

# Meeting Agenda

## **Plat Committee**

Monday, February 28, 2022	6:30 PM	Betty J. Glick Assembly Chambers

#### 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

KPB-3936February 14, 2022 Plat Committee MinutesAttachments:Plat Minutes 012422 Draft

### **D. OLD BUSINESS**

### E. NEW BUSINESS

1. KPB-3973 Barnett's South Slope Subdivision Evans Addition; KPB File 2022-015 1. MAP Vicinity with inset Attachments: 2. MAP Aerial 3. Plat Prelim KPB 2022-015 Reduced 4. Staff Report Barnetts South Slope Subdivision Evans Addition KPB File 2022 5. MAP Block 6. MAP Wetlands 7. Parent Plat 77-61 8. Plat Parent Resoultion PC 92-06 9. City of Homer Minutes 2. Konovalof Lake Subdivision 2022 Addition; KPB File 2022-010 **KPB-3974** 

<u>Attachments:</u>

1. MAP Vicinity
 2. MAP Aerial
 3. Plat Prelim KPB 2022-010 Reduced
 4. staff report Konovalof Lake Subdivision 2022 Addition KPB File 2022-010
 5. MAP Aerial Zoomed Out
 6. Plat Parent KN 86-203

3.	<u>KPB-3975</u>	Riverview Deluxe Subdivision 2022 Replat; KPB File 2022-012
	<u>Attachments:</u>	1. MAP Vicinity with inset
		2. MAP Aerial
		3. Plat Prelim KPB 2022-012 Reduced
		4. Staff Report Riverview Deluxe Subdivision 2022 Replat KPB File 2022-012
		5. MAP Block
		6. Plat Parent 86-105
		7. Plat Parent 81-40
		8. Plat Parent K-1433
		9. City of Soldotna Minutes
4.	<u>KPB-3976</u>	Golf Acres Subdivision 2022 Replat; KPB File 2022-014
	<u>Attachments:</u>	1. MAP Vicinity with inset
		2. MAP Aerial
		3. Plat Prelim KPB 2022-014 Reduced
		4. Staff Report Golf Acres Subdivision 2022 Replat KPB File 2022-014
		5. MAP Aerial Zoom Out
		6. MAP Contours
		7. MAP Wetlands
		8. Parent Plat 81-43
		9. City Minutes
5.	<u>KPB-3977</u>	Kenaitze Government Lots Replat; KPB File 2022-009
	<u>Attachments:</u>	1. MAP Vicinity with inset
		2. MAP Aerial
		3. Plat Prelim KPB 2022-009 Reduced
		4. staff report Kenaitze Government Lots Replat 2022-009
		5. MAP Aerial 2
		6. MAP Contours
		7. MAP Wetlands
		8. Parent Plat KN2012034
		9. Plat parent T5N R11W
		10. Plat Parent Waiver Res 2013-08
		11. Resolution City of Kenai

6.	<u>KPB-3978</u>	Paces Pleasant Haven Subdivision Addition No. 3; KPB File 2022-013
	<u>Attachments:</u>	1. MAP Vicinity with inset
		2. MAP Aerial
		3. Plat Prelim KPB 2022-013 Reduced
		4. Staff Report Pace's Pleasant Haven Subdvision Addition No 3 KPB 2022-013
		5. Plat KN 1654
		6. City of Soldotna Minutes
		7. Comment KPB 2022-013 HEA
7.	<u>KPB-3979</u>	Toyon Subdivision 2021 Replat; KPB File 2022-011
	Attachments:	1. MAP Main Vicinity land
		2. MAP Aerial
		3. Plat Prelim KPB 2022-011 Reduced
		4. staff report Toyon Subdivision 2021 Replat KPB File 2022-011
		5. MAP Aerial with 5 foot Contours
		<u>6. MAP Aerial 2</u>
		7. Plat Parent K-1592
		8. Parent Plat US Survey 2790 B
		9. Comment KPB 2022-011 HEA

#### 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, March 21, 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.

# Kenai Peninsula Borough Plat Committee

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

#### February 14 2022 6:00 PM UNAPPROVED MINUTES

#### A. CALL TO ORDER

Chair Brantley called the meeting to order at 6:00 p.m.

#### B. ROLL CALL

Plat Committee Members/Alternates Jeremy Brantley, District 5 - Sterling Pamela Gillham, District 1 – Kalifornsky Robert Ruffner, District 7 – Central Franco Venuti, City of Homer

Staff Present Melanie Aeschliman, Planning Director Julie Hindman, Platting Specialist Ann Shirnberg, Planning Administrative Assistant

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

#### \*4. Grouped Plats

Staff report by Julie Hindman.

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

Simple or non-controversial. The type of plats grouped are lot splits, creating a small number of lots, replats, no exceptions required and no public comments were received. – 4 Plats

- Poachers Cove PDM 2022 Replat; KPB File 2022-002 Edge Survey & Design. LLC/ McCarl Location: Spruce Avenue W. Ridgeway Area
- Woody Acres 2022 Replat; KPB File 2022-006 Geovera, LLC / Edens Location: Melody Way & Old Sterling Hwy Anchor Area; Anchor Point APC
- 5. Arrowhead Estates 2022 Replat; KPB File 2022-001 Segesser Surveys / Zweifel, Moore Location: Half Moon Avenue & Oliver Street Sterling Area
- Beluga Bay Estates Barnett Replat; KPB File 2022-008 Segesser Surveys / Barnett, Thornton-Barnett Location: Cetacea Lane Kalifornsky Area; Kalifornsky APC
- Murray Subdivision 2022 Replat; KPB File 2021-154 Segesser Surveys / Martin Location: Koto Court & Murray Lane Sterling Area

**Staff recommends** the committee determine whether any members of the public, surveyors or committee members wish to speak to any of the plats in this group and remove the specific plats from the group, voting on the remainder of plats in the group in a single action to grant preliminary approval to the plats subject to staff recommendations and the conditions noted in the individual staff reports.

#### END OF STAFF REPORT

Chair Brantley asked if anyone from the public wished to speak to any of the items under the consent agenda. Hearing no one wishing to comment discussion was opened among the commission

**MOTION:** Commissioner Ruffner moved, seconded by Commissioner Venuti to approve the agenda and grouped plates based on staff recommendations and compliance to borough code.

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

MOTION	PASS	ED BY U	NANIN	OUS VOTE				
Yes	4	No	0					
Yes	Brant	ley, Gillh	am, Ru	ffner, Venuti				
-								

Chair Brantley asked Ms. Shirnberg to read into the record the procedure & rules for planning commission hearings.

#### AGENDA ITEM E. NEW BUSINESS

#### ITEM E2 - POACHERS COVE PDM 2022 REPLAT

KPB File No.	2022-002
Plat Committee Meeting:	February 14, 2022
Applicant / Owner:	Pamela Diane McCarl, Anchorage, AK
Surveyor:	Jason Young / Edge Survey and Design, LLC
General Location:	Spruce Avenue W, Ridgeway

Parent Parcel No.:	057-493-66, 057-493-67
Legal Description:	Lots 117 and 118 Poachers Cove PUD Amended Plat No KN 87-69
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	Community

\*Passed by Consent Agenda

#### ITEM E4 - Woody Acres 2022 Replat

KPB File No.	2022-006
Plat Committee Meeting:	February 14, 2022
Applicant / Owner:	Keith Daniel and Kaycee Shea Edens of Homer, Alaska
Surveyor:	Stephen C. Smith / Geovera, LLC
General Location:	Melody Way and Old Sterling Highway / Anchor Point
Parent Parcel No.:	171-440-01 and 171-440-13
Legal Description:	Tract 2, Woody Acres No. 3 Plat HM 82-11
	Lot 1, Block 1, Windsong Amended Plat HM 79-38
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On site

#### \*Passed by Consent Agenda

KPB File No.	2022-001
Plat Committee Meeting:	February 14, 2022
Applicant / Owner:	Michael Allen & Raylynn Marie Zweifel of Soldotna, Alaska
	Nathan D. & Julie A. Moore of Soldotna, Alaska
Surveyor:	John Segesser / Segesser Surveys
General Location:	Half Moon Avenue and Oliver Street, Sterling
Parent Parcel No.:	063-094-04, 063-094-13 and 063-094-16
Legal Description:	Lot 8A, Arrowhead Estates Dusek Replat Plat KN 2002-79
	Lot 10, Arrowhead Estates Phase 1 Plat KN 2000-7
	Lot 11A Arrowhead Estates Moore Replat Plat KN 2010-47
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On site

#### **ITEM E5 - ARROWHEAD ESTATES 2022 REPLAT**

#### \*Passed by Consent Agenda

### ITEM E6 – BELUGA BAY ESTATES SUBDIVISION BARTLETT REPLAT

KPB File No.	2022-008
Plat Committee	February 14, 2022
Meeting:	
Applicant / Owner:	Kevin Richard Barnett and Annette Marie Thornton-Barnett
Surveyor:	John Segesser / Segesser Surveys
General Location:	Cetacea Lane, Kalifornsky
Parent Parcel No.:	055-340-27, 055-340-28
Legal Description:	Lots 10 and 11 Block 3 Beluga Bay Estates Subdivision Part Two Amended
	KN 83-43
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On Site

\*Passed by Consent Agenda

#### ITEM E7 - MURRAY SUBDIVISION 2022 REPLAT

KPB File No.	2021-154
Plat Committee Meeting:	February 14, 2022
Applicant / Owner:	Marshall W. Martin of Soldotna, Alaska
Surveyor:	John Segesser / Segesser Surveys, Inc.
General Location:	Koto Court and Murray Lane, Sterling
Parent Parcel No.:	063-460-30 and 063-460-31
Legal Description:	Lot B1 and Lot B2, Murray Subdivision, Buck Addition Plat KN 2017-59
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On site

#### \*Passed by Consent Agenda

### E. NEW BUSINESS

KPB File No.	2022-003
Plat Committee	February 14, 2022
Meeting:	
Applicant / Owner:	Forest Service, U.S. Department of Agriculture, Anchorage
	Dana S. Rough and Kathie Smith Rough, Seward
Surveyor:	Gates C. Kesler / Forest Service
General Location:	Hayden Berlin Road, Seward

#### **ITEM E1 - LOST LAKE SUBDIVISION 2022 ADDITION**

Parent Parcel No.:	125-290-74 and 125-290-76
Legal Description:	Tract B, Lost Lake Sub Add No 4 Plat SW 96-20
	Tract C1, Lost Lake Sub No 5 Plat SW 98-14
Assessing Use:	General Commercial Tract B, Residential Tract C1
Zoning:	Rural Unrestricted
Water / Wastewater	On Site

Staff report given by Julie Hindman.

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

**MOTION:** Commissioner Ruffner moved, seconded by Commissioner Gillham to grant preliminary approval to Lost Lake Subdivision 2022 Addition based on staff recommendations and compliance to borough code.

**AMENDMENT A:** Commissioner Ruffner moved, seconded by Commissioner Gillham to grant the exception request to KPB 20.30.030 – Street Layout & KPB 20.30.170 – Block Length, citing findings 1-5 & 9-11 in support of standards one, two and three.

Commissioner Ruffner questioned staff regarding the length of the panhandle which was approximately 400' and appears not to meet code requirements. Ms. Hindman replied that this panhandle off Judean Rd. was approved without an exception under a prior Lost Lake plat.

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

#### AMENDMENT A MOTION PASSED BY UNANIMOUS VOTE

**AMENDMENT B MOTION:** Commissioner Ruffner moved, seconded by Commissioner Gillham to grant the exception request to KPB 20.60.200 – Survey & Monumentation, citing findings 1-6 in support of standards one, two and three.

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

### AMENDMENT B MOTION PASSED BY UNANIMOUS VOTE

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

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

### MAIN MOTION PASSED AS AMENDED BY UNANIMOUS VOTE

Yes	4	No	0	
Yes	Brant	ley, Gillh	am, Ru	ffner, Venuti

#### **ITEM E3 – SPRUCE KNOLL**

KPB File No.	2022-005
Plat Committee Meeting:	February 14, 2022
Applicant / Owner:	Beachy Revocable Trust
	PO Box 800
	Homer, AK 99603
Surveyor:	Geovera LLC.
-	PO Box 3235
	Homer, AK 99603
General Location:	Diamond Ridge Road, Homer

Parent Parcel No.:	173-04-010, 173-04-009, 173-04-011
Legal Description:	Government Lots 2, Government Lot 3, and Government Lot 4 lying south of the southerly right of way of Diamond Ridge Road, Section 12, T6S, R14W, Seward Meridian
Assessing Use:	Residential Dwelling
Zoning:	Unrestricted
Water / Wastewater	On-site

Staff report given by Julie Hindman.

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

**MOTION:** Commissioner Venuti moved, seconded by Commissioner Gillham to grant preliminary approval to Spruce Knoll based on staff recommendations and compliance to borough code.

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

#### MOTION PASSED BY UNANIMOUS VOTE

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

### ITEM 8 - Timber Hills Subdivision 2022 Replat

KPB File No.	2022-007
Plat Committee Meeting:	February 14, 2022
Applicant / Owner:	Michael B. Brunke, Nikiski
Applicant / Owner.	George F. Brown, Nikiski
Surveyor:	John Segesser / Segesser Surveys
General Location:	Nikiski
Parent Parcel No.:	012-150-21 and 012-150-22
Legal Description:	Lots 3 and 4, Block Four, Timber Hills Sub Plat KN 77-114
Assessing Use:	Residential Usage
Zoning:	Rural Unrestricted
Water / Wastewater	On site

Staff report given by Julie Hindman.

Chair Brantley opened the meeting for public comment.

John Segesser, Segesser Surveys, LLC; 30485 Rosland St., Soldotna, AK 99669: Mr. Segesser was the surveyor on this project. He stated the owners of these parcels object to having dedicated a 60' right-of-

way on the south boundary. Mr. Segesser stated that this proposed road would be in a bad location for sight distance on Middleton. He also noted that proposed road would tie into the 10-acre lot adjacent to these lots which would be of benefit design-wise for the owner of the large lot and not his client. In his opinion it would make more sense design wise, should this 10-acre lot subdivide, to extend the existing access of Diomede Dr. approximately 500' which would still meet code requirements for cul-de-sacs. The owner's intention in this replat is to adjust a lot line to resolve the issue of a building being extremely close to the lot line and to include the existing lawn area on to one lot.

Commissioner Ruffner asked Mr. Segesser if his client owned Lot 5. Mr. Segesser replied that his client did not but that Lot 5 and the 10-acre lot were owned by the same person. Commissioner Ruffner then asked if his client would be amenable to doing a half dedication instead of a full dedication. Mr. Segesser stated that could be possible.

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

**MOTION:** Commissioner Gillham moved, seconded by Commissioner Ruffner to grant preliminary approval to Timber Hills Subdivision 2022 Replat based on staff recommendations and compliance to borough code.

Commissioner Ruffner noted that staff was asking for a full 60' road dedication to come out of Lot 4 and asked staff if they could support a 30' dedication instead. Ms. Hindman replied that there were concerns regarding Lot 5 ever being further subdivided which was why they were recommending the full 60' dedication on Lot 4. There was also a concern that a 30' dedication, as opposed to a 60' dedication, would further offset the intersection.

Commission Brantley stated that requiring a full 60' dedication would be taking a lot of land from one lot, almost 1/3 of the property within the lot. He also noted that the owners here are just wanting to adjust a lot line to resolve some existing encroachment issues. Commissioner Ruffner agreed with Commissioner Brantley that the full dedication requirement was a "big ask" on Lot 4.

Commissioner Ruffner asked if Lot B had legal access. Ms. Hindman replied that Lot B has access on the northern boundary via Diomede Dr. Staff's concern was this large 10-acre lots' only access was a small part of the cul-de-sac bulb. This could create an issue should this 10-acre lot ever be subdivided as code does not allow cul-de-sac to be opened.

Commissioner Brantley asked staff if the same owner of the 10-acre lot owns any of the properties that front Diomede Dr. Ms. Hindman replied that the same person owns both Lot A1 and Lot B. Lot A1 also fronts Diomede Dr. which connects to Nikiski Ave. Commissioner Brantley then stated should this large acre lot subdivide in the future they will have options for providing access through their property from Nikiski Ave. Ms. Hindman replied that Lot A1 appears to be heavily developed with what looks like a trailer park with internal roads which might make providing access from Nikiski Ave. more difficult. Commissioner Brantley replied that while there may not be any good options, there are other options for access for the 10-acre lot that would not require the 60' dedication from Lot 4.

Director Aeschliman asked Ms. Hindman if there is anything in code that address trailer parks that would prohibit the landowners providing access through the park. Ms. Hindman replied that was not considered when looking at this preliminary plat. Should the owner of the 10-acre lot wish to subdivide, that is when the access questions would be researched and discussed. She noted that there were a number of different options that could possibly be considered in that scenario, such as seeking the permission of all the landowner on Diomede Dr. to open up the cul-de-sac.

**AMENDMENT A MOTION:** Commissioner Ruffner moved, seconded by Commissioner Gillham to remove the requirement of a right-of-way dedication on Lot 4.

Commissioner Ruffner stated that he believed there were other options to provide access in this area without having to requiring Lot 4 to provide a 60' dedication. Taking a 60' dedication out of that lot is a large chunk of land. Particularly since the owners of the 10-acre lot also own Lot 5, which could be used to provide access for the large lot. Commissioner Brantley agreed that going through Lot 5 would be a better solution as it would be farther away from the existing intersection and would not be considered an offset.

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

#### AMENDMENT A MOTION PASSED BY UNANIMOUS VOTE

Yes	4	No	0	
Yes	Brant	ley, Gillh	am, Ru	ffner, Venuti

Ms. Hindman recommend that the committee come up with findings to support the exception granted, since staff had recommended complying with KPB 20.30.030 – Proposed street layout requirements, which required a dedication for the continuation of streets in the surrounding area. Commissioner Ruffner stated he did not believe an exception was required since the large acre lot already had legal access. He did think that they may need to address KPB 20.30.170 – Block length requirements. Commissioner Brantley agreed with Commissioner Ruffner.

**AMENDMENT B MOTION:** Commissioner Ruffner moved, seconded by Commissioner Gillham to grant an exception to KPB 20.30.170 Block Length citing the following findings in support of standards one, two and three:

- i. A dedication would result in an offset intersection between Village Ave. and the future dedication.
- ii. Concerns regarding the line of sight on the curve.
- iii. Future subdivision of surround lots could result in providing necessary access.

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

#### AMENDMENT B MOTION PASSED BY UNANIMOUS VOTE

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

# Seeing and hearing no objection or discussion, the motion was carried by the following vote: **MAIM MOTION PASSED AS AMENDED BY UNANIMOUS VOTE**

Yes	4	No	0				
Yes	Brantley, Gillham, Ru			fner, Venuti			

#### F. PUBLIC COMMENT - None

#### G. ADJOURNMENT

Commissioner Ruffner moved to adjourn the meeting 7:05 P.M.

Ann E. Shirnberg Administrative Assistant

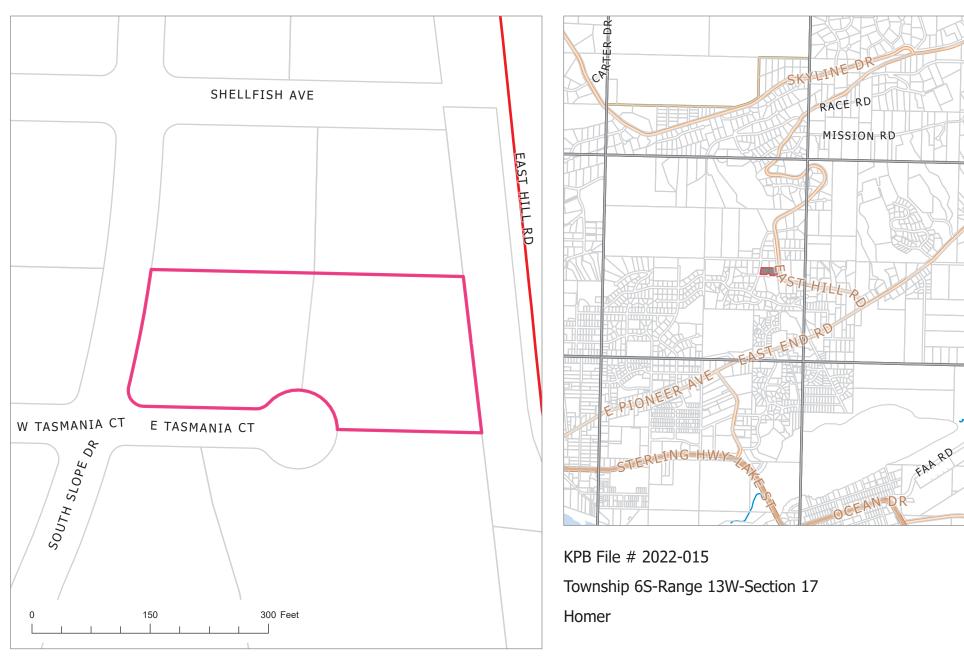


# Kenai Peninsula Borough Planning Department



N

Vicinity Map





50

0

100

200 Feet

# Kenai Peninsula Borough Planning Department

Preliminary Plats



N

Aerial Map SHELLFISH AVE 18 DR OUTH SLOPE **B-1** 5 U E TASMANIA CT W TASMANIA CT

## Notes:

1. No field survey was performed. Boundaries and areas are of record per plat HM77-61.

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

3. There is a 15' Utility Easement fronting all street ROWs.

4. This subdivision is subject to City of Homer Zoning Codes.

5. An exception to KPB 20.30.240, Building Setback note was granted by the Kenai Peninsula Plat Committee at the meeting of

6. An exception to KPB 20.30.120, ROW width was granted by the Kenai Peninsula Plat Committee at the meeting of

7. This subdivision may be subject to Covenants, Conditions, and Restrictions recorded in Bk. 94 Pg. 927 H.R.D.

8. This subdivision may be subject to a general easement to Homer Electric Association recorded in Bk. 48 Pg. 77, and Bk. 90 Pg. 166 H.R.D.

9. Property owners should contact the Army Corps of Engineers prior to onsite development or construction activity to obtain the most current wetland designation, if any. Property owners are responsible for obtaining all required local, state and federal permits.

Lot 18

Lot 17

30'

Drive

Slope

outh

60' ROW

30'

5

13

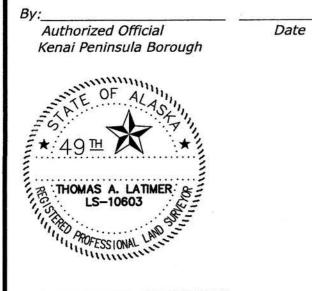
East Tasmania Court 50' ROW

Lot

BLOCK

#### Plat Approval

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of July 13, 2020.



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

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CH
C1	1550.00'	151.22'	151.16'	NO
C2	20.00'	35.49'	31.02'	N3
C3	50.00'	36.14'	35.36'	N6
C4	50.00'	114.68'	91.14'	N6

, ot 1

-10' Utility Easement

15' Utility and Slope Easement

East

127.42'

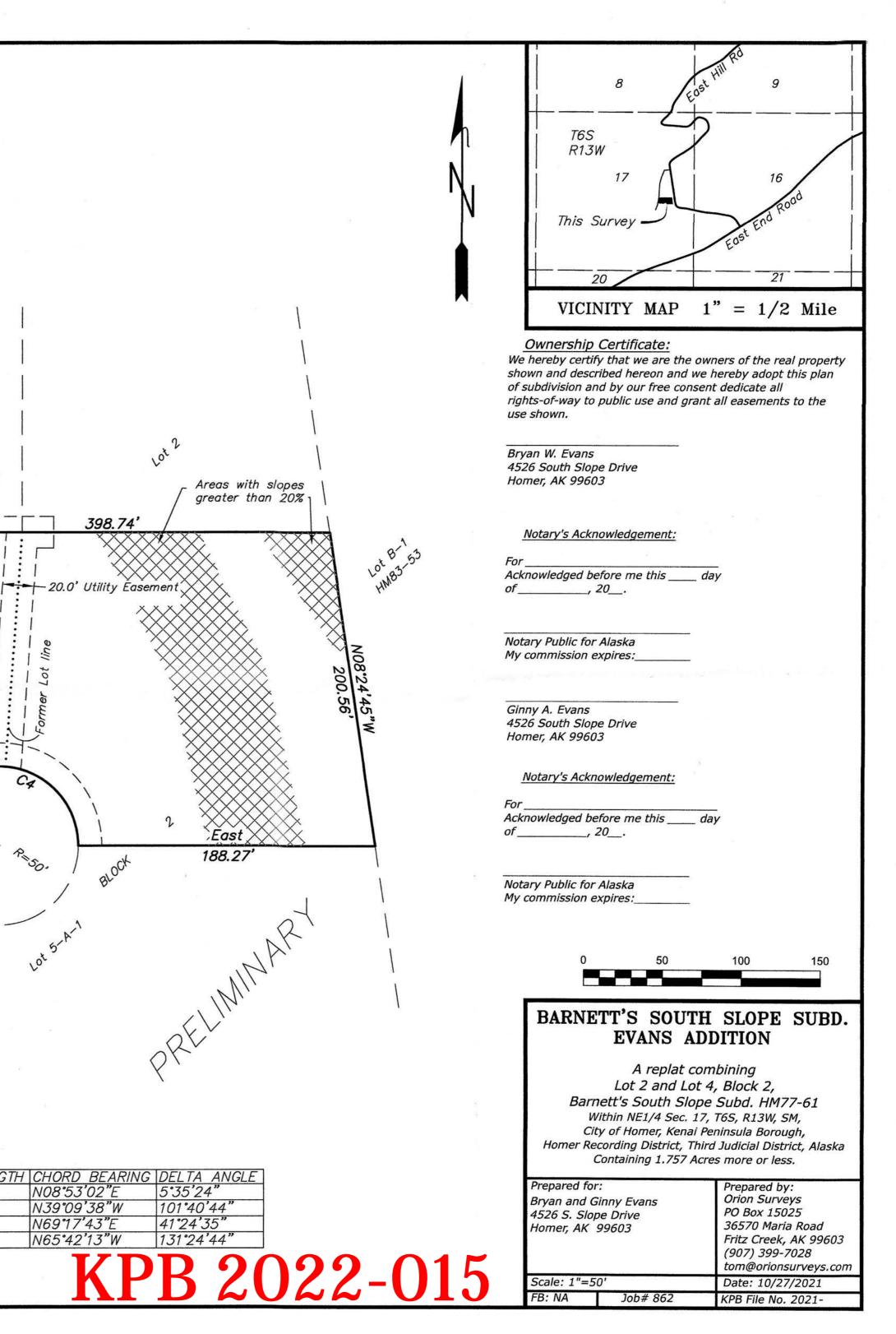
25'

22

West

Lot 2-A

1.757 Ac.



#### AGENDA ITEM E. NEW BUSINESS

KPB File No.	2022-015
Plat Committee Meeting:	February 28, 2022
Applicant / Owner:	Bryan and Ginny Evans of Homer, Alaska
Surveyor:	Tom Latimer / Orion Surveys
General Location:	South Slope Drive, East Tasmania Court, City of Homer
Parent Parcel No.:	177-020-44 and 177-020-45
Legal Description:	Lots 2 and 4, Block 2, Barnett's South Slope Subdivision, HM 77-61
Assessing Use:	Residential
Zoning:	Rural Residential District
Water / Wastewater	On site

#### ITEM 1 – BARNETT'S SOUTH SLOPE SUBDIVISION EVANS ADDITION

#### STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will combine two lots to create one 1.76 acre lot.

**Location and Legal Access (existing and proposed):** The new lot will be on the corner of South Slope Drive and E Tasmania Court. South Slope Drive is a 60 foot wide right of way. E Tasmania Court is a 50 foot wide right of way that is approximately 300 feet long and ends in a bulb. Both right of ways are maintained by the City of Homer. Improvements are present on parent Lot 2. The access appears to be off South Slope Drive.

South Slope Drive provides a connection from East Hills Road and Nelson Avenue. Per KPB GIS imagery, the northern and southern portion of South Slope Drive appears to be constructed. An approximate 220 foot section of South Slope Drive, located south of the intersection with E Tasmania Court, does not appear to be constructed at this time.

E Tasmania Court was dedicated as a 50 foot wide right of way. An exception for right of way width has been requested.

The block is closed but the lengths are not compliant. East Hill Road, Shellfish Avenue, South Slope Drive, Nelson Avenue, Ronda Street, and East End Road define the block. The design of Nelson Avenue and East Hill Road have created an irregular block. E Tasmania Court is a cul-de-sac and does not provide for a connection to another right of way to improve the block. Cul-de-sacs, as defined by KPB Code 220.30.100(A), are to remain permanently closed. *Staff recommends* the plat committee concur that an exception or dedication are not required as the proposed subdivision is not able to provide a dedication to improve the block lengths.

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

<u>Site Investigation:</u> The plat depicts the areas with slopes greater than 20 percent. Per KPB GIS Wetlands Assessment, there are discharge slopes present within the northwest portion of the subdivision. Low wet areas should be shown on the plat. The plat note to contact the U.S. Army Corps of Engineers is present on the plat as requested by the City of Homer Planning Commission.

Barnett's South Slope Subdivision, Plat HM 77-61, granted a 15 foot creek maintenance easement along the eastern boundary of Lot 4. *Staff recommends* the easement be depicted and labeled, noting the easement was granted by HM 77-61.

Improvements appear to be present within parent Lot 2. The improvements appear to be within the area shown as discharge slopes. Parent Lot 4 is shown as vacant per KPB Assessing information. Lot 1, located to the north, has an accessory building. Lot 3, located to the north, is currently vacant. Lot 5-A-1 contains multiple dwellings and Lot 6-A-1 has multiple accessory buildings. There does not appear to be any encroachment issues.

East of the subdivision is Lot B-1, Subdivision of the H Latham Property Robert Hoedel 1983 Tract "B", HM 83-53. Lot B-1 is a narrow and long lot that is design was determined by the dedication of East Hill Road from the parent parcel. The lot fronts along East Hill Road and is currently designated as vacant residential property.

KPB River Center review	A. Floodplain Reviewer: Carver, Nancy Floodplain Status: Not within flood hazard area Comments: No comments
	B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments
	C. State Parks Reviewer: Russell, Pam Comments: No Comments
State of Alaska Fish and Game	No objections to the proposed platting actions. The proposed actions will not affect public access to public lands and waters.

<u>Staff Analysis</u> The current lots were created by the subdivision of aliquot lands on plat Barnett's South Slope Subdivision, HM 77-61. The preliminary plat is proposing to combine two of those lots, Lots 2 and 4 of Block 2, into one lot.

The City of Homer Planning Commission reviewed the preliminary plat at their August 4, 2021 meeting. Their zoning designation is Rural Residential District. City water and sewer services do not currently serve the lots. The Planning Commission recommended approval with the following comments.

- 1. Include a plat note stating "Property owner should contact Army Corps of Engineers prior to any on-site development or construction activity to obtain the most current wetland designation (if any) property owners are responsible for obtaining all required local state and federal permits."
- 2. Commission to concur with maintaining East Tasmania Court as a 50 foot right of way with the inclusion of plat note and depiction designating the adjacent 15 foot utility easement as a utility and slope easement.
- 3. Correct the street name to East Tasmania Court.

Item 1 is addressed in plat note 9. Item 2 will be further discussed with the exception request. The correct listing of the street name will need to be verified. The city requested the street name be updated to include "East". KPB GIS data reflects that "E" is used for the prefix as opposed to the name being spelled out. **Staff recommends** the street name be updated to "E Tasmania Court".

An exception has been requested for KPB 20.30.240 so that the building setback note would not be carried over to this plat. The subdivision falls within the City of Homer and is subject to their setbacks and zoning requirements. KPB Code 20.30.250 addresses when parent plats contained a setback requirement on plats located within the city. **Staff recommends** the plat committee concur that the exception is not required and the plat should comply with KPB Code 20.30.250.

Per the City of Homer Staff Report, city water and sewer do not serve the lots at this time. Reviewing the City of Homer's online maps, services are available in the area but have not been extended to reach the lot. The parent subdivision did not have soils analysis performed. The preliminary plat will be increasing the size of the lot by more than 1,000 square feet. A soils report will not be required. The wastewater note will need to be revised to comply with KPB 20.40 unless plans for an existing system can be presented to staff. **Staff recommends** an installation agreement or documentation that one is not required should be submitted and the plat note for wastewater disposal be updated in compliance with KPB 20.40.

Notice of the proposed plat was mailed to the beneficial interest holder on February 7, 2022. 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.

<u>Utility Easements</u> Barnett's South Slope Subdivision, HM 77-61, granted a 10 foot utility easement along E Tasmania Court. 10 foot utility easements were also granted along each side of the common lot line between Lots 2 and 4 and Lots 2 and 1. There were no easements granted along South Slope Drive.

An additional easement has been granted by recorded document and is noted in plat note 8.

Kenai Peninsula Borough Planning Commission Resolution 92-06 vacated the northern utility easement within Lot 2 except for the eastern 10 feet. The surveyor noted the owners were discussing vacating the utility easement along the shared former lot line but found that the easement was in use.

The plat will be granting a 15 foot utility easement along South Slope Drive. An additional 5 feet of easement will be granted by this plat along E Tasmania Court to increase the easement to 15 feet. The easement along the shared lot line from the parent plat is correctly drawn. **Staff recommends** rewording of the plat notes to explain the dedications, include that the 20 foot utility easement was granted by the parent plat, and removal of utility easement depictions within neighboring lots.

