

Meeting Agenda

Plat Committee

Monday, January 10, 2022	5:30 PM	ZOOM ONLY
		Zoom Meeting ID: 907 714 2200

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

1) Staff will present a report on the item.

2) The Chair will ask for petitioner's presentation given by Petitioner(s) / Applicant (s) or their representative -10 minutes

3) Public testimony on the issue. - 5 minutes per person

4) After testimony is completed, the Planning Commission may follow with questions. A person may only testify once on an issue unless questioned by the Planning Commission.

5) Staff may respond to any testimony given and the Commission may ask staff questions.

6) Rebuttal by the Petitioner(s) / Applicant(s) to rebut evidence or provide clarification but should not present new testimony or evidence.

7) The Chair closes the hearing and no further public comment will be heard.

8) The Chair entertains a motion and the Commission deliberates and makes a decision.

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

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF AGENDA, EXCUSED ABSENCES, AND MINUTES

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

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

D. OLD BUSINESS

E. NEW BUSINESS

Attachments:

- I.KPB-3853Barabara Heights Subdivision Griffith Addition; KPB File 2021-156
 - 1. MAP Vicinity
 - 2. MAP Aerial Map
 - 3. Plat Prelim KPB 2021-156 Reduced
 - 4. Staff Report Barabara Heights Sub Griffith Addn KPB 2021-156
 - 5. Plat Parent SL 79-6
- 2. <u>KPB-3854</u> Madson Subdivision Tract A & Tract B; KPB File 2021-164

<u>Attachments:</u>

- <u>1. MAP Vicinity</u> 2. MAP Aerial Map
 - 3. Plat Prelim KPB 2021-164 Reduced
 - 4. Staff Report Madson Subdivision Tract A and B KPB 2021-164
 - 5. MAP Contour
 - 6. MAP Land Mgmt Status
 - 7. MAP Section Line Esmt

8. MAP Wetlands

- 9. Submittal MAP Contours Wetlands
- 10. Utility Esmt Request_Chugach Electric Assoc
- 11. Plat Parent ROW MAP Seward Hwy MP 25.5 36 Trail River to Sterling WY
- 12. Plat Parent sectional survey plat
- 13. Plat Parent sectional survey plat detail
- 14. Plat Parent US Survey No 2528
- 15. Plat Parent US Survey No 2528 april 23 1945

Plat E2 Addendum Staff Report Madson Subdivision Tract A and B KPB 2021-1

Plat E2 comments from surveyor for Madson Subdivision Tract A and B KPB 20

Plat E2 - Moose Pass APC Comment

3.	<u>KPB-3855</u>	Moose Range Meadows Pennys Place; KPB File 2021-167
	<u>Attachments:</u>	1. MAP Vicinity
		2. MAP Aerial Map
		3. Plat Prelim KPB 2021-167 Reduced
		4. Staff Report Moose Range Meaadows Pennys Plact KPB 2021-167
		5. MAP Aerial Map 2
		6. Plat Parent KN 85-40
		7. Plat Parent KN 84-93
4.	<u>KPB-3856</u>	Playle Estates; KPB File 2021-159
	Attachments:	1. MAP Vicinity
		2. MAP Aerial Map
		3. Plat Prelim KPB 2021-159 Reduced
		4. Staff Report Playle Estates KPB 2021-159
		5. MAP Aerial 2021
		6. MAP Aerial Map 2
		7. MAP Contour
		8. MAP Section Line Esmt
		9. Aerial Imagery
		10. Asbuilt
		11. Plat Parent KN 2021-31
		12. Plat Parent KN 84-274
		13. Plat Parent Sectional Survey
		14. Sectional Map Enlarged
		Plat E4 - Request for Postponement
5.	<u>KPB-3857</u>	Fourth of July Creek Subdivision Seward Marine Industrial Center Fire Dept. Replat; KPB File 2021-080
	Attachments:	1. MAP Vicinity
		2. MAP Aerial
		3. Plat Final Paper 111521
		4. Staff Report Exception Fourth of July Creek Subdivision Fire Department Rep
		5. Exception Request Added 121721
		6. Minutes 062821
		7. Parent Plats

<u>KPB-3858</u>	Kachemak Wilderness & Rolling Meadows Replat; KPB 2021-165
<u>Attachments:</u>	1. MAP Vicinity
	2. MAP Aerial Map
	3. Plat Prelim KPB 2021-165 Reduced
	4. Staff Report Kachemak Wilderness and Rolling Meadows Replat 2021-165
	5. MAP Block Length & Section Line Esmt
	6. MAP Contour
	7. MAP Wetland
	8. Plat Parent HM 2011-14
	9. Plat Parent HM 2002-89
	10. Plat Parent HM 77-40
	Plat E6 - Minutes KACHEMAK BAY APC (Unapproved)
<u>KPB-3859</u>	Voznesenka Lot 11 Replat; KPB File 2021-166
<u>Attachments:</u>	1. MAP Vicinity
	2. MAP Aerial Map
	3. Plat Prelim KPB 2021-166 Reduced
	<u>4. Staff Report Voznesenka Lot 11 Replat KPB 2021-166</u>
	5. MAP Aerial 2021
	6. MAP Contours
	7. Plat Parent HM 85-31
	8. Plat Parent HM USS 3354
<u>KPB-3860</u>	Hiridge Subdivision Amended Thompson Addition; KPB File 2021-163
<u>Attachments:</u>	1. MAP Vicinity
	2. MAP Aerial Map
	3. Plat Prelim KPB 2021-163 Reduced
	 Staff Report Hiridge Sub Amended Thompson Addn KPB 2021-163
	5. Map Block
	6. Plat Parent KN 76-132
	7. Plat Parent KN 2011-89
	8. Plat Parent KN 84-306
	Attachments: KPB-3859 Attachments:

4

9.	<u>KPB-3861</u>	Homewood Subdivision Grote Replat; KPB File 2021-162
	<u>Attachments:</u>	1. MAP Vicinity
		2. MAP Aerial Map
		3. Plat Prelim KPB 2021-162 Reduced
		4. Staff Report Homewood Sub Grote Replat KPB 2021-162
		5. MAP Block
		6. Plat Parent KN 2009-62
		7. Plat Parent KN 2008-204
		8. Plat Parent KN 2006-131
		9. Plat Parent KN 87-28
		10. Plat Parent KN 77-81
10.	<u>KPB-3862</u>	The Stordahle Subdivision; KPB File 2021-161
	<u>Attachments:</u>	1. MAP Vicinity
		2. MAP Aerial Map
		3. Plat Prelim KPB 2021-161 Reduced
		4. Staff Report The Stordahle Subdivision KPB 2021-161
		5. MAP Area
		6. MAP Block Lengths
		7. MAP Contour
		8. MAP Lease Area
		9. Lease Proposed Tower
		<u>10. Plat Parent DOT ROW Map</u>
		11. Plat Parent KN 85-77
		<u>12. Deed KN BK83 PG161</u>
		13. Plat Parent Section Survey
		14. Comment Holt 010222
		Plat E10 - Comment Miller 010722

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

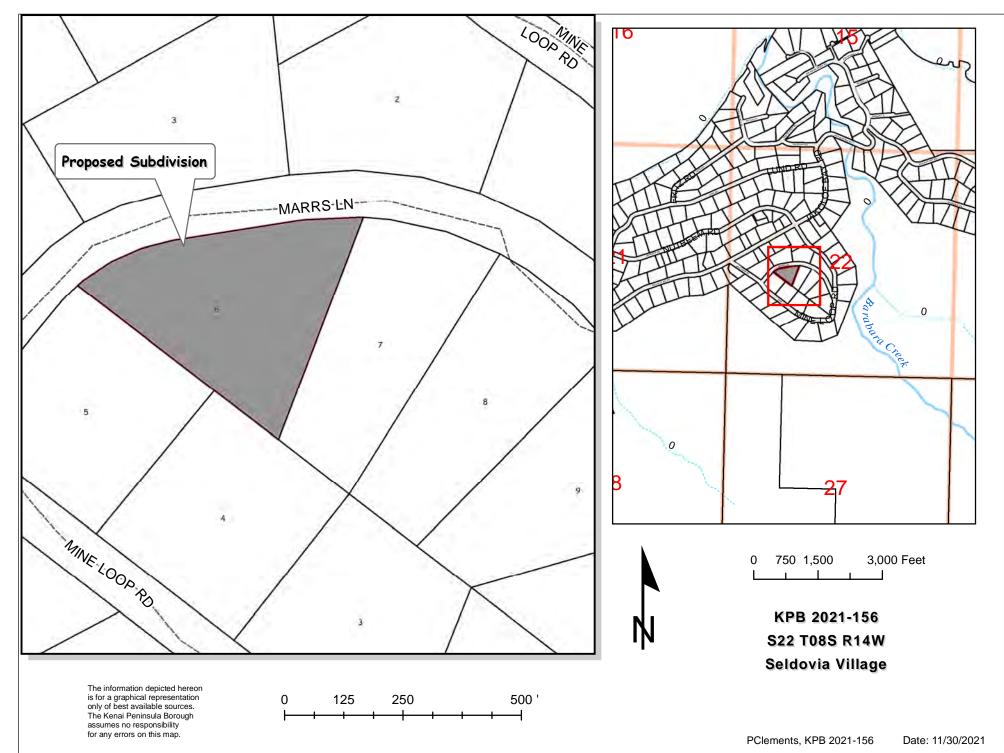
The next regularly scheduled Plat Committee meeting will be held Monday, January 24, 2022 in the Betty J. Glick Assembly Chambers of the Kenai Peninsula Borough George A. Navarre Administration Building, 144 North Binkley Street, Soldotna, Alaska at 7:30 p.m.

KENAI PENINSULA BOROUGH PLANNING DEPARTMENT

Phone: 907-714-2215 Phone: toll free within the Borough 1-800-478-4441, extension 2215 Fax: 907-714-2378 e-mail address: planning@kpb.us website: http://www.kpb.us/planning-dept/planning-home

Written comments will be accepted until 1:00 p.m. on the last business day (usually a Friday) before the day of the Plat Committee meeting in which the item is being heard. If voluminous information and materials are submitted staff may request seven copies be submitted. Maps, graphics, photographs, and typewritten information that is submitted at the meeting must be limited to 10 pages. Seven copies should be given to the recording secretary to provide the information to each Committee member. If using large format visual aids (i.e. poster, large-scale maps, etc.) please provide a small copy ($8\frac{1}{2} \times 11$) 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.



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

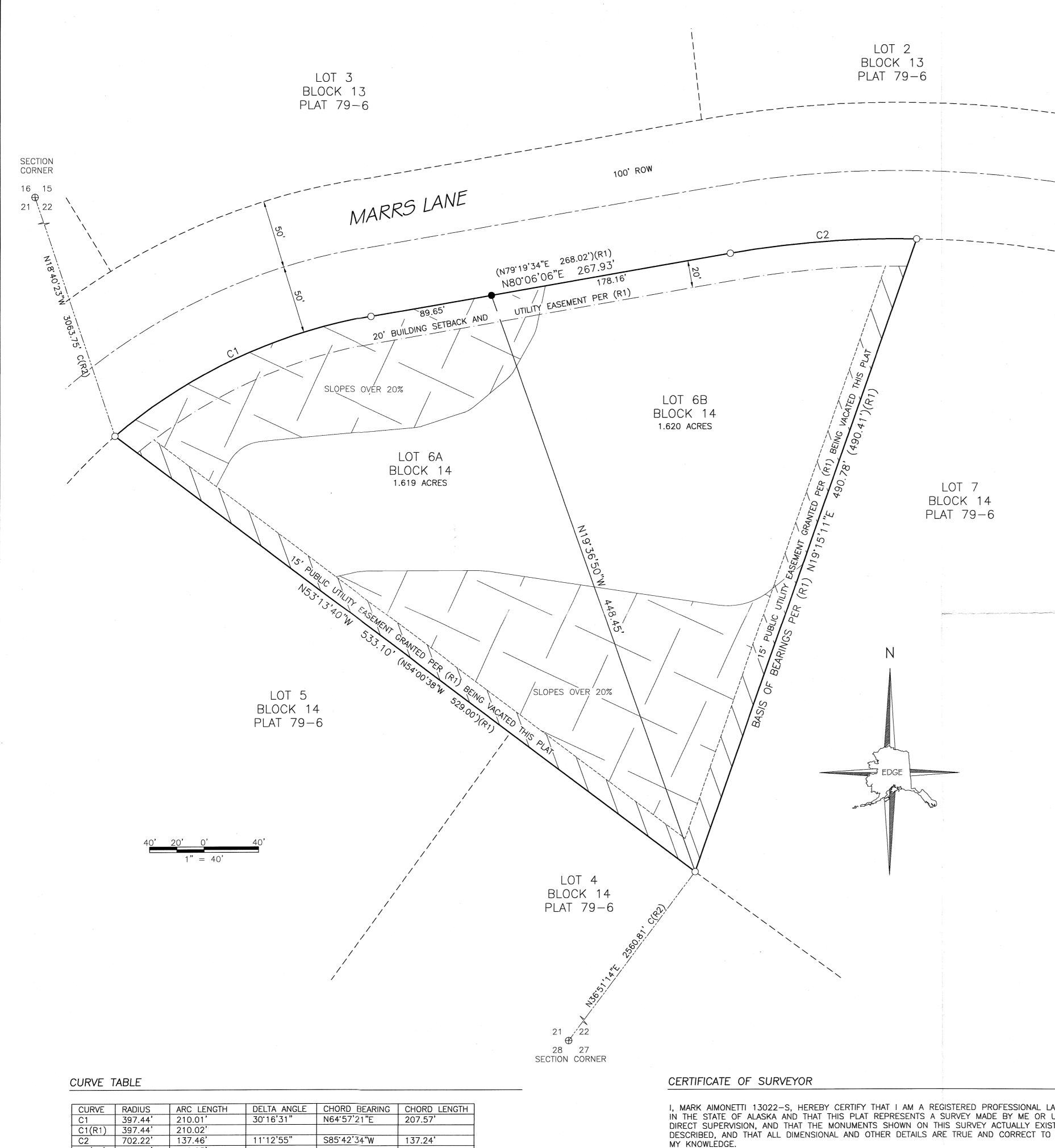
Aerial View



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PRELIMINARY PLAT

PClements, KPB 2021-156 Imagery FixedWing 2012-13



11.12,55"

C2(R1) 702.22' 140.23'

S85'42'34"W

137.24'

NOTES

- BUILDING SETBACK A SETBACK OF 20 FEET I UNLESS A LESSER STANDARD IS APPROVED BY COMMISSION.
- 2. THE FRONT 20 FEET ADJACENT TO THE RIGHTS PERMANENT STRUCTURE SHALL BE CONSTRUCTED WOULD INTERFERE WITH THE ABILITY OF A UTILIT
- 3. THE KENAI PENINSULA BOROUGH PLANNING COM EASEMENT GRANTED BY (R1) AT THE PLAT COM
- THIS SUBDIVISION SUBJECT TO RESERVATIONS, RI CONTAINED IN INTERIM CONVEYANCES, RECORDED RECORDING DISTRICT.
- 5. WASTE WATER DISPOSAL: SOIL CONDITIONS, WATER SUBDIVISION HAVE BEEN FOUND SUITABLE FOR CO DISPOSAL SYSTEMS SERVING SINGLE-FAMILY OR D REQUIREMENTS OF THE KENAI PENINSULA BOROUC TREATMENT AND DISPOSAL SYSTEM MUST BE DES TO PRACTICE IN ALASKA, AND THE DESIGN MUST ENVIRONMENTAL CONSERVATION.

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REFERENCES

R1)	BARABARA HEIGHTS SUBDIVISION, PLAT 79-6,
R2)	KENAI PENINSULA BOROUGH GIS DATA

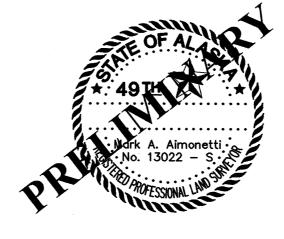
PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA MEETING OF DECEMBER 13, 2021. KENAI PENINSULA BOROUGH

AUTHORIZED OFFICIAL

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

KPB 2021-156



			BAY
	E.		KACHEMAK BAY
IS REQUIRED FROM ALL STREET RIGHTS-OF-WAY RESOLUTION OF THE APPROPRIATE PLANNING			20 20 10 10 10 10 10 10 10 10 10 1
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MISSION APPROVED THE VACATION OF UTILITY MITTEE MEETING OF JANUARY 10, 2022.			32 33 34 T8S 35
RESTRICTIONS, CONDITIONS AND EASEMENTS AS D JUNE 27, 1979, BOOK: 23, PAGE: 455, SELDOVIA			VICINITY MAP 1" = 1 MILE
ER TABLE LEVELS, AND SOIL SLOPES IN THIS		CERTIFI	ICATE OF OWNERSHIP AND DEDICATION
CONVENTIONAL ONSITE WASTEWATER TREATMENT AND DUPLEX RESIDENCES AND MEETING THE REGULATOR' UGH. ANY OTHER TYPE OF ONSITE WASTEWATER ESIGNED BY A PROFESSIONAL ENGINEER, REGISTERED T BE APPROVED BY THE ALASKA DEPARTMENT OF	· · · · · · · · · · · · · · · · · · ·	REAL PRO WE HEREE CONSENT	EBY CERTIFY THAT WE ARE THE OWNERS OF THE ROPERTY SHOWN AND DESCRIBED HEREON AND THAT EBY ADOPT THIS PLAN OF SUBDIVISION AND OUR FREE T DEDICATE ALL RIGHTS-OF-WAY AND PUBLIC AREAS IC USE AND GRANT ALL EASEMENTS TO THE USE
		SHOWN.	
NUMBER DATE			IA GRIFFITH SUNFLOWER STREET
NUMBER DATE		KENAI, AK	
MONUMENT POSITION PER (R2) FOUND SECONDARY MONUMENT 1–1/2" ALUMINUM CAP STAMPED WITH PARCEL IDENTIFICATION		RUSSELL 47580 SL KENAI, AF	UNFLOWER STREET
SET SECONDARY MONUMENT		NOTARY	Y ACKNOWLEDGEMENT
5/8" X 30" REBAR WITH 2" ALUMINUM CAP STAMPED EDGE SURVEY LS-13022 2021			RISTINA GRIFFITH EDGED BEFORE ME
RECORD DATA, SEE REFERENCE		THIS	DAY OF, 2022
COMPUTED SUBDIVISION BOUNDARY		NOTARY P	PUBLIC SIGNATURE
INTERIOR LOT LINE			
ADJACENT PROPERTY LINE			
CENTERLINE RIGHT OF WAY 20 EOOT BUILDING SETBACK AND PUBLIC UTILITY EASEMENT		a da anticipada da anticip Anticipada da anticipada da	NOTARY STAMP AREA
EASEMENT MONUMENT TIE LINES			
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		THIS	DAY OF, 2022
		NOTARY P	PUBLIC SIGNATURE
SELDOVIA RECORDING DISTRICT			NOTARY STAMP AREA
			KPB FILE No. 2021-xxx
		(B	BARABARA HEIGHTS SUBDIVISION GRIFFITH ADDITION
A BOROUGH PLANNING COMMISSION AT THE			A REPLAT OF LOT 6 BLOCK 14
			BARABARA HEIGHTS SUBDIVISION, PLAT NO. 79–6 SELDOVIA RECORDING DISTRICT
			OWNERS: CHRISTINA & RUSSELL GRIFFITH 47589 SUNFLOWER STREET
			KENAI, AK 99611 LOCATED WITHIN SW1/4 SECTION 22,
			T.8S., R.14W. S.M., ALASKA SELDOVIA RECORDING DISTRICT CONTAINING 3.329 ACRES
RECORDER'S	10		
STAMP AREA	2.25"		SURVEY AND DESIGN, LLC
			I 2501 OLD SEWARD, D ANCHORAGE, AK 99515 Phone (907) 344-5990 Fax (907) 344-7794
2.25"		DRAWN I VLB	08/19/2021 N/A
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AGENDA ITEM E. NEW BUSINESS

KPB File No.	2021-156	
Plat Committee Meeting:	January 10, 2022	
Applicant / Owner:	Christina and Russell Griffith of Kenai, Alaska	
Surveyor:	Jason Young, Mark Aimonetti / Edgy Survey and Design, LLC	
General Location:	Marrs Lane, Seldovia Village	
Parent Parcel No.:	191-340-11	
Legal Description:	Lot 6 Block 14 Barabara Heights Subdivision Plat SL 79-6	
Assessing Use:	Residential	
Zoning:	Rural Unrestricted	
Water / Wastewater	On site	

ITEM 1 - BARABARA HEIGHTS SUBDIVISION GRIFFITH ADDITION

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide a 3.23 acre lot into two lots that will be 1.61 and 1.62 acres. The plat is also proposing to finalize a utility easement vacation.

Location and Legal Access (existing and proposed): The subdivision is located seven miles northeast of the City of Seldovia in the area considered Seldovia Village. The proposed lots will front on Marrs Lane, a 100 foot wide dedicated right of way that is maintained by the Borough. Marrs Lane intersects Mine Loop Road to the east and west. Mine Loop Road is a 100 foot wide dedicated borough maintained right of way. Mine Loop Road connects at two points to Jakolof Bay Road. Jakolof Bay Road is a 100 foot wide right of way that is maintained by the State of Alaska.

The subdivision is within a closed block. The block is unusual in shape as it is a circle made up of two roads with two intersections. The length from intersection to intersection exceed allowable limits. The parent plat, completed in 1979, created this irregular block. Any new dedications from this subdivision will not improve the block length. The lot to the south, Lot 4 Block 14, is a prior existing use gravel pit for the Seldovia Native Association. To improve the block with this subdivision would require a future dedication along or through the prior existing use material site. *Staff recommends* the plat committee concur that an exception or dedications are not required, as the block cannot be improved by this plat.

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

<u>Site Investigation</u>: Kenai Peninsula Borough GIS Data does not have data for wetlands or contour information in this area.

The steep slopes have been depicted on the preliminary plat. Steep slopes affect Lot 6A along Marrs Lane and affect both lots at the southern points.

KPB River Center review	A. Floodplain Reviewer: Carver, Nancy Floodplain Status: Not within flood hazard area Comments: No comments
	B. Habitat Protection

Page 1 of 6

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

Staff Analysis The proposed subdivision will be dividing Lot 6 Block 14 of Barabara Heights Subdivision, Plat SL 79-6, into two lots. The lot was created with the recording of Barabara Heights Subdivision plat which subdivided 1,100 acres of land owned by the Seldovia Native Association. In 2009, Lot 6 Block 14 was sold as part of the Kenai Peninsula Borough Tax Foreclosure Sale.

Per Kenai Peninsula Borough Assessing information, a dwelling is located on the property. Per Kenai Peninsula Borough GIS imagery the structure will be on proposed Lot 6A.

A prior existing use permit for a material site is located to the south on Lot 4 Block 14 which is owned by the Seldovia Native Association. Lot 5 and Lot 3, which are on each side of Lot 4, are also owned by Seldovia Village Tribe. The existence of the material site should not affect the subject parcel.

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

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

The property is not within an advisory planning commission.

<u>Utility Easements</u> Barabara Heights Subdivision, SL 79-6, granted 20 foot wide utility easements adjoining dedicated right of ways. The easement adjoining the right of way will remain in place and is depicted and noted on the plat.

The parent plat also granted 15 foot wide utility easements adjoining each side of all other lot lines resulting in a total width of 30 feet. A petition to vacate the 15 foot utility easements has been received and is scheduled to be heard by the Kenai Peninsula Borough Planning Commission at the January 10, 2022 meeting. If the vacation is approved it is proposed to be finalized by this subdivision 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	
ACS	
GCI	

KPB department / agency review:

Addressing	
Code Compliance	Reviewer: Ogren, Eric
	Comments: No comments
Planner	Reviewer:

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

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

STAFF RECOMMENDATIONS

CORRECTIONS / EDITS

KPB 20.25.070 – Form and contents required

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

A. Within the Title Block

1. Name of the subdivision which shall not be the same as an existing city, town, tract, or subdivision of land in the borough, of which a plat has been previously recorded, or so nearly the same as to mislead the public or cause confusion. The parent plat's name shall be the primary name of the preliminary plat.

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

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

Staff recommendation:

- Update the owners' address to "47580 Sunflower Street".
- Update the acreage as per KPB records and the acreage listed on the lots it should be 3.239.
- Verify the scale used.
- If finalizing the utility easement vacation by the plat, add to the description "and finalizing utility easement vacations".
- D. A vicinity map, drawn to scale showing location of proposed subdivision, north arrow if different from plat orientation, township and range, section lines, roads, political boundaries, and prominent natural and manmade features, such as shorelines or streams;

Staff recommendation:

- Provide a depiction and label for the Seldovia City Limits within Section 32.
- Correct the spelling of the creek name to "Wadsworth".

KPB 20.30 – Subdivision Design Requirements

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

KPB 20.40 – Wastewater Disposal

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

20.40.010 Wastewater disposal.

Platting Staff Comments: A soils analysis report will be required and an engineer will need to sign the plat. **Staff recommendation**: comply with 20.40.

KPB 20.60 - Final Plat

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

20.60.110. Dimensional data required.

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

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

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

Staff recommendation: In the legend (R2) is listed as KPB GIS data. This reference designation is used on the ties to the subdivision from GLO monuments. The tie bearing and distance must be measured in the field, computed, or taken from other survey records. GIS Data does not qualify as an allowable record for bearings and distances. Comply with 20.60.110.

20.60.180. Plat notes.

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

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

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

The book and page referenced in plat note 4 needs corrected to Book 22 and Page 982.

KPB 20.70 – Vacation Requirements

Staff recommendation. If finalizing the utility easement by plat, it must be recorded within one year of the vacation approval.

EXCEPTIONS REQUESTED:

A. KPB 20.30.190 – Lots-Dimensions (3:1 depth to width ratio Lot 6A)

<u>Surveyor's Discussion:</u> With the parent parcel being pie shaped and the steep slopes the surveyor was limited on new parcel design to accommodate useful areas for development. The length to width ratio is near borough code requirements being off by just a few feet. The development trend in the area is recreational property, with no development on adjacent parcels at this time therefore the size ratio of the parcel being re-platted have no

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immediate effect on neighboring parcels.

<u>Staff Discussion</u>: The parent lot was created as a triangle lot. The proposed subdivision will create almost two equal sized lots that are also triangle shaped. Lot 6B complies with the depth to width ratio but Lot 6A is 3.3:1

Findings:

- 1. KPB Code allows a 3:1 depth to width ratio for lots.
- 2. Lot 6A has a depth to width ratio of 3.3:1.
- 3. The parent lot was a compliant triangle shaped lot.
- 4. The new lots follow the same design of the parent lot but smaller.
- 5. Lot 6B has a depth to width ratio of 2.9:1.
- 6. Steep slopes exist along the southern portion of the lots.
- 7. Both lots will contain areas that can be developed with residential improvements.
- 8. A wastewater soils analysis will be required to show the soils types and what type of wastewater system can be installed.

Staff reviewed the exception request and recommends granting approval.

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

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

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

- 1. That special circumstances or conditions affecting the property have been shown by application; **Findings 4, 7, 8 appear to support this standard.**
- That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title;
 Findings 4, 7, 8 appear to support this standard.
- That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.
 Findings 4, 7, 8 appear to support this standard.

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

RECOMMENDATION:

SUBJECT TO EXCEPTION(S) GRANTED, STAFF RECOMMENDS:

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

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

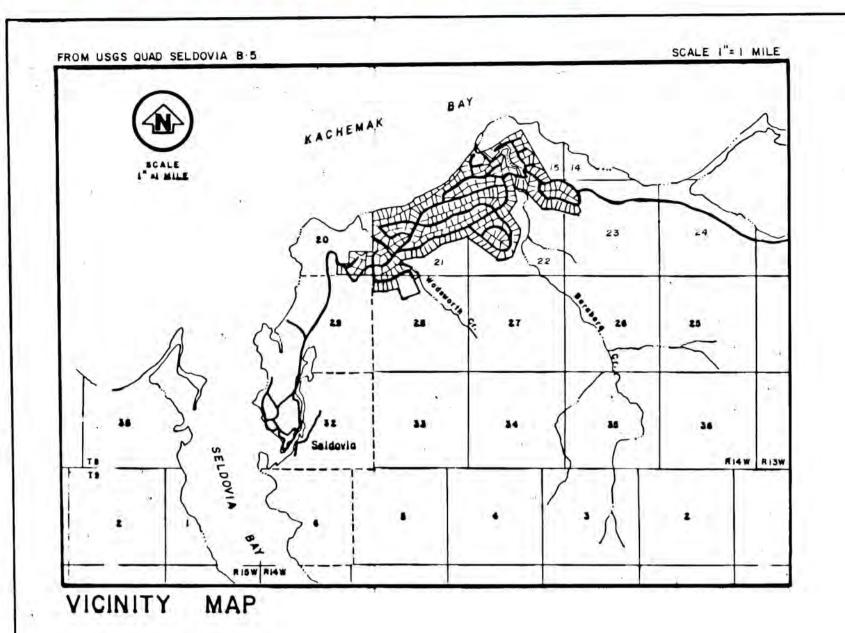
NOTE: 20.25.120. - REVIEW AND APPEAL.

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

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

END OF STAFF REPORT

KPB NOTE: See PC Resolution 2005-32



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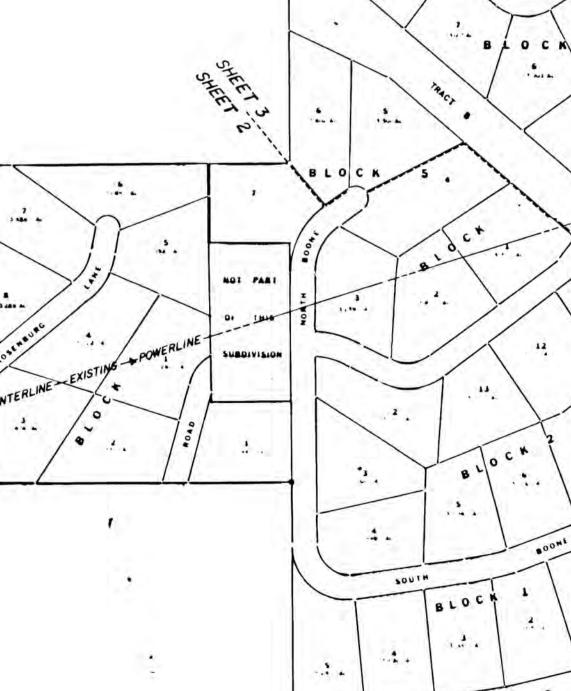
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LEGEND:

- e 5/8" REBAR WITH STAMPED ALUMINUM CAP, SET THIS SURVEY
- 3" ALUMINUM CAPPED PIPE, STAMPED, SET THIS SURVEY
- 5/8" REBAR, FOUND THIS SURVEY
- 3" BRASS CAPPED PIPE, B.L.M., FOUND THIS SURVEY
- ---- CENTERLINE EXISTING POWERLINE

BASIS OF BEARING:

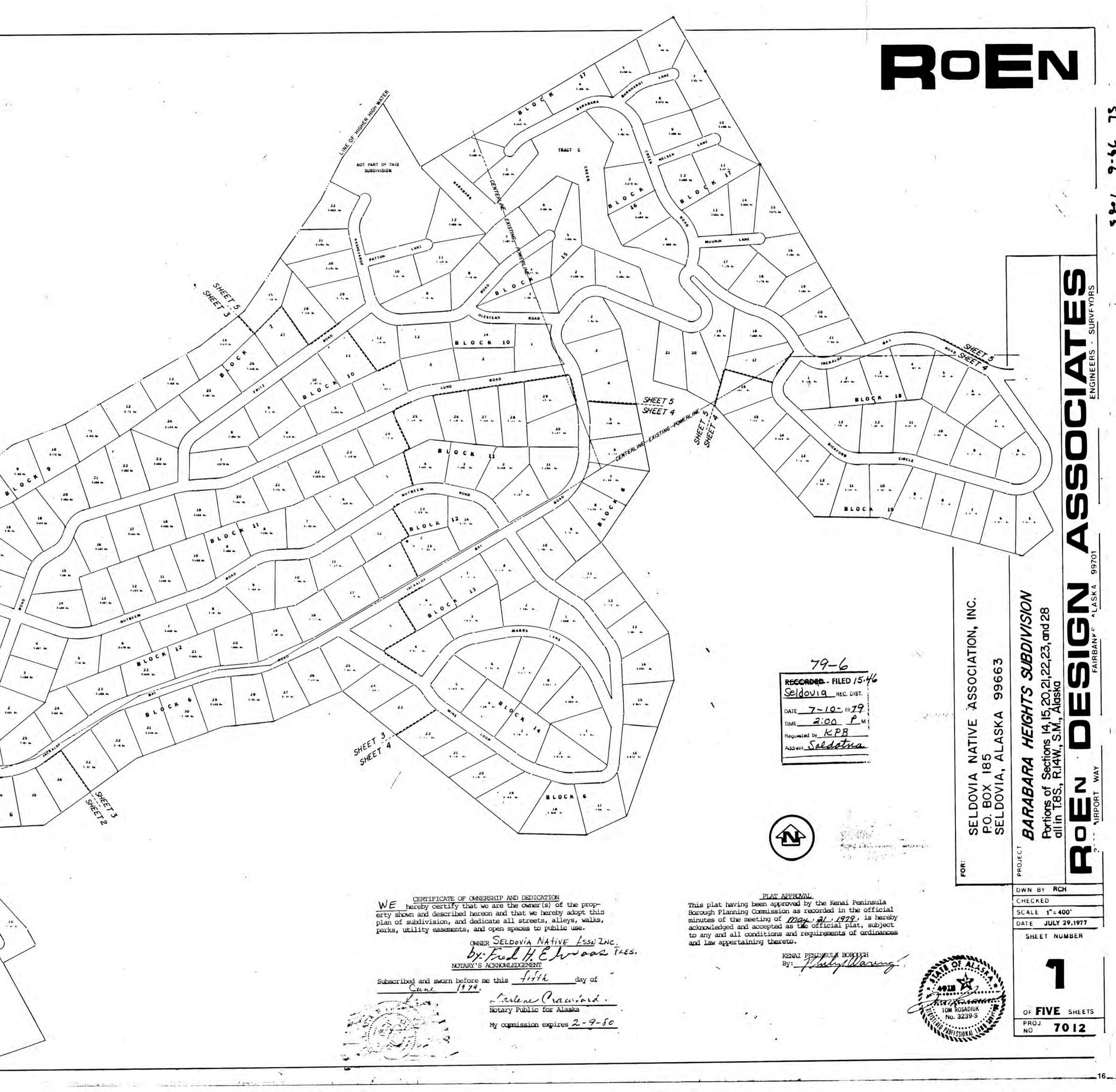
THE BASIS OF BEARING FOR THIS SUBDIVISION WAS ESTABLISHED BETWEEN STATION "WATCH" (FROM USC & GS) AND STATION "LIGHT" (FROM USACE) AS NIS 48'03"W.

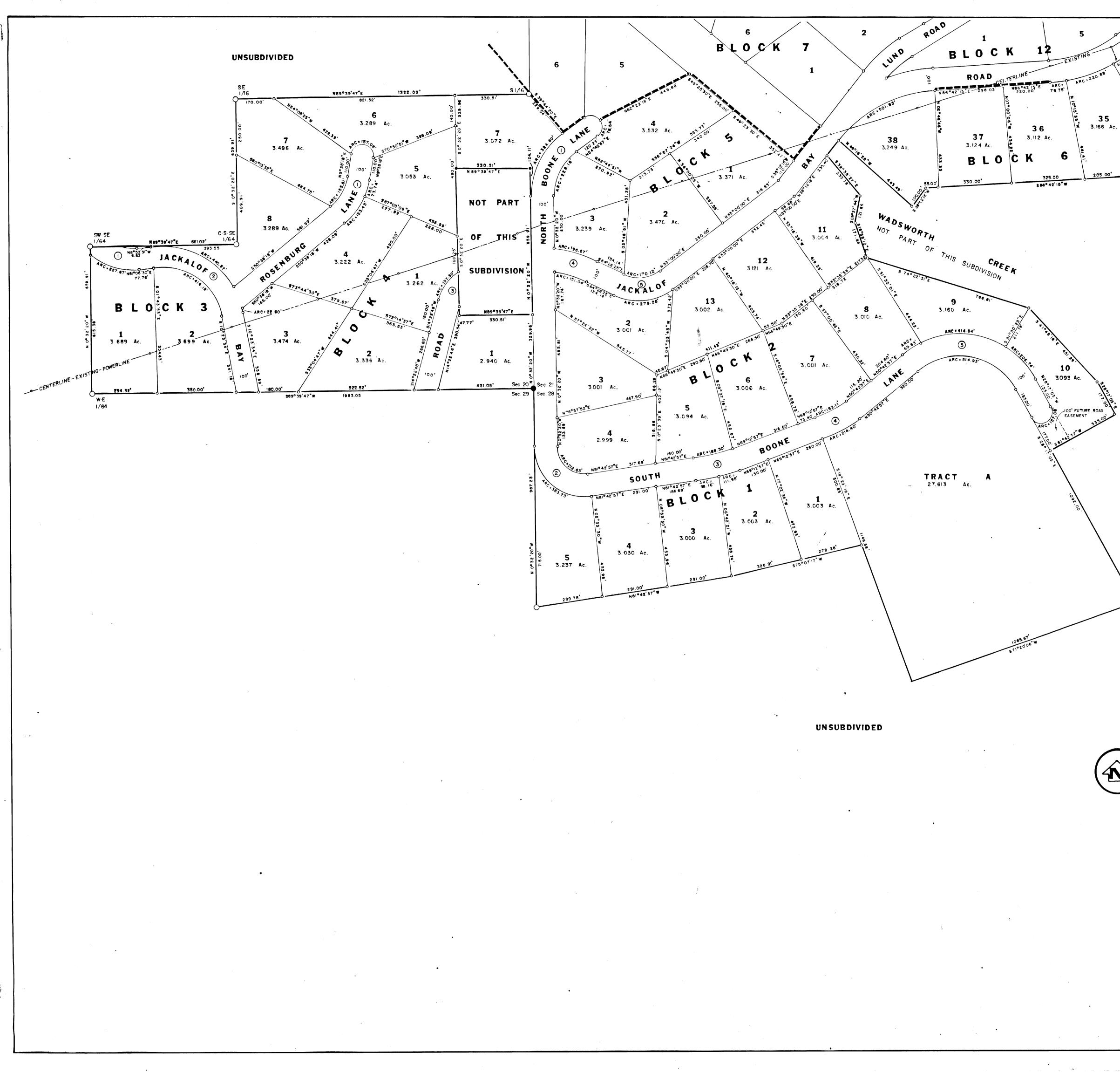




BLOCK 3







ROEN

	CENTERI	INE CURVE DATA	_	
Road	Curve No.	Delta	Radius	Tangent
Jackalof Bay Rd	1. 1 2 3 4 5	60°18'26" 88°29'56" 37°37'26" 20°07'05" 62°31'34"	183.25' 318.15' 134.91' 495.00' 205.89'	106.45 309.93 45.96 87.81 125.00
Rosenburg Lane	1	41°00'00"	267.46'	100.00
Boone Lane	1 2 3 4 5	55°15'17" 97°44'42" 12°30'00" 18°30'00" 101°00'00"	286.59' 174.64' 913.09' 614.02' 342.11'	$ \begin{array}{r} 150.00 \\ 200.00 \\ 100.00 \\ 100.00 \\ 415.02 \end{array} $

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3.01C Ac.

EASEMENT FOR BARABARA HEIGHTS SUBDIVISION

- 1. Easements for public utilities are herein provided 15 feet on each side of every lot line, for a total width of 30 feet along common interior lot lines, excepting along dedicated streets where easement width shall be 20 feet, adjacent to the street right-of-way.
- ADL # 25085 provides an easement for the existing power 2. line to Homer Electric Association, Inc. of 100 feet total width, centered on the existing pole line which
- is located as shown on the plat. 3. 10 feet by 20 feet parking spaces are dedicated with 10 foot walkways extending to the cliffs edge as shown on
- sheet 3 of 5. 4. A 10 foot wide walkway is granted along the cliff's edge
- as shown on sheet 3 of 5. A 25 foot wide pedestrian walkway easement is granted on the beach along the line of higher high water.

BUILDING SET BACK REQUIREMENT

- 1. No permanent improvements shall be permitted within 20 feet of any lot boundary which bounds a dedicated
- street. 2. Note also existing State regulations regarding required separation between existing and/or future utilities and located within utility easements adjacent to lot lines.

WASTEWATER DISPOSAL SYSTEMS

Individual on-site wastewater disposal systems shall comply with State regulations which are in force at the time of construction.

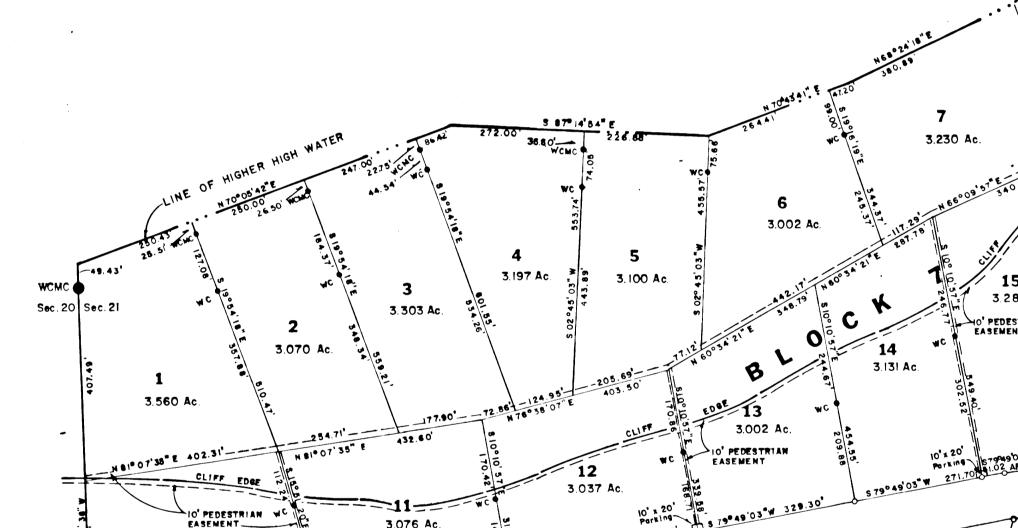
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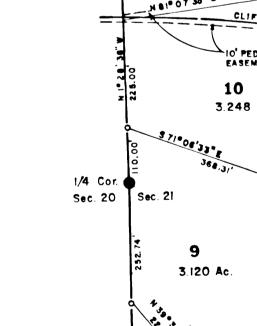


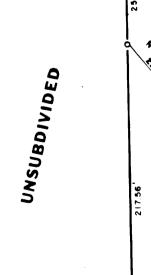
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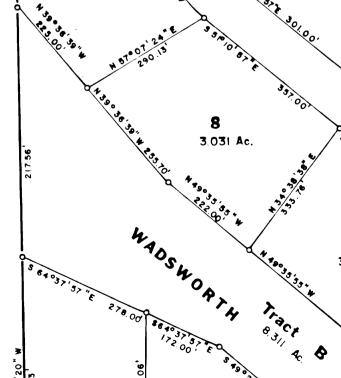
	CENTER	INE CURVE DATA	· ·	·	١	EASEMENT FOR BARABARA HEIGHTS SUBDIVISION
Road	Curve No.	Delta	Radius	Tangent	1.	Easements for public utilities are herein provided 15 feet on each side of every lot line, for a total width of 30 feet along common interior lot lines, excepting
Jackalof Ba	ay Rd. 6	48°29'59"	642.98'	289.64		along dedicated streets where easement width shall be
	7	33°10'12"	606.08'	180.51		20 feet, adjacent to the street right-of-way.
	8	16°29'27"	926.93'	134.32	2.	ADL # 25085 provides an easement for the existing power
	9	13°33'25"	1042.74'	123.94		line to Homer Electric Association, Inc. of 100 feet
	10	17°45'45"	639.96'	100.00		total width, centered on the existing pole line which
			•			is located as shown on the plat.
Nutbeem Roa	id I	10°51'54"	216.92'	20.63	3.	10 feet by 20 feet parking spaces are dedicated with 10
	2	69°00'00"	145.50'	100.00		foot walkways extending to the cliffs edge as shown on
	3	131°00'00"	148.11'	325.00		sheet 3 of 5.
	4	29°34'57"	378.72'	100.00	4.	A 10 foot wide walkway is granted along the cliff's edge
	5	38°15'00"	576.75 '	200.00		as shown on sheet 3 of 5.
•	6	13°30'00"	844.90'	100.00	5.	A 25 foot wide pedestrian walkway easement is granted
	7	32°00'00"	348.74'	100.00		on the beach along the line of higher high water.
	8	31°00'00"	360.59'	100.00		
Lund Road	1	20°06'47"	663.87'	117.73		
	2	39°00'00"	282.39'	100.00		
	3	39°30'00"	278.52'	100.00		
	4	39°30'00"	278.52'	100.00		
•	5	53°30'00"	198.40'	100.00		
	6	12°00'00"	951.44'	100.00		
	7	20°00'00"	567.13'	100.00		
Fritz Road	1	53°41'45"	197.56'	100.00		





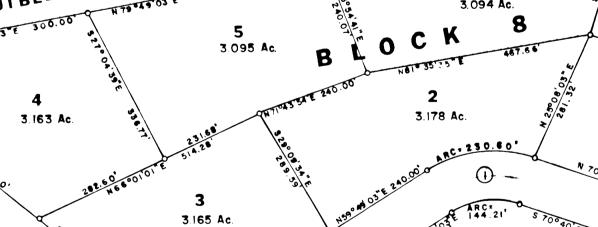


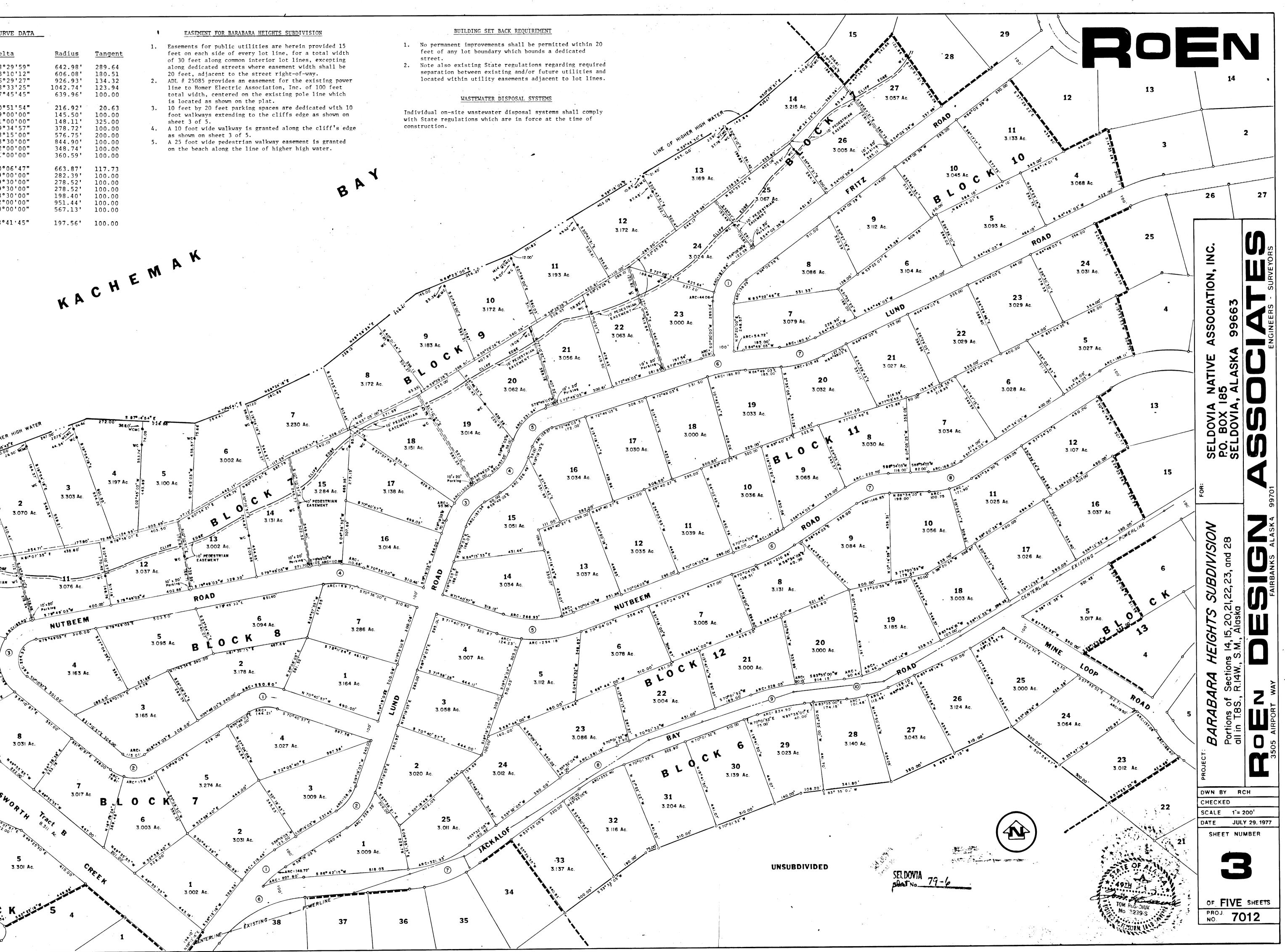


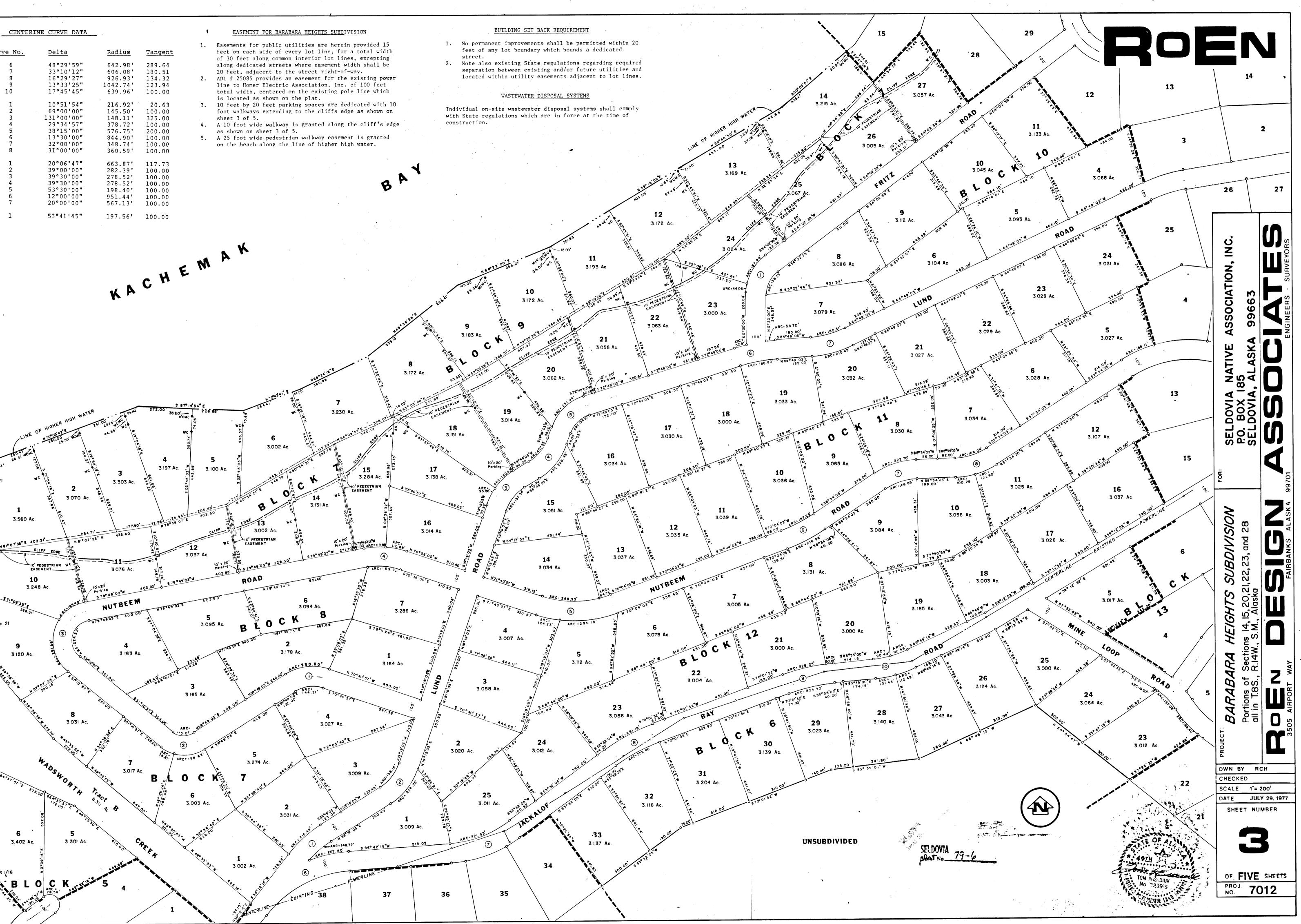


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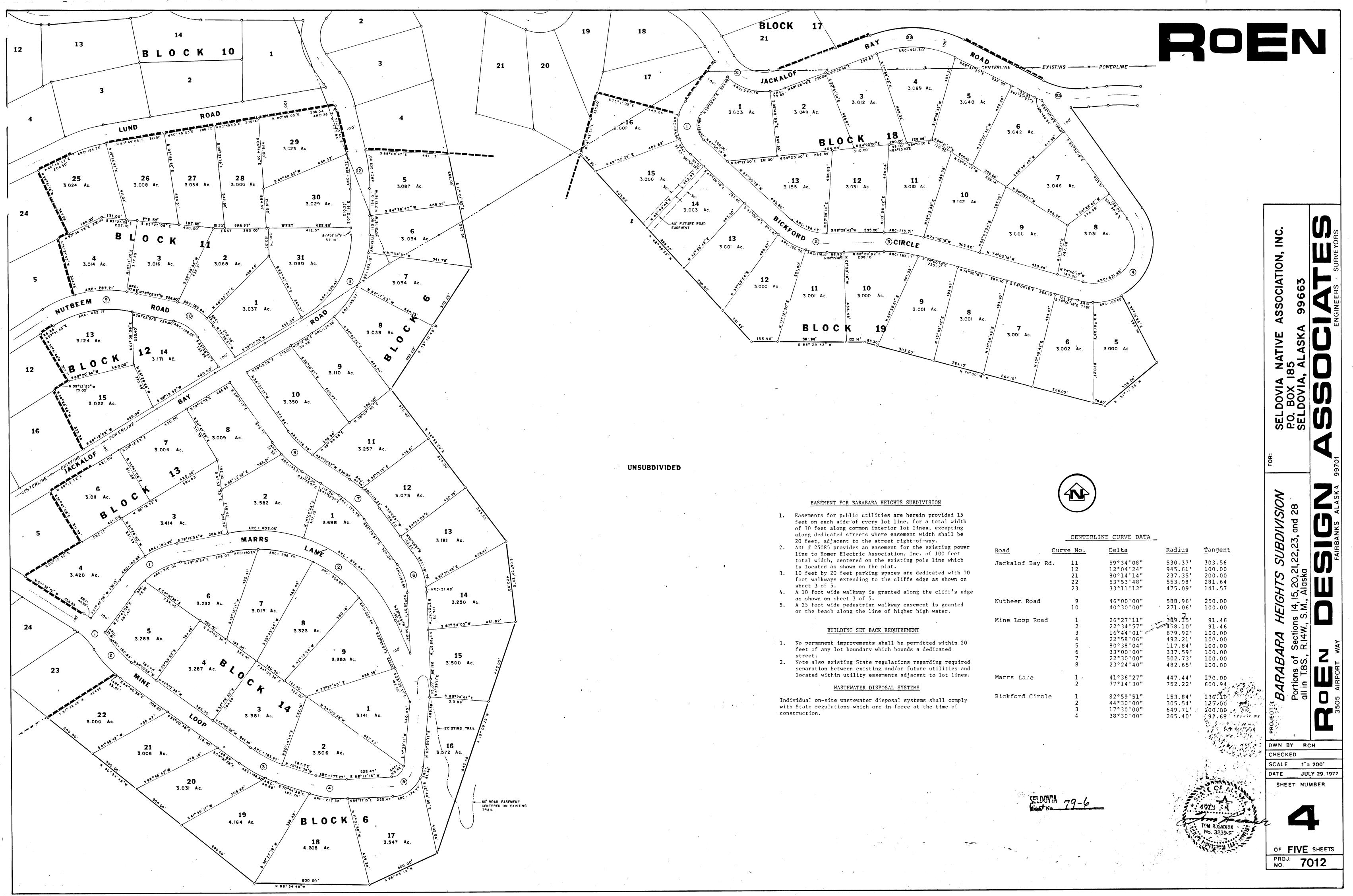






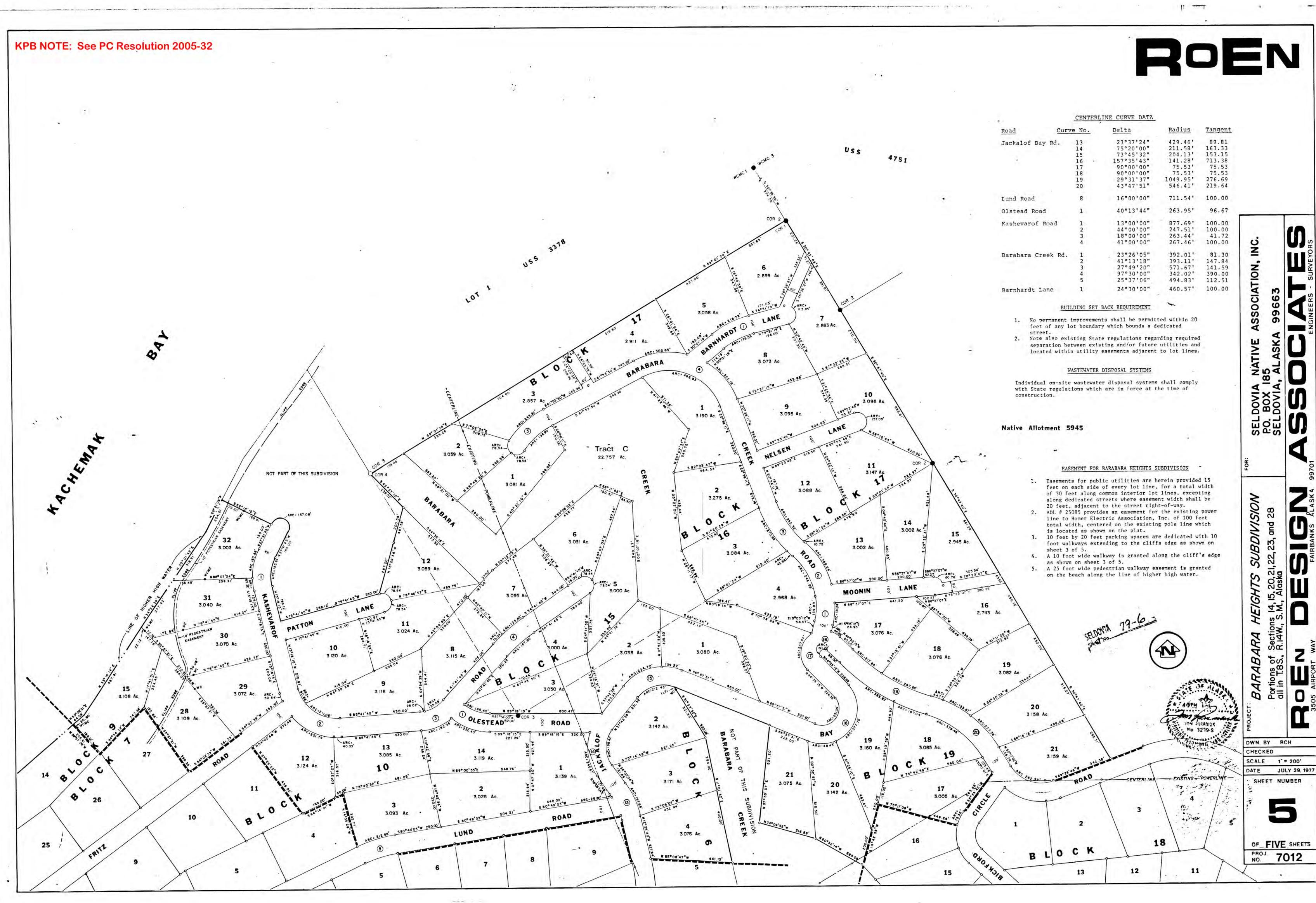


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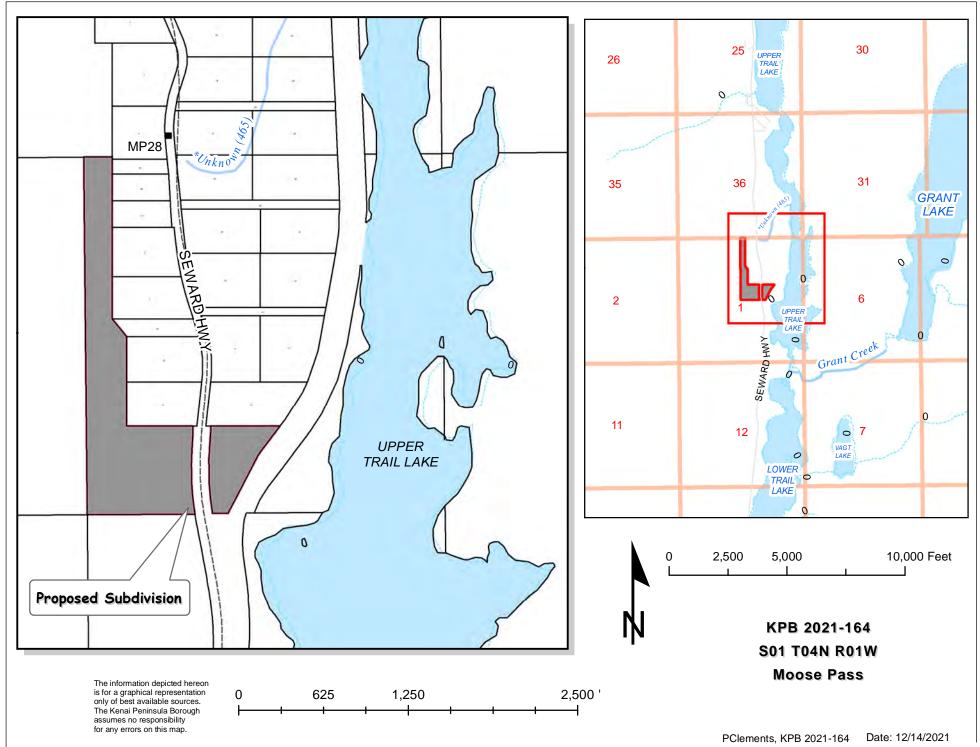


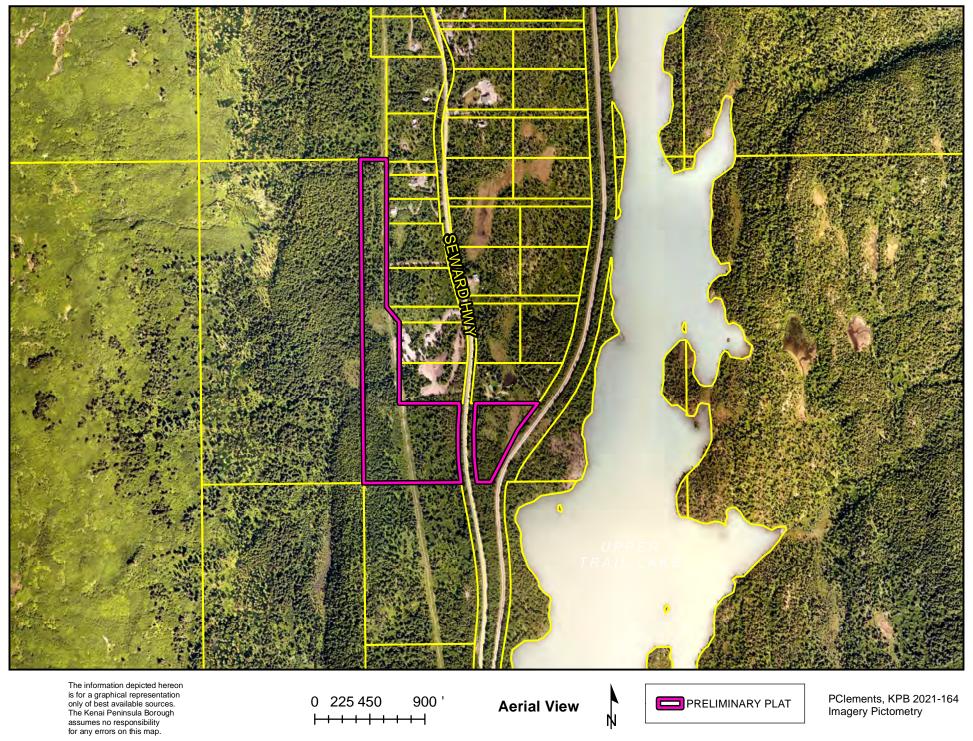
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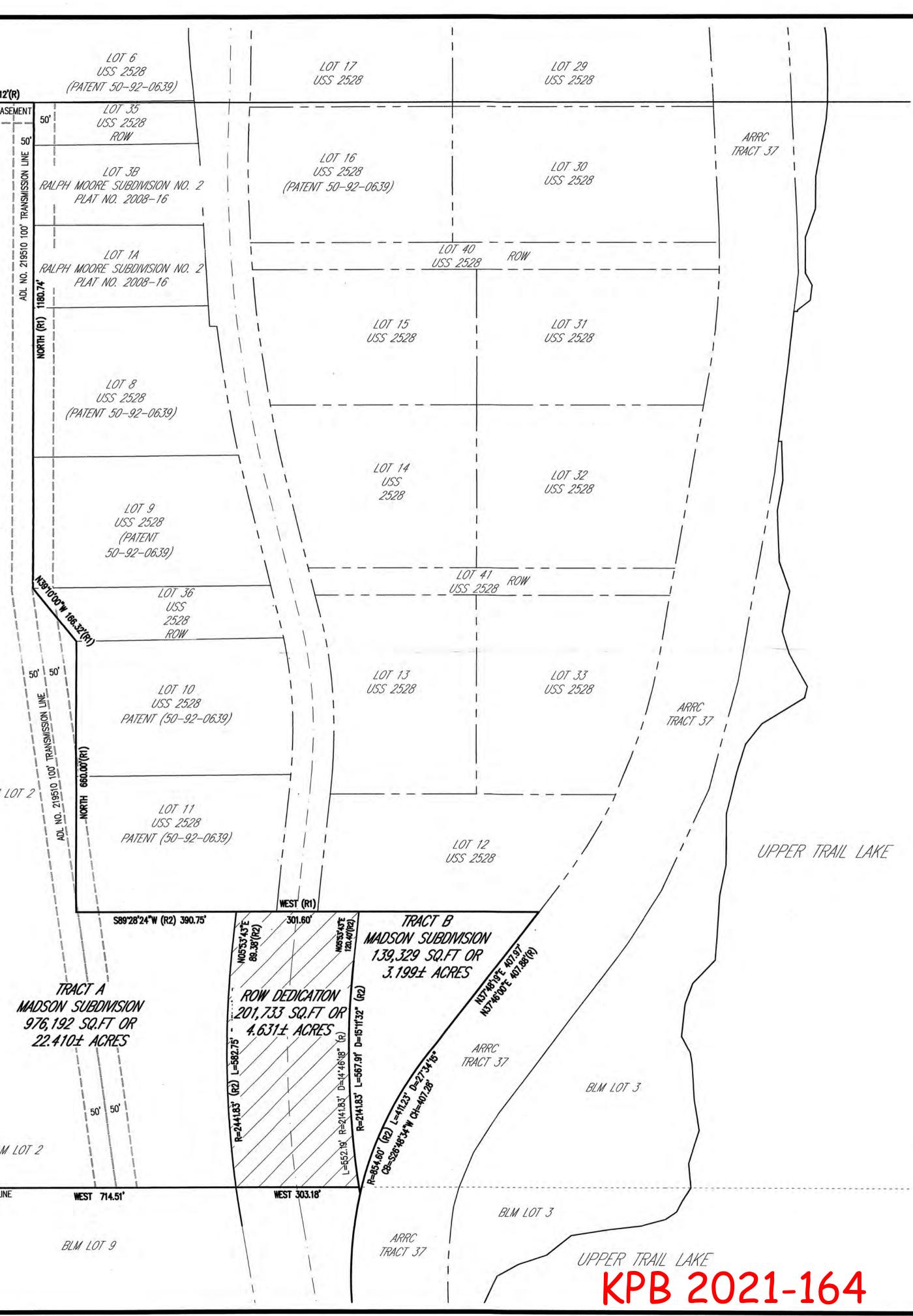


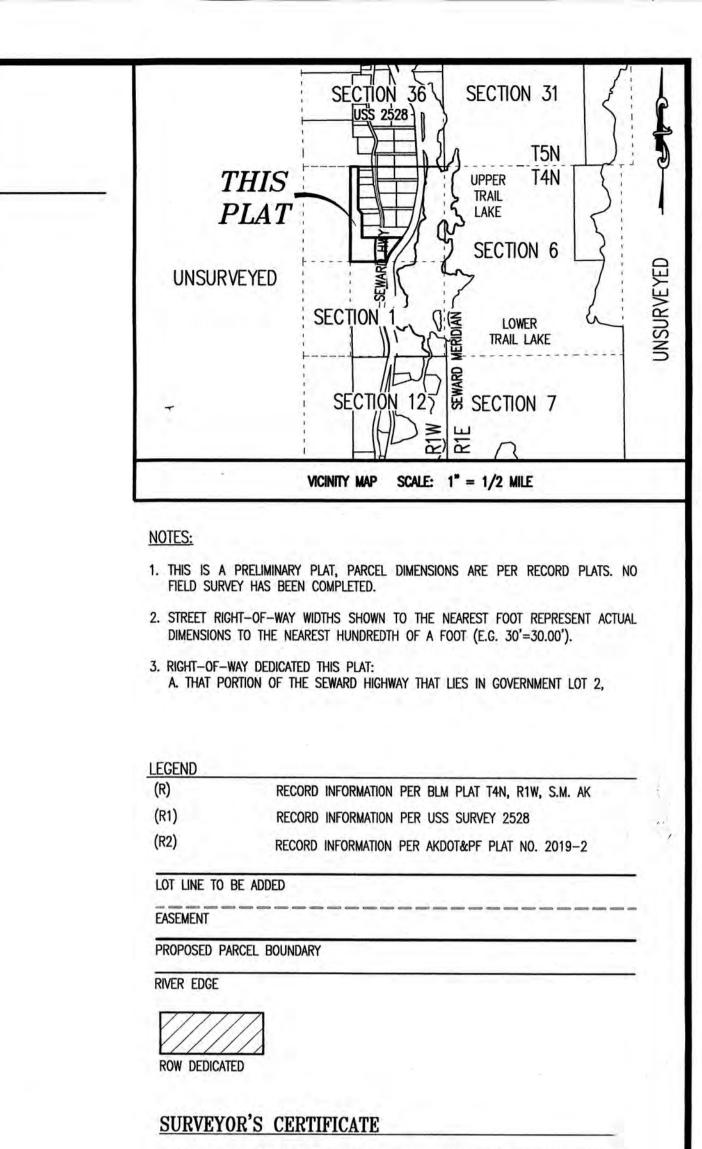
	CENTERL	INE CURVE DATA					
Road Cu:	rve No.	Delta	Radius	Tangent			
Jackalof Bay Rd.	13 14	23°37'24" 75°20'00"	429.46' 211.58'	89.81 163.33			
4	15 16 · 17	73°45'32" 157°35'43" 90°00'00"	204.13' 141.28' 75.53'	153.15 713.38 75.53			
	18 19	90°00'00" 29°31'37"	75.53' 1049.95'	75.53			
	20	43°47'51"	546.41'	219.64			
Lund Road	8	16°00'00"	711.54'	100.00			
Olstead Road	1	40°13'44"	263.95'	96.67			-
Kashevarof Road	1	13°00'00"	877.69'	100.00			
	1 2 3	44°00'00" 18°00'00"	247.51' 263.44'	100.00 41.72	1.0		n
	4	41°00'00"	267.46'	100.00	U U		U,
Barabara Creek Rd	· 1 2	23°26'05"	392.01'	81.30	Z		111
	2	41°13'18"	393.11'	147.84	-		
	3	27°49'20"	571.67'	141.59	Z		
	4 5	97°30'00" 25°37'06"	342.02' 494.83'	390.00 112.51	ATION,		1
Barnhardt Lane	1	24°30'00"	460.57'	100.00	A	10	





PROPERTY SHOWN AND DESCRIBED HEREON PLAN OF SUBDIVISION AND BY MY (O RIGHTS-OF-WAY AND PUBLIC AREAS TO PU			
TO THE USE SHOWN.	UR) FREE CONSENT DEDICATE ALL BLIC USE AND GRANT ALL EASEMENTS		WEST 219.1
OWNER			
ALASKA MENTAL HEALTH TRUST LAND OFFICE 2600 CORDOVA ST., SUITE 201 ANCHORAGE, AK 99503			
AUTHORIZED OFFICAL SIGNATURE	DATE		
TITLE	PRINTED NAME		
NOTARY'S ACKNOWLEDGEMENT			
FOR: ACKNOWLEDGED BEFORE ME THIS	DAY OF 2021.		
NOTARY PUBLIC FOR ALASKA			
MY COMMISSION EXPIRES:			
CERTIFICATE OF ACCEPTANCE			
THE UNDERSIGNED OFFICIAL IDENTIFIED BY ACCEPT AND HEREBY ACCEPTS ON BEHALF O FOR PUBLIC USES AND FOR PUBLIC PUR DEDICATED BY THIS PLAT INCLUDING EASEN OTHER PUBLIC AREAS SHOWN ON THIS PLAT	F POSES THE REAL PROPERTY TO BE MENTS, RIGHTS-OF-WAY, ALLEYS, AND		
THE ACCEPTANCE OF LANDS FOR PUBLIC O OBLIGATE THE PUBLIC OR ANY GOVERNING MAINTAIN IMPROVEMENTS.			¥
AUTHORIZED OFFICAL SIGNATURE	DATE		1/16TH LINE
TITLE	PRINTED NAME		
		UNSUBDIVIDED	2640.00'
PLAT APPROVAL			Q.E
THIS PLAT WAS APPROVED BY THE KE COMMISSION AT THE MEETING OF	NAI PENINSULA BOROUGH PLANNING		S00'01'00"E
KENAI PENINSULA BOROUGH			
AUTHORIZED OFFICAL SIGNATURE			200
			BLM
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1" = 150'		1/4 LIN UNSUBDIVIDED	





I, TAYLOR MAXWELL MOORE, PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE PLAT OF MADSON SUBDIVISION TRACT A AND TRACT B IS A TRUE AND CORRECT REPRESENTATION OF LANDS ACTUALLY SURVEYED AND THAT THE DISTANCES AND BEARINGS ARE SHOWN CORRECTLY AND THAT ALL PERMANENT EXTERIOR CONTROL MONUMENTS, ALL OTHER MONUMENTS, AND LOT CORNERS HAVE BEEN SET AND STAKED, OR IF FINAL COMPLETION IS ASSURED BY SUBDIVISION AGREEMENT, THEY WILL BE SET AS SPECIFIED IN SAID SUBDIVISION AGREEMENT. LOT CORNERS TO BE SET BY N/A. MONUMENTS TO BE SET BY N/A



Plat of: MADSON SUBDIVISION TRACT A & TRACT B A SUBDIVISION OF: GOVERNMENT LOT 2 ACCORDING TO THE UNITED STATES DEPARTMENT OF THE INTERIOR BUREAU OF LAND MANAGEMENT PLAT ACCEPTED OCTOBER 29, 1990. CONTAINING 30.240 ACRES MORE OR LESS SEWARD RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA LOCATED WITHIN: SECTION 1, TOWNSHIP 4 NORTH, RANGE 1 WEST, S.M., ALASKA, ENGINEERING 4300 B STREET, Suite 605, Anchorage, Alaska 99503 Tele: (907) 339.6566 WWW.KUNAENG.COM Certificate of Authorization No. 129381 Prepared by: Stacy Wessel, PLS AK Lands, Land Surveying LLC Checked: TMM GRID: SW2232 PN:165.030249 Field Book: XXX 13521 Venus Way Anchorage, AK 99515

Date: Dec 10, 2021

Case No. XXXX

UPPER TRAIL LAKE

AGENDA ITEM E. NEW BUSINESS

KPB File No.	2021-164		
Plat Committee Meeting:	January 10, 2022		
Applicant / Owner:	Alaska Mental Health Trust Authority of Anchorage, Alaska		
Surveyor:	Taylor Moore / Kuna Engineering		
General Location:	Mile 27.5 of the Seward Highway, Moose Pass		
Parent Parcel No.:	125-323-02		
Legal Description:	Government Lot 2 in Section 1, Township 4 North, Range 1 West, S.M.		
Assessing Use:	Residential		
Zoning:	Rural Unrestricted		
Water / Wastewater	On Site		

ITEM 2 - MADSON SUBDIVISION TRACT A AND TRACT B

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will dedicate a portion of the Seward Highway that bisects Government Lot 2, a 30 acre, L shaped parcel. The dedication of right of way will result in a tract on the east and west side of the highway that will be 3.2 and 22.4 acres respectively.

