



**Meeting Agenda
Plat Committee**

Monday, September 13, 2021

5:30 PM

Betty J. Glick Assembly Chambers

Zoom Meeting ID 208 425 9541

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-3509](#) August 23, 2021 Plat Committee Meeting Minutes

Attachments: [Plat Minutes 082321_Draft](#)

D. OLD BUSINESS

E. NEW BUSINESS

1. [KPB-3510](#) Pipers Haven Unit 3 2021 Replat; KPB File 2021-115

Attachments: [1. MAP Vicinity](#)
[2. MAP Aerial Map 2](#)
[3. Plat Prelim KPB 2021-115 Reduced](#)
[4. Staff Report Pipers Haven Unit 3 2021 Replat KPB 2021-115](#)
[5. MAP Aerial Map 3](#)
[6. MAP Block Lengths](#)
[7. MAP Contours](#)
[8. MAP Wetlands](#)
[9. Plat Parent HM 98-9](#)

2. [KPB-3511](#) Bondar Subdivision 2021 Replat; KPB File 2021-114

Attachments: [1. MAP Vicinity](#)
[2. MAP Aerial Map](#)
[3. Plat Prelim KPB 2021-114 Reduced](#)
[4. Staff Report Bodnar Sub 2021 Replat KPB 2021-114](#)
[5. Plat Parent KN 85-125](#)
[6. Plat Parent KN 1328](#)

3. [KPB-3512](#) Cohoe Estates Subdivision 2021 Addition; KPB File 2021-117
- Attachments:
- [1. MAP Vicinity](#)
 - [2. MAP Aerial Map](#)
 - [3. Plat Prelim KPB 2021-117 Reduced](#)
 - [4. Staff Report Cohoe Estates Subd 2021 Addn KPB 2021-117](#)
 - [5. MAP aerial 2](#)
 - [6. MAP Aerial 2021](#)
 - [7. MAP Block Length](#)
 - [8. MAP Contour](#)
 - [9. Plat Parent KN 1646](#)
4. [KPB-3513](#) Kasilof Alaska Subdivision 2021 Addition; KPB File 2021-113
- Attachments:
- [1. MAP Vicinity](#)
 - [2. MAP Aerial Map](#)
 - [3. Plat Prelim KPB 2021-113 Reduced](#)
 - [4. Staff Report Kasilof Alaska Sub 2021 Addn KPB 2021-113](#)
 - [5. MAP Wetlands](#)
 - [6. Plat Parent KN 83-166](#)
5. [KPB-3514](#) Kuchta Estates Hansen Addition; KPB File 2021-119
- Attachments:
- [1. MAP Vicinity](#)
 - [2. MAP Aerial Map](#)
 - [3. Plat Prelim KPB 2021-119 Reduced](#)
 - [4. Staff Report Kuchta Estates Hansen Addn KPB 2021-119](#)
 - [5. Plat Parent KN 77-189](#)
 - [6. Plat Parent KN 77-33](#)
6. [KPB-3515](#) Townsite of Kenai Kenaitze Courthouse Replat; KPB File 2021-118
- Attachments:
- [1. MAP Vicinity](#)
 - [2. MAP Aerial Map](#)
 - [3. Plat Prelim KPB 2021-118 Reduced](#)
 - [4. Staff Report Townsite of Kenai Kenaitze Courthouse Replat 2021-118](#)
 - [5. Plat Parent KN 2021-18](#)
 - [6. Plat Parent KN 2012-11](#)
 - [7. Plat Parent USS 2970 A & B](#)

7. [KPB-3516](#) Collins Tustumena Subdivision; KPB File 2021-116
- Attachments:
- [1. MAP Vicinity](#)
 - [2. MAP Aerial Map](#)
 - [3. Plat Prelim KPB 2021-116 Reduced](#)
 - [4. Staff Report Collins Tustumena Subd KPB 2021-116](#)
 - [5. MAP Aerial 2](#)
 - [6. MAP SLE](#)
 - [7. Plat Parent GLO & Status Plat](#)
8. [KPB-3517](#) East Cohoe Subdivision Hedger Replat; KPB File 2021-120
- Attachments:
- [1. MAP Vicinity](#)
 - [2. MAP Aerial](#)
 - [3. Plat Prelim KPB 2021-120 Reduced](#)
 - [4. Staff Report East Cohoe Sub Hedger Replat KPB 2021-120](#)
 - [5. MAP Wetlands & SLE](#)
 - [6. Plat Parent KN 84-238](#)
9. [KPB-3518](#) Kalifornsky Meadows 2021 Addition; KPB File 2021-051
- Attachments:
- [1. MAP Vicinity](#)
 - [2. MAP Aerial](#)
 - [3. Plat Prelim KPB 2021-051 NEW Reduced](#)
 - [4. Staff Report Kalifornsky Meadows 2021 Addn KPB 2021-051](#)
 - [5. MAP SLE](#)
 - [6. MAP Common Interest Community](#)
 - [7. MAP Aerial 2021](#)
 - [7. MAP Wetlands](#)
 - [8. MAP National Wetlands](#)
 - [9. Plat for CIC KN 2017-45](#)
 - [10. Plat for CIC KN 2014-05](#)
 - [11. Plat for CIC KN 2009-03](#)

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, September 27, 2021 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.

Kenai Peninsula Borough

Plat Committee

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

August 23, 2021
6:30 p.m.
UNAPPROVED MINUTES

A. CALL TO ORDER

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

B. ROLL CALL

Commissioner Venuti moved, seconded by Commissioner Morgan to appoint Commissioner Ecklund as chair for the meeting.

Plat Committee Members/Alternates

Cindy Ecklund, City of Seward
Pamela Gillham, Ridgeway
Virginia Morgan, East Peninsula
Franco Venuti, City of Homer

Staff Present

Julie Hindman, Platting Specialist
Ann Shirnberg, Planning Administrative Assistant
Avery Harrison, LM Administrative Assistant

C. APPROVAL OF AGENDA, EXCUSED ABSENCES, AND MINUTES

- *3. Minutes
a. August 9, 2021 Plat Committee Meeting Minutes

Commissioner Ecklund asked if anyone wanted to speak any items on the agenda.

Hearing no one else wanting to speak, public comment was closed.

MOTION: Commissioner Venuti moved seconded by Commissioner Morgan, to approve the agenda and the minutes from the August 9, 2021 Plat Committee meeting.

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

MOTION PASSED BY UNANIMOUS VOTE

Yes	4	No	0
Yes	Ecklund, Gillham, Morgan, Venuti		
No			

D. OLD BUSINESS - None

E. NEW BUSINESS

Chair Ecklund asked Ms. Shirnberg to read the procedures by which public testimony would be taken.

AGENDA ITEM E. NEW BUSINESS

GROUPED AGENDA

Staff Report given by Julie Hindman

Staff has grouped the plats located under **AGENDA ITEM E**. They are grouped as:

A. Simple or non-controversial. The type of plats grouped are lot splits, creating a small number of lots, replats, no exceptions required and no public comments were received. – 2 Plats

2. Mackey Lakes Subdivision Douglas Replat; KPB File 2021-109
Segesser Surveys / Douglas
Location: Grayling Court & Dolly Varden Way
Ridgeway Area
5. Ninilchik River Estates Subdivision Addn. 1 McLean Addn.; KPB File 2021-108
Fineline Surveys, Inc. / Bruce & Charlene McLean Living Trust
Location: Wild Salmon Way, Garrison Ridge Road and Alice Avenue
Ninilchik Area

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.

Chair Ecklund opened the meeting for public comment. Hearing no one wishing to comment, public comment was closed and discussion was opened among the committee.

MOTION: Commissioner Venuti moved seconded by Commissioner Morgan, to grant preliminary approval based on staff recommendations an compliance with borough code to, Mackey Lakes Subdivision Douglas Replat & Ninilchik River Estates subdivision Addn. 1 McLean Addn.

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

MOTION PASSED BY UNANIMOUS VOTE

Yes	4	No	0
Yes	Ecklund, Gillham, Morgan, Venuti		

AGENDA ITEM E. NEW BUSINESS

ITEM 2 - Mackey Lakes Subdivision Douglas Replat

KPB File No.	2021-109
Plat	Committee August 23, 2021
Meeting:	
Applicant / Owner:	Melody and Denis Douglas of Soldotna, Alaska
Surveyor:	John Segesser / Segesser Surveys, Inc.
General Location:	Ridgeway
Parent Parcel No.:	058-090-17, 058-090-18, 058-170-12
Legal Description:	Lots 22 and 23 Block 2 Mackey Lakes Sub Addn. No 1 Part 3 and Replat of Lot 23 Block 2 Part 2, Plat KN 74-92 And Lot 24 Block 2 Mackey Lakes Sub Addn. No 1 Part 2, Plat K-1759.
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On Site

Specific Request / Scope of Subdivision: The proposed plat combines three lots into one lot by removing the shared lot lines.

Legal Access (existing and proposed): The proposed plat is located on the northeast side of the Y intersection of Grayling Court, Dolly Varden Way. Grayling Court is a 50 foot right of way, and Dolly Varden Way, a 60 foot wide right of way. Both right of ways are constructed and maintained by the borough.

Grayling Court ends at a cul-de-sac to the north of the subdivision. Dolly Varden Way is off Mackey Lake Road and continues east. Mackey Lake Road is located near mile 92.5 of the Sterling Highway. The property is also located along the south shore of East Mackey Lake, which provides floatplane access.

Grayling Court was dedicated in 1971 as a 50 foot wide right of way with a 50 foot radius bulb. This right of way provides access to lots that are on a peninsula found within East Mackey Lake. The roads department had no comment on the proposed plat. **Staff recommends** the plat committee concur that an exception for street width for Grayling Court is not required as the possibility to obtain a full 60 foot wide dedication will be difficult for the remaining length of Grayling Court as all lots have been developed and will not be further subdivided and KPB is maintaining the roadway with the current right of way width with no issues.

The block length is not compliant or closed. Grayling Court, Dolly Varden Way, Messer Street, and section line easements define the block. Grayling Court is a cul-de-sac that ends on a peninsula within East Mackey Lake. There are lots on each side of the right of way. Any dedication within this subdivision will not improve the block, as it will end at the lake. Due to the location of the lake the ability to get a closed and compliant block will not occur. **Staff recommends** the plat committee concur that an exception is not required as any dedications required will not be able to bring the block into compliance.

KPB Roads Dept. comments	Within jurisdiction, no comments
SOA DOT comments	No comments

Site Investigation: The land within the proposed plat is relatively flat. Per the Kenai Watershed Wetlands Assessment, there are some wet areas affecting the southern portion of the subdivision.

Staff recommends carry over the parent plat note regarding the natural meander boundary, site source for meander information on the plat, depict low wet areas and add a plat note "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."

Floodplain Hazard Review	Not within flood hazard area. No regulatory mapped floodplain areas intersect this parcel.
Anadromous Waters Habitat Protection District Review	Is not within HPD, no comments
State Parks Review	No comments

Staff Analysis This proposed plat will be combining three lots into one 2.2 acre lot.

Mackey Lakes Subdivision Addition No. 1, Part 2, Plat KN 1759 created parent Lot 24 and an early configuration of Lot 23. That plat dedicated Grayling Court as a 50 foot right of way. There was also a 50 foot dedication for Dolly Varden Way (shown as Mackinaw Place). A 20 foot building setback was put in place but there are no notes or depictions regarding utility easements.

A temporary 50 foot radius turnaround was put in place within Lot 23 designated to be in place until the street was extended. Mackey Lakes Subdivision Addition No 1 Part 3 and Replat of Lot 23 Block 2 Part 2, Plat KN 74-92, created Lot 22 and changed the configuration of Lot 23. That plat vacated a portion of the right of way, changed the right of way design, and added additional width to Dolly Varden Way to make it 60 feet wide. Utility easements were granted by plat KN 74-92 and are discussed under utility easements.

A soils analysis report is not on file for the parent lots. Per KPB 20.40.020(A)(2), the lots are increasing by 1,000 square feet and thus a report will not be required and an engineer will not need to sign the plat.

Utility Easements Plat KN 1759 did not grant any utility easements. Plat KN 74-92 granted specific utility easements that are depicted and labeled. A 10 foot by 30 foot anchor easement was granted within Lot 23. A 10 foot by 238 foot utility easement was granted adjoining the eastern boundary line of Lot 22.

The plat note indicates this plat will grant 10 foot utility easements adjoining right of ways and 20 foot utility easements within 5 feet of side lot lines.

The affected utility providers were emailed the subdivision plat public hearing notice as part of the routine notification process. **Staff recommends** to grant utility easements requested by the utility providers or work with the utility providers to obtain approval, depict and note the previously granted utility easements, and depict the easements along the right of ways being dedicated by this plat.

Utility provider review:

HEA	No comment
ENSTAR	No comment or recommendations
ACS	
GCI	Approved as shown

KPB department / agency review:

Addressing – Derek Haws	Affected Addresses: 41840 Dolly Varden Way (will remain with Lot 22A). Existing street names are correct
Code Compliance – Eric Ogren	No comments
Planner – Bryan Taylor	There is not any Local Option Zoning District or material site issues with this proposed plat.
Assessing – Matt Bruns	No concerns from Assessing Department.

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.

- 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 location of "This Plat" is hard to determine. Make the depiction more noticeable.
- 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: Update the plat information east of Minnow Ct. for Lot 17 Block 2, KN 74-92. The plat number is cut off for Lot 18A Block 2, north of Minnow Court.
- J. Block and lot numbering per KPB 20.60.140, approximate dimensions and total numbers of proposed lots;
Staff recommendation: Add a block label within Lot 22A.

KPB 20.30 Design Requirements

Platting staff comments: Staff reviewed the plat and all the items required by 20.30 were met, unless otherwise noted below:

20.30.240. Building setbacks.

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

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

- B. The setback shall be noted on the plat in the following format:
Building setback- A setback of 20 feet is required from all dedicated street right-of-ways unless a lesser standard is approved by resolution of the appropriate planning commission.

- C. When a subdivision is affected by a Local Option Zoning District (LOZD), an approved by the assembly, all building setbacks shall be graphically depicted and labeled on the lots. A local option zoning setback shall be noted on the plat in the following format:
Building setback – This subdivision is located within (name of LOZD) Local Option Zoning District as contained in KPB Chapters 21.44 and 21.46 and adopted by KPB Ordinance (number), recorded under (serial no. and recording district). Information regarding the zoning restrictions and copies of the ordinance are available from the KPB Planning Department.

Staff recommendation: *Depict and label the 20 foot building setback.*

KPB 20.40 -- Wastewater Disposal

20.40.010 Wastewater disposal.

Platting Staff Comments: Due to the combining of lots, a soils analysis report is not required.

Staff recommendation: *Revise the wording in the plat note to read "An Engineer's Subdivision and Soils Report is not available for this subdivision..." 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: *Provide meander information and source. Note if bearing and distances are from record or computed. If from record, the record must be disclosed. Comply with 20.60.110.*

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 comments: *Per the certificate to plat, there is a 20 foot easement through Lot 23 to Lot 22. This easement was stated within a warranty deed. The deed does not state the intent, use limitations, grantors, or when/how dissolved. This easement is noted within plat note 5. With the lots being combined, the owners may wish to look into removing the easement.*

Staff recommendation: *comply with 20.60.160.*

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: In addition to additional plat notes and corrections noted throughout the staff report staff recommends the following.

Place the following notes on the plat.

- The natural meanders of the lakeshore form the bounds of all lots adjoining the lake. The meander line as established is for survey computations and data only.

Correct the following plat notes.

- Note 2, remove the "c" at the end of the sentence.

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

**Passed by grouped agenda.*

AGENDA ITEM E. NEW BUSINESS

ITEM 5 - Ninilchik River Estates Subdivision Addn 1 McLean Addn

KPB File No.	2021-108
Plat Committee Meeting:	August 23, 2021
Applicant / Owner:	Bruce and Charlene McLean Living Trust of Soldotna, Alaska
Surveyor:	Dmitri D. Kimbrell / Fineline Surveys, Inc.
General Location:	Ninilchik

Parent Parcel No.:	157-06-344, 157-06-345
Legal Description:	Lots 1-A and 2-A, Block 1, Ninilchik River Estates Addn No 1, Plat HM 91-71.
Assessing Use:	Residential

Zoning:	Rural Unrestricted
Water / Wastewater	On Site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will combine two lots into one lot by removing the shared lot line. Both lots are under common ownership.

Legal Access (existing and proposed): The proposed subdivision fronts Garrison Ridge Road, Alice Avenue, and Wild Salmon Way. Garrison Ridge Road is located past mile 1 of Oil Well Road. Oil Well Road is a state maintained right of way.

Garrison Ridge Road is a 60 foot wide right of way that has been constructed but not maintained. The roadway crosses over the Ninilchik River and is located within Tract A and a large parcel.

The portion of Wild Salmon Way that abuts the proposed subdivision is a 50 foot wide right of way that terminates with a cul-de-sac. This right of way appears to be used for access to parent parcel Lot 1-A. Wild Salmon Way continues north and winds around to Steelhead Ridge Road, Bear Paw Road, and Alice Avenue. These portions of right of ways are not maintained.

Alice Avenue is a 66 foot wide right of way that has not been improved. Alice Avenue connects to Brody Road, a borough maintained right of way, which intersects Oil Well Road near mile 3.25. Additional 33 foot and 50 foot section line easements provide the connection from Oil Well Road to Garrison Ridge Road.

Per the parent plat access to lots 1-A and 2-A is restricted to Wild Salmon Way.

The block is closed but irregular in shape and exceeds length requirements. Wild Salmon Way used to connect to Alice Avenue but was vacated with the parent plat, HM 91-71. The block is currently defined by Alice Avenue, Garrison Ridge Road, Wild Salmon Way, Steelhead Ridge Road, and Bear Paw Road. Wild Salmon Way and Steelhead Ridge Road are right of ways that both end in cul-de-sacs. Garrison Ridge Road crosses the Ninilchik River. Steep terrain is within the Alice Avenue dedication and crosses the Ninilchik River. **Staff recommends the plat committee concur that an exception is not required as any dedication will not improve the block length and per KPB 20.30.100 a cul-de-sac is designed to have one end permanently closed.**

Per the certificate to plat there is an ingress and egress easement. This easement should be noted in the plat notes. As the easement gives a description of the easement area **staff recommends the easement be depicted with a reference to a descriptive plat note.**

KPB Roads Dept. comments	Within jurisdiction, no comments
SOA DOT comments	No comments

Site Investigation: The Ninilchik River, an anadromous water way, is located in the western portion of the subdivision. Portions of the subdivision are also within a flood hazard area. There also appears to be steep slopes within the subdivision that should be depicted. Plat note 3 addresses the possible need for a wetland determination and should remain.

Staff recommends the flood zone boundary be shown and labeled, a plat note referencing the map panel be added, and the anadromous waters habitat protection district note be added to the final plat.

Floodplain Hazard Review	Is in flood hazard area. Flood Zone A, X. Found on Map Panel: 02122C-1620E. Is not within a floodway.
Anadromous Waters Habitat Protection District Review	Is totally or partially within HPD. No comments
State Parks Review	No comments
State Fish and Game	ADF&G has no objections to the platting action.

Staff Analysis The parent lots were originally part of the Ninilchik River Estates Amended, HM 86-12. A portion of Wild Salmon Way was vacated and terminated as a cul-de-sac and the lots were then replatted as part of Ninilchik River Estates Addition No. 1, HM 91-71. The current action will combine Lot 1-A and Lot 2-A to create one lot.

There does not appear to be any improvement that cross the interior lot line, but with the removing of the shared lot line, any issues with an improvement over the boundary line will be resolved.

Per KPB 20.40.020, a soils analysis report is not required and an engineer will not need to sign the plat as this platting action is vacating lot lines. The plat note listed on the plat needs a correction as the Department of Environmental Conservation signed the parent 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 The parent plat, HM 86-112, granted 10 foot utility easements along dedicated right of ways. Plat HM 91-71 vacated a portion of Wild Salmon Way and dedicated Garrison Ridge Road. Plat HM 91-71 granted 10 foot utility easements along all dedicated right of ways. There is not a proposed change to the right of ways and the parent plats did not grant easements along the side lot lines. **Staff recommends plat note 2 be reworded and depict the utility easements. The note shall read "The front 10 feet adjoining dedicated right of ways is a utility easement as granted by plats HM 86-12 and HM 91-71. This platting action will grant 20 foot utility easements within 5 feet of side lot lines as a utility easement. No permanent..."**

The certificate to plat shows easements granted to Homer Electric Association, Inc. Plat note 5 refers to an easement to HEA but contains the incorrect recording information. **Staff recommends update the book and page to Book 27 Page 8, HRD and Book 48 Page 74, HRD.**

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

Utility provider review:

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

KPB department / agency review:

Addressing – Derek Haws	Affected Addresses: 15938 Wild Salmon Way (will remain with Lot 1B). Existing street names shown are correct
Code Compliance – Eric Ogren	No comments
Planner – Bryan Taylor	There are not any local option zoning district or material site issues with this proposed plat.
Assessing – Matt Bruns	No concerns from Assessing Department

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.

- 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: For simplicity the name of the subdivision can be changed to 'Ninilchik River Estates McLean Addition'. The addition number does not need to be carried forward. Verify the acreage and update accordingly. The scale appears to be off, update the scale listed or update the drawing. Remove the comma after "ADDN" or change to a period.

- 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: Plat note 4 references covenants, conditions, and restrictions of record. Provide an additional plat note for the covenants, conditions, and restrictions of record per item 11 in the certificate to plat as recorded on January 9, 1992 in Bk. 211 Pg. 891 HRD.

- F. The location, width and name of existing and platted streets and public ways, railroad rights-of-way, easements, and travel ways existing and proposed, within the subdivision;

Staff recommendation: Per the certificate to plat there is a ingress and egress easement. Verify if the easement of record affects this subdivision and if so, depict and label the easement on the drawing. Edit plat note 5 to reference the correct recording information for the easements of record (Bk. 48 Pg. 74 HRD and Bk. 27 Pg. 8 HRD).

- 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: Correct Lot 3-A located to the north of Garrison Ridge Road to Lot 3A1, plat HM 2012-16. Provide a label for Tract A, plat HM 91-71 located on the other side of Garrison Ridge Road and Ninilchik River. Correct the depiction of the former lot line boundary as it extends to the west side of Ninilchik River. The KPB parcel viewer incorrectly depicts the lot line between Lot 1-A and 2-A.

- H. Approximate locations of low wet areas, areas subject to inundation, areas subject to flooding or storm water overflow, and the line of ordinary high water. This information may be provided on an additional sheet if showing these areas causes the preliminary plat to appear cluttered and/or difficult to read;

Staff recommendation: Provide the flood area boundary and add all required notes. Depict any low wet areas associated around boundary of the river.

- 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: There appear to be steep slopes as the property gets closer to the river. Depict and label any areas affected by steep slopes.

KPB 20.30 Design Requirements

Platting staff comments: Staff reviewed the plat and all the items required by 20.30 were met, unless otherwise noted below:

20.30.120. Streets-Width requirements.

- D. The minimum right-of-way width of streets shall be 60 feet.
1. Half streets shall generally not be allowed except to provide the logical extension of a right-of-way where the remaining half street can reasonably be expected to be dedicated in the future.
 2. When a design change required as a condition of preliminary approval results in a half right-of-way that was not shown on the original preliminary plat, adjainers to the new half right-of-way will be sent a copy of the plat committee minutes and a sketch

showing the new half right-of-way and per KPB 2.40.080 can request a review of the plat committee decision by the full Planning Commission.

- B. Additional right-of-way or easement width may be required to provide for the construction of side slopes or to otherwise accommodate right-of-way construction standards set forth in KPB Title 14.

Staff recommendation: *Wild Salmon Way cul-de-sac provides legal access to Lot 1-A and 2-A only as plat HM 91-71 restricts access for Lots 14-A and 15-A to access from SteelHead Ridge Road. Wild Salmon Way cul-de-sac is not maintained by KPB. Concur that additional width for Wild Salmon Way cul-de-sac to be 60 feet in width is not required at this time and an exception is not required based on the number of lots using Wild Salmon Way for access, development trends, and access restrictions for neighboring lots.*

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.

- E. 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.

- F. 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.

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

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

Staff recommendation: *Depict and label the building setback within the drawing or provide a detail drawing.*

20.30.280. Floodplain requirements.

- A. All subdivision plats which are within areas where the floodplain has been identified by the Federal Emergency Management Agency (FEMA), and which involve 50 lots or five acres whichever is lesser, shall include the base flood elevation source.

- B. Any area of the subdivision within the floodplain, floodway or Seward Mapped Flood Data Area (SMFDA) is to be shown and labeled on the plat.

- C. All subdivisions which are wholly or partially located within flood hazard areas as defined by KPB 21.06.030 must comply with KPB 21.06.050 standards for Floodplain Management.

- D. All subdivisions or replats within the Flood Insurance Rate Map (FIRM) area or SMFDA, as amended, as defined by KPB 21.06.020, shall contain the following note:

FLOOD HAZARD NOTICE:

Some or all of the property shown on this plat has been designated by FEMA or the Kenai Peninsula Borough Seward Mapped Flood Data Area as a flood hazard area district as of the date this plat is recorded with the district recorder's office. Prior to development, the Kenai Peninsula Borough floodplain administrator should be contacted for current information and regulations. Development must comply with Chapter 21.06 of the Kenai Peninsula Borough Code.

Staff Comments:

To maintain consistency with KPB 21.06.050, **staff requests** the surveyor ensure the proposed subdivision have adequate drainage to reduce exposure to flood damage.

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: Add the Flood Hazard Notice to the plat but include "...has been designated by FEMA (Map Panel 02112C-1620E) as a flood hazard area..."

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

ANADROMOUS WATERS HABITAT PROTECTION DISTRICT NOTE:

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

Platting Staff Comments:

Staff recommendation: Ninilchik River is an anadromous river. Comply with 20.30.290.

KPB 20.40 -- Wastewater Disposal

20.40.010 Wastewater disposal.

Platting Staff Comments: A soils analysis report is not required as this is combining two lots and creating more usable area. The plat note needs to be corrected as a DEC official signed the parent plat. "...was approved by Alaska Department of Environmental Conservation (10/22/19). Wastewater..."

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.

20.60.170. Other data required by law.

A. The plat shall show all other data that are or may be required on the plat by statute or ordinance.

B. Private covenants and restrictions of record in effect at the time the final plat is approved shall be referenced on the plat. The borough will not enforce private covenants, easements, or deed restrictions. The borough will not enforce private covenants, easements, or deed restrictions.

C. The plat must adhere to the requirement of the local option zone, where applicable.

Staff recommendation: There are covenants as noted in plat note 4. The note needs to be revised to include Book 211 Page 891, HRD, recorded on January 9, 1992. Include in the plat note that the borough does not enforce private covenants per KPB 20.60.170. Comply with 20.60.170.

20.60.180. Plat notes.

C. 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.

D. 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: In addition to the plat notes mentioned throughout the staff report, place the following notes on the plat.

- The borough will not enforce private covenants, easements, or deed restrictions per KPB 20.60.170.
- Per parent plat, HM 91-71, Lot 1-B shall have access from Wild Salmon Way.

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: The trusts lists the trustees as R. Bruce McLean Jr. and Charlene K. McLean. They both must sign the plat. Update the signature lines to match how the trust lists their names and provide an additional signature line. Update the notary to show it is for both trustees. The certificate of ownership needs updated to plural pronouns. Comply with 20.60.190.

RECOMMENDATION:

STAFF RECOMMENDS:

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

NOTE: 20.25.120. - REVIEW AND APPEAL.

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

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

END OF STAFF REPORT

*Passed by grouped agenda.

AGENDA ITEM E. NEW BUSINESS

ITEM 1 - Falls Creek Estates Unit 5

KPB File No.	2021-110
Plat Committee	August 23, 2021
Meeting:	
Applicant / Owner:	Richard L and Lana J Metcalf of Soldotna, Alaska
Surveyor:	Gary Nelson / Ability Surveys
General Location:	Fritz Creek and Falls Creek / KACHEMAK BAY APC

Parent Parcel No.:	185-210-48
Legal Description:	That portion of Lot 2 US Survey No 4720, EXCEPTING THEREFROM Falls Creek Estates Unit 1 Plat HM 80-12, Falls Creek Estates Unit 2 plat HM 83-100, Falls Creek Estates No. 4 plat HM 96-53 and Falls Creek Estates 2018 plat HM 2018-36.
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On Site

Staff report given by Julie Hindman.

Specific Request / Scope of Subdivision: The proposed plat will subdivide a 61.76 acre parcel into four lots ranging in size from 5.274 to 23.320 acres. A 30 foot wide right of way dedication of Bush Drive is being given to make it a 60 foot wide right of way.

Legal Access (existing and proposed): This is a large acreage subdivision with multiple access points. All access points originate off East End Road, a state maintained right of way.

Access from the south is near milepost 18 of East End Road. Morrison Drive is a 60 foot wide right of way maintained by the borough. The first approximate 1,080 feet of Morrison Drive is not dedicated and crosses through CIRI land. A patent to CIRI states several right of ways existed but without further research staff is unsure if the patent is referring to Morrison Drive. Staff did not find any ADLs for the right of way. Shrub Drive and Furrow Road both connect Morrison Drive to the subdivision boundary. Both Shrub Drive and Furrow Road are 60 foot wide right of ways that provide access to the subdivision from the south. Shrub Drive and Furrow Road appear to be partially constructed but are not maintained by KPB. Shrub Drive provides access to proposed Tract L. Furrow Road provides access to proposed Tracts M and N.

The northerly access is from mile post 20 of East End Road. Falls Creek Road is a dedicated 60 foot wide right of way that is maintained by the borough until the intersection with Via Hermosa Drive. Falls Creek Road continues approximately 620 feet from that intersection and provides access to the subdivision. At the end of the Fall Creek Road, there is a 30 foot half width dedication for Bush Drive. This plat will be granting a matching 30 feet right of way to bring Bush Drive into compliance. Bush Drive connects to Linda Lane. Bush Drive provides access to proposed Tracts M and O.

Staff records indicate that there are not any section line easements within the subdivision boundary as the date of entry predated the section survey. There appears to be section line easements outside of the subdivision boundary. Plat note 4 notes that there are 50 foot section line easements on all section lines. The section lines are shown with both dashed and solid line styles. ***Staff recommends verify if there are any section line easements within the subdivision. If they are present, depict and label the section line easements. Update the section line style to be the same and the line style can be added to the legend.***

The block length is not compliant. Due to terrain, exiting development, and the size of this subdivision it is not a closed block. An exception has been requested.

An exception has been requested to not continue the dedication of Shrub Drive or Furrow Road at this time.

KPB Roads Dept. comments	Within jurisdiction, no comments
SOA DOT comments	No comments

Site Investigation: This is a large acreage subdivision with steep slopes and drainage gullies. The bottom of the gullies are affected by creeks and wetlands. The plat indicates the wetlands areas with a hatching pattern and the steep slopes are shaded grey. The surveyor did prepare an additional plat sheet for preliminary review that includes the contour lines. The majority of the subdivision has either steep slopes, wetlands, or a combination of both. Plat note 5 directs owners to contact the Army Corps of Engineers prior to development.

Floodplain Hazard Review	Not within flood hazard area. No regulatory mapped floodplain areas intersect this parcel.
Anadromous Waters Habitat Protection District Review	Is not within HPD. No comments.
State Parks Review	No comments.
State Fish and Game	No objection.

Staff Analysis This is a large acreage subdivision creating four tracts. The smallest tract will be Tract O with 5.3 acres. The remaining three tracts will be 16.4, 16.6, and 23.3 acres.

The property included in this subdivision was originally Lot 2 of U.S. Survey 4720 that was completed in 1964-1965. In 1980, the first plat was recorded that subdivided original Lot 2. Per the certificate to plat, this survey is for Lot 2 excluding plats HM 80-12, HM 83-100, HM 96-53, and HM 2018-36. An additional plat

was also recorded, HM 92-49. The lots included in that plat were replatted with HM 96-53. There is no reference to HM 92-49 within the certificate to plat. HM 2018-36 was a replat of two lots from HM 96-53. That plat is however mentioned in the certificate to plat. **Staff recommends** owners or surveyor discuss with the title company to clarify which plats should be listed as excluded subdivision from Lot 2 U.S. Survey 4720

All parcel will be 200,000 sq. ft. is size of larger and will not require a soils analysis report.

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

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

Utility Easements As this is the remainder of a previous subdivision, there have not been any utility easements granted with the subdivision boundary. The certificate to plat does not indicate any recorded easements for the property. Plat note 1 does state the intention to grant 10 feet utility easements along right 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. Revise plat note 1 to read, "The front 10 feet adjacent to dedicated right of ways is granted as a utility easement." Depict the easements being granted.

Utility provider review:

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

KPB department / agency review:

Addressing – Derek Haws	Affected Addresses: 32940 Falls Creek Road (Address will be deleted and new addresses will be assigned upon request.) Street names listed are correct
Code Compliance – Eric Ogren	No comments
Planner – Bryan Taylor	There are not any Local Option Zoning District issues or material site issues with this proposed plat.
Assessing – Matt Bruns	No concerns from Assessing Department
Advisory Planning Commission	Comments note received when the staff report was prepared.

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

STAFF RECOMMENDATIONS
CORRECTIONS / EDITS

Along Bush Drive there are overstrikes needing to be corrected.

KPB 20.25.070 - Form and contents required.

A. Within the Title Block

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

Staff recommendation: Update the legal description to match the Certificate to Plat by including Falls Creek Estates 2018, HM 2018-36.

- 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: Make the section line styles the same and add to the legend. Provide a label for the 25 foot right of way easement from HM 77-22 that adjoins Tract M. Match the text style for the road names.
- 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: Correct the recording number for the lots south of Morrison Drive as the plat number is cut-off. Some subdivisions have the name listed, recording number listed, or combination. The labels can be edited to be consistent. Add "unsubdivided" for the parcel located southeast of the subdivision.

KPB 20.30 Design Requirements

Platting staff comments: Staff reviewed the plat and all the items required by 20.30 were met, unless otherwise noted below:

20.30.100. Cul-de-sacs.

- A. Streets designed to have one end permanently closed shall be no more than 1000 feet long. The closed end of the cul-de-sac shall have a suitable turnaround with a minimum radius of 50 feet to the property line. The turnaround shall be constructible to a 4 percent grade or less.
- B. Hammerhead or T -type turnarounds may be allowed on a case-by-case basis. Adequate turning radii, width and depth must be provided for road maintenance and emergency vehicle access. Plans must be reviewed with a recommendation by emergency service providers and the KPB Road Service Area Board prior to submittal for planning commission review.
- C. Temporary turnarounds and self-vacating turnarounds shall not be granted or reserved on plats.
Staff recommendation: If the exception requests for right of way continuation are approved, the plat will be subject to KPB 20.30.100 Cul-de-sac and the plat will be required to provide a turnaround area at the end of Furrow Road and Shrub Drive. **Staff recommends** the turnaround area be an eyebrow or a hammer head type turn around. This will allow a turnaround area to be constructed if needed as well as allowing the right of way to be extended in the future. **Staff recommends** a plat note be added that states the right of ways are not dead ends and may be extended in the future. Comply with 20.30.100.

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.
- H. 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.
- I. 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.
- J. When a subdivision is affected by a Local Option Zoning District (LOZD), an approved by the assembly, all building setbacks shall be graphically depicted and labeled on the lots. A local option zoning setback shall be noted on the plat in the following format:
Building setback – This subdivision is located within (name of LOZD) Local Option Zoning

District as contained in KPB Chapters 21.44 and 21.46 and adopted by KPB Ordinance (number), recorded under (serial no. and recording district). Information regarding the zoning restrictions and copies of the ordinance are available from the KPB Planning Department.

Staff recommendation: *Depict and label the 20 foot building setback.*

KPB 20.40 -- Wastewater Disposal

20.40.010 Wastewater disposal.

Platting Staff Comments: Lots are over 200,000 square feet and a soils analysis report is not required.

Staff recommendation: *Correct wastewater disposal note by removing "or nominal 5 acres". Comply with 20.40.*

KPB 20.60 – Final Plat

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

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

Staff recommendation: *Provide a Certificate of Acceptance for right of way dedications to be signed by borough authorized official.*

20.60.180. Plat notes.

E. 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.

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

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

- *Add a note for any exceptions granted.*

Revise the following plat notes

- *Plat note 1: Update to "The front 10 feet adjoin dedicated right of ways is granted as a utility easement."*
- *Plat note 4: Update to "The depicted section lines are subject..."*
- *Wastewater Disposal note: remove "or nominal 5 acres".*

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: *Provide a Certificate of Acceptance to be signed by borough for right of way dedications. Comply with 20.60.190.*

EXCEPTIONS REQUESTED:

KPB 20.30.030 – Proposed street layout – requirements (Shrub Drive and Furrow Road)

KPB 20.30.170 – Block – Length requirements

Surveyor's Discussion: Shrub Drive, we feel the extension is not warranted at this time as it would serve no purpose. The adjacent Tract 3 (HM 2012-56) is sufficiently served by right of way access and is an agricultural tract subject to subdivision restriction by State of Alaska covenants. Tract L of this plat could provide additional right-of-way during a future subdivision if warranted, though steep canyons prohibit extending across Tract L.

Furrow Road was dedicated by HM 83-100. A portion of that dedication adjacent to Lot 16 exceeds 35% for

nearly 100 feet. For that reason it seems pointless to perpetuate the dedication by adding to it. Steep canyon conditions make it impossible to meet borough code provisions for gradients of roadways to extend Furrow Road or otherwise make blocks comply with code.

If the borough requires some sort of cul-de-sac, we feel the location should be addressed in a request and a code exception be provided (with a plat note) making it clear the cul-de-sac would not be a deterrent or prohibit future right-of-way connection or extension.

Staff Discussion: The two sections of code are being combined into one exception request as both deal with dedication of right of ways. The plat committee can choose to review each item separately if they choose.

Shrub Drive is a 60 foot wide right of way that ends at proposed Tract L and Tract 3 of Deja Vu Subdivision, HM 2012-056. If continuation of Shrub Drive is required, it will be a 30 foot dedication with the matching 30 foot half dedication to be dedicated when Tract 3 is further subdivided. Plat HM 2012-056 states the property is for agricultural purposes and restricted by the State of Alaska. Tract 3 is currently 52 acres and by state restrictions, the lot cannot be smaller than 40 acres. This will greatly limit the ability to receive a matching dedication.

Furrow Road was originally dedicated as Falls Creek Road on Falls Creek Estates Unit 2, HM 83-100. That plat provided the full 60 foot dedication. The current dedication will end at proposed Tract M. Tract M contains large areas with steep slopes and wetlands.

The block is large and not closed. The area contains a lot of steep slope areas and wetlands and ravines. The area tends to have cul-de-sacs to provide access but due to terrain make it difficult to continue the right of ways. The creeks, ravines, and wetlands create a natural division of the subdivision resulting in portions of the subdivision being accessed from different locations.

If denied, this platting action will require a 30 foot half width right of way dedication for Shrub Drive along the southwest boundary and a right of way connection between Furrow Road and Falls Creek Road.

Surveyor Findings:

1. Tract 3 (HM 2012-56) is sufficiently served by right of way access.
2. Tract 3 (H 2012-56) is an agricultural tract subject to subdivision restriction by State of Alaska covenants.
3. Tract L of this plat could provide additional right-of-way during a future subdivision if warranted
4. Steep canyons prohibit extending right of way across Tract L.
5. A portion of Furrow Road dedication adjacent to Lot 16 exceeds 35% for nearly 100 feet.
6. Steep canyon conditions make it impossible to meet borough code provisions for gradients of roadways to extend Furrow Road or otherwise make blocks comply with code.

Findings:

7. Shrub Drive is a 60 foot wide right of way that is approximately 470 feet long.
8. Falls Creek Estates Unit 2, HM 83-100, and Deja Vu Subdivision, HM 2012-056, dedicated Shrub Drive.
9. Tract L is 16.36 acres and can be further subdivided.
10. Per KPB GIS data and imagery, Shrub Drive is being used to access Lot 17.
11. Tract 3 is part of Deja Vu Subdivision, HM 2012-56, which contains a plat note that patent states land is for agricultural purposes. Further subdivision of Tract 3 may be restricted which would limit the ability to receive a matching dedication.
12. Furrow Road is a 60 foot wide right of way that is approximately 1,000 feet long.
13. Fall Creek Estates Unit 2, HM 83-100, dedicated Furrow Road.
14. Tract M is 23.32 acres and can be further subdivided.
15. Tract M contains steep slopes and wetlands.
16. The continuation of Furrow Road is limited by terrain.
17. Per KPB GIS data and imagery, a trail has been constructed near the Furrow Road right of way but follows the natural terrain and is not wholly within the dedicated right of way.
18. The surveyor has requested that any required cul-de-sacs not be permanently closed to allow for

future projects.

19. A 'eyebrow' cul-de-sac with a squared off end, or a T-type turnaround or hammerhead turn around would allow for an adequate turn around area that would also allow for an extension of the right of way in the future.
20. Per KPB 20.30.100(C), temporary turnarounds and self-vacating turnarounds shall not be granted or reserved on plats.
21. No lots are being denied access.
22. All neighboring parcels front on a dedicated right of way.

Staff reviewed the exception request and recommends granting approval **subject to** T-type or hammerhead style turnaround areas be provided at the end of Shrub Drive and Furrow Road with a plat note that states these right of ways are not dead end road and can be extended in the future.

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

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

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

1. That special circumstances or conditions affecting the property have been shown by application;
Findings 1-6, 10, 11, 14-17, 19, 21, 22 appear to support this standard.
2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title;
Findings 1-6, 10, 11, 14-17, 19, 21, 22 appear to support this standard.
3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.
Findings 1-6, 10, 11, 14-17, 19, 21, 22 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.

Ms. Hindman noted that a comment had been received and has been included in the desk packet materials from a neighboring landowner Mr. Gustin and stated that he objects to this subdivision without KPB platted and build roads reaching this new subdivision.

END OF STAFF REPORT

Chair Ecklund opened the meeting for public comment.

Heather McHenry; POB 15236 Fitz Creek, AK 99603: Ms. McHenry owns a property that adjoins this new subdivision. She has noted that it appears that Shrub Drive will provide the access to Lot L. She asked if they knew what kind of changes the applicant might be planning from Shrub Drive. She stated she had spent approximately \$20,000 improving Shrub Drive. She understands that it is a public easement but has concerns that if the applicant uses Shrub Drive to bring in heavy equipment to develop their property the will damage the road. She also would like to know what the applicant has planned for these lots. If they are going to be selling any of them would she be notified?

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

MOTION: Commissioner Gillham moved seconded by Commissioner Morgan, to grant preliminary approval Falls Creek Estates Unit 5 based on staff recommendations and compliance with borough code.

AMENDMENT: Commissioner Gillham moved, seconded by Commissioner Venuti to grant exception request to KPB 20.30.030-Proposed Street Layout Requirements for Shrub Dr. & Furrow Rd. and KPB 20.30.170-Block Length Requirements subject to T-type or hammerhead turnarounds & a plat note regarding possible future extensions, citing findings 1-6, 10, 11, 14-17, 19, 21 & 22 in support of standards one, two and three.

Commissioner Ecklund asked staff if they could address any of the concerns about the use of Shrub Drive T-head or the Furrow Road T-head. Ms. Hindman replied that the extension of either road would have to be engineered and thought out carefully due to the terrain and the wetlands. It is normal to request T-type turnarounds on roads that would most likely not be continued. She noted that the T-type turnaround would remain within the bounds of the new subdivision none of the land for these turnaround would come from Ms. McHenry's property.

Commissioner Ecklund stated that the T-head turnarounds will have be shown on the final plat and would be reviewed at that time. Ms. Hindman replied that per code the T-head turnarounds would be depicted on the final plat and would be reviewed by staff. She also stated that the plat committee could also request that the final plat be brought back to them.

Commissioner Venuti asked Ms. McHenry if she understood the discussion about the T-heads. Ms. McHenry stated that she did. The T-heads would not be on any of her property and if Shrub Drive was extended none of her property would be required. She then noted that Shrub Drive ends at a creek and she does not know how the road could be extended any further. It would be extremely difficult to extend the road. She still is worried about heavy equipment using the road, she understands that they do not own Shrub Drive but they have invested quite a bit of money in improving it. She also would hope that she would be contact should any of the properties go up for sale. She would not like to see anyone build right next to them. Commissioner Venuti then encouraged her to contact the landowner and talk with them.

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

AMENDMENT PASSED BY UNANIMOUS VOTE

Yes	4	No	0
Yes	Ecklund, Gillham, Morgan, Venuti		

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

MOTION AS AMENDED PASSED AS AMENDED BY UNANIMOUS VOTE

Yes		4	No	0
Yes		Ecklund, Gillham, Morgan, Venuti		

AGENDA ITEM E. NEW BUSINESS

ITEM 3 - Bluesky Subdivision 2021 Addition

KPB File No.	2021-107
Plat Committee Meeting:	August 23, 2021
Applicant / Owner:	Trimark Earth Reserve LLC of Anchor Point, Alaska
Surveyor:	Dmitri D. Kimbrell / Fineline Surveys, Inc.
General Location:	Anchor Point / Anchor Point APC
Parent Parcel No.:	169-320-04
Legal Description:	Tract C, Bluesky Plat HM 81-88
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On site

Staff report given by Julie Hindman.

Specific Request / Scope of Subdivision: The proposed plat will subdivide one tract into two lots. Lot 1 will be 4.796 acres and Lot 2 will be 14.882 acres. A 33 foot wide right of way is proposed to be dedicated atop a section line easement on the north boundary.

Legal Access (existing and proposed): The proposed subdivision is located off the Old Sterling Highway, a state maintained right of way.

A 66 foot wide section line easement affects the north end of the subdivision. A 83 foot section line easement, common with a 30 foot right of way named Deuce Avenue extends to the east. This plat proposes will provide a right of way dedication on the north 33 foot to coincide with the section line easement and provide a continuation of Deuce Avenue.

To the southeast is a 60 foot wide dedicated right of way named Van Seventer Avenue. Deuce Avenue and Van Seventer Avenue are under KPB jurisdiction but neither are constructed at this time.

An additional 30 foot right of way is located in the northwest corner named Skippy Street which provides access from the subdivision to the Old Sterling Highway. Skippy Street it is not maintained. Per KPB GIS Imagery, there appears to be a driveway constructed within Skippy Street that provides access to the structures within proposed Lot 1.

Due to the design of the Old Sterling Highway and the existing development the block is irregular and not closed. Deuce Avenue and section line easements, Old Sterling Highway, Van Seventer Avenue, and additional section line easements define the block. Staff does not recommend a continuation of Van Seventer Avenue as the existing dedication is 60 feet wide and any dedication by this plat will result in an offset right of way. The property to the south is 400 acres in size and owned by the Kenai Peninsula Borough. If the borough divides the property or if a continuation is needed it can be granted by the KPB.

KPB Roads Dept. comments	Within jurisdiction, no comments
SOA DOT comments	No comments

Site Investigation: There are low wet areas within the proposed subdivision. Kenai Watershed Forum wetland mapping shows that the entire subdivision is affected by ecosystems identified as wetland / upland complex or kettle. The preliminary plat depicts the approximate limits of the low wet area with a dotted line that shows both proposed lots will be affected. Plat note 4 addresses the need to contact the U.S. Army Corps of Engineers. The parent plat noted that a portion of the low wet areas was considered a lake. Aerial

imagery from 2016 appears to show standing water in that area. **Staff recommends** *If this is a year round waterbody indicate an approximate boundary and label.*

There appears to be several areas within the proposed subdivision with steep slopes. Areas include around the low wet areas and near the proposed dedication. Per KPB 20.30.090, it must be demonstrated that streets can be constructed in accordance with current borough road standards. Submittal of centerline profiles and cross-sections may be required to demonstrate compliant construction is feasible. **Staff recommendation** *depict any steep slopes greater than 20 percent and provide centerline profiles and cross-sections along the dedication to determine if additional easements are required.*

Floodplain Hazard Review	Not within flood hazard area. Portions of parcel are located within a D Zone, an Undetermined Flood Risk
Anadromous Waters Habitat Protection District Review	Is not within HPD, no comments
State Parks Review	No comments
ADF&G	No objections.

Staff Analysis An existing shop and house will be located on Lot 1 as this action will separate them from the remainder of the property. The parent lot was created by Bluesky, HM 81-88, which was a subdivision of aliquot lands. The western boundary contains a small jog on the line due to the existing improvements on Tract A-1.

Both lots will be greater than 200,000 square feet, a soils analysis report is not required, and an engineer will not need 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 beneficial interest holders affect the property.

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

Utility Easements The parent plat, Bluesky HM 81-88, granted a 10 foot utility easement along the eastern lot line. This is depicted and labeled correctly. The parent plat also granted a 10 foot utility easement on each side of the existing powerline. The overhead powerline is depicted as well as the 20 foot easement with a label. **Staff recommends** *the label be expanded to say 20 foot utility easement centered on existing powerline as granted by HM 81-88 or a plat note be referenced and added giving the details.*

The certificate to plat shows a blanket easement granted to Homer Electric Association by book 49 pages 269 and 270. **Staff recommends** *a plat note be added, "A right of way easement granted to Homer Electric Association, Inc., and its assigns and/or successors in interest, to construct, operate and maintain an electric transmission and/or telephone distribution line or system by instrument recorded on June 4, 1968 in Book 49 and Pages 269 and 270, HRD. The location is not defined."*

The plat will be granting 15 foot utility easements along dedicated right of ways. **Staff recommends** *reword plat note 2, "The front 15 feet adjoining dedicated right of ways and 20 feet within 5 feet of side lot lines is a utility easement. No permanent..." Depict utility easements if scale will allow without interfering with other required information.*

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

Utility provider review:

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

KPB department / agency review:

Addressing – Derek Haws	Affected Addresses: 36633 Old Sterling Highway (will remain with Lot 1). Existing street names are correct. New dedication street name is correct and approved.
Code Compliance – Eric Ogren	No comment.
Planner – Bryan Taylor	There are not any local option zoning district issues or material site issues associated with this subdivision.
Assessing – Matt Bruns	No concerns from Assessing Department.
Advisory Planning Commission	Comments not received when the staff report was prepared.

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

STAFF RECOMMENDATIONS**CORRECTIONS / EDITS**

Staff recommends the depiction of the 20 foot building setback from all dedicated right of ways if it does not interfere with the legibility of the plat as described in KPB 20.30.240.

KPB 20.25.070 - Form and contents required.

- A. Within the Title Block
1. Name of the subdivision which shall not be the same as an existing city, town, tract, or subdivision of land in the borough, of which a plat has been previously recorded, or so nearly the same as to mislead the public or cause confusion. 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 name of the subdivision, Bluesky and the plat number HM81-88. Verify the acreage and update accordingly.

- C. The location, width, and name of existing or platted streets and public ways, railroad rights-of-way, and other important features such as section lines or political subdivisions or municipal corporation boundaries abutting the subdivision;
- Staff recommendation:** Label the Deuce Avenue dedication to the east of the subdivision and provide a width label. Verify the section line easement, depict, and label the easement to the north of the subdivision. Update the label for Van Seventer to include "Avenue". Depict and label the Old Sterling Highway located northwesterly of this subdivision.

- D. A vicinity map, drawn to scale showing location of proposed subdivision, north arrow if different from plat orientation, township and range, section lines, roads, political boundaries, and prominent natural and manmade features, such as shorelines or streams;

Staff recommendation: Depict the shoreline and label Cook Inlet.

KPB 20.40 -- Wastewater Disposal

20.40.010 Wastewater disposal.

Platting Staff Comments: A soils analysis report will not be required as both lots are greater than 200,000.

Staff recommendation: Correct the existing note to remove "or nominal 5 acres", comply with 20.40.

KPB 20.60 – Final Plat

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

20.60.040. Dedication of public use lands. Any land shown on a plat as a street, public park or other public area must be dedicated on the final plat to a tax exempt governmental entity. If the governmental

entity is not the Kenai Peninsula Borough, the governmental entity shall be required to execute an acceptance of the dedication on the plat.

Staff recommendation: *An acceptance will be required to be signed by a Borough Official.*

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: *Try to have all bearings and distances face the same direction on the plat. Additional lot breakdowns will need distances and bearings. Comply with 20.60.110.*

20.60.180. Plat notes.

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

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

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

- *"No access to state maintained rights-of-way permitted unless approved by the State of Alaska Department of Transportation."*
- *Roads must meet the design and construction standards established by the borough in order to be considered for certification and inclusion in the road maintenance program (KPB 14.06).*
- *Add a note for any exceptions granted.*

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: *Provide a Certificate of Acceptance for KPB to accept the right of way that is being dedicated with this plat. Add "Member" behind Mr. Shaffer's name on his signature line. Comply with 20.60.190.*

EXCEPTIONS REQUESTED:

KPB 20.30.170 – Blocks-Length requirements

Surveyor's Discussion:

Staff Discussion: The block is not closed and exceeds allowable limits. Old Sterling Highway, Deuce Avenue, Van Seventer Avenue and section line easements, define the block.

Skippy Street is a north-south right of way dedication located at the northwest corner of this subdivision. Due to the location of improvements, both on proposed Lot 1 and neighboring Tract A-1, a continuation of that

right of way to improve the block is not practical.

If the exception is denied a dedication will be required. **Staff recommends** that if the exception is denied a 60 foot wide dedication be granted adjoining the eastern boundary to connect Deuce Avenue and Van Seventer Avenue and provide any additional road back slope easements that may be required based on steep terrain.

Findings:

1. The block is not closed due to Van Seventer Avenue not being continued.
2. A dedication of Van Seventer Avenue with this plat will result in an offset right of way.
3. Lot 1 will contain an existing shop and house.
4. Due to the location of the existing shop and the structures on the neighboring lot, a dedication along the western boundary is not practical and difficult to obtain a full dedication.
5. Wetlands are present along the middle and eastern portion of the subdivision.
6. The lot south of the subdivision is a 400 acre parcel owned by the Kenai Peninsula Borough.
7. The large lot owned by the Kenai Peninsula Borough can provide a 60 foot wide continuation of Van Seventer Avenue if ever subdivided or prior to sale.
8. East of the subdivision is Lot 2A and 2D. Both have structures located along the eastern portions of their lots as the western areas contain low wet areas.
9. The lots to the east are large enough to be subdivided but due to existing structure placement and low wet areas future right of way dedications are not anticipated.
10. A dedication from Deuce Avenue to Van Seventer Avenue will improve the block by splitting the current block.
11. The proposed subdivision will not be within a compliant closed block even if a dedication is required.
12. The block length from Deuce Avenue to Van Seventer Avenue if a dedication is required will be approximately 1,340 feet.

Staff reviewed the exception request and recommends granting approval.

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

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

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

1. That special circumstances or conditions affecting the property have been shown by application;
Findings 4-9 appear to support this standard.
2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title;
Findings 4-9 appear to support this standard.
3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.
Findings 4-9 appear to support this standard.

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

RECOMMENDATION:

SUBJECT TO EXCEPTION(S) GRANTED, STAFF RECOMMENDS:

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

NOTE: 20.25.120. - REVIEW AND APPEAL.

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

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

END OF STAFF REPORT

Chair Ecklund opened the meeting for public comment. Hearing no one wishing to comment, public comment was closed and discussion was opened among the committee.

MOTION: Commissioner Venuti moved seconded by Commissioner Morgan, to grant preliminary approval Bluesky Subdivision 2021 Addition based on staff recommendations and compliance with borough code.

AMENDMENT: Commissioner Venuti Moved, seconded by Commissioner Morgan to grant exception request to KPB 20.30.170-Block Length Requirements, citing findings 4-9 in support of standards one, two and three.

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

AMENDMENT PASSED BY UNANIMOUS VOTE

Yes	4	No	0
Yes	Ecklund, Gillham, Morgan, Venuti		

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

MOTION AS AMENDED PASSED AS AMENDED BY UNANIMOUS VOTE

Yes	4	No	0
Yes	Ecklund, Gillham, Morgan, Venuti		

AGENDA ITEM E. NEW BUSINESS

ITEM 4 - Green Forest Subdivision Carew Addition

KPB File No.	2021-106
Plat Committee Meeting:	August 23, 2021
Applicant / Owner:	Maria Helen and Robert J. Carew of Nikiski, Alaska
Surveyor:	Dmitri D. Kimbrell / Fineline Surveys, Inc
General Location:	Nikiski
Parent Parcel No.:	013-450-25, 013-450-26
Legal Description:	Lots 13 and 14, Green Forest Subdivision Plat KN 84-309
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On Site

Staff report given by Julie Hindman.

Specific Request / Scope of Subdivision: The proposed plat will combine two lots into one lot.

Legal Access (existing and proposed): The proposed subdivision is located on Pembroke Drive, a 60 foot right of way that is maintained by the Borough. Pembroke Drive intersects Koala Lane, a 60 foot right of way maintained by the Borough. Koala Lane is located off Halbouty Road, about 3,000 feet from the Halbouty Road intersection with Kenai Spur Highway. Halbouty Road and Kenai Spur Highway are both state maintained roads.

Additional access is available on the west boundary from Dudley Street by way of Wolding Avenue. Dudley Street is a 50 foot wide dedicated right of way that extends into the lake. Per KPB GIS imagery, Wolding Avenue and Dudley Street are not constructed.

The subdivision is located within a closed block. Wolding Avenue (and section line easements), Dudley Street, Koala Lane, and Pembroke Drive define the block. The block lengths do not comply with KPB Code. A freshwater pond is located on the southwestern portion of the subdivision. Due to the size of the northern lots, unless combined, receiving a matching dedication will be difficult. **Staff recommends the plat committee concur that an exception for block length is not required, as a dedication at this time would not improve the block.**

The parent plat, KN 84-309, granted a 20 foot pedestrian easement centered on the shared lot line between Lot 13 and Lot 12 and adjoining the south 20 feet of Lot 13. Lot 13 also has a 10 foot utility easement in conjunction with the pedestrian easement along the boundary line with Lot 12. **Staff recommends the pedestrian easement be labeled along the shared line along with the utility easement and add that the easements were granted by Plat 84-309. That may be done on the label or reference to a plat note with additional information.**

KPB Roads Dept. comments	Within jurisdiction, no comments
SOA DOT comments	No comments

Site Investigation: Per KPB GIS data, there appears to be some areas of slopes greater than 20 percent. Some of the slopes are near the lake while some other steeper areas appear about midway through the lot.

The property does contain a portion of a lake. On the plat, this lake is labeled as Georgine Lake. Georgine Lake is a larger lake located to the south/southeast. Staff did not find reference to a name for the lake. **Staff recommends the lake label be revised either to the correct lake name or to "Lake" if there is no documentation to support name.**

There appears to be some low wet areas around the lake. **Staff recommends the low wet areas be depicted on the plat and a note be placed "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."**

Floodplain Hazard Review	Not within flood hazard area. No regulatory mapped floodplain areas intersect this parcel.
Anadromous Waters Habitat Protection District Review	Is not within HPD, no comments.
State Parks Review	No comments

Staff Analysis The owners have constructed their house on the lot line. The proposed plat will remove this lot line so that it does not intersect the residence. Per KPB 20.60.200(A), a field survey is not required and plat note 5 states a field survey is not being performed. Staff requests the plat note be reworded to include the reference to code. **Staff recommends that the legend be corrected to remove reference to found monuments, all distances, bearings, and monuments be designated as record information or computed data, and unless monuments have been pulled, the existing monuments should be shown on the former lot line.**

A soils analysis report and signature from an engineer are not required. Per KPB 20.40.020, the parent subdivision was approved by DEC and they are vacating a lot line. **Staff recommends the wastewater**

disposal note be updated to read, "The parent subdivision for lots resulting from this platting action was approved by the Alaska Department of Environmental Conservation on November 1, 1984. Wastewater..."

A comment was received from Larry Stearns. He had no concerns with the proposed plat but wanted to note that the lake was incorrectly labeled as Georgine Lake.

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

The property is not within an advisory planning commission.

The plat is affected by private covenants and are reference in plat note 3. **Staff recommends** a plat be note added that states, 'The borough will not enforce private covenants, easements, or deed restrictions per KPB 20.60.170.'

Utility Easements The parent plat granted a 10 foot utility easement along the northern lot line of Lot 14 and the southern lot line of Lot 13. A 10 foot utility easement was also granted along the tangent portion of Pembroke Drive (originally named Sherwood Drive). Those easements of record are depicted. The easement along the southern lot line of Lot 13 is also a pedestrian easement. Per the parent plat, a utility easement was not granted along the bulb portion of Pembroke Drive. Per plat note 2, this plat will grant 10' utility easements adjoining all right of ways. **Staff recommends** the new easement be depicted along the bulb and revise the plat note identify the easement being granted by this plat.

An additional easement has been granted to HEA by recorded document. The approximate location is depicted with a reference to plat note 4. **Staff recommends** plat note 4 be revised to show it is Page 839 and was recorded on November 9, 1999.

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	Reviewed, no comments
ENSTAR	No Comments or recommendations.
ACS	
GCI	Approved as shown.

KPB department / agency review:

Addressing – Derek Haws	Affected Addresses: 51895 Pembroke Drive (will remain on Lot), 51875 Pembroke Drive (will be deleted). Existing street names listed are correct
Code Compliance – Eric Ogren	No comments
Planner – Bryan Taylor	There are not any Local Option Zoning District issues or material site issues associated with this plat.
Assessing – Matt Bruns	No comments.

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.

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: *Revise the lot numbers from lots 12 and 13 to lots 13 and 14. The certificate to plat shows Maria Helen Carew as owner. Correct the owner's name. Revise the spacing or layout of the title block as some of the text is on the plat borderline or outside the 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: *Depict and label Dudley Street a 50' ROW on the west boundary of lot 13A.*

- 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 large lakes in the area can be depicted and shown on the vicinity map.*

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

Staff recommendation: *Add Dudley Street a 50' right of way located to the west of the subdivision. Add lot and subdivision labels to the west of Dudley Street and to the south where adjoining this proposed subdivision. The lots to the east are labeled as if the preliminary plat recorded, verify that KPB 2021-010 has recorded and the lot numbers match before recording this plat.*

KPB 20.30 Design Requirements

Platting staff comments: *Staff reviewed the plat and all the items required by 20.30 were met, unless otherwise noted below:*

20.30.100. Cul-de-sacs.

A. Streets designed to have one end permanently closed shall be no more than 1000 feet long. The closed end of the cul-de-sac shall have a suitable turnaround with a minimum radius of 50 feet to the property line. The turnaround shall be constructible to a 4 percent grade or less.

B. Hammerhead or T -type turnarounds may be allowed on a case-by-case basis. Adequate turning radii, width and depth must be provided for road maintenance and emergency vehicle access. Plans must be reviewed with a recommendation by emergency service providers and the KPB Road Service Area Board prior to submittal for planning commission review.

- C. Temporary turnarounds and self-vacating turnarounds shall not be granted or reserved on plats.

Staff recommendation: *Dudley Street is dedicated through the lake. The lake creates a terminus to the right of way. As vehicular traffic cannot cross the lake a turnaround area is required to comply with code. An exception has been requested.*

20.30.120. Streets-Width requirements.

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

3. Half streets shall generally not be allowed except to provide the logical extension of a right-of-way where the remaining half street can reasonably be expected to be dedicated in the future.

4. When a design change required as a condition of preliminary approval results in a half right-of-way that was not shown on the original preliminary plat, adjoiners to the new half right-of-way will be sent a copy of the plat committee minutes and a sketch showing

the new half right-of-way and per KPB 2.40.080 can request a review of the plat committee decision by the full Planning Commission.

B. Additional right-of-way or easement width may be required to provide for the construction of side slopes or to otherwise accommodate right-of-way construction standards set forth in KPB Title 14.

Staff recommendation: *Dudley Street is only 50 feet wide and an additional 10 foot wide right of way dedication is required to comply with code. An exception has been requested.*

KPB 20.40 -- Wastewater Disposal

20.40.010 Wastewater disposal.

Platting Staff Comments: Revise the plat note as DEC approved and signed the parent plat. A soils analysis report is not required.

Staff recommendation: *comply with 20.40.*

KPB 20.60 – Final Plat

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

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

Staff recommendation: *Provide a bolder or thicker line for the subdivision boundary.*

20.60.180. Plat notes.

C. 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.

D. 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 or revise existing notes.*

- *The borough will not enforce private covenants, easements, or deed restrictions per KPB 20.60.170.*
- *Update plat note 5. "No field survey performed or monuments set as allowed per KPB 20.60.200(A)."*
- *Add a plat note for any exceptions granted.*
- *Plat note 2 should be revised "The front 10 feet adjoining dedicated right-of-ways and 20 feet within 5 feet of the side lot lines is a utility easement. No..."*
- *If not included on the face of the plat a reference to a plat note number may be added that states, "Plat KN 84-309 granted a pedestrian easement and utility easements as shown."*

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: *comply with 20.60.190. Move Maria Helen Carew's name under her signature line.*

EXCEPTIONS REQUESTED:

- A. KPB 20.30.100 – Cul-de-sacs**
KPB 20.30.120 – Streets-Width requirements

Surveyor's Discussion:

Staff Discussion: The subdivision to the west, Wolding's Tracts KN 72-6, dedicated Dudley Street as a 50 foot wide right of way. Dudley Street dedication continues south through the freshwater lake. Per KPB Code the right of way width requirement is 60 feet.

As the lake creates a dead end for vehicular traffic, KPB code requires a turnaround area.

If this exception request is denied, this platting action will be required to dedicate a 10 foot wide right of way on the west boundary and dedicate a turnaround area on the south end of Dudley Street before the intersection with the lake. The turnaround area could be a portion of a cul-de-sac bulb or a T-type turn around.

Findings:

1. Wolding's Tracts, Plat KN 72-6, dedicated a 50 foot wide right of way for Dudley Street.
2. The Planning Commission did not discuss or request additional dedication at the August 13, 1984 meeting when Green Forest Subdivision, Plat 84-309, was approved. (It was heard as Clausen Subdivision and required a name change.)
3. The lots to the south of the lake were created with Georgine Lake Subdivision Addition No. 3, KN 79-136.
4. Georgine Lake Subdivision Addition No. 3 was approved at the June 4, 1979 Plat Committee meeting with no discussion about additional right of way width. (Was reviewed as Georgine Lake Subdivision Addn. No. 2).
5. The final plat for Georgine Lake Subdivision Addition No. 3 was approved at the June 13, 1979 Plat Committee meeting with no discussion regarding additional right of way width.
6. Wolding's Tract No. 3, Plat KN 2013-11, was heard at the November 26, 2012 Plat Committee meeting and received an exception for minimum right of way width.
7. Dudley Street is dedicated through low wet areas and through a lake.
8. The northern portion of Dudley Street is the only dedicated access to Tract 3A1 of Wolding's Tract No. 3.
9. Tract 2A1 Wolding's Tract No. 3 and Tract 4A Wolding's Tracts No. 2, and Tract 3A1 are all under the same ownership.
10. The owner of Tract 3A1 has constructed access from the south through his other properties.
11. Tract 3A1 is 8.53 acres and could be further subdivided.
12. If Tract 2A1 is subdivided it can provide a right of way dedication on the north boundary that would intersect with Dudley Street.
13. Dudley Street is not improved at this time.

Staff reviewed the exception request and based on findings 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 2, 9-12 appear to support this standard.
2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title;
Findings 2, 9-12 appear to support this standard.
3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.

