



## Meeting Agenda Plat Committee

---

Monday, October 11, 2021

6:30 PM

Betty J. Glick Assembly Chambers

---

**Zoom Meeting ID 208 425 9541**

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

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

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

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

### **B. ROLL CALL**

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

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

1. Agenda
2. Member / Alternate Excused Absences
3. Minutes
- a. [KPB-3596](#) September 27, 2021 Plat Committee Meeting Minutes  
*Attachments:* [Plat Minutes 092721\\_Draft](#)

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

1. [KPB-3597](#) Alaskan Wildwood Phase 2  
KPB File 2021-127  
*Attachments:* [1. MAP Vicinity](#)  
[2. MAP Aerial Map Zoomed In](#)  
[3. Plat Prelim KPB 2021-127 Reduced](#)  
[4. Staff Report Alaskan Wildwood Phase 2 KPB 2021-127](#)  
[5. MAP Aerial 3](#)  
[6. MAP Aerial Map Zoomed Out](#)  
[7. MAP Contour](#)  
[8. MAP Section Line Easement](#)  
[9. MAP Wetlands](#)  
[10. Plat Parent HM 2000-48](#)  
[11. Plat Parent HM 2000-31](#)
2. [KPB-3598](#) ASLS No. 2017-23 Tract A B C D & E  
KPB File 2021-133  
*Attachments:* [1. MAP Vicinity](#)  
[2. MAP Aerial](#)  
[3. Plat Prelim KPB 2021-133 Reduced](#)  
[4. Staff Report ASLS 2017-23 Tracts A-E 2021-133](#)  
[5. Plat Parent SW2001-10](#)  
[6. Plat parent SW 1998-03](#)

3. [KPB-3599](#) Captain Cook Heights 2021 Addition  
KPB File 2021-135

Attachments:

1. [MAP Vicinity](#)
2. [MAP Aerial](#)
3. [Plat Prelim KPB 2021-135 Reduced](#)
4. [Staff Report Captain Cook Heights KPB 2021-135](#)
5. [MAP Block](#)
6. [Plat Parent KN 79-85](#)

4. [KPB-3600](#) James Waddell Homestead 2021 Replat  
KPB File 2021-136

Attachments:

1. [MAP Vicinity](#)
2. [MAP Aerial](#)
3. [Plat Prelim KPB 2021-136 Reduced](#)
4. [Staff Report James Waddell Homestead 2021 Replat KPB 2021-136](#)
5. [MAP Aerial 2021](#)
6. [MAP Wetlands](#)
7. [Plat Parent HM 2020-6](#)
8. [Plat Parent HM 2018-3](#)

5. [KPB-3601](#) Bunnells Subdivision Haigh 2021 Replat  
KPB 2021-134

Attachments:

1. [MAP Vicinity](#)
2. [MAP Aerial](#)
3. [Plat Prelim KPB 2021-134 Reduced](#)
4. [MAP Contour Map](#)
4. [Staff Report Bunnells Sub Haigh 2021 Replat KPB 2021-134](#)
5. [MAP Block](#)
6. [Plat HM 2006-57](#)
7. [Plat Parent HM 1997-27](#)
8. [Plat Parent HM 1944-49](#)

6. [KPB-3602](#) Mansfield Subdivision Wolter 2021 Replat  
KPB File 2021-121

Attachments:

1. [MAP Vicinity](#)
2. [MAP Aerial](#)
3. [Plat Prelim KPB 2021-121 Reduced](#)
4. [Staff Report Mansfield Sub Wolter 2021 Replat KPB 2021-121](#)
5. [MAP Contours & SLE](#)
6. [MAP GIS Wetlands](#)
7. [Plat Parent KN 2007-90](#)
8. [Plat Parent KN 78-94](#)

## 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, 25, 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 27, 2021  
6:30 p.m.  
UNAPPROVED MINUTES

## A. CALL TO ORDER

Commissioner Brantley called the meeting to order at 6:30 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  
Pamela Gillham, Ridgeway  
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 Ecklund moved, seconded by Commissioner Venuti to appoint Commissioner Brantley 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	5	No	0
Yes	Brantley, Ecklund, Gillham Ruffner, Venuti		

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

- \*3. Minutes  
a. September 13, 2021 Plat Committee Meeting Minutes

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

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

**MOTION:** Commissioner Ecklund moved seconded by Commissioner Gillham, to approve the September 13, 2021 Plat Committee meeting minutes and the agenda.

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

### **MOTION PASSED BY UNANIMOUS VOTE**

Yes	5	No	0
Yes	Brantley, Ecklund, Gillham, 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. – 2 Plats

3. Tatum Denise Subdivision Phase 1; KPB File 2021-122  
McLane Consulting Group / Friendshuh  
Location: Derks Lake Road & Cinnamon Street  
Sterling
4. USS 4901 C Street ROW Vacation 2021 Replat; KPB File 2021-085  
Seabright Surveying / Nanwalek Village  
Location: C Street, Chicklounk Street, Nikita Street, Saints Sergus & Herman Street  
Nanwalek

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

**MOTION:** Commissioner Venuti moved seconded by Commissioner Gillham, to grant preliminary approval based on staff recommendations and compliance with borough code to, Tatum Denise Subdivision Phase 1 and USS 4901 C Street ROW Vacation 2021 Replat.

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

**MOTION PASSED BY UNANIMOUS VOTE**

Yes	5	No	0
Yes	Brantley, Ecklund, Gillham, Ruffner, Venuti		

**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

**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	<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 totally or partially within HPD Comments: KPB\maldrige</p> <p>C. State Parks</p>
---------------------	--



	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> <p>Comments: A new street name is needed for the newly dedicated ROW.</p>
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

#### **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 Planning Commission Resolution 2020-38 and recorded as Serial No. 2021-003985-0, KR. 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.*

#### 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 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

**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 is will allow the right of width 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	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** 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	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
-------------------------	--

Code Compliance – Eric Ogren	Comments: No comments
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.
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.

### 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 propose subdivision boundary, including names of subdivisions, lot lines, block numbers, lot numbers, rights-of-way; or an indication that the adjacent land is not subdivided;
- Staff recommendation:** *Lot 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.*

#### **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 KPB 20.40;

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

**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.

**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.

**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.**

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

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

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

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

- 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.

**RECOMMENDATION:**

**STAFF RECOMMENDS:**

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

NOTE: 20.25.120. - REVIEW AND APPEAL.

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

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

**END OF STAFF REPORT**

*\*Passed by Grouped Agenda*

**AGENDA ITEM E. NEW BUSINESS**

**ITEM 1 – 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

Staff report given by Scott Huff.

**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	<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>
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 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	Affected Addresses: None
-------------------------	-----------------------------

	<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:  HUNTLAND ST  List of Street Names Denied:</p> <p>Comments:  HUNTLAND 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.*

#### **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.

D. 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.

E. 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.

F. 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.*

#### **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.*

#### **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.

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

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

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

- *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.**

**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**

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

**MAIN MOTION:** Commissioner Ruffner moved seconded by Commissioner Venuti, to grant preliminary approval to Alaskan Wildwood Phase 1 based on staff recommendations and compliance with borough code.

**AMENDMENT A:** Commissioner Ruffner moved, seconded by Commissioner Venuti to grant exception request to KPB 20.30.030 – Proposed Street Layout, citing findings 1-3 & 6 in support of standards one, two & three.

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

**AMENDMENT A PASSED BY UNANIMOUS VOTE**

Yes	5	No	0
Yes	Brantley, Ecklund, Gillham, Ruffner, Venuti		

**AMENDMENT B:** Commission Ruffner moved, seconded by Commissioner Venuti to to grant exception request to KPB 20.30.170 – Block Length Requirements, citing finding 1, 2, 7, 14, 17 & 18 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	5	No	0
Yes	Brantley, Ecklund, Gillham, Ruffner, Venuti		

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

**MAIN MOTION PASSED BY UNANIMOUS VOTE**

Yes	5	No	0
Yes	Brantley, Ecklund, Gillham, Ruffner, Venuti		

Move AGENDA ITEM E. NEW BUSINESS

**ITEM 2 – J BOOTH RECREATIONAL SUBD 2019 BLAUVELT ADDITION**

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

<b>Parent Parcel No.:</b>	159-310-17
<b>Legal Description:</b>	Lot A-2C, J Booth Recreational Subd 2019 (HM 2019-16)
<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 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>
---------------------	---

**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 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).*

### 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.*

### **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.

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

**MAIN MOTION:** Commissioner Gillham moved seconded by Commissioner Ecklund to grant preliminary approval to J. Booth Recreational Subd. 2019 Blauvelt Addition based on staff recommendations and compliance with borough code.

**AMENDMENT:** Commissioner Gillham moved, seconded by Commissioner Ecklund to grant exception request to KPB 20.30.190(B) – Lot Dimensions, citing findings 6-9 in support of standards one, two and three.

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

**AMENDMENT PASSED BY UNANIMOUS VOTE**

Yes	5	No	0
Yes Brantley, Ecklund, Gillham, Ruffner, Venuti			

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

**MOTION PASSED BY UNANIMOUS VOTE**

Yes	5	No	0
Yes Brantley, Ecklund, Gillham, Ruffner, Venuti			

## 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

Staff report given by Scott Huff.

**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	<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>
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  Existing Street Names are Correct: No  List of Correct Street Names: STERLING HWY MIDWAY DR  Existing Street Name Corrections Needed: OTTER TRAIL should be OTTER TRAIL RD PUKTIS AVE should be PUKITIS AVE
------------	--

	<p>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.

G. 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, adjoining 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.

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:**

- 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.

**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**

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**

Chair Brantley 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 Ecklund to grant preliminary approval to McFarland Subdivision 2021 Replat based on staff recommendations and compliance with borough code.

**AMENDMENT:** Commissioner Ruffner moved, seconded by Commissioner Ecklund to grant exception request to KPB 20.30.120 – Street Width, citing findings 1-3, 7 & 9 in support of standards one, two & three.

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

**AMENDMENT PASSED BY UNANIMOUS VOTE**

Yes	5	No	0
Yes	Brantley, Ecklund, Gillham, Ruffner, Venuti		

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



**MOTION PASSED BY UNANIMOUS VOTE**

Yes	5	No	0
Yes	Brantley, Ecklund, Gillham, Ruffner, Venuti		

**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 given by Scott Huff.

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

**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 35495 HAGER BLVD  Existing Street Names are Correct: Yes
------------	--

	<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 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:** *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.*

#### KPB 20.40 – Wastewater Disposal

20.40.010 Wastewater disposal.

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

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

#### KPB 20.60 – Final Plat

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

20.60.110. Dimensional data required.

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

B. The natural meanders of ordinary high water (or mean high water line as applicable) is for area computations only, the true corners being on the extension of the sidelines and the intersection with the natural meanders.

C. Any discrepancy between the survey and the record description, and the source of all information used in making the survey shall be indicated. When an inconsistency is found including a gap or overlap, excess or deficiency, erroneously located boundary lines or monuments, or when any doubt as to the location on the ground of the true boundary or property rights exists, the nature of the inconsistency shall be clearly shown on the drawing.

**Staff recommendation:** *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.

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

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

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

- *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.*

### **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 from 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.

**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 Brantley 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 Ecklund moved seconded by Commissioner Venuti to grant preliminary approval to Edgington Subdivision Sherman Addition based on staff recommendations and compliance with borough code.

**AMENDMENT:** Commissioner Ecklund moved, seconded by Commissioner Venuti to grant exception request to KPB 20.40.040 – Conventional onsite soils absorption systems – Soils analysis, citing findings 1, 3, 4, 6, 7, 11 & 12 in support of standards one, two and three.

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

**AMENDMENT PASSED BY UNANIMOUS VOTE**

Yes	5	No	0
Yes     Brantley, Ecklund, Gillham, Ruffner, Venuti			

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

**MOTION PASSED BY UNANIMOUS VOTE**

Yes	5	No	0
Yes     Brantley, Ecklund, Gillham, Ruffner, Venuti			

**F. PUBLIC COMMENT – None**

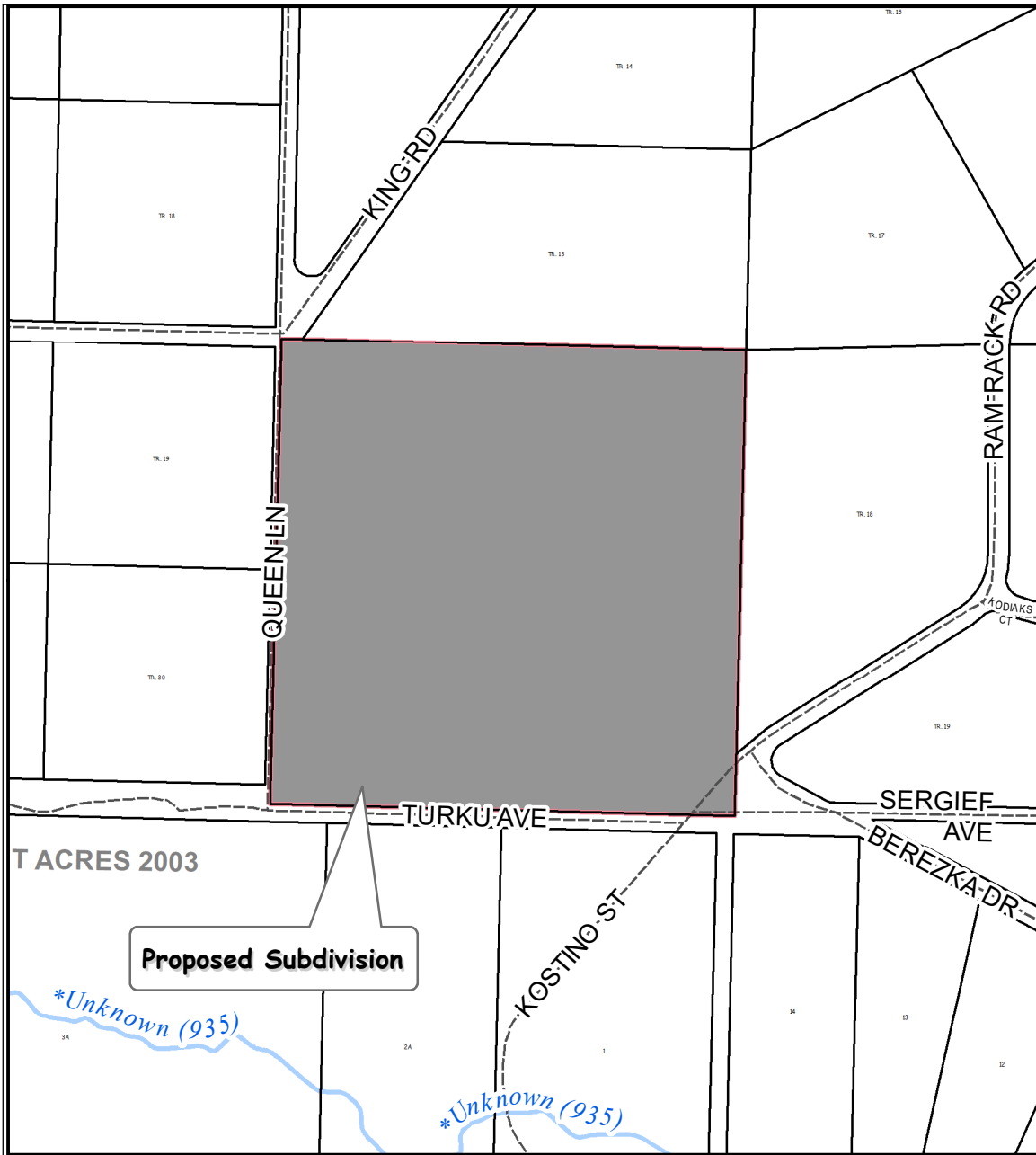
**G. ADJOURNMENT**

Commissioner Ecklund moved to adjourn the meeting 7:00 P.M.

---

Ann E. Shirnberg  
Administrative Assistant:1

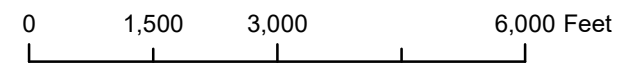
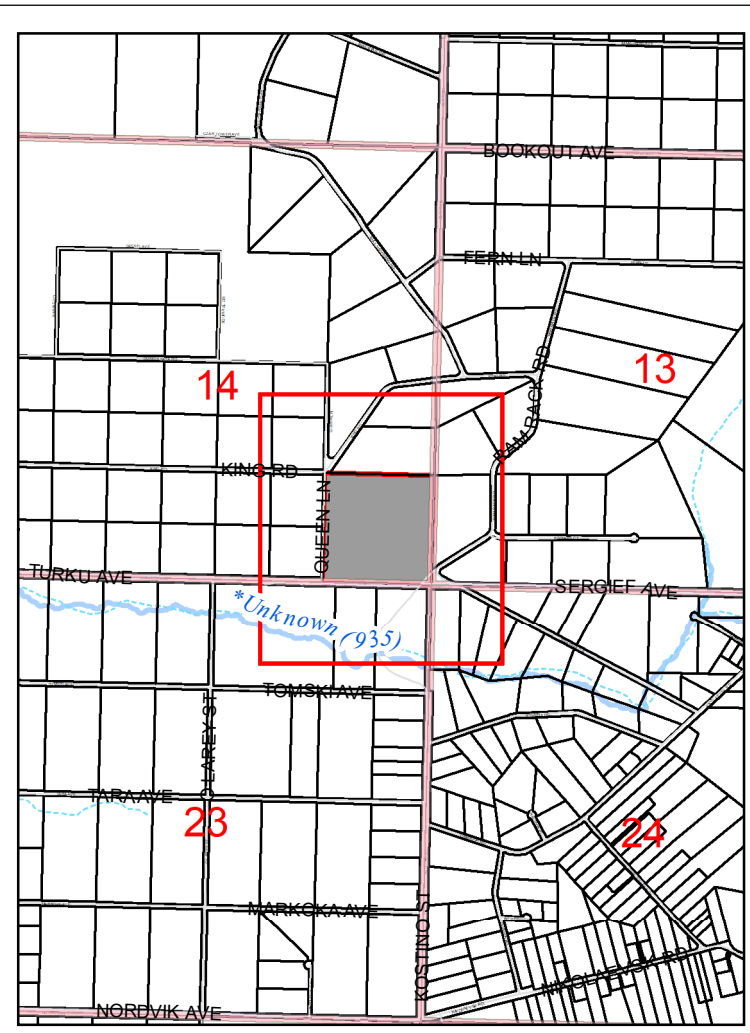
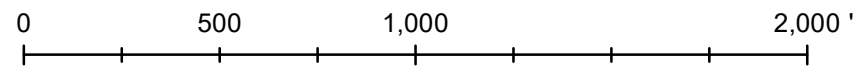
UNAPPROVED



**Proposed Subdivision**

T ACRES 2003

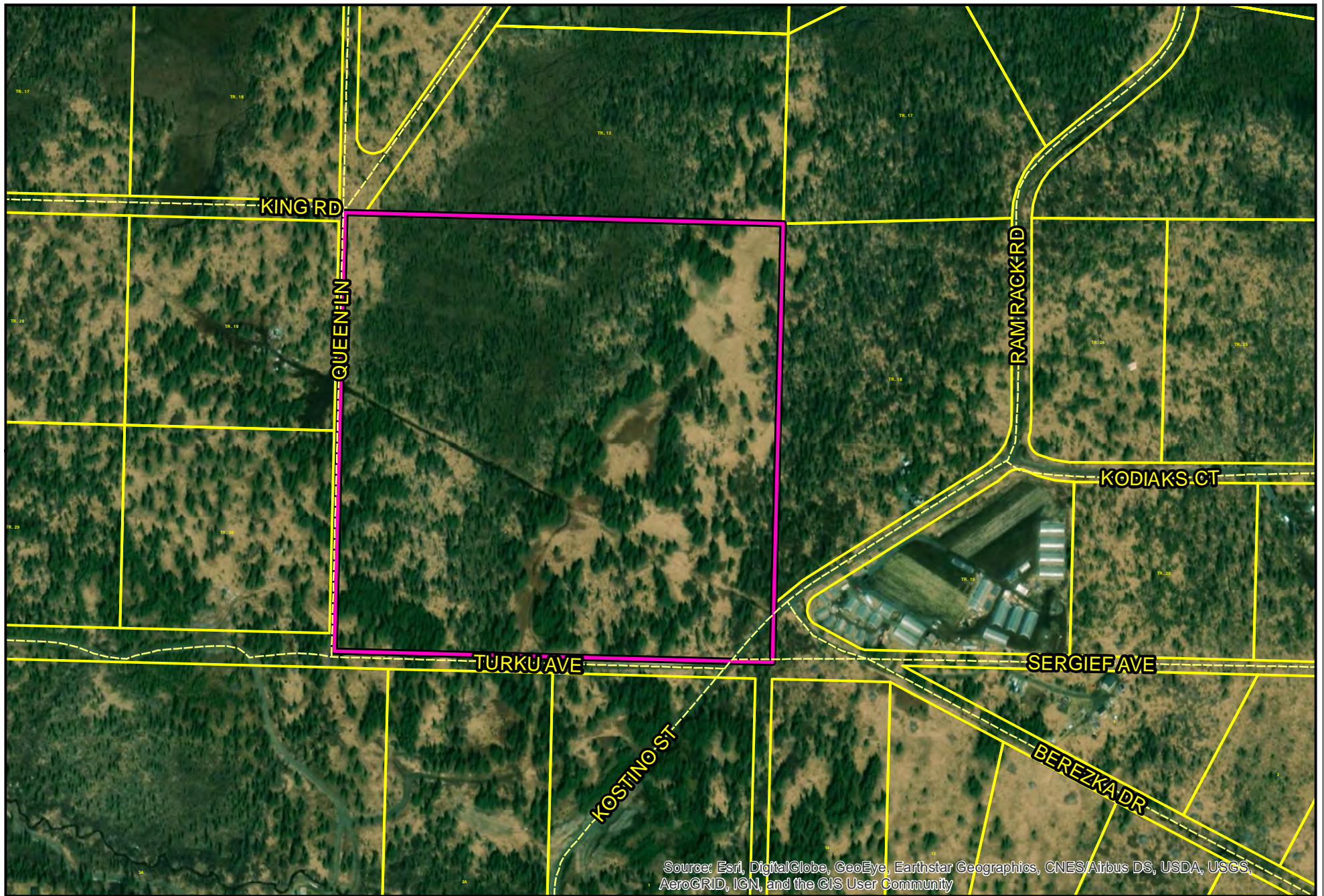
The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



**KPB 2021-127  
S14 T04S R14W  
Nikolaevsk**

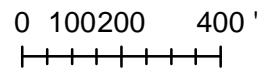
PClements, KPB 2021-127 Date: 9/2/2021





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.



Aerial View



 PRELIMINARY PLAT

PClements, KPB 2021-127  
Imagery 2016

**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 \_\_\_\_\_

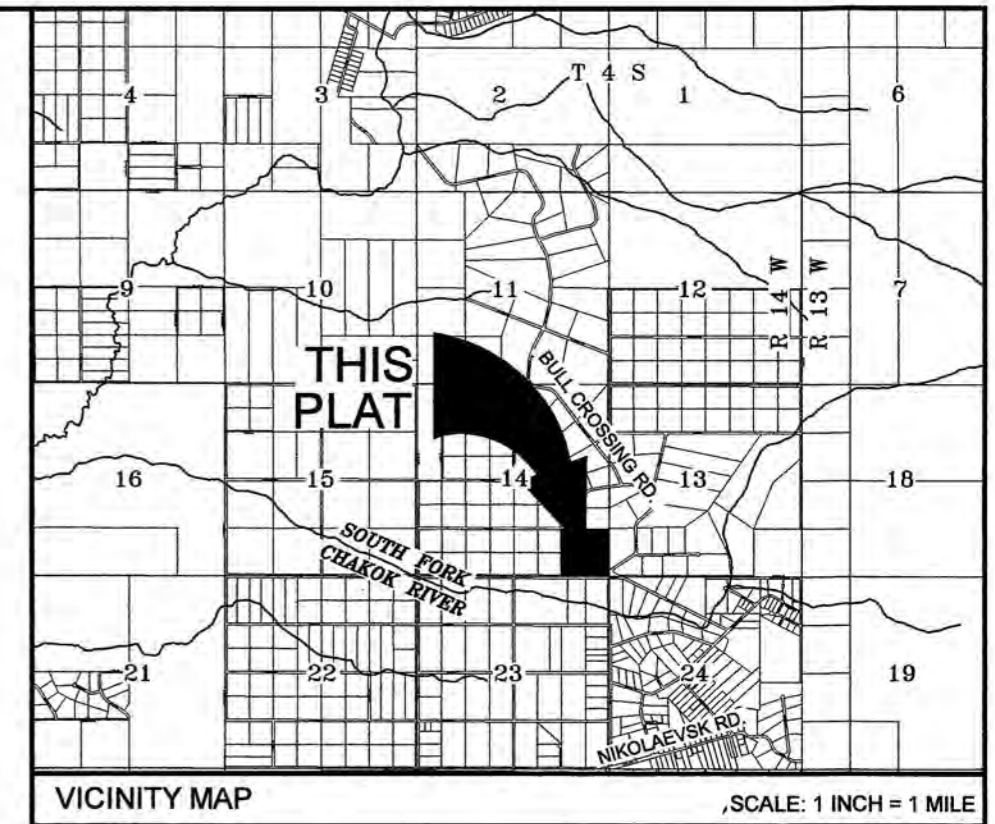
NOTARY PUBLIC \_\_\_\_\_

**PLAT APPROVAL**

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

COMMISSIONER \_\_\_\_\_

DATE \_\_\_\_\_



**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.

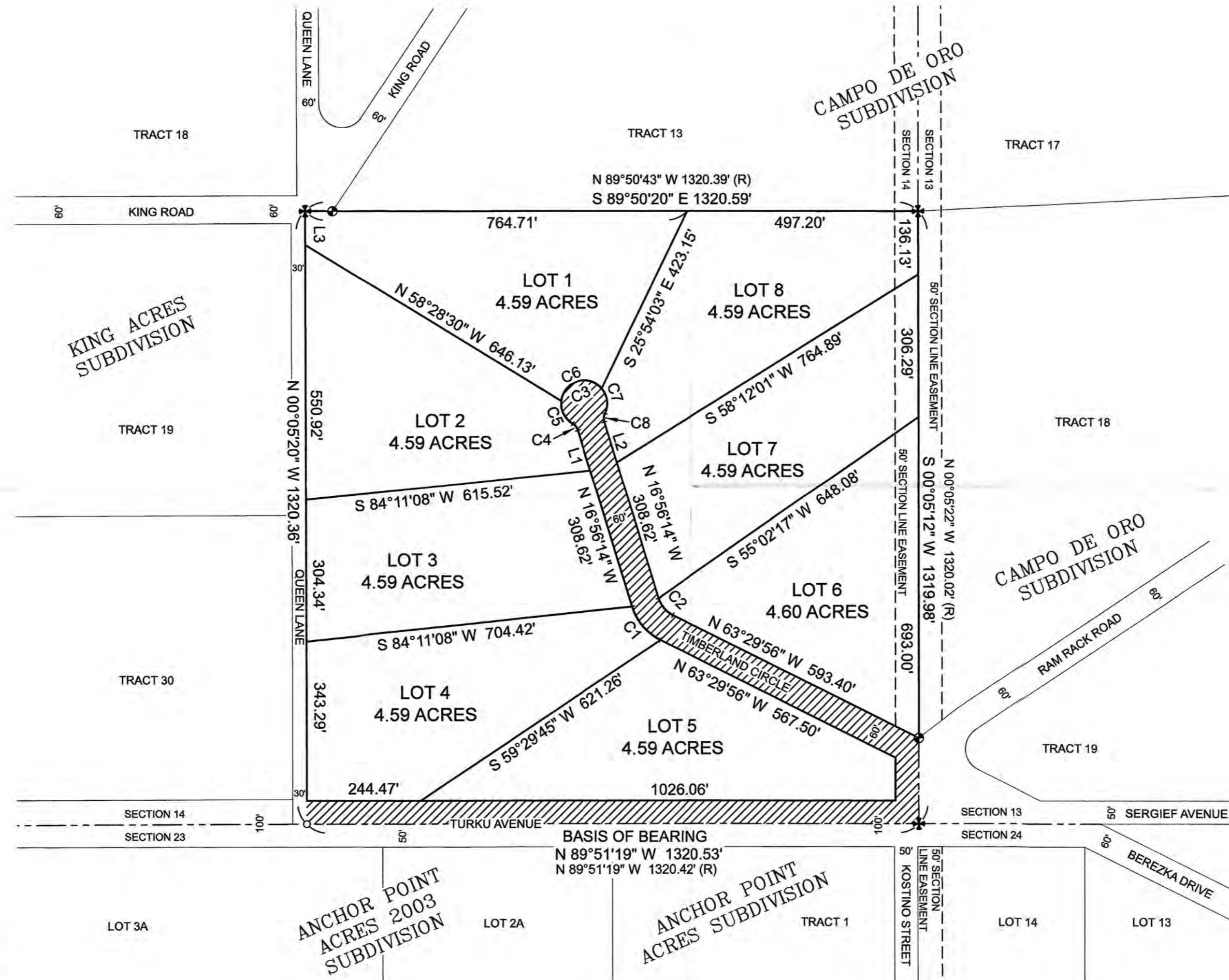
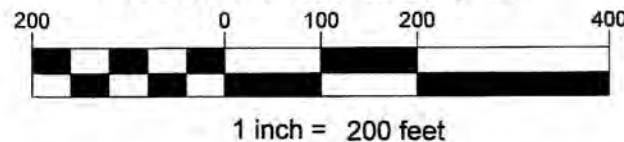
**LEGEND**

- ⊕ FOUND 2.5" DIAMETER BRASS MONUMENT
- FOUND 2" DIAMETER ALUMINUM CAP
- FOUND 5/8" DIAMETER REBAR
- (R) RECORD MEASUREMENT - PLAT No. 2011-31
- SECTION LINE
- - - - EASEMENT LINE
- ▨ ROW DEDICATED THIS PLAT

**TYPICAL CAP SET**



**GRAPHIC SCALE**



LINE TABLE		
LINE	BEARING	DIST. (ft.)
L1	N 16°56'14" W	91.38'
L2	N 16°56'14" W	91.38'
L3	N 00°05'20" W	71.81'

CURVE TABLE					
CURVE	RADIUS	DELTA ANGLE	ARC	CHORD BEARING	CHORD
C1	120.00'	46°33'42"	97.52'	N 40°13'05" W	94.86'
C2	60.00'	46°33'42"	48.76'	N 40°13'05" W	47.43'
C3	50.00'	265°39'54"	231.84'	N 73°03'43" E	73.33'
C4	25.00'	42°51'09"	18.69'	N 38°21'31" W	18.26'
C5	50.00'	66°24'58"	57.96'	N 28°33'45" W	54.77'
C6	50.00'	132°49'57"	115.92'	N 73°03'43" E	91.65'
C7	50.00'	66°24'58"	57.96'	S 07°18'50" E	54.77'
C8	25.00'	42°50'00"	18.69'	N 04°28'46" E	18.26'

**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



**KPB 2021-127**

PRELIMINARY PLAT OF  
**ALASKAN WILDWOOD PHASE 2**  
A SUBDIVISION OF  
SE 1/4 SE 1/4, SECTION 14, 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 16, 2021	DRAWN BY: AK
SHEET: 2 OF 2	CHECKED BY: BS
PROJECT NO.: 21024	SCALE: 1" = 200'

AGENDA ITEM E. NEW BUSINESS

ITEM 1 - SUBDIVISION NAME

<b>KPB File No.</b>	2021-127
<b>Plat Committee Meeting:</b>	October 11, 2021
<b>Applicant / Owner:</b>	Joe Balyeat, 6909 Rising Eagle Rd. Bozeman, MT 59715
<b>Surveyor:</b>	Fixed Height LLC. 225 W 23 <sup>rd</sup> Ave. Anchorage, AK 99503
<b>General Location:</b>	Nikolaevsk

<b>Parent Parcel No.:</b>	165-111-43
<b>Legal Description:</b>	Parcel 1, Plat Waiver Resolution 93-26 Amended, serial no. 93-3636 HRD
<b>Assessing Use:</b>	Residential Vacant
<b>Zoning:</b>	Unrestricted
<b>Water / Wastewater</b>	On site

STAFF REPORT

**Specific Request / Scope of Subdivision:** The proposed plat will subdivide a 40 acre parcel into 8 lots that will be 4.6 acres in size.

**Location and Legal Access (existing and proposed):** This subdivision is located to the north of the village of Nikolaevsk. Legal access to the subdivision is from North Fork Road to Nikolaevsk Road to Kostino Street. A portion of Kostino Street, south of the subdivision, is constructed outside of the dedicated right of way and within Lot 1, Anchor Point Acres Amended (HM 72-62). Lot 1 Anchor Point acres is owned by the same owner of this subdivision.

A 50 foot section line easement affects the east and south boundary of the subdivision. A matching 50 foot section line easement or 50 foot dedicated right of way exists for a total width of 100 feet on both the east and south boundary. The section line easement has been depicted and labeled correctly.

Aerial imagery shows a seismic line that crosses the property from the southeast corner to the northwest. It appears that Tract 19, located to the west of the subdivision, is using the seismic line trail for physical access to their property. Staff was not able to confirm if any access easements of record exist on the seismic line. A portion of Timberland Circle appears to coincide with the seismic line.

The subdivision is located within a closed block, but the block length does not comply with KPB standards. The block is defined by Turku Avenue, Queen Lane, King Road, and Ram Rack Road. To comply with code a 30 foot right of way is required that connects King Road to the section line easements.

This subdivision is subject to a private access easement on the section of Kostino Street located in the southeast corner of the subdivision. **Staff recommends a plat note or depiction be added in regards to the easement of record per Bk 226 Pg. 390 HRD.**

KPB Roads Dept. comments	
SOA DOT comments	The section line easement between section 13 14 is shown as 50'/50' and appears to be correct.

**Site Investigation:** The terrain slopes from east to west with a drop of 68 feet at approximately a 5% grade.

KPB satellite imagery indicates that this property may contain wet areas, classified as Lake Bed and Discharge Slope, affect the west portion of this subdivision. **Staff recommendation:** *place a note on the final plat indicating 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.*

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

**Staff Analysis**

This property was created with a plat waiver (amended) as recorded under serial no. 93-3636 HRD.

The lots being created are larger then 200,000 sq. ft. and do not require a soils analysis report. If additional right of way dedications are required, the size of the lots may be reduced. Any lots less than 200,000 sq. ft. will require a soils analysis report to be prepared and submitted by a licensed engineer.

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**

This subdivision if not affected by any utility easements of record. This platting action will be granting a 10 foot utility easement, with 20 feet within 5 feet of side lot lines, adjoining all dedicated right of ways.

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

**Utility provider review:**

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

**KPB department / agency review:**

Addressing	Reviewer: Haws, Derek Affected Addresses: None  Existing Street Names are Correct: Yes  List of Correct Street Names: KING RD QUEEN LN TURKU AVE RAM ROCK RD SERGEF AVE BEREZKA DR KOSTINO ST  Existing Street Name Corrections Needed:  All New Street Names are Approved: Yes  List of Approved Street Names: TIMBERLAND CIR  List of Street Names Denied:  Comments: New street name TIMBERLAND CIR is approved.
Code Compliance	Reviewer: Ogren, Eric Comments: No comments
Planner	Reviewer: Taylor, Bryan There are not any Local Option Zoning District issues with this proposed plat.  Material Site Comments: There are not any material site issues with this proposed plat.
Assessing – Matt Bruns	Reviewer: Bruns, Matthew Comments: No concerns from Assessing Dept.
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:**

- Revise the subdivision name to a unique name as another preliminary plat has been approved with the name *Alaskan Wildwood*.

- Correct the parent parcel name to read, 'A subdivision of Parcel 2 per Plat Waiver Resolution 93-26 Amended as recorded under serial no. 93-3636 HRD.'

- remove the reference to document 2019-002734-0.

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:** *Depict and label the travel way of Kostino Street within this subdivision. Verify if a trail exists within the subdivision, if so, depict and label the trail with a plat note that no public access is being granted on the trail.*

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:** *Depict and label any areas that are affected by low wetlands on the final plat.*

### KPB 20.30 Design Requirements

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

#### 20.30.030. 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 comments: A portion of Kostino Street is constructed across the southeast corner of this subdivision. This road provides physical access to many parcels of land.*

*KPB maintenance of Kostino Street ends at the intersection with Tomskyi Avenue. The portion of Kostino Street within this subdivision is not maintained by KPB.*

*Aerial imagery from 1996 shows that Kostino Street was constructed in this location.*

**Staff recommendation:** *Dedicate a minimum 60 foot width right of way centered on the constructed travel way of Kostino Street.*

#### 20.30.100. Cul-de-sacs.

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

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

C. Temporary turnarounds and self-vacating turnarounds shall not be granted or reserved on plats.  
**Staff recommendation:** *The cul-de-sac length appears to be just over 1,000 feet in length. Revise the cul-de-sac design so that the centerline length from the intersection with Kostino Street to the center of the cul-de-sac is 1,000 feet or less.*

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 comments: King Acres (HM 74-2192) dedicated Queen Lane is a 30 foot right of way. Queen Lane is not affected by steep terrain. Queen Lane provides a closed block loop. KPB GIS information shows that the area around Queen Lane may be affected by wetlands. The 30 foot matching right of way dedication of Queen Lane will not create any substandard lots within this proposed subdivision.*

**Staff recommendation:** *Provide a 30 foot matching right of way dedication for Queen Lane.*

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:** *Redesign the cul-de-sac right of way so that the centerline curve radius is 200 feet or greater.*

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.

B. 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.

C. 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.

D. 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:** Graphically depict and label the 20 foot building setback adjoining all dedicated right of ways within the subdivision.

---

#### KPB 20.40 -- Wastewater Disposal

20.40.010 Wastewater disposal.

*Platting Staff Comments:* The current lot design shows all lots to be larger than 200,000 square feet. A wastewater analysis report will be required for any lots that are less than 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.

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

**Staff recommendation:** Provide a certificate of acceptance for the Borough to accept all dedicated right of ways.

20.60.180. Plat notes.

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

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

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

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

20.60.190. Certificates, statements, and signatures required.

**Staff recommendation:** Provide a Certificate of Acceptance for KPB to sign for the dedicated right of way. Comply with 20.60.190.

---

#### **EXCEPTIONS REQUESTED:**

##### **A. KPB 20.30.030 Proposed Street Layout – Kostino Street along the east boundary**

Surveyor's Discussion: Multiple North-South ROWs exist. Queens Lane to the West, Timberlane Circle within the parcel, and Konstino / Ram Rack to the East all provide legal North-South access.

Legal and Physical access already exists. Ram Rack Road Provides legal and physical North-South access and is only 600' East of the proposed extension of Kostino Street.

Staff Discussion: Kostino Street is located to the south east of this subdivision. Kostino Street is a combination of a dedicated right of way and section line easement for a total width of 100 feet. The extension of Kostino Street would be along the east boundary of this subdivision.



A 100 foot wide section line easement affects the east boundary of this subdivision. The section line easement can be used for public access and placement of utilities.

Ram Rack Road is a dedicated and constructed road that provides access to the parcels to the north.

The terrain is sloping but not affected by steep slopes greater than 20 %.

No wet lands affect the eastern boundary where the extension of Kostino Street would be located.

The parcels to the north are between 8 and 10 acres. Wetlands affect these parcels and it is unlikely that they will be subdivided in the future to provide an extension of Kostino Street right of way.

If denied, a minimum 30 foot half width right of way is required to be dedicated along the eastern boundary.

**Findings:**

1. Kostino Street is located to the south east of this subdivision. Kostino Street is a combination of a dedicated right of way and section line easement for a total width of 100 feet.
2. A 100 foot wide section line easement affects the east boundary of this subdivision. The section line easement can be used for public access and placement of utilities.
3. Ram Rack Road is a dedicated and constructed road that provides access to the parcels to the north.
4. The parcels to the north are between 8 and 10 acres. Wetlands affect these parcels and it is unlikely that they will be subdivided in the future to provide an extension of Kostino Street right of way.
5. The terrain is sloping but not affected by steep slopes greater than 20 %.
6. No wet lands affect the eastern boundary where the extension of Kostino Street would be located

Staff reviewed the exception request and recommends granting approval.

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

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

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

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

Surveyor's Discussion: The large parcels and rural nature of this area lends itself to large sized blocks. Strict conformation to block length requirements would most likely lead to excessive ROW's that would not get developed.

Physical access around the East and North side of the block is already developed. Ram Rack Road and King Road are already developed. They provide legal and physical access from the Southeast corner of the block to the Northwest corner of the block.

Staff Discussion: The subdivision is located within a closed block, but the block length does not comply with KPB standards. The block is defined by Turku Avenue, Queen Lane, King Road, and Ram Rack Road.

The parcels in this area are generally larger parcels in the 8 to 15 acre range. This area is affected by wetlands that limit that amount of area that can be improved on each lot. Tract 13 to the north is large enough to be further subdivided and could provide a matching 30 foot right of way dedication.

To comply with code a 30 foot right of way is required that connects King Road to the section line easements.

**Findings:**

1. The subdivision is located within a closed block.
2. The block length does not comply with KPB standards.
3. The block is defined by Turku Avenue, Queen Lane, King Road, and Ram Rack Road.
4. The parcels in this area are generally larger parcels in the 8 to 15 acre range.
5. This area is affected by wetlands that limit that amount of area that can be improved on each lot.
6. Tract 13 to the north is large enough to be further subdivided and could provide a matching 30 foot right of way dedication.
7. Tract 13 is affected by wet lands.

Staff reviewed the exception request and recommends granting approval.

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

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

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

1. That special circumstances or conditions affecting the property have been shown by application;  
**Findings 1, 4, 5, 7 appear to support this standard.**
2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title;  
**Findings 1, 4, 5, 7 appear to support this standard.**
3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.  
**Findings 1, 4, 5, 7 appear to support this standard.**

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

the meeting date.

---

**RECOMMENDATION:**

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

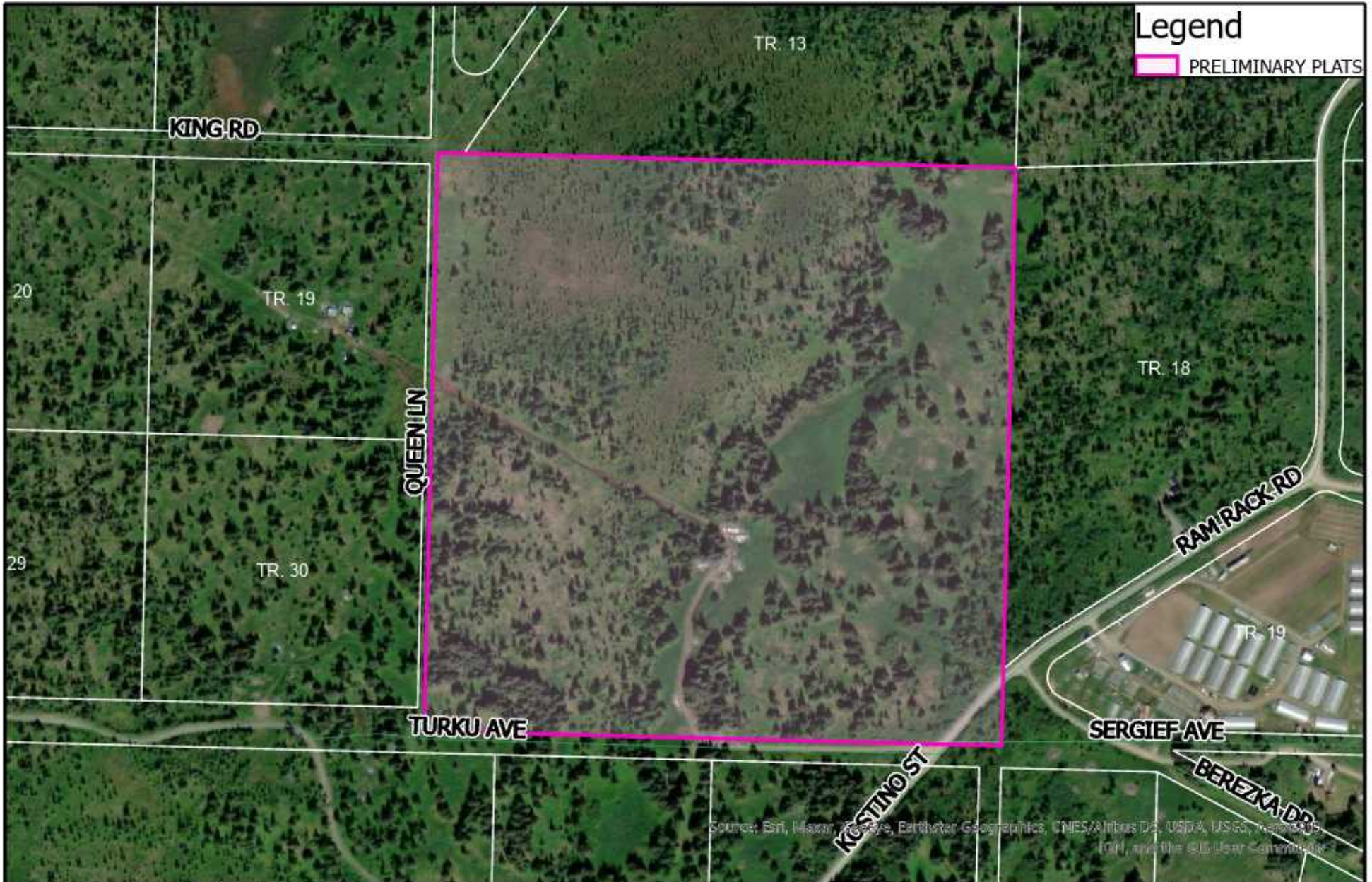
- GRANT APPROVAL OF THE PRELIMINARY PLAT SUBJECT TO STAFF RECOMMENDATIONS, AND
- COMPLIANCE WITH KPB 20.25.070 (FORM AND CONTENTS), KPB 20.25.080 (PETITION REQUIRED), KPB 20.30 (DESIGN REQUIREMENTS); AND KPB 20.40 (WASTEWATER DISPOSAL), AND
- COMPLIANCE WITH KPB 20.60 TO ENSURE ADMINISTRATIVE APPROVAL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

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

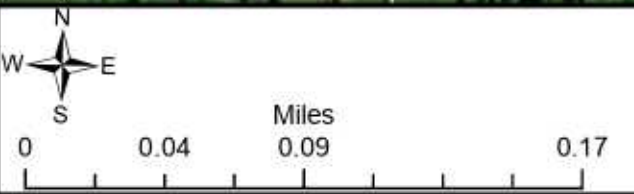
**A PARTY OF RECORD MAY REQUEST THAT A DECISION OF THE PLAT COMMITTEE BE REVIEWED BY THE PLANNING COMMISSION BY FILING A WRITTEN REQUEST WITHIN 15 DAYS OF NOTIFICATION OF THE DECISION IN ACCORDANCE WITH KPB 2.40.080.**

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

**END OF STAFF REPORT**



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



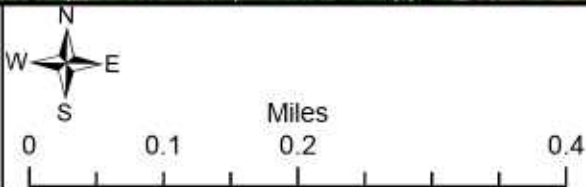
AERIAL IMAGERY 2019

CONTOUR DATA

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



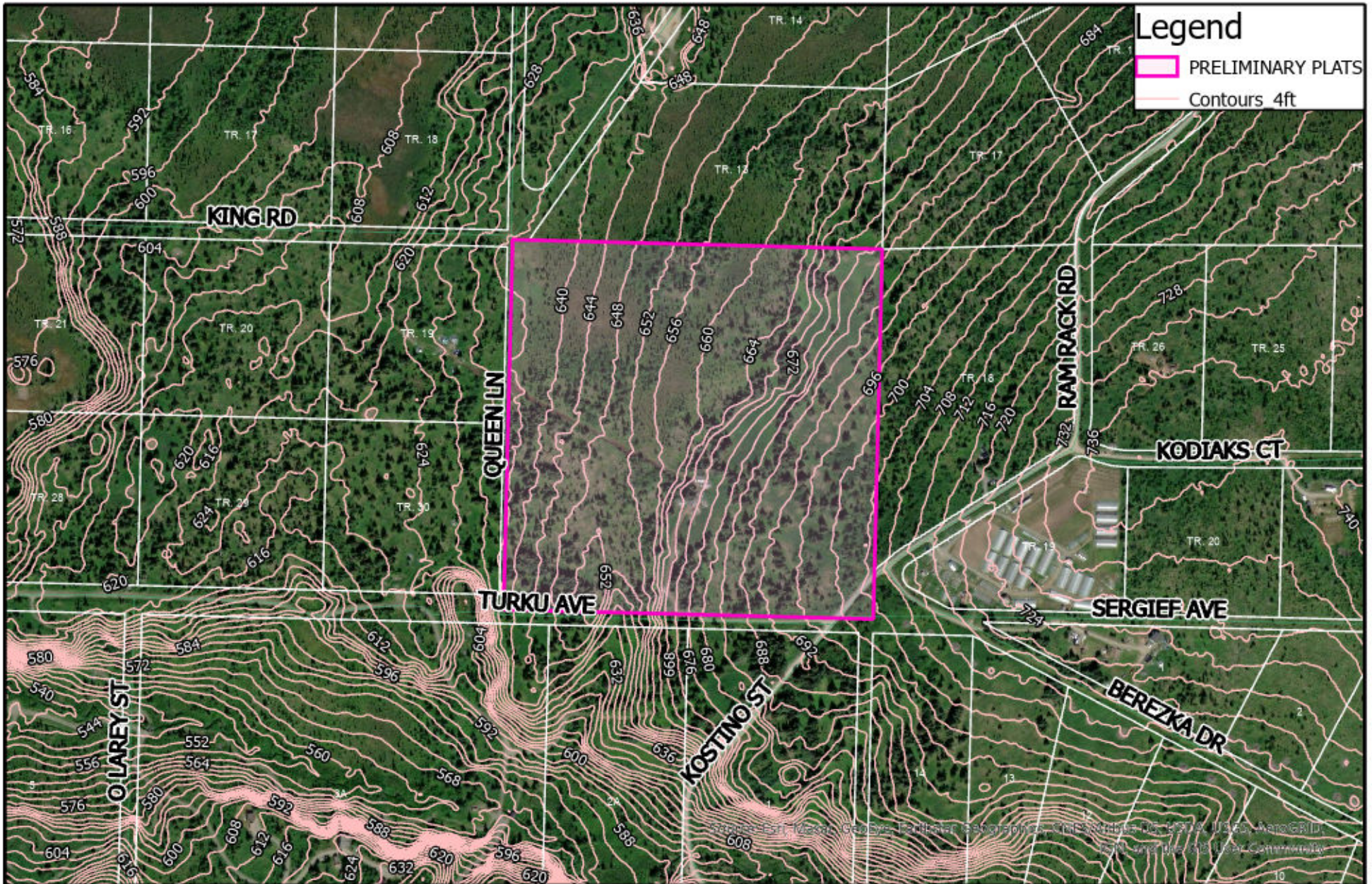
The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