Location and Legal Access (existing and proposed): This plat will dedicate a 300 wide portion of the Seward Highway. After the dedication, each of the tracts will front on the Seward Highway. Alaska DOT must permit any direct access to the highway.

The Alaska Rail Road Corporation borders the east side of proposed Tract B. No direct access is allowed to the Alaska Rail Road right of way. Tract A has additional access from State of Alaska right of way tracts designated as Lots 36 and 35. These lots were designated on the supplemental plat for US Survey 2528 as right of way. Alaska DNR owns both lots. A 50 foot section line affects the north boundary.

Alaska Mental Health Trust Authority owns the 80 acre parcel located to the west of the subdivision. Chugach National Forest is located further to the west. The only legal access to the 80 acre parcel is via the section line easement on the north boundary. Per KPB 20.30.030, continuation or appropriate projections of right of ways, and KPB 20.30.170 Block Length, right of way dedications are required to be extended west from the State of Alaska right of way tracts, Lot 35 and Lot 36. This would provide adequate access to the 80 acre parcel to the west. **Staff recommends** this plat provide the following right of way dedications.

- A minimum 30 foot wide right of way dedication of right of way extending westerly from Lot 35.
- A 60 foot wide right of way dedication of right of way extending westerly from Lot 36.
- A minimum 30 foot wide dedication along the southern boundary.

Alaska DNR owns the 80 acre parcel located to the southwest and the 31 acre parcel located to the south. Both parcels have been selected by, and have management authority granted to, Kenai Peninsula Borough. A section line easement to the south and the Seward Highway provide legal access to these parcels.

The block is not compliant. This subdivision is located in an area with minimal right of way dedications off the highway. Due to slopes, waterbodies, the railroad, and national parks, dedications are lacking. The right of way tracts provide additional access along with section line easements. Due to the shape of proposed Tract A, the large acreage tract to the west, and the close proximity to the Alaska Railroad to the south, the ability to obtain a compliant and closed block it not available. Continuations of the right of way lots, a dedication along the section line easement, and a southern right of way dedication will improve block lengths but will not provide a closed block due to the large acreage tract to the west.

Page **1** of **10**

Staff recommends add a plat note or drawing label within the right of way that includes the right of way information for the Seward Highway project as shown in the DOT comment.

KPB Roads Dept. comments	Out of Jurisdiction: No
	Roads Director: Uhlin, Dil Comments: No comments
SOA DOT comments	The ROW dedication for Seward Highway is as shown on Seward Highway MP 25.5-36 Trail River to Sterling Why, Rehabilitation Project No. 0311(031) / Z546590000 (Plat 2019-2 SWD) and appears to be shown correctly.

<u>Site Investigation</u>: The area within this subdivision contains steep areas. An additional map was provided by the surveyor to show the contours for the area. *Staff recommends* any steep bluffs be depicted on the final by showing the top or toe of bluffs.

Per KPB GIS data, the subdivision falls into the Floodplain Zone C. That is a minimal risk zone that is not regulated.

Per KPB GIS data, wetlands are present along the eastern portion of proposed Tract B and near the center of proposed Tract. An additional map was provided by the surveyor to show the wetland areas. **Staff recommends** any wetlands be depicted on the final plat and a plat note be added, "Any person developing the property is responsible for obtaining all required local, state, and federal permits, including a U.S. Army Corps of Engineers wetland determination if applicable."

The parent parcel is not developed or improved at this time.

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
Alaska Department of Fish and	No objections to the proposed platting actions.
Game	

Staff Analysis The parent parcel is a Government Lot. There are no building setbacks affecting the property.

A soils report and the signature from a licensed engineer are required for Tract B. Tract B is proposed to be 3.2 acres in size. An exception for soils analysis has been requested.

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.

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

Moose Pass residents have submitted comments. Tsali Janek, a member of the Moose Pass APC, has requested to postpone any action on the plat. In the request, it states they are unclear how this relates to the Grant Lake Hydro Project. The request was to allow the Moose Pass APC time to hear the item at their January 6, 2022 meeting. Their request for postponement is being forwarded to you to determine if a motion for postponement should be made. Any comments delivered to Staff from the January 6, 2022 APC meeting will be provided to the KPB Planning Commission.

Bruce Jaffa submitted a comment and objects to the Platting Commission scheduling a hearing before the local APC can have reasonable time to respond and comment. He rejects the current change suggested in platting to Moose Pass area property.

<u>Utility Easements</u> ADL 219510, a 100 foot wide utility easement, crosses through proposed Tract A. This easement is correctly depicted and labeled on the plat.

As this property has not been through the platting process with the borough, platted utility easements do not affect the parcel. This plat will be required to grant 10 foot utility easements adjoining all dedicated rights of way. In addition to the easements required by code, Chugach Electric has requested additional easements within the subdivision. **Staff recommends** all utility easements be depicted and labeled with appropriate plat notes added. If the scale prevents adequate depiction, a detail drawing may be provided to show the typical easements being granted and reference to the plat note.

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

ENSTAR	No comment or recommendations
ACS	
GCI	Approved as shown
SEWARD ELECTRIC	
CHUGACH ELECTRIC	 Chugach has no objection to the subject subdivision, with the following comments: 1. Add 10' Telecommunications & Electric Easement along the north boundary of Tract B. 2. Add 10' Telecommunications & Electric Easement along the south boundary of the 50' Section Line Easement on Tract A. 3. Add 20' Telecommunications & Electric Easements on Tract A along its common boundaries with BLM Lot 9 and USS 2528, Lots 36, 10, and 11, as shown on the plat redline. (sketch provided)
TELALASKA	

Utility provider review:

KPB department / agency review:

Addressing	Reviewer: Haws, Derek
	Affected Addresses:
	None
	Existing Street Names are Correct: No List of Correct Street Names:
	Existing Street Name Corrections Needed: SEWARD HWY
	All New Street Names are Approved: No
	List of Approved Street Names:

Page 3 of 10

	List of Street Names Denied:			
	Comments:			
	No addresses affected, Seward Hwy should be labeled.			
Code Compliance	Reviewer: Ogren, Eric			
	Comments: No comments			
Planner	Reviewer: Aldridge, Morgan			
	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	Minutes or memo not received prior to staff report being prepared.			

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

STAFF RECOMMENDATIONS

CORRECTIONS / EDITS

The legend does not need to contain a depiction for the new lot lines or the proposed parcel boundary.

The line labeled river edge is very similar to the lot lines. A different line style should be used to depict the water boundary or the same line style for the adjacent parcels can be used. If a different line style were shown, it would be recommended to change the description to ordinary high water as some may be confused by the fact it is Upper Trail Lake and not a river edge.

Remove the +/- symbols from the acreage values.

KPB 20.25.070 – Form and contents required

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

A. Within the Title Block

1. Name of the subdivision which shall not be the same as an existing city, town, tract, or subdivision of land in the borough, of which a plat has been previously recorded, or so nearly the same as to mislead the public or cause confusion. The parent plat's name shall be the primary name of the preliminary plat.

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

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

Staff recommendation:

- Add the KPB number in or near the title block
- Revise the name of the subdivision by removing Tract A & Tract B so that the subdivision name is
 only Madson Subdivision. If you wish for Tract A and Tract B to be shown in the title block it would
 be suggested to have the name of the subdivision larger include "Creating Tract A and Tract B"
 with smaller font size.
- Revise the description of the subdivision to match the certificate to plat "A subdivision of Government Lot 2 in Section 1, Township 4 North, Range 1 West, Seward Meridian."
- Remove "more or less" from the acreage on the final plat as the acreage will be known after the field survey is completed.
- Provide the owners name and address within the title block.

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

Staff recommendation: Provide a label for the Seward Highway and a width label for the northern portion or a "width varies" label.

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:

- Remove the "Unsurveyed" labels.
- Provide leaders for the lake labels.
- Provide a label and boundary for the Chugach National Forest.
- Remove the overstrike on the Seward Highway label.

The following are suggestions and not required.

- Provide the protracted section lines in the areas labeled as 'unsubdivided'.
- Provide a label for Grant Lake.

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: Include a width label and street name label for all right of way dedications including the Seward Highway. The cross hatching can be removed as cross hatching is typically used to depict right of way vacations.

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

Staff recommendation:

- Provide a label for Government Lot 8 to the north of the subdivision.
- BLM may be removed from adjacent lot labels and changed to Government.
- One label for Government Lot 3 along Upper Trail Lake is all that is required.
- The Kenai Peninsula Borough does not designate the Alaska Railroad as a Tract in this area. Revise the label for the rail road right of way to read 'Alaska Rail Road'
- Remove the patent numbers from the lots.
- 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 low wet areas are not depicted on the plat. An additional map was provided that showed the low wet areas. Depiction and label the low wet areas on the final plat.

L. Contours at suitable intervals when any roads are to be dedicated unless the planning director or commission finds evidence that road grades will not exceed 6 percent on arterial streets, and 1 0 percent on other streets;

Staff recommendation: The slope information was not presented on the plat. Additional maps were submitted to show the contours for the area. The right of way being dedicated for the Seward Highway is 300 feet wide and is sufficient for any drainage or additional area needed for roadway slopes.

M. Approximate locations of slopes over 20 percent in grade and if contours are shown, the areas of the contours that exceed 20 percent grade shall be clearly labeled as such;

Staff recommendation: The slope information was not presented on the plat. Additional maps were submitted to show the contours for the area. Depict and label the top and toe of steep slopes on the final plat.

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

Staff recommendation: The Seward Highway currently crosses this parcel of land. The plat will dedicate the right of way and create two parcels so that the property is not encumbered by roadway.

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.

20.30.030. Proposed street layout-Requirements.

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

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

C. Preliminary plats fronting state maintained roads will be submitted by the planning department to the State of Alaska Department of Transportation and Public Facilities (DOT) for its review and comments. **Staff recommendation:** Lots within US Survey 2528 are designated as right of way lots. A continuation of those lots shall dedicated as well as atop the section line easement located along the northern boundary of the subdivision. Alaska Mental Health Trust owns the land to the 80 acre parcel to the west. Currently the only access to the 80 acre parcel is the 50 foot section line easement on the north boundary. An 80 acre parcel is located to the southwest with the only access being section line easements to the south.

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.

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: Provide a depiction and label for the 20 foot building setback adjoining all right of way dedications.

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.

Page **6** of **10**

20.40.010 Wastewater disposal.

Platting Staff Comments: Tract B is less than 200,000 sq. ft. and will require a soils analysis report. An exception for wastewater review has been requested for Tract B. A soils exception is not required for Tract A as it is larger than 200,000 sq. ft.

Staff recommendation: Add the appropriate plat notes and 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 is in place and will require the signature of the State of Alaska DOT. Include the name of the right of way, Seward Highway, within the plat note. Provide an additional certificate of acceptance for additional right of way dedications that will be under KPB jurisdiction.

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

Staff recommendation: Locate the necessary survey markers to establish the subdivision boundary following the procedures as outlined in the BLM Manual of Survey Instructions. Revise the depiction of the boundary. The boundary must include all lands within the subdivision including the right of way and must be more wider then the other lot boundary line depictions.

20.60.180. Plat notes.

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

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

- No access to state maintained rights-of-way permitted unless approved by the State of Alaska Department of Transportation.
- Roads must meet the design and construction standards established by the borough in order to be considered for certification and inclusion in the road maintenance program (KPB 14.06).
- The front 10 feet adjoining dedicated right of ways is being granted by this plat as utility easements.
- 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.
- A building 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.
- WASTEWATER DISPOSAL: (Tract A) Lots which are at least 200,000 square feet in size may not be suitable for onsite wastewater treatment and disposal. Any wastewater treatment or disposal system must meet the regulatory requirements of the Alaska Department of Environmental Conservation.
- Include a plat note for any exceptions granted and the meeting date they were approved

- If the exception is granted for wastewater review add, "WASTEWATER DISPOSAL: Wastewater treatment and disposal systems must meet the regulatory requirements of the Alaska Department of Environmental Conservation.
- If the exception for wastewater review is denied add, "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. An Engineer's Subdivision and Soils Report is available from 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.

(Signature of) Engineer

License #

Date

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: Revise the certificate of ownership to remove unneeded pronouns and reflect that the owner is an entity. "I, hereby certify that Alaska Mental Health Trust Authority is the owner of the real property shown and described hereon and that on behalf of the Alaska Mental Health Trust Authority, 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." Comply with 20.60.190.

EXCEPTIONS REQUESTED:

KPB 20.40.040 - required an soils analysis report

<u>Surveyor's Discussion</u>: We are requesting an exception to code 20.40.040 requiring a soils analysis on proposed Tract B, containing less than 200,000 square feet. We request a waiver to this requirement due to the unique circumstance of the subject parcel being divided by the existing Seward Highway ROW. As previously stated, the intention of this platting action is to dedicate existing ROW resulting in the creation of two new parcels with boundaries identical to their current/existing configuration except for the area to be dedicated as ROW. The new parcels will have new legal descriptions and will be separate, but the usable area and configuration will be virtually unaffected. Separately, Tract B contains over four times the area (outside wetlands) required for development. The proposed subdivision will not alter the existing area suitable for development and there is an abundance of area suitable for development.

<u>Staff Discussion</u>: Proposed Tract A will be 22 acres and will not require a soils analysis report. An exception for proposed Tract B has been requested, as it will be 3 acres. Per KPB 20.40.040, lots that will utilize conventional onsite soil absorption systems and are less than 200,000 square feet must submit a soils analysis and report for review. The square footage of Tract B is approximately 139,329 square feet. There is a portion of wetlands in the eastern portion of the lot that appear to be about 51,360 square feet. The tract will be between the Seward Highway right of way and the Alaska Railroad right of way.

Unless exceptions are requested and granted, staff has recommended additional right of way dedications to comply with code. These dedications will create 3 parcels from proposed Tract A. If right of ways are provided on the south and north boundary of Tract A as well as the extension from ROW Lot 36, the lots will exceed the 200,000 square feet requirement and not require a soils analysis.

If denied, a soils analysis report will be required for Tract B and any other lots less than 200,000 sq. ft.

Findings:

- 1. Tract B will be approximately 139,329 square feet.
- 2. Tract B has approximately 87,969 sq. ft. available for wastewater installation, as approximately 51,360 sq. ft. appears to be wetlands.
- 3. The minimum lot size for onsite well and wastewater is 40,000 sq. ft.
- 4. If Tract B is further subdivided a soils analysis will be required.
- 5. All wastewater systems must be approved by the State of Alaska DEC.
- 6. Tract B will be between the Seward Highway and the Alaska Railroad.
- 7. The plat intent is to dedicate the right of way and not to change existing boundaries in any other manner.
- 8. The parcel will be a triangle shape piece that will limit development along the narrow southern border.
- 9. A 20 foot building setback will be put in place along the Seward Highway.
- 10. A 10 foot utility easement will be put in place along the Seward Highway.
- 11. Sewer vent pipes are allowable within the setback.
- 12. Steep slopes appear to be present within the southern point of the property.

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 1-5 appear to support this standard.**
- 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 1-5 appear to support this standard.
- 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 1-5 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.

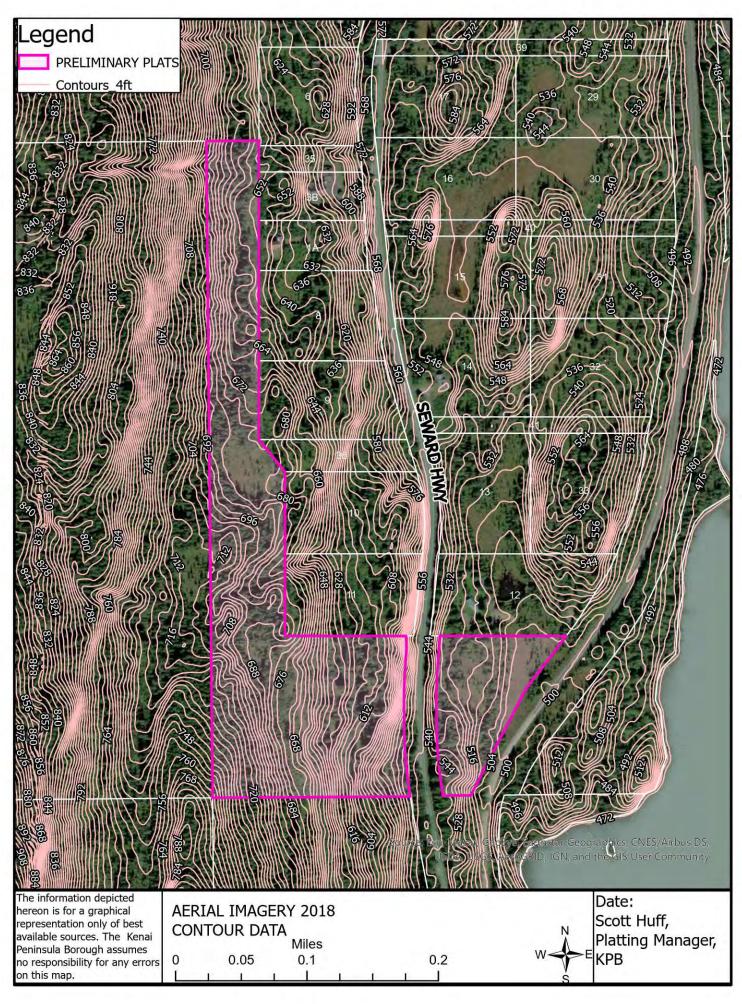
Page **9** of **10**

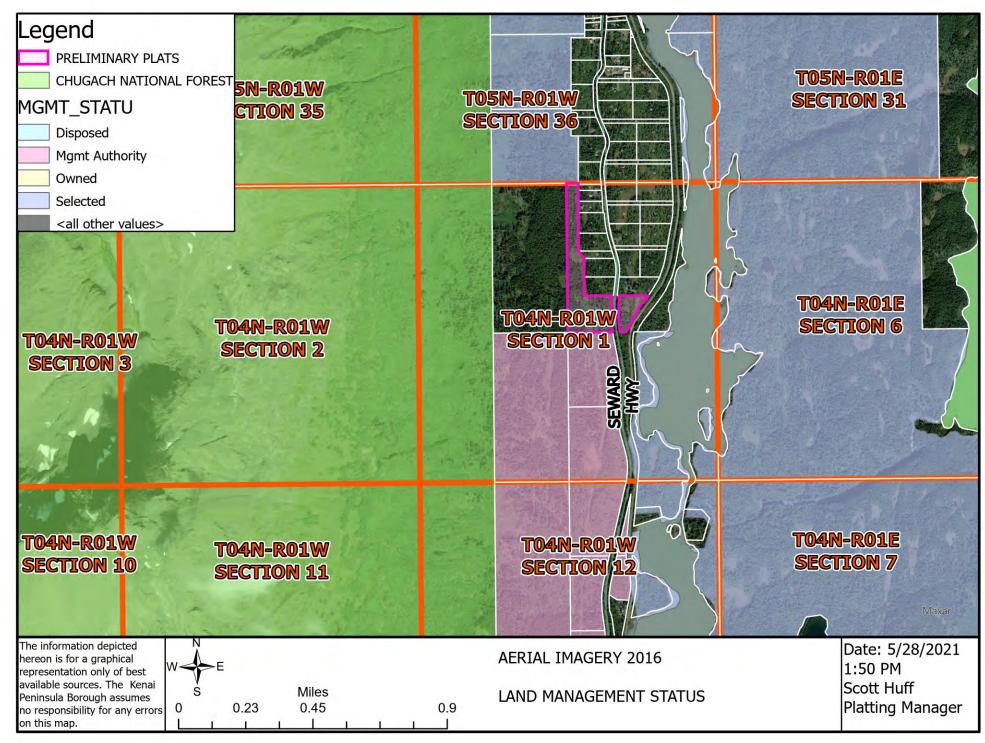
NOTE: 20.25.120. - REVIEW AND APPEAL.

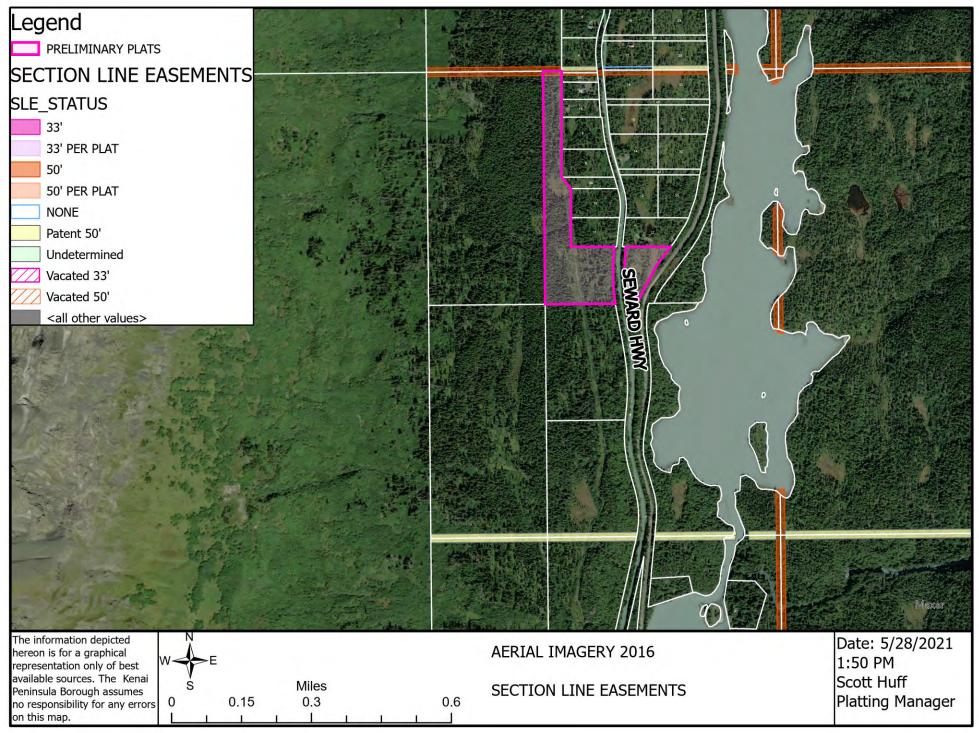
A PARTY OF RECORD MAY REQUEST THAT A DECISION OF THE PLAT COMMITTEE BE REVIEWED BY THE PLANNING COMMISSION BY FILING A WRITTEN REQUEST WITHIN 15 DAYS OF NOTIFICATION OF THE DECISION IN ACCORDANCE WITH KPB 2.40.080.

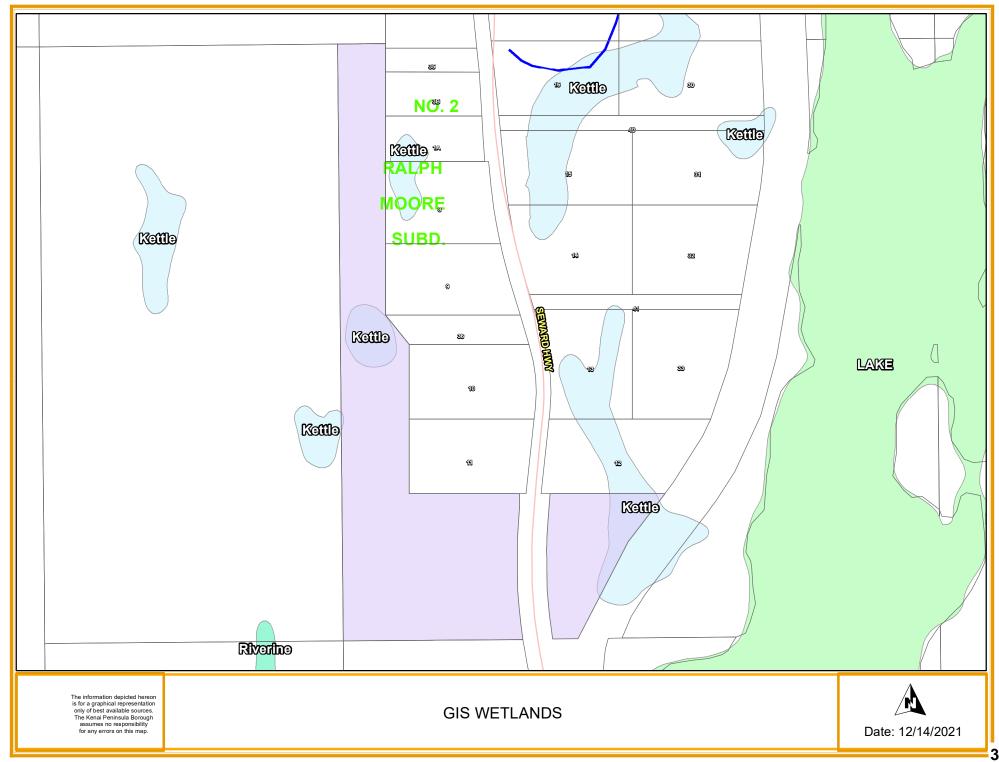
A DECISION OF THE PLANNING COMMISSION MAY BE APPEALED TO THE HEARING OFFICER BY A PARTY OF RECORD WITHIN 15 DAYS OF THE DATE OF NOTICE OF DECISION IN ACCORDANCE WITH KPB 21.20.250.

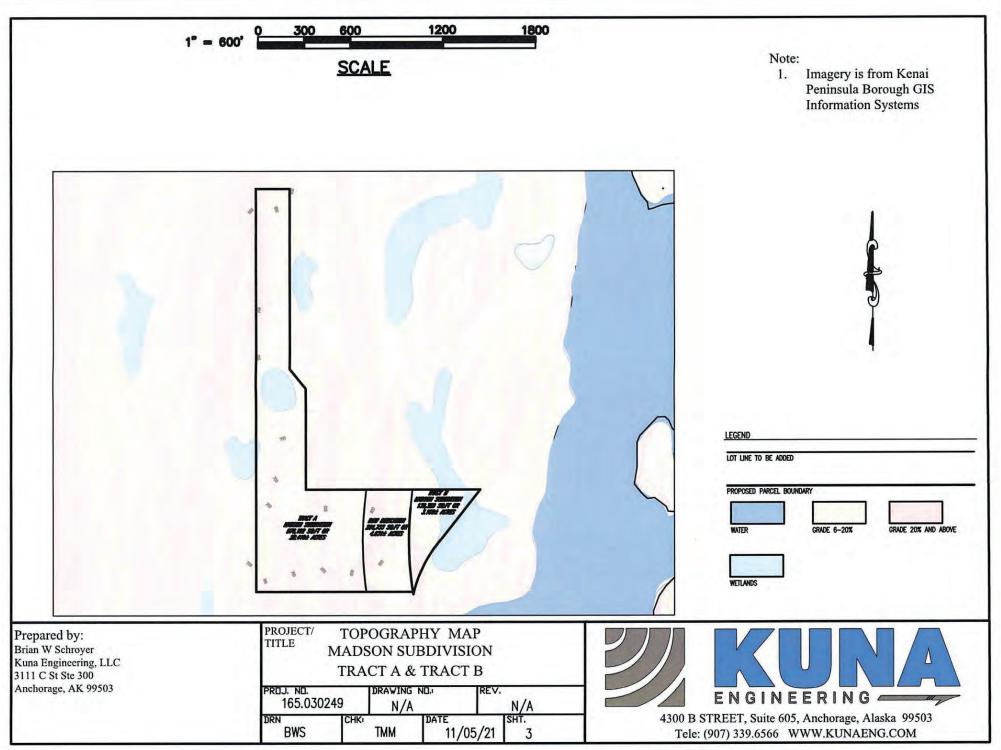
END OF STAFF REPORT

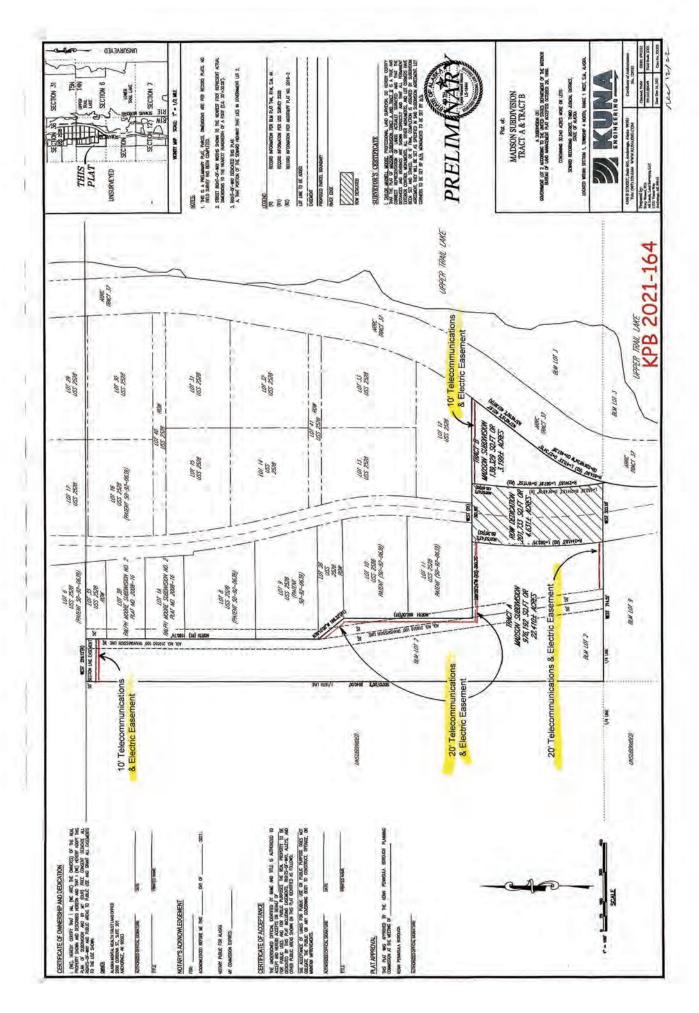


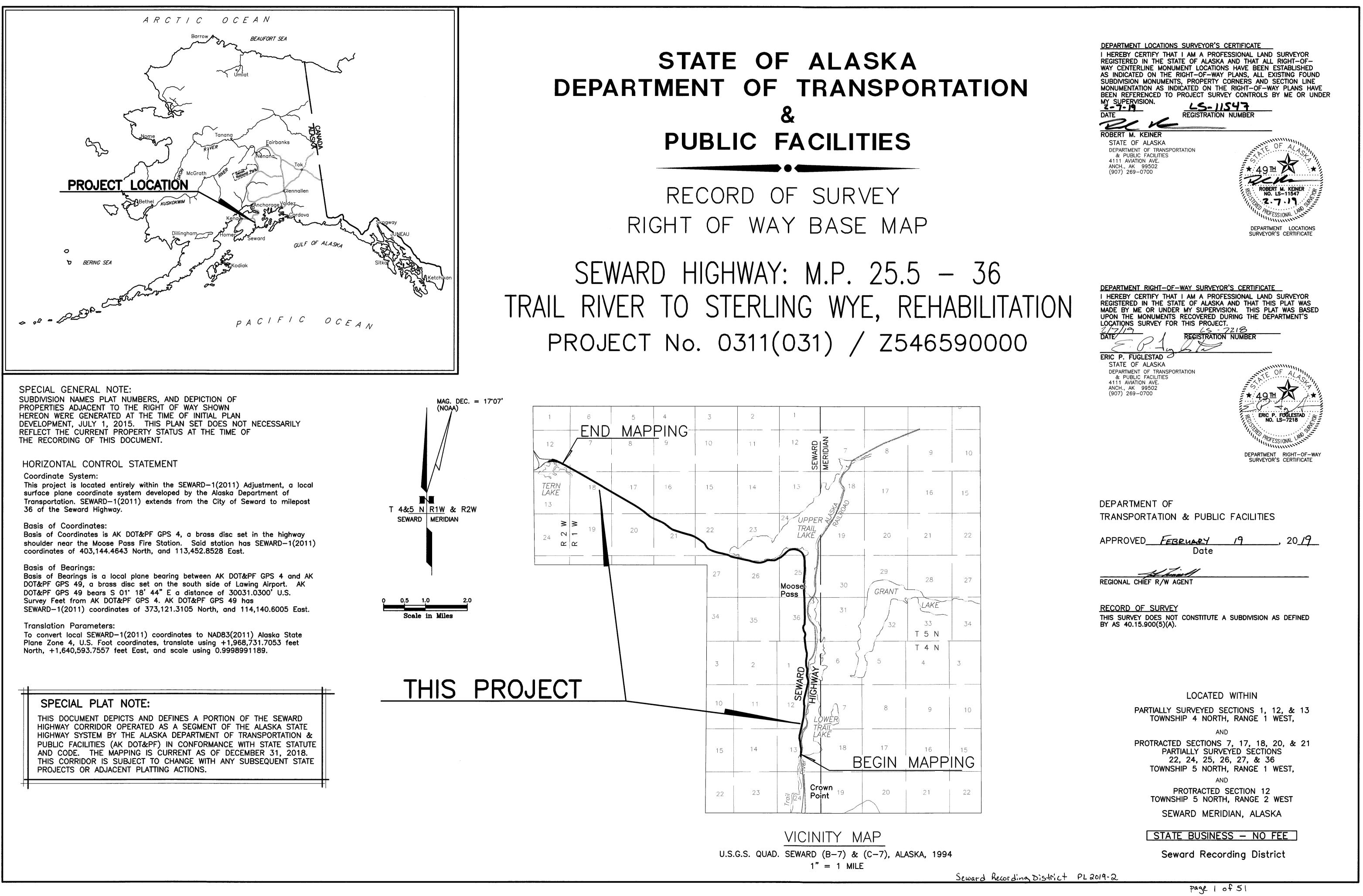


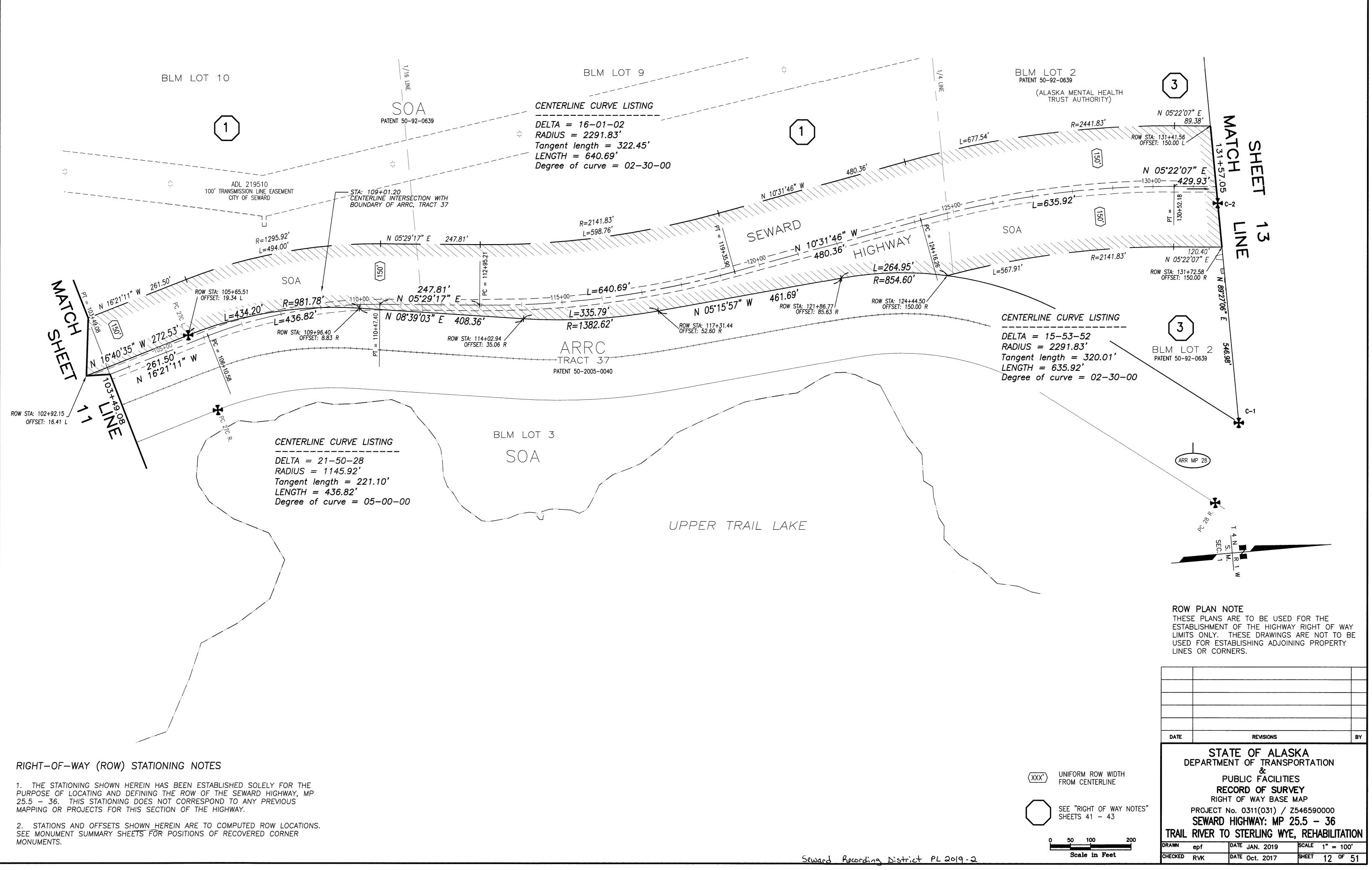




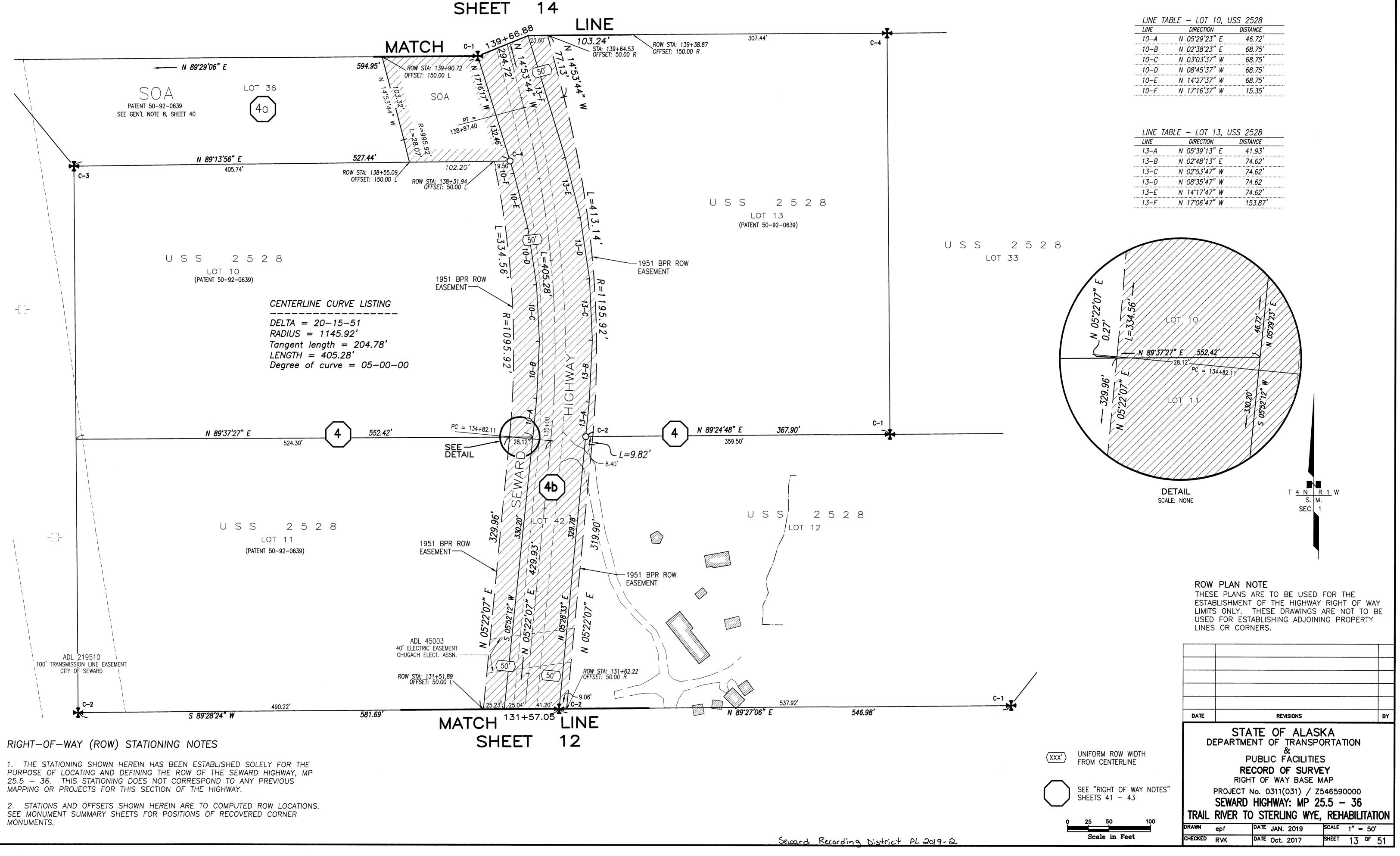






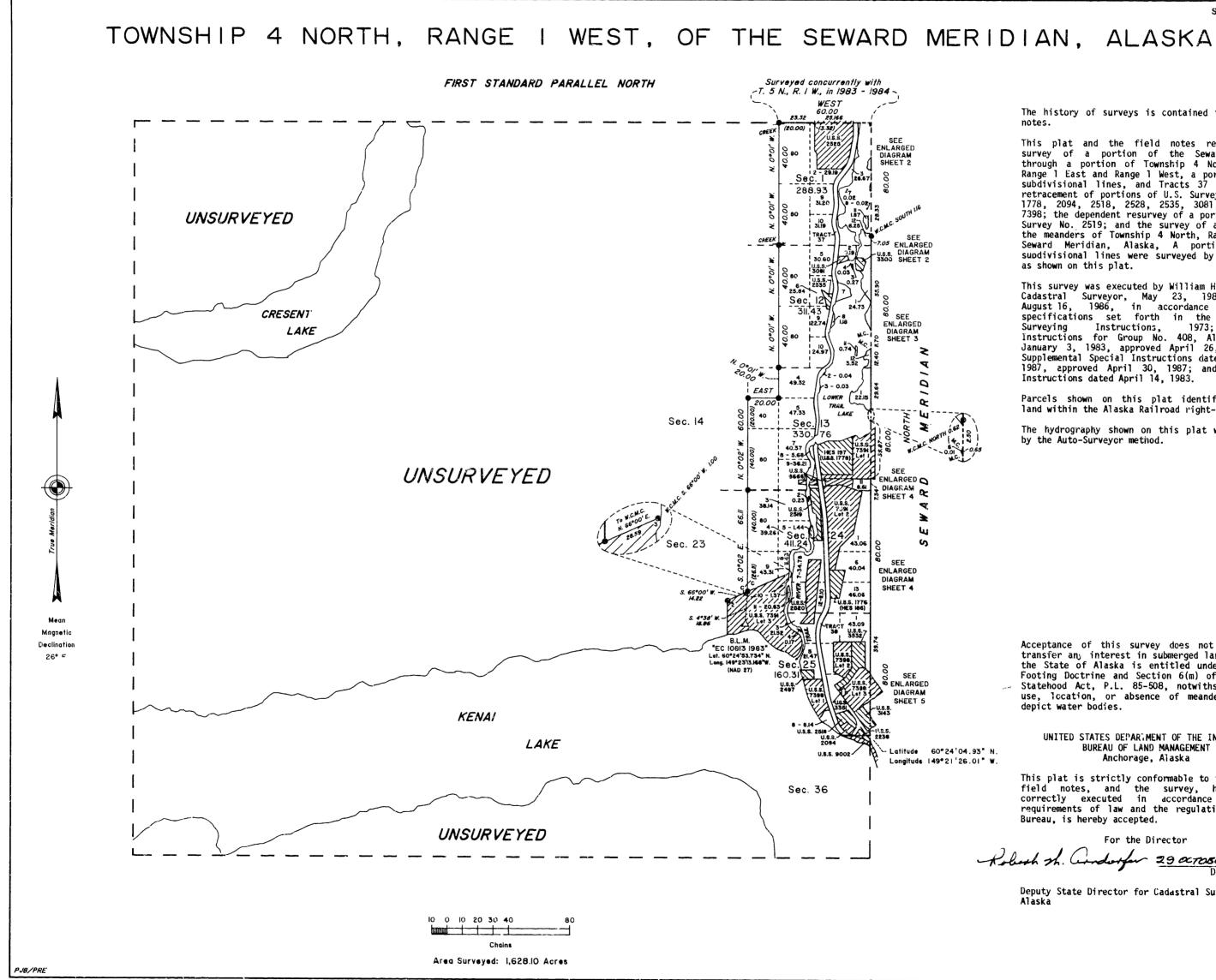






LINE	TABLE	-	LOT	10,	USS	2528	
LINE		DI	RECTIO	N	D	ISTANCE	
10-A	N	05	•29'23	3" E		46.72 '	
10-B	N	02	•38'23	3" E		68.75 '	
10-C	N	03	°03'37	7" W		68.75 '	
10-D	N	08	•45 ' 37	7" W		68.75'	
10-E	N	14	°27'37	7" W		68.75 '	
10-F	N	17	•16'37	7" W		15.35 '	

LINE	TABLE	– LOT	13,	USS 2528	
LINE		DIRECTION	1	DISTANCE	
13–A	N	05 ° 39'13	"Е	41.93 '	
13–B	N	02*48'13	"Е	74.62'	
13–C	N	02 ° 53'47	" W	74.62'	
13–D	N	08'35'47	" W	74.62	
13-Е	N	14°17'47	" W	74.62 '	
13–F	N	17'06'47	" W	153.87'	
				•••••••••••••••••••••••••••••••••••••••	



Officially Filed

ORIGINAL

DATE NOVEMBER 6, 1990

Sheet I of 5 Sheets

The history of surveys is contained in the field notes.

This plat and the field notes represent the survey of a portion of the Seward Meridian through a portion of Township 4 North between Range 1 East and Range 1 West, a portion of the subdivisional lines, and Tracts 37 and 38; the retracement of portions of U.S. Survey Nos. 1776, 1778, 2094, 2518, 2528, 2535, 3081, 7391, and 7398; the dependent resurvey of a portion of U.S. Survey No. 2519; and the survey of a portion of the meanders of Township 4 North, Range 1 West, Seward Meridian, Alaska, A portion of the subdivisional lines were surveyed by protraction as shown on this plat.

This survey was executed by William H. Twenhofel, Cadastral Surveyor, May 23, 1983, through August 16, 1986, in accordance with the specifications set forth in the Manual of Surveying Instructions, 1973; Special Instructions for Group No. 408, Alaska, dated January 3, 1983, approved April 26, 1983, and Supplemental Special Instructions dated April 29, 1987, approved April 30, 1987; and Assignment Instructions dated April 14, 1983.

Parcels shown on this plat identify submerged land within the Alaska Railroad right-of-way.

The hydrography shown on this plat was obtained by the Auto-Surveyor method.

Acceptance of this survey does not purport to transfer any interest in submerged lands to which the State of Alaska is entitled under the Equal Footing Doctrine and Section 6(m) of the Alaska Statehood Act, P.L. 85-508, notwithstanding the use, iccation, or absence of meander lines to depict water bodies.

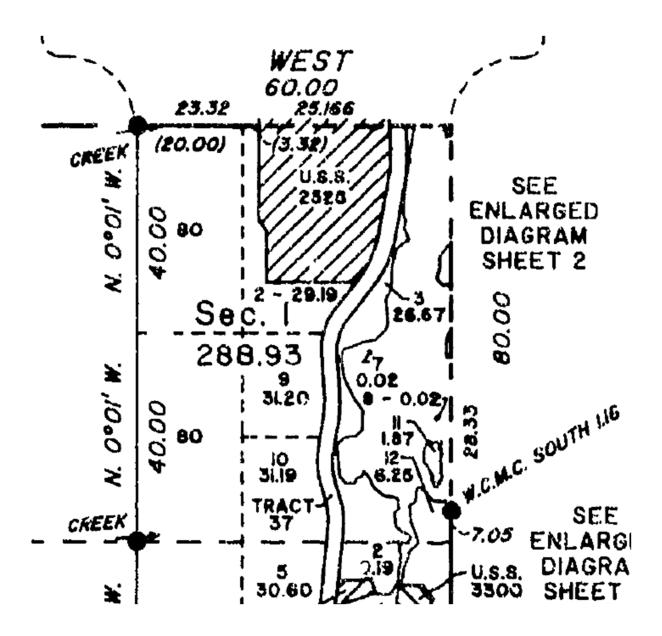
UNITED STATES DEPARTMENT OF THE INTERIOR BUREAU OF LAND MANAGEMENT Anchorage, Alaska

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

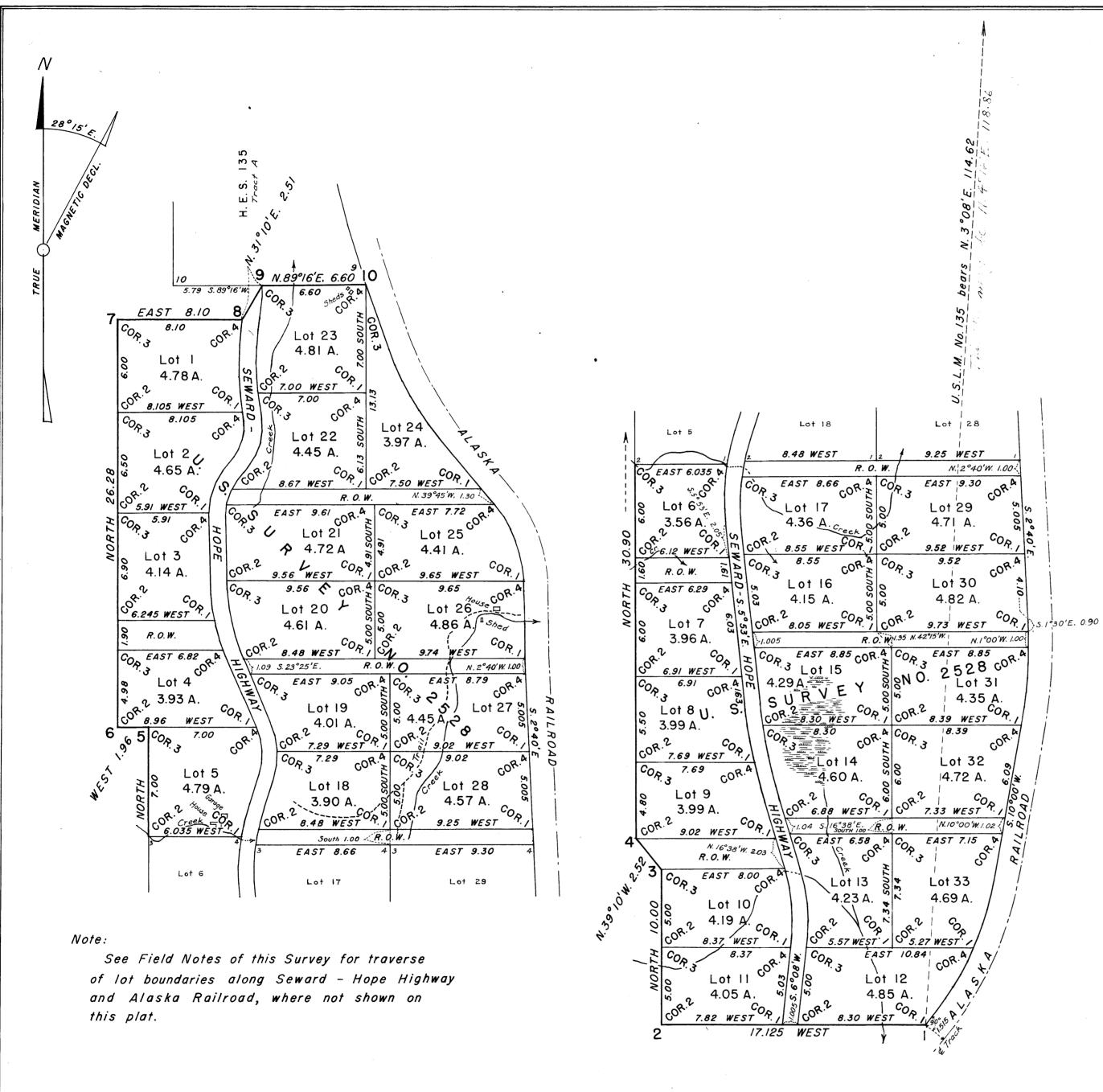
For the Director

Robert sh. anderfor 29 acrosser. 1990

Deputy State Director for Cadastral Survey, Alaska



570 … シら lot 1 similarly by P.L.O. 928 1: 150 x 23



(4-653)

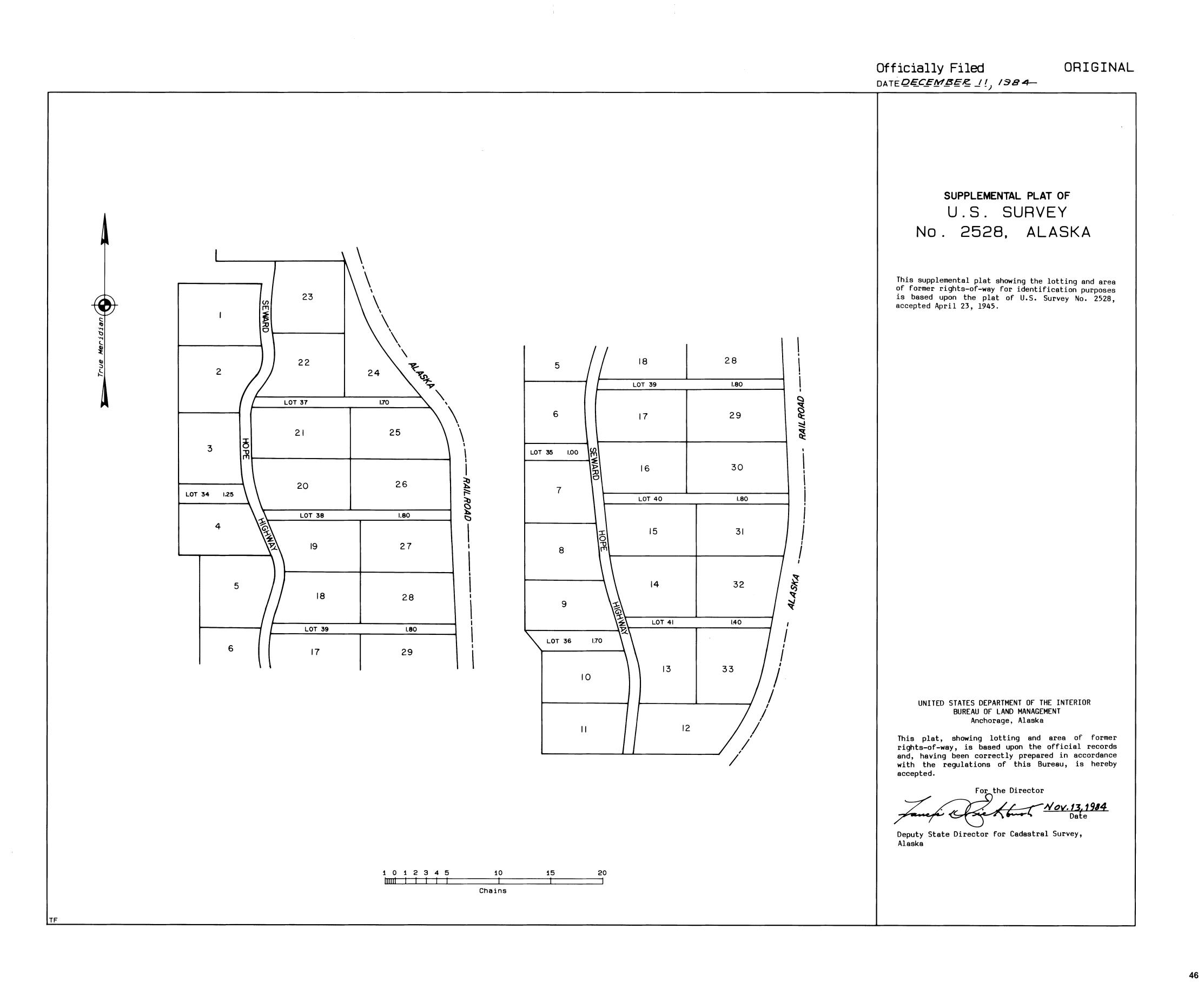
ORIGINAL

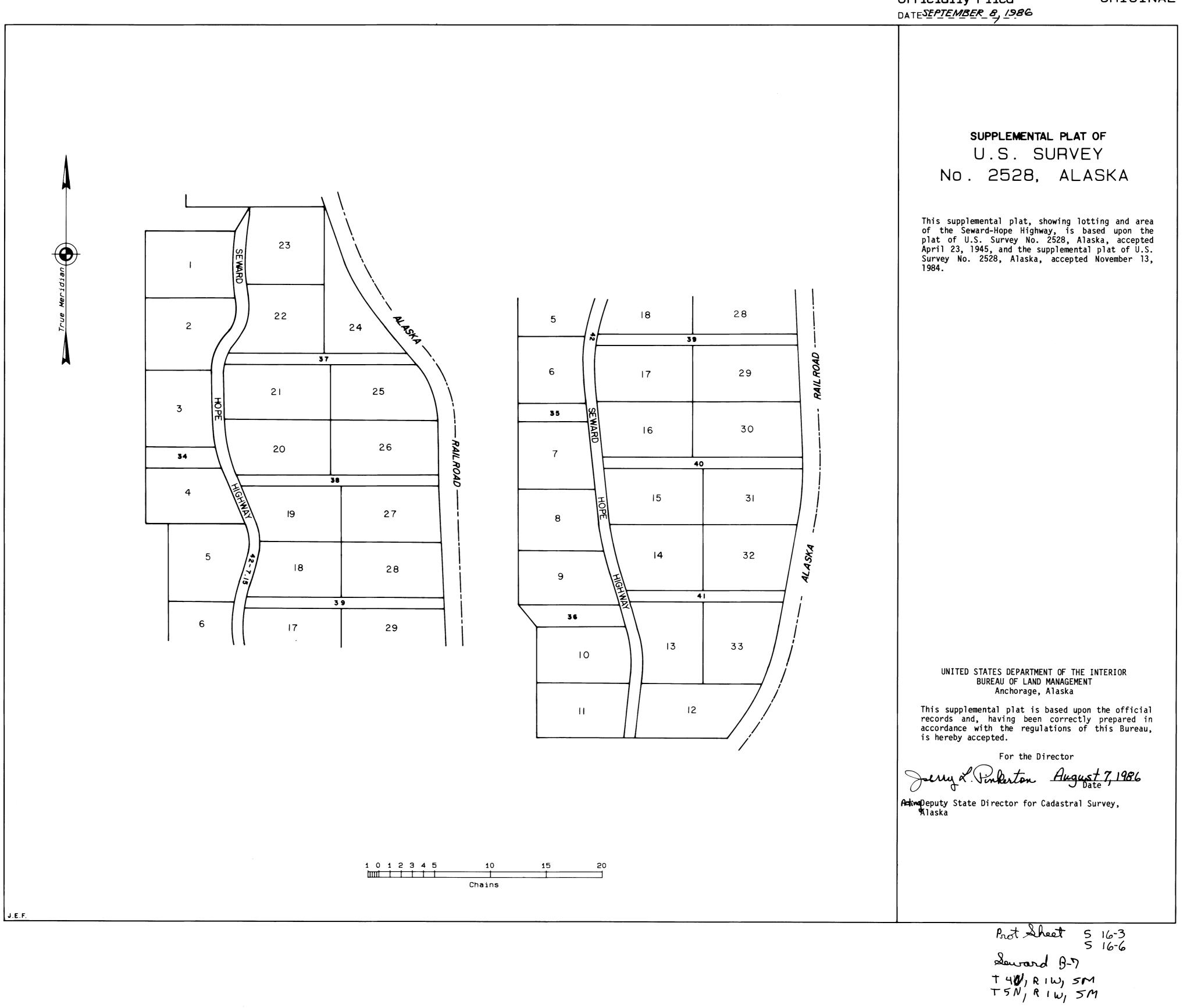
PLAT of U.S. SURVEY NO. 2528 of the Trail Lake Group of Homesites embracing Lots I to 33 inclusive Executed under the Act of Congress, Approved May 14,1898 Amended May 26,1934 situated at mile 29, Seward-Hope Highway between highway and Alaska Railroad, and on west side of highway TERRITORY OF ALASKA Net Area of Lots: 144.56 acres Area: 164.16 acres Declination: 28°15' E. Scale: 5 chains to the inch Latitude 60°28'23"N. Longitude 149°21' W. _____ Survey executed by F. W. Williamson, Associate Cadastral Engineer August 29 to October 2, 1941 CERTIFICATE OF APPROVAL PUBLIC SURVEY OFFICE Juneau, Alaska, NOV. 27, 1943. The original field notes of Survey No. 2528 , of the Trail Lake Group of Homesites embracing Lots 1 to 33 inclusive from which this plat has been made, have been examined and approved, and are on file in this office, and I hereby certify that they furnish such an accurate description of said claim as will, if incorporated into a patent, serve fully to identify the premises, and that such reference is made therein to natural objects and permanent monuments, as will perpetuate and fix the Locus thereof. And I further certify that this is a correct plat of said claim, made in conformity with said original field notes of the survey thereof, and the same is hereby approved. District Cadastral Engineer UNITED STATES DEPARTMENT OF THE INTERIOR GENERAL LAND OFFICE Washington, D.C., APRIL 23, 1945 The survey represented by this plat having been correctly executed in accordance with the requirements of law and the regulations of this office, is hereby accepted. Jel Waird Wolfsohn

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45

Assistant Commissioner.





ORIGINAL

Officially Filed

Form 1860-9 (January 1988)

The United States of America

To all to whom these presents shall come, Greeting:

ra Recording District

48

AA-5572

WHEREAS

State of Alaska

is entitled to a Land Patent for the purposes of furthering the development of and expansion of communities, pursuant to Section 6(a) of the Alaska Statehood Act of July 7, 1958, Pub. L. 85-508, 72 Stat. 339, as amended, for the following described lands:

Lot 1, U.S. Survey No. 7391 situated along the Alaska Railroad Lower Trail Lake and Kenai Lake.

Containing 47.24 acres, as shown on plat of survey officially filed September 25, 1987.

Lot 2A, U.S. Survey No. 3532, situated on the easterly side of the Seward Highway at Lawing, Alaska.

Containing 0.40 acre, as shown on plat of survey accepted December 18, 1958.

Lot I, U.S. Survey No. 2529, situated about ¹/₂ mile north of Moose Pass, Alaska on west side of Seward-Hope Highway.

Containing 1.1 acres, as shown on supplemental plat of survey officially filed September 30, 1986.

Lots 2, 3, 4, 6, 8 through 11, 13, 15, 16, 18 through 21, and 24 through 33, U.S. Survey No. 2528, situated at mile 29, Seward-Hope Highway between highway and Alaska Railroad, and on west side of highway.

Containing 107.96 acres, as shown on plat of survey accepted April 23, 1945.

Lots 34 through 41, U.S. Survey No. 2528, situated at mile 29, Seward-Hope Highway between highway and Alaska Railroad, and on west side of highway.

Containing 12.45 acres, as shown on supplemental plat of survey officially filed December 11, 1984.

Patent Number 50 - 92 - 0639

ng District

AA-5572

Lot H, U.S. Survey No. 2520, situated on the west side of Seward-Hope Highway, 25 miles from Seward, Alaska.

Containing 0.80 acre, as shown on supplemental plat of survey, officially filed September 30, 1986.

U.S. Survey No. 1778, in the Chugach National Forest, on the southerly shore of Trail Lake, approximately 25 miles from Seward, Alaska.

Containing 48.73 acres, as shown on plat of survey accepted September 13, 1927.

Seward Meridian, Alaska

T. 4 N., R. 1 E., Sec. 6, lots 1 to 11, inclusive, W¹/₂E¹/₂, B¹/₂W¹/₃; Sec. 7, lots 1 to 7, inclusive, E¹/₂, NE¹/₄NW¹/₄; Sec. 18, lots 1 to 5, inclusive, E¹/₂, E¹/₂NW¹/₄, NE¹/₄SW¹/₄; Sec. 19, lots 1 to 4, inclusive, B¹/₂, B¹/₂W¹/₃; Sec. 30, lots 1 to 4, inclusive, NE¹/₄NE¹/₄, W¹/₂NE¹/₄, B¹/₂W¹/₂.

Containing 2,608.72 acres, as shown on plat of survey officially filed November 6, 1990.

T. 5 N., R. 1 E., Sec. 7, lots 1 to 15, inclusive, E½NW¼; Sec. 18, lots 1 to 10, inclusive, E½NE¼; Sec. 19, lots 1 to 5, inclusive, W½NE¼, SE¼NW¼, E½SW¼; Sec. 30, lots 1 to 4, inclusive, S½NE¼, E½W½, SE¼; Sec. 31, lots 1, 2, 5 and 6, W½E½, E½W½;

Containing 2,100.10 acres, as shown on plat of survey officially filed November 6, 1990.

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T. 4 N., R. 1 W., Sec. 1, lots 1 to 12, inclusive, E½W½; Sec. 12, lots 1 to 12, inclusive, E½W½; Sec. 13, lots 1 to 5, and 7 to 11, inclusive, SW½NW¼, W½SW¼; Sec. 24, lots 1 to 13, inclusive, W½NW¼; Sec. 25, lots 1 to 9, inclusive.

Containing 1,502.28 acres, as shown on plat of survey officially filed November 6, 1990.

T. 5 N., R. 1 W., Sec. 12, SE¹/₄SW¹/₄, SE¹/₄;
Sec. 13, lots 1 to 4, inclusive, NE¹/₄NE¹/₄, W¹/₂NE¹/₄, E¹/₂NW¹/₄, SW¹/₄NW¹/₄, NE¹/₄SW¹/₄, NW¹/₄SE¹/₄;
Sec. 14, SE¹/₄SE¹/₄;
Sec. 22, lots 1 and 2, S¹/₄NW¹/₄, E¹/₂SW¹/₄, SW¹/₄SW¹/₄, NE¹/₄SE¹/₄, W¹/₂SE¹/₄;
Sec. 23, lots 1 ato 5, inclusive, N¹/₂NE¹/₄, NE¹/₄NW¹/₄, S¹/₂NW¹/₄;
Sec. 24, lots 1 to 8, inclusive;
Sec. 25, lots 1 to 14, inclusive, SW¹/₄NW¹/₄;
Sec. 36, lots 1 to 10, inclusive.

Containing 2,166.54 acres, as shown on plat of survey officially filed November 6, 1990.

Aggregating 8,596.32 acres.

NOW KNOW YE, that there is, therefore, granted by the UNITED STATES, unto the above-named claimant the land above described; TO HAVE AND TO HOLD the said land with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging, unto the said

BOC Recording District

AA-5572

EXCEPTING AND RESERVING TO THE UNITED STATES:

- 1. A right-of-way thereon for ditches or canals constructed by the authority of the United States. Act of August 30, 1890, 26 Stat. 391, 43 U.S.C. 945.
- 2. The following rights-of-way, a trailhead and a boat launch area appropriated by the United States, over or upon the lands, together with the right of the United States, its officers, employees, agents, contractees, lessees, permittees, or assignees to the complete enjoyment of all rights, privileges, and benefits previously granted, issued, reserved, or appropriated. Alaska National Interest Lands Conservation Act of December 2, 1980, 43 U.S.C. 1635:

a. Johnson Pass Trail

A 25-foot trail easement approximately 4.5 miles in length beginning at the trailhead located in Sec. 22, T. 5 N., R. 1 W., Seward Meridian, and proceeding northeasterly through Secs. 22, 23, 24, and 13, T. 5 N., R. 1 W., and Secs. 7 and 18, T. 5 N., R. 1 E., Seward Meridian, to the boundary of the State selection.

b. Carter Lake (Creek) Trail

A 25-foot trail easement beginning in Sec. 22, T. 5 N., R. 1 W., Seward Meridian, thence southeasterly, for approximately 1/8 mile, thence westerly, approximately 1/4 mile, to the boundary of the State selection.

c. Trail River Campground Road

A 100-foot right-of-way for the access road, approximately 1/2 mile in length, into the Trail River Campground beginning at the edge of the right-of-way for the Seward-Anchorage Highway in Sec. 24, T. 4 N., R. 1 W., Seward Meridian, and going northwesterly until it crosses the Trail river, thence southerly until it enters the Trail River Recreation Area withdrawn by PLO 1731.

seward Recording District

AA-5572

d.

Ptarmigan Creek Trail

A 25-foot trail easement beginning at the Ptarmigan Creek Campground located in Sec. 25, T. 4 N., R. 1 W., Seward Meridian, thence northeasterly through Secs. 30 and 19, T. 4 N., R. 1 E., Seward Meridian, to the boundary of the State selection. A spur drops from the main trail to the creek bank for about 350 feet before crossing the boundary of the State selection. The main trail is approximately 1.6 miles in length within the State selection.

e. Kenai Lake Administration Site Annex Access Road A 100-foot easement for an existing road into the Kenai Lake Administration Site Annex beginning at the junction of the Seward-Anchorage Highway in Sec. 25, T. 4 N., R. 1 W., Seward Meridian, thence in a northeasterly direction approximately 650 feet to the boundary of the Kenai Lake Administrative Site Annex.

f. Ptarmigan Creek Cutoff Trail

A 25-foot trail easement beginning at a point on the Falls Creek Road in Sec. 19, T. 4 N., R. 1 E., Seward Meridian, thence in a southeasterly direction along the existing trail to the boundary of the State Selection.

g. Falls Creek Road

A 60-foot road easement approximately 1.6 miles in length beginning in Sec. 24, T. 4 N., R. 1 W., Seward Meridian, at a point intersecting with the Seward-Anchorage Highway, thence northeasterly following the existing road through Sec. 19, T. 4 N., R. 1 E., Seward Meridian, to the boundary of the State selection.

h.

Crown Point Trail and Road

A 60-foot road easement beginning in sec. 13, T.4N., R.1W., Seward Meridian, where it leaves the Seward-Anchorage Highway, thence easterly through Sec. 18, T. 4 N., R. 1 E., Seward Meridian, to the boundary of the State selection.

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AA-5572

i.

Grant Lake Road

A 60-foot easement for an existing road approximately 2.3 miles in length beginning in Sec. 25, T. 5 N., R. 1 W., Seward Meridian, thence southerly along the shoreline of Upper Trail Lake to approximately the quarter section line between the NB¼ and SE¼, Sec. 36, T. 5 N., R. 2 W., Seward Meridian, thence northeasterly across Secs. 31 and 30, T. 5 N., R. 1 E., Seward Meridian, to the State selection boundary.

j. Johnson Pass Trailhead

A tract of land approximately 5.00 chains in width, on the north right-of-way line, parallel to and 50 feet from the centerline of the Seward-Anchorage Highway and approximately 9.09 chains in length between Stations 182 and 188 located on Sec. 22, T. 5 N., R. 1 W., Seward Meridian. The tract contains approximately 4.54 acres.

k. Trail Lake Boat Launch Area (formerly Public Service Site No. 1)

A tract of land located in Sec. 24, T. 5 N., R. 1 W., Seward Meridian, lying northeast of and adjacent to the right-of-way for the Seward-Anchorage Highway, which is 50 feet from and parallel to the centerline thereof, between Stations 60 and 70 and extending to the southwest shore of Upper Trail Lake. The tract is opposite Lots G and H of U.S. Survey No. 2529 and contains approximately 9.92 acres.

THE GRANT IS SUBJECT TO THE FOLLOWING:

to the lands described below, those segments 1,000 feet in width, for the Iditarod National Historic Trail, reserved under the authority of Sec. 7(h) of the National Trails Systems Act of October 2, 1968, 82 Stat. 919, as amended November 10, 1978, 92 Stat. 3511, and Sec. 906(l)(2) of the Alaska National Interest Lands Conservation Act of December 2, 1980, 94 Stat. 2371, 2442, 43 U.S.C. 1635.

1. That portion of the Seward to Moose Pass Primary Trail segment of the Iditarod National Historic Trail.

BOOK District Recording

Form 1860-10 (April 1988)

AA-5572

- 2. That portion of the Moose Pass to Portage Primary Trail segment of the Iditarod National Historic Trail.
- 3. That portion of the Moose Pass Military Road Connecting Trail Segment of the Iditarod National Historic Trail.
- 4. That portion of the Johnson Pass/Sunrise/Hope Military Road Connecting Trail segment of the Iditarod National Historic Trail.



Patent Number 50 - 9 2 - 0 63 9

IN TESTIMONY WHEREOF, the undersigned authorized officer of the Bureau of Land Management, in accordance with the provisions of the Act of June 17, 1948 (62 Stat. 476), has, in the name of the United States, caused these letters to be made Patent, and the Seal of the Bureau to be hereunto affixed.