Findings 2, 9-12 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

Chair Ecklund opened the meeting for public comment. Hearing no one wishing to comment, public comment was closed and discussion was opened among the committee.

MOTION: Commissioner Gillham moved seconded by Commissioner Morgan, to grant preliminary approval Green Forest subdivision Carew Addition based on staff recommendations and compliance with borough code.

AMENDMENT: Commissioner Gillham moved, seconded by Commissioner Morgan to grant exception request to KPB 20.30.100 - Cul-de-sacs and KPB 20.30.120 – Street Width Requirements, citing findings 2 & 9-12 in support of standards one, two and three.

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

AMENDMENT PASSED BY UNANIMOUS VOTE

Yes	4	No	0
Yes	Ecklund, Gillham, Morgan, Venuti		

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

MOTION AS AMENDED PASSED AS AMENDED BY UNANIMOUS VOTE

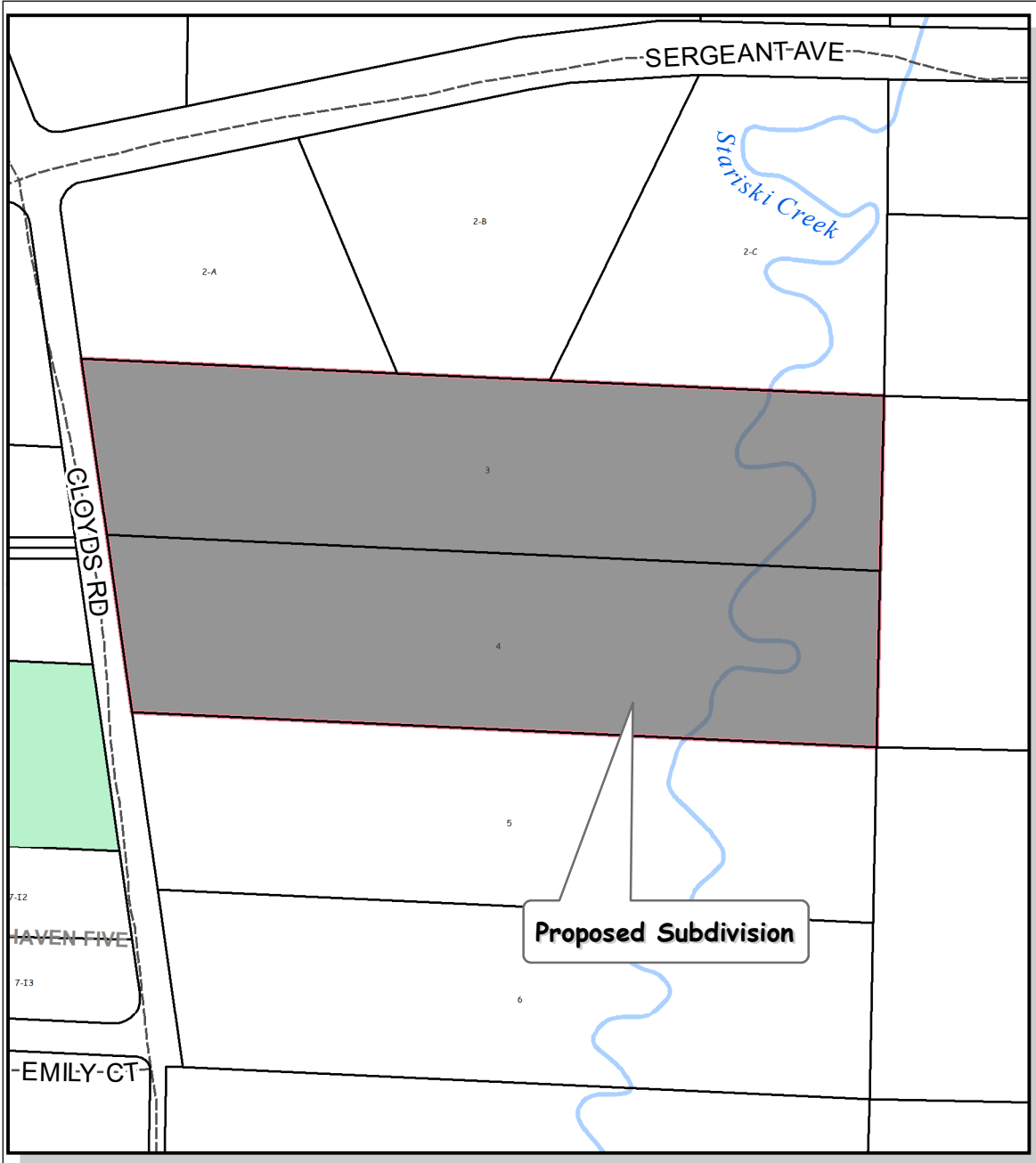
Yes	4	No	0
Yes	Ecklund, Gillham, Morgan, Venuti		

F. PUBLIC COMMENT – None

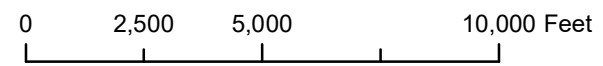
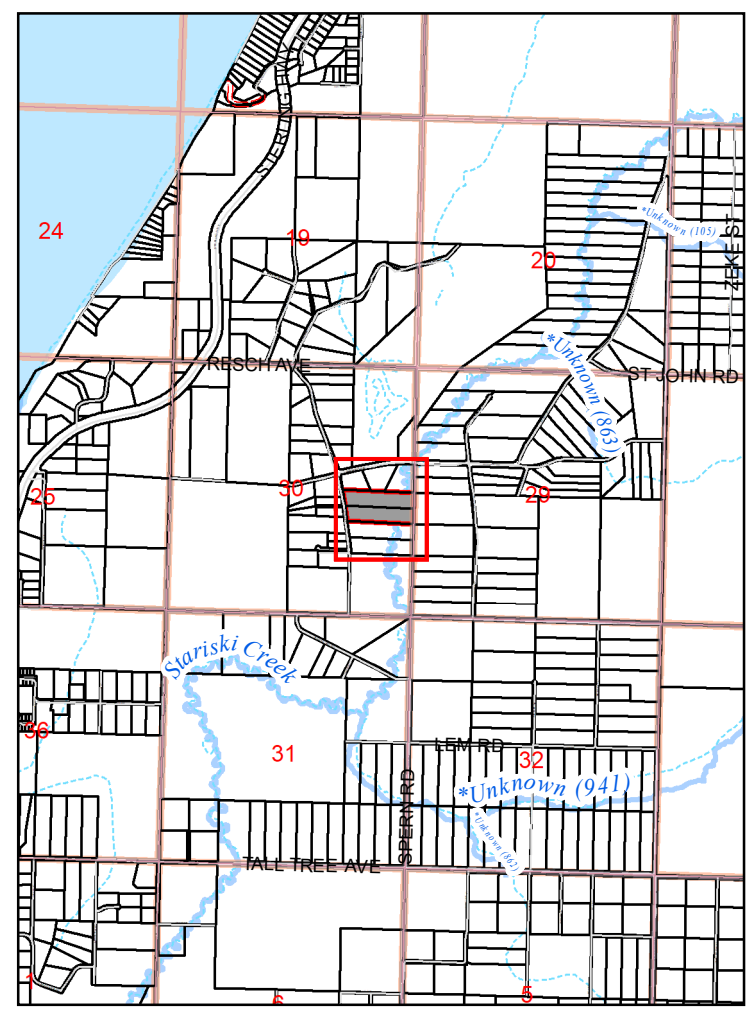
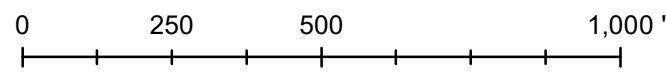
G. ADJOURNMENT

Commissioner Morgan moved to adjourn the meeting 7:14 P.M.

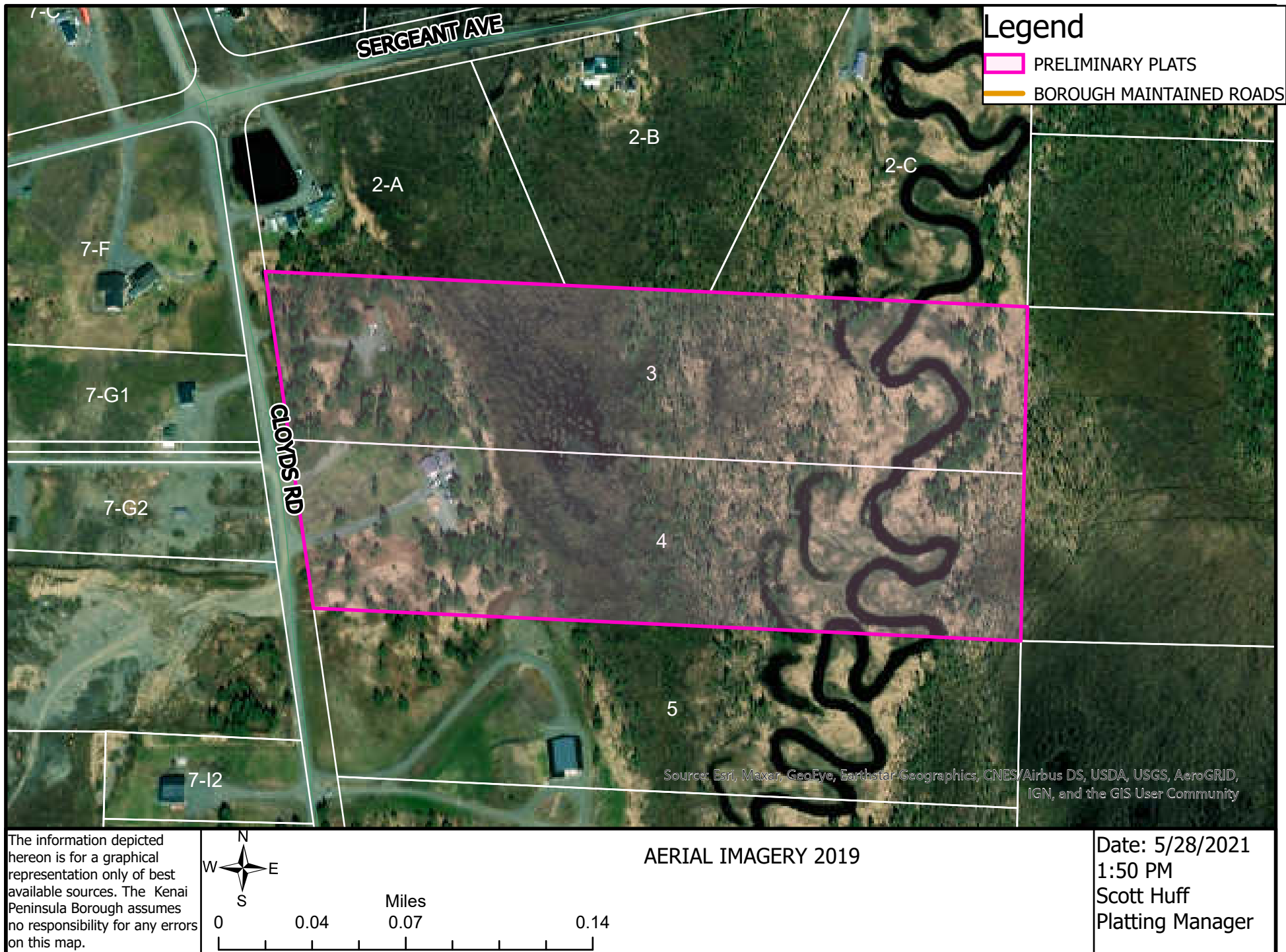
Ann E. Shirnberg
Administrative Assistant

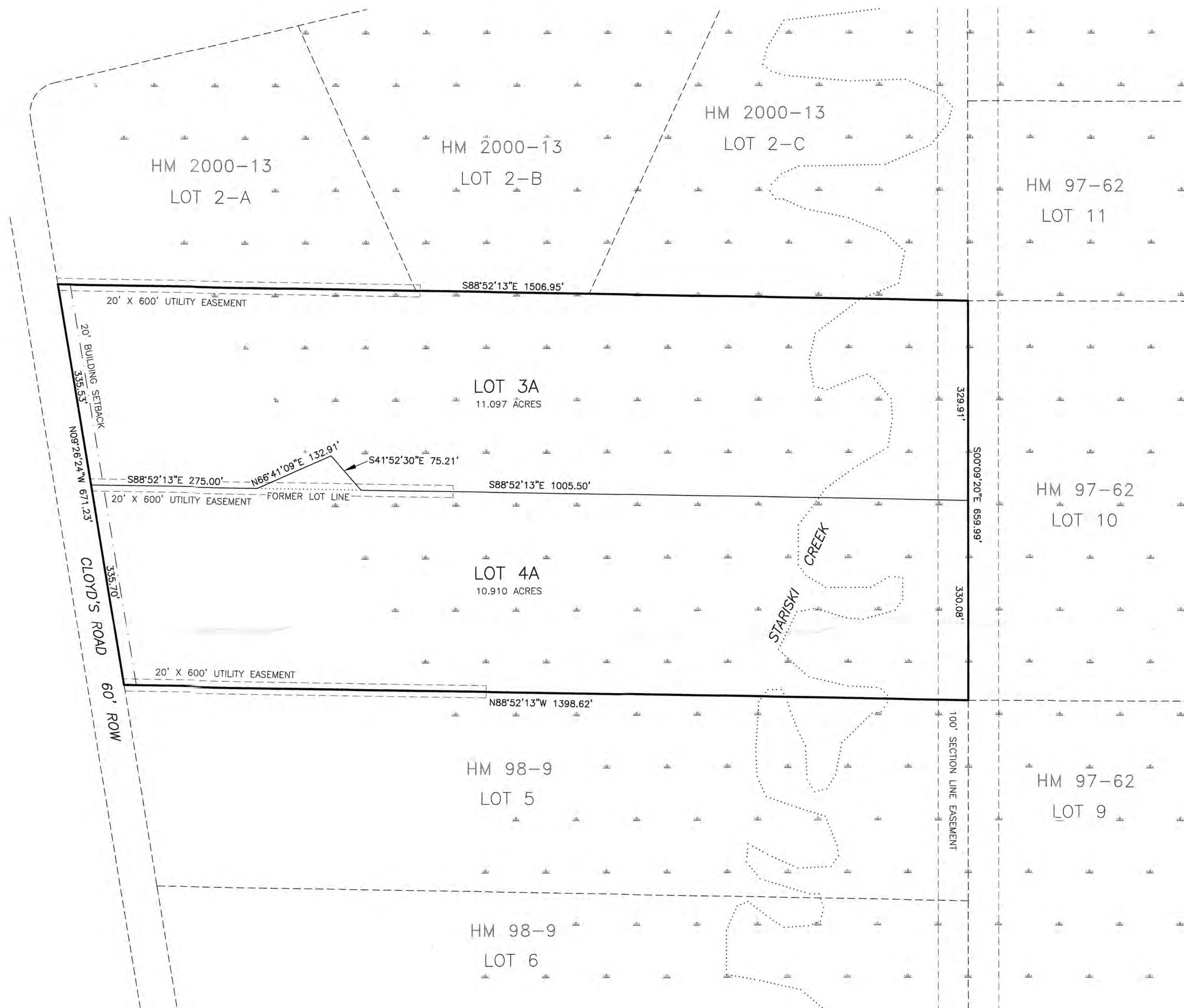
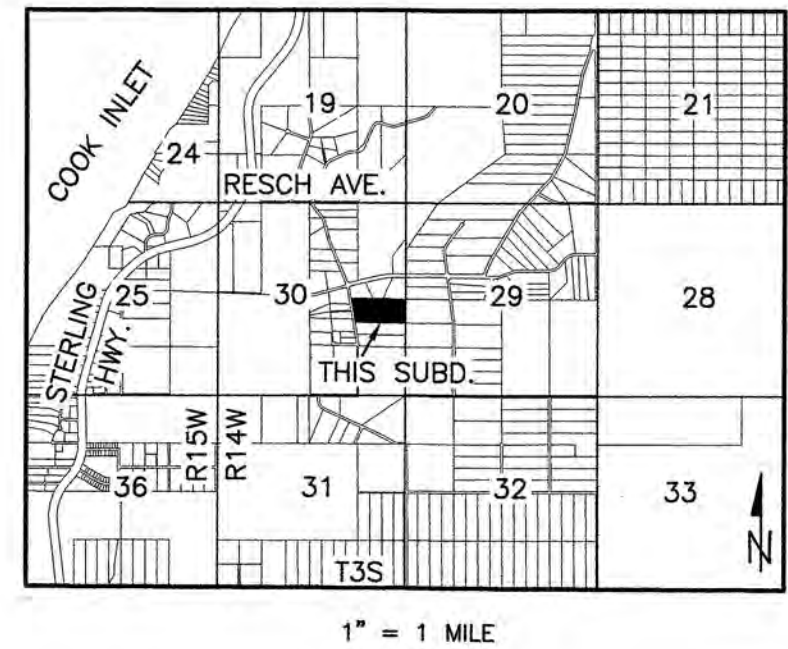
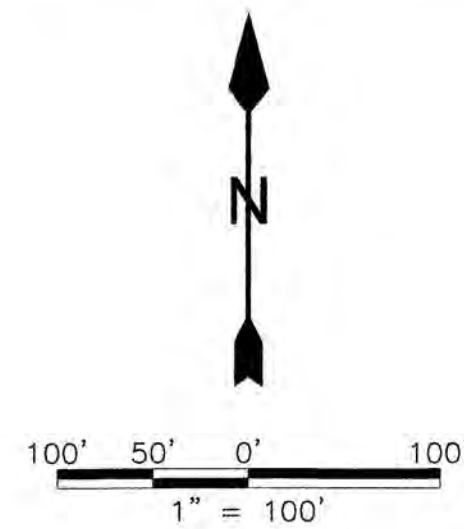


The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



KPB 2021-115
S30 T03S R14W
HAPPY VALLEY






NOTES

1. A BUILDING SETBACK OF 20' IS REQUIRED FROM ALL STREET RIGHTS-OF-WAY UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION. THE FRONT 10' OF THE BUILDING SETBACK AND THE ENTIRE SETBACK WITHIN 5' OF THE SIDE LOT LINES IS ALSO A UTILITY EASEMENT.
2. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
3. ANY PERSON DEVELOPING THE PROPERTY IS RESPONSIBLE FOR OBTAINING ALL REQUIRED LOCAL, STATE, AND FEDERAL PERMITS, INCLUDING A U.S. ARMY CORPS OF ENGINEERS WETLAND DETERMINATION IF APPLICABLE.

LEGEND

-  WETLANDS PER THE KENAI WATERSHED FORUM COOK INLET WETLANDS MAPPING

PLAT APPROVAL

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

KENAI PENINSULA BOROUGH

BY: _____

AUTHORIZED OFFICIAL



KPB 2021-115

CERTIFICATE OF OWNERSHIP AND DEDICATION

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND THAT WE HEREBY ADOPT THIS PLAN OF SUBDIVISION AND BY OUR FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND GRANT ALL EASEMENTS TO THE USE SHOWN.

DAVID ARTHUR TALBOT (LOT 3A) JESSICA LEIGH TALBOT (LOT 3A)
27125 CLOYDS RD, ANCHOR POINT, AK 99556 27125 CLOYDS RD, ANCHOR POINT, AK 99556

NOTARY ACKNOWLEDGMENT

FOR: DAVID ARTHUR TALBOT AND JESSICA LEIGH TALBOT
ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2021

NOTARY PUBLIC FOR ALASKA

MY COMMISSION EXPIRES: _____

CERTIFICATE OF OWNERSHIP AND DEDICATION

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND THAT WE HEREBY ADOPT THIS PLAN OF SUBDIVISION AND BY OUR FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND GRANT ALL EASEMENTS TO THE USE SHOWN.

BAXTER POE (LOT 4A) MEGAN TASHASH (LOT 4A)
27155 CLOYDS RD, ANCHOR POINT, AK 99556 27155 CLOYDS RD, ANCHOR POINT, AK 99556

NOTARY ACKNOWLEDGMENT

FOR: BAXTER POE AND MEGAN TASHASH
ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2021

NOTARY PUBLIC FOR ALASKA

MY COMMISSION EXPIRES: _____

WASTEWATER DISPOSAL

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

KPB FILE NUMBER:

PENINSULA SURVEYING, LLC 10535 KATRINA BOULEVARD NINILCHIK, AK 99639 (907)306-7065	
PLAT OF PIPER'S HAVEN UNIT 3 2021 REPLAT	
A SUBDIVISION OF LOTS 3 AND 4 PIPER'S HAVEN UNIT 3 HM 98-9 LOCATED WITHIN SE 1/4 SEC. 30, T.3S., R.14W., S.M. HOMER RECORDING DISTRICT, KENAI PENINSULA BOROUGH CONTAINING 22.007 ACRES	
OWNERS: DAVID ARTHUR TALBOT AND JESSICA LEIGH TALBOT 27125 CLOYDS RD, ANCHOR POINT, AK 99556 BAXTER POE AND MEGAN TASHASH 27155 CLOYDS RD, ANCHOR POINT, AK 99556	
SCALE: 1" = 100'	DATE: JULY 29, 2021
DRAWN: JLS	SHEET: 1 OF 1

AGENDA ITEM E. NEW BUSINESS

ITEM 1 – PIPER'S HAVEN UNIT 3 2021 REPLAT

KPB File No.	2021-115
Plat Committee Meeting:	September 13, 2021
Applicant / Owner:	David and Jessica Talbot, Baxter Poe and Megan Tashash, all of Anchor Point, Alaska
Surveyor:	Jason Schollenberg / Peninsula Surveying, LLC
General Location:	Happy Valley / Anchor Point APC

Parent Parcel No.:	159-201-03, 159-204-04
Legal Description:	Lots 3 and 4 Piper's Haven Unit 3, Plat HM 98-9
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On-Site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will adjust a lot line between two lots to accommodate a structure crossing the existing lot line. Proposed Lot 4A will increase from 10.8 acres to 10.9 acres. Proposed Lot 3A will reduce in size from 11.2 acres to 11.1 acres.

Location and Legal Access (existing and proposed): This subdivision is located in the Happy Valley area. Cloyds Road, a 60 foot wide right of way that is improved but not KPB maintained, fronts the western boundary. Cloyds Road is located off Resch Avenue, a partially dedicated right of way that is constructed but not maintained. Resch Avenue is located south of mile 147 of state maintained Sterling Highway.

Section line easements exist along the eastern boundary of the subdivision. The easements are depicted and are 50 feet wide for a full width of 100 feet. **Staff recommends the label be revised to depict that the entire width is 100 feet or show that there are two easements 50 feet wide on either side of the section line as this subdivision is only subject to 50 feet easements within its boundary.**

The block is closed but not compliant. An exception to block length has been requested.

KPB Roads Dept. comments	Within jurisdiction, no comments
SOA DOT comments	No comments.

Site Investigation: The plat contains Stariski Creek and the associated large areas of wetlands. Stariski Creek is an anadromous water and affected by a habitat protection district. Steep slopes appear to be present along the western edge of the wetlands. Stariski Creek and the associated wetlands are depicted on the plat. If the location of Stariski Creek is approximate it should be labeled as such. **Staff recommends steep slopes be depicted, the source data for the location of Stariski Creek be noted, and add the following plat notes**

- 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.
- 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.
- FLOOD HAZARD NOTICE: Some or all of the property shown on this plat has been designated by FEMA as a flood hazard area district as of the date this plat is recorded with the district recorder's office. Prior to development, the Kenai Peninsula Borough floodplain administrator should be contacted for current

information and regulations. Development must comply with Chapter 21.06 of the Kenai Peninsula Borough Code. Map Panel 02122C-1840E.

Floodplain Hazard Review	Is in flood hazard area. Flood Zone D. Map Panel: 02122C-1840E. In not within a floodway
Anadromous Waters Habitat Protection District Review	Is totally or partially within HPD.
State Parks Review	No comments.

Staff Analysis The lots within the preliminary plat were created by Piper's Haven Unit 3, Plat HM 98-9, a subdivision of aliquot lands. The proposed plat will adjust a lot line between lots 3 and 4. The plat will result in 0.11 acres (4,791 sq. ft.) being removed from the Lot 3 and added to Lot 4. Per the Certificate to Plat there was an as-built done on June 20, 2021 that depicted an encroachment onto Lot 3. A copy of the as-built was not provided. The adjustment of the common lot line will resolve the encroachment. Per the Certificate to Plat, the encroachment is also within the utility easement. A petition to vacate has not been submitted and this platting action will not correct the encroachment into the easement if it exists. **Staff recommends** if the utility easement is not vacated a plat note should be added, "Acceptance of this plat by the Kenai Peninsula Borough does not indicate acceptance of any encroachments."

The certificate to plat shows an easement for the watercourse known as Stariski Creek. **Staff recommends** the surveyor determine if an easement is in existence, if one is found it should be noted what type and depiction should be included on the plat. If the easement is not found, the surveyor should work with the title company to determine if it should show on the title report.

Both lots currently have structures in place and the lots are greater than 200,000 square feet. A soils analysis report was not prepared for the parent plat. The majority of the lots are wetlands but it does appear that the western portion of the lots contain more than 20,000 contiguous square feet for wastewater installation. **Staff recommends** the surveyor provide staff information regarding the usable area on the lots for wastewater disposal, and current systems and any replacement systems will meet all required separation distances.

A soils report will not be required unless the surveyor is unable to provide information as requested above. The plat note should include the wording as found in 20.40.030.

Notice of the proposed plat was mailed to the beneficial interest holders on August 12, 2021. The beneficial interest holder will be given 30 days from the date of the mailing of the notification to respond. They are given the opportunity to notify staff if their beneficial interest prohibits or restricts subdivision or requires their signature on the final plat. If no response is received within 30 days, staff will assume they have no requirements regarding the subdivision and it may be finalized.

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

Utility Easements The parent plat granted 10 foot utility easements and 20 feet within 5 feet of the side lot lines where adjoining the right of way. Those easements are being carried over and should be depicted on the plat. The plat note should also be updated to indicate the parent plat (HM 98-9) granted the easements.

The parent plat also granted utility easements that are 20 feet x 600 feet centered on the western side of the shared lot lines. The easements are depicted but should note the parent plat (HM 98-9) granted them and clarify that it is 10 feet on either side of the lot line. **Staff recommends** the easements of record be noted as granted by Plat HM 98-9.

Per the Certificate to Plat, there is an encroachment into the utility easement. A petition to vacate the utility easement has not been requested and the approval of this plat will not include an acceptance of the encroachment. **Staff**

recommends the owners/surveyor work with the utility providers to vacate the easement and grant any new easements required due to the inability to use the existing easement.

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

Utility provider review:

HEA	
ENSTAR	
ACS	
GCI	Approved as shown.

KPB department / agency review:

Addressing – Derek Haws	Affected Addresses: 27125 Cloyds Road (will remain with Lot 3A), 27155 Cloyds Road (will remain with Lot 4A) Existing street names listed are correct.
Code Compliance – Eric Ogren	Review was not available
Planner – Bryan Taylor	There are not any Local Option Zoning District or material site issues with this proposed plat.
Assessing – Matt Bruns	No concerns from Assessing Department
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.

- 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 update the owners' addresses to their mailing addresses.

- 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: Revised the label on the section line easement to make it obvious that it is two 50 foot easements.

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

Staff recommendation: Provide the depiction and labels for the lots to the west of Cloyds Road.

- 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 slopes appear to be present near the western edge of the depicted wetlands. Slopes should be depicted.*
- N. Apparent encroachments, with a statement indicating how the encroachments will be resolved prior to final plat approval;
Staff recommendation: *This platting action will correct an encroachment issue.*

KPB 20.40 -- Wastewater Disposal

20.40.010 Wastewater disposal.

Platting Staff Comments: A soils analysis report was not prepared for the parent plat due to the size of the lots. The lots will remain over 200,000 square feet. Add to the plat note the lots are at least 200,000 square feet.

Staff recommendation: *comply with 20.40.*

KPB 20.60 – Final Plat

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

20.60.180. Plat notes.

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

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

Staff recommendation:

Place the following notes on the plat.

- *Any person developing the property is responsible for obtaining all required local, state, and federal permits, including a U.S. Army Corps of Engineers wetland determination if applicable.*
- *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.*
- *FLOOD HAZARD NOTICE: Some or all of the property shown on this plat has been designated by FEMA as a flood hazard area district as of the date this plat is recorded with the district recorder's office. Prior to development, the Kenai Peninsula Borough floodplain administrator should be contacted for current information and regulations. Development must comply with Chapter 21.06 of the Kenai Peninsula Borough Code. Map Panel 02122C-1840E.*
- *Acceptance of this plat by the Kenai Peninsula Borough does not indicate acceptance of any encroachments.*
- *Add a plat note for any exceptions granted.*
- *Add to Wastewater Disposal note, "Lots which are at least 200,000 square feet in size may not be suitable for onsite wastewater treatment and disposal. Any wastewater treatment..."*

Add to plat note 1 that the utility easements were granted per HM 98-9.

EXCEPTIONS REQUESTED:

- A. KPB 20.30.190 – Lots-Dimension** 3:1 Average Depth to Width

Surveyor's Discussion: This plat makes a minor change along the lot line between lots 3 and 4. The depth to width ratio will not be changed significantly from the original plat (HM 98-9). The existing lots in the area have similar dimensions to lots 3 and 4. The west half of each lot is the only portion likely to be developed, due to swamp and Stariski Creek along the east side. The section line easement along the entire length of the east boundary is part of a low, swampy area that borders Stariski Creek. It's unlikely that a road could be constructed through this area.

Staff Discussion: The parent plat was completed in 1998 and created lots that do not comply with current 3:1 depth to width requirements. Per KPB 20.30.190, "the average depth shall be no greater than three times the average width." The ratio for Lot 3A is 4.4:1 and for Lot 4A is 4.3:1.

Denial of the exception would greatly affect this subdivision and limit the ability to correct the encroachment, as the length of the lots will make it difficult to create compliant lots without additional lots major changes to configuration or the dedication of a right of way.

Findings:

1. The parent plat was recorded in 1998.
2. The only change from the original configuration is adding 'jog' in the common lot line that will add 4,791 sq. ft. to Lot 4 from Lot 3.
3. The plat is to correct an encroachment issue.
4. The eastern portion of the lots contain Stariski Creek and the associated wetlands.
5. Code requirement is 3:1 depth to width ratio.
6. The lots will have a depth to width ratio of 4.4:1 and 4.3:1.
7. The useable area west of the wetlands comply with the 3:1.

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 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 2-4 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 2-4 appear to support this standard.

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

B. KPB 20.30.170 – Blocks-Length Requirements

Surveyor's Discussion: This plat makes a minor change along the lot line between lots 3 and 4. The depth to width ratio will not be changed significantly from the original plat (HM 98-9). The existing lots in the area have similar dimensions to lots 3 and 4. The west half of each lot is the only portion likely to be developed, due to swamp and Stariski Creek along the east side. The section line easement along the entire length of the east boundary is part of a low, swampy area that borders Stariski Creek. It's unlikely that a road could be constructed through this area.

Staff Discussion: The block is defined by Sergeant Avenue, Cloyds Road, Sonnichson Avenue, and section line easements on the south and east boundary. Stariski Creek affect the section line easements. Due to existing structures and development, a full 60 foot width dedication would be required on the south boundary as the ability to receive a matching 30 foot dedication from the lot to the south is limited and there are improvements on the parcel to the north.

Denial of the exception will require a 60 foot dedication along the southern boundary of the subdivision to provide a compliant north-south block length and a minimum 30 foot dedication along the eastern boundary of the subdivision to help improve the east-west block length.

Findings:

1. Parent plat was recorded in 1998.
2. The only change from the original configuration is adding 'jog' in the common lot line that will add 4,791 sq. ft. to Lot 4 from Lot 3.
3. The plat is to correct an encroachment issue.
4. The eastern portion of the lots contain Stariski Creek and the associated wetlands.
5. The block is defined by Sergeant Avenue, Cloyds Road, Sonnichson Avenue, and section line easements on the south and east boundary.
6. The north-south block length is approximately 3,300 feet in length.
7. The east-west block length is an average length of approximately 1,482 feet in length from Cloyds Road to the section line easement.
8. Approved right of way names will be required for any dedications required.
9. Sergeant Avenue crosses Stariski Creek.
10. Any improvement along the section line easement will require crossing Stariski Creek.
11. Stariski Creek is an anadromous water body.
12. Section line easements provide additional access to the lots in the area.
13. All lots within the block have access via dedicated right of ways.
14. The lots are long, narrow, and do not comply with 3:1 depth to width ratio.
15. The dedications will improve the block the subdivision is within but the block to the south will still be out of compliance.
16. The lots to the north of Lot 3 were subdivided in 2000 and did not require a dedication atop the section line easement.

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 2-4, 10-13, 16 appear to support this standard.

2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title;
Findings 2-4, 10-13, 16 appear to support this standard.
3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.
Findings 2-4, 10-13, 16 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.

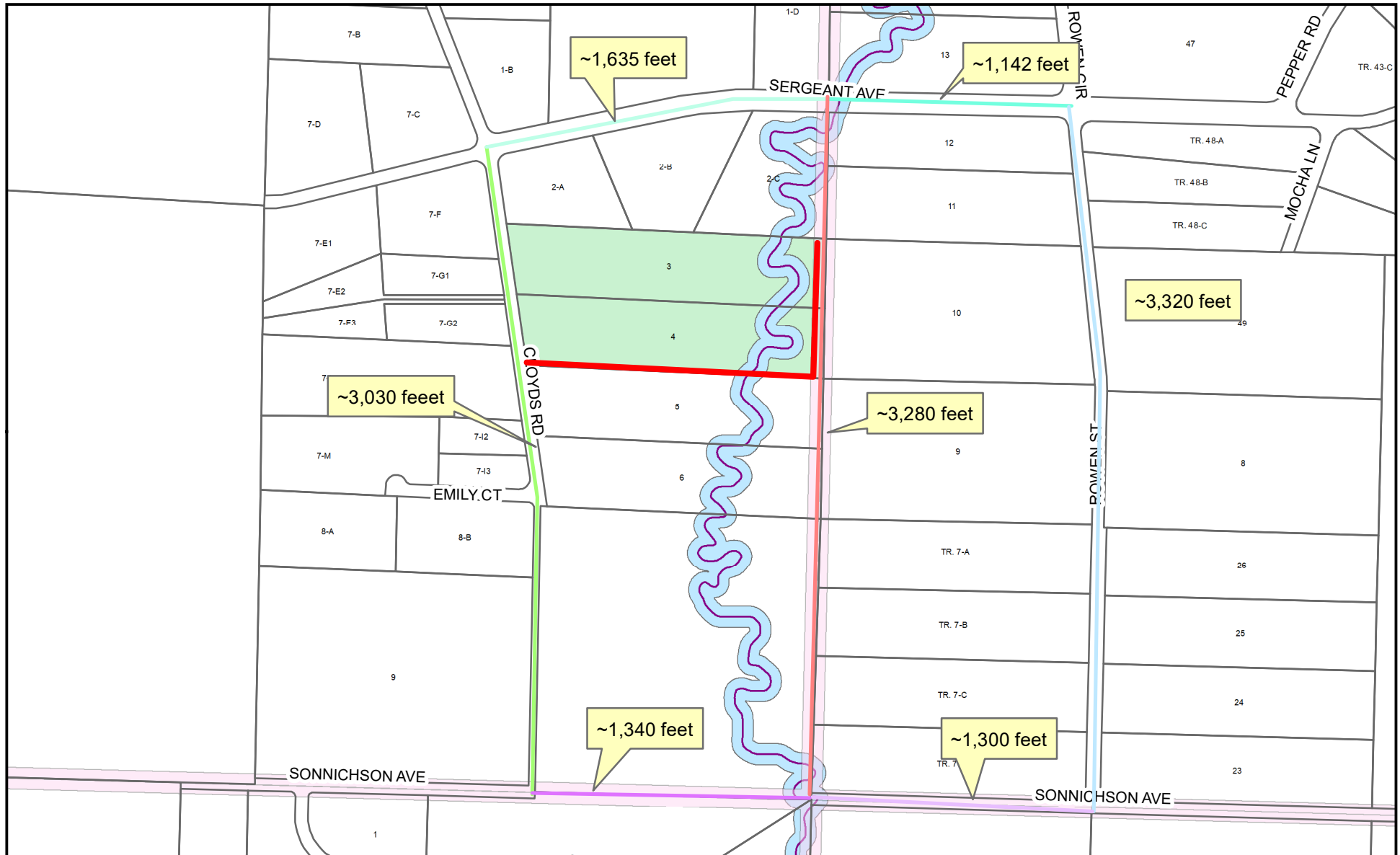
A DECISION OF THE PLANNING COMMISSION MAY BE APPEALED TO THE HEARING OFFICER BY A PARTY OF RECORD WITHIN 15 DAYS OF THE DATE OF NOTICE OF DECISION IN ACCORDANCE WITH KPB 21.20.250.

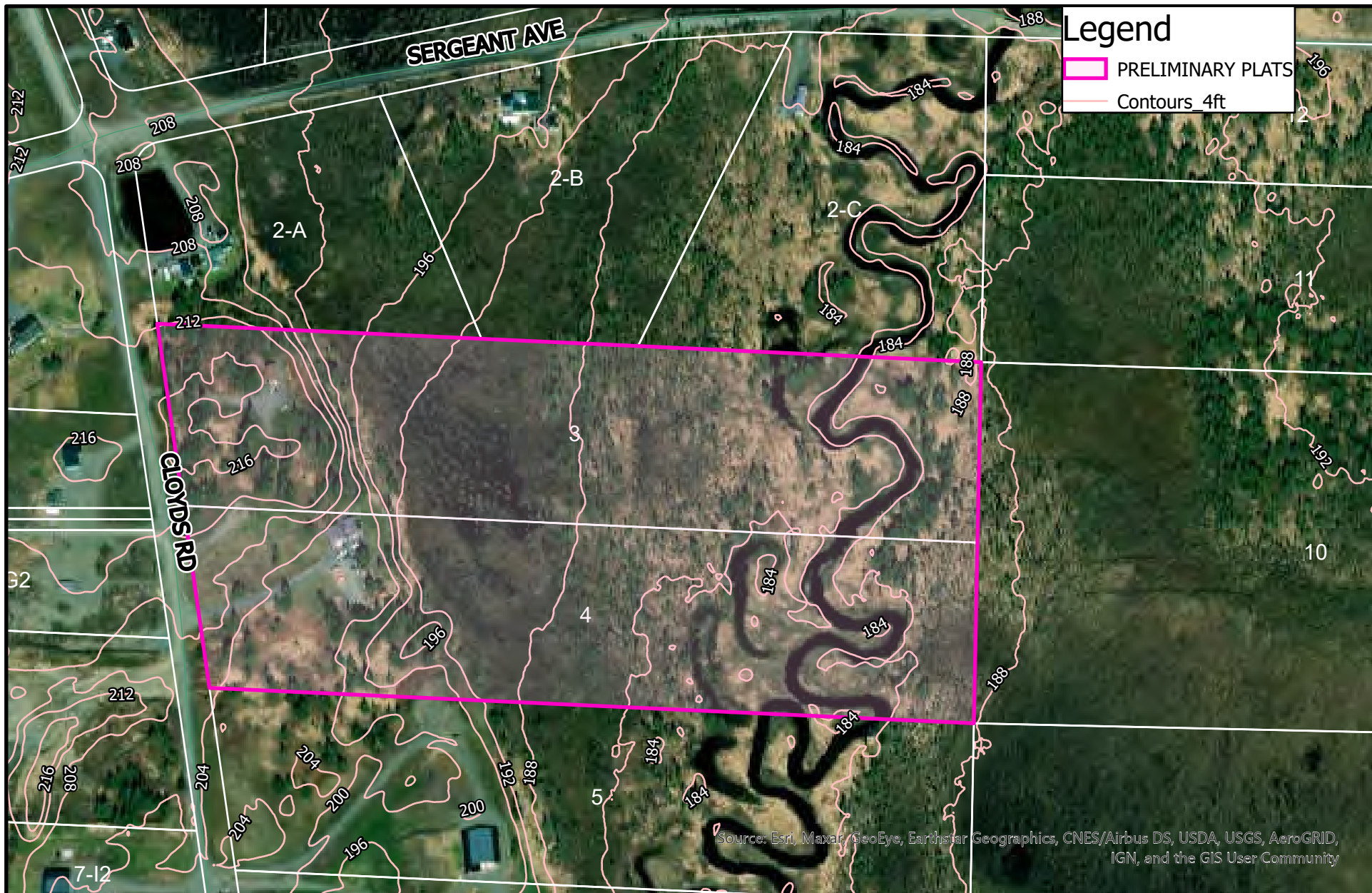
END OF STAFF REPORT



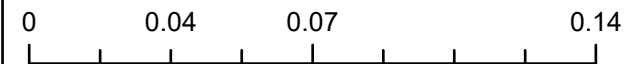
Piper's Haven Unit 3 2021 Replat
KPB File 2021-115

— Proposed location of right of ways if exception is denied



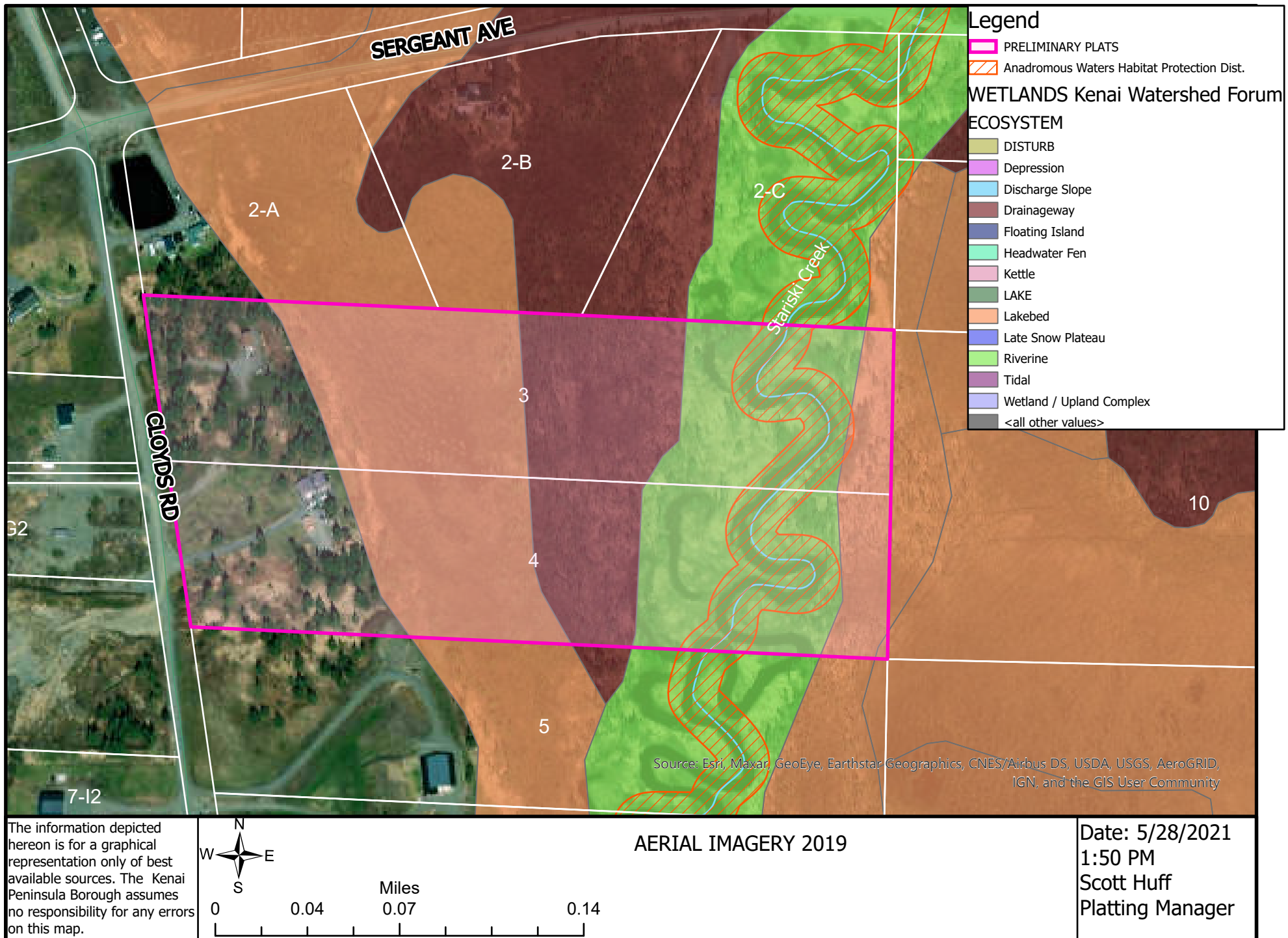


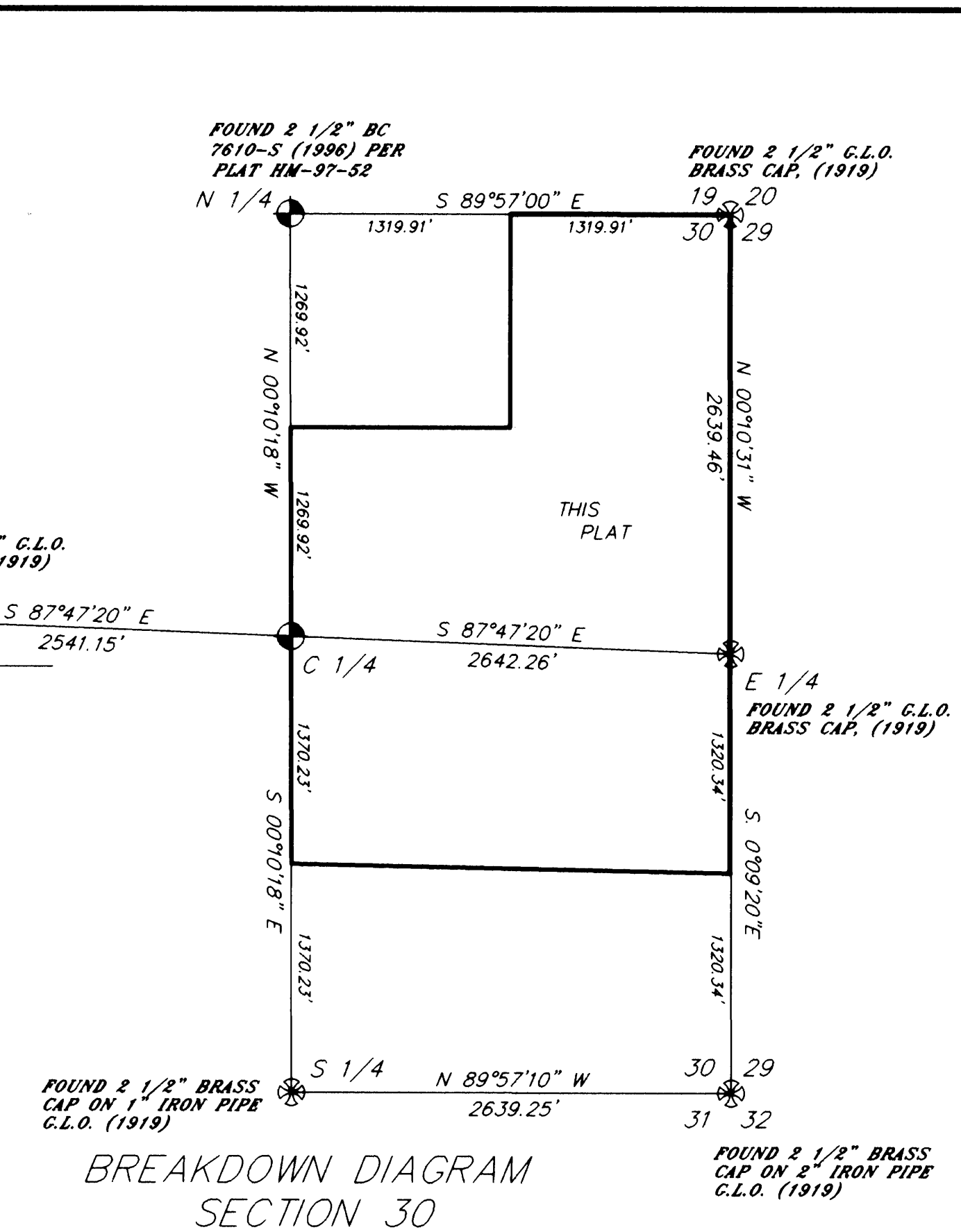
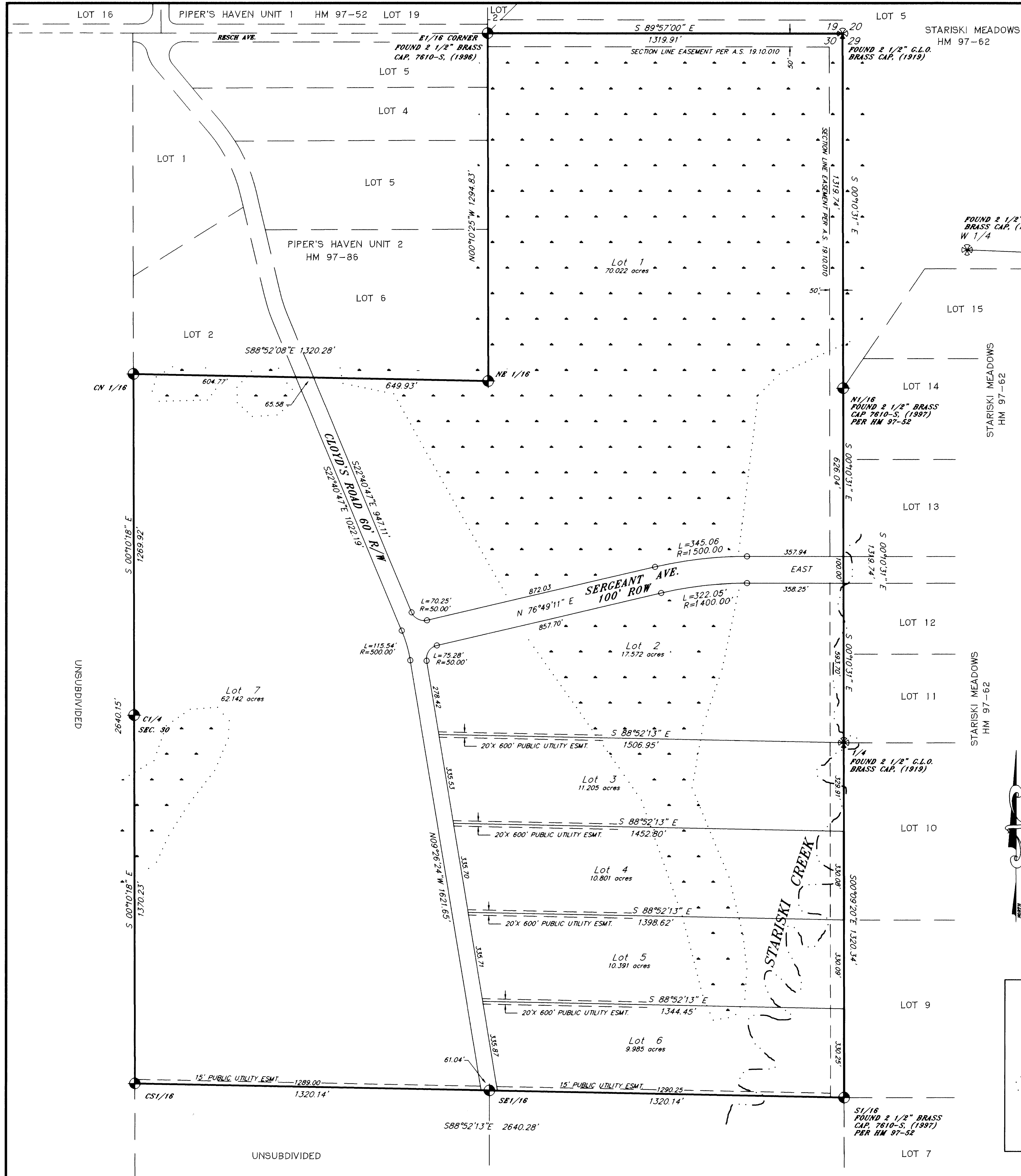
The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



AERIAL IMAGERY 2019

Date: 5/28/2021
1:50 PM
Scott Huff
Platting Manager





- NOTES**
1. A 20' BUILDING SET BACK SHALL EXIST ALONG ALL DEDICATED RIGHTS OF WAY UNLESS A LESSER STAND-ARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
 2. FRONT 10 FEET OF THE 20 FOOT BUILDING SETBACK AND THE ENTIRE SETBACK WITHIN 5 FEET OF THE SIDE LOT LINES IS A UTILITY EASEMENT.
 3. NO STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
 4. 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.
 5. THE BASIS OF BEARINGS IS N. 89°57'00" W. FROM THE E1/16 CORNER OF SECTIONS 19 AND 30 TO THE 1/4 CORNER OF SECTIONS 19 AND 30 PER PLAT OF PIPER'S HAVEN UNIT 1 (HM 97-52).
 6. LOCATION OF STARISKI CREEK AND LOW MARSHY AREA LIMITS IS APPROXIMATE ONLY, BEING DERIVED FROM UNRECTIFIED AERIAL PHOTOS.
 7. SET 2" ALUMINUM CAPS ON 5/8" REBAR AT ALL PROPERTY CORNERS, UNLESS NOTED OTHERWISE.
 8. FLOOD PLAINS OR AREAS SUBJECT TO INUNDATION HAVE NOT BEEN DETERMINED. LANDS ADJACENT TO STARISKI CREEK MAY BE SUBJECT TO INUNDATION.

LEGEND

- FOUND GLO 2 1/2" BC MON. (1919)
- SET 2 1/2" BC MON. ON 3/4" GALV. PIPE (OR AS NOTED)
- CURVE DIMENSION POINT
- LOW MARSHY AREA
- TYPICAL LINETYPE (DOT) FOR APPROXIMATE LIMIT OF LOW MARSHY AREA

CERTIFICATE OF OWNERSHIP AND DEDICATION

I HEREBY CERTIFY THAT OCEAN VIEW ENTERPRISES IS THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND THAT OCEAN VIEW ENTERPRISES DOES HEREBY ADOPT THIS PLAN OF SUBDIVISION AND BY IT'S FREE CONSENT DEDICATES ALL RIGHTS-OF WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANTS ALL EASEMENTS TO THE USE SHOWN.

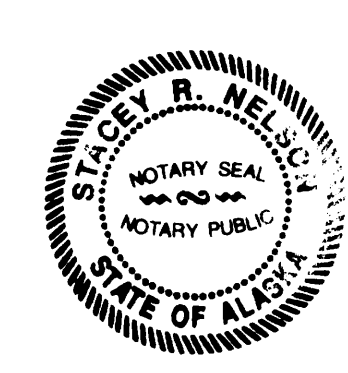
I FURTHER CERTIFY THAT THE DEEDS OF TRUST AFFECTING THIS PROPERTY DO NOT CONTAIN RESTRICTIONS WHICH WOULD PROHIBIT THIS REPLAT, OR REQUIRE SIGNATURE AND APPROVAL OF BENEFICIARIES.

C.E. Abeldgaard 2/6/98
C. E. ABELDGAARD, PRESIDENT
OCEAN VIEW ENTERPRISES INC.
455 STERLING HWY.
HOMER, AK. 99603

NOTARY'S ACKNOWLEDGMENT

FOR C.E. ABELDGAARD AS PRESIDENT, OCEAN VIEW ENT. INC.

Subscribed and sworn to before me this 6 day
OF February 1998
Shirley Nelson 8129101
Notary public for Alaska My Commission Expires



PLAT APPROVAL

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of 1/26/98.

KENAI PENINSULA BOROUGH

By Max J. Best
Authorized Official

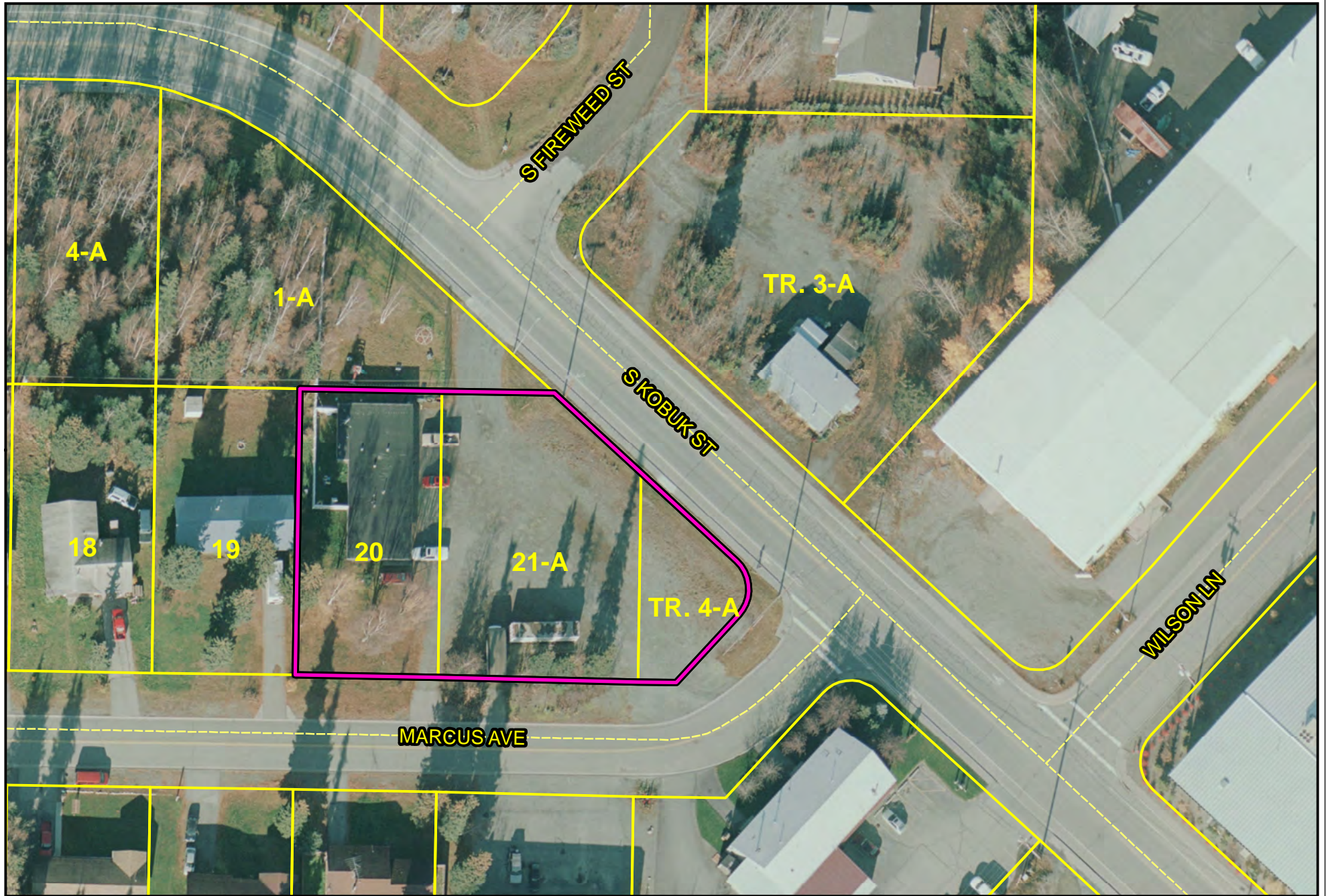
VICINITY MAP SCALE: 1" = 1 MILE

DATE: FEBRUARY 1998
SCALE: 1" = 200'
GRID No.: NINIL-62
DRAWING: 3006B
JOB No.: 3006

PIPERS HAVEN UNIT 3
A SUBDIVISION OF THE NE1/4 NE1/4 AND THE S1/2 NE1/4 AND THE N1/2 SE1/4 SECTION 30,
Twp. 3S, Rge. 14W, S.M., HOMER RECORDING DISTRICT,
KENAI PENINSULA BOROUGH, THIRD JUDICIAL DISTRICT,
STATE OF ALASKA
CONTAINING 199.671 ACRES

ABILITY SURVEYS
GARY NELSON, PLS
(907) 235-8440
184 CITYVIEW, HOMER ALASKA 99603

HM 98-9



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

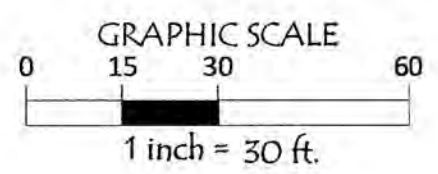
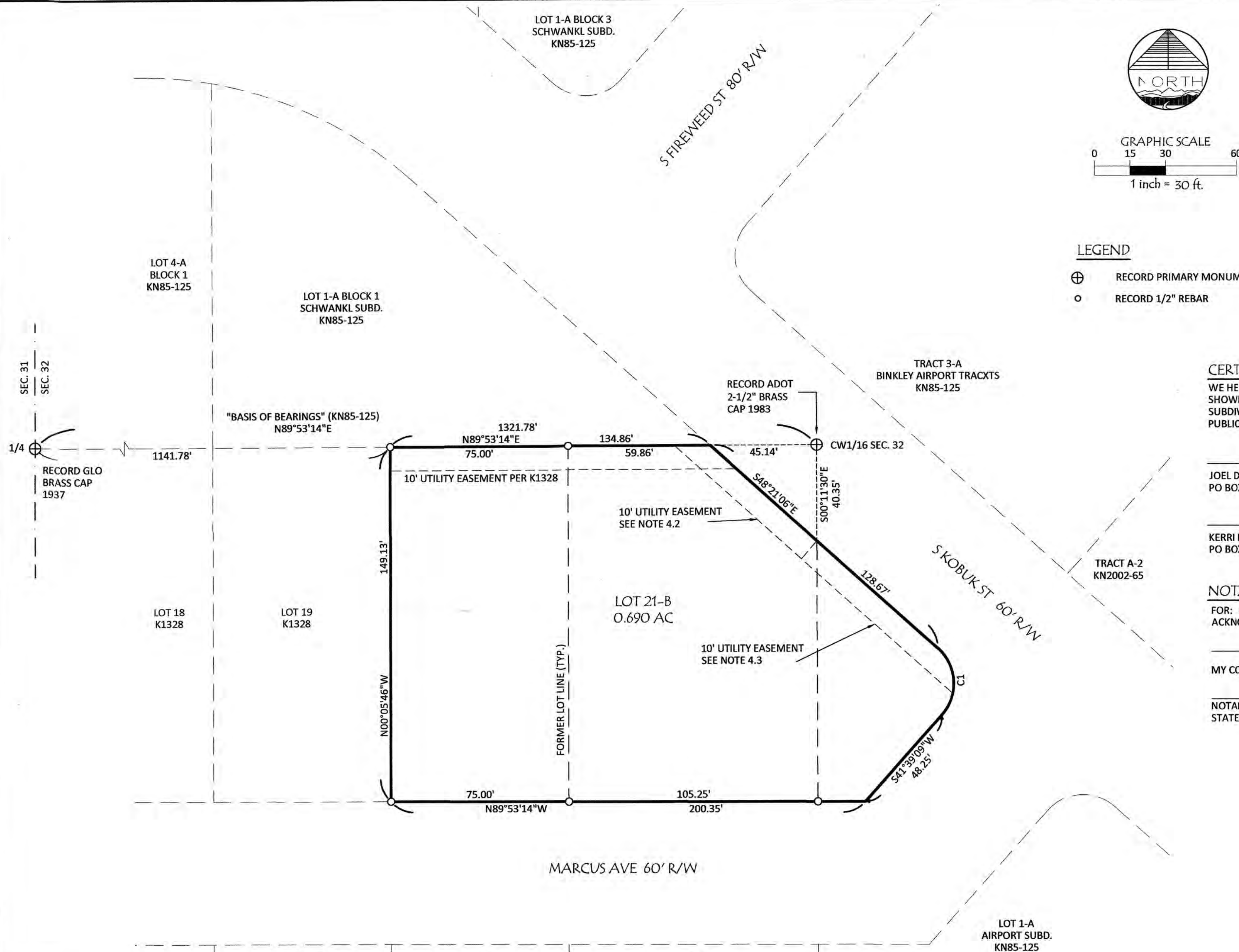
0 25 50 100'

Aerial View



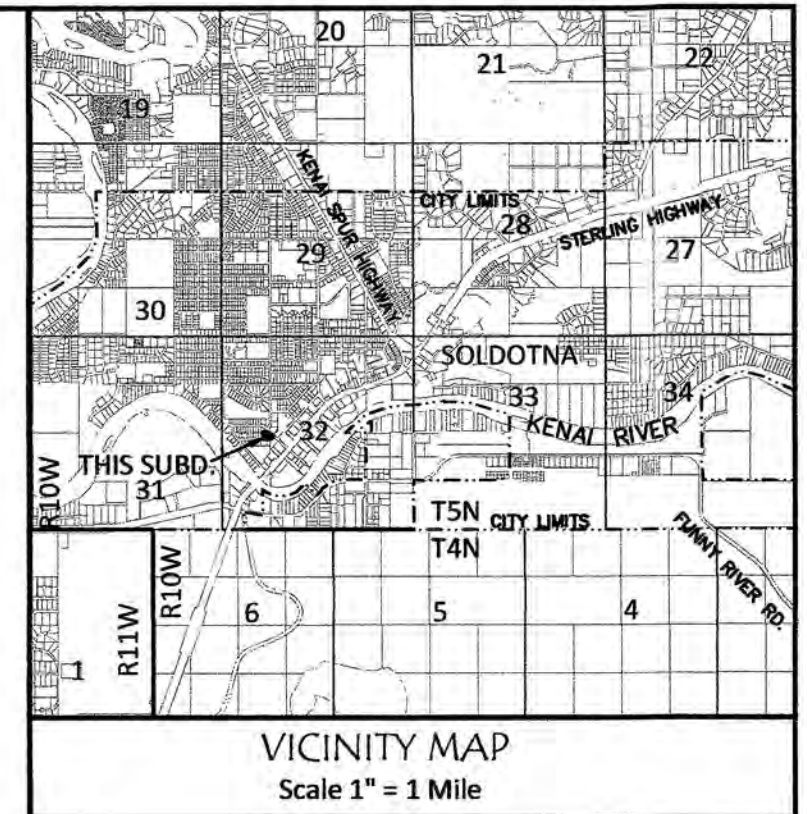
 PRELIMINARY PLAT

PClements, KPB 2021-114
Imagery Kenai River 2010



LEGEND

- ⊕ RECORD PRIMARY MONUMENT
- RECORD 1/2" REBAR



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.

