVEYED: 9-83	PLATTED: 9-83
DRAFTED: LKA / MM	SCALE: 1" = 100'
CHECKED: CEB / DP	FIELD BOOK: 17

CERTIFICATE OF APPROVAL BY THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION

This subdivision has been reviewed in accordance with 18AAC72.065 and is approved, subject to any noted restrictions.

NOTES: Robert P. Carver, 5-16-84

- 1) ALL WASTEWATER DISPOSAL SYSTEMS SHALL COMPLY WITH EXISTING LAWS AT THE TIME OF CONSTRUCTION.
- 2) NO DIRECT ACCESS TO STATE MAINTAINED ROWS PERMITTED UNLESS APPROVED BY STATE OF ALASKA DEPARTMENT OF TRANSPORTATION.

**KENAI PLANNING & ZONING COMMISSION
REGULAR MEETING
JUNE 28, 2023 – 7:00 P.M.
KENAI CITY COUNCIL CHAMBERS
210 FIDALGO AVE., KENAI, AK 99611
CHAIR JEFF TWAIT, PRESIDING**

MINUTES

A. CALL TO ORDER

A Regular Meeting of the Kenai Planning & Zoning Commission was held on June 28, 2023, in City Hall Council Chambers, Kenai, AK. Chair Twait called the meeting to order at approximately 7:00 p.m.

1. Pledge of Allegiance

Chair Twait led those assembled in the Pledge of Allegiance.

2. Roll Call

There were present:

Jeff Twait, Chair
Gwen Woodard
John Coston

Joe Halstead, Vice Chair
Jim Glendening
Diane Fikes

A quorum was present.

Absent:

Joe Halstead, Vice Chair

Gary Greenberg

Also in attendance were:

Linda Mitchell, Planning Director
Meghan Thibodeau, Deputy City Clerk
Alex Douthit, Council Member

3. Approval of Agenda and Consent Agenda

MOTION:

Commissioner Woodard **MOVED** to approve the agenda and consent agenda. Commissioner Fikes **SECONDED** the motion.

The items on the Consent Agenda were read into the record.

Chair Twait opened the floor for public comment on consent agenda items; there being no one wishing to be heard, the public comment period was closed.

UNANIMOUS CONSENT was requested.

There being no objection; **SO ORDERED**.

All items listed with an asterisk () are considered to be routine and non-controversial by the Commission and will be approved by one motion. There will be no separate discussion of these items unless a Commission Member so requests, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda as part of the General Orders.

B. APPROVAL OF MINUTES

1. *Regular Meeting of June 14, 2023

Approved by the consent agenda.

C. SCHEDULED PUBLIC COMMENTS - None.

D. UNSCHEDULED PUBLIC COMMENTS - None.

E. CONSIDERATION OF PLATS

1. **Resolution PZ2023-11** – Recommending Approval for Preliminary Plat – Baron Wood Subdivision 2023 Replat to Consolidate Lots 1 and 2, of Baron Wood Subdivision into one (1) lot.

MOTION:

Commissioner Woodard **MOVED** to approve Resolution PZ2023-11. Commissioner Fikes **SECONDED** the motion.

Planning Director Mitchell presented her staff report with information provided in the packet. Zoning and uses of surrounding lots were reviewed; staff recommended approval subject to the following conditions:

1. Revised the scale to an engineer scale (e.g., nearest tenth of a foot).
2. Verify the 15-foot utility easement is corresponding to the correct recorded document.

Discussion ensued.

VOTE:

YEA: Fikes, Woodard, Glendening, Coston, Twait

NAY: None

ABSENT: Halstead, Greenberg

MOTION PASSED.

F. PUBLIC HEARINGS

1. **Action/Approval** – Recommending the Kenai City Council Enact Ordinance No. 3363-2023 – Amending Kenai Municipal Code Sections 14.20.330 - Standards for Commercial Marijuana Establishments, and 14.22.010 - Land Use Table to establish a minimum standard for public notification for commercial marijuana establishments and prohibit limited marijuana cultivation facilities in residential zoning districts.

MOTION:

Commissioner Woodard **MOVED** to recommend that the City Council enact Ordinance No. 3363-2023. Commissioner Fikes **SECONDED** the motion.

Director Mitchell explained that the ordinance is Council-sponsored and proposes to amend the current marijuana establishment code.

Chair Twait opened for public hearing.

Alex Douthit explained his reasons for sponsoring the Ordinance.

There being no one else wishing to be heard, the public hearing was closed.

Discussion ensued. The commission requested that administration review buffer regulations related to State-licensed daycare facilities.

VOTE:

YEA: Fikes, Coston, Woodard, Twait, Glendening
NAY: None
ABSENT: Halstead, Greenberg
MOTION PASSED.

G. UNFINISHED BUSINESS – None.

H. NEW BUSINESS

1. ***Action/Approval** – Requesting an Excused Absence for the June 28, 2023 Regular Meeting - Halstead.

Approved by the consent agenda.

I. REPORTS

1. City Council – Council Member Douthit reported on the actions of the June 21, 2023 City Council meeting.
2. Kenai Peninsula Borough Planning – Commissioner Fikes reported on the actions of the June 26, 2023 Kenai Peninsula Borough Planning Commission Meeting.
3. City Administration – Planning Director Mitchell reported on the following:
 - Updated data on the 2022 Conditional Use Permit (CUP) annual report; notified commission of active CUPs with missing reports.
 - Update on King of the River Food Drive, and ways to donate.
 - Deadline approaching for commissioners to sign up to attend the American Planning Association Conference in Anchorage on September 20, 2023.
 - Attended the joint Kenai-Soldotna Chamber of Commerce luncheon on a fixed-route transportation plan.
 - Attended the open house for the FEMA map update, representing Kenai.

J. ADDITIONAL PUBLIC COMMENT – None.

K. NEXT MEETING ATTENDANCE NOTIFICATION

1. Next Meeting: July 12, 2023

L. COMMISSION COMMENTS AND QUESTIONS

Commissioner Fikes noted she may be absent or participating on Zoom at the July 12, 2023 meeting.

Commissioner Glendening noted that he may be absent for the next meeting as well.

M. PENDING ITEMS – None.

N. ADJOURNMENT

O. INFORMATIONAL ITEMS – None.

There being no further business before the Commission, the meeting was adjourned at 7:45 p.m.

I certify the above represents accurate minutes of the Planning & Zoning Commission meeting of June 28, 2023.



Meghan Thibodeau
Deputy City Clerk



**Kenai Planning & Zoning Commission -
Regular Meeting**

June 28, 2023 – 7:00 PM

Kenai City Council Chambers

210 Fidalgo Avenue, Kenai, Alaska

www.kenai.city

****Telephonic/Virtual Info on Page 2****

Agenda

A. CALL TO ORDER

1. Pledge of Allegiance
2. Roll Call
3. Approval of the Agenda and Consent Agenda (*Public comments on Consent Agenda Items limited to three (3) minutes per speaker; thirty (30) minutes aggregated*)

All items listed with an asterisk () are considered to be routine and non-controversial by the Commission and will be approved by one motion. There will be no separate discussion of these items unless a Commission Member so requests, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda as part of the General Orders.

B. APPROVAL OF MINUTES

1. *Regular Meeting of June 14, 2023

C. SCHEDULED PUBLIC COMMENT (*Public comment limited to ten (10) minutes per speaker*)

D. UNSCHEDULED PUBLIC COMMENT (*Public comment limited to three (3) minutes per speaker; thirty (30) minutes aggregated*)

E. CONSIDERATION OF PLATS

1. **Resolution PZ2023-11** – Recommending Approval for Preliminary Plat – Baron Wood Subdivision 2023 Replat to Consolidate Lots 1 and 2, of Baron Wood Subdivision into one (1) lot.

F. PUBLIC HEARINGS

1. **Action/Approval** – Recommending the Kenai City Council Enact Ordinance No. 3363-2023 – Amending Kenai Municipal Code Sections 14.20.330 - Standards for Commercial Marijuana Establishments, and 14.22.010 - Land Use Table to establish a minimum standard for public notification for commercial marijuana establishments and prohibit limited marijuana cultivation facilities in residential zoning districts.

G. UNFINISHED BUSINESS

H. NEW BUSINESS

1. ***Action/Approval** - Requesting an Excused Absence for the June 28, 2023 Regular Meeting - Halstead.

I. REPORTS

1. City Council
2. Kenai Peninsula Borough Planning
3. City Administration

J. ADDITIONAL PUBLIC COMMENT (Public comment limited to five (5) minutes per speaker)

K. NEXT MEETING ATTENDANCE NOTIFICATION

1. Next Meeting: July 12, 2023

L. COMMISSION COMMENTS AND QUESTIONS

M. PENDING ITEMS

N. ADJOURNMENT

O. INFORMATIONAL ITEMS

The agenda and supporting documents are posted on the City's website at www.kenai.city. Copies of resolutions and ordinances are available at the City Clerk's Office or outside the Council Chamber prior to the meeting. For additional information, please contact the City Clerk's Office at 907-283-8231.

Join Zoom Meeting

<https://us02web.zoom.us/j/87457354594>

Meeting ID: 874 5735 4594 **Passcode:** 924601

OR Call: (253) 215-8782 or (301) 715-8592

Meeting ID: 874 5735 4594 **Passcode:** 924601

**KENAI PLANNING & ZONING COMMISSION
REGULAR MEETING
JUNE 14, 2023 – 7:00 P.M.
KENAI CITY COUNCIL CHAMBERS
210 FIDALGO AVE., KENAI, AK 99611
CHAIR JEFF TWAIT, PRESIDING**

MINUTES

A. CALL TO ORDER

A Regular Meeting of the Kenai Planning & Zoning Commission was held on June 14, 2023, in City Hall Council Chambers, Kenai, AK. Chair Twait called the meeting to order at approximately 7:00 p.m.

1. Pledge of Allegiance

Chair Twait led those assembled in the Pledge of Allegiance.

2. Roll Call

There were present:

Jeff Twait, Chair
Gary Greenberg
John Coston
Gwen Woodard

Joe Halstead, Vice Chair
Jim Glendenning
Diane Fikes

A quorum was present.

Absent:

None

Also in attendance were:

Linda Mitchell, Planning Director
Meghan Thibodeau, Deputy City Clerk
Henry Knackstedt, Council Member

3. Approval of Agenda and Consent Agenda

Chair Twait noted the following additions to the Packet:

Add to item I.3

City Administration Report

- 2022 Conditional Use Permits Annual Report Review

Add to item O.2

Informational Items

- King of the River Food Drive Flyer

MOTION:

Vice Chair Halstead **MOVED** to approve the agenda and consent agenda with the requested revisions. Council Member Woodard **SECONDED** the motion.

The items on the Consent Agenda were read into the record.

Chair Twait opened the floor for public comment on consent agenda items; there being no one wishing to be heard, the public comment period was closed.

UNANIMOUS CONSENT was requested.

There being no objection; **SO ORDERED.**

All items listed with an asterisk () are considered to be routine and non-controversial by the Commission and will be approved by one motion. There will be no separate discussion of these items unless a Commission Member so requests, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda as part of the General Orders.

B. APPROVAL OF MINUTES

1. *Regular Meeting of May 24, 2023

Approved by the consent agenda.

C. SCHEDULED PUBLIC COMMENTS - None.

D. UNSCHEDULED PUBLIC COMMENTS

Will Jahrig provided an update on the progress of the Restaurant/Brewery development at 800 Childs Avenue.

E. CONSIDERATION OF PLATS

1. **Resolution PZ2023-10** – Recommending Approval for Preliminary Plat - Reutov Subdivision to Subdivide a Parcel into Four (4) Lots Located at 106 Lawton Drive (Parcel ID: 04902008) in the Suburban Residential (RS) Zoning District.

MOTION:

Vice Chair Halstead **MOVED** to approve Resolution PZ2023-10. Commissioner Coston **SECONDED** the motion.

Planning Director Mitchell presented her staff report with information provided in the packet explaining that the applicant intends to subdivide the parcel into four lots. Zoning and uses of surrounding lots were reviewed; staff recommended approval to Kenai Peninsula Borough, subject to the following conditions:

1. Update the City of Kenai's City Manager name under the Certificate of Acceptance section.
2. Place the following note on the plat: The 20-foot wide access portion of the flag lots (Lots 3 and 4) must be unobstructed and maintained for emergency access.

Discussion ensued.

VOTE:

YEA: Fikes, Glendening, Woodard, Twait, Greenberg, Halstead, Coston

NAY: None

MOTION PASSED UNANIMOUSLY.

F. PUBLIC HEARINGS

1. **Resolution PZ2023-09** – Granting a Conditional Use Permit (CUP) to Allow for Lodging on the Property Located at 1534 Stellar Drive (Parcel ID: 04714032) in the Suburban Residential (RS) Zoning District.

MOTION:

Vice Chair Halstead **MOVED** to approve Resolution PZ2023-09. Commissioner Glendening **SECONDED** the motion.

Planning Director Mitchell clarified the definition of lodging in Kenai Municipal Code, and presented her staff report with information provided in the packet explaining that the applicant had been running a lodging operation for a few years without knowing it required a conditional use permit (CUP). The criteria

for CUPs were reviewed; it was noted the application met the criteria and City staff recommends approval subject to the following conditions:

1. Any development or use of the property shall comply with all applicable Federal, State of Alaska, and City regulations regardless of whether or not the requirements are listed as conditions for the approval of the Conditional Use Permit.
2. Upon request, the applicant or applicant's representative shall meet with City staff for an on-site inspection.
3. Quiet hours are from 10:00 p.m. to 6:00 a.m.

Applicant Mary Kennedy noted that she had submitted a statement into the packet, and would be available for questions.

Chair Twait opened for public hearing. There being no one wishing to be heard, the public hearing was closed.

Support was expressed; it was noted that the applicant had put in a good faith effort to comply with code.

In response to questions from the commission, Mary Kennedy clarified that she is not collecting sales tax but has been paying it to the Kenai Peninsula Borough; apologized for not being aware of the CUP requirement and expressed appreciation for Director Mitchell for helping her through the process; noted that she doesn't advertise but does list her property on AirBNB and VRBO; explained how a group with travel trailers had booked her property last summer, and she had made neighbors aware beforehand and provided them with her contact information in case of issues; noted that her property has been consistently booked in previous years; discussed how she mitigates potential guest issues with a security camera and communication with neighbors; and clarified she has had no homeowner's insurance claims.

VOTE:

YEA: Glendening, Woodard, Greenberg, Fikes, Twait, Halstead, Coston

NAY: None

MOTION PASSED UNANIMOUSLY.

G. UNFINISHED BUSINESS – None.

H. NEW BUSINESS

1. ***Action/Approval** – Requesting an Excused Absence for the May 24, 2023 Regular Meeting - Coston.

Approved by the consent agenda.

2. ***Action/Approval** – Time Extension for Compliance with Conditions in Resolution PZ2022-14 for a Restaurant/Brewery on the Property Located at 800 Childs Avenue (Parcel ID: 04901138) in the Heavy Industrial (IH) Zoning District.

Approved by the consent agenda.

I. REPORTS

1. City Council – Council Member Knackstedt reported on the actions of the June 7, 2023 City Council meeting.
2. Kenai Peninsula Borough Planning – Commissioner Fikes reported on the actions of the June 12, 2023 Kenai Peninsula Borough Planning Commission Meeting.
3. City Administration – Planning Director Mitchell reported on the following:

- Storefront and Streetscape Improvement grant applications have been out since last week; two completed applications recieved. Explained program process.
- FY2024 budget includes travel expenses for commissioners who want to the American Planning Association conference in Anchorage on September 20, 2023.
- There will be a work session prior to the regular meeting on June 28th.
- Reviewed the 2022 Conditional Use Permits Annual Report provided in laydown; asked commissioners to review and noted that it is within the purview of commission to revoke permits.

J. ADDITIONAL PUBLIC COMMENT – None.

K. NEXT MEETING ATTENDANCE NOTIFICATION

1. Next Meeting: June 28, 2023

Vice Chair Halstead noted he would be absent from the June 28th meeting.

L. COMMISSION COMMENTS AND QUESTIONS

M. PENDING ITEMS – None.

N. ADJOURNMENT

O. INFORMATIONAL ITEMS

1. Kenai Public Open House Flyer

There being no further business before the Commission, the meeting was adjourned at 7:56 p.m.

I certify the above represents accurate minutes of the Planning & Zoning Commission meeting of June 14, 2023.

Meghan Thibodeau
Deputy City Clerk



**CITY OF KENAI
PLANNING AND ZONING COMMISSION
RESOLUTION NO. PZ2023-11**

A RESOLUTION **RECOMMENDING** THAT BARON WOOD SUBDIVISION 2023 REPLAT ATTACHED HERETO BE APPROVED

PROPERTY ADDRESSES: 1088 and 1120 Bridge Access Road

LEGAL DESCRIPTION: Lots 1 and 2 Baron Wood Subdivision

KPB PARCEL NOS.: 04901312 and 04901313

WHEREAS, the City of Kenai received the plat from Johnson Surveying on behalf of the property owner, Duke Hardcastle and,

WHEREAS, the plat meets Kenai Municipal Code preliminary plat requirements of the Heavy Industrial (IH) zoning district; and,

WHEREAS, street names are referenced correctly; and,

WHEREAS, the consolidated lot will have access off of Childs Avenue, which is not a City maintained road; and

WHEREAS, City water and sewer lines are available to serve the new lot along Bridge Access Road; and,

WHEREAS, the Planning and Zoning Commission finds:

1. Pursuant to Kenai Municipal Code 14.10.070 *Subdivision design standards*, the plat conforms to the minimum street widths, easements are sufficiently provided for utilities, the proposed lot consolidation would provide satisfactory and desirable building site, and the preliminary plat meets standards for water and wastewater.
2. Pursuant to Kenai Municipal Code 14.24.010 *Minimum lot area requirements*, the proposed lot meets City standards for minimum lot sizes in the subject zoning district.
3. Pursuant to Kenai Municipal Code 14.24.020 *General Requirements*, the proposed lot meet City standards for minimum lot width and utility easements. Compliance with the maximum lot coverage, maximum height, and setbacks will be reviewed during the building permit review.

NOW, THEREFORE, BE IT RECOMMENDED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA:

Section 1. That the preliminary plat of Baron Wood Subdivision 2023 Replat be approved subject to the following conditions.

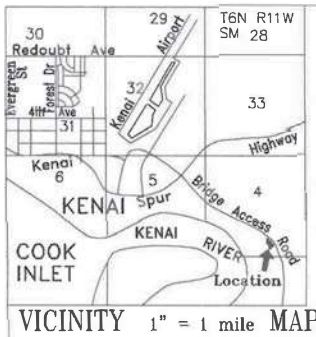
1. Revised the scale to an engineer scale (e.g., nearest tenth of a foot).
2. Verify the 15-foot utility easement is corresponding to the correct recorded document.

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA,
this 28th day of June, 2023.

JEFF TWAIT, CHAIRPERSON

ATTEST:

Meghan Thibodeau, Deputy City Clerk



Baron Wood Subdivision 2023 Replat Preliminary Plat

A replat combining Lots 1 & 2 Baron Wood Subd., KRD 84-191.
Located in the SE 1/4 Section 4, T6N R11W, SM, City of Kenai,
Kenai Recording District Kenai Peninsula Borough

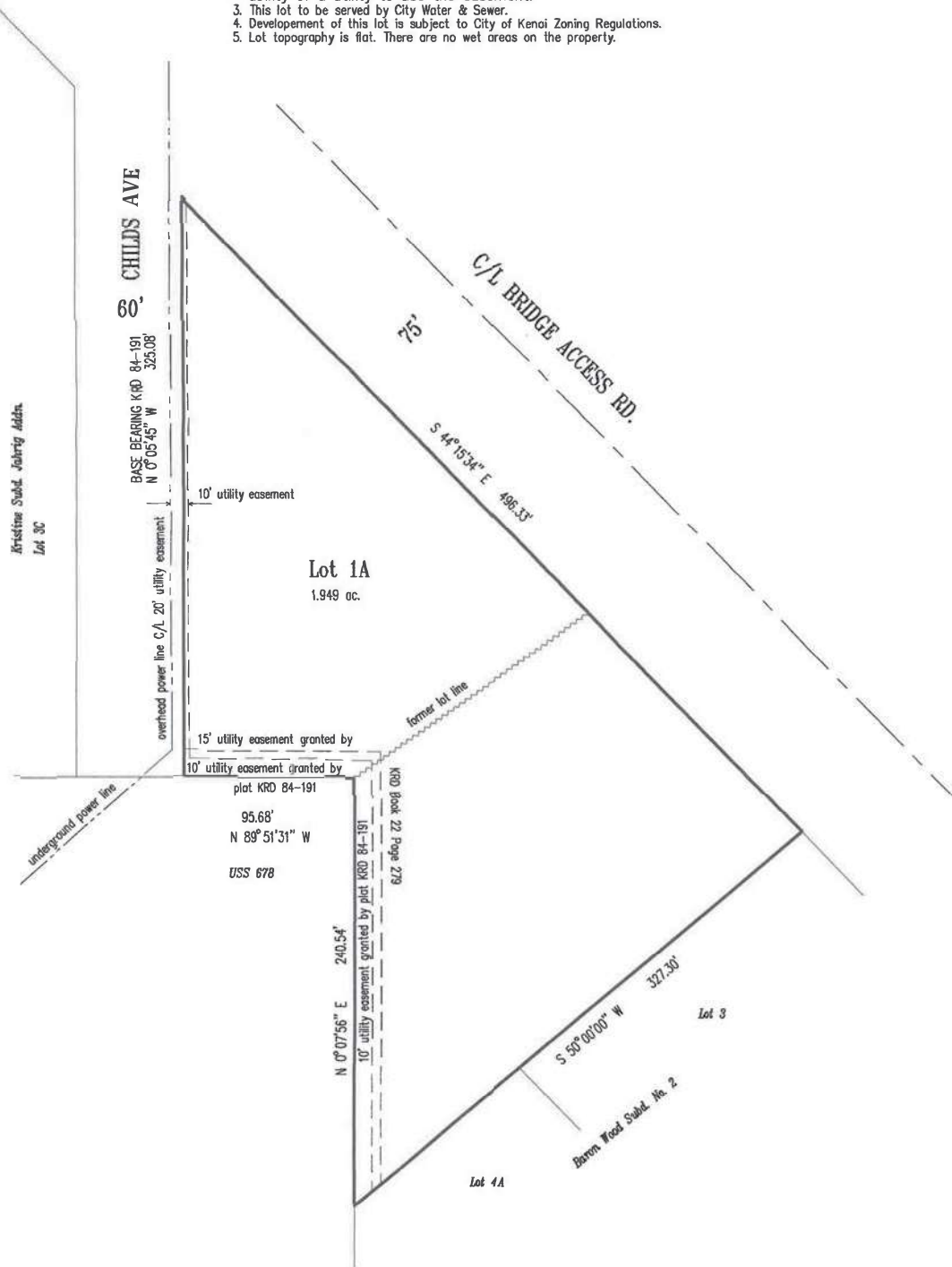
Prepared for
Duke Hardecastle
1152 Bridge Access Rd.
Kenai, AK 99611

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

SCALE 1" = 62' AREA = 1.949 acres
30 May, 2023

NOTES

1. This is a paper plat replat base on data from plat KRD 84-191. No field survey was performed in conjunction with preparing this plat, no corners were found or set.
2. No permanent structure may be placed within a utility easement which would interfere with the ability of a utility to use the easement.
3. This lot to be served by City Water & Sewer.
4. Development of this lot is subject to City of Kenai Zoning Regulations.
5. Lot topography is flat. There are no wet areas on the property.





STAFF REPORT

PLANNING & ZONING DEPARTMENT

TO: Planning and Zoning Commission
FROM: Linda Mitchell, Planning Director *LM*
DATE: June 23, 2023
SUBJECT: Resolution No. PZ2023-11 – Preliminary Plat – Baron Wood Subdivision
2023 Replat

Request The applicant is proposing a preliminary plat to consolidate two (2) lots into one (1) lot.

Staff Recommendation Adopt Resolution No. PZ2023-11 recommending approval for a preliminary plat to consolidate Lots 1 and 2, of the Baron Wood Subdivision into one (1) lot.

Applicant: Johnson Surveying
Attn: Gerard Johnson
P.O. Box 27
Clam Gulch, AK 99568

Property Owner: Duke Hardcastle

Legal Description: Lots 1 and 2, of the Baron Wood Subdivision, according to Plat No. 84-191

Property Addresses: 1088 and 1120 Bridge Access Road

KPB Parcel Nos.: 04901312 (Lot 1) and 04901313 (Lot 2)

Lot Sizes (acreage): 0.948 (Lot 1) and 1.0 (Lot 2)

Zoning: Heavy Industrial (IH)

Current Use: Vacant

Land Use Plan: Industrial

Associated Permit(s): PZ2023-08 (RV Park)

SUMMARY

The proposed preliminary plat will consolidate Lots 1 and 2, of the Baron Wood Subdivision into one (1) lot with an approximate lot size of 1.949 acres. The subject lots are located in the southeast corner of Bridge Access Road and Childs Avenue. Both lots are currently vacant but a Conditional Use Permit (PZ2023-08) was granted to operate recreational vehicle park on the premises. The proposed consolidated lot will be surrounded by a RV park to the southwest, automotive and transport business to the southeast, vacant land (future restaurant/brewery) to the north, and the Bridge Access Road to the east.

Kenai Municipal Code (KMC) Chapter 14.10 *Subdivision Regulations* states preliminary plats or replats must first be submitted to the City for review and recommendation the Kenai Peninsula Borough Planning Commission.

ANALYSIS

The parent plat, Baron Wood Subdivision was approved by the Kenai Peninsula Borough Planning Commission on March 12, 1984. For the proposed lot consolidation of parcels subdivided under an approved plat, the design and layout requirements were met under the parent plat. The new consolidated lot will have access off of Childs Avenue, which is not a City maintained road. City water and sewer lines are available to serve the new lot along Bridge Access Road.

The proposed preliminary plat meets the general standards of KMC Chapter 14.10 *Subdivision Regulations* and Chapter 14.24 *Development Requirements Table*.

STAFF RECOMMENDATION

Staff finds that the proposed preliminary plat for Baron Wood Subdivision 2023 Replat meets the general standards of Kenai Municipal Code Chapter 14.10 *Subdivision Regulations* and Chapter 14.24 *Development Requirements Table*, and hereby recommends that the Planning and Zoning Commission recommends approval of Resolution No. PZ2023-11 to Kenai Peninsula Borough, subject to the following conditions.

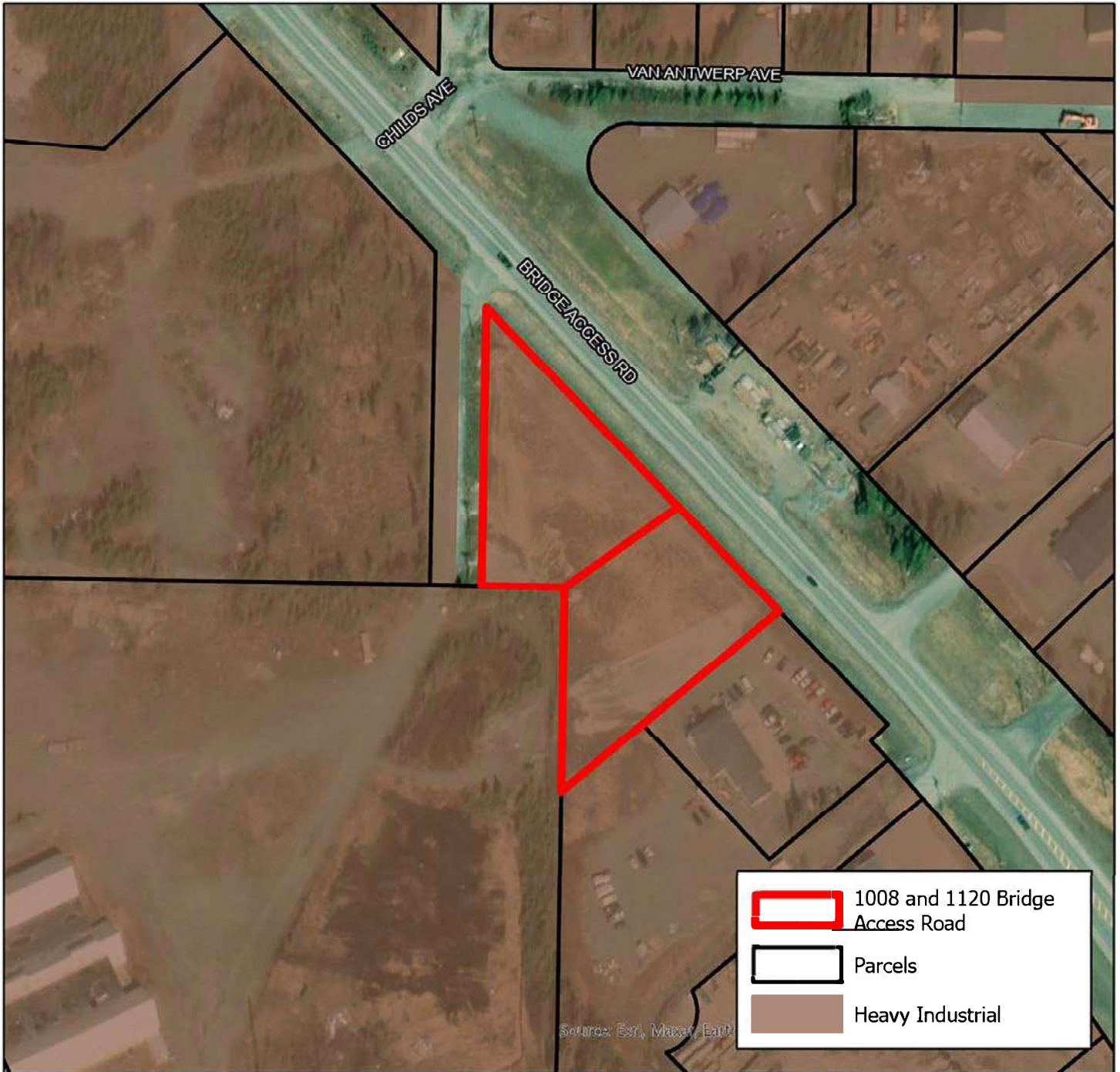
1. Revised the scale to an engineer scale (e.g., nearest tenth of a foot).
2. Verify the 15-foot utility easement is corresponding to the correct recorded document.

ATTACHMENTS

Aerial Map
Application
Preliminary Plat, Baron Wood Subdivision 2023 Replat
Baron Wood Subdivision Plat

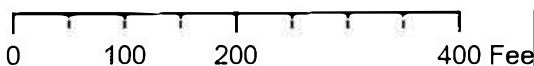


Preliminary Plat
Resolution PZ2023-11
Lot Consolidation
1088/1120 Bridge Access Road
KPB Parcel IDs: 04901312 and 04901313



Date Printed: 5/19/2023

Map for Reference Only
NOT A LEGAL DOCUMENT



Page 12

E2-27

RECEIVED

6/12/23



**Preliminary Plat
Submittal Form**

CITY OF KENAI

**DATE
PLANNING DEPARTMENT**

City of Kenai
Planning and Zoning Department
210 Fidalgo Avenue
Kenai, AK 99611
(907) 283-8200
planning@kenai.city
www.kenai.city/planning

APPLICANT (SURVEYOR)

Name:	Gerard Johnson						
Mailing Address:	P.O.Box-27	City:	Clam Gulch	State:	AK	Zip Code:	99568
Phone Number(s):	(907) 262-5772						
Email:	johnsonsurveying@hotmail.com						

PROPERTY OWNER

Name:	Duke Hardcastle						
Mailing Address:	1152 Bridge Access	City:	Kenai	State:	AK	Zip Code:	99611
Phone Number(s):	(907) 252-2534						
Email:	dukehardcastle@hotmail.com						

PROPERTY INFORMATION

Kenai Peninsula Borough Parcel #:	04901312 & 04901313					
Current City Zoning:						
Use:	<input type="checkbox"/> Residential <input type="checkbox"/> Recreational <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Other:					
Water:	<input type="checkbox"/> On Site <input checked="" type="checkbox"/> City <input type="checkbox"/> Community					
Sewer:	<input type="checkbox"/> On Site <input checked="" type="checkbox"/> City <input type="checkbox"/> Community					

PLAT INFORMATION

Preliminary Plat Name:	Baron Wood Subdivision 2023 Replat					
Revised Preliminary Plat Name:						
Vacation of Public Right-of-Way:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					
Street Name (if vacating ROW):						

Exceptions Required and Requested:

Comments:

REQUIRED ATTACHMENTS

<input checked="" type="checkbox"/> Certificate to Plat	<input checked="" type="checkbox"/> (1) 24" x 36" Plat	<input checked="" type="checkbox"/> (2) 11" x 17" Plats
---	--	---

SIGNATURE

Signature:	<i>Gerard L Johnson</i>			Date:	6/11/23
Print Name:	Gerard L Johnson	Title/Business:	Johnson Surveying		

Stewart Title of the Kenai Peninsula, Inc.

35681 Kenai Spur Hwy., Unit B
Soldotna, AK 99669
Tel: (907) 260-8031 Fax: (907) 260-8036

CERTIFICATE TO PLAT

Johnson Surveying
PO Box 27
Clam Gulch, AK 99568
Attention: Jerry Johnson

File Number: 23147
Premium: \$250.00
Tax:

Gentlemen:

This is a certificate as of June 02, 2023 at 8:00 A.M. for a plat out of the following property:

Lots One (1) and Two (2), BARON WOOD SUBDIVISION, according to Plat No. 84-191, Kenai Recording District, Third Judicial District, State of Alaska.

Proposed Plat to be called "Baron Wood Subdivision 2023 Replat"

The Company certifies that record title is vested in

Duke Hardcastle, an unmarried person
an estate in fee simple, free from all liens, encumbrances, and objections except for as follows:

1. **RESERVATIONS** and exceptions as contained in U.S. Patent, and/or acts authorizing the issuance thereof.
2. **TAXES AND ASSESSMENTS**, if any due the taxing authority indicated
Taxing Authority: City of Kenai
3. **TAXES AND ASSESSMENTS**, if any, due the taxing authority indicated:
Taxing Authority: KENAI PENINSULA BOROUGH
4. **RESERVATION OF EASEMENT** for highway purposes, and any assignments or uses thereof for recreational, utility or other purposes, as disclosed by Public Land Order No. 601, dated August 10, 1949 and amended by Public Land Order No. 757, dated October 10, 1959; Public Land Order No. 1613, dated April 7, 1958; and Department of the Interior Order No. 2665, dated October 16, 1951, Amendment No. 1 thereto, dated July 17, 1952 and Amendment No. 2 thereto, dated September 15, 1956, filed in the Federal Register.
5. **EASEMENT** affecting the portion of said premises and for the purposes stated herein, and incidental purposes thereto:
For: Right of Way
In Favor Of: Union Oil Company of California
Recorded: August 27, 1965
Volume/Page: 19/128
Affects: Portion of said land
6. **EASEMENT** affecting the portion of said premises and for the purposes stated herein, and incidental purposes thereto:
For: public right of way
Recorded: January 14, 1966
Volume/Page: 22/279
Affects: Portion of said land

Certificate to Plat KB1

File No.: 23147

7. **RESERVATION** of oil, gas and mineral rights constructive notice of which is given by recital in deed:

Recorded: December 10, 1980

Volume/Page: 165/45

FURTHER, no other examination of the excepted title to minerals has been made herein and no insurance nor responsibility therefore is implied or assumed.

8. **EASEMENTS, SET-BACKS AND DEDICATIONS** as delineated on Plat No. 84-191.

9. **EFFECT** of the notes on said Plat No. 84-191.

10. **EASEMENT** affecting the portion of said premises and for the purposes stated herein, and incidental purposes thereto:

For: Underground conduit and cable lines

In Favor Of: City of Kenai

Recorded: November 12, 1986

Volume/Page: 299/759

Affects: Portion of said land

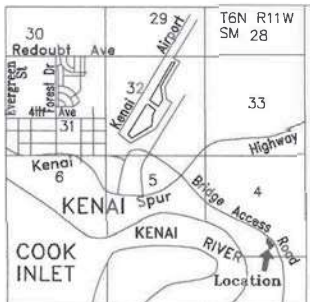
Stewart Title of the Kenai Peninsula, Inc.

By


Authorized Countersignature

Terri Cotterell
Authorized Signator

NOTE: We will update this certificate to comply with Kenai Peninsula Borough Ordinance 90-38 upon notification from surveyor.



VICINITY 1" = 1 mile MAP

Baron Wood Subdivision 2023 Replat Preliminary Plat

A replat combining Lots 1 & 2 Baron Wood Subd., KRD 84-191.
Located in the SE 1/4 Section 4, T6N R11W, SM, City of Kenai,
Kenai Recording District Kenai Peninsula Borough

Prepared for

Duke Hardecastle
1152 Bridge Access Rd.
Kenai, AK 99611

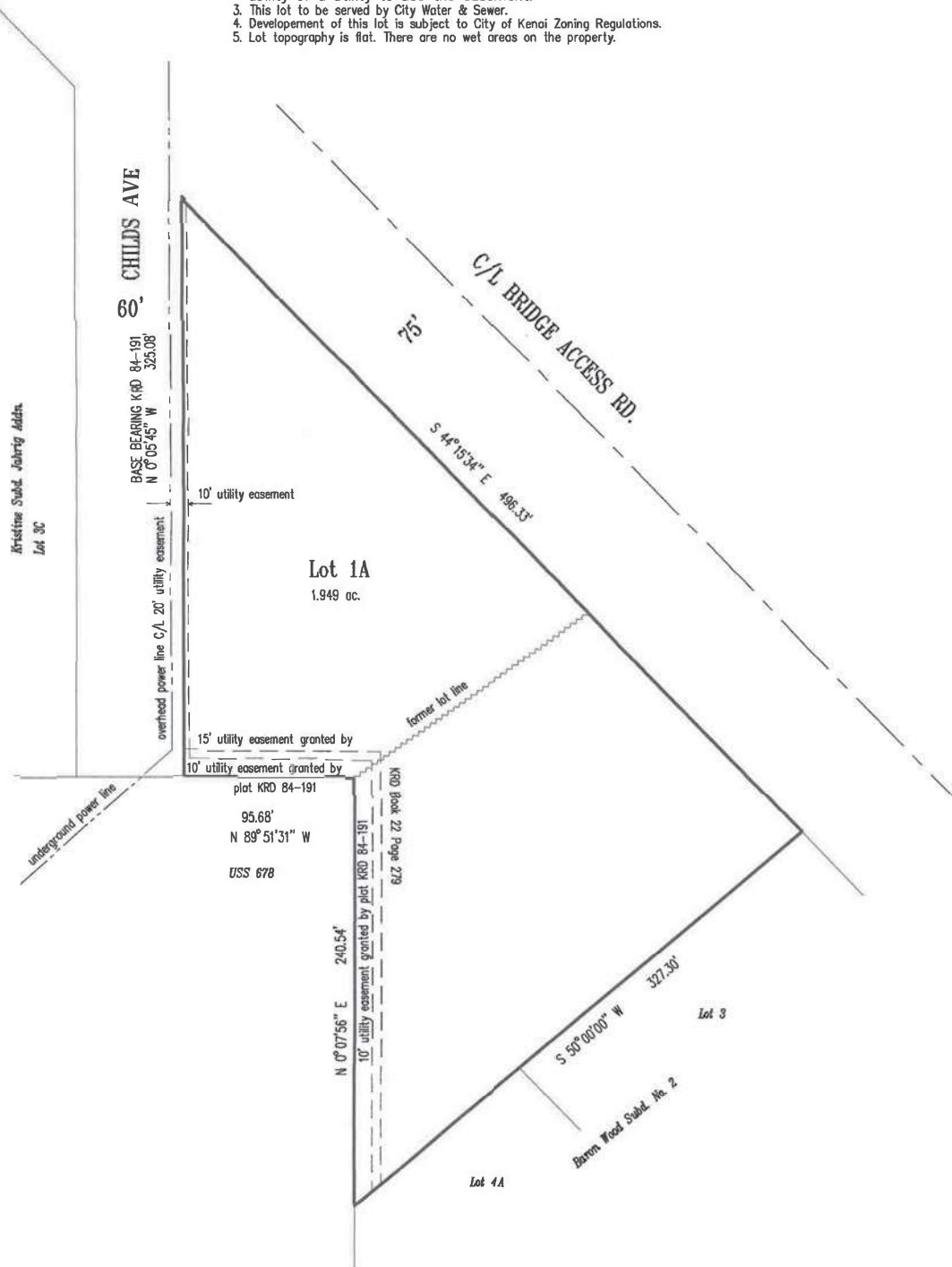
Prepared by

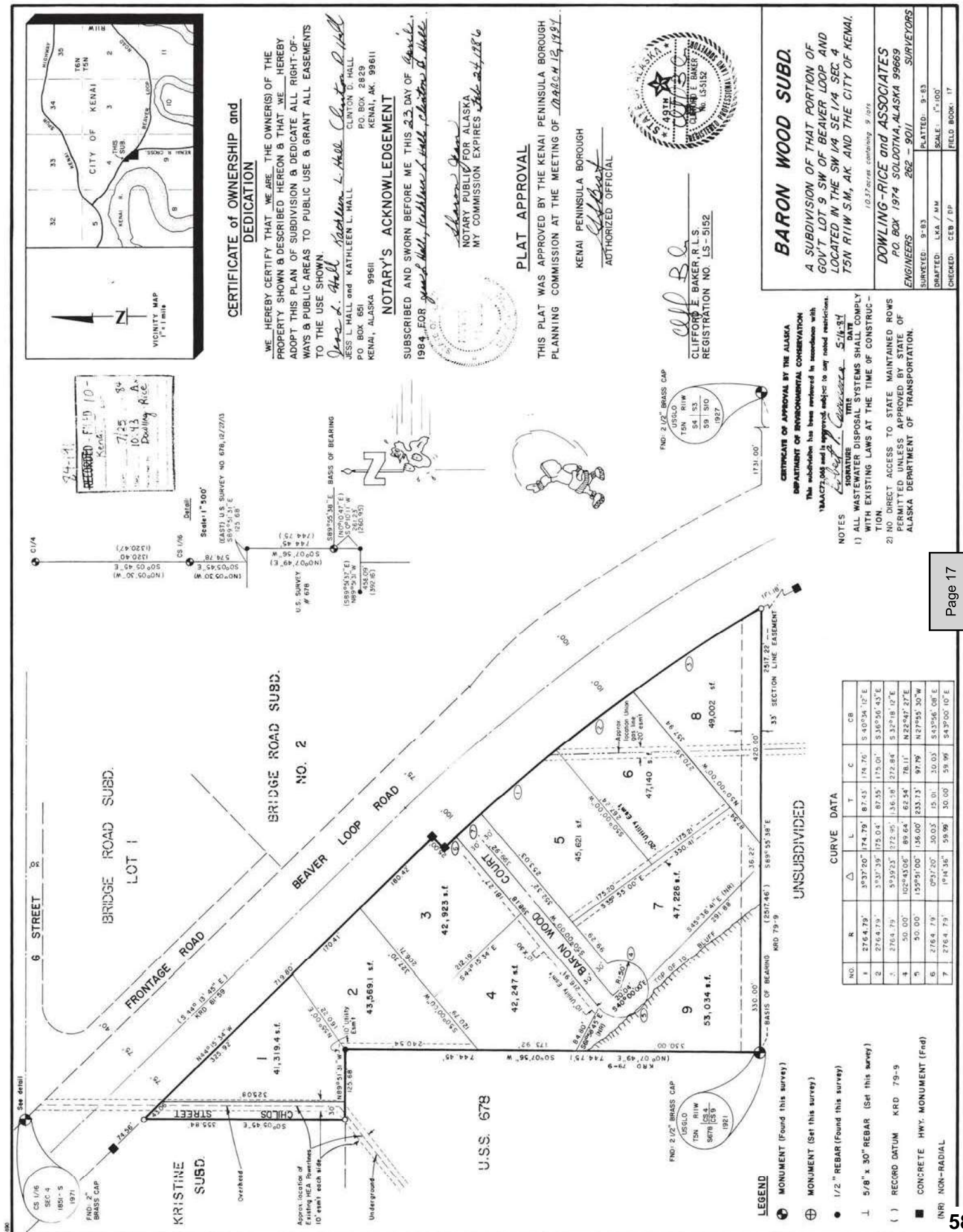
Johnson Surveying
P.O. Box 27
Clam Gulch, Ak 99568
(907) 262-5772

SCALE 1" = 62' AREA = 1.949 acres
30 May, 2023

NOTES

1. This is a paper plat replat base on data from plat KRD 84-191. No field survey was performed in conjunction with preparing this plat, no corners were found or set.
2. No permanent structure may be placed within a utility easement which would interfere with the ability of a utility to use the easement.
3. This lot to be served by City Water & Sewer.
4. Development of this lot is subject to City of Kenai Zoning Regulations.
5. Lot topography is flat. There are no wet areas on the property.





CERTIFICATE OF OWNERSHIP and DEDICATION

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

Jess L. Hall Kathleen L. Hall
JESS L. HALL and KATHLEEN L. HALL
CLINTON D. HALL
PO. BOX 2829
KENAI, AK. 99611

NOTARY'S ACKNOWLEDGEMENT

SUBSCRIBED AND SWORN BEFORE ME THIS 23 DAY OF April, 1984, FOR *Jess L. Hall, Kathleen L. Hall, Clinton D. Hall*.

Sharon Jean
NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES *Feb. 24, 1986*

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF *March 12, 1984*.

KENAI PENINSULA BOROUGH

Ed Baker
AUTHORIZED OFFICIAL



Ed Baker
CLIFFORD E. BAKER, R.L.S.
REGISTRATION NO. LS-5152

BARON WOOD SUBD.

A SUBDIVISION OF THAT PORTION OF GOV'T LOT 9 SW OF BEAVER LOOP AND LOCATED IN THE SW 1/4 SE 1/4 SEC 4 T5N R1W S.M., AK. AND THE CITY OF KENAI.

DOWLING-RICE and ASSOCIATES
P.O. BOX 1974 SOLDOTNA, ALASKA 99669
ENGINEERS 262 - 9011
SURVEYED: 9-83
DRAWN: LKA / VM
CHECKED: CEB / BP

10.37 acres containing 9 lots
PLATTED: 9-83
SCALE: 1"=100'
FIELD BOOK: 17

CERTIFICATE OF APPROVAL BY THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION
This subdivision has been reviewed in accordance with 18AC07.005 and is approved subject to any noted restrictions.

NOTES:
1) ALL WASTEWATER DISPOSAL SYSTEMS SHALL COMPLY WITH EXISTING LAWS AT THE TIME OF CONSTRUCTION.
2) NO DIRECT ACCESS TO STATE MAINTAINED ROWS PERMITTED UNLESS APPROVED BY STATE OF ALASKA DEPARTMENT OF TRANSPORTATION.

CURVE DATA


NO.	R	Δ	L	T	C	CB
1	276.479'	3°37'20"	174.79'	87.43'	174.76'	S 40°54'12"E
2	276.479'	3°37'35"	175.04'	87.55'	175.01'	S 38°56'43"E
3	276.479'	3°37'35"	175.04'	87.55'	175.01'	S 32°18'12"E
4	30.00'	102°43'04"	89.64'	62.54'	78.11'	N 22°47'27"E
5	30.00'	155°51'00"	136.00'	233.73'	97.79'	N 27°55'30"W
6	276.479'	0°37'20"	30.03'	15.01'	30.03'	S 43°56'08"E
7	276.479'	1°14'36"	59.96'	30.00'	59.96'	S 43°00'10"E

LEGEND

- MONUMENT (Found this survey)
- MONUMENT (Set this survey)
- 1/2" REBAR (Found this survey)
- 5/8" x 30" REBAR (Set this survey)
- RECORD DATUM KRD 79-9
- CONCRETE HWY. MONUMENT (Fnd)
- NON-RADIAL

MEMORANDUM

TO: Planning and Zoning Commission

FROM: Linda Mitchell, Planning Director 

DATE: June 23, 2023

SUBJECT: **Action/Approval – Recommending the Kenai City Council Enact Ordinance No. 3363-2023 – Amending Kenai Municipal Code Sections 14.20.330 - Standards for Commercial Marijuana Establishments, and 14.22.010 - Land Use Table**

At their regular meeting held on June 21, 2023, City Council introduced Ordinance No. 3363-2023. Ordinance No. 3363-2023 is an amendment to Kenai Municipal Code (KMC) Sections 14.20.330 - Standards for Commercial Marijuana Establishments, and 14.22.010 - Land Use Table, to establish a minimum standard for public notification for commercial marijuana establishments and prohibit limited marijuana cultivation facilities in residential zoning districts.

Please find the attached memo from Council Members Alex Douthit and James Baisden on Ordinance No. 3363-2023, the Ordinance that would make these amendments, along with the Ordinance itself.

Pursuant to KMC 14.20.280(b) and (c) notice of the public hearing was published in the *Peninsula Clarion* on June 21, 2023 and posted in three (3) public places. No public comments have been received.

The commission may make a recommendation to enact the ordinance, enact it with modifications recommended by the commission, or to not enact the ordinance.

The commission is not making a final decision, so the commission action is not subject to appeal. The city council decision may be appealed because it is a final decision.

Attachment

Memo from Council Members Alex Douthit and James Baisden
Draft Ordinance

MEMORANDUM

TO: Mayor Gabriel and Council Members

FROM: Council Members Alex Douthit and James Baisden

DATE: June 13, 2023

SUBJECT: **Ordinance No. 3363-2023 Amending KMC Sections 14.20.330 and 14.22.010-Standards for Commercial Marijuana Establishments and Land Use Table**

The Ordinance addresses proposed changes to KMC Sections 14.20.330 and 14.22.010 that establishes a minimum standard for public notification for commercial marijuana establishments and prohibit limited marijuana cultivation facilities in residential zoning districts. Under the current ordinance, property owner notification for a proposed commercial marijuana establishments is mailed to all property owners within five hundred (500) foot periphery of the parcel affected by the proposed action. In addition, a limited marijuana cultivation facility is permitted with a Conditional Use Permit in the Rural Residential (RR), Rural Residential 1 (RR-1), Suburban Residential (RS), Suburban Residential 1 (RS-1), Suburban Residential 2 (RS-2), Urban Residential (RU), General Commercial (CG), Light Industrial (IL), Heavy Industrial (IH), and Limited Commercial (LC) zoning districts. Residents have expressed concerns with the proximity of commercial marijuana cultivation facilities near residential neighborhoods and not receiving notices of proposed commercial marijuana cultivation facilities nearby their residence.

The prohibition of limited marijuana cultivation facilities in residential zoning districts will preserve and protect the intent of the residential zoning districts and ensure consistency with the Kenai Municipal Code Section 14.20.230 - Home Occupations, which prohibits commercial marijuana establishments as a home occupation. The establishment of a minimum of 30 different property owners to be notified of proposed commercial marijuana cultivation facility will increase the noticing area and address noticing concerns.

Your consideration is appreciated.



**CITY OF KENAI
ORDINANCE NO. 3363-2023**

AN ORDINANCE AMENDING KENAI MUNICIPAL CODE SECTIONS 14.20.330 - STANDARDS FOR COMMERCIAL MARIJUANA ESTABLISHMENTS, AND 14.22.010 - LAND USE TABLE, TO ESTABLISH A MINIMUM STANDARD FOR PUBLIC NOTIFICATION FOR COMMERCIAL MARIJUANA ESTABLISHMENTS AND PROHIBIT LIMITED MARIJUANA CULTIVATION FACILITIES IN RESIDENTIAL ZONING DISTRICTS.

WHEREAS, property owner notification for proposed commercial marijuana establishments are mailed to all property owners within a five hundred (500) foot periphery of the parcel affected by the proposed action; and,

WHEREAS, a limited marijuana cultivation facility is permitted with a Conditional Use Permit in the Rural Residential (RR), Rural Residential 1 (RR-1), Suburban Residential (RS), Suburban Residential 1 (RS-1), Suburban Residential 2 (RS-2), Urban Residential (RU), General Commercial (CG), Light Industrial (IL), Heavy Industrial (IH), and Limited Commercial (LC) zoning districts; and,

WHEREAS, residents have expressed concerns with the proximity of commercial marijuana cultivation facilities near residential neighborhoods and not receiving notices of proposed commercial marijuana cultivation facilities nearby their residence; and,

WHEREAS, the prohibition of limited marijuana cultivation facilities in residential zoning districts will preserve and protect the intent of the residential zoning districts and ensure consistency with the Kenai Municipal Code Section 14.20.230 - Home Occupations, which prohibits commercial marijuana establishments as a home occupation; and,

WHEREAS, establishing a minimum number of property owners to be notified of proposed commercial marijuana cultivation facility would increase the noticing area and address noticing concerns.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, AS FOLLOWS:

Section 1. Amendment of Subsection 14.20.330(c) of Kenai Municipal Code: That Kenai Municipal Code, Section 14.20.330(c), Standards for commercial marijuana establishments, is hereby amended as follows:

14.20.330(c) Standards for commercial marijuana establishments.

- (c) A public hearing shall be scheduled before the Planning and Zoning Commission to review the conditional use permit application once it has been deemed complete. The public hearing shall be scheduled in accordance with the requirements in KMC [14.20.280](#), except that notification shall be mailed to all real property owners on record on the Borough Assessor's records within a five hundred (500) foot periphery of the parcel affected by the proposed action. The notice area will be expanded until a minimum of thirty (30) different property owners are available for notification.

Section 2. Amendment of Section 14.22.010 of Kenai Municipal Code: That Kenai Municipal Code, Section 14.22.010 is hereby amended as follows:

14.22.010 Land use table.**LAND USE TABLE****KEY: P = Principal Permitted Use****C = Conditional Use****S = Secondary Use****N = Not Permitted****NOTE: Reference footnotes on following pages for additional restrictions**

ZONING DISTRICTS																	
LAND USES	ALI	C	RR	RR-1	RS	RS-1	RS-2	RU	CC	CG	IL	IH	ED	R	TSH	LC	CMU
RESIDENTIAL																	
One-Family Dwelling	N	C ¹⁸	P	P	P	P	P	P	P ²¹	S ¹	S ²	S ²	C ²²	P	P	P	S ¹ / C ²¹
Two-, Three-Family Dwelling	N	C ¹⁸	P	P	P	P	P	P	P ²¹	S ¹	C	C	C ²²	P	P	P	S ¹ / C ²¹
Four-Family Dwelling	N	C ¹⁸	P	C ^{3, 29}	P	N	N	P	P ²¹	S ¹	C	C	C ²²	N	P	C	S ¹ / C ²¹
Five-, Six-Family Dwelling	N	C ¹⁸	C ³	N	P	N	N	P	P ²¹	S ¹	C	C	N	N	P	C	S ¹ / C ²¹
Seven- or More Family Dwelling	N	C ¹⁸	C ³	N	C ³	N	N	P	P ²¹	S ¹	C	C	N	N	P	C	S ¹ / C ²¹
Mobile Home Parks ⁶	N	N	C	N	C	C	C	C	C	C	C	C	N	C	N	N	C
Planned Unit Residential Development ⁷	N	C ¹⁸	C	C ²⁹	C	C	C	C	C	C	C	C	N	C	C	C	C
Townhouses ⁴	N	C ¹⁸	C ³	C ^{3, 29}	C ³	C ³	C ³	C ³	C	C	C	C	C ²²	C	C	C	C
Accessory Building on Parcel Without Main Building or Use (See KMC 14.20.200)	N	N	C	C	C	C	C	C	N	N	N	N	N	N	C	N	N

COMMERCIAL																	
Airport Compatible Uses	P	N	N	N	N	N	N	N	C	C	C	C	N	N	N	C	C
Adult Businesses	N	N	N	N	N	N	N	N	P ³¹	P ³¹	P ³¹	P ³¹	N	N	N	N	N
Automotive Sales	C	N	C	N	N	N	N	C	P	P	P	P	N	N	N	N	P
Automotive Service Stations	C	N	C	N	N	N	N	C	P	P	P	P	N	C	N	N	P
Banks	C	N	C	N	C	N	N	C	P	P	P	C	N	C	C	C	P
Business/Consumer Services	C	N	C	C	C	N	N	C	P	P	P	C	N	C	C	C	P
Commercial Recreation	N	N	C	N	C	N	N	C	P	P	C	C	N	P	C	C	P
Guide Service	C	N	C	N	C	N	N	C	P	P	P	P	N	P	P	C	P
Hotels/Motels	C	N	C	N	C	N	N	C	P	P	P	C	N	C	P	C	P
Lodge	C	N	C	N	C	N	N	C	P	P	P	C	N	P	P	C	P
Marijuana Cultivation Facility, Limited ³⁰	N	N	[C] N	[C] N	[C] N	[C] N	[C] N	[C] N	N	C	C	C	N	N	N	C	N
Marijuana Cultivation Facility, Standard ³⁰	N	N	N	N	N	N	N	N	N	C	C	C	N	N	N	C	N
Marijuana Product Manufacturing Facility ³⁰	N	N	N	N	N	N	N	N	N	C	C	C	N	N	N	N	N
Marijuana Testing Facility ³⁰	N	N	N	N	N	N	N	N	C	C	P	P	N	N	N	C	C
Professional Offices	C	N	C	C	C	N	N	P	P	P	P	P	N	C	P	P	P
Restaurants	C	N	C	N	C	N	N	C	P	P	P	C	N	C	C	C	P
Retail Business	C	N ²⁶	C	N	C	N	N	C	P	P	P	P	S ²⁴	S ²⁴	C	C	P
Retail Marijuana Store ³⁰	N	N	N	N	N	N	N	N	N	C	C	C	N	N	N	C	C
Theaters	N	N	C	N	C	N	N	C	P	P	C	C	N	P	C	C	P

Wholesale Business	C	N	C	N	C	N	N	C	C	P	P	P	N	S ²⁴	C	C	N
INDUSTRIAL																	
Airports	C	P ²⁰	C	N	C	N	N	C	C	C	C	C	N	C	N	N	C
Necessary Aviation Facilities	P	P	C	C	C	C	C	C	P	P	P	P	C	P	C	P	P
Automotive Repair	P	N	C	N	C	N	N	C	P	P	P	P	N	N	N	N	P
Gas Manufacturer/Storage	C ⁹	N	N	N	C	N	N	N	N	N	C ⁹	C ⁹	N	N	N	N	N
Manufacturing/Fabricating/Assembly	P	N	C	N	C	N	N	C	C	P	P	P	N	C	C	N	C
Mini-Storage Facility	C	N	C	N	C	N	N	C	C	P	P	P	N	N	N	C	C
Storage Yard	C	N	C	N	C	N	N	C	C	P	P	P	N	N	N	N	C
Warehouses	C	N	C	N	C	N	N	C	N	P	P	P	N	C	N	N	N
PUBLIC/INSTITUTIONAL																	
Assisted Living	N	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Churches*	N	C	P ¹⁰	P ¹⁰	P ¹⁰	P ¹⁰	P ¹⁰	P ¹⁰	P ¹⁰	P ¹⁰	C	C	P	P ¹⁰	P	P	P
Clinics	N	C	C	N	C	C	C	C	P	P	P	C	C	C	C	P	P
Colleges*	N	C	C	C ²⁹	C	C	C	C	P	P	C	C	P	C	C	C	P
Elementary Schools*	N	C	C	C ²⁹	C	C	C	C	P	P	C	C	P	C	C	C	P
Governmental Buildings	P	C	C	C ²⁹	C	C	C	C	P	P	P	C	P	C	C	P	P
High Schools*	N	C	C	C ²⁹	C	C	C	C	P	P	C	C	P	C	C	C	P
Hospitals*	N	C	C	N	C	C	C	C	P	P	P	C	C	C	C	C	P
Libraries*	N	C	C	C ²⁹	C	C	C	C ¹²	P	P	P	C	P	C	P	C	P
Museums	C	C	C	C ²⁹	C	C	C	C	P	P	P	C	P	C	P	C	P

Parks and Recreation	N	P	C	C ²⁹	C	C	C	C	P	P	P	P	P	P	P	C	P
MISCELLANEOUS																	
Animal Boarding/Commercial Kennel ¹³	C	C	C	N	C	C	N	N	C	C	C	C	N	C	N	C	C
Assemblies ¹⁵ (Large: Circuses, Fairs, etc.)	P	C	C	N	C	C	C	C	P ¹⁵	P ¹⁵	P ¹⁵	P ¹⁵	P ¹⁵	C	P	N	P ¹⁵
Bed and Breakfasts	N	C	C	C	C	C	C	C	C	C	C	C	N	P	C	C	P
Cabin Rentals	N	C	C	N	C	N	N	N	P	P	P	C	N	P	P	C	P
Cemeteries	P	C	C	N	C	N	N	N	N	C	C	C	N	C	C	N	N
Communications Towers and Antenna(s), Radio/TV Transmitters/Cell Sites** ²⁸	C	P	C	N	C	C	C	C	P	P	P	P	P	C	C	C	C
Crematories/Funeral Homes	N	N	C	N	C	N	N	C	C	C	C	C	N	C	C	C	C
Day Care Centers ¹²	N	C	C	C ²⁹	C	C	C	C	P	P	P	C	C	C	C	P	P
Dormitories/Boarding Houses	N	C	C	N	C	C	C	P	P ²¹	S	C	P	P ²³	C	C	C	P
Essential Services	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Farming/General Agriculture***	N	P	P	N	N	N	N	N	N	N	N	P	N	P	N	N	N
Fraternal Organizations/ Private Clubs/Social Halls and Union Halls	N	N	C	N	C	C	C	C	P	P	P	C	N	C	P	C	P
Greenhouses/Tree Nurseries ¹³	N	C	C	N	C	C	C	C	P	P	P	C	N	C	C	C	P
Gunsmithing, Taxidermy	N	N	C	C	C	C	C	C	P	P	P	P	N	C	P	P	P
Nursing, Convalescent or Rest Homes	N	N	C	N	C	C	C	C	P	P	C	C	C	C	C	C	P

Parking, Public Lots ¹²	C	C	C	N	C	C	C	C	C	C	C	C	C	C	C	C	C
Personal Services ²⁵	N	C	C	N	C	C	C	C	P	P	P	P	C	C	P	P/ C ²⁷	P
Recreational Vehicle Parks	N	C	C	N	C	N	N	C	C	C	C	C	N	C	C	N	C
Subsurface Extraction of Natural Resources ¹⁶	C	C	C	C	C	C	C	C	C	C	C	C	N	C	N	N	N
Surface Extraction of Natural Resources ¹⁷	C	C	C	N	C	N	N	C	N	C	C	C	N	C	N	N	N

* See 42 USCA Sec. 2000cc (Religious Land Use and Institutionalized Persons Act of 2000)

** See 42 Telecommunications Act of 1996, Sec. 704(a)

*** See, however, the limitations imposed under KMC [3.10.070](#)

Footnotes:

1 Allowed as a secondary use except on the ground floor of the part of the building fronting on collector streets and major highways. Commercial or industrial which falls under the landscaping/site plans requirements of KMC Chapter [14.25](#) shall include any secondary uses in the landscaping and site plans.

2 One (1) single-family residence per parcel, which is part of the main building.

3 Allowed as a conditional use, subject to satisfying the following conditions:

a The usable area per dwelling unit shall be the same as that required for dwelling units in the RS Zone;

b The site square footage in area must be approved by the Commission;

c Yards around the site, off-street parking, and other development requirements shall be the same as for principal uses in the RR Zone;

d Water and sewer facilities shall meet the requirements of all applicable health regulations;

e The proposed dwelling group will constitute a residential area of sustained desirability and stability, will be in harmony with the character of the surrounding neighborhood, and will not adversely affect surrounding property values;

f The buildings shall be used only for residential purposes and customary accessory uses, such as garages, storage spaces, and recreational and community activities;

g There shall be provided, as part of the proposed development, adequate recreation areas to serve the needs of the anticipated population;

h The development shall not produce a volume of traffic in excess of the capacity for which the access streets are designed;

- i The property adjacent to the proposed dwelling group will not be adversely affected.
- 4 See “Townhouses” section.
- 5 See “Mobile Homes” section.
- 6 Allowed as a conditional use, subject to “Mobile Homes” section; and provided, that any mobile home park meets the minimum Federal Housing Authority requirements.
- 7 See “Planned Unit Residential Development” section.
- 8 Allowed as a conditional use; provided, that the proposed location and the characteristics of the site will not destroy the residential character of the neighborhood.
- 9 Allowed as a conditional use; provided, that all applicable safety and fire regulations are met.
- 10 Provided, that no part of any building is located nearer than thirty (30) feet to any adjoining street or property line.
- 11 Allowed as a conditional use; provided, that no part of any building is located nearer than thirty (30) feet to any adjoining street or property line; and provided further, that the proposed location and characteristics of the use will not adversely affect the commercial development of the zone.
- 12 Allowed as a conditional use; provided, that the following conditions are met:
 - a The proposed location of the use and the size and characteristics of the site will maximize its benefit to the public;
 - b Exits and entrances and off-street parking for the use are located to prevent traffic hazards on public streets.
- 13 Allowed as a conditional use; provided, that setbacks, buffer strips, and other provisions are adequate to assure that the use will not be a nuisance to surrounding properties. The Commission shall specify the conditions necessary to fulfill this requirement. Animal boarding and commercial kennels require a kennel license (see KMC Chapter [3.15](#)).
- 14 Allowed as a conditional use; provided, that no indication of said use is evident from the exterior of the mortuary.
- 15 Allowed; provided, that the following conditions are met:
 - a An uncleared buffer strip of at least thirty (30) feet shall be provided between said use and any adjoining property in a residential zone.
 - b Exits and entrances and off-street parking for the use shall be located to prevent traffic hazards on the public streets.
- 16 See “Conditional Uses” section.
- 17 See “Conditional Use Permit for Surface Extraction of Natural Resources” section.
- 18 **Conditional use allowed only on privately held property.** Not allowed on government lands.
- 19 Reserved.
- 20 The airport-related uses allowed under this entry are aircraft approach and departure zones pursuant to KMC [14.20.070\(a\)](#), except that for properties contained inside the airport perimeter fence

or having access to aircraft movement areas, taxiways or parking aprons, FAA authorized uses are allowed.

21 Developments for use shall be the same as those listed in the Development Requirements Table for the RU/TSH Zones.

22 Allowed as a conditional use in conjunction with a permitted use in the ED Zone. For example, housing for teachers or students for a school in the zone.

23 Allowed as an accessory use in conjunction with a permitted use in the ED Zone. For example, a dormitory used to house students for a school or educational facility.

24 Retail businesses allowed as a secondary use in conjunction with the primary use (e.g., a gift shop or coffee shop within another business).

25 Art studios, barbers, beauticians, tattoo parlors, dressmakers, dry cleaners and self-service laundries, fitness centers, photographic studios, tailors, tanning salons and massage therapists.

26 Food services are allowed on a temporary or seasonal basis of not more than four (4) months per year.

27 Personal services not set forth in the below matrix are conditional uses.

Limited Commercial Zone		
Personal Services	Permitted (P)	Conditional Use (C)
Art Studios	X	
Barbers	X	
Beauticians	X	
Dressmakers	X	
Dry Cleaners		X
Fitness Centers	X	
Massage Therapist		X
Photographic Studios	X	
Self-Service Laundries		X
Tailors	X	
Tanning Salons	X	
Tattoo Parlors		X

28 Communications tower/antenna(s) allowed as a principal permitted (P) use if the applicable conditions set forth in KMC 14.20.255 are met or a conditional use (C) if the applicable conditions set forth in KMC 14.20.150 and 14.20.255 are met.

29 Use allowed only for those parcels that abut the Kenai Spur Highway. The access to any such parcel must be either from: (a) driveway access on the Kenai Spur Highway; or (b) driveway access from a dedicated right-of-way and that driveway access is not more than two hundred seventy-five (275) feet as measured from the constructed centerline of the Kenai Spur Highway to the center of the driveway access as shown on an as-built drawing/survey of the parcel.

30 See marijuana regulations, KMC 14.20.230—Home Occupations, 14.20.320—Definitions, 14.20.330—Standards for commercial marijuana establishments.

31 See KMC 14.20.175—Adult businesses; no adult business may be located within one thousand (1,000) feet of another adult business, or sensitive use. “Sensitive use” means a church or other place of worship, a public or private school (licensed pre-K through twelfth grade) or businesses where or areas where youth are likely to be present (limited to public parks, youth recreational centers, public playgrounds, public libraries).

Section 3. Severability: That if any part or provision of this ordinance or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in all controversy in which this judgment shall have been rendered, and shall not affect or impair the validity of the remainder of this title or application thereof to other persons or circumstances. The City Council hereby declares that it would have enacted the remainder of this ordinance even without such part, provision, or application.

Section 4. Effective Date: That pursuant to KMC 1.15.070(f), this ordinance shall take effect 30 days after enactment.

ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, THIS 5TH DAY OF JULY, 2023.

Brian Gabriel Sr., Mayor

ATTEST:

Michelle M. Saner, MMC, City Clerk

Introduced:	June 21, 2023
Enacted:	July 5, 2023
Effective:	August 4, 2023



Kenai City Council - Regular Meeting

June 21, 2023 — 6:00 PM

Kenai City Council Chambers

210 Fidalgo Avenue, Kenai, Alaska

www.kenai.city

****Telephonic/Virtual Information on Page 4****

Action Agenda

A. CALL TO ORDER

1. Pledge of Allegiance
2. Roll Call
3. Approval of the Agenda and Consent Agenda (*Public comments on Consent Agenda Items limited to three (3) minutes per speaker; thirty (30) minutes aggregated*)

All items listed with an asterisk () are considered to be routine and non-controversial by the council and will be approved by one motion. There will be no separate discussion of these items unless a council member so requests, in which case the item will be removed from the consent agenda and considered in its normal sequence on the agenda as part of the General Orders.