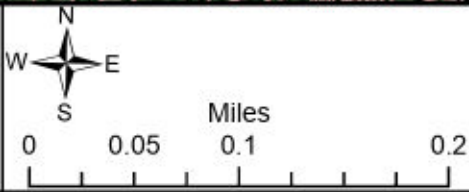
AERIAL IMAGERY 2019

WETLAND MAPPING

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



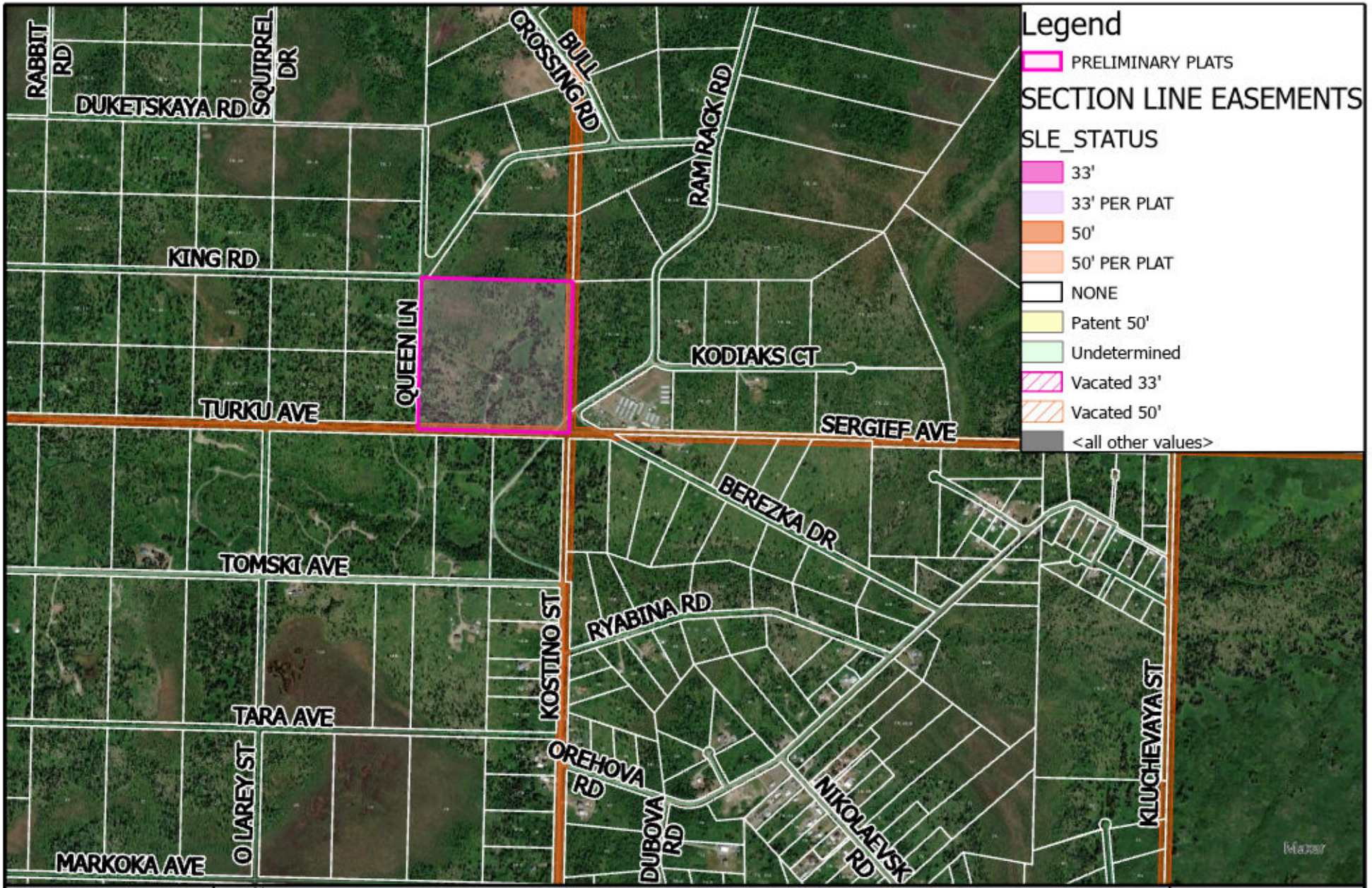
The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



AERIAL IMAGERY 2019

SECTION LINE EASEMENTS

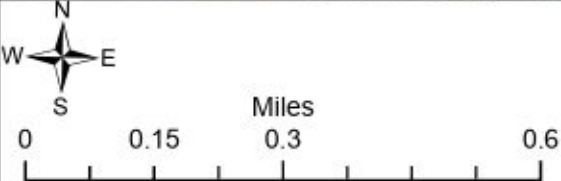
Date: 5/28/2021  
 1:50 PM  
 Scott Huff  
 Platting Manager



**Legend**

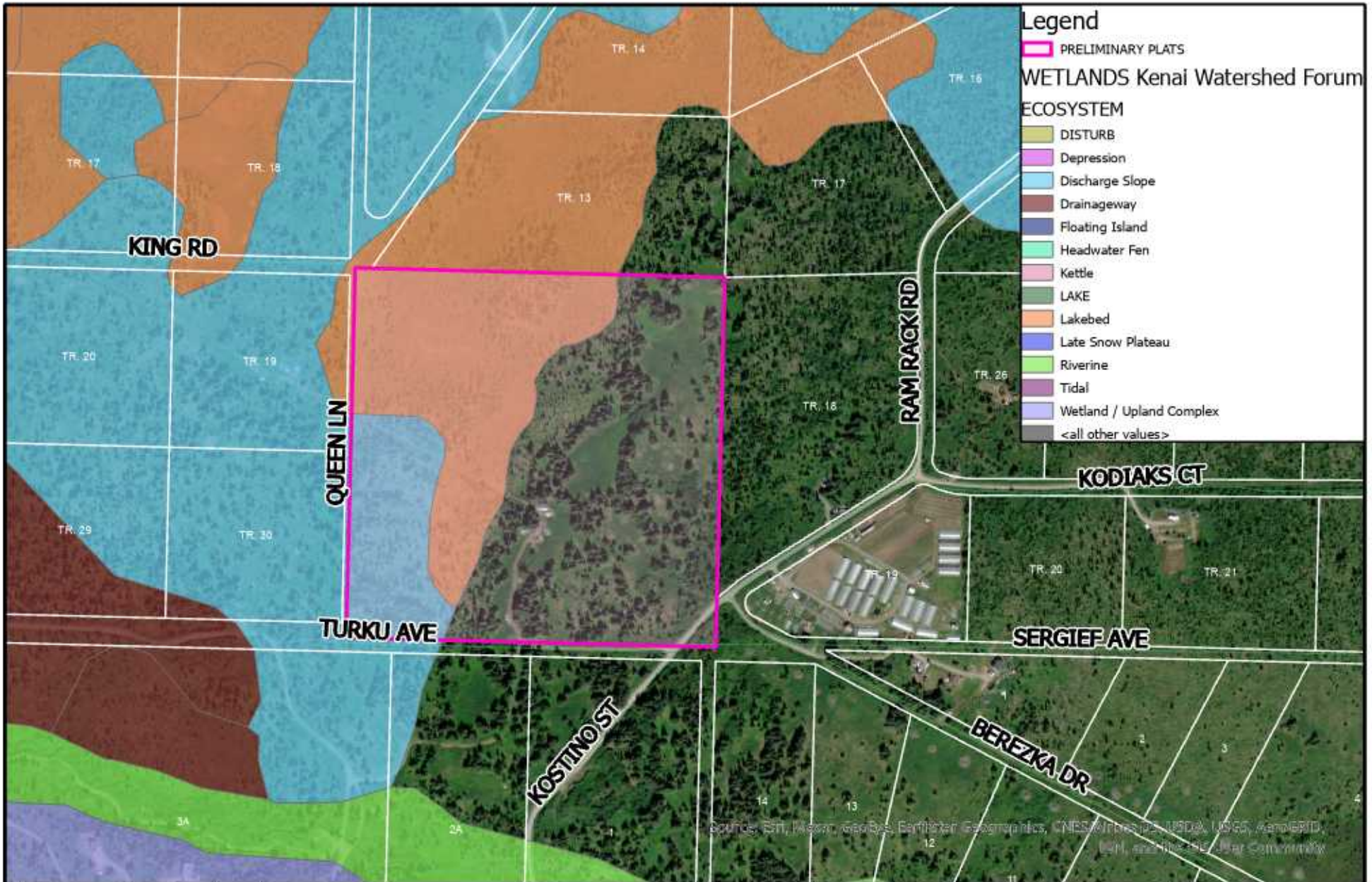
- PRELIMINARY PLATS
- SECTION LINE EASEMENTS**
- SLE\_STATUS**
- 33'
- 33' PER PLAT
- 50'
- 50' PER PLAT
- NONE
- Patent 50'
- Undetermined
- Vacated 33'
- Vacated 50'
- <all other values>

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



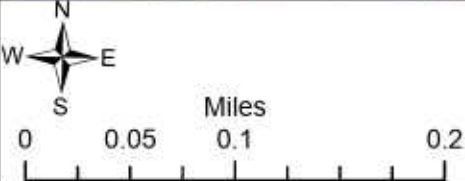
AERIAL IMAGERY 2018

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



- Legend**
- PRELIMINARY PLATS
  - WETLANDS Kenai Watershed Forum**
  - ECOSYSTEM**
  - DISTURB
  - Depression
  - Discharge Slope
  - Drainageway
  - Floating Island
  - Headwater Fen
  - Kettle
  - LAKE
  - Lakebed
  - Late Snow Plateau
  - Riverine
  - Tidal
  - Wetland / Upland Complex
  - <all other values>

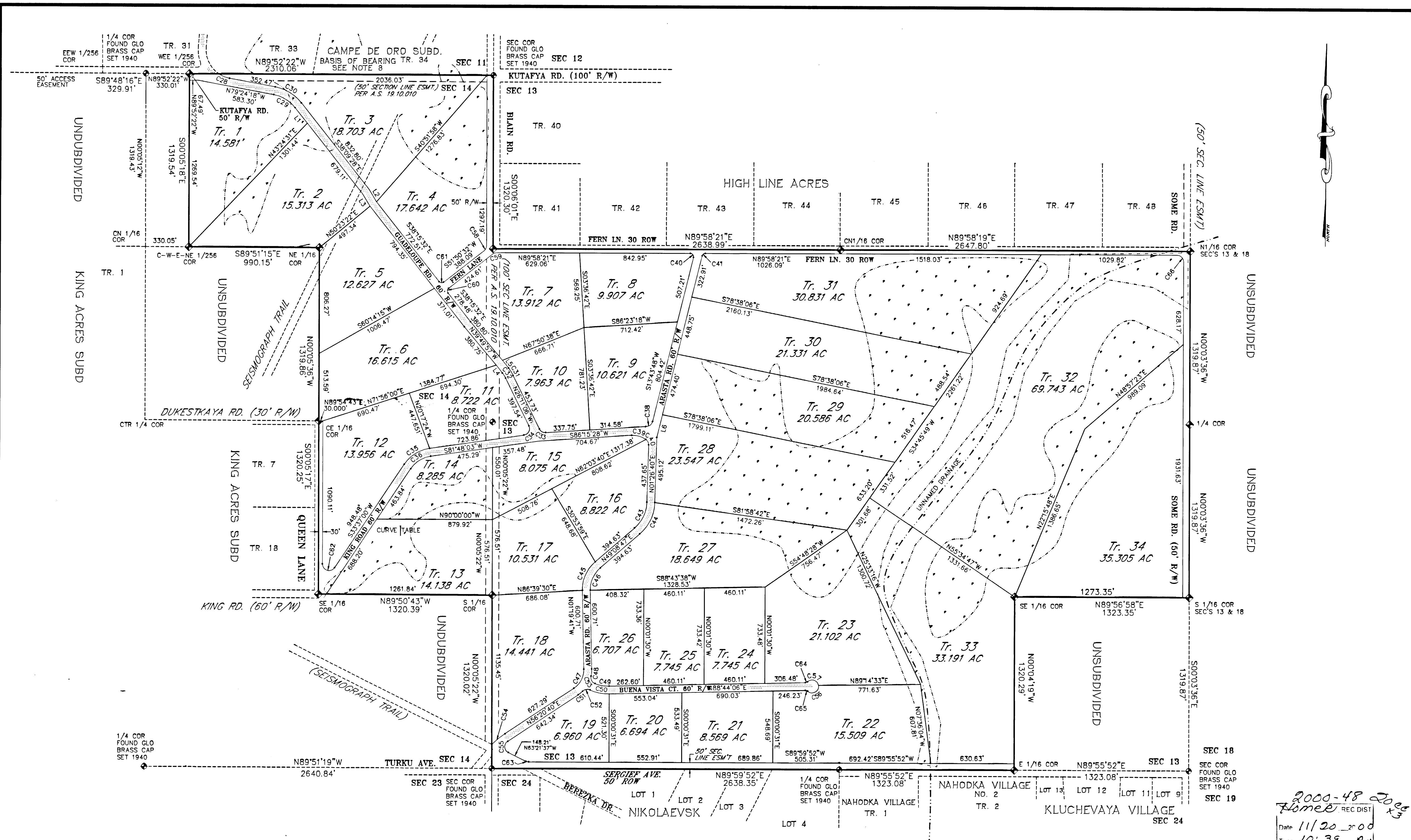
The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



AERIAL IMAGERY 2019  
WETLAND MAPPING

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





**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 LIMITED  
 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

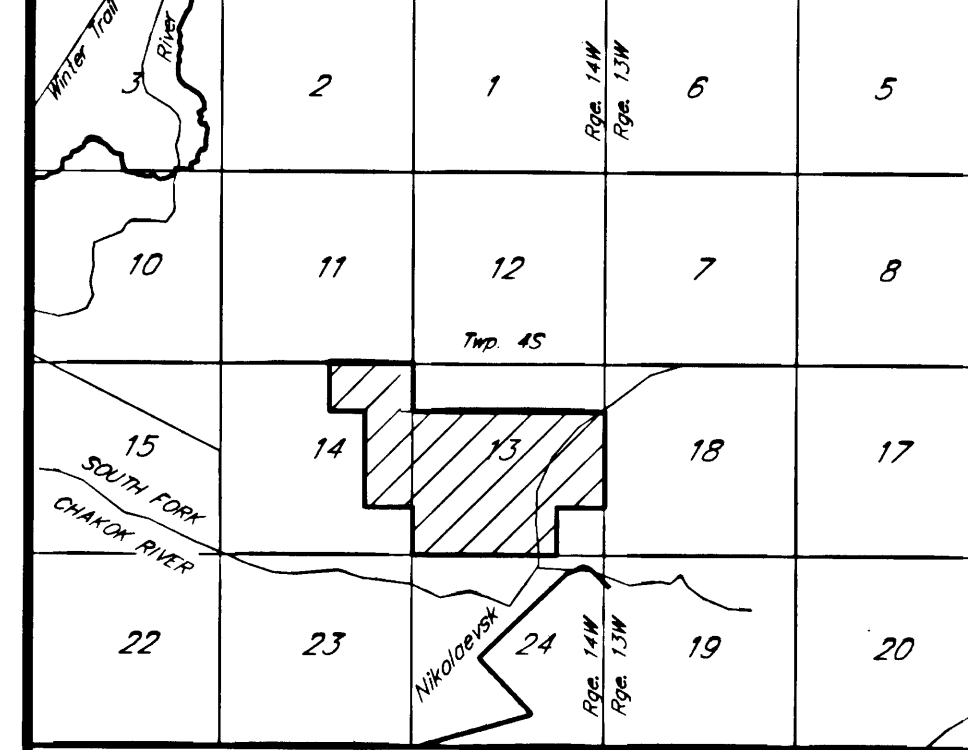
BY: *[Signature]*  
 Authorized Official

**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 "TRUCK 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. 2000-140  
 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, SW 4K  
 CONTAINING 500.527 ACRES  
 IN THE HOMER RECORDING DISTRICT

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

**CURVE TABLE**

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	85°45'02"	N61°36'19"E	74.17
C39	113.85	170.00	38°22'13"	N74°33'28"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	239.77

**LINE TABLE**

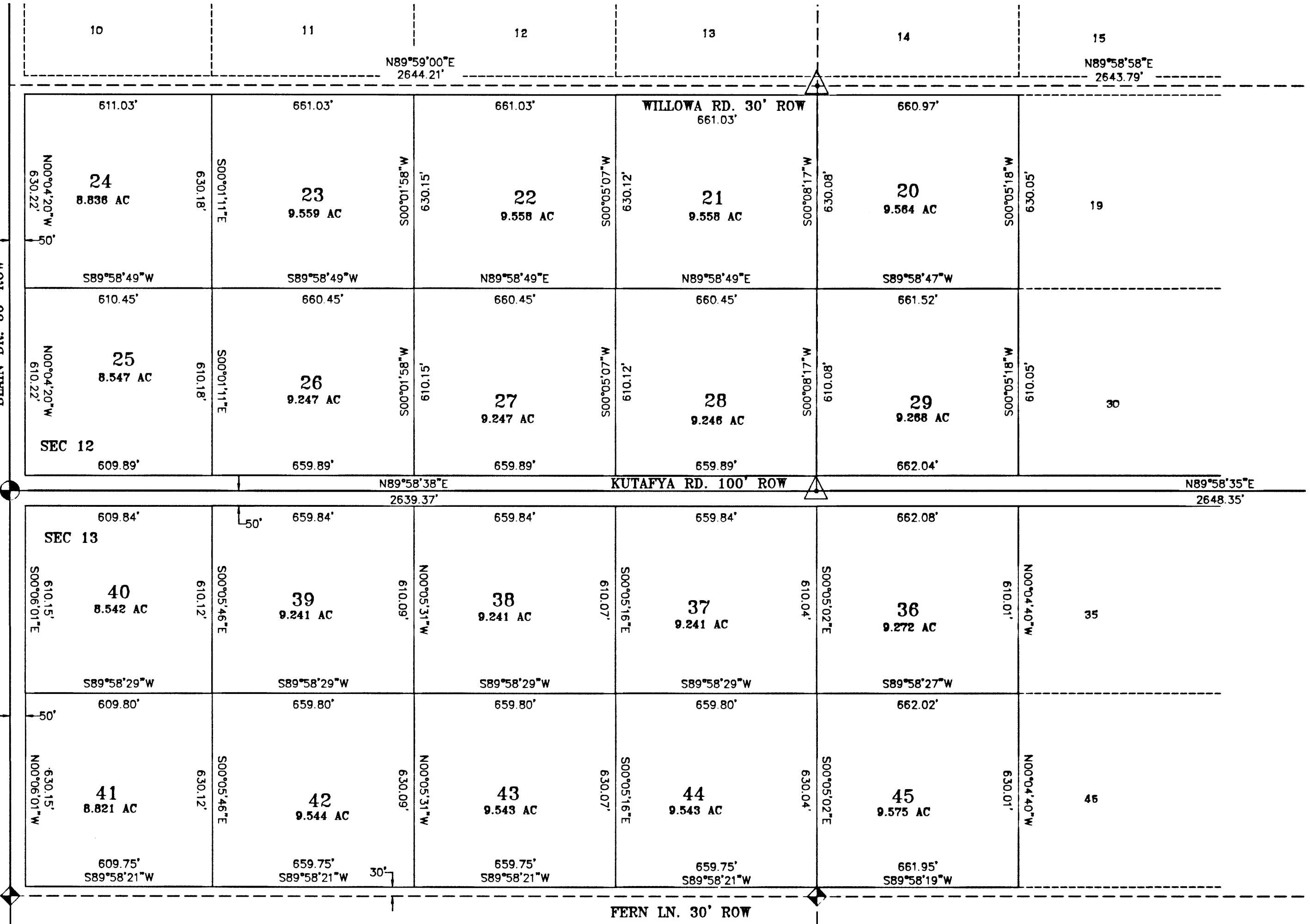
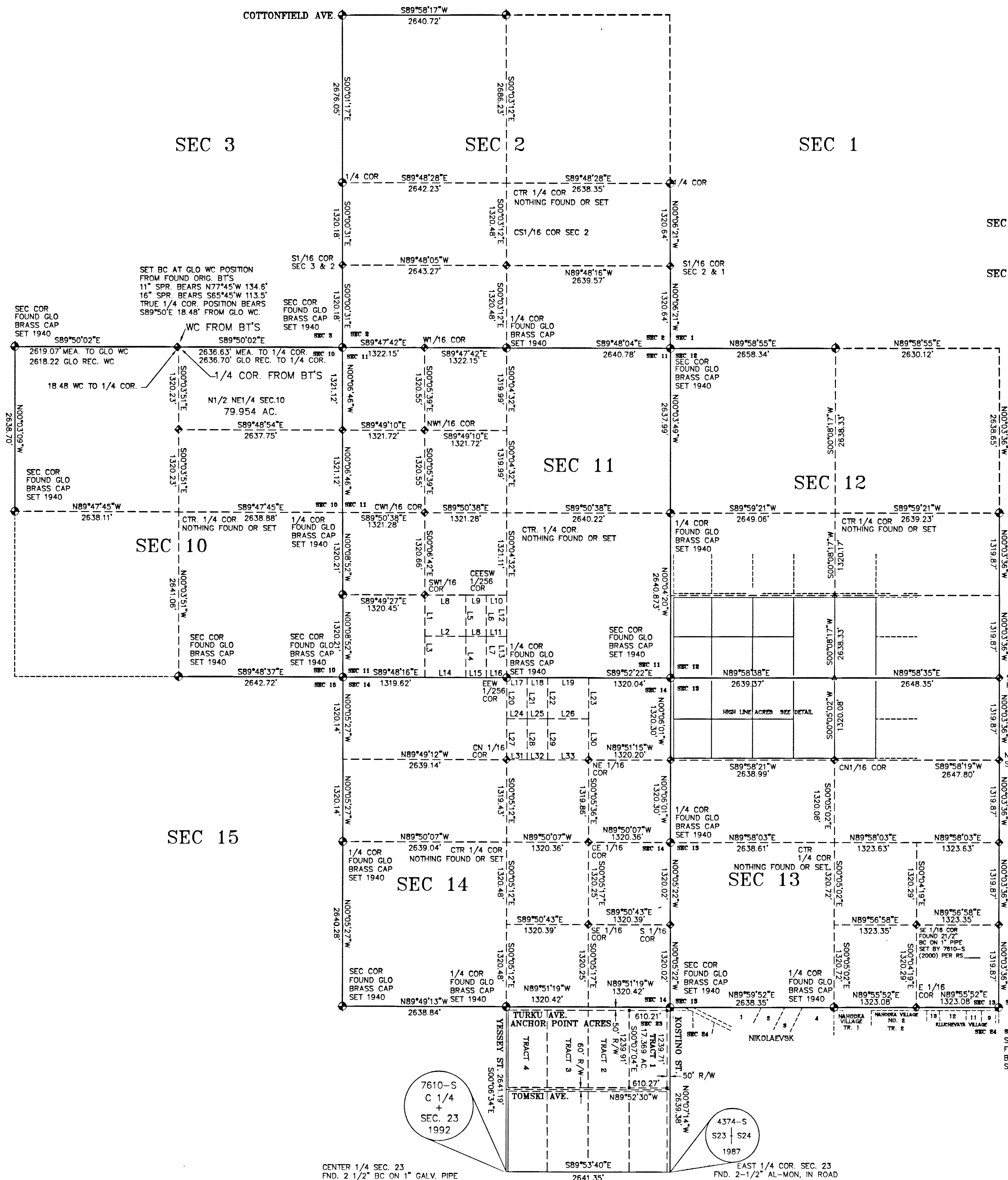
LINE	LENGTH	BEARING
L1	150.19	N38°09'28"W
L2	113.69	S31°29'53"E
L3	113.64	S31°29'53"E
L4	74.28	N38°09'28"W
L5	75.15	N38°09'28"W
L6	179.42	N13°43'48"E

**LINE TABLE**

LINE	LENGTH	BEARING
C46	193.81	50°28'28"
C47	171.12	170.00
C48	53.60	230.00
C49	109.34	270.00
C50	150.06	330.00
C51	44.07	230.00
C52	60.58	50.00
C53	69.89	50.00
C54	128.79	630.00
C55	104.46	50.00
C56	122.72	50.00
C57	109.11	50.00
C58	45.33	50.00
C59	33.28	50.00
C60	39.31	25.00
C61	39.23	25.00
C62	127.67	50.00
C63	23.25	50.00
C64	18.69	25.00
C65	18.69	25.00
C66	78.51	50.00

- LEGEND**
- FOUND G.L.D. BRASS CAP
  - EXISTING ROAD
  - POORLY DRAINED SOILS DETERMINED FROM 1:5,000' 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

HM  
 2000-48  
 87-000



FOR HIGHLINE ACRES  
SEE DETAIL

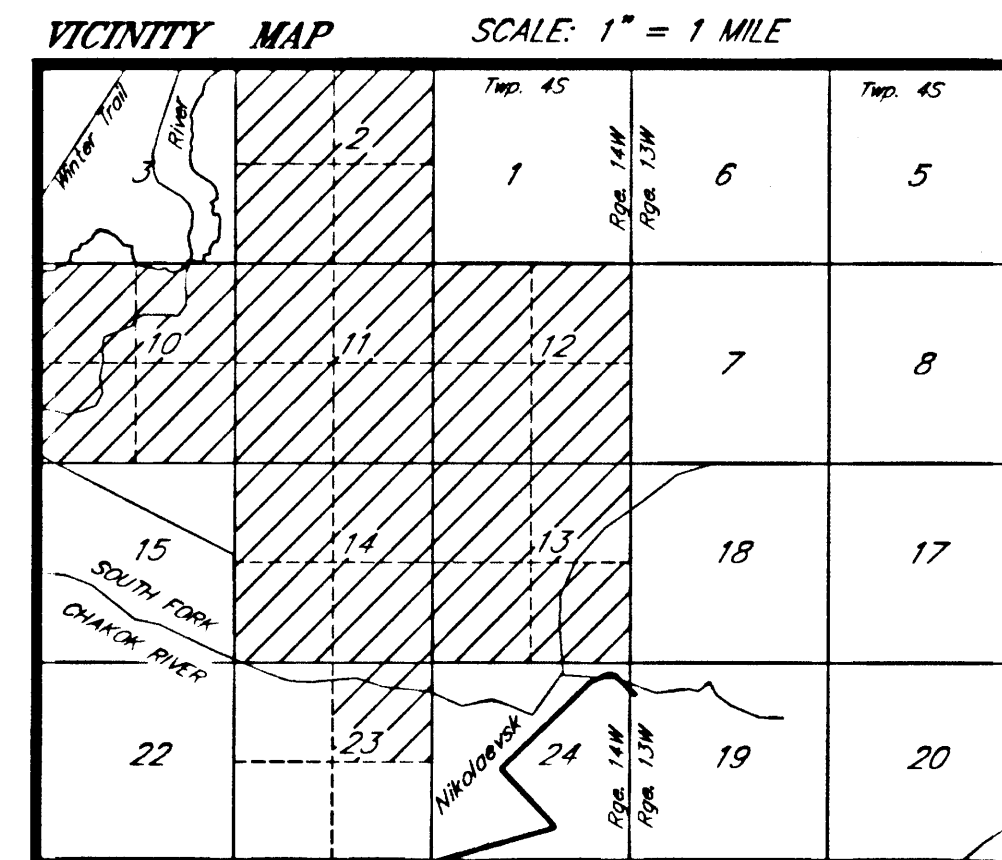
NOTES:

1. THIS SURVEY DOES NOT CONSTITUTE A SUBDIVISION AS DEFINED BY AS 40.15.190(2).
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.
3. 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.
4. SET 2" AL-CAPS ON 5/8" REBAR AT THE CORNERS OF TRACT 1, ANCHOR POINT ACRES SUBD.

LEGEND

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

LINE	LENGTH	BEARING
L1	660.33	S00°05'42"E
L2	660.02	N89°48'52"W
L3	660.44	S00°05'37"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"W
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



DATE AUGUST 2000

SCALE 1" = 1000'

GRID No. AP-3

3413ROS.DWG

JOB No. 3413

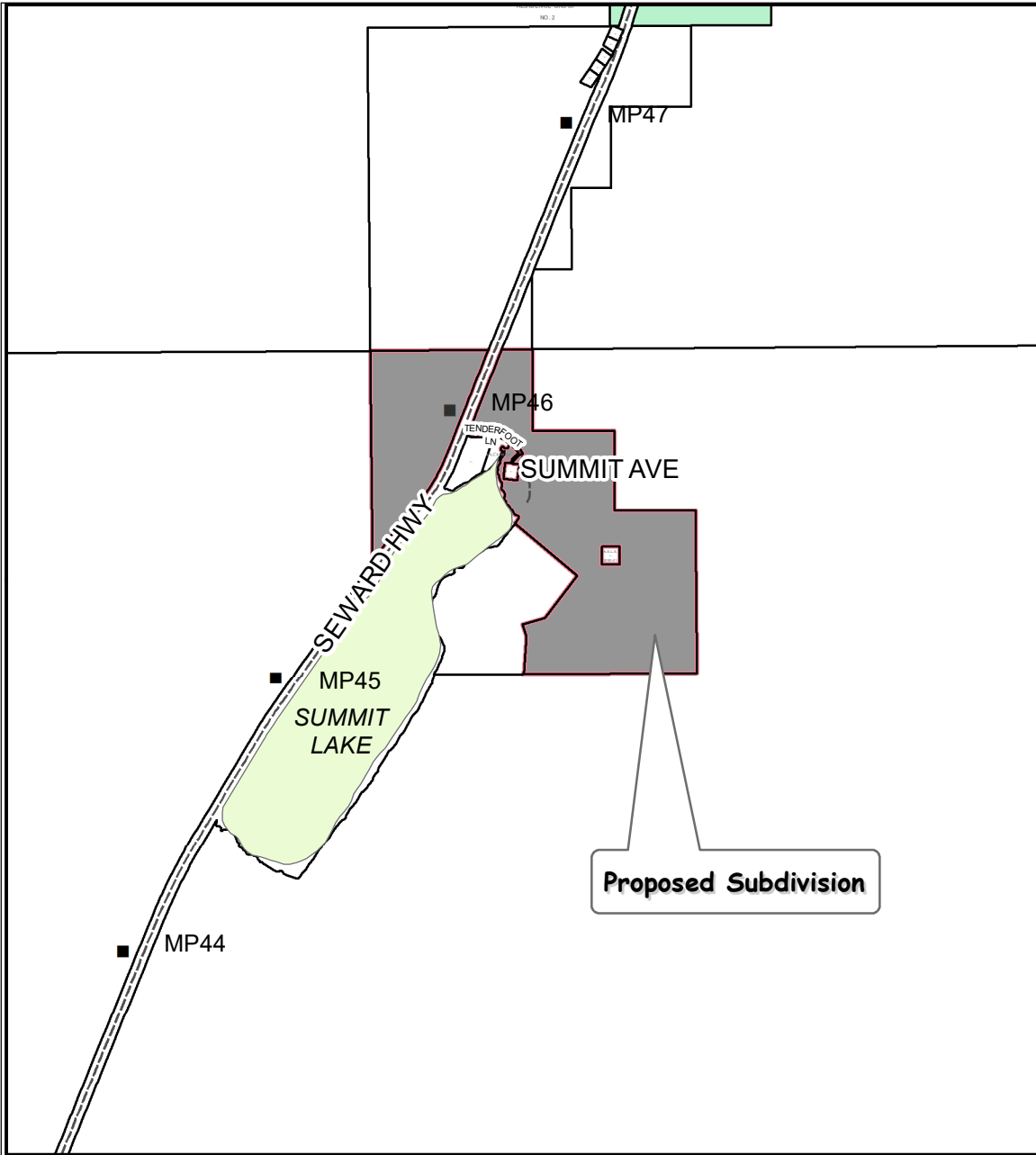


**RECORD OF SURVEY**

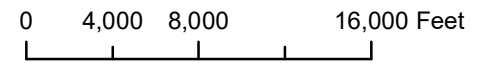
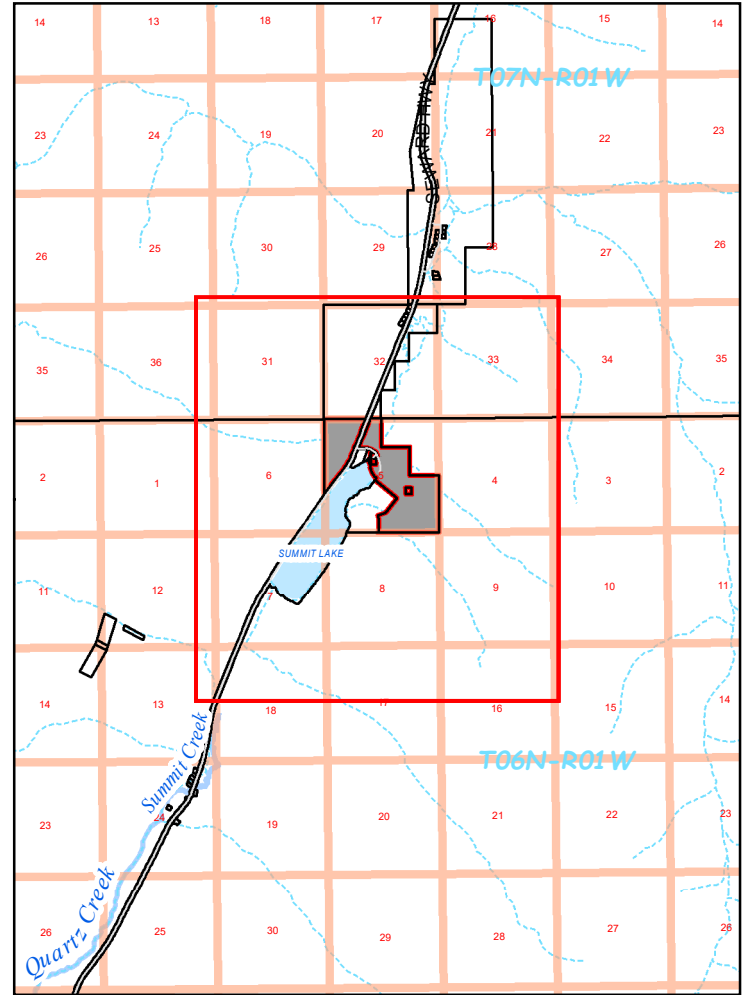
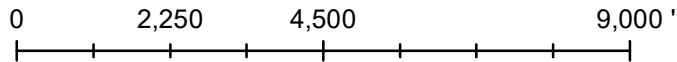
SHOWING RETRACEMENT AND SECTIONAL MONUMENTATION WITHIN SECTIONS 2, 10, 11, 12, 13, 14, & 23 AND ANCHOR POINT ACRES, TRACT 1; AND HIGHLINE ACRES TRACTS 20-29 AND TRACTS 36-45 WITHIN T4S, R14W, S4 AC.

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

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

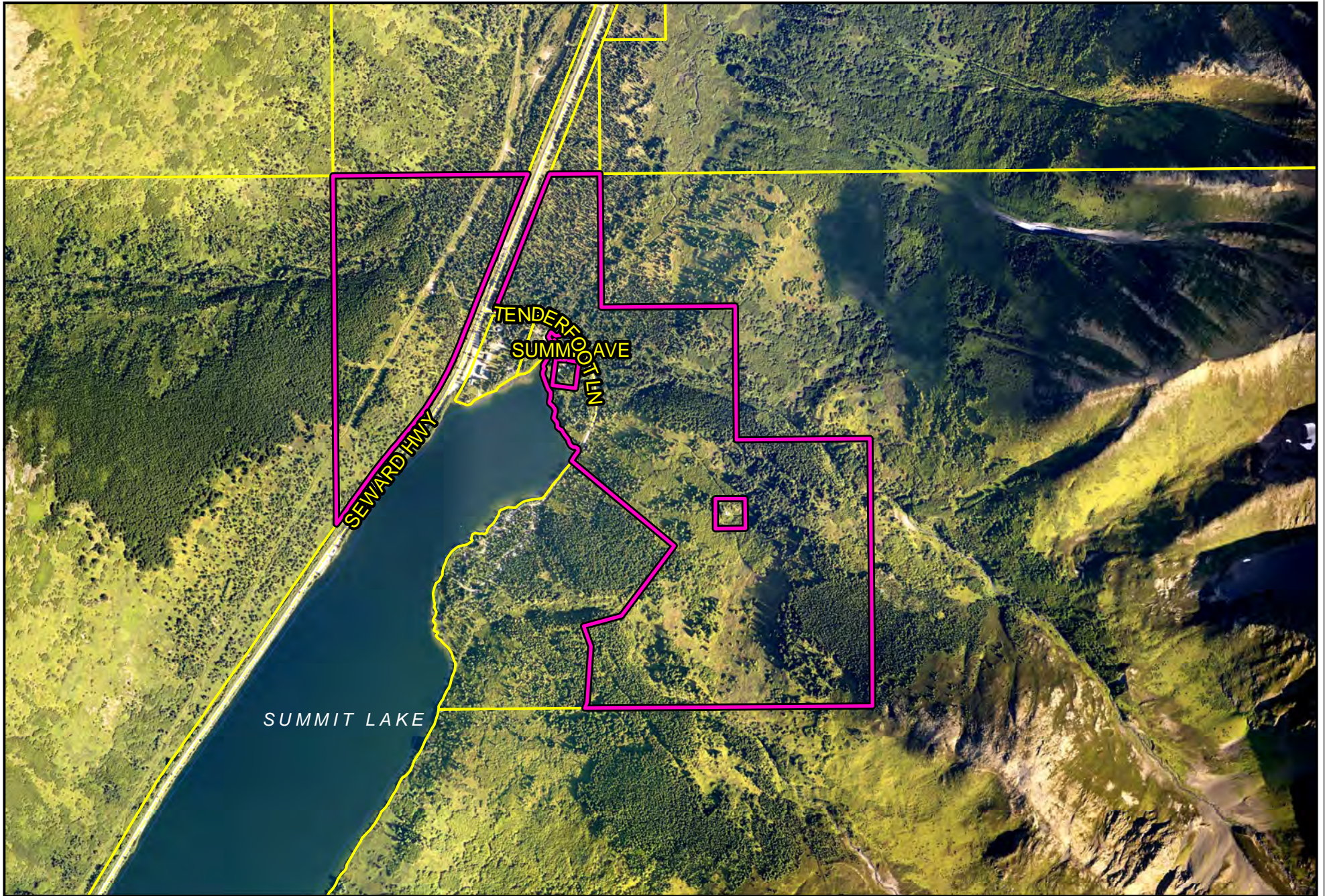


The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.

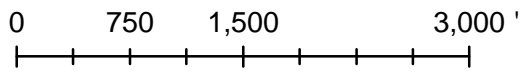


**KPB 2021-133**  
**S05 T06N R01W**  
**REMOTE**





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



PClements, KPB 2021-133  
Imagery PICTOMETRY

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.

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 DIRECT SUPERVISION, THAT THE MON.S SHOWN HEREON ACTUALLY EXIST AS DESCRIBED, AND THAT ALL DIMENSIONS AND OTHER DETAILS ARE CORRECT.

Iain Brown L.S. 107707 AK Date

TAX CERTIFICATE

THIS SUBDIVISION IS NOT SUBJECT TO TAXES AT THE TIME OF FILING.

CERTIFICATE OF OWNERSHIP AND DEDICATION

I, THE UNDERSIGNED, HEREBY CERTIFY THAT I AM THE DIRECTOR, DIVISION OF MINING, LAND AND WATER, AND THAT STATE OF ALASKA IS THE OWNER OF ASLS NO. 2017-23 AS SHOWN HEREON. I HEREBY APPROVE THIS SURVEY AND PLAT FOR THE STATE OF ALASKA, AND DEDICATE FOR PUBLIC OR PRIVATE USE AS NOTED, ALL EASEMENTS, PUBLIC UTILITY AREAS, AND RIGHTS-OF-WAY AS SHOWN AND DESCRIBED HEREON.

DATE DIRECTOR, DIVISION OF MINING, LAND, & WATER

NOTARY'S ACKNOWLEDGEMENT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DAY OF 2019.

BY

NOTARY PUBLIC FOR THE STATE OF ALASKA MY COMMISSION EXPIRES

APPLICANT CERTIFICATE

I, THE UNDERSIGNED HEREBY CERTIFY THAT I AM THE APPLICANT AS SHOWN HEREON. I HEREBY APPROVE THIS SURVEY AND PLAT.

ADL NO. 227895 TRACTS B, C, D, & E

AUTHORIZED OFFICIAL DATE

TITLE KENAI PENINSULA BOROUGH 144 N. BINKLEY SOLDOTNA, AK 99669

NOTARY'S ACKNOWLEDGEMENT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DAY OF 2019.

BY

NOTARY PUBLIC FOR THE STATE OF ALASKA MY COMMISSION EXPIRES

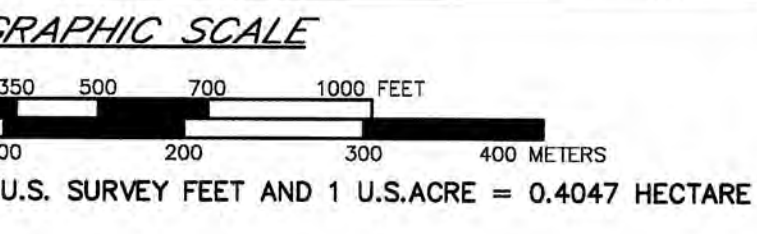
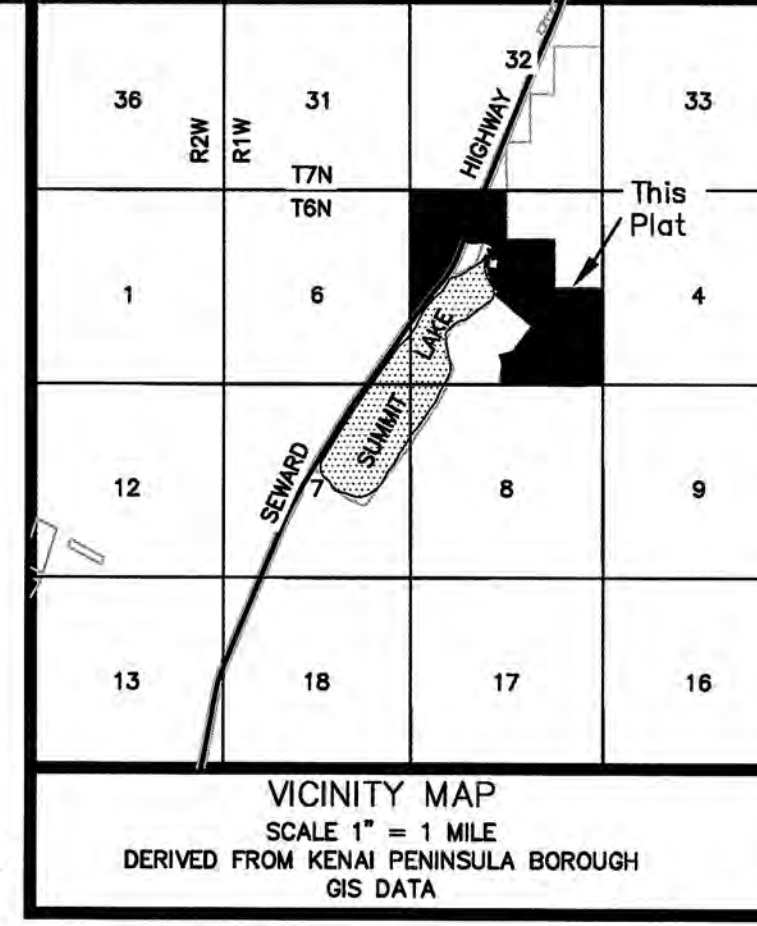
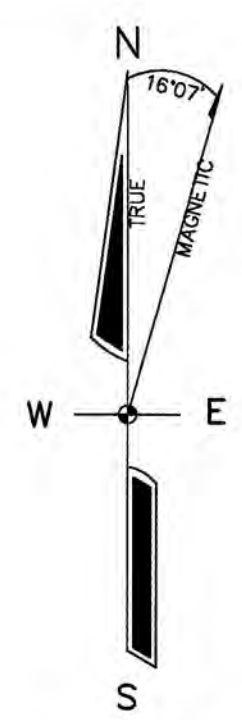
MUNICIPAL ENTITLEMENT PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH IN ACCORDANCE WITH KPB 20.10.090

BOROUGH OFFICIAL DATE

LEGEND

- NGS MON. OF RECORD- BASIS OF COORDINATES
FOUND BLM/GLO BRASS CAP- AS DESCRIBED
RECORD BLM/GLO MON.-NOT RECOVERED THIS SURVEY
FOUND PRIMARY MON.- AS DESCRIBED
FOUND 2" ALUM. CAP. LS6101 AND LS-11547
SET PRIMARY MON.- AS DESCRIBED
SET SECONDARY MON.
COMPUTED POINT, NOTHING FOUND OR SET
OVERHEAD ELECTRIC
SECTION LINE EASEMENT
(R1) RECORD DATA BLM
(R2) RECORD DATA ASLS 97-32 PLAT 98-03
(R3) RECORD DATA ASLS 2000-01 PLAT 2001-10
(R4) RECORD DATA ADL 230367-F PLAT 2017-6
(R5) RECORD DATA ADOT&PF RP-031-1(14)



NOTES

- 1. ALL BEARINGS SHOWN ARE TRUE BEARINGS AS ORIENTED TO THE BASIS OF BEARINGS AND DISTANCES SHOWN ARE REDUCED TO HORIZONTAL FIELD DISTANCES.
2. THE ERROR OF CLOSURE OF THIS SURVEY DOES NOT EXCEED 1:5000, AND/OR CORNER POSITIONS HAVE A RELATIVE POSITIONAL ACCURACY AT THE 95 PERCENT CONFIDENCE LEVEL OF 0.13 FEET PLUS 100 PPM.
3. THE BASIS OF BEARING FOR THIS PLAT WAS DETERMINED BY HIGH PRECISION GLOBAL NAVIGATION SATELLITE SYSTEM (GNSS) SURVEY IN NAD 83(2011) EPOCH(2010), USING TRIMBLE MODEL R10 GNSS RECEIVERS DIFFERENTIALLY CORRECTED AND PROCESSED USING TRIMBLE ACCESS, VERSION 2017.20 SOFTWARE. A LOCAL GRID WAS ESTABLISHED ORIENTED TO TRUE GEODETIC NORTH, AND MATCHING ORIGINAL BLM BEARING FOR THE WESTERMOST SECTION LINE OF SECTION 5, TOWNSHIP 6 NORTH, RANGE 1 WEST, SEWARD MERIDIAN, AT THE PUBLISHED POSITION FOR NATIONAL GEODETIC SURVEY BENCHMARK Z-78 (PID: TT0429):
LAT: 60° 38' 28.97219" N
LON: 149° 29' 56.29292" W
4. THE BASIS OF COORDINATES FOR THIS SURVEY ARE NAD83(2011) DERIVED FROM AND HOLDING THE PUBLISHED VALUES FOR NGS BENCHMARK Z-78 (PID: TT0429) ESTABLISHED AND ADJUSTED BY NGS IN JUNE 2012. Z-78 IS A RECOVERED BRASS DISC CLAMPED TO A COPPER COATED ROD ENCASED IN A 4" FIBER PIPE, AS DESCRIBED, RECOVERED IN GOOD CONDITION. Z-78 HAS THE FOLLOWING PUBLISHED VALUES:
LAT: 60° 38' 28.97219" N
LON: 149° 29' 56.29292" W
5. THE NATURAL MEANDERS OF THE LINE OF ORDINARY (OHW) FORM THE TRUE BOUNDS OF TRACT B ASLS NO. 2017-23/ADL NO. 227895, THE APPROXIMATE LINE OF OHW, AS SHOWN, IS FOR AREA COMPUTATIONS ONLY, WITH THE TRUE CORNERS BEING ON THE EXTENSION OF THE SIDE LINES AND THEIR INTERSECTION WITH THE NATURAL MEANDERS.
6. THIS SURVEY WAS ACCOMPLISHED IN ACCORDANCE WITH AS 29.65 AND MSI 2017-23

PRELIMINARY SUBMITTAL

Table with columns for DATE OF SURVEY, BEGINNING, ENDING, SURVEYOR, and PND ENGINEERS contact info.

STATE OF ALASKA DEPARTMENT OF NATURAL RESOURCES DIVISION OF MINING, LAND, AND WATER ANCHORAGE, ALASKA

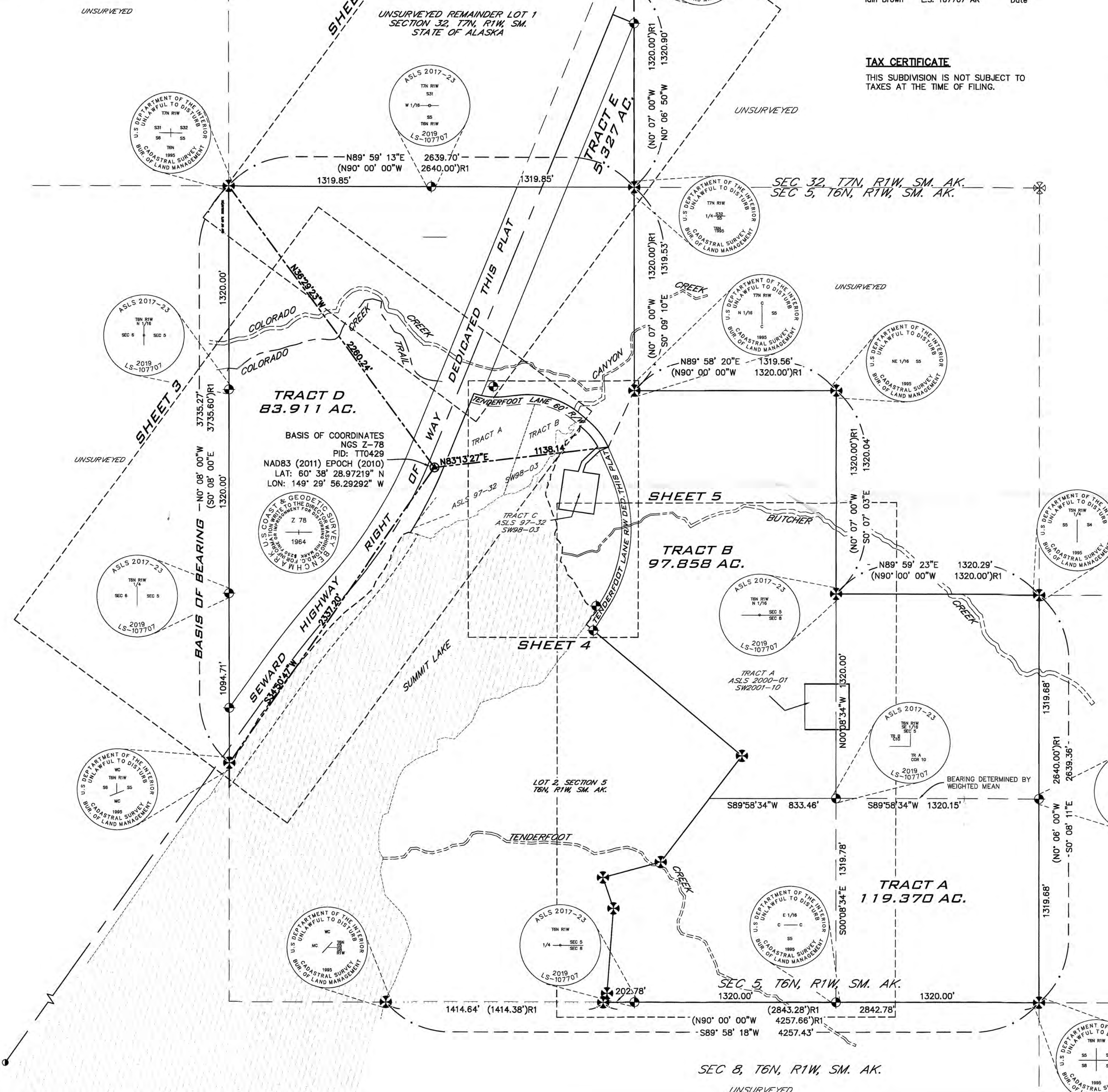
ALASKA STATE LAND SURVEY No. 2017-23

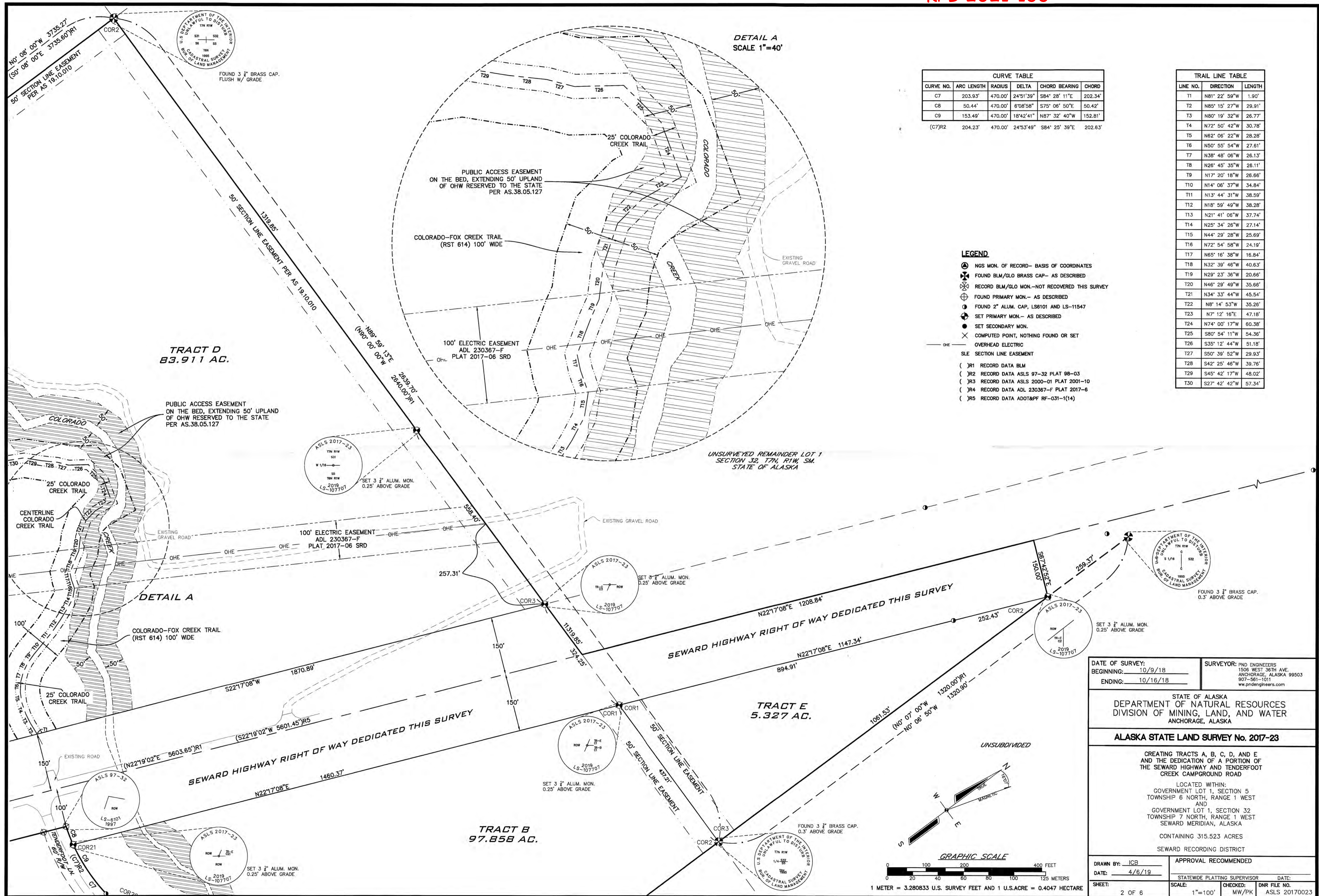
CREATING TRACTS A, B, C, D, AND E AND THE DEDICATION OF A PORTION OF THE SEWARD HIGHWAY AND TENDERFOOT CREEK CAMPGROUND ROAD

LOCATED WITHIN: GOVERNMENT LOT 1, SECTION 5 TOWNSHIP 6 NORTH, RANGE 1 WEST AND AND GOVERNMENT LOT 1, SECTION 32 TOWNSHIP 7 NORTH, RANGE 1 WEST SEWARD MERIDIAN, ALASKA

CONTAINING 315,523 ACRES SEWARD RECORDING DISTRICT

Approval table with columns for DRAWN BY, DATE, SHEET, APPROVAL RECOMMENDED, STATEWIDE PLATTING SUPERVISOR, SCALE, CHECKED, DATE, DNR FILE NO.