JOEL DEAN NELSON, OWNER
PO BOX 4655, SOLDOTNA, AK 99669

KERRI LYNNE NELSON, OWNER
PO BOX 4655, SOLDOTNA, AK 99669

NOTARY'S ACKNOWLEDGEMENT

FOR: JOEL DEAN & KERRI LYNNE NELSON
ACKNOWLEDGED BEFORE ME THIS

____ DAY OF _____, 2021

MY COMMISSION EXPIRES : _____

NOTARY PUBLIC FOR THE
STATE OF ALASKA



Plat #	
Rec Dist	
Date	20__
Time	__ M

NOTES

1. DEVELOPMENT MUST MEET THE CITY OF SOLDOTNA TITLE 17 ZONING CODE REQUIREMENTS.
2. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
3. THIS PLAT WAS PREPARED FROM DATA OF RECORD, BODNAR SUBDIVISION (K1328) AND KOBUK STREET ROW & PARCEL REPLAT (KN85-125). NO ADDITIONAL FIELD SURVEY WAS PERFORMED THIS DATE.
4. THIS PARCEL MAY BE AFFECTED BY THE FOLLOWING:
 - 4.1. ELECTRIC EASEMENT GRANTED TO HOMER ELECTRIC ASSOCIATION ON MARCH 23, 1961 IN BOOK 6, PAGE 270, KRD, LOCATION NOT DEFINED.
 - 4.2. UTILITY EASEMENT GRANTED TO THE CITY OF SOLDOTNA RECORDED AUGUST 2, 1983 IN BOOK 214, PAGE 838 KRD.
 - 4.3. UTILITY EASEMENT GRANTED TO THE CITY OF SOLDOTNA RECORDED AUGUST 2, 1983 IN BOOK 214, PAGE 909 KRD.
 - 4.4. ACCESS EASEMENT AND SHARED PARKING AGREEMENT RECORDED OCTOBER 20, 2011 IN DOCUMENT 2011-010066-0 KRD.

WASTEWATER DISPOSAL

PLANS FOR WASTEWATER DISPOSAL THAT MEET REGULATORY REQUIREMENTS ARE ON FILE AT THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH IN ACCORDANCE WITH KPB 20.10.040.

AUTHORIZED OFFICIAL _____

KPB 2021-114

BODNAR SUBDIVISION 2021 REPLAT

REPLAT OF LOT 20 BODNAR SUBDIVISION (K1328) AND LOT 21-A & TRACT 4-A KOBUK STREET ROW & PARCEL REPLAT (KN85-125)

JOEL DEAN NELSON, OWNER
PO BOX 4655, SOLDOTNA, AK 99669

KERRI LYNNE NELSON, OWNER
PO BOX 4655, SOLDOTNA, AK 99669

0.690 AC. M/L SITUATED IN THE SW1/4 OF SECTION 32, TOWNSHIP 5 NORTH, RANGE 10 WEST, SEWARD MERIDIAN, KENAI PENINSULA BOROUGH, AND THE KENAI RECORDING DISTRICT, ALASKA.



ENGINEERING - TESTING
SURVEYING - MAPPING
P.O. BOX 468
SOLDOTNA, AK 99669
VOICE: (907) 283-4218
FAX: (907) 283-3265
WWW.MCLANECG.COM

KPB File No.	2021-xxx
Project No.	212030

Scale 1" = 30'

Date : JUNE 2021

Drawn by : JAH

AGENDA ITEM E. NEW BUSINESS

ITEM 2 – BODNAR SUBDIVISION 2021 REPLAT

KPB File No.	2021-114
Plat Committee Meeting:	September 13, 2021
Applicant / Owner:	Joel and Kerri Nelson of Soldotna, Alaska
Surveyor:	James Hall / McLane Consulting Inc
General Location:	City of Soldotna

Parent Parcel No.:	060-052-11, 060-052-12, 060-120-02
Legal Description:	Lot 20 Bodnar Subdivision (K1328), Lot 21A and Tract 4-A Kobuk Street ROW and Parcel Replat (KN 85-125), Section 32, Township 5 North, Range 10 West, S.M.
Assessing Use:	Commercial / Residential
Zoning:	Multi-Family Residential
Water / Wastewater	City of Soldotna

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will combine three lots into one parcel that will be 0.69 acres.

Location and Legal Access (existing and proposed): The subdivision is located at the corner of Marcus Avenue and S Kobuk Street within the City of Soldotna. Both right of ways are 60 foot wide dedications that have been constructed and are maintained by the City.

The subdivision is within a closed and compliant block.

KPB Roads Dept. comments	Outside of jurisdiction, no comments
SOA DOT comments	Not on the State road systems, no comment

Site Investigation: The proposed subdivision is within the City of Soldotna. The site is relatively flat and contains no low wet areas.

Floodplain Hazard Review	Within the City of Soldotna, no comments
Anadromous Waters Habitat Protection District Review	Is not within HPD, no comments
State Parks Review	No comments

Staff Analysis The preliminary plat will be combining three lots into one lot. The property was originally subdivided by Bodnar Subdivision, Plat K 1328, and was recorded in 1963. Plat K 1328 created Lot 20, 21, and what was referred to as American Legion property. In 1985 the Kobuk Street ROW and Parcel Replat (Plat KN 85-125) replatted Lot 21 with the American Legion property. The American Legion property was given the lot designation of Tract 4-A. Plat KN 85-125 also dedicated the radius return right of way at the intersections and a small portion of Marcus Avenue right of way from the American Legion property.

This plat was submitted to the Planning Department as an abbreviated plat (per KPB 20.10.040). During the staff review it was determined that the plat did not qualify as a right of way dedication, or an exception to KPB code, would be required in order to comply with 20.30.130. An exception has been requested.

The City of Soldotna Planning and Zoning Commission reviewed the preliminary plat at their August 4, 2021 regular meeting. There was discussion among their members regarding the zoning and uses for the lot. Currently the lots are used for education purposes. A school named The Study is located on the property. The need to combine the lots is to comply with City Municipal Code to allow a second structure. The City of Soldotna Planning and Zoning unanimously adopted Resolution PZ 2021-005 that recommends approval to the Kenai Peninsula Borough Planning Commission.

A soils report will not be required. Municipal water and sewer are available and according to the City Resolution, an installation agreement is not required.

Notice of the proposed plat was mailed to the beneficial interest holders on August 11, 2021. The beneficial interest holders will be given 30 days from the date of the mailing of the notification to respond. They are given the opportunity to notify staff if their beneficial interest prohibits or restricts subdivision or requires their signature on the final plat. If no response is received within 30 days, staff will assume they have no requirements regarding the subdivision and it may be finalized.

Utility Easements The parent plats did not grant any utility easements. Multiple easements have been recorded by document and are included in the notes found on the plat. Code requires the front 10 feet adjacent to right of ways be granted as a utility easement.

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

Utility provider review:

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

KPB department / agency review:

Addressing – Derek Haws	Affected Addresses: 220 Marcus Avenue and 212 Marcus Avenue (City of Soldotna will advise on affected addresses). Existing street names listed are correct.
Code Compliance – Eric Ogren	Code Compliance review not available
Planner – Bryan Taylor	Review not required, within the City of Soldotna
Assessing – Matt Bruns	No concerns from Assessing Department

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.

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

Staff recommendation:

- Provide a consistent manner in labels neighboring parcels. Some contain plat number while others contain the number and subdivision name.
- Lot 1-A, Block 1 of Schwankl Subd should be corrected to Kobuk Street ROW and Parcel Replat.

- Lot 1-A of Airport Subdivision should be corrected to include "Block 1" and correct Airport Subd to Kobuk Street ROW and Parcel Replat.
- Tract 3-A of Binkley Airport Tracts should be corrected to Kobuk Street ROW and Parcel Replat.

KPB 20.40 -- Wastewater Disposal

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.*

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

Staff recommendation: *If the exception is denied, an acceptance for the right of way dedication will be required to be signed by the City of Soldotna.*

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:

- *The curve data for C1 is required.*
- *The sub distances along the north and south boundary are not a requirement and may be removed.*
- *If the exception is granted a field survey is not required. The information shown on the western subdivision line is not depicted on either of the record plats. If this is a computed bearing and distance please note as such.*
- *Comply with 20.60.110.*

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: *Depict and label the 10 foot utility easement being granted by this plat adjoining Marcus Avenue. 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:

- *Add a plat note for any exceptions granted.*
- *Within note 4.4 include that the access agreement will be terminated with merger of title when the plat is recorded.*
- *The front 10 feet adjoining dedicated right of ways is granted as a utility easement.*

EXCEPTIONS REQUESTED:

KPB 20.30.130 – Streets-Curve Requirements

Staff Discussion: During the abbreviated review staff determined that the deflection angle of the property along Marcus Avenue is greater than 10 degrees. In order to comply a right of way curve dedication would be required to correct the alignment.

Surveyor's Findings:

1. City of Soldotna will not require the additional R/W.
2. Marcus Avenue is constructed and has a short tangent which is perpendicular to Kobuk Street. This allows for site visibility at the stop sign.
3. The R/W was dedicated as part of a red-dedication of R/W through the area shown on 'Kobuk Street ROW & Parcel Replat' KN 85-125

Staff Findings:

4. Utilities are in place.
5. The area of concern is not at an intersection.
6. The right of way width is 60 feet.
7. The right of way is constructed and been in use for many years.
8. The road is constructed with a slight curve.
9. The current right of way angle is greater than 10 degrees in deflection.

If the exception is denied a curved right of way dedication on the southeast portion along Marcus Avenue will be required. If denied the plat will also require a Certificate of Acceptance to be added to be signed by the City of Soldotna. Per KPB 20.30.200(A), a field survey is not required. If a dedication is required, a field survey will be required.

Staff reviewed the exception request and recommends granting approval.

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

Unless prohibited under this title, the commission (committee) may authorize exceptions to any of the requirements

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

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

1. That special circumstances or conditions affecting the property have been shown by application;
Findings 1-8 appear to support this standard.
2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title;
Findings 1-8 appear to support this standard.
3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.
Findings 1-8 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:

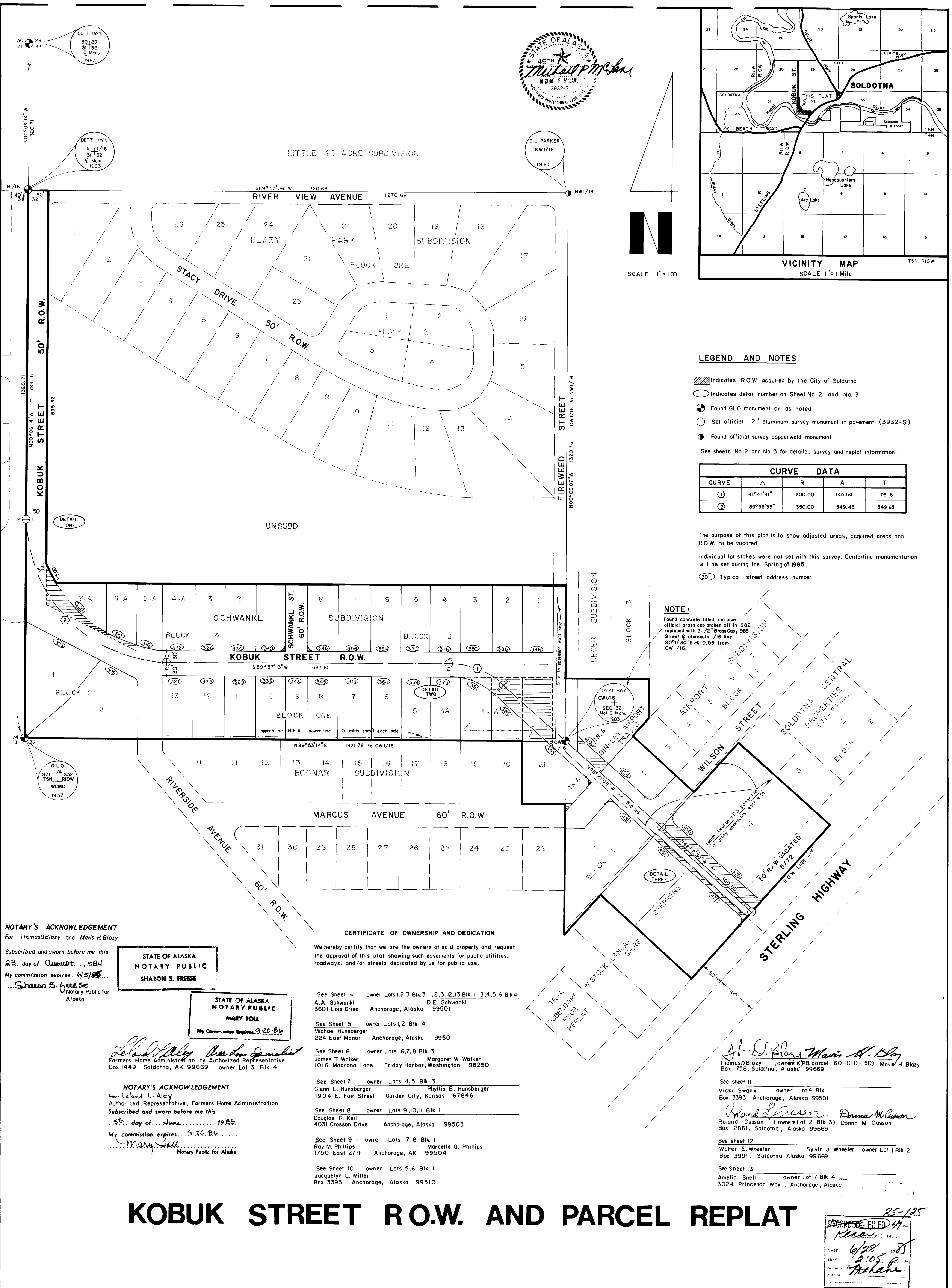
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- COMPLIANCE WITH KPB 20.25.070 (FORM AND CONTENTS), KPB 20.25.080 (PETITION REQUIRED), KPB 20.30 (DESIGN REQUIREMENTS); AND KPB 20.40 (WASTEWATER DISPOSAL), AND
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A DECISION OF THE PLANNING COMMISSION 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



KOBUK STREET R.O.W. AND PARCEL REPLAT

STATE OF ALASKA
NOTARY PUBLIC
SHARON S. FINESE

For Roland Cusson and Donna M. Cusson
Subscribed and sworn before me this
23. day of August, 1984.
My commission expires 6/5/84.
Sharon S. Finese
Notary Public for Alaska

PLAT APPROVAL

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of... November 29... 1982..

Kenai Peninsula Borough
By [Signature]
Authorized Official

KOBUK STREET R.O.W. & PARCEL REPLAT		
Prepared for:	City of Soldotna Box 409 Soldotna, AK 99669 ..	
Surveyed by:	McLANE & ASSOCIATES, INC. Box 468 Soldotna, AK 99669	
Location:	SW1/4 NW1/4, NW1/4 SW1/4, SE1/4 NW1/4, NE1/4 SW1/4 SEC. 32, T5N, R10W, S.M. AK, THE CITY OF SOLDOTNA AND THE KENAI PENINSULA BOROUGH.	
SHEET NO. 1 of 15 4 thru 15 signature only	SCALE 1" = 100'	BK. NO. 84-37 8 82 - 10



SCALE 1" = 50'

For Roland L. Cusson & DONNA M. CUSSON
Subscribed and sworn before me this
23rd day of August, 1984.
My commission expires 6/2/85
Sharon S. Greese
Notary Public for Alaska

For Thomas D. Blazy and Marvis H. Blazy
 Subscribed and sworn before me this
23 day of August, 1984.
 My commission expires 6/5/85
Sharon S. Greese
 Notary Public for Alaska

FOR: Donald J. and Sharon A. Moock

Subscribed and sworn before me this
5th day of June, 1985

My commission expires 9-20-86

(Mary-Jell)

Notary Public for the State of Alaska

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

See Sheet 4

Arthur A. (A.A.) Schwankl D.E. Schwankl
3601 Lois Drive Anchorage, AK 99501

See Sheet 13

Amelia Elizabeth Snell
3024 Princeton Way Anchorage, AK 99504

See Sheet 12

Walter and Sylvia J. Wheeler owner L 1 Blk 2
Box 3991 Soldotna, AK. 99669

Roland L. Cusson Donna M. Cusson
Roland L. Cusson Donna M. Cusson owner Lot 2 Blk 32
Box 2961 Soldotna, AK 99669

Thomas D. Blazy owner K.P.B. parcel 60-010-50
Box 758 Soldotna, AK 99669

Donald J. Moock Sharon A. Moock owners Lot I Blk. 2
295 Kobuk Soldotna, AK 99669

- ☒ Found G.L.O. brass cap monument or as noted.
- ☒ Set official aluminum survey monument (3932-S)
- ☒ Found copperweld survey monument
- ☒ Found 1" aluminum cap
- ☐ Indicates property corners, rods not set at this time
- ☐ Found iron pipe
- ☒ Found 1/2" rebar
- ☐ Found hub and tack

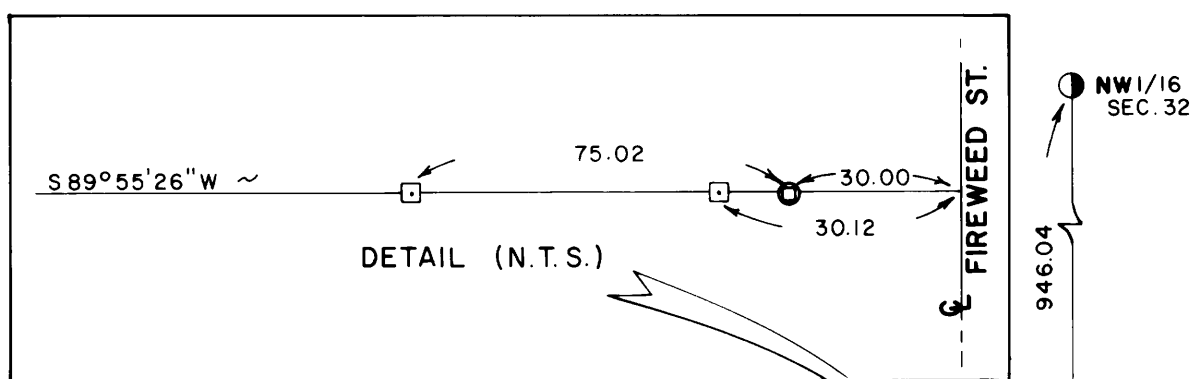
RECORDED - FILED - 47
Kearney REC. DIST.
DATE 6/28 1988
TIME 2:05 PM
ROUTED BY [Signature]
[Signature]

Prepared for: City of Soldotna
Box 409
Soldotna, AK 99669

Surveyed by: McLane & Associates, Inc.
Box 468
Soldotna, AK 99669

Location: SW1/4 NW1/4, NW1/4 SW1/4, SE1/4 NW1/4,
NE1/4 SW1/4 SEC. 32, T5N, R10W, S.M.
AK., THE CITY OF SOLDOTNA AND THE
KENAI PENINSULA BOROUGH.

CURVE DATA				
CURVE	Δ	R	A	T
①	41° 41' 41"	200.00	145.54	76.16

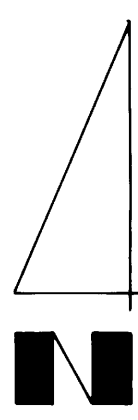


LEGEND

- Found G.L.O. brass cap monument or as noted.
- Set official aluminum survey monument (3932-S)
- Found copperweld survey monument
- Found 1" aluminum cap
- Indicates property corners; rods not set at this time
- Found iron pipe
- Found 1/2" rebar
- Found hub and tack
- Indicates R.O.W. vacated by the City of Soldotna

DETAIL TWO

SCALE 1" = 50'



CERTIFICATE OF OWNERSHIP AND DEDICATION

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

See Sheet 4
A. A. Schwankl owner Lot 2-A
3601 Lois Drive Anchorage, AK 99501

See Sheet 11
Vicki Swank
Box 339 Anchorage, AK 99510

John P. McClain
John McClain owner Lot 21-A
Box 436 Soldotna, AK 99669

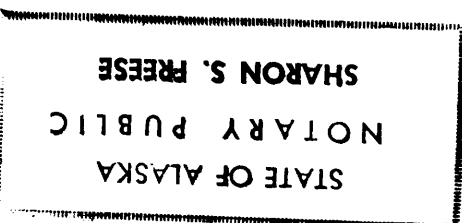
Michael Charles Hatten
Michael Charles Hatten owner Tr. 3-A
Box 3976 Soldotna, AK 99669

Richard W. Hatten
American Legion Post #10
Box 57 Soldotna, AK 99669

See Below
John C. Ingram owner Tract 3-A
Dorothy J. Ingram

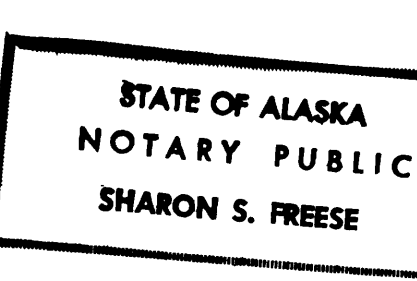
NOTARY'S ACKNOWLEDGEMENT FOR JOHN MCCLAIN

Subscribed and sworn before me this
28th day of September, 1984.
My commission expires 6/5/85.
Sharon S. Freese
Notary Public for Alaska



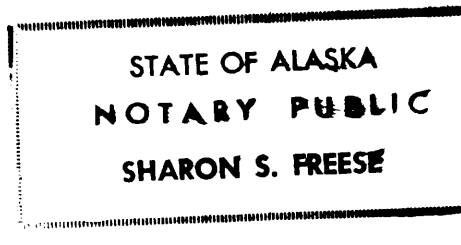
NOTARY'S ACKNOWLEDGEMENT FOR AMERICAN LEGION POST #10

Subscribed and sworn before me this
9th day of August, 1984.
My commission expires 6/5/85.
Sharon S. Freese
Notary Public for Alaska



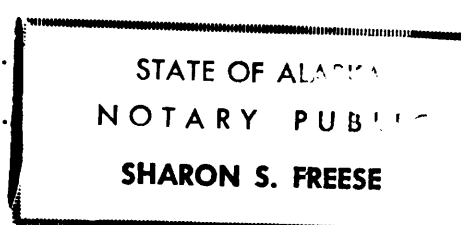
NOTARY'S ACKNOWLEDGEMENT FOR MICHAEL CHARLES HATTEN

Subscribed and sworn before me this
14th day of September, 1984.
My commission expires 6/5/85.
Sharon S. Freese
Notary Public for Alaska



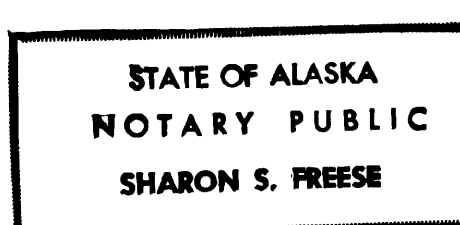
NOTARY'S ACKNOWLEDGEMENT FOR: RONALD H. & JANET K. MOORE

Subscribed and sworn before me this
23rd day of August, 1984.
My commission expires 6/5/85.
Sharon S. Freese
Notary Public for the State of Alaska



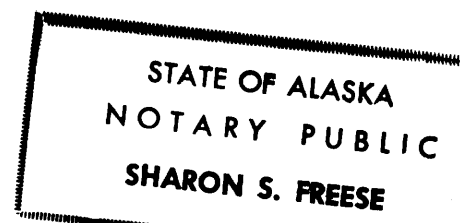
NOTARY'S ACKNOWLEDGEMENT FOR SOLDOTNA LIONS CLUB

Subscribed and sworn before me this
5th day of January, 1984.
My commission expires 6/5/85.
Sharon S. Freese
Notary Public for Alaska



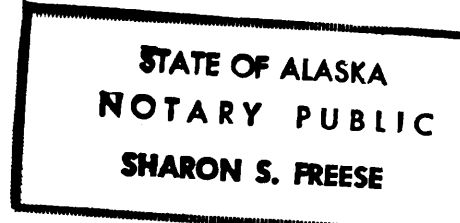
NOTARY'S ACKNOWLEDGEMENT FOR: JOSEPH F. & FRANCES G. SANGSTER

Subscribed and sworn before me this
23rd day of August, 1984.
My commission expires 6/5/85.
Sharon S. Freese
Notary Public for the State of Alaska



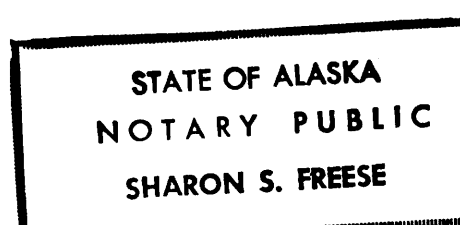
NOTARY'S ACKNOWLEDGEMENT FOR JOHN C. INGRAM & DOROTHY INGRAM

Subscribed and sworn before me this
14th day of March, 1984.
My commission expires 6/5/85.
Sharon S. Freese
Notary Public for Alaska



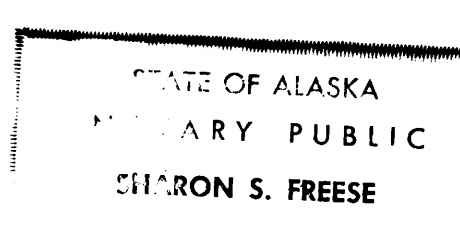
NOTARY'S ACKNOWLEDGEMENT FOR DONOVAN L. STEPHENS & IRENE STEPHENS

Subscribed and sworn before me this
2nd day of May, 1984.
My commission expires 6/5/85.
Sharon S. Freese
Notary Public for Alaska



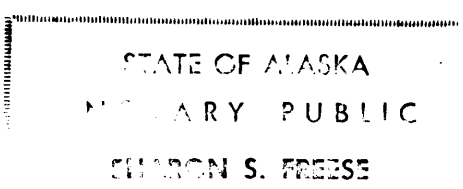
NOTARY'S ACKNOWLEDGEMENT FOR: GEORGE F. GARNETT

Subscribed and sworn before me this
23rd day of August, 1984.
My commission expires 6/5/85.
Sharon S. Freese
Notary Public for Alaska



NOTARY'S ACKNOWLEDGEMENT FOR: ROY E. BENWARD

Subscribed and sworn before me this
23rd day of August, 1984.
My commission expires 6/5/85.
Sharon S. Freese
Notary Public for the State of Alaska



KOBUK STREET R.O.W. & PARCEL REPLAT

Prepared for: City of Soldotna
Box 409
Soldotna, AK 99669

Surveyed by: McLane & Associates, Inc.
Box 468
Soldotna, AK 99669

Location: SW1/4 NW1/4, NW1/4 SW1/4, SE1/4 NW1/4,
NE1/4 SW1/4 SEC. 32, T5N, R10W, S.M.
AK, THE CITY OF SOLDOTNA AND THE
KENAI PENINSULA BOROUGH.

SHEET NO. 3 of 15
4 thru 15 signature only

SCALE: AS NOTED

BK NO. 84-37
8 82-10

DETAIL THREE

SCALE 1" = 100'

CERTIFICATE OF OWNERSHIP AND DEDICATION

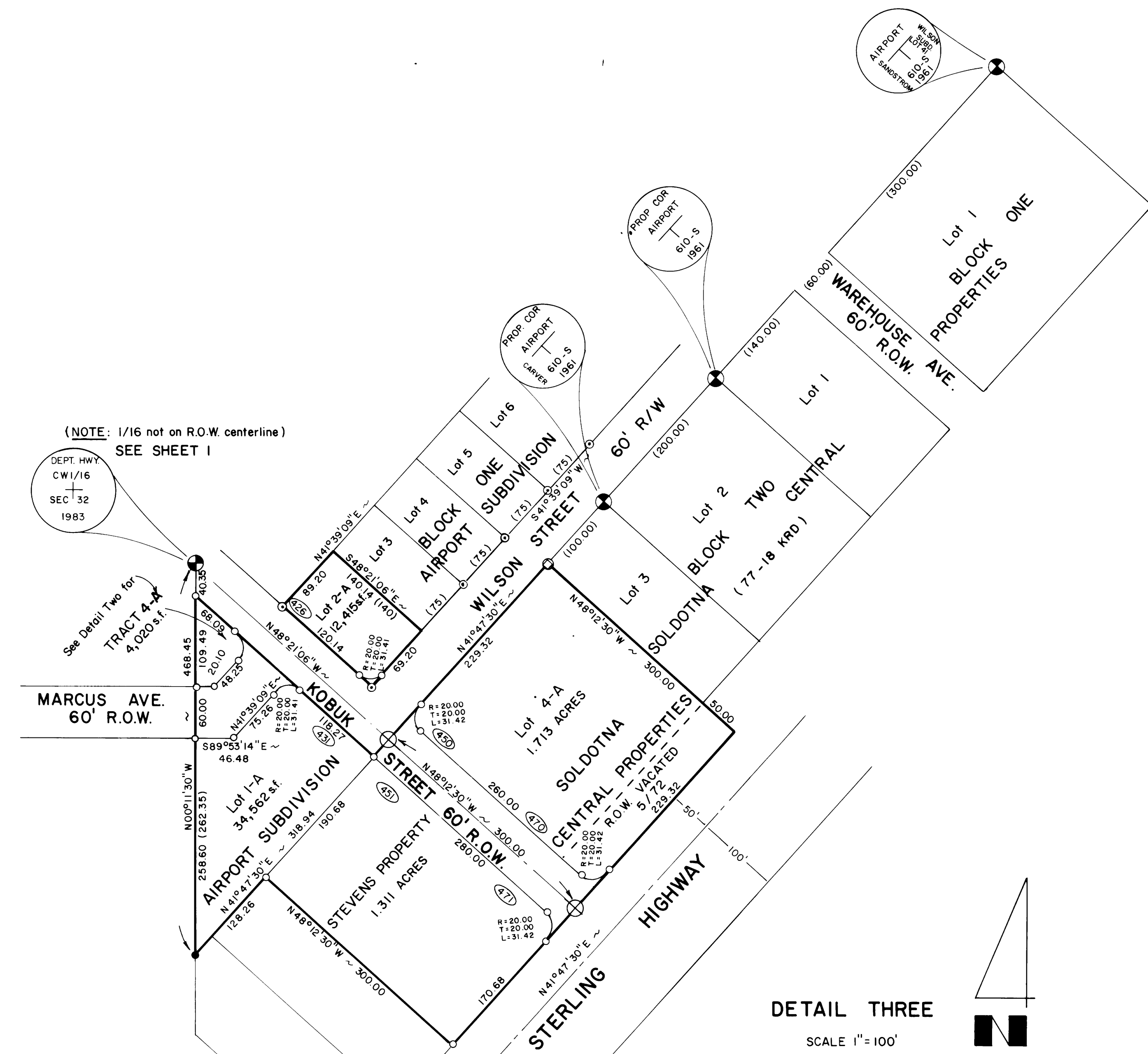
We hereby certify that we are the owners of said property and request the approval of this plat showing such easements for public utilities, roadways, and/or streets dedicated by us for public use.

Donald H. Moore
Soldotna Lions Club owner Lot 1-A
Box 1823 Soldotna, AK 99669

See Sheet 14
Irving J. Levine owner Lot 2-A
Box 1969 Bellevue, WA 98009

John C. Ingram
John C. Ingram owner Lot 4-A, Tr. 3-A
Box 377 Soldotna, AK 99669

Donovan L. Stephens
Donovan L. Stephens
Box 328 Soldotna, AK 99669

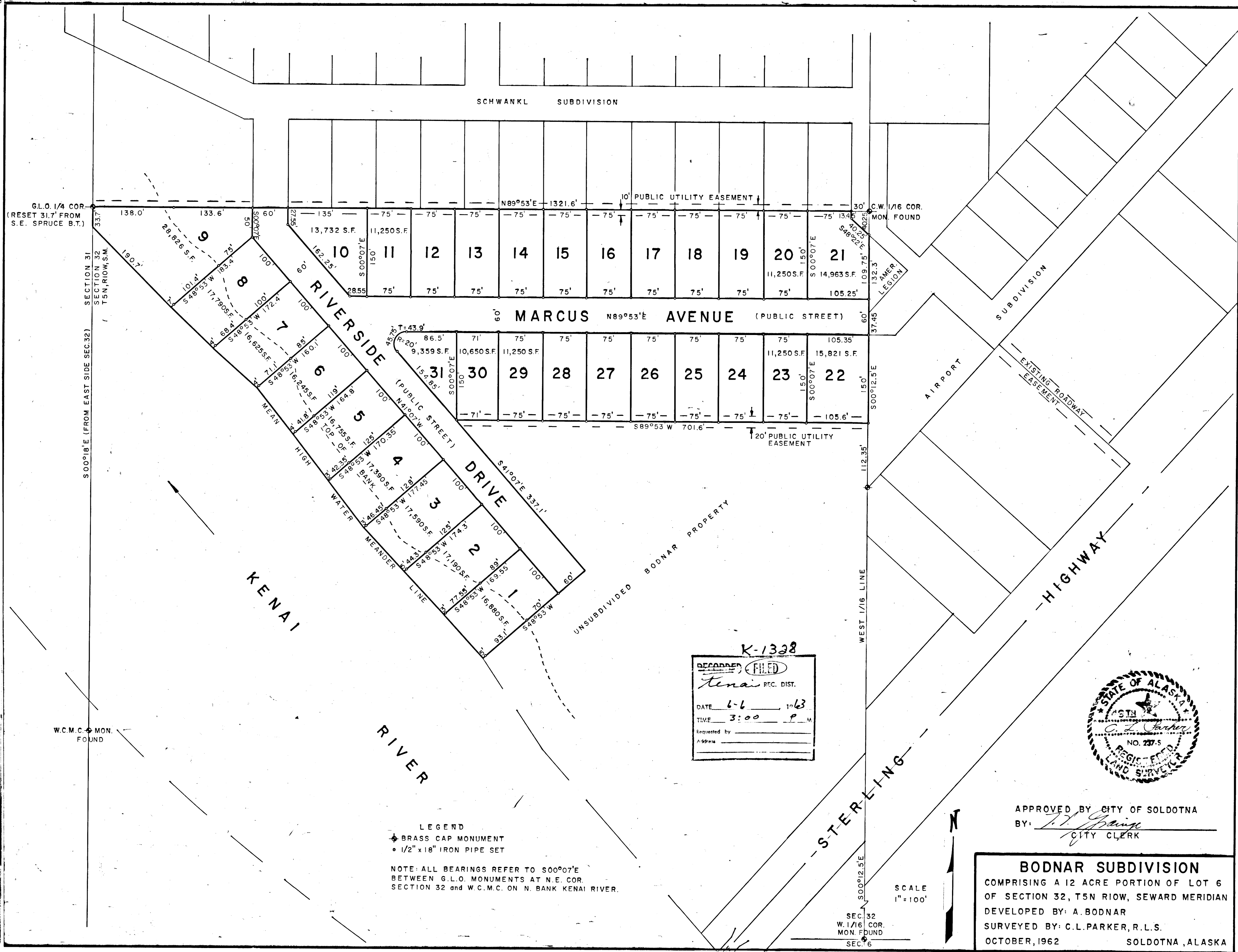


Ronald H. Moore
Ronald H. Moore owners Lot 4-A
Box 767 Sterling, AK 99672

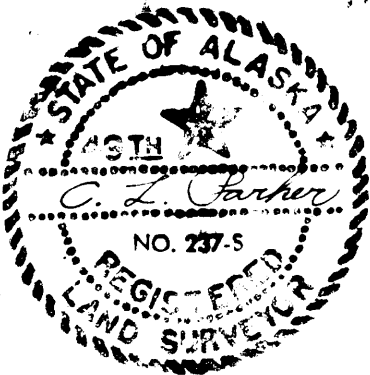
Joseph F. Sangster
Joseph F. Sangster Frances G. Sangster owners Lot 4-A
Box 1244 Soldotna, AK 99669

George F. Garnett Trust
George F. Garnett Trust UA by George F. Garnett, Trustee owner Lot 4-A
Box 3069 Soldotna, AK 99669

Roy E. Benward
Roy E. Benward, M.D., Inc. Profit Sharing Plan by Roy E. Benward, Trustee
Box 3069 Soldotna, AK 99669 owner Lot 4-A

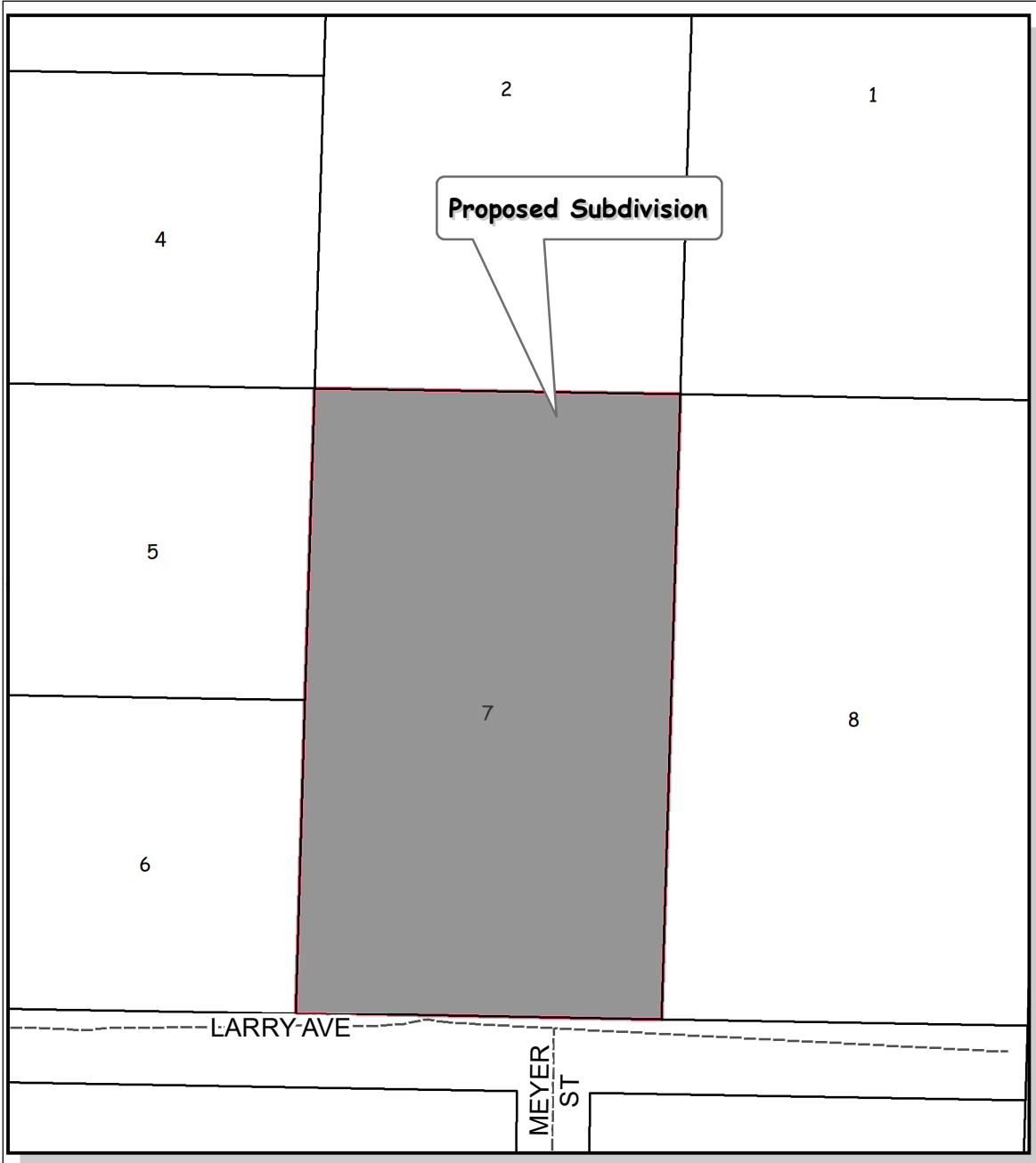


K-1338
RECORDED FILED
Kenai REC. DIST.
DATE 6-6-1963
TIME 3:00 P.M.
Requested by _____
Address _____

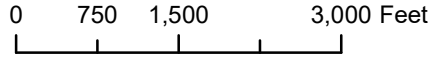
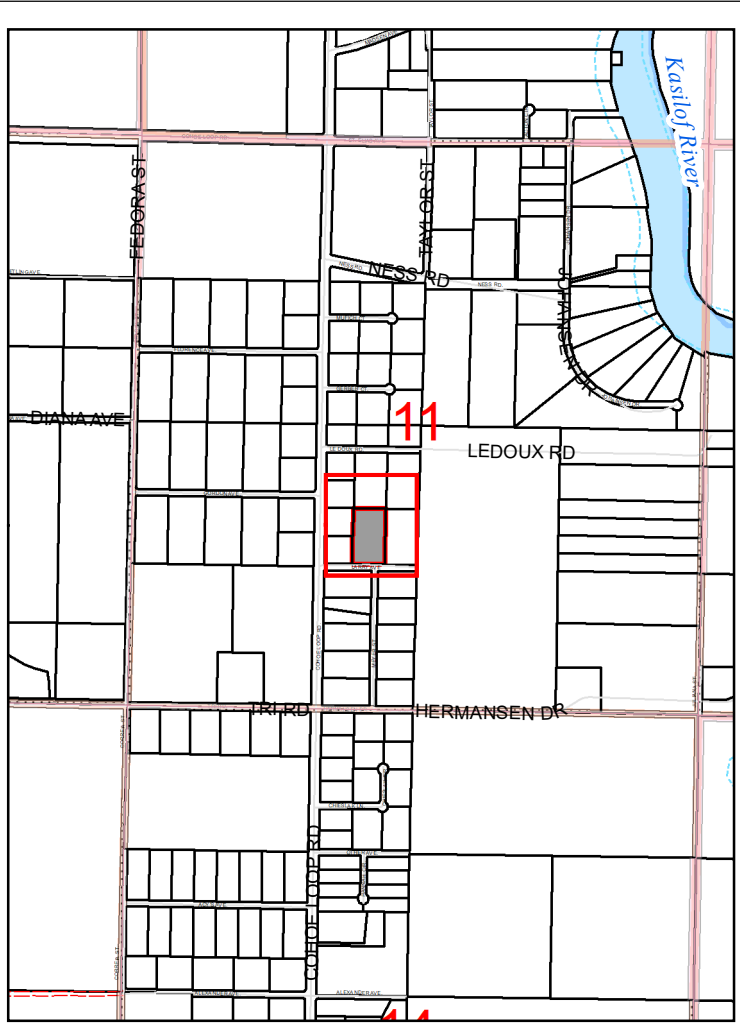
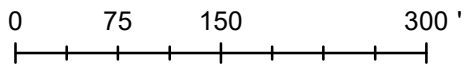


APPROVED BY CITY OF SOLDOTNA
BY: *[Signature]*
CITY CLERK

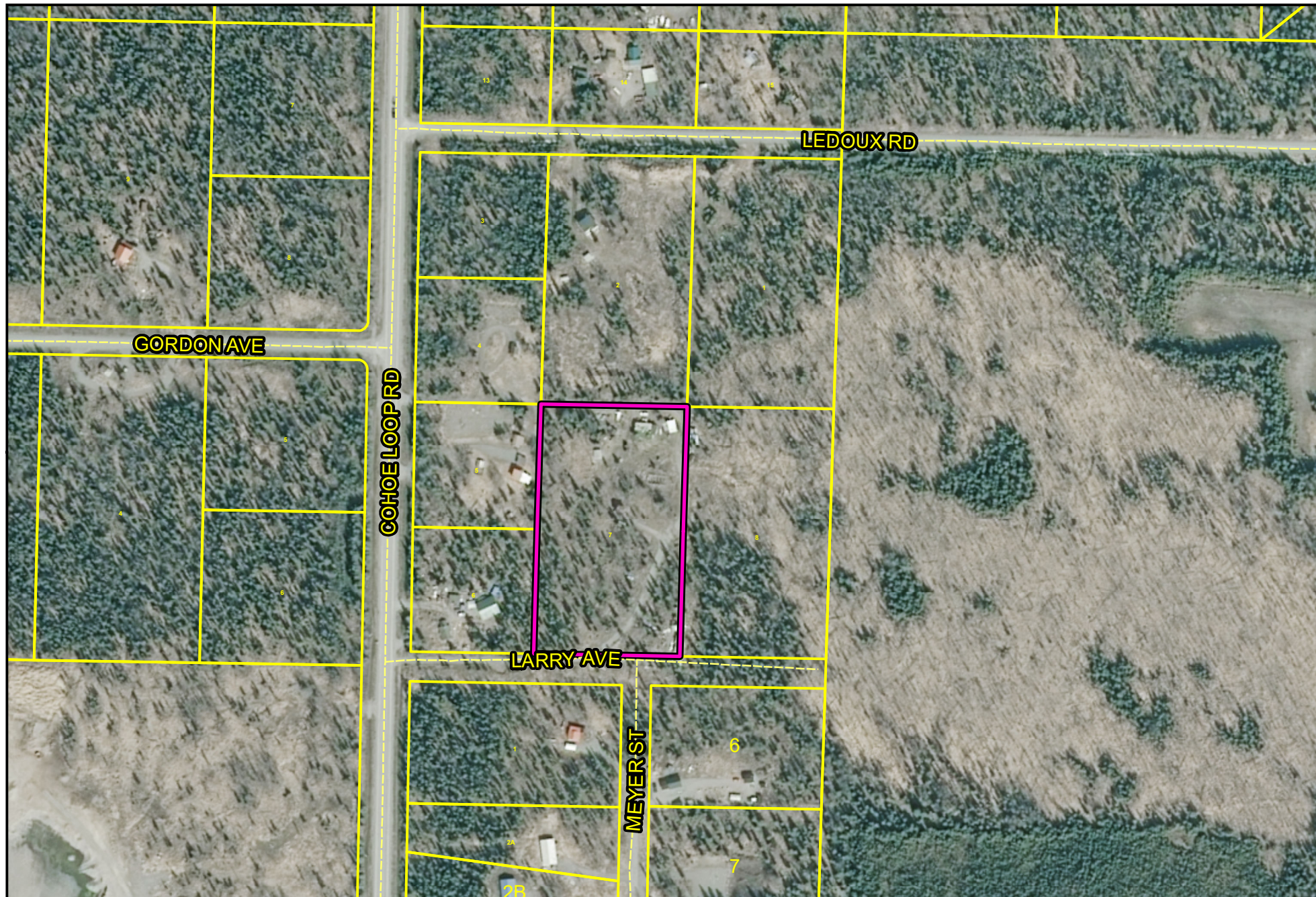
BODNAR SUBDIVISION
COMPRISING A 12 ACRE PORTION OF LOT 6
OF SECTION 32, T5N R10W, SEWARD MERIDIAN
DEVELOPED BY: A. BODNAR
SURVEYED BY: C.L. PARKER, R.L.S.
OCTOBER, 1962 SOLDOTNA, ALASKA



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 2021-117
S11 T03N R12W
COHOE




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

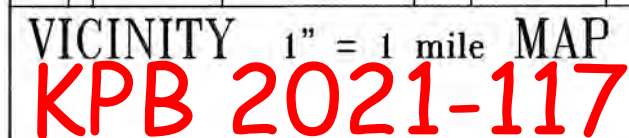
0 100 200 400'

Aerial View



 PRELIMINARY PLAT

PClements, KPB 2021-117
Imagery FixedWing 2012-2013



AREA = 3.574 acres

Lot 2

EAST 300.00' overhead power line

10' utility easement carried forward from plat K-1646

Lot 5

well

Lot 7A

2.544 ac.

Lot 7B

1.003 ac.

Lot 6

Lot 8

driveway

20' building setback line

LARRY AVE.

Meyer Subd. #3

AGENDA ITEM E. NEW BUSINESS

ITEM 3 – COHOE ESTATES SUBDIVISION 2021 ADDITION

KPB File No.	2021-117
Plat Committee Meeting:	September 13, 2021
Applicant / Owner:	Stephen E Smith of Kasilof, Alaska
Surveyor:	Jerry Johnson / Johnson Surveying
General Location:	Cohoe

Parent Parcel No.:	133-340-02
Legal Description:	Lot 7 Block 2 of Cohoe Estates Subdivision, Plat K-1646
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On-site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide a 3.6 acre parcel into two lots that will be 2.54 acres and 1 acres in size.

Location and Legal Access (existing and proposed): The subdivision is located in the Cohoe Area on Larry Avenue which is a 60 foot wide right of way that appears to be partially constructed but not maintained by KPB. Larry Avenue is located approximately at mile 10.25 of Cohoe Loop Road. Cohoe Loop Road is a 15 mile looped road that is located off the Sterling Highway. The closer access is by the northern Cohoe Loop Road intersection near mile 111 of the Sterling Highway.

Ledoux Road, section line easements, Juliana Street, Hermansen Drive, and Cohoe Loop Road provide a closed but non-compliant length block. Larry Avenue brings the block into compliance for the north-south length but the dedication does not go through at this time to close the block. Ledoux Road is constructed through but only partially dedicated. An 80 acre lot is located at the end of Larry Avenue and has Ledoux Road and Hermansen Drive providing additional access. The development of that lot will required dedications that could improve or bring the blocks in the area into compliance. ***Staff recommends the plat committee concur that an exception for KPB 20.30.170 block length is not required, as any dedications at this time will not bring the block into compliance.***

KPB Roads Dept. comments	Within jurisdiction, no comments
SOA DOT comments	Not on the state road system, no comment

Site Investigation: The lands within the proposed subdivision are relatively flat and the subdivision is not affected by low wet areas.

Floodplain Hazard Review	Not within flood hazard area, no comments
Anadromous Waters Habitat Protection District Review	Is not within HPD, no comments
State Parks Review	No comments
SOA Fish and Game Comments	No objection. Public access to public lands and waters will not be affected.

Staff Analysis The proposed subdivision will divide existing Lot 7 into two lots. Lot 7 was created by Cohoe Estates Subdivision, K-1646, a subdivision of aliquot lands recorded in 1969. Lot 7B is proposed to be a 1 acre square fronting on Larry Avenue. Lot 7A is proposed to be a 2.54 acre lot with a 91 foot by 209 foot panhandle.

Per KPB 20.30.190 – Lots-Dimensions, Lot 7B is subject to a building setback along the panhandle of Lot 7A. If there are existing structures within the new setback additional notes will be required. **Staff recommends the setback be depicted and a plat note regarding the setback be added.**

An existing driveway is shown on the preliminary plat that crosses both Lot 7B and 7A. It appears that the driveway currently provides access to multiple improvements as well as being used to access the lot to the east. The applicant does not own the lot to the east. Although not required Staff strongly encourages the granting of driveway easements over the existing travel way to eliminate any encroachment issues. Any driveway easement would be private and can be granted by separate document.

If the driveway is depicted on the final plat, **Staff recommends** it be noted as a private drive.

There are numerous structures visible on the aerial imagery. It cannot be determined if they are permanent in nature and if so if they encroach into the building setback. **Staff recommends the surveyor confirm whether an encroachment affects the replat. If a permanent structure or structures cross a lot line, staff requests a note be placed on the final plat to indicate that acceptance of the plat by the Borough does not indicate acceptance of any encroachments.**

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 The parent plat granted several utility easements. The 10 foot easement along the north has been depicted and labeled correctly. The parent plat also granted a 10 foot easement along the western boundary. That easement will need to be depicted and labeled.

This platting action will grant utility easements adjoining the dedicated right of ways.

There are two easements granted to Homer Electric Association, Inc with no disclosed areas. Those easements will need to be referenced within the plat notes.

Staff recommends the depiction of the eastern easement be added, update the label for existing easements to “10’ Utility Easement granted by plat K-1646”, depict the new easements being granted, and revise the plat note as noted in the final review portion of the staff report.

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

Utility provider review:

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

KPB department / agency review:

Addressing – Derek Haws	Affected addresses: 53592 Larry Avenue (address will be deleted and new addresses assigned) Existing street names listed are correct. No new street names to approve.
Code Compliance – Eric Ogren	Code compliance review not available.

Planner – Bryan Taylor	There are not any Local Option Zoning District or material site issues with this proposed plat.
Assessing – Matt Bruns	No concerns from Assessing Department

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.

- 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 spelling of 'Alaska' in the description. Update the state abbreviation to "AK" for owner and surveyor.*
- 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:** *Revise the right of way depiction, as it appears the same as the section lines.*
- 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:** *Include lot labels for Lot 1 and Lot 4 located to the northeast and northwest.*
- J. Block and lot numbering per KPB 20.60.140, approximate dimensions and total numbers of proposed lots;
- Staff recommendation:** *A block label is needed.*

KPB 20.40 -- Wastewater Disposal

20.40.010 Wastewater disposal.

Platting Staff Comments: Soils analysis will be required and an engineer will need to sign the plat.

Staff recommendation: *comply with 20.40.*

KPB 20.60 – Final Plat

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

20.60.180. Plat notes.

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

B. Revision of, or not carrying forward, an existing plat note from the parent plat will adhere to KPB 20.50.010. Separate advertising of the plat note removal is not required, Notification of the requested change will be sent by regular mail to all owners within the subdivision (parent plat and subsequent replats)

Page 3 of 6

as shown on the borough tax rolls. Upon approval by the planning commission, the revision or removal of the record plat note shall be finalized by recording a planning commission resolution or subdivision plat.

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

- *Add note for any exceptions granted.*
- *Subject to easements for electric lines or system and/or telephone lines together with right to enter, maintain, repair, and clear shrubbery as granted to Homer Electric Association, Inc. in documents recorded in Misc. Book 5 Page 52 and Misc. Book 31 Page 144, KRD. No definite location disclosed.*
- *Flag note will be required. Wording is dependent on the approval of an exception.*
- *If the driveway will be shown add, "Private road shown is for use of owners only and is not dedicated to public use."*
- *If encroachments exist add, "Acceptance of this plat by the Kenai Peninsula Borough does not indicate acceptance of any encroachments."*
- *Add a plat note for any driveway easements granted by recorded documents.*
- *Lot 7B is subject to a 20 foot building setback along the flag portion of Lot 7A.*

EXCEPTIONS REQUESTED:

KPB 20.30.190 (B) – Lots-Dimensions

(access portion may not be used for permanent structures or wastewater disposal area)

Surveyor's Discussion: If the 91 foot access for Lot 7A is considered a flag, note to read "no structures permitted to block travel way" not "no structures permitted."

Staff Discussion: Staff has reviewed the plat and has determined that Lot 7A should be considered a flag lot. The surveyor is requesting that the standard note for a flag lot not contain the typical wording.

Per KPB Code 20.30.190(B), the access portion may not be used for permanent structures or wastewater disposal area. The standard note used for flag lots is "No structures are permitted within the panhandle portion of the flag lots(s)." No findings were presented by the surveyor regarding the request.

Per KPB GIS imagery, that appears to be structures within the panhandle of proposed Lot 7A.

The panhandle is 91 feet wide. Lot 7A is 2.5 acres in size and can be further subdivided. If Lot 7A is subdivided it may require a 60 foot wide right of way dedication. The ex

If denied, a note will be required on the plat that states permanent structures will not be allowed within the panhandle portion of Lot 7A. Approval of the exception will result in a plat note to be placed on the plat to read "No structures are permitted to block the travel way within the panhandle portion of Lot 7A."

Findings:

1. The proposed plat will create a flag lot.
2. The flag lot is proposed to be 91 feet wide and 209 feet long.
3. If the flag is at least 60 feet wide, it is subject to a building setback restriction.
4. Per KPB Code, the access portion may not be used for permanent structures or wastewater disposal area.
5. An existing driveway crosses Lot 7B and Lot 7A.
6. The driveway is not entirely within the panhandle portion of the flag lot.
7. There may currently be structures existing within the flag portion of the lot.
8. Allowing structures within a panhandle may limit further subdivision of Lot 7A.
9. Requiring a dedication atop the current driveway would result in a substandard lot within the southeast corner.
10. A dedication within the panhandle portion will result with either structures within the right of way or a 30 foot panhandle that is longer than allowed by code.

Without additional information regarding the status of the existing structures, if there are well are wastewater disposal systems already present, or the intent to develop the panhandle, and based on findings 1, 2, 4, 7, 8, 10 **Staff cannot** support the exception request.

The plat committee could consider with denial of the exception that an additional note be added with the standard plat note. "Structures within the panhandle are allowed for the life of the current structure. No new structures, additions, or modifications to existing structures may occur within the panhandle."

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

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

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

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

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.

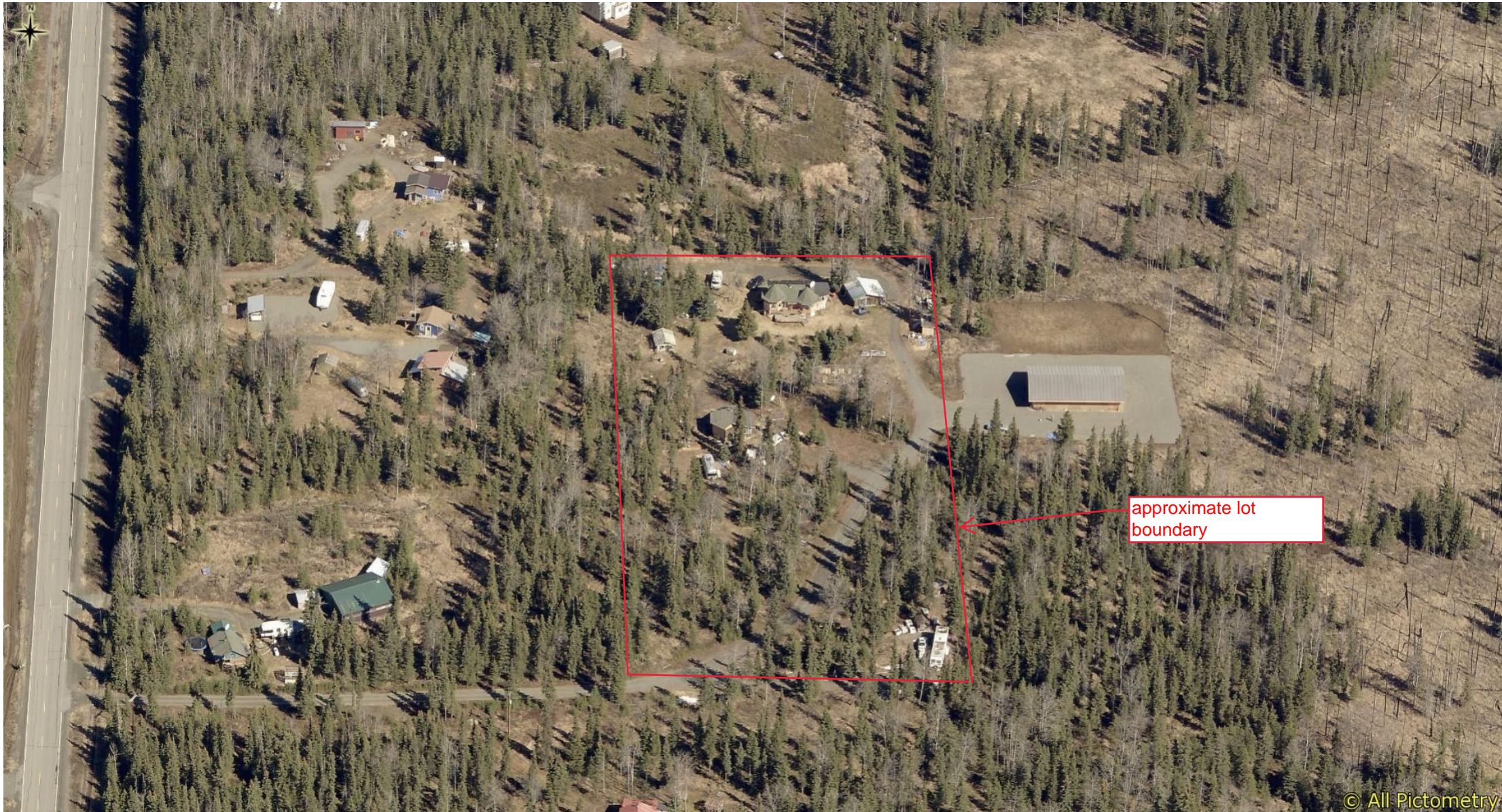
A PARTY OF RECORD MAY REQUEST THAT A DECISION OF THE PLAT COMMITTEE BE REVIEWED BY THE PLANNING COMMISSION BY FILING A WRITTEN REQUEST WITHIN 15 DAYS OF NOTIFICATION OF THE DECISION IN ACCORDANCE WITH KPB 2.40.080.

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



Cohoe Estates Subdivision 2021 Addition KPB File 2021-117⁷⁴



© All Pictometry

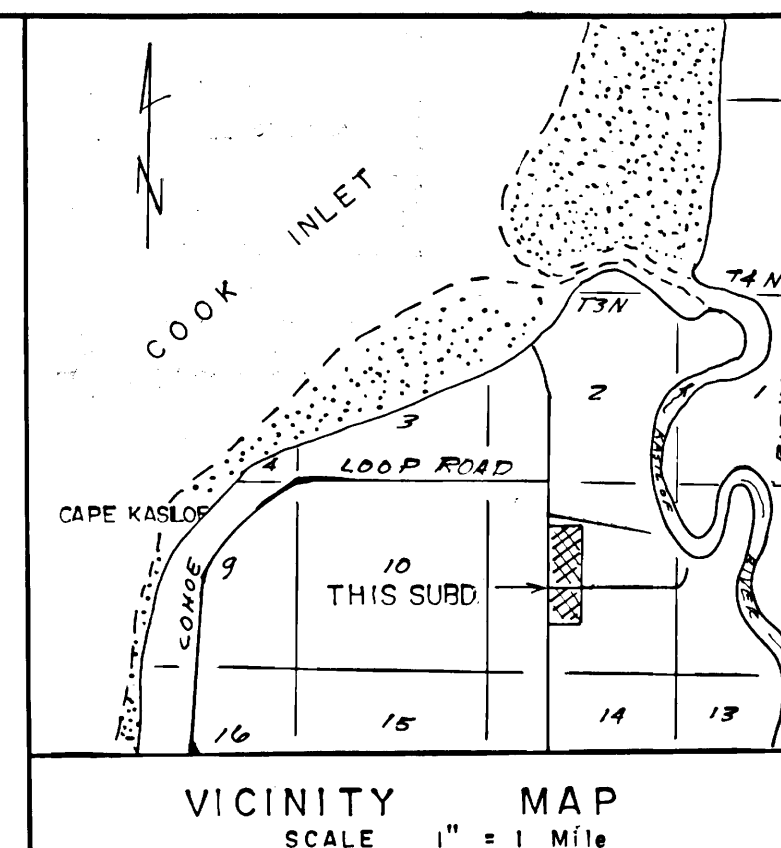


Cohoe Estates Subdivision 2021 Addition KPB File 2021-117





K-1646



RECORDED - FILED
K-1646 REC. DIST.
DATE 9-17-69
TIME 1:25 P.M.
Recorded by Kenneth
Address Salt Lake

ESTATE OF G. NESS (undeveloped)

LEGEND AND NOTES

- Found U.S.G.L.O. brass cap.
- ⊙ Found Official Survey brass cap monument
- ⊙ Set 2 1/2" Official Survey brass cap.
- ⊙ Set 1" Al. Cap.
- ⊙ Set 1/2" X 18" steel rods at all other lot corners.

All bearings refer to the G.L.O. datum of WEST for the North boundary of Section 11, T3N, R12W, S.M. AK.

B. SALTZWEDLE (undeveloped)

CERTIFICATE OF OWNERSHIP AND DEDICATION:

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

DATE Sept 17, 1969 C.E. & Florence Ledoux OWNER C.E. & Florence Ledoux OWNER

NOTARY'S ACKNOWLEDGEMENT:

SUBSCRIBED AND SWORN BEFORE ME THIS 9th DAY OF September 1969.

MY COMMISSION EXPIRES June 24, 1972 Kenneth A. Hermanson NOTARY PUBLIC FOR ALASKA

BOROUGH APPROVAL:

PLAT APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION THIS 8th DAY OF SEPTEMBER 1969.

George A. Hansen

COHOE ESTATES
SUBDIVISION

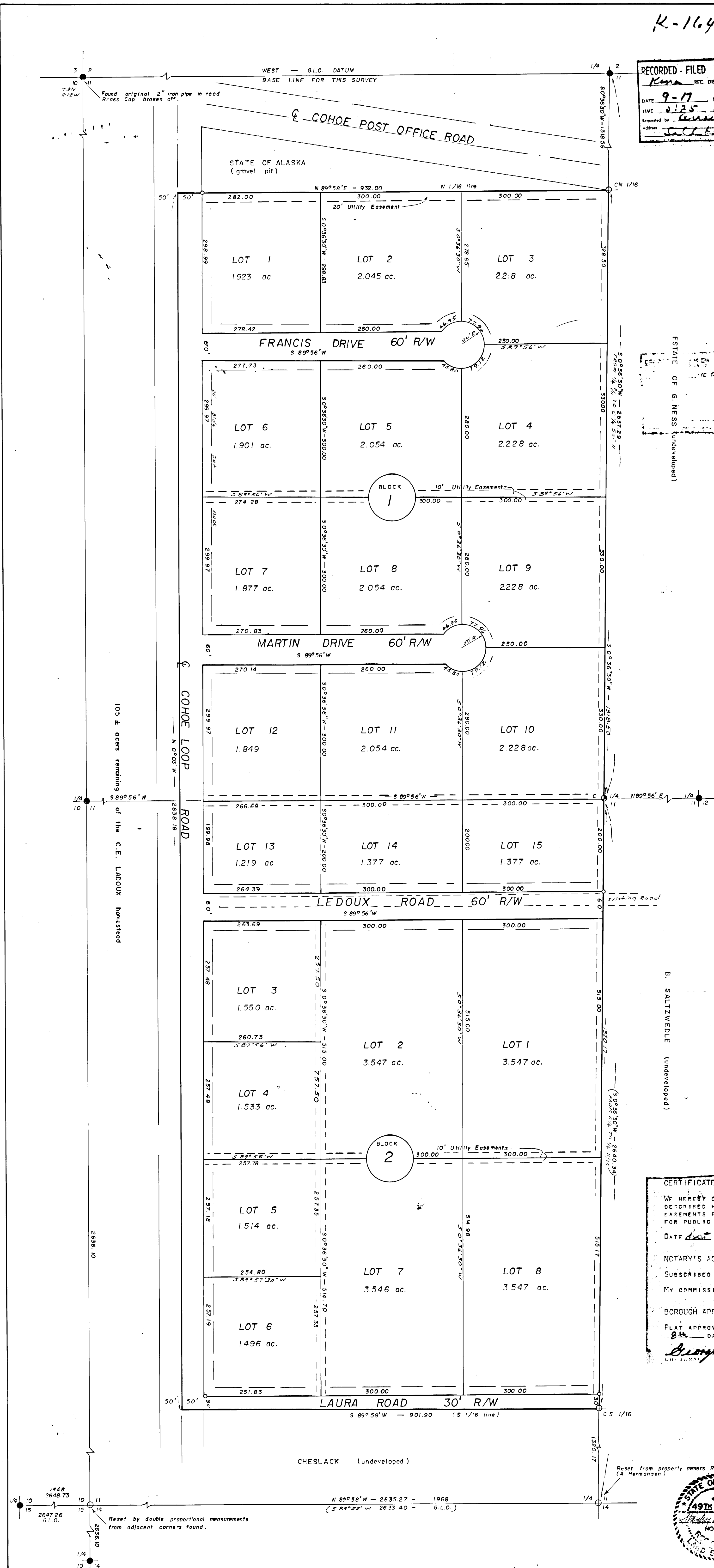
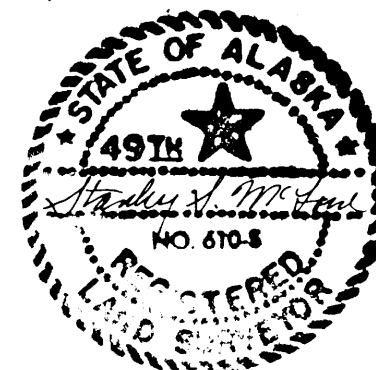
C.E. & Florence Ledoux - owners
P.O. Box 27, Cohoe, Alaska

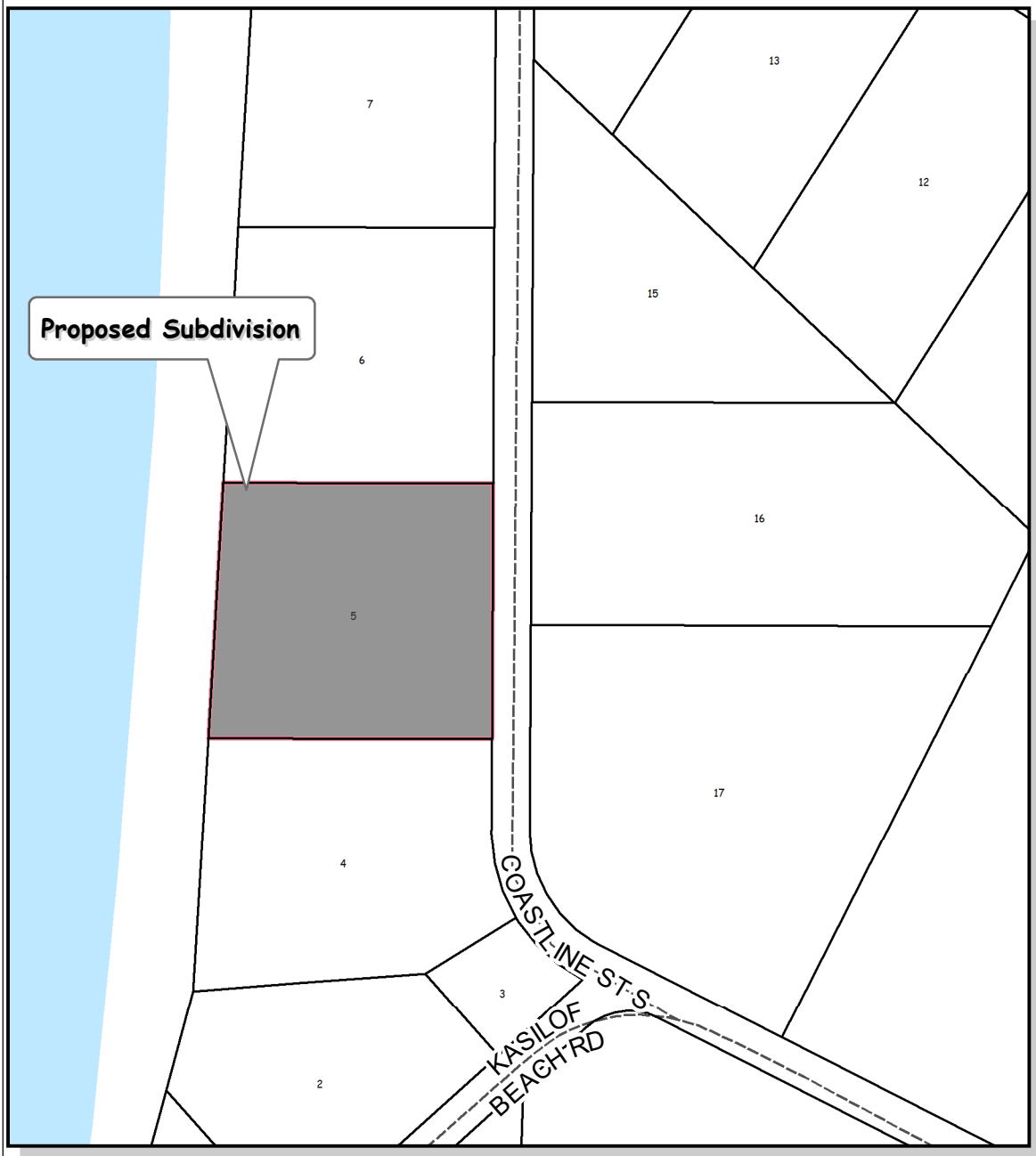
LEGAL DESCRIPTION
THOSE PORTIONS OF THE SE 1/4 NW 1/4 AND NE 1/4 SW 1/4 OF SECTION 11, T3N, R12W, S.M. ALASKA, EAST OF THE COHOE ROAD - CONTAINING 55.536 ACRES.