B. SCHEDULED ADMINISTRATIVE REPORTS

C. SCHEDULED PUBLIC COMMENTS (*Public comments limited to ten (10) minutes per speaker*)

D. UNSCHEDULED PUBLIC COMMENTS (*Public comments limited to three (3) minutes per speaker; thirty (30) minutes aggregated*)

E. PUBLIC HEARINGS

1. **ENACTED WITHOUT OBJECTION. Ordinance No. 3357-2023** - Amending Kenai Municipal Code Section 23.55.045 to Establish an Annual Tool Allowance for Classified Employees Required to Furnish their Own Standard Working Tools. (Administration)
2. **ENACTED WITHOUT OBJECTION. Ordinance No. 3358-2023** - Increasing Estimated Revenues and Appropriations in the General Fund to Provide Supplemental Funding for the Parks and Recreation Utilities Budget. (Administration)
3. **ENACTED WITHOUT OBJECTION. Ordinance No. 3359-2023** - Increasing Estimated Revenues and Appropriations in the General Fund and Municipal Roadway Improvements Capital Fund to Provide Supplemental Funding to the 2023 North Willow Street Roadway Improvements, 2023 First Avenue Roadway Repairs, and 2023 Miscellaneous Roadway Repairs Projects. (Administration) [KMC 1.15.070(d)]
 1. Motion for Introduction
 2. Motion for Second Reading (Requires a Unanimous Vote)
 3. Motion for Enactment (Requires Five Affirmative Votes)
4. **ADOPTED WITHOUT OBJECTION. Resolution No. 2023-44** - Approving a Twelve-Month Extension of Time for Good Cause for the Completion of Permanent Improvements for a Lease Between the City of Kenai and Soar International Ministries, Inc., for Airport Reserve Lands Described as Tract A-1 of General Aviation Apron Subdivision No. 7. (Administration)

5. **ADOPTED WITHOUT OBJECTION. Resolution No. 2023-45** - Authorizing Renewal of the City's Property, Liability, Workers' Compensation, Airport and Other Ancillary Policies with the Alaska Municipal League Joint Insurance Association for July 1, 2023 through June 30, 2024. (Administration)
6. **ADOPTED WITHOUT OBJECTION. Resolution No. 2023-46** - Authorizing a Contract Award to Supply Operational Chemicals for the City's Water Treatment and Wastewater Treatment Facilities. (Administration)
7. **ADOPTED WITHOUT OBJECTION. Resolution No. 2023-47** - Authorizing a Contract Award for Street Light Repairs and Maintenance with Utility Locate Services. (Administration)

F. **MINUTES**

1. *Regular Meeting of June 7, 2023. (City Clerk)

G. **UNFINISHED BUSINESS**

1. **ADOPTED WITHOUT OBJECTION AS AMENDED BY SUBSTITUTE. Resolution No. 2023-40** - Authorizing a Construction Agreement and Corresponding Purchase Order for the 2023 N. Willow Street Roadway Improvements Project. (Administration) *[Postponed at the 06/07/23 meeting to the 06/21/23 meeting]*
 - **Substitute Resolution No. 2023-40** - Authorizing a Construction Agreement and Corresponding Purchase Order for the 2023 North Willow Street Roadway Improvements Project. (Administration)
2. **ADOPTED WITHOUT OBJECTION AS AMENDED BY SUBSTITUTE. Resolution No. 2023-41** - Authorizing a Construction Agreement and Corresponding Purchase Order for the 2023 First Avenue Roadway Repairs Project. (Administration) *[Postponed at the 06/07/23 meeting to the 06/21/23 meeting]*
 - **Substitute Resolution No. 2023-41** - Authorizing a Construction Agreement and Corresponding Purchase Order for the 2023 First Avenue Roadway Repairs Project. (Administration)
3. **ADOPTED WITHOUT OBJECTION AS AMENDED BY SUBSTITUTE. 2023-42** - Authorizing a Construction Agreement and Corresponding Purchase Order for the 2023 Miscellaneous Roadway Repairs Project. (Administration) *[Postponed at the 06/07/23 meeting to the 06/21/23 meeting]*
 - **Substitute Resolution No. 2023-42** - Authorizing a Construction Agreement and Corresponding Purchase Order for the 2023 Miscellaneous Roadway Repairs Project. (Administration)

H. **NEW BUSINESS**

1. ***Action/Approval** - Bills to be Ratified. (Administration)
2. ***Action/Approval** - FY2023 Purchase Orders and Purchase Order Amendments Requiring Council Approval in Accordance with KMC 7.15.020. (Administration)
3. ***Action/Approval** - FY2024 Purchase Orders and Purchase Order Amendments Requiring Council Approval in Accordance with KMC 7.15.020. (Administration)
4. ***Action/Approval** - Third Amendment to the Agreement for Janitorial Services with Reborn Again Janitorial Services. (Administration)

5. ***Action/Approval** - Assignment and Assumption of Lease Agreement of Lot 1A FBO Subdivision, South Addition and Lot 2A1 FBO Subdivision, South Addition No. 2 to Schilling Rentals, LLC. (Administration)
6. ***Action/Approval** - Non-Objection to the Renewal of a Recreational Site Liquor License for Peninsula Oilers Baseball Club Inc., DBA Peninsula Oilers – License No. 846 (City Clerk)
7. ***Action/Approval** - Non-Objection to the Renewal of a Beverage Dispensary Liquor License for George Pitsilionis, DBA Pizza Paradisos – License No. 3032 (City Clerk)
8. ***Action/Approval** - Non-Objection to the Renewal of a Package Store Liquor License for Carr-Gottstein Food Co., DBA Oaken Keg #1808 – License No. 3218 (City Clerk)
9. ***Ordinance No. 3360-2023** - Accepting and Appropriating a Grant Received through Maddie's Fund to the Kenai Animal Shelter for the Care of Animals. (Administration)
10. ***Ordinance No. 3361-2023** - Accepting and Appropriating Fiscal Year 2023 Funds from the 2022 Community Assistance Program, Passed through the State of Alaska, Department of Commerce, Community, and Economic Development for National Floodplain Insurance Program Training. (Administration)
11. ***Ordinance No. 3362-2023** - Increasing Estimated Revenues and Appropriations in the Airport Special Revenue and Airport Improvements Capital Project Funds to Provide Supplemental Funding for the Kenai Municipal Airport's Sand Storage Facility Project and Authorizing a Contract Amendment for Professional Services. (Administration)
12. ***Ordinance No. 3363-2023** - Amending Kenai Municipal Code Sections 14.20.330 - Standards for Commercial Marijuana Establishments, and 14.22.010 - Land Use Table, to Establish a Minimum Standard for Public Notification for Commercial Marijuana Establishments and Prohibit Limited Marijuana Cultivation Facilities in Residential Zoning Districts. (Douthit and Baisden)

I. COMMISSION / COMMITTEE REPORTS

1. Council on Aging
2. Airport Commission
3. Harbor Commission
4. Parks and Recreation Commission
5. Planning and Zoning Commission
6. Beautification Committee

J. REPORT OF THE MAYOR

K. ADMINISTRATION REPORTS

1. City Manager
2. City Attorney
3. City Clerk

L. ADDITIONAL PUBLIC COMMENTS

1. Citizens Comments (*Public comments limited to five (5) minutes per speaker*)
2. Council Comments

M. EXECUTIVE SESSION

N. PENDING ITEMS

O. ADJOURNMENT

P. INFORMATION ITEMS

The agenda and supporting documents are posted on the City's website at www.kenai.city. Copies of resolutions and ordinances are available at the City Clerk's Office or outside the Council Chamber prior to the meeting. For additional information, please contact the City Clerk's Office at 907-283-8231.

Join Zoom Meeting

<https://us02web.zoom.us/j/81792332527>

Meeting ID: 817 9233 2527 **Passcode:** 110734

OR

Dial In: (253) 215-8782 or (301) 715-8592

Meeting ID: 817 9233 2527 **Passcode:** 110734



Kenai Peninsula Borough

144 North Binkley Street
Soldotna, AK 99669

Meeting Agenda Planning Commission

Jeremy Brantley, Chair – District 5 Sterling/Funny River
Blair Martin, Vice Chair – District 2 Kenai
Pamela Gillham – District 1 Kalifornsky
Virginia Morgan, Parliamentarian – District 6 East Peninsula
John Hooper – District 3 Nikiski
Michael Horton – District 4 Soldotna
VACANT – District 7 Central
David Stutzer – District 8 Homer
Dawson Slaughter – District 9 South Peninsula
Diane Fikes – City of Kenai
Franco Venuti – City of Homer
Charlene Tautfest – City of Soldotna
Troy Staggs – City of Seward
VACANT – City of Seldovia

Monday, June 26, 2023

7:30 PM

Betty J. Glick Assembly Chambers

Zoom Meeting ID: 907 714 2200

The hearing procedure for the Planning Commission 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 CONSENT AND REGULAR AGENDA

All items marked with an asterisk () are consent agenda items. Consent agenda items are considered routine and non-controversial by the Planning Commission and will be approved by one motion. There will be no separate discussion of consent agenda items unless a Planning Commissioner so requests in which case the item will be removed from the consent agenda and considered in its normal sequence on the regular agenda.*

If you wish to comment on a consent agenda item or a regular agenda item other than a public hearing, please advise the recording secretary before the meeting begins, and she will inform the Chairman of your wish to comment.

1. Time Extension Request
2. Planning Commission Resolutions
3. Plats Granted Administrative Approval

[KPB-5312](#)

- a. Bosn Landing Subdivision No. 3: KPB File 2021-101
- b. Brown's Acre Estates Addition No. 1: KPB File 2022-170
- c. Clam Gulch Heights 2022 Addition; KPB File 2022-136
- d. Lloyd Race Lot 4 Replat; KPB File 2022-157
- e. Smith-Staton Subdivision; KPB File 2022-178
- f. Spruce Knoll; KPB File 2022-005
- g. The Place Subdivision; KPB File 2022-179
- h. Voznesenka Lot 11 Replat; KPB File 2021-166

Attachments:

[C3. Plat Administrative Approval](#)

4. Plats Granted Final Approval (KPB 20.10.040)

[KPB-5313](#)

- a. Janousek Subdivision 2023 Replat; KPB File 2023-033
- b. Panoramic Park Subdivision Yancey Replat; KPB File 2023-017

Attachments:

[C4. Plat Final Approval](#)

5. Plat Amendment Request

6. Commissioner Excused Absences

7. Minutes

[KPB-5314](#) June 12, 2023 Planning Commission Meeting Minutes

Attachments: [C7. 061223 PC Minutes](#)

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

- 1 [KPB-5315](#) Building Setback Encroachment Permit; KPB File 2023-058
Mullikin Surveys / Baumgardner
Request: Permits a shop, building & house to remain in the building setback on Lot 32, Granross Grove Sub Unit 1, Plat HM 0780005
Anchor Point Area / Anchor Point APC

Attachments: [E1. BSEP Granross Grove Sub Unit 1 Packet](#)

- 2 [KPB-5316](#) Right-of-Way Vacation; KPB File 2023-061V
No Surveyor / Caribou Hills Cabin Hoppers
Request: Vacates approximately a 30' by 1000' portion of Steik Avenue dedicated by Ninilchik ROW Map, Plat HM 84-155
Ninilchik Area

Attachments: [E2. ROWW Ninilchik ROW Map Packet](#)

- 3 [KPB-5317](#) Condition Use Permit; PC Resolution 2023-13
Request: Permits a fence within the 50-foot Habitat Protection District of the Kenai River
Location: 33537 Keystone Drive; Parcel ID 135-260-02
Petitioner/Landowner: Helbock
Soldotna Area

Attachments: [E3. CUP Helbock Packet](#)

F. PLAT COMMITTEE REPORT**G. OTHER****H. PUBLIC COMMENT/PRESENTATION**

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

I. DIRECTOR'S COMMENTS**J. COMMISSIONER COMMENTS****K. ADJOURNMENT****MISCELLANEOUS INFORMATIONAL ITEMS****NO ACTION REQUIRED**

[KPB-5318](#) PUBLIC REVIEW DRAFT: UNIT 395 LAND PLAN (Cooper Landing)

Attachments: [Misc. Info](#)

NEXT REGULARLY SCHEDULED PLANNING COMMISSION MEETING

The next regularly scheduled Planning Commission meeting will be held Monday, [INSERT DATE] 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.

CONTACT INFORMATION**KENAI PENINSULA BOROUGH PLANNING DEPARTMENT**

Phone: 907-714-2215

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

Fax: 907-714-2378

e-mail address: planning@kpb.us

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

A party of record may file an appeal of a decision of the Planning Commission in accordance with the requirements of the Kenai Peninsula Borough Code of Ordinances. An appeal must be filed with the Borough Clerk within 15 days of the notice of decision, using the proper forms, and be accompanied by the filing and records preparation fees. Vacations of right-of-ways, public areas, or public easements outside city limits cannot be made without the consent of the borough assembly.

Vacations within city limits cannot be made without the consent of the city council. The assembly or city council shall have 30 calendar days from the date of approval in which to veto the planning commission decision. If no veto is received within the specified period, it shall be considered that consent was given.

A denial of a vacation is a final act for which the Kenai Peninsula Borough shall give no further consideration. Upon denial, no reapplication or petition concerning the same vacation may be filed within one calendar year of the date of the final denial action except in the case where new evidence or circumstances exist that were not available or present when the original petition was filed.



Meeting Agenda Plat Committee

Monday, June 26, 2023

6:00 PM

Betty J. Glick Assembly Chambers

Zoom Meeting ID: 907 714 2200

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

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

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

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF AGENDA, EXCUSED ABSENCES, AND MINUTES

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

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

[KPB-5308](#) June 12, 2023 Plat Committee Meeting Minutes

Attachments: [C3. 061223 Plat Minutes](#)

D. OLD BUSINESS

E. NEW BUSINESS

1. [KPB-5309](#) Right-of-Way Acquisition Park Road; KPB File 2023-033
McLane Consulting Group / Oliva
Location: Park Road
Nikiski Area / Nikiski APC

Attachments: [E1. ROW Acquisition Park Road](#)
2. [KPB-5310](#) Fox Sparrow Subdivision; KPB File 2023-060
Seabright Surveying / Mary Ann Cooper Living Trust
Location: Cowgirl Avenue, Woape Street & North Glacier View Road
Homer Area / Kachemak Bay APC

Attachments: [E2. Fox Sparrow Sub_Packet](#)
3. [KPB-5311](#) Seal Rock Roost 2023; KPB File 2023-059
Ability Surveys / Koth
Location: East End Road
City of Homer

Attachments: [E3. Seal Rock Roost 2023](#)

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, July 17, 2023 in the Betty J. Glick Assembly Chambers of the Kenai Peninsula Borough George A. Navarre Administration Building, 144 North Binkley Street, Soldotna, Alaska at 7:30 p.m.

KENAI PENINSULA BOROUGH PLANNING DEPARTMENT

Phone: 907-714-2215

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

Fax: 907-714-2378

e-mail address: planning@kpb.us

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

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

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

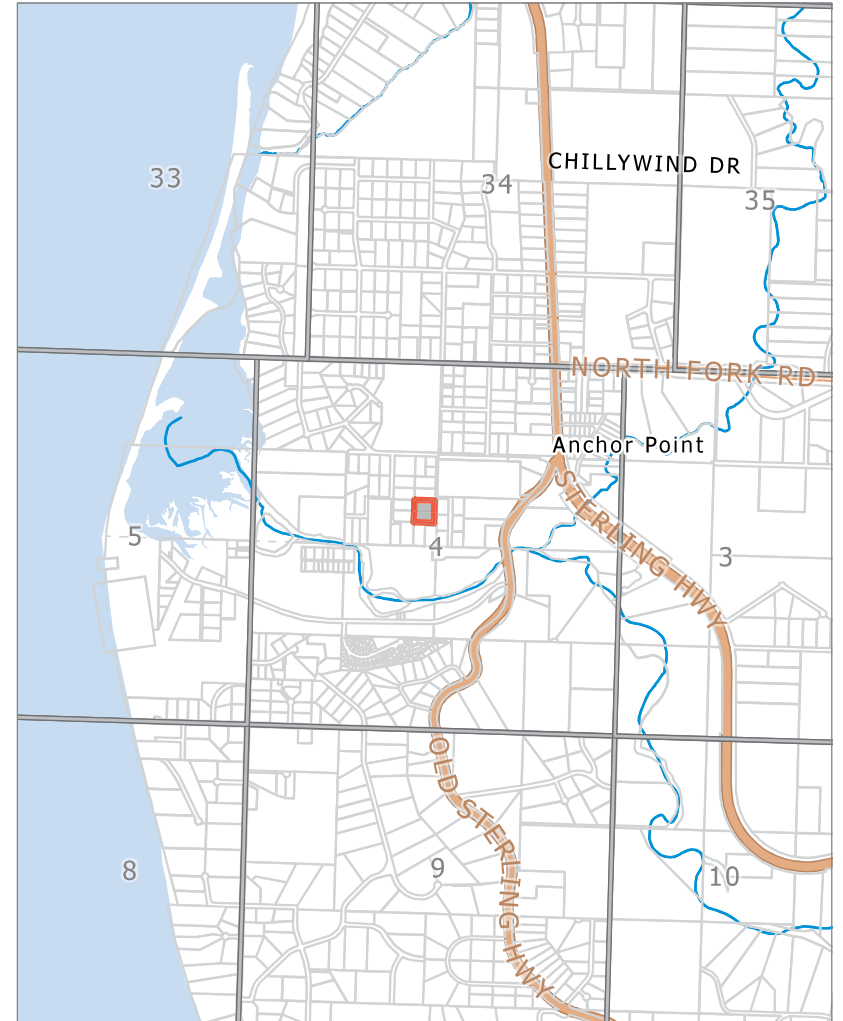
E. NEW BUSINESS

3. Marysville 2023; KPB File 2023-106

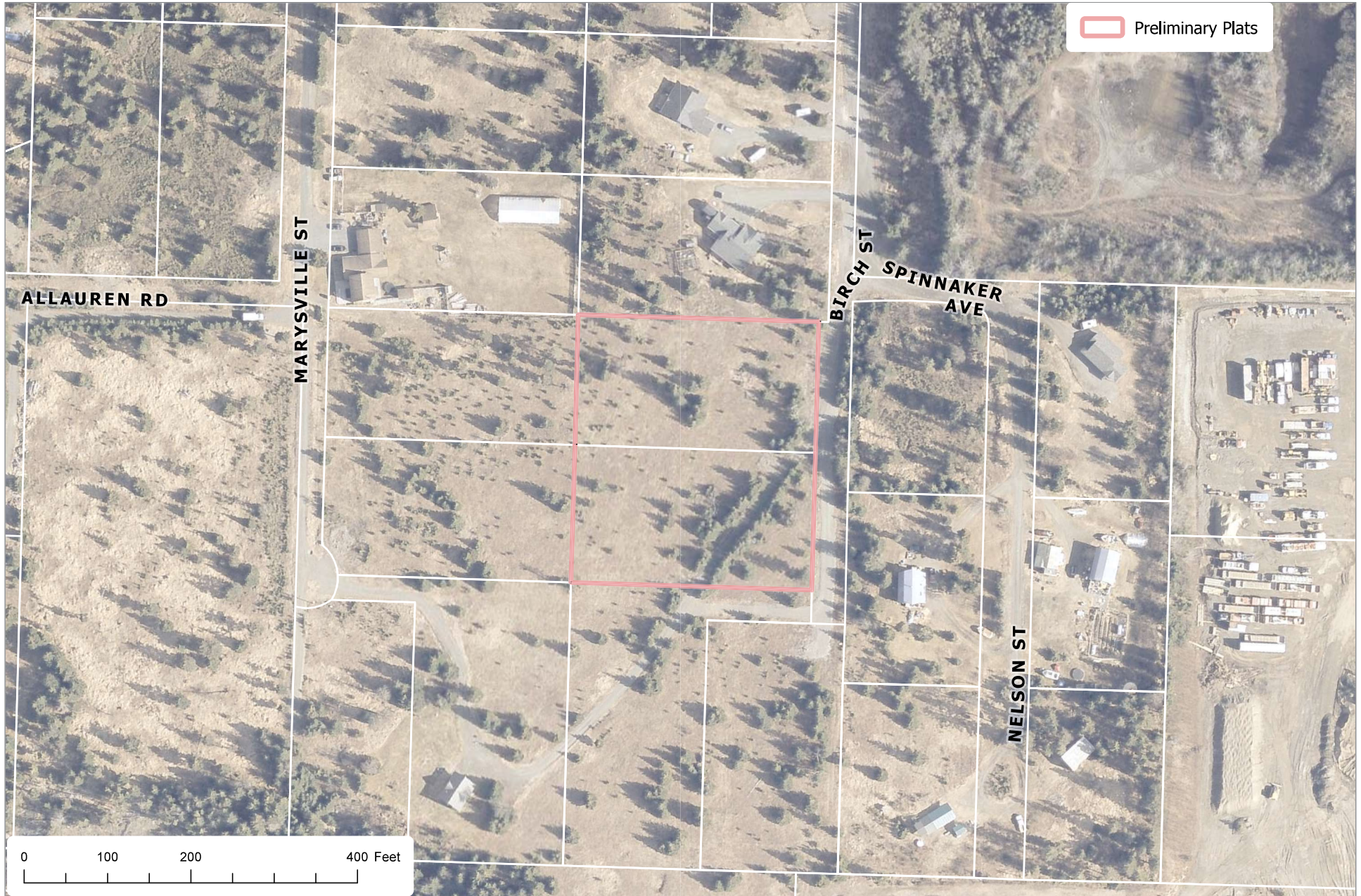
Geovera, LLC / Emmitt & Mary Trimble Joint Revocable Trust

Location: Birch Street

Anchor Point Area / Anchor Point APC



KPB File 2023-106
T 05S R 15W SEC 04
Anchor Point



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

NOTES

1. ALL WASTEWATER DISPOSAL SYSTEMS SHALL COMPLY WITH EXISTING APPLICABLE LAWS AT THE TIME OF CONSTRUCTION.
2. A BUILDING SETBACK OF 20 FEET IS REQUIRED FROM ALL STREET RIGHT-OF-WAYS UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
3. THE FRONT 10 FEET AND THE ENTIRE BUILDING SETBACK WITHIN 5 FEET OF SIDE LOT LINES IS A UTILITY EASEMENT.
3. NO PERMANENT STRUCTURES 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. THESE LOTS ARE SERVED BY THE ANCHOR POINT SAFE WATER CORPORATION PUBLIC WATER SYSTEM (PWS #247490).
6. NO STRUCTURES ARE PERMITTED WITHIN THE PANHANDLE PORTION OF THE FLAG LOTS AND THERE COULD BE POSSIBLE LIMITATIONS ON FURTHER SUBDIVISION BASED ON ACCESS ISSUES, DEVELOPMENT TRENDS IN THE AREA, OR TOPOGRAPHY.
7. DEVELOPMENT IN THESE LOTS IS SUBJECT TO COVENANTS, CONDITIONS AND RESTRICTIONS RECORDED FEBRUARY 9, 2011 (HM 2011-000476-0). THE BOROUGH WILL NOT ENFORCE PRIVATE COVENANTS, EASEMENTS OR DEED RESTRICTIONS.

WASTEWATER DISPOSAL

SOIL CONDITIONS, WATER TABLE LEVELS, AND SOIL SLOPES ON THE LOTS WITHIN THIS SUBDIVISION HAVE BEEN FOUND SUITABLE FOR CONVENTIONAL ONSITE WASTEWATER TREATMENT AND DISPOSAL. SYSTEMS SERVING SINGLE-FAMILY OR DUPLEX RESIDENCES AND THE RENTAL OF THE REMAINDER OF THE LOT TO A SINGLE PENINSULA BOROUGH. ANY OTHER TYPE OF ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEM MUST BE DESIGNED BY A QUALIFIED ENGINEER, REGISTERED TO PRACTICE IN ALASKA, AND THE DESIGN MUST BE APPROVED BY THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

ENGINEER LICENSE # DATE

LINE TABLE

LINE	BEARING	DISTANCE
L1	N 59°56'18" E	23.10'
L2	N 60°03'42" W	23.09'

LEGEND

- INDICATES 5/8" REBAR WITH 2" ALCAP (5780-S, 2007) RECOVERED THIS SURVEY
- ⊗ INDICATES MONUMENT OF RECORD
- INDICATES 3/4" IRON PIPE (268-S NO DATE) RECOVERED THIS SURVEY
- INDICATES 5/8" REBAR WITH 2" ALCAP (3686-S 1986) RECOVERED THIS SURVEY
- INDICATES 5/8" X 30" REBAR WITH 2" ALCAP (7538-S, 2023) SET THIS SURVEY

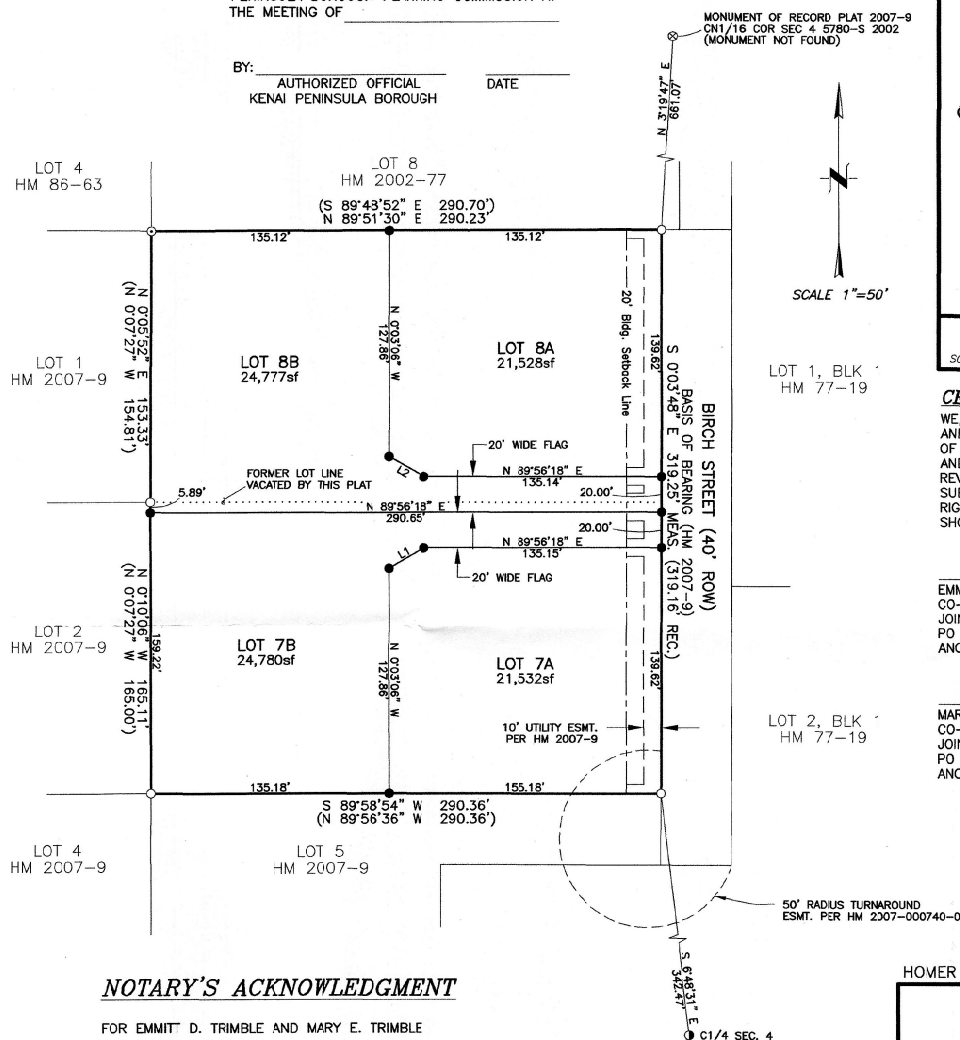
() RECORD DIMENSION PER PLAT 2002-77

PLAT APPROVAL

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

BY: _____
 AUTHORIZED OFFICIAL
 KENAI PENINSULA BOROUGH

DATE _____



NOTARY'S ACKNOWLEDGMENT

FOR EMMITT D. TRIMBLE AND MARY E. TRIMBLE
ACKNOWLEDGED BEFORE ME THIS _____
DAY OF _____, 2023.

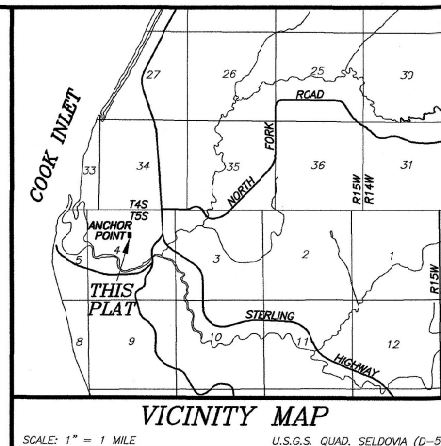
NOTARY PUBLIC FOR ALASKA

MY COMMISSION EXPIRES:



0 50' 100' 150' 200'

GRAPHIC SCALE



CERTIFICATE OF OWNERSHIP

WE, THE UNDERSIGNED, HEREBY CERTIFY THAT THE EMMITT AND MARY TRIMBLE JOINT REVOCABLE TRUST IS THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON, AND ON BEHALF OF THE EMMITT AND MARY TRIMBLE JOINT REVOCABLE TRUST, 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.

EMMITT D. TRIMBLE
CO-TRUSTEE, EMMITT AND MARY TRIMBLE
JOINT REVOCABLE TRUST
PO BOX 193
ANCHOR POINT, ALASKA 99556

MARY E. TRIMBLE
CO-TRUSTEE, EMMITT AND MARY TRIMBLE
JOINT REVOCABLE TRUST
PO BOX 193
ANCHOR POINT, ALASKA 99556

HOMER RECORDING DISTRICT KPB FILE No. 2023-???

MARYSVILLE 2023

BEING A SUBDIVISION OF LOTS 7 AND 8,
MARYSVILLE NO. 4 (2007-9 HRD)
LOCATED WITHIN THE SE1/4 SE1/4 NW1/4, SEC 4,
T. 5 S., R. 15 W., SEWARD MERIDIAN, KENAI PENINSULA
BOROUGH, THIRD JUDICIAL DISTRICT, ALASKA
CONTAINING 1.000 ACRES

OWNERS:
EMMITT AND MARY TRIMBLE JOINT REVOCABLE TRUST
PO BOX 193 ANCHOR POINT, AK 99556

GEOVERA, LLC

PO BOX 3235
HOMER ALASKA 99603
(907) 399-4345
EMAIL: scsmith@qci.net

EMAIL: scsmith@gci.net

DRAWN BY: SCS	DATE: OCTOBER 2023	SCALE: 1" = 50'
CHK BY: SCS	JOB #2023-44	SHEET 1 OF 1

AGENDA ITEM E. NEW BUSINESS

**ITEM #3 - PRELIMINARY PLAT
MARYSVILLE 2023**

KPB File No.	2023-106
Plat Committee Meeting:	November 13, 2023
Applicant / Owner:	Emmitt and Mary Trimble Joint Revocable Trust of Anchor Point, Alaska
Surveyor:	Stephen Smith / Geovera, LLC
General Location:	Anchor Point / Anchor Point APC

Parent Parcel No.:	169-040-40 and 41
Legal Description:	T 5S R 15W SEC 4 Seward Meridian HM 2007009 Marysville Sub No 4 Lot 7 and 8
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	Community Water / On site Sewer
Exception Request	20.30.120

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide two lots into four lots ranging in size from 21,528 square feet (.494 acres) to 24,780 square feet (.569 acres).

Location and Legal Access (existing and proposed): This subdivision is accessed via Sterling Highway at approximately mile marker 157 to School Avenue to Birch Street. Birch Street has varying widths and is not currently maintained but is constructed to the property. The portion the subdivision fronting along Birch Street is 40-foot-wide along the east boundary. Birch Street was granted an exception on the parent plat for the reduced width. No additional dedication is proposed with this plat.

The Planning Commission granted this exception at the January 24, 2005 meeting. The following paragraph was taken from the minutes of the 2005 meeting "It is not reasonable to assume the proposed Birch Street half dedication will ever be matched from the adjoining small acreage lots. Staff worked with the developer and the subdivision will be redesigned to provide a 40-foot right-of-way. This will require an exception that will be addressed further in this report. The 40-foot dedication will be open-ended, with no cul-de-sac. The owner will reserve a temporary turnaround/maintenance easement large enough to accommodate a 50-foot radius turnaround at the end of the dedication. This will be reserved for emergency vehicle use to satisfy the needs of the Uniform Fire Code, and for road maintenance/snow storage turnaround purposes, if need. The easement will be reserved/granted by document, with the recording information provided on the plat, to allow a change in the easement by document if the status of the right-of-way or adjoining subdivisions ever change."

It is unlikely for additional rights-of-ways to be obtained in this area due to location of existing roads and structures. There are also large unsubdivided parcels to the south and the Anchor River State Recreation Area. ***Staff recommends: the plat committee concur an exception to block length is not required.***

There are patent easements located within the Birch Street right-of-way. At this time KPB does not have any code that addresses vacations of patent easements and removal of those easements would happen outside of KPB platting actions. ***Staff recommends: the depiction of the patent easements be carried forward.***

KPB Roads Dept. comments	Out of Jurisdiction: No Roads Director: Griebel, Scott
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	Comments: Birch St will not qualify for maintenance without additional dedication and alignment corrections. If resolved, it would be positive to see the plat granted turnaround easement formally dedicated.
SOA DOT comments	No comment

Site Investigation:

There is no steep terrain on the plat and land is flat on proposed subdivision with a slight slope to the south.

There are no classified wetlands, the plat note regarding wetland determination is present and can remain. The area is in a flood hazard area as designated by FEMA maps and noted by the River Center below, appropriate plat notes for flood hazard should be added.

According to Assessing records both lots are vacant at this time.

KPB River Center review	<p>A. Floodplain</p> <p>Reviewer: Hindman, Julie Floodplain Status: IS in flood hazard area Comments: Flood Zone: X (shaded) Map Panel: 02122C-1890E In Floodway: False Floodway Panel:</p> <p>B. Habitat Protection</p> <p>Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments</p> <p>C. State Parks</p> <p>Reviewer: Comments:</p>
State of Alaska Fish and Game	

Staff Analysis These parcels were originally aliquot described parcels subdivided by Marysville No 4 HM 2007-9. No additional platting actions have happened for the subject parcels.

Per KPB Code 20.30.200(C) – Lots-Minimum size there are two conditions that are required to be met if lot size is smaller than 40,000 square feet. Except in cities where zoning and subdivision regulations establish different minimums, lots must be designed to meet the following area requirements:

C. Subdivisions designed to be served by public wastewater disposal and water systems but not yet served by such systems may be permitted to contain lots of less than 40,000 square feet if the following conditions are met:

1. The available area may be reduced to 20,000 square feet when public water or wastewater disposal system is available, complying with KPB 20.40;

2. A statement from an engineer affixed with his seal and signature attesting that the proposed lot design and associated building restrictions will assure adequate area is available to each building site for safe on-site well and wastewater disposal, including area for a replacement wastewater disposal system.

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

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

Anchor Point Advisory Planning Commission minutes for the November 9, 2023 meeting were not available when the staff report was prepared (KPB 21.02.020). These will be provided with the desk packet if available.

Utility Easements The parent plat, HM 2007-9, granted ten-foot utility easements along Birch Street and appear to be shown and notated correctly.

The Certificate to Plat did not indicate any additional easements that need to be added to the plat.

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

Utility provider review:

HEA	No comment
ENSTAR	
ACS	No comment
GCI	

KPB department / agency review:

Addressing	<p>Reviewer: Leavitt, Rhealyn</p> <p>Affected Addresses: 34395 BIRCH ST, 34427 BIRCH ST</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names: BRICH ST</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: 34395 BIRCH ST will remain with lot 8A</p>
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	34427 BIRCH ST will remain with lot 7A
Code Compliance	Reviewer: Ogren, Eric Comments: No comments
Planner	Reviewer: Raidmae, Ryan There are not any Local Option Zoning District issues with this proposed plat. Material Site Comments: There are not any material site issues with this proposed plat.
Assessing	Reviewer: Windsor, Heather Comments: No comment
Anchor Point Advisory Planning Commission	

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

STAFF RECOMMENDATIONS

CORRECTIONS / EDITS

- Add KPB No 2023-106 to title block.
- *Correct the numbering of the plat notes.*
- *Add a distance on the back of Lot 8B.*
- *Add the meeting date of November 13th, 2023 to the Plat Approval.*
- *Reference plat in the legend should be HM 2007-9.*

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.

- D. A vicinity map, drawn to scale showing location of proposed subdivision, north arrow if different from plat orientation, township and range, section lines, roads, political boundaries, and prominent natural and manmade features, such as shorelines or streams;
Staff recommendation: Add labels for Anchor Point Road and Old Sterling highway. It could also be beneficial to reduce the visible area.

KPB 20.30 – Subdivision Design Requirements

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

20.30.280. Floodplain requirements.

- 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 21.06.030, 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.

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: to comply with 20.40 conditions one and two of 20.30.200I will need to be met.

Staff recommendation: comply with 20.40.

KPB 20.60 – Final Plat

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

20.60.090 Improvements-Other public systems. A final plat of a subdivision outside city limits served by a public or existing ADEC approved water or wastewater disposal system shall not be approved prior to provision of documentation from the owner of the system that service to the system is installed and available to each lot in the subdivision, and that connection to all lots will not exceed the capacity of the system.

Staff recommendation: documentation from the Anchor Point Safe Water Corporation Public Water System confirming the lots will be able to connect shall be submitted to staff.

EXCEPTIONS REQUESTED:

A. KPB 20.30.120 – Streets – Width requirements

Surveyor's Discussion: I recently submitted the preliminary plat of Marysville 2023. An exception to KPB 20.20.110 minimum width for the Birch Street right-of-way was granted on 1/24/2005 per plat note 11 of the parent plat, which I carried over on the new plat. I would like to officially request an exception to KPB 20.30.120 Streets – Minimum Width.

Staff Discussion:

20.30.120. - Streets—Width requirements.

A. The minimum right-of-way width of streets shall be 60 feet.

Findings:

1. The exception was previously granted by the Plat Committee at the January 24, 2005 meeting for plat HM 2007-9.
2. Birch Ave is 20' short of minimum width.
3. Lots within the subdivision will all have direct access to Birch Street.
4. Per the cul-de-sac easement recorded under serial number 2007-000740-0: Road maintenance, snow storage and emergency vehicle turnaround area will be accommodated by the easement.
5. Title to the turnaround easement remains with the property owners.
6. The subdivision is creating 4 new lots.
7. Parent plat HM 2007-9 granted the existing portion of Birch Street.

Staff reviewed the exception request and recommends granting approval.

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

Page 5 of 6

Unless prohibited under this title, the commission (committee) may authorize exceptions to any of the requirements set forth in this title. Application for an exception shall present the commission (committee) with substantial evidence, justifying the requested waiver or exception stating fully the grounds for the application and the facts relied upon. All exceptions must be requested and granted at the time of preliminary plat approval. Exceptions may not be requested with a final plat submittal.

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

1. That special circumstances or conditions affecting the property have been shown by application;
Findings 1, 3, 4 & 7 appear to support this standard.
2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title;
Findings 1, 3-7 appear to support this standard.
3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.
Findings 1, 3-7 appear to support this standard.

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

RECOMMENDATION:

SUBJECT TO EXCEPTION(S) GRANTED, STAFF RECOMMENDS:

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

NOTE: 20.25.120. - REVIEW AND APPEAL.

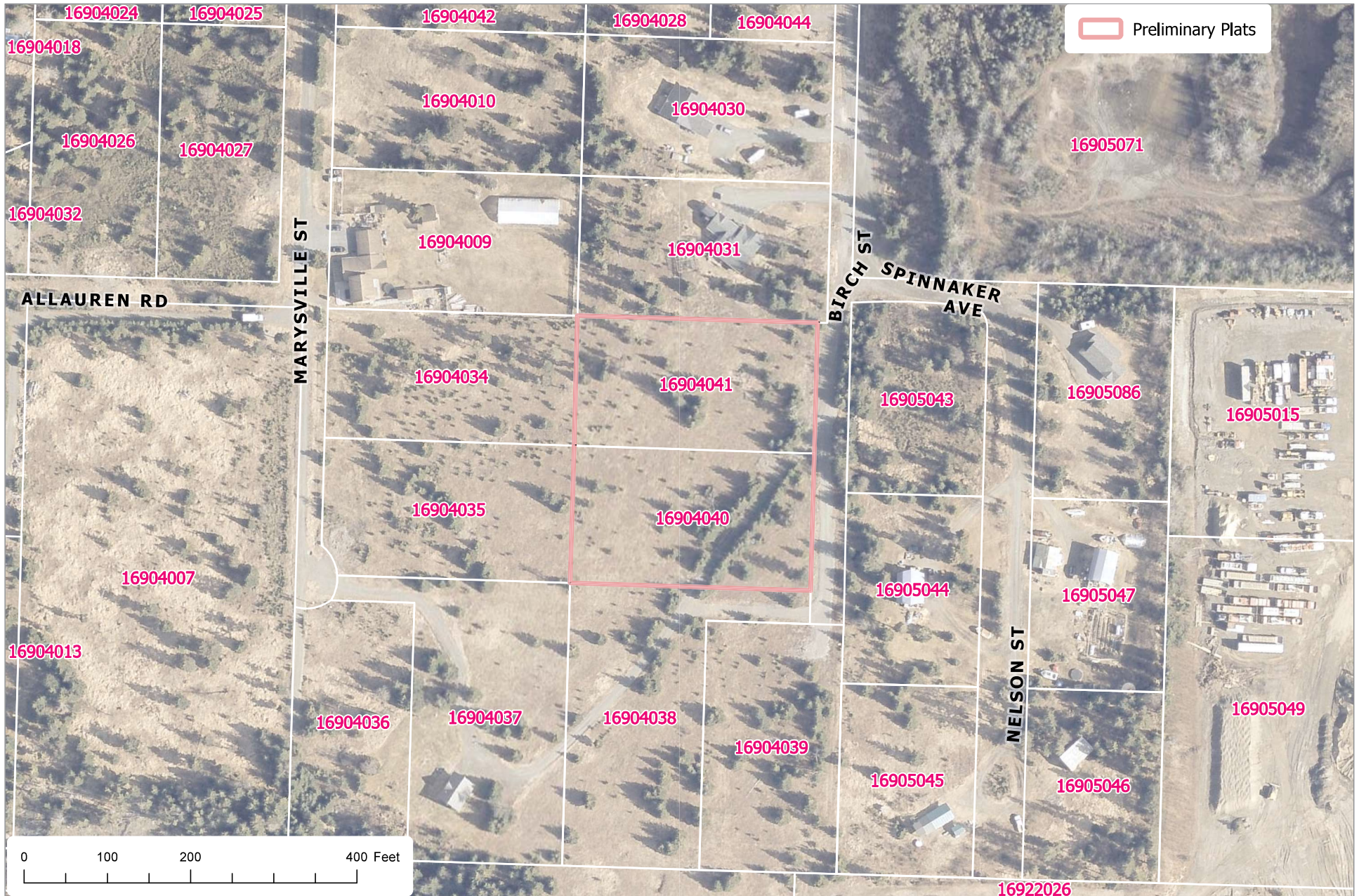
A PARTY OF RECORD MAY REQUEST THAT A DECISION OF THE PLAT COMMITTEE BE REVIEWED BY THE PLANNING COMMISSION BY FILING A WRITTEN REQUEST WITHIN 15 DAYS OF NOTIFICATION OF THE DECISION IN ACCORDANCE WITH KPB 2.40.080.

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

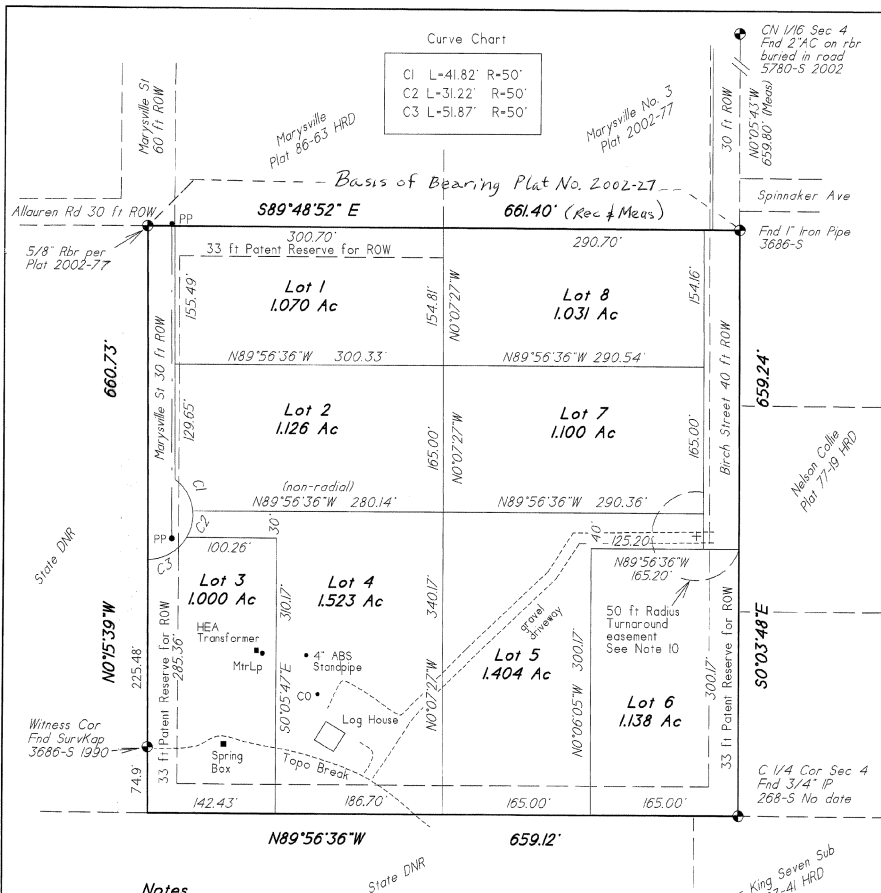
END OF STAFF REPORT



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



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



Notes

1. All wastewater disposal systems shall comply with existing applicable laws at the time of construction.
2. A building setback of 20 feet is required from the edge of street rights-of-way unless a lesser standard is approved by resolution of the appropriate Planning Commission.
3. No permanent structures shall be constructed or placed within an easement which would interfere with the ability of a utility to use the easement.
4. The front 10 ft. and the entire building setback within 5 ft. of side lot lines is a utility easement.
5. Existing overhead powerlines are centerline of a 20 ft. wide electrical distribution easement.
6. Set 2" self identifying Aluminum cap on 5/8" x 36" long steel rebar at all lot corners unless noted otherwise.
7. 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.
8. Homer Electric Association reserves a 15 ft wide electrical distribution line easement centered on the existing buried power line.
9. No structures are permitted within the panhandle portion of any flag lot(s).
10. Turnaround easement granted to K.P.B.
reference Serial No. 2007-740 HRD

11. An exception to KPB 20.20.110 (minimum R.O.W. width for Birch Street) was approved by the K. P.B. Planning Commission at its meeting on January 24, 2005.

Wastewater Disposal

Soil conditions, water table levels, and soil slopes in this subdivision have been found suitable for conventional onsite wastewater treatment and disposal systems serving single family or duplex residences and meeting the regulatory requirements of the Kenai Peninsula Borough. Any other type of onsite wastewater treatment and disposal system must be designed by a professional engineer, registered to practice in Alaska, and the design must be approved by the Alaska Department of Environmental Conservation.


 CE-9922 7-6-06
 Engineer Licence No. Date



Surveyors Certificate

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

Date 6/17/82 Roger W. Imhoff LS 5780

Plat Approval

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

January 24, 2005

KENAI PENINSULA BOROUGH

By: Max J. Best
Authorized Official

2007-9
Home REC DTS
Date 2/27 200
Time 1:24 P
Requested By Imhoff
Address

Ownership Certificate

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

Emmitt & Mary Trimble Joint Revocable Trust
by Emmitt D. Trimble, Co-Trustee Date
PO Box 193
Anchor Point Ak 99556

Mary E Trimble 8/28/06
 Emmitt & Mary Trimble Joint Revocable Trust
 by Mary E. Trimble, Co-Trustee Date
 PO Box 193
 Anchor Point Ak 99556

Notary's Acknowledgement
Subscribed and sworn to me before me this 28th day
of August, 2006

for Emmitt D. Trimble

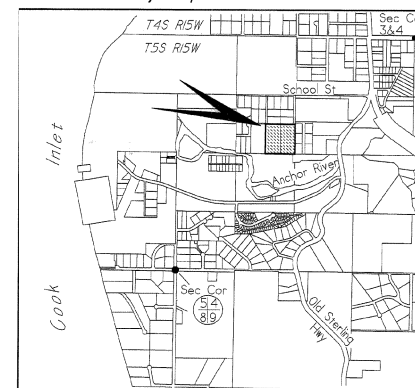
Notary Public for Alaska
My Commission Expires 12-21-06

Notary's Acknowledgement
Subscribed and sworn to me before me this 28th day
of Aug, 2006

for Mary E. Trimble

Notary Public for Alaska
My Commission Expires 12-21-06

Vicinity Map 1" - 2000 ft



Marysville No. 4

Being a subdivision of the W 1/2 SE 1/4 SE 1/4 NW 1/4 and the
E 1/2 SE 1/4 SE 1/4 NW 1/4 Section 4, T5S, R15W, 5M

Homer Recording District, Third Judicial District
State of Alaska

Containing 10.004 Acres. more or less

Clients Emmitt & Mary Trimble PO Box 193 Anchor Point Ak 99556	Surveyor: Roger W. Inhoff, RLS PO Box 2588 Homer Ak 99603	FB 2004-4/6
		Drawn RWI
		Scale 1" = 100 Ft
Date 10-04-04	File marysville4.vcd	KPB File No. 2004-277

KENAI PENINSULA BOROUGH PLAT COMMITTEE
ASSEMBLY CHAMBERS
BOROUGH ADMINISTRATION BUILDING
144 NORTH BINKLEY STREET
SOLDOTNA, ALASKA

January 24, 2005 - 6:30 P.M.

APPROVED MINUTES

AGENDA ITEM A. CALL TO ORDER

Commissioner Martin called the meeting to order at 6:30 p.m.

AGENDA ITEM B. ROLL CALL

Plat Committee Members

Rick Foster, Homer City
Mari Anne Gross, Southwest Borough
Lynn Hohl, Seward City
Blair Martin, Kalifornsky Beach
Ray Tauriainen, Northwest Borough

Staff Present

Max Best, Planning Director
Mary Toll, Platting Officer
Patti Hartley, Administrative Assistant

Others Present

Jerry Johnson, Johnson Surveying
Emmitt Trimble

AGENDA ITEM C. APPROVAL OF AGENDA

1. Agenda
2. Plat Committee Member/Alternate Excused Absences – None Requested
3. Minutes
 - a. January 10, 2005

MOTION: Commissioner Gross moved, seconded by Commissioner Hohl, to approve the agenda, member/alternate excused absences, and minutes. Seeing and hearing no discussion or objection, the motion passed by unanimous consent.

AGENDA ITEM D. SUBDIVISION PLAT PUBLIC HEARINGS

1. Marysville No 4
 KPB 2004-277; Imhoff/Trimble

Staff Report as read by Patti Hartley

Plat Committee Meeting: 1/24/05

This plat was originally scheduled for review at the October 25, 2004 Plat Committee. At the request of the owner, action was postponed to January 24, 2005 meeting. This gave the owner time to meet with staff and resolve some design concerns.

Half rights-of-way ending in half bulb cul-de-sacs were proposed along both the east and west boundaries. The parcel

to the west has been selected as a Borough municipal entitlement. The state would retain the southern portion of the parcel. The plat shows the 33-foot patent easement on that parcel. The required match would be located within the eventual Borough-owned portion of the parcel. Staff had originally requested an offset bulb into the new subdivision since the fully required 50-radius match would not be encompassed within the 33-foot easement. With the potential for future borough ownership, staff is removing this recommendation for an offset bulb. The proposed half dedication is an acceptable design on the west boundary. **Staff recommends** the surveyor work with KPB GIS to verify the suffix since it will now be a cul-de-sac.

The lots to the east are .86 acre (37,400 SF) subdivided lots. They are served by frontage on Nelson Street. KPB 20.20.100 notes that half streets shall generally not be allowed except where one of the following circumstances applies:

1. The street is identified on the Borough road plan as arterial;
2. The street is a logical extension of an existing street;
3. The remaining half street can reasonably be expected to be dedicated.

It is not reasonable to assume the proposed Birch Street half dedication will ever be matched from the adjoining small acreage lots. Staff worked with the developer and the subdivision will be redesigned to provide a 40-foot right-of-way. This will require an exception that will be addressed further in this report. The 40-foot dedication will be open-ended, with no cul-de-sac. The owner will reserve a temporary turnaround/maintenance easement large enough to accommodate a 50-foot radius turnaround at the end of the dedication. This will be reserved for emergency vehicle use to satisfy the needs of the Uniform Fire Code, and for road maintenance/snow storage turnaround purposes, if need. The easement will be reserved/granted by document, with the recording information provided on the plat, to allow a change in the easement by document if the status of the right-of-way or adjoining subdivisions ever change.

The adjacent lots to the east are effectively double frontage lots even without a dedication, by virtue of the patent easement. The proposed dedication will only change this situation in that it will give regulation and enforcement of that access to a specific public entity – the Kenai Peninsula Borough.

The existing driveway angling through 4 of the 8 lots in the subdivision will be abandoned and the owner will construct access within the proposed dedications.

Both parcels to the south have access provided by existing dedications or public easements. Dedicated access does not appear to be necessary.

The owner may pursue vacation of a portion of the patent easements affecting the subdivision in a future, separate action.

Per the submittal, topography is almost flat to the top of the bluff above the Anchor River. The subdivision is located within uplands, with no low wet areas within the boundaries.

Satellite imagery shows two cleared travel ways or drainages in the western portion. One extends through the subdivision to the area around the Anchor River. **Staff recommends** the travel ways be shown and their uses noted on the plat.

Per Planning Commission Resolution 2000-25, if the Certificate to Plat indicates any beneficial interests affect this property, they will be notified and 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.

Anchor Point Advisory Planning Commission recommended approval of the original design.

Staff recommends any exceptions granted by the Plat Committee be noted on the final plat.

Exceptions requested:

A. KPB 20.20.110 Minimum right-of-way width for Birch Street

Staff discussion: A 40-foot right-of-way is acceptable if it serves no more than 3 lots. The owner's proposed 40-foot dedication will serve 4 lots.

Findings:

1. The parcel is served by a 33-foot patented ROW reserve.
2. There is no limit to the amount of development that could take place on the unsubdivided parcel.
3. The amount of use of the easement associated with development of the unsubdivided parcel cannot be estimated.
4. The subdivision will create individual lots, 4 of which will be accessed by way of the proposed dedication.
5. Development will be limited by lot size.
6. Development may be further limited if covenants or restrictions are placed upon the lots by the owner.
7. Regulation authority for use of the patent easement is not clearly defined or accepted by any public entity.
8. Regulation of a Borough accepted dedication is clearly defined and accepted by the Kenai Peninsula Borough.
9. The 40-foot dedication will be approximately 300 feet in length, a short right-of-way.
10. The parcels within the adjacent 1977 subdivision front on Nelson Street, a constructed right-of-way.
11. Road maintenance, snow storage and emergency vehicle turnaround area will be accommodated by easement.

Planning staff has reviewed this request and recommends granting the exception.

20.24.010 provides that the commission may authorize exceptions to any of the requirements set forth in Title 20. This section also states - The commission shall find the following facts before granting any exceptions:

1. That special circumstances or conditions affecting the property have been shown by application;
Findings 1-11 appear to satisfy this condition.
2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title;
Findings 1-11 appear to satisfy this condition.
3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.
Findings 1-11 appear to support this condition.

Staff requests and recommends the commission make their findings, tying them specifically to each of the above three facts, and vote on the requested exceptions in a separate motion.

STAFF RECOMMENDATIONS: Grant approval of the preliminary plat subject to any above recommendations, and the following conditions:

REVISE OR ADD TO THE PRELIMINARY PLAT IN ACCORDANCE WITH THE PROVISIONS CONTAINED IN KPB 20.12 AS FOLLOWS:

1. Provide a north arrow per KPB 20.12.060.
2. Vicinity Map – label prominent features, such as the Anchor River, Old Sterling Highway.
3. Confirm the names of adjacent subdivisions.

ADDITIONAL REQUIREMENTS FOR ADMINISTRATIVE APPROVAL OF THE FINAL PLAT IN ACCORDANCE WITH TITLE 20 INCLUDE:

4. Correct spelling of Plat in status label to the east.
5. Correct suffix of Marysville Street. Verify with KPB GIS.
6. Survey and monumentation must meet the ordinance requirements.
7. Place a note on the plat for lots with a flag lot design: "No structures are permitted within the panhandle portion of the flag lots."
8. Provide the building setback statement to comply with KPB 20.20.230.
9. Conform to conditions of KPB Planning Commission Resolution 78-6.
10. Comply with Chapter 20.16.155 D and 20.14 Wastewater Disposal regulations.
11. Compliance with Ordinance 90-38 (Substitute) - Ownership.
12. Compliance with Ordinance 93-59 - Payment of all taxes due prior to final approval. If final approval and filing of

plat is sought between January 1 and the tax due date, the full amount of the estimated taxes will be on deposit with the Finance Department.

NOTE: A NOTICE OF RECONSIDERATION MAY BE TAKEN FROM THE DECISION OF THE PLAT COMMITTEE TO THE PLANNING COMMISSION ACTING AS PLATTING BOARD BY FILING WRITTEN NOTICE THEREOF WITH THE BOROUGH PLANNING DIRECTOR ON A FORM PROVIDED BY THE BOROUGH WITHIN 10 DAYS AFTER NOTIFICATION OF THE DECISION OF THE PLAT COMMITTEE BY PERSONAL SERVICE, SERVICE BY MAIL, OR PUBLICATION 2.40.080 BOROUGH CODE OF ORDINANCES).

THE NOTICE OF RECONSIDERATION SHALL BRIEFLY STATE THE REASON RECONSIDERATION IS REQUESTED AND THE APPLICABLE PROVISIONS OF THE BOROUGH CODE OR OTHER LAW UPON WHICH RECONSIDERATION IS BASED.

END OF STAFF REPORT

Chairman Martin read the rules by which hearings are conducted.

Chairman Martin opened the meeting for public comment. Seeing and hearing no one wishing to comment, Chairman Martin closed the public hearing and opened discussion among the Committee.

There being no discussion, the Committee proceeded to vote.

MOTION: Commissioner Gross moved, seconded by Commissioner Tauriainen to grant approval of exception 20.20.110; Minimum right-of-way width for Birch Street citing the findings stated by staff.

Findings

1. The parcel is served by a 33-foot patented ROW reserve.
2. There is no limit to the amount of development that could take place on the unsubdivided parcel.
3. The amount of use of the easement associated with development of the unsubdivided parcel cannot be estimated.
4. The subdivision will create individual lots, 4 of which will accessed by way of the proposed dedication.
5. Development will be limited by lot size.
6. Development may be further limited if covenants or restrictions are placed upon the lots by the owner.
7. Regulation authority for use of the patent easement is not clearly defined or accepted by any public entity.
8. Regulation of a Borough accepted dedication is clearly defined and accepted by the Kenai Peninsula Borough.
9. The 40-foot dedication will be approximately 300 feet in length, a short right-of-way.
10. The parcels within the adjacent 1977 subdivision front on Nelson Street, a constructed right-of-way.
11. Road maintenance, snow storage and emergency vehicle turnaround area will be accommodated by easement.

VOTE: The motion passed by unanimous consent.

FOSTER YES	GROSS YES	HOHL YES	MARTIN YES	TAURIAINEN YES	5 YES
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MOTION: Commissioner Foster moved, seconded by Commissioner Gross to grant approval of the preliminary plat per staff recommendations and twelve conditions.

Conditions

1. Provide a north arrow per KPB 20.12.060.
2. Vicinity Map – label prominent features, such as the Anchor River, Old Sterling Highway.
3. Confirm the names of adjacent subdivisions.
4. Correct spelling of Plat in status label to the east.
5. Correct suffix of Marysville Street. Verify with KPB GIS.
6. Survey and monumentation must meet the ordinance requirements.
7. Place a note on the plat for lots with a flag lot design: “No structures are permitted within the panhandle portion of the flag lots.”
8. Provide the building setback statement to comply with KPB 20.20.230.
9. Conform to conditions of KPB Planning Commission Resolution 78-6.

10. Comply with Chapter 20.16.155 D and 20.14 Wastewater Disposal regulations.
11. Compliance with Ordinance 90-38 (Substitute) - Ownership.
12. Compliance with Ordinance 93-59 - Payment of all taxes due prior to final approval. If final approval and filing of plat is sought between January 1 and the tax due date, the full amount of the estimated taxes will be on deposit with the Finance Department.

VOTE: The motion passed by unanimous consent.

FOSTER YES	GROSS YES	HOHL YES	MARTIN YES	TAURIAINEN YES	5 YES
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AGENDA ITEM D. SUBDIVISION PLAT PUBLIC HEARINGS

2. Ninilchik Airport Heights 2005 Addition
KPB 2005-025; Imhoff/Trimble

Staff Report as read by Patti Hartley

Plat Committee Meeting: 1/24/05

Location: South of Oilwell Road in Ninilchik
 Proposed Use: Residential, Recreational
 Zoning: Unrestricted
 Sewer/Water: On-site
 Assessing Use: Vacant

Supporting Information:

The parcels proposed for subdivision were presented to the Planning Commission in March and June 1996 and the Plat Committee in April 1997. The plat was repeatedly brought to the Commission and Committee due to staff's strong concerns regarding access and the airstrip. The plat was not finalized.

Ownership of the property and the surveying firm has changed since that time. A new preliminary has been submitted.

The current plat subdivides that portion of the property fronting Oilwell Road, excluding the airstrip area. Ten lots are being created that range in size from 1.6 acres to 2.3 acres. A soils report will be required, and an engineer will sign the plat. Per the submittal, topography is fairly level. The plat proposes the following dedications:

- 30-foot dedication of Brody Street, a section line easement, on the western side of Lot 1,
- 20-foot dedication of Stinson Court on the western side of Lot 4, bringing it to a full 50-foot dedication per the Code, and
- 30-foot half right-of-way of Aeronca Street on the eastern side of Lot 10.

Staff met with the owner regarding the proposed design. He is not proposing any design within the unsubdivided remainder until he can resolve the airstrip easement with the State of Alaska. He will redesign the final subdivision to provide a dedication along the existing travel way, as was shown on the prior 1996 preliminary, unless it is feasible for him to construct the alternate proposed access within the area of Aeronca Street, prior to final plat. The terrain may not be as suitable for road dedication/construction within Aeronca Street as it is in the existing travel way. Access to the unsubdivided remainder will be provided with this plat and access to the surrounding acreage parcels will be provided when the remainder is subdivided. **Staff recommends** Note 7 be removed.

The 33-foot section line easement along the western and southern boundaries of the unsubdivided remainder has been shown.

The surveyor found differences in the location of Oilwell Road among the recorded plats for Handlers Hill, Fishhaven, and Tract B Ninilchik Airpark Heights. He will attempt to resolve the differences for the final plat.

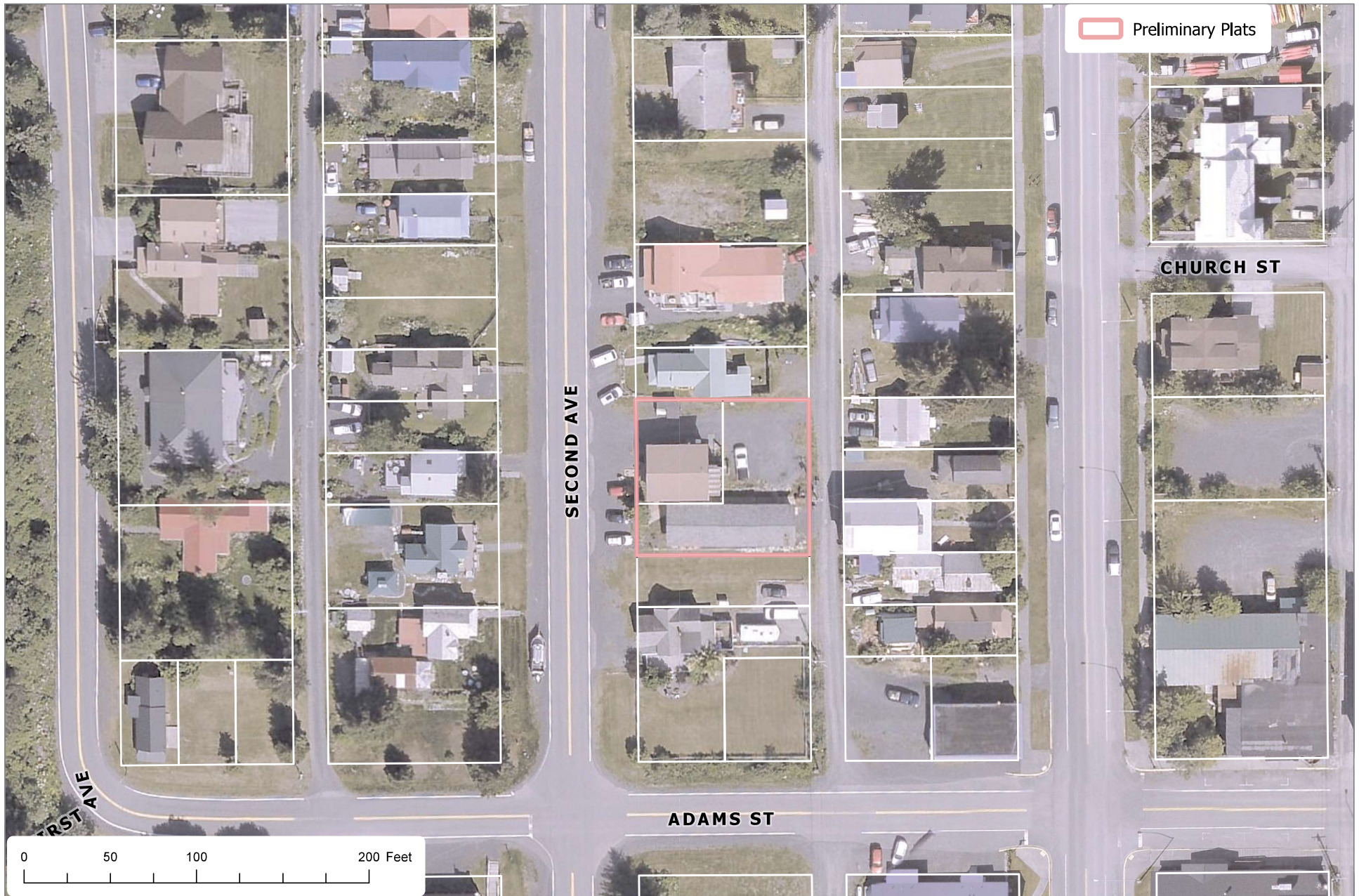
The Certificate to Plat was provided in accordance with Planning Commission Resolution 2000-25. The Certificate to Plat indicates beneficial interests affect this property. The beneficial interests were notified and given 30 days from the date of the mailing of the notification to respond. They are given the opportunity to notify staff if their beneficial interest

E. NEW BUSINESS

- 4. Seward Original Townsite Verhey Replat; KPB File 2023-108
AK Lands / Verhey
Location Second Avenue
City of Seward**



KPB File 2023-108
T 01S R 01W SEC 10
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 HEREBY CERTIFY THAT THE CITY OF SEWARD IS THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND THAT ON BEHALF OF THE CITY OF SEWARD I HEREBY ADOPT THIS PLAN OF SUBDIVISION AND BY MY FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

OWNER
RICHARD AND JANETTE VERHEY
116 KLAMERIA ST.
DENVER, COLORADO 80220

AUTHORIZED OFFICIAL SIGNATURE _____ DATE: _____

TITLE _____ PRINTED NAME _____

NOTARY'S ACKNOWLEDGMENT

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

NOTARY PUBLIC FOR ALASKA

MY COMMISSION EXPIRES: _____

CERTIFICATE OF OWNERSHIP AND DEDICATION

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

OWNER
JANETTE VERHEY
116 KLAMERIA ST.
DENVER, COLORADO 80220

AUTHORIZED OFFICIAL SIGNATURE _____ DATE: _____

TITLE _____ PRINTED NAME _____

NOTARY'S ACKNOWLEDGMENT

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

NOTARY PUBLIC FOR ALASKA

MY COMMISSION EXPIRES: _____

CERTIFICATE OF OWNERSHIP AND DEDICATION

OWNER
VANESSA VERHEY
PO BOX 1174
SEWARD, ALASKA 99664

AUTHORIZED OFFICIAL SIGNATURE _____ DATE: _____

TITLE _____ PRINTED NAME _____

NOTARY'S ACKNOWLEDGMENT

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

NOTARY PUBLIC FOR ALASKA

MY COMMISSION EXPIRES: _____

PLAT APPROVAL

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

KENAI PENINSULA BOROUGH

AUTHORIZED OFFICIAL SIGNATURE _____

LEGEND

- (R) RECORD PER PLAT 2003-16
- (C) COMPUTED RECORD PER PLAT 2003-16
- O — P — OVERHEAD POWER LINE
- S — UNDERGROUND SEWER LINE
- W — UNDERGROUND WATER LINE

LOT 10

LOT 11

BLOCK 13

LOT 12

URBAN RESIDENTIAL

LOT 13

LOT 14

LOT 15

SINGLE FAMILY RESIDENTIAL

LOT 16

LOT 17

LOT 18

LOT 19

SINGLE FAMILY RESIDENTIAL

LOT 20

LOT 31

LOT 30

BLOCK 14

LOT 29

URBAN RESIDENTIAL

LOT 28

S89°57'13"W 100.02' (CR)

LOT 26A
BLOCK 14
5,990 SQ. FT.
0.137 ACRES

W 1/2 LOT 27
ORIGINAL TOWNSITE OF SEWARD
PLAT NO. 2003-16

FORMER LOT LINE

W 1/2 LOT 26
ORIGINAL TOWNSITE OF SEWARD
PLAT NO. 2003-16

S89°57'13"W 100.04'

LOT 25A,
BLOCK 14,
SHEA REPLAT
PLAT NO. 2003-16

SEWARD TOWNSITE

15' UTILITY AND SEWER EASEMENT
PLAT 2003-16

LOT 25A-1
BLOCK 14
2,997 SQ. FT.
0.069 ACRES

SINGLE FAMILY RESIDENTIAL

S 89°57'13" W 100.04' (R)

LOT 24

LOT 23

SINGLE FAMILY RESIDENTIAL

W 1/2 LOT 22

E 1/2 LOT 22

W 1/2 LOT 21

E 1/2 LOT 21

LOT 10

LOT 11

BLOCK 14

LOT 12

LOT 13

INDUSTRIAL

LOT 14

LOT 15

LOT 16

LOT 17

INDUSTRIAL

LOT 18

INDUSTRIAL

W 1/2 LOT 19

W 1/2 LOT 20

LOT 10

LOT 11

BLOCK 14

LOT 12

LOT 13

INDUSTRIAL

LOT 14

LOT 15

LOT 16

LOT 17

INDUSTRIAL

LOT 18

INDUSTRIAL

W 1/2 LOT 19

W 1/2 LOT 20

LOT 10

LOT 11

BLOCK 14

LOT 12

LOT 13

INDUSTRIAL

LOT 14

LOT 15

LOT 16

LOT 17

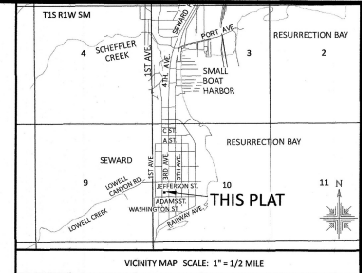
INDUSTRIAL

LOT 18

INDUSTRIAL

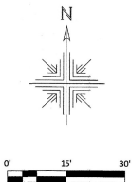
W 1/2 LOT 19

W 1/2 LOT 20



NOTES

1. THIS IS A PROPOSED PLATTING ACTION. THE BOUNDARY IS RECORD PER PLAT 2003-16.
2. NO EASEMENTS VICATED THIS PLAT.
3. UTILITY LINES AND DOWING INFORMATION ARE FROM THE CITY OF SEWARD GIS INTERACTIVE MAP.



SURVEYOR'S CERTIFICATE

I, STACY M WESSEL, PROFESSIONAL LAND SURVEYOR, HEREBY CERTIFY THAT I AM PROPERLY REGISTERED AND LICENSED TO PRACTICE LAND SURVEYING IN THE STATE OF ALASKA, THAT THIS PLAT REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, THAT THE MONUMENTS SHOWN HEREON ACTUALLY EXIST AS DESCRIBED, AND THAT ALL DIMENSIONS AND OTHER DETAILS ARE CORRECT.



PRELIMINARY PLAT

Flat of:

SEWARD ORIGINAL TOWNSITE VERHEY REPLAT

CREATING LOT 25A-1 AND LOT 26A, BLOCK 14, CONTAINING 0.206 ACRES

A SUBDIVISION OF:
LOT 25A, BLOCK 14
ORIGINAL TOWNSITE OF SEWARD
SHEA REPLAT
FILED UNDER PLAT NO. 2003-16
AND
THE WEST ONE-HALF (W 1/2) OF LOTS 26 AND 27, BLOCK 14
ORIGINAL TOWNSITE OF SEWARD
FILED UNDER PLAT NO. S-1

CITY OF SEWARD
SEWARD RECORDING DISTRICT
KENAI PENINSULA BOROUGH

LOCATEE WITHIN: SW 1/4 OF SECTION 10, T15, R1W, S1M, AK.

OWNER
VANESSA VERHEY
PO BOX 1174
SEWARD, ALASKA 99664

OWNER
RICHARD AND JANETTE VERHEY
PO BOX 1174
SEWARD, ALASKA 99664



AK Lands, Land Surveying LLC
PO Box 114485
Anchorage, AK 99511
aklands@aklands.com
http://aklands.com
(907) 744-LAND

Date: 07/06/2023 Scale: 1" = 15' Date of Survey: N/A Sheet: 1 of 1
Drawn: SMW PN:1311 Field Book: N/A KPB No. N/A

KPB 2023-108



PO Box 110485
Anchorage, AK 99515
(907) 744-LAND
aklands@aklands.com
<http://aklands.com>

July 9, 2023

City of Seward
Planning and Zoning Commission
410 Adams Street City Hall Building
Seward, AK 99664

Subject: Preliminary Plat-Verhey Replat

Dear Planning and Zoning Commission,

This letter addresses encroachments observed while conducting a survey at 308 and 310 2nd Avenue St., and how the replat will resolve these issues.

This plat reconfigures three existing lots into two lots.

1. Lot 26A will be created by combining the W ½ of Lot 26 and 27, Block 14 and the northerly portion of Lot 25A, Block 14 into one lot. A two-story building exists at 310 2nd Avenue.
 - a. Any encroachments by the building (310 2nd Ave) and its appurtenances onto the W1/2 of Lot 26 onto the W 1/2 of Lot 27 and onto the northerly portion of Lot 25A, Block 14 will be resolved when Lot 26A is created. Currently, there is a boardwalk/walk-way that extends from the front of the house into Second Ave. The boardwalk, is a couple inches above grade, and does not appear to be a permanent structure fixed to the ground. The boardwalk serves as a safe pathway from the parking area to the existing building and does not impede nor obstruct traffic.
2. The southerly remainder of Lot 25A, Block 14, will create approximately a 30' by 100' lot that was originally platted by the Townsite of Seward. A single-story building exists at 308 2nd Avenue.
 - a. A boardwalk wraps around the northerly part of the building. The boardwalk extends a little bit more than ½ foot into the W1/2 of Lot 26. The boardwalk is similar to the one described above, its a couple inches above grade, and does not appear to be a permanent structure fixed to the ground.
 - b. There is a short, wooden retaining wall that extends from the SW corner of 310 2nd Ave, jags towards the westerly property line of Lot 25 A, Block 14, runs parallel along said property line, then protrudes west extending into 2nd Ave. The wooden retaining wall serves to support the parking area in front of both buildings and protects the change of grade between the parking area and buildings. The wooden retaining wall does not impede nor obstruct traffic.