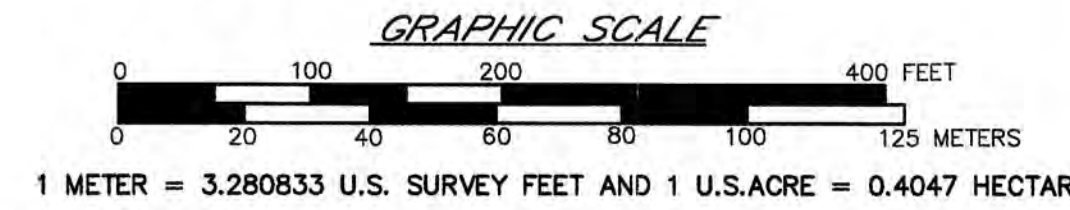
DETAIL A  
SCALE 1"=40'

CURVE TABLE					
CURVE NO.	ARC LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD
C7	203.93'	470.00'	24°51'39"	S84° 28' 11"E	202.34'
C8	50.44'	470.00'	6°08'58"	S75° 08' 50"E	50.42'
C9	153.49'	470.00'	18°42'41"	N87° 32' 40"W	152.81'
(C7)R2	204.23'	470.00'	24°53'49"	S84° 25' 39"E	202.63'

TRAIL LINE TABLE		
LINE NO.	DIRECTION	LENGTH
T1	N81° 22' 59"W	1.90'
T2	N85° 15' 27"W	29.91'
T3	N80° 19' 32"W	26.77'
T4	N72° 50' 42"W	30.78'
T5	N62° 06' 22"W	28.28'
T6	N50° 55' 54"W	27.61'
T7	N38° 48' 06"W	26.13'
T8	N26° 45' 35"W	26.11'
T9	N17° 20' 18"W	26.66'
T10	N14° 06' 37"W	34.84'
T11	N13° 44' 31"W	38.59'
T12	N18° 59' 49"W	38.28'
T13	N21° 41' 06"W	37.74'
T14	N25° 34' 26"W	27.14'
T15	N44° 29' 28"W	25.69'
T16	N72° 54' 58"W	24.19'
T17	N65° 16' 38"W	16.84'
T18	N32° 39' 46"W	40.63'
T19	N29° 23' 36"W	20.66'
T20	N46° 29' 49"W	35.66'
T21	N34° 33' 44"W	45.54'
T22	N8° 14' 53"W	35.26'
T23	N7° 12' 16"E	47.18'
T24	N74° 00' 17"W	60.38'
T25	S80° 54' 11"W	54.36'
T26	S35° 12' 44"W	51.18'
T27	S50° 39' 52"W	29.93'
T28	S42° 25' 46"W	39.76'
T29	S45° 42' 17"W	48.02'
T30	S27° 42' 42"W	57.34'

- LEGEND**
- ⊙ NGS MON. OF RECORD - BASIS OF COORDINATES
  - ⊙ FOUND BLM/GLO BRASS CAP - AS DESCRIBED
  - ⊙ RECORD BLM/GLO MON. - NOT RECOVERED THIS SURVEY
  - ⊙ FOUND PRIMARY MON. - AS DESCRIBED
  - ⊙ FOUND 2" ALUM. CAP, LS6101 AND LS-11547
  - ⊙ SET PRIMARY MON. - AS DESCRIBED
  - ⊙ SET SECONDARY MON.
  - ⊙ COMPUTED POINT, NOTHING FOUND OR SET
  - OHE OVERHEAD ELECTRIC
  - SLE SECTION LINE EASEMENT
  - ( ) R1 RECORD DATA BLM
  - ( ) R2 RECORD DATA ASLS 97-32 PLAT 98-03
  - ( ) R3 RECORD DATA ASLS 2000-01 PLAT 2001-10
  - ( ) R4 RECORD DATA ADL 230367-F PLAT 2017-6
  - ( ) R5 RECORD DATA ADOT&PF RF-031-(14)

DATE OF SURVEY: BEGINNING: 10/9/18 ENDING: 10/16/18	SURVEYOR: PND ENGINEERS 1508 WEST 36TH AVE. ANCHORAGE, ALASKA 99503 907-561-1011 www.pndengineers.com
STATE OF ALASKA DEPARTMENT OF NATURAL RESOURCES DIVISION OF MINING, LAND, AND WATER ANCHORAGE, ALASKA	
<b>ALASKA STATE LAND SURVEY No. 2017-23</b>	
CREATING TRACTS A, B, C, D, AND E AND THE DEDICATION OF A PORTION OF THE SEWARD HIGHWAY AND TENDERFOOT CREEK CAMPGROUND ROAD	
LOCATED WITHIN: GOVERNMENT LOT 1, SECTION 5 TOWNSHIP 6 NORTH, RANGE 1 WEST AND GOVERNMENT LOT 1, SECTION 32 TOWNSHIP 7 NORTH, RANGE 1 WEST SEWARD MERIDIAN, ALASKA	
CONTAINING 315.523 ACRES SEWARD RECORDING DISTRICT	
DRAWN BY: ICB DATE: 4/6/19	APPROVAL RECOMMENDED
SHEET: 2 OF 6	STATEWIDE PLATTING SUPERVISOR DATE: SCALE: 1"=100' CHECKED: MWF/PK DNR FILE NO.: ASLS 20170023



LINE NO.	DIRECTION	LENGTH
T1	N81° 22' 59"W	1.90'
T2	N85° 15' 27"W	29.91'
T3	N80° 19' 32"W	26.77'
T4	N72° 50' 42"W	30.78'
T5	N62° 06' 22"W	28.28'
T6	N50° 55' 54"W	27.61'
T7	N38° 48' 06"W	26.13'
T8	N26° 45' 35"W	26.11'
T9	N17° 20' 18"W	26.66'
T10	N14° 06' 37"W	34.84'
T11	N13° 44' 31"W	38.59'
T12	N18° 59' 49"W	38.28'
T13	N21° 41' 08"W	37.74'
T14	N25° 34' 26"W	27.14'
T15	N44° 29' 28"W	25.69'
T16	N72° 54' 58"W	24.19'
T17	N65° 16' 38"W	16.84'
T18	N32° 39' 46"W	40.63'
T19	N29° 23' 36"W	20.66'
T20	N46° 29' 49"W	35.66'
T21	N34° 33' 44"W	45.54'
T22	N8° 14' 53"W	35.26'
T23	N7° 12' 16"E	47.18'
T24	N74° 00' 17"W	60.38'
T25	S80° 54' 11"W	54.36'

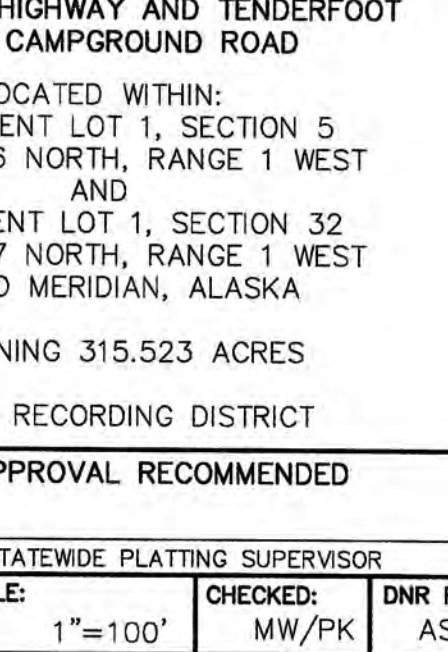
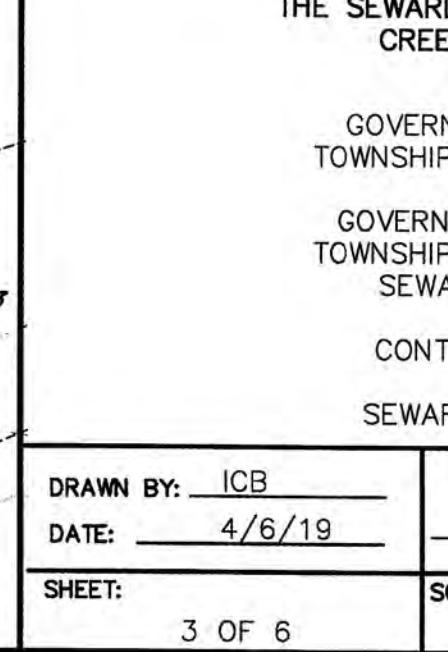
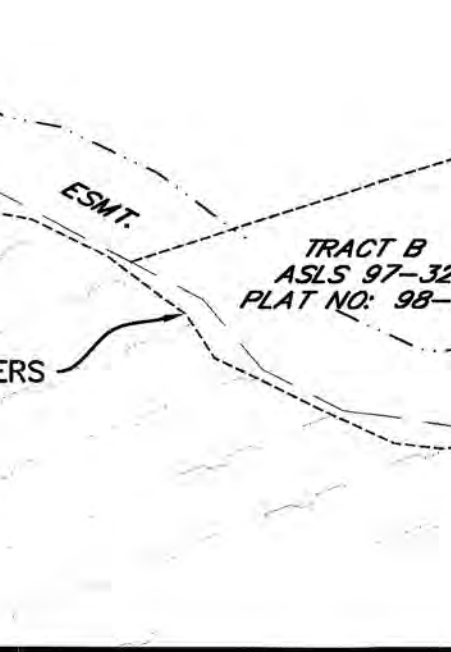
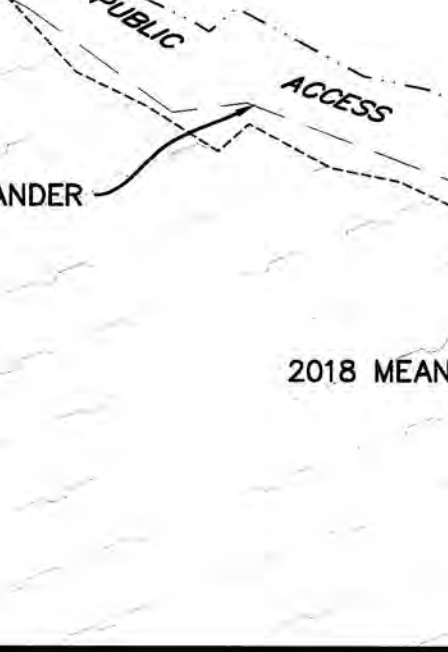
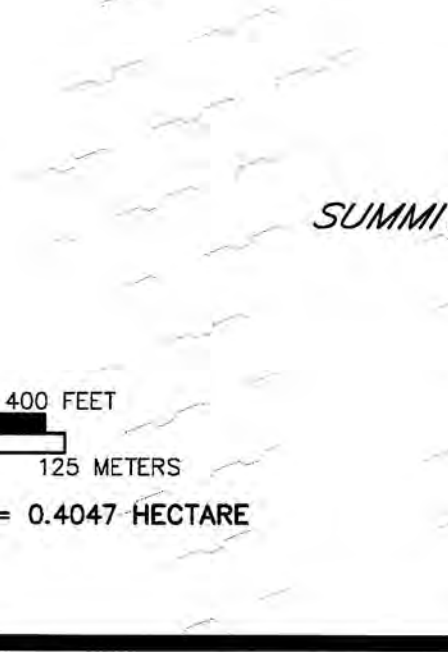
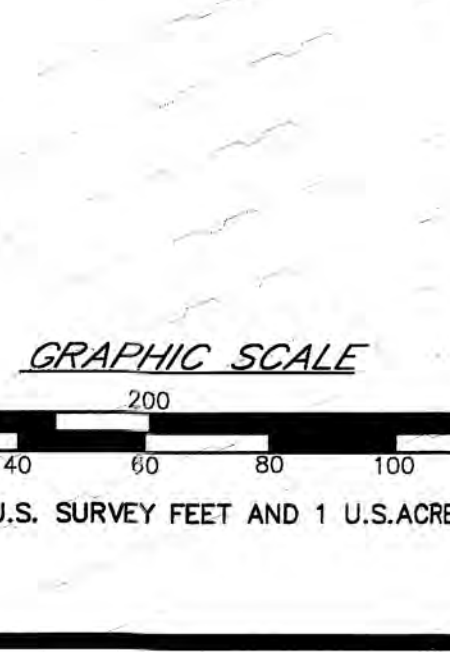
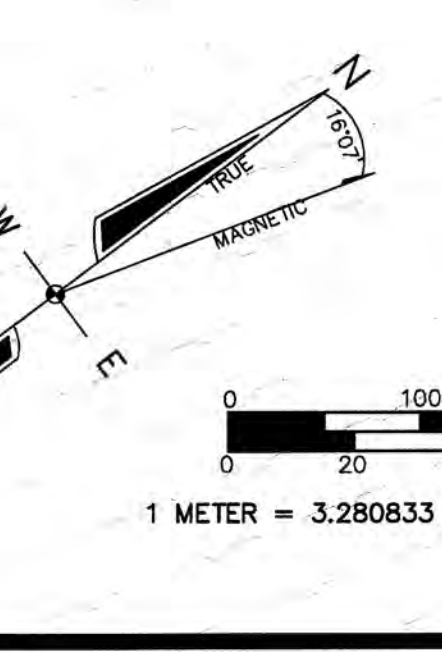
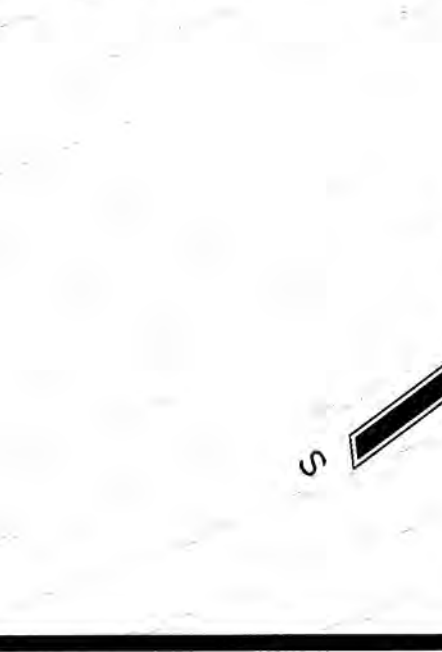
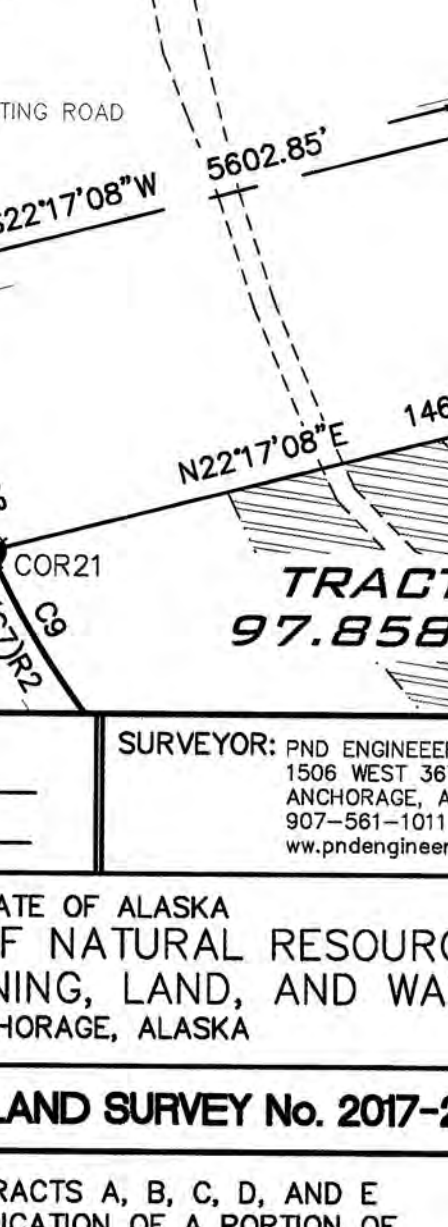
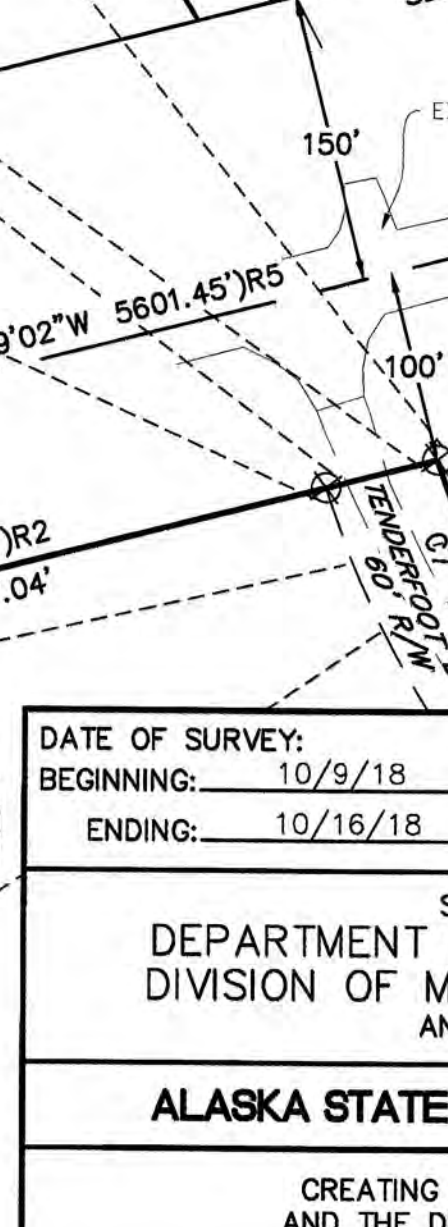
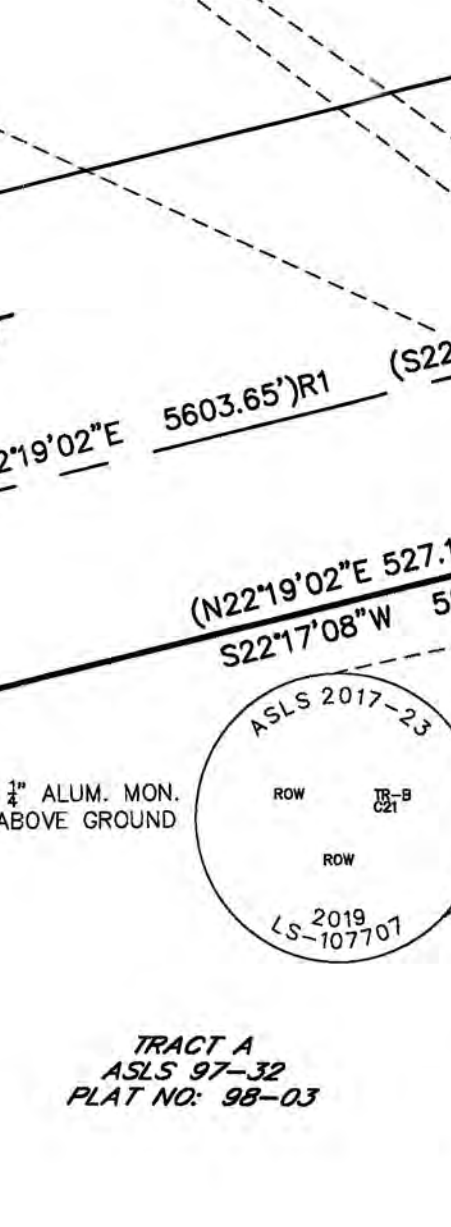
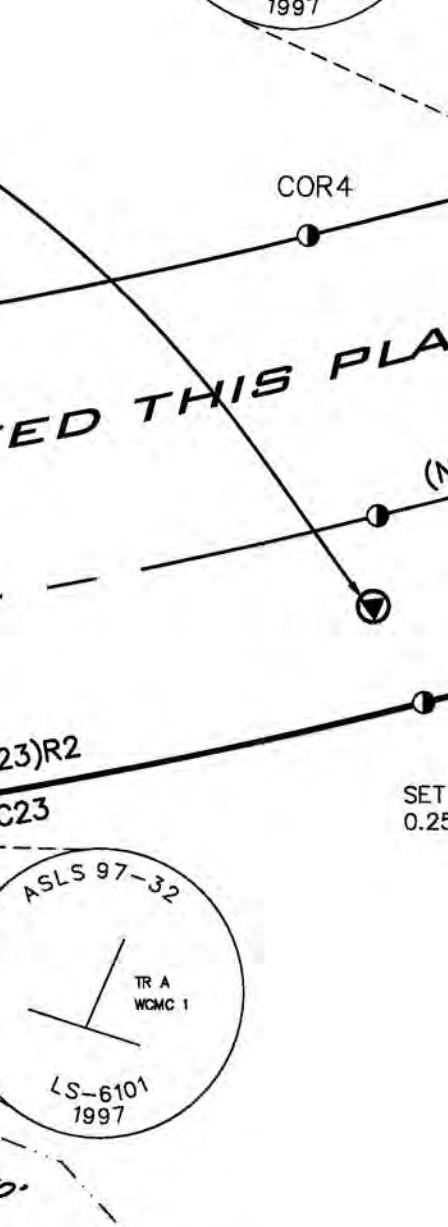
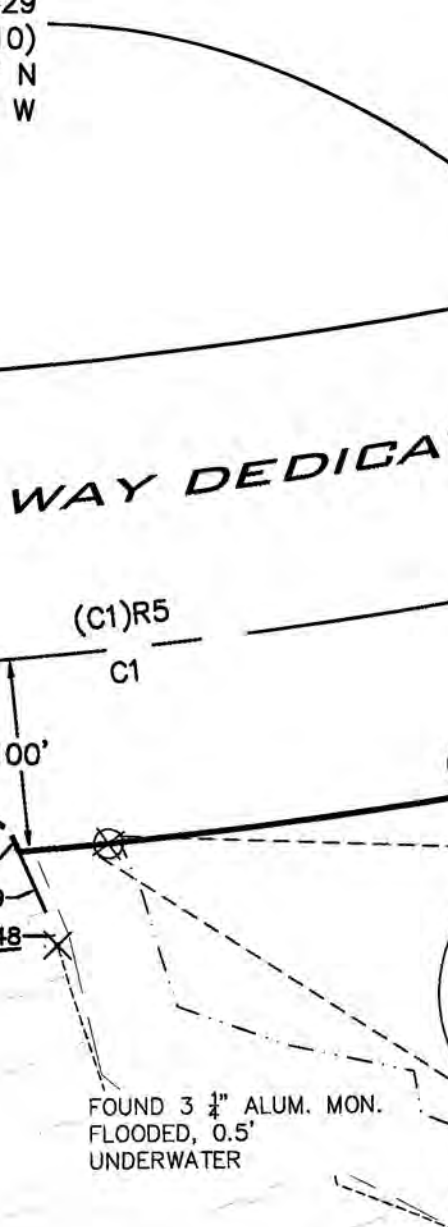
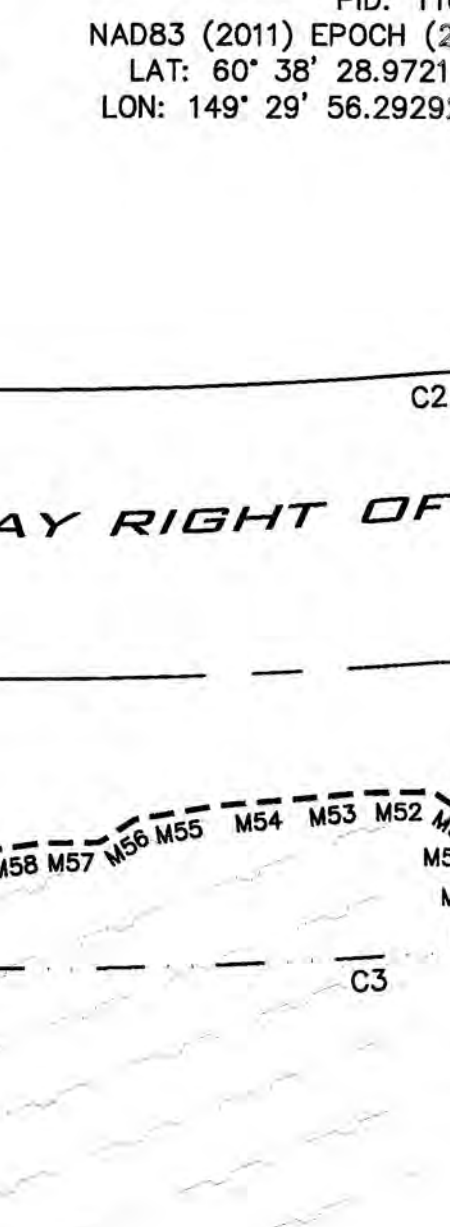
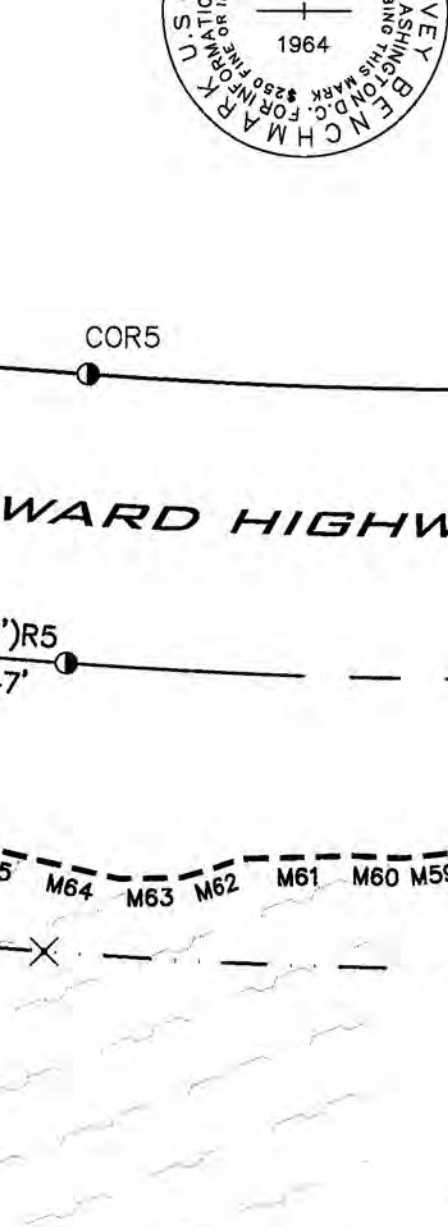
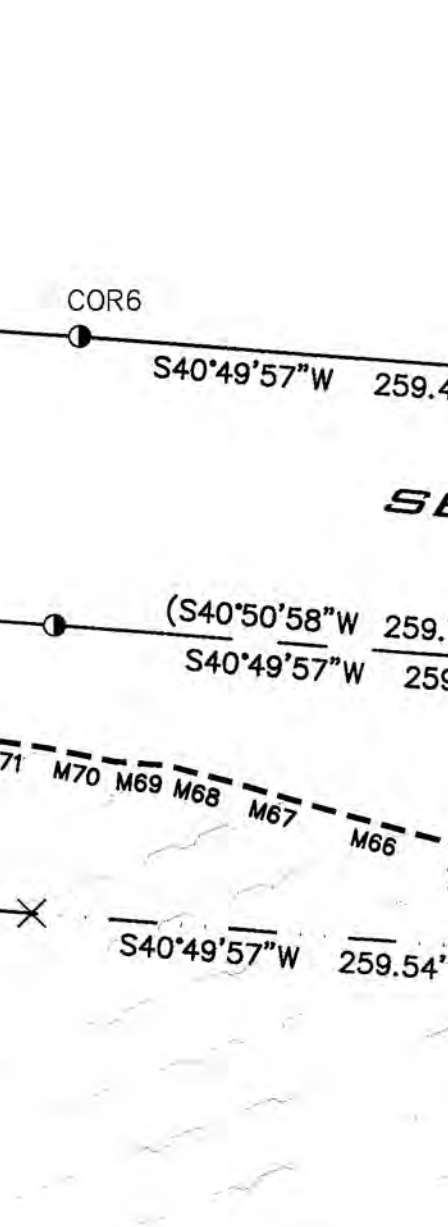
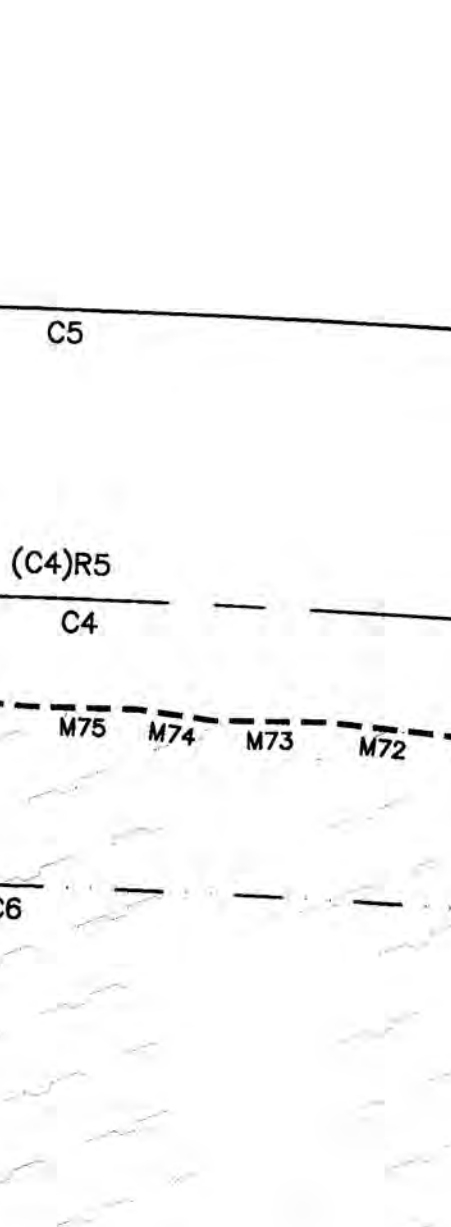
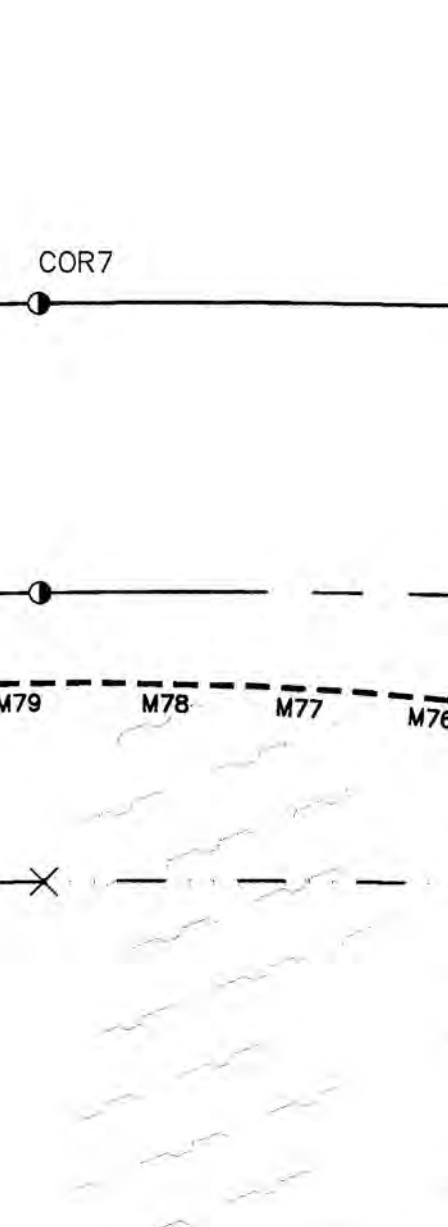
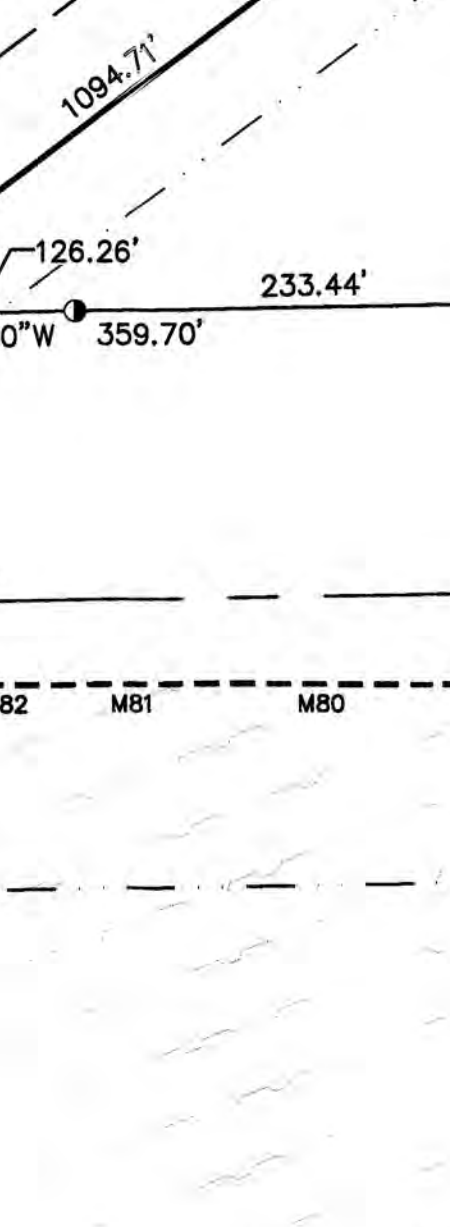
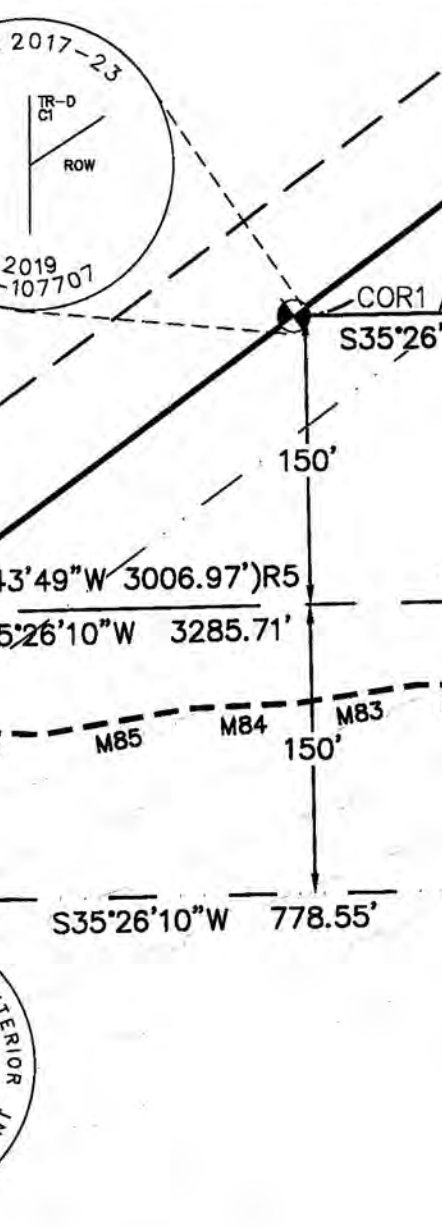
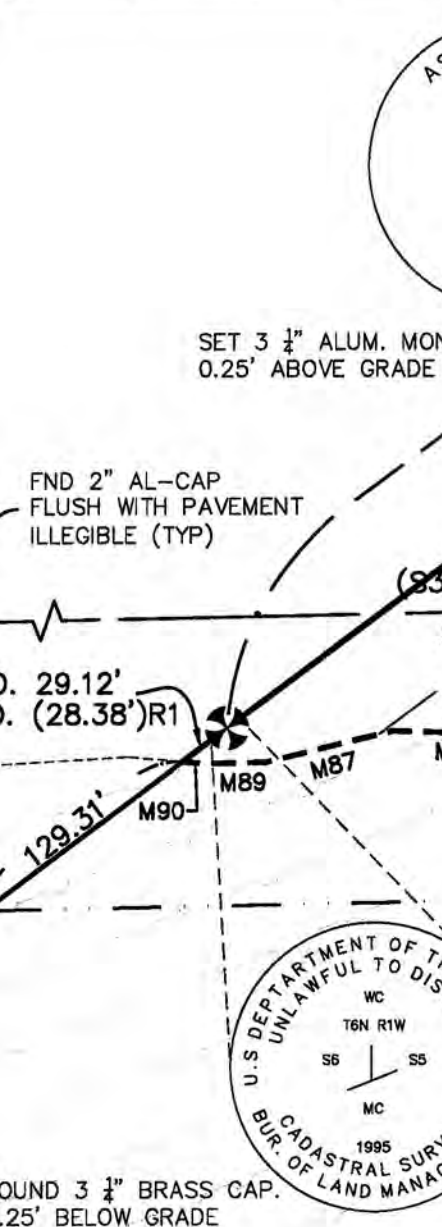
LINE NO.	DIRECTION	LENGTH
T26	S35° 12' 44"W	51.18'
T27	S50° 39' 52"W	29.93'
T28	S42° 25' 46"W	39.76'
T29	S45° 42' 17"W	48.02'
T30	S27° 42' 42"W	57.34'
T31	S28° 01' 56"W	8.40'
T32	S19° 20' 27"W	38.60'
T33	S29° 35' 35"W	18.94'
T34	S54° 42' 20"W	32.58'
T35	S84° 04' 37"W	34.62'
T36	N84° 38' 48"W	46.67'
T37	S89° 56' 05"W	35.36'
T38	S83° 00' 55"W	19.10'
T39	S79° 03' 09"W	63.07'
T40	S86° 40' 54"W	33.94'
T41	S72° 35' 02"W	25.43'
T42	S77° 28' 53"W	41.90'
T43	S73° 43' 35"W	18.86'
T44	S71° 40' 14"W	51.02'
T45	S79° 23' 29"W	96.83'
T46	S74° 47' 37"W	38.96'
T47	S62° 20' 57"W	63.36'
T48	S52° 30' 00"W	51.38'
T49	S48° 53' 21"W	64.09'
T50	N85° 13' 14"W	52.46'

CURVE NO.	ARC LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD
C1	926.54'	2864.79'	18°31'51"	S31° 32' 27"W	922.50'
C2	878.05'	2714.87'	18°31'51"	S31° 32' 26"W	874.23'
C3	512.72'	3014.71'	9°44'40"	S35° 56' 04"W	512.10'
C4	512.04'	5729.58'	5°07'25"	S38° 15' 01"W	511.87'
C5	525.83'	5880.22'	5°07'25"	S38° 14' 56"W	525.66'
C6	498.24'	5578.94'	5°07'01"	S38° 15' 06"W	498.08'
C7	203.93'	470.00'	24°51'39"	S84° 28' 11"E	202.34'
C8	50.44'	470.00'	6°08'58"	S75° 08' 50"E	50.42'
C9	153.49'	470.00'	18°42'41"	N87° 32' 40"W	152.81'
C23	470.32'	2964.74'	9°05'22"	S26° 49' 14"W	469.83'
(C1)R5	926.61'	2864.79'	18°31'56"	S31° 35' 00"W	922.58'
(C4)R5	511.92'	5729.58'	5°07'09"	S38° 17' 23"W	511.75'
(C7)R2	204.23'	470.00'	24°53'49"	S84° 25' 39"E	202.63'
(C23)R2	465.76'	2964.79'	9°00'04"	S26° 49' 04"W	465.28'

- LEGEND**
- ⊙ NGS MON. OF RECORD- BASIS OF COORDINATES
  - ⊗ FOUND BLM/GLO BRASS CAP- AS DESCRIBED
  - ⊗ RECORD BLM/GLO MON.-NOT RECOVERED THIS SURVEY
  - ⊕ FOUND PRIMARY MON.- AS DESCRIBED
  - ⊙ FOUND 2" ALUM. CAP. LS6101 AND LS-11547
  - ⊙ SET PRIMARY MON.- AS DESCRIBED
  - ⊙ SET SECONDARY MON.
  - ⊗ COMPUTED POINT, NOTHING FOUND OR SET
  - ⊗ OVERHEAD ELECTRIC
  - SLE SECTION LINE EASEMENT
  - ( ) R1 RECORD DATA BLM
  - ( ) R2 RECORD DATA ASLS 97-32 PLAT 98-03
  - ( ) R3 RECORD DATA ASLS 2000-01 PLAT 2001-10
  - ( ) R4 RECORD DATA ADL 230367-F PLAT 2017-6
  - ( ) R5 RECORD DATA ADOT&PF 031-1(14)

LINE NO.	DIRECTION	LENGTH
M48	N70° 07' 36"W	9.86'
M49	N77° 46' 36"W	42.57'
M50	N77° 46' 36"W	12.13'
M51	S68° 21' 20"W	36.23'
M52	S35° 39' 01"W	35.77'
M53	S31° 05' 38"W	34.99'
M54	S31° 45' 29"W	41.77'
M55	S26° 51' 00"W	43.74'
M56	S3° 58' 14"W	22.12'
M57	S35° 37' 25"W	28.96'
M58	S28° 39' 08"W	33.05'
M59	S30° 27' 43"W	31.85'
M60	S38° 56' 44"W	25.86'
M61	S34° 51' 59"W	57.95'
M62	S20° 22' 18"W	34.93'
M63	S35° 30' 43"W	32.41'
M64	S49° 12' 39"W	47.34'
M65	S49° 58' 10"W	40.40'
M66	S51° 46' 47"W	64.74'
M67	S52° 19' 58"W	44.62'
M68	S50° 46' 45"W	37.73'

LINE NO.	DIRECTION	LENGTH
M69	S40° 47' 54"W	27.35'
M70	S47° 49' 04"W	35.82'
M71	S44° 13' 20"W	46.38'
M72	S42° 58' 03"W	60.87'
M73	S37° 11' 52"W	59.26'
M74	S44° 46' 24"W	40.07'
M75	S37° 43' 06"W	56.68'
M76	S41° 40' 20"W	81.06'
M77	S39° 32' 54"W	57.47'
M78	S37° 39' 16"W	83.15'
M79	S35° 26' 52"W	72.57'
M80	S36° 46' 25"W	118.64'
M81	S35° 27' 16"W	80.65'
M82	S36° 52' 08"W	50.76'
M83	S28° 00' 09"W	63.51'
M84	S33° 53' 49"W	56.15'
M85	S26° 45' 40"W	77.99'
M86	S38° 17' 06"W	69.06'
M87	S22° 45' 54"W	67.93'
M89	S35° 21' 37"W	32.26'
M90	S41° 22' 25"W	11.54'



DATE OF SURVEY: 10/9/18

BEGINNING: 10/9/18

ENDING: 10/16/18

SURVEYOR: PND ENGINEERS  
1506 WEST 36TH AVE.  
ANCHORAGE, ALASKA 99503  
907-561-1011  
www.pndengineers.com

STATE OF ALASKA  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF MINING, LAND, AND WATER  
ANCHORAGE, ALASKA

ALASKA STATE LAND SURVEY No. 2017-23

CREATING TRACTS A, B, C, D, AND E  
AND THE DEDICATION OF A PORTION OF  
THE SEWARD HIGHWAY AND TENDERFOOT  
CREEK CAMPGROUND ROAD

LOCATED WITHIN:  
GOVERNMENT LOT 1, SECTION 5  
TOWNSHIP 6 NORTH, RANGE 1 WEST  
AND  
GOVERNMENT LOT 1, SECTION 32  
TOWNSHIP 7 NORTH, RANGE 1 WEST  
SEWARD MERIDIAN, ALASKA

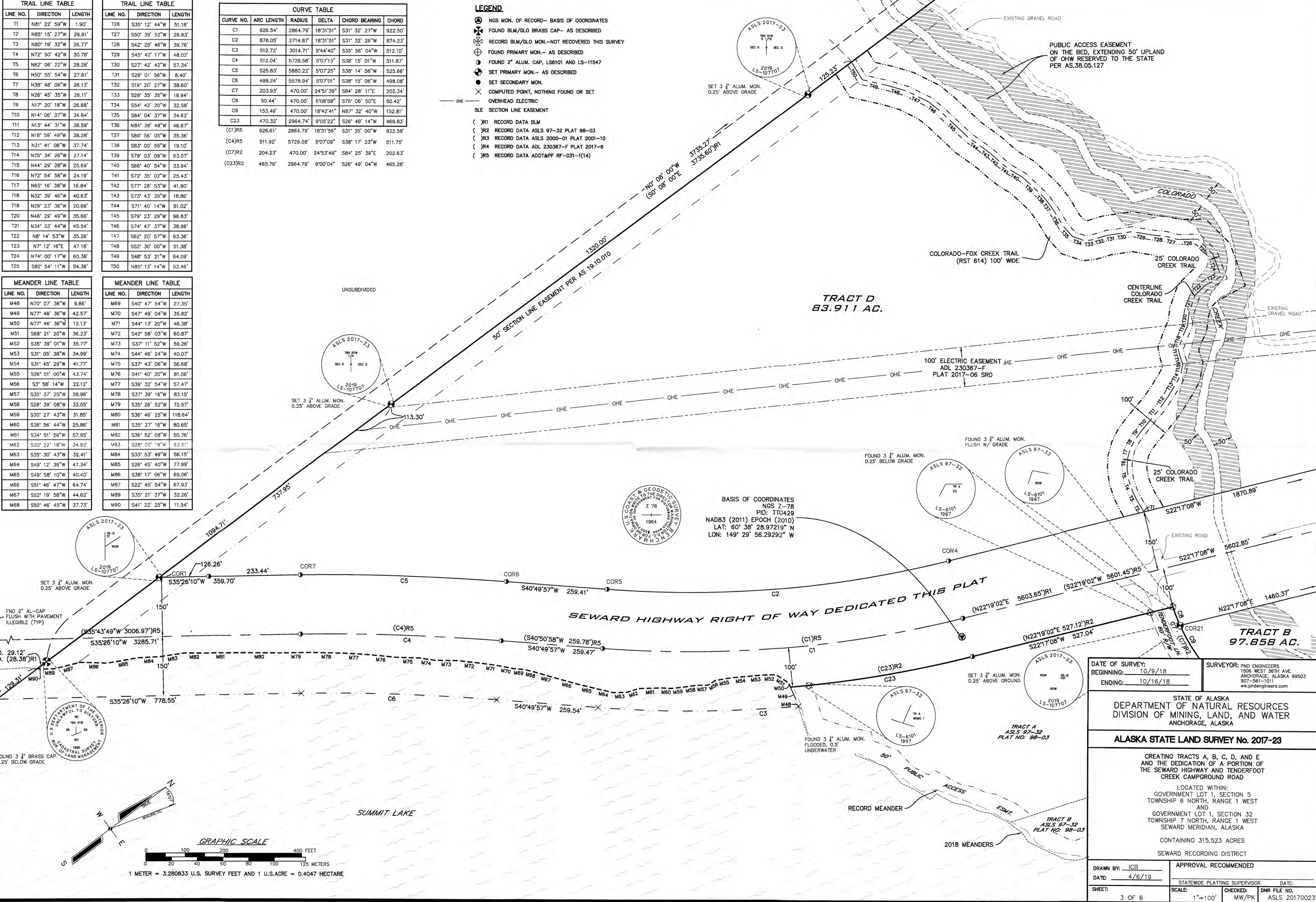
CONTAINING 315.523 ACRES  
SEWARD RECORDING DISTRICT

DRAWN BY: ICB

DATE: 4/6/19

SHEET: 3 OF 6

APPROVAL RECOMMENDED  
STATEWIDE PLATTING SUPERVISOR DATE:  
SCALE: 1"=100' CHECKED: M/W/PK DNR FILE NO. ASLS 20170023



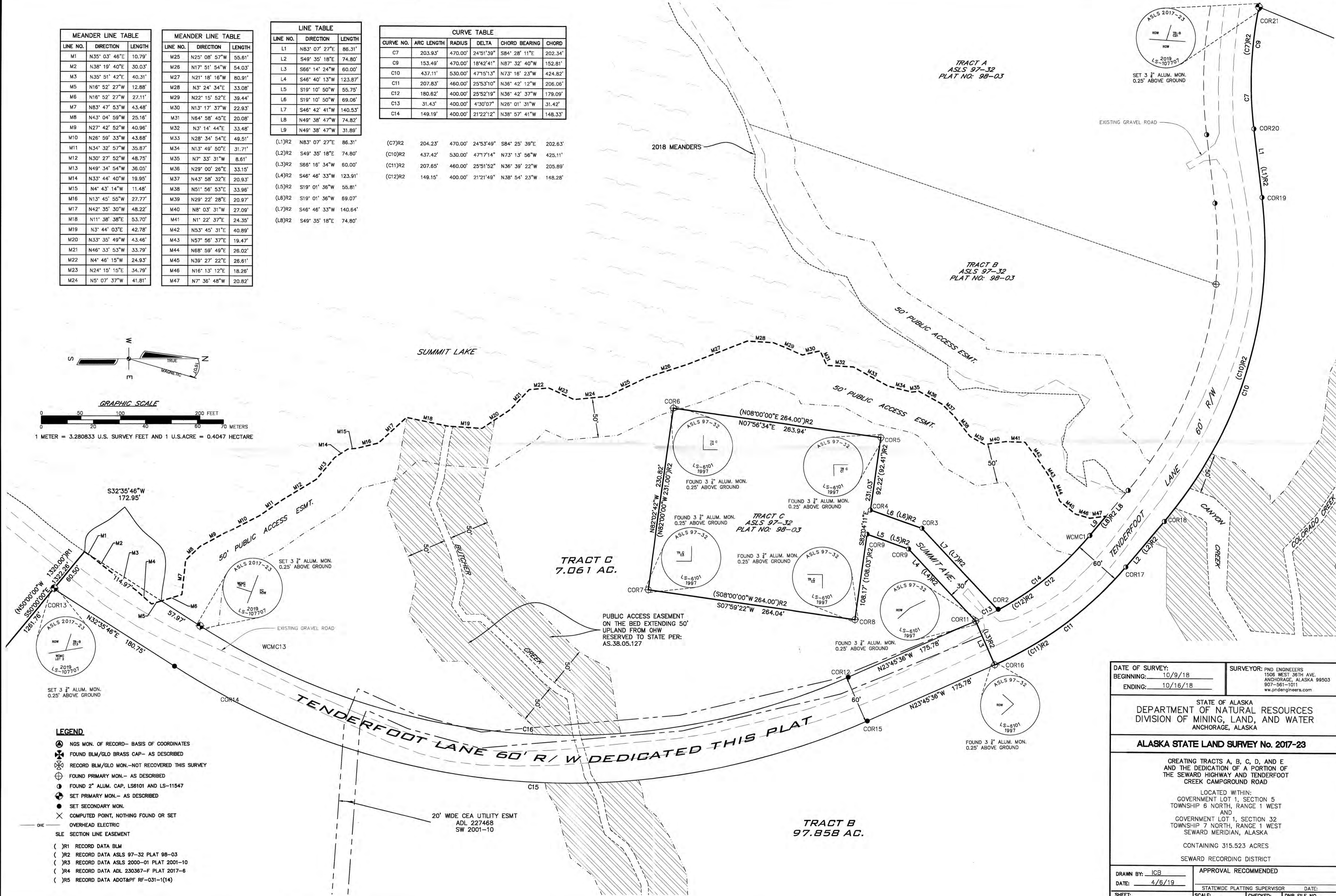
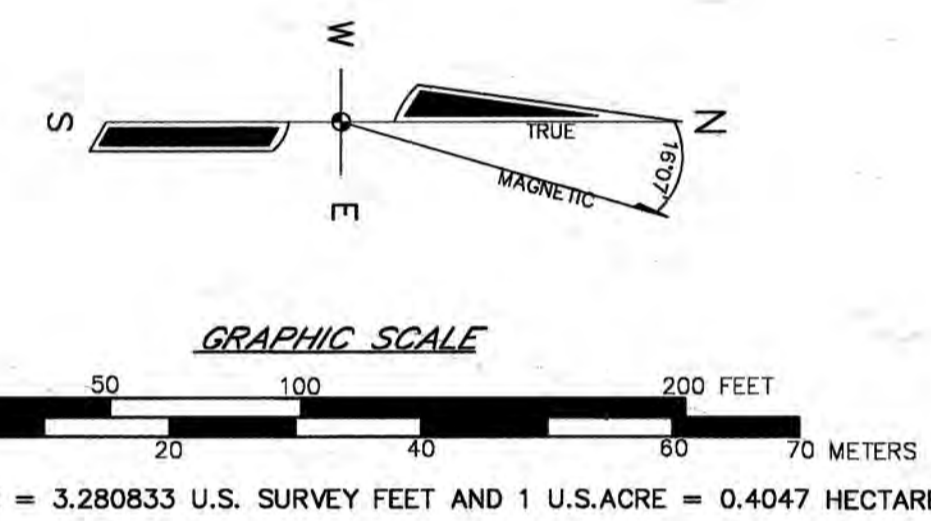
LINE NO.	DIRECTION	LENGTH
M1	N35° 03' 46"E	10.79'
M2	N38° 19' 40"E	30.03'
M3	N35° 51' 42"E	40.31'
M5	N16° 52' 27"W	12.88'
M6	N16° 52' 27"W	27.11'
M7	N83° 47' 53"W	43.48'
M8	N43° 04' 59"W	25.16'
M9	N27° 42' 52"W	40.96'
M10	N26° 59' 33"W	43.68'
M11	N34° 32' 57"W	35.67'
M12	N30° 27' 52"W	48.75'
M13	N49° 34' 54"W	36.05'
M14	N33° 44' 40"W	19.95'
M15	N4° 43' 14"W	11.48'
M16	N13° 45' 55"W	27.77'
M17	N42° 35' 30"W	48.22'
M18	N11° 38' 38"E	53.70'
M19	N3° 44' 03"E	42.78'
M20	N33° 35' 49"W	43.46'
M21	N46° 33' 53"W	33.79'
M22	N4° 46' 15"W	24.93'
M23	N24° 15' 15"E	34.79'
M24	N5° 07' 37"W	41.81'