PREPARED & SURVEYED BY: S.S. McLane R.L.S. Soldotna, Ak.

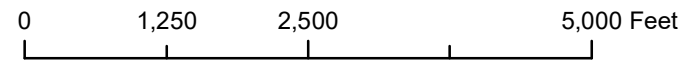
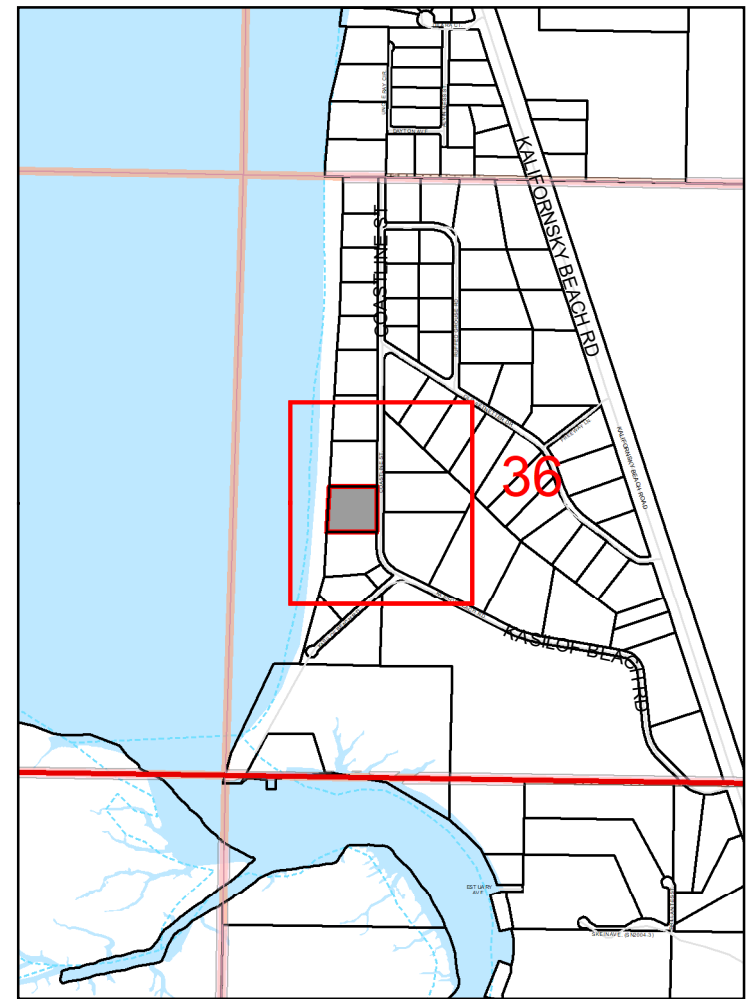
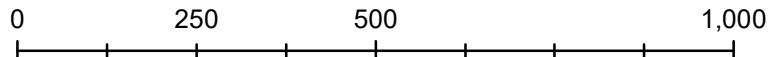
DATE of Survey:
Nov. 18, 1968 - Aug. 7, 1969

Scale:
1" = 100'





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KPB 2021-113
S36 T04N R12W
KALIFORNISKY



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

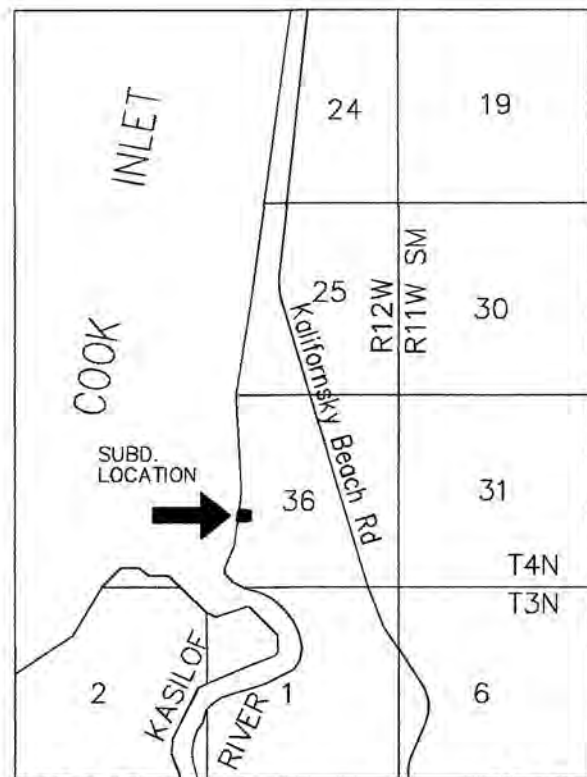
0 50 100 200'

Aerial View



 **PRELIMINARY PLAT**

PClements, KPB 2021-113
Imagery Anadromous 2014



VICINITY 1" = 1 mile MAP

Kasilof, Alaska Subd. 2021 Addition Preliminary Plat

A subdivision of Lot 5 Block 4 Kasilof, Alaska Subd., KRD 83-166.
Located in the SW1/4 Section 36, T4N R12W, SM, Kasilof, Alaska.
Kenai Recording District Kenai Peninsula Borough File

Prepared for
Cynthia Notti
12331 Gregg Ln.
Anchorage, AK 99515

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

SCALE 1" = 100'
23 June, 2021

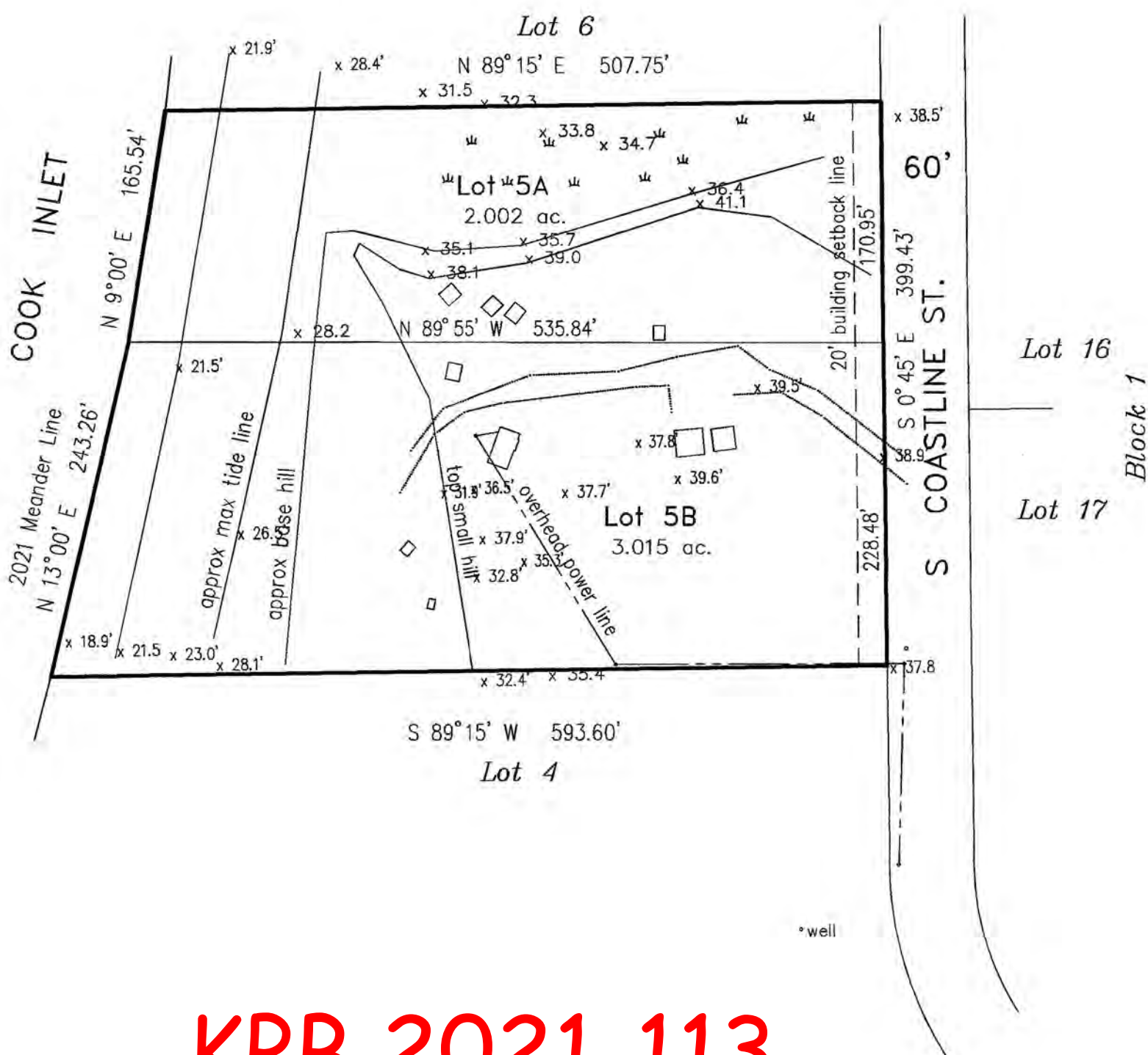
AREA = 5.017 acres

NOTES

1. A building setback of 20' from all street ROW's is required unless a lesser standard is approved by a resolution of the appropriate planning commission. Front 10' of building setback is also a utility easement, as is the entire setback within 5' of side lot lines.
2. No permanent structure shall be constructed or placed within an easement which would interfere with the ability of a utility to use the easement.

x 21.9' - spot elevation

• well



KPB 2021-113

AGENDA ITEM E. NEW BUSINESS

ITEM 4 - KASILOF ALASKA SUBD 2021 ADDITION

KPB File No.	2021-113
Plat Committee Meeting:	September 13, 2021
Applicant / Owner:	Cynthia Jane Hoffman of Anchorage, Alaska
Surveyor:	Jerry Johnson / Johnson Surveying
General Location:	Kalifornsky / Kalifornsky APC

Parent Parcel No.:	131-120-54
Legal Description:	Lot 5, Block 4 Kasilof Alaska Subdivision Amended, Plat KN 83-166
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On Site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide a 5 acre parcel into a 2 acre parcel and 3 acre parcel. Per KPB Assessing information, and the parent plat, show the original parcel size as 4 acres. The difference in acreage is due to the updated meander line data.

Location and Legal Access (existing and proposed): The subdivision is located north of the Kasilof River along the coast of Cook Inlet. The road access is via Coastline Street S, a 60 foot wide dedicated right of way that is constructed but is not maintained by KPB. The subdivision is near mile 5 of Kalifornsky Beach Road.

Freeway Lane and Old Setnetter Drive both connect from Kalifornsky Beach Road to Coastline Street with Freeway Lane also connecting to Old Setnetter Drive. Old Setnetter Drive and the portion of Coastline Street north of the intersection are maintained by KPB.

The block is not compliant as it is along the coast. The subdivision and neighboring lots do have multiple access points to provide alternate routes. **Staff recommends the plat committee concur that an exception is not required, as any dedication would not improve the block due to abutting Cook Inlet and all lots front on a dedicated right of way.**

KPB Roads Dept. comments	Within jurisdiction, no comments
SOA DOT comments	Not on the state road system, no comment.

Site Investigation: The property contains wetland areas which have been depicted on the plat. There are also steep slopes that affect the subdivision. The top and base of a hill are depicted. The proposed subdivision is along the coast of Cook Inlet and within a flood hazard area. The flood zone should be depicted on the plat. **Staff recommendation update the line style for the slopes and tide lines, as they look similar to the new lot line symbol. Add the following plat notes.**

- FLOOD HAZARD NOTICE: Some or all of the property shown on this plat has been designated by FEMA as a flood hazard area district as of the date this plat is recorded with the district recorder's office. Prior to development, the Kenai Peninsula Borough floodplain administrator should be contacted for current information and regulations. Development must comply with Chapter 21.06 of the Kenai Peninsula Borough Code. This property is within Flood Hazard Zones VE and X as shown on FEMA map panel number 02122C-0795E.*
- 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.*

Floodplain Hazard Review	Is in flood hazard area. Flood Zone X, VE. Map Panel: 02122C-0795E. Not within floodway
Anadromous Waters Habitat Protection District Review	Is not within HPD, no comments
State Parks Review	No comments

Staff Analysis The proposed subdivision will be dividing one bluff lot into two. The lots are subject to wetlands, steep slopes, and coastal floodplains.

The Kasilof, Alaska Subdivision Amended, Plat KN 83-166 created the parent lot. The subdivision was a State of Alaska Department of Natural Resources project that subdivided 303 acres. It was originally recorded in 1963 and was amended in 1983 for a correction.

The preliminary plat shows a change in the overall acreage. The proposed change is a gain of approximately an acre. The change is from the updated 2021 meander line location. **Staff recommends a plat note be added stating how the meander line was determined.**

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

Utility Easements The parent plat did not grant any utility easements within the parent lot. Per plat note 1, this plat will be granting the required utility easements. The plat depicts an existing overhead power line. **Staff recommends the utility easements being granted be depicted and labeled and work with the utility company to grant any easements requested over the existing overhead lines, and plat note 1 be reworded to reflect the wording in new code, "The front 10 feet adjacent to right-of-ways and 20 feet within 5 feet of side lot lines are being granted as utility easements per this plat."**

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

Utility provider review:

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

KPB department / agency review:

Addressing – Derek Haws	Affected Addresses: 28437 Coastline St S (will remain with Lot 5-B) Existing Street Name Corrections Needed: S Coastline St should be Coastline St S
Code Compliance – Eric Ogren	Code compliance review not available
Planner – Bryan Taylor	There are not any Local Option Zoning District or material site issues with this proposed subdivision
Assessing – Matt Bruns	No concerns from Assessing Department
Advisory Planning Commission	Comments not received when staff report prepared.

ADF&G	No objections.
-------	----------------

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

STAFF RECOMMENDATIONS

CORRECTIONS / EDITS

Revise the line styles used to make sure depictions of top and top of hills or tide lines are a different line style than the lot line. To the south and northwest of the subdivision there are some wells depicted that may be removed for the final plat.

KPB 20.25.070 - Form and contents required.

- A. Within the Title Block
1. Name of the subdivision which shall not be the same as an existing city, town, tract, or subdivision of land in the borough, of which a plat has been previously recorded, or so nearly the same as to mislead the public or cause confusion. 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:**
- *Owner of record per KPB Assessing and per Certificate to Plat is Cynthia Jane Hoffman. Verify owner name change to Cynthia Notti, add "Cynthia Notti, who acquired title as Cynthia Jane Hoffman" to title block and for signature line.*
 - *Remove the comma after Kasilof in name of subdivision. ~~and in the description.~~*
 - *Correct the spelling of Alaska within the subdivision description.*
 - *Verify the acreage and update accordingly.*
- C. The location, width, and name of existing or platted streets and public ways, railroad rights-of-way, and other important features such as section lines or political subdivisions or municipal corporation boundaries abutting the subdivision;
- Staff recommendation:** *Update the street name to Coastline Street S.*
- J. Block and lot numbering per KPB 20.60.140, approximate dimensions and total numbers of proposed lots;
- Staff recommendation:** *A "Block 4" label should be added for the lots.*

KPB 20.40 -- Wastewater Disposal

20.40.010 Wastewater disposal.

Platting Staff Comments: Soils analysis report will be required and an engineer will need to sign the plat.

Staff recommendation: *comply with 20.40.*

KPB 20.60 – Final Plat

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

20.60.180. Plat notes.

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

B. Revision of, or not carrying forward, an existing plat note from the parent plat will adhere to KPB 20.50.010. Separate advertising of the plat note removal is not required, Notification of the requested

change will be sent by regular mail to all owners within the subdivision (parent plat and subsequent replats) as shown on the borough tax rolls. Upon approval by the planning commission, the revision or removal of the record plat note shall be finalized by recording a planning commission resolution or subdivision plat.

Staff recommendation:

Add the following plat notes:

- *FLOOD HAZARD NOTICE: Some or all of the property shown on this plat has been designated by FEMA as a flood hazard area district as of the date this plat is recorded with the district recorder's office. Prior to development, the Kenai Peninsula Borough floodplain administrator should be contacted for current information and regulations. Development must comply with Chapter 21.06 of the Kenai Peninsula Borough Code. This property is within Flood Hazard Zones VE and X as shown on FEMA map panel number 02122C-0795E*
- *Add a note for any exceptions granted.*
- *Any person developing the property is responsible for obtaining all required local, state, and federal permits, including a U.S. Army Corps of Engineers wetland determination if applicable.*
- *The natural meanders of ordinary high water (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.*

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: *If the owner will be signing as Cynthia Notti the signature line and notary should contain that title was taken as Cynthia Jane Hoffman. Comply with 20.60.190.*

EXCEPTIONS REQUESTED:

KPB 20.30.190 – Lots-Dimensions (3:1 depth to width ratio for Lot 5A)

Surveyor's Discussion: I am requesting an exception to the 3 to 1 ratio for Lot 5A due to the configuration of the driveway and buildings, and due to the seaward side having limited usage do to wave and tide effects.

Staff Discussion: Staff reviewed the lots and determined Lot 5B complies with the 3:1 requirements. Lot 5A is 3.1:1. Staff has noted in the staff report that the preliminary plat indicates additional acreage than the parent plat. If a change occurs with the location of the meander line, Lot 5A may comply with code and the exception will not be required to be noted on the plat.

If denied, the new lot line will need to be moved approximately 6 feet to the south.

Findings:

1. Lot 5A is an average width of 168 feet.
2. Lot 5A is an average length of 522 feet.
3. Lot 5A has a depth to width ratio of 3.1:1
4. Per KPB Code, the depth to width ratio should be 3.0:1 or less.
5. The parent subdivision was created in 1963 and amended in 1983, Plat KN 83-166.
6. The existing driveway is depicted on the plat.
7. Multiple buildings are constructed.
8. Adjusting the lot line to allow both lots to be compliant may result in encroachments of the driveway or outbuildings. .
9. The lot contains slopes with the top and base of hill depicted.
10. The western portion, approximately 100 feet, is subject to high tides.
11. To comply, the new lot line will need to be shifted approximately 6 feet to the south.

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 6-8, 10 appear to support this standard.
2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title;
Findings 6-8, 10 appear to support this standard.
3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.
Findings 6-8, 10 appear to support this standard.

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

RECOMMENDATION:

SUBJECT TO EXCEPTION(S) GRANTED, STAFF RECOMMENDS:

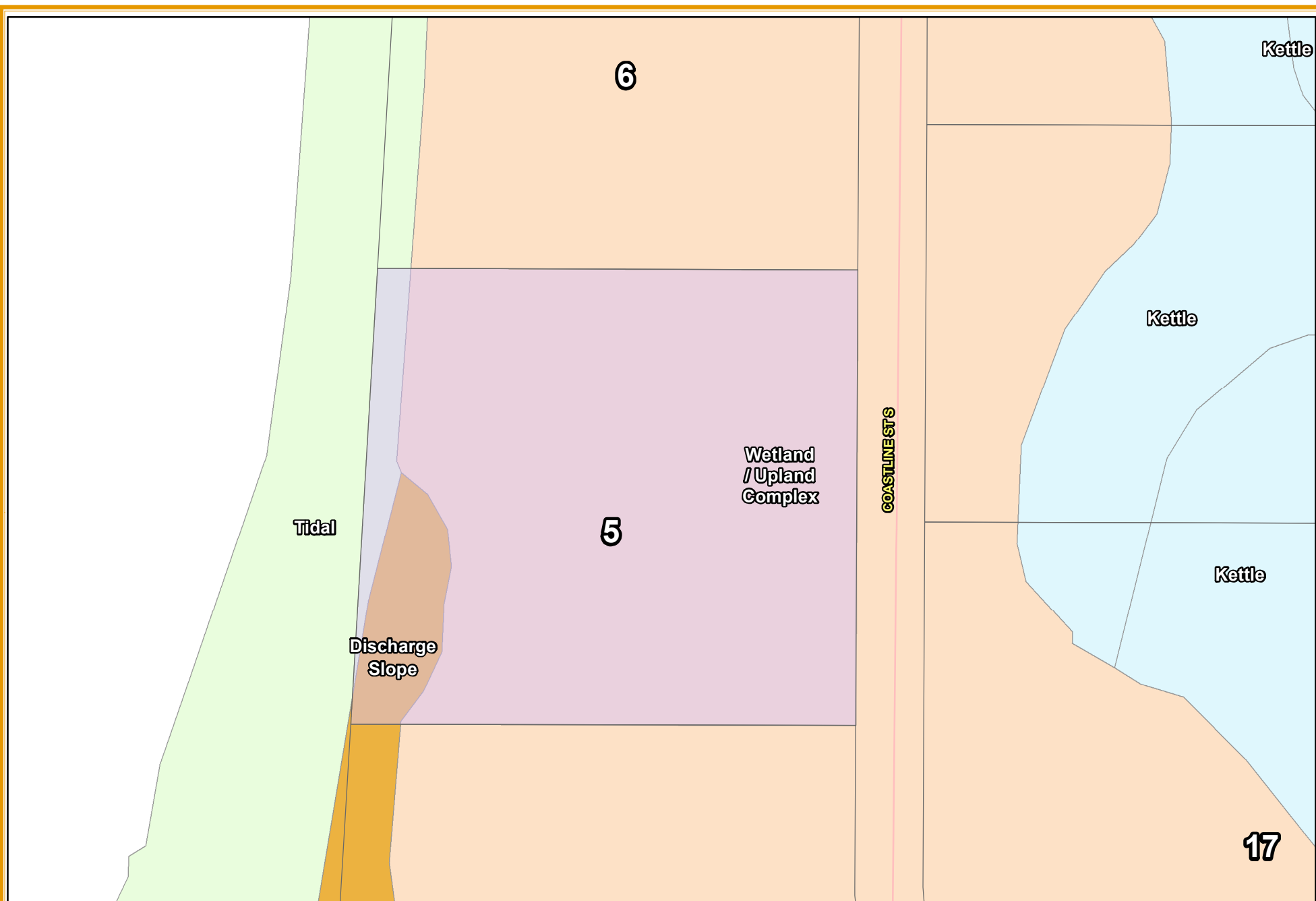
- GRANT APPROVAL OF THE PRELIMINARY PLAT SUBJECT TO STAFF RECOMMENDATIONS, AND
- COMPLIANCE WITH KPB 20.25.070 (FORM AND CONTENTS), KPB 20.25.080 (PETITION REQUIRED), KPB 20.30 (DESIGN REQUIREMENTS); AND KPB 20.40 (WASTEWATER DISPOSAL), AND
- COMPLIANCE WITH KPB 20.60 TO ENSURE ADMINISTRATIVE APPROVAL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

NOTE: 20.25.120. - REVIEW AND APPEAL.

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

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

END OF STAFF REPORT



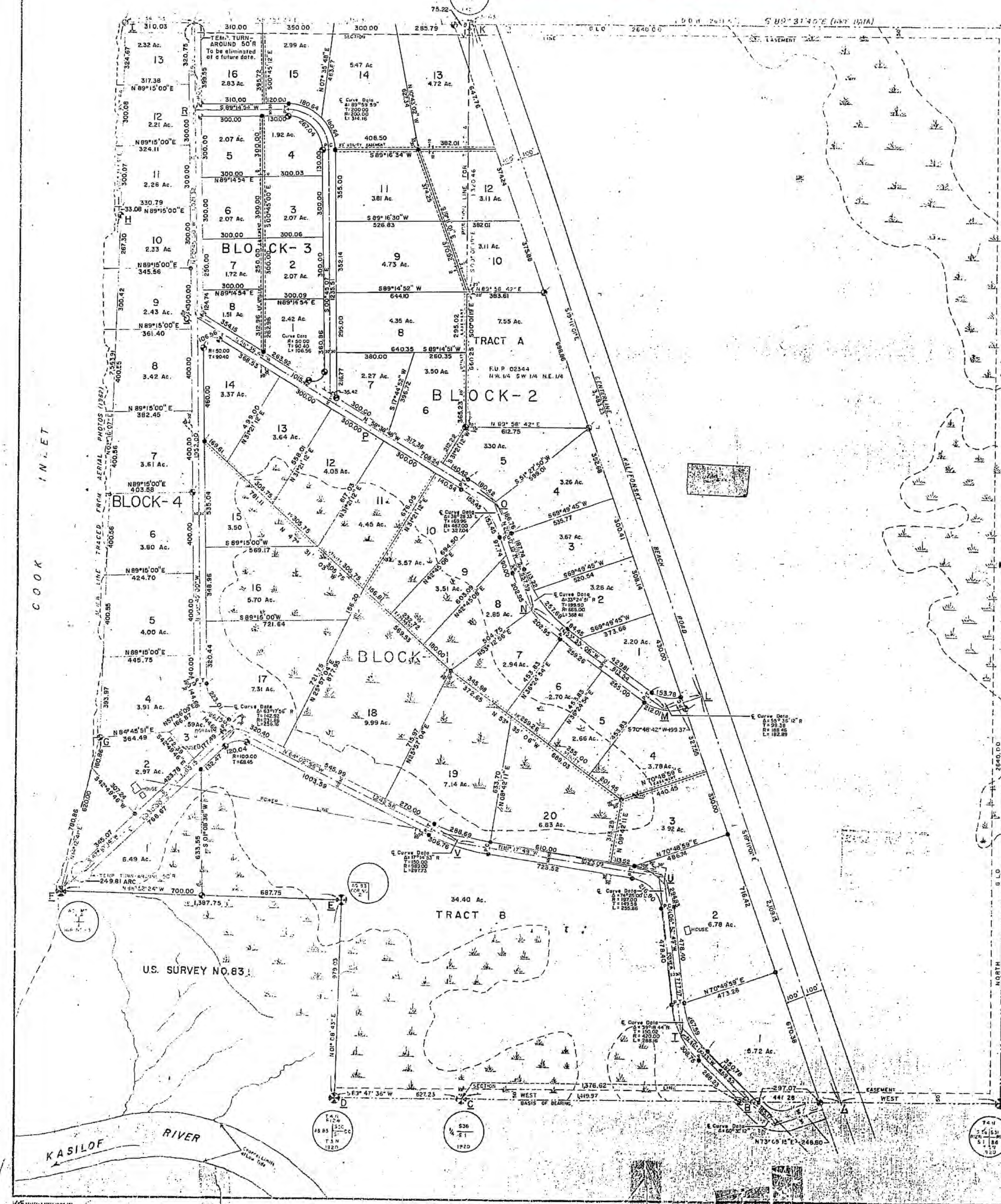
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GIS Wetlands



Date: 8/11/2021

KPB NOTE: See PC Resolution 99-12



VICINITY MAP
SCALE 1 MILE

- MONUMENT LEGEND
- ✕ G.L.O. MONUMENTS FOUND
 - ⊙ STANDARD A.C.L. BRASS CAP MONUMENTS SET
 - COPPERWELD MONUMENTS SET
 - Y ALL OTHER CORNERS 3 X 3 X 5' POSTS, PAINTED WHITE

NOTE:
The natural meanders of the line of M.H.W. along Cook Inlet form the bounds of lots adjoining the inlet. The traverse line, as shown, is for survey computations and data only. All corners, as set on said traverse line, are witness corners, with the true corners being on the extension of lot lines and the natural meanders of Cook Inlet.

Contains 302,988 Acres.

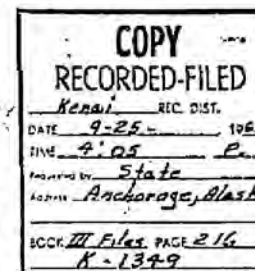
AFFIDAVIT

I HEREBY CERTIFY THAT THE ONLY CHANGE MADE ON THIS PLAT IS A TECHNICAL CORRECTION AS DESCRIBED IN THE REVISION BLOCK BELOW AND THAT THIS CORRECTION DOES NOT AFFECT ANY VALID EXISTING RIGHTS. I THEREFORE SUBMIT THIS PLAT FOR REPLING AS AMENDED.

July 28, 1963 *James P. Anderson*
DATE DIRECTOR, DIVISION OF TECHNICAL SERVICES

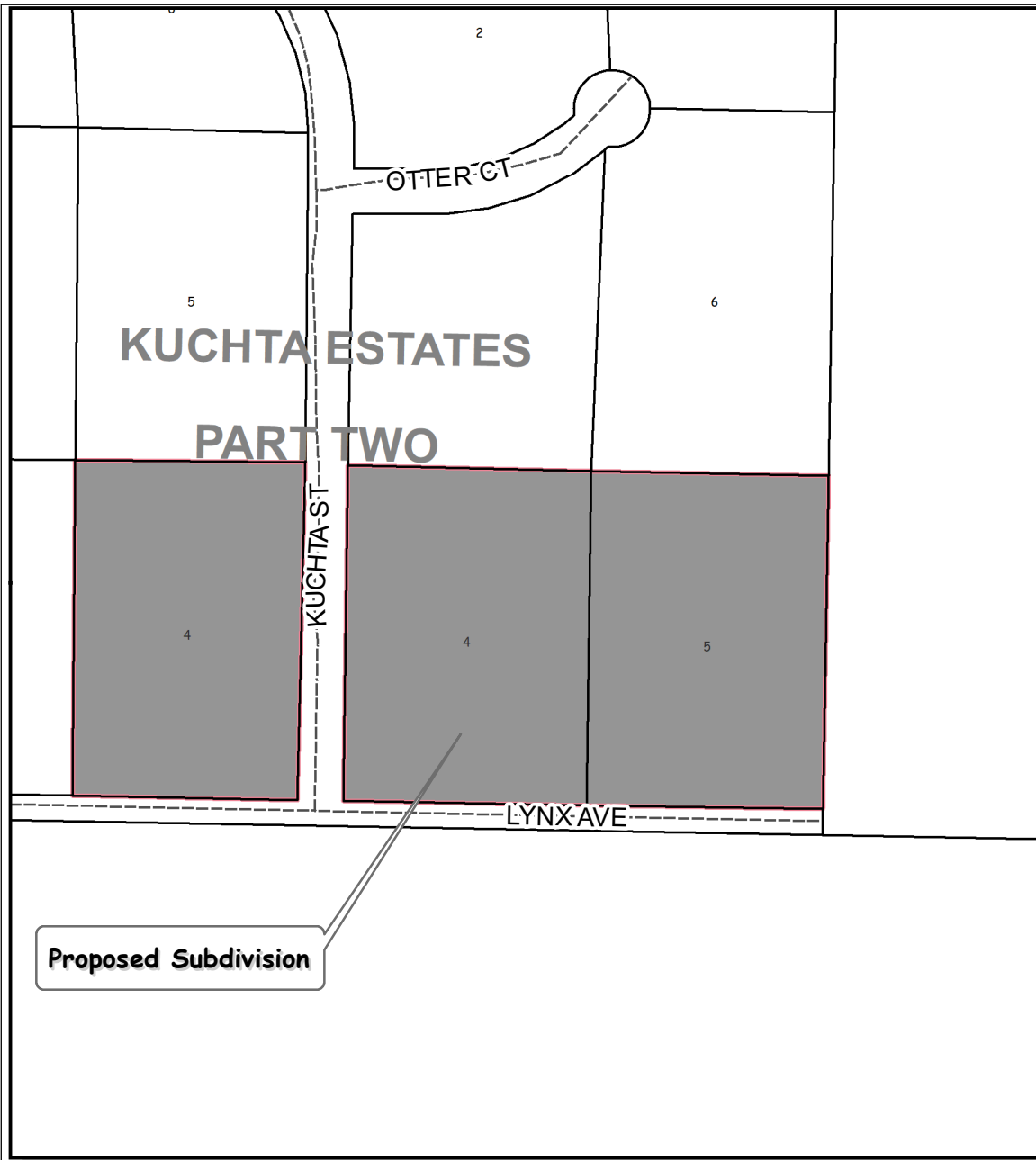


AMENDED PLAT

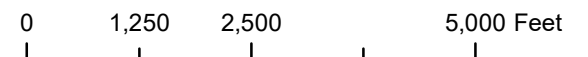
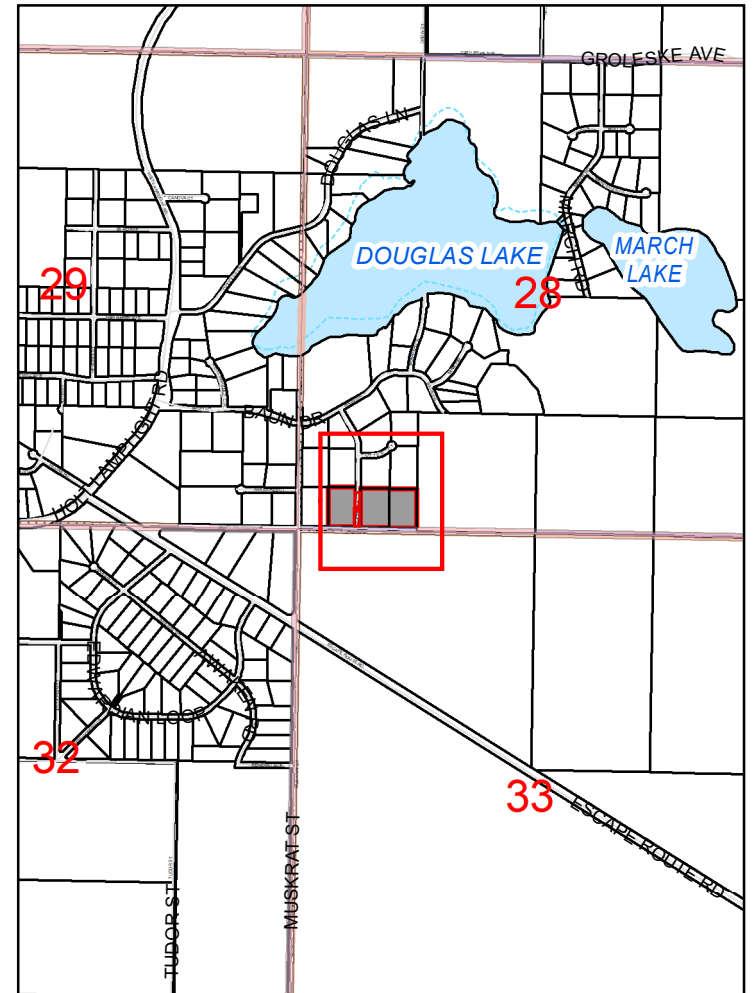
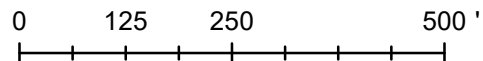


7/21/63	CORRECTED DISTANCE ON WEST SIDE OF LOT 4, BLOCK 4	CLL
7/21/63	LODGED AFFIDAVIT FOR DIRECTOR'S SIGNATURE	
7/21/63	CHANGE SOUTH LOT LINE DISTANCE LOT 14, BLOCK 1	N.J.I.
7/21/63	ANCHOR CASEMENTS ADDED	N.W.B.
DATE	REVISION	BY
DATE OF SURVEY	NAME OF SURVEYOR	
Beginning April 16, 1963	Nick Ihly	
Ending July 10, 1963	Field Book No. 29	
STATE OF ALASKA DEPARTMENT OF NATURAL RESOURCES DIVISION OF LANDS ANCHORAGE, ALASKA		
KASLOF, ALASKA, SUBDIVISION SEC. 36, T.4 N., R. 12 W., S. M.		
DRAWN BY: R.L. & N.E.	APPROVAL RECOMMENDED: <i>Charles W. [Signature]</i> Chief Control Engineer	
DATE APPROVED: 7-12-63	APPROVED: <i>D. Paul [Signature]</i> Acting Director of Lands	
SCALE: 1" = 200'	CHECKED: <i>C.M.H.</i>	FILE NO. 54-12
MICROFILMED JAN 20 1964		

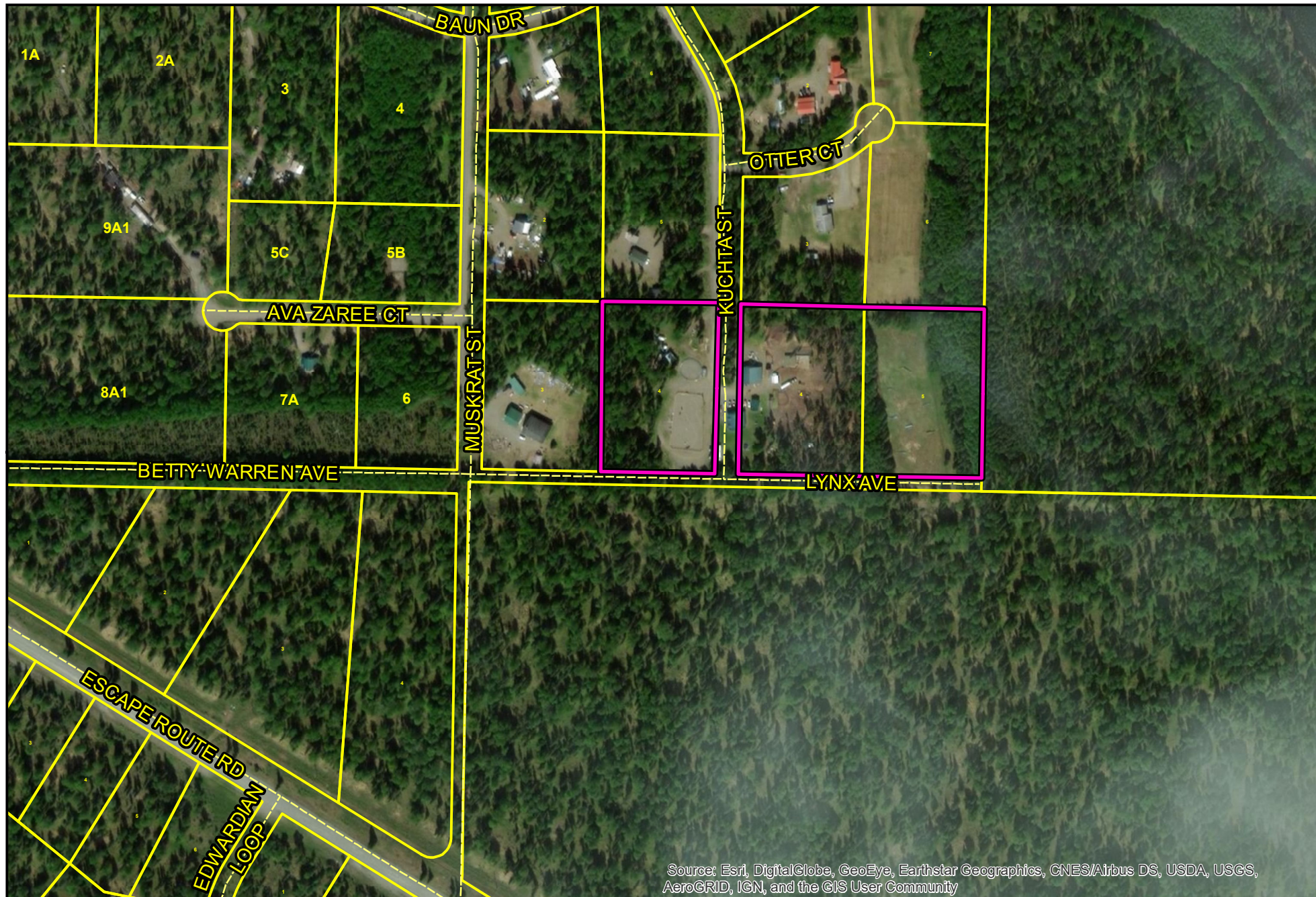
54-12



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**KPB 2021-119
S28 T07N R11W
NIKISKI**



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

0 100 200 400'

Aerial View



 PRELIMINARY PLAT

PClements, KPB 2021-119
Imagery World

PRELIMINARY PLAT

AGENDA ITEM E. NEW BUSINESS

ITEM 5 - KUCHTA ESTATES HANSEN ADDITION

KPB File No.	2021-119
Plat Committee Meeting:	September 13, 2021
Applicant / Owner:	Daniel Hansen and Hara MK Biesiot-Hansen of Kenai, Alaska
Surveyor:	Mark Aimonetti, Jason Young / Edge Survey and Design, LLC
General Location:	Nikiski

Parent Parcel No.:	013-370-05, 013-370-14, 013-370-15
Legal Description:	Lot 4 Block 4 Kuchta Estates Subdivision Part 1 KN 77-33 and Lots 4 and 5 Block 3 Kuchta Estates Subdivision Part 2 KN 77-189 and vacation of Kuchta Street
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On-Site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will combine three lots and finalize a right of way vacation to create an 8.65 acre lot. The plat will also dedicate a 60 foot wide right of way on the north boundary and a 30 foot wide right of way on the east boundary.

Location and Legal Access (existing and proposed): This is located in the North Kenai / Nikiski area on Kuchta Street. Kuchta Street, a 60 foot right of way with the northern portion maintained by the borough, is located off Baun Drive. Baun Drive is located near mile 2.5 of state maintained Holt Lamplight Road.

Additional access is available from the Escape Route Road via Muskrat Street and Betty Warren Avenue/Lynx Avenue. Betty Warren Avenue/Lynx Avenue is an unconstructed east-west right of that is not constructed. Muskrat Street is a right of way that runs north-south and is not constructed south of Betty Warren Avenue/Lynx Avenue.

A petition has been received to vacate the portion of Kuchta Street between Lot 4 Block 3 and Lot 4 Block 4. The vacation has been scheduled to be reviewed by the Planning Commission on the September 13, 2021 meeting. Approval of the vacation will require the plat to be finalized within one year of vacation consent. The right of way currently has structures encroaching within the right of way. The proposed plat indicates the intention to dedicate two new right of ways. Biesiot Avenue, a 60 foot wide right of way that extends east at the end of the remaining portion of Kuchta Street. At the end of Biesiot Avenue, a proposed 30 foot wide dedication extending south will connect to the end of the Lynx Avenue dedication. Both of those streets will required name approval by the Kenai Peninsula Borough Addressing Officer.

Per staff records, a 33 foot section line easement is located south of Lynx Avenue that runs from the Muskrat Street dedication and to the east. A 50 foot section line easement is present to the east of the subdivision running east-west.

Lot 4 Block 4 is currently within a compliant and closed block. Lot 4 and 5 Block 3 are not within a closed block. The proposed vacation and dedication will result in the subdivision being within a compliant and closed block that will be defined by Muskrat Street, Baun Drive, Kuchta Street, the two newly dedication right of ways, and Lynx Avenue.

KPB Roads Dept. comments	Within KPB jurisdiction. The RSA has no comments at this time.
SOA DOT comments	No comments.

Site Investigation: The area is relatively flat and does not contain any low wet areas.

KPB River Center Review	<p>A. Floodplain</p> <p>Reviewer: Carver, Nancy Floodplain Status: Not within flood hazard area 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: Russell, Pam Comments: No Comments</p>
-------------------------	--

Staff Analysis Kuchta Estates Subdivision Part One, Plat KN 77-33, created Lot 4 Block 4 and dedicated the 30 foot western portion of Kuchta Street. A 5 foot utility easement was granted along Kuchta Street and Lynx Avenue. Kuchta Estates Subdivision Part Two, Plat KN 77-189, created Lot 4 and Lot 5 Block 3 and dedicated the 30 foot eastern portion of Kuchta Street. A 5 foot utility easement was granted along Lynx Avenue. Both of these subdivisions were subdivisions of government lots and an aliquot parcel of land.

The preliminary plat will combine three lots, and include the portion of the right of way vacation, into a single lot. Per KPB GIS imagery, there may be structures within the right of way that limits public use of the right of way. The owners are proposing to grant new right of ways along the northern and eastern boundary of their property to allow public access around their property that will connect to Lynx Avenue.

Per KPB 20.040.20(A), a soils analysis report 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.

The property is not within an advisory planning commission.

An exception has been requested by the surveyor for 20.30.120 – Streets-Width requirements. Per 20.30.120(A)(1) – “Half streets shall generally not be allowed except to provide the logical extension of a right-of-way where the remaining half street can be reasonably be expected to be dedicated in the future.” Due to the 40 acre lot to the east of the proposed 30 foot wide right of way dedication, it can be reasonably expected that any future subdivision of that lot will be required to dedicate the matching 30 foot dedication. Additionally, the proposed dedication does not need fulfill a requirement of continuation or will result in an offset intersection or roadway if a full width is not granted at this time. ***Staff recommends the plat committee concur that the exception requested is not required and a 30 foot wide dedication complies with KPB platting standards.***

Utility Easements Lot 4 Block 4 has a 5 foot utility easement granted along Lynx Avenue and Kuchta Street. Lot 4 Block 3 had a 5 foot utility easement granted along Lynx Avenue but none along Kuchta Street. The proposed right of way vacation of Kuchta Street included the associated utility easements, the 5 foot easement from plat KN 77-33.

The plat is proposing to grant 15 foot utility easements along all dedicated right of ways. Homer Electric Association reviewed the right of way vacation petition and stated that an existing distribution line runs along or within the Kuchta

Utility provider review:

HEA	Approximate location of HEA overhead powerline, centerline of a 20 foot wide electrical distribution line easement requested.
ENSTAR	Approved as shown.
ACS	No objections.
GCI	No objection.

Addressing	<p>Reviewer: Haws, Derek</p> <p>Affected Addresses:</p> <p>47071 KUCHTA ST</p> <p>47050 KUCHTA ST</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names:</p> <p>KUCHTA ST</p> <p>LYNX AVE</p> <p>Existing Street Name Corrections Needed:</p>
------------	---

	<p>All New Street Names are Approved: No</p> <p>List of Approved Street Names: BIESIOT AVE</p> <p>List of Street Names Denied: CARIBOU RUN is denied because CARIBOU is on the prohibited names list.</p> <p>Comments: 47071 KUCHTA ST will be deleted 47050 KUCHTA ST will remain with new Lot 4A CARIBOU RUN is denied, please contact dhaws@kpb.us for any questions regarding street naming.</p>
Code Compliance – Eric Ogren	<p>Reviewer: Hindman, Julie</p> <p>Comments: Code Compliance review not available</p>
Planner – Bryan Taylor	<p>Reviewer: Taylor, Bryan</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 – Matt Bruns	<p>Reviewer: Bruns, Matthew</p> <p>Comments: No concerns from Assessing Dept.</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.

- 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:**
- Adjust the wording to be "AND PORTION OF KUCHTA STREET RIGHT OF WAY VACATION AND ASSOCIATED UTILITY EASEMENTS".
 - Correct the owner's last name to "Biesiot-Hansen"
- D. A vicinity map, drawn to scale showing location of proposed subdivision, north arrow if different from plat orientation, township and range, section lines, roads, political boundaries, and prominent natural and manmade features, such as shorelines or streams;
- Staff recommendation:** Update the label to read "Escape Route Road".

- F. The location, width and name of existing and platted streets and public ways, railroad rights-of-way, easements, and travel ways existing and proposed, within the subdivision;
Staff recommendation: Names will require approval by the Addressing Officer.
- N. Apparent encroachments, with a statement indicating how the encroachments will be resolved prior to final plat approval;
Staff recommendation: The combining of lots will resolve current encroachment issues.

KPB 20.40 -- Wastewater Disposal

20.40.010 Wastewater disposal.

Platting Staff Comments: Per KPB 20.40.020(A), a soils analysis report is not required as the lot sizes are increasing.

Staff recommendation: comply with 20.40.

KPB 20.60 – Final Plat

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

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

Staff recommendation: The acceptance will need to be updated for the correct street names.

20.60.110. Dimensional data required.

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

Staff recommendation: A distance should be added for the tie to monument "1". Comply with 20.60.110.

20.60.180. Plat notes.

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

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

Staff recommendation:

Update plat note 2, "Plats KN 77-33 and KN 77-189 granted 5 foot utility easement along Lynx Avenue. Per this plat the front 15 feet adjacent to dedicated rights-of-way is a utility easement. No permanent structure shall be..."

Please remove plat note 4 as the exception is not required.

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: The street names are not required to be listed within the Certificate of Ownership and Dedication but if they are left they names must be updated to approved names. Update the owner's

last name to Biesiot-Hansen on the signature line and within the notary acknowledgment. Adjust the location of "Kenai Peninsula Borough" in the Plat Approval. comply with 20.60.190.

KPB 20.70 – Vacation Requirements

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

RECOMMENDATION:

STAFF RECOMMENDS:

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

NOTE: 20.25.120. - REVIEW AND APPEAL.

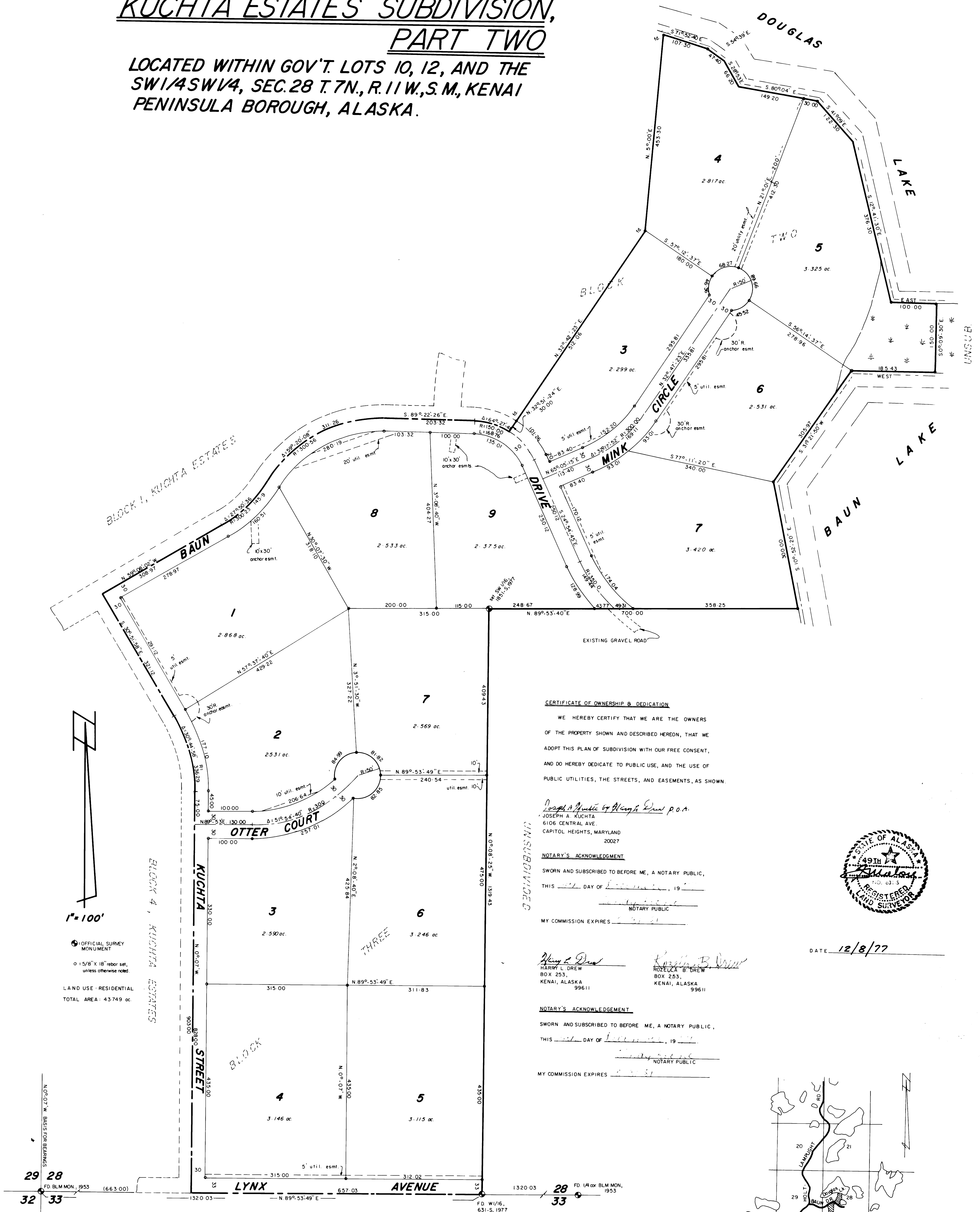
A PARTY OF RECORD MAY REQUEST THAT A DECISION OF THE PLAT COMMITTEE BE REVIEWED BY THE PLANNING COMMISSION BY FILING A WRITTEN REQUEST WITHIN 15 DAYS OF NOTIFICATION OF THE DECISION IN ACCORDANCE WITH KPB 2.40.080.

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

END OF STAFF REPORT

BLOCK 3 AND A PORTION OF 2, KUCHTA ESTATES SUBDIVISION, PART TWO

LOCATED WITHIN GOV'T LOTS 10, 12, AND THE
SW1/4SW1/4, SEC. 28 T. 7N, R. 11W, S. M, KENAI
PENINSULA BOROUGH, ALASKA.



CERTIFICATE OF OWNERSHIP & DEDICATION

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

Joseph A. Kuchta by HARRY L. DREW p.o.a.
JOSEPH A. KUCHTA
6106 CENTRAL AVE.
CAPITOL HEIGHTS, MARYLAND
20027

NOTARY'S ACKNOWLEDGMENT

SWORN AND SUBSCRIBED TO BEFORE ME, A NOTARY PUBLIC,
THIS 12 DAY OF December, 19 77

NOTARY PUBLIC
MY COMMISSION EXPIRES 12/31/81

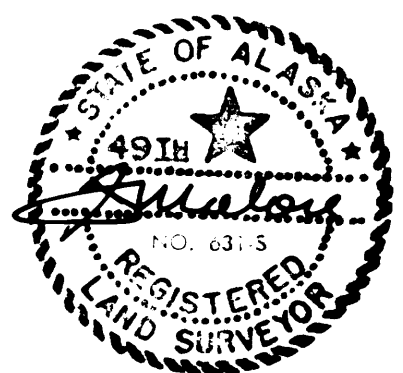
HARRY L. DREW
HARRY L. DREW
BOX 253,
KENAI, ALASKA
99611

Rozella B. Drew
ROZELLA B. DREW
BOX 253,
KENAI, ALASKA
99611

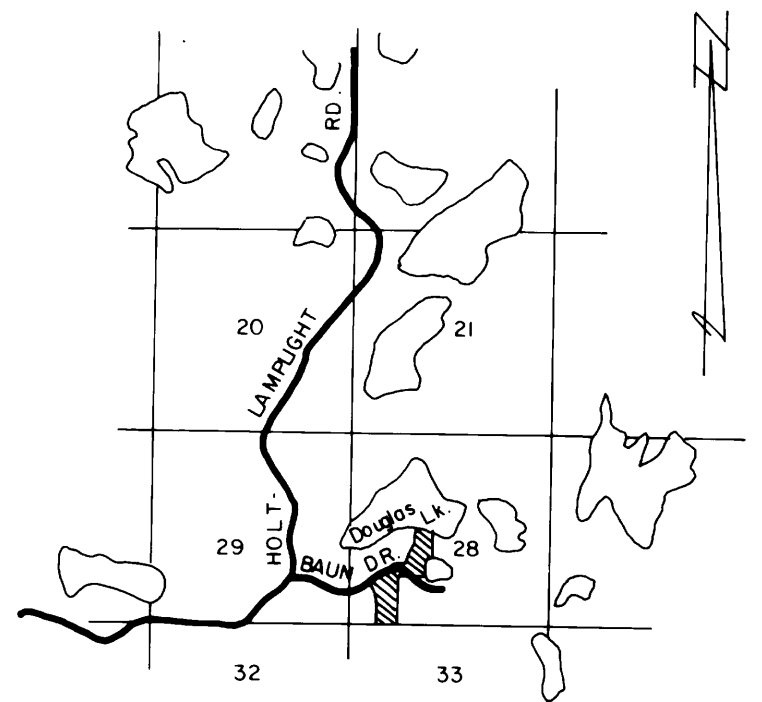
NOTARY'S ACKNOWLEDGEMENT

SWORN AND SUBSCRIBED TO BEFORE ME, A NOTARY PUBLIC,
THIS 12 DAY OF December, 19 77

NOTARY PUBLIC
MY COMMISSION EXPIRES 12/31/81



DATE 12/8/77



VICINITY MAP POR T. 7N, R. 11W, S. M.
1" = 1 mi.

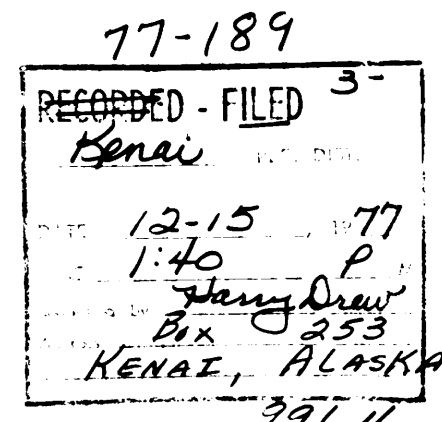
NOTES: 1) 20' BUILDING SET-BACK ALONG ALL DEDICATED RIGHTS-OF-WAY.
2) ALL WASTEWATER DISPOSAL SYSTEMS SHALL COMPLY WITH
EXISTING LAW AT TIME OF INSTALLATION.

PLAT APPROVAL

THIS PLAT, HAVING BEEN APPROVED BY THE KENAI
PENINSULA BOROUGH PLANNING COMMISSION, AS
RECORDED IN THE OFFICIAL MINUTES OF THE MEETING
OF September 19, 1977, IS HEREBY
ACKNOWLEDGED AS THE OFFICIAL PLAT, SUBJECT TO
ANY AND ALL CONDITIONS AND REQUIREMENTS OF
ORDINANCES AND LAW APPERTAINING THERETO.

KENAI PENINSULA BOROUGH

BY: *Therese Warming*



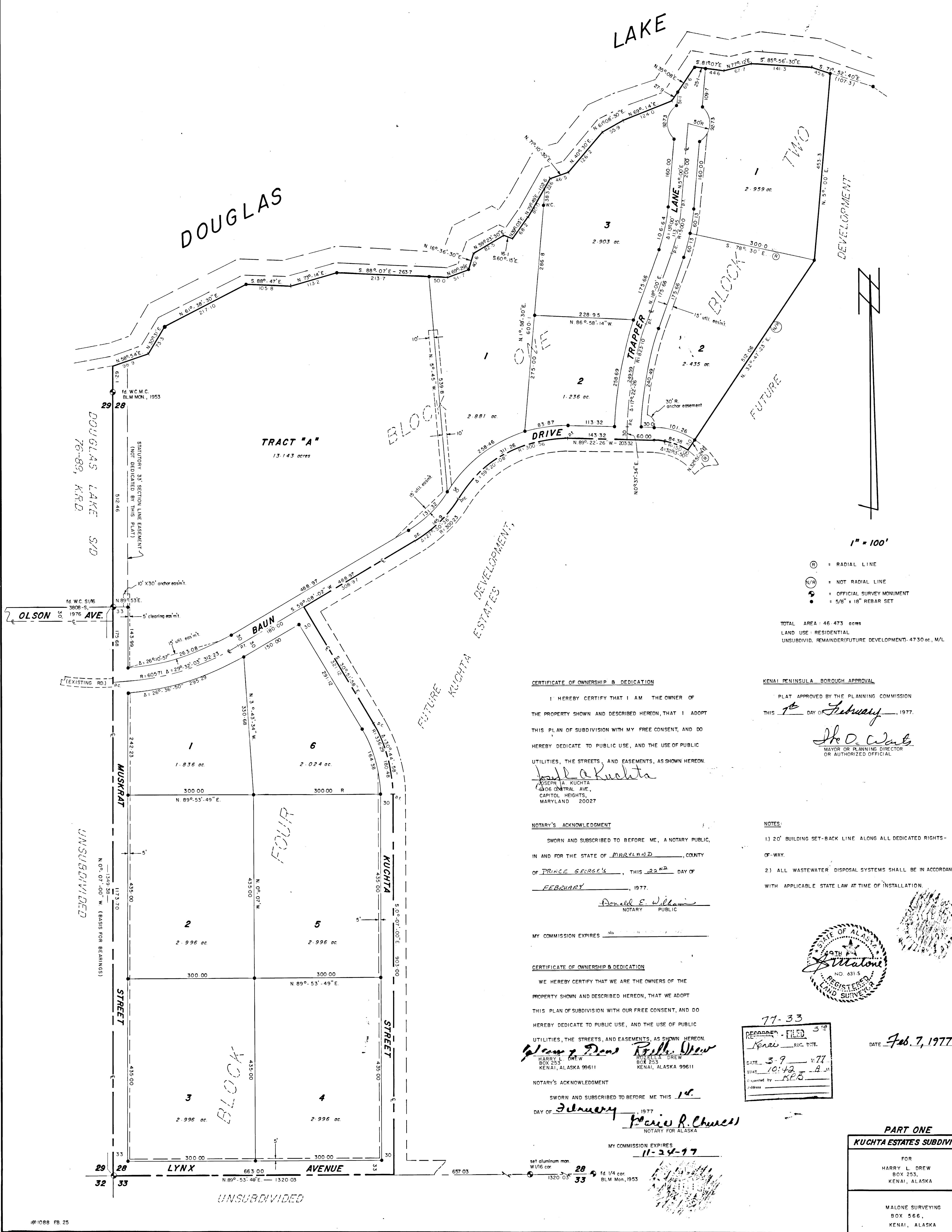
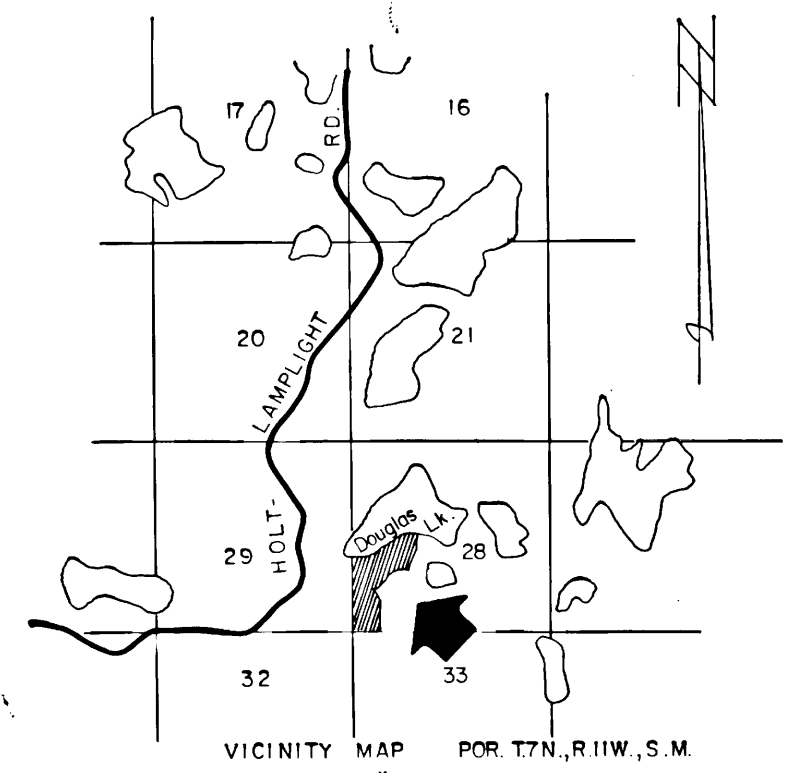
KUCHTA ESTATES, PART 2

HARRY L. DREW
BOX 253,
KENAI, ALASKA

MALONE SURVEYING
BOX 566
KENAI, ALASKA

BLOCKS 1, 4, and a portion of 2, KUCHTA ESTATES SUBDIVISION, PART ONE

LOCATED WITHIN GOV'T. LOTS 10, 12, AND THE SW 1/4 SW 1/4,
SEC. 28, T.7N., R.11W., S.M., KENAI PENINSULA BOROUGH, ALASKA.



