



Meeting Agenda Plat Committee

Monday, March 21, 2022

6:00 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
 - a. [KPB-4006](#) February 28, 2022 Plat Committee Meeting Minutes
Attachments: [C7 Minutes](#)

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

1. [KPB-4007](#) Clan Maxwell Estates Woodland Hollow Addition
KPB File 2022-017
Attachments: [E1-Packet Clan Maxwell](#)
2. [KPB-4008](#) Playle Estates
KPB File 2021-159R1
Attachments: [E2 Packet - Playle Estates](#)
[E2 Plat Comment](#)
3. [KPB-4009](#) Grouse Creek Subdivision 2022 Addition
KPB File 2022-022
Attachments: [E3 Packet Grouse Creek](#)
4. [KPB-4010](#) Inglebrook 2022 Replat
KPB File 2022-021
Attachments: [E4 Packet Inglebrook](#)
5. [KPB-4011](#) Katamar Subdivision 2022
KPB File 2022-020
Attachments: [E5 Packet Katamar Sub](#)
6. [KPB-4012](#) Tulin West Highlands Replat 2022
KPB File 2022-019
Attachments: [E6 Packet - Tulin West](#)
7. [KPB-4013](#) Lobdell Subdivision
KPB File 2022-018
Attachments: [E7 Packet - Lobdell Sub](#)

8. [KPB-4014](#) Timber Hills Subdivision 2022 Replat
KPB File 2022-007

Attachments: [E8 Packet - Timber Hills](#)

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, April 11, 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 ½ x 11) or digital file for the recording secretary. Audio, videos, and movies are not allowed as testimony. If testimony is given by reading a prepared statement, please provide a copy of that statement to the recording secretary.

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

C. CONSENT AGENDA

***C7 – February 28, 2022 Plat Committee Minutes**

Kenai Peninsula Borough

Plat Committee

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

February 28 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

*3 Minutes

- a. February 14, 2022 Plat Committee Meeting 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. – 3 Plats

2. Konovalof Lake Subdivision 2022 Addition; KPB File 2022-010
McLane Consulting Group / Brown
Location: Grayling Street
Remote
4. Golf Acres Subdivision 2022 Replat; KPB File 2022-014
Edge Survey & Design, LLC / Schoessler & Swanson
Location: Long Drive
City of Soldotna
6. Paces Pleasant Haven Subdivision Addition No. 3; KPB File 2022-013
Edge Survey & Design, LLC / KOA Family Trust
Location: Johns Circle & Paces Boulevard

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, minutes from the February 14, 2022 Plat Committee meeting 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 PASSED BY UNANIMOUS VOTE

Yes	4	No	0
Yes	Brantley, Gillham, Ruffner, 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 - Konovalof Lake Subdivision 2022 Addition

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

**Passed by Consent Agenda*

ITEM E4 - Golf Acres Subdivision 2022 Replat

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

**Passed by Consent Agenda*

ITEM E6 - PACES PLEASANT HAVEN SUBDIVISION ADDITION NO 3

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

**Passed by Consent Agenda*

ITEM E1 – BARNETT'S SOUTH SLOPE SUBDIVISION EVANS ADDITION

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

Staff report given by Julie Hindman.

Chair Brantley opened the meeting for public comment.

Tom Latimer, Orion Surveys: P.O. Box 15025, Fritz Creek, AK, 99603: Mr. Latimer was the surveyor on this project and made himself available for questions.

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

MOTION: Commissioner Gillham moved seconded by Commission Ruffner to grant preliminary approval to Barnett's South Slope Subdivision Evans Addition, based on staff recommendations and compliance to borough code.

AMENDMENT MOTION: Commissioner Gillham moved, seconded by Commission Ruffner to grant exception request to KPB 20.30.120 – Street Width Requirement for E. Tasmania Court, subject to a 15-foot slope easement being granted, citing finding 2-10 in support of standards one, two and three.

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

AMENDMENT MOTION PASSED BY UNANIMOUS VOTE

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

Commissioner Ruffner notice that the low area wetlands were not noted on the plat and asked staff if they will be noted on the final. Ms. Hindman replied that they would.

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	Brantley, Gillham, Ruffner, Venuti		

ITEM E3 - Riverview Deluxe Subdivision 2022 Replat

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

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.

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	Brantley, Gillham, Ruffner, Venuti		

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

AMENDMENT MOTION: Commissioner Ruffner moved, seconded by Commissioner Gillham to grant exception request to KPB 20.30.190 – Lot Dimensions, 3:1 depth to width ratio, citing finding 1-3 & 6-10, in support of standards one, two and three.

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

AMENDMENT 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	Brantley, Gillham, Ruffner, Venuti		

ITEM E5 - KENAITZE GOVERNMENT LOTS REPLAT

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

Staff report given by Julie Hindman.

Chair Brantley opened the meeting for public comment.

Jason Young, Edge Survey & Design, LLC; P.O. Box 208, Kasilof, AK 99610: Mr. Young was the surveyor on this project. He noted that he is working with the City of Kenai to resolve the title issues outlined in the staff report.