LINE NO.	DIRECTION	LENGTH
M25	N25° 08' 57"W	55.61'
M26	N17° 51' 54"W	54.03'
M27	N21° 18' 16"W	80.91'
M28	N3° 24' 34"E	33.08'
M29	N22° 15' 52"E	39.44'
M30	N13° 17' 37"W	22.93'
M31	N64° 58' 45"E	20.08'
M32	N3° 14' 44"E	33.48'
M33	N28° 34' 54"E	49.51'
M34	N13° 49' 50"E	31.71'
M35	N7° 33' 31"W	8.61'
M36	N29° 00' 26"E	33.15'
M37	N43° 58' 32"E	20.93'
M38	N51° 58' 53"E	33.98'
M39	N29° 22' 28"E	20.97'
M40	N8° 03' 31"W	27.09'
M41	N1° 22' 37"E	24.35'
M42	N53° 45' 31"E	40.89'
M43	N57° 56' 37"E	19.47'
M44	N88° 59' 49"E	26.02'
M45	N39° 27' 22"E	26.61'
M46	N16° 13' 12"E	18.26'
M47	N7° 36' 48"W	20.82'

LINE NO.	DIRECTION	LENGTH
L1	N83° 07' 27"E	86.31'
L2	S49° 35' 18"E	74.80'
L3	S66° 14' 24"W	60.00'
L4	S46° 40' 13"W	123.87'
L5	S19° 10' 50"W	55.75'
L6	S19° 10' 50"W	69.06'
L7	S46° 42' 41"W	140.53'
L8	N49° 38' 47"W	74.82'
L9	N49° 38' 47"W	31.89'

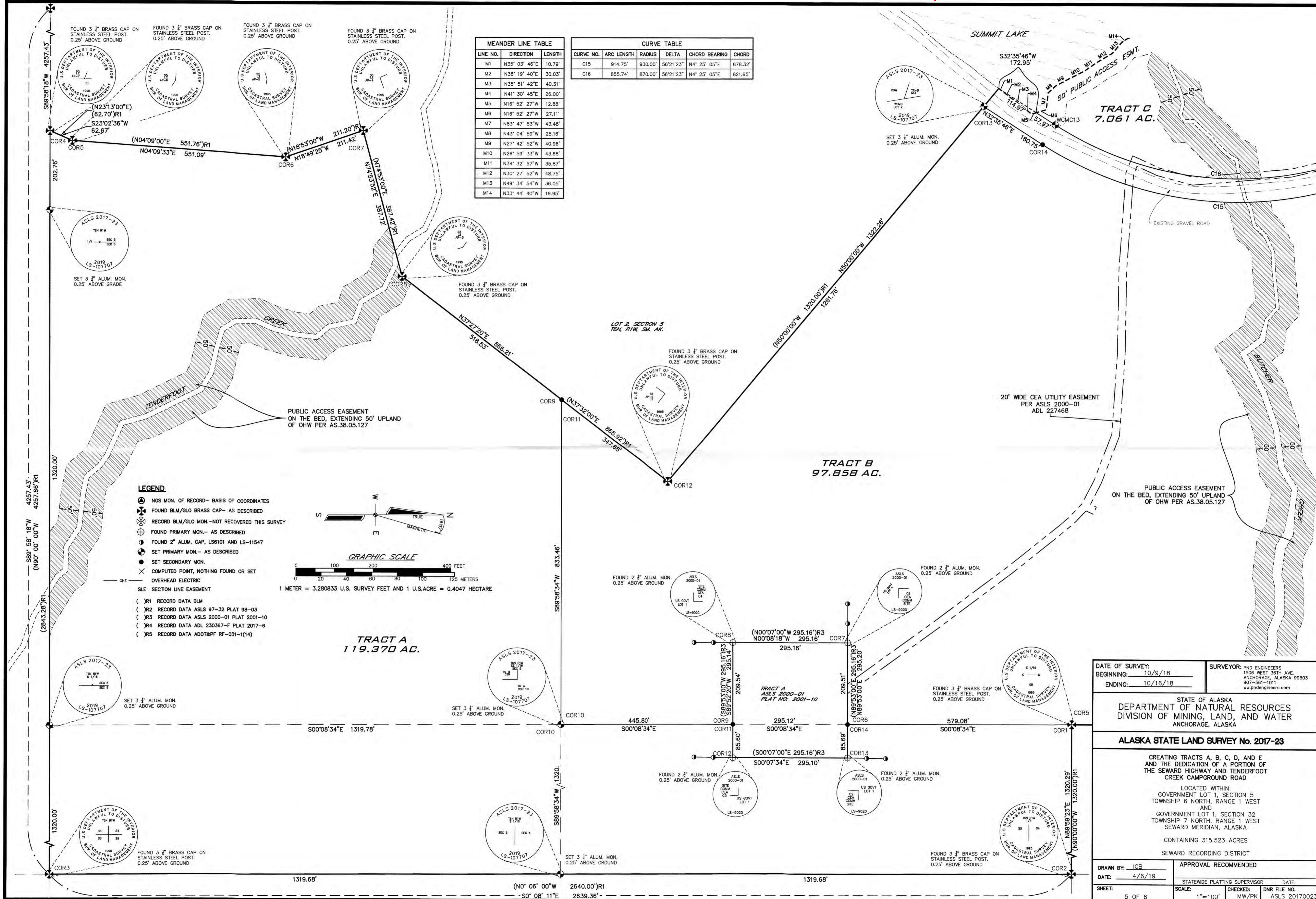
CURVE NO.	ARC LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD
C7	203.93'	470.00'	24°51'39"	S84° 28' 11"E	202.34'
C9	153.49'	470.00'	18°42'41"	N87° 32' 40"W	152.81'
C10	437.11'	530.00'	47°17'14"	N73° 13' 56"W	425.11'
C11	207.65'	460.00'	25°51'52"	N36° 39' 22"W	205.89'
C12	180.62'	400.00'	25°52'19"	N36° 42' 37"W	179.09'
C13	31.43'	400.00'	4°30'07"	N26° 01' 31"W	31.42'
C14	149.19'	400.00'	21°22'12"	N38° 57' 41"W	148.28'

(L1)R2	N83° 07' 27"E	86.31'			
(L2)R2	S49° 35' 18"E	74.80'			
(L3)R2	S66° 16' 34"W	60.00'			
(L4)R2	S46° 46' 33"W	123.91'			
(L5)R2	S19° 01' 36"W	55.81'			
(L6)R2	S19° 01' 36"W	69.07'			
(L7)R2	S46° 46' 33"W	140.64'			
(L8)R2	S49° 35' 18"E	74.80'			
(C7)R2	204.23'	470.00'	24°53'49"	S84° 25' 39"E	202.63'
(C10)R2	437.42'	530.00'	47°17'14"	N73° 13' 56"W	425.11'
(C11)R2	207.65'	460.00'	25°51'52"	N36° 39' 22"W	205.89'
(C12)R2	149.15'	400.00'	21°21'49"	N38° 54' 23"W	148.28'



DATE OF SURVEY: BEGINNING: 10/9/18 ENDING: 10/16/18	SURVEYOR: PND ENGINEERS 1508 WEST 36TH AVE ANCHORAGE, ALASKA 99503 907-561-1011 www.pndengineers.com
STATE OF ALASKA DEPARTMENT OF NATURAL RESOURCES DIVISION OF MINING, LAND, AND WATER ANCHORAGE, ALASKA	
ALASKA STATE LAND SURVEY No. 2017-23	
CREATING TRACTS A, B, C, D, AND E AND THE DEDICATION OF A PORTION OF THE SEWARD HIGHWAY AND TENDERFOOT CREEK CAMPGROUND ROAD	
LOCATED WITHIN: GOVERNMENT LOT 1, SECTION 5 TOWNSHIP 6 NORTH, RANGE 1 WEST AND GOVERNMENT LOT 1, SECTION 32 TOWNSHIP 7 NORTH, RANGE 1 WEST SEWARD MERIDIAN, ALASKA	
CONTAINING 315.523 ACRES SEWARD RECORDING DISTRICT	
DRAWN BY: ICB DATE: 4/6/19 SHEET: 4 OF 6	APPROVAL RECOMMENDED STATEWIDE PLATTING SUPERVISOR DATE: SCALE: 1"=50' CHECKED: MW/PK DNR FILE NO. ASLS 20170023

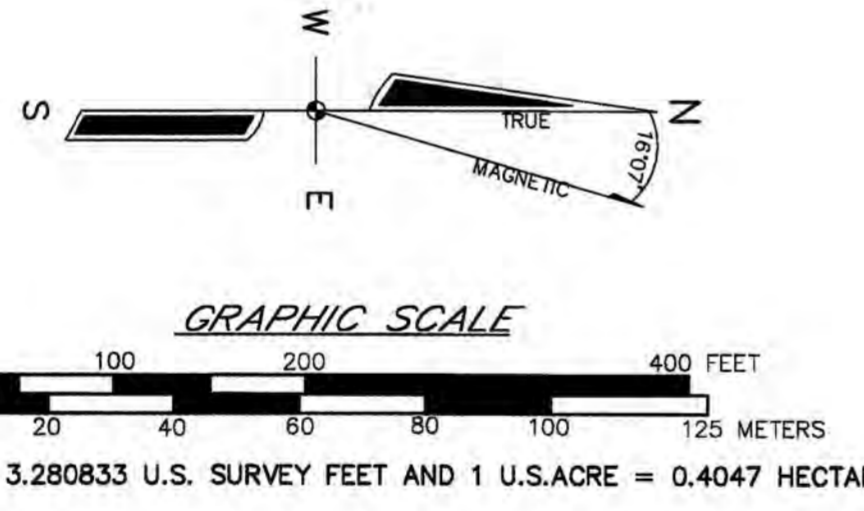




LINE NO.	DIRECTION	LENGTH
M1	N35° 03' 48"E	10.79'
M2	N38° 19' 40"E	30.03'
M3	N35° 51' 42"E	40.31'
M4	N41° 30' 45"E	26.00'
M5	N16° 52' 27"W	12.88'
M6	N16° 52' 27"W	27.11'
M7	N83° 47' 53"W	43.48'
M8	N43° 04' 59"W	25.16'
M9	N27° 42' 52"W	40.96'
M10	N26° 59' 33"W	43.68'
M11	N34° 32' 57"W	35.87'
M12	N30° 27' 52"W	48.75'
M13	N49° 34' 54"W	36.05'
M14	N33° 44' 40"W	19.95'

CURVE NO.	ARC LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD
C15	914.75'	930.00'	56°21'23"	N4° 25' 05"E	878.32'
C16	855.74'	870.00'	56°21'23"	N4° 25' 05"E	821.65'

- LEGEND**
- ⊕ NGS MON. OF RECORD - BASIS OF COORDINATES
  - ⊕ FOUND BLM/GLO BRASS CAP - AS DESCRIBED
  - ⊕ RECORD BLM/GLO MON. - NOT RECOVERED THIS SURVEY
  - ⊕ FOUND PRIMARY MON. - AS DESCRIBED
  - ⊕ FOUND 2" ALUM. CAP. LS6101 AND LS-11547
  - ⊕ SET PRIMARY MON. - AS DESCRIBED
  - ⊕ SET SECONDARY MON.
  - ⊕ COMPUTED POINT, NOTHING FOUND OR SET
  - OHE OVERHEAD ELECTRIC
  - SLE SECTION LINE EASEMENT
  - ( ) R1 RECORD DATA BLM
  - ( ) R2 RECORD DATA ASLS 97-32 PLAT 98-03
  - ( ) R3 RECORD DATA ASLS 2000-01 PLAT 2001-10
  - ( ) R4 RECORD DATA ADL 230367-F PLAT 2017-6
  - ( ) R5 RECORD DATA ADOT&PF RF-031-1(14)



DATE OF SURVEY: BEGINNING: 10/9/18 ENDING: 10/16/18	SURVEYOR: PND ENGINEERS 1506 WEST 36TH AVE. ANCHORAGE, ALASKA 99503 907-561-1011 www.pndengineers.com
STATE OF ALASKA DEPARTMENT OF NATURAL RESOURCES DIVISION OF MINING, LAND, AND WATER ANCHORAGE, ALASKA	
<b>ALASKA STATE LAND SURVEY No. 2017-23</b>	
CREATING TRACTS A, B, C, D, AND E AND THE DEDICATION OF A PORTION OF THE SEWARD HIGHWAY AND TENDERFOOT CREEK CAMPGROUND ROAD	
LOCATED WITHIN: GOVERNMENT LOT 1, SECTION 5 TOWNSHIP 6 NORTH, RANGE 1 WEST AND GOVERNMENT LOT 1, SECTION 32 TOWNSHIP 7 NORTH, RANGE 1 WEST SEWARD MERIDIAN, ALASKA	
CONTAINING 315.523 ACRES SEWARD RECORDING DISTRICT	
DRAWN BY: ICB DATE: 4/6/19 SHEET: 5 OF 6	APPROVAL RECOMMENDED STATEWIDE PLATTING SUPERVISOR DATE: SCALE: 1"=100' CHECKED: MW/PK DNR FILE NO. ASLS 20170023



AGENDA ITEM E. NEW BUSINESS

ITEM 2 – ALASKA STATE LAND SURVEY NO. 2017-23

<b>KPB File No.</b>	2021-133
<b>Plat Committee Meeting:</b>	October 11, 2021
<b>Applicant / Owner:</b>	State of Alaska Department of Natural Resources
<b>Surveyor:</b>	Iain Brown / PND Engineers
<b>General Location:</b>	Mile 46 Seward Highway, Summit Lake / Moose Pass APC

<b>Parent Parcel No.:</b>	035-180-04, 035-250-05
<b>Legal Description:</b>	Government Lot 1, excluding ASLS No. 97-32 and 2000-01, Section 5, Township 6 North, Range 1 West, and Portion of Government Lot 1 east of Seward Highway, Section 32, Township 7 North, Range 1 West.
<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 is a state municipal entitlement plat. The intent of this plat is to survey the lands to finalize the entitlement process and to allow the lands to be deeded to the Kenai Peninsula Borough. This plat has been reviewed under KPB Code 20.10.090 Municipal Entitlement Acquisition Plat. This plat must meet the requirements of KPB Chapter 20.25. As this plat is proposing right of way dedication, it is being presented to the Planning Commission for approval. Municipal entitlement plats must meet requirements of KPB Code 20.40.020 – Wastewater System review not required and 20.60 – Final Plats. The Planning Director may determine that portions of 20.60 are not required to finalize the plat.

The proposed plat will subdivide large acreage government lots currently owned by the State. The plat will create five tracts ranging in size from 5 to 119 acres. This platting action will provide two right of way dedications for a portion of the Seward Highway and a continuation of Tenderfoot Lane.

**Location and Legal Access (existing and proposed):** The subject lands are located north and east of Summit Lake near mile 46 of the Seward Highway. Tenderfoot Lane provides access to a federal lands and Tenderfoot Campground. Summit Avenue is 30 foot wide right of way and provides legal and physical access to Tract C of ASLS 97-32.

Tract A will not have dedicated access. Public lands and section line easements provide the only access to Tract A. KPB will be the owner of Tract B and Tract A. Any development of Tract B will be required to provide access to Tract A.

Tract B will have legal access via the Seward Highway and from Tenderfoot Lane.

Tract C will have legal access from Tenderfoot Lane and Summit Avenue.

Tracts D and E will have legal access via the Seward Highway.

A 50 foot wide public access easement adjoining the ordinary high water of Summit Lake, and on the bed extending upland on the creeks, is reserved to the state per AS 38.05.127. Sheet 4 depicts a 50 foot public access easement affecting the entire shoreline of Tract B ASLS 97-32 (SW 98-03). The record plat depicts the 50 foot access easement stopping near the middle of the shore line and not affecting that portion near the creek. **Staff recommends that the surveyor confirm the location of the 50 foot public access easement on adjoining Tract B and update the this plat accordingly.**

Tract A of ASLS 2000-01 (SW 2001-10) is a parcel of land subdivided for a communications tower. A 20 foot wide private non-exclusive use utility easement is the only legal access to this parcel.

**Staff recommends** a plat note, or a label within the Seward Highway, note the DOT project map and specific pages pertaining to this portion of the project.

Comments from DOT request that the labels stating, "Seward Highway right of way dedicated this plat" be changed to say "reserved this plat." The highway reservation has been granted by document. Staff is requesting a plat note with the reservation details. This plat wishes to formally dedicate the highway. ASLS 2014-26 dedicated a portion of the Sterling Highway and ASLS 2006-5 dedicated a portion of the Hope Highway. **Staff recommends** the label state 'dedicated this plat' and the surveyor can work with the State of Alaska DOT to determine if it should be a reservation or dedication and update accordingly.

KPB Roads Dept. comments	Within KPB jurisdiction, no comments.
SOA DOT comments	Seward Highway appears to be shown correctly.

**Site Investigation:** The area is affected by steep terrain sloping up to mountains on the east and west. There is also steep slopes near the creek beds. It does not appear at this time the slopes will pose any issues as the tracts are large acreage and there is adequate area to provide right of way dedications if the large tracts are further subdivided. The right of way dedications are atop already constructed roads and slopes at this time will not affect the use.

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

**Staff Analysis** This plat review was performed under 20.10.090, municipal entitlement plat. As this is a State plat, it will need to conform to any regulations and requirements from the state in addition to the applicable portions of KPB Code. The lands within this plat were selected by the Kenai Peninsula Borough through municipal entitlement and were approved by the state. The recording of this plat will allow the tracts created by this plat to be deeded to the borough for ownership.

The lands are within the boundary of the Chugach National Forest and located along the Seward Highway and Summit Lake.

All tracts are larger than 200,000 square feet and a soils report will not be required.

Moose Pass 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** A 100 foot easement has been granted to Chugach Electric and is depicted on the plat within Tract D (as shown on sheet 2). Sheet 5 depicts a 20 foot wide utility easement (as shown on sheet 5) that provides access to Tract A of ASLS 2000-01, a tract designated for communications.

While this plat does not have to comply with requirements of 20.30, staff requests several requirements be considered for inclusion. KPB 20.30.060(D), would provide the granting of ten foot wide utility easements adjoining dedicated right of ways. KPB 20.30.240, a minimum 20 foot building setback along dedicated right of ways. Inclusion of these requirements will provide established utility easements and setbacks for future development and reduce the possibility of encroachments occurring. **Staff recommends a request be made to include plat notes granting 10 foot utility easements and 20 foot building setbacks along dedicated right of ways and provide a depiction and label on all dedicated right of ways or a typical drawing to show the 20 foot building setback and 10 foot utility easement adjoining all right of ways.**

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

**Utility provider review:**

HEA	Not within their service territory.
ENSTAR	No comment or recommendations
ACS	
GCI	Approved as shown
CHUGACH ELECTRIC	

**KPB department / agency review:**

Addressing	<p>Reviewer: Haws, Derek          Affected Addresses:          51925 SEWARD HWY          51927 SEWARD HWY          51869 TENDERFOOT LN</p> <p>Existing Street Names are Correct: Yes          List of Correct Street Names:          SEWARD HWY          TENDERFOOT LN          SUMMIT AVE</p> <p>Existing Street Name Corrections Needed:          All New Street Names are Approved: No          List of Approved Street Names:          List of Street Names Denied:</p> <p>Comments:          51925 SEWARD HWY and 51927 SEWARD HWY will remain with TRACT D.          51869 TENDERFOOT LN will remain with TRACT C.</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:</p>

	There are not any material site issues with this proposed plat.
Assessing	Reviewer: Bruns, Matthew Comments: Tract A will not have legal access from a public ROW, otherwise 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.

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

In addition to comments below staff has the following notes/corrections.

All sheets

- Review the monuments depicted and correct any overstrikes on the survey marker symbols.
- The third symbol on the legend does not appear to be on any sheets presented. This may be something the surveyor will add on the final drawing but if not it should be removed or update the map to include the correct symbol.

Sheet 1

- Within Tract D, below the W1/16 monument, there is a random line. Remove the line or provide information regarding its meaning.
- Provide a Tract label and acreage for Tract C. this may need to be located off the parcel with a leader pointing to the tract.

Sheet 2

- Provide a bearing and distance label from the north corner of Tract D (cor. 3) to the found survey marker on the right of way located further to the north.
- Verify the survey marker symbol located to the southwest of the S1/16 S32 T7N R1W survey marker. If this is a correct survey marker provide a bearing and distance tie.
- Provide a bearing and distance label from the north portion of the Seward Highway right of way dedication to the found survey marker which appears to be on the centerline of the Seward Highway further to the north.

Sheet 3

- Remove overstrikes from the survey marker symbols on the east portion of the Seward Highway common with Tract A ASLS 97-32.
- Correct the overstrike on the bearing and distance label located at the south end of the Seward Highway where it overlaps the subdivision boundary.
- Show the meander line boundary for the Seward Highway as a solid bold line as this is the surveyed boundary of the subdivision.

Sheet 4

- Show the meander line boundary for Tract C and the Tenderfoot Lane right of way as a solid bold line as this is the surveyed boundary of the subdivision.
- The bearing and distance label (S32°35'46"W 172.95') showing a tie from the meander line intersection with the right of way to the south corner of Tenderfoot right of way can be removed. The right of way will be less than a 60 foot width in this area as the boundary is the ordinary high water line. The sub distance of 114.97' can be removed as well.
- Verify the 50 foot public access easement depicted and labeled on adjoining Tract B ASLS 97-32. The parent plat does not show the 50 foot public access easement extending the entire length of the parcel.
- Remove overstrikes on the survey marker symbols on Tract C ASLS 97-32 and on the end of the current Tenderfoot right of way dedication.

Sheet 5

- Include a street name and width label for the right of way, Tenderfoot Lane, located between Tract B and Tract C.
- Show the meander line boundary for Tract C and the Tenderfoot Lane right of way as a solid bold line as this is the surveyed boundary of the subdivision.
- The bearing and distance label (S32°35'46"W 172.95') showing a tie from the meander line intersection with the right of way to the south corner of Tenderfoot right of way can be removed. The right of way will be less than a 60 foot width in this area as the boundary is the ordinary high water line. The sub distance of 114.97' can be removed as well.
- Remove overstrike on the survey markers on Tract A ASLS 2000-01.
- Depict and label the 50 foot section line easements that affect Tract A.

---

**KPB 20.25.070 – Form and contents required**

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

A. Within the Title Block

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

**Staff recommendation:**

*All sheets*

- Include the address for Department of Natural Resources.
- On all sheets revise the title block to read

A subdivision of  
a portion of Government Lot 1 excluding Alaska State Land Survey No. 97-32 and No.  
2000-01. Section 5, T6N, R1W  
and  
a portion of Government Lot 1 lying east of the Seward Highway, Section 32, T7N, R1W,  
Located within:  
Section 5, Township 6 North, Range 1 West  
and Section 32, Township 7 North, Range 1 West, Seward Meridian

- Verify the final acreage and update accordingly
- On all sheets, include the KPB File number 2021-133 within or near the title block.

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

**Staff recommendation:**

*Sheet 1 – Add a plat note that the subdivision is within the Chugach National Forest Boundary.*

*Sheet 4 – Neighboring Tract B of ASLS 97-32 is shown with a 50 foot public access easement along Summit Lake all the way to Tenderfoot Lane. Per the ASLS 97-32, the easement ends at the meander point between S 44° 36' 10" W and S 34° 50' 05" W. Revise the depiction or provide documentation that the public access easement is for the full length of Tract B.*

*Sheet 5 – Depict and label the 50 foot section line easement located along the east and southern boundary of proposed Tract A.*

- D. A vicinity map, drawn to scale showing location of proposed subdivision, north arrow if different from plat orientation, township and range, section lines, roads, political boundaries, and prominent natural and manmade features, such as shorelines or streams;  
**Staff recommendation:** Update the subdivision depiction to include the portion of Government Lot 1 within Section 32. The entire subdivision is within the boundary of the Chugach National Forest. Provide a label within the vicinity map for the Chugach National Forest.

---

#### KPB 20.30 – Subdivision Design Requirements

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

Does not apply to municipal entitlement plats.

---

#### KPB 20.40 – Wastewater Disposal

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

20.40.010 Wastewater disposal.

*Platting Staff Comments:* Remove “or nominal 5 acres” from the note.

**Staff recommendation:** comply with 20.40.

---

#### KPB 20.60 – Final Plat

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

20.60.040. 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 Tenderfoot Lane is under US Forest Management. An acceptance will need to be determined. If Seward Highway is dedicated, an acceptance to be signed by DOT shall be included.

20.60.180. Plat notes.

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

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

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

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

- Rights of the public and or governmental agencies in and to that portion of said premises lying below the mean high water mark of Summit Lake, Butcher Creek, Colorado Creek, Canyon Creek, and Tenderfoot Creek and any questions of right of access to the water in the event said lands do not in fact abut the water.
- 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.

20.60.190. Certificates, statements, and signatures required.

**Staff recommendation:** *Update the year for the notary acknowledgement. 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.*

---

**RECOMMENDATION:**

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

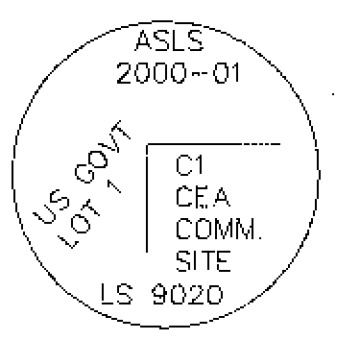
- GRANT APPROVAL OF THE PRELIMINARY PLAT SUBJECT TO STAFF RECOMMENDATIONS, AND
- COMPLIANCE WITH KPB 20.25.070 (FORM AND CONTENTS), KPB 20.25.080 (PETITION REQUIRED),; AND KPB 20.40 (WASTEWATER DISPOSAL), AND
- COMPLIANCE WITH KPB 20.60 TO ENSURE ADMINISTRATIVE APPROVAL OF THE FINAL PLAT.

**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.**

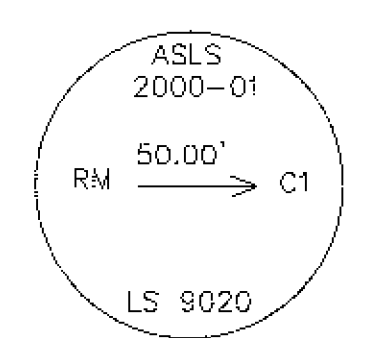
**A DECISION OF THE PLANNING COMMISSION MAY BE APPEALED TO THE HEARING OFFICER BY A PARTY OF RECORD WITHIN 15 DAYS OF THE DATE OF NOTICE OF DECISION IN ACCORDANCE WITH KPB 21.20.250.**

**END OF STAFF REPORT**



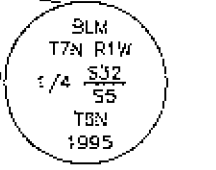
**TYPICAL SET  
PRIMARY MONUMENT**

SET 2" ALUMINUM  
CAP MONUMENT,  
30" IN LENGTH,  
WITH 2 1/2" CAP

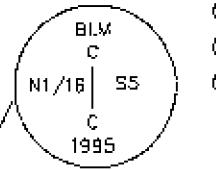


**TYPICAL SET  
SECONDARY MONUMENT**

SET 3 1/2" ALUMINUM  
CAP ON 5/8" BY 30"  
REBAR, 30" IN LENGTH



FOUND BLM BRASS  
CAP MONUMENT  
0.3' ABOVE GROUND,  
GOOD CONDITION

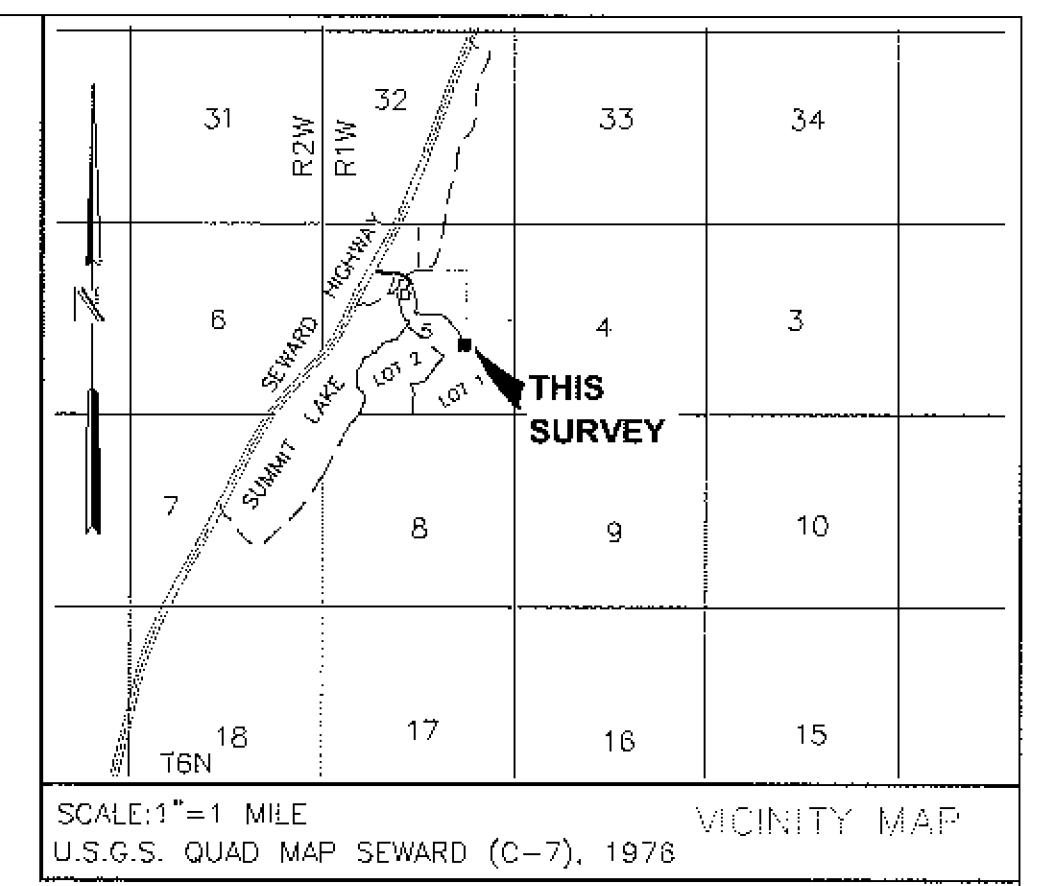
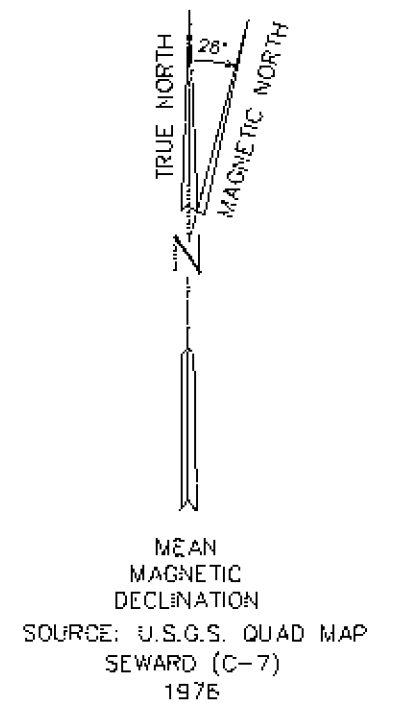


BASIS OF COORDINATES  
ON 1/16 SEC. 5  
LAT.: N 60°38'35.866"  
LONG.: W 149°29'22.498"  
(NAD27)

FOUND BLM BRASS  
CAP MONUMENT  
0.2' ABOVE GROUND,  
GOOD CONDITION

**NOTES**

1. THIS SURVEY WAS ACCOMPLISHED IN ACCORDANCE WITH A.S. 38.05.810, A.S. 38.05.850 AND P & C SI 2000-01.
2. ALL BEARINGS SHOWN ARE TRUE BEARINGS AS ORIENTED TO THE TRUE MERIDIAN, AND DISTANCES SHOWN ARE REDUCED TO HORIZONTAL FIELD DISTANCES.
3. THE ACCURACY OF THIS SURVEY IS GREATER THAN 1:5000.
4. ALL PARCELS OF LAND OWNED BY THE STATE OF ALASKA, LOCATED WITHIN 50.00 FEET OF A SURVEYED OR PROTRACTED SECTION LINE, ARE SUBJECT TO A 50 FOOT (50') EASEMENT, EACH SIDE OF THE SECTION LINE, WHICH IS RESERVED TO THE STATE OF ALASKA FOR PUBLIC HIGHWAYS UNDER A.S. 19.10.010.
5. WASTEWATER DISPOSAL; NO WASTEWATER WILL BE GENERATED OR DISPOSED OF ON THIS LOT. CONDITIONS MIGHT NOT BE SUITABLE FOR ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEMS. ANY ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEM MUST MEET THE WASTEWATER DISPOSAL REQUIREMENTS OF KPB CHAPTER 20.14 AND REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.
6. THE KENAI PENINSULA BOROUGH PLAT COMMITTEE GRANTED AN EXCEPTION TO KENAI PENINSULA BOROUGH CODE 20.20.030, WHICH WOULD REQUIRE EXTENSION OF TENDERFOOT LANE AND TO KENAI PENINSULA BOROUGH CODE 20.20.200, WHICH WOULD REQUIRE THAT THE TRACT FRONT ON A DEDICATED RIGHT-OF-WAY.
7. THE EASEMENT CREATED IS CENTERED ON EXISTING ELECTRICAL APPURTENANCES WHICH WERE AS-BUILT DURING THE COURSE OF THE SURVEY. THE TOTAL AREA OF THE EASEMENT IS 1.15 ACRES.



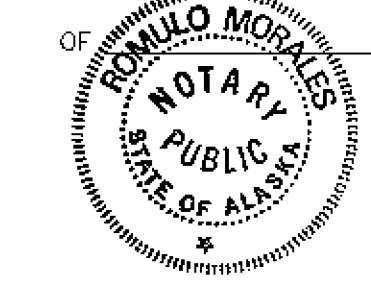
**CERTIFICATE OF  
OWNERSHIP AND DEDICATION**

I, THE UNDERSIGNED, HEREBY CERTIFY THAT I AM THE DIRECTOR, DIVISION OF MINING, LAND AND WATER, AND THAT THE STATE OF ALASKA IS THE OWNER OF ASLS 2000-01, AS SHOWN HEREON. I HEREBY APPROVE THIS SURVEY AND PLAT FOR THE STATE OF ALASKA, AND DEDICATE FOR PUBLIC OR PRIVATE USE AS NOTED, ALL EASEMENTS, PUBLIC UTILITY AREAS, AND RIGHTS-OF-WAY AS SHOWN AND DESCRIBED HEREON.

2 May 01  
DATE  
Dennis Daigger  
DIRECTOR,  
DIVISION OF MINING, LAND AND WATER

**NOTARY'S ACKNOWLEDGMENT**

SUBSCRIBED AND SWORN TO BEFORE ME THIS 2<sup>ND</sup> DAY OF May, 2001.  
FOR DENNIS DAIGGER (NAME)



Ronulo Morales  
NOTARY PUBLIC FOR ALASKA  
MY COMMISSION EXPIRES: 1-9-05

**APPLICANT'S CERTIFICATE**

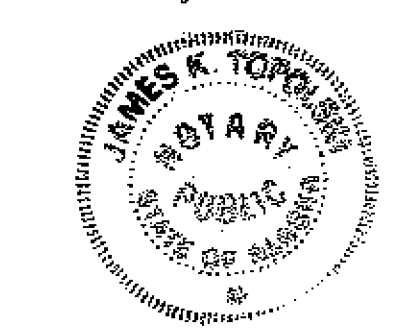
I, THE UNDERSIGNED, HEREBY CERTIFY THAT I AM THE APPLICANT AS SHOWN HEREON. I HEREBY APPROVE THIS SURVEY AND PLAT.

ADL NO. 227467  
Lee D. Thibert  
5-01-01  
DATE  
CHUGACH ELECTRIC ASSOCIATION, INC.  
AUTHORIZED OFFICER AND TITLE.

LEE D. THIBERT  
EXECUTIVE MANAGER, T&D NETWORK SERVICES

**NOTARY'S ACKNOWLEDGMENT**

SUBSCRIBED AND SWORN TO BEFORE ME THIS 1<sup>ST</sup> DAY OF May, 2001.  
FOR Lee D. Thibert (NAME)  
of Chugach Electric Association, Inc.



James K. Topol  
NOTARY PUBLIC FOR ALASKA  
MY COMMISSION EXPIRES: 12-20-02

**SURVEYOR'S CERTIFICATE**

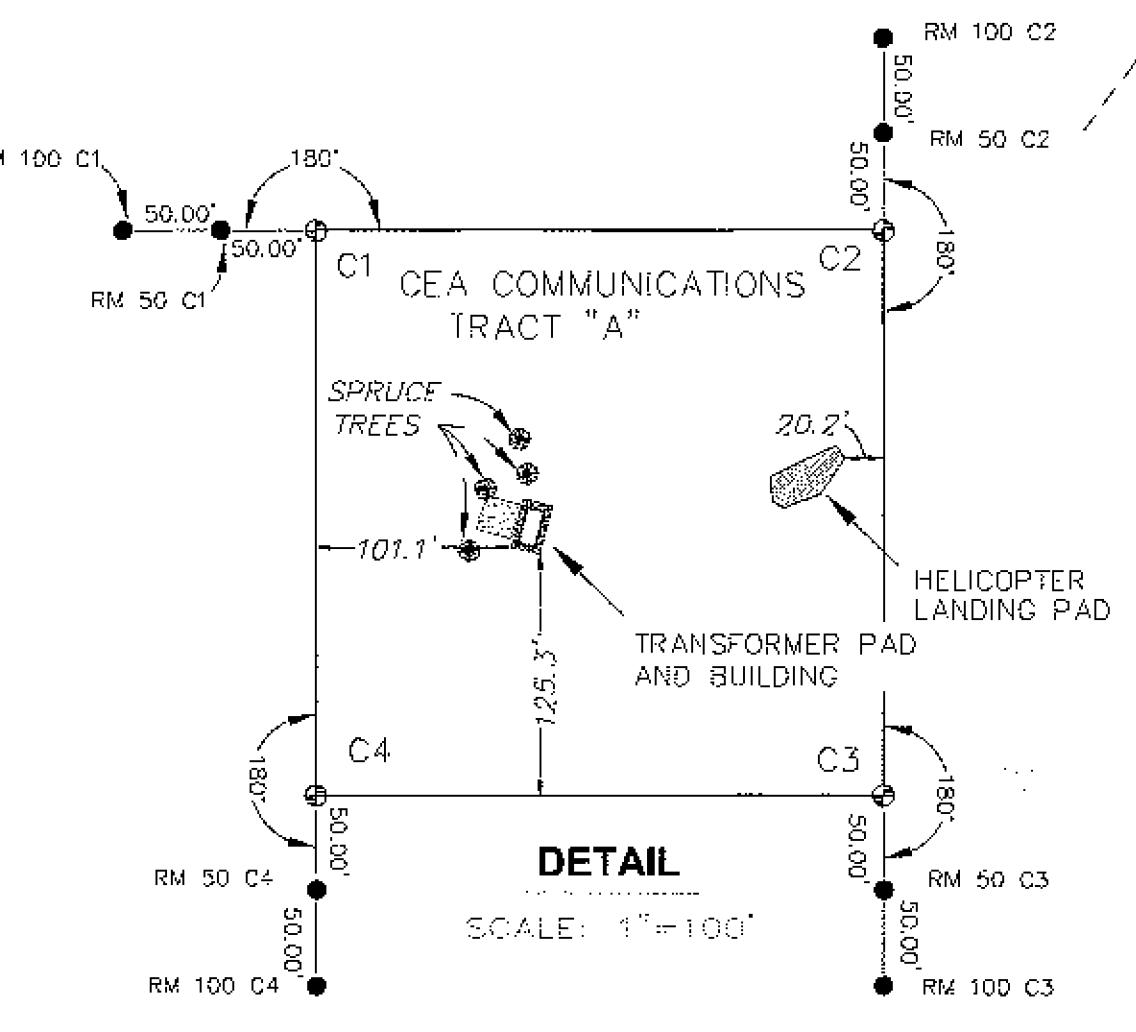
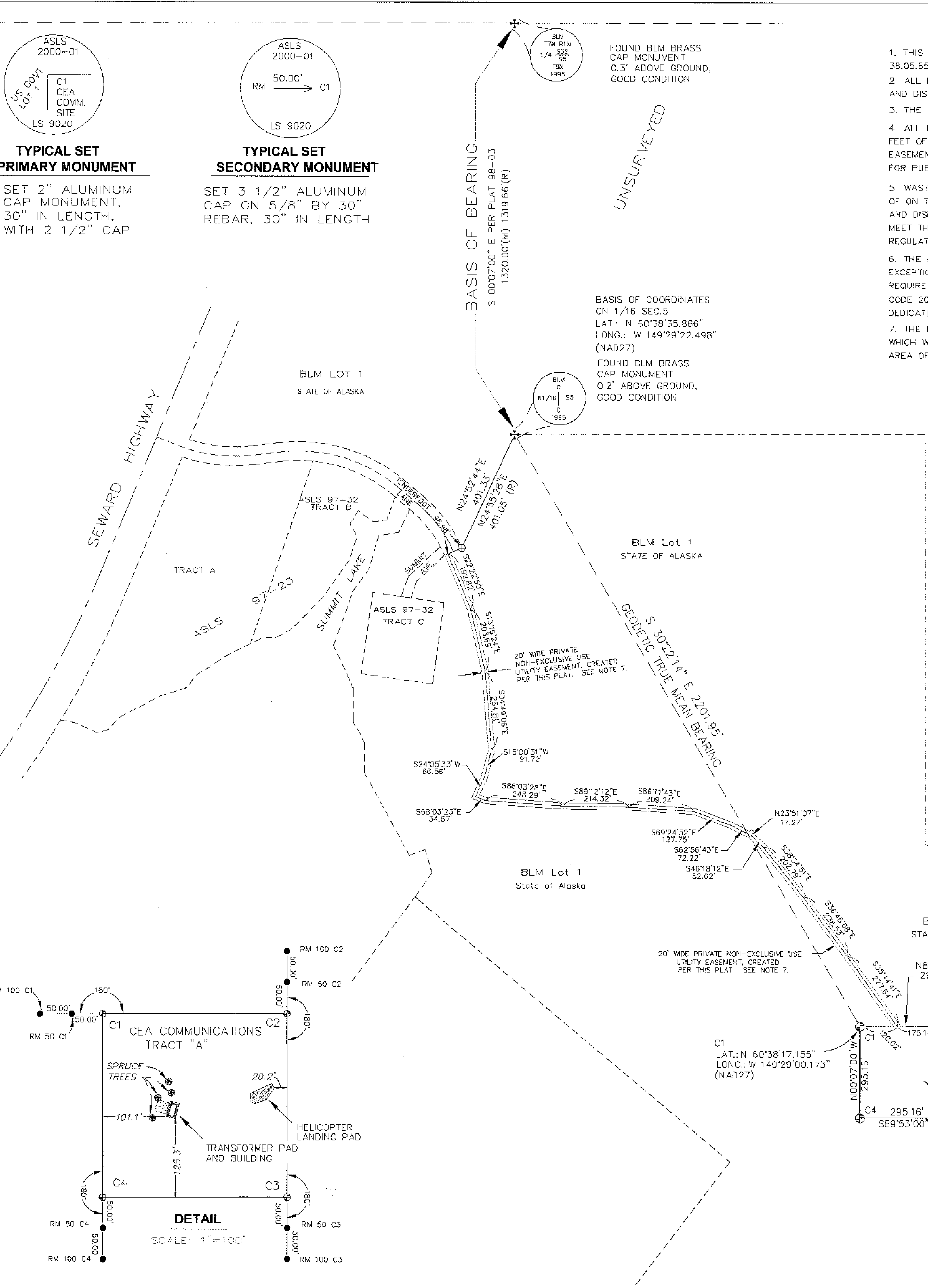
I HEREBY CERTIFY THAT I AM PROPERLY REGISTERED AND LICENSED TO PRACTICE LAND SURVEYING IN THE STATE OF ALASKA, THAT THIS PLAT REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, THAT THE MONUMENTS SHOWN HEREON ACTUALLY EXIST AS DESCRIBED, AND THAT ALL DIMENSIONS AND OTHER DETAILS ARE CORRECT.

2001-10  
Seward  
4/13/01  
DATE  
LS 9020  
REGISTRATION NUMBER  
Anthony P. Hoffmann  
REGISTERED LAND SURVEYOR



**LEGEND**

- SET 2 1/2" ALUMINUM CAP ON 2" BY 30" FLANGED, MAGNETIZED ALUMINUM POST
- SET 5/8" BY 30" REBAR WITH 3 1/4" ALUMINUM CAP
- FOUND BLM BRASS CAP POST MONUMENT
- FOUND ALUMINUM CAP MONUMENT PER PLAT 98-03
- (C) CALCULATED DATA
- (R) RECORD DATA PER PLAT 98-03
- (M) MEASURED DATA
- UNSURVEYED LINE
- SURVEYED LINE



**CURVE DATA**

CURVE	DELTA ANGLE	RADIUS	ARC	TANGENT	CHORD	CHORD BEARING
C 1	9°00'04"	2964.79'	465.76'	233.36'	465.28'	N 26°48'45"E
C 2	18°31'51"	2864.79'	926.54'	467.35'	922.51'	N 31°34'40"E
C 3	24°53'49"	470.00'	204.23'	103.75'	202.63'	S 84°25'30"E
C 4	47°17'16"	530.00'	437.42'	232.03'	425.11'	S 73°13'56"E
C 5	25°51'52"	460.00'	207.65'	105.63'	205.89'	S 30°39'22"E
C 6	21°21'49"	400.00'	149.15'	75.45'	148.28'	N 38°54'23"W
C 7	34°47'50"	470.00'	285.44'	147.28'	281.06'	N 60°59'13"W
C 8	12°29'25"	470.00'	102.46'	51.43'	102.26'	S 80°22'00"W
C 9	25°23'03"	530.00'	234.81'	119.36'	232.89'	N 84°11'02"W
C 10	25°09'18"	500.00'	219.52'	111.56'	217.76'	S 84°17'54"E
C 11	47°17'16"	500.00'	412.66'	218.90'	401.05'	S 73°13'56"E
C 12	25°51'52"	430.00'	194.11'	98.74'	192.47'	S 30°39'22"E
C 13	04°02'17"	500.00'	35.24'	17.63'	35.23'	S 69°42'06"E

**LINE DATA**

LINE	BEARING	DISTANCE
L 1	N 22°19'02"E	60.15'
L 2	N 83°07'27"E	86.31'
L 3	S 49°35'18"E	74.80'
L 4	S 66°16'34"W	60.00'
L 5	S 46°46'33"W	123.91'
L 6	S 19°01'36"W	55.81'
L 7	N 82°00'00"W	30.56'
L 8	N 19°01'36"E	99.07'
L 9	N 46°46'33"E	140.63'
L 10	S 63°26'53"W	78.27'
L 11	S 29°18'10"W	39.33'
L 12	S 72°05'42"W	93.38'
L 13	S 41°43'22"W	54.31'
L 14	S 76°12'20"W	37.32'
L 15	N 62°01'44"W	73.79'
L 16	N 70°23'10"W	41.36'
L 17	S 88°03'50"W	9.11'
L 18	S 19°43'24"W	79.10'
L 19	S 81°47'50"W	43.46'
L 20	N 53°50'22"W	60.51'
L 21	S 30°01'54"W	49.18'
L 22	S 26°33'50"E	46.61'
L 23	S 18°00'51"W	77.61'
L 24	S 63°09'18"W	47.30'
L 25	S 85°47'23"W	47.65'
L 26	S 63°26'53"W	42.17'
L 27	S 67°40'58"E	64.79'

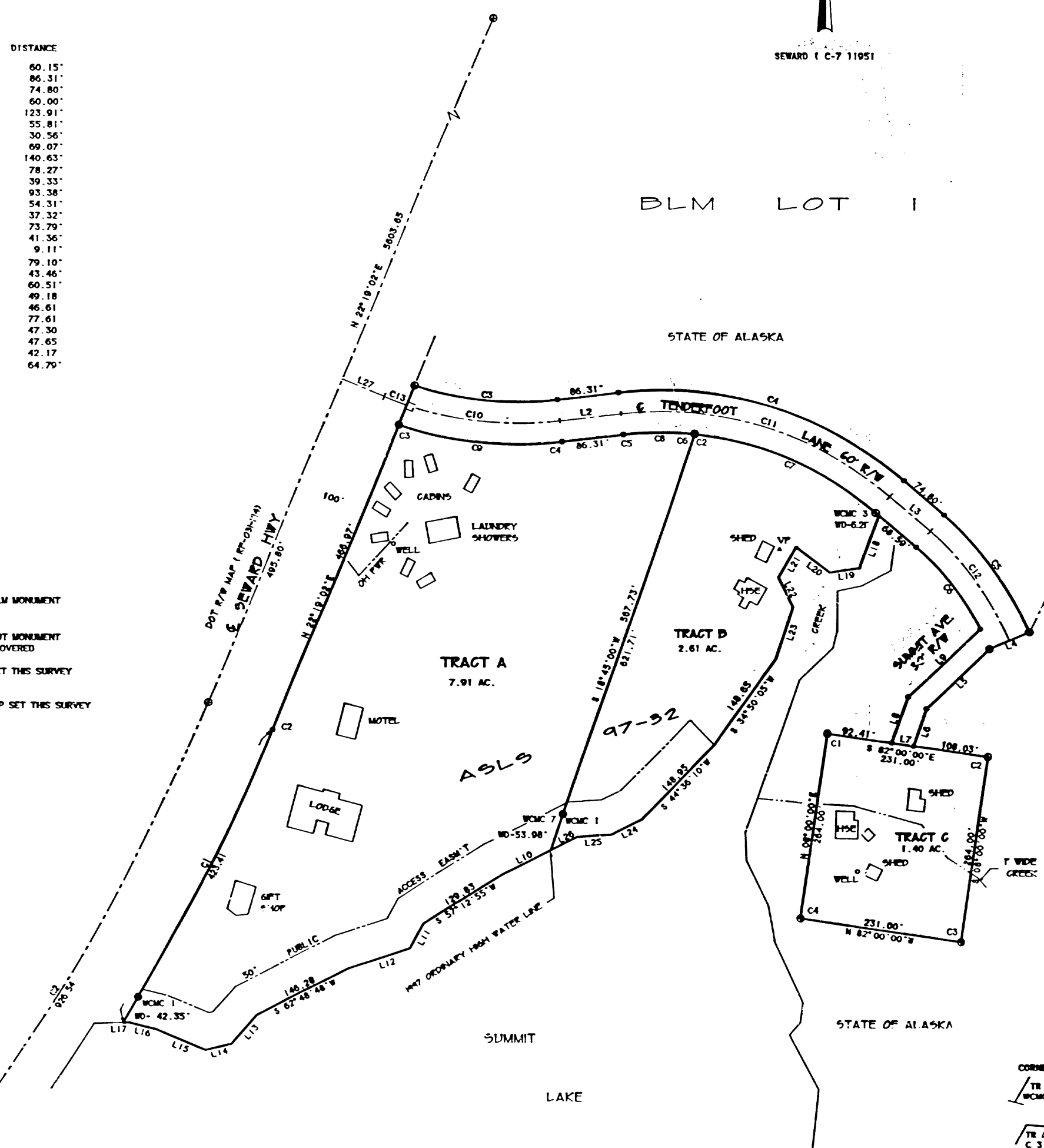
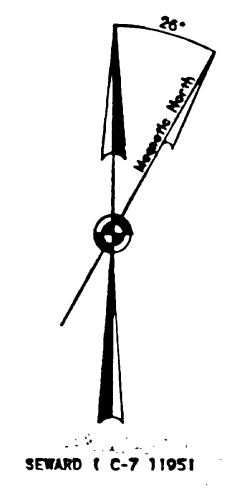
- LEGEND**
- 3 1/4" BRASS CAP, BLM MONUMENT RECOVERED
  - 2 1/2" BRASS CAP, DOT MONUMENT OR MONUMENT BOX RECOVERED
  - PRIMARY MONUMENT SET THIS SURVEY (SEE NOTE 1)
  - 5/8" REBAR/ALUM CAP SET THIS SURVEY
  - UNSURVEYED
  - SURVEYED
  - ( ) RECORD

**SURVEYOR'S 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 direct supervision, that the monuments shown hereon actually exist as described, and that all dimensions and other details are correct.