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

Utility provider review:
--------------------------

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

#### KPB department / agency review:

Addressing	Reviewer: Haws, Derek Affected Addresses: 4526 SOUTH SLOPE DR
	Existing Street Names are Correct: Yes List of Correct Street Names: SOUTH SLOPE DR E TASMANIA CT
	Existing Street Name Corrections Needed: All New Street Names are Approved: No List of Approved Street Names: List of Street Names Denied:

	Comments: The city of Homer will advise on affected address.
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: Wilcox, Adeena
	Comments: 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

**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 location of the subdivision to the "SE1/4"

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

#### Staff recommendation:

- The lot marked as Lot 2 north of the subdivision should be revised to Lot 3.
- Make the block label more prominent or remove and add a block label on each lot.
- The lots located south of East Tasmania Court have a different plat number than the lots involved in the replat and others shown. Provide a recording number for any lots that are different from the plat number located in the title block.
- Lot B-1 is only about 60 feet wide. It would be beneficial to show the parcel as well as the East Hill Road right of way. Provide a right of way label and width label for East Hill Road.
- H. Approximate locations of low wet areas, areas subject to inundation, areas subject to flooding or storm water overflow, and the line of ordinary high water. This information may be provided on an additional sheet if showing these areas causes the preliminary plat to appear cluttered and/or difficult to read;
   Staff recommendation: Per KPB GIS data, there are wetlands located in the northwest portion of the subdivision.

#### **KPB 20.30 – Subdivision Design Requirements**

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

20.30.120. Streets-Width requirements.

- A. The minimum right-of-way width of streets shall be 60 feet.
  - 1. Half streets shall generally not be allowed except to provide the logical extension of a right-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:** *E* Tasmania Court is only 50 feet wide. An exception has been requested.

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:** An exception was requested not to carry over the building setback. This portion of code would apply to the preliminary plat making the exception not necessary. Comply with 20.30.250.

20.30.270. Different standards in cities. Where cities have enacted by ordinance different subdivision design standards than those set forth in this chapter, the planning commission shall apply the city standards in lieu of those set forth in this chapter. Any appeal of a city design standard is subject to KPB 21.01.020(E). **Staff recommendation:** The City of Homer does not meet the specified requirements for the application and consideration of different standards.

#### KPB 20.40 – Wastewater Disposal

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

20.40.010 Wastewater disposal.

Platting Staff Comments: A soils report is not required as the plat will be increasing usable area by more than 1,000 square feet as outlined in 20.40.020(A)(2). The city staff report states city water and sewer are not currently available. The wastewater certificate should be revised unless it is demonstrated to staff that the plans are on file. The note should read "WASTEWATER DISPOSAL: Wastewater treatment and disposal systems must meet the regulatory requirements of the Alaska Department of Environmental Conservation."

Staff recommendation: comply with 20.40.

#### KPB 20.60 – Final Plat

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

20.60.030. 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

Page **5** of **8** 

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.

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

Staff recommendation: Provide an installation agreement or documentation that one is not required.

#### 20.60.160. Easements.

A. The plat shall clearly show the location, width, and use of all easements. The easements must be clearly labeled and identified and, if already of record, the recorded reference given. If public easements are being granted by the plat, they shall be properly set out in the owner's certification of dedication.

1. Special purpose easements being granted by the plat shall be clearly defined for allowed use. Special purpose easements may require a signed acceptance statement on the plat.

#### B. Private easements may not be granted on the plat.

**Staff recommendation**: A slope easement is being requested by the City of Homer if no additional dedication is required. An acceptance should be included on the plat. Comply with 20.60.160.

#### 20.60.180. Plat notes.

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

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

- Per KPB 20.30.250, the building setback of record has been removed. All development must comply with the municipal zoning requirements.
- The borough will not enforce private covenants, easements, or deed restrictions per KPB 20.60.170.

Make the following corrections or additions to plat notes on the plat.

- Plat note 1, provide a reference to KPB Code 20.60.200(A).
- Plat note 3, revise to read, "Barnett's South Slope Subdivision, Plat HM 77-61, granted 10 foot utility easements along East Tasmania Court. This plat will be granting an additional 5 foot utility easement to provide a 15 foot utility easement. The 15 foot utility easement is also a slope easement granted by this plat. This plat will be granting a 15 foot utility easement along South Slope Drive."
- Plat note 5 will be removed and replaced with the plat note referring to KPB 20.30.250.

- Amendments have been filed for the covenants, conditions and restrictions found in Plat note 7. Add to the note, "and amendments recorded in Book 100 Page 61, HRD and Book 104 Page 746, HRD."
- Staff would suggest removing "general easement" from plat note 8 and instead note, "no definite location disclosed."

#### 20.60.190. Certificates, statements, and signatures required.

**Staff recommendation**: Provide an acceptance for the slope easement to be signed by the City of Homer. Comply with 20.60.190.

### **EXCEPTIONS REQUESTED:**

### A. KPB 20.30.120 – Streets-width requirements (E Tasmania Court)

<u>Surveyor's Discussion:</u> Current code calls for a 60' ROW width. This short section of road currently serves only Lot 5-A-1. Considering existing construction on Lot 5-A-1 it is unlikely that this lot will be further subdivided. Current use of Tasmania Court is essentially as a driveway to Lot 5-A-1 and there is no need for additional dedication. The City of Homer Planning Commission agreed with the exception request at their meeting of August 4, 2021.

<u>Staff Discussion:</u> Barnett's South Slope Subdivision, Plat HM 77-61, dedicated the right of ways ending in cul-desacs as 50 foot wide. When dedicated, five lots would have access from E Tasmania Court. Replats have reduced the number to four lots. This platting action will reduce it further to three. Barnett's South Slope Subdivision Crandall Addition No. 2, Plat HM 2000-08, was heard at the December 13, 1999 Plat Committee meeting. The road width was not addressed or discussed within the staff report or by the plat committee.

The City of Homer staff report contained comments from the Public Works Department. "The Tasmania Court rightof-way is currently 50'. I foresee that road improvements will be initiated in the future with the water and sewer infrastructure planned for this coming summer or next. Please change the 15' utility easement fronting the right-ofway to note a 15' utility and slope maintenance easement. This should adequately address road improvements without requiring additional right-of-way for this specific plat."

If denied, this plat will be required to dedicate a portion of right of way.

### Findings:

- 1. KPB Code 20.30.120 requires right of way widths to be 60 feet.
- 2. Plat HM 77-61, Barnett's South Slope Subdivision, dedicated E Tasmania Court as 50 foot wide.
- 3. E Tasmania Court is approximately 300 feet long.
- 4. E Tasmania Court ends with a bulb that has a 50 foot radius.
- 5. Per KPB Code 20.90, definitions, a cul-de-sac serve no through traffic and are closed permanently.
- 6. There are currently four lots with available access from E Tasmania Court.
- 7. Currently one lot has constructed access from E Tasmania Court.
- 8. The City of Homer Public Works requested a slope easement in place of additional dedications.
- 9. The City of Homer Planning Commission agreed to maintain E Tasmania Court as a 50 foot wide right of way if a 15 foot slope easement was granted.
- 10. Additional right of way width was not requested for Barnett's South Slope Subdivision Crandall Addition No. 2, Plat HM 2000-08.

# Staff reviewed the exception request and recommends granting approval subject to the 15 foot slope easement being granted.

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

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

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

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

- 1. That special circumstances or conditions affecting the property have been shown by application; **Findings 2-10 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 2-10 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 2-10 appear to support this standard.

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

### **RECOMMENDATION:**

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

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

NOTE: 20.25.120. - REVIEW AND APPEAL.

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

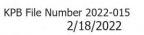
A DECISION OF THE PLANNING COMMISSION MAY BE APPEALED TO THE HEARING OFFICER BY A PARTY OF RECORD WITHIN 15 DAYS OF THE DATE OF NOTICE OF DECISION IN ACCORDANCE WITH KPB 21.20.250.

END OF STAFF REPORT



# Kenai Peninsula Borough Planning Department

Block



N



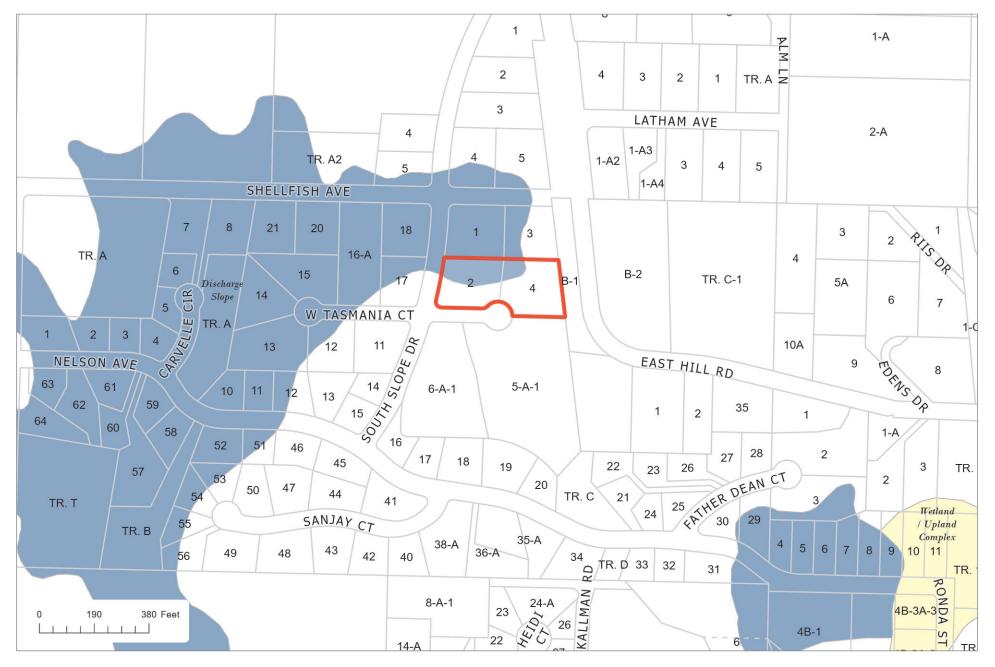


# Kenai Peninsula Borough Planning Department



KPB File Number 2022-015

2/18/2022 N

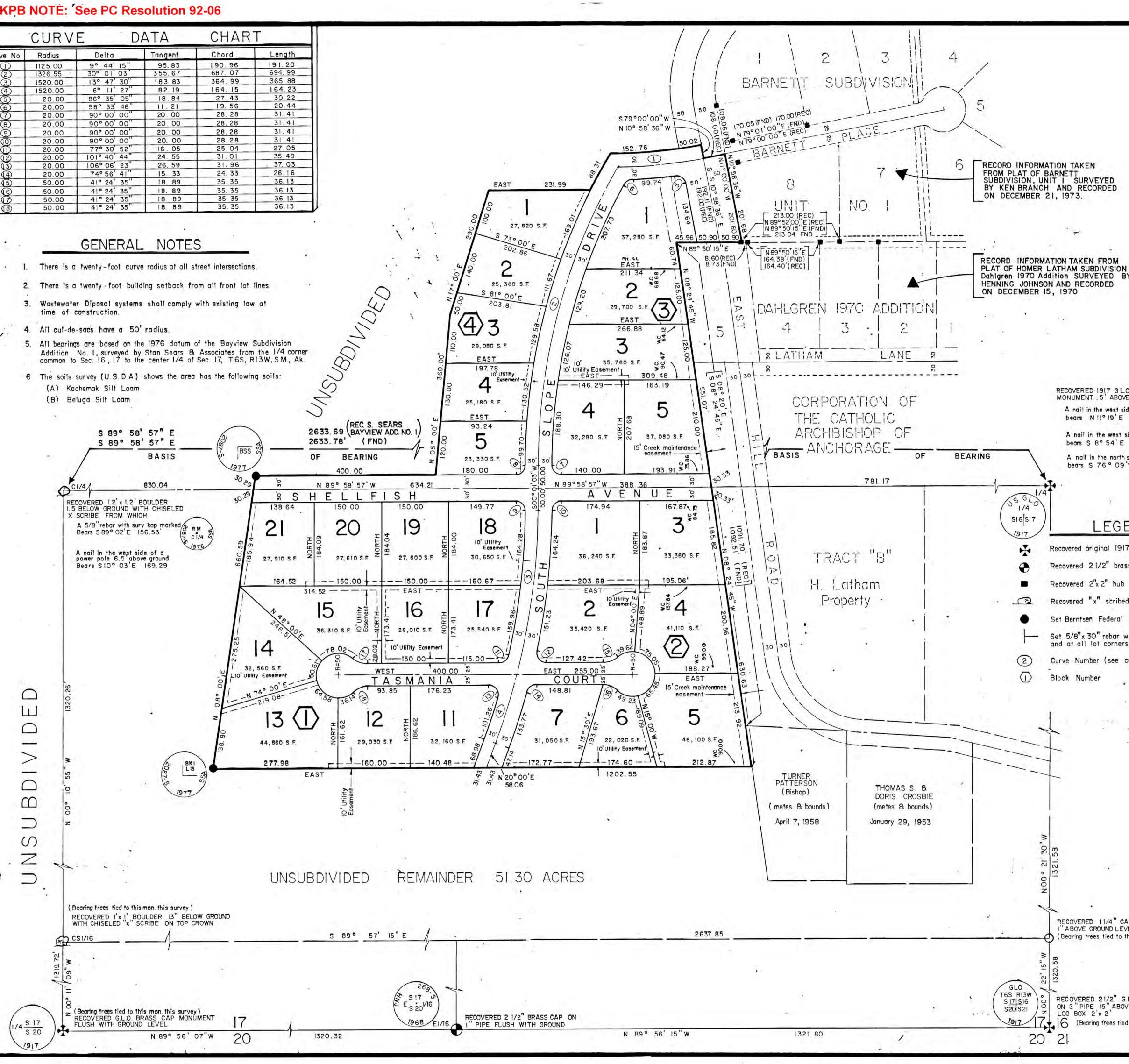


# **KPB NOTE: See PC Resolution 92-06**

	CURV	E D	АТА	CHAR	Т
Curve No	Radius	Delta	Tangent	Chord	Length
(D)	1125.00	9° 44' 15"	95.83	190.96	191.20
2	1326.55	30° 01 03"	355.67	687.07	694.99
3	1520.00	13° 47' 30"	183.83	364.99	365.88
(4)	1520.00	6° 11' 27"	82.19	164.15	164.23
5	20.00	86° 35' 05"	18.84	27.43	30.22
6	20.00	58° 33' 46"	11.21	19.56	20.44
Ô	20.00	90° 00' 00"	20.00	28.28	31.41
(8)	20.00	90° 00' 00"	20.00	28.28	31.41
9	20.00	90° 00' 00"	20.00	28.28	31.41
Ō	20.00	90° 00' 00"	20.00	28.28	31.41
	20.00	77° 30' 52"	16.05	25.04	27.05
12	20.00	101° 40' 44"	24. 55	31.01	35.49
(3)	20.00	106° 06' 23"	26. 59	31.96	. 37. 03
(4)	20.00	74° 56' 41"	15. 33	24.33	26.16
5	50.00	41° 24' 35"	18.89	35.35	36.13
6	50.00	41° 24' 35"	18. 89	35.35	36.13
0	50.00	41° 24' 35"	18.89	35.35	36.13
(8)	50.00	41° 24' 35"	18. 89	35, 35	36.13

2 (2)

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à.m.

T 6S 3 Jiamond 33 12 4 M7 HOMER CITY Creek STERLING KACHEMAK BAY Seldovia (C-5) Quad VICINITY MAP Dahlgren 1970 Addition SURVEYED BY CERTIFICATE OF OWNERSHIP AND DEDICATION I (we) hereby certify that I am (we are) the owner(s) of the property shown and described hereon and that I (we) hereby adopt this plan of subdivision and dedicate all streets, alleys, walks, parks, utility easements and other open spaces to public use. Dernahme Sarnett Jolient & Barnett RECOVERED 1917 G.L.O. 21/2" BRASS CAP MONUMENT .5' ABOVE GROUND FROM WHICH Robert E. Barneft Bernadine Barnett Post Office Box 132 Post Office Box 132 Homer, Alaska Homer, Alaska A nail in the west side of a 19"spruce tree bears N 11º 19'E 16.92' the states ST IL FIFY A nail in the west side of a 20"spruce tree bears S 8° 54' E 31.63 Ct+12 NOTARY'S ACKNOWLEDGEMENT A nail in the north side of a birch tree - Anie 10 to bears S 76° 09'W 18.71 State of Alaska 4 - H How .... Third Judicial District On this 5th day of actorer \_. 1976, before me, the undersigned, a Notary Public for the State of Alaska, personally appeared Bosert & Buradine Barnetto me known to be LEGEND

Recovered original 1917 21/2" G.L.O. brass cap monument

Recovered 21/2" brass cap monument (1968 HNJ)

Recovered 2"x 2" hub & tack

Recovered "x" scribed rock

Set Berntsen Federal A-1 cast aluminum monument 30" in ground.

77-61

NECORDED ( MLED )

Homer Mc DIST.

MATE 10-10-1077

TINE 12:26\_ P\_M

Paquetatory KPB\_

and Jaldatra

A 19 460

1.19TH \$ 1

Stanley C. Searce

11-22-11

In prazes

-1-

Set 5/8"x 30" rebar with surv kap on subdivision boundary and at all lot corners (unless otherwise noted)

Curve Number (see curve data chart)

that he (they) executed the same as his (their) free and voluntary act. Witness my hand and official seal the day, month and year hereinabove written. Notary Public for Alaska September 13, 1981 My Commision Expires PLAT APPROVAL This plat having been approved by the Kenai Peninsula Borough Planning Commission as recorded in the official minutes of the meeting of august 29, 1977 is hereby acknowledged and accepted as the official plat, subject to any and all conditions and requirements of ordinances and law appertaining

the person described in and who executed the foregoing

certificate of ownership and dedication, and acknowledged to me

KENAI PENINSULA BOROUGH

July Waring

" = 1 Mile

CERTIFICATE OF SURVEY

thereto.

Date

, the undersigned registered land surveyor, hereby certify that this survey has been completed by me or under my direct supervision and that the corners and monuments have been located and established and that dimensions shown hereon are true and correc

Stanly E. Searce Oct 5, 1977\_ Stanley E. Sears Registered Land Surveyor PLAT OF

BARNET	T'S SOUTH	SLOPE SUE	BDIVISION
And	11/2 SE 1/4, 0 SEC. 17, T6S, d within the City L	D WITHIN and S1/2 NE L R13W, S.M., imits of Homer, A ACRES MORE OR	AK. Iaska
REG	POST OFFIC	8 ASSOCIAT AND SURVEY E BOX 283 ALASKA 9957	ORS
RID Homer	SCALE 1"= 100'	DATE July 1977	BOOK 378 53
DRAWN M. Brooks	CHECKED S. Sears	FILE NO.	WO NO. 77-15

RECOVERED 11/4" GALV. IRON PIPE I" A BOVE GROUND LEVEL (Bearing trees tied to this mon. this survey)

RECOVERED 21/2" G.L.O. BRASS CAP MON, ON 2" PIPE 15" ABOVE GROUND IN SQUARED LOG BOX 2'x 2' 7.16 (Bearing Frees tied to this mon. this survey)

#### KENAI PENINSULA BOROUGH PLANNING COMMISSION

#### RESOLUTION 92-06

VACATING ALL, EXCEPT THE EASTERLY TEN FEET, OF THE TEN FOOT UTILITY EASEMENT WITHIN NORTH TEN FEET OF LOT 2, BLOCK 2, BARNETT'S SOUTH SLOPE SUBDIVISION (PLAT 77-61 HRD). BEING WITHIN SECTION 17, TOWN-SHIP 6 SOUTH, RANGE 13 WEST, SEWARD MERIDIAN, CITY OF HOMER, HOMER RECORDING DISTRICT, ALASKA

WHEREAS, a request has been received to vacate all except the easterly ten feet of the ten foot utility easement within the northern boundary of Lot 2, Block 2, Barnett's South Slope Subdivision, Section 17, Township 6 South, Range 13 West, Seward Meridian, Alaska; and

WHEREAS, on May 18, 1992, the Kenai Peninsula Borough Planning Commission addressed all concerns about this proposed vacation; and

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

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

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

Section 1. That all except the eastern ten feet of the ten foot utility easement within the northern ten feet of Lot 2, Block 2, Barnett's South Slope Subdivision (plat 77-61 HRD), is hereby vacated.

<u>Section 2</u>. That this Resolution is eligible for recording after approval of the vacation; and will be deemed void if not recorded within 90 days of adoption.

<u>Section 3</u>. That this Resolution becomes effective upon being properly recorded; with petitioner being responsible for payment of recording fees.

ADOPTED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH ON THIS  $18^{49}$  DAY OF May, 1992.

> John Hammelman, Chairman KPB Planning Commission

ATTEST: unaman Jungmann, Adm/inistrative Assistant Nancy Return to: Planning Department Kenai Peninsula Borough 144 N. Binkley Street Soldotna, Alaska 99669

2-1406 RECORD EC. DIST. tequested by ian

PLANNING COMMISSION REGULAR MEETING AUGUST 4, 2021

Chair Smith introduced the item and asked for Commissioner Barnwell to provide his report. He additionally noted the minutes provided in the Supplemental Packet of the July 14<sup>th</sup> and 28<sup>th</sup> regular meetings.

Commissioner Barnwell reported on the Task Force progress refining their final report to City Council. He responded to questions of the Commission on use of a phased approach, availability of commercial real estate, inclusion in the Capital Improvement Plan.

PUBLIC HEARINGS

PLAT CONSIDERATION

A. Staff Report 21-41, James Waddell Homestead 2021 Replat Preliminary Plat

Chair Smith introduced the item by reading of the title and invited City Planner Abboud to provide his report.

City Planner provided a summary of Staff Report 21-41 for the Commission.

There was no applicant present.

Chair Smith opened the public comment period and having no members of the public requesting to comment closed the public comment period.

VENUTI/HIGHLAND MOVED TO ADOPT STAFF REPORT 21-41 AND RECOMMEND APPROVAL OF THE JAMES WADDELL HOMESTEAD 2021 REPLAT PRELIMINARY PLAT TO VACATE A LONLINE.

There was a brief comment on this action being clear and straight forward.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

B. Staff Report 21-44, Barnett's South Slope, Evans Addition, Preliminary Plat

Chair Smith introduced the item by reading of the title and invited City Planner Abboud to provide his report to the Commission.

City Planner Abboud provided a summary of Staff Report 21-44.

Tom Latimer, representing the applicant reported that he was available for questions.

Chair Smith opened the public comment period and having no members of the public requesting to comment closed the public comment period.

080521 rk

UNAPPROVED

PLANNING COMMISSION REGULAR MEETING AUGUST 4, 2021

HIGHLAND/VENUTI MOVED TO ADOPT STAFF REPORT 21-44 AND RECOMMEND APPROVAL OF THE BARNETT'S SOUTH SLOPE EVEANS ADDITION PRELIMINARY PLAT TO REMOVE A LOT LINE BETWEEN TWO LOTS WITH THE FOLLOWING COMMENTS:

- 1. INCLUDE A PLAT NOTE STATING "PROPERTY OWNER SHOULD CONTACT ARMY CORPS OF ENGINEERS PRIOR TO ANY ON-SITE DEVELOPMENT OR CONSTRUCTION ACTIVITY TO OBTAIN THE MOST CURRENT WETLAND DESIGNATION (IF ANY) PROPERTY OWNERS ARE RESPONSIBLE FOR OBTAINING ALL REQUIRED LOCAL STATE AND FEDERAL PERMITS.
- 2. COMMISSION TO CONCUR WITH MAINTAINING EAST TASMANIA COURT AS A 50 FOOT RIGHT OF WAY WITH THE INCLUSION OF PLAT NOTE AND DEPICTION DESIGNATING THE ADJACENT 15 FOOT UTILITY EASEMENT AS A UTILITY AND SLOPE EASEMENT.
- 3. CORRECT THE STREET NAME TO EAST TASMANIA COURT.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Chair Smith called for a recess at 7:45 pm. The meeting was called back to order at 7:50 p.m.

PENDING BUSINESS

A. Staff Report 21-43, Marijuana Onsite Consumption Endorsement

Chair Smith introduced the item by reading of the title.

City Planner Abboud provided a summary and explanation of why this item was back before the Commission noting that they could not take further action or recommendations. He noted that the Commission could provide, and what City Council was requesting, was further clarification on the reasons for not supporting on site consumption regulation.

Commissioner Barnwell and Highland commented that in further consideration of the subject if they could change or vote again on the issue they would vote it down.

Chair Smith provided clarification on why he could not support allowing onsite consumption was the location in the Central Business District in the middle of an area that is highly frequented by families and children and with the wind blowing the odor would be in his opinion advertisement for the product.

City Planner Abboud responded that if any smell was detected outside the location the business would be shut down in accordance with state regulations.

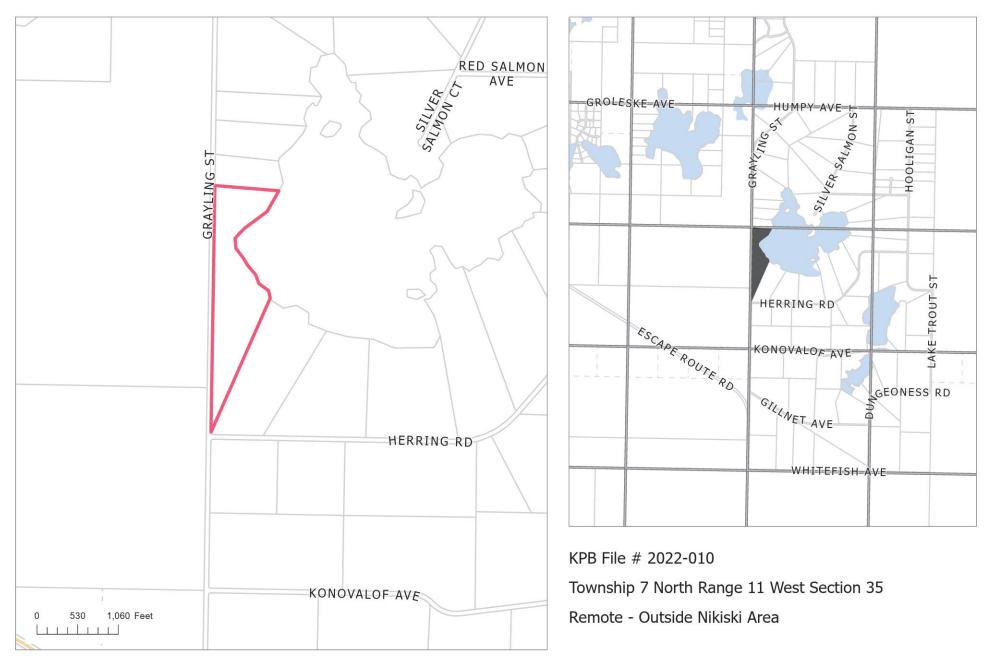
**NEW BUSINESS** 

080521 rk



# Kenai Peninsula Borough Planning Department

Vicinity Map



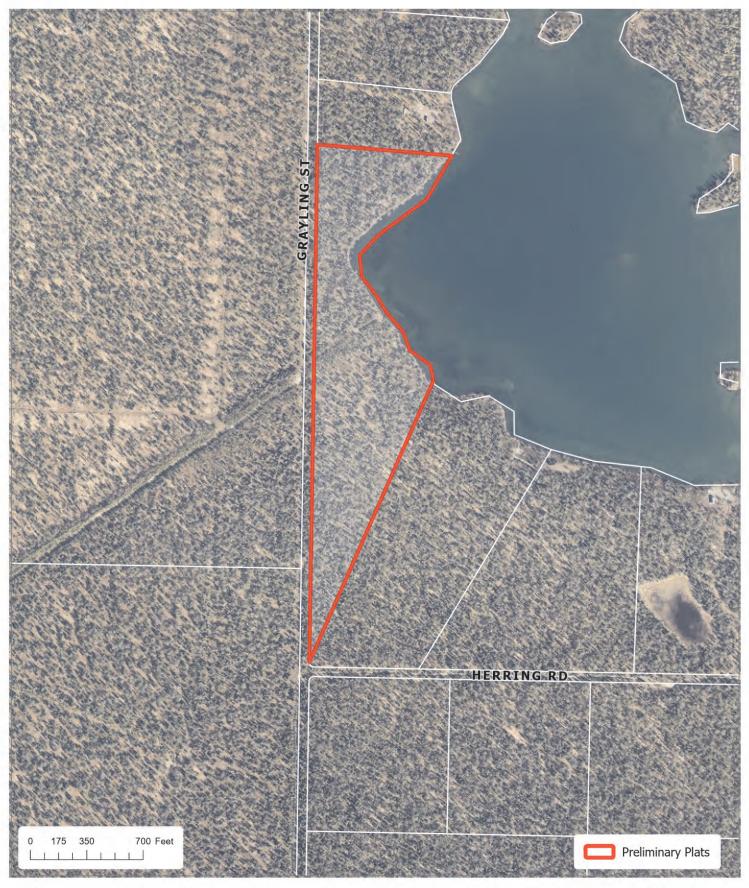
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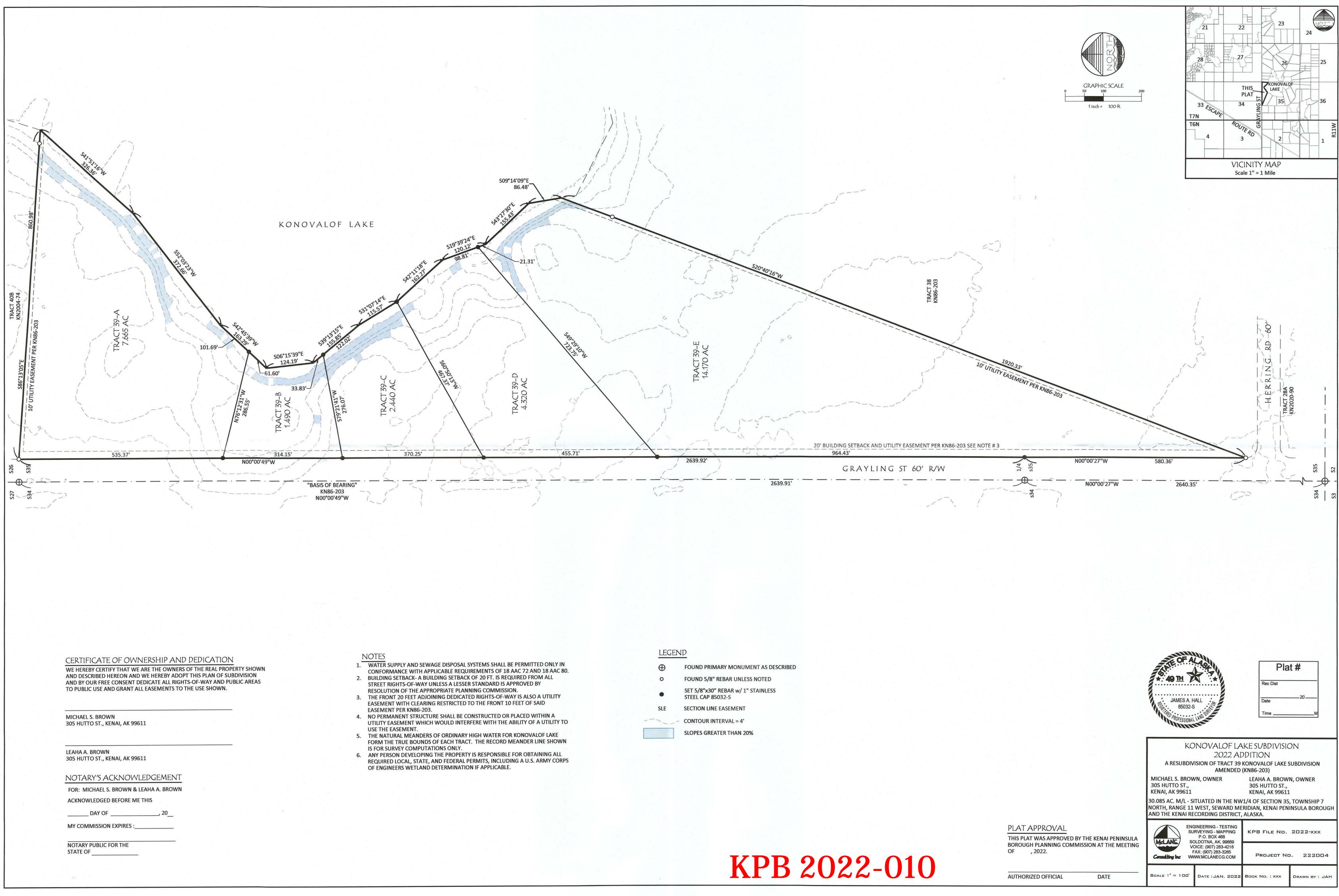
# Kenai Peninsula Borough Planning Department



Aerial View



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 mat 31



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#### AGENDA ITEM E. NEW BUSINESS

KPB File No.	2022-010
Plat Committee Meeting:	February 28, 2022
Applicant / Owner:	Michael S and Leaha A. Brown of Kenai, Alaska
Surveyor:	James Hall / McLane Consulting, Inc
General Location:	Herring Road and Grayling Street, Nikiski
Parent Parcel No.:	017-327-04
Legal Description:	Tract 39, Konovalof Lake Subdivision Amended KN 86-203
Assessing Use:	Residential Vacant
Zoning:	Rural Unrestricted
Water / Wastewater	On site

#### ITEM 2 - Konovalof Lake Subdivision 2022 Addition

#### STAFF REPORT

<u>Specific Request / Scope of Subdivision</u>: The proposed plat will subdivide a 30 acre tract into five tracts. The lots will range in size from 1.49 acres to 14.17 acres.

Location and Legal Access (existing and proposed): The subdivision is located between Kenai and Nikiski off the Escape Route. Legal access if from Grayling Street, a 60 foot wide right of way that is unmaintained. Grayling Street, along with the majority of the right of ways in the area, is partially cleared and provides access by foot, ATV, and in some areas vehicle.