Respectfully,

AK Lands, Land Surveying by
Stacy Wessel, Professional Land Surveyor

Attachments: Pictures of the boardwalks and the wooden retaining wall.



NOTES:

- 1) BEARINGS AND DISTANCES ARE RECORD PER PLAT NO. 2003-16.
- 2) BUILDING LOCATED AT 308 SECOND AVENUE IS MEASURED TO THE FOUNDATION. THE BUILDING LOCATED AT 310 SECOND AVE. IS MEASURED TO THE SIDING, NO FOUNDATION WAS EXPOSED.
- 3) IT IS THE OWNERS RESPONSIBILITY TO DETERMINE THE EXISTENCE OF ANY EASEMENTS, COVENANTS, OR RESTRICTIONS WHICH DO NOT APPEAR ON THE RECORDED SUBDIVISION PLAT.
- 4) ENCROACHMENTS INTO THE WEST 1/2 OF LOT 27, BLOCK 14, ORIGINAL TOWNSITE OF SEWARD, PLAT 1.
 - A. THE RETAINING WALL FOR EGRESS ENCROACHES 2.7'.
 - B. THE CONCRETE PAD ENCROACHES 3.5'.
 - C. THE CANTILEVER ENCROACHES 0.7'.
 - D. THE ROOF OVERHANG ENCROACHES 2.9'.
 - E. THE CONCRETE PAD ENCROACHES 6.8'.
 - F. THE FENCE ENCROACHES 2.1'.
- 5) ENCROACHMENTS INTO THE WEST 1/2 OF LOT 26, BLOCK 14, ORIGINAL TOWNSITE OF SEWARD, PLAT 1.
 - A. THE BOARDWALK ENCROACHES 0.6'. THE BOARDWALK APPRES A COUPLE INCHES ABOVE GROUND AND DOES NOT APPEAR TO BE A PERMANENT STRUCTURE FIXED TO T
 - B. THE RETAINING WALL ENCROACHES 3.0'.
- 6) ENCROACHMENTS ONTO LOT 25A, BLOCK 14, ORIGINAL TOWNSITE OF SEWARD, SHEA REPLAT.
 - A. THE FENCE ENCROACHES 0.3'.
 - B. THE STAIRS ENCROACHES 4.5'.
 - C. THE DECK ENCROACHES 4.5'.
- 7) ENCROACHMENTS INTO SECOND AVENUE RIGHT-OF-WAY.
 - A. THE RETAINING WALL ENCROACH 6.0'.
- 8) THE BOARDWALK/DECK EXTENDS 6.2' INTO 2ND AVE. IT LIES A COUPLE OF INCHES ABOVE GRADE AND DOES NOT APPEAR TO BE A PERMANENT STRUCTURE. THIS MAY OR MAY NOT BE AN ENCROACHMENT.

I HEREBY CERTIFY THAT I HAVE PERFORMED A SURVEY OF THE FOLLOWING DESCRIBED PROPERTY: LOT 25A, BLOCK 14, SEWARD ORIGINAL TOWNSITE, SHEA REPLAT, THE WEST 1/2 OF LOT 27 AND THE WEST HALF OF LOT 26, BLOCK 14, ORIGINAL TOWNSITE OF SEWARD, LOCATED WITHIN THE SEWARD RECORDING DISTRICT, ALASKA, AND THAT THE VISIBLE IMPROVEMENTS SITUATED THEREON ARE WITHIN THE PROPERTY LINES AND NO VISIBLE ENCROACHMENTS EXIST OTHER THAN NOTED. DATED AT ANCHORAGE, ALASKA THIS 09TH DAY OF JULY 2023.



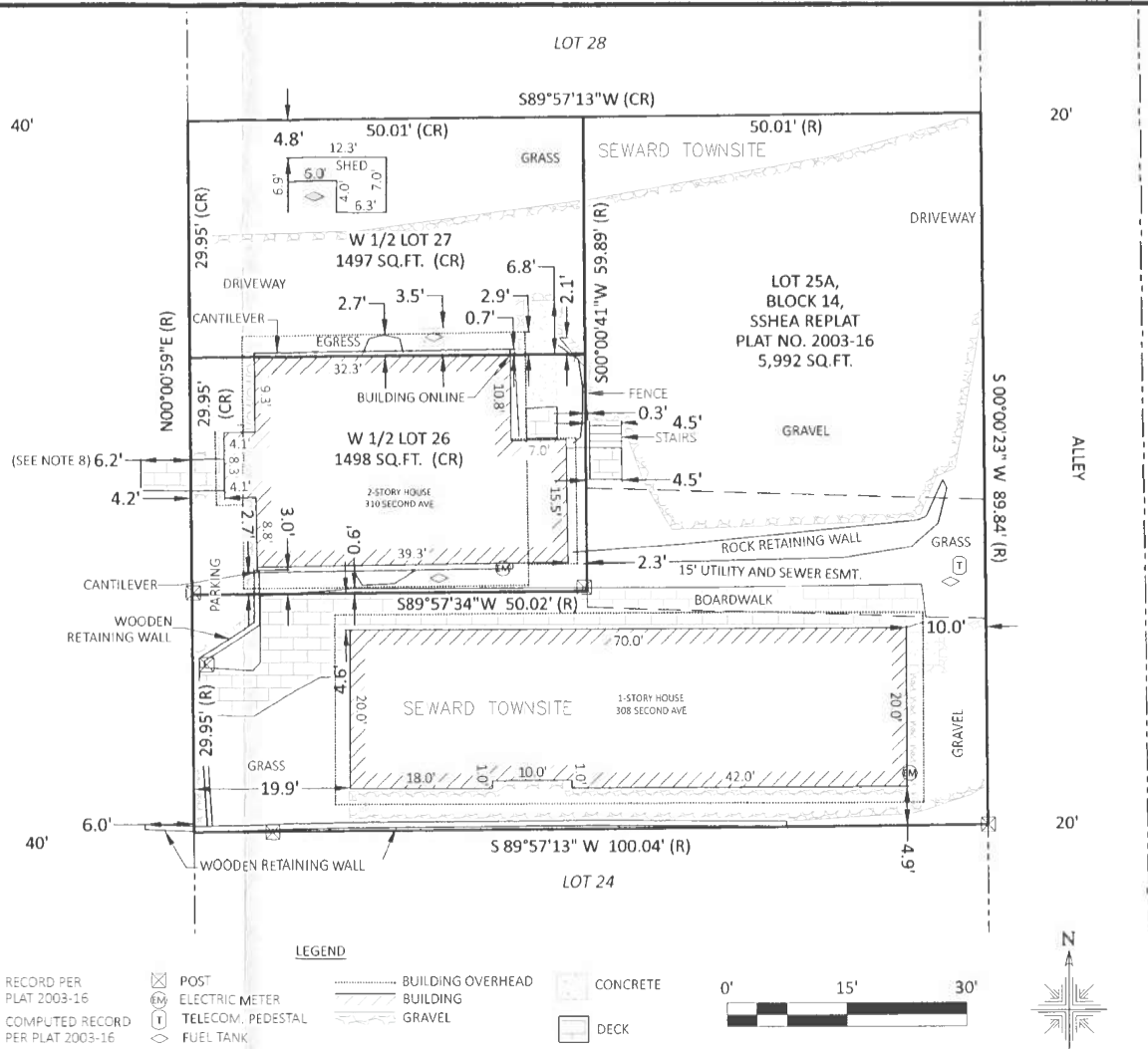
(REVISION 2) AS-BUILT OF
LOT 25A, BLOCK 14, SEWARD ORIGINAL TOWNSITE,
PLAT NO. 2003-16
THE WEST 1/2 OF LOT 27, BLOCK 14, ORIGINAL
TOWNSITE OF SEWARD, PLAT NO. 1
THE WEST 1/2 OF LOT 26, BLOCK 14, ORIGINAL
TOWNSITE OF SEWARD, PLAT NO. 1

PO BOX 110485
ANCHORAGE, AK 99511
aklands@aklands.com
(907) 744-LAND
https://aklands.com



PROJECT NO.
1311
DRAWN BY:
SMW
DATE OF FIELD SURVEY
05/31/23 & 06/01/23
FIELD BK. AND PG.
05/63&64

SECOND AVE



THIS AS-BUILT IS A REPRESENTATION OF THE CONDITIONS THAT WERE FOUND AT THE TIME THE SURVEY WAS PERFORMED AND THAT THE DOCUMENT DOES NOT CONSTITUTE A BOUNDARY SURVEY AND IS SUBJECT TO ANY INACCURACIES THAT A SUBSEQUENT BOUNDARY SURVEY MAY DISCLOSE. THE INFORMATION CONTAINED ON THE DRAWING SHALL NOT BE USED FOR ANY CONSTRUCTION PURPOSES, IMPROVEMENTS, NOR FOR THE ESTABLISHING OF PROPERTY LINES, UNLESS GROSS NEGLIGENCE IS DISCOVERED. THE LIABILITY EXTENT OF THE PREPARER IS LIMITED TO THE AMOUNT OF FEES COLLECTED FOR SERVICES IN PREPARATION OF THIS PRODUCT.

AGENDA ITEM E. NEW BUSINESS

**ITEM #4 - PRELIMINARY PLAT
SEWARD ORIGINAL TOWNSITE VERHEY REPLAT**

KPB File No.	2023-108
Plat Committee Meeting:	November 13, 2023
Applicant / Owner:	Vanessa, Richard, and Janette Verhey all of Seward, Alaska
Surveyor:	Stacy Wessel / AK Land Surveying
General Location:	City of Seward

Parent Parcel No.:	149-060-39 and 149-060-42
Legal Description:	T 1S R 1W SEC 10 Seward Meridian SW 0000001 Original Townsite of Seward W1/2 Lots 26 & 27 Block 14 T 1S R 1W SEC 10 Seward Meridian SW 2003016 Original Townsite of Seward Shea Replat Lot 25A
Assessing Use:	Residential
Zoning:	Single-Family Residential (R1)
Water / Wastewater	On site
Exception Request	None

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will adjust the shared lot lines for encroachments. The end result will be one lot with 5,990 square feet (.137 acres) and one with 2,997 square feet (.069 acres).

Location and Legal Access (existing and proposed): The proposed subdivision is located within the city limits of Seward on city maintained Second Avenue and an unnamed alley. Second Avenue is an 80'-wide right-of-way and the alley is 20'-wide. Both of the dedications were granted by the Original Townsite of Seward, S-1.

No new dedications are proposed by this platting action.

Block length is compliant around this subdivision.

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

Site Investigation: This area is within the Seward-Bear Creek Flood Area. ***Staff recommends: this be notated on the plat and comply with 20.30.280(B) with the appropriate plat note.***

The terrain slopes from the northwest corner to the southeast corner of the subdivision.

There are several structures located on the property. This platting action is to fix encroachments across property lines. The surveyor has supplied an as-built and images detailing where these items are currently within the lots.

KPB River Center review	A. Floodplain Reviewer: Hindman, Julie Floodplain Status: Within City of Seward
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	Comments: No comments B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments C. State Parks Reviewer: VACANT Comments:
State of Alaska Fish and Game	

Staff Analysis Original Townsite of Seward, SW 1, was this first plat for this area and created the original lots before additional platting actions took place. In 2003 Seward Original Townsite Shea Replat, SW 2003-16, combined the east half of lots 26 and 27 with Lot 25 to create the existing L-shape parcel. Plat SW 2003-16 met the requirements under old code for an abbreviated plat and no public hearing was held. The old code reference, as seen on SW 2003-16, is 20.04.070 within the plat approval. The current code is 20.10.040 – Abbreviated plat procedure.

A soils report will not be required as city utilities are available, but the proper wastewater notes should be added to the final design to comply with KPB 20.40.

Notice of the proposed plat was mailed to the beneficial interest holder on October 25, 2023. 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.

City resolution 2023-015 was introduced at the August 1, 2023 meeting, but was tabled for lack of a quorum. The resolution was brought back and heard at the October 3, 2023 meeting. The city commissioners had lengthy discussions with city staff. There were concerns regarding city land use zoning with Courtney Bringham, Acting Community Development Director, answering questions regarding better configurations. In review of the minutes from the meeting the commissioner's agreed they would prefer to avoid the "L-shape" configurations. Minutes from both meetings are available in the packet. The Planning and Zoning Commission approved and adopted resolution 2023-015.

Utility Easements The only utility easement within the boundary of the subdivision is the 15-foot utility and sewer easement. **Staff recommends:** *providing a callout or something similar, so that it is clear what the label is referencing.*

The Certificate to Plat did not indicate any recorded easements that need to be noted or depicted.

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

Utility provider review:

HEA	No comment
ENSTAR	
ACS	No comment
GCI	
SEWARD ELECTRIC	

CHUGACH ELECTRIC	No comment. Outside of our service territory.
TELALASKA	

KPB department / agency review:

Addressing	<p>Reviewer: Leavitt, Rhealyn</p> <p>Affected Addresses: 310 SECOND AVE, 308 SECOND AVE</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names: SECOND 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: CITY OF SEWARD WILL ADVISE ON ADDRESSES</p>
Code Compliance	<p>Reviewer: Ogren, Eric</p> <p>Comments: No comments</p>
Planner	<p>Reviewer: Raidmae, Ryan</p> <p>There are not any Local Option Zoning District issues with this proposed plat.</p> <p>Material Site Comments: There are not any material site issues with this proposed plat.</p> <p>Review Not Required</p>
Assessing	<p>Reviewer: Windsor, Heather</p> <p>Comments: No comment</p>

STAFF RECOMMENDATIONS
CORRECTIONS / EDITS

Scale of plat should be at a scale of 1" = 20' to be in compliance with 20.60.070.

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: Please verify the address for Richard and Jannette Verhey. The tax roll indicates a different address. If the address is correct, we recommend the owners contact the Assessing Department to have their address updated. Richard and Janette are in title with their middle initials. Please add this in the signature and title blocks.

Add ALASKA under KENAI PENINSULA BOROUGH in the legal.

- D. A vicinity map, drawn to scale showing location of proposed subdivision, north arrow if different from plat orientation, township and range, section lines, roads, political boundaries, and prominent natural and manmade features, such as shorelines or streams;
Staff recommendation: The city limits end on the west boundary of sections four and nine. Please provide a label.
- 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 labels are present on the plat, please add block labels and recording identifier to each label.
- J. Block and lot numbering per KPB 20.60.140, approximate dimensions and total numbers of proposed lots;
Staff recommendation: Pervious names of lots can be removed on the final..

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.

20.30.200. Lots-Minimum size.

Except in cities where zoning and subdivision regulations establish different minimums, lots must be designed to meet the following area requirements:

- A. Lots shall contain at least 6,000 square feet if served by public wastewater disposal and water systems.
- B. Lots shall contain at least 40,000 square feet if both the well and wastewater disposal are to be located on the lot unless it can be demonstrated to the satisfaction of the commission that a smaller lot size is adequate for the safe location and operation of an on-site well and wastewater disposal system.
- C. Subdivisions designed to be served by public wastewater disposal and water systems but not yet served by such systems may be permitted to contain lots of less than 40,000 square feet if the following conditions are met:

1. The available area may be reduced to 20,000 square feet when public water or wastewater disposal system is available, complying with KPB 20.40;

2. A statement from an engineer affixed with his seal and signature attesting that the proposed lot design and associated building restrictions will assure adequate area is available to each building site for safe on-site well and wastewater disposal, including area for a replacement wastewater disposal system.

Platting staff comments: City of Seward code 15.10.222 allows for R1 zoned properties to be 3,000 to 6,000 square feet in size.

20.30.280. Floodplain requirements.

- 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.

- 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 City of Seward floodplain administrator should be contacted for current information and regulations.

Staff reminds the owner(s), that it is the responsibility of the subdivider to provide all necessary information regarding flood protection measures at the time the preliminary plat is presented for consideration by the planning commission (21.06.050).

Staff recommendation: 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.

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: Please provide proper wastewater disposal notes.

Staff recommendation: comply with 20.40.

KPB 20.60 – Final Plat

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

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

Staff recommendation: an installation agreement or documentation one is not required will need to be submitted to staff.

20.60.150. Utility easements.

A. The utility easements approved by the planning commission shall be clearly shown on the final plat in dimensioned graphic form or as a note.

B. The following note shall be shown on the final plat:

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

Staff recommendation: comply with 20.60.150.

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.*

- *All development must comply with the municipal zoning requirements.*
- *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 City of Seward floodplain administrator should be contacted for current information and regulations.*

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: *comply with 20.60.190.*

- Certificate of Ownership and Dedication both need to be specific to each owner
- Third Certificate of Ownership needs the statement paragraph added
- Notary Acknowledgement needs adjusted to appropriate signature lines.
- Add meeting date of November 13th, 2023 to Plat Approval.

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

SEWARD ALASKA

Scale 1 inch = 300 feet

C.M. Anderson
Engineer

DESCRIPTION

This plot of Seward is located upon the Frank L. Ballaine Soldiers Addition Homestead entire known as survey N 126 North and survey N 126 South located on Resurrection Bay, Alaska.

The initial point of this plot is the south-east corner of Block 40, which is 348 feet south, and 112 feet west of witness corner to corner N 126 of said survey N 126 South. Regular lots are 30 x 100 feet, lots 14 and 27 of Block 22 and 20 are 15.78 feet wide. Jefferson Street is 100 feet wide - all other east and west streets are 66 feet wide. North and south avenues are 80 feet wide, alleys are 20 feet wide. Railway Avenue is 60 feet wide.

The angle point on the northwesterly line of Railway Avenue is at the west margin of Third Avenue, being 968 feet south of the south line of Adams Street. West side of lot 20, block 1 is 40 feet in length.

PT for curve in Block 6 is 134.38 feet from the south line of Adams Street and opposite east boundary of survey N 126 South. Radius for curve in Block 6 is 560.636 feet. Tract A is a strip 13.86 feet wide, east and west, extending from the north boundary of survey N 126 North to the south boundary of survey N 126 South.

The bearings of all lines of plot, excepting the lines made on the south part by Railway Avenue are cardinal points of the compass as ascertained and determined by the United States Deputy Surveyor in the survey of said homestead entry, and designated and shown by his monuments on the east boundary thereof. The east line of Lot 13, block 7, is 8 feet in length.

DEDICATION

Know all men by these presents that the undersigned, Frank L. Ballaine, is the owner in fee simple of the tract of land above described and that the said Frank L. Ballaine has dedicated and donated and hereby does dedicate and donate to the Public the use of all the Avenues, Streets, and Alleys shown upon the map hereto annexed and described in the description hereto annexed as public highways for passage over the same by the public.

The right of Frank L. Ballaine his heirs assigns and assigns to maintain and operate in, along, and through the length of any and all avenues, streets and alleys and any portion thereof, all railroads of every description, street railways, elevated railways, underground railways, telegraph lines, telephone lines, power lines, light lines and lights, gas mains and lights, water mains and hydrants, and all excavations and embankments, tracks, poles, wires, tunnels, conduits, tubes, pipes, and mains for electric, gas, water, and other purposes, and all other rights and interests, all of which rights are hereby expressly excepted and reserved to said Frank L. Ballaine his heirs and assigns forever as fully and entirely as if no dedication of said lands to any public use whatsoever had been made.

In witness whereof the said Frank L. Ballaine has hereunto set his hand and affixed his seal this 8th day of May AD 1905.

Frank L. Ballaine

Signed and sealed in presence of

Robert L. Boryer

James A. Haight

ACKNOWLEDGMENT

State of Washington

County of King

Do hereby certify that on this 8th day of May AD 1905, before me, the undersigned a notary public in and for the State of Washington, personally appeared Frank L. Ballaine to me known to be the person described in and who executed the foregoing instrument and he acknowledged to me that he executed the same freely and voluntarily for the uses and purposes therein mentioned.

James A. Haight

Notary public in and for the State of Washington, residing of Seattle.



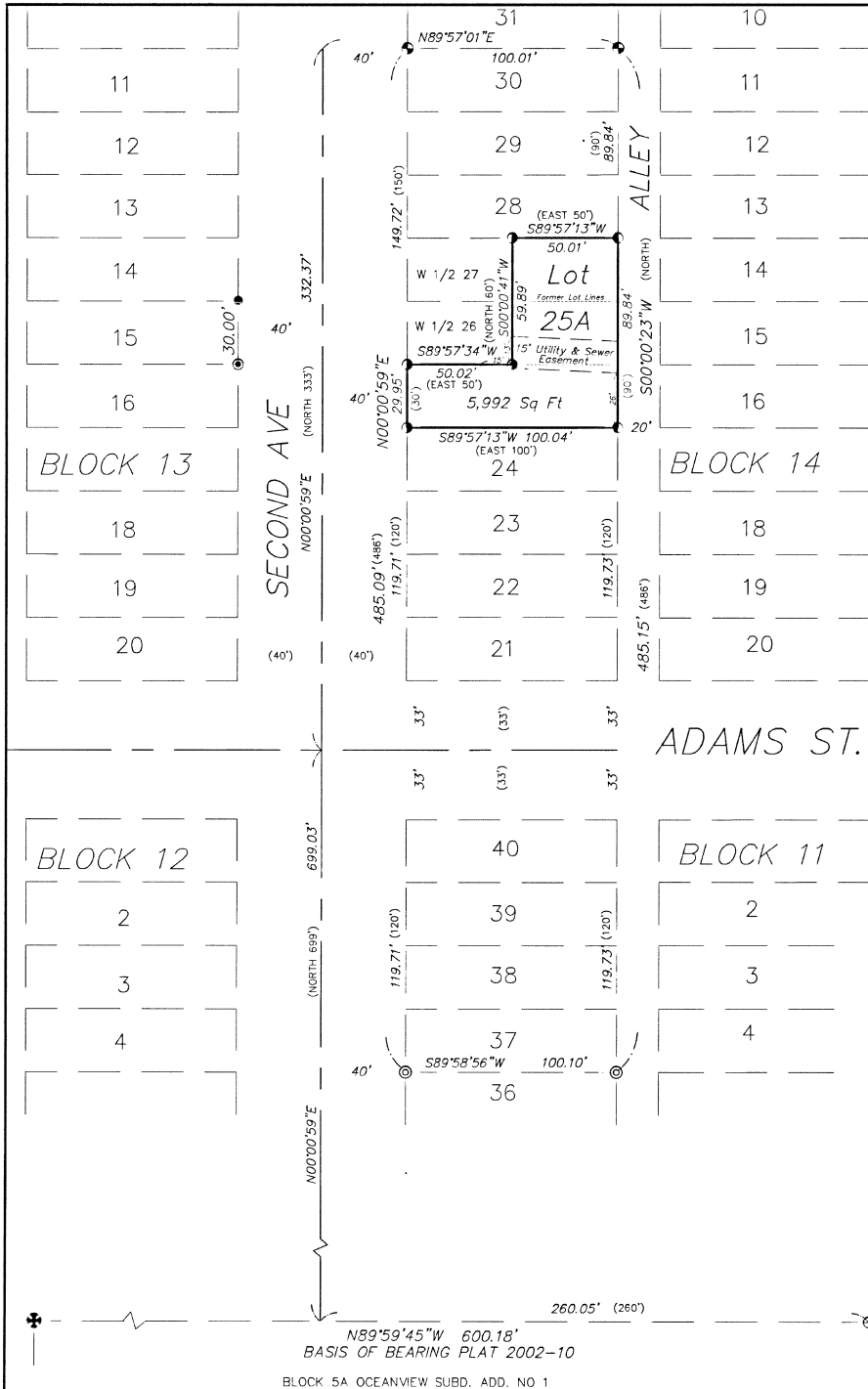
District of Alaska
Cook Inlet Precinct
and Recording District

The within instrument was filed for record at 1 o'clock P.M., June 7, 1905, and duly recorded in Book 2 of Deeds on pages 4, 5 and 6 of the records of said District.

H.H. Hildreth
District Recorder



SEWARD ALASKA
Scale 1" = 300 feet
C.M. Anderson, Engineer



WASTEWATER DISPOSAL

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

LEGEND

- ✚ Found 3 1/4" Al. Cap Monument
Stamped: RPKA LS 5480 1991
- ⊕ Found Rebar & Al. Cap, illegible
- ⦿ Found Rebar & Al. Cap, LS 5152
- Found Rebar & Pl. Cap LS 7569
- Found 5/8" Rebar
- ⊙ Found Iron Pin
- ⦿ Set 5/8x24" Rebar & Plastic Cap, LS 7569
- (100') Record Data Seward Townsite, Plat No. 1, Seward Rec. District
- 100.05' Measured this survey

2003-16
Seward REC DIST
Date 12-30-03
Time 12:54 P.M.
Registered S. Cline
Address

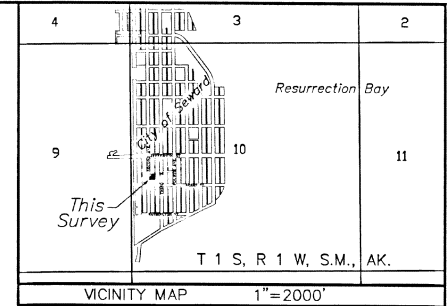
NOTES

- The sole purpose of this plat is to vacate lot lines.
- This lot is subject to the City of Seward's Zoning and Land Use Regulations.
- 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.

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.

DEC 22, 2003
DATE



CERTIFICATE OF OWNERSHIP AND DEDICATION

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

Barbara G. Shea
Barbara G. Shea
P.O. Box 1035
Seward, AK 99664

NOTARY'S ACKNOWLEDGEMENT

FOR Barbara G. Shea
SUBSCRIBED AND SWORN TO BEFORE ME THIS 22
DAY OF December, 2003

Notary for Alaska

12/1/2006
MY COMMISSION EXPIRES



PLAT APPROVAL

This plat was approved by the Kenai Peninsula Borough Planning Commission in accordance with Section 20.04.070 Kenai Peninsula Borough Subdivision Regulations.

Date December 29, 2003

Mayor
Borough Official

SEWARD ORIGINAL TOWNSITE
SHEA REPLAT
A RESUBDIVISION OF
LOT 25 & THE EAST 1/2 OF LOTS 26 & 27
BLOCK 14
LOCATED IN THE SW 1/4 SECTION 10
TOWNSHIP 1 SOUTH, RANGE 1 WEST
SEWARD MERIDIAN, ALASKA
SEWARD RECORDING DISTRICT
CITY OF SEWARD

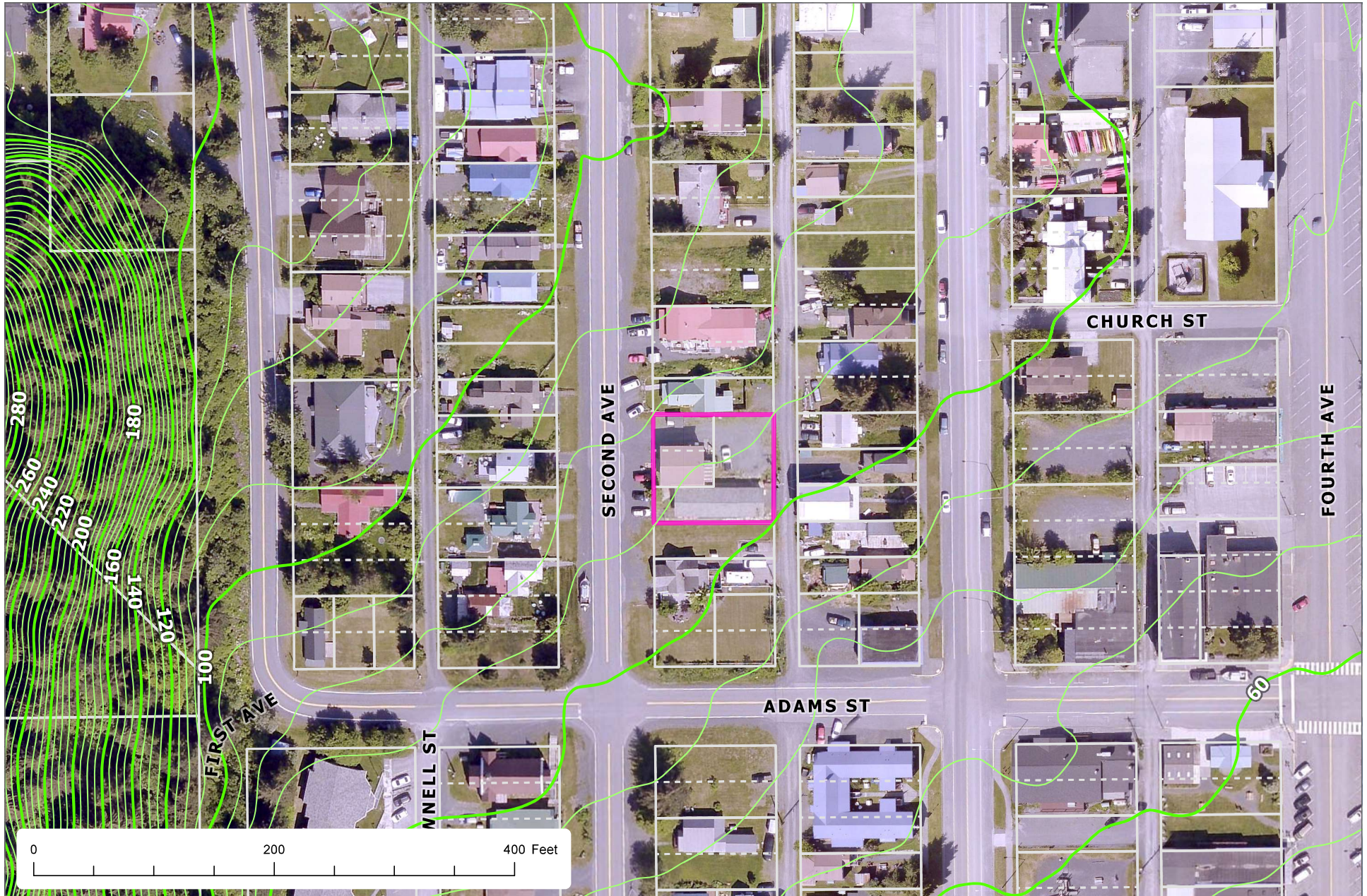
CLINE AND ASSOCIATES
LAND SURVEYORS

416 4th AVENUE PO BOX 2703 SEWARD, AK 99664
(907) 224-7324 FAX (907) 224-6088

DATE: 12/22/03	SCALE: 1"=40'
DRAWN: WNC	F.D. BK.: 03-02/07
DRAWING NO.: 03-34A	K.P.B. FILE #: 2003-278



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



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

CALL TO ORDER

The August 1, 2023 regular meeting of the Seward Planning & Zoning Commission was called to order at 7:00 p.m. by Chair Clare Sullivan.

OPENING CEREMONY

Clare Sullivan led the Pledge of Allegiance to the flag.

ROLL CALL

There were present:

Clare Sullivan, presiding, and
Vanessa Verhey
Brenan Hornseth

~~Nathaniel Charbonneau~~
Sean Ulman

Comprising a quorum of the Commission; and

Courtney Bringhurst, City Planner
Selena Soto, GIS Technician
Kris Peck, City Clerk

Excused – Charbonneau
Absent – None
Vacancies- Two

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

Carol Griswold, inside city limits, said she was impressed by the work that community development had accomplished recently. She said other communities had an overload of signs, banners, and flags that were all competing with each other. She appreciated Seward did not have a sign problem like some other Alaskan cities.

APPROVAL OF AGENDA AND CONSENT AGENDA

Motion (Verhey/Hornseth)

Approval of Agenda and Consent Agenda

There was a correction made to the minutes to reflect that Commissioners Monaco and Staggs were absent from that meeting.

Motion Passed

Unanimous

The clerk read the following approved consent agenda items:

Approval of the June 6, 2023 Planning and Zoning Commission Meeting Minutes

SPECIAL ORDERS, PRESENTATIONS AND REPORTS

Proclamations and Awards – None

City Administration Report.

City Planner Courtney Bringhurst said Community Development had been doing the groundwork for the Muni Land. Their GIS Technician Selena Soto had been working on GIS maps for Community Development and Public Works.

Other Reports and Announcements – None

Presentations – None

PUBLIC HEARINGS

Resolutions Requiring Public Hearing

Resolution 2023-015: of the Planning and Zoning Commission of the City of Seward, Alaska, Recommending Kenai Peninsula Borough Approval of the Preliminary Replat of Original Townsite of Seward, Shea Replat, Lot 25A, Block 14; Located at 308 Second Ave; Creating Seward Original Townsite, Verhey Replat, Lot 25A-1 and Lot 26A, Block 14

Motion (Hornseth/Ulman)

Approve Resolution 2023-015

Community Planner Courtney Bringhurst said the lot was currently in an “L” shape. The interior lot line would be removed and the replat would create a 6,000 square foot lot. This replat was trying to clean up an ongoing access issue with the neighbors. The replat would allow the stairs, access and parking would all be on the same lot. The replat would also fix encroachment issues caused by the original plats.

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

Carol Griswold, inside city limits, spoke in opposition to Resolution 2023-15. Griswold said the replat would create non-conformities. The replat would create a prohibited, non-conforming lot size. Griswold hoped for a better solution.

No one else appeared and the public hearing was closed.

Commissioner Verhey declared a potential conflict of interest because she was the applicant.

Chair Sullivan ruled that a conflict did exist and Verhey was excused from the dais.

Clerk's Note- Per Seward Cit Code 2.10.046 E(3) If there are not at least four council members in attendance who are qualified to vote, the matter shall be tabled until the next regular or special meeting at which four council members qualified to vote on the matter are in attendance.

Motion Automatically Tabled

Until Next Meeting When Four Commissioners Qualified To Vote On The Matter Are In Attendance

UNFINISHED BUSINESS – None

NEW BUSINESS

Other New Business Items

Discuss topic for August 15th work session.

Bringhurst said the topics would include sign code adjustments as well as lot coverage requirements for multi-family dwellings in commercial districts.

INFORMATIONAL ITEMS AND REPORTS

- A. Reminder: Tuesday, August 15, 2023 Planning and Zoning Work Session at 6:00 p.m. in the Council Chambers, City Hall.
- B. Reminder: Tuesday, September 5, 2023 regular meeting at 7:00 pm in the Council Chambers, City Hall.

CITIZEN COMMENTS


Carol Griswold, inside city limits, said Resolution 2023-015 was very complicated. She wanted P&Z to consider carefully before creating more non-conformities. Griswold hoped for a good resolution that would conform to the code.

COMMISSION AND ADMINISTRATION COMMENTS AND RESPONSES TO CITIZEN COMMENTS


Sullivan said she was going to look for other possible solutions to Resolution 2023-015.

ADJOURNMENT

The meeting was adjourned at 7:23 p.m.


Kris Peck
City Clerk
(City Seal)




Clare Sullivan
Chair

CALL TO ORDER

The October 3, 2023 regular meeting of the Seward Planning & Zoning Commission was called to order at 7:00 p.m. by Chair Clare Sullivan.

OPENING CEREMONY

Commissioner Charbonneau led the Pledge of Allegiance to the flag.

ROLL CALL

There were present:

Clare Sullivan presiding, and
Vanessa Verhey
Brenan Hornseth

Nathaniel Charbonneau
Sean Ulman

Comprising a quorum of the Commission; and

Jason Bickling, Assistant City Manager (Clerk for the meeting)
Courtney Bringhurst, Acting Community Development Director

Excused – Vanessa Verhey

Absent – None

Vacancies – Two

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

Carol Griswold, inside the city, was opposed to Resolution 2023-015, stating that the plat created non-conformities that were not allowed in Seward Code.

Vanessa Verhey, inside the city, spoke in favor of Resolution 2023-015, stating that she was the property owner and that the plat would eliminate various issues with the property including a prominent encroachment.

APPROVAL OF AGENDA AND CONSENT AGENDA

Motion (Charbonneau/Hornseth)

Approval of Agenda and Consent Agenda

Motion Passed

Unanimous

The clerk read the following approved consent agenda items:

Approval of the September 5, 2023 Planning and Zoning Commission Meeting Minutes

SPECIAL ORDERS, PRESENTATIONS AND REPORTS

Proclamations and Awards – None

City Administration Report.

Acting Community Development Director Courtney Bringhurst gave a verbal report on the status of the Community Development department.

Other Reports and Announcements – None

Presentations – None

PUBLIC HEARINGS

Resolutions Requiring Public Hearing – None

UNFINISHED BUSINESS

Resolution 2023-015: of the Planning and Zoning Commission of the City of Seward, Alaska, Recommending Kenai Peninsula Borough Approval of the Preliminary Replat of Original Townsite of Seward, Shea Replat, Lot 25A, Block 14; Located at 308 Second Ave; Creating Seward Original Townsite, Verhey Replat, Lot 25A-1 and Lot 26A, Block 14

Motion*

Approve Resolution 2023-015

**(still on the floor from the August 1, 2023 meeting where the Resolution was automatically tabled for lack of a quorum)*

Bringhurst provided a brief history of the property and the allowances that had been previously made that created the current situation. She directed the Commission to the As-Built graphic of the two properties to explain how both structures are currently non-conforming due to not meeting the 5ft side yard setbacks. She stated that the current owners of the property have had to deal with the oddities and challenges of the irregular shaped lots, some of which include the encroachments due to the lack of adequate setbacks, and sufficient access to the property from the alley.

Bringhurst stated that there was no way these properties could be platted to make the structures conform to all development requirements in code. Both structures would remain nonconforming structures no matter how these parcels were platted. There were configurations that would meet more aspects of code than others, but the goal of this replat was to return the lots to their original standard form to prevent future landowner conflict, reduce and prevent further encroachments, provide adequate and equal access to the alley, and create property boundaries that more accurately reflect how the land is actually being used.

Charbonneau said that he supports keeping things in compliance, however, these structures are out of compliance. He stated that he has a problem with the ‘L-shaped’ lot. He lives on one and personally knows the difficulty of them. The platting solutions that meet certain aspects of code all involve creating more “L-shaped” lots.

Hornseth said that it was a difficult situation, but he is in favor of keeping it simple and avoiding the “L-shape”.

Ulman said that he didn’t have any questions, but he appreciated all the information that was presented to help him understand the situation more clearly.

Sullivan asked if the proposed plat would alleviate or fix any of the non-conformities. She stated that it is the Commission’s purpose to adhere to code and stated that it was important to have substantial reasons that a decision that which did not adhere to code was in the public’s best interest. Sullivan asked Acting Community Development Director Bringhurst what her perspective as a Planner was for this complex situation.

Bringhurst stated that the proposed plat would correct one non-conformity and remove an encroachment on one property but increase a non-conformity on the other property. She stated that no surrounding properties exceeding the lot coverage requirements in code. Bringhurst said that as a Planner she likes to have numbers compute cleanly, but that she also understands the importance of seeing how things are actually functioning on the land. The actual function and use of the properties matched the proposed plat and did not raise any concerns for creating a lot coverage non-conformity. Bringhurst asked the Commissioners to think about what challenges they wanted to avoid in the future on this property. Did the Commission foresee more challenges from a home that exceeded the lot coverage requirement or more challenges from the “L-shaped” lot and existing encroachments and lack of access?

Sullivan stated that removing the encroachments and “L-shaped” parcel would improve the use and enhance the value of the property. Sullivan asked if the utilities have been evaluated on these parcels and if that is a current issue or potential issue with the proposed plat.

Bringhurst stated that she had spoken with the Electric department, and that they were originally concerned about a utility easement that went through the “L-shaped” parcel. The Electric department thought the proposed plat was creating an “L-shaped” lot and advised against it. Bringhurst informed them that the “L-shaped” lot already existed and that the proposed plat would return to the lots to their original shapes. The Electric department was very supportive of this.

Sullivan stated that the issue that stood out the most with this proposed plat was that the house on the current “L-shaped” lot would become non-conforming by exceeding the minimum lot coverage requirement.

Hornseth asked for clarification on what the 2003 Shae replat had changed to verify that before the 2003 replat the lots had been the original 30’x100’ rectangular lots.

Sullivan was concerned about setting a precedence for approving non-conformities to code.

Ulman stated that the Commission would only consider another situation like this if it was also already a non-conforming situation, and the owner was trying to correct the non-conformities as much as possible.

Motion Passed

Yes: Charbonneau, Ulman, Hornseth

No: Sullivan

NEW BUSINESS

Other New Business Items

Discuss topic for October 17 work session:

Planning & Zoning Commission planned to discuss the Cemetery Management Plan in a joint work session with Parks and Recreation and the City Clerk.

Bringhurst stated the edits to the Municipal Lands Inventory and Management Plan had been made and that the updated plan would be presented to the Commission at their next regular meeting in November.

INFORMATIONAL ITEMS AND REPORTS

A. Reminder of Meetings

- 1) Work Session on October 17, 2023 at 6:00 pm.
- 2) Regular Meeting on November 7, 2023 at 7:00 p.m.
- 3) Commissioner Training Deadline: October 17, 2023

CITIZEN COMMENTS

Griswold stated that she did not believe that the house on the “L-shaped” lot was currently non-conforming and that the Commission should provide more substantial findings for their decision to go against the requirements established in City Code.

Verhey thanked the Commission for their approval.

Griswold stated that the issues that were created with the Shae replat should not be what was being discussed.

COMMISSION AND ADMINISTRATION COMMENTS AND RESPONSES TO CITIZEN COMMENTS

Charbonneau thanked the administration for putting together all the information for the meeting.

Ulman also thanked the administration and the audience for the information.

Sullivan acknowledged that it was a tough decision, and that she appreciated hearing both viewpoints on the subject. Sullivan thanked administration and thanked Jason Bickling for clerking.

ADJOURNMENT

The meeting was adjourned at 7:37 p.m.

Jason Bickling
Assistant City Manager (Clerk)

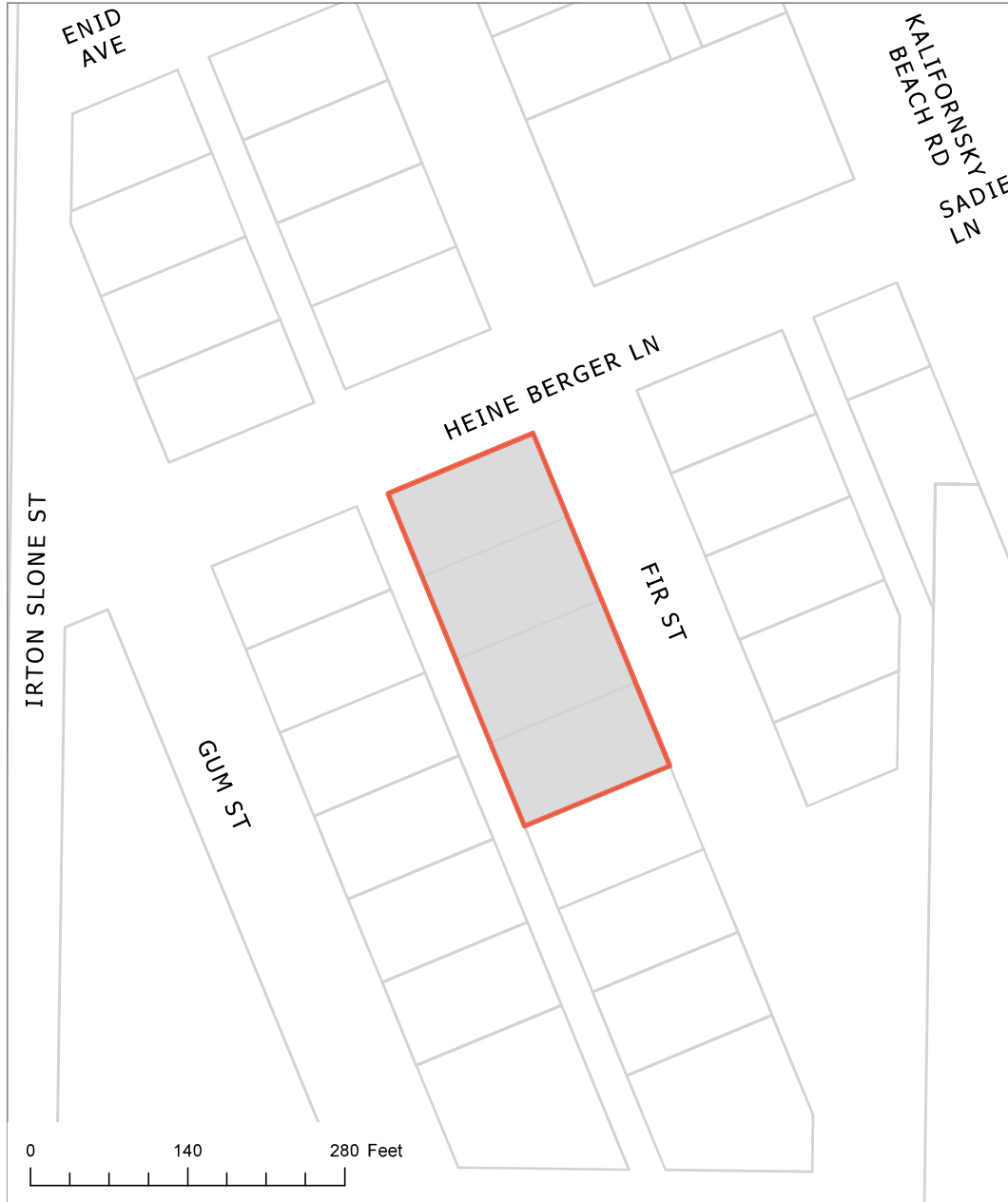
Clare Sullivan
Chair

(City Seal)

DRAFT

E. NEW BUSINESS

- 5. Townsite of Kasilof Pree Replat; KPB File 2023-117
Edge Survey & Design, LLC / Kenai Peninsula Borough, Pree
Location: Heine Berger Lane off Kalifornsky Beach Road
Kasilof Area**



KPB File 2023-117
T 03N R 11W SEC 30
Kasilof



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.



- ## REFERENCES

(R1) U.S. SURVEY NO. 3564, ALASKA. TOWNSITE OF KASLOF. DATED JULY 27, 1960.

LEGEND

- (B) RECORD MONUMENT - AS DESCRIBED
 (C) RECORD PROPERTY CORNER
 BATHY MONUMENT PER (R1)
 (B) RECORD PROPERTY CORNER
 BRASS TABLET PER (R1)
 SUBDIVISION BOUNDARY
 ADJACENT PROPERTY LINE
 FORMER LOT LINE
 10 FOOT UTILITY EASEMENT
 20 FOOT BUILDING SETBACK
 CENTERLINE
 MONUMENT THE LINE
 (GTP) GRANTED THIS PLAT
 C COMPUTED

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH
PLANNING COMMISSION AT THE MEETING OF NOVEMBER 13, 2023.

KENAI PENINSULA BOROUGH

AUTHORIZED OFFICIAL

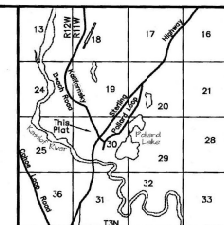
CERTIFICATE OF SURVEYOR

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



PRELIMINARY

KPB 2023-117



VICINITY MAP 1" = 1 MILE

**CERTIFICATE OF OWNERSHIP
AND DEDICATION**

I, THE UNDERSIGNED, HEREBY CERTIFY THAT KENAI PENINSULA BOROUGH IS THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND ON BEHALF OF KENAI PENINSULA BOROUGH, I HEREBY ADOPT THIS PLAN OF SUBDIVISION AND BY MY FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND GRANT ALL EASEMENTS TO THE USE SHOWN.

AUTHORIZED OFFICIAL
KENAI PENINSULA BOROUGH
144 NORTH BINKLEY STREET
SOLDOTNA, ALASKA 99639
FORMER LOTS 6-8

NOTARY ACKNOWLEDGEMENT

FOR:
ACKNOWLEDGED BEFORE ME
THIS _____ DAY OF _____, 2024

PUBLIC NOTARY SIGNATURE _____

MY COMMISSION EXPIRES:

KPB FILE No. 2023-000

**TOWNSITE OF KASILOF
PREE REPLAT**

A REPLAT OF
LOTS 5-8, BLOCK 13
U.S. SURVEY NO. 3564, ALASKA
TOWNSHIP OF KASLOF

LOCATED WITHIN NW 1/4 SECTION 30,
T.3N., R.11W. S.M.
STATE OF ALASKA
KENAI PENINSULA BOROUGH
KENAI RECORDING DISTRICT

OWNERS:
JON DAVID PREE
2507 EAST COLLEGE AVENUE
VISALIA, CALIFORNIA 93292
FORMER LOT 5

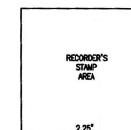
KENAI PENINSULA BOROUGH
144 NORTH BINKLEY STREET
SOLDOTNA, ALASKA 99669
FORMER LOTS 6-8

CONTAINING 1.028 ACRES



8000 KING STREET ANCHORAGE, AL 99518
Phone (907) 344-5990 Fax (907) 344-7799
AECL 1392

DRAWN BY: JY	DATE: 10/17/2023	PROJECT: 23-609
CHECKED BY: MA	SCALE: 1" = 30'	SHEET: 1 OF 1



AGENDA ITEM E. NEW BUSINESS

**ITEM #5 - PRELIMINARY PLAT
TOWNSITE OF KASILOF PREE REPLAT**

KPB File No.	2023-117
Plat Committee Meeting:	November 13, 2023
Applicant / Owner:	Jon David Pree / Visalia, CA Kenai Peninsula Borough / Kenai, AK
Surveyor:	Mark Aimonetti / Edge Survey and Design, LLC
General Location:	Old Town Kasilof / Kasilof area

Parent Parcel No.:	133-150-09, 133-150-10, 133-150-11 and 133-150-12
Legal Description:	T 3N R 11W SEC 30 Seward Meridian KN 0000000 US Survey 3564 Townsite Of Kasilof Lots 5-8 BLK 13 KNU03564
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	Onsite
Exception Request	none

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will combine four 11,200 square feet lots into one 44,800 square feet (1.028 acres) lot as part of a purchase agreement from the Kenai Peninsula Borough.

Location and Legal Access (existing and proposed): Legal access is from Heine Berger Lane which is developed but not borough maintained to the north and Fir Street along the east side which is undeveloped. Heine Berger Lane is accessed from Kalifornsky Beach Road just north of the Sterling Highway intersection.

Here are no dedications, vacations or access easements being proposed with this subdivision.

Block length is compliant along these lots and no dedication would be needed.

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

Site Investigation:

The terrain of the land is flat with a slight fall to the west toward the Kasilof River.

There are no structures on the property.

The are no low wetlands located within the subdivision.

KPB River Center review	See attachments A. Floodplain Reviewer: Hindman, Julie Floodplain Status: IS in flood hazard area Comments: Flood Zone: D
-------------------------	---

	Map Panel: 02122C-0860E In Floodway: False Floodway Panel: B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments C. State Parks Reviewer: VACANT Comments:
State of Alaska Fish and Game	

Staff Analysis The property was originally subdivided as US Survey 3564 Alaska Townsite of Kasilof. There were 15 blocks in the townsite, this is being divided out of Block 13, Lots 5 through 8.

A soils report will not be required as this subdivision is combining lots and vacating lot lines to create fewer lots.

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

The property is currently vacant and there does not appear to be any encroachments from adjacent properties.

Utility Easements There are no easements to carry forward from the previous plat and there are no easements noted in the certificate to plat.

This plat will be granting 10-foot utility easements along all dedicated rights-of-ways.

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	
ACS	No objections
GCI	

KPB department / agency review:

Addressing	Reviewer: Leavitt, Rhealyn Affected Addresses: 51585 HEINE BERGER LN Existing Street Names are Correct: Yes List of Correct Street Names: HEINE BERGER LN, FIR ST Existing Street Name Corrections Needed:
------------	--

	<p>All New Street Names are Approved: No</p> <p>List of Approved Street Names:</p> <p>List of Street Names Denied:</p> <p>Comments: No other comments</p>
Code Compliance	<p>Reviewer: Ogren, Eric</p> <p>Comments: No comments</p>
Planner	<p>Reviewer: Raidmae, Ryan</p> <p>There are not any Local Option Zoning District issues with this proposed plat.</p> <p>Material Site Comments: There are not any material site issues with this proposed plat.</p>
Assessing	<p>Reviewer: Windsor, Heather</p> <p>Comments: No comment</p>

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

STAFF RECOMMENDATIONS **CORRECTIONS / EDITS**

- Add KPB No 2023-117

KPB 20.25.070 – Form and contents required

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

- C. The location, width, and name of existing or platted streets and public ways, railroad rights-of-way, and other important features such as section lines or political subdivisions or municipal corporation boundaries abutting the subdivision;
Staff recommendation:
- Correct name of Heine Berger Lane to the north
- 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:
- Blacken area representing the subdivision
- 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:
- Lots to the east need correct lot numbers listed.
 - Add Lot 6 Block 12 label to the east.

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.

- 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.

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: Soil report not need as lots being reduced.

Staff recommendation: comply with 20.40.

KPB 20.60 – Final Plat

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

RECOMMENDATION:

STAFF RECOMMENDS:

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

NOTE: 20.25.120. - REVIEW AND APPEAL.

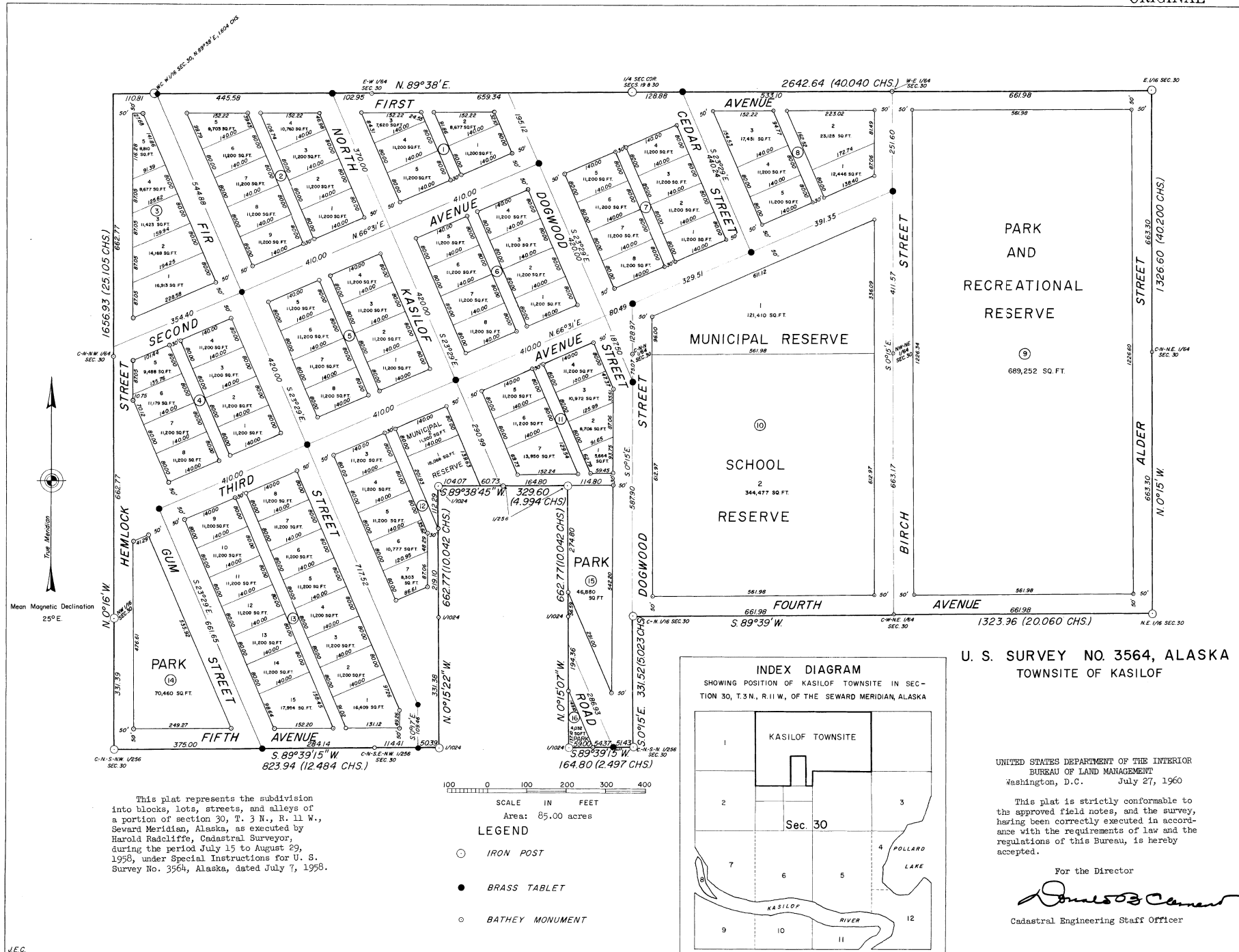
A PARTY OF RECORD MAY REQUEST THAT A DECISION OF THE PLAT COMMITTEE BE REVIEWED BY THE PLANNING COMMISSION BY FILING A WRITTEN REQUEST WITHIN 15 DAYS OF NOTIFICATION OF THE DECISION IN ACCORDANCE WITH KPB 2.40.080.

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

END OF STAFF REPORT



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.



Officially Filed
DATE MAY 23 1982

ORIGINAL

SUPPLEMENTAL PLAT
U. S. SURVEY
No. 3564, ALASKA
TOWNSITE OF KASLOF

This plat removes the following designations:

"Park and Recreational Reserve" from
Block 9; "Municipal Reserve" from
Block 10, Lot 1, and Block 12, Lots
1 and 2; "School Reserve" from
Block 10, Lot 2; and "Park" from
Blocks 14, 15, and 16.

This plat is based upon the plat accepted July 27,
1960, for U.S. Survey No. 3564, Alaska.

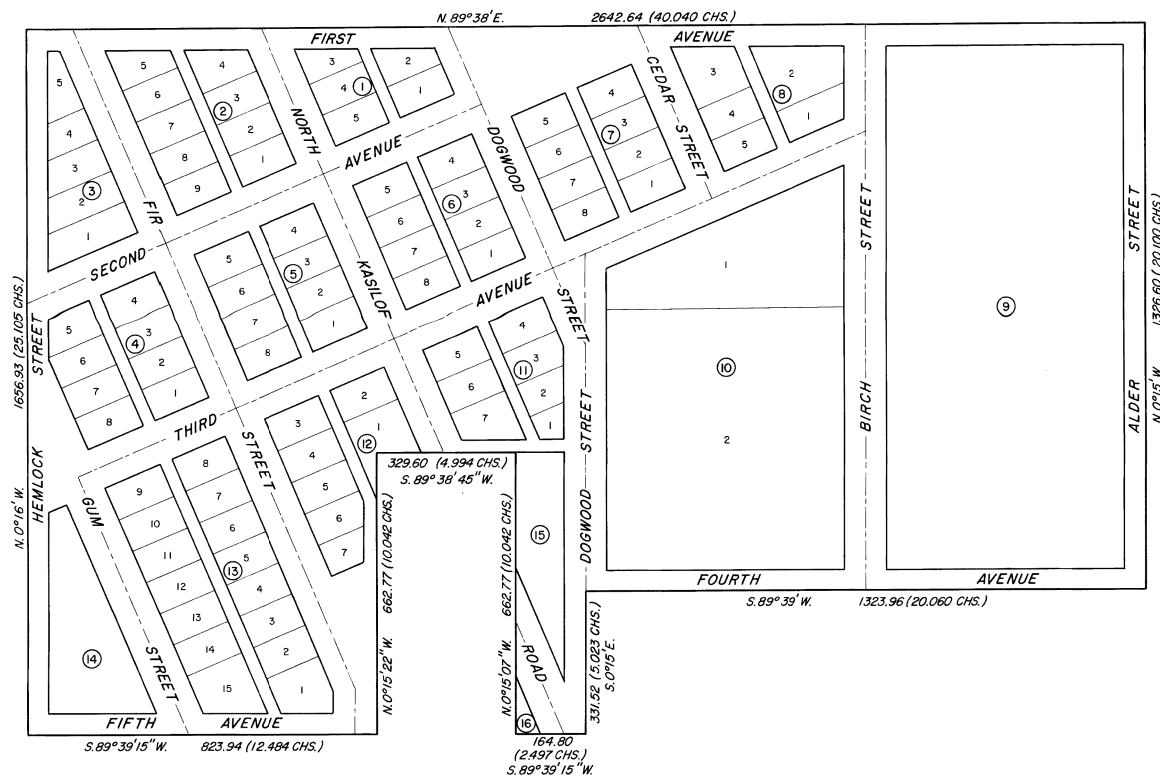
UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Anchorage, Alaska April 22, 1982

This plat is based upon the official records and,
having been correctly prepared in accordance with
the regulations of this Bureau, is hereby accepted.

For the Director

Francis P. Smith

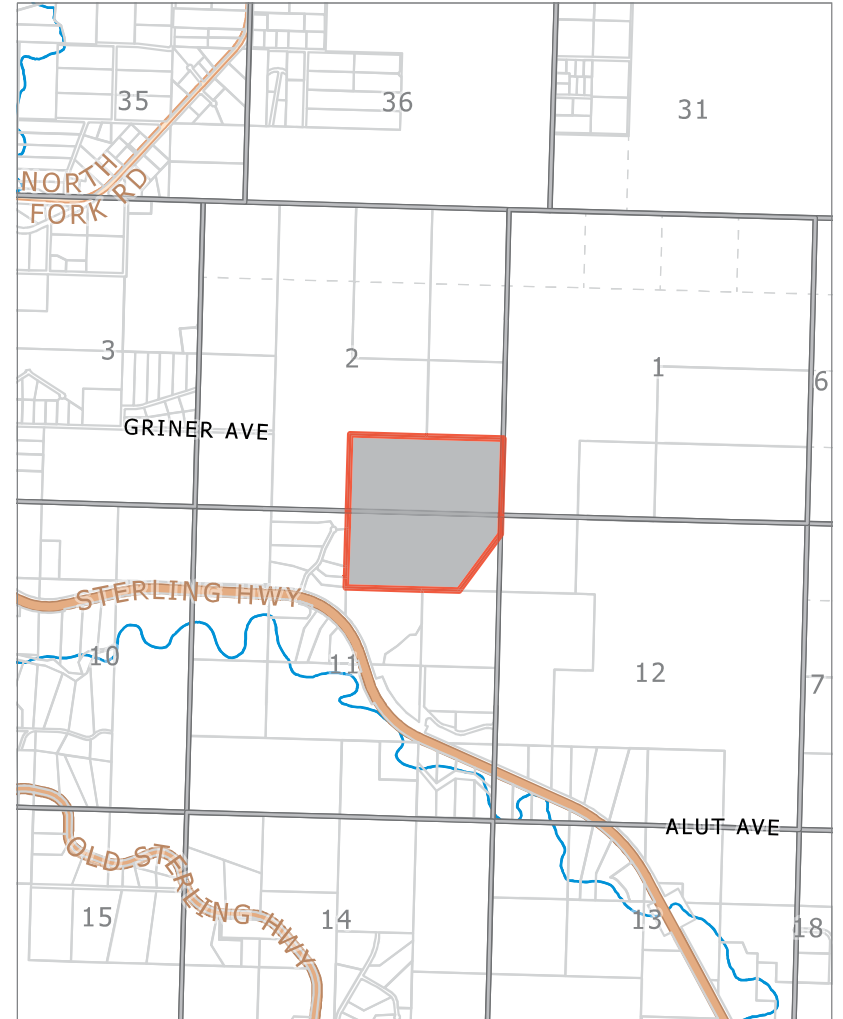
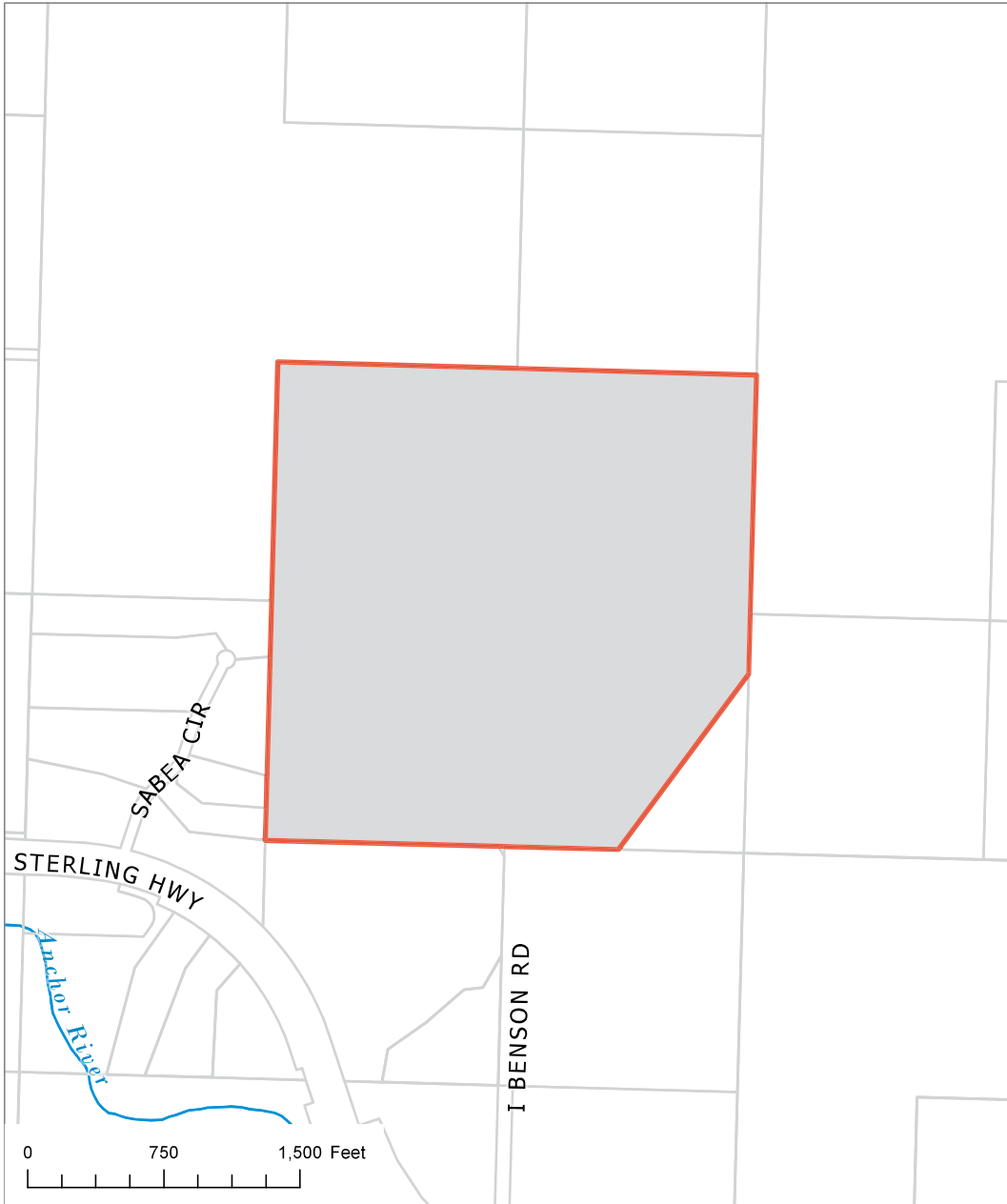
Chief, Division of Cadastral Survey, Alaska



100 0 100 200 300 400 500 600 700 800 900 1000
SCALE IN FEET

E. NEW BUSINESS

- 6. Two Moose Creek Reserve Golden Eagle Airpark Unit 1
KPB File 2023-113
Seabright Surveying / East Road Services, Inc.
Location: Benson Road off Sterling Highway
Anchor Point Area / Anchor Point APC**



KPB File 2023-113
T 05S R 15W SEC 02 & 11
Anchor Point



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

NOTES

1. A SETBACK OF 20' IS REQUIRED FROM ALL STREET RIGHT-OF-WAYS UNLESS A LESSER SHADOW IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION. THE FRONT 10' ADJACENT TO RIGHTS-OF-WAY IS A UTILITY EASEMENT GRANTED THIS PLAT. NO PERMANENT STRUCTURES SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE SAID EASEMENT.
2. ALL WASTEWATER DISPOSAL SYSTEMS SHALL COMPLY WITH EXISTING APPLICABLE LAWS AT THE TIME OF CONSTRUCTION.
3. PROPERTY OWNER SHOULD CONTACT THE ARMY CORPS OF ENGINEERS PRIOR TO ANY ON-SITE DEVELOPMENT OR CONSTRUCTION ACTIVITY TO OBTAIN THE MOST CURRENT WETLAND DESIGNATION (IF ANY). PROPERTY OWNERS ARE RESPONSIBLE FOR OBTAINING ALL REQUIRED LOCAL, STATE, AND FEDERAL PERMITS.
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. NO STRUCTURES ARE PERMITTED WITHIN THE PAMPHLE PORTION OF THE FLAG LOTS.
6. 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 21.04 OF THE KENAI PENINSULA BOROUGH ARE (FROM FLOODPLAIN PANEL 021202-1886E, EFFECTIVE DATE 11/02/2010).
7. PORTIONS OF THIS SUBDIVISION ARE WITHIN THE KENAI PENINSULA BOROUGH ANADROMOUS WATERS HABITAT PROTECTION DISTRICT, SET KPB 21.16, AS MAY BE AMENDED, FOR RESTRICTIONS THAT AFFECT DEVELOPMENT IN THIS SUBDIVISION. WITHIN OF THE HABITAT PROTECTION DISTRICT SHALL BE IN ACCORDANCE WITH KPB 21.16.04D.

WASTEWATER DISPOSAL

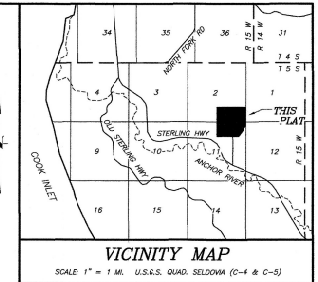
PLANS FOR WASTEWATER DISPOSAL THAT MEET REGULATORY REQUIREMENTS ARE ON FILE AT THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

CERTIFICATE OF ACCEPTANCE

THE UNDERSIGNED OFFICIAL, IDENTIFIED BY NAME AND TITLE IS AUTHORIZED TO ACCEPT AND HEREBY ACCEPTS ON BEHALF OF THE KENAI PENINSULA BOROUGH, FOR PUBLIC USES AND FOR PUBLIC PURPOSES THE RIGHTS-OF-WAY DEDICATED THIS PLAT. THE ACCEPTANCE OF LANDS FOR PUBLIC USE OR PUBLIC PURPOSES DOES NOT OBLIGATE THE PUBLIC OR ANY GOVERNING BODY TO CONSTRUCT, OPERATE OR MAINTAIN IMPROVEMENTS.

KENAI PENINSULA BOROUGH

DATE



CERTIFICATE OF OWNERSHIP

I HEREBY CERTIFY THAT EAST ROAD SERVICES, INC. IS THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON, THAT ON BEHALF OF EAST ROAD SERVICES, INC. I HEREBY ADVERTISE THIS PLAT OF SUBDIVISION AND BY MY FREE CONSENT DEDICATE ALL RIGHTS OF WAY AND PUBLIC AREAS TO PUBLIC USE, AND GRANT ALL EASEMENTS TO THE USE SHOWN HEREON.