CERTIFICATE OF OWNERSHIP & DEDICATION

I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON, THAT I ADOPT THIS PLAN OF SUBDIVISION WITH MY FREE CONSENT, AND DO HEREBY DEDICATE TO PUBLIC USE, AND THE USE OF PUBLIC UTILITIES, THE STREETS, AND EASEMENTS, AS SHOWN HEREON.

John A. Kuchta
JOHN A. KUCHTA
6806 CENTRAL AVE.
CAPITOL HEIGHTS,
MARYLAND 20027

NOTARY'S ACKNOWLEDGMENT

SWORN AND SUBSCRIBED TO BEFORE ME, A NOTARY PUBLIC, IN AND FOR THE STATE OF MARYLAND, COUNTY OF PRINCE GEORGES, THIS 22ND DAY OF FEBRUARY, 1977.

Donald E. Williams
NOTARY PUBLIC

CERTIFICATE OF OWNERSHIP & DEDICATION

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

Harry L. Drew *Rozella L. Drew*
HARRY L. DREW ROZELLA L. DREW
BOX 253 BOX 253
KENAI, ALASKA 99611 KENAI, ALASKA 99611

NOTARY'S ACKNOWLEDGMENT

SWORN AND SUBSCRIBED TO BEFORE ME THIS 14TH DAY OF February, 1977

Marie R. Chumey
NOTARY FOR ALASKA

MY COMMISSION EXPIRES 11-24-77

KENAI PENINSULA BOROUGH APPROVAL

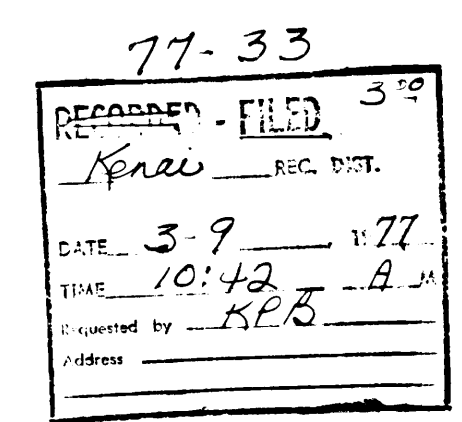
PLAT APPROVED BY THE PLANNING COMMISSION THIS 1ST DAY OF February, 1977.

Shirley A. White
MAYOR OR PLANNING DIRECTOR OR AUTHORIZED OFFICIAL

NOTES:

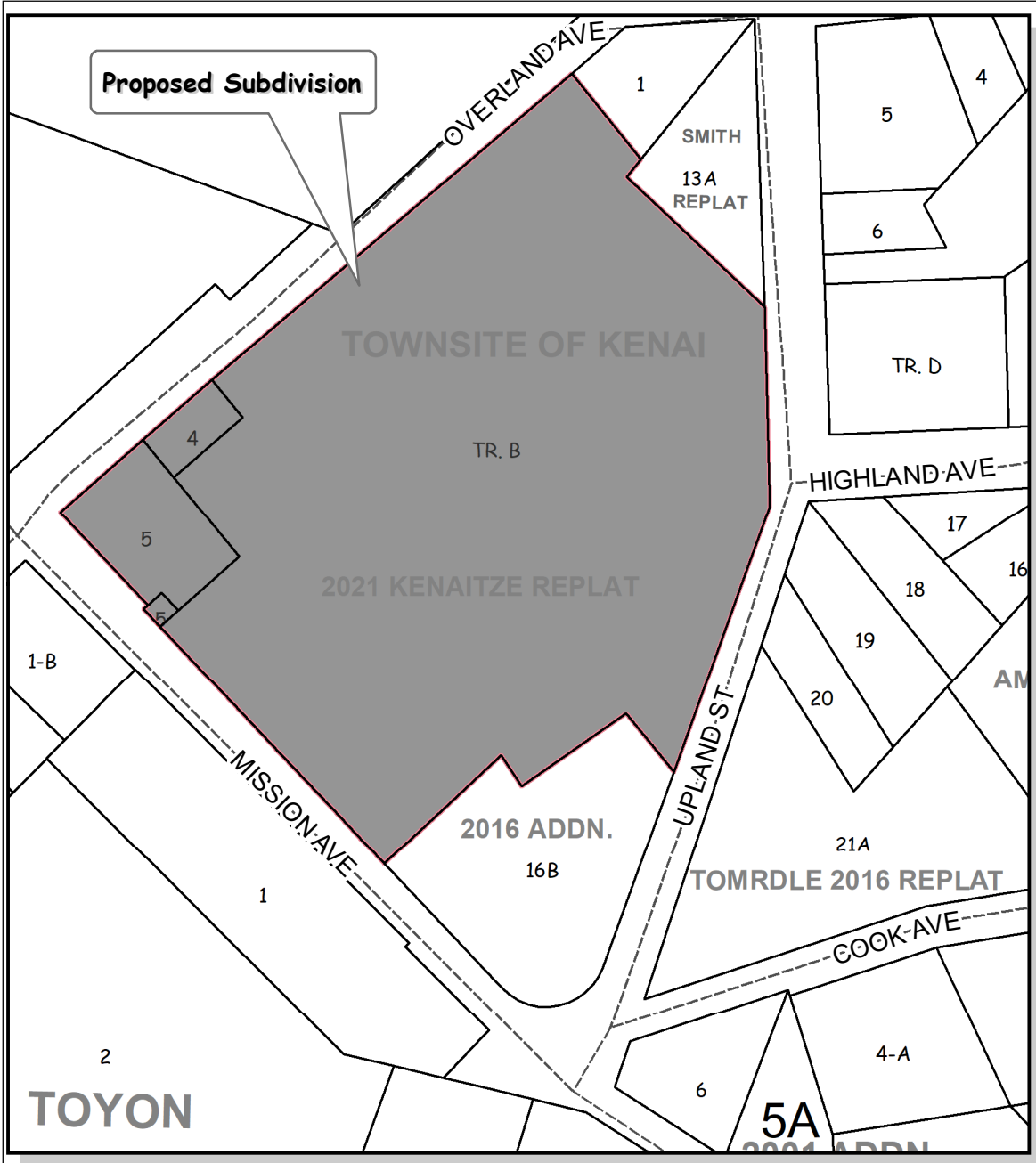
1) 20' BUILDING SET-BACK LINE ALONG ALL DEDICATED RIGHTS-OF-WAY.

2) ALL WASTEWATER DISPOSAL SYSTEMS SHALL BE IN ACCORDANCE WITH APPLICABLE STATE LAW AT TIME OF INSTALLATION.

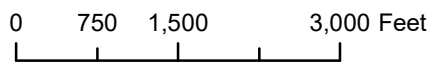
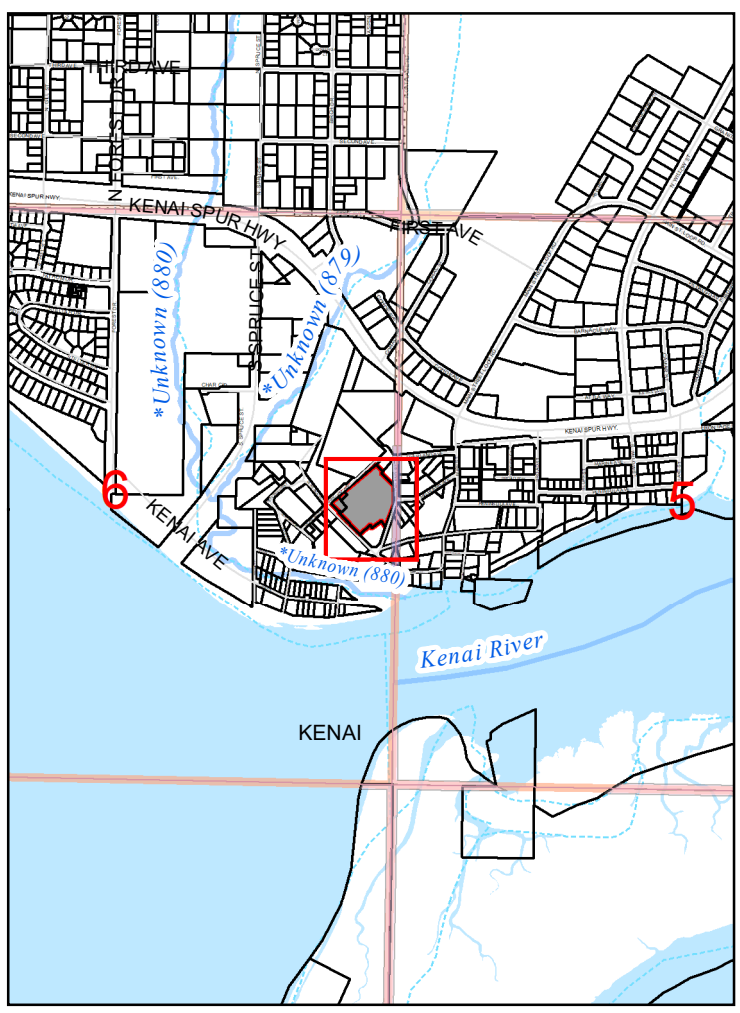
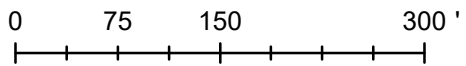


DATE Feb. 7, 1977

PART ONE	
KUCHTA ESTATES SUBDIVISION	
FOR	HARRY L. DREW
	BOX 253,
	KENAI, ALASKA
MALONE SURVEYING	
BOX 566,	
KENAI, ALASKA	



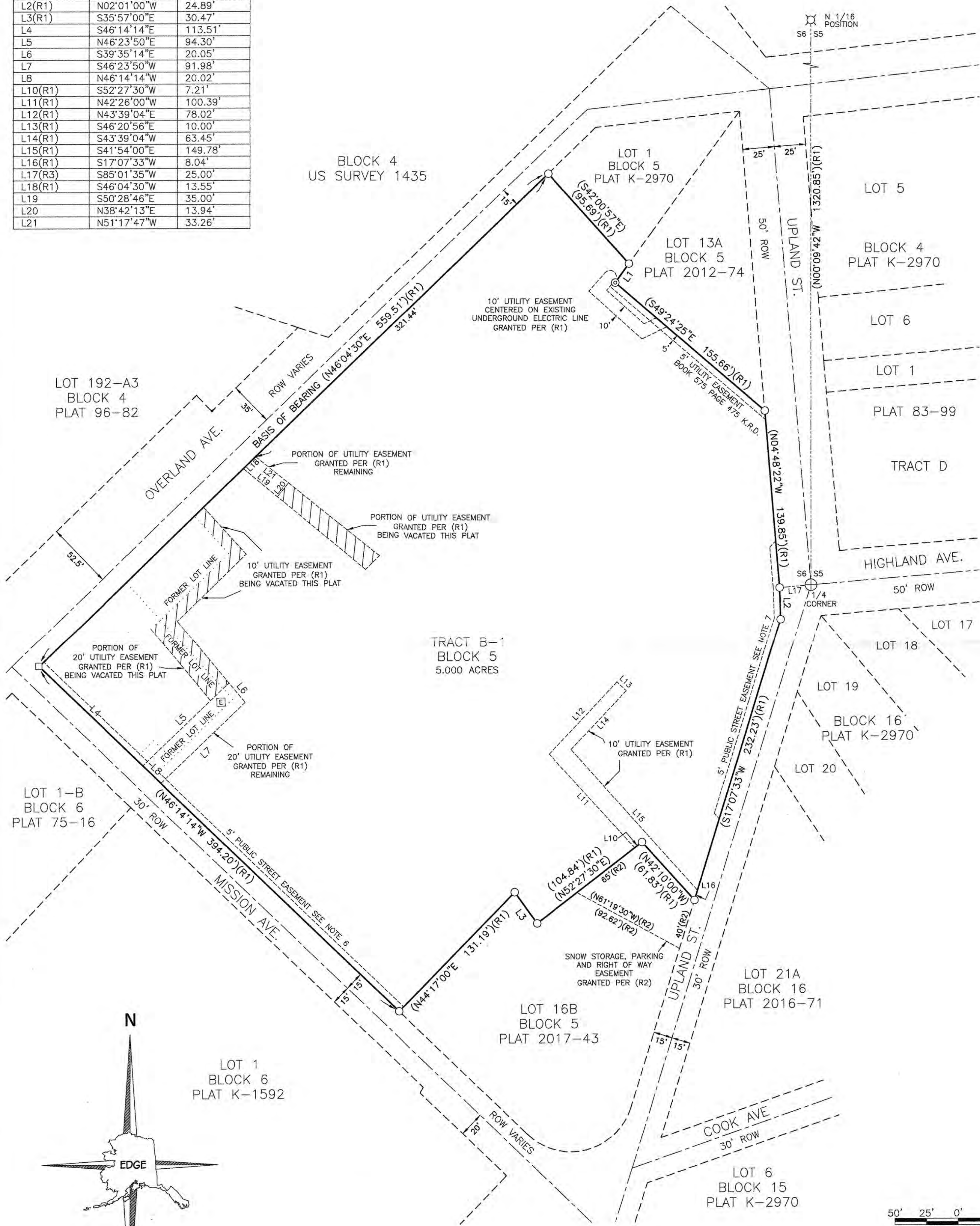
The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



KPB 2021-118
S06 T05N R11W
KENAI

LINE TABLE

LINE	BEARING	DISTANCE
L1(R1)	N35°31'24"E	18.49'
L2(R1)	N02°01'00"W	24.89'
L3(R1)	S35°57'00"E	30.47'
L4	S46°14'14"E	113.51'
L5	N46°23'50"E	94.30'
L6	S39°35'14"E	20.05'
L7	S46°23'50"W	91.98'
L8	N46°14'14"W	20.02'
L10(R1)	S52°27'30"W	7.21'
L11(R1)	N42°26'00"W	100.39'
L12(R1)	N43°39'04"E	78.02'
L13(R1)	S46°20'56"E	10.00'
L14(R1)	S43°39'04"W	63.45'
L15(R1)	S41°54'00"E	149.78'
L16(R1)	S17°07'33"W	8.04'
L17(R3)	S85°01'35"W	25.00'
L18(R1)	S46°04'30"W	13.55'
L19	S50°28'46"E	35.00'
L20	N38°42'13"E	13.94'
L21	N51°17'47"W	33.26'



NOTES

1. THE SOLE PURPOSE OF THIS PLAT IS TO VACATE AN INTERIOR LOT LINE. NO FIELD WORK WAS PERFORMED FOR THIS PLATTING ACTION.
2. FURTHER DEVELOPMENT OF THE PROPERTY SHALL CONFORM TO ALL FEDERAL, STATE OF ALASKA AND LOCAL REGULATIONS.
3. DEVELOPMENT OF THIS PARCEL SUBJECT TO THE CITY OF KENAI ZONING REGULATIONS.
4. THE FRONT 10 FEET ADJACENT TO RIGHT OF WAY IS ALSO AN UTILITY EASEMENT. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH COULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
5. UTILITY EASEMENT VACATION APPROVED BY KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF SEPTEMBER 13, 2021.
6. EXISTING 5 FOOT EASEMENTS FOR PUBLIC STREET PURPOSES ADJOINING MISSION AVENUE RIGHT OF WAY, GRANTED TO THE CITY OF KENAI HAVING THE FOLLOWING RECORDING INFORMATION, KENAI RECORDING DISTRICT:
DATE: OCTOBER 11, 1967 BOOK: 28 PAGE: 298-301
7. EXISTING 5 FOOT EASEMENTS FOR PUBLIC STREET PURPOSES ADJOINING UPLAND STREET RIGHT OF WAY, GRANTED TO THE CITY OF KENAI HAVING THE FOLLOWING RECORDING INFORMATION, KENAI RECORDING DISTRICT:
DATE: SEPTEMBER 14, 1990 BOOK: 371 PAGE: 279
DATE: SEPTEMBER 14, 1990 BOOK: 371 PAGE: 283-284
DATE: SEPTEMBER 14, 1990 BOOK: 371 PAGE: 286
8. A GENERAL ELECTRIC EASEMENTS, LOCATION NOT DEFINED, GRANTED TO KENAI POWER CORPORATION HAVING THE FOLLOWING RECORDING INFORMATION, KENAI RECORDING DISTRICT:
DATE: DECEMBER 1963 BOOK: 11 PAGE: 188, 235, 242, 262, 289
9. A GENERAL PUBLIC UTILITY EASEMENTS, LOCATION NOT DEFINED, GRANTED TO HOMER ELECTRIC ASSOCIATION HAVING THE FOLLOWING RECORDING INFORMATION, KENAI RECORDING DISTRICT:
DATE: JANUARY 24, 2000 BOOK: 575 PAGE: 475
10. A GENERAL ELECTRIC EASEMENTS, EFFECTING PORTIONS OF FORMER TRACT B, GRANTED TO HOMER ELECTRIC ASSOCIATION HAVING THE FOLLOWING RECORDING INFORMATION, KENAI RECORDING DISTRICT:
DATE: OCTOBER 29, 2012 SERIAL NUMBER: 2012-010713-0
11. WASTEWATER DISPOSAL: CITY WATER AND SEWER ARE AVAILABLE TO SERVE THIS PARCEL. PLANS FOR WASTEWATER TREATMENT AND DISPOSAL THAT MEET REGULATORY REQUIREMENTS ARE ON FILE AT THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

REFERENCES

- (R1) TOWNSITE OF KENAI KENAITZE ADDITION SUBDIVISION, PLAT 2012-11, KENAI RECORDING DISTRICT
(R2) EASEMENT SERIAL NUMBER 2012-007066-0, KENAI RECORDING DISTRICT
(R3) TOWNSITE OF KENAI 2021 KENAITZE REPLAT, PLAT 2021-18, KENAI RECORDING DISTRICT
(R4) TOWNSITE OF KENAI, PLAT K-2970, KENAI RECORDING DISTRICT

LEGEND

- | | | | |
|------|---|---------|------------------------|
| ⊕ | MONUMENT OF RECORD (R1) 2-1/2" BRASS MONUMENT IN CASE | — | PARCEL BOUNDARY |
| ⊗ | POSITION OF RECORD (R1) | --- | FORMER LOT LINE |
| ○ | PROPERTY CORNER OF RECORD (R1) REBAR | - - - - | ADJACENT PROPERTY LINE |
| ⊙ | PROPERTY CORNER OF RECORD (R1) IRON PIPE | - - - - | EASEMENT |
| □ | PROPERTY CORNER OF RECORD (R4) 2"x2" WOOD STAKE | - - - - | CENTERLINE |
| (R1) | RECORD DATA, SEE REFERENCE | - - - - | MONUMENT TIE |
| | | | EASEMENT BEING VACATED |

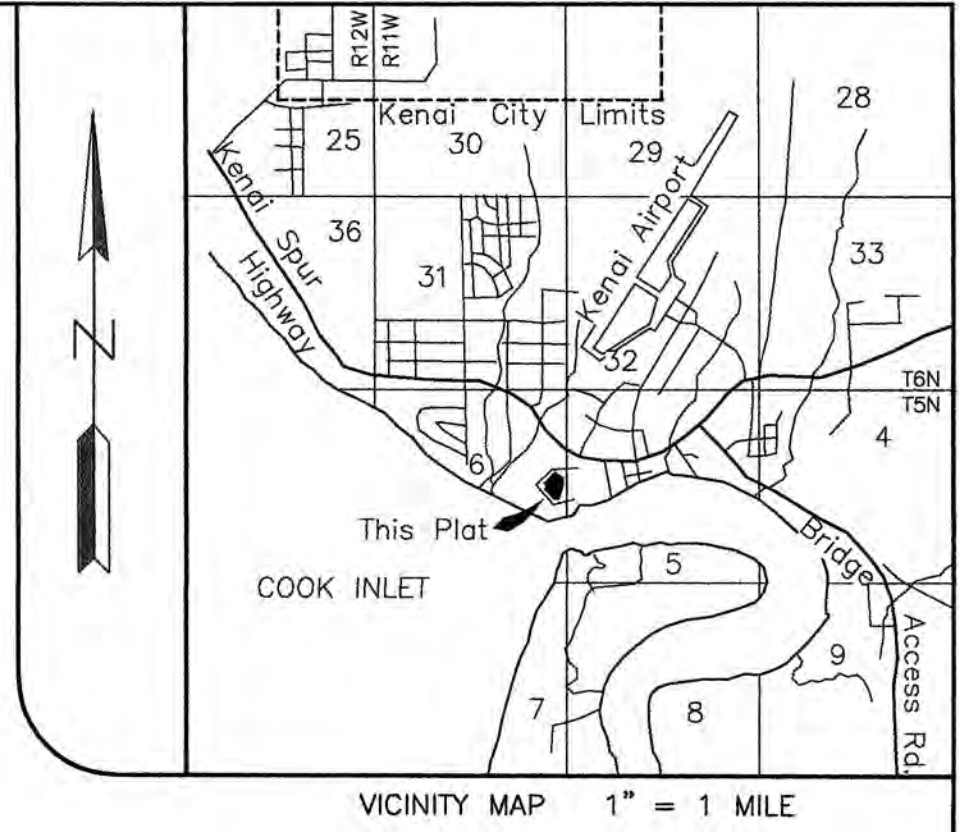
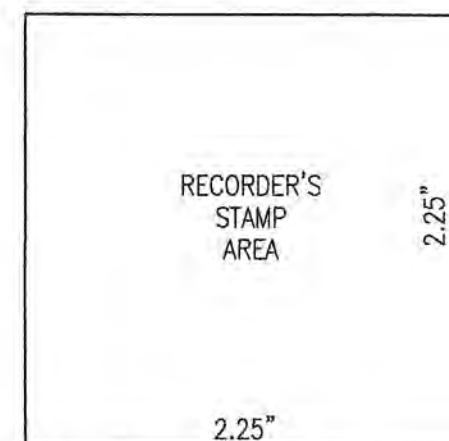
PLAT APPROVAL

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

AUTHORIZED OFFICIAL

CERTIFICATE OF SURVEYOR

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



CERTIFICATE OF OWNERSHIP AND DEDICATION

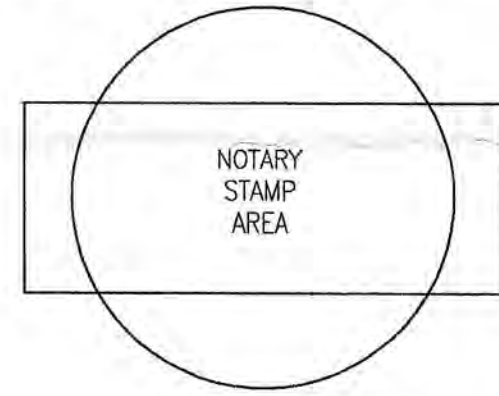
I HEREBY CERTIFY THAT KENAITZE INDIAN TRIBE IS THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HERE AND THAT ON BEHALF OF KENAITZE INDIAN TRIBE I HEREBY ADOPT THIS PLAN OF SUBDIVISION AND BY MY FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND GRANT ALL EASEMENTS TO THE USE SHOWN.

CHELSEA HENDRICKS, EXECUTIVE DIRECTOR
PO BOX 988
KENAI, ALASKA 99611
KENAITZE INDIAN TRIBE IRA
KENAITZE INDIAN TRIBE

NOTARY ACKNOWLEDGEMENT

FOR: CHELSEA HENDRICKS
ACKNOWLEDGED BEFORE ME
THIS _____ DAY OF _____, 2021

NOTARY PUBLIC SIGNATURE



KPB FILE No. 2021-000

TOWNSITE OF KENAI
KENAITZE COURTHOUSE
REPLAT

A REPLAT OF
TRACT B BLOCK 5
TOWNSITE OF KENAI 2021 KENAITZE REPLAT
PLAT 2021-18
AND
REMAINDER OF LOT 4 AND LOT 5 BLOCK 5
ORIGINAL TOWNSITE OF KENAI
PLAT K-2970
KENAI RECORDING DISTRICT

OWNERS:
KEANAITZE INDIAN TRIBE IRA
KEANAITZE INDIAN TRIBE
PO BOX 988
KENAI, ALASKA 99611

LOCATED WITHIN E 1/2, SECTION 6,
T.5N., R.11W, S.M.
STATE OF ALASKA
KENAI PENINSULA BOROUGH
KENAI RECORDING DISTRICT
CITY OF KENAI
CONTAINING 5.000 ACRES



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

DRAWN BY: JY	DATE: 7/15/2021	PROJECT: 21-582
CHECKED BY: MA	SCALE: 1" = 50'	SHEET: 1 OF 1

PRELIMINARY PLAT

KPB 2021-118

AGENDA ITEM E. NEW BUSINESS

ITEM 6 – TOWNSITE OF KENAI KENAITZE COURTHOUSE REPLAT

KPB File No.	2021-118
Plat Committee Meeting:	September 13, 2021
Applicant / Owner:	Kenaitze Indian Tribe IRA of Kenai, Alaska
Surveyor:	Mark Aimonetti, Jason Young / Edge Survey and Design, LLC
General Location:	City of Kenai

Parent Parcel No.:	047-071-07, 047-071-08, 047-071-09, 047-071-35
Legal Description:	Tract B Block 5 of Townsite of Kenai 2021 Kenaitze Replat, Plat KN 2021-18, a portion of Lot 4 Block 5 and all of Lot 5 Block 5 of Original Townsite of Kenai, U.S. Survey 2970.
Assessing Use:	General Commercial
Zoning:	Townsite Historic District
Water / Wastewater	City

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will combine four parcels into one 5 acre tract and finalize the vacation of multiple utility easements.

Location and Legal Access (existing and proposed): The proposed subdivision is located in the City of Kenai in the area considered Old Town Kenai. The roads in the area vary in width and do not meet minimum width standards. The subdivision will create one large lot with access from Overland Avenue, Mission Avenue, and Upland Street.

The block is closed and compliant in length.

Per KPB Code 20.30.120, minimum right of way width is 60 feet. The right of way dedications in this area vary from 30 feet to 50 feet in width. The right of ways are all constructed and maintained by the City of Kenai. The City of Kenai approved the preliminary plat at their August 11, 2021 meeting. There was no request for additional right of way width. The City of Kenai does have multiple 5 foot street easements around portions of the subdivision that provide additional width if needed. This subdivision is zoned by the City of Kenai as Townsite Historic District. The Kenai Peninsula Borough Comprehensive Plan can support allowing non-compliant right of way widths as the current design supports historic preservation and helps maintain the character of the historic district. **Staff recommends the plat committee concur that an exception is not required and no additional right of way dedications required unless requested by the City of Kenai.**

KPB Roads Dept. comments	Not within KPB jurisdiction, no comments
SOA DOT comments	No comments.

Site Investigation: The area is relatively flat and does not contain any low wet areas.

River Center Review	A. Floodplain Reviewer: Carver, Nancy Floodplain Status: Within City of Soldotna/Kenai Comments: No comments B. Habitat Protection Reviewer: Aldridge, Morgan
---------------------	--

	Habitat Protection District Status: Is NOT within HPD Comments: No comments C. State Parks Reviewer: Russell, Pam Comments: No Comments
--	--

Staff Analysis The proposed subdivision is made of parcels originally created with U.S. Survey 2970, Townsite of Kenai. The lots within this block have been combined and right of ways have been vacated over multiple platting actions. The result is one large tract and seven smaller lots. Kenaitze Indian Tribe owns all but two of the lots within the block. This plat will combine four of their lots with the large tract. Lot 4 is only a portion of the lot as a portion was deeded off and is already combined with the tract. Lot 5 has been split as well resulting in two separate parcels. They will both be included in the new tract.

Per the City of Kenai staff report, the Kenaitze Indian Tribe wishes to renovate and expand their tribal court building. The proposed expansion will not meet the City of Kenai's current setback requirements. The combining of lots will allow the expansion to be compliant with zoning codes.

The City of Kenai heard and approved the preliminary plat at their August 11, 2021 meeting subject to the following.

1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.
2. The Kenai City Council must declare that the portion of the ten-foot utility easement to be vacated is not needed for a public purpose and approve the vacation of the utility easement as shown on the preliminary plat.
3. Prior to issuance of a building permit, a Landscape/Site plan must be submitted to the City of Kenai for review and approval.

Per the City of Kenai Planning and Zoning Commission Resolution 2021-31, the buildings located on the proposed lot are connected to City water and sewer services and an installation agreement is not required. A soils report will not be required.

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

Utility Easements A petition to vacate multiple utility easements has been received and is scheduled to be reviewed by the Planning Commission at the September 13, 2021 meeting. If the vacation is approved by the KPB Planning Commission, per municipal code, the application will be sent to the City of Kenai council for their consent or veto. If the vacation is denied, or vetoed, the plat will be required to correctly depict utility easements of record.

The parent plats granted 10 foot utility easements adjoining sections of the dedicated right of ways but not all right of ways. The proposed plat will grant 10 foot utility easements along all right of ways.

Plat KN 2012-11 granted utility easements along the property lines in the southwest corner. The northern portion of the 10 foot utility easement adjoining the former lot line is requested to be vacated. When the easement extends to the southeast the width varies. Per KN 2012-11 a 20 foot utility easement was granted centered on the existing utility line. The plat only had the authority to grant the easement within the subdivision boundary. Staff did not find any record of the remaining 20 foot width being granted within Lot 5 Block 5. **Staff recommends** the depiction of the portion being vacated be corrected to match what was actually granted. **Staff recommends** this platting action grant the remaining width for the 20 foot wide utility easement that extends from Mission Avenue.

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

Utility provider review:

HEA	
ENSTAR	No comments or objections.
ACS	ACS has no objections to the vacation of the interior lot line. However, records indicate we have fiber optic and/or copper cables for current/future service in the PUEs proposed for abandonment, and would object to their removal.
GCI	Approved as shown.

KPB department / agency review:

Addressing – Derek Haws	<p>Affected Addresses: 1010 MISSION AVE 509 OVERLAND AVE 513 OVERLAND AVE 508 UPLAND ST 510 UPLAND ST</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names: OVERLAND AVE MISSION AVE COOK AVE UPLAND ST HIGHLAND AVE</p> <p>Comments: CITY OF KENAI WILL ADVISE ON AFFECTED ADDRESSES.</p>
Code Compliance – Eric Ogren	<p>Reviewer: Hindman, Julie Comments: Code Compliance review not available</p>
Planner – Bryan Taylor	<p>There are not any Local Option Zoning District issues with this proposed plat.</p> <p>Material Site Comments: There are not any material site issues with this proposed plat. Review Not Required</p>
Assessing – Matt Bruns	No concerns from Assessing Dept.
ADF&G	No objections.

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.

A. Within the Title Block

1. Name of the subdivision which shall not be the same as an existing city, town, tract, or subdivision of land in the borough, of which a plat has been previously recorded, or so nearly the same as to

mislead the public or cause confusion. The parent plat's name shall be the primary name of the preliminary plat.

2. Legal description, location, date, and total area in acres of the proposed subdivision;

3. Name and address of owner(s), as shown on the KPB records and the certificate to plat, and registered land surveyor.

Staff recommendation:

- *Update the description for Lot 4 and 5 to read "Lot 5 Block 5 and portion of Lot 4 Block 5 Original Townsite of Kenai U.S. Survey 2970 A and B."*
- *Correct the spelling of Kenaitze for the ownership information.*

- 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: *Provide a label for the Kenai River. Adjust the labels for the sections so they stand out more (bolder, halo, etc.)*

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

Staff recommendation:

- *The plat information east of Upland Street should be made clear to which lots the label applies. 2970 is for Lot 5 and Lot 6 while 83-99 is for Lot 1 and Tract D.*
- *Remove "Block 4" from the US Survey lot located to the northwest.*
- *Remove Block labels from Lot 192-A3 and Lot 16B.*

KPB 20.30 Design Requirements

Platting staff comments: *Staff reviewed the plat and all the items required by 20.30 were met, unless otherwise noted below:*

- 20.30.270. 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 Kenai does not meet the specified requirements for the application and consideration of different standards.*

KPB 20.40 -- Wastewater Disposal

- 20.40.010 Wastewater disposal.

Platting Staff Comments: *City water and sewer. An installation agreement is not required as buildings are already connected.*

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

Page 4 of 5

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:

Remove the word "also" from plat note 4.

Plat note 9 states the location is not defined but the easement is depicted on the plat. The label on the plat can be reworded to refer to Plat Note 9 and then remove "location not defined" from the note.

Note 8 should have "A" removed from the beginning.

Note 10 should make "easements" in the singular.

KPB 20.70 – Vacation Requirements

Staff recommendation. *If the utility easement vacations will be finalized by the plat, it must be finalized within one year of vacation consent.*

RECOMMENDATION:

STAFF RECOMMENDS:

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

NOTE: 20.25.120. - REVIEW AND APPEAL.

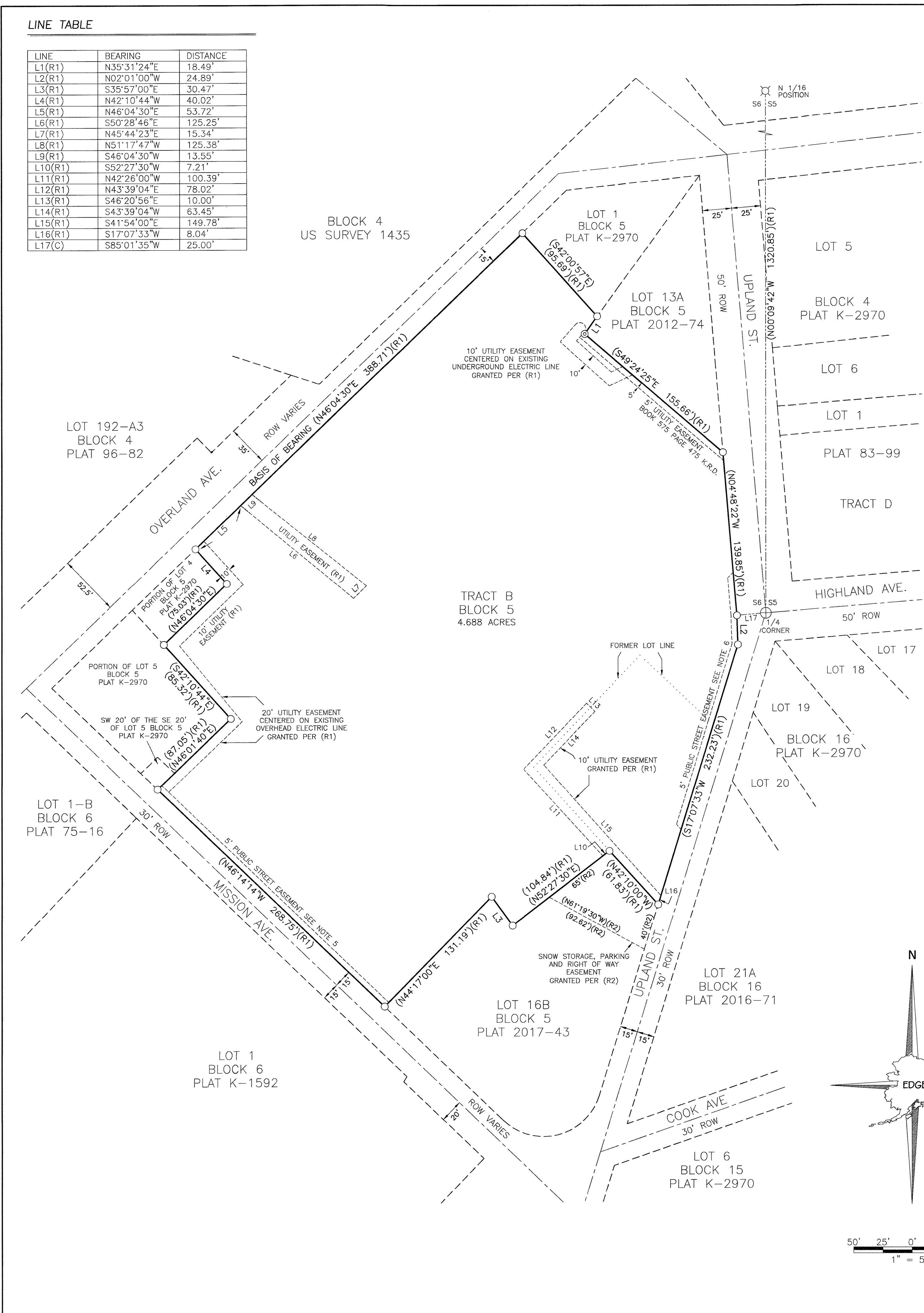
A PARTY OF RECORD MAY REQUEST THAT A DECISION OF THE PLAT COMMITTEE BE REVIEWED BY THE PLANNING COMMISSION BY FILING A WRITTEN REQUEST WITHIN 15 DAYS OF NOTIFICATION OF THE DECISION IN ACCORDANCE WITH KPB 2.40.080.

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

END OF STAFF REPORT

LINE TABLE

LINE	BEARING	DISTANCE
L1(R1)	N35°31'24"E	18.49'
L2(R1)	N02°01'00"W	24.89'
L3(R1)	S35°57'00"E	30.47'
L4(R1)	N42°10'44"W	40.02'
L5(R1)	N46°04'30"E	53.72'
L6(R1)	S50°28'46"E	125.25'
L7(R1)	N45°44'23"E	15.34'
L8(R1)	N51°17'47"W	125.38'
L9(R1)	S46°04'30"W	13.55'
L10(R1)	S52°27'30"W	7.21'
L11(R1)	N42°25'00"W	100.39'
L12(R1)	N43°39'04"W	78.02'
L13(R1)	S46°20'56"E	10.00'
L14(R1)	S43°39'04"W	63.45'
L15(R1)	S41°54'00"E	149.78'
L16(R1)	S17°07'33"W	8.04'
L17(C)	S85°01'35"W	25.00'



NOTES

1. THE SOLE PURPOSE OF THIS PLAT IS TO VACATE AN INTERIOR LOT LINE. NO FIELD WORK WAS PERFORMED FOR THIS PLATTING ACTION.
2. FURTHER DEVELOPMENT OF THE PROPERTY SHALL CONFORM TO ALL FEDERAL, STATE OF ALASKA AND LOCAL REGULATIONS.
3. DEVELOPMENT OF THIS PARCEL SUBJECT TO THE CITY OF KENAI ZONING REGULATIONS.
4. THE FRONT 10 FEET ADJACENT TO RIGHT OF WAY IS ALSO AN UTILITY EASEMENT. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH COULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
5. EXISTING 5 FOOT EASEMENTS FOR PUBLIC STREET PURPOSES ADJOINING MISSION AVENUE RIGHT OF WAY, GRANTED TO THE CITY OF KENAI HAVING THE FOLLOWING RECORDING INFORMATION, KENAI RECORDING DISTRICT:
DATE: OCTOBER 11, 1967 BOOK: 28 PAGE: 298-301
6. EXISTING 5 FOOT EASEMENTS FOR PUBLIC STREET PURPOSES ADJOINING UPLAND STREET RIGHT OF WAY, GRANTED TO THE CITY OF KENAI HAVING THE FOLLOWING RECORDING INFORMATION, KENAI RECORDING DISTRICT:
DATE: SEPTEMBER 14, 1990 BOOK: 371 PAGE: 279
DATE: SEPTEMBER 14, 1990 BOOK: 371 PAGE: 283-284
DATE: SEPTEMBER 14, 1990 BOOK: 371 PAGE: 286
7. A GENERAL ELECTRIC EASEMENTS, LOCATION NOT DEFINED, GRANTED TO KENAI POWER CORPORATION HAVING THE FOLLOWING RECORDING INFORMATION, KENAI RECORDING DISTRICT:
DATE: DECEMBER 1963 BOOK: 11 PAGE: 188, 235, 242, 262, 289
8. A GENERAL PUBLIC UTILITY EASEMENTS, LOCATION NOT DEFINED, GRANTED TO HOMER ELECTRIC ASSOCIATION HAVING THE FOLLOWING RECORDING INFORMATION, KENAI RECORDING DISTRICT:
DATE: JANUARY 24, 2000 BOOK: 575 PAGE: 475
9. A GENERAL ELECTRIC EASEMENTS, EFFECTING PORTIONS OF FORMER TRACT A, GRANTED TO HOMER ELECTRIC ASSOCIATION HAVING THE FOLLOWING RECORDING INFORMATION, KENAI RECORDING DISTRICT:
DATE: OCTOBER 29, 2012 SERIAL NUMBER: 2012-010713-0
10. WASTEWATER DISPOSAL: CITY WATER AND SEWER ARE AVAILABLE TO SERVE THIS PARCEL. PLANS FOR WASTEWATER TREATMENT AND DISPOSAL THAT MEET REGULATORY REQUIREMENTS ARE ON FILE AT THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

REFERENCES

- (R1) TOWNSITE OF KENAI KENAITZE ADDITION SUBDIVISION, PLAT 2012-11, KENAI RECORDING DISTRICT
(R2) EASEMENT SERIAL NUMBER 2012-007066-0, KENAI RECORDING DISTRICT

LEGEND

⊕	MONUMENT OF RECORD (R1) 2-1/2" BRASS MONUMENT IN CASE	_____	PARCEL BOUNDARY
⊗	POSITION OF RECORD (R1)	FORMER LOT LINE
○	PROPERTY CORNER OF RECORD (R1) REBAR	-----	ADJACENT PROPERTY LINE
⊙	PROPERTY CORNER OF RECORD (R1) IRON PIPE	-----	EASEMENT
(R1)	RECORD DATA, SEE REFERENCE	-----	CENTERLINE
(C)	COMPUTED	-----	MONUMENT TIE

PLAT APPROVAL

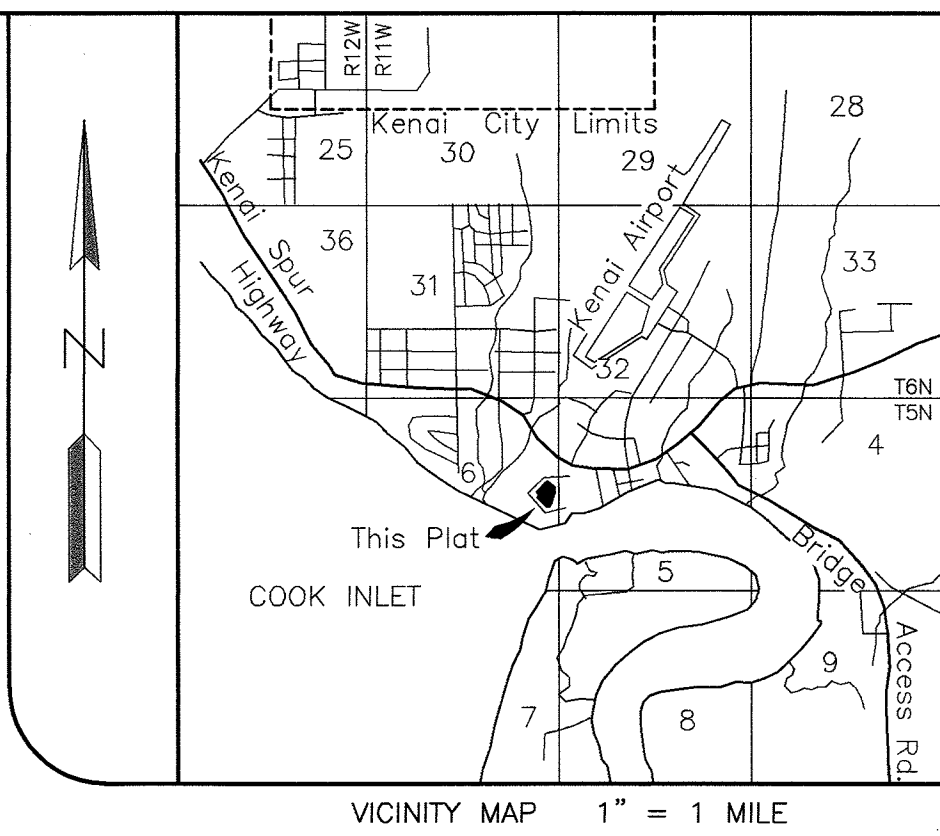
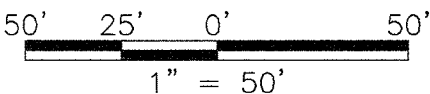
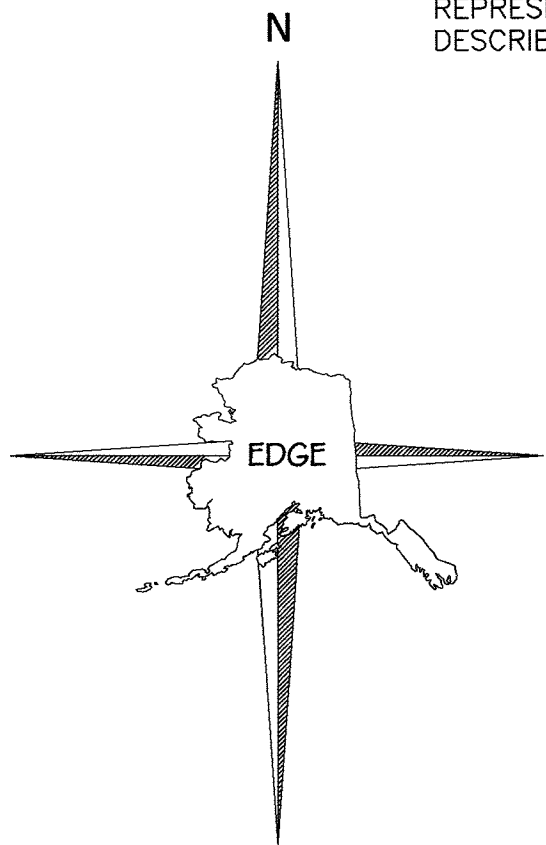
THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF APRIL 12, 2021.
KENAI PENINSULA BOROUGH

Scott W. [Signature]
AUTHORIZED OFFICIAL

6/3/21

CERTIFICATE OF SURVEYOR

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



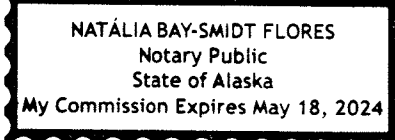
CERTIFICATE OF OWNERSHIP AND DEDICATION

I HEREBY CERTIFY THAT KENAITZE INDIAN TRIBE IS THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HERE AND THAT ON BEHALF OF KENAITZE INDIAN TRIBE 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.

Dawn Nelson
DAWN NELSON, EXECUTIVE DIRECTOR
PO BOX 988
KENAI, ALASKA 99611
KENAITZE INDIAN TRIBE IRA
KENAITZE INDIAN TRIBE

NOTARY ACKNOWLEDGEMENT

FOR: DAWN NELSON
ACKNOWLEDGED BEFORE ME
THIS 4TH DAY OF May, 2021
Natalia Bay-Shoot Flores
NOTARY PUBLIC SIGNATURE



KPB FILE No. 2021-031

TOWNSITE OF KENAI
2021 KENAITZE
REPLAT

A REPLAT OF TRACT A AND LOT 22-A-1 BLOCK 5
TOWNSITE OF KENAI KENAITZE ADDITION SUBDIVISION
PLAT 2012-11
KENAI RECORDING DISTRICT

OWNERS:
KENAITZE INDIAN TRIBE IRA
KENAITZE INDIAN TRIBE
PO BOX 988
KENAI, ALASKA 99611

LOCATED WITHIN E 1/2, SECTION 6,
T.5N., R.11W. S.M.
STATE OF ALASKA
KENAI PENINSULA BOROUGH
KENAI RECORDING DISTRICT
CITY OF KENAI

CONTAINING 4.668 ACRES

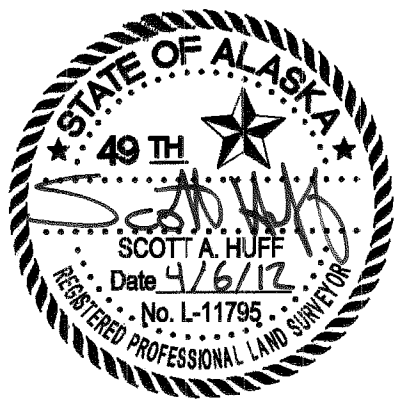


12501 OLD SEWARD, D ANCHORAGE, AK 99515
Phone (907) 344-5990 Fax (907) 344-7794
AECL# 1392

DRAWN BY: JY	DATE: 5/2/2021	PROJECT: 21-504
CHECKED BY: MA	SCALE: 1" = 50'	SHEET: 1 OF 1

CERTIFICATE OF SURVEYOR

I hereby certify that; I am properly registered and licensed to practice land surveying in the State of Alaska, this plat represents a survey made by me or under my direct supervision, the monuments shown 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.



LEGEND:

- Monument (found)
2 1/2" Brass Mon. in case markings illegible
- Rebar (found)
- Iron Pipe (found)
- 5/8" Rebar (set)
- Overhead Electric Utility Lines
- Underground Electric Utility Lines
- Electric Utility Pedestal
- Alley way - vacated
- Record Datum - Townsite of Kenai
US Survey 192

U.S. Survey No. 1435
Blk. 7

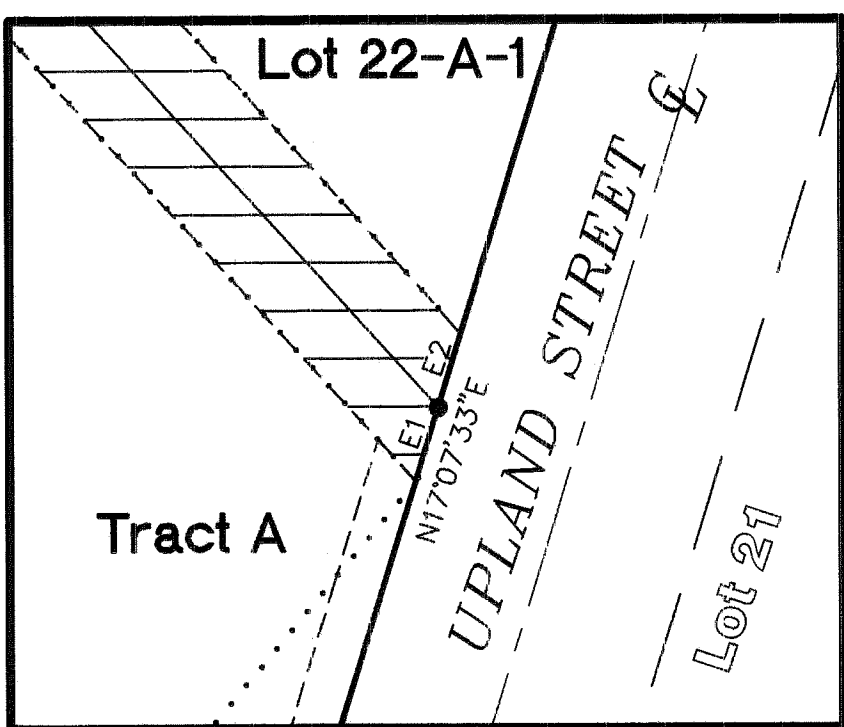
NORTH

Lot 192-A3
Blk. 7

Lot 1-B
Blk. 6

Lot 1
Blk. 6

LINE	LENGTH	BEARING
E1	7.99'	N17°07'33"E
E2	8.04'	N17°07'33"E
E3	149.78'	S41°54'00"E
E4	63.45'	N43°39'04"E
E5	10.00'	N46°20'56"W
E6	78.02'	S43°39'04"W
E7	166.88'	S42°26'00"E
E8	53.72'	N46°04'30"E
E9	13.55'	N46°04'30"E
E10	125.38'	S51°17'47"E
E11	15.34'	S45°44'23"W
E12	125.25'	N50°28'46"W



Detail A
Scale 1" = 20'

CERTIFICATE OF OWNERSHIP AND DEDICATION

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND THAT WE HEREBY ADOPT THIS PLAN OF SUBDIVISION AND BY OUR FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

JAYLENE PETERSON-NYREN
EXECUTIVE DIRECTOR
KENAITZE INDIAN TRIBE I.R.A.

FORMER LOTS 2-4, 6-12, 15, 16, 18,
19, 20 AND 23 OF ORIGINAL
TOWNSITE OF KENAI, ALASKA

PO BOX 988
KENAI, AK 99611-0988

SANDRA J. VOZAR-GINAVAN
A.K.A. SANDRA J. VOZAR-BLAZY
A.K.A. SANDRA J. VOZAR

FORMER LOT 22-A ORIGINAL
TOWNSITE OF KENAI, VOZAR ADD.

PO BOX 230
ANCHOR POINT, AK 99556-0230

NOTARY'S ACKNOWLEDGMENT

FOR: JAYLENE PETERSON-NYREN
SUBSCRIBED AND SWORN BEFORE ME THIS 22ND

DAY OF March, 2012

NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES 3/28/13

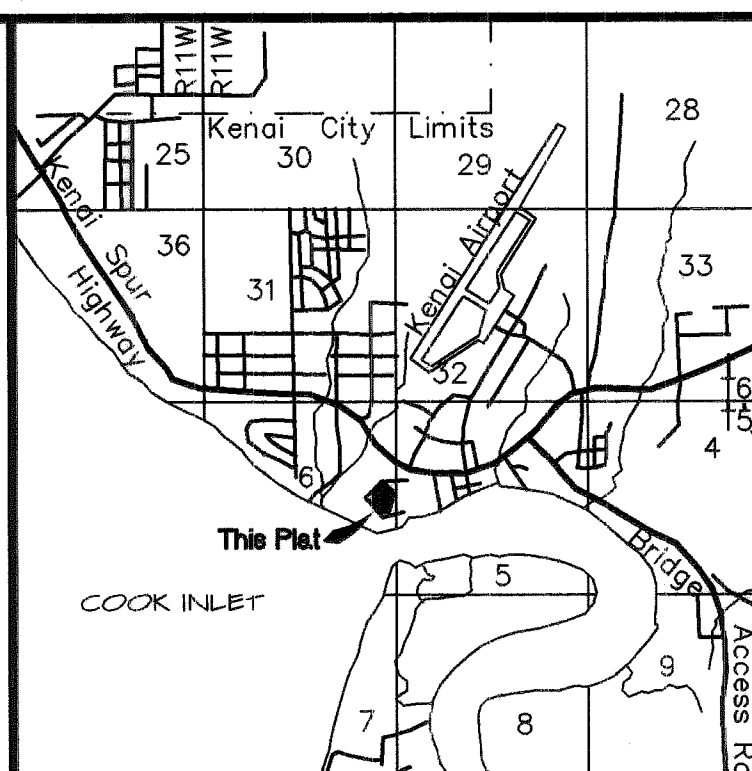
NOTARY'S ACKNOWLEDGMENT

FOR: SANDRA J. VOZAR-GINAVAN A.K.A. SANDRA J. VOZAR
SUBSCRIBED AND SWORN BEFORE ME THIS 22ND

DAY OF March, 2012

NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES 3/28/13

VICINITY
MAP
1" = 1 MILE



PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF June 27, 2011

KENAI PENINSULA BOROUGH

AUTHORIZED OFFICIAL

KPB FILE No. 2011-077

TOWNSITE OF KENAI KENAITZE ADDITION SUBDIVISION

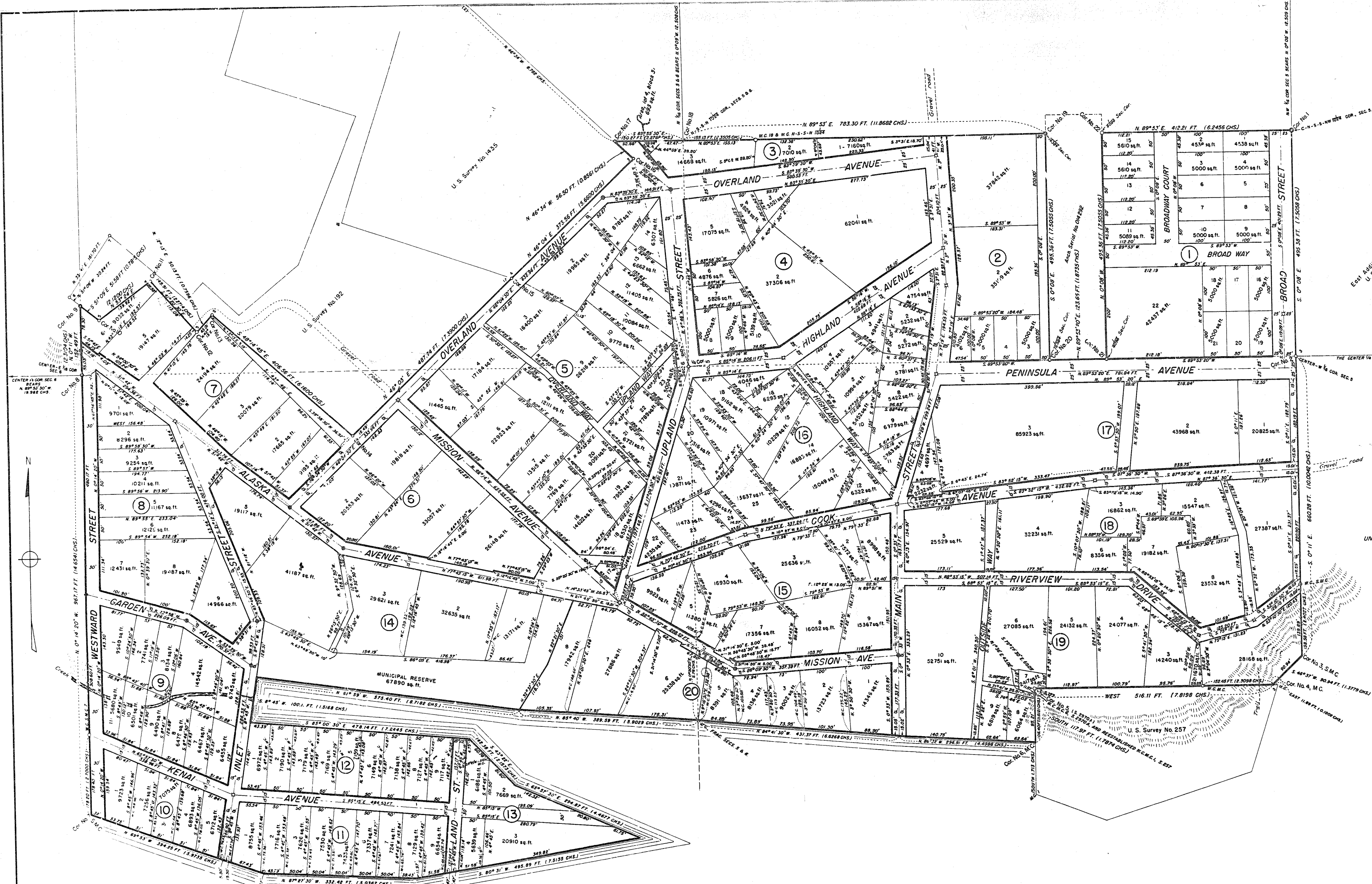
A replat of Lots 2-4, 6-12, 15, 16, 18-20, and 23 Block 5, Townsite of Kenai (US Survey 2970A) and Lot 22-A of Original Townsite of Kenai Vozar Addition (KN 2007-4) and showing a vacation of alleyways within Block 5 Located within the E1/2, Sec. 6, T5N, R11W, SM, City of Kenai, Kenai Recording District, Kenai Peninsula Borough, Alaska.

Containing 5.347 Acres

INTEGRITY SURVEYS, INC.

43335 Kalifornsky Beach Road Suite 10, Soldotna, AK 99669
SURVEYORS PHONE - (907) 262-5573 PLANNERS
FAX - (907) 262-5574

JOB NO:	29133	DRAWN:	22 March, 2012 SH
SURVEYED:	AUGUST - SEPT 2011	SCALE:	1" = 40'
FIELD BK:	2010-3 PG: 1-22 2011-6 PG: 19-22	FILE:	29133 FP.dwg



East Addition, Township of Kenai, Alaska.
U.S. Survey No. 3025 A & B

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON, D. C., April 4, 1951

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

For the Director:
William F. Richards
Chief, Branch of Surveys

Plat # KT

TOWNSITE OF KENAI, ALASKA
U. S. SURVEY No. 2970 A - BOUNDARIES
U. S. SURVEY No. 2970 B - SUBDIVISION
AREA: 70.397 ACRES
LATITUDE 60° 33' 05" N., LONGITUDE 151° 15' 31" W.,
AT CORNER No. 1
MAGNETIC DECLINATION 25° 00' E.

SCALE IN FEET
0 80 160 240 320

SURVEYED BY ELLIOTT PEARSON, CADASTRAL ENGINEER,
JUNE 16 TO JULY 17, 1950

KENAI RIVER

LEGEND

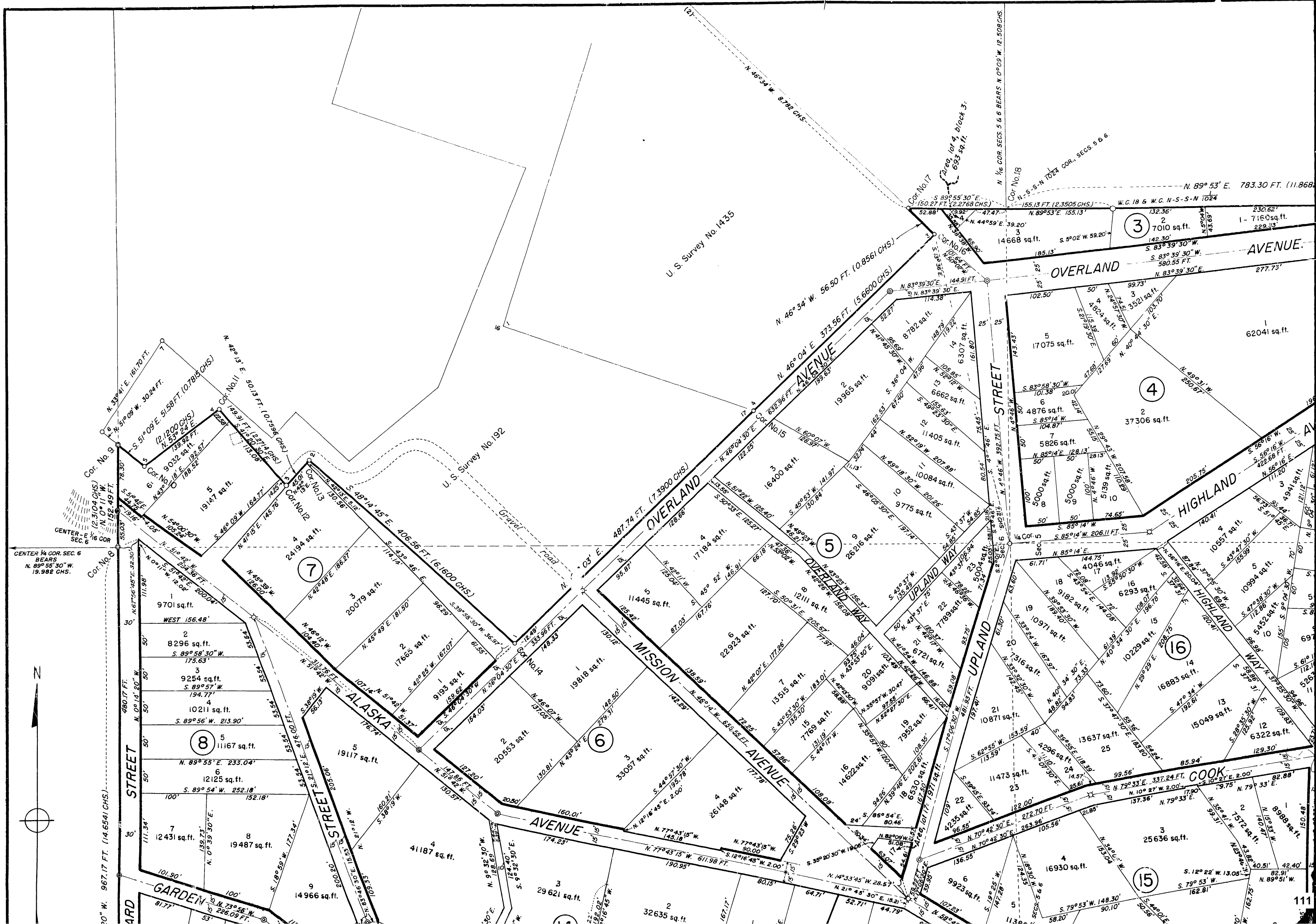
- 2 inch iron post, 3 feet long, in concrete base and collar; 0 inches in diameter and 6 inches thick with brass cap 0 to 12 inches below surface of ground
- 2 inch iron post, 3 feet long, in concrete column 10 inches in diameter with brass cap 12 inches below surface of ground
- Brass cap 6 to 14 inches below surface of ground in concrete column 10 inches in diameter and 30 inches long

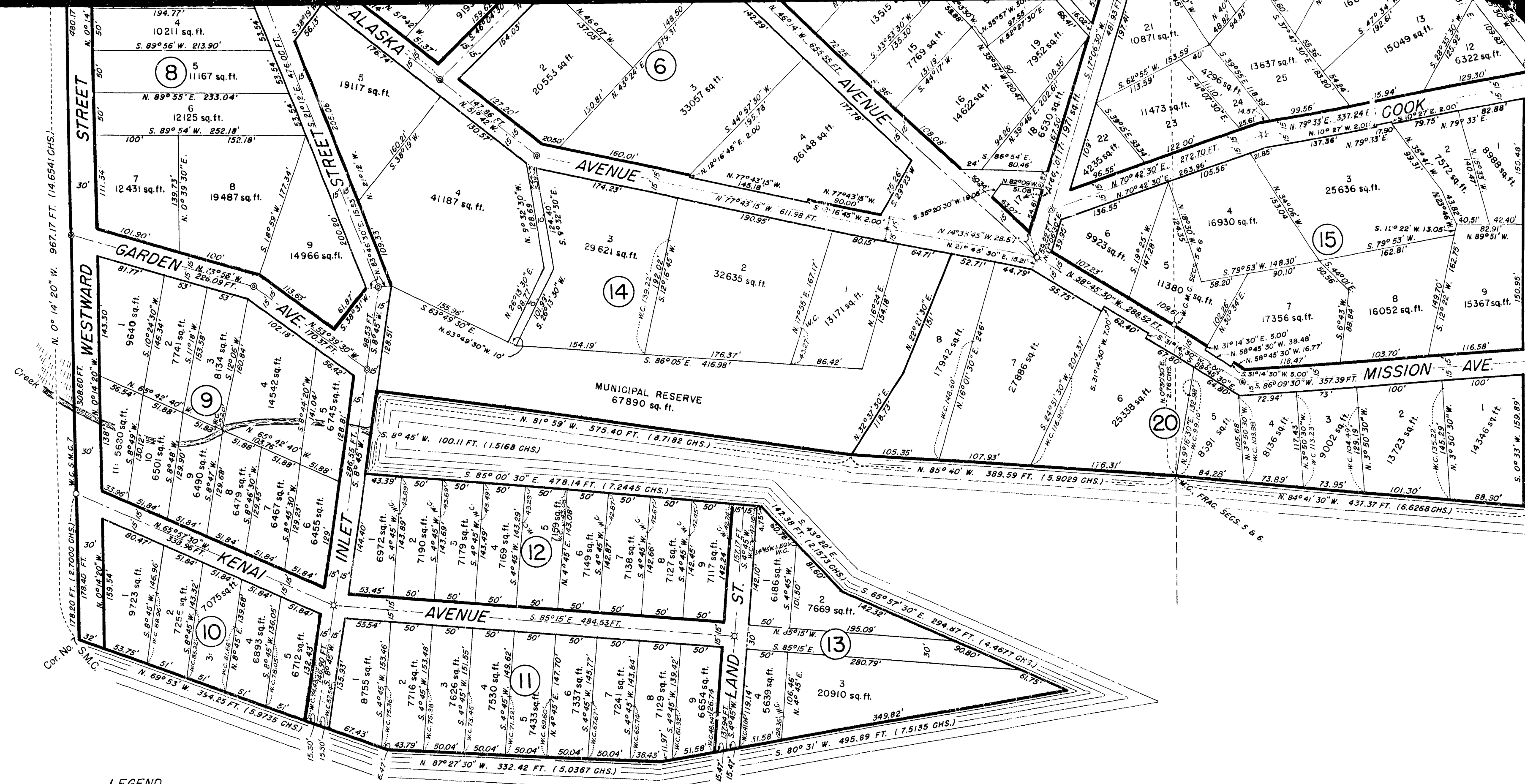
Note: All black and lot corners were monumented with 2 X 2 X 18 inch wooden stakes.