GIVEN under my hand, in ANCHORAGE, ALASKA the TWENTY-FIRST day of SEPTEMBER in the year of our Lord one thousand nine hundred and and of the Independence of the SEVENTEENTH. NINETY-TWO ted States the two undred and enice R. Prutz

Acting Chief, Branch of Cook Inlet and Ahtna Adjudication

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BOOK PAGE . . " Recording District

SEWARD RECORDING DISTRICT

GRANTOR:

UNITED STATES EUREAU OF LAND MANAGEMENT ERANCH OF DOYON ADJUDICATION 222 WEST SEVENTH AVENUE, #13 ANCHORAGE, ALASKA 995T3

RETURN TO GRANTEE:

STATE OF ALASKA DEPT OF NATURAL RESOURCES DIVISION OF LAND TITLE ADMINISTRATION UNIT 3601 C STREET, SUITE 960 ANCHORAGE, ALASKA 99503

92-1211 NC RECORDED-FILED SEWARD BECORDING DISTRICT Oct 7 3 47 PM '92 REQUESTED BY _ ADDRESS /

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BLM-Alaska ACRES Reports Online - Case Abs	DSTRACT OF AKAA UUSS / 2	5
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Bureau of Land Management - Alaska LIS-Online Reports Case Abstract for: AKAA 005572 _____ ___ Case Serial Num: AKAA 005572 FRC Site Code: SEA 262712 Community Grant Accession Num: Case Type: Forest Pending Box Num: of Case Status: Case Status Actn: Relq Acknowledged Disp Date: Case Status Date: 26-JUL-1985 Location Code: _____ ___ Customer Data Custid: 000027242 Int Rel: Applicant Pct Int: 0.0000 Cust Name: AK DEPARTMENT OF NATURAL RESOURCES DIV OF MINING LAND AND WATER Cust Address: Withheld

Administrative/Status Action Data

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		Report Requested			AJA	AKN
06-J	AN-1969153	Report Received	USFS		AJA	AKN
		Application Filed			PSA	JT
		Publication Directed			AJA	
30-A	PR-1969341	Proof Of Pub Receive			PSA	JT
		Tentative Appv Given		TA0019730010	PSA	JT
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		Amend/Corr Apln Recd			AJA	MKW
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		Special Instr Appv-S			922	
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BLM-Alaska ACRES Reports Online - Case Abstract of AKAA 005572

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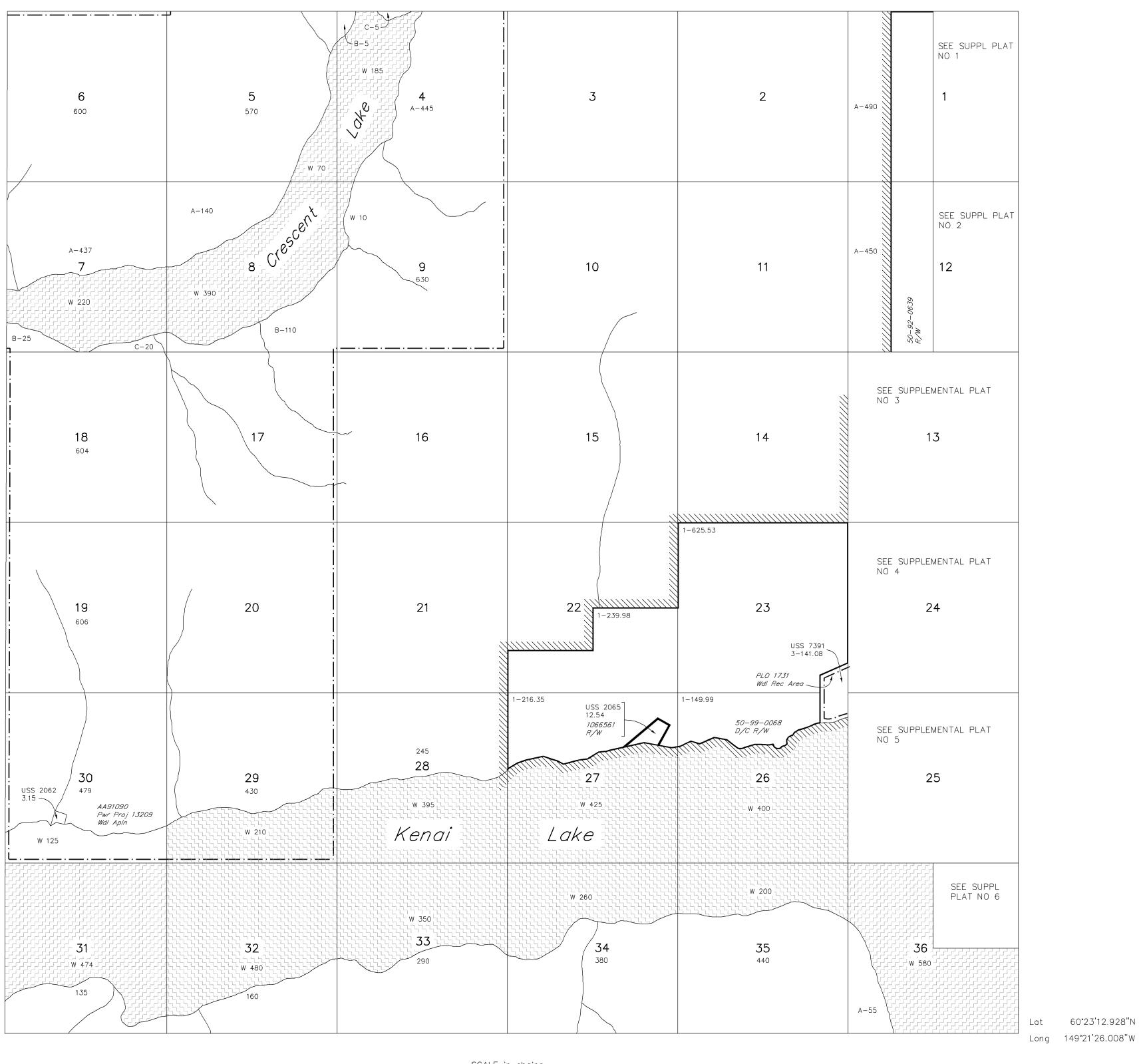
End of Case: AKAA 005572

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Reports are generated from a replicated database.Information can be one week old.

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PROTRACTION DIAGRAM NO. S16-3 OFFICIALLY FILED 5/8/1963



SCALE in chains 10 5 0 10 20 30

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PARTIALLY SURVEYED TOWNSHIP 4 NORTH RANGE 1 WEST OF THE SEWARD MERIDIAN, ALASKA

STATUS OF PUBLIC DOMAIN LAND AND MINERAL TITLES

MTP

FOR ORDERS EFFECTING DISPOSAL OR USE OF UN-IDENTIFIED LANDS WITHDRAWN FOR CLASSIFICATION MINERALS, WATER AND/OR OTHER PUBLIC PURPOSES REFER TO INDEX OF MISCELLANEOUS DOCUMENTS.

Tp Inc in Chugach NF Proc 2/26/1909

AA5572 SS TA excl ARR 100' R/W

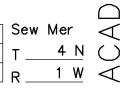
AA63786 ApIn for MS 2497 affects this Tp

WARNING: This plat is the Bureau's Record of Title, and should be used only as a graphic display of the township survey data. Rec— ords hereon do not reflect title changes which may have been effected by lateral movements of rivers or other badies of water. Refer to the cadastral surveys for official survey information.

CURRENT TO 6-1-2010

60°23'12.928"N

AA57929 Iditarod National Historical Trail affects this Tp

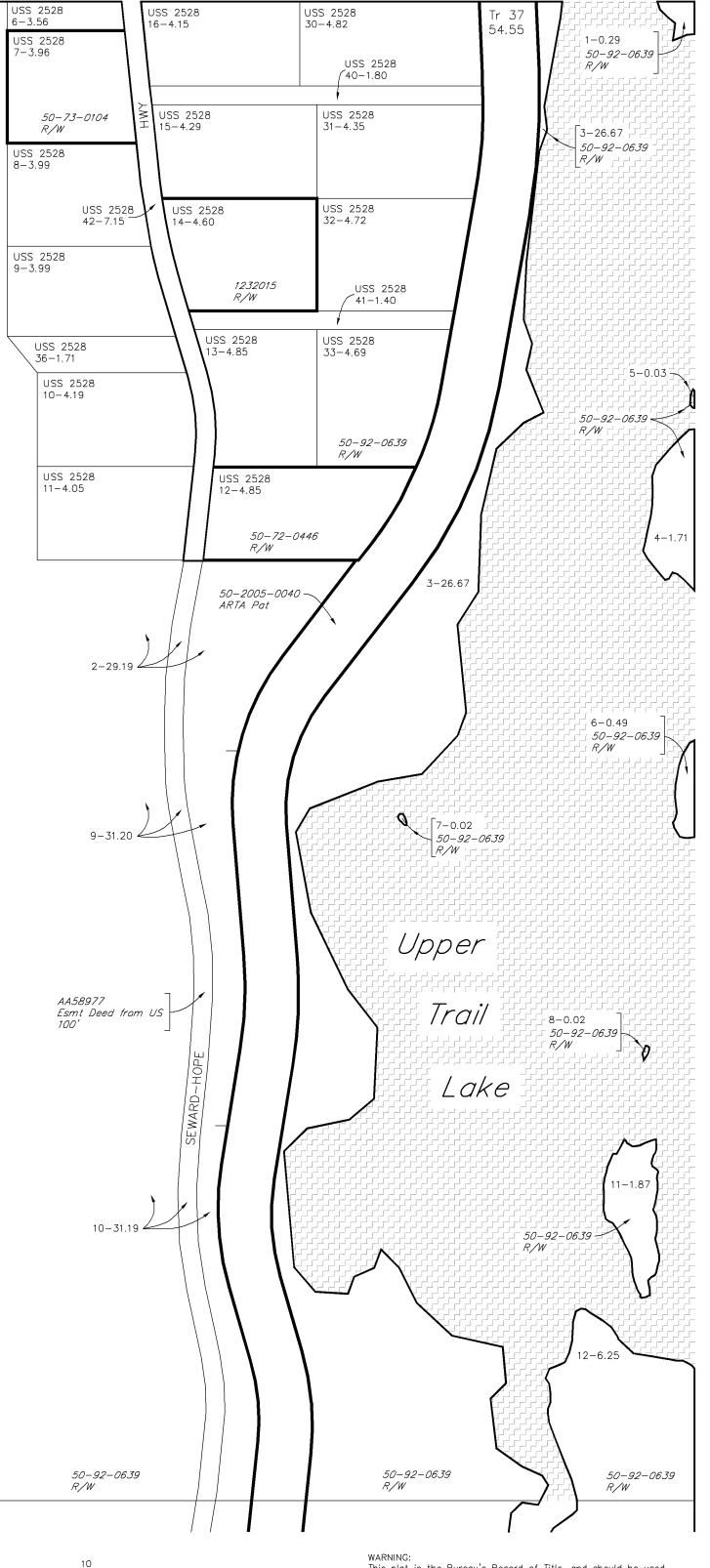


PARTIALLY SURVEYED TOWNSHIP 4 NORTH RANGE 1 WEST OF THE SEWARD MERIDIAN, ALASKA

PROTRACTION DIAGRAM NO. S16-3 OFFICIALLY FILED 5/8/1963

SCALE in chains

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WARNING: This plat is the Bureau's Record of Title, and should be used only as a graphic display of the township survey data. Rec-ords hereon do not reflect title changes which may have been effected by lateral movements of rivers or other bodies of water. Refer to the cadastral surveys for official survey information.

STATUS OF PUBLIC DOMAIN LAND AND MINERAL TITLES



FOR ORDERS EFFECTING DISPOSAL OR USE OF UN-IDENTIFIED LANDS WITHDRAWN FOR CLASSIFICATION MINERALS, WATER AND/OR OTHER PUBLIC PURPOSES REFER TO INDEX OF MISCELLANEOUS DOCUMENTS.

Tp included in Chugach NF Proc

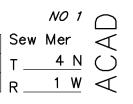
AA5572 SS TA Excl ARR 100' R/W

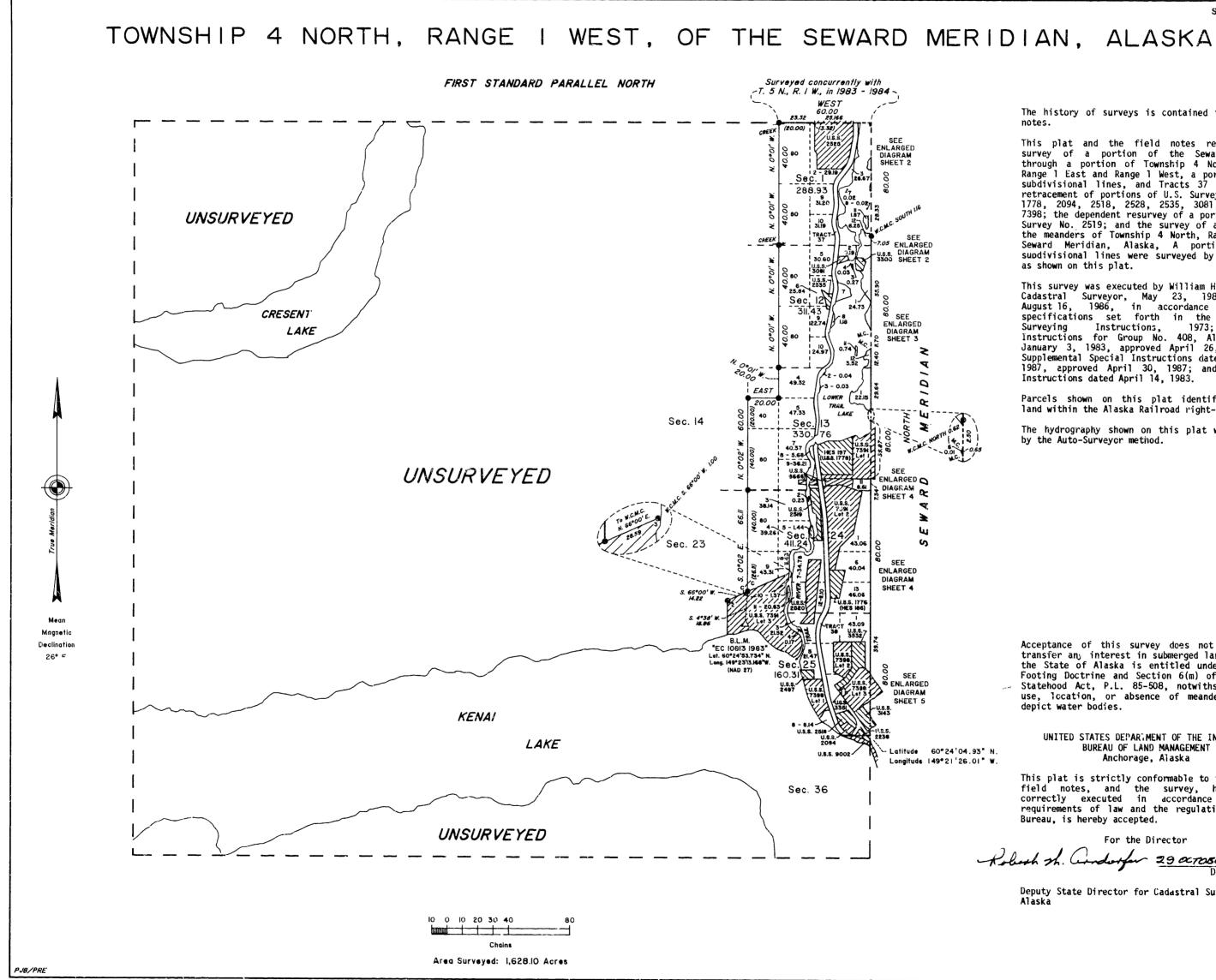
AA57929 Iditarod National Historical Trail affects this Tp

AA63786 ApIn for MS 2497 affects this Tp

CURRENT TO

6-1-2010





Officially Filed

ORIGINAL

DATE NOVEMBER 6, 1990

Sheet I of 5 Sheets

The history of surveys is contained in the field notes.

This plat and the field notes represent the survey of a portion of the Seward Meridian through a portion of Township 4 North between Range 1 East and Range 1 West, a portion of the subdivisional lines, and Tracts 37 and 38; the retracement of portions of U.S. Survey Nos. 1776, 1778, 2094, 2518, 2528, 2535, 3081, 7391, and 7398; the dependent resurvey of a portion of U.S. Survey No. 2519; and the survey of a portion of the meanders of Township 4 North, Range 1 West, Seward Meridian, Alaska, A portion of the subdivisional lines were surveyed by protraction as shown on this plat.

This survey was executed by William H. Twenhofel, Cadastral Surveyor, May 23, 1983, through August 16, 1986, in accordance with the specifications set forth in the Manual of Surveying Instructions, 1973; Special Instructions for Group No. 408, Alaska, dated January 3, 1983, approved April 26, 1983, and Supplemental Special Instructions dated April 29, 1987, approved April 30, 1987; and Assignment Instructions dated April 14, 1983.

Parcels shown on this plat identify submerged land within the Alaska Railroad right-of-way.

The hydrography shown on this plat was obtained by the Auto-Surveyor method.

Acceptance of this survey does not purport to transfer any interest in submerged lands to which the State of Alaska is entitled under the Equal Footing Doctrine and Section 6(m) of the Alaska Statehood Act, P.L. 85-508, notwithstanding the use, iccation, or absence of meander lines to depict water bodies.

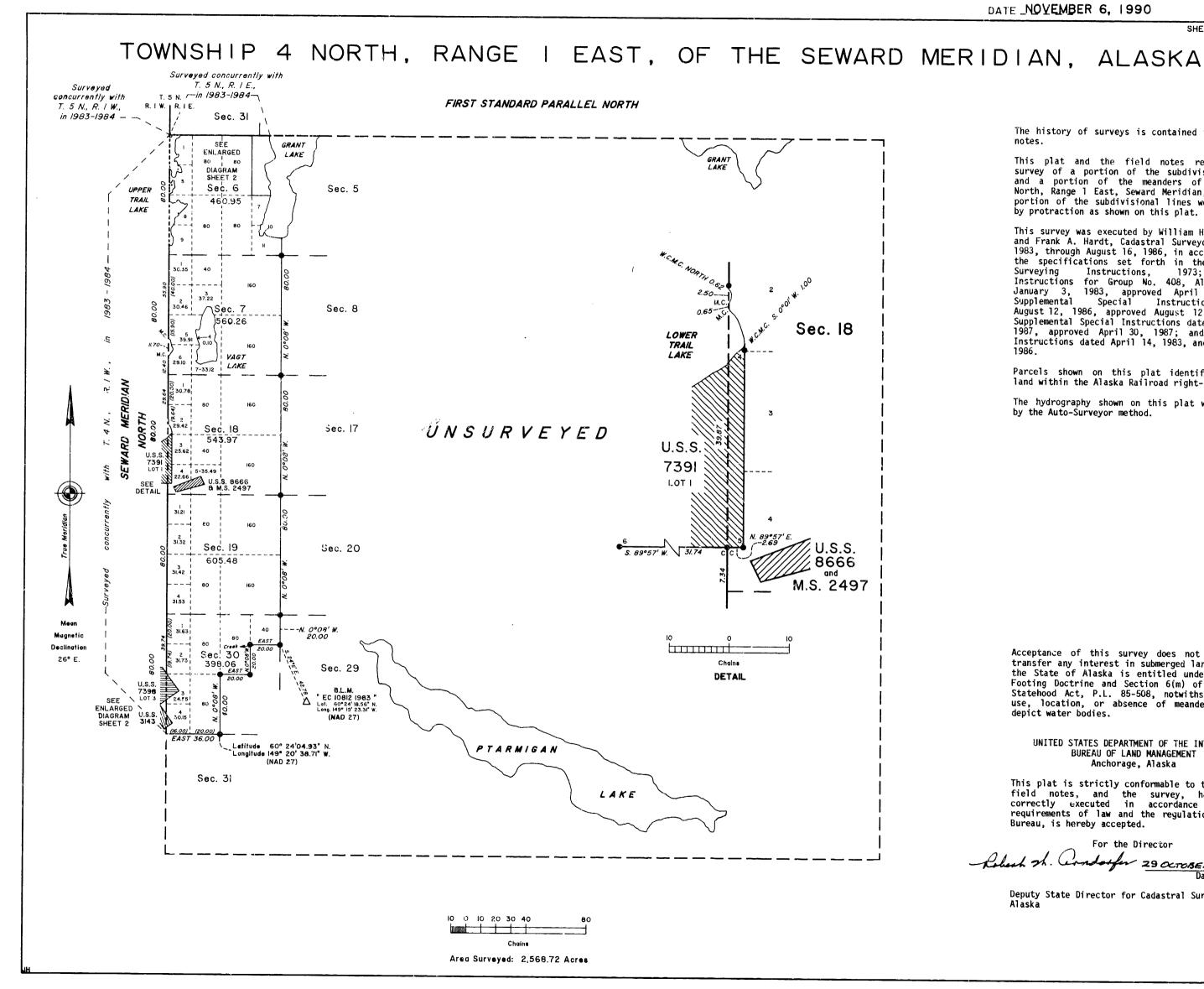
UNITED STATES DEPARTMENT OF THE INTERIOR BUREAU OF LAND MANAGEMENT Anchorage, Alaska

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

For the Director

Robert sh. anderfor 29 acrosser. 1990

Deputy State Director for Cadastral Survey, Alaska



Officially Filed

DATE _NOVEMBER 6, 1990

SHEET I OF 2 SHEETS

and

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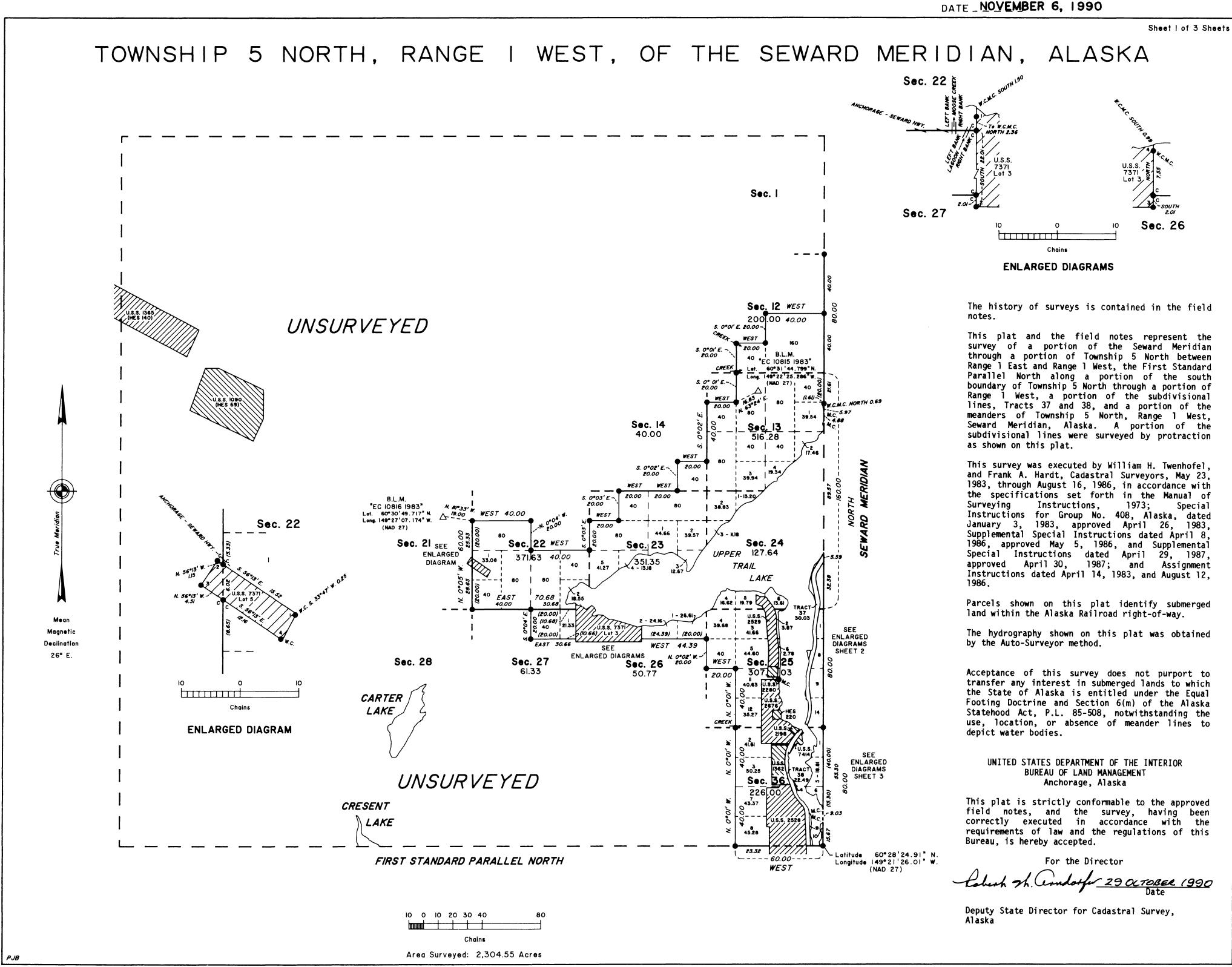
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For the Director Robert 2h. Condesfer 29 OCTOBER 1990 Date

Deputy State Director for Cadastral Survey, Alaska

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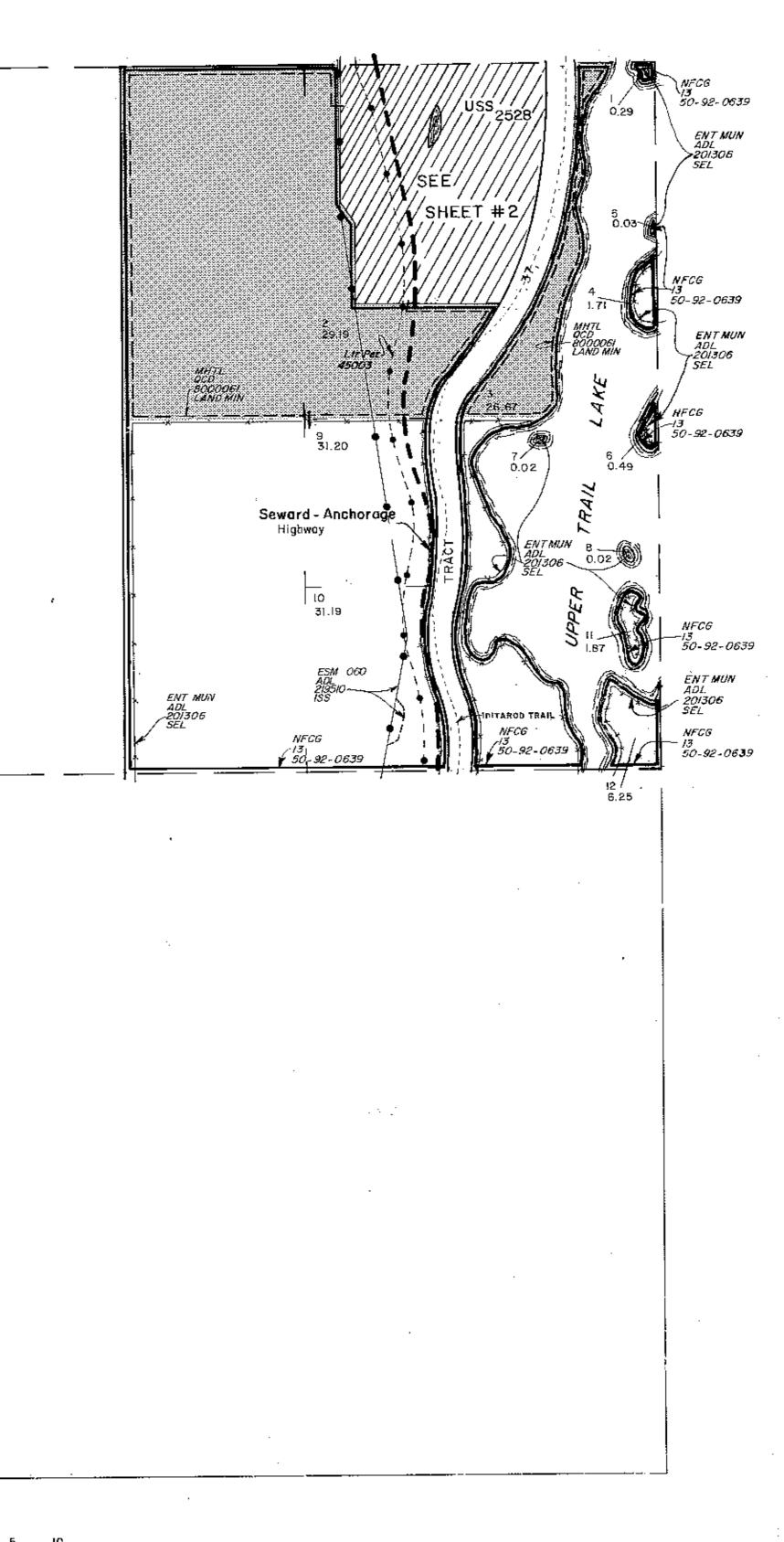
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OTHER ACTIONS AFFECTING DISPOSA USE OF STATE LANDS. ENTIRE TWR WITHIN GHUGACH N.E

STATUS PLAT

(SUPPL.)

USRS; Partial Survey of the North and East Ho and Subdivisional Lines, Tracts 37 and 38; Retracement of USS 1776, 1778, 2094, 251 2535, 3081, 7391, and 7390; Partial Resurvey of USS 2519; and Partial Survey Heanders; 1,628.10 Acres; Accepted 10/29/19 3 and 4 w/in Section 12, Lots 2 and 3 w/it 13, and Lot 2 w/in Section 24 Not Depicte to Survey for Lot Locations NFCG 13; Fatent 50-92-0639; Fer USRS Accepted 10 and Officially Filed 11/06/1990, USS 1778 09/13/1927, DSS 2520 Accepted 09/05/2 Officially Filed 09/30/1986, USS 2528 11/13/1984 and Officially Filed 12/11/19 3532 Accepted 12/18/1958, and USS 7391 08/03/1987 and Officially Filed 09, Excepting and Reserving: A 100-Foot Righ for Trail River Campground Road w/in Sect 25-Foot Trail Easement for Ptarmigan Cre w/in Section 25; A 100-Foot Road Easement Lake Administration Site Anner Access R Section 25: A 60-Foot Road Easement for Fal Road w/in Section 24; and A 60-Foot Road _____Cor Crown Point Trail and Road_v/in_Sec ____Lots 3 and 4 w/in Section 12. Lots 2 an Section 13, and Lot 2 w/in Section 24 Not L Refer to Survey for Lot Locations NFCG 276; Tentative Approval; Excepting and Re

A 60-Poot Road Easement for North Shore Ke _____v/in Sections 22 and 23; A_20-Fpot_Trail. ____for Lenai Lake Trail y/in Sections 26 and USS 2528 ; Approved 04/23/1945; Amended, Acc 11/13/1984

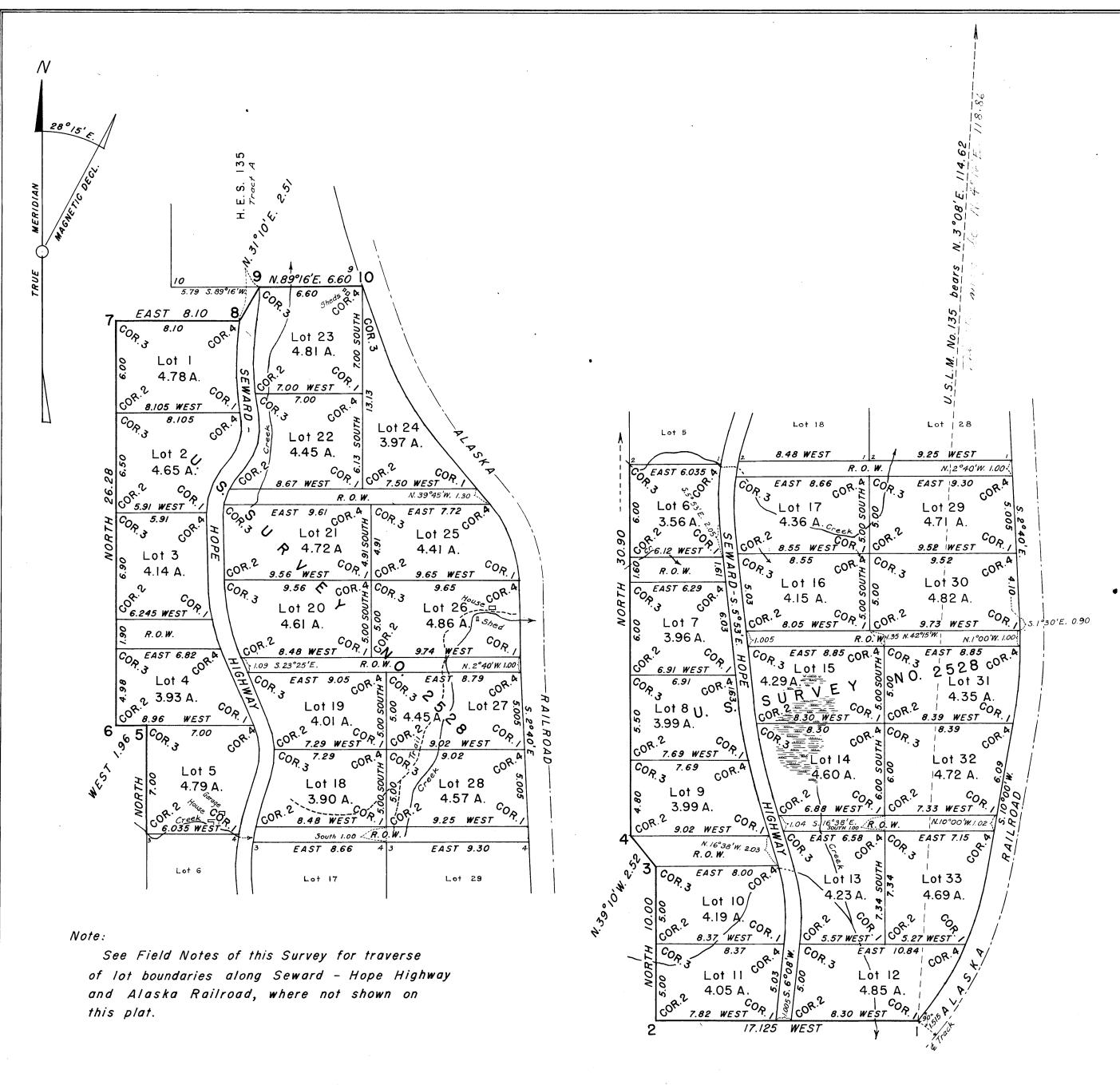
	ATTENTION: MENTAL HEALTH LAND INFORMAT
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(4-653)

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ORIGINAL

PLAT of U.S. SURVEY NO. 2528 of the Trail Lake Group of Homesites embracing Lots I to 33 inclusive Executed under the Act of Congress, Approved May 14,1898 Amended May 26,1934 situated at mile 29, Seward-Hope Highway between highway and Alaska Railroad, and on west side of highway TERRITORY OF ALASKA Net Area of Lots: 144.56 acres Area: 164.16 acres Declination: 28°15' E. Scale: 5 chains to the inch Latitude 60°28'23"N. Longitude 149°21' W. ______ Survey executed by F. W. Williamson, Associate Cadastral Engineer August 29 to October 2, 1941 CERTIFICATE OF APPROVAL PUBLIC SURVEY OFFICE Juneau, Alaska, NOV. 27, 1943. The original field notes of Survey No. 2528 , of the Trail Lake Group of Homesites embracing Lots I to 33 inclusive from which this plat has been made, have been examined and approved, and are on file in this office, and I hereby certify that they furnish such an accurate description of said claim as will, if incorporated into a patent, serve fully to identify the premises, and that such reference is made therein to natural objects and permanent monuments, as will perpetuate and fix the Locus thereof. And I further certify that this is a correct plat of said claim, made in conformity with said original field notes of the survey thereof, and the same is hereby approved. District Cadastral Engineer UNITED STATES DEPARTMENT OF THE INTERIOR GENERAL LAND OFFICE Washington, D.C., APRIL 23, 1945 The survey represented by this plat having been correctly executed in accordance with the requirements of law and the regulations of this office, is hereby accepted. yel Waird Wolfsohn Assistant Commissioner.

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AGENDA ITEM E. NEW BUSINESS

ITEM 2 - MADSON SUBDIVISION TRACT A AND TRACT B

KPB File No.	2021-164
Plat Committee Meeting:	January 10, 2022

STAFF REPORT - ADDENDUM

After the staff report was prepared, the surveyor responded with comments to the staff report. The addendum was prepared to respond to some of the comments and to request an exception to the platting standards. The surveyor comments are shown within boxed screenshots and blue quoted text. Staff responses follow the bold **Staff Discussion:** label.

Alaska Mental Health Trust Authority owns the <u>80 acre</u> parcel located to the west of the subdivision. Chugach National Forest is located further to the west. The only legal access to the <u>80 acre</u> parcel is via the section line easement on the north boundary. Per KPB 20.30.030, continuation or appropriate projections of right of ways, and KPB 20.30.170 Block Length, right of way dedications are required to be extended west from the State of Alaska right of way tracts, Lot 35 and Lot 36. This would provide adequate access to the <u>80 acre</u> parcel to the west. **Staff recommends** this plat provide the following right of way dedications.

- A minimum <u>30 foot</u> wide right of way dedication of right of way extending westerly from Lot 35.
- A 60 foot wide right of way dedication of right of way extending westerly from Lot 36.
- A minimum <u>30 foot</u> wide dedication along the southern boundary.

"Dedication of this ROW would divide Tract A into two separate parcels with a significant reduction in value to the northern portion due to its narrow width and steep slopes. We propose dedication of a public use or access easement in lieu of typical ROW."

Staff Discussion: Staff is agreeable to the granting of an access easement and is discussed further in the exception request.

Site Investigation: The area within this subdivision contains steep areas. An additional map was provided by the surveyor to show the contours for the area. Staff recommends any steep bluffs be depicted on the final by showing the top or toe of bluffs.

"Topographic vertical relief across the subject parcel is inconsistent and varies greatly. We have provided a contour map based on KPB GIS data depicting 5-foot intervals. These contours are sufficient to show significant vertical features for use in future planning and/or site development. Topographic features are not typically depicted on subdivision plats. An additional and expansive field survey would be required, at cost to the owner, to provide more detail."

Staff Discussion: Topographic features are not required to be depicted on the final plat per KPB Code. Staff often suggests areas with steep terrain be noted in some manner to provide useful information for the land owners and their planned development of the property. The borough does not require an additional topographic survey. Using KPB GIS data is allowable and the source can be stated on the plat. Staff will suggest, but not require, that the steep terrain be depicted on the final plat.

Per KPB GIS data, wetlands are present along the eastern portion of proposed Tract B and near the center of proposed Tract. An additional map was provided by the surveyor to show the wetland areas. **Staff recommends** any wetlands be depicted on the final plat and a plat note be added, "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."

"No wetland delineation was performed as part of this platting action. The location and area of wetlands is based on KPB GIS data. Based on this information the non-wetland areas of Tract B are over four times the required area for development of 20,000sq.ft. (20.40.040). Additionally, the identified wetlands exist on the east side of Tract B, opposite to the legal access and higher more suitable ground to the west. Topographic and soils/wetland data is not typically depicted on subdivision plats. We are amenable to including the recommended note regarding the responsibility of a developer."

Staff Discussion: Plats reviewed by KPB require the wetlands to be depicted on the preliminary plat as well as the final plat. Kenai Watershed Forum Wetlands Determination, available from the GIS viewers, can be used to show the areas that may be affected by wetlands. The final plat will be required to depict the approximate location of low wet areas with the appropriate plat note regarding the development of the land.

"This project has no connection with the Grant Lake Hydro Project. The sole intention of this platting action is to dedicate the ROW for the Seward Highway which currently bisects the subject parcel. There are no plans for development or improvements to these parcels. Separately, water rights are not affected by platting actions."

Staff Discussion: This comment is in response to the public comments that were received and noted in the staff report.

		T
CHUGACH	Chugach has no objection to the subject subdivision, with the following comments:	1
ELECTRIC	1. Add 10' Telecommunications & Electric Easement along the north boundary of Tract B.	
	2. Add 10' Telecommunications & Electric Easement along the south boundary of the 50'	
	Section Line Easement on Tract A.	
	3. Add 20' Telecommunications & Electric Easements on Tract A along its common boundaries	
	with BLM Lot 9 and USS 2528, Lots 36, 10, and 11, as shown on the plat redline. (sketch	
	provided)	

"While we do not have initial objection to the requested easements in general, we request the ability to work directly with utility providers satisfy their easement requests. We would expect to obtain sign-offs from each applicable utility provider indicating their approval and satisfaction regarding easement dedication prior to submittal of the final plat to KPB."

Staff Discussion: Staff agrees that it is up to the owners and surveyors to work with the utility companies to meet their requests. Per KPB Code 20.30.060(B), "Upon submittal of a preliminary plat, the planning department shall provide a copy to public utility companies for their comments and recommended design of utility easements." This allows staff to know what the utility companies are requesting to ensure their needs are met. If during the process alternative utility easement dedications are submitted, we will need documentation from the utility company that it meets their requirements or that they withdraw their previous request. This process is to ensure the utility companies are provided adequate easements for the benefit of the general public. The land owner/surveyor can work directly with the utility companies to make sure adequate utility easements are provided.

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.

"The final plat submittal will comply with all applicable 20.25.070 requirements detailed below. Recommendations pertaining to stylistic, not specified in code will be at the discretion of the surveyor."

Staff recommendation:

- Add the KPB number in or near the title block
- Revise the name of the subdivision by removing Tract <u>A</u> & Tract B so that the subdivision name is only <u>Madson</u> Subdivision. If you wish for Tract A and Tract B to be shown in the title block it would be suggested to have the name of the subdivision larger include "Creating Tract A and Tract B" with smaller font size.
- Revise the description of the subdivision to match the certificate to plat "A subdivision of Government Lot 2 in Section 1, Township 4 North, Range 1 West, Seward Meridian."
- Remove "more or less" from the acreage on the final plat as the acreage will be known after the field survey is completed.
- Provide the owners name and address within the title block.

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

Staff recommendation:

- Remove the "Unsurveyed" labels.
- Provide leaders for the lake labels.
- Provide a label and boundary for the Chugach National Forest.
- Remove the overstrike on the Seward Highway label.
- 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:** Include a width label and street name label for all right of way dedications including the Seward Highway. The cross hatching can be removed as cross hatching is typically used to depict right of way vacations.
- G. The status of adjacent lands within 100 feet of the proposed subdivision boundary or the land status across from any dedicated rights-of-way that adjoin the propose subdivision boundary, including names of subdivisions, lot lines, block numbers, lot numbers, rights-of-way; or an indication that the adjacent land is not subdivided;

Staff recommendation:

- Provide a label for Government Lot 8 to the north of the subdivision.
- BLM may be removed from adjacent lot labels and changed to Government.
- One label for Government Lot 3 along Upper Trail Lake is all that is required.
- The Kenai Peninsula Borough does not designate the Alaska Railroad as a Tract in this area. Revise the label for the rail road right of way to read 'Alaska Rail Road'
- Remove the patent numbers from the lots.

Staff Discussion: The surveyor is noting that some of the items requested are not outlined as requirements for the final plat. Staff would like to note that most of these recommendations are standard requests that make sure the information presented on the plats are accurate and provide clear information.

All plats completed within the Kenai Peninsula Borough, including State of Alaska DNR plats, contain the KPB File number within or near the title block. This is our file number and can useful to attach the plat to the file of record with all corresponding information. The KPB File No. is no different from the state requiring their project number or the surveyor including a project number.

The request for the subdivision name change is due to the current way it is presented. Leaving all in the same font as shown on the preliminary plat will result in the subdivision name being entered by the Recording Office as "Madson Subdivision Tract A and Tract B". Staff is rejecting this subdivision name. We will approve "Madson Subdivision". The title block may state below the subdivision name the following, "Creating Tract A and Tract B."

A field survey is required to be performed for this subdivision. The 'more or less' is not useful as it add uncertainty to the acreage. The land surveyor will perform an accurate survey to determine the acreage of the parcels.

Within the vicinity map, staff determined that leaders for the lake labels to the actual lake bodies would be of benefit to the public.

Cross-hatching is typically used within the Kenai Peninsula Borough to depict right of way vacations. The dedication will be within the subdivision boundary and will have a label stating it is right of way being dedicated this plat. Using cross hatching to show a right of way dedication is not a platting requirement and is at the discretion of the surveyor.

Updating the label for the Alaska Railroad is recommended to provide clarity. We deal with members of the public on a regular basis in trying to help them understand information on plats. ARRC may not be a known acronym to some. Staff recommends the label state "Alaska Railroad".

Η. 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 low wet areas are not depicted on the plat. An additional map was provided that showed the low wet areas. Depiction and label the low wet areas on the final plat.

"We do not have information regarding areas subject to inundation, subject to flooding/overflow, or ordinary high-water line. "Per KPB GIS data, the subdivision falls into the Floodplain Zone C. That is a minimal risk zone that is not regulated." We object the request for this information to be depicted on the final plat. "

Staff Discussion: This comment was additionally addressed above. The 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 area required to be shown on the final plat. The KPB GIS viewer provides this information which can be depicted on the final plat.

No additional notes are required regarding the flood plain as it is not regulated at this time.

20.40.010 Wastewater disposal.

Platting Staff Comments: Tract B is less than 200,000 sq. ft. and will require a soils analysis report. An exception for wastewater review has been requested for Tract B. A soils exception is not required for Tract A as it is larger than 200,000 sq. ft.

Staff discussion: Per KPB 20.30.200 Lots – Minimum size, section B, lots shall contain at least 40,000 sq. ft. if both the well and wastewater disposal are to be located on the lot. Per KPB 20.40.040(A)(4), there needs to be at least 20,000 sq. ft. of contiguous area suitable for use for an initial and replacement wastewater disposal system. Per KPB 20.40.040(A)(5), if there is not 20,000 sq. ft. of contiguous area suitable for use for an initial and replacement wastewater disposal system then the working map must show the location where the initial and replacement wastewater system can be installed. These lots are not served by municipal or community water systems and will required onsite wastewater disposal. Per KPB 20.40.040, a soils analysis report is required for lots within a subdivision with less than 200,000 square feet. An exception has been requested to the wastewater review.

Staff recommendation: Place the following notes on the plat.

- No access to state maintained rights-of-way permitted unless approved by the State of Alaska Department of Transportation.
- Roads must meet the design and construction standards established by the borough in order to be considered for certification and inclusion in the road maintenance program (KPB 14.06).
- The front 10 feet adjoining dedicated right of ways is being granted by this plat as utility easements.

"Redundant if the easements are depicted and labeled on the face of the final plat."

Staff discussion: Staff notes that code only requires either the depiction of the utility easement or a plat note. A depiction will meet requirements but staff often requests the note to provide clarity. This item can be a suggestion instead of a recommendation.

EXCEPTIONS REQUESTED:

KPB 20.30.030 - Proposed street layout - requirements.

- For the extension of A 60 foot wide right of way dedication of right of way extending westerly from Lot 36.

<u>Surveyor's Discussion</u>: Dedication of this ROW would divide Tract A into two separate parcels with a significant reduction in value to the northern portion due to its narrow width and steep slopes. We propose dedication of a public use or access easement in lieu of typical ROW.

Staff Discussion: Tract A is an L shaped parcel. Tract A has legal public access from

- The Seward Highway on the southeast boundary.
- Right of way Lot 36 located in the middle of the parcel.
- Right of way Lot 35 located in the northeast corner.

Tract A is affected by steep terrain. The extension of right of way from Lot 36 is not affected by steep terrain.

Alaska Mental Health Trust owns the land to the west. The Chugach National Forest is located to the west of the Alaska Mental Health Trust lands.

If denied, a 60 foot right of way dedication extending westerly from ROW Lot 36 will be required.

Findings:

- 1. The intent of this plat is to dedicate over an existing highway.
- 2. The lot located to the west is 80 acres.
- 3. Section line easements along the north are the only access to 80 acre parcel to the west.
- 4. The lands contain steep terrain in various areas.
- 5. Low wet areas may be present to the west of Lot 36 where the dedication would be required.
- 6. The boundary for Chugach National Forest is approximately 1,320 feet west of the subdivision boundary.
- 7. A public access easement would provide adequate access.
- 8. Future subdivisions can dedicate roads that meet the design needs of the subdivision.
- 9. Tract A has legal public access from, the Seward Highway on the southeast boundary, right of way Lot 36 located in the middle of the parcel, and right of way Lot 35 located in the northeast corner.

Staff reviewed the exception request and recommends granting approval.

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

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

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

- 1. That special circumstances or conditions affecting the property have been shown by application; **Findings 1, 4, 7-9 support this standard.**
- That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title;
 Findings 1, 4, 7-9 support this standard.
- 3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated. **Findings 1, 4, 7-9 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.

END OF STAFF REPORT ADDENDUM

We thank the KPB Planning Department for consideration of this platting action and appreciate the findings and recommendations regarding the requested code exceptions. Below is our informal response.

Items of contention highlighted in Yellow

Kuna comments in Blue text.

AGENDA ITEM E. NEW BUSINESS

KPB File No.	2021-164
Plat Committee Meeting:	January 10, 2022
Applicant / Owner:	Alaska Mental Health Trust Authority of Anchorage, Alaska
Surveyor:	Taylor Moore / Kuna Engineering
General Location:	Mile 27.5 of the Seward Highway, Moose Pass
Parent Parcel No.:	125-323-02
Legal Description:	Government Lot 2 in Section 1, Township 4 North, Range 1 West, S.M.
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On Site

ITEM 2 - MADSON SUBDIVISION TRACT A AND TRACT B

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will dedicate a portion of the Seward Highway that bisects Government Lot 2, a 30 acre, L shaped parcel. The dedication of right of way will result in a tract on the east and west side of the highway that will be 3.2 and 22.4 acres respectively.

Location and Legal Access (existing and proposed): This plat will dedicate a 300 wide portion of the Seward Highway. After the dedication, each of the tracts will front on the Seward Highway. Alaska DOT must permit any direct access to the highway.

The Alaska Rail Road Corporation borders the east side of proposed Tract B. No direct access is allowed to the Alaska Rail Road right of way. Tract A has additional access from State of Alaska right of way tracts designated as Lots 36 and 35. These lots were designated on the supplemental plat for US Survey 2528 as right of way. Alaska DNR owns both lots. A 50 foot section line affects the north boundary.

Alaska Mental Health Trust Authority owns the 80 acre parcel located to the west of the subdivision. Chugach National Forest is located further to the west. The only legal access to the 80 acre parcel is via the section line easement on the north boundary. Per KPB 20.30.030, continuation or appropriate projections of right of ways, and KPB 20.30.170 Block Length, right of way dedications are required to be extended west from the State of Alaska right of way tracts, Lot 35 and Lot 36. This would provide adequate access to the 80 acre parcel to the west. **Staff recommends** this plat provide the following right of way dedications.

- A minimum 30 foot wide right of way dedication of right of way extending westerly from Lot 35.
- A 60 foot wide right of way dedication of right of way extending westerly from Lot 36.
- A minimum 30 foot wide dedication along the southern boundary.

Alaska DNR owns the 80 acre parcel located to the southwest and the 31 acre parcel located to the south. Both parcels have been selected by, and have management authority granted to, Kenai Peninsula Borough. A section line easement to the south and the Seward Highway provide legal access to these parcels.

The block is not compliant. This subdivision is located in an area with minimal right of way dedications off the highway. Due to slopes, waterbodies, the railroad, and national parks, dedications are lacking. The right of way tracts provide additional access along with section line easements. Due to the shape of proposed Tract A, the large acreage tract to the west, and the close proximity to the Alaska Railroad to the south, the ability to obtain a compliant and closed block it not available. Continuations of the right of way lots, a dedication along the section line easement, and a southern right of way dedication will improve block lengths but will not provide a closed block due to the large acreage tract to the west.

Dedication of this ROW would divide Tract A into two separate parcels with a significant reduction in value to the northern portion due to its narrow width and steep slopes. We propose dedication of a public use or access easement in lieu of typical ROW.

Staff recommends add a plat note or drawing label within the right of way that includes the right of way information for the Seward Highway project as shown in the DOT comment.

KPB Roads Dept. comments	Out of Jurisdiction: No
	Roads Director: Uhlin, Dil Comments: No comments
SOA DOT comments	The ROW dedication for Seward Highway is as shown on Seward Highway MP 25.5-36 Trail River to Sterling Why, Rehabilitation Project No. 0311(031) / Z546590000 (Plat 2019-2 SWD) and appears to be shown correctly.

Site Investigation: The area within this subdivision contains steep areas. An additional map was provided by the surveyor to show the contours for the area. Staff recommends any steep bluffs be depicted on the final by showing the top or toe of bluffs.

Topographic vertical relief across the subject parcel is inconsistent and varies greatly. We have provided a contour map based on KPB GIS data depicting 5-foot intervals. These contours are sufficient to show significant vertical features for use in future planning and/or site development. Topographic features are not typically depicted on subdivision plats. An additional and expansive field survey would be required, at cost to the owner, to provide more detail.

Per KPB GIS data, the subdivision falls into the Floodplain Zone C. That is a minimal risk zone that is not regulated.

Per KPB GIS data, wetlands are present along the eastern portion of proposed Tract B and near the center of proposed Tract. An additional map was provided by the surveyor to show the wetland areas. **Staff recommends** any wetlands be depicted on the final plat and a plat note be added, "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."

No wetland delineation was performed as part of this platting action. The location and area of wetlands is based on KPB GIS data. Based on this information the non-wetland areas of Tract B are over four times the required area for development of 20,000sq.ft. (20.40.040). Additionally, the identified wetlands exist on the east side of Tract B, opposite to the legal access and higher more suitable ground to the west. Topographic and soils/wetland data is not typically depicted on subdivision plats. We are amenable to including the recommended note regarding the responsibility of a developer.

The parent parcel is not developed or improved at this time.

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
Alaska Department of Fish and Game	No objections to the proposed platting actions.

Staff Analysis The parent parcel is a Government Lot. There are no building setbacks affecting the property.

A soils report and the signature from a licensed engineer are required for Tract B. Tract B is proposed to be 3.2 acres in size. An exception for soils analysis has been requested.

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.

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

Moose Pass residents have submitted comments. Tsali Janek, a member of the Moose Pass APC, has requested to postpone any action on the plat. In the request, it states they are unclear how this relates to the Grant Lake Hydro Project. The request was to allow the Moose Pass APC time to hear the item at their January 6, 2022 meeting. Their request for postponement is being forwarded to you to determine if a motion for postponement should be made. Any comments delivered to Staff from the January 6, 2022 APC meeting will be provided to the KPB Planning Commission.

Bruce Jaffa submitted a comment and objects to the Platting Commission scheduling a hearing before the local APC can have reasonable time to respond and comment. He rejects the current change suggested in platting to Moose Pass area property.

This project has no connection with the Grant Lake Hydro Project. The sole intention of this platting action is to dedicate the ROW for the Seward Highway which currently bisects the subject parcel. There are no plans for development or improvements to these parcels. Separately, water rights are not affected by platting actions.

<u>Utility Easements</u> ADL 219510, a 100 foot wide utility easement, crosses through proposed Tract A. This easement is correctly depicted and labeled on the plat.

As this property has not been through the platting process with the borough, platted utility easements do not affect the parcel. This plat will be required to grant 10 foot utility easements adjoining all dedicated rights of way. In addition to the easements required by code, Chugach Electric has requested additional easements within the subdivision. **Staff recommends** all utility easements be depicted and labeled with appropriate plat notes added. If the scale prevents adequate depiction, a detail drawing may be provided to show the typical easements being granted and reference to the plat note.

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

ENSTAR	No comment or recommendations
ACS	
GCI	Approved as shown
SEWARD ELECTRIC	
CHUGACH ELECTRIC	 Chugach has no objection to the subject subdivision, with the following comments: 1. Add 10' Telecommunications & Electric Easement along the north boundary of Tract B. 2. Add 10' Telecommunications & Electric Easement along the south boundary of the 50' Section Line Easement on Tract A. 3. Add 20' Telecommunications & Electric Easements on Tract A along its common boundaries with BLM Lot 9 and USS 2528, Lots 36, 10, and 11, as shown on the plat redline. (sketch provided)
TELALASKA	

Utility provider review:

While we do not have initial objection to the requested easements in general, we request the ability to work directly with utility providers satisfy their easement requests. We would expect to obtain sign-offs from each applicable utility provider indicating their approval and satisfaction regarding easement dedication prior to submittal of the final plat to KPB.

KPB department / agency review:

Addressing	Reviewer: Haws, Derek Affected Addresses: None
	Existing Street Names are Correct: No List of Correct Street Names:
	Existing Street Name Corrections Needed: SEWARD HWY
	All New Street Names are Approved: No List of Approved Street Names:

	List of Street Names Denied:
	Comments: No addresses affected, Seward Hwy should be labeled.
Code Compliance	Reviewer: Ogren, Eric
	Comments: No comments
Planner	Reviewer: Aldridge, Morgan
	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	Minutes or memo not received prior to staff report being prepared.

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

STAFF RECOMMENDATIONS

CORRECTIONS / EDITS

The legend does not need to contain a depiction for the new lot lines or the proposed parcel boundary.

The line labeled river edge is very similar to the lot lines. A different line style should be used to depict the water boundary or the same line style for the adjacent parcels can be used. If a different line style were shown, it would be recommended to change the description to ordinary high water as some may be confused by the fact it is Upper Trail Lake and not a river edge.

Remove the +/- symbols from the acreage values.

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.

The final plat submittal will comply with all applicable 20.25.070 requirements detailed below. Recommendations pertaining to stylistic, not specified in code will be at the discretion of the surveyor.

A. Within the Title Block

1. Name of the subdivision which shall not be the same as an existing city, town, tract, or subdivision of land in the borough, of which a plat has been previously recorded, or so nearly the same as to mislead the public or cause confusion. The parent plat's name shall be the primary name of the preliminary plat.

- 2. Legal description, location, date, and total area in acres of the proposed subdivision;
- 3. Name and address of owner(s), as shown on the KPB records and the certificate to plat, and registered land surveyor.

Staff recommendation:

Add the KPB number in or near the title block

- Revise the name of the subdivision by removing Tract A & Tract B so that the subdivision name is
 only Madson Subdivision. If you wish for Tract A and Tract B to be shown in the title block it would
 be suggested to have the name of the subdivision larger include "Creating Tract A and Tract B"
 with smaller font size.
- Revise the description of the subdivision to match the certificate to plat "A subdivision of Government Lot 2 in Section 1, Township 4 North, Range 1 West, Seward Meridian."
- Remove "more or less" from the acreage on the final plat as the acreage will be known after the field survey is completed.
- Provide the owners name and address within the title block.

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

Staff recommendation: Provide a label for the Seward Highway and a width label for the northern portion or a "width varies" label.

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:

- Remove the "Unsurveyed" labels.
- Provide leaders for the lake labels.
- Provide a label and boundary for the Chugach National Forest.
- Remove the overstrike on the Seward Highway label.

The following are suggestions and not required.

- Provide the protracted section lines in the areas labeled as 'unsubdivided'.
- Provide a label for Grant Lake.
- 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:** Include a width label and street name label for all right of way dedications including

Staff recommendation: Include a width label and street name label for all right of way dedications including the Seward Highway. The cross hatching can be removed as cross hatching is typically used to depict right of way vacations.

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

Staff recommendation:

- Provide a label for Government Lot 8 to the north of the subdivision.
- BLM may be removed from adjacent lot labels and changed to Government.
- One label for Government Lot 3 along Upper Trail Lake is all that is required.
- The Kenai Peninsula Borough does not designate the Alaska Railroad as a Tract in this area. Revise the label for the rail road right of way to read 'Alaska Rail Road'
- Remove the patent numbers from the lots.
- 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 low wet areas are not depicted on the plat. An additional map was provided that showed the low wet areas. Depiction and label the low wet areas on the final plat.

We do not have information regarding areas subject to inundation, subject to flooding/overflow, or ordinary high-water line. "Per KPB GIS data, the subdivision falls into the Floodplain Zone C. That is a minimal risk zone that is not regulated." We object the request for this information to be depicted on the final plat.

L. Contours at suitable intervals when any roads are to be dedicated unless the planning director or commission finds evidence that road grades will not exceed 6 percent on arterial streets, and 1 0 percent on other streets;

Staff recommendation: The slope information was not presented on the plat. Additional maps were submitted to show the contours for the area. The right of way being dedicated for the Seward Highway is 300 feet wide and is sufficient for any drainage or additional area needed for roadway slopes.

M. Approximate locations of slopes over 20 percent in grade and if contours are shown, the areas of the contours that exceed 20 percent grade shall be clearly labeled as such;
 Staff recommendation: The slope information was not presented on the plat. Additional maps were submitted to show the contours for the area. Depict and label the top and toe of steep slopes on the final plat.

A separate exhibit map was submitted depicting approximate locations of slopes over 20 percent in grade. This was intended to maintain clarity of the proposed subdivision on the preliminary plat. We found that adding the imagery/details presented on the exhibit map made to the preliminary plat difficult to read (20.25.070H). We can present an updated preliminary plat including this information; however, we understand that this does not apply to the final plat per 20.60.010, "... Except that the information required by KPB 20.25.070 K-M shall not be included".

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

Staff recommendation: The Seward Highway currently crosses this parcel of land. The plat will dedicate the right of way and create two parcels so that the property is not encumbered by roadway.

This is the sole intention of this platting action. This is a unique circumstance and we encourage it to be treated accordingly with respect to the planning and topographic requirements.

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.

20.30.30. Proposed street layout-Requirements.

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

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

C. Preliminary plats fronting state maintained roads will be submitted by the planning department to the State of Alaska Department of Transportation and Public Facilities (DOT) for its review and comments. **Staff recommendation:** Lots within US Survey 2528 are designated as right of way lots. A continuation of those lots shall dedicated as well as atop the section line easement located along the northern boundary of the subdivision. Alaska Mental Health Trust owns the land to the 80 acre parcel to the west. Currently the only access to the 80 acre parcel is the 50 foot section line easement on the north boundary. An 80 acre parcel is located to the southwest with the only access being section line easements to the south.

Dedication of ROW to extend Lot 36 would divide Tract A into two separate parcels with a significant reduction in value to the northern portion due to its narrow width and steep slopes. We propose dedication of a public use or access easement in lieu of typical ROW.

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 Page 9 of 10 the ordinance are available from the KPB Planning Department. **Staff recommendation:** Provide a depiction and label for the 20 foot building setback adjoining all right of way dedications.

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 B is less than 200,000 sq. ft. and will require a soils analysis report. An exception for wastewater review has been requested for Tract B. A soils exception is not required for Tract A as it is larger than 200,000 sq. ft.

Staff recommendation: Add the appropriate plat notes and Comply with 20.40.

No soils analysis was performed as part of this platting action. The location and area of wetlands is based on KPB GIS data. Based on this information the non-wetland areas of Tract B are over four times the required area for development of 20,000sq.ft. Additionally, the identified wetlands exist on the east side of Tract B, opposite to the legal access and higher more suitable ground to the west. Topographic and soils/wetland data is not typically depicted on subdivision plats. We are amenable to including the recommended note regarding the responsibility of a developer.

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 is in place and will require the signature of the State of Alaska DOT. Include the name of the right of way, Seward Highway, within the plat note. Provide an additional certificate of acceptance for additional right of way dedications that will be under KPB jurisdiction.

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

Staff recommendation: Locate the necessary survey markers to establish the subdivision boundary following the procedures as outlined in the BLM Manual of Survey Instructions. Revise the depiction of the boundary. The boundary must include all lands within the subdivision including the right of way and must be more wider then the other lot boundary line depictions.

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 20.50.10. Separate advertising of the plat note removal is not required, Notification of the requested change will be sent by regular mail to all owners within the subdivision (parent plat and subsequent replats) as shown on the borough tax rolls. Upon approval by the planning commission, the revision or removal of the record plat note shall be finalized by recording a planning commission resolution or subdivision plat. **Staff recommendation:** Place the following notes on the plat.

- No access to state maintained rights-of-way permitted unless approved by the State of Alaska Department of Transportation.
- Roads must meet the design and construction standards established by the borough in order to be considered for certification and inclusion in the road maintenance program (KPB 14.06).
- The front 10 feet adjoining dedicated right of ways is being granted by this plat as utility easements. Redundant if the easements are depicted and labeled on the face of the final plat.

- No permanent structure shall be constructed or placed within a utility easement, which would interfere with the ability of a utility to use the easement.
- A building 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.
- WASTEWATER DISPOSAL: (Tract A) Lots which are at least 200,000 square feet in size may not be suitable for onsite wastewater treatment and disposal. Any wastewater treatment or disposal system must meet the regulatory requirements of the Alaska Department of Environmental Conservation.
- Include a plat note for any exceptions granted and the meeting date they were approved

- If the exception is granted for wastewater review add, "WASTEWATER DISPOSAL: Wastewater treatment and disposal systems must meet the regulatory requirements of the Alaska Department of Environmental Conservation.
- If the exception for wastewater review is denied add, "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. An Engineer's Subdivision and Soils Report is available from 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.

(Signature of) Engineer

License #

Date

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: Revise the certificate of ownership to remove unneeded pronouns and reflect that the owner is an entity. "I, hereby certify that Alaska Mental Health Trust Authority is the owner of the real property shown and described hereon and that on behalf of the Alaska Mental Health Trust Authority, 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." Comply with 20.60.190.

The certificate of ownership on the final plat will comply with 20.60.190

EXCEPTIONS REQUESTED:

KPB 20.40.040 - required an soils analysis report

<u>Surveyor's Discussion</u>: We are requesting an exception to code 20.40.040 requiring a soils analysis on proposed Tract B, containing less than 200,000 square feet. We request a waiver to this requirement due to the unique circumstance of the subject parcel being divided by the existing Seward Highway ROW. As previously stated, the intention of this platting action is to dedicate existing ROW resulting in the creation of two new parcels with boundaries identical to their current/existing configuration except for the area to be dedicated as ROW. The new parcels will have new legal descriptions and will be separate, but the usable area and configuration will be virtually unaffected. Separately, Tract B contains over four times the area (outside wetlands) required for development. The proposed subdivision will not alter the existing area suitable for development and there is an abundance of area suitable for development.

<u>Staff Discussion</u>: Proposed Tract A will be 22 acres and will not require a soils analysis report. An exception for proposed Tract B has been requested, as it will be 3 acres. Per KPB 20.40.040, lots that will utilize conventional onsite soil absorption systems and are less than 200,000 square feet must submit a soils analysis and report for review. The square footage of Tract B is approximately 139,329 square feet. There is a portion of wetlands in the eastern portion of the lot that appear to be about 51,360 square feet. The tract will be between the Seward Highway right of way and the Alaska Railroad right of way.

Unless exceptions are requested and granted, staff has recommended additional right of way dedications to comply with code. These dedications will create 3 parcels from proposed Tract A. If right of ways are provided on the south

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and north boundary of Tract A as well as the extension from ROW Lot 36, the lots will exceed the 200,000 square feet requirement and not require a soils analysis.

If denied, a soils analysis report will be required for Tract B and any other lots less than 200,000 sq. ft.

Findings:

- 1. Tract B will be approximately 139,329 square feet.
- 2. Tract B has approximately 87,969 sq. ft. available for wastewater installation, as approximately 51,360 sq. ft. appears to be wetlands.
- The minimum lot size for onsite well and wastewater is 40,000 sq. ft. (20,000 sq.ft. required per 20.40.040)
 If Tract B is further subdivided a soils analysis will be required.
- 5. All wastewater systems must be approved by the State of Alaska DEC.
- 6. Tract B will be between the Seward Highway and the Alaska Railroad.
- The plat intent is to dedicate the right of way and not to change existing boundaries in any other manner.
 The parcel will be a triangle shape piece that will limit development along the narrow southern border.
- A 20 foot building setback will be put in place along the Seward Highway.
- 10. A 10 foot utility easement will be put in place along the Seward Highway.
- 11. Sewer vent pipes are allowable within the setback.
- 12. Steep slopes appear to be present within the southern point of the property.

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 1-5 appear to support this standard.
- 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 1-5 appear to support this standard.
- 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 1-5 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

MOOSE PASS ADVISORY PLANNING COMMISSION

Monica Adams, Kevin Dunham, Jeff Estes, Jeff Hetrick, Bruce Jaffa, Tsali Janek, David Pearson Thursday January 6th, 2021 6:00 PM **MOOSE PASS SPORTSMENS HALL** Draft Meeting Notes

1. CALL TO ORDER 6:11pm (delayed while trying to set up Zoom)

2. ROLL CALL

Present: Kevin Dunham, Bruce Jaffa, Monika Adam Tsali Janek, Jeff Estes, Cindy Eklund (KPB Assembly), David Pearson (Zoom), Nancy Carver (KPB Planning Commission, Zoom) (Jeff Hetrick Excused)

3. APPROVAL OF MINUTES OF PREVIOUS MEETING Monika Adam, motion to approve, Tsali Janek, 2nd. Unanimous approval.

4. APPROVAL OF AGENDA

Kevin Dunham asked to have discussion of the Thrall tower added to the agenda. David Pearson made the motion. Tsali Janek 2nd. Unanimous approval to add to the agenda.

5. CORRESPONDENCE

- a. Meeting Schedule from KPB thru 2022 Nancy Carver put this together. The intent is to show when the APC meeting is are in relation to the KPB commission meetings.
- b. Letter from Scott Huff per KPB 21.02.020 Regarding timely notification to APC regarding plat actions. States that the APCs may advise on these actions, but it is not required. We can either attend the KPB meetings to offer comment, or request postponement. The plat review timeline is very tight schedule. They only have 60 days to approve.

-Bruce Jaffa requested that Nancy Carver work with the planning department to notify as soon as they receive the plat application.

-Nancy Carver offered that we can zoom into the KPB Planning Commission Meetings and read from our minutes as a way to offer comments.

-Cindy Eklund emphasized that his is why it is important for the APCs to have monthly rather than quarterly meetings.

6. PUBLIC COMMENT/PRESENTATION WITHOUT PREVIOUS NOTICE

-Bruce Jaffa mentioned that Ellen Obrien had been interested in coming to the meeting but refrained due to the fact that she witnessed "casual masking" at the last meeting. (It should be noted that every person in the room was wearing a mask at this meeting).

7. PRESENTATION – None

8. REPORT FROM THE BOROUGH

-Nancy Carver requested budget discussion be added to the agenda under new business. We suspended the rules to add budget discussion. Bruce Jaffa. made a motion, David Pearson 2nd. Unanimous approval.

- Nancy Carver: The permit for the cell repeater on the Thralls property has already been issued.

- 9. OLD BUSINESS
 - Moose Pass Comprehensive Plan. Jeff Estes got feedback from the Moose Pass Volunteer Fire Department on a number of topics including a speed reduction zone in town, recreational use of the ball diamond, efforts to build a satellite VFD station between mile 17-19 on the Seward Highway. These comments will be incorporated into the plan.

- There was some discussion of State Trooper Presence and the fact that there are no longer any stationed in Moose Pass. More presence is desired and this should also be incorporated into the plan.
- Tsali Janek inquired about the staffing for the VFD. Jeff Estes said they are short on volunteers. Also mentioned that they need more water. (agreements to access water for drafting) Not sure what this means?
- Bruce brought up that he and Kevin Dunham had started discussion on other plan components, including the dump stations and utilities. There was some discussion about public utilities and past considerations of a centralized water system (such as a water tank. Especially for the folks in town who have inadequate wells and rely on surface water collection (water boxes) to supplement their water source. Of course, this would require a lot of planning to account for distribution and maintenance of the system. (This is a long-term consideration).
- Jeff Estes also mentioned the impact that state development of the mental health land above those properties would have a negative impact on the water quality of those downhill of the mental health land (due to the water boxes) and how he has been encouraging folks to secure their water rights through the state.

10. NEW BUSINESS

a. Plat Review for Madison Subdivision Tract A and B

-Monika Adam motion to support approving the plat. Bruce 2nd.

-Monika Adam motion to support approving the plat. Bruce 2 : . -Discussion: Nancy Carver mentioned that it dedicatees a 300-foot ROS for the Seward Highway, so the plots will be a bit smaller. (This is the new normal for federally funded DOT projects). Bruce mentioned the odd shape of the upper plot. It was assumed this is likely because they will be putting in a new road there. They would need to get a driveway permit from DOT for where the road meets the highway, but otherwise would not have to build the road up to KPB standards unless they planned to hand over maintenance of the road to the borough.

-Bruce called it for a vote. Unanimous approval in support of approving the plat.

b. Greg Thrall cellular tower and the replating of plot B-1.

-This is on private property but went through the borough because they had to adjust the lot to accommodate a small building. Also, the land is in a FEMA classified flood plain.

-Jeff Estes. asked if Primrose Rd is a state ROW. It is.

-Permit has already been issued. No action required.

c. Budget

-APC needs to put in a request for \$\$. Take into consideration costs associate with revamping the comprehensive plan, Zoom costs, mailing costs. Etc.

- Some numbers from Nancy Carver: Zoom is \$259.90/year, estimated 290 people in town who would receive mailings. Consider printing costs and open houses as well. She mentioned that she has been suggesting the APCs as for at least \$2,500.00 some have gone much higher.

-Bruce Jaffa motion to request \$500.00 Kevin Dunham 2nd.

-Jeff Estes. motion to amend it to \$5, 462. David Pearson 2nd. Some discussion that rounder numbers would be better, we might want to consider asking for more. Bruce Jaffa called it to vote. Jeff Estes was in favor. All the rest opposed.

- New motion from David Pearson to request \$7,500. Kevin Dunham 2nd. Bruce Jaffa called it to vote. Unanimous approval.

11. ANNOUNCEMENTS

-Tsali Janek wanted to offer major kudos to the folks who put on the New Year's fireworks display. Bruce Jaffa mentioned Shawn MacDonald deserves most of the credit. Tsali Janek made a motion to have the chair write an official letter of thank you. Jeff Estes 2nd. Unanimous approval.

12. NEXT MEETING will be February 3rd at 6pm. We will also do a special work session (on MP comprehensive plan on February 17th at 6 pm.

13. COMMISSIONERS' COMMENTS

-Jeff Estes brought up Cindy Eklund's suggestion to include SASE in our mailings when we send out surveys for the comprehensive plan. (Nancy Carver also mentioned she could send us some envelopes from the River Center for mailing things like the thank you letters).
- Kevin Dunham brought up a comment that people have been shooting at signs along the Primrose Road and it poses a real threat to the people living there. Some talk of getting the troopers to investigate and contacting the state to move the sign to a different location.
-Bruce Jaffa thanked Assembly member Cindy Eklund for attending. Also share some thoughts on the currently housing crises in Seward and how this is already bleeding over into Moose Pass. We are becoming more of a bedroom community for Seward and need to take this into consideration with our planning.

-Cindy Eklund mentioned that she is planning on attending all of our future meetings.