Date 1-8-97 Registration No. LS-6101  
*Ray Willett*  
 Registered Land Surveyor

**PLAT APPROVAL**  
 This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of Sept. 8, 1997.

KENAI PENINSULA BOROUGH  
 By: *[Signature]*  
 Authorized Official



**BEARING TREE DATA**

CORNER	BEARING	DISTANCE	OBJECT
TR A W/MC 1	N 37°E	104.91'	18" SPRUCE
TR A W/MC 1	S 68°E	79.93'	5" SPRUCE
TR A W/MC 1	S 73°W	64.92'	10" COTTONWOOD
TR A C 3	S 33°E	45.00'	10" BIRCH
TR A C 3	S 52°W	29.39'	10" SPRUCE
TR A W/MC 1	N 79°W	50.46'	12" SPRUCE
TR A W/MC 1	N 37°E	14.62'	12" SPRUCE
TR A W/MC 1	S 67°E	6.38'	6" SPRUCE
TR A W/MC 1	S 76°W	9.07'	10" SPRUCE
TR A W/MC 1	N 11°W	11.87'	14" SPRUCE
TR A W/MC 1	S 76°E	29.90'	12" SPRUCE
TR A W/MC 1	S 47°W	47.29'	16" COTTONWOOD
TR A W/MC 1	S 09°W	56.10'	10" COTTONWOOD

**BEARING TREE DATA**

CORNER	BEARING	DISTANCE	OBJECT
TR B W/MC 1	N 62°W	46.56'	6" SPRUCE
TR B W/MC 1	S 04°E	14.27'	12" SPRUCE
TR B W/MC 1	N 10°E	36.05'	5" SPRUCE
TR B W/MC 1	S 43°E	37.61'	10" SPRUCE
TR C W/MC 1	N 87°E	28.57'	8" COTTONWOOD
TR C W/MC 1	S 24°E	32.22'	12" COTTONWOOD
TR C W/MC 1	S 51°W	48.59'	12" SPRUCE
TR C W/MC 1	N 26°E	51.09'	14" SPRUCE
TR C W/MC 1	S 06°E	28.49'	6" SPRUCE
TR C W/MC 1	N 65°W	21.39'	8" SPRUCE
TR C W/MC 1	S 57°E	44.45'	16" SPRUCE
TR C W/MC 1	S 05°W	27.85'	6" SPRUCE
TR C W/MC 1	S 64°W	52.10'	10" SPRUCE
TR C W/MC 1	N 03°W	15.47'	14" SPRUCE
TR C W/MC 1	N 70°E	45.46'	12" SPRUCE
TR C W/MC 1	S 15°W	22.59'	5" SPRUCE

ALL BEARINGS ARE FROM MONUMENT TO TREE

**CERTIFICATE OF OWNERSHIP AND DEDICATION**  
 I, the undersigned, hereby certify that I am the Director, Division of Land, and that the State of Alaska is owner of A.S.L.S. No. 97-32 as shown hereon. I hereby approve this survey and plat for the State of Alaska, and dedicate for public or private use as noted, all easement, public utility areas, and rights-of-way as shown and described hereon.

Date Feb. 23, 1998  
*[Signature]*  
 Director, Division of Land

**NOTARY'S ACKNOWLEDGEMENT**  
 Subscribed and sworn to before me this 23rd day of FEBRUARY, 1998.

For: Richard A. Lovatano

*[Signature]*  
 Notary for the State of Alaska  
 My commission expires 12-10-2000

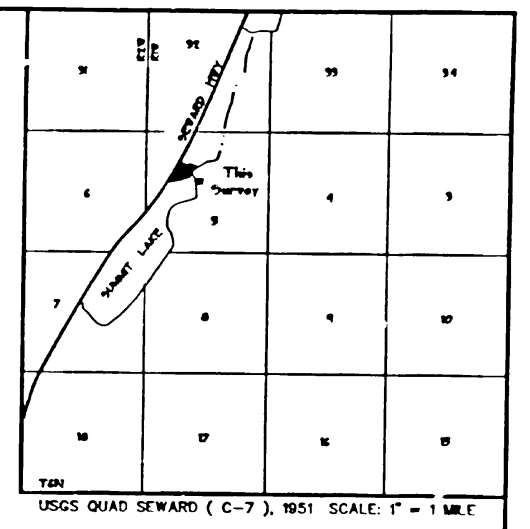
**WASTEWATER DISPOSAL:**  
 Any wastewater treatment or disposal systems must meet the regulatory requirements of the Alaska Department of Environmental Conservation.

BLM 17N R1W 1/4 332 85 T6N 1995

BLM N46 S5 C 1995

- NOTES**
- Set flanged, magnetized, aluminum monuments, 3 1/4" cap 2 3/8" od pipe, 30" long, buried 26" deep.
  - The existing claimants corners were recovered and used to control the location of the tract boundaries.
  - This survey was accomplished in accordance with GSI 97-32 and AS 38.05.068.
  - The error of closure of this survey is not greater than 1:5000.
  - The natural meanders of the line or ordinary high water forms the true bounds of this survey. The approximate line of ordinary high water as shown, is for area computations only, with the true corners being on the extension of the side line and their intersection with the natural meanders.
  - All bearings shown are true bearings as oriented to the basis of bearing, and distances shown are reduced to horizontal field distances.
  - All parcels of land owned by the State of Alaska, located within 50.00 feet of, or bisected by a protracted or surveyed section line, are subject to a 50 foot (50') easement, each side of the section line, which is reserved to the State of Alaska for public highways under A.S. 19.10.010, unless otherwise vacated and noted on plat.
  - 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.

98-03  
**RECORDED**  
 SEWARD RECORDING DISTRICT  
 DATE 2/26/98  
 TIME 1:26 P.M.  
 Registered By: **WILFORD SURVEYING**



VICINITY MAP

**PERMITTEE'S CERTIFICATE**  
 We the undersigned, hereby certify that we are the permittee's as shown hereon. We hereby approve this survey and plat.

ADL No. 227065 [Signature] 1-10-98  
 ADL No. 227066 [Signature] Date  
 (TR A & D) [Signature] Date  
[Signature]  
 June Arnoldy

**NOTARY'S ACKNOWLEDGEMENT**  
 Subscribed and sworn to before me this 14th day of JANUARY, 1998.

For: Marty Arnoldy & June Arnoldy

*[Signature]*  
 Notary for the State of Alaska  
 My commission expires Oct 17, 1998

ADL No. 225715 [Signature] 1-9-98  
 (TR G) [Signature] Date

**NOTARY'S ACKNOWLEDGEMENT**  
 Subscribed and sworn to before me this 9th day of JANUARY, 1998.

For: Christopher McKern

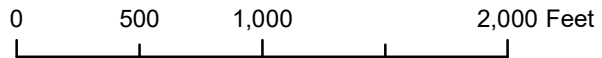
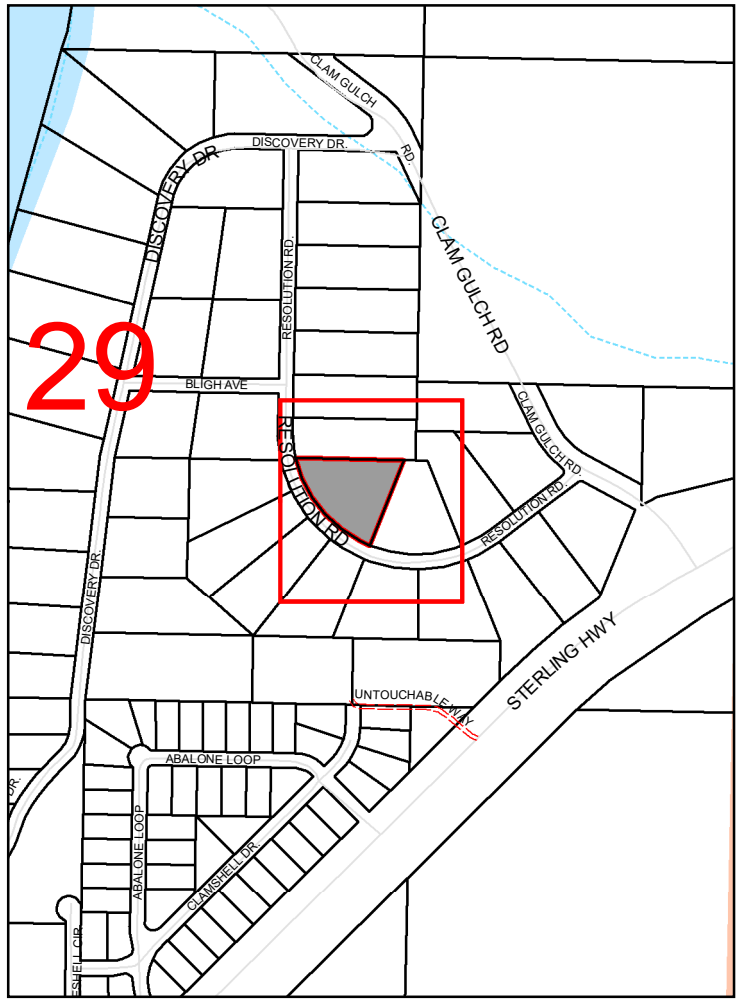
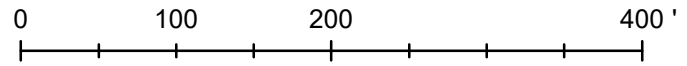
*[Signature]*  
 Notary for the State of Alaska  
 My commission expires 12/16/98

**SCALE**  
 0 50 100 200 300 400 Feet  
 1 METER = 3.280833 US FEET, 1 US ACRE = 0.4047 HECTARES

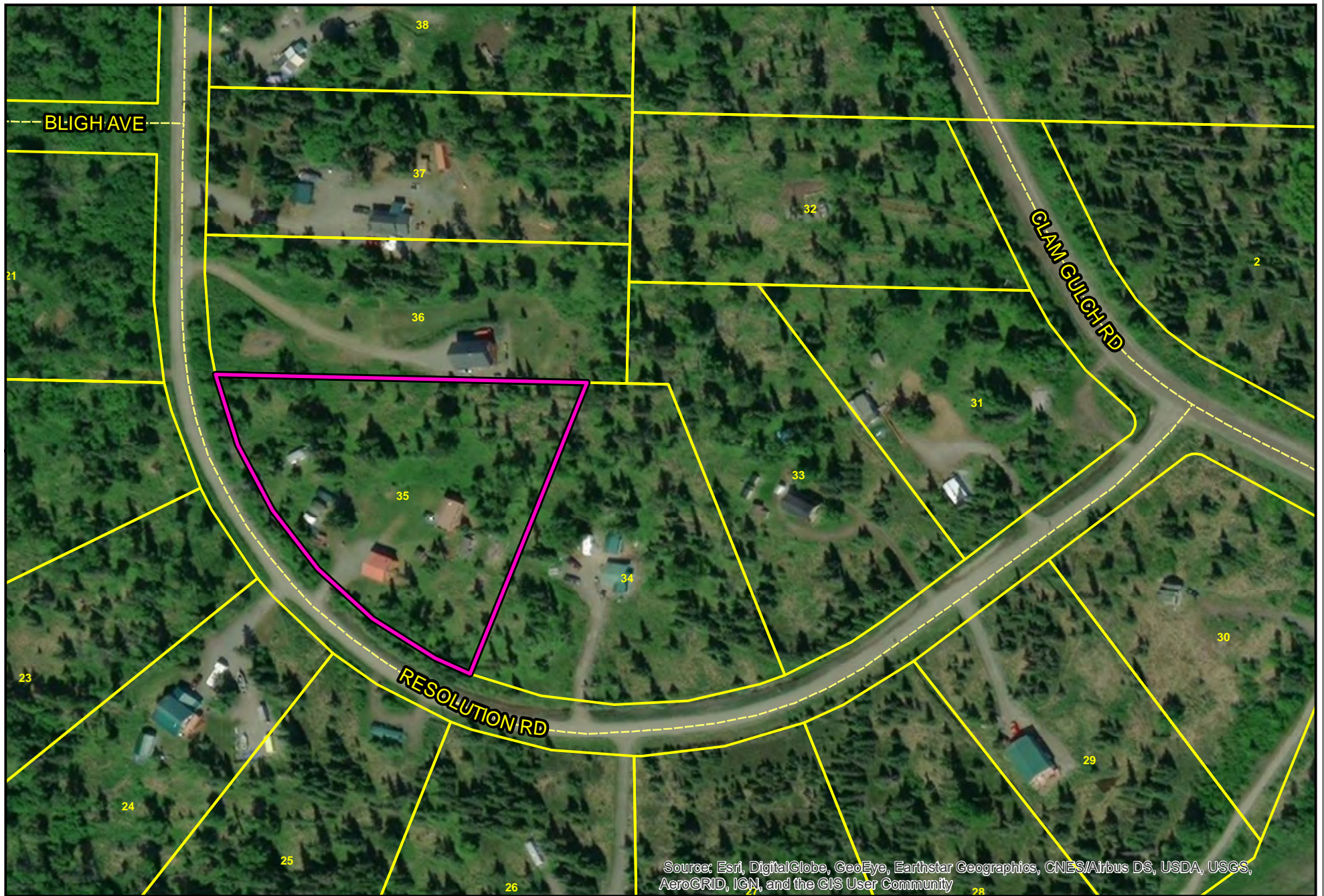
DATE OF SURVEY <u>5/12/97</u>	NAME OF SURVEYOR <b>WILFORD SURVEYING</b> PO BOX 4088 BOLTONIA, ALASKA 99668
STATE OF ALASKA DEPARTMENT OF NATURAL RESOURCES DIVISION OF LAND <small>(INCORPORATED, IN 1962)</small>	
ALASKA STATE LAND SURVEY NO. 97-32	
WITHIN SURVEYED SECTION 5 T.6 N., R.1 W., S.M., ALASKA SEWARD RECORDING DISTRICT	
DRAWN BY: <u>[Signature]</u>	APPROVAL RECOMMENDED
DATE <u>01/27/97</u>	<u>[Signature]</u> 2-25-97 Statewide Planning Supervisor
SCALE 1" = 100'	CHECKED <u>[Signature]</u>
	FILE NO. ASLS 970032



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.

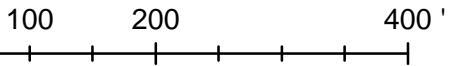


**KPB 2021-135**  
**S29 T02N R12W**  
**CLAM GULCH**



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.

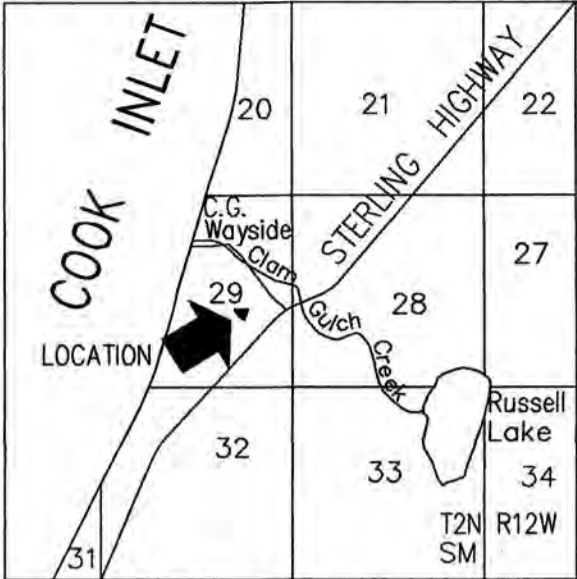


Aerial View



 PRELIMINARY PLAT

PClements, KPB 2021-135  
Imagery WORLD



# Captain Cook Heights

## 2021 Addition Preliminary Plat

A subdivision of Lot 35 Captain Cook Hts, KRD 79-85.  
 Located in the SE1/4 Section 29, T2N R12W, SM, Clam Gulch, Alaska.  
 Kenai Recording District Kenai Peninsula Borough

Prepared for

Sharon J Blades  
 P.O. Box 181  
 Kasilof, AK 99610

Prepared by

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

VICINITY 1" = 1 mile MAP

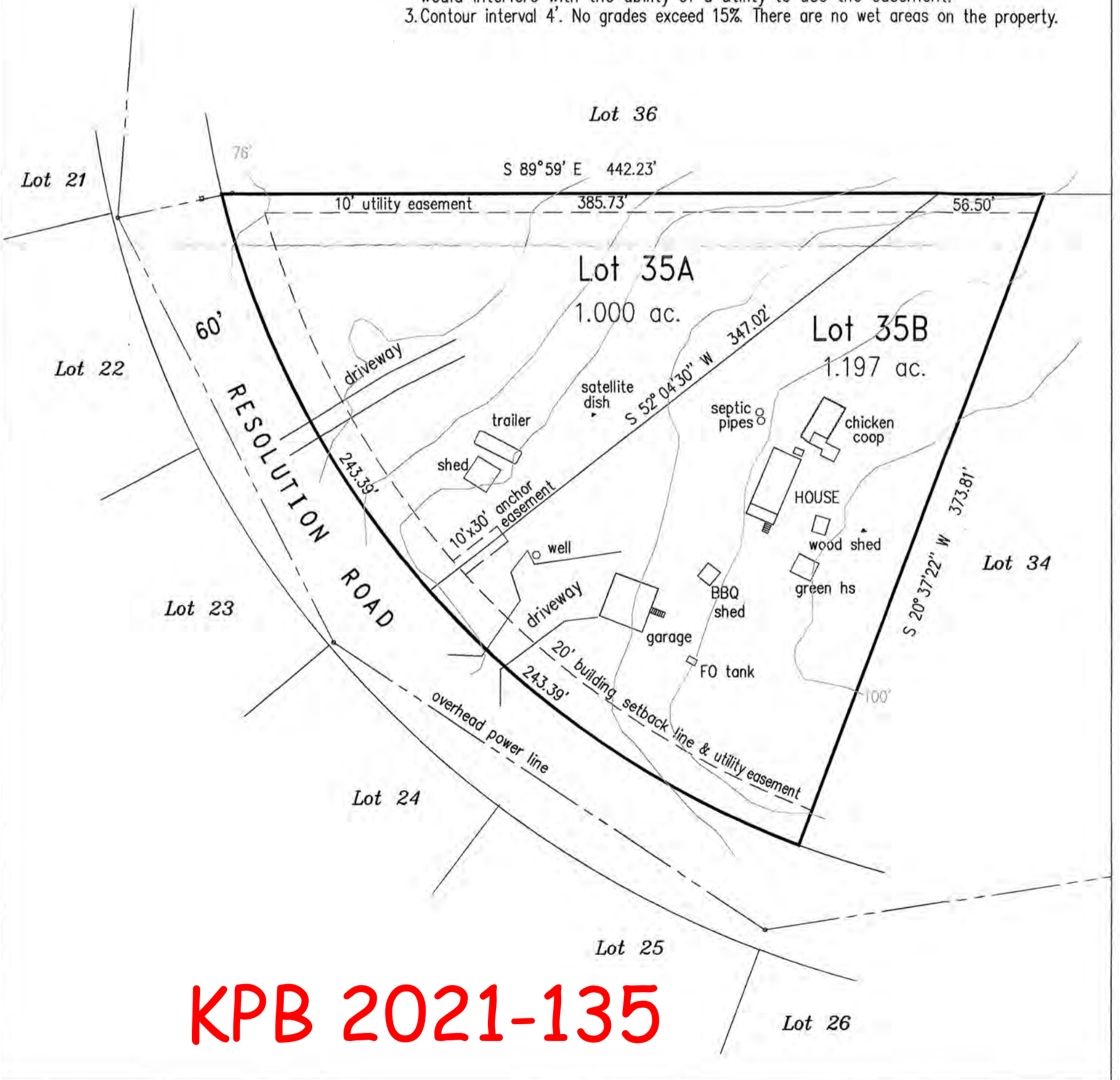
SCALE 1" = 60'

AREA = 2.197 acres

11 August, 2021

### NOTES

1. A building setback of 20' from all street ROWs is required unless a lesser standard is approved by a resolution of the appropriate planning commission.  
 Building setback to be limits of utility easements, carried forward from plat KRD 79-85.
2. No permanent structure shall be constructed or placed within a utility easement which would interfere with the ability of a utility to use the easement.
3. Contour interval 4'. No grades exceed 15%. There are no wet areas on the property.



AGENDA ITEM E. NEW BUSINESS

**ITEM 3 - CAPTAIN COOK HEIGHTS SUBDIVISION 2021 ADDITION**

<b>KPB File No.</b>	2021-135
<b>Plat Committee Meeting:</b>	October 11, 2021
<b>Applicant / Owner:</b>	Sharon Blades of Kasilof, Alaska
<b>Surveyor:</b>	Jerry Johnson / Johnson Surveying
<b>General Location:</b>	Clam Gulch

<b>Parent Parcel No.:</b>	137-300-22
<b>Legal Description:</b>	Lot 35 Captain Cook Heights Subdivision, KN 79-85.
<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 subdivide a 2.2 acre lot into two lots that will be 1 acre and 1.2 acres.

**Location and Legal Access (existing and proposed):** The proposed subdivision is located south of the Clam Gulch State Recreation Area. Access to the subdivision is by Clam Gulch Road. Clam Gulch Road is maintained by the State DOT and is located south of mile 117 of the Sterling Highway. The lots will be accessed from Resolution Road, a 60 foot wide borough maintained right of way. Resolution Road loops to connect with Discovery Drive, a 60 foot wide borough maintained right of way, which then connects to Clam Gulch Road.

Clam Gulch Road, Resolution Road, and Discovery Drive define the block. Due to the shape of the block, the lengths along Resolution Road and Clam Gulch Road exceed allowable lengths. The parent lot is a pie shaped piece located along a curve. Due to the location of the lot, the shape of the lot, and the existing improvements, obtaining additional dedication to improve the block will be difficult. **Staff recommends the plat committee concur that an exception is not required, as any dedications granted will not improve the block.**

KPB Roads Dept. comments	
SOA DOT comments	No comment

**Site Investigation:** There are no low wet areas present within the proposed subdivision. Contours are depicted on the preliminary plat and the plat note indicates no grades exceed 15 percent.

KPB River Center review	<p>A. Floodplain                      Reviewer: Carver, Nancy                      Floodplain Status: Not within flood hazard area                      Comments: No comments</p> <p>B. Habitat Protection                      Reviewer: Carver, Nancy                      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** The proposed plat will divide one parcel into two parcels that will be 1 acre and 1.2 acres in size. The parent plat, Captain Cook Heights Subdivision KN 79-85, created the current lot configuration. The parent plat was a subdivision of government lots and aliquot portions of land.

The design of the lots comply with 20.30.190(A), 3:1 depth to width ratio. Lot 35A is 3:1 and Lot 35B is 2.5:1.

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 the full 20 foot building setback as utility easements. This is being carried over and is depicted and noted in plat note 1. Additional easements were granted by the parent plat, a 10 foot by 30 foot anchor easement and a 10 foot utility easement along the northern boundary. Both of those easements are depicted and labeled. **Staff recommends** the label include that the easements were granted by KN 79-85 or refer to a plat note with the information.

An additional easement has been granted by recorded document to Homer Electric Association. The easement has no definite location and should be noted within a plat note.

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

**Utility provider review:**

HEA	No comments
ENSTAR	No comments or recommendations
ACS	No objections
GCI	

**KPB department / agency review:**

Addressing	<p>Reviewer: Haws, Derek  Affected Addresses:  56320 RESOLUTION RD</p> <p>Existing Street Names are Correct: Yes  List of Correct Street Names:  RESOLUTION RD</p> <p>Existing Street Name Corrections Needed:</p> <p>All New Street Names are Approved: No  List of Approved Street Names:  List of Street Names Denied:</p> <p>Comments:  56320 RESOLUTION RD will remain with LOT 35B.</p>
Code Compliance	<p>Reviewer: Ogren, Eric  Comments: No comments</p>
Planner	<p>Reviewer: Taylor, Bryan</p>



	There are not any Local Option Zoning District issues with this proposed plat.  Material Site Comments: There are not any material site issues with this proposed plat.
Assessing	Reviewer: Bruns, Matthew Comments: No concerns from Assessing Dept.

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

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

**KPB 20.25.070 – Form and contents required**

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

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

**Staff recommendation:**

- Spell out the full name of the parent subdivision, "Captain Cook Heights Subdivision." Subdivision may be abbreviated if needed for space.
- Add "Subdivision" to the subdivision name, "Captain Cook Heights Subdivision 2021 Addition". Subdivision may be abbreviated due to spacing.

- 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 C.G Wayside to Per Osmars Way or Clam Gulch Road.
- The label for the lake should be removed. Staff did not find reference to that lake name in KPB GIS data or within "Dictionary of Alaska Place Names." This may be a local name that has not been officially named. Depiction of the lake may remain, remove the name label.

**KPB 20.40 – Wastewater Disposal**

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

20.40.010 Wastewater disposal.

*Platting Staff Comments:* A soils analysis report is required and a licensed engineer will need to sign the plat.

**Staff recommendation:** comply with 20.40.

**KPB 20.60 – Final Plat**

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

20.60.180. Plat notes.

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

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

**Staff recommendation:** *Provide a plat note to reference the easement of record granted to Homer Electric Association, Inc. on June 5, 1968 in document located in Book 31 Page 147, KRD with no definite location disclosed.*

---

**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.**

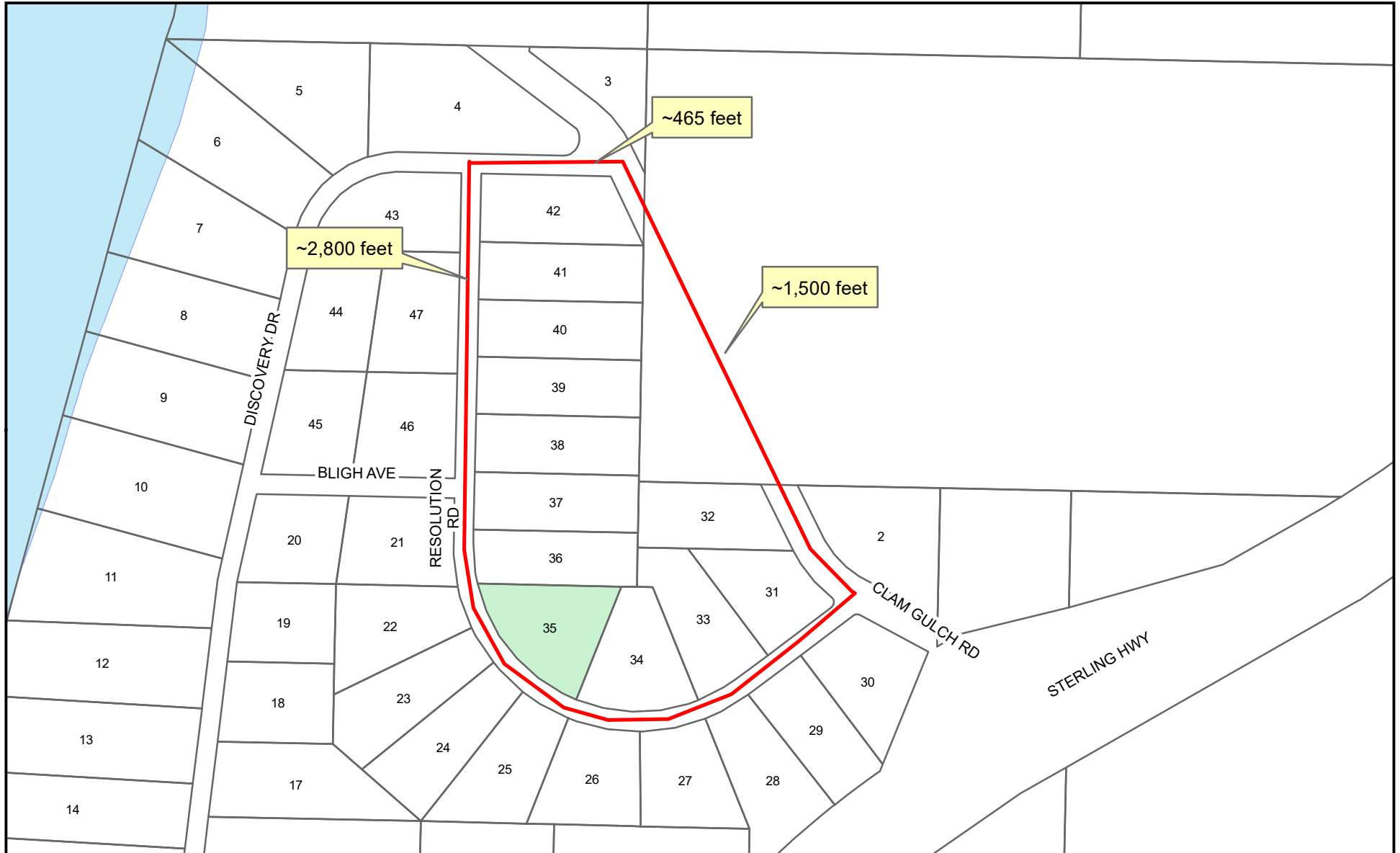
**A PARTY OF RECORD MAY REQUEST THAT A DECISION OF THE PLAT COMMITTEE BE REVIEWED BY THE PLANNING COMMISSION BY FILING A WRITTEN REQUEST WITHIN 15 DAYS OF NOTIFICATION OF THE DECISION IN ACCORDANCE WITH KPB 2.40.080.**

**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**



Captain Cook Heights Subdivision 2021 Addition  
KPB File 2021-135



# Captain Cook Heights

LOCATED IN GOV. LOTS 2, 3, AND NW 1/4 SE 1/4, NE 1/4 SE 1/4 SEC 29, T2N R12W S.M.; CLAM GULCH, ALASKA 99568.

SCALE = 1" = 200'

AREA = 129.415 AC.

NOVEMBER 1, 1978

BY: BELUGA INVESTMENTS INC., DRAWER 2642 KENAI, ALASKA

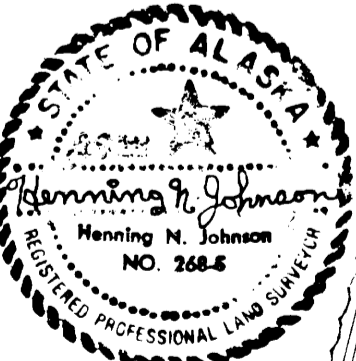
From the Journals of Captain James Cook  
June 1, 1778

Latitude 60°-08'N.

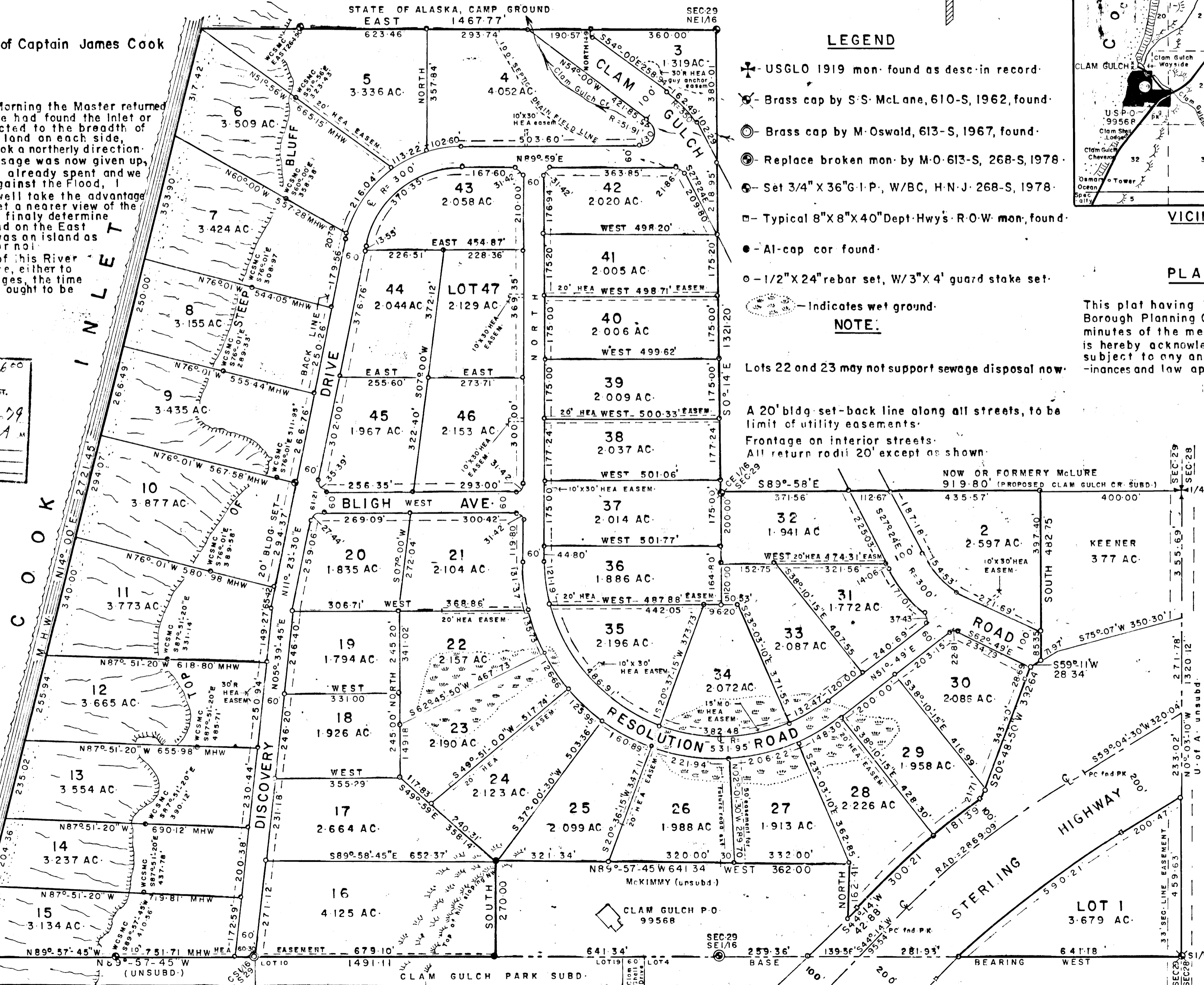
At 2 o'clock in the Morning the Master returned and reported that he had found the Inlet or rather river contracted to the breadth of one league with low land on each side, through which it took a northerly direction. All hopes of a passage was now given up, but as the Ebb was already spent and we could not return against the Flood, I thought I might as well take the advantage of the latter to get a nearer view of the Eastern branch, and finally determine whether the low land on the East side of the River was an island as we had supposed or not.

If the discovery of this River should prove of use, either to present or future ages, the time spent in exploring it ought to be less regretted.

79-85  
FILED 600  
Kenai DIST. CLERK  
DATE 5-14 1979  
TIME 8:51 A.M.  
WITNESSED BY KPB



BOX 27 CLAM GULCH ALASKA 99568



### LEGEND

- ✦ - USGLO 1919 mon. found as desc. in record.
- ✖ - Brass cap by S.S. McLane, 610-S, 1962, found.
- ⊙ - Brass cap by M. Oswald, 613-S, 1967, found.
- ⊙ - Replace broken mon. by M.O. 613-S, 268-S, 1978.
- ⊙ - Set 3/4" X 36" G.I.P., W/BC, H.N.J. 268-S, 1978.
- ▭ - Typical 8" X 8" X 40" Dept. Hwys. R.O.W. mon. found.
- - Al-cap cor found.
- - 1/2" X 24" rebar set, W/3" X 4' guard stake set.
- ⊙ - Indicates wet ground.

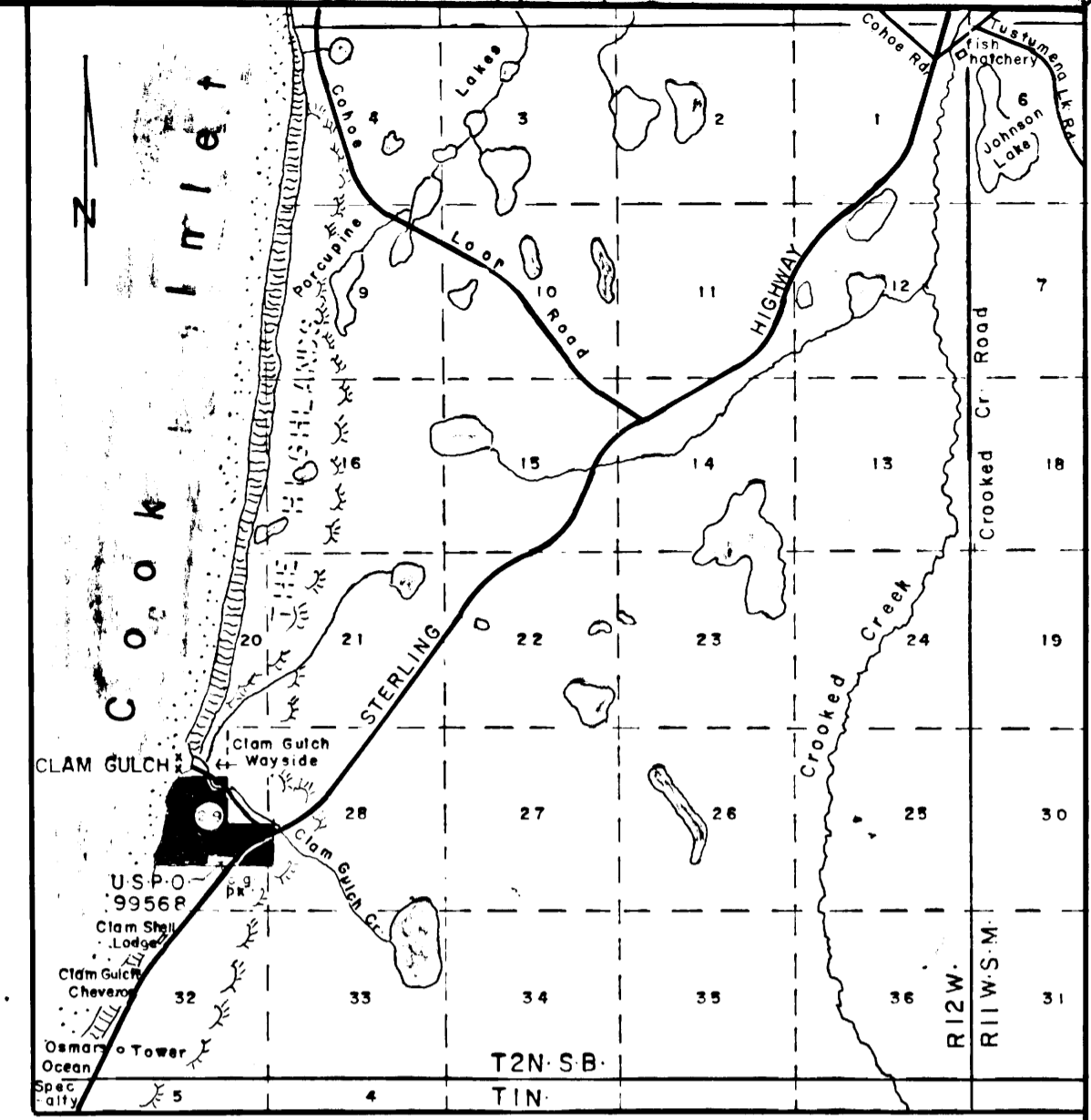
### NOTE:

Lots 22 and 23 may not support sewage disposal now.

A 20' bldg set-back line along all streets, to be limit of utility easements.

Frontage on interior streets.

All return radii 20' except as shown.



VICINITY MAP SCALE = 1" = 1 MILE

### PLAT APPROVAL

This plat having been approved by the Kenai Peninsula Borough Planning Commission, as recorded in the official minutes of the meeting of January 28, 1978, is hereby acknowledged and accepted as the official plat, subject to any and all conditions and requirements of ordinances and law appertaining thereto.

KENAI PENINSULA BOROUGH

By: Phyllis Warren

### OWNERSHIP AND DEDICATION

We hereby certify that we are the owners of the property shown and described hereon, and that we hereby adopt this plan of subdivision, and dedicate all streets to public use, and to the use of public utilities.

David L. Vincent President  
DAVID L. VINCENT, PRES., BELUGA INVESTMENTS INC.  
Harold Morton  
HAROLD MORTON JR., RTE 2, BOX 714 M KASLOF, AK 99610  
George Jackinsky  
GEORGE JACKINSKY, BOX 2 KASLOF, ALASKA 99610  
Mary R. Hawkins  
MARY R. HAWKINS, BOX 87 CLAM GULCH, ALASKA 99568

### NOTARYS' ACKNOWLEDGEMENT

Subscribed and sworn to before me this 7 day of APRIL, 1978.

Carol A. Smith  
Notary Public for Alaska  
9-8-79  
MY COMMISSION EXPIRES

KW 79-85

2

# JAMES WADDELL HOMESTEAD

PETSKA 2018 ADDN

7

8

9

10

11

TR. 1

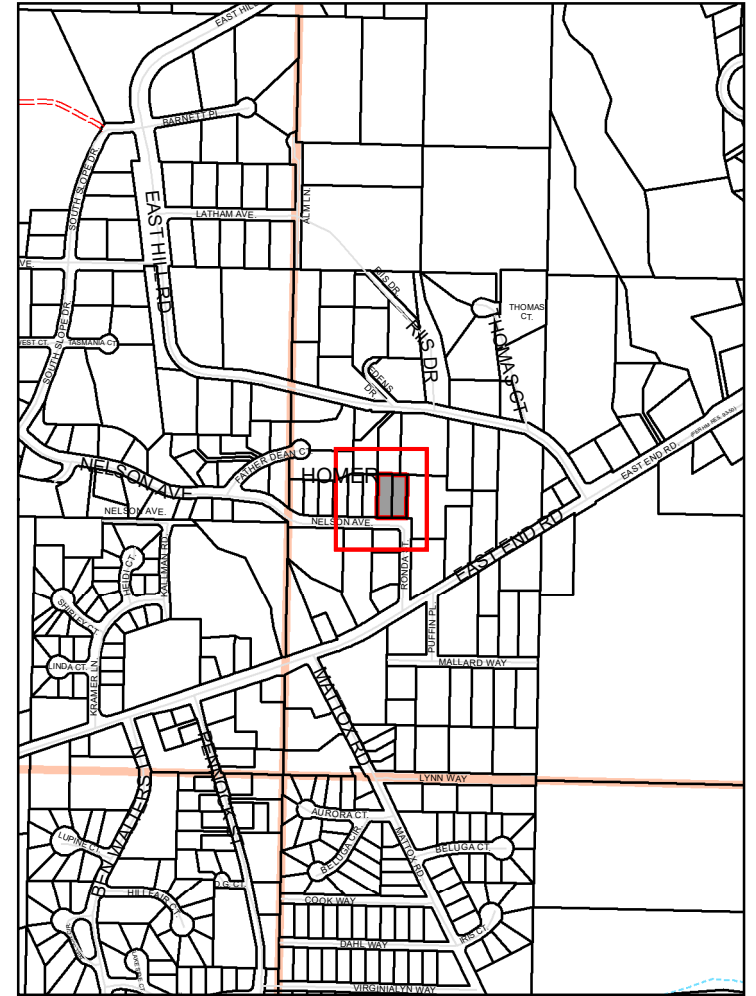
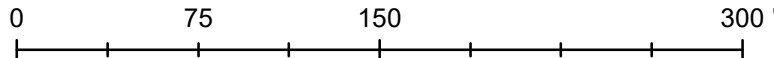
NELSON AVE

RONDA ST

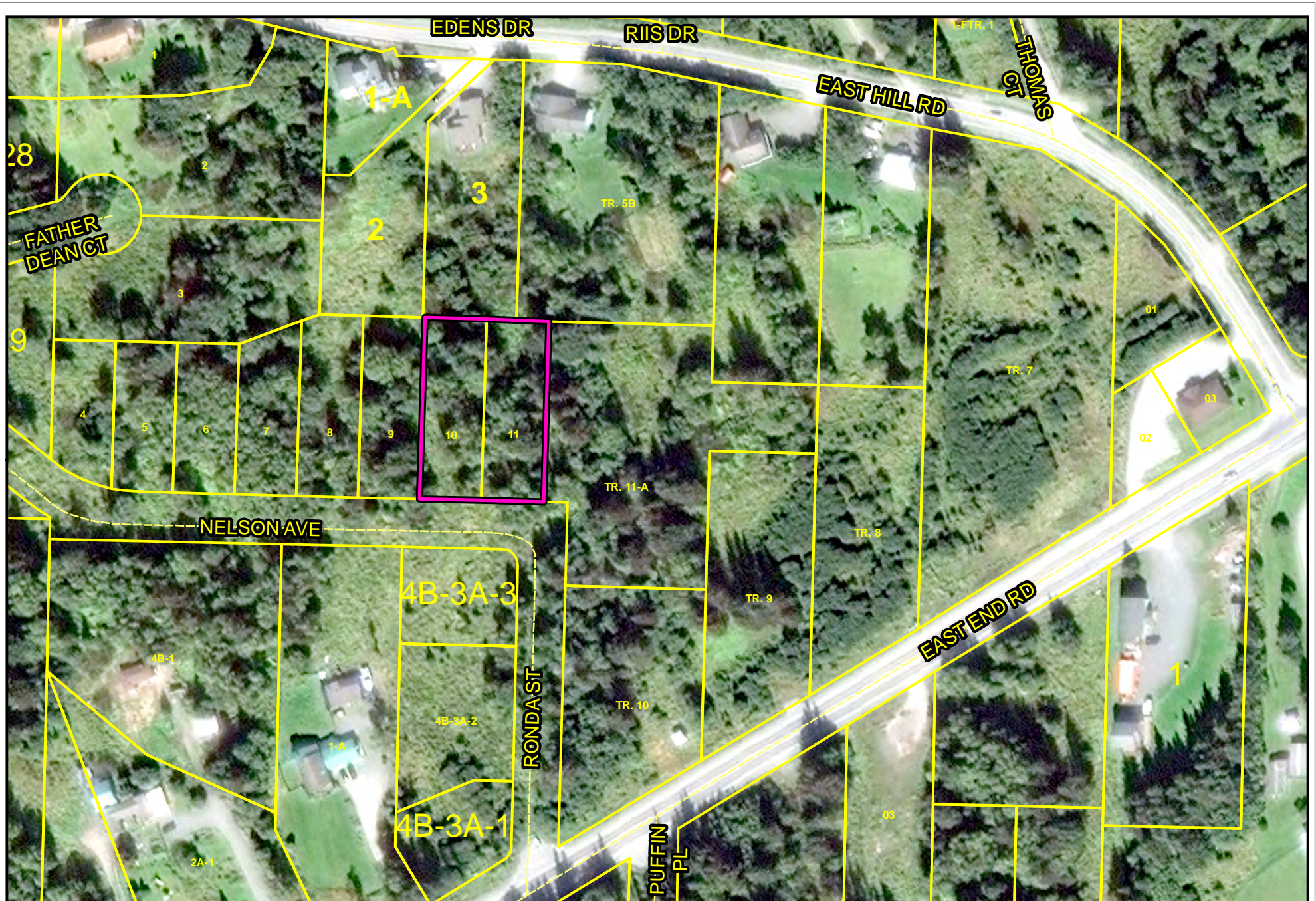
Proposed Subdivision

## 4B-3A-3

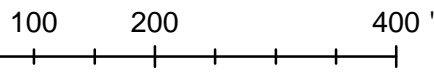
The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



**KPB 2021-136**  
**S16 T06S R13W**  
**HOMER**



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 2021-136  
Imagery HOMER 2016

**NOTES**

1. BASIS OF BEARING FOR THIS SURVEY AND RECORD DATA SHOWN IS FROM THE PLAT OF JAMES WADDELL HOMESTEAD PETSKA 2018 ADDITION (HM 2020-6). NO FIELD SURVEY WAS PERFORMED.
2. ALL LOTS WITHIN THIS SUBDIVISION ARE SUBJECT TO CITY OF HOMER ZONING REGULATIONS. REFER TO THE HOMER CITY CODE FOR ALL CURRENT SETBACK AND SITE DEVELOPMENT RESTRICTIONS. OWNERS SHOULD CHECK WITH THE CITY OF HOMER PLANNING DEPARTMENT PRIOR TO DEVELOPMENT ACTIVITIES.
3. THE 15 FEET FRONTING THE RIGHT-OF-WAYS AND THE FRONT 20 FEET WITHIN 5 FEET OF THE SIDE LOT LINES IS A UTILITY EASEMENT. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
4. ANY PERSON DEVELOPING THE PROPERTY IS RESPONSIBLE FOR OBTAINING ALL REQUIRED LOCAL, STATE, AND FEDERAL PERMITS, INCLUDING A U.S. ARMY CORPS OF ENGINEERS WETLAND DETERMINATION IF APPLICABLE.
5. THE LOT IS AFFECTED BY AN EASEMENT OF RECORD WITH NO DEFINED LOCATION GRANTED TO HOMER ELECTRIC ASSOCIATION (BK19, PG 104 HRD).
6. THESE LOTS ARE SERVED BY CITY OF HOMER WATER AND SEWER.
7. THE SUBDIVISION MAY BE AFFECTED BY THAT WATER PIPELINE EASEMENT IN FAVOR OF THE UNITED STATES OF AMERICA RECORDED FEBRUARY 16, 1955 (BK 5, PAGE 335 HRD). LOCATION NOT DETERMINED BY THIS SURVEY.