All street, center-line and other monuments within roadways have been set approximately 12 inches below the surface

ALASKA		REPORT OF SUB-MINERAL SUR.	
Kind <u>Quartzite</u>		Recording Precinct	
Situated <u>Adak, Alaska</u>		Lat. <u>N. Long</u>	<u>E.</u>
Claimant		Deposit by Claimant	
Address		(Amount)	
Attorney			
Address			
Instructions Issued <u>May 10, 1950</u>		Survey Approved <u>April 1, 1951</u>	
Instructions Approved <u>June 1, 1950</u>		Survey Rejected	
		Sent to <u>Superintendent</u> for Acceptance <u>March 23, 1951</u>	
		Sent to Supervisor	
Instructions Issued		Accepted by Letter <u>April 1, 1951</u>	
		Rejected by Letter	
Sent to		Claimant Verified	
(Surveyor)		Plat and Transcript Entered on <u>N. & S.</u>	
Assigned to Elliott Pearson <u>5.14.50</u>		Claimant's Plat	
Survey Made <u>June 10, 1950</u> <u>July 17, 1950</u>		Plat to Division Inspector	
Completed on <u>August 1, 1950</u>		Land Office <u>August 1, 1950</u>	
Returns filed <u>December 15, 1950</u>		Date of Patent	
Returned			
Amended Returns Filed			

THIS PLAT IS TOO
LARGE TO MICROFILM





LEGEND

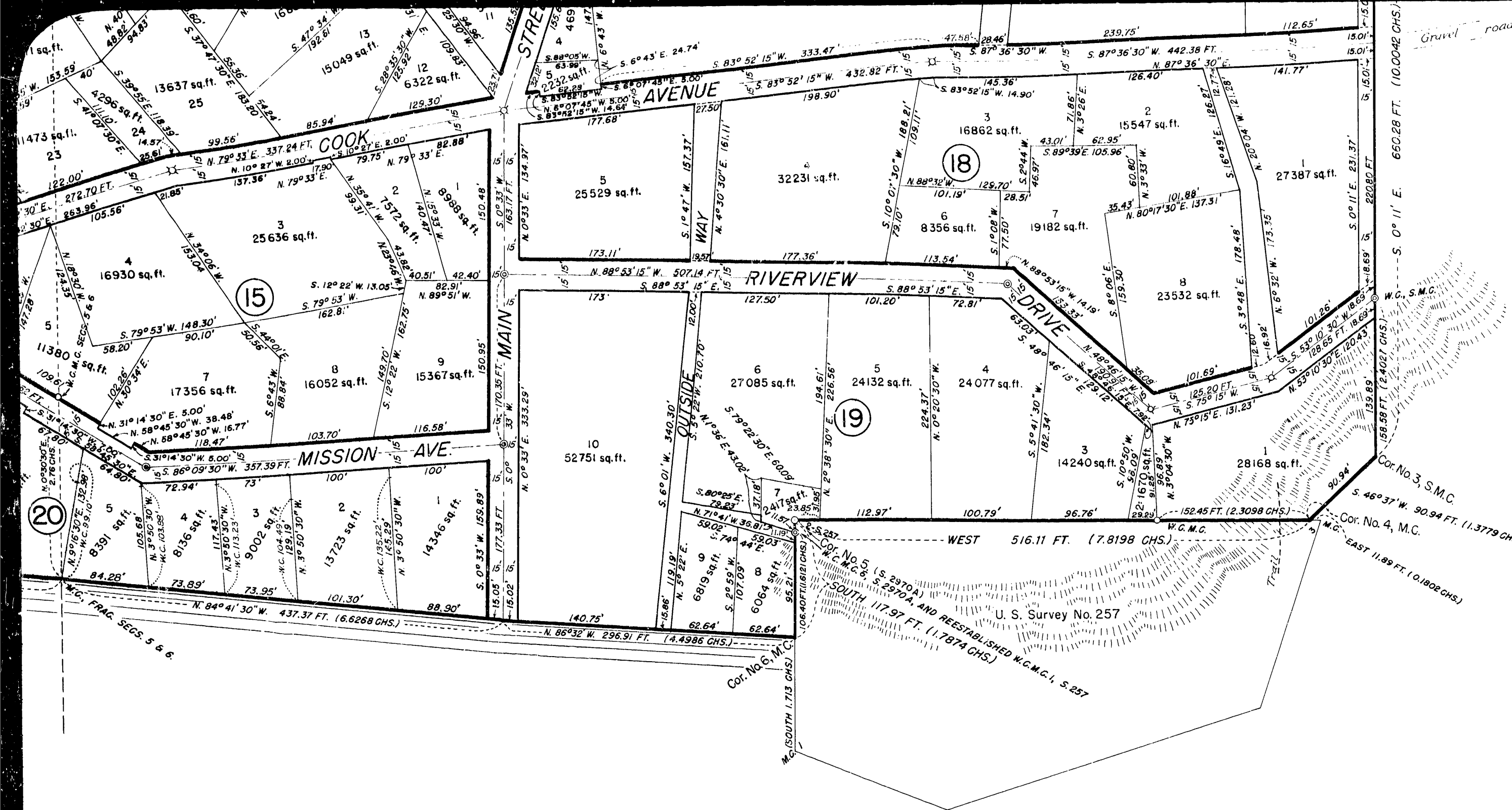
- 2 inch iron post, 3 feet long, in concrete base and collar 10 inches in diameter and 6 inches thick with brass cap 0 to 12 inches below surface of ground.
- ⊗ 2 inch iron post, 3 feet long, in concrete column 10 inches in diameter with brass cap 12 inches below surface of ground.
- ⊙ Brass cap 6 to 14 inches below surface of ground in concrete column 10 inches in diameter and 30 inches long.

Note: All block and lot corners were monumented with 2 X 2 X 18 inch wooden stakes.

All street-center-line and other monuments within roadways have been set approximately 12 inches below the surface.

KENAI RIVER





UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

WASHINGTON, D. C., April 4, 1951

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

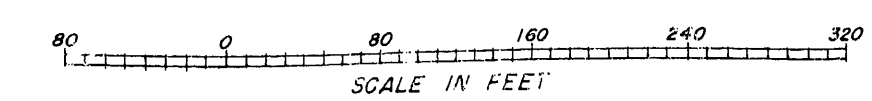
For the Director:
William H. Richards
Chief, Branch of Surveys

KENAI RIVER

TOWNSITE OF KENAI, ALASKA
U. S. SURVEY No. 2970 A - BOUNDARIES
U. S. SURVEY No. 2970 B - SUBDIVISION
AREA: 70.397 ACRES

LATITUDE 60° 33' 05" N., LONGITUDE 151° 15' 31" W.,
AT CORNER No. 1

MAGNETIC DECLINATION 25° 00" E.



SURVEYED BY ELLIOTT PEARSON, CADASTRAL ENGINEER,
JUNE 16 TO JULY 17, 1950

U.S. SURVEY
No. 2970 B, ALASKA
Dependent Resurvey

This plat contains the entire survey record.

U.S. Survey No. 2970 ABB, Townsite of Kenai, Alaska, was surveyed by Elliott Pearson, Cadastral Engineer, in 1950.

The Nissen Subdivision, a Subdivision of part of Lots 1 and 2, Block 4, Townsite of Kenai, was resurveyed by Francis J.J. Malone, Registered Alaska Surveyor No. 631-S, as depicted on plat No. K-1387, filed July 9, 1964, in the Kenai recording district.

The Nissen Subdivision No. 2, a Replat of the Replat of Nissen Subdivision and of Lots 7, 8, 9 and 10, Block 4, Townsite of Kenai, was resurveyed by Stanley S. McLane, Registered Alaska Surveyor No. 610-S, as depicted on plat No. 82-98, filed September 29, 1982, in the Kenai recording district.

U.S. Survey No. 2970 B, Lots 5 and 6, Block 4, Townsite of Kenai, was resurveyed by John F. Segeesser, Registered Alaska Surveyor No. 8859-S, in 1998. This survey is not recorded.

This survey was executed by Thomas B. O'Toole, Cadastral Surveyor, September 27 through September 28, 2007. In accordance with the specifications as set forth in the Supplemental Special Instructions dated September 6, 2007, approved September 6, 2007 and Assignment Instructions dated September 17, 2007.

Field assistants were:

D. Scott Nations, Land Surveyor

Michael R. Stephen, Land Surveyor

Measurements were made with Global Positioning System (GPS), utilizing static relative and real time kinematic positioning techniques. Distances are horizontal distances reduced to their sea level equivalent and reported in the Foot unit. Azimuth refer to the true meridian.

Preliminary to the resurvey the lines of the original survey were retraced and a search was made for all corners and other calls of the record. The retracement data was thoroughly verified.

The mean magnetic declination was obtained using National Geodetic Survey declination calculator, based on the International Geomagnetic Reference Field (IGRF).

This survey is situated in Kenai, Alaska, in section 5, Township 5 North, Range 11 West, Seward Meridian, Alaska.

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

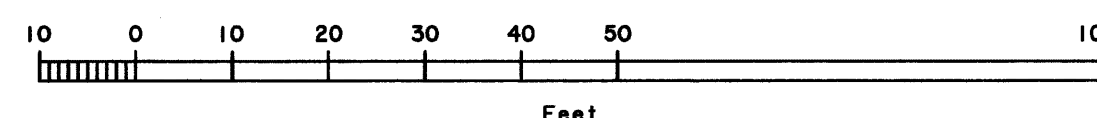
The survey represented by this plat, having been correctly executed in accordance with the requirements of law and the regulations of this Bureau, is hereby accepted.

For the Director

John F. Segeesser Jan. 08, '09
Date
Deputy State Director for Cadastral Survey, Alaska

I, Thomas B. O'Toole, HEREBY CERTIFY upon honor that in pursuance of Supplemental Special Instructions dated September 6, 2007, I have executed the survey depicted on this plat in strict conformity with said Special Instructions, the Manual of Instructions for the Survey of the Public Lands of the United States, 1973, and in the specific manner described on this plat.

5- January-2009 *Thomas B. O'Toole*
Date Cadastral Surveyor



DATE MARCH 19, 2009

Sheet 2 of 2 Sheets

U.S. SURVEY
No. 2970 B, ALASKA
Dependent Resurvey

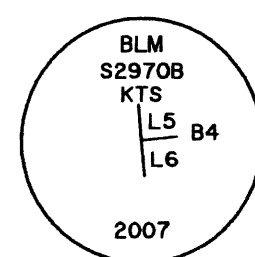
(A)

Found 2 1/2 in. brass cap, firmly set, 3 ins. below the surface of asphalt street, mkd. DIV OF HI-WAYS CENTER LINE MON.

This monument is a direct replacement of the original iron post, remonumented in the late 1980's or early 1990's, there is no available record. This information was obtained from Michael Swan, Alaska Registered Land Surveyor No. 6940-S.

Monument is located in a monument well in the center of Overland Ave. and Main St.

(G)



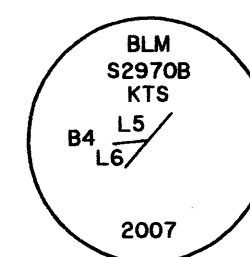
Found a rebar, 5/8 ins. diam., firmly set, flush with the surface of the ground, with 1 1/2 in. diam. aluminum cap attached, mkd. L.S. 8859 1998. This monument was set by John F. Segeesser, Registered Alaska Land Surveyor No. 8859-S, as depicted on an unrecorded survey plat, executed in 1998. This position is accepted as a faithful perpetuation of the original monument based on its relationship to other found monumentation throughout this block.

At the corner point

Set a rebar, 30 ins. long, 5/8 ins. diam., 2 ins. below the surface of the ground, with aluminum cap, 2 ins. diam., mkd. as shown.

Remove private rebar with aluminum cap.

(L)



Found a rebar, 5/8 ins. diam., firmly set, flush with the surface of the ground, with 1 1/2 in. diam. aluminum cap attached, mkd. 9 1998 other marks have been obliterated. This monument was set by John F. Segeesser, Alaska Registered Land Surveyor No. 8859-S, as depicted on an unrecorded survey plat, executed in 1998. This position is accepted as a faithful perpetuation of the original monument based on its relationship to other found monumentation throughout this block.

At the corner point

Set a rebar, 30 ins. long, 5/8 ins. diam., 5 ins. below the surface of the ground, with aluminum cap, 2 ins. diam., mkd. as shown.

Remove private rebar with aluminum cap.

Corner is located under chain link fence, bears. N. 41° E. and S. 41° W.

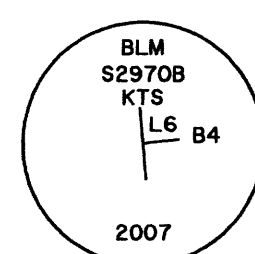
(B)

Found 2 1/2 in. brass cap, firmly set, 20 ins. below the surface of asphalt street, mkd. DIV OF HI-WAYS CENTER LINE MON.

This monument is a direct replacement of the original iron post, remonumented in the late 1980's or early 1990's, there is no available record. This information was obtained from Michael Swan, Alaska Registered Land Surveyor No. 6940-S.

Monument is located in a monument well in the center of Overland Ave. and Upland St.

(H)



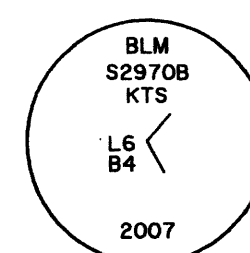
Found a rebar, 1/2 ins. diam., firmly set, flush with the surface of the ground, with 1 1/2 in. diam. aluminum cap attached, no marks visible. This monument is of unknown origin and is accepted as a faithful perpetuation of the original monument based on its relationship to other found monumentation throughout this block.

At the corner point

Set a rebar, 30 ins. long, 5/8 ins. diam., 2 ins. below the surface of the ground, with aluminum cap, 2 ins. diam., mkd. as shown.

Remove private rebar with aluminum cap.

(M)



Found a galvanized iron pipe, 3/4 ins. diam., firmly set, bent over projecting 1 in. above ground. This monument is not of record, but was used as the most westerly corner of lot 2, identical with an angle point on the east boundary of lot 6 by Francis J. J. Malone, Alaska Registered Land Surveyor No. 631-S, as depicted on plat No. K-1387, filed July 9, 1964 and Stanley S. McLane, Alaska Registered Land Surveyor No. 610, as depicted on plat No. 82-98, filed September 29, 1982.

At this same point found a rebar 1/2 ins. diam., firmly set, 3 ins. below the surface of the ground, with a yellow plastic cap mkd. MCLANE. There is no record of this monument being set.

The galvanized iron pipe and the rebar are accepted as a faithful perpetuation of the original monument based on their relationship to other found monumentation throughout this block.

At the corner point

Set a rebar, 30 ins. long, 5/8 ins. diam., 5 ins. below the surface of the ground, with aluminum cap, 2 ins. diam., mkd. as shown.

Remove rebar and iron pipe.

Corner is located at the intersection of chain link fences, extending N. 41° E. and S. 29° E.

(C)

Found a partially legible aluminum cap, 1 1/2 ins. diam., flush with the surface of asphalt street, mkd. 40 6 S5 C 1/4 1990.

This monument is a direct replacement of the original iron post, remonumented in 1990, there is no available record. This information was obtained from Michael Swan, Alaska Registered Land Surveyor No. 6940-S.

Monument is located in the center of Highland Ave. and Upland St.

(I)

Found a rebar, 5/8 ins. diam., firmly set, flush with the surface of a gravel driveway, with 1 1/2 in. diam. aluminum cap attached, cap is smashed and unreadable. This monument is of unknown origin, not remonumented. This monument is accepted as faithful reestablishment of the original cor. of Lots 7 and 8, Block 4, on the easterly right-of-way of Upland Street, based on its relationship to other found monuments in this block.

(J)

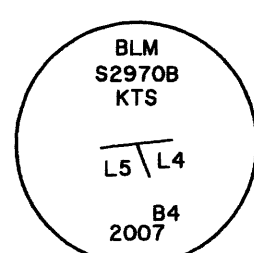
Found an iron pipe, 1 1/4 in. outside diam., firmly set, 2 ins. below the surface of the ground, not marked. This monument is of unknown origin, not remonumented. This monument is accepted as faithful reestablishment of the original cor. of Lots 1, 2, 3 and 4, Block 4, based on its relationship to other found monuments in this block.

Corner is located 1 lk. northwest of a chain link fence, bears. N. 41° E. and S. 41° W.

(D)

Found a rebar, 1/2 ins. diam., firmly set, bent over flush with gravel driveway, no cap attached. This monument is of unknown origin, not remonumented. This monument is accepted as faithful determination of the original cor. of Lots 3 and 4, Block 4, on the southerly right-of-way of Overland Avenue, based on its relationship to other found monuments in this block.

(E)



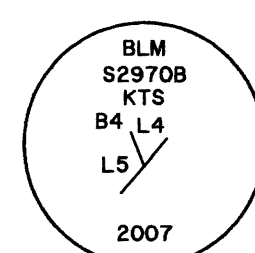
Found a rebar, 1/2 ins. diam., firmly set, flush with the ground, no cap attached. This monument is of unknown origin and is accepted as a faithful perpetuation of the original monument based on its relationship to other found monumentation throughout this block.

At the corner point

Set a rebar, 30 ins. long, 5/8 ins. diam., 30 ins. in the ground, with aluminum cap, 2 ins. diam., mkd. as shown.

Remove 1/2 in. rebar.

(K)



Found a rebar, 5/8 ins. diam., firmly set, 2 ins. below the surface of the ground, with 1 1/2 in. diam. aluminum cap attached, mkd. L.S. 8859 1998. This monument was set by John F. Segeesser, Registered Land Surveyor No. 8859-S, as depicted on an unrecorded survey plat, executed in 1998. This position is accepted as a faithful perpetuation of the original monument based on its relationship to other found monumentation throughout this block.

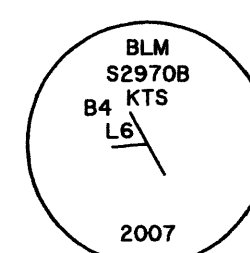
At the corner point

Set a rebar, 30 ins. long, 5/8 ins. diam., 5 ins. below the surface of the ground, with aluminum cap, 2 ins. diam., mkd. as shown.

Remove private rebar with aluminum cap.

Corner is located under chain link fence, bears. N. 41° E. and S. 41° W.

(N)



Found a rebar 1/2 ins. diam., firmly set, 3 ins. below the surface of the ground, with a yellow plastic cap mkd. C263. This monument was established by McLane and Associates Inc. in 1988, as depicted in a field book obtained from Mark Scott McLane, Registered Alaska Land Surveyor No. 4928. The rebar was accepted as a faithful perpetuation of the original monument based on its relationship to other found monumentation throughout this block.

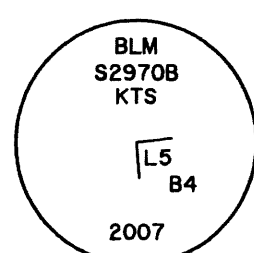
At the corner point

Set a rebar, 30 ins. long, 5/8 ins. diam., 4 ins. below the surface of the ground, with aluminum cap, 2 ins. diam., mkd. as shown.

Remove rebar.

Corner is located under cyclone fence, bears. S. 29° E. and N. 29° W.

(F)



Found hole in the back of sidewalk, where a nail was previously set, determined at the intersection of a 25 ft. offset from the center line of Overland Ave. and a 25 ft. offset of the center line of Upland St., as depicted on an unrecorded survey plat, by John F. Segeesser, Registered Alaska Land Surveyor No. 8859-S, executed in 1998. This position is accepted as a faithful perpetuation of the original monument based on its relationship to other found monumentation throughout this block.

At the corner point

Drill a hole 3/4 in. diam., and set a rebar, 30 ins. long, 5/8 ins. diam., 30 ins. in the ground, with aluminum cap, 2 ins. diam., flush with the sidewalk mkd. as shown.

Corner is located on the back edge of sidewalk.

REFERENCE SHOULD BE MADE TO SHEET No. 1
FOR SURVEY INFORMATION

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

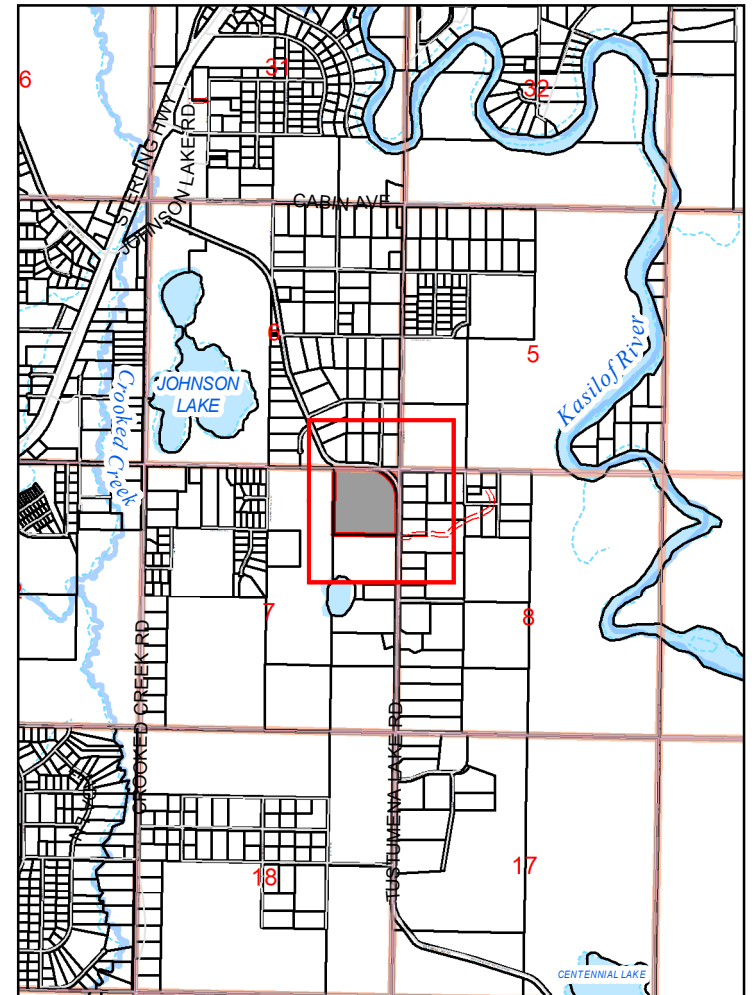
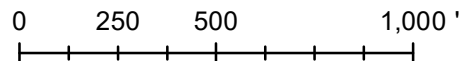
The survey represented by this plat, having been correctly executed in accordance with the requirements of law and the regulations of this Bureau, is hereby accepted.

For the Director

John B. Lewis Jan. 28, '09
Date
FOR Deputy State Director for Cadastral Survey, Alaska

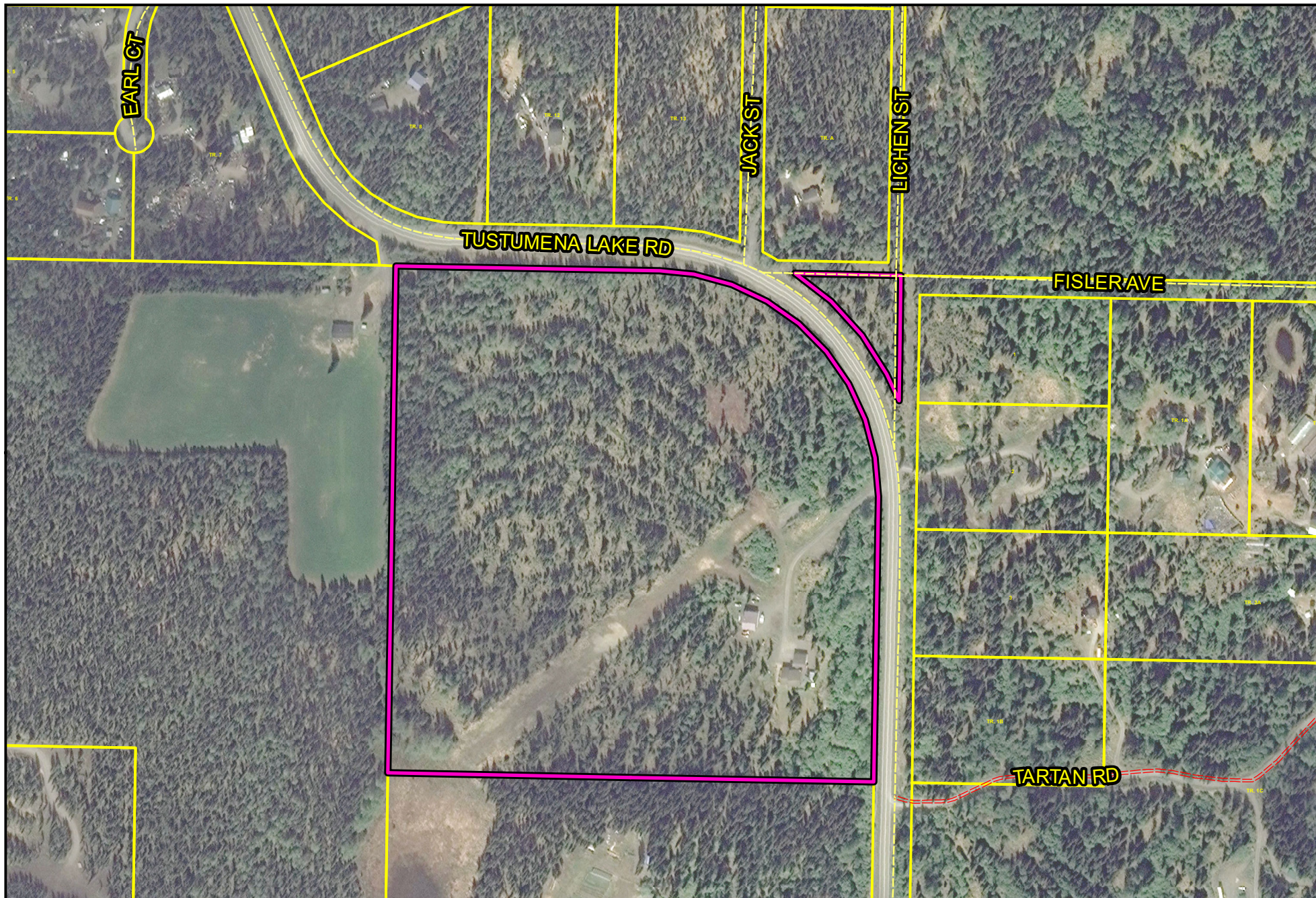


The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



KPB 2021-116
S07 T02N R11W
COHOE

PClements, KPB 2021-116 Date: 8/16/2021



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

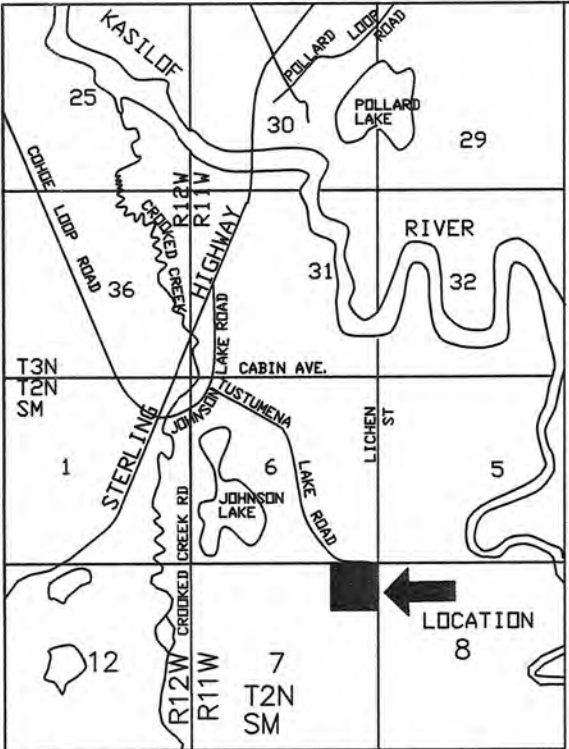
0 125 250 500'

Aerial View



 PRELIMINARY PLAT

PClements, KPB 2021-116
Imagery Soldotna 2018



VICINITY 1" = 1 mile MAP

Collins-Tustumena Subdivision Preliminary Plat

A subdivision of the NE 1/4 NE 1/4 Section 7, T2N R11W, SM, Kasilof, Alaska.
Kenai Recording District Kenai Peninsula Borough

Prepared For
David H. & Sherry L. Collins
P.O. Box 68
Kasilof, AK 99610

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

SCALE 1" = 100'
3 July, 2021

AREA = 39.956 acres

NOTES

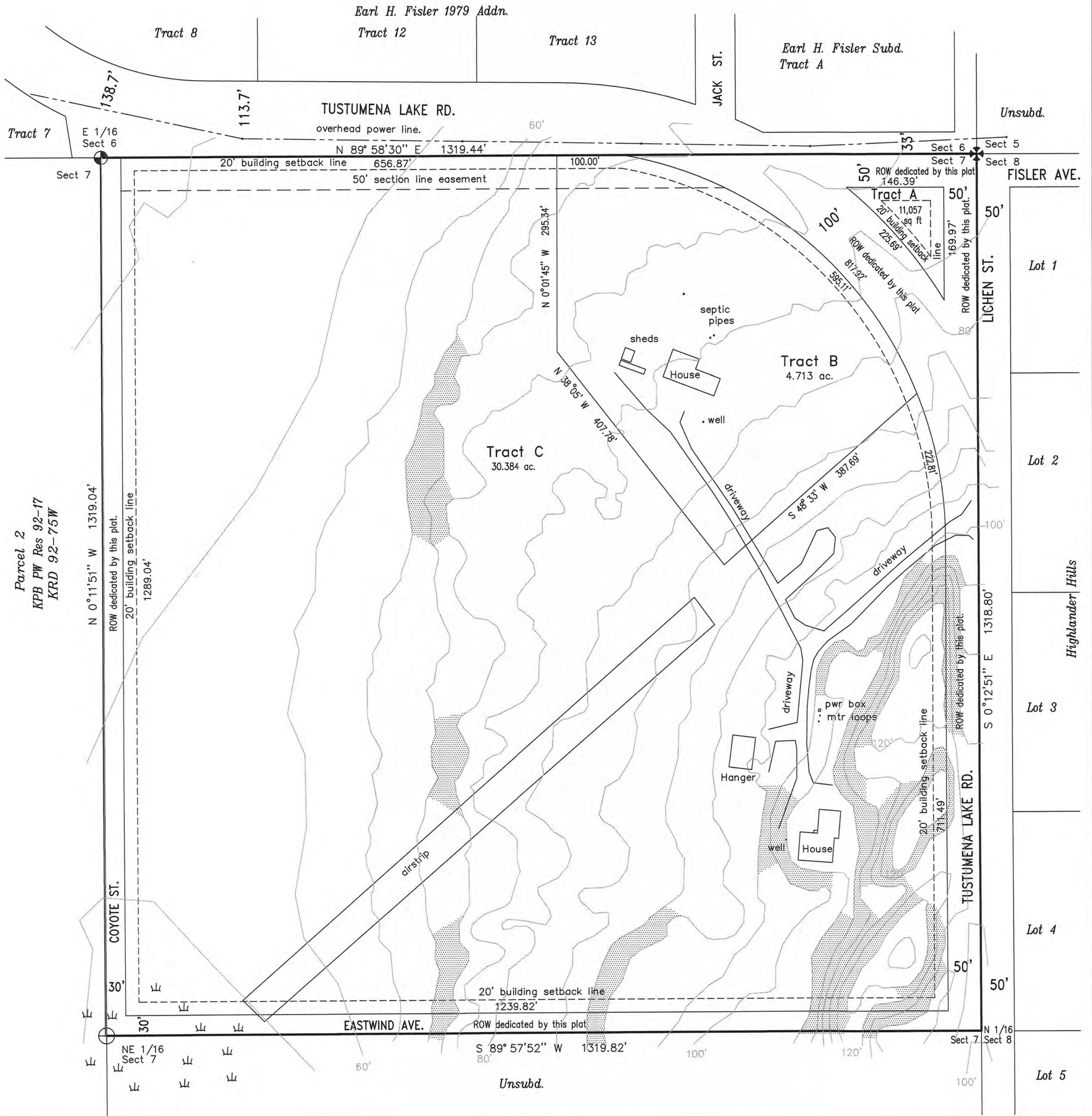
1. A building setback of 20' from all street ROWs is required unless a lesser standard is approved by a resolution of the appropriate planning commission. Front 10' of building setback is also a utility easement as is the entire setback within 5' of side lot lines.
 2. No permanent structure shall be constructed or placed within a utility easement which would interfere with the ability of a utility to use the easement.
- Contour interval 4'. Shaded areas indicate grades over 25%.

KPB 2021-116

WASTEWATER DISPOSAL

TRACTS B & C
20.40.030
These lots are at least 200,000 square feet in size and conditions may not be suitable for onsite wastewater treatment disposal. Any wastewater treatment and disposal systems must meet the regulatory requirements of the Alaska Dept. of Environmental Conservation.

TRACT A
20.40.080
No wastewater will be generated or disposed of on this lot. Conditions might not be suitable for onsite wastewater treatment and disposal systems. Any onsite wastewater treatment and disposal systems must meet the wastewater disposal requirements of KPB Chapter 20.14 and regulatory requirements of the Alaska Dept. of Environmental Conservation.



AGENDA ITEM E. NEW BUSINESS

ITEM 7 – COLLINS – TUSTUMENA SUBDIVISION

KPB File No.	2021-116
Plat Committee Meeting:	September 13, 2021
Applicant / Owner:	David and Sherry Collins of Kasilof, Alaska
Surveyor:	Jerry Johnson / Johnson Surveying
General Location:	Cohoe

Parent Parcel No.:	137-321-28
Legal Description:	NE1/4 NE1/4 of Section 7, Township 2 North, Range 11 West, SM
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On-Site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide a 40 acres aliquot parcel into three tracts and dedicate multiple right of ways.

Location and Legal Access (existing and proposed): The subdivision is located along Tustumena Lake Road, a 100 foot wide state maintained right of way. Tustumena Lake Road is located off Johnson Lake Road near mile 110 of the Sterling Highway. Tustumena Lake Road continues south and ends at the Kasilof River at the Tustumena Lake Access boat launch. There are multiple legal access points from various right of ways that connect to Tustumena Lake Road, Johnson Lake Road, and Crooked Creed Road.

The state patent in 1984 stated the property was subject to Tustumena Lake Road. This was reserved as a 100 foot wide road, 50 feet each side of centerline. This plat will be dedicating Tustumena Lake Road within the parcel's boundary.

Tustumena Lake Road affects the the northern and eastern boundary of the subdivision. Along the eastern portion of the subdivision, a 50 foot wide dedication for Tustumena Lake Road is proposed. That dedication coincides with a 50 foot section line easement. Along the northern boundary, a 50 foot section line easement is present. It is depicted on the plat. Tustumena Lake Road is to the north of the section line easement and outside the boundary of the subdivision. No dedication is proposed along the north.

A new 30 foot wide right of way dedication is proposed along the western boundary. The name proposed is Coyote Street. The KPB Addressing Officer has denied that road name. A new name that is approved by the Addressing Officer will be required. Along the southern boundary of the subdivision, a proposed 30 foot dedication is proposed. The street name of Eastwind Avenue has been approved.

Within the northeast corner of the subdivision are two KPB right of way dedications that are the continuation of existing right of ways Lichen Street and Fisler Avenue. A 50 foot wide section line easement underlies both right of way dedications. The dedications of Lichen Street and Fisler Avenue will create a small remnant triangle parcel.

The proposed right of way dedications will create a compliant and closed block around Tract C and Tract B. The block length around Tract A is less than 300 feet and does not comply with KPB block length. ***Staff recommends that the plat committee concur that an exception request for the block length around Tract A is not required as all the right of ways currently exist and cannot be altered with this platting action.***

KPB Roads Dept. comments	Within jurisdiction, no comments
--------------------------	----------------------------------

SOA DOT comments	The ROW for Tustumena Lake Road appears to be 100' as shown on KPB Plat 28-26 and appears to be shown correctly. I would request some additional curve data for the ROW be listed on the plat.
SOA Fish and Game comments	No objections. Public access to public lands and waters will not be affected.

Site Investigation: The plat depicts areas with slopes greater than 25 percent with shading. Some portions of the proposed Tustumena Lake Road dedication along the east contain steep slopes. The ROW dedication and section line easements provide 100 foot wide right of ways. As this right of way is already constructed, maintained by the State, and the review by the State did not request additional right of way, staff is not recommending any additional easements.

Along the proposed dedication of Eastwind Avenue there contains areas with steep slopes. Per KPB Code 20.30.090, the slopes should not exceed 6 percent on arterial streets, 10 percent on other streets, or 4 percent within 130 feet of any centerline intersection. **Staff recommends** *submittal of centerline profiles and cross-sections to determine if additional easements may be required and if so, provide the additional right of way or road maintenance and back slope easements on the final plat.*

The southwest portion of the subdivision is affected by low wet areas. These are depicted on the plat. The presence of the wetlands within the proposed dedications may cause additional cost or planning in the construction of the right of ways.

The preliminary plat depicts the location of an airstrip that will be within Tract C. The borough does not have any regulations for airstrips. The depiction of the airstrip is not required on the final. If the airstrip is depicted it should be noted if it is an approximate location. In addition the airstrip is not allowed with KPB right of ways. The depiction cannot be shown within the dedication. **Staff recommends** *if the depiction of the airstrip remains on the final plat to update the depiction of the airstrip to not be within the Eastwind Avenue right of way.*

Floodplain Hazard Review	Not within flood hazard area, no comments
Anadromous Waters Habitat Protection District Review	Is not within HPD, no comments
State Parks Review	No comments

Staff Analysis The proposed subdivision will create three tracts from a 40 acre aliquot parcel. The parent parcel is subject to Tustumena Lake Road per the state patent.

The portion of the subdivision located south/west of Tustumena Lake Road will be two large acreage tracts. Tract B is proposed to be 4.7 acres and Tract C will be 30.4 acres. The plat depicts existing structures, driveway, and an airstrip. The driveway appears to be a shared driveway between the two houses. **Staff recommends** *if the depiction of the driveway and airstrip remain on the plat, a different line style be selected that is different from the new lot line style.*

If the driveway will continue to be a shared drive, staff strongly encourages a driveway easement be put in place when ownership changes to protect all parties.

Tract A is the remaining 'remnant lot' after right of way dedications occur. The proposed lot size is 11,057 square feet. It will be a triangle lot with right of way along all three sides. The lot is also subject to 50 foot section line easements along the north and east.

A soils report is required for Tract A unless the plat committee determines the lot falls under KPB 20.40.080. A soils report is not required for Tract B and C and the correct wastewater note is in place.

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 No platted utility easements exist on this parcel. There are two easements granted by document to Homer Electric Association. The documents disclose the location of the easements. **Staff recommends the location of the easements be depicted on the plat with a reference either to the document or to a plat note that explains the easements and lists the source.**

The plat is proposing to grant in accordance with KPB Code, 10 foot utility easements adjoining all dedicated right of ways. **Staff recommends the utility easements be depicted on the plat and plat note 1 be adjusted to reflect current code.**

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

Utility provider review:

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

KPB department / agency review:

Addressing – Derek Haws	Affected addresses: 20969 Tustumena Lake Road (Address will be deleted and new addresses assigned). Existing street names listed are correct. Eastwind Avenue is approved. Coyote Street is denied. A new name should be chosen.
Code Compliance – Eric Ogren	Code compliance review not available
Planner – Bryan Taylor	There are not any Local Option Zoning District or material site issues with this proposed plat.
Assessing – Matt Bruns	No concerns from Assessing Department

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.

- 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: *Not required but the Township label within Section 7 can be removed as it is included in Section 1.*
- 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 4 and 5 of Highlander Hills was replatted. Update the labels to Lot 1B and 1C Highlander Hills Sub Fraser Replat.

KPB 20.40 -- Wastewater Disposal

20.40.010 Wastewater disposal.

Platting Staff Comments:

The preliminary plat contains two wastewater disposal notes. The first note is correct and applies to Tracts B and C. The note for Tract A is referring to 20.40.080 and states no wastewater will be generated on the lot. The surveyor believes this lot falls under this section of code due to the undevelopable size of the lot.

20.40.080. - Subdivisions with no wastewater disposal.

A. This section applies to subdivisions where no wastewater will be generated or disposed, and the land use cannot produce wastewater.

B. Before a final plat is filed for subdivision, the surveyor must complete the following plat note which shall be placed on the plat:

WASTEWATER DISPOSAL: Conditions might not be suitable for onsite wastewater treatment and disposal systems. No wastewater will be generated or disposed of on these lots as of the date of this plat. If circumstances change to allow lawful onsite wastewater treatment and disposal systems, those systems must meet the wastewater disposal requirements of KPB Chapter 20.40 and regulatory requirements of the Alaska Departmental of Environmental Conservation.

Staff Discussion: *A soils analysis report is required for Tract A unless it meets the requirements of 20.40.080 - Subdivision with no wastewater disposal.*

Tract A will qualify to be exempt from soils analysis if the Plat Committee determines Tract A meets the requirements of 20.40.080. Subdivisions with no wastewater disposal are not common and typically apply to burial plots, cemeteries, remnant parcels, or conservations parcels.

The aliquot parcel is subject to Tustumena Lake Road per the State Patent. This plat will dedicate the 100 foot right of way centered on the existing travel way of Tustumena Lake Road. The parcel is also subject to 50 foot section line easements along the north and east.

The plat is proposing to dedicate 50 foot right of ways atop those section line easements. The right of way dedication for Lichen Street can be reduced to 10 feet and Fisler Avenue can be reduced to 30 feet while still meeting the minimum right of way width requirements. This will increase Tract A to approximately 25,000 sq. ft.

Findings:

- 1. Tract A is proposed to be 11,057 square feet.*
- 2. Tract A is subject to a 50 foot section line easement on the north and east boundary.*
- 3. Right of ways will border the property on three sides.*
- 4. The dedication of the right of ways are in compliance with KPB Code.*
- 5. The design of the lot limits the useable area for improvements.*
- 6. The tract is subject to 20 foot building setbacks on right of ways.*
- 7. Per KPB Code, well casings, vent pipes are allowable within the setback.*
- 8. The wastewater disposal note states no wastewater disposal systems are allowed.*
- 9. All wastewater disposal systems must be approved by the State of Alaska DEC.*
- 10. The dedication of Lichen Street can be reduced to 10 feet and Fisler Avenue can be reduced to 30 feet while still meeting the 60 foot minimum right of way width requirement.*
- 11. Tract A can be increased in size to approximately 25,000 sq. ft. if the proposed right of ways are reduced.*

Staff recommends the Plat Committee make a motion to determine if Tract A meets the requirements of KPB 20.40.080 – Subdivisions with no wastewater disposal.

Findings 2-4, 6, 7, 10, and 11 support Tract A being reviewed per 20.40.080.

If approved, Staff recommends that the right of way dedications be 10 feet for Lichen Street and 30 feet for Fisler Avenue so that both right of ways are a minimum of 60 feet in width.

KPB Code 20.30.200 – Lots-Minimum size, determines the minimum lot sizes acceptable based on the type of wastewater disposal system that will be used. If the Plat Committee determines Tract A complies with KPB 20.40.080, the small lot size will be acceptable as no wastewater will be on site.

If approved the plat note must be revised to match the note found in KPB Code 20.40.080.

Failure to prove to the Committee that 20.40.080 is met will result in the requirement of a soils analysis report and the signature of an engineer on the final plat.

The surveyor has noted that if the Plat Committee fails to determine this meets the requirements of KPB 20.40.080, he would like to request an exception for wastewater review, 20.40, and for lots-minimum size, KPB 20.30.200. Below are the exceptions requested if it is determined that this plat does not fall under KPB 20.40.080.

KPB 20.60 – Final Plat

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

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

Staff recommendation: Acceptance certificates for the State of Alaska and Kenai Peninsula Borough are required.

20.60.180. Plat notes.

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

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

Staff recommendation: Place the following notes on the plat.

- No access to state maintained rights-of-way permitted unless approved by the State of Alaska Department of Transportation.
- Roads must meet the design and construction standards established by the borough in order to be considered for certification and inclusion in the road maintenance program (KPB 14.06).
- Add a plat note for any exceptions granted.
- Provide a plat note for recorded easements granted to Homer Electric Association.
- 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.

Revise plat note 1, "The front 10 feet adjacent to right of ways and 20 feet within 5 feet of the side lot lines are granted by this plat as utility easements."

EXCEPTIONS REQUESTED:

KPB 20.30.200 – Lots-Minimum Size (Tract A) and
KPB 20.40.100 – Soils analysis and report (Tract A)

Surveyor's Discussion: I am requesting an exception to minimum lot size for Tract A due to how required ROW dedications results in the small lot size. With the small lot size no development is planned for the lot and no wastewater will be generated on the lot. I am requesting an exception to wastewater review for Tract A due to the undevelopable size.

Staff Discussion: Staff has combined the exceptions requested as they pertain to the same issue.

The parent parcel is subject to Tustumena Lake Road. This plat will be dedicating right of way atop the existing right of way. This is creating two portions of this subdivision, a large acreage area to be subdivided into two tract on the south/west side of Tustumena Lake Road, and a small triangle tract located north/east of Tustumena Lake Road.

The plat is proposing to dedicate right of way atop existing section line easements, provide continuation of existing right of ways, and provide dedications to improve block lengths. The existing right of ways create a substandard size lot for Tract A. When the building setbacks and utility easements are figured into the area, the area within the lot diminishes greatly.

Approval of the exceptions will require a plat note be added and for the wastewater disposal note for Tract A to be reworded.

Staff would like to note that if the exception is granted there are still some alternatives that could be allowable per KPB Code.

- Work with the State of Alaska to determine if either the northern or eastern section line easement could be vacated or the right of way associated to require one of the dedications in addition to Tustumena Lake Road.
- Per KPB Code, the right of way dedication is only required to be 30 feet wide. The dedication width could be reduced along the north and east. The property would still be subject to the 50 foot section line easements but the width of that would coincide with the 20 foot building setback thus allowing more usable square footage.
- Continue with the final plat as submitted and reviewed by the plat committee.
- Dedicate the entire Tract A as right of way.

Denial of the exceptions will require a soils analysis report for Tract A.

Findings:

1. Tract A is proposed to be 11,057 square feet.
2. Tract A is subject to a 50 foot section line easement on the north and east boundary.
3. Right of ways will border the property on three sides.
4. The dedication of the right of ways are in compliance with KPB Code.
5. The design of the lot limits the useable area for improvements.
6. The tract is subject to 20 foot building setbacks on right of ways.
7. Per KPB Code, well casings, vent pipes are allowable within the setback.
8. The wastewater disposal note states no wastewater disposal systems are allowed.
9. All wastewater disposal systems must be approved by the State of Alaska DEC.
10. The dedication of Lichen Street can be reduced to 10 feet and Fisler Avenue can be reduced to 30 feet while still meeting the 60 foot minimum right of way width requirement.
11. Tract A can be increased in size to approximately 25,000 sq. ft. if the proposed right of ways are reduced.

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 2-4, 6, 7, 10, 11 appear to support this standard.
2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title;
Findings 2-4, 6, 7, 10, 11 appear to support this standard.
3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.
Findings 2-4, 6, 7, 10, 11 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:

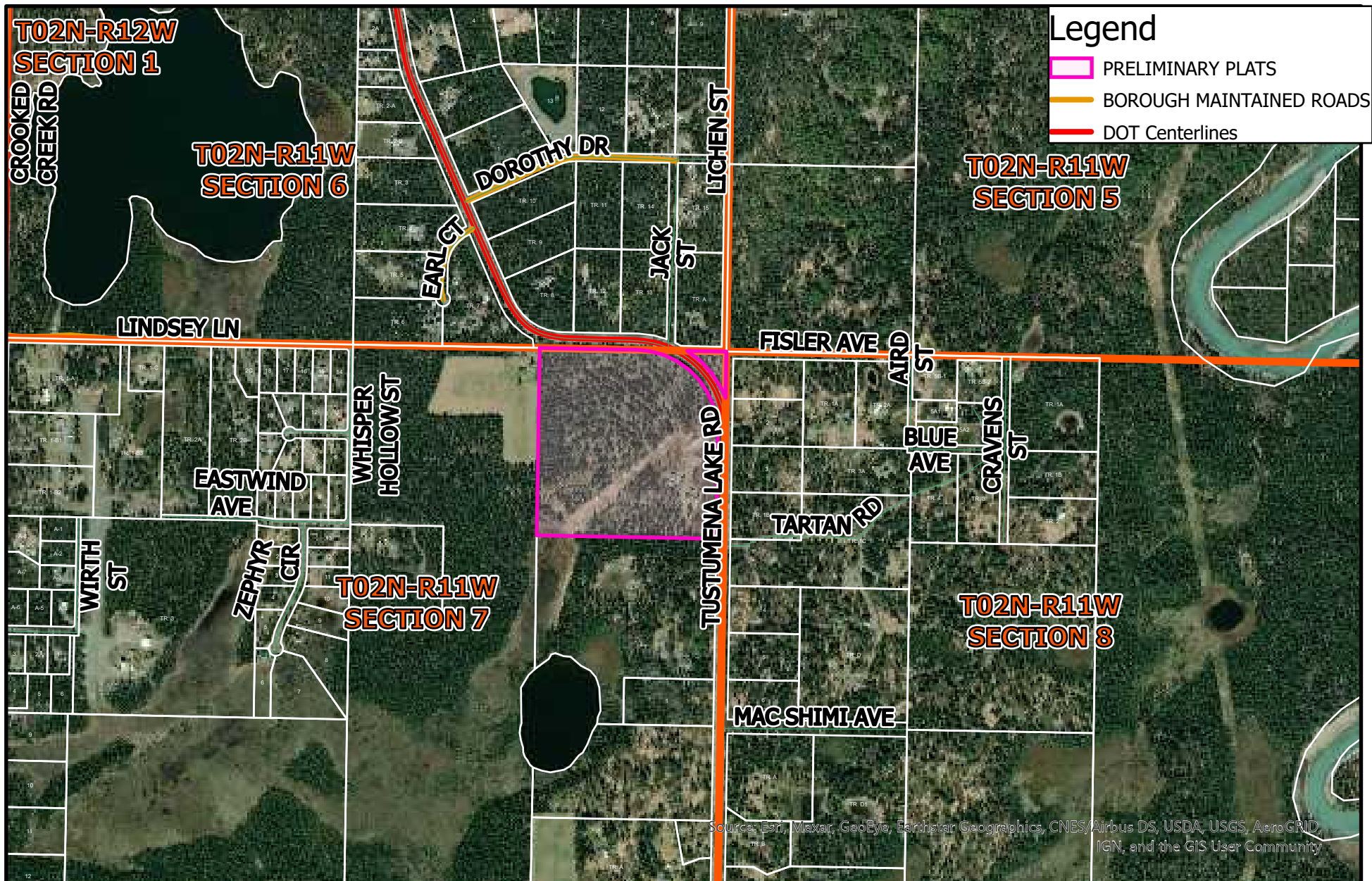
- GRANT APPROVAL OF THE PRELIMINARY PLAT SUBJECT TO STAFF RECOMMENDATIONS, AND
- COMPLIANCE WITH KPB 20.25.070 (FORM AND CONTENTS), KPB 20.25.080 (PETITION REQUIRED), KPB 20.30 (DESIGN REQUIREMENTS); AND KPB 20.40 (WASTEWATER DISPOSAL), AND
- COMPLIANCE WITH KPB 20.60 TO ENSURE ADMINISTRATIVE APPROVAL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

NOTE: 20.25.120. - REVIEW AND APPEAL.

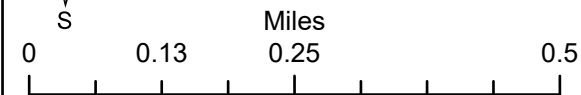
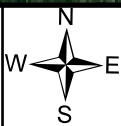
A PARTY OF RECORD MAY REQUEST THAT A DECISION OF THE PLAT COMMITTEE BE REVIEWED BY THE PLANNING COMMISSION BY FILING A WRITTEN REQUEST WITHIN 15 DAYS OF NOTIFICATION OF THE DECISION IN ACCORDANCE WITH KPB 2.40.080.

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



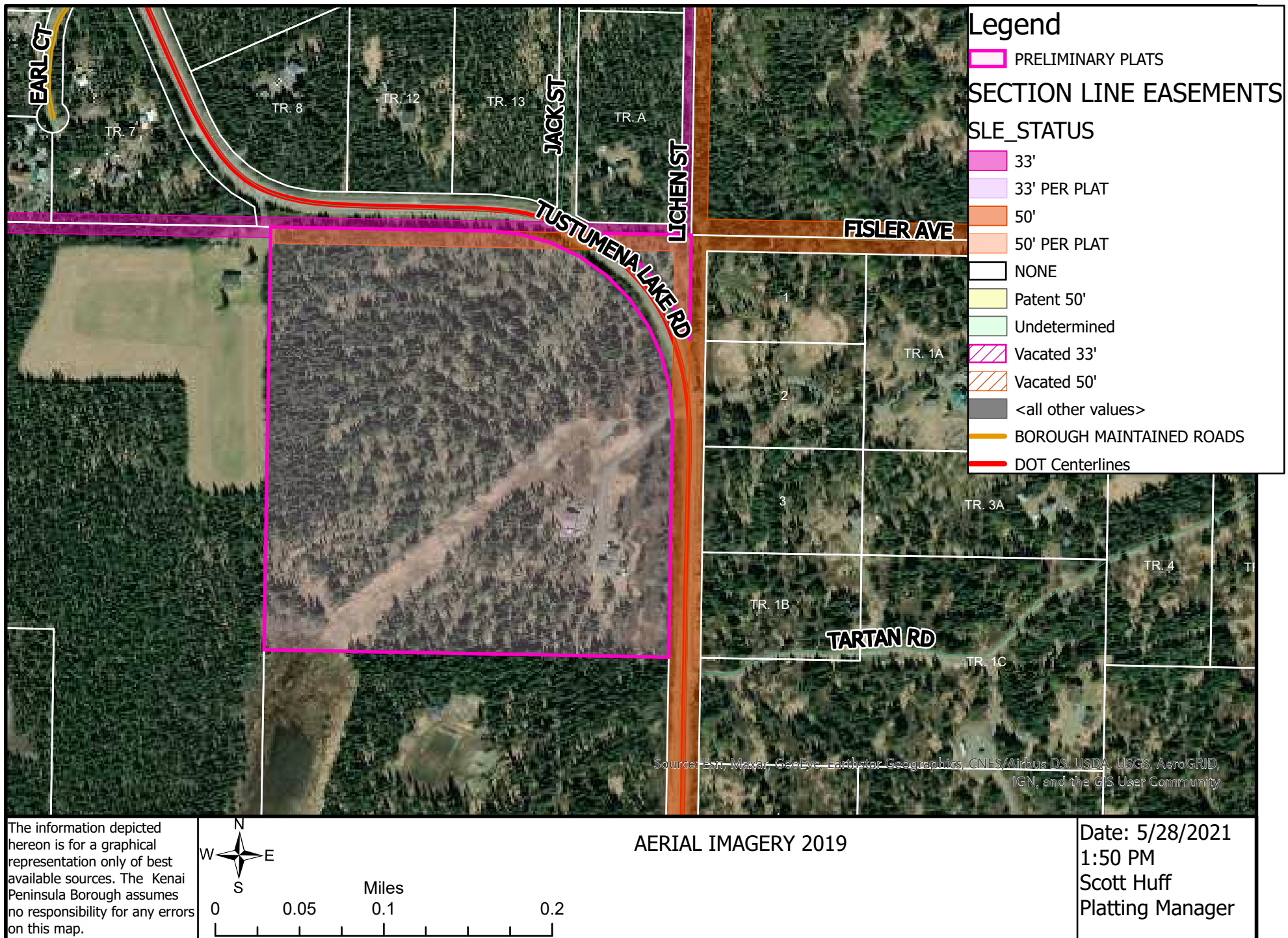
The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



AERIAL IMAGERY 2018

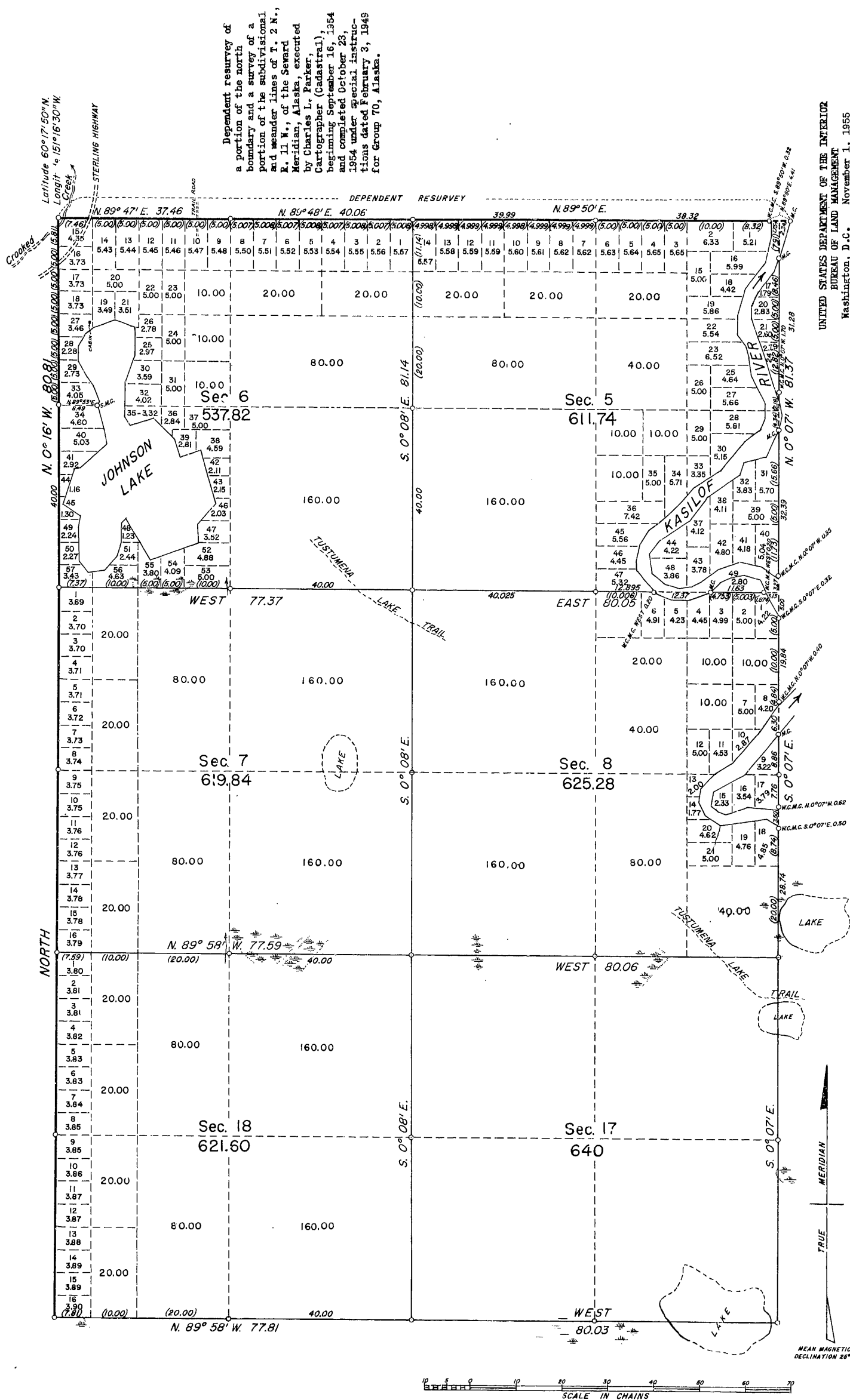
SECTION LINE EASEMENTS

Date: 5/28/2021
1:50 PM
Scott Huff
Platting Manager



ORIGINAL

TOWNSHIP 2 NORTH, RANGE 11 WEST, OF THE SEWARD MERIDIAN, ALASKA



UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Washington, D.C. November 1, 1955

This plat is strictly conformable to the approved field notes, and the survey, having been correctly executed, is hereby accepted, and the regulations of this Bureau, is hereby accepted.

For the Director

Earl H. Harrison
Cadastral Engineering Staff Officer

AREA SURVEYED: 3656.28 ACRES

o indicates an iron post.

SEC 7 TOWNSHIP 2N RANGE 11W OF THE SEWARD MERIDIAN, ALASKA

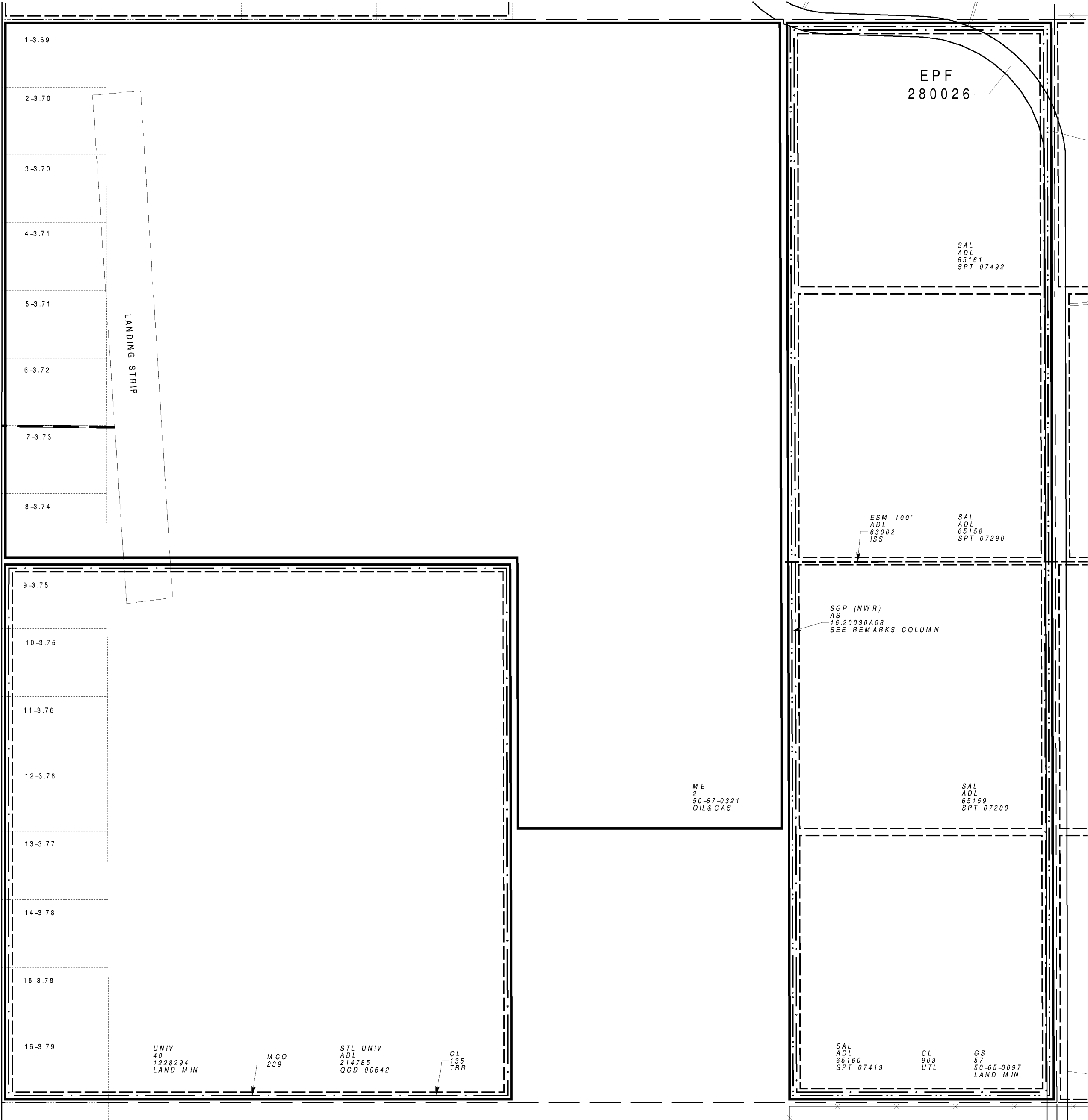
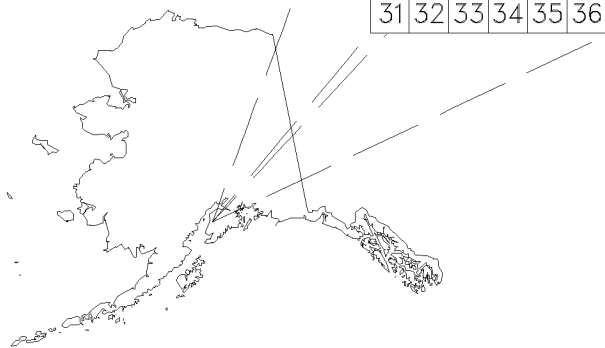
LEGEND

- BASE INFORMATION**
- HYDROGRAPHY
 - SURVEY LINE
 - SURVEY LOT LINE
 - TOWNSHIP/SECTION GRID
 - 1/4 SECTION LINE
 - HIGHWAY
 - ROAD
 - TRAIL
 - RAILROAD
 - ELECTRICAL POWER LINE
 - TELEPHONE LINE
 - PIPELINE
 - AIRPORT/LANDING STRIP
 - HORIZONTAL CONTROL
 - CONTROL MONUMENT

- STATUS INFORMATION**
- TITLE
 - BOUNDARY
 - CLASSIFICATION
 - DISPOSAL
 - MUNICIPAL
 - RESTRICTION
 - FEDERAL ACTION
 - MENTAL HEALTH TRUST
 - LIMITS OF ACTION
 - NAVIGATIONAL AID
 - CABIN PERMIT
 - TRAPPING CABIN PERMIT
 - TRESPASS LOCATION

- SURFACE WATER RIGHTS**
- APPLICATION
 - PERMIT
 - CERTIFICATE
- SUB-SURFACE WATER RIGHTS**
- APPLICATION
 - PERMIT
 - CERTIFICATE
- IN-STREAM FLOW RESERVATION**
- APPLICATION
 - CERTIFICATE
- DAM, WEIR, BARRIER**
- APPLICATION
 - PERMIT
 - CERTIFICATE

VICINITY MAP



STATUS PLAT

THE STATE OWNS ALL LAND UNDER WATERS THAT ARE NAVIGABLE-
IN-FACT, ARE SUBJECT TO THE EBB AND FLOW OF THE TIDES, OR
ARE RIPARIAN OR LITTORAL TO UPLANDS OWNED BY THE STATE.