BUCK J. JONES, VICE-PRESIDENT & AUTHORIZED SIGNATORY FOR:
EAST ROAD SERVICES, INC.
33740 JONES DR.
HOMER, AK 99603

NOTARY'S ACKNOWLEDGMENT

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

NOTARY PUBLIC FOR ALASKA

MY COMMISSION EXPIRES _____

LEGEND

- 1 FWD 1" PCAP ON 1/2" REBAR 7328-S 2008
- 2 FWD 2.5" AC ON 5/8" REBAR 7328-S 1008
- 3 FWD 3.5" AC ON 1.5" AL-PILE DNR 1894

HOMER RECORDING DISTRICT

KPB FILE NO. 2023-113

**TWO MOOSE CREEK RESERVE
GOLDEN EAGLE AIRPARK UNIT 1**
A SUBDIVISION OF TRACT B TWO MOOSE CREEK RESERVE AMENDED (HM 2008-83), LOCATED IN THE S1/2 SE1/4 SEC. 2 & THE N1/2 NE1/4 SEC. 1, T. 5 S., R. 15 W., SEWARD MERIDIAN, KENAI PENINSULA BOROUGH, THIRDS JUDICIAL DISTRICT ALASKA

CONTAINING 152.116 ACRES

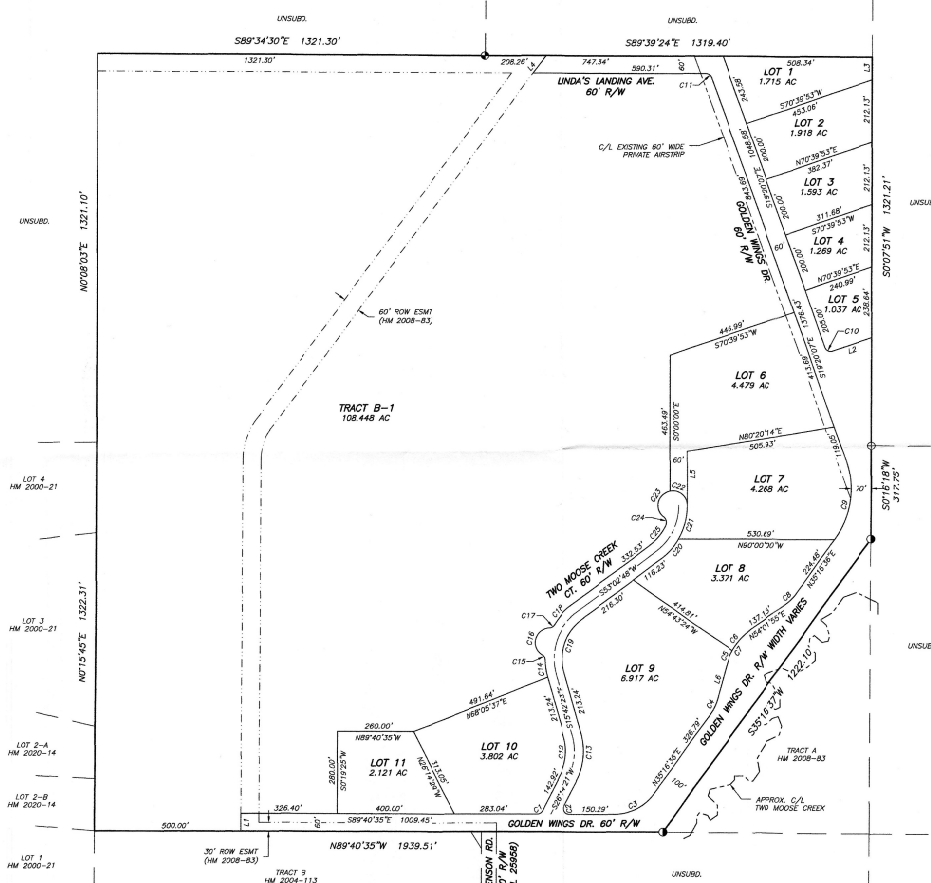
SEABRIGHT SURVEY + DESIGN
KENTON T. BLOOM, P.L.S.
1044 EAST ROAD, SUITE A
HOMER, ALASKA 99603
(907) 299-1051

CLIENTS: EAST ROAD SERVICES, INC.
33740 JONES DR. HOMER, AK 99603

DRAWN BY: KF CHKD BY: KB JDE #2023-58
DATE: 10/2023 SCALE: 1"=200' SHEET #1 OF 1

CURVE #	LENGTH	RADIUS	DELTA	C.B. BEARING	CH. LENGTH
C1	23.37'	20.00'	64°05'04"	S58°19'53"W	21.22'
C2	40.46'	20.00'	115°04'58"	S31°43'07"E	35.91'
C3	163.33'	170.00'	55°02'48"	N62°48'01"E	157.13'
C4	80.89'	170.00'	20°32'23"	N24°59'58"E	86.67'
C5	96.65'	230.00'	14°08'45"	N21°45'37"E	96.51'
C6	101.15'	230.00'	25°11'50"	N41°25'57"E	100.34'
C7	101.15'	230.00'	25°11'50"	N41°25'57"E	100.34'
C8	55.65'	170.00'	18°46'18"	N44°39'16"E	55.40'
C9	285.85'	300.00'	54°16'44"	V75°15"E	275.25'
C10	31.42'	20.00'	90°00'00"	S64°20'07"E	28.28'
C11	24.35'	20.00'	70°19'17"	S54°29'46"E	23.03'
C12	124.45'	170.00'	41°56'44"	N51°15'59"E	121.69'
C13	168.38'	230.00'	41°56'44"	S51°15'59"W	164.65'
C14	58.68'	230.00'	14°32'03"	N52°15'52"W	58.52'
C15	20.05'	20.00'	57°12'06"	N29°48'53"W	18.22'
C16	127.38'	50.00'	145°32'46"	N14°25'27"E	95.62'
C17	20.05'	20.00'	57°12'06"	N58°41'47"E	18.22'
C18	82.62'	230.00'	23°04'33"	N41°32'51"E	80.01'
C19	203.98'	170.00'	69°45'11"	S18°40'12"W	181.93'
C20	92.76'	230.00'	23°08'24"	S41°29'35"W	92.13'
C21	120.19'	230.00'	29°36'23"	N14°38'12"E	118.82'
C22	78.54'	50.00'	90°00'00"	N48°00'00"W	76.71'
C23	112.86'	50.00'	129°16'25"	S13°44'35"W	86.42'
C24	32.58'	25.00'	74°40'14"	S13°38'31"E	36.32'
C25	87.08'	170.00'	29°21'11"	S38°22'12"W	86.14'

LINE #	LENGTH	BEARING
L1	80.00'	S07°16'04"W
L2	141.46'	S70°30'53"W
L3	76.76'	S07°07'51"W
L4	74.32'	S36°30'23"W
L5	185.21'	N07°00'00"E
L6	113.54'	N14°43'14"E

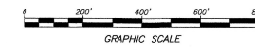


PLAT APPROVAL

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

BY: AUTHORIZED OFFICIAL
KENAI PENINSULA BOROUGH

DATE



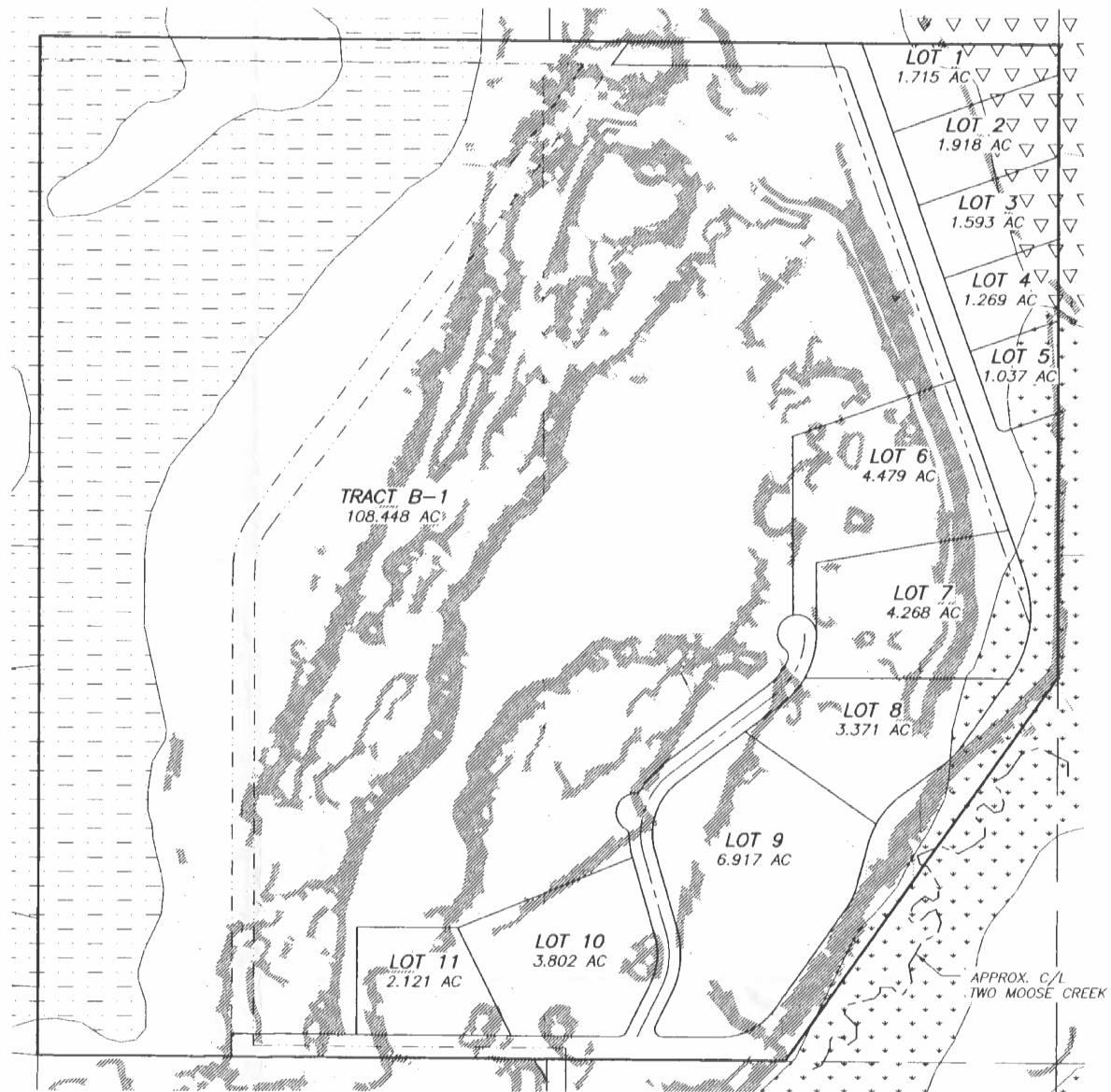
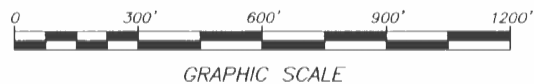
KPB 2023-113

**TWO MOOSE CREEK RESERVE
GOLDEN EAGLE AIRPARK UNIT 1
SUPPLEMENTAL DIAGRAM**

A SUBDIVISION OF TRACT B TWO MOOSE
CREEK RESERVE AMENDED (HM 2008-83),
LOCATED IN THE S1/2 SE1/4 SEC. 2 & THE
N1/2 NE1/4 SEC. 11, T. 5 S., R. 15 W.,
SEWARD MERIDIAN, KENAI PENINSULA
BOROUGH, THIRD JUDICIAL DISTRICT, ALASKA

LEGEND

-  APPROX. AREA RIVERINE WETLAND
(KWF WETLANDS ASSESSMENT, KPB GIS)
-  APPROX. AREA DRAINAGEWAY
(KWF WETLANDS ASSESSMENT, KPB GIS)
-  APPROX. AREA LAKEBED
(KWF WETLANDS ASSESSMENT, KPB GIS)
-  APPROX. AREAS OF 20% SLOPE OR
GREATER (KPB GIS)



AGENDA ITEM E. NEW BUSINESS

**ITEM #6 - PRELIMINARY PLAT
TWO MOOSE CREEK RESERVE GOLDEN EAGLE AIRPARK UNIT 1**

KPB File No.	2023-113
Plat Committee Meeting:	November 13, 2023
Applicant / Owner:	East Road Services Inc of Homer, Alaska
Surveyor:	Kenton Bloom / Seabright Survey + Design
General Location:	Anchor Point / Anchor Point APC

Parent Parcel No.:	169-101-68
Legal Description:	T 5S R 15W SEC 2 & 11 Seward Meridian HM 2008083 Two Moose Creek Reserve Amended Tract B
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On site
Exception Request	20.30.170

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide a 152.116-acre tract into eleven lots and one tract ranging in size from 1.037 acres up to 108.448 acres.

Location and Legal Access (existing and proposed): This subdivision is accessed at mile marker 160 of state-maintained Sterling Highway via I Benson Road. I Benson Road has varying widths at the Sterling Highway intersection and reduces to 50-feet-wide before reaching the subdivision. I Benson Road is an ADL and is indexed under ADL 25958 and is perpendicular to proposed Golden Wings Drive.

There are several proposed dedications with this plat. Golden Wings Drive is 60 feet along the south boarder and expands to 100 feet and has an additional width where steep terrain is found. Further north the dedication reduces to 70 feet before extending to the northwest. The portion going to the northwest reduces to 60 feet where it intersects with Linda's Landing Avenue. Linda's Landing is located along the north boundary and is feet wide and connects with a 60-foot wide "ROW Easement" as shown on Two Moose Creek Reserve Amended, HM 2008-83.

Two Moose Creek Court is a 60-foot-wide road ending in a cul-de-sac bulb. Per 20.30.100 cul-de-sacs are permanently closed and shall be no longer the 1,000 feet long. Tract B-1 could be subdivided further and having the road end in a bulb prevents the road from being continued. ***Staff recommends: the configuration be changed to a T-type or hammer head for future development of the area.***

The Certificate to Plat indicated there is a road easement and does have a location defined. ***Staff recommends: if the easement falls within the subdivision should be depicted and added to the notes. Documents was recorded under Book 174 Page 437 in the Homer Recording District.***

This area falls within the Habitat Protection District. Staff would like to remind the applicants of 20.60.050(B) *Where a dedication is proposed over an existing road crossing a waterbody within the Kenai Peninsula Borough Road Service Area cataloged as important to the protection of anadromous fish under AS 16.05.871 as now enacted or as may be hereinafter amended, the road and crossing must be brought up to the permitting standards established by KPB 14.40.061(A) prior to planning commission approval of the final plat.* And 20.60.050(D) *The road service area shall inspect and provide certification to the planning department that waterbody crossings meet the permitting requirements of KPB 14.40.061(A) prior to the approval of the final plat.*

Per the KPB Addressing Officer's comments the proposed names have been denied. **Staff recommends:** *the applicants review the prohibited names list found on the Planning Department homepage and submit new names for review and approval by the Addressing Officer.*

This subdivision is split between two sections with 33-foot-wide section line easements on both side of the section line and on the east line. **Staff recommends:** *the section line easements of record be depicted.*

The applicants have requested an exception to block length citing there are wetlands within the area that would make additional dedications difficult. This will be discussed under the exception request.

KPB Roads Dept. comments	Out of Jurisdiction: No Roads Director: Griebel, Scott Comments: No comments
SOA DOT comments	Plat not showing SLE

Site Investigation: This area is within the Habitat Protection District and a mapped Flood Hazard Area. The proper plat notes are shown and should remain on the final.

Per the Planner there is a Prior Existing Use (PEU) material site within the proposed subdivision. Platting actions can alter approval of the permit. **Staff recommends:** *the applicants work the Planner for any additional documentation. Staff will reach out to the Planner before final approval for any additional notes they may be required.*

There is steep terrain and classified wetlands throughout the subdivision and a supplemental map was provided. **Staff recommends:** *the areas with over 20 percent grades and classified wetlands be depicted on the final plat.*

The standard wetland determination plat note is present and should remain on the final plat.

KPB River Center review	See attachments A. Floodplain Reviewer: Hindman, Julie Floodplain Status: IS in flood hazard area Comments: Flood Zone: D Map Panel: 02122C-1895E In Floodway: False Floodway Panel: B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: IS totally or partially within HPD Comments: i:0#.w kpb\maldridge C. State Parks Reviewer: VACANT Comments:
State of Alaska Fish and Game	

Staff Analysis This area was originally an aliquot described parcel and was subdivided by Two Moose Creek Reserve Amended, HM 2008-83. No other platting actions have taken place.

In review of the KPB imagery there are structures close to the south boundary line and could potentially be within the proposed dedication of Golden Wings Drive. A platting action cannot create any encroachments. **Staff recommends:** *when the surveyor is performing the field work, determine if there are any encroachments and notify staff in writing what the solution will be.*

Tract B-1 and Lot 9 are above the 200,000 square feet of contiguous area and will not require a soils report. A soils report for the other lots will be required and an engineer will sign the final plat. **Staff recommends:** *the proper plat notes be added after the soils report has been performed and comply with 20.40.*

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.

Anchor Point Advisory Planning Commission minutes for the November 9, 2023 meeting were not available when the staff report was prepared (KPB 21.02.020). These will be provided with the desk packet if available.

Utility Easements The parent plat, HM 2002-83, created building setbacks and utility easement along all street rights-of-ways and the only right-of-way shown on the parent plat is the 60-foot ROW Easement. **Staff recommends:** *new and existing building setbacks and utility easements be depicted. If the depictions interfere with information on the face of the plat a typical depiction can be used.*

The Certificate to Plat indicates there is an easement affecting the property. One is for the benefit of Homer Electric Association Inc with no defined area, the other is to CIRI. **Staff recommends:** *the easement be added to the plat notes.*

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

Utility provider review:

HEA	No comment
ENSTAR	
ACS	No objections
GCI	

KPB department / agency review:

Addressing	Reviewer: Leavitt, Rhealyn Affected Addresses: 35308 I BENSON RD Existing Street Names are Correct: Yes List of Correct Street Names: I BENSON RD Existing Street Name Corrections Needed: All New Street Names are Approved: No List of Approved Street Names:
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	<p>List of Street Names Denied: LINDAS LANDING AVE, GLODEN WINGS DR, TWO MOOSE CREEK</p> <p>Comments: New street names must comply with code. Please consult the prohibited names list, and submit new names for approval. 35308 I BENSON RD will be deleted.</p>
Code Compliance	<p>Reviewer: Ogren, Eric</p> <p>Comments: No comments</p>
Planner	<p>Reviewer: Raidmae, Ryan</p> <p>There are not any Local Option Zoning District issues with this proposed plat.</p> <p>Prior Existing Use PEU Recognized Date: 1/1/0001</p> <p>Material Site Comments: 169-101-21, Recognized On: 11/28/2000 169-101-22, Recognized On: 05/10/2001</p> <p>Per 21.29.120: If a parcel is subdivided where extraction has already occurred, the prior existing use is considered abandoned, and a CLUP [Conditional Land Use Permit] must be obtained for each parcel intended for further material site operations. The parcel owner may overcome this presumption of abandonment by showing that the subdivision is not inconsistent with material site operation.</p> <p>Platting should contact Planner, prior to finalization, for any plat revisions or notes.</p>
Assessing	<p>Reviewer: Windsor, Heather</p> <p>Comments: No comment</p>
Anchor Point Advisory Planning Commission	

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

STAFF RECOMMENDATIONS **CORRECTIONS / EDITS**

- Revise length of Two Moose Creek Ct to less than 1000 feet.
- Add meeting date of November 13, 2023 to Plat Approval.

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: Please verify the address for the owners. The tax rolls have a different address on file. If the address is correct staff recommends the owners contact the Assessing Department to updated the address on file.

KPB 20.30 – Subdivision Design Requirements

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

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

Staff recommendation: All proposed street names have been denied. Submit names to the Addressing Officer for review and approval. Please review the prohibited names list posted on the Planning Department's website.

20.30.240. Building setbacks.

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

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

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

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

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

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

Staff recommendation: depict the building setback or provide a typical depiction on the plat.

KPB 20.40 – Wastewater Disposal

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

20.40.010 Wastewater disposal.

Platting Staff Comments: a soils report will be required for all lots except Lot 9 and Tract B-1. Please update notes accordingly.

Staff recommendation: comply with 20.40.

KPB 20.60 – Final Plat

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

EXCEPTIONS REQUESTED:

A. KPB 20.30.170 – Block Length Requirements

Surveyor's Discussion: We are requesting an exception to KPB 20.30.170. Our opinion is that the extensive

wetlands adjacent to this subdivision will prevent any through streets from being built in this area. This subdivision design aims to take advantage of the natural topography and usable area within the subject parcel without negatively impacting adjacent wetland habitat.

Staff Discussion:

20.30.170. - Blocks—Length requirements.

Blocks shall not be less than 330 feet or more than 1,320 feet in length. Along arterial streets and state maintained roads, block lengths shall not be less than 800 feet. Block lengths shall be measured from centerline intersections.

Findings:

1. This area falls within a Habitat Protection District.
2. This area is within a mapped Flood Hazard Area.
3. There are section line easements throughout the subdivision.
4. Classified wetlands are located throughout the subdivision.
5. Roads would be difficult to develop in the terrain of Tract B-1.
6. There is a Right-of-way Easement crossing the Tract from the previous platting.

Staff reviewed the exception request and recommends granting approval.

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

Unless prohibited under this title, the commission (committee) may authorize exceptions to any of the requirements set forth in this title. Application for an exception shall present the commission (committee) with substantial evidence, justifying the requested waiver or exception stating fully the grounds for the application and the facts relied upon. All exceptions must be requested and granted at the time of preliminary plat approval. Exceptions may not be requested with a final plat submittal.

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

1. That special circumstances or conditions affecting the property have been shown by application;
Findings 1, 2 & 4 appear to support this standard.
2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title;
Findings 1, 2, 4 & 5 appear to support this standard.
3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.
Findings 1, 2, 4-6 appear to support this standard.

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

RECOMMENDATION:

SUBJECT TO EXCEPTION(S) GRANTED, STAFF RECOMMENDS:

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

- COMPLIANCE WITH KPB 20.60 TO ENSURE ADMINISTRATIVE APPROVAL OF THE FINAL PLAT.

NOTE: 20.25.120. - REVIEW AND APPEAL.

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

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

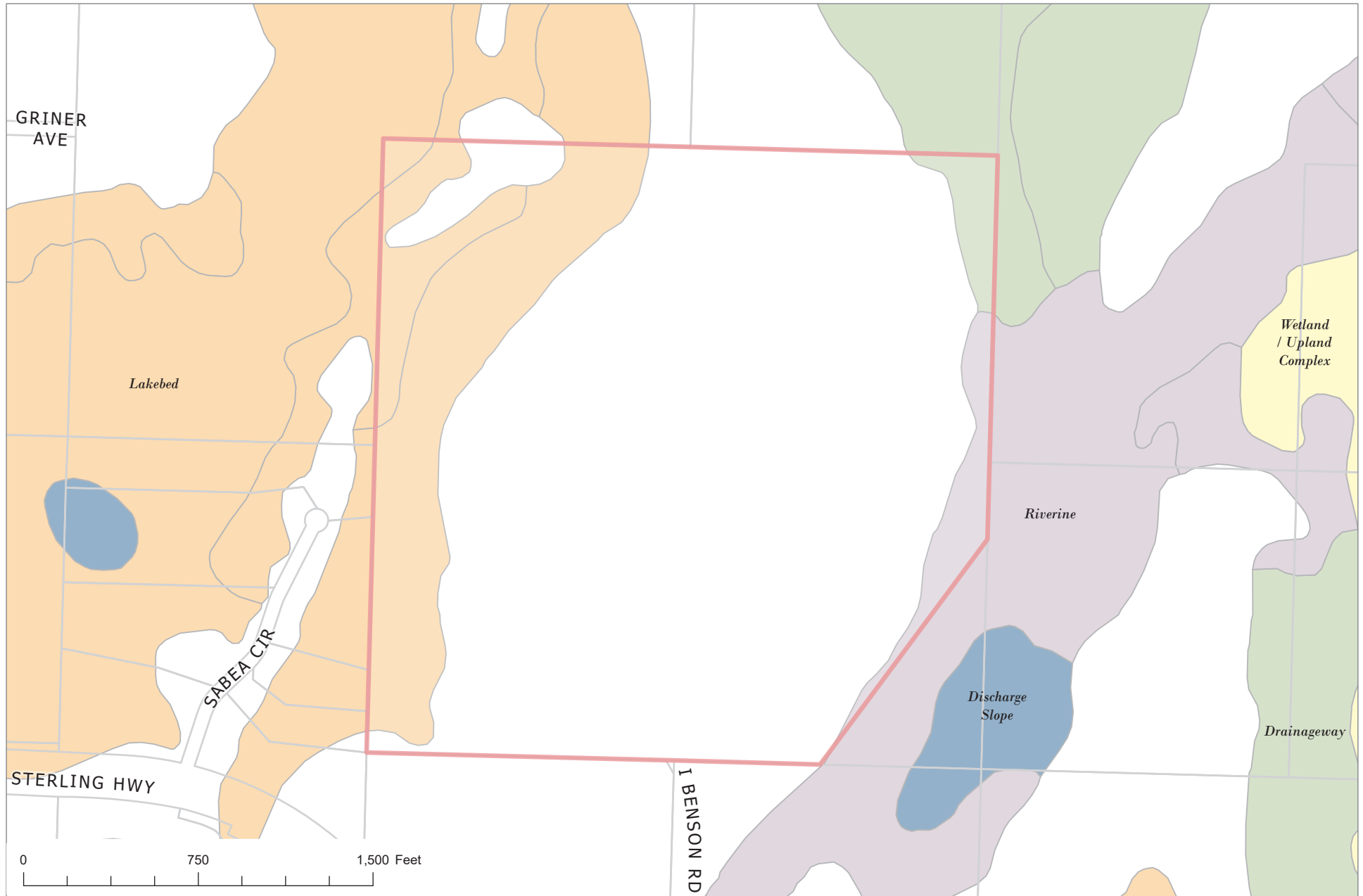
END OF STAFF REPORT



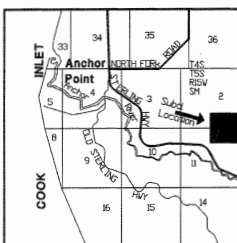
The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



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VICINITY 1" = 1 mile MAP

TWO MOOSE CREEK RESERVE AMENDED

Located in the S1/2 SEC1/4 Section 8 and the N1/2 SEC1/4 Section 11, T5S R5W, S1, Alaska
Homer Recording District Ketchikan Borough File 2008-024

Prepared for
Brown Construction
P.O. Box 180
Ketchikan, AK 99901

Prepared by
Johnson Surveying
Box 27
Clem Gulch, AK 99560



SCALE 1" = 200' AREA = 160.175 acres
18 December, 2007

2008-44
RECORDED-FILED
Homer REC DIST
DATE 1/29/2008
TIME 11:02 AM
Requested by
Johnson Surveying
Box 27
Clem Gulch, AK 99560

2008-83
RECORDED-FILED
Homer REC DIST
DATE 1/29/2008
TIME 11:02 AM
Requested by
Johnson Surveying
Box 27
Clem Gulch, AK 99560

LEGEND

- ⊕ - 2 1/2" USGLD brass cap monument, 1918, Found
- ⊕ - 4" brass cap monument, 3586-S, 1981, Found
- ⊕ - 2" alcap monument, LS 5152, 1982, Found
- ⊕ - 3 1/2" alcap monument, DNR, 1984
- ⊕ - 2" alcap, LS 5780, 2004, Found
- ⊕ - 2 1/2" alcap on 5/8" x 8" rebar, set
- ⊕ - 1/2" x 4" rebar with 1" plastic cap, set
- () - record information, USGLD, 1918

NOTES

1. A building setback of 20' from all street RDNs 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 on the entire setback within 5' of side lot lines.
2. No permanent structure shall be constructed or placed within an easement which would interfere with the ability of a utility to use the easement.
3. Existing overhead power line is the centerline of a 20' wide utility easement, including guys and anchors.
4. An exception to KPB 2020-050, access to adjacent properties, was granted by the KPB Planning Commission at the meeting of 11 February, 2008.
5. An exception to KPB 2020-020, For Tract A, fronting on a dedicated street, was granted by the KPB Planning Commission at the meeting of 11 February, 2008.

AMENDED PLAT AFFIDAVIT

This plat amends Homer Records Plat 2008-44 by correcting the acreage of Tract B from 145.796 acres to 152.116 acres.

The above revision constitutes the sole change made to this plat aside from this note.

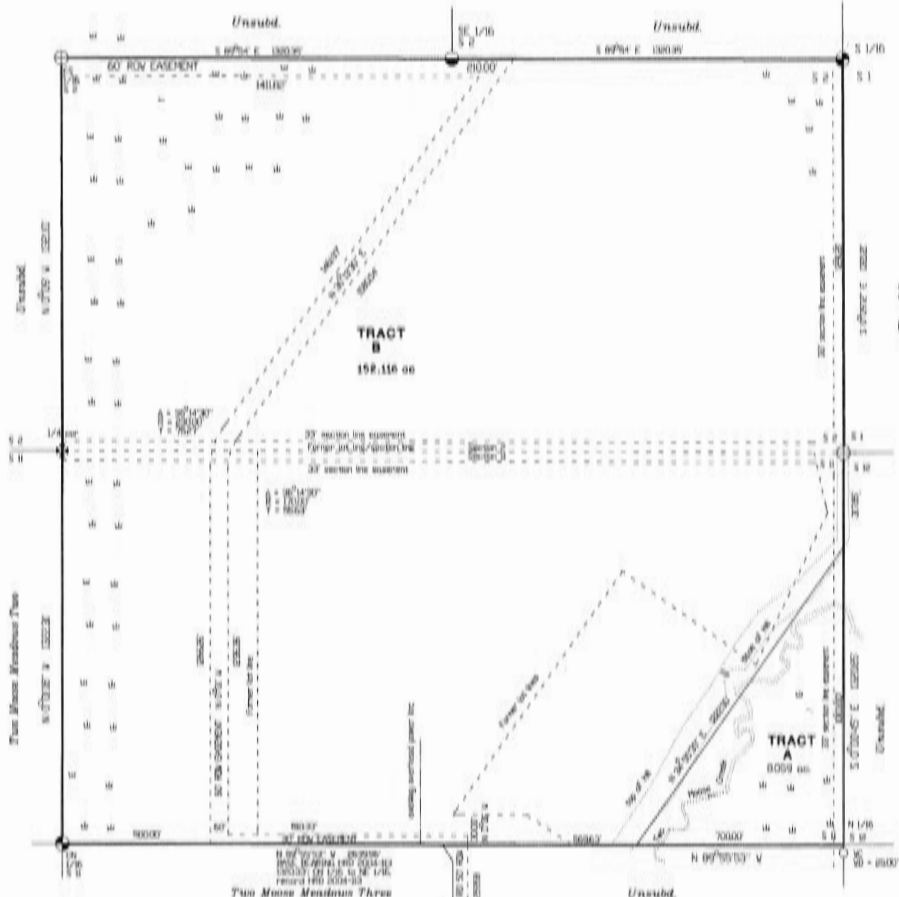
The above revision does not alter lot areas and does not affect or influence any change of ownership, drainage features, rights of way or any other items which would adversely affect this or adjacent properties.

I am therefore submitting this plat for refiling as corrected.

David D. Brown 25 May, 2008

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 systems must meet the regulatory requirements of the Alaska Dept. of Environmental Conservation.



PLAT APPROVAL

This plat was approved by the Ketchikan Borough Planning Commission at the meeting of 11 February, 2008.

KETCHIKAN BOROUGH

By *Mayor Lee* 7/25/2008
Notarized *[Signature]* Date

OWNERSHIP CERTIFICATE

I hereby certify that I am the owner of the real property shown and described herein and that I hereby adopt the plan of subdivision and by my free consent grant all easements to the use shown.

David D. Brown

David D. Brown, President
Brown Construction Company, Inc.
P.O. Box 180 Ketchikan, AK 99901

NOTARY'S ACKNOWLEDGEMENT

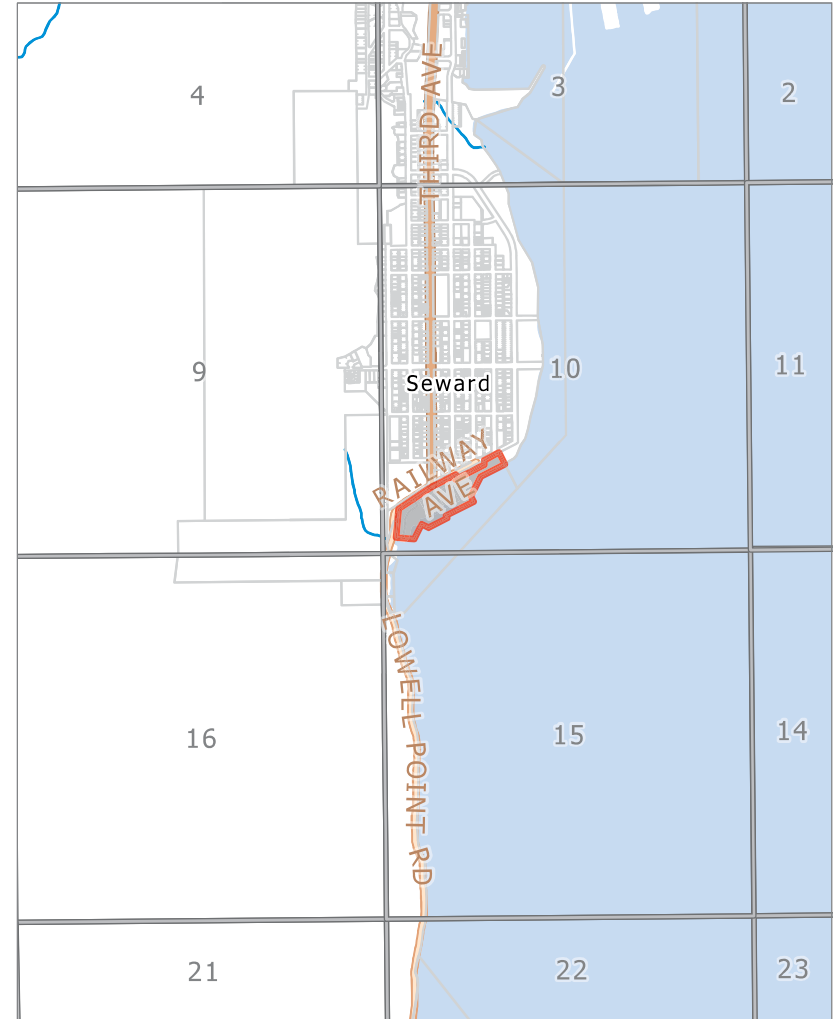
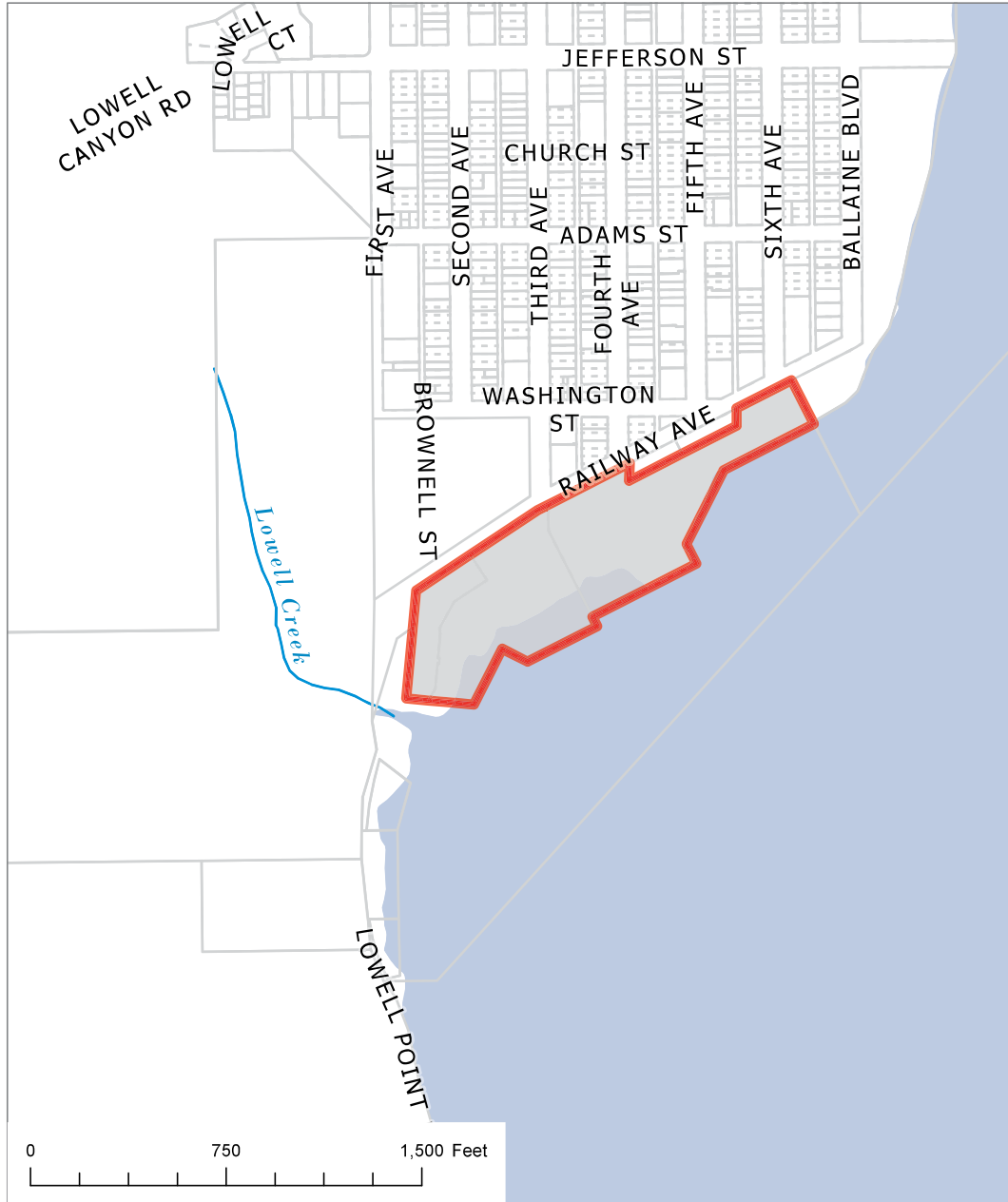
For David D. Brown
Subscribed and sworn to before me this 24th
day of July, 2008.

Michelle L. Johnson
Notary Public for Alaska

My commission expires 03/31/09

E. NEW BUSINESS

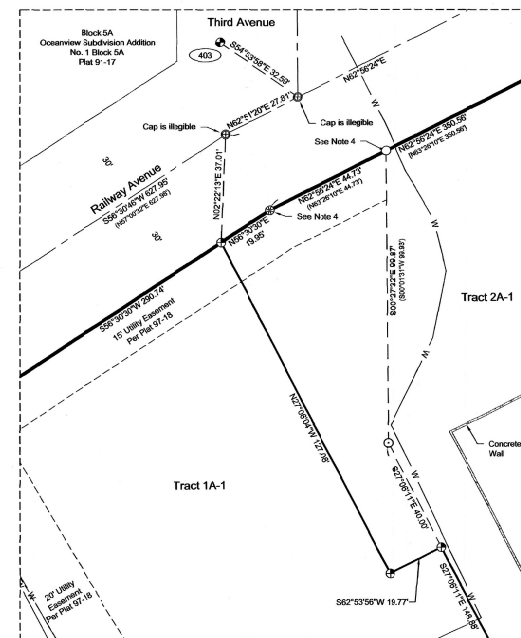
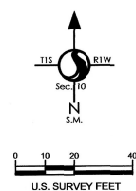
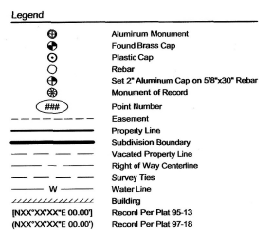
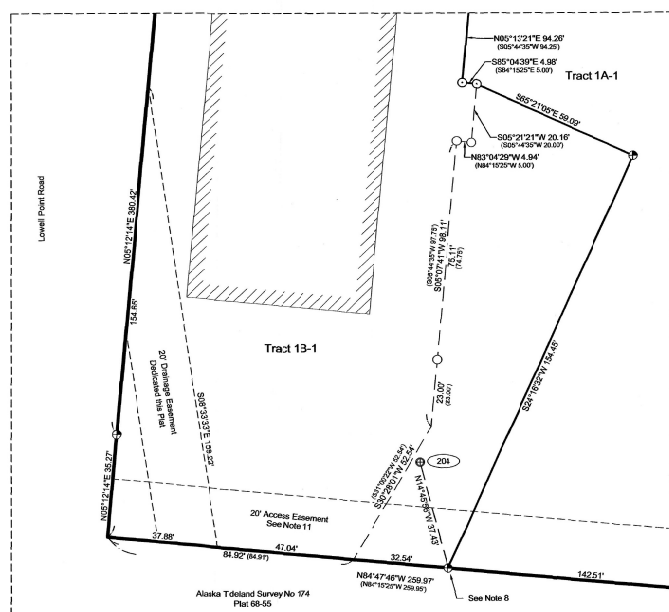
- 7. Waterfront Tracts Resubdivision; KPB File 2023-104
Stantec Consulting Services, Inc. / City of Seward
Location: Railway Avenue & Lowell Point Road
City of Seward**



KPB File 2023-104
T 01S R 01W SEC 10
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.



Typical Cap Sketch



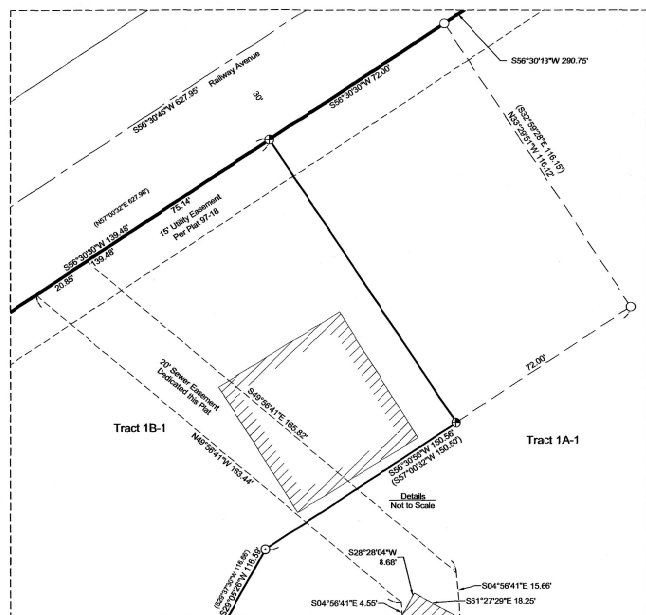
Set 2" Aluminum Cap On 5/8" x 30" Rebar 0.1" Below Ground



Preliminary Plat Notes

- Plat 95-13 Waterfront Tracts and Plat 97-18 Waterfront Tracts Mariculture Addition indicates a 5/8" Rebar was set here as a Witness Corner. No monuments have been found. If neither are found during monumentation a single new witness corner will be set.
- This position falls in the concrete sidewalk in front of the Sea Life Center and no monument was set at this position. Plat 95-30 Waterfront Tracts 1988 Replat indicates a PK nail was set in the sidewalk. Concrete scarring was found on the initial trip, and magnetic locator ring under scar. Requesting a waiver to KPB Code 28.60.200 Section D.
- Plat 95-13 Waterfront Tracts indicates corner was not set due to position falling in concrete. During fieldwork a Yellow Plastic Cap stamped "Cline LS 7569" was found. There is no record of this point being set so it was not held for this survey.
- Not all record monuments were found during preliminary fieldwork. If, in the midst of monumentation, and additional record monument is found, it will be observed and held for the final plat.
- Preliminary plans indicate that this building will be demolished to make room for future improvements.
- All Plats and documents referenced are recorded in the Seward Recording District.
- Proposed new lot boundaries, between tracts 1A-1 and 1B-1, are based on loose extents as defined in Document 2022-000004-6.
- During monumentation, it will be determined if these positions can be monumented, or if witness corners will be necessary.
- This plat is subject to all restrictions, reservations, and covenants governing the Waterfront Tracts, Plat 95-13, and Waterfront Tracts Mariculture Addition, Plat 97-18.
- Lots within this subdivision may be located within a designated flood hazards area; if such is the case, development must comply with Title 21 Chapter 05 of the Kenai Peninsula Borough Code of Ordinances. A survey to determine the elevation of the property may be required prior to construction. Per Plat 97-18.
- 20' Access Easement, dedicated this plat, for maintenance of the storm drain outfall by the City of Seward.

Detail D Preliminary Lease 2 1" = 20"



WATERFRONT TRACTS RESUBDIVISION

Creating Tracts 1A-1, 1B-1 and 2A-1

Containing 114.51 Acres

A Subdivision of:
WATERFRONT TRACTS MARICULTURE ADDITION, TRACTS 1A
AND 18 PLAT 97-18 &
WATERFRONT TRACTS, TRACT 2A
PLAT 95-13

WITHIN SECTION 10, TOWNSHIP 1 SOUTH, RANGE 1 WEST, SEWARD MERIDIAN, ALASKA
SEWARD RECORDING DISTRICT



STANTEC CONSULTING
SERVICES INC.
475 Riverstone Way, Unit 3
Fairbanks, Alaska 99709
Phone: (907) 343-5100
C.V. #123559

OWNERS:

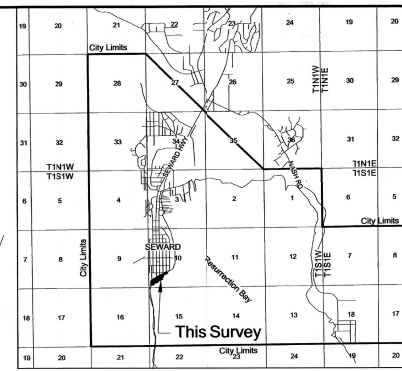
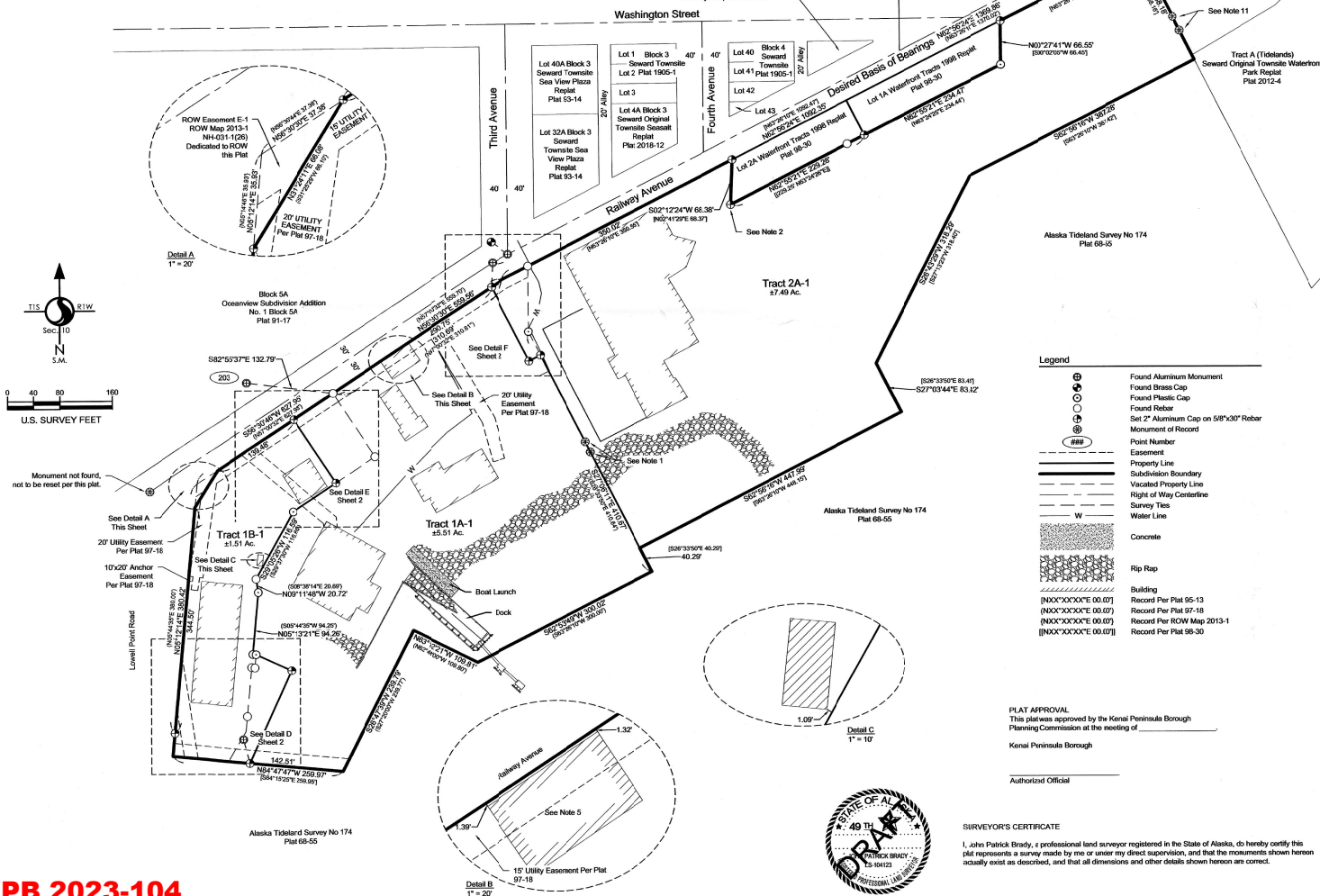
CITY OF SEWARD
PO Box 167
Seward, Alaska 99664
Phone: (907) 224-3331

PROJECT NO.: 2073016950 KPB FILE NO.: ###-###-###
DATE OF FIELD SURVEY: November 2022 & May 2023 DATE: 09/27/2023
DRAWN: SAP SCALE: /varies
CHECKED: JPB SHEET: 2 OF 2

KPB 2023-104

Preliminary Plat Notes:

- Plat 95-13 Waterfront Tracts and Plat 97-18 Waterfront Tracts Mariculture Addition indicates a 5/8" Rebar was set here as a Witness Corner. No monuments have been found. If neither are found during monumentation, a single new witness corner will be set.
- This position falls in the concrete sidewalk in front of the Sea Life Center and no monument was set at this position. Plat 98-30 Waterfront Tracts 1998 Replat indicates a PK nail was set in the sidewalk. Concrete scarring was found on the initial trip, and magnetic locator rang under scar. Requesting a waiver to KPB Code 20.60.200 Section D.
- Plat 95-13 Waterfront Tracts indicates corner was not set due to position falling in concrete. During fieldwork a Yellow Plastic Cap stamped "Cire L.S. 7560" was found. There is no record of this point being set so it was not held for this survey.
- Not all record monuments were found during preliminary fieldwork. If, in the midst of monumentation, and additional record monument is found, it will be observed and held for the final plat.
- Preliminary plans indicate that this building will be demolished to make room for future improvements.
- All Plats and documents referenced are recorded in the Seward Recording District.
- Proposed new lot boundaries between tracts 1A-1 and 1B-1, are based on lease extents as defined in Document 2022-000494-0.
- During monumentation, it will be determined if these positions can be monumented, or if witness corners will be necessary.
- This plat is subject to all restrictions, reservations, and covenants governing the Waterfront Tracts, Plat 95-13, and Waterfront Tracts Mariculture Addition, Plat 97-18.
- Lots within this subdivision may be located within a designated flood hazards area; if such is the case, development must comply with Title 21 Chapter 05 of the Kenai Peninsula Borough Code of Ordinances. A survey to determine the elevation of the property may be required prior to construction. Per Plat 97-18
- Plat 95-13 Waterfront Tracts and Plat 2012-4 Seward Original Townsite Waterfront Park Replat indicate a 5/8" Rebar was set here as a Witness Corner. No monuments have been found. If neither are found during monumentation, a single new witness corner will be set.
- Found a 2-1/2" Brass Cap on 2" Iron Pipe in monument case, 2.1' below ground. Found 5/8" Rebar protruding from case adjacent to Cap with Plastic cap per Plat 2013-4 Seward Original Townsite Old Solys Replat. Brass cap was illegible but with a discernable center punch.



CERTIFICATE OF OWNERSHIP AND DEDICATION
 (I) We, the undersigned, certify that (I am/we are) the owner(s) of the real property shown and described herein and that (I/we) hereby adopt this plan of subdivision and by (my/our) true intent and desire dedicate all rights-of-way and public areas to public use and grant all easements to the use shown, (if a special use easement being accepted by city include description and city name).

OWNER(S)
 City of Seward
 410 Adams Street City Hall Building
 Seward, Alaska 99664

Authorized Official Signature _____ Date _____
 Title _____ Printed Name _____

NOTARY'S ACKNOWLEDGEMENT

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

Notary Public for Alaska _____ My Commission Expires _____

CERTIFICATE OF ACCEPTANCE:
 The undersigned official identified by name and title is authorized to accept and hereby accepts on behalf of _____ for public uses and for public purposes its real property to be dedicated by this plat including easements, rights-of-way, alleys, and other public areas shown or this plat identified as follows:

The acceptance of lands for public use or public purpose does not obligate the public or any governing body to construct, operate, or maintain improvements.

By: _____ (Name and title of authorized official) Date: _____
 City of Seward

WATERFRONT TRACTS RESUBDIVISION

Creating Tract 1A-1, 1B-1 and 2A-1
 Containing 21.451 Acres
 A Subdivision of:
WATERFRONT TRACTS MARCULTURE ADDITION, TRACTS 1A AND 1B PLAT 97-18 & WATERFRONT TRACTS, TRACT 2A PLAT 95-13

WITHIN SECTION 10, TOWNSHIP 1 SOUTH, RANGE 1 WEST SEWARD MERIDIAN, ALASKA SEWARD RECORDING DISTRICT



STANTEC CONSULTING
 SERVICES INC.
 475 Riverstone Way, Unit 3
 Fairbanks, Alaska 99709
 Phone: (907) 343-5100
 C.A. #126386

OWNERS:

CITY OF SEWARD
 PO Box 167
 Seward, Alaska 99664
 Phone: (907) 224-3331

PROJECT NO.: 2023016950 KPB FILE NO.: ###-###-###
 DATE OF FIELD SURVEY: November 2022 & May 2023 DATE: 09/22/2023
 DRAWN: SAP SCALE: 1" = 80'
 CHECKED: JPB SHEET 1 OF 2

KPB 2023-104

AGENDA ITEM E. NEW BUSINESS

**ITEM #7 - PRELIMINARY PLAT
WATERFRONT TRACTS RESUBDIVISION**

KPB File No.	2023-104
Plat Committee Meeting:	November 13, 2023
Applicant / Owner:	City of Seward of Seward, Alaska
Surveyor:	John Brady / Stantec Consulting Services Inc
General Location:	City of Seward

Parent Parcel No.:	149-200-12, 15, and 16
Legal Description:	T 1S R 1W SEC 10 Seward Meridian SW 0950013 Waterfront Tracts Tract 2A T 1S R 1W SEC 10 Seward Meridian SW 0970018 Waterfront Tracts Mariculture Addition Tract 1A and 1B
Assessing Use:	Municipal and Commercial
Zoning:	Central Business and Institutional
Water / Wastewater	City
Exception Request	20.60.200(D)

STAFF REPORT

Specific Request / Scope of Subdivision: Per City of Seward Resolution 2023-107: Whereas, the preliminary plat is proposing minor property boundary changes between three properties to correctly delineate the land that each organization is using.

Location and Legal Access (existing and proposed): The proposed subdivision is located along Railway Avenue and Lowell Point Road within the city limits of Seward. Proposed tract 1B-1 will continue to have access via Lowell Point Road and Railway Avenue. Lowell Point Road is of varying widths and is city maintained. Proposed Tracts 1A-1 and 2A-1 will continue to have access via Railway Avenue. Railway Avenue is a 60-foot-wide city-maintained right-of-way.

There will be a small portion of existing Tract 1B in the northwest corner of the subdivision being dedicated for right-of-way purposes. This dedication is shown in detail A in a larger view. ***Staff recommends:*** linework around the dedication be changed to show that it is included as part of the subdivision coming from Tract 1B.

The block is closed and compliant for this area.

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

Site Investigation: There are several improvements located on the current parcels. As stated in the City Resolution 2023-107 the boundary adjustments are to encompass each lessees' items within the tracts they are utilizing. No encroachments will result with the new line locations.

Resurrection Bay is located to the south and per 20.25.070(I) the approximate locations of area subject to tidal inundation and the mean high-water line be shown. **Staff recommends:** *this information be listed on the final submittal and the corresponding note be added as shown under 20.60.110(B).*

The City of Seward manages their own Floodplain area and plat note ten should be updated accordingly.

There are gradual slopes along the southern portions of Tracts 1A-1 and 2A-1 and is currently shown as Rip Rap within the legend. **Staff recommends:** *improvements or depictions not directly related to platting items be removed from the final submittal as to not clutter the face of the plat.*

KPB River Center review	<p>A. Floodplain</p> <p>Reviewer: Hindman, Julie Floodplain Status: Within City of Seward Comments: No comments</p> <p>B. Habitat Protection</p> <p>Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments</p> <p>C. State Parks</p> <p>Reviewer: Comments:</p>
State of Alaska Fish and Game	

Staff Analysis This area has been subject to several platting actions, but was originally aliquot description lands and the area where the Seward Wharf was located. Waterfront Tracts, SW 95-13, created several lots and finalized a public right-of-way vacation of an access road known as Fourth Avenue Dock and Dock Access Road. This can be seen on parent plat SW 95-13 with the hatching. This plat created the current configuration of Tract 2A.

Waterfront Tracts Mariculture Addition, SW 97-18, subdivided Tract 1 to create 1A and 1B giving the current design.

The City of Seward Planning and Zoning Commission heard and recommended approval at their regularly scheduled meeting on September 25, 2023 by adopting Resolution 2023-107.

A soils report will not be required per the city resolution. **Staff recommends:** *the correct wastewater note be added to comply with KPB 20.40 and staff will still require an installation agreement or documentation that one is not required.*

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

Utility Easements Several utility easements have been granted in the parent plats. All appear to be accounted for and shown correctly. Per the city resolution no additional utility easements are needed or were requested.

The Certificate to Plat did not reflect any recorded utility easements.

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

Utility provider review:

HEA	No comment
ENSTAR	
ACS	No comment
GCI	
SEWARD ELECTRIC	
CHUGACH ELECTRIC	No comment
TELALASKA	

KPB department / agency review:

Addressing	<p>Reviewer: Leavitt, Rhealyn</p> <p>Affected Addresses: 101 RAILWAY AVE, 201 RAILWAY AVE, 213 RAILWAY AVE, 301 RAILWAY AVE, 409 RAILWAY AVE</p> <p>Existing Street Names are Correct: No</p> <p>List of Correct Street Names: LOWELL POINT RD, RAILWAY 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: CITY OF SEWARD WILL ADVISE ON ADDRESSING</p>
Code Compliance	<p>Reviewer: Ogren, Eric</p> <p>Comments: No comments</p>
Planner	<p>Reviewer: Raidmae, Ryan</p> <p>There are not any Local Option Zoning District issues with this proposed plat.</p> <p>Material Site Comments:</p>

	There are not any material site issues with this proposed plat. Review Not Required
Assessing	Reviewer: Windsor, Heather Comments: No comment

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

STAFF RECOMMENDATIONS **CORRECTIONS / EDITS**

- Add KPB File no 2023-104.
- Please correct the entity information and code references within plat note 10. KPB is not the Floodplain authority within the City of Seward.
- On page 1, the measure bearing on the north line near Tract 1B-1 does not match the other bearings along the line at the seconds position.
- The 350.0# in Tract 2A-1 is different between pages.

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 the legal description. Add SW1/4 to the legal description.
- C. The location, width, and name of existing or platted streets and public ways, railroad rights-of-way, and other important features such as section lines or political subdivisions or municipal corporation boundaries abutting the subdivision;
- Staff recommendation:** Please add width labels for Railway Avenue on the northeast end for clarity. Add width labels for Washington Street, Lowell Point Road, and Ballaine Boulevard.
- 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:** Reduce the shown area as to better identify the subdivision. If any part of the Chugach Forest is shown please provide a label. Add north arrow to map
- E. All parcels of land including those intended for private ownership and those to be dedicated for public use or reserved in the deeds for the use of all property owners in the proposed subdivision, together with the purposes, conditions, or limitations of reservations that could affect the subdivision;
- Staff recommendation:**
- Identify former lot lines on the drawing and details.
 - Right-of-way for dedication is part of subdivision and should be included in dark linework.

- 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: *Several lot and block designations are missing for parcels to the north. Please review and correct all mislabeled parcels.*
- I. Approximate locations of areas subject to tidal inundation and the mean high water line;
Staff recommendation: *Please depict on the final submittal with proper plat notes.*

KPB 20.30 – Subdivision Design Requirements

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

- 20.30.270. Different standards in cities. Where cities have enacted by ordinance different subdivision design standards than those set forth in this chapter, the planning commission shall apply the city standards in lieu of those set forth in this chapter. Any appeal of a city design standard is subject to KPB 21.01.020(E).
Staff recommendation: *The City of Seward does not meet the specified requirements for the application and consideration of different standards.*

KPB 20.40 – Wastewater Disposal

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

- 20.40.010 Wastewater disposal.
Platting Staff Comments: *Please provide the correct wastewater note.*
Staff recommendation: *comply with 20.40.*

KPB 20.60 – Final Plat

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

- 20.60.080. Improvements-Installation agreement required. A final plat of a subdivision located within city limits shall not be recorded with the district recorder prior to compliance with any city ordinances concerning the installation of improvements. Evidence of compliance shall be provided by the subdivider in the form of a written statement from the appropriate city official that improvements required by city ordinance are or will be installed. Evidence of compliance shall be a part of the final plat submission and the time for action required by KPB 20.60.210 shall not commence until evidence of compliance is submitted.
Staff recommendation: *an installation agreement or documentation one is not required will be required to be sent to staff.*
- 20.60.180. Plat notes.
- A. Plat notes shall not be placed on a final plat unless required by borough code or by the planning commission in order to promote or protect the public health, safety, and welfare consistent with borough and state law.
- B. Revision of, or not carrying forward, an existing plat note from the parent plat will adhere to KPB 20.50.010. Separate advertising of the plat note removal is not required. Notification of the requested change will be sent by regular mail to all owners within the subdivision (parent plat and subsequent replats) as shown on the borough tax rolls. Upon approval by the planning commission, the revision or removal of the record plat note shall be finalized by recording a planning commission resolution or subdivision plat.
Staff recommendation: *Place the following notes on the plat.*

- *The borough will not enforce private covenants, easements, or deed restrictions per KPB 20.60.170.*
- *All development must comply with the municipal zoning requirements.*
- *On plat note two, remove the last sentence.*
- *At the end of plat note five add (see Detail B).*

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: *comply with 20.60.190.*

- Update the Certificate of Ownership and Dedication to as follows:
I HEREBY CERTIFY THAT HE CITY OF SEWARD IS THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED AND THAT ON BEHALF OF THE CITY OF SEWARD I HEREBY ADOPT THIS PLAN OF SUBDIVISION AND BY MY FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.
- Add City of Seward to Certificate of Acceptance
- Add to the Certificate of Acceptance some form of description of the right-of-way to be dedicated. It is suggested to check with City of Seward for guidance to define.
- Add to the Plat Approval the meeting date of November 13, 2023.

EXCEPTIONS REQUESTED:

A. KPB 20.60.200(D) - Survey and monumentation

Surveyor's Discussion: In discussion with Platting Officers, in the fall of 2022, it was discussed to obtain an exception to 20.60.200D for the southeast corner of Lot 2A Waterfront Tracts 1998 Replat 98-30, also being one of several northern corners of the Tract 2A being subdivided into Tract 2A-1. This location falls within the concrete courtyard of the very publicly visible entrance to the Alaska Sealife Center. Through preliminary field work it was discovered that the mag nail referenced in Plat 98-30 no longer exists, and the concrete shows the scarring it was, likely, there at one point in time. A metal detector did produce a signal over the mag nail scar, indicating that there is, likely, a monument under the concrete, supposedly a 5/8" rebar set as part of Plat 95-13 Waterfront Tracts. A concrete saw and jack hammer would be needed to recover this monument severely damaging the aesthetics of the courtyard, and restoration costs would be significant.

As this corner location is not to be changed through the course of this replat, we request an exception be granted to 20.60.200D.

1. Last monument referenced is destroyed and gone.
2. Research with a metal detector indicates the original 5/8" rebar is still there.
3. To retrieve rebar under courtyard concrete would be intrusive and costly.
4. Digging up the corner could affect the aesthetics of the courtyard.
5. This corner is not to be changed through the course of this replat.

Staff Discussion:

20.60.200. - Survey and monumentation.

A. All subdivisions shall be surveyed except subdivisions which only eliminate existing property lines.

B. The subdivision of sections into aliquot parts and restoration of lost corners shall be performed in accordance with the current U.S. Bureau of Land Management Manual of Surveying Instructions unless the historical survey record indicates otherwise. Reference to the BLM manual used shall be noted on the plat. All section subdivision details executed as part of the subdivision work shall be monumented and shown on the plat. When a center ¼ corner must be determined it shall be set. A minimum survey accuracy of 1:5000 is required. Monuments shall be set in a professional manner.

C. All corners and monuments found and set shall be shown and described on the plat with the following information: date set, type of monument, and surveyor, as well as any other information marked on the corner or monument. Standard or recurring information may be shown in the monument description in the legend.

D. All monuments of record essential to the subdivision must be found. If any monument is missing or is found disturbed or destroyed, it shall be remonumented or reference monumented as appropriate.

Findings:

6. This platting action is to adjust lot lines so lessees are using the new property lot boundaries.
7. This corner does not affect the location of the new lines for visualization.
8. Witness points at offset on the lines can be set to identify the corner location, causing no damage and doing the same purpose.

Staff reviewed the exception request and recommends granting approval.

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

Unless prohibited under this title, the commission (committee) may authorize exceptions to any of the requirements set forth in this title. Application for an exception shall present the commission (committee) with substantial evidence, justifying the requested waiver or exception stating fully the grounds for the application and the facts relied upon. All exceptions must be requested and granted at the time of preliminary plat approval. Exceptions may not be requested with a final plat submittal.

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

1. That special circumstances or conditions affecting the property have been shown by application;
Findings 3-5 appear to support this standard.
2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title;
Findings 3,4 appear to support this standard.
3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.
Findings 3-7 appear to support this standard.

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

RECOMMENDATION:

SUBJECT TO EXCEPTION(S) GRANTED, STAFF RECOMMENDS:

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

NOTE: 20.25.120. - REVIEW AND APPEAL.

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

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

END OF STAFF REPORT

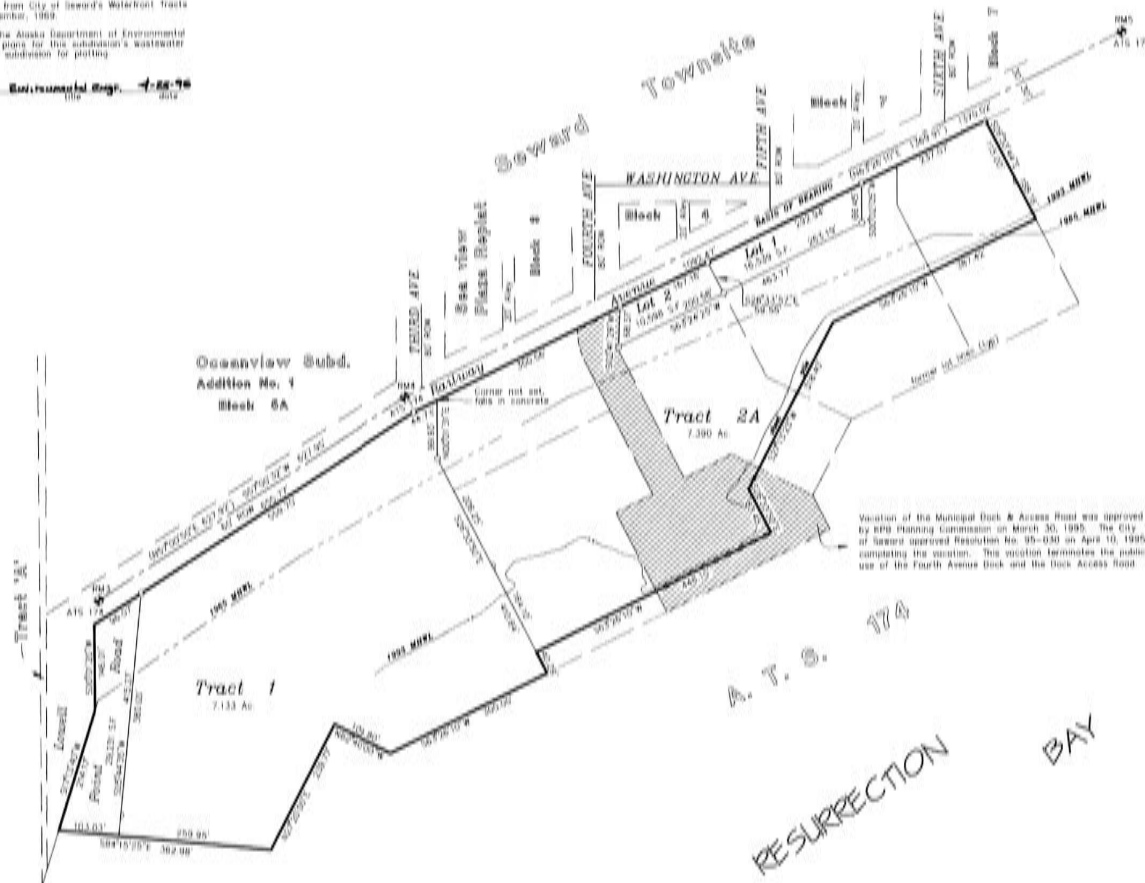


The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.

NOTES:

- 1) The recorder of the original unsplit parcels outside of the Subdivision boundary reverts to the unsplit parcels of A.T.S. 174.
- 2) Development of these lots are subject to the City of Seward's zoning regulations.
- 3) Basis of Bearing obtained from A.T.S. 174, Plat No. 40 S.R.D., between RMA and RMB.
- 4) Former lot lines shown are from City of Seward's Waterfront Tracts (see parcels dated 1 September, 1989).
- 5) "WASTEWATER DISPOSAL": The Alaska Department of Environmental Conservation has reviewed plans for this subdivision's wastewater disposal, and approves the address for plotting.

Signature: *[Signature]* Environmental Eng. 4-25-95
Date



Vacation of the Municipal Dock & Access Road was approved by RMA Planning Commission on March 30, 1995. The City of Seward approved Resolution No. 95-030 on April 10, 1995 completing the vacation. This vacation terminates the public use of the Fourth Avenue Dock and the Dock Access Road.

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF 01-09-95

KENAI PENINSULA BOROUGH

Authorized Official: *[Signature]*

CERTIFICATE OF SURVEYOR

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

LS 9513 27 APR 95

Registration No. DATE
C. H. Brown

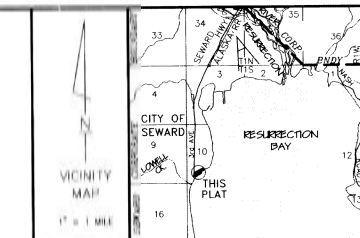
Registered Land Surveyor



LEGEND:

- 2 1/2" BRASS CAP MONUMENT (found this survey)
- 5/8" REBAR (found this survey)
- 5/8" REBAR (set this survey)
- WITNESS CORNER MEASUREMENT CORNER 5/8" REBAR (set this survey)
- PE NAIL (set this survey)
- RECORD DATUM - A.T.S. 174 Plat # 40 S.R.D.

95-13
RECORDED
DATE 4/20/95
TIME 11:58 AM
REQUESTED BY:
INTEGRITY SURVEYS
605 SWIRE DRIVE
KENAI, ALASKA 99611



CERTIFICATE of OWNERSHIP and DEDICATION

I HEREBY CERTIFY THAT WE ARE THE OWNER(S) OF THE REAL PROPERTY SHOWN AND DEPICTED HEREON AND THAT WE HEREBY ADOPT THIS PLAN OF SUBDIVISION AND BY OUR FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

For: *[Signature]* Deputy Mayor 4-27-95
Date
City of Seward
P.O. Box 107
Seward, AK 99664

NOTARY'S ACKNOWLEDGEMENT

SUBSCRIBED AND SWORN BEFORE ME THIS 27th DAY of April 1995 FOR The City of Seward

Notary Public for Alaska
MY COMMISSION EXPIRES 12/31/96



LESSEE CERTIFICATE

I HEREBY CERTIFY THAT WE ARE THE LESSEES OF TRACT 1 SHOWN AND THAT WE HEREBY APPROVE THIS SUBDIVISION.

[Signature] 4/6/95
Date
Marta L. Carter, Director
Statewide Office of Land Management
University of Alaska
3800 University Lake Drive, Suite 103
Anchorage, AK 99508

NOTARY'S ACKNOWLEDGEMENT

SUBSCRIBED AND SWORN BEFORE ME THIS 2nd DAY of April 1995 FOR Blanche Ritten

Notary Public for Alaska
MY COMMISSION EXPIRES 1/24/98

RPH FILE No. 95-003

Waterfront Tracts

Located within the SW1/4 of Section 10, T1S, R1W, S.M., City of Seward, Seward Recording District, Kenai Peninsula Borough, Alaska

Containing 15.525 Acres

INTEGRITY SURVEYS
605 SWIRE DRIVE KENAI, ALASKA 99611
SURVEYORS 283-9047 PLANNERS

JOB NO. 94133	DRAWN: CB
SURVEYED: 18 April, 1995	SCALE: 1" = 100'
FIELD BK: 95-2, pgs. 5/-58	DISK: \D1\Waterfront

NOTES

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

Lots within this subdivision may be located within a designated flood hazard 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.

LINE	BEARING	DISTANCE
1	S 89° 28' 10" E	44.73
2	S 89° 28' 10" E	20.00
3	S 89° 28' 10" E	20.00
4	S 89° 28' 10" E	20.00
5	S 89° 28' 10" E	20.00
6	S 89° 28' 10" E	20.00
7	S 89° 28' 10" E	20.00
8	S 89° 28' 10" E	20.00

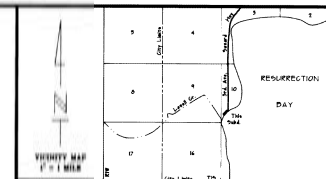
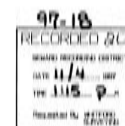


PLAT APPROVAL
This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of March 23, 1997.

