



## Meeting Agenda Plat Committee

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Monday, September 27, 2021

5:30 PM

Betty J. Glick Assembly Chambers

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**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.*

[KPB-3557](#)

September 13, 2021 Plat Committee Minutes

Attachments:[Plat Minutes 091321 Draft](#)

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

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

1. [KPB-3558](#) Alaskan Wildwood Phase  
KPB File 2021-126

Attachments:

- [1. MAP Vicinity](#)
- [2. MAP Aerial Map Zoomed Out](#)
- [3. Plat Prelim KPB 2021-126 Reduced](#)
- [4. Staff Report Alaskan Wildwood Phase 1 KPB 2021-126](#)
- [5. MAP Access](#)
- [6. MAP Aerial Map Zoomed In](#)
- [7. MAP Block](#)
- [8. MAP Contour & Section Line Easement](#)
- [9. MAP Wetlands](#)
- [10. Plat Parent ROS HM 2011031](#)
- [11. Plat Parent HM 2000-48](#)
- [12. Plat Parent ROS HM 2000-31](#)
- [13. Plat Parent PW RES 93-26 Amended](#)
- [14. Plat Parent PW RES 93-26](#)
- [E1. ADDENDUM STAFF REPORT Alaska Wildwood Phase 1 KPB 2021-126](#)

2.     [KPB-3559](#)     J Booth Recreational Subd 2019 Blauvelt Addition  
                    KPB File 2021-069
- Attachments:     [1. MAP Vicinity](#)  
                              [2. MAP Aerial](#)  
                              [3. Plat Prelim KPB 2021-069 Reduced](#)  
                              [4. Staff Report J Booth Recreational Subd 2019 Blauvelt Addition KPB 2021-069](#)  
                              [5. MAP Contour](#)  
                              [6. MAP Block](#)  
                              [7. Plat Parent HM 2019-16](#)  
                              [8. Plat Parent HM 84-63](#)  
                              [9. Plat Parent HM 75-49](#)
3.     [KPB-3560](#)     Tatum Denise Subdivision Phase 1  
                    KPB File 2021-122
- Attachments:     [1. MAP Vicinity](#)  
                              [2. MAP Aerial](#)  
                              [3. Plat Prelim KPB 2021-122 Reduced](#)  
                              [4. Staff Report Tatum Denise Subdivision Phase 1 KPB 2021-122](#)  
                              [5. MAP Contour](#)  
                              [6. MAP Wetland](#)  
                              [7. Plat Parent KN 2021-15](#)
4.     [KPB-3561](#)     USS 4901 C Street ROW Vacation 2021 Replat  
                    KPB File 2021-085
- Attachments:     [1. MAP Vicinity](#)  
                              [2. MAP Aerial](#)  
                              [3. Plat Prelim KPB 2021-085 Reduced](#)  
                              [4. Staff Report USS 4901 C Street ROW Vacation 2021 Replat 2021-085](#)  
                              [5. Plat Parent SL 71-62](#)
5.     [KPB-3562](#)     McFarland Subdivision 2021 Replat  
                    KPB File 2021-130
- Attachments:     [1. MAP Vicinity](#)  
                              [2. MAP Aerial](#)  
                              [3. Plat Prelim KPB 2021-130 Reduced](#)  
                              [4. Staff Report McFarland Sub 2021 Replat KPB 2021-130](#)  
                              [5. Plat Parent KN 797](#)  
                              [E5\\_ADDENDUM STAFF REPORT McFarland Subdivision 2021 Replat KPB 2021-130](#)

6. [KPB-3563](#) Edgington Subdivision Sherman Addition  
KPB File 2021-129

Attachments:

- [1. MAP Vicinity](#)
- [2. MAP Aerial](#)
- [3. Plat Prelim KPB 2021-129 Reduced](#)
- [4. Staff Report Edgington Sub Sherman Addn KPB 2021-129](#)
- [5. MAP Contour](#)
- [6. Plat Parent KN 79-195](#)

## 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, October 11, 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](mailto:planning@kpb.us)

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

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

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



# Kenai Peninsula Borough

## Plat Committee

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

September 13, 2021  
5:30 p.m.  
**UNAPPROVED MINUTES**

### A. CALL TO ORDER

Commissioner Ecklund called the meeting to order at 6:44 p.m. The late start was due to technical difficulties.

### B. ROLL CALL

#### *Plat Committee Members/Alternates*

Jeremy Brantley, Sterling  
Cindy Ecklund, City of Seward  
Robert Ruffner, Kasilof/Clam Gulch  
Franco Venuti, City of Homer

#### *Staff Present*

Scott Huff, Platting Manager  
Julie Hindman, Platting Specialist  
Ann Shirnberg, Planning Administrative Assistant

**MOTION:** Commissioner Ruffner moved, seconded by Commissioner Brantley to appoint Commissioner Ecklund as chair for the 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	Brantley, Ecklund, Ruffner, Venuti		

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

#### \*3. Minutes

##### a. August 23, 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 Ruffner moved seconded by Commissioner Brantley, to amend the agenda and move item E7-Collins Tustumena Subd. to after the grouped agenda under New Business and then approve the agenda as amended and the minutes from the August 23, 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	Brantley, Ecklund, Ruffner, Venuti		

### E. NEW BUSINESS

#### GROUPED AGENDA

Staff Report given by Scott Huff.

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. – 3 Plats

5. Kuchta Estates Hansen Addition; KPB File 2021-119  
Edge Survey & Design, LLC / Hansen & Biesiot-Hansen  
Location: Kutcha Street & Lynx Avenue  
Nikiski Area
6. Townsite of Kenai Kenaitze Courthouse Replat; KPB File 2021-118  
Edge Survey & Design, LLC / Kenaitze Indian Tribe IRA  
Location: Overland Mission Avenue & Upland Street  
City of Kenai
8. East Cohoe Subdivision Hedger Replat; KPB File 2021-120  
Segesser Surveys / Hedger  
Location: Drake Drive & Auklet Avenue  
Cohoe 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 **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 Ruffner moved seconded by Commissioner Brantley, to grant preliminary approval based on staff recommendations and compliance with borough code to, Kuchta Estates Hansen Addition, Townsite of Kenai Kenaitze Courthouse Replat and East Cohoe Subdivision Hedger Replat.

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	Brantley, Ecklund, Ruffner, Venuti		

**ITEM 5 - KUCHTA ESTATES HANSEN ADDITION**

<b>KPB File No.</b>	2021-119
<b>Plat Committee Meeting:</b>	September 13, 2021
<b>Applicant / Owner:</b>	Daniel Hansen and Hara MK Biesiot-Hansen of Kenai, Alaska
<b>Surveyor:</b>	Mark Aimonetti, Jason Young / Edge Survey and Design, LLC
<b>General Location:</b>	Nikiski
<b>Parent Parcel No.:</b>	013-370-05, 013-370-14, 013-370-15
<b>Legal Description:</b>	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
<b>Assessing Use:</b>	Residential
<b>Zoning:</b>	Rural Unrestricted
<b>Water / Wastewater</b>	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	A. Floodplain Reviewer: Carver, Nancy Floodplain Status: Not within flood hazard area Comments: No comments
	B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments
	C. State Parks Reviewer: Russell, Pam Comments: No Comments

**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.

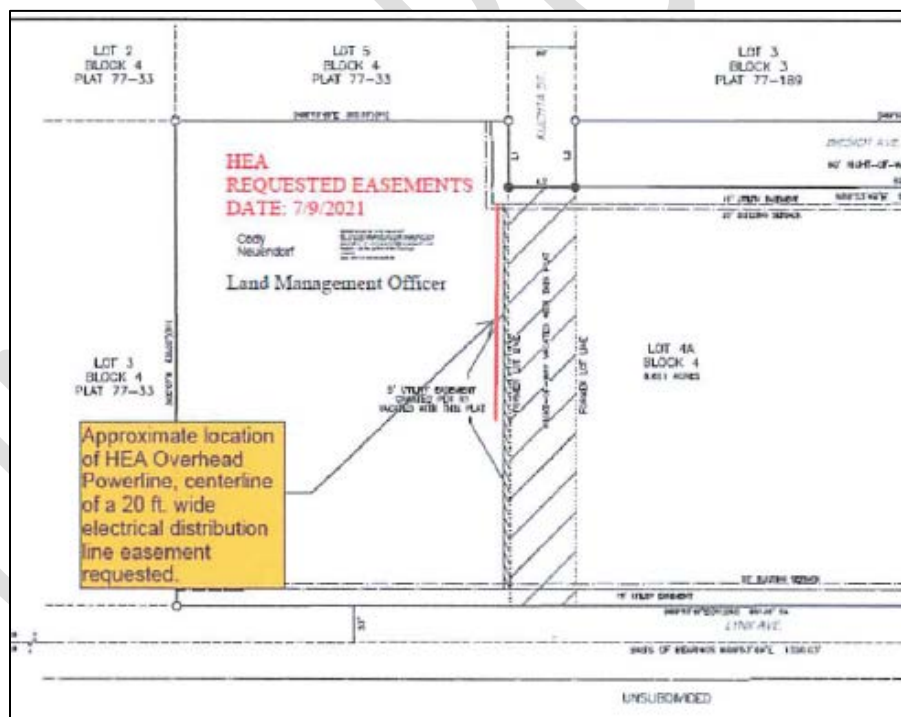
Per the preliminary Certificate to Plat, beneficial interest holders do not affect the proposed plat. Notification per KPB 20.25.090 will not be required unless the final Certificate to Plat states the property is affected by beneficial interest holders.

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 Street right of way. They have requested a 20 foot utility easement centered on the line. Per plat note 3 the preliminary plat will be granting that 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	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.

**KPB department / agency review:**

Addressing – Derek Haws	<p>Reviewer: Derek Haws</p> <p>Affected Addresses: 47071 KUCHTA ST 47050 KUCHTA ST</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names: KUCHTA ST 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**

*\*Passed by Grouped Agenda*

#### **AGENDA ITEM E. NEW BUSINESS**

#### **ITEM 6 – TOWNSITE OF KENAI KENAITZE COURTHOUSE REPLAT**

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

<b>Parent Parcel No.:</b>	047-071-07, 047-071-08, 047-071-09, 047-071-35
<b>Legal Description:</b>	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.
<b>Assessing Use:</b>	General Commercial
<b>Zoning:</b>	Townsite Historic District
<b>Water / Wastewater</b>	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</p>
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	UPLAND ST HIGHLAND AVE  Comments: CITY OF KENAI WILL ADVISE ON AFFECTED ADDRESSES.
Code Compliance – Eric Ogren	Reviewer: Hindman, Julie Comments: Code Compliance review not available
Planner – Bryan Taylor	There are not any Local Option Zoning District issues with this proposed plat.  Material Site Comments: There are not any material site issues with this proposed plat. Review Not Required
Assessing – 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.

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:**

*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**

*\*Passed by Grouped Agenda*

**AGENDA ITEM E. NEW BUSINESS**

**ITEM 8 – EAST COHOE SUBDIVISION HEDGER REPLAT**

<b>KPB File No.</b>	2021-120
<b>Plat Committee Meeting:</b>	September 13, 2021
<b>Applicant / Owner:</b>	Dale Hedger of Kasilof, Alaska
<b>Surveyor:</b>	John Segesser / Segesser Surveys
<b>General Location:</b>	Cohoe

<b>Parent Parcel No.:</b>	133-073-02, 133-073-03
<b>Legal Description:</b>	Lots 2 and 3 of East Cohoe Subdivision, KN 84-238
<b>Assessing Use:</b>	Residential
<b>Zoning:</b>	Rural Unrestricted
<b>Water / Wastewater</b>	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.**

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:**

- 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
- 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 7 – COLLINS – TUSTUMENA SUBDIVISION**

<b>KPB File No.</b>	2021-116
<b>Plat Committee Meeting:</b>	September 13, 2021
<b>Applicant / Owner:</b>	David and Sherry Collins of Kasilof, Alaska
<b>Surveyor:</b>	Jerry Johnson / Johnson Surveying
<b>General Location:</b>	Cohoe
<b>Parent Parcel No.:</b>	137-321-28
<b>Legal Description:</b>	NE1/4 NE1/4 of Section 7, Township 2 North, Range 11 West, SM
<b>Assessing Use:</b>	Residential



<b>Zoning:</b>	Rural Unrestricted
<b>Water / Wastewater</b>	On-Site

Staff report given by Scott Huff.

**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 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 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:** 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 Department 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.*

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**KPB 20.60 – Final Plat**

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

20.60.040. 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.

G. 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.

H. 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."

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### **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**

Chair Ecklund opened the meeting for public comment.

Jerry Johnson, Johnson Surveys; PO Box 27, Clam Gulch, AK 99568: Mr. Johnson was the surveyor on this project. He noted it was the landowner's preference to go with a note on the plat. The landowner does not see anyone really developing this property even if the lot becomes a little bigger. The landowners do not want to have to do a soils test.

Rebecca Hinsberger; POB 440, Kasilof, AK 99610: Ms. Hinsberger has property contiguous with the small triangle lot on the proposed plat. This small triangle piece of property has always been a part of the larger lot across the road. It has been too small for them to really do anything with. She is concerned that now with this small triangle property being subdivided off of the larger lots someone will try and develop it. While this lot might be too small for a house, there are other types of development that could occur. For instance a cell tower, tool shed or the state or borough might want to use it to improve the intersection of Lichen and Fisler streets. If there is any type of development on this lot it would be a huge impact on her property. This small lot is full of trees and provides a nice noise and visibility buffer between her property and the highway. She noted the borough owns a large 40 acre parcel across Fisler Ave. from her property. She believes this property would be very difficult to develop due to the topography and doubts that Fisler Ave. could be built to use as access. She thought the borough might want this triangle piece of land to use to create an access to their property. Should this triangle lot ever become available for purchase, she could see herself and the state/borough competing for it. She would buy it to keep her buffer. She is not in favor of allowing this small lot to be created.

Maxine Cloutre; POB 356, Kasilof, AK 99610: Ms. Cloutre owns property adjacent to this small triangle lot. She would not want to see this parcel have any type of development on it. It provides a nice buffer for her property. It really is not big enough to develop anything on. She would be concerned that someone would try. She has lived in this area for 40 years and would really hate to see any additional roads developed near her property. Development of this small area would have a negative impact on her property. Hearing no one else wishing to comment, public comment was closed and discussion was opened among the committee.

**MOTION:** Commissioner Ruffner moved seconded by Commissioner Brantley, to grant preliminary approval Collins Tustumena Subdivision based on staff recommendations and compliance with borough code.

Commissioner Ecklund asked staff if it was possible for Tract A to stay with either Tract B or C. Mr. Huff stated that is not really an option. He noted both the State & Borough like to obtain fee simple dedications on their land whenever they can. Tustumena Road is a state road and both Fisler and Lichen are borough owned roads, both government prefer dedications as opposed to easements. There is an easement that runs along one side of this small lot which will be dedicated as public right-of-way on this plat. This plat is just showing right-of-way dedications over the top of already existing public access easements.

**AMENDMENT MOTION:** Commissioner Ruffner moved, seconded by Commissioner Brantley, that Tract A meets the requirements of KPB 20.40.080 – Subdivision with no Wastewater Disposal, citing findings 2-4, 6, 7, 10 & 11.



Commissioner Ruffner stated he understands the public testifiers do not want to see this subdivision leave Tract A out there because they are concerned it could be developed in the future. He wanted the testifiers to understand the commission does not have the authority to tell the landowner that they cannot subdivide their land in this manner. He then asked staff if they approve the exception stating Tract A meets the requirements for a subdivision with no wastewater disposal, will a note be attached to the plat stating that? Mr. Huff replied yes there will be a plat note stating that Tract A is a remnant parcel and no wastewater is allowed on that tract. Commissioner Ruffner informed the testifiers if this exception is approved; and they saw some development on this lot such as a house, which would require water, they would know it would not be allowed and could report it. Commissioner Ruffner then stated he would be supporting this exception request.

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

**AMENDMENT MOTION PASSED BY UNANIMOUS VOTE**

Yes	4	No	0
Yes	Brantley, Ecklund, Ruffner, Venuti		

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

**MOTION AS AMENDED PASSED BY UNANIMOUS VOTE**

Yes	4	No	0
Yes	Brantley, Ecklund, Ruffner, Venuti		

AGENDA ITEM E. NEW BUSINESS

**ITEM 1 – PIPER’S HAVEN UNIT 3 2021 REPLAT**

<b>KPB File No.</b>	2021-115
<b>Plat Committee Meeting:</b>	September 13, 2021
<b>Applicant / Owner:</b>	David and Jessica Talbot, Baxter Poe and Megan Tashash, all of Anchor Point, Alaska
<b>Surveyor:</b>	Jason Schollenberg / Peninsula Surveying, LLC
<b>General Location:</b>	Happy Valley / Anchor Point APC
<b>Parent Parcel No.:</b>	159-201-03, 159-204-04
<b>Legal Description:</b>	Lots 3 and 4 Piper’s Haven Unit 3, Plat HM 98-9
<b>Assessing Use:</b>	Residential
<b>Zoning:</b>	Rural Unrestricted
<b>Water / Wastewater</b>	On-Site

Staff report given by Scott Huff.

**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
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SOA DOT comments	No comments.
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**Site Investigation:** The plat contains Stariski Creek and the associated large areas of wetlands. Stariski Creek is an anadromous water and affected by a habit 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.**

I. 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.

J. 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**

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 Brantley moved seconded by Commissioner Ruffner, to grant preliminary approval Piper's Haven Unit 3 2021 Replat based on staff recommendations and compliance with borough code.

**AMENDMENT A:** Commissioner Brantley moved, seconded by Commissioner Ruffner to grant exception request to KPB 20.30.190 – Lot Dimension; 3:1 Average Depth to Width, citing findings 2-4 in support of standards one, two and three.

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

**AMENDMENT A PASSED BY UNANIMOUS VOTE**

Yes	4	No	0
Yes	Brantley, Ecklund, Ruffner, Venuti		

**AMENDMENT B:** Commissioner Brantley moved, seconded by Commissioner Ruffner to grant exception request to KPB 20.30.170 – Block Length Requirements, citing findings 2-4, 10-13 & 16 in support of standards one, two and three.

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

**AMENDMENT B PASSED BY UNANIMOUS VOTE**

Yes	4	No	0
Yes	Brantley, Ecklund, Ruffner, Venuti		

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

**MOTION AS AMENDED BY UNANIMOUS VOTE**

Yes	4	No	0
Yes	Brantley, Ecklund, Ruffner, Venuti		

AGENDA ITEM E. NEW BUSINESS**ITEM 2 – BODNAR SUBDIVISION 2021 REPLAT**

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

<b>Parent Parcel No.:</b>	060-052-11, 060-052-12, 060-120-02
<b>Legal Description:</b>	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.
<b>Assessing Use:</b>	Commercial / Residential
<b>Zoning:</b>	Multi-Family Residential
<b>Water / Wastewater</b>	City of Soldotna

Staff report given by Scott Huff.

**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 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:**

- 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.

K. 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.

L. 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:**

- **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 Ruffner moved seconded by Commissioner Brantley, to grant preliminary approval Bodnar Subdivision 2021 Replat based on staff recommendations and compliance with borough code.

**AMENDMENT:** Commissioner Ruffner moved, seconded by Commissioner Brantley to grant exception request to KPB 20.30.130 – Street Curve Requirement, citing findings 1-8 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	Brantley, Ecklund, Ruffner, Venuti		

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

**MOTION AS AMENDED PASSED BY UNANIMOUS VOTE**

Yes	4	No	0
Yes	Brantley, Ecklund, Ruffner, Venuti		

**AGENDA ITEM E. NEW BUSINESS****ITEM 3 – COHOE ESTATES SUBDIVISION 2021 ADDITION**

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

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

Staff report given by Scott Huff.

**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 require 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.

M. 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.

N. 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 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.

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**

Chair Ecklund opened the meeting for public comment.

Jerry Johnson, Johnson Surveys; PO Box 27, Clam Gulch, AK 99568: Mr. Johnson was the surveyor on this project and he made himself available for questions. He stated the owner is looking at this 91' wide panhandle piece of property on Lot 7A and feels it is a bit excessive to not to allow any structures within the panhandle. It does not take a 91' piece of land to provide access the back lot and would like to be able put a structure or two in the panhandle area if wants.

Commissioner Ruffner stated if the panhandle portion was to be used as a road there would be a 30' dedication, then there would be a 20' setback which would account for 50' within the 91' panhandle. Which would leave a 40' wide strip for development. He then asked Mr. Johnson if there were already structures within the panhandle area. Mr. Johnson replied that there were no permanent structures.

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

**MOTION:** Commissioner Ruffner moved seconded by Commissioner Brantley, to grant preliminary approval Cohoe Estates Subdivision 2021 Addition based on staff recommendations and compliance with borough code.

**AMENDMENT:** Commissioner Ruffner moved, seconded by Commissioner Brantley to grant exception request to KPB 20.30.190(B) – Lot Dimensions.

Commissioner Ruffner stated he understood the requirement to not allow any structures within the flag portion of the lot was to allow for a possible road dedication in the future. He asked staff if he was correct in his understanding. Mr. Huff replied he was correct. The reason for reserving the flag portion of the lot is to ensure access to the area behind and that the flag area is not encumbered by wastewater, wells or other permanent structures. Mr. Huff then referred to aerial imagery from 2021 which shows structures on the eastern portion of the flag. If landowners were to subdivide the property again and did not want to provide access along the eastern border of the flag, a 60' dedication could be required. Commissioner Ruffner stated he understood where the landowner was coming from but he would need to either see a redesign of the plat or have some additional information from the landowner or surveyor justifying the exception request.

Commissioner Ecklund asked the surveyor if the landowner would be interested and adding 40' from the flag portion to Lot 7B leaving the flag only 50' wide. Mr. Johnson replied the landowner would not be interested in that. The landowner is planning on deeding or selling Lot 7B and does not want to make it larger. Making Lot 7B wider would also encumber more of the existing driveway on Lot 7B and the owner does not want to do that.

Commissioner Ruffner stated unless there is another solution that he is missing he is inclined to support code and go with staff's recommendation to not support this exception request.

Commissioner Ecklund asked staff if the landowner is not happy with the committee's decision could they redesign the plat and bring it back it for reconsideration. Mr. Huff replied yes, the landowners could submit a revised preliminary plat or appeal the plat committee's decision to the whole Planning Commission.



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

**AMENDMENT FAILED BY UNANIMOUS VOTE**

Yes	0	No	4
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No	Brantley, Ecklund, Ruffner, Venuti
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**MOTION:** Commissioner Ruffner moved, seconded by Commission Brantley to attach findings 1, 2, 4, 7, 8 & 10 in support of the denial of the exception request.

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

**MOTION PASSED BY UNANIMOUS VOTE**

Yes	4	No	0
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Yes	Brantley, Ecklund, Ruffner, Venuti
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Seeing and hearing no objection or discussion, the motion was carried by the following vote:

**MAIN MOTION PASSED BY UNANIMOUS VOTE**

Yes	4	No	0
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Yes	Brantley, Ecklund, Ruffner, Venuti
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**AGENDA ITEM E. NEW BUSINESS**

**ITEM 4 - KASILOF ALASKA SUBD 2021 ADDITION**

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

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

Staff report given by Scott Huff.

**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.**

O. 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.

P. 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.

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**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.

Jerry Johnson, Johnson Surveys; PO Box 27, Clam Gulch, AK 99568: Mr. Johnson was the surveyor on this project and he made himself available for questions.



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

**MOTION:** Commissioner Brantley moved seconded by Commissioner Ruffner, to grant preliminary approval Kasilof Alaska Subdivision 2021 Addition based on staff recommendations and compliance with borough code.

**AMENDMENT:** Commissioner Brantley moved, seconded by Commissioner Ruffner to grant exception request to KPB 20.30.190 - 3:1 Depth to Width Ratio for Lot 5A, citing findings 6-8 & 10 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	Brantley, Ecklund, Ruffner, Venuti		

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

**MOTION AS AMENDED PASSED BY UNANIMOUS VOTE**

Yes	4	No	0
Yes	Brantley, Ecklund, Ruffner, Venuti		

AGENDA ITEM E. NEW BUSINESS

**ITEM 9 – KALIFORNSKY MEADOWS 2021 ADDITION**

<b>KPB File No.</b>	2021-051
<b>Plat Committee Meeting:</b>	September 13, 2021
<b>Applicant / Owner:</b>	RCMS, Inc. of Kenai, Alaska
<b>Surveyor:</b>	John Segesser / Segesser Surveys
<b>General Location:</b>	Kalifornsky / Kalifornsky APC
<b>Parent Parcel No.:</b>	055-060-29
<b>Legal Description:</b>	SW1/4 SE1/4 and E1/2 SE1/4, Section 29, Township 5 North, Range 11 West
<b>Assessing Use:</b>	Condo Underlying Parcel
<b>Zoning:</b>	Rural Unrestricted
<b>Water / Wastewater</b>	On-Site

Staff report given by Scott Huff.

**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 “accepting 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



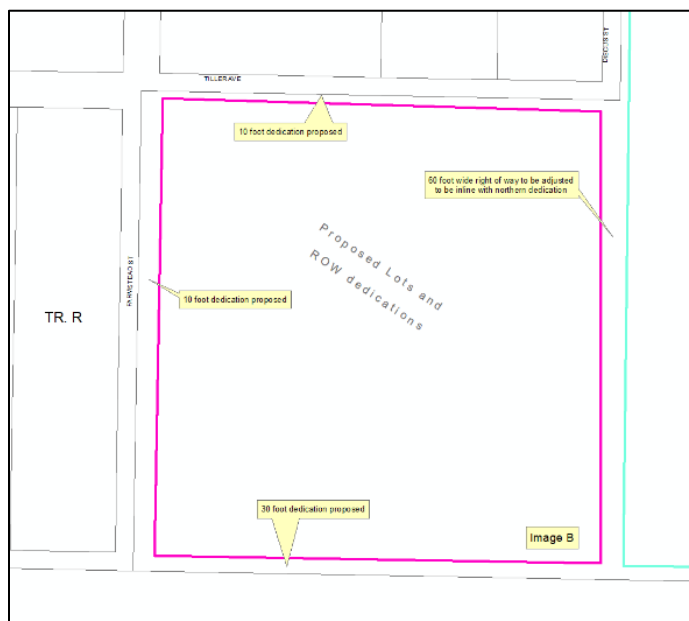
prepared and recorded. The recording numbers are KN 2009-3, KN 2014-5, and KN 2017-45. The plans created units, utility easements, taxiways, an airstrip, and other common elements to allow for property development and transfer of interest in the property. The owners of the property have recorded documents 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.

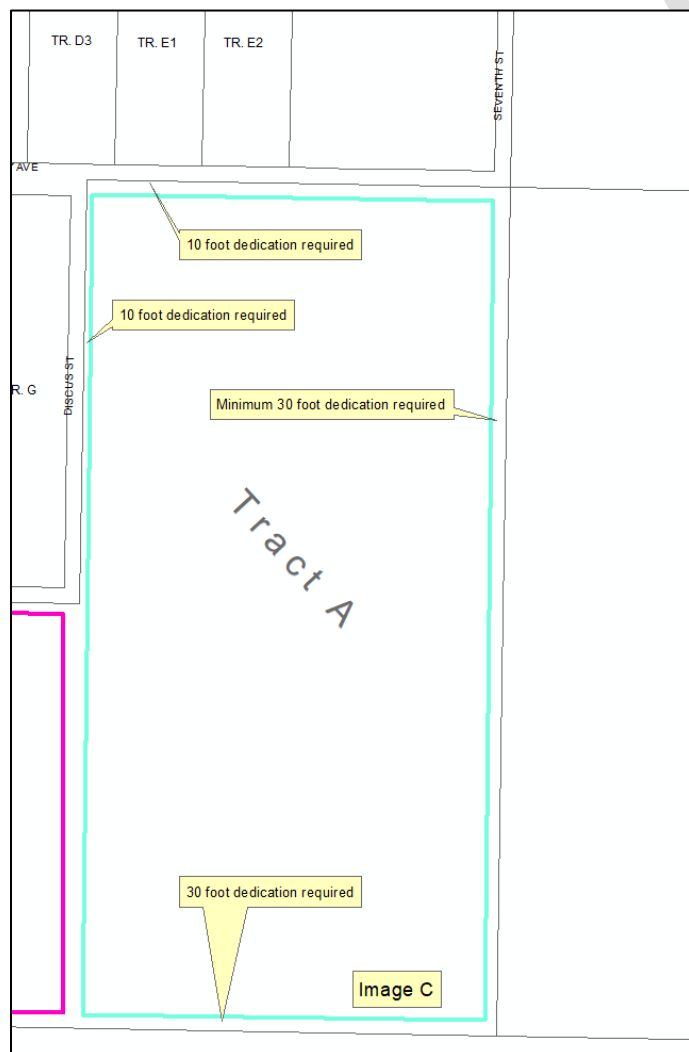
Staff strongly suggests that a new common interest community plat be recorded to show any changes to unit boundaries or to add additional units to the common interest community.



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
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:**

- *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 proposed subdivision boundary, including names of subdivisions, lot lines, block numbers, lot numbers, rights-of-way; or an indication that the adjacent land is not subdivided;

**Staff recommendation:** *On sheet 1, correct 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.

Q. 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.

R. 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**

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 Ruffner moved seconded by Commissioner Brantley, to grant preliminary approval Kalifornsky Meadows 2021 Addition based on staff recommendations and compliance with borough code.

**AMENDMENT:** Commissioner Ruffner moved, seconded by Commissioner Brantley to grant exception request to KPB 20.30.030 – Proposed Street Layout Requirements for dedication of right-of-way on the east & south boundary within the area affected by the common interest community, citing findings 1, 2, 4, 5 & 6 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	Brantley, Ecklund, Ruffner, Venuti		

Commissioner Ruffner noted the staff report had language regarding the notification to common interest landowners. He asked staff if the state has a process in place for notifying common interest holders regarding all these changes. Mr. Huff replied he was not aware of any state process of notification. The developer did have to remove some of the units out of the existing condominium for this new subdivision. The developer was supposed to have meeting with all the members of that association on this and the association would have had to vote on declaration to remove the units so he believes they should be aware of these changes. Commissioner Ruffner then wanted it noted for the record that this area has had a history of flooding in the past. The staff report noted that there may be future subdivision on the southwesterly corner of this property and he wanted it in the record that the area has been mapped by several different organizations and had been identified as being wet.

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

**MOTION AS AMENDED PASSED BY UNANIMOUS VOTE**

Yes	4	No	0
Yes	Brantley, Ecklund, Ruffner, Venuti		

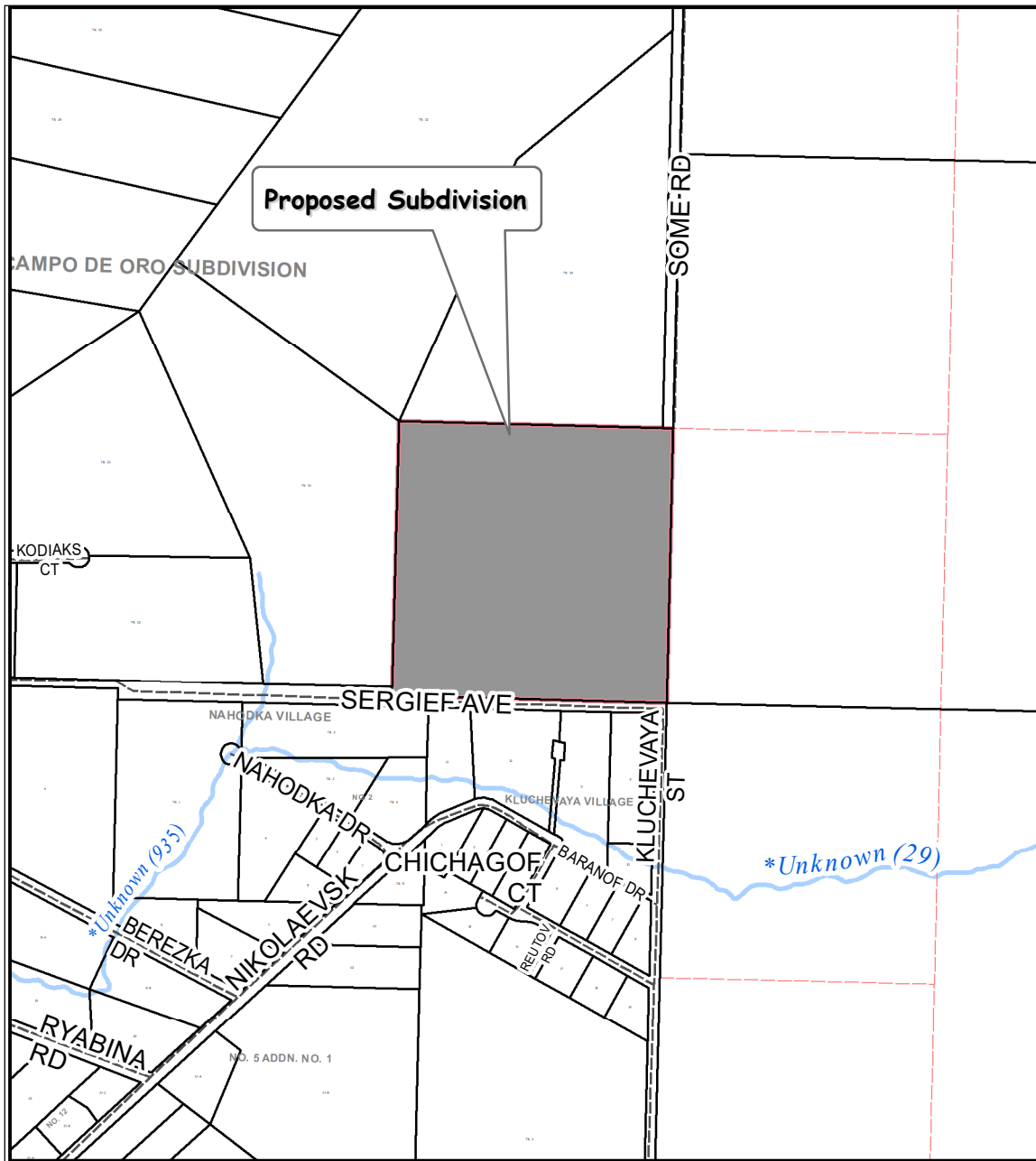
**F. PUBLIC COMMENT – None**

**G. ADJOURNMENT**

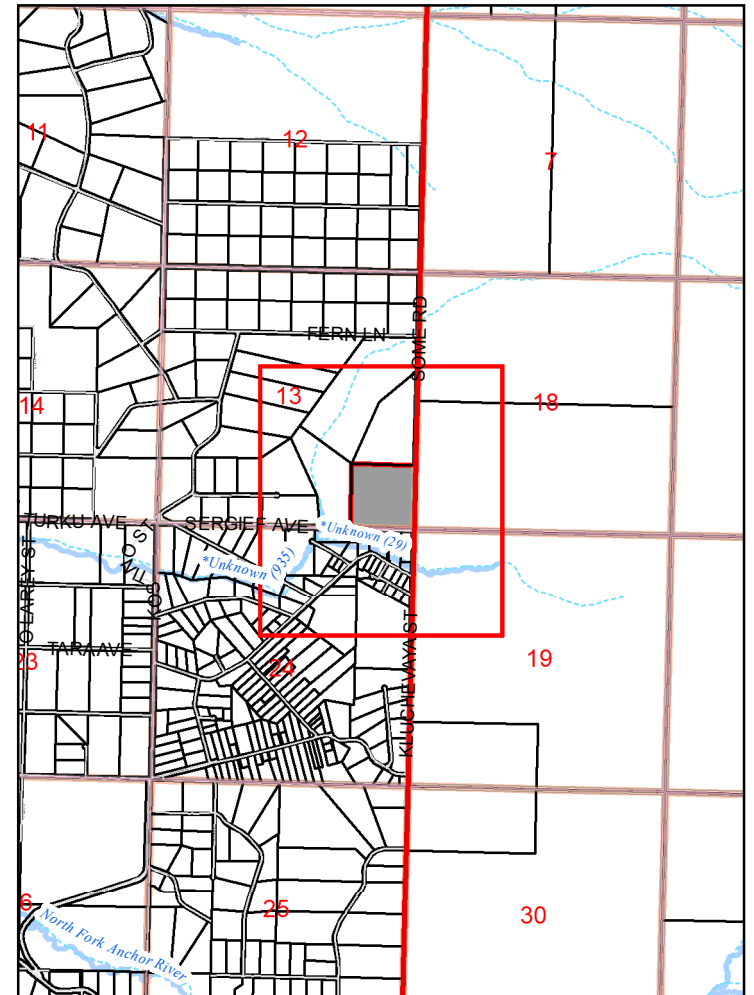
Commissioner Ruffner moved to adjourn the meeting 7:41 P.M.

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Ann E. Shirnberg  
Administrative Assistant:1



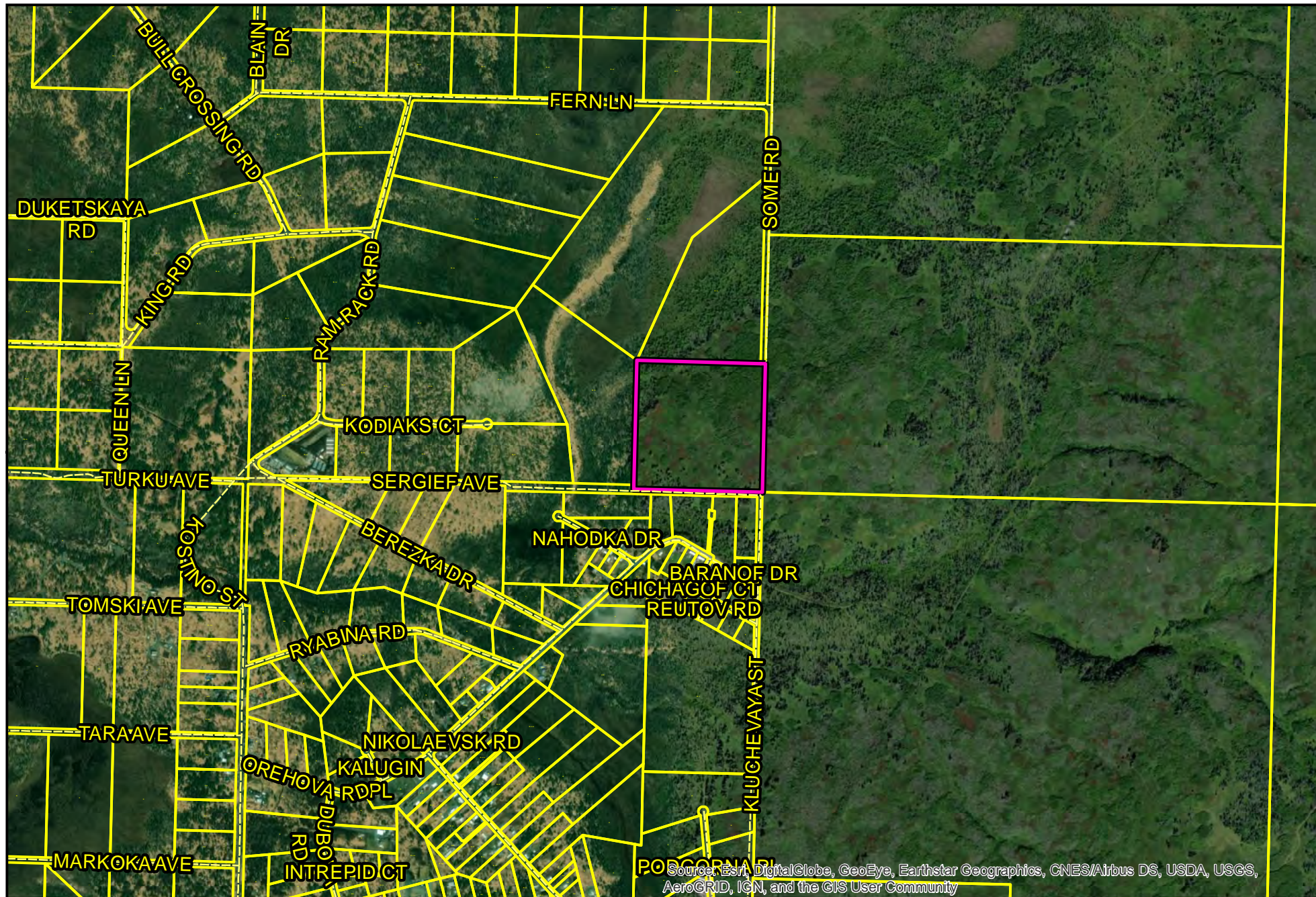
The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



**KPB 2021-126**  
**S13 T04S R14W**  
**Nikolaevsk**

PClements, KPB 2021-126 Date: 9/2/2021





Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

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.

0 375 750 1,500'

Aerial View



 PRELIMINARY PLAT

PClements, KPB 2021-126  
Imagery World



CERTIFICATE OF OWNERSHIP

I 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.

JOE BALLYEAT  
6909 RISING EAGLE ROAD  
BOZEMAN, MONTANA 59715

DATE

NOTARY'S ACKNOWLEDGEMENT

SUBSCRIBED AND SWORN TO, BEFORE ME,  
THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_.

PERSONALLY APPEARED

MY COMMISSION EXPIRES

NOTARY PUBLIC

PLAT APPROVAL

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

COMMISSIONER

DATE



VICINITY MAP

SCALE: 1 INCH = 1 MILE

NOTES

1. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN AN EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
2. BUILDING SETBACK - A SETBACK OF 20 FEET IS REQUIRED FROM ALL STREET RIGHTS-OF-WAY UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATED PLANNING COMMISSION.
3. THE 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 THE UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF THE UTILITY TO USE THE EASEMENT.
4. SET 5/8" X 30" REBAR WITH 1.5" DIAMETER ORANGE PLASTIC CAP AT ALL LOT CORNERS AND PC/PT OF CURVES ALONG LOT LINES.
5. WASTEWATER DISPOSAL: THESE LOTS ARE AT LEAST 200,000 SQUARE FEET OR NOMINAL 5 ACRES IN SIZE AND CONDITIONS MAY NOT BE SUITABLE FOR ON SITE WASTEWATER TREATMENT AND DISPOSAL. ANY WASTEWATER TREATMENT OR DISPOSAL SYSTEM MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.
6. THE TRADEMARK ALASKAN WILDWOOD RANCH(R) IS REGISTERED AND OWNED BY: ALASKAN LIFE REALTY LLC; SERIAL NUMBER: 87518956; REGISTRATION NUMBER: 5406113.

LEGEND

- FOUND 2.5" DIAMETER BRASS MONUMENT
- FOUND 2" DIAMETER ALUMINUM CAP
- RECORD MEASUREMENT - PLAT No. 2011-31
- SECTION LINE
- EASEMENT LINE
- ROW DEDICATED THIS PLAT

PRELIMINARY PLAT OF

ALASKAN WILDWOOD PHASE 1

A SUBDIVISION OF

SE 1/4 SE 1/4, SECTION 13, TOWNSHIP 4 SOUTH, RANGE 14 WEST, SEWARD MERIDIAN

PER Doc. No. 2019-002734-0, HOMER RECORDING DISTRICT  
CONTAINING 40 ACRES



FIXED HEIGHT LLC

907.290.8949  
WWW.FIXEDHEIGHT.COM

225 W 23rd AVE.  
ANCHORAGE, AK 99503  
C.O.A. 122544

SURVEY DATE: JUNE 15, 2021

DRAWN BY: AK

SHEET: 1 OF 2

CHECKED BY: BS

PROJECT NO.: 21024

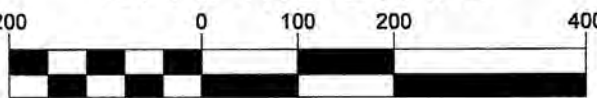
SCALE: 1" = 200'

TYPICAL CAP SET

FIXED HEIGHT  
LS-14837



GRAPHIC SCALE



1 inch = 200 feet

CURVE TABLE					
CURVE	RADIUS	DELTA ANGLE	ARC	CHORD BEARING	CHORD
C1	20.00'	89°59'49"	31.41'	N 44°55'57" E	28.28'
C2	20.00'	90°00'11"	31.42'	N 45°04'03" W	28.29'

KPB 2021-126

SURVEYOR'S CERTIFICATE

I 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 AND THAT THE MONUMENTS SHOWN HEREON ACTUALLY EXIST AS DESCRIBED, AND THAT ALL DIMENSIONS AND OTHER DETAILS ARE TRUE AND CORRECT.

BUKU SALIZ LS-14837  
REGISTERED LAND SURVEYOR

6/1/2021  
DATE





AGENDA ITEM E. NEW BUSINESS

ITEM 1 – ALASKAN WILDWOOD PHASE 1

<b>KPB File No.</b>	2021-126
<b>Plat Committee Meeting:</b>	September 27, 2021
<b>Applicant / Owner:</b>	Joe Balyeat of Bozeman, MT
<b>Surveyor:</b>	Andre Kaeppele, Buk Saliz / Fixed Height LLC
<b>General Location:</b>	Nikolaevsk / Anchor Point APC

<b>Parent Parcel No.:</b>	165-111-42
<b>Legal Description:</b>	SE1/4 SE1/4 Section 13, Township 4 South, Range 14 West. Parcel 2 of Plat Waiver Resolution 93-26 Amended, Serial Number 93-3636 HRD.
<b>Assessing Use:</b>	Residential
<b>Zoning:</b>	Rural Unrestricted
<b>Water / Wastewater</b>	On-site

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STAFF REPORT

**Specific Request / Scope of Subdivision:** The proposed plat will subdivide a 40 acre parcel into eight lots that are all 4.6 acres and dedicate multiple right of ways.

**Location and Legal Access (existing and proposed):** The subdivision is located in Nikolaevsk and will subdivide a 40 acre lot parcel in the southeast corner of section 13. Section line easements affect the east and south boundary. Some Road and Sergief Avenue are partially dedicated right of ways that coincide with the section line easements.

Per KPB GIS imagery, there is currently no improved access to the property. The closest constructed access from the west is Tomski Avenue to Kostino Street, which provide access to Sergief Avenue. Additional constructed access is located to the south, Nikolaevsk Road to Baranof Drive, which connects to unconstructed Kluchevaya Street. The only right of ways maintained by the borough are Tomski Avenue and Nikolaevsk Road.

The plat is proposing to dedicate a 50 foot wide right of way along the south boundary. This will be atop an existing 50 foot section line easement. The southern portion has been dedicated and with this dedication will provide a 100 foot dedication for Sergief Avenue.

A new right of way dedication is proposed within the subdivision. This is proposed as a 60 foot wide dedication named Huntland Street and will provide legal access to all lots in this subdivision. Lot 1 and 8 will also have access via Sergief Avenue.