The block is closed but longer than the allowable limits. Salamatof Native Association completed the parent plat in 1986 by recording Konovalof Lake Subdivision Amended KN 86-203. KN 86-203 created 79 large acreage tracts from approximately 3,500 acres that included multiple lakes. Tract 39 is an odd shaped lot with Graying Street abutting on the west and Konovalof Lake on the east. Any additional right of way dedications will terminate at Konovalof Lake and not improve the block length. **Staff recommends** the plat committee concur that an exception or dedication are not required, as any required dedication would not improve the block length.

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

<u>Site Investigation:</u> Steep slopes are present around the lake edge. KPB GIS does not have any wetland information for this area. Looking at KPB Aerial imagery, there does not appear to be any low wet areas present. **Staff recommends** if any low wet areas are detected during the field survey, they be shown on the final plat.

No improvements exist within this subdivision. The lot to the southeast is also vacant while the lot to the north has an improvement. There do not appear to be any encroachment issues.

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.

The meander of Konovalof Lake shall be noted if it is record data or note the date the meander line was surveyed. The parent subdivision determined the meander using black and white aerial photos. Staff would suggest the lake meander be surveyed to present a more accurate meander of the lake and provide a more accurate acreage.

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
State of Alaska Fish and Game	No objections to the proposed platting actions. The proposed actions will not affect public access to public lands and waters.

<u>Staff Analysis</u> Konovalof Lake Subdivision Amended, Plat KN 86-203, subdivided aliquot lands owned by the Salamatof Native Association. The tracts created were all large acreage tracts. All lots have access by dedicated right of ways but many are not constructed.

Tracts 39-A and 39-E are over 200,000 square feet and will not require a soils analysis report. The remaining lots will require a soils report and an engineer will need to sign the final plat.

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

The property is not within an advisory planning commission.

<u>Utility Easements</u> Konovalof Lake Subdivision Amended, Plat KN 86-203, granted 20 foot utility easements within the building setback with clearing limited to the front 10 feet. 10 foot utility easements were also granted along all side lot lines. The preliminary plat is carrying forward the utility easements from the parent plat and provides the correct plat notes and labels.

The certificate to plat did not indicate any additional easements have been granted by recorded documents.

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

#### **Utility provider review:**

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

### KPB department / agency review:

Addressing	Reviewer: Haws, Derek Affected Addresses: None
	Existing Street Names are Correct: Yes List of Correct Street Names:

Page 2 of 4

	GRAYLING ST HERRING RD 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: Wilcox, Adeena
	Comments: 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

**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: The Kenai National Wildlife Refuge boundary should be added and labeled.

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 "Unsubdivided" labels for the two large acreage lots located on the west side of Grayling Street.

#### KPB 20.30 – Subdivision Design Requirements

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

#### 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: Soils analysis report will be required for Tract 39-B, Tract 39-C, and Tract 39-D. Tracts 39-A and 39-E do not require a report. Provide the correct wastewater disposal notes.

Page **3** of **4** 

#### KPB 20.60 – Final Plat

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

20.60.180. Plat notes.

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

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

- Subject to terms, covenants, conditions and provisions, including rights of way and easements as contained in the Alaska Native Claims Settlement Act, dated December 18, 1971, U.S. Public Law 92-203, 85 Stat. 688, U.S.C. 1601 et seq.
- The borough will not enforce private covenants, easements, or deed restrictions per KPB 20.60.170.
- Wastewater notes will be required as determined by the soils analysis report for Tracts 39-B, 39-C, and 39D.
- WASTEWATER DISPOSAL: (Tract 39-A and Tract 39-E) 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



Aerial

# Kenai Peninsula Borough Planning Department

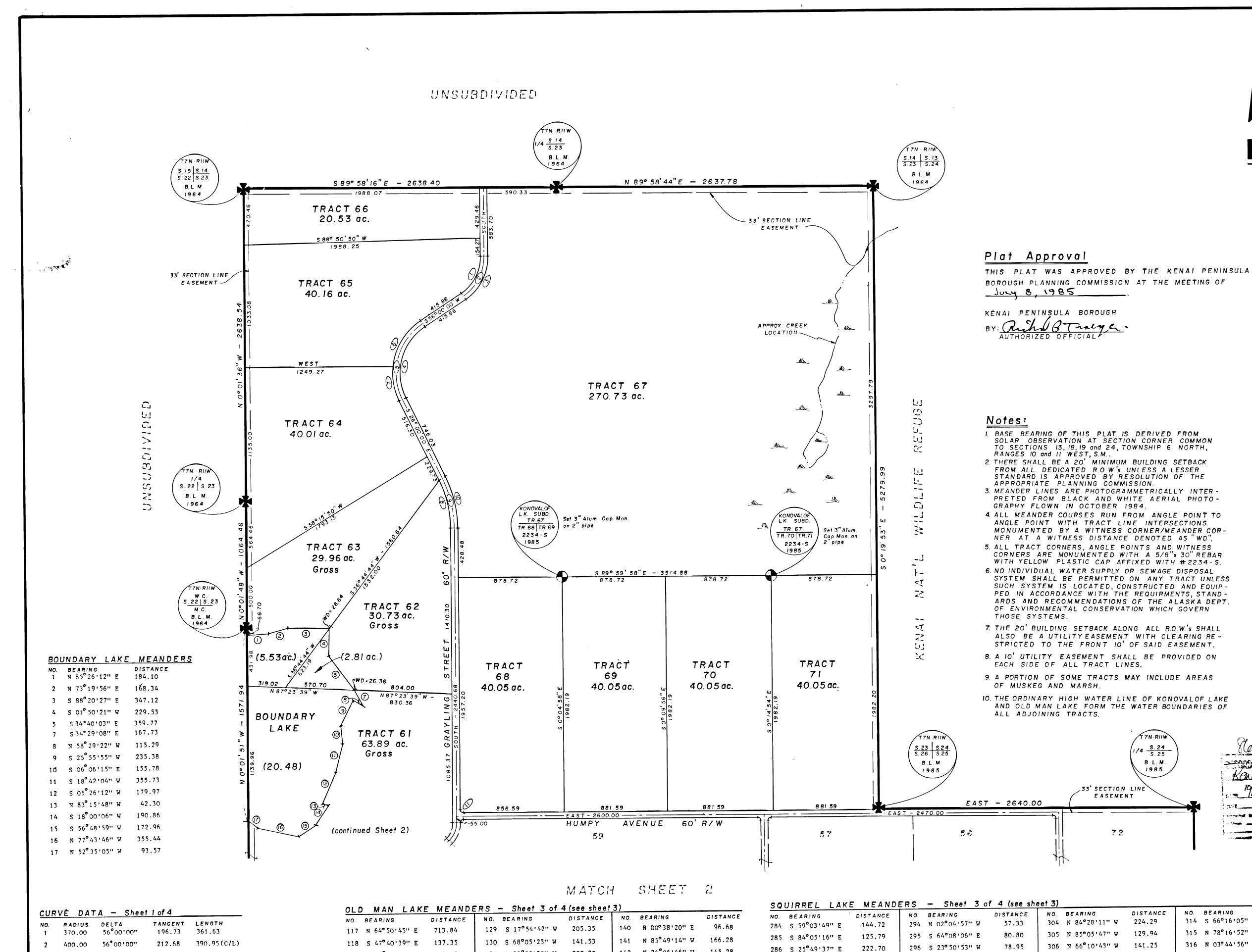
KPB File Number 2022-010



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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.



NO.	RADIUS	DELIA	TANGENT	LENGTH
1	370.00	56°00'00"	196.73	361.63
2	400.00	56°00'00''	212.68	390.95(C/L)
3	430.00	56°00'00''	228.64	420.28
4	470.00	82°00'00''	408.56	672.65
5	500.00	82°00'00''	434.64	715.59(C/L)
6	530.00	49°30'50"	244.41	458.01
7	530.00	32°39'10"	154.41	300.51
8	920.00	26°00'00''	212.40	417.48
9	950.00	26 <sup>°</sup> 00'00''	219.32	431.10(C/L)
10	980.00	26°00'00''	226.25	444.71
11	25.00	90°00'00''	25.00	39.27

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OLD MAN LAKI NO. BEARING	DISTANCE	ERS - Sheet 3 of No. bearing	DISTANCE		BEARING	DISTANCE		BEARING	DISTANCE	NO.	BEARING	DISTANCE	NO. BEARING	DISTANCE 224.29
117 N 64° 50'45" E	713.84	129 S 17°54'42" W	205.35	140	N 00°38'20" E	96.68	284	S 59°03'49" E	144.72		N 02°04'57" W	57.33	304 N 84°28'11" W	
-		130 S 68°05'23" W	141.53	141	N 85°49'14" W	166.28	285	5 S 84°05'16" E	125.79	295	S 64°08'06" E	80.80	305 N 85°05'47" W	129.94
118 S 47° 40'39" E	137.35				N 26°06'46'' W	145.28	286	5 S 25°49'37" E	222.70	296	S 23° 50' 53" W	78.95	306 N 66° 10'43" W	141.25
119 S 58°47'50" E	173.19	131 S 89°28'30" W	207.30					7 S 07°04'08'' W	229.61	297	S 55°07'09" E	67.14	307 S 31° 44'00" E	70.86
120 S 21° 04'41" W	159.14	132 S 79°48'01" W	209.85		S 21°00'06" W	54.09		3 5 46 <sup>°</sup> 02'55'' W	136.62	208	S 16°41'20" W	77.31	308 S 30°17'47" W	160.15
121 S 07°30'13" W	310.75	133 N 16°00'35" W	62.16	144	N 78°16'28" W	179.46					N 76°12'21" W	53.20	309 N 60°45'06" W	147.07
122 S 60 <sup>°</sup> 27'52" E	140.24	134 S 63° 53' 49" W	75.39	145	N 16°20'39" W	212.15		<b>S</b> 09 <sup>°</sup> 50'13'' W	305.35	_			310 N 18°00'49" W	112.79
123 S 24 <sup>°</sup> 22'50'' E	220.26	135 N 55°26'55" W	178.76	146	N 03°22'41" E	207.74	290	D S 23 <sup>°</sup> 40'32'' E	143.84	1	N 26°59'57" W	55.70		
	384.70	136 S 64°41'41" W	41.64	147	N 41°26'44" E	395.41	291	N 84°01'52" E	66.55	301	5 42°29'31" W	90.69	311 N 20°46'39" E	143.68
124 S 38°26'17" W				148	•	445.23	292	2 N 34° 52'17" E	80.65	302	S 28°32'30" E	57.09	312 N 01° 42'44" E	116.59
125 S 23 <sup>°</sup> 45'56" W	484.81	137 N 12°04'51" W	170.34				20.	3 N 67°54'11" E	183.06	303	s 71° 30' 50" W	79.97	313 N 44° 27' 48" E	172.83
126 S 14 <sup>°</sup> 09'53" W	177.56	138 N 09°49'39" E	407.41	149		236.74	27.		100000					
127 S 04°50'12" W	380.48	139 N 66°14'22" E	258.20	150	N 87°29'54" E	129.50								
128 S 17 <sup>°</sup> .56'11" E	147.74			I										

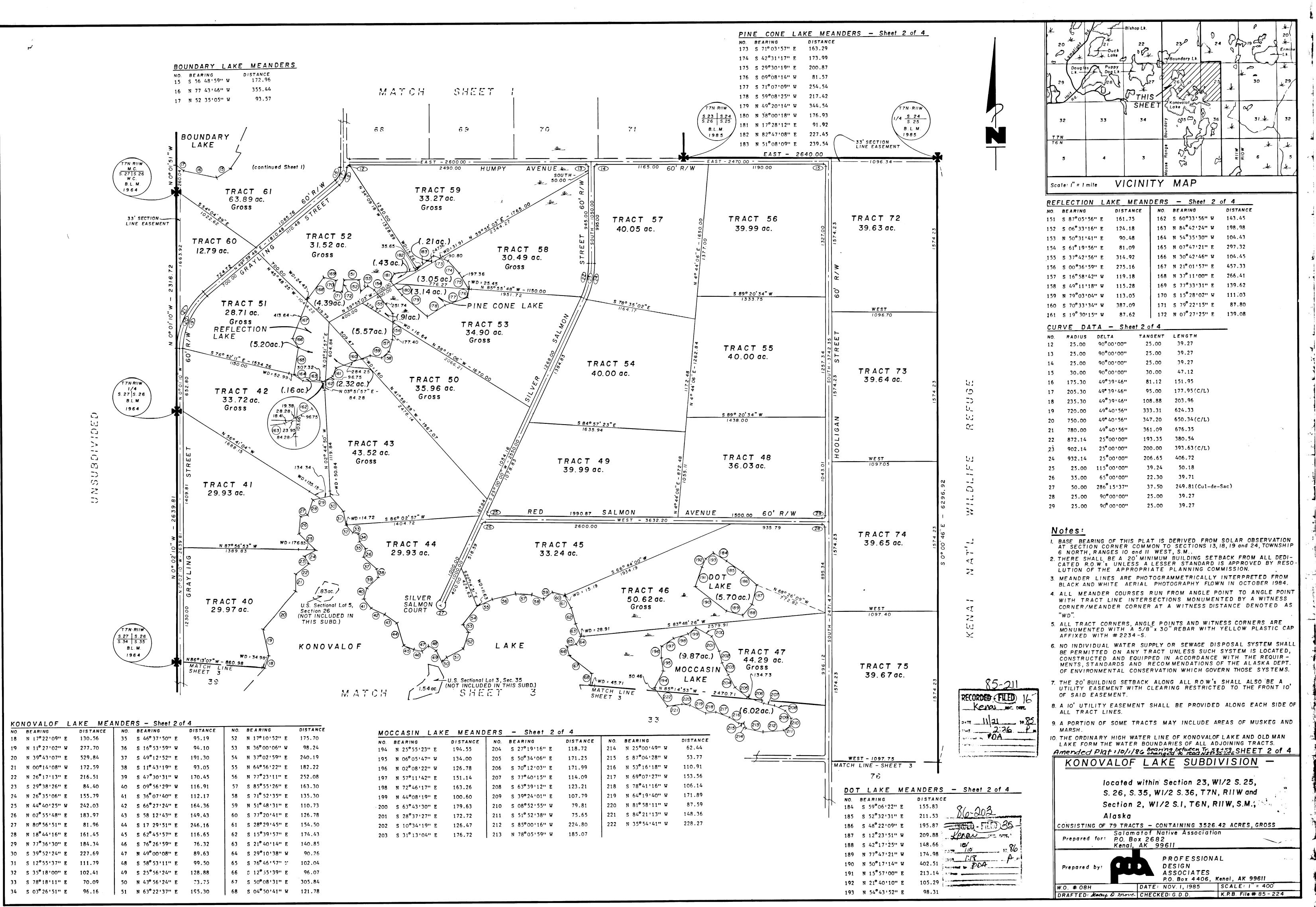
AMENDED PLAT : 10/1/86



NO. BEARING

314 S 66°16'05" E

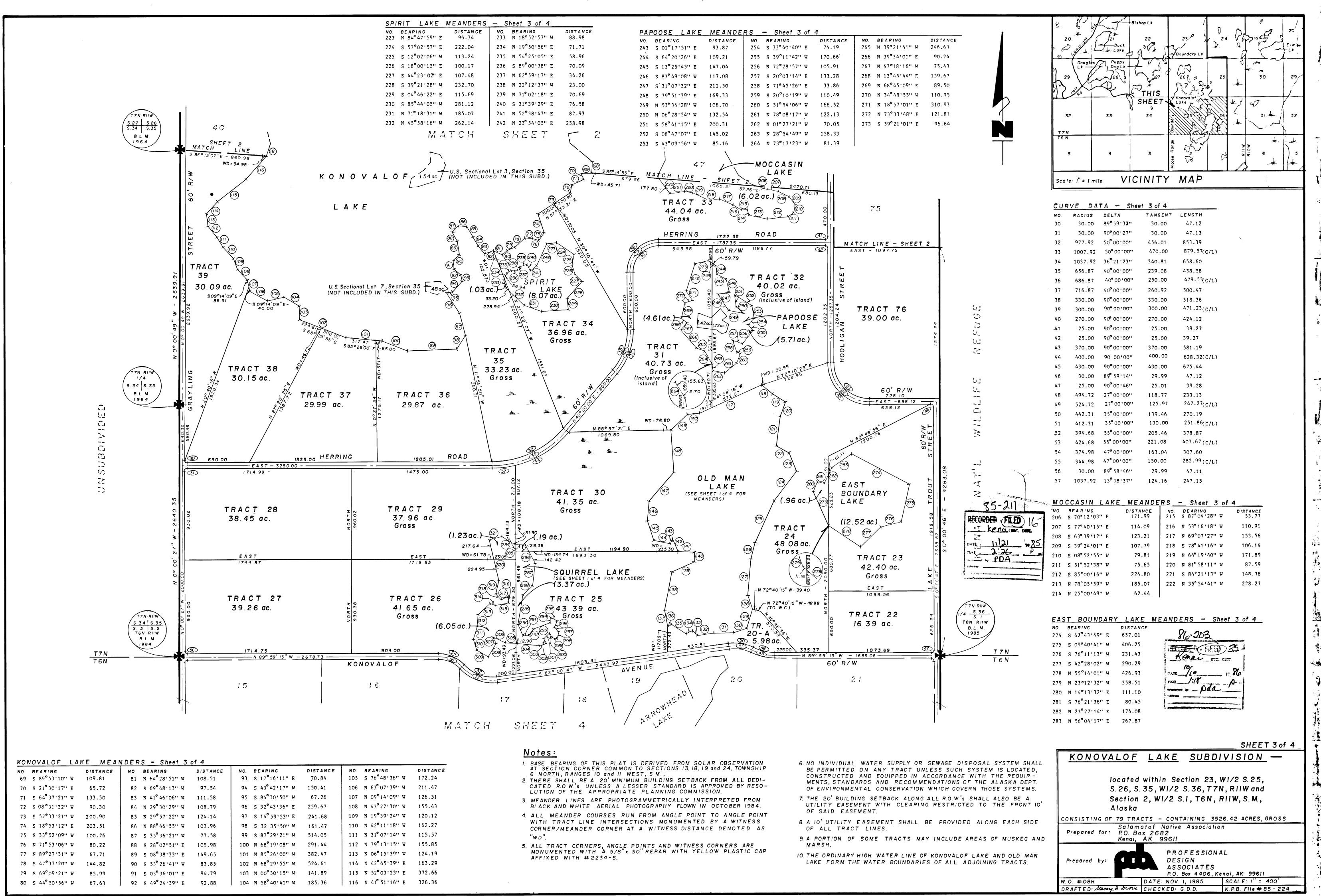
KENA Puppy 30 - NAT'L 1 ℃ WILD LIFE Lake 31 1 34 33 32 <u>T7N</u> T6N REFÛG るし - 3 5 Scale: 1" = 1 mile VICINITY MAP Certificate of Ownership and Dedication WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT WE HEREBY ADOPT THIS PLAN OF SUBDIVISION, AND DEDICATE ALL RIGHT- of - WAYS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN. RAILPHA 10HNSON PRESUDENT Salamatof Native Association, Inc. Jeana ames O-JAMES O. SEGURA, VICE PRESIDENT Salamatof Native Association, Inc. ( ) Notary's Acknowledgment OFFICIAL SEAL STATE OF ALASKA FOR: Ralph A. Johnson. SONJA K. PILATTI NOTARY PUBLIC James (O. beguna SUBSCRIBED AND SWORN TO BEFORE ME, THIS 20 DAY OF November 1985 H-13-88 MY COMMISSION NOTARY EUBLIC, STATE OF ALASKA EXPIRES Surveyor's Certificate 24 I, GARY D. 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 EXTERIOR CONTROL MONUMENTS. ALL OTHER MONUMENTS, AND LOT CORNERS HAVE BEEN SET AND STAKED. November 20,1985 Date 2234-5\_ Reg No. 22. 2203 5-21 35 RECORDED FILED 14 Kenal REC. DIST. KANAN BER ST. DATE 11/21 Pit neved in CELTINICATE OF APPROVAL DI DETARMALINT OF ENVIRONMENTAL CONSERVAMENT This subdivision has been reviewed in accordance with 10 IRAACTIASS and is approved, subject to any A and 214 Te Jackho SHEET I of 4 DISTANCE 66.11 LAKE SUBDIVISION KONOVALOF 315 N 78°16'52" E 136.97 316 N 03° 44' 56" W 73.85 317 S 62°43'43" W 80.44 located within Section 23, W1/2 5.25, S. 26, S. 35, W1/2 S. 36, T7N, R11W and 318 N 41° 57' 45" W 79.97 319 N 13°01'59" E 144.70 Section 2, WI/2 S.I, T6N, RIIW, S.M., 320 N 13° 13' 54" W 442.59 Alaska 321 N 76°31'31" E 128.55 CONSISTING OF 79 TRACTS - CONTAINING 3526.42 ACRES, GROSS Salamatof Native Association Prepared for: P.O. Box 2682 - -Kenai, AK 99611 - **#\*** - \*\* ∪ PROFESSIONAL DESIGN Prepared by: ASSOCIATES P.O. Box 4406, Kenai, AR 99611 4. 1) Pg. 4 of 4: changed Detail to "Dungeoness" Road & dedicated. W.O. # OBH DATE: NOV. 1, 1985 SCALE: I" = 400' 2) changed bearing on Tr. 58/59 to read N 59°55'03" E. DRAFTED: Macey D. Grove CHECKED: G.D.D. K.P.B. File # 85 - 224 e e se se se 🚓 👬 🌬 and a the second ······



			NO.	HS - Sheet 20 Bearing	DISTANCE	NO.	BEARING	DISTANCE	· · · · · · · · · · · · · · · · · · ·
NO. 18	BEARING N 17°22'09'' E	distance 130.56	35	S 46° 37' 50" E	95.19	52	N 17º 10'52'' E	175.70	MOCCASIN LAKE
10 19	N 11 <sup>°</sup> 27'02'' W	277.70	36	S 16°53'59'' W	94.10	53	N 36°00'06'' W	98.24	NO. BEARING [ 194 N 25°55'23''E
20	N 39°43'07" E	529.84	37	S 49°12'52'' E	191.30	54	N 37°02'59" E	240.19	195 N 06° 05' 47'' W
21	N 00°14'08" W	172.59	38	S 11°43'19" E	93.05	55	N 64°56'22" E	182.22	196 N 02°08'22'' W
22	N 26°17'13" E	216.51	39	s 47°30'31" W	170.45	56	N 77°23'11" E	252.08	197 N 57°11'42" E
23	5 29°38'26" E	84.40	40	S 09°56'29" W	116.91	57	S 85°55'26" E	163.30	198 N 72°46'17" E
24	N 26°35'06" E	155.79	41	S 36°07'40" E	112.17	58	S 71 <sup>°</sup> 52'35" E	135.30	199 N 44°08'19" E
25	N 44°40'25" W	242.03	42	S 66°27'24" E	164.36	59	N 51°48'31" E	110.73	200 S 63°43'30" E
26	N 02°55'48" E	183.97	43	S 58 12'43" E	149.43	60	S 77 <sup>°</sup> 20'41" E	126.78	201 S 28°37'27" E
27	N 80°56'51" E	81.96	44	S 17 29'51" E	246.16	61	S 28°29'45" E	154.50	202 S 10°34'19" E
28	N 18 <sup>°</sup> 44'16" E	161.45	45	S 62 <sup>°</sup> 45' 57" E	116.65	62	S 15°39'57" E	174.43	203 S 31° 13'04'' E
29	N 77°36'30" E	184.34	46	s 76°26'59" E	76.32	63	S 21°40'14" E	140.85	
30	S 39°52'24" E	227.69	47	N 49°00'08'' E	89.63	64	s 29°10'38" W	90.26	
31	S 12°55'37" E	111.79	48	S 58° 53'11" E	99.50	65	s 76 <b>°</b> 46'57" 🐺	102.04	
32	S 35°18'00" E	102.41	49	S 25°56'24" E	128.88	66	S 12°55'39" E	96.07	
33	S 78°18'11" E	70.09	50	N 43° 56'24" E	73.75	67	S 50°08'31" E	305.84	
34	S 03°26'51" E	96.16	51	N 63°22'37" E	195.30	68	S 04°50'41" W	121.78	

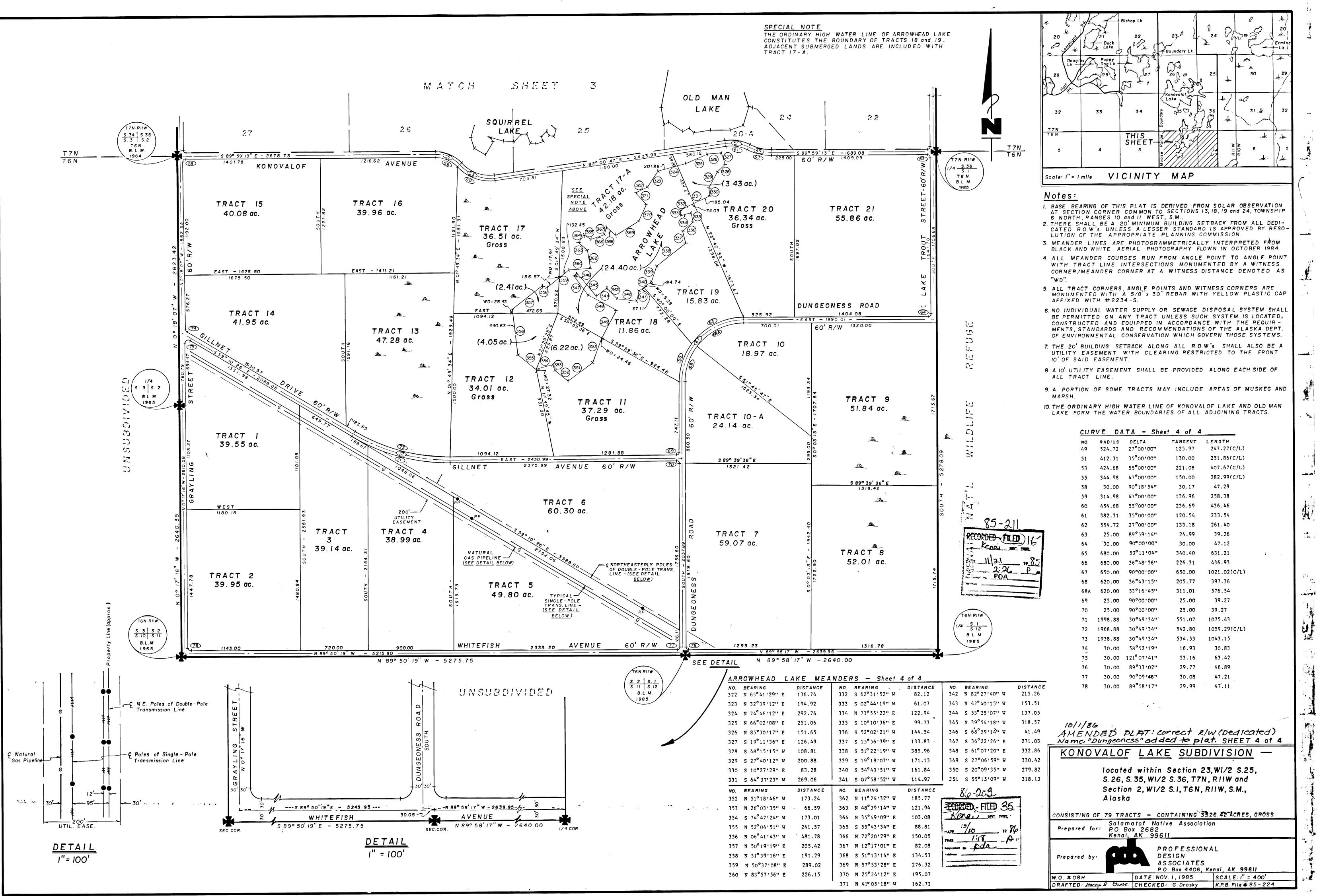
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NO.	BEARING	DISTANCE	NO.	BEARING	DISTANCE	NO.	BEARING	DISTANCE	NO.	BEARING	DISTANCE
69	S 89°53'10" W	109.81	81	N 64°28'51" W	108.51	93	S 17°16'11" E	70.84	105	S 76°48'36" W	172.24
70	S 21° 30'17" E	65.72	82	S 69 <sup>°</sup> 48'13" W	97.54	94	S 43°42'17" W	150.41	106	N 63°07'39" W	211.47
71	S 64° 37'21" W	133.50	83	N 41° 46'06" W	111.58	95	S 84° 30' 50" W	67.26	107	N 09°14'09" W	126.51
72	5 08°31'32" W	90.30	84	N 29° 30' 29" W	108.79	96	S 32°43'36" E	259.67	108	N 43°27'30" W	155.43
73	S 57°33'21" W	200.90	85	N 29°57'22" W	124.14	97	S 14° 59' 53" E	241.68	109	N 19°39'24" W	120.12
74	S 18°53'12" E	203.51	86	N 88°46'55" W	103.96	98	S 32 35'50'' W	161.47	110	N 42°11'18" W	162.27
75	5 33°52'09" W	100.76	87	s 35°36'21" W	77.58	99	S 87°29'21" W	514.05	111	N 31°07'14" W	115.57
76	N 71° 53'06" W	80.22	88	S 28°02"51" E	105.98	100	N 68°19'08'' W	291.44	112	N 39°13'15" W	155.85
77	N 89°27'31" W	67.71	89	S 08°38'33" E	149.65	101	N 85°26'00" W	382.47	113	N 06°15'39" W	124.19
78	S 47°37'20" W	144.82	90	s 53°26'41" w	83.85	102	N 68 <sup>°</sup> 29'55" W	524.61	114	N 42°45'39" E	163.29
79	S 69°09'21" W	85.99	91	S 03°36'01" E	94.79	103	N 00°30'15" W	141.89	115	N 52°03'23" E	372.66
80	S 44° 50' 56" W	67.63	92	5 49°24'39" E	92.88	104	N 58°40'41" W	185.36	116	N 41° 51'16" E	326.36

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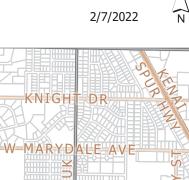
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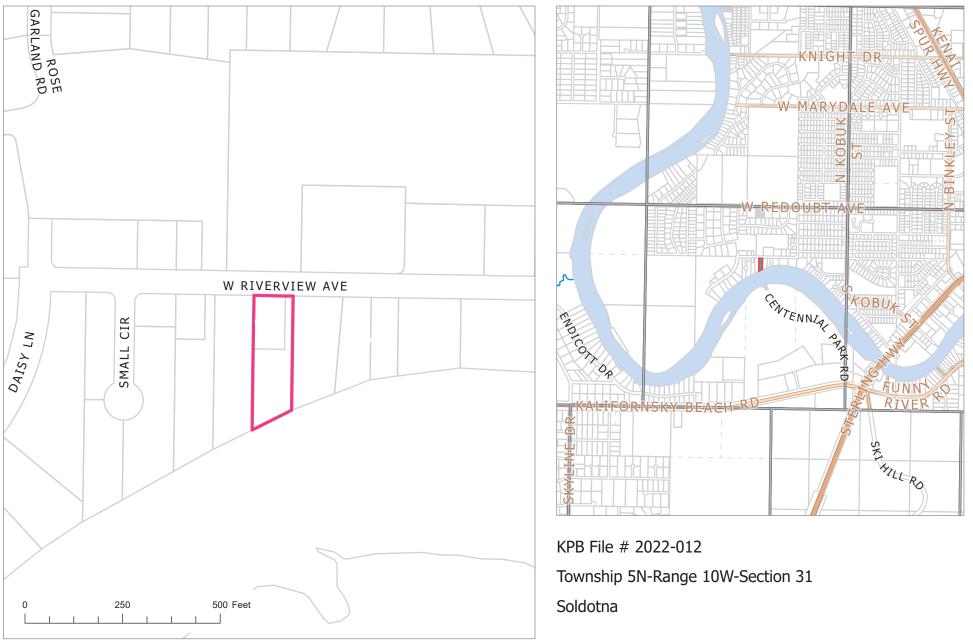
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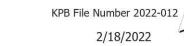
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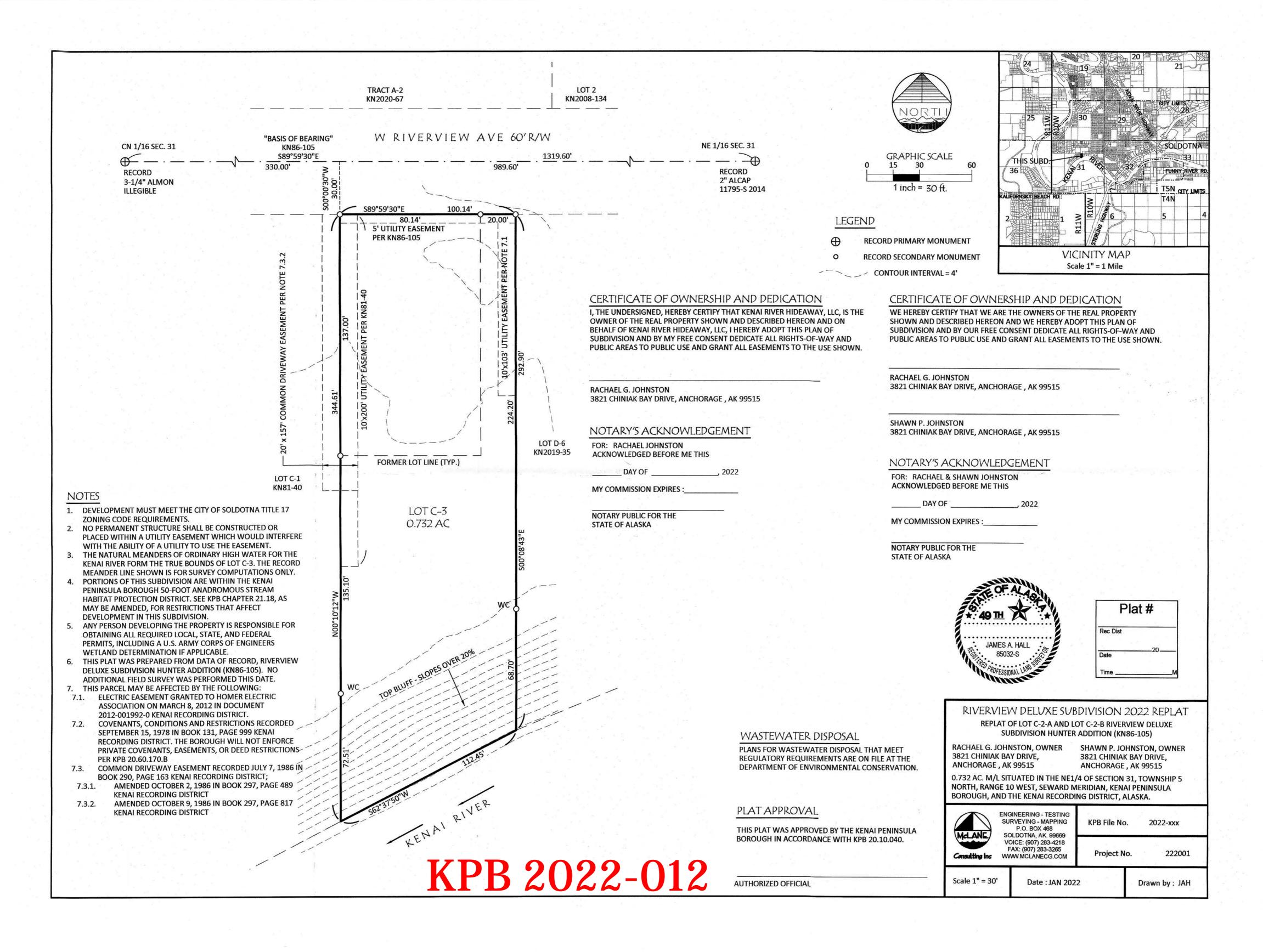






Aerial View





### AGENDA ITEM E. NEW BUSINESS

KPB File No.	2022-012
Plat Committee Meeting:	February 28, 2022
Applicant / Owner:	Rachael and Shawn Johnston of Anchorage, Alaska
	Kenai River Hideaway, LLC of Anchorage, Alaska
Surveyor:	James Hall / McLane Consulting Group
General Location:	W Riverview Avenue, City of Soldotna
Parent Parcel No.:	060-150-54 and 060-150-55
Legal Description:	Lots C2A and C2B Riverview Deluxe Subdivision Hunter Addition Plat KN86-105
Assessing Use:	Residential
Zoning:	Single Family/Two Family Residential District
Water / Wastewater	Water Onsite / Wastewater City

#### **ITEM 3 - Riverview Deluxe Subdivision 2022 Replat**

### STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will combine two lots to create one .732 acre lot.

Location and Legal Access (existing and proposed): The parent lots have access from W Riverview Avenue, a 60 foot wide right of way that is managed by the City of Soldotna. The new proposed lot will continue to have access by a common driveway off W Riverview Avenue. The common driveway is constructed and shared with the lot located to the west, Lot C-1 of Riverview Deluxe Subdivision KN 81-40. The lot is along the Kenai River.

