



Meeting Agenda Plat Committee

Monday, November 29, 2021

6:00 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

D. OLD BUSINESS

E. NEW BUSINESS

1. [KPB-3725](#) Catkin Subdivision 2021 Replat; KPB File 2021-144

Attachments:

1. [MAP Vicinity](#)
2. [MAP Aerial Map](#)
3. [Plat Prelim KPB 2021-144 Reduced](#)
4. [Staff Report Catkin Sub 2021 Replat KPB 2021-144](#)
5. [MAP Block](#)
6. [MAP Contours & SLE](#)
7. [MAP GIS Wetlands](#)
8. [Plat Parent HM 2009-50](#)
9. [Plat Parent HM 2003-65](#)
10. [Plat Parent HM 90-12](#)

2. [KPB-3743](#) West Hill Subdivision Harness Addition

Attachments:

1. [MAP Vicinity](#)
2. [MAP Aerial Map](#)
3. [Plat Prelim KPB 2021-021R1 Reduced](#)
4. [SR West Hill Sub Harness Addn KPB 2021-021R1](#)
5. [MAP Contours & Wetlands](#)
6. [MAP Wetlands](#)
7. [Plat Parent HM 94-48](#)
8. [Plat Parent HM 75-11](#)

3. [KPB-3727](#) Seldovia Townsite East Addn. Watson 2021 Replat; KPB File 2021-148

Attachments:

1. [MAP Vicinity](#)
2. [MAP Aerial Map](#)
3. [Plat Prelim KPB 2021-148 Reduced](#)
4. [Staff Report Seldovia Townsite East Addn Watson 2021 Replat KPB 2021-14](#)
5. [MAP GIS Wetlands](#)
6. [City Minutes 100621](#)
7. [Plat Parent SL 2007-3](#)
8. [Plat Parent SL 66-28](#)

4. [KPB-3728](#) Duncan Subdivision No. 5; KPB File 2021-142

Attachments:

1. [MAP Vicinity](#)
 2. [MAP Aerial Map](#)
 3. [Plat Prelim KPB 2021-142 Reduced](#)
 4. [Staff Report Duncan Sub No 5 KPB 2021-142](#)
 5. [MAP GIS Wetlands & Contours](#)
 6. [MAP Block Lengths](#)
 7. [Plat KN 2019-75](#)
 8. [Plat KN 2002-28](#)
 9. [Plat KN 91-30](#)
 10. [Plat KN 90-35](#)
 11. [Plat KN 75-65](#)
- [Desk Plat Prelim KPB 2021-142 Revised](#)

5. [KPB-3729](#) Mahan Subdivision Birch Ridge Estates Addition No. 3
KPB File 2021-143

Attachments:

- [1. MAP Vicinity](#)
- [2. MAP Aerial Map](#)
- [3. Plat Prelim KPB 2021-143 Reduced](#)
- [4. Staff Report Mahan Sub Birch Ridge Estates Addn No 3 KPB 2021-143](#)
- [5. MAP Contour](#)
- [6. MAP Aerial Map 2](#)
- [7. Aerial Image Padfoot Ave](#)
- [8. Plat Committee Minutes June 26, 2006](#)
- [9. Comment KPB 2021-143 Material Sites](#)
- [10. Plat Parent KN 2007-130](#)
- [11. Plat Parent KN 2006-78](#)
- [12. Plat Parent KN 2004-58](#)

6. [KPB-3730](#) Kustatan Estates TKC Addition; KPB File 2021-140

Attachments:

- [1. MAP Vicinity](#)
- [2. MAP Aerial Map](#)
- [3. Plat Prelim KPB 2021-140 Reduced](#)
- [4. Staff Report Kustatan Estates TKC Addn KPB 2021-140](#)
- [5. MAP Aerial Map 2](#)
- [6. Plat Parent KN 85-52](#)
- [7. Plat Parent KN 77-132](#)

7. [KPB-3731](#) Mountain Vista Estates 2022 Replat; KPB File 2021-147

Attachments:

- [1. MAP Vicinity](#)
- [2. MAP Aerial Map](#)
- [3. Plat Prelim KPB 2021-147 Reduced](#)
- [4. Staff Report Mountain Vista Estates 2022 Replat KPB 2021-147](#)
- [5. MAP Block Length](#)
- [6. MAP GIS Contour Anadromous Waters & SLE](#)
- [7. MAP GIS Wetlands](#)
- [8. Plat Parent KN 2008-37](#)
- [9. Plat Parent KN 77-15](#)

8. [KPB-3732](#) Skyview Heights Subdivision Spellman Addition; KPB File 2021-146

Attachments:

1. [MAP Vicinity](#)
2. [MAP Aerial Map](#)
3. [Plat Prelim KPB 2021-146 Reduced](#)
4. [Staff Report Skyview Heights Sub Spellman Addn KPB 2021-146](#)
5. [MAP Contour](#)
6. [MAP Block](#)
7. [Resolution 93-16 Lot 2 Block 2](#)
8. [Plat Parent KN 79-29](#)

9. [KPB-3733](#) Steven Oberts Subdivision No. 1; KPB File 2021-141

Attachments:

1. [MAP Vicinity](#)
2. [MAP Aerial Map](#)
3. [Plat Prelim KPB 2021-141 Reduced](#)
4. [Staff Report Steven Oberts Sub NO 1 KPB 2021-141](#)
5. [MAP Access & SLE](#)
6. [MAP Flood Zone Anadromous Waters](#)
7. [MAP GIS Wetlands](#)
8. [Plat Parent KN 2002-91](#)
9. [Plat Parent KN 93-57](#)
10. [Plat Parent KN 92-40RS](#)

F. PUBLIC COMMENT

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

G. ADJOURNMENT

MISCELLANEOUS INFORMATIONAL ITEMS

NEXT REGULARLY SCHEDULED PLAT COMMITTEE MEETING

The next regularly scheduled Plat Committee meeting will be held Monday, December 13, 2021 in the Betty J. Glick Assembly Chambers of the Kenai Peninsula Borough George A. Navarre Administration Building, 144 North Binkley Street, Soldotna, Alaska at 7:30 p.m.

KENAI PENINSULA BOROUGH PLANNING DEPARTMENT

Phone: 907-714-2215

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

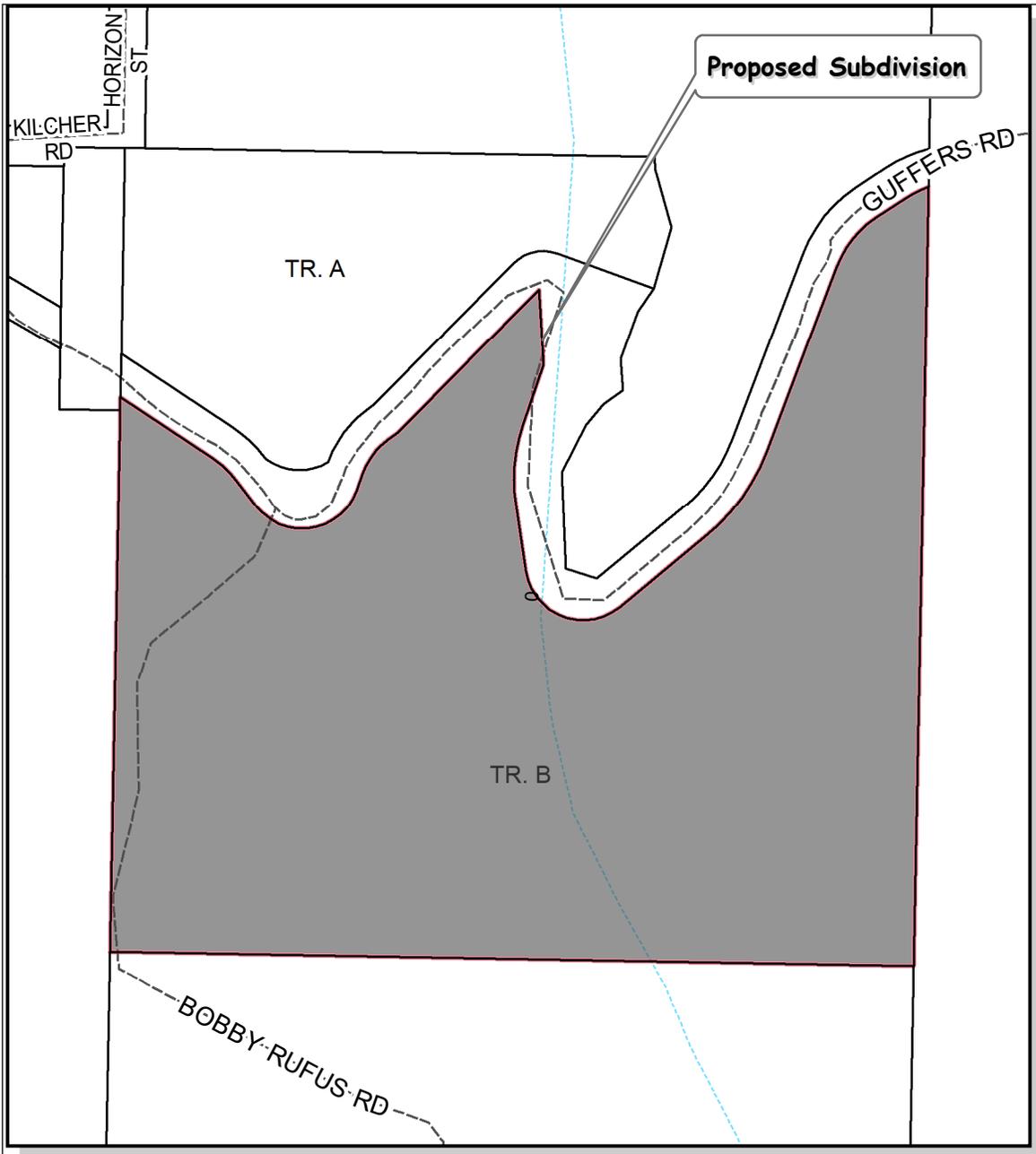
Fax: 907-714-2378

e-mail address: planning@kpb.us

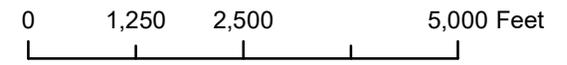
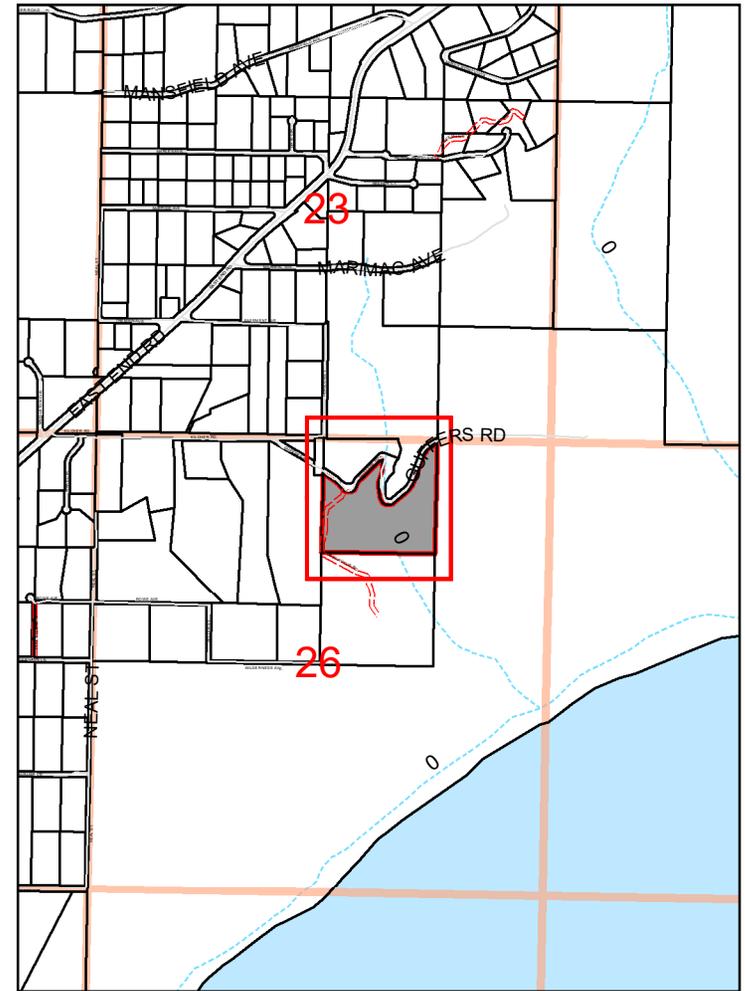
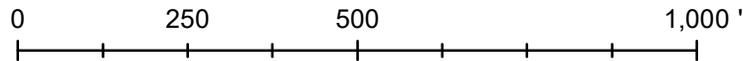
website: <http://www.kpb.us/planning-dept/planning-home>

Written comments will be accepted until 1:00 p.m. on the last business (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.

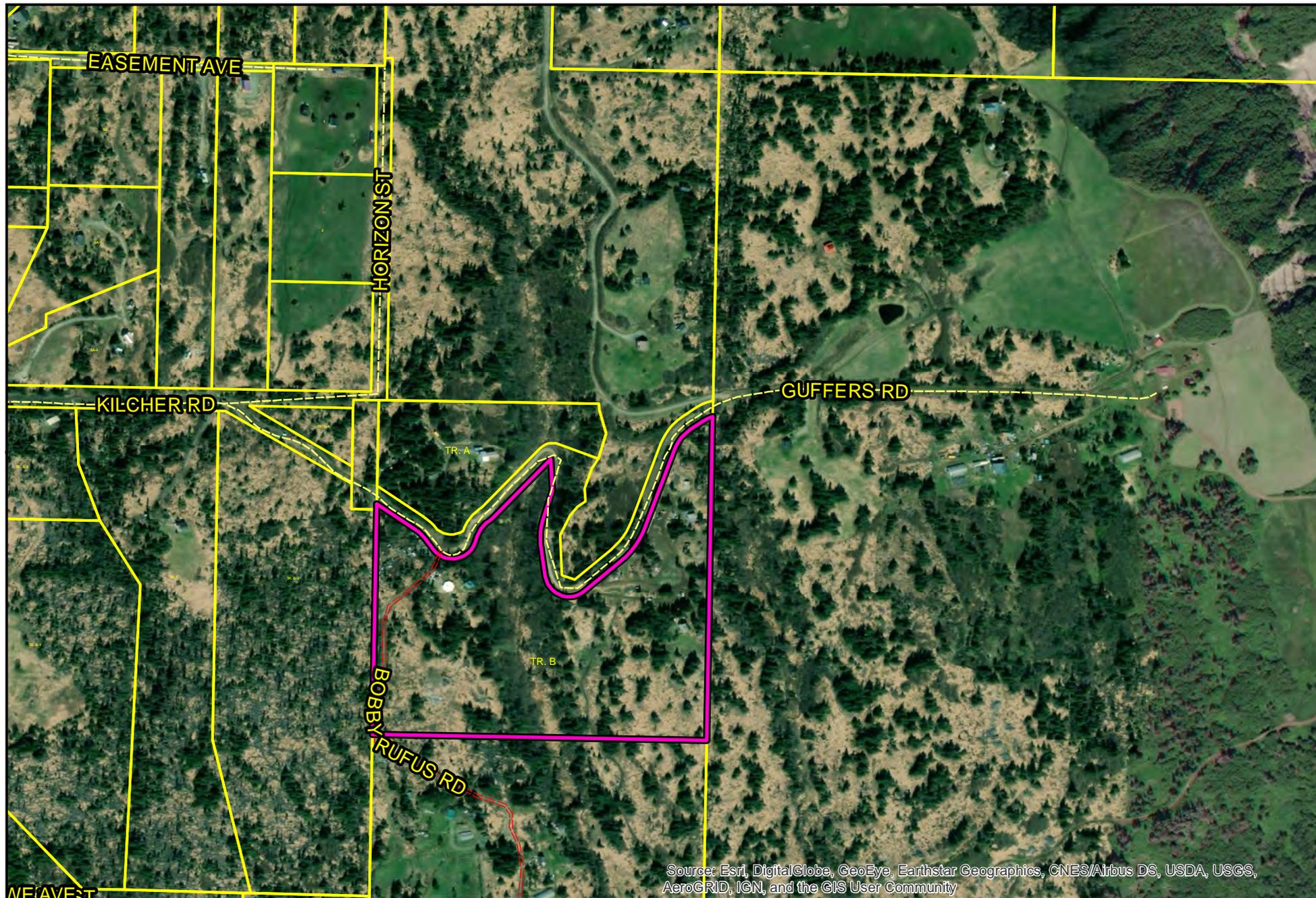
An interested party may request that the Planning Commission review a decision of the Plat Committee by filing a written request within 10 days of the written notice of decision in accordance with KPB 2.40.080.



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.

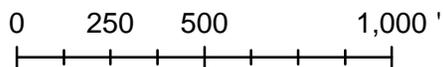


KPB 2021-144
S26 T05S R12W
FRITZ CREEK



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 2021-144
Imagery WORLD

NOTES

1. BASIS OF BEARING FOR THIS SURVEY IS FROM THE PLAT OF CATKIN SUBDIVISION (2009-50, HRD).
2. A BUILDING SETBACK OF 20 FEET IS REQUIRED FROM ALL STREET RIGHTS-OF-WAY UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
3. THE FRONT 10 FEET OF THE 20 FOOT BUILDING SETBACK AND THE ENTIRE BUILDING SETBACK WITHIN 5 FEET OF 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. ROADS WITHIN THE SUBDIVISION MUST MEET THE DESIGN AND CONSTRUCTION STANDARDS ESTABLISHED BY THE BOROUGH IN ORDER TO BE CONSIDERED FOR CERTIFICATION AND INCLUSION IN THE ROAD MAINTENANCE PROGRAM.
5. 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.
6. ALL WASTEWATER DISPOSAL SYSTEMS SHALL COMPLY WITH EXISTING APPLICABLE LAWS AT THE TIME OF CONSTRUCTION.
7. EXISTING OVERHEAD POWER LINES ARE CENTERLINE OF A 20 FOOT ELECTRICAL DISTRIBUTION EASEMENT.

WASTEWATER DISPOSAL

TRACT B-1
THIS LOT IS AT LEAST 200,000 SQUARE FEET OR NOMINAL 5 ACRES IN SIZE AND CONDITIONS MAY NOT BE SUITABLE FOR ONSITE WASTEWATER TREATMENT AND DISPOSAL. ANY WASTEWATER TREATMENT OR DISPOSAL SYSTEM MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

TRACTS B-2 & B-3

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

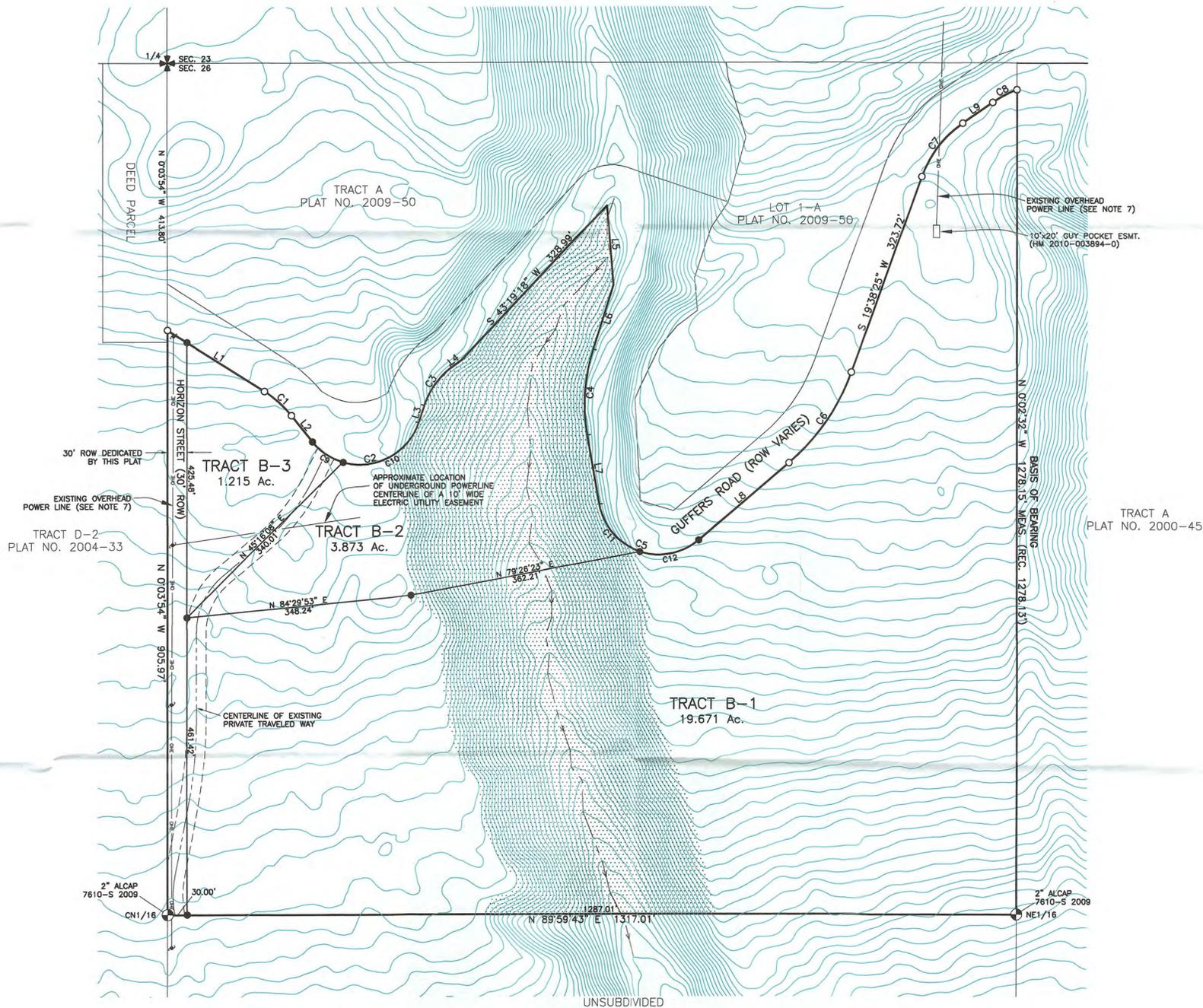
ENGINEER _____ LICENSE # _____ DATE _____

LINE TABLE

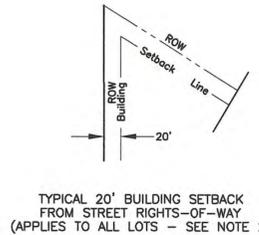
LINE	BEARING	DISTANCE
L1	N 57°39'01" W	177.77'
L2	N 38°38'26" W	52.22'
L3	S 18°26'34" W	28.38'
L4	S 53°12'40" W	19.61'
L5	N 4°38'47" W	124.17'
L6	N 17°40'59" E	104.07'
L7	N 9°52'39" W	108.42'
L8	S 49°23'49" W	184.24'
L9	S 55°18'33" W	56.50'

CURVE TABLE

CURVE	DELTA	RADIUS	LENGTH	CHORD BRNG	CHORD DIST
C1	19°00'35"	170'	56.40'	N 48°08'44" W	56.14'
C2	122°55'00"	95'	203.80'	S 79°54'04" W	166.91'
C3	34°48'06"	120'	72.82'	S 35°49'57" W	71.71'
C4	27°33'38"	280'	134.69'	S 3°54'10" W	133.39'
C5	120°43'32"	95'	200.17'	N 70°14'25" W	165.14'
C6	29°45'24"	330'	171.39'	S 34°31'07" W	169.47'
C7	35°40'08"	170'	105.83'	S 37°28'29" W	104.13'
C8	14°25'26"	170'	42.80'	S 62°31'16" W	42.68'
C9	34°59'57"	95'	58.03'	N 56°08'24" W	57.13'
C10	87°55'03"	95'	145.77'	S 62°24'06" W	131.89'
C11	61°56'06"	95'	102.69'	N 40°50'42" W	97.76'
C12	58°47'26"	95'	97.48'	S 78°47'32" W	93.26'



- LEGEND**
- INDICATES 2-1/2" 1917 GLO BRASS CAP MONUMENT RECOVERED THIS SURVEY
 - INDICATES PRIMARY MONUMENT RECOVERED THIS SURVEY AS DESCRIBED
 - INDICATES REBAR WITH 2" ALCAP (7610-S 2009) RECOVERED THIS SURVEY
 - INDICATES 5/8" X 30" REBAR WITH 2" ALCAP (7538-S, 2021) SET THIS SURVEY
 - INDICATES AREAS WITH SLOPES GREATER THAN 20%
 - INDICATES EXISTING DRAINAGE



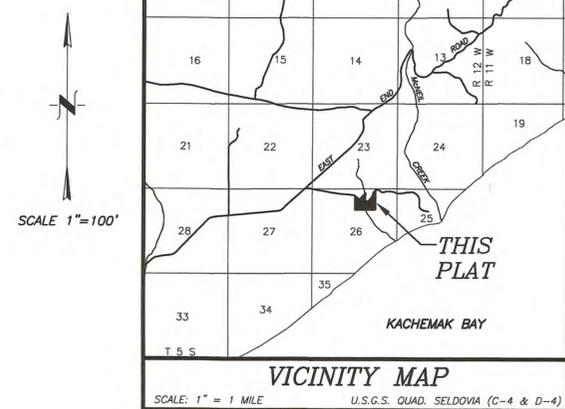
TYPICAL 20' BUILDING SETBACK FROM STREET RIGHTS-OF-WAY (APPLIES TO ALL LOTS - SEE NOTE 2)

PLAT APPROVAL

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

BY: _____ AUTHORIZED OFFICIAL
KENAI PENINSULA BOROUGH

DATE _____



CERTIFICATE OF OWNERSHIP AND DEDICATION

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.

OTTO EDWIN KILCHER
PO BOX 373
HOMER, ALASKA 99603

NOTARY'S ACKNOWLEDGMENT

FOR OTTO EDWIN KILCHER
ACKNOWLEDGED BEFORE ME THIS _____
DAY OF _____, 2021.

NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES: _____

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

CATKIN SUBDIVISION 2021 REPLAT
THE SUBDIVISION OF
TRACT B, CATKIN SUBDIVISION (HM 2009-50)
INTO TRACTS B-1, B-2 AND B-3
LOCATED WITHIN THE NW 1/4 NE1/4 SEC 26,
T. 5 S., R. 12 W., SEWARD MERIDIAN, KENAI PENINSULA
BOROUGH, THIRD JUDICIAL DISTRICT, ALASKA
CONTAINING 25.376 ACRES
OWNER:
OTTO EDWIN KILCHER
PO BOX 373 HOMER, AK 99603

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

DRAWN BY: SCS DATE: OCTOBER 2019 SCALE: 1" = 100'
CHK BY: SCS JOB #19-19 SHEET 1 OF 1



KPB 2021-144

AGENDA ITEM E. NEW BUSINESS

ITEM 1 – CATKIN SUBDIVISION 2021 REPLAT

KPB File No.	2021-144
Plat Committee Meeting:	November 29, 2021
Applicant / Owner:	Edwin Otto Kilcher of Homer, AK
Surveyor:	Stephen C. Smith / Geovera, LLC
General Location:	Bobby Rufus Road and Guffers Road / Fritz Creek

Parent Parcel No.:	172-380-35
Legal Description:	Tract B, Catkin Subdivision HM 2009-50
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On Site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide a 25 acre parcel into three tracts that will be 1.215, 3.873, and 19.671 acres. The plat will also dedicate a 30 foot wide right of way along the western boundary.

Location and Legal Access (existing and proposed): Access to this subdivision is near mile 10 of East End Road, a state maintained right of way. Kilcher Road is a varying width, borough maintained, right of way that connects Guffers Road to East End Road. Guffers Road is a varying width right of way that is not currently maintained by the borough or other government entity. Approximately 130 feet of Guffers Road is not dedicated as it crosses through the deed parcel located northwest of the subdivision. Guffers Road is constructed and provides physical access to the large tract to the east of the subdivision and some additional non-platted roads used for access appear to connect off Guffers Road. Guffers Road is a unique dedication to allow a roadway to be constructed across steep terrain. To allow the roadway to be constructed to cross the ravine, the parent plat was issued an exception for minimum curve radii. Additionally a larger width right of way and back slope maintenance easements were granted so that the road can be maintained.

The existing right of way is outside the proposed plat boundary and due to the prior granted exception, staff is not requesting any exceptions for the road dedication or dedications to improve the design.

Within the subdivision, a private travel way is depicted. This private travel way has been named for 9-1-1 Addressing purposes. The travel way continues south of the subdivision and provides physical access to multiple structures located in the unsubdivided parcel located to the south.

This plat is proposing to dedicate a 30 foot wide right of way along the western boundary. The lot to the west, Tract D-2, is 23 acres and could be further subdivided and provide a matching dedication. The southern portion of the proposed dedication appears to encompass a portion of the private travel way. As the private road goes north, it veers to the east and outside the proposed dedication. The private travel way is not required to be shown on the final plat but if it is chosen to be shown, **Staff recommends** that a plat note be added clarifying the type and intended use.

The block is not compliant. The lots in this area are large and steep slopes are found throughout the area. The dedication on the west boundary will improve the block length and provide legal access to the large parcel to the south. To the east is a 613 acre parcel. Parts of that parcel are located to the south of the unsubdivided parcel located south of this preliminary plat. This 613 acre parcel is along the coast and affected by a conservation easement. If any future subdivisions are created from that 613 acre parcel, additional right of ways will be acquired to help improve the blocks in the area.

There are currently section line easement that provide legal access but may not be practical access. Using those section line easements, the block is improved but still not compliant. Proposed Tract B-1 will be a large acreage lot that is divided by steep terrain. Future subdivision of Tract B-1 will be required to provide right of way that fits the design and terrain. **Staff recommends** the plat committee concur that an exception to block length is not required, as any additional dedications will not improve the block at this time.

KPB Roads Dept. comments	Out of Jurisdiction: No Roads Director: Uhlin, Dil Comments: No comments
SOA DOT comments	No comments

Site Investigation: The subdivision is affected by sloping terrain with the steepest slopes located near the riverine area at the center of the subdivision. The slopes greater than 20 percent are depicted and labeled on the preliminary plat. **Staff recommends** the contour lines be removed from the final plat but the steep slopes remain depicted and labeled.

The parent plat, Catkin Subdivision Plat HM 2009-50, depicted a drainage corridor with a label that the area is subject to inundation and storm runoff. **Staff recommends** the drainage way be updated and carry over the label from the parent plat. This may be done on the face of the plat or within a plat note.

Due to the steep terrain in the area and near the dedication of Guffers Road, a slope easement was granted on the parent plat. **Staff recommends** that this easement be carried forward and depicted on the plat. Additionally a plat note should be added explaining the uses of the slope easement.

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>
-------------------------	---

Staff Analysis The parent parcel is a 25 acre tract that was created on Catkin Subdivision plat KN 2009-50. The proposed plat will divide the large acreage parcel into three tracts. Tracts B-2 and B-3 will be smaller in size, 3.873 and 1.215 acres respectively. Tract B-3 will have access via Guffers Road, the new right of way dedication, and by the private travel way. Guffers Road will provide frontage to two sides of Tract B-2. A portion of the private travel way goes through the tract and provides access. Tract B-1 is the parcel with the remaining acreage of 19.671. Steep terrain and low wet areas divide Tract B-1. The western portion will have access from the new dedication and the private travel way, the eastern portion will have access from Guffers Road.

A soils report will be required for Tracts B-2 and B-3 and an engineer will sign the final plat. Tract B-1 is larger than 200,000 sq. ft. and a soils analysis report is not required. **Staff recommends** the wastewater disposal note for Tract B-1 be revised by removing "or nominal 5 acres."

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 granted 10 foot utility easements, increasing to 20 feet within 5 feet of side lot lines, adjoining Guffers Road. This plat has carried over the same note and will thus be creating utility easements along the newly dedicated right of way. **Staff recommends** the utility easements be depicted and labeled along with the 20 foot building setback. If necessary for clarity, the typical utility easement can be depicted and labeled along with the building setback in the detail drawing.

The parent plat granted 20 foot wide utility easements centered on existing power lines. The overhead power lines shown on the eastern portion of this plat were not depicted on the parent plat and easements were not created over them. **Staff recommends** plat note 7 be updated to state the easements are being granted by this plat.

This plat is also depicting the approximate location of an underground electric utility on the west side and states it is centered on a 10 foot utility easement. **Staff recommends** the manner in which that easement came into existence be noted, if being granted by this plat then state such.

A 10' by 20' easement was granted by recorded document and is depicted and the recording information noted on the plat.

One of the overhead lines shown is within the proposed right of way dedication. The reference to plat note 7 stating the overhead power line is also a utility easement is not required as utilities are a permitted use within dedicated right of ways. It would be the utility companies' responsibility to work with Kenai Peninsula Borough Land Management staff to determine if a permit will be required. **Staff recommends** the reference to plat note 7 be removed from the powerline depiction within the proposed right of way dedication.

Staff recommends plat note 3 be reworded to closer match current code. "The front 10 feet adjoining dedicated rights-of-way, and increasing to 20 feet within 5 feet of the side lot lines, shall be designated as a utility easement."

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

Utility provider review:

HEA	
ENSTAR	No comments or recommendations
ACS	
GCI	Approved as shown

KPB department / agency review:

Addressing	<p>Reviewer: Haws, Derek Affected Addresses: 38126 BOBBY RUFUS RD will remain with TRACT B-2 53413 GUFFERS RD will remain with TRACT B-1</p> <p>Existing Street Names are Correct: No</p> <p>List of Correct Street Names: GUFFERS RD</p>
------------	---

	<p>Existing Street Name Corrections Needed: Private traveled way should be BOBBY RUFUS RD as named via SN 2012-06.</p> <p>All New Street Names are Approved: Yes</p> <p>List of Approved Street Names: HORIZON ST</p> <p>List of Street Names Denied:</p> <p>Comments: As the Addressing Officer, I am concerned with the parallel and overlapping sections of BOBBY RUFUS RD and HORIZON ST. BOBBY RUFUS RD (private) continues south and provides access to four 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.</p>
Assessing	<p>Reviewer: Bruns, Matthew Comments: No concerns from Assessing Dept.</p>
Advisory Planning Commission	<p>Comments not received when staff report was prepared.</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 name to match the certificate to plat, Edwin Otto Kilcher.*
- 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: Due to the unique design of Guffers Road, an additional label on the western portion would be a good addition but not required.

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

Staff recommendation: Some additional lines appear to represent streams and right of ways with no labels present. Not all lines need a label but please provide a label for what appears to be a road through sections 16, 15, 22, and 23.

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 will be required for Tract B-2 and Tract B-3. An engineer will need to sign the plat. A soils analysis report is not required for Tract B-1. The wastewater note for Tract B-1 needs to be revised by removing “or nominal 5 acres”.

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: An acceptance for the proposed right of way will be required to be signed by an authorized official of 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: Place the following notes on the plat.

- Slope easement means an easement for construction, maintenance and lateral support of road slopes. Slope easement was granted by Plat HM 2009-50.
- Add a plat note for any exceptions granted.

If the travel way shown on the preliminary plat remains on the final, **staff suggests** the following note be placed on the final plat to avoid confusion about public use in the future: Private road shown is for use of owners only and is not dedicated to public use.

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: Update the owner’s name to Edwin Otto Kilcher on the signature line and within the notary’s acknowledgment. Comply with 20.60.190.

EXCEPTIONS REQUESTED:

A. KPB 20.60.200 Survey and Monumentation

Surveyor's Discussion: I would like to request an exception to KPB 20.60.200 Survey and Monumentation for nine corners that fall in the extremely steep slope along the south edge of Guffers Road. The nine corners that were set for the original Catkin Subdivision (HM 2009-50) on the steep slope were found to have sluffed down the slope, and were found to be out of record position by nearly a foot. The slope adjacent to the existing road is part of a fill that is steeper than 1:1. It is not a place where monuments can be expected to remain in their original place. I have used the record position of the south edge of the right-of-way through that area for this plat.

Staff Discussion: Per KPB Code, all monuments of record essential to the subdivision should be remonumented if found missing, disturbed or destroyed. Per the surveyor's request, the monuments previously set have shifted due to steep slopes. The surveyor is requesting to not monument a portion of Tract B-2's boundary along Guffers Road due to the terrain. It is not uncommon to set witness monuments in areas when the actual location cannot be set due to terrain. The use of witness monuments will not benefit this subdivision as the areas to place a witness survey marker are within the steep slope areas or within the roadway.

If the exception is denied all monuments along Guffers Road will be required to be set and correctly depicted on the plat.

Findings:

1. Nine monuments previously set as part of Catkin Subdivision, Plat HM 2009-50, were found disturbed due to sloughing of the steep slopes.
2. The terrain around that portion of Guffers Road is slopes greater than 20 percent.
3. A drainage way is located within the steep sloped area and along a portion of the right of way.
4. Previous monuments shifted from their true location as much as a foot.
5. Shifting monuments may cause issues related to the correct location of the right of way, the slope easement, utility easements, and property boundaries.
6. Placing monuments in a location that is shifting or sloughing may cause confusion for land owners and will not be a benefit.

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 1-6 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 1-6 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 1-6 appear to support this standard.

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

RECOMMENDATION:

SUBJECT TO EXCEPTION(S) GRANTED, STAFF RECOMMENDS:

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

NOTE: 20.25.120. - REVIEW AND APPEAL.

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

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

END OF STAFF REPORT



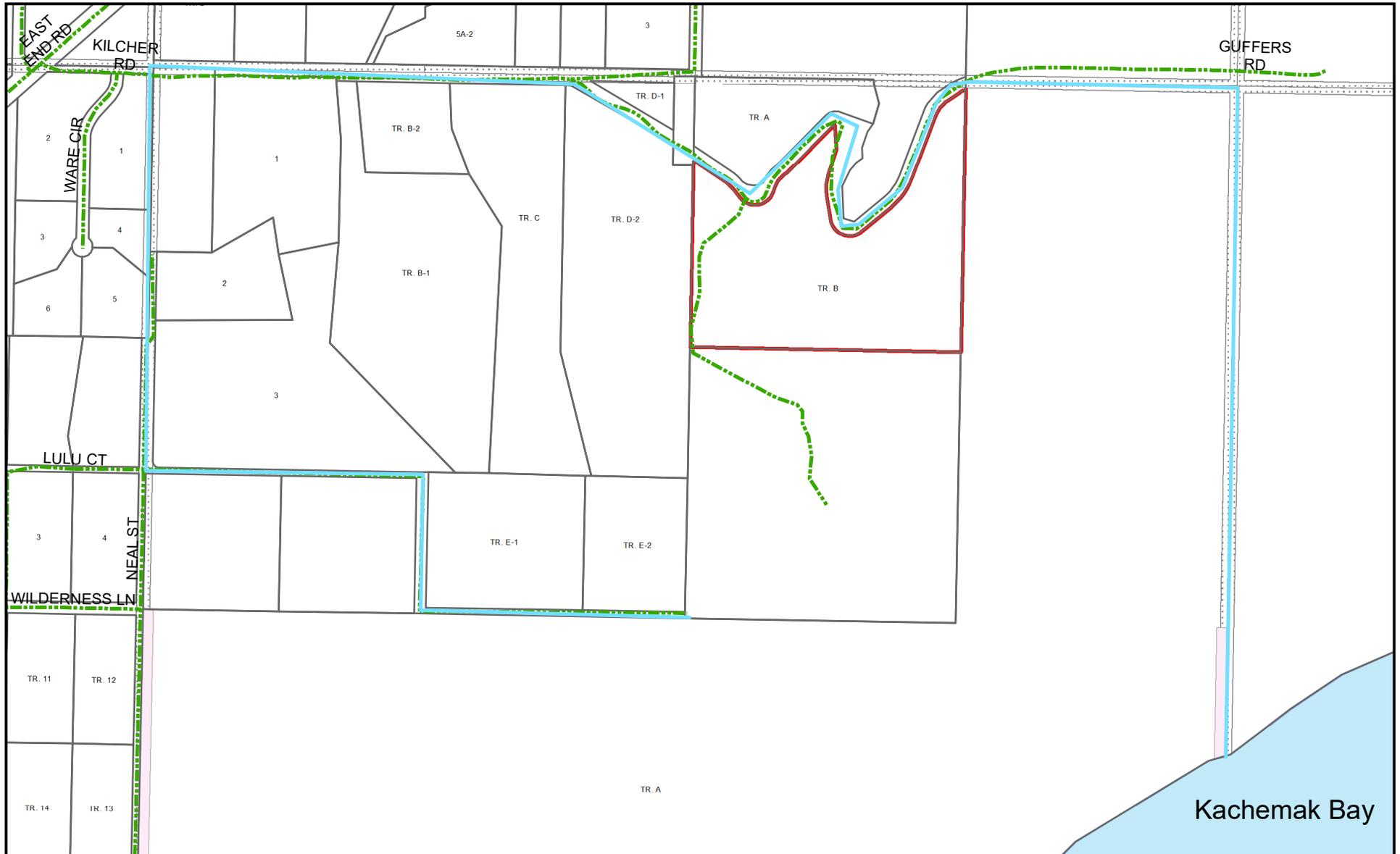
Legend

-  33 Section Line Easement
-  50 Section Line Easement
-  Streets
-  Preliminary Plat
-  Block Boundary

Date: 11/10/2021

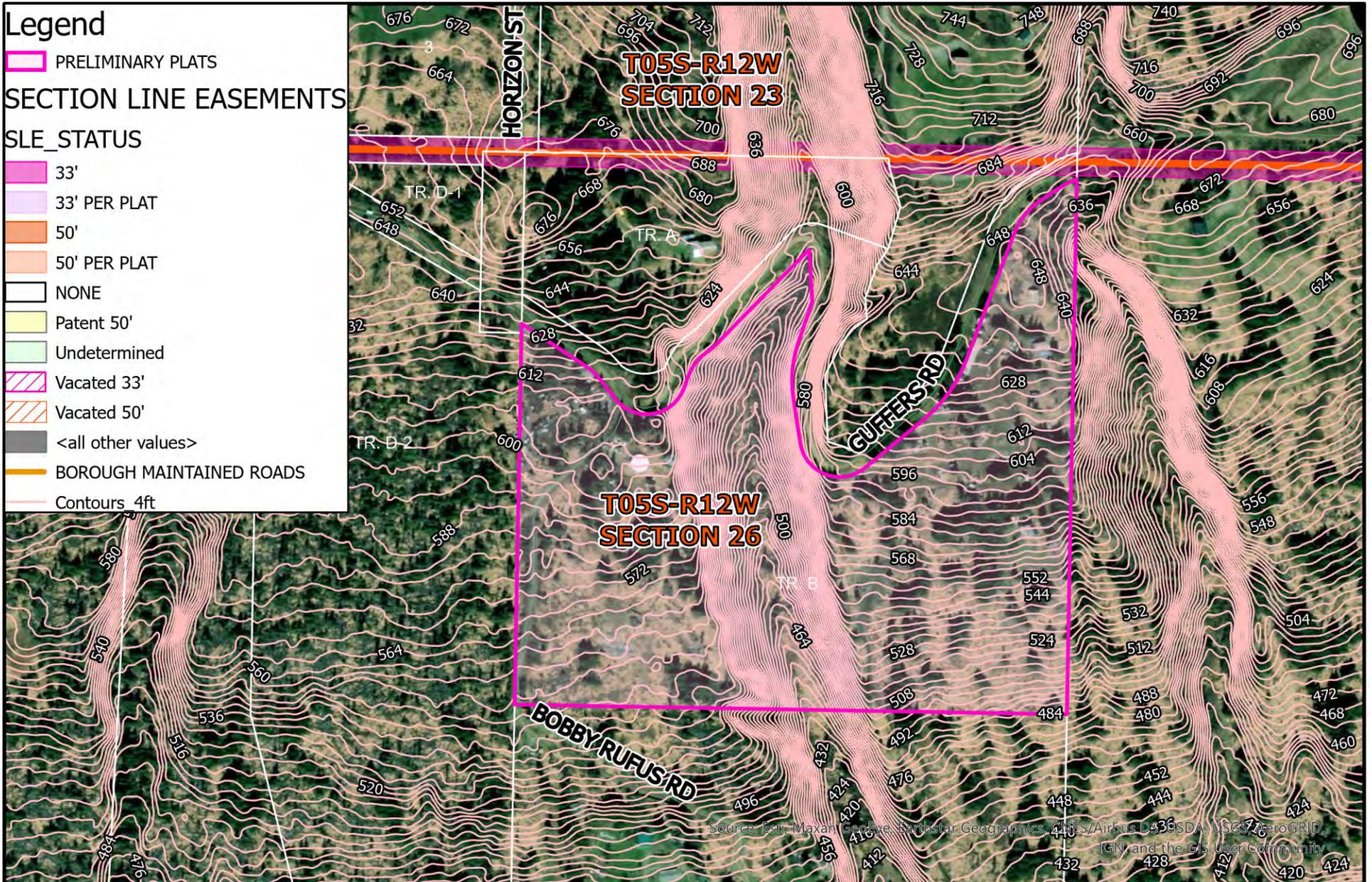


Catkin Subdivision 2021 Replat KPB File 2021-144

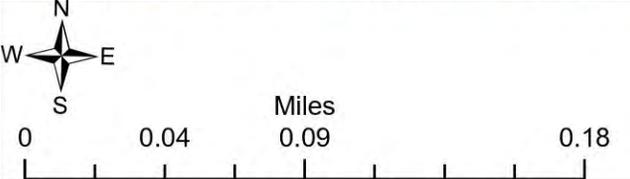


Legend

- 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>
- BOROUGH MAINTAINED ROADS
- Contours 4ft



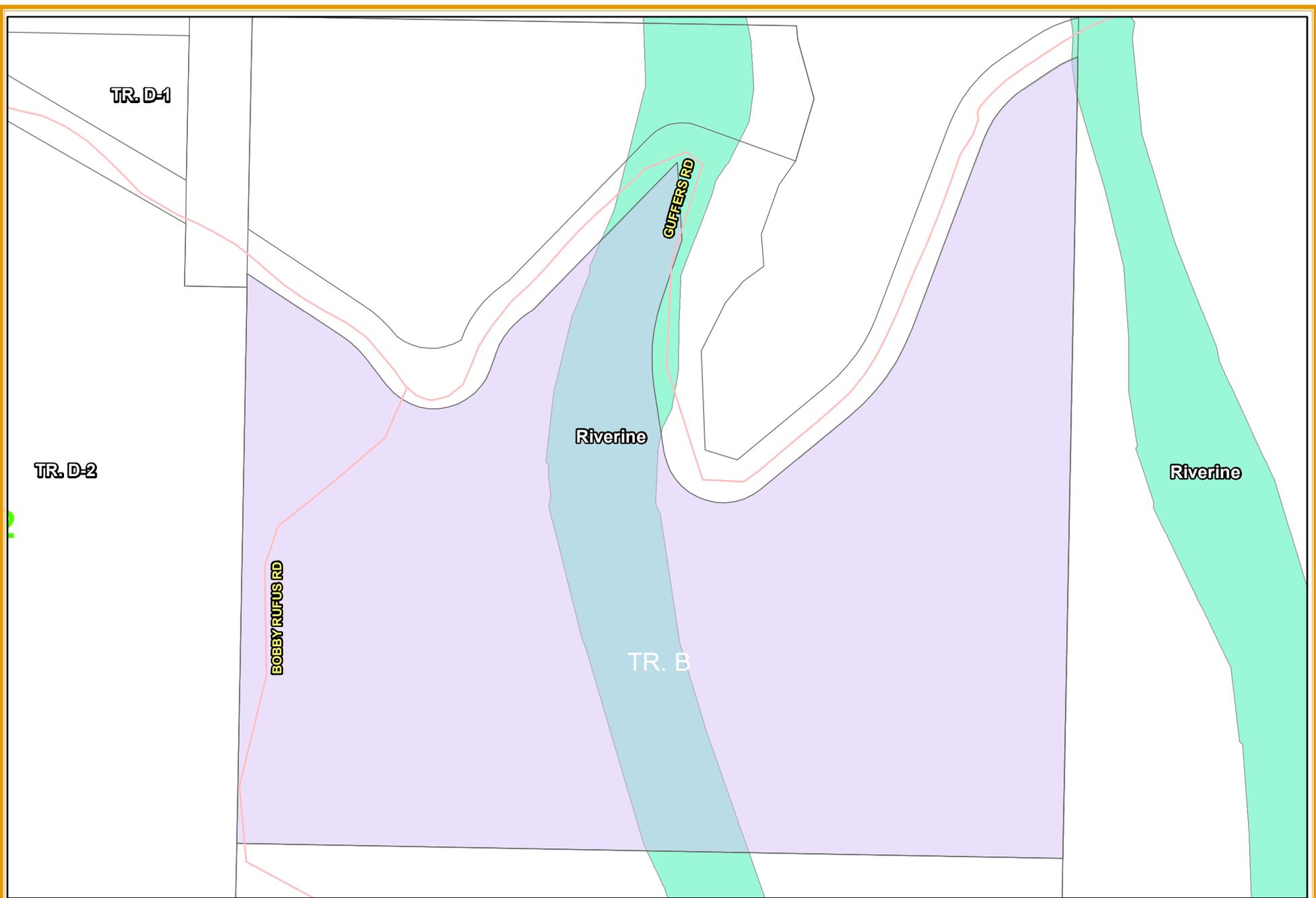
The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



AERIAL IMAGERY 2018
flood zone / anadromous waters

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

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

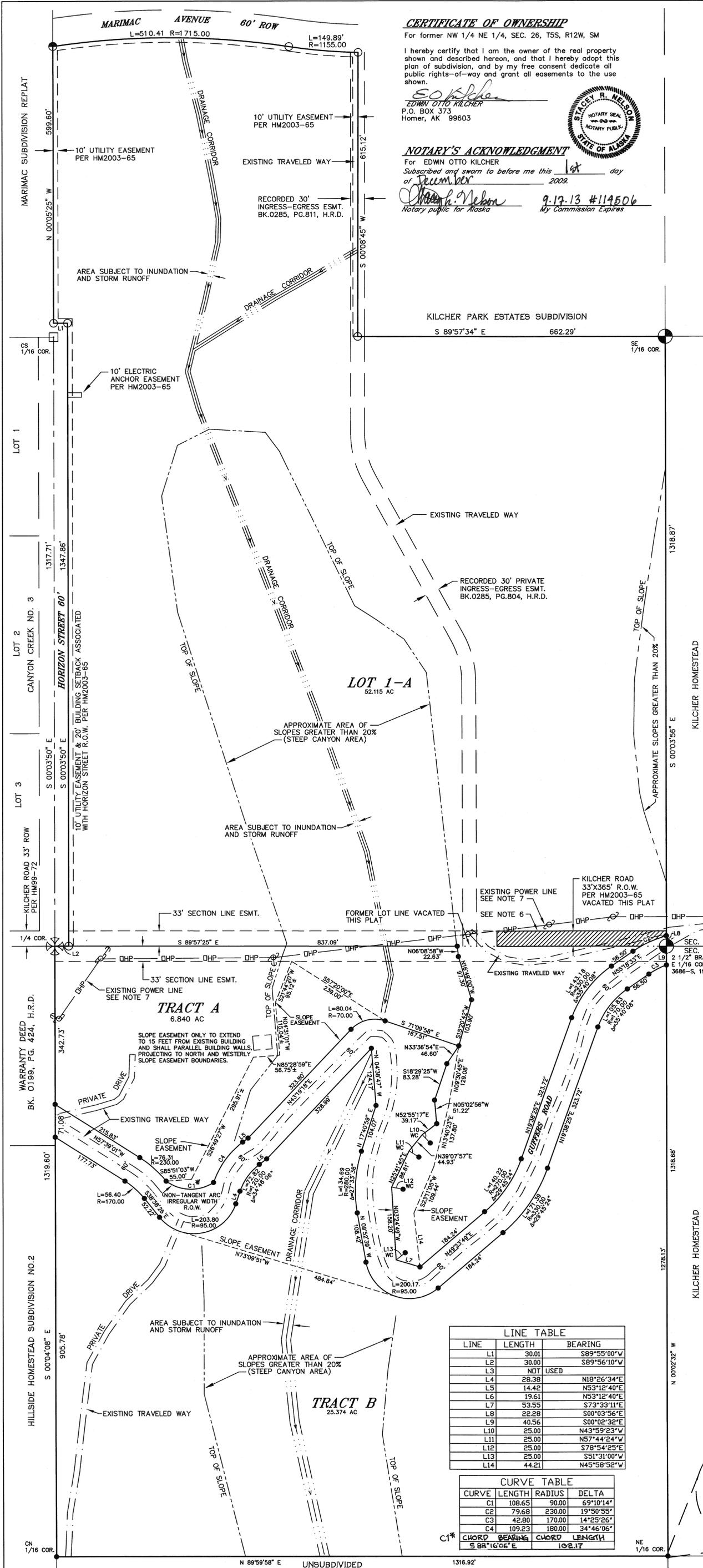


The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.

GIS WETLANDS



Date: 11/3/2021



CERTIFICATE OF OWNERSHIP

For former NW 1/4 NE 1/4, SEC. 26, T5S, R12W, S.M

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 public rights-of-way and grant all easements to the use shown.

Edwin Otto Kilcher
EDWIN OTTO KILCHER
P.O. BOX 373
Homer, AK 99603



NOTARY'S ACKNOWLEDGMENT

For EDWIN OTTO KILCHER
Subscribed and sworn to before me this 1st day of January 2009.
Gary D. Nelson
Notary public for Alaska
9.17.13 #114506
My Commission Expires

CERTIFICATE OF OWNERSHIP

For former LOT 1, KILCHER PARK ESTATES BURTON ADDITION (AMENDED PLAT)

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

Catkin Burton
CATKIN BURTON
1143 M COURT
ANCHORAGE, AK. 99501

Catkin Melody Burton
CATKIN MELODY BURTON
1143 M COURT
ANCHORAGE, AK. 99501

NOTARY'S ACKNOWLEDGMENT

For CATKIN BURTON, CATKIN MELODY BURTON
Subscribed and sworn to before me this 3rd day of December 2009.

Amanda Caltan
Notary public for Alaska
May 4 2010
My Commission Expires

Clyde Thomas Burton
CLYDE THOMAS BURTON
1143 M COURT
ANCHORAGE, AK. 99501

NOTARY'S ACKNOWLEDGMENT

For CLYDE THOMAS BURTON
Subscribed and sworn to before me this 3rd day of December 2009.

Amanda Caltan
Notary public for Alaska
May 4 2010
My Commission Expires

NOTES

- THIS PLAT IS PREPARED TO SATISFY ITEM 1 OF THE "SETTLEMENT AGREEMENT AND MUTUAL STIPULATION FOR DISMISSAL" RENDERED IN CASE NO. 3KN-03-280 CI OF THE ALASKA SUPERIOR COURT, THIRD JUDICIAL DISTRICT AT KENAI, MARCH 2006. ADDITIONALLY THIS PLAT INCORPORATES THE APPROXIMATE 4 ACRE PORTION OF SAID ITEM 1 (WITHIN SECTION 26) INTO LOT 1 OF PLAT NUMBER HM2003-65 H.R.D., AND VACATES KILCHER ROAD R.O.W. AS SHOWN TO CREATE LOT 1-A.
- A BUILDING SETBACK OF 20 FEET IS REQUIRED FROM ALL STREET RIGHTS-OF-WAY UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
- 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).
- BASIS OF BEARING: BEARINGS ARE PLANE BEARINGS ORIENTATED TO TRUE BEARINGS VIA GPS OBSERVATION AT THE E 1/16 CORNER OF SECTION 23 & 26.
- THE FRONT 10 FEET OF THE 20' 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 AN EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
- UTILITY EASEMENTS AND THE BUILDING SETBACK ASSOCIATED WITH KILCHER ROAD R.O.W. PER HM2003-65 ARE VACATED THIS PLAT.
- EXISTING OVERHEAD POWER LINE IS CENTERLINE OF A 20 FOOT WIDE ELECTRICAL DISTRIBUTION EASEMENT.
- AN EXCEPTION TO KPB 20.20.120 (MINIMUM CURVE RADIUS) WAS GRANTED BY THE KENAI PENINSULA BOROUGH PLAT COMMITTEE ON MAY 27, 2008.
- TIE FROM CN 1/16 CORNER TO THE CENTER SECTION 1/4 CORNER, A 3-1/4" AL-MON. SET BY 7986-S IN 1999 PER HM99-72, BEARS S00°04'08"E, DISTANCE OF 1319.60.
- SLOPE EASEMENT MEANS AN EASEMENT FOR CONSTRUCTION, MAINTENANCE AND LATERAL SUPPORT OF ROAD SLOPES.

WASTEWATER NOTE

LOT 1-A, TRACT A, AND TRACT B ARE AT LEAST 200,000 SQUARE FEET OR NOMINAL FIVE 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.

Gary D. Nelson 7610-S 11-30-2009
SURVEYOR LICENSE # DATE

LEGEND

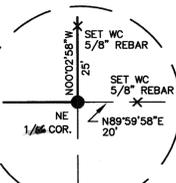
- FND 2 1/2" BRASS CAP ON 3/4" GALVANIZED PIPE 3686-S, 1977
- FND 2 1/2" BRASS CAP ON 3/4" GALVANIZED PIPE GLO, 1917
- FND 5/8" REBAR
- FND 1/2" REBAR
- FND 3" AL-CAP, 7968-S, 2003
- SET 2" AL-CAP ON 5/8" REBAR
- POWER POLE
- GUY/ANCHOR
- OVERHEAD POWER
- WC WITNESS CORNER

PLAT APPROVAL

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of MAY 27, 2008. KENAI PENINSULA BOROUGH (64) vacation approved April 13, 2009.

BY *Mary Ann*
Authorized Official

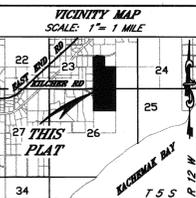
DETAIL NOT TO SCALE



LINE TABLE		
LINE	LENGTH	BEARING
L1	30.01	S89°55'00"W
L2	30.00	S89°56'10"W
L3	NOT USED	
L4	28.38	N18°26'34"E
L5	14.42	N53°12'40"E
L6	19.61	N53°12'40"E
L7	53.55	S73°33'11"E
L8	22.28	S00°03'56"E
L9	40.56	S00°02'32"E
L10	25.00	N43°59'23"W
L11	25.00	N57°44'24"W
L12	25.00	S78°54'25"E
L13	25.00	S51°31'00"W
L14	44.21	N45°58'52"W

CURVE TABLE			
CURVE	LENGTH	RADIUS	DELTA
C1	108.65	90.00	69°10'14"
C2	79.68	230.00	19°50'55"
C3	42.80	170.00	14°25'26"
C4	109.23	180.00	34°46'06"

CHORD BEARING CHORD LENGTH		
C1*	S88°16'06"E	102.17



DATE 11-30-09
SCALE 1"=100'
JOB No. 4164
DRAWING: 4164b_2008

CATKIN SUBDIVISION
VACATING A PORTION OF KILCHER ROAD AND REPLATING OF LOT 1, KILCHER PARK ESTATES BURTON ADDITION (AMENDED PLAT HM2003-65), WITHIN THE SE 1/4 SEC. 23 TOGETHER WITH THE NW 1/4 NE 1/4, SEC. 26, T5S, R12W, S.M., KENAI PENINSULA BOROUGH, THIRD JUDICIAL DISTRICT, STATE OF ALASKA, HOMER RECORDING DISTRICT, CONTAINING 88.440 ACRES

ABILEE SURVEYS
GARY D. NELSON, P.L.S.
152 DEHEL AVE., HOMER, ALASKA

KPB FILE No. 2008-044

NOTES

1. THE BASIS OF BEARINGS FOR THIS SURVEY IS $N 0^{\circ}09'02'' W$ BETWEEN THE $1/4$ COR. AND THE $C 1/4$ OF SEC. 23, KILCHER PARK ESTATES PLAT #90-12 H.R.D.
2. BUILDING SETBACK: A SETBACK OF 20' IS REQUIRED FROM ALL STREET RIGHTS-OF-WAY UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
3. THE FRONT 10 FEET OF THE 20 FOOT BUILDING SETBACK AND THE ENTIRE SETBACK WITHIN 5 FEET OF 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. THIS LOT WILL BE SERVED BY ONSITE WATER AND SEWER.
5. ROADS MUST MEET THE DESIGN AND CONSTRUCTION STANDARDS ESTABLISHED BY THE BOROUGH IN ORDER TO BE CONSIDERED FOR CERTIFICATION AND INCLUSION IN THE ROAD MAINTENANCE PROGRAM.
6. EXISTING OVERHEAD POWER LINE IS CENTERLINE OF A 20 FT. WIDE ELECTRICAL DISTRIBUTION LINE EASEMENT.

WASTEWATER DISPOSAL:

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

LEGEND

- AS DESCRIBED
- FND 2 1/2" B.C. 3686-S 1976
- FND B.C. GLC 1917
- 2" AL-CAP SET THIS SURVEY
- SET 2" ALUM. MON. AS DESCRIBED
- FOUND 1/2" RE-BAR
- CURVE DATA:
- (C1) $L=149.89'$
 $\Delta=7^{\circ}26'08''$
 $R=1155.00$
 (R)

LINE TABLE

BEARING	DIST.
L1 $N 0^{\circ}10'08'' W$	30.0
L2 $N 0^{\circ}09'20'' W$	33.0

SCALE 1" = 200'



SURVEYOR'S CERTIFICATE

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

DATE 4/7/2003 REGISTRATION NO. 7968-S

Kenton T. Bloom
 REGISTERED LAND SURVEYOR



PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF March 10, 2003

KENAI PENINSULA BOROUGH

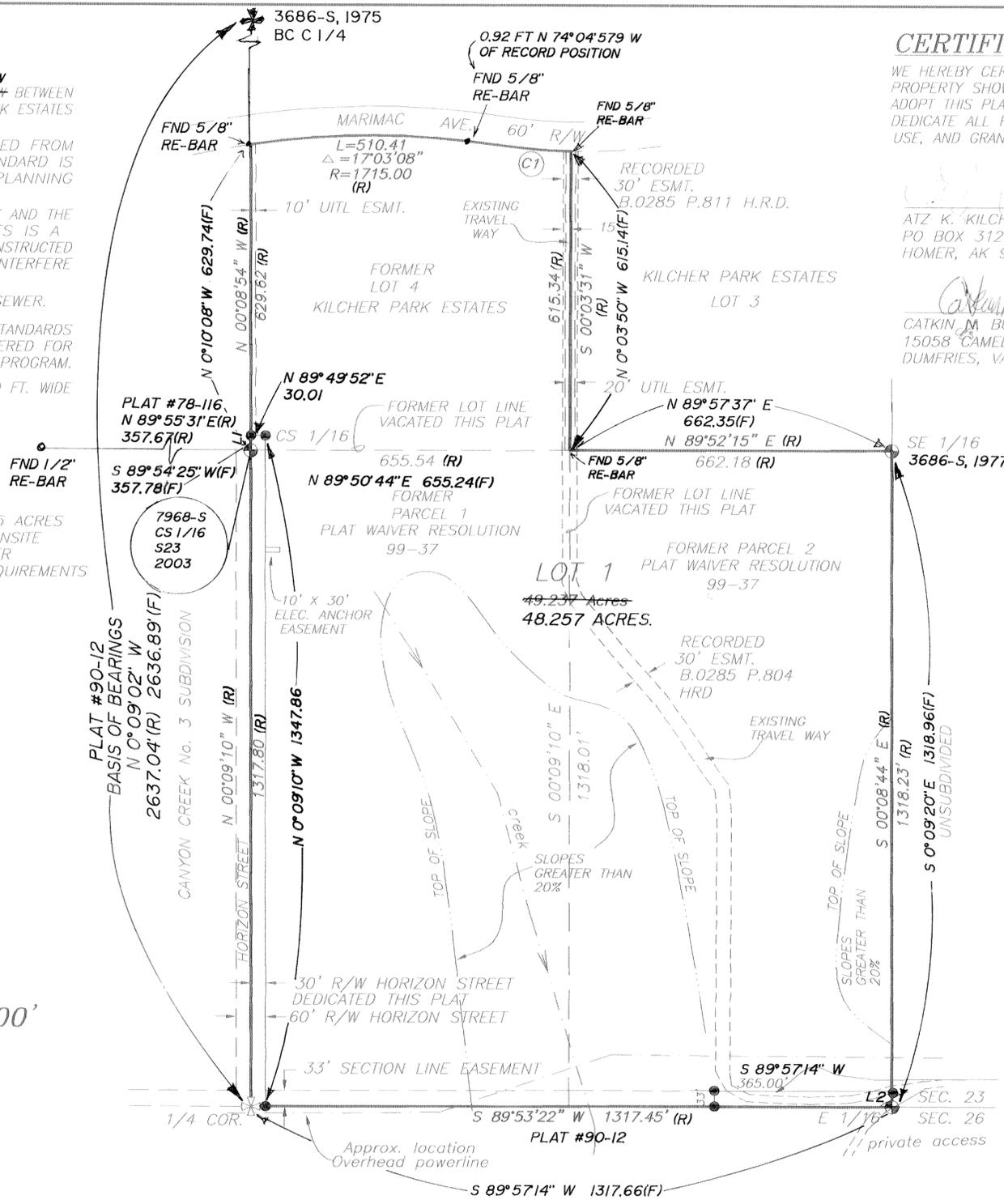
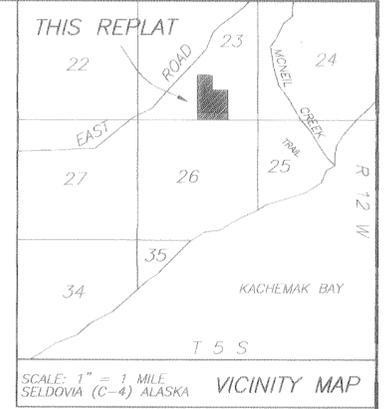
BY: Mary Toll
 AUTHORIZED OFFICIAL

CERTIFICATE OF OWNERSHIP

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON, THAT WE HEREBY ADOPT THIS PLAT 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.