A 50 foot section line easement affects the eastern boundary of the subdivision and has been depicted on the plat. The section line easement provides access to the four eastern lots. To the north is a 50 foot dedication for Some Road. **Staff recommends per KPB 20.30.030 proposed street layout – projection of right of ways, a minimum 30 foot right of way dedication be provided for the extension of Some Road.**

The subdivision is located within a closed block but the block length is longer than allowed per KPB code. Sergief Avenue, Ramrack Road, Fern Lane, Some Road, and section line easements define the block. The dedication within the subdivision does improve the block length along the south. **Staff recommends a minimum 30 foot wide dedication around the perimeter of the subdivision to comply with KPB 20.30.170 Blocks – Length requirements.**

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



**Site Investigation:** Per GIS Data, there appears to be some wetlands located within the northwest corner of the subdivision.

The terrain generally slopes downward to the west with a 13% grade. The terrain drops approximately 180 feet from the east boundary to the west boundary. There are small sections with steeper slopes or drainages.

Centerline profiles and cross-sections may be required if slopes greater than 10 percent are present along dedicated right of ways, both existing and proposed. **Staff recommends**

- *Depict and label any low wet areas on the final plat.*
- *Depict and label any slopes greater than 20 percent on the final plat*
- *Provide centerline profiles and cross sections for any right of way dedications affected by slopes great than 10 percent.*
- *Place a note on the final plat that reads, "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."*

River Center Review	A. Floodplain Reviewer: Carver, Nancy Floodplain Status: Not within flood hazard area Comments: No comments
	B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments
	C. State Parks Reviewer: Russell, Pam Comments: No Comments
Alaska Fish and Game	No objections

**Staff Analysis** A plat waiver was completed in 1993 to subdivide a 640 acre parcel. Plat Waiver Resolution 93-26 Amended, created Parcel 1 which is the parent 40 acre parcel.

The surveyor and owner are encouraged to contact the Planning Department on any questions or concerns regarding the approval requirements and compliance with KPB subdivision code requirements.

The proposed lots are more than 200,000 square feet, a soils report is not required and an engineer will not need to sign the plat. Based on staff's recommendations and requirements to provide right of way dedications the lots may become smaller than 200,000 square feet. Lots that are less than 200,000 sq. ft. will require a soils analysis report and an engineer to sign the plat.

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

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 property has not been subdivided by the typical platting process therefore no utility easements have been dedicated by plat. The certificate to plat does not indicate any utility easements granted by document. Plat note 3 states the intent to grant 10 foot utility easements along dedicated right of ways as well as

Page 2 of 7

20 feet along the side lot lines. **Staff recommends** the easements be depicted on the plat or a detail showing the setback and typical utility easements being granted.

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 objections.
ACS	No objections.
GCI	Approved as shown.

**KPB department / agency review:**

Addressing – Derek Haws	<p>Affected Addresses: None</p> <p>Existing Street Names are Correct: Yes List of Correct Street Names: SERGIEF AVE SOME RD Existing Street Name Corrections Needed:</p> <p>All New Street Names are Approved: Yes List of Approved Street Names: HUNT LAND ST List of Street Names Denied:</p> <p>Comments: HUNT LAND ST is approved. No addresses affected by this subdivision.</p>
Code Compliance – Eric Ogren	Comments: No comments
Planner – Bryan Taylor	There are not any Local Option Zoning District or material site issues with this proposed plat.
Assessing – Matt Bruns	Comments: No concerns from Assessing Dept.
Advisory Planning Commission	Comments not available when 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**

**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 of the parent parcel that is being subdivided to 'Parcel #3 of Plat Waiver 93-26 Amended, Serial No. 1993-3636 HRD'.
- Update the subdivision name to Alaskan Wildwood Subdivision. Phase is a designation used for a portion of a larger approved plan where portions are finalized at different times.
- Provide the KPB file number (2021-126) near or within the title block.
- Within the title block remove the reference to Document No. 2019-002734 as that is a deed and not a document that created the parcel of land.
- Provide the owners name and mailing address within the title block.
- Update the sheet to 1 of 1.

- 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 all section line easements within and abutting the subdivision such as the one within Section 19. Provide a street name label and right of way width for Kluchevaya Street.*
- 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:** *The hatching used on the plat is typically used to depict vacations. No hatching is required for ROW dedications. Provide labels that state ROW being dedicated this plat. Update to the subdivision boundary to show the parent parcel as the 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:** *The label to the south should be updated to Kluchevaya Village Subdivision Amended.*
- 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:** *Per KPB GIS data, the northwest corner may contain wetlands. Verify during the field survey and depict and label any low wet areas that affect the subdivision.*
- L. Contours at suitable intervals when any roads are to be dedicated unless the planning director or commission finds evidence that road grades will not exceed 6 percent on arterial streets, and 1 0 percent on other streets;  
**Staff recommendation:** *Per KPB GIS data, sloping terrain is present within a majority of the subdivision. This may affect the right of way dedications and additional right of way width or easements may be needed.*
- 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:** *Depict and label any steep slopes greater than 20 percent.*

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### KPB 20.30 Design Requirements

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

#### 20.30.030. Proposed street layout-Requirements.

- A. The streets provided on the plat must provide fee simple right-of-way dedications to the appropriate governmental entity. These dedications must provide for the continuation or appropriate projection of all

streets in surrounding areas and provide reasonable means of ingress for surrounding acreage tracts. Adequate and safe access for emergency and service vehicle traffic shall be considered in street layout.

B. Subdivision of land classified as agricultural conveyed subject to AS 38.05.321(a)(2)(B) may provide public access easements in lieu of fee simple dedications if necessary to comply with the minimum lot size restriction of the statute. The public access easements must meet all applicable right-of-way design criteria of Title 20 and are subject to the building setback requirements set forth in KPB 20.30.240.

C. Preliminary plats fronting state maintained roads will be submitted by the planning department to the State of Alaska Department of Transportation and Public Facilities (DOT) for its review and comments.  
**Staff recommendation:** *Provide a minimum 30 foot dedication along the eastern boundary for the extension of Some Road.*

#### 20.30.060. Easements-Requirements.

A. The planning commission may require easements it determines necessary for the benefit of the public. Such easements include, but are not limited to, lateral support (slope) easements, drainage easements for ditching or protection of a drainage, and utility easements. Required easements do not need to be for road purposes.

B. Upon submittal of a preliminary plat, the planning department shall provide a copy to public utility companies for their comments-and recommended design of utility easements. If the property is subject to existing natural gas or petroleum pipeline easements, a copy shall also be furnished to the appropriate company for comment.

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

D. Unless a utility company requests additional easements, the front ten feet adjoining rights-of-way shall be designated as a utility easement, graphically or by note. Within the boundaries of an incorporated city, the width and location of utility easements will be determined by the city and affected utility providers.  
**Staff recommendation:** *If necessary, provide lateral support (slope) easements for any roadways that are affected by steep terrain so that a road way can be constructed with no more than a 10% grade. Provide road plans with centerline profiles and cross sections to show the roadway limits.*

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

**Staff recommendation:** *Provide road plans with centerline profiles and cross sections to show the roadway limits.*

#### 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:** *Within the drawing, depict and label the 20 foot building setback.*

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#### KPB 20.40 -- Wastewater Disposal

##### 20.40.010 Wastewater disposal.

*Platting Staff Comments: Lots larger than 200,000 sq. ft. will not require soils analysis report. If the requirement to provide right of way dedications reduces the size of the lots to less than 200,000 sq. ft. then a soils analysis, prepared by a licensed engineer, will be required and an engineer will sign the final plat.*

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

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#### KPB 20.60 – Final Plat

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

- 20.60.040. 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:** *A certificate of acceptance for all dedicated right of ways is required to be signed by the Kenai Peninsula Borough.*

- 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:** *All lands within the parent parcel are to be within a wider border to define the limits of the proposed plat. This would include any right of way dedications being proposed.*

##### 20.60.180. Plat notes.

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

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

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

- *Roads must meet the design and construction standards established by the borough in order to be considered for certification and inclusion in the road maintenance program (KPB 14.06).*

*Plat note 1 is duplicated within plat note 3. Remove plat note 1 or remove that portion from plat note 3.*

*Plat note 5 needs to be worded to match code by removing "or nominal 5 acres".*

*Plat note 6 refers to a registered trademark. Staff is unsure as to the intent for this note, as there does not appear to be any reference outside of the plat note to Alaska Wildwood Ranch. Remove plat note 6 from the final plat.*

20.60.190. Certificates, statements, and signatures required.

**Staff recommendation:** *An acceptance of right of way dedications is required. As there are roads being dedicated, the Certificate of Ownership should read "Certificate of Ownership and Dedication". Comply with 20.60.190.*

*KPB 20.60.190 corrected the Notary's Acknowledgement so it is an acknowledgement instead of a combination of an acknowledgement and a jurat.*

**Staff recommendation:** *the Notary's Acknowledgement on the final plat must comply with 20.60.190.*

20.60.200. Survey and monumentation.

**Staff recommendation:** *Provide all survey marker cap information for found monuments. Comply with 20.60.200*

---

**RECOMMENDATION:**

**STAFF RECOMMENDS:**

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

NOTE: 20.25.120. - REVIEW AND APPEAL.

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

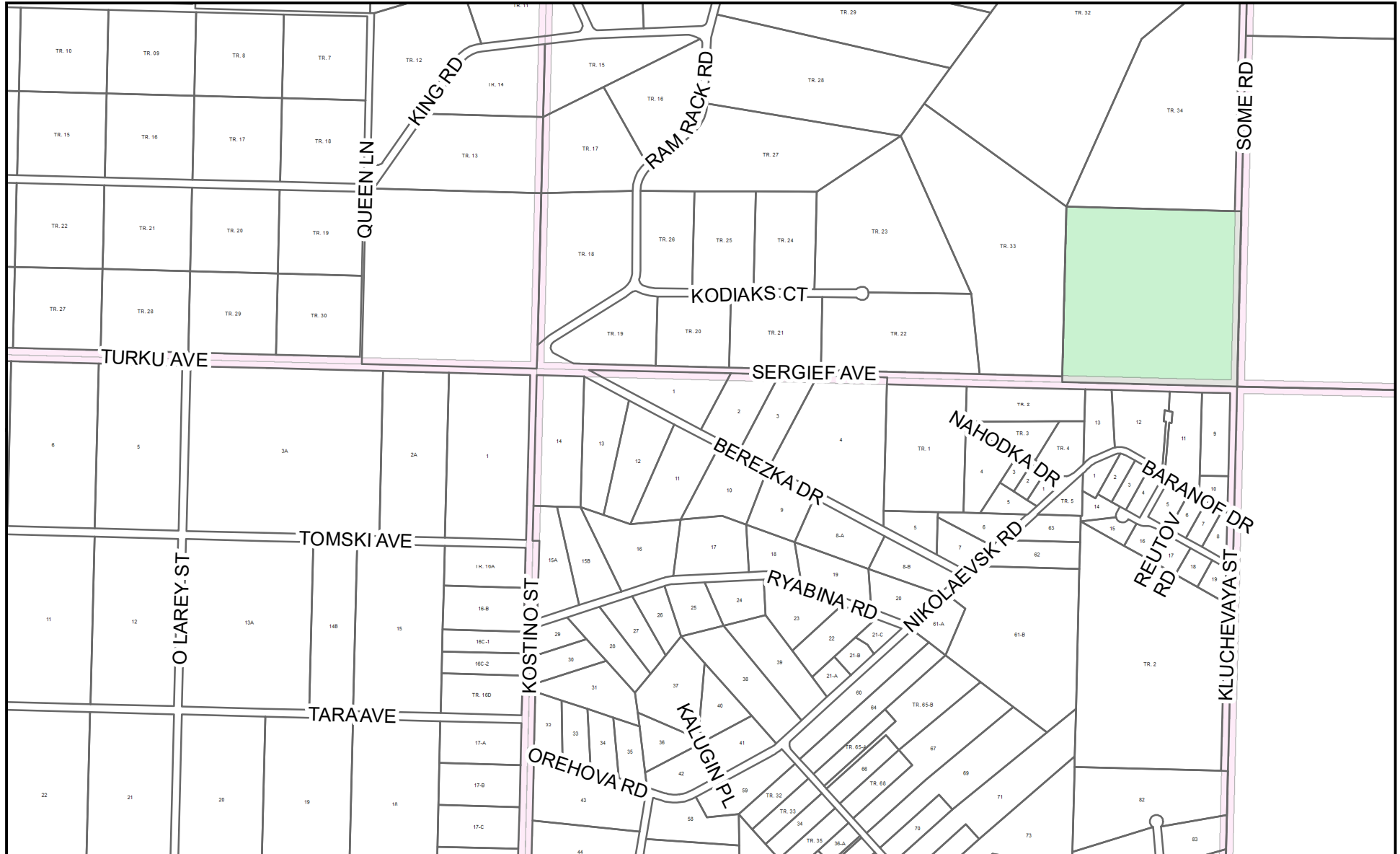
A DECISION OF THE PLANNING COMMISSION MAY BE APPEALED TO THE HEARING OFFICER BY A PARTY OF RECORD WITHIN 15 DAYS OF THE DATE OF NOTICE OF DECISION IN ACCORDANCE WITH KPB 21.20.250.

END OF STAFF REPORT

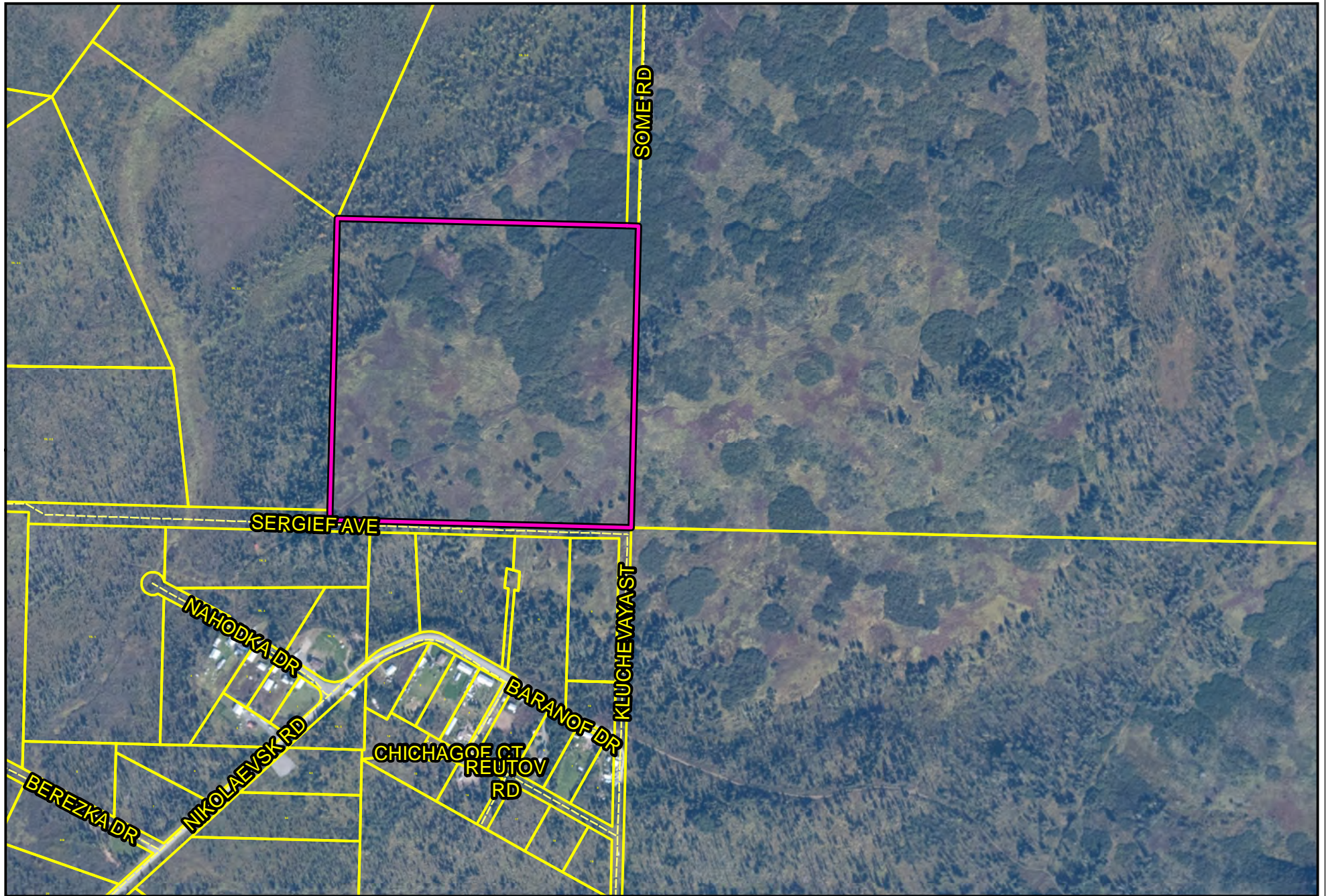




### Alaskan Wildwood Phase 1 KPB File 2021-126







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.

0 150 300 600 '  
 + + + + +

Aerial View

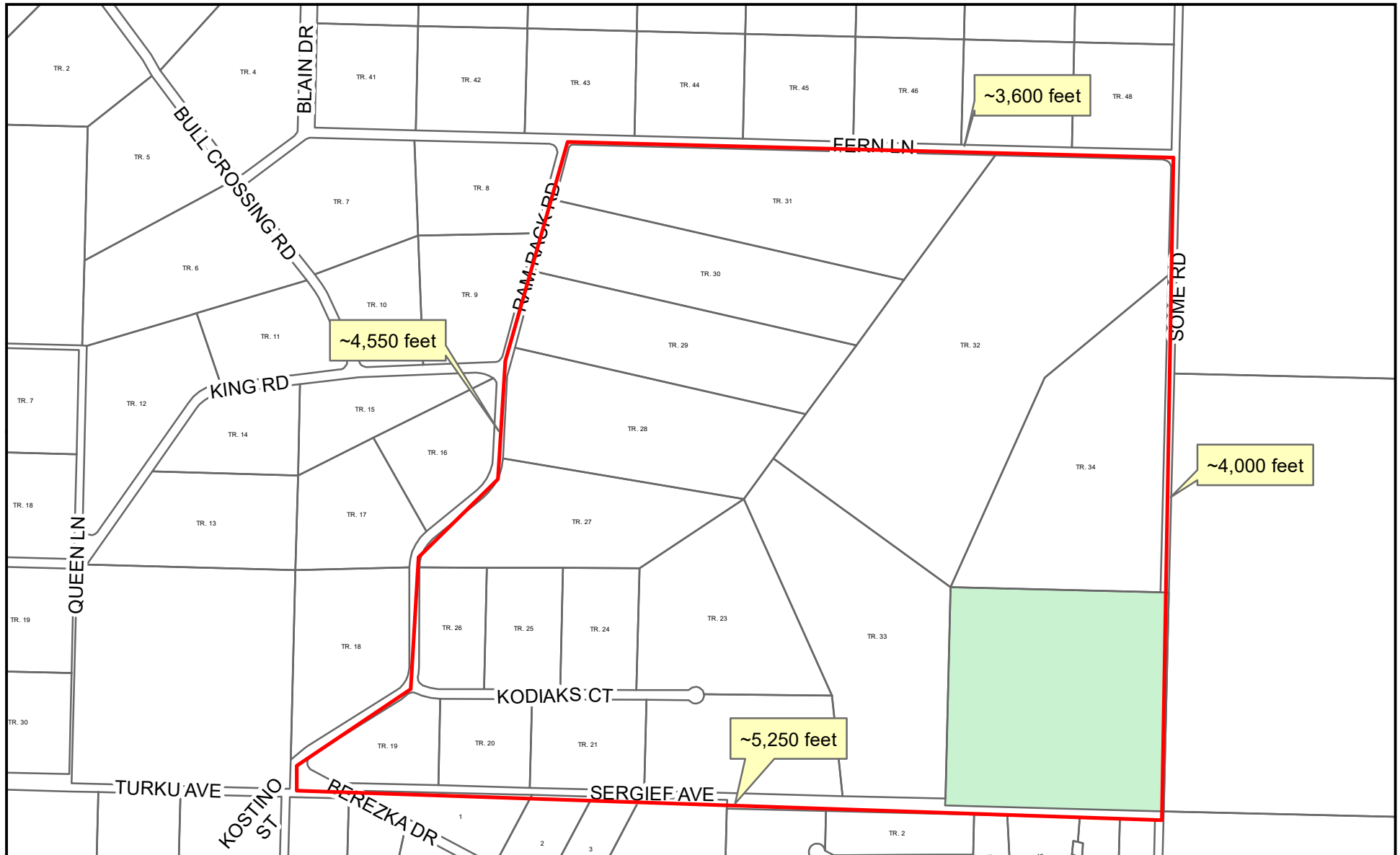


 PRELIMINARY PLAT

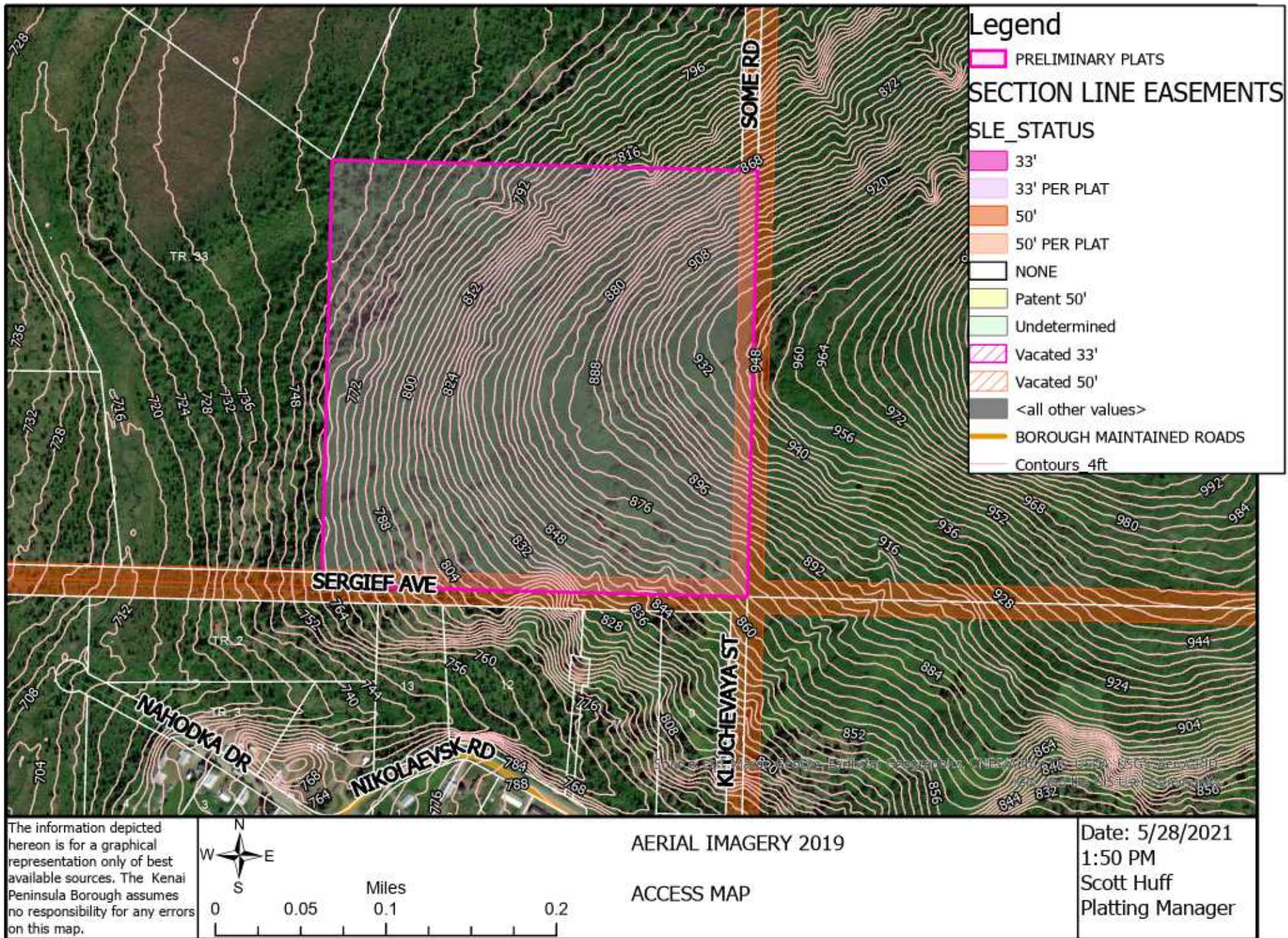
PClements, KPB 2021-126  
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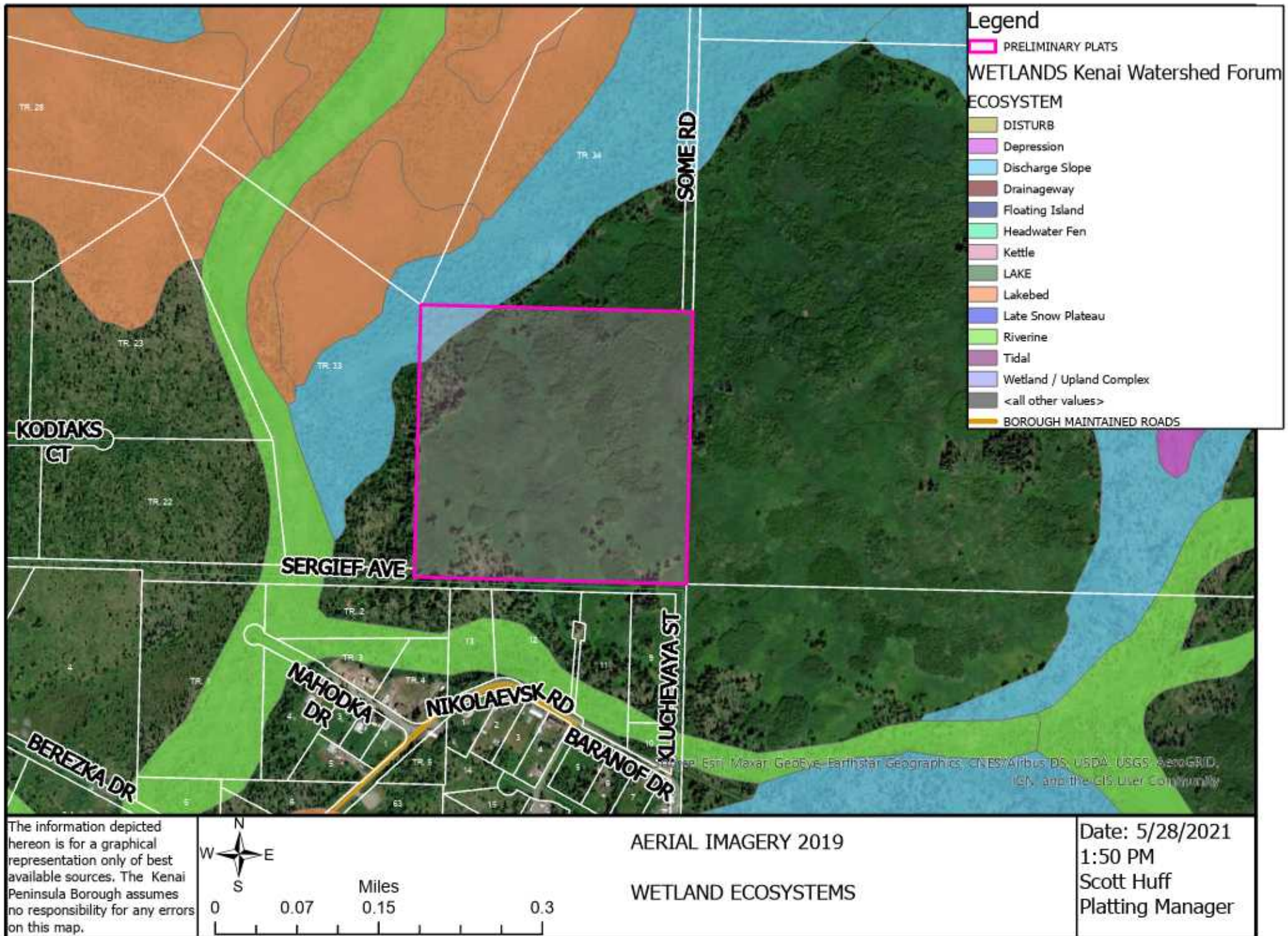
### Alaskan Wildwood Phase 1 KPB File 2021-126













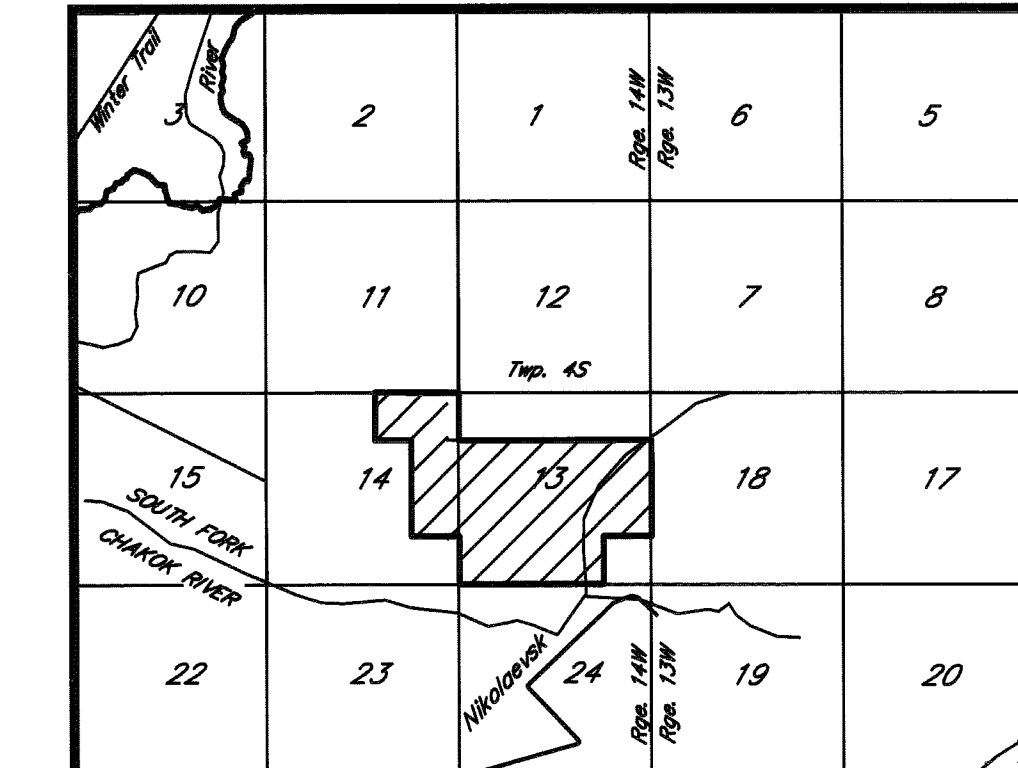
# NOTES:

1. THIS SURVEY DOES NOT CONSTITUTE A SUBDIVISION AS DEFINED BY AS 40.15.190 (2).
2. THIS RECORD OF SURVEY IS BEING FILED AS PUBLIC NOTICE OF DRAFTING ERRORS CONTAINED ON THE SUBDIVISION PLAT ENTITLED "CAMPO DE ORO SUBDIVISION" FILED AS PLAT #2000-48 IN THE HOMER RECORDING DISTRICT. THE PLAT AMENDMENTS SHOWN HEREON WERE SUBMITTED TO THE KENAI PENINSULA BOROUGH PLANNING DEPARTMENT AS A PLAT AMENDMENT REQUEST IN FEBRUARY 2011 AND WAS REJECTED. THIS SURVEYOR INTENDS FOR THIS DOCUMENT TO SERVE AS PUBLIC NOTICE OF THE DRAFTING ERRORS UNTIL ANOTHER FORM OF NOTICE OR CORRECTION CAN BE PROCESSED.
3. SEE THE "NOTED PLAT AMENDMENTS" FOR A LIST OF ALL CORRECTIONS.
4. THE ORIGINAL PLAT IS BASICALLY REPRODUCED HERE IN ITS ENTIRETY, LESS OWNERSHIP SIGNATURES AND WASTEWATER DISPOSAL NOTES.

# NOTES:

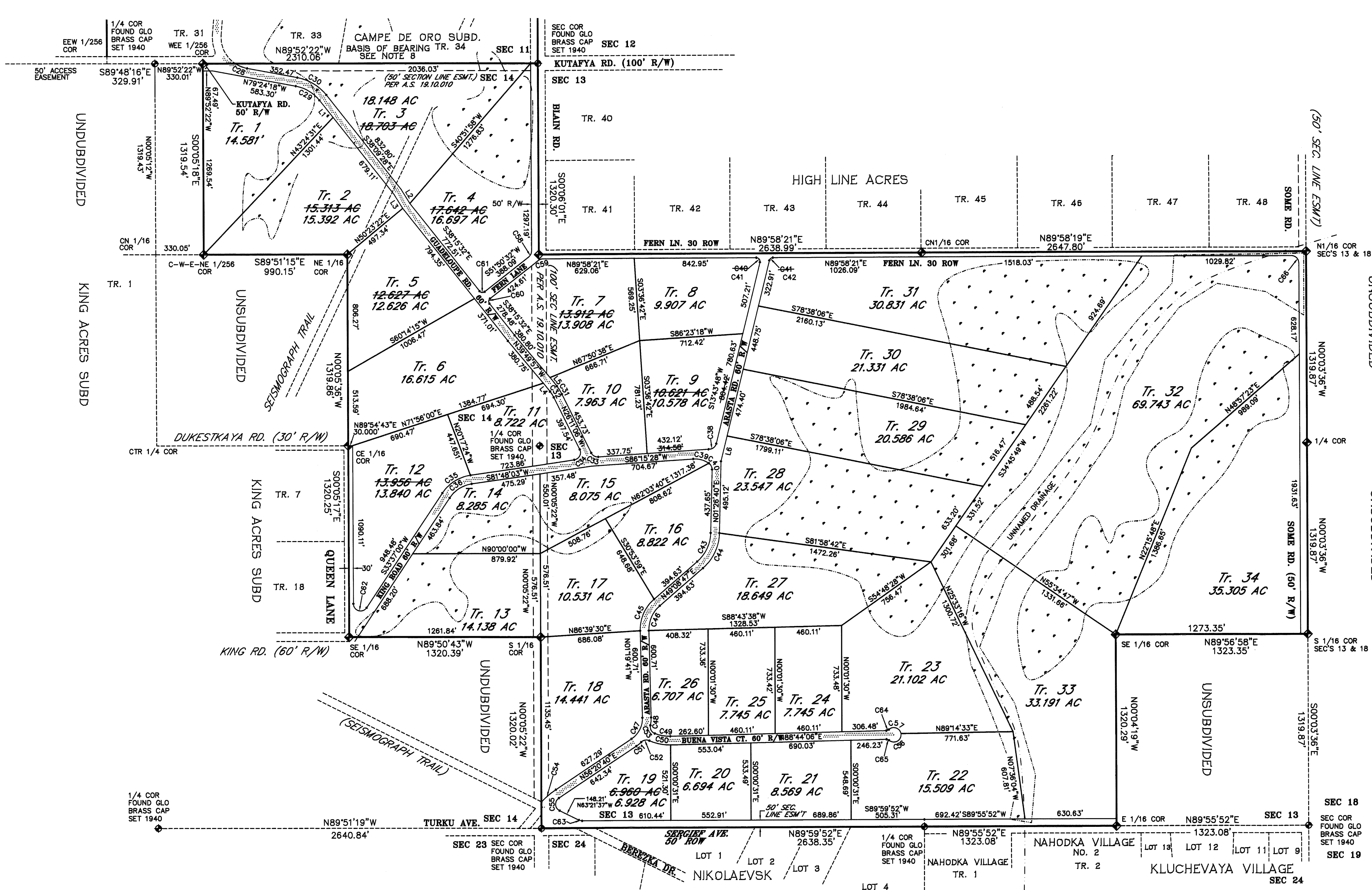
1. A 20' BUILDING SETBACK LINE SHALL EXIST ALONG ALL RIGHTS OF WAY UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
2. THE FRONT 10' FEET OF SAID SETBACK, AND THE ENTIRE SETBACK WITHIN 10' OF SIDE LOT LINES IS GRANTED FOR A UTILITY EASEMENT.
3. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN AN EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
4. ROADS MUST MEET THE DESIGN AND CONSTRUCTION STANDARDS ESTABLISHED BY THE BOROUGH, IN ORDER TO BE CERTIFIED FOR INCLUSION IN THE BOROUGH ROAD MAINTENANCE PROGRAM.
5. EXCEPTIONS WERE GRANTED TO KPB CODE TO: 20.20.180 3:1 DEPTH TO WIDTH RATIO, 20.20.090 MAXIMUM CUL-DE-SAC LENGTH 1000 FEET PER PLANNING COMMISSION MEETING OF 6/14/99, PROCESSED AS "TOLCO TRACTS".
6. SET 2" ALUMINUM MONUMENTS ON 5/8" REBAR AT ALL PROPERTY CORNERS, UNLESS NOTED OTHERWISE.
7. GENERALLY RIGHTS OF WAY ARE DESIGNED TO FIT EXISTING ROADS. THIS SUBDIVISION'S CONCEPTUAL DESIGN WAS NOT PERFORMED BY ABILITY SURVEYS.
8. BASIS OF BEARING IS FROM THE GLOBAL POSITIONING SYSTEM; A TRUE BEARING OF N89°52'22"E BETWEEN THE NORTH 1/4 CORNER OF SECTION 14 TO THE NORTHEAST CORNER OF SECTION 14; AND HELD TO BE A LOCAL GRID BEARING OF THE SUBDIVISION.

VICINITY MAP SCALE: 1" = 1 MILE



DATE	SEPTEMBER 2000
SCALE	1" = 400'
GRID No.	AR-3
DRAWING	341.3um11&2_ROS
KPB FILE No.	2000-140
JOB No.	3413

<b>CAMPO DE ORO</b> <b>RECORD OF SURVEY</b> BEING THE S1/2 N1/2, S1/2 EXCEPTING THE SE1/4 SE1/4, SECTION 13 AND NE1/4 SE1/4, E1/2 NE1/4, NW1/4 NE1/4 EXCEPTING W1/2 W1/2, SECTION 14; T4S, R14W, SM, AK, CONTAINING 590.523 ACRES IN THE HOMER RECORDING DISTRICT	
<b>ABILITY SURVEYS</b> GARY D. NELSON, PLS (907) 235-8440 152 DEHEL AVE., HOMER, ALASKA	



2011-31	HOMER REC DIST
Date	8-25-2011
Time	10:24 AM
Requested By	Gary Nelson
Address	Nelson

# NOTED PLAT AMENDMENTS

1. CORRECTED DIMENSIONS ON SOUTH AND EAST BOUNDARIES OF TRACT 9.
2. AT NORTHEAST CURVE RETURN OF TRACT 8; RENUMBERED TO BE C41.
3. AT NORTHWEST CURVE RETURN OF TRACT 31; RENUMBERED TO BE C42.
4. CORRECTED CURVE TABLE DATA FOR CURVES 38, 55, AND 58 THROUGH 66 AS SHOWN.
5. CORRECTED AREAS OF TRACTS 2, 3, 4, 5, 7, 9, 12, AND 19 AS SHOWN.
6. NO ERASURES WERE PERFORMED.
7. ALL ERRORS ARE THE RESULT OF COMPUTATION OR DRAFTING ERRORS. MONUMENTS WERE SET CORRECTLY IN THE YEAR 2000 AND DID NOT NEED TO BE CHANGED AS A RESULT OF THESE CORRECTIONS.

# SURVEYORS CERTIFICATE

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

8-25-11  
DATE  
Gary D. Nelson  
GARY D. NELSON RLS No. 7610

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD DIRECTION	CHORD DISTANCE
C28	88.53	220.00	23°03'25"	S87°52'38"E	87.94
C29	194.37	270.00	41°14'50"	N58°46'53"W	190.20
C30	237.57	330.00	41°14'50"	N58°46'53"W	232.47
C31	66.28	300.00	12°39'31"	N31°49'43"W	66.15
C32	53.36	240.00	12°44'22"	N31°47'17"W	53.25
C33	58.95	50.00	67°33'26"	S59°57'49"E	55.60
C34	94.24	50.00	107°59'10"	N27°48'29"E	60.69
C35	235.47	280.00	48°11'03"	S57°42'32"W	228.59
C36	185.01	220.00	48°11'03"	S57°42'32"W	179.61
C37	93.22	230.00	23°13'22"	N82°07'51"W	92.59
C38	63.56	60.00	85°45'02"	N01°36'19"E	74.47
C39	113.85	170.00	38°22'13"	N74°33'26"W	111.73
C40	49.58	50.00	56°48'59"	N26°57'50"W	47.58
C41	45.27	25.00	103°45'27"	N38°08'58"W	38.34
C42	33.27	25.00	76°14'33"	S51°51'04"W	30.67
C43	224.79	270.00	47°42'07"	N25°17'43"E	218.35
C44	274.74	330.00	47°42'07"	N25°17'43"E	266.88
C45	246.66	280.00	50°28'28"	S23°54'33"W	238.77

AMENDED CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD DIRECTION	CHORD DISTANCE
C38	63.29	50.00	73°31'40"	S49°59'38"W	59.15

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD DIRECTION	CHORD DISTANCE
C46	193.81	220.00	50°28'28"	S23°54'33"W	187.60
C47	171.12	170.00	57°40'21"	N27°30'29"E	163.98
C48	53.60	230.00	13°21'12"	N05°20'55"E	53.48
C49	109.34	270.00	23°12'12"	S79°39'48"E	106.60
C50	150.08	330.00	26°03'17"	S78°14'16"E	148.77
C51	44.07	230.00	10°58'41"	N50°51'19"E	44.00
C52	60.58	50.00	89°25'24"	S80°04'40"W	56.94
C53	89.89	90.00	80°05'13"	S28°01'06"E	84.34
C54	128.79	630.00	11°42'45"	S60°28'17"W	128.56
C55	104.46	50.00	89°44'42"	S03°30'29"E	86.47
C56	122.72	50.00	140°37'54"	N61°15'09"E	94.16
C57	109.11	50.00	125°02'07"	N71°34'51"W	86.72
C58	45.33	50.00	32°15'33"	N25°52'15"E	43.79
C59	33.28	50.00	38°07'48"	N70°54'26"E	32.66
C60	39.31	25.00	66°06'59"	N06°47'30"E	35.39
C61	39.23	25.00	36°55'57"	S83°12'30"E	35.32
C62	127.67	50.00	66°44'42"	N73°14'08"W	95.71
C63	23.25	50.00	266°36'39"	N76°40'52"W	23.04
C64	18.69	25.00	312°56'06"	N67°19'06"E	18.26
C65	18.69	25.00	312°56'06"	S89°50'54"E	18.26
C66	78.51	50.00	359°56'05"	S45°02'38"E	70.69

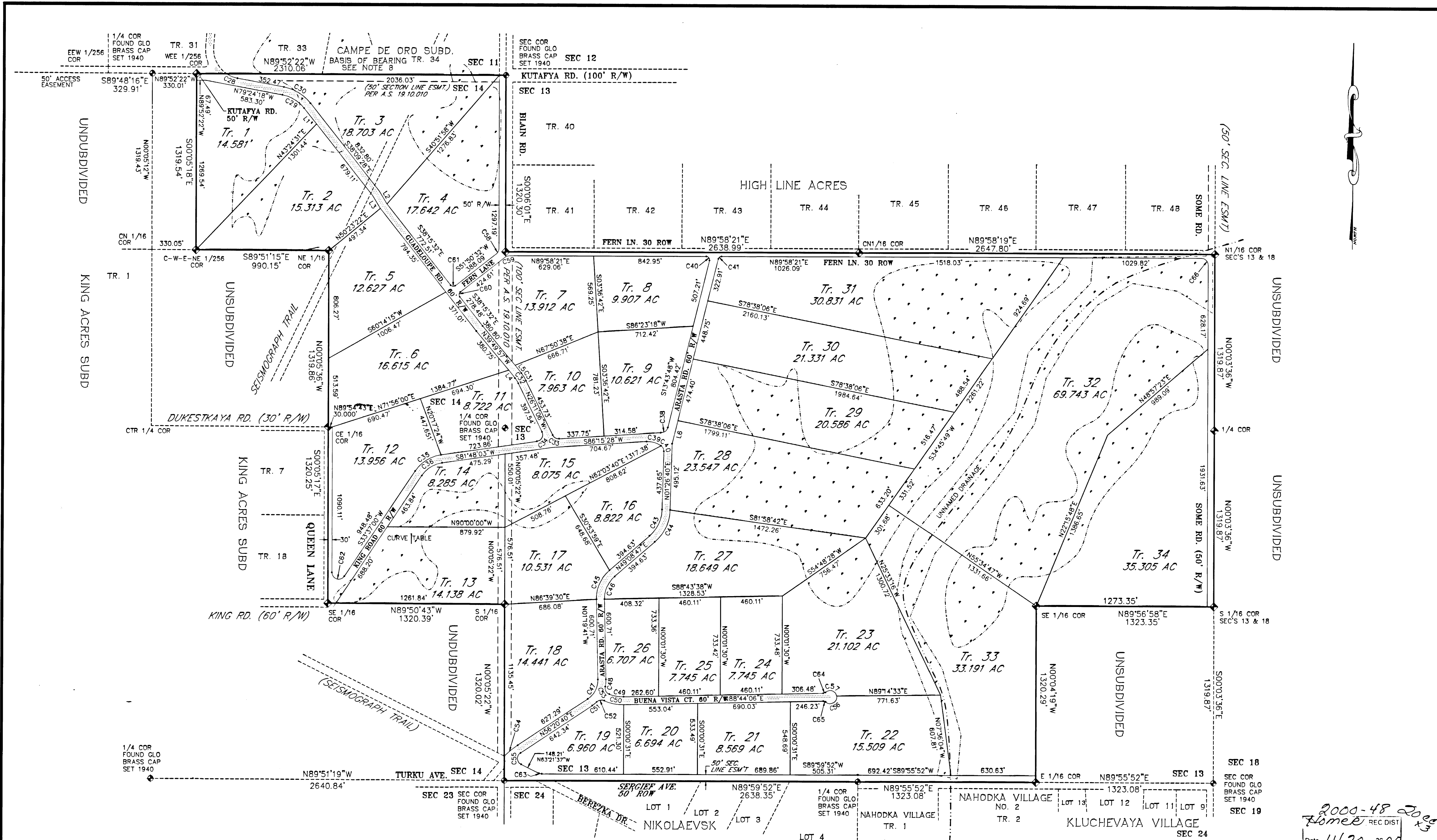
LINE TABLE		
LINE	LENGTH	BEARING
L1	150.19	N38°09'28"W
L2	113.59	S31°29'53"E
L3	113.54	S31°29'53"E
L4	74.28	N38°09'28"W
L5	75.15	N38°09'28"W
L6	179.42	N13°43'48"E

DELTA'S AMENDED		
LINE	LENGTH	BEARING
L1	150.19	N38°09'28"W
L2	113.59	S31°29'53"E
L3	113.54	S31°29'53"E
L4	74.28	N38°09'28"W
L5	75.15	N38°09'28"W
L6	179.42	N13°43'48"E

# LEGEND

- FOUND G.L.O. BRASS CAP
- EXISTING ROAD
- POORLY DRAINED SOILS DETERMINED FROM 1"=3000' AERIAL PHOTOGRAPHY DATED 10/96
- FOUND 2 1/2" BC SET BY 7610-S IN 2000 PER RS 2000-31
- (R) RADIAL
- (NR) NOT RADIAL
- UNNAMED DRAINAGE





**CERTIFICATE OF OWNERSHIP**  
WE HEREBY CERTIFY THAT GOLD ADMIRAL LTD. IS THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND THAT GOLD ADMIRAL LTD. HEREBY ADOPTS THIS PLAN OF SUBDIVISION AND BY ITS FREE CONSENT DEDICATES ALL RIGHTS-OF-WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANTS ALL EASEMENTS TO THE USE SHOWN.