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 Kenaitze Government Lots Replat, based on staff recommendations and compliance to borough code.

AMENDMENT MOTION: Commissioner Gillham moved, seconded by Commissioner Ruffner to grant exception request to KPB 20.30.030 – Proposed Street Layout Requirements, reasonable means of ingress for surrounding acreage tracts, citing findings 1, 3, 6, 7 & 11, in support of standards one, two and three.

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

AMENDMENT MOTION PASSED BY UNANIMOUS VOTE

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

ITEM 7 - TOYON SUBDIVISION 2021 REPLAT

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

Staff report given by Julie Hindman

Chair Brantley opened the meeting for public comment.

Jason Young, Edge Survey & Design, LLC; P.O. Box 208, Kasilof, AK 99610: Mr. Young was the surveyor on this project and made himself available for questions.

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

MOTION: Commissioner Venuti moved and was seconded by Commissioner Gillham to grant preliminary approval to Toyon Subdivision 2021 Replat, based on staff recommendations and compliance to borough code.

E. PUBLIC COMMENT - None

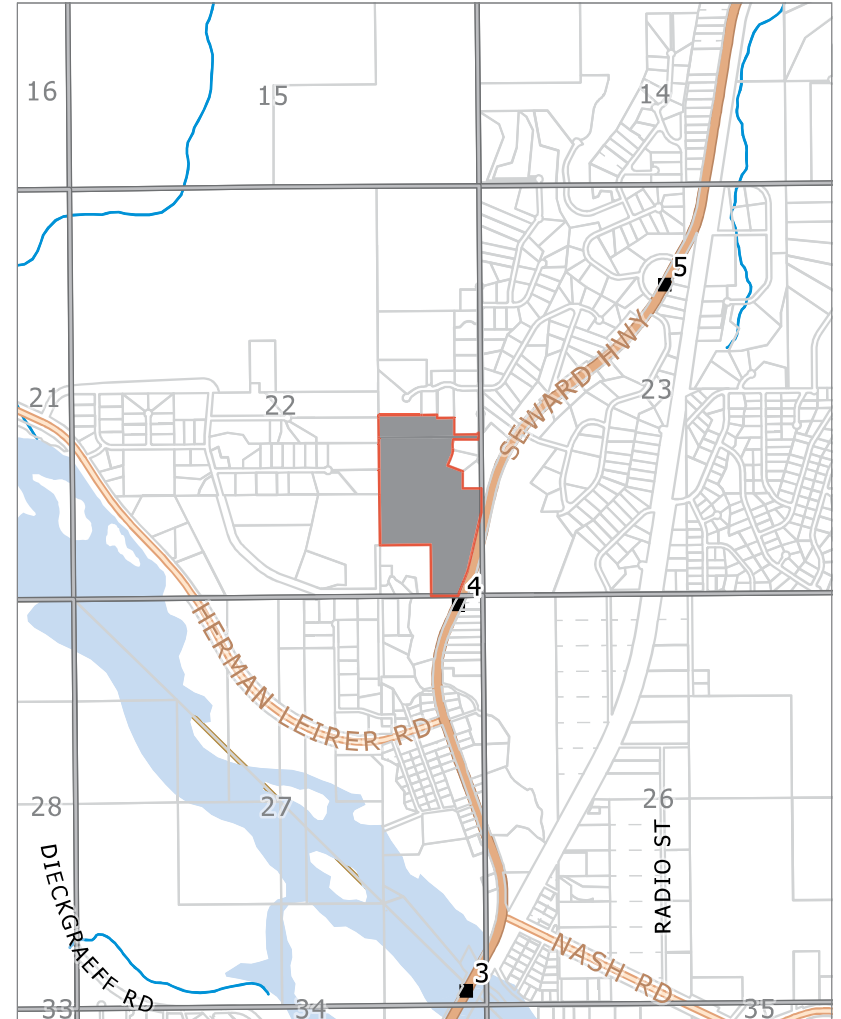
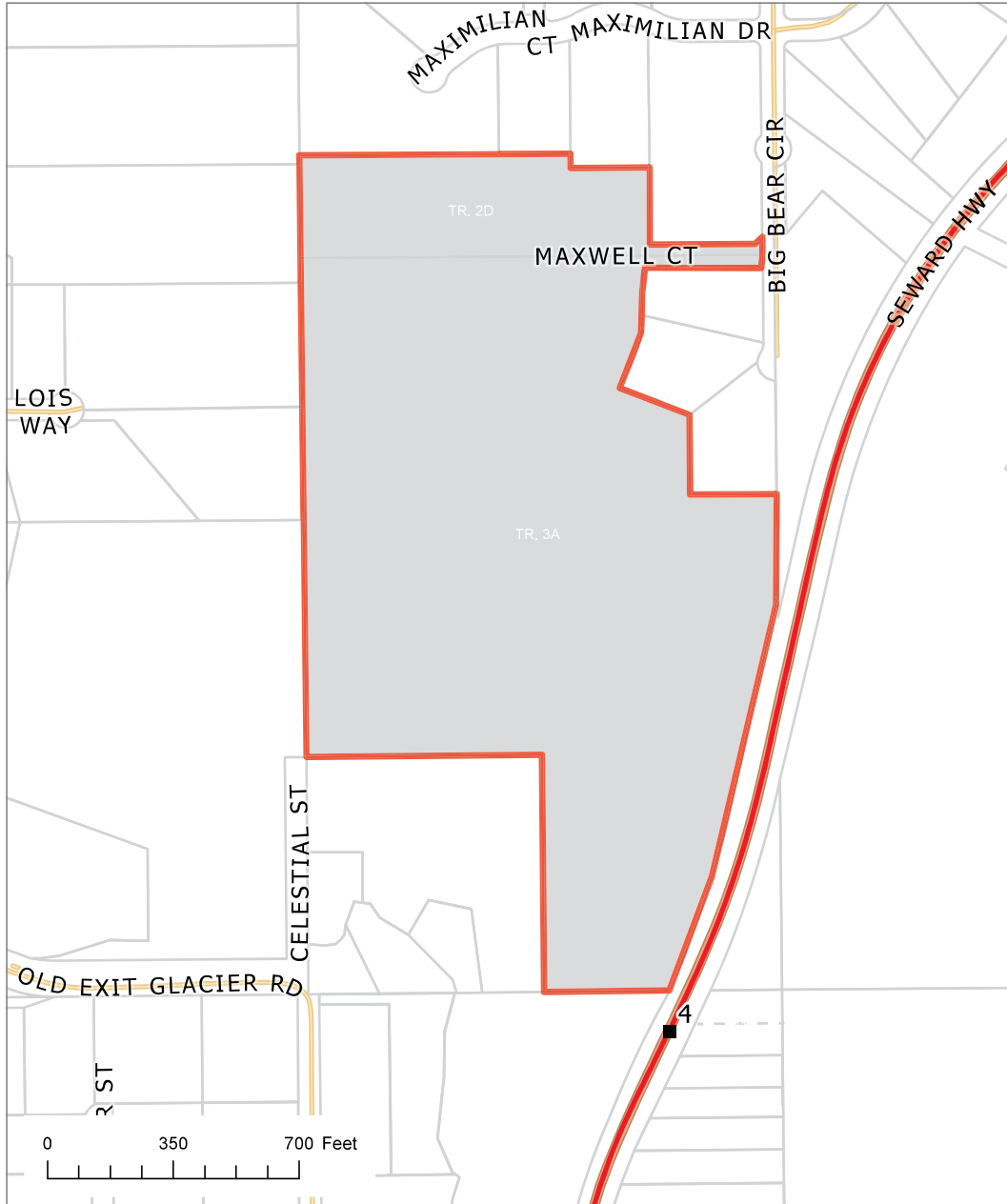
F. ADJOURNMENT