The block is not closed and not compliant. The subdivision and the block will not be able to be a closed block due to the location of the Kenai River. **Staff recommends** the plat committee concur that an exception is not required, dedications cannot be obtained that will improve the block.

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

<u>Site Investigation</u>: The northern portion of the lot is relatively flat. The southern portion of the lot contains steep slopes along the bank of the Kenai River. The steep slopes are depicted and the top of the bluff is labeled.

A house has been constructed that encroaches over the property line. The combining of the lots will resolve the encroachment issue. The parent lots have an existing common driveway with the lot located to the west. The common driveway is within a recorded document and is noted within plat note 7.3.

The City of Soldotna does not participate in the FEMA Program. The appropriate note regarding wetland determinations is located on the plat.

Plat note 4 contains the anadromous note but needs to contain the rest of the note as outlined in KPB code.

The source for the Kenai River meander lines should be cited. If measured, how the meander lines were determined should be present on the plat.

KPB River Center review	A. Floodplain
	Reviewer: Carver, Nancy
	Floodplain Status: IS in flood hazard area

Page 1 of 6

	Comments: Flood Zone: A4,Floodway Map Panel: 020012-2045C In Floodway: False Floodway Panel:
	B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: IS totally or partially within HPD Comments: KPB\maldridge
	C. State Parks Reviewer: Russell, Pam Comments: No Comments
State of Alaska Fish and Game	No objections to the proposed platting actions. The proposed actions will not affect public access to public lands and waters.

<u>Staff Analysis</u> The property was originally part of a government lot. River View Subdivision Amended, Plat K 1433, subdivided the government lot. Riverview Deluxe Subdivision, Plat KN 81-40 further subdivided the property. Riverview Deluxe Subdivision Hunter Addition, Plat KN, created the current lot configuration 86-105.

The preliminary plat was submitted to the Planning Department to be reviewed under KPB 20.10.040 – Abbreviated plat, but staff determined an exception would be required and would require review by the Plat Committee.

The City of Soldotna Planning and Zoning Commission reviewed the preliminary plat their February 2, 2022 meeting. They adopted Resolution PZ 2022-003 and recommend approval.

Per the City of Soldotna Planning and Zoning Commission Resolution PZ 2022-003, municipal sewer is available but water is not currently available. An installation agreement will not be required.

The proposed plat will be combining two lots and will increase the new lot size to .732 acres or 31,886 square feet. Per the City of Soldotna Code, 17.10.240 – Single-Family/Tow-Family Residential District has a minimum lot size of 8,400 square feet. Per KPB 20.30.200 – Lots-Minimum size, lots do not need to meet our minimum requirements if established within city zoning. The lot size will comply.

A soils report will not be required as the property is connected to municipal wastewater system. The correct wastewater note is present.

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.

<u>Utility Easements</u> River View Subdivision Amended, Plat K 1433, did not grant any utility easements. Riverview Deluxe Subdivision, Plat KN 81-40, granted a 20 foot by 200 foot utility easement. The easement was centered along the shared lot line of Lots C-1 and C-2. The 10 foot portion within this subdivision is depicted and labeled. Riverview Deluxe Subdivision Hunter Addition, Plat KN 86-105, granted 5 foot utility easements along W Riverview Avenue. That easement is depicted and labeled.

An additional utility easement was granted by recorded document. The information is within plat note 7.1 and the easement is depicted and labeled on the plat.

Per KPB Code 20.30.060(D), unless additional easements are requested, the front ten feet adjoining rights-of-way shall be designated as a utility easement. *Staff recommends* an additional 5 feet of utility easement be granted along W Riverview Avenue.

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

1.141114		
Utility	provider	review:

ounty provide				
HEA	No comment			
ENSTAR	No comment			
ACS	No objections			
GCI	Approved as shown			

#### KPB department / agency review:

Addressing	
Addressing	Reviewer: Haws, Derek
	Affected Addresses:
	475 W RIVERVIEW AVE
	473 W RIVERVIEW AVE
	Existing Street Names are Correct: Yes
	List of Correct Street Names:
	W RIVERVIEW AVE
	Existing Street Name Corrections Needed:
	All New Street Names are Approved: No
	List of Approved Street Names:
	List of Street Names Denied:
	Comments:
	The city of Soldotna will advise on affected addresses.
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.
	piai.
	Material Site Comments:
	There are not any material site issues with this proposed plat.
Assessing	Reviewer: Wilcox, Adeena
5	Comments: 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

**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: Owner of Lot C2A, Kenai River Hideaway LLC, 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: Update the plat number for Lot D-6 to "2018-35".

### KPB 20.30 – Subdivision Design Requirements

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

20.30.190. Lots-Dimensions.

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

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

Staff recommendation: An exception for depth to width ratio has been requested.

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 Soldotna does not meet the specified requirements for the application and consideration of different standards.

### KPB 20.40 – Wastewater Disposal

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

20.40.010 Wastewater disposal.

Platting Staff Comments: Soils report will not be required. **Staff recommendation**: comply with 20.40.

### KPB 20.60 – Final Plat

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

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

### 20.60.180. Plat notes.

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

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

- Add a plat note for any exceptions granted.

Update plat note 4 to include "Width of the habitat protection district shall be in accordance with KPB 21.18.040."

Add to plat note 3, "The true corners being on the extension of the side lines and the intersection with the natural meanders."

A field survey is note required and plat note 6 should include a reference to KPB Code 20.60.200(A).

#### 20.60.190. Certificates, statements, and signatures required.

**Staff recommendation**: Include Ms. Johnston's title for Kenai River Hideaway, LLC. The signature lines should indicate which former lot they are signing. Comply with 20.60.190.

### **EXCEPTIONS REQUESTED:**

### A. KPB 20.30.190 – Lots-Dimensions (Depth to width ratio 3:1)

<u>Staff Discussion</u>: The combining of the two lots will be creating a lot with a depth to width ratio of 3.1:1. Prior to the current configuration the lots involved where one lot with similar dimensions. That design was allowed at the time and in order to go back to that original design, it must meet current code.

### Surveyor's Findings:

- 1. This is a simple replat of existing property with access to the Kenai River removing an interior property line to make a larger lot.
- 2. This will go from two lots to one lot.
- 3. The replat was approved by the City of Soldotna at the February 2, 2022 meeting.

### Staff's Findings:

- 4. KPB Code requires the depth to width ratio be no greater than 3:1.
- 5. The new lot will have a depth to width ratio of 3.1:1.
- 6. Riverview Deluxe Subdivision, KN 81-40, created a similar design for the property.
- 7. The ability to acquire additional acreage to improve the ratio is limited by the river and improvements on neighboring lots.
- 8. The combining of the lots will resolve an encroachment issue.
- 9. Steep slopes are present along the southern portion of the proposed lot.
- 10. The ratio for the higher ground located north of the top of the bluff is 2.6:1.

### Staff reviewed the exception request and recommends granting approval.

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

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

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

- 1. That special circumstances or conditions affecting the property have been shown by application; **Findings 1-3 and 6-10 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 1-3 and 6-10 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 1-3 and 6-10 appear to support this standard.

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

### **RECOMMENDATION:**

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

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

NOTE: 20.25.120. - REVIEW AND APPEAL.

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

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

### END OF STAFF REPORT



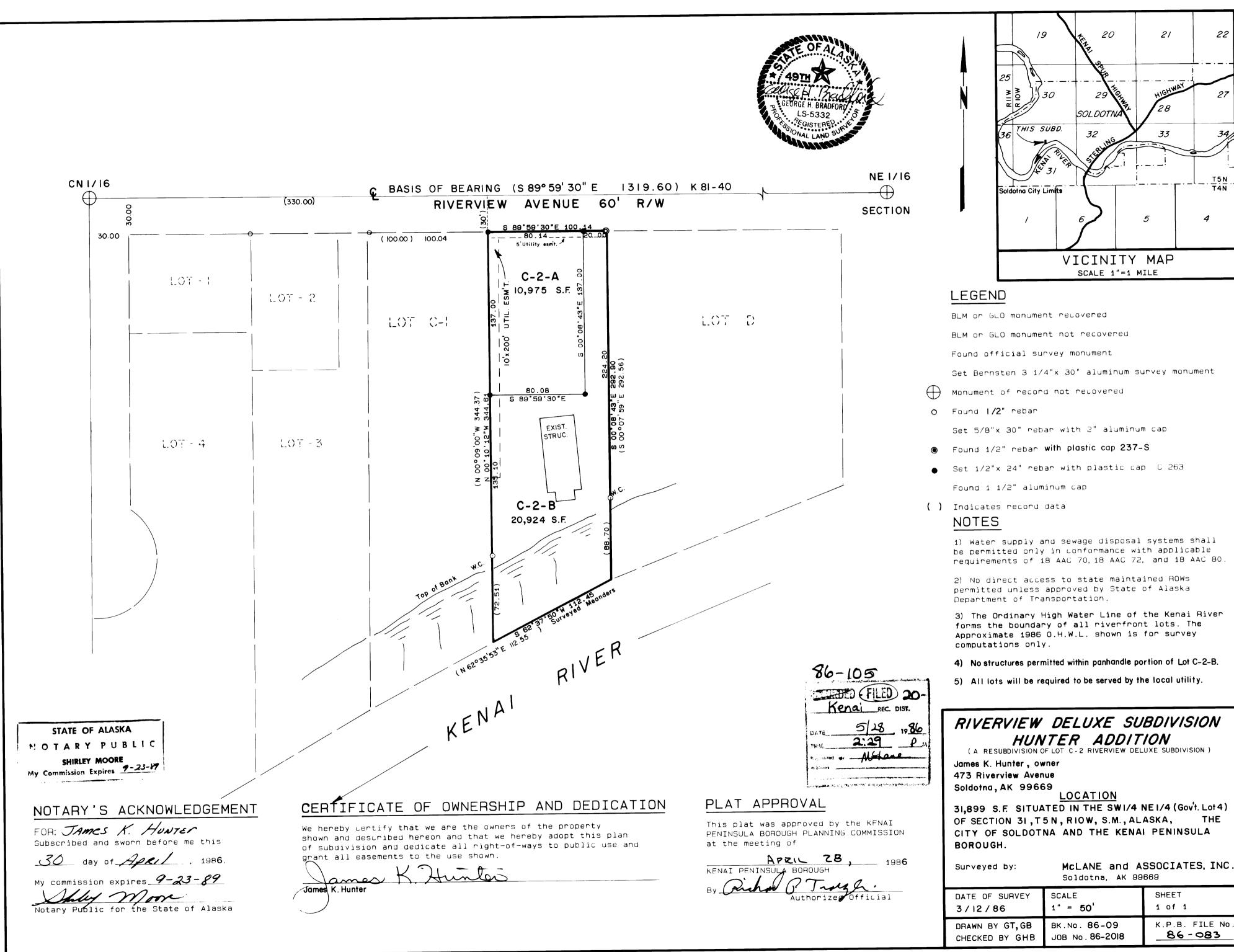
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# Kenai Peninsula Borough Planning Department

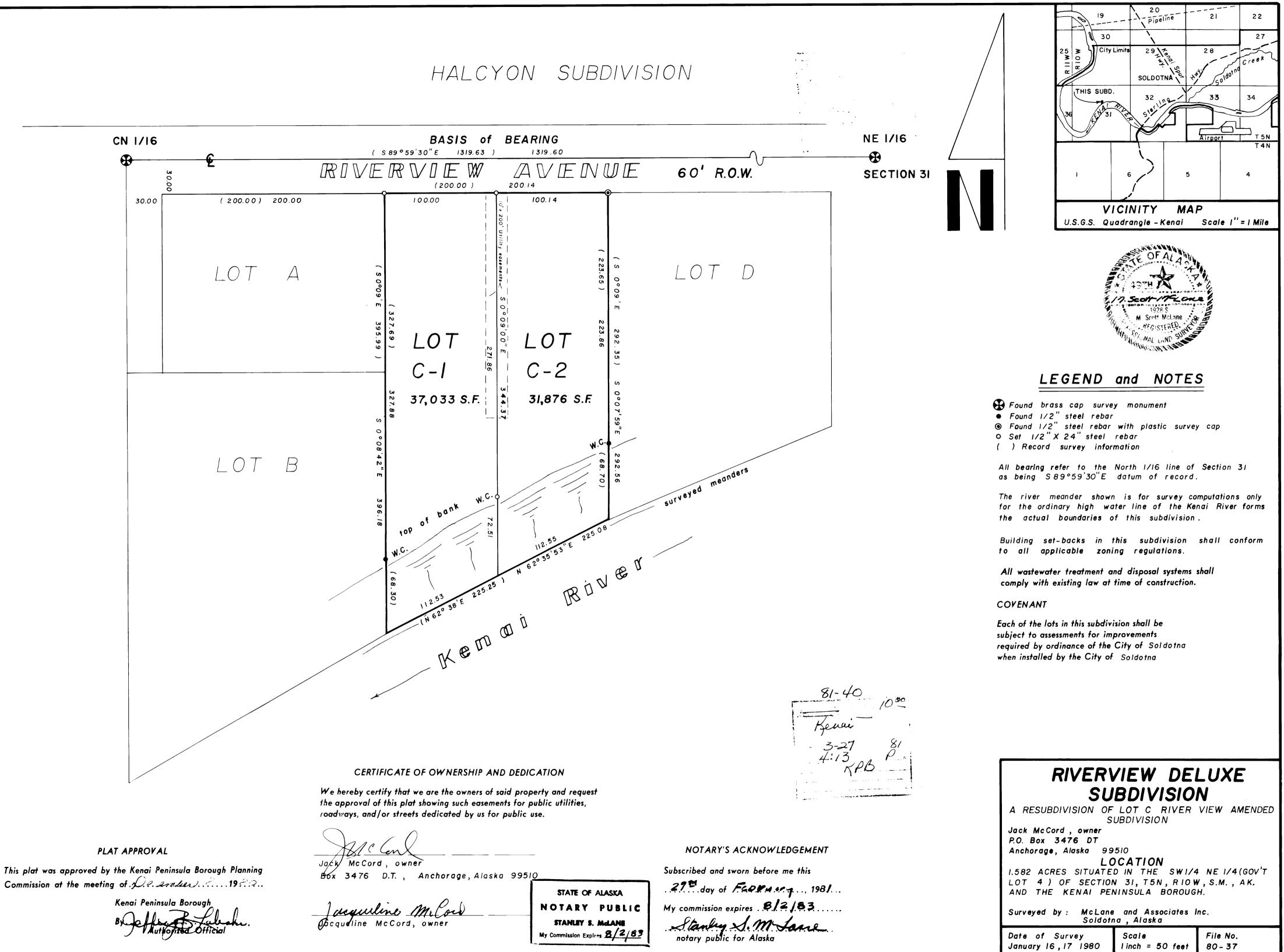
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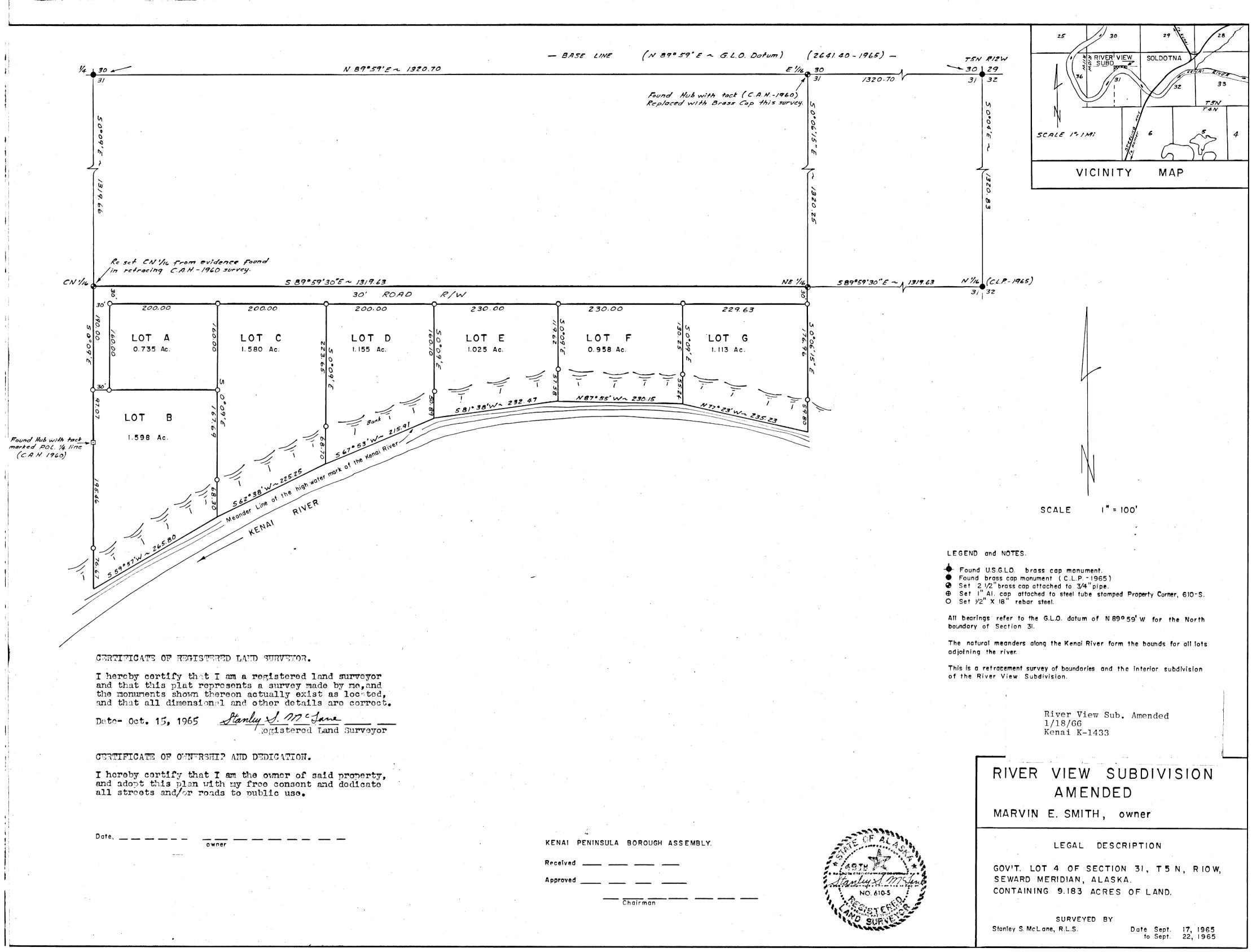
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K.P.B. FILE No.	
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Director Czarnezki summarized the written staff report.

Chair Vadla asked about any negative impacts to the City for combining lots.

Director Czanezki stated that decision is solely up to the property owner. Be it either a combination or division, it is a platting action that has to go before the commission. After either a combination or division, there is always the possibility for changes to the general standards of the zoning district, like lot size, that may change the number of lots or size of lots that could be accommodated if the plat was to revert.

Chair Vadla asked for public comment

The following person spoke in support of Resolution PZ 2022-002:

Michael Schoessler, Soldotna, stated the lots proposed for combination are limited by topography and it would not be possible for them to meet septic and well standards for future development.

With no one else wishing to speak, the item was back before the Commission.

VOTE ON MOTION:

- Yes: Anderson, Burton, Tautfest, Vadla
- No: None

Absent: Blossom, Smithwick-Aley

MOTION PASSED: 4 Yes, 0 No, 2 Absent

### Resolution PZ 2022-003 – Recommending Approval of the Riverview Deluxe Subdivision 2022 Replat

MOTION: Commission Member Burton moved to approve Resolution PZ 2022-003.

Associate Planner Hester summarized the written staff report.

Chair Vadla asked for public comment. With no one wishing to speak, the item was back before the Commission.

VOTE ON MOTION:

Yes: Anderson, Burton, Tautfest, Vadla

- No: None
- Absent: Blossom, Smithwick-Aley

MOTION PASSED: 4 Yes, 0 No, 2 Absent

### REPORTS

Director of ED & P Czarnezki reported that the commissioner's need to complete their APOC reporting forms, and that the May Planning & Zoning meeting may have an altered schedule to occur on May 18<sup>th</sup> instead of May 4<sup>th</sup>.

### ADJOURNMENT

There being no further business to come before the Commission. Chair Vadla adjourned the February 2, 2022 Planning & Zoning Commission meeting at 5:47 p.m. the next regular meeting is scheduled for 5:30 p.m. on March 2, 2022.

### CITY OF SOLDOTNA PLANNING AND ZONING COMMISSION RESOLUTION NO. PZ2022-003

### A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF SOLDOTNA RECOMMENDING APPROVAL OF THE RIVERVIEW DELUXE SUBDIVISION 2022 REPLAT

WHEREAS, the attached plat for the Riverview Deluxe Subdivision 2022 Replat was referred to the City of Soldotna Planning and Zoning Commission, and initially received from McLane Consulting Inc. on January 10, 2022; and

WHEREAS, the City of Soldotna Planning and Zoning Commission find:

- 1. The plat combines two lots into one lot;
- 2. The parent plat includes Lot C-2-A, which is 10,975 square feet in size, and Lot C-2-B, which is 20,924 square feet in size;
- 3. The two existing lots are owned by the subdivider;
- 4. Lot C-2-A is vacant, and Lot C-2-B contains a principal structure;
- 5. The plat creates Lot C-3, a .732 acre lot;
- 6. The property is zoned Single-Family/Two-Family Residential;
- 7. The surrounding zoning to the east and west is Single-Family/Two-Family Residential and surrounding zoning to the north is Multi-Family Residential;
- 8. Municipal sewer is available to this subdivision. Municipal water is not available;
- 9. Proposed Lot C-3 has constructed access from West Riverview Avenue;
- 10. The plat does not subdivide property within a public improvement district subject to special assessments. There is not a delinquency amount owed to the City of Soldotna for the referenced property;
- 11. An installation or subdivision agreement is not required;
- 12. The replat meets all other general standards of Soldotna Municipal Code; and,

WHEREAS, in accordance with SMC 16.10.040.E the City mailed 12 notices to property owners within 300 feet notifying them of the proposed action;

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF SOLDOTNA, ALASKA:

- <u>Section 1</u>. That the Commission recommends the Kenai Peninsula Borough Planning Commission approve the Riverview Deluxe Subdivision 2022 Replat subject to findings as stated above.
- <u>Section 2</u>. A copy of this resolution shall be forwarded to the Kenai Peninsula Borough Planning Department for their consideration.
- <u>Section 3</u>. This resolution shall become effective immediately upon its adoption.

PASSED BY THE PLANNING AND ZONING COMMISSION THIS 2ND DAY OF FEBRUARY, 2022.

ATTEST:

Kaitlin Vadla, Chair

Jennifer Hester, Associate Planner

Yes: Anderson, Burton, Tautfest, Vadla No: None Absent: Blossom, Smithwick-Aley



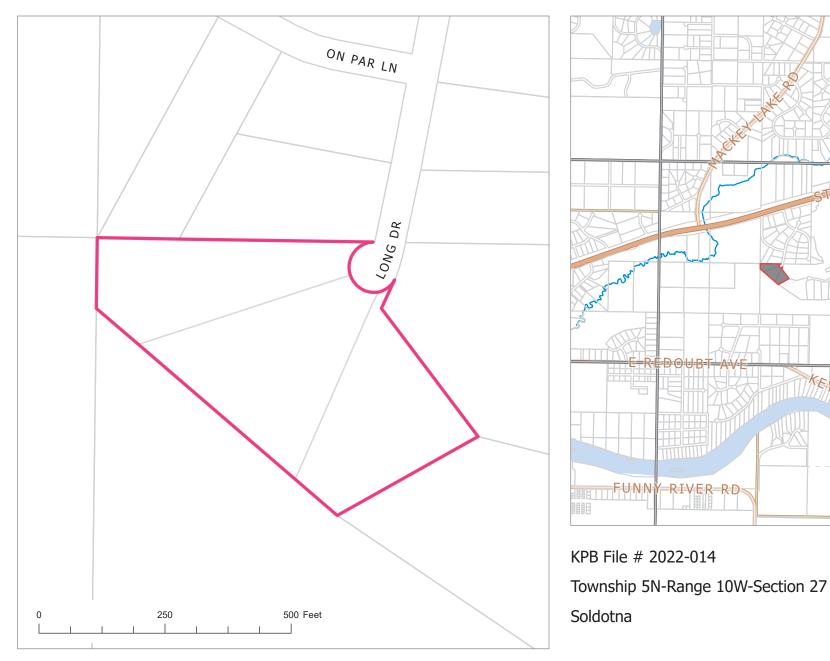




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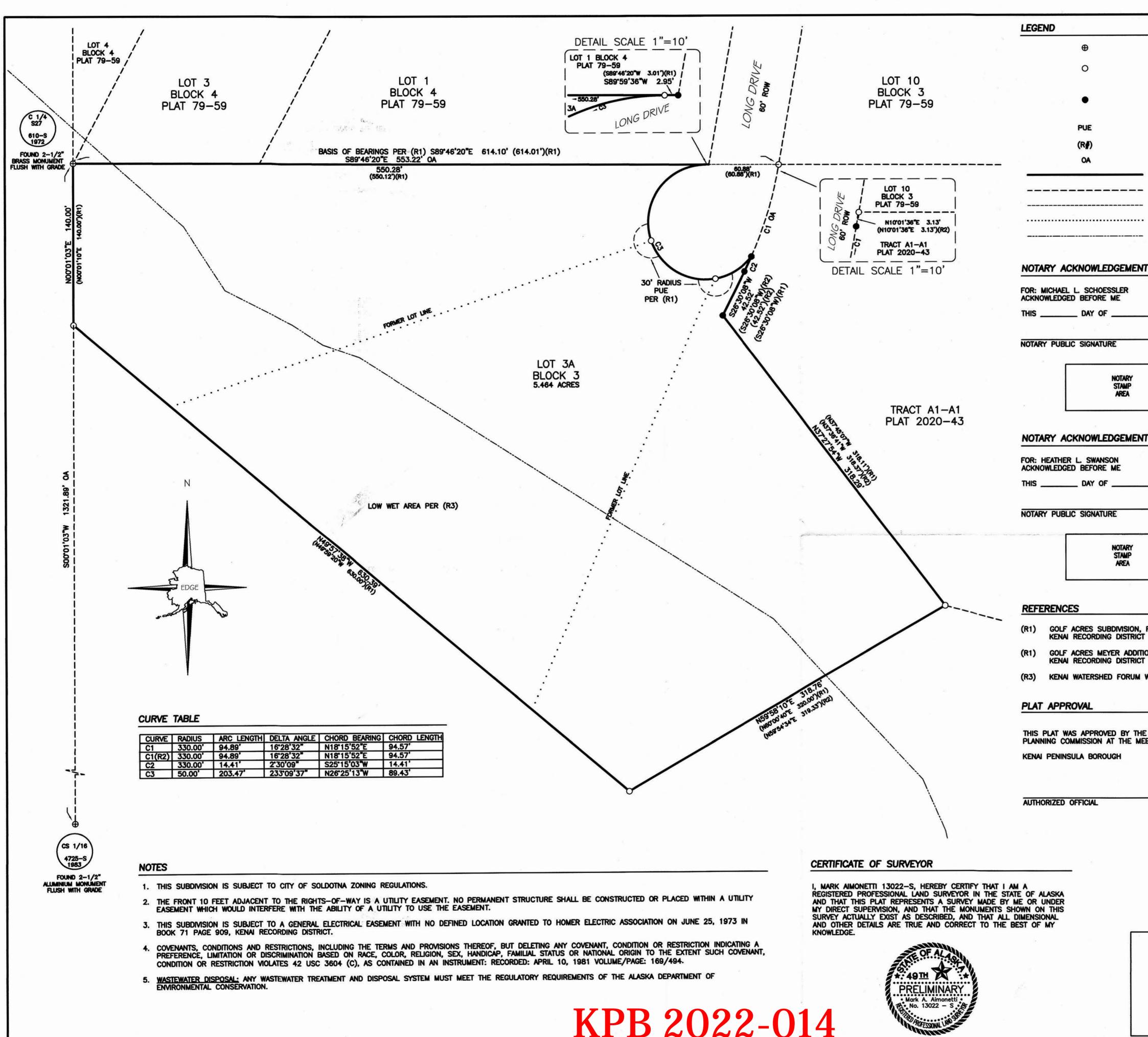
Aerial

# Kenai Peninsula Borough Planning Department



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DR LONG 100 200 Feet 50 0



**KPB 2022-014** 

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WITH 2" ALUMINIUM CAP STAMPED EDGE SURVEY LS-13022 2021		STERLING HIGHWAY
PUBLIC UTILITY EASEMENT	10 28 V	27
RECORD DATA, SEE REFERENCE	29 29 29 30 GOL	
OVERALL	32 KENAL RIVE	35
SUBDIVISION BOUNDARY	FUNNY	34
ADJACENT PROPERTY LINE		
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	WE HEREBY CERTIFY THAT WE ARE REAL PROPERTY SHOWN AND DESC THAT WE HEREBY ADOPT THIS PLA	RIBED HEREON AND
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ING OF MARCH 21, 2022.	KENAI RECORDING	
	OWNERS:	
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### AGENDA ITEM E. NEW BUSINESS

KPB File No.	2022- 014	
Plat Committee Meeting:	February 28, 2022	
Applicant / Owner:	Michael Schoessler and Heather Swanson of Soldotna, Alaska	
Surveyor:	Jason Young, Mark Aimonetti / Edge Survey & Design	
General Location:	Long Drive, City of Soldotna	
Parent Parcel No.:	059-430-15, 059-430-16, and 059-430-17	
Legal Description:	Lots 1-3, Block 3 Golf Acres Subdivision Plat KN 81-43	
Assessing Use:	Residential	
Zoning:	Rural Residential	
Water / Wastewater	Onsite	

#### ITEM 4 - Golf Acres Subdivision 2022 Replat

### STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will combine three lots to create a 5.47 acre lot.

**Location and Legal Access (existing and proposed):** The preliminary plat is located at the end of Long Drive. Long Drive ends with a cul-de-sac. Long Drive provides a connection between On Par Lane and Fairway Drive. All three right of ways are 60 feet wide and managed by the City of Soldotna. On Par Lane and Fairway Drive are located near mile 92.5 of the Sterling Highway.

The preliminary plat is part of a subdivision that surrounds the Birch Ridge Golf Course. The golf course is located to the east of the preliminary plat.

The block is not compliant. The preliminary plat is located at the end of a cul-de-sac and is surrounded along the west and south by large acreage parcels that have not been subdivided. Wetlands are present south of the subdivision and some steep slopes are present within the proposed lot. To the east is the golf course. **Staff recommends** that the plat committee concur that an exception is not required, as this subdivision plat cannot dedicate practical right of way to improve the block.

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

<u>Site Investigation</u>: There are areas of low wet areas present and the preliminary plat depicts the areas. **Staff recommends** a note be placed on the final plat indicating any person developing the property is responsible for obtaining all required local, state, and federal permits, including a U.S. Army Corps of Engineers wetland determination if applicable.