GOLD ADMIRAL LTD.  
C/O ILS CORP. SVC. LTD.  
2ND FLOOR ATLANTIC HOUSE, CIRCULAR ROAD  
DOUGLAS, ISLE OF MAN, IM1 1SD  
BRITISH ISLES

**NOTARY'S ACKNOWLEDGMENT**

FOR: GOLD ADMIRAL LTD.  
Subscribed and sworn to before me this 22<sup>nd</sup> day of SEPTEMBER 2000.

[Signature]  
Notary public My Commission Expires \_\_\_\_\_

**PLAT APPROVAL**

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of 6/14/99 & 6/14/00  
KENAI PENINSULA BOROUGH

BY [Signature]  
Authorized Official

**WASTEWATER DISPOSAL**

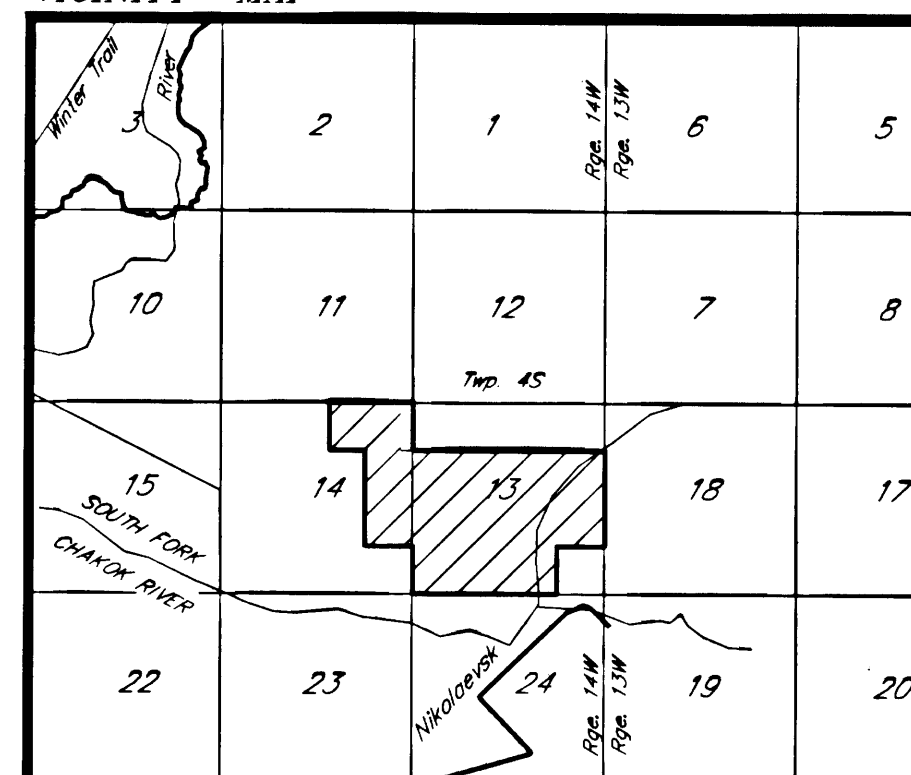
These lots are at least 200,000 square feet or nominal 5 acres in size and conditions may not be suitable for onsite wastewater treatment and disposal.

Any wastewater treatment or disposal system must meet the regulatory requirements of the Alaska Department of Environmental Conservation.

**NOTES:**

1. A 20' BUILDING SETBACK LINE SHALL EXIST ALONG ALL RIGHTS OF WAY UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
2. THE FRONT 10' FEET OF SAID SETBACK, AND THE ENTIRE SETBACK WITHIN 10' OF SIDE LOT LINES IS GRANTED FOR A UTILITY EASEMENT.
3. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN AN EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
4. ROADS MUST MEET THE DESIGN AND CONSTRUCTION STANDARDS ESTABLISHED BY THE BOROUGH, IN ORDER TO BE CERTIFIED FOR INCLUSION IN THE BOROUGH ROAD MAINTENANCE PROGRAM.
5. EXCEPTIONS WERE GRANTED TO KPB CODE TO: 20.20.180 3:1 DEPTH TO WIDTH RATIO; 20.20.090 MAXIMUM CUL-DE-SAC LENGTH 1000 FEET PER PLANNING COMMISSION MEETING OF 6/14/99, PROCESSED AS "ROLCO TRACTS".
6. SET 2" ALUMINUM MONUMENTS ON 5/8" REBAR AT ALL PROPERTY CORNERS, UNLESS NOTED OTHERWISE.
7. GENERALLY RIGHTS OF WAY ARE DESIGNED TO FIT EXISTING ROADS. THIS SUBDIVISION'S CONCEPTUAL DESIGN WAS NOT PERFORMED BY ABILITY SURVEYS.
8. BASIS OF BEARING IS FROM THE GLOBAL POSITIONING SYSTEM; A TRUE BEARING OF N89°52'22"E BETWEEN THE NORTH 1/4 CORNER OF SECTION 14 TO THE NORTHEAST CORNER OF SECTION 14; AND HELD TO BE A LOCAL GRID BEARING OF THE SUBDIVISION.

VICINITY MAP SCALE: 1" = 1 MILE



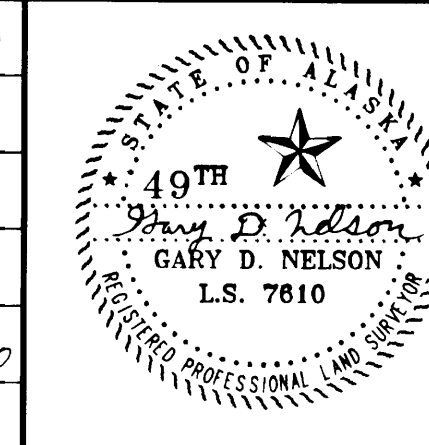
DATE SEPTEMBER 2000

SCALE 1" = 400'

GRID No. AR-3

KPB FILE No. 99-097

JOB No. 3413



**CAMPO DE ORO SUBDIVISION**  
BEING THE S1/2 N1/2, S1/2 EXCEPTING THE SE1/4 SE1/4, SECTION 13 AND NE1/4 SE1/4, E1/2 NE1/4, NW1/4 NE1/4 EXCEPTING W1/2 N1/2, SECTION 14;  
745.814W, 5M. AK  
CONTAINING 500.521 Acres  
IN THE HOMER RECORDING DISTRICT

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

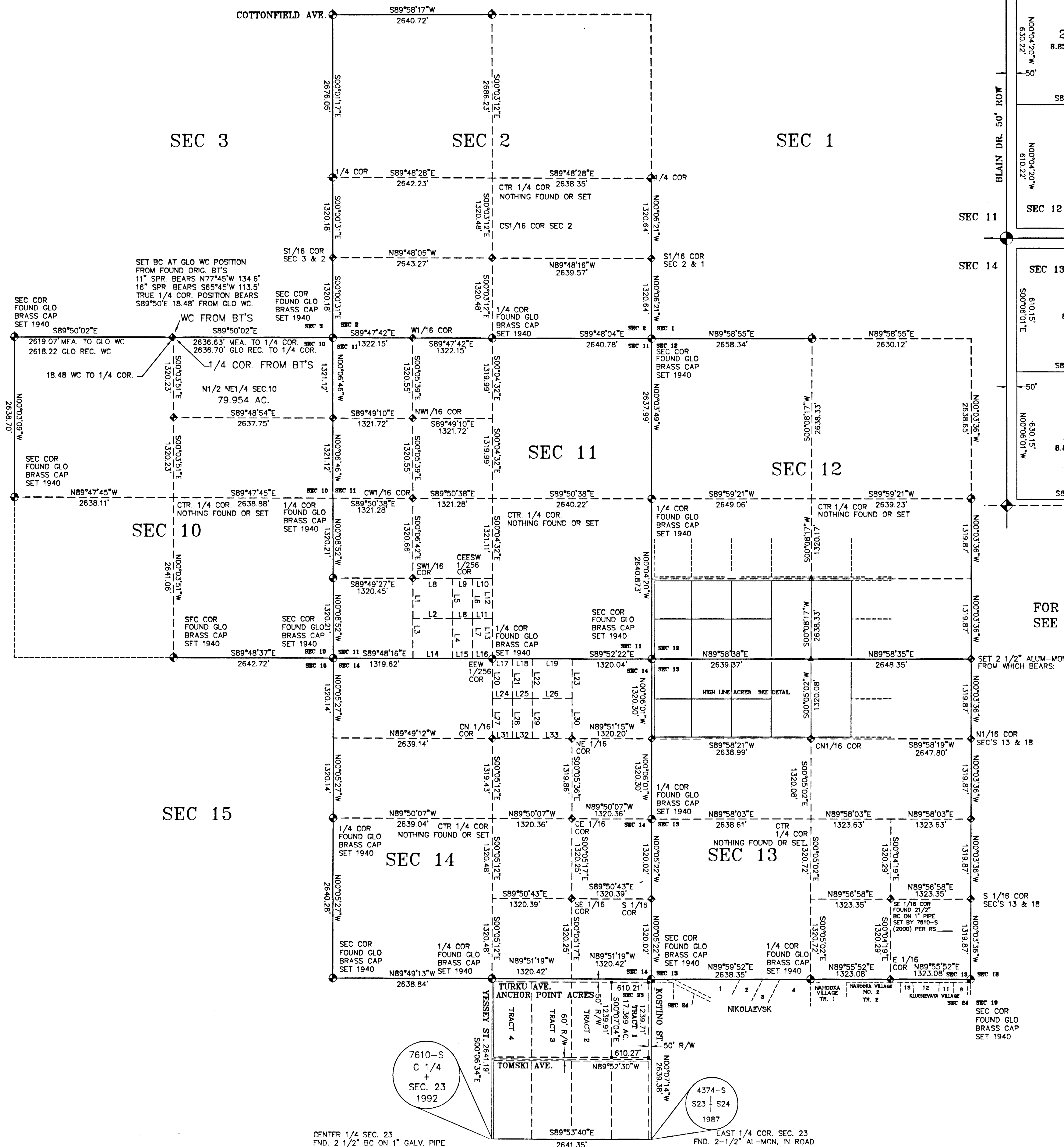
CURVE	LENGTH	RADIUS	DELTA	CHORD	DIRECTION	CHORD DISTANCE
C28	88.53	220.00	230°3'25"	S67°52'36"E		87.94
C29	194.37	270.00	41°14'50"	N58°46'53"W		190.20
C30	237.57	330.00	41°14'50"	N58°46'53"W		232.47
C31	66.28	300.00	12°39'31"	N31°49'43"W		66.15
C32	53.36	240.00	12°44'22"	N31°47'17"W		53.25
C33	58.95	50.00	67°33'26"	S59°57'49"E		55.60
C34	94.24	50.00	107°59'10"	N27°48'29"E		80.89
C35	235.47	280.00	48°11'03"	S57°42'32"W		228.59
C36	185.01	220.00	48°11'03"	S57°42'32"W		179.61
C37	93.22	230.00	23°13'22"	N82°07'51"W		92.59
C38	83.56	50.00	95°45'02"	N61°36'19"E		74.17
C39	113.85	170.00	38°22'13"	N74°33'26"W		111.73
C40	49.58	50.00	56°48'59"	N26°57'50"W		47.58
C41	45.27	25.00	103°45'27"	N38°08'56"W		39.34
C42	33.27	25.00	76°14'33"	S51°51'04"W		30.87
C43	224.79	270.00	47°42'07"	N25°17'43"E		218.35
C44	274.74	330.00	47°42'07"	N25°17'43"E		266.88
C45	246.66	280.00	50°28'28"	S23°54'33"W		238.77

CURVE	LENGTH	RADIUS	DELTA	CHORD	DIRECTION	CHORD DISTANCE
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C49	109.34	270.00	23°12'12"	S79°39'48"E		108.60
C50	150.06	330.00	26°03'17"	S78°14'16"E		148.77
C51	44.07	230.00	10°58'41"	N05°51'19"E		44.00
C52	60.58	50.00	69°25'42"	S00°04'20"W		56.94
C53	69.89	50.00	80°05'13"	S28°01'06"E		64.34
C54	128.79	630.00	11°42'45"	S50°29'17"W		128.56
C55	104.46	50.00	29°42'17"	S03°30'29"E		86.47
C56	122.72	50.00	140°37'54"	N61°15'09"E		94.16
C57	109.11	50.00	125°02'07"	N71°34'51"W		88.72
C58	45.33	50.00	37°58'33"	N25°52'15"E		43.78
C59	33.28	50.00	30°07'49"	N70°54'26"E		32.66
C60	39.31	25.00	00°08'03"	N06°47'30"E		35.39
C61	39.23	25.00	35°53'57"	S83°12'30"E		35.32
C62	127.67	50.00	56°17'43"	N73°14'08"W		95.71
C63	23.25	50.00	29°38'31"	N76°40'52"W		23.04
C64	18.69	25.00	31°25'00"	N67°19'06"E		18.26
C65	18.69	25.00	31°25'00"	S69°50'54"E		18.26
C66	78.51	50.00	35°58'05"	S45°02'38"E		70.69

LINE	LENGTH	BEARING
L1	150.19	N38°09'28"W
L2	113.59	S31°29'53"E
L3	113.84	S31°29'53"E
L4	74.28	N38°09'28"W
L5	75.15	N38°09'28"W
L6	179.42	N13°43'48"E

**LEGEND**

- FOUND G.L.O. BRASS CAP
- EXISTING ROAD
- POORLY DRAINED SOILS DETERMINED FROM 1:4-3000' AERIAL PHOTOGRAPHY DATED 10/96
- FOUND 2 1/2" BC SET BY 7610-S, IN 2000 PER RS 2000-31
- (R) RADIAL
- (NR) NOT RADIAL
- UNNAMED DRAINAGE



FOR HIGHLINE ACRES  
SEE DETAIL

**NOTES:**

- THIS SURVEY DOES NOT CONSTITUTE A SUBDIVISION AS DEFINED BY AS 40.15.190(2).
- Basis of bearing is from the Global Positioning System; a true bearing of N89° 52' 22" E between the north 1/4 corner of Section 14 to the northeast corner of section 14; and held to be a local grid bearing of this subdivision.
- CORNERS FOR HIGHLINE ACRES SUBD. HAVE ONLY BEEN SET FOR TRACTS 20-29, AND TRACTS 36-45. SET 2" AL-CAPS ON 5/8" REBAR AT THE TRACT CORNERS.
- SET 2" AL-CAPS ON 5/8" REBAR AT THE CORNERS OF TRACT 1, ANCHOR POINT ACRES SUBD.

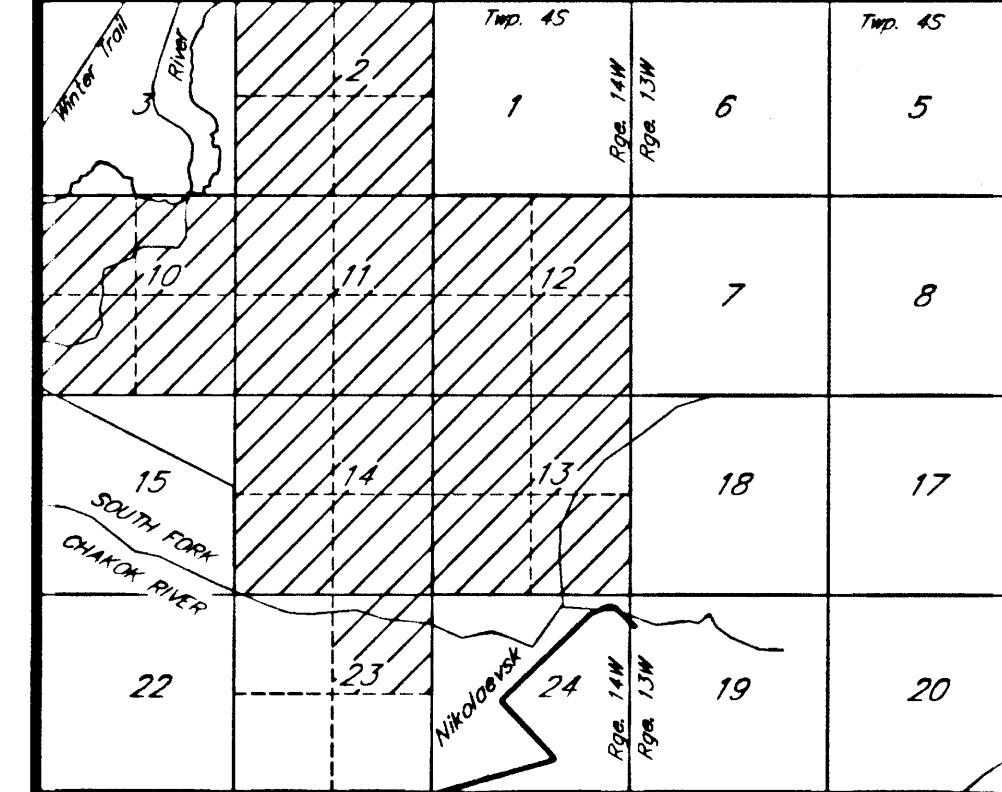
LINE	LENGTH	BEARING
L1	660.33	S00°05'42"E
L2	660.02	N89°48'52"W
L3	660.33	S00°06'42"E
L4	660.44	S00°05'37"E
L5	660.44	S00°05'37"E
L6	660.50	N00°05'04"W
L7	660.50	N00°05'04"W
L8	660.23	N89°49'27"W
L9	330.11	N89°49'27"W
L10	330.11	S89°49'27"E
L11	330.01	N89°48'52"W
L12	660.55	S00°04'32"E
L13	660.55	S00°04'32"E
L14	659.81	S89°48'16"E
L15	329.90	S89°48'16"E
L16	329.90	S89°48'16"E
L17	330.01	N89°52'22"W
L18	330.01	N89°52'22"W
L19	660.02	S89°52'22"E
L20	659.71	S00°05'12"E
L21	659.77	N00°05'18"W
L22	659.82	S00°05'24"E
L23	659.93	S00°05'36"E
L24	330.03	S89°51'49"E
L25	330.03	S89°51'49"E
L26	660.06	S89°51'49"E
L27	659.71	S00°05'12"E
L28	659.77	N00°05'18"W
L29	659.82	S00°05'24"E
L30	659.93	S00°05'36"E
L31	330.05	N89°51'15"W
L32	330.05	N89°51'15"W
L33	660.10	N89°51'15"W

**LEGEND**

- FOUND G.L.O. BRASS CAP (1940)
- SET ON 2 1/2" GP
- NO MONUMENT FOUND OR SET

**VICINITY MAP**

SCALE: 1" = 1 MILE



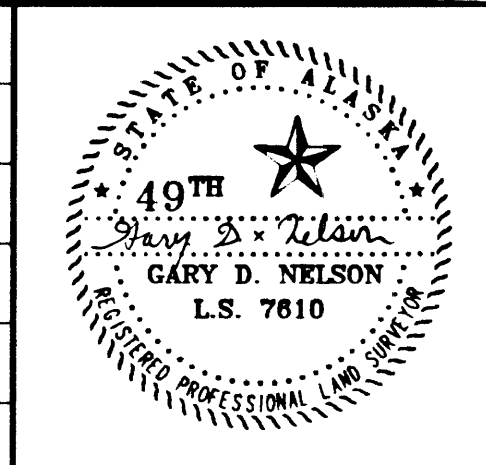
DATE AUGUST 2000

SCALE 1" = 1000'

GRID No. AP-3

3413ROS.DWG

JOB No. 3413



**RECORD OF SURVEY**

SHOWING RETRACEMENT AND SECTIONAL MONUMENTATION WITHIN SECTIONS 2, 10, 11, 12, 13, 14, & 23 AND ANCHOR POINT ACRES, TRACT 1; AND HIGHLINE ACRES TRACTS 20-29 AND TRACTS 36-45 WITHIN T4S, R14W, S4M, AC.

**ABILITY SURVEYS**

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

2000-31-20  
Homee REC DIST  
Date: 8/18/2000  
Time: 3:54P  
Requester: Ability  
Address:

KENAI PENINSULA BOROUGH  
PLANNING COMMISSION

PLAT WAIVER RESOLUTION 93-26 AMENDED

HOMER RECORDING DISTRICT

AMENDING RESOLUTION 93-26, FILED AS 93-44W IN THE HOMER RECORDING DISTRICT,  
GRANTING A PLATTING WAIVER FOR CERTAIN LANDS WITHIN SECTIONS 13 AND 14, TOWNSHIP  
4 SOUTH, RANGE 14 WEST, SEWARD MERIDIAN, HOMER RECORDING DISTRICT, ALASKA

WHEREAS, Elizabeth S. Dempsey and Belvidere National Bank & Trust Co.,  
Trustee of Van A. Dempsey Insurance Trust, have petitioned for a waiver of  
platting requirements for the following described parcel:

S1/2 & S1/2 N1/2 of Section 13 and E1/2 E1/2 of Section 14, all  
within Township 4 South, Range 14 West, Seward Meridian, Homer Re-  
cording District, Alaska; cntg 640 Ac m/l.

WHEREAS, on August 23, 1993, the Planning Commission of Kenai Peninsula  
Borough approved that application; and

WHEREAS, after filing, an error in description of Parcel 1 was discovered.

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

Section 1. That the parcel description in Section 2 of Plat Waiver Resolu-  
tion 93-26, filed as 93-44W in the Homer Recording District is hereby amended to  
read:

Parcel 1: S1/2 N1/2 & NE1/4 SE1/4 & W1/2 SE1/4 & SW1/4 Section 13; and  
E1/2 NE1/4 & NE1/4 SE1/4 Section 14, Township 4 South, Range 14 West, Seward  
Meridian, Homer Recording District, Alaska; cntg 560 Ac m/l.

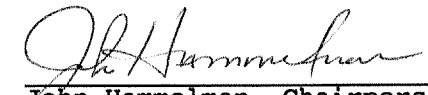
Parcel 2: SE1/4 SE1/4 Section 14, Township 4 South, Range 14 West, Seward  
Meridian, Homer Recording District, Alaska; cntg 40 Acres m/l.

Parcel 3: SE1/4 SE1/4 Section 13, Township 4 South, Range 14 West, Seward  
Meridian, Homer Recording District, Alaska; cntg 40 Acres m/l.

Section 3. That the only change is the correction of the description of  
Parcel 1 described under Section 2 of Resolution 93-26.

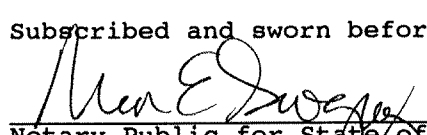
Section 4. That this Resolution becomes effective upon being properly  
recorded.

ADOPTED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH ON THIS  
25th DAY OF OCTOBER, 1993.

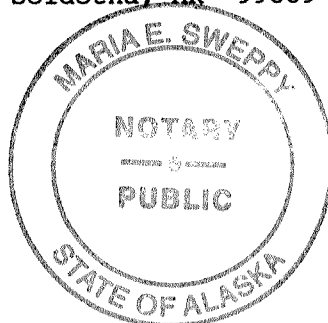
  
John Hammelman, Chairperson  
Planning Commission

NOTARY ACKNOWLEDGEMENT:

Subscribed and sworn before me this 25 day of October, 1993.

  
Notary Public for State of Alaska  
My Commission Expires: 12-16-95

Please return to:  
Planning Department  
Kenai Peninsula Borough  
144 N. Binkley Street  
Soldotna, AK 99669



93-3636  
HOMER REC 20  
DISTRICT cc  
REQUESTED BY KLB

'93 NOV 3 PM 2 27



93-44W

KENAI PENINSULA BOROUGH  
PLANNING COMMISSION  
PLAT WAIVER RESOLUTION 93-26  
HOMER RECORDING DISTRICT

SEE RESOLUTION 93-26 AMENDED

GRANTING A PLATTING WAIVER FOR CERTAIN LANDS WITHIN SECTIONS 13 AND 14, TOWNSHIP 4 SOUTH, RANGE 14 WEST, SEWARD MERIDIAN, HOMER RECORDING DISTRICT, ALASKA

WHEREAS, Elizabeth S. Dempsey and Belvidere National Bank & Trust Co., Trustee of Van A. Dempsey Insurance Trust, have petitioned for a waiver of platting requirements for the following described parcel:

S1/2 & S1/2 N1/2 of Section 13 and E1/2 E1/2 of Section 14, all within Township 4 South, Range 14 West, Seward Meridian, Homer Recording District, Alaska; cntg 640 Ac m/l.

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

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

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

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

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

Parcel 1: S1/2 N1/2 & NE1/4 SE1/4 & W1/2 SE1/4 & SE1/4 Section 13; and E1/2 NE1/4 & NE1/4 SE1/4 Section 14; Township 4 South, Range 14 West, Seward Meridian, Homer Recording District, Alaska; cntg 560 Ac m/l.


Parcel 2: SE1/4 SE1/4 Section 14, Township 4 South, Range 14 West, Seward Meridian, Homer Recording District, Alaska; cntg 40 Acres m/l.

Parcel 3: SE1/4 SE1/4 Section 13, Township 4 South, Range 14 West, Seward Meridian, Homer Recording District, Alaska; cntg 40 Acres m/l.

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

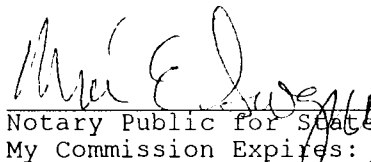
Section 4. That this Resolution becomes effective upon being properly recorded.

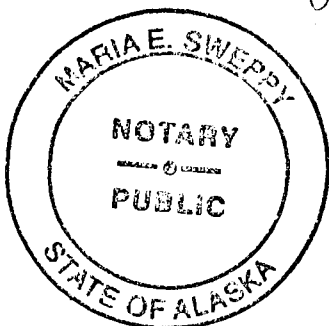
ADOPTED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH ON THIS 23 DAY OF August 1993.

  
John Hammelman, Chairperson,  
Planning Commission

NOTARY ACKNOWLEDGEMENT:

Subscribed and sworn before me this 23 day of August 1993.

  
Notary Public for State of Alaska  
My Commission Expires: 1-16-95



93-2827  
HOMER REC 20 cc  
DISTRICT  
REQUESTED BY Pacific/nc

'93 SEP 3 PM 2 05

PLEASE RETURN TO:  
Planning Department  
Kenai Peninsula Borough  
144 North Binkley  
Soldotna, Alaska 99669



AGENDA ITEM E. NEW BUSINESS

ITEM 1 – ALASKAN WILDWOOD PHASE 1

KPB File No.	2021-126
Plat Committee Meeting:	September 27, 2021

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STAFF REPORT - ADDENDUM

After the staff report was prepared, a request for exceptions from code was received from the surveyor.

**EXCEPTIONS REQUESTED:**

**A. KPB 20.30.030 – Proposed Street Layout**

Surveyor's Discussion: Although the current design fails to extend the platted ROW along the east boundary of the subject parcel, it does provide through access to the adjoining tract to the north via the proposed 60' wide "Huntland Street". This location for access is preferable because it is both the most suitable orientation for development based on soils and topography, and allows access to all proposed lots through a single corridor. Further, due to the predominately poorly drained soils of parcels to the West and the North, the proposed "Huntland Street" is one of the only reasonable locations for road access.

Staff Discussion: Along the eastern boundary is a 50 foot section line easement on both sides of the section line, providing a 100 foot easement. To the north of the subdivision is dedicated Some Road. Some Road is a 50 foot right of way dedication that coincides with a 50 foot wide section line easement. Some Road was dedicated on Campo De Oro Subdivision, Plat HM 2000-48.

The section line easements continue south past the subdivision. A 50 foot dedication of Kluchevaya Street coincides with a 50 foot section line easement. Kluchevaya Street was dedicated by Nikolaevsk Village Subdivision Addition No. 1, Plat HM 75-8.

Per KPB Code 20.30.030, "dedications must provide for continuation or appropriate projection of all streets in surrounding areas and provide reasonable means of ingress for surrounding acreage tracts." A minimum 30 foot dedication, as provided in KPB 20.30.120, would be expected along the eastern boundary to provide a continuation of Some Road to the intersection of Kluchevaya Street and Sergief Avenue.

If the exception is denied, a minimum 30 foot right of way dedication will be required along the eastern boundary to provide a continuation of Some Road right of way.

**Findings:**

1. A 50 foot section line easement is located within the subdivision adjoining the entire eastern boundary.
2. A full 100 foot section line easement is available for access along the eastern boundary of the proposed subdivision.
3. A new dedication is proposed within the middle of the subdivision to provide additional access.
4. A reduction in lot sizes will require a soils analysis report for all lots under 200,000 square feet.
5. The terrain slopes to the west.
6. Per KPB GIS Images from 2021, Some Road is not constructed.

Staff reviewed the exception request and recommends granting approval.

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

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

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

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

1. That special circumstances or conditions affecting the property have been shown by application;  
**Findings 1-3, 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 1-3, 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 1-3, 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.

### **EXCEPTIONS REQUESTED:**

#### **B. KPB 20.30.170 – Blocks Length Requirements**

Surveyor's Discussion: Due to the rural nature of the proposed subdivision, our client would like to request an exemption to the block length requirements. Many of the parcel to the north are undeveloped and unsubdivided. As the parcels get developed there will be Rights of Way added that will decrease the current block length.

The benefit of running the Rights of Way North-South through the center of the parcel:

- It avoids areas with soils that are not conducive to road construction
- It follow the side slope of the hill to avoid excessive grades
- It will decrease development costs for the proposed parcels because they could share the same physical access.

Staff Discussion: Fern Lane, Some Road, Sergief Avenue, Ram Rack Road, and section line easements define the block. The block is closed but exceeds allowable limits. The proposed dedication within the center of the subdivision will improve the block for the eastern portion of the subdivision but it will not be closed. The western portion of the subdivision will still be within a large non-compliant block.

The distance of the boundary of the subdivision is approximately 1,320 feet. Per KPB 20.30.170, "Blocks shall not be less than 330 feet or more than 1,320 feet in length."

If denied, the proposed subdivision will need to provide a minimum 30 foot dedication along the west and north to provide compliant block lengths.

#### **Findings:**

1. A 50 foot section line easement is located within the subdivision adjoining the entire eastern boundary.
2. A new dedication is proposed within the middle of the subdivision to provide additional access and improve block length for a portion of the subdivision.
3. The block is defined by Fern Lane, Some Road, Sergief Avenue, Ram Rack Road, and section line easements.
4. The shortest block boundary distance is approximately 3,600 feet.

5. The longest block boundary distance is approximately 5,250 feet.
6. Code requires the block length to be no more than 1,320 feet.
7. New dedications will require a reduction in lots sizes.
8. A reduction in lot sizes will require a soils analysis report for all lots under 200,000 square feet.
9. The terrain slopes to the west.
10. The current block contains 17 lots including the one within the subdivision.
11. Of the 17 lots within the block, only 3 contain improvements, per KPB Assessing information.
12. The subdivision owner owns seven additional lots within the block.
13. There are nine additional landowners within the block.
14. The lots within the block range in size from 6.7 acres to 70 acres.
15. A stream or creek divides the block.
16. The southern portion of the stream is within the Anadromous Streams Catalog.
17. Northern portions of the block contain wetlands.
18. The northwest area of the subdivision appears to be affected by low wet areas of land.

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.

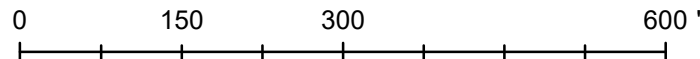
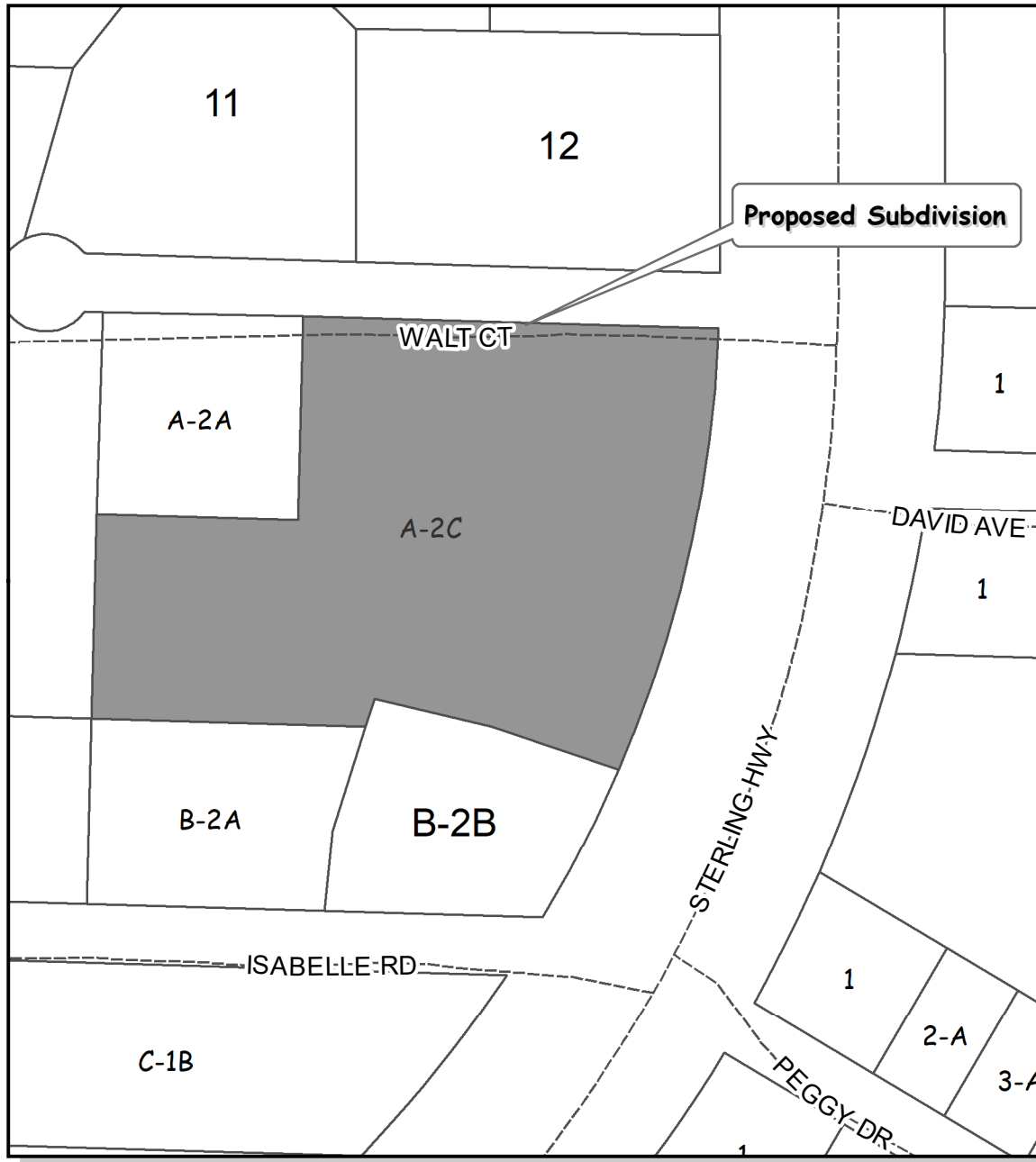
The commission (committee) shall make findings of fact meeting the following standards before granting any exception:

1. That special circumstances or conditions affecting the property have been shown by application;  
**Findings 1, 2, 7, 14, 17, 18 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, 7, 14, 17, 18 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, 7, 14, 17, 18 appear to support this standard.**

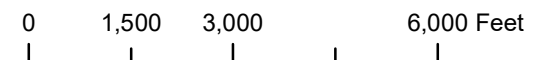
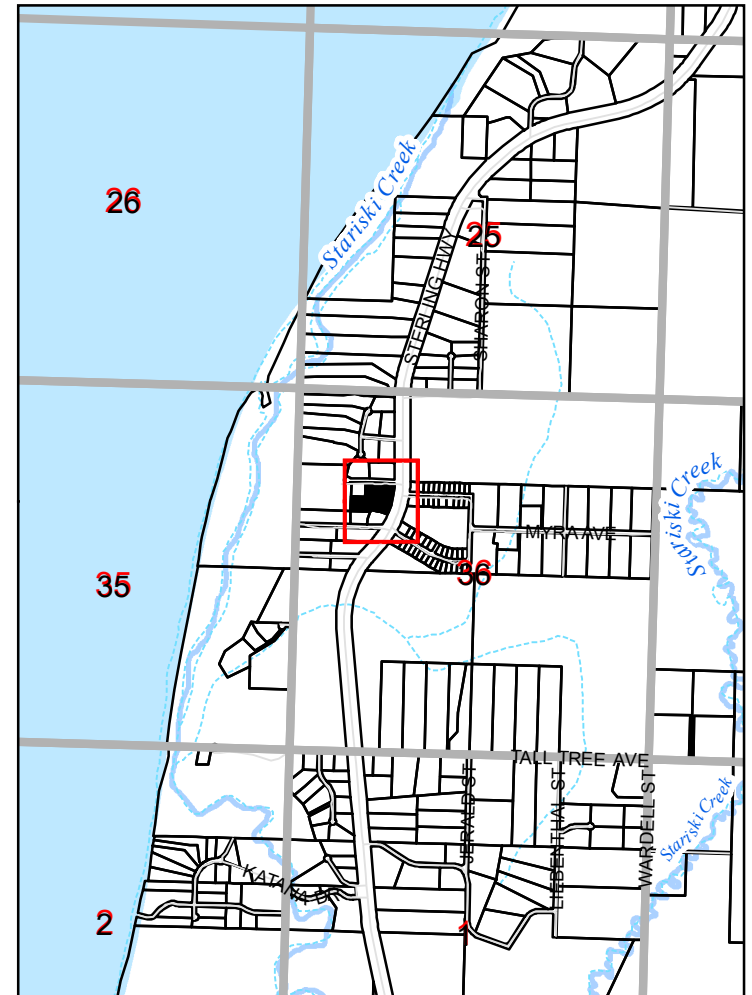
**Staff recommendation:** place notes on the final plat indicating any exceptions granted by the Plat Committee with the meeting date.

END OF STAFF REPORT ADDENDUM

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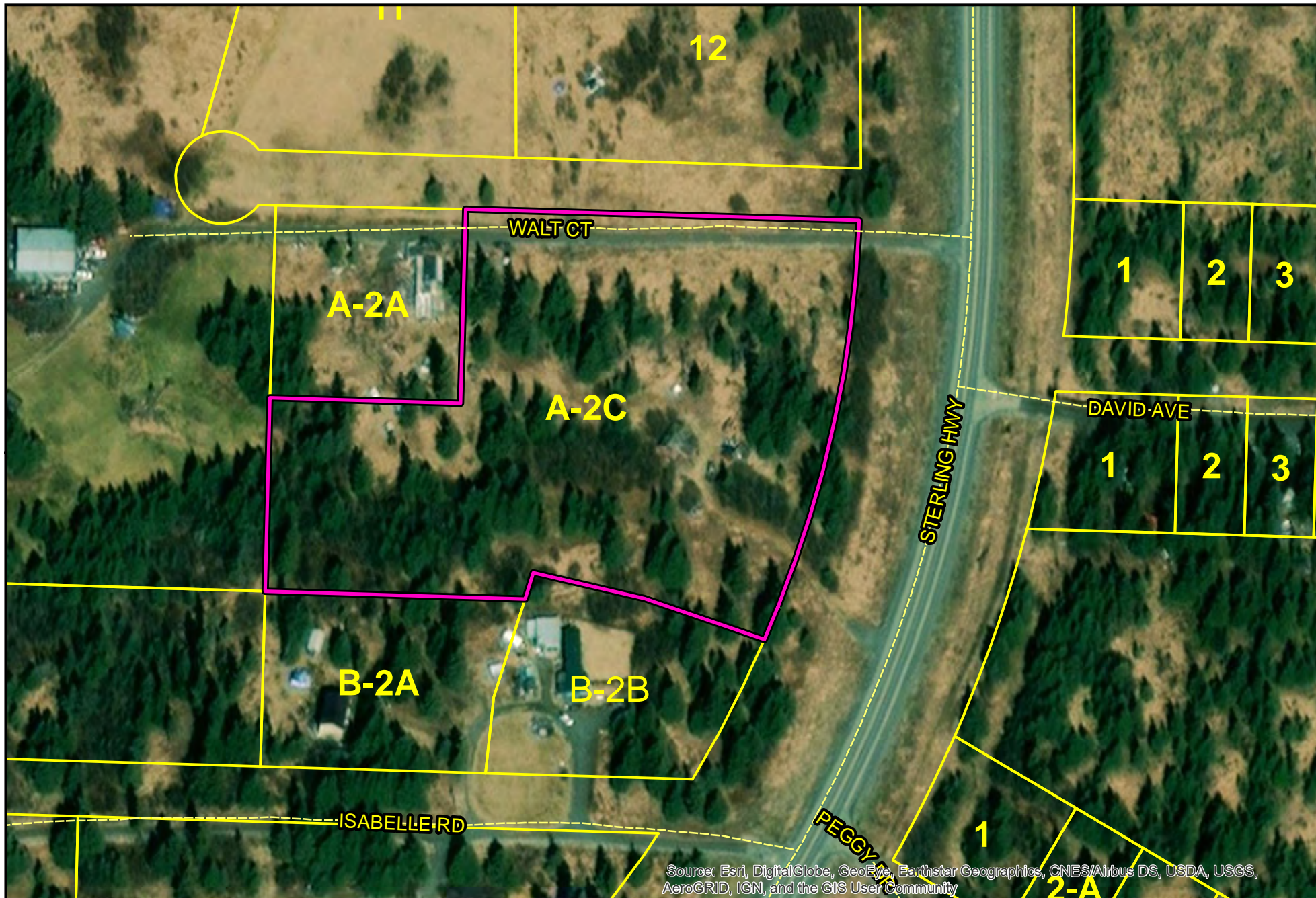
The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



**KPB 2021-069**  
**S36 T03S R15W**  
**HAPPY VALLEY**

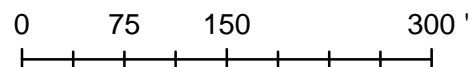
Date: 5/17/2021  
 PClements, KPB 2021-069





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

# Aerial View



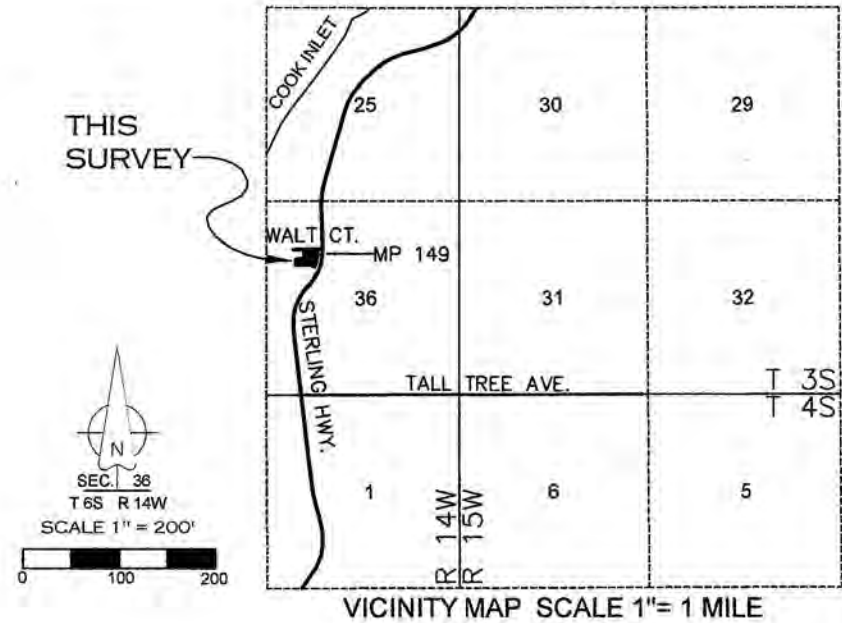
 PRELIMINARY PLAT

PClements, KPB 2021-069  
Date: 5/17/2021  
Imagery WORLD



- NOTES:
1. A BUILDING SETBACK OF 20 FEET IS REQUIRED FROM ALL STREET RIGHTS OF WAY UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
  2. THE FRONT 10 FEET OF THE 20 FOOT BUILDING SET BACK AND THE ENTIRE SETBACK WITHIN 5 FEET OF THE SIDE LOT LINES IS A UTILITY EASEMENT. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN THE UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF THE UTILITY TO USE THE EASEMENT.
  3. 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.
  4. THIS PROPERT MAY BE SUBJECT TO COVENANTS, CONDITIONS, OR DEED RESTRICTIONS RECORDED IN BK 42, PG 327 (#66-705 HRD).
  5. HOMER ELECTRIC ASSOCIATION, INC. WAS GRANTED AN EASEMENT (BK. 18 PG. 82 HRD) FOR FOR ELECTRIC LINES AND SYSTEM, WITH THE RIGHT TO ENTER, MAINTAIN, OR REPAIR AND CLEAR SHRUBBERY. NO DEFINITE LOCATION DISCLOSED.
  6. PER THE PARENT PLAT, MONUMENTATION SET ALONG THE NORTHERN EDGE OF WALT CT. RIGHT-OF-WAY IS NOT IN THE CORRECT POSITION.

- LEGEND:
- GLO BRASS CAP 191X 1/4 CORNER SECS 25 & 36
  - ⊕ FOUND 2 1/2" BRASS CAP (4725-S 1986) W 1/16TH SECS 25 & 36
  - ⓪ FOUND 5/8" REBAR WITH 2" ALUMINUM CAP (7610-S 2019)
  - FOUND 5/8" REBAR
  - SET 5/8" REBAR WITH 2" ALUMINUM CAP (10771-S 2021)



CERTIFICATE OF OWNERSHIP:

WE, THE UNDERSIGNED, HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREIN, AND WE HEREBY ADOPT THIS SUBDIVISION PLAN AND BY OUR FREE CONSENT GRANT ALL EASEMENTS TO USE SHOWN.