**LEGEND**

- INDICATES ALUM. POST MONUMENT (2087-S 1978) OF RECORD
- INDICATES DOT ALUM. CAP IN PAVEMENT THIS SURVEY (MARKINGS OBLITERATED) OF RECORD
- INDICATES 2" ALCAP ON 5/8" REBAR (7538-S, 2018) OF RECORD
- INDICATES 2" ALCAP ON 5/8" REBAR (5780-S, 2006) OF RECORD
- ⊗ INDICATES 2" ALCAP ON 5/8" REBAR (5780-S, 2014) OF RECORD

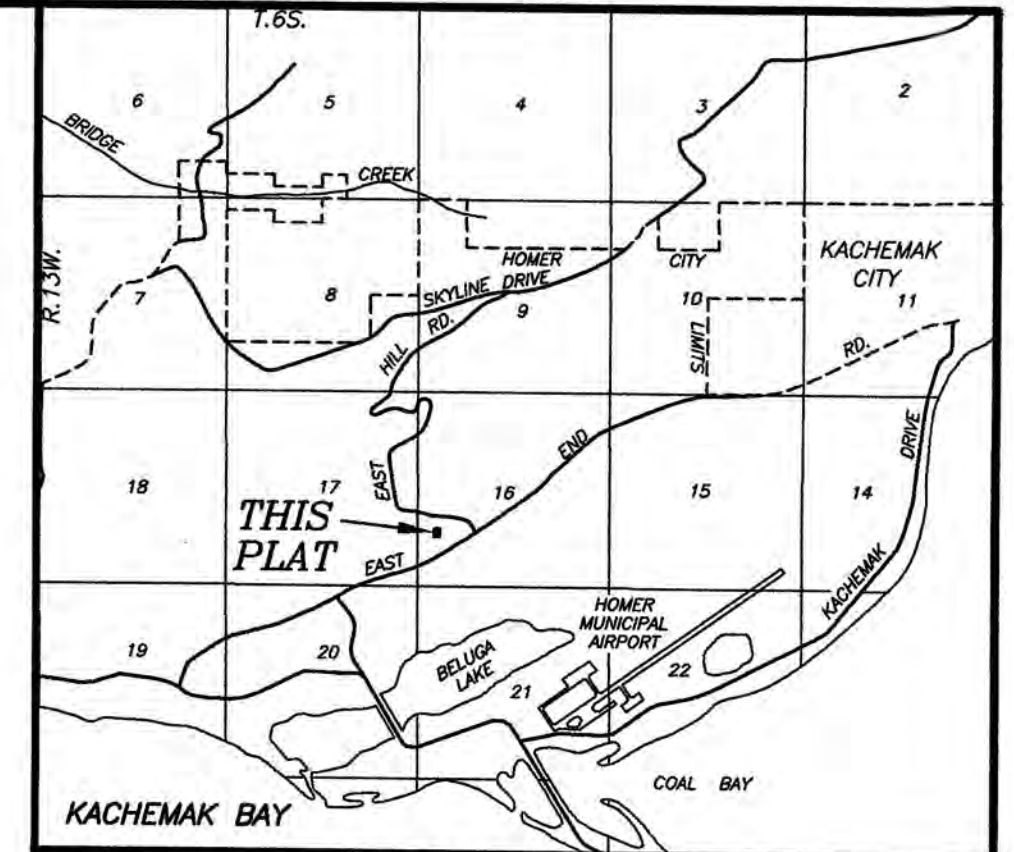
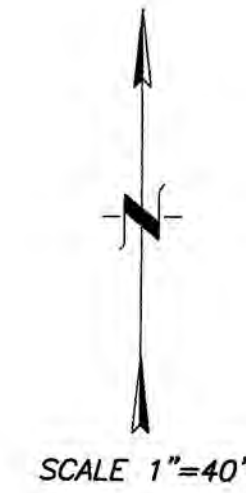
INDICATES REGIONS THAT POSSIBLY CONTAIN LOW WET AREAS PER KENAI WATERSHED FORUM 2013 COOK INLET WETLANDS MAPPING

**PLAT APPROVAL**

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

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

DATE \_\_\_\_\_



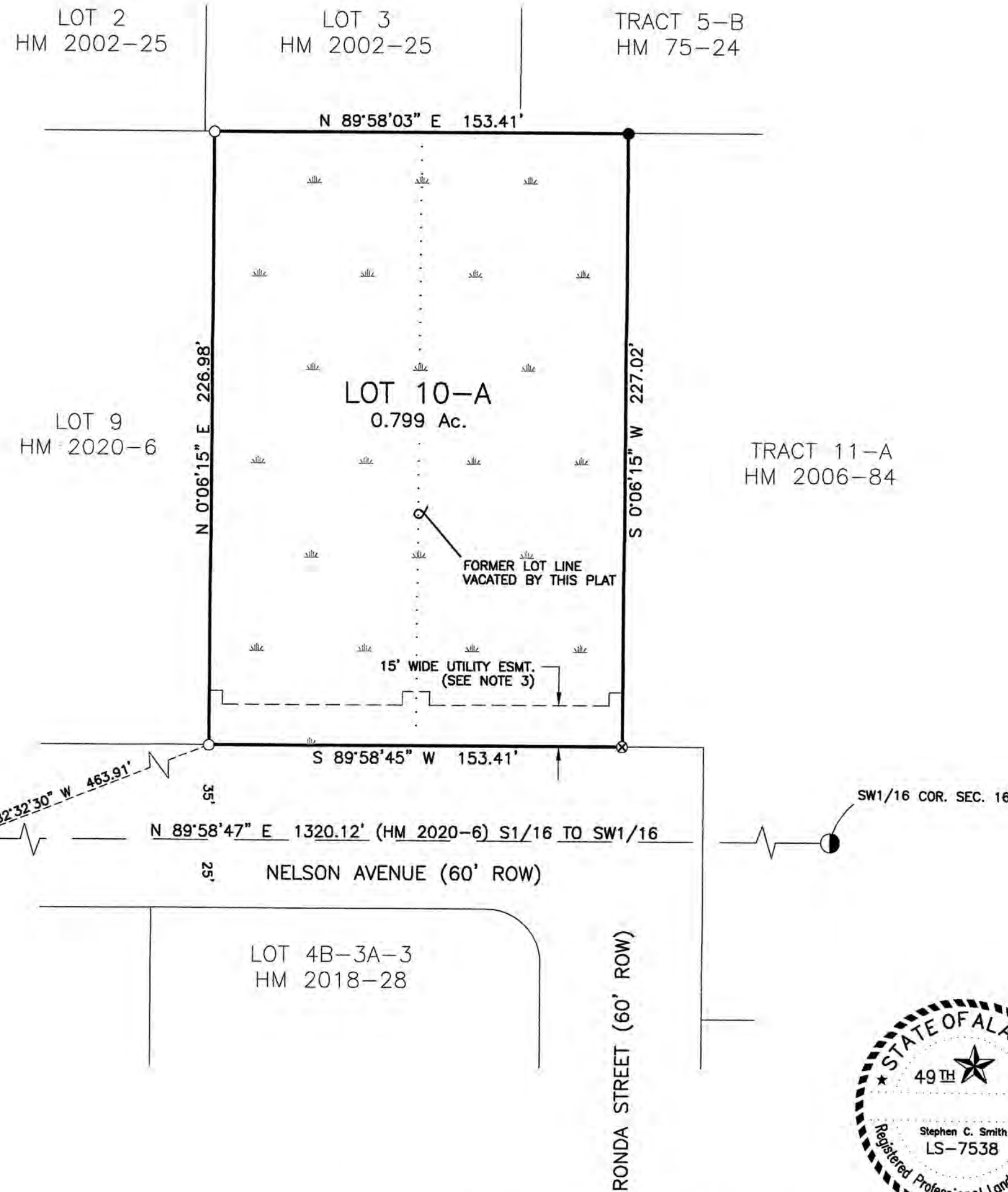
**VICINITY MAP**  
SCALE: 1" = 1 MILE U.S.G.S. QUAD. SELDOVIA (C-4 & C-5)

**CERTIFICATE OF OWNERSHIP**

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

JEANNE A. WERTANEN  
PO BOX 3441  
HOMER, ALASKA 99603

WILLIAM P. WERTANEN, SR.  
PO BOX 3441  
HOMER, ALASKA 99603



**NOTARY'S ACKNOWLEDGMENT**

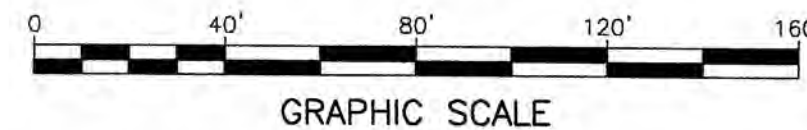
FOR JEANNE A. WERTANEN AND WILLIAM P. WERTANEN SR.

ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_  
DAY OF \_\_\_\_\_, 2021.

NOTARY PUBLIC FOR ALASKA

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

**KPB 2021-136**



HOMER RECORDING DISTRICT KPB FILE No. 2021-???

**JAMES WADDELL HOMESTEAD 2021 REPLAT**

THE VACATION OF THE LINE BETWEEN LOTS 10 AND 11, JAMES WADDELL HOMESTEAD PETSKA 2018 ADDITION (2020-6 HRD)

LOCATED WITHIN THE SW1/4, SEC 16, T. 6 S., R. 13 W., SEWARD MERIDIAN, CITY OF HOMER, KENAI PENINSULA BOROUGH, THIRD JUDICIAL DISTRICT, ALASKA CONTAINING 0.799 ACRES

OWNERS:  
JEANNE A. WERTANEN AND WILLIAM P. WERTANEN, SR.  
PO BOX 3441 HOMER, ALASKA 99603

**GEOVERA, LLC**

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

DRAWN BY: SCS	DATE: SEPTEMBER 2021	SCALE: 1" = 40'
CHK BY: SCS	JOB #2021-31	SHEET 1 OF 1

AGENDA ITEM E. NEW BUSINESS

ITEM 4 – JAMES WADDELL HOMESTEAD 2021 REPLAT

<b>KPB File No.</b>	2021-136
<b>Plat Committee Meeting:</b>	October 11, 2021
<b>Applicant / Owner:</b>	Jeanne and William Wertanen of Homer, Alaska
<b>Surveyor:</b>	Stephen Smith / Geovera, LLC
<b>General Location:</b>	City of Homer

<b>Parent Parcel No.:</b>	179-031-09, 179-031-10
<b>Legal Description:</b>	Lots 10 and 11, James Waddell Homestead Petska 2018 Addition, HM 2020-6
<b>Assessing Use:</b>	Residential
<b>Zoning:</b>	Rural Residential District
<b>Water / Wastewater</b>	City

**STAFF REPORT**

**Specific Request / Scope of Subdivision:** The proposed plat will combine two lots into one lot that will be 0.8 acres in size.

**Location and Legal Access (existing and proposed):** The subdivision is located on Nelson Avenue, a 60 foot wide right of way. Nelson Avenue is accessed via Ronda Street, a 60 foot wide right of way located along East End Road. Per KPB GIS Imagery dated 2021, Nelson Avenue, Ronda Street and South Slope Drive are constructed. The subdivision is located to the west of East Hill Road.

East End Road, Ronda Street, Nelson Avenue, South Slope Drive, and East Hill Road define the block. The right of ways appear to be constructed and provide a closed block. The block exceeds allowable length limits. To the north of the subdivision are some steep slopes and constructed homes that would make a through dedication difficult to obtain. *Staff recommends the plat committee concur an exception is not required as any required dedication would not be feasible or improve the block length.*

KPB Roads Dept. comments	
SOA DOT comments	No comment

**Site Investigation:** The land slopes to the southeast. No slopes greater than 20 percent appear to be present on the property. The property does contain areas affected by wetlands, which are indicated on the preliminary plat. The appropriate plat note to contact the U.S. Army Corps of Engineers is present on the plat.

KPB River Center review	<p>A. Floodplain Reviewer: Carver, Nancy Floodplain Status: Within City of Homer Comments: No comments</p> <p>B. Habitat Protection Reviewer: Carver, Nancy 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** The proposed plat will be combining two lots that were created by James Waddell Homestead Petska 2018 Addition, Plat HM 2020-6. The full width of Nelson Avenue and Ronda Street were granted in 2006 by Nelson Avenue and Ronda Street Right of Way Dedication plat, HM 2006-84. That plat created a tract that was further subdivided by James Waddell Homestead Petska 2014 Addition, HM 2018-3. The most recent and current configuration was then approved and finalized. All easements and required plat notes from parent plats have been carried over or noted.

The proposed subdivision is within the City of Homer. The Homer Planning Commission heard the replat at their August 4, 2021 meeting. The Homer Planning Commission determined that the plat met their city code and recommended approval of the proposed plat. The staff report notes that city water and sewer are available.

A soils report will not be required. An installation agreement has been recorded per HM 2018-002823-0.

**Utility Easements** The parent plat granted 15 foot utility easements adjoining Nelson Avenue with 20 foot easements within 5 feet of the side lot lines where adjoining Nelson Avenue. The easement is correctly depicted and is referenced in plat note 3. **Staff recommends that the plat note include that the easements were granted by HM 2020-6.**

There are several easements granted by document and are referenced correctly in plat notes 5 and 7.

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 recommendations
ACS	No objection
GCI	

**KPB department / agency review:**

Addressing	<p>Reviewer: Haws, Derek  Affected Addresses:  1150 NELSON AVE</p> <p>Existing Street Names are Correct: Yes  List of Correct Street Names:  NELSON AVE  RONDA ST</p> <p>Existing Street Name Corrections Needed:  All New Street Names are Approved: No  List of Approved Street Names:  List of Street Names Denied:</p> <p>Comments:  City of Homer will advise on affected addresses.</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>

	Material Site Comments: There are not any material site issues with this proposed plat. Review Not Required
Assessing	Reviewer: Bruns, Matthew Comments: No concerns from Assessing Dept.

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

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

**KPB 20.30 – Subdivision Design Requirements**

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

20.30.270. Different standards in cities. Where cities have enacted by ordinance different subdivision design standards than those set forth in this chapter, the planning commission shall apply the city standards in lieu of those set forth in this chapter. Any appeal of a city design standard is subject to KPB 21.01.020(E).

**Staff recommendation:** The City of Homer does not meet the specified requirements for the application and consideration of different standards.

**KPB 20.40 – Wastewater Disposal**

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

20.40.010 Wastewater disposal.

*Platting Staff Comments:* An installation agreement has been recorded per HM 2018-002823-0.

**Staff recommendation:** comply with 20.40.

**KPB 20.60 – Final Plat**

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

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

**Staff recommendation:** An installation agreement has been recorded per HM 2018-002823-0.

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 7 by removing “That” and replacing with “A”.

Add "WASTEWATER DISPOSAL: "Plans for wastewater disposal that meet regulatory requirements are on file at the Department of Environmental Conservation."

20.60.190. Certificates, statements, and signatures required.

**Staff recommendation:** Mr. Wertanen took title as William P. Wertanen and William P. Wertanen, Sr. Add, "aka William P. Wertanen" or "also took title as William P. Wertanen". Comply with 20.60.190.

---

**RECOMMENDATION:**

**STAFF RECOMMENDS:**

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

NOTE: 20.25.120. - REVIEW AND APPEAL.

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

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

END OF STAFF REPORT

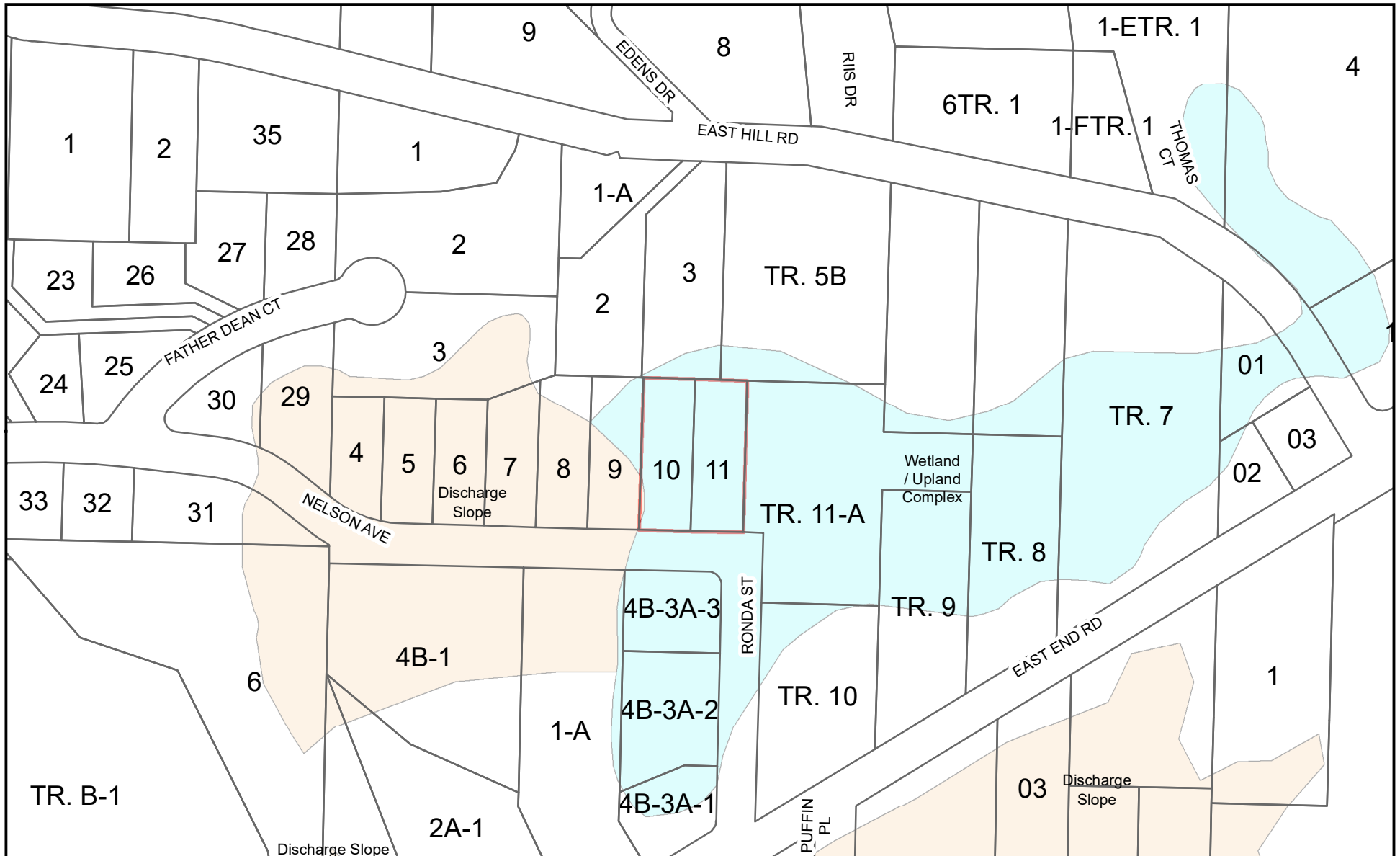
# James Waddell Homestead 2021 Replat



© All Pictometry



James Waddell Homestead 2021 Replat  
KPB File 2021-136



**NOTES**

1. BASIS OF BEARING FOR THIS SURVEY WAS DETERMINED BY A HIGH PRECISION GPS SURVEY USING TOPCON DUAL-FREQUENCY HIPer V RECEIVERS, DIFFERENTIALLY CORRECTED AND PROCESSED WITH MAGNET OFFICE VERSION 3.1 SOFTWARE. NAD83 ALASKA STATE PLANE GRID COORDINATES (U.S. SURVEY FEET) OBTAINED FROM THE GPS. OBSERVATIONS WERE BASED ON THE NGS PUBLISHED VALUES FOR FEDERAL BASE NETWORK CONTROL STATION "HOMAIR" (PID TT0155).
2. TRUE BEARINGS AND DISTANCES WERE DETERMINED BY ROTATING AND SCALING FROM GRID USING FEDERAL BASE NETWORK CONTROL STATION "HOMAIR" AS A SCALING POINT. TRUE BEARINGS WERE DETERMINED BY ROTATING GRID INVERSE AZIMUTHS -117°13.4". TRUE DISTANCES WERE OBTAINED BY DIVIDING GRID INVERSE DISTANCES BY 0.999986696.
3. THE RESULTING SCALED COORDINATES WERE TRANSLATED TO A LOCAL COORDINATE SYSTEM BASED ON FEDERAL BASE NETWORK CONTROL STATION "HOMAIR" N=100,000 E=100,000. ALL COORDINATE VALUES REPRESENT GROUND DISTANCES IN U.S. SURVEY FEET ORIENTED TO TRUE NORTH.
4. ALL LOTS WITHIN THIS SUBDIVISION ARE SUBJECT TO CITY OF HOMER ZONING REGULATIONS. REFER TO THE HOMER CITY CODE FOR ALL CURRENT SETBACK AND SITE DEVELOPMENT RESTRICTIONS. OWNERS SHOULD CHECK WITH THE CITY OF HOMER PLANNING DEPARTMENT PRIOR TO DEVELOPMENT ACTIVITIES.
5. THE 15 FEET FRONTING THE RIGHT-OF-WAYS AND THE FRONT 20 FEET WITHIN 5 FEET OF THE SIDE LOT LINES IS A UTILITY EASEMENT. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
6. 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.
7. THE LOT IS AFFECTED BY AN EASEMENT OF RECORD WITH NO DEFINED LOCATION GRANTED TO HOMER ELECTRIC ASSOCIATION (BK19, PG 104 HRD).
8. THESE LOTS ARE SERVED BY CITY OF HOMER WATER AND SEWER.
9. ACCESS TO STATE MAINTAINED EAST HILL ROAD IS PROHIBITED WITHOUT PRIOR WRITTEN APPROVAL FROM THE ALASKA STATE DOT.
10. THE SUBDIVISION MAY BE AFFECTED BY THAT WATER PIPELINE EASEMENT IN FAVOR OF THE UNITED STATES OF AMERICA RECORDED FEBRUARY 16, 1955 (BK 5, PAGE 335 HRD). LOCATION NOT DETERMINED BY THIS SURVEY.
11. THE SUBDIVISION IS AFFECTED BY A GENERAL EASEMENT GRANTED TO ENSTAR NATURAL GAS COMPANY (HM 2019-003061-0) WITH NO DEFINED LOCATION UNTIL GAS LINE IS PLACED IN WHICH CASE THE EASEMENT IS 15 FEET IN WIDTH CENTERED ON THE NATURAL GAS LINE.

**CERTIFICATE OF ACCEPTANCE**

THE UNDERSIGNED OFFICIAL IDENTIFIED BY NAME AND TITLE IS AUTHORIZED TO ACCEPT AND HEREBY ACCEPTS ON BEHALF OF THE CITY OF HOMER FOR PUBLIC USES AND FOR PUBLIC PURPOSES THE REAL PROPERTY TO BE DEDICATED BY THIS PLAT INCLUDING EASEMENTS, RIGHTS-OF-WAY, ALLEYS, AND OTHER PUBLIC AREAS SHOWN ON THIS PLAT IDENTIFIED AS FOLLOWS:

THE UTILITY EASEMENTS WITHIN THE 15 FEET FRONTING RIGHTS-OF-WAY AND 20 FEET WITHIN 5 FEET OF SIDE LOT LINES.

THE FATHER DEAN COURT ~~WAY~~ RIGHT OF WAY WITHIN THE CUL DE SAC.

THE ACCEPTANCE OF LANDS FOR PUBLIC USE OR PUBLIC PURPOSE DOES NOT OBLIGATE THE PUBLIC OR ANY GOVERNING BODY TO CONSTRUCT, OPERATE, OR MAINTAIN IMPROVEMENTS.

BY: Rick Abboud DATE: 3/28/2020  
 KATHI KOESTER, CITY MANAGER  
 CITY OF HOMER, ALASKA Rick Abboud, Acting City Manager

**LEGEND**

- INDICATES ALUM. POST MONUMENT RECOVERED THIS SURVEY (2087-S 1978)
- INDICATES DOT ALUM. CAP IN PAVEMENT RECOVERED THIS SURVEY (MARKINGS OBLITERATED)
- INDICATES 2" ALCAP ON 5/8" REBAR (5780-S, 2006) RECOVERED THIS SURVEY
- INDICATES CORNER RECOVERED THIS SURVEY AS SHOWN
- INDICATES 2" ALCAP ON 5/8" REBAR (7968-S, 2018) RECOVERED THIS SURVEY
- INDICATES 2" ALCAP ON 5/8" REBAR (7538-S, 2018) SET THIS SURVEY
- (M) MEASURED DIMENSION THIS SURVEY

INDICATES SLOPES EXCEEDING 20%

INDICATES REGIONS THAT POSSIBLY CONTAIN LOW WET AREAS PER KENAI WATERSHED FORUM 2013 COOK INLET WETLANDS MAPPING

**WASTEWATER DISPOSAL**

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

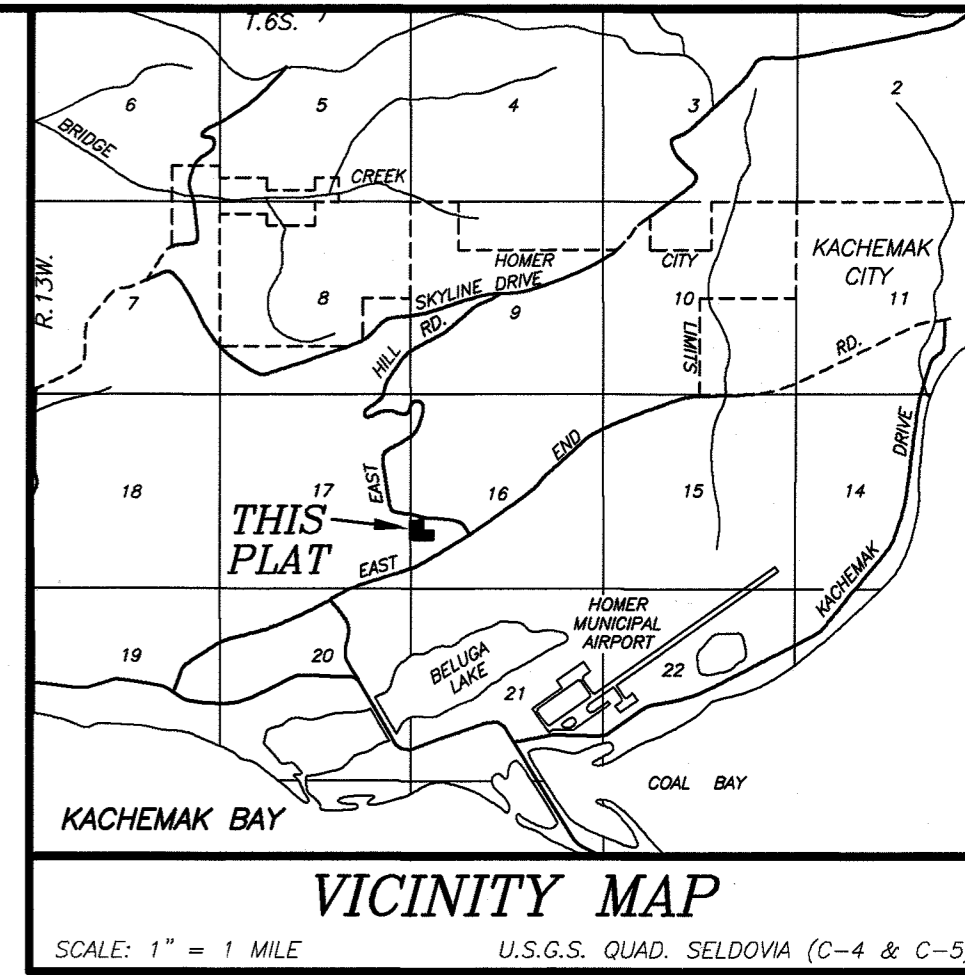
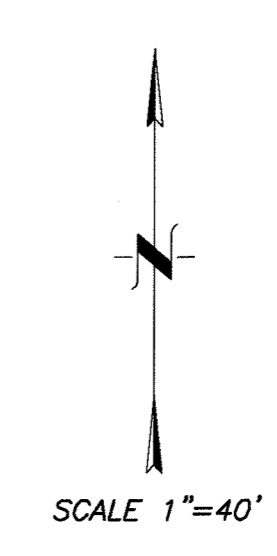
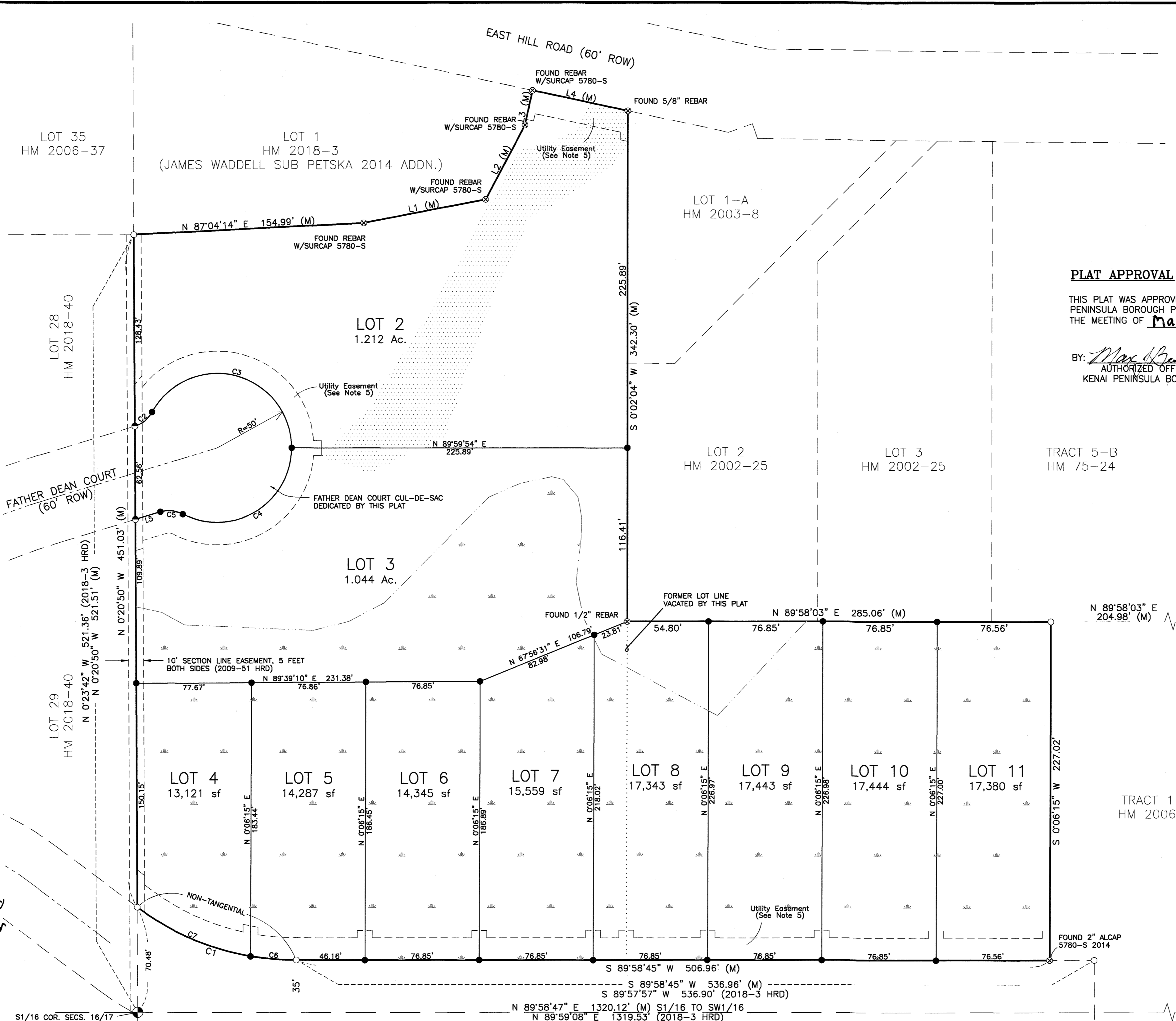
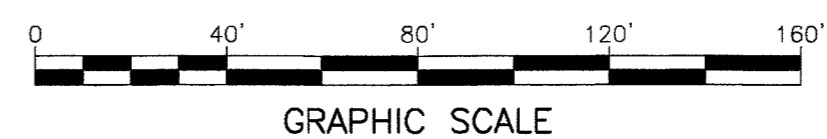
Stephen C. Smith LS-7538 3/20/2020  
 SURVEYOR LICENSE # DATE

**LINE TABLE**

LINE	BEARING	DISTANCE
L1	N 79°05'43" E	83.39'
L2	N 27°56'51" E	56.30'
L3	N 12°10'17" E	23.70'
L4	S 77°59'36" E	65.76'
L5	S 73°11'30" W	17.73'

**CURVE TABLE**

CURVE	DELTA	RADIUS	LENGTH	CHORD BRNG	CHORD DIST
C1	36°57'01"	178.00'	114.79'	N 71°43'08" W	112.81'
C2	44°25'00"	20.00'	15.50'	N 50°59'05" E	15.12'
C3	151°13'19"	50.00'	131.97'	S 75°36'46" E	96.86'
C4	117°36'31"	50.00'	102.63'	S 58°48'10" W	85.54'
C5	44°24'55"	20.00'	15.50'	N 84°36'02" W	15.12'
C6	9°55'32"	178.00'	30.84'	N 85°13'52" W	30.80'
C7	27°01'29"	178.00'	83.96'	N 66°45'22" W	83.18'



**PLAT APPROVAL**

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF May 29, 2020  
 BY: Max Abbott AUTHORIZED OFFICIAL  
 KENAI PENINSULA BOROUGH  
 DATE: 4-3-2020

**CERTIFICATE OF OWNERSHIP**

WE HEREBY CERTIFY THAT PETSKA COMMUNITY PROPERTY TRUST IS THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON, THAT ON BEHALF OF PETSKA COMMUNITY PROPERTY TRUST 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 HEREON.

Bruce John Petska  
 BRUCE JOHN PETSKA  
 TRUSTEE OF PETSKA COMMUNITY PROPERTY TRUST  
 567 HIDDEN WAY  
 HOMER, ALASKA 99603

Marivel Jean Petska  
 MARIVEL JEAN PETSKA  
 TRUSTEE OF PETSKA COMMUNITY PROPERTY TRUST  
 567 HIDDEN WAY  
 HOMER, ALASKA 99603

**NOTARY'S ACKNOWLEDGMENT**

FOR: Bruce J Petska  
 ACKNOWLEDGED BEFORE ME THIS 28th DAY OF March, 2020.  
 STATE OF ALASKA  
 NOTARY PUBLIC  
 Emily E. Berg  
 My Commission Expires Aug. 28, 2021  
 MY COMMISSION EXPIRES: 08-28-2021

**NOTARY'S ACKNOWLEDGMENT**

FOR: Marivel J Petska  
 ACKNOWLEDGED BEFORE ME THIS 26th DAY OF March, 2020.  
 STATE OF ALASKA  
 NOTARY PUBLIC  
 Emily E. Berg  
 My Commission Expires Aug. 28, 2021  
 MY COMMISSION EXPIRES: 08-28-2021

SW1/16 COR. SEC. 16  
 N=105,169.6457  
 E=96,844.9189  
 2020-6  
**Plat #**  
Homer  
**Roll Dist**  
417  
**Date**  
3/20/2020  
**Time**  
1:13 P.M.

STATE OF ALASKA  
 49th  
Stephen C. Smith  
 Surveyor  
 License # LS-7538  
 3/26/2020

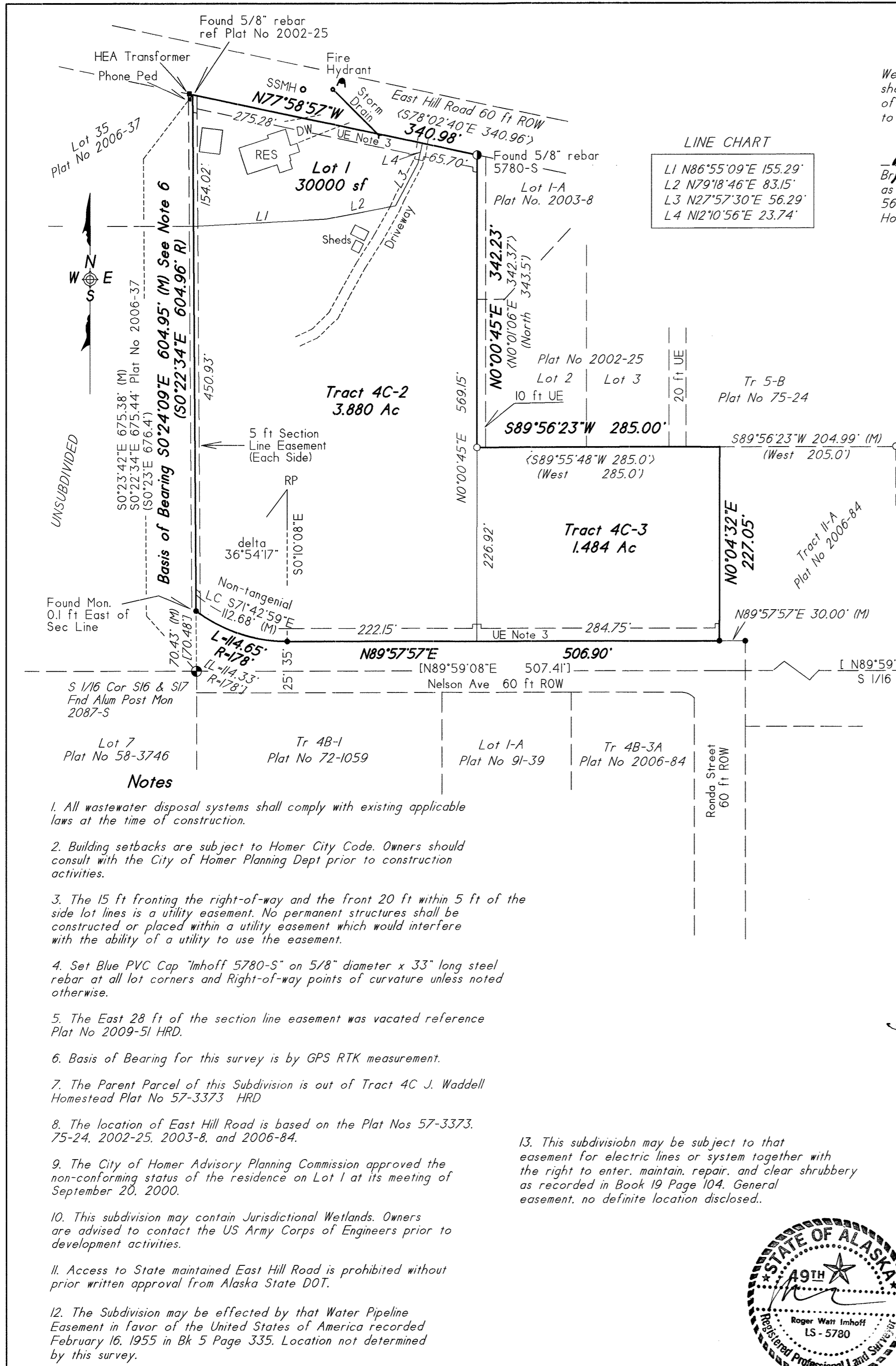
HOMER RECORDING DISTRICT KP FILE No. 2018-049

**JAMES WADDELL HOMESTEAD  
 PETSKA 2018 ADDITION**  
 THE SUBDIVISION OF TRACTS 4C-2 AND 4C-3,  
 JAMES WADDELL HOMESTEAD PETSKA 2014 ADDITION  
 (2018-3 HRD)

LOCATED WITHIN THE SW1/4, SEC. 16,  
 T. 6 S., R. 13 W., SEWARD MERIDIAN, CITY OF HOMER, KENAI  
 PENINSULA BOROUGH, THIRD JUDICIAL DISTRICT, ALASKA  
 CONTAINING 5.365 ACRES  
 OWNERS:  
 BRUCE JOHN PETSKA AND MARIVEL JEAN PETSKA  
 AS TRUSTEES OF PETSKA COMMUNITY PROPERTY TRUST  
 567 HIDDEN WAY HOMER, ALASKA 99603

**GEOVERA, LLC**  
 PO BOX 3235  
 HOMER ALASKA 99603  
 (907) 399-4345  
 EMAIL: scsmith@gci.net

DRAWN BY: SCS DATE: JANUARY 2020 SCALE: 1" = 40'  
 CHK BY: SCS JOB #18-18 SHEET 1 OF 1



**LINE CHART**

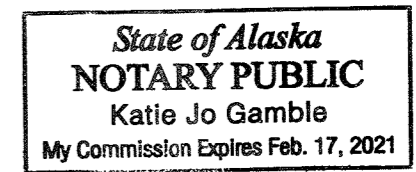
L1	N86°55'09"E	155.29'
L2	N79°18'46"E	83.15'
L3	N27°57'30"E	56.29'
L4	N12°10'56"E	23.74'

**Ownership Certificate**

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

*Bruce J. Petska* *Marivel J. Petska*  
 Bruce John Petska and Marivel Jean Petska  
 as Trustees of Petska Community Property Trust  
 567 Hidden Way,  
 Homer AK 99603

Notary's Acknowledgement  
 for Bruce John Petska and Marivel Jean Petska  
 Acknowledged before me this 21 day  
 of February, 2018  
*Katie Jo Gamble*  
 Notary Public for Alaska  
 My Commission Expires 2/17/21

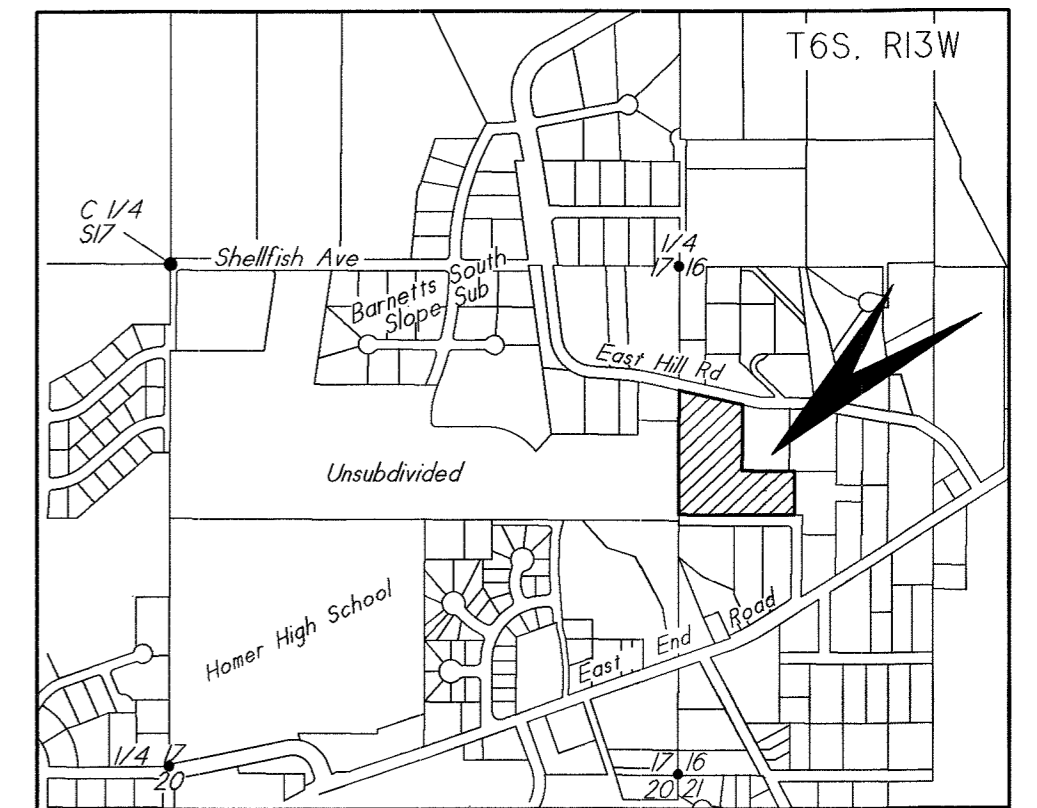


**Legend**

- Found 2" Aluminum Cap on 5/8" rebar 5780-S 2006
- ⊙ Found Monument of Record as described
- Found 1/2" Rebar 268-S
- ( ) Dimension of Record Plat No 57-3373
- < > Dimension of Record Plat No 2002-25
- [ ] Dimension of Record Plat No 2006-84
- UE Utility Easement

**Plat Approval**

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of  
JUNE 12, 2006  
 KENAI PENINSULA BOROUGH  
 By: *Manuel Best* 2-28-18  
 Authorized Official  
 Vicinity Map 1" = 1000 ft



**Notes**

1. All wastewater disposal systems shall comply with existing applicable laws at the time of construction.
2. Building setbacks are subject to Homer City Code. Owners should consult with the City of Homer Planning Dept prior to construction activities.
3. The 15 ft fronting the right-of-way and the front 20 ft within 5 ft of the side lot lines 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 the easement.
4. Set Blue PVC Cap "Imhoff 5780-S" on 5/8" diameter x 33" long steel rebar at all lot corners and Right-of-way points of curvature unless noted otherwise.
5. The East 28 ft of the section line easement was vacated reference Plat No 2009-51 HRD.
6. Basis of Bearing for this survey is by GPS RTK measurement.
7. The Parent Parcel of this Subdivision is out of Tract 4C J. Waddell Homestead Plat No 57-3373 HRD
8. The location of East Hill Road is based on the Plat Nos 57-3373, 75-24, 2002-25, 2003-8, and 2006-84.
9. The City of Homer Advisory Planning Commission approved the non-conforming status of the residence on Lot 1 at its meeting of September 20, 2000.
10. This subdivision may contain Jurisdictional Wetlands. Owners are advised to contact the US Army Corps of Engineers prior to development activities.
11. Access to State maintained East Hill Road is prohibited without prior written approval from Alaska State DOT.
12. The Subdivision may be effected by that Water Pipeline Easement in favor of the United States of America recorded February 16, 1955 in Bk 5 Page 335. Location not determined by this survey.

13. This subdivisiobn may be subject to that easement for electric lines or system together with the right to enter, maintain, repair, and clear shrubbery as recorded in Book 19 Page 104. General easement, no definite location disclosed.

**Wastewater Disposal**

Lot 1  
 Plans for wastewater disposal that meet regulatory requirements are on file at the State of Alaska Department of Environmental Conservation.

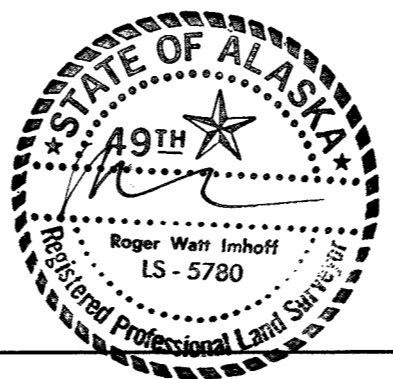
Tract 4C-2 and Tract 4C-3  
 Soil conditions in this subdivision have been found unsuitable for conventional onsite wastewater treatment and disposal systems. Plans for a typical alternate wastewater system for use on lots in this subdivision are included in the Engineer's Subdivision and Soils Report 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.

*John R. [Signature]* GE-10899 2/20/2018  
 Engineer License No. Date

2018-3  
**Plat #**  
**Homer**  
 Rec Dist  
3-2-2018  
 Date  
 Time 3:02 P.M.

**Surveyor's Certificate**

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



*[Signature]* 2/22/18  
 Roger W. Imhoff LS 5780 Date

**James Waddell Homestead  
 Petska 2014 Addition**

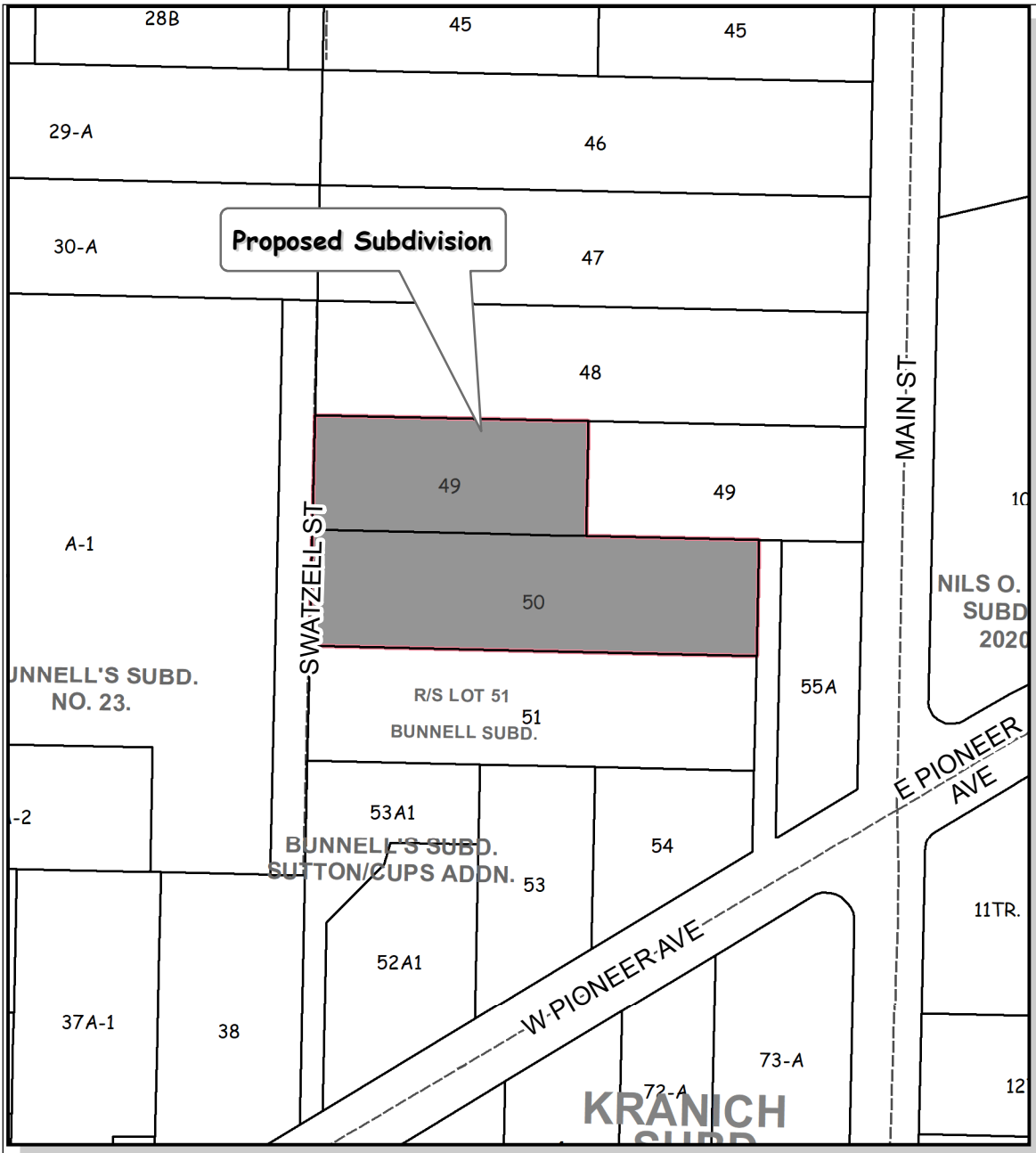
Being a subdivision of Tract 4C-1  
 Nelson Avenue and Ronda Street Right-of-Way Dedication  
 according to Plat No 2006-84

Located within the SW 1/4 Section 16,  
 T6S, R13W, SM, in the City of Homer

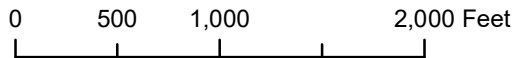
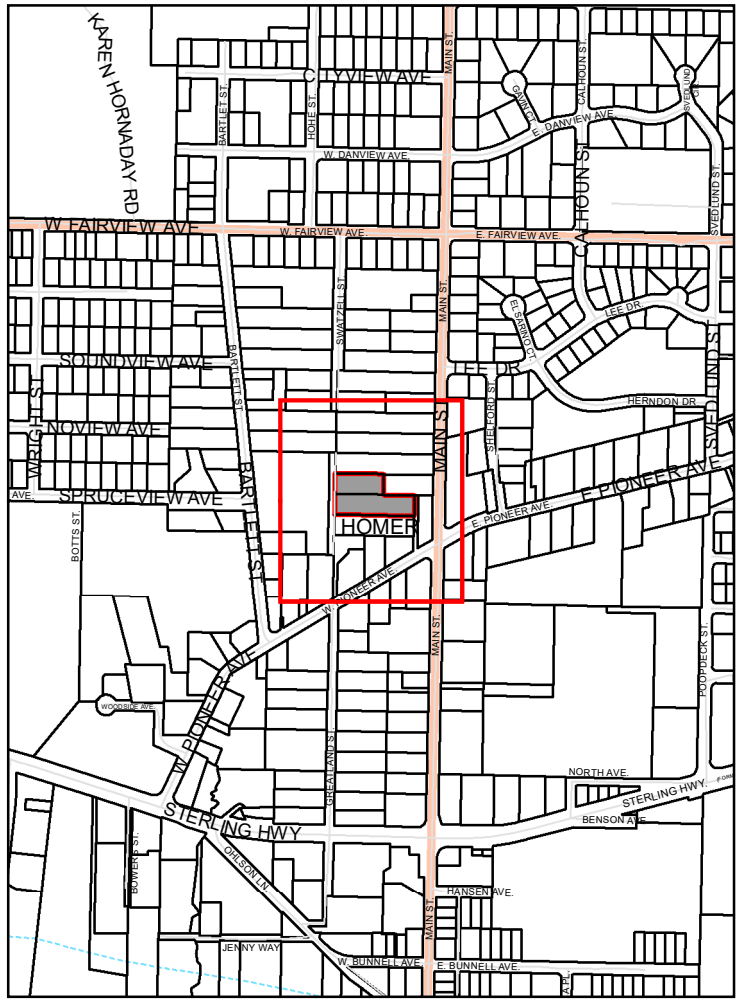
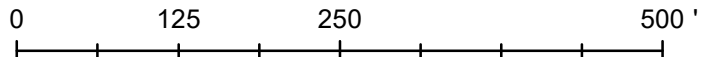
within the Kenai Peninsula Borough  
 Homer Recording District  
 Third Judicial District, Alaska

Contains 6.053 Acres, more or less

Clients: Petska Community Property Trust 567 Hidden Way Homer Ak 99603	Surveyor: Roger W. Imhoff, RLS PO Box 2588 Homer Ak 99603
Drawn: RWI	Date: 3-30-06
Scale 1" = 100 ft	KPB File No. 2006-122



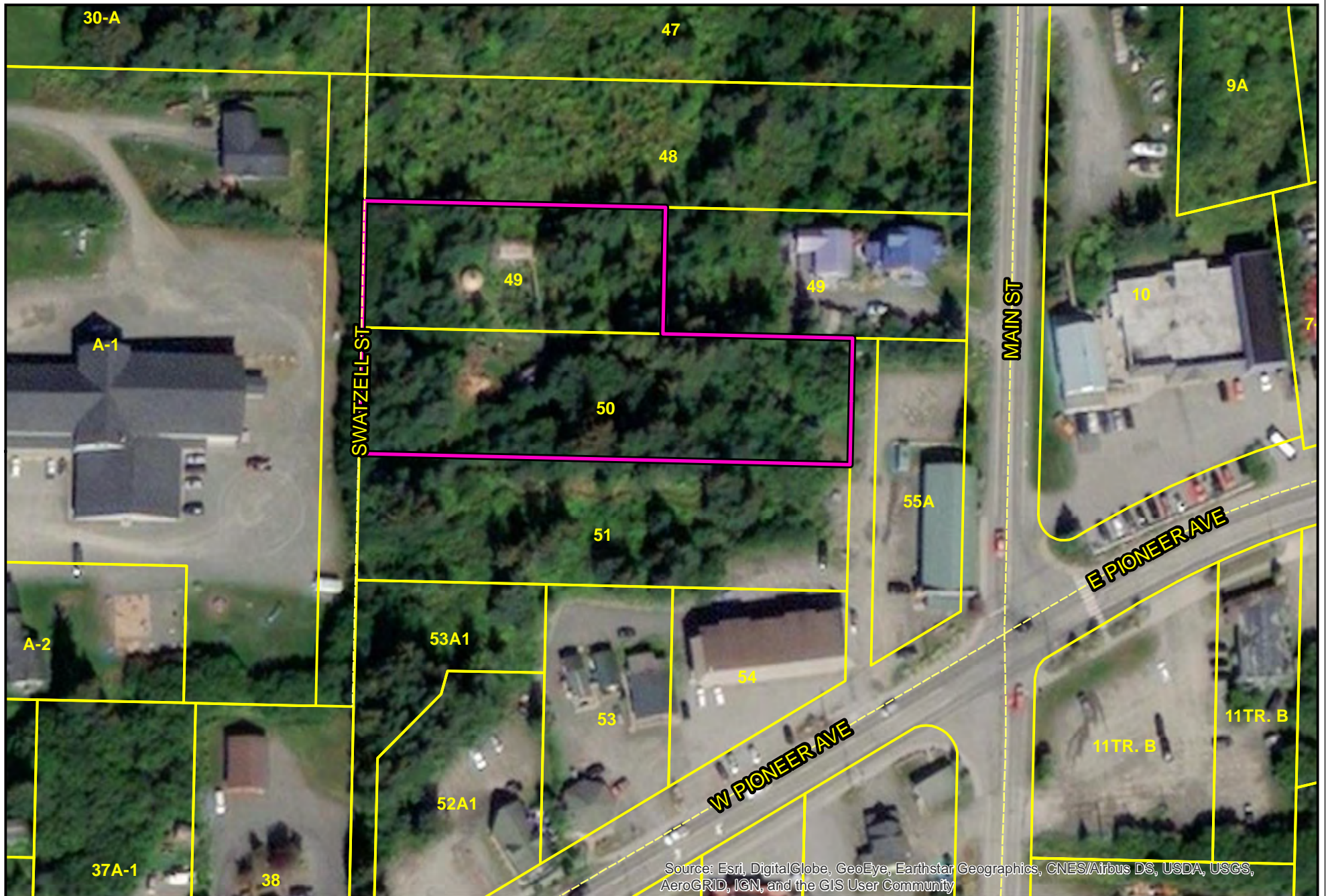
The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



**KPB 2021-134**  
**S19 T06S R13W**  
**HOMER**

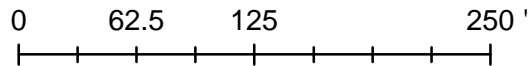






Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

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.