Per KPB GIS data, there are steep slopes present through a portion of the subdivision. The slopes run northwest to southeast through the property. The property is relatively flat in the low wet area and north of the slopes where the improvements are located. **Staff recommends** the steep slopes be verified and include the top and/or toe of any bluffs located on the property.

Improvements are on the property with a residential home located on parent Lot 2. Improvements on Lot 2 do appear to be close to the lot line with Lot 3. There is no indication that there is an encroachment but if one exists, the platting action will resolve the issue. The land surrounding the subdivision is mostly vacant or contains the golf course. The lot directly north of the subdivision does have improvements but no encroachment issues appear to

Page 1 of 5

be present.

KPB River Center review	A. Floodplain Reviewer: Carver, Nancy Floodplain Status: Within City of Soldotna/Kenai
	Comments: No comments
	B. Habitat Protection
	Reviewer: Aldridge, Morgan
	Habitat Protection District Status: Is NOT within HPD
	Comments: No comments
	C. State Parks
	Reviewer: Russell, Pam
	Comments: No Comments
State of Alaska Fish and Game	No objections. The proposed actions will not affect public access to public lands and waters.

**<u>Staff Analysis</u>** The proposed plat will be combining three lots that were created by Golf Acres Subdivision Addition No. 1, Plat KN 81-43. That plat subdivided some aliquot lands and dedicated the cul-de-sac that provides access to the proposed plat.

The proposed plat is within the City of Soldotna. The City of Soldotna Planning and Zoning Commission recommended approval of the preliminary plat at their February 2, 2022 meeting and adopted Resolution PZ 2022-002.

Per the City of Soldotna Resolution, municipal water and sewer are not available and an installation agreement is not required. The minutes indicate the owner spoke about the preliminary plat and said the lots are limited by the topography and future development will be limited as it will not be possible to meet septic and well standards. A soils analysis report will not be required and an engineer will not need to sign the plat. Per KPB 20.40.020(A)(2), the report is not required, as this will be increasing the lot size by more than 1,000 square feet of suitable area.

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

<u>Utility Easements</u> The parent plat granted two 30 foot radius utility easements on the shared lot lines. Those easements are being carried over and are depicted and noted on the plat. An additional easement was granted to Homer Electric Association by recorded document. That easement is within plat note 3. This plat contains the note that 10 foot utility easements are present adjacent to the right of way. *Staff recommends* the easement be depicted and noted that it is being 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.

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

### Utility provider review:

### KPB department / agency review:

Addressing	Reviewer: Haws, Derek Affected Addresses: 291 LONG DR 285 LONG DR 279 LONG DR Existing Street Names are Correct: Yes List of Correct Street Names: LONG DR Existing Street Name Corrections Needed: All New Street Names are Approved: No List of Approved Street Names: List of Street Names Denied: Comments: The city of Soldotna will advise on affected addresses.
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:
Assessing	There are not any material site issues with this proposed plat.           Reviewer: Wilcox, Adeena           Comments: No comment

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

#### STAFF RECOMMENDATIONS CORRECTIONS / EDITS

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:** Provide the rest of the parent subdivision name by adding "Addition No. 1". The scale appears to be off. Please verify and update before final.

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

Staff recommendation: The scale appears to be slightly off. Please verify and update prior to final.

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 labels for the unsubdivided parcels located to the west of the subdivision. Labels and lot depictions are needed for Tract A1-E and Lot 9A located south of the subdivision.

### **KPB 20.30 – Subdivision Design Requirements**

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

20.30.270. Different standards in cities. Where cities have enacted by ordinance different subdivision design standards than those set forth in this chapter, the planning commission shall apply the city standards in lieu of those set forth in this chapter. Any appeal of a city design standard is subject to KPB 21.01.020(E). **Staff recommendation:** The City of Soldotna does not meet the specified requirements for the application and consideration of different standards.

KPB 20.40 – Wastewater Disposal

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

20.40.010 Wastewater disposal.

Platting Staff Comments: A soils analysis report is not required. **Staff recommendation**: comply with 20.40.

### KPB 20.60 – Final Plat

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

20.60.180. 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.
- 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.

Make the following corrections.

- Add to note 2 that the easements are being granted by this plat.
- Add "KRD" or "Kenai Recording District" to note 4.
- Note 4 can be shortened. This is a suggestion and not required. "Subject to covenants, conditions and restrictions as contained in instrument recorded on April 10, 1981 in Book 169 Page 494, KRD."

20.60.190. Certificates, statements, and signatures required.

*Staff recommendation*: Include with the signature lines which parent lots they are signing as owner. 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**

KPB File Number 2022-014 2/21/2022 N



Aerial View

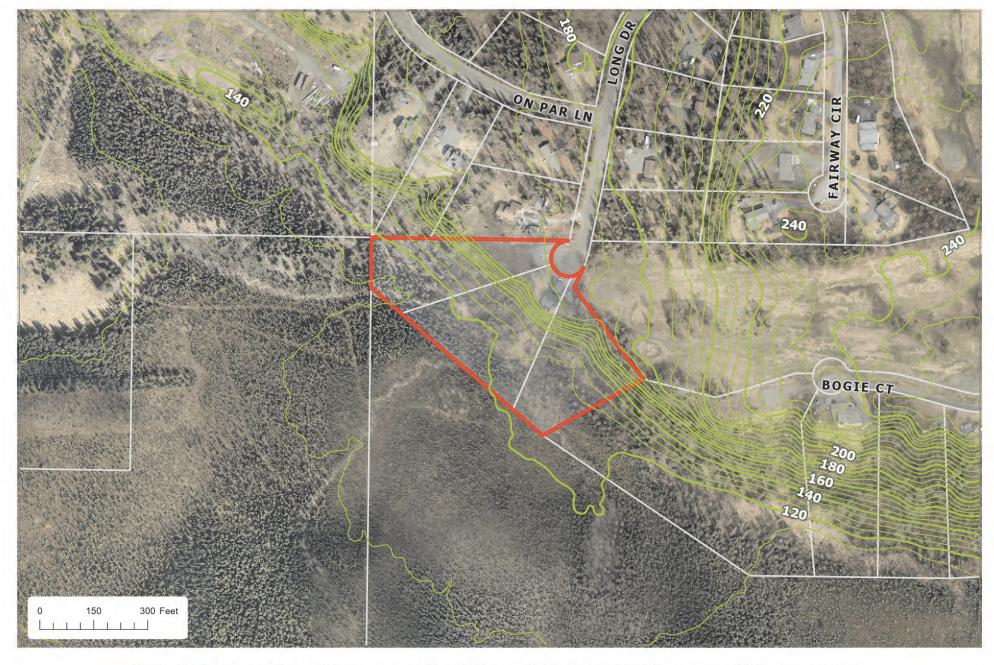


The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this mat



N

Aerial with 5-foot Contours



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

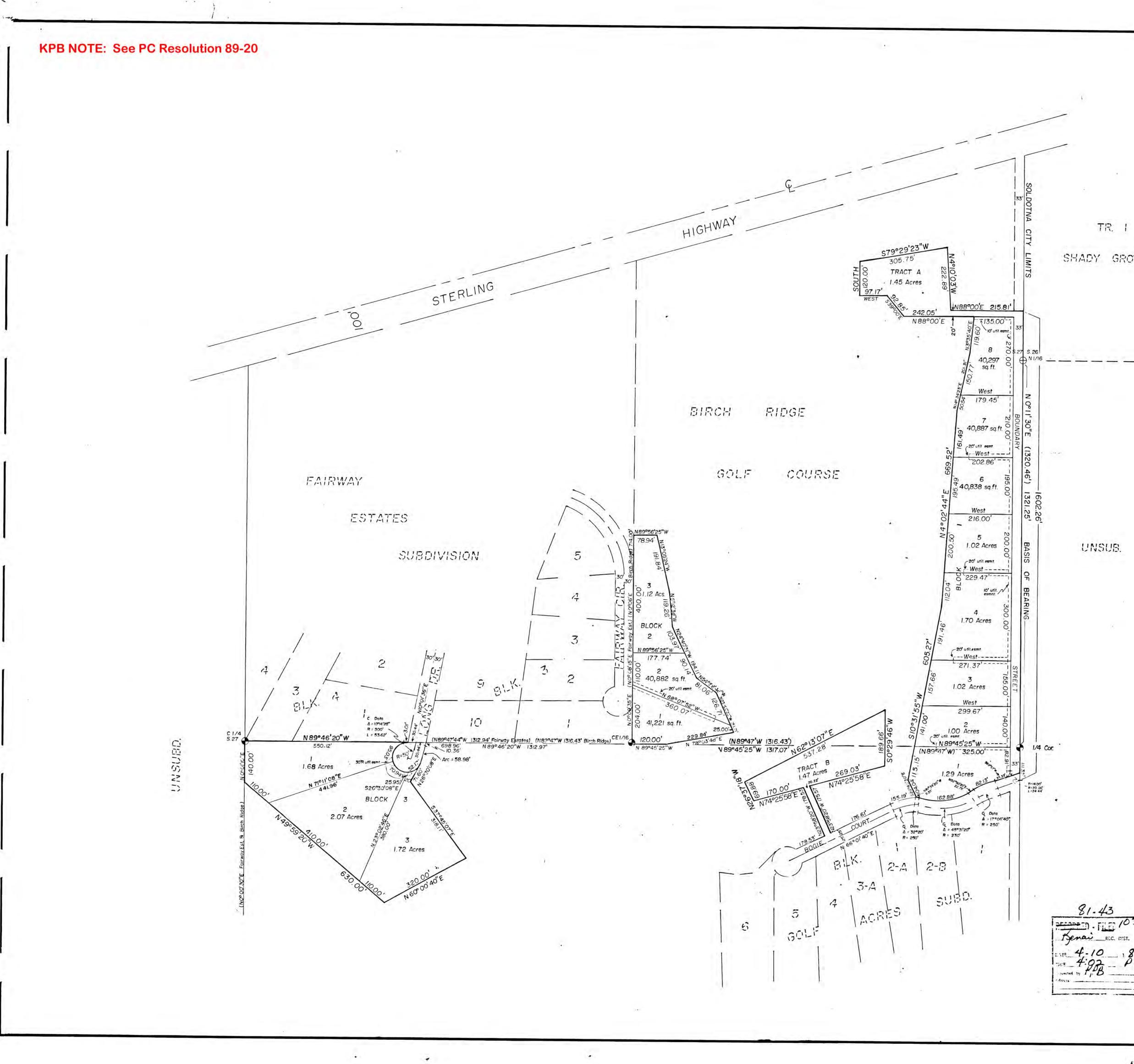


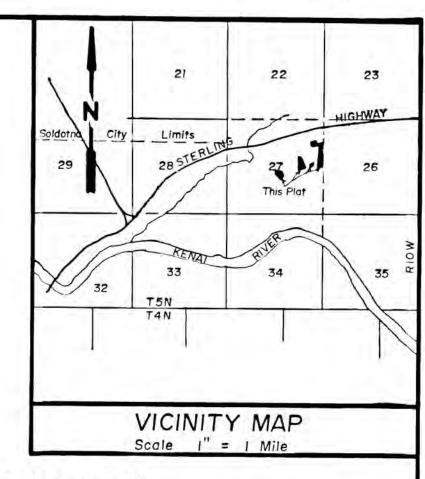
KPB File Number 2022-014 2/21/2022

N

Wetlands with Aerial Imagery







### LEGEND AND NOTES Found official survey brass cap monument (610-S)

⊥ Set 1/2"x 24" steel rebar

All bearings refer to the east line as being NO°11'30"E per "Property Survey of Birch Ridge Golf Course and Camper Park", McLane 1972

All datum of record shown thus ( ).

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

Each lot have a percolation test conducted by an engineer registered in the installation of any on-site wastewater disposal system.

### PLAT APPROVAL

This plat was approved by the Kenai Penins la Borough Planning Commission at the meeting of \_\_\_\_\_\_\_ Planning Commission at the meeting of \_\_\_\_\_\_\_ Planning Commission at the meeting of \_\_\_\_\_\_\_ RENAI' PENINSULA BOROUGH

CERTIFICATE OF OWNERSHIP & DEDICATION I hereby certify that we are the owners of the property shown

subdivision, and dedicate all right-of-ways to public use and grant all easements to the use shown

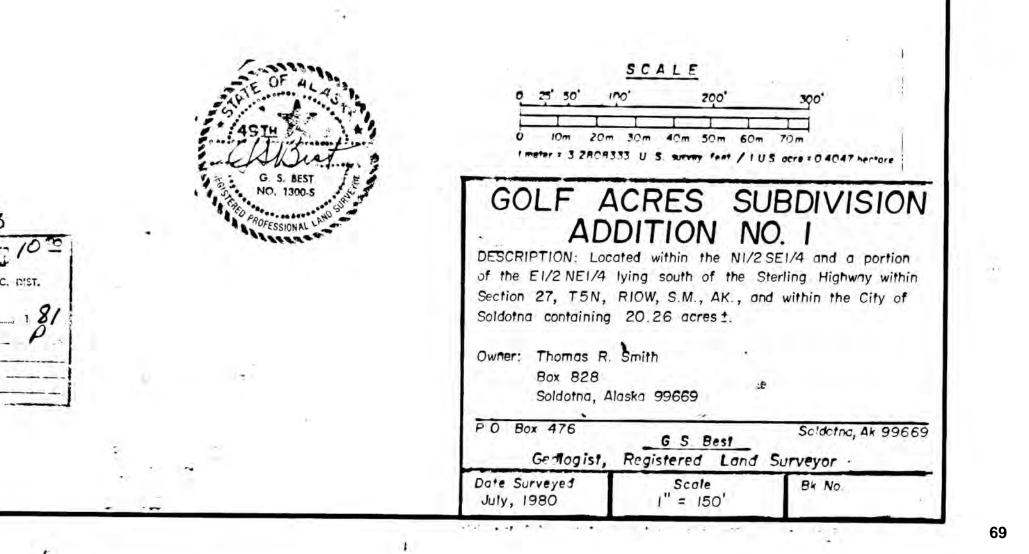
Thomas R. Smith Schill Amill



NOTARY'S ACKNOWLEDGMENT Subscribed and sworn to before me this 27<sup>th</sup> day of March, 1981. (Thomas R Smith and Gail Smith) NOTA P. OZ PUBLIC S Notary Public for Alaska My Commission Expires: <u>9-21-84</u>

### COVENANT

Each of the lots in this subdivision shall be subject to assessment for improvements required by ordinance of the City of Soldotna when installed by the City of Soldotna.



TR. I

# SHADY GROVE EST.

# **CITY OF SOLDOTNA**

### PLANNING & ZONING COMMISSION MINUTES

FEBRUARY 2, 2022, 5:30 P.M. CITY COUNCIL CHAMBERS, SOLDOTNA, ALASKA **REGULAR MEETING** CALL TO ORDER & PLEDGE OF ALLEGIANCE Regular Meeting of the Soldotna Planning and Zoning Commission was held on February 2, 2022. Chair Vadla called the meeting to order at 5:30 p.m. There were present: Kaitlin Vadla, Chair **Thomas Anderson** Charler Tautfest Mark Burton Comprising a quorum of the Commission. There were absent: Jenny Smithwick-Ale David Blossom Also in attendance were: Linda Hutchings, City Counce Ex-Officio John Czarnezki, Director of Economic Development and Planning Department Jennifer Hester, Associate Planner **APPROVAL OF THE AGENDA** The agenda was approved without objection **APPROVAL OF THE MINUTES** The January 5, 2022 meeting minutes without objecti **NEW BUSINESS** Resolution PZ 2022-001 - Recommending Approval of the Pace's Pleasant Haven Subdivision No. 3 Plat MOTION: Commission Member Anderson moved to approve Resolution PZ 2022-001. Associate Planner Hester summarized the written staff report. Chair Vadla asked for public comment. With no one wishing to speak, the item was back before the Commission. VOTE ON MOTION: Yes: Anderson, Burton, Tautfest, Vadla No: None Absent: Blossom, Smithwick-Aley MOTION PASSED: 4 Yes, 0 No, 2 Absent Resolution PZ 2022-002 - Recommending Approval of the Golf Acres Subdivision 2022 Replat MOTION: Commission Member Anderson moved to approve Resolution PZ 2022-002.

Director Czarnezki summarized the written staff report.

Chair Vadla asked about any negative impacts to the City for combining lots.

Director Czarnezki stated that decision is solely up to the property owner. Be it either a combination or division, it is a platting action that has to go before the commission. After either a combination or division, there is always the possibility for changes to the general standards of the zoning district, like lot size, that may change the number of lots or size of lots that could be accommodated if the plat was to revert.

Chair Vadla asked for public comment.

The following person spoke in support of Resolution PZ 2022-002:

Michael Schoessler, Soldotna, stated the lots proposed for combination are limited by topography and it would not be possible for them to meet septic and well standards for future development.

With no one else wishing to speak, the item was back before the Commission.

VOTE ON MOTION:

Yes: Anderson, Burton, Tautfest, Vadla

No: None

Absent: Blossom, Smithwick-Aley MOTION PASSED: 4 Yes, 0 No, 2 Absent

### Resolution PZ 2022-003 - Recommending Approval of the Riverview Deluxe Subdivision 2022 Replat

MOTION: Commission Member Burton moved to approve Resolution PZ 2022-003.

Associate Planner Hester summarized the written staff report.

Chair Vadla asked for public comment. With no one wishing to speak, the item was back before the Commission.

VOTE ON MOTION:

Yes: Anderson, Burton, Tautiest, Vadla

No: None

Absent: Blossom, Smithwick-Aley

MOTION PASSED: 4 Yes, 0 No, 2 Absent

### REPORTS

Director of ED & P Czarnezki reported that the commissioner's need to complete their APOC reporting forms, and that the May Planning & Zoning meeting may have an altered schedule to occur on May 18<sup>th</sup> instead of May 4<sup>th</sup>.

### ADJOURNMENT

There being no further business to come before the Commission, Chair Vadla adjourned the February 2, 2022 Planning & Zoning Commission meeting at 5:47 p.m. The next regular meeting is scheduled for 5:30 p.m. on March 2, 2022.

### CITY OF SOLDOTNA PLANNING AND ZONING COMMISSION RESOLUTION NO. PZ2022-002

### A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF SOLDOTNA RECOMMENDING APPROVAL OF THE GOLF ACRES SUBDIVISION 2022 REPLAT

WHEREAS, the attached plat for the Golf Acres Subdivision 2022 Replat was referred to the City of Soldotna Planning and Zoning Commission, and initially received from Edge Survey and Design, LLC. on January 5, 2022; and

WHEREAS, the City of Soldotna Planning and Zoning Commission find:

- 1. The plat combines three lots into one lot;
- 2. The parent plat includes Lot 1, which is 1.68 acres in size, Lot 2, which is 2.07 acres in size, and Lot 3, which is 1.72 acres in size;
- 3. The three existing lots are owned by the subdivider;
- 4. Lot 1 and Lot 3 are vacant, and Lot 2 contains a principal structure;
- 5. The plat creates Lot 3A, a 5.464 acre lot;
- 6. The property is zoned Rural Residential;
- 7. The surrounding zoning is Rural Residential;
- 8. Municipal water and sewer are not available to this subdivision;
- 9. Proposed Lot 3A has constructed access from Long Drive;
- 10. The plat does not subdivide property within a public improvement district subject to special assessments. There is not a delinquency amount owed to the City of Soldotna for the referenced property;
- 11. An installation or subdivision agreement is not required;
- 12. The replat meets all other general standards of Soldotna Municipal Code; and,

WHEREAS, in accordance with SMC 16.10.040.E the City mailed 11 notices to property owners within 300 feet notifying them of the proposed action;

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF SOLDOTNA, ALASKA:

- <u>Section 1</u>. That the Commission recommends the Kenai Peninsula Borough Planning Commission approve the Golf Acres Subdivision 2022 Replat subject to findings as stated above.
- <u>Section 2</u>. A copy of this resolution shall be forwarded to the Kenai Peninsula Borough Planning Department for their consideration.
- <u>Section 3</u>. This resolution shall become effective immediately upon its adoption.

PASSED BY THE PLANNING AND ZONING COMMISSION THIS 2ND DAY OF FEBRUARY, 2022.

ATTEST:

Kaitlin Vadla, Chair

Jennifer Hester, Associate Planner

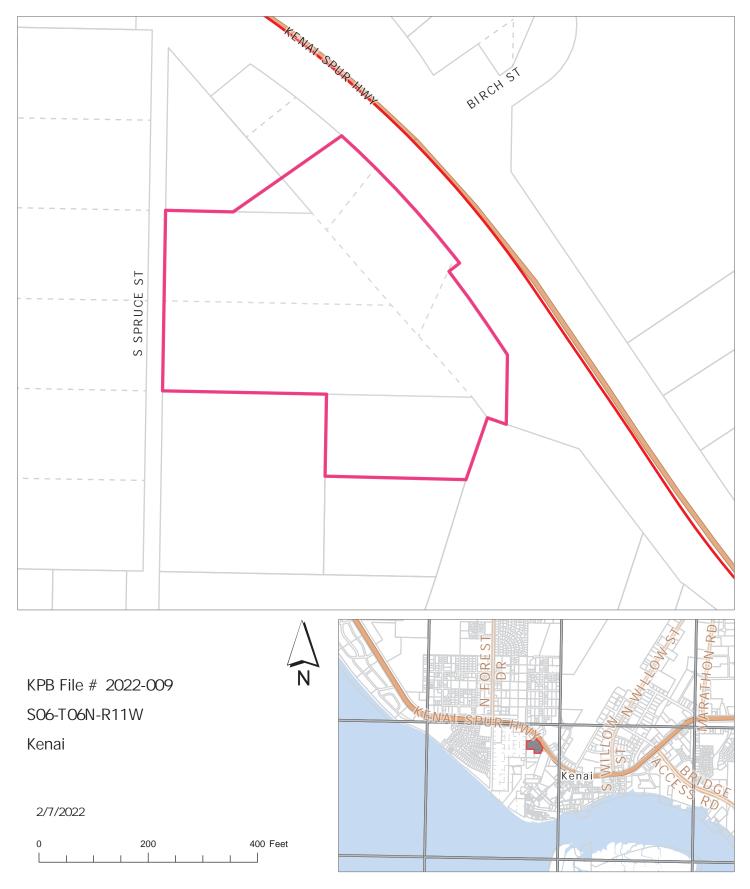
Yes: Anderson, Burton, Tautfest, Vadla No: None

Absent: Blossom, Smithwick-Aley

Kenai Peninsula Borough Planning Department



# Vicinity Map





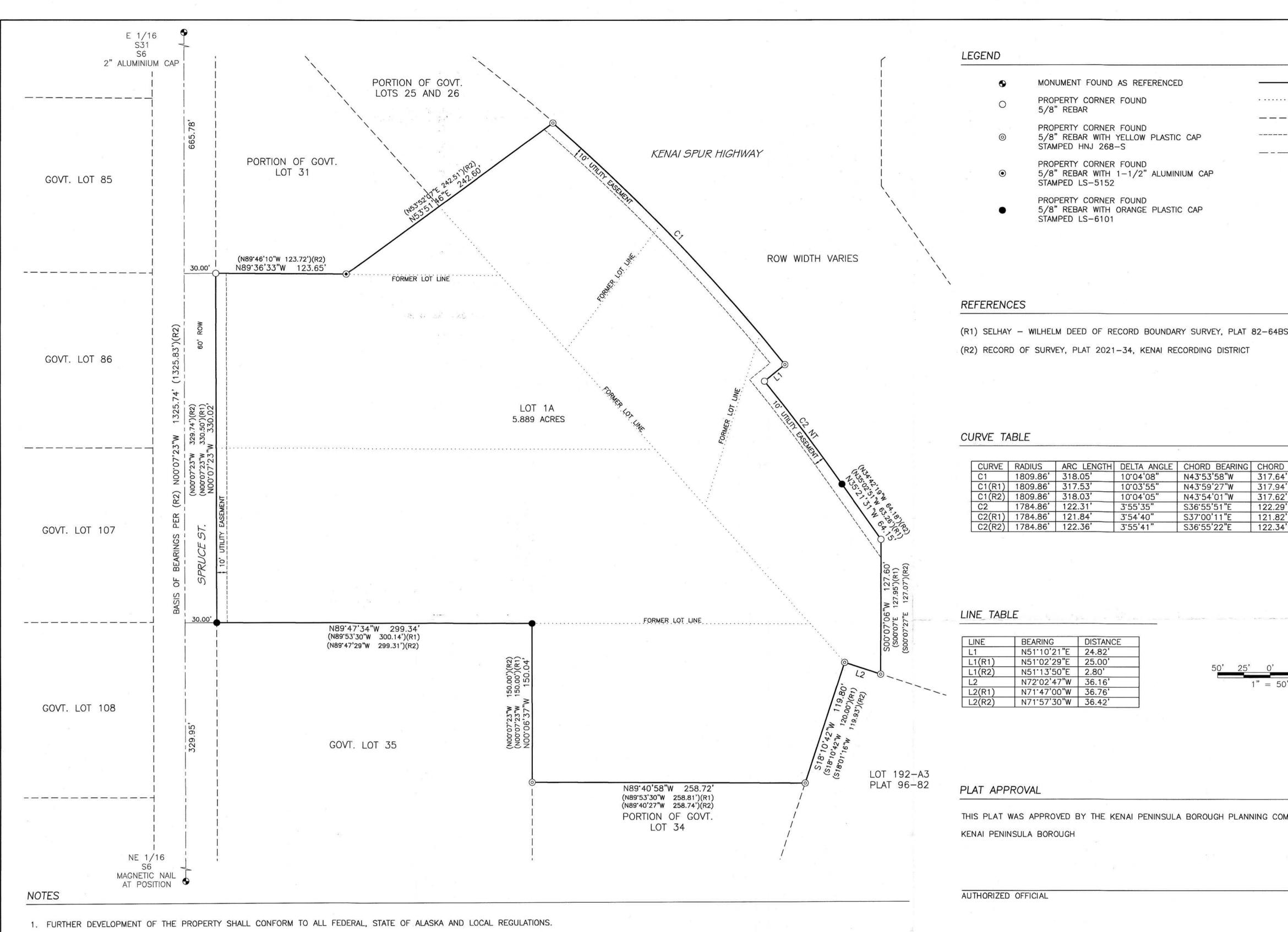
Aerial

# Kenai Peninsula Borough Planning Department

2/10/2022

N





2. DEVELOPMENT OF THIS PARCEL SUBJECT TO THE CITY OF KENAI ZONING REGULATIONS.

3. THE FRONT 10 FEET ADJACENT TO RIGHT OF WAY IS AN UTILITY EASEMENT. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH COULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.

4. GENERAL ELECTRIC AND TELEPHONE TRANSMISSION AND DISTRIBUTION LINES EASEMENT, LOCATION NOT DEFINED, GRANTED TO KENAI POWER CORPORATION, HAVING THE FOLLOWING RECORDING INFORMATION. RECORDED DECEMBER 31, 1963. VOLUME: 11, PAGE: 267. KRD. EFFECTING FORMER LOTS 27, 28, 29 AND 31.

5. GENERAL NATURAL GAS LINE LINES EASEMENT, LOCATION NOT DEFINED, GRANTED TO KENAI UTILITY SERVICE CORPORATION, HAVING THE FOLLOWING RECORDING INFORMATION. RECORDED JULY 23, 1968. VOLUME: 32, PAGE: 79. KRD. EFFECTING FORMER LOT 31.

6. TERMS AND CONDITIONS CONTAINED IN THAT CERTAIN INSTRUMENT BY THE CITY OF KENAI TO KENAI ELECTRIC, INC., AND RECORDED: APRIL 1, 1977 VOLUME/PAGE: 106/456 AFFECTS FORMER LOT 31.

7. EASEMENT AFFECTING THE PORTION OF SAID PREMISES AND FOR THE PURPOSES STATED HEREIN, AND INCIDENTAL PURPOSES THERETO: FOR: INGRESS AND EGRESS TO LOT 34 RECORDED: JANUARY 16, 2013. SERIAL NO .: 2013-000445-0.

8. EASEMENT AFFECTING THE PORTION OF SAID PREMISES AND FOR THE PURPOSES STATED HEREIN, AND INCIDENTAL PURPOSES THERETO: FOR: TELEPHONE/TELECOMMUNICATION LINES AND RELATED PURPOSES IN FAVOR OF: ACS OF THE NORTHLAND, LLC RECORDED: APRIL 9, 2013, SERIAL NO .: 2013-003311-0.

9. RESERVATION OF EASEMENT FOR HIGHWAY PURPOSES, AND ANY ASSIGNMENTS OR USES THEREOF FOR RECREATIONAL, UTILITY OR OTHER PURPOSES, AS DISCLOSED BY PUBLIC LAND ORDER NO. 601, DATED AUGUST 10, 1949 AND AMENDED BY PUBLIC LAND ORDER NO. 757, DATED OCTOBER 10, 1959; PUBLIC LAND ORDER NO. 1613, DATED APRIL 7, 1958; AND DEPARTMENT OF THE INTERIOR ORDER NO. 2665, DATED OCTOBER 16, 1951, AMENDMENT NO. 1 THERETO, DATED JULY 17, 1952 AND AMENDMENT NO. 2 THERETO, DATED SEPTEMBER 15, 1956, FILED IN THE FEDERAL REGISTER.

10. EFFECTS OF KENAL PENINSULA BOROUGH PLANNING COMMISSION RESOLUTION 2013-08, INCLUDING THE TERMS AND CONDITIONS THEREIN: RECORDED: APRIL 29, 2013 SERIAL NO.: 2013-004092-0. 11. WASTEWATER DISPOSAL: CITY WATER AND SEWER ARE AVAILABLE TO SERVE THIS PARCEL. PLANS FOR WASTEWATER TREATMENT AND DISPOSAL THAT MEET REGULATORY REQUIREMENTS ARE ON FILE AT THE

ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

CERTIFICATE OF SURVEYOR

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



		(J)	
(R#) KRD NT	<ul> <li>PARCEL BOUNDARY</li> <li>FORMER LOT LINE</li> <li>ADJACENT PROPERTY LINE</li> <li>EASEMENT</li> <li>CENTERLINE</li> <li>RECORD DATA, SEE REFERENCE</li> <li>KENAI RECORDING DISTRICT</li> <li>NON-TANGENTIAL</li> </ul>		Image: Straight of the straight
S, KENAI RECORDIN	IG DISTRICT	OWNER OF THE R AND THAT ON BE ADOPT THIS PLAN	(THAT KENAITZE INDIAN TRIBE IS THE EAL PROPERTY SHOWN AND DESCRIBED HERE HALF OF KENAITZE INDIAN TRIBE I HEREBY I OF SUBDIVISION AND BY MY FREE CONSENT GHTS-OF-WAY AND GRANT ALL EASEMENTS WN.
		CHELSEA HENDRIK PO BOX 988 KENAI, ALASKA 99 KENAITZE INDIAN KENAITZE INDIAN	TRIBE IRA
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, , , , ,		FOR: CHELSEA H ACKNOWLEDGED THIS	IENDRIKS BEFORE ME
	Ν	NOTARY PUBLIC	SIGNATURE
<u>50'</u>			NOTARY STAMP AREA
MISSION AT THE I	MEETING OF FEBRUARY 28, 2022.		KENAITZE KENAITZE KENMENT LOTS REPLAT
		150' OF GOVE	A REPLAT OF T LOTS 27, 28, 29, 32, 33, THE NORTH RNMENT 34 AND THAT PORTION OF LOT 3 SCRIBED IN BOOK 273, PAGE 847, KENAI RECORDING DISTRICT
	ĩ	OWNERS:	KENAITZE INDIAN TRIBE IRA KENAITZE INDIAN TRIBE PO BOX 988 KENAI, ALASKA 99611 ATED WITHIN NE 1/4, SECTION 6,
D THAT D THAT OF MY			T.5N., R.11W. S.M. STATE OF ALASKA KENAI PENINSULA BOROUGH KENAI RECORDING DISTRICT CITY OF KENAI
	RECORDER'S STAMP CON AREA CON		CONTAINING 5.889 ACRES
-00	2.25"	DRAWN BY:	AECL# 1392 DATE: PROJECT: 12/22/2021 21-634
	-	CHECKED BY:	SCALE: SHEET: 1" = 50' 1 OF 1

# AGENDA ITEM E. NEW BUSINESS

KPB File No.	2022-009
Plat Committee Meeting:	February 28, 2022
Applicant / Owner:	Kenaitze Indian Tribe of Kenai, Alaska
Surveyor:	Jason Young, Mark A. Aimonetti / Edge Survey and Design, LLC
General Location:	S Spruce Street, City of Kenai
Parent Parcel No.:	047-020-11, 047-020-17, and 047-021-99
Legal Description:	Government Lots 27, 28, 29, 32, 33, and portions of Government Lots 31 and 34
Assessing Use:	Commercial Vacant
Zoning:	General Commercial
Water / Wastewater	City

# **ITEM 5 - KENAITZE GOVERNMENT LOTS REPLAT**

# STAFF REPORT

<u>Specific Request / Scope of Subdivision</u>: The proposed plat will combine multiple government lots and deed parcels to create one lot that will be 5.89 acres.

Location and Legal Access (existing and proposed): The proposed subdivision fronts along the Kenai Spur Highway and has additional access from S Spruce Street. The width for state maintained Kenai Spur Highway varies in this location. S Spruce Street is a city maintained right of way. Portions of S Spruce Street have been dedicated but portions are still within the boundaries of government lots that are subject to the right of way. Staff recommends the depiction of S Spruce Street be updated to show the government lots boundary extend to the center of S Spruce Street with a varying width label be added to the depiction.

The block is not compliant. S Spruce Street terminates at the north Kenai Beach parking lot. Steep terrain and low wet areas affect the eastern portion of this subdivision. The ability to obtain a compliant block will be limited. The existing roads in the area are built with the terrain in consideration. *Staff recommends* the plat committee concur that an exception nor dedication are required due to terrain, lot wet areas, and surrounding development will limit the ability to improve the block.