WALT BLAUVELT  
PO BOX 1096  
HOMER, AK 99603

BRANDI BLAUVELT  
PO BOX 1096  
HOMER, AK 99603

NOTARY'S ACKNOWLEDGEMENT:

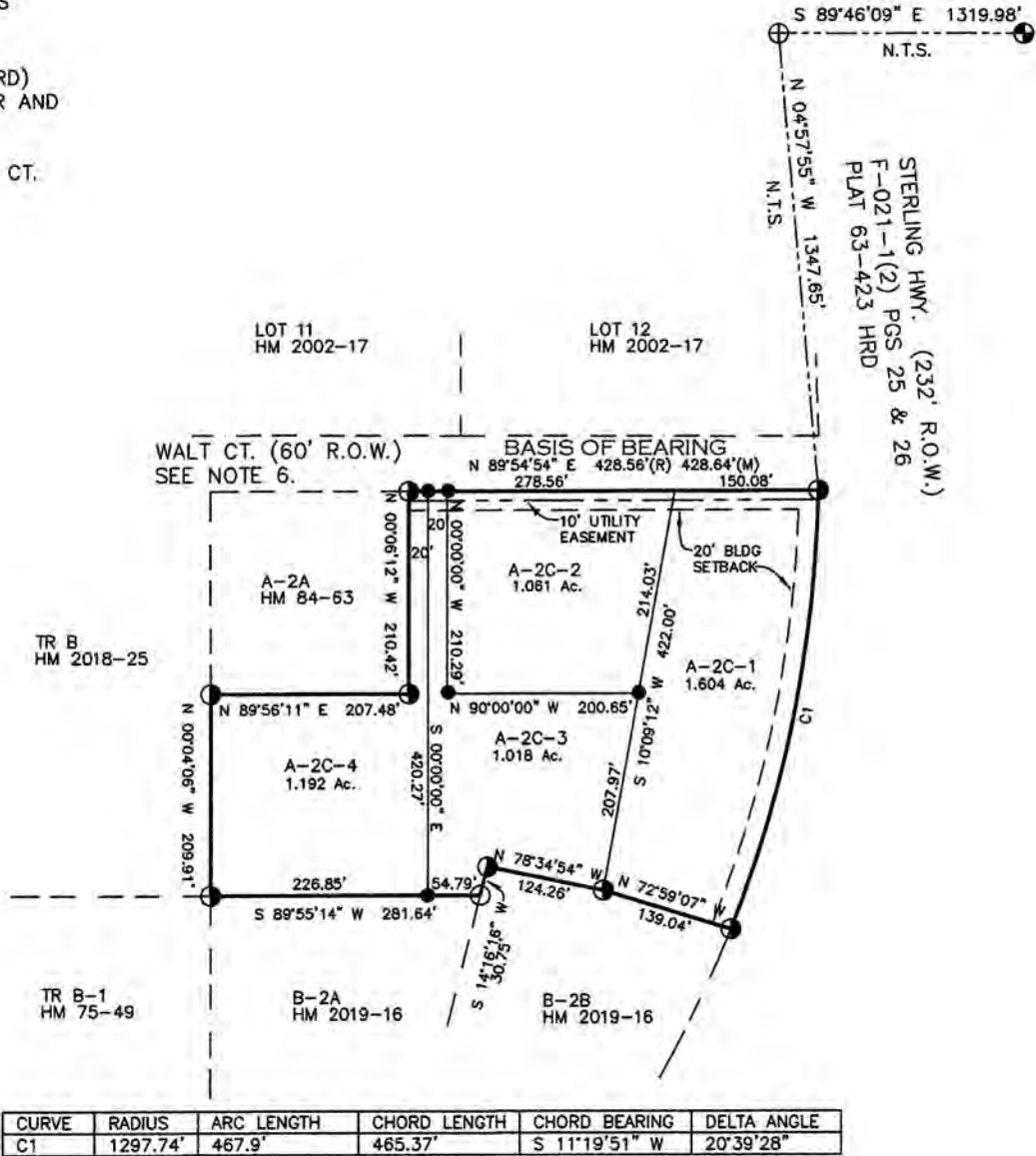
FOR: WALT BLAUVELT & BRANDI BLAUVELT

ACKNOWLEDGED BEFORE ME THIS  
DAY OF \_\_\_\_\_ 20\_\_

NOTARY PUBLIC FOR ALASKA  
MY COMMISSION EXPIRES

SURVEYORS CERTIFICATE:

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



PLAT APPROVAL:

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

KENAI PENINSULA BOROUGH

BY: \_\_\_\_\_

AUTHORIZED OFFICIAL:

WASTEWATER DISPOSAL:

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

ENGINEER LICENSE # DATE

KPB 2021-069

J BOOTH RECREATIONAL SUBD 2019 BLAUVELT ADDITION,  
K.P.B. FILE # 2021-  
A SUBDIVISION OF LOT A-2C, J BOOTH RECREATIOALL SUBD 2019 (HM2019-16), SECTION 36,  
TOWNSHIP 3 SOUTH, RANGE 15 WEST, SEWARD MERIDIAN,  
KENAI PENINSULA BOROUGH, ALASKA. HOMER RECORDING DISTRICT.  
containing 4.596 acres.  
OWNERS: WALT & BRANDI BLAUVELT  
PO BOX 1096 ANCHOR POINT, AK 99556

FINELINE SURVEYS  
P.O. Box 774  
ANCHOR POINT, ALASKA 99556  
DMITRI D. KIMBRELL, RLS (907) 360 6382  
SCALE: 1"=200' DATE: 4/10/2021



AGENDA ITEM E. NEW BUSINESS

ITEM 2 – J BOOTH RECREATIONAL SUBD 2019 BLAUVELT ADDITION

KPB File No.	2021-069
Plat Committee Meeting:	September 27, 2021
Applicant / Owner:	Walter and Brandi Blauvelt of Anchor Point, Alaska
Surveyor:	Dmitri Kimbrell / FineLine Surveys
General Location:	Happy Valley / Anchor Point APC

Parent Parcel No.:	159-310-17
Legal Description:	Lot A-2C, J Booth Recreational Subd 2019 (HM 2019-16)
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On-Site

STAFF REPORT

**Specific Request / Scope of Subdivision:** The proposed plat will subdivide a 4.88 acre parcel into four lots ranging in size from 1.018 acres to 1.604 acres.

**Legal Access (existing and proposed):** The subdivision is located in the Happy Valley area near mile 149 of state maintained, Sterling Highway.

All lots have legal access from Walt Court, a 60 foot wide right of way that runs east-west along the northern boundary of the subdivision. The southern 30 feet of Walt Court was originally dedicated as Walt Road on Plat HM 75-49. The northern 30 feet was dedicated as a partial cul-de-sac with the name Walt Court on Plat HM 2002-17. J. Booth Recreational Sub Olsgard Replat, Plat HM 2003-39, vacated the western 400 feet and dedicated the remaining portion of the cul-de-sac bulb.

Access, with state approval, is available to proposed Lot A-2C-1 via the Sterling Highway.

Walt Court is constructed but the Kenai Peninsula Borough does not provide maintenance. KPB GIS Imagery shows that the right of way may not be constructed within the dedicated right of way. The parent plat noted that the surveyor thought the basis of bearings on parent plats were based on erroneous information due to disturbed monuments. If true, this could result in errors of geometric symmetry and the width of Walt Court. **Staff recommends the surveyor verify the boundary of the subdivision and determine if any portions of Walt Court are within the proposed lots. Right of way across private property may require a realignment of the constructed right of way or easement/additional right of way width being granted.**

The block is closed but not compliant. The Sterling Highway, Isabelle Road, Moore Street and section line easements define the block. The original design of Walt Road would have improved the block but it was approved to be vacated and end with a cul-de-sac. **Staff recommends the plat committee concur that an exception is not required, as any road dedications required will not improve the block length.**

KPB Roads Dept. comments	Out of Jurisdiction: No Roads Director: Painter, Jed Comments: No comments
SOA DOT comments	The ROW for Sterling Hwy is as shown on SOA/DOH Right of Way Map F-021-1(2) (Plat 63-423 HRD) and appears to be shown correctly.

**Site Investigation:** The area within the subdivision boundary appears to be relatively flat. Per KPB GIS data, there

are no low wet areas present within the proposed subdivision.

River Center Review	<p>A. Floodplain Reviewer: Carver, Nancy Floodplain Status: IS in flood hazard area Comments: Flood Zone: D Map Panel: 02122C-1820E In Floodway: False Floodway Panel:</p> <p>B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments</p> <p>C. State Parks Reviewer: Russell, Pam Comments: No Comments</p>
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**Staff Analysis** The proposed subdivision will be dividing a 4.88 acre lot into 4 lots. Two of the lots are proposed as flag lots.

The property within the subdivision was originally shown on J. Booth Recreational Subdivision, Plat HM 66-643, but the large acreage lot was only surveyed along the Sterling Highway. A survey was performed that further subdivided that large acreage lot, J Booth Recreational Subdivision of Lot 1 Block 1, Plat HM 73-1465. Several replats have occurred through the years. J. Booth Recreational Subdivision 2019, Plat HM 2019-16, resulted in the current lot configuration.

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.

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** J Booth Recreational Subdivision Resub of Parcels A, B & D, Plat HM 75-49, granted a 5 foot utility easement along Walt Road (Court). J Booth Recreational Subdivision Unit 5, Plat HM 84-63, granted additional utility easement along Walt Court creating a 10 foot wide utility easement. This is depicted on the plat. **Staff recommends** a label be added to note it was granted by HM 84-63.

The parent plat, HM 2019-16, granted a 20 foot wide electric distribution line easement centered on the existing overhead powerline, guys, and anchors. The depiction of that easement is along the Sterling Highway within proposed Lot A-2C-1. **Staff recommends** the powerline be depicted and reference a plat note that carries over the parent plat note and states granted by HM 2019-16.

Homer Electric Association has requested an additional 10 foot utility easement within Lot A-2C-1 along the flag of Lot A-2C-3. **Staff recommends** depict the requested easement and include a label or note stating it is being granted by this plat.

Plat note 2 indicates the plat will comply with code by making the front 10 feet adjacent to right of ways a utility easement. It also intends to grant 20 feet within 5 feet of the side lot lines as easement. **Staff recommends** the

Page 2 of 7

utility easement depiction be updated to include the 20 feet within 5 feet of the side lot lines and include the depiction along the Sterling Highway.

**Utility provider review:**

HEA	HEA requests a 10 foot utility easement.
ENSTAR	No comments or objections
ACS	
GCI	Approved as shown

**KPB department / agency review:**

Addressing – Derek Haws	<p>Affected Addresses: 27275 STERLING HWY</p> <p>Existing Street Names are Correct: Yes List of Correct Street Names: STERLING HWY WALT CT</p> <p>Existing Street Name Corrections Needed:</p> <p>All New Street Names are Approved: No</p> <p>List of Approved Street Names:</p> <p>List of Street Names Denied:</p> <p>Comments: 27275 STERLING HWY will be deleted and new addresses assigned upon request.</p>
Code Compliance – Eric Ogren	No comments.
Planner – Bryan Taylor	There are no local option zoning district issues or material site issues associated with this subdivision.
Assessing – Matt Bruns	No concerns from Assessing Department.
Advisory Planning Commission	Not available when 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**

**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 "Recreational" in the parent subdivision name.
- Include NW1/4 in the description

- Verify acreage, KPB Assessing shows the parent parcel as 4.88 acres as does the adding of the listed acreage on the proposed lots.
  - Update Mr. Blauvelt's name to Walter.
  - The PO Box shown on Assessing records is PO Box 85. Verify with the owner the correct PO Box. If 85 is not the correct box number they should contact the KPB Assessing office to update their 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:**
- The range labels need to be switched.
  - Stariski Creek goes through the majority of the area depicted within the vicinity map. Include a depiction and label.
- J. Block and lot numbering per KPB 20.60.140, approximate dimensions and total numbers of proposed lots;  
**Staff recommendation:** *the lot designations are lengthy. Staff recommends changing the lot numbers to A-3, A-4, A-5, and A-6. If the owners wish to try a different series of lot numbers, they should contact staff to see if they comply.*
- N. Apparent encroachments, with a statement indicating how the encroachments will be resolved prior to final plat approval;  
**Staff recommendation:** *Per KPB GIS imagery, a structure may be crossing the lot line between A-2A and proposed A-2C-4. The imagery is not clear but it does appear that there may be multiple structures throughout the proposed subdivision. These may be temporary or moveable structures. New lot lines cannot be created knowing an encroachment issue will be created. Verify during the field survey if there are any encroachments. Let staff know in writing if any encroachments exist and how they are will be resolved. If one is present, additional plat notes may be required.*

---

### KPB 20.30 – Subdivision Design Requirements

#### 20.30.190. Lots-Dimensions.

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

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

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

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### KPB 20.40 – Wastewater Disposal

#### 20.40.010 Wastewater disposal.

**Platting Staff Comments:** *Soils analysis required and 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.

20.60.070. Plat specifications. The final subdivision plat shall be clearly and legibly drawn to a scale of 1 inch equal to 10, 20, 30, 40, 50, 60, 150 feet or a multiple of 100 feet. The drawing shall be plotted on good quality polyester film at least 3 mm in thickness. All lines, letters, figures, certifications, acknowledgements and signatures shall be clear, legible, and in black ink. The minimum text size should be 10 point (0.1") font or the equivalent. Where necessary, 8 point (0.08") capitalized font or the equivalent can be used to label features. The plat shall be so made, and shall be in such condition when filed, that legible prints and negatives can be made therefrom. Colors, grayscale or shading is not acceptable as it does not show when the drawing is reproduced. Sheets shall be one of these sizes: 11" x 17"; 18" x 24"; and 24" or 30" x 36". When more than one sheet is required, an index map shall be provided on the first sheet showing the entire subdivision and indicating the portion contained on each sheet. Each sheet shall show the total number (e.g. sheet 1 of 3). When more than one sheet is submitted, all sheets shall be the same size. Indelible ink or sealant shall be used to insure permanency.

**Staff recommendation:** comply with 20.60.070. The font size will need to be increased so all labels are a minimum of 10 point font (0.1") or larger. Staff would also like to point out the margins on the plat are less than the State DNR standard of 1 inch on all sides with a 1.5" on the binding side. The DNR recorder's office will review this on a case-by-case basis but staff encourages a minimum 1 inch margin on all plats.

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:** Lot numbers need to be shortened.

20.60.180. Plat notes.

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

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

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

- No access to state maintained rights-of-way permitted unless approved by the State of Alaska Department of Transportation.
- The borough will not enforce private covenants, easements, or deed restrictions per KPB 20.60.170.
- A note should be added for any code exceptions and the date granted.
- Per the certificate to plat, the property is subject to a reservation easement. Add, "Subject to reservation of an easement for highway purposes as disclosed by Public Land Order No. 601, dated August 10, 1949 and amended by Public Land Order 757, dated October 10, 1959; Public Land Order No. 1613, dated April 7, 1958; and Department of the Interior Order No. 2665, dated October 16, 1951, Amendment No. 1, thereto, dated July 17, 1952 and Amendment No. 2, thereto, dated September 15, 1956, filed in the Federal Register."
- If encroachments are found add, "Acceptance of this plat by the Kenai Peninsula Borough does not indicate acceptance of any encroachments."
- No structures are permitted within the panhandle portion of the flag lot(s).
- If the exception and design of the flag lots are approved and the exception granted add, "Possible limitations on further subdivision based on access issues, development trends in the area, or topography."

- *Depict the easement granted by parent plat and refer to plat note that states, "Existing overhead powerlines, poles, guys and anchors as shown are the centerline of a 20 foot wide electric distribution line easement, granted by HM 2019-16."*

*Plat note correction.*

- *Per KPB GIS data, no wetlands are present within the boundary of the proposed subdivision. If low wet areas are detected during the field survey they should be depicted on the plat. If there are no wet areas present, plat note 3 may be removed.*
- *Plat note 4, add "Serial" in front of "#66-705 HRD".*
- *Plat note 5, update the page number to 97 and remove the duplicate "for".*

20.60.190. Certificates, statements, and signatures required.

**Staff recommendation:** *Names must be shown as they appear on the title report. Change Mr. Blauvelt's name on signature line and within notary's acknowledgment to "Walter". Verify the owners' address as KPB Assessing records show PO Box 85, Anchor Point, AK 99556. Comply with 20.60.190.*

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### **EXCEPTIONS REQUESTED:**

#### **KPB 20.30.190(B) – Lots-Dimensions**

##### **Surveyor Discussion:**

**Staff Discussion:** Per KPB Code 20.30.190(B), a flag lot with the access portion less than 60 feet wide may not exceed 150 feet in length. The flags for lots A-2C-4 and A-2C-3 are 20 feet in width and 210 feet in length.

The area is not affected by steep slopes or wetlands.

Access to the southwest area of the parent parcel is limited due to the location of Tract A-2A and the development to the south. Tract B, to the west, is a large tract.

If the exception is denied, a redesign will be required that provides for a 60 foot wide dedicated cul-de-sac right of way.

##### **Findings:**

1. Two flag lots are being created with the flag portion being 210 feet in length.
2. The two flag lots have an access width of 20 feet each.
3. KPB Code states any flag less than 60 feet cannot exceed 150 feet in length.
4. Flag limitations are to allow for practical access to the building site portion of the parcel.
5. The lots being created are 1.192 acres and 1.018 acres, including the flag portions.
6. The lots to the south of the subdivision have improvements that would limit a future right of way connection.
7. A 60 foot right of way dedication in place of the flags will require a redesign on the subdivision to comply with KPB design standards.
8. Access to the southwest area of the parent parcel is limited due to the location of Tract A-2A and the development to the south.
9. Due to the square footage of the lots, additional subdividing of the flag lots will be unlikely unless community water and/or wastewater disposal are available.

**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 6-9 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 6-9 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 6-9 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.

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**RECOMMENDATION:**

**SUBJECT TO EXCEPTION(S) GRANTED, STAFF RECOMMENDS:**

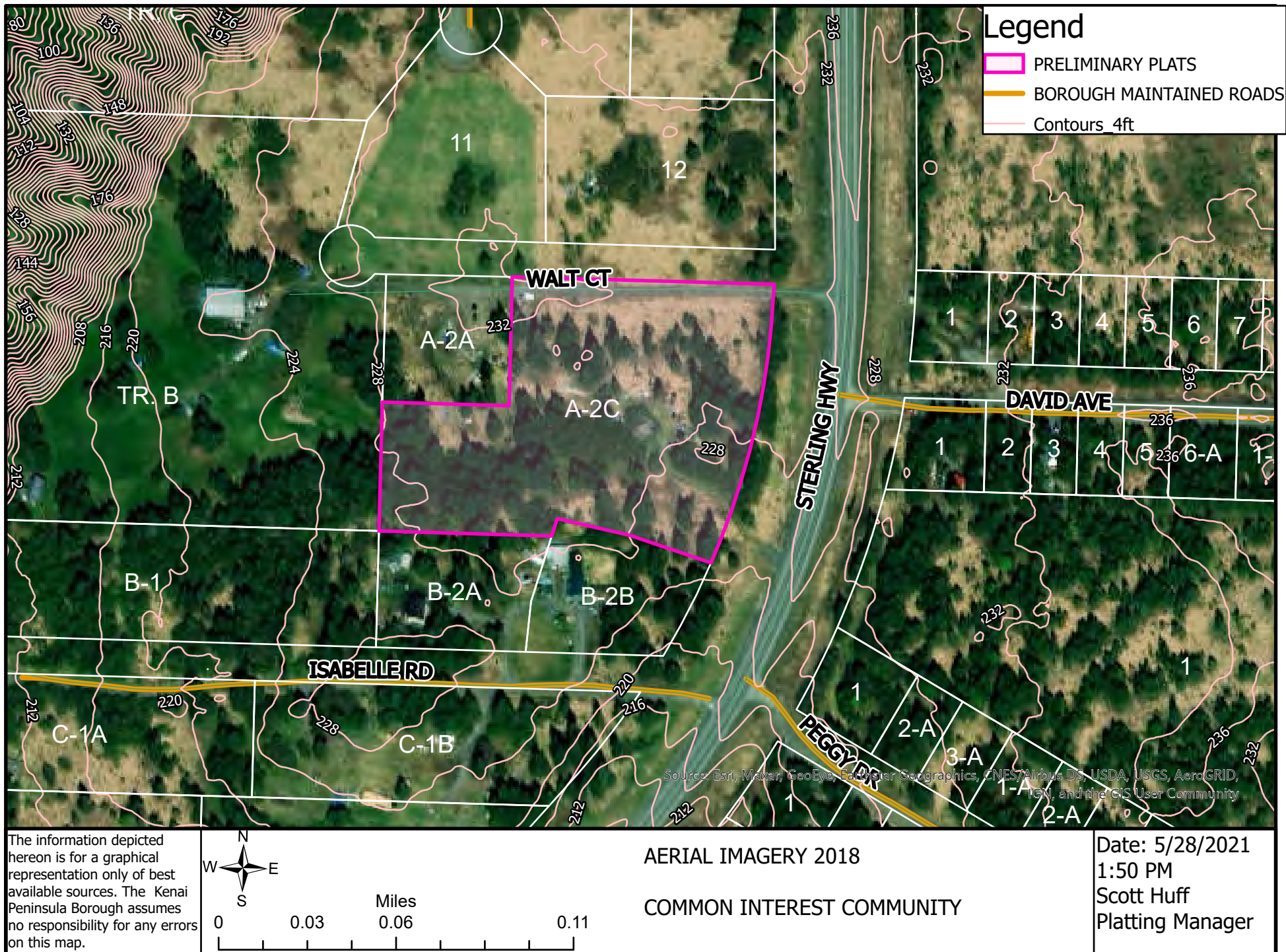
- GRANT APPROVAL OF THE PRELIMINARY PLAT SUBJECT TO STAFF RECOMMENDATIONS, AND
- COMPLIANCE WITH KPB 20.25.070 (FORM AND CONTENTS), KPB 20.25.080 (PETITION REQUIRED), KPB 20.30 (DESIGN REQUIREMENTS); AND KPB 20.40 (WASTEWATER DISPOSAL), AND
- COMPLIANCE WITH KPB 20.60 TO ENSURE ADMINISTRATIVE APPROVAL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







### J Booth Recreational Subd. 2019 Blauvelt Addition KPB File 2021-069



# CERTIFICATE OF OWNERSHIP

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

*Corkey W. Harris*  
CORKEY W. HARRIS  
FOR LOT A-2B  
1605 W JAIME MARIE CIR  
WASILLA, AK 99654-8733

*Ricky D. Boyd*  
RICKY D. BOYD  
FOR PARCEL B2  
1416 REDMOND AVE  
NORTH POLE, AK 99705

*Tamara L. Boyd*  
TAMARA L. BOYD  
FOR PARCEL B2  
1416 REDMOND AVE  
NORTH POLE, AK 99705

*Shawn McDonough*  
SHAWN MCDONOUGH aka SEAN MCDONOUGH  
FOR PARCEL B2  
P.O. BOX 346  
ANCHOR POINT, AK 99556-0346

## NOTARY'S ACKNOWLEDGMENT

For CORKEY W. HARRIS  
Acknowledged before me this 17<sup>th</sup> day of June 2019.  
*William Sloan*  
Notary public for Alaska My Commission Expires 11/21/2019

## NOTARY'S ACKNOWLEDGMENT

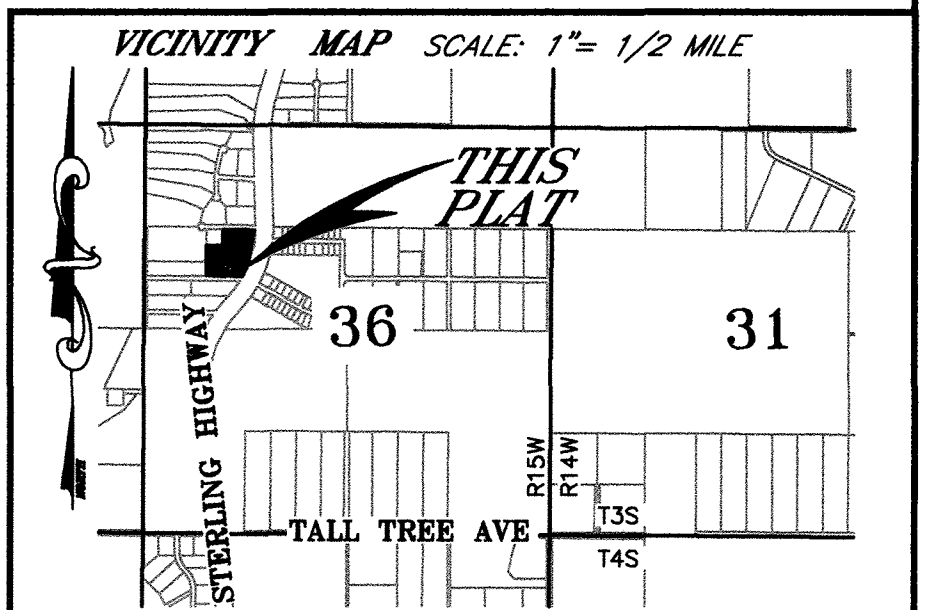
For RICKY D. BOYD  
Acknowledged before me this 4<sup>th</sup> day of June 2019.  
*William Sloan*  
Notary public for Alaska My Commission Expires 11/21/2019

## NOTARY'S ACKNOWLEDGMENT

For TAMARA L. BOYD  
Acknowledged before me this 4<sup>th</sup> day of June 2019.  
*William Sloan*  
Notary public for Alaska My Commission Expires 11/21/2019

## NOTARY'S ACKNOWLEDGMENT

For SHAWN MCDONOUGH  
Acknowledged before me this 24<sup>th</sup> day of May 2019.  
*William Sloan*  
Notary public for Alaska My Commission Expires 11/21/2019



DATE	4/22/2019
SCALE	1" = 80'
GRID No.	NL-63
JOB No.	5050
DRAWING:	5050FINAL

**J. BOOTH RECREATIONAL SUBDIVISION 2019**  
A RE-SUBDIVISION OF LOT B-2, AS SHOWN ON J. BOOTH RECREATIONAL SUBDIVISION PLAT OF PARCELS A-1 & A-2, B-1 & B-2, C-1 & D-1 & D-2 (PLAT NO. 75-49) TOGETHER WITH LOT A-2B, AS SHOWN ON J. BOOTH RECREATIONAL SUBDIVISION UNIT 5 (PLAT NO. 84-63), WITHIN NW 1/4 SEC. 36, T3S, R15W, S.M., KENAI PENINSULA BOROUGH, HOMER RECORDING DISTRICT, STATE OF ALASKA CONTAINING 7.131 ACRES

OWNERS:  
CORKEY W. HARRIS  
1605 W JAIME MARIE CIR  
WASILLA, AK 99654-8733

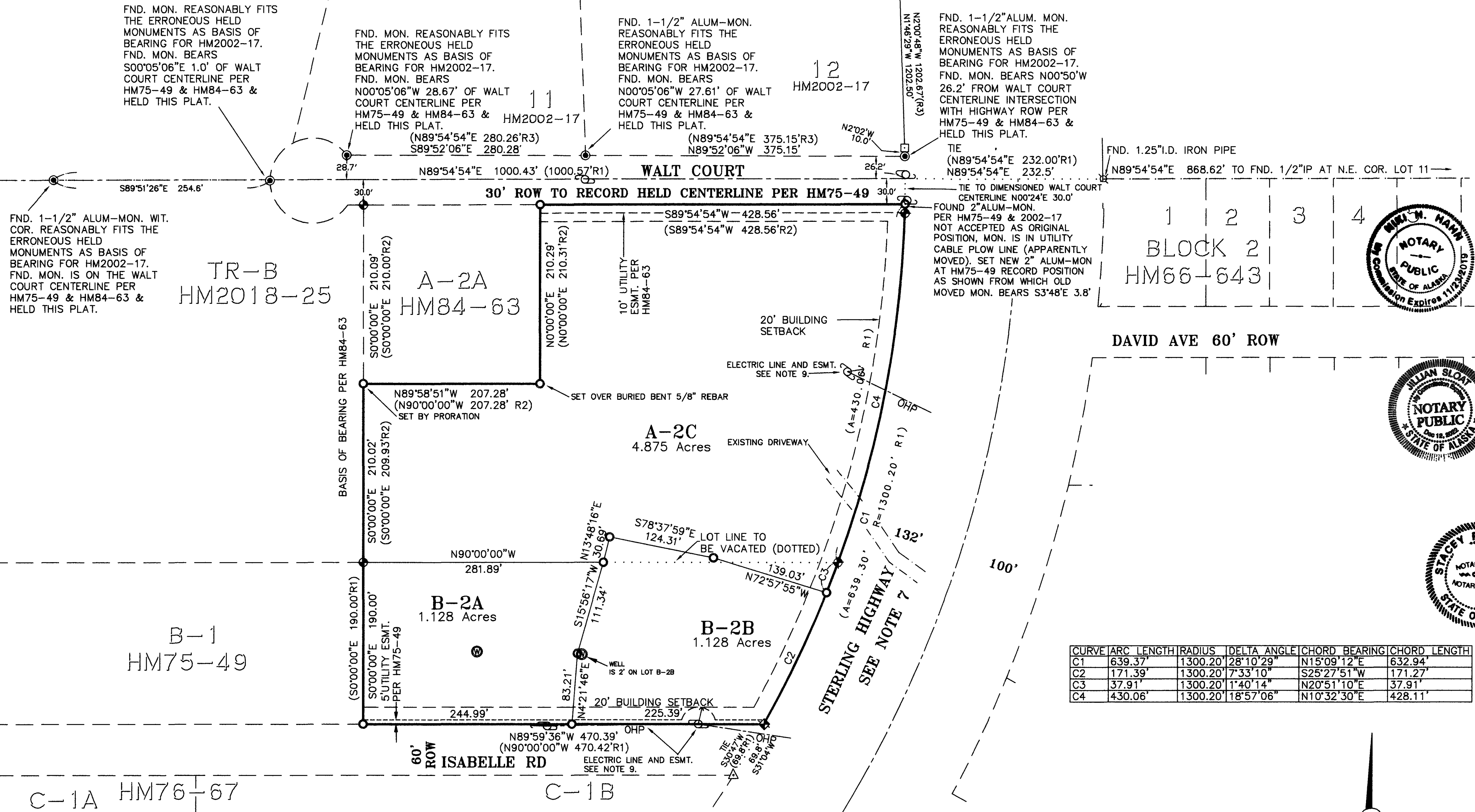
RICKY D. BOYD  
1416 REDMOND AVE  
NORTH POLE, AK 99705

SEAN MCDONOUGH  
P.O. BOX 346  
ANCHOR POINT, AK 99556

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

Sheet 1 of 1

N1/16 COR.  
(NOT SET  
UNSTABLE LOCATION)  
(COMPUTED BY BEARING-BEARING INTERSECTION)



CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	639.37'	1300.20'	28°10'29"	N15°09'12"E	632.94'
C2	171.39'	1300.20'	7°33'10"	S25°27'51"W	171.27'
C3	37.91'	1300.20'	1°40'14"	N20°51'10"E	37.91'
C4	430.06'	1300.20'	18°57'06"	N10°32'30"E	428.11'

## LEGEND

- FOUND 2" ALUM.-CAP ON 5/8" REBAR BY 1301-S, 1984
- FOUND NAIL IN TOP OF 8"X 8" CONCRETE ROW MONUMENT
- FOUND 1-1/2" ALUM.-CAP ON 5/8" REBAR BY 5152-S, 2002
- SET 2" ALUM.-CAP ON 5/8" REBAR, 7610-S, 2019
- FOUND 3" ORANGE PLASTIC CAP ON 5/8" REBAR, BY 7614-S,
- FOUND 2X2 WOOD HUB PER HM75-49
- FOUND 2.5" GLO BC (1919), 1/4 CORNER SEC'S 35 & 36
- FOUND MONUMENT AS DESCRIBED.
- (R1) RECORD DATA PER HM75-49
- (R2) RECORD DATA PER HM84-63
- (R3) RECORD DATA PER HM2002-17
- (R4) RECORD DATA PER HM2003-39
- 6" CASSED WELL
- POWER POLE WITH 20' ANCHOR
- COMPUTED

## WASTEWATER DISPOSAL

LOT A-2C IS AT LEAST 200,000 SQUARE FEET, OR NOMINAL 5 ACRES IN SIZE AND CONDITIONS MAY NOT BE SUITABLE FOR ONSITE WASTEWATER TREATMENT AND DISPOSAL. ANY WASTEWATER TREATMENT OR DISPOSAL SYSTEM MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

SOIL CONDITIONS, WATER TABLE LEVELS, AND SOIL SLOPES OF LOTS B-2A AND B-2B 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.

*D. Anderson*  
ENGINEER  
CE4122  
4/12/19  
DATE

## PLAT APPROVAL

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of 1/22/2019.

KENAI PENINSULA BOROUGH

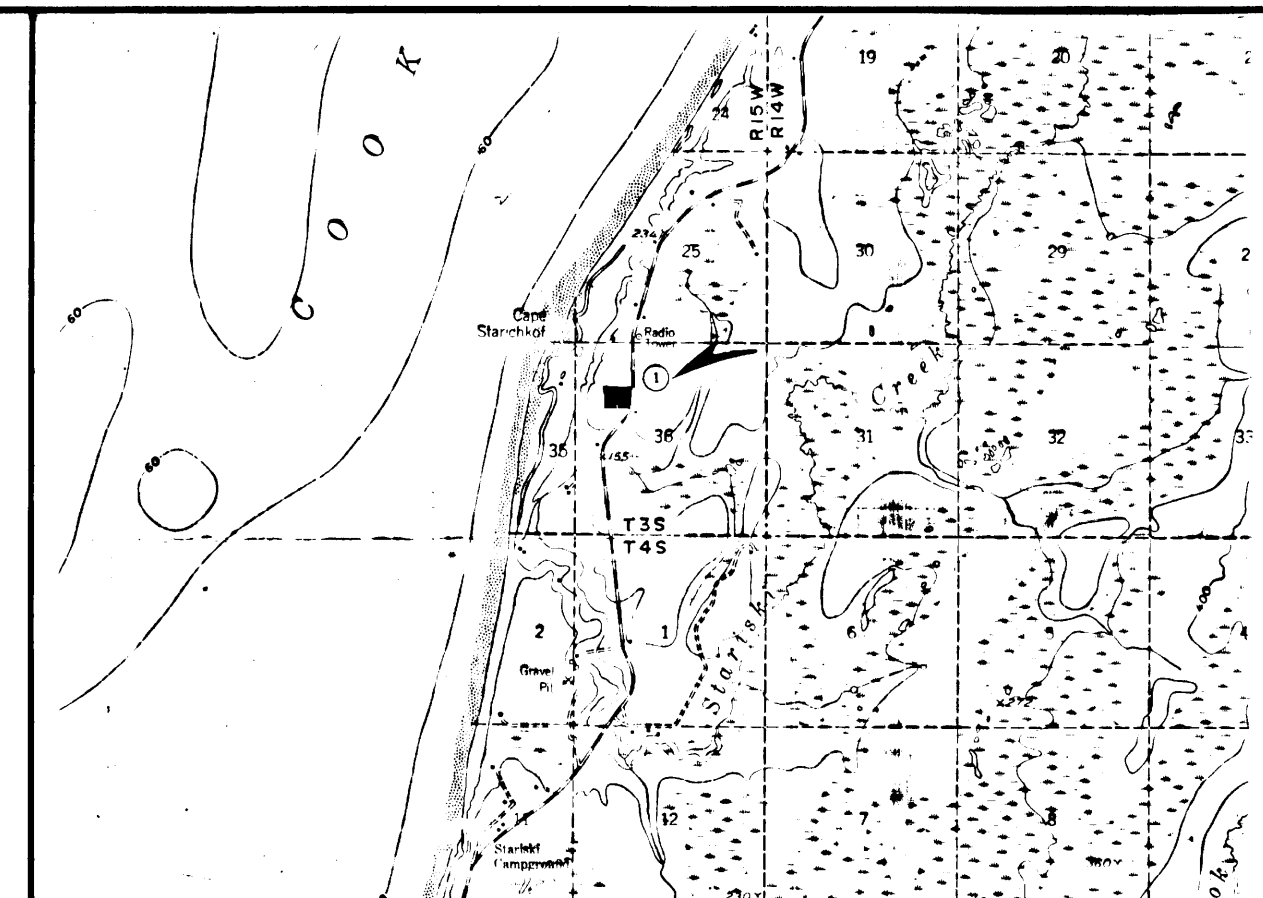
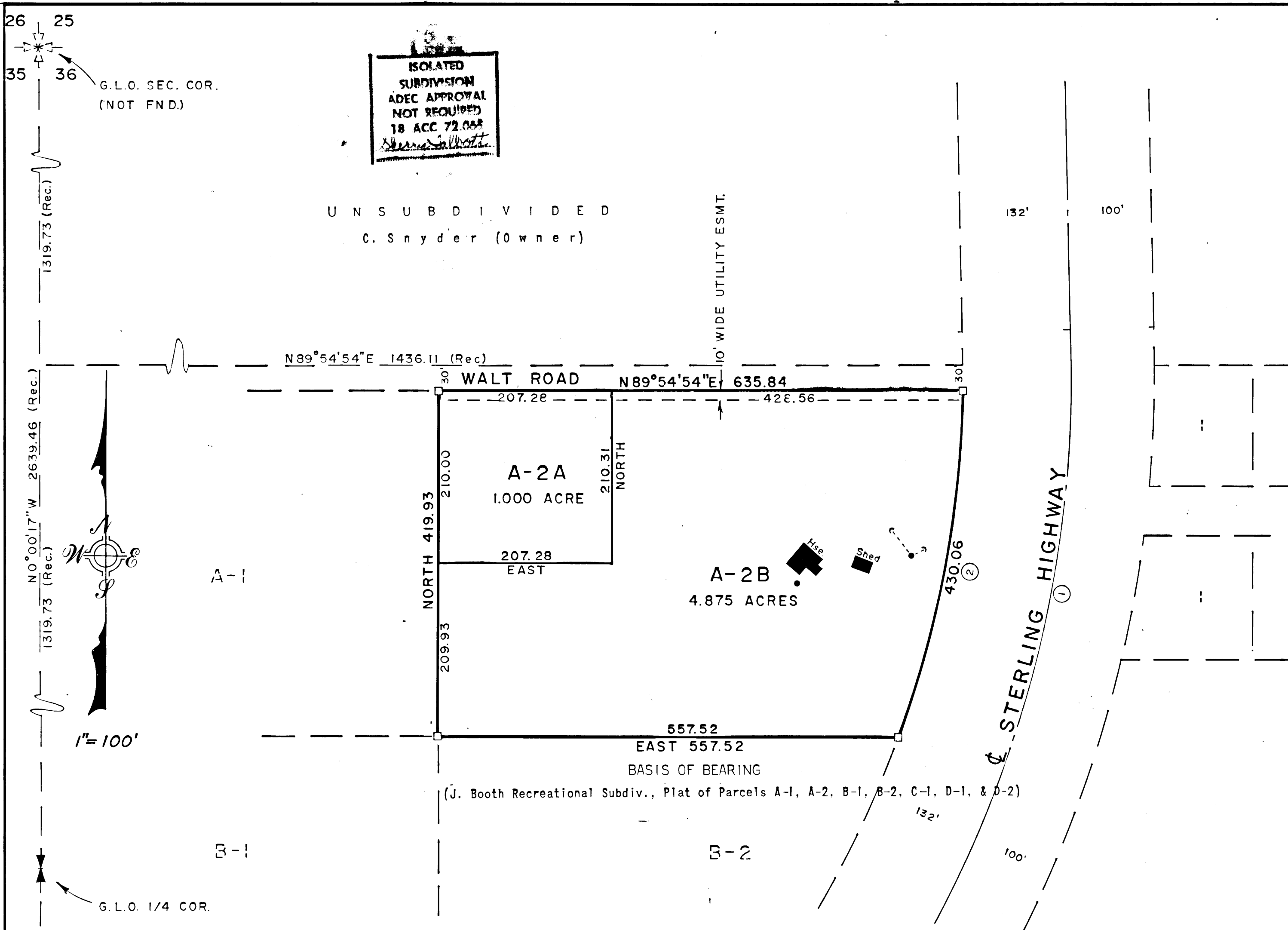
BY *Max Bick* 7-31-2019  
Authorized Official

2019-16  
PLAT #  
*Homer*  
Rec Dist  
08/02/2019  
Date  
Time 02:28 P.M.

KPB FILE No. 2018-154

## NOTES

- A BUILDING SETBACK OF 20 FEET IS REQUIRED FROM ALL STREET RIGHTS-OF-WAY UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
- NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
- NO DIRECT ACCESS TO STATE MAINTAINED R.O.W. PERMITTED UNLESS APPROVED BY 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).
- WALT ROAD RIGHT-OF-WAY AND ASSOCIATED PLATS; IT IS THIS SURVEYOR'S OPINION THAT PLATS 2002-17, 2003-39, AND 2018-25 ARE BASED ON ERRONEOUS BASIS OF BEARING, BASED PARTIALLY ON A 2 INCH ALUMINUM CAP ON A 5/8 INCH REBAR SET BY 1301-S IN 1984 AT THE NORTHEAST CORNER OF LOT A-2B (HM84-63). THIS SURVEYOR BELIEVES SAID MONUMENT WAS MOVED PRIOR TO THE SURVEY OF HM2002-17. SAID MONUMENT WAS FOUND BY THIS SURVEYOR TO BE IN A BURIED UTILITY PLOW LINE AND THE REBAR HAS A BEND IN IT AS IF IT HAD BEEN DISTURBED. THIS SURVEYOR BELIEVES THE EVIDENCE SHOWS THE MONUMENT HAD BEEN ACCEPTED AND USED AS A BASIS OF BEARING FOR HM2002-17 WHICH SUBSEQUENTLY WAS USED FOR HM2003-39 AND HM2018-25. THIS RESULTS IN SIGNIFICANT ERRORS OF GEOMETRIC SYMMETRY AND WIDTH OF WALT COURT AS SHOWN ON THE AFOREMENTIONED PLATS, AND IN THE SOUTH AND WEST BOUNDARIES OF TRACT B OF HM2018-25.
- COVENANTS, CONDITIONS, AND RESTRICTIONS RECORDED IN BOOK 42, PAGE 327 (SERIAL NO. 66-705) HRD, MAY AFFECT THIS SUBDIVISION.
- STERLING HIGHWAY: RESERVATION OF EASEMENT FOR HIGHWAY PURPOSES, AND ANY ASSIGNMENTS OR USES THEREOF FOR RECREATIONAL, UTILITY OR OTHER PURPOSES, AS DISCLOSED BY PUBLIC LAND ORDER NO. 601, DATED AUGUST 10, 1949 AND AMENDED BY PUBLIC LAND ORDER NO. 757, DATED OCTOBER 10, 1959; PUBLIC LAND ORDER NO. 1613, DATED APRIL 7, 1958; AND DEPARTMENT OF THE INTERIOR ORDER NO. 2665, DATED OCTOBER 16, 1951, AMENDMENT NO. 1 THERETO DATED JULY 17, 1952, AND AMENDMENT NO. 2 THERETO DATED SEPTEMBER 15, 1956, FILED IN THE FEDERAL REGISTER. SEE ALSO ALASKA DEPARTMENT OF TRANSPORTATION'S DEPARTMENT OF HIGHWAY'S RIGHT-OF-WAY PLAT FOR PROJECT F-021-1(2), SHEETS 25, & 26 OF 38 RECORDED 5/27/1963 AS PLAT #63-423 HRD.
- BOOK 18, PAGE 92 HRD, CONTAINS AN EASEMENT TO HOMER ELECTRIC ASSOCIATION, FOR ELECTRIC LINES OR SYSTEM WITH A RIGHT TO ENTER, MAINTAIN, REPAIR AND CLEAR SHRUBBERY (WITH NO DEFINITE LOCATION DISCLOSED).
- EXISTING OVERHEAD POWERLINES, POLES, GUYS AND ANCHORS (SHOWN HEREON) ARE THE CENTERLINE OF A 20 FEET WIDE ELECTRIC DISTRIBUTION LINE EASEMENT, GRANTED THIS PLAT.



VICINITY MAP

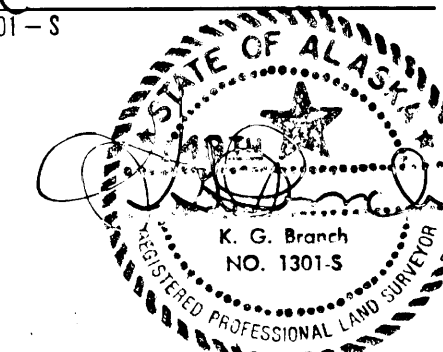
1" = 1 MILE

SURVEYORS CERTIFICATE

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

Date 6/18/84

Ken Branch  
Ken Branch, R.L.S. No. 1301-S  
Box 1295  
Homer, Alaska 99603



CERTIFICATE OF OWNERSHIP

I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I HEREBY ADOPT THIS PLAN OF SUBDIVISION AND DEDICATE ALL RIGHT OF WAYS AND PUBLIC AREAS TO THE PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

Date 6-21-84

Margaret E. Warren  
Margaret E. Warren  
Box 328  
Anchor Point, Alaska 99556

NOTARY'S ACKNOWLEDGEMENT

CERTIFICATE OF OWNERSHIP SUBSCRIBED AND SWORN TO BEFORE ME THIS 21 DAY OF June 1984.

Ken Branch  
Notary Public for the STATE OF ALASKA My Commission Expires: 5/06/87

J. BOOTH RECREATIONAL SUBDIVISION  
UNIT 5

A RESUBDIVISION OF PARCEL A-2 OF THE J. BOOTH RECREATIONAL SUBDIVISION INTO LOTS A-2A AND A-2B, SITUATED WITHIN A PORTION OF THE S1/2 NW1/4 OF SECTION 36, T3S, R15W, S.M., HOMER RECORDING DISTRICT, ALASKA.

Containing 5.875 Acres

PREPARED FOR	PREPARED BY	DATE
MARGARET E. WARREN	KEN BRANCH, R.L.S.	05/05/1984
BOX 328	BOX 1295	SCALE
ANCHOR PT, ALASKA 99556	HOMER, ALASKA 99603	1" = 100'

CURVE DATA

No.	ANGLE	RADIUS	TANGENT	CHORD	LENGTH
1	42°26'00"	1432.20	555.993	1036.614	1060.689
2	18°57'05"	1300.20	217.012	428.102	430.060

LEGEND

- — — — — INDICATES EXISTING LOT LINES
- — — — — INDICATES EXISTING 2" X 2" HUB AND TACK SET BY KEN BRANCH, RLS NO 1301 S IN 1975 RECOVERED THIS SURVEY AND REPLACED WITH STAMPED 2" DIA. ALCAP ON 5'8" X 38" REBAR.