ATZ K. KILCHER A.K.A. ATTILA KILCHER
 PO BOX 3125
 HOMER, AK 99603

Catkin M. Burton
 CATKIN M. BURTON
 15058 CAMELLIA LANE
 DUMFRIES, VA 22026



NOTARY'S ACKNOWLEDGMENT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DAY OF 4-12-03, 2003.
 FOR: Catkin M. Burton
Pet Um
 NOTARY PUBLIC FOR ALASKA Virginia D. Wise
 MY COMMISSION EXPIRES 1-31-04

NOTARY'S ACKNOWLEDGMENT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DAY OF April, 2003.
 FOR: Attila Kilcher
 NOTARY PUBLIC FOR ALASKA
 MY COMMISSION EXPIRES 2003-20



2003-20
Homer
5/8 03
1:26 pm
Kilcher

DEDICATE THIS PORTION OF THE SECTION LINE ESMT. THAT OVERLAYS THE EXISTING TRAVEL WAY KILCHER ROAD

AMENDED

HOMER RECORDING DISTRICT KPB FILE No. 2002-240

KILCHER PARK ESTATES BURTON ADDITION
 A REPLAT OF LOT 4 KILCHER PARK ESTATES LOCATED IN THE NW 1/4 OF THE SE 1/4 S23 T5S, R 12W, S.M. AND PARCELS 1 & 2 OF PLAT WAIVER RESOLUTION 99-37 LOCATED IN THE SW 1/4 OF THE SE 1/4 S23 T5S, R 12W, S.M. THIRD JUDICIAL DISTRICT, STATE OF ALASKA CONTAINING 50.464 49.462 ACRES

SEABRIGHT SURVEYING
 1044 EAST ROAD, SUITE A
 HOMER ALASKA 99603
 (907) 235-4247 & FAX
 EMAIL: seabright@alaska.net

DRAWN BY: H.B.	DATE: 2/7/03 REVISED 10/22/03	SCALE: 1" = 200'
CHK BY: K.B.	JOB #02-40	SHEET 1 OF 2

HOMER 2003-65

SURVEYOR'S AFFIDAVIT

1. Corrections made to Plat No. 2003-20, H.R.D. are as follows:
2. Note 1. was changed to "THE BASIS OF BEARINGS FOR THIS SURVEY IS N 0°09'02" W BETWEEN THE 1/4 COR AND THE C 1/4 OF SEC. 23. KILCHER PARK ESTATES (PLAT #90-12) H.R.D.
3. Wastewater Disposal Note was changed: "these lots are" was crossed out and "this lot is" was added.
4. Legend: "FND 1/2" RE-BAR" with symbol was added.
5. Legend: "SET 2" ALUM. MMON. AS DESCRIBED" was added.
6. Legend: "3686-S 1976" was crossed out after "FND 2 1/2" B.C." and "as described" was added.
7. C 1/4 symbol was added and described.
8. FND 5/8" REBAR was added to the NW and NE corners, the PT of the curve on Marimac Ave. and to the end of the former lot line.
9. "0.92 ft. N 74°04'57" W of record position" was added to the re-bar on Marimac Ave.
10. FND 1/2" REBAR was added and line extended from CS 1/16th, record (Plat #76-116) and found distances were added.
11. Basis of Bearing, plat reference, record and found distances added to west side of lot.
12. Found bearing and distances added to the circumference of the lot and between the CS 1/16 and SE 1/16.
13. The 2 1/2" B.C. at the CS 1/16 corner was described.
14. Bearing and distances were annotated between the lot corners of the Horizon Street dedication, Line Table was added with these lines labeled L1 and L2.
15. The plat number was referenced for the record distance given on the south line.
16. The acreage of the lot shown on the drawing is crossed out and new area is shown.
17. Acreage in title block is crossed out and new acreage is shown.
18. Revision date is noted in title block and AMENDED is added above title block.

The above revisions constitutes the sole changes made to the plat aside from its notation in the revision block on the plat. The above revisions do not alter lot areas and do not affect, or influence any change of ownership, drainage features, right-of-ways, or any other item which would adversely affect this or adjacent properties. I am therefore submitting this plat for re-filing as corrected.

Kenton Bloom
Kenton Bloom

NOVEMBER 3, 2003
Date

Registration No. 7968-S

Firm Name: Seabright Surveying
Kenton Bloom, PLS
1044 East End Road Suite A
Homer, Alaska 99603

2003-65

Homer	REC DIST
Date 11/5	20 03
Time 10:32	A M
Requested By Seabright	
Address	

AMENDED

HOMER RECORDING DISTRICT

KPB FILE No. 2002-240

KILCHER PARK ESTATES BURTON ADDITION		
DRAWN BY: H.B.	DATE: 10/22/03	SCALE: 1" = 200'
CHK BY: K.B.	JOB #02-40	SHEET 2 OF 2

Alder Slopes Subd.

NOTES

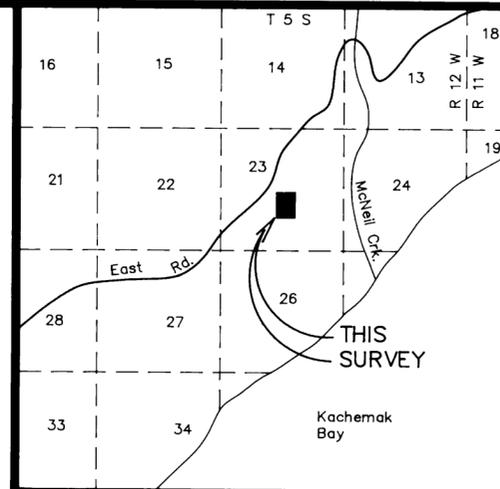
A building setback of 20 feet is required from all street rights-of-way unless a lesser standard is approved by a resolution of the appropriate planning commission.

Soils on these lots may or may not be suitable for conventional on-site waste disposal systems. No person may construct, install, maintain, or operate a pressurized water system or water-borne waste disposal system unless approval of the Alaska Department of Environmental Conservation is obtained.

The drainage pattern within this survey involves only normal runoff water.

5/8" x 30" rebar set at all lot corners, except as noted.

Front 10 feet of building setback also a utility easement.



VICINITY MAP 1" = 1 mile

LEGEND

- FND B.C. 3686-S 1976
- ⊗ FND B.C. GLO 1917

CURVE DATA

- | | |
|------------------|------------------|
| ① Δ = 16°45' 57" | ④ Δ = 7°26' 08" |
| R = 1775' | R = 1155' |
| L = 519.40' | L = 149.89' |
| ② Δ = 17°03' 07" | ⑤ Δ = 36°45' 53" |
| R = 1715' | R = 1095' |
| L = 510.41' | L = 702.62' |
| ③ Δ = 7°22' 51" | ⑥ Δ = 34°36' 42" |
| R = 1095' | R = 1155' |
| L = 141.06' | L = 697.72' |

CERTIFICATE OF OWNERSHIP

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

1-25-90 *Edwin O. Kilcher*
 Date Edwin O. Kilcher
 Box 373, Homer, Alaska 99603

NOTARY'S ACKNOWLEDGEMENT for Edwin O. Kilcher

Subscribed and sworn to before me this 25th day of January, 1990
Sharon J. Deoman
 Notary for the State of Alaska
 My commission expires 11/1/90

PLAT APPROVAL

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

November 24, 1988

KENAI PENINSULA BOROUGH

By *Carlos Freeman*
 Authorized Official

90-12
 RECORDED - FILED 20
 HOMER REC. DIST.
 DATE: 3-7 19 90
 TIME: 145 P.M.
 Notarized by: CARLOS FREEMAN
 Address: FREEMAN

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 dimensions and other details are correct.

1/26/90 *Carlos Freeman*
 Date Carlos Freeman, L.S. 4129

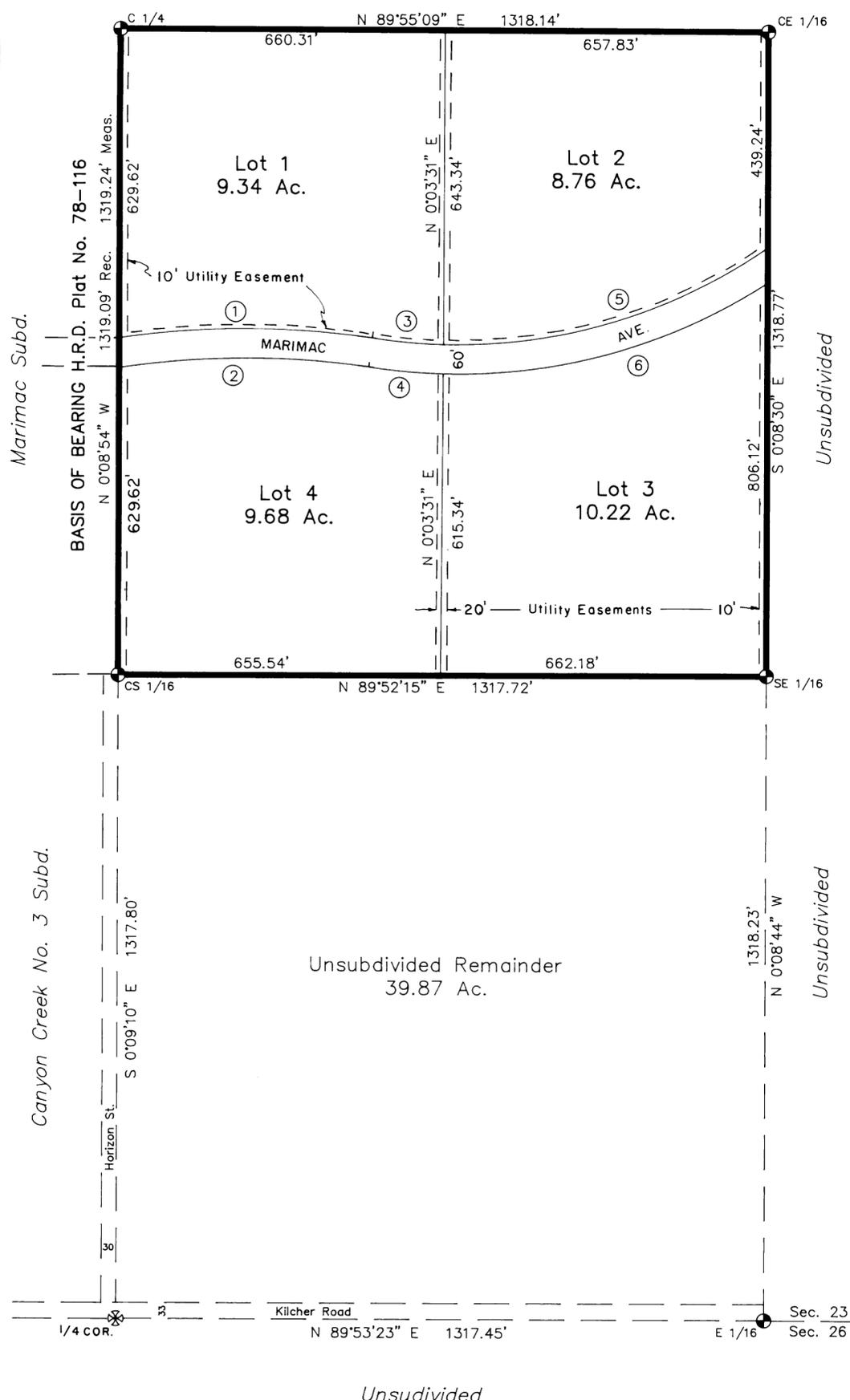


KILCHER PARK ESTATES

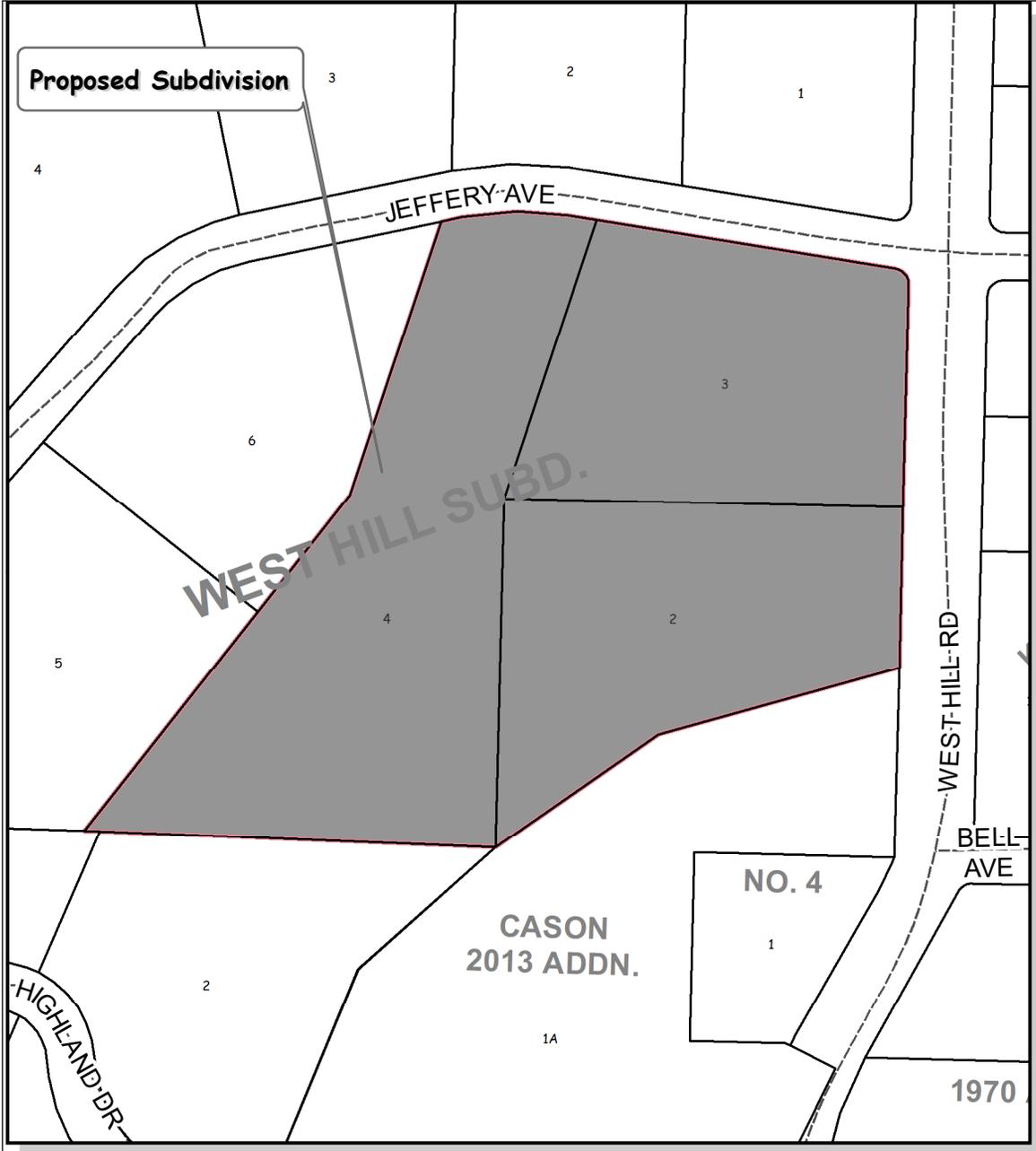
SUBDIVISION OF NW 1/4 SE 1/4 SEC.23
 T 5 S, R 12 W, S.M.
 HOMER RECORDING DISTRICT ALASKA
 CONTAINING 39.90 ACRES

by: Carlos Freeman, S 4129
 53045 McNeil Canyon Rd.
 Homer, Alaska 99603

Date: April 15, 1989
 Scale: 1" = 200'
 K.P.B. File #88-112

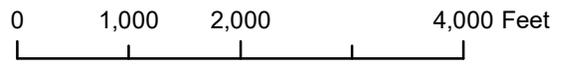
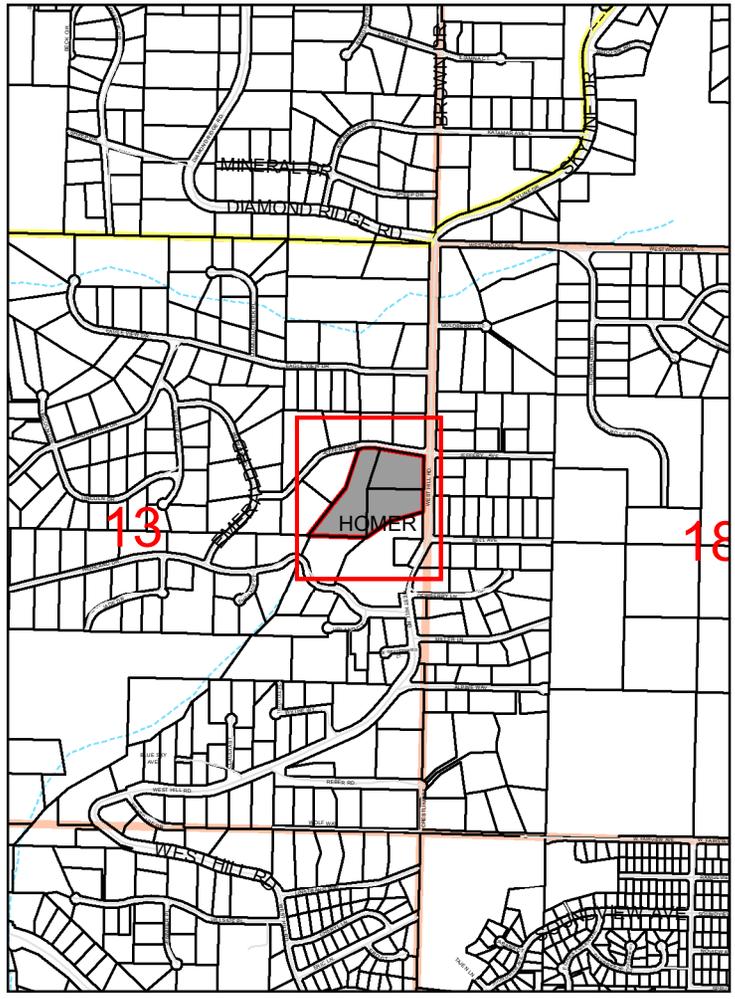
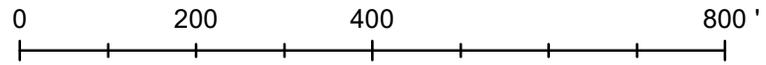


Homer 90-12



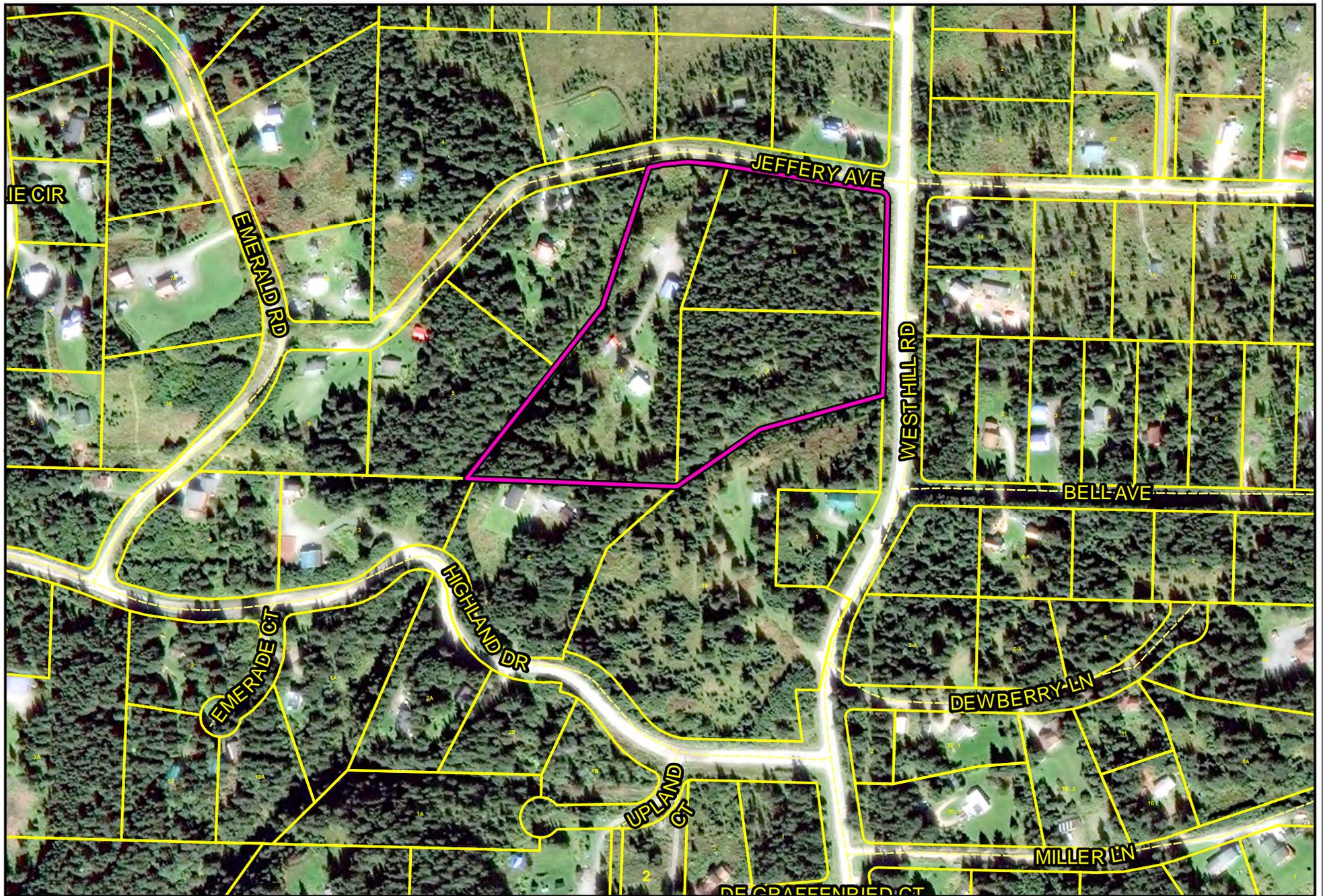
Proposed Subdivision

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



KPB 2021-021R1
S13 T06S R14W
HOMER

PClements, KPB 2021-021R1 Date: 10/27/2021



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

200 400 800'

Aerial View



 PRELIMINARY PLAT

PClements, KPB 2021-021R1
Imagery Homer 2016

NOTES:

1. THESE LOTS ARE SUBJECT TO CITY OF HOMER ZONING REGULATIONS. REFER TO HOMER CITY CODE FOR ALL CURRENT SETBACK AND SITE DEVELOPEMT RESTRICITONS. OWNERS SHOULD CHECK WITH THE CITY OF HOMER PRIOR TO DEVELOPEMENT ACTIVITIES.
2. THE FRONT 15' ADJOINING ALL DEDICATED RIGHT-OF-WAYS IS A UTILITY EASEMENT GRANTED BY THIS PLAT. PLAT HM 75-1 GRANTED A 10' UTILITY EASEMENT ALONG THE PROPERTY LINE COMMON TO FORMER LOTS 2&3. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN THE UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF THE UTILITY TO USE THE EASEMENT.
3. ANY PERSON DEVELOPING THE PROPERTY IS RESPONSIBLE FOR OBTAINING ALL REQUIRED LOCAL, STATE, AND FEDERAL PERMITS, INCLUDING A U.S. ARMY CORPS OF ENGINEERS WETLAND DETERMINATION, IF APPLICABLE.
4. NO ACCESS TO STATE MAINTAINED RIGHTS OF WAY PERMITTED UNLESS APPROVED BY THE STATE OF ALASKA DEPARTMENT OF TRANSPORTATION.
5. THIS PROPERTY SUBJECT TO EASEMENT GRANTED TO HOMER ELECTRIC ASSOCIATION, INC. (BK. 49 PG 308 6/5/1965) FOR ELECTRIC LINES OR SYSTEM AND/OR TELEPHONE LINES TOGETHER WITH THE RIGHT TO ENTER, MAINTAIN, REPAIR, AND CLEAR SHRUBBERY. NO DEFINITE LOCATION DISCLOSED.
6. DEPT. OF TRANSPORTATION RIGHT OF WAY FOR WEST HILL RD FROM D.O.T. R.O.W. MAP X-14625 SHEET 4, 1981.
7. WET AREAS ARE CONTAINED WITHIN THE 30' DRAINAGE EASEMENT DEDICATED THIS PLAT.
8. MONUMENTATION SET AT THE NORTH EAST POINTS OF CURVATURE LOT 2A, WERE SET AT RECORD PLATTED POSITIONS (HM 75-11).

CERTIFICATE OF OWNERSHIP:

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

JOSEF KALLEVIG
1131 JEFFERY AVE.
HOMER, AK 99603

HEATHER KALLEVIG
1131 JEFFERY AVE.
HOMER, AK 99603

NOTARY'S ACKNOWLEDGEMENT:
FOR: JOSEF & HEATHER KALLEVIG

ACKNOWLEDGED BEFORE ME THIS
DAY OF _____ 20__

NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES

WASTEWATER DISPOSAL:

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

ENGINEER _____ LICENSE # _____ DATE _____

ACCEPTANCE:

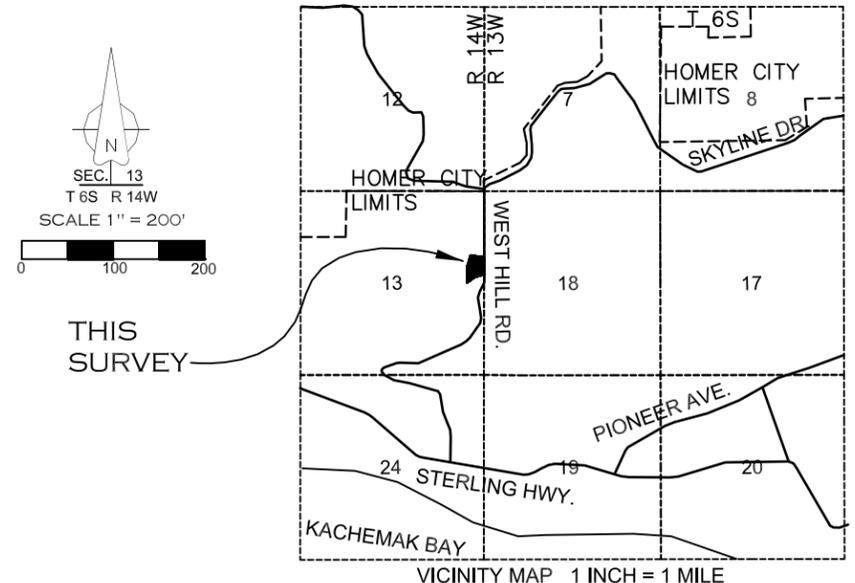
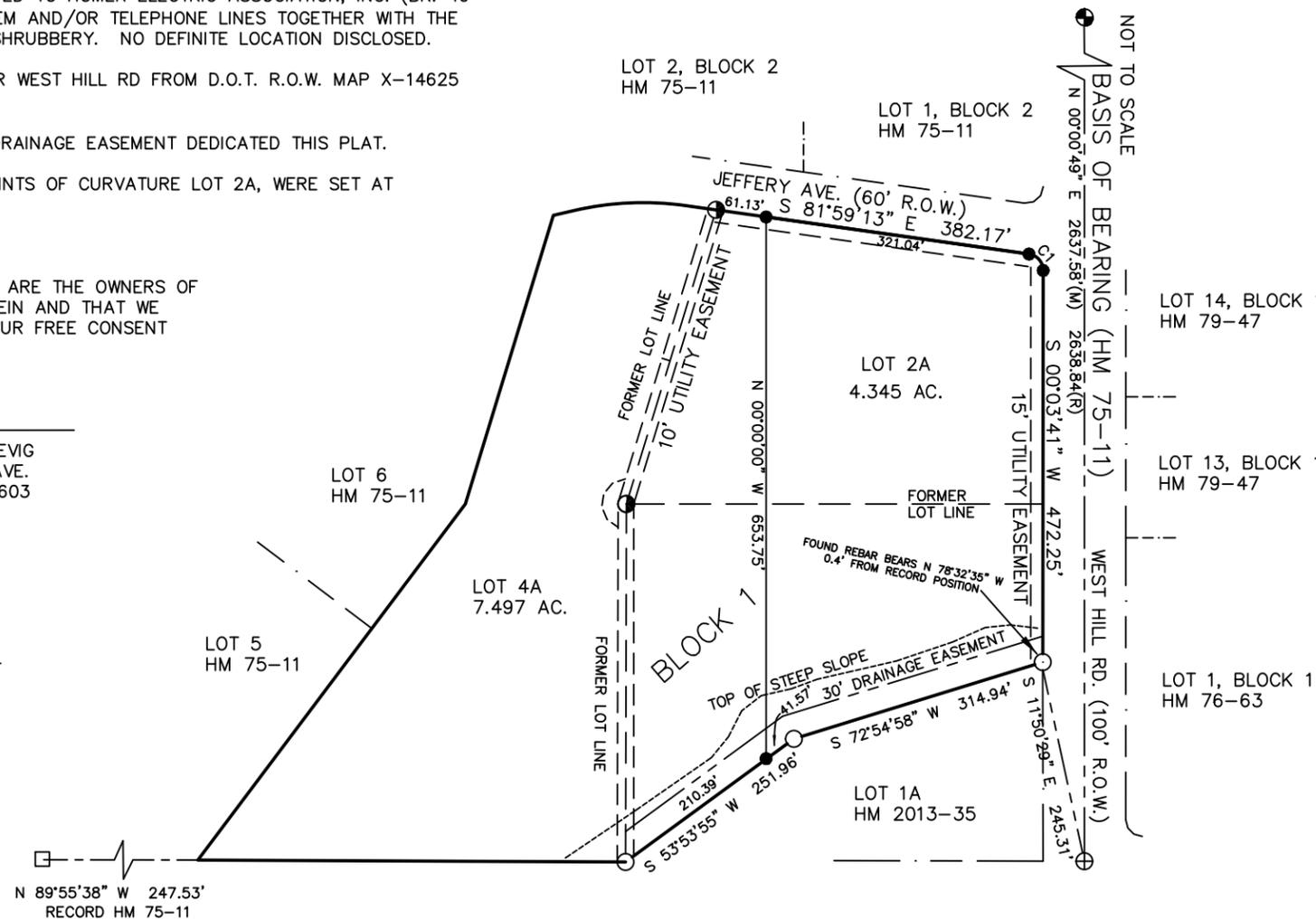
THE UNDERSIGNED OFFICIAL IDENTIFIED BY NAME AND TITLE IS AUTHORIZED TO ACCEPT AND HEREBY ACCEPTS ON BEHALF OF THE CITY OF HOMER FOR PUBLIC USES AND FOR PUBLIC PURPOSES THE REAL PROPERTY TO BE DEDICATED BY THIS PLAT INCLUDING EASEMENTS, RIGHTS OF WAY, ALLEYS AN OTHER PUBLIC AREAS SHOWN ON THIS PLAT IDENTIFIED AS FOLLOWS: 30' DRAINAGE EASEMENT. THE ACCEPTANCE OF PUBLIC LANDS FOR PUBLIC USE OR PUBLIC PURPOSES DOES NOT OBLIGATE THE PUBLIC, OR ANY GVERNING BODY TO CONSTRUCT, OPERATE, OR MAINTAIN IMPROVEMENTS.

BY: _____ DATE: _____
ROB DUMOUCHEL, CITY MANAGER
CITY OF HOMER

LEGEND:

- FOUND GLO MONUMENT (CAP MISSING) SEC COR SECS 12,13,7,18
- ⊕ FOUND BRASS CAP (268-S NO DATE) 1/4 CORNER SECS 13,18
- FOUND 5/8" REBAR WITH 2"ALUMINUM CAP (3686-S 2000)
- FOUND 5/8" REBAR
- SET 5/8" REBAR WITH ALUMINUM CAP (10771-S 2021)
- MONUMENT OF RECORD PER HM75-11

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	20'	28.64'	26.25'	N 40°57'22" W	82°03'41"



CERTIFICATE OF OWNERSHIP:
I, THE UNDERSIGNED, HEREBY CERTIFY THAT PALSER HARNESS, LLC IS THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREIN AND THAT ON BEHALF OF PALSER HARNESS, LLC, I HEREBY ADOPT THIS SUBDIVISION PLAN AND BY MY FREE CONSENT GRANT ALL EASEMENTS TO USE SHOWN.

BENJAMIN HARNESS, CO-MANAGER
PALSER-HARNESS, LLC
PO BOX 1096
HOMER, AK 99603

NOTARY'S ACKNOWLEDGEMENT:
FOR: BENJAMIN HARNESS

ACKNOWLEDGED BEFORE ME THIS
DAY OF _____ 20__

NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES

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

KENAI PENINSULA BOROUGH

BY: _____

AUTHORIZED OFFICIAL:

WEST HILL SUBDIVISION - HARNESS ADDITION

K.P.B. FILE # 2021-021
A REPLATTING OF LOTS 2, 3 & 4, BLOCK 1, WEST HILL SUBDIVISION (HM75-11), NE 1/4 OF SECTION 13, TOWNSHIP 6 SOUTH, RANGE 14 WEST, SEWARD MERIDIAN, WITHIN THE CITY OF HOMER KENAI PENINSULA BOROUGH, ALASKA. HOMER RECORDING DISTRICT. containing 11.842 acres.
PALSER-HARNESS, LLC PO BOX 1096 HOMER, AK 99603
JOSEF & HEATHER KALLEVIG 1131 JEFFERY AVE. HOMER, AK 99603

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

SCALE: 1"=200' DATE: 5/12/2021

KPB 2021-021R1

AGENDA ITEM E. NEW BUSINESS

ITEM 2 - WEST HILL SUBDIVISION HARNESS ADDITION

KPB File No.	2021-021R1
Plat Committee Meeting:	November 29, 2021
Applicant / Owner:	Palser-Harness LLC, and Josef and Heather Kallevig
Surveyor:	Dmitri Kimbrell / Fineline Surveys
General Location:	City of Homer

Parent Parcel No.:	173-480-10, 173-480-12, 173-480-13
Legal Description:	Lots 2, 3, & 4, Block 1, West Hill Subdivision, HM 75-11
Assessing Use:	Residential
Zoning:	Rural Residential District
Water / Wastewater	On-Site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will reconfigure three lots into two lots. The new lots will be 4.3 and 7.5 acres. This is a revised preliminary plat that is adding an additional lot to comply with the 3:1 depth to width ratio subdivision design standard. Due to the submittal of this revision after April 1, 2021, this is being reviewed under the current code adopted by Ordinance 2020-45.

Location and Legal Access (existing and proposed): The subdivision is located on the corner of West Hill Road and Jeffery Avenue. West Hill Road is a 100 foot wide right of way (and section line easement) maintained by the State of Alaska DOT and Jeffery Avenue is a 60 foot wide dedicated right of way that is maintained by the City of Homer.

The existing block is irregular in shape but is a closed block. Jeffery Avenue, West Hill Road, Highland Drive, and Emerald Road define the block. Due to the terrain and lot configurations in the area, this subdivision cannot provide any additional right of way to help with block length. *Staff recommends the plat committee concur that an exceptions is not needed, as any dedication required will be affected by steep terrain with a drainage and will not improve the block length requirements.*

KPB Roads Dept. comments	Out of Jurisdiction: Yes Roads Director: Uhlin, Dil Comments: No comments
SOA DOT comments	The ROW for West Hill Road is shown on DOT Right of Way Map X-14625 West Hill Road (Plat 94-48, HRD), sheet 4 of 4, and appears to be shown correctly.

Site Investigation: The southern and western areas of the subdivision contains steep slopes with a drainage. The top of the steep slopes are depicted and labeled. Per KPB GIS data, there are riverine wetlands along the southern and western portions of the property. Per the City of Homer Planning Commission Staff Report prepared for their September 1, 2021 meeting, a branch of Bidarki Creek runs along the southern lot line, within a steep riverine. Another branch of Bidarki Creek runs along the western lot line, also within a riverine.

30 foot drainage easements are shown to be granted per this plat as requested by the City of Homer. These easements are along the riverine areas along the western and southern boundaries. Plat note 7 states that the drainage easements contain wetlands. A depiction of the low wet areas are not required as long as plat note 7 remains. **Staff recommends** that the drainage easement be extended across all of the southern boundary, including Lot 4A.

KPB River Center review	<p>A. Floodplain Reviewer: Carver, Nancy Floodplain Status: IS in flood hazard area Comments: Flood Zone: D Map Panel: 02122C-2015E 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 KPB Plat Committee heard a preliminary design for this subdivision on April 26, 2021. The original design was a reconfiguration of parent lots 2 and 3 that resulted in proposed Lot 2A having 61.13 feet of right of way frontage and a request for an exception to KPB 20.30.190 – Lots Dimensions – 3:1 Depth to Width Ratio for Lot 2A. The commissioners discussed and felt that that the subdivision could be designed to comply or provide more frontage for Lot 2A. The exception failed by a tied vote. This submittal is a redesigned preliminary plat that incorporates Lot 4 located to the west. Lot 2A has the same configuration as the original submittal but proposed lot 4A will now comply with KPB Code for the 3:1 depth to width ratio.

Per the City of Homer Planning Commission staff report, city water and sewer are not available at this time. An email was received by the City of Homer Public Works on August 5, 2021 stating an installation agreement would not be required.

A soils report has been received and will be reviewed by staff. Lot 4A is more than 200,000 square feet and a soils report is not required. If soils analysis is not performed for propose Lot 4A, an additional wastewater disposal note will be required and the existing note on the plat will need to specify it is for Lot 2A only.

Notice of the proposed plat was mailed to the beneficial interest holder on October 28, 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.

The City of Homer Planning Commission reviewed the revised preliminary plat at their August 5, 2021. They revised their staff recommendations to the following.

1. Include a 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. Comply with HCC 21.10.051(a) and grant a 15 foot utility easement along all rights of way.
3. Update the vicinity map to show the correct municipal boundaries.
4. Show approximate locations of slopes over 20 percent in grade.
5. Dedicate a 30 foot drainage easement along the southern lot line.

Plat note 3 resolves requested item 1. The plat depicts a 15 foot utility easement along the right of way as requested in item 2. The utility easement depictions does need to be continued to the west within proposed Lot 4A. The city

limits are depicted but adjusting the label located in section 8 would make the boundary clearer as the label is within the portion outside the city limits. The tops of the steep slopes have been depicted as requested in item 4. The plat does depict 30 foot drainage easements along the south and west.

Per the Certificate to Plat, a sauna located on Lot 2 Block 1 of Emerald Highland Estates Sub Unit 2, HM 76-29, encroaches into the southern portion of Lot 4. An easement has been granted to the owners of Lot 2 Block 1 and their heirs or successors. The easement does not run with the lot and any conveyance of the lot will terminate the current easement agreement. **Staff recommends** a plat note be added to disclose the encroachment easement including the recording information.

Utility Easements The City of Homer requested the utility easements along the right of way be increased to 15 feet from the previously granted 10 feet. The plat depicts and notes the 15 foot utility easements. A 20 foot utility easement was also granted by the parent plat centered on the shared lot line between Lot 4 and Lots 3 and 2. A 30' radius anchor easement was also granted. These easements are depicted but the labeling should be revised to make the depiction easier to understand. **Staff recommends** the anchor easement be labeled and noted either in the label or plat note that it was granted by HM 75-11. The former lot line labels should clearly point to the line or add the line style to the legend. The depiction of the 15 foot utility easement should be continued west within Lot 4A.

An additional easement was granted by document and is noted in plat note 5. **Staff recommends** update the date in the note to 1968.

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

Utility provider review:

HEA	
ENSTAR	No comments or recommendations
ACS	
GCI	Approved as shown

KPB department / agency review:

Addressing	<p>Reviewer: Haws, Derek Affected Addresses: 1131 JEFFERY AVE 1045 JEFFERY AVE 4575 WEST HILL RD</p> <p>Existing Street Names are Correct: Yes List of Correct Street Names: JEFFERY AVE WEST HILL RD</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</p>

	<p>There are not any Local Option Zoning District issues with this proposed plat.</p> <p>Material Site Comments: There are not any material site issues with this proposed plat. Review Not Required</p>
Assessing	<p>Reviewer: 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

Staff recommends a signed copy of the Operation Agreement for Palser-Harness, LLC be included with the final plat submittal.

KPB 20.25.070 – Form and contents required

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

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

Staff recommendation:

- Add "R1" to the KPB File number.
- Add a space between "Meridian," and "within".

- 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 scale for the vicinity map appears to be slightly off.
- Fix the overstrikes that occur on the section labels, street names, and City Limits label.
- Adjust the placement of the Homer City Limits label currently found in section 8. It is currently placed outside the city limits. Move to within the boundary or center atop the boundary like the other label.

KPB 20.30 – Subdivision Design Requirements

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

20.30.250. Building setbacks-Within cities. The building setback requirements for subdivisions located within cities shall be governed by the provisions of municipal zoning districts. Building setbacks as depicted, or noted, on recorded plats shall not be carried forward on a new subdivision plat located within a municipal zoning district. Provide a plat note stating, "Per KPB 20.30.250 the building setback of record has been removed. All development must comply with the municipal zoning requirements."

Staff recommendation: The parent plat depicted a building setback. Provide a plat note stating, "Per KPB 20.30.250 the building setback of record has been removed. All development must comply with the municipal zoning requirements."

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: Proposed Lot 2A will be increasing in size and the number of developable lots will be decreasing. The plat complies with 20.40.020(A)(2). A soils analysis report has been submitted and staff will review the report. If the report applies to Lot 2A then the corresponding wastewater disposal note as identified in the soils report will be on the plat, otherwise the wastewater disposal note under 20.40.020(B)(2) will suffice.

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: An acceptance for the drainage easements is present. Make "easement" plural and correct the spelling of "Governing".

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: Various text does not appear to comply with the minimum font requirement. Increase text size to 10 point. Comply with 20.60.070.

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.*

- *Per KPB 20.30.250, the building setback of record has been removed. All development must comply with the municipal zoning requirements.*
- *Lot 4A is subject to an encroachment easement as described in Serial No. 2015-001754-0, HRD, recorded on June 16, 2015.*

*Correct the spelling of "drainage" within plat note 8.
Update the wastewater notes as required to comply.*

RECOMMENDATION:

SUBJECT TO EXCEPTION(S) GRANTED, STAFF RECOMMENDS:

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

NOTE: 20.25.120. - REVIEW AND APPEAL.

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

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

END OF STAFF REPORT

Legend

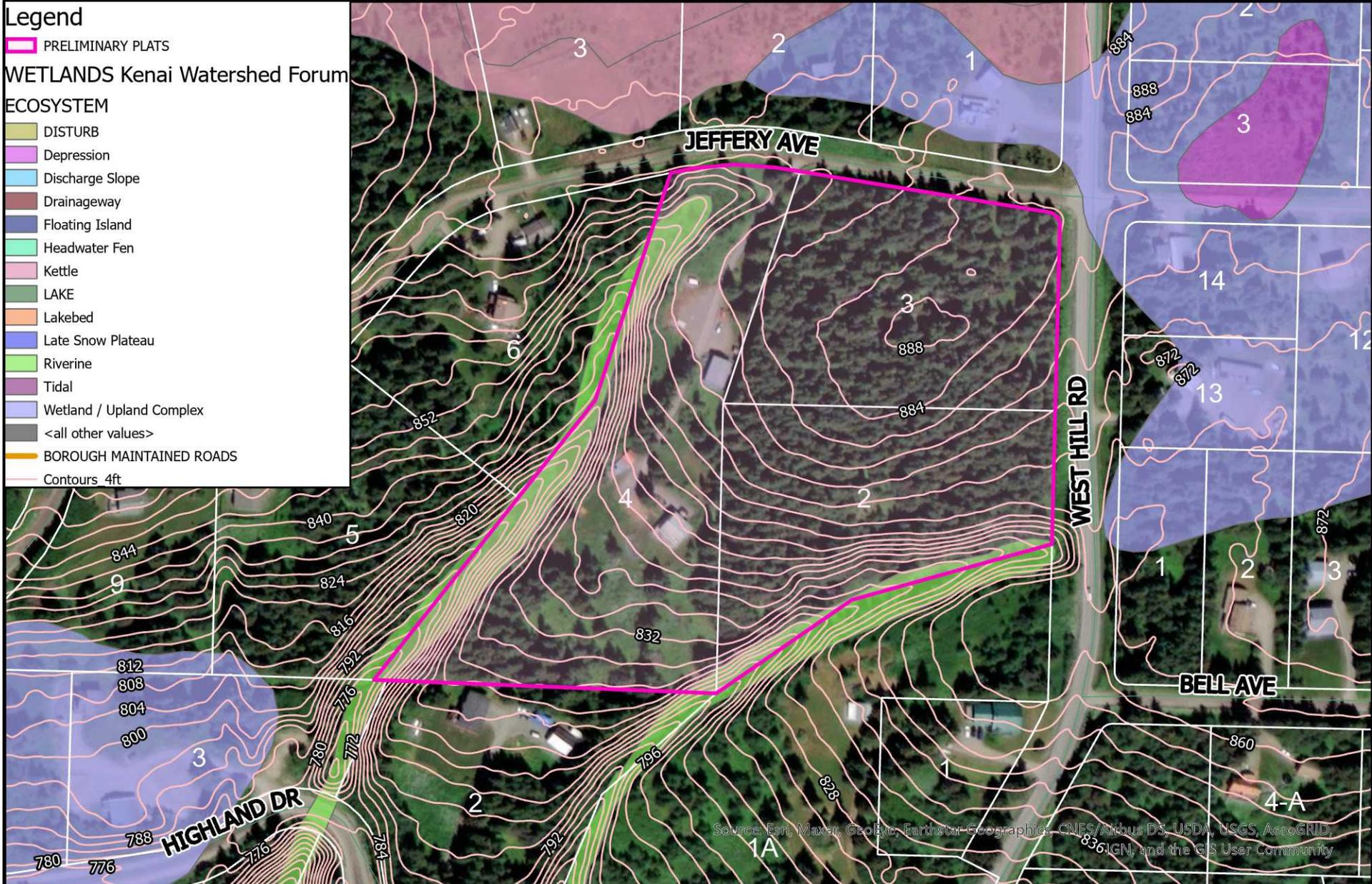
- PRELIMINARY PLATS

WETLANDS Kenai Watershed Forum

ECOSYSTEM

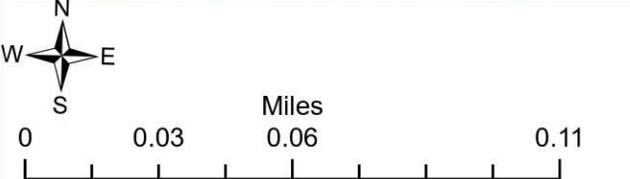
- DISTURB
- Depression
- Discharge Slope
- Drainageway
- Floating Island
- Headwater Fen
- Kettle
- LAKE
- Lakebed
- Late Snow Plateau
- Riverine
- Tidal
- Wetland / Upland Complex
- <all other values>

- BOROUGH MAINTAINED ROADS
- Contours 4ft



Source: Esri, Maxar, 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.

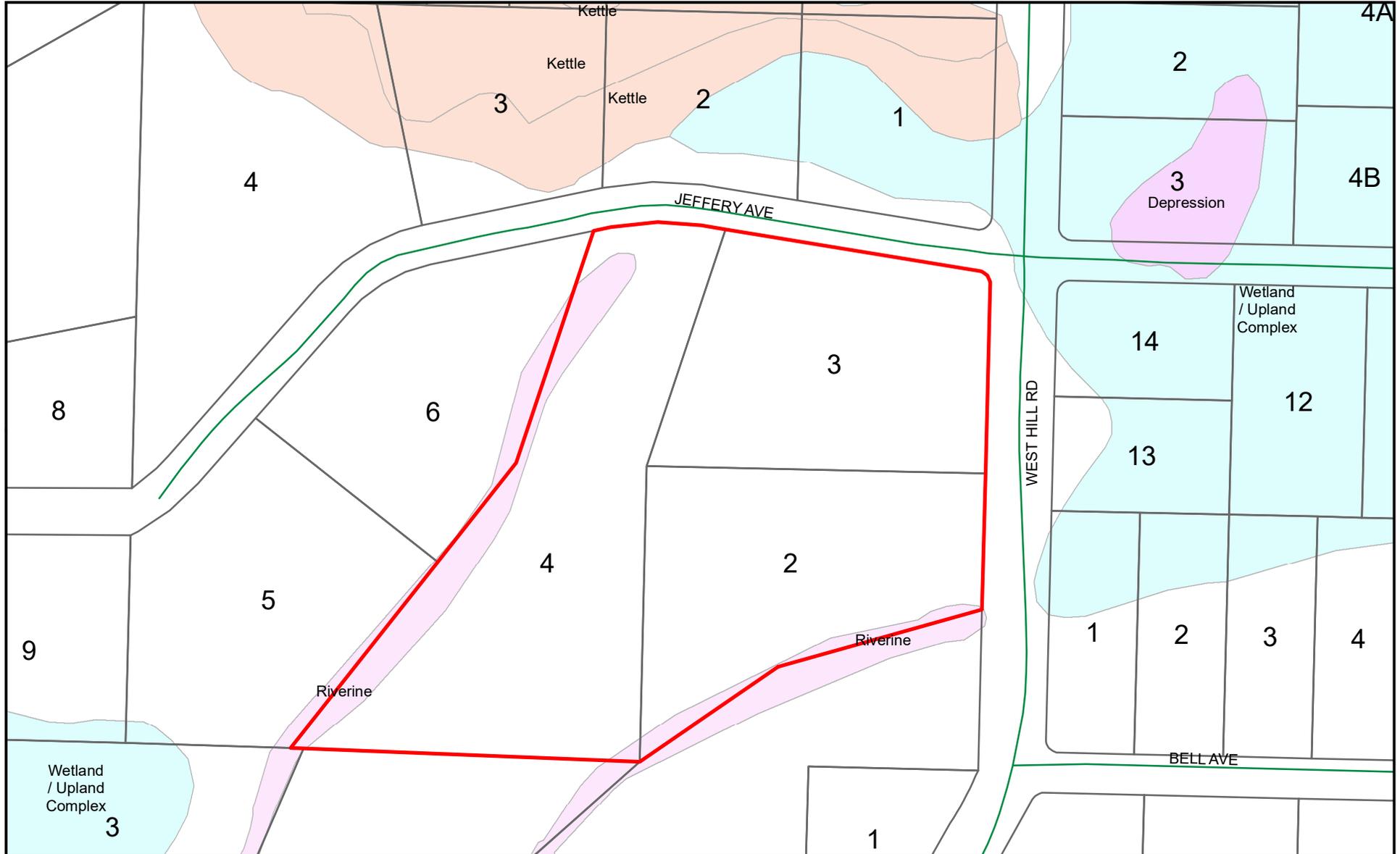


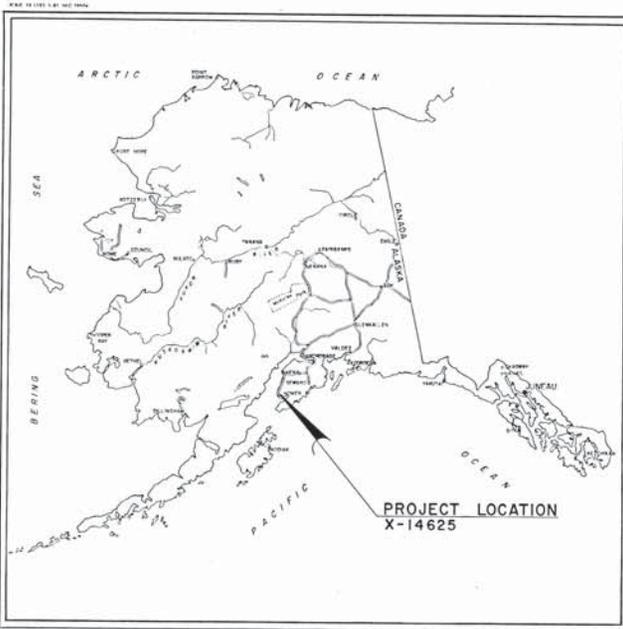
AERIAL IMAGERY 2019
 CONTOURS AND WETLAND ECOSYSTEMS

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



West Hill Subdivision - Harness Addition
KPB File 2021-021R1





STATE OF ALASKA
 DEPARTMENT OF TRANSPORTATION
 &
 PUBLIC FACILITIES

RIGHT OF WAY MAP
 ALASKA PROJECT

X-14625
 WEST HILL ROAD



PROJECT LENGTH 2.094 MI.

SCALE

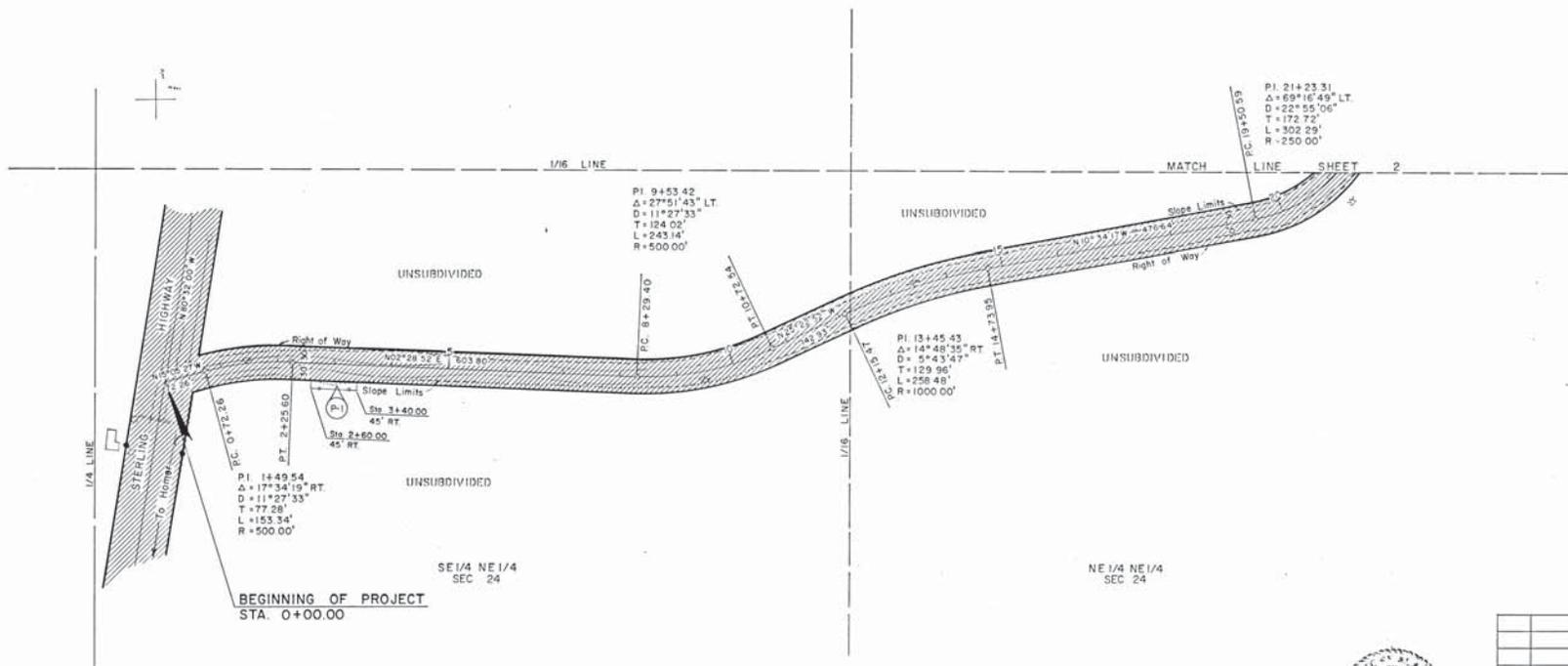


DEPARTMENT OF
 TRANSPORTATION & PUBLIC FACILITIES

APPROVED _____, 19 56
 Date

James A. Spivey
 DIRECTOR - HIGHWAY DESIGN & CONSTRUCTION

94-15



BEGINNING OF PROJECT
STA. 0+00.00

SE 1/4 NE 1/4
SEC 24

NE 1/4 NE 1/4
SEC 24

LEGEND
● FOUND CORNER



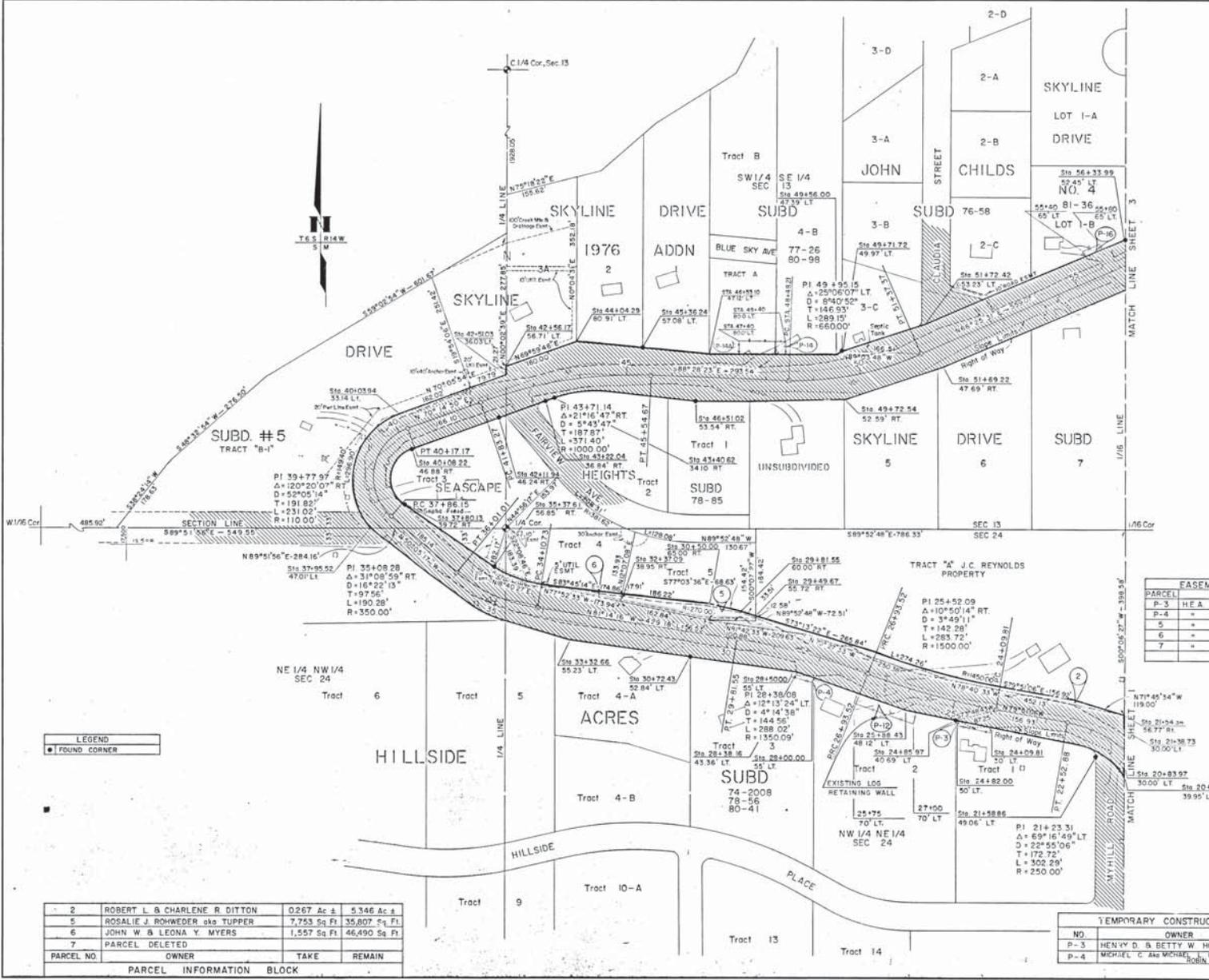
TEMPORARY CONSTRUCTION PERMIT		
NO.	OWNER	AREA
P-1	LILLIAN WALLI	1,200' Sq Ft

DATE	REVISIONS	BY

STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION
&
PUBLIC FACILITIES
RIGHT OF WAY MAP
ALASKA PROJECT NO.
X-14625
WEST HILL ROAD

DRAWN	REBd	DATE	Dec. 1981	SCALE	1"=100'
CHECKED	DKO	DATE	Dec. 1981	SHEET	1 OF 4

94-58



NO	OWNER	PERMIT	AREA
P-12	JAMES R & CAROL WRIGHT		2500 Sq Ft
P-13	DELETED		
P-14	RUSSELL B & NANCY KANADY		500 Sq Ft
P-14A	GEORGE W & HELEN S MEEKER		2000 Sq Ft
P-15	DELETED		
P-16	RICHARD N DAVID & NORMA J. LEELAND		520 Sq Ft

PARCEL	EASEMENTS
P-3	HEA (BLANKET)
P-4	"
5	"
6	"
7	"

NO	REVISIONS	BY
8/9/85	ADD SKYLINE DRIVE SUBD W/ITS ESMTS.	SAL
8/24/82	W 1/8 COR. & C 1/4 COR., SEC 13	DJR
6/1/82	CHANGE TAKE, REMAIN & DIMS PARCEL 2	DLR
5/20/82	Delete Parcel 7	dlr
5/4/82	Change P-14 & add P-14A	dlr
5/24/82	Add Dims Pch 5, 6 & 7	dlr
5/7/82	DELETE P-13 & REVISE P-14	DEK
5/12/82	ADD TIES PARCEL 2 & 7	DEK
5/5/82	ADD 10' ROAD ESMT ON EAST SIDE OF CLAUDIA ST	DEK
3/3/82	CHANGE AREA TEMP CONST PERMIT P-4	DEK
2/24/82	ADD P-12, P-13, P-14, P-15 & P-16	DEK



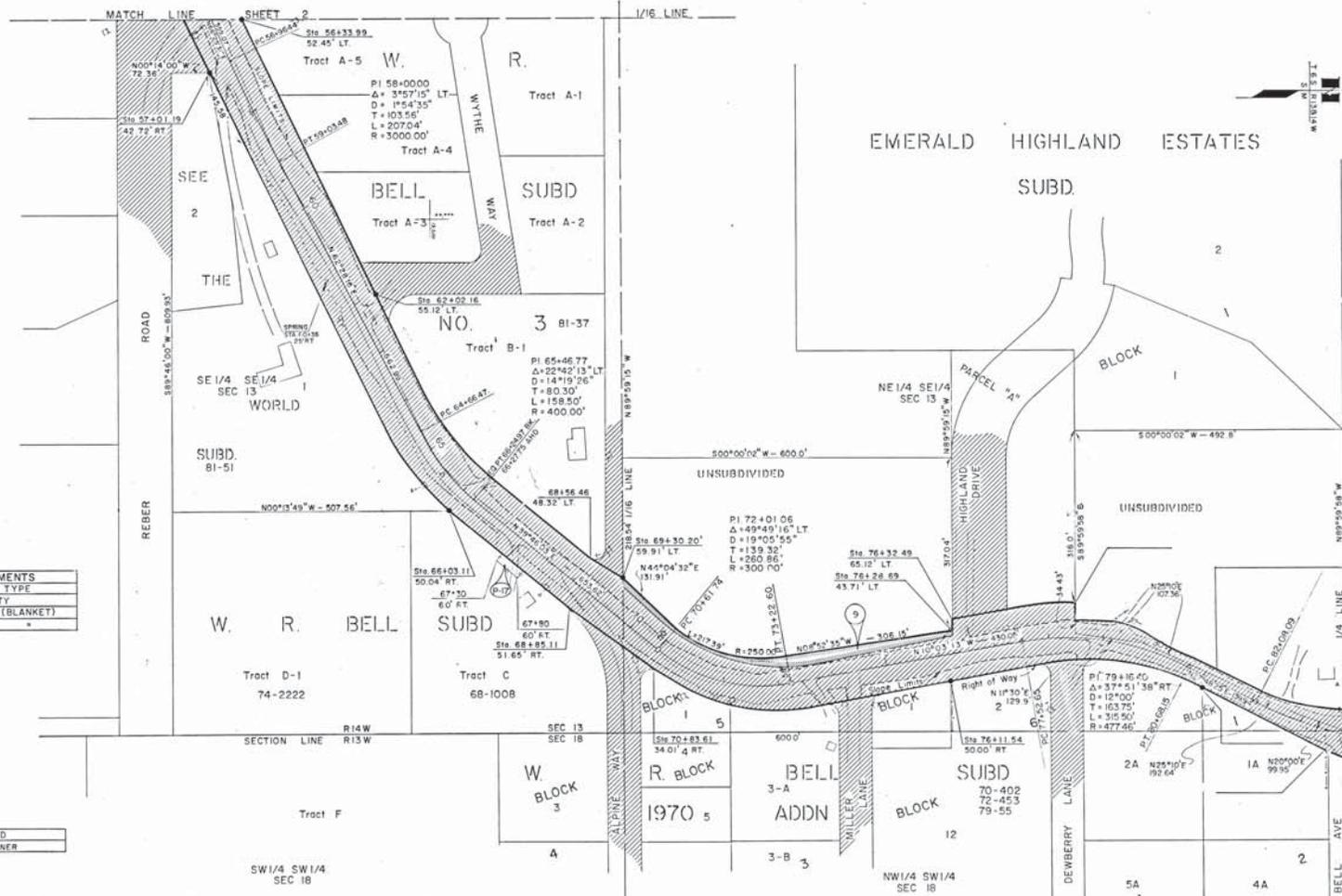
STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION
&
PUBLIC FACILITIES
RIGHT OF WAY MAP
ALASKA PROJECT NO.
X-14625
WEST HILL ROAD

NO	OWNER	AREA
P-3	HENRY D. & BETTY W. HOFELING	750 Sq Ft
P-4	MICHAEL C. & ANNE MICHAEL & ROBIN A. DAUGHTERY	480 Sq Ft

DRAWN: REBel DATE: Dec. 1981 SCALE: 1"=100'
CHECKED: DKO DATE: Dec. 1981 SHEET: 2 OF 4

PARCEL NO	OWNER	TAKE	REMAIN
2	ROBERT L & CHARLENE R DITTON	0.267 Ac ±	5.346 Ac ±
5	ROSALIE J. ROHWEDER aka TUPPER	7,753 Sq Ft	35,807 Sq Ft
6	JOHN W & LEONA Y. MYERS	1,557 Sq Ft	46,490 Sq Ft
7	PARCEL DELETED		

TEMPORARY CONSTRUCTION PERMIT		
NO.	OWNER	AREA
P-17	JACK & MARY EPPERSON	900 Sq Ft
P-10	DELETED	



EASEMENTS	
PARCEL	TYPE
8	UTILITY
9	H.E.A. (BLANKET)
10	"