14. ADJOURNMENT 7:31pm

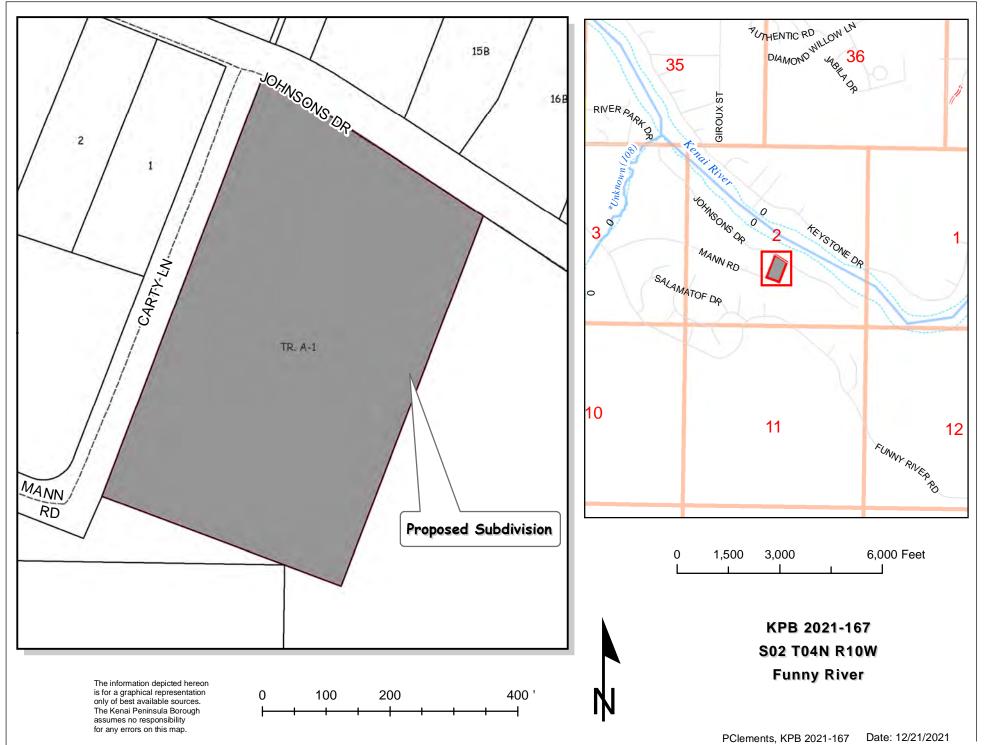
See KPB Website

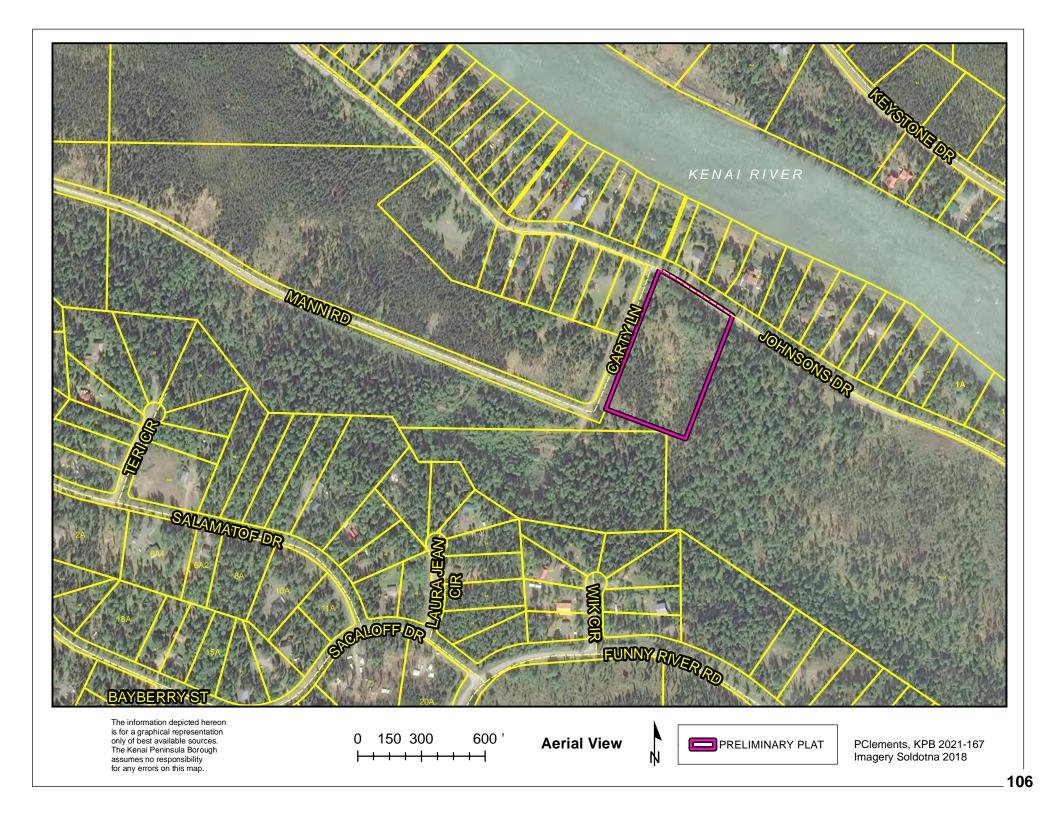
https://www.kpb.us/planning-dept/planning-commissions/moose-pass-apc

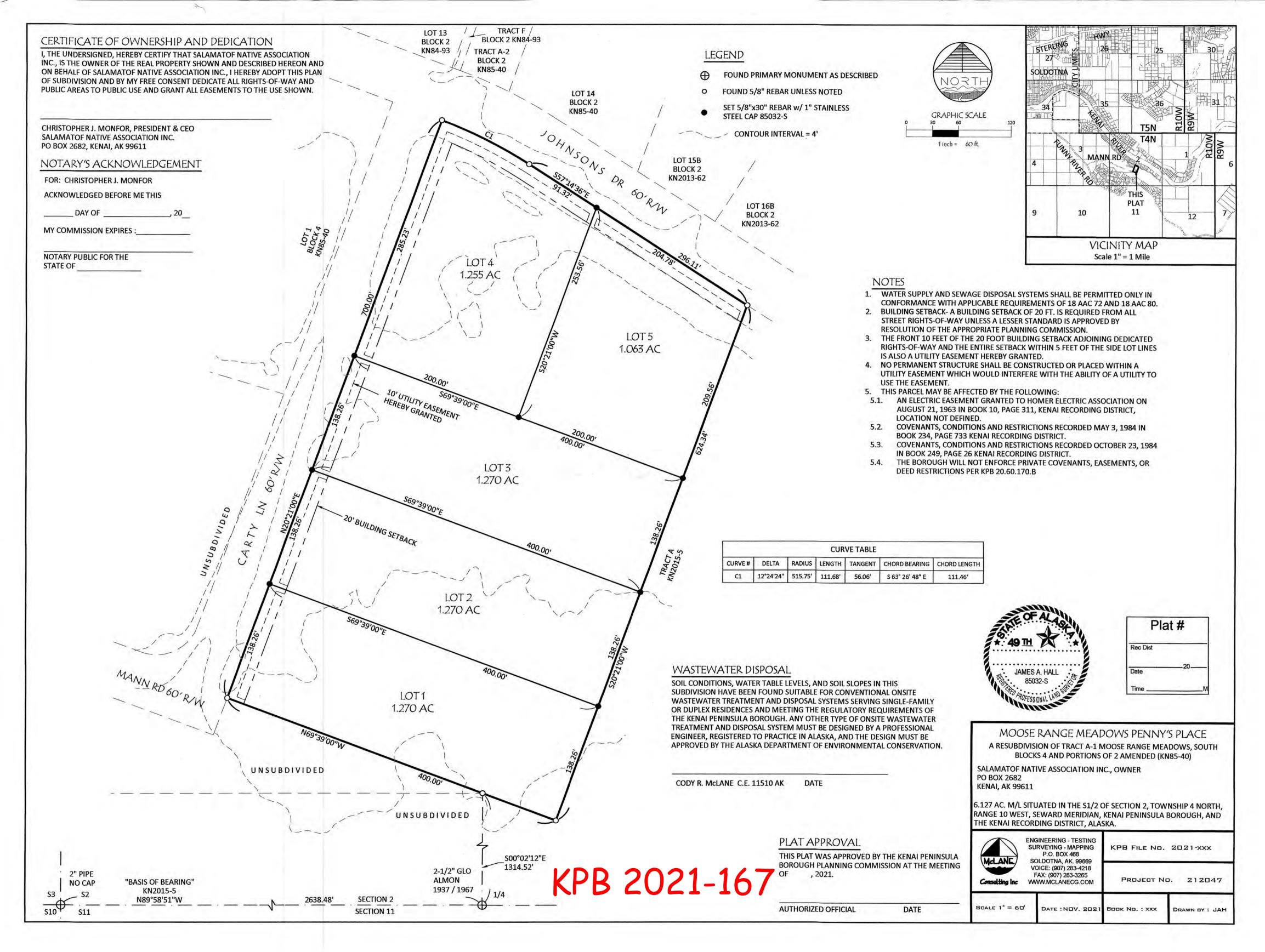
Participants may join By ZOOM or phone:

https://us06web.zoom.us/j/5787372110

To Attend the Zoom meeting by telephone, call toll-free 888 788 0099 or 877 853 5247 Meeting ID: 578 737 2110







AGENDA ITEM E. NEW BUSINESS

KPB File No.	2021-167	
Plat Committee Meeting:	January 10, 2022	
Applicant / Owner:	Salamatof Native Association Inc. of Kenai, Alaska	
Surveyor:	James Hall / McLane Consulting Inc.	
General Location:	Carty Lane and Johnsons Drive, Funny River	
Parent Parcel No.:	135-253-37	
Legal Description:	Tract A-1 Moose Range Meadows, South Blocks 4 and Portions of 2 Amended, Plat KN 85-40	
Assessing Use:	Industrial Mining	
Zoning:	Unrestricted	
Water / Wastewater	On-Site	

ITEM 3 - MOOSE RANGE MEADOWS PENNY'S PLACE

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide a 6.13 acre parcel into five lots ranging in size from 1.1 to 1.3 acres.

Location and Legal Access (existing and proposed): The subdivision is located on Carty Lane and Johnsons Drive. Both right of ways are 60 foot wide dedications that are maintained by the Kenai Peninsula Borough. Carty Lane is located at the end of Mann Road, a 60 foot wide borough maintained right of way. Mann Road is off state maintained Funny River Road near mile 4.

Proposed Lots 1-3 will have access via Carty Lane. Lot 4 will be a corner lot with access from Carty Lane and Johnsons Drive. Lot 5 will have access from Johnsons Drive.

Mann Road ends at the intersection with Carty Lane. Per 20.30.030, a continuation of Mann Road would be required. Salamatof Native Association owns several large acreage parcels surrounding this subdivision. Steep slopes are present through portions of the large acreage parcels south of the existing Mann Road and south of the projected continuation. An unsubdivided remainder lot that is approximately 9 acres exists south of the subdivision. There is currently no dedicated access to the parcel and access is through other parcels owned by Salamatof Native Association. *Staff recommends* that the Plat Committee concur that an exception to KPB 20.30.030 extension of right of way is not be required by this plat based on the following.

- Large acreage tracts owned by the same owner surround the area and can provide right of way dedications when further subdivided.
- Steep terrain is present south of the subdivision and road dedications will need to occur in locations that are feasible and meet the future needs of the area.
- No lots are denied access.

If the plat committee does not concur with staff's recommendation, staff would advise that a 15 foot dedication be required on the south boundary of proposed Lot 1 as Mann Road is slightly offset. A 15 foot dedication will provide legal access, will allow for the extension of Mann Road to align, and future subdivisions to the south can grant the remaining 45 feet.

Due to the terrain and large acreage unsubdivided and remainder parcels in the area, the block does not close and is not compliant. A dedication along the eastern boundary will create a block length that is less than minimal lengths. A dedication along the south will not improve the block until additional subdivisions occur to the east. **Staff recommends** the plat committee concur that an exception to KPB 20.30.170 Block Length is not required, as any right of way dedication will not improve the block length requirements.

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

Site Investigation: The plat contains contour information. The area within the subdivision and in the immediate vicinity is relatively flat. Steep slopes occur to the south. KPB GIS data does not have Kenai Watershed Forum wetland information for the area as it is within the boundary of the Kenai National Wildlife Refuge. Per the National Wetlands Inventory, there are no low wet areas present within the proposed subdivision or near the subdivision on neighboring lots. Some wetlands are present north of Mann Road and west of Carty Lane that should not affect the proposed subdivision. *Staff recommends if any low wet areas or drainage ways are found during the field survey that they be depicted on the final plat and the standard plat note regarding the Corps. of Engineers be placed on the plat.*

The subdivision is partially within floodplain Zone C. Zone C is a minimal risk designation that is not regulated. The parent plat contained a note regarding the floor of structures and flood lines. *Staff recommends* the plat note not be carried over from the parent plat.

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
Alaska Fish and Game	No objections

Staff Analysis Moose Range Meadows, South Blocks 1 and 2, Plat KN 84-93, originally created what was known as Tract A. That plat also dedicated Carty Lane. Tract A was a 9.7 acre parcel that extended to the north and was adjacent to the Kenai River. Moose Range Meadows, South Blocks 4 and Portions of 2, Plat KN 84-277, created the current parent lot, Tract A-1 and dedicated the continuation of Johnsons Drive. Plat KN 85-40 amended the plat to correct the title block and the lot configuration did not change.

The proposed lot configurations comply with KPB Code. The depth to width ratio for Lots 1-3 is 2.9:1.

KPB GIS data shows the property within the boundary of the Kenai National Wildlife Refuge. This is common and is considered a private inholding and the laws and regulations within the Kenai National Wildlife Refuge do not apply to the property.

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

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

The property is not within an advisory planning commission.

The parcel is currently being shown as tax exempt. Per the KPB Assessing Department this parcel will be subject to tax recapture. The tax recapture amount will be required to be paid prior to the issuance of the required tax certificate. **Staff recommend** that the owner and surveyor work with the Assessing Department with any questions regarding tax recapture.

The Kenai Peninsula Borough Assessing Department has the usage on this parcel listed as Industrial Mining. Per KPB GIS data, there are no material sites present on the property and per imagery, it appears to be undisturbed.

<u>Utility Easements</u> The parent plats did not grant utility easements within this subject property nor was a plat note included to grant along the right of ways. Per plat note 3, utility easements will be granted in compliance with borough code adjoining all dedicated right of ways.

Plat note 5.1 refers to a recorded easement. This easement did not appear on the certificate to plat. Staff pulled the easement and determined that the legal description given did not apply to this property. **Staff recommends** plat note 5.1 be removed unless research proves the property is subject to the easement then work with the title company to add to the Certificate to Plat.

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

Utility provider review:

HEA	No comment
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: MANN RD
	CARTY LN JOHNSONS DR
	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: Aldridge, Morgan
	There are not any Local Option Zoning District issues with this proposed
	plat.
	Material Site Comments:

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

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

STAFF RECOMMENDATIONS

CORRECTIONS / EDITS

KPB 20.25.070 – Form and contents required

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

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: Dravide features, black for the Kenni Matting Plate.

Staff recommendation: Provide a label for the Kenai National Wildlife Refuge

KPB 20.30 – Subdivision Design Requirements

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

KPB 20.40 – Wastewater Disposal

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

20.40.010 Wastewater disposal.

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

Staff recommendation: comply with 20.40.

KPB 20.60 – Final Plat

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

20.60.180. Plat notes.

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

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

It appears that plat note 5.1 does not apply to this subdivision. It was not on the Certificate to Plat and staff pulled up the document to find it in another TRS.

Staff recommends rewording plat note 3, "The front 10 feet adjoining dedicated right of ways and increasing to 20 feet within 5 feet of the side lot lines is a utility easement hereby granted."

RECOMMENDATION:

STAFF RECOMMENDS:

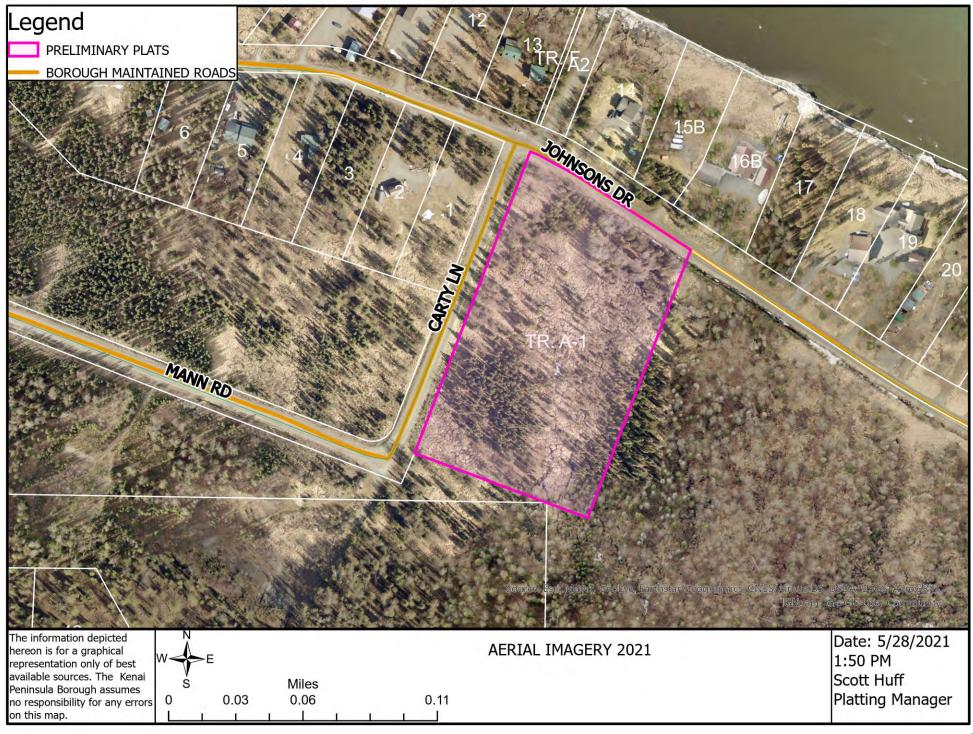
- GRANT APPROVAL OF THE PRELIMINARY PLAT SUBJECT TO STAFF RECOMMENDATIONS, AND
- COMPLIANCE WITH KPB 20.25.070 (FORM AND CONTENTS), KPB 20.25.080 (PETITION REQUIRED), KPB 20.30 (DESIGN REQUIREMENTS); AND KPB 20.40 (WASTEWATER DISPOSAL), AND
- COMPLIANCE WITH KPB 20.60 TO ENSURE ADMINISTRATIVE APPROVAL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

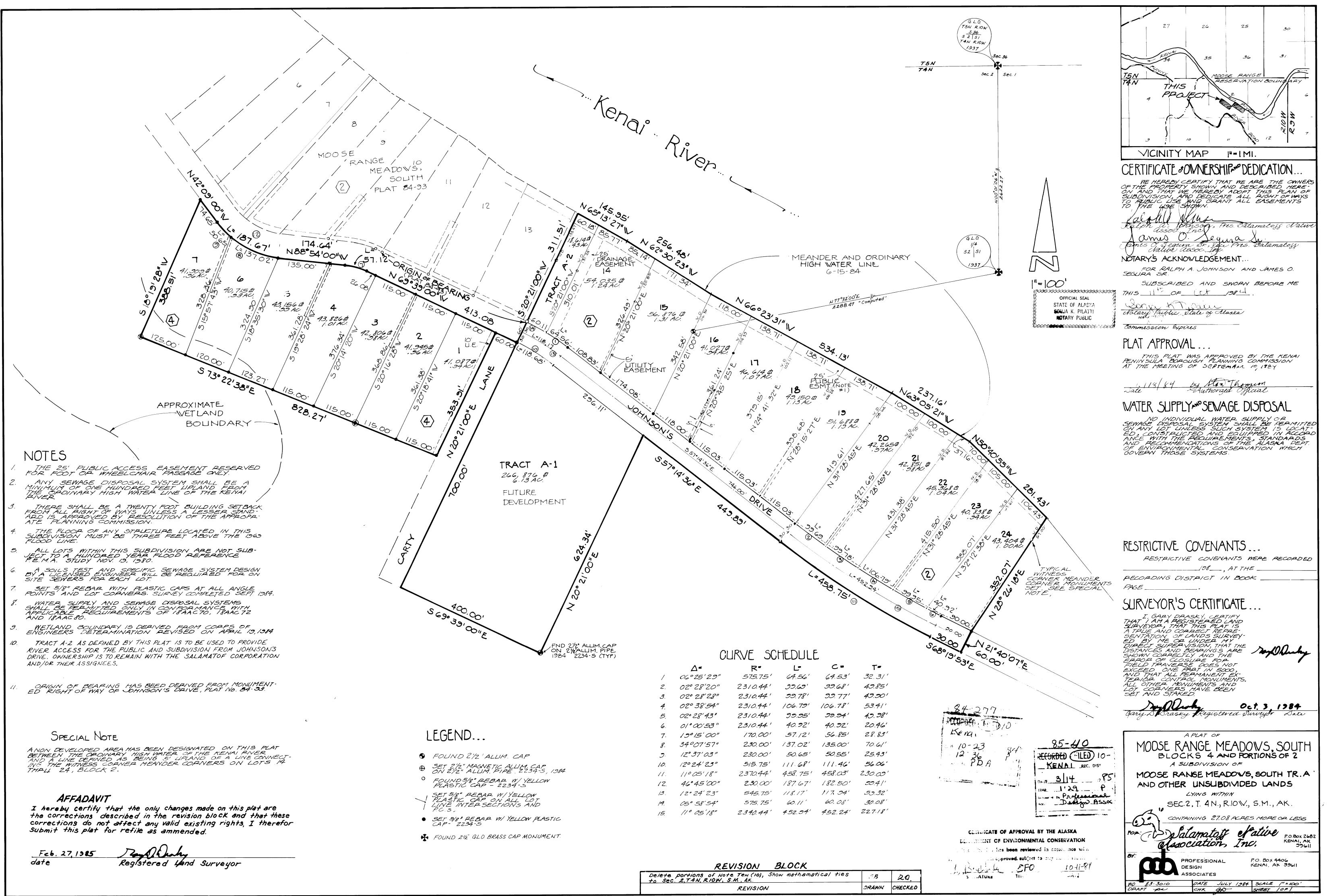
NOTE: 20.25.120. - REVIEW AND APPEAL.

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

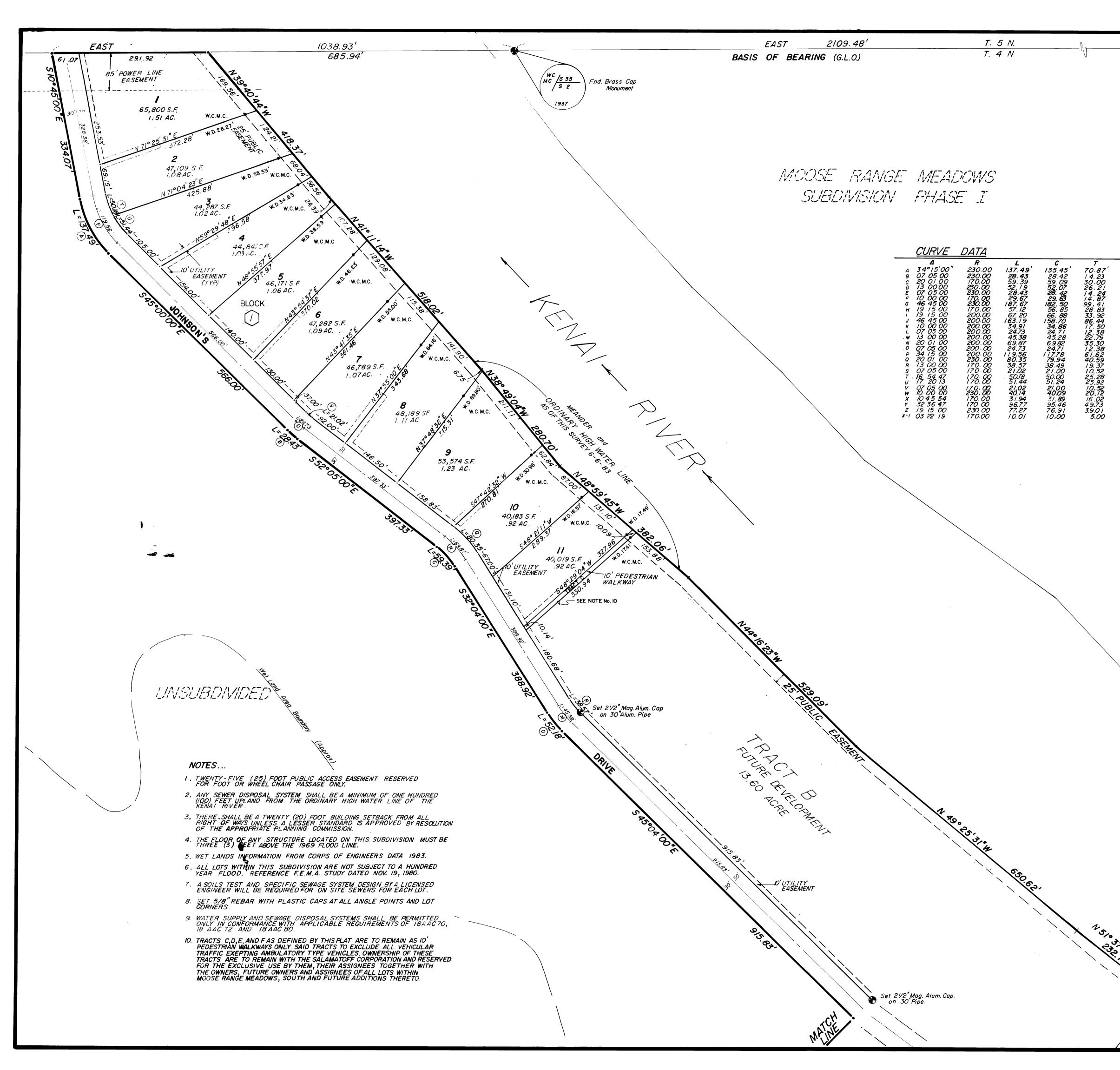
A DECISION OF THE PLANNING COMMISSION MAY BE APPEALED TO THE HEARING OFFICER BY A PARTY OF RECORD WITHIN 15 DAYS OF THE DATE OF NOTICE OF DECISION IN ACCORDANCE WITH KPB 21.20.250.

END OF STAFF REPORT

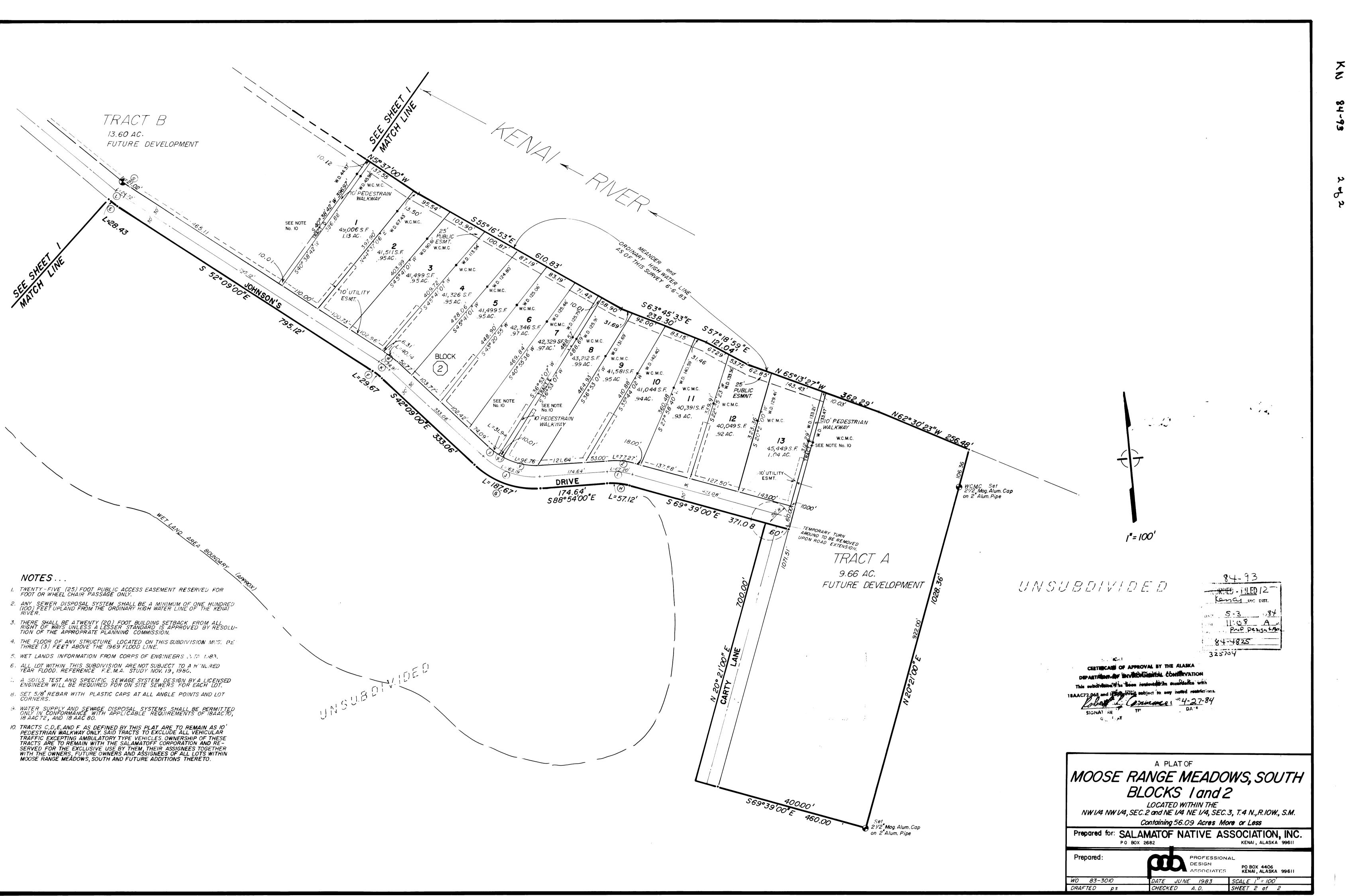


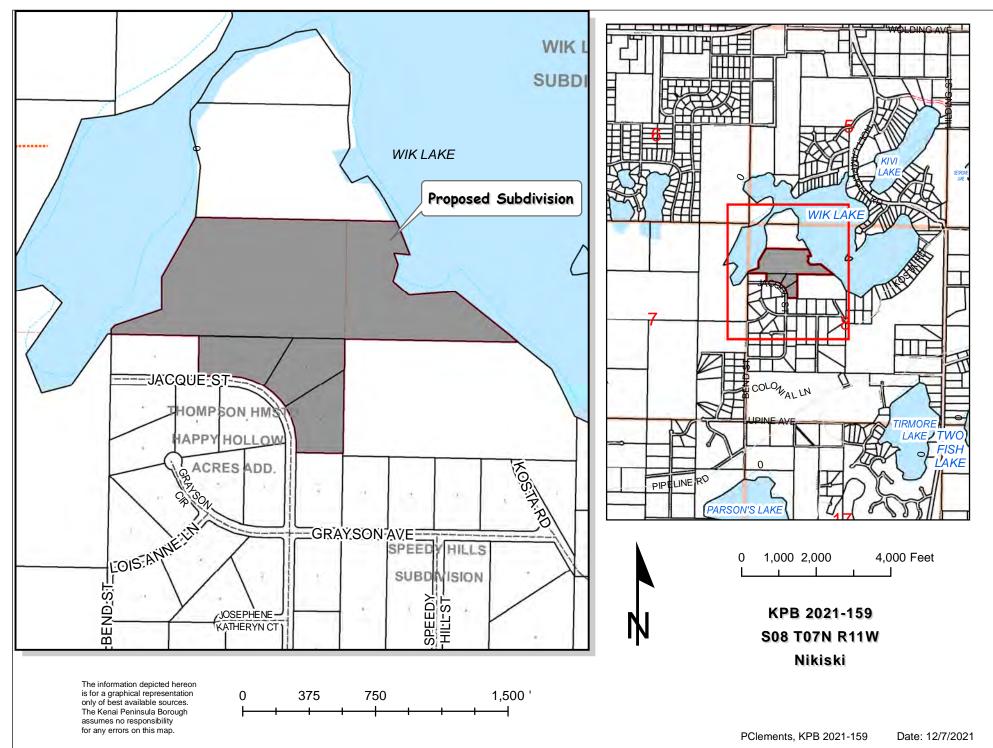


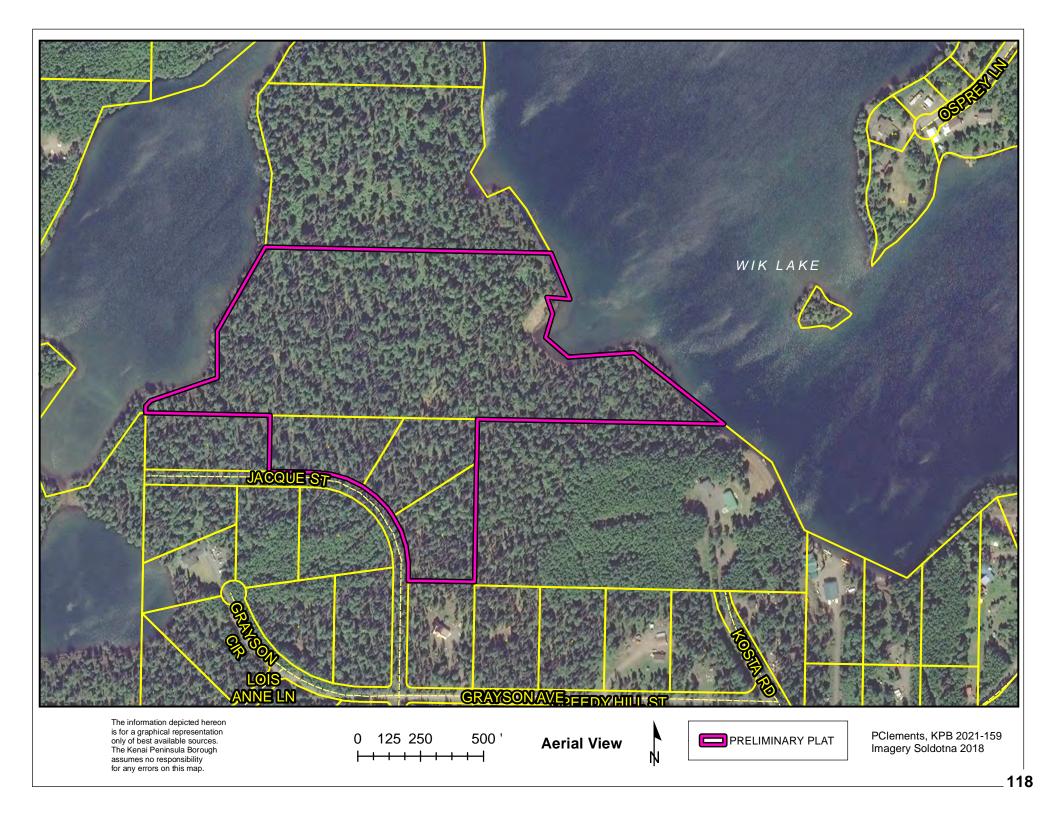
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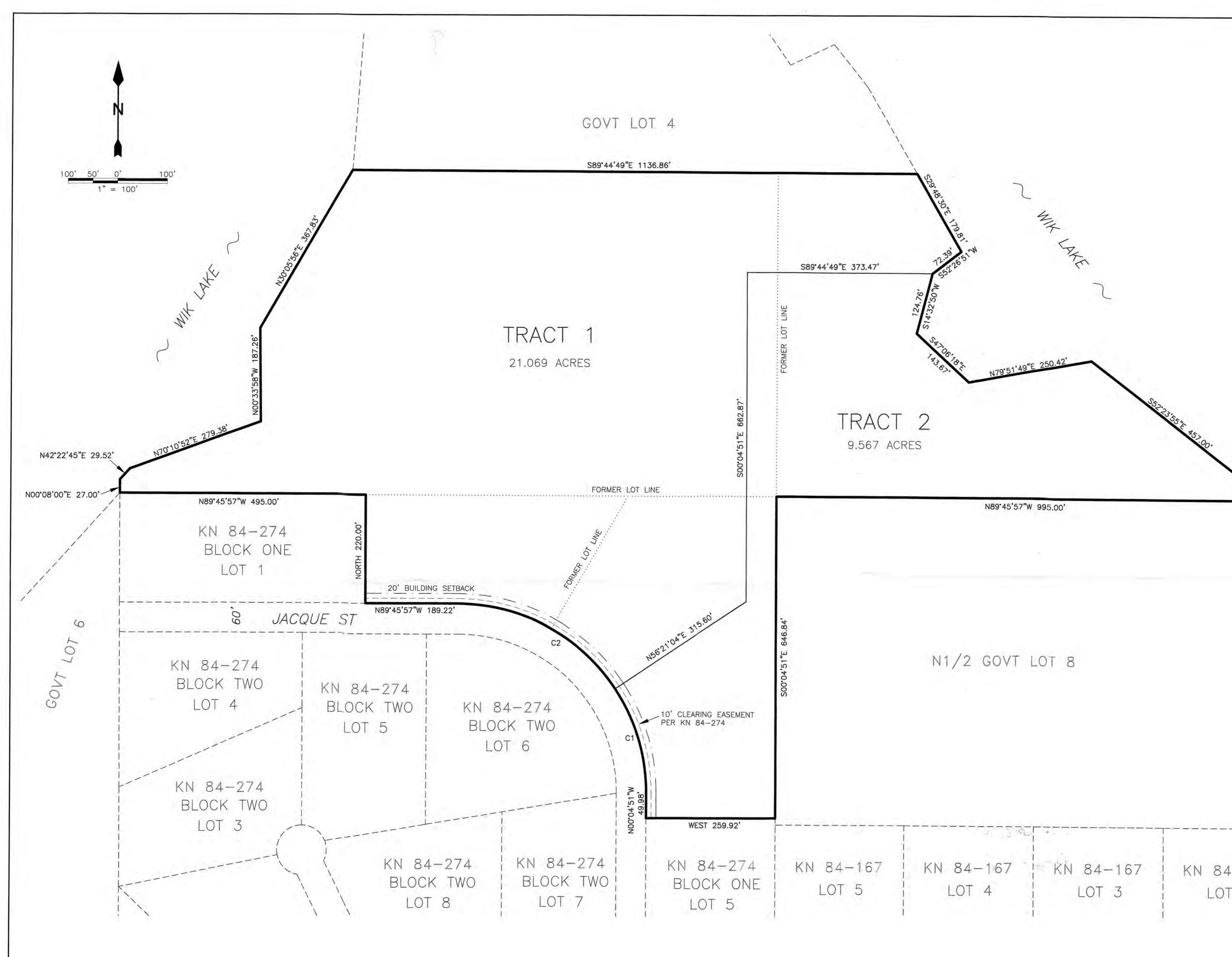


Fnd. Brass Cap Monument <u>535</u> 536 1937 Z 18 THIS PROJEC 7 |" = | mile Vicinity Map Certificate of Ownership and Dedication... WE HEREBY CERTIFY THAT WE ARE THE OWNER(S) OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT WE HEREBY ADOPT THIS PLAN OF SUBDIVISION, AND DEDICATEALL RIGHT-OF-WAYS TO PUBLIC USE AND GRANT ALL EASEMENT TO THE USE SHOWN. Ralph A. Johnson, Pres. Salamator Native Assoc., Inc. James O. Sugura Sr., Vice Pres. Salamatof Native Assoc., Inc. NOTARY'S ACKNOWLEDGEMENT ... RALPH A. JOHNSON JAMES O. SEGURA SR. SUBSCRIBED AND SWORN BEFORE ME THIS ____ 27' Mary Ju Willy Notary for the State of Aleska /2-/4-86 My Commission Expires Plat Approval ... THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOBOUGH PLANNING COMMISSION AT THE MEETING OF JUNE 13, 1993 Kenai Peninsula Borough asput Authorized Official Surveyor's Certificate... I, Gary A Drasky CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, THAT THIS PLAT IS A TRUE AND CORRECT REPRESENTATION OF LANDS SURVEYED BY ME OR UNDER MY DIRECT SUPERVISION; THAT THE DISTANCES AND BEARINGS ARE SHOWN CORRECTLY AND THE ERROR OF CLOSURE FOR FIELD TRAVERSES DOES NOT EXCEED ONE PART IN 5000; AND THAT ALL PERMANENT EX-TERIOR CONTROL MONUMENTS, ALL OTHER MONUMENTS, AND LOT CORNERS HAVE BEEN SET AND STAKED. 1" = 100' . 1 102, An ZZ34-S April 25,1984 Jany Violey Gi anature Say D. Drock Water Supply and Sewage Disposal NO INDIVIDUAL WATER SUPPLY OR SEWAGE DISPOSAL SYSTEM SHALL BE PERMITTED ON ANY LOT UNLESS SUCH SYSTEM IS LOCATED, CONSTRUCTED AND EQUIPPED IN ACCORDANCE WITH THE REQUIREMENTS, STANDARDS AND RECOMMEND-ATIONS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION WHICH GOVERN THOSE SYSTEMS. Certificate of Approval by the Alaska Department of Environmental Conservation... THIS SUBDIVISION HAS BEEN REVIEWED IN ACCORDANCE WITH IBAAC72.065 AND IS APPROVED, SUBJECT TO ANY NOTED RESTRICTIONS. Signature Restrictive Covenants... RESTRICTIVE COVENANTS WERE RECORDED ______ 5-3 1984 RECORDING DISTRICT IN BOOK ______ PAGE _____ AT THE 84-93 RECORDED - FILED 12-Lenay REC. DIST. OF APPROVAL BY THE ALASKA 5-3 ME 11:08 A M However or Prof. Pesignt Asc Address BOX 4406, Kenai 84-4825 ----over anna 32570 IGNATUR A PLAT OF MOOSE RANGE MEADOWS, SOUTH BLOCKS I and 2 LOCATED WITHIN THE NW 1/4 NW 1/4,SEC.2 and NE 1/4 NE 1/4,SEC.3, T.4 N., R.IOW., S.M. Containing 56.09Acres More or Less Prepared for: SALAMATOF NATIVE ASSOCIATION, INC. P.O. BOX 2682 Prepared by: PROFESSIONAL DESIGN P.O · BOX 4406 KENAI, ALASKA 99611 ASSOCIATES WO - 83-3010 DATE JUNE 1983 SCALE |" = 100' DRAFTED CHECKED A. D. SHEET 1. of 2 DS









NOTES

1. A BUILDING SETBACK OF 20' IS REQUIRED FROM ALL STREET RIGHTS-OF-WAY UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION. THE BUILDING SETBACK IS ALSO A UTILITY EASEMENT PER KN 84-274. 2. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.

			CURVE T	ABLE		
CURVE	LENGTH	RADIUS	DELTA ANGLE	TANGENT	CHORD	CHORD BEARING
C1	222.63	380.00	33'34'04"	114.61	219.46	N16'51'53"W
C2	372.18	380.00	56.06,58"	202.54	357.48	N61'42'22"W

The second	$\mathbf{r} = 1 \text{ mL}$
12.39 2651 W X	CERTIFICATE OF OWNERSHIP AND DEDICATION
	DEDICATE ALL RIGHTS-OF-WAY AND GRANT ALL EASEMENTS TO THE USE SHOWN.
	MICHAEL SCHILLING (LOTS 2, 3, AND 4) 420 N WILLOW ST, KENAI, AK 99611
N79'51'49"E 250.42'	NOTARY ACKNOWLEDGMENT
01. (*** N79'51'49 E 200	FOR: MICHAEL SCHILLING ACKNOWLEDGED BEFORE ME THIS DAY OF, 2022
252.2	
555 T. 45.000.	NOTARY PUBLIC FOR ALASKA MY COMMISSION EXPIRES:
N89'45'57"W 995.00'	
	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 GRANT ALL EASEMENTS TO THE USE SHOWN.
	THOMAS PLAYLE (GOVT LOTS 5 AND 6) PO BOX 7304, NIKISKI, AK 99635
	NOTARY ACKNOWLEDGMENT
V1/2 GOVT LOT 8	FOR: THOMAS PLAYLE
TYZ OUT LOT U	ACKNOWLEDGED BEFORE ME THIS DAY OF, 2022
	NOTARY PUBLIC FOR ALASKA MY COMMISSION EXPIRES:
	WASTEWATER DISPOSAL
	LOTS WHICH ARE AT LEAST 200,000 SQUARE FEET OR NOMINAL FIVE ACRES IN SIZE MAY NOT BE SUITABLE FOR ONSITE WASTEWATER TREATMENT AND DISPOSAL. ANY WASTEWATER TREATMENT AND DISPOSAL SYSTEMS MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.
N 84-167 KN 84-167 KN 84-167	
LOT 4 LOT 3 LOT 2	KPB FILE NUMBER:
	PENINSULA SURVEYING, LLC I 0535 KATRINA BOULEVARD, NINILCHIK, AK 99639 (907)306-7065
	PLAYLE ESTATES
PLAT APPROVAL THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH RD BEARING 6'51'53"W	A SUBDIVISION OF GOVERNMENT LOTS 5 AND 6 AND LOTS 2, 3, 4, BLOCK 1, THOMPSON HOMESTEAD SUBDIVISION HAPPY HOLLOW ACRES ADDITION LOCATED WITHIN NW 1/4 SEC 8 T 7N P 11W S M
AUTHORIZED OFFICIAL	NW 1/4 SEC. 8, T.7N., R.11W., S.M. KENAI RECORDING DISTRICT, KENAI PENINSULA BOROUGH CONTAINING 30.636 ACRES OWNERS: MICHAEL SCHILLING 420 N WILLOW ST, KENAI, AK 99611
	TEO IN MILLOW SI, NEIVAL, AN 99011
	THOMAS PLAYLE
KPB 2021-159	

AGENDA ITEM E. NEW BUSINESS

2021-159
January 10, 2022
Michael Shilling of Kenai, Alaska and Thomas Playle of Nikiski, Alaska
Jason Schollenberg / Peninsula Surveying, LLC
Jacque Street, Wik Lake, Nikiski
013-216-02, 013-216-28, 013-216-29, 013-216-30,
Lots 2, 3 and 4 Block 1, Thompson Homestead Happy Hollow Acres Addition (KN 84-274) and Government Lots 5 and 6, T7N, R11W, Section 8
Residential
Rural Unrestricted
On site

ITEM 4 - PLAYLE ESTATES

STAFF REPORT

<u>Specific Request / Scope of Subdivision</u>: The proposed plat will reconfigure three subdivision lots and two government lots into two tracts. The tracts are proposed to be 21.07 acres and 9.57 acres.

Location and Legal Access (existing and proposed): The subdivision is located on Jacque Street, a 60 foot wide dedication that is partially improved and not maintained by the borough. The only portion of Jacque Street that is improved is the southern portion, from Grayson Avenue to the southwest corner of parent Lot 4. A private drive has been constructed across Lot 4 to provide access to the southeast portion of Government Lot 6.

Grayson Avenue is a 60 foot wide right of way that is borough maintained. The borough also maintains a portion of Kosta Road that provides a connection from Grayson Avenue to Hold Lamplight Road. Not all portions of Kosta Road are dedicated and only the western portion is maintained. Other dedicated routes that provide legal access to this subdivision exist but have not been constructed.

The east and west boundary of the subdivision is bounded by Wik Lake. Floatplane access may be possible. There are also dedicated water access and section line easements that provide legal access to Wik Lake.

A private access easement exits that allows the owner of Government Lots 5 and 6 to access across Lot 4. The driveway has been constructed to provide access from Jacque Street to the eastern portion of proposed Tract 2. Proposed Tracts 1 and 2 will have legal access to Jacque Street. The driveway will be within proposed Tract 2 and the easement will terminate with merger of title.

A 50 foot section line easement is present in the western portion of proposed Tract 1. To the south is a 33 foot section line easement. *Staff recommends* to depict and label the section line easements within and abutting the subdivision.

Two parcels of land are located to the north and are under common private ownership. Government Lot 4 is 14.0 acres and Government 12 is 5.8 acres. Both lots are large enough to be further subdivided but do not front on a dedicated right of way. The only legal access to Government Lots 4 and 12 is by way of Wik Lake. KPB 20.30.030 required the projection of right of way to large acreage tracts. **Staff recommends** this platting action provide a 60 foot wide dedicated right of way to the south boundary of Government Lot 4. **Staff recommends** the location of the right of way comply with KPB 20.30 Design Standards and Staff will review and approve the location of the right of way.

Page ${\bf 1}$ of ${\bf 7}$

The proposed subdivision is not within a compliant or closed block. The property within this subdivision is within a portion of land that is a peninsula surrounded by Wik Lake. The ability to get fully compliant blocks within this area is not reasonable. The proposed lots will be large acreage tracts that can be further subdivided and can provide right of ways that meet the block length requirements. *Staff recommends* the plat committee concur that an exception to KPB 20.30.170 Block Length is not required as road dedications will not improve the block at this time and the tracts are large enough to be subdivided in the future.

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

<u>Site Investigation</u>: Some steep slopes appear to be present near the edge of Wik Lake. The remainder of the property is rolling terrain with isolated area of slopes greater than 25%. Excluding the areas fronting Wik Lake, there do not appear to be any low wet areas within the subdivision.

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	
Alaska Fish and Game	No objections	

<u>Staff Analysis</u> Thompson Homestead Happy Hollow Acres Addition, Plat KN 84-274, subdivided aliquot property and created the parent Lots 2, 3, and 4. That plat also dedicated Jacque Street. The Government Lots have not been reviewed under the borough platting process.

To the north of this subdivision are two parcels. The parcels are Government Lot 4 and Government Lot 12. A section line easement runs between the two lots but there is no access to the lots. The only access currently in place is by Wik Lake. The two lots were recently sold as part of the Kenai Peninsula Borough Land Sale and it was disclosed that there was limited access.

To comply with KPB Code requirements, a right of way dedication is required to provide legal and practical access to the lots located to the north of this subdivision. Some discussions have been had with owners regarding the dedication of right of way to comply with KPB standards. If a new design is submitted after the staff report is prepared, an addendum will be provided.

If a final plat is submitted that meets KPB 20.30 design requirements, without requiring any additional exceptions, it will not be brought back before the Plat Committee. When a plat design changes significantly, or new information is presents, the Planning Director has the ability to bring a final plat back to the Plat Committee for review and approval. Any exceptions to borough code that may be needed due to design change or additional lots being added, will result in a new hearing and approval by the Plat Committee.

The current design of Tract 2 is unusual but is designed to accommodate the existing driveway. The narrow portion is 60 feet wide. **Staff recommends** a plat note be added, "No structures are permitted within the 60 foot wide portion of Tract 2" and a 20 foot building setback be depicted within Tract 1 along the 60 foot wide portion.

The current configuration will not require a soils analysis report due to the size of the lots. The addition of a right of way dedication may result in lots less than 200,000 square feet. A soils analysis report will be required for any lots under 200,000 square feet and an engineer will need to sign the final plat. If parent Lot 4 remains the same size, or is increased by 1,000 sq. ft., then a soils analysis report will not be required.

Notice of the proposed plat was mailed to the beneficial interest holder on December 7, 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.

<u>Utility Easements</u> Thompson Homestead Happy Hollow Acres Addition, Plat KN 84-274, granted 20 foot wide utility easements along Jacque Street. Clearing of that easement is restricted to the front 10 feet. The plat is depicting the setback and the clearing limitation. Plat note 1 states that the full 20 foot setback is the utility easement.

The northern portion of the subdivision has not been through the borough platting process and is not affected by platted utility easements.

Per the certificate to plat, an easement was granted by document to Homer Electric Association. **Staff recommends** that the surveyor confirm if this easement affects the subdivision and if not then it can be removed from the Certificate to Plat and now noted on the final plat.

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

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

Utility provider review:

KPB department / agency review:

KPD uepartment / agency review.	
Addressing	Reviewer: Haws, Derek
	Affected Addresses:
	50806 JACQUE ST
	Existing Street Names are Correct: Yes
	List of Correct Street Names:
	JACQUE ST
	Evistica Chroat Name Compations Name
	Existing Street Name Corrections Needed:
	All New Street Names are Approved: No
	Comments:
	All New Street Names are Approved: No List of Approved Street Names: List of Street Names Denied: Comments:

	50806 JACQUE ST will remain with TRACT 2.
Code Compliance	Reviewer: Ogren, Eric
	Comments: No comments
Planner	Reviewer: Aldridge, Morgan
	There are not any Local Option Zoning District issues with this proposed plat.
	Material Site Comments:
	There are not any material site issues with this proposed plat.
Assessing	Reviewer: Bruns, Matthew
	Comments: No concerns from Assessing Dept.

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

STAFF RECOMMENDATIONS

CORRECTIONS / EDITS

Provide a dotted line, as used for other former lot lines, to depict the boundary line for former Lot 3 within Tract 2.

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: Acreage differs from Assessing information. Verify the acreage on final.

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: A 50 foot wide section line easement is within the western portion of Tract 1. A 33 foot section line easement runs south of that easement through Lot 1 Block 1. Verify section line easement status, provide a depiction, and label for the existing section line easements within and abutting the subdivision.

- M. Approximate locations of slopes over 20 percent in grade and if contours are shown, the areas of the contours that exceed 20 percent grade shall be clearly labeled as such;
 Staff recommendation: Steep slopes appear to be present within the Government Lots near Wik Lake. Determine if the slopes exceed 20 percent grade. Depict and label top and toe of any steep bluffs.
- N. Apparent encroachments, with a statement indicating how the encroachments will be resolved prior to final plat approval;

Staff recommendation: A drive is being used through 3 and 4 of Thompson Homestead Subdivision Happy Hollow Acres Addition to provide access to a new construction on Government Lot 6. An easement has been recorded for the access. The design of the plat will allow the constructed drive to be within one lot.

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.

20.30.030. Proposed street layout-Requirements.

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

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

C. Preliminary plats fronting state maintained roads will be submitted by the planning department to the State of Alaska Department of Transportation and Public Facilities (DOT) for its review and comments. **Staff recommendation:** Provide a 60 foot wide dedicated right of way from Jacque Street to the large acreage tracts located north of this subdivision.

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

Staff recommendation: All new right of way dedications comply with 20.30.090.

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-ofway 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-ofway that was not shown on the original preliminary plat, adjoiners to the new half right-ofway will be sent a copy of the plat committee minuytes and a sketch showing the new half right-ofway 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:** All new right of way dedications comply with 20.30.120.

20.30.190. Lots-Dimensions.

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

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

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

Page 5 of 7

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: Due to size of lots, a soils analysis report will not be required. Update the plat note to remove "or nominal five 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.

20.60.030. Certificate of borough finance department required.

Platting Staff Comments: All taxes levied on the property within the subdivision shall be paid prior to recordation of the final plat. If approval is sought between January 1 and the tax due date, there shall be on deposit with the borough finance department an amount sufficient to pay the entire estimated real property tax for the current year. Prior to filing of the final plat, a certificate to this effect shall be provided by the borough finance director or his designee upon request by the planning director. Estimated tax payments shall be applied to the actual bill as of July 1 or such earlier date as the taxes due have been determined.

Taxes owed may include special assessments for utility or road assessment districts established by KPB ordinance.

Staff recommendation: comply with 20.60.030.

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

Staff recommendation: Provide a certificate of acceptance for all new right of way dedications.

20.60.110. Dimensional data required.

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

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

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

Staff recommendation: comply with 20.60.110.

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.

- Subject to covenants, conditions, and restrictions as contained in an instrument recorded on August 30, 1985 in Book 269 Page 865, Kenai Recording District.
- The borough will not enforce private covenants, easements, or deed restrictions per KPB 20.60.170.
- Easement for electric lines or system and/or telephone lines together with right to enter, maintain, repair and clear shrubbery granted to Homer Electric Associations, Inc. in document found in Misc. Book 7 Page 177, Kenai Recording District. No definite location disclosed.
- Easement has been granted over portions of the property as described in document with Serial No. 2021-002384-0, Kenai Recording District. Easement will terminate with merger of title.
- The natural meanders of ordinary high water (or mean high water line as applicable) is for area computations only, the true corners being on the extension of the sidelines and the intersection with the natural meanders.

RECOMMENDATION:

STAFF RECOMMENDS:

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

NOTE: 20.25.120. - REVIEW AND APPEAL.

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

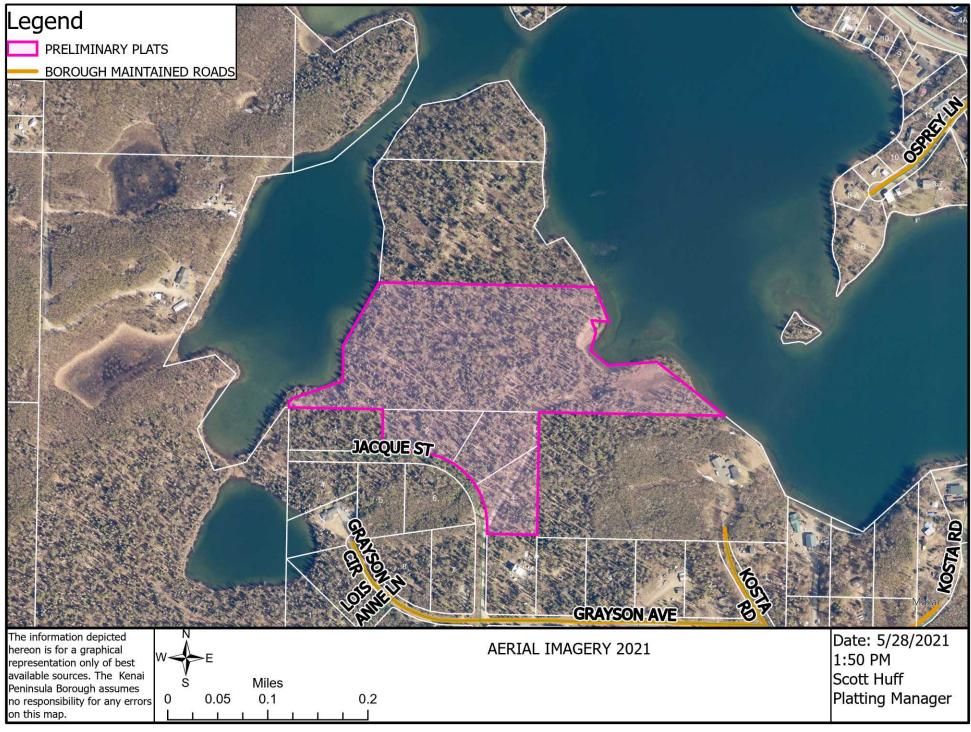
A DECISION OF THE PLANNING COMMISSION MAY BE APPEALED TO THE HEARING OFFICER BY A PARTY OF RECORD WITHIN 15 DAYS OF THE DATE OF NOTICE OF DECISION IN ACCORDANCE WITH KPB 21.20.250.

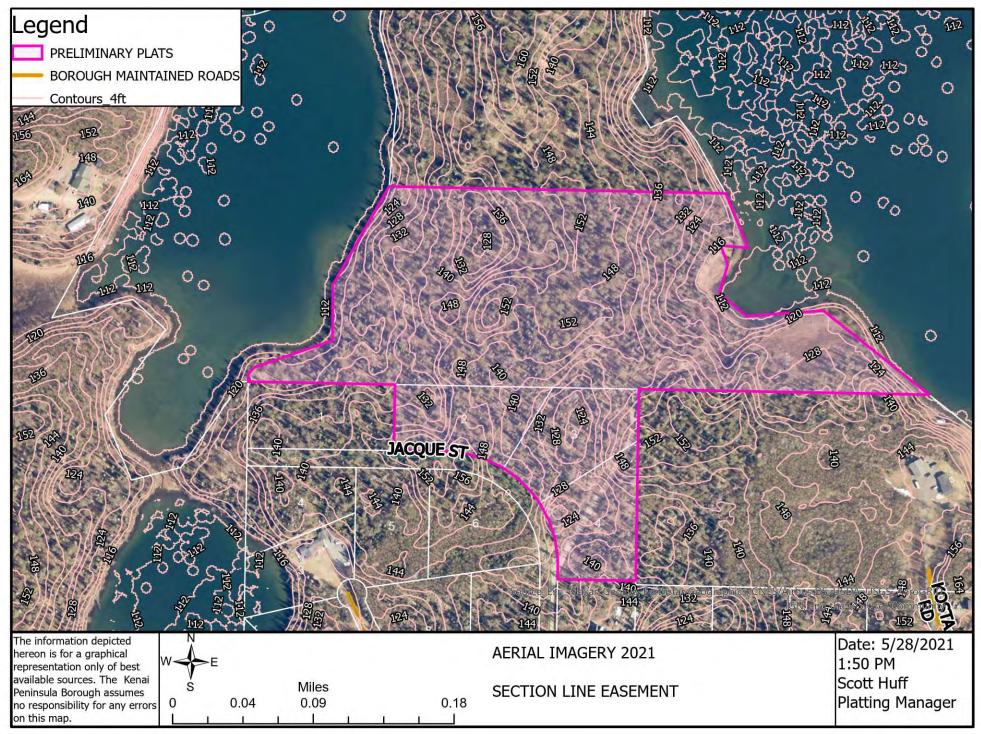
END OF STAFF REPORT

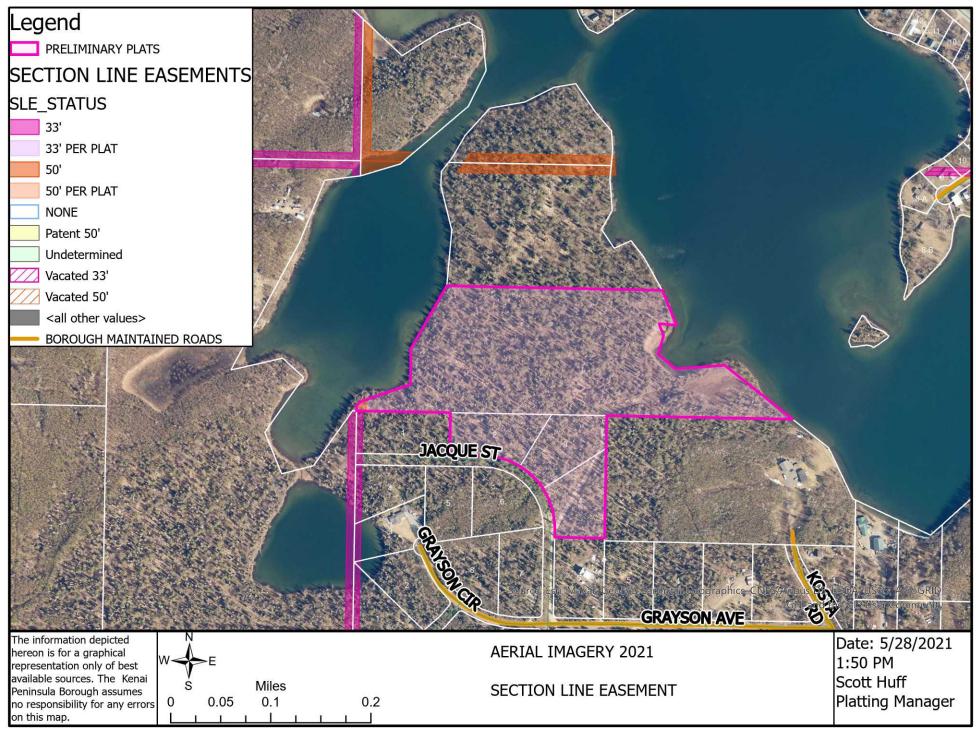
Playle Estates



05/17/2021



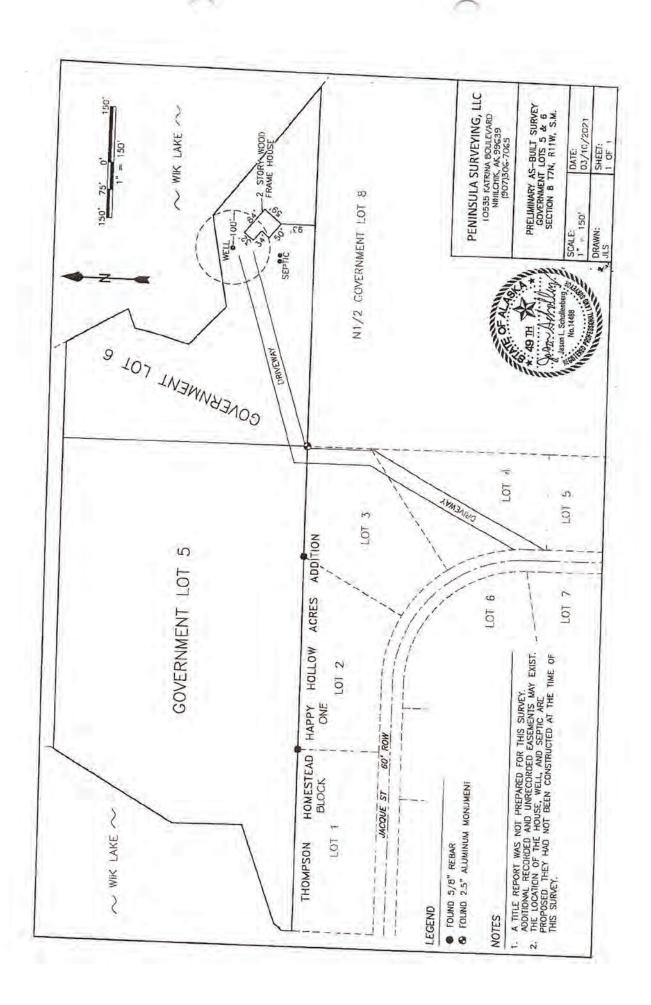


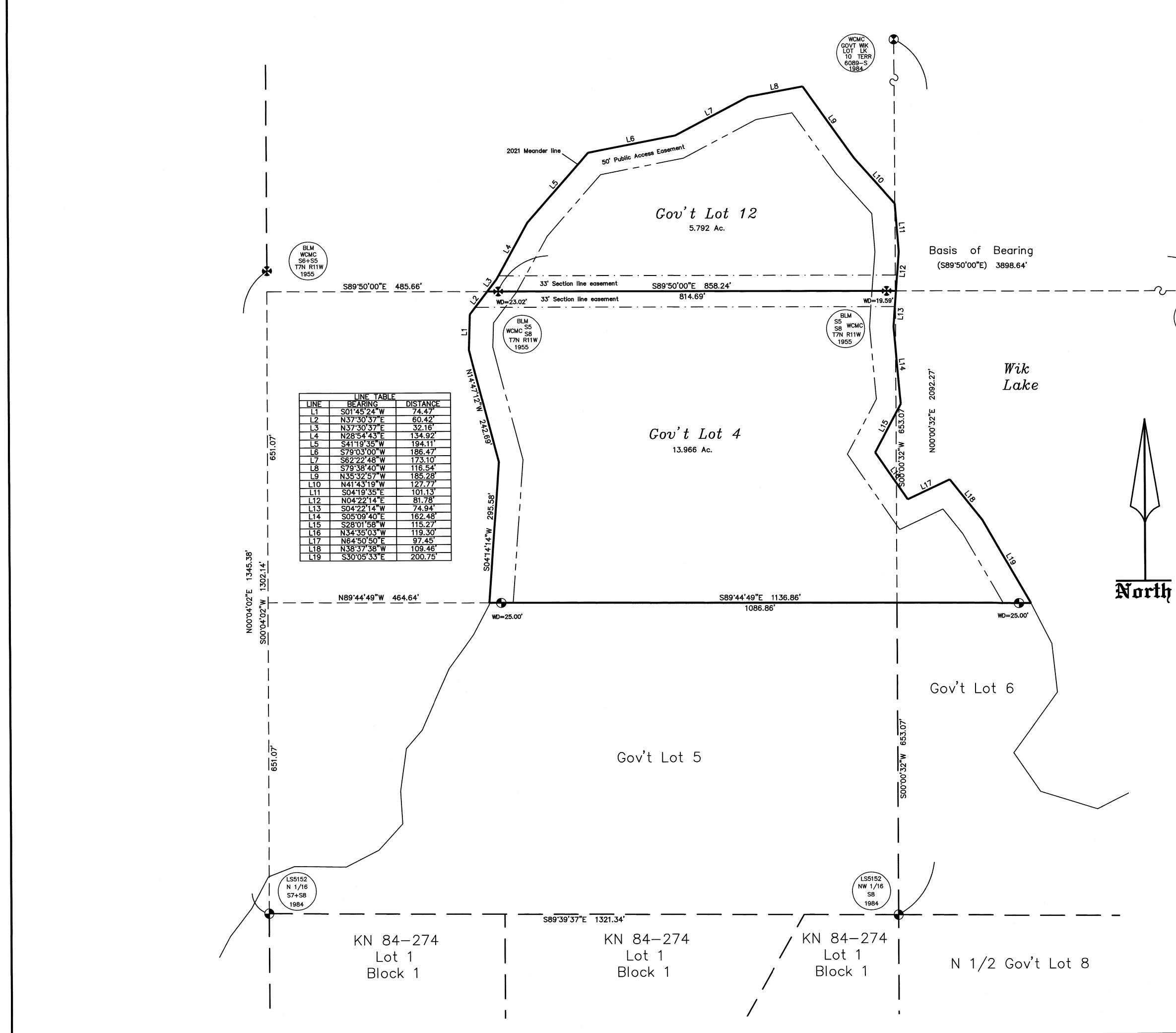


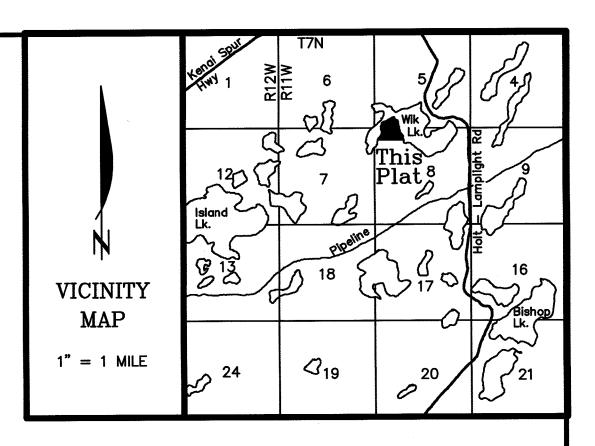
Playle Estates



05/17/2021







LEGEND:

- 3 1/4" BLM MONUMENT 1955 FOUND
- 3 1/4" ALUM. CAP MONUMENT LS 5152 1984 FOUND
- 2 1/2" ALUM. CAP MONUMENT 6089-S 1984 FOUND (\mathbf{X})
- 5/8" REBAR W/ 2 1/2" ALUM. CAP LS8859 2021 SET \bullet
- RECORD DATUM BLM ()

NOTES:

- This survey does not constitute a subdivision as defined by AS 40.15.190(2).
- 2) Basis of bearing taken from BLM plat of Township 7 North Range 11 West of the Seward Meridian.
- 3) Public Access Easement was created by State of Alaska Patent No. 4456 recorded in Book 149 Page 148 and State of Alaska Patent No. 6176 recorded in Book 179 Page 965 Kenai Recording District.



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 <u>6-30-21</u>

pagelof

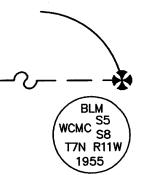
Record of Survey

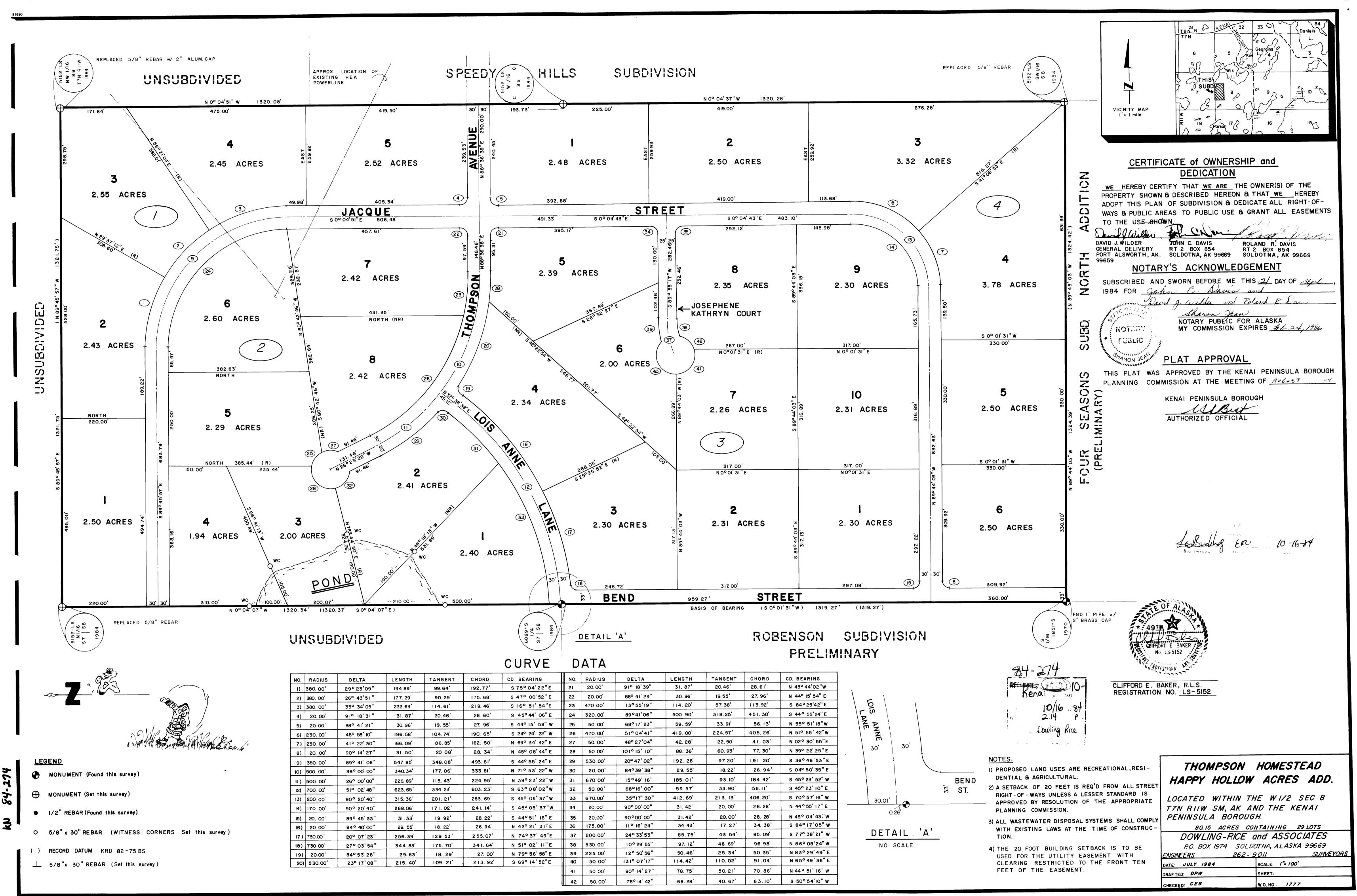
Government Lot 12, Section 5 and Government Lot 4, Section 8, T7N, R11W, S.M.

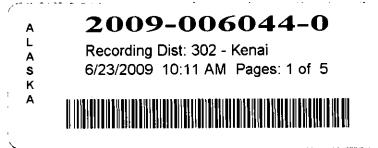
Located within the SW1/4 Section 5 and the NW1/4 Section 8, T7N, R11W, S.M., Kenai Recording District, Kenai Peninsula Borough, Alaska.

2021-31 Kenai UISO 2021 DATE 1:39 pm TLARE	Surveyor Segesser Surveys 30485 Rosland St. Soldotna, AK 99669 (907) 262–3909		^{Owner} (907) 262—3909 30485 Rosland St. Soldotna, AK 99669		
	JOB NO.	21135	DRAWN:	6-29-21	
	SURVEYED:	June, 2021	SCALE:	1"=100'	
	FIELD BOOK:	21-2	SHEET:	1 of 1	

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Corrected U.S. Patent No. 50-2009-0256

Please record this cover page as the first page of the document. Document should be indexed as follows:

RECORDING DISTRICT:	Kenai Recording District				
DOCUMENT TYPE:	Deed				
FILE TYPE/NUMBER:	Files: A-	050580 MH-25			
GRANTOR:		<u> </u>			
1. United States of America 2. Department of the Interi	,	LEGAL DESCRIPTION:			
3. Bureau of Land Management		See attached document for additional Legal description.			
GRANTEE:					
 State of Alaska Department of Natural Resources Division of Mining Land and Water 					
AFTER RECORDING RETURI State of Alaska Department of Natural Resource Division of Mining, Land & Wate Realty Services/Title Administra 550 W. 7 th Avenue, Suite 1050/ Anchorage, AK 99501-3579 STATE BUSINESS NO CHA	es er ation A				

The United States of America

To all to whom these presents shall come, Greeting:

Corrected Patent

A-050580

This Corrected Patent is issued in lieu of recorded Patent No. 50-2007-0293, dated March 9, 2007, recorder's office Document # 2007-003426-0, to reflect a reservation to United States.

This Patent is issued by the UNITED STATES, Department of the Interior, Bureau of Land Management, 222 West Seventh Avenue, #13, Anchorage, Alaska 99513-7504, as GRANTOR, to the State of Alaska, Department of Natural Resources, Division of Mining, Land and Water, 550 West Seventh Avenue, Suite 1050A, Anchorage, Alaska 99501-3579, as GRANTEE, for the lands in the Kenai Recording District.

WHEREAS

State of Alaska

is entitled to a Land Patent pursuant to the Mental Health Enabling Act of July 28, 1956, Pub. L. 84-830, 70 Stat. 709, as supplemented by the Alaska Statehood Act of July 7, 1958, 72 Stat. 339, for the following described lands:

Seward Meridian, Alaska

T. 6 N., R. 11 W.,
Sec. 3, S¹/₂S¹/₂;
Sec. 4, S¹/₂SE¹/₄;
Sec. 5, lots 3 and 4, SW¹/₄NE¹/₄, S¹/₂NW¹/₄, N¹/₂SW¹/₄,
SW¹/₄SW¹/₄;
Sec. 6, lots 3, 6, and 7, SE¹/₄NW¹/₄, E¹/₂SW¹/₄, SE¹/₄;
Sec. 7, lots 1 and 2, E¹/₂NW¹/₄, N¹/₂NE¹/₄;
Sec. 9, E¹/₂NE¹/₄, NE¹/₄SW¹/₄, S¹/₂SW¹/₄, SE¹/₄;
Sec. 10, N¹/₂, N¹/₂S¹/₂, SE¹/₄SE¹/₄;
Sec. 15, E¹/₂E¹/₂, S¹/₂N¹/₂SW¹/₄, S¹/₂SW¹/₄, S¹/₂NW¹/₄SE¹/₄,
SW¹/₄SE¹/₄;

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Sec. 16, W¹/₂E¹/₂NE¹/₄, W¹/₂NE¹/₄, W¹/₂, SE¹/₄; Sec. 17, E¹/₂; Sec. 20, E¹/₂; Sec. 21, NW¹/₄.