NOTES

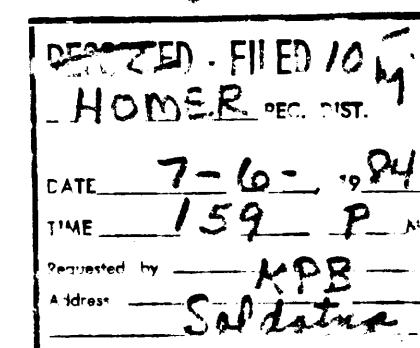
- All wastewater treatment and disposal systems shall COMPLY WITH EXISTING LAW AT TIME OF CONSTRUCTION.
- BUILDING SETBACK--All lots are subject to a 20' building setback from Street Right Of Ways, unless a lesser standard is approved by resolution of the appropriate Planning Commission.
- 5'8" X 38" Rebar with 2" Dia. Alcap, stamped and set at all lot corners this survey unless otherwise indicated.
- No direct access to the STERLING HIGHWAY will be permitted for any of the lots shown hereon, except the existing driveway for Lot A-2B, or unless approved by the State of Alaska, Dept. of Transportation.

PLAT APPROVAL

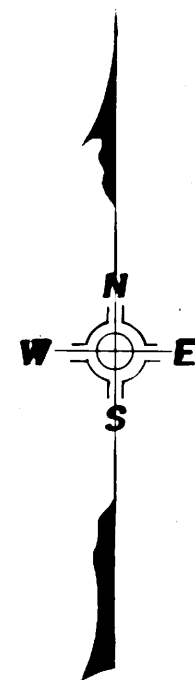
THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF JUNE 11, 1984.

Kenai Peninsula Borough

By: Ken Branch  
Authorized Official







1" = 100'

#### LEGEND

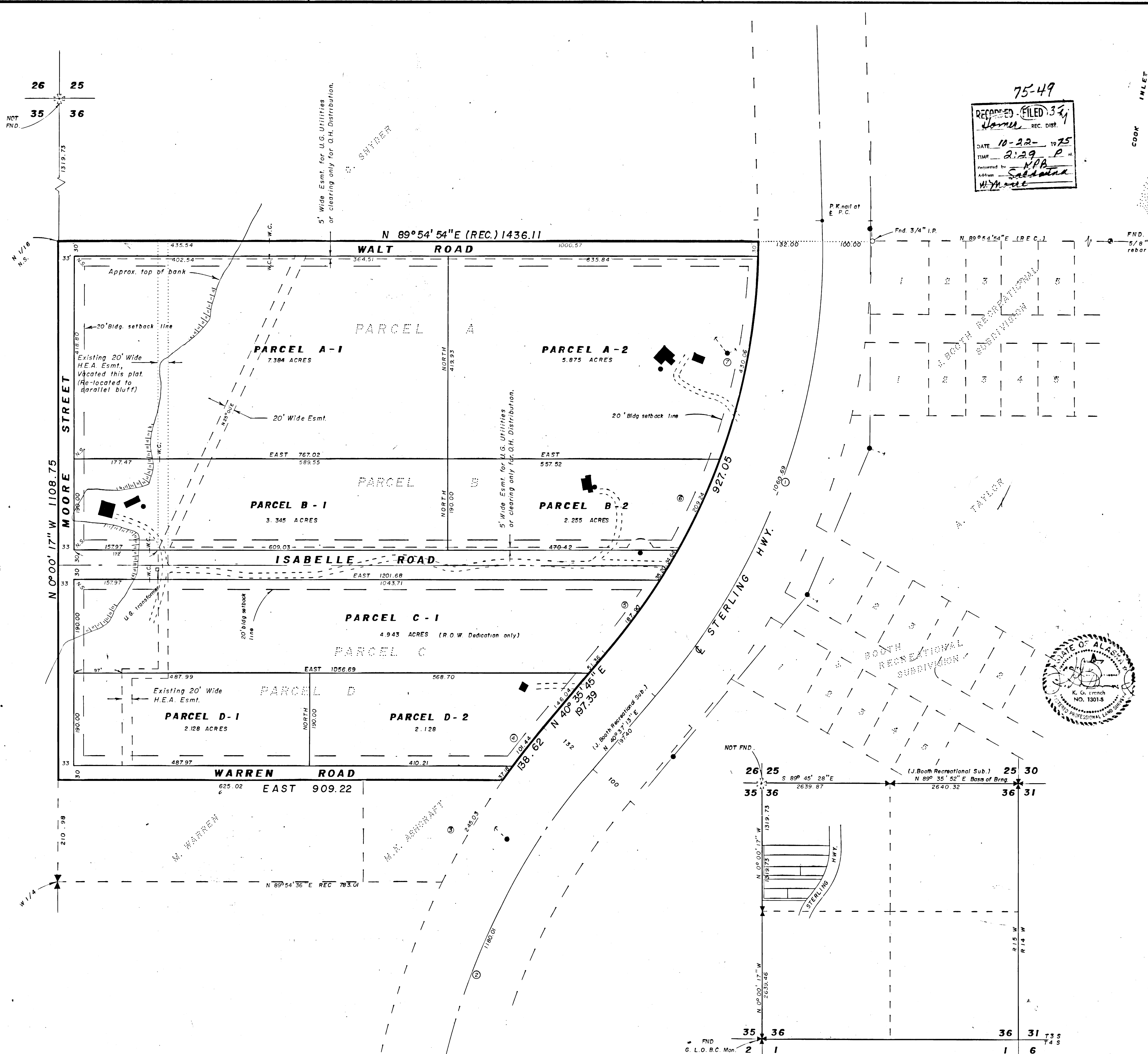
- Denotes existing buildings
- - - Denotes existing driveways
- Denotes existing H.E.A. powerpoles
- ✕ Denotes G.L.O. 1/4 cor. found this survey
- ✕ Denotes G.L.O. Sec. cor. found this survey
- N.S. Denotes corners NOT SET this survey due to unstable or inaccessible location.
- W.C. Denotes WITNESS CORNER set this survey.

#### NOTES

1. 2"x2" hub and tack set at all lot corners this survey.
2. See subdivision of Lot 1, Block 1 of the J. Booth Recreational Subdivision filed under Serial No. 73-001405 for plat of Parcels A, B, C & D.

#### CURVE DATA

no	angle	radius	tangent	chord	length
1	42°26'00"	1432.20	555.993	1036.614	1060.889
2	47°12'00"	1432.40	625.800	1146.920	1180.005
3	8°58'27"	1564.40	122.766	244.780	245.030
4	3°42'55"	1564.40	50.739	101.424	101.442
5	8°16'48"	1300.20	94.112	187.733	187.896
6	9°13'14"	1300.20	104.846	209.014	209.240
7	18°57'05"	1300.20	217.012	428.102	430.060



75-49

RECORDED FILED 33

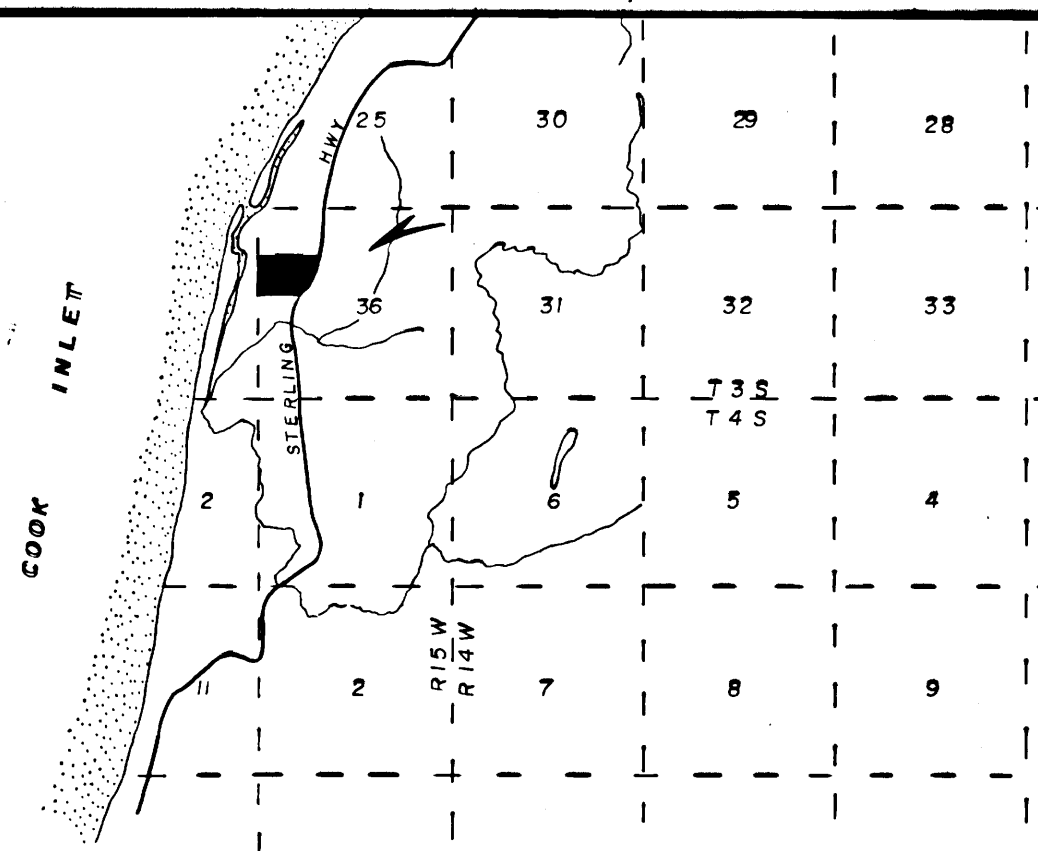
DATE 10-22-1975

TIME 2:29 P.M.

Surveyed by KPA

Address Seldovia

W. Moore



#### VICINITY MAP

1" = 1 MILE

#### CERTIFICATE OF OWNERSHIP

We hereby certify that we are the owners of the property shown and described hereon and that we hereby adopt this plan of subdivision with our free consent and dedicate all streets, easements and other open spaces to public use.

10/15/75 Margaret Warren  
DATE OWNER PARCEL A-1 & A-2

10/15/75 Gary A. Leabelle  
DATE OWNER PARCEL B-1

10/15/75 Gary A. Leabelle  
DATE OWNER PARCEL B-2

10/15/75 Gary A. Leabelle  
DATE OWNER PARCEL C-1

10/15/75 Gary A. Leabelle  
DATE OWNER PARCEL C-2

10/15/75 Gary A. Leabelle  
DATE OWNER PARCEL D-1

10/15/75 Gary A. Leabelle  
DATE OWNER PARCEL D-2

By W. Moore  
HIS ATTORNEY IN FACT

#### NOTARY'S ACKNOWLEDGEMENT

Certificate of ownership subscribed and sworn to before me this 15 day of October 1975.

Notary Public for Alaska

My Commission Expires 1-20-79

#### SURVEYOR'S CERTIFICATE

I hereby certify that I am a Registered Land Surveyor and that this plat represents a survey made under my direct supervision and that monuments actually exist as located and that dimensional and other details are correct.

10/15/75 K. G. Lemch  
DATE KENI BRANCH R.L.S. No. 1301-S

#### KENAI PENINSULA BOROUGH

I hereby certify that this subdivision plat has been found to comply with the regulations of the Kenai Peninsula Borough and that said plat has been approved by the Kenai Peninsula Borough Planning Commission.

October 6, 1975 Stanley F. Thompson  
DATE BOROUGH MAYOR

#### J. BOOTH RECREATIONAL SUBDIVISION PLAT OF Parcels A-1 & A-2, B-1 & B-2, C-1, & D-1 & D-2

A RE-SUBDIVISION OF PARCELS A, B & D & ROW.  
DEDICATION OF PARCEL C OF THE RECORDED  
SUBDIVISION OF LOT 1, BLK. 1, OF THE J.  
BOOTH RECREATIONAL SUBDIVISION SITUATED  
WITHIN A PORTION OF THE S 1/2 N 1/2 OF  
SECTION 36, T 3 S, R 15 W, S.M.,  
HOMER RECORDING DISTRICT, ALASKA  
CONTAINING 32.157 ACRES

PREPARED FOR MARGARET WARREN  
WALT MOORE  
BOX 34  
ANCHOR POINT, AK

PREPARED BY K. G. BRANCH, R.L.S.  
BOX 1299  
HOMER, ALASKA

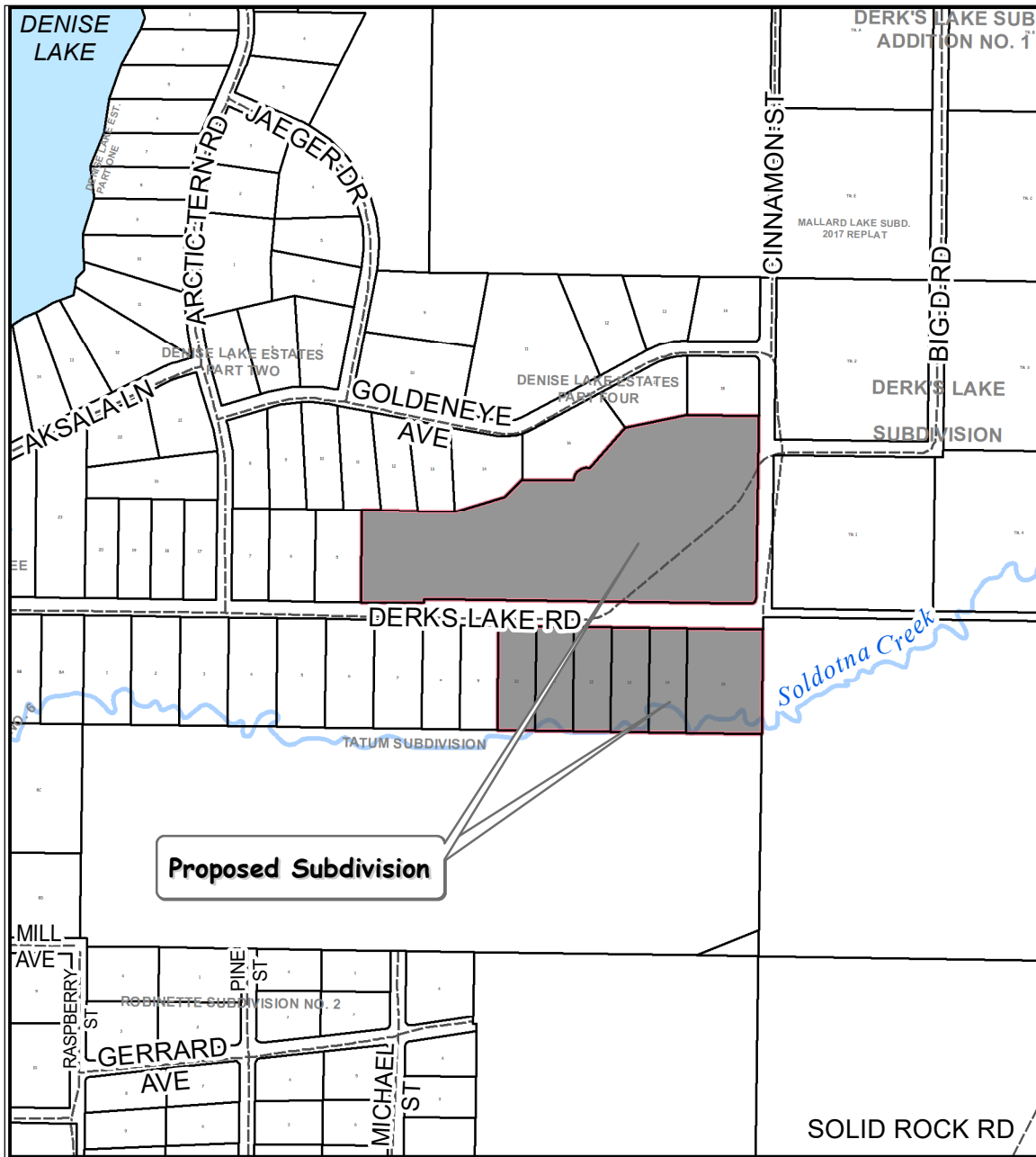
DRAWN BY SR. LATTY

DATE: 7/30/75 SCALE: 1" = 100'

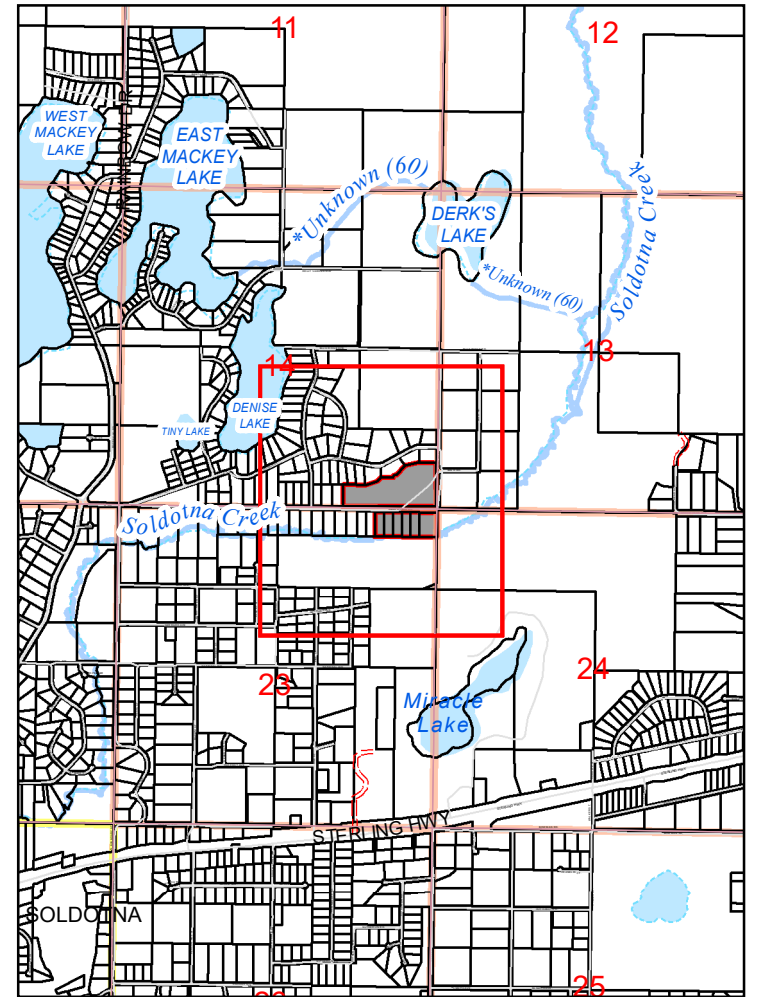
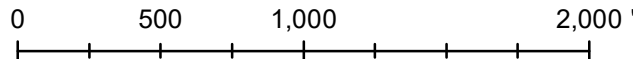
DIAGRAM OF RETRACEMENT SURVEY  
OF PORTION OF SEC. 36, T 2 S, R 15 W,  
S.M., HOMER RECORDING DISTRICT, A K

1" = 1000'



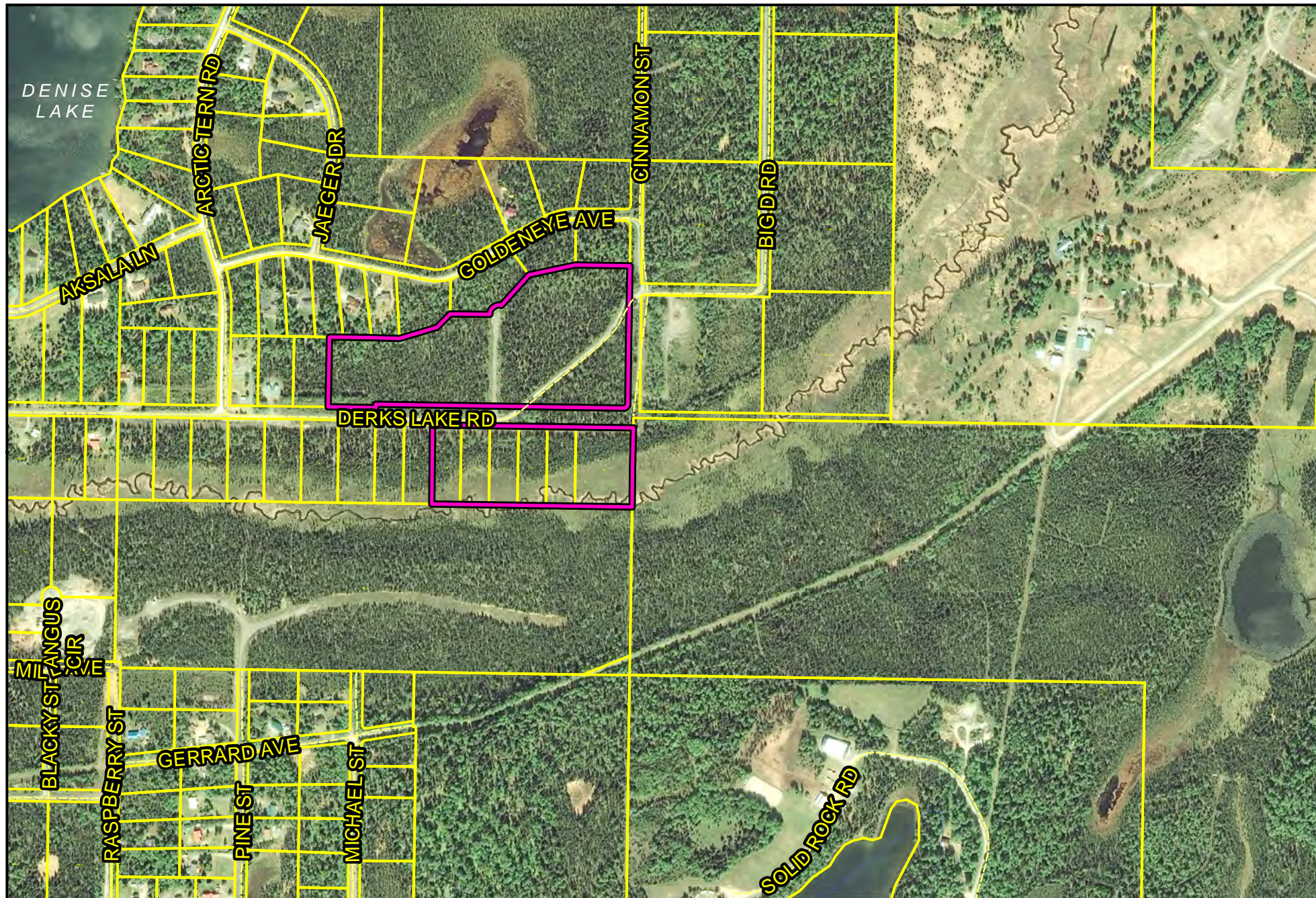


The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



**KPB 2021-122**  
**S23 T05N R10W**  
**S14 T05N R10W**  
**STERLING**





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

0 200 400 800'

Aerial View



 PRELIMINARY PLAT

PClements, KPB 2021-122  
Imagery Sterling 2018



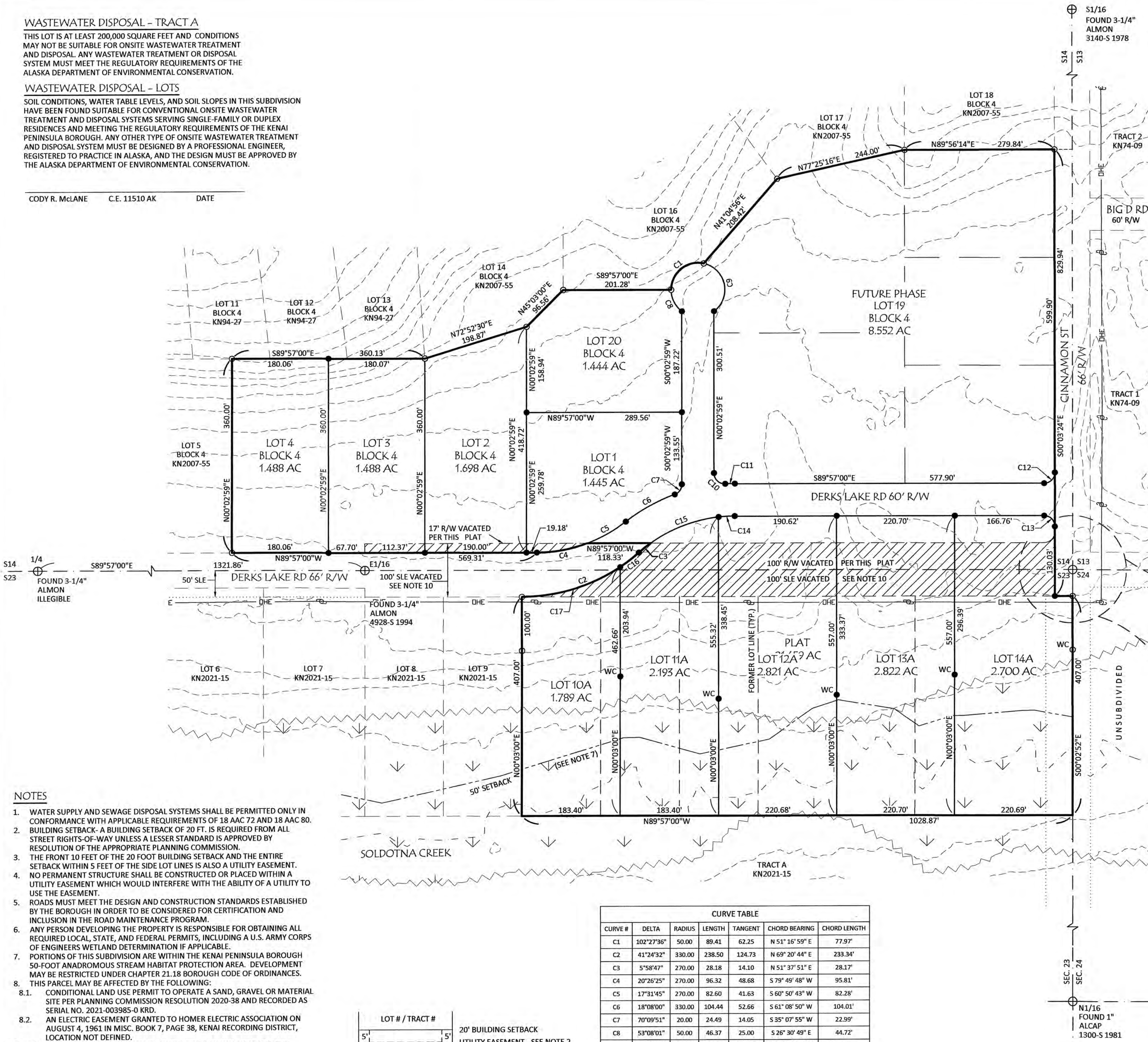
WASTEWATER DISPOSAL - TRACT A

THIS LOT IS AT LEAST 200,000 SQUARE FEET AND CONDITIONS MAY NOT BE SUITABLE FOR ONSITE WASTEWATER TREATMENT AND DISPOSAL. ANY WASTEWATER TREATMENT OR DISPOSAL SYSTEM MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

WASTEWATER DISPOSAL - LOTS

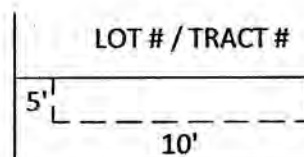
SOIL CONDITIONS, WATER TABLE LEVELS, AND SOIL SLOPES IN THIS SUBDIVISION HAVE BEEN FOUND SUITABLE FOR CONVENTIONAL ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEMS SERVING SINGLE-FAMILY OR DUPLEX RESIDENCES AND MEETING THE REGULATORY REQUIREMENTS OF THE KENAI PENINSULA BOROUGH. ANY OTHER TYPE OF ONSITE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

CODY R. McLANE C.E. 11510 AK DATE



NOTES

- WATER SUPPLY AND SEWAGE DISPOSAL SYSTEMS SHALL BE PERMITTED ONLY IN CONFORMANCE WITH APPLICABLE REQUIREMENTS OF 18 AAC 72 AND 18 AAC 80.
- BUILDING SETBACK- A BUILDING SETBACK OF 20 FT. IS REQUIRED FROM ALL STREET RIGHTS-OF-WAY UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
- THE FRONT 10 FEET OF THE 20 FOOT BUILDING SETBACK AND THE ENTIRE SETBACK WITHIN 5 FEET OF THE SIDE LOT LINES IS ALSO A UTILITY EASEMENT.
- NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
- ROADS MUST MEET THE DESIGN AND CONSTRUCTION STANDARDS ESTABLISHED BY THE BOROUGH IN ORDER TO BE CONSIDERED FOR CERTIFICATION AND INCLUSION IN THE ROAD MAINTENANCE PROGRAM.
- ANY PERSON DEVELOPING THE PROPERTY IS RESPONSIBLE FOR OBTAINING ALL REQUIRED LOCAL, STATE, AND FEDERAL PERMITS, INCLUDING A U.S. ARMY CORPS OF ENGINEERS WETLAND DETERMINATION IF APPLICABLE.
- PORTIONS OF THIS SUBDIVISION ARE WITHIN THE KENAI PENINSULA BOROUGH 50-FOOT ANADROMOUS STREAM HABITAT PROTECTION AREA. DEVELOPMENT MAY BE RESTRICTED UNDER CHAPTER 21.18 BOROUGH CODE OF ORDINANCES.
- THIS PARCEL MAY BE AFFECTED BY THE FOLLOWING:
  - CONDITIONAL LAND USE PERMIT TO OPERATE A SAND, GRAVEL OR MATERIAL SITE PER PLANNING COMMISSION RESOLUTION 2020-38 AND RECORDED AS SERIAL NO. 2021-003985-0 KRD.
  - AN ELECTRIC EASEMENT GRANTED TO HOMER ELECTRIC ASSOCIATION ON AUGUST 4, 1961 IN MISC. BOOK 7, PAGE 38, KENAI RECORDING DISTRICT, LOCATION NOT DEFINED.
- THE KENAI PENINSULA BOROUGH PLANNING COMMISSION APPROVED THE VACATION OF A PORTION OF DERKS LAKE ROAD AND THE ASSOCIATED UTILITY EASEMENT AT THE MEETING OF \_\_\_\_\_, 2021.
- THE STATE OF ALASKA APPROVED THE VACATION OF THE SECTION LINE EASEMENT PER PLAT KN2021-xx.



SETBACK DETAIL

CURVE TABLE						
CURVE #	DELTA	RADIUS	LENGTH	TANGENT	CHORD BEARING	CHORD LENGTH
C1	102°27'36"	50.00	89.41	62.25	N 51° 16' 59" E	77.97'
C2	41°24'32"	330.00	238.50	124.73	N 69° 20' 44" E	233.34'
C3	5°58'47"	270.00	28.18	14.10	N 51° 37' 51" E	28.17'
C4	20°26'25"	270.00	96.32	48.68	S 79° 49' 48" W	95.81'
C5	17°31'45"	270.00	82.60	41.63	S 60° 50' 43" W	82.28'
C6	18°08'00"	330.00	104.44	52.66	S 61° 08' 50" W	104.01'
C7	70°09'51"	20.00	24.49	14.05	S 35° 07' 55" W	22.99'
C8	53°08'01"	50.00	46.37	25.00	S 26° 30' 49" E	44.72'
C9	130°40'00"	50.00	114.03	108.87	N 12° 09' 13" W	90.88'
C10	93°04'23"	20.00	32.49	21.10	N 46° 29' 13" W	29.03'
C11	3°04'24"	330.00	17.70	8.85	S 88° 30' 48" W	17.70'
C12	90°06'24"	20.00	31.45	20.04	S 44° 59' 48" W	28.31'
C13	89°53'36"	20.00	31.38	19.96	S 45° 00' 12" E	28.26'
C14	6°23'30"	270.00	30.12	15.08	N 86° 51' 15" E	30.10'
C15	29°02'16"	270.00	136.84	69.92	N 69° 08' 22" E	135.38'
C16	7°38'46"	330.00	44.04	22.05	N 52° 27' 51" E	44.01'
C17	33°45'46"	330.00	194.46	100.15	N 73° 10' 07" E	191.66'

LEGEND

- FOUND PRIMARY MONUMENT AS DESCRIBED
- FOUND 5/8" REBAR UNLESS NOTED
- SET 5/8"x30" REBAR w/ 1" STAINLESS STEEL CAP 85032-S
- POWER POLE
- OVERHEAD ELECTRIC
- AREA SUBJECT TO INUNDATION
- CONTOUR INTERVAL = 4'

CERTIFICATE OF OWNERSHIP

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

GENE J. FRIENDSHUH, OWNER LOTS 10 THRU 15 TATUM SUBD. KN2021-15  
35581 KENAI SPUR HWY, SOLDOTNA, AK 99669

LINDA A. FRIENDSHUH, OWNER LOTS 10 THRU 15 TATUM SUBD. KN2021-15  
35581 KENAI SPUR HWY, SOLDOTNA, AK 99669

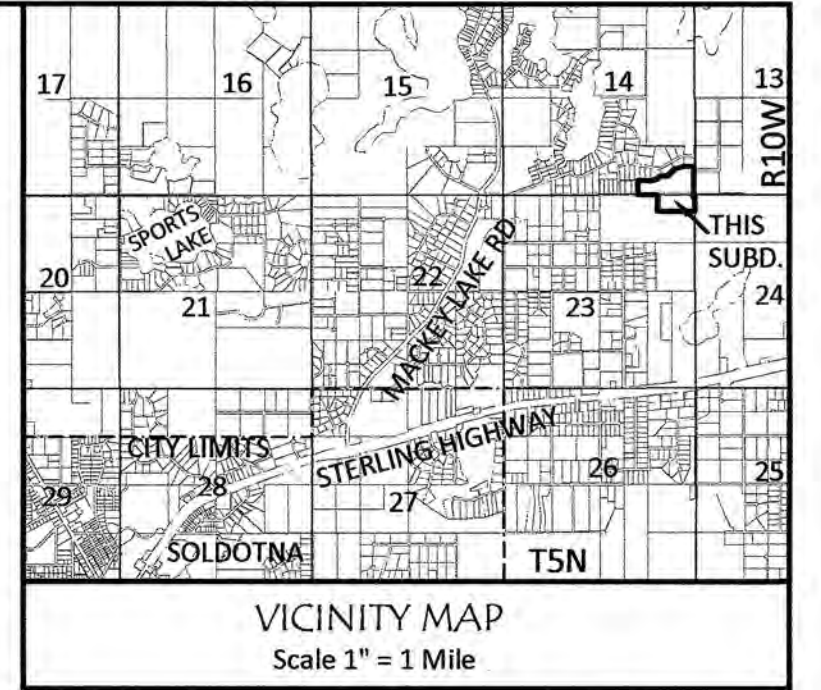
GEORGE U. FRIENDSHUH, OWNER LOTS 10 THRU 15 TATUM SUBD. KN2021-15  
35581 KENAI SPUR HWY, SOLDOTNA, AK 99669

NOTARY'S ACKNOWLEDGEMENT

FOR: GENE J. FRIENDSHUH, LINDA A. FRIENDSHUH, GEORGE U. FRIENDSHUH  
ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

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

NOTARY PUBLIC FOR THE  
STATE OF ALASKA



CERTIFICATE OF OWNERSHIP

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

LINDA A. FRIENDSHUH, OWNER 1/2 INTEREST IN S1/2 OF SE1/4 SEC. 14, T5N, R10W, SM, AK EXCEPT KN86-214, KN94-27, KN97-18 & KN2007-55  
35581 KENAI SPUR HWY, SOLDOTNA, AK 99669

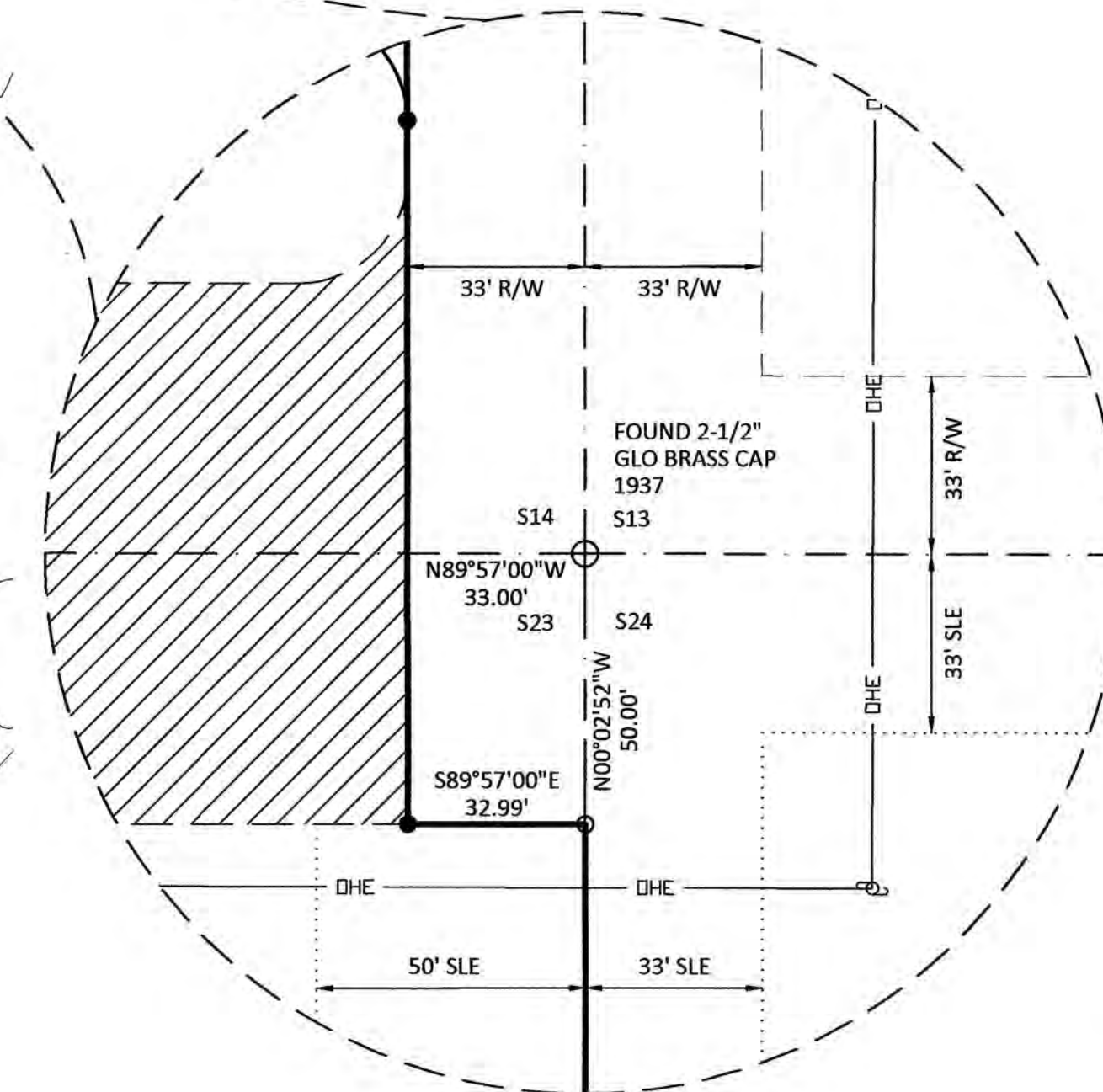
GEORGE URBAN FRIENDSHUH, OWNER 1/2 INTEREST IN S1/2 OF SE1/4 SEC. 14, T5N, R10W, SM, AK EXCEPT KN86-214, KN94-27, KN97-18 & KN2007-55  
35581 KENAI SPUR HWY, SOLDOTNA, AK 99669

NOTARY'S ACKNOWLEDGEMENT

FOR: LINDA A. FRIENDSHUH, GEORGE URBAN FRIENDSHUH  
ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

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

NOTARY PUBLIC FOR THE  
STATE OF ALASKA



SECTION CORNER DETAIL

SCALE: 1" = 30'

PLAT APPROVAL

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

AUTHORIZED OFFICIAL \_\_\_\_\_ DATE \_\_\_\_\_



Plat #
Rec Dist
Date
Time

TATUM DENISE SUBDIVISION PHASE 1

A RESUBDIVISION OF LOTS 10 THRU 15 TATUM SUBDIVISION (KN2021-15) AND THE S1/2 OF SE1/4 SECTION 14, TOWNSHIP 5 NORTH, RANGE 10 WEST, SEWARD MERIDIAN, ALASKA EXCEPTING DENISE LAKE ESTATES PART ONE (KN86-214), DENISE LAKE ESTATES PART TWO (KN94-27), DENISE LAKE ESTATES PART THREE (KN97-18) & DENISE LAKE ESTATES PART FOUR (KN2007-55) AND THE ASSOCIATED R/W VACATION

GENE J. FRIENDSHUH, OWNER  
35581 KENAI SPUR HWY, SOLDOTNA, AK 99669

LINDA A. FRIENDSHUH, OWNER  
35581 KENAI SPUR HWY, SOLDOTNA, AK 99669

GEORGE U. FRIENDSHUH, OWNER  
35581 KENAI SPUR HWY, SOLDOTNA, AK 99669

29.301 AC. M/L SITUATED IN THE E1/2 OF SECTION 21, TOWNSHIP 5 NORTH, RANGE 9 WEST, SEWARD MERIDIAN, KENAI PENINSULA BOROUGH, AND THE KENAI RECORDING DISTRICT, ALASKA.



ENGINEERING - TESTING  
SURVEYING - MAPPING  
P.O. BOX 488  
SOLDOTNA, AK 99669  
VOICE: (907) 283-4218  
FAX: (907) 283-3265  
WWW.MCLANECG.COM

KPB FILE NO. 2021-xxx

PROJECT NO. 212032

SCALE 1" = 100' DATE: AUG. 2021 BOOK NO. 21-XX DRAWN BY: JAH

KPB 2021-122



AGENDA ITEM E. NEW BUSINESS

ITEM 3 – TATUM DENISE SUBDIVISION PHASE 1

<b>KPB File No.</b>	2021-122
<b>Plat Committee Meeting:</b>	September 27, 2021
<b>Applicant / Owner:</b>	Gene, Linda, and George Friendshuh, all of Soldotna, Alaska
<b>Surveyor:</b>	James Hall / McLane Consulting Inc
<b>General Location:</b>	Sterling

<b>Parent Parcel No.:</b>	058-301-72, 058-320-45, 058-320-46, 058-320-47, 058-320-48, 058-320-49, 058-320-50
<b>Legal Description:</b>	Lots 10 thru 15 of Tatum Subdivision (KN2021-15), S1/2 SE1/4 of Section 14 excluding several Denise Lake Estate Subdivision (KN 86-214, KN 94-27, KN 97-18, and KN 2007-55)
<b>Assessing Use:</b>	Residential
<b>Zoning:</b>	Rural Unrestricted
<b>Water / Wastewater</b>	On-Site

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STAFF REPORT

**Specific Request / Scope of Subdivision:** The proposed plat will subdivide an unsubdivided remainder parcel into six lots, reconfigure five existing lots, dedicate right of ways, and finalize a right of way vacation. The lots within the subdivision will vary in size from 1.44 acres to 2.82 acres with one large lot that is 8.55 acres.

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

Nearby right of ways Goldeneye Avenue, Big D Road, and Cinnamon Street provide additional access. Cinnamon Street does not appear to be improved. Big D Street appears to have a constructed road. Neither right of way is maintained by KPB.

The preliminary plat design shows a realignment of Derks Lake Road. KPB GIS Imagery appears to show a roadway that angles to the north of the dedication and connects to Big D Road. The proposed dedication does not appear to follow the existing trail or drive.

The proposed right of way vacation has an underlying section line easement and a petition has been received to vacate the section line easement. The public hearing for the right of way vacation and the section line easement vacation were heard by the Planning Commission on September 13, 2021. Both petitions were approved and forwarded to the Kenai Peninsula Borough Assembly. The Assembly has 30 days in which they present a consent or veto decision. Failure to respond within 30 days is considered a consent.

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



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

**Site Investigation:** The contours are depicted on the plat. Some steep slopes appear to be present along the northern portion of Lot 4 and Lot 3 within Block 4. There does not appear to be any steep slopes affecting the proposed right of way dedications.

Low wet areas are depicted on the plat. These are within the lots located south of Derks Lake Road. The correct plat note regarding contacting the U.S. Army Corps of Engineers.

The anadromous stream Soldotna Creek runs through the southern lots. It is depicted and plat note 7 contains the anadromous plat note.

**Staff recommends** contours data be removed from final but any slopes greater than 20 percent should be shown and plat note 7 must be reworded to match KPB Code.

River Center Review	A. Floodplain Reviewer: Carver, Nancy Floodplain Status: Not within flood hazard area Comments: No comments  B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: IS totally or partially within HPD Comments: KPB\maldrige  C. State Parks Reviewer: Russell, Pam Comments: No Comments
State Fish and Game	No objections.

**Staff Analysis** The proposed plat will result in eleven parcels, a new right of way dedication, and a right of way vacation with new dedication to realign the right of way. Tatum Subdivision, Plat KN 2021-15, created the lots south of Derks Lake Road. The lots contain setbacks from an anadromous stream as well as wetlands that limit the usable areas on the lots. The plat will finalize a section line easement and right of way vacation that will shift the road to the north and provide additional usable acreage to those lots. The lots north of Derks Lake Road are a remainder of the S1/2 SE1/4. Multiple subdivisions have subdivided the original lot. This plat will create six lots from the remainder and dedicate a new cul-de-sac. The largest lot proposed is 8.55 acres, Lot 19 Block 4. The label on the lot states a future phase is planned for that lot with proposed lot lines. **Staff recommends** remove the reference to the future phase and the proposed lot lines and name this as a Tract.

A soils analysis report will be required for the lots less than 200,000 sq. ft. located north of Derks Lake Road. Lot 19 is larger than 200,000 sq. ft. and will not require a soils analysis report. Lots 10A – 14A will not require a soils analysis report as the number of developable lots will not be increasing and each lot has a minimum of 20,000 sq. ft. available for wastewater. A recent soils report was submitted that provides soils information for Lots 10A – 14A. **Staff recommends** Lot 19 be named Tract A to match the wastewater disposal note.

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 Certificate to Plat notes the property is subject to a material site permit. The permit was issued for the N1/2 NE1/4 of Section 23. Per the site plan submitted with the permit application the active material site area was to be south of Soldotna Creek. With the parent subdivision Tatum Subdivision, Plat KN 2021-15, a review of the permit was performed as outlined by code. The Planning Director issued a letter granting a permit amendment exemption as the lots north of Soldotna Creek were not part of the permit area and the large acreage tract south of Soldotna Creek was to contain the material site operations. Since the property was originally part of the permit application parcel the permit is referenced on the certificate to plat. **Staff recommends the plat note referencing the conditional land use permit remain but include that the parcels within this subdivision are not permitted for material extraction.**

**Utility Easements** The land north of Derks Lake Road is an unsubdivided. No utility easements have been granted by plat north of Derks Lake Road. A utility easement has been granted to Homer Electric Association by recorded document within this section and is noted on the plat as note 8.2. The location of the easement is not defined.