LEGEND	
●	FOUND CORNER

PARCEL NO.	OWNER	TAKE	REMAIN
8	DELETED		
9	GARY MICHAEL HIBBARD ET AL	0.191 Ac ±	4.642 Ac ±
10	DELETED		

NO.	DESCRIPTION	BY
4/30/84	DELETE P.C. 10, CHG. C & WESTERLY R/W LINE NORTH OF HIGHLAND DRIVE	SAL
7/6/82	DELETE PARCEL P-10	SAL
6/29/82	CHANGE LINE STA. PC56+9644 THRU P.C. 70+6174	DJR
6/29/82	DELETE PARCEL B	DJR
3/25/82	ADD DIMENSIONS 8, 9 & 10	DK
3/12/82	ADD TIES PARCELS 9 & 10	DEK
3/2/82	CHANGE P-18 TO P-10	DEK
2/24/82	ADD P-17 & P-18	DEK
DATE	REVISIONS	BY

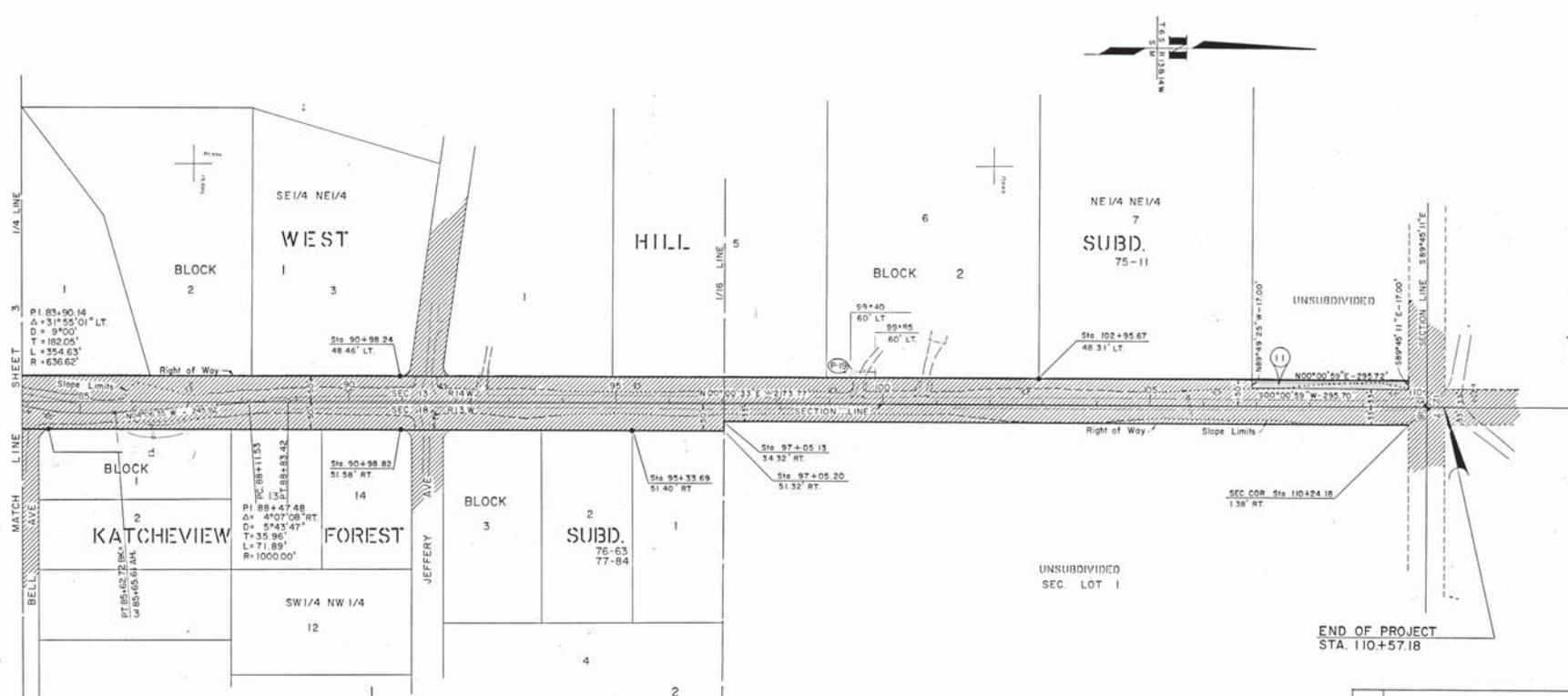
STATE OF ALASKA
 DEPARTMENT OF TRANSPORTATION
 PUBLIC FACILITIES
 RIGHT OF WAY MAP
 ALASKA PROJECT NO.
X-14625
WEST HILL ROAD

DRAWN: REBel DATE: Dec. 1981 SCALE: 1" = 100'
 CHECKED: DKO DATE: Dec. 1981 SHEET: 3 OF 4



94-418

TEMPORARY CONSTRUCTION PERMIT		
NO.	OWNER	AREA
P-19	RICHARD M. SCHOLL	450' Sq Ft



LEGEND	
●	FOUND CORNER

EASEMENTS	
PARCEL	TYPE
11	H.E.A. (BLANKET)

94-48
 FILED N/A
 HOMER
 10-15-79
 2:36 A
 AS/DOE

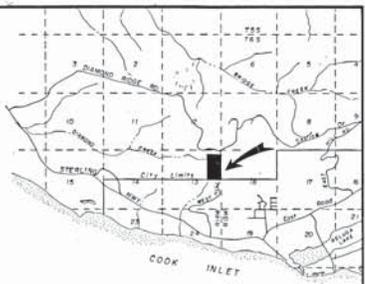
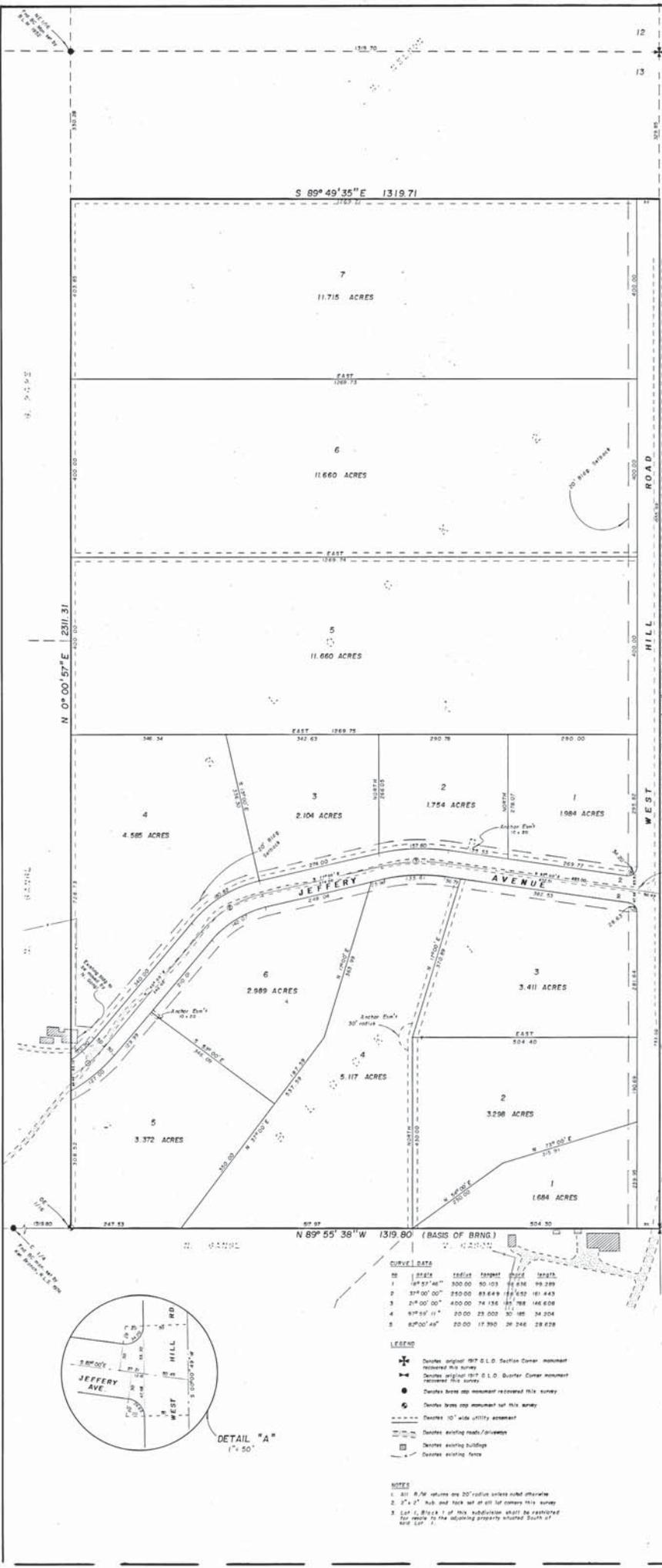


DATE	REVISIONS	BY
5/184	CHANGE CENTERLINE, SLOPE LIMITS SOUTH OF JEFFERY AVE	SAL
3/282	CHANGE DIM. & REMAIN PARCEL 11	DFK
3/3/82	CHANGE NORTH BOUNDARY P-19	DFK
3/24/82	ADD P-19	DFK

STATE OF ALASKA
 DEPARTMENT OF TRANSPORTATION
 &
 PUBLIC FACILITIES
 RIGHT OF WAY MAP
 ALASKA PROJECT NO.
X-14625
WEST HILL ROAD

PARCEL NO.	OWNER	TAKE	REMAIN
11	MARIE A. NELSON ET AL	0.115 Ac ±	48.642 Ac ±

DATE	DRWN	REBd	DATE	SCALE
Dec 1981	DKO	DKO	Dec 1981	1" = 100'



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

DATE: 2/24/75
OWNER: [Signature] FOR REAL & CO., INC.
OWNER: _____

NOTARY'S ACKNOWLEDGEMENT
Certificate of ownership subscribed and sworn to before me this 20th day of March, 1975.
Notary Public in and for the State of Alaska
NOTARY IN AND FOR THE STATE OF ALASKA MY COMMISSION EXPIRES 12/31/77

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

DATE: 2/24/75
KEN CRANCH, R.L.S. NO. 1501-S
[Signature]



WENAI PENINSULA BOROUGH
I hereby certify that this subdivision plat has been found to comply with the regulations of the Wenai Peninsula Borough Planning Commission.

DATE: March 17, 1975
BOROUGH MAYOR: [Signature]

75-11
[Stamp: HOMER REC'D 3/9, HOMER, AK 99530, FILED 4-14-75, 11-12-75, KRB, Signature]

CURVE DATA

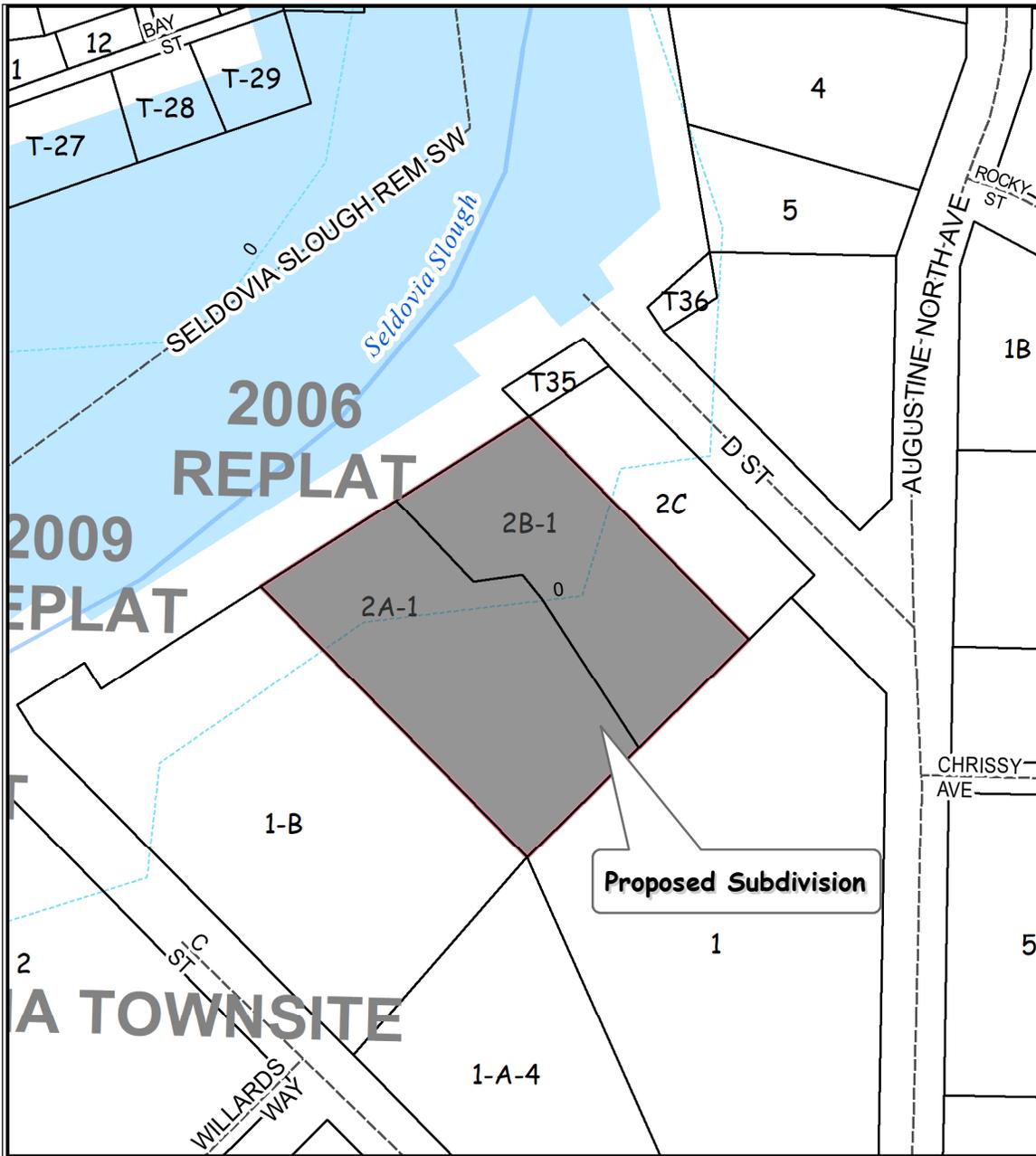
STATION	CHORD BEARING	CHORD DISTANCE	ARC BEARING	ARC DISTANCE
1	S 89° 49' 35" E	1319.71	89° 49' 35"	1319.71
2	S 00° 49' W	2308.99	90° 51'	2308.99
3	N 89° 55' 36" W	1319.80	89° 55' 36"	1319.80
4	N 0° 00' 57" E	2311.31	0° 00' 57"	2311.31

- LEGEND**
- ⊕ Denotes original 100' O.L.O. Section Corner monument recovered this survey.
 - ⊙ Denotes original 100' O.L.O. Quarter Corner monument recovered this survey.
 - ⊙ Denotes brass cap monument recovered this survey.
 - ⊙ Denotes brass cap monument set this survey.
 - Denotes 10' wide utility easement.
 - Denotes existing roads/easements.
 - Denotes existing buildings.
 - Denotes existing fences.

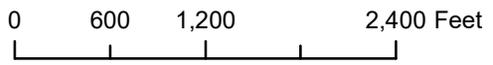
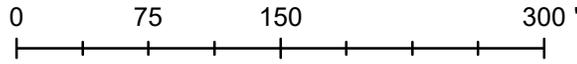
- NOTES**
1. All 8.76' values are 20' values unless noted otherwise.
 2. 2" x 2" hub and tack set at all lot corners this survey.
 3. Lot 7, Block 1 of this subdivision shall be restored for use as the adjoining property situated South of and East of.

WEST HILL SUBDIVISION
SITUATED IN THE SE 1/4 NE 1/4, S 1/2 NE 1/4 NE 1/4 & THE S 1/2 N 1/2 NE 1/4 NE 1/4 OF SEC. 13, T6S, R4W S.M., HOMER RECORDING DISTRICT, ALASKA
CONTAINING: 69.991 ACRES

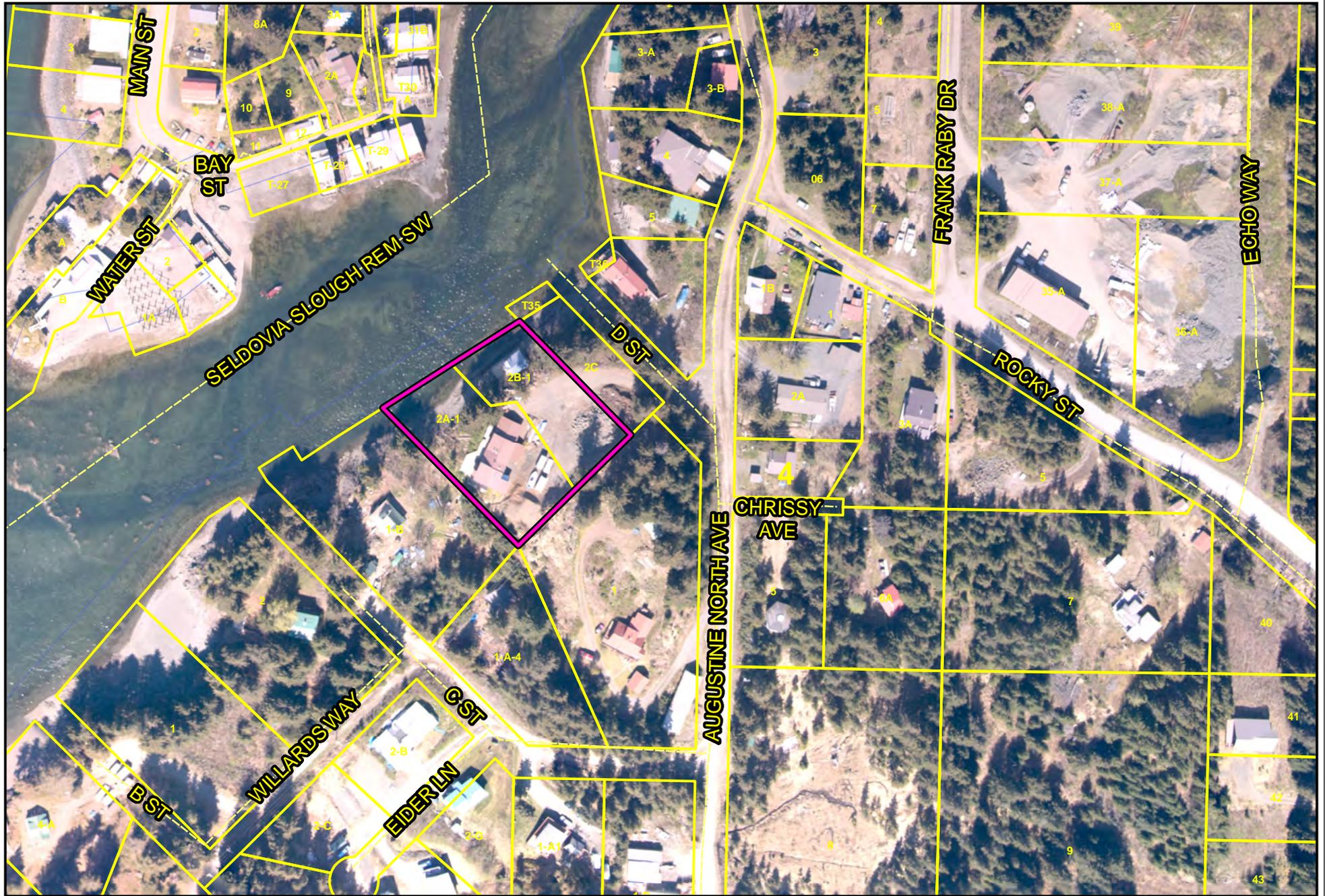
PREPARED FOR: TOM WEA, 210 HWY 101, HOMER, ALASKA
DRAWN BY: SUSAN LITTE
CHECKED BY: KEN CRANCH, R.L.S. NO. 1501-S, HOMER
DATE: 2/14/75
SCALE: 1" = 100'



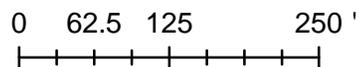
The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



KPB 2021-148
S32 T08S R14W
Seldovia



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

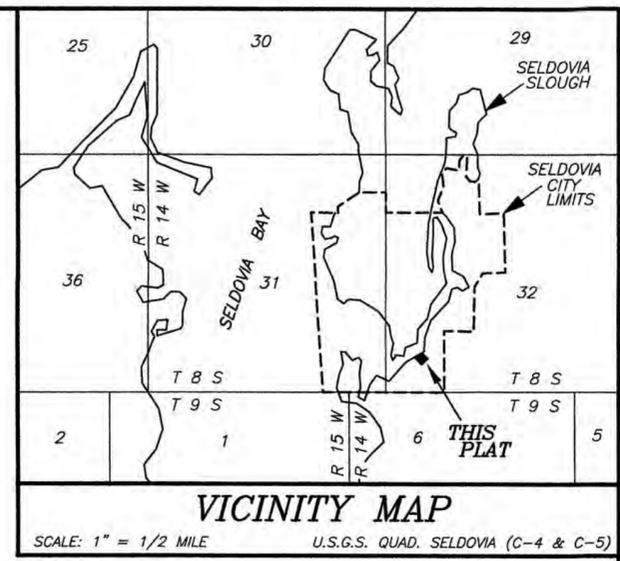
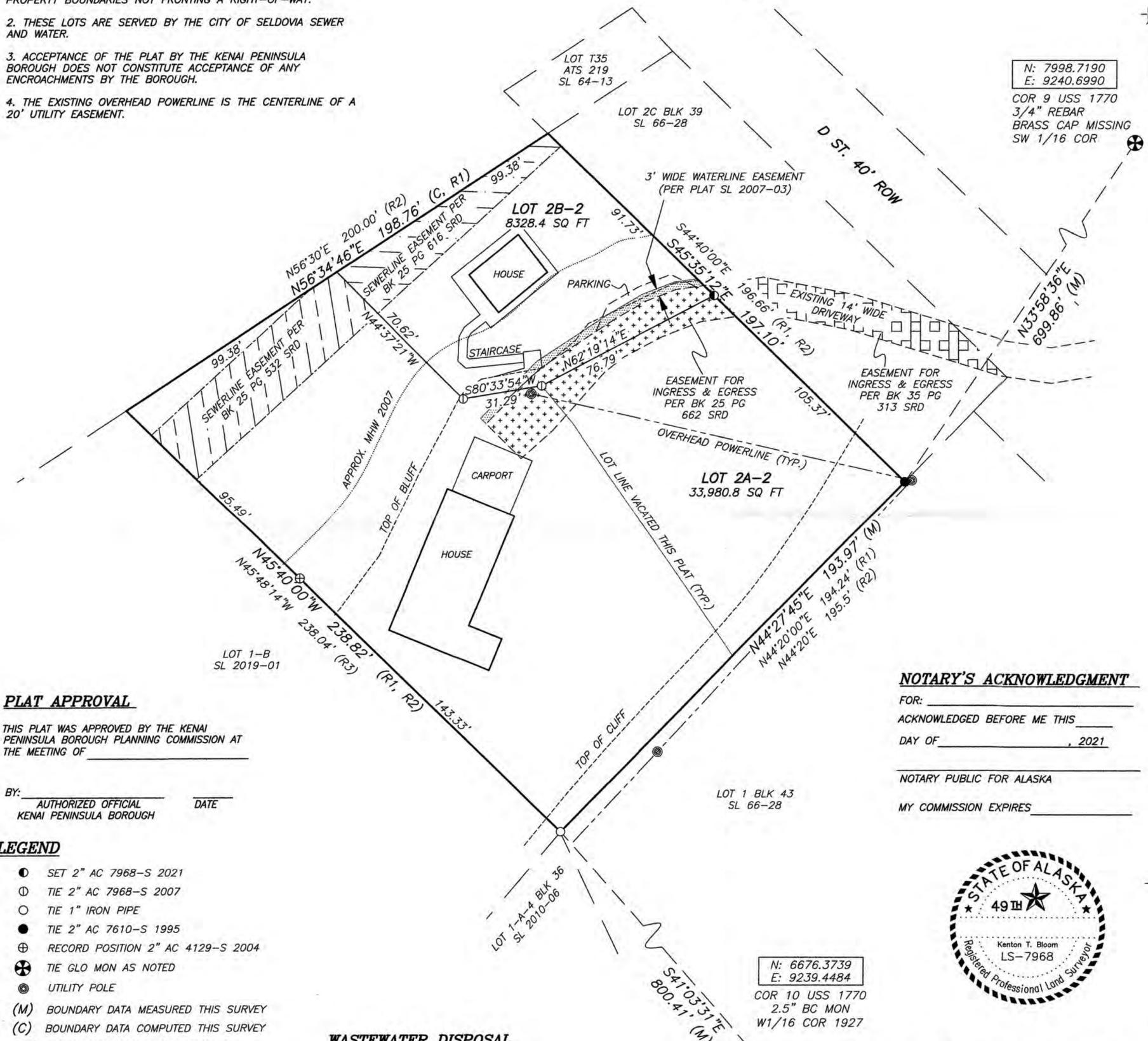


 PRELIMINARY PLAT

PClements, KPB 2021-148
Imagery Anadromous 2014

NOTES

1. THESE LOTS ARE SUBJECT TO THE CITY OF SELDOVIA MUNICIPAL CODE. THERE IS A 6' BUILDING SETBACK FROM ALL PROPERTY BOUNDARIES NOT FRONTING A RIGHT-OF-WAY.
2. THESE LOTS ARE SERVED BY THE CITY OF SELDOVIA SEWER AND WATER.
3. ACCEPTANCE OF THE PLAT BY THE KENAI PENINSULA BOROUGH DOES NOT CONSTITUTE ACCEPTANCE OF ANY ENCROACHMENTS BY THE BOROUGH.
4. THE EXISTING OVERHEAD POWERLINE IS THE CENTERLINE OF A 20' UTILITY EASEMENT.



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.

JENNIFER WATSON
360 E INTERNATIONAL AIRPORT RD APT 1
ANCHORAGE, AK 99518

GPS CONTROL DATA

1. THE BASIS OF COORDINATES FOR THIS PLAT IS A MONUMENT SET THIS SURVEY DESIGNATED "SELDOVIA AIRPORT PK". THE NAD 83 (2011) COORDINATES (LAT/LONG) ARE BASED ON AN NGS OPUS SOLUTION (EPOCH 2010.0000) FOR "SELDOVIA AIRPORT PK". THE COORDINATES WERE CONSTRAINED TO THE NATIONAL SPATIAL REFERENCE SYSTEM USING THE CORS REFERENCE STATIONS: KEN6 KENAI 6 CORS ARP (PID DJ3031), AC08 CAPDOUGLASAK2007 CORS ARP (PID DM7472), AND AC43 SEAL_ROCKSAK2007 CORS ARP (PID DM7496).
2. ALL BEARINGS SHOWN WERE COMPUTED BY APPLYING A COUNTERCLOCKWISE ROTATION OF 1°27'58.8" TO THE NAD 83 ALASKA STATE PLANE ZONE 4 BEARINGS USING "SELDOVIA AIRPORT PK" AS A ROTATION POINT. ALL GROUND DISTANCES WERE COMPUTED BY APPLYING A SCALE FACTOR OF 1.00001157, EXTRACTED FROM THE OPUS SOLUTION REPORT AT "SELDOVIA AIRPORT PK".
3. THE RESULTING SCALED COORDINATES WERE TRANSLATED TO A LOCAL COORDINATE SYSTEM BASED ON "SELDOVIA AIRPORT PK" N=10,000 E=10,000. ALL COORDINATE VALUES REPRESENT GROUND DISTANCES ORIENTED TO TRUE NORTH.

PLAT APPROVAL

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

BY: _____ AUTHORIZED OFFICIAL
KENAI PENINSULA BOROUGH

DATE _____

NOTARY'S ACKNOWLEDGMENT

FOR: _____

ACKNOWLEDGED BEFORE ME THIS _____

DAY OF _____, 2021

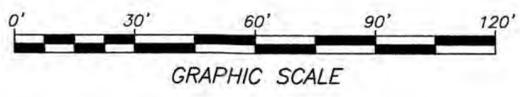
NOTARY PUBLIC FOR ALASKA

MY COMMISSION EXPIRES _____

- LEGEND**
- SET 2" AC 7968-S 2021
 - ⊙ TIE 2" AC 7968-S 2007
 - TIE 1" IRON PIPE
 - TIE 2" AC 7610-S 1995
 - ⊕ RECORD POSITION 2" AC 4129-S 2004
 - ⊗ TIE GLO MON AS NOTED
 - ⊙ UTILITY POLE
 - (M) BOUNDARY DATA MEASURED THIS SURVEY
 - (C) BOUNDARY DATA COMPUTED THIS SURVEY
 - (R1) BOUNDARY DATA PER SL 2007-03
 - (R2) BOUNDARY DATA PER SL 66-28
 - (R3) BOUNDARY DATA PER SL 2019-01

WASTEWATER DISPOSAL

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



KPB 2021-148

SELDOVIA RECORDING DISTRICT KPB FILE NO. 2021-XXX		
SELDOVIA TOWNSITE EAST ADDN. WATSON 2021 REPLAT		
A REPLAT OF LOTS 2A-1 & 2B-1 SELDOVIA TOWNSITE EAST ADDN. 2006 REPLAT (SL 2007-03) LOCATED WITHIN THE SW 1/4 SW 1/4, SEC 32, T. 8 S., R. 14 W., SEWARD MERIDIAN, CITY OF SELDOVIA, KENAI PENINSULA BOROUGH, THIRD JUDICIAL DISTRICT, ALASKA		
CONTAINING 42,309.2 SQ FT		
SEABRIGHT SURVEY + DESIGN KENTON T. BLOOM, P.L.S. 1044 EAST ROAD, SUITE A HOMER, ALASKA 99603 (907) 299-1091		
CLIENTS: JENNIFER WATSON 360 E INTERNATIONAL AIRPORT RD APT 1 ANCHORAGE, AK 99518		
DRAWN BY: KK	CHKD BY: KB	JOB #2021-56
DATE: 11/2021	SCALE: 1"=30'	SHEET #1 OF 1

AGENDA ITEM E. NEW BUSINESS

ITEM 3 - SELDOVIA TOWNSITE EAST ADDN WATSON 2021 REPLAT

KPB File No.	2021-148
Plat Committee Meeting:	November 29, 2021
Applicant / Owner:	Jennifer E. Watson of Anchorage, AK
Surveyor:	Kenton Bloom / Seabright Surveying
General Location:	Augustine North Avenue and D Street / City of Seldovia

Parent Parcel No.:	192-091-10, 192-091-11
Legal Description:	Lots 2A-1 and 2B-1, Block 39, Seldovia Townsite East Addition 2006 Replat Plat SL 2007-3
Assessing Use:	Residential
Zoning:	Waterfront Commercial Residential
Water / Wastewater	City Water and Sewer

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat reconfigures the shared lot line between two lots.

Location and Legal Access (existing and proposed): The subdivision is within the City of Seldovia. Access is available by water as the Seldovia Slough borders the subdivision along the north. The lots are landlocked. Ingress and egress easements have been granted for access. A 14 foot wide driveway exists through Lot 2C Block 39 located to the east of the subdivision. That driveway provides a connection to D Street and Augustine North Avenue. D Street along Lot 2C Block 39 is 40 feet wide but widens as it approaches the intersection with Augustine North Avenue. D Street is not constructed except for the small portion of the driveway that crosses through to connect to Augustine North Avenue. Augustine North Avenue is a 40 foot wide right of way. The right of ways fall under the City of Seldovia jurisdiction.

The block is not complete due to Seldovia Slough. D Street, Augustine North Avenue, and C Street define the block. The distances are all compliant except for along D Street. It is slightly short of minimum lengths. Due to Seldovia Slough, D Street cannot be lengthened to become compliant. **Staff recommends the plat committee concur that an exception is not required due to the location along Seldovia Slough; any dedications will not improve the block and would create non-compliant lengths.**

KPB Roads Dept. comments	Out of Jurisdiction: Yes Roads Director: Uhlin, Dil Comments: No comments
SOA DOT comments	No comments

Site Investigation: KPB GIS does not have contour information available for Seldovia. The plat does have the top of a bluff and the top of a cliff depicted and labeled. The house located on proposed Lot 2B-2 is below the bluff and appears to have a staircase that provides access from the top of the bluff.

Portions of the subdivision are within Flood Zone A. **Staff recommends the flood line be depicted and the appropriate notes be added to the plat.**

Seldovia Slough is exempt from the Anadromous Waters per KPB GIS data. The mean high water line from 2007 is depicted. **Staff recommends a plat note be required or label on the plat that states the source of the mean high water line.**

KPB River Center review	<p>A. Floodplain Reviewer: Carver, Nancy Floodplain Status: IS in flood hazard area Comments: Flood Zone: A Map Panel: 020012-5065A 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 lots within this subdivision were originally included in the original U.S. Survey 1771 that was surveyed in 1927. In 1964 a plat, Seldovia Townsite East Addition SL 66-28, was done that further subdivided lots and tracts created by the U.S. Survey. Neither of those plats granted any easements. The U.S. Survey left an area unsubdivided that abutted the property within this subdivision. That landlocked some of the properties. Plat 66-28 subdivided that unsubdivided portion in addition to subdividing existing lots. It left the lots landlocked but did depict an existing road that is now where the ingress/egress easements are in place. The current lot configuration was created by Seldovia Townsite East Addition 2006 Replat, SL 2007-3. An exception to KPB 20.20.200 (old code), for frontage on a dedicated street was granted by the Planning Commission on November 27, 2006.

This plat will reconfigure the lot line between two lots. Per the memo from the City of Seldovia, the surveyor stated the intent is for the owner to sell the lower house located on the waterfront of proposed Lot 2B-2. That lot will be going from 18,320.4 square feet (.42 acres) to 8,328.4 square feet (.19 acres). The other lot, Lot 2A-2, will increase in size from 23,973.4 square feet (.55 acres) to 33,980.8 square feet (.78 acres). If both lots are, or will be, connected to municipal water and sewer, the lots will meet minimum lot size. The new lot line will be within the ingress and egress easement allowing to both lots to utilize the easement.

The plat depicts sewerline easements as well as a waterline easement. An installation agreement or documentation from the City of Seldovia that one is not required will need to be submitted. **Staff recommendations** the page number needs to be updated per the certificate to plat to Book 25 Page 621 for the easement within Lot 2B-2.

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

The subdivision plat is within the boundary of the City of Seldovia. The City of Seldovia Planning Commission heard the proposed plat at their October 6, 2021 regular meeting. The Planning Commission unanimously approved it and they approved that their staff memo be presented to the Kenai Peninsula Borough. The memo address the zoning district and the requirements for that zoning. It was found that the proposed subdivision plat met their requirements and code. No additional recommendations or requests were forwarded to the Kenai Peninsula Borough.

Staff recommends the structures, and parking areas be removed from the final plat to allow required information to be more legible.

Utility Easements The original plats that created the lots within this subdivision did not grant any utility easements. Seldovia Townsite East Addition 2006 Replat, SL 2007-3, stated 10 foot utility easements were granted within the

front of the building setback. As this does not front on any dedicated right of ways, no easements were granted by that note.

A powerline was depicted within Lot 2A-1. Plat note 6 states it was center of a 20 foot utility easement. There is no record of how that easement was granted or if the intent was to grant by that plat. The new plat depicts an overhead powerline and contains the same note. This powerline depicted is not in the same location as the parent plat. If it is determined the overhead powerline was removed the easement would still be in place and should be noted "as per SL 2007-3". If a new easement is being created over the overhead powerline depiction, the plat note should state it is being granted by this plat. **Staff recommends** the location of the powerlines be verified and work with the power company to determine the correct locations, provide correct depiction and provide a plat note that states how the easement was granted or if it is being granted by this plat.

The certificate to plat indicates and additional easement was granted to HEA by document. **Staff recommends** the easement location be determined and depict the easement with reference to the recording document. If the easement location cannot be depicted, provide a plat note with the 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	
ENSTAR	No comments or recommendations,
ACS	
GCI	Approved as shown

KPB department / agency review:

Addressing	<p>Reviewer: Haws, Derek Affected Addresses: 356 SELDOVIA SLOUGH REM SW 366 SELDOVIA SLOUGH REM SW</p> <p>Existing Street Names are Correct: Yes List of Correct Street Names: D ST</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: 356 SELDOVIA SLOUGH REM SW will be deleted and new D ST address assigned. 366 SELDOVIA SLOUGH REM SW will be deleted and new D ST address assigned.</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. 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 20.25.070 – 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: Per KPB records the lots within this subdivision are .97 acres. The square footage can be listed but include the acreage. Verify the square footage as the acreage shown in KPB records would result in the square footage being 42,253.2 square feet.

- 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 a label for Seldovia Slough that borders the subdivision along the northern 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: D Street should contain a label that states the width varies and a dimension can should be shown that the width in that area is 40 feet.

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.

20.30.250. Building setbacks-Within cities. The building setback requirements for subdivisions located within cities shall be governed by the provisions of municipal zoning districts. Building setbacks as depicted, or noted, on recorded plats shall not be carried forward on a new subdivision plat located within a municipal zoning district. Provide a plat note stating, “Per KPB 20.30.250 the building setback of record has been removed. All development must comply with the municipal zoning requirements.”

Staff recommendation: Remove specific setback requirements from plat note 1. The lots will fall under the zoning of the City of Seldovia. If changes occur to their code, it could result in changes to the setbacks. Leaving the first sentence of note 1 is sufficient but if elected can add, “Contact the City of Seldovia for current building setback requirements prior to development.”

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 Seldovia 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: Municipal water and sewer available. Correct plat note is present.

Staff recommendation: *comply with 20.40.*

KPB 20.60 – Final Plat

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

20.60.080. 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: *Provide an installation agreement or documentation from the City of Seldovia that one is not required.*

20.60.180. Plat notes.

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

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

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

- *Add a plat note for any exceptions granted.*
- *The natural meanders of mean high water line is for area computations only, the true corners being on the extension of the sidelines and the intersection with the natural meanders.*
- *Subject to easements for right to flight granted to State of Alaska, Department of Transportation and Public Facilities recorded in Book 27 Page 431 Seldovia Recording District on March 11, 1985 and Book 28 Page 132 Seldovia Recording District on October 29, 1985.*
- *Right of Way Easement granted to Homer Electric Association, Inc. to construct, operate and maintain an electric transmission and/or telephone distribution line or system by Book 13 Page 83 Seldovia Recording District recorded on February 25, 1965.*
- **FLOOD HAZARD NOTICE:**
Some or all of the property shown on this plat has been designated by FEMA as a flood hazard area district as of the date this plat is recorded with the district recorder's office. Prior to development, the Kenai Peninsula Borough floodplain administrator should be contacted for current information and regulations. Development must comply with Chapter 21.06 of the Kenai Peninsula Borough Code. Map Panel 020012-5065A

- 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 owner's name for the signature line to match the Certificate to Plat. "Jennifer E. Watson, a.k.a. J.E. Watson". Comply with 20.60.190.

EXCEPTIONS REQUESTED:

A. KPB 20.30.210 – Lots-Access to Street

Surveyor's Discussion: An exception to former KPB 20.20.200 (Frontage of a dedicated street) was granted by the KPB Planning Commission for the parent plat, SL 2006-329. There are existing easements for ingress and egress (as shown on the plat) that provide legal access to these lots. This replat adjust the interior property line between Lots 2A-1 & 2B-1, in order to make the usable area of Lot 2A-1 more cohesive. Existing physical and legal access will remain unchanged.

Staff Discussion: Per KPB 20.30.10, each lot shall abut on a fee simple dedicated street unless it is classified as agricultural. The property involved with this subdivision was part of the original U.S. Survey that created the Seldovia Townsite. Right of ways were not dedicated to provide access to this property nor did the replat performed in 1964.

Findings:

1. U.S. Survey 1771, surveyed in 1927, subdivided the lands within this subdivision but did not provide dedicated access.
2. Seldovia Townsite East Addition, Plat SL 66-28, was surveyed in 1964 and further subdivided the property within this subdivision and lands surrounding it but did not grant dedicated access.
3. Seldovia Townsite East Addition depicted an existing road that is still being used for ingress and egress.
4. Easements were recorded in 1982 and 1996 to provide ingress and egress.
5. Seldovia Townsite East Addition 2006 Replat, Plat SL 2007-3, depicted the ingress and egress easements.
6. Seldovia Townsite East Addition 2006 Replat was granted an exception by the KPB Planning Commission to KPB Code 20.20.200 for frontage on a dedicated street.
7. The City of Seldovia Planning Commission reviewed the plat at their October 6, 2021 meeting and approved the proposed plan.
8. The City of Seldovia Planning Commission did not provide recommendations or requests for additional items.
9. The Kenai Peninsula Borough owns Lot 2C Block 39 located to the east of the subdivision.
10. The easement recorded in Book 35 Page 313 crosses KPB land to provide access.
11. Water access is available from Seldovia Slough.

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 1-11 appear to support this standard.

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

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

RECOMMENDATION:

SUBJECT TO EXCEPTION(S) GRANTED, STAFF RECOMMENDS:

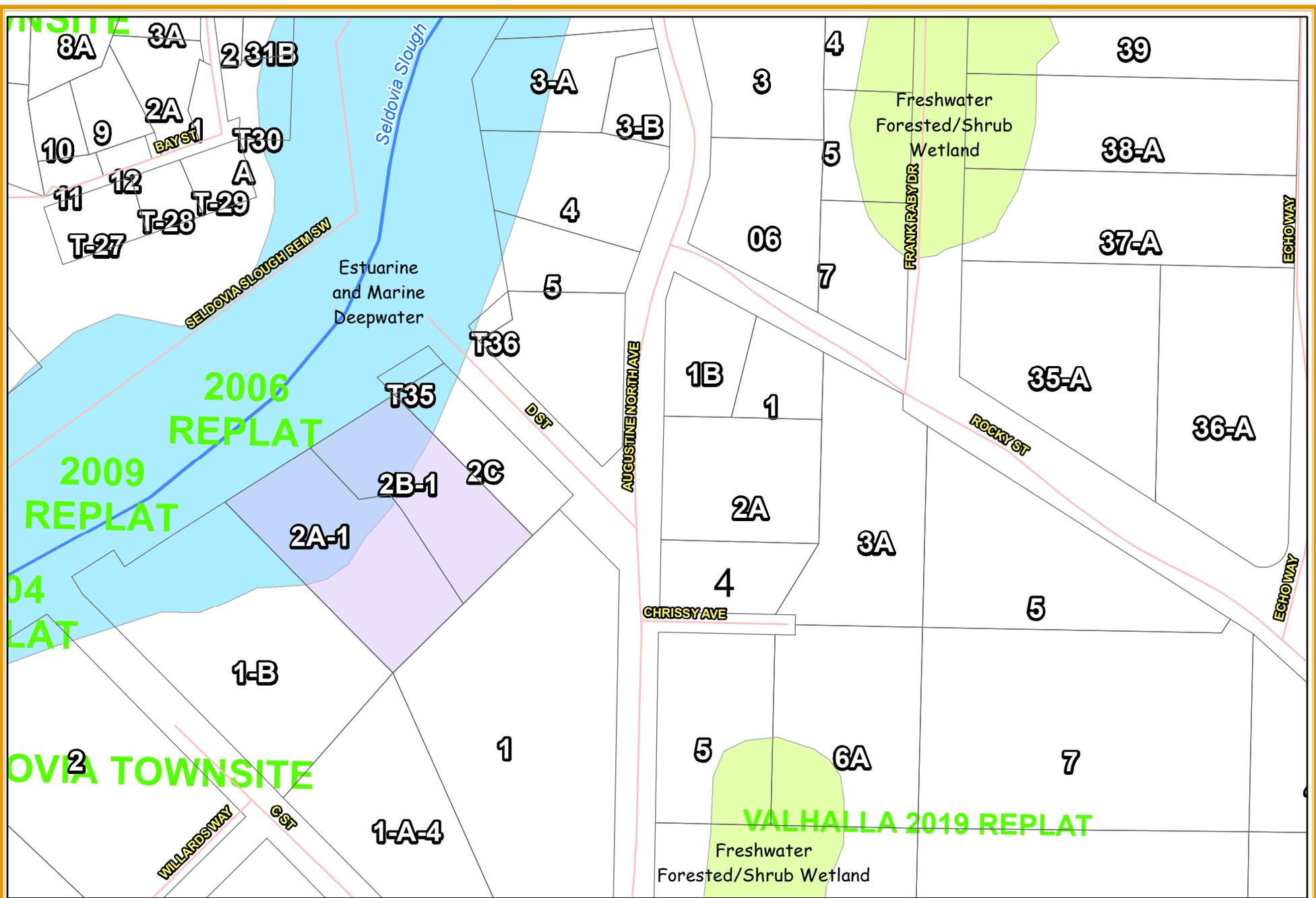
- GRANT APPROVAL OF THE PRELIMINARY PLAT SUBJECT TO STAFF RECOMMENDATIONS, AND
- COMPLIANCE WITH KPB 20.25.070 (FORM AND CONTENTS), KPB 20.25.080 (PETITION REQUIRED), KPB 20.30 (DESIGN REQUIREMENTS); AND KPB 20.40 (WASTEWATER DISPOSAL), AND
- COMPLIANCE WITH KPB 20.60 TO ENSURE ADMINISTRATIVE APPROVAL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

NOTE: 20.25.120. - REVIEW AND APPEAL.

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

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

END OF STAFF REPORT

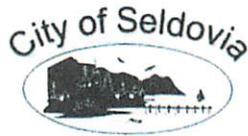


The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.

GIS WETLANDS



Date: 11/8/2021



www.cityofseldovia.com

P.O. Drawer B Seldovia, Alaska 99663 Phone: (907) 234-7643, Fax: (907) 234-7430 email: cityclerk@cityofseldovia.com

10/13/2021

Kenton Bloom
Seabright Survey & Design
Electronically submitted: seabrightz@yahoo.com

Re: Preliminary Plat Submittal: Seldovia East Townsite Addn. Watson 2021 Replat

Mr. Kenton,

The Seldovia Planning Commission discussed and approved the site plans for the Seldovia East Townsite Addn. Watson 2021 Replat at their October 6, 2021 regular meeting. Please see the unapproved minutes below from the site plan hearing. Also, attached is a clerk's memo that was submitted to the Commission pertaining to the hearing and requested by the Commission to be submitted along with their decision.

Excerpt from the unapproved October 06, 2021 Seldovia Planning Commission minutes:

1. Preliminary Plat Submittal: Seldovia East Townsite Addn. Watson 2021 Replat

A. Presentation by Staff or Commission

CLERK GEAGEL- Presented the preliminary plat submittal for the Seldovia East Townsite Addition, Watson 2021 replat, provided a memorandum that reviewed that the replat met the requirements of the Waterfront Commercial Residential District, and introduced the surveyor for the project, Kenton Bloom, who was available for questions.

B. Public Presentation or Hearing

None

C. Commission Discussion

DIETRICH- Spoke in support of the preliminary plat submittal.

FORSBERG- Spoke in support of the preliminary plat submittal.

REIN- Discussed that her only concern was that the easement for access was in place and it looked like it was.

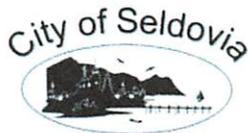
D. Action/Disposition

DIETRICH/FORSBERG MOVED TO APPROVE THE PRELIMINARY REPLAT
NO OBJECTION/ROLL CALL VOTE/ REIN-Y, FORSBERG-Y, DIETRICH-Y/ MOTION
CARRIED

CONSENSUS OF THE COMMISSION THAT THE MEMO PROVIDED BY THE CLERK BY
ATTACHED AS THEIR FINDINGS

Sincerely,

Heidi Geagel
City Clerk, Special Projects & Communications Coordinator
City of Seldovia



www.cityofseldovia.com

P.O. Drawer B Seldovia, Alaska 99663 Phone: (907) 234-7643, Fax: (907) 234-7430 email: cityclerk@cityofseldovia.com

MEMORANDUM

TO: Seldovia Planning Commission
FROM: Heidi Geagel, City Clerk
DATE: September 24, 2021
RE: Preliminary Plat Submittal: Seldovia East Townsite Addn. Watson 2021 Replat

RECOMMENDATION

Review and consider approval of Preliminary Plat Submittal: Seldovia East Townsite Addn. Watson 2021 Replat

OVERVIEW

Per surveyor, Kenton Bloom, the following is reasoning for the replat as presented "The owner wants to subdivide the property in order the sell the lower house that is located on the waterfront lot 2B-2."

INFORMATION

Please see the below information pertaining to the above replat request as compiled by City Staff:

- A. **District-** Waterfront Commercial Residential (WCR)
- B. **Permitted Use-** Both lots will be residential which is a permitted use in the WCR.
- C. **Minimum Lot Area and Width-** No minimum lot are established in WCR but the actual lot area shall be sufficient to meeting parking, open space, natural area and setback standards of the district.
 - **Open space-** residential areas shall provide at least 1000 square feet of open space pre dwelling unit that may not be used for parking or permanent structures, however, 50% may be a covered patio or similar structure. There will be approximately 2100 square feet of open space on lot 2B-2 and at least 8800 square feet of open space on lot 2A-2.
 - **Natural area-** 25% of the land area involved shall be left with the natural vegetation and terrain existing prior to development. The open space available stated above will ensure that over 25% of the land area involved has been left with natural vegetation for both lots.
 - **Parking-** Two off-street parking spaces are required per dwelling unit. Each lot has at least two parking spaces as shown in the attached drawing. Lot 2A-2 has ample parking, and two parking spaces have been added to the north of the existing driveway for Lot 2B-2.
 - **Building setbacks-** The building setback requirement for the WCR district is five feet from all right-of-way's and six feet from all property boundaries. Building setbacks for this replat are all pre-existing, except for the southeastern boundary which will have the closet setback point of 31.5 feet, all setback requirements have been met.

- D. **Building height-** Buildings are pre-existing, building height is not being altered.
- E. **Visibility at intersections-** Not applicable, property is landlocked with access through an easement.
- F. **Access Easement-** Both properties will retain access through the existing easements.
- G. **Additional Easements-** An additional 3' wide waterline easement is noted on the replat along with a 20' utility easement and sewer line easements on the slough side of the lots.

Enclosed:

Correspondence from Kenton Bloom, surveyor (pertaining to the above memo)
Seldovia Townsite East Addition 2006 Replat

Hi Heidi,

There will be approximately 2100 sq ft of open space on Lot 2B-2 and at least 8800 sq ft of open space on Lot 2A-2. This will ensure that over 25% of each lot is left with natural vegetation. Lot 2A-2 has ample parking, and two parking spaces have been added to the north of the existing driveway for Lot 2B-2. Both properties will retain access through the existing easements. In addition to the 3' waterline easement and the 20' utility easement, there are sewerline easements depicted/noted on the slough side of the lots. Attached is a revised copy of the plat depicting the parking area. Hopefully this helps!

Cordially,
Kenton

NOTES

1. BASIS OF BEARING IS BETWEEN THE SOUTH CORNER OF LOT 2A AND THE EAST CORNER OF LOT 2B, BLOCK 39 SELDOVIA TOWNSITES.
2. LOTS 2A AND 2B WILL BE SERVED BY CITY WATER AND SEWER.
3. ACCEPTANCE OF THE PLAT BY THE KENAI PENINSULA BOROUGH DOES NOT CONSTITUTE ACCEPTANCE OF ANY ENCROACHMENTS BY THE BOROUGH.
4. 3' WATER LINE DRIVEWAY EASEMENT GRANTED THIS PLAT TO PROVIDE ACCESS TO THE CITY OF SELDOVIA FOR MAINTENANCE. THE EASEMENT IS ADJACENT TO THE NORTH EDGE OF THE EXISTING DRIVEWAY EASEMENT.
5. THE FRONT 10' OF THE 20' BUILDING SETBACK AND THE ENTIRE SETBACK WITHIN 5' OF 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. THE EXISTING OVERHEAD POWERLINE ACROSS LOT 2A-1 IS THE CENTER OF A 20' WIDE UTILITY EASEMENT.

LEGEND

- FOUND 2" AL-CAP AS SHOWN
- FND 2" A-C ON 5/8" REBAR AS SHOWN
- ⊗ FND 1" PLASTIC CAP ON 1/2" REBAR AS SHOWN
- ⊙ SET 5/8" REBAR W/2" A-C 7968-S 2007
- ⊖ FOUND IRON PIPE
- POWER POLE
- RECORD 1/16

WASTEWATER DISPOSAL

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

LOT 1-A BLOCK 39 SELDOVIA TOWNSITE EAST ADDITION 2004 REPLAT, 2004-04 S.R.D.

EASEMENTS

- LOT 2A BLANKET EASEMENT FOR RIGHT TO FLIGHT BOOK 27 PAGE 431, S.R.D.
- LOT 2B BLANKET EASEMENT FOR RIGHT TO FLIGHT BOOK 28 PAGE 132, S.R.D.
- LOT 2A BLANKET EASEMENT HEA FOR RIGHT-OF-WAY BOOK 13 PAGE 83, S.R.D.

LINE TABLE

L#	BEARING	DIST.
L1	S 39°31'29"E	19.44'
L2	N 80°33'54"E	31.29'
L3	S 44°37'21"E	70.61'



NOTE: EXCEPTION TO KPB 20.20.200 FRONTAGE ON A DEDICATED STREET APPROVED BY KPB PLANNING COMMISSION MEETING 11/27/2006

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF 11/27/2006

KENAI PENINSULA BOROUGH

BY: Margaret Postmaster
AUTHORIZED OFFICIAL

NOTARY'S ACKNOWLEDGMENT

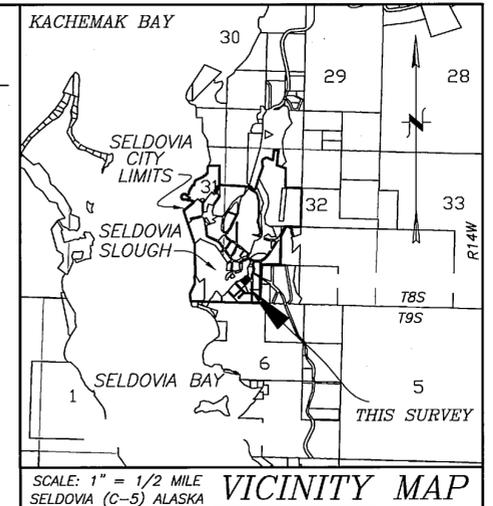
SUBSCRIBED AND SWORN TO BEFORE ME THIS DAY OF _____, 2007.

FOR: _____

NOTARY PUBLIC FOR ALASKA

MY COMMISSION EXPIRES _____

2007-3
Seldovia 20
10/29/2007
9:49 AM
Seabright



CERTIFICATE OF OWNERSHIP

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON, THAT WE HEREBY ADOPT THIS PLAT 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.

Brian D. Watson
BRIAN D. WATSON
360 E INTL AIRPORT RD # 1
ANCHORAGE AK 99518-1217

Jennifer E. Watson
JENNIFER E. WATSON
360 E INTL AIRPORT RD # 1
ANCHORAGE AK 99518-1217

NOTARY'S ACKNOWLEDGMENT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DAY OF 29th Aug, 2007.

FOR: Brian D. & Jennifer E. Watson

Margaret Postmaster
NOTARY PUBLIC FOR ALASKA

MY COMMISSION EXPIRES _____



SELDOVIA RECORDING DISTRICT

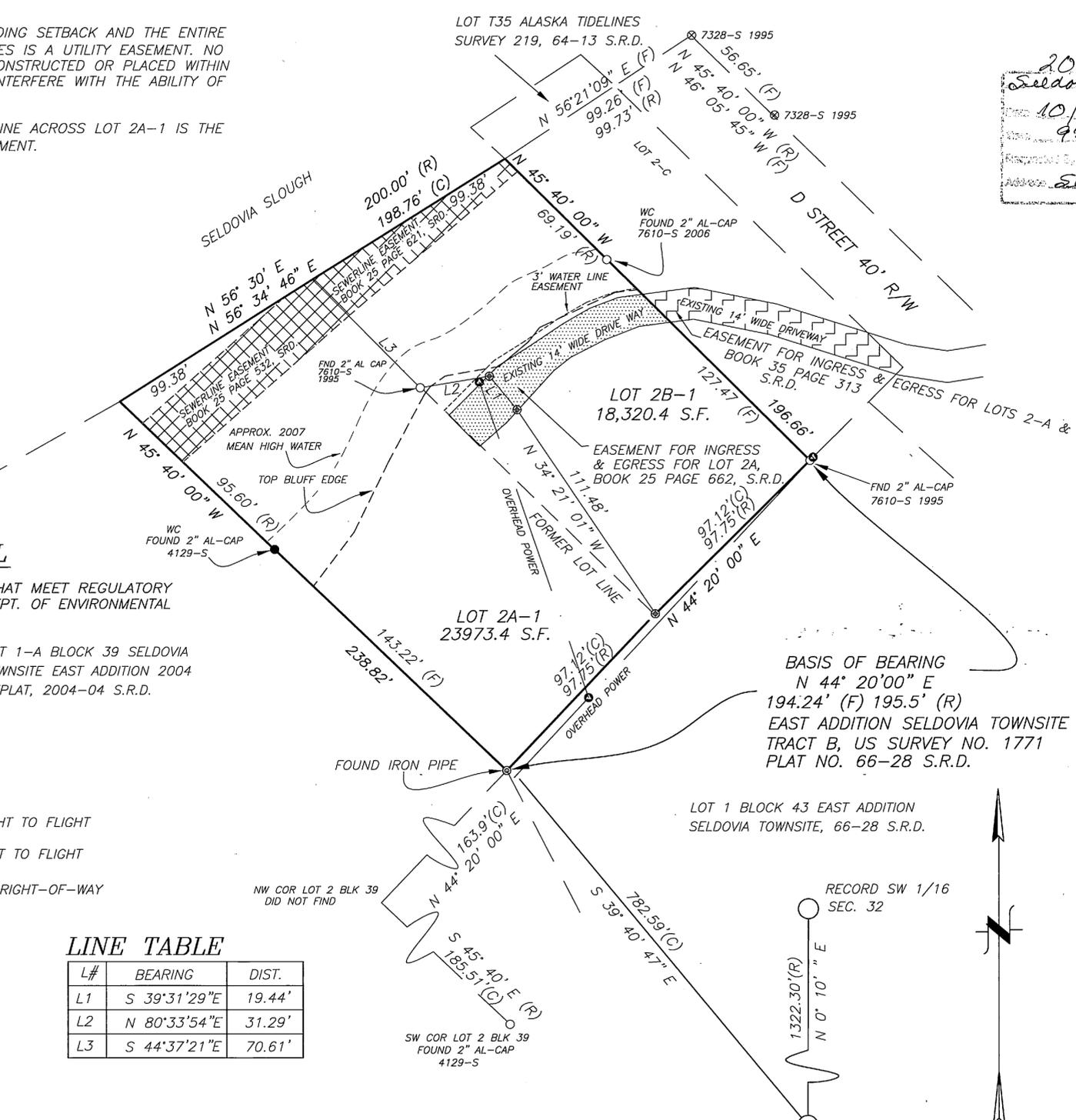
KPB FILE No. 2006-329

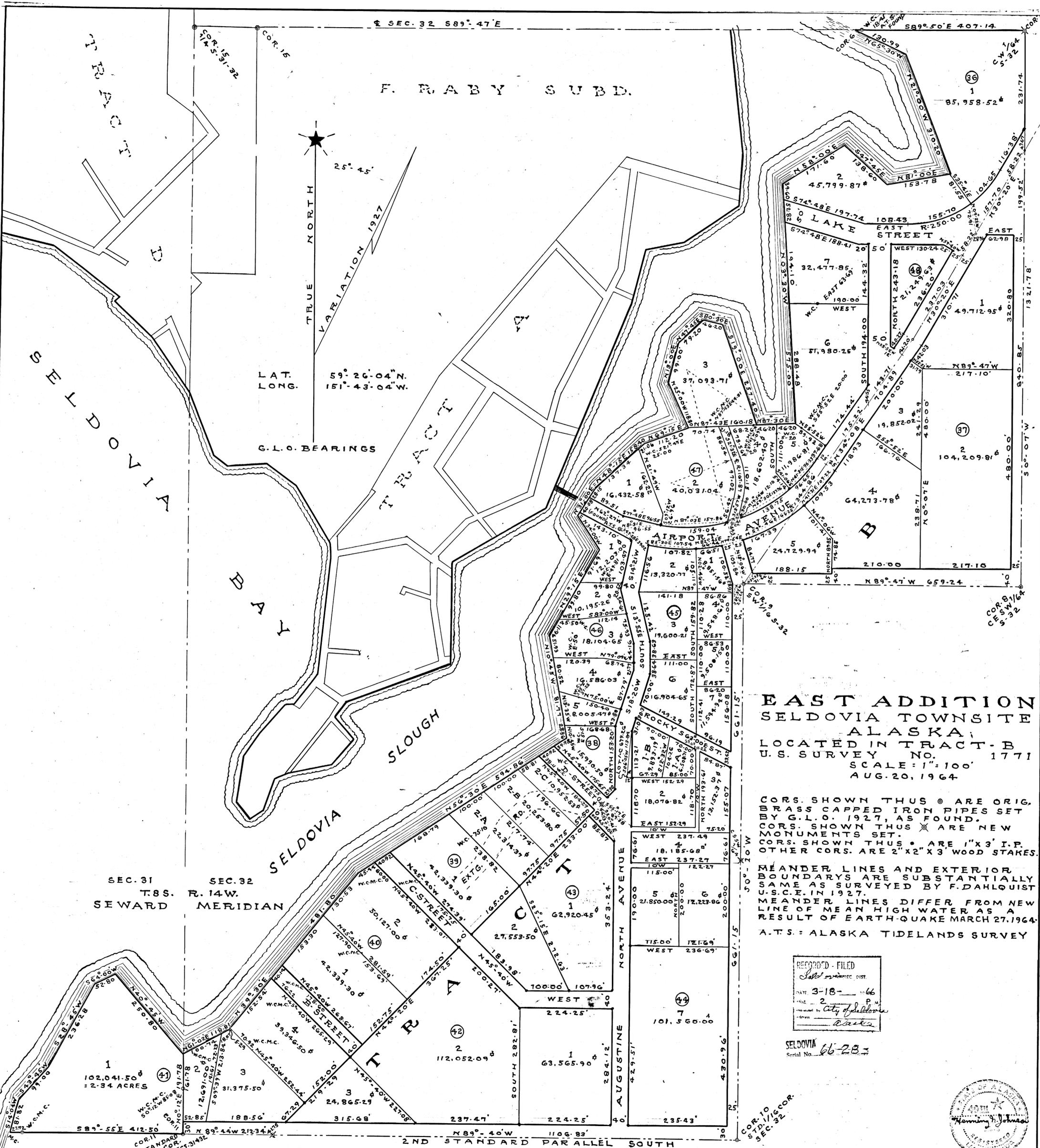
SELDOVIA TOWNSITE
EAST ADDITION 2006 REPLAT
A REPLAT OF LOTS 2-A AND 2-B, BLOCK 39
PLAT #66-28 S.R.D.
SEC. 32, T. 08 S., R. 14 W. S.M
KENAI PENINSULA BOROUGH, STATE OF ALASKA
WITHIN THE CITY OF SELDOVIA
CONTAINING 42,293.8 S.F

SEABRIGHT SURVEYING
1044 EAST END ROAD, SUITE A
HOMER, ALASKA 99603
(907) 235-4247 PHONE & FAX
seabright@alaska.net

DRAWN BY: K.B.	DATE: 5/18/07	SCALE: 1" = 40'
CHK BY: K.B.	JOB #06-47	SHEET 1 OF 1

RECORD W 1/16 SEC. 32 SCALE 1" = 40'





SEC. 32 S89° 47' E
 F. RABY SUBD.

TRUE NORTH
 VARIATION 1927
 25° 45'
 LAT. 59° 26' 04" N.
 LONG. 151° 43' 04" W.

G.L.O. BEARINGS

**EAST ADDITION
 SELDOVIA TOWNSITE
 ALASKA,
 LOCATED IN TRACT-B
 U.S. SURVEY No. 1771
 SCALE: 1"=100'
 AUG. 20, 1964**

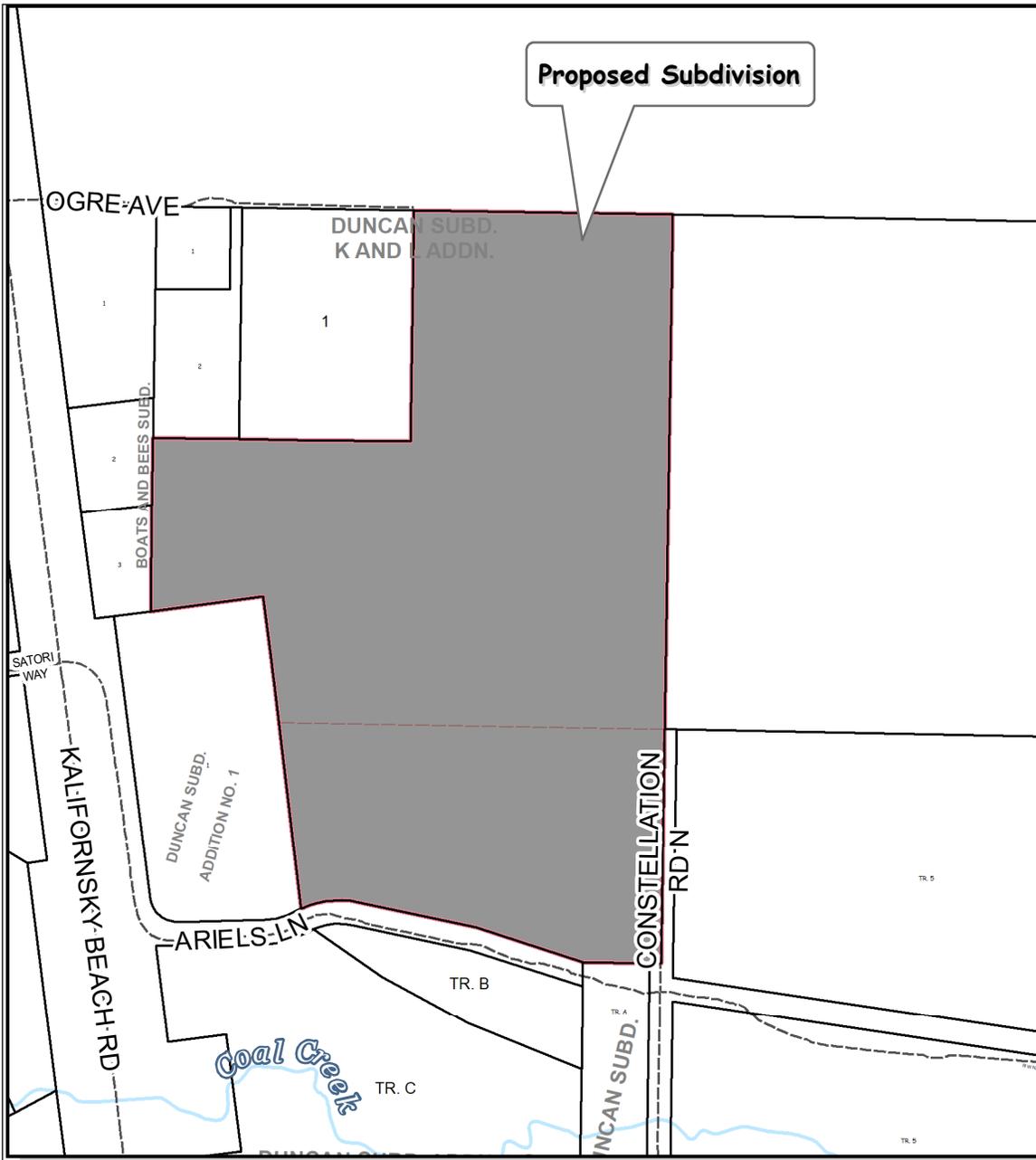
CORS. SHOWN THUS ⊙ ARE ORIG. BRASS CAPPED IRON PIPES SET BY G.L.O. 1927, AS FOUND. CORS. SHOWN THUS ⊗ ARE NEW MONUMENTS SET. CORS. SHOWN THUS * ARE 1"X3' I.P. OTHER CORS. ARE 2"X2'X3' WOOD STAKES.