Access easements were present along the shared lot lines of Government Lots 33, 34, and 35 but were vacated in 2013 with the recording of the Kenai Peninsula Borough Planning Commission Resolution 2013-08. The approval required an easement to be granted within Lot 33 to Lot 34. The easement was granted but not defined by width or location. The intent was access to Lot 34, which will no longer be required, and the easement will terminate with recording of the plat. The easement is noted in plat note 7.

KPB Roads Dept. comments	Out of Jurisdiction: Yes
	Roads Director: Uhlin, Dil Comments: No comments
SOA DOT comments	The ROW for Kenai Spur Highway is generally as shown on sheet 9 of 13 of Department of Highways Right of Way Map F-021-2(7) Kenai Spur, and appears to be shown correctly. (Of note, there may be a city access road along the south boundary of Lot 33 that isn't shown on the plat. See Book 89, Page 902 and Book 47, Page 150).

<u>Site Investigation</u>: The majority of the subdivision is relatively flat with no low wet areas present. Along the eastern boundary, some wetlands are present and steep slopes that coincide with the wetlands. *Staff recommends* the

wetlands be depicted on the final plat and plat note 1 be reworded to include "including a U.S. Army Corps of Engineers wetland determination if applicable."

The lots currently appear to be mostly cleared and vacant. A church is present on the lot to the south and the parking lot abuts the proposed subdivision. The same owner of Govt. Lot 35 also owns the southern portion of Government Lot 34 and Govt. Lot 127.

KPB River Center review	A. Floodplain
	Reviewer: Carver, Nancy Floodplain Status: Within City of Soldotna/Kenai Comments: No comments
	B. Habitat Protection
	Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments
	C. State Parks
	Reviewer: Russell, Pam Comments: No Comments
State of Alaska Fish and Game	No objections. Proposed actions will not affect public access to public lands and waters.

<u>Staff Analysis</u> The subdivision will be combining multiple government lots and deed parcels into one lot. The original patent withheld lands for the Kenai Spur Highway. As some of the lands were deeded, additional access easements or right of way easements were put into effect. The Kenai Peninsula Borough PC Resolution 2013-08 vacated some of the easements.

The certificate to plat excludes 6,125 sq. ft. from Government Lot 33. A deed from the City of Kenai that was recorded in 1967 transferred Lot 33 excepting 6,125 sq. ft. that was being used as an access road. Although the area was approved to be vacated it is technically City property and not a dedicated right of way. The City of Kenai may still have an ownership interest in the 6,125 sq. ft. of land.

Several option would clear up the cloud on the title.

- The surveyor may remove the strip of land in question from the boundary of the subdivision.
- The City of Kenai provide a quit claim deed for the 6,125 square feet of land to the current owner.
- The City of Kenai join the platting process, the certificate to plat removes the reference to the excepted lands, and once recorded the City of Kenai record a quit claim deed relinquishing any interest in the overall tract to the current owner.

Additional reservations to the City of Kenai were also noted within deed located in Book 44 Page 218, Kenai Recording District. The deed lists "excepting and reserving from this conveyance" easements for public improvements. This will also need to be researched to determine if the City of Kenai has any ownership interest in any portion of the north 150 feet of Government Lot 34.

A soils report will be not be required. City water and sewer are present along S Spruce Street. An installation agreement or documentation that one is not needed will be required.

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

The City of Kenai Planning and Zoning reviewed the preliminary plat at their January 26, 2022 meeting. They found the subdivision complied with Municipal Code and approved the plat subject to "Further development of the property shall conform to all federal, State of Alaska, and local regulations." This condition is addressed in plat note 1.

<u>Utility Easements</u> The subdivision is comprised of government lots with no plats of record granting utility easements. Multiple utility easements have been granted by recorded documents. The plat is proposing to grant the code required 10 foot utility easements along the dedicated right of ways.

The easements granted by documents vary. Some state that it is over exiting lines and some have no definite location disclosed. If the document states specific locations, the easement shall be depicted on the plat. Staff would recommend the surveyor and owners work with the utility companies to see if any of the older easements could be terminated and try to clear up the locations of the easements. **Staff recommends** the surveyor work with the utility companies to make sure all easements are correctly depicted and in place.

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.

HEA	No comments
ENSTAR	No comments or recommendations.
ACS	No objection. Existing facilities must be located and protected during any ground disturbing work.
GCI	Approved as shown

# Utility provider review:

#### KPB department / agency review:

Addressing	Reviewer: Haws, Derek
C C	Affected Addresses:
	11823 KENAI SPUR HWY
	Existing Street Names are Correct: No
	List of Correct Street Names:
	KENAI SPUR HWY
	Existing Street Name Corrections Needed:
	S SPRUCE ST
	All New Street Names are Approved: No
	List of Approved Street Names:
	List of Street Names Denied:
	Comments:
	SPRUCE ST should be S SPRUCE ST.
	11823 KENAI SPUR HWY will remain with lot 1A.
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: Wilcox, Adeena
	Comments: 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

**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 Certificate to Plat states excepting from Lot 32 and Lot 33 the area known as Spruce St. Update description to "Government Lots 27, 28, 29, 32, and 33, excluding the land known as S. Spruce Street."
- Remove "Kenaitze Indian Tribe IRA" as the Certificate to Plat only shows the ownership as Kenaitze Indian Tribe.
- 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:** Portions of S Spruce Street have not been dedicated. The government lots west of the right of way should extend to the centerline. The 30 foot distances to centerline should remain but add a "width varies" label for the right of way.

# 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:** The southern portion of Government Lot 34 does not have dedicated access. A dedication may be required. An exception has been requested.

20.30.270. Different standards in cities. Where cities have enacted by ordinance different subdivision design standards than those set forth in this chapter, the planning commission shall apply the city standards in lieu of those set forth in this chapter. Any appeal of a city design standard is subject to KPB 21.01.020(E). Staff recommendation: The City of Kenai does not meet the specified requirements for the application and consideration of different standards.

# KPB 20.40 – Wastewater Disposal

**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 the size of the parcel, and the availability of City water and wastewater services, a soils report will not be required. **Staff recommendation**: comply with 20.40.

# KPB 20.60 – Final Plat

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

20.60.180. 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."
- General electric and telephone lines easement, no definite location disclosed, granted to Homer Electric Association, Inc. Recorded on April 14, 1956 and located in Book 1 Page 149, Kenai Recording District. Partial release of the easements was recorded on November 8, 2012, Serial Number 2012-011075-0 KRD."

Make the following changes or correction the note on the plat.

- Plat note 4 include "Misc" for the volume.
- Either include in plat note 4 or add an additional plat note, "Partial release of the easements was recorded on November 8, 2012, Serial Number 2012-011074-0 KRD."
- Plat note 5 states that it effects former Lot 31. Looking at the document it appears to list several lots except for Lot 31. Either update to the correct lots or remove the specific reference by removing "effecting former Lot 31".
- Plat note 6, include "KRD" for the recording book and page.
- Plat note 7 is for an access easement. Include "KRD" behind the serial number. The easement did not state the termination requirements but with the merger of the lots it will no longer be required. Add to the note, "The easement will terminate with merger of title when this plat is recorded."
- Plat note 8, include "KRD" behind the serial number.
- Plat note 10, include "KRD" behind the serial number.

20.60.190. Certificates, statements, and signatures required.

**Staff recommendation**: Remove "Kenaitze Indian Tribe IRA". We have authority documents allowing Chelsea Hendriks to sign on behalf of Kenaitze Indian Tribe. The document states it is for FY2021-2022. Prior to printing the mylar the dates of her authority should be reviewed and it may require a new authority document to be issued or another person to sign the plat. Comply with 20.60.190.

# **EXCEPTIONS REQUESTED:**

# <u>KPB 20.30.030 – Proposed street layout – requirements (reasonable means of ingress for surrounding acreage tracts.</u>

Surveyor's Discussion: Asking for exception to NOT provide dedicated access to South half of Government Lot 34.

<u>Staff Discussion</u>: Government Lot 34 has been split by deed. Neither parcel has legal access. Staff did not find any record of recorded easements to provide access to the southern portion of Government Lot 34. Additional title research may determine an easement of record.

# Surveyor's Findings:

- 1. South half of Government Lot 34 and Government Lot 35 have same ownership. Lot 35 has dedicated access along Spruce St.
- 2. Public use access easement previously in place vacated by resolution 2013-004092-0.
- 3. Majority of South half of Government Lot 34 contains steep slopes and not useable for development.

# Staff's Findings:

- 4. Government Lot 34 was divided into two parcels (the north 150 feet and the remainder) by deed.
- 5. Easements were granted to access Lot 34 prior to it being split but were subsequently vacated.
- 6. Neither the north 150 feet of Govt. Lot 34 or the remainder of Govt. Lot 34 have legal access.
- 7. The certificate to plat did not indicate any easements being present that provide access to the remainder of Govt. Lot 34.
- 8. A private easement exists granting access to the northern portion of Lot 34.
- 9. Our Lady of Angels Parish of Archdiocese Anchorage owns the southern portion of Government Lot 34.
- 10. Our Lady of Angels Parish of Archdiocese Anchorage owns the lot to the west and south.
- 11. Diocese of Sitka and Alaska Orthodox Church in America, Inc. own the lot to the east.
- 12. Steep slopes are present along the eastern portion of the southern portion of Government Lot 34.
- 13. Wetlands are present along the eastern portion of the lot.
- 14. The north 150 feet of Govt. Lot 34 is being combined with other government lots under common ownership.

Staff reviewed the exception request and recommends granting approval.

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

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

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

1. That special circumstances or conditions affecting the property have been shown by application; **Findings 1,3, 6, 7, and 11 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, 3, 6, 7, and 11 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, 3, 6, 7, and 11 appear to support this standard.

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

# **RECOMMENDATION:**

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

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

NOTE: 20.25.120. - REVIEW AND APPEAL.

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

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

END OF STAFF REPORT





# Kenai Peninsula Borough Planning Department

KPB File Number 2022-009 2/10/2022

N

Aerial with 5-foot Contours



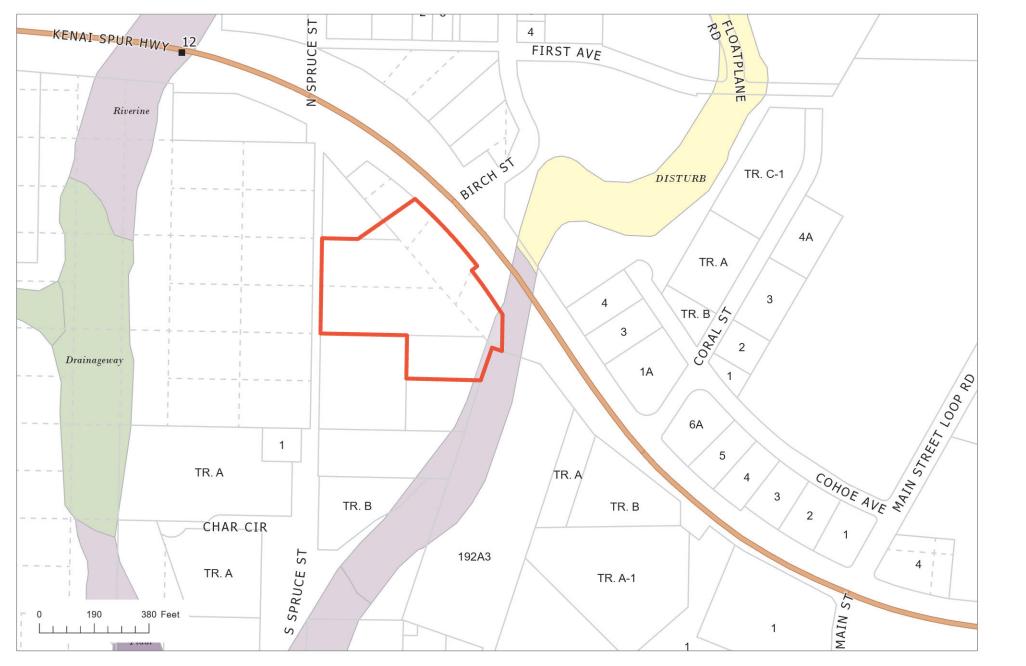


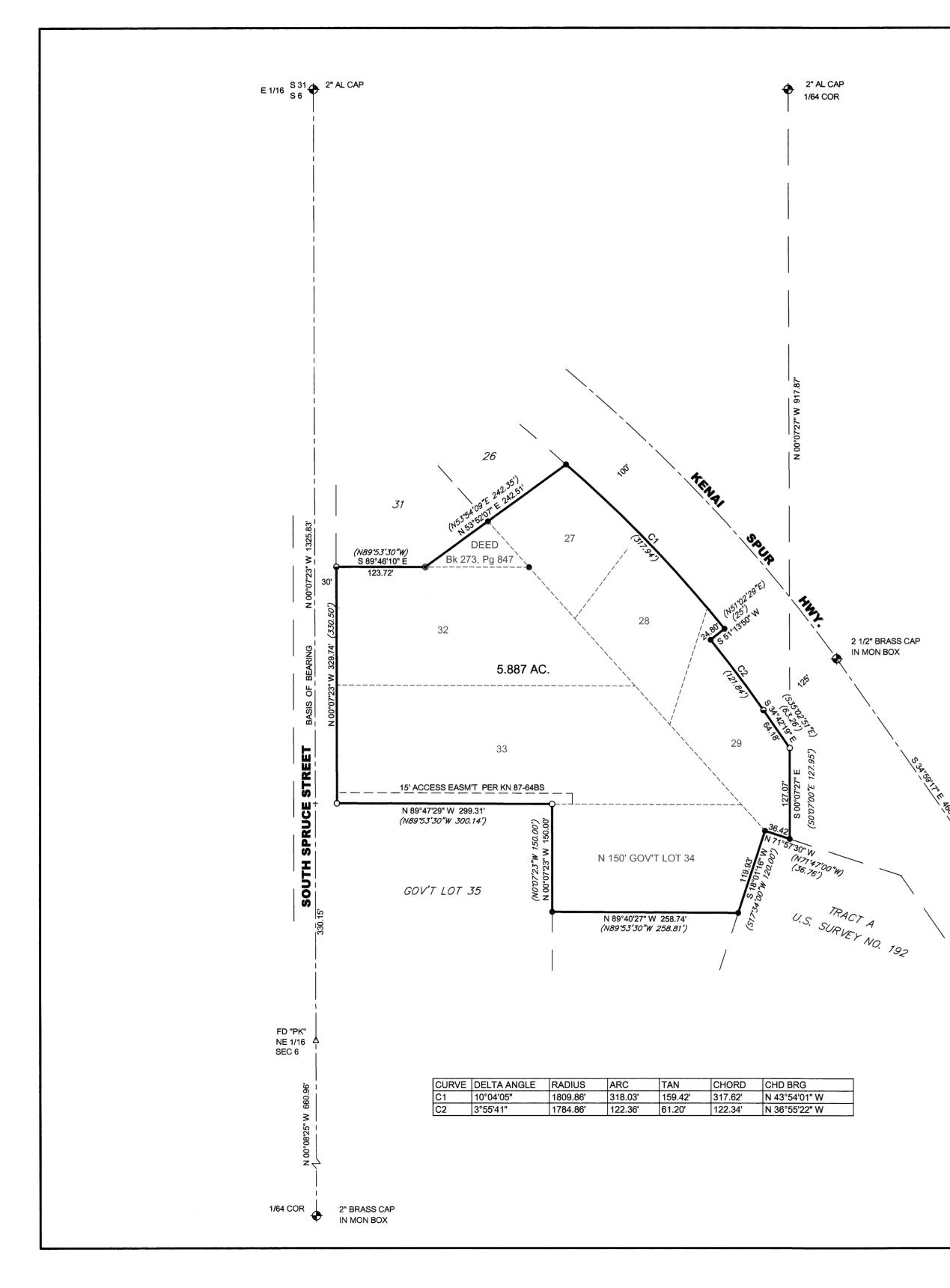
# Kenai Peninsula Borough Planning Department

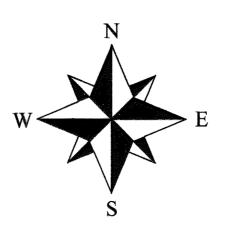


KPB File Number 2022-009

2/10/2022 N







# VICINITY MAP 1" = 1 MILE VICINITY MAP

# LEGEND

Monument Recovered

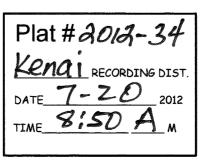
- 5/8" Rebar/Cap Recovered HNJ 268-S
- 2" Al Cap Recovered LS-5152
- Fd 5/8" Rebar
   Replaced with Rebar/Cap
- 5/8" Rebar/Cap Set this Survey
- () Record Data (KN87-64BS)



This survey represents a retracement of the Selhay-Wilhelm Deed of Record Boundary Survey (KN87-64BS) and that portion of Gov't lot 31 as described in bk 273, pg 847, K.R.D.

This survey does not constitute a subdivision as defined by A.S. 40.15.190 (2) .

2 1/2" BRASS CAP IN MON BOX




# KENAI RECORDING DISTRICT

# RECORD OF SURVEY

GOV'T LOTS 27, 28, 29, 32, 33, THE NORTH 150' OF GOV'T LOT 34 and THAT PORTION OF GOV'T LOT 31 AS DESCRIBED IN BK 273, PG 847 KENAI RECORDING DISTRICT. SECTION 6, T5N, R11W, SM, AK

# WHITFORD SURVEYING PD BDX 4032 - SOLDOTNA, AK 99669 (907) 398-6705

SURVEYED: 7/2012



# ORIGINAL

59827

**2013-004092-0** Recording Dist: 302 - Kenai 4/29/2013 3:42 PM Pages: 1 of 2



# KENAI PENINSULA BOROUGH PLANNING COMMISSION RESOLUTION 2013-08 KENAI RECORDING DISTRICT

L

A S K

A

Vacate a public use right of way and access easements within Government Lots 33, 34 and 35. Vacate the 30-foot strip along the northerly boundary of Government Lot 34 as described and recorded in Book 38 Page 12; and vacate the 30-foot strip lying along the north boundary of Lot 35 as described and recorded in Book 38 Page 47; and vacate the 15-foot access easement along the south boundary of Government Lot 33 as described and recorded in Book 47 Page 150 within the Kenai Recording District; all within Section 6, Township 5 North, Range 11 West, Seward Meridian, Alaska; within the City of Kenai and the Kenai Peninsula Borough; KPB File 2013-033; Location: City of Kenai

WHEREAS, John J. Williams on behalf of the Archdiocese of Anchorage, and Sid Strauss for Strauss Capital Real Estate, LLC of Kenai, Alaska, have petitioned for vacation of the 30-foot strip along the northerly boundary of Government Lot 34 as described and recorded in Book 38 Page 12; and vacate the 30-foot strip lying along the north boundary of Lot 35 as described and recorded in Book 38 Page 47; and vacate the 15-foot access easement along the south boundary of Government Lot 33 as described and recorded in Book 47 Page 150, all within the Kenai Recording District; and

WHEREAS, it has been determined by the Planning Commission on March 25, 2013 that all requirements have been met; and

WHEREAS, the easement was granted by document without the underlying transfer of ownership as in a platted dedication; and

WHEREAS, ACS has an existing cable within the easement proposed to be vacated and has requested a 10-foot utility easement centered on their existing facilities; and

WHEREAS, KPB 20.28 provides for the vacation of public rights-of-way and other public areas; and

WHEREAS, the vacation does not require replatting of any vacated area, and may be accomplished by a resolution;

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

<u>Section 1</u>: That the 30-foot strip along the northerly boundary of Government Lot 34 as described and recorded in Book 38 Page 12; and vacate the 30-foot strip lying along the north boundary of Lot 35 as described and recorded in Book 38 Page 47; and vacate the 15-foot access easement along the south boundary of Government Lot 33 as described and recorded in Book 47 Page 150 within the Kenai Recording District;

<u>Section 2</u>: That a 10-foot utility easement was granted centered on the existing ACS cable as shown on the attachment provided by ACS, and recorded as Document # 2013 -003311-0.

<u>Section 3</u>. That a sketch depicting the vacated easement submitted with the application shall be recorded with this resolution becoming page 2.

<u>Section 4</u>. That this resolution is void if not recorded in the appropriate Recording District within 90 days of adoption.

Section 5. That this resolution becomes effective upon being properly recorded.

ADOPTED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH ON THIS  $\underline{35}$ Day of  $\underline{March}$ , 2013.

Philip Bryson, Chairperson Planning Commission

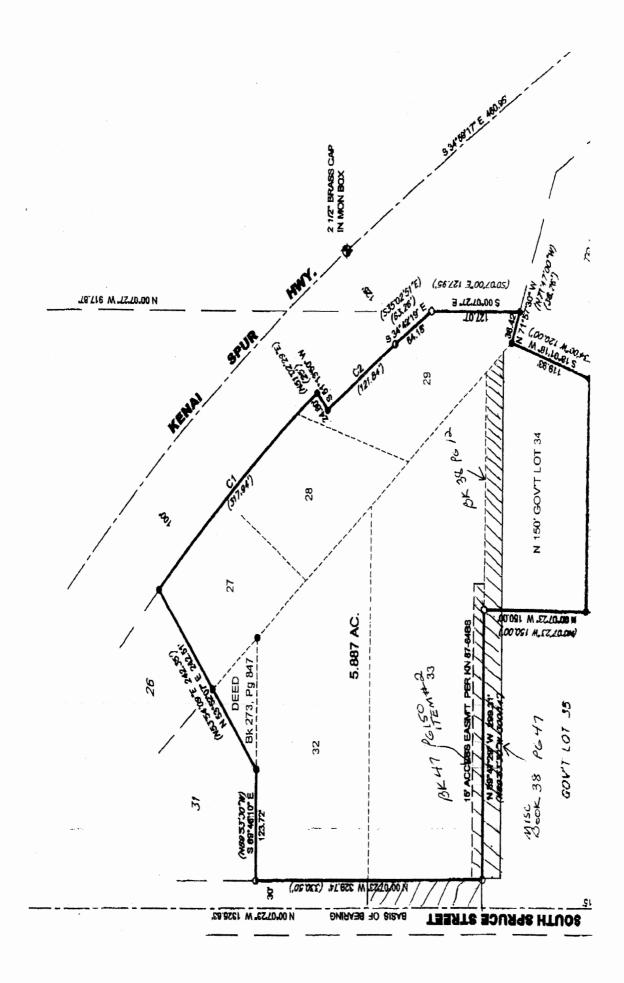
Patti Hartley

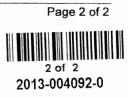
Administrative Assistant

Please return to: Kenai Peninsula Borough Planning Department 144 N. Binkley Street Soldotna, Alaska 99669-7520

Kenai Peninsula Borough Planning Commission Resolution 2013-08

Page 1 of 2







# CITY OF KENAI PLANNING AND ZONING COMMISSION RESOLUTION NO. 2022-02

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI **RECOMMENDING** THAT KENAITZE GOVERNMENT LOTS REPLAT ATTACHED HERETO BE APPROVED

WHEREAS, the City of Kenai received the plat from Edge Survey and Design and,

WHEREAS, the plat meets Municipal Code requirements of the General Commercial (GC); and,

WHEREAS, street names are referenced correctly; and,

WHEREAS, access is provided via S Spruce Street, which is a paved, City maintained road; and

WHEREAS, City water and sewer lines are located along S Spruce Street; and,

WHEREAS, the Planning and Zoning Commission finds:

- 1. Pursuant to Kenai Municipal Code 14.10.070 Subdivision design standards, the plat conforms to the minimum street widths, easements are sufficiently provided for utilities, the proposed lot would be arranged to provide satisfactory and desirable building sites, and the preliminary plat meets standards for water and wastewater.
- 2. Pursuant to Kenai Municipal Code 14.24.010 Minimum lot area requirements, the proposed lots meets City standards for minimum lot sizes.
- 3. Pursuant to Kenai Municipal Code 14.24.020 General Requirements, the proposed lots meet City standards for minimum lot width, maximum lot coverage, maximum height, and setbacks.

NOW, THEREFORE, BE IT RECOMMENDED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA:

**Section 1.** That the preliminary plat of Kenaitze Government Lots Replat be approved subject to the following conditions:

1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA, this 26th day of January, 2022.

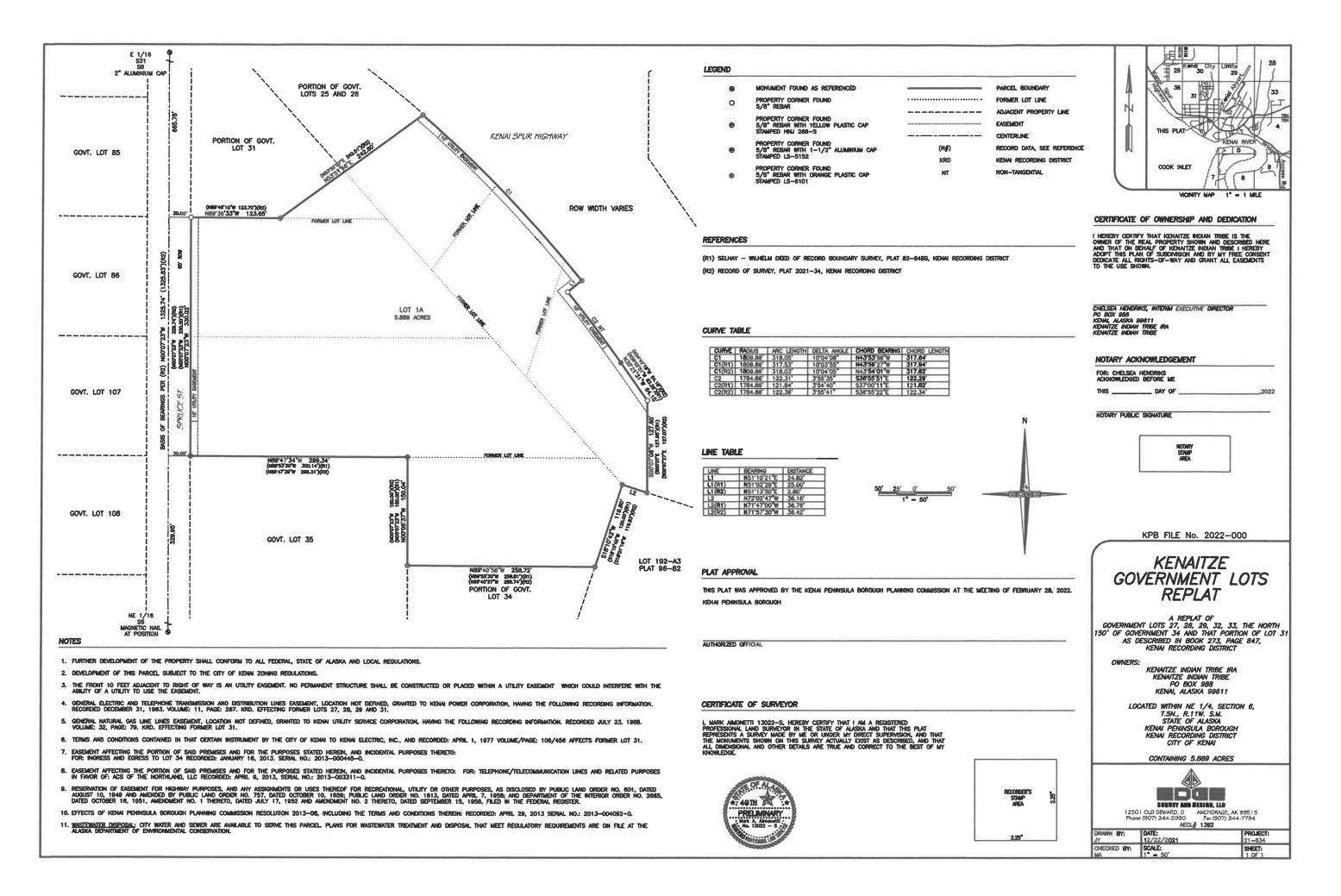
Resolution No. PZ2022-02 Page 2 of 2

,

JEFF TWAIT, CHAIRPERSON

ATTEST: 2. au Michelle M Saner, MMC, City Clerk







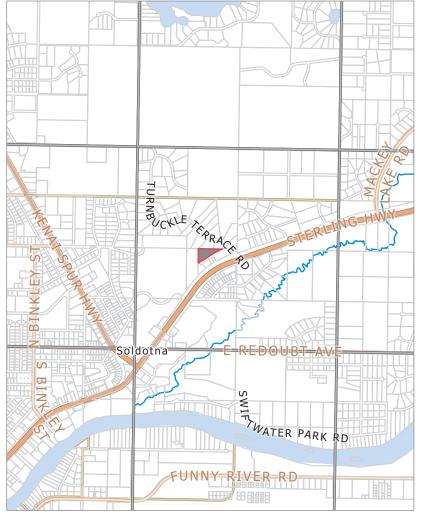
# Kenai Peninsula Borough Planning Department





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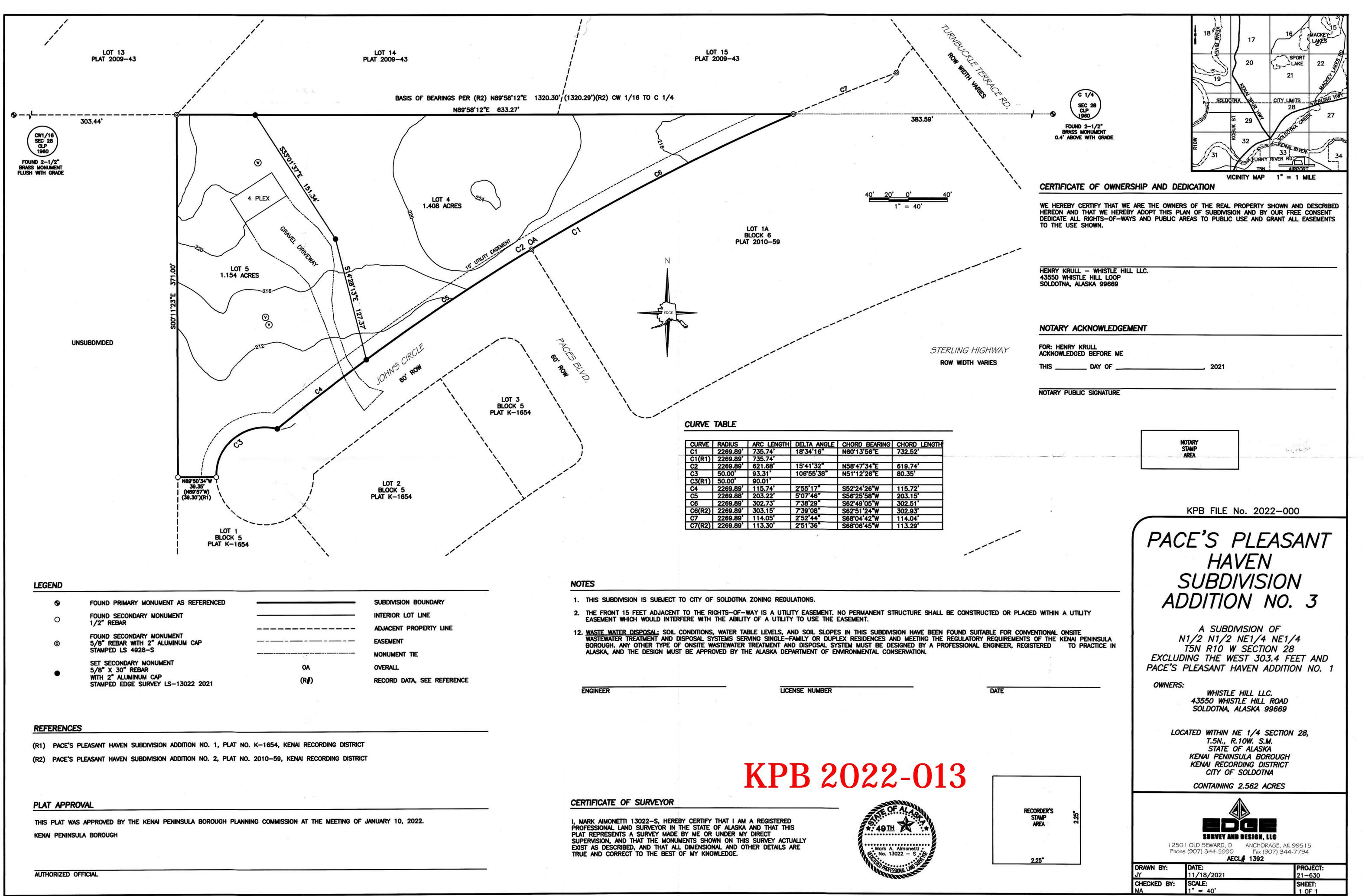
KPB File # 2022-013 Township 5N-Range 10W-Section 28 Soldotna



Aerial

# Kenai Peninsula Borough Planning Department





# AGENDA ITEM E. NEW BUSINESS

KPB File No.	2022-013
Plat Committee Meeting:	February 28, 2022
Applicant / Owner:	KOA Family Trust of Soldotna, Alaska
Surveyor:	Jason Young, Mark Aimonetti / Edge Survey & Design
General Location:	John's Circle, City of Soldotna
Parent Parcel No.:	059-260-10
Legal Description:	N1/2 N1/2 NE1/4 SW1/4 of Section 28, Township 5 North, Range 10 West, excluding Pace's Pleasant Haven Addition No. 1 (Plat K-1654) and the west 303.4 feet
Assessing Use:	Residential
Zoning:	Commercial/Rural Residential
Water / Wastewater	Onsite

#### **ITEM 6 - PACES PLEASANT HAVEN SUBDIVISION ADDITION NO 3**

# **STAFF REPORT**

<u>Specific Request / Scope of Subdivision</u>: The proposed plat will subdivide a 2.3 acre parcel into two lots that will be 1.15 and 1.41 acres.