Commissioner Gillham moved to adjourn the meeting 6:41 P.M.

Ann E. Shirnberg
Administrative Assistant

E. NEW BUSINESS

ITEM E1 - Clan Maxwell Estates Woodland Hollow Addition



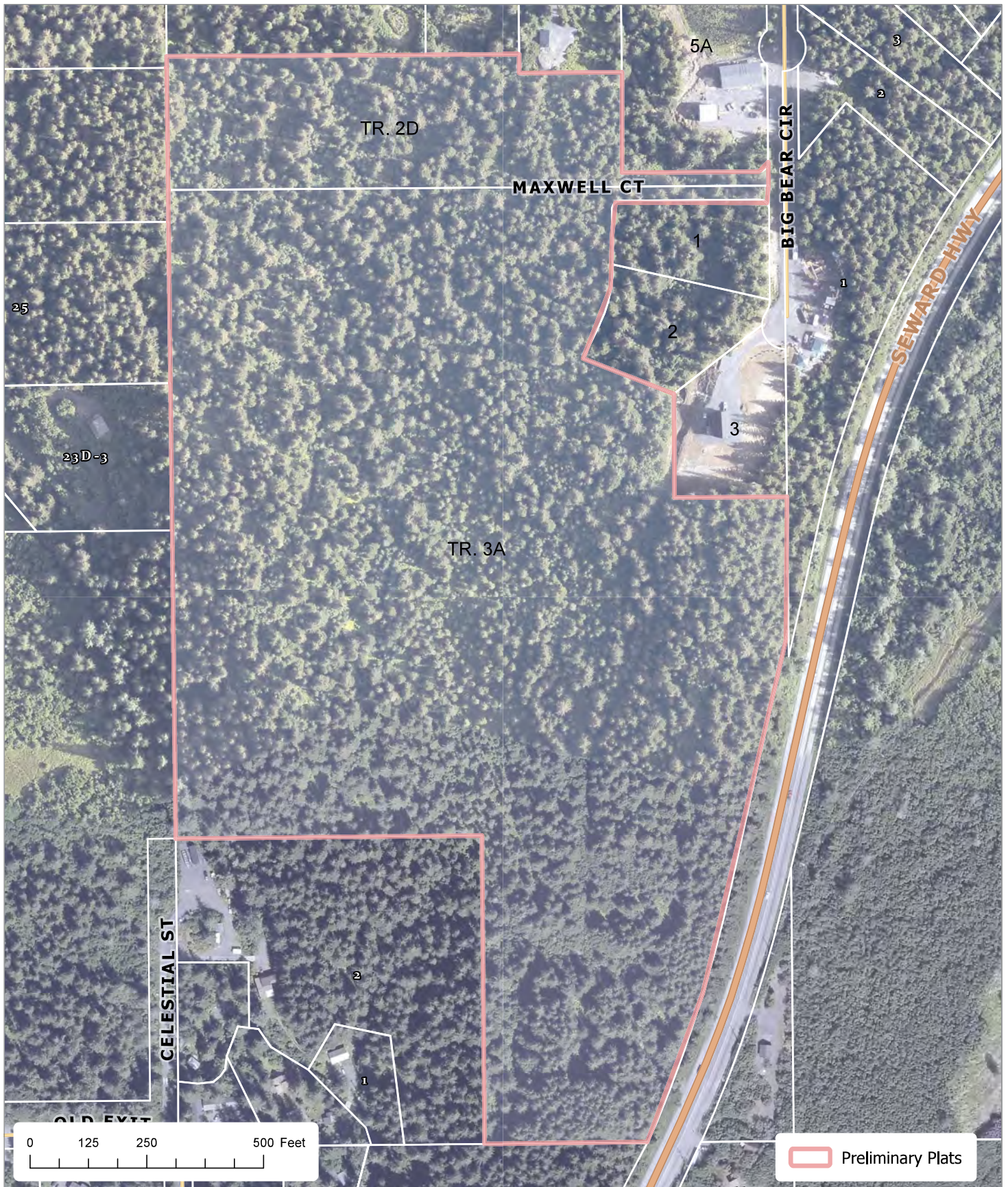
KPB File # 2022-017

Township 01N-Range 01W-Section 22

Bear Creek



Aerial View





SURVEYOR'S CERTIFICATE

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



PLAT APPROVAL

Plat approved by the Kenai Peninsula Borough Planning Commission at the meeting of _____

CERTIFICATE OF OWNERSHIP AND DEDICATION

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