MEANDER LINES AND EXTERIOR BOUNDARYS ARE SUBSTANTIALLY SAME AS SURVEYED BY F. DAHLQUIST U.S.C.E. IN 1927. MEANDER LINES DIFFER FROM NEW LINE OF MEAN HIGH WATER AS A RESULT OF EARTH-QUAKE MARCH 27, 1964.
 A.T.S. = ALASKA TIDELANDS SURVEY

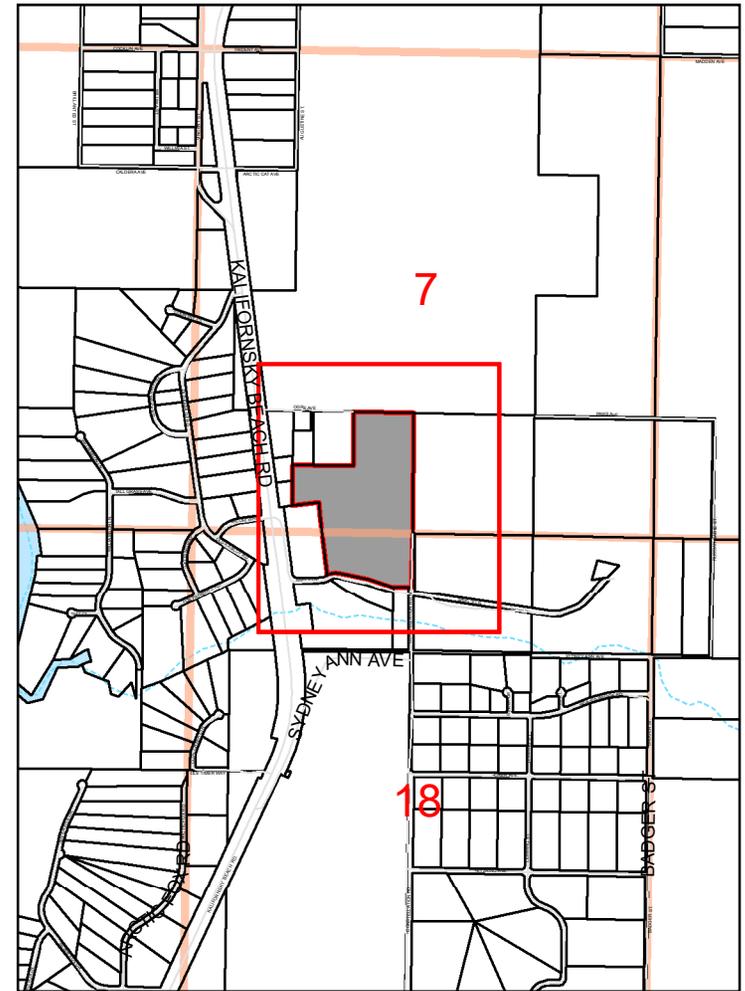
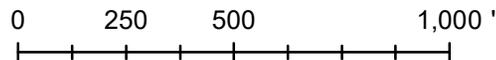
RECORDED - FILED
 Subdiv. DIST.
 DATE 3-18-66
 BY 2 P.W.
 City of Seldovia
Clark

SELDOVIA
 Serial No. 66-28

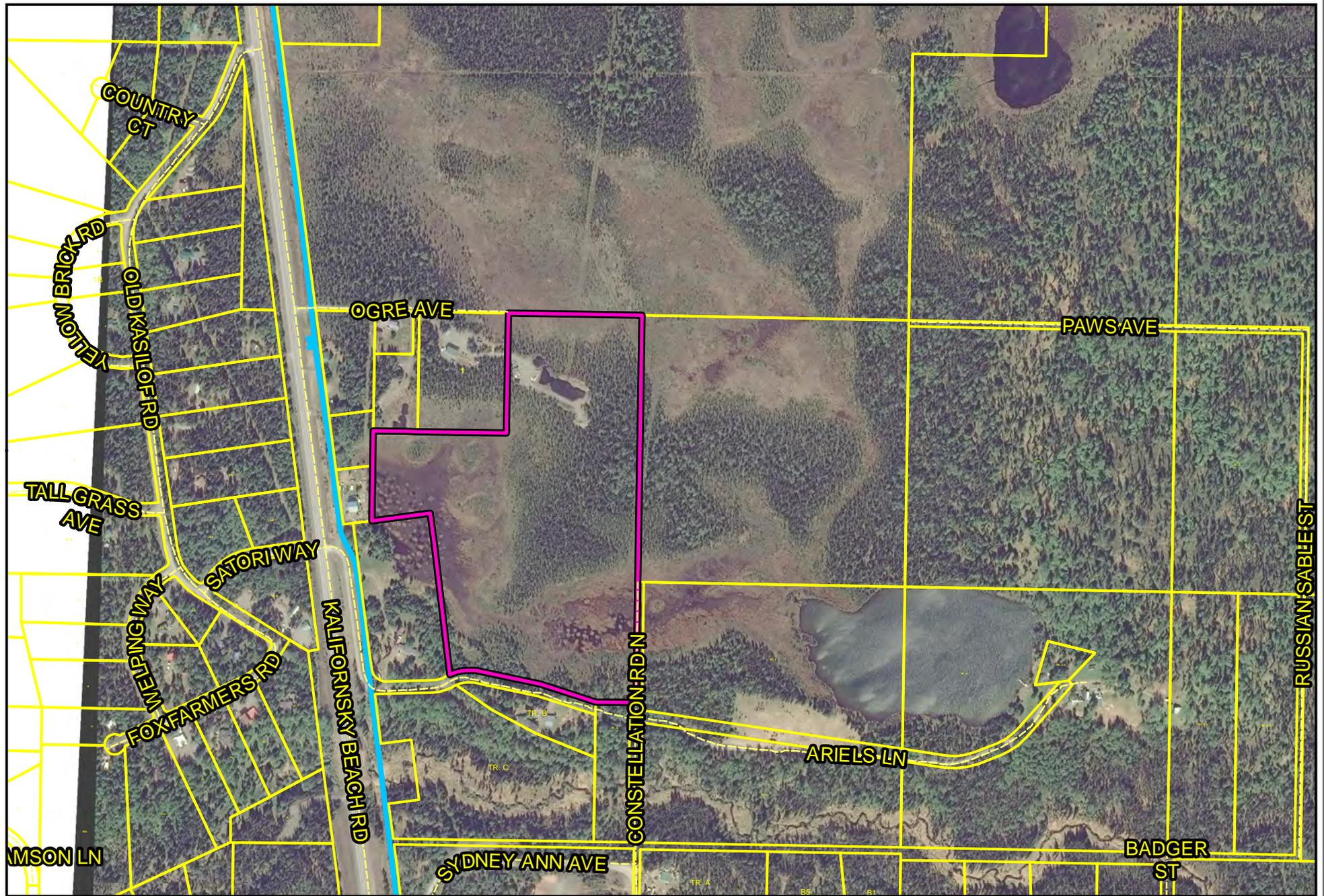




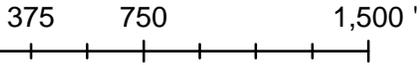
The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



KPB 2021-142
S13 T03N R11W
KALIFORNISKY



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



Aerial View



 PRELIMINARY PLAT
 KPBC Vector.DBO.Pipelines

PClements, KPB 2021-142
Imagery SOLDOTNA 2018

AGENDA ITEM E. NEW BUSINESS

ITEM 4 - DUNCAN SUBDIVISION #5

KPB File No.	2021-142
Plat Committee Meeting:	November 29, 2021
Applicant / Owner:	Kelly R. Duncan of Kasilof, AK
Surveyor:	Jerry Johnson / Johnson Surveying
General Location:	Ariels Lane and Constellation Road N, Kalifornsky/Kalifornsky APC

Parent Parcel No.:	133-031-37
Legal Description:	The SE1/4 SW1/4 Section 7 and the NE1/4 NW1/4 of Section 18 Township 3 North Range 11 West Seward Meridian, Kenai Recording District lying North of Grannie Road aka Ariels Lane and East of Kalifornsky Beach Road; Excepting Therefrom; Duncan Subdivision, Plat KN 75-65 Duncan Subdivision Addition No 1, Plat KN 90-35 Duncan Subdivision Addition No 2, Plat KN 91-30 Duncan Subdivision K and L Addition, Plat KN 2002-28
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On Site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide a 46-acre parcel into two tracts that will be 3 acres and 37.3 acres.

Location and Legal Access (existing and proposed): The subdivision is located in the Kalifornsky area near mile 3 of Kalifornsky Beach Road. Access along the south is provided by 60 foot wide dedicated Ariels Lane, formerly known as Grannies Road. An approximate 200 foot segment of Ariels Lane within Tract A of the original Duncan Subdivision has not been dedicated. Ariels Lane is constructed and continues east to provide physical access to several large acreage tracts. If Tract A is ever subdivided, a full 60 foot wide right of way dedication will be required to be dedicated on the existing roadway to provide a continuous right of way.

A section line, with a corresponding 66 foot section line easement, crosses through proposed Tract E. The section line easement provides legal access but is affected by low wet areas and is unlikely to be constructed. **Staff recommends an exception not be required to dedicate right of way within the section line easements the section line easement is affected by wetlands, and the lot is large enough to be further subdivided and provide dedications in the future where a roadway can be constructed.**

Constellation Road N is a 30 foot wide dedication located off Ariels Lane. The current dedication is only 600 feet in length from the intersection with Ariels Lane extending north to the section line easement. An exception to not dedicate the matching 30 feet, and the extension of Constellation Road N. on the east boundary, has been requested.

Adjoining the north boundary is ADL 223097, a 60 foot wide public access easement. This ADL has been named Ogre Avenue for 9-1-1 addressing purposes. This 60 foot wide ADL is entirely within the state owned land to the north but provides legal access to the lands on the south. The length of the ADL ends about 100 feet east of the subdivision. As the ADL is 60 feet wide and entirely within state lands, this subdivision plat will not be required to dedicate any portion of Ogre Avenue. Future dedications will be granted from the State land. As this is not a dedicated right of way, the building setback depiction should be removed. **Staff recommends** the depiction of the

ADL should be revised to show that it is an easement for a public right of way within the State parcel. A dashed or broken line will show that it is not a boundary line.

Ogre Avenue (ADL 223097), Kalifornsky Beach Road, Ariels Lane, and Constellation Road N. define the block. The block is not closed due to the portions of right of way not dedicated and Ogre Avenue not continuing to the east to connect to other existing right of ways. The 66 foot section line easement does provide a closed southern block. Portions of the blocks exceed allowable lengths and an exception has been requested.

KPB Roads Dept. comments	Out of Jurisdiction: No Roads Director: Uhlín, Dil Comments: No comments
SOA DOT comments	No comments

Site Investigation: The land within this subdivision is relatively flat and it is noted in plat note 4 that there are no grades greater than 3 percent. Wetlands are located on a large portion of the property. The plat does show low wet areas. KPB GIS data indicates there are more wetlands present than what is being shown on the plat. **Staff recommends the wetland depiction be confirmed during the field survey or provide staff source data for the wetlands shown.**

KPB River Center review	A. Floodplain Reviewer: Carver, Nancy Floodplain Status: IS in flood hazard area Comments: Flood Zone: D Map Panel: 02122C-0860E In Floodway: False Floodway Panel: B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments C. State Parks Reviewer: Russell, Pam Comments: No Comments
-------------------------	--

Staff Analysis This is a subdivision of a 40 acre parcel that is a remainder from previous subdivisions. Two tracts will be created one being 37.3 acres and the other 3 acres. The larger tract will have access via ADL 223097, section line easements, Ariels Lane, and Constellation Road N. The smaller tract will have access from Ariels Lane and Constellation Road N.

A soils analysis report will be required for Tract D and an engineer will need to sign the final plat.

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

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

Utility Easements Plat note 1 states 10 foot utility easements will be granted along dedicated right of ways. The note also states the front 15 feet along Ariels Lane was granted as utility easements on plat KN 2019-75. The property within this subdivision was not within the boundary of KN 2019-75 and thus the utility easements were not granted with that past platting actin. **Staff recommends** removal of the reference to the 15 foot utility easement granted by 2019-75 and note that the 10 foot utility easements adjoining all right of ways (dedications and easements) are being granted with this platting action., and include a depiction and label for the utility easements within the drawing.

The certificate to plat indicates a utility easement has been granted to Homer Electric Association by recorded document. **Staff recommends** a plat note be added that provides the document information for the easement of record.

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

Utility provider review:

HEA	
ENSTAR	No comments or recommendations
ACS	
GCI	Approved as shown

KPB department / agency review:

Addressing	<p>Reviewer: Haws, Derek Affected Addresses: 51638 ARIELS LN</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names: OGRE AVE ARIELS LN KALIFORNSKY BEACH RD CONSTELLATION RD N</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: 51638 ARIELS LN will be deleted and new addresses assigned upon request.</p>
------------	--

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	Reviewer: Bruns, Matthew 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

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 to Kelly R. Duncan as shown on the certificate to plat.

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:

- ADL 223097 is a 60 foot wide public right of way that lays atop the unsubdivided DNR lands located to the north. The ADL is granted for a length of 1719.18 that extends slightly past the northeast corner of the subject subdivision. Correct the depiction of the ADL with a dashed line as it is not a dedicated right of way. It should be shown atop the unsubdivided parcel to the north, which needs to be labeled.
- Provide a broken line or centerline style for the depiction of the centerline for Constellation Road N where located south of the subdivision.
- Provide a "Varying Width" label for the Kalifornsky Beach Road right of way. .
- Update the Section 11 labels on face of plat to 18.

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:** There are a few overstrikes on labels. Make sure all labels are easy to read and legible.

- 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: Add the 'unsubdivided' status label for the DNR lands to the north and update the depiction of the ADL. Adjust the label for Duncan Sub Addn No. 2 Block 2 so it is clear it applies to both Lot 1 and Lot 2.

KPB 20.30 – Subdivision Design Requirements

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

20.30.240. Building setbacks.

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

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

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

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

Staff recommendation: As Ogre Avenue is not currently a dedicated right of way but an ADL easement; the building setback may be removed along Ogre Avenue. Depict and label the 20 foot building setbacks adjoining Constellation Road N.

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: Tract D is less than 200,000 sq. ft. and will require a soils analysis report. Tract E is larger than 200,000 sq. ft. and a soils analysis report is not required. Add the appropriate wastewater disposal notes and provide for an engineer's signature.

Staff recommendation: comply with 20.40.

KPB 20.60 – Final Plat

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

20.60.180. Plat notes.

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

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

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

- *If a right of way dedication is required add a plat note that states, "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)."*
- *An easement for electric lines or system and/or telephone lines together with right to enter, maintain, repair and clear shrubbery as recorded in the Kenai Recording District in Book 33 Page 162 granted to Homer Electric Association, Inc. No definite location disclosed.*
- *This subdivision is subject to covenants, conditions, and restrictions as recorded on August 6, 1990 in the Kenai Recording District Book 369 Page 296.*
- *The borough will not enforce private covenants, easements, or deed restrictions per KPB 20.60.170.*
- *Add a plat note for any exceptions granted.*

EXCEPTIONS REQUESTED:

KPB 20.30.030 – Proposed street layout-requirements

KPB 20.30.120 – Street-Width requirements

KPB 20.30.170 – Blocks-Length Requirements

Surveyor's Discussion: Exception requested for matching dedication of Constellation Road N along east boundary. Road enters swamp to the north and descends a steep hill into Coal Creek to the south, not providing access to any property.

Staff Discussion: Loon Lake Subdivision, Plat KN 1686, is a paper plat that dedicated a 30 foot width of Constellation Road N. (originally named Otter Lane in 1970). Constellation Road N. runs north and south of Ariels Lane. Duncan Subdivision, Plat KN 75-65, dedicated an additional width of 30 feet for the portion of Constellation Road south of Ariels Lane.

Street Name Resolution 2006-09 changed Otter Lane to Kenaitze Avenue, which was later changed to Constellation Road N by Street Name Resolution 2015-13.

Per KPB Code, a matching 30 foot dedication is required for Constellation Road to provide a 60 foot wide right of way, as well as providing a 30 foot wide dedication to extend the right of way to the north.

Using the section line easements, the southern block would be defined by the section line easements, Kalifornsky Beach Road, Ariels Lane, and Constellation Rd N. The block lengths along Constellation Road N and Kalifornsky Beach Road are compliant. The length along the section line easements and along Ariels Lane exceed allowable lengths. Ogre Avenue (ADL 223097), Kalifornsky Beach Road, and the section line easements define the northern block. The block is not closed. To connect to another right of way or section line easement is not possible at this time due to some vacated section line easements located to the east. A continuation of Constellation Road N would provide a closed block. The block along Ogre Avenue and the section line easements would still exceed allowable lengths even with the dedication.

Staff has grouped these exceptions but the plat committee may determine the exceptions should be acted on separately. The plat committee may also determine to grant the exceptions but require partial dedications.

The property included in this subdivision contains large areas of wetlands. Tract E is proposed to be 37 acres in size and could be subdivided in the future and provide right of way dedications that will work with the terrain and comply with subdivision design.

Denial of the requested exceptions will require a 30 foot dedication of Constellation Road N all along the entire length of the eastern boundary. An additional north-south dedication would be required to be compliant with block length requirements.

Findings:

1. A 60 foot wide ADL borders the northern boundary of the subdivision.
2. A 66 foot wide section line easement crosses proposed Tract E.
3. It appears the northern portion of proposed Tract E been developed.
4. Tract E is proposed to be 37.3 acres and is large enough to be subdivided in the future.
5. Constellation Road N is currently providing a 30 foot wide access connection to the east-west section line easements.
6. The section line easements may be accessed from Kalifornsky Beach Road.
7. Per KPB GIS data, all but the southern 100 feet of the Constellation Road N dedication north of Ariels Lane is within wetland areas.
8. Tract D is proposed to be 3 acres, the majority of which contains low wet areas.
9. A dedication will further reduce the useable area for Tract D unless a redesign is proposed.
10. The block length along Ariels Lane is approximately 1,480 feet.
11. The block length along the section line easements is approximately 1,530 feet.
12. The block length along Ogre Avenue is approximately 1,720 feet to the northeast corner of the subdivision.
13. A full 60 foot dedication of Constellation Road N is located south of Ariels Lane.
14. Constellation Road N crosses an anadromous stream approximately 330 feet south of the intersection with Ariels Lane.
15. Constellation Road has not ben improved and is not currently being used for access.
16. All lots in the surrounding area have legal access.
17. Tract 5, located to the east, is 36 acres is size and has legal and physical access from Ariels Lane.
18. The unsubdivided 40 acre parcel to the east is owned by KPB and has legal access from Ogre Ave, a 60 foot wide ADL easement.

Staff reviewed the exception request and recommends granting approval.

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

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

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

1. That special circumstances or conditions affecting the property have been shown by application;
Findings 1, 2, 4, 5, 7, 14-18 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, 4, 5, 7, 14-18 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, 4, 5, 7, 14-18 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.

RECOMMENDATION:

SUBJECT TO EXCEPTION(S) GRANTED, STAFF RECOMMENDS:

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

NOTE: 20.25.120. - REVIEW AND APPEAL.

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

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

END OF STAFF REPORT

Legend

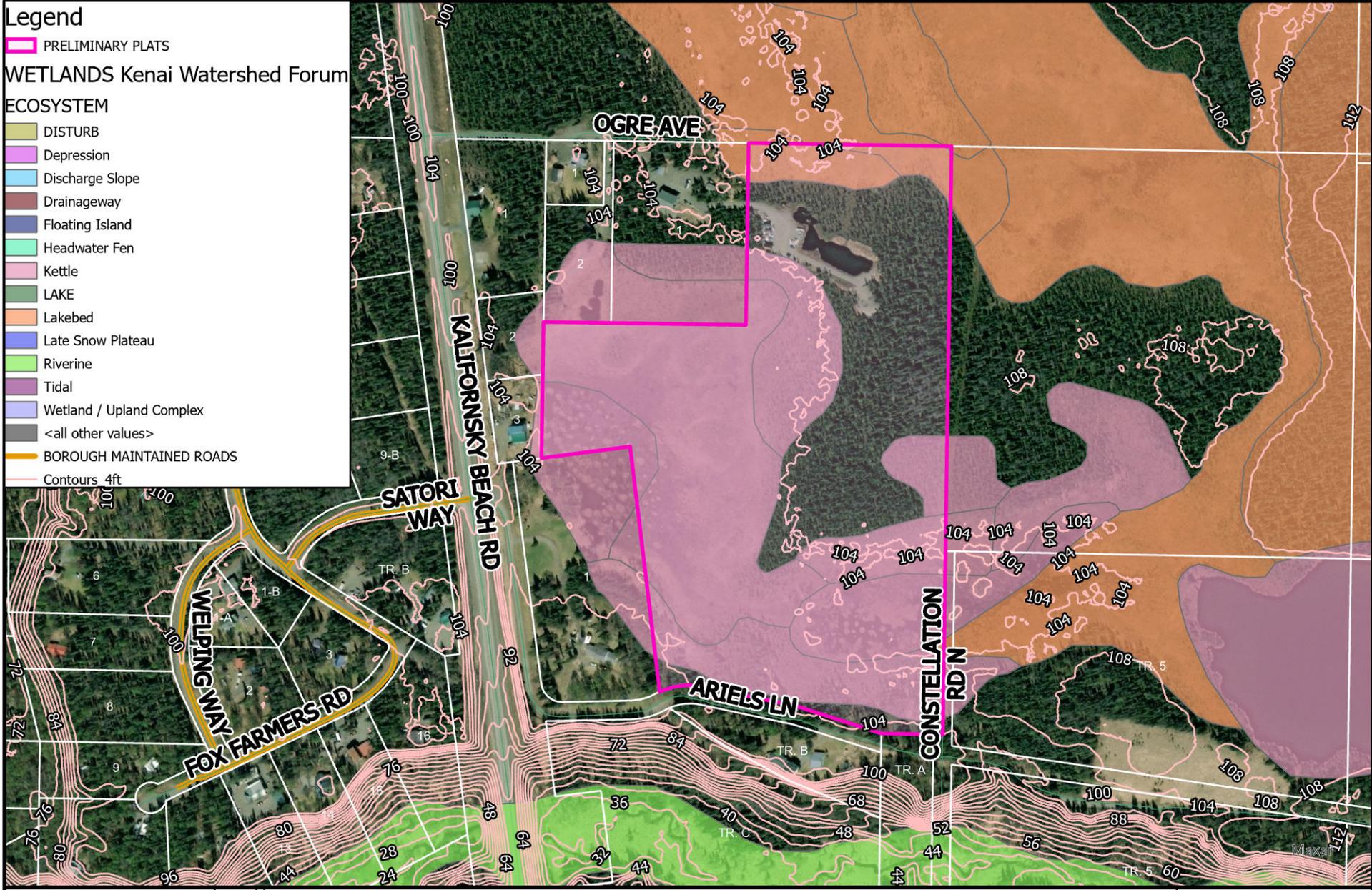
- PRELIMINARY PLATS

WETLANDS Kenai Watershed Forum

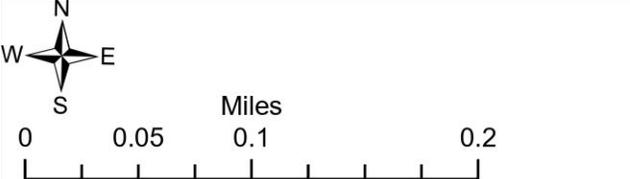
ECOSYSTEM

- DISTURB
- Depression
- Discharge Slope
- Drainageway
- Floating Island
- Headwater Fen
- Kettle
- LAKE
- Lakebed
- Late Snow Plateau
- Riverine
- Tidal
- Wetland / Upland Complex
- <all other values>

- BOROUGH MAINTAINED ROADS
- Contours 4ft



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.



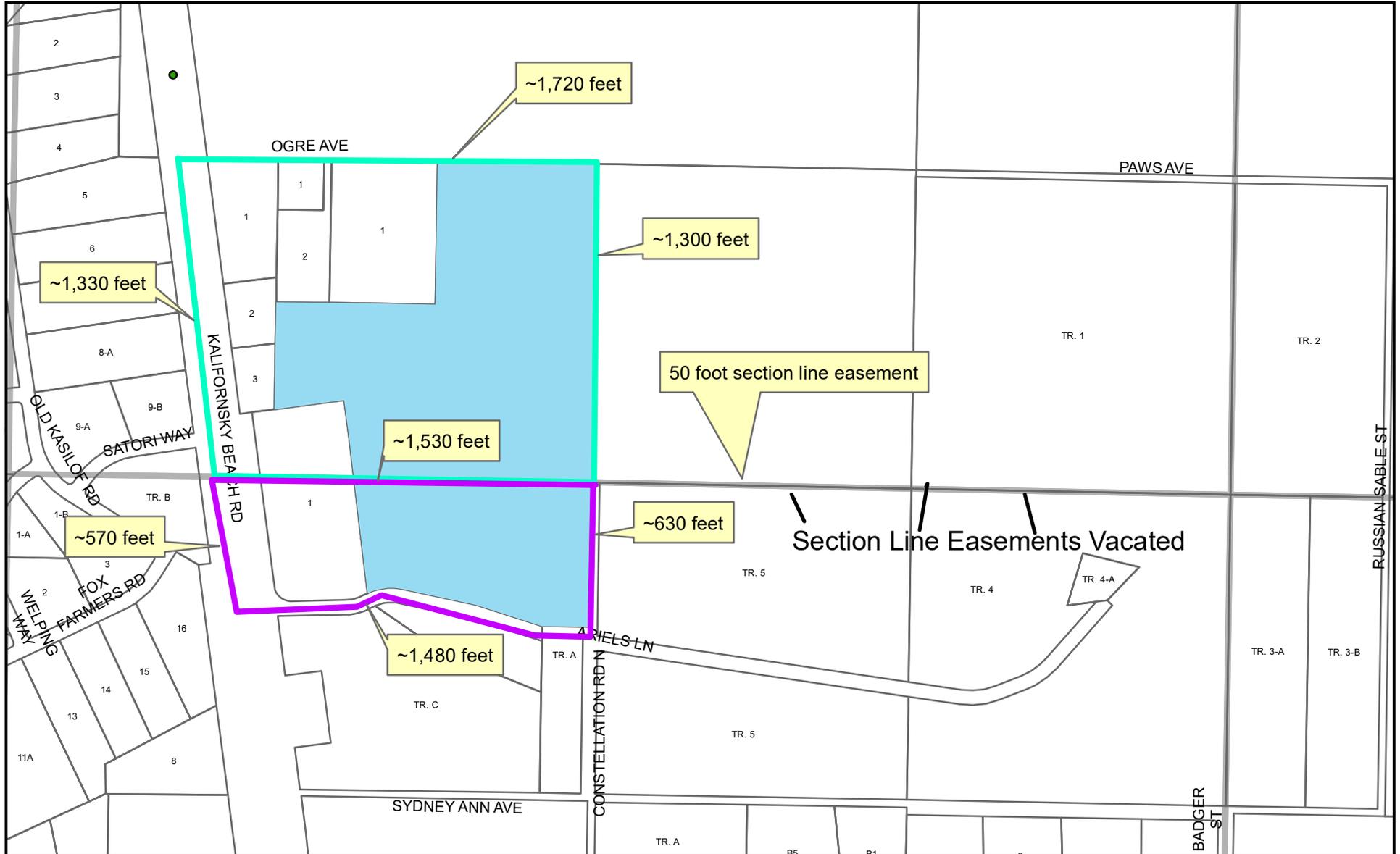
AERIAL IMAGERY 2019

CONTOURS AND WETLAND ECOSYSTEMS

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



Duncan Subdivision #5
KPB File 2021-142



NOTES:

- 1) Basis of bearing taken from Duncan Subdivision Addition No. 1, Plat 90-35, Kenai Recording District.
- 2) Building Setback-A setback of 20 feet is required from all street Rights-of-Way unless a lesser standard is approved by resolution by the appropriate Planning Commission.
- 3) Roads must meet the design and construction standards established by the Borough in order to be considered for certification and inclusion in the Borough road maintenance program.
- 4) 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) Governments, conditions and restrictions which affect this plat are recorded in Book 369 Page 206, Kenai Recording District.
- 6) Portions of this subdivision are within the Kenai Peninsula Anadromous Habitat Protection District. See KPB Chapter 21.18, as may be amended, for restrictions that affect development in this subdivision.
- 7) An easement for electric lines or system and/or telephone lines granted to Homer Electric Association, Inc. is recorded in Book 33 Page 162, Kenai Recording District.
- 8) Existing overhead power line is the centerline of a 20 foot wide electrical distribution line easement granted this plat.
- 9) Existing overhead power line is the centerline of a 30 foot wide electrical distribution line easement granted this plat.
- 10) The north right-of-way boundary of Ariels Lane, as shown, has been located on the northern limits of the existing roadway including areas necessary for the maintenance and future improvements of the roadway.
- 11) This property is subject to a reservation of easement for highway purposes, and any assignments or uses thereof for recreational, utility or other purposes, as disclosed by Public Land Order No. 601, and amended by Public Land Orders Numbers 757 and 1613 and Department Order Number 2865, Amendment Number 1 and Amendment Number 2 thereto, filed in the Federal Register.
- 12) No private access to State maintained ROW's permitted unless approved by the State of Alaska Department of Transportation.
- 13) Kalifornsky Beach Road information taken from the plat of Kaslof Road Project number S-0463(8), pages 5 and 6.
- 14) Front 15 feet of the 20 foot building setback and the entire setback within 5 feet of the side lot lines is a utility easement. No permanent structure shall be constructed or placed within a utility easement which would interfere with the ability of a utility to use the easement.
- 15) **WASTEWATER DISPOSAL:** Tract C This lot is at least 200,000 square feet or nominal 5 acres in size and conditions may not be suitable for onsite wastewater treatment and disposal. Any wastewater treatment or disposal system must meet the regulatory requirements of the Alaska Department of Environmental Conservation.

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

CE 6421 12-23-19
 License No. date
 Engineer



SURVEYOR'S CERTIFICATE

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

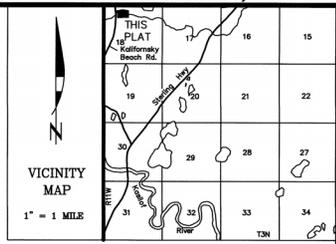
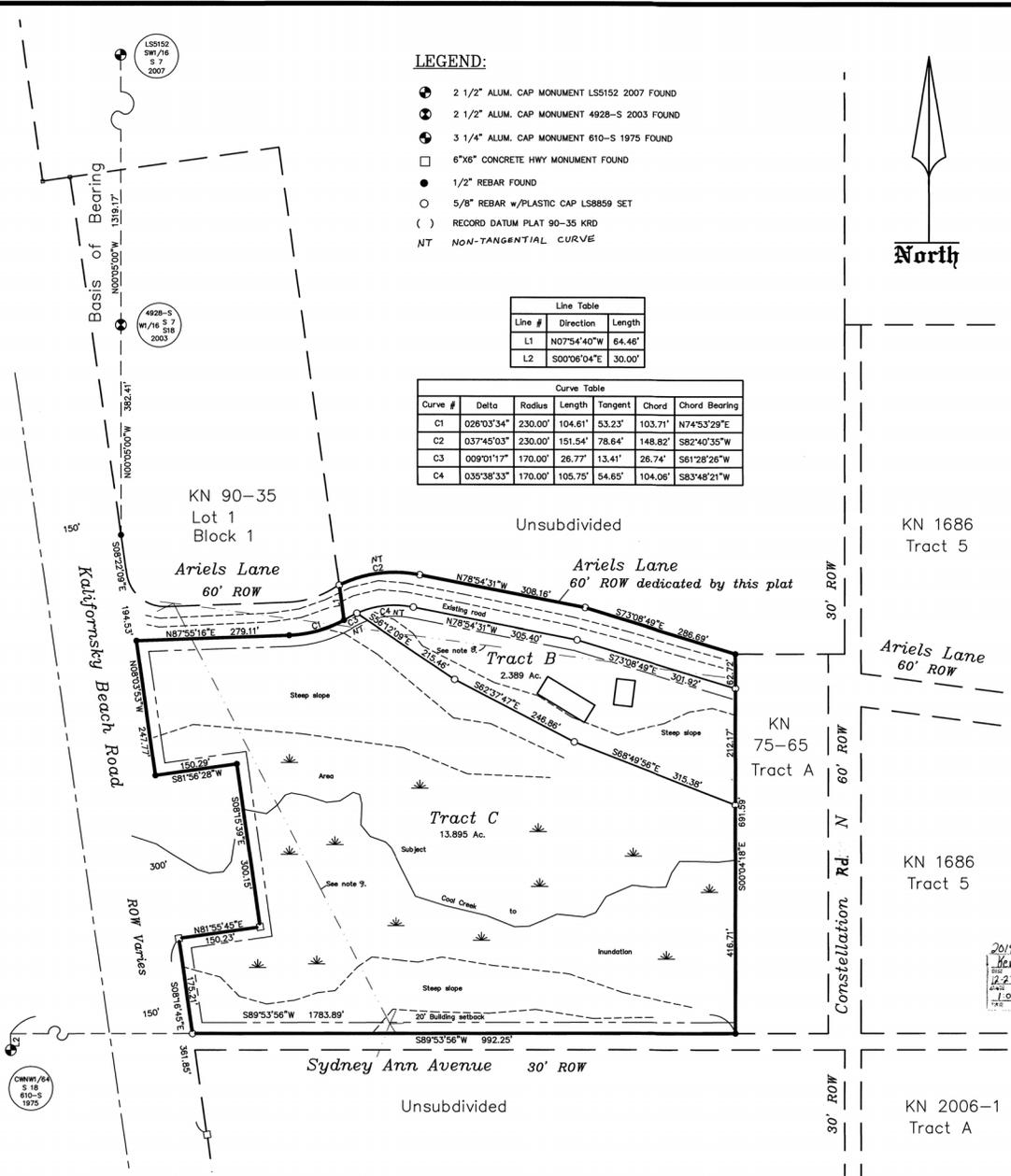
Date 12-12-19

LEGEND:

- 2 1/2" ALUM. CAP MONUMENT LS5152 2007 FOUND
- 2 1/2" ALUM. CAP MONUMENT 4928-S 2003 FOUND
- 3 1/4" ALUM. CAP MONUMENT 610-S 1975 FOUND
- 6"X6" CONCRETE HWY MONUMENT FOUND
- 1/2" REBAR FOUND
- 5/8" REBAR w/PLASTIC CAP LS8850 SET
- () RECORD DATUM PLAT 90-35 KRD
- NT NON-TANGENTIAL CURVE

Line Table		
Line #	Direction	Length
L1	N07°54'40"W	64.46'
L2	S00°06'04"E	30.00'

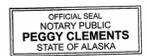
Curve Table						
Curve #	Delta	Radius	Length	Tangent	Chord	Chord Bearing
C1	026°03'34"	230.00'	104.61'	53.23'	103.71'	N74°53'29"W
C2	037°45'03"	230.00'	151.54'	78.64'	148.82'	S82°40'35"W
C3	009°01'17"	170.00'	26.77'	13.41'	26.74'	S61°28'26"W
C4	035°38'33"	170.00'	105.75'	54.65'	104.06'	S83°48'21"W



CERTIFICATE of OWNERSHIP and DEDICATION

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

Kelly Duncan
 KELLY DUNCAN, PERSONAL REPRESENTATIVE
 ESTATE OF JEAN W. DUNCAN
 P.O. BOX 1267
 KASLOF, ALASKA 99610



NOTARY'S ACKNOWLEDGMENT

FOR Kelly Duncan
 ACKNOWLEDGED BEFORE ME THIS 13th DAY of December 2019
 Peggy Clements
 NOTARY PUBLIC FOR ALASKA
 MY COMMISSION EXPIRES 7-31-2022

PLAT APPROVAL

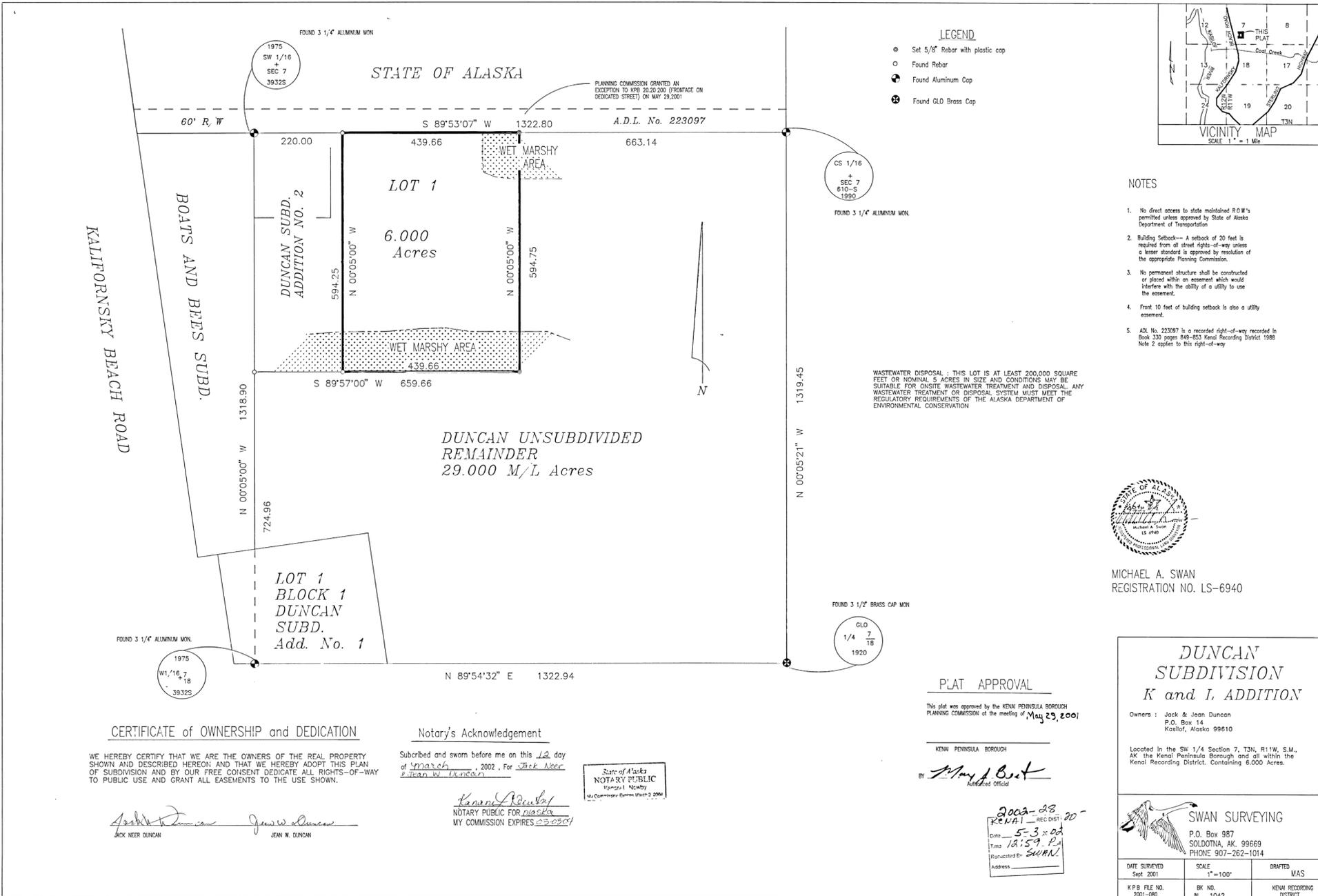
THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF SEPTEMBER 9, 2019.

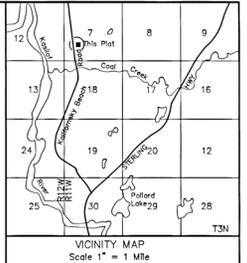
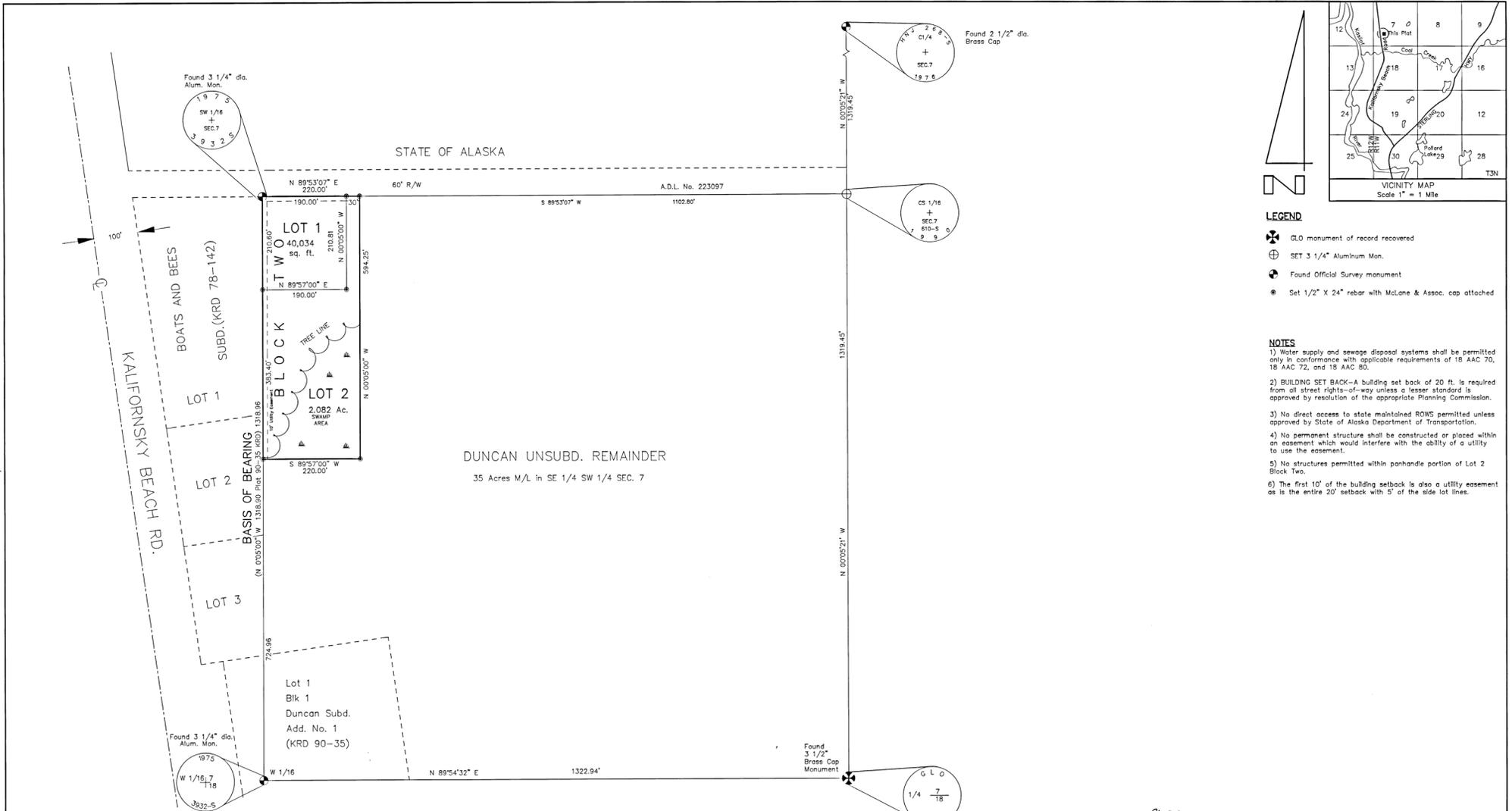
KENAI PENINSULA BOROUGH
 Mary Abbott Dec. 26, 2019
 AUTHORIZED OFFICIAL

2019-75
 Kenai
 12-23-19
 12:05 PM
 KPBE FILE No. 2019-059

Duncan Subdivision Addition No. 3
 A subdivision of that portion of the NE1/4 NW1/4 Section 18, T3N, R11W, Seward Meridian lying east of Kalifornsky Beach Road. Excluding Tract A, Duncan Subdivision, Plat 75-65; Lot 1 Block 1 Duncan Subdivision No. 1 Plat 90-35; that parcel of land described in Gifting Deed recorded November 25, 2009 as Serial Number 2009-011581-0; and that parcel of land as described in Warranty Deed recorded June 22, 1967 in Book 44 of Page 90, Kenai Recording District.
 Located within the NE1/4 NW 1/4 Section 18, T3N, R11W, S.M., Kenai Recording District, Kenai Peninsula Borough, Alaska.
 Containing 17.308 Ac.

Surveyor	Owner
Seigesser Surveys 30485 Rosland St. Soldotna, AK 99669 (907) 262-3909	Estate of Jean W. Duncan P.O. Box 1267 Kaslof, Alaska 99610
JOB NO. 19025	DRAWN: 12-12-19
SURVEYED: March, 2019	SCALE: 1"=100'
FIELD BOOK: 19-1	SHEET: 1 of 1





- LEGEND**
- ⊗ GLO monument of record recovered
 - ⊕ SET 3 1/4" Aluminum Mon.
 - ⊙ Found Official Survey monument
 - Set 1/2" X 24" rebar with McLane & Assoc. cap attached

- NOTES**
- 1) Water supply and sewage disposal systems shall be permitted only in conformance with applicable requirements of 18 AAC 70, 18 AAC 72, and 18 AAC 80.
 - 2) BUILDING SET BACK-A building set back of 20 ft. is required from all street rights-of-way unless a lesser standard is approved by resolution of the appropriate Planning Commission.
 - 3) No direct access to state maintained ROWS permitted unless approved by State of Alaska Department of Transportation.
 - 4) No permanent structure shall be constructed or placed within an easement which would interfere with the ability of a utility to use the easement.
 - 5) No structures permitted within nonhandle portion of Lot 2 Block Two.
 - 6) The first 10' of the building setback is also a utility easement as is the entire 20' setback with 5' of the side lot lines.

NOTARY'S ACKNOWLEDGEMENT
 FOR: Jack Neer Duncan
 Jean W. Duncan
 Subscribed and sworn before me this
 3rd day of June, 1991
 My commission expires Nov. 9, 1991
[Signature]
 Notary Public for the State of Alaska

CERTIFICATE OF OWNERSHIP AND DEDICATION
 We hereby certify that we are the owners of the real property shown and described hereon and that we hereby adopt this plan of subdivision and by our free consent and grant all easements to the use shown.
[Signature]
 JACK NEER DUNCAN
[Signature]
 JEAN W. DUNCAN

WASTEWATER DISPOSAL: Soil conditions, water table levels, and soil slopes in this subdivision have been found suitable for conventional onsite wastewater treatment and disposal systems serving single-family or duplex residences and meeting the regulatory requirements of the Alaska Department of Environmental Conservation. Any other type of wastewater treatment and disposal system must be approved by the Alaska Department of Environmental Conservation.
 Subject to any noted restrictions, the Alaska Department of Environmental Conservation approves this subdivision for plotting.
[Signature]
 Name and Title of Alaska Department of Environmental Conservation Approving Official
 Date: May 31, 1991

PLAT APPROVAL
 This plat was approved by the KENAI PENINSULA BOROUGH PLANNING COMMISSION at the meeting of
 April 15, 1991
 KENAI PENINSULA BOROUGH by
[Signature]
 Authorized Official

91-30
 RECORDED 20
 KENAI REC. DIST
 REC'D 6-12-91
 FILED 12-5-91
 REC'D BY: MCLANE & ASSOC.
 ADDRESS: P.O. BOX 468
 SOLENA, AK 99669



DUNCAN SUBDIVISION ADDITION NO.2

Jack Neer Duncan
 P.O. Box 14
 Kosofski, Alaska 99610

LOCATION
 3,000 ACRES SITUATED SE 1/4 SW 1/4 SEC. 7
 T.3N., R.11W., S.M., AK. AND THE KENAI PENINSULA
 BOROUGH, KENAI RECORDING DISTRICT

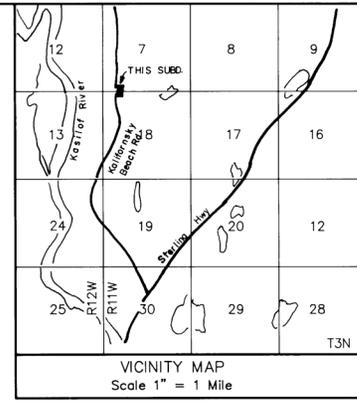
Submitted by: McLane and Associates
 P.O. Box 468
 Solema, AK 99669

DATE OF SURVEY Beginning 3/24/90 Ending 3/25/91	Book No. 90-21	Dwg. No. 902022
Drawn by mlp	Scale 1" = 100'	K.P.B. File No. 90-110
Checked by ssm	Project No. 902022	

Kenai 90-35
74

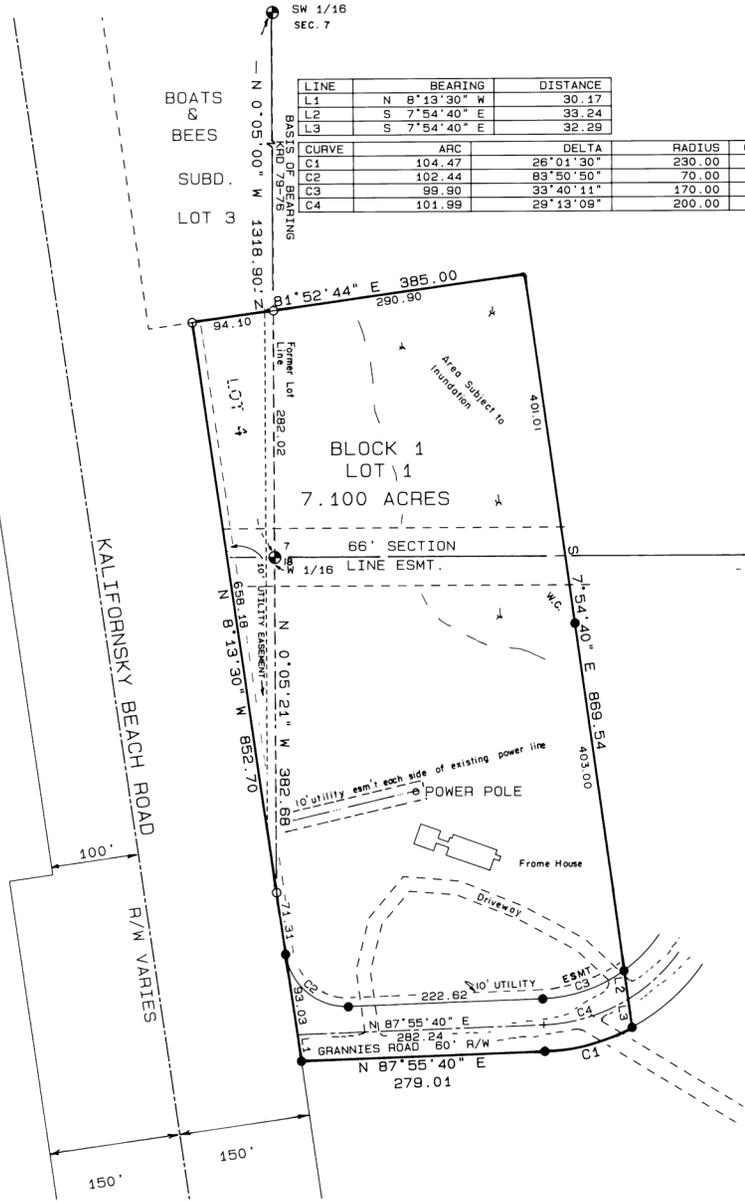
LINE	BEARING	DISTANCE
L1	N 8°13'30" W	30.17
L2	S 7°54'40" E	33.24
L3	S 7°54'40" E	32.29

CURVE	ARC	DELTA	RADIUS	CHORD LENGTH	CHORD BEARING	TAN LENGTH
C1	104.47	26°01'30"	230.00	103.58	S 74°54'55" W	53.15
C2	102.44	83°50'50"	70.00	93.54	S 50°08'55" E	62.86
C3	99.90	33°40'11"	170.00	98.47	N 71°05'35" E	51.44
C4	101.99	29°13'09"	200.00	100.89	N 73°19'05" E	52.13



- LEGEND**
- ⊗ GLO monument of record not recovered
 - Found 3 1/4" alum. capped monument 39325 1975
 - Found 1/2" rebar at property corner
 - Set 1/2" X 24" rebar with McLane & Assoc. cap attached

- NOTES**
- 1) Water supply and sewage disposal systems shall be permitted only in conformance with applicable requirements of 18 AAC 70, 18 AAC 72, and 18 AAC 80.
 - 2) BUILDING SET BACK—A building set back of 20 ft. is required from all street rights-of-way unless a lesser standard is approved by resolution of the appropriate Planning Commission.
 - 3) No direct access to state maintained ROWS permitted unless approved by State of Alaska Department of Transportation.



UNSUBDIVIDED
REMAINDER
55 ACRES

WASTE DISPOSAL: 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.

Subject to any noted restrictions, the Alaska Department of Environmental Conservation approves this subdivision for platting.

90-35

RECORDED - FILED	20-
Kenai	SEC. DIST.
DATE	July 27, 1990
TIME	11:29 AM
RECORDED BY	M. McLane & Assoc.

Paul D. Horvath _____ Title _____ Date 7-17-90

NOTARY'S ACKNOWLEDGEMENT

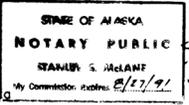
FOR: Jack Neer Duncan and Jean W. Duncan

Subscribed and sworn before me this

____ day of _____, 1990.

My commission expires _____

Notary Public for the State of Alaska



CERTIFICATE OF OWNERSHIP AND DEDICATION

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

Jack Neer Duncan _____
Jean W. Duncan _____

PLAT APPROVAL

This plat was approved by the KENAI PENINSULA BOROUGH PLANNING COMMISSION at the meeting of

June 4, _____ 1990.

KENAI PENINSULA BOROUGH by _____
Authorized Official

DUNCAN SUBDIVISION ADDITION NO. 1

(A REPLAT OF LOT 4 BOATS AND BEES SUBDIVISION AND A PORTION OF THE UNSUBD. REMAINDER OF DUNCAN AND A PORTION OF THE UNSUBD. REMAINDER OF DUNCAN SUBDIVISION)

Jack Duncan, owner
Box 14
Kasilof, AK 99610

LOCATION

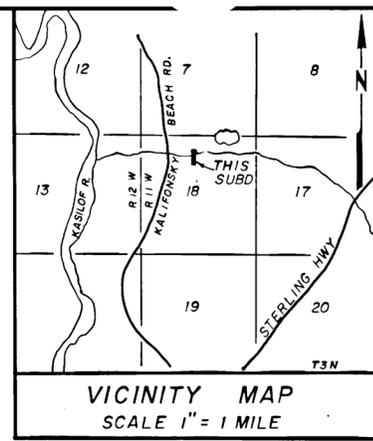
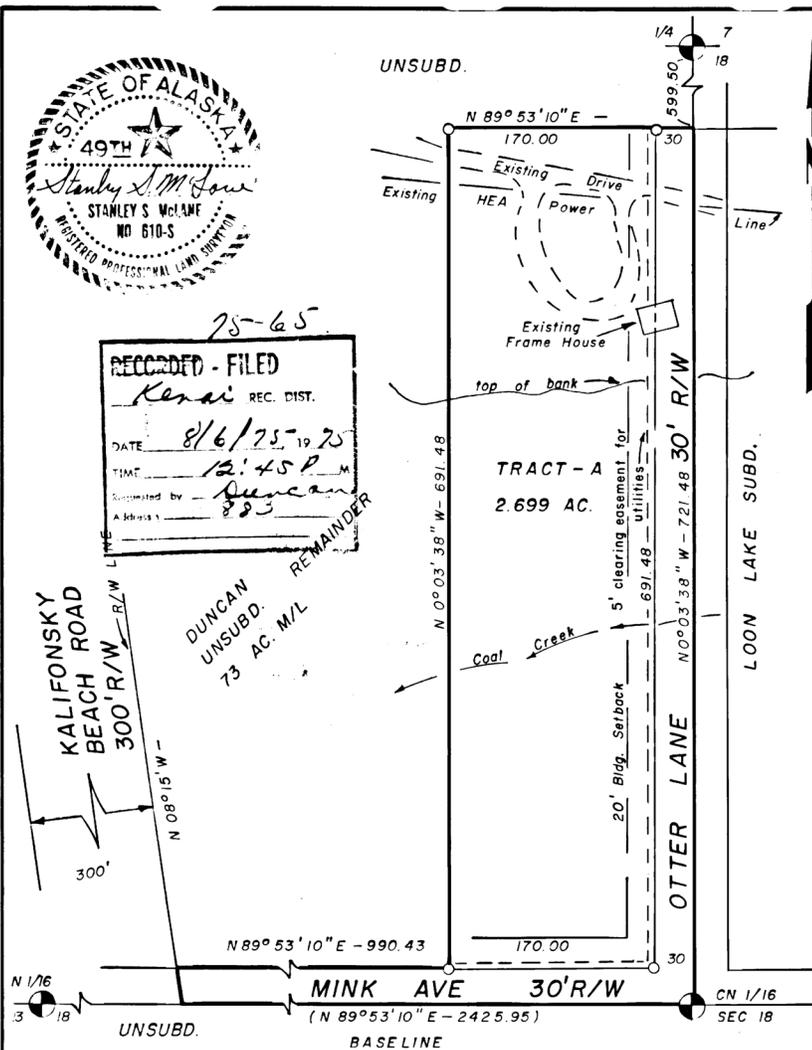
7.648 AC. LOCATED IN THE N 1/2 NW 1/4 SECTION 18 AND THE S 1/2 SW 1/4 SECTION 7 OF T3N, R11W, S.M., KENAI PENINSULA BOROUGH AND THE KENAI RECORDING DISTRICT.

Surveyed by: McLANE and ASSOCIATES
Soldotna, Alaska 99669

Date of Survey July 7, 1990	Scale 1 in. = 100 ft.	Sheet 1 of 1
Drawn by mp	Book No. 90-02	K.P.B. File No. 90050
Checked by ssm	Job No. 902012	



RECORDED - FILED
 Kenai REC. DIST.
 DATE 8/6/75 1975
 TIME 12:45 P.M.
 Submitted by Duncan
 Address 883



LEGEND AND NOTES

- Found official survey brass cap monument.
- Set 1/2" X 24" steel rebar

All bearings refer to the N 1/16 line Sec 18 as being N 89° 53' 10" E data of record - Coal Creek Country Estates.

Data of record shown thus ().

CERTIFICATE OF OWNERSHIP AND DEDICATION.

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

Date August 6, 1975

 owner

 owner

NOTARY'S ACKNOWLEDGEMENT.

Subscribed and sworn before me this 6th day of August, 1975.

My commission expires July 1, 1978

 notary public for Alaska



PLAT APPROVAL.

Plat approved by the Commission this 7th day of July, 1975.

 Mayor

DUNCAN SUBDIVISION

Jack N. Duncan (owner)
 Box - 14, Kasilof, Alaska

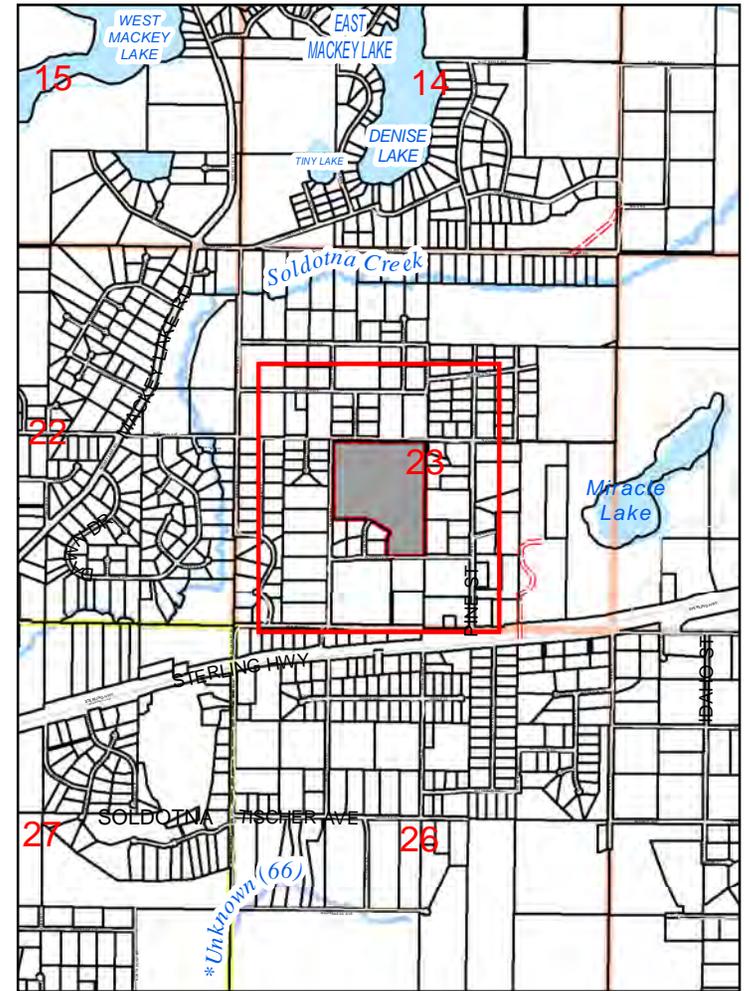
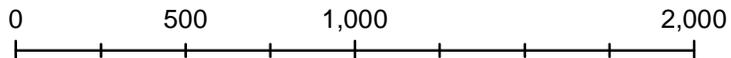
DESCRIPTION
 4.013 AC. SITUATED IN NE 1/4 NW 1/4 SEC 18, T3N, R1W S.M. AK. LOCATED IN THE KENAI PENINSULA BOROUGH.

Surveyed by: McLane & Associates
 Soldotna, Ak.