KENAI PENINSULA BOROUGH
By: [Signature]
Authorized Official

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

Signature: [Signature] Registration No. 65-6181 Date 9-16-97



CERTIFICATE OF OWNERSHIP AND DEDICATION
I hereby certify that we are the owners of the real property shown and described herein and that we hereby adopt this plan of subdivision and by our free consent dedicate all rights-of-way to public use and grant all easements to the use shown.
[Signature]
Ken Gertzel, City Manager
City of Seward, PO Box 167, Seward, AK 99664

NOTARY'S ACKNOWLEDGEMENT
Subscribed and sworn before me this 22nd day of September, 1997.

For Ken Gertzel

[Signature]
Notary Public for Alaska
My Commission Expires 3/16/00



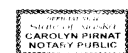
LESSEE CERTIFICATE
I hereby certify that we are the Lessees of Tract 1 as shown and that we hereby approve this subdivision.

[Signature]
Martin Epstein, Director
Statewide Office of Land Management
University of Alaska
ARNO University Lake Drive, Suite 103
Anchorage, AK 99500

NOTARY'S ACKNOWLEDGEMENT
Subscribed and sworn before me this 30th day of September, 1997.

For Martin Epstein

[Signature]
Notary Public for Alaska
My Commission Expires 10-11-00



WATERFRONT TRACTS Mariculture Addition

A Resubdivision of Tract 1 - Waterfront Tracts
Located within the SW 1/4 Sec. 10, T1S, RW, SM, AK
and the City of Seward.

WHITFORD SURVEYING
PO BOX 4032 - SOLDOTNA, AK 99669
(907) 260-9092

SURVEYED: 1/98 SCALE: 1" = 60'
JOB FILE NO.: 97-055 DWG. FILE: WATER2.GCD

**CITY OF SEWARD, ALASKA
RESOLUTION 2023-107**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEWARD,
ALASKA, RECOMMENDING THE KENAI PENINSULA BOROUGH
APPROVAL OF THE PRELIMINARY REPLAT OF WATERFRONT
TRACTS MARICULTURE ADDITION, TRACTS 1A & 1B AND
WATERFRONT TRACTS, TRACT 2A; LOCATED AT 201, 101, AND 301
RAILWAY AVE; CREATING WATERFRONT TRACTS
RESUBDIVISION, TRACTS 1A-1, 1B-1, AND 2A-1**

WHEREAS, Stantec Consulting Services Inc. has submitted a preliminary plat on behalf of the City of Seward and Chugach Regional Resources Commission (CRRC), University of Alaska Fairbanks (UAF), and the Seward Association for the Advancement of Marine Science dba Alaska SeaLife Center (SAAMS dba ASLC) for review by the City Council and recommendation to the Kenai Peninsula Borough; and

WHEREAS, the three tracts are owned by the City of Seward, and leased by the three above stated entities; and

WHEREAS, the preliminary plat is proposing minor property boundary changes between the three properties to correctly delineate the land that each organization is using; and

WHEREAS, necessary utility and access easements are being established in this preliminary plat; and

WHEREAS, on December 12, 2023 the City Council approved Resolution 2022-122 which authorized the City Manager to enter into and execute the purchase and sale agreement and related documents, of which this preliminary plat is included, with CRRC for the sale of 1.52 acres located at 101 Railway Avenue; and

WHEREAS, existing Tracts 1A and 1B are zoned Institutional and 5.57 acres and 1.57 acres respectively; and

WHEREAS, existing Tract 2A is zoned Central Business and 7.39 acres; and

WHEREAS, the proposed plat will create Waterfront Tracts Resubdivision, Tracts 1A-1, 1B-1, and 2A-1; and

WHEREAS, proposed Tract 1A-1 will be 5.51 acres and continued to be leased by UAF; and

WHEREAS, proposed Tract 1B-1 will be 1.51 acres and sold to CRRC; and

WHEREAS, proposed Tract 2A-1 will be 7.49 acres and continued to be leased by SAAMS dba ASLC; and

**CITY OF SEWARD, ALASKA
RESOLUTION 2023-107**

WHEREAS, portions of Tract 1A-1 and 2A-1 are located within a flood zone; and

WHEREAS, City water, sewer, electric, and roads are available to all three parcels; and

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

WHEREAS, City Code §16.01.015(B) states that no preliminary plat of city-owned property may be approved by the Kenai Peninsula Borough planning commission without prior consent of the City Council.

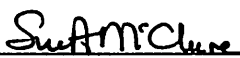
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEWARD, ALASKA that:

Section 1. The Council hereby recommends that, in accordance with Seward City Code Section 16.01.015 (B), the Kenai Peninsula Borough approve the submittal of the preliminary plat of Waterfront Tracts Mariculture Addition, Tracts 1A & 1B and Waterfront Tracts, Tract 2A; Located at 201, 101, and 301 Railway Ave; Creating Waterfront Tracts Resubdivision, Tracts 1A-1, 1B-1, and 2A-1.

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

PASSED AND APPROVED by the City Council of the City of Seward, Alaska, this 25th day of September, 2023.


THE CITY OF SEWARD, ALASKA



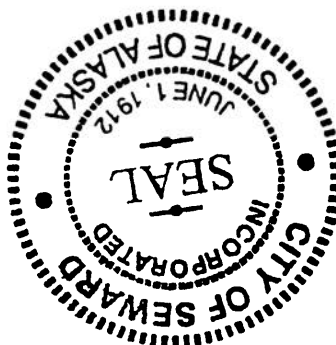
Sue McClure, Mayor

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

ATTEST:



Kris Peck
City Clerk



**CITY OF SEWARD, ALASKA
PLANNING AND ZONING COMMISSION
RESOLUTION 2023-017**

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF SEWARD, ALASKA, RECOMMENDING CITY COUNCIL AND KENAI PENINSULA BOROUGH APPROVAL OF THE PRELIMINARY REPLAT OF WATERFRONT TRACTS MARICULTURE ADDITION, TRACTS 1A AND 1B & WATERFRONT TRACTS, TRACT 2A; LOCATED AT 101, 201, AND 301 RAILWAY AVE; CREATING WATERFRONT TRACTS RESUBDIVISION, TRACTS 1A-1, 1B-1, AND 2A-1

WHEREAS, Stantec Consulting Services Inc. has submitted a preliminary plat on behalf of the City of Seward and Chugach Regional Resources Commission (CRRC), University of Alaska Fairbanks (UAF), and the Seward Association for the Advancement of Marine Science dba Alaska SeaLife Center for review and recommendation to the City Council and Kenai Peninsula Borough; and

WHEREAS, the three tracts are owned by the City of Seward, and leased by the three above stated entities; and

WHEREAS, the preliminary plat is proposing minor property boundary changes between the three properties to correctly delineate the land that each organization is using; and

WHEREAS, CRRC has approached the City of Seward with a request to purchase the parcel they are leasing, which is Waterfront Tracts Mariculture Addition, Tract 1B; and

WHEREAS, Tracts 1A and 1B are zoned Institutional and 5.57 acres and 1.57 acres respectively; and

WHEREAS, Tract 2A is zoned Central Business and 7.39 acres; and

WHEREAS, the proposed plat will create Waterfront Tracts Resubdivision, Tracts 1A-1, 1B-1, and 2A-1; and

WHEREAS, proposed Tract 1A-1 will be 5.51 acres; and

WHEREAS, proposed Tract 1B-1 will be 1.51 acres; and

WHEREAS, proposed Tract 2A-1 will be 7.49 acres; and

WHEREAS, portions of Tract 1A-1 and 2A-1 are located within a flood zone; and

WHEREAS, City water, sewer, electric, and roads are available to all three parcels; and

**CITY OF SEWARD, ALASKA
RESOLUTION 2023-017**

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

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

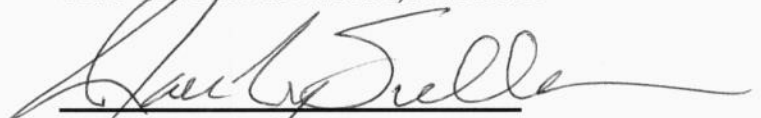
NOW, THEREFORE, BE IT RESOLVED by the Seward Planning and Zoning Commission, that:

Section 1. The Commission hereby recommends that, in accordance with Seward City Code Section 16.01.015 (B), the Seward City Council and Kenai Peninsula Borough approve the submittal of the preliminary plat of Waterfront Tracts Mariculture Addition, Tracts 1A and 1B & Waterfront Tracts, Tract 2A; Located at 101, 201, and 301 Railway Ave; Creating Waterfront Tracts Resubdivision, Tracts 1A-1, 1B-1, and 2A-1.

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


PASSED AND APPROVED by the Seward Planning and Zoning Commission this 5th day of September, 2023.

THE CITY OF SEWARD, ALASKA


Clare Sullivan, Chair

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

ATTEST:

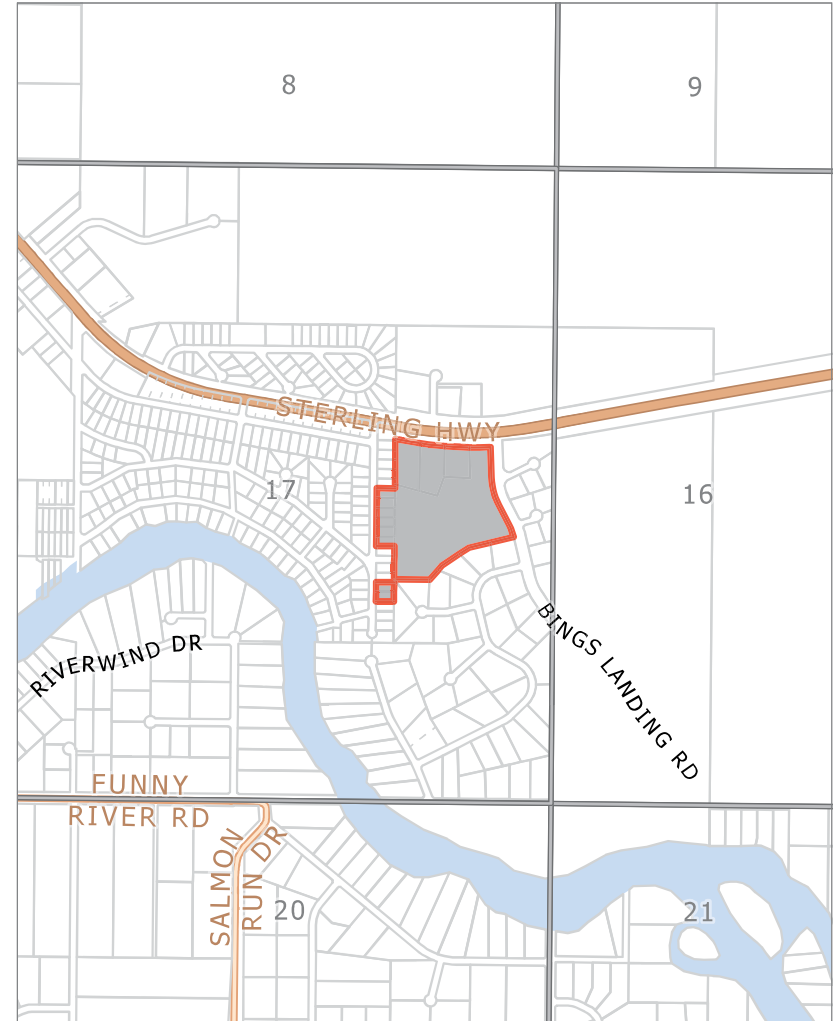
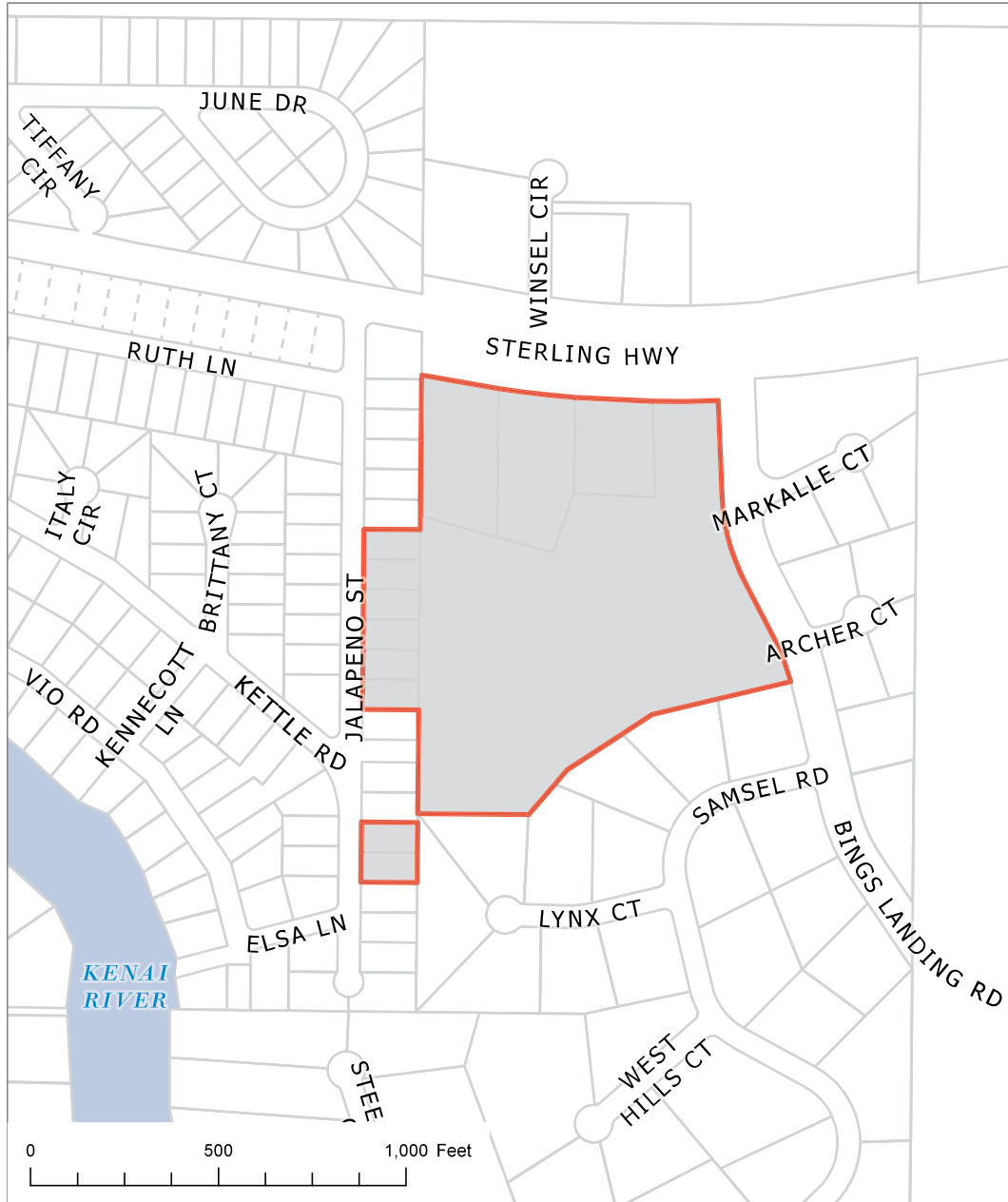

Kris Peck
City Clerk

(City Seal)



E. NEW BUSINESS

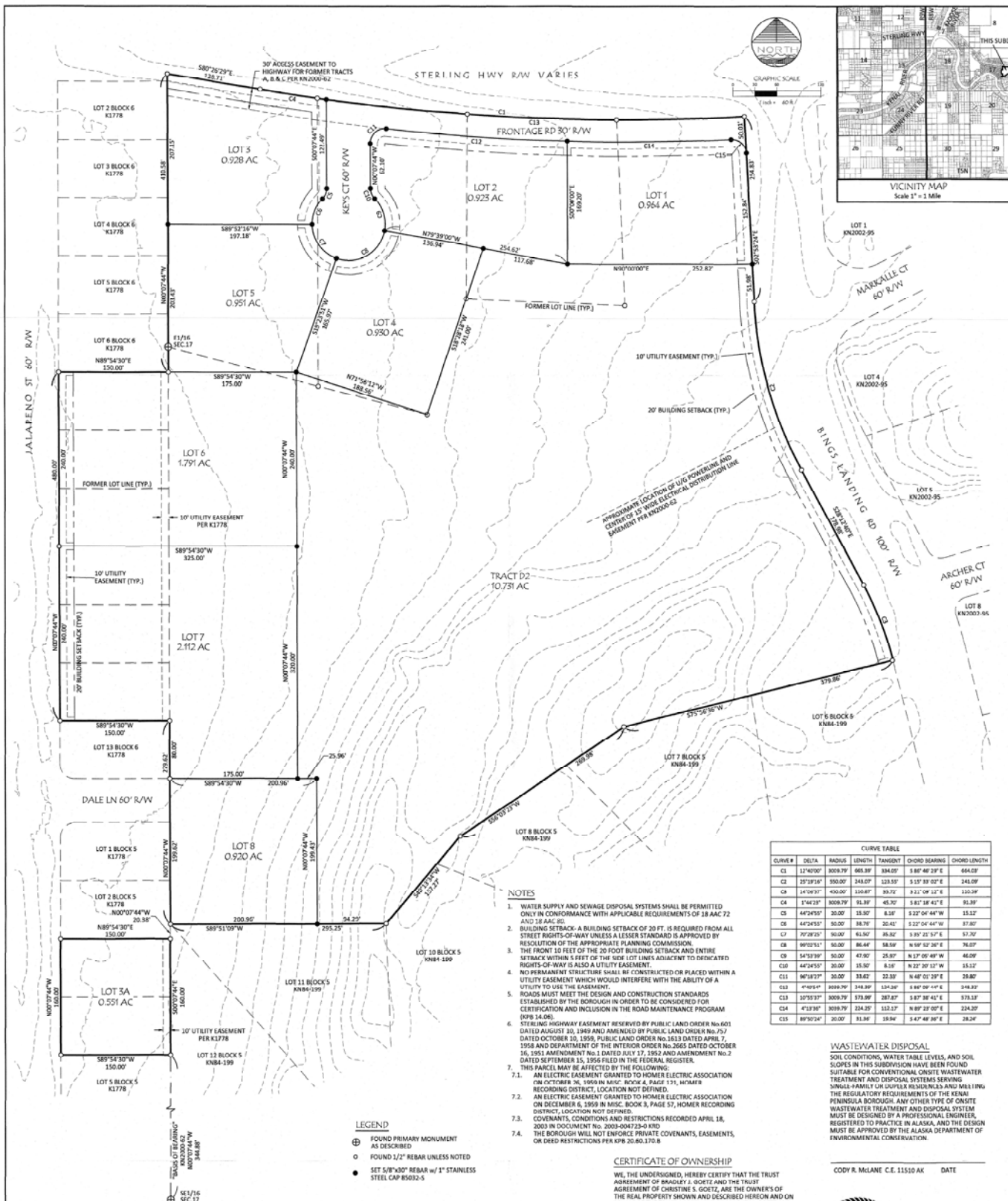
- 8. Bings Landing Subdivision Gregory Addition; KPB File 2023-110
McLane Consulting Group
Keys, Collins, Christine S & Bradley J Goetz Trust Agreement,
Roberts
Location: Sterling Hwy., Jalapeno St., Bings Landing Rd.
Sterling Area**



KPB File 2023-110
T 05N R 08W SEC 17
Sterling



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



CURVE #	DELTA	RADIUS	LENGTH	TANGENT	CHORD BEARING	CHORD LENGTH
C1	12°40'00"	3009.79	685.39	334.00'	S 88°46'28" E	664.08'
C2	25°19'18"	500.00	243.07	123.50'	S 15°39'02" E	243.09'
C3	14°09'30"	400.00	150.87	39.72'	S 21°04'12" E	150.34'
C4	1°44'28"	3009.79	91.39	45.70'	S 81°38'42" E	91.39'
C5	44°24'51"	20.00	15.92	8.16'	S 22°04'44" W	15.12'
C6	44°24'51"	50.00	38.70	20.41'	S 22°04'44" W	37.80'
C7	77°39'25"	50.00	61.92	36.32'	S 19°25'17" E	57.70'
C8	90°01'21"	50.00	86.48	58.56'	S 10°02'38" E	76.07'
C9	54°53'39"	50.00	47.80	29.87'	N 17°00'48" W	46.09'
C10	44°24'51"	20.00	15.92	8.16'	N 22°30'12" W	15.12'
C11	96°18'21"	20.00	33.62	22.33'	N 48°01'28" E	29.80'
C12	4°40'41"	3009.79	248.39	124.24'	S 88°00'10" E	248.32'
C13	10°53'37"	3009.79	373.99	287.87'	S 87°38'42" E	373.13'
C14	4°13'38"	3009.79	224.25	112.17'	N 89°22'00" E	224.20'
C15	89°50'24"	20.00	91.36	18.94'	S 47°48'38" E	28.24'

NOTES

1. WATER SUPPLY AND SEWAGE DISPOSAL SYSTEMS SHALL BE PERMITTED ONLY IN CONFORMANCE WITH APPLICABLE REQUIREMENTS OF 18 AAC 72 AND 18 AAC 80.
2. BUILDING SETBACK: A BUILDING SETBACK OF 20 FT. IS REQUIRED FROM ALL STREET RIGHTS-OF-WAY UNLESS A LESSER STANDARD IS PROVIDED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
3. THE FRONT 10 FEET OF THE 20 FOOT BUILDING SETBACK AND ENTIRE SETBACK WITHIN 5 FEET OF THE SIDE LOT LINES ADJACENT TO DEDICATED RIGHTS-OF-WAY IS ALSO A UTILITY EASEMENT.
4. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
5. ROADS MUST MEET THE DESIGN AND CONSTRUCTION STANDARDS ESTABLISHED BY THE BOROUGH IN ORDER TO BE CONSIDERED FOR CERTIFICATION AND INCLUSION IN THE ROAD MAINTENANCE PROGRAM (KPB 14-06).
6. STERLING HIGHWAY EASEMENT RESERVED BY PUBLIC LAND ORDER No. 601 DATED AUGUST 10, 1949 AND AMENDED BY PUBLIC LAND ORDER No. 757 DATED OCTOBER 10, 1958, PUBLIC LAND ORDER No. 1613 DATED APRIL 7, 1958 AND DEPARTMENT OF THE INTERIOR ORDER No. 2665 DATED OCTOBER 16, 1951 AMENDMENT No. 1 DATED JULY 17, 1952 AND AMENDMENT No. 2 DATED SEPTEMBER 15, 1956 FILED IN THE FEDERAL REGISTER.
7. THIS PARCEL MAY BE AFFECTED BY THE FOLLOWING:
 - 7.1. AN ELECTRIC EASEMENT GRANTED TO HOMER ELECTRIC ASSOCIATION ON OCTOBER 30, 1959 IN MUSIC BOOK 8, PAGE 171, HOMER RECORDING DISTRICT, LOCATION NOT DEFINED.
 - 7.2. AN ELECTRIC EASEMENT GRANTED TO HOMER ELECTRIC ASSOCIATION ON DECEMBER 6, 1959 IN MUSIC BOOK 8, PAGE 157, HOMER RECORDING DISTRICT, LOCATION NOT DEFINED.
 - 7.3. COVENANTS, CONDITIONS AND RESTRICTIONS RECORDED APRIL 18, 2003 IN DOCUMENT No. 2003-004723-D-KRD
 - 7.4. THE BOROUGH WILL NOT ENFORCE PRIVATE COVENANTS, EASEMENTS, OR DEED RESTRICTIONS PER KPB 20.60.170-B

WASTEWATER DISPOSAL

SOIL CONDITIONS, WATER TABLE LEVELS, AND SOIL SLOPES IN THIS SUBDIVISION HAVE BEEN FOUND SUITABLE FOR CONVENTIONAL ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEMS SERVING SINGLE-FAMILY LOTS (UP TO 1 ACRE) AND MEETING THE REGULATORY REQUIREMENTS OF THE KENAI PENINSULA BOROUGH. ANY OTHER TYPE OF ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEM MUST BE DESIGNED BY A PROFESSIONAL ENGINEER, REGISTERED TO PRACTICE IN ALASKA, AND THE DESIGN MUST BE APPROVED BY THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

CERTIFICATE OF OWNERSHIP

WE, THE UNDERSIGNED, HEREBY CERTIFY THAT THE TRUST AGREEMENT OF BRADLEY J. GOETZ AND THE TRUST AGREEMENT OF CHRISTINE S. GOETZ, ARE THE OWNERS OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND WE HEREBY ADOPT THIS PLAN OF SUBDIVISION AND BY OUR FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

CODY R. MALANE C.E. 11510 AK DATE



Plat #	
Rec. Date	20
Date	20
Time	AM

CERTIFICATE OF OWNERSHIP

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

KENNETH R. KEYS, OWNER TRACTS A, B, C & D (KN2000-62)
31485 BINGS LANDING RD, STERLING, AK 99612

NOTARY'S ACKNOWLEDGEMENT

FOR: KENNETH R. KEYS
ACKNOWLEDGED BEFORE ME THIS
DAY OF 20
MY COMMISSION EXPIRES: 20
NOTARY PUBLIC FOR THE STATE OF

CERTIFICATE OF OWNERSHIP

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND WE HEREBY ADOPT THIS PLAN OF SUBDIVISION AND BY OUR FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

PATRICK S. ROBERTS aka PATRICK ROBERTS & SARAH J. ROBERTS aka SARAH ROBERTS, OWNERS L3 & L4 B5 (K1778)
6633 AIR GUARD RD, ANCHORAGE, AK 99502

NOTARY'S ACKNOWLEDGEMENT

FOR: PATRICK S. ROBERTS & SARAH J. ROBERTS
ACKNOWLEDGED BEFORE ME THIS
DAY OF 20
MY COMMISSION EXPIRES: 20
NOTARY PUBLIC FOR THE STATE OF

CERTIFICATE OF OWNERSHIP

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND WE HEREBY ADOPT THIS PLAN OF SUBDIVISION AND BY OUR FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

GREGORY L. & LORELEI ANN COLLINS, OWNERS L7, 8 & 9 B6 (K1778)
55600 FINCH AVE #144, HOMER, AK 99603

NOTARY'S ACKNOWLEDGEMENT

FOR: GREGORY & LORELEI COLLINS
ACKNOWLEDGED BEFORE ME THIS
DAY OF 20
MY COMMISSION EXPIRES: 20
NOTARY PUBLIC FOR THE STATE OF

GOETZ CHRISTINE S. TRUST AGREEMENT & GOETZ BRADLEY J. TRUST AGREEMENT

OWNERS L10, 11 & 12 B6 (K1778)
10830 REFUGE CIR, ANCHORAGE, AK 99515

NOTARY'S ACKNOWLEDGEMENT

FOR: ACKNOWLEDGED BEFORE ME THIS
DAY OF 20
MY COMMISSION EXPIRES: 20
NOTARY PUBLIC FOR THE STATE OF

PLAT APPROVAL

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

AUTHORIZED OFFICIAL DATE

BINGS LANDING SUBDIVISION GREGORY ADDITION

RESUBDIVISION OF TRACT A, B, C & D BINGS LANDING SUBDIVISION PART THREE AMENDED (KN2000-62) AND LOTS 7-12 BLOCK 6 & LOTS 5-4 BLOCK 5 GREGORY SUBDIVISION ADDITION No. 4 (K1778)

KENNETH R. KEYS, OWNER TRACTS A, B, C & D (KN2000-62)
37485 BINGS LANDING RD, STERLING, AK 99612

GREGORY L. & LORELEI ANN COLLINS, OWNERS L7, 8 & 9 B6 (K1778)
55600 FINCH AVE #144, HOMER, AK 99603

GOETZ CHRISTINE S. TRUST AGREEMENT & GOETZ BRADLEY J. TRUST AGREEMENT, OWNERS L10, 11 & 12 B6 (K1778)
10830 REFUGE CIR, ANCHORAGE, AK 99515

PATRICK & SARAH ROBERTS, OWNERS L3 & L4 B5 (K1778)
6633 AIR GUARD RD, ANCHORAGE, AK 99502

21.607 AC. M/L UTILIZED IN THE E1/2 OF SECTION 17, TOWNSHIP 6 NORTH, RANGE 8 WEST, SEWARD MERIDIAN, KENAI PENINSULA BOROUGH, AND THE KENAI RECORDING DISTRICT, ALASKA.

ENGINEERING - TESTING
SUPERVISING
P.O. BOX 488
BOULDER, CO 80501
VOICE: (970) 284-6919
FAX: (970) 284-6918
WWW.MCLANDSCAPING.COM

KPB FILE NO. 2023-XXXX
PROJECT NO. 230324

SCALE: 1" = 60' DATE: 10/20/23 BLOCK NO.: 23-05 DRAWN BY: JAH

KPB 2023-110

E8-3

AGENDA ITEM E. NEW BUSINESS

**ITEM #8 - PRELIMINARY PLAT
BINGS LANDING SUBDIVISION GREGORY ADDITION**

KPB File No.	2023-110
Plat Committee Meeting:	November 13, 2023
Applicant / Owner:	Kenneth Keys, Gregory and Lorelei Collins, Trust Agreement of Christine S Goetz and Trust Agreement of Bradley J Goetz, and Patrick and Sarah Roberts, all of Alaska
Surveyor:	James Hall / McLane Consulting Inc
General Location:	Sterling

Parent Parcel No.:	065-082-58, 065-082-59, 065-082-60, 065-082-61, 065-210-65, 065-210-66, 065-210-67, 065-210-71, 065-210-72, 065-230-20, 065-230-21, and 065-230-22
Legal Description:	T 5N R 8W SEC 17 SEWARD MERIDIAN KN 0001778 Gregory Sub Addn No 4 Lots 7-12 Block 6 and Lots 3 and 4 Block 5 T 5N R 8W SEC 17 Seward Meridian KN 2000062 Bings Landing Sub Part Three Amended Tracts A, B, C, and D
Assessing Use:	Multiple Cabins and Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On site
Exception Request	20.30.030(A) and 20.30.170

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will reconfigure twelve parcels into nine lots and one tract. The lots will vary in size from .551 acres up to 2.112 acres. The tract will be 10.731 acres.

Location and Legal Access (existing and proposed): This subdivision is located on state-maintained Sterling Highway at approximately mile 80.5. This subdivision is proposing a 30-foot-wide frontage road with a cul-de-sac road and bulb on one end of it, as a dedication. Lots two through five have access to the cul-de-sac. Lots one and two will have access via the frontage road. Lot one and Tract D2 will have access to 100'-wide Bings Landing Road. Lots 3A, 6, and 7 will have access to 60'-wide Jalapeno Street. Lot eight will have access to Dale Lane. An exception to not continue Dale Lane has been received.

The RSA Director has reviewed the design and did provide comments regarding the lack of a turnaround area for Dale Lane and the frontage road being less than the minimum 60 feet to be considered for borough maintenance.

Staff recommends: the surveyor and owners consult with the RSA Director on his concerns to get a resolution and report the results to staff.

The names Keys Court and Frontage Road have been denied. **Staff recommends:** possible names be sent to the KPB Addressing Officer for review and approval.

Block lengths for this area are not compliant and the surveyor has requested an exception to KPB 20.30.170. Tract D2 can be further divided in the future to add roads.

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

KPB Roads Dept. comments	Out of Jurisdiction: No Roads Director: Griebel, Scott Comments: Dale Ln ROW dead ends with no provision for an equipment turn-around. The frontage Rd may never qualify for maintenance if additional dedication is not granted.
SOA DOT comments	No comment

Site Investigation: Terrain for the area is relatively flat except for the south end of Tract D2. There appears to be a rise of a hill in the southeast with some steep slope apparent. **Staff recommends:** contours may be removed for the final, but areas of steep slope be identified for on final.

There are no classified wetlands within the boundary of the subdivision.

There are improvements on several of the lots along the west and Tract D. Lot 3A, 6, 7 and Tract D2 will maintain the existing structures on them when the platting is complete. There is concerned with the structures located along the southern boundary. **Staff recommends:** *when the surveyor performs the field work please determine if there are any encroachments and verify in writing to staff if any were found.*

KPB River Center review	A. Floodplain Reviewer: Hindman, Julie Floodplain Status: Not within flood hazard area Comments: No comments B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments C. State Parks Reviewer: VACANT Comments:
State of Alaska Fish and Game	

Staff Analysis The lots front along Jalapeno Street to the west were created by Gregory Subdivision Addition No 4, KN 2000-62 from government lots one and three and two aliquot described parcels. Bings Landing Subdivision Part Three Amended, KN 2000-62, created former Tracts A, B, C, and D from an aliquot described parcel.

All necessary plat notes have been carried forward from the parent plats.

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

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

The property is not located within an advisory planning commission limit.

Utility Easements The parent plat for the parcels along Jalapeno Street only granted a ten-foot utility easement along the east boundary and this appears to be shown correctly. The proposed plat will be granting ten-foot utility easements along Jalapeno Street, but **staff recommends:** *the depiction of the easement and building setback be added to proposed Lot 3A.*

The parent plat, KN 2000-62, granted ten-foot utility easements a long all dedicated rights-of-way and appear to be shown correctly. The plat also granted an easement for under ground electrical line and was correctly carried forward.

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	
ACS	No objections
GCI	

KPB department / agency review:

Addressing	<p>Reviewer: Leavitt, Rhealyn Affected Addresses: 37480 JALAPENO ST, 37460 JALAPENO ST, 37450 JALAPENO ST, 37430 JALAPENO ST, 37370 JALAPENO ST, 37350 JALAPENO ST, 37300 JALAPENO ST, 37290 JALAPENO ST, 32215 STERLING HWY, 32165 STERLING HWY, 32115 STERLING HWY, 37485 BINGS LANDING RD</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names: JALAPENO ST, STERLING HWY, MARKALLE CT, ARCHER CT, BINGS LANDING RD, DALE LN</p> <p>Existing Street Name Corrections Needed:</p> <p>All New Street Names are Approved: No</p> <p>List of Approved Street Names: List of Street Names Denied: KEYS CT, FRONTAGE RD</p> <p>Comments: Addresses will be deleted and new addresses assigned. Please provide new street names, both names are already in use.</p>
Code Compliance	<p>Reviewer: Ogren, Eric Comments: No comments</p>
Planner	<p>Reviewer: Raidmae, Ryan The existing Local Option Zoning District, Bings Landing, is located directly South and adjacent too the new subdivision, Gregory Addition.</p> <p>Material Site Comments: There are not any material site issues with this proposed plat.</p>

Assessing	Reviewer: Windsor, Heather Comments: No comment
-----------	--

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

STAFF RECOMMENDATIONS **CORRECTIONS / EDITS**

Add KPB No 2023-110 to title block.

Add meeting date of November 13, 2023 to Plat Approval.

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: *Please verify the address for Kenneth Keys. The tax roll indicates a different address. If the address is correct, we recommend the owner contact the Assessing Department to have their address updated.*
- 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: *Please correct the width of Markalle Court and Archer Court. KN 2002-95 indicates they are 50-feet-wide.*
- 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: *Please add labels for Lot 1 Block 6 to the northwest.*
- M. Approximate locations of slopes over 20 percent in grade and if contours are shown, the areas of the contours that exceed 20 percent grade shall be clearly labeled as such;

Staff recommendation: *contours may be removed from the final.*
- N. Apparent encroachments, with a statement indicating how the encroachments will be resolved prior to final plat approval;

Staff recommendation: *There are some structures at the south boundary of Tract D. When doing the field work please notify staff in writing if any encroachments are found and what the resolution will be.*

KPB 20.30 – Subdivision Design Requirements

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

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

Staff recommendation: The names Frontage Road and Keys Ct already exists. Please submit possible names to the KPB Addressing Officer for review and approval.

KPB 20.40 – Wastewater Disposal

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

20.40.010 Wastewater disposal.

Platting Staff Comments:

Staff recommendation: comply with 20.40.

KPB 20.60 – Final Plat

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

EXCEPTIONS REQUESTED:

A. KPB 20.30.030(A) Proposed Street Layout and 20.30.170 Block Length

Surveyor's Discussion:

Staff Discussion: Staff has combined the exception requests as the findings were similar for both. The Plat Committee can make a motion to vote on them separately if they choose.

Surveyor Findings:

1. Right-of-way (*Dale Ln*) is not constructed.
2. Surrounding area lots are subdivided lots with current, constructed, superior access.
3. Current Tract D (KN2000-62) is a large parcel with superior access from Bings Landing Road.

Staff Findings:

4. Lot 8 will be the only lot accessing Dale Ln.
5. Terrain for the area is relatively flat.
6. Tract D currently has several improvements located throughout the tract.
7. The exiting portion of Dale Lane was dedicated on K-1778.
8. No turn around area was proposed.
9. Future development of Tract D2 can provide a road.

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

Unless prohibited under this title, the committee may authorize exceptions to any of the requirements set forth in this title. Application for an exception shall present the commission (committee) with substantial evidence, justifying the requested waiver or exception stating fully the grounds for the application and the facts relied upon. All exceptions must be requested and granted at the time of preliminary plat approval. Exceptions may not be requested with a final plat submittal.

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

1. That special circumstances or conditions affecting the property have been shown by application;
2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is

Page 5 of 6

the most practical manner of complying with the intent of this title;

3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.

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

RECOMMENDATION:

SUBJECT TO EXCEPTION(S) GRANTED, STAFF RECOMMENDS:

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

NOTE: 20.25.120. - REVIEW AND APPEAL.

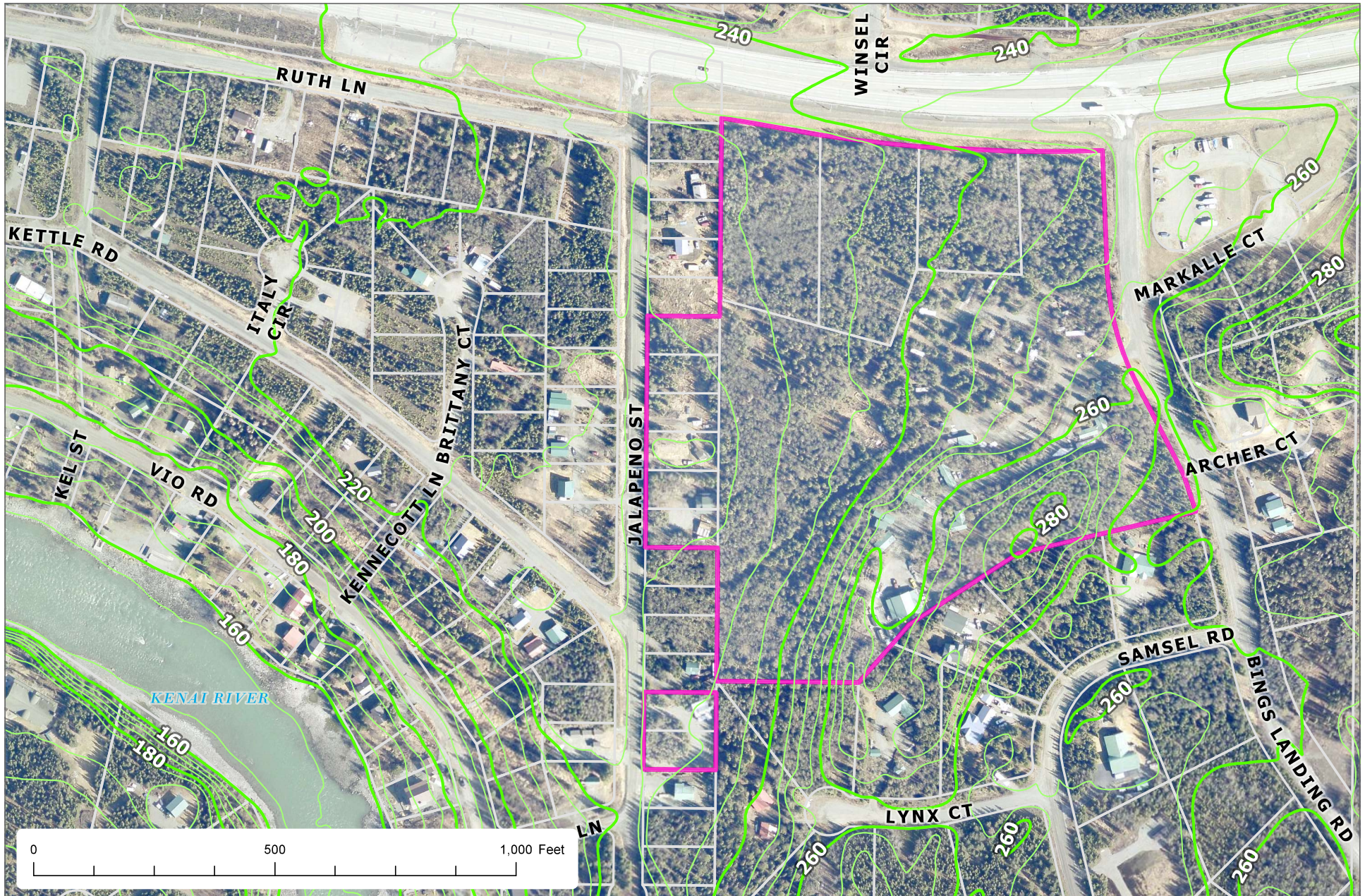
A PARTY OF RECORD MAY REQUEST THAT A DECISION OF THE PLAT COMMITTEE BE REVIEWED BY THE PLANNING COMMISSION BY FILING A WRITTEN REQUEST WITHIN 15 DAYS OF NOTIFICATION OF THE DECISION IN ACCORDANCE WITH KPB 2.40.080.

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

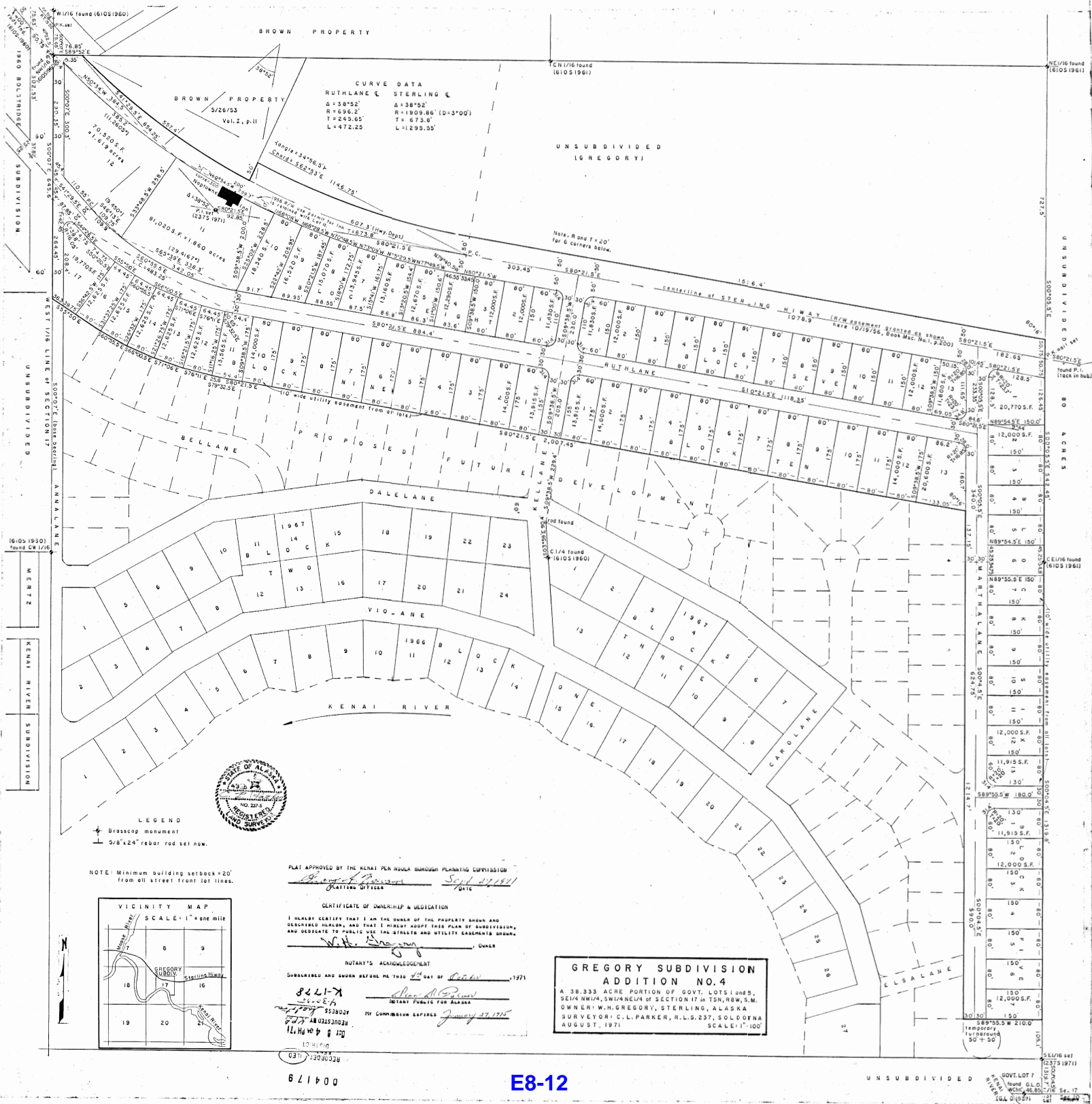
END OF STAFF REPORT



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



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Found 3 1/4" Diam. alum. cap

PC 610-5 1993 4

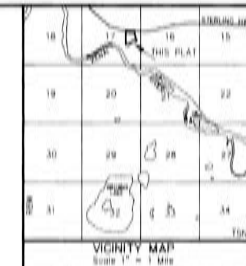
Found 3 1/4" Diam. alum. cap

PC 610-5 1993 4

Found 3 1/4" Diam. alum. cap

PC 610-5 1993 4

CURVE TABLE						
CURVE	LENGTH	RADIUS	DELTA	TANGENT	CHORD BEARING	CHORD
C1	797.73	2884.79	105° 21' 18"	401.47	S88° 25' 14" E	785.17
C2	210.50	2884.79	04° 12' 22"	105.20	S81° 29' 56" E	210.25
C3	79.73	3039.79	01° 50' 18"	38.69	S81° 11' 55" E	79.34
C4	78.58	3039.79	01° 50' 17"	38.43	S81° 11' 45" E	78.28
C5	208.92	3039.79	03° 50' 58"	104.29	S80° 54' 28" E	208.29
C6	205.13	3039.79	03° 50' 57"	103.84	S81° 14' 29" E	205.77
C7	174.93	3039.79	03° 19' 48"	87.45	S88° 32' 25" E	174.01
C8	220.97	3039.79	05° 18' 18"	117.32	S10° 13' 02" E	218.17
C9	243.07	3039.79	05° 18' 16"	123.85	S10° 13' 04" E	241.04
C10	123.18	3039.79	03° 58' 52"	61.91	S21° 09' 12" W	122.87
C11	110.87	450.00	14° 06' 57"	55.73	S21° 09' 12" W	110.55



LEGEND

- Found 2" diam. alum. cap attached to 5/8" x 30" rebar
- Found 2" diam. alum. capped monument
- Found 1/2" rebar at property corner
- Found primary survey monument as described
- Set 1/2" x 24" rebar with McLane cap attached
- Record data

NOTES

- Water supply and sewage disposal systems shall be permitted only in accordance with applicable requirements of 18 AAC 70, 18 AAC 72, and 18 AAC 80.
- No direct access to state maintained ROWs permitted unless approved by State of Alaska Department of Transportation.
- No permanent structure shall be constructed or placed within an easement which would interfere with the ability of a utility to use the easement.
- BUILDING SET BACK - A building set back of 20 ft. is required from all street rights-of-way unless a lesser standard is approved by resolution of the appropriate Planning Commission.
- Tracts A, B, and C shall use two (2) common ALDOT/AFM permitted driveway locations (Permit No. 3510000) to access the Sterling Highway. A 30' easement situated along the Sterling Highway right of way line within Tracts A and B is hereby granted for ingress and egress for Tracts A, B and C allowing access to the permitted driveway locations.
- The front 10 feet of the 20 foot building set back and entire set back within 5 feet of the side lot line is a utility easement.
- Existing buried powerline is the centerline of a 15' wide electrical distribution line easement.

AMENDED PLAT NOTE

This plat amends plat No. 98-08 by the removal of incorrect curve data listed in lines 8 and 9 of the Curve Table. The above revision commutes the changes made to the plat made from its notation on the plat. The above revision does not alter lot areas and does not affect, or influence any change of ownership, drainage features, right of ways, or any other item which would adversely affect this or adjacent properties. I am instituting this plat for rectification corrected.

I hereby certify that I have made the correction noted above and that no other changes have been made.

M. Scott McLane 4900 S DATE



WASTEWATER DISPOSAL TRACT D

These lots are of at least 200,000 square feet or nominal 5 acres in size and conditions may not be suitable for onsite wastewater treatment and disposal. Any wastewater treatment or disposal system must meet the regulatory requirements of the Alaska Department of Environmental Conservation.

WASTEWATER DISPOSAL TRACT A, B and C

Soil conditions, water table levels, and soil slopes in this subdivision have been found suitable for conventional onsite wastewater treatment and disposal systems serving single-family or duplex residences and meeting the regulatory requirements of the Alaska Department of Environmental Conservation. Any other type of wastewater treatment and disposal system must be approved by the Alaska Department of Environmental Conservation. The engineer's Subdivision and Lots Report is available from the Kenai Peninsula Borough.

AMPSA 687863 13 Aug 98
M. Scott McLane C.E. 7803 AK DATE

2000-42
KENA RECORD
DATE 12-1-00
TIME 12:06 P.M.
RECORDED BY McLane
ADDRESS



98-48
RECORDED AND
KENAI REC DIST
DATE 7-5
BY 1-1
RECORDED BY
ADDRESS

AMENDED

DING'S LANDING SUBDIVISION PART THREE

Joan Samsel, owner
P.O. Box 192
Petersen, AK 99860
LOCATION
10.503 AC. W/4 SITUATED IN NE 1/4 NE 1/4, NE 1/4 SE 1/4, SEC 17, T 5 N, R 5 W, S 4, AK, AND KENAI PENINSULA BOROUGH IN KENAI RECORDING DISTRICT.

Surveyed by: Consulting Group
McLANE
DATE June 1998 Book No.: 98-04 Project No.: 980102
98-06
Drawn by: Checked by: MAM Scale 1" = 100' RFB File No. 98095

NOTARY'S ACKNOWLEDGEMENT

for Joan Samsel
Subscribed and sworn before me this
10 day of August, 1998.
My commission expires 5-26-99
Notary Public for the State of Alaska

CERTIFICATE OF OWNERSHIP AND DEDICATION

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

Joan Samsel
Joan Samsel

PLAT APPROVAL

This plat was approved by the KENAI PENINSULA BOROUGH PLANNING COMMISSION at the meeting of
May 26, 1998

KENAI PENINSULA BOROUGH by
Authorized Official

DESK PACKET

(MATERIALS SUBMITTED AFTER MEETING PACKET PUBLICATION)

8. Bings Landing Subdivision Gregory Addition; KPB File 2023-110
McLane Consulting Group
Keys, Collins, Christine S & Bradley J Goetz Trust Agreement, Roberts
Location: Sterling Highway, Jalapeno Street, Bings Landing Road
Sterling Area

AGENDA ITEM E. NEW BUSINESS

**ITEM #8 - PRELIMINARY PLAT
BINGS LANDING SUBDIVISION GREGORY ADDITION**

KPB File No.	2023-110
Plat Committee Meeting:	November 13, 2023
Applicant / Owner:	Kenneth Keys, Gregory and Lorelei Collins, Trust Agreement of Christine S Goetz and Trust Agreement of Bradley J Goetz, and Patrick and Sarah Roberts, all of Alaska
Surveyor:	James Hall / McLane Consulting Inc
General Location:	Sterling

Parent Parcel No.:	065-082-58, 065-082-59, 065-082-60, 065-082-61, 065-210-65, 065-210-66, 065-210-67, 065-210-71, 065-210-72, 065-230-20, 065-230-21, and 065-230-22
Legal Description:	T 5N R 8W SEC 17 SEWARD MERIDIAN KN 0001778 Gregory Sub Addn No 4 Lots 7-12 Block 6 and Lots 3 and 4 Block 5 T 5N R 8W SEC 17 Seward Meridian KN 2000062 Bings Landing Sub Part Three Amended Tracts A, B, C, and D
Assessing Use:	Multiple Cabins and Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On site
Exception Request	20.30.030(A) and 20.30.170

ADDENDUM TO STAFF REPORT

Staff has received an additional Exception Request for KPB 20.30.100 – Cul-de-sacs, for which this addendum is being added to the Preliminary Plat Bings Landing Subdivision Landing Gregory Addition and two other previously requested exceptions.

EXCEPTIONS REQUESTED:

B. KPB 20.30.100 Cul-de-sacs

Surveyor's Discussion:

Surveyor Findings:

1. Right-of-way (*Dale Ln*) is not constructed.
2. Dale lane will be providing access to 1 lot, proposed lot 8.
3. Both parcels north and south of Dale Lane have current driveways from Jalapeno Street.
4. A dedicated cul-de-sac would be giving double-frontage to proposed lot 7. This is unnecessary as lot 7 has 240 ft of frontage on Jalapeno St.
5. Dedication of a cul-de-sac will further encumber proposed lot 8 with building setbacks and utility easements that are unnecessary.

Staff Discussion

20.30.100. - Cul-de-sacs.

A. Streets designed to have one end permanently closed shall be no more than 1,000 feet long. The closed end of the cul-de-sac shall have a suitable turnaround with a minimum radius of 50 feet to the property line. The turnaround shall be constructible to a 4 percent grade or less.

Staff Findings:

6. The exiting portion of Dale Lane was dedicated on K-1778.
7. No turn around area was proposed.
8. Future development of Tract D2 can provide a road.

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

Unless prohibited under this title, the committee may authorize exceptions to any of the requirements set forth in this title. Application for an exception shall present the commission (committee) with substantial evidence, justifying the requested waiver or exception stating fully the grounds for the application and the facts relied upon. All exceptions must be requested and granted at the time of preliminary plat approval. Exceptions may not be requested with a final plat submittal.

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

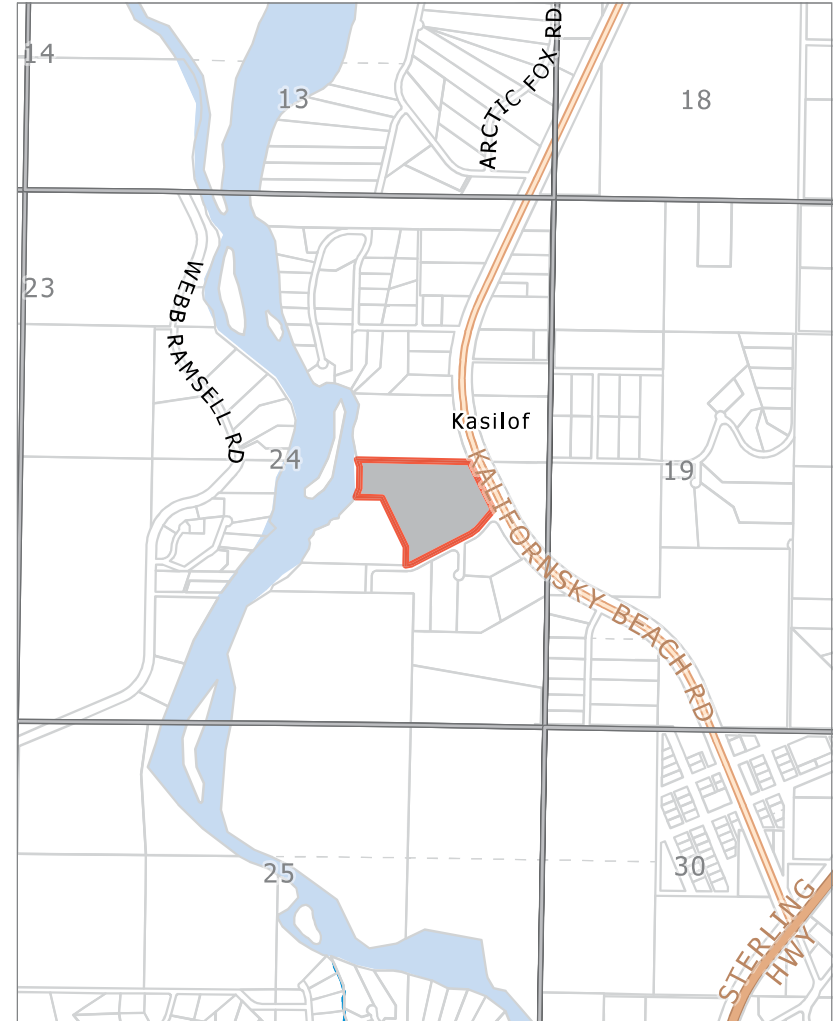
1. That special circumstances or conditions affecting the property have been shown by application;
2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title;
3. That the granting of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

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

END OF ADDENDUM

E. NEW BUSINESS

- 9. Evenson Subdivision 2023 Replat; KPB File 2023-119
McLane Consulting Group / Carroll
Location: Cobbler Lane Off Kalifornsky Beach Road
Kasilof Area**



KPB File 2023-119
T 03N R 12W SEC 24
Kasilof



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.

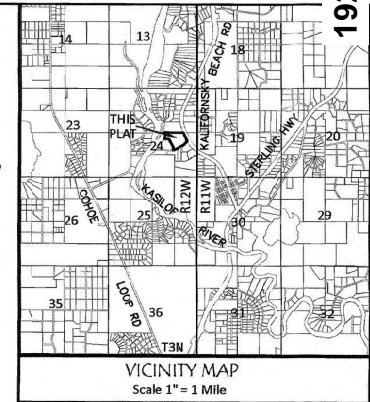
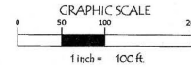
WASTEWATER DISPOSAL

SOIL CONDITIONS, WATER TABLE LEVELS, AND SOIL SLOPES IN THIS SUBDIVISION HAVE BEEN FOUND SUITABLE FOR CONVENTIONAL ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEMS SERVING SINGLE-FAMILY OR DUPLEX RESIDENCES AND MEETING THE REGULATORY REQUIREMENTS OF THE KENAI PENINSULA BOROUGH. ANY OTHER TYPE OF ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEM MUST BE DESIGNED BY A PROFESSIONAL ENGINEER, REGISTERED TO PRACTICE IN ALASKA, AND THE DESIGN MUST BE APPROVED BY THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

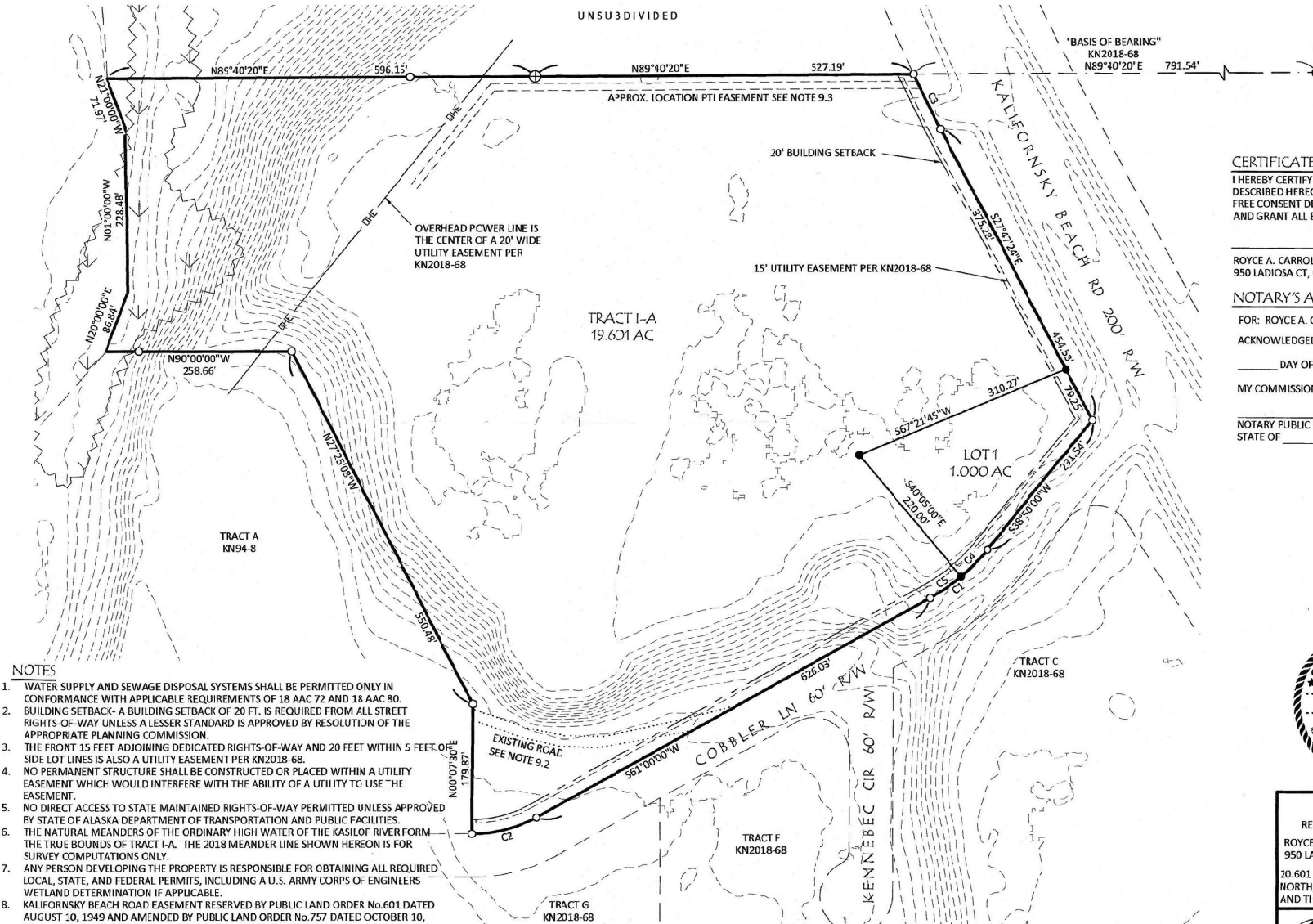
CURVE TABLE						
CURVE#	DELTA	RADIUS	LENGTH	TANGENT	CHORD BEARING	CHORD LENGTH
C1	22°10'30"	27000'	104.46'	52.89'	S49°55'00" W	103.81'
C2	29°00'00"	18438'	93.32'	47.68'	S75°30'00" W	92.33'
C3	2°25'49"	2010.00'	85.26'	42.63'	S26°34'29" E	85.25'
C4	11°05'30"	27000'	52.23'	26.20'	S44°22'30" W	52.15'
C5	11°05'30"	27000'	52.23'	26.20'	S55°27'30" W	52.15'

LEGEND

- ⊕ FOUND PRIMARY MONUMENT AS DESCRIBED
- FOUND 5/8" REBAR UNLESS NOTED
- SET 5/8"x30" REBAR w/ 1" STAINLESS STEEL CAP 85032-S
- CONTOUR INTERVAL = 4'



CODY R. McLANE C.E. 11510 AK DATE



NOTES

- WATER SUPPLY AND SEWAGE DISPOSAL SYSTEMS SHALL BE PERMITTED ONLY IN CONFORMANCE WITH APPLICABLE REQUIREMENTS OF 18 AAC 72 AND 18 AAC 80.
- BUILDING SETBACK - A BUILDING SETBACK OF 20 FT. IS REQUIRED FROM ALL STREET RIGHTS-OF-WAY UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
- THE FRONT 15 FEET ADJOINING DEDICATED RIGHTS-OF-WAY AND 20 FEET WITHIN 5 FEET OF SIDE LOT LINES IS ALSO A UTILITY EASEMENT PER KN2018-68.
- NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
- NO DIRECT ACCESS TO STATE MAINTAINED RIGHTS-OF-WAY PERMITTED UNLESS APPROVED BY STATE OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES.
- THE NATURAL MEANDERS OF THE ORDINARY HIGH WATER OF THE KASLOF RIVER FORM THE TRUE BOUNDS OF TRACT I-A. THE 2018 MEANDER LINE SHOWN HEREON IS FOR SURVEY COMPUTATIONS ONLY.
- 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.
- KALIFORNKY BEACH ROAD EASEMENT RESERVED BY PUBLIC LAND ORDER No. 601 DATED AUGUST 10, 1949 AND AMENDED BY PUBLIC LAND ORDER No. 757 DATED OCTOBER 10, 1959, PUBLIC LAND ORDER No. 1613 DATED APRIL 7, 1958 AND DEPARTMENT OF THE INTERIOR ORDER No. 2665 DATED OCTOBER 16, 1951 AMENDMENT No. 1 DATED JULY 17, 1952 AND AMENDMENT No. 2 DATED SEPTEMBER 15, 1956 FILED IN THE FEDERAL REGISTER.
- THIS PARCEL MAY BE AFFECTED BY THE FOLLOWING:
 - AN ELECTRIC EASEMENT GRANTED TO HOMER ELECTRIC ASSOCIATION ON JUNE 10, 1962 IN MISC. BOOK 8, PAGE 27, KENAI RECORDING DISTRICT, LOCATION NOT DEFINED.
 - RIGHT-OF-WAY EASEMENT RECORDED MARCH 2, 1994 IN BOOK 438, PAGE 255, KRD.
 - PTI GENERAL UTILITY EASEMENT RECORDED JULY 15, 1998 IN BOOK 534, PAGE 998 KRD.

CERTIFICATE OF OWNERSHIP AND DEDICATION

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

ROYCE A. CARROLL
950 LADIOSA CT, CHULA VISTA, CA 91910

NOTARY'S ACKNOWLEDGEMENT

FOR: ROYCE A. CARROLL

ACKNOWLEDGED BEFORE ME THIS

DAY OF _____, 20__

MY COMMISSION EXPIRES _____

NOTARY PUBLIC FOR THE
STATE OF _____



Plat #	
Rec Dist	
Date	20__
Time	__ M

EVENSON SUBDIVISION 2023 REPLAT

RESUBDIVISION OF TRACT I EVENSON SUBDIVISION #2 (KN2018-68)

ROYCE A. CARROLL
950 LADIOSA CT, CHULA VISTA, CA 91910

20.601 AC. M/L SITUATED IN THE SE1/4 OF SECTION 24, TOWNSHIP 3 NORTH, RANGE 12 WEST, SEWARD MERIDIAN, KENAI PENINSULA BOROUGH, AND THE KENAI RECORDING DISTRICT, ALASKA.



ENGINEERING - TESTING
SURVEYING - MAPPING
P.O. BOX 488
SOLDOTNA, AK 99669
VOICE: (907) 283-4218
FAX: (907) 283-3205
WWW.MCLANECG.COM

KPB FILE NO. 2023-XXX

PROJECT NO. 232027

SCALE: 1" = 100'

DATE: OCT 2023

DRAWN BY: J.A.H.

KPB 2023-119

PLAT APPROVAL

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

AUTHORIZED OFFICIAL

DATE

AGENDA ITEM E. NEW BUSINESS

**ITEM #9 - PRELIMINARY PLAT
EVENSON SUBDIVISION 2023 REPLAT**

KPB File No.	2023-119
Plat Committee Meeting:	November 13, 2023
Applicant / Owner:	Royce Carrol of Chula Vista, CA
Surveyor:	James Hall / McLane Consulting Inc.
General Location:	Cobbler Lane Near Mile 1 Kalifornsky Beach Road / Kasilof area

Parent Parcel No.:	133-072-37
Legal Description:	T 03N R 12W SEC 24 Seward Meridian KN 2018068 Evenson Sub #2 Tract I
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	Onsite
Exception Request	none

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide a 20.456 acre parcel into one 1.00 acre lot and one 19.456 acres tract.

Location and Legal Access (existing and proposed): Access to the subdivision is by Cobbler Lane for the lot and Kalifornsky Beach Road and Cobbler Lane for the tract.

There are no dedications or vacations being done with this subdivision. The subdivision is not affected by a section easement or patent easement. There is a right-of-way easement crossing the southerly corner of the tract for access to Tract A of Tags Subdivision, KN 94-8, located to the west.

Block length is not compliant. Future development to the north could provide a road. ***Staff recommends: the Plat Committee concur an exception to 20.30.170 is not needed.***

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

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

Site Investigation: Steep areas are shown on the subdivision by the contours, but not indicated by the surveyor. ***Staff recommends: the surveyor add top, toe and steep area to the drawing.***

Improvements are located on the property and will be located on Tract I-A. No encroachments are apparent.

There are areas of wetland not shown and the subdivision is in a flood hazard area and floodway area. The subdivision is also located in the KPB Peninsula Borough Anadromous Habitat Protection District. ***Staff recommends: notes for Flood Hazard notice, Floodway Notice and Anadromous Habitat Protection District be carried forward from the parent plat.***

KPB River Center review	<p>See attachments</p> <p>A. Floodplain Reviewer: Hindman, Julie Floodplain Status: IS in flood hazard area Comments: Flood Zone: AE,X (shaded) Map Panel: 02122C-0860E In Floodway: False Floodway Panel:</p> <p>B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: IS totally or partially within HPD Comments: i:0#.w kpb\maldridge</p> <p>C. State Parks Reviewer: VACANT Comments:</p>
State of Alaska Fish and Game	

Staff Analysis The property was originally plotted as Government Lot 8 and the E1/2 SE1/4 of Sec 24, Township 3N, Range 12W, SM Kasilof, AK. Evenson Subdivision, 2007-117 KRD, plotted the area as an unsubdivided remainder. Evenson Subdivision #2, 2018-68 KRD, subdivided the current Tract "I" involved in the current platting action.

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

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

The property is not within an advisory planning commission.

Utility Easements There is a general utility easement identified in the certificate to plat that is shown on the drawing and listed in the plat notes. There is a 20' overhead powerline easement carried forward from 2018-68 KRD. 2018-68 KRD had a 10' utility easement along the road right-of-way, the current subdivision has increased this to a 15' utility easement along road rights-of-way.

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	
ACS	No objections
GCI	

KPB department / agency review:

Addressing	Reviewer: Leavitt, Rhealyn Affected Addresses:
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	<p>24597 KALIFORNSKY BEACH RD</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names: KALIFORNSKY BEACH RD, COBBLER LN, KENNEBEC CIR</p> <p>Existing Street Name Corrections Needed:</p> <p>All New Street Names are Approved: No</p> <p>List of Approved Street Names:</p> <p>List of Street Names Denied:</p> <p>Comments: 24597 KALIFORNSKY BEACH RD WILL REMAIN WITH TRACT 1A</p>
Code Compliance	<p>Reviewer: Ogren, Eric</p> <p>Comments: No comments</p>
Planner	<p>Reviewer: Raidmae, Ryan</p> <p>There are not any Local Option Zoning District issues with this proposed plat.</p> <p>Material Site Comments: There are not any material site issues with this proposed plat.</p>
Assessing	<p>Reviewer: Windsor, Heather</p> <p>Comments: No comment</p>

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

STAFF RECOMMENDATIONS **CORRECTIONS / EDITS**

Plat 2018-68 does not include the bearing and distance to the ¼ corner as shown on the drawing as basis of bearing and referenced to KN2018-68. Please verify information.

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:

- Change KPB File No to 2023-119.
- After 'Resubdivision of' match legal to certificate to plat.
- Check area, differs from parent plat.

- Remove the M/L once surveyed

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: show separate parcel to northwest as Gov't Lot 7

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.

- 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.

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.

KPB 20.40 – Wastewater Disposal

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

20.40.010 Wastewater disposal.

Platting Staff Comments:

Staff recommendation: comply with 20.40.

KPB 20.60 – Final Plat

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

20.60.110. Dimensional data required.

C. Any discrepancy between the survey and the record description, and the source of all information used in making the survey shall be indicated. When an inconsistency is found including a gap or overlap, excess or deficiency, erroneously located boundary lines or monuments, or when any doubt as to the location on the ground of the true boundary or property rights exists, the nature of the inconsistency shall be clearly shown on the drawing.

Staff recommendation: *comply with 20.60.110.*

- add reference data and source
- add measured data

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:

- Carry forward notes from the parent plat not already shown.

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: *comply with 20.60.190.*

- Add date of November 13, 2023 to Plat Approval.

20.60.200. Survey and monumentation.

Staff recommendation: *comply with 20.60.200*

- Describe section corners with detail on caps and representation of location identification.

RECOMMENDATION:

STAFF RECOMMENDS:

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

NOTE: 20.25.120. - REVIEW AND APPEAL.