The lots south of Derks Lake Road had utility easements granted per Tatum Subdivision, Plat KN 2021-15. The easements were associated with the dedicated right of way. The vacation of Derks Lake Road included the associated utility easements and was approved on September 13, 2021 by the Planning Commission. New utility easements are proposed along the new right of way dedications.

An existing powerline runs through the southern lots, located south of the right of way and section line easement vacation.

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

**Utility provider review:**

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

**KPB department / agency review:**

Addressing – Derek Haws	<p>Affected Addresses: NONE</p> <p>Existing Street Names are Correct: Yes List of Correct Street Names: CINNAMON ST BIG D RD DERKS LAKE RD</p> <p>Existing Street Name Corrections Needed:</p> <p>All New Street Names are Approved: No</p> <p>List of Approved Street Names: List of Street Names Denied: New street name needed for newly dedicated ROW.</p>
-------------------------	--

	Comments: A new street name is needed for the newly dedicated ROW.
Code Compliance – Eric Ogren	No comments
Planner – Bryan Taylor	There are not any Local Option Zoning District issues with this proposed plat. There are not any 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**

The Lot 12A label is an overstrike with some information that may not pertain to this plat. The information should be removed or moved to make legible.

#### **KPB 20.25.070 - Form and contents required.**

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:**

- *The name of the subdivision should be revised. The use of "Phase" in the name is when an overall preliminary design is approved and finalized through multiple plats. As there is not a current subdivision with that name, it can be called "Tatum Denise Subdivision".*
- *Correct the location of the subdivision to "SE1/4 of Section 14 and NE1/4 of Section 23, Township 5 North, Range 10 West, Seward..."*
- *Verify the owners' addresses. KPB Assessing records indicate George may have a different mailing address.*

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:** *Within the main drawing, provide a label for the section line easement within section 23 and section 24. Verify the north-south section line easement width within Section 14, provide a depiction, and label if necessary.*

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:** *Work with the Addressing Officer to obtain an approved street name for the cul-de-sac being dedicated with this plat.*

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

**Staff recommendation:**

- *The large acreage lot is shown as Lot 19. This lot will not require a wastewater review while the others will. Staff would recommend naming this parcel "Tract A" as it is larger than 5 acres and can*



*be further subdivided in the future. Any future subdivision of Tract A can then continue with the lot numbers in sequential order.*

- *Lot 20 Block 4 is acceptable but appears to be out of sequence with the numbers around it. There is no Lot 15 Block 4 from the previous plats. Changing Lot 20 Block 4 to Lot 15 Block 4 and Lot 19 Block 4 to Tract A will allow any future additions to number the lots sequentially.*

---

#### **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:*

20.30.290. 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

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#### **KPB 20.40 -- Wastewater Disposal**

20.40.010 Wastewater disposal.

***Platting Staff Comments:*** *Soils analysis report required for all lots except Lot 19 Block 4 and not required for the lots south of Derks Lake Road. An engineer will need to sign the plat.*

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

---

#### **KPB 20.60 – Final Plat**

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

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

***Staff recommendation:*** *Acceptance of new dedications to be signed by the Kenai Peninsula Borough.*

20.60.180. Plat notes.

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

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

***Staff recommendation:*** *Revise the following plat notes*

- *Reword plat note 3 to match new code. "The front 10 feet adjacent to dedicated right of ways and 20 feet within 5 feet of side lot lines is a utility easement."*
- *Plat note 5 should include the reference to KPB Code, "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)."*
- *Plat note 7 must be reworded to match code.*

*Plat note 8.1 may require additional wording if it is determined by staff that the lots within this subdivision are excluded from the material site permit. Staff recommends the surveyor contact staff for the final wording before printing the mylar. "A conditional land use permit to operate a sand, gravel or material site per*

Page 5 of 6

*Planning Commission Resolution 2020-38 and recorded as Serial No. 2021-003985-0, KRD. Portions of this subdivision were part of the original permit. It has been determined that the portions within this subdivision are not part of the permitted area and no material site operations are to be conducted within this subdivision under Resolution 2020-38.*

KPB 20.70 – Vacation Requirements

**Staff recommendation.** *This plat is to finalize a right of way vacation. The plat must be finalized within one year or a new petition for the right of way vacation will be required. The section line easement vacation has four years in which to finalize. If it is completed prior to the finalization of the plat, it may be depicted and noted.*

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**RECOMMENDATION:**

**STAFF RECOMMENDS:**

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

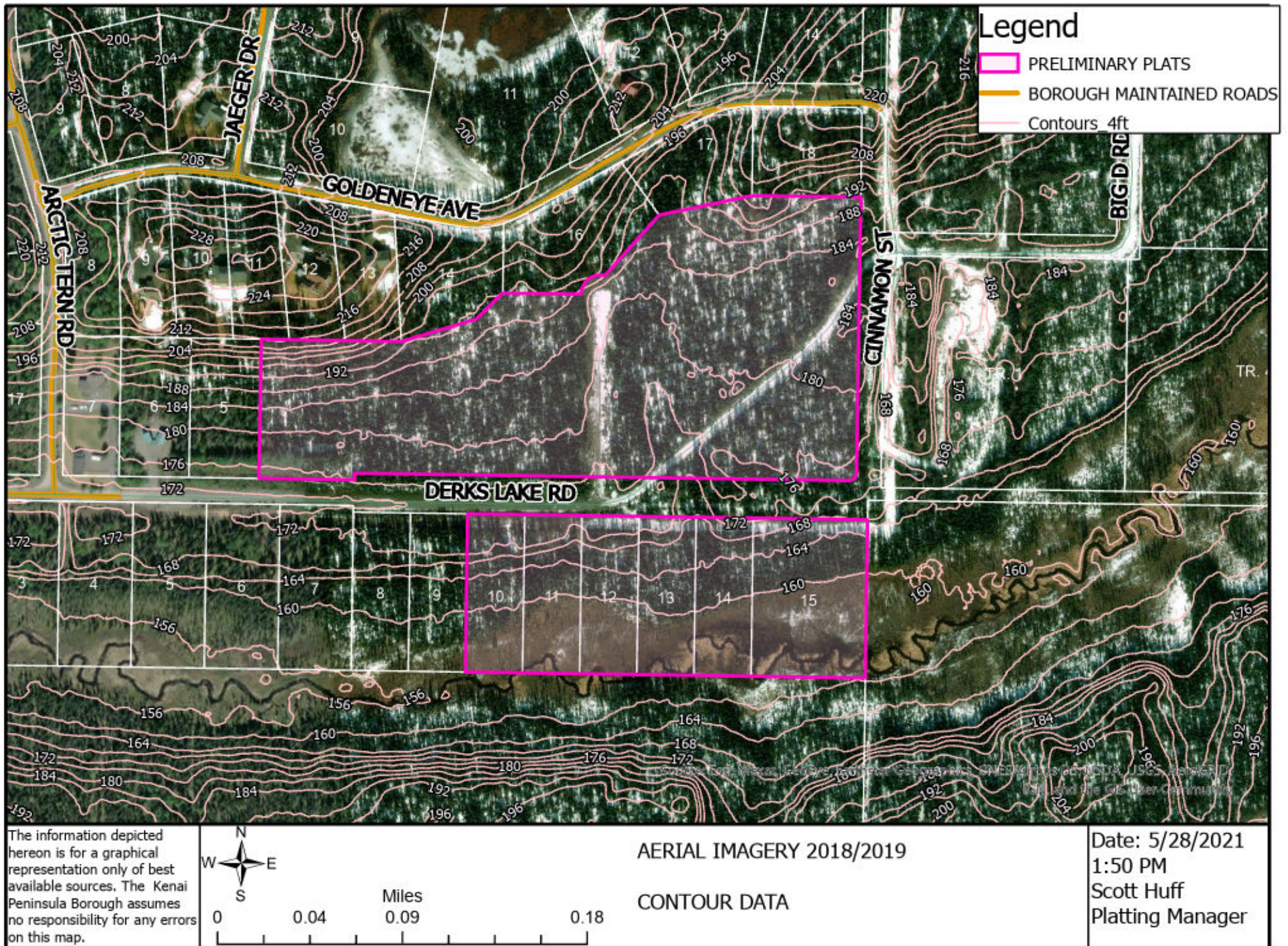
NOTE: 20.25.120. - REVIEW AND APPEAL.

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

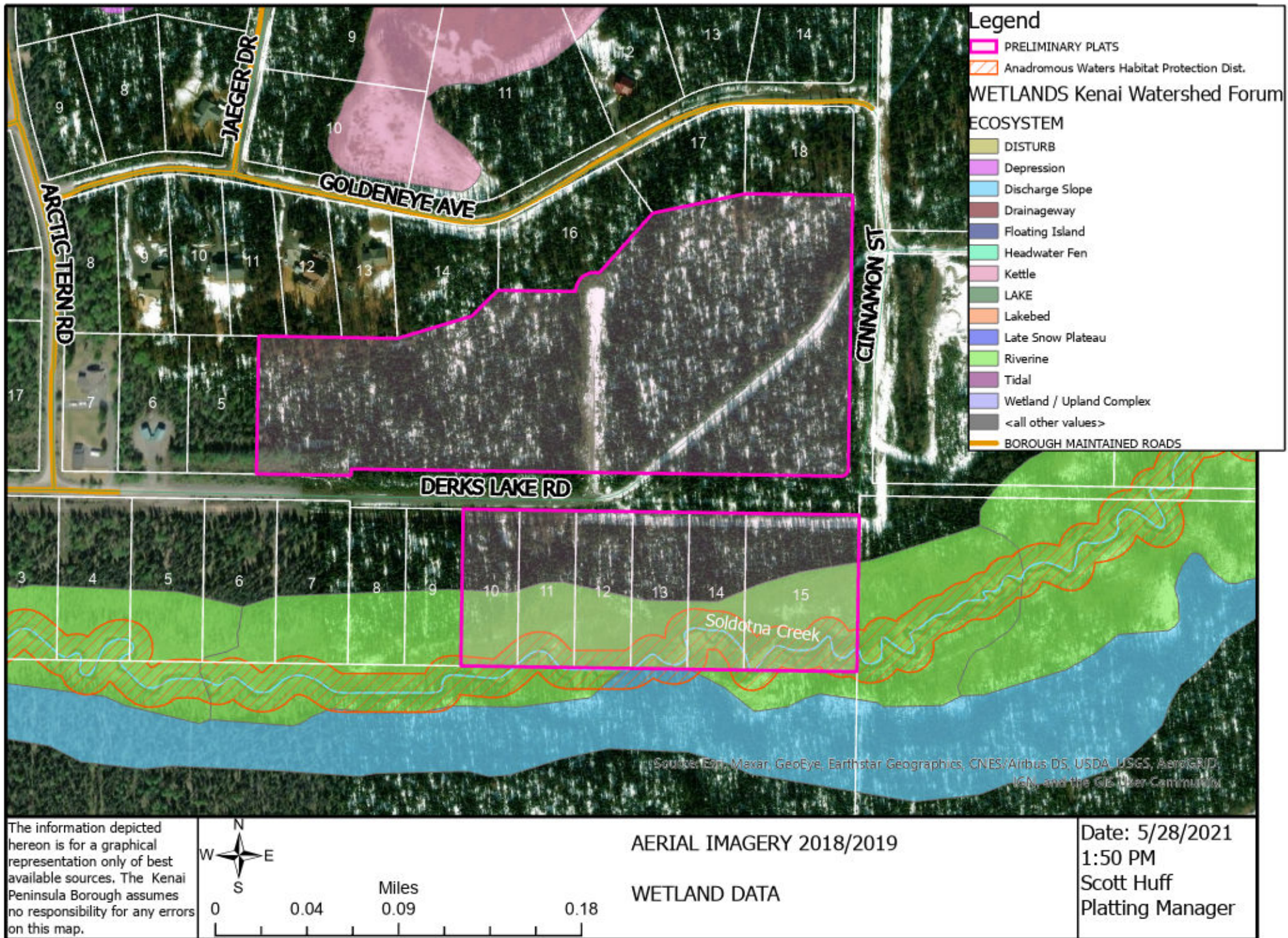
A DECISION OF THE PLANNING COMMISSION MAY BE APPEALED TO THE HEARING OFFICER BY A PARTY OF RECORD WITHIN 15 DAYS OF THE DATE OF NOTICE OF DECISION IN ACCORDANCE WITH KPB 21.20.250.

END OF STAFF REPORT

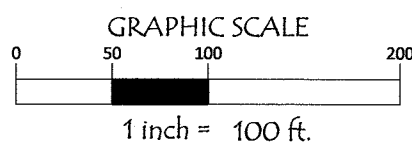
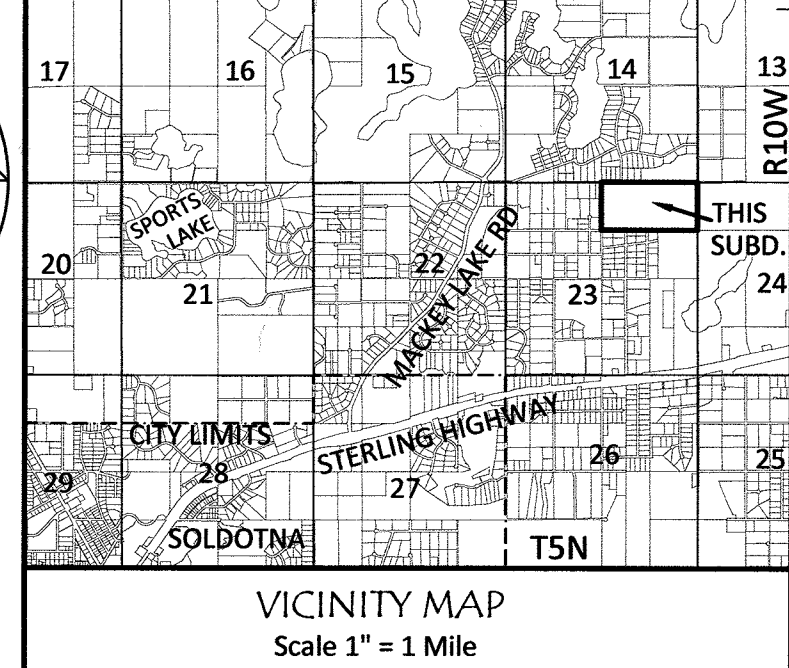
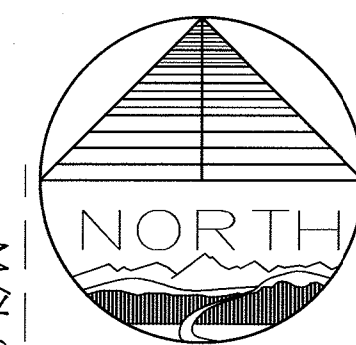
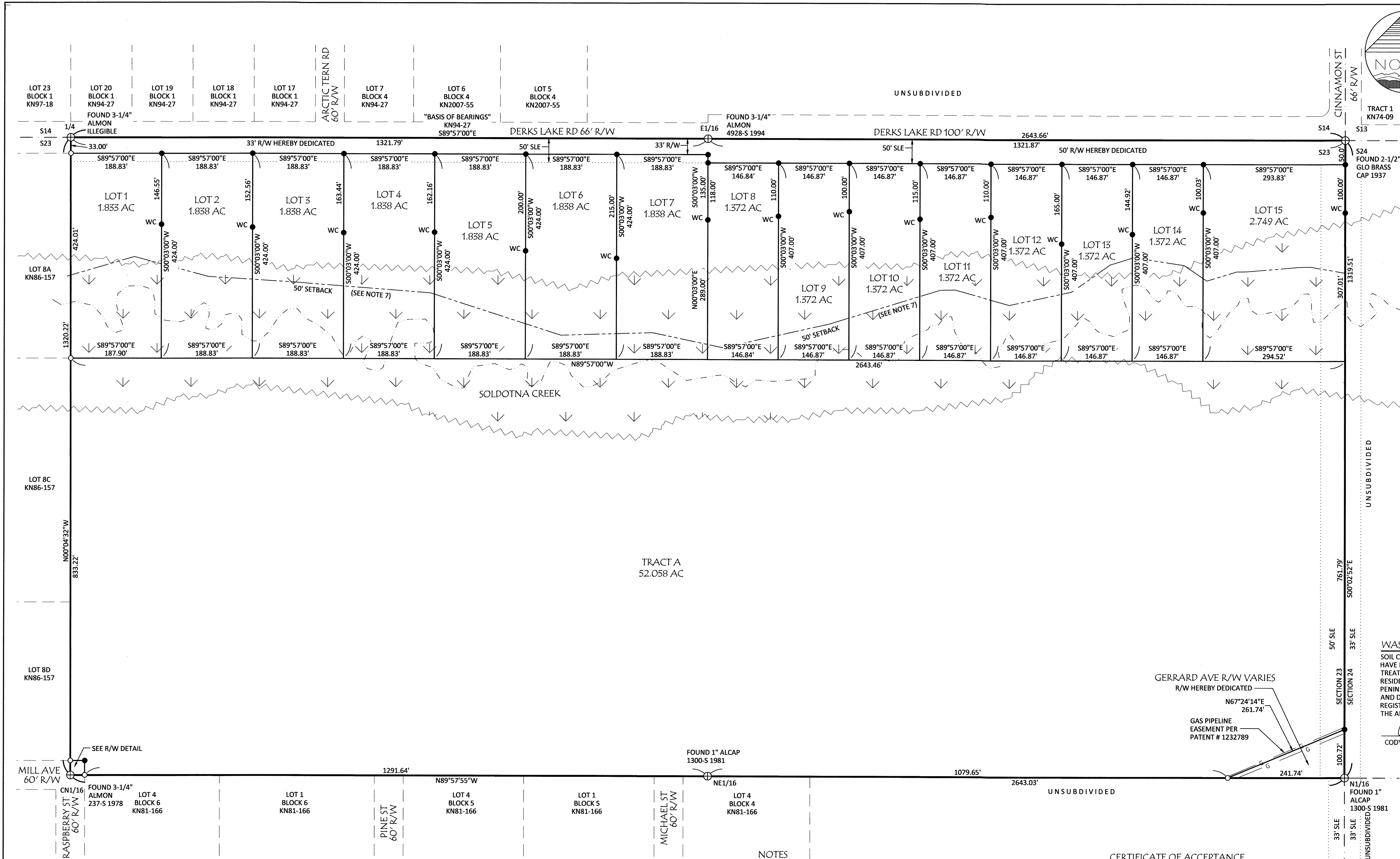






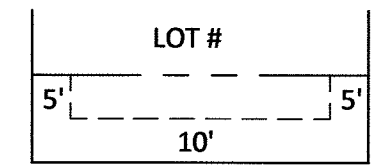




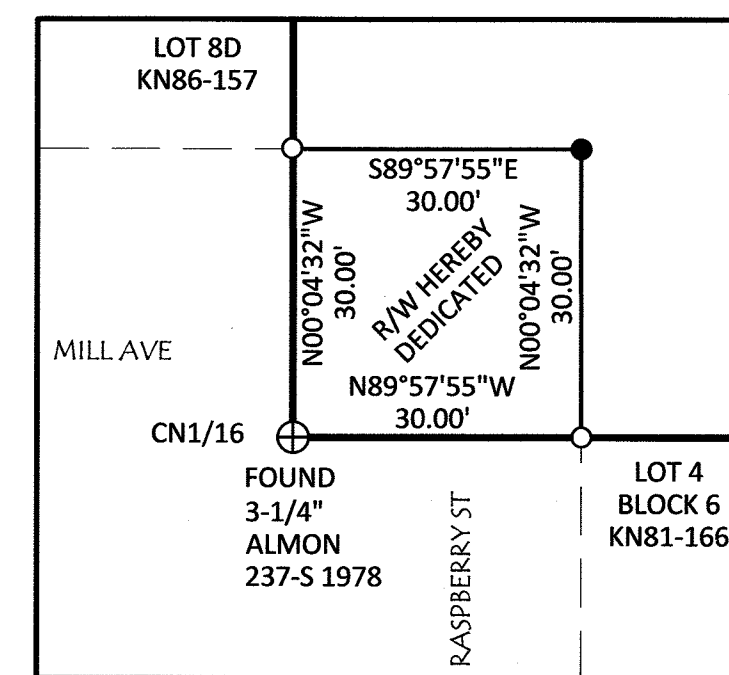


LEGEND

- FOUND PRIMARY MONUMENT AS DESCRIBED
- FOUND 1/2" REBAR UNLESS NOTED
- SET 5/8"x30" REBAR w/ 1" STAINLESS STEEL CAP 85032-S
- SECTION LINE EASEMENT
- AREA SUBJECT TO INUNDATION



SETBACK DETAIL



R/W DETAIL

WASTEWATER DISPOSAL - LOTS 1 THRU 10

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

CODY R. McLANE C.E. 11510 AK DATE 5/19/2021

WASTEWATER DISPOSAL - TRACT A

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

WASTEWATER DISPOSAL - LOTS 11 THRU 15

SOIL CONDITIONS IN THIS SUBDIVISION HAVE BEEN FOUND UNSUITABLE FOR CONVENTIONAL ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEMS. PLANS FOR A TYPICAL ALTERNATE WASTEWATER DISPOSAL SYSTEM FOR USE ON LOTS IN THIS SUBDIVISION ARE INCLUDED IN THE ENGINEER'S SUBDIVISION AND SOILS REPORT AND ARE AVAILABLE FROM THE KENAI PENINSULA BOROUGH. ALL ALTERNATE ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEMS MUST BE DESIGNED BY A PROFESSIONAL ENGINEER REGISTERED TO PRACTICE IN ALASKA AND THE DESIGN MUST BE APPROVED BY THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION PRIOR TO CONSTRUCTION.

CODY R. McLANE C.E. 11510 AK DATE 5/19/2021

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.

Ronald T. Rozak  
RONALD T. ROZAK  
1201 DENALI ST APT 303, ANCHORAGE, AK 99501

L. Marie Rozak  
L. MARIE ROZAK  
1201 DENALI ST APT 303, ANCHORAGE, AK 99501

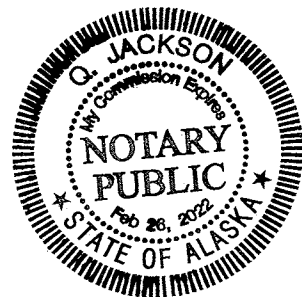
NOTARY'S ACKNOWLEDGEMENT

FOR: RONALD T. ROZAK & L. MARIE ROZAK  
ACKNOWLEDGED BEFORE ME THIS

18th DAY OF May, 2021

MY COMMISSION EXPIRES: Feb. 26, 2022

NOTARY PUBLIC FOR THE STATE OF ALASKA



NOTES

- WATER SUPPLY AND SEWAGE DISPOSAL SYSTEMS SHALL BE PERMITTED ONLY IN CONFORMANCE WITH APPLICABLE REQUIREMENTS OF 18 AAC 72 AND 18 AAC 80.
- BUILDING SETBACK- A BUILDING SETBACK OF 20 FT. IS REQUIRED FROM ALL STREET RIGHTS-OF-WAY UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
- THE FRONT 10 FEET OF THE 20 FOOT BUILDING SETBACK AND THE ENTIRE SETBACK WITHIN 5 FEET OF THE SIDE LOT LINES IS ALSO A UTILITY EASEMENT.
- NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
- ROADS MUST MEET THE DESIGN AND CONSTRUCTION STANDARDS ESTABLISHED BY THE BOROUGH IN ORDER TO BE CONSIDERED FOR CERTIFICATION AND INCLUSION IN THE ROAD MAINTENANCE PROGRAM.
- ANY PERSON DEVELOPING THE PROPERTY IS RESPONSIBLE FOR OBTAINING ALL REQUIRED LOCAL, STATE, AND FEDERAL PERMITS, INCLUDING A U.S. ARMY CORPS OF ENGINEERS WETLAND DETERMINATION IF APPLICABLE.
- PORTIONS OF THIS SUBDIVISION ARE WITHIN THE KENAI PENINSULA BOROUGH 50-FOOT ANADROMOUS STREAM HABITAT PROTECTION AREA. DEVELOPMENT MAY BE RESTRICTED UNDER CHAPTER 21.18 BOROUGH CODE OF ORDINANCES.
- EXCEPTION GRANTED TO STREET LAYOUT (KPB 20.30.030) AND BLOCK LENGTH (KPB 20.30.170) BY THE PLANNING COMMISSION AT THE APRIL 12, 2021 MEETING.
- THIS PROPERTY IS SUBJECT TO A CONDITIONAL LAND USE PERMIT TO OPERATE A SAND, GRAVEL OR MATERIAL SITE PER PLANNING COMMISSION RESOLUTION 2020-38 AND RECORDED AS SERIAL NO. 2021-003985-0 KRD.

CERTIFICATE OF ACCEPTANCE

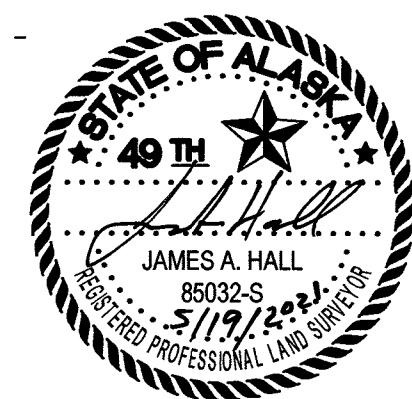
THE UNDERSIGNED OFFICIAL IDENTIFIED BY NAME AND TITLE IS AUTHORIZED TO ACCEPT AND HEREBY ACCEPTS ON BEHALF OF THE KENAI PENINSULA BOROUGH FOR PUBLIC PURPOSES THE REAL PROPERTY TO BE DEDICATED BY THIS PLAT INCLUDING EASEMENTS, RIGHTS-OF-WAY (GERRARD AVE, DERKS LAKE RD, MILL AVE & RASPBERRY ST), ALLEYS, AND OTHER PUBLIC AREAS SHOWN ON THIS PLAT. THE ACCEPTANCE OF LANDS FOR PUBLIC USE OR PUBLIC PURPOSE DOES NOT OBLIGATE THE PUBLIC OR ANY GOVERNING BODY TO CONSTRUCT, OPERATE, OR MAINTAIN IMPROVEMENTS.

5/21/21  
AUTHORIZED OFFICIAL DATE


PLAT APPROVAL

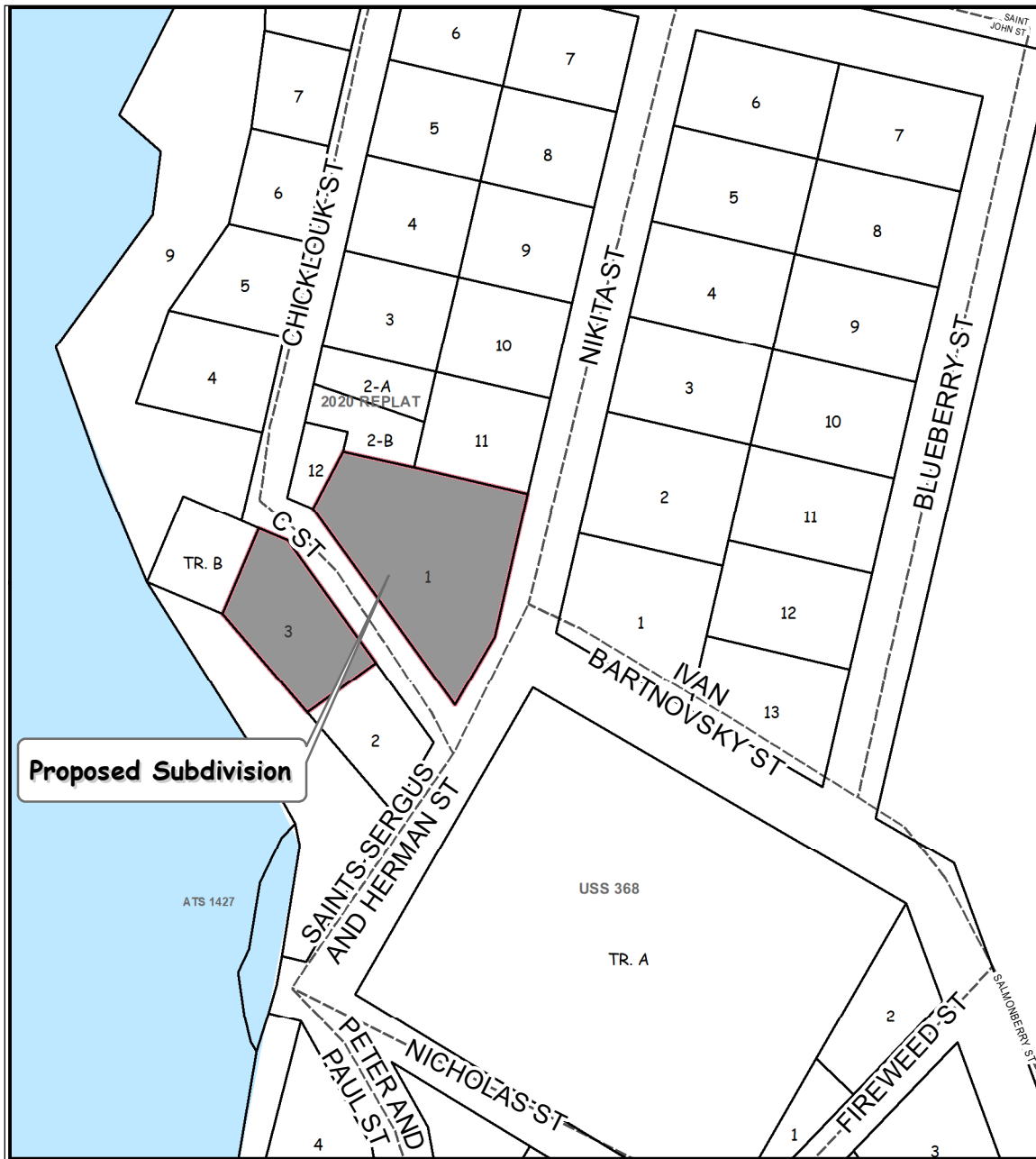
THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF APRIL 12, 2021.

5/21/21  
AUTHORIZED OFFICIAL



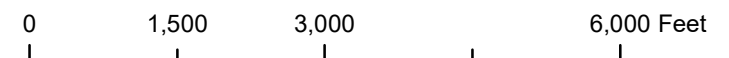
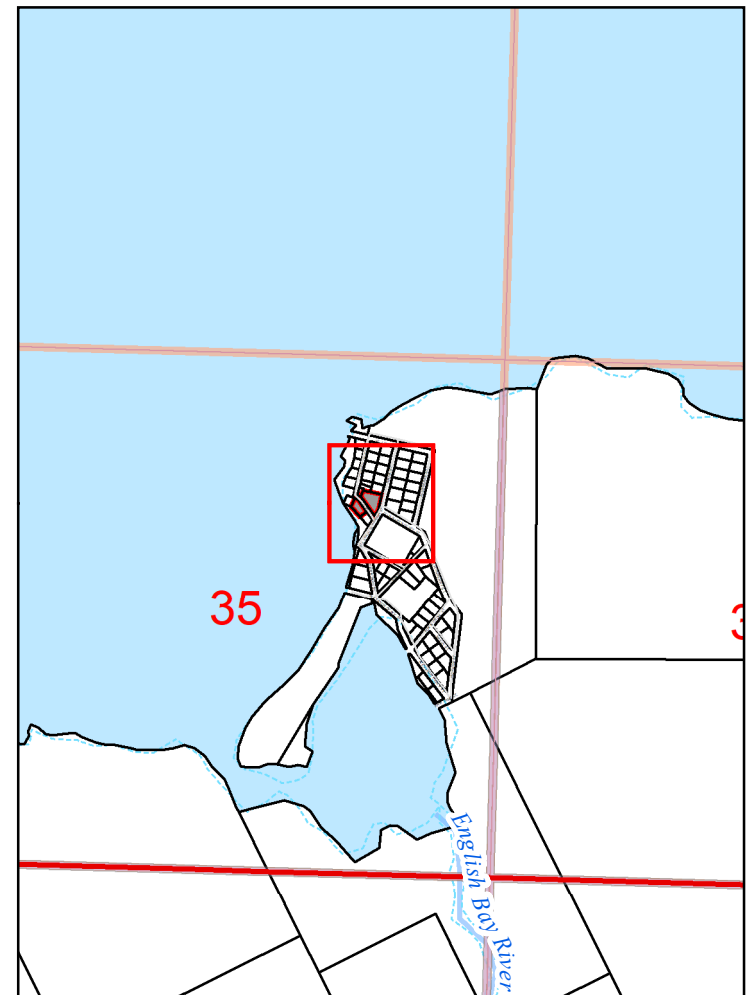
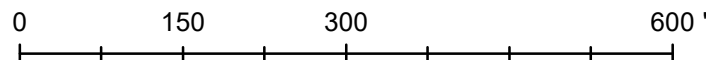
2021-15  
Plat #  
Kenai  
Rec Dist  
5/24/2020  
Date  
Time 11:46 AM

TATUM SUBDIVISION			
SUBDIVISION OF THE N1/2 OF NE1/4 OF SECTION 23, TOWNSHIP 5 NORTH, RANGE 10 WEST, 5M, AK			
RONALD T. ROZAK, OWNER 1201 DENALI ST APT 303 ANCHORAGE, AK 99501		L. MARIE ROZAK, OWNER 1201 DENALI ST APT 303, ANCHORAGE, AK 99501	
80.093 AC. M/L SITUATED IN NE1/4 OF SECTION 23, TOWNSHIP 5 NORTH, RANGE 10 WEST, SEWARD MERIDIAN, KENAI PENINSULA BOROUGH, AND THE KENAI RECORDING DISTRICT, ALASKA.			
		KPB FILE NO. 2021-028	
ENGINEERING - TESTING SURVEYING - MAPPING P.O. BOX 468 SOLDOTNA, AK 99669 VOICE: (907) 283-4218 FAX: (907) 283-3285 WWW.MCLANECG.COM		PROJECT NO. 212006	
SCALE 1" = 100'	DATE: FEB 2021	BOOK NO.: 20-08 21-01	DRAWN BY: JAH



**Proposed Subdivision**

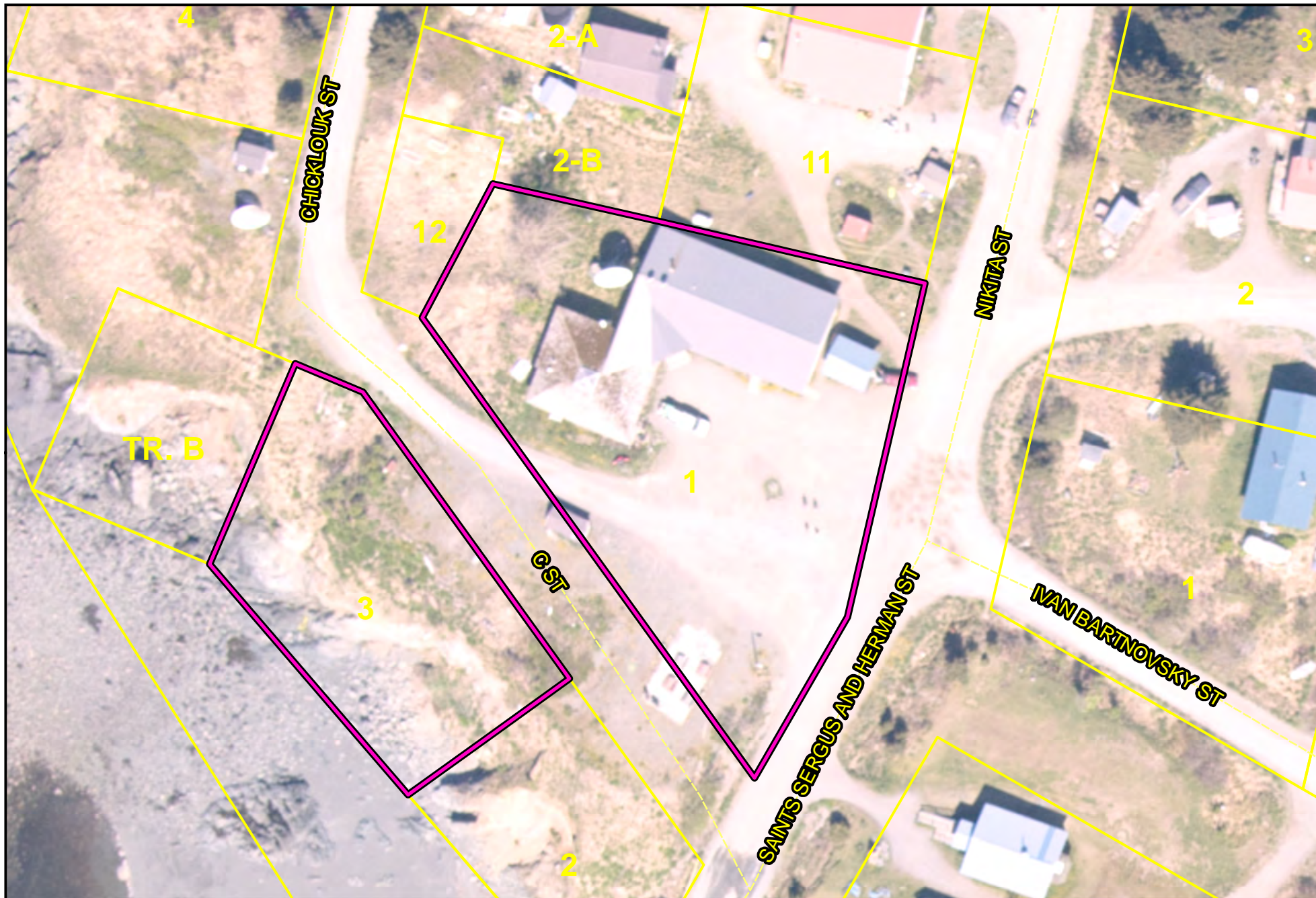
The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



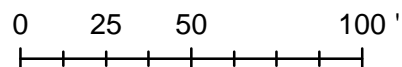
**KPB 2021-085**  
**S35 T09S R16W**  
**Nanwalek**

PClements, KPB 2021-085 Date: 9/3/2021





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.



Aerial View



 PRELIMINARY PLAT

PClements, KPB 2021-085  
Imagery World



### GPS CONTROL DATA

1. THE BASIS OF COORDINATES FOR THIS PLAT IS A MONUMENT SET THIS SURVEY DESIGNATED "NANWALEK VILLAGE BASE POINT". THE NAD 83 (2011) COORDINATES (LAT/LONG) ARE BASED ON AN NGS OPUS SOLUTION (EPOCH 2010.0000) FOR "NANWALEK VILLAGE BASE POINT". THE COORDINATES WERE CONstrained TO THE NATIONAL SPATIAL REFERENCE SYSTEM USING THE CORS REFERENCE STATIONS: AC 08 CAPDOUGLASAK2007 CORS ARP (PID DM7472), AC17 DRIFTRIVERAK2006 CORS ARP (PID DM7481), AND AC39 SHUYAKISSPAK2006 CORS ARP (PID DL7665).

2. ALL BEARINGS SHOWN WERE COMPUTED BY APPLYING A COUNTER-CLOCKWISE ROTATION OF 1°39'14.3" TO THE NAD 83 ALASKA STATE PLANE ZONE 5 (SPC) BEARINGS USING "NANWALEK VILLAGE BASE POINT" AS A ROTATION POINT. ALL GROUND DISTANCES WERE COMPUTED BY DIVIDING GRID INVERSE DISTANCES BY THE SCALE FACTOR 1.00004160, EXTRACTED FROM THE OPUS SOLUTION REPORT AT "NANWALEK VILLAGE BASE POINT".

3. THE RESULTING SCALED COORDINATES WERE TRANSLATED TO A LOCAL COORDINATE SYSTEM BASED ON "NANWALEK VILLAGE BASE POINT" N=100,000 E=100,000. ALL COORDINATE VALUES REPRESENT GROUND DISTANCES ORIENTED TO TRUE NORTH.

### NOTES

1. A BUILDING SETBACK OF 20' IS REQUIRED FROM ALL STREET RIGHTS-OF-WAY UNLESS A LESSER STANDARD IS APPROVED BY THE APPROPRIATE PLANNING COMMISSION.

2. THE FRONT 10' OF THE 20' BUILDING SETBACK IS A UTILITY EASEMENT. NO PERMANENT STRUCTURES SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE SAID EASEMENT.

3. ALL WASTEWATER DISPOSAL SYSTEMS SHALL COMPLY WITH EXISTING APPLICABLE LAWS AT THE TIME OF CONSTRUCTION.

4. THESE LOTS ARE SERVED BY VILLAGE OF NANWALEK COMMUNITY SEWER AND WATER SYSTEMS.

5. THE KENAI PENINSULA BOROUGH PLANNING COMMISSION GRANTED APPROVAL OF THIS RIGHT-OF-WAY VACATION AT THE MEETING OF JULY 12, 2021.



### WASTEWATER DISPOSAL

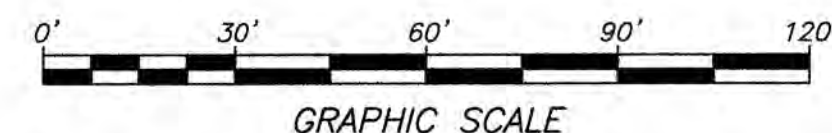
PLANS FOR WASTEWATER DISPOSAL THAT MEET REGULATORY REQUIREMENTS ARE ON FILE AT THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

### PLAT APPROVAL

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

BY: \_\_\_\_\_ AUTHORIZED OFFICIAL  
KENAI PENINSULA BOROUGH

DATE \_\_\_\_\_



### NOTARY'S ACKNOWLEDGMENT

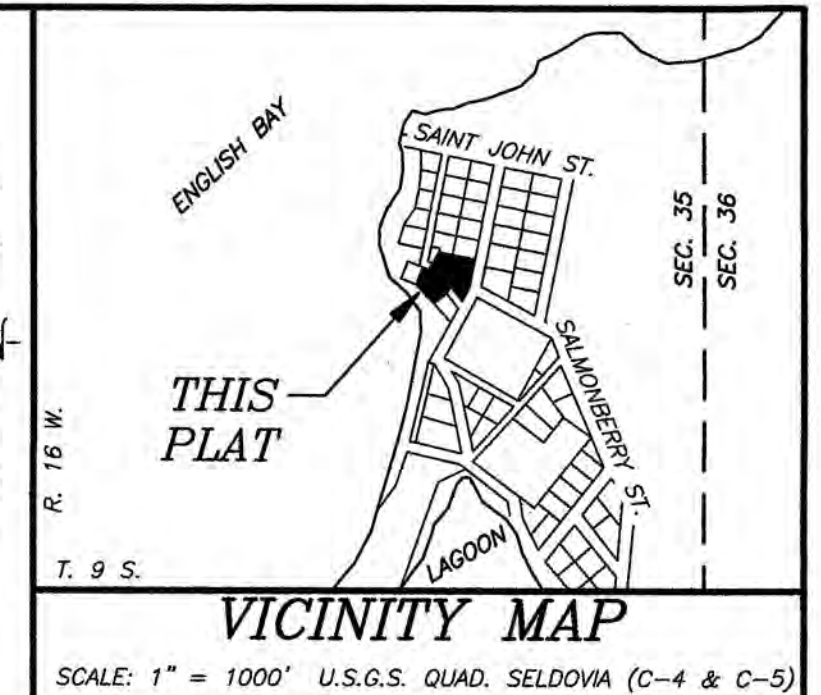
FOR: \_\_\_\_\_  
ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_  
DAY OF \_\_\_\_\_, 2021  
\_\_\_\_\_  
NOTARY PUBLIC FOR ALASKA  
MY COMMISSION EXPIRES \_\_\_\_\_

### NOTARY'S ACKNOWLEDGMENT

FOR: \_\_\_\_\_  
ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_  
DAY OF \_\_\_\_\_, 2021  
\_\_\_\_\_  
NOTARY PUBLIC FOR ALASKA  
MY COMMISSION EXPIRES \_\_\_\_\_

### LEGEND

- SET 2" AC 7968-S 2020
- FND 1.5" COPPERWELD MON S4901 2017
- FND 2" AC 7968-S 2020
- FND 3.25" BC MON 2017
- FND 3.25" BC MON 1967



### CERTIFICATE OF OWNERSHIP

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

AUTHORIZED SIGNATORY  
BUREAU OF INDIAN AFFAIRS  
3601 C ST. SUITE 1100  
ANCHORAGE, AK 99503

### CERTIFICATE OF OWNERSHIP

I HEREBY CERTIFY THAT NANWALEK VILLAGE (NANWALEK IRA COUNCIL) IS THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON, THAT ON BEHALF OF NANWALEK VILLAGE (NANWALEK IRA COUNCIL) I HEREBY ADOPT THIS PLAN OF SUBDIVISION, AND BY MY FREE CONSENT DEDICATE ALL RIGHTS OF WAY AND PUBLIC AREAS TO PUBLIC USE, AND GRANT ALL EASEMENTS TO THE USE SHOWN HEREON.

JOHN KVASNIKOFF, CHIEF & AUTHORIZED SIGNATORY  
NANWALEK IRA COUNCIL  
NANWALEK VILLAGE  
P.O. BOX 8028  
NANWALEK, AK 99603

SELDOVIA RECORDING DISTRICT KPB FILE NO. 2021-085V

### USS 4901 C STREET ROW VACATION 2021 REPLAT

A REPLAT OF LOT 1 BLK 2 USS 4901 TRACT A & LOT 3 BLK 3 TRACT A USS 4901 (SL 71-62), & A VACATION OF A PORTION OF C STREET, LOCATED WITHIN THE NE 1/4, SEC 35, T. 9 S., R. 16 W., SEWARD MERIDIAN, VILLAGE OF NANWALEK, KENAI PENINSULA BOROUGH, THIRD JUDICIAL DISTRICT, ALASKA

CONTAINING 1.141 ACRES

### SEABRIGHT SURVEY + DESIGN

KENTON T. BLOOM, P.L.S.

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

CLIENTS: BUREAU OF INDIAN AFFAIRS  
3601 C ST SUITE 1100 ANCHORAGE, AK 99503  
NANWALEK VILLAGE  
P.O. BOX 8028 NANWALEK, AK 99603

DRAWN BY: KK	CHKD BY: KB	JOB #2021-24
DATE: 8/2021	SCALE: 1"=30'	SHEET #1 OF 1

KPB 2021-085



AGENDA ITEM E. NEW BUSINESS

ITEM 4 – USS 4901 C STREET ROW VACATION 2021 REPLAT

<b>KPB File No.</b>	2021-085
<b>Plat Committee Meeting:</b>	September 27, 2021
<b>Applicant / Owner:</b>	Native Village of Nanwalek
<b>Surveyor:</b>	Kenton Bloom / Seabright Survey & Design
<b>General Location:</b>	Nanwalek

<b>Parent Parcel No.:</b>	191-200-07, 191-200-22
<b>Legal Description:</b>	Lot 1 Block 2 Tract A and Lot 3 Block 3 Tract A, USS 4901
<b>Assessing Use:</b>	Residential / Institutional
<b>Zoning:</b>	Rural Unrestricted
<b>Water / Wastewater</b>	City/Community

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STAFF REPORT

**Specific Request / Scope of Subdivision:** The proposed plat will reconfigure two lots to accommodate a right of way vacation and right of way dedication.