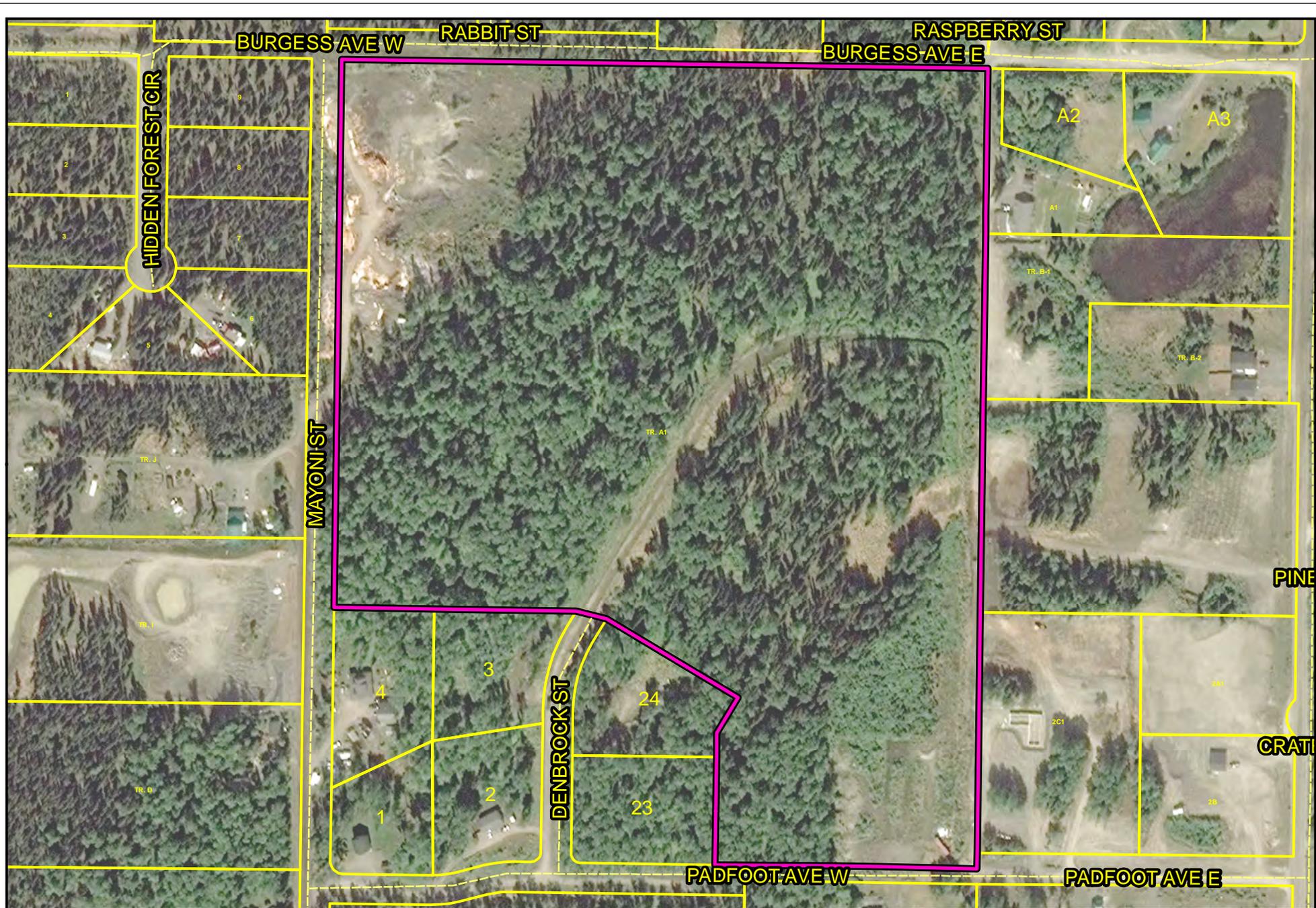
DATE OF SURVEY 6/19/75	SCALE 1" = 100'	BK. NO. 75-09
---------------------------	--------------------	------------------



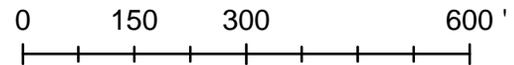
The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



KPB 2021-143
S23 T05N R10W
STERLING



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



Aerial View



 PRELIMINARY PLAT

PClements, KPB 2021-143
Imagery SOLDOTNA 2018

MAHAN SUBDIVISION BIRCH RIDGE ESTATES ADDITION #3 PRELIMINARY PLAT

KPB 2021-143

A subdivision of Tract A1 Mahan Subd. Birch Ridge Est. Addn. #2, KR D 2007-130.
Located in the SW1/4 Section 23, T5N R10W, SM, Alaska.
Kenai Recording District Kenai Peninsula Borough

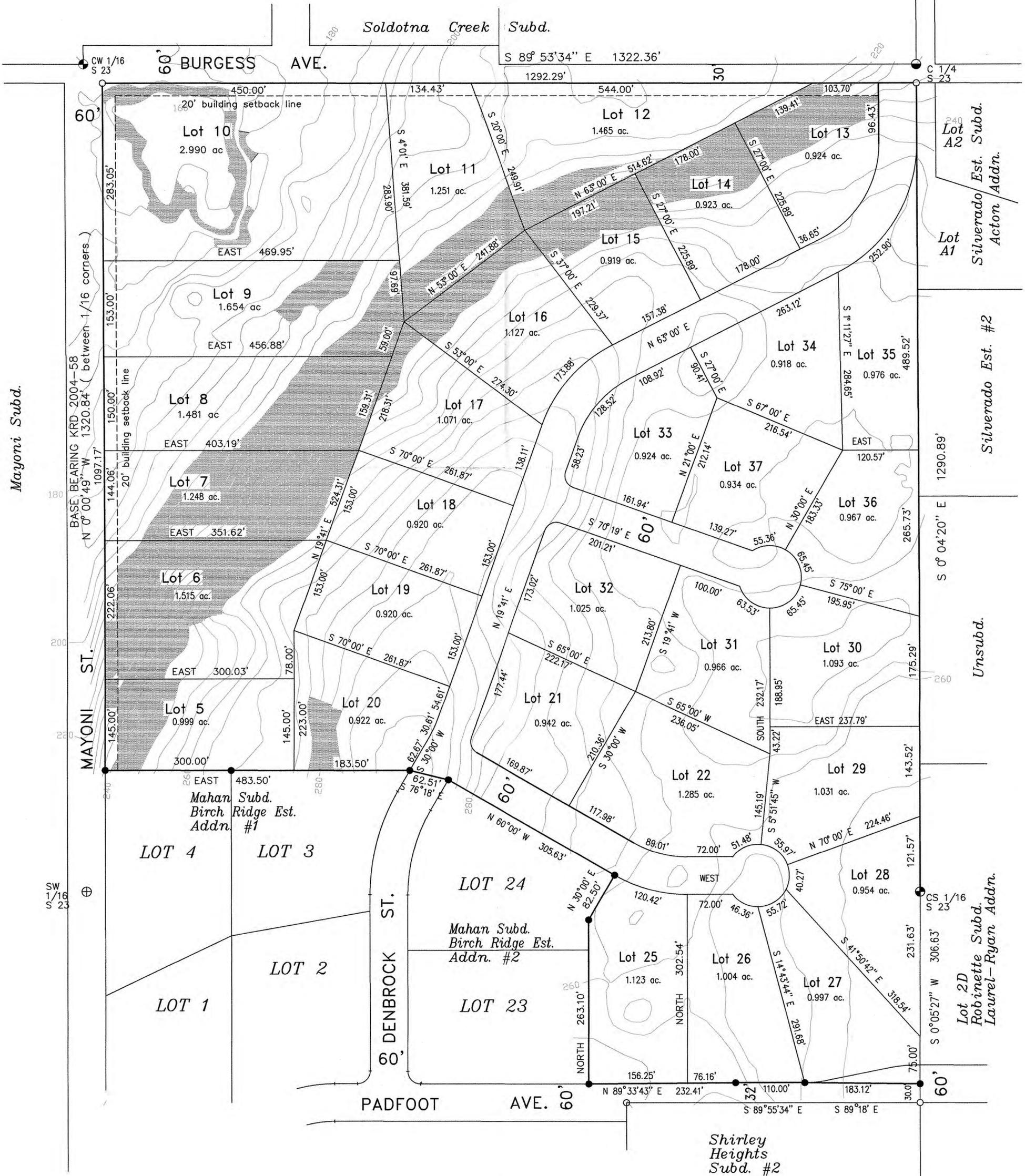
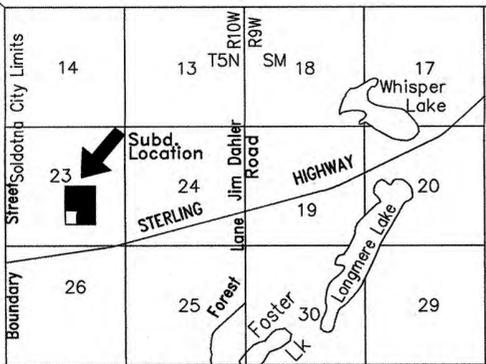
Prepared for
Jake Denbrock
36350 Mayoni St.
Soldotna, AK 99669

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

NOTES

1. A building setback of 20' from all street ROW's is required unless a lesser standard is approved by a resolution of the appropriate planning commission. Front 10' of building setback is also a utility easement, as is the entire setback within 5' of side lot lines.
2. No permanent structure shall be constructed or placed within an easement which would interfere with the ability of a utility to use the easement.
3. Contour interval 4'. shaded areas indicate grades over 25%. There are no wet areas on the property.

SCALE 1" = 100' AREA = 38.950 acres 1 November, 2021



AGENDA ITEM E. NEW BUSINESS

ITEM 5 – MAHAN SUBDIVISION BIRCH RIDGE ESTATES ADDITION NO. 3

KPB File No.	2021-143
Plat Committee Meeting:	November 29, 2021
Applicant / Owner:	Jake Denbrock of Soldotna, AK
Surveyor:	Jerry Johnson / Johnson Surveying
General Location:	West of Soldotna near MP 91.5 of the Sterling Highway

Parent Parcel No.:	058-260-55
Legal Description:	Tract A1 Mahan Subdivision Birch Ridge Estates Addition No 2 KN 2007-130
Assessing Use:	Residential Accessory Bldg
Zoning:	Rural Unrestricted
Water / Wastewater	On Site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide a 39-acre parcel into 31 lots ranging in size from 0.91 acres to 3 acres.

Location and Legal Access (existing and proposed): This plat is located to the east of Soldotna and north of the Sterling Highway near mile post 91.5. The subdivision has legal access from Mayoni Street, Denbrock Street, Padfoot Avenue West, and Burgess Ave.

This platting action will provide the following right of way dedications.

- An extension of Denbrock Street through the subdivision to the northeast corner.
- Two cul-de-sacs will be dedicated on the east side of Denbrock Street.
- A portion of Padfoot Avenue in the southeast corner.
 - o The land to the south of Padfoot Avenue has been developed with an unattached garage that was constructed in 2007. The last platting action in 2007 discussed the 30 foot width of Padfoot Avenue. As that platting action was 14 years ago it appears unlikely that the land to the south will be further subdivided to provide the full width of Padfoot Avenue. **Staff recommends this platting action dedicate a full 60 foot width for Padfoot Avenue.**

The westerly block will be defined by Burgess Avenue, Denbrock Street, Padfoot Avenue, and Mayone Street. The easterly block will be defined by Burgess Avenue, Pine Street, Padfoot Avenue, and Denbrock Street. Both blocks measure +/- 1,600 feet in the north-south length and are longer than allowed per KPB standards. The right of ways are not affected by steep slopes or low wet areas and can be constructed when the needed for physical access. **Staff recommends** that the plat committee concur that an exception is not required as both blocks are closed blocks that generally comply with subdivision standards, and all lots have legal access to platted right of ways.

Staff recommends that labels be added to the plat to show that the right of ways are being dedicated at this time.

Staff recommends to work with the KPB Addressing officer to obtain approved street names for the two cul-de-sacs that are being dedicated this plat.

KPB Roads Dept. comments	Out of Jurisdiction: No Roads Director: Uhlin, Dil Comments: No comments
SOA DOT comments	No comments.

Site Investigation: A area with steep slopes affects the subdivision from the west boundary to the northeast corner. The plat has been designed so that the lot configuration and right of way layout is not affected by the steep slopes.

Wetland ecosystems do not affect this subdivision.

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

Staff Analysis The parent parcel was created with Mahan Subdivision Birch Ridge Estates Addition #2 (KN 2007-130). All new lots will be less than 200,000 sq. ft. and a soils analysis report will be required for final plat approval.

Notice of the proposed plat was mailed to the beneficial interest holder on November 3, 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.

The property is not within an advisory planning commission.

Covenants, conditions and restrictions, as recorded on August 3, 1990 in Bk. 369 Pg. 277 Kenai Recording District, affect this subdivision. **Staff recommends** the covenants of record be noted on the plat and include that per KPB 20.60.170.B, KPB will not enforce private covenants.

An active material site is located in the northwest corner. The land owner can contact Brian Taylor with KPB planning with any questions regarding the material site.

Utility Easements Parent plat KN 2004-58 granted 10 foot utility easements adjoining the dedicated right of ways. Plat KN 2006-78 carried forward the utility easement and granted a 20 foot utility easement adjoining the dedicated right of way when within 5 feet of side lot lines. **Staff recommends** the utility easements of record be depicted and labeled as well as the utility easements that are being granted by this plat.

A general location utility easement granted to HEA on September 4, 1976 in Bk. 79 Pg. 546 KRD affects this subdivision. **Staff recommends** a plat note be added for this easement of record.

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

Utility provider review:

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

KPB department / agency review:

Addressing	<p>Reviewer: Haws, Derek Affected Addresses: 36378 MAYONI ST</p> <p>Existing Street Names are Correct: No</p> <p>List of Correct Street Names: MAYONI ST DENBROCK ST PADFOOT AVE W</p> <p>Existing Street Name Corrections Needed: BURGESS AVE should be BURGESS AVE E and BURGESS AVE W slit at RABBIT ST. Newly dedicated 60' ROWs should be named and use the street suffix CT.</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: 36378 MAYONI ST will be deleted and new addresses assigned upon request. Please contact dhaws@kpb.us for new street name approval.</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: The property being subdivided is listed as a PEU (prior existing use) in KPB records. A letter warning of presumed abandonment of PEU has been sent to the current property owner (attached). See attachments</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.

- 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 a street name for Raspberry Street located to the northeast of the subdivision.

- 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 approved street names for the two cul-de-sacs that are being dedicated.

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.

20.30.120. 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, 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 full right of way dedication for Padfoot Avenue.

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: Comply with 20.30.130.

20.30.150. Streets-Intersection requirements.

- A. Street intersections shall be as nearly at right angles as possible, and no intersection shall be at an angle of less than 60 degrees. Where acute street intersections are designed, a minimum 50-foot radius corner at the right-of-way line of the acute angle shall be provided.

- B. Offset intersections are not allowed. The distance between intersection centerline shall be no less than 150 feet.

- C. Intersections of access streets with arterial streets or state maintained roads shall be limited to those intersections required for safe access consistent with KPB Title 14.

D. Intersections of access streets with arterial streets or state maintained roads must be designed to the American Association of State Highway and Transportation Officials (AASHTO) standards.
Staff Comments: Denbrock Street will form an intersection with Raspberry Street in the northeast corner. Raspberry Street is a half width right of way. The corresponding 30 foot width will be dedicated on the west side and more nearly line up with Denbrock Street. The alignment generally complies as it is only offset by 30 feet.

20.30.160. Streets-Name requirements. Streets shall be named to conform to KPB Chapter 14.10

Staff recommendation: *Work with the KPB addressing officer to obtain approved street names for the two cul-de-sacs that are being dedicated with this plat.*

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

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, prepared by a licensed engineer, will 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: *Provide a certificate of acceptance for KPB to sign for the new 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).*
- *The borough will not enforce private covenants, easements, or deed restrictions per KPB 20.60.170.*

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: *comply with 20.60.190.*

20.60.200. Survey and monumentation.

Staff recommendation: *comply with 20.60.200*

RECOMMENDATION:

SUBJECT TO EXCEPTION(S) GRANTED, STAFF RECOMMENDS:

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

NOTE: 20.25.120. - REVIEW AND APPEAL.

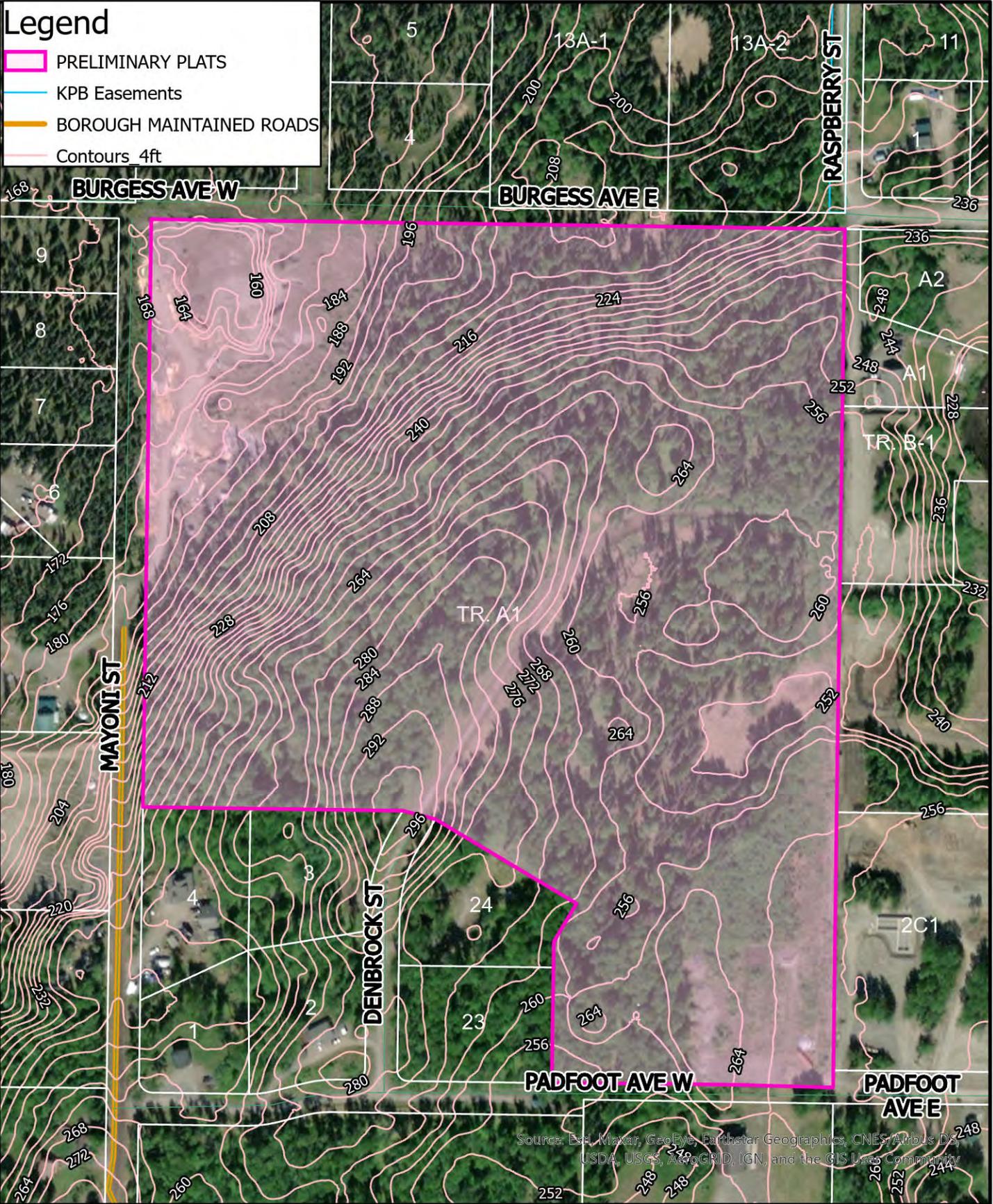
A PARTY OF RECORD MAY REQUEST THAT A DECISION OF THE PLAT COMMITTEE BE REVIEWED BY THE PLANNING COMMISSION BY FILING A WRITTEN REQUEST WITHIN 15 DAYS OF NOTIFICATION OF THE DECISION IN ACCORDANCE WITH KPB 2.40.080.

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

END OF STAFF REPORT

Legend

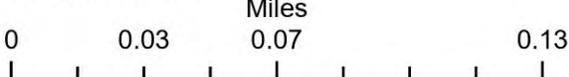
- PRELIMINARY PLATS
- KPB Easements
- BOROUGH MAINTAINED ROADS
- Contours 4ft



Source: Esri, Maxar, 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.

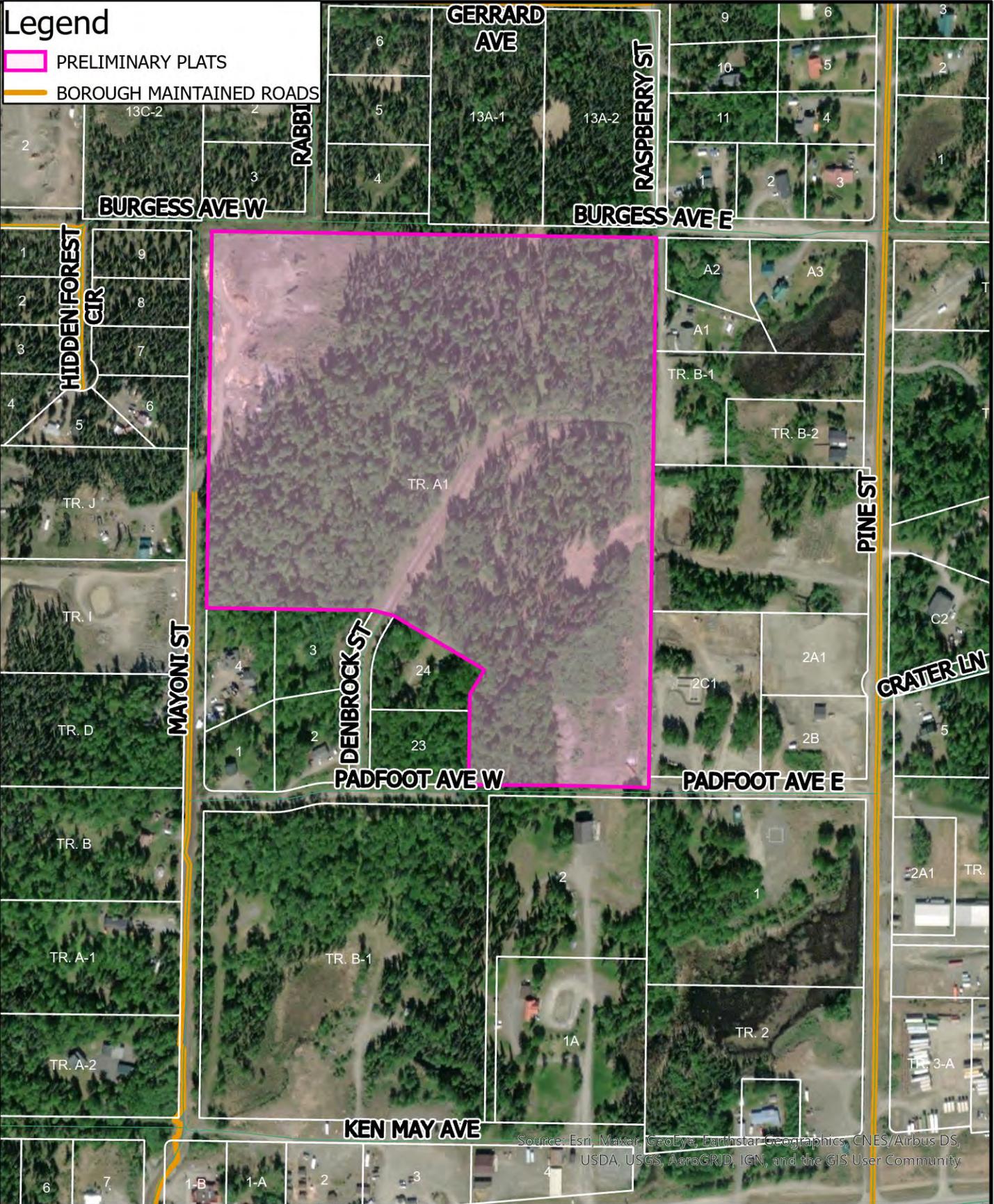
AERIAL IMAGERY 2018 CONTOUR DATA



Date:
Scott Huff,
Platting Manager,
KPB

Legend

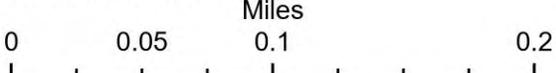
- PRELIMINARY PLATS
- BOROUGH MAINTAINED ROADS



Source: Esri, Maxar, 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 IMAGERY 2018 CONTOUR DATA



Date:
Scott Huff,
Platting Manager,
KPB

Padfoot Avenue



© All Pictometry

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

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

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

END OF STAFF REPORT

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

MOTION Commissioner Tauriainen moved, seconded by Commissioner Martin to approve the plat per staff recommendations.

VOTE: The motion passed by unanimous consent.

FOSTER YES	HEIMBUCH YES	JOHNSON ABSENT	MARTIN YES	MASSION YES	TAURIAINEN YES	5 YES 1 ABSENT
---------------	-----------------	-------------------	---------------	----------------	-------------------	-------------------

AGENDA ITEM E. SUBDIVISION PLAT PUBLIC HEARINGS

- 5. Mahan Subdivision Birch Ridge Estates Addition
KPB 2006-147; Johnson/Linson, Hanson

Staff Report reviewed by Patti Hartley

Plat Committee Meeting: 6/26/06

Location: North of Sterling Highway in Soldotna
 Proposed Use: Residential, Commercial
 Zoning: Unrestricted
 Sewer/Water: On-site
 Assessing Use: Residential, Vacant

Supporting Information:

The proposed plat subdivides two tracts containing approximately 66 acres into 27 lots and 2 tracts. A soils report will be required for the lots, and an engineer will sign the plat. **Staff recommends** the appropriate wastewater disposal notes be placed on the final plat.

The proposed plat provides a 60-foot dedication along the northern boundary of Tract B-1. A 60-foot dedication provides a looped right-of-way, an access route preferred by emergency service providers.

The eastern portion of the right-of-way along the northern boundary of Tract B-1 is a 30-foot half dedication. The parcel to the south, which KPB records show is vacant, contains five acres. Imagery shows improvements in or near the portion that would be the eventual match. Half dedications are accepted only when it is reasonable to expect a matching dedication in the future. **Staff recommends** the surveyor clarify the improvements on the adjoining parcel; **staff recommends** the surveyor verify that a matching dedication is a reasonable expectation. If the half dedication does not appear to be reasonable, staff recommends redesign to provide a full dedication.

Raspberry Street is a full right-of-way. Subdivision of the parcels to the east will require dedication from Raspberry Street through them to access Pine Street.

Raspberry Street name is incompatible with Borough requirements. **Staff recommends** the surveyor/owner work with KPB GIS or Planning to select street names for all rights-of-way provided by this plat in compliance with KPB 14.10.

Staff requests the following note be placed 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).*

Per the submittal, the property is affected by steep terrain. Contour information has been provided. **Staff recommends** the surveyor verify that a road can be constructed to Borough grade standards within the dedications or provide lateral support easements if needed.

Development within the subdivision may be subject to the administrative policies and/or enforceable policies of the KPB Coastal Zone Management Program (Ordinance 90-20).

The Material Site Review was not available when the staff report was prepared. The approximate location of a gravel extraction site within Tract A-1 has been carried forward from the parent plat. The May 24, 2004 Plat Committee minutes indicate a prior existing use permit had been granted for the gravel site. Per KPB 21.26.040(A), if a parcel is further subdivided after May 21, 1996, the pre-existing use may not be expanded beyond the boundaries of the lots, tracts, or parcels it occupied on February 16, 1999. The entire extraction site appears to be within Tract A-1 and the PEU status will remain only with that Tract. A note may be required on the final plat.

The centerline of Ken May Avenue is a section line. **Staff recommends** the surveyor verify whether a section line easement extends past the dedication into Tract B-1.

Satellite imagery shows a large cleared area within Tract B-1. **Staff recommends** the area be shown and labeled on the preliminary plat, or be described in a submittal letter.

Per the parent plat, a portion of the proposed subdivision may be affected by restrictive covenants. **Staff recommends** the recording information of the private covenants and restrictions of record in effect at the time the final plat is approved be noted on the plat (KPB 20.16.140).

Per Planning Commission Resolution 2000-25, if the Certificate to Plat indicates any beneficial interests affect this property, they will be notified and given 30 days from the date of the mailing of the notification to respond. They are given the opportunity to notify staff if their beneficial interest prohibits or restricts subdivision or requires their signature on the final plat. If no response is received within 30 days, staff will assume they have no requirements regarding the subdivision and it may be finalized.

The property is not within an advisory planning commission.

Exception(s) Requested: Block length (KPB 20.20.160) along Mayoni Street due to topography and existing building location.

Staff discussion: KPB 20.20.160 allows a maximum block length of 1400 feet unless existing conditions justify a variation. The block is a little over 1600 feet long. The development (structure on Lot 4, gravel pit on Tract A-1) as well as the steep terrain leads staff to conclude that the existing conditions justify the variation and no exception is required.

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

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

1. Confirm the names and addresses of the owners.

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

2. Correct Louise Avenue to Ken May Avenue per SN 2005-11.

3. Correct status to the south to Shady Grove Estates.
4. Provide or correct the dedication and/or approval statement(s) with the notary's acknowledgement as needed (KPB 20.16.155).
5. Survey and monumentation must meet the ordinance requirements (KPB 20.16.160).
6. Provide the building setback statement in accordance with KPB 20.20.230.
7. Conform to conditions of KPB Planning Commission Resolution 78-6.
8. Comply with Chapter 20.16.155 D and 20.14 Wastewater Disposal regulations.
9. Compliance with Ordinance 90-38 (Substitute) - Ownership.
10. Compliance with Ordinance 90-43 Easement Definition.
11. Compliance with Ordinance 93-59 - Payment of all taxes due prior to final approval. If final approval and filing of plat is sought between January 1 and the tax due date, the full amount of the estimated taxes will be on deposit with the Finance Department.

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

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

END OF STAFF REPORT

STAFF REPORT ADDENDUM

Staff Report Addendum read by Patti Hartley

Plat Committee Meeting: 6/26/06

Staff has received comments from the landowner adjoining the proposed half right-of-way along the south boundary of proposed Lots 21 and 22. He has improvements located on his property that will prevent his eventual match of the half dedication. **Staff recommends** the right-of-way be redesigned to be a full 60 feet. The remainder of the original staff report is unchanged.

END OF STAFF REPORT ADDENDUM

Chairman Massion opened the meeting for public comment.

1. Jerry Johnson, Johnson Surveying
Mr. Johnson interpreted the letter from the owner to the south that he had a slab that was poured that was within 20 feet of the line. It appeared to him that the owner requested that they stay away from that particular spot of where the slab is.

Chairman Massion asked for staff's interpretation.

Commissioner Foster asked if the surveyor had seen the aerial on page 54-2 in the packet and if the slab was shown in the aerial. Mr. Johnson replied that he didn't think anything in the photo was the slab. Chairman Massion referred to the aerial on page 47 and asked if the slab was on the Shirley Heights Subdivision No. 2. Mr. Johnson replied that it is not down by Ken May Avenue. He stated the green horizontal line in the aerial was where the half right of way was located. Chairman Massion asked if the slab was shown in the aerial. Mr. Johnson replied probably not but stated they would locate where the slab was and would stay away from it.

Mr. Best agreed with Mr. Johnson and would support that, if the slab was located and the required distance away from it was maintained as long as there was no encroaching in the building setback or into a right of way. He felt that 30 feet could be reasonably expected as long as a full 60 feet could be obtained in the future.

Seeing and hearing no one else wishing to comment, Chairman Massion closed the public hearing and opened discussion among the Committee.

MOTION: Commissioner Foster moved, seconded by Commissioner Martin to grant approval of Mahan Subdivision Birch Ridge Estates Addition with staff recommendations and comments.

VOTE: The motion passed by unanimous consent.

FOSTER YES	HEIMBUCH YES	JOHNSON ABSENT	MARTIN YES	MASSION YES	TAURIAINEN YES	5 YES 1 ABSENT
---------------	-----------------	-------------------	---------------	----------------	-------------------	-------------------

~~AGENDA ITEM E. SUBDIVISION PLAT PUBLIC HEARINGS~~

6. Thompson Park Myers Replat No. 2
KPB 2006-148; Integrity/Myers

Staff Report reviewed by Patti Hartley

Plat Committee Meeting: 6/26/06

Location: City of Kenai
Proposed Use: Residential, Recreational, Commercial, Agricultural
Zoning: RR – Rural Residential
Sewer/Water: City
Assessing Use: Residential, Vacant

Supporting Information:

The proposed subdivision is a simple replat of two lots into one lot containing 35,075 square feet. The replatted lot exceeds the minimum lot size for the zoning district. City water and sewer serve the property. The appropriate wastewater disposal note is on the plat. The replatted lot fronts constructed right-of-way.

Kenai Planning and Zoning Commission reviewed and granted conditional approval on May 24, 2006. An installation agreement is not required.

The Kenai Commission recommended the plat verify that there are no encroachments. The plat is not creating any new lot lines and cannot create any encroachments. It is the duty of a surveyor to report any encroachments found during a survey to his client. No survey is required for a replat that simply removes lot lines, under KPB 20.16.160 (A). In this case, Borough staff cannot request the surveyor verify that no encroachments exist.

Staff recommends the bluff line be carried forward from the parent plat unless better information is available.

KPB GIS mapping indicates low wet areas may affect the southern portion of the subdivision. **Staff recommends** the approximate location of low wet areas, if any, be shown and labeled.

Development within the subdivision may be subject to the administrative policies and/or enforceable policies of the KPB Coastal Zone Management Program (Ordinance 90-20).

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

If the final Certificate to Plat shows the property is affected by private covenants, **staff recommends** the recording information of the private covenants and restrictions of record in effect at the time the final plat is approved be noted on the plat (KPB 20.16.140).

No exceptions have been requested.

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

From: [Taylor, Bryan](#)
To: [Huff, Scott](#)
Cc: [Clements, Peggy](#)
Subject: Mahan Subdivision Birch Ridge Estates Addition No 3
Date: Wednesday, November 10, 2021 9:18:03 AM
Attachments: [20211110_Denbrock_letterToApplicant.pdf](#)
[image003.png](#)

Hi Scott,

I wanted to let you know that the property being subdivided by the above plat is shown as a Prior Existing Use material site in our records. I have sent the attached letter to the current property owner.

Thank you,

Bryan Taylor, AICP
Planner
(907) 714-2206
btaylor@kpb.us

KENAI PENINSULA BOROUGH
144 North Binkley Street
Soldotna, Alaska 99669





Donald E. Gilman River Center

514 Funny River Road, Soldotna, Alaska 99669 • (907) 714-2460 • (907) 260-5992 Fax



A Division of the Planning Department

Charlie Pierce
Borough Mayor

November 10, 2021

Jake Denbrock
36350 Mayoni St.
Soldotna, AK 99669

RE: Mahan Subdivision Birch Ridge Estates Addition No 3, KPB File #2021-143

Mr. Denbrock:

I have completed a material site (gravel pit) review of the Mahan Subdivision Birch Ridge Estates Addition No 3 preliminary plat. Our records indicate that the property contained within this plat was previously qualified as a Prior Existing Use (PEU) under the provisions of KPB 21.29.120. Upon recording of the final plat for this proposed subdivision, the material site will be considered abandoned and would no longer qualify as a PEU. Kenai Peninsula Borough Code 21.29.120(A) states in part:

If a parcel is subdivided where extraction has already occurred, the prior existing use is considered abandoned, and a CLUP [Conditional Land Use Permit] must be obtained for each parcel intended for further material site operations. The parcel owner may overcome this presumption of abandonment by showing that the subdivision is not inconsistent with material site operation.

If you would like to overcome the presumption of abandonment, please submit information demonstrating the subdivision is not inconsistent with material site operation, e.g., a statement that material site operation is expected to continue on some or all of the lands being subdivided.

If you have any questions, please feel free to contact me.

Sincerely,

Bryan Taylor, Planner
btaylor@kpb.us

cc: Scott Huff, KPB Platting Officer

MAHAN SUBDIVISION BIRCH RIDGE ESTATES ADDITION #2

A subdivision of unsubdivided remainder Tract A Mahan Subd., Birch Ridge Addn. #1 (KRD 2006-78).
Located in the SW1/4 Section 23, T5N R10W, SM, Alaska.
Kenai Recording District KPB Files 2006-147 & 2007-199

Prepared for
Jake & Robin Denbrock
P.O. Box 4146
Soldotna, AK 99669

Prepared by
Johnson Surveying
Box 27
Clam Gulch, Ak 99568



SCALE 1" = 100' AREA = 41.786 acres 15 June, 2007

LEGEND

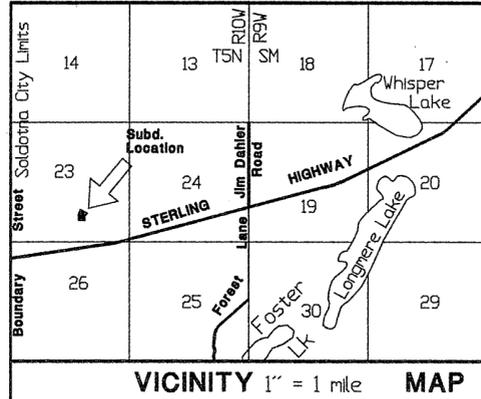
- ⊕ - 3/2" alcap monument, LS-8859, 2004, Found.
- ⊙ - 3/2" alcap monument, 237-S, 1980, Found.
- ⊙ - 3/2" alcap monument, 237-S, 1976, Found.
- ⊙ - 3/2" alcap monument, 4928-S, 1994, Found.
- - 5/8" rebar with 1" plastic cap, LS-8859, Found.
- - 1/2" rebar with 1" plastic cap, 7328-S, 2006, Found.
- └ - 1/2"x 4' rebar with 1" plastic cap, set.

PLAT APPROVAL

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of 26 June, 2006.

KENAI PENINSULA BOROUGH

BY: Mary J. Best Dec. 17, 2007
Authorized Official Date



2007-130
RECORDED-FILED
Kenai REC. DIST.
DATE 12/19 2007
TIME 8:42 A M
Requested by:
Johnson Surveying
Box 27
Clam Gulch, Ak 99568

NOTES

1. A building setback of 20' from all street ROW's is required unless a lesser standard is approved by a resolution of the appropriate planning commission. Front 10' of building setback is also a utility easement, as is the entire setback within 5' of side lot lines.
2. No permanent structure shall be constructed or placed within an easement which would interfere with the ability of a utility to use the easement.
3. Restrictive covenants affecting this property are on file with the Kenai District Recorder in Book 369 Page 277.
4. Roads must meet the design and construction standards established by the borough in order to be considered for certification and inclusion in the road maintenance program.

WASTEWATER DISPOSAL

Tract A1:
These lots are at least 200,000 square feet or a nominal 5 acres in size and conditions may not be suitable for onsite wastewater treatment and disposal. Any wastewater treatment and disposal system must meet the regulatory requirements of the Alaska Dept. of Environmental Conservation.

LOTS 23 & 24:

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

M. Tuominen 3380-E 27 Nov 07
Engineer License # Date

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 my consent grant all easements to the use shown.
We further certify that Deeds of Trust affecting this property do not contain restrictions which would prohibit this subdivision; or require signature and approval of beneficiaries.

Robin K. Denbrock
Robin K. Denbrock P.O. Box 4146 Soldotna, AK 99669

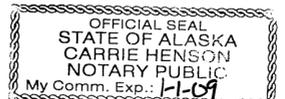
Raymond F. Denbrock
Raymond F. Denbrock P.O. Box 4146 Soldotna, AK 99669

NOTARY'S ACKNOWLEDGEMENT

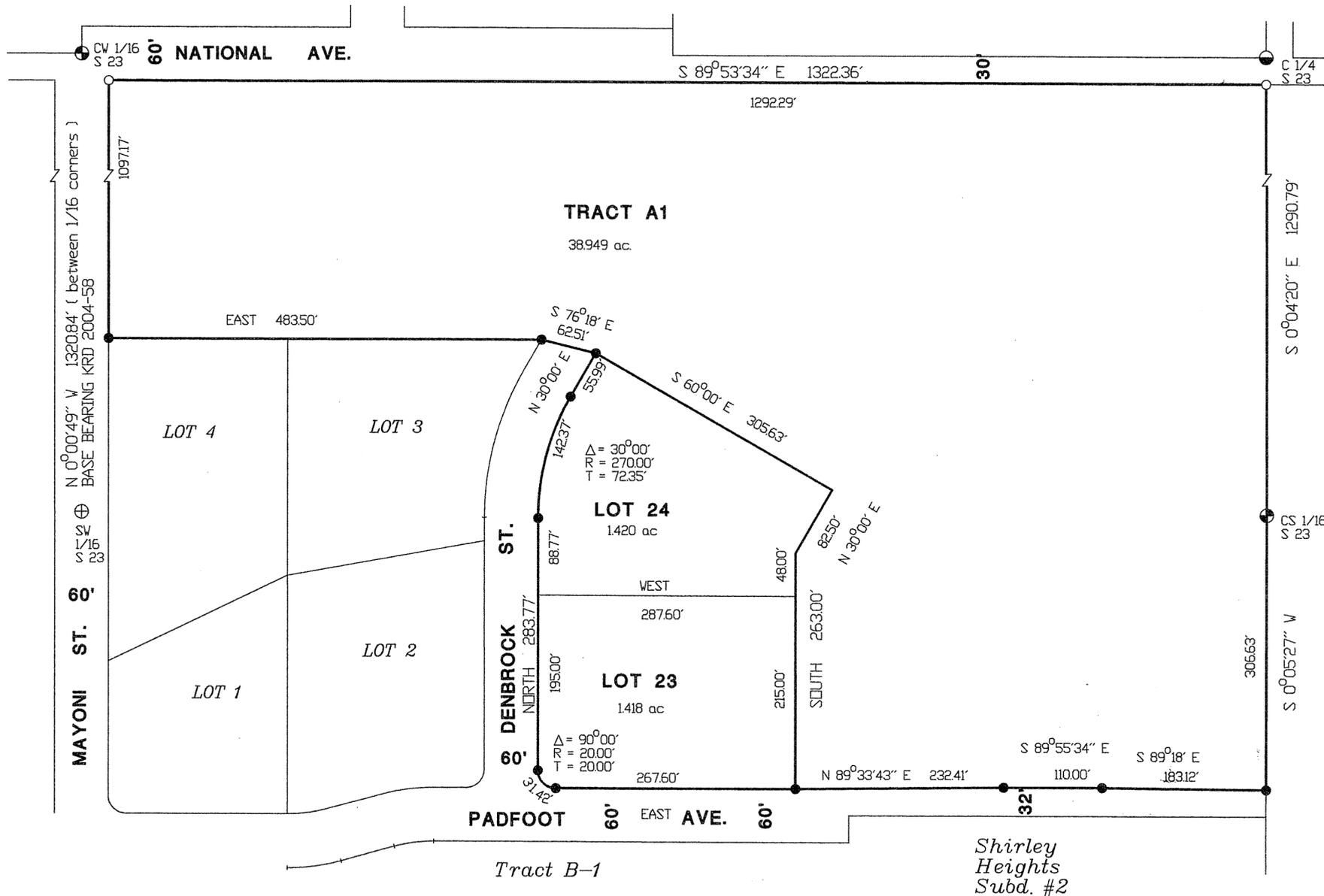
For: Robin K. & Raymond F. Denbrock
Subscribed and sworn to before me this 10th

day of September, 2007.

Carrie Henson
Notary Public For Alaska



My commission expires 1-1-09



Tract B-1

Shirley Heights Subd. #2

Unsubd.

MAHAN SUBDIVISION BIRCH RIDGE ESTATES ADDITION #1

A subdivision of Tracts A & B Mahan Subd. (KRD 2004-58).
Located in the SW1/4 Section 23, T5N R10W, SM, Alaska.
Kenai Recording District KPB Files 2006-147 & 2006-253



Prepared for
Robin Linson
P.O. Box 1297
Sterling, AK 99672

Prepared by
Johnson Surveying
Box 27
Clam Gulch, AK 99568

PLAT APPROVAL

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of 26 June, 2006.

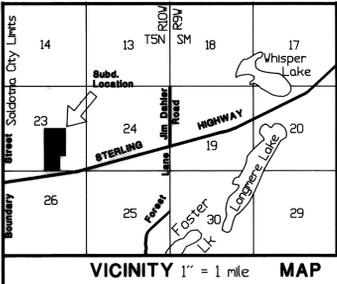
KENAI PENINSULA BOROUGH

BY: M. J. Best October 9, 2006
Authorized Official Date

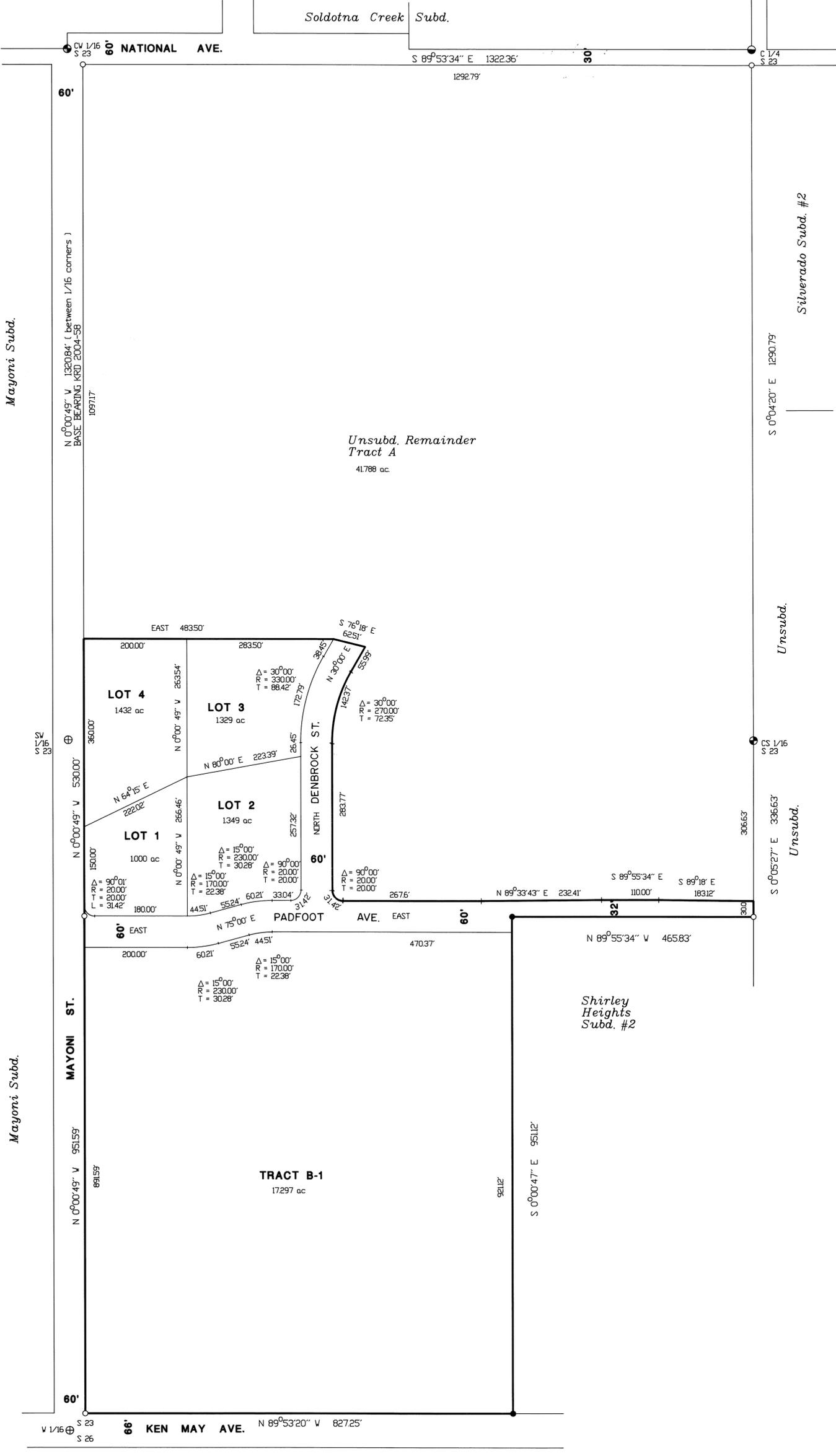
SCALE 1" = 100' AREA = 24.591 acres 5 May, 2006

LEGEND

- ⊕ - 3/4" alcap monument, LS-8859, 2004, Found.
- ⊙ - 3/4" alcap monument, 237-S, 1980, Found.
- ⊙ - 3/4" alcap monument, 237-S, 1976, Found.
- ⊙ - 3/4" alcap monument, 4928-S, 1994, Found.
- - 5/8" rebar with 1" plastic cap, LS-8859, Found.
- - 1/2" rebar lot corner, Found.
- └ - 1/2"x 4" rebar with 1" plastic cap, set.



2006-78
RECORDED-FILED
Kenai REC. DIST.
DATE 10-10-2006
TIME 8:52 AM
Requested by:
Johnson Surveying
Box 27
Clam Gulch, AK 99568



NOTES

1. A building setback of 20' from all street ROW's is required unless a lesser standard is approved by a resolution of the appropriate planning commission. Front 10' of building setback is also a utility easement, as is the entire setback within 5' of side lot lines.
2. No permanent structure shall be constructed or placed within an easement which would interfere with the ability of a utility to use the easement.
3. Restrictive covenants affecting this property are on file with the Kenai District Recorder in Book 369 Page 277.
4. Roads must meet the design and construction standards established by the borough in order to be considered for certification and inclusion in the road maintenance program.

WASTEWATER DISPOSAL

LOT B1 & Unsubd. Remainder Tract A:
These lots are at least 200,000 square feet or a nominal 5 acres in size and conditions may not be suitable for onsite wastewater treatment and disposal. Any wastewater treatment and disposal system must meet the regulatory requirements of the Alaska Dept. of Environmental Conservation.

LOTS 1, 2, 3, & 4:
Soil conditions, water table levels, and soil slopes in this subdivision have been found suitable for conventional onsite wastewater treatment and disposal systems serving single-family or duplex residences and meeting the regulatory requirements of the Kenai Peninsula Borough. Any other type of onsite wastewater treatment or disposal system must be designed by a professional engineer, registered to practice in Alaska, and the design must be approved by the Alaska Dept. of Environmental Conservation.

M. T. Mawer 3380-E 11 Sep 06
Engineer License # Date

OWNERSHIP CERTIFICATE & DEDICATION

We hereby certify that we are the owners of the real property shown and described herein; and that we hereby adopt this plan of subdivision and by our free consent dedicate all ROWs and grant all easements to the use shown. We further certify that Deeds of Trust affecting this property do not contain restrictions which would prohibit this subdivision; or require signature and approval of beneficiaries.

Robin K. Linson
Robin K. Linson P.O. Box 1297 Sterling, AK 99672
owner Tract A

Scott L. Hanson
Scott L. Hanson P.O. Box 2254 Soldotna, AK 99669
owner Tract B

NOTARY'S ACKNOWLEDGEMENT

For: Robin K. Linson
Subscribed and sworn to before me this 28th
day of September 2006.
Sharon Heermann
Notary Public for Alaska
My commission expires 5-21-07



NOTARY'S ACKNOWLEDGEMENT

For: Scott L. Hanson
Subscribed and sworn to before me this 2nd
day of October 2006.
Samuel L. Dole
Notary Public for Alaska
My commission expires 07-04-09



LEGEND:

- ⊗ GLO MONUMENT (found this survey)
- ⊕ MONUMENT (found this survey)
- ⊕ MONUMENT (set this survey)
- REBAR (found this survey)
- 5/8" REBAR (set this survey)
- () RECORD DATUM Plat 80-68 KRD
- { } RECORD DATUM Plat 87-90 KRD
- [] RECORD DATUM Plat 76-177 KRD
- < > RECORD DATUM Plat 92-13 KRD

NOTES:

- 1) Proposed land uses are recreational, residential, agricultural, and commercial.
- 2) Basis of bearing taken from the plat of Mayoni Subdivision, Plat 76-177, Kenai Recording District.
- 3) Building Setback-A setback of 20 feet is required from all street Rights-of-Way unless a lesser standard is approved by resolution by the appropriate Planning Commission.
- 4) All waste disposal systems shall comply with existing laws at the time of construction.
- 5) Roads must meet the design and construction standards established by the Borough in order to be considered for certification and inclusion in the Borough road maintenance program.
- 6) Exceptions to KPB 20.20.030 and KPB 20.20.160 were granted by the Plat Committee at the meeting of 24 May, 2004.
- 7) Restrictive covenants that may affect a portion of this plat are recorded in Book 369 Page 277 KRD.
- 8) Front 10 feet of the building setback is also a utility easement. No permanent structure shall be constructed or placed within a utility easement which would interfere with the ability of a utility to use the easement.
- 9) **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.

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF 24 MAY, 2004.

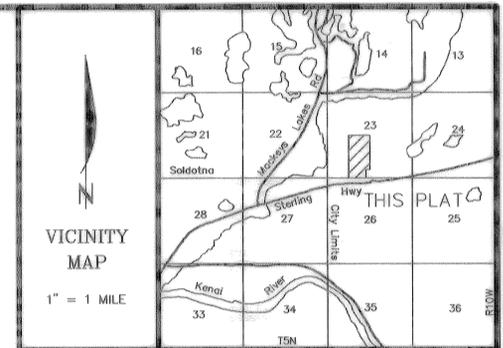
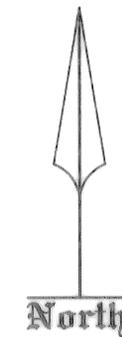
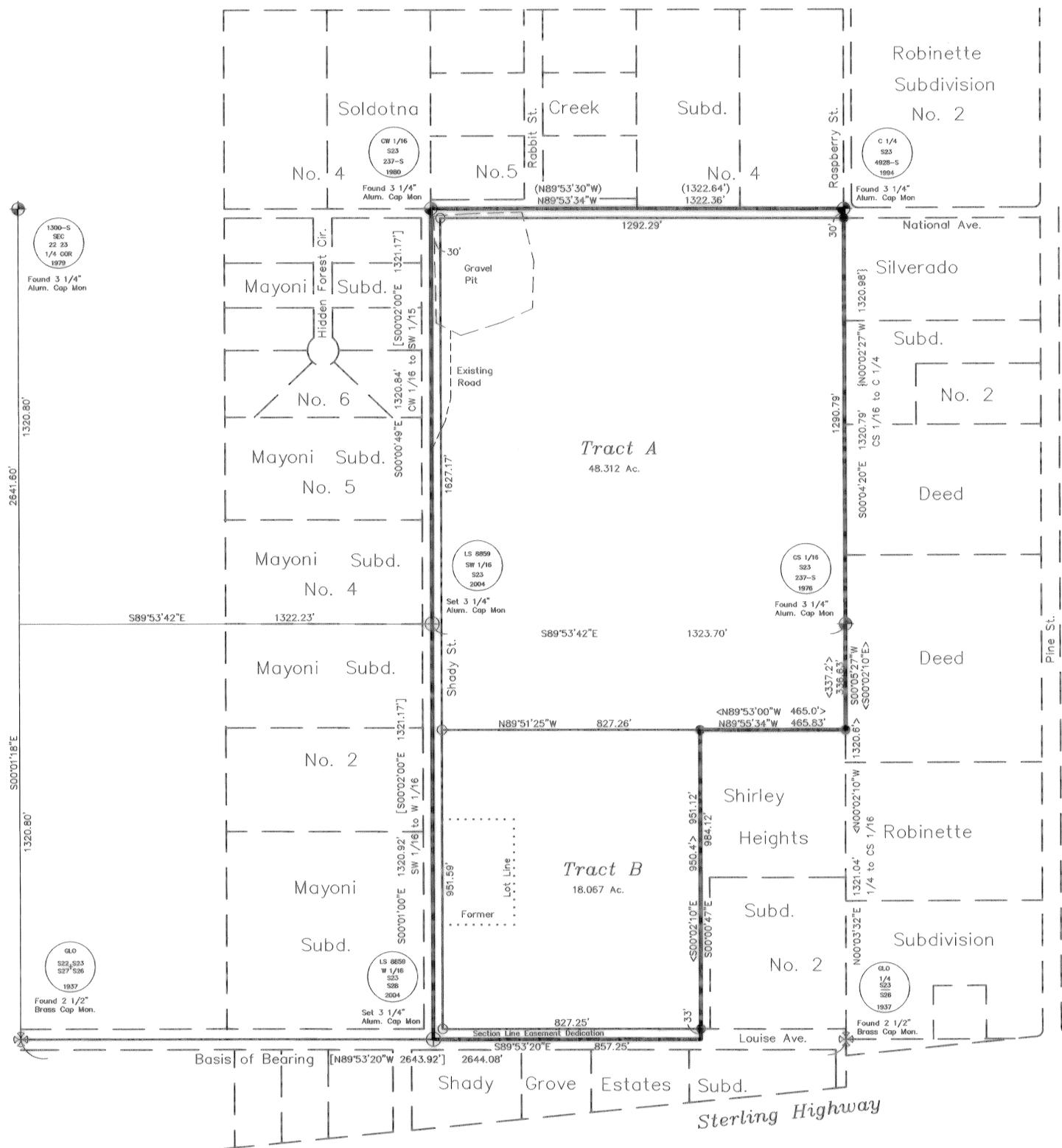
KENAI PENINSULA BOROUGH
Mary Jell
 AUTHORIZED OFFICIAL



SURVEYOR'S CERTIFICATE

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

Date 8-12-04



CERTIFICATE of OWNERSHIP and DEDICATION

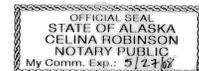
WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND THAT WE HEREBY ADOPT THIS PLAN OF SUBDIVISION AND BY OUR FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

Daniel P. Mahan *Sammie L. Mahan*
 DANIEL P. MAHAN SAMMIE L. MAHAN
 P.O. BOX 94
 SOLDOTNA, AK 99669

NOTARY'S ACKNOWLEDGEMENT

SUBSCRIBED AND SWORN BEFORE ME THIS 20 DAY OF August, 2004
 FOR Daniel P. Mahan

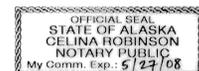
Celina Robinson
 NOTARY PUBLIC FOR ALASKA
 MY COMMISSION EXPIRES 5-27-08



NOTARY'S ACKNOWLEDGEMENT

SUBSCRIBED AND SWORN BEFORE ME THIS 20 DAY OF August, 2004
 FOR Sammie L. Mahan

Celina Robinson
 NOTARY PUBLIC FOR ALASKA
 MY COMMISSION EXPIRES 5-27-08



2004-58
 RECORDED 80
 KENAI REC. DIST.
 DATE: 8-20 2004
 TIME: 11:55 A.M.
 REQUESTED BY:
 SEGESSER SURVEYS
 30485 ROSLAND ST.
 SOLDOTNA, AK 99669

KPB FILE No. 2004-129

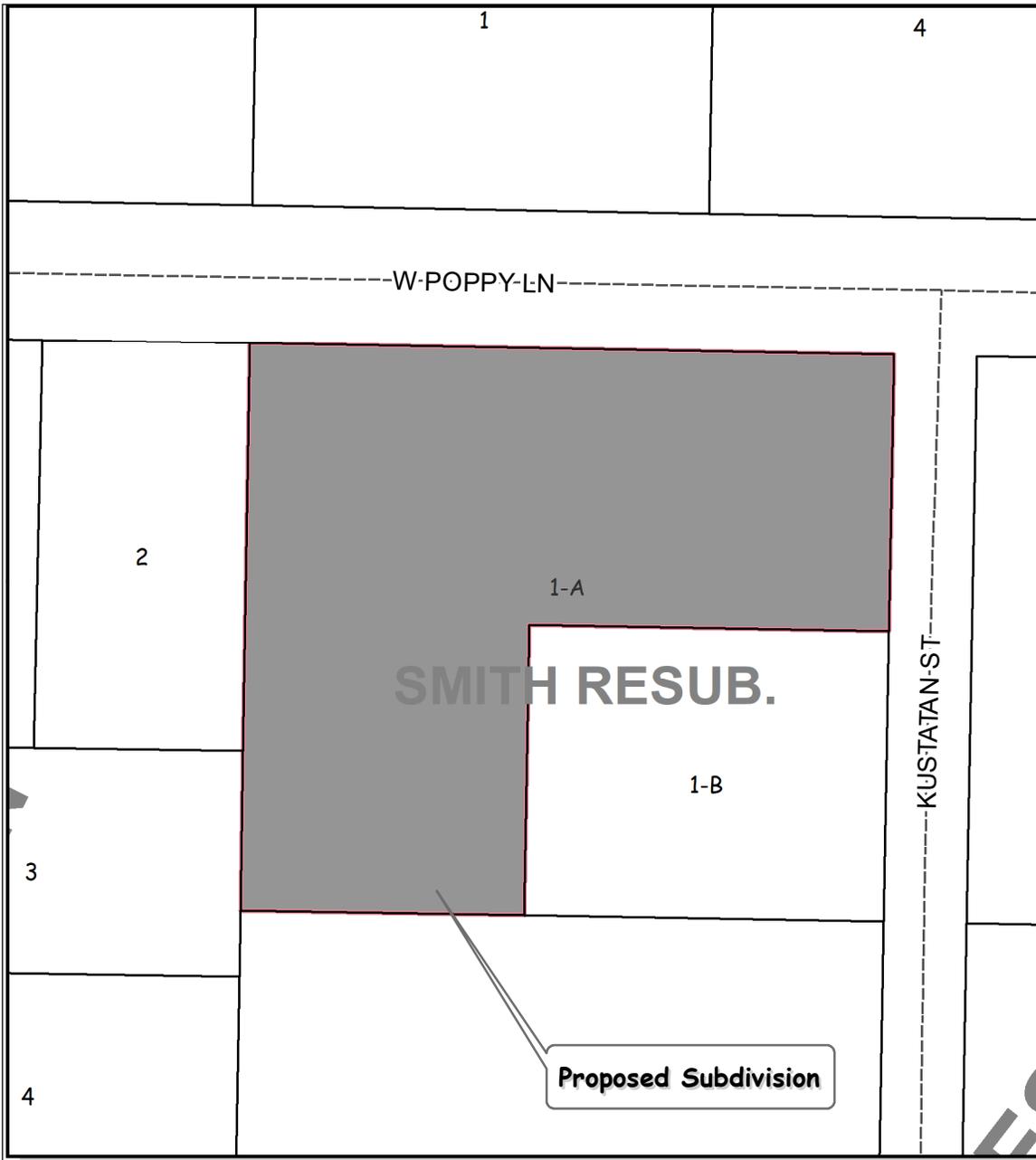
Mahan Subdivision

Located within the E1/2 SW1/4 Section 23, T5N, R10W, S.M., Kenai Recording District, Kenai Peninsula Borough, Alaska

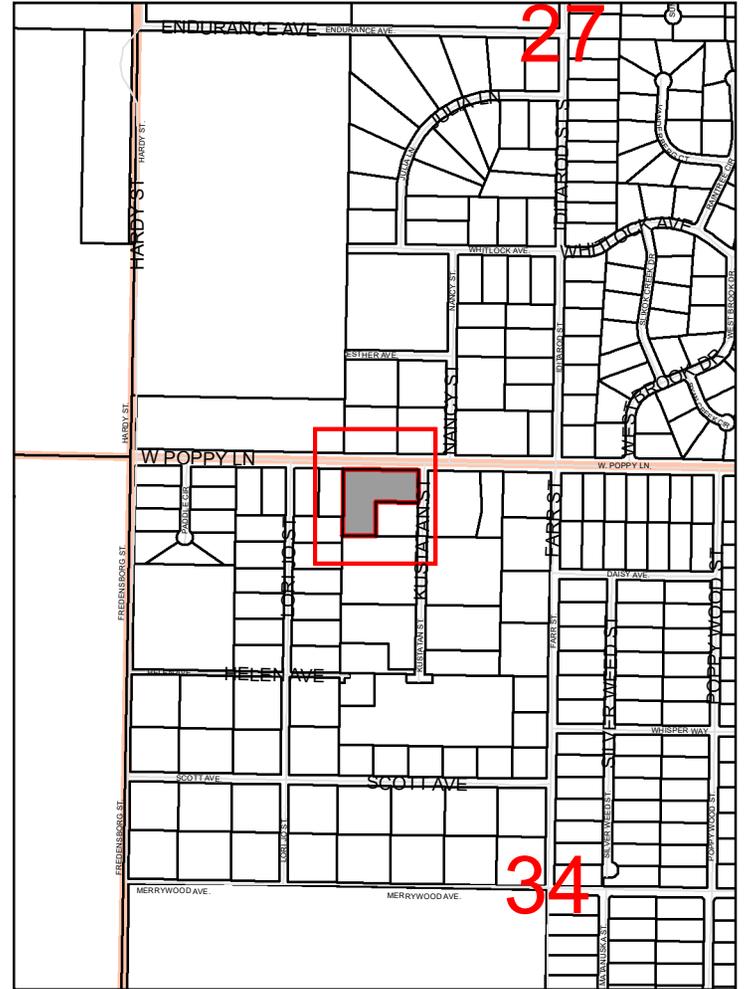
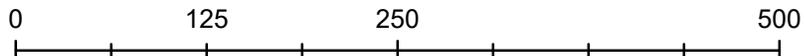
Containing 69.744 Acres

SEGESSER SURVEYS
 30485 Rosland St.
 Soldotna, AK 99669

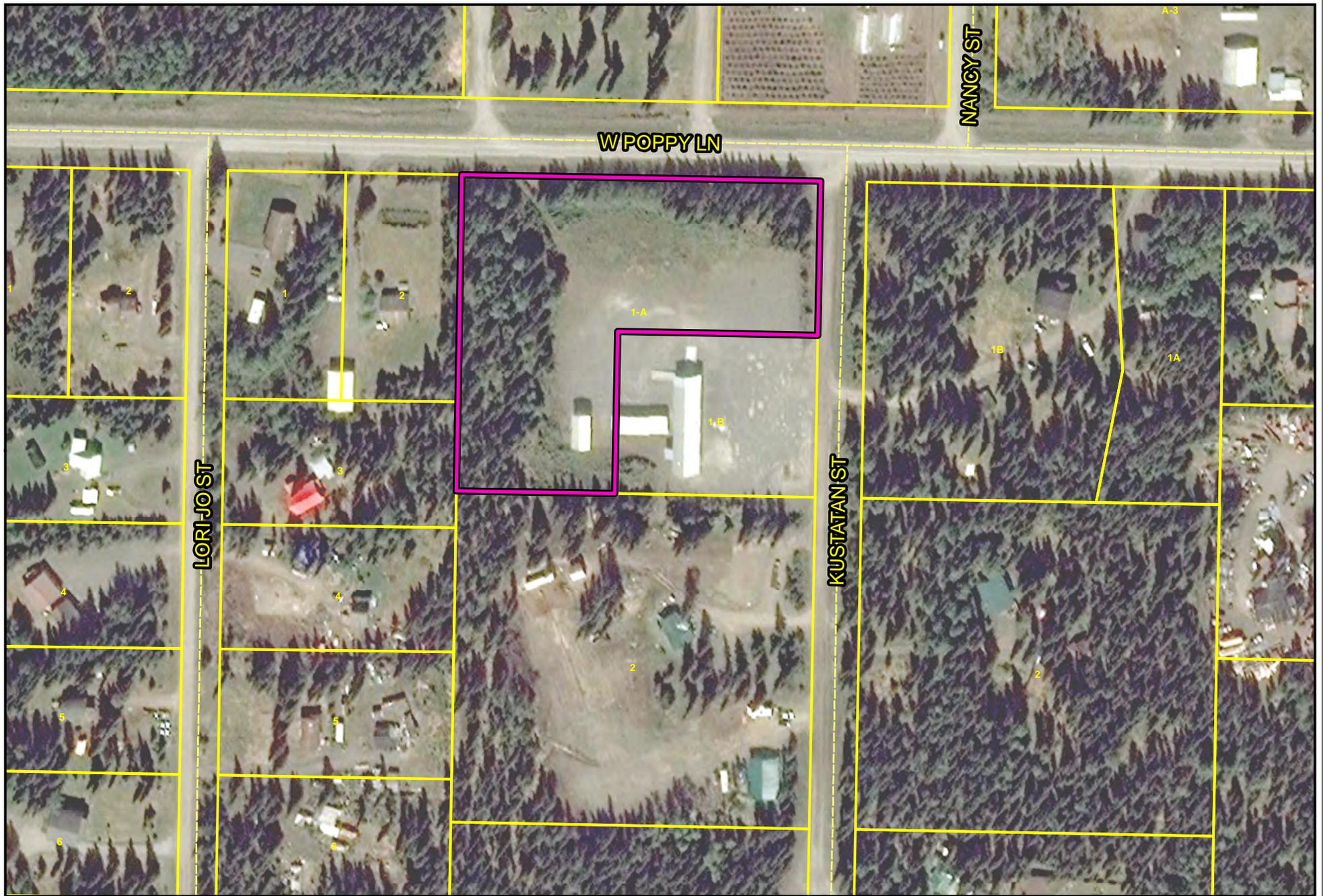
JOB NO. 04027	DRAWN: 8-12-04
SURVEYED: April-May, 2004	SCALE: 1"= 200'
FIELD BOOK: 04-1	SHEET: 1 of 1



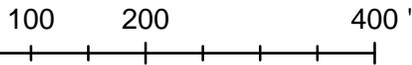
The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



KPB 2021-140
S34 T05N R11W
KALIFORNSKY



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



Aerial View



 PRELIMINARY PLAT

PClements, KPB 2021-140
Imagery SOLDOTNA 2018

LEGEND:

- ⊕ 3 1/4" ALUM. CAP MON. LS6101 1992 FOUND
- 5/8" REBAR FOUND
- 5/8" REBAR w/PLASTIC CAP LS8859 SET
- () RECORD DATUM PLAT 2012-98 KRD
- [] RECORD DATUM PLAT 85-52 KRD

NOTES:

- 1) Basis of bearing taken from Kustatan Estates Subdivision Regan Addition, Plat 2012-98, Kenai Recording District.
- 2) Building Setback-A setback of 20 feet is required from all street Rights-of-Way unless a lesser standard is approved by resolution by the appropriate Planning Commission.
- 3) No access to State maintained ROW's permitted unless approved by the State of Alaska Department of Transportation.
- 4) Front 10 feet adjacent to right-of-ways is a utility easement per KN 85-52. No permanent structure shall be constructed or placed within a utility easement which would interfere with the ability of a utility to use the easement.
- 5) **WASTEWATER DISPOSAL:** Soil conditions, water table levels, and soil slopes in this subdivision have been found suitable for conventional onsite wastewater treatment and disposal systems serving single-family or duplex residences and meeting the regulatory requirements of the Kenai Peninsula Borough. Any other type of onsite wastewater treatment and disposal system must be designed by a professional engineer, registered to practice in Alaska, and the design must be approved by the Alaska Department of Environmental Conservation.