Containing 3,801.32 acres, as shown on the plat of survey accepted June 26, 1967.

Sec. 31, lot 39.

Containing 1.25 acres, as shown on the dependent resurvey and subdivision plat of survey accepted December 1, 1953.

T. 7 N., **R.** 11 W., Sec. 8, lots 5 and 6.

Containing 24.12 acres, as shown on the plat of survey accepted September 30, 1958.

Sec. 9, lots 9 and 10;
Sec. 15, N¹/₂SW¹/₄, N¹/₂SW¹/₄SW¹/₄SW¹/₄SW¹/₄SW¹/₄SW¹/₄SW¹/₄SW¹/₄SW¹/₄SW¹/₄;
Sec. 21, lot 10, SW¹/₄SE¹/₄NE¹/₄.

Containing 215.06 acres, as shown on the plat of survey accepted May 12, 1966.

Sec. 21, lot 12.

Containing 20.00 acres, as shown on the supplemental plat of survey accepted September 8, 1967.

Sec. 27, SE¼NE¼, NE¼SE¼, S½SE¼, SE¼SW¼; Sec. 33 NE¼; Sec. 34, N½.

Containing 680.00 acres, as shown on the plat of survey accepted December 10, 1979.

Sec. 27, lot 10.

Containing 9.55 acres, as shown on the supplemental plat of survey officially filed November 23, 1998.

 $P_{\text{Patent No.}} 50 - 2009 - 0256$

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Sec. 27, lot 12.

Containing 9.99 acres, as shown on the dependent resurvey and subdivision plat of survey officially filed June 8, 2001.

Sec. 16, lots 11, 14, and 16, N¹/₂SW¹/₄NE¹/₄, NW¹/₄SW¹/₄NE¹/₄, SE¹/₄SW¹/₄NE¹/₄, W¹/₂NE¹/₄SW¹/₄NE¹/₄, N¹/₂S¹/₂NW¹/₄, N¹/₂S¹/₂NW¹/₄.

Containing 164.82 acres, as shown on the dependent resurvey and subdivision plat of survey officially filed February 23, 2002.

T. 8 N., R. 11 W., Sec. 20, W¹/₂SW¹/₄NE¹/₄SW¹/₄.

Containing 5.00 acres, as shown on the plat of survey accepted October 1, 1923.

Sec. 28, lots 11 to 20, inclusive, N¹/₂SW¹/₄, NW¹/₄SW¹/₄SW¹/₄, NE¹/₄SE¹/₄SW¹/₄.

Containing 142.02 acres, as shown on the plat of survey accepted May 8, 1959.

T. 7 N., R. 12 W., Sec. 23, S¹/₂SW¹/₄.

Containing 80.00 acres, as shown on the plat of survey accepted March 1, 1954.

Sec. 27, lot 8.

Containing 5.52 acres, as shown on the plat of survey accepted July 7, 1952.

Aggregating 5,158.65 acres.

NOW KNOW YE, that there is, therefore, granted by the UNITED STATES, unto the above-named claimant the land above described; TO HAVE AND TO HOLD the said land with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging, unto the said claimant, forever.

Patent No. 50-2009-025 6

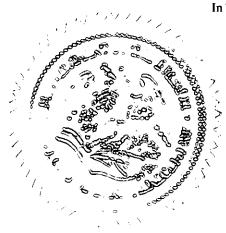
Page 3 of 4

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EXCEPTING AND RESERVING TO THE UNITED STATES:

- 1. A right-of-way thereon for ditches or canals constructed by the authority of the United States. Act of August 30, 1890, 43 U.S.C. 945; and
- 2. As to Secs. 15 and 16, T. 6 N., R. 11 W., Seward Meridian, that right-of-way for a road and utility purposes, two hundred (200) feet in width, identified as A-047030, Vortac facility, granted to the Federal Aviation Administration, noted under the principles of 44 L.D. 513, and all appurtenances thereto, constructed by the United States through, over, or upon the land herein described and the right of the United States, its agents, or employees to maintain, operate, repair, or improve the same so long as needed or used for or by the United States.

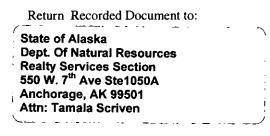


In TESTIMONY WHEREOF, the undersigned authorized officer of the Bureau of Land Management, in accordance with the provisions of the Act of June 17, 1948 (62 Stat. 476), has, in the name of the United States, caused these letters to made Patent, and the Seal of the Bureau to be hereunto affixed.

GIVEN under my hand, in Anchorage, Alaska the TWELFTH day of JUNE in the year of our Lord two thousand and NINE and of the Independence of the United States the two hundred and THIRTY-THIRD.

haal By

Richard Thwaites Chief, Land Transfer Adjudication II Branch



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50 - 2009 - 0256

CP03200R Bureau of Land Manage Adm-State: AK Case Abstract for:	ement – Alaska LIS AKA 050580	26-Ju Page	
Case Serial Num: AKA 050580 Case Type: 262710 Ak-Mental Healt Case Status: Pending Case Status Actn: Relq Acknowledged Case Status Date: 06-NOV-1989	Box Num: Disp Date: Location Code:		
Customer Custid: 000027242 Int Rel: Applic Cust Name: AK DEPARTMENT OF NATURAL F DIV OF MINING LAND AND WAT Cust Address: REALTY SERVICES SECTION 550 WEST 7TH AVE SUITE 105 ANCHORAGE AK	Data cant Pct Int: RESOURCES TER 50A 99501	.00	000
Administrative/Sta Date Code/Description Rem	atus Action Data		Emp
09-DEC-1952 980 Special Instr Appv-S G00 22-DEC-1952 980 Special Instr Appv-S G00 19-OCT-1955 982 Field Survey Complet G00 08-MAY-1959 159 Survey Approved G00 08-MAY-1959 984 Srvy Plat Offic'Ly F G00 17-NOV-1959 001 Application Filed 01-DEC-1959 004 Amend/Corr Apln Recd 17-DEC-1959 004 Amend/Corr Apln Recd 07-JUN-1960 780 Relq Filed 07-JUN-1960 782 Relq Acknowledged 19-AUG-1960 004 Amend/Corr Apln Recd 22-MAR-1961 780 Relq Filed 22-MAR-1961 782 Relq Acknowledged 23-MAR-1961 782 Relq Acknowledged 23-MAR-1961 782 Relq Acknowledged 23-MAR-1961 782 Relq Acknowledged 17-APR-1961 782 Relq Acknowledged 17-APR-1961 782 Relq Acknowledged 17-APR-1961 004 Amend/Corr Apln Recd 27-MAR-1961 782 Relq Acknowledged 17-APR-1961 007 Apln Rej/Denied Part 17-APR-1961 008 Action Suspended IN 21-APR-1961 239 Publication Directed NEW 22-AUG-1962 341 Proof Of Pub Receive 16-AUG-1962 004 Amend/Corr Apln Recd 05-SEP-1962 004 Amend/Corr Apln Recd 09-OCT-1962 239 Publication Directed NEW 05-DEC-1962 341 Proof Of Pub Receive 13-MAR-1963 780 Relq Filed 13-MAR-1963 782 Relq Acknowledged 10-JUN-1963 159 Survey Approved PO0 3-JUN-1963 004 Amend/Corr Apln Recd 02-JUL-1963 940 Tentative Appv Given 08-JUL-1963 941 Tentative Appv Modif TA 01-AUG-1963 879 Patent Issued IN 26-SEP-1963 941 Tentative Appv Given	D0086 D0086 D0086 D0086 D0086 D0086 WSPAPER WSPAPER 000566 TA001963070 000566 19800702; TA001963071 PART PA000123278	922 922 922 922 922 AJA PSA DAO 967 PSA DAO DAO PSA DAO DAO PSA DAO PSA AJA PSA PSA PSA PSA PSA PSA AJA PSA PSA AJA PSA AJA PSA AJA PSA AJA AJA AJA AJA AJA	AKN AKN AKN LH RE JAK LGA RE LGA LGA LGA LGA

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Date	Code	Administrative, e/Description	Status Action Data Remarks	Doc Id	Ofc	Emp
03-JUN-1964 04-JUN-1964 04-JUN-1964 12-JUN-1964	782 004 780 004 940	Relq Acknowledged Amend/Corr Apln Recd		TA0019640612	967 967 DAO AJA AJA AJA AJA	LGA LGA JAK PAM PAM BSK PAM
13-AUG-1964 06-OCT-1964 29-OCT-1964 29-OCT-1964 09-FEB-1965 09-FEB-1965	879 940 780 782 004 782	Patent Issued Tentative Appv Given Relq Filed Relq Acknowledged Amend/Corr Apln Recd Relq Acknowledged	IN PART	PA0050650096 TA0019641006	AJA 967 AJA AJA PSA AJA	MKW LGA PAM LGA RE PAM
07-JUN-1965 24-JUN-1966 24-JUN-1966	941 941 007	Tentative Appv Modif Tentative Appv Modif Tentative Appv Modif Apln Rej/Denied Part	TA19640612; TA19641006;	TA0019650526 TA0019650607 TA0019660624	AJA AJA 962	BSK BSK BSK LGA
25-OCT-1966 01-DEC-1966 12-JAN-1967	940 940 940	Patent Issued Tentative Appv Given Tentative Appv Given Tentative Appv Given	MOD 3/18/77	PA0050670013 TA0019661025 TA0019661201 TA0019670112	967 967 967	MKW LGA LGA LGA
03-FEB-1967 08-FEB-1967 05-MAY-1967 26-FEB-1968 13-OCT-1969 05-JAN-1972 21-MAR-1972 22-MAY-1972 22-MAY-1972	940 745 004 004 700 004 004 708 720	Tentative Appv Modif Tentative Appv Given Protest Filed Amend/Corr Apln Recd Amend/Corr Apln Recd Appeal Filed Amend/Corr Apln Recd Amend/Corr Apln Recd Dec Remanded Dec Revrsd & Remande Apln Rej/Denied Part		TA0019670203 TA0019670203		BSK LGA PAM RE RE PAM RE RE RE ANG
09-AUG-1976 08-SEP-1976 17-MAR-1977	941 700 941	Tentative Appv Modif Appeal Filed Tentative Appv Modif Apln Rej/Denied Part	TA19641006;	TA0019760809 TA0019770317	AJA AJA	BSK REM BJD CMC
18-MAR-1977 18-MAR-1977 31-MAR-1977	941 007 700	Tentative Appv Modif Apln Rej/Denied Part Appeal Filed Case Sent To	19661201;	TA0019770318		BSK BJD LH LH
06-JUL-1977 06-JUL-1977 08-AUG-1977 18-AUG-1977 08-SEP-1977 17-APR-1978 22-MAY-1978 13-JUN-1978	941 007 700 960 700 700 719 961	Tentative Appv Modif Apln Rej/Denied Part Appeal Filed Case Sent To Appeal Filed Appeal Filed Dec Affirmed Case Received From	19661201; 7597; IBLA	TA0019770706		PAM BJD PAM LH KB KB PAM MJS
04-OCT-1978	941	Tentative Appv Modif	19641006;	TA0019781004	AJA	PAM

CP03200R Adm-State:		Bureau of Land Mar Case Abstract fo				26-Ju Page	n-09 3
Date		Administrative, e/Description	Remarks		Doc Id	Ofc	Emp
04-OCT-1978 18-JUN-1979 05-JUL-1979 18-SEP-1979 18-SEP-1979 21-DEC-1979 02-JAN-1980 31-JAN-1980 04-FEB-1980 04-FEB-1980	952 885 532 885 145 885 154 885 885 708	Ta Resc & Sel Rej Title Accepted By U Title Accepted By U Reconveyance Receive Title Accepted By U Nav Report Requested Title Accepted By U Reconveyance Request Title Accepted By U Title Accepted By U Dec Remanded	AA-8215 AA-26233; AA-26797; AA-29330; AA-37900; AA-38420;	AA-27286; AA-28297; AA-29383; AA-38301; S/S;		963 963 AJA 963 AJA 963 AJA 963 963 963 AJA	BJD LF LF MKW LF EW BJD KB BJD BJD PAM
15-FEB-1980 30-JUN-1980 05-AUG-1980 06-MAR-1981 06-MAR-1981 12-MAR-1981 12-MAR-1981 12-MAR-1981 12-MAR-1981 06-APR-1981	404 007 941 952 885 885 885 885 532	Reconveyance Receive Convynce Acreage Adj Apln Rej/Denied Part Apln Rej/Denied Part Tentative Appv Modif Ta Resc & Sel Rej Title Accepted By U Title Accepted By U Title Accepted By U Title Accepted By U Reconveyance Receive Convynce Acreage Adj	AA-6370 AA-6370; AA-38420; AA-41997; AA-41998; AA-41996;	AA-39334; AA-42144; AA-42145;		AJA 967 AJA AJA 963 963 963 963 963 963 AJA 967	MKW LGA PAM BJD BJD BJD BJD BJD MKW LGA
20-OCT-1981 01-FEB-1982 28-DEC-1982 23-FEB-1983 20-SEP-1983 21-MAR-1984 30-AUG-1984 31-OCT-1984 31-OCT-1984 31-OCT-1984 08-JAN-1985 01-FEB-1985 01-FEB-1985 19-MAR-1985	879 007 007 007 780 782 885 952 007 007 722 007	Patent Issued Apln Rej/Denied Part Apln Rej/Denied Part Apln Rej/Denied Part Apln Rej/Denied Part Relq Filed Relq Acknowledged Title Accepted By U Ta Resc & Sel Rej Apln Rej/Denied Part Apln Rej/Denied Part Dec Modified Apln Rej/Denied Part		984; CT	PA0050820004	AJA DAO AJA AJA AJA 963 AJA 967 AJA 967 DAO AJA	BSK JAK JAK FJR EW LGA LF KB LGA KLF LGA JAK KB
07-MAY-1985 30-JUL-1985 19-SEP-1985 20-SEP-1985 23-OCT-1985 03-FEB-1986 03-FEB-1986 17-APR-1986 28-APR-1986 15-MAY-1986	007 879 879 718 879 410 411 007 154 007	Title Accepted By U Apln Rej/Denied Part Patent Issued Patent Issued Dec Issued Patent Issued Pat Verified State/A Case Audit Signed-Bl Apln Rej/Denied Part Reconveyance Request Apln Rej/Denied Part Apln Rej/Denied Part	IN PART IN PART IN PART	AA-55482;	PA0050850521 PA0050850590 PA0050860037	AJA AJA	BJD FJR FJR FJR FJR KB FJR JLM JLM BAH

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Date	Code	Administrative/	Status Action Data Remarks	Doc Id	Ofc	Emp
23-NOV-1987 30-DEC-1987 30-DEC-1987 04-AUG-1988 04-AUG-1988 11-APR-1989 12-JUN-1989 12-JUN-1989 14-JUL-1989 15-AUG-1989 17-AUG-1989	960 721 708 885 885 885 885 885 885 885 885 885	Appeal Filed Case Sent To Dec Vacated/Rescinde Dec Remanded Title Accepted By U Title Accepted By U Convynce Acreage Adj	IBLA AA-70144; AA-40054; AA-70145; AA-5953; AA-71519; AA-51864; AA-71416; AA-8216; AA-71440; AA-8251; AA-71459; AA-49960; AA-71591;AA-6371; AA-71592;AA-7803; AA-71596; -140.00 AC	RC0019890821	AJA AJA AJA 963 963 963 963 963 963 964 963 963 963 964	JM JM JM BJD BJD BJD BJD BJD BJD BJD BJD PML
21-AUG-1989 21-AUG-1989 21-AUG-1989 21-AUG-1989 27-SEP-1989 27-SEP-1989 06-NOV-1989 06-NOV-1989 19-JUN-1990 01-AUG-1990	885 885 885 780 782 780 782 780 782 125 952	Title Accepted By U Title Accepted By U Title Accepted By U Title Accepted By U Relq Filed Relq Acknowledged Relq Acknowledged Concurrence Requeste Ta Resc & Sel Rej	AA-71593;AA-8119; AA-71594;AA-8121; AA-71595;AA-49957; AA-71596;AA-49959; PROPOSED PATENT AA-812;RJ8/1/90;		963 963 963 DAO DAO DAO DAO DAO AJA 963	BJD BJD BJD AGH LGA LGA LGA HAC BJD
27-SEP-1990 10-JUL-1991 21-OCT-1993 27-JAN-1995 02-AUG-1999 23-AUG-2000 29-MAR-2002 19-APR-2002 04-AUG-2003 17-OCT-2003 10-DEC-2004 28-JUN-2006 28-JUN-2006 28-DEC-2006 28-DEC-2006 28-DEC-2006 23-JAN-2007 31-JAN-2007	879 154 885 885 154 885 404 404 154 885 154 885 154 885 885 718 125 718 125 205	Concurrence Requeste	IN PART AA-8168B; AA-77216: AA-49960A; AA-77499;AA-8168B; AA-5936; SOA DRAFT AA-82602; AA-8262; +35.00;PA 50650096 +225.65;PA 1232789 AA-5974; NA DRAFT AA-85340; AA-5974 AA-8286; AA-86556;AA-47908 AA-86559;AA-8297 AA-86808; AA-8238; PROP PAT;12/28/06	PA0050900676	963 963 965 965 963 963 963 963 963 963 963 961 961 961 961	RR EPC RR BJD RR BJD BJD BJD BJD
09-MAR-2007 22-MAR-2007 19-SEP-2007 19-SEP-2007	879 879 718 125	Patent Issued Patent Issued	PROP PAT	PA5020070293 PA5020070313 PA5020080053	961 965 965	BJD BJD BJD BJD BJD BJD

	Bureau of Land Management - Alaska LI AK Case Abstract for: AKA 050580	S		26-Ji Page	
Date	Administrative/Status Action Data Code/Description Remarks	Doc	Id	Ofc	Emp
04-MAR-2009 27-MAY-2009 12-JUN-2009	974 Automated Record Ver OVERFILL AUDIT OK 125 Concurrence Requeste PROP CORR PAT 205 Consent Or Concur Gi PROP CORR PAT 866 Curative Document Si 5020070293 879 Patent Issued	PA502	009025	961 965 965 965 56 965	LAN BJD BJD BJD
	Financial Actions				
Date	Code/Description Ofc Emp Mon	ey Amt	Acct	Adv	Asmt
17-NOV-1959 17-JAN-1967	072 Filing Fee Received AJA PAM 072 Filing Fee Received AJA PAM	70.00 30.00			
	FILE HAS PARTS 1 & A-I 42 AGUILAR AN'S 3753 LAND DSCRPTN LOCKD 5/21/84 28 AGUILAR NA'S 7N, 11W. L1 SEC 7&L4 SEC 31, 5N,10W&NW&SW SN, 9W PA'D IN ERROR, STATE QCD'D TO HE SAL EXCHANGE IN 7N11W, SM RECON REQSTD SWNW,NWS SEC.14,LOTS 3,4,5 OF T8N,R11W,SM,HAS STATE #50-64-0155, & REG SELECTION APLN. AA-11153 THESE LANDS. SELECTION AA-11153-23 WILL REN THE STATE PATENTED LANDS AS NOTATED ON THE CLEAN-UP IS DONE BY ASKING THE REGIONAL COF RELINQUISH THEIR SELECTION (PER CHRISTY FAX MARCH 2000). NOTE:NO.1,LAND PATENTED PA1232789, FOR SEC. IS 2.5 ACRES FOR THE REMAINING PORTION OF I WITHIN ORIGINAL LOT 1. NOTE:NO.2,LAND PATENTED PA1232789, FOR SEC. IS 2.5 ACRES FOR THE REMAINING PORTION OF I WITHIN ORIGINAL SE1/4 SW1/4. NOTE:NO.3,LAND PATENTED PA1232789, FOR SEC. IS 11.43 ACRES FOR THE REMAINING PORTION OF NOTE:NO.4,LAND PATENTED PA1232789, FOR SEC. IS 13.89 ACRES FOR THE REMAINING PORTION OF NOTE:NO.4,LAND PATENTED PA1232789, FOR SEC. IS 13.89 ACRES FOR THE REMAINING PORTION OF NOTE:NO.6,LAND PATENTED,PA1232789, SCC.27, J LOT 1. NOTE:NO.6,LANDS WITHIN LOT 21 PREVIOUSLY A OF LOT 8, WHICH IS IDENTIFIED AS PORTIONS (1D AND 8A ON THE RECONVEYANCE DEED. NOTE:NO.7,LAND PREVIOUSLY PATENTED PA123278 SEC.27,5N/8W, PREVIOUSLY PATENTED PA123278 SEC.35,SN/8W, PREVIOUSLY PATENTED PA123278 SEC.35,SN/8W, PREVIOUSLY PATENTED PA123278 SEC.35,SN/8W, PREVIOUSLY PATENTED PA123278	IN SC 13 AMATOF SW, SEC MH-PATE 3-23 ON MAIN ON MTP UNT RP. TO /ORITE C 22,5N/8 OT 19A, 22,5N/8 OT 19A, 22,5N/8 OT 19B 27,5N/8 FLOT 1. 27,5N/8 FLOT 1. 27,5N/8 FLOT 8. PORTION OF LOTS 39, FOR 16, NOW 39, FOR 16, NOW 39, FOR	NT IL N W, W, W, W, K V, SLY J		

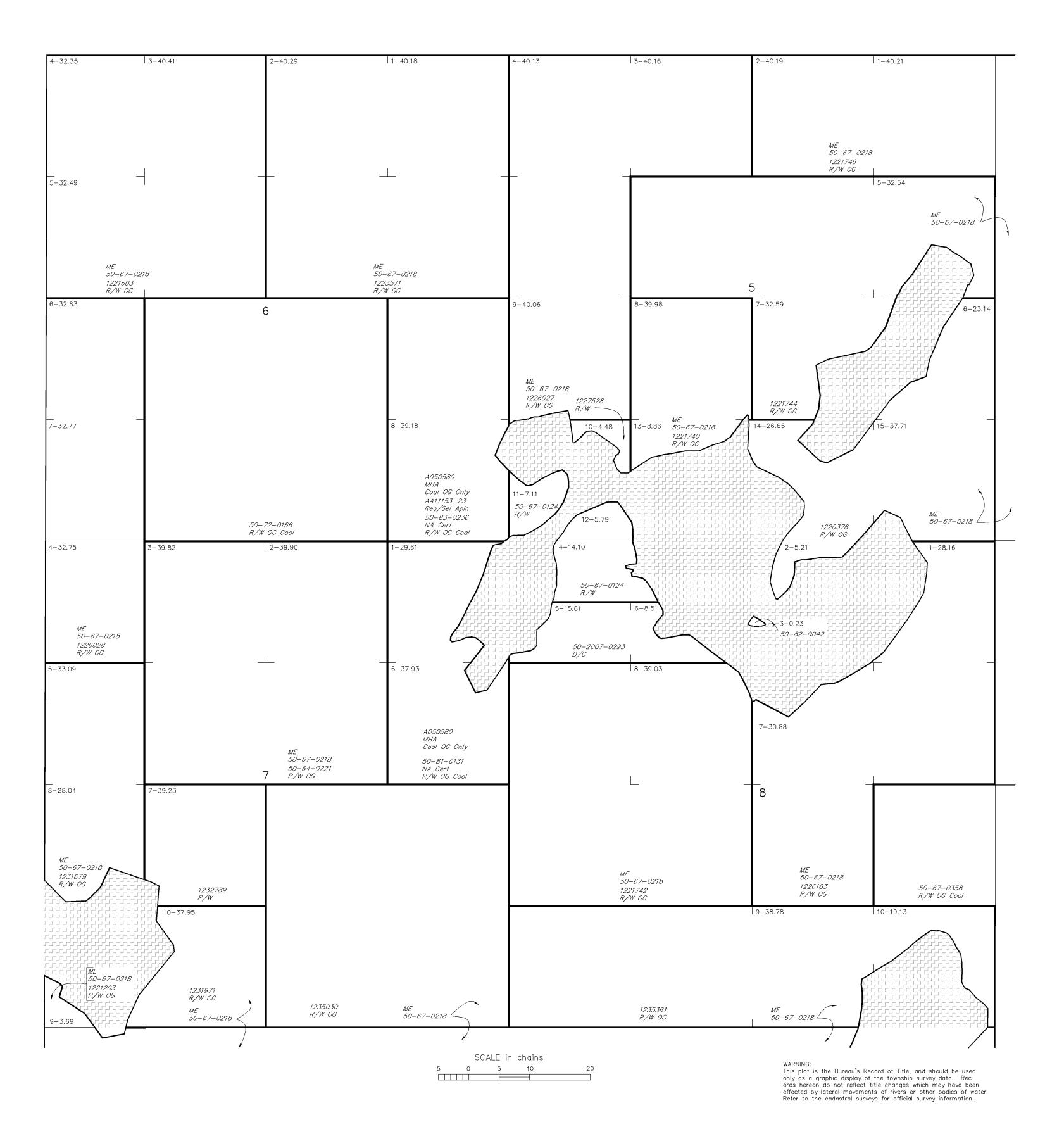
Property of the United States Government. This Document Contains Sensitive But Unclassified Information. Category 1(B) BLM Records that may contain protected information which must be segregated from the requested file prior to release.

Category I(D) DLM K	Actives that may contain protected information which must be segregated from the requested the prior to recase.				
CP03200R Adm-State:	Bureau of Land Management - Alaska LIS AK Case Abstract for: AKA 050580	26-Jun-09 Page 6			
	General Remarks				
	IDENTIFIED AS LOT 24. NOTE:NO.10,LAND IS PATENTED TWICE TO THE STATE WITH PA1232789 AND PA50-82-0108 (19.21 ACRES) MIN ESTATE. TITLE RECON IS NEEDED. LOT 1,SEC.7,5N/10W,SM. NOTE:NO.11; LAND PATENTED PA#1232789, FOR SEC.21, 5N/8W, IS 11.58 ACRES FOR THE REMAINING PORTION OF				
	LOT 7. NOTE:NO.12;LAND PREVIOUSLY PATENTED PA#1232789, FOR SEC.21,5N/8W, PREVIOUSLY A PORTION OF LOT 7. NOW IDENTIFIED AS LOT 43.				
	NOTE:NO.13; LAND PREVIOUSLY PATENTED PA#1232789, FOR SEC.21,5N/8W, PREVIOUSLY A PORTION OF LOT 7. NOW IDENTIFIED AS LOT 43.				
	NOTE:NO.14;LAND PREVIOUSLY WITHIN LOT 7. NOW LOT 43. NOTE:NO.15;LAND PREVIOUSLY WITHIN LOT8. NOW WITHIN LOT 8A. UPON SURVEYING ORIGINAL LOT 8, LOT 8A WAS				
	SURVEYED AS 29.24 ACRES. THE ABSTRACT ACREAGE WILL REMAIN AS 28.99 ACRES LOT 8 (LOT 8A) USING THE				
	REMAINING ACREAGE AFTER SUBTRACTING 8B OF 9.99 ACRES FROM 38.98 ACRES THE SURVEY ACREAGE USED IN PATENT #1232789.				
	H1232789. NOTE:NO.16;LAND PREVIOUSLY A PORTION OF SENESE. NOW IDENTIFIED AS LOT 1.				
	SUMMARY FOR CREDIT ACREAGES; PATENT 50-65-0096 WAS OVER CHARGES ACREAGE AND THE STATE WILL BE CREDITED 35.00 ACRES. THE SURVEYED ACREAGE IS 1,720.43 ACRES.				
	PATENT 1232789 WAS OVER CHARGED ACREAGE AND THE STATE WILL BE CREDITED 225.65 ACRES. THE SURVEYED ACREAGE IS 18,360.85 ACRES				
	QCD# AA-85340 GOES W/NA AA-5974; NOTE: NO. 17; LAND PREVIOUSLY PATENTED PA# 1219252, 40 AC. SEE LTR 10/4/68.				
	NOTE: NO. 18; LAND PREVIOUSLY PATENTED PA# 1126684 COAL, FISS MATERIAL ONLY IN PA# 1232789. SEE LTR				
	10/4/68. NOTE: NO. 19; QCD 10/17/03 WAS SUBJECT TO MINERAL RESERVATION IN QCD 6/10/02 WHICH DID NOT INCLUDE C,O&G IN LOT 14. U.S. HAS C, O&G. .^.^. SEE MH AGMT: AA-91172 .^.^.				
	Geographic Names MH 025				
	Land Description Rng Sec Aliquot Survey Id Tr Blk Lot Di Bor NR L				
28 5N Doc ID: F	8W 1 S2 04 122 07 P2 PA0001232789 USR: 754	A 320.0000			
	8W 1 S2NE 04 122 07 PA PA0001232789 USR: 754	A 80.0000			

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			Land							
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28 7N	11W 2							7 04	122 07 AT	29.0300 26797; AA-2
28 7N	11W 3	SWSW						04	122 07 RJ	40.0000
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28 7N	11W 4		IIGD	754				9 04	122 07 PA	20.0700
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28 7N	11W 9	E2SE	abstract,					04	122 07 AT	0.0000 71440; AA-8
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28 7N	11W 9							2 04	122 07 AT	40.1300
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									- / -11	

SURVEYED TOWNSHIP 7 NORTH RANGE 11 WEST OF THE SEWARD MERIDIAN, ALASKA



STATUS OF PUBLIC DOMAIN LAND AND MINERAL TITLES

MTP SUPPL SECS 5-8 NO 2
FOR ORDERS EFFECTING DISPOSAL OR USE OF UN IDENTIFIED LANDS WITHDRAWN FOR CLASSIFICATION MINERALS, WATER AND/OR OTHER PUBLIC PURPOS REFER TO INDEX OF MISCELLANEOUS DOCUMENTS.
A058731 SS Reserved Min Estate Only
PL 92-203 Wdl AA6698, Lds W/l AA6698-A
PLO 5183 Wdl Aid of Leg & Cl affects Lds/Intere not conveyed W/I Kenai National Moose Range
not conveyed w/n Kendi National Moose Kunge

PLO 5184 Wdl Cl affects Lds/Interests not conveyed

AA6698-A V/Sel Apln Excl Nav waters, patented Lds & Lds W/I 2 miles of the city limits of Kenai & Soldotna

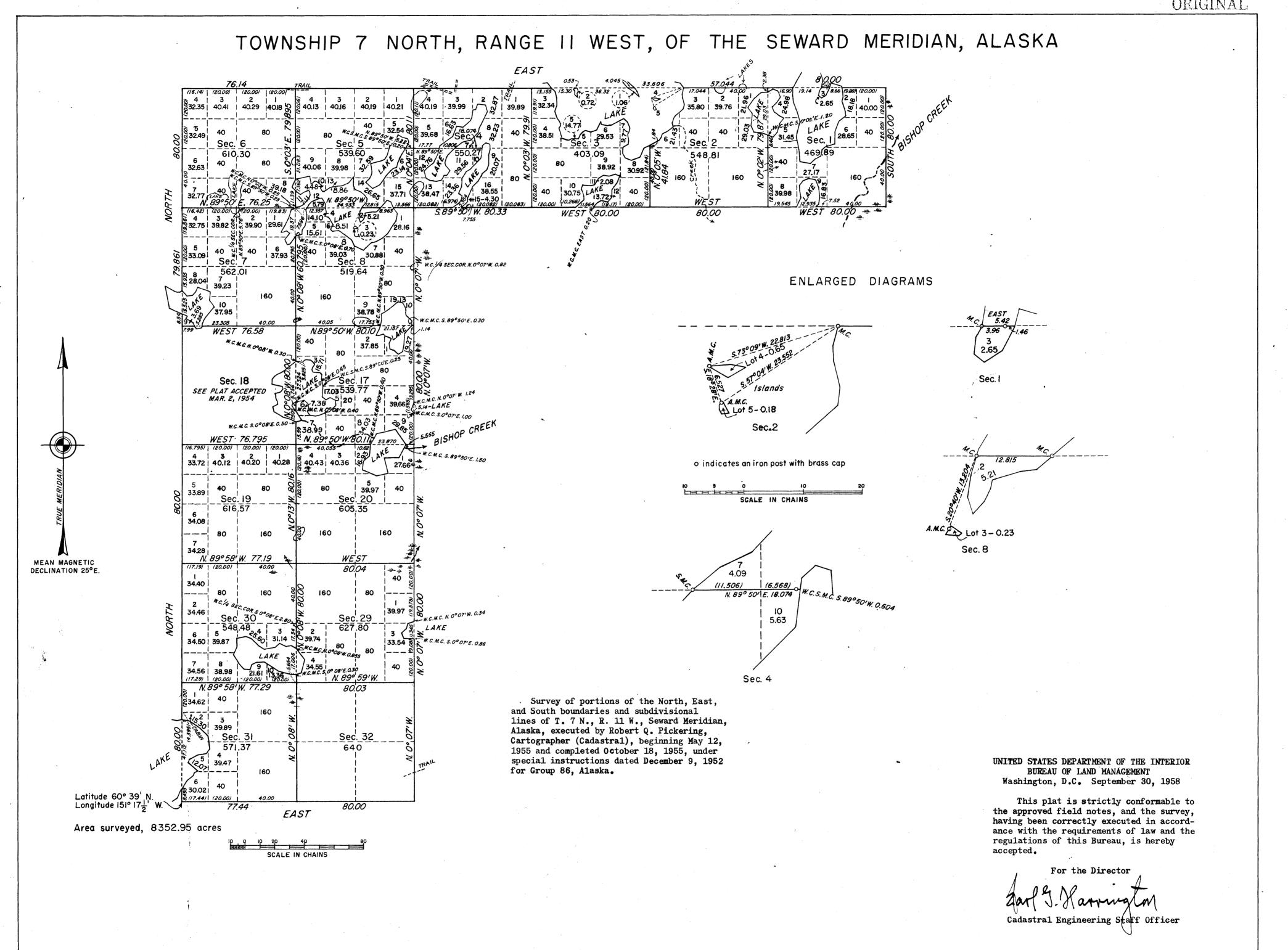
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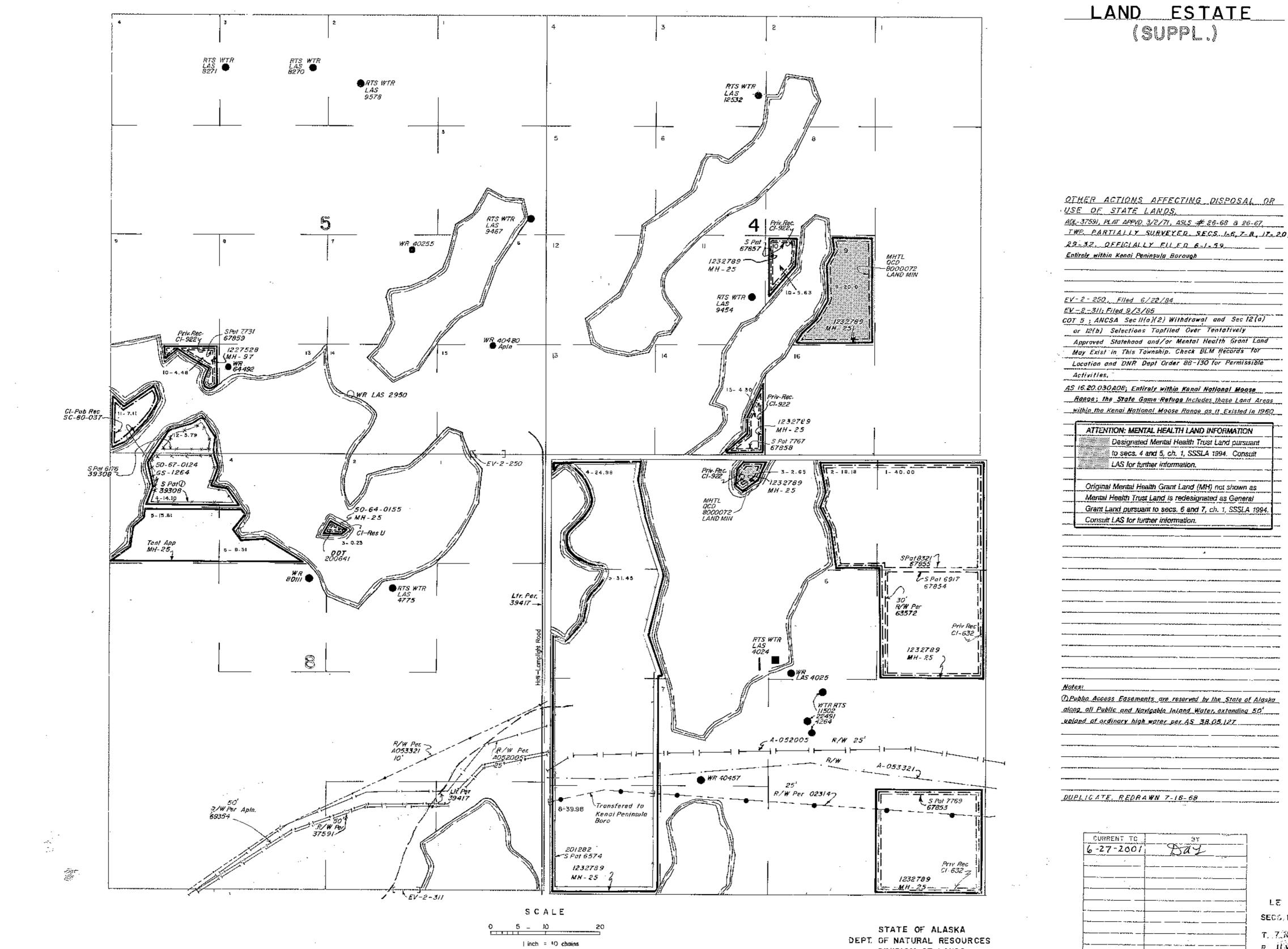
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ORIGINAL

Vol R44, 244

AS 1246 & 1289 A-P KENAI A-3 & A-4

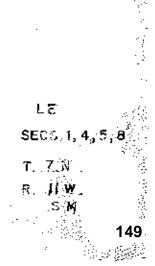
SUPPL. SECS. 1, 4, 5, 8 TWP 7N RGE IIW OF THE SEWARD MERIDIAN, ALASKA



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DIVISION OF LANDS

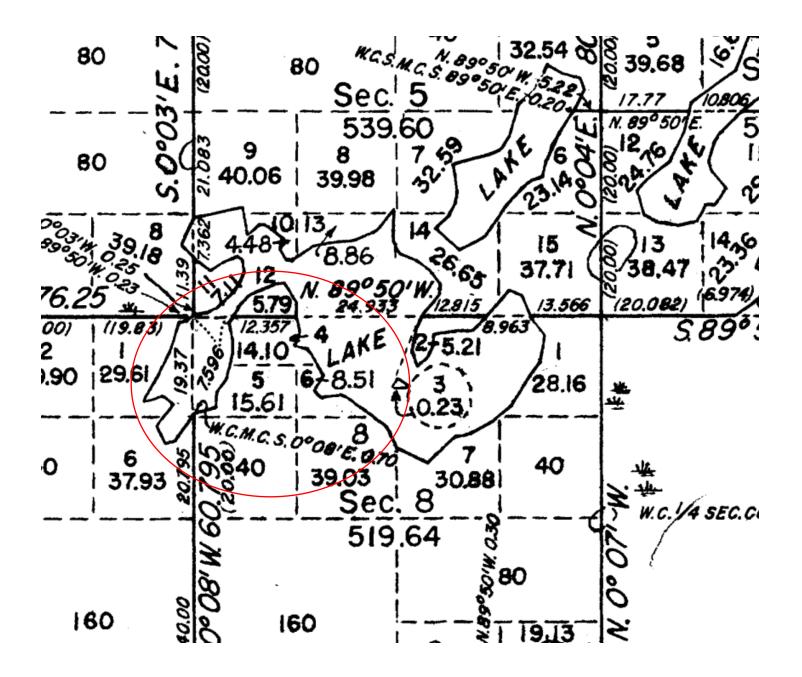
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Hindman, Julie

From:	JASON SCHOLLENBERG < jason@peninsulasurveying.com >
Sent:	Wednesday, January 5, 2022 2:39 PM
То:	Hindman, Julie
Cc:	Huff, Scott
Subject:	<external-sender>Re: Playle Estates</external-sender>

CAUTION: This email originated from outside of the KPB system. Please use caution when responding or providing information. Do not click on links or open attachments unless you recognize the sender, know the content is safe and were expecting the communication.

Julie,

If possible, we would like to postpone this one. The owner is attempting to get the rest of the property in their name so that we can combine the lots to the north.

Thank You

Jason Schollenberg, PLS

Peninsula Surveying, LLC 10535 Katrina Blvd Ninilchik, AK 99639

Phone: (907)306-7065 Fax: (907) 567-1017

On Thu, Dec 23, 2021 at 12:14 PM Hindman, Julie <<u>jhindman@kpb.us</u>> wrote:

Jason,

We have begun reviewing the preliminary plat for Playle Estates. The design as submitted will require a right of way dedication to provide access to Government Lot 4 to the north. Government Lot 4 and 12 do not front along a right of way or section line easement that provides access. Per KPB 20.30.030 "A. The streets provided on the plat must provide fee simple right-of-way dedications to the appropriate governmental entity. These dedications must provide for the continuation or appropriate projection of all streets in surrounding areas and <u>provide reasonable means of ingress for surrounding acreage tracts</u>. Adequate and safe access for emergency and service vehicle traffic shall be considered in street layout." We have several options in moving forward.

- We can proceed with the drawing as presented and approval will be conditional on a right of way dedication

- You can present a new sketch with a right of way dedication

- You can work with the land owners to include the lots to the north, Government Lots 4 and 12. (If lots are combined in a manner that all have right of way frontage a new dedication will not be required).

- You can request an exception for right of way dedication (staff will not support this and it will be difficult to get the committee to agree to something that excluded road access to a lot).

If it is decided to include the lots to the north, we will need the owner to sign a submittal form and a new certificate to plat to proceed. If those lots are added we would reschedule for the next available meeting once all items are received.

Our staff report and documents are to be completed by Wednesday, December 29, 2021. If you are unable to provide us with new documents or plans prior to that, we would suggest you request a postponement.

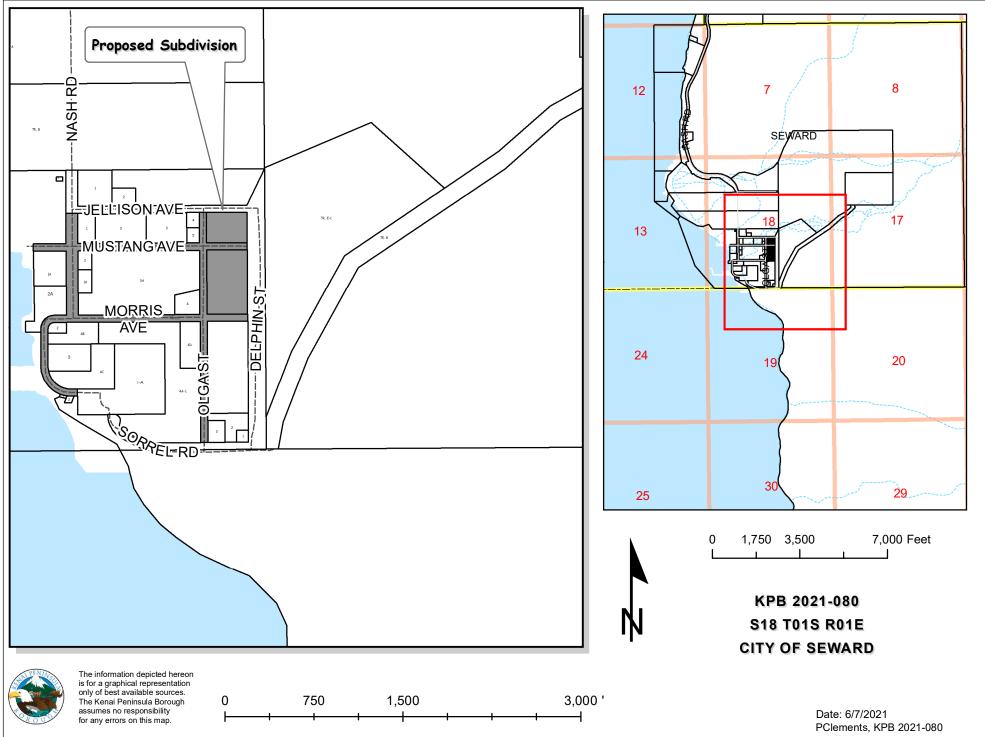
Julie Hindman

Platting Specialist

Ph: (907) 714-2210

Fx: (907) 714-2378







1,500 '



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

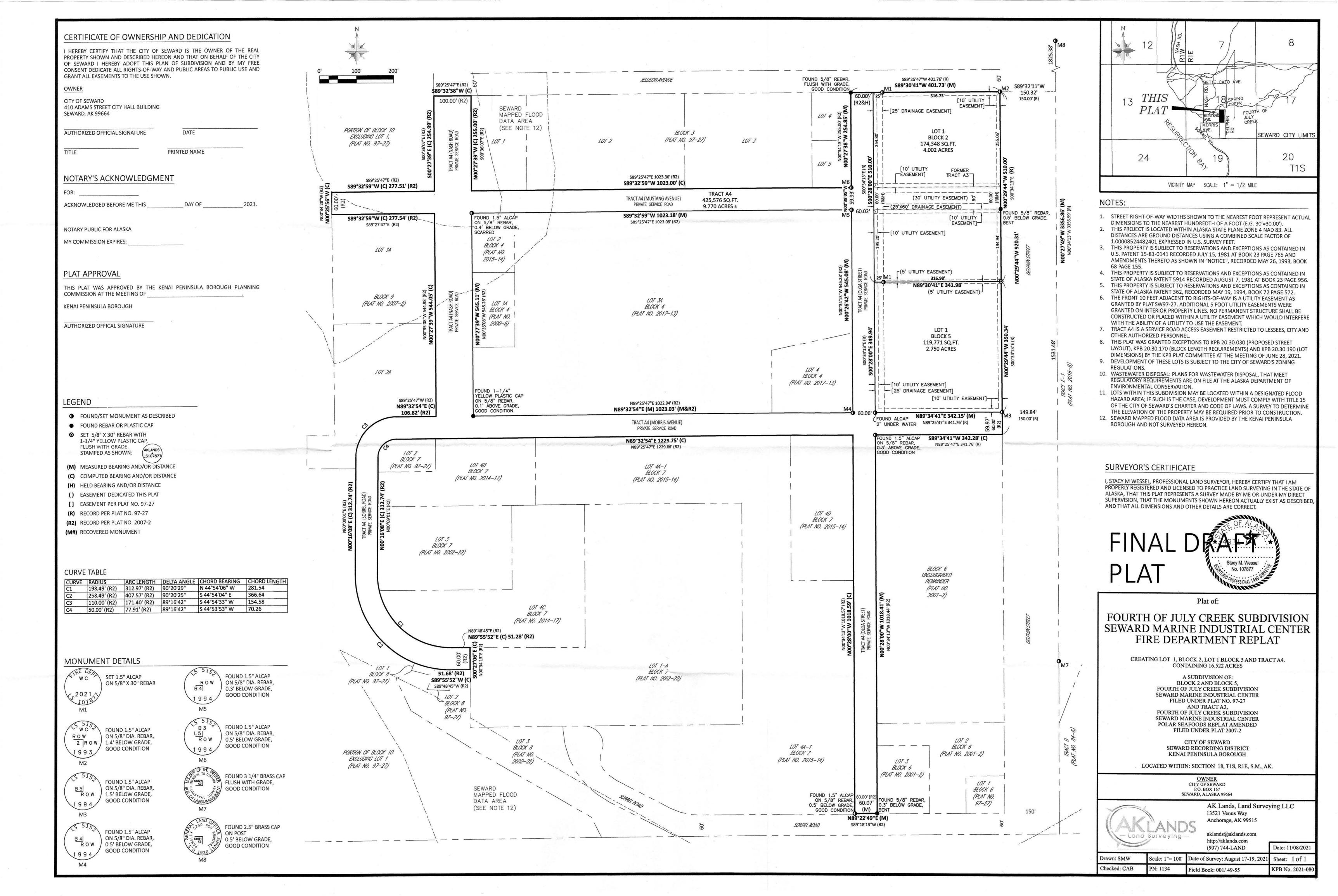


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PClements, KPB 2021-080 Date: 6/7/2021 Imagery SEWARD



AGENDA ITEM E. NEW BUSINESS

ITEM 5 - Fourth of July Creek Subdivision Seward Marine Industrial Center Fire Department Replat

KPB File No.	2021-080
Plat Committee Meeting:	January 10, 2022
Applicant / Owner:	City of Seward, Seward, Alaska
Surveyor:	Stacy M. Wessel / Enterprise Engineering, Inc.
General Location:	Delphin Street, Nash Road and Jellison Avenue, City of Seward
Parent Parcel No.:	145-340-20, 145-340-28, 145-340-41
Legal Description:	Block 2 and Block 5, Fourth of July Creek Subdivision, Seward Marine Industrial Center, Plat SW 97-27 and;
	Tract A3, Fourth of July Creek Subdivision, Seward Marine Industrial Center,
	Polar Seafood Replat, Amended, Plat SW 2007-2.
Assessing Use:	Residential and Commercial
Zoning:	Industrial Zoning District
Water / Wastewater	City

STAFF REPORT

Specific Request / Scope of Subdivision: The Kenai Peninsula Borough Plat Committee heard and approved the preliminary plat at the June 28, 2021 meeting. The proposed plat will reconfigure lot lines between two lots and a private road tract. A portion of the private road tract will be removed and will be added to one of the proposed parcels. The private road tract is approximately 9.7 acres and the new lots will be 2.7 and 4.0 acres. Exceptions were granted by the Plat Committee to KPB 20.30.030 - proposed street layout-requirements, KPB 20.30.170 – Blocks- Length requirements, and KPB 20.30.190 – Lots-Dimensions (Tract A3).

This plat is being brought back to the plat committee as the survey has requested an exception to KPB 20.60.200 Survey and Monumentation for the portion of the private road tract that is not being changed.

EXCEPTIONS REQUESTED:

KPB 20.60.200 – Survey and Monumentation (Portions of Tract A4)

<u>Surveyor's Discussion:</u> AK Lands, Land Surveying is requesting an exception to KPB code 20.60.200 for the Fourth of July Creek Subdivision Seward Marine Industrial Center Fire Department Replat, KPB File: 2021-080.

The Fire Department Replat involves subdividing Block 2 and Block 5, Fourth of July Creek Subdivision Seward Marine Industrial Center, plat 97-27 and a portion of Tract A3, Fourth of July Creek Subdivision Seward Marine Industrial Center Polar Seafoods Replat Amended, plat 2007-2 creating two new parcels. Block 2 will be expanded from 2 acres to 4 acres, absorbing .5 acres +/- out of 10.2 acres of Tract A3 between Block 2 and Block 5 and a portion of Block 5. The remainder of Block 5 is the second new lot.

AK Lands is requesting that all survey markers along the portions of Tract A4, not affected by the change in boundary, need not be located (or re-established if missing), and remain survey markers of record depicted on the final plat. The survey markers along Tract A4, bordering various parcels/blocks are not critical for the current subdivision. There are several primary survey markers surrounding the Seward Marine Industrial Center from US Survey 4827 and Alaska Tidelands Survey No. 1222. Within the industrial area, there have been numerous subdivisions from the 1990s to currently setting several primary and secondary survey markers.

Page 1 of 3

I have attached the final draft Fire Department Replat showing where the survey markers of record will be depicted on the final plat. Granting this exception to KPB Code will provide the City of Seward with two new lots that facilitates a new Fire Department Training Facility and economic opportunity for the second lot.

<u>Staff Discussion:</u> The creation of a tract for access purposes was created with Fourth of July Creek Subdivision Seward Marine Industrial Center, SW 97-27. The tract has been modified through the years to provide additional access, dedicate portions, or remove access that is no longer needed. This platting action will be removing a portion of the private access tract and adjusting the boundary between Block 2 and Block 5.

KPB code requires survey markers on all lot corners and along line segments at each bearing change. These survey markers are to be located during the platting process and if missing or disturbed, be re-established with new survey markers. The surveyor is proposing to show record survey marker information along portions of Tract A4.

The granting of the exception will not change the original approval date of the preliminary plat. The approval date will remain June 28, 2021 and is valid for two years with time extensions permitted as outlined in KPB 20.25.110.

If approved the majority of the survey markers on Tract A4 boundary will be per record information. Survey markers will still be found or set on the lines that are being changed as well as Lot 3A Block 4.

If denied, all monuments along Tract A4 will be required to be found or re-established and shown on the final plat.

Findings:

- 1. Tract A4 is a private tract.
- 2. Portions of Tract A4 have been developed with a service road which provides physical access for the lessees, City officials, and other authorized personnel.
- 3. The service access easement serves as legal access to many industrial parcels around the area.
- 4. The City of Seward is the owner of all lands within the subdivision, including Tract A4.
- 5. The Seward Planning and Zoning Commission reviewed and recommended approval of the preliminary plat on March 2, 2021.
- 6. The purpose of the plat is to reconfigure two lots in the northeast corner.
- 7. The Kenai Peninsula Borough Plat Committee approved the subdivision plat on June 28, 2021.
- 8. Exceptions were granted for street layout requirements, block length, and lot dimensions for Tract A4.
- 9. The survey markers for Tract A 4 were originally set 24 years ago in 1997.

Staff reviewed the exception request and recommends granting approval.

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

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

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

- 1. That special circumstances or conditions affecting the property have been shown by application; **Findings 1-8 appear to support this standard.**
- 2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title;

Page **2** of **3**

Findings 1-8 appear to support this standard.

 That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.
 Findings 1-8 appear to support this standard.

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

RECOMMENDATION:

SUBJECT TO EXCEPTION(S) GRANTED, STAFF RECOMMENDS:

- GRANT THE EXCPETION REQUESTED TO THE ALL READY APPROVED PRELIMINARY PLAT, 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



13521 Venus Way Anchorage, AK 99515 (907) 744-LAND <u>aklands@aklands.com</u> aklands.com

December 15, 2021

Kenai Peninsula Borough Planning Commission 144 N. Binkley St. Soldotna, AK 99669

Subject: Fire Department Replat Seward, Alaska 99669

Greetings Commission Members of the Kenai Peninsula Borough,

AK Lands, Land Surveying is requesting an exception to KPB code 20.60.200 for the Fourth of July creek Subdivision Seward Marine Industrial Center Fire Department Replat, KPB File: 2021-080.

The Fire Department Replat involves subdividing Block 2 and Block 5, Fourth of July Creek Subdivision Seward Marine Industrial Center, plat 97-27 and a portion of Tract A3, Fourth of July Creek Subdivision Seward Marine Industrial Center Polar Seafoods Replat Amended, plat 2007-2 creating two new parcels. Block 2 will be expanded from 2 acres to 4 acres, absorbing 0.5 acres ± out of 10.2 acres of Tract A3 between Block 2 and Block 5 and a portion of Block 5. The remainder of Block 5 is the second new lot.

AK Lands is requesting that all survey markers along the portions of Tract A4, not affected by the change in boundary, need not be located (or re-established if missing), and remain survey markers of record depicted on the final plat. The survey markers along Tract A4, bordering various parcels/blocks are not critical for the current subdivision. There are several primary survey markers surrounding the Seward Marine Industrial Center from US Survey 4827 and Alaska Tidelands Survey No. 1222. Within the industrial area, there have been numerous subdivisions from the 1990s to currently setting several primary and secondary survey markers.

I have attached the final draft Fire Department Replat showing where the survey markers of record will be depicted on the final plat. Granting this exception to KPB code will provide the City of Seward with two new lots that facilitates a new Fire Department Training Facility and economic opportunity for the second lot.

If you have any questions, feel free to call or email.

Sincerely,

AK Lands, Land Surveying, LLC by



Stacy Wessel Professional Land Surveyor

AGENDA ITEM E. NEW BUSINESS

ITEM 3 - Fourth of July Creek Subdivision Seward Marine Industrial Center Fire Department Replat

KPB File No.	2021-080
Plat Committee	June 28, 2021
Meeting:	
Applicant / Owner:	City of Seward, Seward, Alaska
Surveyor:	Stacy M. Wessel / Enterprise Engineering, Inc.
General Location:	Delphin Street, Nash Road and Jellison Avenue, City of Seward
Parent Parcel No.:	145-340-20, 145-340-28, 145-340-41
Legal Description:	Block 2 and Block 5, Fourth of July Creek Subdivision, Seward Marine Industrial Center, Plat SW 97-27 and;
	Tract A3, Fourth of July Creek Subdivision, Seward Marine Industrial Center, Polar Seafood Replat, Amended, Plat SW 2007-2.
Assessing Use:	Residential and Commercial
Zoning:	Industrial Zoning District
Water / Wastewater	City

Staff report given by Scott Huff.

Specific Request / Scope of Subdivision: The proposed plat will reconfigure lot lines between two lots and a private road tract. A portion of the private road tract will be removed and will be added to one of the proposed parcels. The private road tract is approximately 9.7 acres and the new lots will be 2.7 and 4.0 acres.

Legal Access (existing and proposed): The subdivision is located at the end of the dedicated portion of Nash Road, a 100 foot wide, State of Alaska DOT right of way. The subdivision is bordered to the north by 60 foot wide Jellison Avenue, 150 foot wide Delphin Street along the east, and 60 foot wide Sorrel Road along the south. Resurrection Bay is located to the west.

Internal lot access is via the private road tract and is designated as a service road. The private road tract contains Mustang Avenue, Morris Avenue, Olga Street in addition to Nash Road and Sorrel Road extensions. **Staff recommends** a plat note regarding Tract A4's use and designation be added to the plat.

Due to the access being a tract versus dedicated right of ways the block length is not compliant. An exception has been requested in addition to an exception request for proposed street layout.

KPB Roads Dept. comments	Out of jurisdiction; no comments
SOA DOT comments	No comments.

Site Investigation: Per KPB GIS data, there are no steep slopes within the proposed subdivision. Per KPB GIS data for National Wetlands Inventory, portions of the subdivision are subject to wetlands. Portions of Tract A4 are within the mapped Seward Bear Creek Flood area. Per code, any area of a subdivision within the Seward Mapped Flood Data Area is to be shown and labeled on the plat. **Staff recommends** that the plat depict and label any areas affected by the Seward Bear Creek Flood area.

Per KPB 21.18.025, all portions of waterways found within the Seward – Bear Creek mapped flood service area are exempt from KPB 21.18.

Floodplain Hazard Review	Within the City of Seward, no comments.
Anadromous Waters Habitat	Is not within an AWHPD
Protection District Review	
State Parks Review	No comments

<u>Staff Analysis</u> The proposed subdivision is a replat of a tract and two lots. The lots, designated only as blocks, were created on plat SW 97-27. The parent subdivision divided a large acreage tract including part of a US Survey. Parent plat SW 97-27 created Tract A to be used as a private access road.

All lands within the subdivision are owned by the City of Seward. The lots that are surrounded by proposed Tract A4 are owned by the City of Seward.

Two preliminary plats have been approved in the area. They are Fourth of July Creek Subdivision Seward Marine Industrial Center Polar Seafoods Replat KPB 2021-039 and Fourth of July Creek Subdivision Seward Marine Industrial Center Rainbow Replat #2 KPB 2019-015. **Staff recommends** current adjacent parcel information be shown on the final plat.

The City of Seward Planning and Zoning Commission heard the plat at their March 2, 2021 meeting. Resolution 2021-03 was adopted, which recommended approval of the preliminary plat. The resolution states the purpose of the replat is to create a new parcel to support training for the Seward Fire Department. Block 2 is currently serviced by public roads, municipal water, and electric. Block 5 is served by public roads and electric. An installation agreement with the City of Seward is not required.

Per the City of Seward P&Z Agenda Statement, the area consists of lots used for the City boat storage yard, AVTEC maritime training, improvements to support marine industrial trades, and the other parcels are currently undeveloped.

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.

A soils analysis report will not be required and an engineer will not need to sign the plat.

<u>Utility Easements</u> The plat is depicting the vacation of a utility vacation along the former lot lines. A petition to vacate has not been received by the planning department. The City of Seward resolution and agenda statement did not address the utility vacation. To proceed with the vacation will require the petition be approved by the City of Seward prior to being scheduled for the KPB Planning Commission. While the agenda statement did not discuss the utility easement vacation it does include comments regarding additional utility easements. The electric department stated they wanted to maintain existing utility easement and add 5 foot utility easements on interior lot lines of Lot 1 Block 5 and Lot 1 Block 2 in accordance with Plat 97.27. The public works department commented that they wanted to create a 30 foot public utility easement in that portion of Tract A3 to be eliminated for the purpose of future utility expansion. The requested easements do not appear to be present on the preliminary plat notes nor depiction. **Staff recommends** that the surveyor work with the utility providers and the City of Seward to provide the requested easements or approval from the utility providers.

A 25 foot drainage easement was granted along Block 2 and Block 5 but not within Tract A. **Staff recommends** the plat grant a 25 foot drainage easement within Lot 1 Block 2 over the portion of former Tract A3 to provide a continuous easement.

The plat SW 97-27 created 10 foot utility easements along all right of ways and 5 feet on all interior property lines. **Staff recommends** the 10 foot utility easement be depicted and labeled where Tract A4 abuts the Jellison Avenue and Sorrel Road right of ways.

The plat is showing a 10 foot utility easement within the new lots where they abut Tract A4 and states that the 10 foot utility easement is per plat 97-27. Parent plat SW 97-27 granted 5 foot utility easement along all interior lot lines. **Staff recommends** the 5 foot utility easement per SW 97-27 be depicted and labeled within Lot 1 Block 2, Lot 1 Block 5 and Tract A4.

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 comment or recommendations
ACS	
GCI	Approved as shown.
SEWARD ELECTRIC	Per the City of Seward staff report – Maintain existing utility easements and add 5-foot utility easements on interior lot lines of Lot 1 Block 5 and Lot 1 Block 2in accordance with plat 91-27.
CHUGACH	
ELECTRIC	
TELALASKA	

KPB department / agency review:

Addressing – Derek Haws	Affected Addresses: 3500 Mustang Avenue, 205 Delphin Street Street Names listed are correct. The City of Seward will advise on affected addresses.
Code Compliance – Eric Ogren	No Comment
Planner – Bryan Taylor	In the City of Seward, no review required.
Assessing – Adeena Wilcox	No comment
City of Seward – Fire Chief	No comment.

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

STAFF RECOMMENDATIONS

CORRECTIONS / EDITS

KPB 20.25.070 - Form and contents required.

A. Within the Title Block

1. Name of the subdivision which shall not be the same as an existing city, town, tract, or subdivision of land in the borough, of which a plat has been previously recorded, or so nearly the same as to mislead the public or cause confusion. The parent plat's name shall be the primary name of the preliminary plat.

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

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

Staff recommendation:

- The subdivision name does not to include the new lot descriptions. If you wish to include the new parcel information within the title block make it clear that the parcels are being created with this platting action. The text should not be the same size as the subdivision name and should say "Creating Lot 1, Block 2...etc."
- The Polar Seafoods Replat was Amended. "Amended" needs to be added to the subdivision name.
- The acreage will need to be verified prior to final. KPB records show the acreage as 16.83.
- The name of owner is missing with the title block. Add the City of Seward and their address.

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

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:

- All plat numbers depicted with SW 2014-7 will need corrected to Plat SW 2017-17.
- All plat numbers depicted with SW2015-4 will need corrected to Plat SW 2015-14.
- To the east, Block 6 has a plat number showing 97-27, correct to Plat SW 2001-2.
- North of Morris Avenue, correct Lot 3 to Lot 3A.
- South of Morris Avenue, correct Lot 1A-1 to Lot 1-A.
- Lot 3 Block 8, located west of Sorrel Road, needs the plat number corrected to SW 2002-22.
- Lots 1 and 2, located at the southern end of proposed Tract A4, need a "Block 8" label added and the recording number SW 97-27. Due to the lot size it may be best to label to the side and provide a leader to each lot.
- Block 10 surrounds the subdivision along the west. The existing labels, there are three, should include "Portion" as the legal description is for a remaining portion of block 10.
- Per code, the parcels east of Delphin Street should have labels.
- Per code, the parcels north of Jellison Avenue and south of Sorrel Road should also be labeled due to Tract A4's design. Staff recommends, due to the size of the plat and the design of Tract A4, the Plat Committee concur that further lot labels and depictions north and south of the subdivision are not required.
- The surveyor should check the status of neighboring lots prior to submitting the mylar. There are currently two plat committee approved preliminary designs within the adjacent lands. The preliminary plat states proposed platting action on some of those lots. Current information is required and any potential or tentative land changes should not be reflected on the final.
- Former lot descriptions may be removed from the new lots on the final.

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: Add a plat note for being within a Special Flood Hazard Area. Per code, any area of a subdivision within the Seward Mapped Flood Data Area is to be shown and labeled on the plat.

KPB 20.30 Design Requirements

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

20.30.050. Legal access.

A. The applicant shall provide an access plan to the planning department verifying the existence of legal access to the subdivision boundary. The plan shall consist of the documents depicting the access, a map depicting the location of the access, and topographic information indicating that construction which meets the design requirements set forth in KPB Chapter 20.30 is practical and economical. In this title, legal access exists where an unrestricted, public right-of-way connects the subdivision to the state highway system, the state marine highway system or a regularly served public airport, and one of the following is met:

1. Ingress and egress will be provided over section line easements located within a surveyed section;

2. The applicant provides copies of borough-accepted recorded conveyances creating the public easement or right-of-way where the access is located;

3. That access is a State of Alaska maintained road or municipal maintained road;

4. The applicant provides documentation satisfactory to the borough demonstrating that public legal access is guaranteed through judicial decree; or

5. The right-of-way is an easement or fee interest at least 60 feet in width dedicated or irrevocably conveyed to the public and acceptable to the planning commission.

B. The following situations may qualify for a waiver of the legal access requirement:

1. Upon finding that no practical means of providing road access to a proposed subdivision exists and upon presentation of credible and convincing evidence by the applicant that permanent public access by air, water, or railroad is both practical and feasible, the planning commission may waive the legal access requirements of KPB 20.30.050(A). If access other than by road is approved, the mode of access shall be noted on the plat.

2. Where only a 30-foot dedication exists over all or a portion of the legal access to a subdivision, the provisions of KPB 20.30.050(A) may be considered met if it is reasonable to expect that the other 30 feet will be dedicated in the future.

3. Where a road is in use for physical access but there is no right-of-way document for all or part of the access road, the provisions of KPB 20.30.050(A) may be considered met if it is reasonable to expect that the right-of-way will be dedicated in the future.

Staff recommendation: All lots within this subdivision have legal access via Delphin Street, Jellison Avenue, and Nash Road. Interior lots are accessed by Tract A4. The plat note regarding the use of Tract A4 should be carried over from the parent plat.

20.30.060. Easements-Requirements.

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

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

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

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

Staff recommendation: The affected utility providers were emailed the subdivision plat public hearing notice as part of the routine notification process. Add a plat note for the 5 foot utility easements from parent plat. Depict and label the 5 foot utility easement on all interior lines per the parent plat. If difficult to depict due to scale a typical depiction can be used to show how the parent plat note applies. Per SW97-27 there were 10 foot utility easements granted along all right of ways. This would include the portions of Tract A4 that abuts dedicated right of ways. Depict and label the 10 foot utility easements requested by the utility providers.

The plat is depicting a utility easement vacation. A petition to vacate has not been received. The City minutes, Resolution and staff report do not address the vacation. The agenda statement contains comments from public works and electric department requesting to leave existing utility easements and to create a new easement. This will need to be worked out with the city and utility providers.

The drainage easement should be continued over the portion of Tract A3 that is being combined into the lots.

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.

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

Staff recommendation: The curve at the intersection of Morris Avenue and Sorrel Road as an 80 foot radius. Concur that this platting action cannot provide additional area to create a curve with a radius of 200 feet at the intersection of Morris Avenue and Sorrel Road and an exception is not required.

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: A plat note that this falls under City of Seward zoning must be added to the plat.

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

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

20.30.280. Floodplain requirements.

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

Staff recommendation: Depict and label the area affected by the Seward Mapped Flood Data Area.

KPB 20.40 -- Wastewater Disposal

20.40.010 Wastewater disposal.

Platting Staff Comments: Lots are/will be serviced by City of Seward sewer. A wastewater note must be added to the plat.

Staff recommendation: comply with 20.40.

KPB 20.60 – Final Plat

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

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

Staff recommendation: There is a certificate of acceptance on the plat which can be removed as no public areas are being dedicated with this plat.

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

Staff recommendation: Per code, the boundary of the subdivision must be continuous line that is wider than any interior lot lines. The boundary depiction needs to be corrected along the 60 foot width of Tract A4 where Olga Street meets Jellison Avenue. A continuous, but thinner, line style must be used for interior lines specifically proposed Lot 1 Block 2 and Lot 1 Block 5.

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

Staff recommendation: To avoid confusion, the former lot label, plat information, and acreage, can be removed from Lot 1 Block 2 and Lot 1 Block 5. Remove the zoning information for the final plat.

20.60.180. Plat notes.

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

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

Staff recommendation: Place the following notes on the plat.

- Development of these lots is subject to the City of Seward's zoning regulations.
- Lots within this subdivision may be located within a designated flood hazard area; if such is the case, development must comply with Title 15 of the City of Seward's Charter and Code of Laws. A survey to determine the elevation of the property may be required prior to construction.
- Tract A4 is a service road access easement restricted to lessees, City, and other authorized personnel.
- <u>WASTEWATER DISPOSAL</u>: Plans for wastewater disposal that meet regulatory requirements are on file at the Alaska Department of Environmental Conservation.
- The front 10 feet adjacent to right-of-ways are a utility easement as granted by plat SW97-27. Additional 5 foot utility easements were granted on interior property lines. 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.
- Add a plat note for any exceptions granted and the date granted.

Plat note 1 can be removed prior to final plat submittal.

Plat notes 3A-3C will need to be removed unless a petition to vacate is submitted and approved. A blanket vacation as stated in 3C is not allowable. Easements to be vacated must be clearly depicted, or referenced and presented for a public hearing by the KPB Planning Commission. If easements were granted by separate documents they must be vacated or removed by the benefiting party by other means such as recording a document that terminates or releases the utility easement.

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: Update the certificate of ownership so correct pronouns are used. "I hereby certify that the City of Seward is the owner of the real property shown and described hereon and that I on behalf of the City of Seward 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." Staff also recommends adjusting the spacing within the Notary Acknowledgment as the current spacing will be difficult to sign and fill in information to be legible and not cover printed words. Acknowledgment is misspelled in "Notary Acknowledgment". Comply with 20.60.190.

20.60.200. Survey and monumentation.

Staff recommendation: Locate or reestablish survey markers at all property corners. Comply with 20.60.200

KPB 20.70 – Vacation Requirements

Staff Comments: A petition to alter or vacate the utility easements of record has not been submitted to KPB for review.

Staff recommendation. Approval from the City of Seward and a petition must be submitted for hearing.

EXCEPTIONS REQUESTED:

<u>A.</u> <u>KPB 20.30.030 – Proposed street layout – requirements,</u> <u>KPB 20.30.170 – Blocks – Length requirements</u> <u>KPB 20.30.190 – Lots - Dimensions</u> (Tract A3)

Surveyor's Discussion:

20.30.030 Proposed Street Layout

The new subdivision will be accessed by developed Tract A3 to the west and south, Jellison Avenue to the north and undeveloped Right-of-Way, Delphin Street to the east. Tract A3 is a developed 60' wide service road access easement restricted to lessees, City and other authorized personnel. The service access easement serves as legal access to many industrial parcels around this area.

20.30.170 Block length requirements

Tract A3 is a service access easement that is restricted to lessees, City, and other authorized personnel. The traffic is low volume and is not an arterial street or state-maintained road. Block 2 and Block 5 are not less than 330 feet and is no more than 1,320 feet.

20.30.190 Lots Dimensions for Tract 3

The purpose of Tract A3 is a service access easement that is restricted to lessees, City and other authorized personnel. The service access easement serves as legal access to many industrial parcels around this area.

<u>Staff Discussion:</u> Staff grouped these three exceptions as denial of any one of these will require a redesign of the subdivision and all are due to the design of the private access tract.

The creation of a tract for access purposes was created with Fourth of July Creek Subdivision Seward Marine Industrial Center, SW 97-27. The tract has been modified through the years to provide additional access, dedicate portions, or remove access that is no longer required, this platting action will be removing a portion of the private access tract where it is no longer needed.

An exception to block length was granted to Fourth of July Creek Subdivision Seward Marine Industrial Center Washdown Pad Replat, Plat SW 2014-17. That plat reconfigured lots contained within the boundary of Tract A3. Fourth of July Creek Subdivision Seward Marine Industrial Center Rainbow Replat, Plat SW 2015-14, also received an exception to block length and the lots were also surrounded by Tract A3.

The preliminary plat, Fourth of July Creek Subdivision Seward Marine Industrial Center Coastal Lots Replat KPB File 2021-039, received exceptions on April 26, 2021 to 20.30.030 projection of right of way and 20.30.170 Block Length.

If denied, this platting action will be required to dedicate a 60 foot wide right of way for Tract A4.

Findings:

- 1. Proposed Lot 1 Block 2 has dedicated access from Jellison Avenue and Delphin Street.
- 2. Proposed Lot 1 Block 5 has dedicated access from Delphin Street.
- 3. Proposed Tract A4 has dedicated access from Nash Road, Jellison Avenue, Sorrel Road, and Delphin Street.
- 4. The proposed lots will have restricted access available from Tract A4.
- 5. Tract A4 contains a developed service road which provides restricted physical access for the lessees, City officials, and other authorized personnel.
- 6. The service access easement serves as legal access to many industrial parcels around the area.
- 7. The City of Seward is the owner of the subdivision.
- 8. The City of Seward is the owner of Tract A4, which provides access to the subdivision.
- 9. The Seward Planning and Zoning Commission reviewed and recommended approval of the preliminary plat on March 2, 2021.
- 10. Lots bordered by Tract A4 are owned and managed by the City of Seward.
- 11. Previous plats in the area were approved with similar design.
- 12. Tract A4 is 60 feet in width and designed so that it could be dedicated in the future if the need arises.

13. A dedication to right of way in place of Tract A4 will provide adequate right of way, compliant blocks, and required access for neighboring lots.

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 1-13 appear to support this standard.**
- 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 1-13 appear to support this standard.
- 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 1-13 appear to support this standard.

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

RECOMMENDATION:

SUBJECT TO EXCEPTION(S) GRANTED, STAFF RECOMMENDS:

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

NOTE: 20.25.120. - REVIEW AND APPEAL.

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

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

END OF STAFF REPORT

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

Ms. Hindman asked Commissioner Ecklund if she had heard and acted on this item at the City of Seward Planning Commission. Commissioner Ecklund replied yes and recused herself from voting on this item.

MOTION: Commissioner Venuti moved, seconded by Commissioner Gillham to grant preliminary approval to Fourth of July Creek Subdivision Seward Marine Industrial Center Fire Department Replat based on staff recommendations and compliance to borough code.

AMENDMENT: Commissioner Venuti moved seconded by Commissioner Gillham to grant exception request to KPB 20.30.030-Proposed Street Layout Requirements, KPB 20.30.17-Block Length Requirements & KPB 20.30.190-Lot Dimensions for Tract A3, citing findings 1-13 in support of standards one, two & three.