Owner

Harold L. Maxwell II, Managing Member
Maxwell Enterprises, LLC
4545 42nd Ave. S.W., Apartment 407
Seattle, WA 98166-4245

Notary Acknowledgement

for _____
Subscribed and sworn to before me this _____ day
of _____,

Notary Public for the State of Alaska My Commission Expires _____

Owner

Robert J. Cutler
4251 Reson Court, Apartment C
Anchorage, AK 99508

Notary Acknowledgement

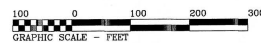
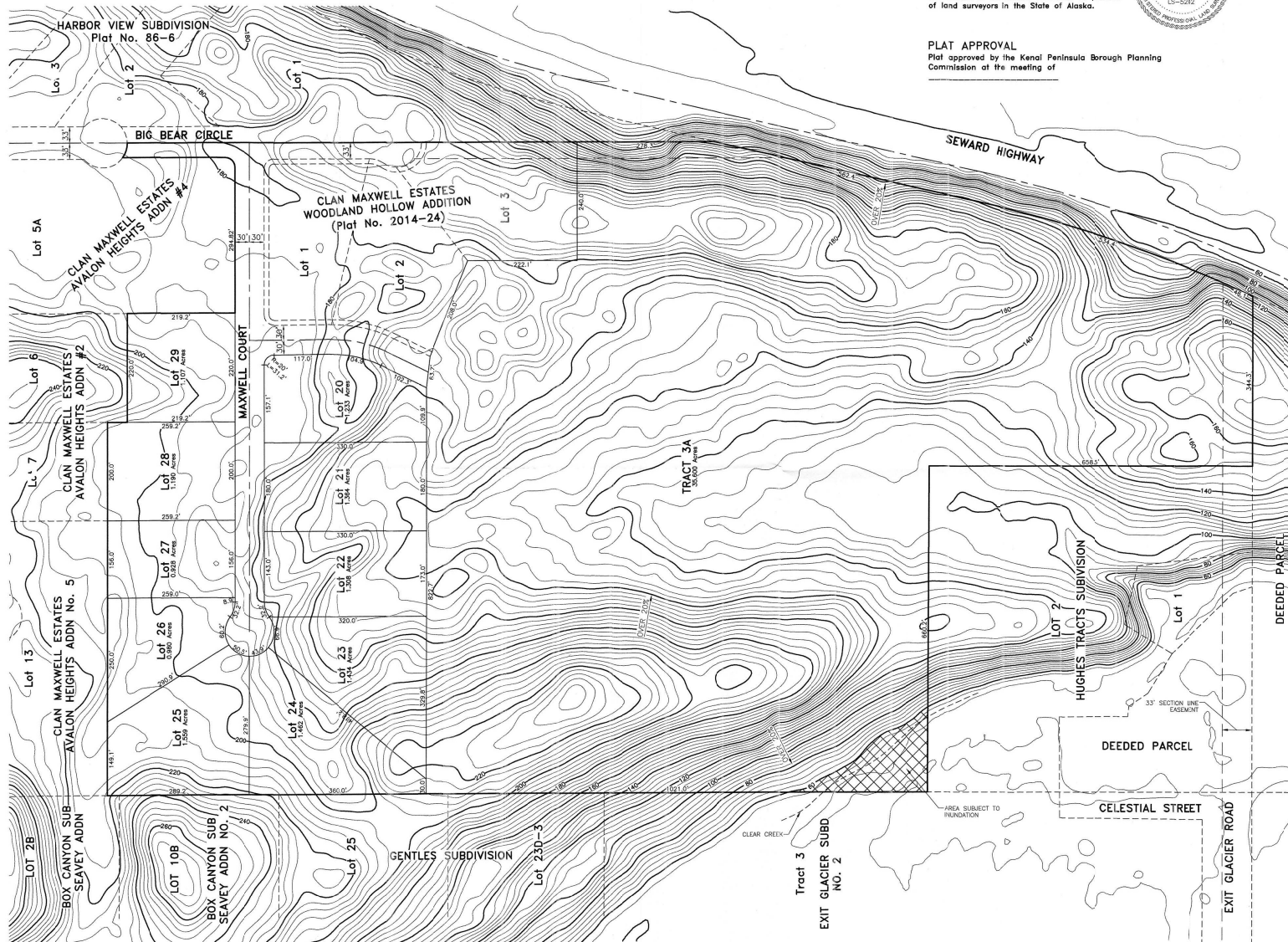
for _____
Subscribed and sworn to before me this _____ day
of _____,