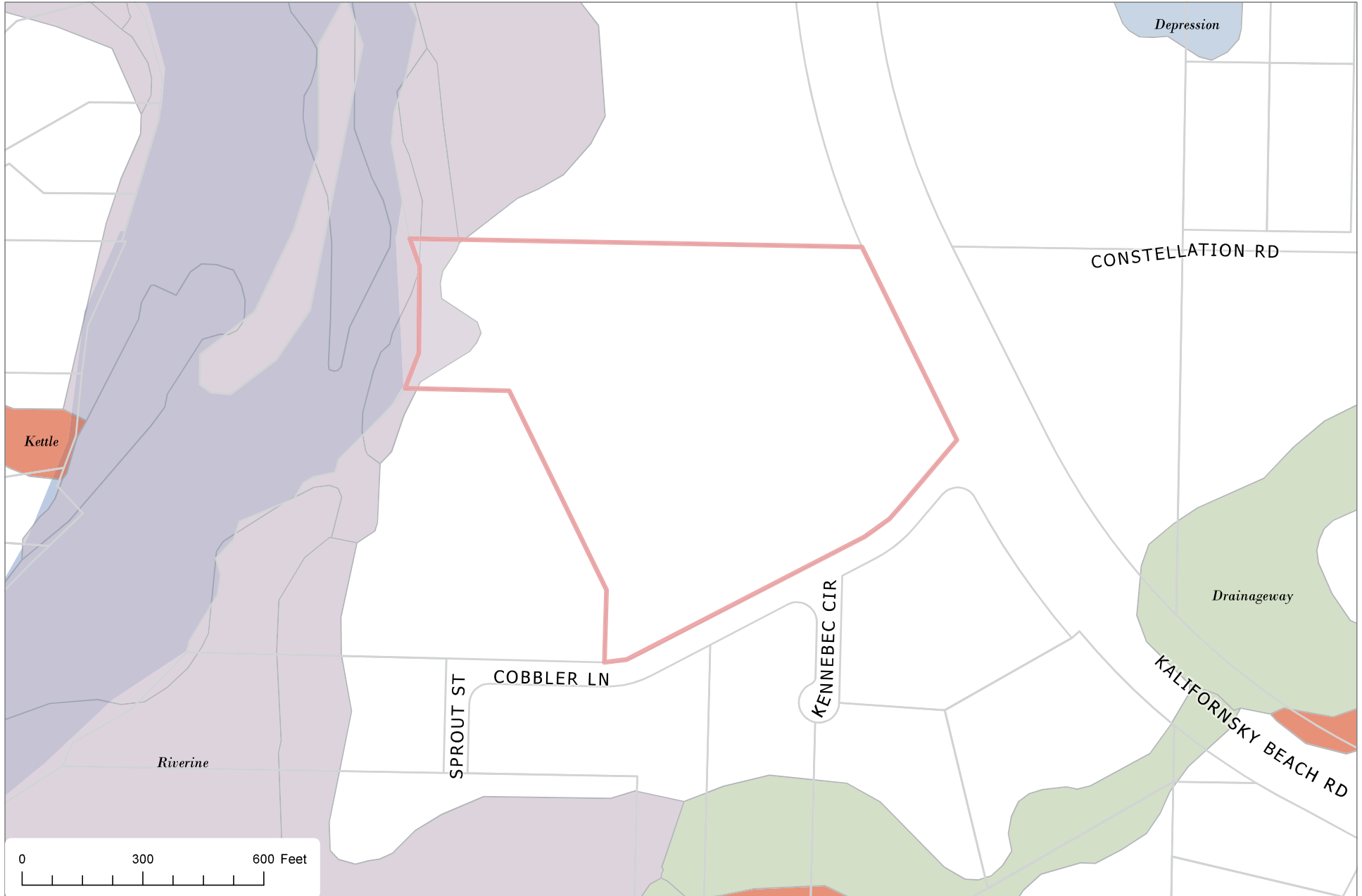
A PARTY OF RECORD MAY REQUEST THAT A DECISION OF THE PLAT COMMITTEE BE REVIEWED BY THE PLANNING COMMISSION BY FILING A WRITTEN REQUEST WITHIN 15 DAYS OF NOTIFICATION OF THE DECISION IN ACCORDANCE WITH KPB 2.40.080.

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

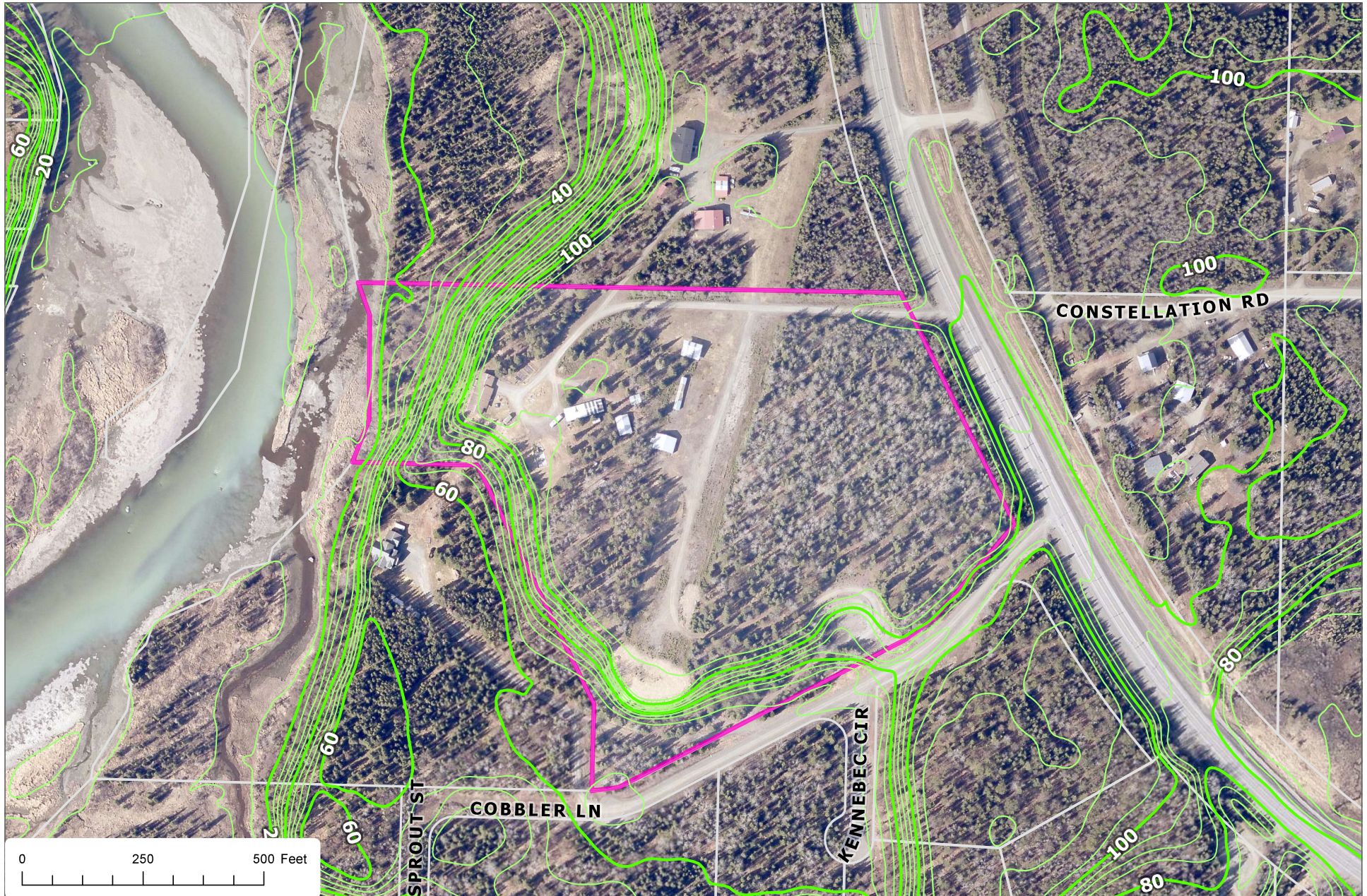
END OF STAFF REPORT



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



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EVENSON SUBDIVISION

Located in the SE1/4 SE1/4 Section 24, T9N 80W, R1E, Kodiak, Alaska
Kodiak Planning District - Kodiak Peninsula Borough File 0007-000

Prepared for
Ivan & Michael Evenson
P.O. Box 10
Kodiak, AK 99603

Prepared by
Morgan Surveying
Box 27
Ouzinkie, AK 99860



SCALE 1" = 200' AREA = 31.409 acres 25 June, 2007

LEGEND

- 1980 USGLD brass cap monument found
- 24" brass cap monument 250-5, 1969 Found
- 24" aluminum monument set
- 24" x 30" aluminum monument set
- 1/2" x 4" rebar with 1" plastic cap set
- concrete RDM monument found
- indicates swamp
- (1) indicates record information source shown
- (2) indicates information calculated from measured & record information

2007-117
RECORDED
Kodiak, AK
DATE 11-27-07
BY 11-27-07
Requested by
Evenson Surveying
Box 10
Ouzinkie, AK 99860

NOTES

1. A building setback of 20' from all street RDMs is required unless a lesser standard is approved by a resolution of the appropriate planning commission. Front 10' of setback is also a utility easement as is the entire setback after 5' of side lot lines.
2. No permanent structure shall be constructed or placed within an easement which would interfere with the ability of a utility to use the easement.
3. No structures permitted within the parkable portion of Flag lot.
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.
5. Kasilof Beach Road is as shown on State RDM Map 5 (04/06).
6. No access to state maintained RDMs unless approved by the State of Alaska Dept. of Transportation.



PLAT APPROVAL

This plat was approved by the Kodiak Peninsula Borough Planning Commission at the meeting of 13 August, 2007.
KODIAK PENINSULA BOROUGH

By: Ivan Evenson 11/30/2007
Authorized Official Date

OWNERSHIP CERTIFICATE & DEDICATION

We hereby certify that we are the owners of the real property shown and described herein and that we hereby accept this plat of subdivision and by our lines contain dedicate all RDMs to public use and grant all easements to the use shown.

Ivan Evenson
Ivan Evenson P.O. Box 10 Kodiak, AK 99603

Michael J. Evenson
Michael J. Evenson P.O. Box 10 Kodiak, AK 99603

NOTARY'S ACKNOWLEDGEMENT

I, Notary Public, do hereby certify that the above described plat was submitted and sworn to before me this 11th day of November, 2007.

Notary Public
My commission expires 11/30/2007



WASTEWATER DISPOSAL

These lots are at least 200,000 square feet or more in size and conditions may not be suitable for onsite wastewater treatment and disposal. Any wastewater treatment or disposal system must meet the regulatory requirements of the Alaska Dept. of Environmental Conservation.

EVENSON SUBDIVISION #2

A subdivision of the Unsubdivided Remainder of Evenson Subd., KRD 2007-117,
Located in Gov Lot 8 & the E1/2 SE1/4 Section 24, T3N R12W, 5M, Kasilof, Alaska,
Kenai Recording District Kenai Peninsula Borough File 2018-017

Prepared for

Mildred Evenson
P.O. Box 10
Kasilof, AK 99610

Prepared by

Johnson Surveying
P.O. Box 27
Clam Gulch, AK 99508



SCALE 1" = 100'
7 February, 2018

AREA = 52.289 acres

LEGEND

- 1920 USLO Brass cap monument, found.
- 2 1/2" brass cap monument, 208-5, 1969, found.
- 2 1/2" steel monument, 7326-5, 2007, found.
- 2 1/2" x 3/4" aluminum monument, set.
- 1 1/2" steel monument, 15-5150, found.
- 1 1/2" rebar with plastic cap, 7328-5, found.
- 1 1/2" x 4" rebar with 1" plastic cap, set.
- concrete ROW monument, found.
- W - indicates swamp.

VICINITY 1" = 1 mile MAP

2018-017
Plat #
Kenai
11/27/18
Date
TIME 11:18 AM

NOTES

1. A building setback of 30' from all street ROWs is required unless a lesser standard is approved by a resolution of the appropriate planning commission. Front 15' of setback is also a utility easement, as is the entire setback within 5' of side lot lines. Extra building setback along Sprout St. is also for road construction site along easement.
2. No personnel structure shall be constructed or placed within a utility easement which would interfere with the ability of a utility to use the easement.
3. Kasilof Beach Road ROW is as shown on State ROW Map 5-046303.
4. Reservation of easement for Highway Purposes, and any easements or uses thereof for recreational, utility, or other purposes, as disclosed by Public Land Order No. 60, dated 10 August, 1946, and amended by Public Land Order No. 757, dated October 10, 1956, Public Land Order No. 8615, dated April 7, 1966, and last of the Interior Order No. 2660, dated October 16, 1981, Amendment No. 1 thereto, dated July 17, 1992, and Amendment No. 2 thereto, dated September 10, 1996, and filed in the Federal Register.
5. No access to state maintained ROWs permitted unless approved by the State of Alaska Dept. of Transportation.
6. 2018 Planning Commission granted an exception to block length, 600' to 301'00" at the meeting of 2/21/2018.
7. Existing road access leading to Tract A is the centerline of a 40' access easement granted by Kenai Records Deed Book 436 Page 255.
8. Existing easement power line shown is the centerline of a 30' side utility easement, including gas and sewers, granted by this plat.
9. This property is subject to a utility easement granted by Kenai Records Deed Book 8 Page 277. This is a general easement, no specific location given.
10. This property is subject to a 10' side utility easement granted by Kenai Records Deed Book 534 Page 998 as indicated.
11. The natural resources of ordinary high water use for area compilation only, the true corners being on the extension of the adjoiners and the intersection with the natural resources.
12. Any person developing the property is responsible for obtaining all required local, state and federal permits, including a U.S. Army Corps of Engineers wetlands determination, if applicable.
13. South 1/4 Sec 24 was established as shown bearing between the E-W Section 1/4 and the South Section line, as run from the E-W 1/4 corner.

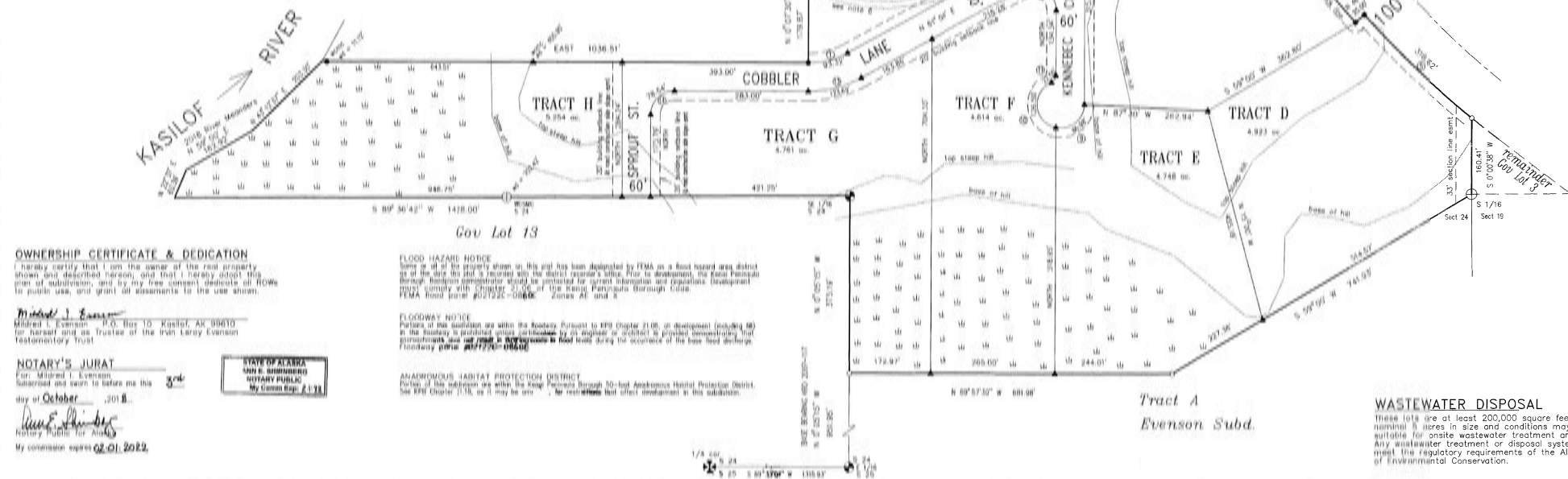
PLAT APPROVAL

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of 12 March, 2018

KENAI PENINSULA BOROUGH

By *[Signature]* Date *Nov. 27, 2018*

① = 29°00' = 184.38'	② = 11°07' = 64°37'12"	③ = 11°07' = 64°37'12"
④ = 13°27' = 86.93'	⑤ = 20°00' = 20.00'	⑥ = 20°00' = 20.00'
⑦ = 17°58' = 112.91'	⑧ = 22°55' = 143.85'	⑨ = 22°55' = 143.85'
⑩ = 22°55' = 143.85'	⑪ = 22°55' = 143.85'	⑫ = 22°55' = 143.85'
⑬ = 22°55' = 143.85'	⑭ = 22°55' = 143.85'	⑮ = 22°55' = 143.85'
⑯ = 22°55' = 143.85'	⑰ = 22°55' = 143.85'	⑱ = 22°55' = 143.85'
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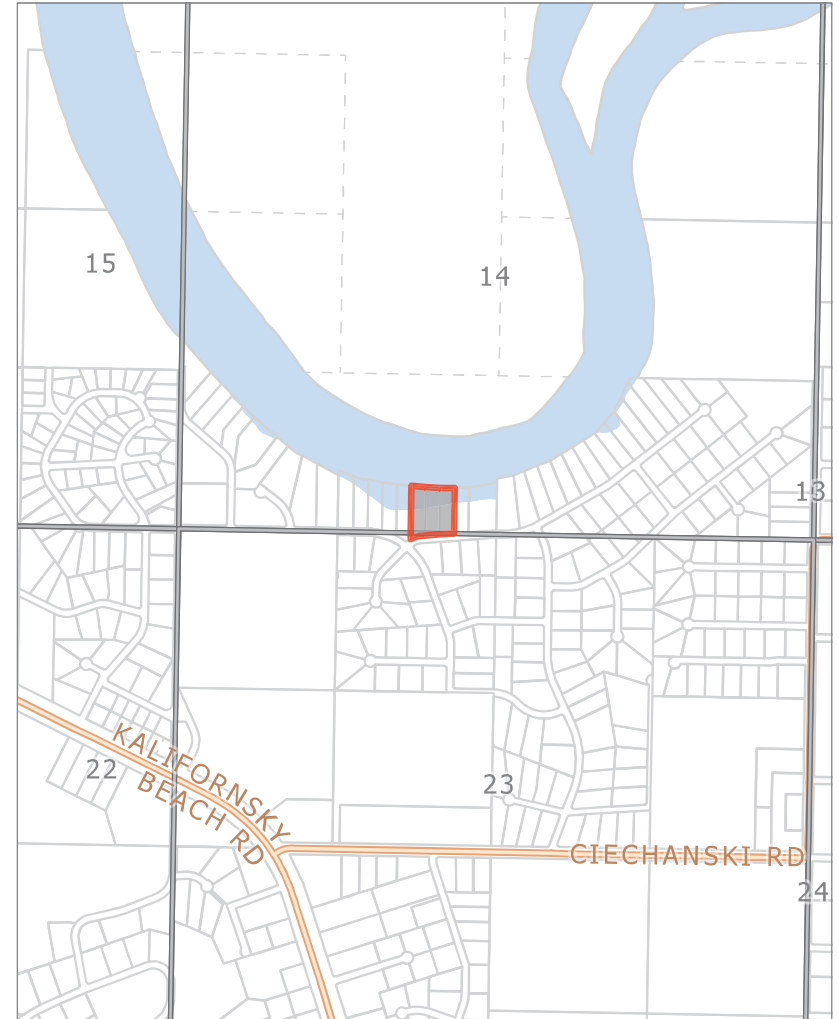
WASTEWATER DISPOSAL

These lots are at least 200,000 square feet or nominal 1/2 acre in size and conditions may not be suitable for onsite wastewater treatment and disposal. Any wastewater treatment or disposal systems must meet the regulatory requirements of the Alaska Dept. of Environmental Conservation.

Page 1 of 1

E. NEW BUSINESS

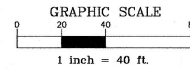
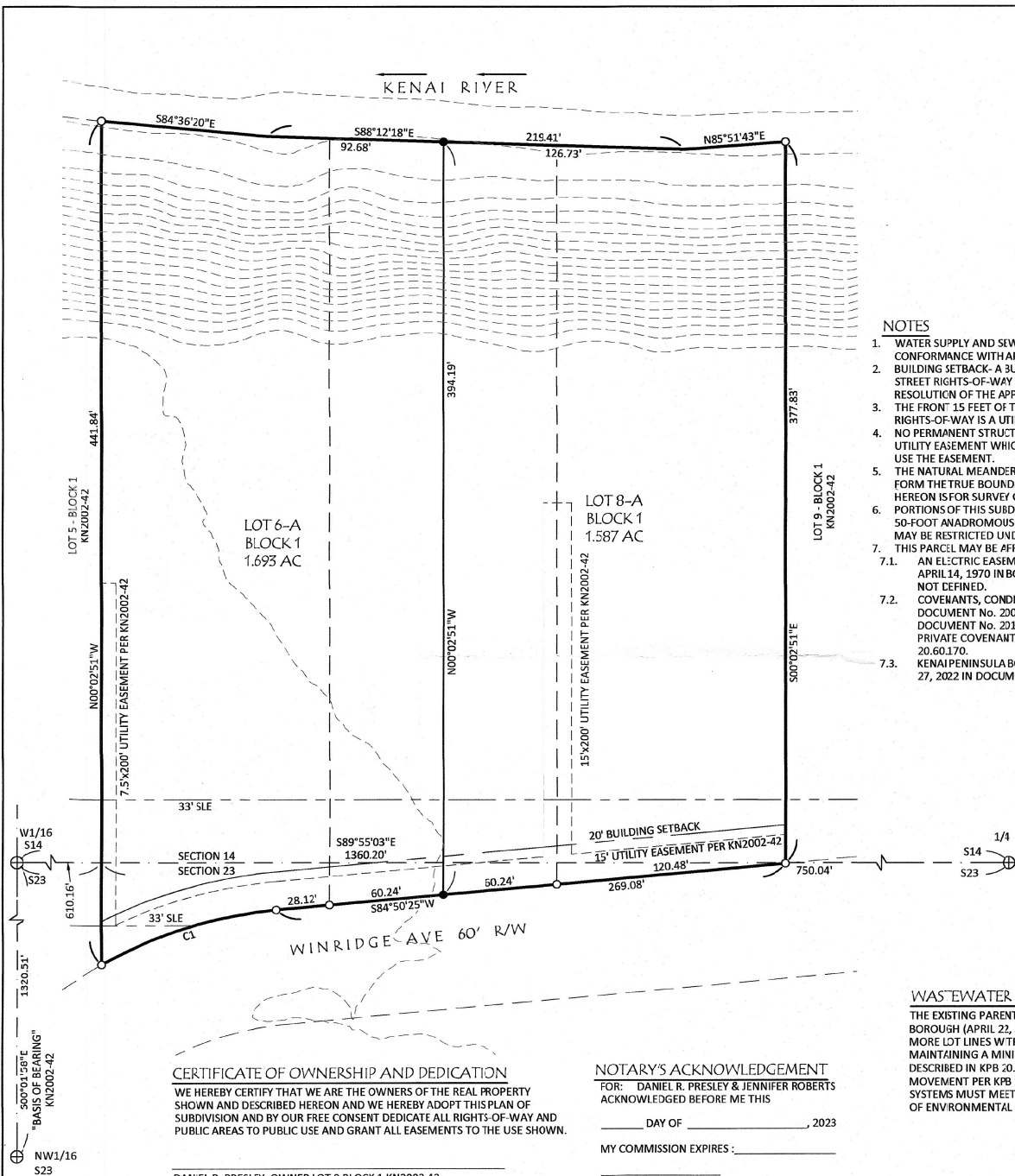
- 10. South Bend Bluff Estates 2023 Replat; KPB File 2023-112
McLane Consulting Group / Cunningham, Presley, Roberts
Location: Winridge Avenue
Kalifornsky Area / Kalifornsky APC**



KPB File 2023-112
T 05N R 11W SEC 14 & 23
Kalifornsky



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



LEGEND

- ⊕ FOUND PRIMARY MONUMENT AS DESCRIBED
 - FOUND SECONDARY MONUMENT AS DESCRIBED
 - SET 5/8"x30" REBAR w/ 1" STAINLESS STEEL CAP 85032-S
- RECORD AND MEASURED DATA AGREE UNLESS NOTED OTHERWISE

NOTES

1. WATER SUPPLY AND SEWAGE DISPOSAL SYSTEMS SHALL BE PERMITTED ONLY IN CONFORMANCE WITH APPLICABLE REQUIREMENTS OF 18 AAC 72 AND 18 AAC 80.
2. BUILDING SETBACK: A BUILDING SETBACK OF 20 FT. IS REQUIRED FROM ALL STREET RIGHTS-OF-WAY UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
3. THE FRONT 15 FEET OF THE 20 FOOT BUILDING SETBACK ADJOINING RIGHTS-OF-WAY IS A UTILITY EASEMENT PER KN2002-42.
4. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
5. THE NATURAL MEANDERS OF THE ORDINARY HIGH WATER OF THE KENAI RIVER FORM THE TRUE BOUNDS OF EACH PARCEL. THE 2002 MEANDER LINE SHOWN HEREON IS FOR SURVEY COMPUTATIONS ONLY.
6. PORTIONS OF THIS SUBDIVISION ARE WITHIN THE KENAI PENINSULA BOROUGH 50-FOOT ANADROMOUS STREAM HABITAT PROTECTION AREA. DEVELOPMENT MAY BE RESTRICTED UNDER CHAPTER 21.18 BOROUGH CODE OF ORDINANCES.
7. THIS PARCEL MAY BE AFFECTED BY THE FOLLOWING:
 - 7.1. AN ELECTRIC EASEMENT GRANTED TO HOMER ELECTRIC ASSOCIATION ON APRIL 14, 1970 IN BOOK 37, PAGE 81, KENAI RECORDING DISTRICT, LOCATION NOT DEFINED.
 - 7.2. COVENANTS, CONDITIONS & RESTRICTIONS RECORDED JUNE 26, 2002 IN DOCUMENT No. 2002-005876-0 KR.D AND AMENDED APRIL 29, 2010 IN DOCUMENT No. 2010-003393-0 KR.D. THE BOROUGH WILL NOT ENFORCE PRIVATE COVENANTS, EASEMENTS OR DEED RESTRICTIONS PER KPB 20.60.170.
 - 7.3. KENAI PENINSULA BOROUGH RESOLUTION 2022-001 RECORDED FEBRUARY 27, 2022 IN DOCUMENT No. 2022-001403-0 KR.D.

CERTIFICATE OF OWNERSHIP AND DEDICATION

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND WE HEREBY ADOPT THIS PLAN OF SUBDIVISION AND BY OUR FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

DANIEL R. PRESLEY, OWNER LOT 8 BLOCK 1 KN2002-42
PO BOX 3288, SOLDOTNA, AK 99669

JENNIFER ROBERTS, OWNER LOT 6 BLOCK 1 KN2002-42
PO BOX 3288, SOLDOTNA, AK 99669

NOTARY'S ACKNOWLEDGEMENT

FOR: DANIEL R. PRESLEY & JENNIFER ROBERTS
ACKNOWLEDGED BEFORE ME THIS

DAY OF _____, 2023

MY COMMISSION EXPIRES: _____

NOTARY PUBLIC FOR THE
STATE OF ALASKA

WASTEWATER DISPOSAL

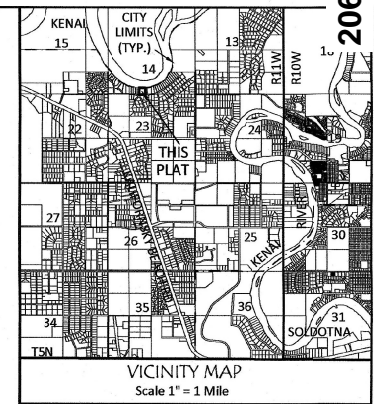
THE EXISTING PARENT SUBDIVISION WAS APPROVED BY THE KENAI PENINSULA BOROUGH (APRIL 22, 2002) AND THIS SUBDIVISION IS LIMITED TO MOVING ONE OR MORE LOT LINES WITHOUT INCREASING THE NUMBER OF DEVELOPABLE LOTS, WHILE MAINTAINING A MINIMUM OF 20,000 SQUARE FEET OF CONTIGUOUS AREA, AS DESCRIBED IN KPB 20.40.040(A)(4)(A), FOR EACH LOT AFFECTED BY THE LOT LINE MOVEMENT PER KPB 20.40.020(1)(C). WASTEWATER TREATMENT AND DISPOSAL SYSTEMS MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF NOVEMBER 13, 2023.

AUTHORIZED OFFICIAL

DATE



CERTIFICATE OF OWNERSHIP AND DEDICATION

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND WE HEREBY ADOPT THIS PLAN OF SUBDIVISION AND BY OUR FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

SCOTT M. CUNNINGHAM, OWNER LOTS 6 & 7 BLOCK 1 KN2002-42
37100 EDGEWOOD DR, KENAI, AK 99611

DENA R. CUNNINGHAM, OWNER LOTS 6 & 7 BLOCK 1 KN2002-42
37100 EDGEWOOD DR, KENAI, AK 99611

NOTARY'S ACKNOWLEDGEMENT

FOR: SCOTT M. & DENA R. CUNNINGHAM
ACKNOWLEDGED BEFORE ME THIS

DAY OF _____, 2023

MY COMMISSION EXPIRES: _____

NOTARY PUBLIC FOR THE
STATE OF ALASKA



Plat #	
Rec Dist	
Date	20
Time	M

SOUTH BEND BLUFF ESTATES 2023 REPLAT

A RESUBDIVISION OF LOTS 6, 7 & 8 BLOCK 1 SOUTH BEND BLUFF ESTATES (KN2002-42)

SCOTT M. CUNNINGHAM
37100 EDGEWOOD DR
KENAI, AK 99611

DANIEL R. PRESLEY
PO BOX 3288
SOLDOTNA, AK 99669

DENA R. CUNNINGHAM
37100 EDGEWOOD DR
KENAI, AK 99611

JENNIFER ROBERTS
PO BOX 3288
SOLDOTNA, AK 99669

3.281 AC. M/L SITUATED IN THE SW1/4 SECTION 14 & NW1/4 SECTION 23, TOWNSHIP 5 NORTH-1, RANGE 11: WEST, SEWARD MERIDIAN, KENAI PENINSULA BOROUGH, AND THE KENAI RECORDING DISTRICT, ALASKA.



ENGINEERING - TESTING
SURVEYING - MAPPING
P.O. BOX 488
SOLDOTNA, AK 99669
VOICE: (907) 283-4218
FAX: (907) 283-3265
WWW.MCLANECG.COM

KPB FILE NO. 2023-xxx

PROJECT NO. 232026

SCALE: 1" = 40'

DATE: OCT. 2023

BOOK NO.: 23-xx

DRAWN BY: JAH

KPB 2023-112

AGENDA ITEM E. NEW BUSINESS

ITEM #10 - PRELIMINARY PLAT
SOUTH BEND BLUFF ESTATES 2023 REPLAT

KPB File No.	2023-112
Plat Committee Meeting:	November 13, 2023
Applicant / Owner:	Scott and Dena Cunningham of Kenai, Alaska Daniel Presley and Jennifer Roberts of Soldotna, Alaska
Surveyor:	James Hall / McLane Consulting
General Location:	Kalifornsky

Parent Parcel No.:	055-423-06, 055-423-07, and 055-4230-78
Legal Description:	T 5N R 11W SEC 14 & 23 Seward Meridian KN 2002042 South Bend Bluff Estates Lot 6, 7, and 8 Blk 1
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On site
Exception Request	None

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will combine three lots into two ranging in size from 1.693 acres to 1.587 acres.

Location and Legal Access (existing and proposed): The proposed subdivision is located north of Ciechanski Road to River Hills Road then Winridge Avenue. Winridge Avenue is a 60-foot-wide, borough-maintained right-of-way. The proposed lots will have access to Winridge Avenue. No new dedications are proposed.

There is a 33' section line easement on both sides of the section line crossing east/west through the subdivision on the southerly side. This appears to be depicted correctly.

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

Site Investigation: The proposed subdivision is located long the Kenai River creating the boundary to the north and is within a classified flood hazard area. Plat note six does reference the Habitat Protection District, but **staff recommends: the note be updated to match current verbiage and the flood hazard note be added to the plat notes. See KPB 20.30.280(D) and 20.30.290 for reference.**

The northern portion of the lots has steep terrain leading to the Kenai River. **Staff recommends: the depiction of the top of bluff and steep bluff be shown and remain on the final. All other contours can be removed.**

Current lot six and eight both have structures on their lots. Lot seven is currently vacant and be divided between six and eight. There does not appear to be any encroachments.

KPB River Center review	See attachments A. Floodplain
-------------------------	--------------------------------------

	Reviewer: Hindman, Julie Floodplain Status: IS in flood hazard area Comments: Flood Zone: A3,C Map Panel: 020012-2045C In Floodway: False Floodway Panel: B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: IS totally or partially within HPD Comments: i:0#.w kpb\maldrige C. State Parks Reviewer: VACANT Comments:
State of Alaska Fish and Game	

Staff Analysis This area was originally all part of Government Lot 13 of Section 14 and the NE1/4 NW1/4 of Section 23 both of T5N, R11W, SM and was subdivided by South Bend Bluff Estates, KN 2002-42. No other platting actions have been done for the subject parcels.

A soils report will not be required as the lots meet the requirements of 20.40.020 (A)(1).

Notice of the proposed plat was mailed to the beneficial interest holder on October 23, 2023. 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 Kalifornsky Beach APC is not currently active.

Utility Easements The parent plat, KN 2002-42, granted 15-foot utility easements along all dedicated rights-of-ways and these all appear to be depicted correctly with the sources listed. KN 2002-42 also granted a 15-foot by 200-foot utility easement long the former shared lot line of Lots 5 and 6 and 7 and 8. This utility easement is shown correctly and will remain until a separate platting action of a utility easement vacation is done.

The Certificate to Plat also indicated there is a general easement for the benefit of Homer Electric Association Inc. The easement is shown in plat note 7.1.

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

Utility provider review:

HEA	No comment
ENSTAR	
ACS	No objections
GCI	

KPB department / agency review:

Addressing	Reviewer: Leavitt, Rhealyn Affected Addresses:
------------	---

	47566 WINRIDGE AVE, 47546 WINRIDGE AVE, 47526 WINRIDGE AVE Existing Street Names are Correct: Yes List of Correct Street Names: WINRIDGE AVE Existing Street Name Corrections Needed: All New Street Names are Approved: No List of Approved Street Names: List of Street Names Denied: Comments: 47546 WINRIDGE AVE WILL BE DELETED
Code Compliance	Reviewer: Ogren, Eric Comments: No comments
Planner	Reviewer: Raidmae, Ryan There are not any Local Option Zoning District issues with this proposed plat. Material Site Comments: There are not any material site issues with this proposed plat.
Assessing	Reviewer: Windsor, Heather Comments: No comment

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

STAFF RECOMMENDATIONS **CORRECTIONS / EDITS**

- Within plat note 7.3 please update the date to February 17th to match the recorded document.
- Add missing distances along the back of lots

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.

- I. Approximate locations of areas subject to tidal inundation and the mean high water line;
Staff recommendation: lot line along Kenai River from Parent plat is listed as 2002 MW meander. Should be shown and/ or updated.
- M. Approximate locations of slopes over 20 percent in grade and if contours are shown, the areas of the contours that exceed 20 percent grade shall be clearly labeled as such;
Staff recommendation: Steep Bluff and Top of Bluff from parent plat not shown, needs shown.

KPB 20.30 – Subdivision Design Requirements

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

KPB 20.40 – Wastewater Disposal

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

20.40.010 Wastewater disposal.

Platting Staff Comments: current note complies.

Staff recommendation: *comply with 20.40.*

KPB 20.60 – Final Plat

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

20.60.180. Plat notes.

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

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

Staff recommendation: *Place the following notes on the plat.*

- **FLOOD HAZARD NOTICE:**

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

- **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.

RECOMMENDATION:

STAFF RECOMMENDS:

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

NOTE: 20.25.120. - REVIEW AND APPEAL.

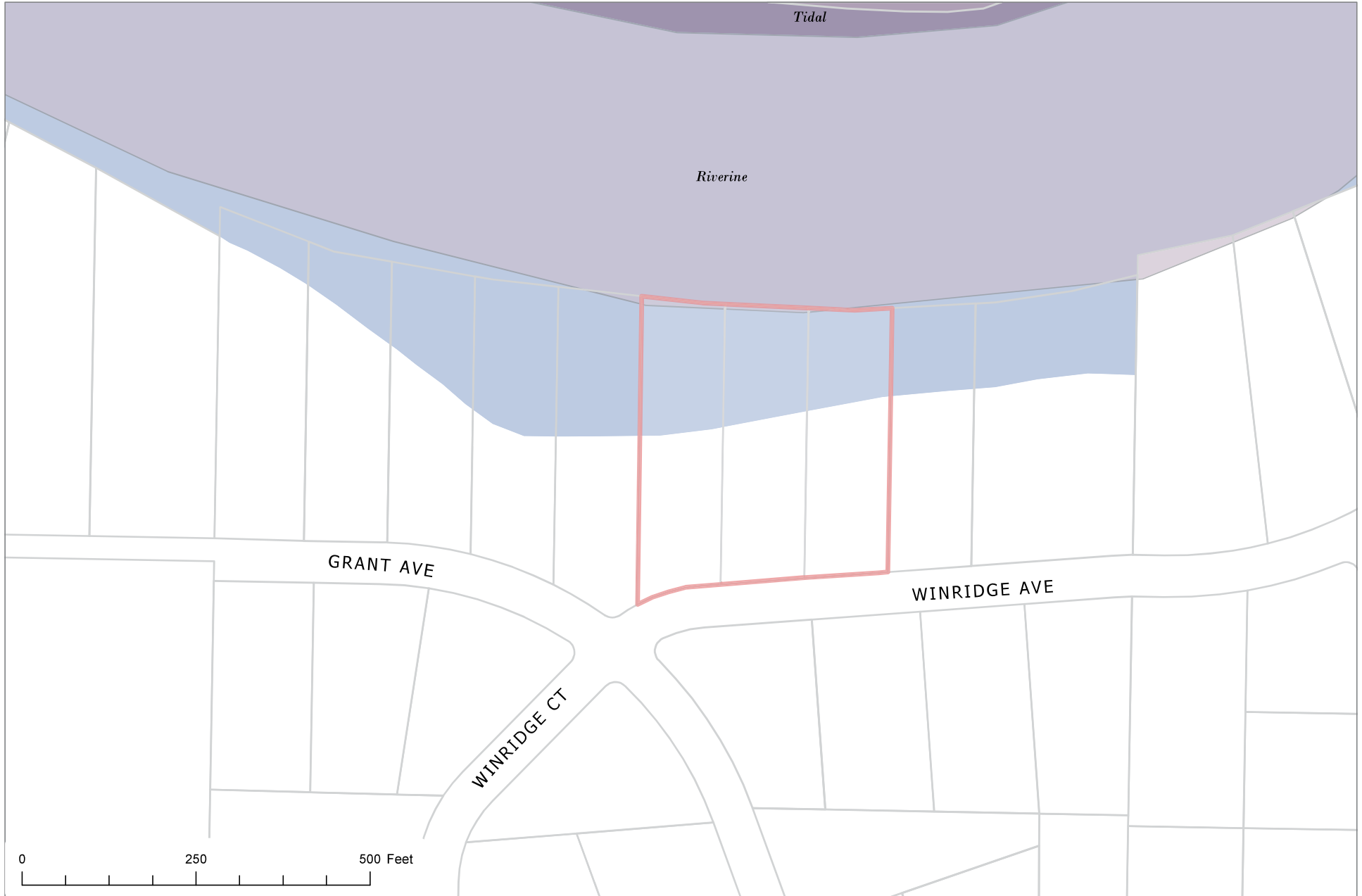
A PARTY OF RECORD MAY REQUEST THAT A DECISION OF THE PLAT COMMITTEE BE REVIEWED BY THE PLANNING COMMISSION BY FILING A WRITTEN REQUEST WITHIN 15 DAYS OF NOTIFICATION OF THE DECISION IN ACCORDANCE WITH KPB 2.40.080.

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

END OF STAFF REPORT



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



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

KPB NOTES: See PC Resolutions 2011-25 and 2012-04 and 2020-04

- NOTES:
- 1) Proposed land uses are recreational, residential, agricultural, and commercial.
 - 2) Building setback - A setback of 30 feet is required from all street right-of-way unless a lesser standard is approved by resolution of the appropriate Planning Commission.
 - 3) Front 16 ft. of the building setback adjacent to right-of-way is also a utility easement. The permanent structure shall be constructed or placed within a utility easement which would interface with the utility of a utility to use the easement.
 - 4) Roads must meet the design and construction standards established by the through in order to be considered for certification and inclusion in the road maintenance program.
 - 5) An exception was granted to VPM 20-0-180 for Lots 1-9 Block 1 by the Plat Committee at the meeting of April 22, 2002.
 - 6) The natural meanders of the line of Mean High Water or ordinary high water form the true boundary of the subdivision. The approximate line of Mean High Water or ordinary high water, as shown, is for computations only. The final property corners using the extension of the side lot lines and their intersection with the natural meanders.
 - 7) Portions of this subdivision are within the Kenai Peninsula Borough 50 Ft. Anadromous Stream Habitat Protection Area. Development may be restricted under Chapter 21.18 through Code of Ordinances.
 - 8) No structures shall be constructed or placed within the drainage easement that would inhibit the natural drainage.
 - 9) The mapped flood limits shown on FIRM map 2045 dated July 6, 1983 show a steep bluff near the MHW line shown and does not affect the usable area of the lots within this subdivision.
 - 10) Development within this subdivision is subject to covenants recorded in the Kenai Recording District.
 - 11) WASTEWATER DISPOSAL: Soil conditions, water table levels, and soil slopes in this subdivision have been found suitable for on-site wastewater treatment and disposal systems meeting single-family or duplex residences and meeting the regulatory requirements of the Kenai Peninsula Borough. Any other type of on-site wastewater treatment and disposal system must be designed by a professional engineer, registered to practice in Alaska, and the design must be approved by the Alaska Dept. of Environmental Conservation.

H. J. Jurek
Surveyor

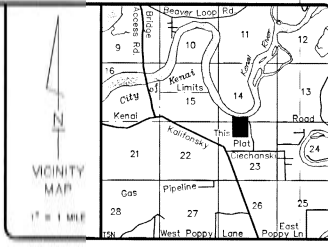
- LEGEND:
- Monument (found)
 - 2-1/2" Alum. Cap Monument (set)
 - Iron Pipe (found)
 - Rebar with Yellow Plastic Cap (found)
 - 1/2" Rebar (found)
 - 5/8" Rebar (set)
 - Witness Corner Marker
 - 5/8" Rebar (set)
 - Reared Datum = Winbridge Estates Subd. Part One Plat # 88-7 KRD
 - Reared Datum = Mendenhall Ranch Plat # 88-7 KRD
 - Reared Datum = Phillips Subdivision Plat # 79-180 KRD

Line	Beginning	Length
1	543.00	24.12
2	543.00	24.12
3	500.00	12.54
4	500.00	12.54
5	500.00	12.54
6	500.00	12.54
7	500.00	12.54
8	500.00	12.54
9	500.00	12.54
10	500.00	12.54
11	500.00	12.54
12	500.00	12.54

CERTIFICATE OF SURVEYOR

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

H. J. Jurek
June, 2002



CERTIFICATE of OWNERSHIP and DEDICATION

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

George O'Guan
Owner

NOTARY'S ACKNOWLEDGMENT

SUBSCRIBED AND SWORN BEFORE ME THIS 11th DAY of June 2002 FOR *George O'Guan*

George O'Guan
OWNER HEREIN FOR CLASS
MY COMMISSION EXPIRES 8-31-03



PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF April 22, 2002

KENAI PENINSULA BOROUGH

Allyson
APPROVED

2002-42
RECORDED
Kenai REC. DIST.
DATE: 6-26-2002
TIME: 2:20 P.M.
REQUESTED BY:
VICTORY SURVEYS
605 SWIRES DRIVE
KENAI, ALASKA 99511

KPB FILE No. 2002-066

South Bend Bluff Estates

A subdivision of Government Lot 13 located within SE1/4 SW1/4 Sec. 14 and the NE1/4 NW1/4 of the 23, T2N, R11W, S.M., Kenai Recording District, Kenai Peninsula Borough, Alaska.

Containing 59.34 Acres

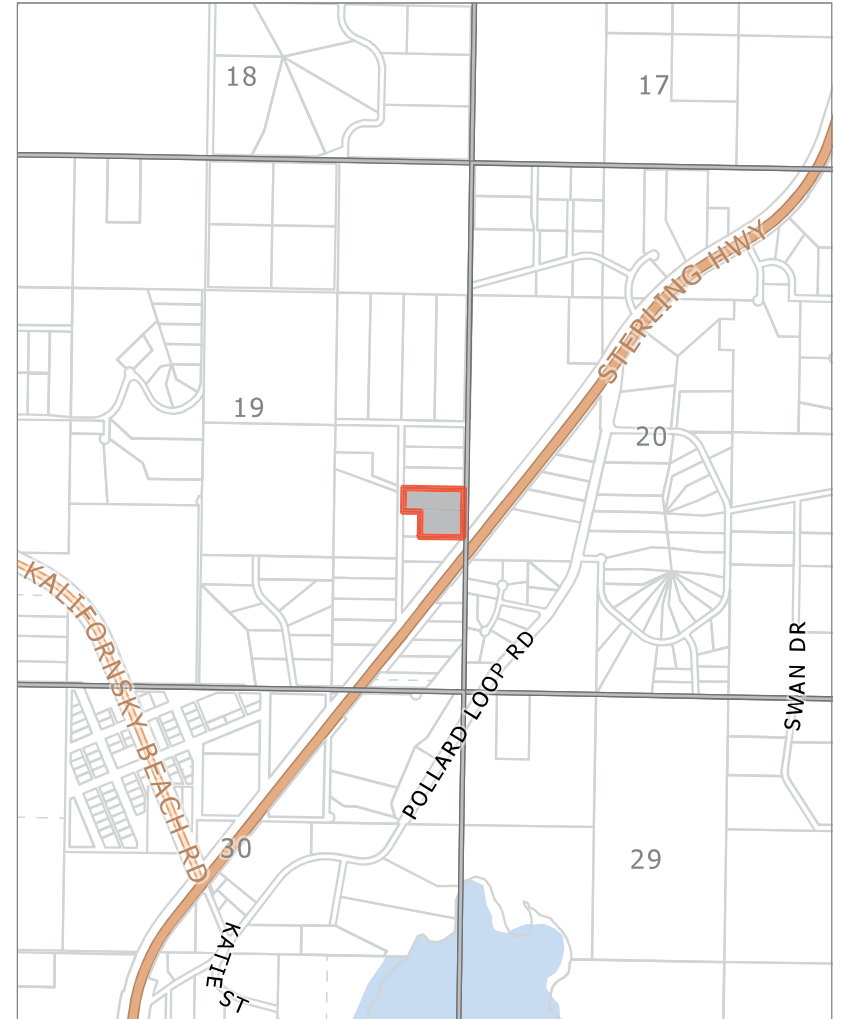
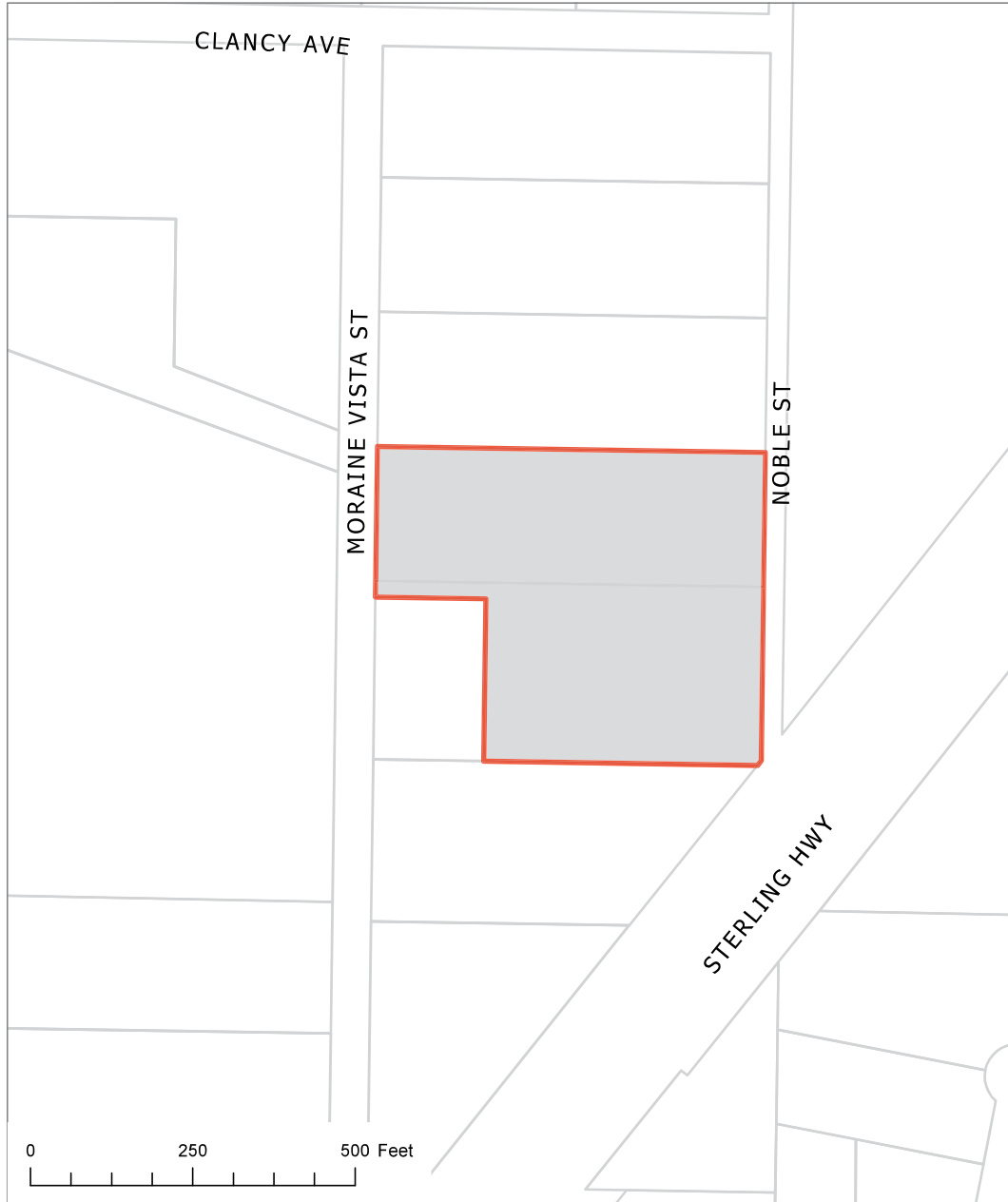
Integrity Surveys

605 Swires Drive
SURVEYORS
Kenai, Alaska 99511-8353
PHONE - (907) 283-9047
FAX - (907) 283-9071
PLANNERS

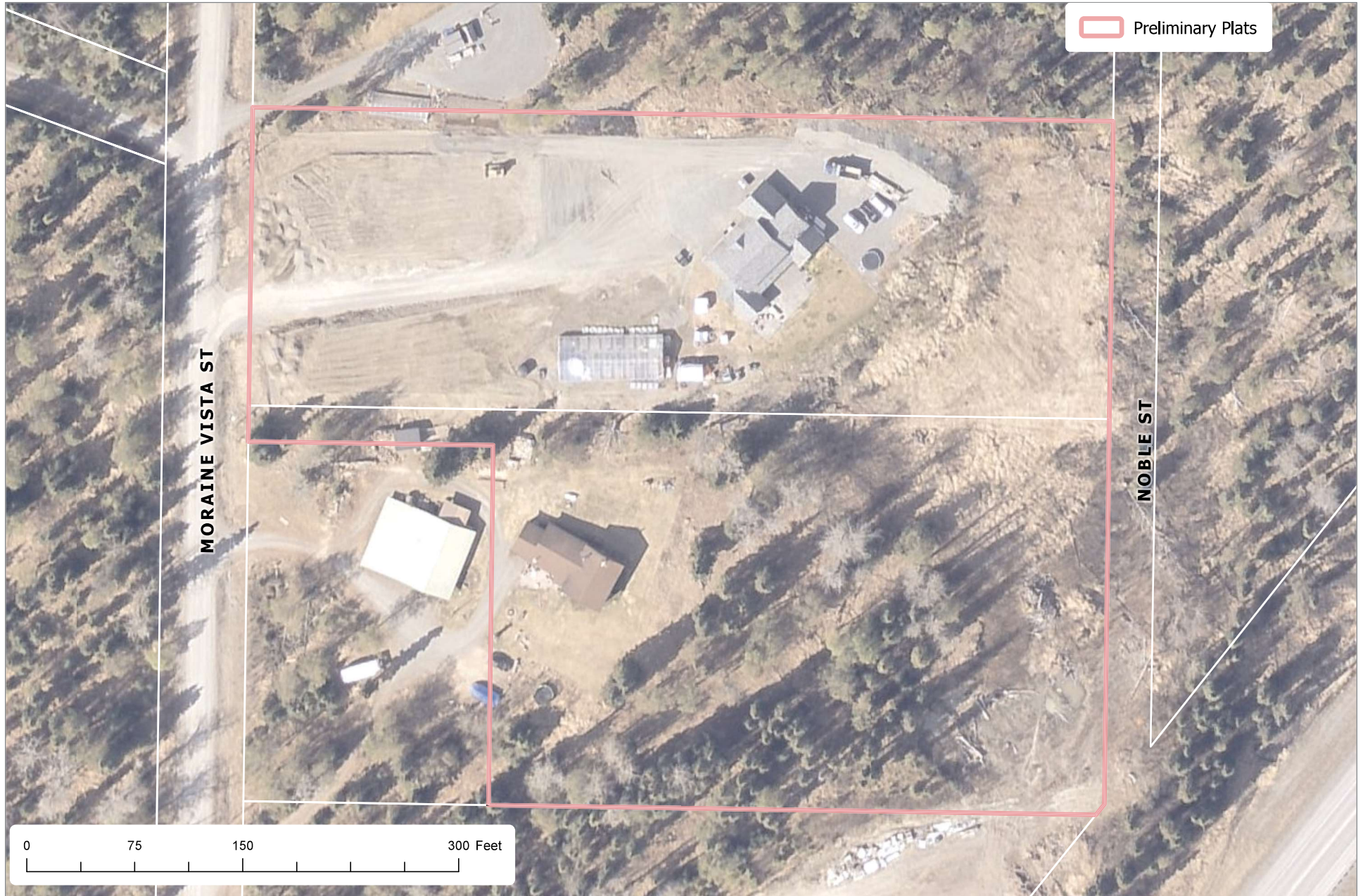
KPB NO.	20013	DRAWN:	7 May, 2002	CB
SURVEYED:	March - May, 2002	SCALE:	1" = 100'	
FIELD NO.	2002-3, Pg. 1-	DISK:	South Bend Bluff	

E. NEW BUSINESS

- 11. Tuttle Subdivision 2023 Replat; KPB File 2023-120
McLane Consulting Group / Rozak, Pond
Location: Moraine Vista Street off the Sterling Highway
Kasilof Area**



KPB File 2023-120
T 03N R 12W SEC 19
Kasilof

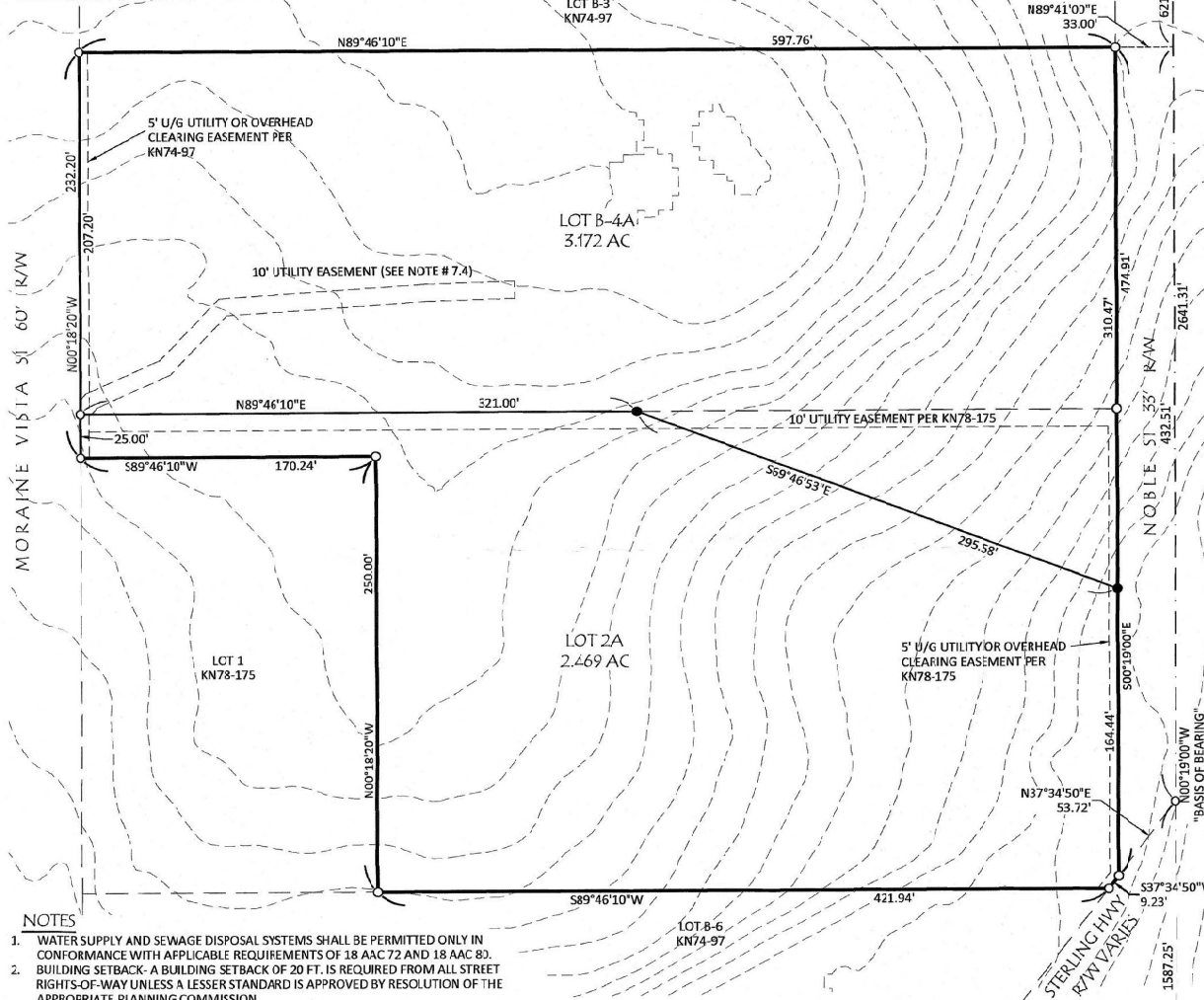


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WASTEWATER DISPOSAL

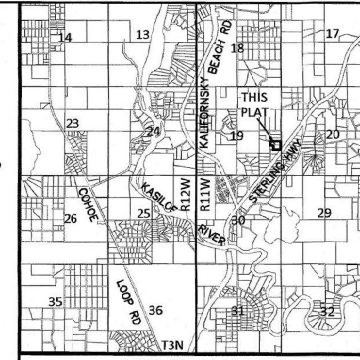
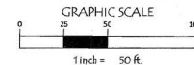
SOIL CONDITIONS, WATER TABLE LEVELS, AND SOIL SLOPES IN THIS SUBDIVISION HAVE BEEN FOUND SUITABLE FOR CONVENTIONAL ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEMS SERVING SINGLE-FAMILY OR DUPLEX RESIDENCES AND MEETING THE REGULATORY REQUIREMENTS OF THE KENAI PENINSULA BOROUGH. ANY OTHER TYPE OF ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEM MUST BE DESIGNED BY A PROFESSIONAL ENGINEER, REGISTERED TO PRACTICE IN ALASKA, AND THE DESIGN MUST BE APPROVED BY THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

CODY R. McLANE C.E. 11510AK DATE



LEGEND

- ⊕ FOUND PRIMARY MONUMENT AS DESCRIBED
- FOUND 5/8" REBAR UNLESS NOTED
- SET 5/8"x30" REBAR w/ 1" STAINLESS STEEL CAP 85032-S
- CONTOUR INTERVAL = 4'



VICINITY MAP
Scale 1" = 1 Mile

CERTIFICATE OF OWNERSHIP AND DEDICATION

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND WE HEREBY ADOPT THIS PLAN OF SUBDIVISION AND BY OUR FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

MARK G ROZAK, OWNER TRACT B-4 KN74-97
PO BOX 600, KENAI, AK 99611

SARAH DIANE ROZAK, OWNER TRACT B-4 KN74-97
PO BOX 600, KENAI, AK 99611

CERTIFICATE OF OWNERSHIP AND DEDICATION

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SHAYNE A FOND, OWNER LOT 2 KN78-175
PO BOX 47, KASLOF, AK 99610

PEPPER P. FOND, OWNER LOT 2 KN78-175
PO BOX 47, KASLOF, AK 99610

NOTARY'S ACKNOWLEDGEMENT

FOR: MARK G. & SARAH DIANE ROZAK
ACKNOWLEDGED BEFORE ME THIS

DAY OF _____, 20____
MY COMMISSION EXPIRES: _____

NOTARY PUBLIC FOR THE
STATE OF _____

NOTARY'S ACKNOWLEDGEMENT

FOR: SHAYNE A. & PEPPER P. FOND
ACKNOWLEDGED BEFORE ME THIS

DAY OF _____, 20____
MY COMMISSION EXPIRES: _____

NOTARY PUBLIC FOR THE
STATE OF _____



NOTES

1. WATER SUPPLY AND SEWAGE DISPOSAL SYSTEMS SHALL BE PERMITTED ONLY IN CONFORMANCE WITH APPLICABLE REQUIREMENTS OF 18 AAC 72 AND 18 AAC 80.
2. BUILDING SETBACK- A BUILDING SETBACK OF 20 FT. IS REQUIRED FROM ALL STREET RIGHTS-OF-WAY UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
3. THE FRONT 10 FEET ADJOINING DEDICATED RIGHTS-OF-WAY IS ALSO A UTILITY EASEMENT.
4. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
5. NO DIRECT ACCESS TO STATE MAINTAINED RIGHTS-OF-WAY PERMITTED UNLESS APPROVED BY STATE OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES.
6. STERLING HIGHWAY EASEMENT RESERVED BY PUBLIC LAND ORDER No. 601 DATED AUGUST 10, 1949 AND AMENDED BY PUBLIC LAND ORDER No. 757 DATED OCTOBER 10, 1959, PUBLIC LAND ORDER No. 1613 DATED APRIL 7, 1958 AND DEPARTMENT OF THE INTERIOR ORDER No. 2665 DATED OCTOBER 16, 1951 AMENDMENT No. 1 DATED JULY 17, 1952 AND AMENDMENT No. 2 DATED SEPTEMBER 15, 1956 FILED IN THE FEDERAL REGISTER.
7. THIS PARCEL MAY BE AFFECTED BY THE FOLLOWING:
 - 7.1. AN ELECTRIC EASEMENT GRANTED TO HOMER ELECTRIC ASSOCIATION ON JUNE 12, 1959 IN MISC. BOOK 3, PAGE 45, KENAI RECORDING DISTRICT, LOCATION NOT DEFINED.
 - 7.2. AN ELECTRIC EASEMENT GRANTED TO HOMER ELECTRIC ASSOCIATION ON DECEMBER 19, 1974 IN BOOK 81, PAGE 644, KENAI RECORDING DISTRICT, LOCATION NOT DEFINED.
 - 7.3. AN ACCESS EASEMENT RECORDED JANUARY 5, 2005 IN DOCUMENT No. 2005-000092-0 KENAI RECORDING DISTRICT, THROUGH LOT 1 KN78-175.
 - 7.4. AN ELECTRIC EASEMENT GRANTED TO HOMER ELECTRIC ASSOCIATION ON JULY 30, 2007 IN DOCUMENT No. 2007-008-79-0, KENAI RECORDING DISTRICT, AS SHOWN HEREON.

Plat

Rec Dist	_____
Date	_____ 20____
Time	_____ VI

PLAT APPROVAL

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

AUTHORIZED OFFICIAL _____ DATE _____

TUTTLE SUBDIVISION 2023 REPLAT

RESUBDIVISION OF TRACT B-4 RESUBDIVISION OF TUTTLE TRACTS E AND C (KN74-97) AND LOT 2 RESUBDIVISION OF TUTTLE TRACT B-5 (KN78-175)

MARK G ROZAK
PO BOX 600
KENAI, AK 99611

SHAYNE A FOND
PO BOX 47
KASLOF, AK 99610

SAFAH DIANE ROZAK
PO BOX 600
KENAI, AK 99611

PEPPER P. FOND
PO BOX 47
KASLOF, AK 99610

5.640 AC. M/L SITUATED IN THE SE 1/4 OF SECTION 19, TOWNSHIP 3 NORTH, RANGE 11 WEST, SEWARD MERIDIAN, KENAI PENINSULA BOROUGH, AND THE KENAI RECORDING DISTRICT, ALASKA.



ENGINEERING - TESTING
SURVEYING - MAPPING
P.O. BOX 468
SOLDOTNA, AK 99689
VOICE: (907) 283-4218
FAX: (907) 283-3266
WWW.MCLANECG.COM

KPB FILE NO. 2023-xxX

PROJECT NO. 232025

SCALE: 1" = 50'

DATE: OCT 2023

DRAWN BY: JAH

KPB 2023-120

E11-3

AGENDA ITEM E. NEW BUSINESS

**ITEM #11 - PRELIMINARY PLAT
TUTTLE SUBDIVISION 2023 REPLAT**

KPB File No.	2023-120
Plat Committee Meeting:	November 13, 2023
Applicant / Owner:	Mark and Sarah Rozak, of Kenai, Alaska and Shayne and Pepper Pond of Kasilof, Alaska
Surveyor:	James Hall / McLane Consulting Inc
General Location:	Moraine Vista Street / Kasilof area

Parent Parcel No.:	133-280-04, 133-280-14,
Legal Description:	T 3N R 11W SEC 19 Seward Meridian KN 0740097 Tuttle Resub Tracts B & C Tract B-4 and T 3N R 11W SEC 19 Seward Meridian KN 0740097 Tuttle Resub Tracts B & C Tract B-4
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	onsite
Exception Request	none

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide one lot and one tract into two lots, realigning the line between them. The 2.843-acre lot will become 3.172-acre lot and the 2.797-acre tract will be a 2.469-acre lot with this platting action.

Location and Legal Access (existing and proposed): Access to the subdivision is along Moraine Vista Street, which is located near mile post 108 on the Sterling Highway in the Kasilof area. Moraine Vista Street is a developed road maintained by the Borough. The subdivision also backs against Noble Street, which is an undeveloped road on the east side of the plat.

There are no dedications or vacations of rights-of-ways proposed.

Lot 2 is accessed by an easement through Lot 1 as referenced in plat note 7.3 on the preliminary.

Block length is compliant being completed by Moraine Vista Street, Clancy Avenue, Noble Street and Sterling Highway.

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

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

Site Investigation: The contours reveal some steep terrain, but the areas of 20% incline are not identified on the plat. Drainage is to the east and southeast. ***Staff recommends: steep areas be identified on the final.***

There are no wetlands or flood hazard areas within this subdivision.

KPB River Center review	<p>A. Floodplain Reviewer: Hindman, Julie 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: VACANT Comments:</p>
State of Alaska Fish and Game	

Staff Analysis The land was first divided as the Tuttle Tracts KN72-75 from the E1/2 SE1/4 Sec 19 T3N R11W SM Kasilof, AK, into three tracts. Tracts B & C were then subdivided by Resubdivision of Tuttle Tracts B and C KN 74-97 into twelve tracts. Tract B-5 was further subdivided by Resubdivision of Tuttle Tract B-5 KN78-175.

The plat carried forward the 20-foot building setback and a 5' underground utility easement on Moraine Vista Street from both parent plats. A 10' HEA easement and a 5' underground utility or overhead clearing easement along Noble Street were carried forward from Resubdivision of Tuttle Tract B-5.

This subdivision is comprised of existing lots, one being a flag lot that exceeds 150. KPB 20.30.190(B) Lots-Dimensions states that, 'If the access portion is less than 60 feet wide, it may not exceed 150 feet in length.' **Staff recommends:** *the Plat Committee concur that an exception is not needed as this is an existing lot and the owners have an easement across Lot 1 in front of them that runs with the land.*

A soils report will not be required. 20.40.020(A)(1)(c) - Moving one or more lot lines without increasing the number of developable lots, while maintaining a minimum of 20,000 square feet of contiguous area, as described in KPB 20.40.040(A)(4)(a), for each lot affected by the lot line movement.

Notice of the proposed plat was mailed to the beneficial interest holder on October 25, 2023. The beneficial interest holder will be given 30 days from the date of the mailing of the notification to respond. They are given the opportunity to notify staff if their beneficial interest prohibits or restricts subdivision or requires their signature on the final plat. If no response is received within 30 days, staff will assume they have no requirements regarding the subdivision and it may be finalized.

The property is not within an advisory planning commission.

Utility Easements There are several utility easements listed in the certificate to plat that are listed in the plat notes of the subdivision. Utility easements from the parent plats have been carried forward and shown correctly.

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	Approximate location of underground electric service is depicted where it crosses Lot 2A and serves Lot 1. Provide a label or plat note stating, "The existing underground powerline is the centerline of a 15-foot-wide electrical easement, including pedestals, granted this plat.
ENSTAR	
ACS	No objections
GCI	

KPB department / agency review:

Addressing	<p>Reviewer: Leavitt, Rhealyn Affected Addresses: 24380 MORaine VISTA ST, 24344 MORaine VISTA ST</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names: MORaine VISTA ST, NOBLE ST, STERLING HWY</p> <p>Existing Street Name Corrections Needed:</p> <p>All New Street Names are Approved: No</p> <p>List of Approved Street Names:</p> <p>List of Street Names Denied:</p> <p>Comments: ADDRESSES WILL NOT BE AFFECTED</p>
Code Compliance	<p>Reviewer: Ogren, Eric Comments: No comments</p>
Planner	<p>Reviewer: Raidmae, Ryan There are not any Local Option Zoning District issues with this proposed plat.</p> <p>Material Site Comments: There are not any material site issues with this proposed plat.</p>
Assessing	<p>Reviewer: Windsor, Heather Comments: No comment</p>

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

STAFF RECOMMENDATIONS
CORRECTIONS / EDITS

KPB 20.25.070 – Form and contents required

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

A. Within the Title Block

1. Name of the subdivision which shall not be the same as an existing city, town, tract, or subdivision of land in the borough, of which a plat has been previously recorded, or so nearly the same as to

mislead the public or cause confusion. The parent plat's name shall be the primary name of the preliminary plat.

2. Legal description, location, date, and total area in acres of the proposed subdivision;

3. Name and address of owner(s), as shown on the KPB records and the certificate to plat, and registered land surveyor.

Staff recommendation:

- Change the KPB file to 2023-120.
- Remove the M/L behind the area once surveyed area is obtained.

- 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:

- *Parcels to the east and west across the roads need labeling.*
- *The parcels north and south need lot changed to tract.*

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

Staff recommendation: Contours shown but slopes greater than 20% are not labeled or identified on the drawing.

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

Staff recommendation: Appears there is a structure located in the panhandle of Lot 2A.

KPB 20.30 – Subdivision Design Requirements

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

KPB 20.40 – Wastewater Disposal

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

20.40.010 Wastewater disposal.

Platting Staff Comments: not required per 20.40.020(A) (1)(c)

Staff recommendation: comply with 20.40.

KPB 20.60 – Final Plat

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

20.60.160. Easements.

A. The plat shall clearly show the location, width, and use of all easements. The easements must be clearly labeled and identified and, if already of record, the recorded reference given. If public easements are being granted by the plat, they shall be properly set out in the owner's certification of dedication.

1. Special purpose easements being granted by the plat shall be clearly defined for allowed use. Special purpose easements may require a signed acceptance statement on the plat.

B. Private easements may not be granted on the plat.

Staff recommendation: comply with 20.60.160.

- Show well easement as shown in the certificate to plat.

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: *comply with 20.60.190.*

- Add date of November 13, 2023 to Plat Approval
- Under Certificate of Ownership, add the lots the owners will be signing for.

20.60.200. Survey and monumentation.

Staff recommendation: *comply with 20.60.200*

RECOMMENDATION:

STAFF RECOMMENDS:

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

NOTE: 20.25.120. - REVIEW AND APPEAL.