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

AMEMDMENT MOTION PASSED BY UNANIMOUS VOTE

Yes	5	No	0	Recused	1	Absent	1
Yes	Gillha	m, Marti	in, Mor	gan, Venuti			
No							
Recused	Ecklur	nd					
Absent	Carluc	cio					

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

Yes	5	No	0	Recused	1	Absent	1
Yes	Gillha	m, Marti	in, Mor	gan, Venuti			
No							
Recused	Ecklu	nd					
Absent	Carlu	ccio					

AGENDA ITEM E. NEW BUSINESS

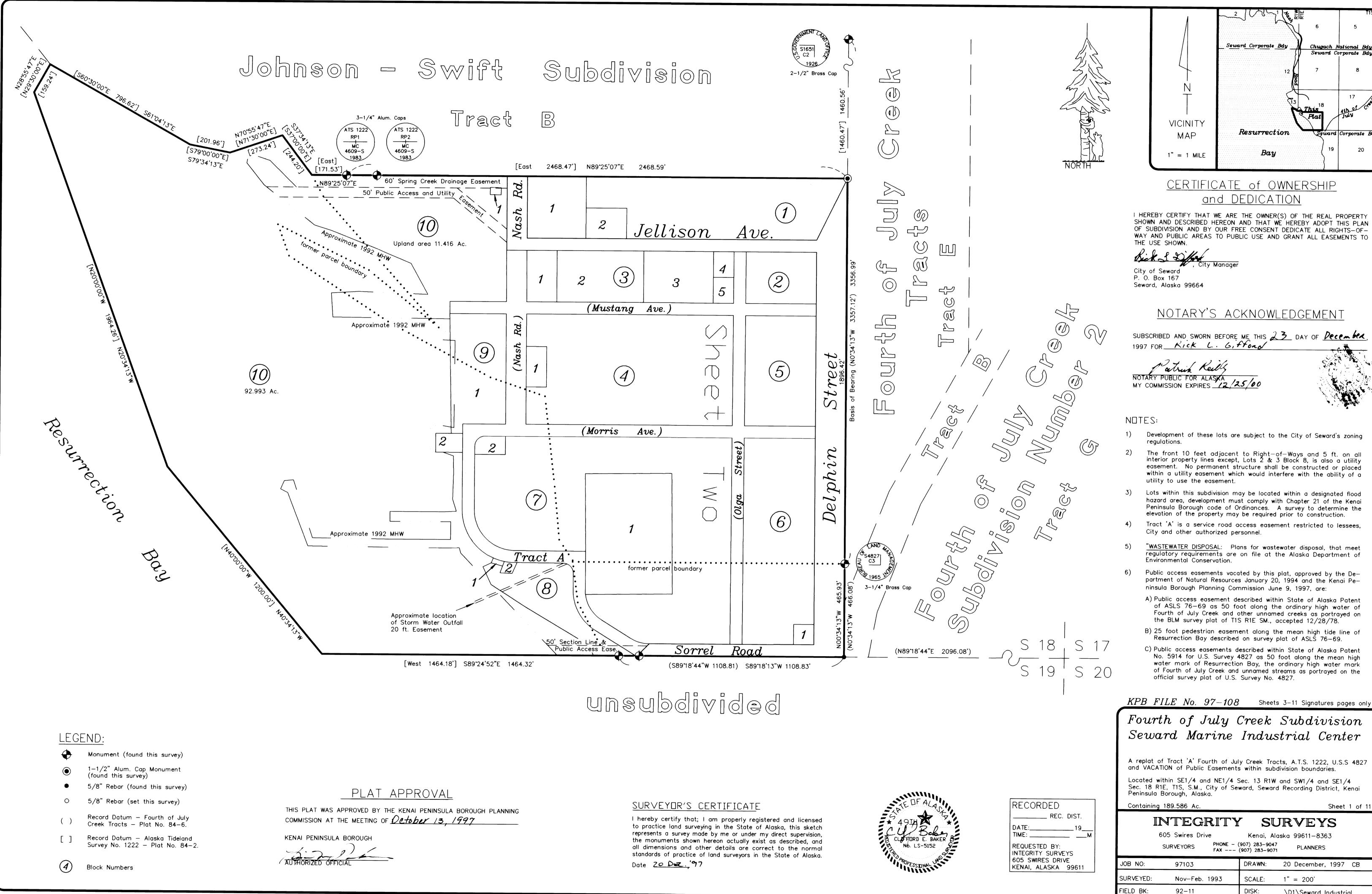
ITEM 4 - Kings Creek 2021 Replat

KPB File No.	2021-081
Plat Committee	June 28, 2021
Meeting:	
Applicant / Owner:	John A. Baker of Elko, Nevada
Surveyor:	Stephen C. Smith / Geovera, LLC
General Location:	Mile 9.5 East End Road
	Wilderness Lane and Sarah Street / Kachemak APC
Parent Parcel No.:	172-460-25
Legal Description:	Lot 5, King's Creek 5 Plat HM 84-79
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On Site

Staff report given by Scott Huff.

Specific Request / Scope of Subdivision: The proposed plat will subdivide a 6.6 acre lot into two lots, one being 1.5 acres and the other 5.134 acres.

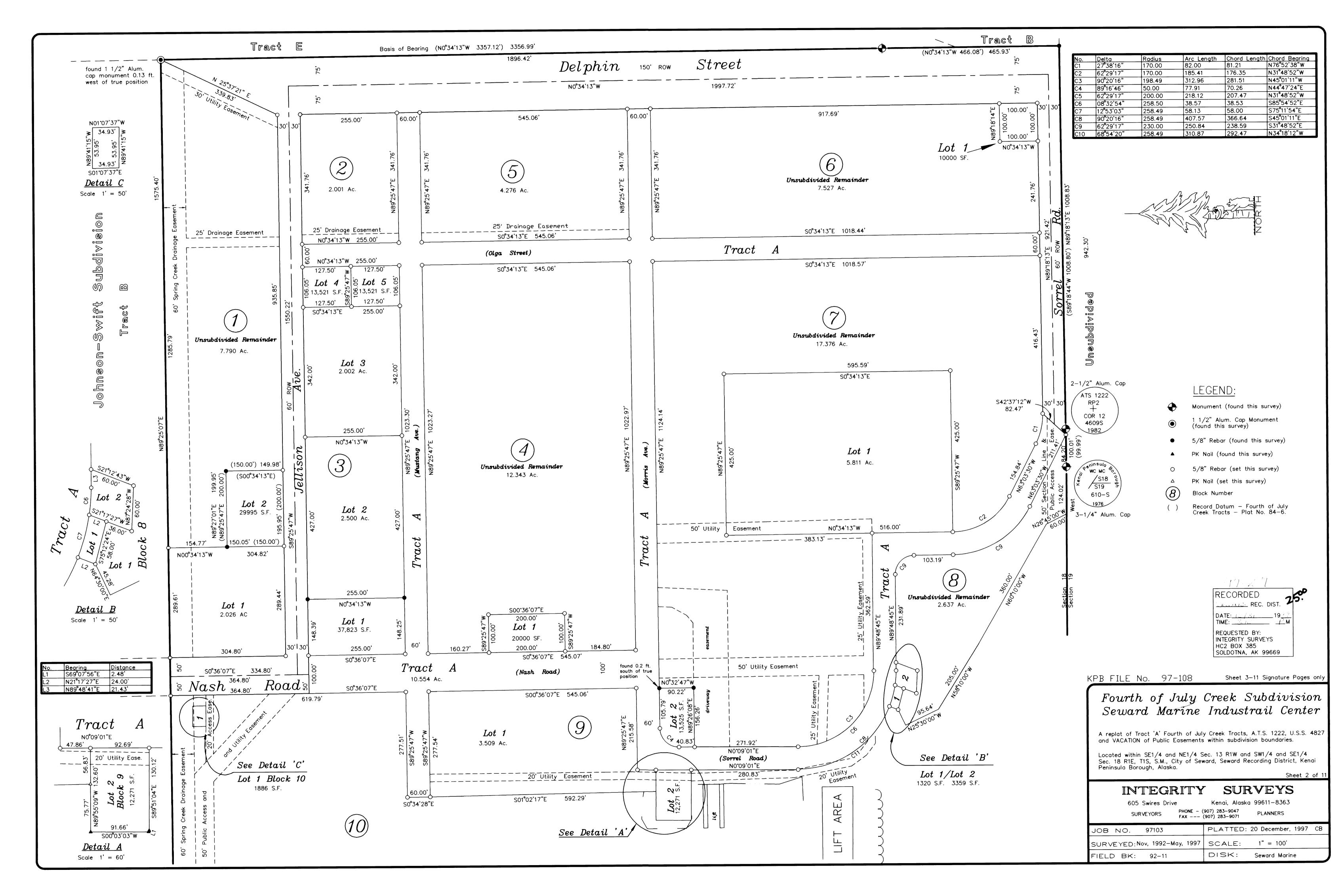
Legal Access (existing and proposed): The subdivision is located on Wilderness Lane, a 60 foot right of way maintained by the borough. Wilderness Lane is off KPB maintained Walters Street, which is located around mile 9.5 of state maintained East End Road. Wilderness Lane is constructed past the subdivision but per KPB GIS data is only maintained to Sarah Street.

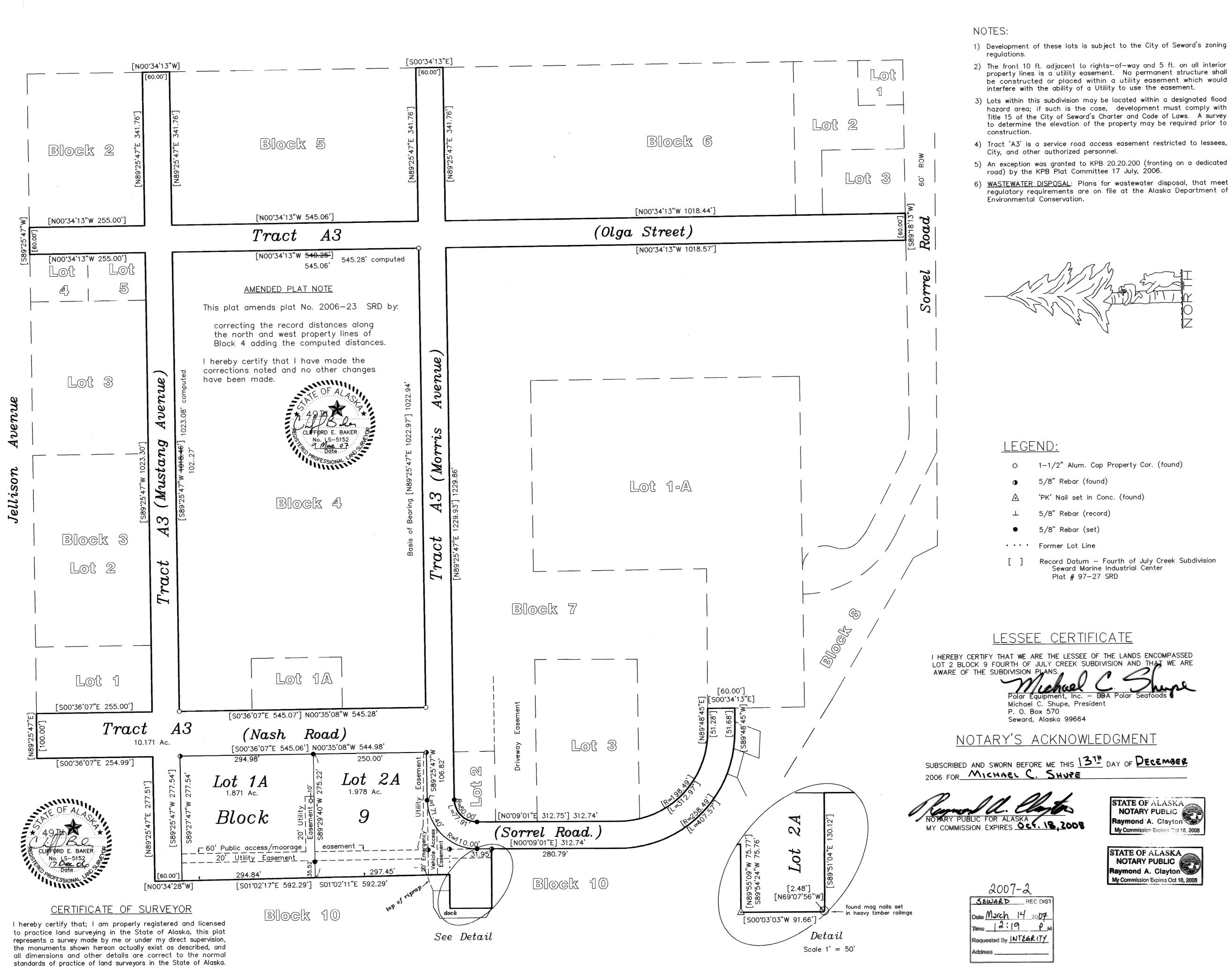


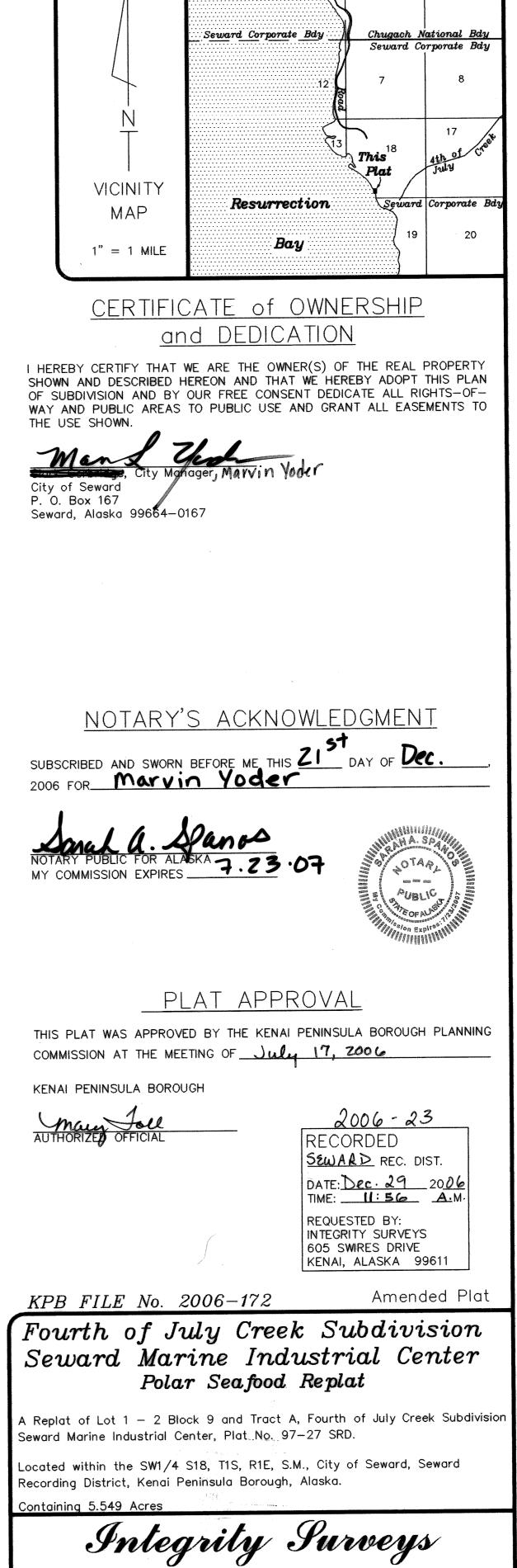
92-11

DISK:

\D1\Seward Industrial



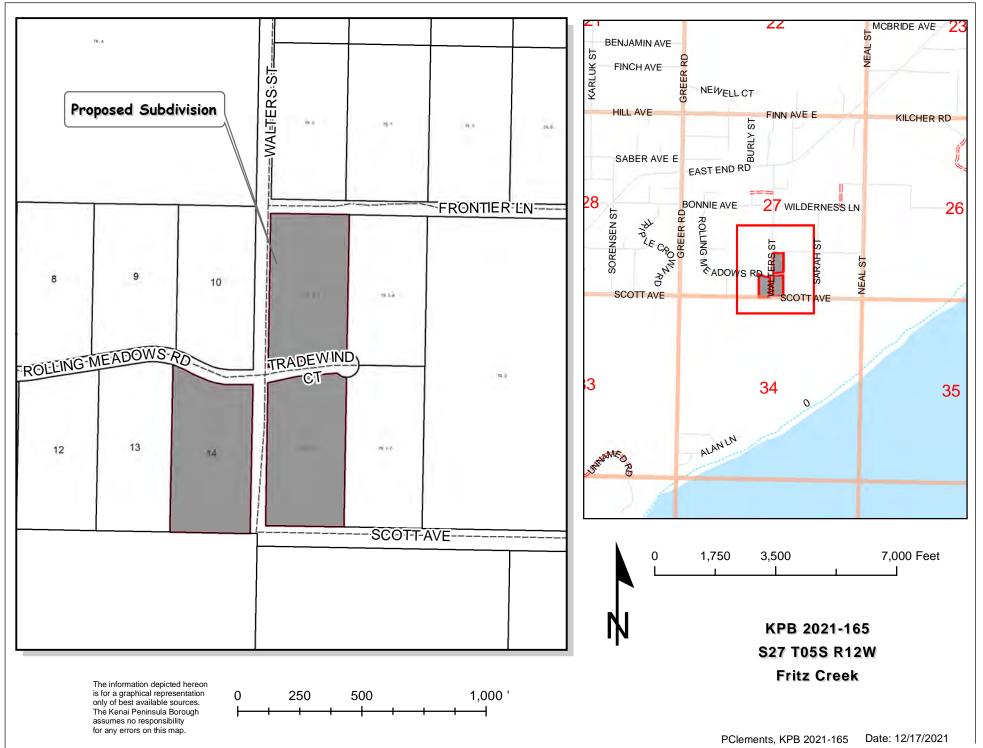


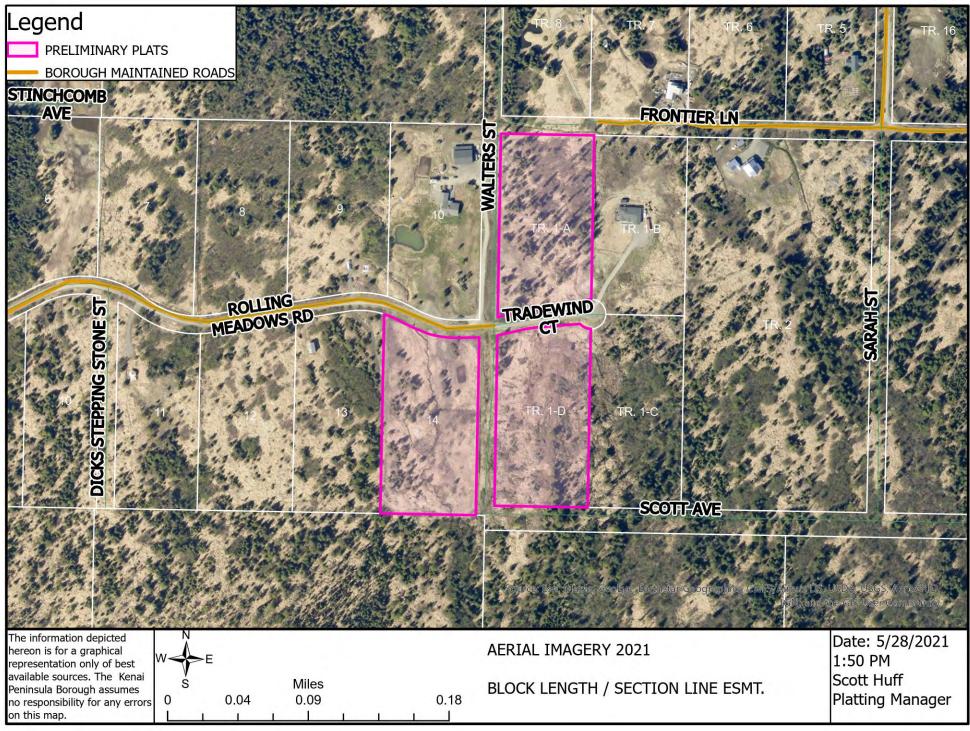


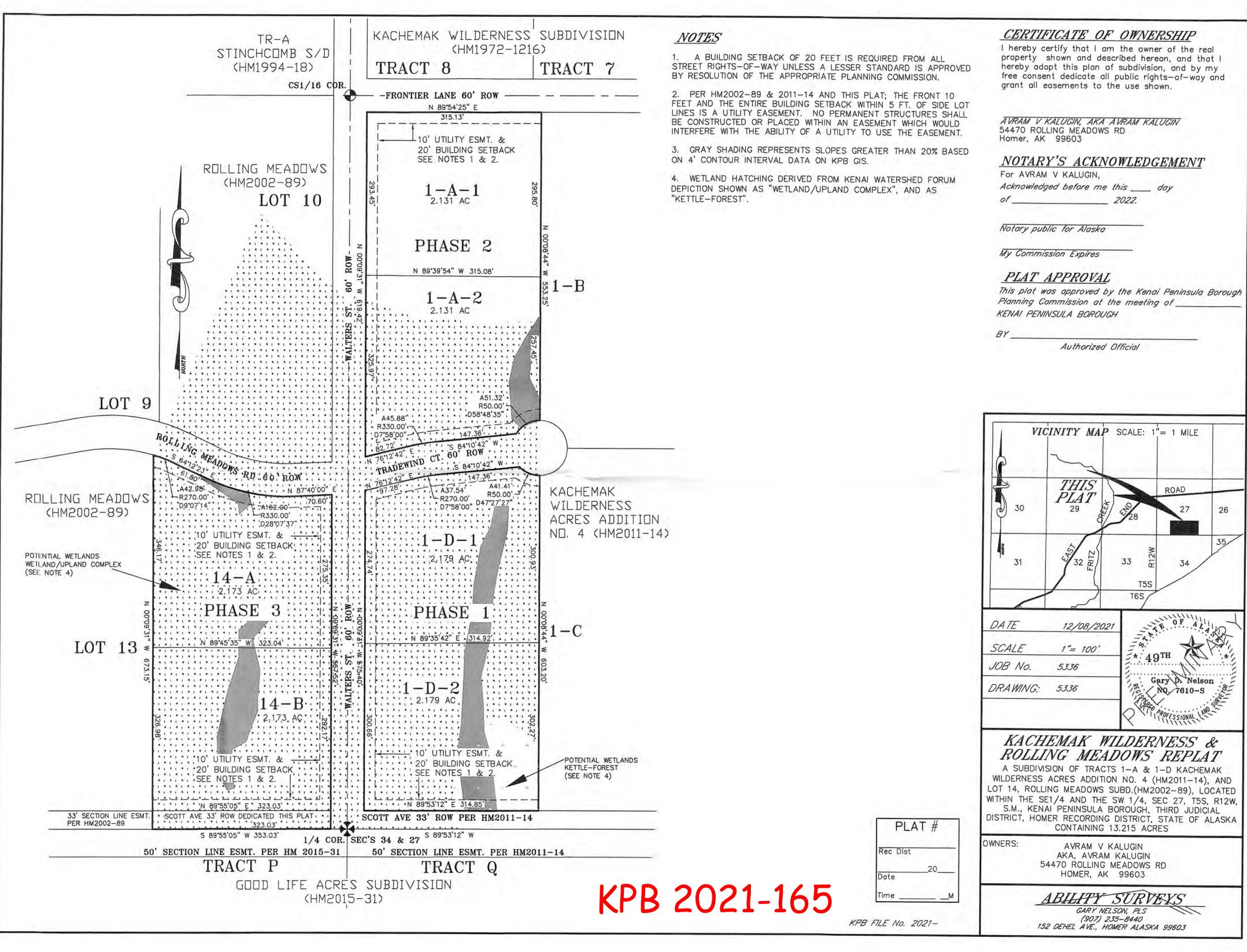
2 EV

Kenai, Alaska 99611-8363 605 Swires Drive PHONE – (907) 283–9047 FAX ––– (907) 283–9071 PLANNERS SURVEYORS

	CAA	(00.) 200 00.	
IOB NO:	25219	DRAWN:	14 November, 2006 CB
SURVEYED:	Nov. 2000 - 2006	SCALE:	1" = 100'
IELD BK:	2000-3, Pg. 88-93	DISK:	SMIC







AGENDA ITEM E. NEW BUSINESS

KPB File No.	2021-165
Plat committee meeting:	January 10, 2022
Applicant / owner:	Avram V. Kalugin
Surveyor:	Ability Surveys / Gary Nelson
General location:	Frontier Lane, Walters Street, Tradewind Court and Scott Avenue
Parent parcel no.:	172-450-21, 172-450-47, 172-450-50
Legal description:	Tracts 1A and 1D Kachemak Wilderness Acres Addition No 4 plat HM 2011-14 and Lot 14 Rolling Meadows Sub plat HM 2002-89, Homer Recording District
Assessing use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On Site

ITEM 6 - KACHEMAK WILDERNESS AND ROLLING MEADOWS REPLAT

STAFF REPORT

<u>Specific Request / Scope of Subdivision</u>: The proposed plat will be dividing three parcels, approximately 4.3 acres in size, into six lots that will be approximately 2.2 acres in size.

Location and Legal Access (existing and proposed): This plat is located in the Fritz Creek area. Legal access to the subdivision is from milepost 8.75 of East End Road to Bonnie Avenue, to Rolling Meadows Road. Both Bonnie Avenue and Rolling Meadows Road are 60 foot wide dedicated right of ways that are maintained by the Kenai Peninsula Borough.

Rolling Meadows Road intersects with Tradewind Court and Walters Street. Tradewind Court and Walters Street north of Tradewind Court have been improved but are not maintained. The south end of Walters Court intersects Scott Avenue, a 83 foot dedicated right of way to the east, and a 83 foot section line easement to the west. The north end of Walters Street intersects Frontier Lane, a 60 foot wide dedicated right of way with borough maintenance to the northeast corner of the subdivision.

This plat will be dedicated a 33 foot wide right of way on the south boundary of Lot 14 which will encompass the 33 foot section line easement.

Large acreage parcels are located to the south and when subdivided will be required to provide the necessary right of way dedications to comply with KPB subdivision standards.

Kachemak Wilderness Acres Addition No. 4, plat HM 2011-14, depicts a cat trail extending east from Tradewind Court. No public access easement exists on the cat trail.

The parcels east of Walters Street are within a compliant block defined by Frontier Lane, Sarah Street, Scott Avenue, and Walters Street. The parcels west of Walters Street are within a compliant block defined by Walters Street, Rolling Meadows Road, Dicks Stepping Stone Street, and the 83 foot section line easement.

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

Site Investigation: Per the Kenai Watershed Forum wetland mapping information, a majority of the subdivision is

Page 1 of 5

affected by an Upland Complex ecosystem with a small portion of Kettle ecosystem in the southeast corner.

The terrain is generally sloping to the south. The surveyor has identified area with slopes greater than 20% with gray shading on the preliminary plat. It appears that there is a seasonal drainage running from the north boundary of Lot 14-A to the south boundary of Lot 14-B.

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 totally or partially within HPD Comments: No comments
	C. State Parks
	Reviewer: Russell, Pam
	Comments:No Comments

<u>Staff Analysis</u> The parent parcels were created by two different plats. Kachemak Wilderness Acres Addition No. 4, HM 2011-44, created parent lots 1-A and 1-D while Rolling Meadows, HM 2002-89, created Lot 14 Block 1.

No improvements currently exist on the three parent parcels.

A soils analysis report was not prepared for the parent parcels but will be required for this platting action. An engineer will sign the final plat.

The plat is intended to be completed in three phases.

Due to an eight week delay with the title companies, the Certificate to Plat has not yet been delivered. In the interest of time, **Staff recommends** that the plat committee concur that the plat can be reviewed at this time and Staff can review the certificate to plat when it is delivered. Staff will bring the plat back to the plat committee if there are any items in the report that need to be addressed.

If a beneficial interest holder affects the property, then staff will send notice of the proposed plat to the beneficial interest holder on. 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.

If the property is not affected by a beneficial interest holder, then notification per KPB 20.25.090 will not be required unless the final Certificate to Plat states beneficial interest holders affect the property.

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.

<u>Utility Easements</u> The parent plats granted a 10 foot easement adjoining the dedicated right of ways with a 20 foot easement adjoining the right of way within 5 feet of the side lot lines. The plat notes reference the correct information. *Staff recommends* the utility easement of record be depicted and labeled on the drawing or provide a typical drawing.

If the Certificate to Plat identifies any additional easements of record then, **Staff recommends** that the easements of record be depicted and noted 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.

<u>Utility provider review:</u>			
HEA	No comments.		
ENSTAR	No comments or recommendations.		
ACS			
GCI	Approved as shown.		

Utility provider review:

KPB department / agency review:

<u>KPB department / agency rev</u> Addressing	Reviewer: Haws, Derek
-	Affected Addresses:
	54445 TRADEWIND CT
	54475 ROLLING MEADOWS RD
	Existing Street Names are Correct: Yes
	List of Correct Street Names: TRADEWIND CT
	ROLLING MEADOWS RD WALTERS ST
	SCOTT AVE
	FRONTIER LN
	Existing Street Name Corrections Needed:
	All New Street Names are Approved: No
	List of Approved Street Names:
	List of Street Names Denied:
	Comments:
	54445 TRADEWIND CT will remain with Lot 1-D-1
	54475 ROLLING MEADOWS RD will remain with Lot Lot 14A
Code Compliance	Reviewer: Ogren, Eric
	Comments: No comments
Planner	Reviewer: Aldridge, Morgan 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 Commissio	n

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 depiction of the subdivision boundary within the vicinity map.
- G. The status of adjacent lands within 100 feet of the proposed subdivision boundary or the land status across from any dedicated rights-of-way that adjoin the 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: Label the block number within Lot 13 Block 1 and Lot 9 Block 2 HM 2002-89.

J. Block and lot numbering per KPB 20.60.140, approximate dimensions and total numbers of proposed lots; **Staff recommendation:** Label the block number within proposed Lots 14-A and 14-B.

KPB 20.30 – Subdivision Design Requirements

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

KPB 20.40 – Wastewater Disposal

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

20.40.010 Wastewater disposal.

Platting Staff Comments: A soils analysis report will be required for this subdivision plat. **Staff recommendation**: comply with 20.40.

KPB 20.60 – Final Plat

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

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

Staff recommendation: Provide a certificate of acceptance for KPB to accept the dedication of Scott Avenue.

20.60.120. Accuracy of measurements. All linear measurements shall be shown to the nearest 1/10 foot, and angular measurements shall be at least to the nearest minute. All lot areas shall be shown to the nearest 10 square feet or to the nearest 1/1,000 of total acres. Meander lines, dry land areas and submerged land areas shall be shown in addition to total area when applicable. All boundary closures shall be to a minimum accuracy of 1:5,000. Boundary and lot closure computations must be submitted with the final plat.

Page 4 of 5

Staff recommendation: provide boundary and lot closure computations with the paper final plat. KPB will verify closure complies with 20.60.120.

20.60.180. Plat notes.

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

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

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

20.60.200. Survey and monumentation.

Staff recommendation: Comply with 20.60.200.

RECOMMENDATION:

STAFF RECOMMENDS:

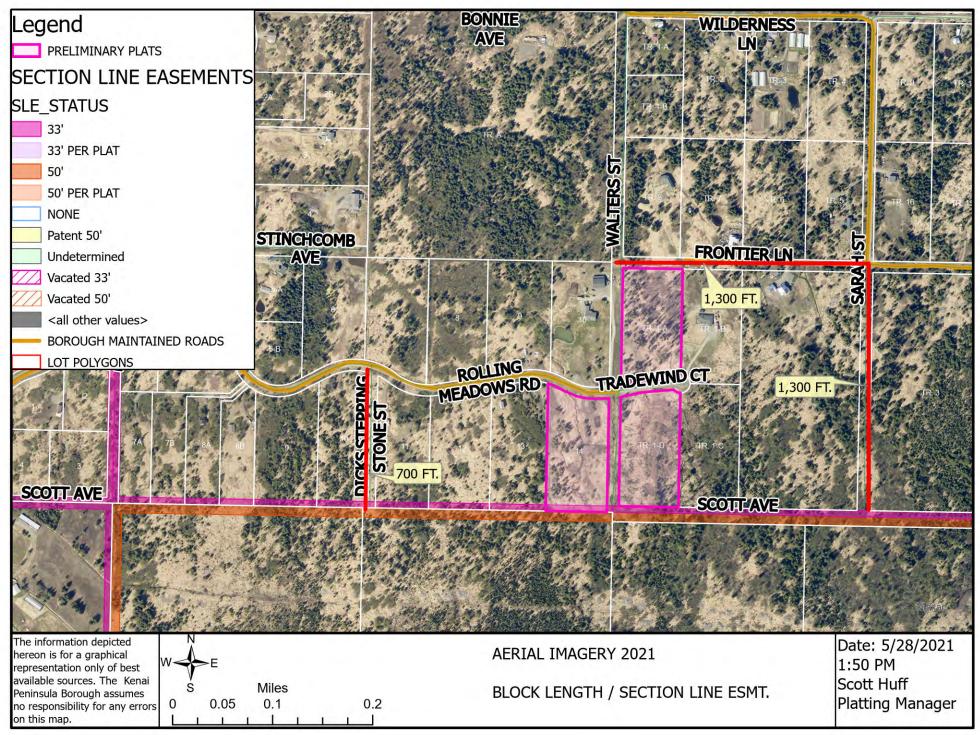
- GRANT APPROVAL OF THE PRELIMINARY PLAT SUBJECT TO STAFF RECOMMENDATIONS, AND
- COMPLIANCE WITH KPB 20.25.070 (FORM AND CONTENTS), KPB 20.25.080 (PETITION REQUIRED), KPB 20.30 (DESIGN REQUIREMENTS); AND KPB 20.40 (WASTEWATER DISPOSAL), AND
- COMPLIANCE WITH KPB 20.60 TO ENSURE ADMINISTRATIVE APPROVAL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

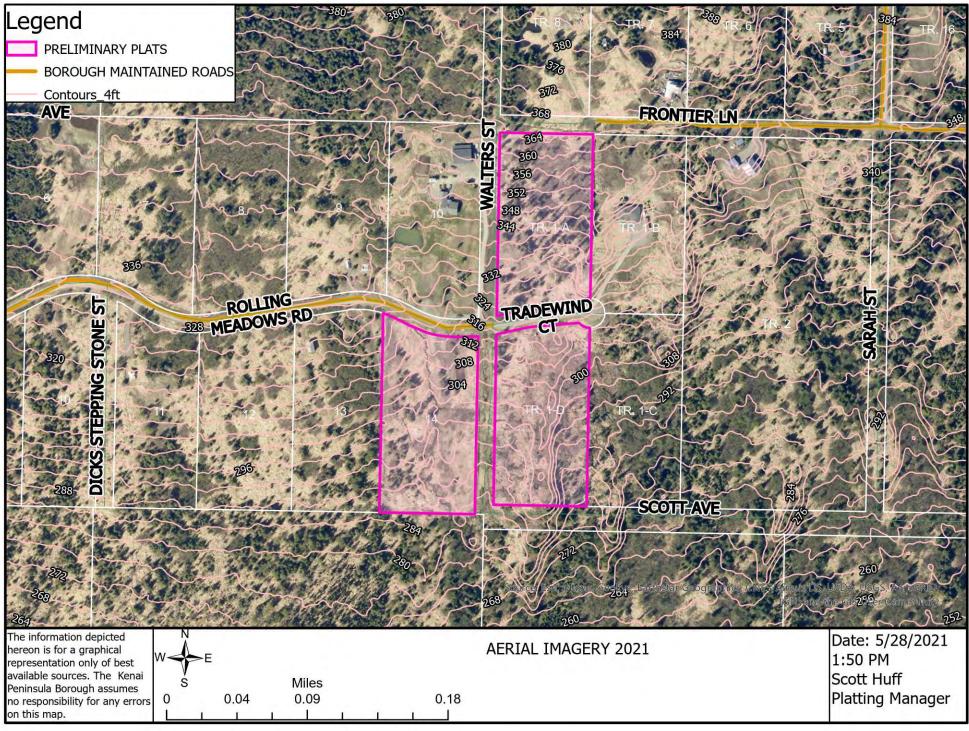
NOTE: 20.25.120. - REVIEW AND APPEAL.

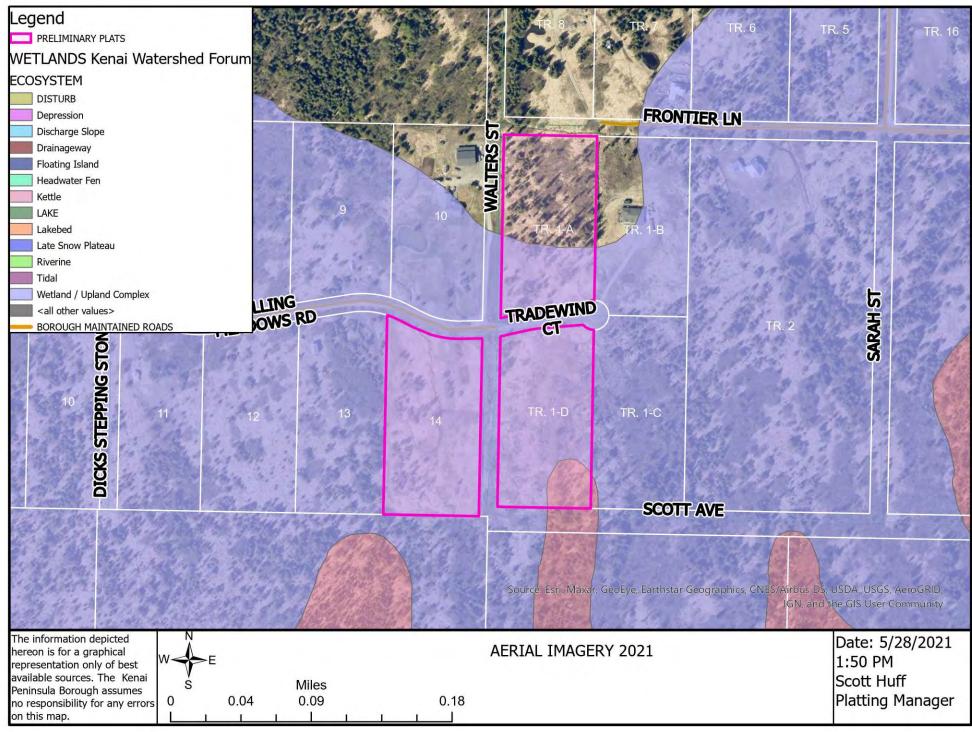
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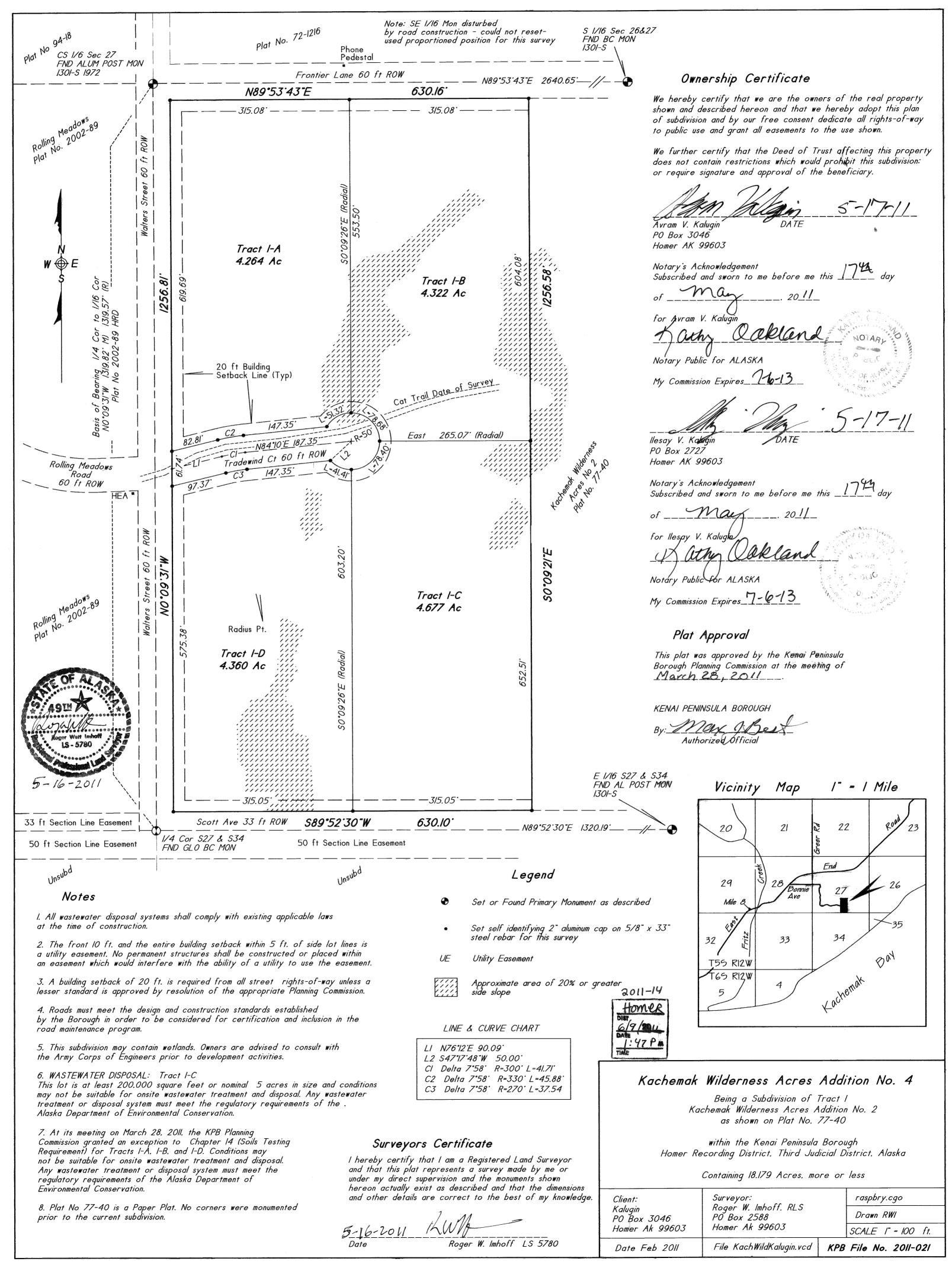
A DECISION OF THE PLANNING COMMISSION MAY BE APPEALED TO THE HEARING OFFICER BY A PARTY OF RECORD WITHIN 15 DAYS OF THE DATE OF NOTICE OF DECISION IN ACCORDANCE WITH KPB 21.20.250.

END OF STAFF REPORT





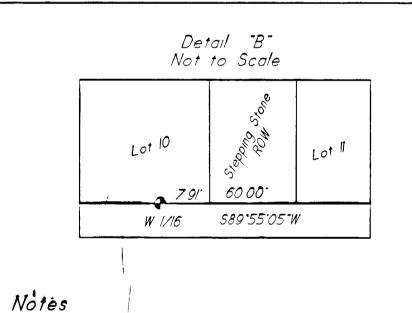




ROW Curve and Line Chart Lots I-14 Block I Rolling Meadows Road Delta Radius Long Chord Chord Dist Length CI3 47'17'09" 140 30 170 00' SIO'58'35"W 136 35' LIO 534"37"09"W 4520" 150 76' CI4 3815'49" 153 60° 230 00' SI5*29'I5"W CI5 06°23'43" 36 83' 330 00' 506*50'32"E 36 82 CI6 09•43·01* 55 97' 330 00' S|4*****53'54"E 55 90' CI7 30°05'50" 8930' I7000' S04°4229"E 88 28 LII SI0'20 26"W 14 88 502'17'38'E CI8 25'16'10" 127 90' 290 00' 126 87 72 09' CI9 061456" 66/00' SII*48'16"E 72 05 C20 02.4658° 16 03 330 00 S/6*47 35*W 16 03 C21 21-21:03-122 97' 330 00' 504**°**43 30"W 122 26 C22 37°08'37" 162 07' 250 00' 524°3|20°E 159 25 *C23 09 54 03 43 20 250 00 .* S571505"E 43 /5 C24 13"18 34" 68 22" 293*67" \$5*9*3830"E 68 06' C25 06°43′53″ 395/′ 336296′ N831750"E *39 49* [.] *C26 26**44'36" *126 03' 270 00'* \$86°41'51"E 124 88 C27 09'07'10" 42 97' 270 00' S68'45'58'E 42 93' C28 28'07'37" 162'00' 330'00' S78'16 II'E 160'38' LI2 N87'40'00"E 70'60"

ROW Curve and Line Chart Lots I-10 Block 2 Rolling Meadows Road

	Delta	Length	Radius	Long Chord	Chord Dist
L13	5 <i>34*37</i> :09	W 4520			
C29	3815:49-	<i> 3 53`</i>	170 00'	5/5 * 29'/5"W	<i>III 43</i> '
С30	16.06.44	75 93	270 00'	SII*42 02"E	75 6,8*
C31	30.05.50-	120 82°	230 00'	504*42`29"E	<i> 9 43</i> '
С32	12*48 35*	5/ 42'	230 00'	503 * 56:08"W	5/3/*
С33	24*08:01"	<i> 3 73</i>	270 00'	506°06'59"W	II2 89°
C34	36*28 08*	175 86'	276 296`	571°13 18″E	172 91
С35	10*36:48-	51 18	276 296'	N851417"E	51 //
С36	25 ° 27'16"	146 61'	330 00'	\$87 * 20'3 "E	145 40'
C37	10*24 30*	59.95°	330 00.	569 ° 24 38°E	59 87
C38	28*07:37*	132 55	270 00'	578 16 11 E	131 22
L14	N87 40.00 E	E '72 88'			



I All wastewater disposal systems shall comply with existing applicable laws at the time of construction

2 The front 10 ft and the entire building setback within 5 ft of side lot lines is also a utility easement

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

4 General easements (no location given) in favor of Homer Electric Association have been recorded in B49 PI95 HRD

5 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

6 Basis of Bearing is from a survey recorded **B.303 P.84**5Conducted by Gary Nelson RLS, S89°54′53″W 264018 (R) 264008 (Meas) HRD

7 WASTEWATER DISPOSAL: Lots I-9 and Lots 12-14 Block I

Lots 1-3 and Lots 7-10 Block 2

*

These lots are at least 200 000 square feet or nommal 5 acres m 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

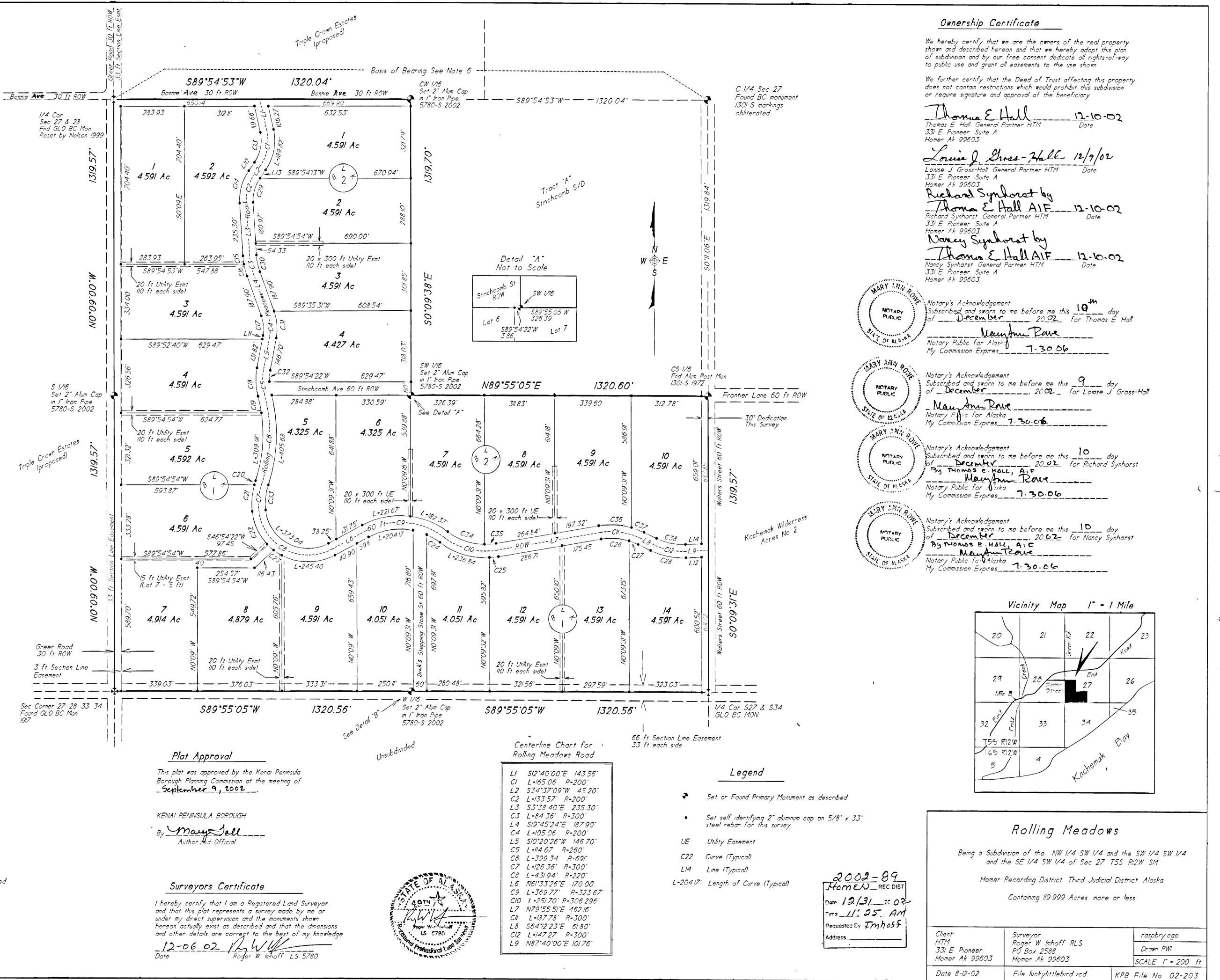
At its meeting on September 9 2002 the KPB Planning Commission granted an exception to Chapter 14 (Soils Testing Requirement) for Lots 10-11 Block I and Lots 4 5 and 6 Block 2 Conditions may not be suitable for onsite wastewater treatment and disposal Any wastewater treatment or disposal system must meet the regulatory requirements of the Alaska Department of Environmental Conservation

8 No permanent structures may be placed within the panhandle portion of Lot 7 Block I. The edges of the panhandle portion are parallel. Frontage Length = 4017 ft Radius = 250 ft

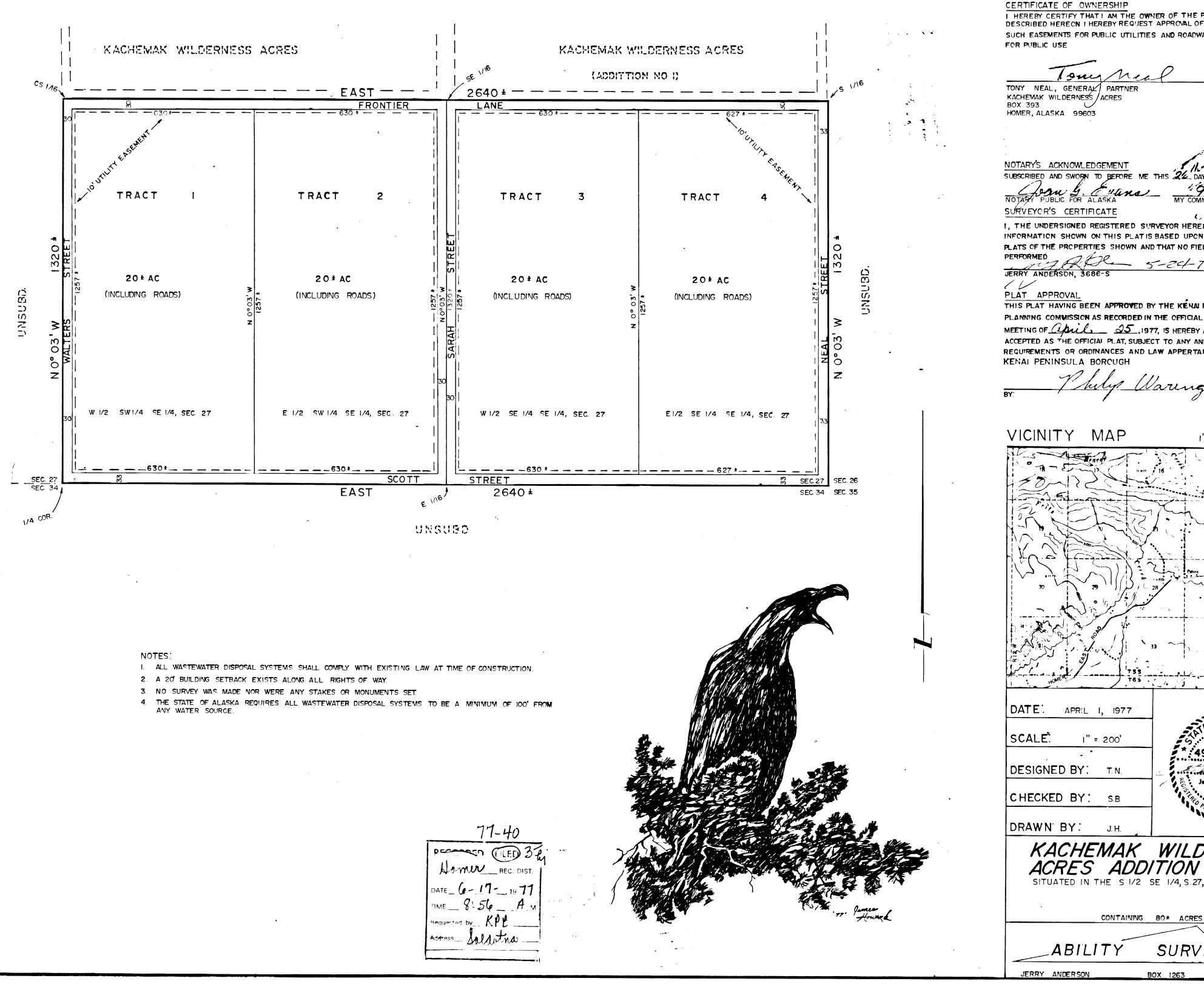
9 A 60 ft mide Right-of-Way Easement granted to the University of Alaska is centered on the line between Sections 27 and 28 as per Bk 64 Page 97 HRD. The dedication of Greer Road by this plat overlays the portion of the easement within this subdivision

10 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

II At its meeting on September 9 2002 the KPB Planning Commission granted an exception to 2020160 (Block Length) for Blocks I and 2



File luckylittlebird vcd



t in

I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HERECN I HEREBY REQUEST APPROVAL OF THIS PLAT SHOWING SUCH EASEMENTS FOR PUBLIC UTILITIES AND ROADWAYS DEDICATED BY ME

Tong heal SUBSCRIBED AND SWORN TO BEFORE ME Cuans 1, THE UNDERSIGNED REGISTERED SURVEYOR HEREBY CERTIFY THAT THE INFORMATION SHOWN ON THIS PLAT IS BASED UPON THE MOST RECENT PLATS OF THE PROPERTIES SHOWN AND THAT NO FIELD SURVEY WAS THIS PLAT HAVING BEEN APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AS RECORDED IN THE OFFICIAL MINUTES OF THE MEETING OF abil 25, 1977, IS HEREBY ACKNOWLEDGED AND ACCEPTED AS THE OFFICIAL PLAT, SUBJECT TO ANY AND ALL CONDITIONS AND REQUIREMENTS OR ORDINANCES AND LAW APPERTAINING THERETO. 1" = 1 MILE 7 165 . 7. 1. 49TH 🖉 Jerry A. Anderson NO. 3686-5 PROFESSIONAL LAN KACHEMAK WILDERNESS ACRES ADDITION NO. 2 SITUATED IN THE S 1/2 SE 1/4, S.27,T 5 S, RI2 W, SM.

187

SURVEYS

BOX 1263

HOMER,

ΔK

KACHEMAK BAY ADVISORY PLANNING COMMISSION SPECIAL (VIDEO CONFERENCE) MEETING LOCATION: ZOOM Thursday, January 6, 2021 7:00 P.M.

UNAPPROVED MINUTES

A. CALL TO ORDER: 7:01 pm

B. ROLL CALL

Present: Eric Knudtson, Tim Whip, Owen Meyer, Courtney Cox Brod, and Bruce Robinson.

Quorum has been met to move forward with the meeting.

Also present were Marcus Mueller, Aaron Hughes, and Dakota Truitt from KPB Land Management.

C. APPROVAL OF MINUTES

- 1. Approved December 9, 2021 minutes.
- D. PUBLIC COMMENT/PRESENTATION WITHOUT PREVIOUS NOTICE 1. None
- E. CORRESPONDENCE

F. REPORT FROM BOROUGH

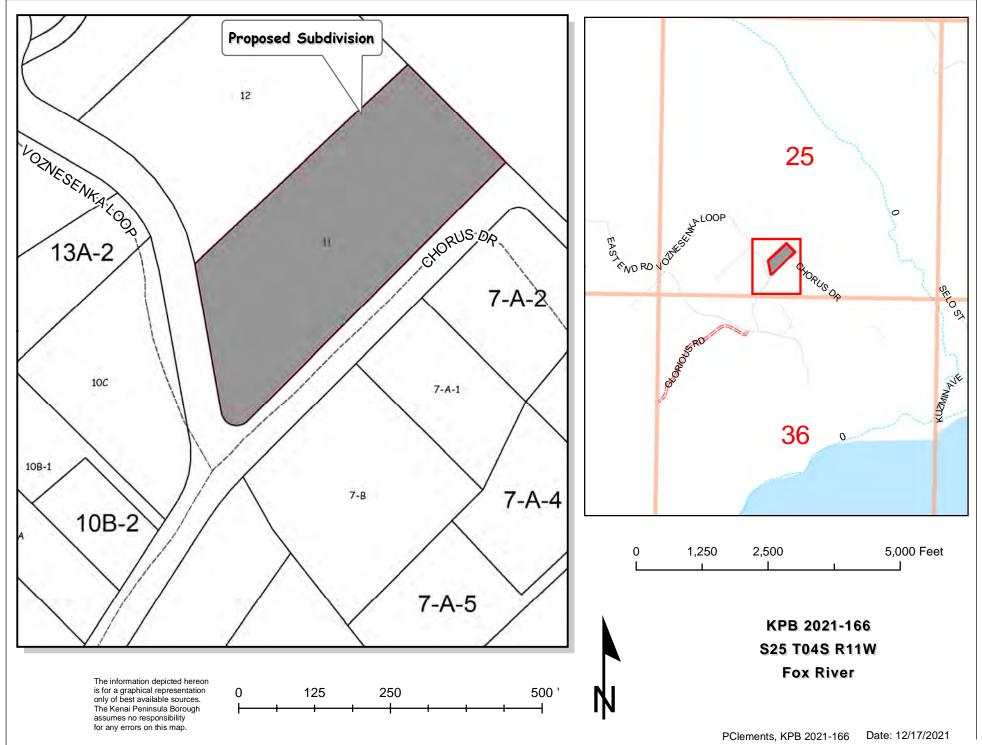
1. Marcus Mueller spoke and answered questions about KPB land classifications, the classifying process, trails development in KPB, and our role in reviewing KB APC plats.

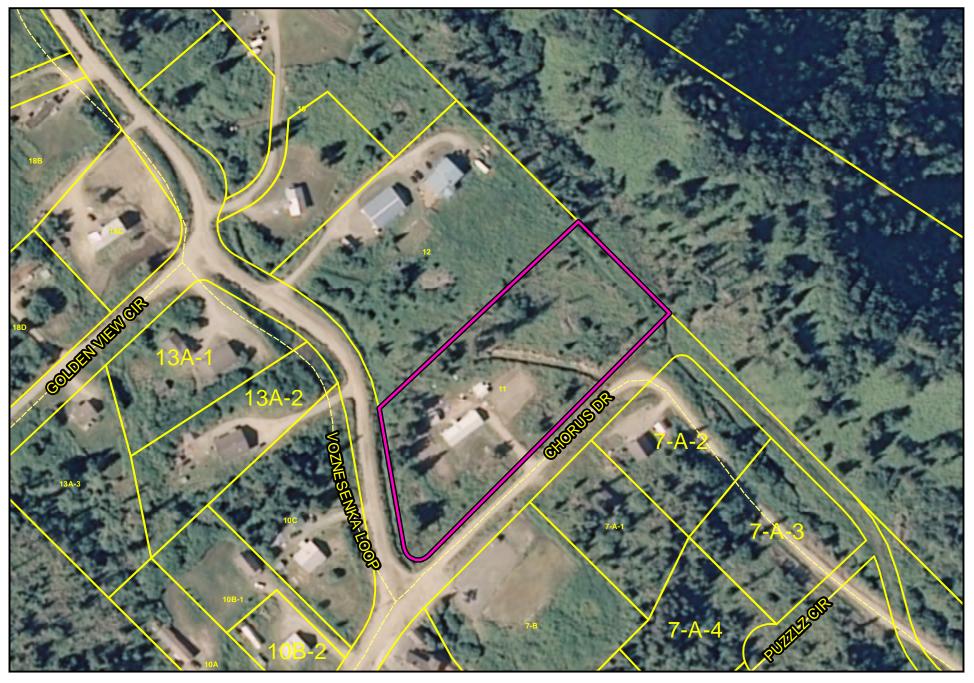
G. OLD BUSINESS.

1. Sandra will invite Scott Huff from the KPB planning department to our next monthly meet, so we can better understand our role in reviewing plats. We will ask him to address what KPB expects from our plat reviewing and about Bruce's idea of requiring more information for the plat approval process.

H. NEW BUSINESS

- 1. We decided to schedule a meeting for 1/20/22 at 7 pm to discuss our KB APC plan.
- We passed the following motion. We oppose the Kachemak Wilderness and Rolling Meadows Replat KPB 2021-165 because inadequate information was provided about access to the parcel, water sources, and wastewater.
- Louise will submit a budget request including \$1400 for bulk mailing, \$259 for our Zoom account, \$200 for room rental when we return to in-person meetings, and \$5000 for a consultant to support our KB APC plan development.
- I. ANNOUNCEMENTS





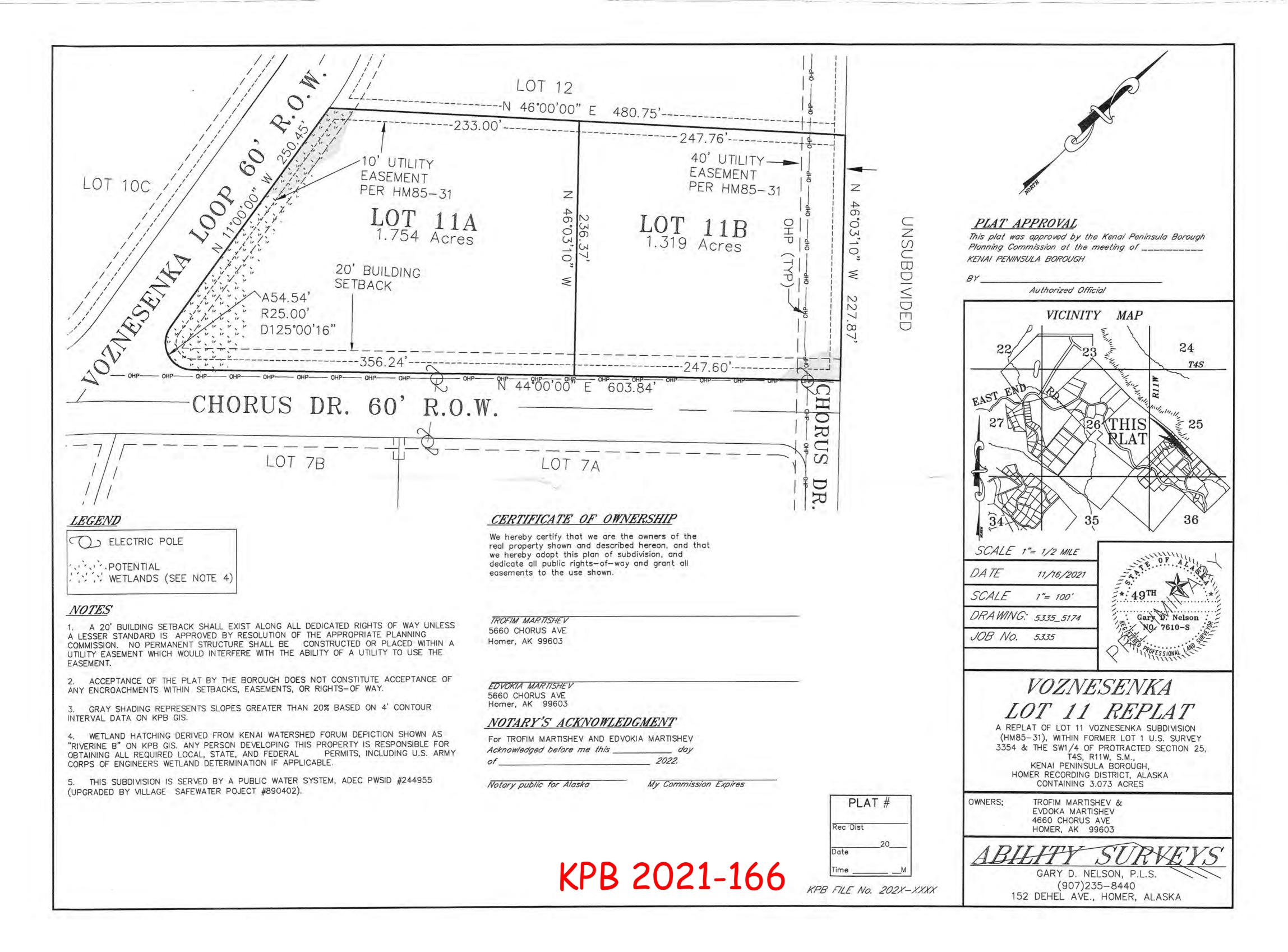
The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.

0 62.5 125 250 '

Aerial View



PClements, KPB 2021-166 Imagery FixedWing 2012-2013



AGENDA ITEM E. NEW BUSINESS

KPB File No.	2021-166
Plat Committee Meeting: January 10, 2022	
Applicant / Owner:	Trofim Martishev and Edvokia Martishev (deceased) of Homer, Alaska
Surveyor:	Gary Nelson / Ability Surveys
General Location:	Voznesenka Loop and Chorus Drive, Fox River
Parent Parcel No.:	185-211-14
Legal Description:	Lot 11 Voznesenka Subdivision, Plat HM 85-31
Assessing Use:	Residential
Zoning:	Unrestricted
Water / Wastewater	Community / On-Site

ITEM 7 – VOZNESENKA LOT 11 REPLAT

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide a 3.07 acre parcel into two lots. The lots will be 1.319 acres and 1.754 acres.

Location and Legal Access (existing and proposed): The proposed subdivision is located in the Voznesenka community near milepost 22 of East End Road in the Fox River census region. The subject parcel is located on the corner of Voznesenka Loop, a 60 foot wide borough maintained right of way, and Chorus Drive, a 60 foot wide unmaintained right of way.

Proposed Lot 11A will remain a corner lot with access available from both right of ways. There are improvements in place on Lot 11A and current access is from Chorus Drive. Proposed Lot 11B will have access via Chorus Drive.

The parcel is located within an open block. The 28 acre parcel to the northeast is owned by the State of Alaska and affected by very steep terrain. It is unlikely that the tract to the east will be subdivided in the future. This subdivision is on a corner so providing a dedication to improve the block requirements will be difficult. Chorus Drive continues to the southeast with a 30 foot wide dedication. Steep terrain is throughout the parent subdivision and right of ways were placed over existing right of ways or within locations that were the most practical. Improvements appear to be in place on other lots making it difficult to receive continuing dedications. Steep slopes are present in the area the road would intersect the existing right of way. **Staff recommends** that the plat committee concur that exceptions to block length and proposed street layout requirements are not required, and no dedications are requested due to existing terrain, existing improvements, and inability to improve the block or provide adequate continuation of the right of way in the future.

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

<u>Site Investigation</u>: The plat shows the areas with low wet areas and the appropriate plat note is in place. The plat also depicts the steep slopes by shading the areas with more than 20 percent slopes. Steep slopes appear to be near the right of way dedications but the right of ways were dedicated and constructed to follow the terrain for the most practical locations. Additional slope easements or rights of way were not requested by the Roads Department.

Older KPB GIS imagery makes it appear that a driveway or ditch exists on Lot 11B and may cross into Lot 11A. Reviewing imagery from 2021, it appears that the area is now grown over. It may at one time had been used as an access or for possible utility needs. Unless determined to be something more significant during the field survey,

staff feels this does not need to be addressed.

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
Alaska State Fish and Game	No objections

Staff Analysis U.S. Survey 3354 created Lot 1, a 160 acre parcel. There were no road dedications or easements granted by US Survey 3354 although the plat did indicate a tractor trail, which would later be the southern portion of East End Road. Voznesenka, Plat HM 85-31, subdivided Lot 1 into various lots, tracts, and dedicated the right of ways within the community. Plat HM 85-31 established the 20 foot building setbacks along the right of way dedications, 10 foot utility easements along all lot lines, and a 40 foot utility easement adjoining the northeast boundary.

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

Due to an eight week delay with the title companies, the Certificate to Plat has not yet been delivered. In the interest of time, **Staff recommends** that the plat committee concur that the plat can be reviewed at this time and Staff can review the certificate to plat when it is delivered. Staff will bring the plat back to the plat committee if there are any items in the report that need to be addressed.

If a beneficial interest holder affects the property, then staff will send notice of the proposed plat to the beneficial interest holder on. 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.

If the property is not affected by a beneficial interest holder, then notification per KPB 20.25.090 will not be required unless the final Certificate to Plat states beneficial interest holders affect the property.

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.

<u>Utility Easements</u> The parent plat, Voznesenka HM 85-31, granted 10 foot utility easements along all lot lines. These easements are depicted and labeled correctly on the plat. An additional 40 foot utility easement exists along the northeastern boundary and an overhead powerline is located within the easement. This easement is also depicted and labeled correctly.

If the Certificate to Plat identifies any additional easements of record then, **Staff recommends** that the easements of record be depicted and noted 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	No comment	
ENSTAR	No comments or recommendations	
ACS		
GCI	Approved as shown	

KPB department / agency review:

Addressing	Reviewer: Haws, Derek
, S	Affected Addresses:
	46670 CHORUS DR
	Existing Street Names are Correct: Yes
	List of Correct Street Names:
	CHORUS DR
	VOZNESENKA LOOP
	Existing Street Name Corrections Needed:
	All New Street Names are Approved: No
	List of Approved Street Names:
	List of Street Names Denied:
	Comments:
	46670 CHORUS DR will remain with lot 11A
Code Compliance	Reviewer: Ogren, Eric
	Comments: No comments
Planner	Reviewer: Aldridge, Morgan
	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 received prior to the staff report being 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:

- The description of the plat may be shortened as "former Lot 1 U.S. Survey 3354 & the SW1/4 of protracted" can be replaced with "the SW 1⁄4 of Section 25, …"
- The certificate to plat was not available when the staff report was prepared. Ownership will need to match the certificate to plat and/or be updated to depict the correct status of Edvokia Martishev if the title has not been updated.
- Verify and update the owner's address. KPB Assessing records indicate a PO Box is being used.
- G. The status of adjacent lands within 100 feet of the proposed subdivision boundary or the land status across from any dedicated rights-of-way that adjoin the propose subdivision boundary, including names of subdivisions, lot lines, block numbers, lot numbers, rights-of-way; or an indication that the adjacent land is not subdivided;

Staff recommendation:

- Provide a width label for the 30 foot wide portion of Chorus Drive.
- It is recommended to include either the subdivision name or the recording number for any surrounding lots that are not within the same parent subdivision of the subject parcel.
- Lot 7A, located east of Chorus Drive, has been subdivided into two new lots. Update the lot depiction and labels per HM 2017-38.

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: Correct the depiction of the 20 foot building setback at the intersection of Voznesenka Loop and Chorus Dr.

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 and an engineer will need to sign the plat. **Staff recommendation**: comply with 20.40.

KPB 20.60 – Final Plat

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

20.60.030. Certificate of borough finance department required.

Platting Staff Comments: All taxes levied on the property within the subdivision shall be paid prior to recordation of the final plat. If approval is sought between January 1 and the tax due date, there shall be on deposit with the borough finance department an amount sufficient to pay the entire estimated real property tax for the current year. Prior to filing of the final plat, a certificate to this effect shall be provided by the borough finance director or his designee upon request by the planning director. Estimated tax payments shall be applied to the actual bill as of July 1 or such earlier date as the taxes due have been determined.

Taxes owed may include special assessments for utility or road assessment districts established by KPB ordinance.

Staff recommendation: comply with 20.60.030.

20.60.070. 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: Within the title block, correct the drawing scale to 1" = 50'. Comply with 20.60.070.

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

Staff recommendation: Per plat note 5, the lots will be served by a public water system. Documentation will be required that states both lots are connected and being served by the public water system or that the system is adequate to allow both lots to connect.

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

Staff recommendation: The interior lot line appears to be the same thickness as the boundary. Adjust the thickness so that the boundary is wider.

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:*

- Correct plat note 4 as it contains some additional spacing between "Federal" and "Permits".
- Correct the spelling of project in plat note 5.
- Plat note 2 is not required unless encroachments are detected during the field survey. If so, those encroachments should be disclosed with the submittal of the final.
- It is suggested to divide plat note 1 into two plat notes. The first portion discusses the setback with no mention of easements as they were previously granted. For that reason, a separate note regarding no permanent structures may read better.

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: This will need to be reviewed with the submittal of the certificate to plat. If the title is still in both names, adjust the certificate to plat to the singular and add to the signature line the following.

Trofim Martishev, as owner and as Surviving spouse of Edvokia Martishev

Verify the address that should be listed for the owner. The notary will need to be revised to comply with the signature requirements. Comply with 20.60.190.

RECOMMENDATION:

STAFF RECOMMENDS:

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

NOTE: 20.25.120. - REVIEW AND APPEAL.

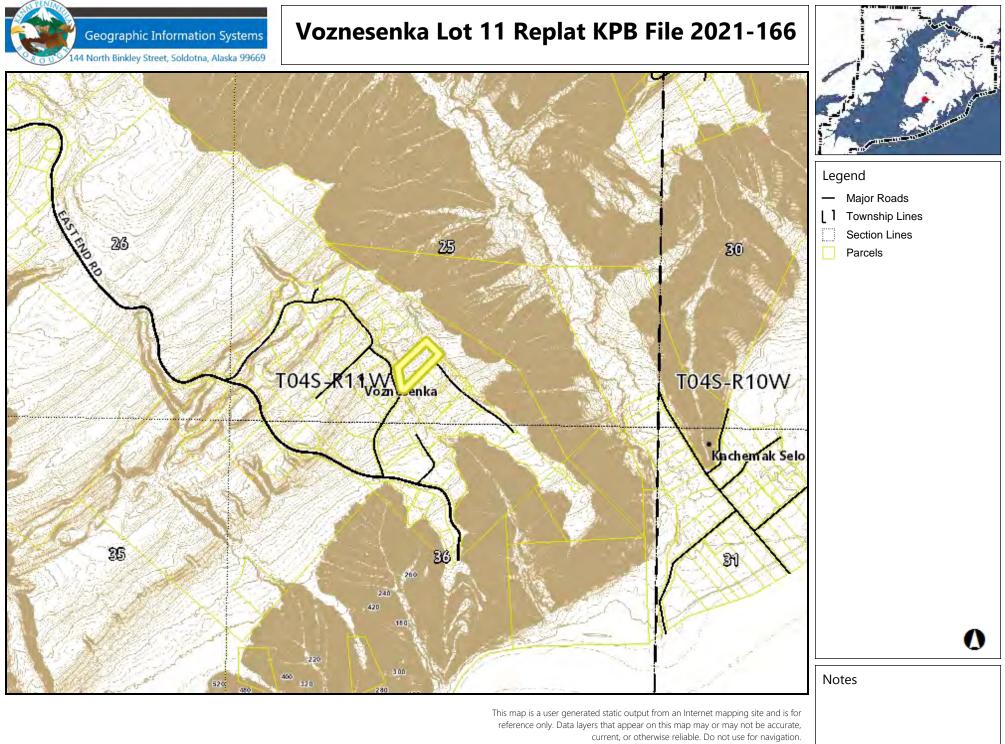
A PARTY OF RECORD MAY REQUEST THAT A DECISION OF THE PLAT COMMITTEE BE REVIEWED BY THE PLANNING COMMISSION BY FILING A WRITTEN REQUEST WITHIN 15 DAYS OF NOTIFICATION OF THE DECISION IN ACCORDANCE WITH KPB 2.40.080.