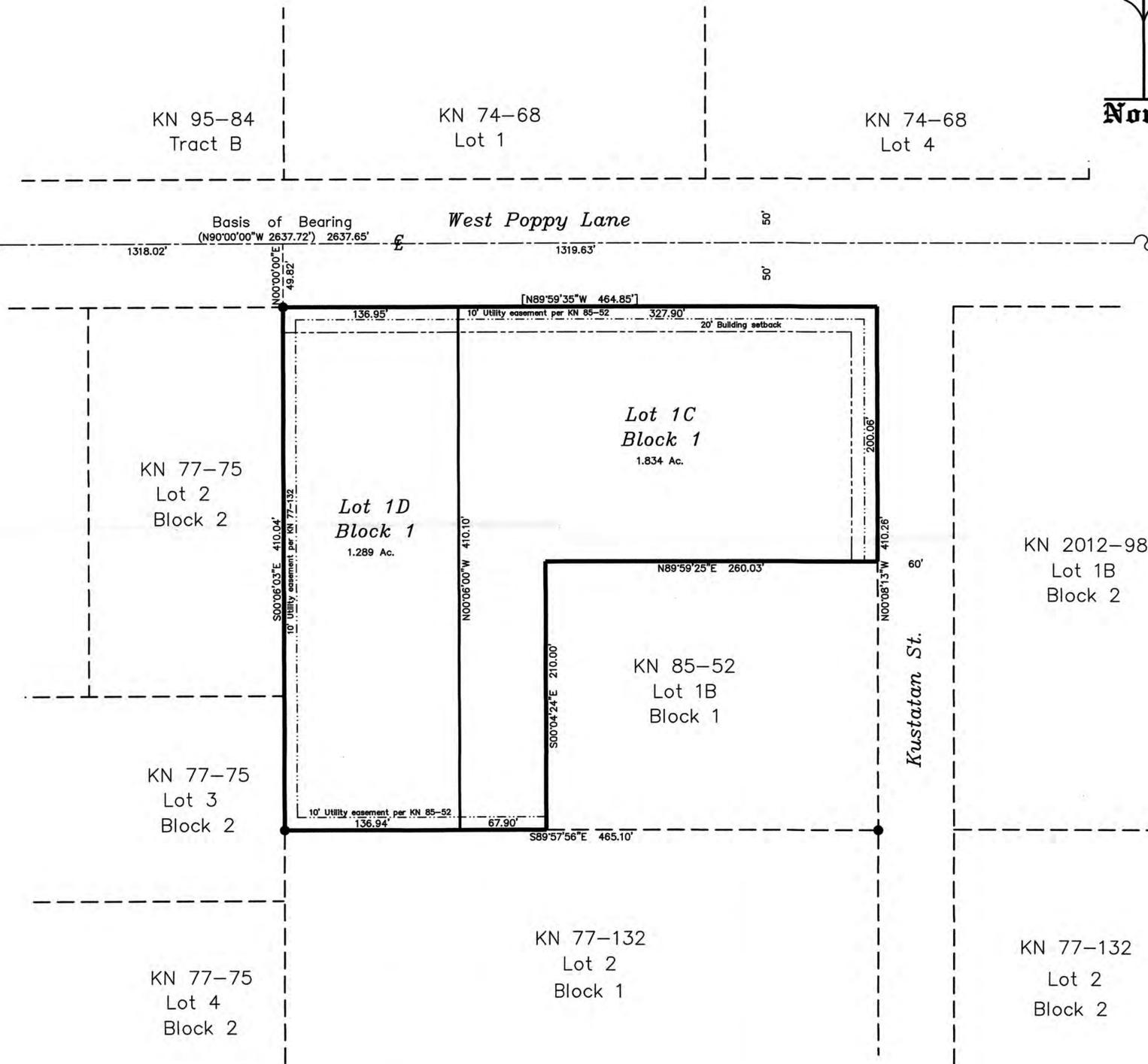
Engineer _____ License No. _____ date _____



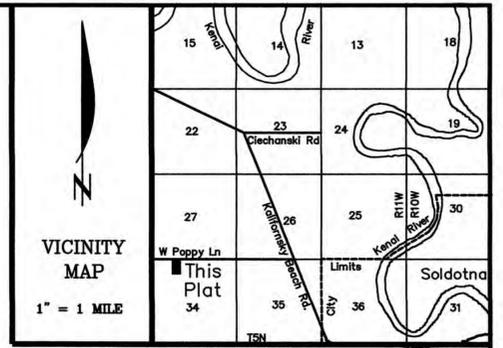
SURVEYOR'S CERTIFICATE

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

Date _____



North



CERTIFICATE of OWNERSHIP and DEDICATION

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

KEN DUNBAR,
TKC LLC
P.O. BOX 10658
BAKERSFIELD, CA 93389

NOTARY'S ACKNOWLEDGEMENT

FOR _____
ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____ 20__.

NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES _____

PLAT APPROVAL

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

KENAI PENINSULA BOROUGH

AUTHORIZED OFFICIAL _____

KPB FILE No. _____

Kustatan Estates TKC Addition

A resubdivision of Lot 1-A Block 1 Kustatan Estates-Smith Resubdivision Plat 85-52, Kenai Recording District.
Located within the NE1/4 NW1/4 Section 34, T5N, R11W, S.M., Kenai Peninsula Borough, Alaska.

Containing 3.121 Ac.

Surveyor Segesser Surveys 30485 Rosland St. Soldotna, AK 99669 (907) 262-3909	Owner TKC LLC P.O. Box 10658 Bakersfield, CA 93389
JOB NO. 21282	DRAWN: 10-25-21
SURVEYED: Sept., 2021	SCALE: 1"=50'
FIELD BOOK: 21-5	SHEET: 1 of 1

KPB 2021-140

AGENDA ITEM E. NEW BUSINESS

ITEM 3 - KUSTATAN ESTATES TKC ADDITION

KPB File No.	2021-140
Plat Committee Meeting:	Nov. 29, 2021
Applicant / Owner:	TKC LLC, PO Box 10658, Bakersfield, CA 93389
Surveyor:	Segesser Surveys
General Location:	W. Poppy / Kalifornsky Beach APC

Parent Parcel No.:	055-320-66
Legal Description:	Lot 1-A Block 1, Kustatan Estates – Smithy Resubdivision
Assessing Use:	General Commercial
Zoning:	Unrestricted
Water / Wastewater	On site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide a 3.1 acre parcel into two lots with Lot 1D being 1.3 acres and Lot 1C being 1.8 acres.

Location and Legal Access (existing and proposed): This subdivision is located in the Kalifornsky Beach Road area within the Kalifornsky Beach APC. Legal access is from W. Poppy Lane and Kustatan Street. W. Poppy Lane is a 100 foot wide dedicated right of way maintained by the State of Alaska DOT. Kustatan Street is a 60 foot wide dedicated right of way maintained by KPB.

The block is defined by Kustatan Street, W. Poppy Lane, Lori Jo St. and Scott Ave. The subdivision is located within an open block. Existing development and low wet areas limit the extension of Kustatan Street to create a closed block. Farr Street is a dedicated right of way located to the east of Kustatan Street that creates a closed block that nearly complies with the block length requirements. **Staff recommends** that the plat committee concur that an exception to block length is not required due to the existing development trends, low wet areas, and the existence of an alternative right of way.

KPB Roads Dept. comments	Out of Jurisdiction: No Roads Director: Uhlin, Dil Comments: No comments
SOA DOT comments	We do not have any current mapping for West Poppy Lane, however the ROW for West Poppy Lane appears to be shown correctly as 100’.

Site Investigation: The area is generally flat and not affected by wetlands or drainage issues. A majority of the parent has been cleared with vegetation remaining on the west and north areas. Aerial imagery shows a building is located at the south end of proposed Lot 1C.

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 The parent parcel is a 3.12 acre parcel that was created by Kustatan Estates – Smith Resubdivision, plat KN 85-52. Both new parcels will be less than 200,000 sq. ft., a soils report will be required, and an engineer will sign the final plat.

Lot 1B, located to the southeast, contains improvements and is under common ownership as this plat.

Lot 1D will have a depth to width ratio of 2.99:1 and complies with KPB subdivision standards.

Notice of the proposed plat was mailed to the beneficial interest holder on October 26, 2021. The beneficial interest holder will be given 30 days from the date of the mailing of the notification to respond. They are given the opportunity to notify staff if their beneficial interest prohibits or restricts subdivision or requires their signature on the final plat. If no response is received within 30 days, staff will assume they have no requirements regarding the subdivision and it may be finalized.

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 Parent plat KN 85-52 granted 10 foot utility easements on the north, east, and south boundaries. Parent Plat KN 77-132 granted a 10 foot utility easement on the west boundary. The preliminary plat correctly depicts the platted utility easements of record. **Staff recommends** the first sentence of plat note 4 be removed as it is incorrect and all the utility easements of record have been depicted and labeled on the drawing.

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

Utility provider review:

HEA	
ENSTAR	No comments or recommendations.
ACS	
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: W POPPY LN KUSTATAN ST Existing Street Name Corrections Needed:
------------	--

	All New Street Names are Approved: No List of Approved Street Names: List of Street Names Denied: Comments: No addresses affected by this subdivision.
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	Reviewer: Bruns, Matthew Comments: No concerns from Assessing Dept.
Advisory Planning Commission	Not available at the time 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

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

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

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, prepared by a licensed engineer, will be required before final plat approval.

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: Within the Certificate of Ownership, correct the certificate to read, 'I hereby certify that TKC LLC is the owner of the real property shown and described hereon and on behalf of TKC LLC here by adopt this plat of subdivision ...' Comply with 20.60.190.

20.60.200. Survey and monumentation.

Staff recommendation: Determine the property boundary location and set survey markers at all property corners. Comply with 20.60.200

RECOMMENDATION:

SUBJECT TO EXCEPTION(S) GRANTED, STAFF RECOMMENDS:

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

NOTE: 20.25.120. - REVIEW AND APPEAL.

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

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

END OF STAFF REPORT

Legend

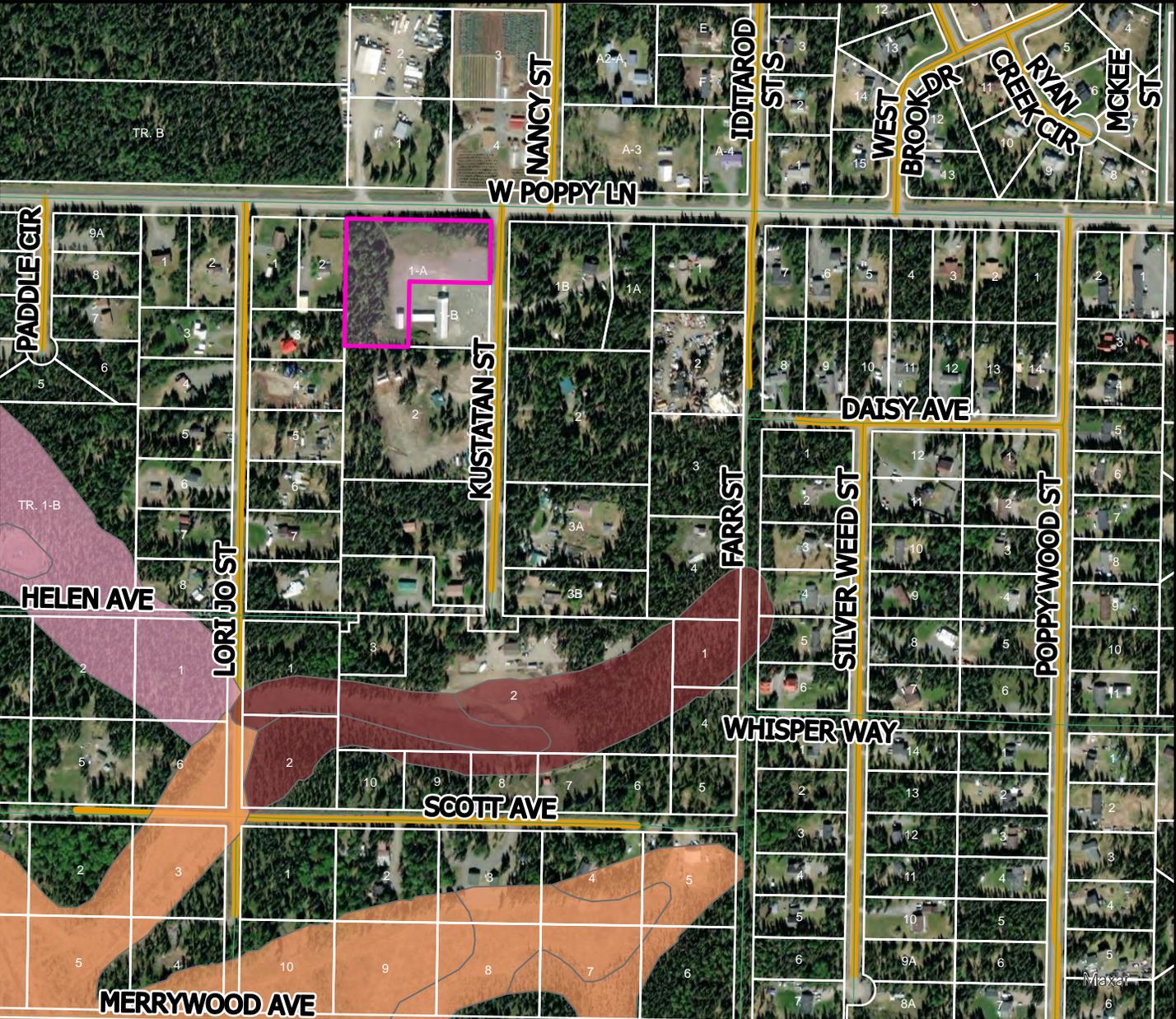
- PRELIMINARY PLATS

WETLANDS Kenai Watershed Forum

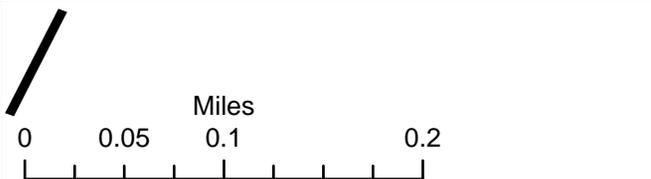
ECOSYSTEM

- DISTURB
- Depression
- Discharge Slope
- Drainageway
- Floating Island
- Headwater Fen
- Kettle
- LAKE
- Lakebed
- Late Snow Plateau
- Riverine
- Tidal
- Wetland / Upland Complex
- <all other values>

BOROUGH MAINTAINED ROADS



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.

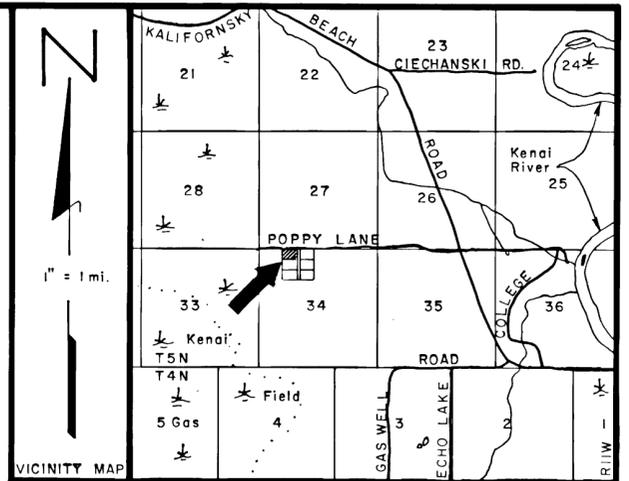


AERIAL IMAGERY 2018
 UTILITY SERVICE MAP

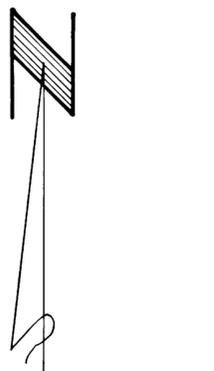
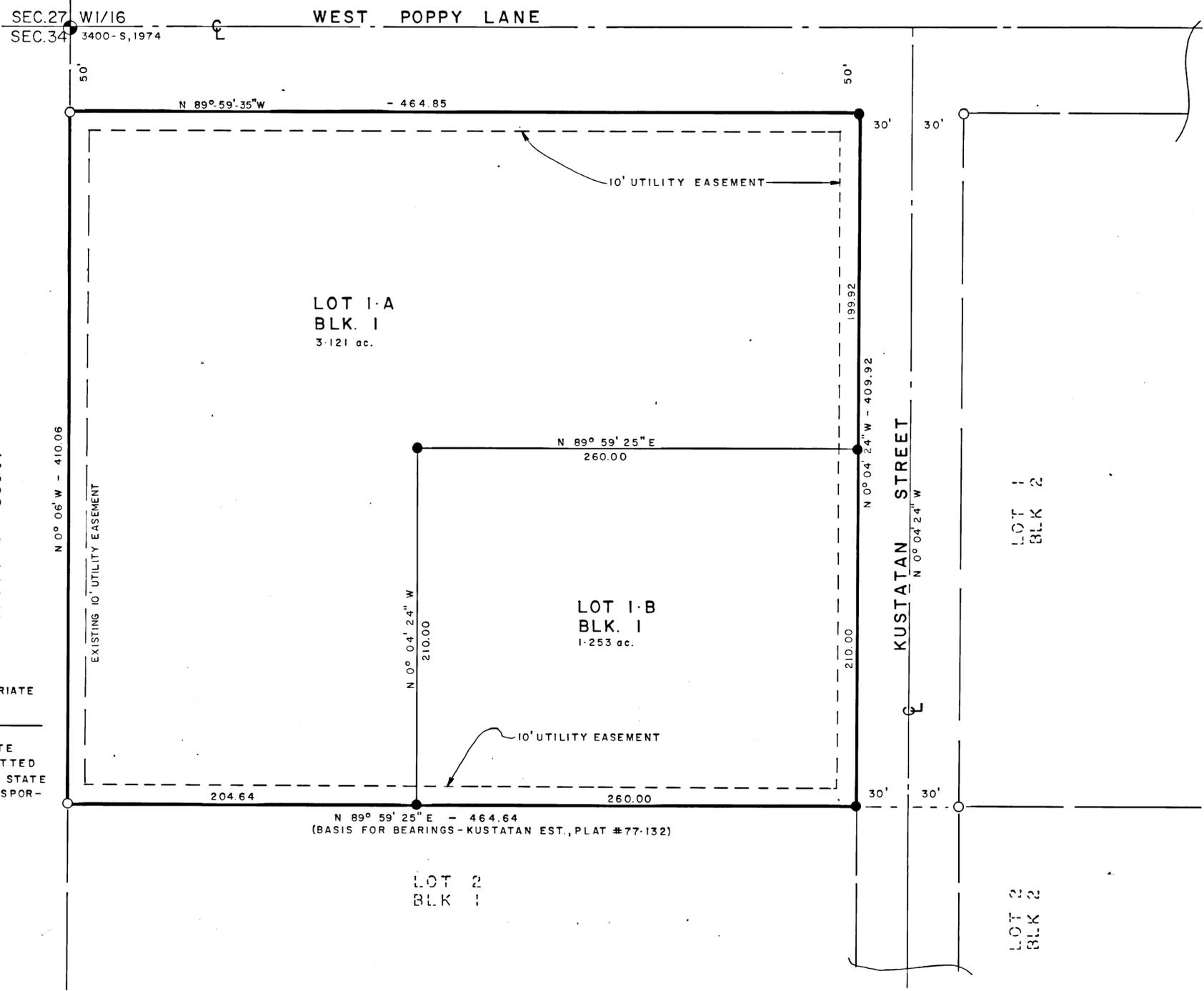
Date: 5/28/2021
 1:50 PM
 Scott Huff
 Platting Manager

NOTARY'S ACKNOWLEDGMENT FOR J. Alain Smith
Ronald B. Sears
 SUBSCRIBED & SWORN TO BEFORE ME, THIS 7th DAY OF
March, 1985.

Ranis R. Dunham
 NOTARY PUBLIC FOR WASHINGTON
 MY COMMISSION EXPIRES 11-18-88



MABEL SMITH SUBD. PLAT 74-8



1" = 50'

- = 5/8" REBAR, SET
- = REBAR, FOUND
- ⊙ = MON., FOUND

NOTES:
 A MINIMUM BUILDING SETBACK OF 20' IS REQ'D FROM ALL STREET RIGHT-OF-WAYS UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.

NO DIRECT ACCESS TO STATE MAINTAINED R.O.W.'S PERMITTED UNLESS APPROVED BY THE STATE OF ALASKA DEPT. OF TRANSPORTATION.

MARK - J SUBD.

CERTIFICATE OF OWNERSHIP & DEDICATION

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

J. Alain Smith
 J. ALAIN SMITH
 BOX 4390
 SOLDOTNA, AK 99669
Ronald B. Sears
 RONALD B. SEARS
 BOX 24792, SEATTLE, WA 98124

NOTARY'S ACKNOWLEDGMENT FOR
J. ALAIN SMITH

SUBSCRIBED & SWORN TO BEFORE ME, THIS 19 DAY OF February, 1985.

Ranis R. Dunham
 NOTARY PUBLIC FOR ALASKA
 MY COMMISSION EXPIRES 4-10-88



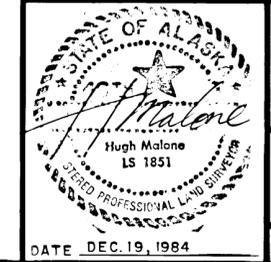
PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF November 26, 1984.

KENAI PENINSULA BOROUGH
 BY: est/est
 AUTHORIZED OFFICIAL

85-52
 RECORDED FILED 10-
 Pleuchi REC. DIST.
 DATE 3/22/85
 TIME 3:09 P.M.
 Examined by KPO/Smith
 Address

KUSTATAN ESTATES - SMITH RESUBDIV.
 A RESUBD. OF LOT 1, BLOCK 1, KUSTATAN EST., PLAT #77-132 K.R.D.; WITHIN THE NE1/4 NW1/4, SEC. 34, T5N, R11W, S.M., ALASKA
 CONTAINING 4.374 AC.

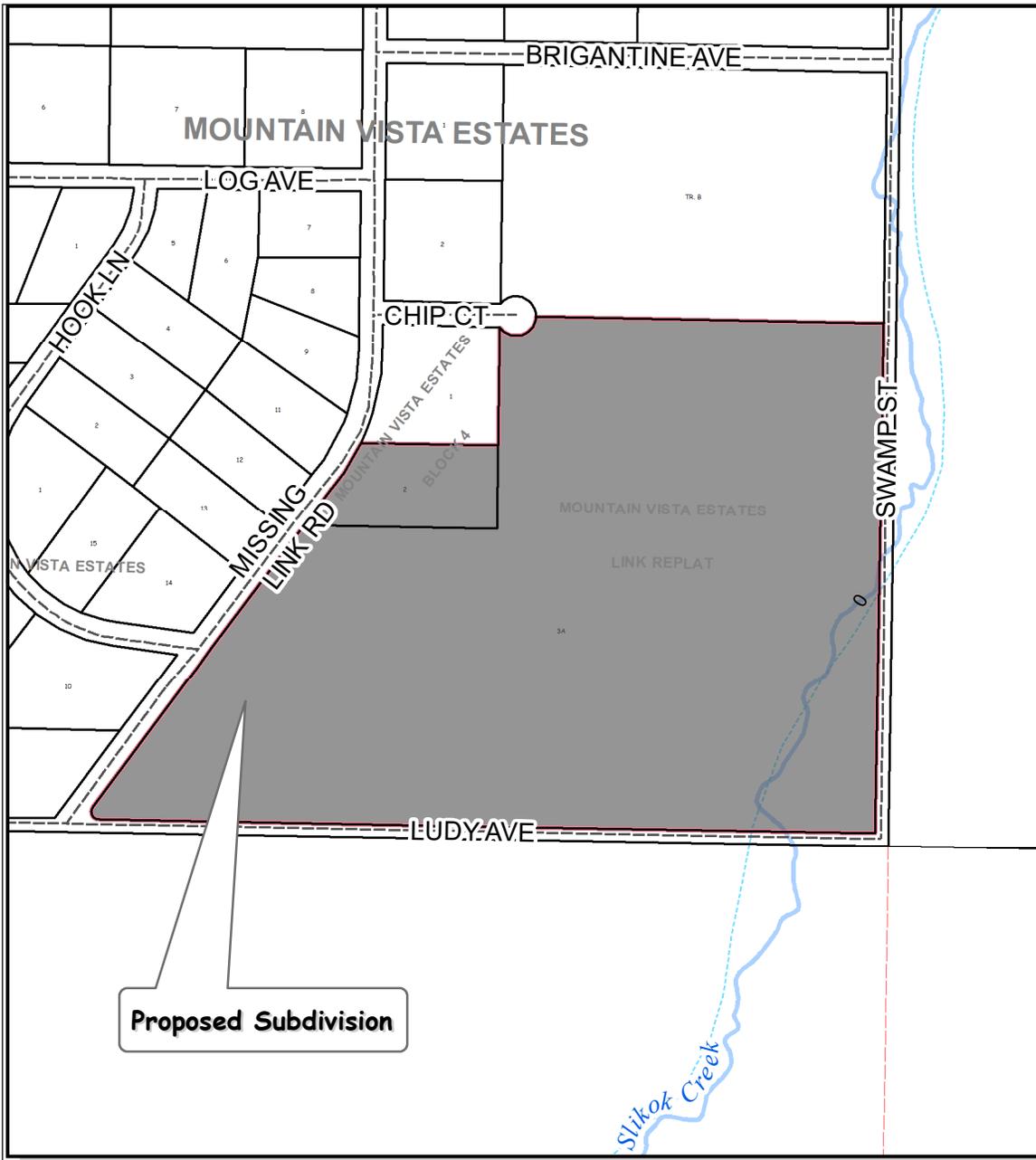


J. ALAIN SMITH
 BOX 4390
 SOLDOTNA, AK 99669
 MALONE SURVEYING
 BOX 566
 KENAI, AK 99611

DATE DEC. 19, 1984
 Drawn SDT Checked PJM Job #/Fld. Bk. 84-125/28-95

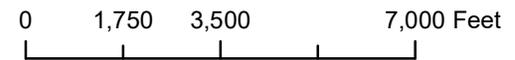
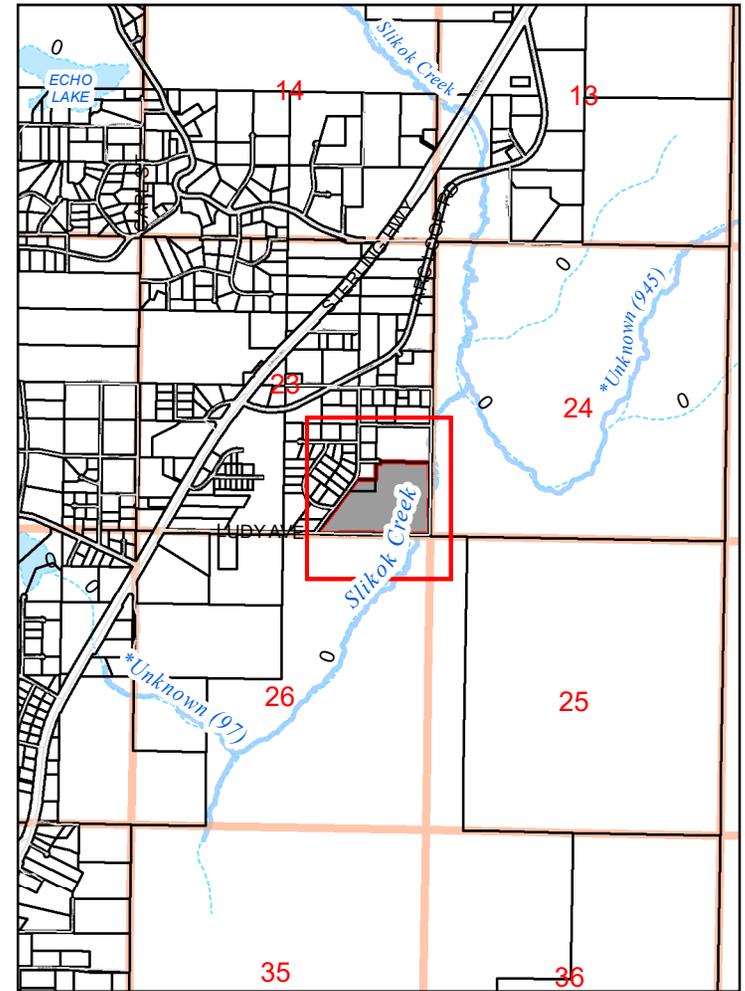
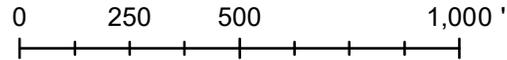
85-52

AN

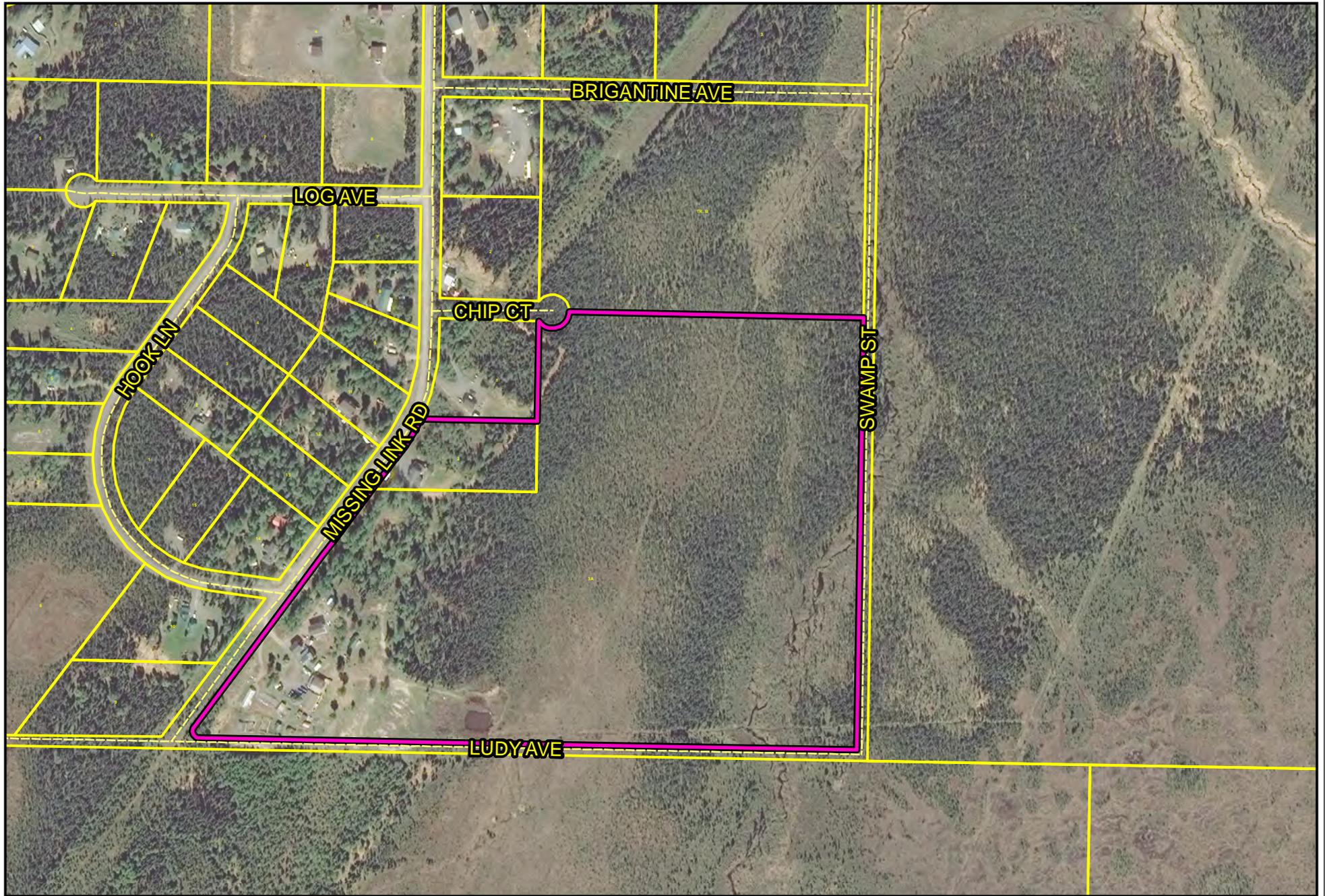


Proposed Subdivision

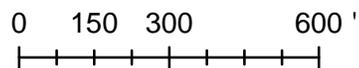
The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



**KPB 2021-147
S23 T04N R11W
Kalifornsky**



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



Aerial View



 PRELIMINARY PLAT

PClements, KPB 2021-147
Imagery Soldotna 2018

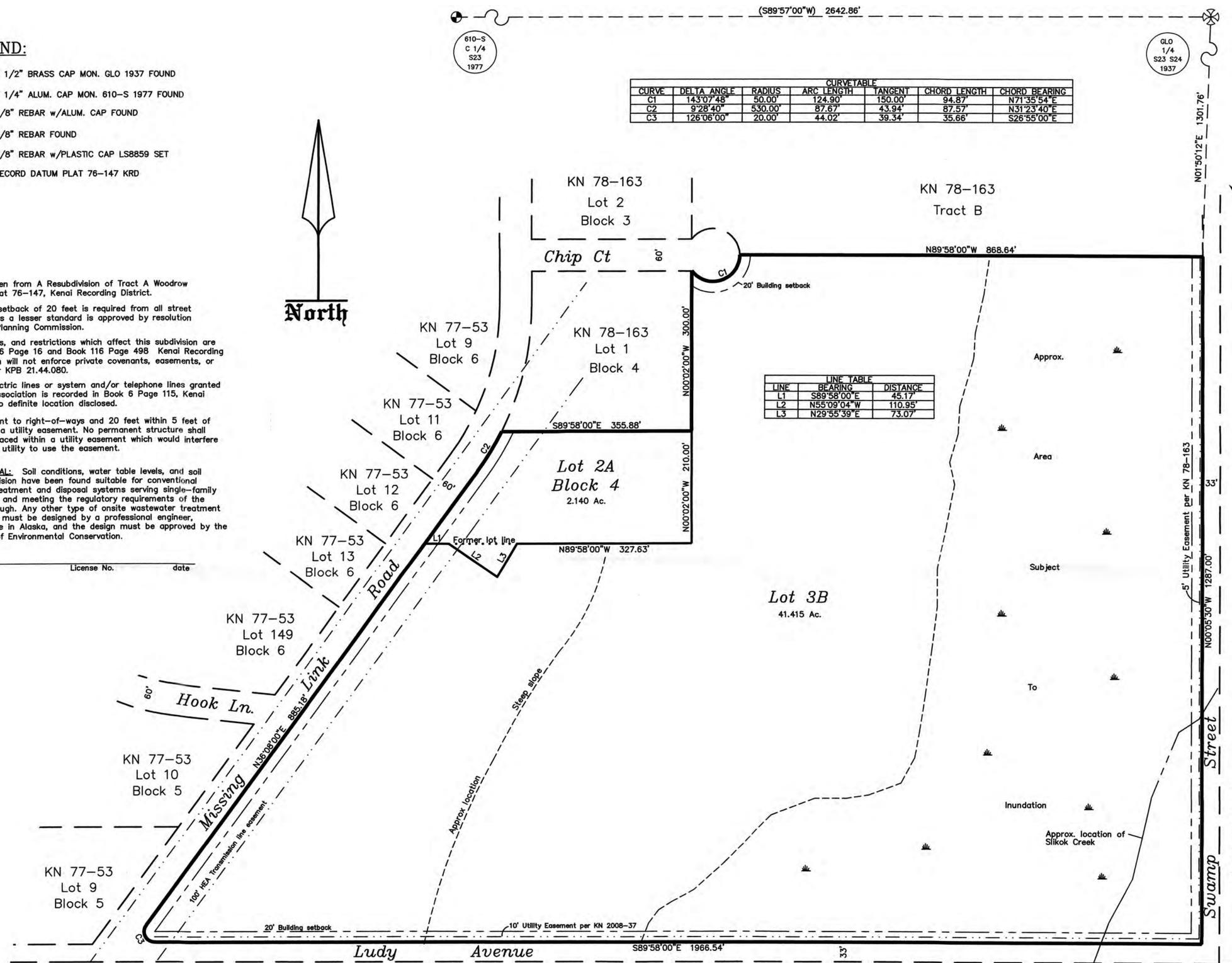
LEGEND:

- ⊗ 2 1/2" BRASS CAP MON. GLO 1937 FOUND
- ⊕ 3 1/4" ALUM. CAP MON. 610-S 1977 FOUND
- 5/8" REBAR w/ALUM. CAP FOUND
- 5/8" REBAR FOUND
- 5/8" REBAR w/PLASTIC CAP LS8859 SET
- () RECORD DATUM PLAT 76-147 KRD

NOTES:

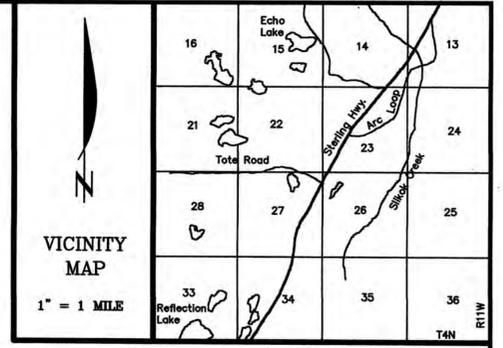
- 1) Basis of bearing taken from A Resubdivision of Tract A Woodrow Boles Homestead, Plat 76-147, Kenai Recording District.
- 2) Building Setback-A setback of 20 feet is required from all street Rights-of-Way unless a lesser standard is approved by resolution by the appropriate Planning Commission.
- 3) Covenants, conditions, and restrictions which affect this subdivision are recorded in Book 106 Page 16 and Book 116 Page 498 Kenai Recording District. The borough will not enforce private covenants, easements, or deed restrictions per KPB 21.44.080.
- 4) An easement for electric lines or system and/or telephone lines granted to Homer Electric Association is recorded in Book 6 Page 115, Kenai Recording District. No definite location disclosed.
- 5) Front 10 feet adjacent to right-of-ways and 20 feet within 5 feet of the side lot lines is a utility easement. No permanent structure shall be constructed or placed within a utility easement which would interfere with the ability of a utility to use the easement.
- 6) **WASTEWATER DISPOSAL:** Soil conditions, water table levels, and soil slopes in this subdivision have been found suitable for conventional onsite wastewater treatment and disposal systems serving single-family or duplex residences and meeting the regulatory requirements of the Kenai Peninsula Borough. Any other type of onsite wastewater treatment and disposal system must be designed by a professional engineer, registered to practice in Alaska, and the design must be approved by the Alaska Department of Environmental Conservation.

Engineer _____ License No. _____ date _____



CURVE	DELTA ANGLE	RADIUS	ARC LENGTH	TANGENT	CHORD LENGTH	CHORD BEARING
C1	143°07'48"	50.00'	124.90'	150.00'	94.87'	N71°35'54"E
C2	9°28'40"	530.00'	87.67'	43.94'	87.57'	N31°23'40"E
C3	126°06'00"	20.00'	44.02'	39.34'	35.66'	S26°55'00"E

LINE	BEARING	DISTANCE
L1	S89°58'00"E	45.17'
L2	N55°09'04"W	110.95'
L3	N29°55'39"E	73.07'



CERTIFICATE of OWNERSHIP and DEDICATION

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

RONALD ZAHACEFSKI JR. _____ ELIZABETH J. CHURNEY _____
 P.O. BOX 671
 KASLOF, ALASKA 99610
 FORMER LOT 2

RICHARD A. LINK _____ LOURDES L. LINK _____
 P.O. BOX 3178
 SOLDOTNA, ALASKA 99669
 FORMER LOT 3A

NOTARY'S ACKNOWLEDGEMENT

FOR _____
 ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____ 20____

NOTARY PUBLIC FOR ALASKA _____
 MY COMMISSION EXPIRES _____

NOTARY'S ACKNOWLEDGEMENT

FOR _____
 ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____ 20____

NOTARY PUBLIC FOR ALASKA _____
 MY COMMISSION EXPIRES _____

NOTARY'S ACKNOWLEDGEMENT

FOR _____
 ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____ 20____

NOTARY PUBLIC FOR ALASKA _____
 MY COMMISSION EXPIRES _____

KPB FILE No. _____

**Mountain Vista Estates
2022 Replat**

A resubdivision of Lot 2 Block 4 Mountain Vista Estates Block 4, Plat 77-15 and Lot 3A Mountain Vista Estates Link Replat, Plat 2008-37, Kenai Recording District.

Located within the S1/2 SE1/4 Section 23, T4N, R11W, S.M., Kenai Peninsula Borough, Alaska.

Containing 43.555 Ac.

Surveyor Segesser Surveys 30485 Rosland St. Soldotna, AK 99669 (907) 262-3909	Owners Ronald Zahacefski Jr Elizabeth J. Churney P.O. Box 671 Kaslof, AK 99610	Richard & Lourdes L. Link P.O. Box 3178 Soldotna, AK 99669
--	--	--

JOB NO. 21242	DRAWN: 11-5-21
SURVEYED: Oct., 2021	SCALE: 1"=100'
FIELD BOOK: 21-5	SHEET: 1 of 1

SURVEYOR'S CERTIFICATE

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

Date _____



PLAT APPROVAL

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

KENAI PENINSULA BOROUGH

AUTHORIZED OFFICIAL _____

NOTARY'S ACKNOWLEDGEMENT

FOR _____
 ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____ 20____

NOTARY PUBLIC FOR ALASKA _____
 MY COMMISSION EXPIRES _____

KPB 2021-147

AGENDA ITEM E. NEW BUSINESS

ITEM 7 – MOUNTAIN VISTA ESTATES 2022 REPLAT

KPB File No.	2021-147
Plat Committee Meeting:	November 29, 2021
Applicant / Owner:	Richard A. and Lourdes L. Link of Soldotna, AK Ronald Zahacefski Jr and Elizabeth Churney of Kasilof, AK
Surveyor:	John Segesser / Segesser Surveys, Inc.
General Location:	Chip Court, Missing Link Road and Ludy Avenue / Kalifornsky

Parent Parcel No.:	131-420-04, 131-420-31
Legal Description:	Lot 2 Block 4 Mountain Vista Estates Block 4, Plat KN 77-15 and Lot 3A Mountain Vista Estates Link Replat, Plat KN 2008-37
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On Site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat reconfigures the shared lot line between two lots. Lot 2A Block 4 will increase from 2.05 acres to 2.140 acres. Lot 3B will decrease from 41.51 acres to 41.42 acres.

Location and Legal Access (existing and proposed): The subdivision is in the Kalifornsky census area near mile 101 of the Sterling Highway. Legal access to the subdivision is from state maintained right of way Sterling Highway to Arc Loop Road to Tobacco Avenue to Missing Link Road. Tobacco Avenue and Missing Link Road are both improved and maintained by the Kenai Peninsula Borough. Lot 2A Block 4 has direct access to Missing Link Road. Chip Court, Swamp Street, Ludy Avenue, and Missing Link Road all provide legal access to Lot 3B with Missing Link Road being the only developed right of way.

Swamp Street is an unconstructed 33 foot right of way dedication that coincides with a 33 foot section line easement. A 50 foot section line easement abuts to the east on State of Alaska DNR land. Any subdivision of the State lands will require a right of way dedication atop the section line easement.

Ludy Avenue is an unconstructed 33 foot wide right of way dedication that coincides with a section line easement. A 50 foot section line easement abuts the dedication and is located within unsubdivided land owned by the Salamatof Native Association. Any future dedication of right of way may be obtained if the lot is subdivided in the future. The eastern portion contains low wet areas and Slikok Creek crosses the right of way. Steep slopes are also present within the right of way.

Chip Court is a 60 foot wide right of way cul-de-sac at the northwest corner of Lot 3B. Per KPB GIS data, it does not appear Chip Court is constructed.

Additional right of way dedications are not being requested at this time. Missing Link Road and Chip Court are full dedications that do not currently require additional width. There are some areas with steep terrain but no slope easements are being requested at this time. Ludy Avenue and Swamp Street have additional widths due to the section line easements. The lot is large enough to be further subdivided to provide additional easements or dedications as needed for future developments.

Brigantine Avenue, Swamp Street, Ludy Avenue, and Missing Link Road provide a closed block. The block lengths do not comply with KPB Code. **Staff recommends the plat committee concur that an exception is not needed for block length as all lots front on dedicated right of way, any further subdivision can provide right of way dedications, and dedications to improve the block are not needed at this time.**

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

Site Investigation: There are steep slopes within the subdivision and the top of the steep slopes is depicted. Per KPB GIS contour data, the steep slope continues into Lot 2A Block 4. **Staff recommends the steep slope within Lot 2A Block 4 be verified during the field survey and if existing be depicted on the final plat.**

The eastern portion of Lot 3B is marked as area subject to inundation. Per KPB GIS data, the wetlands may be present further to the west than what is depicted on the preliminary plat. A small pond also appears to be present within Lot 3B. The water body and wetlands should be verified and depicted. **Staff recommends that the wetlands information be verified and an accurate depiction be shown and label the small open body of water located on Lot 3B.**

Slikok Creek is an anadromous stream that has its approximate location depicted and labeled. **Staff recommends the required Anadromous Waters note be added to the plat as well as a note stating a wetland determination may be required for development of the property.**

KPB River Center review	<p>A. Floodplain</p> <p>Reviewer: Carver, Nancy Floodplain Status: Not within flood hazard area Comments: No comments</p> <p>B. Habitat Protection</p> <p>Reviewer: Aldridge, Morgan Habitat Protection District Status: IS totally or partially within HPD Comments: KPB\maldrige</p> <p>C. State Parks</p> <p>Reviewer: Russell, Pam Comments: No Comments</p>
-------------------------	--

Staff Analysis This plat will reconfigure a portion of a shared lot line between two lots. KPB GIS imagery shows that there may be improvements near the lot line. Based on that information and the unusual reconfiguration it appears this platting action may be to resolve an encroachment issues or provide additional area around the residence on Lot 2A Block 4.

Current Lot 2 was originally created with the Mountain Vista Estates Block 4 Subdivision, Plat KN 77-15. Lot 3A is a combination of lots from that same plat as well as Tract C from Mountain View Estates Plat KN 78-163. Those plats granted the right of ways for Ludy Avenue, originally named Vista Avenue, and Swamp Street, originally named Woody's Road.

Per KPB Code 20.40.020(A)(2), a wastewater system review is not required as the lot size for Lot 2A is increasing by more than 1,000 square feet and Lot 3B is larger than 200,000 sq. ft. **Staff recommends that the wastewater**

disposal note be removed and the appropriate wastewater disposal note per KPB 20.40.020.B.2 be added to the final plat.

Notice of the proposed plat was mailed to the beneficial interest holder on November 8, 2021. The beneficial interest holder will be given 30 days from the date of the mailing of the notification to respond. They are given the opportunity to notify staff if their beneficial interest prohibits or restricts subdivision or requires their signature on the final plat. If no response is received within 30 days, staff will assume they have no requirements regarding the subdivision and it may be finalized.

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

Utility Easements Plat KN 77-15 depicted the 100 foot Homer Electric Association easement for a transmission line. The depiction is being carried forward. The origins of that easement are not disclosed.

An additional easement was granted to Homer Electric Association by a separate recorded document with the location of the easement undefined. The utility easement of record is identified in plat note 4.

Plat KN 77-15 granted a 10 foot utility easement adjoining Ludy Avenue in the southwest portion of proposed Lot 3B in what was formerly Lot 5. Plat 78-163 granted 5 foot utility easements along Ludy Avenue in the eastern portion of proposed Lot 3B and a 5 foot utility easement along the eastern boundary along Swamp Street in what was known as Tract C. Plat KN 2008-37 carried over the 5 foot utility easement along Swamp Street and provided a 10 foot utility easement along the entire length of Ludy Avenue. Plat KN 2008.37 also granted by plat note a 10 foot utility easement within the building setback that increase to 20 feet within 5 feet of the side lot lines. This provided 10 foot utility easements along the bulb of Chip Court, Swamp Street, and along Missing Link Road within Lot 3-A. With plat note 5, additional 10 foot utility easements will be granted along Missing Link Road within proposed Lot 2A. **Staff recommends** to depict and label the utility easements along Missing Link Road and Chip Court and increase the easement along Swamp Street to 10 foot per KN 2008-37.

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

Utility provider review:

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

KPB department / agency review:

Addressing	<p>Reviewer: Haws, Derek Affected Addresses: 30040 MISSING LINK RD 30078 MISSING LINK RD 30170 MISSING LINK RD</p> <p>Existing Street Names are Correct: Yes List of Correct Street Names: MISSING LINK RD HOOK LN CHIP CT LUDY AVE</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: 30040 MISSING LINK RD will remain with LOT 3B 30078 MISSING LINK RD will remain with LOT 3B 30170 MISSING LINK RD will remain with LOT 2A</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	<p>Comments not received when staff report was prepared.</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.

- 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: Ludy Avenue is only dedicated as a 33 foot right of way. KPB information shows a 50 foot section line easement abutting to the south on the Salamatof Native Association lands. Verify the status of the section line easement to the south and depict and label the section line easement on the plat.

- D. A vicinity map, drawn to scale showing location of proposed subdivision, north arrow if different from plat orientation, township and range, section lines, roads, political boundaries, and prominent natural and manmade features, such as shorelines or streams;
Staff recommendation:
 - Add “Road” to the Arc Loop Road label.
 - The Kenai National Wildlife Refuge is within sections 25 and 36. Depict the boundary and provide a label. KNWR may be used.
 - The subdivision must be depicted with a label such as “This Plat” or “Subject Plat”.

- 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 lot on the corner of Missing Link Road and Hook Lane is Lot 14 not 149.

- The recording number for Lot 1 Block 4, adjacent to the subdivision, has a recording number of 77-15.

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:

- The depiction of the low wet areas do not match KPB GIS data. It does appear to match previous plats. Verify the wetlands and provide an accurate depiction.
- Per KPB GIS imagery, a small pond or lake appears to be present near Ludy Avenue within proposed Lot 3B. An approximate boundary of the water body should be depicted. A label should be included to note if it is a seasonal waterbody, small pond, lake, etc.

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.

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

ANADROMOUS WATERS HABITAT PROTECTION DISTRICT NOTE:

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

Platting Staff Comments: Slikok Creek is an anadromous stream.

Staff recommendation: Provide the above note. Comply with 20.30.290.

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: Wastewater review not required as Lot 3B is larger than 200,000 square feet and per 20.40.020(A)(2), Lot 2A is adding more than 1,000 square feet, approximately 4,300 square feet.

Staff recommendation: Provide the correct wastewater disposal note per KPB 20.40.020.B.2comply with 20.40.

KPB 20.60 – Final Plat

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

20.60.180. Plat notes.

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

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

Staff recommendation:

Add the following plat note "Any person developing the property is responsible for obtaining all required local, state, and federal permits, including a U.S. Army Corps of Engineers wetland determination if applicable."

Add the required Anadromous Waters Habitat Protection District plat note.

Update the following plat notes.

- Note 3 needs the code reference updated to 20.60.170.
- Wastewater disposal note currently in place may be removed and the following placed.
 - o WASTEWATER DISPOSAL Any wastewater treatment or disposal system must meet the regulatory requirements of the Alaska Department of Environmental Conservation.

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: The Certificate to Plat indicates the Link's signature lines should include "AKA Richard Link" and "AKA Lourdes Link" 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), 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.

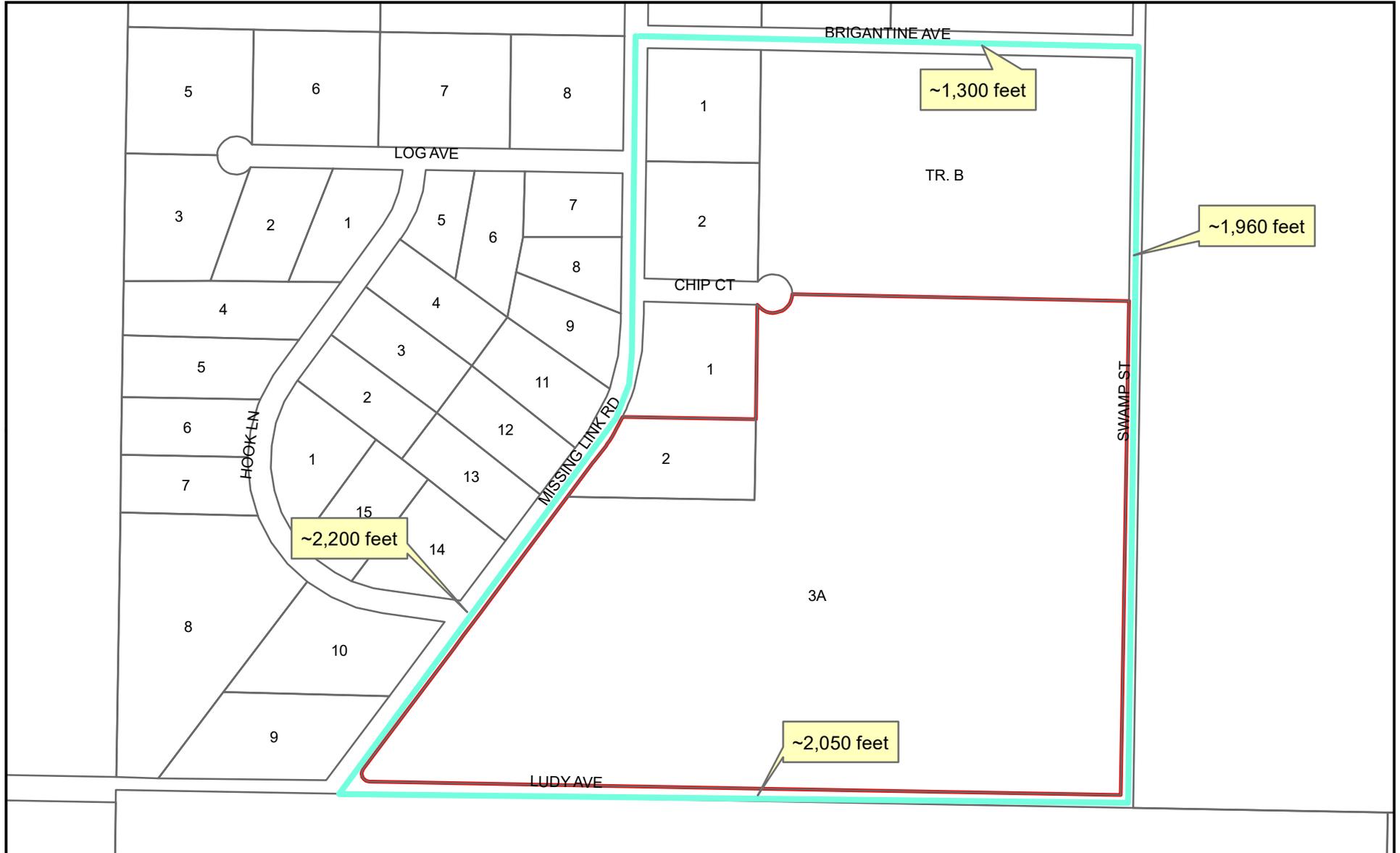
A PARTY OF RECORD MAY REQUEST THAT A DECISION OF THE PLAT COMMITTEE BE REVIEWED BY THE PLANNING COMMISSION BY FILING A WRITTEN REQUEST WITHIN 15 DAYS OF NOTIFICATION OF THE DECISION IN ACCORDANCE WITH KPB 2.40.080.

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

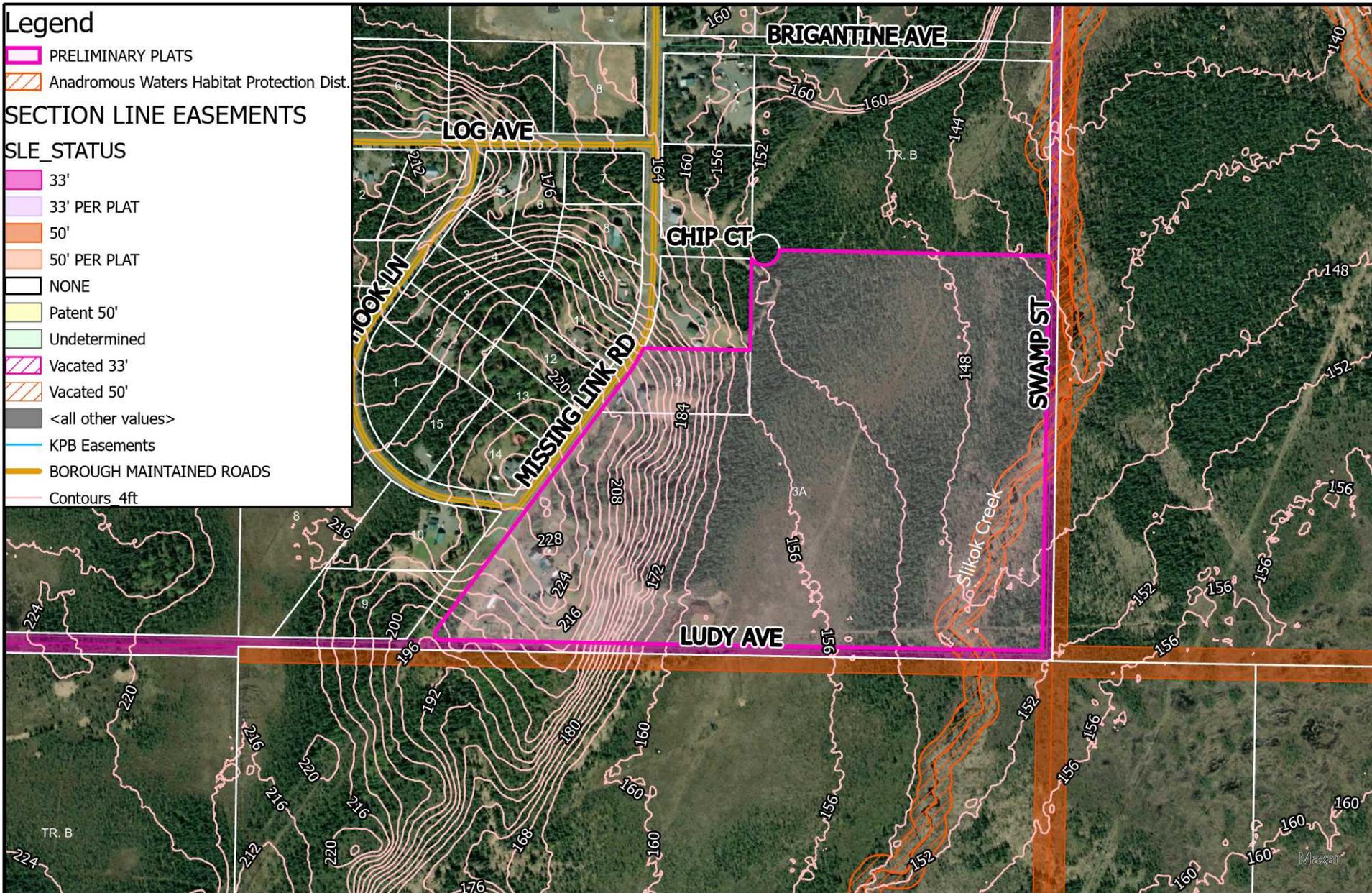


Mountain Vista Estates 2022 Replat
KPB File 2021-147

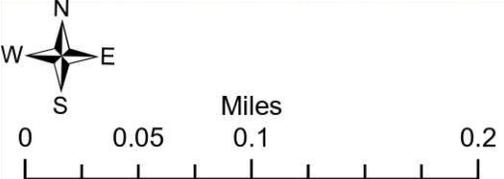


Legend

- PRELIMINARY PLATS
 - Anadromous Waters Habitat Protection Dist.
- ## SECTION LINE EASEMENTS
- SLE_STATUS
- 33'
 - 33' PER PLAT
 - 50'
 - 50' PER PLAT
 - NONE
 - Patent 50'
 - Undetermined
 - Vacated 33'
 - Vacated 50'
 - <all other values>
 - KPB Easements
 - BOROUGH MAINTAINED ROADS
 - Contours 4ft



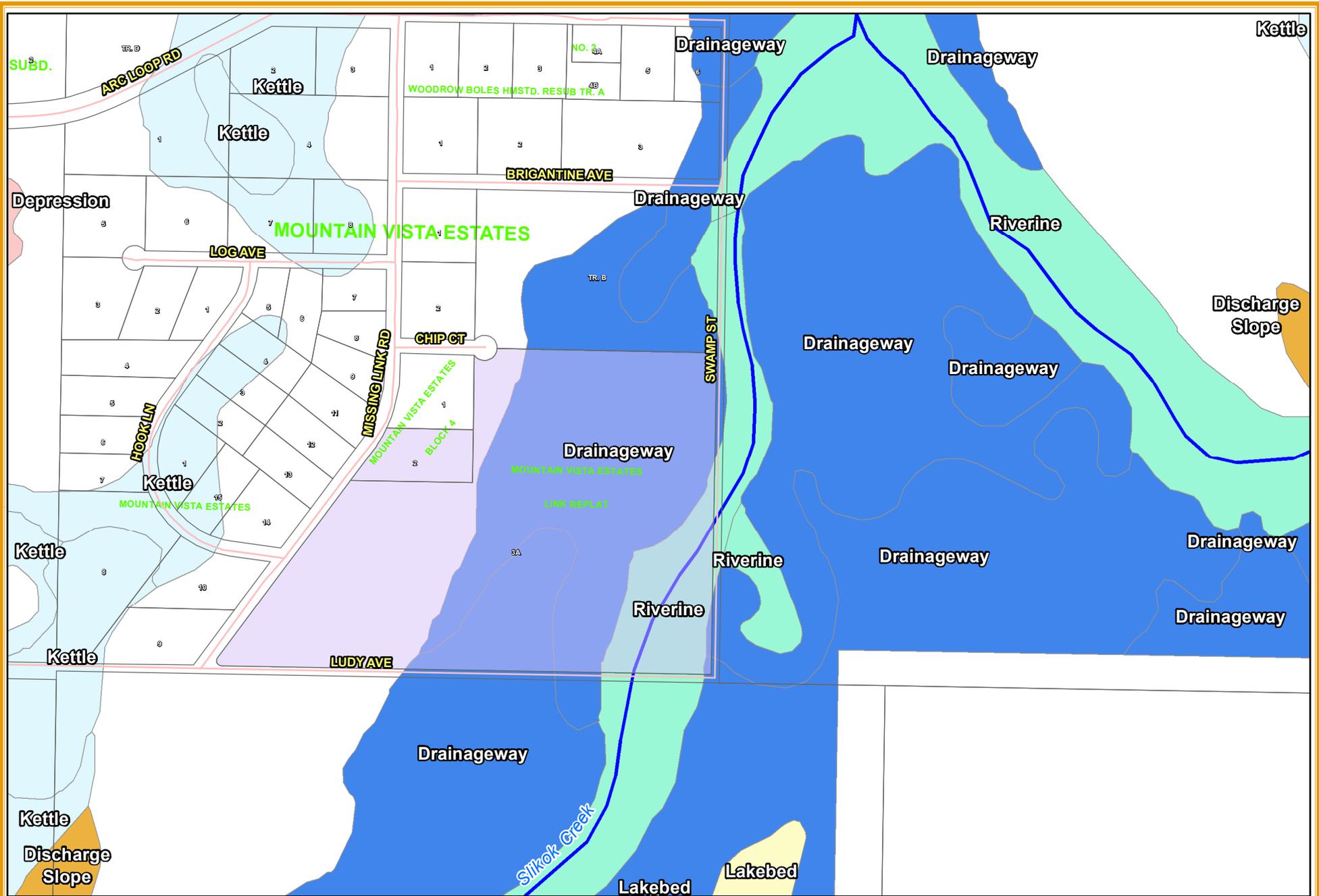
The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



AERIAL IMAGERY 2018

CONTOURS, ANADROMOUS WATERS AND SECTION LINE EASEMENTS

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: 11/8/2021

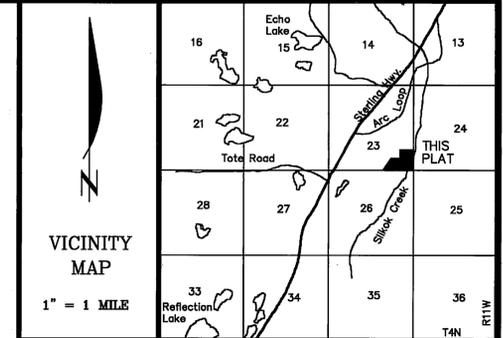
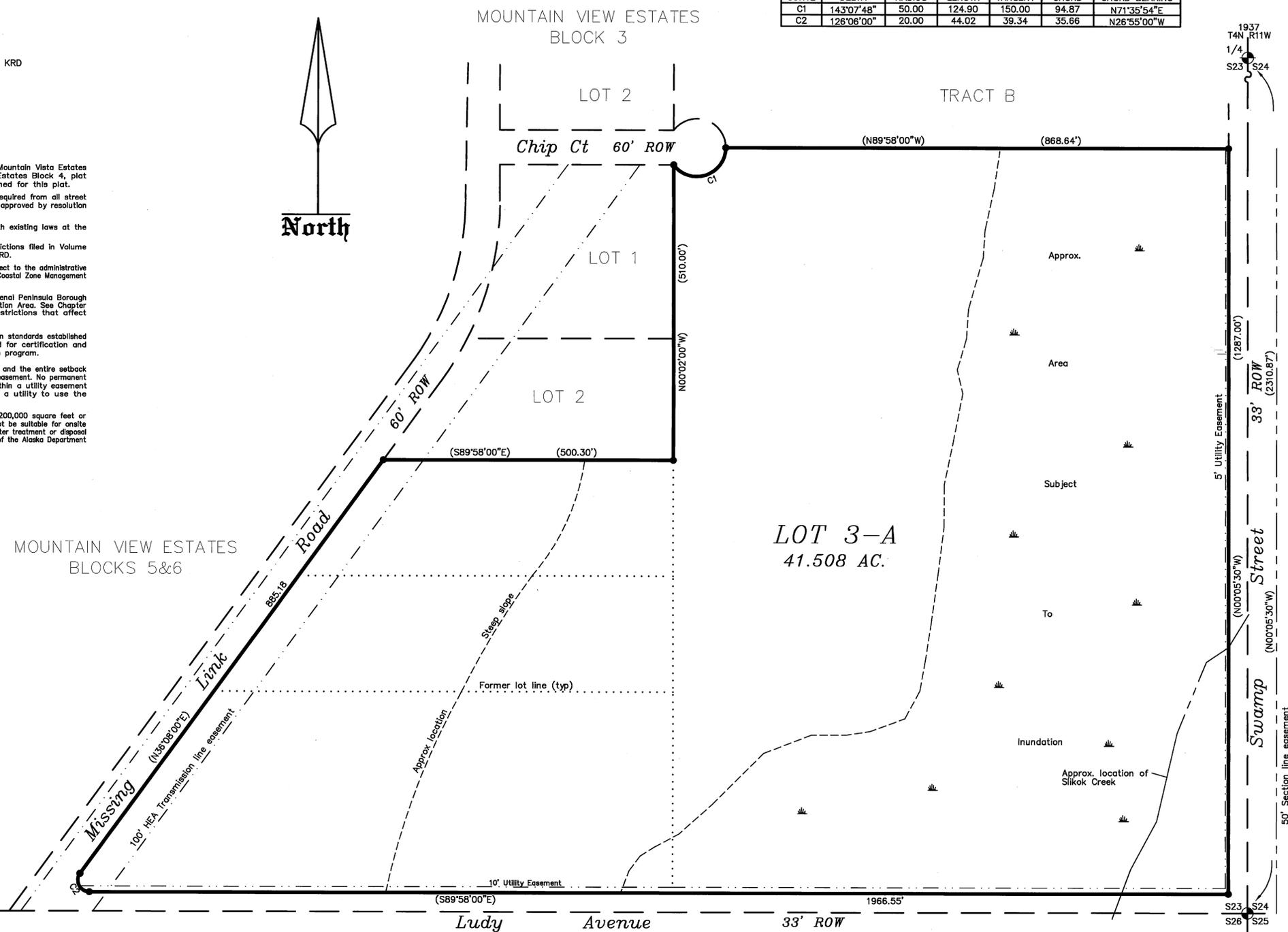
LEGEND:

- ⊙ MONUMENT OF RECORD
- 5/8 REBAR OF RECORD
- () RECORD DATUM PLAT 78-163, KR D

NOTES:

- 1) This plat was compiled from the plats of Mountain Vista Estates plat 78-163 KR D, and Mountain Vista Estates Block 4, plat 77-15 KR D. No field survey was performed for this plat.
- 2) Building Setback-A setback of 20 feet is required from all street Rights-of-Way unless a lesser standard is approved by resolution by the appropriate Planning Commission.
- 3) All waste disposal systems shall comply with existing laws at the time of construction.
- 4) This plat is subject to covenants and restrictions filed in Volume 106 Page 16 and Volume 116 Page 49B KR D.
- 5) Development within this subdivision may be subject to the administrative policies and/or enforceable policies of the KP B Coastal Zone Management Program (Ordinance 2007-25).
- 6) Portions of this subdivision are within the Kenai Peninsula Borough 50-foot Anadromous Stream Habitat Protection Area. See Chapter 21.18 Borough Code of Ordinances for restrictions that affect development in this subdivision.
- 7) Roads must meet the design and construction standards established by the Borough in order to be considered for certification and inclusion in the Borough road maintenance program.
- 8) Front 10 feet of the 20 foot building setback and the entire setback within 5 feet of the side lot lines is a utility easement. No permanent structure shall be constructed or placed within a utility easement which would interfere with the ability of a utility to use the easement.
- 9) **WASTEWATER DISPOSAL:** This lot is at least 200,000 square feet or nominal 5 acres in size and conditions may not be suitable for onsite wastewater treatment and disposal. Any wastewater treatment or disposal system must meet the regulatory requirements of the Alaska Department of Environmental Conservation.