Notary Public for the State of Alaska My Commission Expires _____

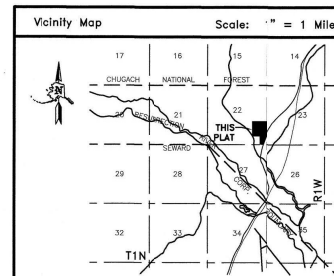
WASTEWATER DISPOSAL - Soil conditions, water table levels, and soil slopes in this subdivision have been found suitable for conventional onsite wastewater treatment and disposal systems serving single-family or duplex residences and meeting the regulatory requirements of the Kenai Peninsula Borough.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



Steven R. Pansone License# _____



KPB 2022-017



PLAT OF CLAN MAXWELL ESTATES WOODLAND HOLLOW ADDITION A SUBDIVISION OF TRACT 2D OF CLAN MAXWELL ESTATES, (PLAT No. 2018-5), and TRACT 3A OF CLAN MAXWELL ESTATES WOODLAND HOLLOW ADDITION (Plat No. 2014-24) LOCATED WITHIN THE SE 1/4, SECTION 22, T1N, R1W, SEWARD MERIDIAN, ALASKA - KENAI PENINSULA BOROUGH SEWARD RECORDING DISTRICT	
Lang & Associates, Inc. Registered Land Surveyors	11500 Daryl Avenue Anchorage, Alaska 99515 (907) 522-6476 (907) 522-4325 Fax
GRIN: N/A	SCALE: 1" = 100'
DRAWN: JCL	SHEET 1 OF 1
JOB FILE: L218111p.crd/.dwg	CASE No: KPB

AGENDA ITEM E. NEW BUSINESS

ITEM 1 - Clan Maxwell Estates Woodland Hollow Addition

KPB File No.	2022-017
Plat Committee Meeting:	March 21, 2022
Applicant / Owner:	Robert J Cutler of Anchorage, AK Maxwell Enterprises LLC of Seattle, WA
Surveyor:	Ken Lang / Lang & Associates, Inc
General Location:	Big Bear Circle, Bear Creek

Parent Parcel No.:	144-010-66 and 144-010-73
Legal Description:	Tract 2D Clan Maxwell Estates Avalon Heights Addn #4 Plat SW 2018-05 Tract 3A Clan Maxwell Estates Woodland Hollow Addn Plat SW 2014-24
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide two tracts into ten lots and one tract. The lots range in size from .928 acres to 1.559 acres. The tract will be 35.6 acres. Two right of way dedications are proposed.

Location and Legal Access (existing and proposed): The proposed subdivision is in the Bear Creek area near mile 4 of the Seward Highway. The subdivision's constructed access is from South Fork Lane, which intersects state maintained Seward Highway near mile 4.5. At the end of South Fork is Blying Sound Drive that ends at Big Bear Circle and Big Bear Street intersection. All the right of ways mentioned are currently maintained by the borough. Big Bear Circle was extended with Plat SW 2014-24 to provide access to Lot 2 and Lot 3 of Plat SW 2014-24. That portion is constructed and maintained by the borough. A 33 foot section line easement coincides with Big Bear Circle right of way, and extends south to connect with the Seward Highway.

The plat is proposing to dedicate a cul-de-sac to provide access to the new lots. The dedication is atop former portions of flag lots that contain a private road. Planning Commission Resolution SN 2021-23 named the private road Maxwell Court. This plat will now dedicate it as a public right-of-way. An additional road is proposed to provide access to the Tract and for future development. An exception has been requested not to dedicate a turnaround area at this time.

A 33 foot section line easement is present along the southern subdivision boundary to provide access to the Seward Highway. An exception has been requested not to provide dedications atop the section line easements.