Aerial View



 PRELIMINARY PLAT

PClements, KPB 2021-134  
Imagery WORLD

**NOTES**

1. NO PERMANENT STRUCTURES SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE SAID EASEMENT.
2. ALL WASTEWATER DISPOSAL SYSTEMS SHALL COMPLY WITH EXISTING APPLICABLE LAWS AT THE TIME OF CONSTRUCTION.
3. THESE LOTS ARE SERVED BY CITY OF HOMER WATER AND SEWER.
4. THESE LOTS ARE SUBJECT TO CITY OF HOMER ZONING REGULATIONS. REFER TO HOMER CITY CODE FOR ALL CURRENT SETBACK AND SITE DEVELOPMENT RESTRICTIONS. OWNERS SHOULD CHECK WITH THE CITY OF HOMER PRIOR TO DEVELOPMENT ACTIVITIES.
5. THE CENTERLINE OF THE EXISTING CREEK AS SHOWN IS THE CENTERLINE OF A 15' WIDE DRAINAGE EASEMENT GRANTED THIS PLAT.
6. PROPERTY OWNER/S SHOULD CONTACT THE ARMY CORPS OF ENGINEERS PRIOR TO ANY ON-SITE DEVELOPMENT OR CONSTRUCTION ACTIVITY TO OBTAIN THE MOST CURRENT WETLAND DESIGNATION (IF ANY). PROPERTY OWNERS ARE RESPONSIBLE FOR OBTAINING ALL REQUIRED LOCAL, STATE, AND FEDERAL PERMITS.

**PLAT APPROVAL**

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

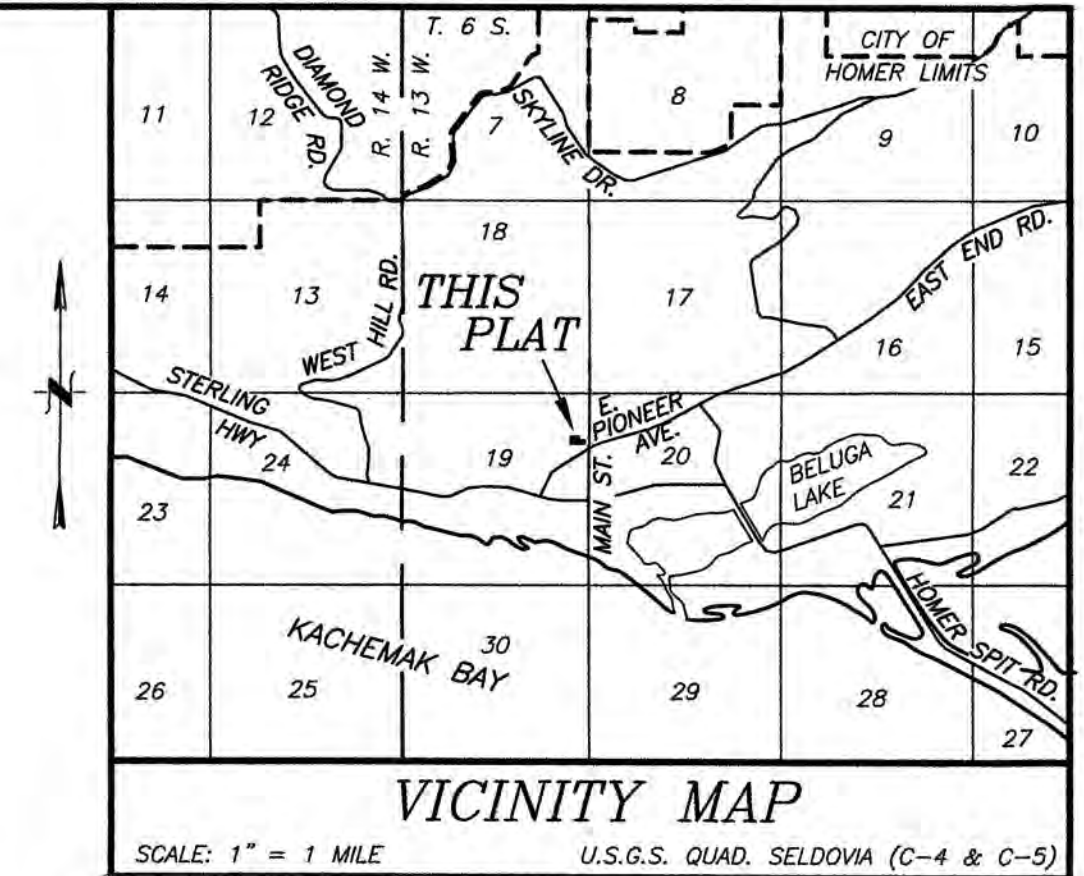
BY: \_\_\_\_\_ AUTHORIZED OFFICIAL  
KENAI PENINSULA BOROUGH  
DATE \_\_\_\_\_

**WASTEWATER DISPOSAL**

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

**NOTARY'S ACKNOWLEDGMENT**

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

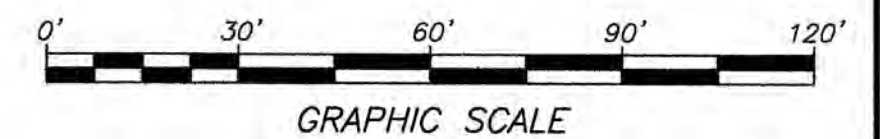


**CERTIFICATE OF OWNERSHIP**

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

\_\_\_\_\_  
TIMOTHY A HAIGH  
P.O. BOX 863  
HOMER, AK 99603

\_\_\_\_\_  
TIMOTHY HAIGH, AUTHORIZED SIGNATORY FOR:  
HAIGH TIM AND RUBY LIVING TRUST  
P.O. BOX 863  
HOMER, AK 99603



HOMER RECORDING DISTRICT KPB FILE NO. 2021-XXX

<b>BUNNELL'S SUBDIVISION HAIGH 2021 REPLAT</b>		
A REPLAT OF LOT 50 BUNNELL'S SUBDIVISION (HM 0000049) & THE WEST 1/2 LOT 49 BUNNELL'S SUBDIVISION (HM 0000049) LOCATED WITHIN THE NE 1/4, SEC 19, T. 6 S., R. 13 W., SEWARD MERIDIAN, CITY OF HOMER, KENAI PENINSULA BOROUGH, THIRD JUDICIAL DISTRICT, ALASKA  CONTAINING 1.428 ACRES		
<b>SEABRIGHT SURVEY + DESIGN KENTON T. BLOOM, P.L.S.</b> 1044 EAST ROAD, SUITE A HOMER, ALASKA 99603 (907) 299-1091		
CLIENTS: HAIGH TIM & RUBY LIVING TRUST P.O. BOX 863 HOMER, AK 99603 TIMOTHY A HAIGH P.O. BOX 863 HOMER, AK 99603		
DRAWN BY: KK	CHKD BY: KB	JOB #2021-32
DATE: 9/2021	SCALE: 1"=40'	SHEET #1 OF 1



**CERTIFICATE OF ACCEPTANCE**

THE UNDERSIGNED OFFICIAL IDENTIFIED BY NAME AND TITLE IS AUTHORIZED TO ACCEPT AND HEREBY ACCEPTS ON BEHALF OF THE CITY OF HOMER FOR PUBLIC USES AND FOR PUBLIC PURPOSES THE 30' WIDE RIGHT-OF-WAY DEDICATED THIS PLAT, THE 15' WIDE UTILITY EASEMENT & THE 15' WIDE DRAINAGE EASEMENT GRANTED 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.

\_\_\_\_\_  
ROB DUMOUCHEL, CITY MANAGER  
CITY OF HOMER

DATE \_\_\_\_\_

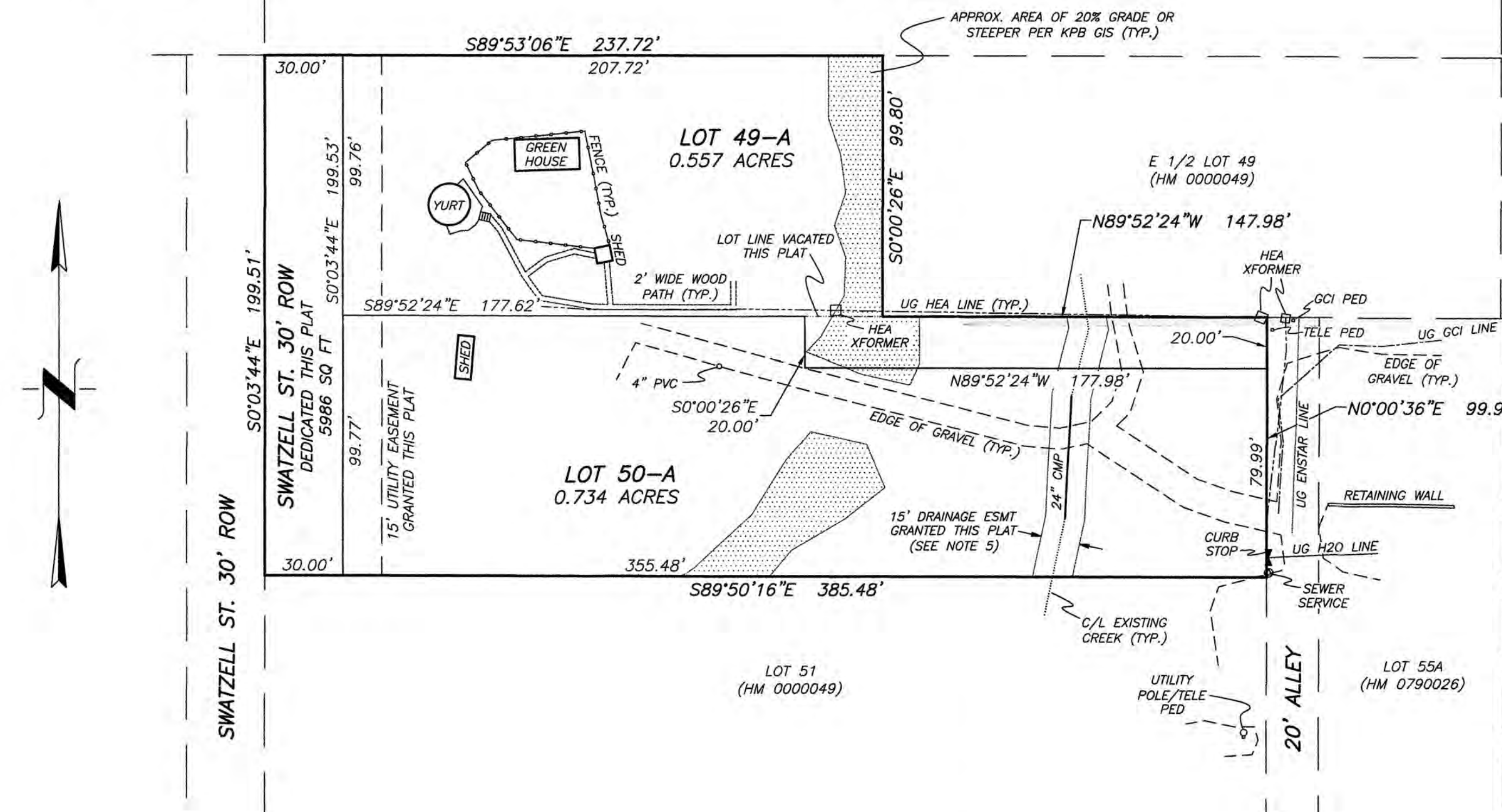
**NOTARY'S ACKNOWLEDGMENT**

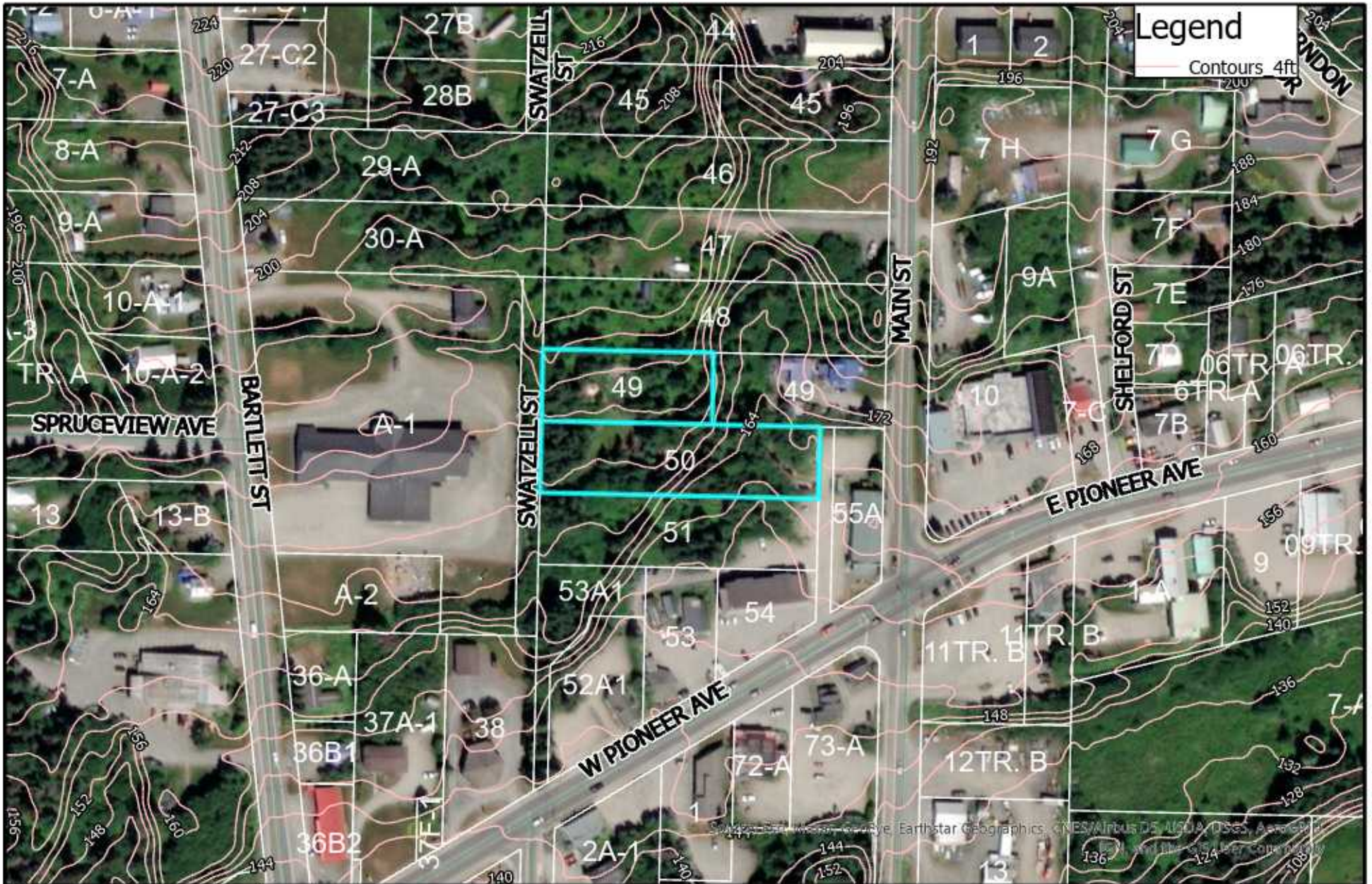
FOR: \_\_\_\_\_  
ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_  
DAY OF \_\_\_\_\_, 2021  
\_\_\_\_\_  
NOTARY PUBLIC FOR ALASKA  
MY COMMISSION EXPIRES \_\_\_\_\_

**KPB 2021-134**

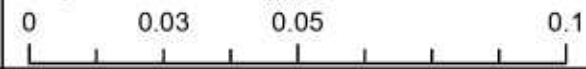
LOT 30-A  
(HM 0860044)

LOT 48  
(HM 0000049)





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



AERIAL IMAGERY 2019

CONTOUR DATA

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

AGENDA ITEM E. NEW BUSINESS

**ITEM 5 – BUNNELL’S SUBDIVISION HAIGH 2021 REPLAT**

<b>KPB File No.</b>	2021-134
<b>Plat Committee Meeting:</b>	October 11, 2021
<b>Applicant / Owner:</b>	Tim and Ruby Haigh, Tim and Ruby Haigh Living Trust of Homer, Alaska
<b>Surveyor:</b>	Kenton Bloom / Seabright Survey and Design
<b>General Location:</b>	City of Homer

<b>Parent Parcel No.:</b>	175-142-21, 175-142-22
<b>Legal Description:</b>	West ½ of Lot 49 and all of Lot 50, Bunnell’s Subdivision (HM 49)
<b>Assessing Use:</b>	Residential
<b>Zoning:</b>	Medical District
<b>Water / Wastewater</b>	City water and sewer available

---

**STAFF REPORT**

**Specific Request / Scope of Subdivision:** The proposed plat will subdivide reconfigure a shared lot line between two lots and dedicate a 30 foot wide dedication.

**Location and Legal Access (existing and proposed):** Legal, and physical, access to the subdivision is by way of a 20 foot alleyway that connects to W. Pioneer Avenue.

Both lots front a 30 foot wide dedication named Swatzell Street. This plat is proposing, at the City of Homer Planning Commission’s request, a matching 30 foot wide dedication of Swatzell Street to provide a full 60 foot dedication along the subdivision. Swatzell Street does not connect to the Swatzell Street to the north as there is a 200 foot gap where the street has not been dedicated. Per Plat HM 2006-57, there is a 30 foot public access easement within the panhandle of Lot 53A1 that connects Swatzell Street to W. Pioneer Ave.

Lot 55A is the Homer Movie Theater. The alley is developed as it provides access to the theater parking area and to the abutting lots.

W Fairview Avenue, Main Street, W Pioneer Avenue, and Bartlett Street define a closed block. The block does exceed allowable limits along the north-south boundary. The east-west block lengths are compliant but the eventual through dedication of Swatzell Street would provide a smaller, but compliant block. In order to bring the block into compliance the plat would be required to dedicate an east-west right of way to provide connection between Swatzell Street and Main Street. Due to existing structures, the ability to get a full dedication will be difficult. **Staff recommends the plat committee concur that an exception is not required as any required dedication would not be feasible or improve the block.**

A comment was received from Roy Thomas, the landowner of Lots 48 and 47 located to the north of the subdivision. He has concerns regarding the requirement to dedicate 30 foot of right of way. He notes that after many years, the right of way remains disconnected and no segment is constructed. He also states there are no land locked parcels as they have access from the existing Swatzell Street dedication and in lieu of access along the dedication, some of the back lots utilize utility easement to access from Bartlett Street. He requests the acquisition of additional right of way be paused until the need is validated or confirmed by studies or development.

The parent subdivision created many long narrow lots that had access from Bartlett Street and the section line easement that is now Main Street. Through the years, the owners of the long narrow lots wanted to subdivide and they were required to make sure all lots had access. The first portion of the right of way was granted by plat HM 78-44. Subsequent sections were granted by HM 79-58 (Amended by HM 83-122), HM 80-26, HM 83-09, and HM 2013-10. The City Planner, per the minutes from the September 1, 2021 Planning Commission meeting, stated he

was not sure of the history of the road but hopefully over time enough right of way would be dedicated to provide a through road.

KPB Roads Dept. comments	
SOA DOT comments	No comment

**Site Investigation:** There are a few areas with steep slopes. Those areas are depicted on the plat. Per KPB GIS data, there are no wetlands present within the subdivision. Per the plat, a creek is present in the eastern portion. The plat is granting a 15 foot wide drainage easement centered on the creek as requested by the City of Homer Planning Commission.

KPB River Center review	<p>A. Floodplain          Reviewer: Carver, Nancy          Floodplain Status: Within City of Homer          Comments: No comments</p> <p>B. Habitat Protection          Reviewer: Carver, Nancy          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** The proposed plat will reconfigure the lot lines between two lots. The current lot configuration was created by the parent plat, Bunnell’s Subdivision HM 49. Lot 49 was split by deed as shown in a record of survey, HM 97-27. The west half fronted Swatzell Street. The proposed plat will create a flag for the W1/2 of Lot 49 to provide physical and legal access to the 20 foot alleyway.

City water and sewer are available. An installation agreement will be required or documentation from the city that one is not required.

Notice of the proposed plat was mailed to the beneficial interest holder on September 17, 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.

Per the certificate to plat, the subdivision is subject to a public recreational easement granted by recorded document. Both lots were subject to recreational easements but the easement was terminated on Lot 50 by recorded document. The remaining easement on the west portion of Lot 49 appears to still be in existence. **Staff recommends a plat note be added for the recreational easement affecting the West ½ of Lot 49 unless the public recreational easement has been terminated and the recorded document is provided.**

The City of Homer Planning Commission heard the preliminary plat at their September 1, 2021 meeting. The Planning Commission recommended approval by unanimous consent with the following comments.

1. Include plat note stating property owner should contact the Army Corps of Engineers prior to any on-site development or construction activity to obtain the most current wetland designation (if any). Property owners are responsible for obtaining all required local, state, and federal permits.
2. Dedicate 30 foot right of way (Swatzell Street) for a full 60 foot right of way.

3. Dedicate a 15 foot utility easement fronting the new 30 foot dedication.
4. Dedicate 15 foot drainage easement centered on the creek over Lot 50A.

The preliminary plat submitted to the Borough for review has met the requests of the City of Homer Planning Commission.

**Utility Easements** The parent plat did not grant any utility easements within the lots. This plat will be granting a 15 foot utility easement along Swatzell Street.

An easement was granted by recorded document. The document does delineate the location of the easement. **Staff recommends the easement from recorded instrument be depicted and refer to a note that contains details of the easement.**

Homer Electric Association requests a 10 foot wide easement centered on an existing underground electrical line. The line is depicted 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	Requests 10 foot wide easement centered on existing underground electrical line.
ENSTAR	No comments or recommendations
ACS	No objections
GCI	Approved as shown

**KPB department / agency review:**

Addressing	<p>Reviewer: Haws, Derek  Affected Addresses:  3835 MAIN ST</p> <p>Existing Street Names are Correct: Yes  List of Correct Street Names:  MAIN ST  SWATZELL ST</p> <p>Existing Street Name Corrections Needed:  All New Street Names are Approved: No  List of Approved Street Names:  List of Street Names Denied:</p> <p>Comments:  City of Homer will advise on affected addresses.</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.  Review Not Required</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**

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

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

**Staff recommendation:**

- Update the owner's information. The owners should be listed as Tim and Ruby Haigh Living Trust and Timothy A. Haigh and Ruby Haigh.
- Verify the owners' address. KPB Assessing records indicate the address is PO Box 683. If the address shown on the plat is correct, the owners should contact the KPB Assessing Department to update the mailing address.

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

**Staff recommendation:** Provide a status label for the parcel located to the west of Swatzell Street.

---

**KPB 20.30 – Subdivision Design Requirements**

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

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). An exception has been requested for the flag length.

---

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

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

20.40.010 Wastewater disposal.

*Platting Staff Comments:* City water and sewer are available. Correct plat notes are on 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.

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

**Staff recommendation:** Installation agreement is required or documentation that one is not needed.

20.60.180. Plat notes.

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

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

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

- This subdivision is subject to a public recreational easement as defined by Serial Number 2008-004837-0, HRD, recorded on December 12, 2008.
- Right of way easement was granted to Homer Electric Association, Inc. to construct, operate and maintain an electric transmission and /or telephone distribution line or system as recorded in Book 176 Page 815, HRD.
- Add a plat note for any exceptions granted.
- If the exception is granted the following notes will be required
  - o No structures are permitted within the panhandle portion of the flag lot.
  - o There are possible limitations on further subdivision based on access issues, development trends in the area, or topography.

20.60.190. Certificates, statements, and signatures required.

**Staff recommendation:** Update the certificate of ownership to reflect plural pronouns. Verify the owners' addresses. The same person will sign the plat on behalf of both themselves and the trust. Update their signature lines to include single and trustee signatures.

*Timothy A. Haugh, signing for former Lot 50 and as Trustee for the Tim and Ruby Haigh Living Trust for the former W1/2 of Lot 49*

*Ruby Haigh, who acquired title as Kristie Diane Haight, signing for Former Lot 50 and as Trustee for the Tim and Ruby Haigh Living Trust for the Former W1/2 of Lot 49.*

*Comply with 20.60.190*



**EXCEPTIONS REQUESTED:**

**KPB 20.30.190 – Lots-Dimensions** (length of flag portion of Lot 49-A)

Surveyor's Discussion:

Staff Discussion: The size and shape of proposed Lot 49-A will be irregular. The proposed replat will allow proposed Lot 49-A to have access to the 20 foot alley located to the east of the subdivision. In order to accomplish this the flag for the lot is 20 feet wide and 178 feet long. Per KPB Code 20.30.190(B), "If the access portion is less than 60 feet wide, it may not exceed 150 feet in length."

If the exception is denied, a redesign will be required that provides for a code compliant flag or new lot configurations.

**Findings:**

1. The proposed flag for Lot 49-A will be approximately 178 feet in length.
2. The width of the proposed flag portion of Lot 49-A is 20 feet.
3. Lot 49-A abuts dedicated right of way, Swatzell Street.
4. Swatzell Street is not connected to a dedicated right of way to the north.
5. Swatzell Street is connected to W. Pioneer Ave to the south through dedications and public access easements.
6. Swatzell Street is not constructed.
7. The flag lot will allow legal access to the lot via a 20 foot wide alley.
8. The City of Homer Planning Commission approved the proposed design.
9. The City of Homer Planner noted that the lot design was unusual but provides access until such time Swatzell Street is developed.

Staff reviewed the exception request and recommends granting approval.

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

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

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

1. That special circumstances or conditions affecting the property have been shown by application;  
**Findings 3, 5, 7, 8, 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 3, 5, 7, 8, 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 3, 5, 7, 8, 9 appear to support this standard.**

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

**RECOMMENDATION:**

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

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

NOTE: 20.25.120. - REVIEW AND APPEAL.

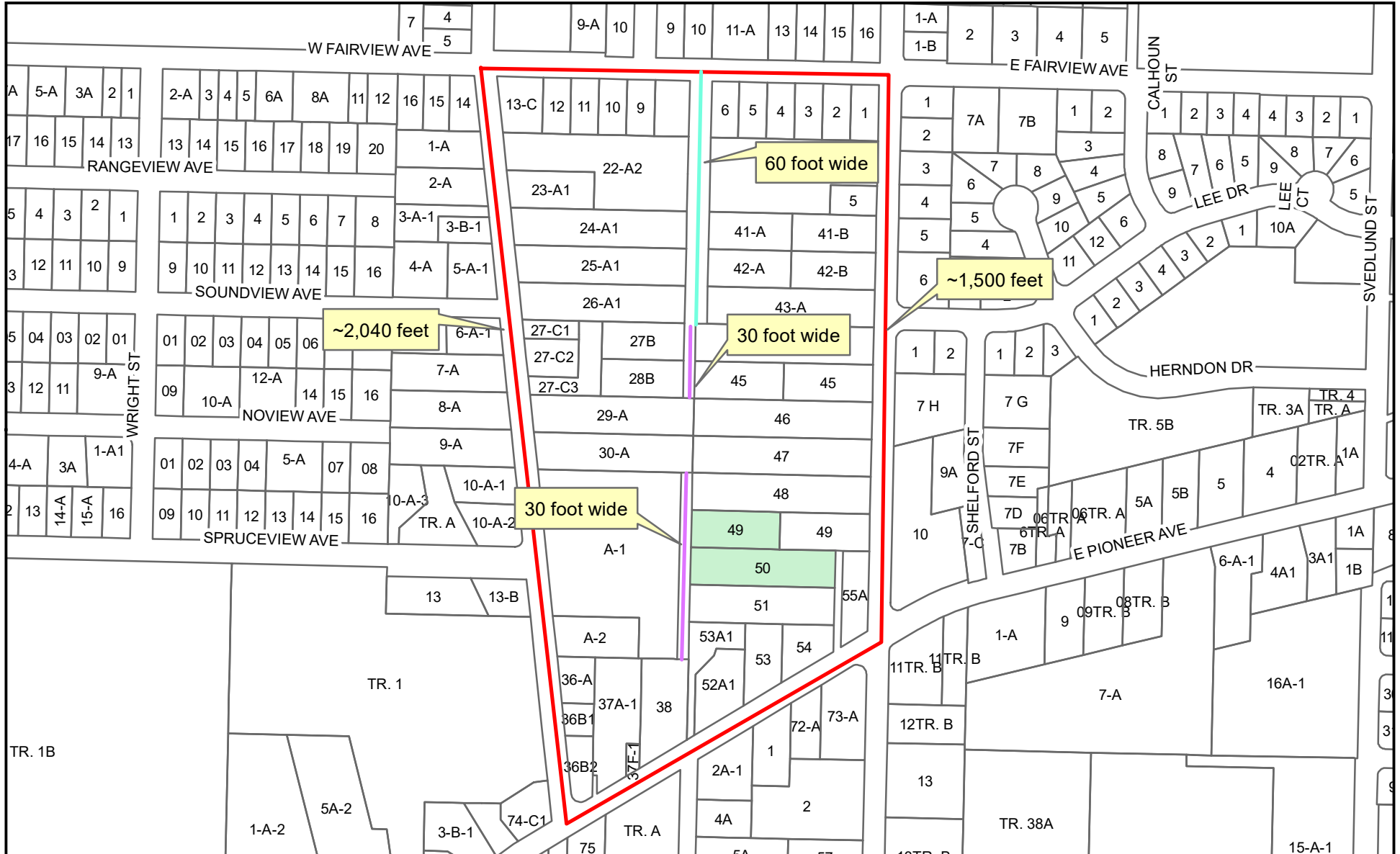
A PARTY OF RECORD MAY REQUEST THAT A DECISION OF THE PLAT COMMITTEE BE REVIEWED BY THE PLANNING COMMISSION BY FILING A WRITTEN REQUEST WITHIN 15 DAYS OF NOTIFICATION OF THE DECISION IN ACCORDANCE WITH KPB 2.40.080.

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

END OF STAFF REPORT



Bunnell's Subdivision Haigh 2021 Replat  
KPB File 2021-134



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

*Jerry A. Anderson*  
 Jerry A. Anderson 3686-S 08/25/06

SYMBOL LEGEND	
	Found Brass Cap Man. LS-3686, 1987
	Found 1/2" rebar, source unknown
	Found 5/8" Rebar & Sur/Kap LS-5780
	Set 1/2" Capped rebar this Survey

**CERTIFICATE OF OWNERSHIP**

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

*DAVID K. OLSEN*      *JENNIFER A. OLSEN*  
 DAVID K. OLSEN      JENNIFER A. OLSEN  
 P.O. Box 3792  
 Homer Alaska 99603

**NOTARY'S ACKNOWLEDGMENT**

For David K. & Jennifer A. Olsen  
 Subscribed and sworn to before me this 11th day of August 2006

*Marianne Drington*      *Jerry A. Anderson*  
 Notary Public for Alaska      Commission Expires: 08/25/06

**SURVEYORS CERTIFICATE**

I hereby certify that this survey was performed by me or under my direct supervision. I declare that the information shown hereon is true and correct to the best of my knowledge and ability.

*Jerry A. Anderson*      08/25/06  
 Jerry A. Anderson      Date

**PLAT APPROVAL**

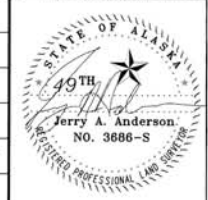
This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of July 17th, 2006  
 KENAI PENINSULA BOROUGH

By *Mary J. Beut*  
 Authorized Official

**VICINITY MAP SCALE: 1" = 1000'**



DATE	JULY 2006
SCALE	1" = 40'
GRID No.	AR-73
FLD. BK. No.	311
KPB FILE No.	2006-118
JOB No.	2035

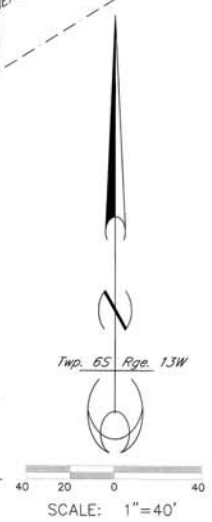


**"BUNNELL'S SUBDIVISION"**

(SUTTON/CUPS ADD'N)  
 A COMBINATION OF LOTS 52A, 52B PLAT H58-3790 AND A PORTION OF LOT 53 OF THE BUNNELL'S SUBDIVISION, ACCORDING TO PLAT H44-48, WITHIN THE SE1/4 NE1/4 Sec 18, Twp. 65, Rge. 13W S.W. WITHIN THE CITY OF HOMER ALASKA CONTAINING 0.935 ACRES AND TWO LOTS

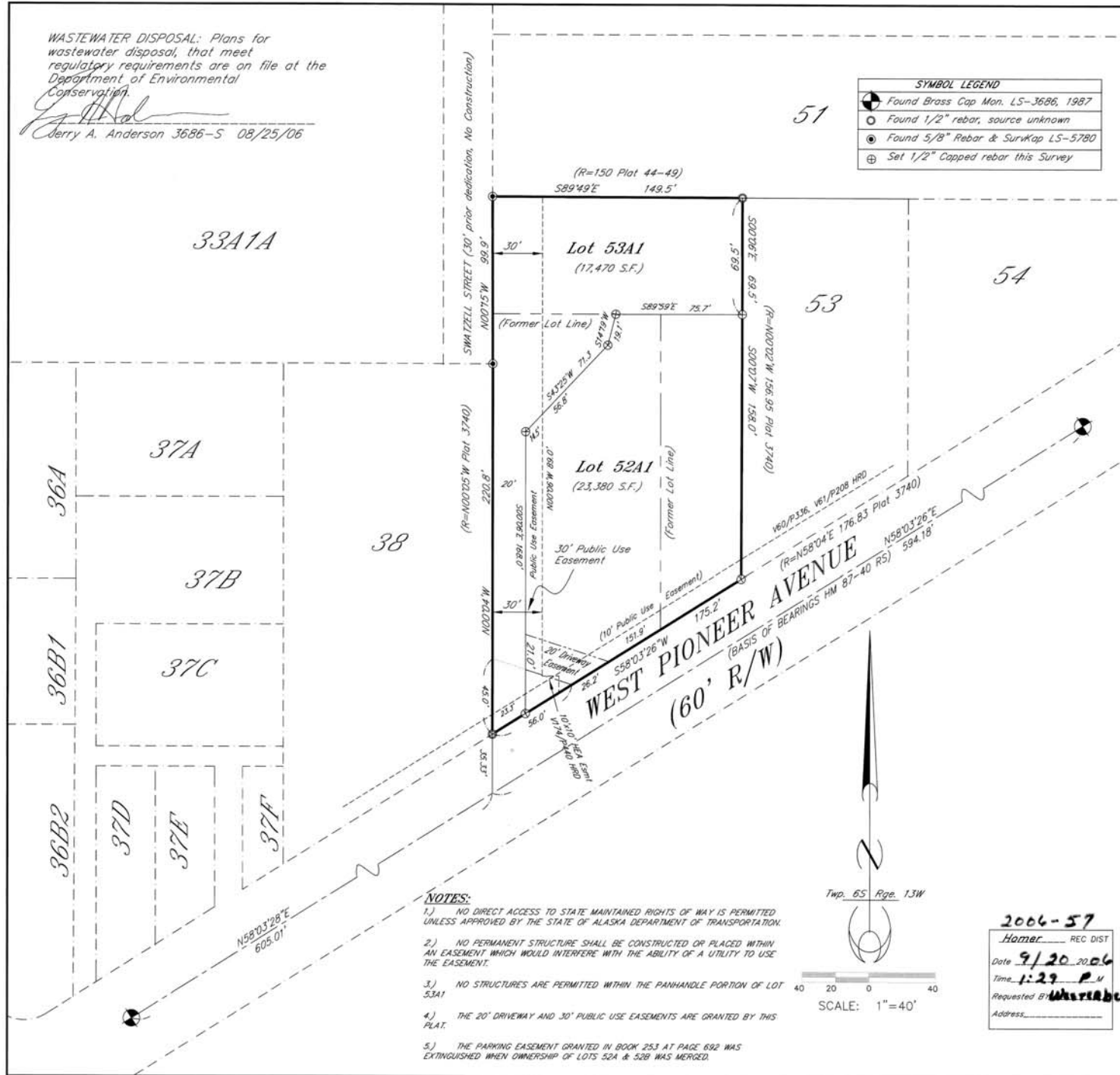
ANDERSON DEVELOPMENT CONSULTANTS  
 SURVEYORS-PLANNERS-DESIGNERS  
 JERRY ANDERSON PLS  
 1-800-961-6231  
 P.O. BOX 18  
 DORA MO 65637

2006-57  
 Homer REC DIST  
 Date 9/20/06  
 Time 1:22 P.M.  
 Requested By Wherriberg  
 Address



**NOTES:**

- 1.) NO DIRECT ACCESS TO STATE MAINTAINED RIGHTS OF WAY IS PERMITTED UNLESS APPROVED BY THE STATE OF ALASKA DEPARTMENT OF TRANSPORTATION.
- 2.) NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN AN EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
- 3.) NO STRUCTURES ARE PERMITTED WITHIN THE PANHANDLE PORTION OF LOT 53A1
- 4.) THE 20' DRIVEWAY AND 30' PUBLIC USE EASEMENTS ARE GRANTED BY THIS PLAT.
- 5.) THE PARKING EASEMENT GRANTED IN BOOK 253 AT PAGE 692 WAS EXTINGUISHED WHEN OWNERSHIP OF LOTS 52A & 52B WAS MERGED.



**SURVEYORS CERTIFICATE**

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

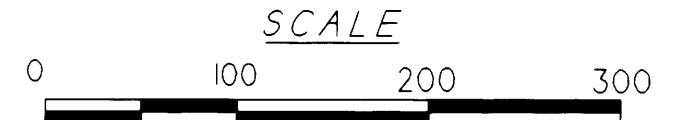
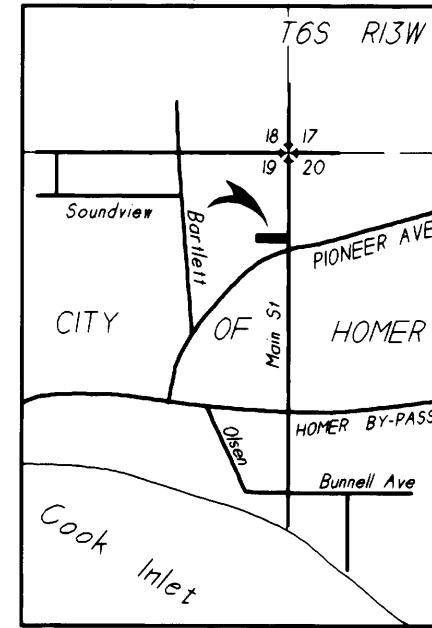
Date 6-6-97 Roger W. Imhoff  
 Roger W. Imhoff LS 5780

97-27  
**RECORDED - FILED**  
 HOMER REC DIST 20  
 Date 6/9 19 97  
 Time 8:40 A M  
 Requested by  
 Roger Imhoff  
 PO Box 2588  
 Homer Ak 99603

**NOTES**

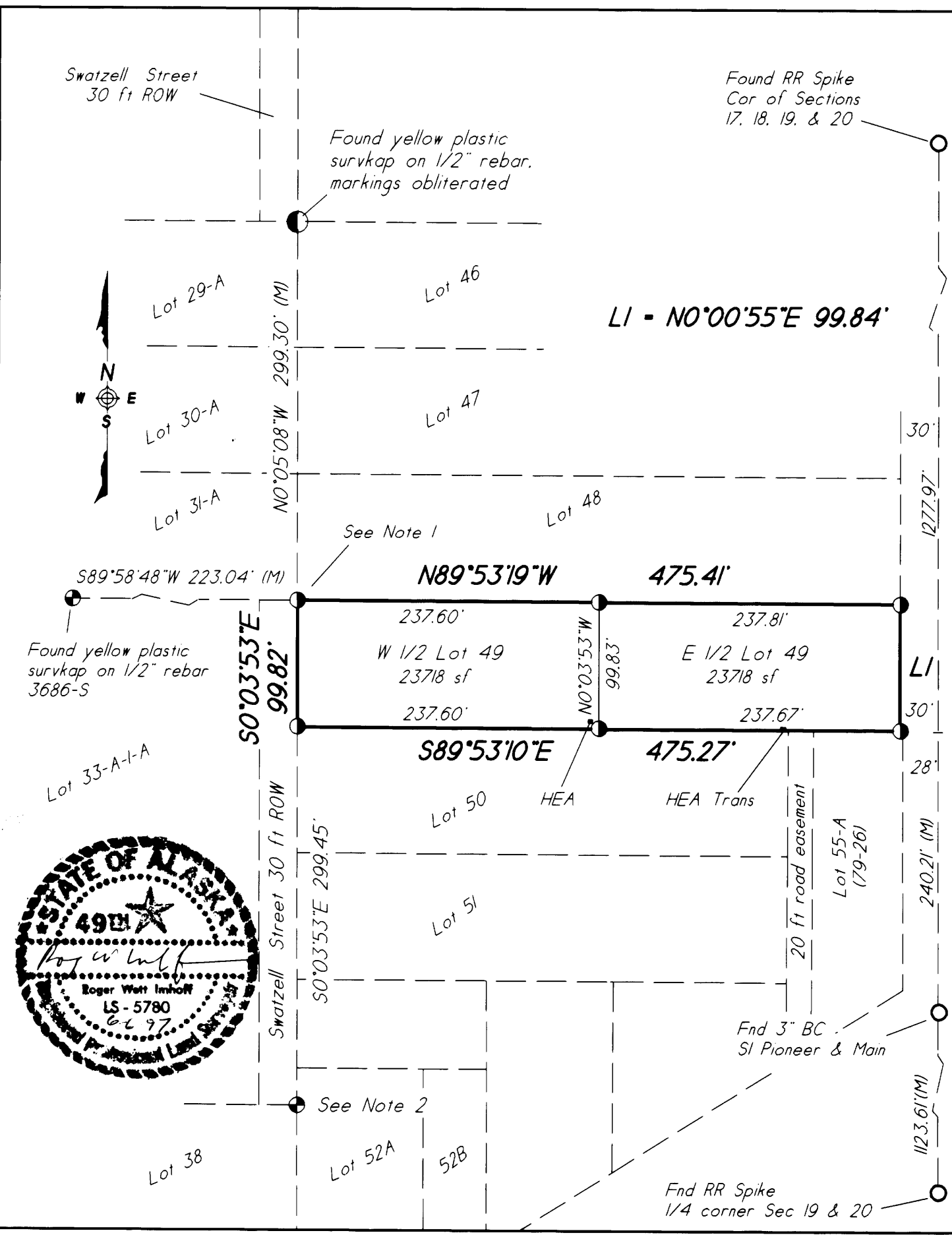
1. Found a rotted spruce stob, 10" long and 3" diameter, axe marks visible at tip, with 1/2" pipe 0.4 ft east, pipe called for on Plat No. 86-44. Removed spruce stob and replaced with a 2" Aluminum Cap on 5/8" rebar. Removed 1/2" pipe.
2. Found a rotted spruce stob, 12" long and 2" diameter, axe marks visible at tip, with 1/2" rebar alongside, called for on Plat No. 86-44. Removed spruce stob and replaced with a 2" Aluminum Cap on 5/8" rebar. Removed 1/2" rebar.
3. Slope easement over the easterly 10 ft of Lot 49 is recorded in Bk 131 Page 563.
4. Utility easement granted to Homer Electric Association in Bk 176 Page 815 over the South 7 1/2 ft. of Lot 49.
5. Set 2" Aluminum Cap on 5/8" rebar at all lot corners.

Vicinity Map 1" - 2000 ft

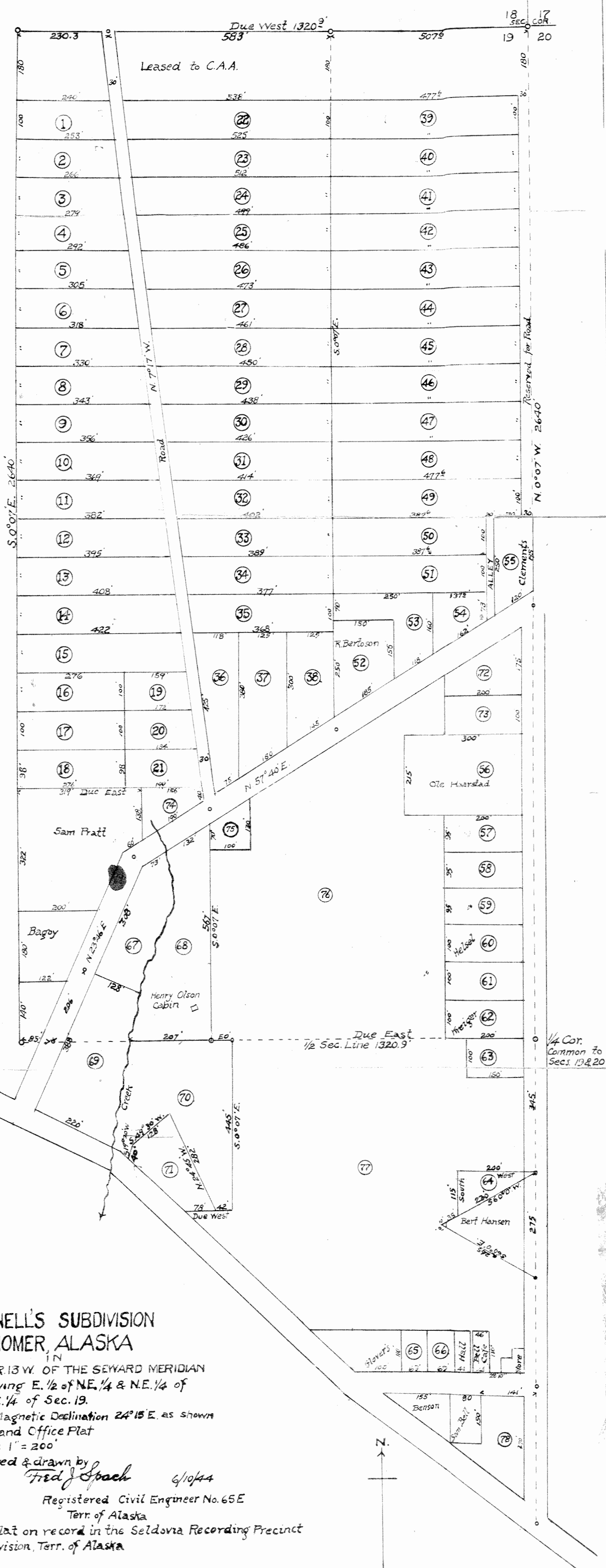


<b>Record of Survey</b>	
Lot 49 Bunnell Subdivision as shown on Plat No. 44-49 Homer Recording District	
Located in the NE 1/4 Section 19, T6S, R13W, SM	
Third Judicial District, Alaska containing 1.089 acres, more or less	
Clients: Jim Daily, et al 11086 Faith Road Yankee Hill CA 95965	Surveyed By: Roger W. Imhoff, RLS PO Box 2588 Homer Ak 99603
Date of Survey 6-06-97	File L 49Bunnl.vcd
Drawn RWI	Scale 1" = 100 ft

This survey does not constitute a subdivision as defined by A.S. 40.15.190.2.



RM 97-27



**BUNNELL'S SUBDIVISION  
HOMER, ALASKA**

T. 6 S. R. 13 W. OF THE SEWARD MERIDIAN  
Showing E. 1/2 of NE. 1/4 & NE. 1/4 of  
the S.E. 1/4 of Sec. 19.  
Mean Magnetic Declination 24° 15' E. as shown  
on U.S. Land Office Plat  
Scale: 1" = 200'

Surveyed & drawn by  
*Fred J. Spach* 6/10/44

Registered Civil Engineer No. 65E  
Terr. of Alaska

This plat on record in the Seldovia Recording Precinct  
3d Division, Terr. of Alaska

No 49.