BASED ON:

COORDINATES:
ALASKA STATE PLANE ZONE 4
SE CORNER OF TOWNSHIP;
X 300855.514
Y 2271670.142
LAT 60 12 49.187 N
LONG 151 05 41.893 W

HYDROGRAPHY:
USGS KENAI (A3), (A4), (B3) AND (B4) REVISED BY BLM
FROM AERIAL HIGH ALTITUDE PHOTOGRAPHY 1978-1985

LAND NET:
ADL PROTRACTION DIAGRAM S13-14; APPROVED 08/30/1963
USRS; SECTIONS 5-8, 17 & 18; 3656.28 ACRES; APPROVED
11/01/1955
USRS; CREATING TRACT A; 3799.20 ACRES; APPROVED 02/22/1972
EPF 150059; FILED 12/03/1963
EPF 280026; APPROVED 04/23/1973
ASLS 770133; FILED 05/04/1978
ASLS 740115; FILED 06/20/1979
ASLS 910108; RECORDED 01/13/1993

OTHER ACTIONS AFFECTING DISPOSAL OR USE OF STATE LANDS;
SEE THE LAS CASEFILE OR ORIGINAL SOURCE DOCUMENTS FOR
ADDITIONAL INFORMATION:

ENTIRELY WITHIN KENAI PENINSULA BOROUGH
ENTIRELY WITHIN KENAI RECORDING DISTRICT
LSH 358; CENTENNIAL LAKE TRAIL 25' IN WIDTH
WITHIN SECTIONS 20, 29 AND 32; SURFACE ESTATE
ONLY
AS 1620030A08; THE STATE GAME REFUGE INCLUDES THOSE
LAND AREAS WITHIN THE KENAI NATIONAL MOOSE RANGE AS
IT EXISTED IN 1960
LLO 21; THIS LLO APPLIES TO ALL STATE OWNED SHORELANDS
ON THE RIVER SEGMENTS INDICATED. THE LLO ALSO APPLIES
TO AN AREA MEASURED 200 FEET LANDWARD (AS MEASURED
LANDWARD FROM THE ORDINARY HIGH WATER) ON EITHER SIDE
OF THE AFFECTED RIVER SEGMENTS. THE LANDWARD BUFFERS
APPLY ONLY TO AREAS WHERE BOTH THE SURFACE AND SUBSURFACE
ESTATE ARE IN STATE OWNERSHIP.

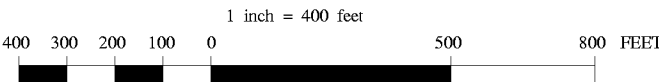
ATTENTION: MENTAL HEALTH LAND INFORMATION

SHADED AREAS (SEE LEGEND) ARE MENTAL HEALTH TRUST LAND.
CONSULT THE TRUST LAND OFFICE FOR FURTHER INFORMATION.

ORIGINAL MENTAL HEALTH GRANT LAND (MH) NOT SHADED AS MENTAL
HEALTH TRUST LAND AND NOT CONVEYED TO A THIRD PARTY PRIOR
TO JUNE 24, 1994 IS REDESIGNATED AS GENERAL GRANT LAND
PURSUANT TO SECTIONS 6 AND 7, CHAPTER 1, SSSLA 1994.

GRAPHIC ILLUSTRATION ONLY.
SOURCE DOCUMENTS REMAIN THE OFFICIAL RECORD.
CONSULT LAND ADMINISTRATION SYSTEM (LAS)
CASEFILE FOR ADDITIONAL INFORMATION.

SCALE



ATTENTION STATUS PLAT USERS: ON THIS PLAT, ALL STATUS
LINES CLOSE FOR ACTIONS THAT EXTEND INTO ADJACENT TOWNSHIPS;
THIS INCLUDES STATUS LINES SUCH AS DISPOSAL, MUNICIPAL, TITLE
CLASSIFICATION, ETC. PLEASE REFER TO ADJACENT TOWNSHIPS OR LAS
TO DETERMINE IF ACTIONS EXTEND BEYOND THE BOUNDARIES SHOWN ON
THIS PLAT. REMEMBER TITLE, CLASSIFICATION, AND RESTRICTION LINES
ALWAYS CLOSE ON ALL PLATS.

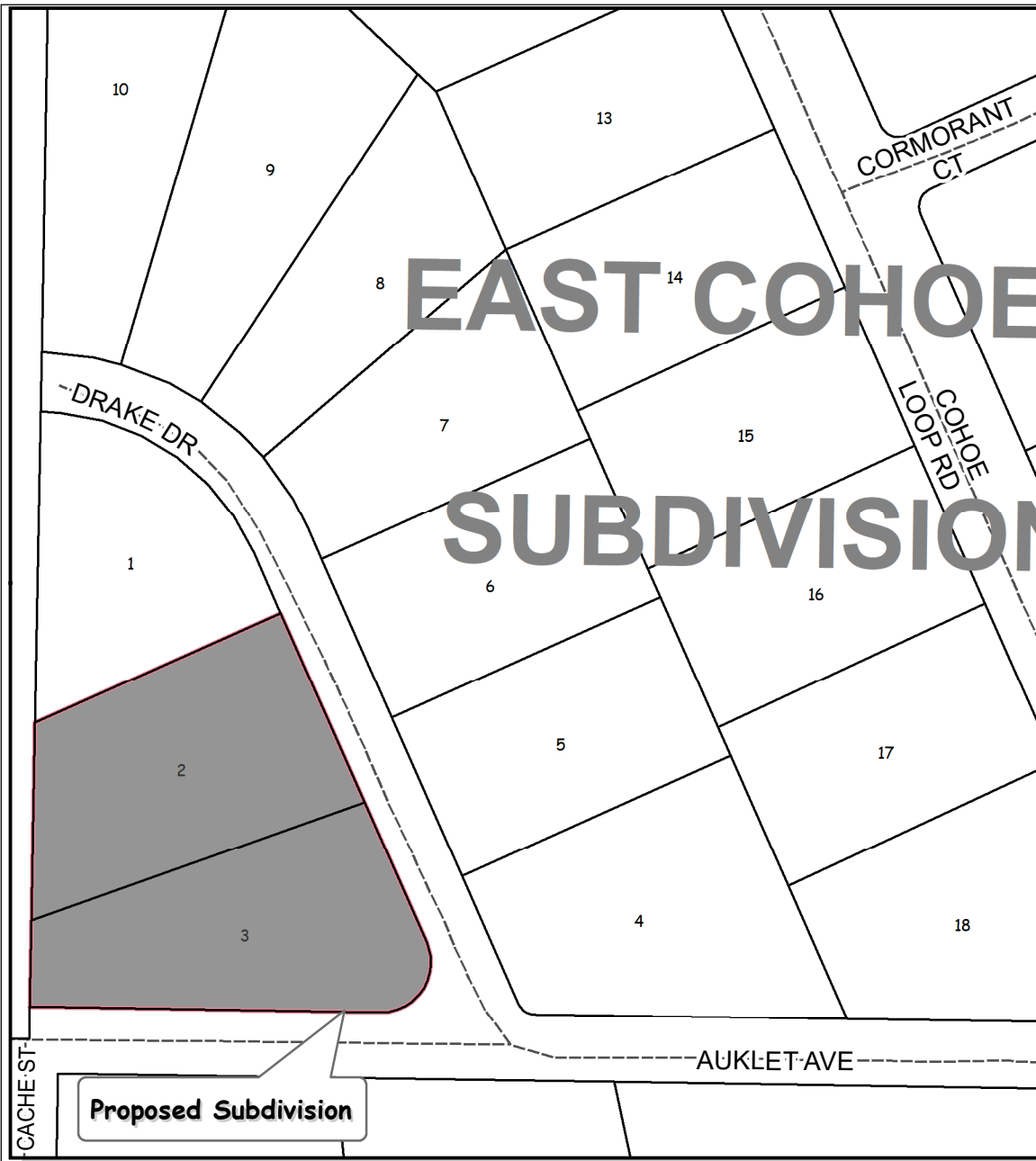
A PRODUCT OF THE
STATE OF ALASKA
DEPARTMENT OF NATURAL RESOURCES
LAND RECORDS INFORMATION SECTION

PLAT CURRENT TO 03/19/2004, REFER TO THE DNR
STATUS PLAT TRACKING SYSTEM (NP45/NP62) FOR
OTHER PENDING ACTIONS ON THIS TOWNSHIP/PLAT

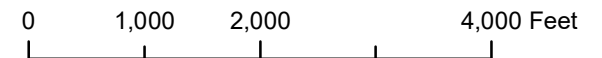
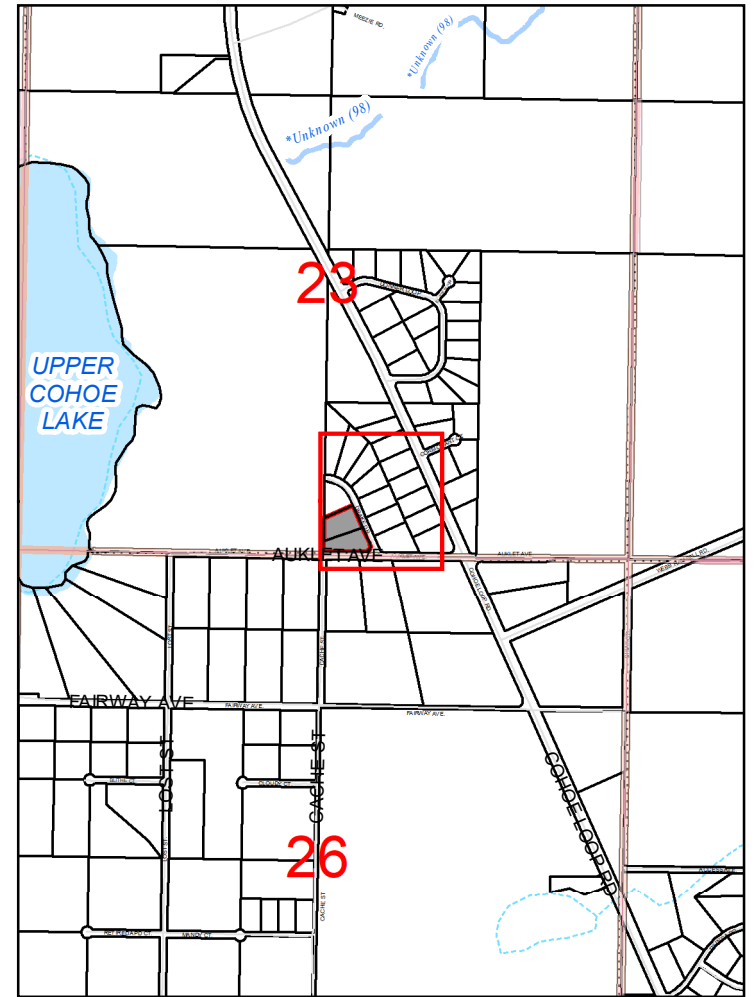
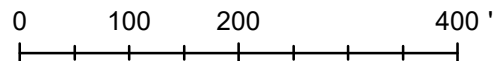
CHECKED BY: DAVE LUCK

SEC 7
SP

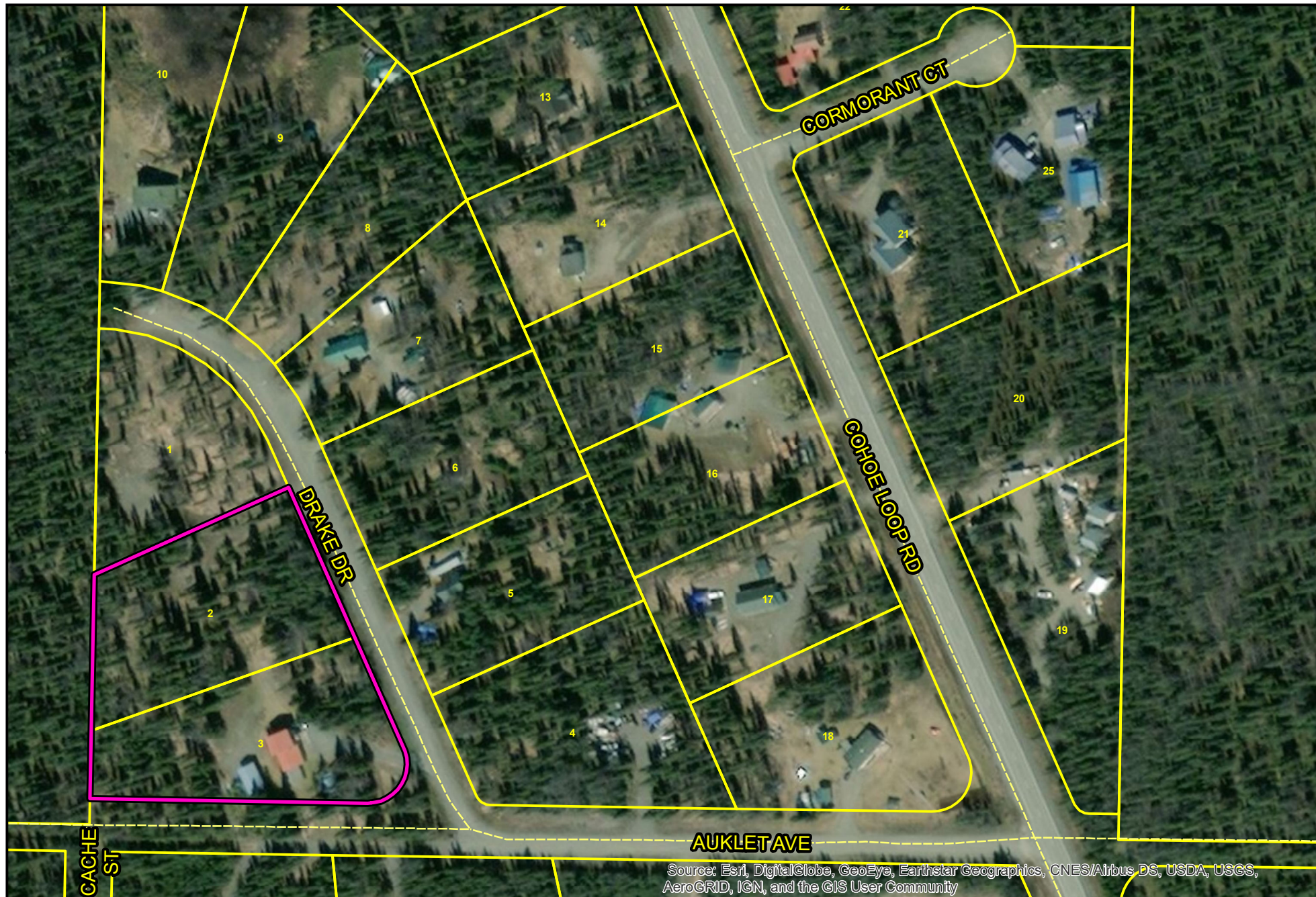
TWP 2N
RNG 11W
SM



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 2021-119
S23 T03N R12W
COHOE



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

0 50 100 200'

Aerial View



 PRELIMINARY PLAT

PClements, KPB 2021-120
Imagery SixInch Kenai

LEGEND:

- 2 1/2" BRASS CAP MON. GLO 1919 RECORD
2 1/2" BRASS CAP MON. 268-S 1984 RECORD
1/2" REBAR RECORD
() RECORD DATUM PLAT 84-238 KRD

NOTES:

- This is a paper plat. A field survey was not performed in accordance with KPB 20.60.200(A).
- Basis of bearing taken from East Cohoe Subdivision, Plat 84-238, 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.
- Covenants, conditions, and restrictions which affect this subdivision are recorded in Book 246 Page 641 and amended in Book 252 Page 758, Kenai Recording District. The Borough will not enforce private covenants, easements, or deed restrictions per KPB 21.44.080.
- Easements for electric lines or system and/or telephone lines granted to Homer Electric Association is recorded in Book 31, Pages 139 and 140, Kenai Recording District. No definite location disclosed.
- Front 20 feet adjacent to right-of-ways is a utility easement per plat KN 84-238. No permanent structure shall be constructed or placed within a utility easement which would interfere with the ability of a utility to use the easement.
- WASTEWATER DISPOSAL:** The parent subdivision for lots resulting from this platting action was approved by the Alaska Department of Environmental Conservation on September 5, 1984. Wastewater treatment and disposal systems must meet the regulatory requirements of the Alaska Department of Environmental Conservation.

Unsubd.

Lot 2A
2.787 Ac.

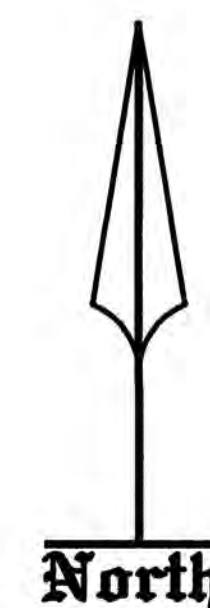
LINE TABLE		
LINE	BEARING	DISTANCE
L1	N00°04'07"W	33.00'

CURVE TABLE					
CURVE	DELTA ANGLE	RADIUS	ARC LENGTH	TANGENT	CHORD BEARING
C1	114°58'43"	50.00'	100.34'	78.45'	N32°24'22"E

SURVEYOR'S CERTIFICATE

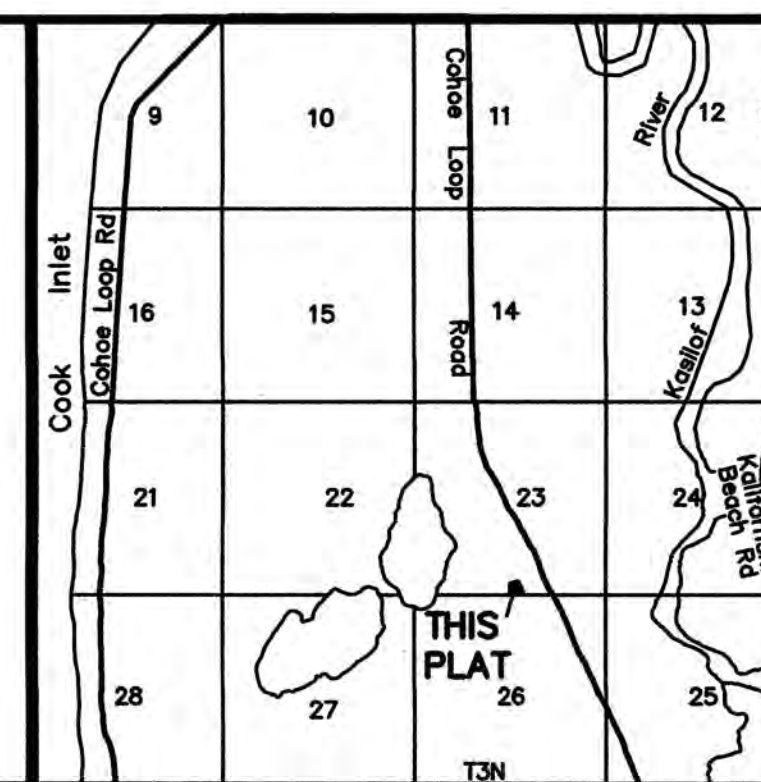
I hereby certify that I am properly registered and licensed to practice land surveying in the State of Alaska, this plat represents a survey made by me or under my direct supervision, the monuments shown hereon actually exist as described, and all dimensions and other details are correct.

Date _____



VICINITY MAP

1" = 1 MILE



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.

DALE D. HEDGER
P.O. BOX 513
KASLOF, ALASKA 99610

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. _____

East Cohoe Subdivision
Hedger Replat

A resubdivision of Lots 2 and 3 East Cohoe Subdivision, Plat 84-238, Kenai Recording District.

Located within the SW1/4 SE1/4 Section 23, T3N, R12W, S.M., Kenai Peninsula Borough, Alaska.

Containing 2.787 Ac.

Surveyor Segesser Surveys 30485 Rosland St. Soldotna, AK 99669 (907) 262-3909	Owner Dale D. Hedger P.O. Box 513 Kasilof, Alaska 99610
--	---

JOB NO. 21193	DRAWN: 8-14-21
SURVEYED: N/A	SCALE: 1"=50'
FIELD BOOK: N/A	SHEET: 1 of 1

KPB 2021-120

AGENDA ITEM E. NEW BUSINESS

ITEM 8 – EAST COHOE SUBDIVISION HEDGER REPLAT

KPB File No.	2021-120
Plat Committee Meeting:	September 13, 2021
Applicant / Owner:	Dale Hedger of Kasilof, Alaska
Surveyor:	John Segesser / Segesser Surveys
General Location:	Cohoe

Parent Parcel No.:	133-073-02, 133-073-03
Legal Description:	Lots 2 and 3 of East Cohoe Subdivision, KN 84-238
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On-Site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will combine two lots to create one 2.8 acre lot.

Location and Legal Access (existing and proposed): The subdivision is located in the Cohoe area on constructed and borough maintained Drake Drive. Drake Drive is a 60 foot wide right of way located off Auklet Avenue near mile 13 of Cohoe Loop Road. Auklet Avenue dedications coincide with 66 foot section line easement.

The subdivision is located within an open block. A 106 acre parcel is located to the west. Drake Drive was designed with the ability to continue to the west. If the large acreage tract to the west is subdivided, additional dedications to improve the block will be required. ***Staff recommends the plat committee concur that an exception for KPB 20.30.170 block length is not required, as any dedications within this subdivision would not improve the block length.***

KPB Roads Dept. comments	Within jurisdiction, no comments
SOA DOT comments	No comment, not on the state road system

Site Investigation: The land within the subdivision is relatively flat and there are no low wet areas present.

Floodplain Hazard Review	Not within flood hazard area, no comments
Anadromous Waters Habitat Protection District Review	Is not within HPD, no comments
State Parks Review	No comments
SOA Fish and Game	No objections. Public access to public lands and waters will not be affected.

Staff Analysis East Cohoe Subdivision, Plat KN 84-238, created lots 2 and 3. The parent plat subdivided 40 acres and provided several right of way dedications within the subdivision. The proposed plat is removing a shared lot line between the two lots to create one 2.79 acre lot. Plat note 1 states a field survey will not be performed as allowed under 20.60.200(A). All information presented will be from record data. ***Staff recommends all record information from Plat KN 84-238 should be shown within parenthesis or a plat note that all information is from the parent plat. Any additional record source shall be noted and marked accordingly on the plat and any computed data shall be noted as such.***

A soils report will not be required as the available wastewater area is increasing. The wastewater disposal note is worded correctly to comply with code and refers to the parent plat that received Department of Conservation approval.

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

The property is not within an advisory planning commission.

Utility Easements The parent plat granted the full 20 foot setback as a utility easement. The plat correctly depicts, labels, and notes the existing utility easements. Additional easements have been granted to Homer Electric Association by recorded documents and the information for those easements is within plat note 5.

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

Utility provider review:

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

KPB department / agency review:

Addressing – Derek Haws	Affected Addresses: 24035 Drake Drive (will remain with Lot 2A) Street names listed are correct. No new street names needed.
Code Compliance – Eric Ogren	Code Compliance review not available
Planner – Bryan Taylor	There are not any Local Option Zoning District or material site issues with this proposed plat.
Assessing – Matt Bruns	No concerns from Assessing Department

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

STAFF RECOMMENDATIONS
CORRECTIONS / EDITS

Staff recommends the survey marker symbols used on the face of the plat should match in size to the symbols used within the legend.

KPB 20.25.070 - Form and contents required

- 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: *Include a depiction and label to the west for the northern section line easement.*
- D. A vicinity map, drawn to scale showing location of proposed subdivision, north arrow if different from plat orientation, township and range, section lines, roads, political boundaries, and prominent natural and manmade features, such as shorelines or streams;
Staff recommendation: *Update the label for Kalifornsky Beach Road. It is either cut off or misspelled.*

KPB 20.40 -- Wastewater Disposal

20.40.010 Wastewater disposal.

Platting Staff Comments: Per KPB 20.40.020(A), a wastewater review will not be required. The correct plat note is present.

Staff recommendation: *comply with 20.40.*

KPB 20.60 – Final Plat

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

20.60.180. Plat notes.

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

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

Staff recommendation:

- *Update the code reference within plat note 4 to KPB 20.60.170.*
-

RECOMMENDATION:

STAFF RECOMMENDS:

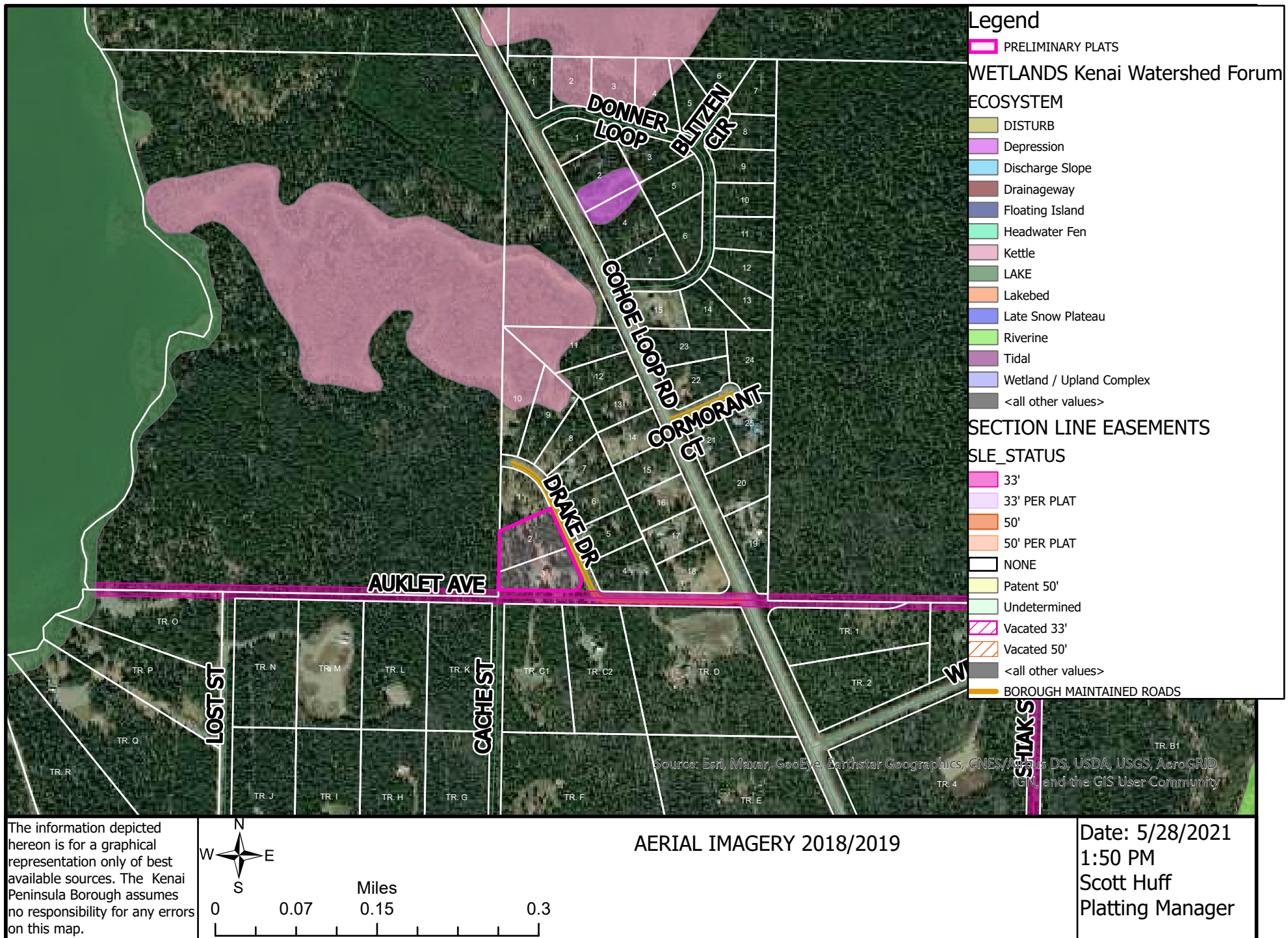
- **GRANT APPROVAL OF THE PRELIMINARY PLAT SUBJECT TO STAFF RECOMMENDATIONS, AND**
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NOTE: 20.25.120. - REVIEW AND APPEAL.

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



East Cohoe Subdivision

LOCATED IN SW1/4 SE1/4 SEC. 23, T3N, R12W, S.M., AK.
SCALE 1"=100' AREA=40.042 AC. 8-21-1984
BY ALMIN THOMPSON, BOX 1337 SOLDOTNA, AK.

PLAT APPROVAL

This plat was approved by the Kenai Peninsula
Borough Planning Commission at the meeting of
JUNE 11 1984.

KENAI PENINSULA BOROUGH

BY Almin Thompson
Authorized Official

NOTE

No direct access to state maintained ROW's permitted
unless approved by the State of Alaska Department
of Transportation.

Water supply and sewage disposal systems shall be
permitted only in conformance with applicable
requirements of 18 AAC 70, 18 AAC 72, & 18 AAC 80.

A building setback of 20' from all street row's is
required unless a lesser standard is approved by
a resolution of the appropriate planning commission.

Building setback line is to be the limit of utility
easements along streets.

BASIS OF BEARING is between corner of 15114
of sec. 23, given as S89°-55'-42"E on plat KR 83-197,
Hilleary Tract 'A'.

OWNERS CERTIFICATE AND DEDICATION

We hereby certify that we are the owners of the
property shown and described hereon, and that we
hereby adopt this plan of subdivision, and dedicate
all ROW's to public use, and grant all easements
to uses shown.

Almin Thompson
ALMIN THOMPSON, BOX 1337 SOLDOTNA, AK. 99669

Ellen Thompson
ELLEN THOMPSON

NOTARY'S ACKNOWLEDGEMENT

Subscribed and sworn to before me this 5th
day of September 1984.

Ellen L. Alden
NOTARY FOR ALASKA

FOR Almin & Ellen Thompson

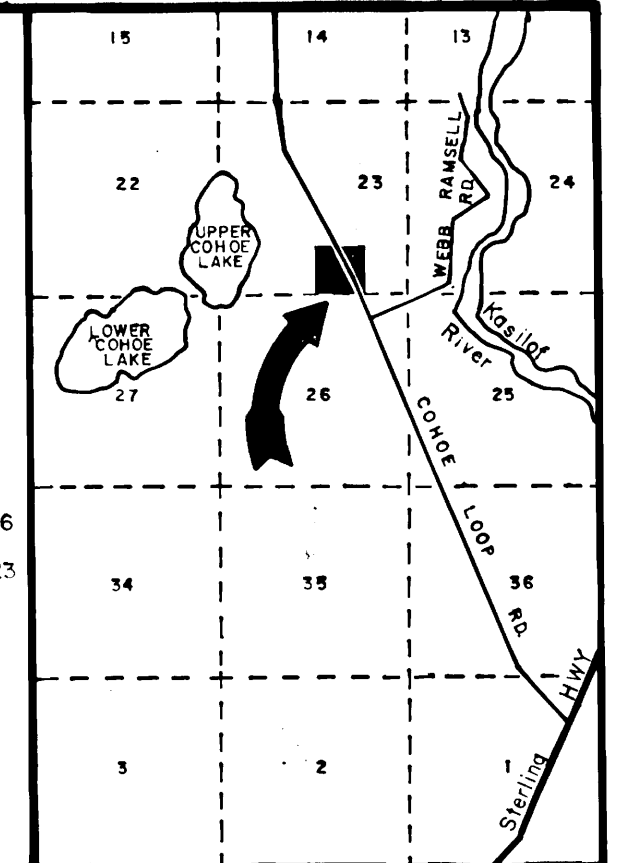
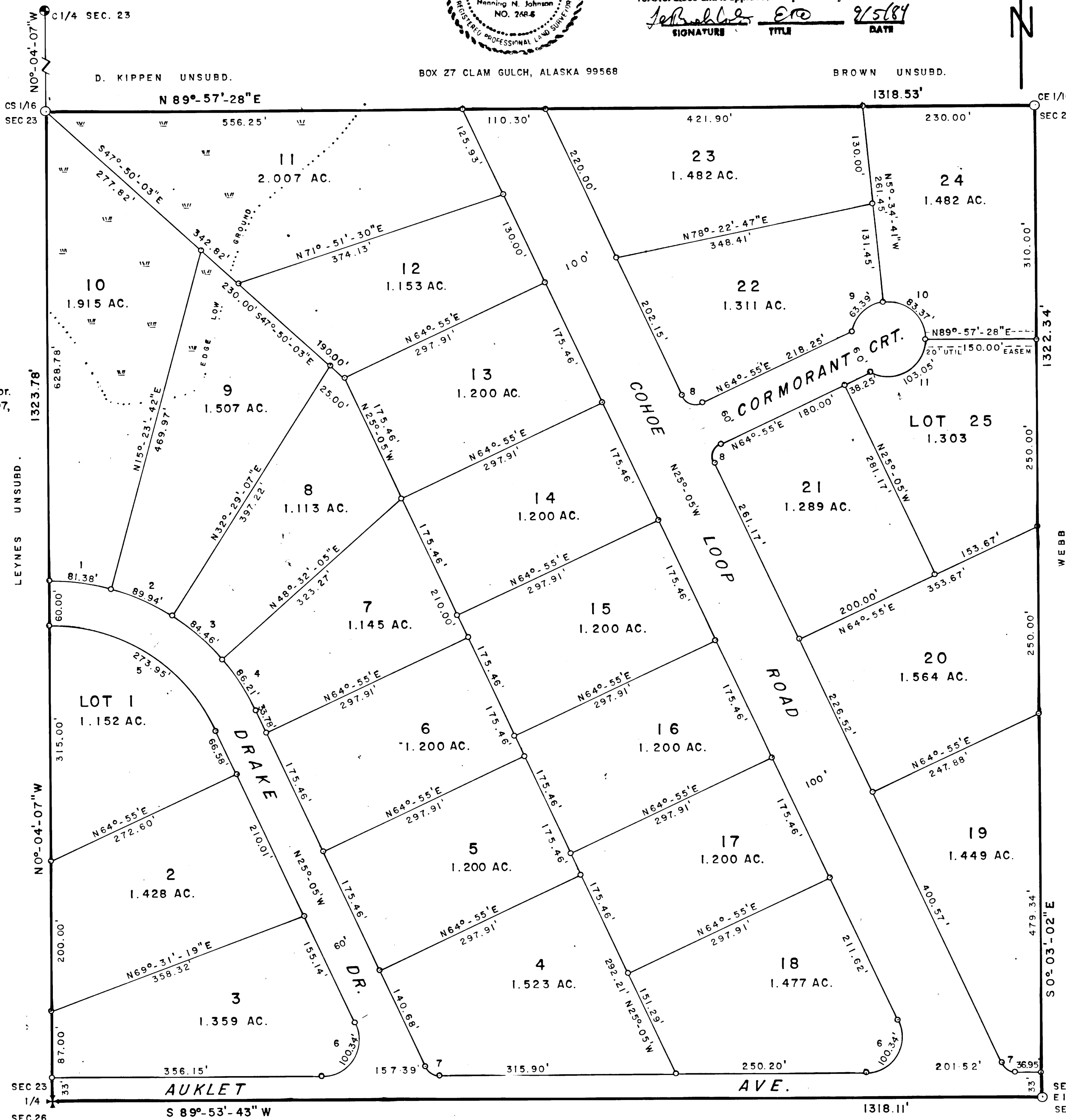
My commission expires 8-95-26



84-238
RECORDED FILED 10-
Kenai REC. DIST.
DATE 9/7/84
TIME 10:05 A.
Submitted by Henning Johnson
Address



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.
Henning N. Johnson ERO 9/5/84
SIGNATURE TITLE DATE



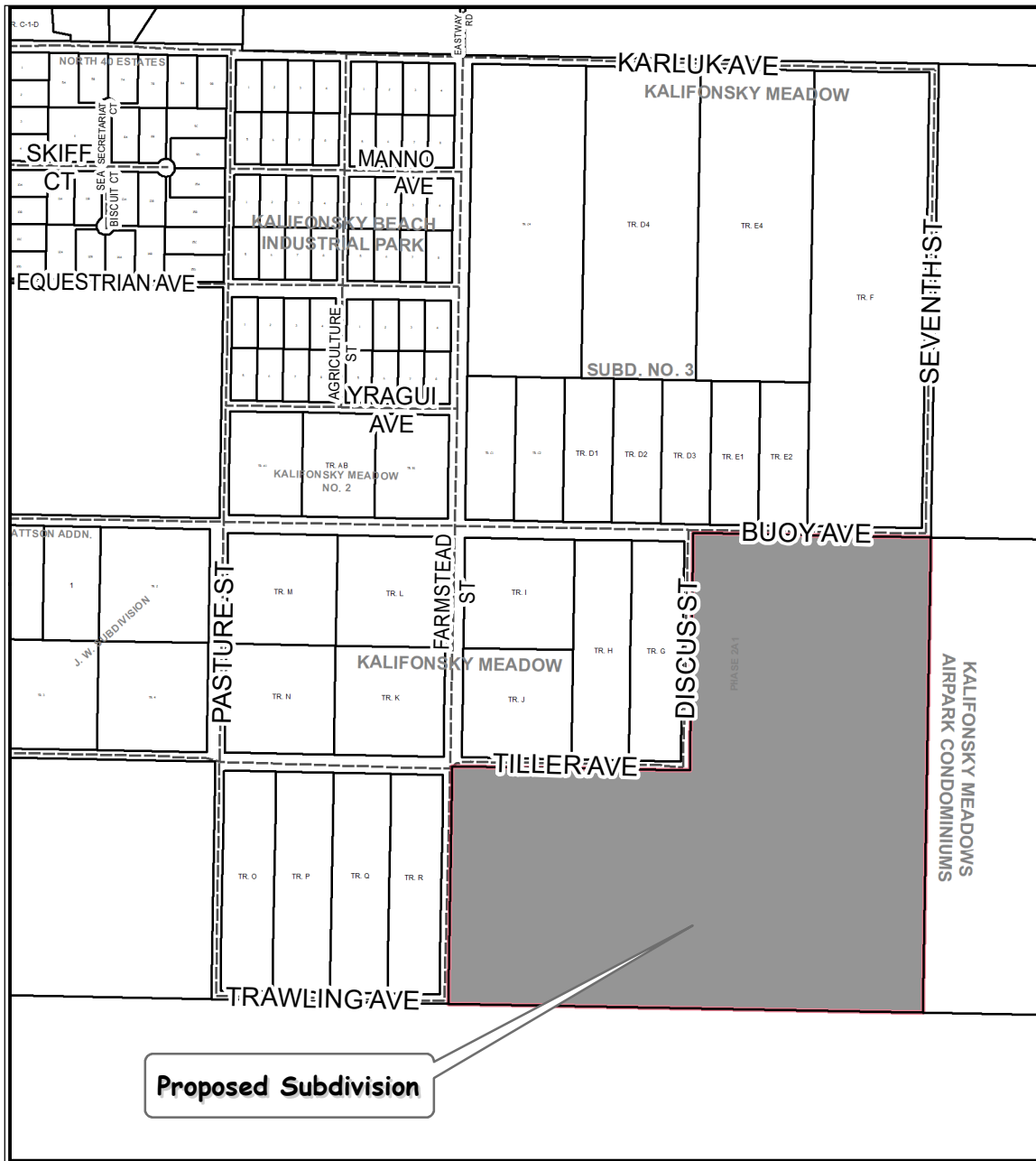
VICINITY 1"=1 MILE MAP

LEGEND

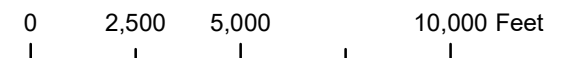
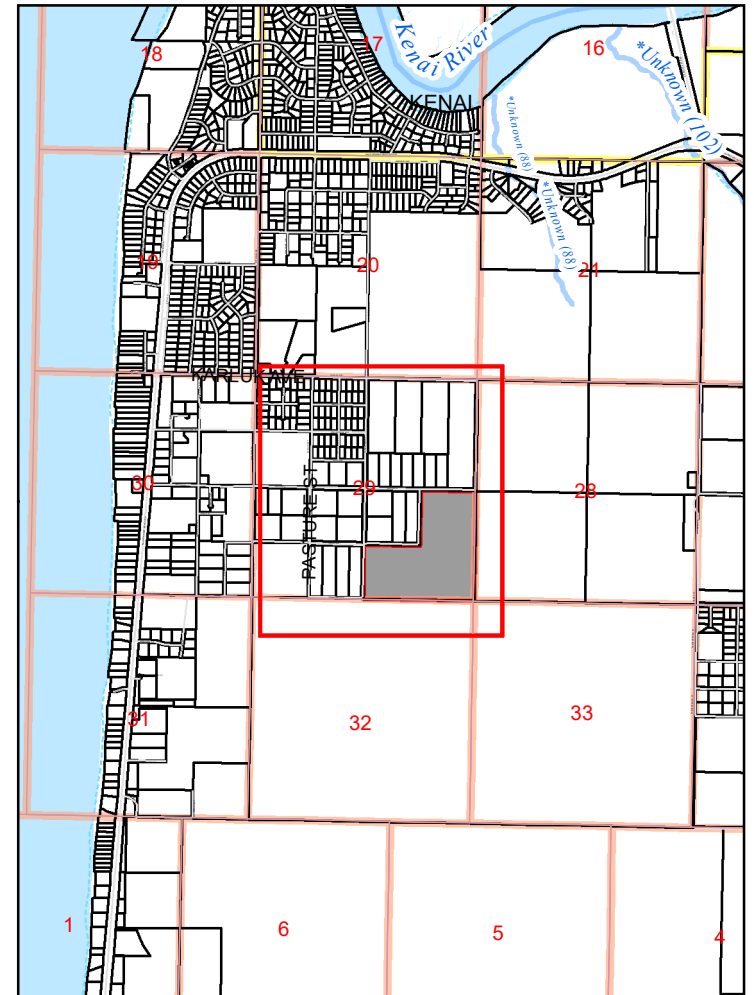
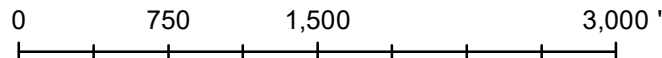
- 1919 brass cap mon. by GLO, found
- Brass cap mon. by 268-S, set
- 1982 brass cap mon. by 268-S, found
- 1/2" x 2" rerod set

CURVES

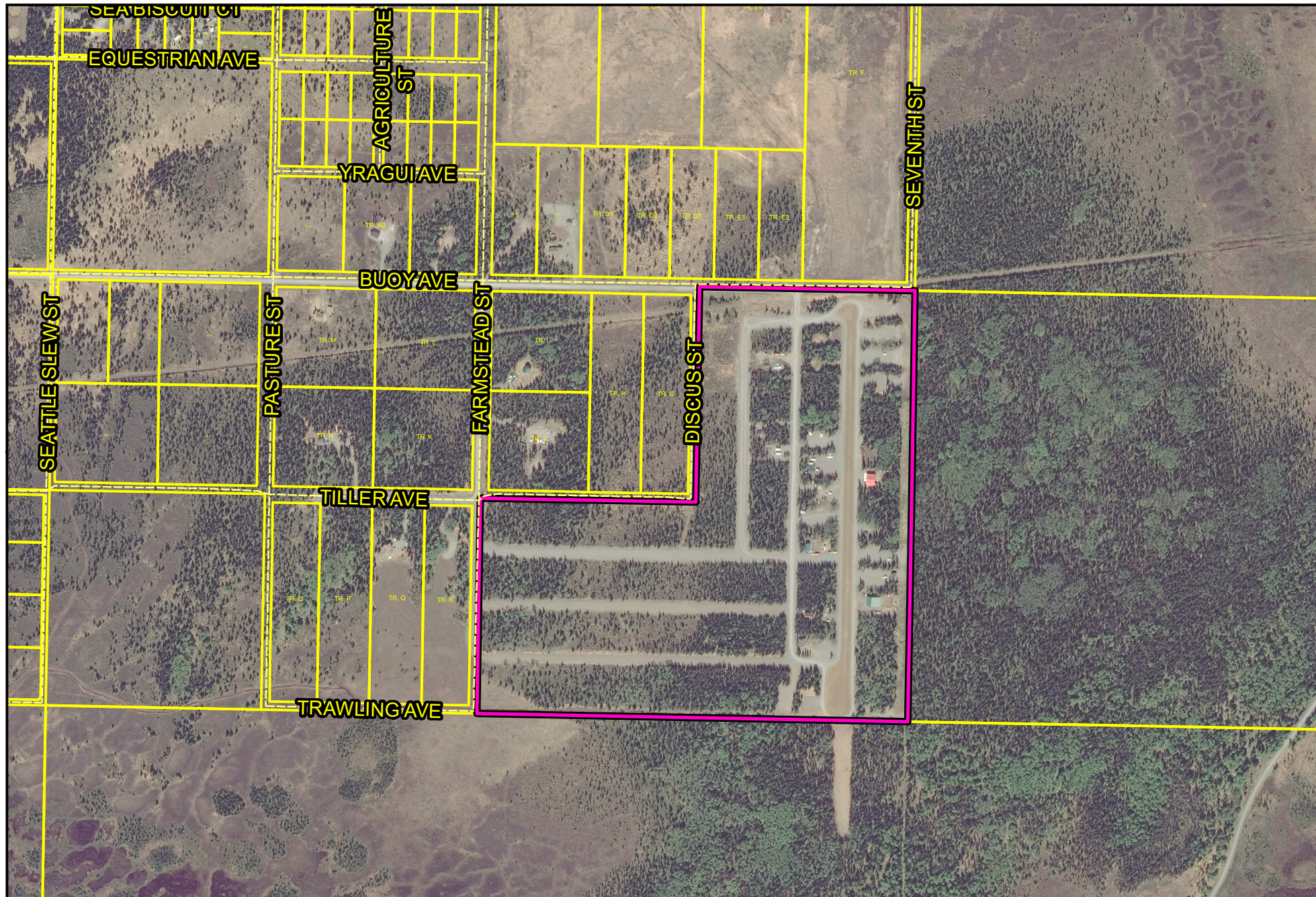
- | 1 | 2 |
|------------------|------------------|
| A-15°-27'-49" | A-17°-05'-25" |
| R-301.53' | R-301.53' |
| C-81.13' | C-89.61' |
| T-40.93' | T-45.31' |
| L-81.38' | L-89.94' |
| BC-S82°-20'-00"E | BC-S66°-03'-53"E |
-
- | 3 | 4 |
|------------------|------------------|
| A-16°-02'-58" | A-16°-22'-55" |
| R-301.53' | R-301.53' |
| C-84.18' | C-85.92' |
| T-42.51' | T-43.40' |
| L-84.46' | L-86.21' |
| BC-S49°-29'-27"E | BC-S33°-16'-17"E |
-
- | 5 | 6 |
|---------------|----------------|
| A-64°-59'-07" | A-114°-58'-43" |
| R-241.53' | R-50' |
| C-259.50' | C-84.33' |
| T-153.83' | T-78.45' |
| L-273.95' | L-100.34' |
-
- | 7 | 8 |
|---------------|----------|
| A-65°-01'-17" | A-90° |
| R-20' | R-20' |
| C-21.50' | C-28.28' |
| T-12.75' | T-20' |
| L-22.70' | L-31.42' |
-
- | 9 | 10 |
|------------------|---------------|
| A-72°-38'-07" | A-95°-32'-09" |
| R-50' | R-50' |
| C-59.23' | C-74.04' |
| T-36.75' | T-55.08' |
| L-63.39' | L-83.37' |
| BC-S48°-06'-16"W | |
-
- | 11 |
|------------------|
| A-118°-05'-20" |
| R-50' |
| C-85.76' |
| T-83.36' |
| L-103.05' |
| BC-N59°-00'-18"E |



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 2021-051
S29 T05N R11W
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.

0 250 500 1,000'

Aerial View



 PRELIMINARY PLAT

PClements, KPB 2021-051
Imagery SOLDOTNA 2018

LEGEND:

- ⊗ 2 1/2" BRASS CAP MONUMENT GLO 1921 FOUND
⊕ 3 1/4" ALUM. CAP MONUMENT 1928-S 2005 FOUND
⊗ 2 1/2" BRASS CAP MONUMENT 1426-E 1973 FOUND
○ 5/8" REBAR w/PLASTIC CAP LS8859 SET
() RECORD DATUM PLAT 2017-45 KRD

NOTES:

- 1) Basis of bearing taken from Condominium Plat for Kalifornsky Meadows Airpark Condominiums Phase 2B, Plat 2017-45, Kenai Recording District.
- 2) Building Setback-A setback of 20 feet is required from all street Rights-of-Way unless a lesser standard is approved by resolution by the appropriate Planning Commission.
- 3) Roads must meet the design and construction standards established by the Borough in order to be considered for certification and inclusion in the Borough road maintenance program.
- 4) An easement for gas transmission pipeline in favor of the Bureau of Land Management is recorded in Book 40 Page 219, Kenai Recording District.
- 5) An easement for electric lines or system and/or telephone lines granted to Homer Electric Association Inc is recorded as serial number 2006-009959-0, Kenai Recording District.
- 6) An easement for electric lines or system and/or telephone lines granted to Homer Electric Association Inc is recorded as serial number 2008-011440-0, Kenai Recording District.
- 7) Front 10 feet of the 20 foot building setback and the entire setback within 5 feet of the side lot lines is a utility easement. No permanent structure shall be constructed or placed within a utility easement which would interfere with the ability of a utility to use the easement.
- 8) 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.

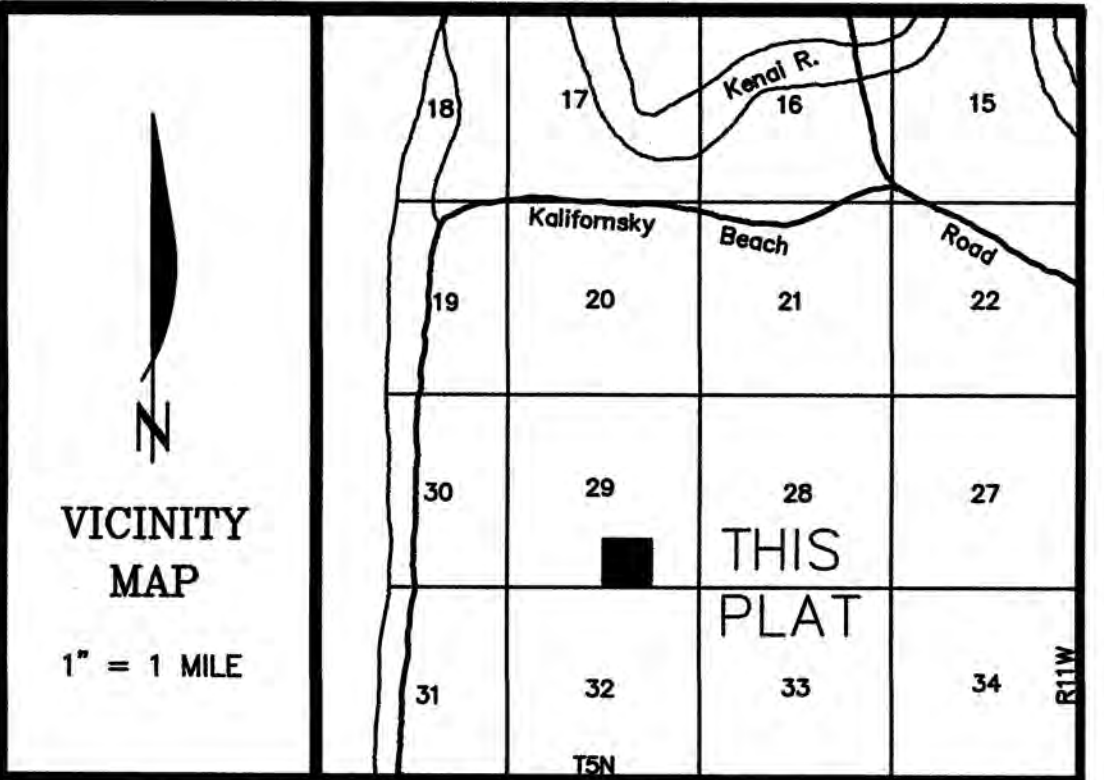
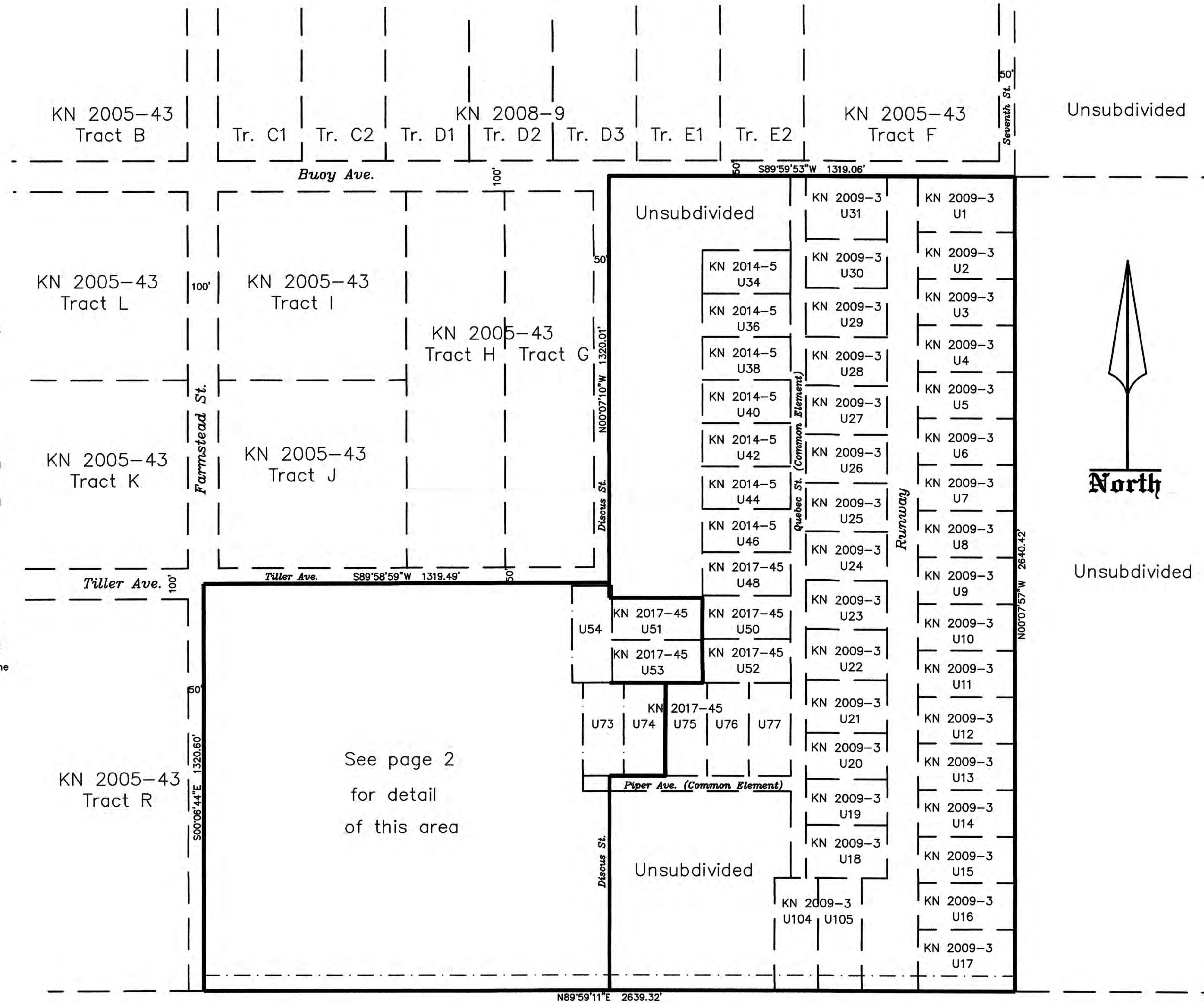
Engineer _____ License No. _____ date _____



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 _____



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.

DAVID YRAGUI, PRESIDENT
RCMS INC
P.O. BOX 1290
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. _____

Kalifornsky Meadows 2021 Addition

A subdivision of the E1/2 SE1/4 and SW1/4 SE1/4 Section 29 T5N, R11W, S.M., Kenai Recording District, Kenai Peninsula Borough, Alaska.

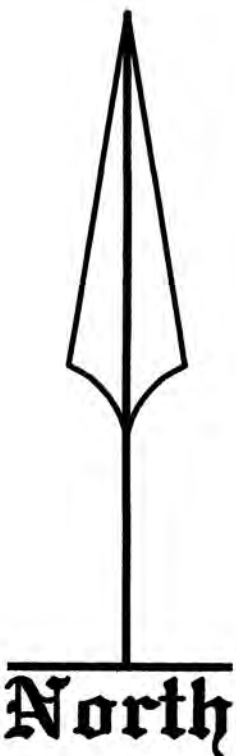
Containing 40.000 Ac.

Surveyor Segesser Surveys 30485 Rosland St. Soldotna, AK 99669 (907) 262-3909	Owner RCMS Inc P.O. Box 1290 Kenai, Alaska 99611
JOB NO. 21029	DRAWN: 5-3-21
SURVEYED:	SCALE: 1"=100'
FIELD BOOK:	SHEET: 1 of 1

KPB 2021-051

LEGEND:

- 2 1/2" BRASS CAP MONUMENT GLO 1921 FOUND
- 3 1/4" ALUM. CAP MONUMENT 1928-S 2005 FOUND
- 2 1/2" BRASS CAP MONUMENT 1426-E 1973 FOUND
- 5/8" REBAR w/PLASTIC CAP LS8859 SET
- () RECORD DATUM PLAT 2017-45 KRD



KPB FILE No.

Kalifornsky Meadows
2021 Addition

A subdivision of the E1/2 SE1/4 and SW1/4 SE1/4 Section 29
T5N, R11W, S.M., Kenai Recording District, Kenai Peninsula
Borough, Alaska.

Containing 40.000 Ac.

Surveyor Segesser Surveys 30485 Rosland St. Soldotna, AK 99669 (907) 262-3909	Owner RCMS Inc P.O. Box 1290 Kenai, Alaska 99611
JOB NO. 21029	DRAWN: 5-3-21
SURVEYED:	SCALE: 1"=100'
FIELD BOOK:	SHEET: 1 of 1

KPB 2021-051

AGENDA ITEM E. NEW BUSINESS

ITEM 9 – KALIFORNSKY MEADOWS 2021 ADDITION

KPB File No.	2021-051
Plat Committee Meeting:	September 13, 2021
Applicant / Owner:	RCMS, Inc. of Kenai, Alaska
Surveyor:	John Segesser / Segesser Surveys
General Location:	Kalifornsky / Kalifornsky APC

Parent Parcel No.:	055-060-29
Legal Description:	SW1/4 SE1/4 and E1/2 SE1/4, Section 29, Township 5 North, Range 11 West
Assessing Use:	Condo Underlying Parcel
Zoning:	Rural Unrestricted
Water / Wastewater	On-Site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide a 120 acre parcel into a large tract approximately 80 acres and 20 lots ranging in size from 1.621 to 1.691 acres. Multiple new right of way dedications are proposed and additional right of way dedications are required to bring right of way widths into compliance.

Location and Legal Access (existing and proposed): The proposed subdivision is located near mile 12.5 of Kalifornsky Beach Road, a state maintained right of way. The subdivision is located at the end of borough maintained Buoy Avenue. The subdivision fronts on Buoy Avenue, Discus Street, Tiller Avenue, Farmstead Street and section line easements on the south and east boundary. **Staff recommends** both section line easements be depicted and labeled.

The plat is proposing right of way dedications within the westerly 40 acre portion and no new right of ways within the 80 acre eastern portion. The 80 acre eastern portion is affected by a common interest community with aircraft runway and taxiways. The west 40 acres will be subdivided into lots with fee simple right of way dedications.

The subdivision is within a closed block with the 40 acre western portion complying with block length and the 80 acre eastern section being a larger block than allowed per KPB 20.30.170 – Block Length. The 80 acre eastern section is affected with the common interest community airpark that contains multiple units, utility easements, common elements, and an airstrip. A dedication to improve the block length within the eastern 80 acres will require a dedication crossing the airstrip and through the developed condominium units. There are common elements in place as part of the condominium design that allow private access to the units. **Staff recommends the plat committee concur that an exception to KPB 20.30.170 – block length, or right of way dedications to comply with block length, for the east 80 acres is not required as any right of way would result in crossing a runway and affect improved condominium units.**

KPB Roads Dept. comments	Within jurisdiction. The Road Service Area has no comment at this time.
SOA DOT comments	Not on the state road system, no comment

Site Investigation: The area is relatively flat. Wetland ecosystems are present within portions of the subdivision. **Staff recommends** low wet areas be depicted on the plat and a plat note be added to the plat “Any person developing the property is responsible for obtaining all required local, state, and federal permits, including a U.S. Army Corps of Engineers wetland determination if applicable.”

Floodplain Hazard Review	Not within flood hazard area, no comments
Anadromous Waters Habitat Protection District Review	Is not within HPD, no comments

State Parks Review	No comments
SOA Fish and Game	No objections. Public access to public lands and waters will not be affected.

Staff Analysis The proposed subdivision will be dividing a 120 acre aliquot parcel into a +/- 80 acre tract and 20 lots along with right of way dedications.

There are some inconsistencies with the Certificate to Plat. The plat states the property is “excepting therefrom” the condominium plan whereas the property is subject to the common interest community. Only one of the condominium plans is listed in the certificate to plat. **Staff recommends the surveyor work with the title company to make sure all common interest communities are recognized on the final certificate to plat and noted on the plat.**

Although allowed by State Statute, the Kenai Peninsula Borough Title 20 does not contain any requirements or address subdivisions that contain common interest communities. Three condominium plats have been prepared



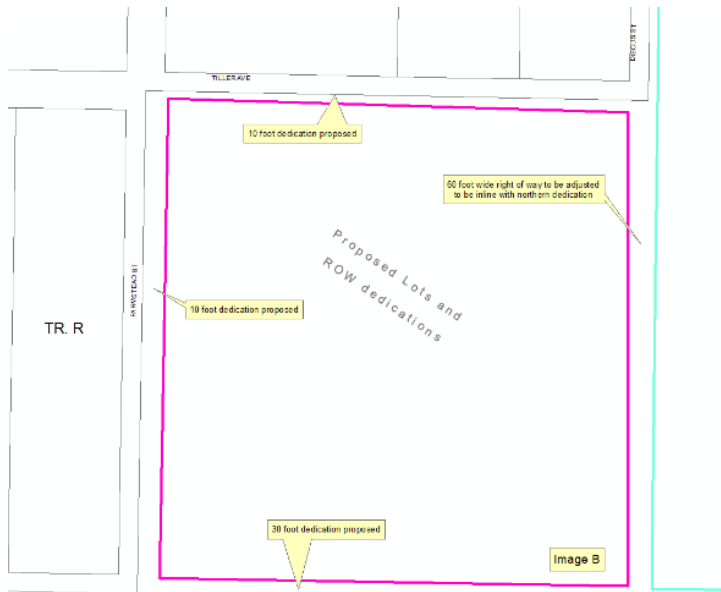
and recorded. The recording numbers are KN 2009-3, KN 2014-5, and KN 2017-45. The plans created units, utility easements, taxiways, an airstrip, and other common elements to allow for proper development and transfer of interest in the property. The owners of the property have recorded documents that removed the western 40 acres from the overall condominium plan. The removal of those “develop right reserved” lands by document also terminate the taxiway easements and common elements within the areas designated as ‘development rights reserved’.

Title to the units within the common interest community are able to be transferred to private ownership.

The east 80 acres will be required to be designated as a parcel of land. **Staff recommends the east 80 acres be designated as a separate Tract similar to Image A.**

The preliminary plat that has been submitted shows the existing units and common elements. As those units have not been reviewed and approved by the platting authority, **Staff recommends the common interest community depiction be removed from the final plat. Staff recommends a note or label be added that states Tract A is affected by a common interest community.**

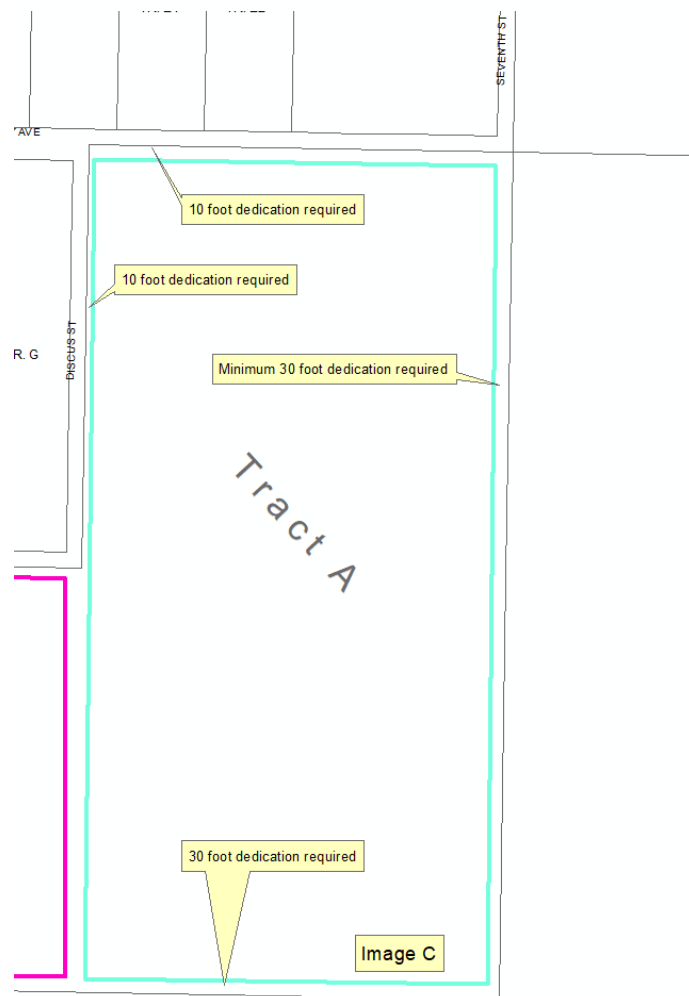
Staff strongly suggests that a new common interest community plat be recorded to show any changes to unit boundaries or to add additional units to the common interest community.



Two full 60 foot wide right of way dedications are proposed with the west 40 acre area.

Tiller Avenue and Farmstead Street are currently 50 foot wide dedications. Sheet 2 indicates that 10 foot dedications are proposed and a 30 foot dedication along the south that coincides with a 50 foot section line easement (Image B).

A 60 foot wide dedication is proposed to provide a continuation of Discus Street. The design proposed shows a 10 foot offset from the northern dedication. This appears to be occurring due to unit locations. As discussed previously, this plat cannot change any unit design. **Staff recommends the right of way dedication for Discus Street be 60 feet wide and align with the current dedication of Discus Street.** (Image B).



Along proposed Tract A several right of ways will be required to comply with code. A 10 foot dedication is required to provide a width of 60 feet for Buoy Avenue and for Discus Street. To be compliant with KPB Code, minimum 30 foot dedications need to be granted along the existing section line easements along the southern and eastern boundary. These dedications will provide a continuation of Seventh Street located to the north and a continuation to the east of a newly proposed dedication (Image C). **Staff recommends a 10 foot right of way be dedicated for Buoy Avenue and Discus Street to comply with KPB 20.30.120 Street width.** Exceptions have been requested not to provide dedications along the east and south section line easements within the area affected by the common interest community.