Celestial Street is located to the southwest of the subdivision. It is not maintained by the borough but appears to be constructed to provide access to existing improvements. An exception has been requested not to provide a continuation of Celestial Street.

The block is not compliant. There are large acreage tracts located to the north. There are many cul-de-sacs dedicated in the area and they do not provide compliant blocks. An exception has been requested.

KPB Roads Dept. comments	Out of Jurisdiction: No Roads Director: Uhlin, Dil Comments: No comments
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SOA DOT comments	The ROW for Seward Highway is generally as shown on Seward Highway MP 0-8 Right of Way Map NH-031-1(26) Seward Recording District 2013-1 and appears to be shown correctly.
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Site Investigation: The preliminary plat contains the contour information. There are various areas with steep slopes. **Staff recommends** the contours be removed from the final plat but the top or toe of any steep areas be depicted and labeled.

The preliminary plat indicates an area of inundation located in the southwest corner. KPB GIS data indicates an anadromous stream in that area. This stream is not a KPB managed stream and an anadromous note is not required. **Staff recommends** any low wet areas be depicted and labeled on the final plat and place a plat note, "Any person developing the property is responsible for obtaining all required local, state, and federal permits, including a U.S. Army Corps of Engineers wetland determination if applicable."

Per the KPB River Center review, the subdivision plat is within multiple flood zones and within the Seward Mapped Flood Data Area. **Staff recommends** a flood hazard note be required, depict and label mapped flood zones, and provide a plat note that references the Map Panel.

KPB River Center review	<p>A. Floodplain Reviewer: Carver, Nancy Floodplain Status: IS in flood hazard area Comments: Flood Zone: A,AE,X (shaded),SMFDA Map Panel: 02122C-4543E In Floodway: False Floodway Panel:</p> <p>B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments</p> <p>C. State Parks Reviewer: Russell, Pam Comments: No Comments</p>
State of Alaska Fish and Game	No objections.

Staff Analysis This is a proposed subdivision made up of tracts from two different subdivisions. Both tracts were originally part of Clan Maxwell Estates, Plat SW 2003-9. This was a plat of aliquot lands into large acreage tracts. Clan Maxwell Estates Avalon Heights Addition, Plat SW 2006-9, subdivided the northern tract and the portion within this subdivision was left as an unsubdivided remainder. Three other additions were recorded with the last being Clan Maxwell Estates Avalon Heights Addition #4, Plat SW 2018-5. That plat provides the current configuration of parent Tract 2D.

Clan Maxwell Estates Woodland Hollow Addition, Plat SW 2014-24, subdivided Tract 3 from the original subdivision. That plat dedicated a portion of Big Bear Circle and created three lots plus Tract 3A into the current configuration.

Clan Maxwell Estates Avalon Heights Addition #4, Plat SW 2018-5, dedicated a 33 foot wide dedication atop the section line easement. This dedication extended Big Bear Circle past the cul-de-sac bulb to connect to the southern portion of Big Bear Circle.

A 33 foot section line easement was depicted on Plat SW 86-06 that is to the east of the Big Bear Circle dedication. It was later determined that the easement may not have been in place but due to the owner signing the plat and

granting all easements shown for the intended uses, a public access easement was created. **Staff recommends the 33 foot access easement be shown and labeled noting "per Plat SW 86-06".**

A soils report will be required for the lots being created and an engineer will sign the final plat. Two separate plat notes will be needed if Tract 3A is not part of the report.

Notice of the proposed plat was mailed to the beneficial interest holder on February 22, 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.

Utility Easements Clan Maxwell Estates, Plat SW 2003-9, granted 10 foot utility easements along the right of ways. That plat created a 10 foot utility easement along the Seward Highway that should be carried over to this plat. Clan Maxwell Estates Woodland Hollow Addition, Plat SW 2014-24, carried over the plat note. That plat also granted 10 foot utility easements along the newly dedicated portion of Big Bear Circle and along the new lots adjacent to the flag and along the west boundary. The granting of those easements at that time now provides utility easements along the new dedications proposed by this plat. **Staff recommends the depiction of the utility easements within Clan Maxwell Estates Woodland Hollow Addition not be depicted as they are outside the boundary of this preliminary plat.**

A plat note will need to be added to grant 10 foot utility easements along the dedications and should be depicted if possible. **Staff recommends the code required 10 foot utility easements be granted, include depiction, and provide the correct plat notes.**

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

Utility provider review:

HEA	
ENSTAR	No comments or recommendations
ACS	Not in service area/no objections
GCI	Approved as shown
SEWARD ELECTRIC	
CHUGACH ELECTRIC	No comments. Not located in our service area.
TELALASKA	

KPB department / agency review:

Addressing	Reviewer: Haws, Derek Affected Addresses: No addresses affected by this subdivision. Existing Street Names are Correct: Yes List of Correct Street Names: SEWARD HWY BIG BEAR CIR MAXWELL CT EXIT GLACIER RD CELESTIAL ST Existing Street Name Corrections Needed:
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	<p>All New Street Names are Approved: No</p> <p>List of Approved Street Names:</p> <p>List of Street Names Denied:</p> <p>New street name needed for newly dedicated right-of-way.</p> <p>Comments:</p> <p>New street name needed for newly dedicated right-of-way.</p>
Code Compliance	<p>Reviewer: Ogren, Eric</p> <p>Comments: No comments</p>
Planner	
Assessing	<p>Reviewer: Wilcox, Adeena</p> <p>Comments: No Comment</p>

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

STAFF RECOMMENDATIONS

CORRECTIONS / EDITS

- Platting staff consulted the Addressing Officer and Exit Glacier Road should be revised to "Old Exit Glacier Road".