**Location and Legal Access (existing and proposed):** The subdivision is within the Nanwalek Village. The plat will finalize the vacation of a portion of C Street and will dedicate a new portion atop the constructed roadway. The right of way width will remain at 40 feet wide.

C Street is located at the southern end of Chicklounk Street, a constructed 40 foot wide right of way located west of the subdivision. Additional access is available from Saints Sergus and Herman Street and Nikita Street, both are dedicated 60 feet wide right of ways. The staff report for the right of way vacation stated Saints Sergus and Herman Street were maintained by the State of Alaska. All roads within this area are under borough jurisdiction. KPB GIS data reflects that the borough is not maintaining the right of ways. Any maintenance performed is being done at the private or village level. The roads are all located to the north of the English Bay Airport.

The approval of the right of way vacation was subject to a new dedication of right of way that kept the minimum width of 40 feet. This will allow the right of way to not be reduced in width and is consistent with many of the dedicated road widths within the village. The 40 foot wide right of way does not comply with KPB 20.30.120, as minimum width shall be 60 feet. **Staff recommends that the plat committee concur an exception is not required as this platting action is to provide a road alignment for a non-compliant right of way and allowing the minimum width of 40 feet preserves the historic character of the village as discussed in the Comprehensive Plan.**

The block north of C Street is closed but the east-west length is slightly shorter than allowed by code. The block south of C Street is not closed as it is part of a block bordered by shoreline. **Staff recommends the plat committee concur that an exception is not required, as this subdivision plat cannot improve the block length.**

KPB Roads Dept. comments	Out of Jurisdiction: No Roads Director: Painter, Jed Comments: The RSA has no comment at this time.
SOA DOT comments	No comment

**Site Investigation:** The preliminary plat does not appear to contain any low wet areas. The area is within Flood Zone C, which is non-regulatory and minimal flood risk.

Contour information is not available for the area. The top of the cliff is depicted on Lot 3 Block 3. If any steep slopes



are found in the proposed right of way dedication when the field survey is performed, they need to be depicted and additional easements may be required.

River Center Review	<p>A. Floodplain Reviewer: Carver, Nancy Floodplain Status: Not within flood hazard area Comments: No comments</p> <p>B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments</p> <p>C. State Parks Reviewer: Russell, Pam Comments: No Comments</p>
---------------------	---

**Staff Analysis** U.S. Survey No. 4901 was recorded in 1971 and the plat provided public right of way dedications. The Nanwalek Village owns Lot 1 Block 2 and Lot 3 Block 3.

The right of way vacation was heard and approved by the Planning Commission at their regularly scheduled meeting held on July 12, 2021. The vacation was forwarded to the Kenai Peninsula Borough Assembly and granted consent at their August 3, 2021 meeting. Per KPB Code, the right of way vacation is to be finalized within one year of consent or a new petition will be required.

The purpose of this plat is to finalize a vacation, grant new right of way atop the already constructed right of way, and allow more buildable area to add onto the village community building.

The village has a community water and waste disposal services available. Documentation is required from the Village of Nanwalek that includes any requirements they have and if those requirements are met. If an installation agreement is required, a copy must be provided with the final.

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

The property is not within an advisory planning commission.

**Utility Easements** The parent plat, USS 4901, did not grant any utility easements. This plat is proposing to grant 10 feet adjacent to the right of ways. **Staff recommends** the 10 foot utility easement be depicted and labeled on the drawing. Any additional easements needed by the Nanwalek Village or the utility providers should be granted and clearly marked or noted on the final plat.

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

**Utility provider review:**

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

**KPB department / agency review:**

Addressing – Derek Haws	<p>Affected Addresses: 63324 C ST Existing Street Names are Correct: No List of Correct Street Names: C ST CHICKLOUK ST NIKITA ST Existing Street Name Corrections Needed: SAINTS SERGUS AND HERMAN ST All New Street Names are Approved: No List of Approved Street Names: List of Street Names Denied: Comments: 63324 C ST will remain with LOT 1-A I recommend changing STS. SERGUS AND HERMAN ST to SAINTS SERGUS AND HERMAN ST</p>
Code Compliance – Eric Ogren	Comments: No comments
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.</p>
Assessing – Matt Bruns	Comments: No concerns from Assessing Dept.
Advisory Planning Commission	Comments not available when the staff report was prepared

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

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**STAFF RECOMMENDATIONS**  
**CORRECTIONS / EDITS**
**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 KPB File number to "2021-085"
- Reword the subdivision description. "A Replat of Lot 1 Block 2 Tract A and Lot 2 Block 3 Tract A, USS 4901.
- Update the ownership information by removing Bureau of Indian Affairs.
- The Ownership should be shown as reported on the Certificate to Plat. The Certificate to Plat states English Bay Village Council and Native Village of Nanwalek (aka English Bay) as the owners. As it appears they are the same owners but took title under different names and can be listed as Native Village of Nanwalek (aka as English Bay Village Council).

- C. The location, width, and name of existing or platted streets and public ways, railroad rights-of-way, and other important features such as section lines or political subdivisions or municipal corporation boundaries abutting the subdivision;  
**Staff recommendation:** *The width of Chicklounk Street needs to be revised to 40 feet. Correct the name label to Saints Sergus and Herman Street.*
- 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:** *Lot 2 Block 2 located next to proposed Lot 3-A Block 3 needs the block changed to Block 3. Add a label for Lot 1 Block 3 abutting Lot 3-A Block 3.*

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### 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:*

- 20.30.040. Streets within 100 feet of waterbodies. No dedications are allowed within 100 feet of the ordinary high water line of a waterbody unless necessary for access to a lot where no reasonable alternative access exists or the dedication provides access to a bridge or public facility, waterbody or watercourse. Final plats must comply with KPB 20.60.050 and 20.60.060.  
**Staff recommendation:** *Concur that the location of the right of way dedication is reasonable as no alternative access exists and there is already a roadway in this location.*
- 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:** *The correct note is placed on the plat. A plat note shall be added that the existing structure predates the setback. A proposed addition is shown on the plat and appears to be within the 20 foot building setback. The construction in that location will be an encroachment. It is recommended that an alternate design be chosen to comply with all setbacks unless a setback encroachment permit is applied for and approved. Depict and label the 20 foot building setback on the face of the plat.*
- 20.30.060. Easements-Requirements.
- A. The planning commission may require easements it determines necessary for the benefit of the public. Such easements include, but are not limited to, lateral support (slope) easements, drainage easements for ditching or protection of a drainage, and utility easements. Required easements do not need to be for road purposes.



B. Upon submittal of a preliminary plat, the planning department shall provide a copy to public utility companies for their comments-and recommended design of utility easements. If the property is subject to existing natural gas or petroleum pipeline easements, a copy shall also be furnished to the appropriate company for comment.

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

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

**Staff recommendation:** *Depict and label the utility easements being granted with this plat.*

20.30.130. Streets-Curve requirements.

A. Where a deflection angle of more than 10 degrees in the alignment of a right-of-way occurs, a curve of minimum radius is required. On streets 100 feet or more in width, the centerline radius of curvature shall be not less than 300 feet; on other streets not less than 200 feet. If it is not possible to design a curve to be radial or tangential, that curve shall be clearly labeled non-radial or non-tangential.

B. A minimum 100-foot tangent is required between curves.

**Staff recommendation:** *Concur that an exception or a dedication of a curve in the right of way is not required for C Street as the amount of traffic is limited in this area and a curve in the right of way would reduce the area between the existing Community Building and the right of way.*

20.30.200. Lots-Minimum size.

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

A. Lots shall contain at least 6,000 square feet if served by public wastewater disposal and water systems.

B. Lots shall contain at least 40,000 square feet if both the well and wastewater disposal are to be located on the lot unless it can be demonstrated to the satisfaction of the commission that a smaller lot size is adequate for the safe location and operation of an on-site well and wastewater disposal system.

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

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

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

**Staff recommendation:** *Concur that an exception for Lot 3-A is not required as it will be able to connect to the village water and wastewater system.*

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**KPB 20.40 -- Wastewater Disposal**

20.40.010 Wastewater disposal.

*Platting Staff Comments: It is noted that the subdivision will or is connected to Village water and wastewater disposal. Provide documentation from the Village of Nanwalek that the lots are connected, have the ability to be connected, or that the Village has no additional requirements.*

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

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#### **KPB 20.60 – Final Plat**

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

20.60.040. 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 an acceptance of the new right of way to be signed by the Kenai Peninsula Borough.*

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

**Staff recommendation:** *Comply with 20.60.090.*

20.60.180. Plat notes.

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

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

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

- *Roads must meet the design and construction standards established by the borough in order to be considered for certification and inclusion in the road maintenance program (KPB 14.06).*
- *Improvements on Lot 1-A Block 2 predate the 20' building setback created by this plat and are not subject to the 20' building setback. Any new construction, replacement, or improvement to the building must comply with the 20 foot building setback as shown on this plat.*

*Reword plat note 2, "The front 10 feet adjoining dedicated right of ways is a utility easement. No permanent..."*

20.60.190. Certificates, statements, and signatures required.

**Staff recommendation:** *An acceptance will be required to be signed by the Kenai Peninsula Borough for the new dedication of C Street. The certificate of ownership for Bureau of Indian Affairs may be removed as well as their notary. The ownership information shall reflect the Certificate to Plat. This may be done by listing as Native Village of Nanwalek (aka English Bay Village Council). If this is not correctly representing the ownership, the owners must work with the title company. We have received documentation authorizing Mr. Kvasnikoff to sign on behalf of the Council. Comply with 20.60.190.*

KPB 20.70 – Vacation Requirements

**Staff recommendation.** *This plat must be recorded within one year of consent, August 3, 2022.*

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#### **RECOMMENDATION:**

**STAFF RECOMMENDS:**

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

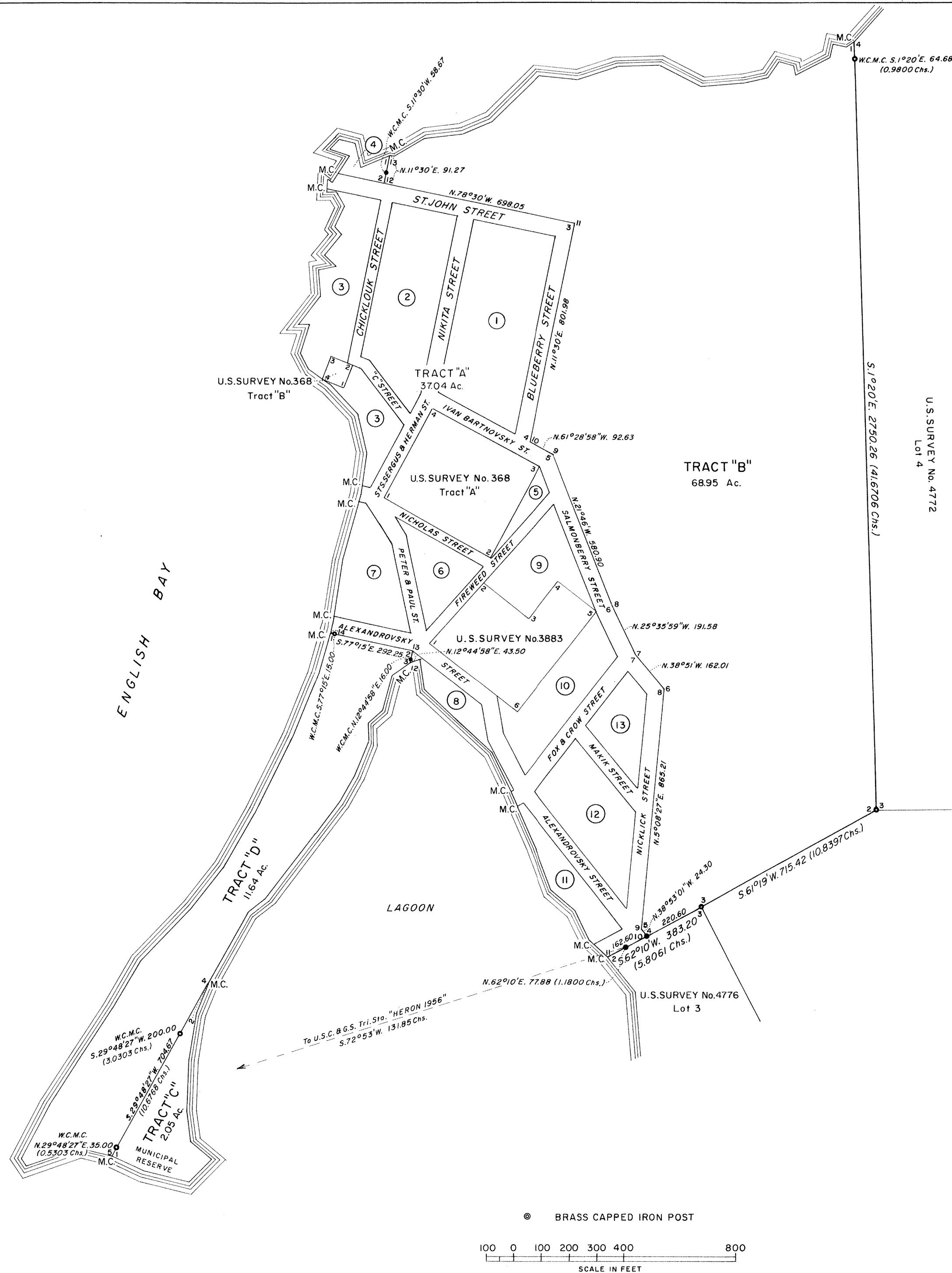
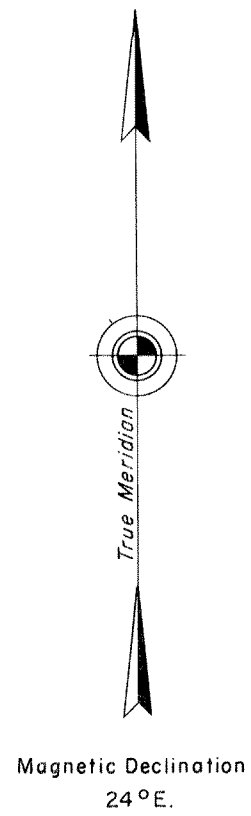
**NOTE: 20.25.120. - REVIEW AND APPEAL.**

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

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

**END OF STAFF REPORT**





**U. S. SURVEY**  
**No. 4901, ALASKA**  
**TRACTS "A" THROUGH "D"**  
**IN THREE SHEETS**  
**FOR DETAILS OF SUBDIVISION OF TRACT "A"**  
**SEE SHEETS 2 & 3**

SITUATED  
AT THE VILLAGE  
OF ENGLISH BAY, ALASKA  
WITH TRACTS A THROUGH C  
COMPRISING THE TOWNSITE  
OF ENGLISH BAY  
AND  
THE DEPENDENT RESURVEY OF U. S. SURVEY NO. 3883;  
LINE 3-4, LOT 4, U. S. SURVEY NO. 4772;  
AND  
LINE 2-3, LOT 3, U. S. SURVEY NO. 4776

GEODETIC POSITION  
AT WITNESS MEANDER CORNER NO. 11, TRACT A  
LATITUDE 59°21'07.29" N., LONGITUDE 151°54'56.43" W.

AREA: 119.68 ACRES

SURVEYED BY:  
MASON W. THAYER, SUPERVISORY CADASTRAL SURVEYOR  
JULY 8, 1967, TO AUGUST 12, 1967  
Under Special Instructions  
Dated June 8, 1967  
Approved June 9, 1967

UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
Washington, D. C. April 1, 1971

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  
*Clark F. Lumm*  
Chief, Division of Cadastral Survey

U. S. SURVEY  
No. 4901, ALASKA  
TOWNSITE OF ENGLISH BAY

Reference should be made to Sheet No. 1,  
for survey information.

UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
Washington, D. C. April 1, 1971

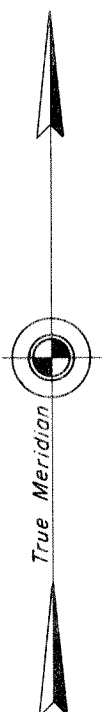
This plat is strictly conformable to the approved field notes, and the survey, having been correctly executed in accordance with the requirements of law and the regulations of this Bureau, is hereby accepted.

For the Director

*Clark F. Lumm*

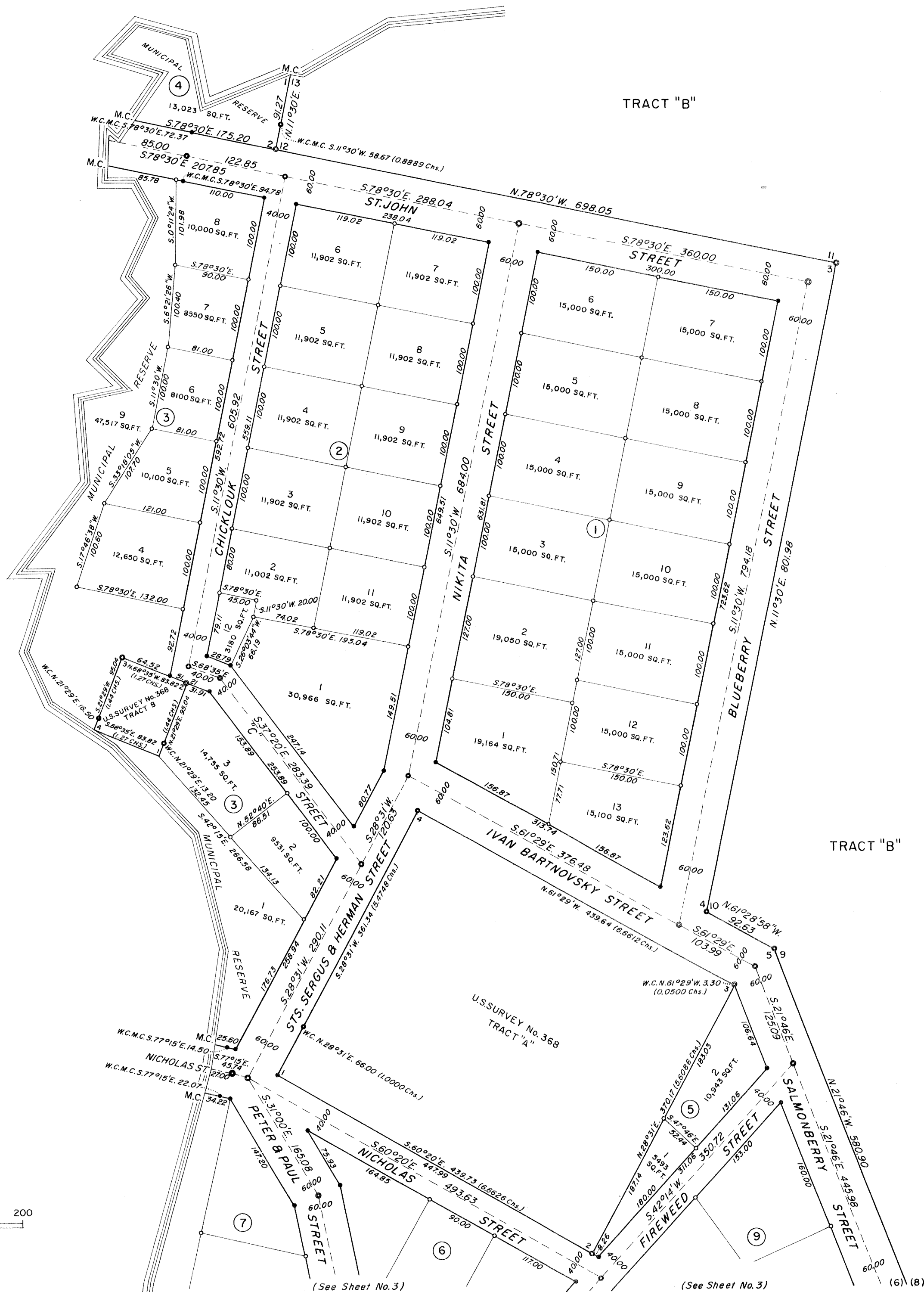
Chief, Division of Cadastral Survey

ENGLISH BAY



Magnetic Declination  
24°E.

- IRON ROD, ALUMINUM CAP
- COPPERWELD MONUMENT
- BRASS CAPPED IRON POST



(See Sheet No. 3)

(See Sheet No. 3)

(6) (8)

U. S. SURVEY  
No. 4901, ALASKA  
TOWNSITE OF ENGLISH BAY

Reference should be made to Sheet No. 1,  
for survey information.

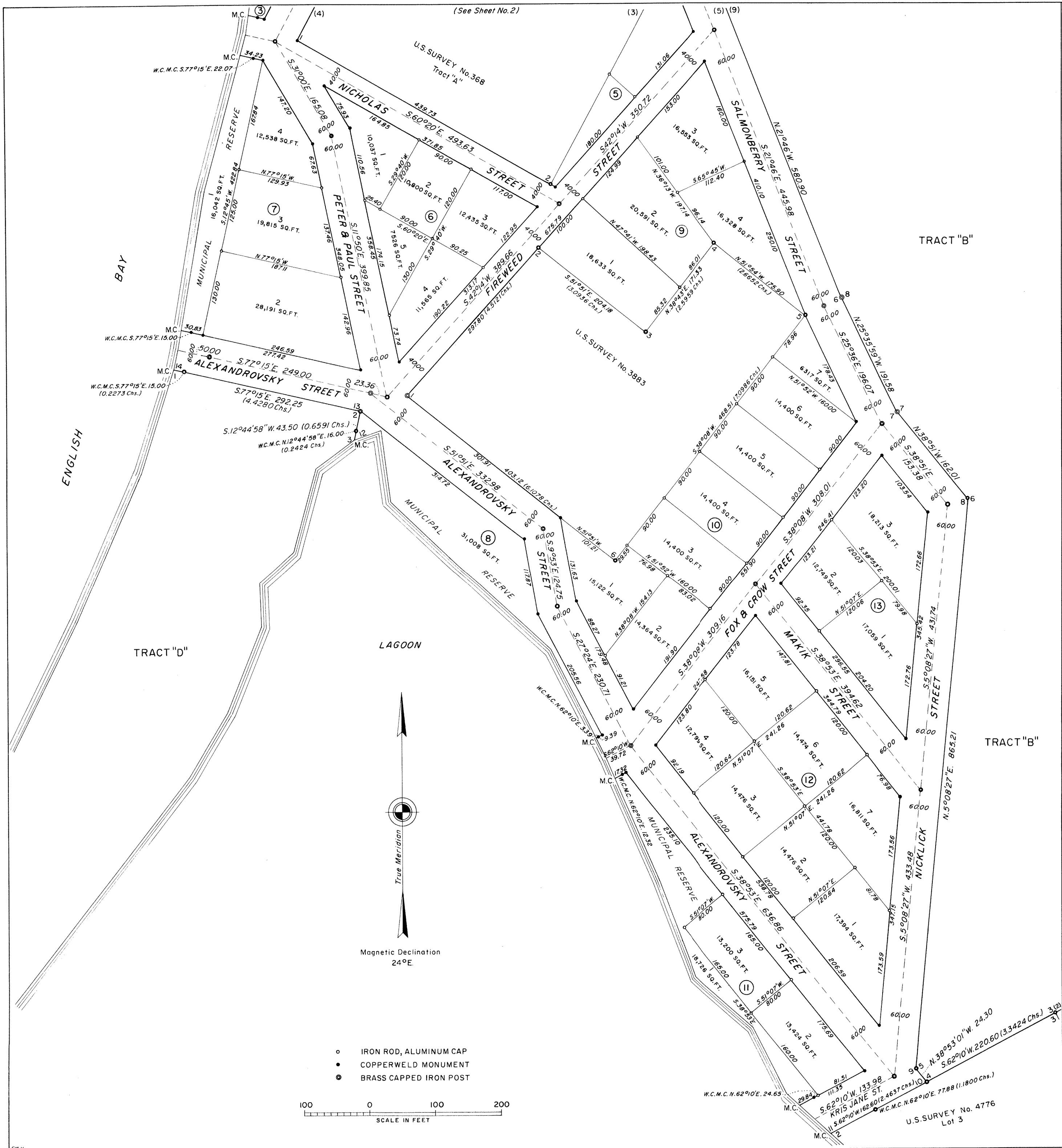
UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
Washington, D. C. April 1, 1971

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For the Director

*Clark F. Luman*

Chief, Division of Cadastral Survey

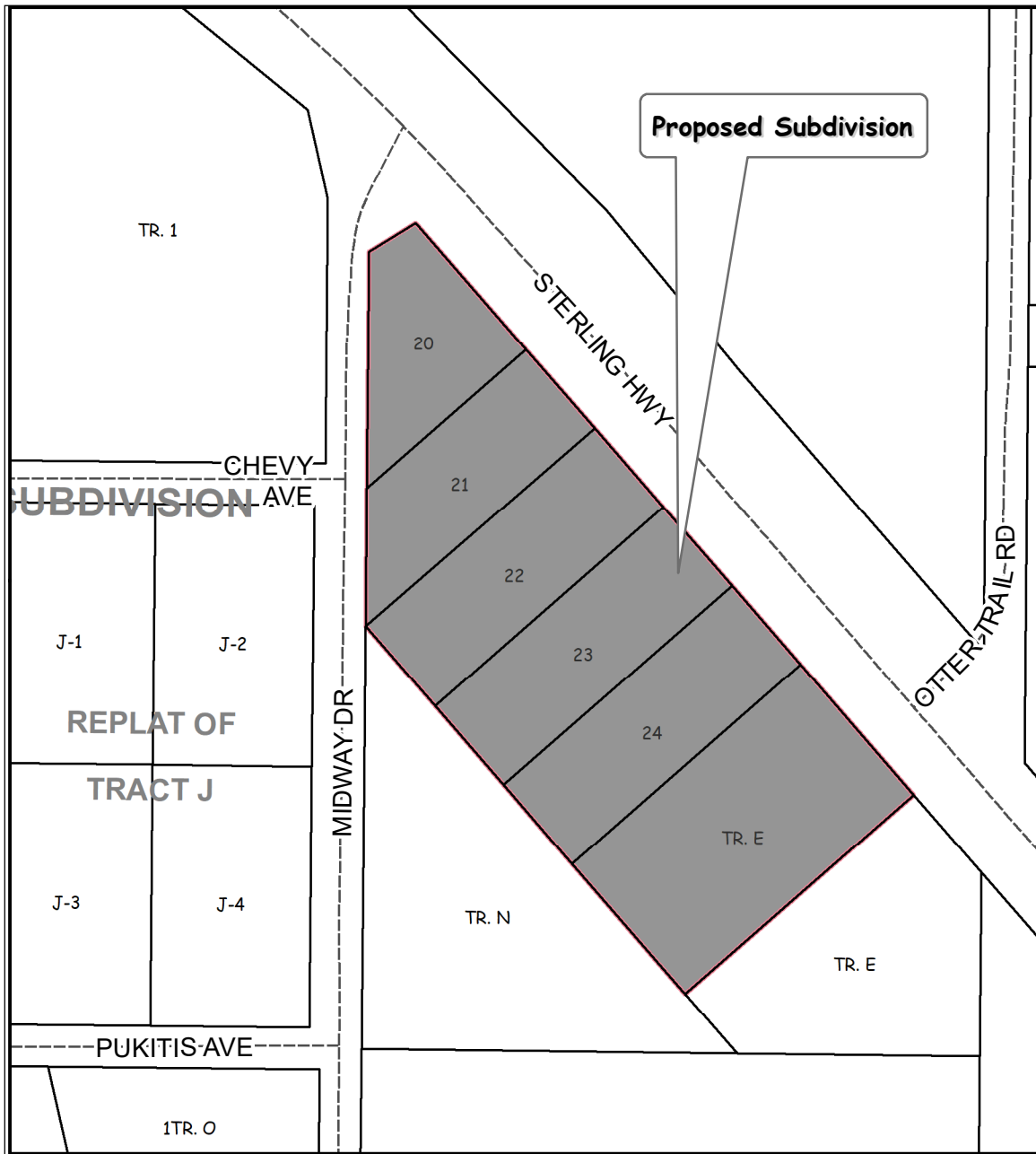




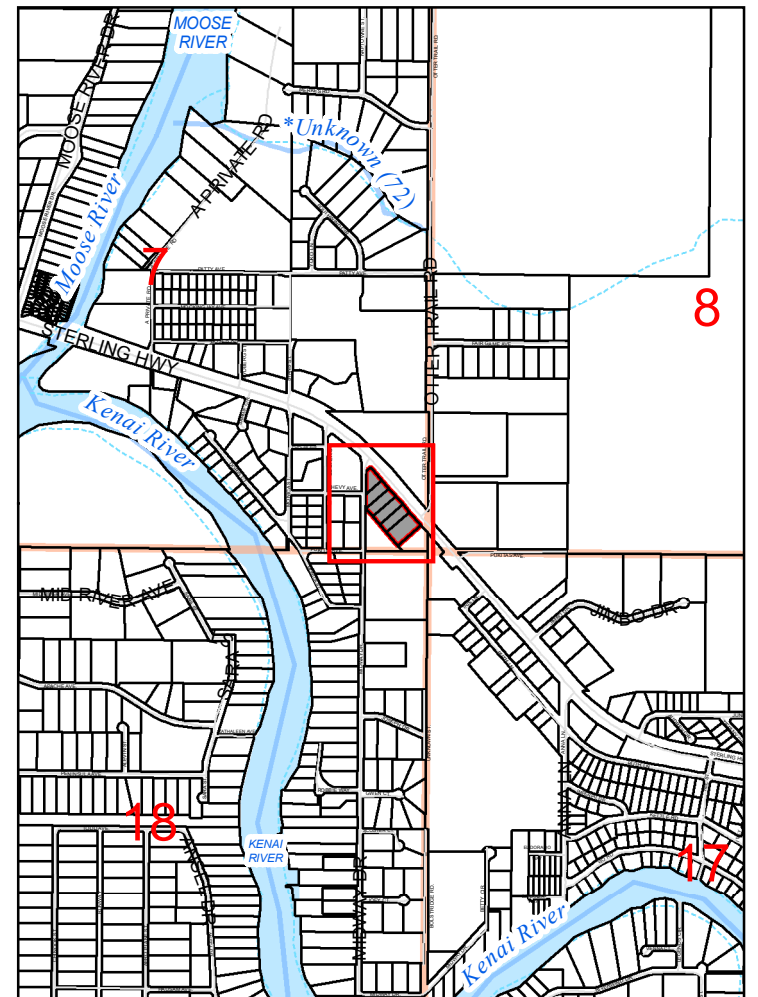
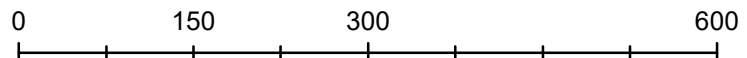
SELDOVIA

Serial No. 71-62

<del>RECORDED</del> - FILED	
<u>Seldovia</u> REC. DIST.	
DATE <u>July 14</u>	19 <u>71</u>
TIME <u>2:30</u>	<u>P.M.</u>
Requested by <u>Bureau of Land</u>	
Address <u>555 Chandler Street</u>	
<u>Anchorage - Ak.</u>	

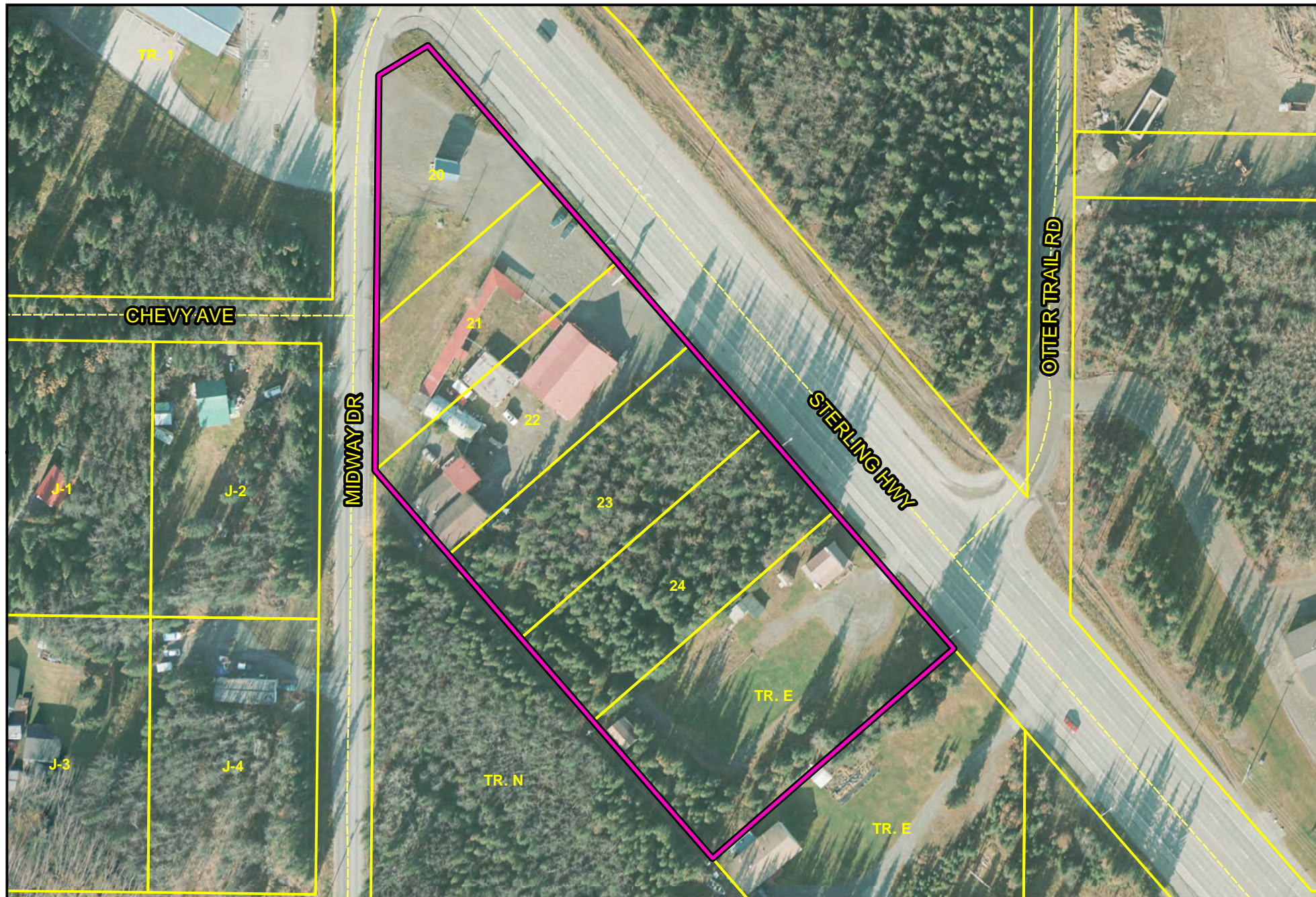


The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



**KPB 2021-130**  
**S07 T05N R08W**  
**STERLING**





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

0 50 100 200'

Aerial View



 PRELIMINARY PLAT

PClements, KPB 2021-130  
Imagery KENAI RIVER 2010







AGENDA ITEM E. NEW BUSINESS

ITEM 5 – MCFARLAND SUBDIVISION 2021 REPLAT

<b>KPB File No.</b>	2021-130
<b>Plat Committee Meeting:</b>	September 27, 2021
<b>Applicant / Owner:</b>	Three Bears Alaska, Inc. of Wasilla, AK
<b>Surveyor:</b>	Jason Young, Mark Aimonetti / Edge Survey and Design, LLC
<b>General Location:</b>	Sterling

<b>Parent Parcel No.:</b>	065-050-30, 065-050-31, 065-050-32, 065-050-33, 065-050-34, and 065-050-35
<b>Legal Description:</b>	Lots 20-24 and northern 160 feet of Tract E, McFarland Subdivision Amended, Plat K-797
<b>Assessing Use:</b>	Commercial / Residential
<b>Zoning:</b>	Rural Unrestricted
<b>Water / Wastewater</b>	On-Site

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STAFF REPORT

**Specific Request / Scope of Subdivision:** The proposed plat will combine two lots into one 1.06 acre lot and combine four lots into one 3.06 acre lot.

**Location and Legal Access (existing and proposed):** The subdivision is located in Sterling near mile 81 of state maintained Sterling Highway. Along the western boundary is Midway Drive, a 40 foot wide right of way, that is improved and borough maintained. Through the years as subdivisions occur additional right of way width have been requested. This has resulted in the right of way width for Midway Drive varying as it continues south.

The subdivision is located within a closed block that meets the KPB block length requirements. The Sterling Highway, Midway Drive, and section line easements define the block. The block is compliant except it is slightly short the minimum requirement along the section line easement where it connects to the Sterling Highway. ***Staff recommends the Plat Committee concur there is nothing this subdivision can do to improve a short block length outside its boundary.***

KPB Roads Dept. comments	Out of Jurisdiction: No Roads Director: Painter, Jed Comments: The RSA has no comments at this time
SOA DOT comments	The ROW for Sterling Hwy is as shown on Sterling Highway Mile 79-94 ROW Map (IR-0A3-3(3)/56375) sheets 56-57 of 74 (Plat 2013-26 KRD) and appears to be shown correctly.

**Site Investigation:** The site is relatively flat and there are no low wet areas present on the property.

KPB River Center review	A. Floodplain Reviewer: Carver, Nancy Floodplain Status: Not within flood hazard area Comments: No comments  B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments  C. State Parks
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	Reviewer: Russell, Pam Comments: No Comments
Alaska Fish and Game	No objections

**Staff Analysis** McFarland Subdivision Amended, K-797, created the lots within this subdivision. The parent plat was completed in the early 1960s. The lots are all approximately 0.5 acres with one larger at 0.9 acres. Midway Drive was dedicated as a 40 foot wide right of way as were others within that area.

Two of the small lots are proposed to be combined into one 1.06 acre lot. Four other lots will be combined to create one 3.06 acre lot. On the KPB GIS imagery, it does appear that structures encroach across the property lines. Many of the structures have been removed and work to clear the site is ongoing.

Midway Drive was dedicated as 40 feet wide. As subdivisions have been completed through the years, additional 10 feet of right of way has been dedicated on each side of the existing right of way. **Staff recommends this platting action provide a 10 foot right of way dedication for Midway Drive.**

A soils report will not be required, as the preliminary plat will be creating lots that will be increasing in size by more than 1,000 square feet.

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 did not grant any utility easements within the lots included with this preliminary plat. Plat note 6 refers to the easement granted by document to Homer Electric Association. The location was not defined. Plat note 5 refers to an easement granted to ENSTAR. The recording district needs to be added to the note. It states that it is the southernmost 10 feet of former Lot 21. **Staff recommends if the location of the easement is known, depict and refer to the plat note and add the recording district 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 objections
ACS	No objections
GCI	Approved as shown

**KPB department / agency review:**

Addressing	Reviewer: Haws, Derek Affected Addresses: 33097 STERLING HWY 33077 STERLING HWY 33041 STERLING HWY 33031 STERLING HWY 33021 STERLING HWY 38088 MIDWAY DR 33057 STERLING HWY
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	<p>Existing Street Names are Correct: No</p> <p>List of Correct Street Names: STERLING HWY MIDWAY DR</p> <p>Existing Street Name Corrections Needed: OTTER TRAIL should be OTTER TRAIL RD PUKTIS AVE should be PUKITIS AVE Recommend adding CHEVY AVE</p> <p>All New Street Names are Approved: No List of Approved Street Names: List of Street Names Denied:</p> <p>Comments: Existing addresses will be deleted and new addresses assigned upon request.</p>
Code Compliance	<p>Reviewer: Ogren, Eric Comments: No comments</p>
Planner	<p>Reviewer: Taylor, Bryan There are not any Local Option Zoning District issues with this proposed plat.</p> <p>Material Site Comments: There are not any material site issues with this proposed plat.</p>
Assessing	<p>Reviewer: Bruns, Matthew Comments: No concerns from Assessing Dept.</p>

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

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

#### **KPB 20.25.070 - Form and contents required.**

- 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:** Amended needs to be added to the subdivision name. Acreage is different from the parent lots. Verify 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:**
- Add the suffix "RD" to Otter Trail Road

- Add a label for Chevy Avenue and a road width label
- Correct the spelling of Pukitis Avenue.
- Provide 40 foot and 50 foot wide labels on Midway Drive

- 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 to include the suffix "RD" on Otter Trail Road*

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

**Staff recommendation:** *To the west of the subdivision update the label to Tract I, Plat K-798*

### KPB 20.30 Design Requirements

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

#### 20.30.030. Proposed street layout-Requirements.

A. The streets provided on the plat must provide fee simple right-of-way dedications to the appropriate governmental entity. These dedications must provide for the continuation or appropriate projection of all streets in surrounding areas and provide reasonable means of ingress for surrounding acreage tracts. Adequate and safe access for emergency and service vehicle traffic shall be considered in street layout.

B. Subdivision of land classified as agricultural conveyed subject to AS 38.05.321(a)(2)(B) may provide public access easements in lieu of fee simple dedications if necessary to comply with the minimum lot size restriction of the statute. The public access easements must meet all applicable right-of-way design criteria of Title 20 and are subject to the building setback requirements set forth in KPB 20.30.240.

C. Preliminary plats fronting state maintained roads will be submitted by the planning department to the State of Alaska Department of Transportation and Public Facilities (DOT) for its review and comments.

**Staff recommendation:** *Provide the source information for the Sterling Highway within the right of way depiction or within a plat note.*

#### 20.30.120. Streets-Width requirements.

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

1. Half streets shall generally not be allowed except to provide the logical extension of a right-of-way where the remaining half street can reasonably be expected to be dedicated in the future.
2. When a design change required as a condition of preliminary approval results in a half right-of-way that was not shown on the original preliminary plat, 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:** *Provide a 10 foot dedication for Midway Drive.*

### KPB 20.40 -- Wastewater Disposal

#### 20.40.010 Wastewater disposal.

Platting Staff Comments: *This plat will increase the lots by more than 1,000 square feet. Per 20.40.020(A)(2), a wastewater system review will not be required.*

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

#### **KPB 20.60 – Final Plat**

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

20.60.040. 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 a 10 foot portion of Midway Drive is required, an acceptance to be signed by the Kenai Peninsula Borough will be required.

20.60.180. Plat notes.

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

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

**Staff recommendation:**

- Reword plat note 2, “The front 15 feet adjacent to dedicated right of ways is a utility easement. No...”
- Add “KRD” or “Kenai Recording District” to note 5.

20.60.190. Certificates, statements, and signatures required.

**Staff recommendation:** Provide a certificate of acceptance for KPB to accept the dedication of Midway Drive right of way. Comply with 20.60.190.

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#### **RECOMMENDATION:**

#### **STAFF RECOMMENDS:**

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

NOTE: 20.25.120. - REVIEW AND APPEAL.