**Location and Legal Access (existing and proposed):** The proposed plat currently has constructed access off Johns Circle. Johns Circle is located at the end of Paces Boulevard. Both the right of ways are 60 foot wide right of ways that are managed by the City of Soldotna. Paces Boulevard is located off state maintained Whistle Hill Loop. Whistle Hill Loop is a frontage road along mile 93.5 of the Sterling Highway.

The new lots will continue to have access via Johns Circle.

The block does not close. Johns Circle ends in a cul-de-sac. To the west is a 6 acre lot that has not been further subdivided and has wetlands in the western portion. Lot 1A, located south of the subdivision has improvements. Any dedication along the southern boundary of this subdivision would not be matched due to improvements. A continuation of Paces Boulevard would greatly affect the lots north of the subdivision in addition to creating a small lot within this subdivision. **Staff recommends** the plat committee concur that an exception is not required, as any required dedication would not improve the block.

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

<u>Site Investigation</u>: There are no low wet areas present within the subdivision. Contours are shown on the preliminary plat. The area where this subdivision is present has level areas with elevations lowering as it approaches the Sterling Highway.

There is a four plex with a gravel driveway present on what will be known as Lot 5. The area to be Lot 4 is currently vacant. Lot 1A contains several businesses and parking lots. Of the other surrounding lots, four are shown to be currently vacant and three contain residential dwellings. There does not appear to be any encroachment issues.

KPB River Center review	A. Floodplain
	Reviewer: Carver, Nancy

Page  ${\bf 1}$  of  ${\bf 5}$ 

	Floodplain Status: Within City of Soldotna/Kenai Comments: No comments
	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
State of Alaska Fish and Game	No objections. The proposed actions will not affect public access to public
	lands and waters.

**Staff Analysis** The proposed subdivision will be dividing an aliquot remainder lot into two lots. A deed was recorded in 1967 that granted the western 303.4 feet to another owner. That portion is excluded from this subdivision and is noted as the unsubdivided property to the west. Pace's Pleasant Haven Subdivision Addition No. 1, Plat K-1654, was recorded in 1969 and subdivided the southern portion of the original aliquot lands. This subdivision is now subdividing the remainder of the aliquot lands.

Municipal sewer and water are not available. A soils report will be required and an engineer will sign the final plat.

Notice of the proposed plat was mailed to the beneficial interest holder on February 4, 2022. The beneficial interest holder will be given 30 days from the date of the mailing of the notification to respond. They are given the opportunity to notify staff if their beneficial interest prohibits or restricts subdivision or requires their signature on the final plat. If no response is received within 30 days, staff will assume they have no requirements regarding the subdivision and it may be finalized.

The City of Soldotna Planning and Zoning Commission heard and recommended approval at their February 2, 2022 meeting. They adopted Resolution PZ2022-001. The resolution notes that city water and sewer are not available. An installation is not required. The resolution also noted that the zoning for the parent lot is split. Lot 4 will be completely within the Commercial District while Lot 5 will remain split between Commercial and Rural Residential Districts.

<u>Utility Easements</u> The parcel within this subdivision has not had a plat done and thus no utility easement granted by plat exist. This plat is proposing to grant 15 foot utility easements along the dedicated right of way.

Per the Certificate to Plat there are no easements granted by recorded documents.

Homer Electric Association has requested an easement over an existing power line.

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.

HEA	Provide a 15 foot utility easement centered on existing power line including poles, guys, and anchors within proposed Lot 4. Please verify the location during the field survey, approximate location depicted on drawing.
ENSTAR	No comments or recommendations
ACS	No objections.
GCI	Approved as shown

# Utility provider review:

# KPB department / agency review:

KPB department / agency review:			
Addressing	Reviewer: Haws, Derek		
	Affected Addresses:		
	209 JOHNS CIR		
	Existing Street Names are Correct: Yes		
	List of Correct Street Names:		
	JOHNS CIR		
	PACES BLVD		
	TURNBUCKLE TERRACE RD		
	Existing Street Name Corrections Needed:		
	All New Street Names are Approved: No		
	List of Approved Street Names:		
	List of Street Names Denied:		
	Comments: The city of Soldotna will advise on affected addresses.		
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: Wilcox, Adeena		
	Comments: No Comment		
<u> </u>			

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 description of the subdivision to "N1/2 N1/2 NE1/4 <u>SW1/4</u>".
- The Certificate to Plat and KPB Assessing records indicate the owner as KOA Family Trust. Update the owner information and the mailing address.
- Within the location update to "SW1/4".
- Scale appears to be off. Please verify and update prior to submitting the final plat.

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

# Staff recommendation:

- The scale appears to be slightly off. Please verify.
- Section 30 needs to be labeled.
- The proposed plat does not appear to be present. This should be included with an obvious outline or shading and a label such as "This Plat".
- G. The status of adjacent lands within 100 feet of the proposed subdivision boundary or the land status across from any dedicated rights-of-way that adjoin the propose subdivision boundary, including names of subdivisions, lot lines, block numbers, lot numbers, rights-of-way; or an indication that the adjacent land is not subdivided;

**Staff recommendation:** Update the label for the lot located to the northwest. The lot is Lot 13-A from Plat 2014-46.

# KPB 20.30 – Subdivision Design Requirements

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

20.30.270. Different standards in cities. Where cities have enacted by ordinance different subdivision design standards than those set forth in this chapter, the planning commission shall apply the city standards in lieu of those set forth in this chapter. Any appeal of a city design standard is subject to KPB 21.01.020(E). **Staff recommendation:** The City of Soldotna does not meet the specified requirements for the application and consideration of different standards.

# KPB 20.40 – Wastewater Disposal

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

20.40.010 Wastewater disposal.

Platting Staff Comments: Municipal water and sewer are not available. A soils 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**: The northern boundary will need to have the distance broken down between monuments to depict the correct boundary of each lot. Comply with 20.60.110.

20.60.180. Plat notes.

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

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

20.60.190. Certificates, statements, and signatures required.

**Staff recommendation**: Update the signature line to show Mr. Krull is signing as a Co-Trustee of the KOA Family Trust. Update the address for the signature line. Comply with 20.60.190.

# **RECOMMENDATION:**

#### **STAFF RECOMMENDS:**

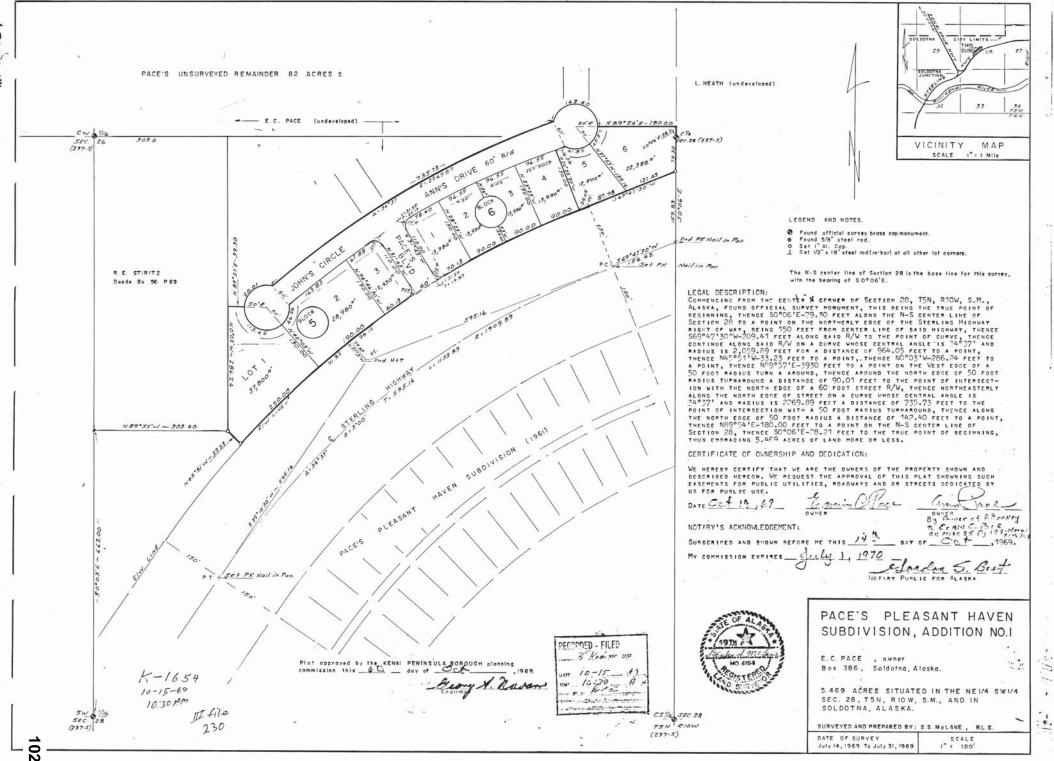
- GRANT APPROVAL OF THE PRELIMINARY PLAT SUBJECT TO STAFF RECOMMENDATIONS, AND
- COMPLIANCE WITH KPB 20.25.070 (FORM AND CONTENTS), KPB 20.25.080 (PETITION REQUIRED), KPB 20.30 (DESIGN REQUIREMENTS); AND KPB 20.40 (WASTEWATER DISPOSAL), AND
- COMPLIANCE WITH KPB 20.60 TO ENSURE ADMINISTRATIVE APPROVAL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



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# **CITY OF SOLDOTNA**

# PLANNING & 70NING COMMISSION MINI ITES

February 2, 2022, 5:30 p.m.	City Council Chambers, Soldotna, Alaska	Regular Meeting
CALL TO ORDER & PLEDG	e of Allegiance	
	ne Soldotna Planning and Zoning Commission was d the meeting to order at 5:30 p.m.	held on February 2,
There were present: Kaitlin Vadla, Chair Charlene Tautfest	Thomas Anderson Mark Burton	
Comprising a quorum of	f the Commission.	
There were absent: Jenny Smithwick-Ale David Blossom	y	
Also in attendance were Linda Hutchings, City John Czarnezki, Direc Jennifer Hester, Asso	Council Ex-Officio ctor of Economic Development and Planning Depart	artment
APPROVAL OF THE AGEN	IDA	
The agenda was approv	ved without objection.	
Approval of the Minu	TES	$\mathbf{i}$
The January 5, 2022 mee	eting minutes without objection.	
NEW BUSINESS		

# Resolution PZ 2022-001 – Recommending Approval of the Pace's Pleasant Haven Subdivision No. 3 Plat

MOTION: Commission Member Anderson moved to approve Resolution PZ 2022-001.

Associate Planner Hester summarized the written staff report.

Chair Vadla asked for public comment. With no one wishing to speak, the item was back before the Commission.

# VOTE ON MOTION:

Yes: Anderson, Burton, Tautfest, Vadla

No: None

Absent: Blossom, Smithwick-Aley

MOTION PASSED: 4 Yes, 0 No, 2 Absent

> Resolution PZ 2022-002 - Recommending Approval of the Golf Acres Subdivision 2022 Replat

MOTION: Commission Member Anderson moved to approve Resolution PZ 2022-002.

# CITY OF SOLDOTNA PLANNING AND ZONING COMMISSION RESOLUTION NO. PZ2022-001

# A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF SOLDOTNA RECOMMENDING APPROVAL OF THE PACE'S PLEASANT HAVEN SUBDIVISION ADDITION NO. 3 PLAT

WHEREAS, the attached plat for the Pace's Pleasant Haven Subdivision Addition No. 3 was referred to the City of Soldotna Planning and Zoning Commission, and initially received from Edge Survey and Design, LLC. on December 20, 2021; and

WHEREAS, the City of Soldotna Planning and Zoning Commission find:

- 1. The plat subdivides a 1.562-acre parcel into two lots: Lot 4 is 1.154 acres and Lot 5 is 1.408 acres;
- The parent plat is legally described as T 5N R 10W SEC 28 Seward Meridian KN N1/2 N1/2 NE1/4 SW1/4 Excluding the West 3 03.4 FT FT & Excluding Paces Pleasant Haven Addn NO 1;
- 3. The existing lot is residentially developed with a multi-family structure;
- 4. The existing lot is owned by the applicant;
- 5. Lot 4 is vacant. Lot 5 contains a multifamily dwelling;
- 6. The existing lot is split zoned Commercial and Rural Residential. Lot 4 is completely within the Commercial District. Lot 5 is split zoned Commercial and Rural Residential District;
- 7. Surrounding zoning to the north is Rural Residential and split zoned Rural Residential and Commercial. The zoning districts to the east and south are Commercial. The zoning district to the west is split zoned Commercial and Rural Residential;
- 8. Municipal water and sewer are not available to this subdivision;
- 9. Proposed Lot 4 has constructed access from Johns Circle. Lot 5 has access available along Johns Circle;
- 10. The plat does not subdivide property within a public improvement district subject to special assessments. There is not a delinquency amount owed to the City of Soldotna for the referenced property;
- 11. An installation or subdivision agreement is not required;
- 12. The replat meets all other general standards of Soldotna Municipal Code; and,

WHEREAS, in accordance with SMC 16.10.040.E the City mailed 11 notices to property owners within 300 feet notifying them of the proposed action;

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF SOLDOTNA, ALASKA:

<u>Section 1</u>. That the Commission recommends the Kenai Peninsula Borough Planning Commission approve the Pace's Pleasant Haven Subdivision Addition No. 3 Plat subject to findings as stated above. <u>Section 2</u>. A copy of this resolution shall be forwarded to the Kenai Peninsula Borough Planning Department for their consideration.

<u>Section 3</u>. This resolution shall become effective immediately upon its adoption.

PASSED BY THE PLANNING AND ZONING COMMISSION THIS 2ND DAY OF FEBRUARY, 2022.

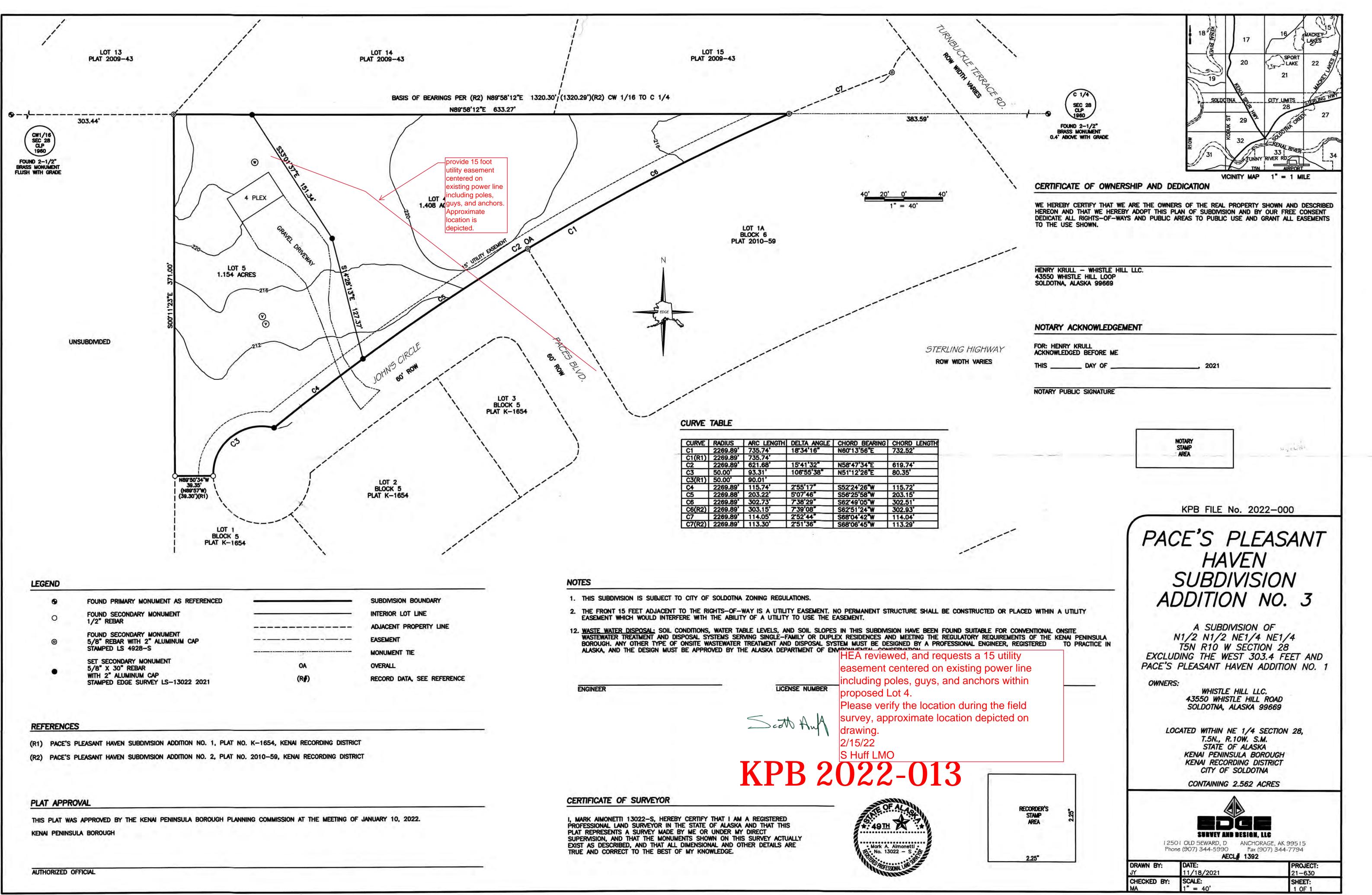
ATTEST:

Kaitlin Vadla, Chair

Jennifer Hester, Associate Planner

Yes: Anderson, Burton, Tautfest, Vadla No: None

Absent: Blossom, Smithwick-Aley

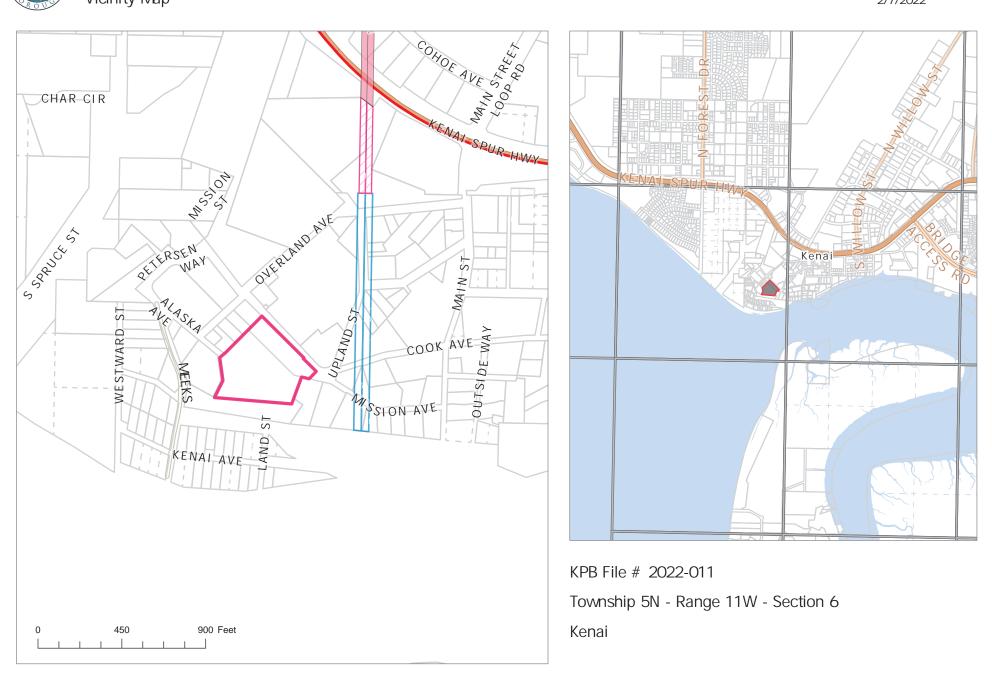




# Kenai Peninsula Borough Planning Department

Vicinity Map

2/7/2022





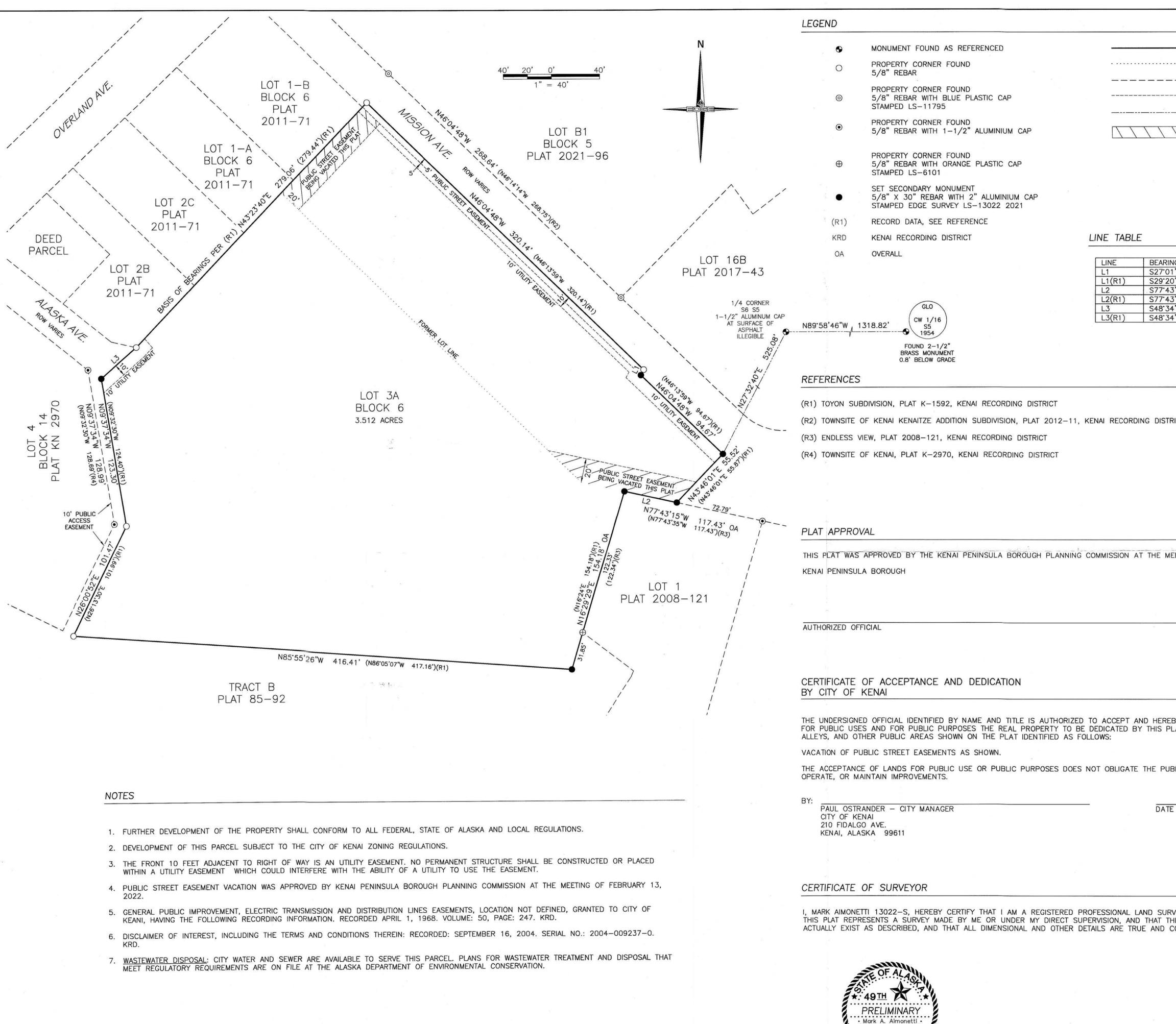
Aerial

# Kenai Peninsula Borough Planning Department

2/9/2022

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No. 13022 - S

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### AGENDA ITEM E. NEW BUSINESS

KPB File No.	2022-011			
Plat Committee Meeting:	February 28, 2022			
Applicant / Owner:	Kenaitze Indian Tribe of Kenai, Alaska			
Surveyor:	Jason Young, Mark Aimonetti / Edge Survey and Design, LLC			
General Location:	Mission Avenue, City of Kenai			
Parent Parcel No.:	047-086-09 and 047-086-10			
Legal Description:	Toyon Subdivision, Plat K-1592, Lots 1 and 2			
Assessing Use: Commercial / Lodge-Cabins				
Zoning:	Townsite Historic			
Water / Wastewater	City			

#### **ITEM 7 - TOYON SUBDIVISION 2021 REPLAT**

#### STAFF REPORT

<u>Specific Request / Scope of Subdivision</u>: The proposed plat will combine two lots to create one lot that will be 3.51 acres in size. The plat will also finalize the vacation of two 20 foot access easements.

Location and Legal Access (existing and proposed): The proposed plat is located in the City of Kenai in the area considered 'Old Town Kenai'. The new lot will front along Mission Avenue, a city maintained right of way with varying widths.

Alaska Avenue is a city maintained right of way with varying widths and provides additional access along the western boundary. Alaska Avenue is a dead end street, **Staff recommends** a cul-de-sac be dedicated for Alaska Avenue, and the City of Kenai accept the right of way dedication.

A 10 foot public access easement is located along the west of the subdivision. It provides a connection from Alaska Avenue to City of Kenai lands located to the south of the subdivision.

The plat will finalize the vacation of two 20 foot access easements that were granted by Toyon Subdivision, K 1592. The access easements provide additional access through Lot 1 to Lot 2. This plat will be combining the lots. The owners wish to eliminate the access easements that will no longer be needed. The access easement vacations are scheduled to be heard by the Planning Commission at the February 28, 2022 meeting.

The block is compliant in length. Dedications have been granted to try to create a closed block. Due to steep slopes and tidal wetlands, the ability to get a closed block is unlikely. **Staff recommends** the plat committee concur that an exception is not required nor any additional dedications in an attempt to improve the block.

Mission Avenue and Alaska Avenue are right of ways with varying widths. The portion of Mission Avenue abutting this subdivision was dedicated as 30 foot wide. KPB Code requires a minimum right of way width of 60 feet wide. A 5 foot public street easement was granted by the parent plat along a portion of Mission Avenue and is depicted on the plat. **Staff recommends** the label for the 5 foot street easement include "granted by K 1592" within the label or add a plat note.

The City of Kenai Planning and Zoning did not request any additional right of way width. The proposed subdivision falls within the City of Kenai's Historic Zoning. Allowing the substandard right of way width also complies with of the Historic Preservation guidelines outlined in the Kenai Peninsula Borough Comprehensive Plan. *Staff recommends the plat committee concur that neither an exception, nor right of way dedication, are required in an effort to improve the right of way width unless requested by the City of Kenai.* 

Page 1 of 6

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

<u>Site Investigation</u>: The proposed lot is relatively flat with no low wet areas. Steep slopes are present along the southern portion of the subdivision. **Staff recommends** the top and toe of any steep slopes be depicted and labeled.

South of the subdivision are tidal wetlands associated with Cook Inlet and the mouth of the Kenai River. This subdivision is atop the bluff and is not impacted by any flood hazards or habitat protection districts.

Parent Lot 1 contains an apartment building and parking lot. Parent Lot 2 contains a lodge, multiple smaller structures, and a parking lot.

The City of Kenai Planning and Zoning found the uses and design of the lot to comply with their municipal code.

KPB River Center review	A. Floodplain
	Reviewer: Carver, Nancy Floodplain Status: Within City of Soldotna/Kenai Comments: No comments
	B. Habitat Protection
	Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments
	C. State Parks
	Reviewer: Russell, Pam Comments: No Comments
State of Alaska Fish and Game	No objections. The proposed actions will not affect public access to public lands and waters.

**Staff Analysis** The parcels included within this subdivision were originally part of the Townsite of Kenai U.S. Survey 2970B. US Survey 2970 B dedicated Mission Avenue and Alaska Avenue. Alaska Avenue was dedicated as a through right of way that connected to Mission Avenue to the east of this proposed plat. In 1968, Toyon Subdivision, K-1592, was recorded. K-1592 combined multiple lots and vacated a portion of Alaska Avenue. K-1592 granted two 20 foot access easements to provide additional access to Lot 2 as well as additional 5 foot street easement along a portion of Mission Avenue.

The proposed plat will be combining the two parent lots. Access is currently constructed within both access easements however, a fence prohibits the use of the north easement.

Per the City of Kenai Planning and Zoning Commission Resolution No. 2022-03, city water and sewer are located along Mission Avenue. A soils report will not be required. An installation agreement or documentation from the City of Kenai that one is not required will need to be submitted.

Notice of the proposed plat was mailed to the beneficial interest holder on February 9, 2022. 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.

<u>Utility Easements</u> US Survey 2970B did not grant any utility easements. Toyon Subdivision, K 1592, did not grant any utility easements. A utility easement was granted by recorded document and is included in plat note 5 on the plat.

The plat is proposing to grant 10 foot utility easements along Mission Avenue and Alaska Avenue. The utility easements are depicted and labeled. *Staff recommends* the label include "granted by this plat" or include in a plat note.

The eastern boundary line with a width of 55.5 feet is adjacent to additional Mission Avenue right of way. **Staff** recommends the utility easement depiction continue along the eastern property line with the appropriate labels.

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

#### Utility provider review:

HEA	Requests a 10 foot utility easement adjoining the northwest boundary from Mission Avenue to Alaska Avenue.
ENSTAR	No objection.
ACS	No objections.
GCI	Approved as shown

#### KPB department / agency review:

KPB department / agency	
Addressing	Reviewer: Haws, Derek
	Affected Addresses:
	1001 MISSION AVE
	929 MISSION AVE
	Existing Street Names are Correct: Yes
	List of Correct Street Names:
	MISSION AVE
	ALASKA AVE
	OVERLAND AVE
	Existing Street Name Corrections Needed:
	All New Street Names are Approved: No
	List of Approved Street Names:
	List of Street Names Denied:
	Comments: City of Kenai will advise on affected addresses.
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: Wilcox, Adeena
, leeeeeing	Comments: 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

**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 block designation was dropped on the parent plat and not included on the Certificate to Plat. Remove the block designation from the description.
- Remove the Kenaitze Indian Tribe IRA from the owners list. The deed was only issued to the Kenaitze Indian Tribe and is the only required owner to be listed.
- D. A vicinity map, drawn to scale showing location of proposed subdivision, north arrow if different from plat orientation, township and range, section lines, roads, political boundaries, and prominent natural and manmade features, such as shorelines or streams;

**Staff recommendation:** The section labels are hard to read due to overstrikes. Make the labels easier to read. The scale also appears to be slightly off, please verify.

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:

- If Overland Avenue is going to be shown, include a width label.
- The plat for Lot 1-B Block 6 and Lot 1-A Block 6 should be changed to 75-16.

#### 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.

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

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

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

C. Temporary turnarounds and self-vacating turnarounds shall not be granted or reserved on plats. **Staff recommendation:** Provide a turnaround area for the end of Alaska Avenue. The layout could be a Y or T type turn around and will need to be approved by the City of Kenai.

#### KPB 20.40 – Wastewater Disposal

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

20.40.010 Wastewater disposal.

Platting Staff Comments: City water and wastewater services are provided to this subdivision. Any improvement will need to be approved by the City of Kenai. **Staff recommendation**: comply with 20.40.

#### KPB 20.60 – Final Plat

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

20.60.180. Plat notes.

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

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

- Add to plat note 4, "The Kenai City Council consented to the vacations at the meeting of <u>MEETING</u> <u>DATE</u>."
- Correct the spelling of "Kenai" within plat note 5.
- Plat note 6 should be removed.

20.60.190. Certificates, statements, and signatures required.

#### Staff recommendation:

- The Certificate of Acceptance for the vacation is not required. The City Council's approval is the only requirement for the City to accept a vacation.
- Update the Certificate of Acceptance to include the Alaska Avenue right of way turn around dedication.
- Remove "Kenaitze Indian Tribe IRA" from the owner's signature line.
- Comply with 20.60.190.

#### KPB 20.70 – Vacation Requirements

**Staff recommendation.** To finalize the vacation of the access easements, the plat will need to be recorded within one year of the consent received by the Kenai City Council.