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

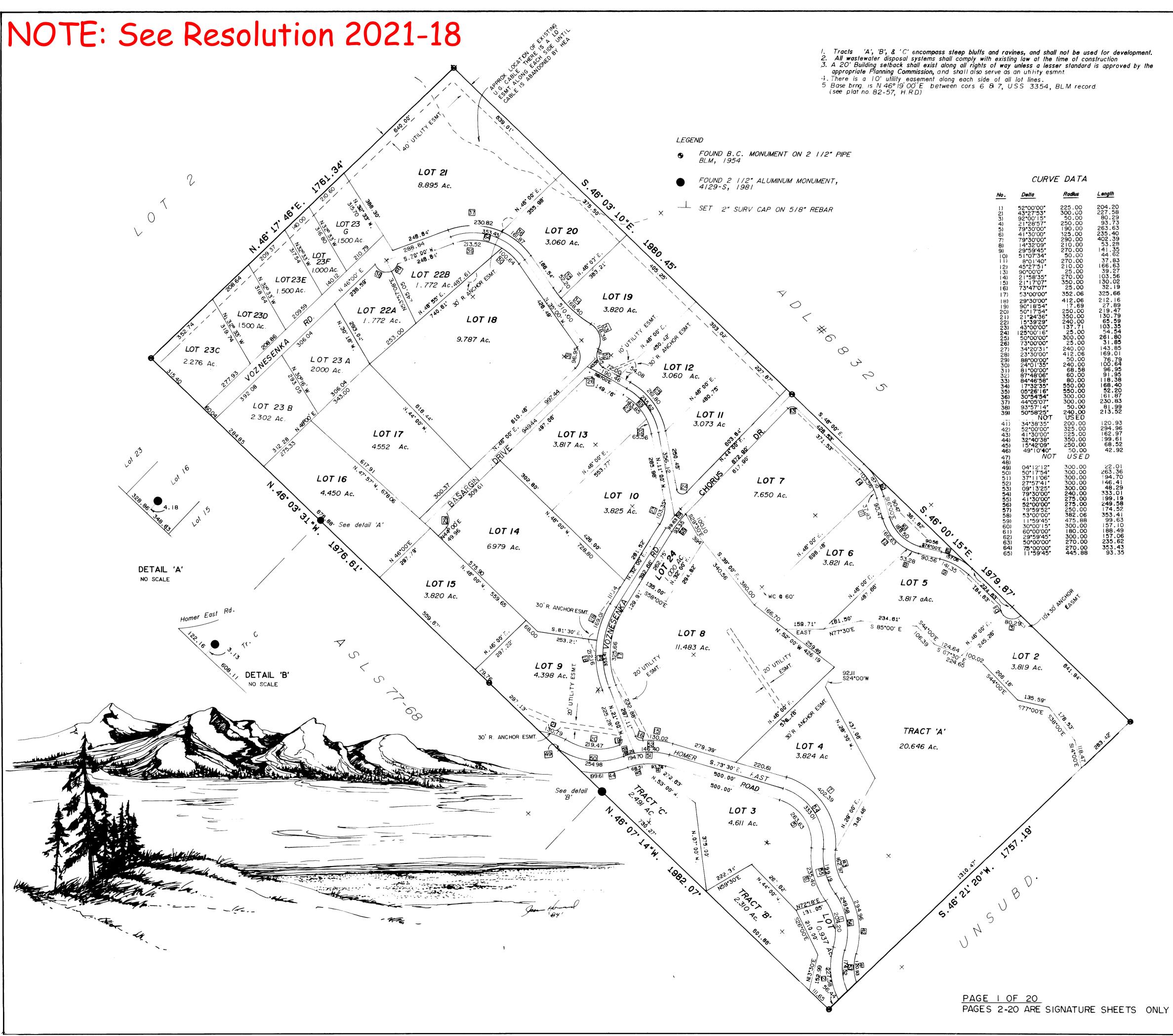
END OF STAFF REPORT

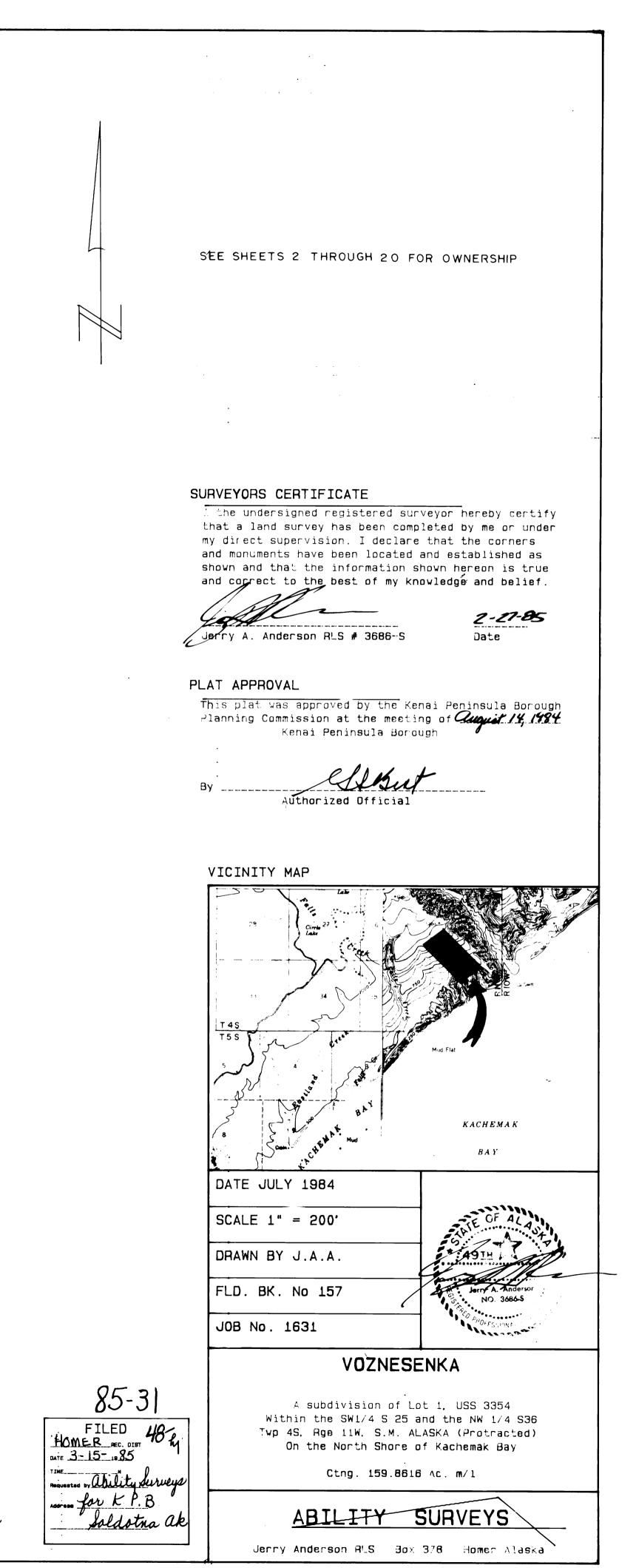
Voznesenka Lot 11 Replat

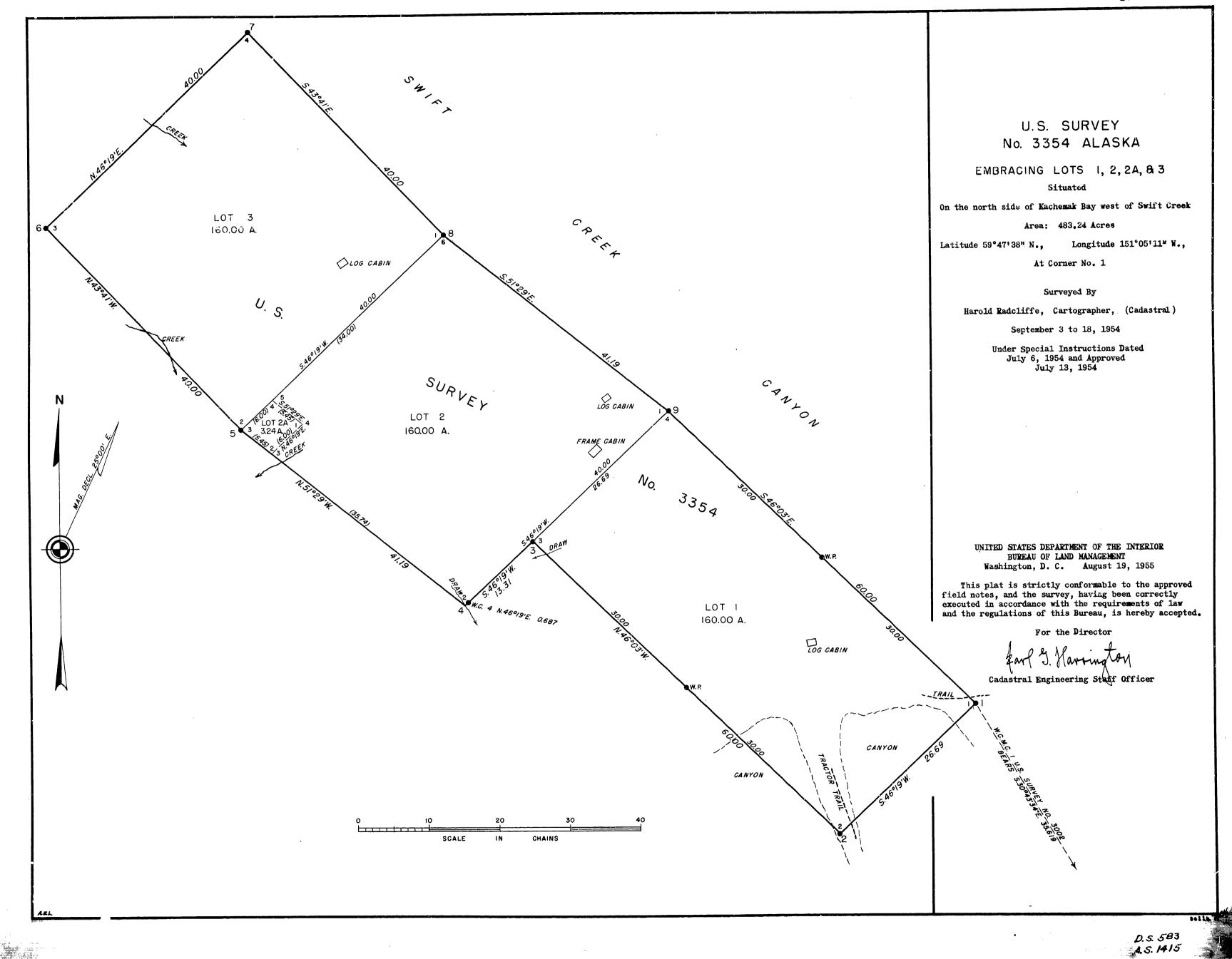




DATE PRINTED: 12/29/2021







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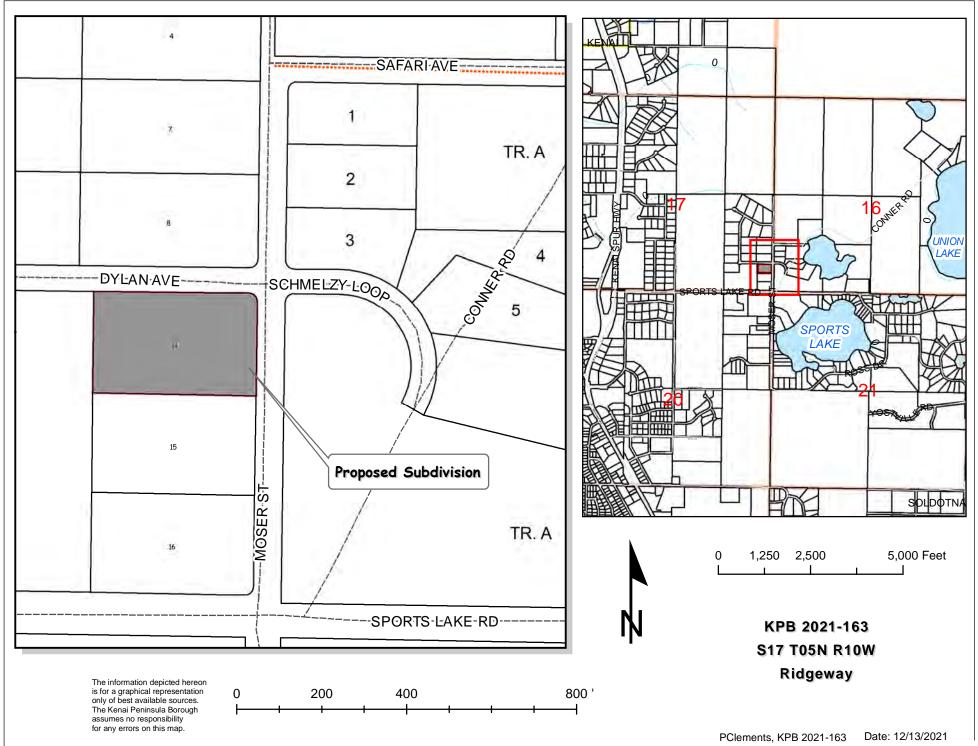
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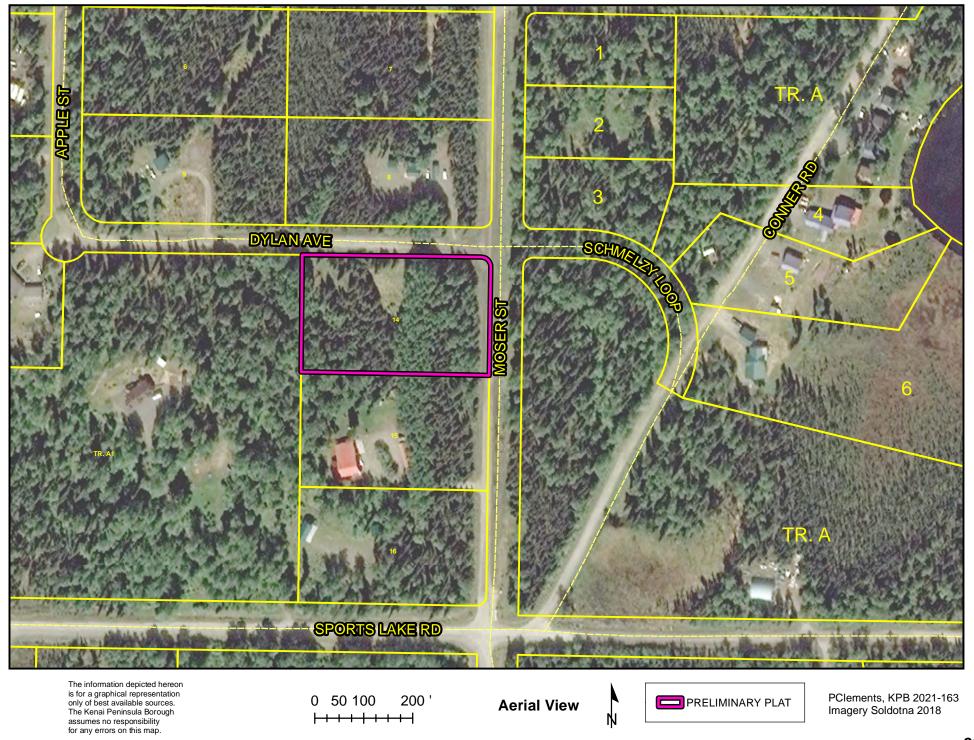
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ORIGINAL





LEGEND:



2 1/2" BRASS. CAP MON. FOUND

- 1/2" REBAR FOUND
- 5/8" REBAR w/PLASTIC CAP LS8859 SET 0

() RECORD DATUM PLAT 76-132 KRD

KN 76-132 Lot 9 Block 2

North

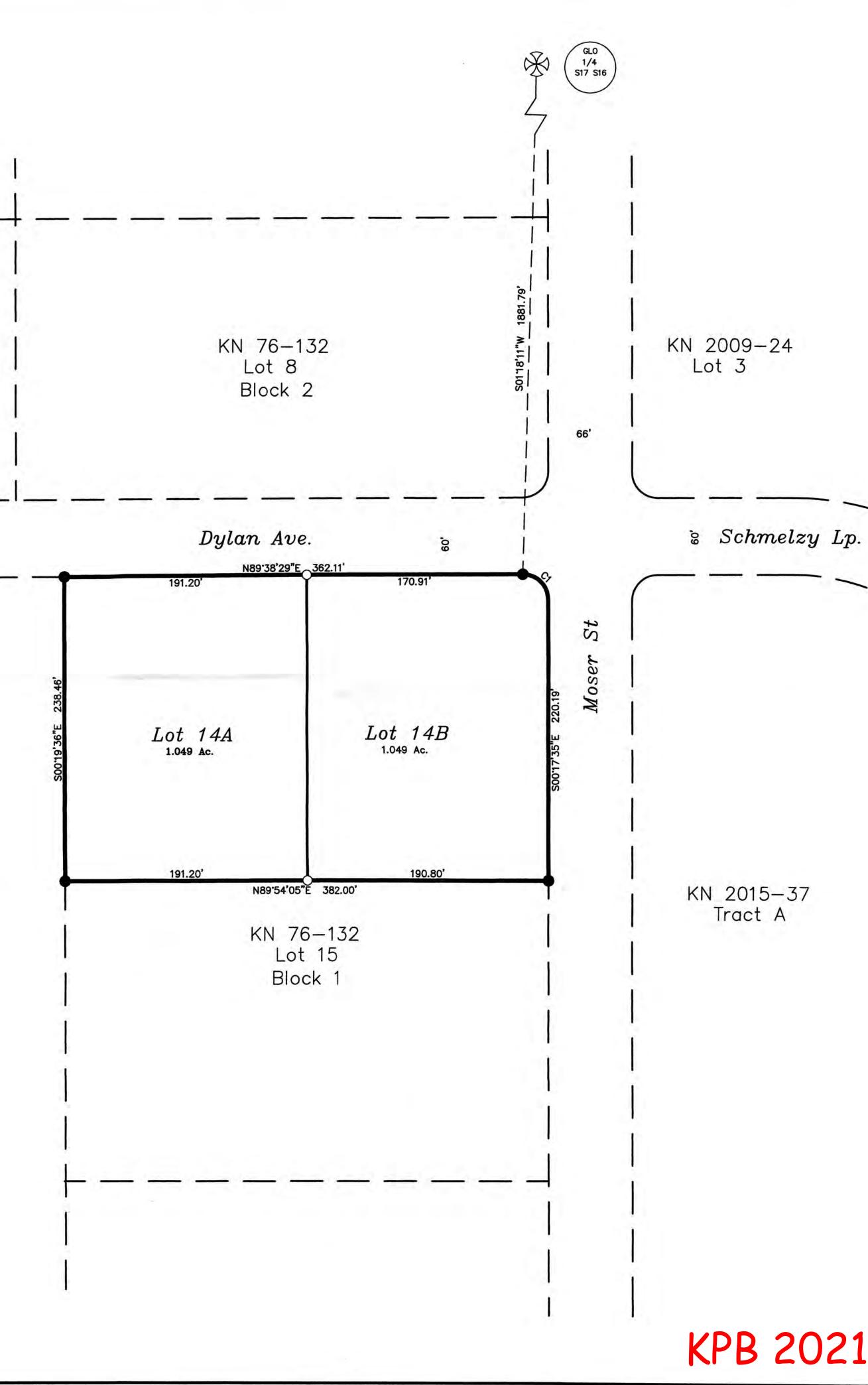
NOTES:

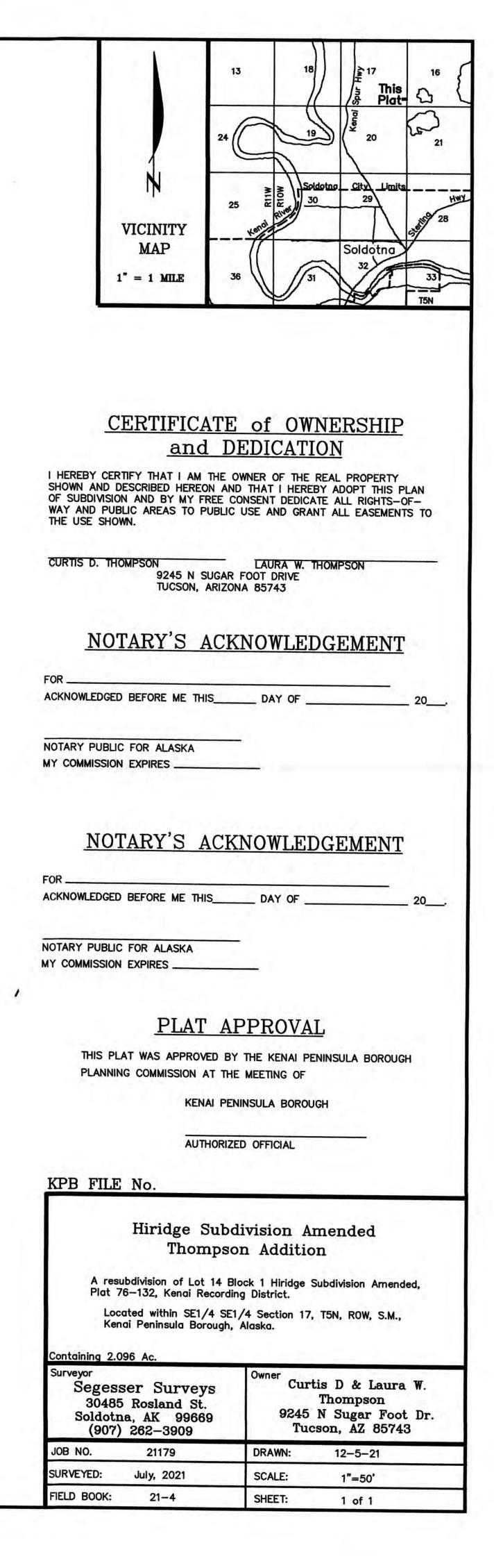
- 1) Basis of bearing taken from Hiridge Subdivision Amended, Plat 76–132, Kenai Recording District.
- 2) Building Setback—A setback of 20 feet is required from all street Rights—of—Way unless a lesser standard is approved by resolution by the appropriate Planning Commission.
- 3) Covenants, conditions, and restrictions which affect this subdivision are recorded in Book 98 Page 234 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 4 Page 7, 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) <u>WASTEWATER DISPOSAL:</u> 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
	JOHN F. SEGESSER No. LS 8859	
SURVEY	OR'S CERTIFICAT	<u>'E</u>
to practice lan represents a sur the monuments	that I am properly registered an d surveying in the State of Alaska vey made by me or under my direct shown hereon actually exist as des and other details are correct.	a, this plat supervision

KN 2011-89 Tract A1 Block 1

Date _____





KPB 2021-163

AGENDA ITEM E. NEW BUSINESS

KPB File No.	2021-163	
Plat Committee Meeting:	January 10, 2022	
Applicant / Owner:	Curtis D. and Laura W. Thompson of Tucson, Arizona	
Surveyor:	John Segesser / Segesser Surveys	
General Location:	Moser Street and Dylan Avenue, Ridgway	
Parent Parcel No.:	057-57-023	
Legal Description:	Lot 14 Block 1 Hiridge Subdivision Amended, Plat KN 76-132	
Assessing Use:	Residential	
Zoning:	Rural Unrestricted	
Water / Wastewater	On Site	

ITEM 8 - HIRIDGE SUBDIVISION AMENDED THOMPSON ADDITION

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide a 2.1-acre parcel into two lots each 1.049 acre in size.

Location and Legal Access (existing and proposed): The proposed subdivision is located in the Sports Lake area on the corner of Dylan Avenue and Moser Street. The Kenai Peninsula Borough maintains both right of ways. Dylan Avenue is dedicated 60 feet wide and Moser Street is dedicated 66 feet wide. Per KPB data, Moser Street dedication coincides with 33 foot wide and 50 foot wide section line easements. Moser Street is located off Sports Lake Road; a 100 foot wide borough maintained right of way located near mile 2.5 of State maintained Kenai Spur Highway.

Both proposed lots will have access via Dylan Avenue and Lot 14B will have additional access from Moser Street.

The subdivision is not within an open block as defined by Sports Lake Road, Moser Street, and Dylan Avenue. Due to the lot configuration design and road design the ability to obtain a closed and compliant block will be difficult. The distance along Moser Street and Dylan Avenue are compliant. *Staff recommends* the plat committee concur that an exception or dedications are not required, as any dedications will not improve the block length requirements due to the existing lot configuration and right of way configuration.

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

<u>Site Investigation</u>: The subdivision does not appear to contain any low wet areas and the property is relatively flat. No improvements are located on the parcel.

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

Page 1 of 5

Comments: No comments	
C. State Parks Reviewer: Russell, Pam Comments: No Comments	

<u>Staff Analysis</u> Hiridge Subdivision Amended, Plat KN 76-132, created the parent lot. The plat subdivided 80 acres into 24 lots and dedicated right of ways including a portion of Moser Street and Dylan Avenue.

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

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

The property is not within an advisory planning commission.

<u>Utility Easements</u> The parent plat was recorded in 1976. Utility easements were not granted adjoining all right of ways and no easements were granted within the subject parcel. Per plat note 5, a 10 foot utility easement that increase to 20 feet within 5 feet of the side lot lines, will be granted by this plat. *Staff recommends* the utility easements being granted be depicted and labeled and add to the plat note that the easements are "granted by this plat."

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

Utility provider review:		
HEA	No comment	
ENSTAR	No comments or recommendations	
ACS		
GCI	Approved as shown.	

KPB department / agency review	
Addressing	Reviewer: Haws, Derek
	Affected Addresses:
	44015 DYLAN AVE
	Existing Street Names are Correct: Yes
	List of Correct Street Names:
	DYLAN AVE
	MOSER ST
	SCHMELZY LOOP
	Existing Street Name Corrections Needed:
	All New Street Names are Approved: No
	List of Approved Street Names:
	List of Street Names Denied:
	Comments:
	44015 DYLAN AVE will remain with lot 14B
Code Compliance	Reviewer: Ogren, Eric

KPB department / agency review:

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

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

STAFF RECOMMENDATIONS CORRECTIONS / EDITS

KPB 20.25.070 – Form and contents required

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

A. Within the Title Block

1. Name of the subdivision which shall not be the same as an existing city, town, tract, or subdivision of land in the borough, of which a plat has been previously recorded, or so nearly the same as to mislead the public or cause confusion. The parent plat's name shall be the primary name of the preliminary plat.

- 2. Legal description, location, date, and total area in acres of the proposed subdivision;
- 3. Name and address of owner(s), as shown on the KPB records and the certificate to plat, and registered land surveyor.

Staff recommendation: The range needs updated to 10W.

J. Block and lot numbering per KPB 20.60.140, approximate dimensions and total numbers of proposed lots; **Staff recommendation:** Provide a block label within the subdivision 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.

20.30.240. 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

Page 3 of 5

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 setback.*

KPB 20.40 – Wastewater Disposal

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

20.40.010 Wastewater disposal.

Platting Staff Comments: A soils analysis report is required and an engineer will need to sign the plat. **Staff recommendation**: comply with 20.40.

KPB 20.60 – Final Plat

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

20.60.110. Dimensional data required.

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

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

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

Staff recommendation: Provide a distance and bearing label for the new boundary line. The legend states record information is located in parenthesis but there currently is no information presented in parenthesis. Comply with 20.60.110.

20.60.180. Plat notes.

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

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

- Revise plat note 3 to include the correct code reference, 20.60.170.
- Include in plat note 4 that the book is "Misc".

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: Revise the certificate of ownership and dedication to be plural owners. Documents were submitted for power of attorney. If the power of attorney will be signing on behalf of Laura W. Thompson the signature line should be revised.

Laura W. Thompson by Curtis D Thompson as her Power of Attorney

The notary's acknowledgements should be for Curtis D. Thompson and Curtis D. Thompson as power of attorney for Laura W. Thompson. Comply with 20.60.190.

20.60.200. Survey and monumentation. **Staff recommendation**: Provide a tie to a second GLO/BLM survey marker. Comply with 20.60.200

RECOMMENDATION:

STAFF RECOMMENDS:

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

NOTE: 20.25.120. - REVIEW AND APPEAL.

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

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

END OF STAFF REPORT



Kenai Peninsula Borough Planning Department

Block Lengths

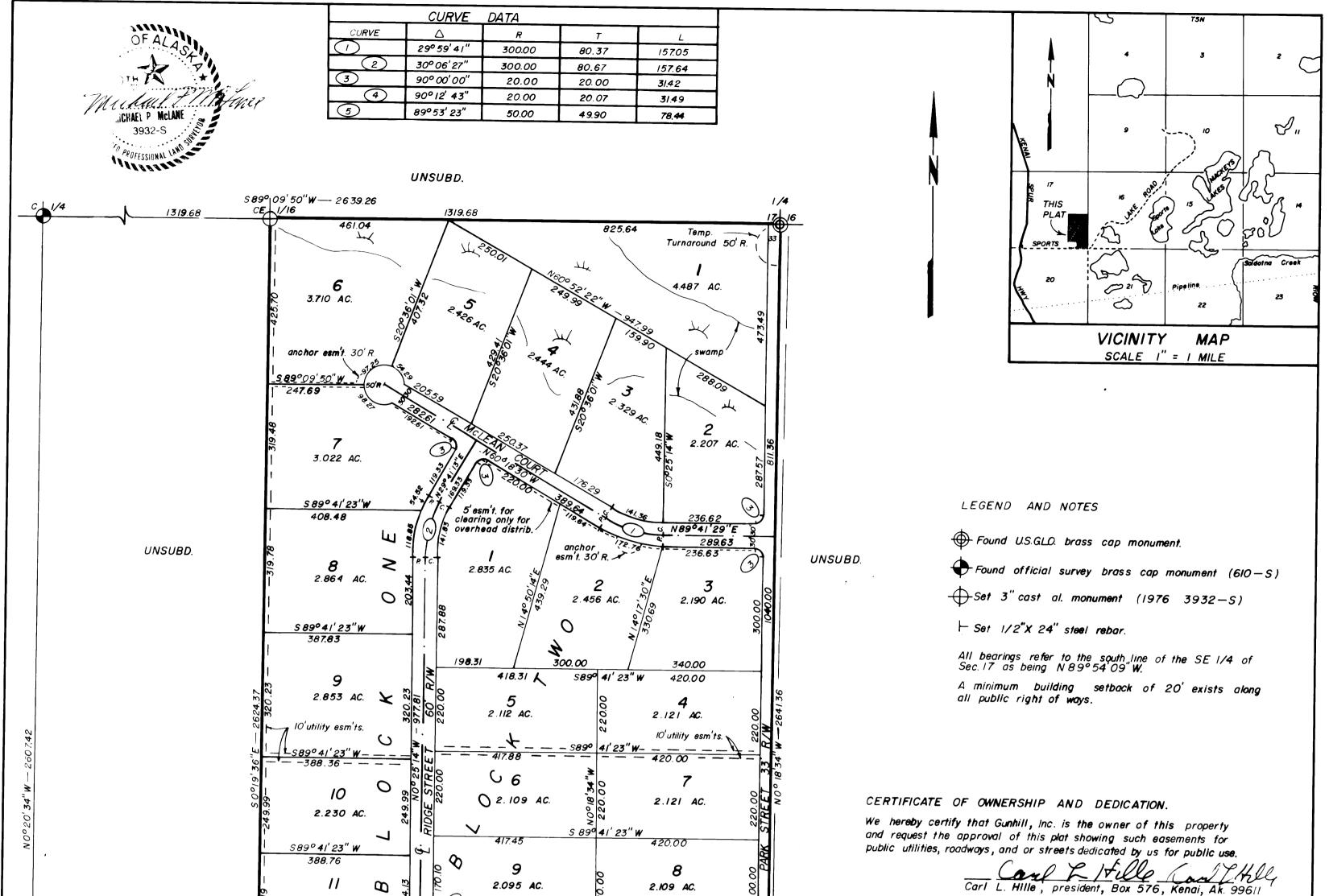


Hiridge Subdivision Amended Thompson Addition KPB File 2021-163



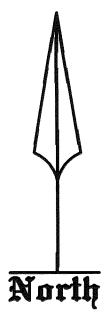
The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.

KN 76-132



6) 5'esm't for clearing only for Noverhead distrib.-1.938 AC. G _ _ _ 367./3_ _ _ _ _ _ I, Ben T. Delahay, secretary of Gunhill, Inc. attest that Carl L. Hille - - - - - 400.00 is president of Gunhill, Inc. Jen J. Delahay Ben T. Dekahay, secretary, Box 576, Kenai, Ak. 589° 41' 23"W-899.99 LEWIS AVE. 60' R/W 589°41'23" W 371.41 444.92 362.07 (3) 12 13 14 2.376 AC. 2.641 AC. 2.096 AC. 416.00 4**88**.00 S89°54'05"W 589° 54'09" W --- 904.00 3**8**2.00 NOTARY'S ACKNOWLEDGEMENT. Subscribed and sworn before me this_____ day of Apple 1976 15 My commission expires: 2-14-79 2.061 AC. 589°54'09" W notary public for 381.93 power line 16 - 9' 2.058 AC. (\mathbf{r}) 1/4 17 361.78 power line SPORTS AKE ROAD 100' R/W 904.00 4/4.84 20 1318.84 13/8.84 20121 BASE LINE (N89° 54'09"W- 2637.68) UNSUBD. 76-102 RECORDED - FILED 16-132 KENAI REC. DIST CERTIFICATE OF OWNERSHIP AND DEDICATION RECORDED - FILED 7-27 We hereby certty that we are the owners of said property, and request the approval of this plat KENAL REF. DOT 1976 3:58 showing such easements for public utilities, roadways, and or streets dedicated by us for public use 9-20 11:03 KPB KPB . 76 William Comer Box 451 Canyonville, Oregon 97417 Edla P. Comer Edla P. Comer Ledla P. Comer Londen Special Paren of attorney, bad of Thurst Kenai Recording Dichiel BK 89 By 484 NOTE: Amended to correct Range in Title Block legal description. NOTARY'S ACKNOWLEDGEMENT AMENDED PLAT Subscribed and sworn before me this HIRIDGE 13 day of September , 1976 SUBDIVISION My commission expires 7/22/80 Gunhill, Inc. ----- owner Frances R. Brymer Box 576, Kenai, Ak. 99611 DESCRIPTION 68.945 ACRES SITUATED IN THE E 1/2 SE 1/4 SEC. 17 PLAT APPROVAL T5N, RIOW, S.M. AK. AND IN THE KENAI PENINSULA BOROUGH Plat approved by the Commission this 13th day of September _____. 1976 Surveyed by: McLane and Associates Soldotna, Alaska Date of Survey Mayor Scale Bk. No. *I" = 200'* May I , - July 2, 1976 75-1

211



LEGEND:

- \mathbf{e} MONUMENT OF RECORD
- 5/8 REBAR OF RECORD
- RECORD DATUM PLAT 84-306 KRD ()

NOTES:

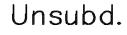
- 1) This is a paper plat. No field survey was performed. All dimensional data was taken from the plat of Hiridge Subdivision 1984 Imle Addition plat 84-306, Kenai Recording District.
- 2) Building Setback—A setback of 20 feet is required from all street Rights—of—Way unless a lesser standard is approved by resolution by the appropriate Planning Commission.
- Covenants, conditions and restrictions which affect this plat are recorded in Book 98 Page 234, Kenai Recording District.
- 4) Portions of this subdivision may be affected by a low wet area. Any person developing the property is responsible for obtaining all required local, state, and federal permits, including a US Army Corps of Engineers wetland determination.
- 5) No private access to State maintained ROW's permitted unless approved by the State of Alaska Department of Transportation.
- 6) Centerline of underground electrical service line is the centerline of a 10' underground utility easement.
- 7) Front 10 feet of the 20 foot building setback and the entire setback within 5 feet of the side lot lines is a utility easement. No permanent structure shall be constructed or placed within a utility easement which would interfere with the ability of a utility to use the easement.
- 8) <u>WASTEWATER DISPOSAL</u>: This tract is at least 200,000 square feet or nominal 5 acres in size and conditions may not be suitable for onsite wastewater treatment and disposal. Any wastewater treatment or disposal system must meet the regulatory requirements of the Alaska Department of Environmental Conservation.

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF SEPTEMBER 12, 2011.

KENAI PENINSULA BOROUGH

1,Bre AUTHORIZED OFFICIAL



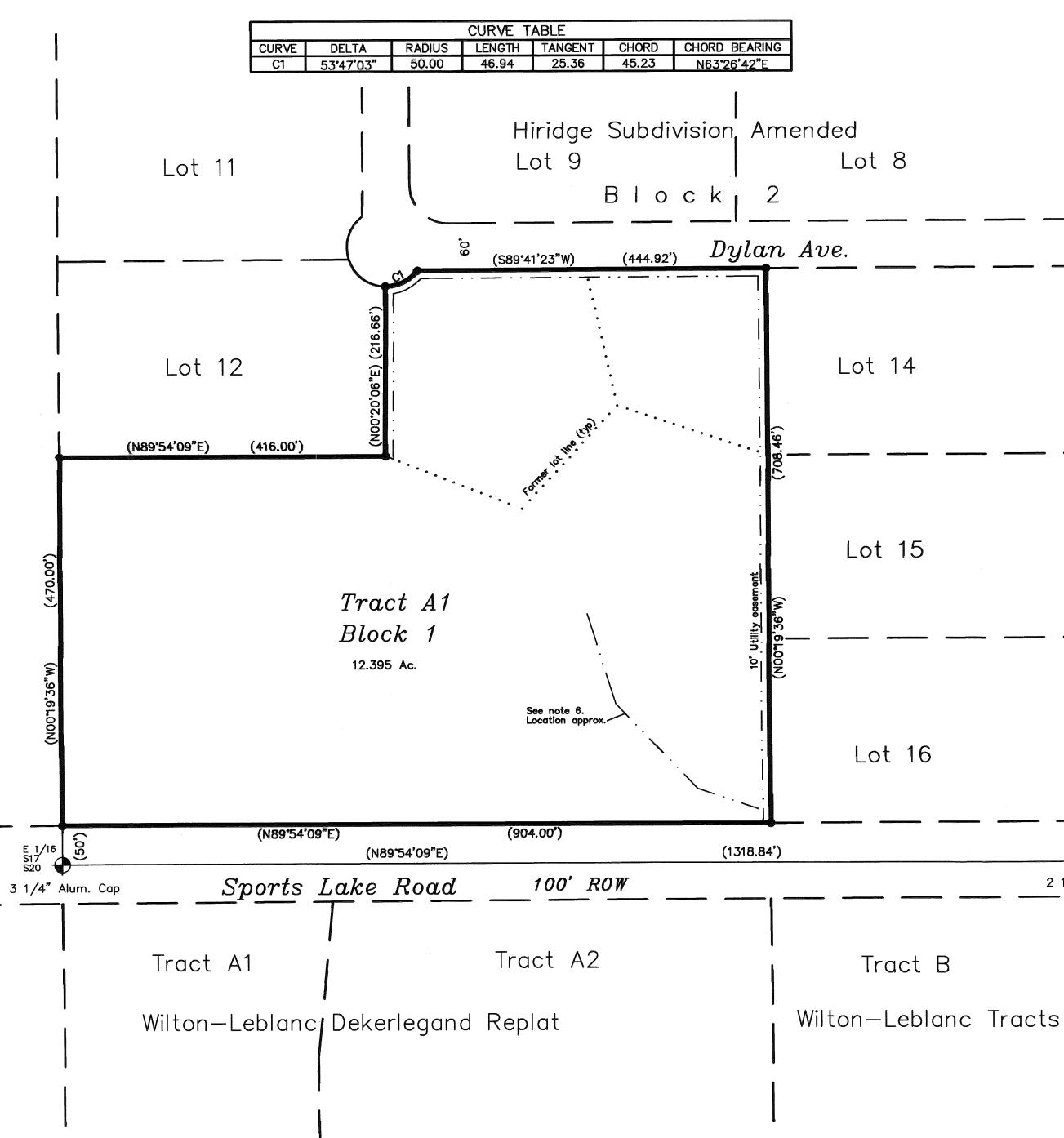
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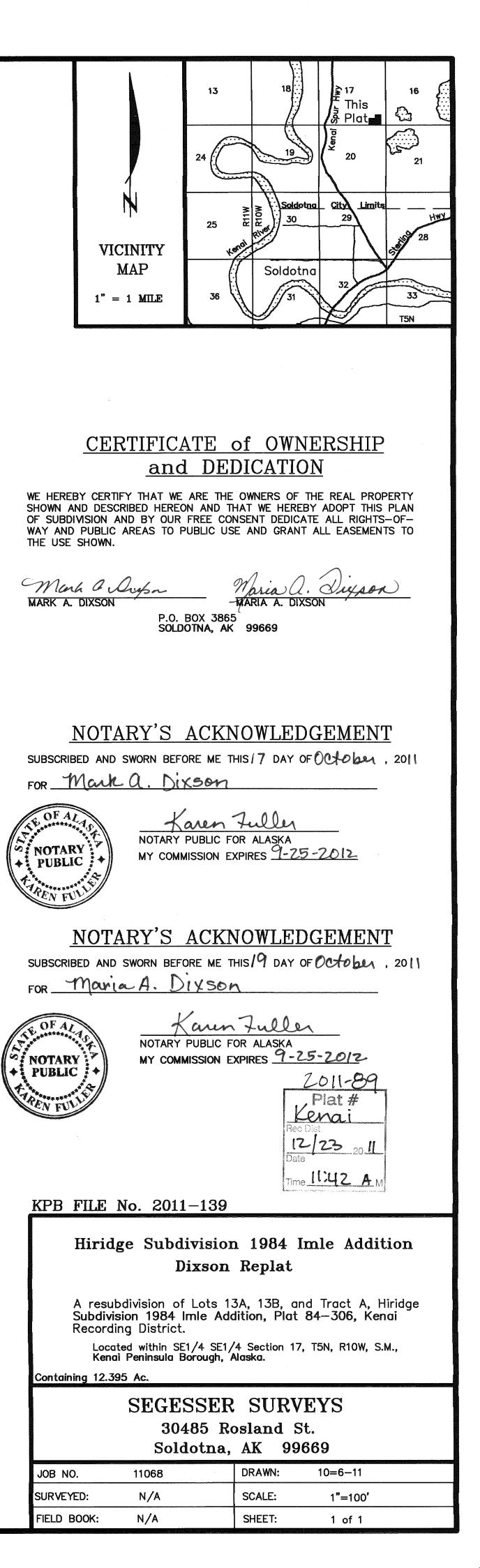


SURVEYOR'S CERTIFICATE

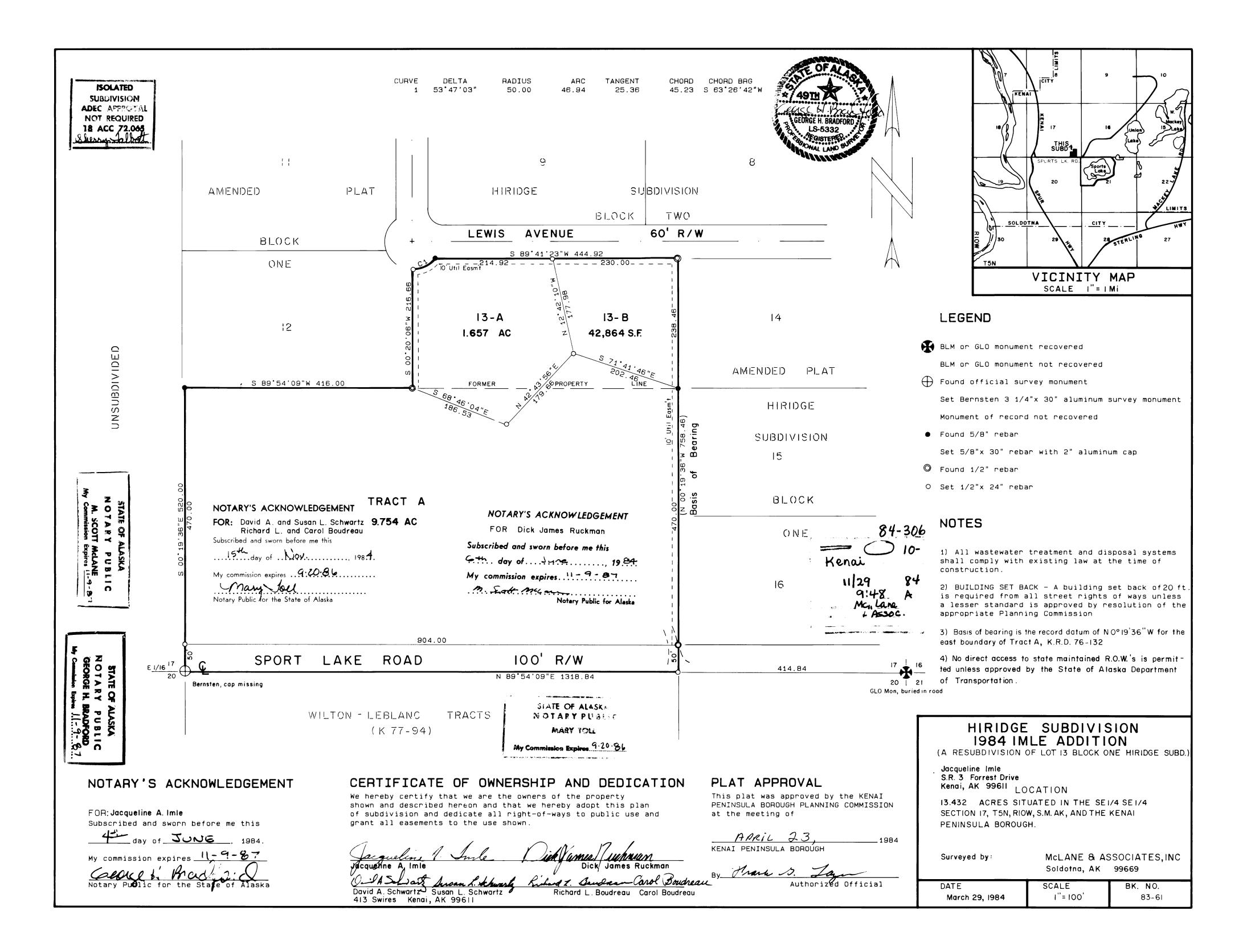
I hereby certify that; I am properly registered and licensed to practice land surveying in the State of Alaska, this plat represents a survey made by me or under my direct supervision, the monuments shown hereon actually exist as described, and all dimensions and other details are correct.

Date <u>10-7-11</u>





GLO \$17 \$16 \$20 \$21 2 1/2" Brass Cap







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

0 37.5 75 150 '

Aerial View

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PClements, KPB 2021-162 Imagery Sterling 2018

LEGEND:

- 3 1/4" ALUM. MON. 3932-S 1976 RECORD
- \oplus PK NAIL OF RECORD PLAT 2006-131 KRD
- 1/2" REBAR RECORD
- 0 5/8" REBAR RECORD
- RECORD DATUM PLAT 2009-62 KRD

NOTES:

- This is a paper plat. A field survey was not performed in accordance with KPB 20.60.200(A).
- Basis of bearing taken from Homewood Subdivision Howarth Addition, Plat 2009-62, Kenai Recording District.
- Building Setback—A setback of 20 feet is required from all street Rights—of—Way unless a lesser standard is approved by resolution by the appropriate Planning Commission.
- 4) All waste disposal systems shall comply with existing laws at the time of construction.
- 5) Covenants, conditions and restrictions which affect this plat are recorded in Book 115 Page 636, Kenai Recording District.
- 6) 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.
- 7) Centerline of existing powerline is also the centerline of a 20' utility easement.
- 8) An easement for electric lines or system and/or telephone lines granted to Homer Electric Association is recorded in Book 31 Page 170, Kenai Recording District. No definite location disclosed.
- 9) 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.
- 10) No Engineer's Subdivision and Soils Report is available for this subdivision, soil conditions may be unsuitable for onsite wastewater treatment and disposal systems must meet the regulatory requirements of the Alaska Department of Environmental Conservation. The purpose of this platting action is to combine 2 lots into 1, which will provide greater available wastewater disposal area as described by 20.40.020.(A).

PLAT APPROVAL

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

KENAI PENINSULA BOROUGH

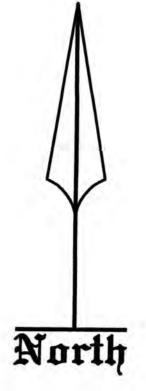
AUTHORIZED OFFICIAL

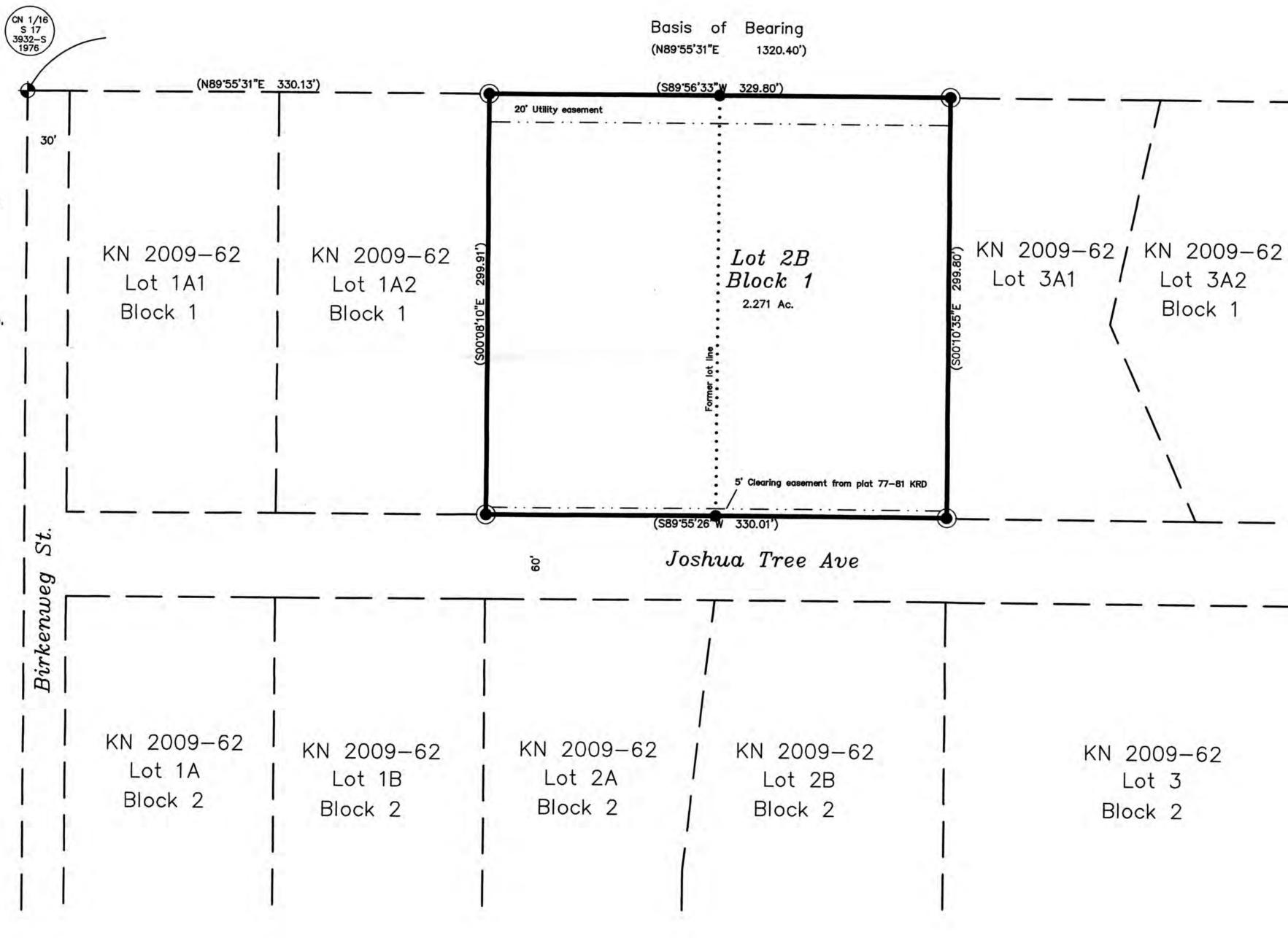


SURVEYOR'S CERTIFICATE

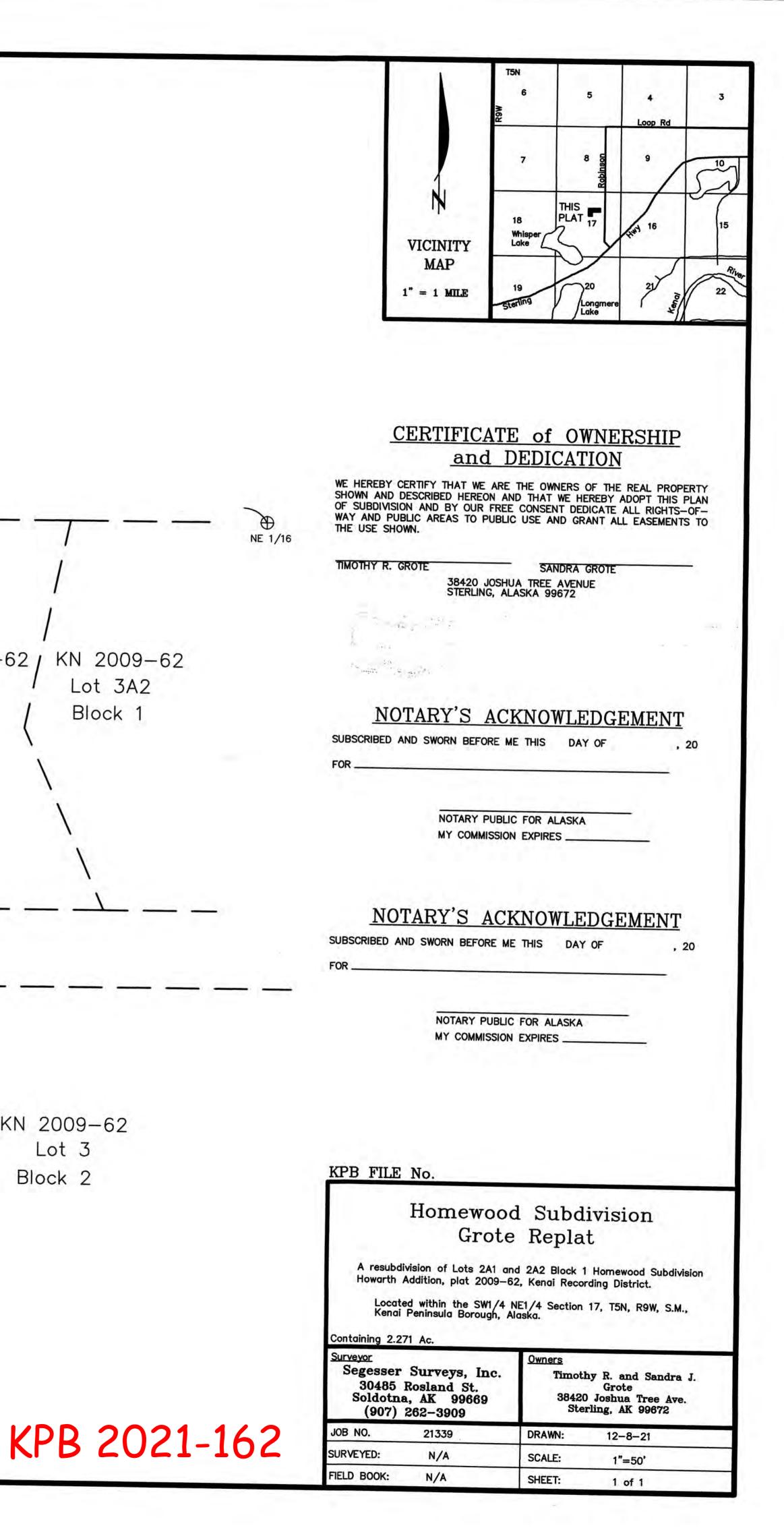
Date _____

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.





Unsubdivided



AGENDA ITEM E. NEW BUSINESS

KPB File No.	2021-162	
Plat Committee Meeting:	January 10, 2022	
Applicant / Owner:	Timothy R. and Sandra J. Grote of Sterling, Alaska	
Surveyor:	John Segesser / Segesser Surveys	
General Location:	Joshua Tree Avenue, Sterling	
Parent Parcel No.:	063-550-76, 063-550-77	
Legal Description: Lots 2A1 and 2A2, Block 1, Homewood Subdivision Howarth Addition, P		
	2009-62	
Assessing Use:	Residential	
Zoning:	Rural Unrestricted	
Water / Wastewater	Application does not state (onsite)	

ITEM 9 - HOMEWOOD SUBDIVISION GROTE REPLAT

STAFF REPORT

<u>Specific Request / Scope of Subdivision</u>: The proposed plat will combine two lots by removing the shared lot line to create one lot that will be 2.27 acres.

Location and Legal Access (existing and proposed): The replat is located on Joshua Tree Avenue, a 60 foot wide borough maintained right of way. Joshua Tree Avenue connects with the west side of Robinson Loop Road which is a state maintained right of way that intersects the Sterling Highway near mile 87.5.

The subdivision is within an open block defined by Robinson Loop Road, Joshua Tree Ave and Birkenweg Street. To the north and west of the block is a large 100 acre parcel with a prior existing use material site permit that has been in use since 1986. The block length along Joshua Tree Avenue is compliant. The large acreage lot to the north can be further subdivided and will be required to provide dedications that improve the block. The portion of the lot north of the proposed subdivision has improvements that will need to be considered when dedicating right of ways. **Staff recommends** the plat committee concur that a right of way dedication is not required, as any dedication within this subdivision will not improve the block requirements and development to the north would affect the location of right of ways.

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

<u>Site Investigation</u>: The property within the subdivision does not appear to contain any low wet areas. The area is relatively flat with no steep slopes present.

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 property within this subdivision was originally a 160 acre homestead that was subdivided by Homewood Subdivision, Plat KN 77-81. Homewood Subdivision Simons Addition No. 2, Plat KN 2006-131, adjusted a shared lot line between two parcels. Those parcels were then part of Homewood Subdivision Howarth Addition, Plat KN 2009-62, and created the current lot configurations. This plat will combine Lots 2A1 and 2A2 into one parcel.

Per KPB 20.60.200(A), a field survey is not required as only a lot line is being removed. Per plat note 1, this is a paper plat only and no field survey is being performed.

A soils report is not required, as this platting action will be combining lots to create more usable area. The parent subdivision did submit a soils report for approval. **Staff recommends** the current plat note be revised to reflect a previous soils analysis report was performed.

Notice of the proposed plat was mailed to the beneficial interest holder on December 13, 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.

<u>Utility Easements</u> A five foot clearing easement was granted along Joshua Tree Avenue per Plat KN 77-81, Homewood Subdivision.

Homewood Subdivision Simons Addition No. 2, Plat KN 2006-131, replatted the property, and granted the front 10 feet along the right of way and 20 feet within 5 feet of the side lot lines as a utility easement. A powerline was depicted showing the location to be 2.5 feet south of the north property line. No notes or labels indicate an easement was granted for the existing powerline.

Homewood Subdivision Howarth Addition, Plat KN 2009-62, reconfigured the property and carried over the five foot clearing easement. The plat also granted 10 foot utility easements along the dedicated right of way and 20 feet within 5 feet of side lot lines. Additionally a 20 foot utility easement was granted adjoining the northern boundary. A plat note stated, "Centerline of existing powerline is also the centerline of a 20' wide easement."

The preliminary plat correctly depicts and labels the 5 foot clearing easement with reference to Plat KN 77-81. A plat note indicates the 10 foot utility easement and 20 feet within 5 feet within the side lot lines as previously stated on parent plats. The parent plats had granted 20 foot utility easements within 5 feet of the side lot lines. Those easements still exist and shall be depicted at the location of the former lot lines. **Staff recommends** the utility easements of record be depicted, including the 20×5 (20×10) portions along former lot lines and the plat note be revised to read, "Front 10 feet adjacent to dedicated right of ways, increasing to 20 feet within 5 feet of the side lot lines, is a utility easement. No permanent..."

The 20 foot utility easement along the northern boundary is shown and the plat note is carried over regarding the existing powerline. As there is no depiction of a powerline and the easement does not have a note reference, it is unclear that the two items are related. A parent plat stated the powerline was 2.5 feet into the property and later it was stated on a plat that the line was centered within a 20 foot utility easement that would result in a 12.5 foot wide utility easement along the northern boundary. The powerline easement would be fully contained within the 20 foot

utility easement that was granted. *Staff recommends* the easement depiction include "as granted per KN 2009-62". *Staff recommends* the power line be depicted and labeled as shown on plat KN. 2006-131.

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.

<u>Utility</u>	provide	<u>r review:</u>	

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

KPB department / agency review:

Addressing	Reviewer: Haws, Derek
J	Affected Addresses:
	38420 JOSHUA TREE AVE
	Existing Street Names are Correct: Yes
	List of Correct Street Names:
	BIRKENWEG ST
	JOSHUA TREE AVE
	Existing Street Name Corrections Needed:
	All New Street Names are Approved: No
	List of Approved Street Names:
	List of Street Names Denied:
	Comments:
	38420 JOSHUA TREE AVE will remain with LOT 2B
Code Compliance	Reviewer: Ogren, Eric
	Comments: No comments
Planner	Reviewer: Aldridge, Morgan
	There are not any Local Option Zoning District issues with this proposed
	plat.
	Material Site Comments:
Accessing	There are not any material site issues with this proposed plat.
Assessing	Reviewer: Bruns, Matthew
	Comments: No concerns from Assessing Dept.

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

STAFF RECOMMENDATIONS

Staff recommends removing overstrikes from the survey marker symbols depicted on the plat.

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.

Page **3** of **6**

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

Staff recommendation:

- Lot 3A1, located east of the subdivision, needs a "Block 1" label added.
- South of the subdivision, Lots 2A and 2B, the recording number should be updated to "98-90"
- Lot 3 Block 2, located southeast of the subdivision, has been replatted. Provide the correct depiction and provide a label for Lot 3A Block 2, KN 2014-62. The label for Lot 3B is not required but if the lot is depicted also provide a 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.

20.30.240. Building setbacks.

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

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

B. The setback shall be noted on the plat in the following format:

Building setback- A setback of 20 feet is required from all dedicated street right-of-ways unless a lesser standard is approved by resolution of the appropriate planning commission.

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

Staff recommendation: Depict and label the building setback.

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: This subdivision is combining two lots, which will provide additional areas for wastewater removal. A soils analysis report is not required. A soils analysis report was prepared for the parent plat.

Staff recommendation: Remove plat note 4 and provide the following plat note, "WASTEWATER DISPOSAL: The parent subdivision for lots resulting from this platting action was approved by the Kenai Peninsula Borough on September 8, 2008. Wastewater treatment and disposal systems must meet the regulatory requirements of the Alaska Department of Environmental Conservation." Comply with 20.40.

KPB 20.60 – Final Plat

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

20.60.110. Dimensional data required.

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

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

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

Staff recommendation: A field survey was not performed and all data is from record. Correct the bearing on the north boundary to match the record plat. If information shown is computed, it should be noted as such. Comply with 20.60.110.

20.60.180. Plat notes.

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

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

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

Remove plat note 6 and reword note 10 to comply with 20.40.

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: Add Sandra Grote's middle initial to her signature line. Correct the Notary's Acknowledgement so it is an acknowledgement instead of a combination of an acknowledgement and a jurat. Comply with 20.60.190.

20.60.200. Survey and monumentation.

Staff recommendation: The subdivision is combining lots and per 20.60.200(A), a field survey is not required. Not required but requested, provide a bearing and distance from the NE1/16 marker to subdivision boundary. Comply with 20.60.200

RECOMMENDATION:

STAFF RECOMMENDS:

- GRANT APPROVAL OF THE PRELIMINARY PLAT SUBJECT TO STAFF RECOMMENDATIONS, AND
- COMPLIANCE WITH KPB 20.25.070 (FORM AND CONTENTS), KPB 20.25.080 (PETITION REQUIRED),

Page **5** of **6**

KPB 20.30 (DESIGN REQUIREMENTS); AND KPB 20.40 (WASTEWATER DISPOSAL), AND

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

NOTE: 20.25.120. - REVIEW AND APPEAL.

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

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

END OF STAFF REPORT

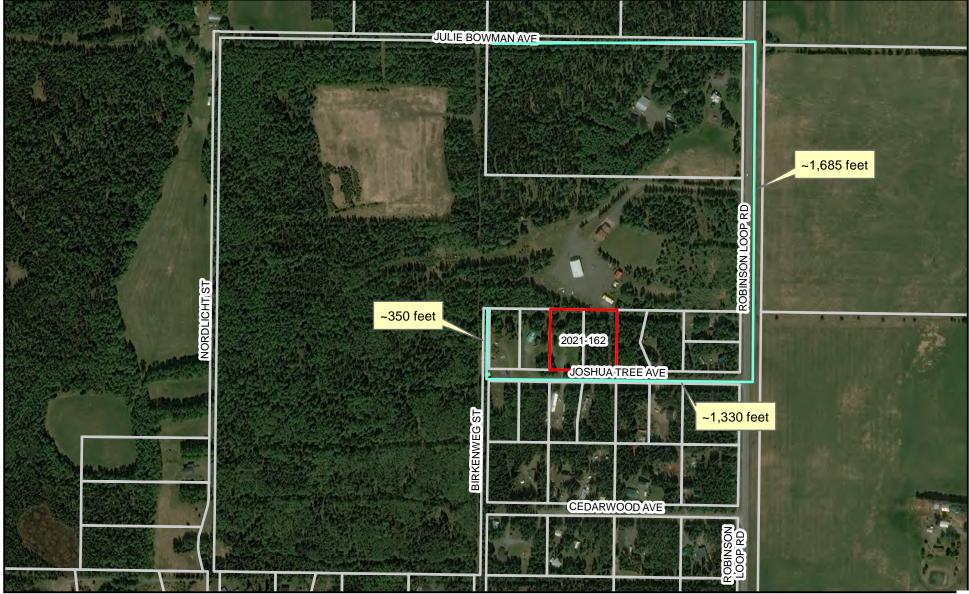


Kenai Peninsula Borough Planning Department

Block



Homewood Subdivision Grote Replat KPB File 2021-162



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

LEGEND:

A MONUMENT (found this survey)

- PK NAIL OF RECORD PLAT 2006-131 KRD
- 1/2" REBAR (found this survey)
- REBAR (set this survey)
- RECORD DATUM PLAT 77-81 KRD

NOTES:

- 1) Basis of bearing taken from Homewood Subdivision, Plat 77-81 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) All waste disposal systems shall comply with existing laws at the time of construction.
- 4) Covenants, conditions and restrictions which affect this plat are recorded in Book 115 Page 636, Kenai Recording District.
- 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) Centerline of existing powerline is also the centerline of a 20' utility easement.
- 7) Front 10 feet of the 20 foot building setback and the entire setback within 5 feet of the side lot lines is a utility easement. No permanent structure shall be constructed or placed within a utility easement which would interfere with the ability of a utility to use the easement.
- 8) WASTEWATER DISPOSAL: Soil conditions, water table levels, and soil slopes in this subdivision have been found suitable for conventional onsite wastewater treatment and disposal systems serving single-family or duplex residences and meeting the regulatory requirements of the Kenai Peninsula Borough. Any other type of onsite wastewater treatment and disposal system must be designed by a professional engineer, registered to practice in Alaska, and the design must be approved by the Alaska Department of Environmental Conservation.

Casey Malelan CE7235 10-12-09 License No. Date

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF SEPTEMBER 8, 2008.