CURVE TABLE						
CURVE	DELTA	RADIUS	LENGTH	TANGENT	CHORD	CHORD BEARING
C1	143°07'48"	50.00	124.90	150.00	94.87	N71°35'54"E
C2	126°06'00"	20.00	44.02	39.34	35.66	N26°55'00"W



CERTIFICATE of OWNERSHIP and DEDICATION

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

Richard A. Link
 RICHARD A. LINK
Lourdes L. Link
 LOURDES L. LINK
 P.O. BOX 3178
 SOLDOTNA, AK 99669

NOTARY'S ACKNOWLEDGEMENT

SUBSCRIBED AND SWORN BEFORE ME THIS 16 DAY OF April, 2008
 FOR Richard A. Link
Maria E. Swepp
 NOTARY PUBLIC FOR
 MY COMMISSION EXPIRES 1-16-11



NOTARY'S ACKNOWLEDGEMENT

SUBSCRIBED AND SWORN BEFORE ME THIS 14 DAY OF May, 2008
 FOR Lourdes L. Link
Maria E. Swepp
 NOTARY PUBLIC FOR
 MY COMMISSION EXPIRES 1-16-11



SURVEYOR'S CERTIFICATE

I hereby certify that I am properly registered and licensed to practice land surveying in the State of Alaska, this plat represents a survey made by me or under my direct supervision, the monuments shown hereon actually exist as described, and all dimensions and other details are correct.
 Date 4-15-08

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF 24 MARCH, 2008.

KENAI PENINSULA BOROUGH
[Signature]
 AUTHORIZED OFFICIAL

2008-37
 RECORDED ²⁰
 KENAI REC. DIST.
 DATE: 5-16 2008
 TIME: 1:51 P.M.
 REQUESTED BY:
 SEGESSER SURVEYS
 30485 ROSLAND ST.
 SOLDOTNA, AK 99669

KPB FILE No. 2008-077

Mountain Vista Estates Link Replat

A resubdivision of Tract C, Mountain Vista Estates Plat 78-163 and of Lots 3, 4 & 5, Mountain Vista Estates, Block 4 Plat 77-15 Kenai Recording District, Kenai Peninsula Borough, Alaska.

Located within Section 23, T4N, R11W, S.M., Kenai Recording District, Kenai Peninsula Borough, Alaska.
 Containing 41.508 Ac.

SEGESSER SURVEYS
 30485 Rosland St.
 Soldotna, AK 99669

JOB NO.	08011	DRAWN:	4-15-08
SURVEYED:	N/A	SCALE:	1" = 100'
FIELD BOOK:	N/A	SHEET:	1 of 1

MOUNTAIN VISTA ESTATES

BLOCK FOUR

A SUBDIVISION OF THE SE 1/4 SEC 23 T 4 N R 11 W SM
KENAI PENINSULA BOROUGH, ALASKA

BLOCK FOUR CONTAINS 20.38 ACRES AND IS LOCATED
IN THE SOUTH 1/2 OF THE SUBDIVISION

UNSUBDIVIDED REMAINDER: 129.6

LEGEND

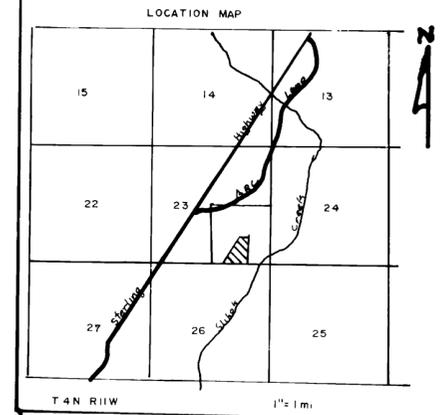
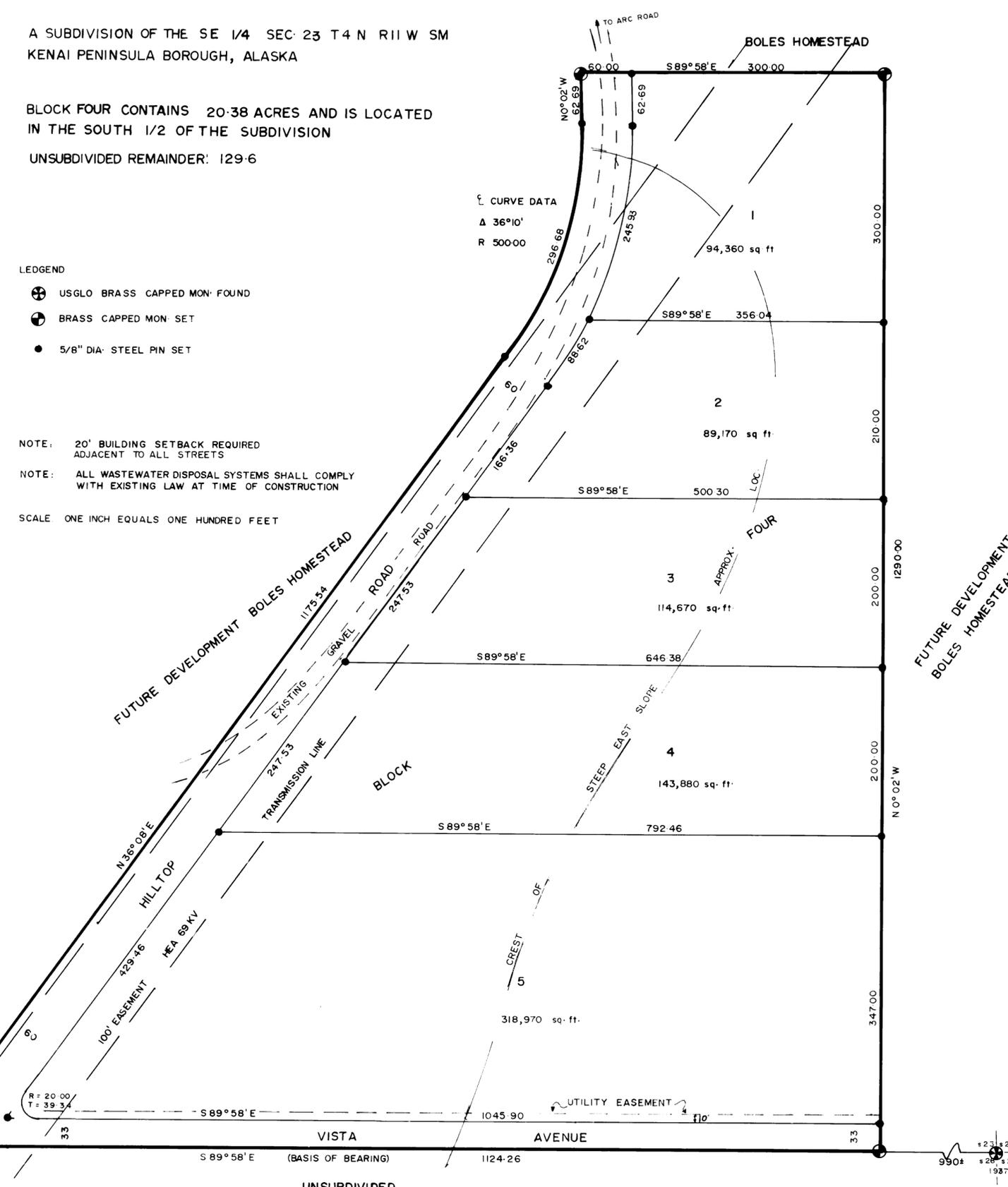
- ⊕ USGLO BRASS CAPPED MON. FOUND
- ⊙ BRASS CAPPED MON. SET
- 5/8" DIA. STEEL PIN SET

NOTE: 20' BUILDING SETBACK REQUIRED
ADJACENT TO ALL STREETS

NOTE: ALL WASTEWATER DISPOSAL SYSTEMS SHALL COMPLY
WITH EXISTING LAW AT TIME OF CONSTRUCTION

SCALE ONE INCH EQUALS ONE HUNDRED FEET

∠ CURVE DATA
Δ 36°10'
R 500.00



CERTIFICATE OF OWNERSHIP AND DEDICATION

I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN HEREON, THAT I ADOPT THIS PLAN OF SUBDIVISION, AND DO HERBY DEDICATE TO THE PUBLIC USE AND THE USE OF THE PUBLIC UTILITIES THE STREETS AND EASEMENTS SHOWN.

Woodrow Boles *Effie Boles*
WOODROW BOLES EFFIE BOLES
BOX 659
SOLDOTNA, ALASKA

NOTARY'S ACKNOWLEDGEMENT

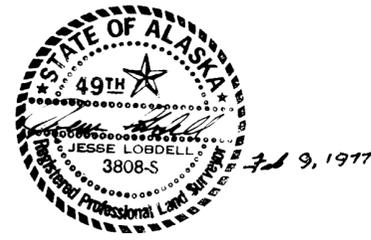
SWORN AND SUBSCRIBED BEFORE ME, A NOTARY PUBLIC
THIS 4 DAY OF February, 1977

Jesse Lobdell
MY COMMISSION EXPIRES 11-6-79

BOROUGH APPROVAL

APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION
THIS 7th DAY OF February, 1977

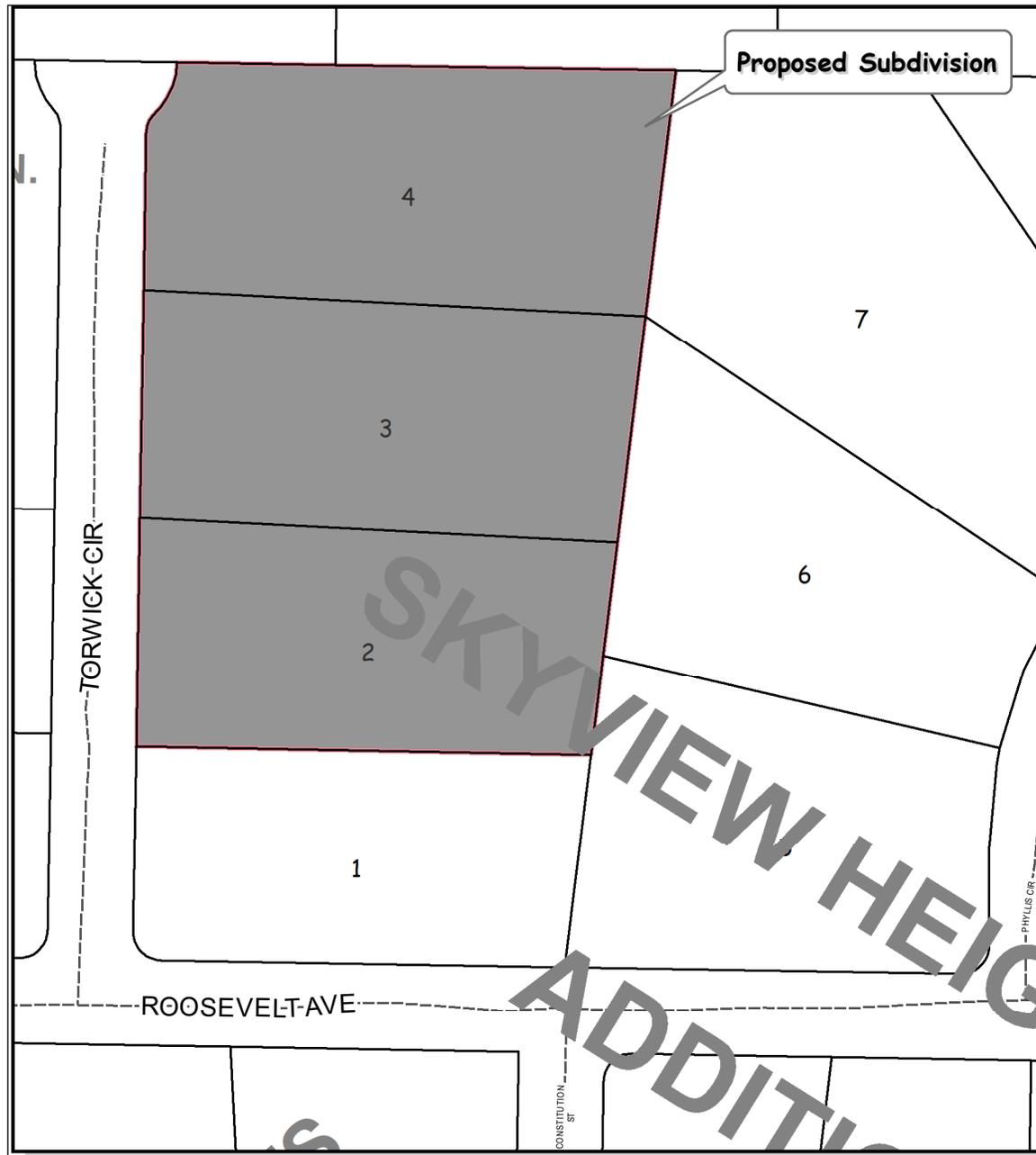
She D. ...
MAYOR PLANNING DIRECTOR



77-15
KENAI
2-10 77
8:49
Kenny Collier

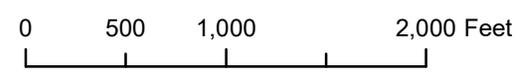
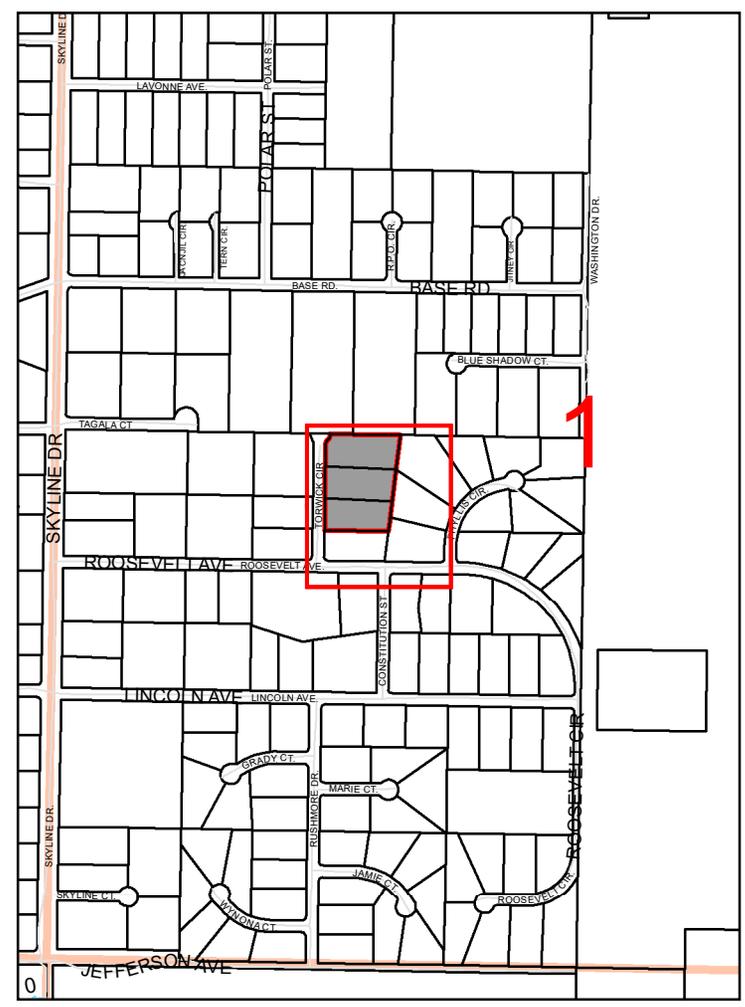
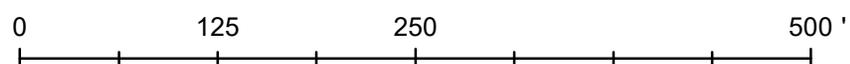
MOUNTAIN VISTA ESTATES
BLOCK 4
FEBRUARY 1977

DEVELOPER
WOODROW BOLES BOX 659 SOLDOTNA, ALASKA
JESSE LOBDELL - SURVEYOR
ROUTE 1 BOX 47 KENAI, ALASKA



Proposed Subdivision

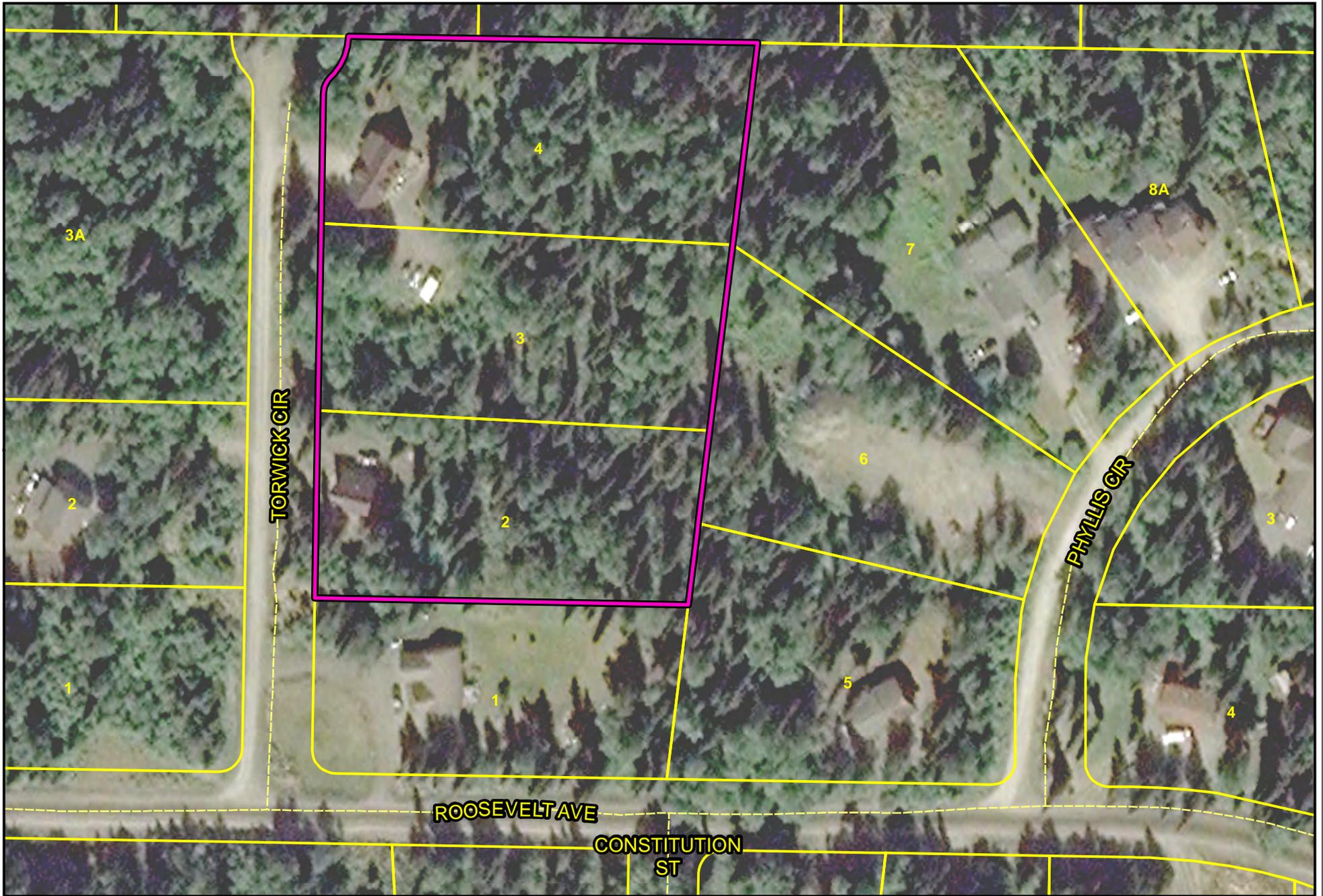
The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



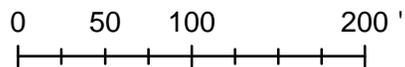
KPB 2021-146
S01 T04N R11W
Kalifornsky

PClements, KPB 2021-146

Date: 11/5/2021



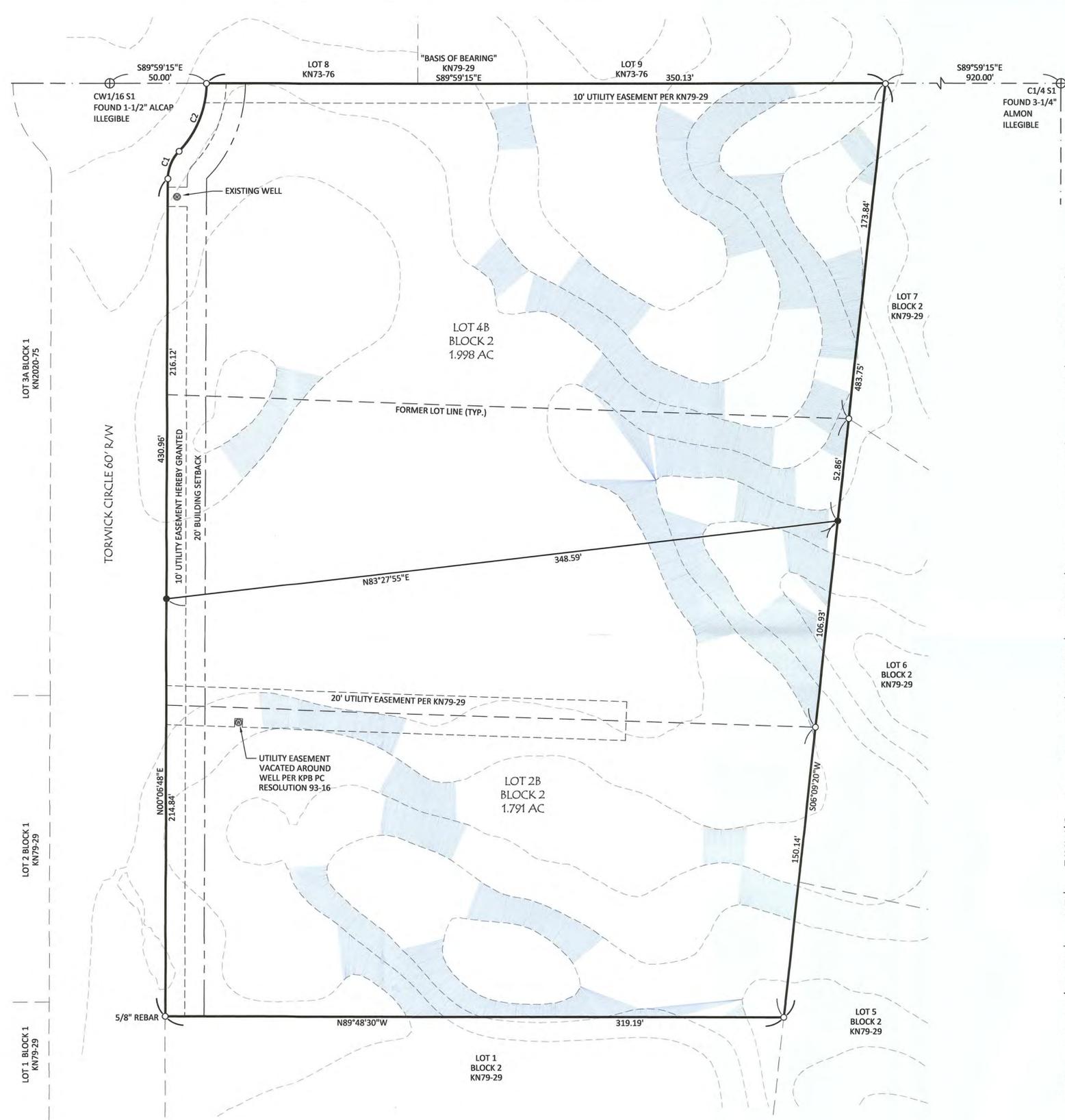
The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



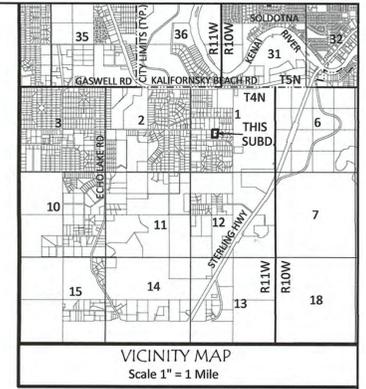
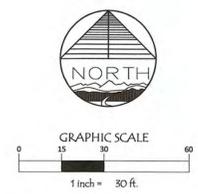
Aerial View



PClements, KPB 2021-146
Imagery Soldotna 2018



- LEGEND**
- ⊕ FOUND PRIMARY MONUMENT AS DESCRIBED
 - FOUND 1/2" REBAR UNLESS NOTED
 - SET 5/8"x30" REBAR w/ 1" STAINLESS STEEL CAP 85032-S
 - CONTOUR INTERVAL = 4'
 - SLOPES GREATER THAN 20%



CERTIFICATE OF OWNERSHIP AND DEDICATION
 I, THE UNDERSIGNED, HEREBY CERTIFY THAT BARBARA H. BURKE REVOCABLE TRUST, IS THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND ON BEHALF OF BARBARA H. BURKE REVOCABLE TRUST, 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.

BARBARA H. BURKE, TRUSTEE OF THE BARBARA H. BURKE REVOCABLE TRUST
 OWNER LOT 2 BLOCK 2 KN79-29
 2729 SHAWNEE RD, PORTSMOUTH, OH 45662

NOTARY'S ACKNOWLEDGEMENT
 FOR: BARBARA H. BURKE
 ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 20__
 MY COMMISSION EXPIRES: _____

NOTARY PUBLIC FOR THE STATE OF _____

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

RORY T. SPELLMAN
 OWNER LOT 4 BLOCK 2 KN79-29
 PO BOX 442, VERDI, NV 89439

NOTARY'S ACKNOWLEDGEMENT
 FOR: RORY T. SPELLMAN
 ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 20__
 MY COMMISSION EXPIRES: _____

NOTARY PUBLIC FOR THE STATE OF _____

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

EDWIN T. O'CONNOR, OWNER LOT 3 BLOCK 2 KN79-29
 33490 TORWICK CIRCLE, SOLDOTNA, AK 99669

JOSELYN B. O'CONNOR, OWNER LOT 3 BLOCK 2 KN79-29
 33490 TORWICK CIRCLE, SOLDOTNA, AK 99669

NOTARY'S ACKNOWLEDGEMENT
 FOR: EDWIN T. O'CONNOR AND JOSELYN B. O'CONNOR
 ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 20__
 MY COMMISSION EXPIRES: _____

NOTARY PUBLIC FOR THE STATE OF _____

NOTES

1. WATER SUPPLY AND SEWAGE DISPOSAL SYSTEMS SHALL BE PERMITTED ONLY IN CONFORMANCE WITH APPLICABLE REQUIREMENTS OF 18 AAC 72 AND 18 AAC 80.
2. BUILDING SETBACK- A BUILDING SETBACK OF 20 FT. IS REQUIRED FROM ALL STREET RIGHTS-OF-WAY UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
3. THE FRONT 10 FEET OF THE 20 FOOT BUILDING SETBACK ADJOINING DEDICATED RIGHTS-OF-WAY IS ALSO A UTILITY EASEMENT.
4. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
5. THIS PARCEL MAY BE AFFECTED BY THE FOLLOWING:
 - 5.1. AN ELECTRIC EASEMENT GRANTED TO HOMER ELECTRIC ASSOCIATION ON OCTOBER 31, 1968 IN MISC. BOOK 33, PAGE 168 KENAI RECORDING DISTRICT, LOCATION NOT DEFINED.
 - 5.2. COVENANTS AND RESTRICTIONS RECORDED OCTOBER 9, 1979 IN BOOK 148, PAGE 738 KENAI RECORDING DISTRICT. AMENDED SEPTEMBER 21, 1982 IN BOOK 194, PAGE 399 KENAI RECORDING DISTRICT. THE BOROUGH WILL NOT ENFORCE PRIVATE COVENANTS, EASEMENTS, OR DEED RESTRICTIONS PER KPB 21-44-080
 - 5.3. KENAI PENINSULA BOROUGH RESOLUTION No. 93-16 RECORDED JUNE 15, 1993 IN BOOK 420, PAGE 330 KENAI RECORDING DISTRICT.

WASTEWATER DISPOSAL
 THE PURPOSE OF THIS PLATTING ACTION IS TO REMOVE AND ADJUST A LOT LINE, WHICH WILL PROVIDE GREATER AVAILABLE WASTEWATER DISPOSAL AREA AS DESCRIBED BY KPB 20.40.020(A)(2). WASTEWATER TREATMENT AND DISPOSAL SYSTEMS MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

PLAT APPROVAL
 THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF _____, 2020.

AUTHORIZED OFFICIAL _____



Plat #	
Rec Dist	
Date	20__
Time	__M

**SKYVIEW HEIGHTS SUBDIVISION
 SPELLMAN ADDITION**
 REPLAT OF LOTS 2, 3 & 4 BLOCK 2 SKYVIEW HEIGHTS SUBDIVISION ADDITION No.1 (KN79-29)

EDWIN T. O'CONNOR, OWNER 33490 TORWICK CIRCLE SOLDOTNA, AK 99669	JOSELYN B. O'CONNOR, OWNER 33490 TORWICK CIRCLE SOLDOTNA, AK 99669
BARBARA H. BURKE REVOCABLE TRUST, OWNER 2729 SHAWNEE RD PORTSMOUTH, OH 45662	RORY T. SPELLMAN, OWNER PO BOX 442 VERDI, NV 89439

3.789 AC. M/L SITUATED IN THE SW1/4 OF SECTION 1, TOWNSHIP 4 NORTH RANGE 11 WEST, SEWARD MERIDIAN, KENAI PENINSULA BOROUGH, AND THE KENAI RECORDING DISTRICT, ALASKA.

ENGINEERING - TESTING SURVEYING - MAPPING P.O. BOX 468 SOLDOTNA, AK 99669 VOICE: (907) 283-4218 FAX: (907) 283-3265 WWW.MCLANECG.COM	KPB File No. 2020-xxx
Project No. 212040	
Scale 1" = 30'	Date : OCT. 2021
Book No. : 21-06	Drawn by : JAH

KPB 2021-146

AGENDA ITEM E. NEW BUSINESS

ITEM 8 – SKYVIEW HEIGHTS SUBDIVISION SPELLMAN ADDITION

KPB File No.	2021-146
Plat Committee Meeting:	November 29, 2021
Applicant / Owner:	Rory T. Spellman of Verdi, NV Barbara H Burke Revocable Trust of Portsmouth, OH Edwin and Josselyn O'Connor of Soldotna, AK
Surveyor:	James Hall / McLane Consulting, Inc.
General Location:	Torwick Circle and Roosevelt Avenue / Kalifornsky area

Parent Parcel No.:	131-560-22, 131-560-23 and 131-560-24
Legal Description:	Lots 2, 3 and 4, Block 2 Skyview Heights Subdivision, Addition No 1 Plat KN 79-29
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On Site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat reconfigures the lots lines between three lots to create two lots. The parent lots were slightly larger than 1 acre and the new lots will be 1.8 acres and 2 acres.

Location and Legal Access (existing and proposed): The subdivision is in the Kalifornsky area on Torwick Circle. Torwick Circle is a 60 foot wide right of way that is approximately 600 feet long and ends in a partial cul-de-sac. Torwick Circle is located off Roosevelt Avenue, a 60 foot wide right of way. The Kenai Peninsula Borough maintains Torwick Circle and Roosevelt Avenue. Roosevelt Avenue is access from Skyline Drive, a 100 foot wide dedicated State maintained right of way that connects near mile 21 of Kalifornsky Beach Road.

The parent subdivision dedicated the southern portion of the cul-de-sac bulb. The lot to the north is 5 acres in size and will be required to complete the cul-de-sac when it is subdivided.

The subdivision is not within a closed block due to multiple right of ways ending in cul-de-sacs in the area and steep terrain to the north. The subdivision is within a block defined by Roosevelt Avenue, Skyline Drive, Base Road, and Washington Drive. Washington Drive is only partially dedicated and does not connect to Roosevelt Avenue to provide a closed block. Torwick Circle was designed to be a cul-de-sac. Per KPB Code definitions, cul-de-sacs are to be permanently closed. The only way for Torwick Circle to improve the block would require a subdivision to the north and all property owners fronting Torwick Circle agree to the extension of right of way. **Staff recommends that the Plat Committee concur that an exception is not required nor dedications required for the purpose of trying to improve the block due to the design within the block with multiple cul-de-sacs, steep terrain to the north, and the inability for this subdivision to provide a dedication to improve the block length.**

KPB Roads Dept. comments	Roads Director: Uhlin, Dil Comments: No comments
SOA DOT comments	No comments

Site Investigation: The land within the subdivision does not contain any low wet areas. Steep slopes are shown on the plat as shaded areas. The dedicated right of way does not appear to be affected by steep slopes and additional right of way is not required for the roadway.

KPB River Center review	A. Floodplain
-------------------------	---------------

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

Staff Analysis The parent parcels were created in 1979 with the recording of Skyview Heights Subdivision Addition No. 1, Plat KN 79-29. The proposed plat will reconfigure lots 2, 3, and 4 into two parcels.

A soils report will not be required as outlined per KPB Code 20.40.020(A)(2), the plat is increasing lot sizes by 1,000 square feet or more of area suitable for conventional development. The new lots will increase from 1.386 acres to 1.998 acres and 1.161 acres to 1.791 acres. Looking at the areas being added to the lots and removing the areas with steep slopes, the plat does not require the soils analysis report.

Looking at KPB GIS imagery, there does not appear any encroachment issues and this new lot line will not create any encroachments.

Notice of the proposed plat was mailed to the beneficial interest holder on November 5, 2021. The beneficial interest holder will be given 30 days from the date of the mailing of the notification to respond. They are given the opportunity to notify staff if their beneficial interest prohibits or restricts subdivision or requires their signature on the final plat. If no response is received within 30 days, staff will assume they have no requirements regarding the subdivision and it may be finalized.

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

Utility Easements The parent plat, Skyview Heights Subdivision Addition No. 1, granted a 10 foot utility easement on the north boundary and a 20 foot utility easement centered on a portion of the common boundary between Lot 2 and Lot 3. The easements of record are correctly depicted and labeled on this plat.

The Planning Commission granted a utility easement vacation around a well within the easement located on Lot 2. The vacation portion has been depicted and PC Resolution 93-16 is noted on the face of the plat.

This plat is proposing to grant a 10 foot utility easement along Torwick Circle, excluding an area where a well is located. **Staff recommends** that plat note 3 be revised to exclude the location around the existing well and the area is dimensioned on the face of the plat. **Staff recommends** that plat note 3 is reworded to state that the easement is adjoining the dedicated right of way to follow KPB 20.30.060.D.

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

Utility provider review:

HEA	
ENSTAR	No comments or recommendations.

ACS	
GCI	Approved as shown

KPB department / agency review:

Addressing	<p>Reviewer: Haws, Derek Affected Addresses: 33490 TORWICK CIR 33468 TORWICK CIR 33420 TORWICK CIR</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names: TORWICK CIR</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: 33490 TORWICK CIR WILL REMAIN WITH LOT 4B 33468 TORWICK CIR WILL BE DELETED 33420 TORWICK CIR WILL REMAIN WITH LOT 2B</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	<p>Comments not received when the staff report was prepared</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: Verify and update the O'Connor's mailing address. Update the KPB File number to 2021-146.

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 Kenai National Wildlife Refuge is located within Sections 6, 7, and 18. Provide a boundary and label for KNWR.

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 not required. Lots are decreasing in number and increasing in acreage.

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: Revise plat note 3, "The front 10 feet adjacent to dedicated right of ways is a utility easement." Revise plat note 5.2 to state code 20.60.170

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: Verify and update the mailing address for the O'Connor's. 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), KPB 20.30 (DESIGN REQUIREMENTS); AND KPB 20.40 (WASTEWATER DISPOSAL), AND
- COMPLIANCE WITH KPB 20.60 TO ENSURE ADMINISTRATIVE APPROVAL OF THE FINAL PLAT.

NOTE: 20.25.120. - REVIEW AND APPEAL.

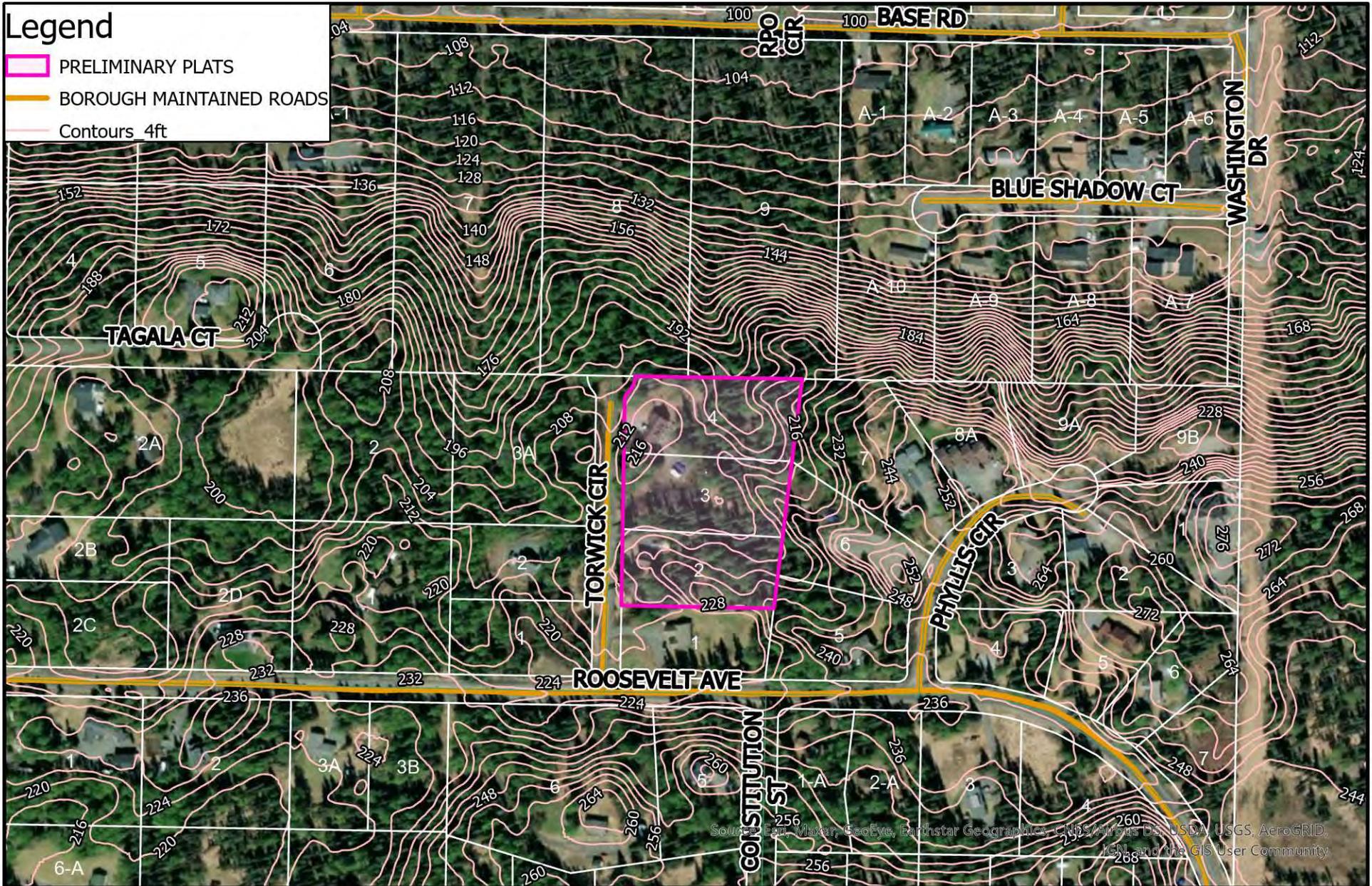
A PARTY OF RECORD MAY REQUEST THAT A DECISION OF THE PLAT COMMITTEE BE REVIEWED BY THE PLANNING COMMISSION BY FILING A WRITTEN REQUEST WITHIN 15 DAYS OF NOTIFICATION OF THE DECISION IN ACCORDANCE WITH KPB 2.40.080.

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

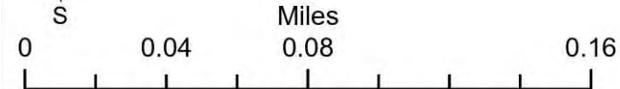
END OF STAFF REPORT

Legend

- PRELIMINARY PLATS
- BOROUGH MAINTAINED ROADS
- Contours 4ft



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

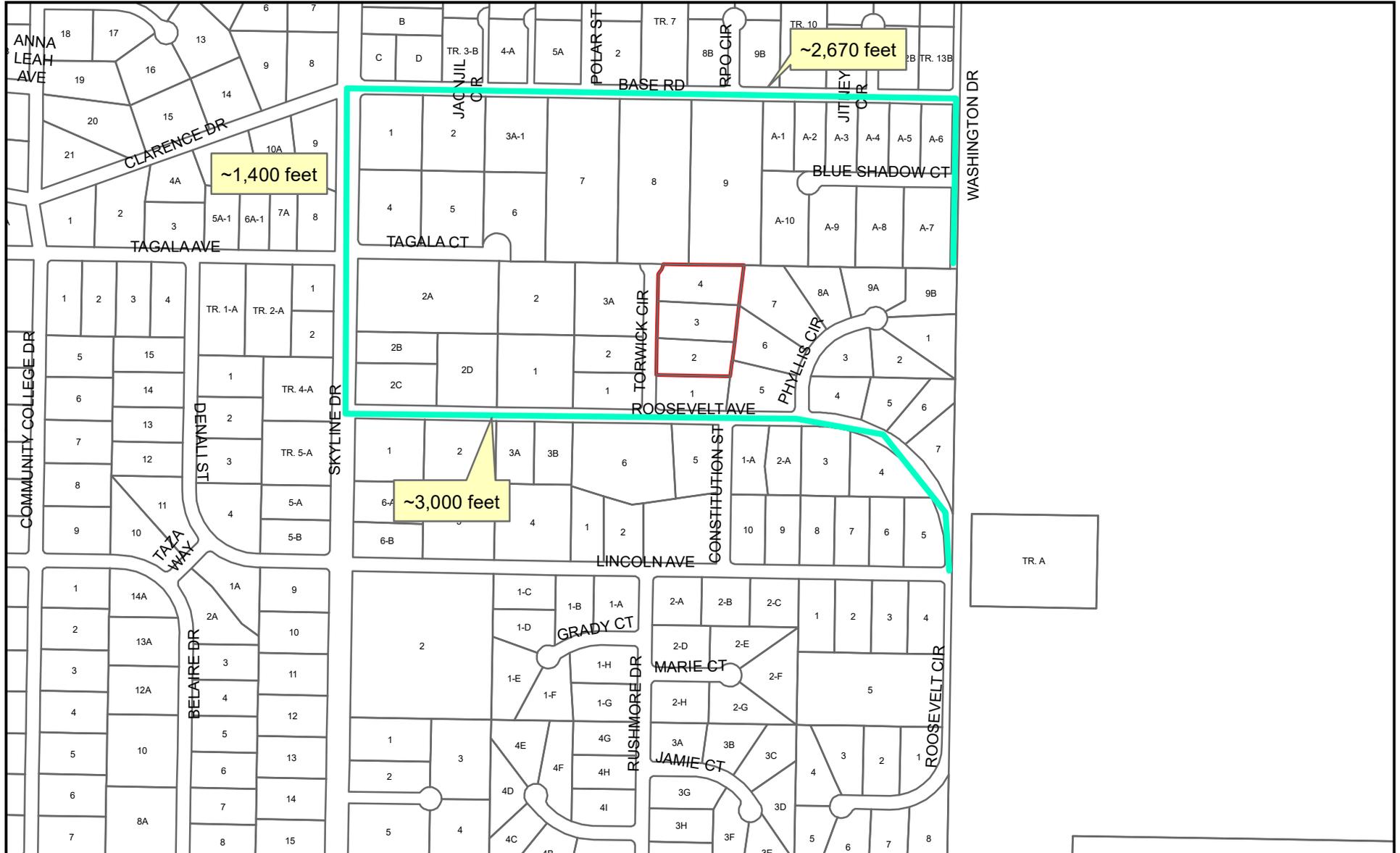
CONTOURS

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

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



Skyview Heights Subdivision Spellman Addition
KPB File 2021-146



KENAI PENINSULA BOROUGH
PLANNING COMMISSION

BOOK 0420 PAGE 330

RESOLUTION 93-16

VACATING A PORTION OF A TEN FOOT WIDE UTILITY EASEMENT WITHIN LOT 2, BLOCK 2, SKYVIEW HEIGHTS SUBDIVISION ADDITION NO. 1 (PLAT 79-29 KRD). PORTION OF EASEMENT TO BE VACATED IS ONE FOOT SQUARE PORTION OF THE EASEMENT SURROUNDING THE EXISTING WELL. SAID EASEMENT BEING WITHIN THE NORTHERLY TEN FEET OF SAID LOT. ALSO BEING WITHIN SECTION 1, TOWNSHIP 4 NORTH, RANGE 11 WEST, SEWARD MERIDIAN, KENAI RECORDING DISTRICT, ALASKA.

WHEREAS, a request has been received to vacate a portion of a ten foot wide utility easement within Lot 2, Block 2, Skyview Heights Subdivision Addition No. 1. The portion of the easement to be vacated is a one foot square portion of the easement surrounding the well. Said easement is within the northerly ten feet of said lot. Also being within Section 1, Township 4 North, Range 11 West, Seward Meridian, Alaska; and

WHEREAS, on June 14, 1993, the Kenai Peninsula Borough Planning Commission addressed all concerns about this proposed vacation; and

WHEREAS, the Planning Commission has found that vacating the portion of the described utility easement will not be detrimental to the public interest; and

WHEREAS, 20.28.120 of the Kenai Peninsula Borough Code of Ordinances authorizes the Planning Commission to accomplish vacations by Resolution.

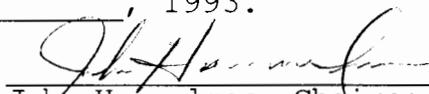
NOW THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH:

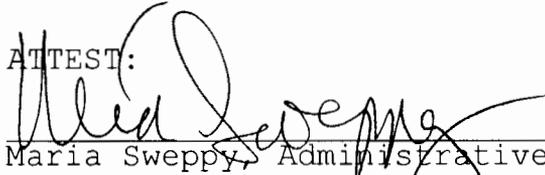
Section 1. That a one foot square portion of the utility easement surrounding the well within the ten foot wide utility easement located within the northerly ten feet of Lot 2, Block 2, Skyview Heights Subdivision Addition No. 1, is hereby vacated.

Section 2. That this Resolution, with Exhibit A attached, is eligible for recording after approval of the vacation and will be deemed void if not recorded within 90 days of adoption.

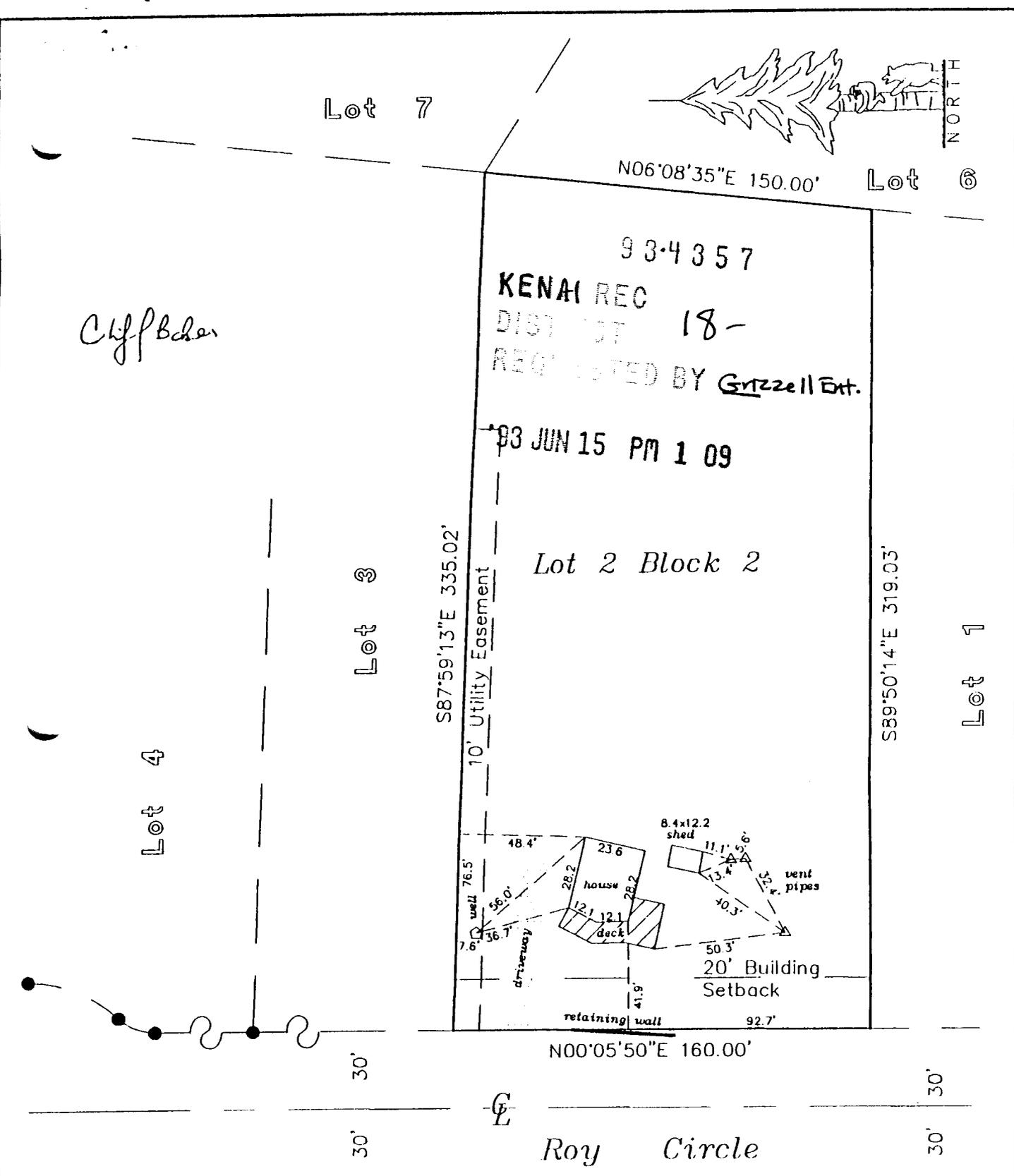
Section 3. That this Resolution becomes effective upon being properly recorded with the petitioner being responsible for payment of recording fees.

ADOPTED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH ON THIS 14 DAY OF June, 1993.


John Hammelman, Chairperson
Planning Commission

ATTEST:

Maria Sweppy, Administrative Assistant

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



Legend	
● Rebar/Pipe (found)	
Scale: 1" = 50'	F.B. #: 93-2, 62-3
Kenai RECORDING DISTRICT	
Plat: 79-29	Date: May 7, 1993
Drawn: CB	W.O. #: 93056
Disk: Skyview	

INTEGRITY SURVEYS
 HC 2 BOX 385
 SOLDOTNA, ALASKA 99669
 SURVEYORS 262-9461 PLANNERS

As-Built Certificate

I hereby certify that the improvements hereon exist as shown on the following described property:

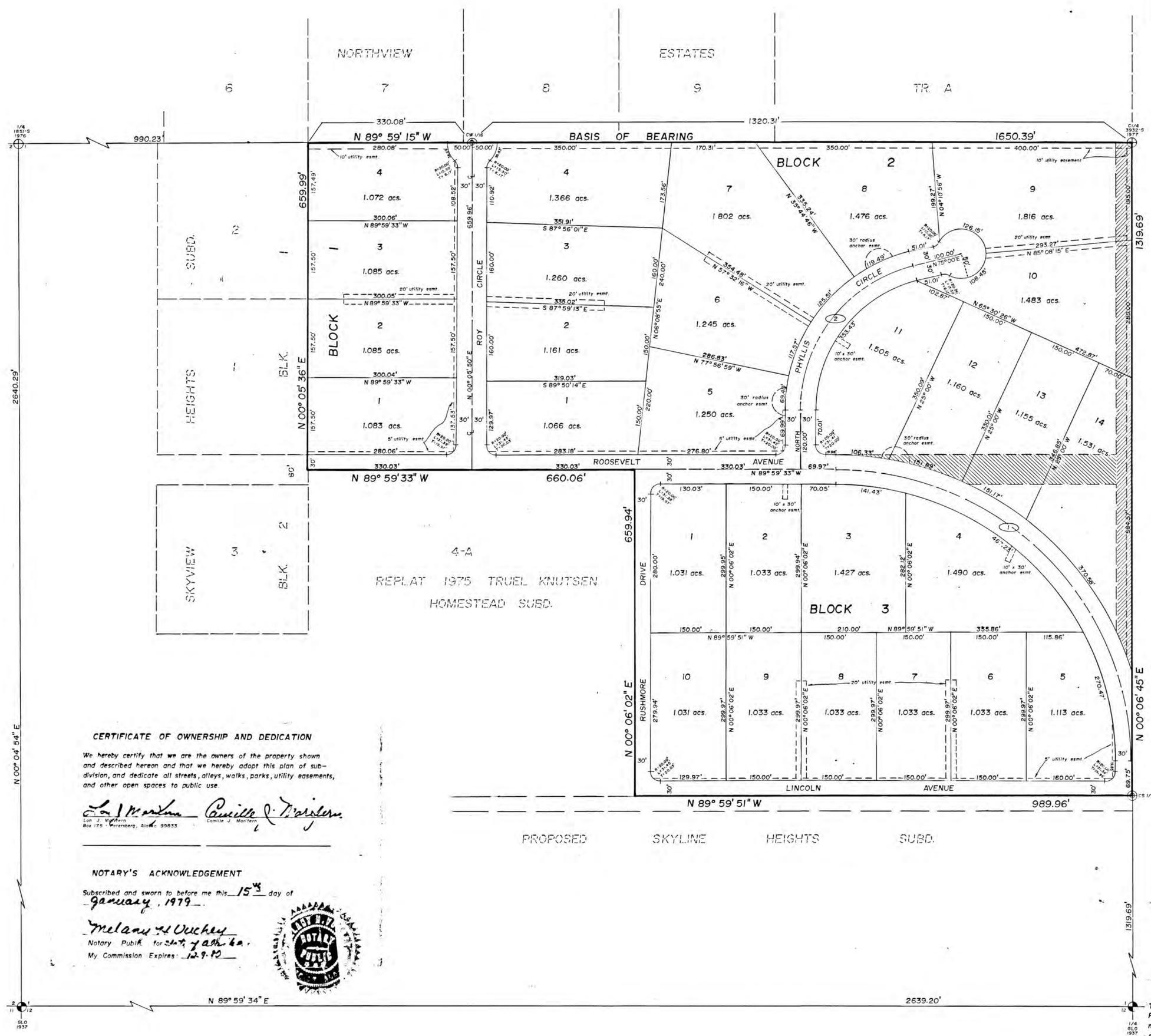
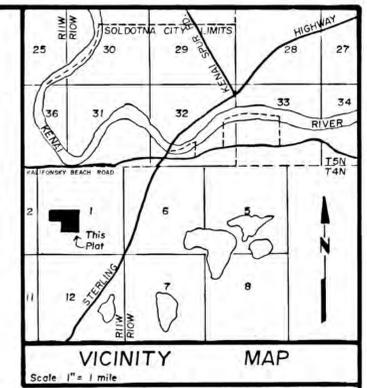
Lot 2 Block 2

Skyview Heights Subd. Addition No. 1

and that no encroachments exist except as indicated.

Exclusion Note:
 It is the responsibility of the Owner to determine the existence of any easements, covenants, or restrictions which do not appear on the recorded subdivision plat. Under no circumstances should any data hereon be used for construction or for establishing boundary or fence lines.

CURVE	DELTA	RADIUS	LENGTH	TANGENT
1	90°06'18"	589.02'	926.31'	590.10'
2	75°00'00"	300.00'	230.20'	392.70'



LEGEND AND NOTES

- Found Brass Cap monument
- Found Aluminum Cap monument
- Set 1/2" x 24" steel rebar
- Set 1 1/2" Aluminum Cap monument (1300-S 1978)

All bearings refer to the East-West centerline of Sec. 1, T4N, R11W, S.M., AK as being N 89° 59' 15" W.

All datum of record shown thus ().

All lots are subject to a 20' bldg setback along all dedicated R/W's.

All wastewater disposal systems shall comply with existing law at time of construction.

R.O.W.s vacated by this plat within Truel Knutsen Homestead Subd. shown thus

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, alleys, walks, parks, utility easements, and other open spaces to public use.

Roy Torwick
Roy Torwick
P.O. Box 1305, Seldotna, AK 99669

Phyllis Torwick
Phyllis Torwick

NOTARY'S ACKNOWLEDGEMENT

Subscribed and sworn to before me this 22nd day of November, 1979.

Phyllis M. Chapman
Notary Public for Alaska
My Commission Expires: 11-6-79

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, alleys, walks, parks, utility easements, and other open spaces to public use.

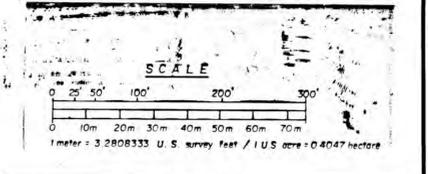
Lois J. Morrison
Lois J. Morrison
Box 175, Wainwright, Alaska 99833

Camille J. Morrison
Camille J. Morrison

NOTARY'S ACKNOWLEDGEMENT

Subscribed and sworn to before me this 15th day of January, 1979.

Melany D. O'Key
Notary Public for Alaska
My Commission Expires: 12-9-82



SKYVIEW HEIGHTS SUBDIVISION ADDITION NO. 1

DESCRIPTION: Located within N 1/2 SW 1/4, Section 1, T4N, R11W, S.M., AK and within the Kenai Peninsula Borough containing 39.999 acres more or less.

OWNERS: Roy and Phyllis Torwick
P.O. Box 1305
Seldotna, AK 99669

P.O. Box 476
G. S. Best
Seldotna, AK 99669
Geologist, Registered Land Surveyor

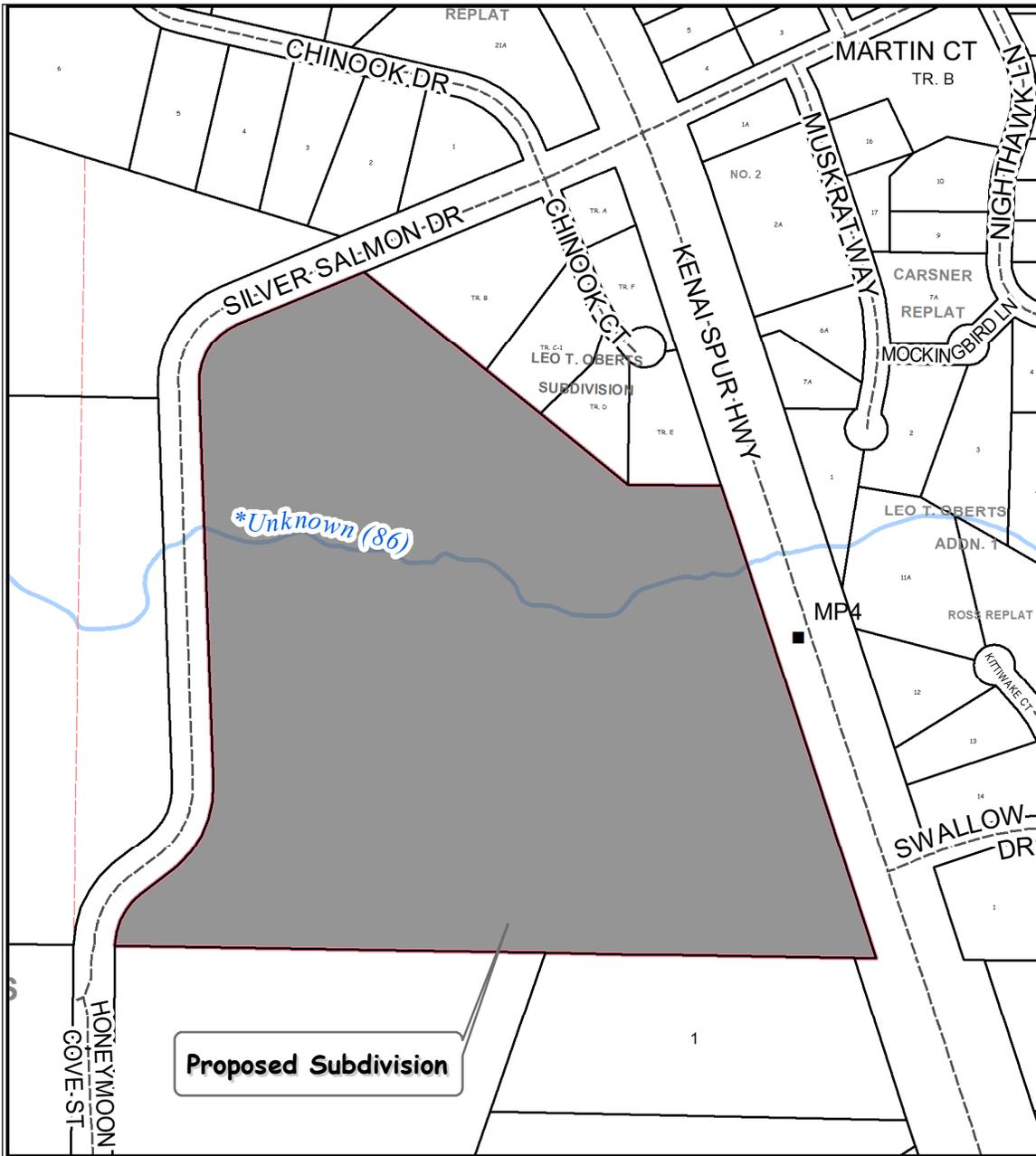
Date Surveyed: October 1978
Scale: 1" = 100'
Bk No.: 78-1

PLAT APPROVAL

This plat having been approved by the Kenai Peninsula Borough Planning Commission as recorded in the official minutes of the meeting of November 22, 1978, is hereby acknowledged and accepted as the official plat, subject to any and all conditions and requirements of ordinances and law appertaining thereto.