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 proposed subdivision name is one of the parent subdivision's name. A new name must be submitted to be approved by Platting Staff. Staff suggests "Clan Maxwell Estates Woodland Hollow Addition 2".*
- *Owners should be added to the title block.*
- *Tract 2D needs the full subdivision name added, "Clan Maxwell Estates Avalon Heights Addition #4".*

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

Staff recommendation:

- *Provide a width label for the Seward Highway or a "width varies" label.*
- *Provide a reference to the state project map either within the right of way depiction or within a plat note.*
- *The right of way dedicated with Plat No 2014-24 should be more obvious and may be once contours are removed.*
- *The section line easements not within right of way dedications should be depicted and labeled.*
- *Update the road name to "Old Exit Glacier Road" and provide a width label.*

- Provide a width label for Celestial Street.
- The dedication of Celestial Street continues north to the southwest corner of the preliminary 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 depiction should be revised to exclude lots of Plat 2014-24 that are not part of this subdivision.
- There are multiple dark lines present with no labels. Please remove or provide labels.
- There are overstrikes on the section labels and some of the other labels. Make sure all labels are legible.

F. The location, width and name of existing and platted streets and public ways, railroad rights-of-way, easements, and travel ways existing and proposed, within the subdivision;

Staff recommendation: The new right of way will required an approved street name. The section line easement located along the southern border and eastern border should be labeled and depicted.

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 subdivision labels to the west. Lot 25 is from Gentles Subdivision but Lot 23D-3 is from Gentles Subdivision Lyon Addition. A block label should be provided for the lots within Harbor View Subdivision.

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

Staff recommendation: Tract 3A will require a new designation. Staff recommends Tract 3B.

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.

20.30.060. Easements-Requirements.

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

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

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

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

Staff recommendation: The affected utility providers were emailed the subdivision plat public hearing notice as part of the routine notification process. Grant utility easements requested by the utility providers and grant code required 10 foot utility easements along the dedicated right of ways.

20.30.240. Building setbacks.

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

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

B. The setback shall be noted on the plat in the following format:

Building setback- A setback of 20 feet is required from all dedicated street right-of-ways unless a lesser standard is approved by resolution of the appropriate planning commission.

C. When a subdivision is affected by a Local Option Zoning District (LOZD), an approved by the assembly, all building setbacks shall be graphically depicted and labeled on the lots. A local option zoning setback shall be noted on the plat in the following format:

Building setback – This subdivision is located within (name of LOZD) Local Option Zoning District as contained in KPB Chapters 21.44 and 21.46 and adopted by KPB Ordinance (number), recorded under (serial no. and recording district). Information regarding the zoning restrictions and copies of the ordinance are available from the KPB Planning Department.

Staff recommendation: *Plat note required and depict the 20 foot building setback.*

KPB 20.40 – Wastewater Disposal

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

20.40.010 Wastewater disposal.

Platting Staff Comments: Soils analysis report will be required for all lots and an engineer will need to sign the plat. Add the appropriate plat note for the lots that will be determined by the engineer's findings. An additional plat note for the tract should be added.

Staff recommendation: *comply with 20.40.*

KPB 20.60 – Final Plat

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

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

Staff recommendation: *All dedicated right of ways shall be accepted by the borough.*

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

Staff recommendation: *The boundary must be revised to exclude the lots and right of way dedications that are not included within this subdivision.*

20.60.180. Plat notes.

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

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

Staff recommendation: Place the following notes on the plat.

- "No access to state maintained rights-of-way permitted unless approved by the State of Alaska Department of Transportation."
- Roads must meet the design and construction standards established by the borough in order to be considered for certification and inclusion in the road maintenance program (KPB 14.06).
- Front 10 feet adjacent to dedicated right of ways is a utility easement. No permanent structure shall be constructed or placed within a utility easement, which would interfere with the ability of a utility to use the easement.
- A setback of 20 feet is required from all street rights-of-way unless a lesser standard is approved by resolution by the appropriate Planning Commission (KPB 20.30.240).
- Add a plat note for any exceptions granted that includes the meeting date they were granted.
- If Tract 3A is not included in the soils analysis add, "WASTEWATER DISPOSAL: (Tract 3A) 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." For the existing note on the plat, add "(Lots)" or "(Lots 20-29)".
- 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."
- FLOOD HAZARD NOTICE:
Some or all of the property shown on this plat has been designated by FEMA or the Kenai Peninsula Borough Seward Mapped Flood Data Area as a flood hazard area district as of the date this plat is recorded with the district recorder's office. Prior to development, the Kenai Peninsula Borough floodplain administrator should be contacted for current information and regulations. Development must comply with Chapter 21.06 of the Kenai Peninsula Borough Code. Map panel 02122C-4543E.