The KPB Addressing Officer must approve new street names. The Addressing Officer commented on the street names labeled to the common elements within the common interest community. Discussions should be had with the Addressing Officer has one of the names used is not available due to E911 requirements. If it is desired to name these common areas to allow addressing for E911, the owners, or the condominium association, should contact the Addressing Officer.

Excluding the common interest community tract, a soils report will be required for the lots and an engineer will sign the final plat. The current plat note for wastewater disposal should be updated to indicate which lots it applies to. **Staff recommends the correct wastewater note be added for Tract A that complies with KPB 20.40.**

Notice of the proposed plat was mailed to the beneficial interest holder on August 26, 2021. The beneficial interest holder will be given 30 days from the date of the mailing of the notification to respond. They are given the opportunity to notify staff if their beneficial interest prohibits or restricts subdivision or requires their signature on the final plat. If no response is received within 30 days, staff will assume they have no requirements regarding the subdivision and it may be finalized.

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

Utility Easements The proposed plat has not been previously subdivided and no utility easements have been granted by a plat reviewed by KPB platting authority. The plat is proposing to grant 10 foot utility easements adjoining all dedicated right of ways to comply with KPB Code.

The Certificate to Plat contains some inconsistencies with the easements that have been granted by recorded documents. Plat notes 5 and 6 reflect what appears in the certificate to plat but per the documents serial number 2006-00959-0 was granted to ENSTAR Natural Gas and contains a description that should be depicted. An additional easement document granted to ENSTAR Natural Gas was included in the information but is not listed within the Certificate to Plat. It is an easement with the area defined and should be noted within a plat note and depicted on the plat. Plat note 6 refers to a Homer Electric Association easement that is defined and should be depicted.

The common interest community plats granted utility easements. Those easements should be depicted with a labeled referencing the recording document that granted them.

ENSTAR has commented in regards to the easement noted in plat note 4. They are requesting the note be reworded and that the easement be depicted and labeled on the plat.

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

Utility provider review:

HEA	
ENSTAR	Requests that note 4 is revised to read: "A right-of-way for gas transmission pipelines in favor of Alaska Pipeline Company granted by BLM and identified as Serial No. A-051647, and reserved under Federal Patent 1232767 and referenced in Book 40, Page 219, Kenai Recording District. All excavation and ground disturbing activities within the pipeline right-of-way require approval from APC." APC further requests that the easement be shown on the plat.
ACS	No objections
GCI	Approved as shown

KPB department / agency review:

Addressing – Derek Haws	Affected addresses: 50123 Buoy Avenue will be deleted and new addresses assigned. Existing street names corrections needed: Trawling Ave should be added. List of Approved Street Names: Quebec Street List of Street Names Denied: Piper Avenue is denied because there is a Piper PI within the same emergency service zone. Street names are required for newly dedicated ROWs on Page 2.
Code Compliance – Eric Ogren	Code compliance review not available.
Planner – Bryan Taylor	There are not any Local Option Zoning District or material site issues with this proposed plat.
Assessing – Matt Bruns	No comments

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.

- 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:**
- *Neighboring subdivisions and the condominium plats associated with this parcel have the name "Kalifonsky Meadows". Determine if the owner wishes to continue with the "r" removed or included.*
 - *Update the total subdivision acreage to 120 acres.*
 - *Update the pages accordingly to "Sheet 1 of 2" and "Sheet 2 of 2."*
 - *The scale for page 1 should be 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:** *On sheet 1, depict and label the section line easements along the eastern and southern boundary.*
- G. The status of adjacent lands within 100 feet of the proposed subdivision boundary or the land status across from any dedicated rights-of-way that adjoin the propose subdivision boundary, including names of subdivisions, lot lines, block numbers, lot numbers, rights-of-way; or an indication that the adjacent land is not subdivided;
- Staff recommendation:** *On sheet 1, correct Tract B in the northwest corner as it has been replatted. Tract B1 of KN 2007-76.*
- H. Approximate locations of low wet areas, areas subject to inundation, areas subject to flooding or storm water overflow, and the line of ordinary high water. This information may be provided on an additional sheet if showing these areas causes the preliminary plat to appear cluttered and/or difficult to read;
- Staff recommendation:** *Wetlands appear to be present but are not depicted on the plat. Verify in the field and if depict label any low wet areas.*
- J. Block and lot numbering per KPB 20.60.140, approximate dimensions and total numbers of proposed lots;
- Staff recommendation:** *Provide a Tract designation for the large acreage area that will contain the common interest community. The 20 new lot designations are acceptable.*

KPB 20.30 Design Requirements

Platting staff comments: *Staff reviewed the plat and all the items required by 20.30 were met, unless otherwise noted below:*

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

Staff recommendation: *Approved street names are required for newly dedicated right of ways.*

KPB 20.40 -- Wastewater Disposal

20.40.010 Wastewater disposal.

Platting Staff Comments: Soils report required for lots. Engineer will need to sign plat. A separate note will be required for the any Tracts larger than 200,000 sq. ft.

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.*

20.60.030. Certificate of borough finance department required.

Platting Staff Comments: All taxes levied on the property within the subdivision shall be paid prior to recordation of the final plat. If approval is sought between January 1 and the tax due date, there shall be on deposit with the borough finance department an amount sufficient to pay the entire estimated real property tax for the current year. Prior to filing of the final plat, a certificate to this effect shall be provided by the borough finance director or his designee upon request by the planning director. Estimated tax payments shall be applied to the actual bill as of July 1 or such earlier date as the taxes due have been determined.

Taxes owed may include special assessments for utility or road assessment districts established by KPB ordinance.

Staff recommendation: *Comply with 20.60.030.*

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

Staff recommendation: *Acceptance by the borough is required.*

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

Staff recommendation: *On sheet 1 update the boundary to show be the exterior of the 120 acre parcel.*

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: *No unsubdivided areas are allowed within the perimeter of the subdivision. Removed the "unsubdivided" labels and the unit designations. Provide a label for all parcels of land.*

20.60.180. Plat notes.

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

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

Staff recommendation: Place the following notes on the plat.

- Any person developing the property is responsible for obtaining all required local, state, and federal permits, including a U.S. Army Corps of Engineers wetland determination if applicable.
- Tract A is subject to condominium plats that designate common elements. Tract A is subject to the plans recorded within the Kenai Recording District, KN 2009-2, KN 2014-5, and KN 2017-45.
- Provide plat notes for any exceptions granted.
- WASTEWATER DISPOSAL (Tract A): Lots which are at least 200,000 square feet in size may not be suitable for onsite wastewater treatment and disposal. Any wastewater treatment or disposal system must meet the regulatory requirements of the Alaska Department of Environmental Conservation.

Changes to the following plat notes.

- Note 3 should include reference to code "(KPB 14.06)."
- Update note 4 as requested by the utility provider.
- Note 7, "Front 10 feet adjoining rights-of-way and 20 feet within 5 feet of side lot lines is a utility easement. No permanent..."
- Update the wastewater disposal note to pertain to lots only.

Correct the plat numbers as number 8 is shown on the last line of note 7.

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: Acceptance for right of ways to be signed by the Kenai Peninsula Borough is required. The certificate of ownership should be reworded as it is being signed on behalf of RCMS, Inc. The documentation submitted did not indicate that the signature of the President was sufficient. A corporate resolution for RCMS, Inc is required that states the President may be the only signer or correct Mr. Yragui's signature line to state "Officer" and provide a signature line for Mrs. Yragui to also sign as an officer of the company. Comply with 20.60.190.

EXCEPTIONS REQUESTED:

KPB 20.30.030 – Proposed street layout – requirements (dedication of right of way on the east and south boundary within the area affected by the common interest community)

Surveyor's Discussion:

Staff Discussion: Per KPB Code 20.30.030(A), "dedications must provide for the continuation or appropriate projection of all streets surrounding areas and provide reasonable means of ingress for surrounding acreage tracts." Section line easements exist along the eastern and southern boundary of the area affected by the common interest community.

A 30 foot dedication is proposed along the south boundary of the westerly 40 acre section.

If denied, a minimum 30 foot right of way dedication will be required on the south and east boundary of the area affected by the common interest community (Tract A).

Findings:

1. 50 foot wide section line easements exist along the east and south.
2. A 30 foot dedication is proposed along the south boundary of the westerly 40 acre section.
3. Seventh Street is a 50 foot wide dedicated right of way that is located to the north and ends at Buoy Avenue.
4. Tract A is a large acreage lot subject to a common interest community.
5. Common elements provide private access within the common interest community.
6. An airstrip runs north-south on the east 80 acres.
7. Due to an existing airstrip, east-west dedications will be unlikely within Tract A.

Staff reviewed the exception request and recommends approval.

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

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

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

1. That special circumstances or conditions affecting the property have been shown by application;
Findings 1, 2, 4, 5, 6 appear to support this standard.
2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title;
Findings 1, 2, 4, 5, 6 appear to support this standard.
3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.
Findings 1, 2, 4, 5, 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:

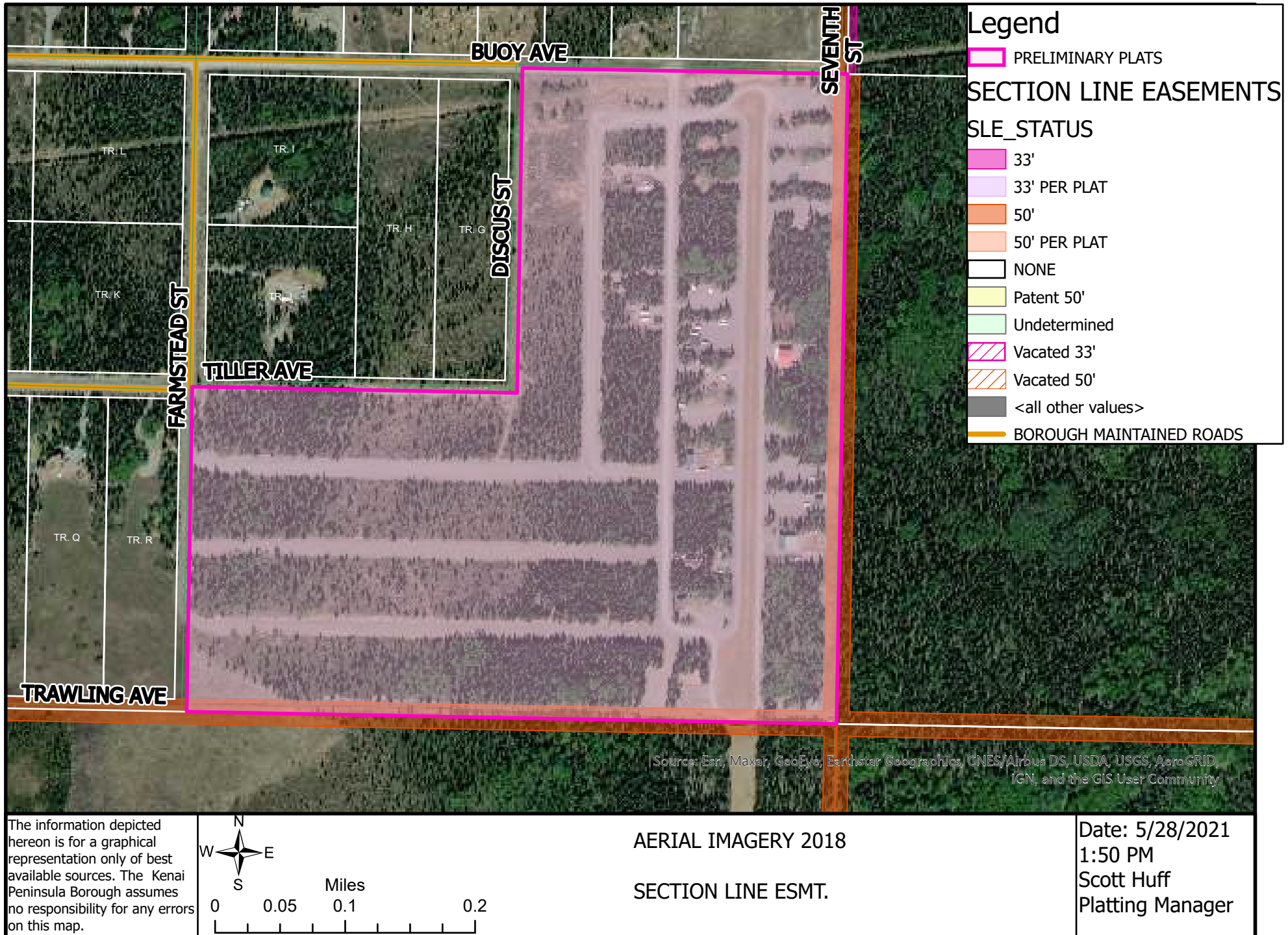
- GRANT APPROVAL OF THE PRELIMINARY PLAT SUBJECT TO STAFF RECOMMENDATIONS, AND
- COMPLIANCE WITH KPB 20.25.070 (FORM AND CONTENTS), KPB 20.25.080 (PETITION REQUIRED), KPB 20.30 (DESIGN REQUIREMENTS); AND KPB 20.40 (WASTEWATER DISPOSAL), AND
- COMPLIANCE WITH KPB 20.60 TO ENSURE ADMINISTRATIVE APPROVAL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

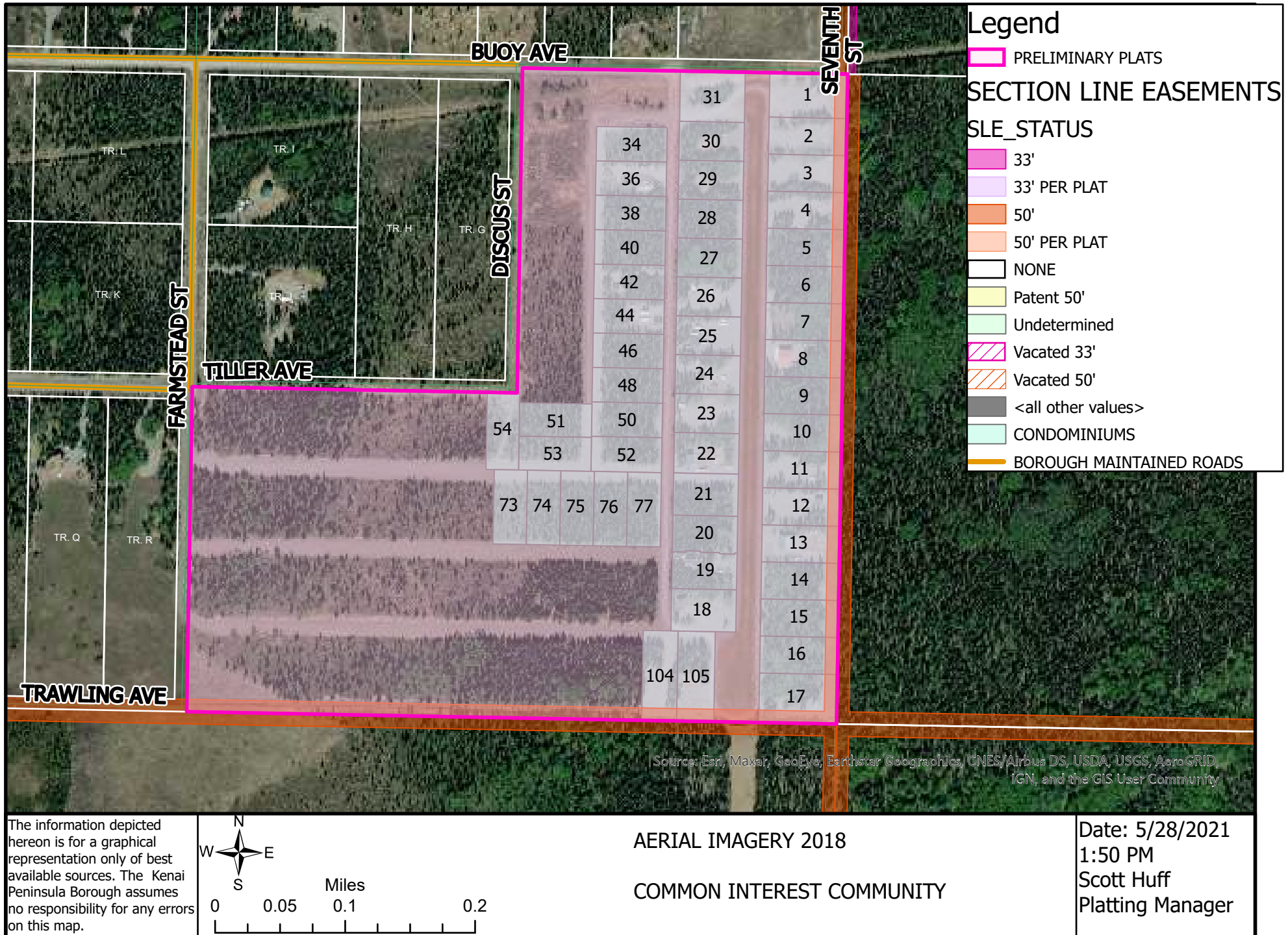
NOTE: 20.25.120. - REVIEW AND APPEAL.

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



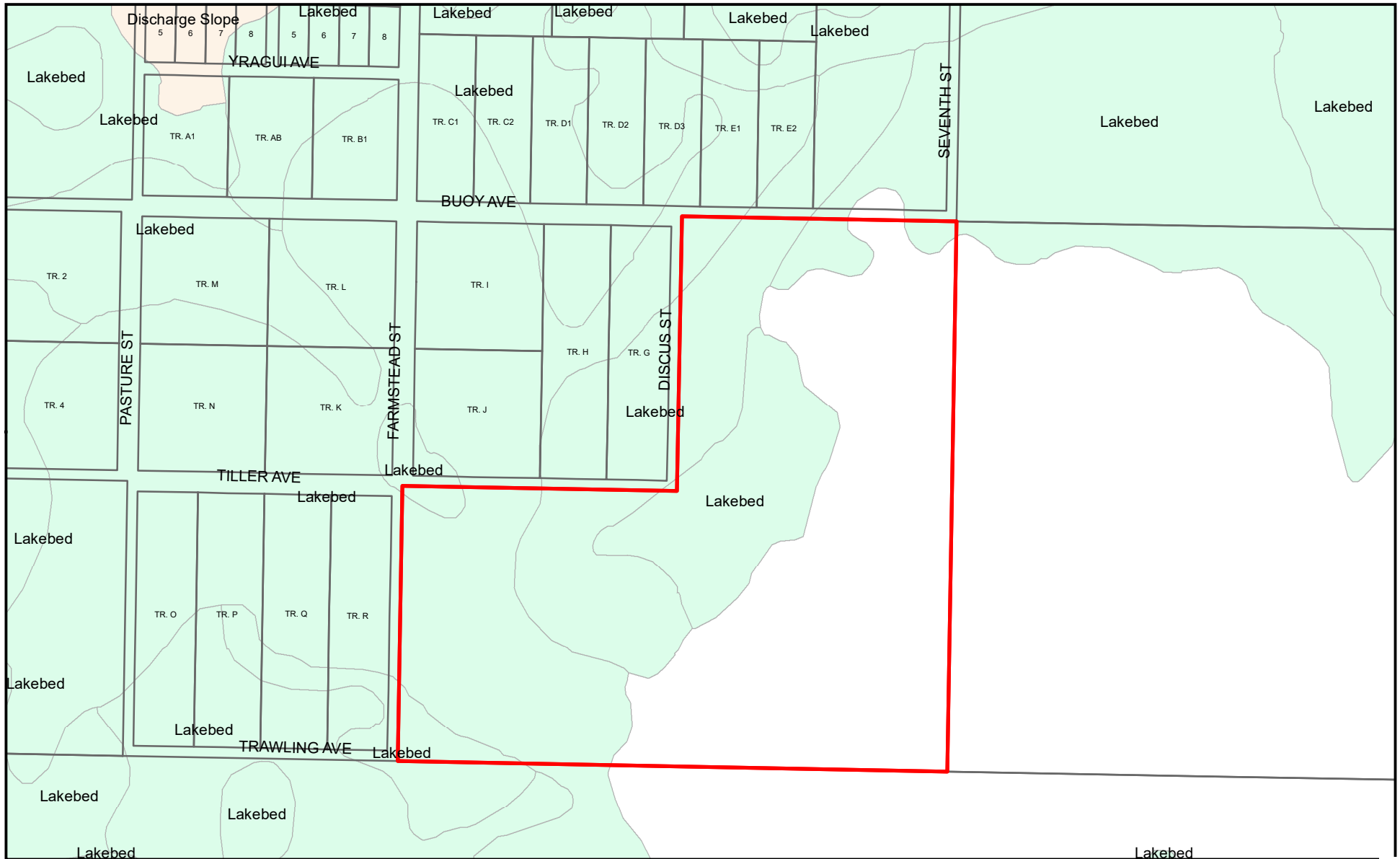


Kalifornsky Meadows 2021 Addition



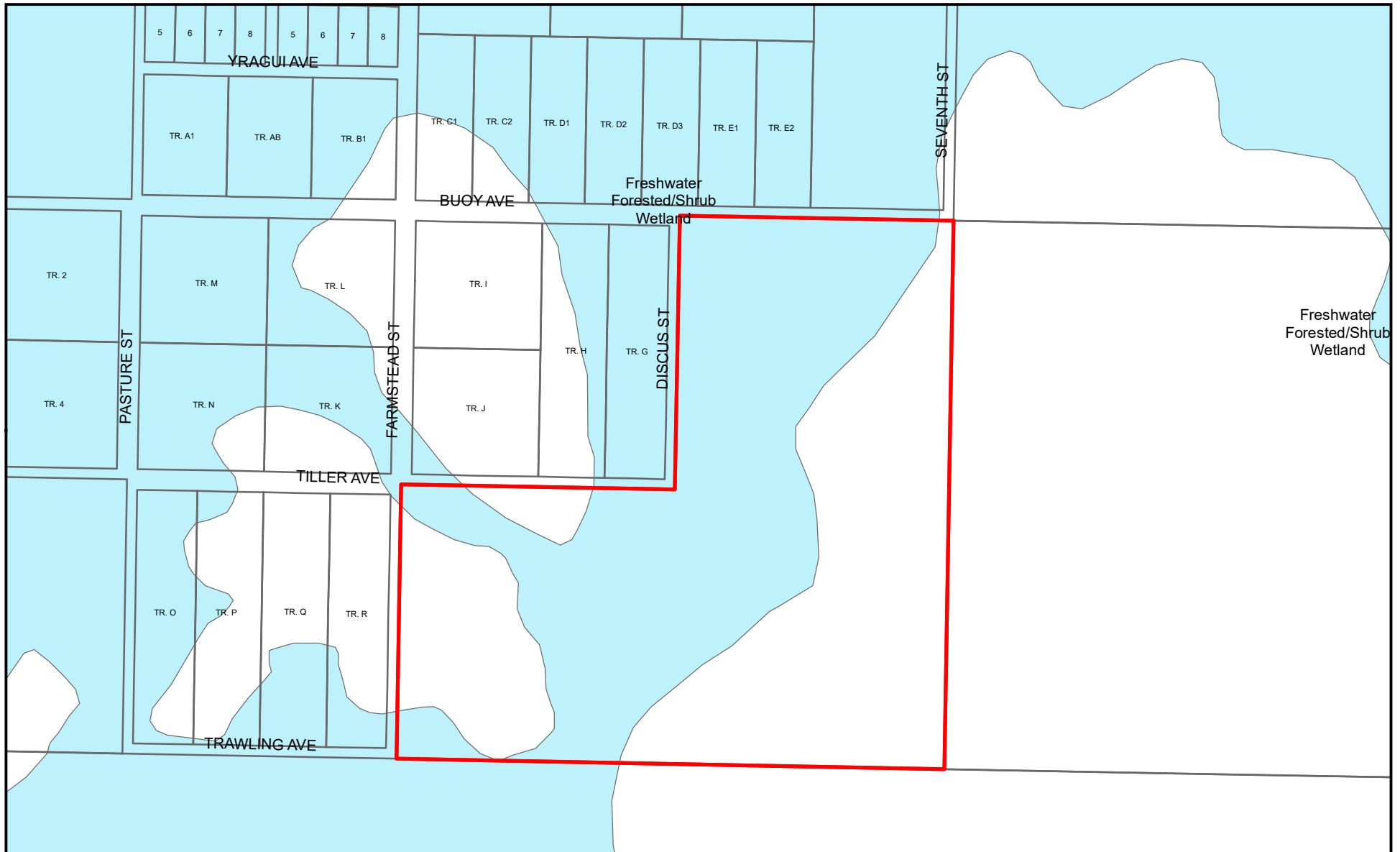


Kalifornsky Meadows 2021 Addition KPB File 2021-051





Kalifornsky Meadows 2021 Addition KPB File 2021-051

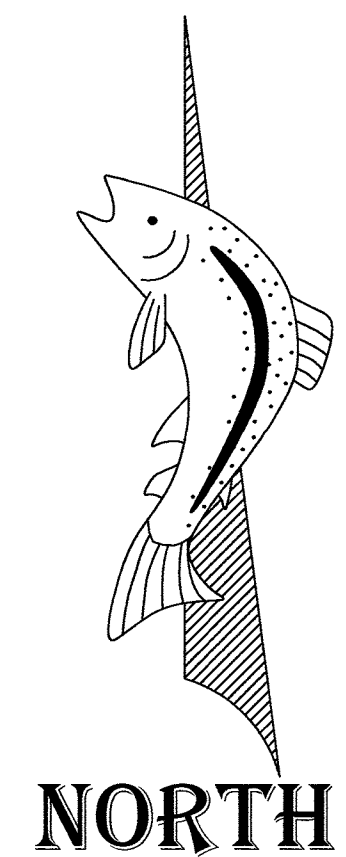
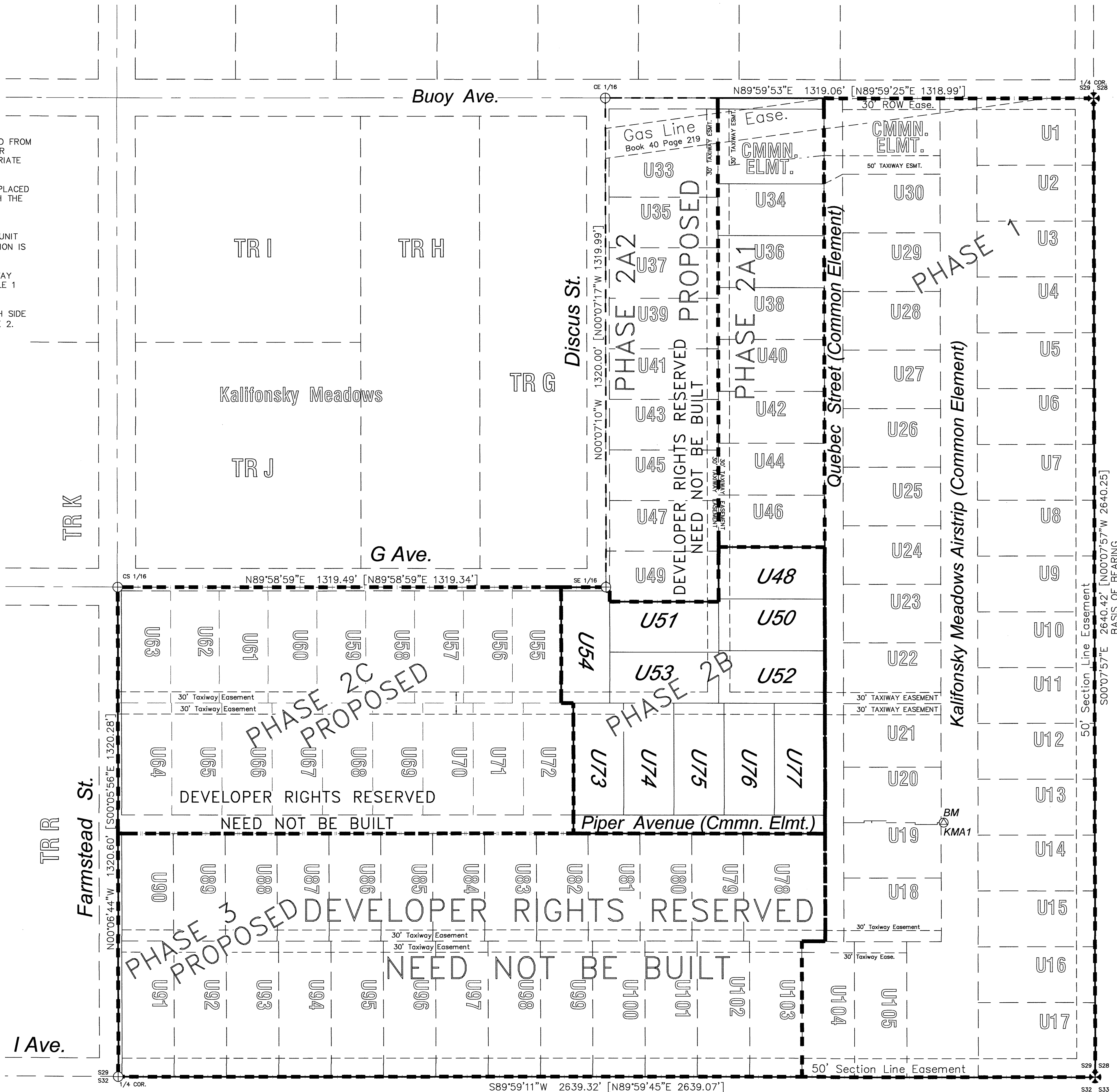


NOTES:

- 1) BUILDING SETBACK - A SETBACK OF 20 FEET IS REQUIRED FROM ALL DEDICATED STREET RIGHTS-OF-WAY UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
- 2) NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
- 3) ASSUMED ELEVATIONS ARE BASED ON BENCH MARK KMA1, LOCATED 1.5 FEET EAST OF THE NORTHEAST CORNER OF UNIT 19 / SOUTHEAST CORNER OF UNIT 20. ASSUMED ELEVATION IS 129.2 FEET.
- 4) KALIFONSKY MEADOWS AIRSTRIIP, QUEBEC STREET & TAXIWAY EASEMENT ARE COMMON ELEMENTS AS DEFINED BY ARTICLE 1 AND DESCRIBED IN ARTICLE V.
- 5) A 20 FOOT WIDE UTILITY EASEMENT IS CENTERED ON EACH SIDE OF THE 30' WIDE TAXIWAY EASEMENT AS SHOWN ON PAGE 2.

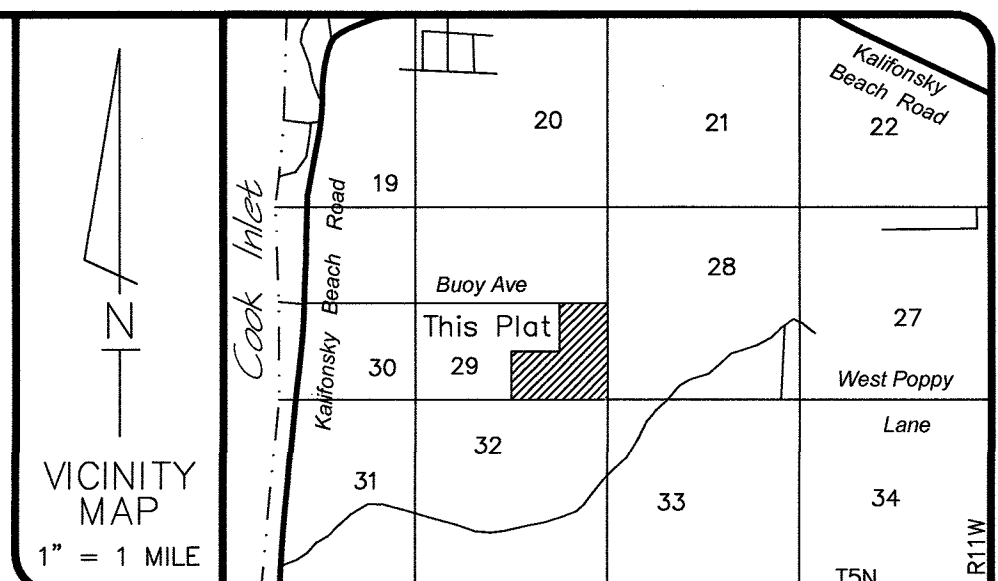
LEGEND

- ⊗ GLO/BLM MONUMENT RECOVERED
 - ⊕ PRIMARY MONUMENT RECOVERED
 - SECONDARY MONUMENT SET THIS SURVEY
 - ⊙ BENCH MARK
 - [] RECORD PER KALIFONSKY MEADOWS SUBDIVISION
- PLAT NO. 2005-43 KRD



Unsubdivided

Plat #
Rec. Dist. 20
Date
Time M



OWNERSHIP'S CERTIFICATE

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF NE1/4 & S1/2 OF SECTION 29, TOWNSHIP 5 NORTH, RANGE 11 WEST, SEWARD MERIDIAN, ALASKA. WE DO HEREBY CONSENT TO THE PREPARATION AND RECORDING OF THIS CONDOMINIUM PLAN PURSUANT TO THE UNIFORM INTEREST OWNERSHIP ACT, A.S. 34.08.

MARY JEANNE YRAGUI
P.O. BOX 1290
KENAI, AK 99611

DAVID N. YRAGUI
P.O. BOX 1290
KENAI, AK 99611

NOTARY'S ACKNOWLEDGMENT

FOR: MARY JEANNE YRAGUI AND DAVID N. YRAGUI
SUBSCRIBED AND SWORN BEFORE ME THIS 1st DAY OF September, 2017

Notary Public for Alaska
MY COMMISSION EXPIRES March 2, 2021

CERTIFICATE OF COMPLETION

SECTION 34.08.090 OF THE UNIFORM COMMON INTEREST OWNERSHIP ACT PROVIDES THAT A DECLARATION FOR A CONDOMINIUM MAY NOT BE RECORDED AND A PLAT OR PLAN THAT IS A PART OF THE DECLARATION FOR A CONDOMINIUM MAY NOT BE FILED UNLESS A CERTIFICATE OF COMPLETION IS RECORDED WITH THE DECLARATION AS EVIDENCE THAT THE STRUCTURAL COMPONENTS AND MECHANICAL SYSTEMS OF EACH BUILDING CONTAINING OR COMPRISING A UNIT OF THE CONDOMINIUM ARE COMPLETED SUBSTANTIALLY IN ACCORDANCE WITH THE PLANS.

THIS IS TO CERTIFY THAT IN KALIFONSKY MEADOWS AIRPARK PHASE 2B, THERE ARE NO BUILDINGS CONTAINING OR COMPRISING A UNIT.

SCOTT A. HUFF, LS 11795

CERTIFICATE OF SURVEYOR

SECTION 34.08.170 OF THE UNIFORM COMMON INTEREST OWNERSHIP ACT REQUIRES THAT A CERTIFICATION BE MADE WHICH STATES THE PLAT AND PLAN CONTAINS THE INFORMATION AS SET FORTH IN SECTION 34.08.170.

I DO HEREBY CERTIFY THAT THIS PLAN IS A TRUE AND CORRECT LAYOUT OF THE UNITS ACCURATELY SURVEYED TO DEPICT AN AS-BUILT SURVEY AND THAT THE INFORMATION AS REQUIRED BY ALASKA STATUTE 34.08.170 IS PROVIDED FOR ON THESE PLANS.

SCOTT A. HUFF, LS 11795

CONDOMINIUM PLAT FOR KALIFONSKY MEADOWS AIRPARK CONDOMINIUMS PHASE 2B

UNITS 48, 50, 51, 52, 53, 54, 73, 74, 75, 76, 77

LOCATED WITHIN THE SE1/4 SECTION 29, T5N, R11W, SEWARD MERIDIAN, KENAI RECORDING DISTRICT, KENAI PENINSULA BOROUGH, ALASKA

INTEGRITY SURVEYS INC.

820 SET NET DRIVE KENAI, ALASKA 99611

SURVEYORS: 211180, 213056, 216025
PLANNERS: 211180, 213056, 216025

PHONE - (907) 283-9047
FAX - (907) 283-9071
integritysurveys@alaska.net

JOB NO: 211180, 213056, 216025
DRAWN: AUG. 24, 2017 SH

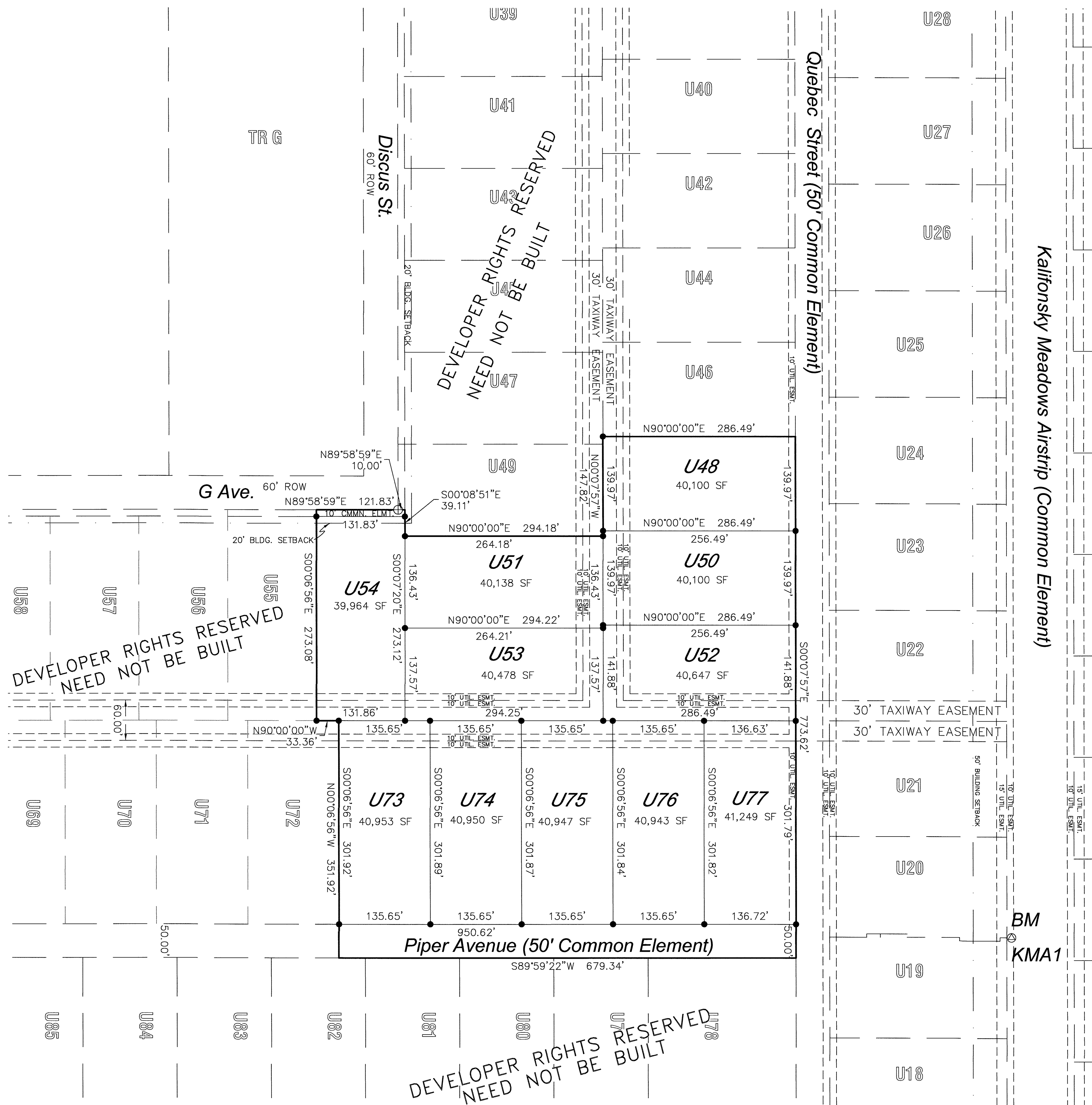
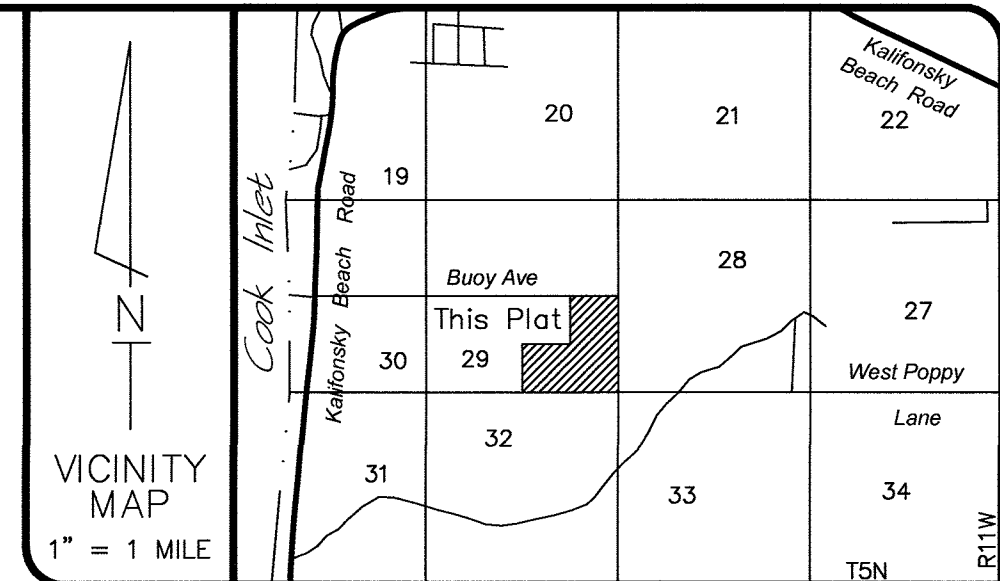
SURVEYED: 2008, 2012 FEB. 2016
SCALE: 1" = 150'

FIELD BK: 2007-5 & 2012-6
2016-1 PG: 2016-1 PG: 2

FILE: KMA CONDO PH2B.dwg

Kenai 2017-45

Page 1 of 2



- NOTES:**
- 1) BUILDING SETBACK — A SETBACK OF 20 FEET IS REQUIRED FROM ALL DEDICATED STREET RIGHTS-OF-WAY UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
 - 2) NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
 - 3) ASSUMED ELEVATIONS ARE BASED ON BENCH MARK KMA1, LOCATED 1.5 FEET EAST OF THE NORTHEAST CORNER OF UNIT 19 / SOUTHEAST CORNER OF UNIT 20. ASSUMED ELEVATION IS 129.2 FEET.
 - 4) KALIFONSKY MEADOWS AIRSTRIP, QUEBEC STREET & TAXIWAY EASEMENT ARE COMMON ELEMENTS AS DEFINED BY ARTICLE 1 AND DESCRIBED IN ARTICLE V.
 - 5) A 20 FOOT WIDE UTILITY EASEMENT IS CENTERED ON EACH SIDE OF THE 30' WIDE TAXIWAY EASEMENT AS SHOWN ON PAGE 2.

- LEGEND**
- ⊕ GLO/BLM MONUMENT RECOVERED
 - ⊕ PRIMARY MONUMENT RECOVERED
 - SECONDARY MONUMENT SET THIS SURVEY
5/8" x 30" REBAR
 - ⊙ BENCH MARK
 - [] RECORD PER KALIFONSKY MEADOWS SUBDIVISION
PLAT NO. 2005-43 KRD

PAGE 2 OF 2

**CONDOMINIUM PLAT FOR
KALIFONSKY MEADOWS
AIRPARK CONDOMINIUMS
PHASE 2B
UNITS 48, 50, 51, 52, 53, 54,
73, 74, 75, 76, 77**

LOCATED WITHIN THE SE1/4 SECTION 29, T5N, R11W, SEWARD MERIDIAN, KENAI RECORDING DISTRICT, KENAI PENINSULA BOROUGH, ALASKA

INTEGRITY SURVEYS INC.

820 SET NET DRIVE KENAI, ALASKA 99611

PHONE — (907) 283-9047
FAX — (907) 283-9071
integritysurveys@alaska.net

SURVEYORS PLANNERS

JOB NO:	211180 213056	216025	DRAWN:	AUG. 24, 2017	SH
SURVEYED:	2008, 2012 FEB. 2016		SCALE:	1" = 150'	
FIELD BK:	2007-5 & 2012-6 2016-1 PG:		FILE:	KMA CONDO PH2B.dwg	

2017-45
Kenai
8/1/2017
DATE
11:48 AM
TIME

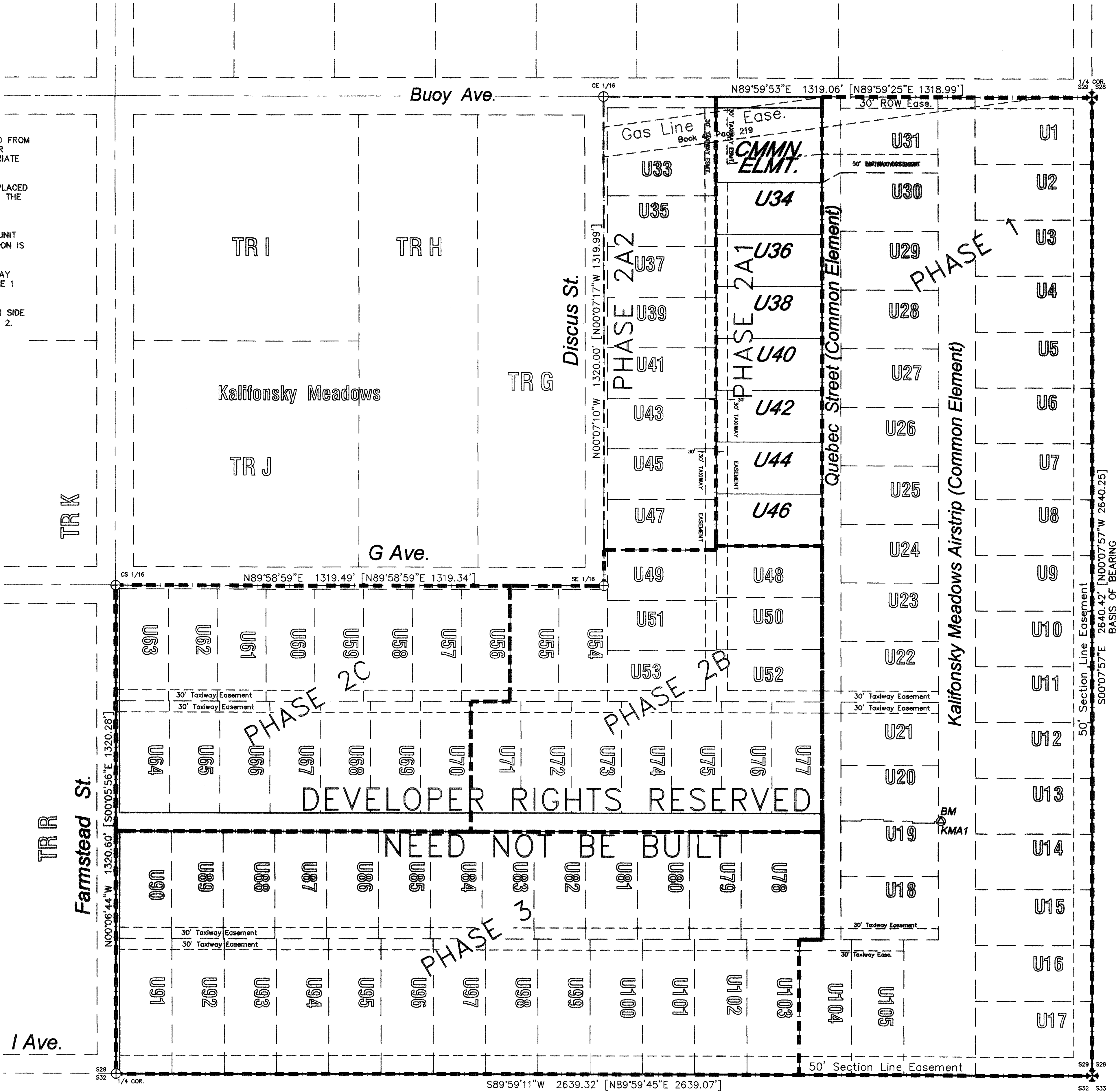
Page 2 of 2

NOTES:

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LEGEND

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 - ⊕ PRIMARY MONUMENT RECOVERED
 - SECONDARY MONUMENT SET THIS SURVEY
 - ⊙ BENCH MARK
 - [] RECORD PER KALIFONSKY MEADOWS SUBDIVISION
- PLAT NO. 2005-43 KRD



Unsubdivided

Plat #
Rec. Dist. 20
Date
Time M

OWNERSHIP'S CERTIFICATE

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF NE1/4 & SE1/2 OF SECTION 29, TOWNSHIP 5 NORTH RANGE 11 WEST, SEWARD MERIDIAN, ALASKA. WE DO HEREBY CONSENT TO THE PREPARATION AND RECORDING OF THIS CONDOMINIUM PLAN PURSUANT TO THE UNIFORM INTEREST OWNERSHIP ACT, A.S. 34.08.

Mary Jeanne Yragui
MARY JEANNE YRAGUI
DAVID N. YRAGUI

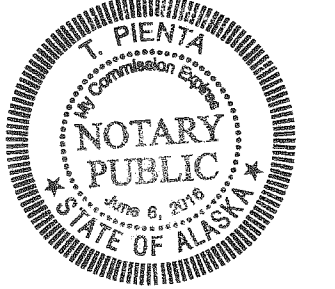
P.O. BOX 1290
KENAI, AK 99611

NOTARY'S ACKNOWLEDGMENT

FOR: MARY JEANNE YRAGUI AND DAVID N. YRAGUI
SUBSCRIBED AND SWORN BEFORE ME THIS 25th

DAY OF February 2014

NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES 6-6-16



CERTIFICATE OF COMPLETION

SECTION 34.08.090 OF THE UNIFORM COMMON INTEREST OWNERSHIP ACT PROVIDES THAT A DECLARATION FOR A CONDOMINIUM MAY NOT BE RECORDED AND A PLAT OR PLAN THAT IS A PART OF THE DECLARATION FOR A CONDOMINIUM MAY NOT BE FILED UNLESS A CERTIFICATE OF COMPLETION IS RECORDED WITH THE DECLARATION AS EVIDENCE THAT THE STRUCTURAL COMPONENTS AND MECHANICAL SYSTEMS OF EACH BUILDING CONTAINING OR COMPRISING A UNIT OF THE CONDOMINIUM ARE COMPLETED SUBSTANTIALLY IN ACCORDANCE WITH THE PLANS.

THIS IS TO CERTIFY THAT IN KALIFONSKY MEADOWS AIRPARK PHASE 2A, THERE ARE NO BUILDINGS CONTAINING OR COMPRISING A UNIT.

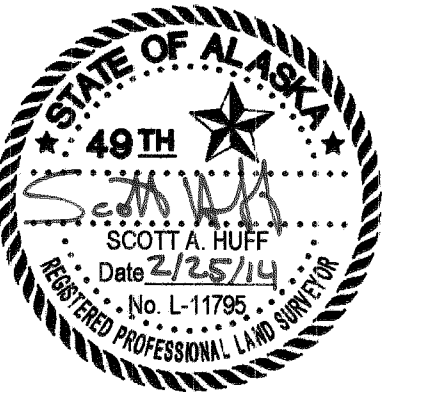
SCOTT A. HUFF, LS 11795

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SCOTT A. HUFF, LS 11795



CONDOMINIUM PLAT FOR
KALIFONSKY MEADOWS
AIRPARK CONDOMINIUMS
PHASE 2A1
UNITS 34, 36, 38, 40, 42, 44, 46

LOCATED WITHIN THE SE1/4 SECTION 29, T5N, R11W, SEWARD MERIDIAN, KENAI RECORDING DISTRICT, KENAI PENINSULA BOROUGH, ALASKA

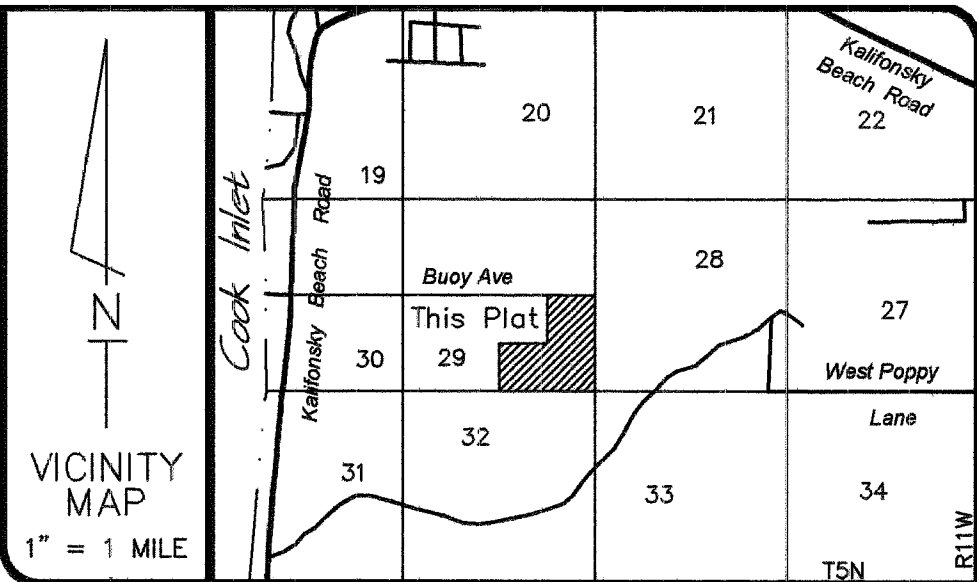
INTEGRITY SURVEYS INC.

820 SET NET DRIVE KENAI, ALASKA 99611

PHONE - (907) 283-9047
FAX - (907) 283-9071
integritysurveys@alaska.net

SURVEYORS PLANNERS

JOB NO:	211180 213056	DRAWN:	FEB. 19, 2014	SH
SURVEYED:	APRIL, 2008 JULY - AUG 2012	SCALE:	1" = 150'	
FIELD BK:	2007-5 & 2012-6 PG: 11-14	FILE:	KMA CONDO PH2A1.dwg	

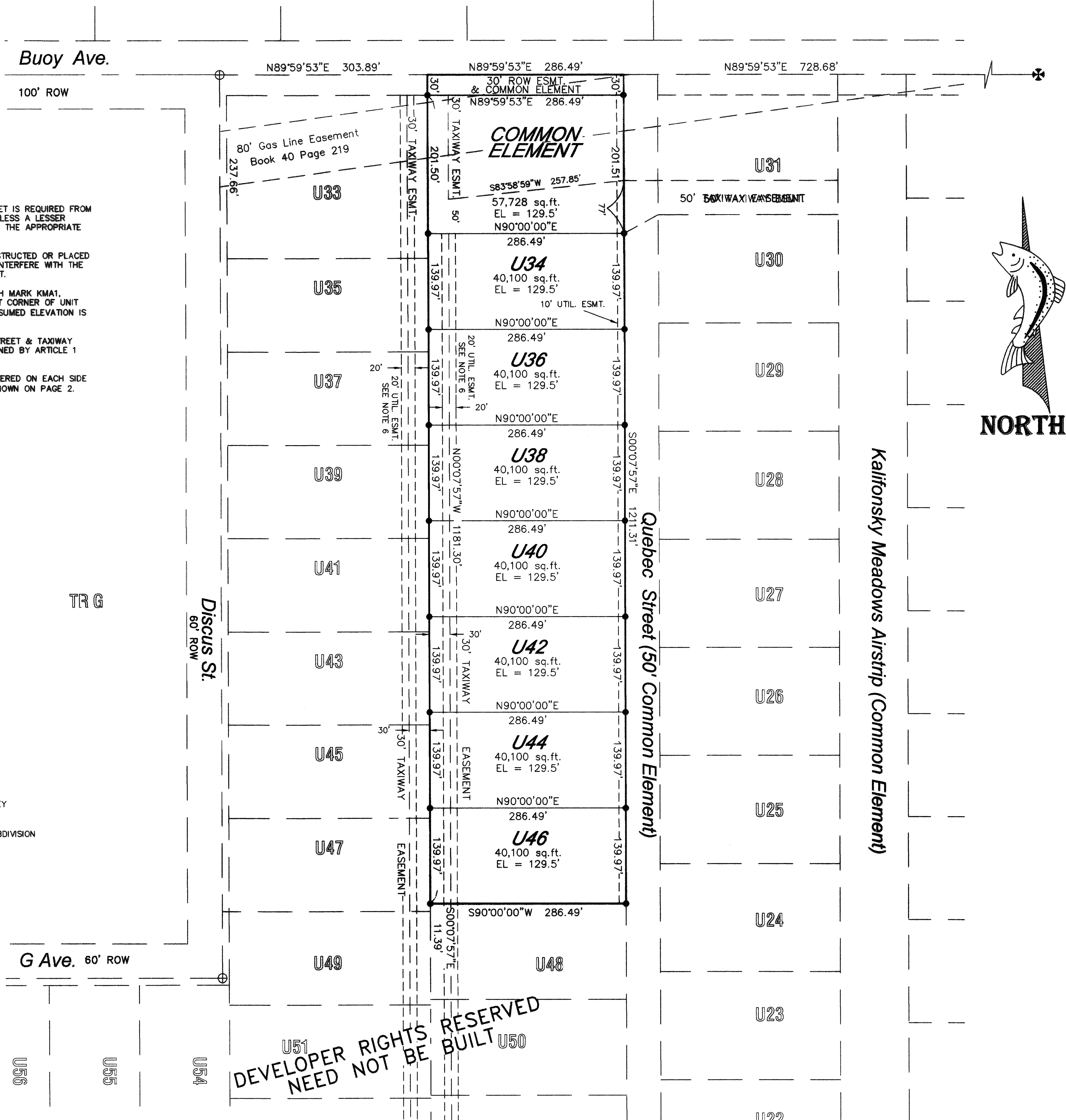


NOTES:

- 1) BUILDING SETBACK - A SETBACK OF 20 FEET IS REQUIRED FROM ALL DEDICATED STREET RIGHTS-OF-WAY UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
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LEGEND

- ⊕ GLO/BLM MONUMENT RECOVERED
- ⊕ PRIMARY MONUMENT RECOVERED
- SECONDARY MONUMENT SET THIS SURVEY
- ⊙ BENCH MARK
- [] RECORD PER KALIFONSKY MEADOWS SUBDIVISION PLAT NO. 2005-43 KRD



U51
DEVELOPER RIGHTS RESERVED
NEED NOT BE BUILT U50






2014-5
Plat #
Kenai
Rec Dist
2135
Date
Time 1:49 P.M.

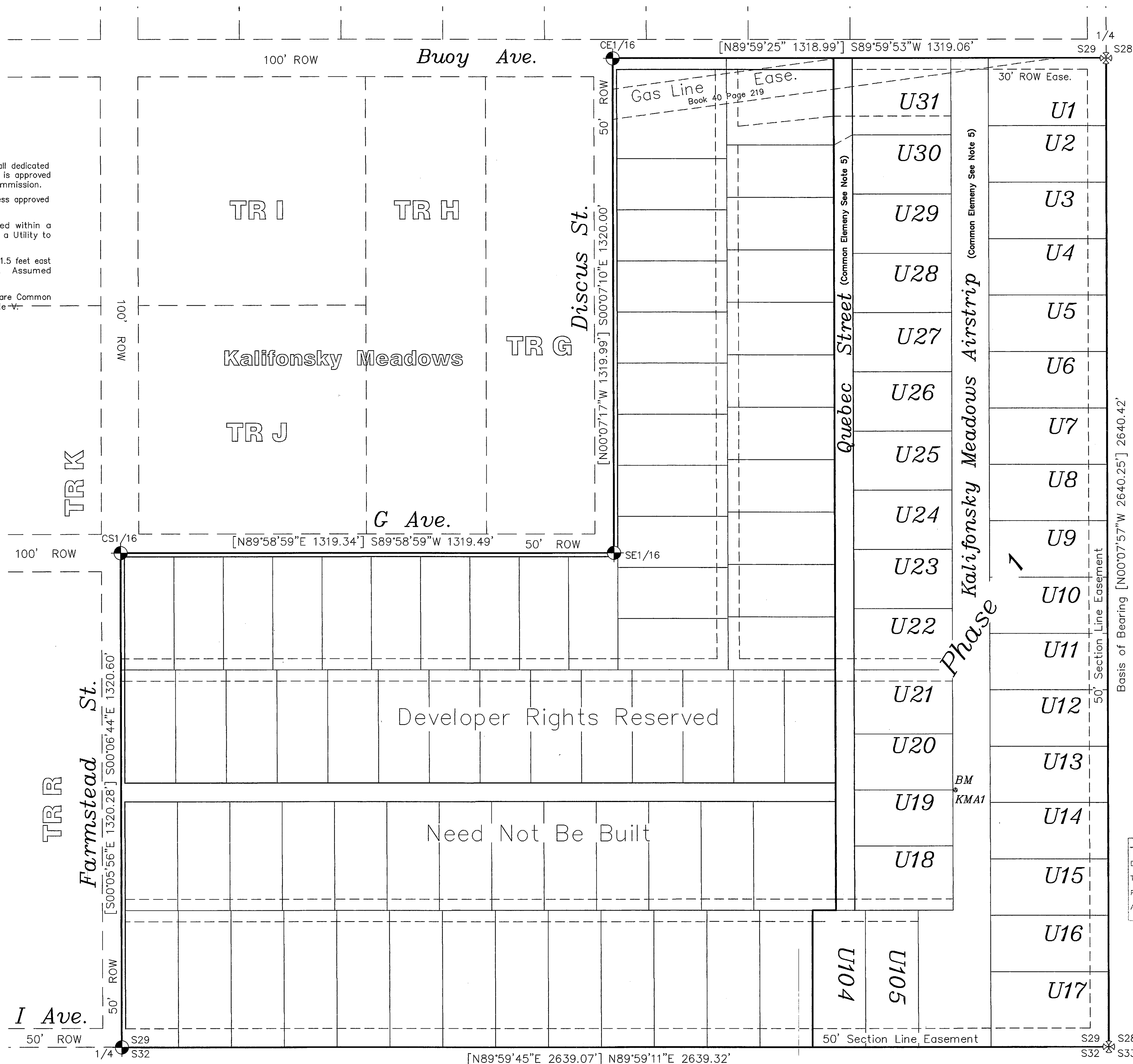
PAGE 2 OF 2

CONDOMINIUM PLAT FOR KALIFONSKY MEADOWS AIRPARK CONDOMINIUMS PHASE 2A1 UNITS 34, 36, 38, 40, 42, 44, 46			
LOCATED WITHIN THE SE1/4 SECTION 29, T5N, R11W, SEWARD MERIDIAN, KENAI RECORDING DISTRICT, KENAI PENINSULA BOROUGH, ALASKA			
INTEGRITY SURVEYS INC.			
820 SET NET DRIVE KENAI, ALASKA 99611			
SURVEYORS		PLANNERS	
PHONE - (907) 283-9047			
FAX --- (907) 283-9071			
integritysurveys@alaska.net			
JOB NO:	211180 213056	DRAWN:	FEB. 19, 2014 SH
SURVEYED:	APRIL, 2008 JULY - AUG 2012	SCALE:	1" = 80'
FIELD BK:	2007-5 & 2012-6 PG. 11-14	FILE:	KMA CONDO PH2A.dwg



JOB NO:	28013	DRAWN:	06 January, 2009	CB
SURVEYED:	April, 2008	SCALE:	Not to Scale	
FIELD BK:	2007-5	DISK:	Kalifonsky Meadows	

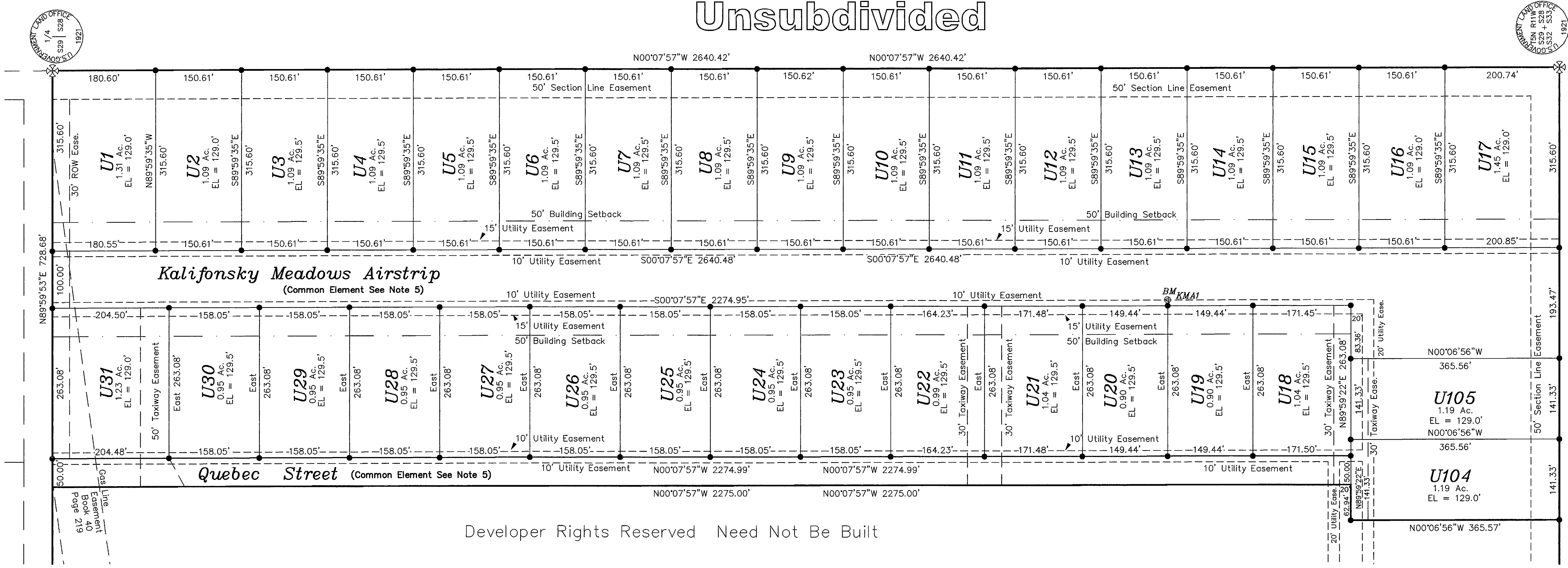
	Monument (found)
	2-1/2" Brass Cap BLM Monument (found)
	5/8" Rebar (set)
	Bench Mark
	Record Datum - Kalifonsky Meadow Subdi Plot # 2005-43 KRD



Unsubdivided



Unsubdivided



Developer Rights Reserved Need Not Be Built

2009-3
Kenai REC DIST 18
Date 1/13/2009
Time 10:37 A.M.
Requested By Vragui
Address

Kalifonsky Meadows Airpark Condominiums - Ph. 1 Units 1 - 31, 104 & 105

Located within the SE1/4 of Section 29, T5N, R11W, S.M.,
Kenai Recording District, Kenai Peninsula Borough, Alaska.

Integrity Surveys, Inc.

8195 Kenai Spur Hwy Kenai, Alaska 99611-8902
SURVEYORS PHONE -- (907) 283-9047 PLANNERS
FAX --- (907) 283-9071

JOB NO:	28013	DRAWN:	06 January, 2009 CB
SURVEYED:	April, 2008	SCALE:	1" = 100'
FIELD BK:	2007-5	DISK:	Kalifonsky Meadows