#### **RECOMMENDATION:**

#### STAFF RECOMMENDS:

• GRANT APPROVAL OF THE PRELIMINARY PLAT SUBJECT TO STAFF RECOMMENDATIONS, AND

Page **5** of **6** 

- 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

Aerial with 5-foot Contours

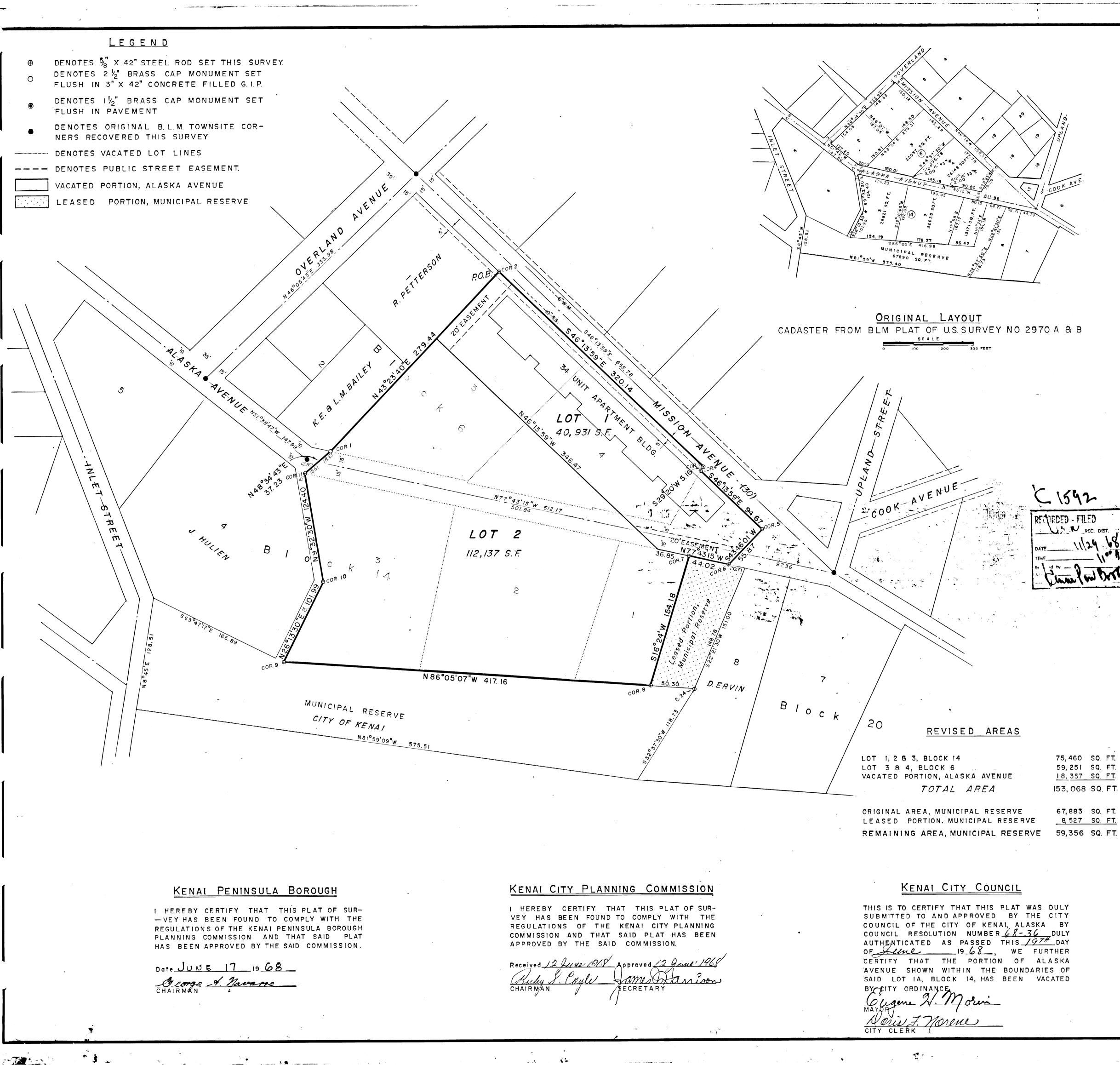
KPB File Number 2022-011

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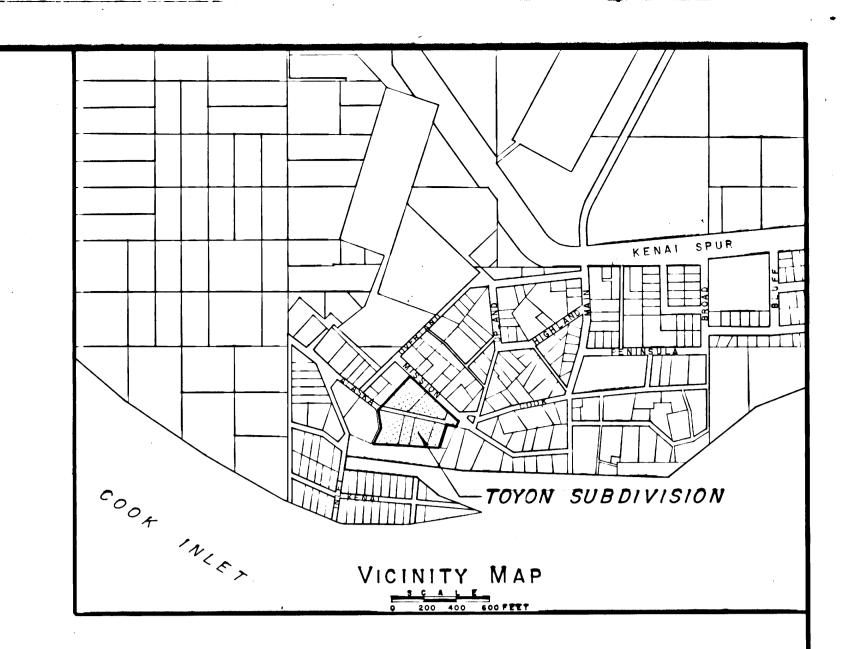
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## METES AND BOUNDS DESCRIPTION

THAT CERTAIN PARCEL OF LAND FORMERLY DESCRIBED AS LOTS 3 & 4 OF BLOCK 6, & LOTS 1, 2 & 3 OF BLOCK 14, TOWNSITE OF KENAI, ALASKA, U.S. SURVEY NO. 2970 B, TOGETHER WITH A VACATED PORTION OF ALASKA AVENUE DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

I. BEGINNING AT THE NORTHEAST CORNER OF LOT I, BLOCK 6, SAID U.S. SURVEY NO. 2970 B;

	NO. 2010	Ξ,								
2.	THENCE	\$46 <b>°13'</b> 59 <b>"</b> E	320.14	FEET;						
3.	THENCE	S 29°20'00"W	5, 16	FEET;			-			
4.	THENCE	\$ 46 <b>°</b> 13' 59 <sup>"</sup> E	94.67	FEET;			-			
5.	THENCE	\$43°46'01"W	55. <b>87</b>	FEET;						
6.	THENCE	N77°43'15"W	44.02	FEET;						
7.	THENCE	\$16°24'00'W	154.18	FEET;						
8.	THENCE	N 86°05'07"W	417.16	FEET;						
9.	THENCE	N26°13'30"E	101. 99	FEET;						
10.	THENCE	N 9°32'30''W	124.40	FEET;						
11.	THENCE	N48 <b>°</b> 34'43"E	37. 23	FEET;						
12.	THENCE	N 43°23'40"E	279.44	FEET	то	THE P	OINT OF	BEGINNING;		
13.	SAID PAR	CEL CONTAIN	IING AN	AREA	OF	3.514	ACRES	MORE-OR-LESS.	۱	

# CERTIFICATE OF REGISTERED SURVEYOR

I HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR AND THAT THIS PLAT REPRESENTS A SURVEY MADE UNDER MY DIRECT SUPERVISION AND THE MONUMENTS ACTUALLY EXIST AS LOCATED AND THAT DIMENSIONAL AND OTHER DETAILS ARE CORRECT.



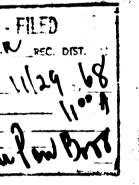
HEREBY CERTIFY THAT THE OWNER OF THE PROPERTY SHOWN VEY WITH FREE CONSENT AND HEREBY ACCEPT THAT PORTION OF ALASKA AVENUE SHOWN WITHIN THE BOUNDARIES OF SAID LOT IA, BLOCK 14, WHICH HAS BEEN VACATED BY FORMAL ACTION OF THE CITY OF KENAL - Bralien Charton ! Owner/has, Incus Star prostment Carg. Karen Edmandson

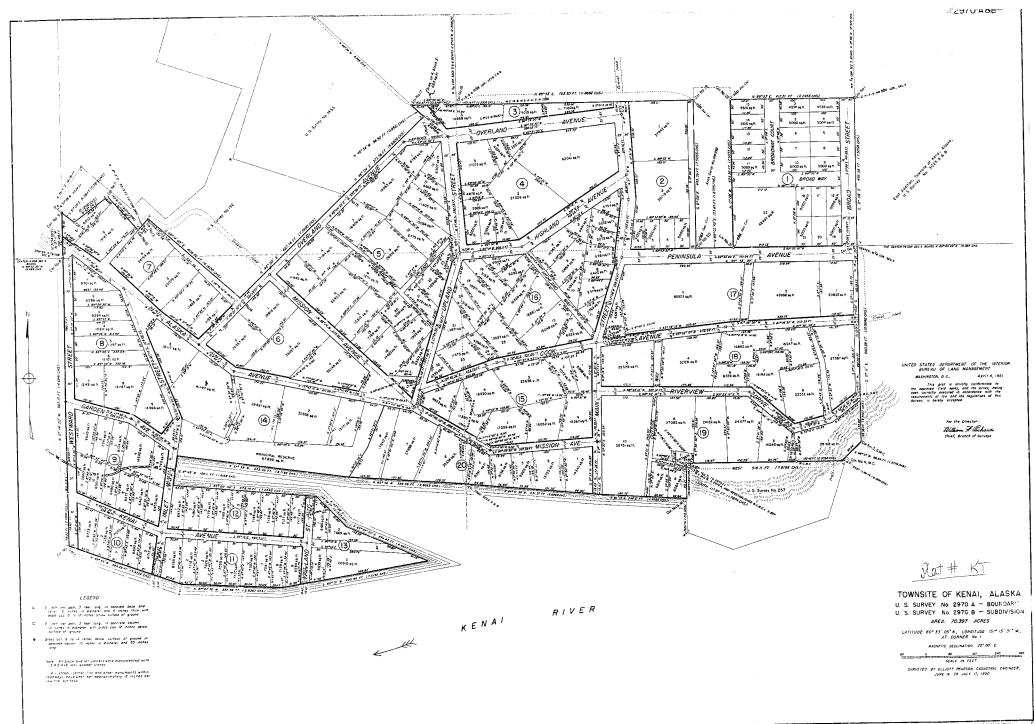
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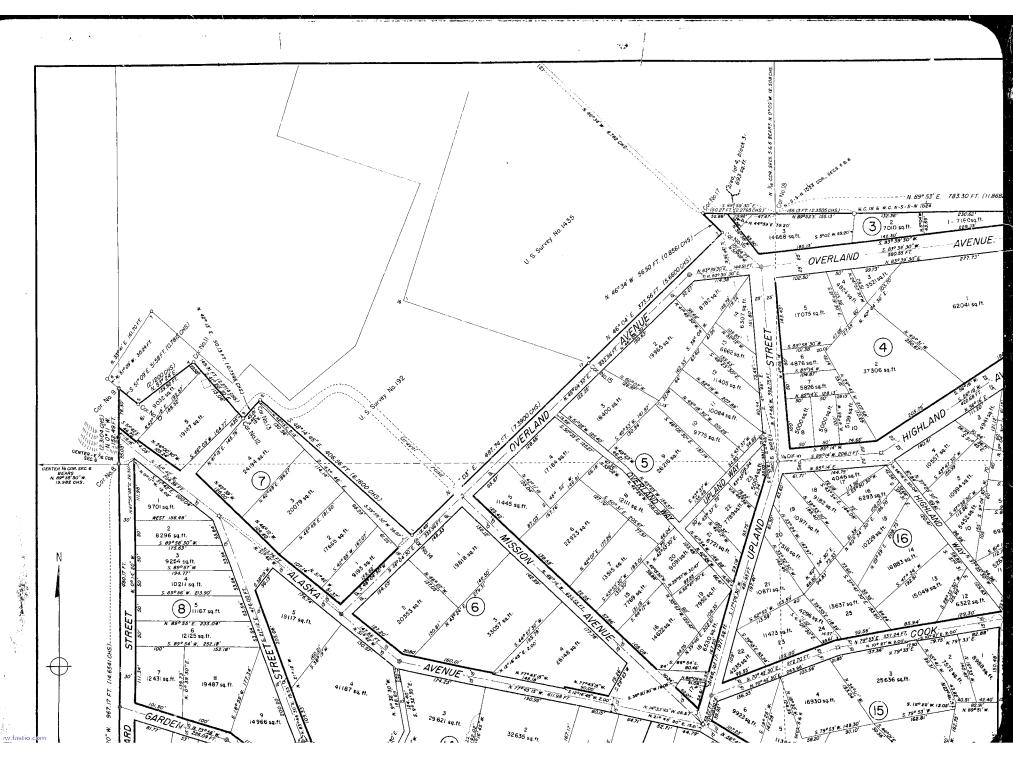
## TOYON SUBDIVISION LEGAL DESCRIPTION

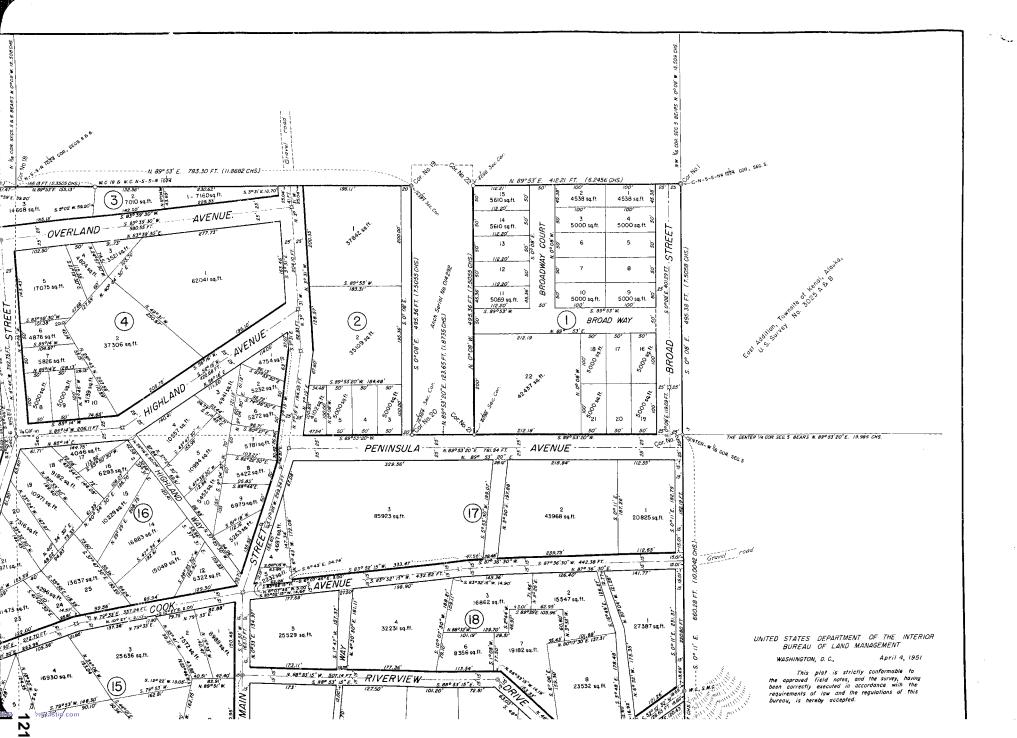
RESUBDIVISION OF LOTS 3 AND 4 OF BLOCK 6 AND LOTS 2 AND 3 OF BLOCK 14, TOWNSITE OF KENAI, U.S. SURVEY NO 2970 B, TOGETHER WITH A VACATED PORTION OF ALASKA AVENUE, RESURVEYED AND PLATTED AS LOTS I AND 2 OF THE TOYON SUBDIVISION.

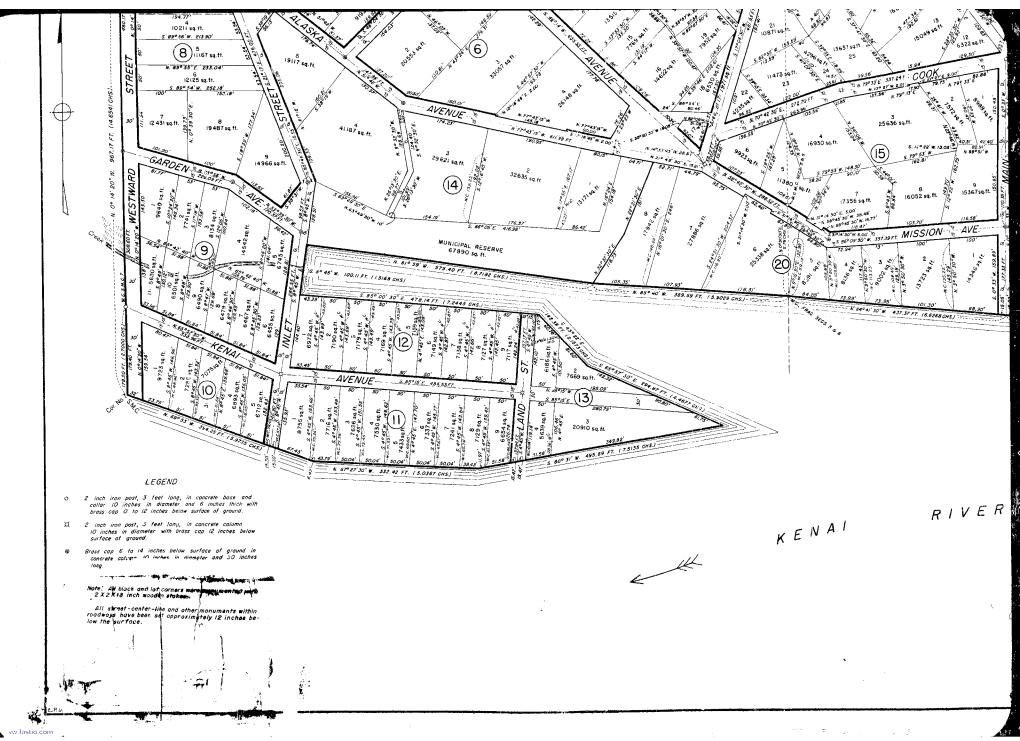
PREPARED BY
K. G. BRANCH
REGISTERED LAND SURVEYOR
KENAI, ALASKA
DATE 6/8/CB

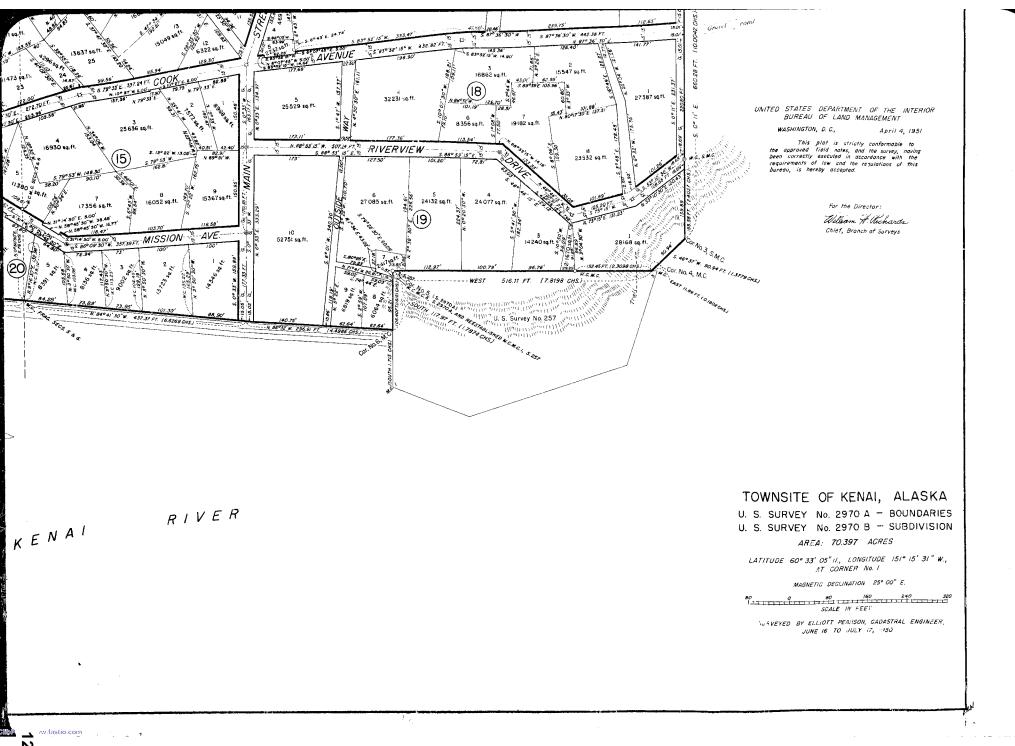






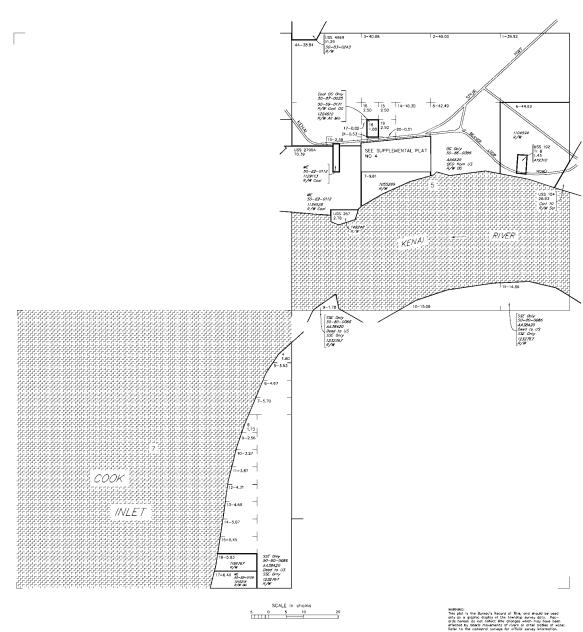






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SURVEYED TOWNSHIP 5 NORTH RANGE 11 WEST OF THE SEWARD MERIDIAN, ALASKA



STATUS OF PUBLIC DOMAIN LAND AND MINERAL TITLES

### MTP SUPPL SECS 5 & 7

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



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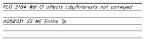


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STATUS OF PUBLIC DOMAIN LAND AND MINERAL TITLES

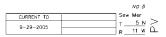
MTP SUPPL SEC 6 NO 5

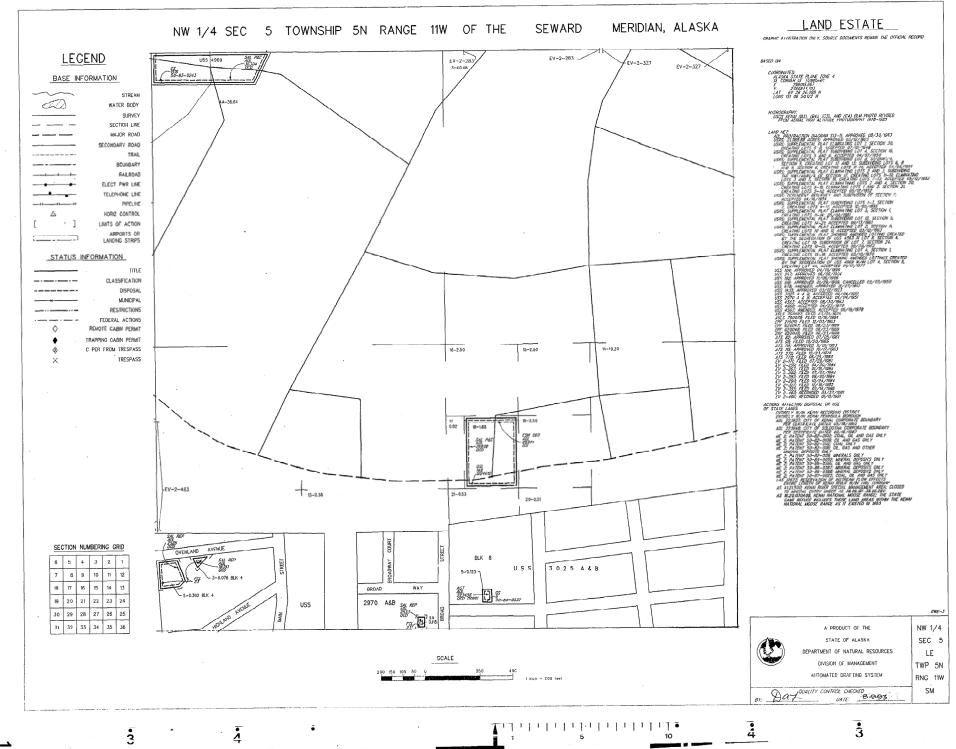
FOR ORDERS EFFECTING DISPOSAL OR USE OF UN-IDENTIFIED LANDS WITHDRAWN FOR CLASSIFICATION MINERALS, WATER AND/OR OTHER PUBLIC PURPOSES REFER TO INDEX OF MISELLANEOUS DOCUMENTS.



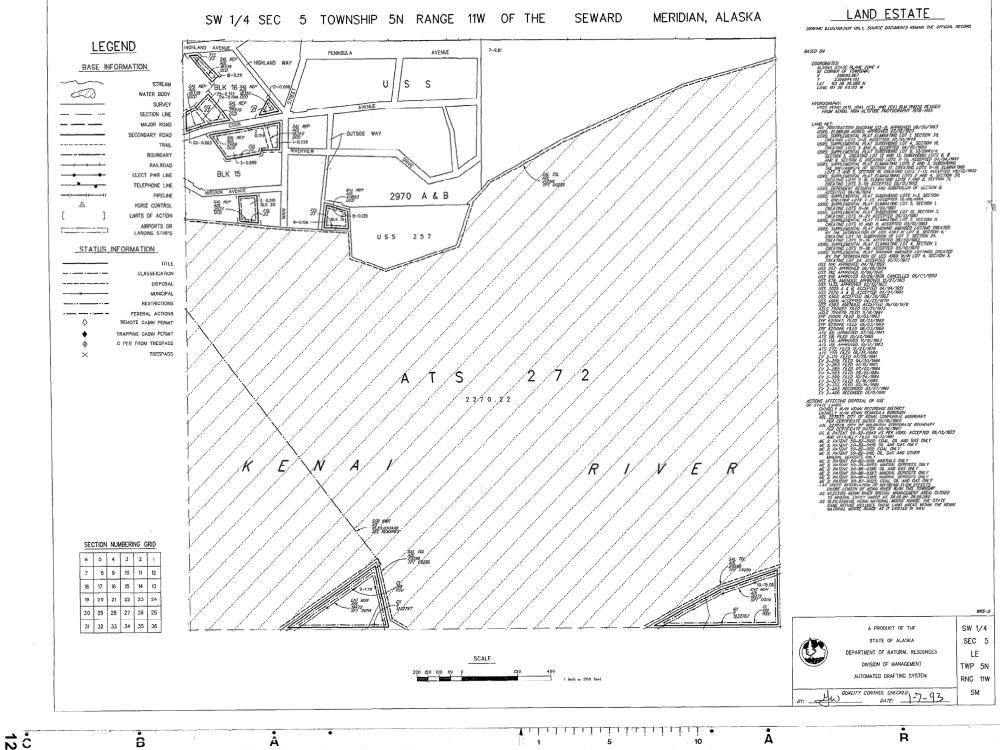
SCALE in choins

WARNING: This plot is the Bureov's Record of Title, and should be used anly as a graphic display of the township survey data. Recards horeon do not reflect title changes which may have been effected by lotand inversionals of rivers or other baddles of wat



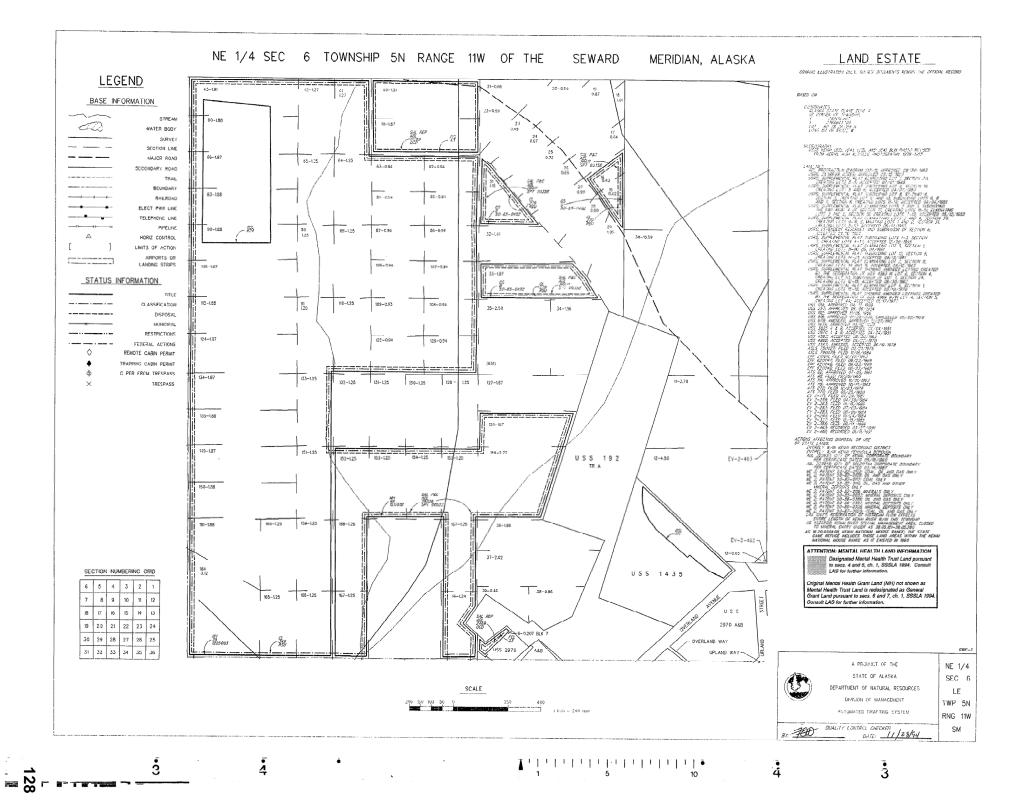


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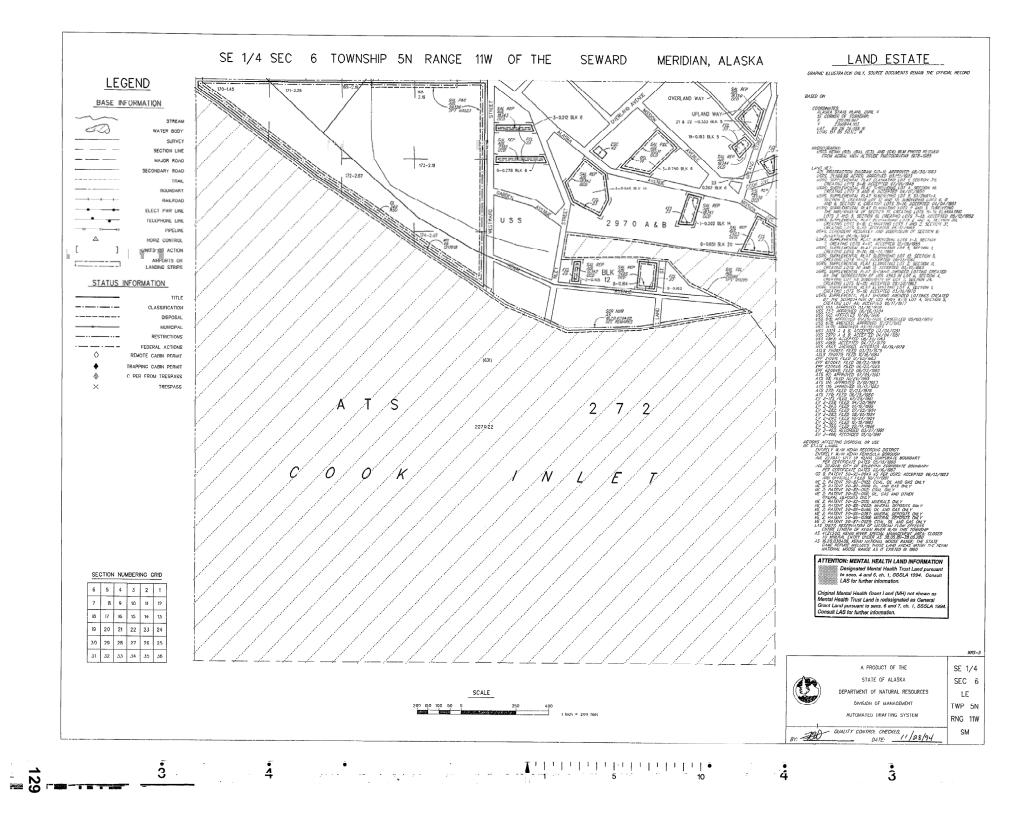


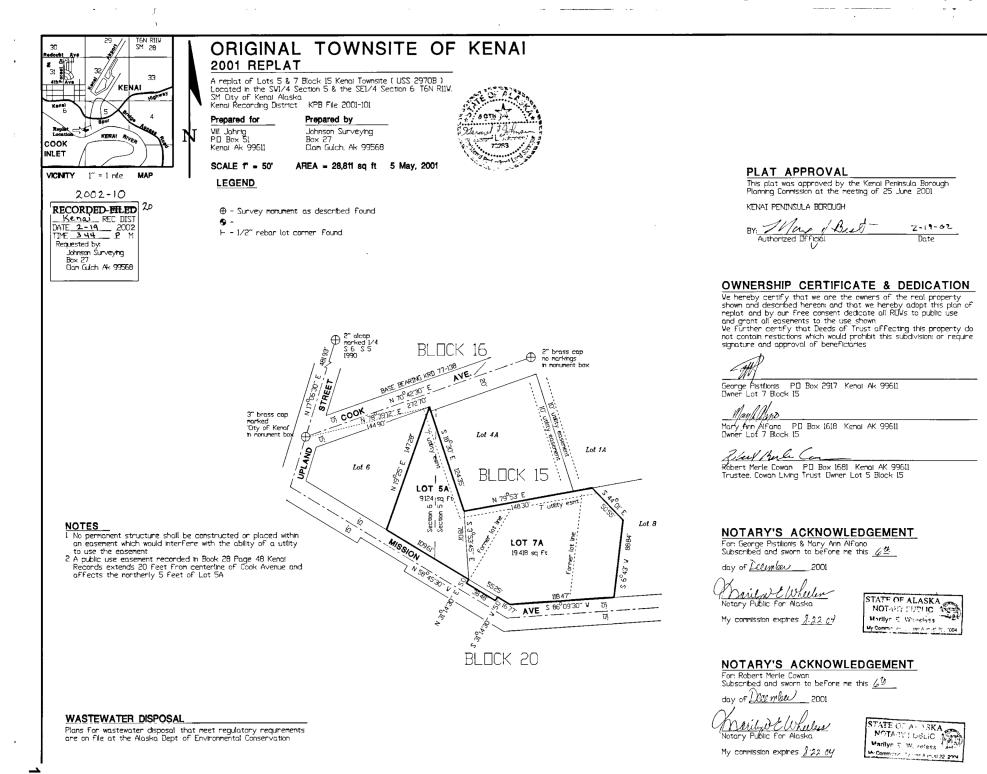
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