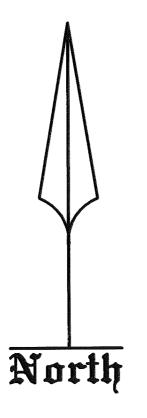
KENAI PENINSULA BOROUGH Mar OBas AUTHORIZED OFFICIAL

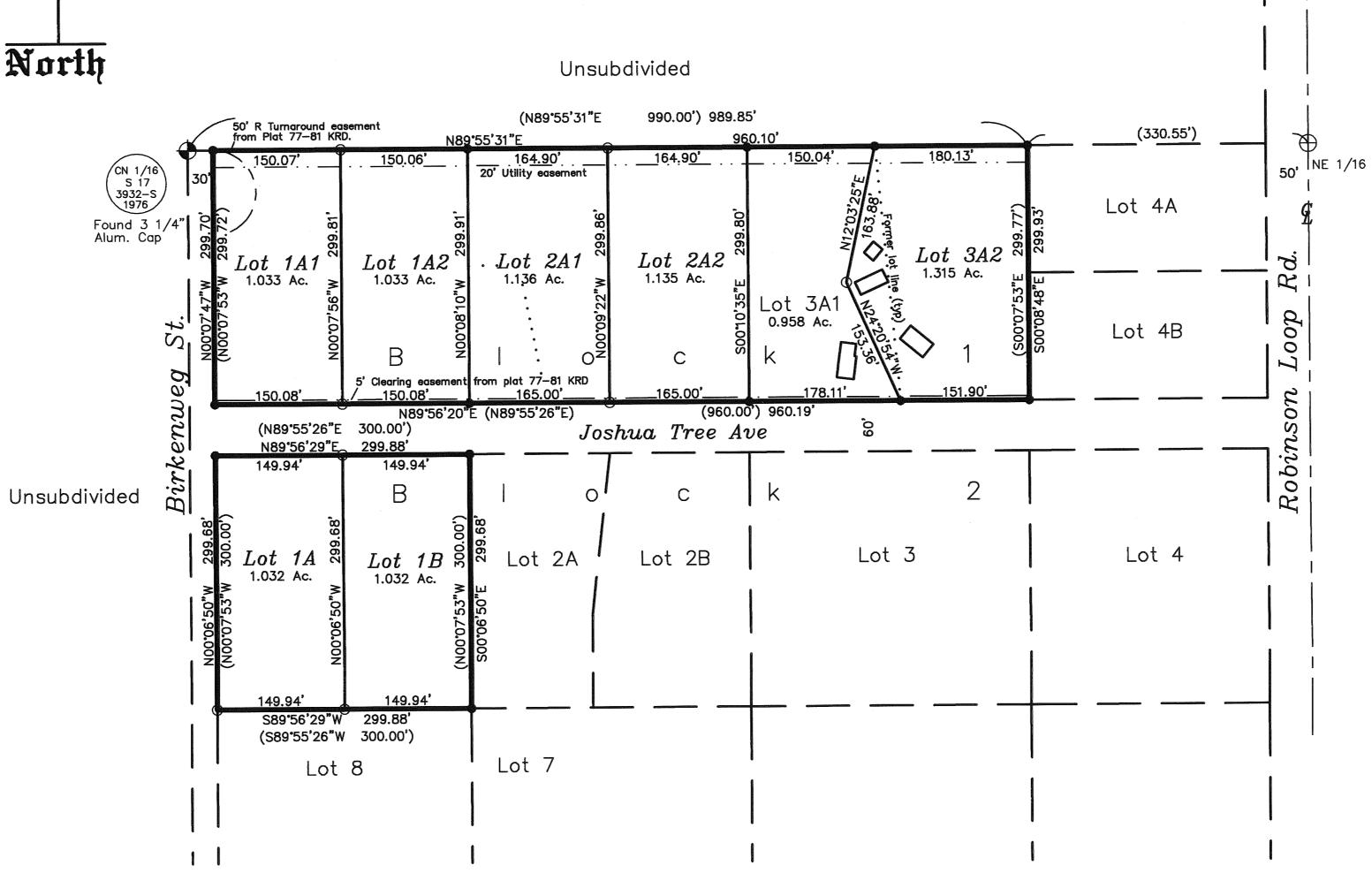


SURVEYOR'S CERTIFICATE

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 <u>8-7-09</u>





THIS PLAT 18 Whispe VICINITY Lake MAP $1^* = 1$ MILE CERTIFICATE of OWNERSHIP and DEDICATION WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND 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. John M. Howarth P.O. BOX 2351 SOLDOTNA, AK 99669 NOTARY'S ACKNOWLEDGEMENT SUBSCRIBED AND SWORN BEFORE ME THIS 16 DAY OF Sept. , 2009 FOR John M. Howarth Karen Fuller OF AL NOTARY PUBLIC FOR ALASKA MY COMMISSION EXPIRES 9-25-2012 NOTARY PUBLIC * NOTARY'S ACKNOWLEDGEMENT SUBSCRIBED AND SWORN BEFORE ME THIS 16 DAY OF Sept. , 2009 FOR Elizabeth D. Howarth Karen Fuller NOTARY PUBLIC FOR ALASKA MY COMMISSION EXPIRES 9-25-2012 **NOTARY** PUBLIC #* KPB FILE No. 2008-204 2009-42 RECORDED 20 Homewood Subdivision Kenai REC. DIST. Howarth Addition DATE: 10-14-TIME: 01:15 _20<u>09</u> _P_M A resubdivision of Lot 1 Block 2 Homewood Subdivision, plat 77—81, Loss 3A and 3B Block 1 Homewood Subdivision Simons Addition, plat 87—28, and Lots 1A and 2A Block 1 Homewood Subdivision Simons Addition No. 2, plat 2006—131, Kenai Recording District. REQUESTED BY: SEGESSER SURVEYS 30485 ROSLAND ST. SOLDOTNA, AK 99669 Located within the SW1/4 NE1/4 Section 17, T5N, R9W, S.M., Kenai Peninsula Borough, Alaska. Containing 8.672 Ac. SEGESSER SURVEYS 30485 Rosland St. Soldotna, AK 99669 DRAWN: 8-7-09 JOB NO. 08066 SCALE: July, 2008 1"=100' SURVEYED:

08-3

FIELD BOOK:

SHEET:

1 of 1

LEGEND:

A MONUMENT (found this survey)

- PK NAIL OF RECORD PLAT 2006-131 KRD
- 1/2" REBAR (found this survey)
- REBAR (set this survey)
- RECORD DATUM PLAT 77-81 KRD

NOTES:

- 1) Basis of bearing taken from Homewood Subdivision, Plat 77-81 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) All waste disposal systems shall comply with existing laws at the time of construction.
- 4) Covenants, conditions and restrictions which affect this plat are recorded in Book 115 Page 636, Kenai Recording District.
- 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.
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Casey Malelan CE7235 10-12-09 License No. Date

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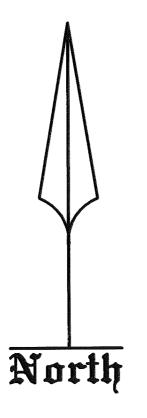
KENAI PENINSULA BOROUGH Mar OBas AUTHORIZED OFFICIAL

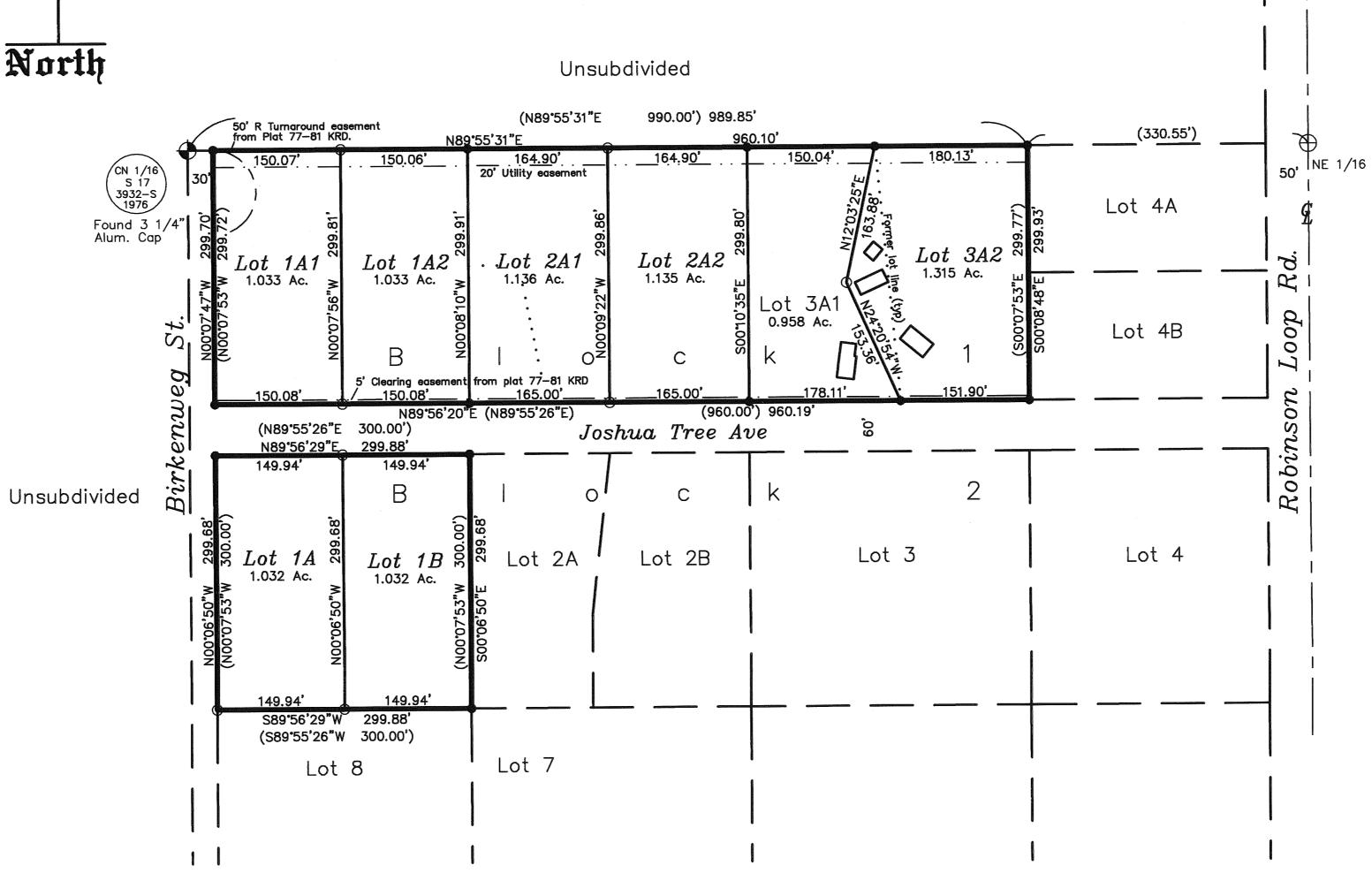


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Date <u>8-7-09</u>





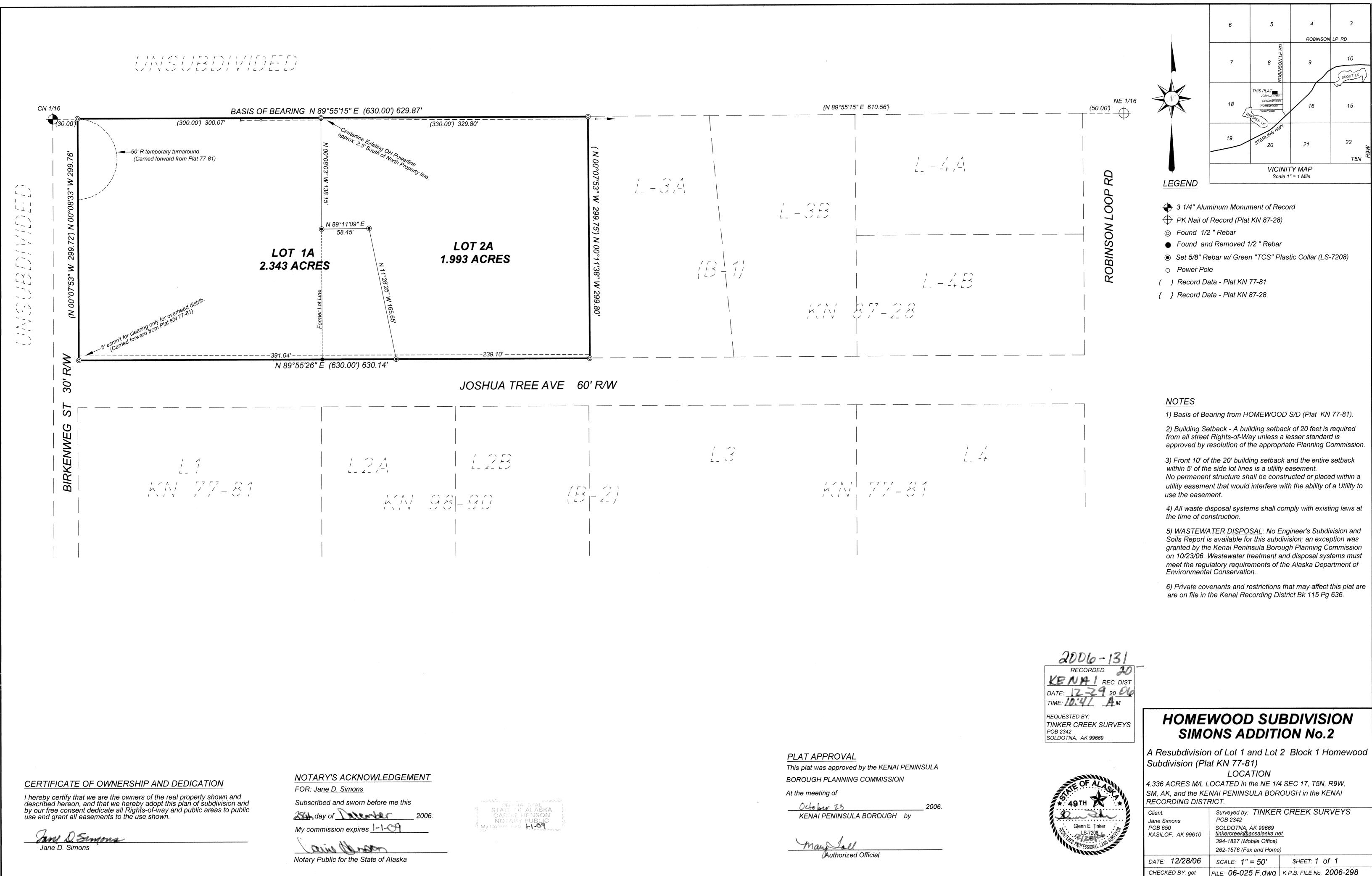
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08-3

FIELD BOOK:

SHEET:

1 of 1



	202-10/0 (1 4x 410 110116	/
12/28/06	SCALE: 1" = 50'	SHEET: 1 of 1
<ed by:="" get<="" th=""><th>FILE: 06-025 F.dwg</th><th>K.P.B. FILE No. 2006-298</th></ed>	FILE: 06-025 F.dwg	K.P.B. FILE No. 2006-298
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2006-131 KENAI



KENAI PENINSULA BOROUGH

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

> JOHN J. WILLIAMS MAYOR

CERTIFICATE OF TAX DEPARTMENT

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

Subdivision: HOMEWOOD SUBDIVISION SIMONS ADDITION NO 2

Parcel # 06355003-2

T05N R09W S17 KN0770081 HOMEWOOD SUB Lot 2 Block 1

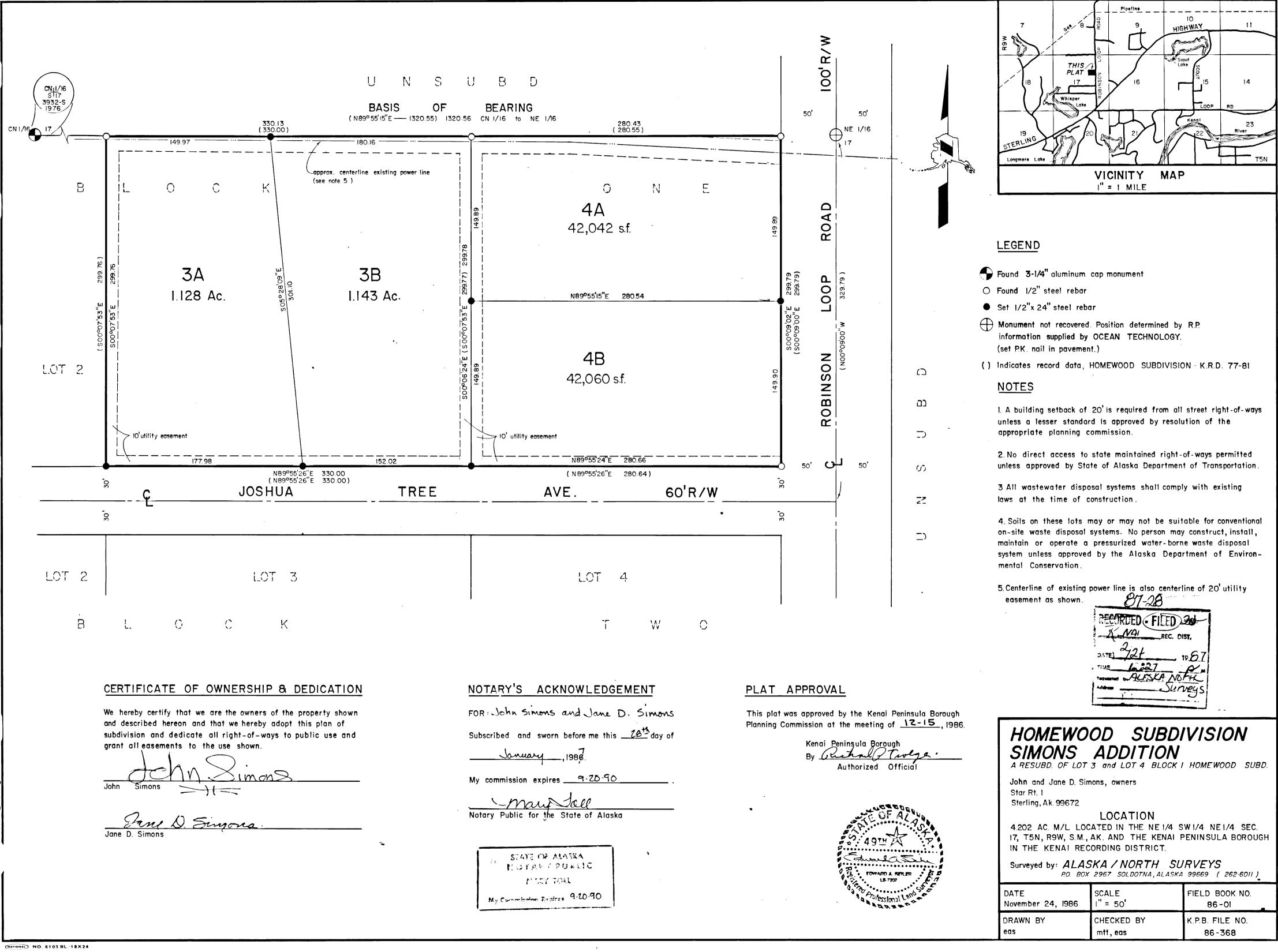
Parcel # 06355004-0

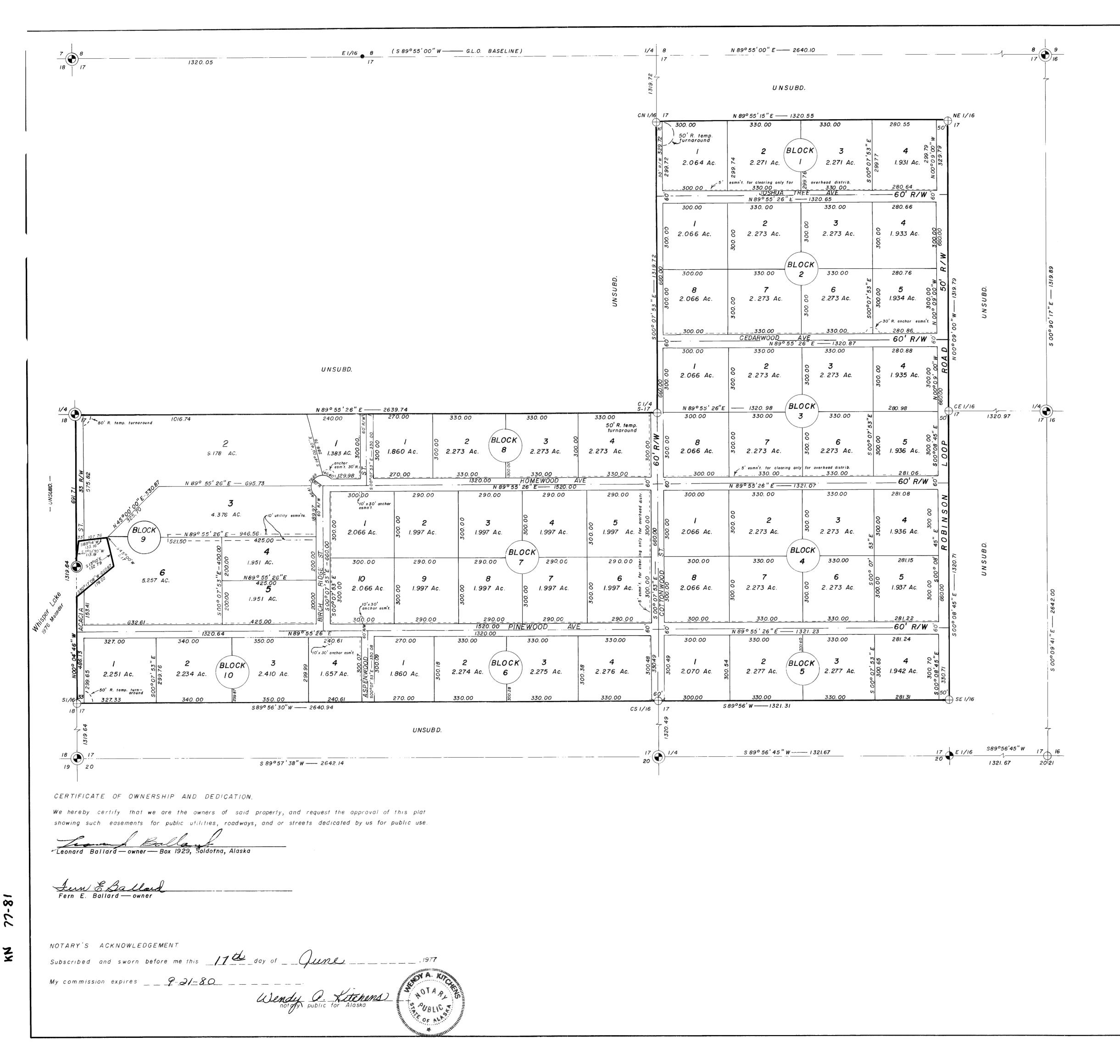
T05N R09W S17 KN0770081 HOMEWOOD SUB Lot 1 Block 1

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

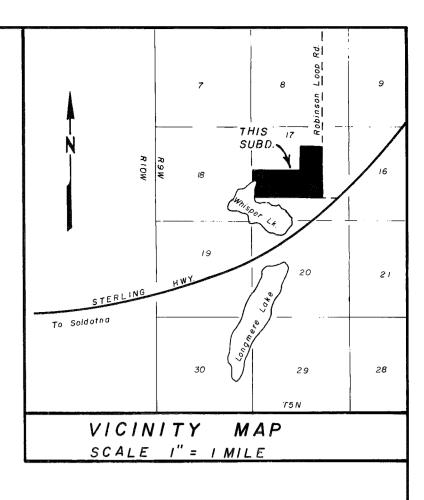
Witness my hand and seal this 22nd day of November, 2006.

Rhonda K. Krohn Property Tax and Collections Supervisor









LEGEND AND NOTES:

- (🕐) Found G.L.O. B.C. monument.
- Found official survey B.C. monument, 610-S
- Set official survey mon. (21/2" AI.) 3932-S
 Replaced 1/16 from R.P.S. 610-S
- \perp Set $1/2'' \times 24''$ steel rebar at all lot corners.
- All datum of record shown in ().

All lots are subject to a 20' bldg. setback along dedicated right of ways.

Those lots in Block 9 are to front only on the dedicated 60' R/W. BIRCH RIDGE ST.

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

77-81
KENAI REC. DIST.
DATE 6-17 1977 TIME 10:35 A M Requested by Geomard Ballas
Address

PLAT APPROVAL

Plat approved by the Commission this 13th day of September _____, 1976 Mayor or Planning Director

HOME WOOD SUBDIVISION

Leonard Ballard —— owner Box 1929, Soldotna, Alaska 99669

DESCRIPTION

U.S. GOV'T. LOT I AND THE SW1/4 NE1/4, NE1/4 SW1/4, NW1/4 SE1/4 SEC. 17, T5N, R9W S.M. AK. CONTAINING 159.385 ACRES IN THE KENAI PENINSULA BOROUGH.

Surveyed by: McLane and Associates Soldotna, Alaska

Date of Survey	Sc al e	Bk. No.
6/25/76 — 8/20/76	I" = 200'	42-73

Kenai 77-81

Subdivision Homewood Sub.

Kenai Peninsula Borough

Box 850

Soldotna, Alaska 99669

CERTIFICATE OF TAX PAYMENT

I, Dona D. Palmer, do hereby certify as follows:

That I am the Tax Collector for the Kenai Peninsula Borough.

That, as of the date of this certificate, all real property taxes levied by the Kenai Peninsula Borough on the areas described as:

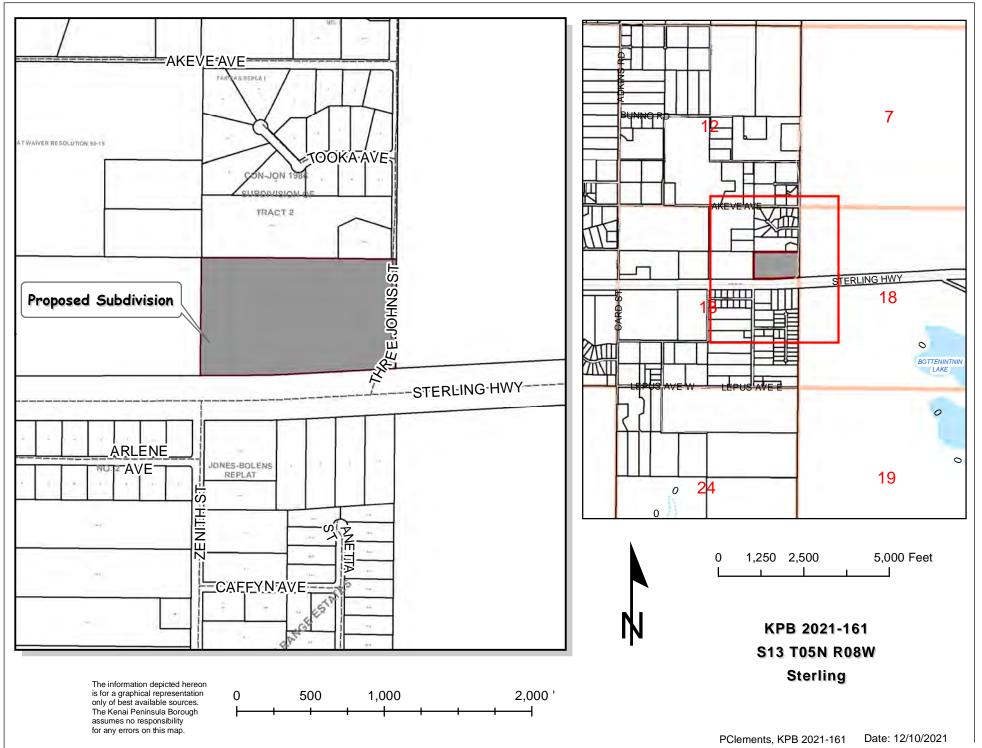
Assessor's Parcel No. - 063-091-1200

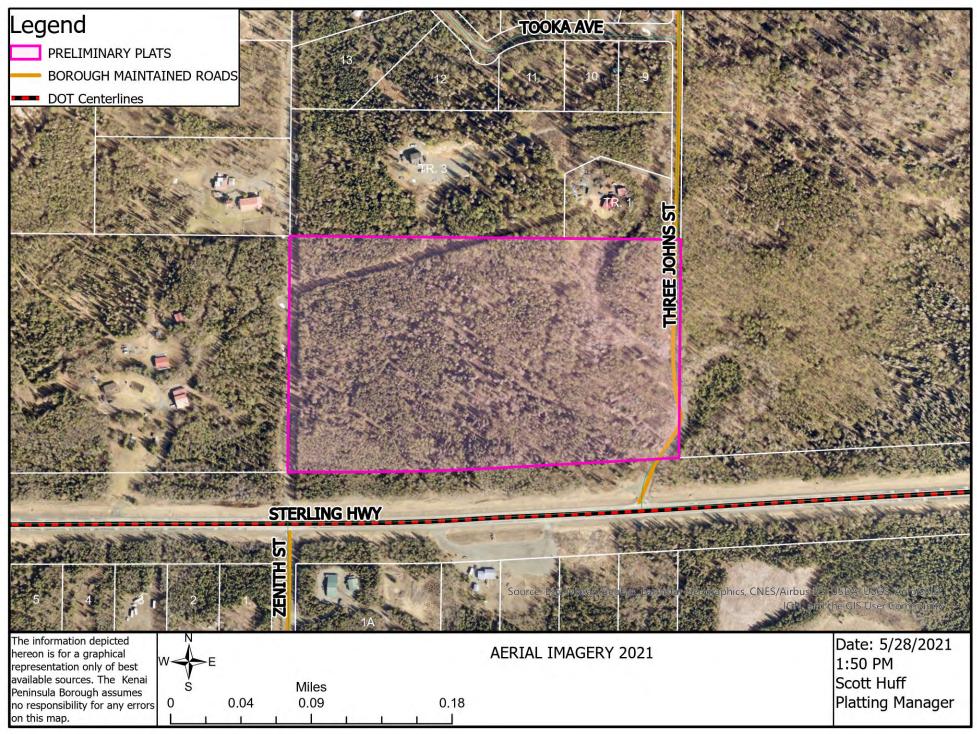
have been paid, except for the ______ taxes which are a lien on the property.

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

WITNESS my hand and seal this <u>17th</u> day of <u>June</u>, 19<u>77</u>.

Dona D. Palmer, Tax Collector





LEGEND:

\$ 2 1/2" BRASS GLO MONUMENT 1939 FOUND

- 2 1/2" ALUM. CAP MONUMENT 268-S 1985 FOUND
- 3 1/4" ALUM. CAP MONUMENT LS6101 1986 FOUND \odot

IRON PIPE FOUND

5/8" REBAR w/PLASTIC CAP LS8859 SET 0

RECORD DATUM PLAT 86-234 KRD ()

NOTES:

- Basis of bearing taken from Con—Jon 1986 Subdivision Tract 2, Plat 86—234, Kenai Recording District. Building Setback—A setback of 20 feet is required from all street Rights—of—Way unless a lesser standard is approved by resolution by the appropriate Planning Commission.
- 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.
- No access to State maintained ROW's permitted unless approved by the State of Alaska Department of Transportation.
- This property is subject to a reservation of easement for highway purposes, and any assignments or uses thereof for recreational, utility or other purposes, as disclosed by Public Land Order No. 601, dated August 10, 1949; and amended by Public Land Order Number No. 757, dated October 10, 1959; Public Land Order No. 1613, dated April 7, 1958; Department of the Interior Order Number 2665, dated October 16, 1951, Amendment Number 1 thereto, dated July 17, 1952 and Amendment Number 2 thereto, dated September 15, 1956, filed in the Federal Register.
- 6) An easement for electric lines or system and/or telephone lines granted to Homer Electric Association is recorded in Book 35 Page 328, Kenai Recording District. No definite location disclosed.
- 7) 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.
- 8) <u>WASTEWATER DISPOSAL:</u> 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.

License No.

ATE OF AL	ASTIN	
* 49IH	*	

St. KN 86-158 vith Lot 1 Ze LS6101 CE 1/16 0 S13 1986 60'

Unsubd.

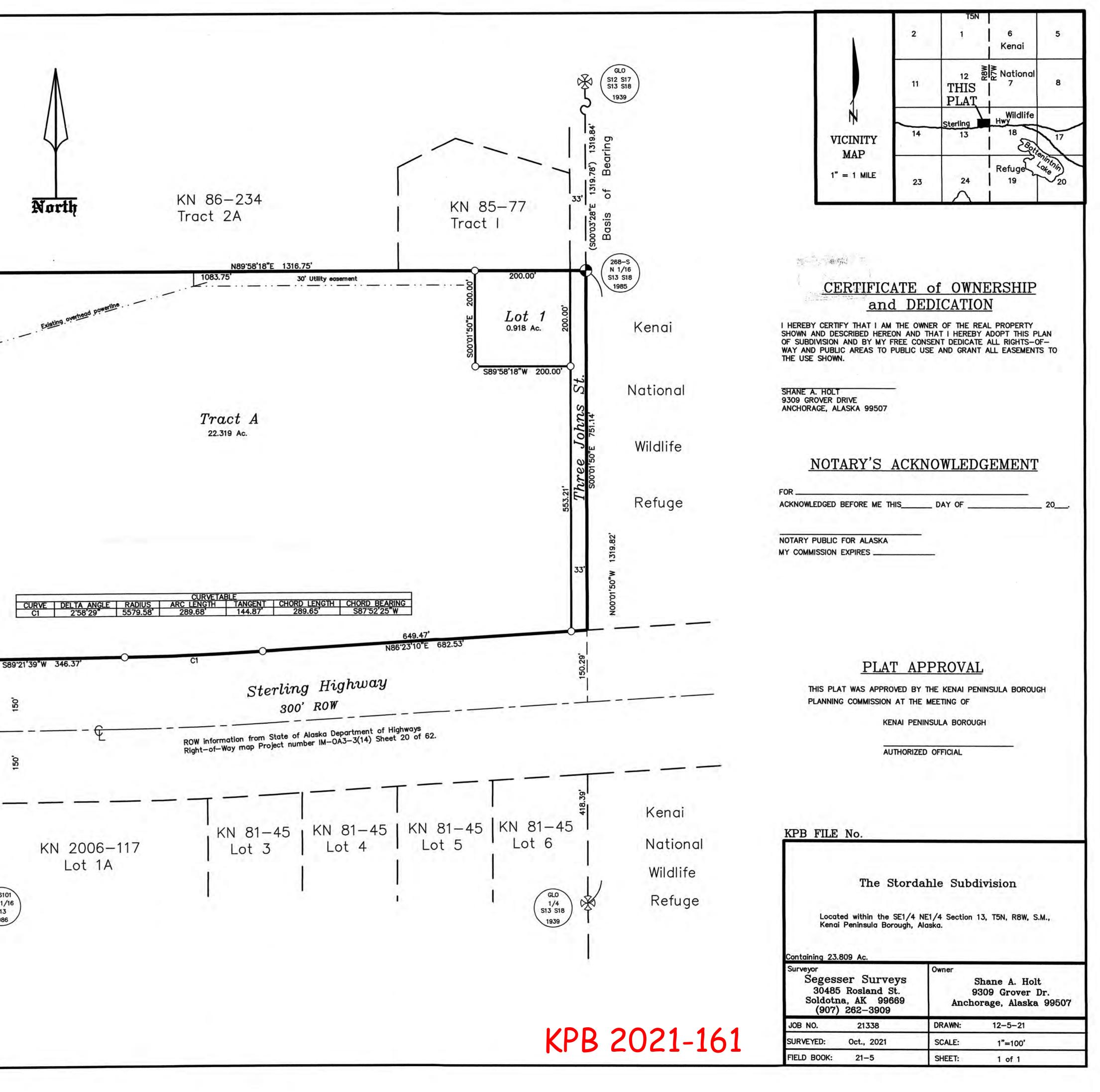
Unsubd

SURVEYOR'S CERTIFICATE

No. LS 8859

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.

Engineer



AGENDA ITEM E. NEW BUSINESS

KPB File No.	2021-161	
Plat Committee Meeting:	January 10, 2022	
Applicant / Owner:	Shane Holt of Anchorage, AK	
Surveyor:	John Segesser / Segesser Surveys, Inc.	
General Location:	Sterling Highway and Three Johns Street, Sterling	
Parent Parcel No.:	065-322-05	
Legal Description: SE1/4 NE1/4 Section 13 Township 5 North, Range 8 West, lying north of t		
	the right of way line of the Sterling Highway	
Assessing Use:	Residential	
Zoning:	Rural Unrestricted	
Water / Wastewater	On site	

ITEM 10 - THE STORDAHLE SUBDIVISION

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide a 25 acre parcel into one lot and one tract. The lot will be .918 acres and the tract will be 22 acres. A 33 foot wide dedication for Three Johns Street is proposed.

Location and Legal Access (existing and proposed): The subdivision is located at milepost 76 of the Sterling Highway on the corner of the Sterling Highway and Three Johns Street. Three Johns Street is a 33 foot wide section line easement.

The preliminary plat will dedicate a 33 foot wide right of way that will coincide with the section line easement. Right of way dedications for the right of way have been provided extending from the northeast corner of the subdivision. Three Johns Road is constructed over the southeast corner of the parcel. The Kenai National Wildlife Refuge borders to the east. Construction of a roadway within the refuge boundary is not possible. *Staff recommends* a full 60 foot wide dedication be granted along the eastern boundary unless documentation can be provided that demonstrates a roadway can be constructed within the Kenai National Wildlife Refuge. *Staff recommends* that the right of way dedication encompass the existing roadway in the southeast corner.

The subdivision is within a closed block defined by the Sterling Highway, Three Johns Street, Akeve Avenue, and Adkins Road. Three Johns Street and Adkins Road are approximately 2,250 feet and Akeve Avenue and Sterling Highway are approximately 5,260 feet. Per KPB 20.30.170, blocks shall not be less than 330 or more than 1,320 feet.

Dedications along the west and the north boundary will place the subdivision within a closed block with compliant block lengths of 808 feet and 1,316 feet.

A access easement is reserved on the 26 acre parcel to the west that allows legal access to the parcels located to the northwest of this subdivision.

A lease for a communications tower exists in the northeast corner of the parcel. Steep terrain is located along the north boundary. Akeve Avenue is located 1,320 feet to the north and provides an east-west right of way connection.

Parcels to the north and west are large enough to be further subdivided and will be required to provide a matching right of way dedication in the future. *Staff recommends* to comply with code requirements for block length by dedicating a minimum 30 foot wide half width right of way dedication along the west boundary. *Staff recommends* that the Plat Committee concur that a dedication on the north boundary is not required at this time due to the lease

Page **1** of **7**

area for a communications tower, steep terrain on the north boundary, and Akeve Avenue providing an east-west right of way connection. The owner is put on notice that any further subdivision of Tract A may require right of way dedications to comply with KPB subdivision standards.

KPB Roads Dept. comments	Out of Jurisdiction: No
	Roads Director: Uhlin, Dil Comments: The RSA has no comment at this time.
SOA DOT comments	The ROW for Sterling Highway is as shown on Sterling Highway MP 58-79 (IM-OA3-3(14)/54990) sheet 20 of 62 (Plat 2014-34 KRD), and appears to be shown correctly.

<u>Site Investigation:</u> There does not appear to be any low wet areas present on the property. The land is relatively flat.

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

<u>Staff Analysis</u> The subject parcel is a portion of an aliquot lot that lies north of the Sterling Highway. This subdivision will create Lot 1 which will encompass the communication tower lease area. A soils report will be required for Lot 1 and an engineer will sign the final plat.

The parcel is vacant and not affected by any residential structures.

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

The property is not within an advisory planning commission.

<u>Utility Easements</u> Per plat note seven, utility easements will be granted along all dedicated right of ways as required by KPB code. *Staff recommends* all utility easements be depicted on the plat and that plat note seven include "granted by this plat".

An additional easement with no defined location was granted Homer Electric Association by recorded document and is noted within plat note 6.

This plat was originally proposed to be reviewed under the Abbreviated Plat process. Homer Electric Association reviewed it at that time and requested a 30 foot by 660 foot utility easement on the north boundary from the northwest corner of Lot 1 to the existing powerline. This easement depiction has been depicted on the preliminary plat. *Staff recommends* provide the easement as requested by HEA and include in the description "granted by this plat".

HEA also commented that the existing overhead powerline should be covered under the existing easement granted by recorded document and noted in plat note 6. *Staff recommends* the powerline depiction reference the plat note with the easement information or a new easement be granted centered over the existing powerline.

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	HEA requests that the plat provide a 30 foot wide by approx. 660 foot long utility easement along the north property line of Tract A connecting to the proposed Lot 1 of the subdivision as shown on the attached site plan. The attached site plan also makes reference to the blanket ROW easement granted to HEA which should cover the existing overhead (OH) power lines. It would be beneficial to represent the OH Power lines and note the existing blanket easement.
ENIOTAD	
ENSTAR	No comments or recommendations.
ACS	No objections.
GCI	Approved as shown.

KPB department / agency review:

N D department / agency review	
Addressing	Reviewer: Haws, Derek
	Affected Addresses:
	28210 STERLING HWY
	37709 THREE JOHNS ST
	Existing Street Names are Correct: Yes
	List of Correct Street Names:
	STERLING HWY
	THREE JOHNS ST
	ZENITH ST
	Existing Street Name Corrections Needed:
	All New Street Names are Approved: No
	List of Approved Street Names:
	List of Street Names Denied:
	Comments:
	28210 STERLING HWY will remain with Tract A.
	37709 THREE JOHNS ST will remain with Lot 1.
Code Compliance	Reviewer: Ogren, Eric
	Comments: No comments
Planner	Reviewer: Aldridge, Morgan
	There are not any Local Option Zoning District issues with this proposed
	plat.
	Material Site Comments:
	There are not any material site issues with this proposed plat.
Assessing	Reviewer: Bruns, Matthew

Comments: No concerns from Assessing Dept.

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

STAFF RECOMMENDATIONS

CORRECTIONS / EDITS

KPB 20.25.070 – Form and contents required

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

A. Within the Title Block

1. Name of the subdivision which shall not be the same as an existing city, town, tract, or subdivision of land in the borough, of which a plat has been previously recorded, or so nearly the same as to mislead the public or cause confusion. The parent plat's name shall be the primary name of the preliminary plat.

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

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

Staff recommendation: Include in the description that it is "SE1/4 NE1/4 <u>north of the Sterling Highway</u>" Verify the total acreage.

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: Revise the lot to the from Tract 2A to Tract 3 of KN 94-65. The lot to the northwest is currently labeled as unsubdivided. Update the label to Parcel 1 Plat Waiver Resolution 98-15.

L. Contours at suitable intervals when any roads are to be dedicated unless the planning director or commission finds evidence that road grades will not exceed 6 percent on arterial streets, and 1 0 percent on other streets;

Staff recommendation: Staff has provided a contour map in the packet.

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.

20.30.030. Proposed street layout-Requirements.

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

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

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

Page 4 of 7

Staff recommendation: Verify the location of Three Johns Street as it appears to cross across the corner of proposed Tract A. Verify that the right of way dedication to encompass the constructed right of way. Provide a 30 foot wide right of way dedication on the west boundary.

- 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-ofway 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-ofway that was not shown on the original preliminary plat, adjoiners to the new half right-ofway will be sent a copy of the plat committee minutes and a sketch showing the new half right-ofway 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 60 foot wide dedication for Three Johns Street unless documentation is provided that show that a roadway can be constructed within the Kenai National Wildlife Refuge.

20.30.170. Blocks-Length requirements. Blocks shall not be less than 330 feet or more than 1,320 feet in length. Along arterial streets and state maintained roads, block lengths shall not be less than 800 feet. Block lengths shall be measured from centerline intersections.

Staff recommendation: Block lengths exceed allowable lengths. Dedications on the west boundary is required. **Staff recommends** that the Plat Committee concur that a dedication on the north boundary is not required at this time due to the lease area for a communications tower, steep terrain on the north boundary, and Akeve Avenue providing an east-west right of way connection. The owner is put on notice that any further subdivision of Tract A may require right of way dedications to comply with KPB subdivision standards.

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 building setbacks adjoining all dedicated right of ways.

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: Lot 1 will require a soils analysis report and signature from an engineer. Tract A does not require a soils analysis report. Provide a wastewater disposal note for Tract A that complies with 20.50.030.

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 Three Johns Street and any other dedications to be signed by the Kenai Peninsula Borough.

20.60.180. Plat notes.

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

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

Add a note for any exceptions granted.

If a wastewater review is not performed for Tract A, designate the current note on the plat for Lot 1 and add for Tract A "WASTEWATER DISPOSAL: Lots which are at least 200,000 square feet in size may not be suitable for onsite wastewater treatment and disposal. Any wastewater treatment or disposal system must meet the regulatory requirements of the Alaska Department of Environmental Conservation."

RECOMMENDATION:

STAFF RECOMMENDS:

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

NOTE: 20.25.120. - REVIEW AND APPEAL.

A PARTY OF RECORD MAY REQUEST THAT A DECISION OF THE PLAT COMMITTEE BE REVIEWED BY THE PLANNING COMMISSION BY FILING A WRITTEN REQUEST WITHIN 15 DAYS OF NOTIFICATION OF THE DECISION IN ACCORDANCE WITH KPB 2.40.080. A DECISION OF THE PLANNING COMMISSION MAY BE APPEALED TO THE HEARING OFFICER BY A PARTY OF RECORD WITHIN 15 DAYS OF THE DATE OF NOTICE OF DECISION IN ACCORDANCE WITH KPB 21.20.250.

END OF STAFF REPORT

Page **7** of **7**



Kenai Peninsula Borough Planning Department

Area



The Stordahle Subdivision KPB File 2021-161



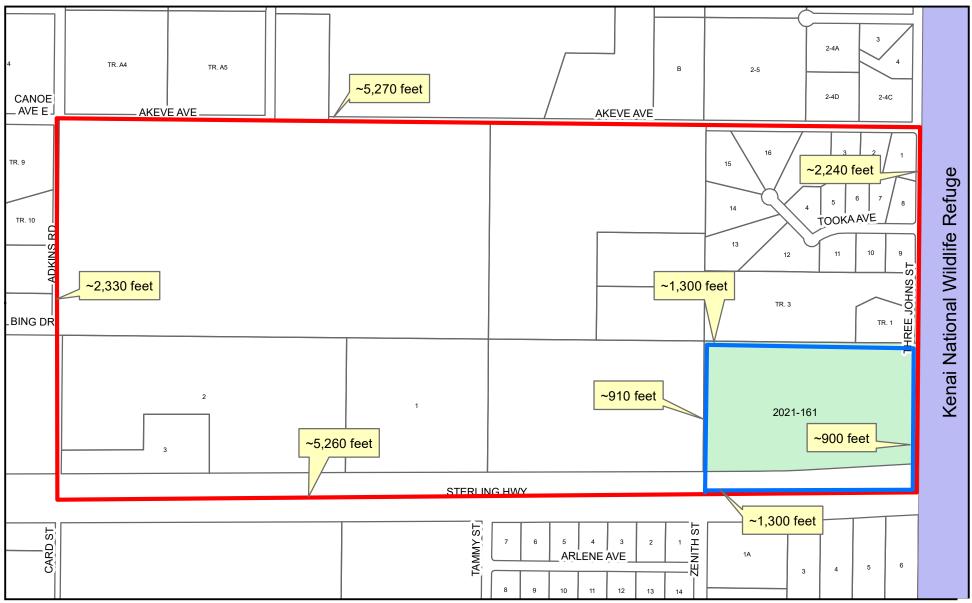


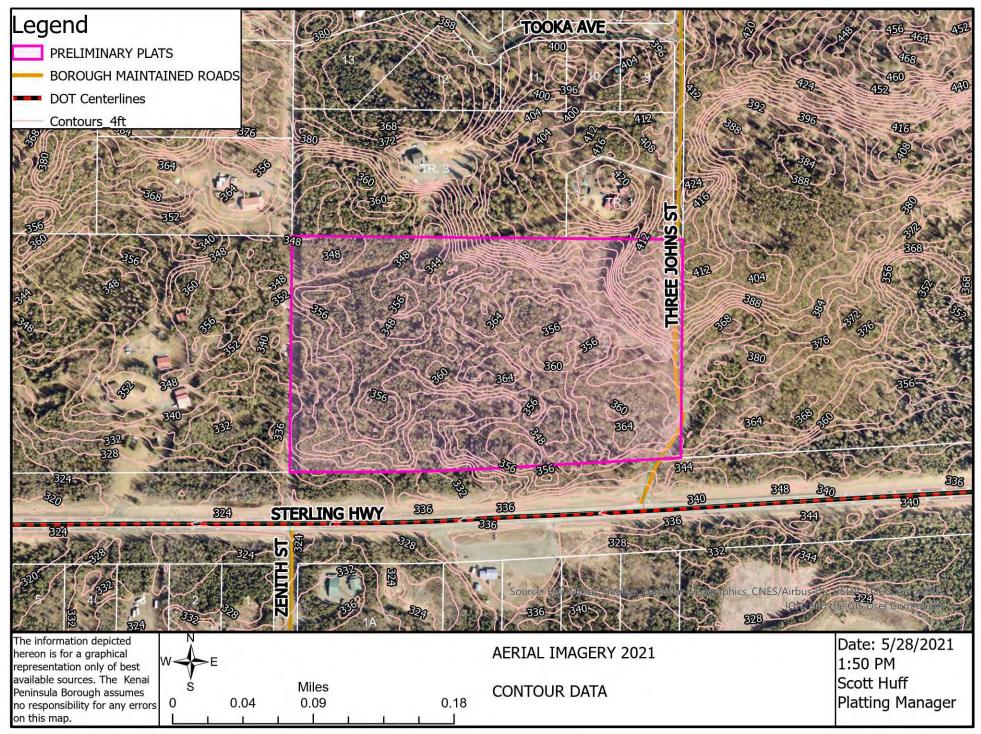
Kenai Peninsula Borough Planning Department

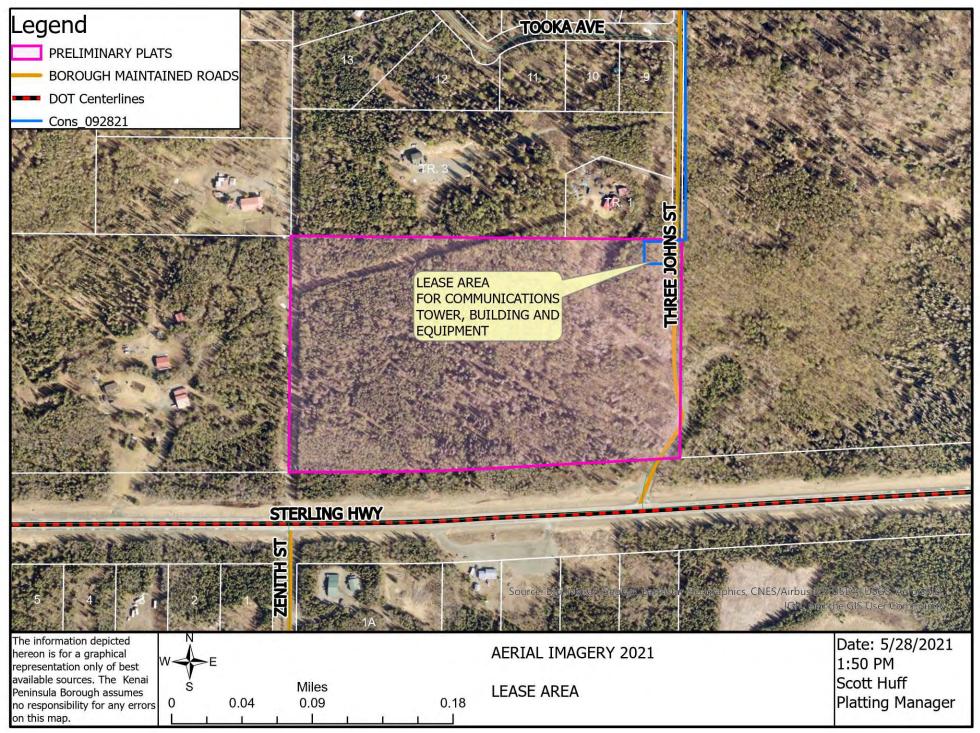
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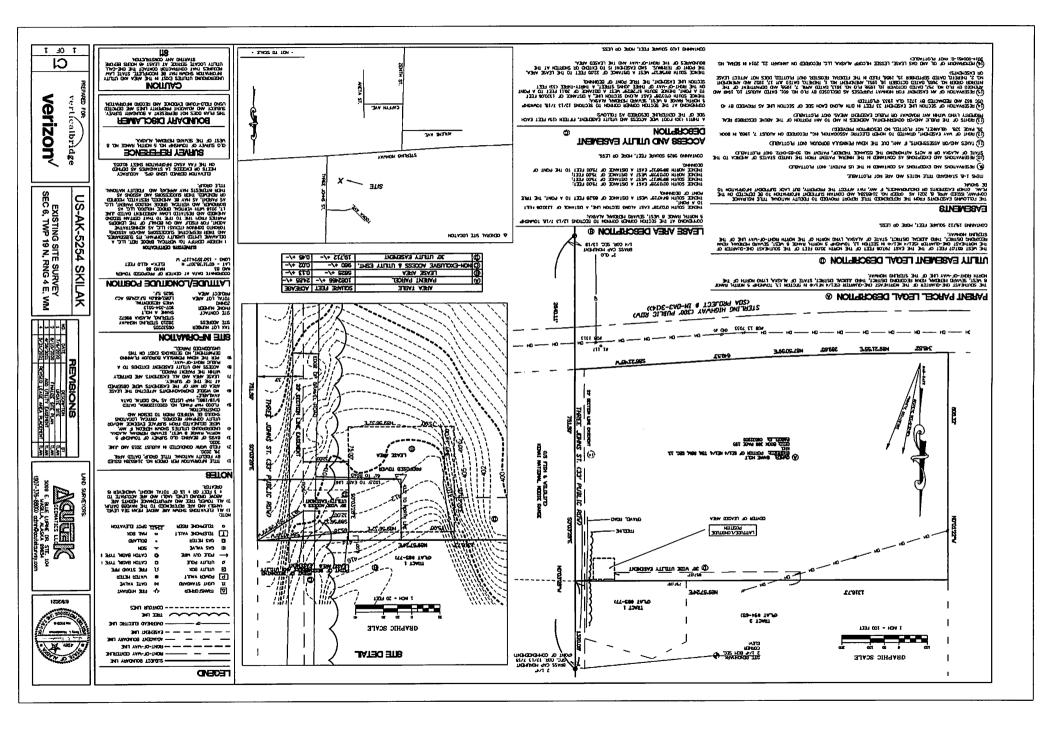
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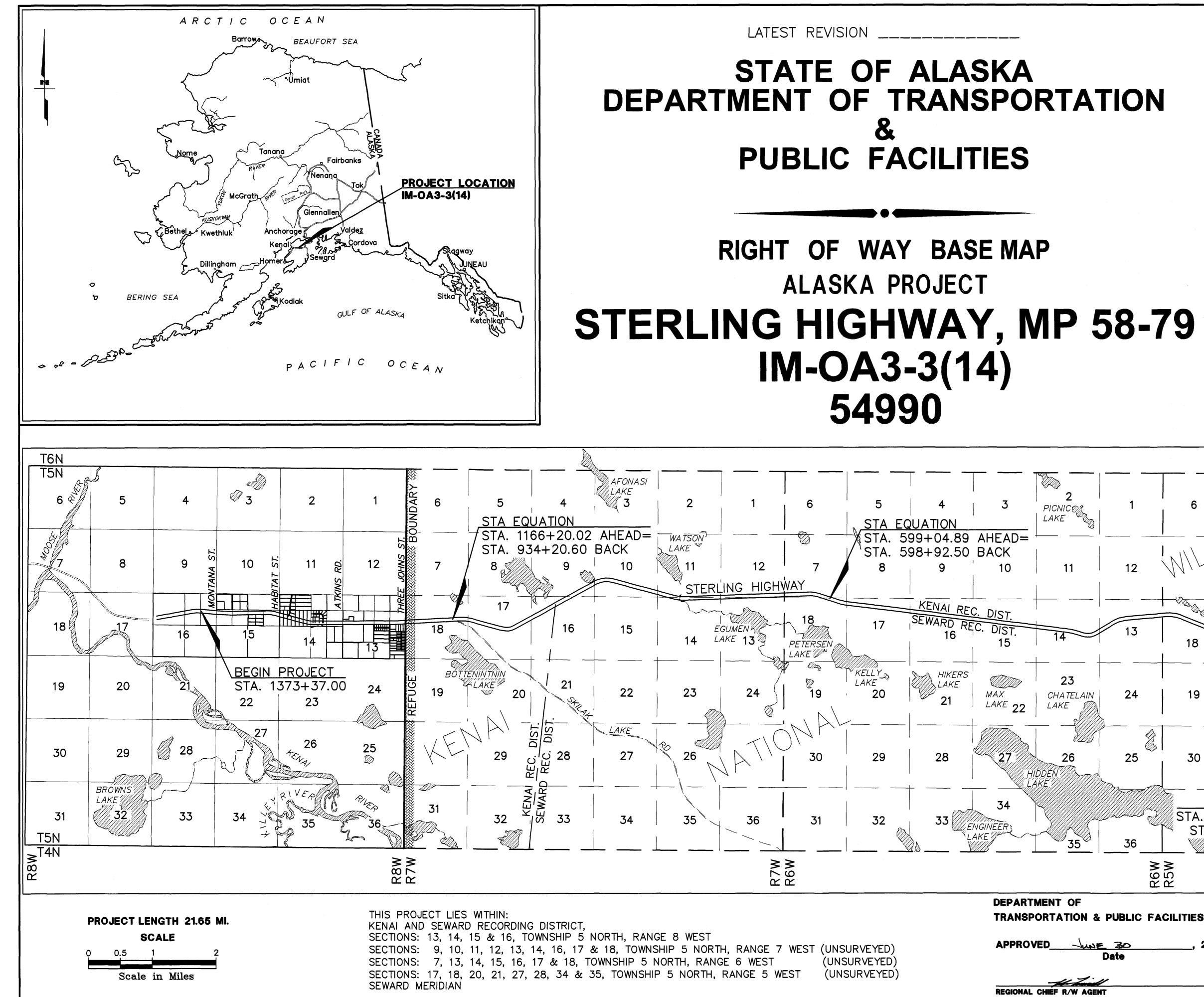
The Stordahle Subdivision KPB File 2021-161








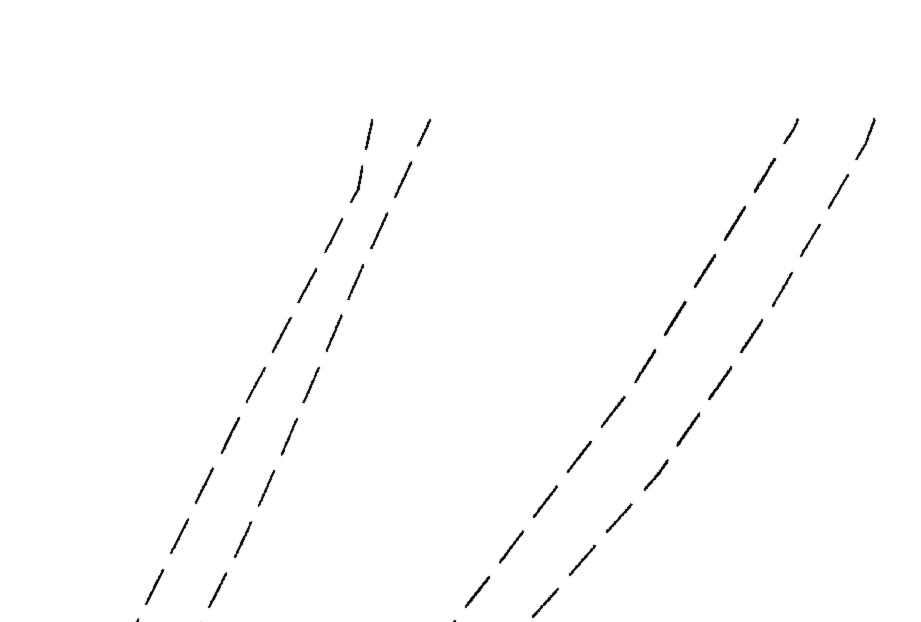





SHEET TOTAL PROJECT DESIGNATION NO. SHEETS IM - OA3 - 3(14)R62 **R1** CONSULTANT LOCATIONS SURVEYOR'S CERTIFICATE I HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF ALASKA AND THAT ALL RIGHT-OF-WAY CENTERLINE MONUMENT LOCATIONS HAVE BEEN ESTABLISHED AS INDICATED ON THE RIGHT-OF-WAY PLANS, ALL EXISTING FOUND SUBDIVISION MONUMENTS, PROPERTY CORNERS AND SECTION LINE MONUMENTATION AS INDICATED ON THE RIGHT-OF-WAY PLANS HAVE BEEN REFERENCED TO PROJECT SURVEY CONTROLS BY ME OR UNDER MY SUPERVISION. 6/18/14 DATE LS 8852 REGISTRATION NUMBER Randal H. Brinker CONSULTANT RIGHT-OF-WAY SURVEYOR'S CERTIFICATE I HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF ALASKA AND THAT THIS PLAT WAS MADE BY ME OR UNDER MY SUPERVISION. THIS PLAT WAS BASED UPON THE MONUMENTS RECOVERED DURING THE CONSULTANT'S LOCATIONS SURVEY FOR THIS PROJECT. 6/16/2014 LS 7339 REGISTRATION NUMBER TTZGERALD TILTON <u>T6N</u> T5N MYSTERY CREEK UNIT KNWR (WILDERNESS) 10 11 UPPER JEAN LAKE 18 **21** _{JEAN} 1 LAKE 22 23 19 24 20 27 30 29 28 26 25 STA EQUATION STA. 30+32.40 AHEAD= 34 STA. 171+43.80 BACK SKILAK R/VER <u>T5N</u> T4N END PROJECT R5W STA. 139+11.90 THIS SURVEY DOES NOT CONSTITUTE A SUBDIVISION AS DEFINED BY A.S. 40.15.900(5). **RECORD OF SURVEY** 20<u>14</u> **KENAI RECORDING DISTRICT** SEWARD RECORDING DISTRICT STATE BUSINESS-NO FEE 2014-34 Kenai Page 10flez



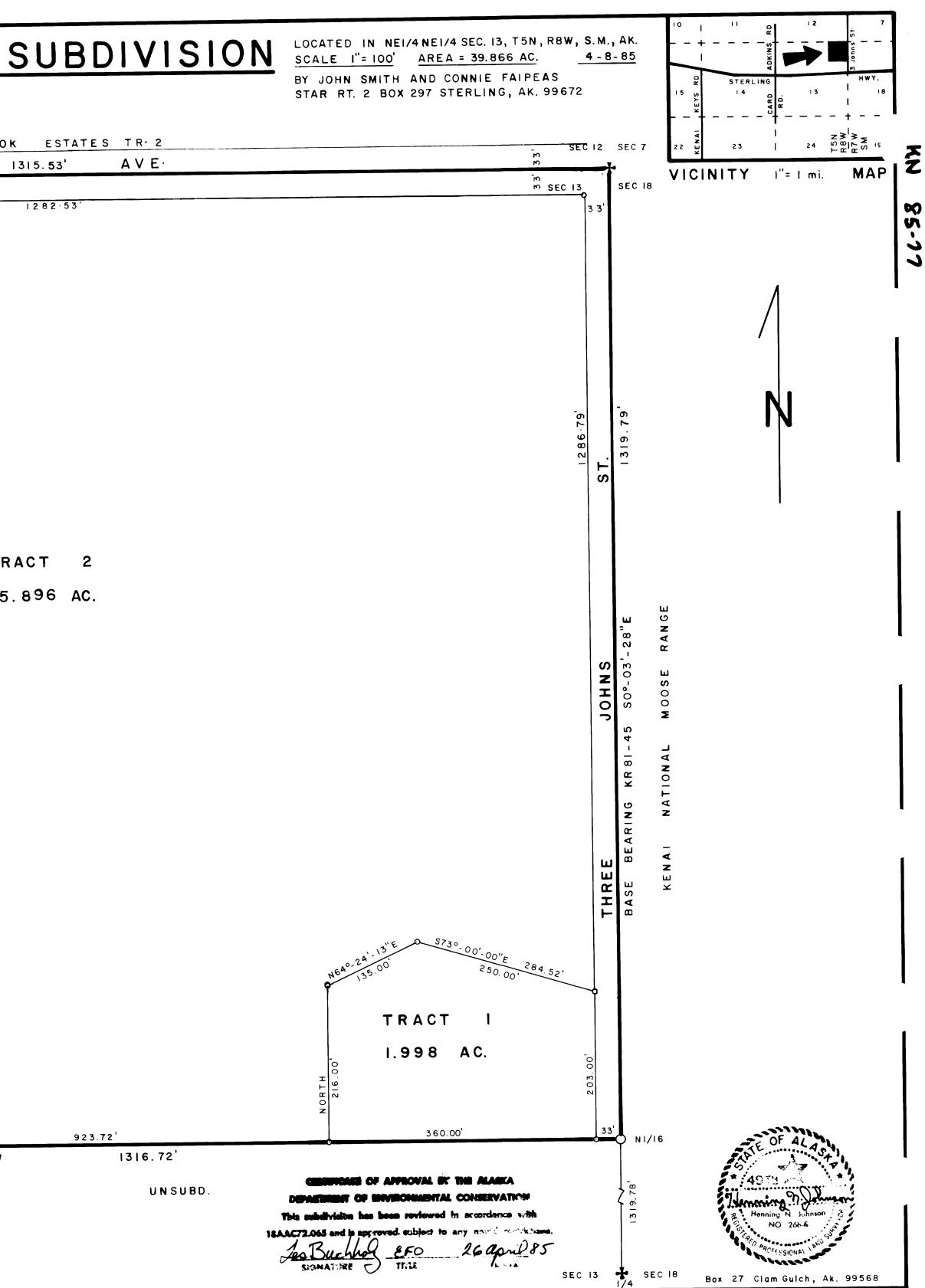
			N 89'32'09" W
	10' UTILITY ESMT.	PER PLAT NO.	86-158
LOT 9	LOT 10		LOT 11





5/22/14	DOT	REVIEW
DATE		

			CON	- ,	JON	SUB
PLAT APPROVAL						
This plat was approved by the Kenai						
Borough, Planning Commission at t of April 22, 1985. KEN	IAI PENINSULA BOROUGI	н				
BY AUTHORIZED OFFICIAL						COOK ESTAT
SECII SEC 12		N 89°- (54'- 50"Em		HUSKY	1315.53
50' N89°-51'-45"E SEC 14 SEC 13 2638,47'	<u></u> 1/4 1315.53'	τ ε ι	/16 m			
₹ SEC 14 SEC 13 2638.47'	destroyed i with with tion from - 45 120 200 200 200 200 200 200 200					1282-53
	dest tion - 45					
	Cor. destro) replaced with information fr KR81-45					
LEGEND	re T					
	found					
 - 1971 brass cap mon. by 237-S 						
O - 1985 aluminum mon. by 268-S						
o - 1/2" x 2' rerod set						
NOTE						
NOTE	nat raw's is					
A building setback of 20' from structure to the set of						
a resolution of the appropriate p	lanning commission.					
Building setback line to be limit o easements along streets.	futility					
easements along streets.						
						TRACT 2
		6 0				35.896 AG
		319.				
		<u></u>				
OWNERS' CERTIFICATE &						
We hereby certify that we are the shown and described hereon, and	owners of the property that we hereby adopt	B				
this plan of subdivision, and de	dicate all r.o.w.'s to	nsn				
public use, and grant all easem	ents to uses shown .	Z D				
John C. Smith		≥				
John Smith	11 /1 /1	1 1 1				
Connie taiséas by D	tomy hat	1710				
Connie Faipeas	pone 211					
	Ū	0 Z				
NOTARY CERTIFICAT	E					
Subscribed and sworn to before me	_ 4					
day of April , 1985.	1.1					
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NOTARY FOR ALASKA for John						
and Con	nie Faipeas					
My commission expires Sept.	13, 1985					
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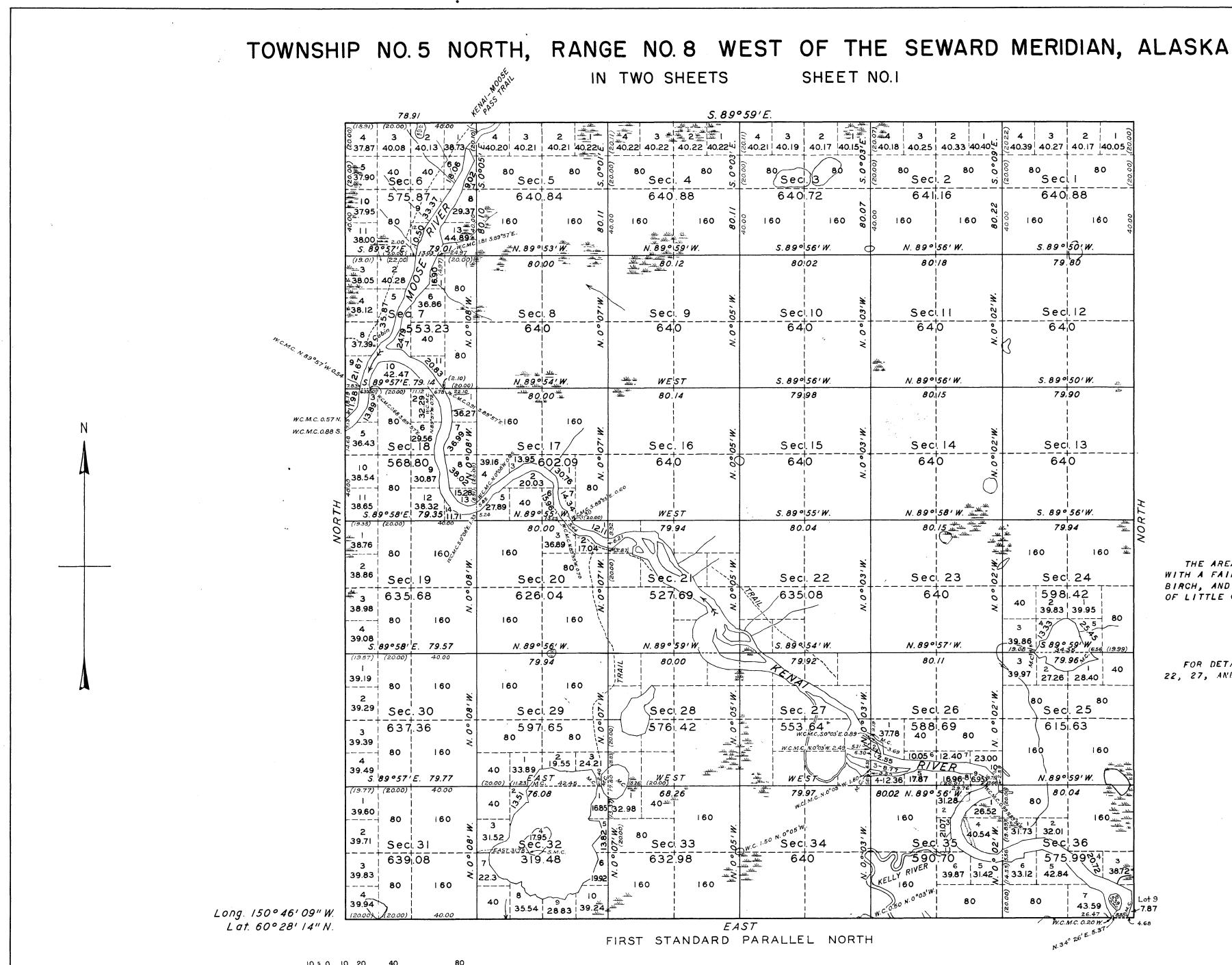


FURTHER SUBJECT to that certain Real Estate Contract, including the terms and provisions thereof, dated the 24th day of June, 1969, between RAYMOND H. SMITH, as seller and STERMEN C. RANDALL and SUSAN RANDALL, as buyers; said Real Estate Contract recorded on the 1st day of July, 1969 in Book 45 of wortgages at page 137, Kenai Recording District, Third Judicial District, State of Alaska, The Grantees herein, hereby agrees to assume and pay said Real Estate Contract according to the terms and provisions thereof, which has an unpaid balance of $\frac{5}{6}$, $\frac{470,68}{10,68}$, drawing interest and being payable as shown in said Real Estate Contract, and agrees to abide by all the terms and provisions is set forth therein. The Grantor, STEPHEN C. RANDALL, a *Undee* man, for and in consideration of the sum of Ten DØLLATS (\$10.00) and other good and valuable consideration to him in hand paid, receipt of which is hereby acknowledged, do hereby convey and warrant unto the Grantees, LEON N. MERKES and GRACE E. MERKES, husband and wife, as TENANTS BY THE ENTIRETY, with rights of suvivorship, as to an undivided One-half interest, and WILLIAM F. STROBLE and ELLEEN M. STROBLE, husband and wife, as TENANTS BY THE ENTIRETY with rights of suvivorship, as to an undivided whose address is *DAX* 6 *Moloin* 49672. The following described real property, & Huate in the mai Recording DISTRICt, Third Judicial District, State of Alaska, to-wit: Alaska, and reservation of easement for ingress & egress Grantor, his heirs & assigns, over the East 50 ft. of above property. SUBJECT TO ALL reservations, restrictions, conditions, covenants, easements, right of ways of record and encroach ments ascertainable by physical inspection, if any. TOGETHER WITH, ALL AND SINGULAR, the tenements, heredita-ments and appurtenances thereunto belonging or in anywise appertaining. S That portion of the Southwest one-quarter of the Worth east one-quarter (SW 1/4 NB 1/4), of Section 13, Tewnship 5 North, Range 8 West, Seward Meridian, that lies North of the Sterling Highway, in the Renai Recording District, Third Judicial District, State of Alaska, and reservation of essement for ingress & egr executor 3 BOOK <u>XJ</u> PAGE Kınu Recordin District day TO HAVE AND TO HOLD the premises, all and singular, gether with the appurtenances and privileges thereto incident unto said Grantees and to their heirs, exect administrators and assigns, FOREVER. 11 # 83 Randall GRANTOR STATUTORY WARRANTY DEED CREATING TENANCY BY THE ENTIRETY this Alaska, 1975. Stephen Ĵ Will) 11/20. € ∎≒erkes **GRANTEES** at <u>////////</u>/ 5.6.5. 5.6.5. een M Grace E. Leon DATED of Ť K-10307

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day of //NUA rry Public in and for EREES, GRACE E. MEREES, BLE, Enown to me to be strument, and acknow-2 THIS IS TO CERTIFY that on this J day of $/[\mathcal{MU}\mathcal{M}]$ 1975, before me, the undersigned \wedge tary Public in and for Alaska, personally appeared LEON N. MERKES, GRACE E. MERKE WILLIAM F. STROBLE and ELIEEN M. STROBLE, known to me to be the persons named in the foregoing instrument, and acknow-ledged to me that they executed the same freely and volunts for the uses and purposes therein contained. 2 seal PAGE_ 1 o set my hand and written. Jan Jan BOOK XJ PAG hena Recording Distric r c. RANDALL 3 Ś the ÷, 17 Notary Public My commission SS. Motary Fubl THIS IS TO CERTIFY that on this //1975, before me, the undersigned Notary flaska, personally appeared STRPHEN C. me to be the person named in the forego and acknowledged to me that he executed woluntarily, for the uses and purposes IN WITNESS HEREOF, I have hereunto set the day and year first hereinabove writ INWUITNESS THEREOF, I have hereunto the day and year first hereinabove v 2.5.6.20 STATE OF ALASKA THIRD JUDICTAL DISTRICT STATE OF ALASKA THERD JUDICIAL DISTRICT C. LEW M. STROBLE 3 57 PH 75 WILLIAM F _: TROB 00 00108 ADDRESS **Ku** 12 75-

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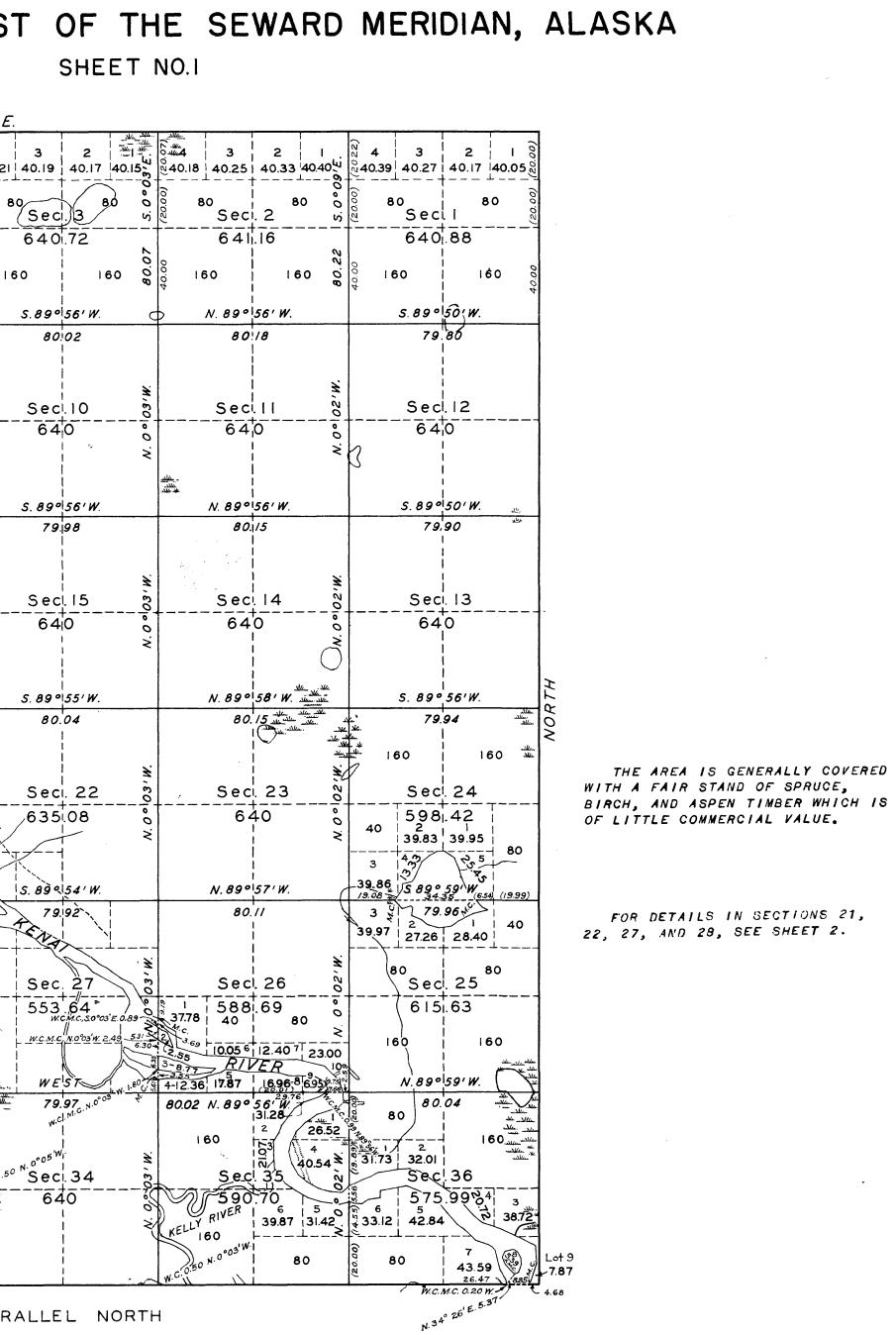
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L.

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OFFICE OF SUPERVISOR OF SURVEYS DENVER, COLORADO, JUNE 16, 1943.

THE ABOVE PLAT OF TOWNSHIP NO. 5 NORTH, RANGE NO. 8 WEST, OF THE SEWARD MERIDIAN, ALASKA, IS STRICTLY CONFORMABLE TO THE FIELD NOTES OF THE SURVEY THEREOF WHICH HAVE BEEN EXAMINED AND APPROVED.



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Thursel T. allen ACTING ASSISTANT SUPERVISOR OF SURVEYS.

UNITED STATES DEPARTMENT OF THE INTERIOR GENERAL LAND OFFICE WASHINGTON, D.C., JUNE 24, 1943.

THE SURVEY REPRESENTED BY THIS PLAT HAVING BEEN CORRECTLY EXECUTED IN AC-CORDANCE WITH THE REQUIREMENTS OF LAW AND THE REGULATIONS OF THIS OFFICE, IS HEREBY ACCEPTED. oel Ward Wolfsohn

ASSISTANT COMMISSIONER.

VOL.43

CHIGINAL

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Hindman, Julie

From: Sent: To: Subject: Planning Dept, Monday, January 3, 2022 7:50 AM Hindman, Julie; Clements, Peggy FW: <EXTERNAL-SENDER>KPB file 2021-161

FYI

Thank You,

Ann Shirnberg Administrative Assistant Planning Department (907) 714-2215 KEN4I PENINSULA BOROUGH 144 North Binkley Street Soldoths, Aleska 99669

PUBLIC RECORDS LAW DISCLOSURE: This email and responses to this email may be subject to provisions of Alaska Statutes and may be made available to public upon request.

From: Shane Holt <375@gci.net>
Sent: Sunday, January 2, 2022 4:30 PM
To: Planning Dept, <planning@kpb.us>
Subject: <EXTERNAL-SENDER>KPB file 2021-161

CAUTION: This email originated from outside of the KPB system. Please use caution when responding or providing information. Do not click on links or open attachments unless you recognize the sender, know the content is safe and were expecting the communication.

To anyone concerned.

I am the owner of record for this proposed plat.

The plan is to separate the existing cell tower in the NE corner of the property from the rest of the acreage. This would create a 1 acre(approx.) for the tower, and leave the remainder parcel free from the tower in the event of a sale. This should enhance the property tax situation accordingly, since the tower will be taxed separately from the remainder. I am unaware of any negative factors involved in this plat.

Accordingly, I am asking the borough planning commission to approve this plat.

Thanks. Shane Holt (owner) 907.223.8615 9309 Grover drive Anchorage AK 99507

From:	Planning Dept.
To:	Huff, Scott; Hindman, Julie; Clements, Peggy
Subject:	FW: <external-sender>Proposed to subdivide property KPB File 2021-161</external-sender>
Date:	Friday, January 7, 2022 8:34:17 AM

FYI

From: teresa miller <tdm1029@yahoo.com>
Sent: Friday, January 7, 2022 8:26 AM
To: Planning Dept, <planning@kpb.us>; artstang92@yahoo.com
Subject: <EXTERNAL-SENDER>Proposed to subdivide property KPB File 2021-161

CAUTION: This email originated from outside of the KPB system. Please use caution when responding or providing information. Do not click on links or open attachments unless you recognize the sender, know the content is safe and were expecting the communication.

Good morning,

This email is concerning the notice received regarding a proposing to subdivide or replat property.

KPB FILE: 2021-161 In the Sterling area.

My husband Arden and I (Teresa) both received a notice regarding the proposed subdivision.

We do have concerns on **why and what** will go into the proposed subdivided property. We (Arden and Teresa) as well as the residential neighbors that we have spoken to are upset a tower was built in a residential neighborhood and without notification to **anyone** in the residential neighborhood.

We bought this property with a clause in our contract we cannot have a commercial business on our property, which was a big seller to us as this would only be a residential area. Now there is a tower bordering our property and our home is now viewable from Three Johns Street. Not to mention we now have a view of the tower when we look out our picture windows. The bordering property is 25 acres why couldn't this tower be built somewhere else besides right out our windows?

We believe trees and bushes may have been cut or damaged from our property in the building of the tower. I (Teresa) did have a gentlemen come to the house and told me they were getting ready to make the tower pad and asked permission to take down a few alders. I (Teresa) was under the impression the alders were at the tower pad. We do know some sort of mulching machine entered our property from our driveway took down trees and bushes, we think in order to get to the place to make an access area from the tower to make the power line. We are concerned at what else will be placed on the proposed subdivide property that will obstruct our views and damage our property values.

We have enjoyed living in an area where we can experience nature and not industrial garbage.

Due to Covid I (Teresa) have worked from home since March 2020 and have had many disruptions to my day. With the noise from the equipment building the tower, no notice of power outages to hook up the tower. Vehicles coming and going and workers loud music and yelling to one another making our dogs bark nonstop. They are all inconvenience and not to mention work hours lost. There was no consideration or respect to a neighboring home when all this was taking place and taking place in the future.

We don't anticipate subdividing our property in the future. This is our forever home.

We are unable to attend the Zoom meeting on January 10th, 2022, due to a prior commitment.

Thank you,

Teresa and Arden Miller 37765 Three Johns Street PO Box 149 Sterling, Alaska 99672 970-250-6410 (Colorado cell #) tdm1029@yahoo.com artstang92@yahoo.com