FILED FOR RECORD AT REQUEST OF

*M. A. Bunnell*

*Homer, Alaska*

on *23* day of *June* 19*44*

at \_\_\_\_\_ min. past \_\_\_\_\_ M.

and recorded in Volume *1*

of Records *Deeds* Page No. *329*

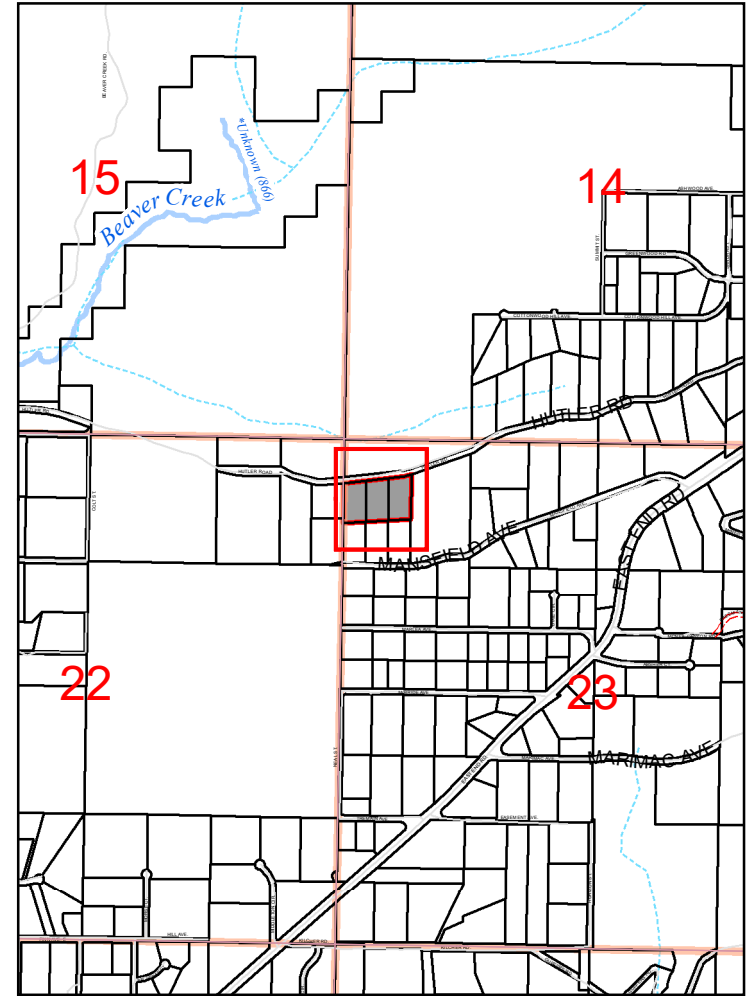
Seldovia Recording District

TERMINATION OF ALASKA

*A. M. Chambers* Recorder.

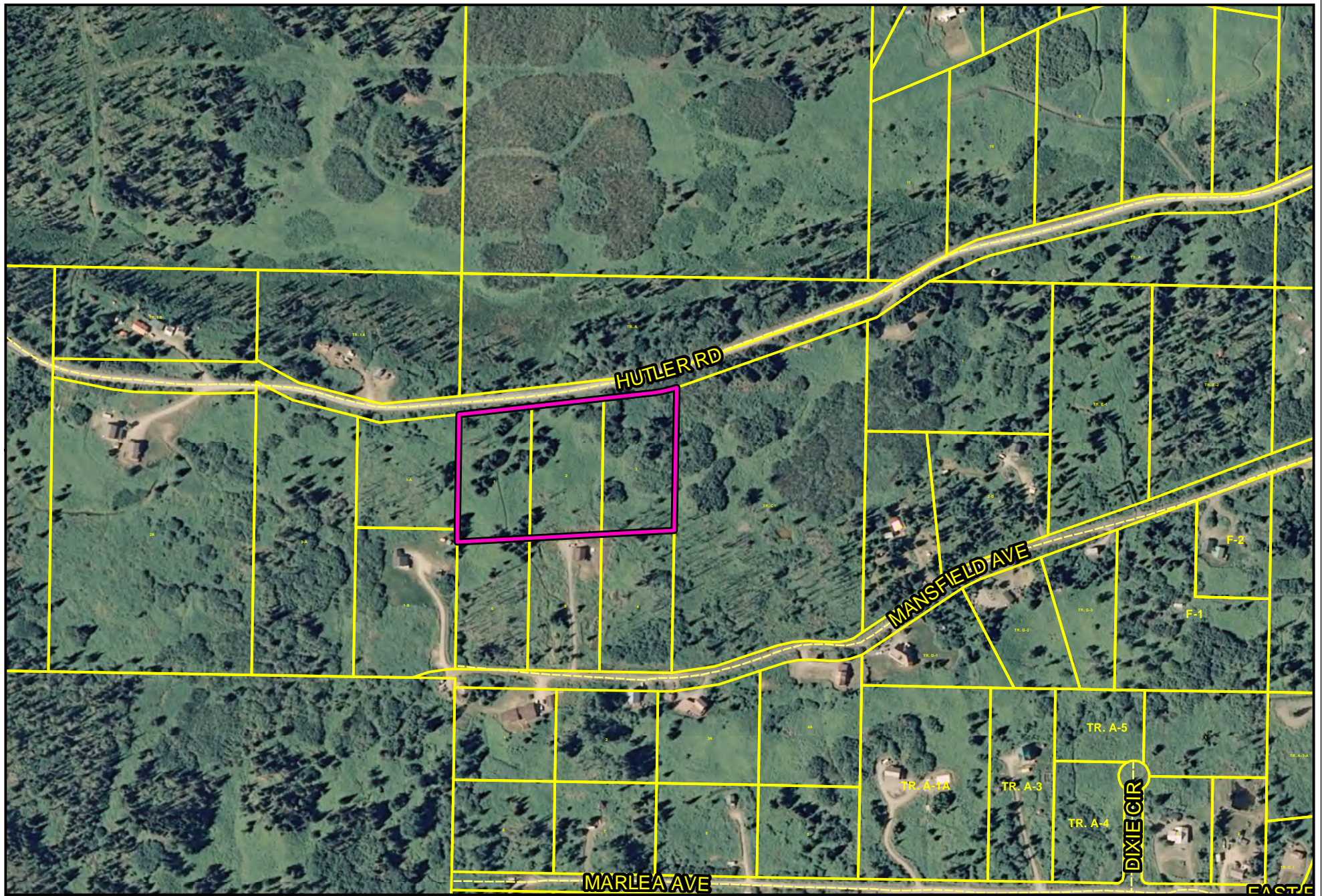


The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.

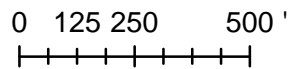


**KPB 2021-121**  
**S23 T05S R12W**  
**FRITZ CREEK**





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



Aerial View



 PRELIMINARY PLAT

PClements, KPB 2021-121  
Imagery FixedWing 2012-13

**NOTES**

1. A 20' BUILDING SETBACK EXISTS ALONG ALL STREET RIGHT-OF-WAYS UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION (HM 2007-90).
2. THE FRONT 10' OF THE BUILDING SETBACK AND THE ENTIRE SETBACK WITHIN 5' OF SIDE LOT LINES IS A UTILITY EASEMENT. NO STRUCTURE SHALL BE BUILT OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF THE UTILITY TO USE THE EASEMENT (HM 2007-90).
3. ALL WASTEWATER DISPOSAL SYSTEMS SHALL COMPLY WITH EXISTING APPLICABLE LAWS AT THE TIME OF CONSTRUCTION.
4. THIS PLAT WAS PREPARED FOR THE VACATION OF LOT LINES ONLY. NO SURVEY WAS PERFORMED FOR THE PREPARATION OF THIS PLAT. ALL LOT DIMENSIONS SHOWN ON THIS PLAT ARE FROM RECORD DATA AS SHOWN ON PLAT HM 2007-90.
5. PROPERTY OWNER SHOULD CONTACT THE ARMY CORPS OF ENGINEERS PRIOR TO ANY ON-SITE DEVELOPMENT OR CONSTRUCTION ACTIVITY TO OBTAIN THE MOST CURRENT WETLAND DESIGNATION (IF ANY). PROPERTY OWNERS ARE RESPONSIBLE FOR OBTAINING ALL REQUIRED LOCAL, STATE AND FEDERAL PERMITS.

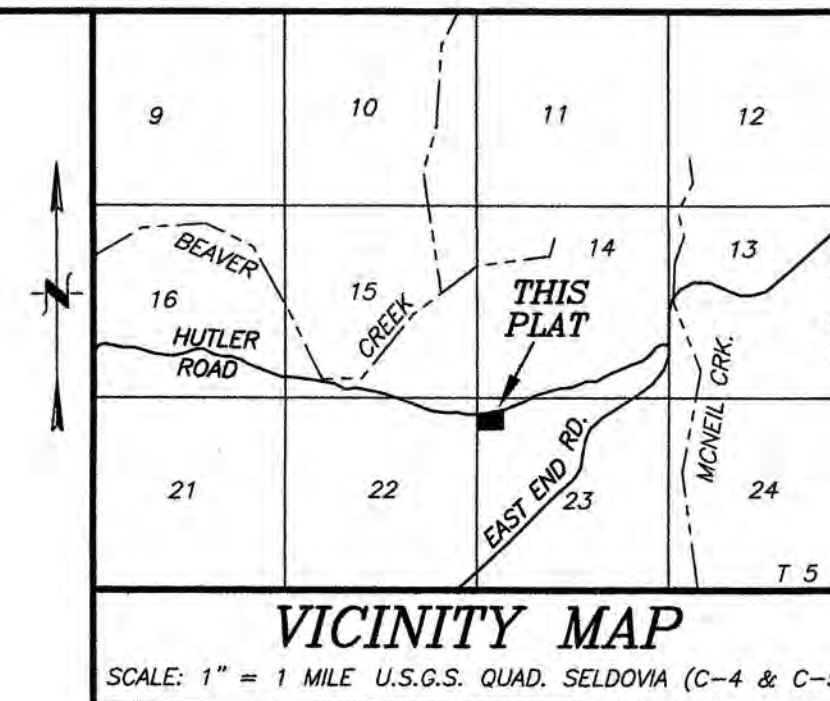
**PLAT APPROVAL**

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

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

**NOTARY'S ACKNOWLEDGMENT**

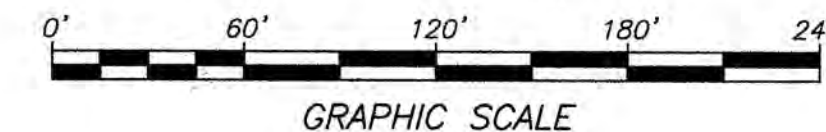
FOR: \_\_\_\_\_  
 ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_  
 DAY OF \_\_\_\_\_, 2021  
 NOTARY PUBLIC FOR ALASKA  
 MY COMMISSION EXPIRES \_\_\_\_\_



**CERTIFICATE OF OWNERSHIP**

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

RANDALL A WOLTER  
 1632 W LELAND AVE.  
 SPRINGFIELD, IL 62704



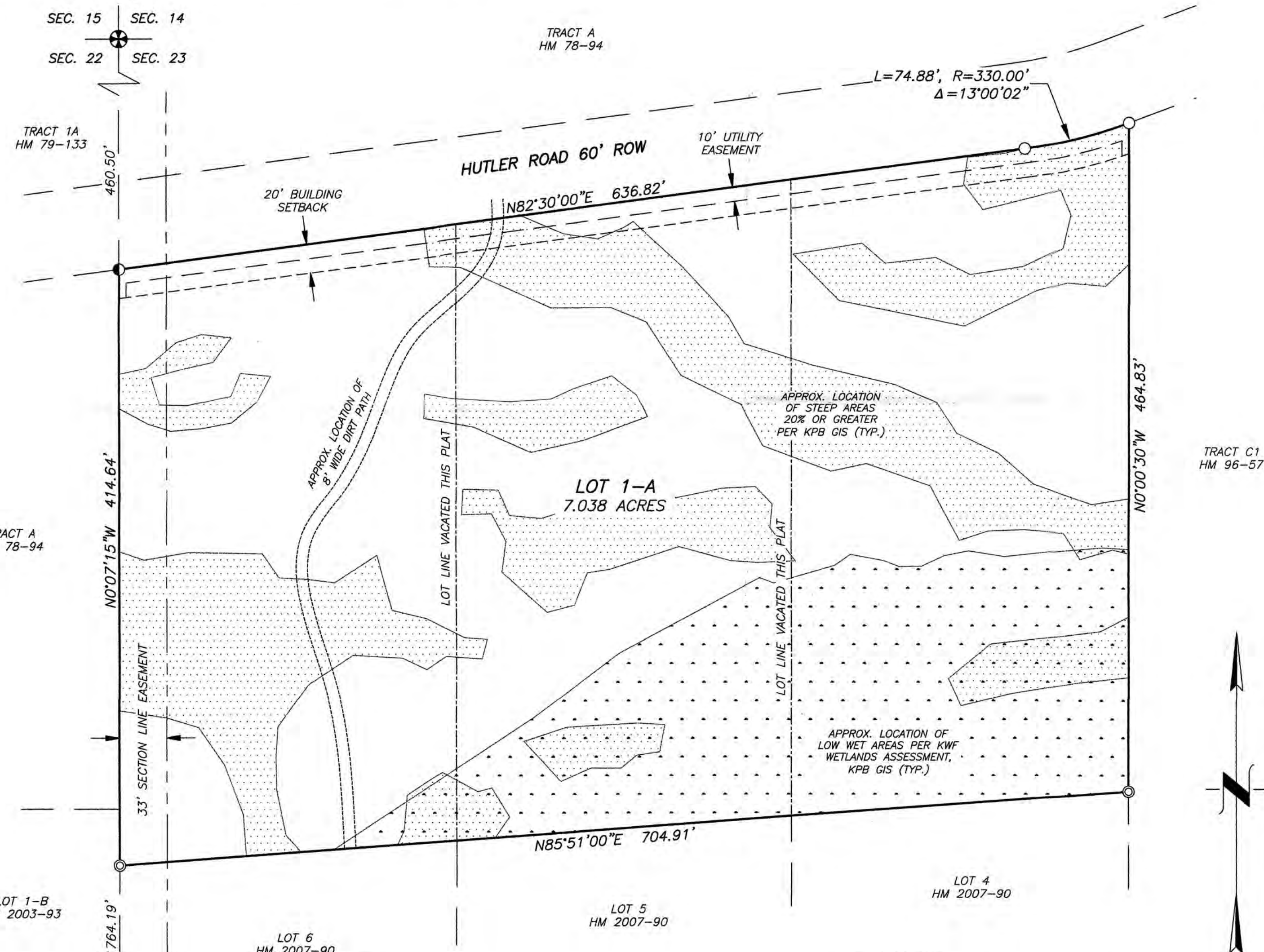
HOMER RECORDING DISTRICT KP.B FILE NO. 2021-XXX

**MANSFIELD SUBDIVISION  
 WOLTER 2021 REPLAT**  
 A REPLAT OF LOTS 1, 2 & 3 MANSFIELD SUBDIVISION CLARK REPLAT (HM 2007-90) LOCATED WITHIN THE NW 1/4 NW 1/4, SEC 19, T. 6 S., R. 13 W., SEWARD MERIDIAN, KENAI PENINSULA BOROUGH, THIRD JUDICIAL DISTRICT, ALASKA  
 CONTAINING 7.038 ACRES

**SEABRIGHT SURVEY + DESIGN  
 KENTON T. BLOOM, P.L.S.**  
 1044 EAST ROAD, SUITE A  
 HOMER, ALASKA 99603  
 (907) 299-1091

CLIENTS: RANDALL A WOLTER  
 1632 W LELAND AVE.  
 SPRINGFIELD, IL 62704

DRAWN BY: KK	CHKD BY: KB	JOB #2021-40
DATE: 8/2021	SCALE: 1"=60'	SHEET #1 OF 1



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

- LEGEND**
- RECORD POSITION 1.5" PCAP 5522-S (HM 2007-90)
  - RECORD POSITION 2" ALCAP (HM 2003-93, HM 2007-90)
  - RECORD POSITION 1/2" REBAR (HM 78-94, HM 2007-90)
  - ⊕ RECORD POSITION GLO BC MON 1919 (HM 78-94, HM 2007-90)

SEC. 22 ⊕ SEC. 23  
 1/4 COR **KPB 2021-121**

AGENDA ITEM E. NEW BUSINESS

ITEM 6 – MANSFIELD SUBDIVISION WOLTER 2021 REPLAT

<b>KPB File No.</b>	2021-121
<b>Plat Committee Meeting:</b>	October 11, 2021
<b>Applicant / Owner:</b>	Randall and Gale Wolter of Springfield, Illinois
<b>Surveyor:</b>	Kenton Bloom / Seabright Survey + Design
<b>General Location:</b>	Fritz Creek / Kachemak Bay APC

<b>Parent Parcel No.:</b>	172-240-24, 172-240-25, 172-240-26
<b>Legal Description:</b>	Lots 1, 2, & 3 of Mansfield Subdivision Clark Replat, HM 2007-90
<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 into one 7.04 acre lot.

**Location and Legal Access (existing and proposed):** The proposed plat is located near McNeil Canyon to the East of Homer. Legal access is from Hutler Road, a 60 foot wide right of way that is maintained by the Kenai Peninsula Borough. Hutler Road is located near mile 12 of state maintained East End Road.

A 66 foot wide section line easement, 33 feet within the subdivision boundary, adjoins the west side of the subdivision. The section line easement provides a public access connection from Hutler Road to Mansfield Avenue. The section line easement is not improved. Mansfield Avenue has been improved and is maintained by KPB. **Staff recommends the 33 foot section line easement within section 22, and abutting the subdivision, be depicted and labeled.**

A dirt path is depicted on the plat. The parent plat depicted various trails and labeled them as unauthorized trails. The depiction of the trails was discussed at the Plat Committee for the parent plat. There were concerns regarding showing the trails as they were not authorized by the owners and questions regarding prescriptive rights were discussed. The decision was reached to depict the trails and label as 'unauthorized'. Staff appreciates such depictions on the preliminary plat as it shows existing access that may not be able to be determined from the aerial images. **Staff recommends the dirt path be labeled "Private path shown is for use of owners only and is not dedicated to public use."**

Hutler Road, East End Road, Mansfield Avenue, and section line easements, define the block. The block is closed but does exceed allowable limits. A dedication along the eastern boundary would help improve the block requirements. A dedication along the eastern portion would go through multiple areas of steep terrain and wetlands. To create a closed block, dedications would be required from the property to the south. The land in the area slopes to the south. Hutler Road and Mansfield Avenue are constructed in a manner that follows the slopes. It was discussed during the parent plat's preliminary review that there were no roads dedicated to provide an additional connection between Hutler Road and East End Road. This may be the result of the terrain in the area. **Staff recommends the plat committee concur that due to the terrain that a dedication at this time is not advised and an exception is not required.**

The parent plat, Mansfield Subdivision Clark Replat, HM 2007-90, was not required to dedicate along the western boundary. Staff had requested a dedication atop the section line easement to connect Hutler Road and Mansfield Avenue. Per the minutes from October 23, 2006 Plat Committee meeting, "The lack of any existing travel ways between the two roads may be indicative of the unsuitability for access." The surveyor recommended a dedication not be required. Staff stated that documentation could be submitted to support the request. A letter was received

from Paul Voeller of Borderline Surveys. The letter dated 11-3-2006 stated that a dedication of half a right of way along the western boundary had been discussed and for supporting information if the topographic conditions were suitable for a roadway. The letter states that although not excessively steep, the route is too steep for a 6 or 10 percent gradient roadway. A dedication along the western boundary that coincides with the section line easement was not required on the parent plat. **Staff recommends the plat committee concur that the dedication is not required at this time due to the existence of steep terrain, the existence of the section line easement, and there have been no changes within the area.**

If the Plat Committee does not concur with staff regarding the dedication along the western boundary, a minimum 30 foot right of way will be required and submittal of cross-sections and centerline profiles to determine if additional right of way width or slope easements are required.

KPB Roads Dept. comments	
SOA DOT comments	No comment.

**Site Investigation:** The land within the proposed subdivision slope to the south. Multiple areas contain slopes greater than 20 percent and are depicted.

The southern portion of the subdivision contains low wet areas. These areas are depicted and the appropriate U.S. Corps of Engineers note is present.

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: Carver, Nancy            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** The proposed preliminary plat will combine three lots into one 7 acre lot. The property associated with the subdivision was originally subdivided by Mansfield Subdivision, HM 78-94. Mansfield Subdivision Clark Replat, HM 2007-90, later replatted it into the current configuration.

A soils analysis report was prepared for the parent lots and was determined to be suitable for onsite wastewater treatment. Per KPB 20.40.020(A), a soils analysis report is not required as it is vacating lot lines and increasing the usable area.

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

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

**Utility Easements** The parent plat, Mansfield Subdivision HM 78-94, granted a 5 foot underground utility or overhead clearing easement along Hutler Road. Several 30 foot radius guy anchor easements were also granted

and one is within the northeast corner of the proposed plat. Mansfield Subdivision Clark Replat, HM 2007-90, increased the utility easement to 10 feet with 20 feet within 5 feet of side lot lines. The guy anchor easement was not depicted on the plat.

The plat is carrying over the plat note regarding the 10 foot utility easements and cites the parent plat HM 2007-90. **Staff recommends** the depiction of the utility easements include 20 feet within 5 feet of the former lot lines and depict the 30 foot radius guy anchor easement and cite plat HM 78-94.

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

**Utility provider review:**

HEA	Reviewed, no comments.
ENSTAR	No comments or recommendations
ACS	No objections
GCI	

**KPB department / agency review:**

Addressing	<p>Reviewer: Haws, Derek          Affected Addresses:          NONE</p> <p>Existing Street Names are Correct: Yes          List of Correct Street Names:          HUTLER RD</p> <p>Existing Street Name Corrections Needed:</p> <p>All New Street Names are Approved: No</p> <p>List of Approved Street Names:</p> <p>List of Street Names Denied:</p> <p>Comments:          NO ADDRESSES AFFECTED BY THIS SUBDIVISION.</p>
Code Compliance	<p>Reviewer: Ogren, Eric          Comments: No comments</p>
Planner	<p>Reviewer: 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>
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 section number for the location of the subdivision to Section 23, Township 5 South, Range 13 West.*
  - *Staff would recommend adjusting the legal description so that NW1/4 is together and not split on two lines.*
  - *Include Gale L. Wolter's name as an owner within the title block.*
- C. The location, width, and name of existing or platted streets and public ways, railroad rights-of-way, and other important features such as section lines or political subdivisions or municipal corporation boundaries abutting the subdivision;
- Staff recommendation:** *Provide depiction and label of the 33 foot section line easement abutting the western boundary within Section 22.*
- 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:** *Correct the label shown as Tract A, located to the west of the subdivision, to Lot 1-A, HM 2003-93.*

---

**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:** *The parent plat did not require a dedication along the section line easement due to terrain. Concur that a right of way dedication on the west boundary is not required at this time due to the steep terrain and the existence of a section line easement. If the plat committee determines a dedication is required, a minimum 30 foot dedication will be needed along the western boundary.*

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:** *If a dedication is required, submittal of centerline profiles and cross-sections will be required to determine if additional right of way width or slope easements are required.*

---

#### KPB 20.40 -- Wastewater Disposal

20.40.010 Wastewater disposal.

*Platting Staff Comments: Per KPB Assessing records the property is currently vacant. Revise the wastewater disposal note to comply with 20.40.020(B)(1) by reading, 'The parent subdivision for lots resulting from this platting action was approved by the Kenai Peninsula Borough on October 23, 2006. Wastewater treatment and disposal systems must meet the regulatory requirements of the Alaska Department of Environmental Conservation.'*

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

---

#### KPB 20.60 – Final Plat

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

20.60.190. Certificates, statements, and signatures required.

**Staff recommendation:** *If a dedication is required, an acceptance to be signed by the borough will be required. The Certificate of Ownership should be revised from singular person to plural. Gale L. Wolter needs a signature line added. Verify the state in which they will be signing. If unsure, leave the state blank. Comply with 20.60.190.*

20.60.200. Survey and monumentation.

**Staff recommendation:** *A field survey is not required per KPB 20.60.200(A). Unless monuments are removed, include the symbols for the survey markers of record that have been set on the former lot lines. Comply with 20.60.200*

---

#### RECOMMENDATION:

#### STAFF RECOMMENDS:

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

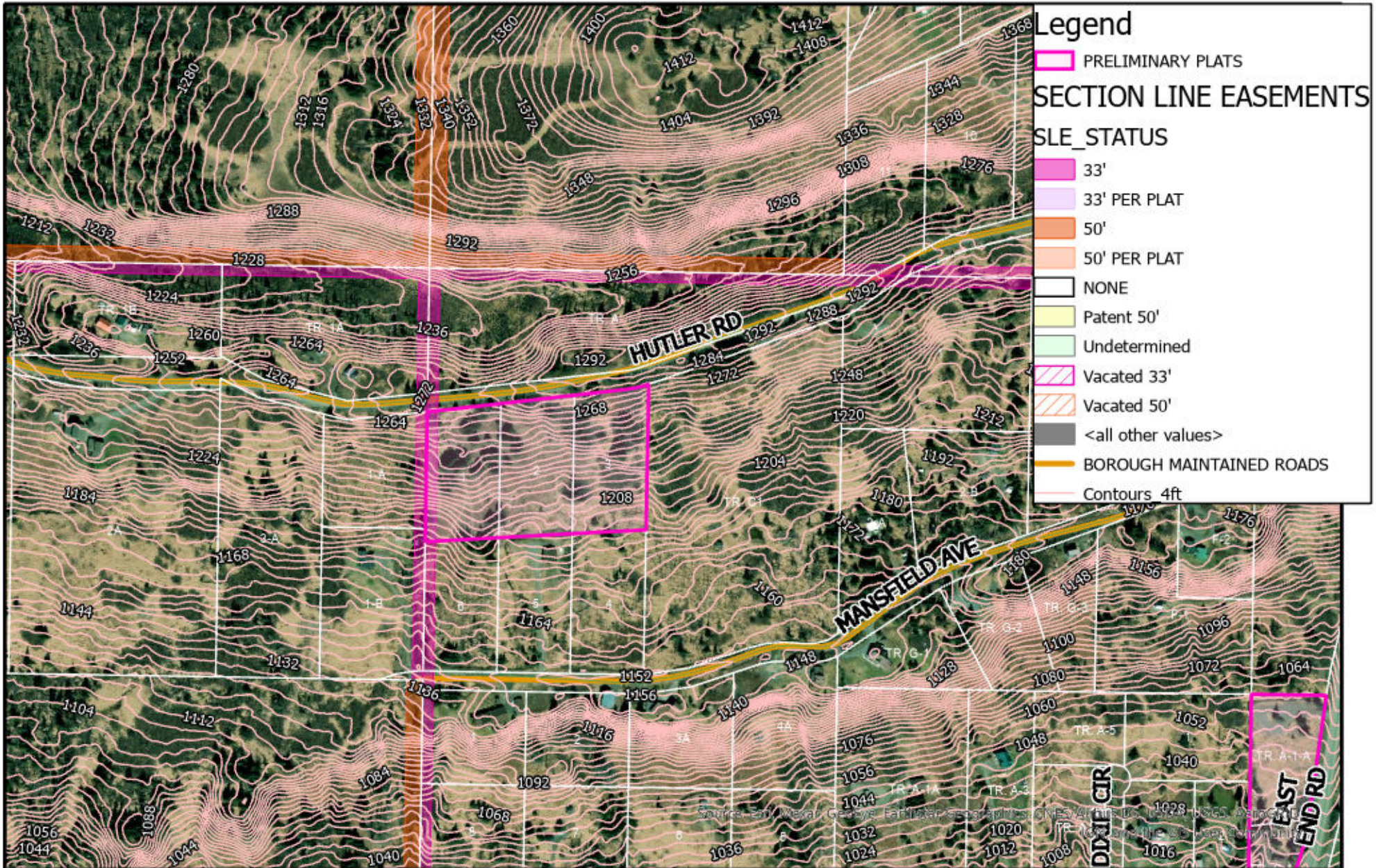
NOTE: 20.25.120. - REVIEW AND APPEAL.

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

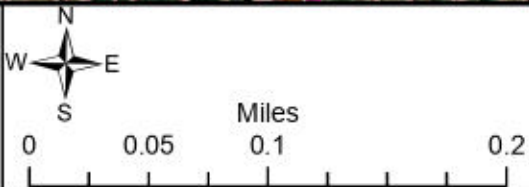
A DECISION OF THE PLANNING COMMISSION MAY BE APPEALED TO THE HEARING OFFICER BY A PARTY OF RECORD WITHIN 15 DAYS OF THE DATE OF NOTICE OF DECISION IN ACCORDANCE WITH KPB 21.20.250.

**END OF STAFF REPORT**



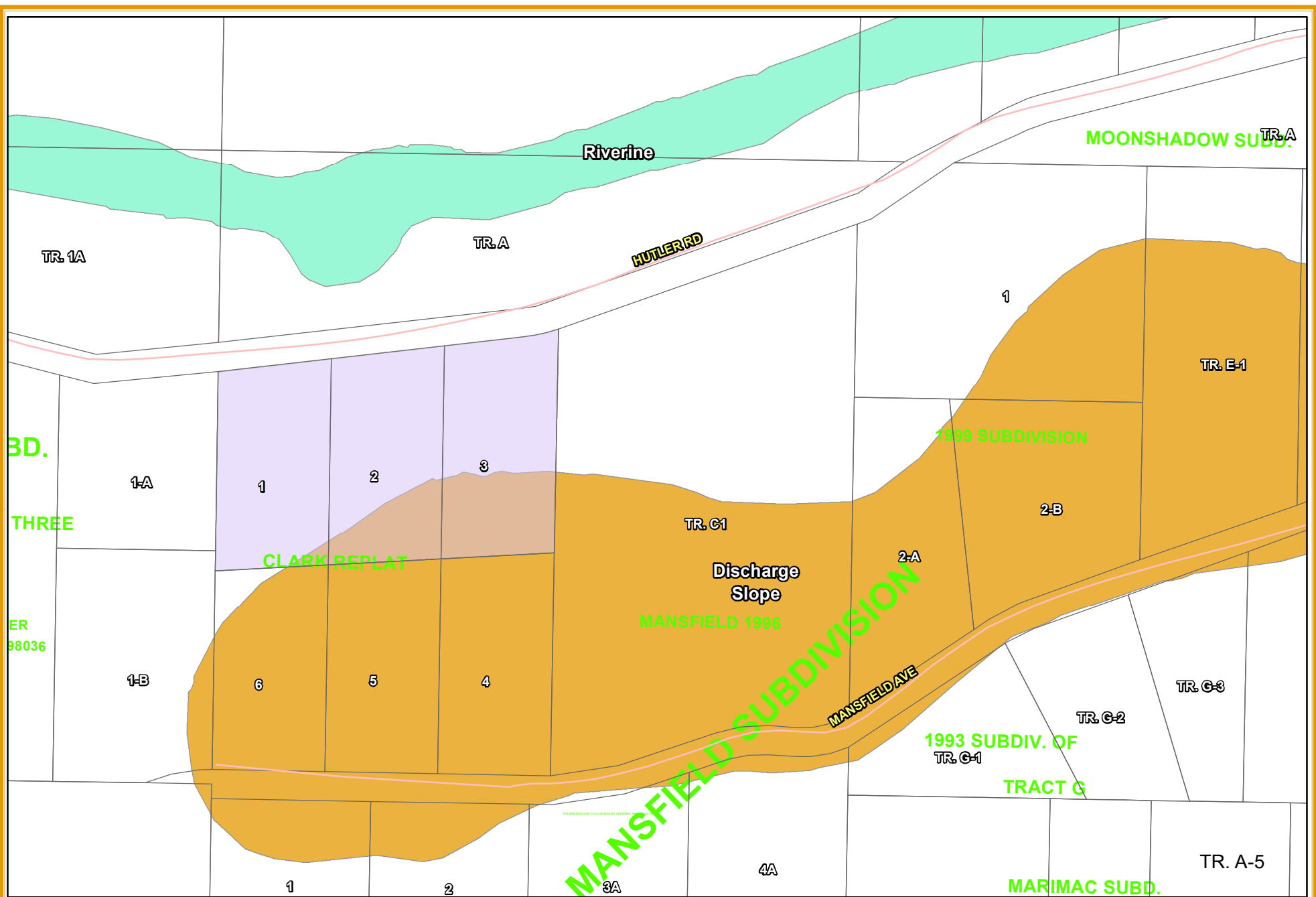


The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



AERIAL IMAGERY 2019  
WETLAND ECOSYSTEMS

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

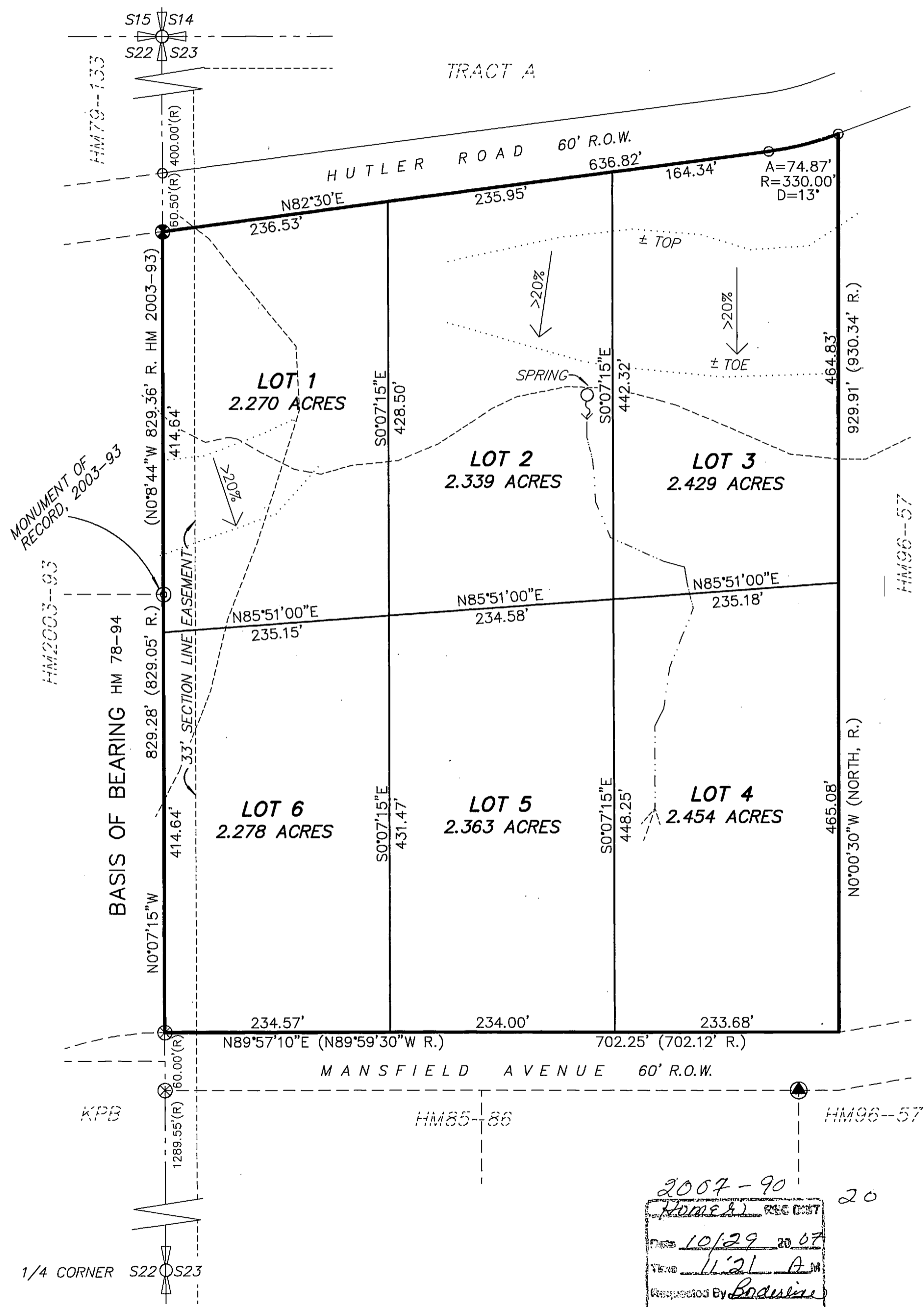


The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.

### GIS WETLANDS



Date: 8/23/2021



**LEGEND**

- 1/2" REBAR (REC. HM78-94), FOUND
- ⊗ 5/8" REBAR (REC. HM2003-93), FOUND
- ⊙ 2" ALCAP (REC. HM2003-93), FOUND
- ⊙ 2" ALCAP (REC. HM96-57), FOUND LS7615, 1992
- ⊙ GLO BC MONUMENT, 1919 (REC HM78-94), NOT RECOVERED
- UNAUTHORIZED TRAILS (APPROXIMATE)

**NOTES**

1. ALL RECORD INFORMATION IS ACCORDING TO PLAT HM 78-94, UNLESS NOTED OTHERWISE.
2. A 5/8" x 24" REBAR AND PLASTIC CAP SET AT ALL POINTS OF CURVATURE AND LOT CORNERS OR AS SHOWN IN THE DRAWING LEGEND.
3. A 20' BUILDING SETBACK EXISTS ALONG ALL STREET RIGHT-OF-WAYS UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
4. THE FRONT 10' OF THE BUILDING SETBACK AND THE ENTIRE SETBACK WITHIN 5' OF SIDE LOT LINES IS A UTILITY EASEMENT. NO STRUCTURE SHALL BE BUILT OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF THE UTILITY TO USE THE EASEMENT.

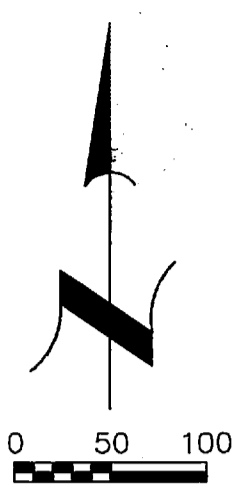
**WASTEWATER DISPOSAL**

**LOTS 1, 2, & 3**  
 SOILS CONDITIONS, WATER TABLE LEVELS, AND SOIL SLOPES ON THESE LOTS 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.

**LOTS 4, 5, & 6**  
 SOIL CONDITIONS ON THESE LOTS HAVE BEEN FOUND UNSUITABLE FOR CONVENTIONAL ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEMS. PLANS FOR A TYPICAL ALTERNATE WASTEWATER DISPOSAL SYSTEM FOR USE ON THESE LOTS 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.

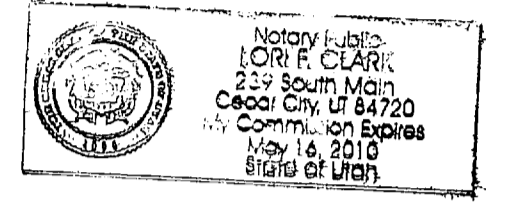
*Paul B. Voeller* C.E. 9920 Dec. 16, 2006  
 PAUL B. VOELLER License # Date

2007-90  
 HOME 11 REC DIST 20  
 10/29 20 07  
 11/21 A 34  
 Resubmitted By *Bodwin*  
 Address



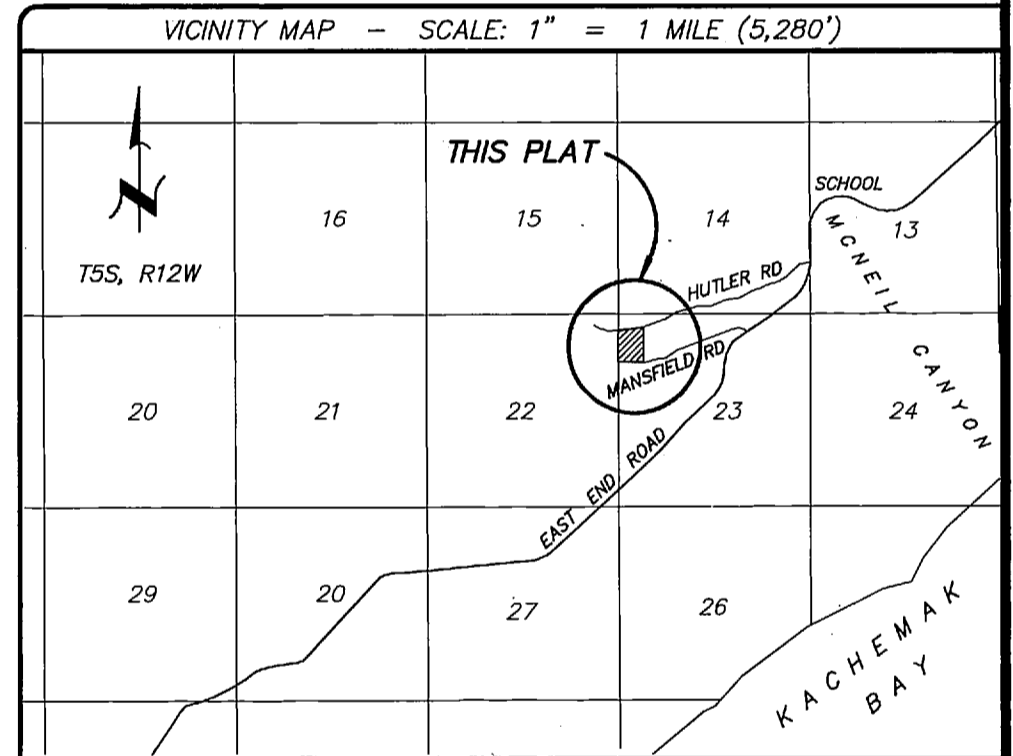
**CERTIFICATE OF OWNERSHIP**  
 I hereby certify that I am the owner of the real property shown and described hereon, and that I hereby adopt this plat of subdivision, and by my free consent dedicate all rights of way and grant all easements to the use shown.  
*Arthur Clark* *Margaret M. Clark*  
 ARTHUR CLARK MARGARET M. CLARK  
 842 CEDAR KNLS 842 CEDAR KNLS  
 CEDAR CITY, UTAH 84720 CEDAR CITY, UTAH 84720

**NOTARY'S ACKNOWLEDGEMENT** for ARTHUR & MARGARET M. CLARK  
 Subscribed and sworn before me this 23<sup>rd</sup> day of April 2006.  
*Paul B. Voeller* Notary Public for *Utah* (State)  
 My Commission Expires May 6, 2010

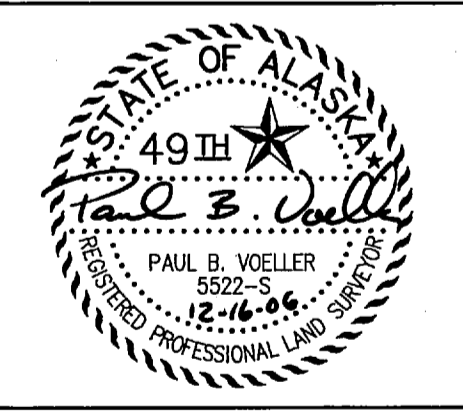


**SURVEYOR'S CERTIFICATE**  
 I hereby certify that this plat was prepared by me or under my direct supervision. I declare that the information shown hereon is true and correct to the best of my knowledge and belief.  
*Paul B. Voeller* Date Dec. 16, 2006  
 Paul B. Voeller Date

**PLAT APPROVAL**  
 This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of October 23, 2006.  
*Mary J. Best*  
 By Authorized Official of the Kenai Peninsula Borough

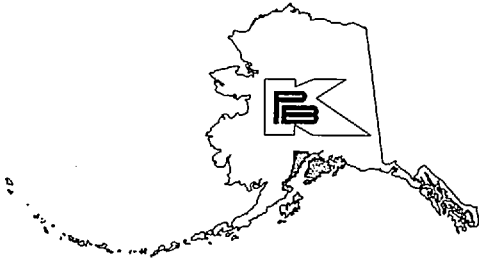


DECEMBER 2006  
 SCALE: 1" = 100'  
 KPBF FILE: 2006-290  
 JOB NO: 787  
 FILE: 787FINAL  
 FIELD BOOK: N/A  
 ZONING: N/A



**MANSFIELD SUBDIVISION  
 CLARK REPLAT**  
 BEING A REPLAT OF TRACT B MANSFIELD SUBDIVISION  
 PLAT 78-94, HOMER RECORDING DISTRICT  
 LOCATED WITHIN SECTION 23, T5S, R12W, S.M.  
 WITHIN THE KENAI PENINSULA BOROUGH  
 CONTAINING 14.134 ACRES

**BORDERLINE**  
 ENGINEERS - LAND SURVEYORS - ENVIRONMENTAL CONSULTANTS  
 34601 Alamar Road Anchor Point, Alaska 99556  
 (907)235-8078



# KENAI PENINSULA BOROUGH

144 N. BINKLEY • SOLDOTNA, ALASKA • 99669-7520  
BUSINESS (907) 262-4441 FAX (907) 262-1892

JOHN J. WILLIAMS  
MAYOR

## CERTIFICATE OF TAX DEPARTMENT

I, Rhonda K. Krohn, Property Tax and Collections Supervisor for the Kenai Peninsula Borough, do hereby certify that, as of the date of this certificate, all real property taxes levied by the Kenai Peninsula Borough have been paid for the area(s) described as:

Subdivision: MANSFIELD SUBDIVISION CLARK REPLAT

Parcel # 17224003-8

T05S R12W S23 HM0780094 MANSFIELD SUB Tract B

The following assessments (except assessments for the cities of Homer, Kenai, Seward, Seldovia, and Soldotna) levied against this property are outstanding: none.

Witness my hand and seal this 22nd day of October, 2007.

*Joanne F. Rodgers for Rhonda K. Krohn*  
Rhonda K. Krohn  
Property Tax and Collections Supervisor

*Homer 2007-99*

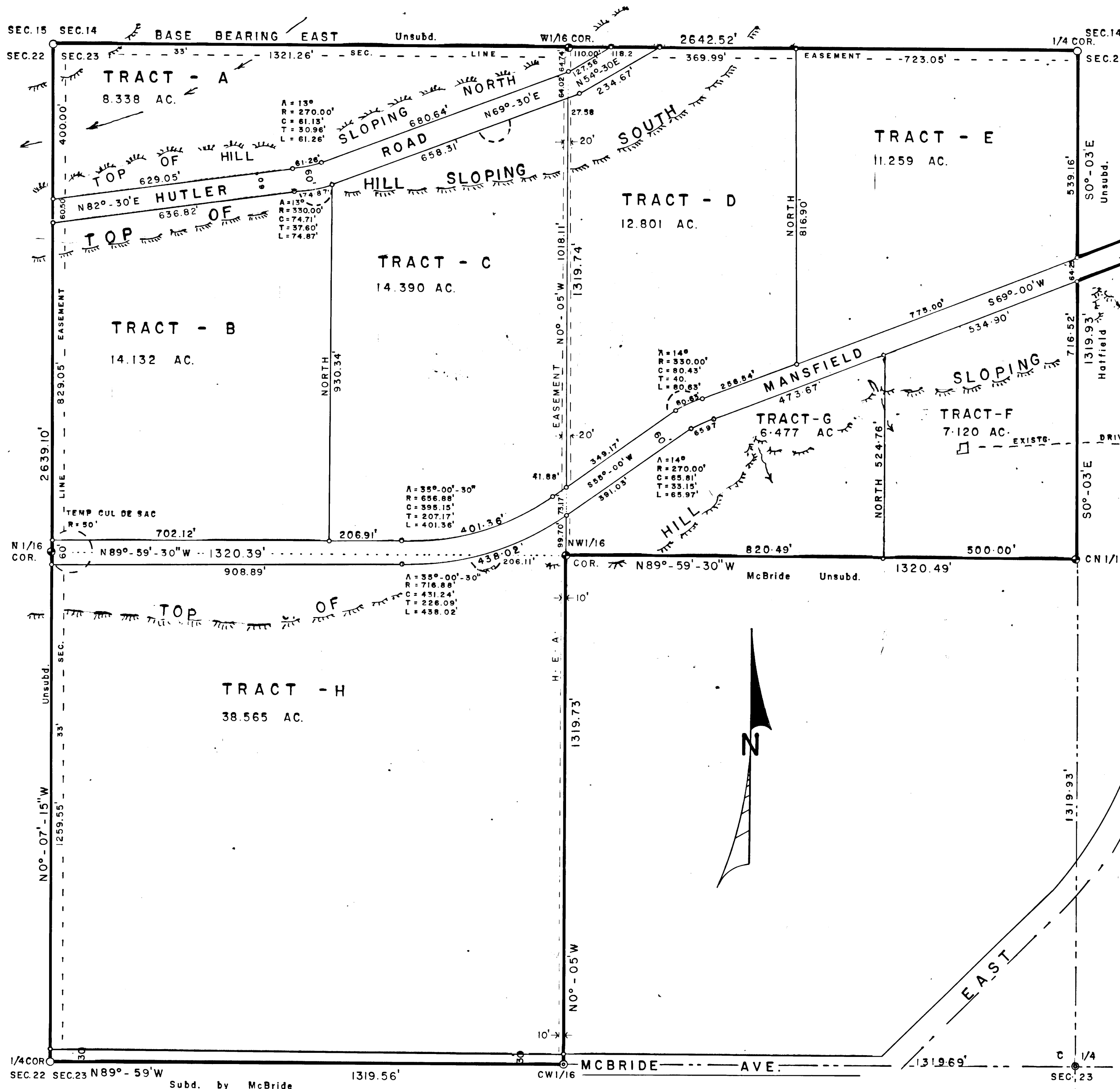
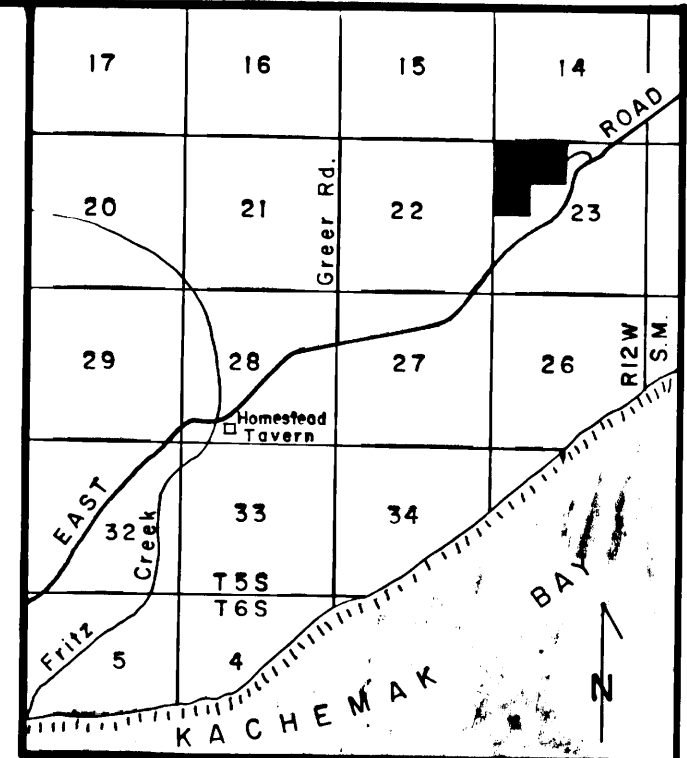
# MANSFIELD SUBDIVISION

LOCATED IN NW1/4 SEC.23, T5S, R12W, S.M., ALASKA.  
 SCALE 1" = 200' AREA = 121.407 AC.  
 BY: W.F. MANSFIELD BOX 745 HOMER, ALASKA 99603

MAY 22, 1978

## LEGEND

- - 1919 brass cap by GLO found.
  - ⊙ - 1975 brass cap by J.A.A. 3686-S
  - ⊕ - 1976 brass cap by H.N.J. 268-S
  - - 1/2" x 2" rebar set.
- NOTES: A 20' building set-back line and 5' underground utility or overhead clearing easement along all streets.  
 All waste water disposal systems shall comply with existing laws at time of construction.
- INDICATES 30'R. GUY ANCH. EASEM.



VICINITY SCALE 1"=1.25 MILE MAP

78-94

RECORDED (file) 3

Homer REC. DIST.

DATE 10-5-78

TIME 306 P.M.

Requested by KPB

## PLAT APPROVAL

This plat having been approved by the Kenai Peninsula Borough Planning Commission as recorded in the official minutes of the meeting of July 23, 1978 is hereby acknowledged and accepted as the official plat subject to any and all conditions and requirements of ordinances and law appertaining thereto.

KENAI PENINSULA BOROUGH

By Donald J. Gallagher

## CERTIFICATE OF OWNERSHIP AND DEDICATION

We hereby certify that we are the owners of the property shown and described hereon, and that we hereby adopt this plan of subdivision, and dedicate all streets to public use and to the use of public utilities.

W.F. Mansfield  
 W.F. MANSFIELD BOX 745 HOMER, ALASKA 99603

Mrs. Velva Hatfield  
 MRS. VELVA HATFIELD STAR RTE. "A", HOMER, ALASKA 99603

## STATE OF ALASKA, THIRD JUDICIAL DISTRICT

Subscribed and sworn to before me this 14 day of July 1978  
Gail M. Johnson May 14, 1981  
 NOTARY PUBLIC FOR ALASKA My commission expires