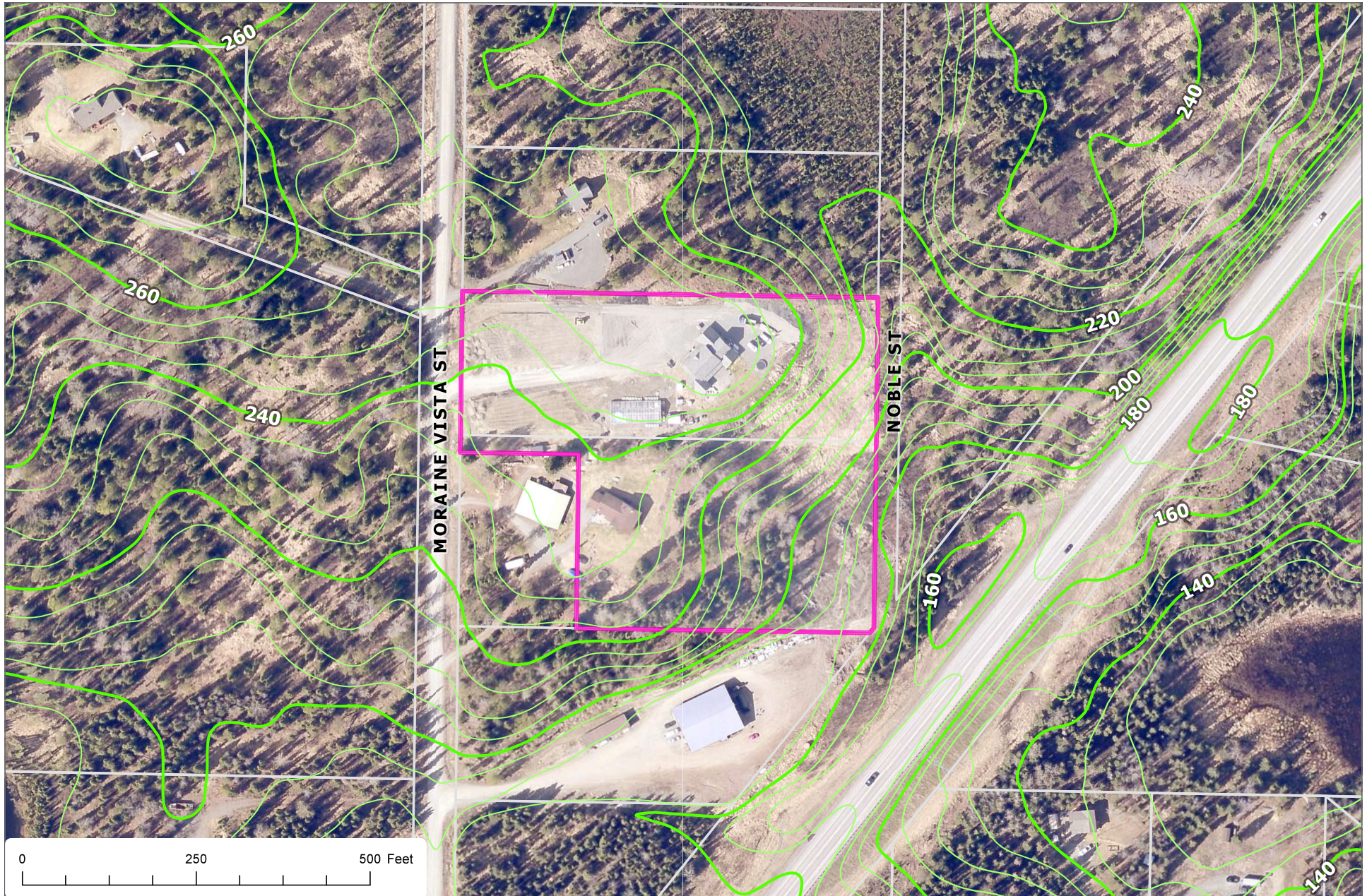
A PARTY OF RECORD MAY REQUEST THAT A DECISION OF THE PLAT COMMITTEE BE REVIEWED BY THE PLANNING COMMISSION BY FILING A WRITTEN REQUEST WITHIN 15 DAYS OF NOTIFICATION OF THE DECISION IN ACCORDANCE WITH KPB 2.40.080.

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

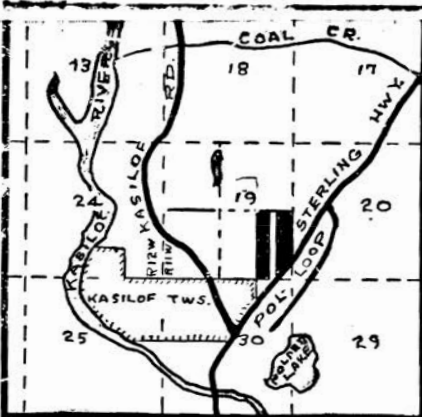
END OF STAFF REPORT



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



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



TUTTLE TRACTS

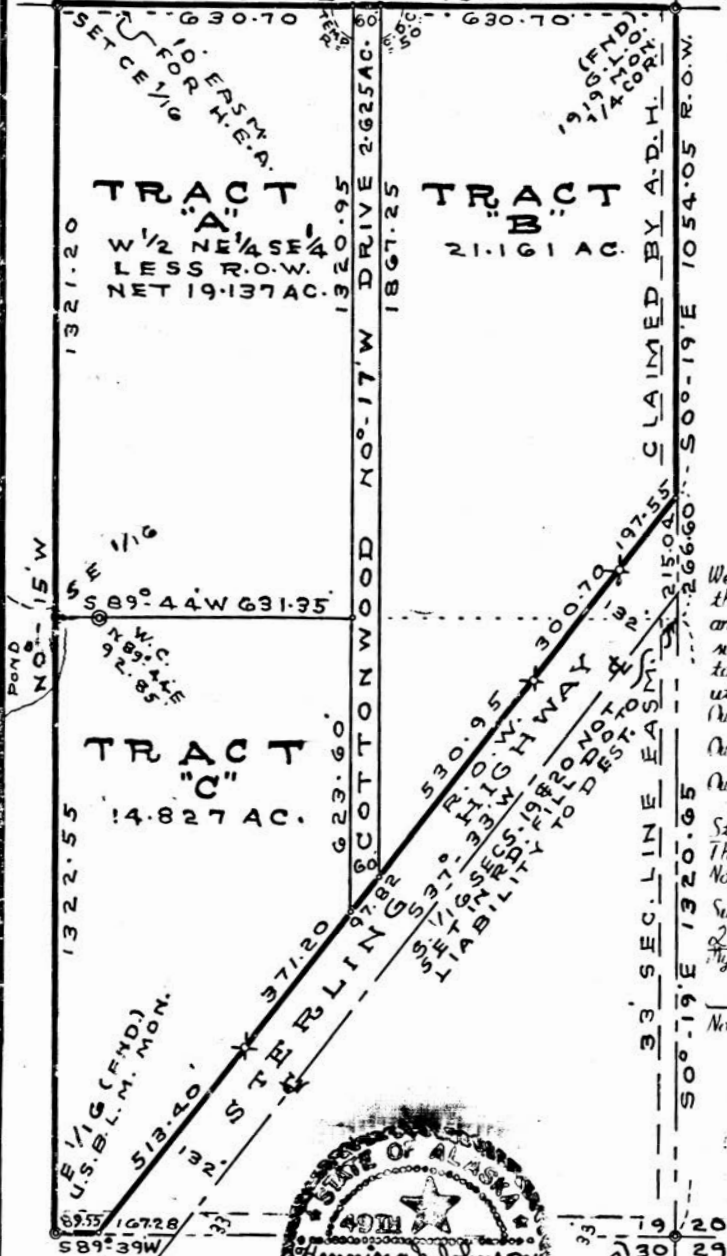
LOCATED IN E 1/2 SE 1/4 SEC. 19
T3N R11W. S.M.; KASILOF,
ALASKA.
CONTAINING 57.750 AC.
BY: DAVID TUTTLE, KASILOF,
ALASKA.

- INDICATES BRASS CAP MON.
- DEPT. HIGHWAYS MON. FOUND.
- 5/8" X 24" RE-BAR SET.

KENAI PENINSULA BOROUGH
Planning Commission
Approved OCTOBER 30, 1972
By Stanley S. Thompson
Mayor

VICINITY MAP
1" = 0.96 MILES

SEC. 19 BASE BRG. N89°45'30"E
N89°45'30"E 1321.40



SCALE
1" = 300'
OCT. 6, 1972

CERTIFICATE OF OWNERSHIP AND DEDICATION

We certify that we are the owners of
the property shown and described herein
and that we hereby adopt this plan of
subdivision and dedicate all streets
to public use and to the use of public
utilities.

Owner David Tuttle

Owner State of Alaska

Owner Arthur Buckler, Norma C. C.

State of Alaska

Third Judicial District

Notary's Acknowledgement

Subscribed and sworn before me this

24 day of November, 1972.

My commission expires

Notary Public for Alaska

My Commission Expires July 21, 1975

72-75

RECORDED - FILED

Kenai REC. DIST.

DATE 12-18 1972

TIME 10:19 A.M.

Registered by KPB

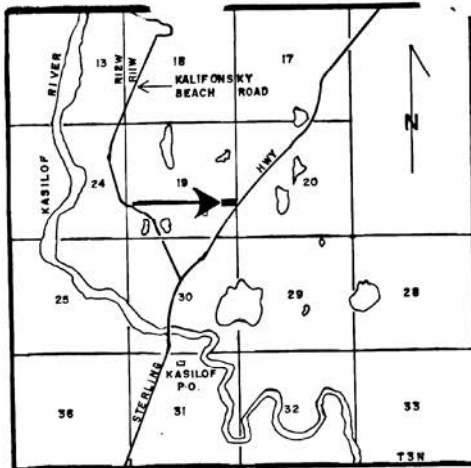
Address Box 850

SOLDOTNA



K 72-75

Tuttle Tracts
E11-11 T3N, R11W, S.M.



VICINITY SCALE 1" = 1 MILE MAP

Resubdivision of Tuttle Tract B-5

LOCATED IN E1/2 SE1/4 SEC. 19 T3N, R11W, S.M. KASILOF, AK.
 SCALE 1" = 100' AREA = 3.774 AC. JUNE 14, 1978.
 BY GREG A. ROZAK BOX 400 RTE. 2 SOLDOTNA, ALASKA 99669

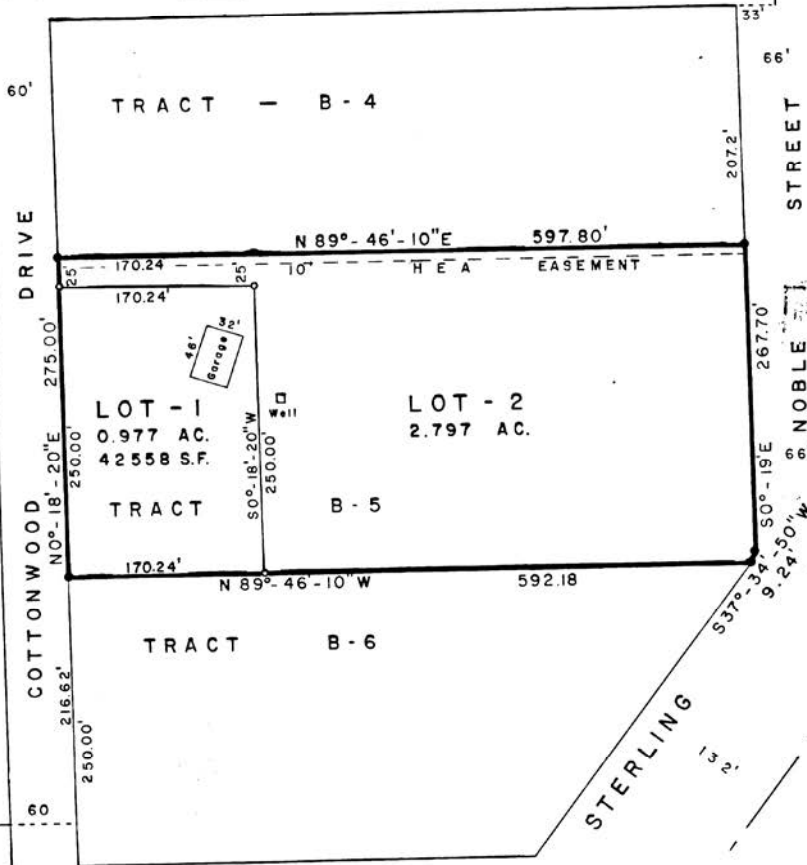
LEGEND

- + - Brass cap by G.L.O. found.
- - Brass cap by 268-S found.
- - 5/8" rebar found.
- o - 1/2" x 24" rebar set.

NOTES

A 20' bldg. set-back line and 5' underground utility, or overhead clearing easement along all roads.
 All waste water disposal systems shall comply with existing laws at time of construction.

1/4 COR.
 SEC. 19
 SEC. 20
 621.60'



PLAT APPROVAL

This plat having been approved by the Kenai Peninsula Borough Planning Commission as recorded in the official minutes of the meeting of July 3, 1978 is hereby acknowledged and accepted as the official plat, subject to any and all conditions and requirement of ordinances and law appertaining thereto.
 KENAI PENINSULA BOROUGH
 By Philip Warming

CERTIFICATE OF OWNERSHIP

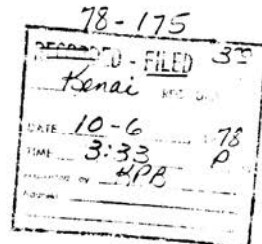
We hereby certify that we are the owners of the property shown and described hereon, and that we hereby adopt this plan of subdivision.

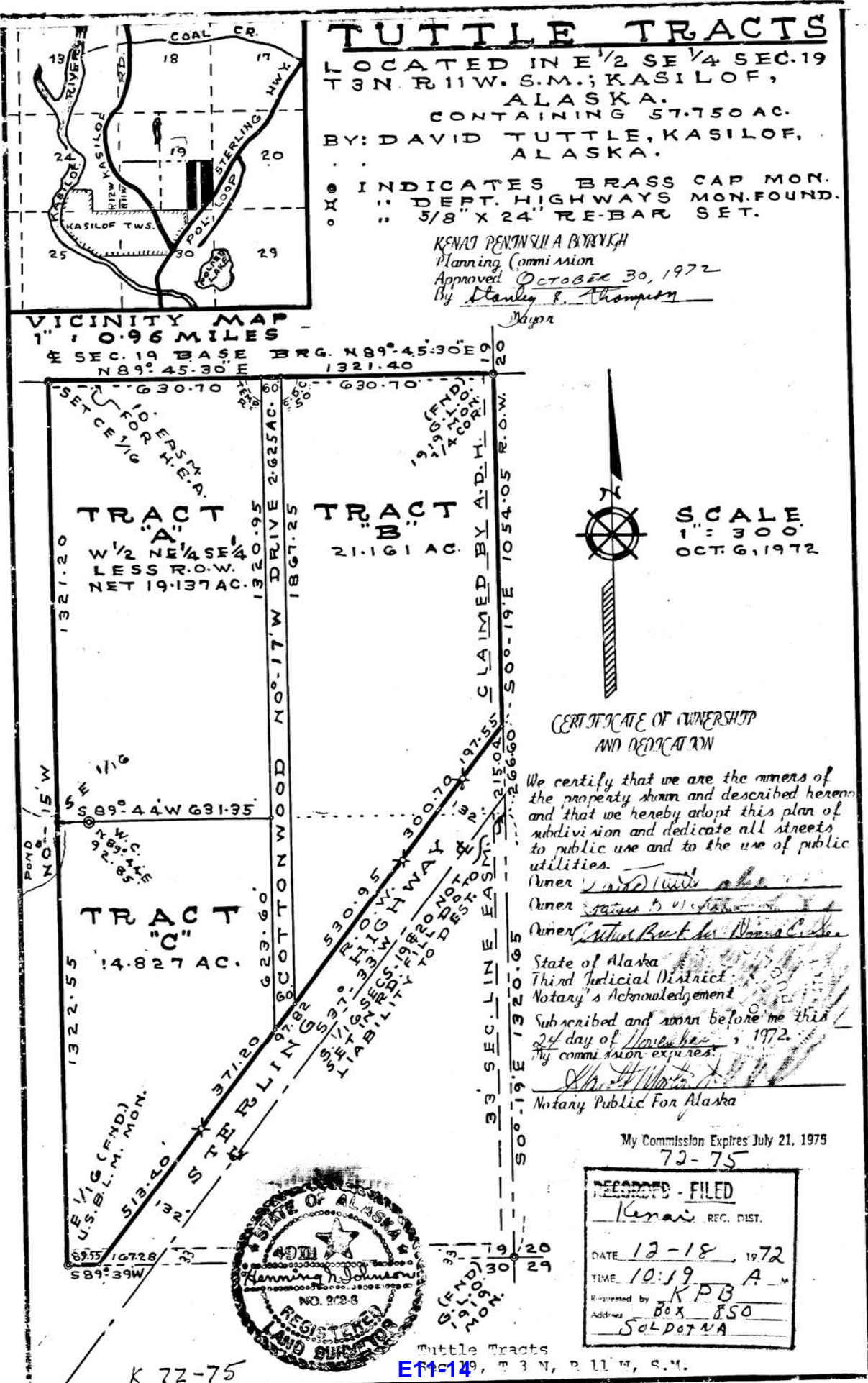
Greg A. Rozak
 GREG A. ROZAK BOX 400 ROUTE 2 SOLDOTNA AK. 99669
Darlene M. Rozak
 DARLENE M. ROZAK



STATE OF ALASKA, THIRD JUDICIAL DISTRICT

Jane M. Gable 10/4/78 Sept. 13, 1981
 NOTARY PUBLIC FOR ALASKA My Commission expires





E. NEW BUSINESS

- 12. Hall-Ewing Subdivision; KPB File 2023-103**
Segesser Surveys / Hall, Ewing
Location: New Orleans Avenue
Nikiski Area / Nikiski APC

AGENDA ITEM E. NEW BUSINESS

**ITEM #12 - PRELIMINARY PLAT
HALL-EWING SUBDIVISION**

KPB File No.	2023-103
Plat Committee Meeting:	November 13, 2023
Applicant / Owner:	Andre Ewing of Nikiski, Alaska Jonathan Hall, James Hall, and Joshua Hall all of Kenai, Alaska
Surveyor:	John Segesser / Segesser Surveys
General Location:	Nikiski / Nikiski APC

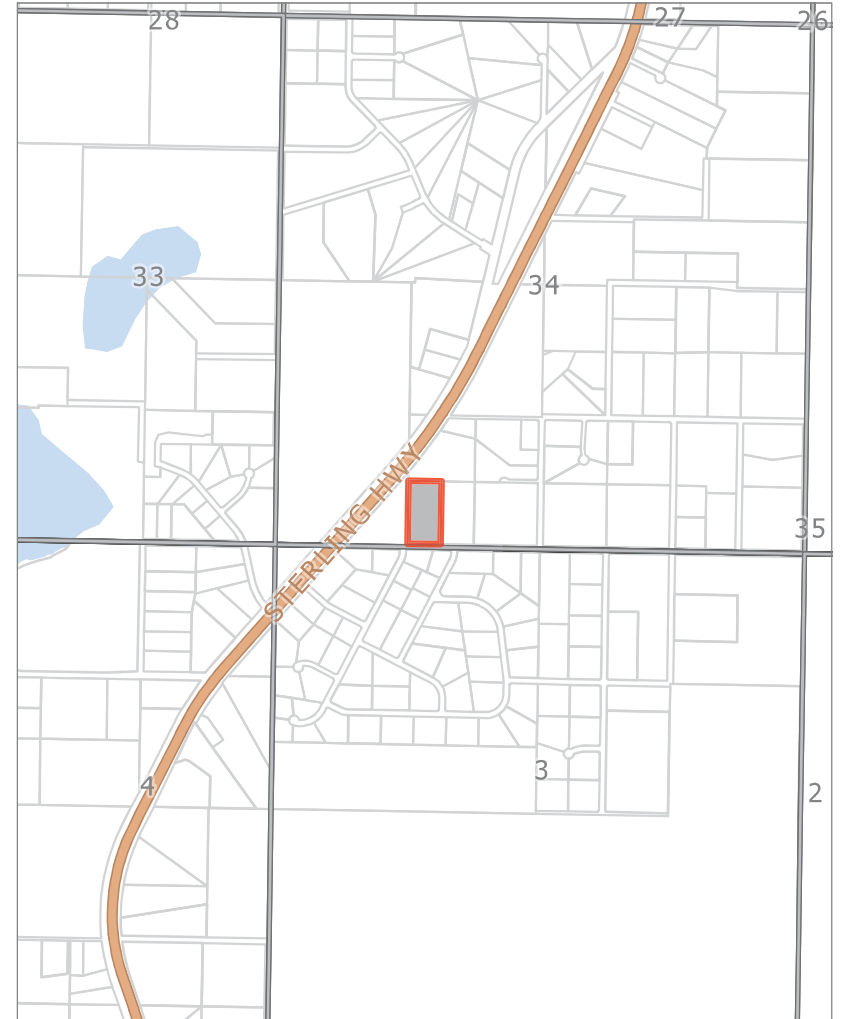
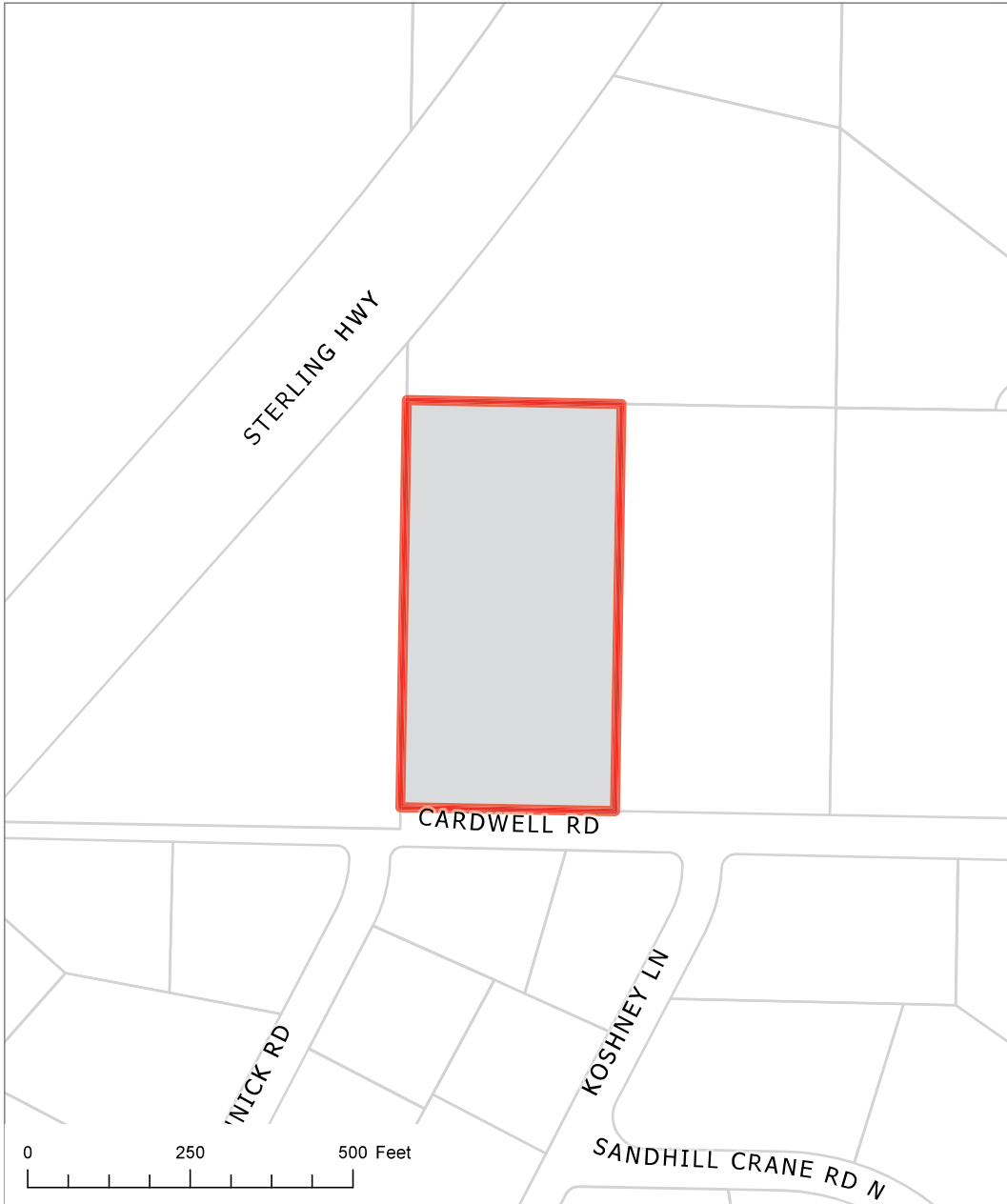
Parent Parcel No.:	013-020-12 and 013-021-18
Legal Description:	T 8N R 11W SEC 22 SEWARD MERIDIAN KN GOVT LOTS 2 & 3 AND NE1/4 SW1/4 T 8N R 11W SEC 22
Assessing Use:	Vacant
Zoning:	Rural Unrestricted
Water / Wastewater	On site
Exception Request	20.30.190(A)

STAFF REPORT

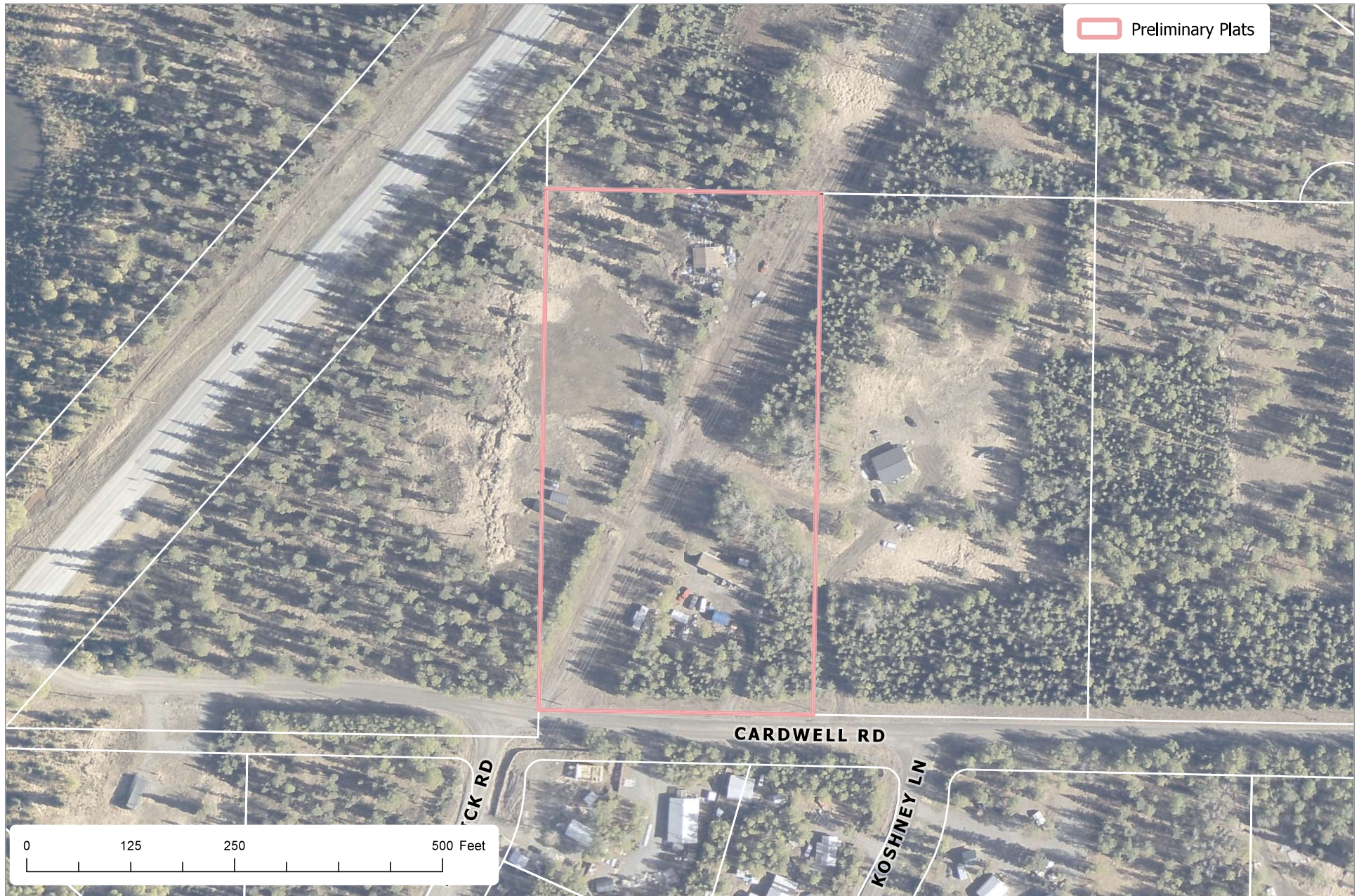
This plat has been postponed by the owners until the next available meeting.

E. NEW BUSINESS

- 13. Peaceful Acres Redwine Addition; KPB File 2023-122
Segesser Surveys / Redwine
Location: Cardwell Road
Kalifornsky Area / Kalifornsky APC**



KPB File 2023-122
T 04N R 11W SEC 34
Kalifornsky



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

LEGEND:

- 2 1/2" BRASS. CAP MON. GLO 1937 FOUND
- 2 1/2" ALUM. CAP MON. L55152 FOUND
- 5/8" REBAR w/ALUM. CAP L55152 FOUND
- 5/8" REBAR w/PLASTIC CAP L58859 SET
- RECORD DATUM PLAT 2003-16 KRD

NOTES:

- Basis of bearing taken from Peaceful Acres Jackson Replat #2, Plat 2003-16, Kenai Recording District.
- Building Setback-A setback of 20 feet is required from all street Rights-of-Way unless a lesser standard is approved by resolution by the appropriate Planning Commission.
- An easement for electric lines or system and/or telephone lines granted to Homer Electric Association is recorded in Book 6 Page 125, Kenai Recording District. No definite location disclosed.
- Front 10 feet adjacent to right-of-way and 20 feet within 5 feet of the side lot lines is a utility easement. No permanent structure shall be constructed or placed within a utility easement which would interfere with the ability of a utility to use the easement.
- TRANSMISSION LINE EASEMENT:** Driveways crossing the easement shall be located as nearly perpendicular to the transmission line as is reasonably possible. No portion of driveway shall be closer than 25 feet to a transmission line pole/structure. No excavation or fill within the easement without the express written permission of HEA.
- WASTEWATER DISPOSAL:** Soil conditions, water table levels, and soil slopes in this subdivision have been found suitable for conventional onsite wastewater treatment and disposal systems serving single-family or duplex residences and meeting the regulatory requirements of the Kenai Peninsula Borough. Any other type of onsite wastewater treatment and disposal system must be designed by a professional engineer, registered to practice in Alaska, and the design must be approved by the Alaska Department of Environmental Conservation.

Engineer License No. Date



SURVEYOR'S CERTIFICATE

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

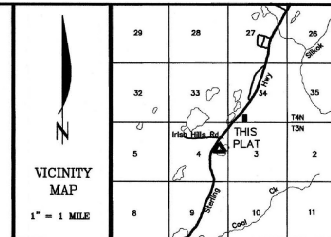
Date

KPB 2023-122

KN 74-18
Tract D
Block 3

CURVE	DELTA ANGLE	RADIUS	ARC LENGTH	TANGENT	CHORD LENGTH	CHORD BEARING
C1	143°07'48"	50.00	124.30	150.00	94.87	S18°15'54"E
C2	170°00'00"	50.00	28.85	13.40	25.89	S74°49'03"E
C3	113°07'48"	50.00	68.72	75.73	83.45	S03°15'53"E

LINE	BEARING	DISTANCE
LT	S70°29'18"W	28.31



CERTIFICATE of OWNERSHIP and DEDICATION

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

GEORGE E. REDWINE
48700 CARDWELL ROAD
SOLDOTNA, ALASKA 99669

NOTARY'S ACKNOWLEDGEMENT

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

NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES _____

PLAT APPROVAL

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

KENAI PENINSULA BOROUGH

AUTHORIZED OFFICIAL _____

KPB FILE No. _____

Peaceful Acres
Redwine Addition

A resubdivision of Tract C1 Block 3 Peaceful Acres Jackson Replat #2, Plat 2003-16, Kenai Recording District.

Located within the SE1/4 SW1/4 Section 34, T4N, R11W, S.M., Kenai Peninsula Borough, Alaska.

Surveyor Seeger Surveys 50485 Rosland St. Soldotna, AK 99669 (907) 262-3909	Owner George E. Redwine 48700 Cardwell Rd. Soldotna, AK 99669
JOB NO. 23087	DRAWN: 9-26-23
SURVEYED: July, 2023	SCALE: 1"=5C
FIELD BOOK: 23-2	SHEET: 1 of 1

AGENDA ITEM E. NEW BUSINESS

**ITEM #13 - PRELIMINARY PLAT
PEACEFUL ACRES REDWINE ADDITION**

KPB File No.	2023-122
Plat Committee Meeting:	November 13, 2023
Applicant / Owner:	George Redwine of Soldotna, AK
Surveyor:	John Segesser / Segesser Surveys
General Location:	Kalifornsky Area

Parent Parcel No.:	131-360-53
Legal Description:	T 4N R 11W SEC 34 Seward Meridian KN 2003016 Peaceful Acres Sub Jackson Replat #2 BLK 3 TRACT C1
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	Onsite
Exception Request	none

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide a 4.458 acres parcel into three tracts ranging in size from 1.000 acres to 1.762 acres. There will also be a dedication of a cul-de-sac.

Location and Legal Access (existing and proposed): Current access to the subdivision is along Cardwell Road located off Sterling Highway just past mile marker 103 in the Kalifornsky area. The plat shows to be dedicating a half of cul-de-sac that will give access to Tracts C1A and C1B, Tract C1C will continue to have access to Cardwell Road.

The plat is not affected by a section line easement and will not be completing a vacation either.

Block length is compliant with Cardwell, Road Sterling Highway, Johns Road and Harold's Road. The half cul-de-sac dedication on the west of this plat helps with breaking the block more. Having the Serling Highway north of the cul-de-sac stopping it from continuing through is a hinderance but Cardwell Road does continue out to Sterling Highway as an outlet.

The cul-de-sac does not have a name shown on the dedication. ***Staff recommends: the surveyor get with Addressing to obtain an approved name.***

KPB Roads Dept. comments	Out of Jurisdiction: No Roads Director: Griebel, Scott Comments: Dedication to support Tract "C1A" assumes additional dedication by adjacent property (13136053). Access for C1A can be supported, but RSA maintenance cannot be considered without further dedication. No additional comments.
SOA DOT comments	No comment - Engineering

Site Investigation: There are no steep areas located within the plat. The plat is relatively flat, sloping southerly with a slight high spot across the north end.

There are a few structures located on the property. One will be located on Tract C1A, one will be located on Tract C1C. There appears to be two structures that are currently in the location of what is proposes as the cul-de-sac

dedication, with one possibly encroaching across the west line. **Staff recommends:** *the surveyor confirm the location of the structures on the west and give a report to staff on location and any remediation to be taken if needed.*

There are no wetlands, streams or rivers on this plat. The plat is not located in a designated flood hazard zone or floodway either.

KPB River Center review	<p>A. Floodplain Reviewer: Hindman, Julie 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: VACANT Comments:</p>
State of Alaska Fish and Game	

Staff Analysis The property was originally an aliquot part of the southwest quarter (SW1/4) of Section 34, Township 4N, Range 11W, SM, Alaska. It was then divided as Tract C by Peaceful Acres Subdivision KN 74-18 that was a paper plat of the John W Martin homestead. Peaceful Acres Subdivision dedicated the 33-foot right-of-way for Cardwell Road on the south. The current configuration of Tract C1 was created by Peaceful Acres Jackson Replat #2 KN2003-16.

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

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

Kalifornsky Beach Advisory Planning Commission is currently inactive.

Utility Easements There is a 100-foot Transmission Line Easement and a 10' by 100' Utility easement being carried forward from KN2003-16. **Staff recommends:** *the surveyor locate the poles for the center of the 100-foot easement and shown correctly on plat drawing.*

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

Utility provider review:

HEA	No comments
ENSTAR	
ACS	No objections
GCI	

KPB department / agency review:

Addressing	<p>Reviewer: Leavitt, Rhealyn Affected Addresses: 48700 CARDWELL RD</p>
------------	---

	<p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names: CARDWLL RD, KOSHNEY LN, MINNICK RD, STERLING HWY</p> <p>Existing Street Name Corrections Needed:</p> <p>All New Street Names are Approved: No</p> <p>List of Approved Street Names:</p> <p>List of Street Names Denied:</p> <p>Comments: NEWLY DEDICATED ROW WILL NEED AN APPROVED STREET NAME</p>
Code Compliance	<p>Reviewer: Ogren, Eric</p> <p>Comments: No comments</p>
Planner	<p>Reviewer: Raidmae, Ryan</p> <p>There are not any Local Option Zoning District issues with this proposed plat.</p> <p>Material Site Comments: There are not any material site issues with this proposed plat.</p>
Assessing	<p>Reviewer: Windsor, Heather</p> <p>Comments: Based on current imagery a driveway is along powerline easement</p>

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

STAFF RECOMMENDATIONS
CORRECTIONS / EDITS

On plat note 5, fourth line down, line is misspelled as lie, please correct.
Add date of November 13, 2023 to Plat Approval.

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 KPB file No 2023-122
Add total area to Title Block

- D. A vicinity map, drawn to scale showing location of proposed subdivision, north arrow if different from plat orientation, township and range, section lines, roads, political boundaries, and prominent natural and manmade features, such as shorelines or streams;
Staff recommendation:
Add Cardwell Rd and Johns Rd to the vicinity map
Change Irish Hills Rd to Irish Hills Ave
Remove the triangle in section 4.
- 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: Parcels to the south need updated labels.
- N. Apparent encroachments, with a statement indicating how the encroachments will be resolved prior to final plat approval;
Staff recommendation: Appears to be an encroachment on west crossing onto adjacent land, please confirm structure locations.

KPB 20.30 – Subdivision Design Requirements

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

- 20.30.160. Streets-Name requirements. Streets shall be named to conform to KPB Chapter 14.10
Staff recommendation: Please provide possible names to the KPB Addressing Officer for review and approval.
- 20.30.190. Lots-Dimensions.
- A. The size and shape of lots shall provide usable sites appropriate for the locality in which the subdivision is located and in conformance with the requirements of any zoning ordinance effective for the area in which the proposed subdivision is located. Generally, lots shall be square or rectangular. Lots shall be at least 60 feet wide on the building setback line. The minimum depth shall be no less than 100 feet, and the average depth shall be no greater than three times the average width.
- B. The access portion of a flag lot shall not be less than 20 feet wide. A flag lot with the access portion less than 60 feet wide may be subject to a plat note indicating possible limitations on further subdivision based on access issues, development trends in the area, or topography. If the access portion is less than 60 feet wide, it may not exceed 150 feet in length. The access portion may not be used for permanent structures or wastewater disposal area, must meet the design standards of KPB 20.30.030(A) and 20.30.090 for access, and, if at least 60 feet wide, will be subject to the building setback restrictions of KPB 20.30.240.
Staff recommendation: place the standard note on the plat for the flag lot(s): No structures are permitted within the panhandle portion of the flag lot(s).

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 needed and an engineer will need to sign the plat. Wastewater statement may change after report completed.
- Staff recommendation** comply with 20.40.

KPB 20.60 – Final Plat

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

20.60.110. Dimensional data required.

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.

Record datum is mentioned, but none is given, surveyor should give record information where appropriate.

20.60.120. Accuracy of measurements. All linear measurements shall be shown to the nearest 1/10 foot, and angular measurements shall be at least to the nearest minute. All lot areas shall be shown to the nearest 10 square feet or to the nearest 1/1,000 of total acres. Meander lines, dry land areas and submerged land areas shall be shown in addition to total area when applicable. All boundary closures shall be to a minimum accuracy of 1:5,000. Boundary and lot closure computations must be submitted with the final plat.

Staff recommendation: provide boundary and lot closure computations with the paper final plat. KPB will verify closure complies with 20.60.120. Boundary does not close.

20.60.180. Plat notes.

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

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

Staff recommendation: Place the following notes on the plat.

- Roads must meet the design and construction standards established by the borough in order to be considered for certification and inclusion in the road maintenance program (KPB 14.06).

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: comply with 20.60.190.

Add Certificate of Acceptance for road

20.60.200. Survey and monumentation.

Staff recommendation: comply with 20.60.200 Show monuments set.

Tie into BLM / GLO monuments

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),

Page 5 of 6

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.

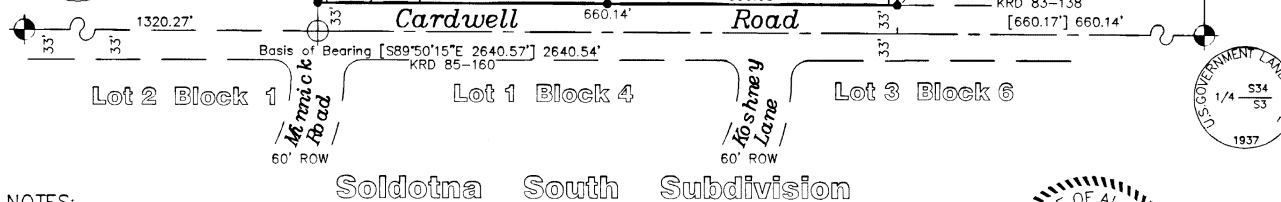
END OF STAFF REPORT



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.



Unsubdivided



NOTES:

- 1) Proposed land uses are recreational, residential, agricultural, and commercial.
- 2) 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.
- 3) Front 10 ft. of the 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.
- 4) **Transmission Line Easement:** Driveways crossing the easement shall be located as nearly perpendicular to the transmission line as is reasonably possible. No portion of driveway shall be closer than 25 ft. to a transmission line pole/structure. No excavation or fill within the easement is allowed without the express written permission of HEA.
- 5) **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.

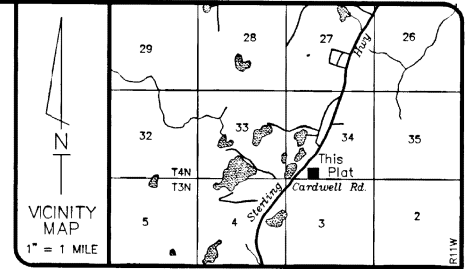
LEGEND:

- 2-1/2" Brass Cap Monument (found)
- 2-1/2" Alum. Cap Monument (set)
- 5/8" Rebar with Yellow Plastic Cap (found)
- 5/8" Rebar (set)
- [] Record Datum



SURVEYOR'S CERTIFICATE

I hereby certify that: I am properly registered and licensed to practice land surveying in the State of Alaska, this plat represents a survey made by me or under my direct supervision, the monuments shown hereon actually exist as described, and all dimensions and other details are correct to the normal standards of practice of land surveyors in the State of Alaska.
Date 28 Mar '03



CERTIFICATE of OWNERSHIP and DEDICATION

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

Bobbie Jean Jackson
Bobbie Jean Jackson
48195 John's Road
Soldotna, Alaska 99669

NOTARY'S ACKNOWLEDGMENT

SUBSCRIBED AND SWORN BEFORE ME THIS 28th DAY OF March,
2003 FOR Bobbie Jean Jackson

Rita M. Hart
NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES 10-21-06

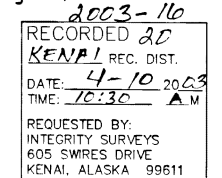


PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF February 24, 2003

KENAI PENINSULA BOROUGH

Mary Rost
AUTHORIZED OFFICIAL



KPB FILE No. 2003-027

Peaceful Acres Jackson Replat #2

A replat of Tract C Block 3 Peaceful Acres Subdivision,
Plat No. 74-18 KRD.

Located within the SE1/4 SW1/4 Section 34, T4N, R11W, S.M.,
Kenai Recording District, Kenai Peninsula Borough, Alaska.

Containing 9.487 Acres

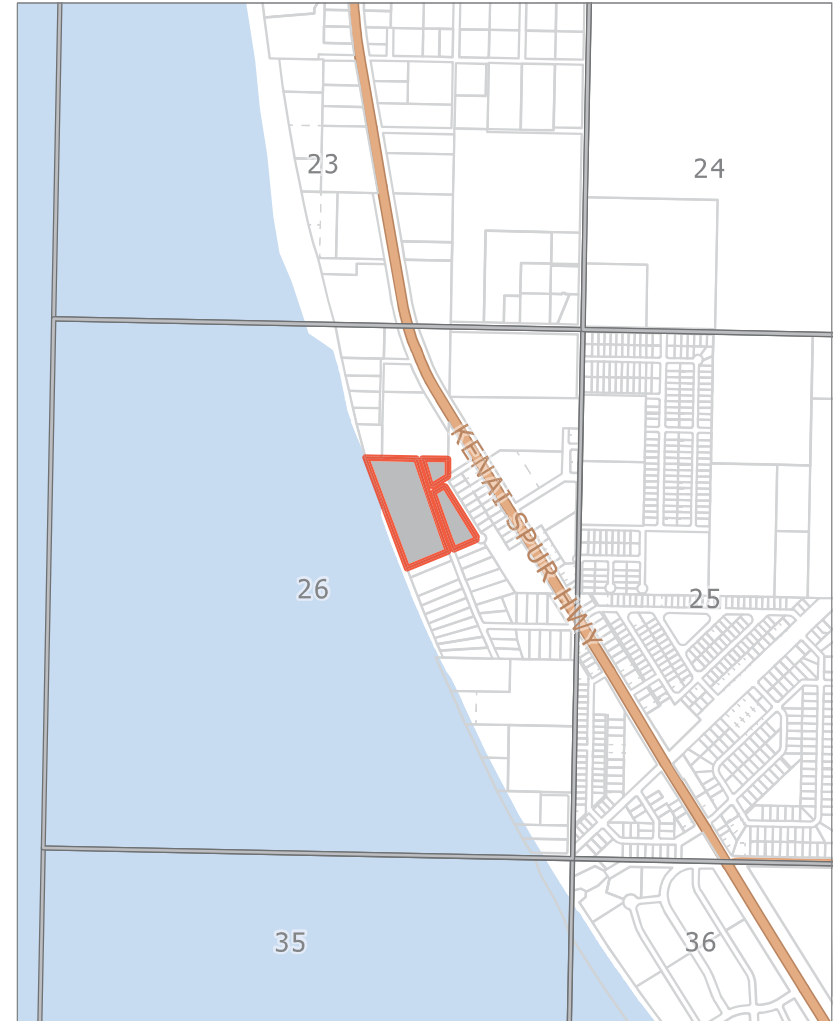
Integrity Surveys

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

JOB NO: 23006 DRAWN: 26 March, 2003
SURVEYED: 19-26 February, 2003 SCALE: 1" = 100'
FIELD BK: 2003-02 Pg. 1 - 4 DISK: Peaceful Acres

E. NEW BUSINESS

- 14. Shoreline Heights 2023 Addition; KPB File 2023-121
Segesser Surveys / Lowe
Location: Pey Drive
City of Kenai**



KPB File 2023-121
T 06N R 12W SEC 26
Kenai



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

LEGEND:

- ⊗ 2 1/2" BRASS, CAP MON. GLO 1921 FOUND
- ⊙ 3 1/4" ALUM. CAP MONUMENT LSS332 1975 FOUND
- ⊙ 3 1/4" ALUM. CAP MONUMENT J197-S 1985 FOUND
- 5/8" REBAR w/PLASTIC CAP FOUND
- 5/8" REBAR w/PLASTIC CAP LSS859 SET
- () RECORD DATUM PLAT 2015-24 KRD

CURVE	DELTA ANGLE	RADIUS	ARC LENGTH	TANGENT	CHORD LENGTH	CHORD BEARING
C1	104°59'20"	20.00	36.65	28.06	31.73	N70°34'55" W
C2	89°52'48"	20.00	27.17	18.15	28.31	N18°00'00" E
C3	89°52'48"	20.00	31.41	20.00	28.25	S78°04'41" E
C4	58°32'59"	50.00	33.74	17.34	33.11	S00°42'22" W

LINE	BEARING	DISTANCE
L1	S89°59'22"E	63.12
L2	S08°52'21"E	85.75
L3	N55°32'25"E	89.49
L4	S22°32'27"E	10.01
L5	S22°32'27"E	12.01
L6	N22°32'27"W	85.02
L7	N22°32'27"W	85.02
L8	N70°16'14"E	60.07

NOTES:

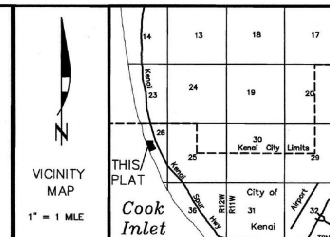
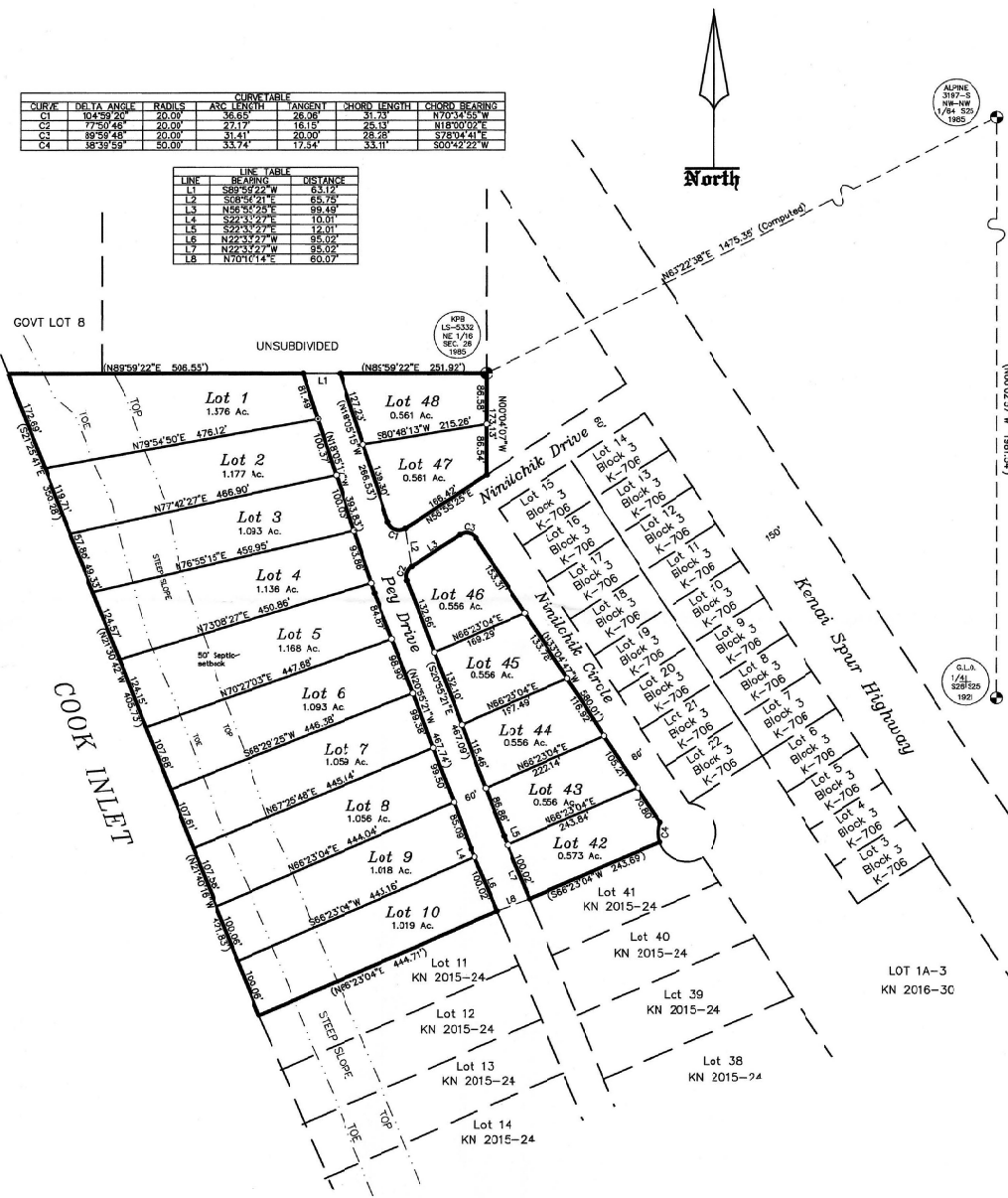
- 1) Basis of bearing taken from Shoreline Heights 2014 Addition Phase 1 Subdivision, Plat 2015-24, Kenai Recording District.
- 2) Development of these lots is subject to the City of Kenai Zoning Regulations.
- 3) Roads must meet the design and construction standards established by the City of Kenai in order to be considered for certification and inclusion in the road maintenance program.
- 4) Covenants, conditions, and restrictions which effect this subdivision are recorded as serial number 2015-005278-0 and amendments thereto recorded as serial numbers 2016-002335-0 and 2020-004431-0 Kenai Recording District. The borough will not enforce private covenants, easements, or deed restrictions per KPB 20.60.170.
- 5) An easement for electric lines or system and/or telephone lines granted to Kenai Power Corporation is recorded in Book 2 Page 41, Kenai Recording District. No definite location disclosed.
- 6) An easement for electric lines or system and/or telephone lines granted to Homer Electric Association is recorded in Book 289 Page 146, Kenai Recording District. No definite location disclosed.
- 7) An easement for gas transmission pipelines granted to Union Oil Company of California is recorded in Book 17 Page 185, Kenai Recording District.
- 8) An easement for right of way is recorded in Book 307 Page 179, Kenai Recording District.
- 9) Front 10 feet adjacent to right-of-ways is a utility easement. This easement is for above ground transformers and pedestals only. All underground utilities within this easement must be installed perpendicular to the right-of-ways. 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.
- 10) The natural meanders of the line of mean high water forms the true bounds of the subdivision. The approximate line of mean high water, as shown, is for computations only. The true property corners being on the extension of the site lot lines and their intersection with the natural meanders.
- 11) All lots to be served by city water services.
- 12) Lots 1-10, inclusive, are subject to bluff erosion. The upland area from the top of the bluff line to the ROW has been shown on these lots.
- 13) **WASTEWATER DISPOSAL:** Soil conditions, water table levels, and soil slopes in this subdivision have been found suitable for conventional on-site wastewater treatment and disposal systems serving single-family or duplex residences and meeting the regulatory requirements of the Kenai Peninsula Borough. Any other type of on-site wastewater treatment and disposal system must be designed by a professional engineer, registered to practice in Alaska, and the design must be approved by the Alaska Department of Environmental Conservation.

Engineer License No. date

**SURVEYOR'S CERTIFICATE**

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

Date _____

**CERTIFICATE of OWNERSHIP and DEDICATION**

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

BRYAN R. LOWE
1529 PEY DRIVE
KENAI, AK 99611

NOTARY'S ACKNOWLEDGEMENT

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

NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES _____

PLAT APPROVAL

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

KENAI PENINSULA BOROUGH

AUTHORIZED OFFICIAL

KPB FILE No.**Shoreline Heights 2023 Addition**

A Subdivision of Tract A, Tract B, and Tract C of Shoreline Heights Subdivision Plat 2015-24 Located within the N1/2 SE1/4 & NE1/4 Section 26, T06N, R12W, Seward Meridian, City of Kenai, Kenai Recording District, Kenai Peninsula Borough, Alaska.

Containing 16.720 Acres

Surveyor	Owner
Segesser Surveys 30485 Rosland St. Soldotna, AK 99669 (907) 262-3909	Bryan R. Lowe 1529 Pey Drive Kenai, AK 99611
JOB NO. 23050	DRAWN: April 2023
SURVEYED:	SCALE: 1"=100'
FIELD BOOK:	SHEET: 1 of 1

KPB 2023-121**E14-3**

AGENDA ITEM E. NEW BUSINESS

**ITEM #14 - PRELIMINARY PLAT
SHORELINE HEIGHTS 2023 ADDITION**

KPB File No.	2023-121
Plat Committee Meeting:	November 13, 2023
Applicant / Owner:	Bryan Lowe of Kenai, AK
Surveyor:	John Segesser / Segesser Surveys
General Location:	Pey Dr, Kenai / City of Kenai

Parent Parcel No.:	039-141-31, 039-141-32 & 039-141-33
Legal Description:	Tract A, B & C of Shoreline Heights 2014 Addition Phase 1
Assessing Use:	Vacant
Zoning:	Rural Residential (RR)
Water / Wastewater	City / Onsite
Exception Request	none

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide three tracts into 17 lots ranging in size from 0.561 acres to 1.376 acres.

Location and Legal Access (existing and proposed): The subdivision is accessed along Pey Drive from Bree Avenue coming from Kenai Spur Highway near mile point 14.5. All lots will have access to Pey Drive, which is developed and not currently maintained by the City of Kenai. Lots 46 and 47 will have access to Ninilchik Drive and Lots 42-46 will have access to Ninilchik Circle which are both undeveloped currently.

All roads have been dedicated by previously recorded subdivisions and there will be no vacations with this subdivision either.

The is subdivision is not affected by a section line easement as the ADL that crossed the property was vacated by a previous platting action.

Block length is non-compliant, but due to the Cook Inlet being located to the west there is no dedication that can be done to give compliancy. ***Staff recommends the Plat Committee concur that an exception in not needed.***

KPB Roads Dept. comments	Out of Jurisdiction: Yes Roads Director: Griebel, Scott Comments: City of Kenai. No Comments
SOA DOT comments	No comment - Engineering

Site Investigation: There are steep slopes on the west going down to the Cook Inlet as shown on the drawing by the top and toe. The rest of the subdivision is generally flat with a slight slope towards the inlet.

There are no structures currently located on the subdivision property.

The entire subdivision is designated as a wetland. Standard KPB wetlands note should be added to the plat.

KPB River Center review	A. Floodplain Reviewer: Hindman, Julie
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	Floodplain Status: Within City of Kenai Comments: City of Kenai should advise on any required notes. B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments C. State Parks Reviewer: VACANT Comments:
State of Alaska Fish and Game	

Staff Analysis The subdivision has previously been subdivided several times, originally being Government lots. The land was then subdivided four times with the last subdivision Shoreline Heights 2014 Addition Phase 1 KN2015-24 creating the current Tracts A, B and C being platted by this subdivision.

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

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

The subdivision was reviewed by the City of Kenai at their regular meeting of the Planning & Zoning Commission on July 26th, 2023. It was unanimously approved to pass Resolution PZ2023-14 recommending approval for Preliminary Plat- Shoreline Heights 2023 Addition. A copy of the city minutes, packet, and resolution are included in the packet. Resolution PZ2023-14 also indicated an installation agreement is not required.

Utility Easements: Easements listed in the certificate to plat are shown on the subdivision in the plat notes. Assignment of Easement listed as Book 11 Page 188 of the certificate to plat needs to be added to the subdivision as it appears to affect the area as listed in section 82 of the document. **Staff recommends:** *surveyor verify if this easement is still valid and if so, the extent of its affect.*

Homer Electric Association Inc was provided the preliminary plat for review and requested plate note eight be revised. **Staff recommends:** *the surveyor make the requested changes before final submittal.*

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

Utility provider review:

HEA	Revise the plat note to allow a utility line to be placed within the utility easement and be run parallel with the right of way.
ENSTAR	
ACS	No objections
GCI	

KPB department / agency review:

Addressing	Reviewer: Leavitt, Rhealyn Affected Addresses: 1541 PEY DR, 1540 PEY DR, 1610 PEY DR Existing Street Names are Correct: Yes
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	List of Correct Street Names: PEY DR, NINILCHIK DR, NINILCHIK CIR, KENAI SPUR HWY Existing Street Name Corrections Needed: All New Street Names are Approved: No List of Approved Street Names: List of Street Names Denied: Comments: CITY OF KENAI WILL ADVISE ON ADDRESSING
Code Compliance	Reviewer: Ogren, Eric Comments: No comments
Planner	Reviewer: Raidmae, Ryan There are not any Local Option Zoning District issues with this proposed plat. Material Site Comments: There are not any material site issues with this proposed plat. Review Not Required
Assessing	Reviewer: Windsor, Heather Comments: No comment

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

STAFF RECOMMENDATIONS **CORRECTIONS / EDITS**

- The legend symbols do not match the symbols on the drawing.
- In the legend, verify the date on the second monument listed.
- Labels for top, toe and steep slope should match in font size.
- Plat note 11, add at the end of the note 'bordered by the top of slope on the west'.
- Easement listed in plat not 5 does not affect this property and can be removed.

KPB 20.25.070 – Form and contents required

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

A. Within the Title Block

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

Staff recommendation:

- *Correct the name of the parent subdivision.*
- *Change the legal, the plat is only in the NE1/4.*
- *Total acreage is listed incorrect, should be 15.112 acres from parent plat.*

- Lots total to 15.114 acres.
- Owners address needs updated in title block and Certificate of Ownership. If the address shown is correct the owners should contact the Assessing Department to have the address on file updated.
- Update KPB File No to 2023-121.

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 1A to the northeast needs a label added.
- Lots 12 and 13 to the south need correct labeling.

KPB 20.30 – Subdivision Design Requirements

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

KPB 20.40 – Wastewater Disposal

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

20.40.010 Wastewater disposal.

Platting Staff Comments:

Staff recommendation: comply with 20.40.

KPB 20.60 – Final Plat

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

20.60.110. Dimensional data required.

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

B. The natural meanders of ordinary high water (or mean high water line as applicable) is for area computations only, the true corners being on the extension of the sidelines and the intersection with the natural meanders.

C. Any discrepancy between the survey and the record description, and the source of all information used in making the survey shall be indicated. When an inconsistency is found including a gap or overlap, excess or deficiency, erroneously located boundary lines or monuments, or when any doubt as to the location on the ground of the true boundary or property rights exists, the nature of the inconsistency shall be clearly shown on the drawing.

Staff recommendation: comply with 20.60.110.

- show measured data on drawing

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: comply with 20.60.190.

Add date of November 13, 2023 to Plat Approval

20.60.200. Survey and monumentation.

Staff recommendation: *comply with 20.60.200*

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

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



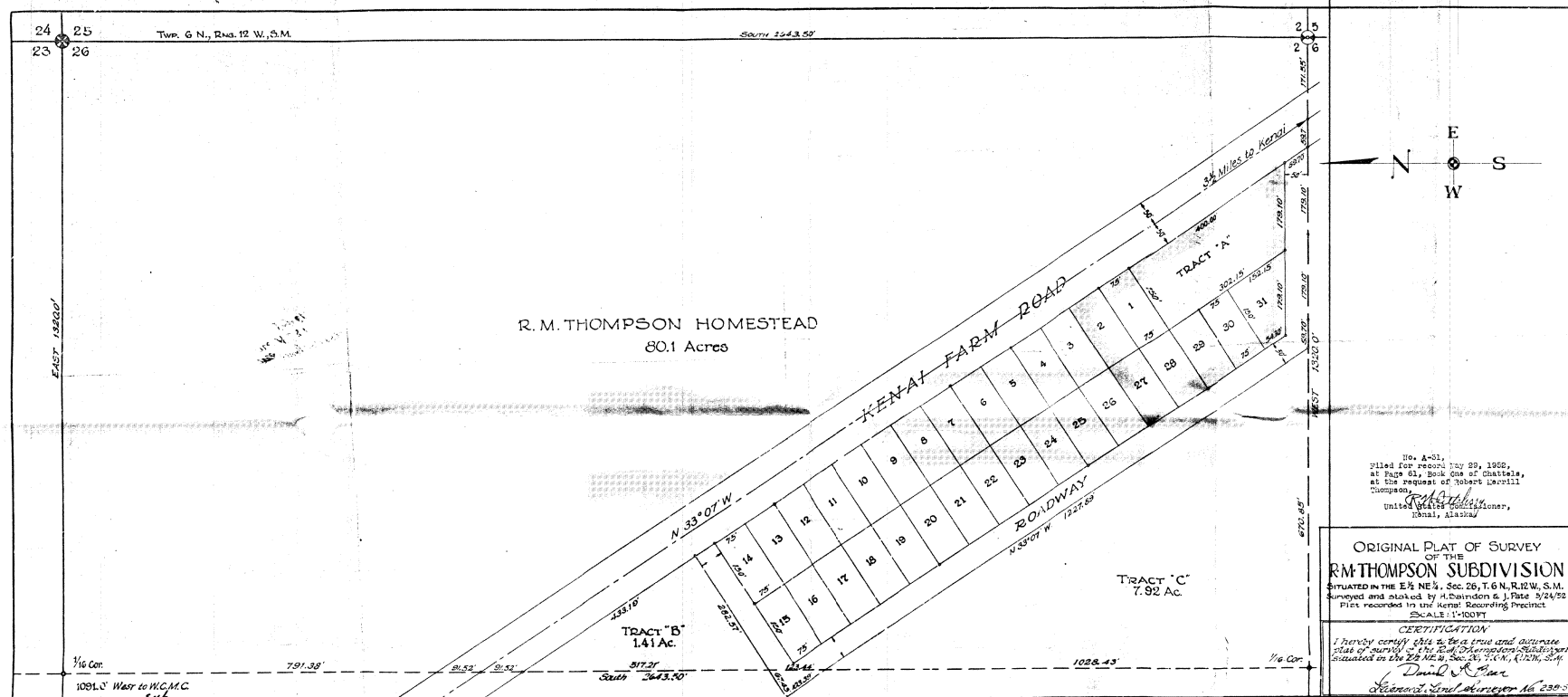
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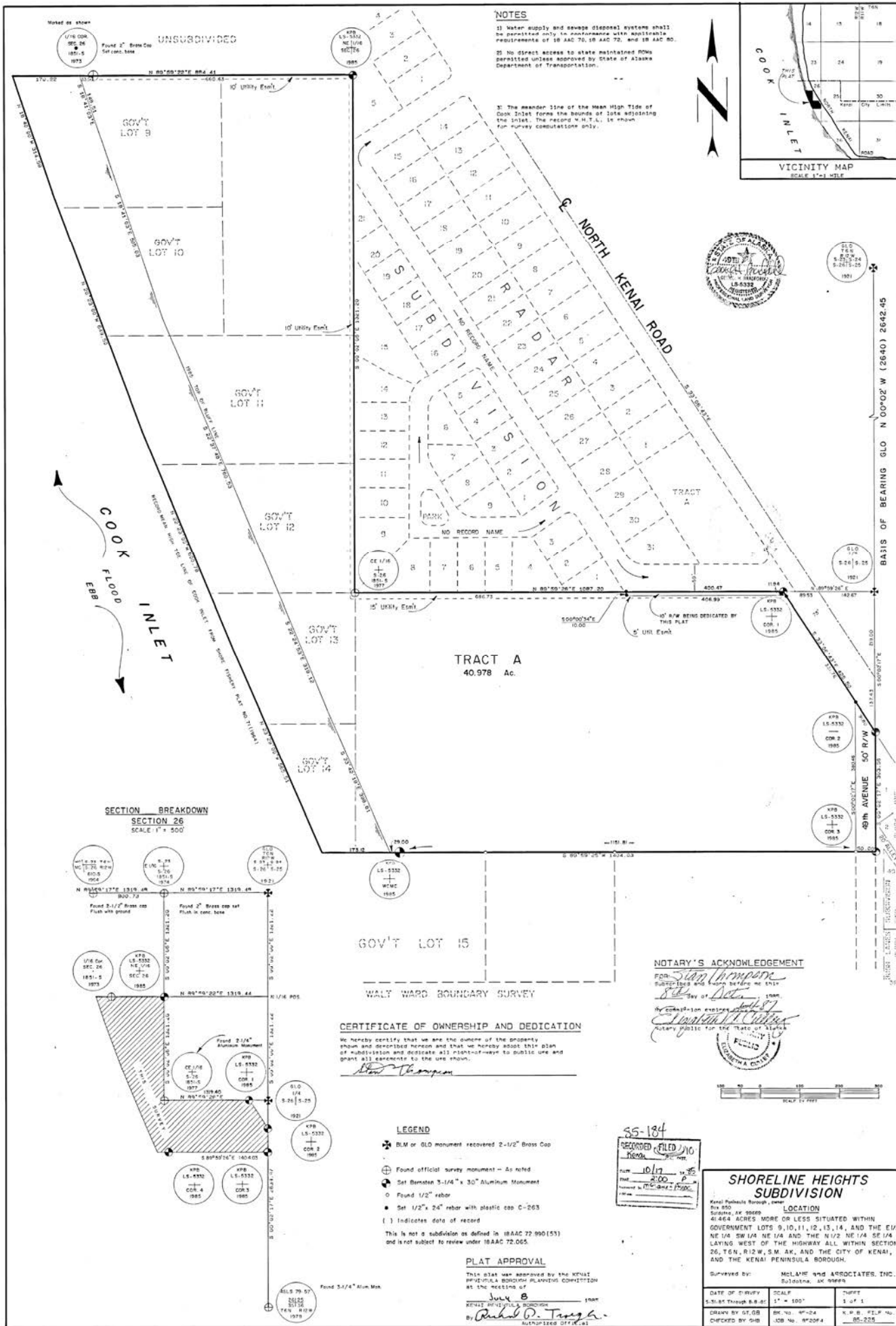
The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



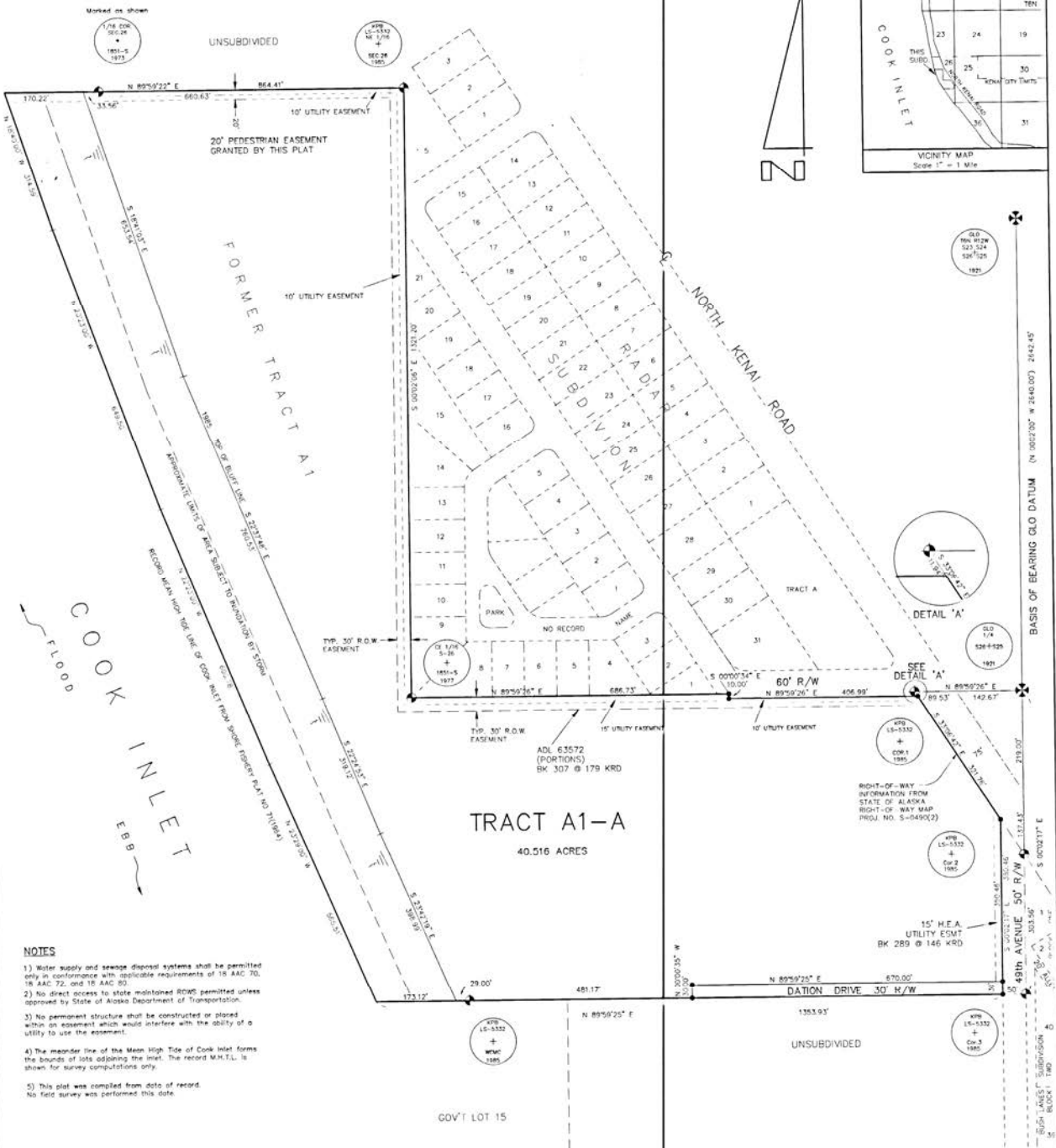
The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



Thompson, R.M. Homestead
Kx A-31



KN 99-5



NOTES

- 1) Water supply and sewage disposal systems shall be permitted only in conformance with applicable requirements of 18 AAC 70, 18 AAC 72, and 18 AAC 80.
- 2) No direct access to state maintained ROWs permitted unless approved by State of Alaska Department of Transportation.
- 3) No permanent structure shall be constructed or placed within an easement which would interfere with the ability of a utility to use the easement.
- 4) The meander line of the Mean High Tide of Cook Inlet forms the bounds of lots adjoining the inlet. The record M.H.T.L. is shown for survey computations only.
- 5) This plot was compiled from data of record. No field survey was performed this date.