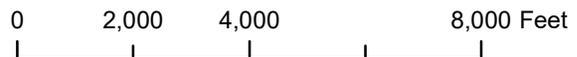
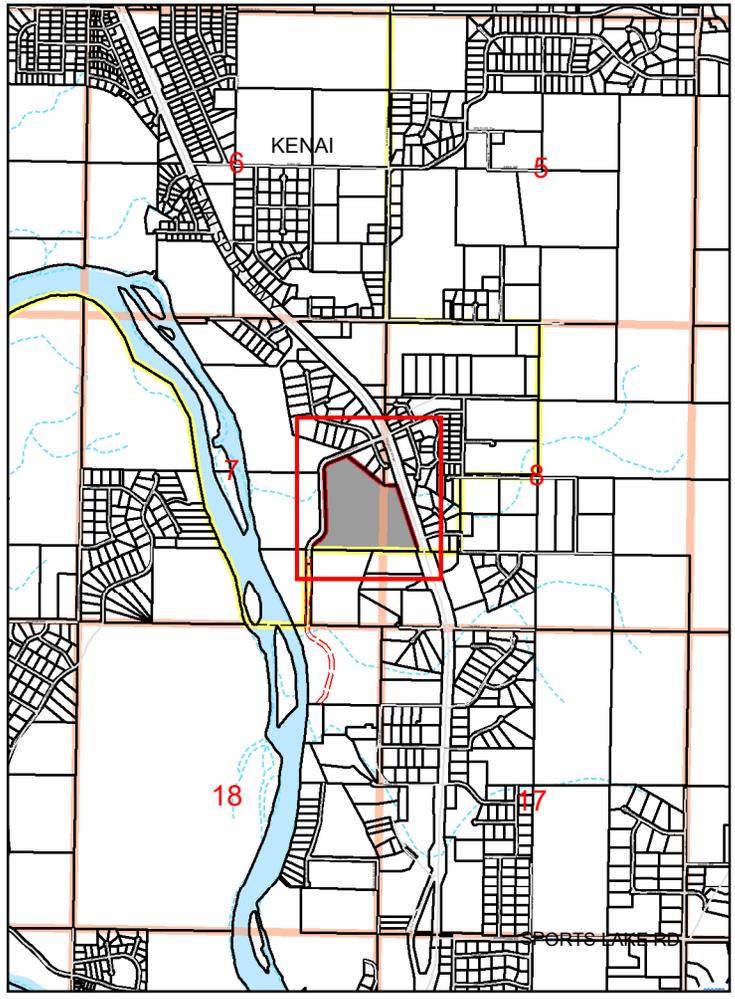
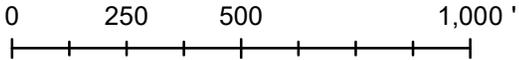
KENAI PENINSULA BOROUGH
By: *Phyllis Waring*

14-24



Proposed Subdivision

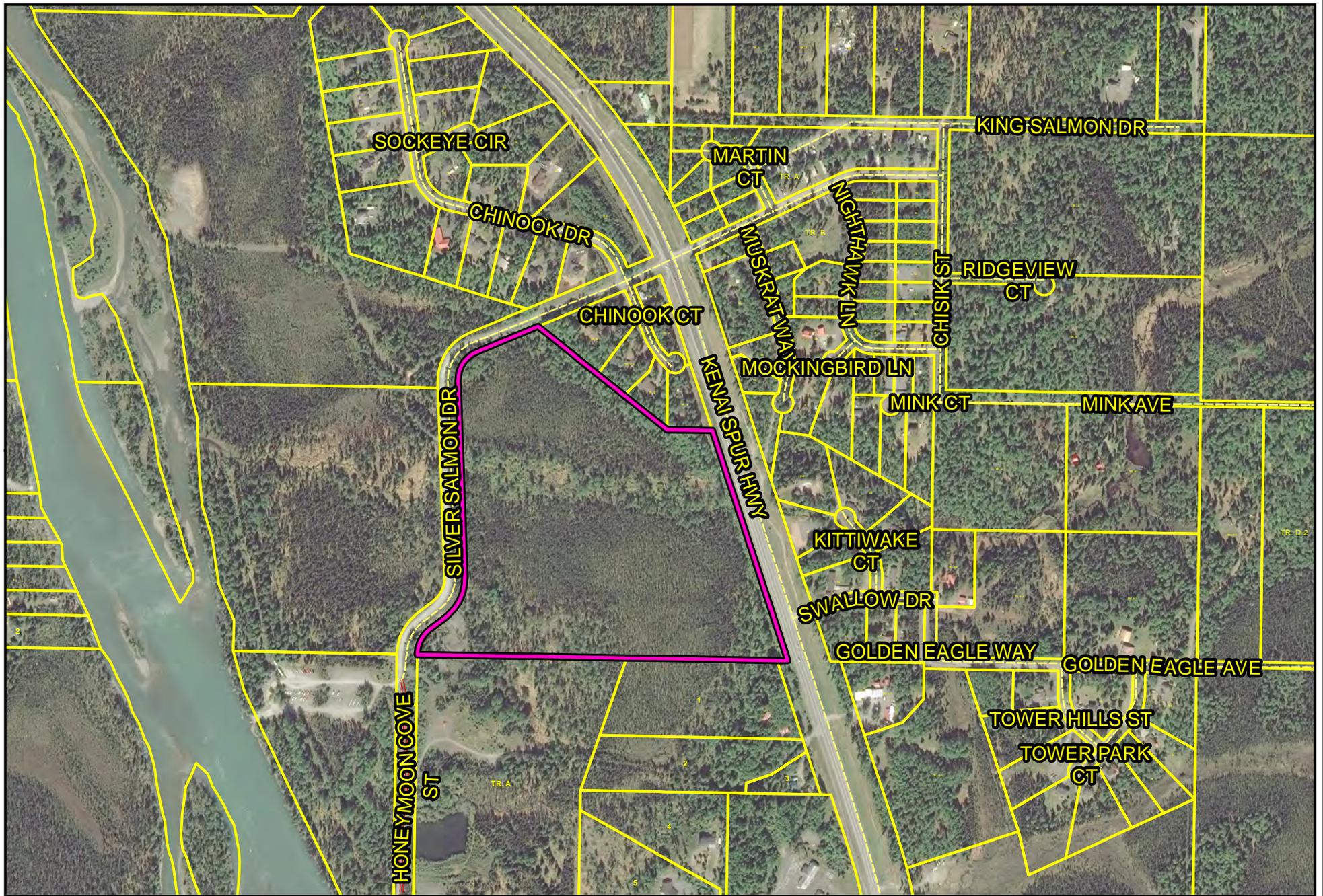
The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



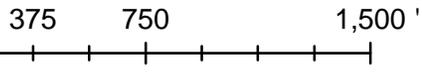
**KPB 2021-141
S07 T05N R10W
KENAI**

PClements, KPB 2021-141

Date: 11/1/2021



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

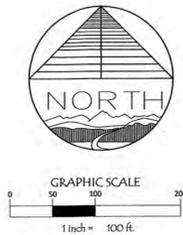
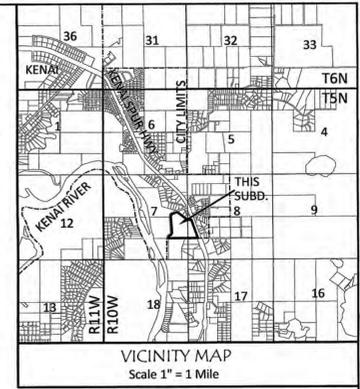


Aerial View



 PRELIMINARY PLAT

PClements, KPB 2021-141
Imagery SOLDOTNA 2018



- NOTES**
1. WATER SUPPLY AND SEWAGE DISPOSAL SYSTEMS SHALL BE PERMITTED ONLY IN CONFORMANCE WITH APPLICABLE REQUIREMENTS OF 18 AAC 72 AND 18 AAC 80.
 2. DEVELOPMENT MUST MEET THE CITY OF KENAI CHAPTER 14 ZONING CODE REQUIREMENTS.
 3. THE FRONT 10 FEET ADJOINING DEDICATED RIGHTS-OF-WAY IS ALSO A UTILITY EASEMENT.
 4. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT HEREBY GRANTED.
 5. 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.
 6. NO DIRECT ACCESS TO STATE MAINTAINED RIGHTS-OF-WAY PERMITTED UNLESS APPROVED BY STATE OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES.
 7. THIS PARCEL MAY BE AFFECTED BY THE FOLLOWING:
 - 7.1. AN EASEMENT RESERVED BY PUBLIC LAND ORDER No. 601 DATED AUGUST 10, 1949 AND AMENDED BY PUBLIC LAND ORDER No. 757 DATED OCTOBER 10, 1959, PUBLIC LAND ORDER No. 1613 DATED APRIL 7, 1958 AND DEPARTMENT OF THE INTERIOR ORDER No. 2665 DATED OCTOBER 16, 1951 AMENDMENT No. 1 DATED JULY 17, 1952 AND AMENDMENT No. 2 DATED SEPTEMBER 15, 1956 FILED IN THE FEDERAL REGISTER. A GENERAL EASEMENT TO HOMER ELECTRIC ASSOCIATION RECORDED NOVEMBER 5, 1963 IN MISC. BOOK 2, PAGE 123 KR. NO LOCATION DEFINED.
 - 7.2. A GENERAL EASEMENT TO KENAI POWER CORPORATION RECORDED DECEMBER 31, 1963 IN MISC. BOOK 11, PAGE 224 KR. NO LOCATION DEFINED.
 - 7.3. EXCLUSIVE ROAD EASEMENT RECORDED AUGUST 13, 1992 IN BOOK 403, PAGE 953 KR. aka SILVER SALMON DRIVE.
 - 7.4. EASEMENT TO STATE OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES RECORDED MAY 31, 2019 IN DOCUMENT No. 2019-004446-0 KR.

- LEGEND**
- ⊕ FOUND PRIMARY MONUMENT AS DESCRIBED
 - FOUND SECONDARY MONUMENT AS DESCRIBED
 - SET 5/8"x30" REBAR w/ 1" STAINLESS STEEL CAP 85032-S
 - ▨ AREA SUBJECT TO INUNDATION
 - CONTOUR INTERVAL = 4'
 - ▭ SLOPES GREATER THAN 20%

CURVE TABLE

CURVE #	DELTA	RADIUS	LENGTH	TANGENT	CHORD BEARING	CHORD LENGTH
C1	52°06'47"	159.14	144.74	77.81	N 25° 56' 37" E	139.81'
C2	54°59'57"	250.00	239.98	130.14	N 24° 30' 01" E	230.87'
C3	69°26'02"	150.00	181.78	103.93	N 31° 43' 04" E	170.86'
C4	3°00'14"	2764.79	144.95	72.49	N 20° 36' 32" W	144.93'

CERTIFICATE OF OWNERSHIP AND DEDICATION

I, THE UNDERSIGNED, HEREBY CERTIFY THAT LTO LIMITED PARTNERSHIP, IS THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND ON BEHALF OF LTO LIMITED PARTNERSHIP, 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.

STEVEN OBERTS, MEMBER MANAGER FOR LTO LIMITED PARTNERSHIP
PO BOX 458, KENAI, AK 99611

NOTARY'S ACKNOWLEDGEMENT

FOR: STEVEN OBERTS
ACKNOWLEDGED BEFORE ME THIS
____ DAY OF _____, 2021
MY COMMISSION EXPIRES: _____
NOTARY PUBLIC FOR THE
STATE OF ALASKA

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.

Plat #

Rec Dist _____

Date _____ 20____

Time _____ M



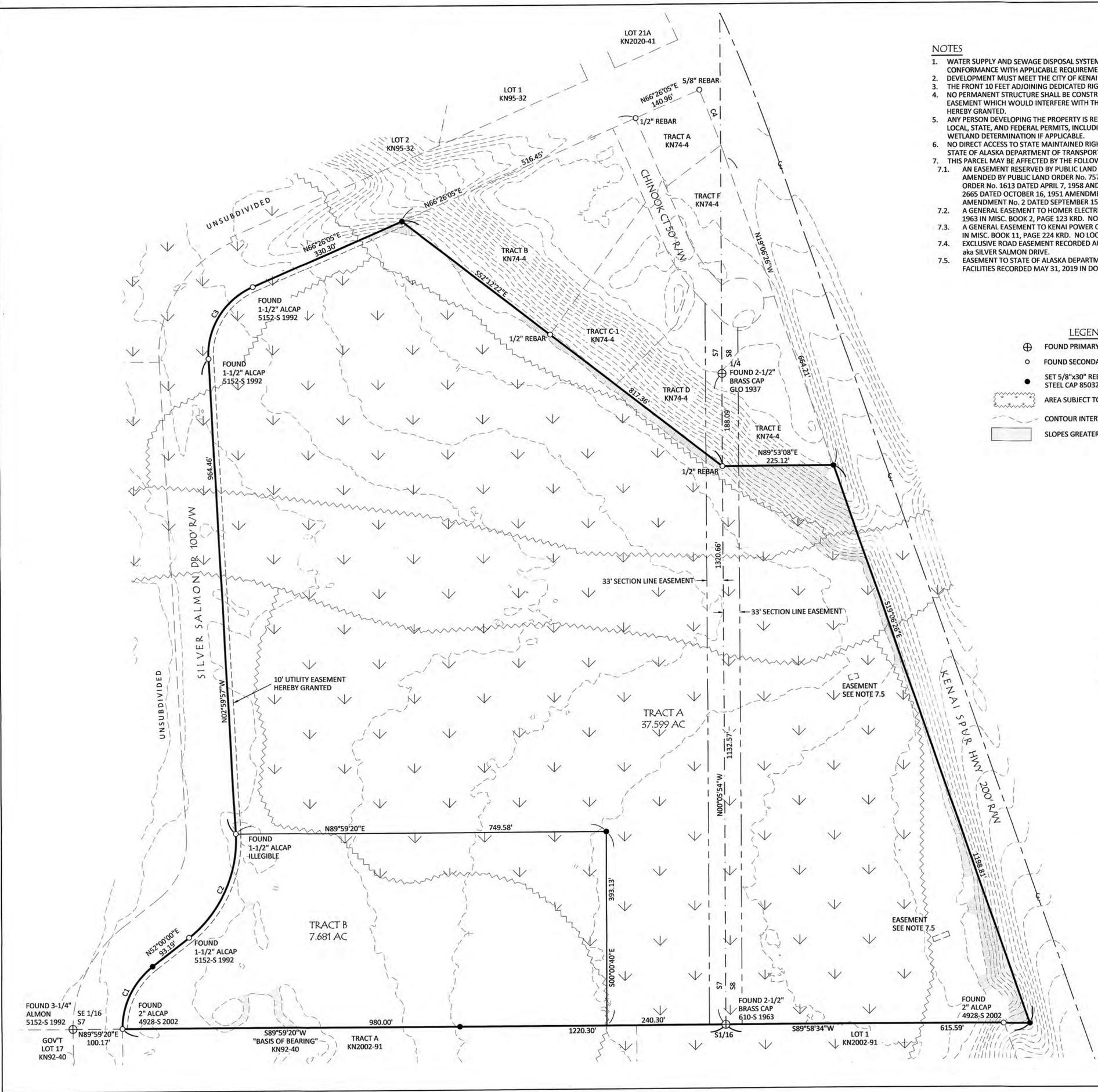
STEVEN OBERTS SUBDIVISION No.1
SUBDIVISION OF THE SE1/4 OF NE1/4 AND THE NE1/4 OF SE1/4 OF SECTION 7 AND THE NW1/4 OF SW1/4 OF SECTION 8, TOWNSHIP 5 NORTH, RANGE 10 WEST, SEWARD MERIDIAN, LYING WEST OF THE WESTERLY R/W OF KENAI SPUR HIGHWAY AND LYING SOUTH AND EAST OF SILVER SALMON DRIVE EXCEPTING LEO T. OBERTS SUBDIVISION AND REPLAT (KN74-4) AND ADOT PROPERTY RECORDED IN DOCUMENT No. 2019-004445-0 KR.
LTO LIMITED PARTNERSHIP, OWNER
PO BOX 458
KENAI, AK 99611
45.281 AC. M/L SITUATED IN SECTION 7 & 8, TOWNSHIP 5 NORTH, RANGE 10 WEST, SEWARD MERIDIAN, CITY OF KENAI, KENAI PENINSULA BOROUGH, AND THE KENAI RECORDING DISTRICT, ALASKA.

KPB 2021-141

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

AUTHORIZED OFFICIAL _____ DATE _____

 ENGINEERING - TESTING SURVEYING - MAPPING P.O. BOX 468 SOLDOTNA, AK 99689 VOICE: (907) 283-4218 FAX: (907) 283-3285 WWW.MCLANECG.COM	KPB File No.	2021-xxx
	Project No.	212038
SCALE 1" = 100'	DATE: OCT. 2021	BOOK No.: 21-06
		DRAWN BY: JAH



AGENDA ITEM E. NEW BUSINESS

ITEM 8 - Steven Oberts Subdivision No 1

KPB File No.	2021-141
Plat Committee Meeting:	November 29, 2021
Applicant / Owner:	LTO Limited Partnership PO Box 458 Kenai, AK 99611
Surveyor:	James Hall/ McLane Consulting, Inc.
General Location:	Kenai Spur Highway and Silver Salmon Drive, City of Kenai

Parent Parcel No.:	049-370-12
Legal Description:	Portion SE1/4 NE1/4 Section 7 and NW1/4 SW1/4 Section 8 lying West of the Kenai Spur Hwy and lying South and East of Silver Salmon Drive Township 5 North, Range 10 West, Excepting Therefrom any portions lying within Leo T. Oberts Sub and Replat, according to Plat KN 74-4 and further Excepting Therefrom any portion deed to State of Alaska DOT and PF at Serial No 2019-004445-0.
Assessing Use:	Residential
Zoning:	City of Kenai Zoning – Rural Residential
Water / Wastewater	On Site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide a 45 acre parcel into two tracts ranging in size from 7.6 to 37.6 acres.

Location and Legal Access (existing and proposed): This subdivision is located within the City of Kenai. Legal access is from the Kenai Spur Highway and Silver Salmon Drive. The Kenai Spur Highway is maintained by the State of Alaska (SOA) DOT and Silver Salmon Drive is maintained by the City of Kenai. A 66 foot wide section line easement bisects the eastern portion of the subdivision in a north-south direction. No additional right of way dedication is proposed with this plat.

A 60 foot wide public access easement, granted per KN 2002-91, adjoins the south boundary and provides legal access to the south boundary of Tract B and Tract A, as well as the two parcels to the south.

Per document KN 2019-004445-0 SOA DOT acquired by warranty deed an approximate 100 foot strip of land on the eastern boundary for the Kenai Spur Highway improvement project. **Staff recommends** the portion of land acquired by SOA DOT be shown as the boundary with the Kenai Spur Highway and the acreage be updated accordingly.

A road easement granted to the SOA coincides with Silver Salmon Drive and has been noted on the plat.

Staff recommends a reference to the DOT Right of Way map be provided within a plat note or within a label within the right of way depiction for the Kenai Spur Highway.

The subdivision is located in an open block that is longer then subdivision code standards. **Staff recommends** that the plat committee concur that an exception to KPB 20.30.030 Proposed Street Layout and KPB 20.30.170 Block length is not required as the section line easement, the 60 foot public access easement to the south, and dedicated right of ways provide legal and practical access to all tracts. The owner is put on notice that any further subdivision of the large tracts may require additional right of way dedication to comply with KPB subdivision standards.

KPB Roads Dept. comments	Out of Jurisdiction: Yes
--------------------------	--------------------------

	Roads Director: Uhlin, Dil Comments: No comments
SOA DOT comments	The ROW for Kenai Spur Hwy is as shown on DOT Right of Way Map F-22-1(6) Kenai Spur Highway Mile 2.8 to 10.6 (Plat 2007-7, KR D) and appears to be shown correctly. No direct access Kenai Spur. All access to Silver Salmon. Suggest internal circulation be planned early.

Site Investigation: Per the Kenai Watershed Forum wetland mapping, the subdivision is affected by riverine and depression ecosystems.

The subdivision is generally flat with steep terrain located on the east side and the ground gently sloping to the west.

An anadromous waters drainage bisects the subdivision in an east-west direction. **Staff recommends** that the anadromous water drainage be depicted and labeled on the drawing and the Anadromous Waters Habitat Protection District note be added to the plat.

The subdivision is affected by flood zones but the City of Kenai does not participate in the FEMA floodplain program. No note or

KPB satellite imagery indicates this property may contain wet areas. The correct plat note is on the plat that indicates 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	<p>A. Floodplain Reviewer: Carver, Nancy Floodplain Status: Within City of Soldotna/Kenai 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 Reviewer: Russell, Pam Comments: No Comments</p>
-------------------------	--

Staff Analysis The parent parcel is a remnant parcel that has not been approved by the platting authority. This platting action will define the boundary of the parent parcel as well as subdivide it into two large tracts. Both tracts are larger than 200,000 sq. ft. and a soils analysis report is not required.

The City of Kenai reviewed the plat at their October 27th, 2021 Planning and Zoning Commission meeting. The staff report states that water and sewer lines are not available on the area and an installation agreement is not required. A resolution was adopted that recommended approval of the preliminary plat subject to

1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.

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

Utility Easements Several utility easements of record, with no definite location, affect this subdivision. The utility easements of record have been correctly noted on the plat.

Per KN 2019-004446-0, The SOA DOT acquired utility easements that adjoin the new Kenai Spur Highway right of way. The utility easements have been correctly depicted and labeled.

Staff recommends the 10 foot utility easement that is being granted which adjoins the Kenai Spur Highway be depicted and labeled on the plat.

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

Utility provider review:

HEA	
ENSTAR	No comments or recommendations
ACS	
GCI	Approved as shown

KPB department / agency review:

Addressing	<p>Reviewer: Haws, Derek Affected Addresses: 3823 KENAI SPUR HWY</p> <p>Existing Street Names are Correct: Yes List of Correct Street Names: KENAI SPUR HWY SILVER SALMON DR CHINOOK CT</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: City of Kenai will advise on affected address.</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 total acreage after the boundary is updated to reflect the current Kenai Spur Highway boundary.

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.

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

ANADROMOUS WATERS HABITAT PROTECTION DISTRICT NOTE:

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

Staff recommendation: Provide the Anadromous Waters Habitat Protection District note on the final plat. Comply with 20.30.290.

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: Both tracts are larger than 200,000 sq. ft. and a soils analysis report is not required.

Staff recommendation: comply with 20.40.

KPB 20.60 – Final Plat

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

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: Update the Certificate of Ownership and Dedication owner information to read,

Steven T. Oberts
Member manager

Steven T. Oberts for
The Estate of Leo T. Oberts
Member manager

LTO Limited Partnership
By it's general partner,
LTO Kenai Management LLC.

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), KPB 20.30 (DESIGN REQUIREMENTS); AND KPB 20.40 (WASTEWATER DISPOSAL), AND
- COMPLIANCE WITH KPB 20.60 TO ENSURE ADMINISTRATIVE APPROVAL OF THE FINAL PLAT.

NOTE: 20.25.120. - REVIEW AND APPEAL.

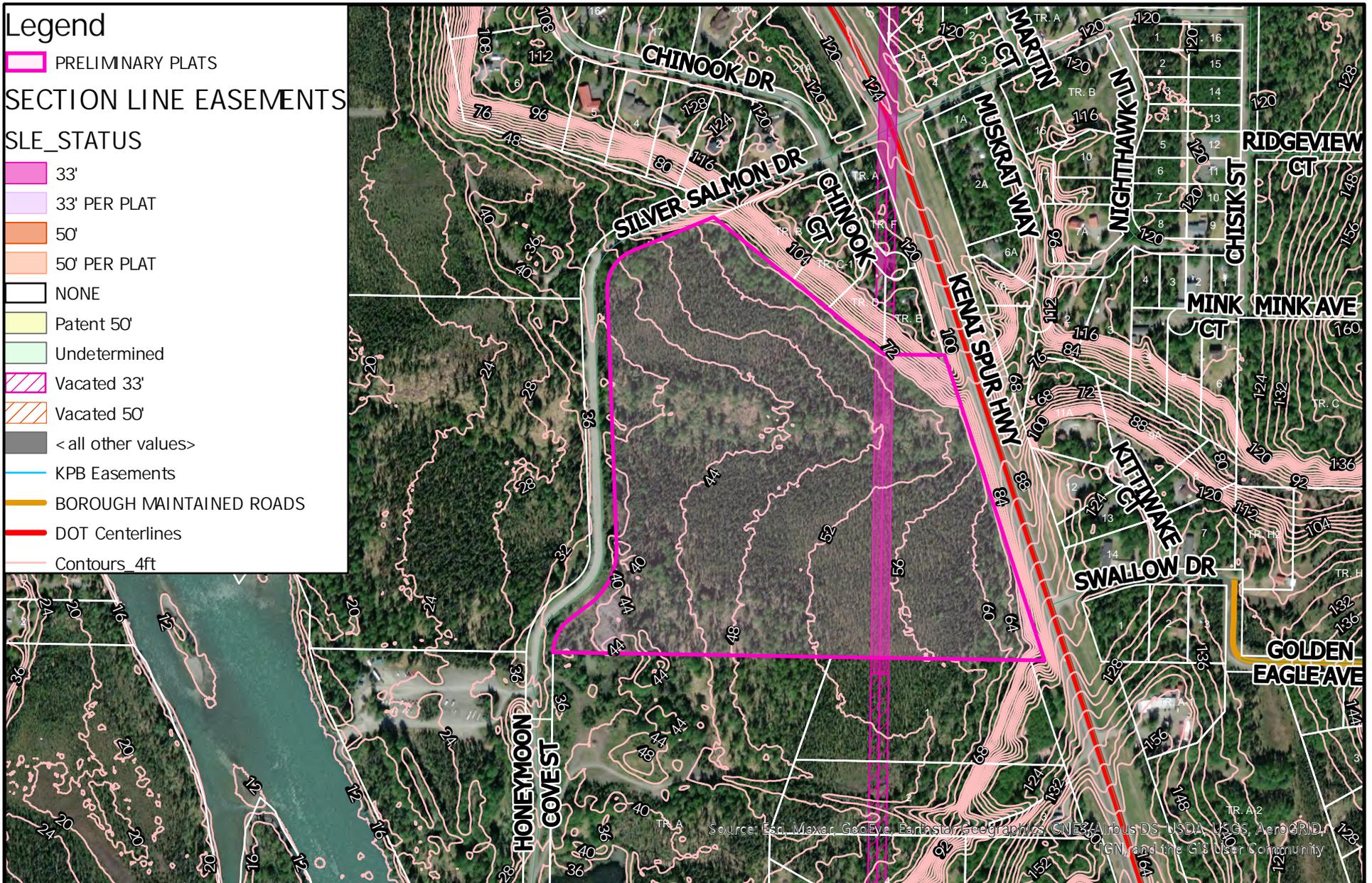
A PARTY OF RECORD MAY REQUEST THAT A DECISION OF THE PLAT COMMITTEE BE REVIEWED BY THE PLANNING COMMISSION BY FILING A WRITTEN REQUEST WITHIN 15 DAYS OF NOTIFICATION OF THE DECISION IN ACCORDANCE WITH KPB 2.40.080.

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

END OF STAFF REPORT

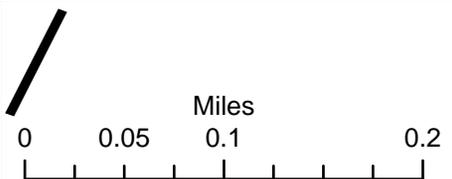
Legend

- 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 >
- KPB Easements
- BOROUGH MAINTAINED ROADS
- DOT Centerlines
- Contours_4ft



Source: Esri, Maxar, 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.

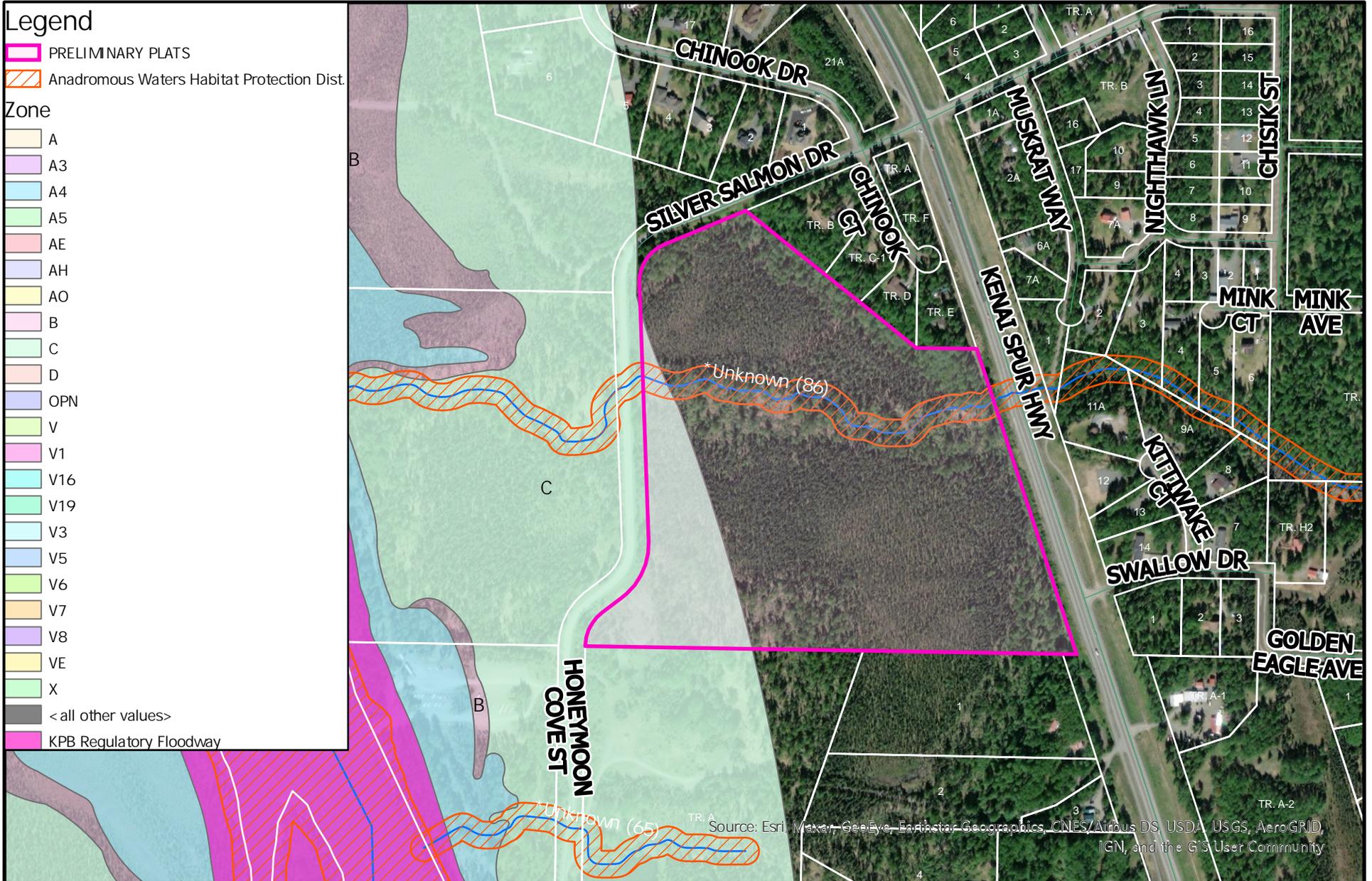


AERIAL IMAGERY 2018
ACCESS / SECTION LINE EASEMENTS

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

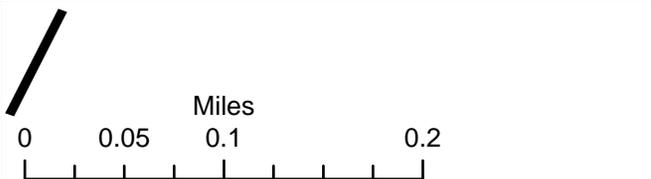
Legend

- PRELIMINARY PLATS
 - Anadromous Waters Habitat Protection Dist.
- Zone
- A
 - A3
 - A4
 - A5
 - AE
 - AH
 - AO
 - B
 - C
 - D
 - OPN
 - V
 - V1
 - V16
 - V19
 - V3
 - V5
 - V6
 - V7
 - V8
 - VE
 - X
 - < all other values >
 - KPB Regulatory Floodway



Source: Esri, Maxar, 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 IMAGERY 2018
wetland ecosystems

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

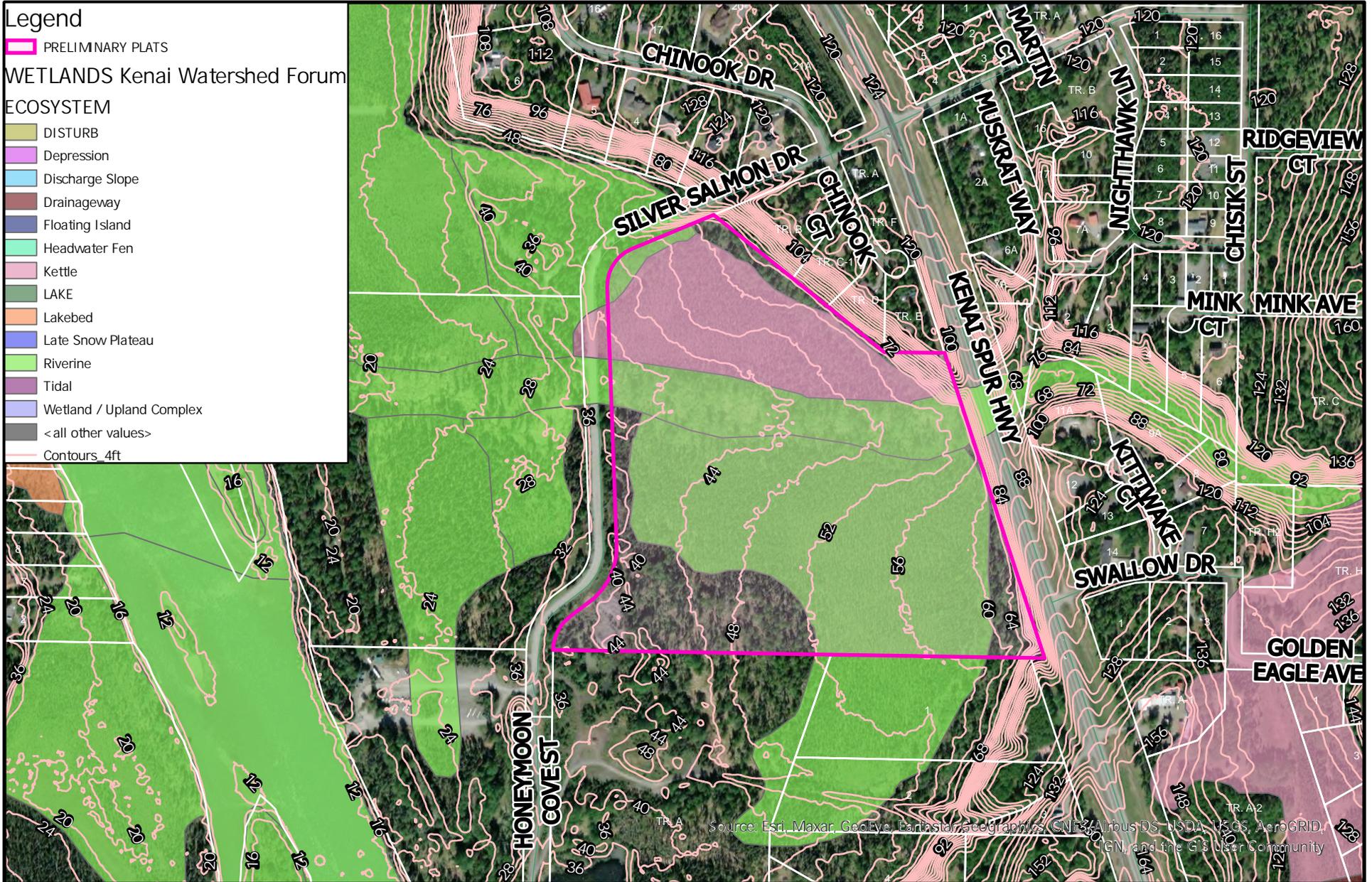
Legend

 PRELIMINARY PLATS

WETLANDS Kenai Watershed Forum

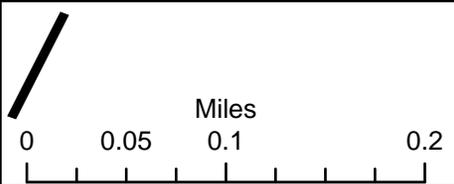
ECOSYSTEM

-  DISTURB
-  Depression
-  Discharge Slope
-  Drainageway
-  Floating Island
-  Headwater Fen
-  Kettle
-  LAKE
-  Lakebed
-  Late Snow Plateau
-  Riverine
-  Tidal
-  Wetland / Upland Complex
-  <all other values>
-  Contours 4ft



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

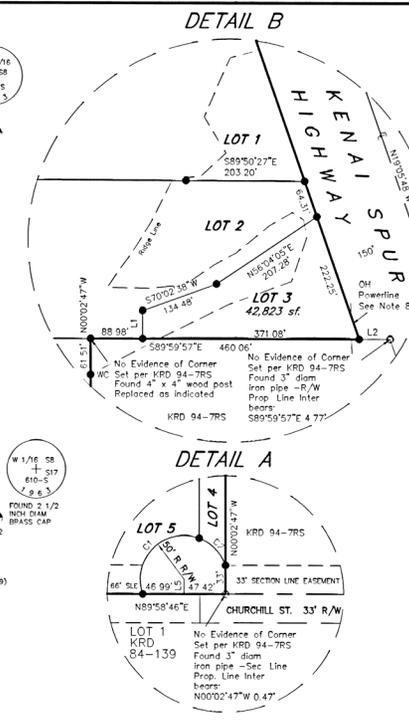
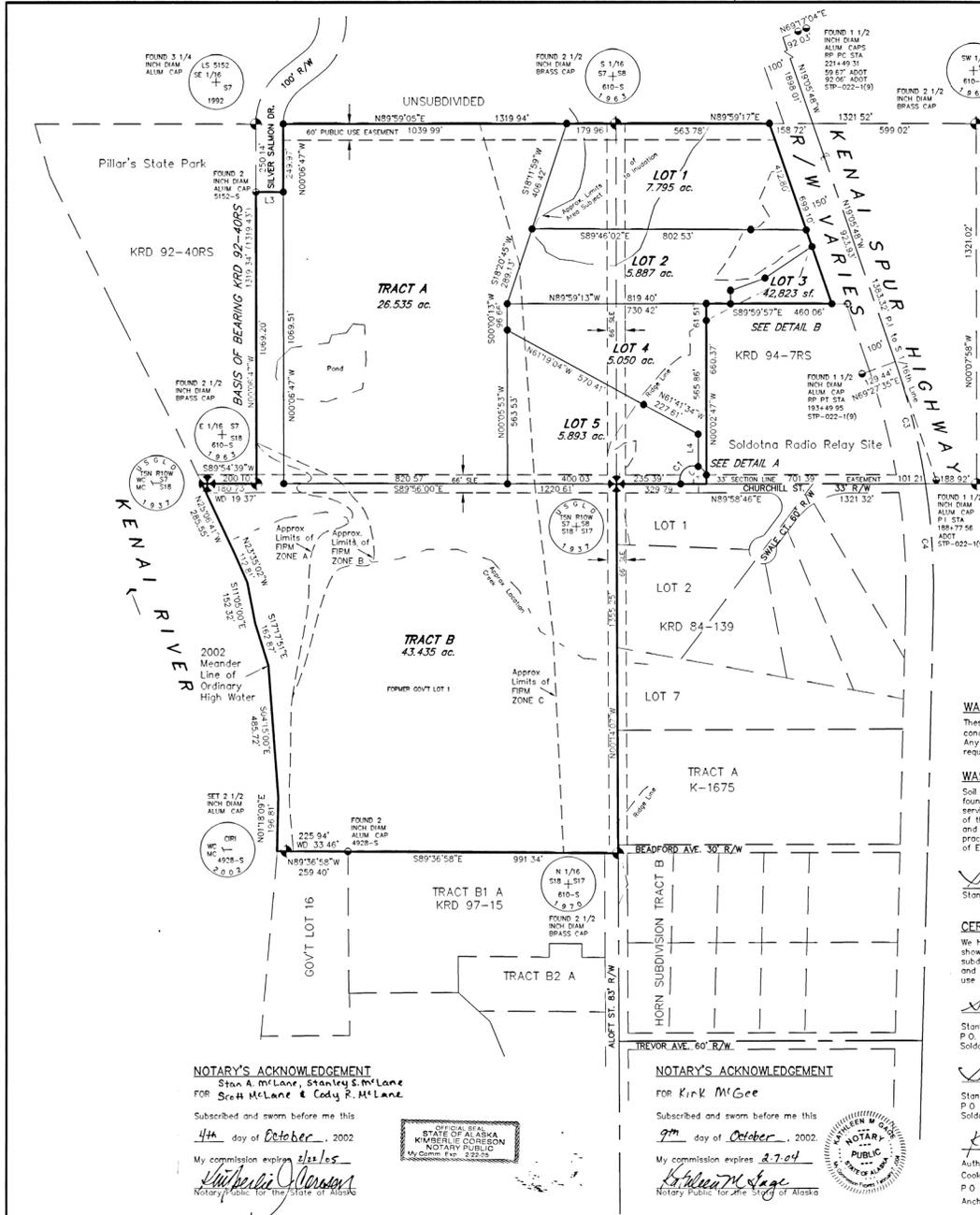
The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



AERIAL IMAGERY 2018

ACCESS / SECTION LINE EASEMENTS

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



LEGEND

- ⊗ GLO/BLM monument found this survey regulation brass cap attached to steel post
- Set 2 inch diam alum cap attached to 5/8 x 30 inch rebar 4508-S
- Alum cap attached to 5/8 inch diam rebar as noted
- ⊕ Primary survey monument as noted
- Found 3" diam iron pipe
- Record data SLE Section Line Estimation

LINE TABLE

LINE	LENGTH	BEARING
L1	48.41	S00°01'08"E
L2	52.91	S89°52'57"E
L3	100.00	N89°51'17"E
L4	118.29	N00°02'47"W
L5	17.00	S00°01'14"E

CURVE TABLE

CURVE	LENGTH	RADIUS	DELTA	TANGENT	CHORD	BEARING	CHORD
C1	113.61	50.00	130°11'21"	107.60	54°51'50"W	90.70	
C2	44.53	50.00	51°01'29"	23.86	N44°11'45"W	43.07	
C3	462.03	2549.48	10°23'01"	231.65	N13°24'18"W	461.40	
C4	446.90	2549.48	10°24'41"	224.01	N04°41'27"W	446.39	

WICINITY MAP
Scale 1" = 1 Mile

- NOTES**
- Water supply and sewage disposal systems shall be permitted only in conformance with applicable requirements of 18 AAC 70, 18 AAC 72, and 18 AAC 80.
 - No direct access to state maintained ROWS permitted unless approved by State of Alaska Department of Transportation.
 - No permanent structure shall be constructed or placed within an easement which would interfere with the ability to use the easement.
 - Lots within this subdivision may be located within a designated flood hazards area if such is the case, development must comply with Title 21, Chapter 5 of the Kenai Peninsula Borough Code of Ordinances. A survey to determine the elevation of the property may be required prior to construction.
 - The natural meanders of ordinary high water for the Kenai River forms the true bounds of the riverfront tract. The 2002 meander line shown herein is for survey computations only.
 - BUILDING SET BACK** - A building set back of 20 ft is required from all street rights-of-way unless a lesser standard is approved by resolution of the appropriate Planning Commission.
 - Portions of this subdivision are located within the Kenai Peninsula Borough 50-foot Anadromous Stream Habitat Protection Area. Development may be restricted under Chapter 2118 Borough Code of Ordinances.
 - The OH powerline is the centerline of a 20 ft wide electrical distribution line easement.
 - Roads must meet the design and construction standards established by the borough in order to be considered for certification and inclusion in the road maintenance program.
 - Kenai Spur Highway Right of Way Determined from PLO's and ADOT recovered monuments and data from ADOT Project STP-022-1(9).
 - Approximate flood zone limits obtained from Flood Insurance Rate Mapping effective date May 1981.
 - Structures are prohibited from the panhandle portions of Tract B and Lot 4.
 - Plat exceptions were granted by the Kenai Peninsula Planning Commission on February 25, 2002 for KFB 20-20180 (31) for Lot 2 and KFB 20-20030 (R/W Extension) for Silver Salmon Drive.

WASTEWATER DISPOSAL Lots 1, 2, 4, 5, Tr. A & B
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.

WASTEWATER DISPOSAL LOT 3
Soil conditions, water table levels, and soil slopes in this subdivision have been found suitable for conventional onsite wastewater treatment and disposal systems serving single-family or duplex residences and meeting the regulatory requirements of the Kenai Peninsula Borough. Any other type of onsite wastewater treatment and disposal system must be designed by a professional engineer, registered to practice in Alaska, and the design must be approved by the Alaska Department of Environmental Conservation.

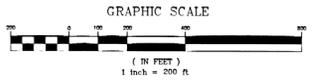
Stan A. McLane CE 7863 AK Date
Stan A. McLane

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

Stanley S. McLane
Stanley S. McLane M. Scott McLane
P.O. Box 468 P.O. Box 468
Soldotna, AK 99669 Soldotna, AK 99669

Stan A. McLane
Stan A. McLane Cody R. McLane
P.O. Box 468 P.O. Box 468
Soldotna, AK 99669 Soldotna, AK 99669

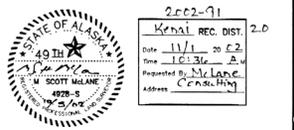
K.L. Wasieleski V.P. Real Estate
Authorized Representative
Cook Inlet Region, Inc.
P.O. Box 93330
Anchorage, AK 99509-3330 owner of Gov't Lot 1



NOTARY'S ACKNOWLEDGEMENT
Stan A. McLane, Stanley S. McLane
FOR Scott McLane & Cody R. McLane
Subscribed and sworn before me this
4th day of October, 2002
My commission expires 8/1/05
Michelle Harrison
Notary Public for the State of Alaska



NOTARY'S ACKNOWLEDGEMENT
for Kirk McGee
Subscribed and sworn before me this
9th day of October, 2002.
My commission expires 2/04
Kirk McGee
Notary Public for the State of Alaska



TOWER HILL SUBDIVISION PILLARS ADDITION

Stanley S. McLane
P.O. Box 468
Soldotna, AK 99669

PLAT APPROVAL
This plat was approved by the KENAI PENINSULA BOROUGH PLANNING COMMISSION on February 25, 2002.

WATER CONSULTING GROUP
McLane Testing
KPB FILE NO. 2002-033
PROJECT NO. 022005
SCALE 1" = 200'
DATE: JULY 02
BOOK NO. 024
DRAWN BY: [Signature]

No.	Delta	Radius	Arc Length	Chord Length	Chord Bearing
C1	55°00'00"	150.00	143.99	138.52	N24°30'00"E
C2	69°23'58"	250.00	302.81	284.64	N31°41'59"E
C3	02°04'21"	2784.79	110.01	110.00	S23°36'30"E
C4	69°23'58"	150.00	181.69	170.78	S31°41'59"W
C5	55°00'00"	250.00	239.98	230.87	S24°30'00"W
C6	03°03'00"	2784.79	147.18	147.16	N20°36'36"W
C6		[2784.79]	[147.00]		
C7	52°06'43"	259.14	235.70	227.86	N25°56'39"E
C8	52°06'43"	159.14	144.74	139.81	S25°56'39"W

No.	Bearing	Distance
L1	N89°56'07"E	160.99'
(L1)	N89°59'30"E	160.66'
L2	N19°00'32"W	198.40'
(L2)	N19°05'W	198.69'
L3	N66°23'58"E	141.63'
(L3)	N66°25'00"E	141.63'
L4	N00°07'05"W	187.98'
(L4)	N0°07'W	188.09'

- NOTES:
- This survey was accomplished in accordance with GCS 642.
 - All bearings shown are true bearings as oriented to the Basis of Bearing and distances shown are reduced to horizontal field distances. Basis of Bearing obtained from Record of Survey Plat No. 92-40RS.
 - The accuracy of this survey is greater than 1:5000.
 - "WASTEWATER DISPOSAL: Wastewater treatment and disposal systems must meet the regulatory requirements of the Alaska Department of Environmental Conservation.

The Alaska Department of Environmental Conservation approves this Subdivision for platting.

Signature
title
9-1-93
date

CERTIFICATE of OWNERSHIP and DEDICATION

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

Leo T. Oberts *Marion A. Oberts*
Leo T. Oberts Marion A. Oberts
1440 Chinook Court
Kenai, Alaska 99611

Daphne M. McLane
Daphne M. McLane
36735 Chinulna Drive
Kenai, Alaska

I HEREBY CERTIFY THAT WE HAVE AN EQUITY INTEREST AS BENEFICIARIES OF AN EXCLUSIVE ROAD EASEMENT COINCIDING WITH THE RIGHT-OF-WAY SHOWN AND DESCRIBED HEREON AND THAT WE HEREBY DEDICATE SAID EASEMENT TO PUBLIC USE.

Kevin Delaney
Kevin Delaney, Management Coordinator
State of Alaska
Dept. of Fish and Game
Div. of Sport Fisheries

NOTARY'S ACKNOWLEDGEMENT

SUBSCRIBED AND SWORN BEFORE ME THIS 5th DAY OF June, 1993 FOR *Kevin Delaney*

John W. Wainman
NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES Feb 6, 1994

NOTARY'S ACKNOWLEDGEMENT

SUBSCRIBED AND SWORN BEFORE ME THIS 27 DAY OF July, 1993 FOR *Daphne M. McLane*

Cliff Baker
NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES 2/12/93

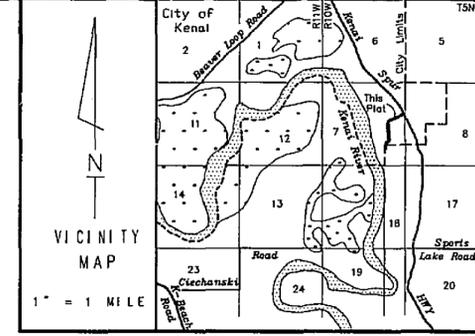
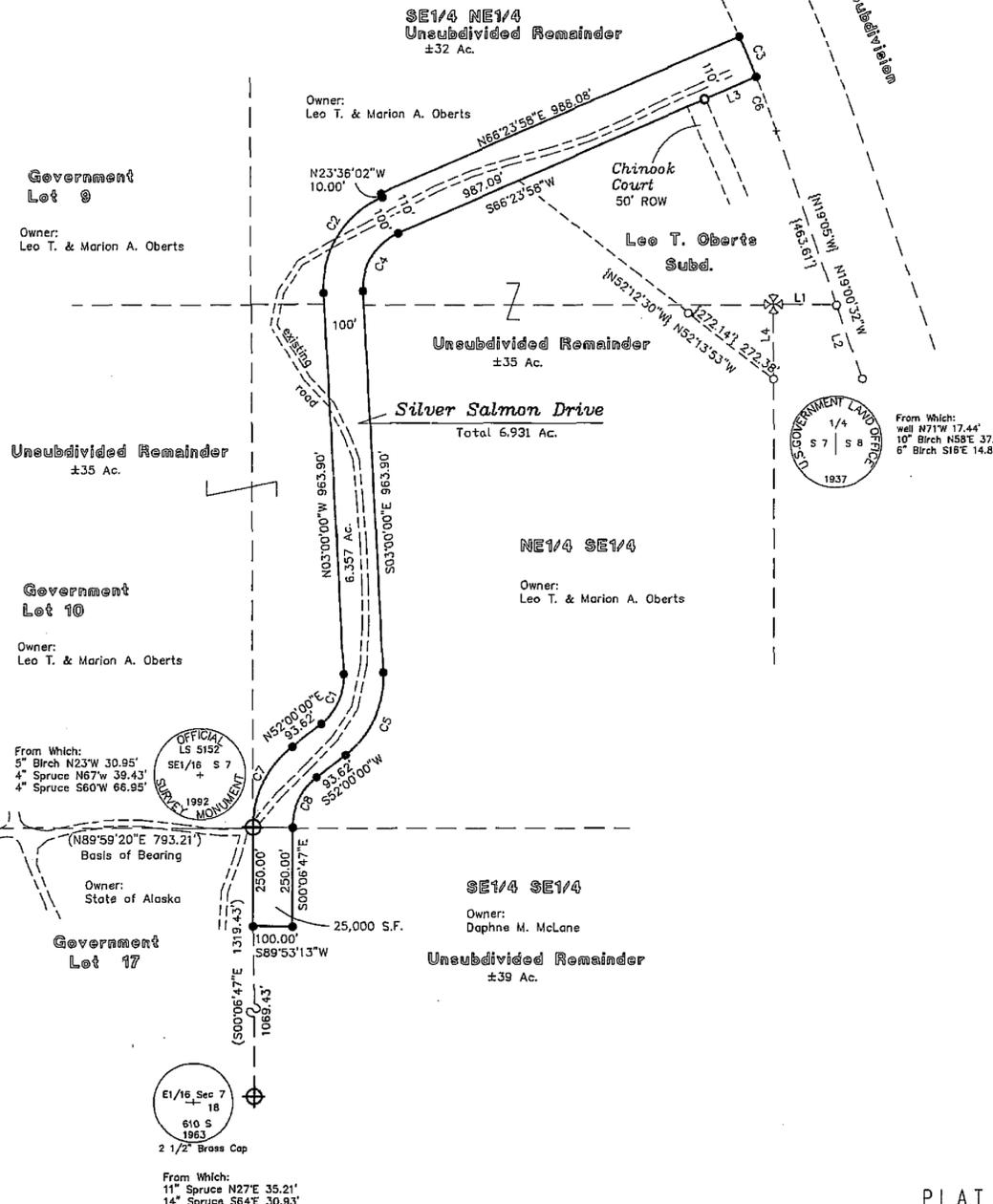
NOTARY'S ACKNOWLEDGEMENT

SUBSCRIBED AND SWORN BEFORE ME THIS 30th DAY OF July, 1993 FOR *Leo T. Oberts & Marion A. Oberts*

Anna M. Johnson
NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES 4/23/97

NOTARY PUBLIC
STATE OF ALASKA
CLIFF BAKER
My Commission Expires 2/12/93

NOTARY PUBLIC
STATE OF ALASKA
ANNA M. JOHNSON
My Commission Expires 4/23/97



- LEGEND:
- ⊕ Monument (found this survey)
 - 5/8" Rebar (found this survey)
 - 1/2" Rebar (found this survey)
 - 5/8" Rebar with 1 1/2" Alum. Cap (set this survey)
 - () Record Datum - Record of Survey ASLS 92-41, Plat No. 92-40RS
 - { } Record Datum - Leo T. Oberts Subdivision Plat No. 74-4



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

Date 30 July 1993 Registration Number LS 5152
Cliff Baker
Registered Land Surveyor

0 100 300 600 900
1 Meter = 3.280833 U.S. Survey Feet, 1 U.S. Acre = .4047 Hectare

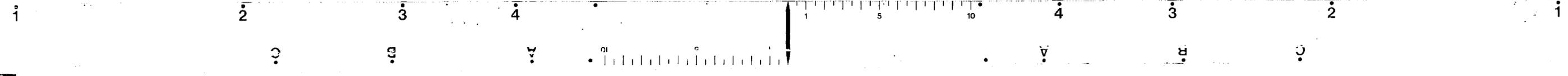
93-57
DEFINISHED FILED KC
KENAI REC. DIST.
DATE 9/29 1993
TIME 11:14 A.M.
BY DJR

PLAT APPROVAL

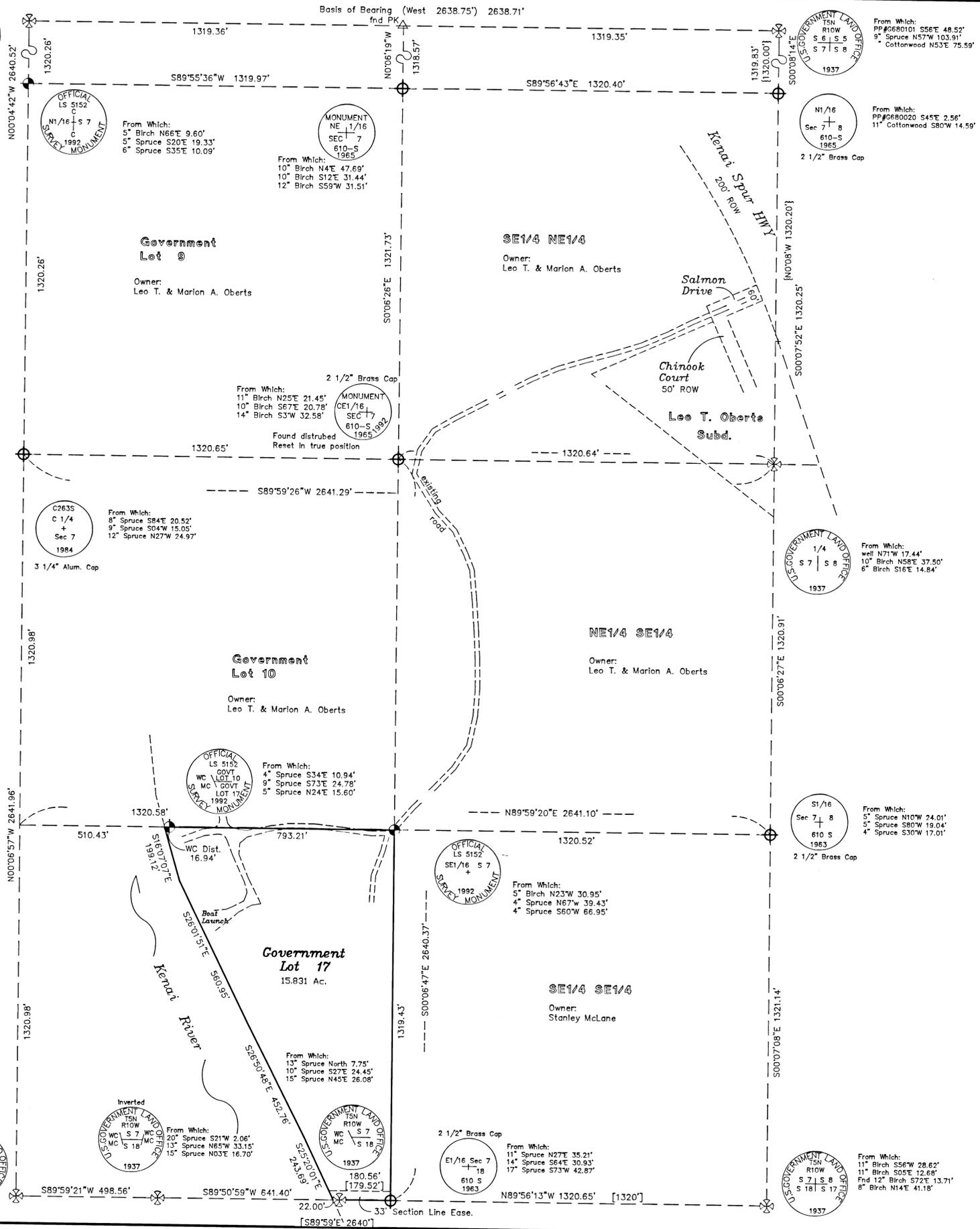
THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF February 22, 1993

KENAI PENINSULA BOROUGH
Richard T. Wynn
AUTHORIZED OFFICIAL

KPBA FILE No. 92-042	
DATE OF SURVEY Beginning April 13, 1992 Ending March 25, 1993	NAME OF SURVEYOR Integrity Surveys HC 2 Box 385 Soldotna, Alaska 99669
STATE OF ALASKA DEPARTMENT OF NATURAL RESOURCES DIVISION OF LAND ANCHORAGE, ALASKA	
ALASKA STATE LAND SURVEY NO. 92-177	
Silver Salmon Drive	
located within the SE1/4 NE1/4 & SE1/4 Section 7, T5N, R10W, S. M., City of Kenai, Kenai Recording District, Kenai Peninsula Borough, Alaska.	
DRAWN BY: CB	APPROVAL RECOMMENDED <i>Cliff Baker</i> 9-9-93 Statewide Platting Supervisor Date
DATE April 30, 1993	DATE
SCALE 1" = 200'	CHECKED CB FILE No. ASLS92177.dwg
JOB No. 92186	FIELD BK. 92-2 FILE No. ASLS 920177



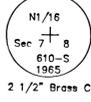
From Which:
12" Birch N33°W 27.56'
10" Spruce N45°E 25.39'
15" Birch S35°E 15.31'



From Which:
PP#680101 S56°E 48.92'
9" Spruce N57°W 103.91'
Cottonwood N53°E 75.59'



From Which:
PP#680020 S45°E 2.56'
11" Cottonwood S80°W 14.59'

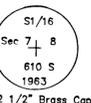


C2835
C 1/4
+
Sec 7
1984

From Which:
8" Spruce S84°E 20.52'
9" Spruce S04°W 15.05'
12" Spruce N27°W 24.97'



From Which:
well N71°W 17.44'
10" Birch N38°E 37.50'
6" Birch S16°E 14.84'



From Which:
5" Spruce N10°W 24.01'
5" Spruce S80°W 19.04'
4" Spruce S30°W 17.01'



From Which:
5" Birch N23°W 30.95'
4" Spruce N67°W 39.43'
4" Spruce S60°W 66.95'



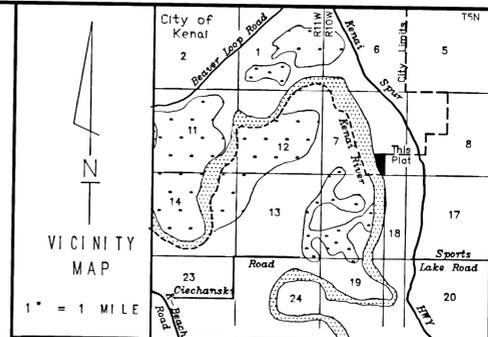
From Which:
13" Spruce North 7.75'
10" Spruce S27°E 24.45'
15" Spruce N45°E 26.08'



From Which:
20" Spruce S21°W 2.06'
13" Spruce N65°W 33.15'
15" Spruce N03°E 16.70'



From Which:
11" Birch S56°W 28.62'
11" Birch S04°E 12.69'
Fnd 12" Birch S72°E 13.71'
8" Birch N14°E 41.18'



SURVEYOR'S CERTIFICATE
I hereby certify that I am properly registered and licensed to practice land surveying in the State of Alaska, this sketch represents a survey made by me or under my direct supervision, the monuments shown hereon actually exist as described, and that all dimensions and other details are correct.
Date 8/19/92 Registration Number LS 5152
Clifford E. Baker
Registered Land Surveyor

- NOTES:**
- 1) This survey does not constitute a subdivision as defined by A.S. 40.15.190(2).
 - 2) This survey was accomplished in accordance with GCS 638.
 - 3) All bearings shown are true bearings as oriented to the Basis of Bearing and distances shown are reduced to horizontal field distances. Basis of Bearing obtained from Illiamna View Subd. Plat No. 78-99.
 - 4) The accuracy of this survey is greater than 1:5000.
 - 5) The natural meanders of the mean high water forms the true bounds of this subdivision. The approximate line of MHW as shown, is for computations only, with the true corners being on the extension of the side lines and their intersection with the natural meanders.
 - 6) All parcels of land owned by the State of Alaska, located within 50.00 feet of, or bisected by a 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.

- LEGEND:**
- ⊗ U.S.G.L.O. Monument (found this survey)
2 1/2" Brass Cap
 - ⊕ Monument (found this survey)
 - ⊙ Monument (set this survey)
3 1/4" Alum. Cap
 - () Record Datum - Illiamna View Subd.
Plat No. 78-99
 - { } Record Datum - Highlands Subd.
Plat No. K-1542
 - [] Record Datum - Department of Interior
General Land Office



0 100 200 300
0 50 100 200 300
1 Meter = 3.280833 U.S. Survey Feet, 1 U.S. Acre = .4047 Hectare

RECORD OF SURVEYOR	
DATE OF SURVEY Beginning <u>April 13, 1992</u> Ending <u>July 31, 1992</u>	NAME OF SURVEYOR Integrity Surveys HC 2 Box 385 Soldotna, Alaska 99669
STATE OF ALASKA DEPARTMENT OF NATURAL RESOURCES DIVISION OF LAND ANCHORAGE, ALASKA	
ALASKA STATE LAND SURVEY NO. 92-41 GOVERNMENT LOT 17	
located within the SW1/4 SE1/4 Section 7, TSN, R10W, S. M., City of Kenai, Kenai Recording District, Kenai Peninsula Borough, Alaska.	
DRAWN BY: CB	DATE: <u>Aug. 15, 1992</u>
SCALE 1" = 200'	CHECKED CB
JOB No. 92031	FILE No. ASLS9241.dwg
	DISK ASLS9241.dwg
	FIELD BK. 92-2
	FILE No. ASLS 920041

92-40RS
RECORDED 20'
Kenai REC. DIST.
DATE: 8/20 1992
TIME: 12:13 P.M.
REQUESTED BY:
INTEGRITY SURVEYS
HC2 BOX 385
SOLDOTNA, AK 99669