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

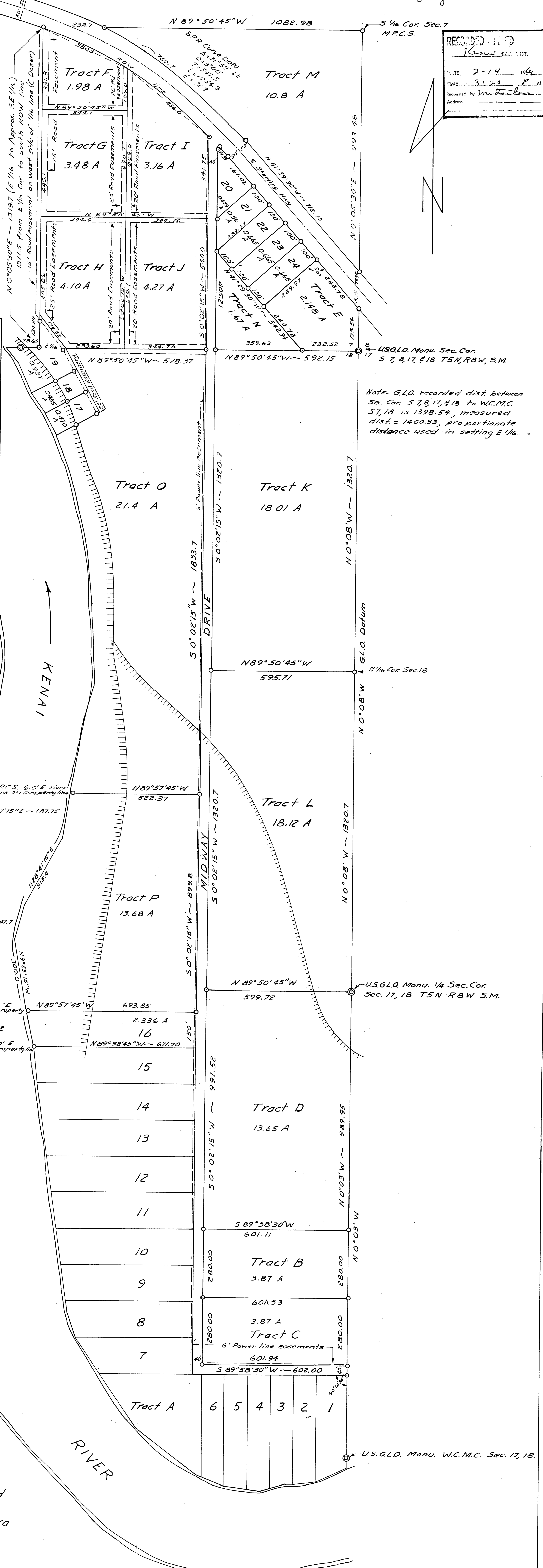
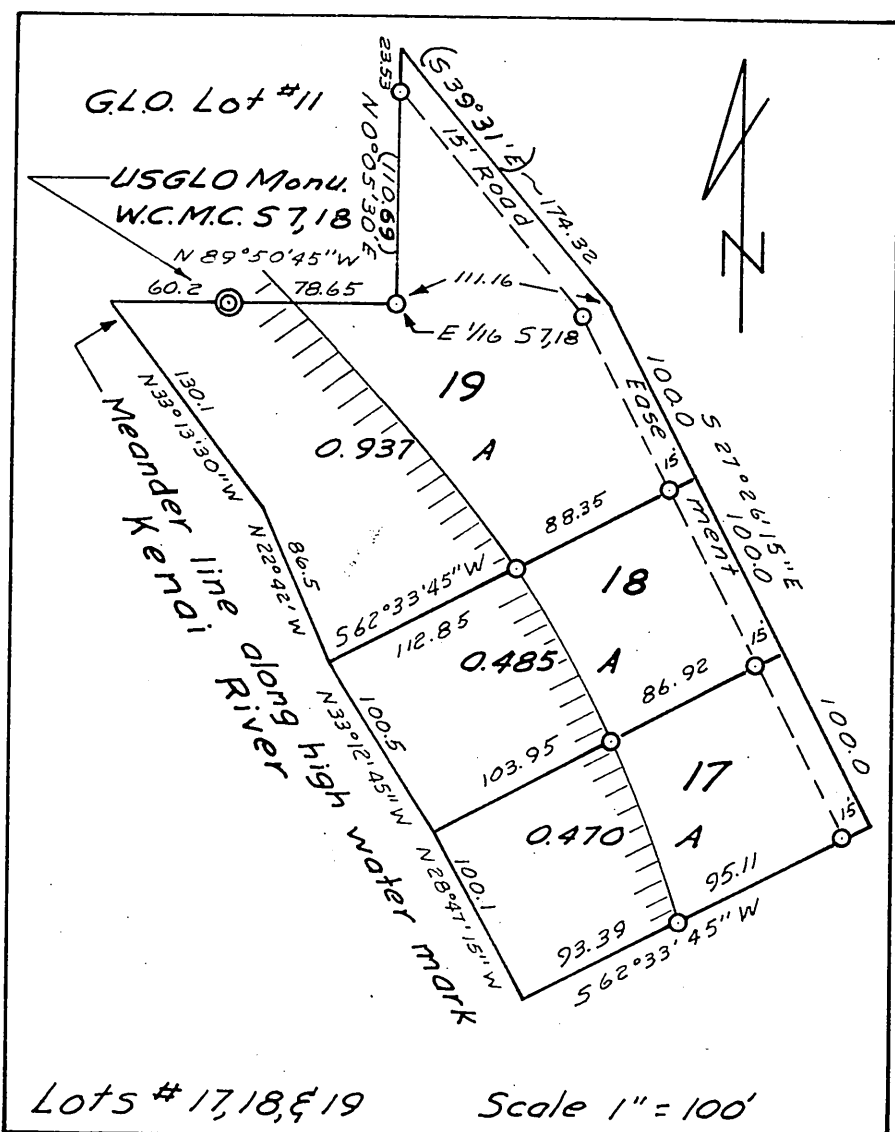
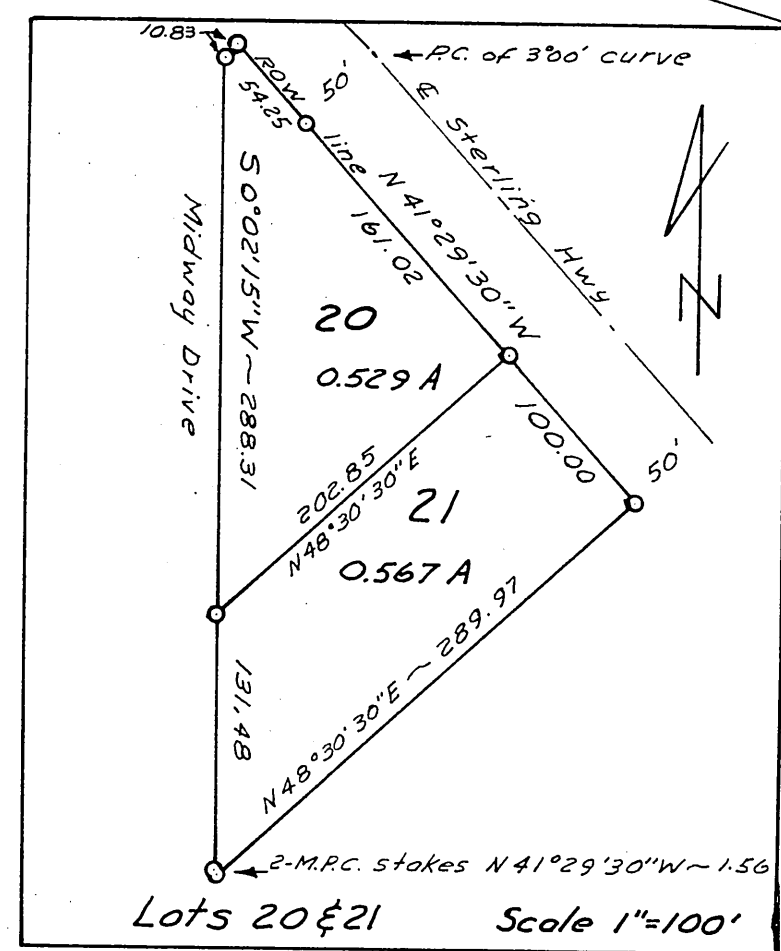
A DECISION OF THE PLANNING COMMISSION MAY BE APPEALED TO THE HEARING OFFICER BY A PARTY OF RECORD WITHIN 15 DAYS OF THE DATE OF NOTICE OF DECISION IN ACCORDANCE WITH KPB 21.20.250.

**END OF STAFF REPORT**





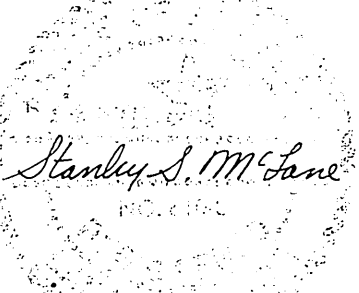
K-797  
61-130  
Bentley file  
Page 190



RECORDED - 1170  
K-797  
DATE 2-14-1964  
TIME 3:20 P.M.  
Requested by Stanley S. McLane  
Address

Note: G.L.O. recorded dist between Sec. Cor. 5, 7, 8, 17, & 18 to W.C.M.C. 5, 7, 18 is 1398.54, measured dist = 1400.33, proportionate distance used in setting E 1/4.

PLAT CORRECTION  
Data parenthesized on Lot 19, has been corrected to conform with the existing field survey.  
STANLEY S. McLANE Date, 1-30-61



McFARLAND SUBDIVISION  
Developed by John F. McFarland  
Description - SE 1/4, SE 1/4, Sec. 7 and G.L.O. Lots 1, 7, 8, and 13 of Sec. 18 T5N, R8W, Seward Meridian, Alaska

- Legend-
1. Tract A and lots 1 thru 15 were surveyed by D.L. Bear, 1953, and have been recorded on revised and amended plat, April 30, 1958
  2. A 6 foot easement for power lines has been established as indicated on the west side of Midway Drive and across the south side of Tract C.
  3. On the tracts and lots contiguous to the Sterling Highway and Midway Drive property lines and easement lines are the same. On the remaining road easements property lines contain the easements.
  4. 0 Indicates 1/2" metal property corner stake with cap marked (property corner 610-5)
  5. © Indicates U.S.G.L.O. monument

Surveyed & Drawn by Stanley S. McLane  
Registered Surveyor #610-5  
Date - Jan 15, 1960 Scale 1" = 200'

McFARLAND Sub

AGENDA ITEM E. NEW BUSINESS

ITEM 5 – MCFARLAND SUBDIVISION 2021 REPLAT

KPB File No.	2021-130
Plat Committee Meeting:	September 27, 2021

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STAFF REPORT - ADDENDUM

After the staff report was prepared, a request for AN exception from code was received from the surveyor.

**EXCEPTIONS REQUESTED:**

**KPB 20.30.120 – Street Width**

Surveyor's Discussion:

Staff Discussion: Midway Drive was dedicated by McFarland Subdivision Amended, K-797 as a 40 foot wide right of way. Through subsequent platting actions additional 10 foot dedications have been granted along both sides of Midway Drive. This has resulted in varying widths for Midway Drive of 40, 50, and 60 feet.

If the exception is denied, a 10 foot dedication will be required for Midway Drive. The owner's will need to work with the Roads Department to determine if a prior existing encroachment will require an encroachment permit. Additional plat notes pertaining to the well may be required on the face of the plat.

**Surveyor's Findings:**

1. There is an active water well 2' from edge of ROW along Midway Drive.
2. Midway Drive is constructed and used with adequate ditching and useable space.
3. Utility infrastructure with electric meter panel within 10' dedication requested.

**Staff's Findings:**

4. The right of way was dedicated in 1961 by plat McFarland Subdivision Amended.
5. Several other right of ways were dedicated with 40 foot widths in the area.
6. The ability to get a full 60 foot width the entire length of Midway Drive will be difficult due to current lot configurations and improvements.
7. Utility infrastructure is permitted within dedicated right of ways.
8. Well casings are allowable within building setbacks.
9. The roads department did not comment on the preliminary design as submitted without additional dedication.

Staff reviewed the exception request and recommends granting approval.

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

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

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

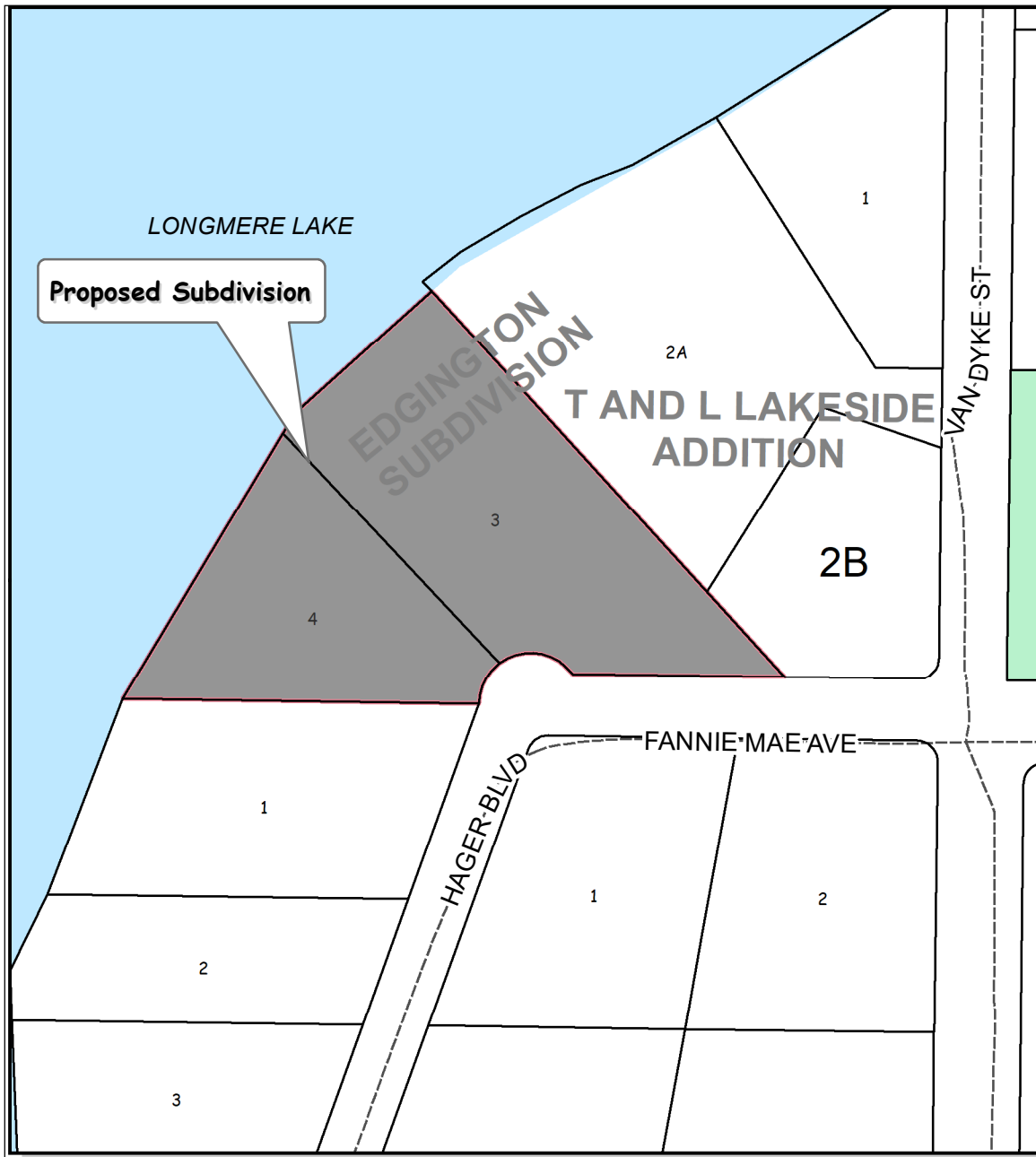


1. That special circumstances or conditions affecting the property have been shown by application;  
**Findings 1-3, 7, 9 appear to support this standard.**
2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying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

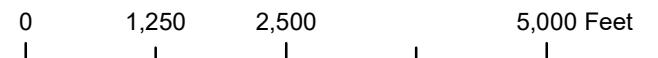
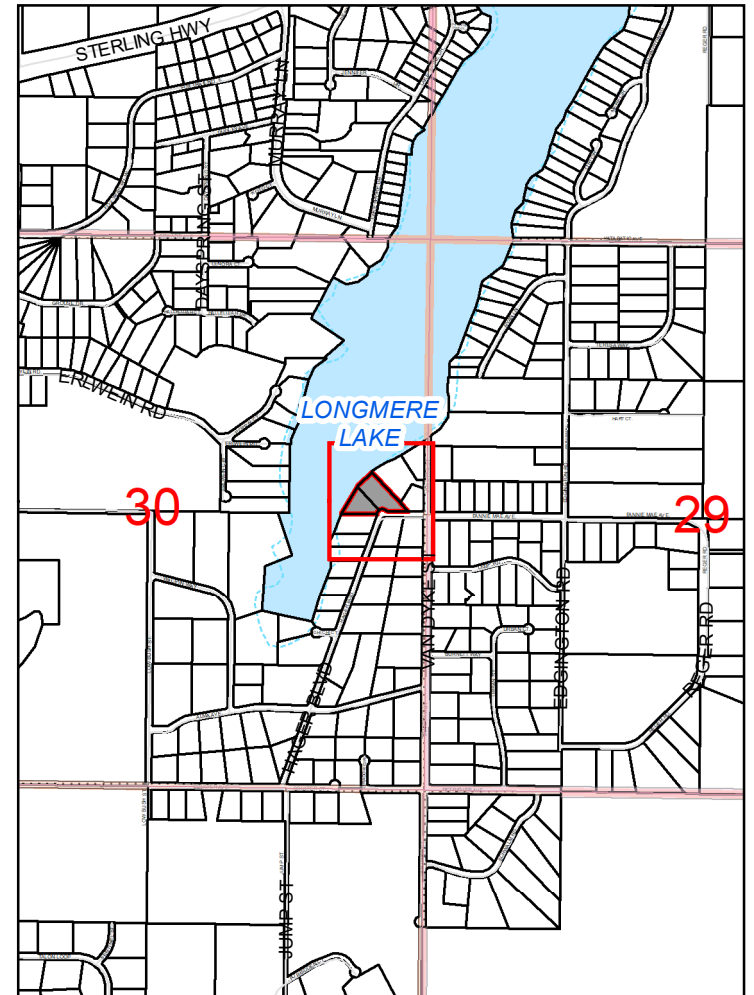
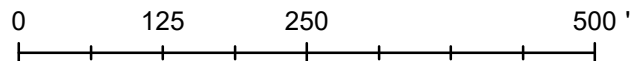
**Staff recommendation:** place notes on the final plat indicating any exceptions granted by the Plat Committee with the meeting date.

END OF STAFF REPORT ADDENDUM

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



**KPB 2021-129**  
**S30 T05N R09W**  
**STERLING**

PClements, KPB 2021-129 Date: 9/7/2021



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 50 100 200'

Aerial View



 PRELIMINARY PLAT

PClements, KPB 2021-129  
Imagery STERLING 2018



REFERENCES

- (R1) EDGINGTON SUBD. NO. 2 PLAT NO. 79-195, KENAI RECORDING DISTRICT  
(R2) SLEEPY HOLLOW SUBDIVISION, PLAT NO. 78-19, KENAI RECORDING DISTRICT  
(R3) EDGINGTON SUBDIVISION T AND L LAKESIDE ADDITION, PLAT NO. 2016-29, KENAI RECORDING DISTRICT

LINE TABLE

LINE	BEARING	DISTANCE
L1	N19°01'25"E	17.46'
L2	N00°00'00"W	11.24'
L3	N45°59'06"E	25.00'

NOTES

- BUILDING SETBACK - A SETBACK OF 20 FEET IS REQUIRED FROM ALL STREET RIGHTS-OF-WAY UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
- THE FRONT 15 FEET ADJACENT TO THE RIGHTS-OF-WAY IS A UTILITY EASEMENT. PLAT KN 79-195 GRANTED 5 FEET ALONG FORMER LOT 3. THIS PLAT WILL GRANT ADDITIONAL 10 FEET AS UTILITY EASEMENTS TO BRING THE 5 FOOT UTILITY EASEMENT TO A WIDTH OF 15 FEET. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
- THE KENAI PENINSULA BOROUGH PLANNING COMMISSION APPROVED THE VACATION OF A PORTION OF FANNIE MAE AVE. AND UTILITY EASEMENT GRANTED BY PLAT KN 79-195, AT THE MEETING OF SEPTEMBER 27, 2021.
- EXCEPTION TO KENAI PENINSULA BOROUGH CODE KPB 20.40.040 WAS GRANTED AT THE PLAT COMMITTEE MEETING OF SEPTEMBER 27, 2021.
- A 20 FOOT ELECTRIC DISTRIBUTION LINE EASEMENT CENTERED ON EXISTING POWER LINE GRANTED THIS PLAT.
- A 15 FOOT GAS DISTRIBUTION LINE EASEMENT CENTERED ON EXISTING GAS LINE GRANTED THIS PLAT.
- RIGHTS OF THE PUBLIC AND OR GOVERNMENTAL AGENCIES IN AND TO THAT PORTION OF SAID PREMISES LYING BELOW THE MEAN HIGH WATER MARK OF LONGMERE LAKE AND ANY QUESTIONS OF RIGHT OF ACCESS TO THE LAKE IN THE EVENT SAID LANDS DO NOT IN FACT ABUT THE LAKE.
- ANY PROHIBITION OR LIMITATION ON THE USE, OCCUPANCY OR IMPROVEMENT OF THE LAND RESULTING FROM THE RIGHTS OF THE PUBLIC OR RIPARIAN OWNERS TO USE ANY WATERS WHICH MAY COVER THE LAND OR TO USE ANY PORTION OF THE LAND WHICH IS NOW OR MAY FORMERLY HAVE BEEN COVERED BY WATER.
- THE CUL-DE-SAC PORTION OF THE RIGHT OF WAY BEING VACATED THIS PLAT WILL REMAIN AS A PUBLIC UTILITY EASEMENT.
- WASTEWATER DISPOSAL: ANY WASTEWATER TREATMENT AND DISPOSAL SYSTEM MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

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-WAYS AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

COLLEEN M. SHERMAN  
43420 KALIFORNISKY BEACH RD.  
SOLDOTNA, ALASKA 99669

GUY F. SHERMAN  
43420 KALIFORNISKY BEACH RD.  
SOLDOTNA, ALASKA 99669

JESSICA SEYMOUR  
43420 KALIFORNISKY BEACH RD.  
SOLDOTNA, ALASKA 99669

PAUL KELLY  
43420 KALIFORNISKY BEACH RD.  
SOLDOTNA, ALASKA 99669

NOTARY ACKNOWLEDGEMENT

FOR: COLLEEN M. SHERMAN  
ACKNOWLEDGED BEFORE ME

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021

NOTARY PUBLIC SIGNATURE

NOTARY  
STAMP  
AREA

NOTARY ACKNOWLEDGEMENT

FOR: JESSICA SEYMOUR  
ACKNOWLEDGED BEFORE ME

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021

NOTARY PUBLIC SIGNATURE

NOTARY  
STAMP  
AREA

NOTARY ACKNOWLEDGEMENT

FOR: GUY F. SHERMAN  
ACKNOWLEDGED BEFORE ME

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021

NOTARY PUBLIC SIGNATURE

NOTARY  
STAMP  
AREA

NOTARY ACKNOWLEDGEMENT

FOR: PAUL KELLY  
ACKNOWLEDGED BEFORE ME

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021

NOTARY PUBLIC SIGNATURE

NOTARY  
STAMP  
AREA

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF SEPTEMBER 27, 2021.

KENAI PENINSULA BOROUGH

AUTHORIZED OFFICIAL

RECORDER'S  
STAMP  
AREA

LONGMERE LAKE

LOT 2A  
PLAT 2016-29

LOT 3A  
1.749 ACRES

LOT 4A  
1.284 ACRES

LOT 2B  
PLAT  
2016-29

LOT 1  
BLOCK 1  
PLAT 79-195

LOT 1  
BLOCK 2  
PLAT 79-195

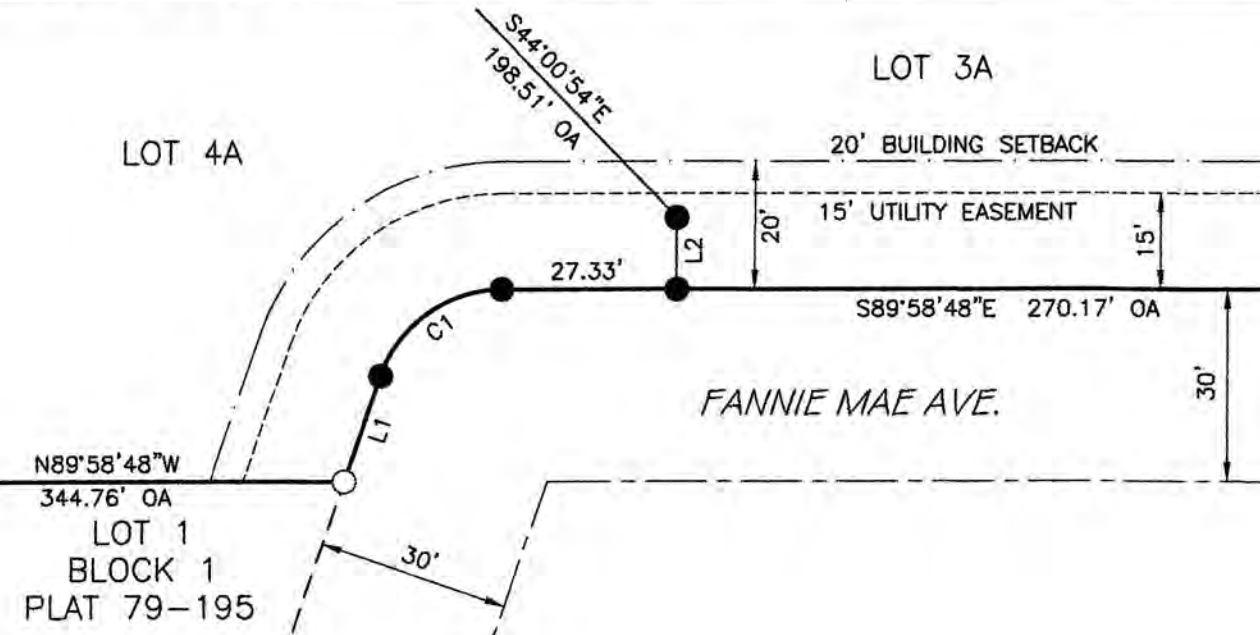
LOT 2  
BLOCK 2  
PLAT 79-195

LEGEND

- FOUND BLM MONUMENT AS REFERENCED  
FOUND SECONDARY MONUMENT  
5/8" REBAR  
SET PROPERTY CORNER  
5/8" X 30" REBAR  
WITH 2" ALUMINUM CAP  
STAMPED EDGE SURVEY LS-13022 2021  
OA OVER ALL  
(R#) RECORD DATA, SEE REFERENCE

- SUBDIVISION BOUNDARY  
INTERIOR LOT LINE  
ADJACENT PROPERTY LINE  
CENTERLINE RIGHT OF WAY  
20 FOOT BUILDING SETBACK  
EASEMENT  
FORMER LOT LINE  
OVERHEAD ELECTRIC LINE  
RIGHT OF WAY BEING VACATED  
UTILITY EASEMENT BEING VACATED

UTILITY EASEMENT AND BUILDING SETBACK TYPICAL



CURVE TABLE

CURVE	RADIUS	ARC LENGTH	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	20.00'	24.78'	70°59'47"	S54°31'19"W	23.23'

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.



KPB FILE No. 2021-000

EDGINGTON  
SUBDIVISION  
SHERMAN  
ADDITION

A SUBDIVISION OF  
LOTS 3 AND 4  
PLAT 79-195  
KENAI RECORDING DISTRICT

OWNERS:  
COLLEEN M. AND GUY F. SHERMAN  
JESSICA SEYMOUR  
PAUL KELLY  
43420 KALIFORNISKY BEACH RD.  
SOLDOTNA, ALASKA 99669

LOCATED WITHIN NE 1/4 SECTION 30,  
T.5N., R.9W. S.M.  
STATE OF ALASKA  
KENAI PENINSULA BOROUGH  
KENAI RECORDING DISTRICT

CONTAINING 3.303 ACRES



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

DRAWN BY: JY DATE: 8/11/2021 PROJECT: 21-574  
CHECKED BY: MA SCALE: 1" = 50' SHEET: 1 OF 1

KPB 2021-129



AGENDA ITEM E. NEW BUSINESS

ITEM 6 - EDGINGTON SUBDIVISION SHERMAN ADDITION

<b>KPB File No.</b>	2021-129
<b>Plat Committee Meeting:</b>	September 27, 2021
<b>Applicant / Owner:</b>	Jessica Seymour, Paul Kelly, Colleen and Guy Sherman, all of Soldotna, Alaska
<b>Surveyor:</b>	Jason Young, Mark Aimonetti / Edge Survey and Design, LLC
<b>General Location:</b>	Sterling

<b>Parent Parcel No.:</b>	063-750-03, 063-750-04
<b>Legal Description:</b>	Lots 3 and 4 of Edgington Subdivision No. 2, Plat KN 79-195
<b>Assessing Use:</b>	Residential
<b>Zoning:</b>	Rural Unrestricted
<b>Water / Wastewater</b>	On-site

---

STAFF REPORT

**Specific Request / Scope of Subdivision:** The proposed plat will reconfigure a shared lot line and finalize right of way and utility easement vacations.

**Location and Legal Access (existing and proposed):** The subdivision is located on Longmere Lake. The subdivision fronts on Fannie Mae Avenue. Legal access begins near milepost 88 of the Sterling Highway, to St. Theresa Road, to Edgington Road, to Fannie Mae Avenue. All access roads are improved and maintained by the Kenai Peninsula Borough.

A petition to vacate a portion of the cul-de-sac bulb and the 20 foot utility easement has been submitted and is scheduled for a Planning Commission hearing at the September 27, 2021 meeting. The proposed plat will grant a utility easement over the vacated right of way area.

The block is not closed nor compliant in length. Due to the proposed subdivision being located near the southern portion of the lake, a closed block will be difficult. **Staff recommends that the plat committee concur that the subdivision will not be able to provide a dedication to improve the block and an exception is not required.**

KPB Roads Dept. comments	Out of Jurisdiction: No Roads Director: Painter, Jed Comments: No comments
SOA DOT comments	Not on the state road system, no comment

**Site Investigation:** The proposed subdivision is along the shore of Longmere Lake. Steep slopes appear to be present towards the lake and should be depicted. There does not appear to be any low wet areas within the subdivision.

The ordinary high water should be labeled and the source stated. An additional plat note is required for the ordinary high water.

KPB River Center review	A. Floodplain Reviewer: Carver, Nancy Floodplain Status: Not within flood hazard area Comments: No comments  B. Habitat Protection Reviewer: Aldridge, Morgan
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	Habitat Protection District Status: Is NOT within HPD Comments: No comments  C. State Parks Reviewer: Russell, Pam Comments: No Comments
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**Staff Analysis** Edgington Subdivision No. 2, Plat KN 79-195, created Lots 3 and 4 and dedicated a 30 foot wide portion of Midway Drive and a 50 foot radius on the north side of the right of way.

The proposed plat is reconfiguring a portion of the shared lot line. The northern 128 feet will remain in place but the southern approximate 200 feet will shift to the northeast by 25 feet. Per KPB GIS imagery, a structure appears to be very close or encroaching on the property line. The boundary line adjustment will either correct the encroachment and/or provide a buffer between the structure and the neighboring lot.

An exception has been requested for a soils analysis report.

The property was included in a special assessment district. If there is any portion of the required payments to the Kenai Peninsula Borough outstanding, they will be required to be paid prior to the tax certificate being issued to allow for recording.

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, KN 79-195, granted a 20 foot utility easement centered on the shared lot line for approximately 220 feet. A petition to alter the platted utility easement has been submitted and is scheduled to be heard by the Planning Commission on September 27, 2021.

The parent plat also granted 5 foot utility easements adjoining the straight portion of Fannie Mae Avenue within Lot 3. Per plat note 2, this plat is proposing to grant 15 foot utility easements along dedicated right of ways.

If the right of way vacation is for the cul-de-sac bulb, this plat is showing that area to be granted as a utility easement per plat note 9 and label on the face of the plat. Plat note 5 and 6 also address installed utilities that are depicted and easements will be granted centered on the utilities.

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 objections.
ACS	No objections.
GCI	Approved as shown.

**KPB department / agency review:**

Addressing	Reviewer: Haws, Derek Affected Addresses: 39084 FANNIE MAE AVE
------------	--



	<p>35495 HAGER BLVD</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names: FANNIE MAE AVE HAGER BLVD</p> <p>Comments: 39084 FANNIE MAE AVE will remain on LOT 3A 35495 HAGER BLVD should be changed to FANNIE MAE AVE address due to shared driveway with 39084 FANNIE MAE AVE</p>
Code Compliance	<p>Reviewer: Ogren, Eric</p> <p>Comments: No comments</p>
Planner	<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	<p>Reviewer: Bruns, Matthew</p> <p>Comments: No concerns from Assessing Dept.</p>

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

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

#### **KPB 20.25.070 - Form and contents required.**

- 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 parent subdivision, "A subdivision of Lots 3 and 4, Edgington Subdivision No. 2, Plat KN 79-195.*
- 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:*** *A small portion of the Kenai National Wildlife Refuge is found in the bottom of sections 31 and 32, south of the Kenai River. Trying to depict will make it difficult to read and staff recommends it not be shown unless the orientation of the vicinity map is changed.*
- G. The status of adjacent lands within 100 feet of the proposed subdivision boundary or the land status across from any dedicated rights-of-way that adjoin the propose subdivision boundary, including names of

subdivisions, lot lines, block numbers, lot numbers, rights-of-way; or an indication that the adjacent land is not subdivided;

**Staff recommendation:** *The lots located to the south of the subdivision and south of Fannie Mae Avenue need their plat number revised from 79-195 to 78-79.*

- 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:** *Depict steep slopes over 20 percent if found within the subdivision.*

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

**Staff recommendation:** *It appears that the change to the lot boundary will remedy an encroachment or provide additional room between the building and the boundary line.*

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#### **KPB 20.40 – Wastewater Disposal**

20.40.010 Wastewater disposal.

**Plating Staff Comments:** *An exception has been requested.*

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

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#### **KPB 20.60 – Final Plat**

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

20.60.110. Dimensional data required.

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

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 ordinary high water shall be labeled and include source information. A plat note shall be added regarding the ordinary high water. 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:** *Within the utility easement detail provide the dimensional data necessary to show where the utility easement is located where the bulb portion of the right of way has been vacated. Comply with 20.60.150.*

20.60.180. Plat notes.

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

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

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

- The ordinary high water line forms the true bounds of these lots. The approximate ordinary high water line is shown for computation purposes only.
- Plat note 8 is not required and can be removed.

20.60.190. Certificates, statements, and signatures required.

**Staff recommendation:** The owner's signature lines should state which former lot they are signing as owner. Comply with 20.60.190.

20.70 – Vacation Requirements

**Staff recommendation.** Must be recorded within one year from Kenai Peninsula Borough Assembly consent to finalize the vacations.

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**EXCEPTIONS REQUESTED:**

**KPB 20.40.040 – Conventional onsite soil absorption systems – Soils analysis**

Surveyor's Discussion:

Staff Discussion: The surveyor has submitted a request to not provide a soils analysis report for this subdivision. A soils analysis report was not prepared for the parent plat.

A soils report was submitted for the subdivision to the north (Plat KN 2016-29). The test holes showed a shallow layer of topsoil overlaying silt/organic silt that overlays well-drained sand and gravel. Groundwater table was not encountered in the upper 12'. The report also stated that a gravel pit located to the east was observed and found the subsurface conditions were consistent with the subdivision analysis report.

If the exception request is denied, a soils analysis report will be required to be submitted for review and a licensed engineer will be required to sign the plat.

**Surveyor's Findings:**

1. Portion of lot line being moved only 25 feet.
2. Lot 3A decreasing in size by only 0.10 acres
3. Lot 4A increasing in size by 0.10 acres.
4. Functioning conventional septic systems exist on both parcels.

**Staff's Findings:**

5. The lots are along Longmere Lake and have a 100 foot setbacks from ordinary high water for septic systems.
6. Proposed Lot 3A appears to have +/- 55,000 sq. ft. of area with the 100 foot setback from the lake.
7. Proposed Lot 4A appears to have +/- 30,000 sq. ft. of area with the 100 foot setback form the lake.
8. The location of the private wells on either lot are not known and may affect the available area for wastewater disposal.
9. A 100 feet setback for wastewater disposal systems is required from all private wells.



10. A DEC approved septic system review was not found for either of these two lots on the DEC webpage.
11. This subdivision will be adjusting a common lot line.
12. The number of developable lots will not be increasing.

Staff reviewed the exception request and recommends granting approval.

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

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

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

1. That special circumstances or conditions affecting the property have been shown by application;  
**Findings 1, 3, 4, 6, 7, 11, 12 appear to support this standard.**
2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title;  
**Findings 1, 3, 4, 6, 7, 11, 12 appear to support this standard.**
3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.  
**Findings 1, 3, 4, 6, 7, 11, 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.

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**RECOMMENDATION:**

**SUBJECT TO EXCEPTION(S) GRANTED, STAFF RECOMMENDS:**

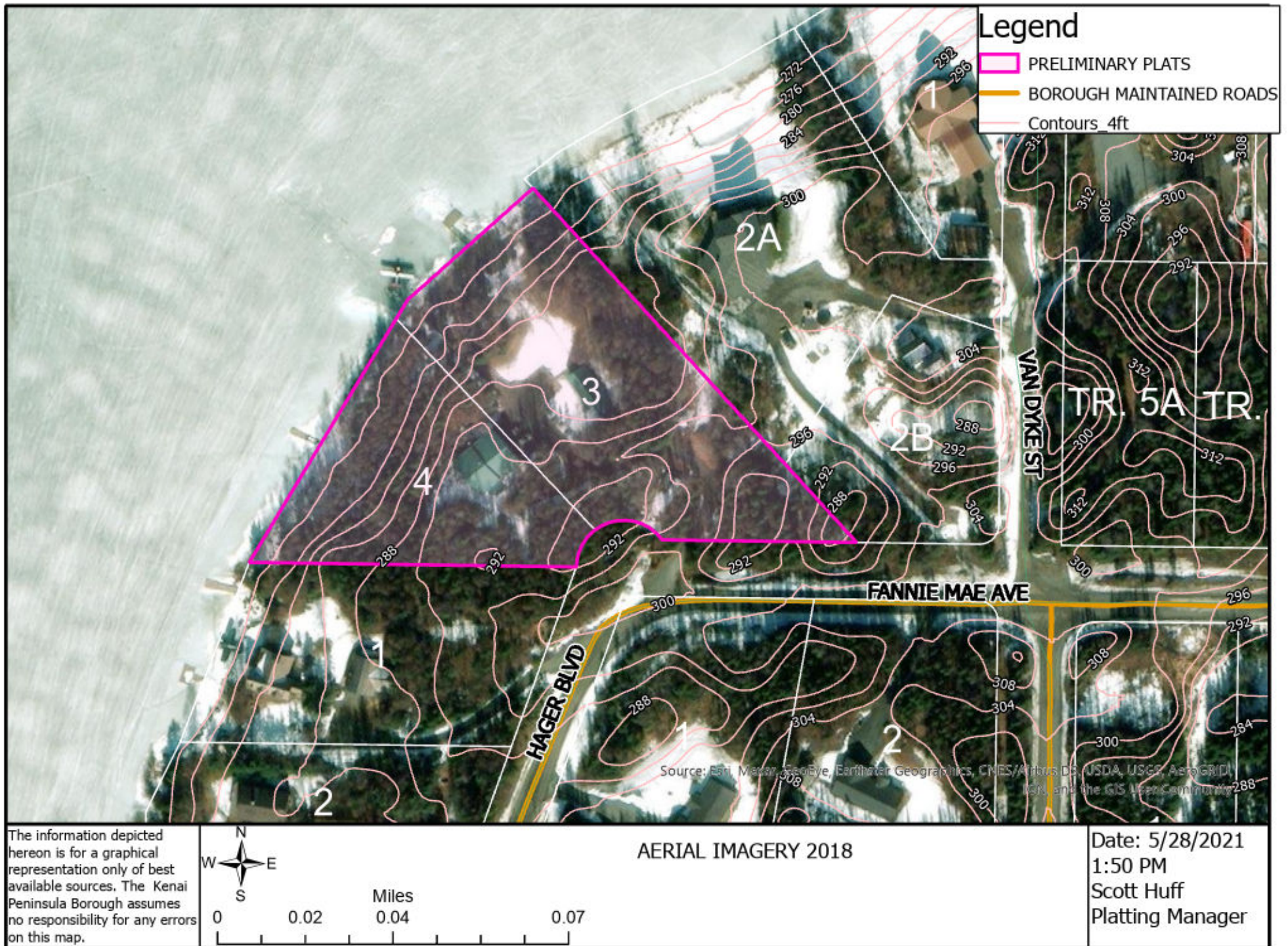
- GRANT APPROVAL OF THE PRELIMINARY PLAT SUBJECT TO STAFF RECOMMENDATIONS, AND
- COMPLIANCE WITH KPB 20.25.070 (FORM AND CONTENTS), KPB 20.25.080 (PETITION REQUIRED), KPB 20.30 (DESIGN REQUIREMENTS); AND KPB 20.40 (WASTEWATER DISPOSAL), AND
- COMPLIANCE WITH KPB 20.60 TO ENSURE ADMINISTRATIVE APPROVAL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

**NOTE: 20.25.120. - REVIEW AND APPEAL.**

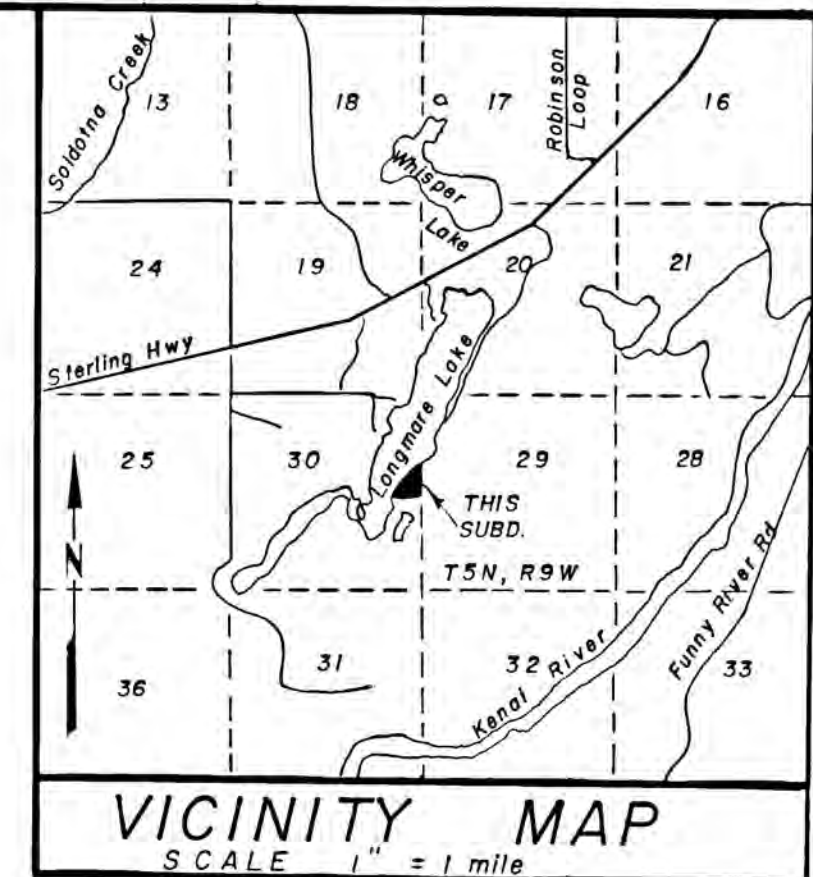
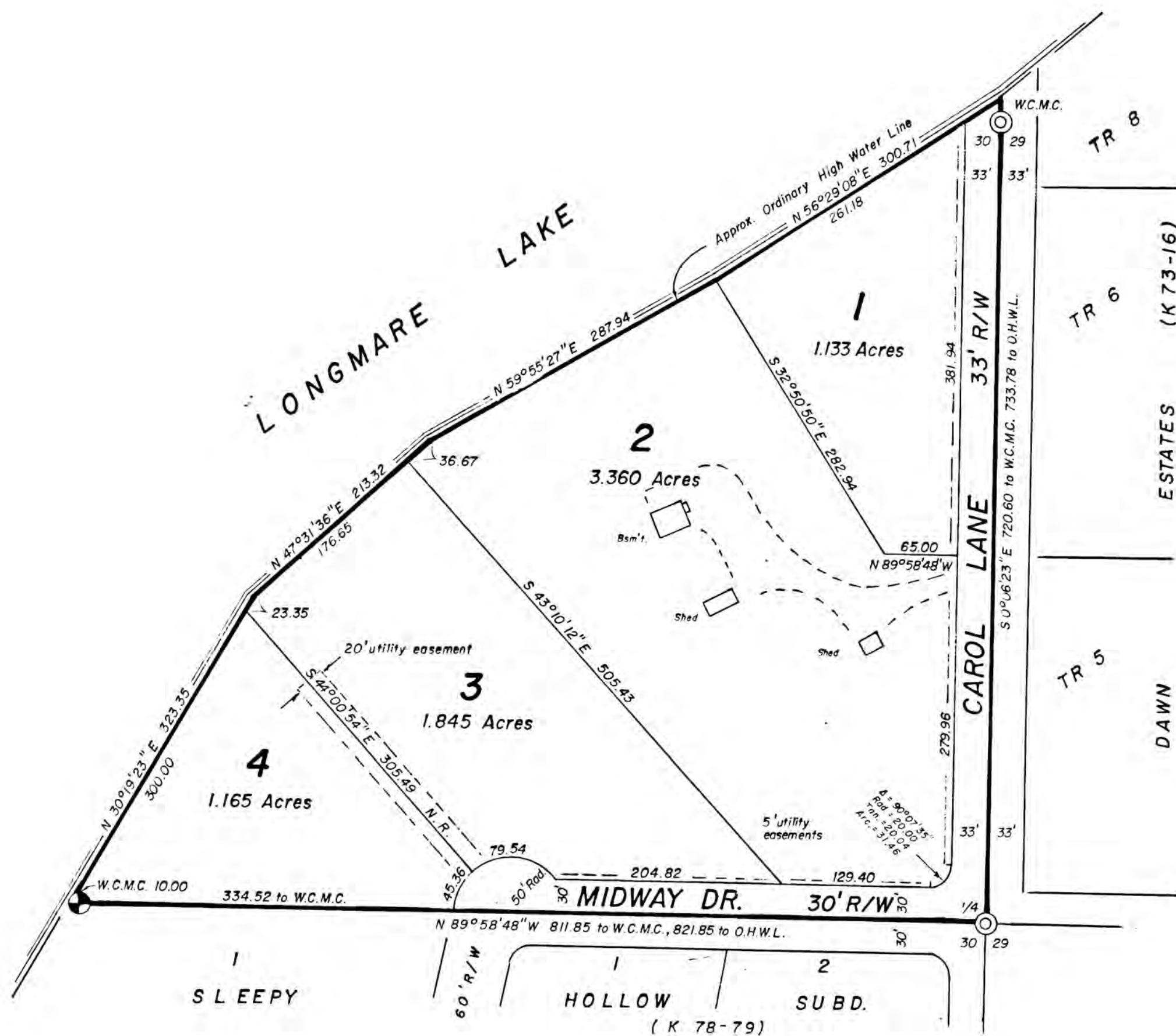
**A PARTY OF RECORD MAY REQUEST THAT A DECISION OF THE PLAT COMMITTEE BE REVIEWED BY THE PLANNING COMMISSION BY FILING A WRITTEN REQUEST WITHIN 15 DAYS OF NOTIFICATION OF THE DECISION IN ACCORDANCE WITH KPB 2.40.080.**

**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**







### LEGEND AND NOTES

- Found G.L.O. brass cap monument (1939).
- ◐ Found official survey monument (1300 - S - 1977)
- ⊥ Set 1/2" x 24" rebar at all lot corners.

Basis of bearing is  $S 0^{\circ}06'23"E$  for the east boundary of this subd.

The ordinary high water line forms the true bounds of these lots.  
The approximate O.H.W.L. shown is for computation purposes only.

*All waste water treatment and disposal systems shall comply with existing law at time of construction.*

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

## PLAT APPROVAL

This plat was approved by the Kenai Peninsula Borough  
Planning Commission at the meeting of September 24,  
1979.

Kenai Peninsula Borough

By Phelps Warren  
Authorized Official

### 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.*

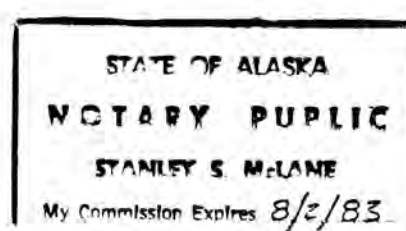
Lyle C. Edgington, owner  
Box 1444, Soldotna AK.

NOTARY'S ACKNOWLEDGEMENT

Subscribed and sworn before me this  
2<sup>nd</sup> day of Nov., 1977

My commission expires 9/2/53

Stanley P. McLane  
notary public for Alaska



79-195  
 RECEIVED - FILED 30  
 ALMA REC. DIST.  
 DATE 11-9 1979  
 TIME 3:42 P  
 REQUESTED BY APB  
 ADDRESS

**EDGINGTON SUBD.  
NO. 2**

Lyle Edgington, owner  
Box 1444 Soldotna, Ak. 99669

## DESCRIPTION — LOCATION

All of Gov't Lot 5 Section 30 T5N, R9W, S.M.  
AK. containing 8.351 acres in the SE 1/4 NE 1/4  
Sec. 30

Surveyed by: McLane & Associates, Inc.  
Soldotna, AK.

DATE OF SURVEY  
7/31/79 to 9/5/79

SCALE  
1" = 100'

BK. NO.  
79-20