LEGEND

- BLM/GLO monument of record
- Official survey monument of record
- 1/2" rebar of record
- Record date

NOTARY'S ACKNOWLEDGEMENT

FOR:

Subscribed and sworn before me this
22nd day of February, 1999.

My commission expires May 22, 1999

Beverly S. Dove
Notary Public for the State of Alaska

NOTARY PUBLIC
BEVERLY S. DOVE
STATE OF ALASKA

CERTIFICATE OF OWNERSHIP AND DEDICATION

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

Mike Novara
Mike Novara, Mayor
Authorized Official for the Kenai Peninsula Borough

PLAT APPROVAL

This plat was approved by the KENAI PENINSULA BOROUGH PLANNING COMMISSION at their meeting at
January 11, 1999.
KENAI PENINSULA BOROUGH by
Walter Scott
Authorized Official



99-5
RECORDED 20
KENAI REC. DIST
BY 2-26-99
BY 1-01
WALTER S. SCOTT
Consulting Group
4000 E. 4th Ave. #400
Sitka, AK 99801

**SHORELINE HEIGHTS
SUBDIVISION NO. 3**

(A RESUBDIVISION OF SHORELINE HEIGHTS SUBDIVISION NO. 2 TO GRANT A PEDESTRIAN EASEMENT)

Kenai Peninsula Borough, owner
144 North Rinley
Sitka, AK 99809
LOCATION
40.497 AC. M/L SITUATED WITHIN GOVERNMENT LOTS 9, 10, 11, 12, 13, 14, AND THE E 1/2 NE 1/4 SW 1/4 NE 1/4 AND THE N 1/2 NE 1/4 SE 1/4 LOTS WEST OF THE HIGHWAY ALL WITHIN SECTION 26, T. 6 N., R. 12 W., S.M., AK, THE CITY OF KENAI, THE KENAI PENINSULA BOROUGH AND THE KENAI RECORDING DISTRICT.

Surveyed by: Consulting Group
P.O. BOX 408
Sitka, AK 99809

Date: Sept. 1998 Book No.: 85-24 Project No. 982033
Drawn by: Scale 1" = 100' KPB File No. 98-217
Checked by: MTM

EASEMENT VACATION PLAT

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I AM PROPERLY REGISTERED AND LICENSED TO PRACTICE LAND SURVEYING IN THE STATE OF ALASKA, AND THAT THIS PLAT WAS DRAFTED UNDER MY DIRECT SUPERVISION, AND THAT ALL DATA SHOWN HEREON IS TRUE, AND CORRECT AS COMPILED FROM EXISTING RECORD INFORMATION.

SCOTT A. HUNT
REGISTERED LAND SURVEYOR
LA 11798
REGISTRATION NO.
1/30/2017
DATE



CERTIFICATE OF OWNERSHIP

I, THE UNDERSIGNED, CERTIFY THAT I AM THE OWNER OF LOTS 11-18, 22-24, 30-35, AND 37 AND TRACTS A, B AND C OF SHORELINE HEIGHTS 2014 ADDITION PHASE 1, AS SHOWN ON THIS PLAT. I APPROVE THIS EASEMENT VACATION PLAT.

BRYAN R. LOWE
1705 5TH ST.
KENAI, AK 99611

1/18/17
DATE

NOTARY'S ACKNOWLEDGMENT

FOR BRYAN R. LOWE, ALASKA RESIDENT, BEFORE ME THIS 3RD DAY OF JANUARY, 2017.

NOTARY PUBLIC FOR THE STATE OF ALASKA
MY COMMISSION EXPIRES 12/31/2017



CERTIFICATE OF OWNERSHIP

WE, THE UNDERSIGNED, CERTIFY THAT ALASKA BELL LLC IS THE OWNER OF LOT 36 OF SHORELINE HEIGHTS 2014 ADDITION PHASE 1, AS SHOWN ON THIS PLAT. I APPROVE THIS EASEMENT VACATION PLAT.

ALASKA BELL LLC
40 BOX STREET
WASILLA, AK 99697

JOSEPH BELL

NOTARY'S ACKNOWLEDGMENT

FOR ALASKA BELL LLC, ALASKA RESIDENT, BEFORE ME THIS 23RD DAY OF JANUARY, 2017.

NOTARY PUBLIC FOR THE STATE OF ALASKA
MY COMMISSION EXPIRES 12/31/2017



NOTARY'S ACKNOWLEDGMENT

FOR JOSEPH BELL, ALASKA RESIDENT, BEFORE ME THIS 23RD DAY OF JANUARY, 2017.

NOTARY PUBLIC FOR THE STATE OF ALASKA
MY COMMISSION EXPIRES 12/31/2017



NOTES:

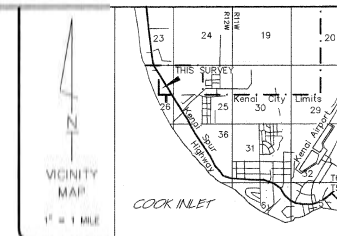
- 1) DIAGONALLY HATCHED AREA INDICATES THE PORTIONS OF ADL 63572 EASEMENT BEING VACATED WITHIN SECTION 26 OF T10N R12W SEWARD MERIDIAN.
- 2) NO FIELD SURVEY HAS BEEN CONDUCTED IN RELATION TO THE PREPARATION OF THIS VACATION PLAT. ALL BOUNDARY LINES AND OTHER DETAILS AS SHOWN ARE FROM THE PLAT OF SHORELINE HEIGHTS 2014 ADDITION PHASE 1 PLAT NO. 2015-24 KENAI RECORDING DISTRICT.
- 3) IT IS NOT THE INTENT OF THIS PLAT TO VACATE ANY OTHER DEDICATED PUBLIC RIGHTS OF WAY OR EASEMENTS.
- 4) VACATION OF ADL 63572 EASEMENT, AS SHOWN ON THIS DRAWING, WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION ON THE MEETING OF OCTOBER 27, 2014. THE HATCHED AREA SHOWS THE PORTION OF EASEMENT THAT WILL BE VACATED BY THIS PLAT.
- 5) THIS EASEMENT VACATION IS IN COMPLIANCE WITH THE FINAL DECISION EV-3-235 APPROVED JUNE 30, 2016.
- 6) THE ALTERNATE ROUTE IN ACCORDANCE WITH 11 AAC 01.05 IS VIA THE KENAI SPUR HIGHWAY AND PLATTED RIGHTS-OF-WAY DEDICATED BY THE PLAT OF SHORELINE HEIGHTS 2014 ADDITION PHASE 1.



NORTH

LEGEND:

- PORTION OF ADL 63572 EASEMENT VACATED BY THIS PLAT



CERTIFICATE OF PUBLIC ACCESS EASEMENT VACATION

THE STATE OF ALASKA, ACTING BY AND THROUGH THE COMMISSIONER OF THE DEPARTMENT OF NATURAL RESOURCES DOES HEREBY STATE AND DECLARE THAT THE STATE OF ALASKA VACATES AND RELEASES ALL RIGHTS AND TITLE TO THE PORTIONS OF PUBLIC ACCESS EASEMENTS MAINTAINED BY THE DEPARTMENT OF NATURAL RESOURCES THAT WERE GRANTED UNDER THE RIGHT-OF-WAY PERMIT ADL 63572 (SECTION AREA DELINEATED BY DIAGONAL HATCHING ON THIS PLAT).

APPROVED: DATE 2/8/17
COMMISSIONER
DEPARTMENT OF NATURAL RESOURCES

CERTIFICATE OF ACCEPTANCE

I HEREBY CERTIFY THAT THE CITY OF KENAI APPROVES AND ACCEPTS THE VACATION OF EASEMENTS AS SHOWN ON THIS EASEMENT VACATION PLAT.

PAUL ESTABROOK
CITY MANAGER - CITY OF KENAI
210 FRIMLOG AVE.
KENAI, AK 99611

2/8/17
DATE

Plat #
Rec. Dist.
Date 20
Time M

PLAT APPROVAL

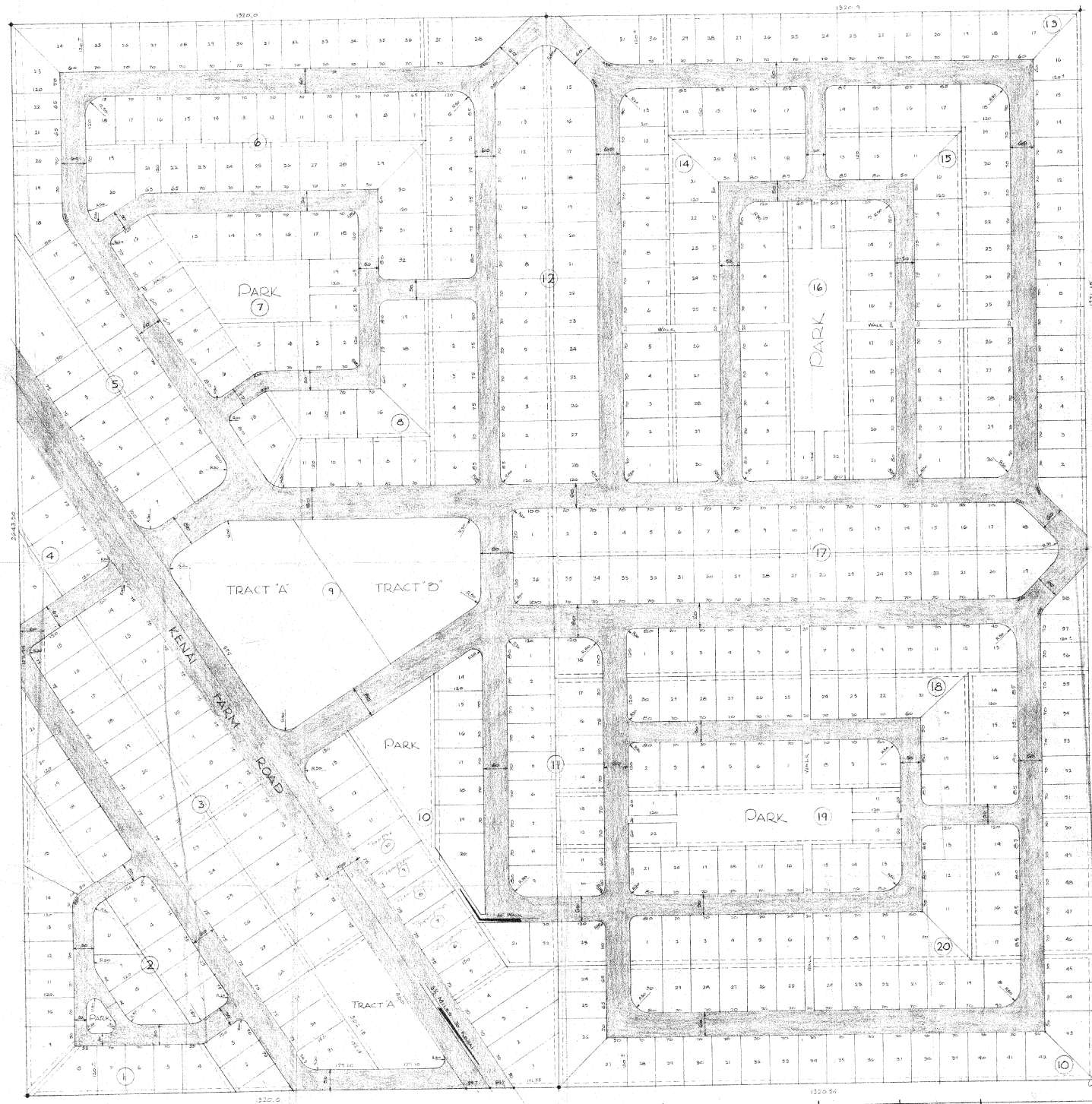
THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF AUGUST 22, 2014.

KENAI PENINSULA BOROUGH

PAUL B. JACKSON
AUTHORIZED OFFICIAL

KPB FILE NO. 2016-094	
DATE OF SURVEY Beginning N/A Ending N/A	NAME OF SURVEYOR INTEGRITY SURVEYS INC. 820 3RD ST. N.E. KENAI, AK 99611 integritysurveys@alaska.net
STATE OF ALASKA DEPARTMENT OF NATURAL RESOURCES DIVISION OF MINING, LAND AND WATER ADL 63572 EASEMENT VACATION PLAT ASSOCIATED WITH LOTS 11-18, 22-24, 30-35, 37-38 AND TRACTS A, B AND C OF SHORELINE HEIGHTS 2014 ADDITION PHASE 1 PLAT 2015-24 KENAI RECORDING DISTRICT	
WITHIN SECTION 26 T10N, R12W, SEWARD MERIDIAN CITY OF KENAI, KENAI PENINSULA BOROUGH, ALASKA	
DRAWN BY: SH DATE: DEC. 29, 2016 SCALE: 1" = 100'	
CHECKED: SH FILE: 214120 ESMT.DWG	DATE: 2/8/2017 BY: DATE: 2/8/2017
JOB NO. 214120 FIELD NO. N/A	DNR FILE NO. EV-3-235

Page 1 of 1



FILED
 MAGISTRATE OFFICE
 THIRD FEDERAL DISTRICT
 KENAI, ALASKA
 Date Filed: 10/15/52
 Time: 1:15 P.M.
 DEPUTY MAGISTRATE
 BY: [Signature]
 Also: STATEMENTS BY WORK
 ON EXHIBIT PROPERTY LINE
 AS SHOWN

Radar M. Thompson
 B. G. Thompson

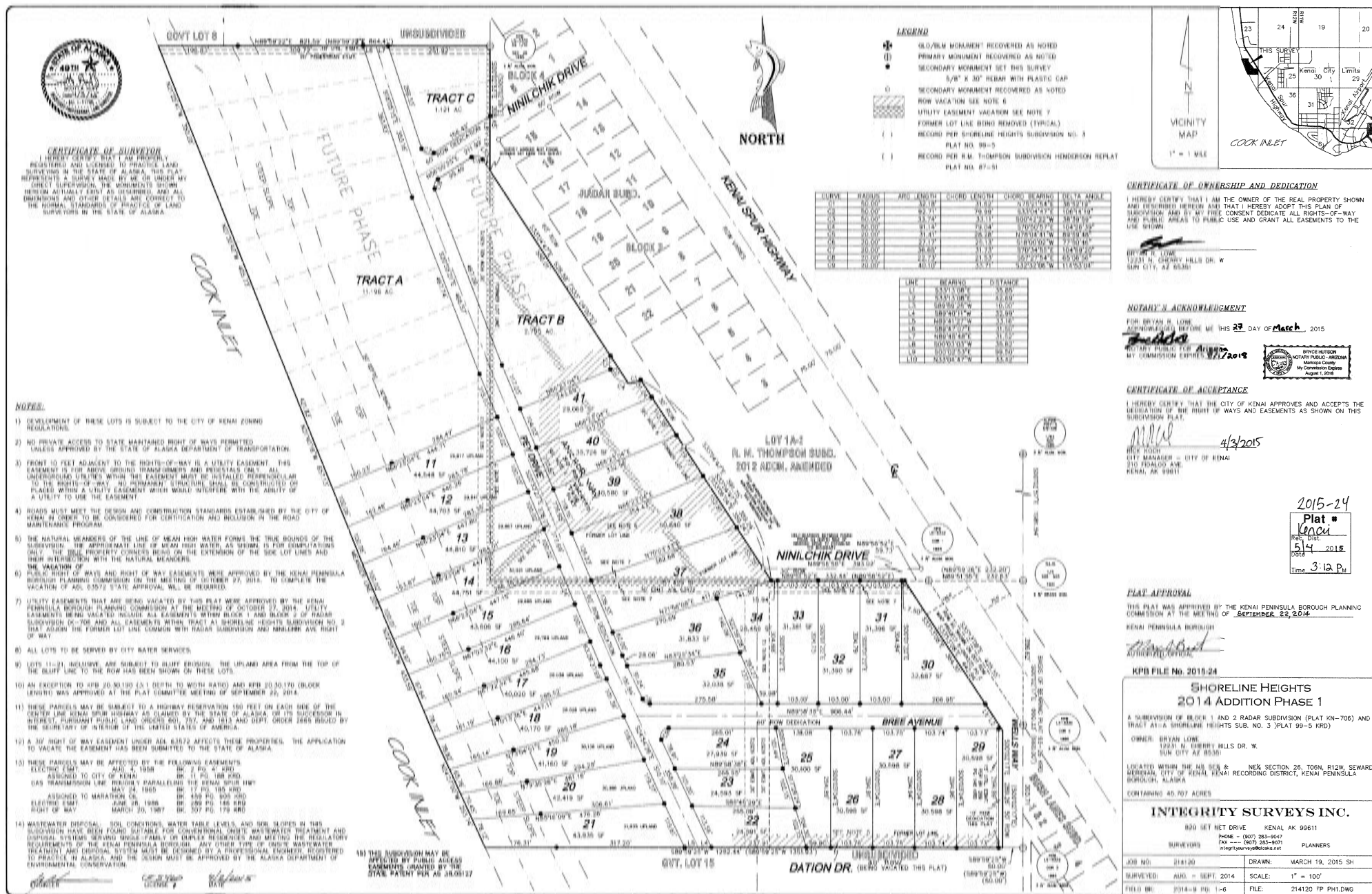
OCTOBER 12, 1952

Radar Sub.
 K-706

E14-16

VICTOR FISHER PLANNING CONSULTANT ANCHORAGE, ALASKA	E. D. CRITTENDEN ARCHITECT Box 354 ANCHORAGE, ALASKA	GENERAL PLAN RADAR SUBDIVISION KENAI, ALASKA	SUBDIVISION OF W& NW 1/4 SEC. 28 AND E 1/4 NW 1/4 SEC. 28 T-14N, R-12W, SEWARD MERIDIAN
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200 * 3251



**KENAI PLANNING & ZONING COMMISSION
REGULAR MEETING
JULY 26, 2023 – 7:00 P.M.
KENAI CITY COUNCIL CHAMBERS
210 FIDALGO AVE., KENAI, AK 99611
CHAIR JEFF TWAIT, PRESIDING**

MINUTES

A. CALL TO ORDER

A Regular Meeting of the Kenai Planning & Zoning Commission was held on July 26, 2023, in City Hall Council Chambers, Kenai, AK. Chair Twait called the meeting to order at approximately 7:00 p.m.

1. Pledge of Allegiance

Chair Twait led those assembled in the Pledge of Allegiance.

2. Roll Call

There were present:

Jeff Twait, Chair
Gary Greenberg
John Coston
Gwen Woodard

Joe Halstead, Vice Chair
Jim Glendening
Diane Fikes

A quorum was present.

Absent:

None

Also in attendance were:

James Baisden, City Council Liaison
Linda Mitchell, Planning Director
Meghan Thibodeau, Deputy City Clerk

3. Approval of Agenda and Consent Agenda

MOTION:

Vice Chair Halstead **MOVED** to approve the agenda and consent agenda. Commissioner Woodard **SECONDED** the motion.

The items on the Consent Agenda were read into the record.

Chair Twait opened the floor for public comment on consent agenda items; there being no one wishing to be heard, the public comment period was closed.

UNANIMOUS CONSENT was requested.

There being no objection; **SO ORDERED**.

All items listed with an asterisk () are considered to be routine and non-controversial by the Commission and will be approved by one motion. There will be no separate discussion of these items unless a Commission Member so requests, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda as part of the General Orders.

B. APPROVAL OF MINUTES

1. *Regular Meeting of July 26, 2023

Approved by the consent agenda.

C. SCHEDULED PUBLIC COMMENTS - None.

D. UNSCHEDULED PUBLIC COMMENTS - None.

E. CONSIDERATION OF PLATS

1. **Resolution PZ2023-13** – Recommending Approval for Preliminary Plat – City Park 2023 Replat for a Parcel Merger of Tract A, City Park Subdivision No. 2 and Tract A, Park View Subdivision and the Right-of-Way Vacations of Char Circle as Dedicated on Park View Subdivision (Plat No. KN 79-156) and City Park Subdivision No. 2 (Plat No. KN 2007-149) and a Portion of S. Spruce Street as Dedication on Park View Subdivision (Plat No. KN 79-156) in the Suburban Residential (RS) and Urban Residential (RU) Zoning Districts.

MOTION:

Commissioner Greenberg **MOVED** to approve Resolution PZ2023-13. Vice Chair Halstead **SECONDED** the motion.

Planning Director Mitchell presented her staff report with information provided in the packet. Zoning and uses of surrounding lots were reviewed; staff recommended approval subject to the following condition:

1. Kenai City Council must consent to the right-of-way (ROW) vacations of Char Circle and a portion of S. Spruce Street are not needed for a public purpose and approve the ROW vacations as shown on the proposed preliminary plat.

Chair Twait opened the floor for public comment; there being no one wishing to be heard, the public comment period was closed.

MOTION TO AMEND:

Commissioner Greenberg **MOVED** to amend the recommendation so that S. Spruce Street not be vacated. Commissioner Fikes **SECONDED** the motion.

VOTE ON AMENDMENT:

YEA: Fikes, Woodard, Glendening, Greenberg, Halstead, Twait, Coston

NAY: None

MOTION PASSED UNANIMOUSLY.

VOTE ON MAIN MOTION AS AMENDED:

YEA: Coston, Greenberg, Halstead, Fikes, Woodard, Glendening, Twait

NAY: None

MOTION PASSED UNANIMOUSLY.

2. **Resolution PZ2023-14** – Recommending Approval for Preliminary Plat – Shoreline Heights 2023 Addition to Subdivide Tracts A, B, and C of Shoreline Heights 2014 Addition Phase 1 Subdivision into 17 Lots Located at 1540, 1541, and 1610 Pey Drive (Parcel IDs: 03914131, -32, and -33) in the Rural Residential (RR) Zoning District.

MOTION:

Commissioner Greenberg **MOVED** to approve Resolution PZ2023-14. Vice Chair Halstead **SECONDED** the motion.

Planning Director Mitchell presented her staff report with information provided in the packet. Zoning and uses of surrounding lots were reviewed; staff recommended approval.

Chair Twait opened the floor for public comment on consent agenda items; there being no one wishing to be heard, the public comment period was closed.

Applicant Bryan Lowe responded to questions asked by the Commission.

VOTE:

YEA: Greenberg, Glendening, Halstead, Twait, Woodard, Coston, Fikes

NAY: None

MOTION PASSED UNANIMOUSLY.

F. PUBLIC HEARINGS

1. **Resolution PZ2023-16** – Granting an Encroachment Permit for a Single-Family Residence to Encroach into the Required (North) Side Yard Setback on the Property Located at 1436 Pey Drive (Parcel ID: 03914146) in the Rural Residential (RR) Zoning District.

MOTION:

Commissioner Greenberg **MOVED** to approve Resolution PZ2023-16. Commissioner Coston **SECONDED** the motion.

Planning Director Mitchell presented her staff report with information provided in the packet explaining that the applicant is requesting an encroachment permit to allow the home to encroach approximately 16.8 inches into the required side yard setback along the north parcel line. Existing uses, land use designation, surrounding uses, and criteria for encroachment permits were reviewed; it was noted the application met the criteria and City staff recommends approval.

Chair Twait opened for public hearing. There being no one wishing to be heard, the public hearing was closed.

It was noted that this is a common occurrence in town. Clarification was provided that an encroachment up to 12 inches can be approved administratively, but because it exceeds that by 4.8 inches it needed to be brought to the commission for approval.

In response to questions from the Commission, applicant Bryson Lowe clarified that the driveway on Lot 22 was put in for that lot but has since been moved; this is his fourth development since 2016; and that the as-built has not been updated to reflect the driveway adjustment. Director Mitchell clarified that driveway changes will not be an issue for him to obtain building permits.

VOTE:

YEA: Halstead, Glendening, Greenberg, Coston, Fikes, Woodard, Twait

NAY: None

MOTION PASSED UNANIMOUSLY.

Chair Twait noted the 15-day appeal period.

G. UNFINISHED BUSINESS – None.

H. NEW BUSINESS

1. ***Action/Approval** - Requesting an Excused Absence for the July 12, 2023 Regular Meeting – Glendening.

Approved by the consent agenda.

2. ***Action/Approval** - Transfer of Conditional Use Permit PZ2021-15 for Cabin Rentals on a property described as Lot 3, James H. Cowan Estates, located at 1050 Angler Drive within the Rural Residential (RR) zoning district.

Approved by the consent agenda.

I. REPORTS

1. City Council – Vice Mayor Baisden reported that there had been no City Council meeting since the previous Planning & Zoning Commission meeting.
2. Kenai Peninsula Borough Planning – Commissioner Fikes reported on the actions of the July 17, 2023 Kenai Peninsula Borough Planning Commission Meeting.
3. City Administration – Planning Director Mitchell reported on the following:
 - Will be reviewing applicants for open Planning & Zoning administrative assistant positions.
 - The first meeting in August is cancelled.
 - Went on code enforcement site visits with a police officer, will provide the commission with updates on some of these sites at future meetings.

J. ADDITIONAL PUBLIC COMMENT – None.

K. NEXT MEETING ATTENDANCE NOTIFICATION

1. Next Meeting: August 23, 2023

L. COMMISSION COMMENTS AND QUESTIONS

Commissioner Fikes noted she will be absent at the August 23, 2023 meeting.

Chair Twait noted the plat discussion provided good ideas for Council to consider.

M. PENDING ITEMS – None.

N. ADJOURNMENT

O. INFORMATIONAL ITEMS – None.

There being no further business before the Commission, the meeting was adjourned at 8:03 p.m.

I certify the above represents accurate minutes of the Planning & Zoning Commission meeting of July 26, 2023.



Meghan Thibodeau
Deputy City Clerk



**CITY OF KENAI
PLANNING AND ZONING COMMISSION
RESOLUTION NO. PZ2023-14**

A RESOLUTION **RECOMMENDING** THAT SHORELINE HEIGHTS 2023 REPLAT PRELIMINARY PLAT ATTACHED HERETO BE APPROVED.

PROPERTY ADDRESSES: 1540, 1541, and 1610 Pey Drive

LEGAL DESCRIPTIONS: Tracts A, B, and C Shoreline Heights 2014 Addition Phase 1 (Plat No. KN 2015-24)

KPB PARCEL NUMBERS: 03914131, -32, and -33

WHEREAS, the City of Kenai received the plat from Segesser Surveys Inc. on behalf of the property owner, Bryan Lowe; and,

WHEREAS, the plat meets Kenai Municipal Code (KMC) preliminary plat requirements and development requirements for the Rural Residential (RR) zoning district; and

WHEREAS, the street name is referenced correctly; and,

WHEREAS, the subdivided lots will have access via Pey Drive, which is not a City-maintained road; and

WHEREAS, City water is available and City sewer is not available to the proposed subdivision; and,

WHEREAS, an installation agreement is not required; and,

WHEREAS, the Planning and Zoning Commission finds:

1. Pursuant to KMC 14.10.070 *Subdivision design standards*, the plat conforms to the minimum street widths, easements are sufficiently provided for utilities, the proposed subdivision would provide satisfactory and desirable building site, on-site water system will be subject to the regulatory requirements of the Public Works Department, and wastewater treatment or disposal system will be subject to the regulatory requirements of ADEC.
2. Pursuant to KMC 14.24.010 *Minimum lot area requirements*, the proposed lots meet City standards for minimum lot sizes in the subject zoning district.
3. Pursuant to KMC 14.24.020 *General Requirements*, the proposed lots meet City standards for minimum lot width and utility easements. Compliance with the maximum lot

coverage, maximum height, and setbacks will be reviewed during the building permit review.

NOW, THEREFORE, BE IT RECOMMENDED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA:

Section 1. That the preliminary plat of Shoreline Heights 2023 Addition be approved.

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA, this 26th day of July, 2023.

JEFF TWAIT, CHAIRPERSON

ATTEST:

Meghan Thibodeau, Deputy City Clerk

LEGEND:

- 2 1/2" BRASS CAP MON. 6.0 1121 FOUND
- 3 1/4" ALUM. CAP MONUMENT 13332 1975 FOUND
- 3 1/4" ALUM. CAP MONUMENT 3977-5 1985 FOUND
- 5/8" REBAR W/PLASTIC CAP FOUND
- 5/8" REBAR W/PLASTIC CAP 138585 SET
- RECORD DATUM PLAT 2015-24 RD

NOTES:

- 1) Book of Survey 1986 Kenai Shoreline Heights 2014 Addition Phase 1 Subdivision, Plat 2015-24, containing the original plat and all amendments thereto, is hereby acknowledged as the correct and true plat for the subdivision of these lots as shown on the plat and as recorded in the public records of the State of Alaska.
- 2) Records must meet the design and construction standards established by the City of Kenai in order to be considered for certification and inclusion in the road maintenance program.
- 3) The subdivision is subject to the following conditions: a) The subdivision is recorded as a subdivision of 2015-2027-3 and 2015-2027-4 Kenai Shoreline Heights 2014 Addition Phase 1 Subdivision, Plat 2015-24, and all amendments thereto, as recorded in the public records of the State of Alaska.
- 4) An easement for electric lines or system and/or telephone lines granted to Kenai Power Corporation is recorded in Book 2 Page 41, Kenai Recording District. No definite location is shown.
- 5) An easement for electric lines or system and/or telephone lines granted to Kenai Power Corporation is recorded in Book 289 Page 146, Kenai Recording District. No definite location is shown.
- 6) An easement for gas transmission facilities granted to Union Oil Company of California is recorded in Book 17 Page 185, Kenai Recording District.
- 7) An easement for right of way is recorded in Book 307 Page 178, Kenai Recording District.
- 8) Front 10 feet adjacent to right-of-way is a utility easement. The easement is subject to the ROW line shown on these lots. The easement is subject to the ROW line shown on these lots. The easement is subject to the ROW line shown on these lots.
- 9) The natural resources of the lot of mean high water forms the true boundary of the subdivision. The approximate line of mean high water, as shown on the plat, is subject to the ROW line shown on these lots. The easement is subject to the ROW line shown on these lots.
- 10) All lots to be served by city water services.
- 11) Lots 1-10, inclusive, are subject to bluff erosion. The upward area from the top of the bluff line to the ROW line has been shown on these lots.
- 12) WASTEWATER DISPOSAL: Soil conditions, water table levels, and soil slopes in this subdivision have been found suitable for conventional disposal of wastewater. The subdivision is subject to the regulatory requirements of the Kenai Peninsula Borough. Any other type of on-site wastewater treatment system, including but not limited to septic systems, must be approved by the Alaska Department of Environmental Conservation.

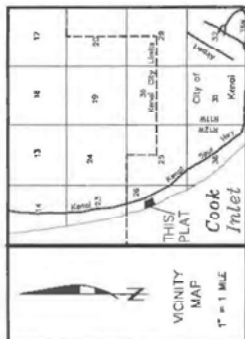
Engineer License No. 6816



SURVEYOR'S CERTIFICATE

I hereby certify that I am a properly registered and licensed land surveyor in the State of Alaska, and that I have personally surveyed and prepared the plat and monuments shown hereon and that the same are correct and true to the best of my knowledge and belief.

Date



CERTIFICATE OF OWNERSHIP and DEDICATION

I HEREBY CERTIFY THAT I AM THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I HEREBY ADAPT THIS PLAN TO THE CITY OF KENAI AND THE KENAI PENINSULA BOROUGH, ALASKA, AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

BRYAN K. LONE
1228 PEY DRIVE
KENAI, AK 99541

NOTARY'S ACKNOWLEDGEMENT

FOR _____ DAY OF _____ 2015
ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____
NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES _____
AUTHORIZED OFFICIAL

PLAT APPROVAL

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

KPB FILE NO.

Shoreline Heights 2023 Addition

A Subdivision of Tract A, Tract B, and Tract C of Shoreline Heights Subdivision Plat 2015-24, Located within the V1/2 S1/4 & N1/4 Section 26, T08N, R12W, Seward Meridian, City of Kenai, Kenai Recording District, Kenai Peninsula Borough, Alaska, Containing 18.729 Acres.

Surveyor	Bryan K. Lone
Surveyor's Office	1520 Park Avenue Kenai, AK 99541
Job No.	2023-0008
Drawn No.	2023-0008
Scale	1"=100'
Field Book	1 of 1



STAFF REPORT

PLANNING & ZONING DEPARTMENT

TO: Planning and Zoning Commission
FROM: Linda Mitchell, Planning Director
DATE: July 21, 2023
SUBJECT: Resolution No. PZ2023-14 – Preliminary Plat – Shoreline Heights 2023 Addition

Request The applicant is proposing a preliminary plat to subdivide three (3) parcels into 17 lots.

Staff Recommendation Adopt Resolution No. PZ2023-14 recommending approval of Preliminary Plat – Shoreline Heights 2023 Addition for the subdivision of Tracts A, B, and C, Shoreline Heights 2014 Addition Phase 1 into 17 lots.

Applicant: Segesser Surveys Inc
Attn: John Segesser
30485 Rosland Street
Soldotna, AK 99669

Property Owner: Bryan Lowe

Legal Descriptions: Tracts A, B, and C Shoreline Heights 2014 Addition Phase 1 (Plat No. KN 2015-24)

Property Addresses: 1540, 1541, and 1610 Pey Drive

KPB Parcel Nos.: 03914131, -32, and -33

Lot Size Range: 0.556 – 1.376 acres

No. of Lots: 17

Zoning District: Rural Residential (RR)

Surrounding Uses: North – Vacant; South – Single-Family Residences; West – Cook Inlet; East – Vacant Lots, Single-Family Residence, and Marijuana Manufacturing Establishment

SUMMARY

The proposed preliminary plat would subdivide three (3) parcels described as of Tracts A, B, and C, Shoreline Heights 2014 Addition Phase 1 (Plat No. KN 2015-24) into 17 lots. The lot size ranges between 0.556 and 1.376 acres. Access would be restricted to Pey Drive as Ninilchick Drive and Ninilchik Circle will not be improved.

Kenai Municipal Code (KMC) Chapter 14.10 *Subdivision Regulations* states preliminary plats or replats must first be submitted to the City for review and provide recommendation to the Kenai Peninsula Borough Planning Commission.

ANALYSIS

The proposed subdivision meets the preliminary plat requirements and development requirements for the Rural Residential (RR) zoning district with the exception of KMC 14.10.070(e)(2) regarding double frontage lots shall be avoided. Lots 42-46 will have double frontage off Pey Drive and Ninilchick Circle and prohibiting the double frontage lots would land lot lots to the west of this proposed subdivision. Overall, the preliminary plat generally meets the lot design standards. The subdivided lots will have access via Pey Drive, which is not a City-maintained road. City water services are available to the proposed lots. The proposed subdivision will be subject to the requirements of the Alaska Department of Environmental Conservation (ADEC) for on-site wastewater systems. The Public Works Director reviewed the proposed preliminary plat and had no comments. An installation agreement is not required.

Staff finds that the proposed preliminary plat meets the following Title 14 of Kenai Municipal Code (KMC) sections.

1. Pursuant to KMC 14.10.070 *Subdivision design standards*, the plat conforms to the minimum street widths, easements are sufficiently provided for utilities, the proposed subdivision would provide satisfactory and desirable building site, on-site water system will be subject to the regulatory requirements of the Public Works Department, and wastewater treatment or disposal system will be subject to the regulatory requirements of ADEC.
2. Pursuant to KMC 14.24.010 *Minimum lot area requirements*, the proposed parcel meet City standards for minimum lot sizes in the subject zoning district.
3. Pursuant to KMC 14.24.020 *General Requirements*, the proposed parcel meet City standards for minimum lot width and utility easements. Compliance with the maximum lot coverage, maximum height, and setbacks will be reviewed during the building permit review.

STAFF RECOMMENDATION

Staff finds that the proposed preliminary plat for Shoreline Heights 2023 Addition meets the general standards of Kenai Municipal Code, Chapter 14.10 *Subdivision Regulations* and Chapter 14.24 *Development Requirements Table*, and hereby recommends that the Planning and Zoning Commission recommends approval of Resolution No. PZ2023-14 to Kenai Peninsula Borough.

ATTACHMENTS

Aerial Map

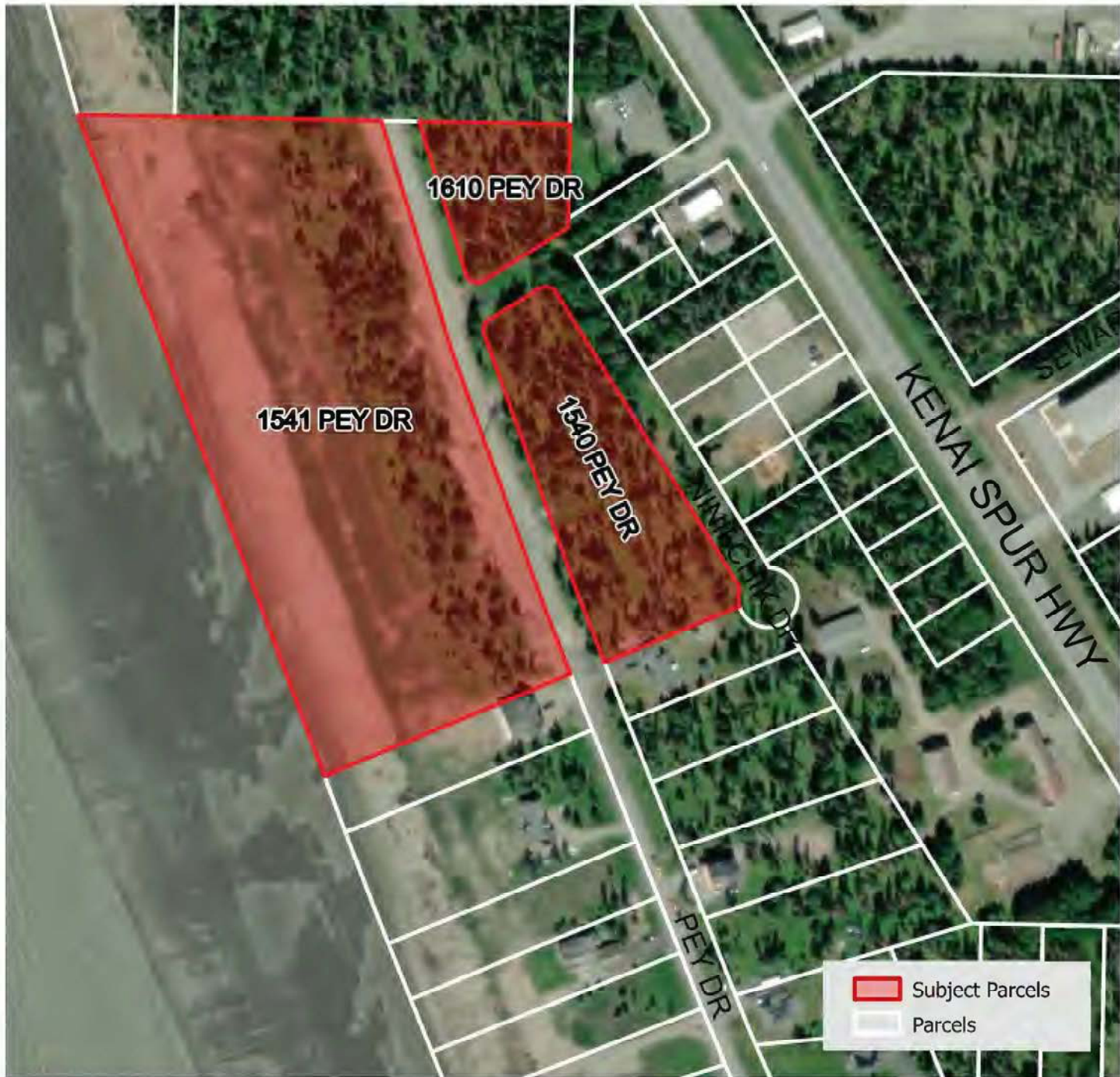
Application with Certificate of Plat

Preliminary Plat, Shoreline Heights 2023 Addition

Shoreline Heights 2014 Addition Phase 1 (Plat No. KN 2015-24)

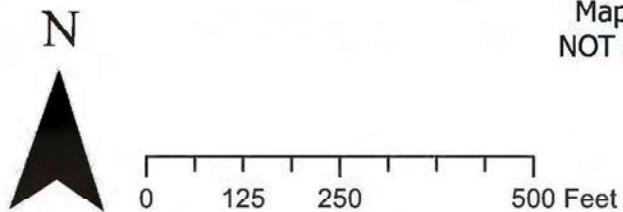


Preliminary Plat - Shoreline Heights 2023 Addition
Resolution No. PZ2023-14
Tracts A, B, C, Shoreline Height 2014 Addn. Phase 1
1540, 1541, and 1610 Pey Drive



Date Printed: 7/21/2023

Map for Reference Only
NOT A LEGAL DOCUMENT



RECEIVEDCITY OF KENAI
DATE
PLANNING DEPARTMENT6/9/23
Preliminary Plat
Submittal FormCity of Kenai
Planning and Zoning Department
210 Fidalgo Avenue
Kenai, AK 99611
(907) 283-8200
planning@kenai.city
www.kenai.city/planning**APPLICANT (SURVEYOR)**

Name:	Segesser Surveys Inc				
Mailing Address:	30485 Rosland St	City:	Soldotna	State:	AK
Zip Code:	99669				
Phone Number(s):	907-262-3909, 907-252-3421				
Email:	seggy@ptialaska.net				

PROPERTY OWNER

Name:	Bryan Lowe				
Mailing Address:	1529 Pey Dr.	City:	Kenai	State:	AK
Zip Code:	99611				
Phone Number(s):					
Email:					

PROPERTY INFORMATION

Property Owner Name:	Tracts A, B, and C KN 2015-24				
Current City Zoning:					
Use:	<input checked="" type="checkbox"/> Residential	<input type="checkbox"/> Recreational	<input type="checkbox"/> Commercial		
	<input type="checkbox"/> Other:				
Water:	<input checked="" type="checkbox"/> On Site	<input checked="" type="checkbox"/> City	<input type="checkbox"/> Community		
Sewer:	<input type="checkbox"/> On Site	<input type="checkbox"/> City	<input type="checkbox"/> Community		

PLAT INFORMATION

Preliminary Plat Name:	Shoreline Heights 2023 Addion				
Revised Preliminary Plat Name:					
Vacation of Public Right-of-Way:	<input type="checkbox"/> Yes	<input type="checkbox"/> No			
Street Name (if vacating ROW):					

Exceptions Required and Requested:

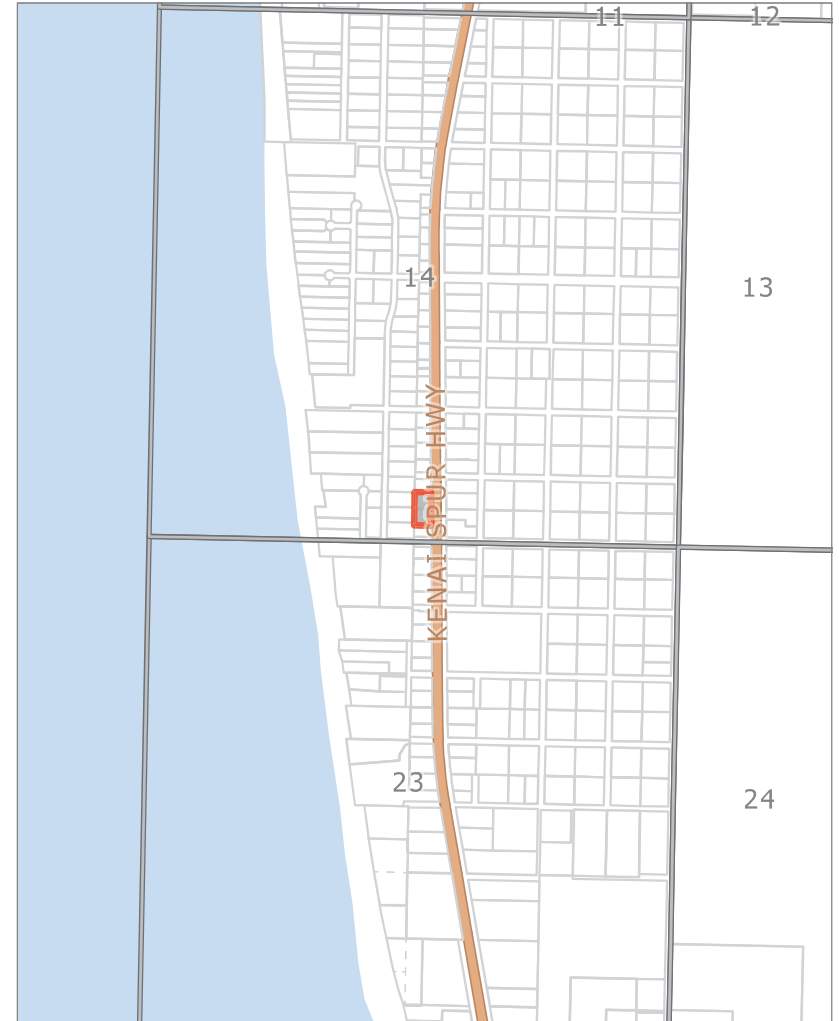
Comments:

REQUIRED ATTACHMENTS

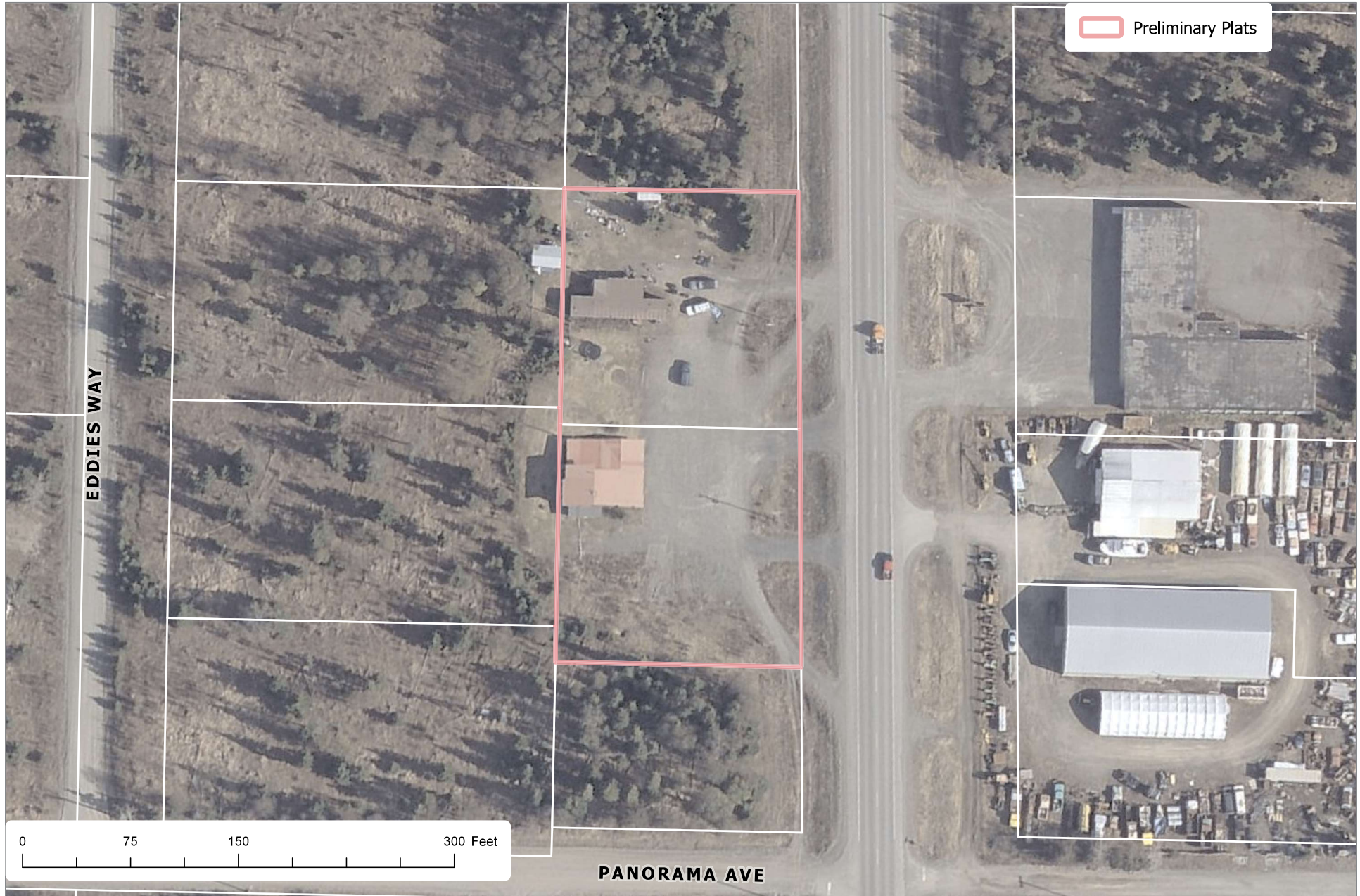
<input checked="" type="checkbox"/> Certificate to Plat	<input checked="" type="checkbox"/> (1) 24" x 36" Plat	<input checked="" type="checkbox"/> (2) 11" x 17" Plats
SIGNATURE		
Signature:	<i>John Segesser</i>	Date: 6/9/23
Print Name:	John Segesser	Title/Business: Segesser Surveys Inc

E. NEW BUSINESS

- 15. St. Luke Lutheran Church Replat; KPB File 2023-118
Segesser Surveys / St. Luke Lutheran Church of the
Unaltered Augsburg Confession
Location: Kenai Spur Highway
Salamatof Area / Nikiski APC**



KPB File 2023-118
T 06N R 12W SEC 14
Salamatof



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

LEGEND:

- 3 1/4" ALUM. CAP MONUMENT FOUND
- 5/8" REBAR w/PLASTIC CAP FOUND
- 5/8" REBAR w/PLASTIC CAP LS8859 SET
- () RECORD DATUM PLAT 2011-41 KR0

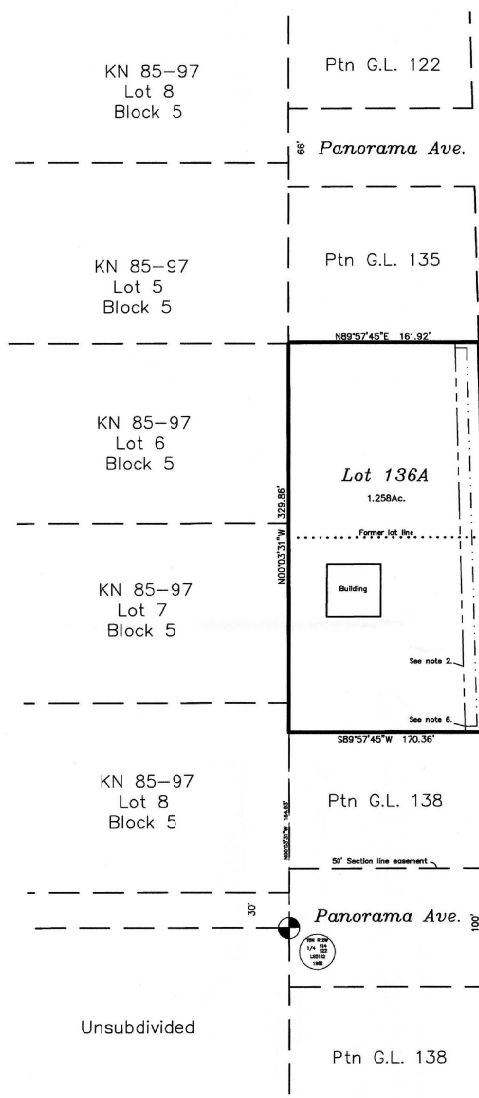
NOTES:

- 1) Basis of bearing taken from Inlet Glen Subdivision, Plat 85-57, Kenai Recording District.
- 2) Building setback—a setback of 20 feet is required from all street Rights-of-Way unless a lesser standard is approved by resolution by the appropriate Planning Commission.
- 3) No private access to State maintained ROW's permitted unless approved by the State of Alaska Department of Transportation.
- 4) Kenai Spur Highway Information taken from State of Alaska Department of Highway Right-of-Way map Project number S-040(2) page 5 of 28.
- 5) This property is subject to a reservation of easement for highway purposes, and any assignments or uses thereof for recreational, utility or other purposes, as disclosed by Public Land Order No. 301, dated August 10, 1949, and amended by Public Land Order No. 757, dated October 10, 1959, Public Land Order No. 1813, dated April 7, 1958, Department of the Interior Order Number 2665, dated October 16, 1951, Amendment Number 1 thereto, dated July 17, 1952 and Amendment Number 2 thereto, dated September 15, 1956, filed in the Federal Register.
- 6) Front 10 feet adjacent to right-of-ways and 20 feet within 5 feet of the side lot lines is a utility easement. No permanent structure shall be constructed or placed within a utility easement which would interfere with the ability of a utility to use the easement.
- 7) No Engineer's Subdivision and Soils Report is available for this subdivision, soil conditions may be unsuitable for onsite wastewater treatment and disposal systems must meet the regulatory requirements of the Alaska Department of Environmental Conservation. The purpose of this platting action is to combine 2 lots into 1, which will provide greater available wastewater disposal area as described by 20.40.020(A).

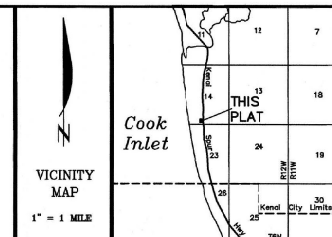
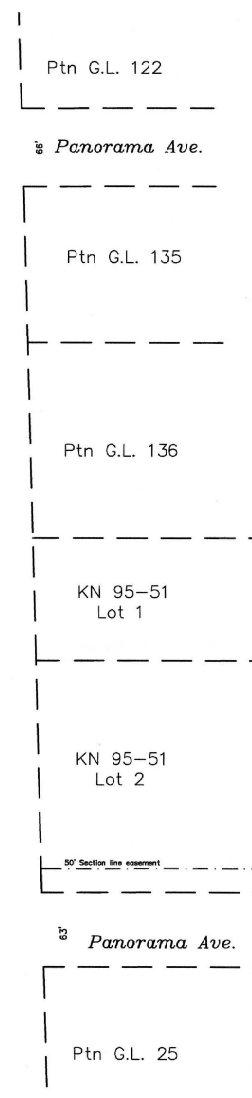
**SURVEYOR'S CERTIFICATE**

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

Date _____



Kenai Spur Highway

**CERTIFICATE of OWNERSHIP and DEDICATION**

I, THE UNDERSIGNED, HEREBY CERTIFY THAT ST LUKE LUTHERAN CHURCH (OF THE UNALTERED AUGSBURG CONFESSION) IS THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON, AND ON BEHALF OF ST LUKE LUTHERAN CHURCH (OF THE UNALTERED AUGSBURG CONFESSION) I HEREBY ADOPT THIS PLAN OF SUBDIVISION, AND BY MY FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND GRANT ALL EASEMENTS TO THE USE SHOWN.

SETH TAURIANEN
P.O. BOX 1404
KENAI, ALASKA 99611

NOTARY'S ACKNOWLEDGEMENT

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

NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES _____

PLAT APPROVAL

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

KENAI PENINSULA BOROUGH

AUTHORIZED OFFICIAL _____

KPB FILE No. _____

St Luke Lutheran Church Replat

A resubdivision of Government Lots 136 and 137 Section 14, T6N, R12W, S.M., lying west of the Kenai Spur Highway.

Located within the SW1/4 SW1/4 SE1/4 Section 14, T6N, R12W, S.M., Kenai Peninsula Borough, Alaska.

Containing 1.258 Ac.

Surveyor	Owner
Segesser Surveys 30485 Rosland St. Soldotna, AK 99669 (907) 262-3909	St Luke Lutheran Church of the Unaltered Augsburg Confession P.O. Box 1404 Kenai, Alaska 99611
JOB NO. 23146	DRAWN: 10-4-23
SURVEYED:	SCALE: 1"=50'
FIELD BOOK:	SHEET: 1 of 1

KPB 2023-118

AGENDA ITEM E. NEW BUSINESS

**ITEM #11 - PRELIMINARY PLAT
ST LUKE LUTHERAN CHURCH REPLAT**

KPB File No.	2023-118
Plat Committee Meeting:	November 13, 2023
Applicant / Owner:	St Luke Lutheran Church of the Unilateral Augsburg Confession of Kenai, Alaska
Surveyor:	John Segesser / Segesser Surveys
General Location:	North Kenai / Nikiski APC

Parent Parcel No.:	017-170-38 and 017-170-23
Legal Description:	T 6N R 12W SEC 14 Seward Meridian KN portion of Govt Lot 136 and 137 lying West of North Kenai RD
Assessing Use:	Institutional (southern) & Residential (northern)
Zoning:	Rural Unrestricted
Water / Wastewater	onsite
Exception Request	none

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will combine two 0.629 acres parcels into one 1.258-acre lot.

Location and Legal Access (existing and proposed): The current access to the subdivision is by state maintained Kenai Spur Highway at milepost 16 and shall remain with that access. There are four points of entry currently to the two parcels off the highway.

There is no proposed dedication or vacation with this subdivision.

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

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

Site Investigation: The terrain of the subdivision is relatively flat with a slight slope to the west.

There are a several structures on the property that do not appear to be encroaching outside the property lines. ***Staff recommends: the surveyor observe for encroachments when doing the fieldwork and if any are located notify staff in writing and what remedies will be taken.***

There are no classified wetlands within the boundary of the subdivision; however this area is in a mapped flood hazard area. ***Staff recommends: plat notes be added for floodplain and floodway.***

KPB River Center review	See attachments A. Floodplain
-------------------------	----------------------------------

	Reviewer: Hindman, Julie Floodplain Status: IS in flood hazard area Comments: Flood Zone: D Map Panel: 02122C-0105E In Floodway: False Floodway Panel: B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments C. State Parks Reviewer: VACANT Comments:
State of Alaska Fish and Game	

Staff Analysis

The parcel was previously divided as Government Lots 136 and 137 of Section 14, Township 6 North, Range 12 West SM, AK which was split by the Kenai Spur Highway previously know as the North Kenai Highway.

A soils report will not be required, as this subdivision is reducing the number of lots and increasing available area.

Notice of the proposed plat was mailed to the beneficial interest holder on October 23, 2023. 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.

Nikiski Advisory Planning Commission minutes for the November 9, 2023 meeting were not available when the staff report was prepared (KPB 21.02.020). These will be provided with the desk packet if available.

There is an encroachment of a parking lot noted in a deed, which this subdivision will cover the area of issue.

Utility Easements There are no easement to be carried forward from the previous division and no easement shown in the certificate to plat.

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

Utility provider review:

HEA	Locate and depict the overhead three phase electric line. Provide a label or plat note stating, "The existing overhead powerline is the centerline of 40 ft. wide electrical distribution line, including guys and anchors, granted this plat."
ENSTAR	
ACS	No objections
GCI	

KPB department / agency review:

Addressing	Reviewer: Leavitt, Rhealyn Affected Addresses:
------------	---

	<p>43085 KENAI SPUR HWY, 43055 KENAI SPUR HWY</p> <p>Existing Street Names are Correct: No</p> <p>List of Correct Street Names: MELODY LN, PANORAMA AVE, KENAI SPUR HWY</p> <p>Existing Street Name Corrections Needed: STREET TO THE NORTH OF SUBDIVISION SHOULD BE MELODY LN</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: ADDRESSES WILL NOT BE AFFECTED.</p>
Code Compliance	<p>Reviewer: Ogren, Eric</p> <p>Comments: No comments</p>
Planner	<p>Reviewer: Raidmae, Ryan</p> <p>There are not any Local Option Zoning District issues with this proposed plat.</p> <p>Material Site Comments: There are not any material site issues with this proposed plat.</p>
Assessing	<p>Reviewer: Windsor, Heather</p> <p>Comments: No comment</p>
Advisory Planning Commission	

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

STAFF RECOMMENDATIONS **CORRECTIONS / EDITS**

KPB 20.25.070 – Form and contents required

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

A. Within the Title Block

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

Staff recommendation:

- Add KPB No 2023-118 to title block.

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

Staff recommendation:

- All side roads need correct names listed for them except Panorama Ave to the south.

- 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:

- Parcel to the south needs correct label.
- Parcel to the northwest needs correct label.

KPB 20.30 – Subdivision Design Requirements

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

20.30.280. Floodplain requirements.

- 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.

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: Not required, creating fewer lots 20.40.020(A)(1)(a)

Staff recommendation: comply with 20.40.

KPB 20.60 – Final Plat

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

- 20.60.070. Plat specifications. The final subdivision plat shall be clearly and legibly drawn to a scale of 1 inch equal to 10, 20, 30, 40, 50, 60, 150 feet or a multiple of 100 feet. The drawing shall be plotted on good quality polyester film at least 3 mm in thickness. All lines, letters, figures, certifications, acknowledgements and signatures shall be clear, legible, and in black ink. The minimum text size should be 10 point (0.1") font or the equivalent. Where necessary, 8 point (0.08") capitalized font or the equivalent can be used to label features. The plat shall be so made, and shall be in such condition when filed, that legible prints and negatives can be made therefrom. Colors, grayscale or shading is not acceptable as it does not show when the drawing is reproduced. Sheets shall be one of these sizes: 11" x 17"; 18" x 24"; and 24" or 30" x 36". When more than one sheet is required, an index map shall be provided on the first sheet showing the entire subdivision and indicating the portion contained on each sheet. Each sheet shall show the total number (e.g. sheet 1 of 3). When more than one sheet is submitted, all sheets shall be the same size. Indelible ink or sealant shall be used to insure permanency.

Staff recommendation: *comply with 20.60.070.*

- Dimension from southwest corner down to GLO monument needs to be adjusted to match the size of the other dimensions on the drawing.

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: *comply with 20.60.190.*

- Add meeting date of November 13, 2023 to Plat Approval
- On the Certificate of Ownership and Dedication, Correct the spelling of Seth Tauriainen and add President/Director behind his name.

RECOMMENDATION:

STAFF RECOMMENDS:

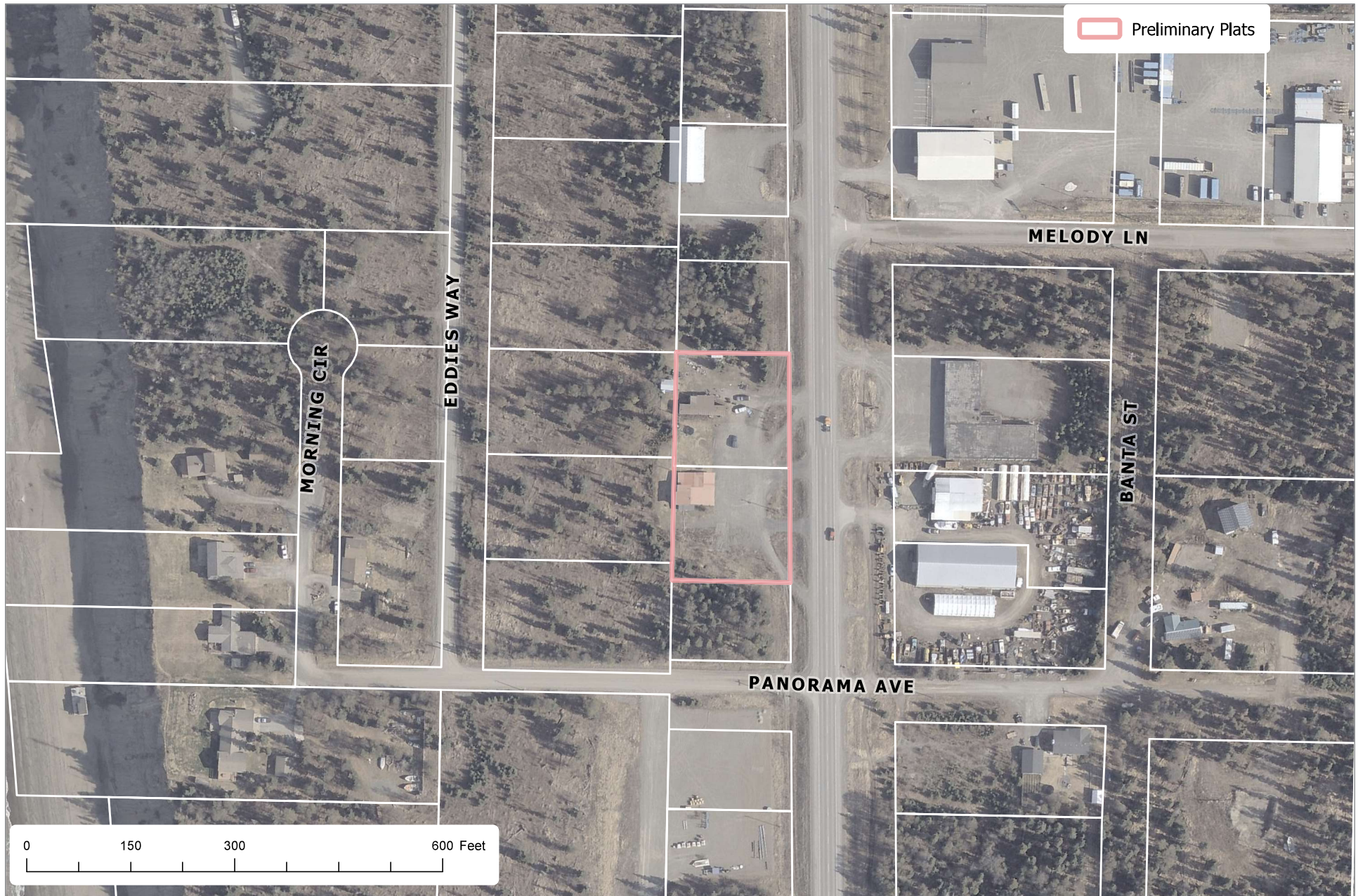
- GRANT APPROVAL OF THE PRELIMINARY PLAT SUBJECT TO STAFF RECOMMENDATIONS, AND
- COMPLIANCE WITH KPB 20.25.070 (FORM AND CONTENTS), KPB 20.25.080 (PETITION REQUIRED), KPB 20.30 (DESIGN REQUIREMENTS); AND KPB 20.40 (WASTEWATER DISPOSAL), AND
- COMPLIANCE WITH KPB 20.60 TO ENSURE ADMINISTRATIVE APPROVAL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

DESK PACKET

(MATERIALS SUBMITTED AFTER MEETING PACKET PUBLICATION)

15. **St. Luke Lutheran Church Replat; KPB File 2023-118**
Segesser Surveys / St. Luke Lutheran Church of the Unaltered
Augsburg Confession
Location: Kenai Spur Highway
Salamatof Area / Nikiski APC

LEGEND:

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

NOTES:

- 1) Basis of bearing taken from inlet Glen Subdivision, Plat 85-97, Kenai Recording District.
- 2) Building setback-A setback of 20 feet is required from all street Rights-of-Way unless a lesser standard is approved by resolution by the appropriate Planning Commission.
- 3) No private access to State maintained ROW's permitted unless approved by the State of Alaska Department of Transportation.
- 4) Kenai Spur Highway Information taken from State of Alaska Department of Highway Right-of-Way map Project number S-0490(2) page 5 of 22.
- 5) This property is subject to a reservation of easement for highway purposes, and any assignments or uses thereof for recreation, utility or other purposes, as disclosed by Public Land Order No. 601, dated August 10, 1949, and amended by Public Land Order No. 757, dated October 10, 1959; Public Land Order No. 1613, dated April 7, 1958; Department of the Interior Order Number 2865, dated October 16, 1958; Amendment Number 1 thereto, dated July 17, 1952 and Amendment Number 2 thereto, dated September 15, 1956, filed in the Federal Register.
- 6) Front 10 feet adjacent to right-of-ways and 20 feet within 5 feet of the side lot lines is a utility easement. No permanent structure shall be constructed or placed within a utility easement which would interfere with the ability of a utility to use this easement.
- 7) No Engineer's Subdivision and Sales Report is available for this subdivision, all conditions may be unsuitable for onsite wastewater treatment and disposal systems must meet the regulatory requirements of the Alaska Department of Environmental Conservation. The purpose of this platting action is to combine 2 lots into 1, which will provide greater available wastewater disposal area as described by 28.40.020(A).



SURVEYOR'S CERTIFICATE

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

Date _____

Incorrect SLE Width Determination

Survey Approval: 05/05/1922

Patent Application Filed by Private Individual: 05/23/1959

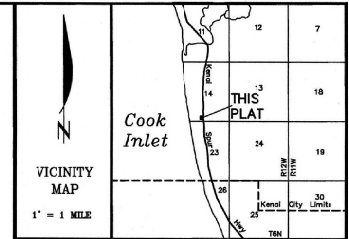
The 50' dedication as seen on this plat and on the RWAP Project # S-0490(2) plat is derived from the Small Tract patent reservation granted to the patentee, NOT a SLE. The SLE width is 33'

Incorrect SLE Width Determination

Survey Approval: 05/05/1922

Patent Application Filed by Private Individual: 05/23/1959

The 50' dedication as seen on this plat and on the RWAP Project # S-0490(2) plat is derived from the Small Tract patent reservation granted to the patentee, NOT a SLE. The SLE width is 33'



CERTIFICATE of OWNERSHIP and DEDICATION

THE UNDERSIGNED, HEREBY CERTIFY THAT ST LUKE LUTHERAN CHURCH (OF THE UNALTERED AUGSBURG CONFESSION) IS THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON, AND ON BEHALF OF ST LUKE LUTHERAN CHURCH (OF THE UNALTERED AUGSBURG CONFESSION) I HEREBY ADOPT THIS PLAN OF SUBDIVISION, AND BY MY FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND GRANT ALL EASEMENTS TO THE USE SHOWN.

SETH TAURIANEN
P.O. BOX 1404
KENAI, ALASKA 99611

NOTARY'S ACKNOWLEDGEMENT

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

NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES _____

PLAT APPROVAL

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

KENAI PENINSULA BOROUGH

AUTHORIZED OFFICIAL _____

KPB FILE No. _____

St Luke Lutheran Church Replat

A resubdivision of Government Lots 136 and 137 Section 14, T6N, R12W, S.M. lying west of the Kenai Spur Highway.

Located within the SW1/4 SW1/4 SE1/4 Section 14, T6N, R12W, S.M., Kenai Peninsula Borough, Alaska.

Containing 1.258 Ac.

Surveyor	Owner
Segesser Surveys 39485 Rosland St. Soldotna, AK 99689 (907) 282-3909	St Luke Lutheran Church of the Unaltered Augsburg Confession P.O. Box 1404 Kenai, Alaska 99611
JOB NO. 23146	DRAWN: 10-4-23
SURVEYED:	SCALE: 1"=50'
FIELD BOOK:	SHEET: 1 of 1

KPB 2023-118

From: [Keiner, Robert \(DOT\)](#)
To: [Carpenter, Beverly](#)
Subject: <EXTERNAL-SENDER>RE: PLAT REVIEW FOR November 13, 2023 MEETING: Plat Review State Group; GCI; Enstar; HEA; ACS
Date: Thursday, November 2, 2023 3:15:24 PM
Attachments: [image001.png](#)
[Plat 2023-103.pdf](#)
[Plat 2023-113.pdf](#)
[Plat 2023-118.pdf](#)

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

Beverly,

The SOA Central Region Right of Way (ROW) Engineering section has reviewed the following plats for interpretation of any existing State ROW. We are not including comments on any possible concerns from a planning, design, safety, or traffic position. Plats not mentioned below are not on the State road system, therefore no comment was made.

State-owned roads appear to be shown correctly on all of the plats submitted. The only comments we have are regarding section line easements as noted on the 3 attached plats.

Thank you for the opportunity to review these plats.

Bob Keiner, P.L.S.
ROW Engineering Supervisor
Central Region DOT/PF
(907) 269-0713

From: Carpenter, Beverly <BCarpenter@kpb.us>
Sent: Thursday, October 26, 2023 9:53 AM
To: 'Trevor.Brown@acsalaska.com' <Trevor.Brown@acsalaska.com>; Marsengill, Dale <DMarsengill@HomerElectric.com>; ENSTAR ROW <row@enstarnaturalgas.com>; Biloon, Joselyn (DOT) <joselyn.biloon@alaska.gov>; Keiner, Robert (DOT) <bob.keiner@alaska.gov>; 'ospdesign@gci.com' <ospdesign@gci.com>; Percy, Colton T (DFG) <colton.percy@alaska.gov>; 'Huff, Scott' <shuff@HomerElectric.com>
Cc: 'Zubeck, Brad' <BZubeck@HomerElectric.com>
Subject: PLAT REVIEW FOR November 13, 2023 MEETING: Plat Review State Group; GCI; Enstar; HEA; ACS

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

Hello,