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: Verify which state Mr. Maxwell will be signing in and update the Notary accordingly or leave blank. Next to each owner's name, include the parent tract number they are signing on behalf. Include a right of way acceptance to be signed by the borough. Comply with 20.60.190.

EXCEPTIONS REQUESTED:

A. KPB 20.30.030 – Proposed street layout-requirements (extension of Celestial Street and dedications on section line easements) **and KPB 20.30.170 – Blocks-length requirements**

Surveyor's Discussion: 20.30.030 Dedications. Due to steep terrain, it is impractical to make a dedication to extend Celestial Street further in a northerly direction. Likewise, due to steep terrain, it is impractical to dedicate the section line easements that lie on the southerly and easterly boundaries of the parcel. They could be used for utilities if necessary but not for physical access.

20.30.170 Block Length. Looking at the Tract in whole, there are terrain issues that do not allow for physical access from the west, south, or east other than what has been proposed. Our development plan for the remaining phases will be to extend the unnamed street in a southerly direction for an additional 1,200 feet with a standard cul-de-sac at the end. In addition, there will be 2 short streets running in a westerly direction and terminating in cul-de-sac's.

Staff Discussion: Staff grouped the two exceptions. The plat committee may wish to review the exceptions separately by making two separate motions.

Terrain restraints are found through various areas of the subdivision. The existing and proposed dedications are taking into consideration the terrain. The tract is large enough to be further subdivided in the future and the owners intent is do so. The request does indicate that future dedications will be cul-de-sacs and those will not be able to help provide closed blocks. There are section line easements present that can provide access if desired.

Denial of the exception will require a 30 foot wide dedication along the western boundary to extend Celestial Street. Additional minimum 30 foot wide dedications would be required atop the section line easements.

Findings:

1. A creek is present north of the Celestial Street dedication.
2. Low wet areas are present north of the Celestial Street dedication.
3. Celestial Street is dedicated as 60 feet wide; a 30 foot dedication within this subdivision will result in an offset centerline.
4. Steep terrain is present along the western boundary that would affect a dedication in the area.
5. A 33 foot section line easement is present along the southern boundary of the subdivision.
6. Steep terrain is present where the section line easement meets the Seward Highway.
7. Big Bear Circle right of way is dedicated atop a section line easement.
8. Big Bear Circle's original cul-de-sac bulb was opened to continue providing access by dedicated right of way that is atop the section line easement.
9. Requiring further dedication of the section line easement along the eastern boundary will require opening the cul-de-sac bulb.
10. Per KPB code, cul-de-sac bulbs are to remain permanently closed.
11. Surrounding parcels have existing access via dedicated right of ways or section line easements.
12. The section line easements will remain in place for access and may be used by utility providers.
13. The parent subdivision, Clan Maxwell Estates Woodland Hollow Addition received exceptions to 20.30.030 (dedicating the section line easement and extending Celestial Street) and 20.20.160 (Block Length).
14. The mentioned future developments will not improve the block length.

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 1-14 appear to support this standard.
2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title;
Findings 1-14 appear to support this standard.
3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.
Findings 1-14 appear to support this standard.

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

EXCEPTIONS REQUESTED:

B. KPB 20.30.100 – Cul-de-sacs

Surveyor's Discussion: 20.30.100 Dedicated turnaround. We do not plan to construct the unnamed street in this phase of development. It will, however be extended and constructed in the next phase.

Staff Discussion: Staff recommends right of ways that are not intended to be permanently closed to provide a hammerhead or t-type turnaround. This will provide adequate area for maintenance and emergency vehicle to turn around. The requirement of a turnaround dedication at the end of the proposed vacation may result in the owners having to vacate a portion if their future designs cannot incorporate the dedication within the new dedications.

Denial of the exception will require a turnaround dedication at the end of the unnamed right of way.

Findings:

1. The tract will be 35.6 acres.
2. The tract can be further subdivided.
3. The owners have a design planned for the remaining acreage that will include new right of way dedications.
4. The owner does not have plans to construct the right of way until ready for next phase of subdivision.
5. Once the right of way is dedicated, it is public right of way and anyone may pursue the construction of the right of way.
6. The right of way is off Maxwell Court, a right of way that provides an adequate turnaround.
7. The KPB Roads Department did not request additional right of way.
8. Temporary turnarounds or self-vacating turnarounds are not allowed per KPB Code.

Staff reviewed the exception request and recommends granting approval.

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

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

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

1. That special circumstances or conditions affecting the property have been shown by application;
Findings 1-4, and 6-8 appear to support this standard.
2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title;
Findings 1-4, and 6-8 appear to support this standard.
3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.
Findings 1-4, and 6-8 appear to support this standard.

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

Page 9 of 10

the meeting date.

RECOMMENDATION:

SUBJECT TO EXCEPTION(S) GRANTED, STAFF RECOMMENDS:

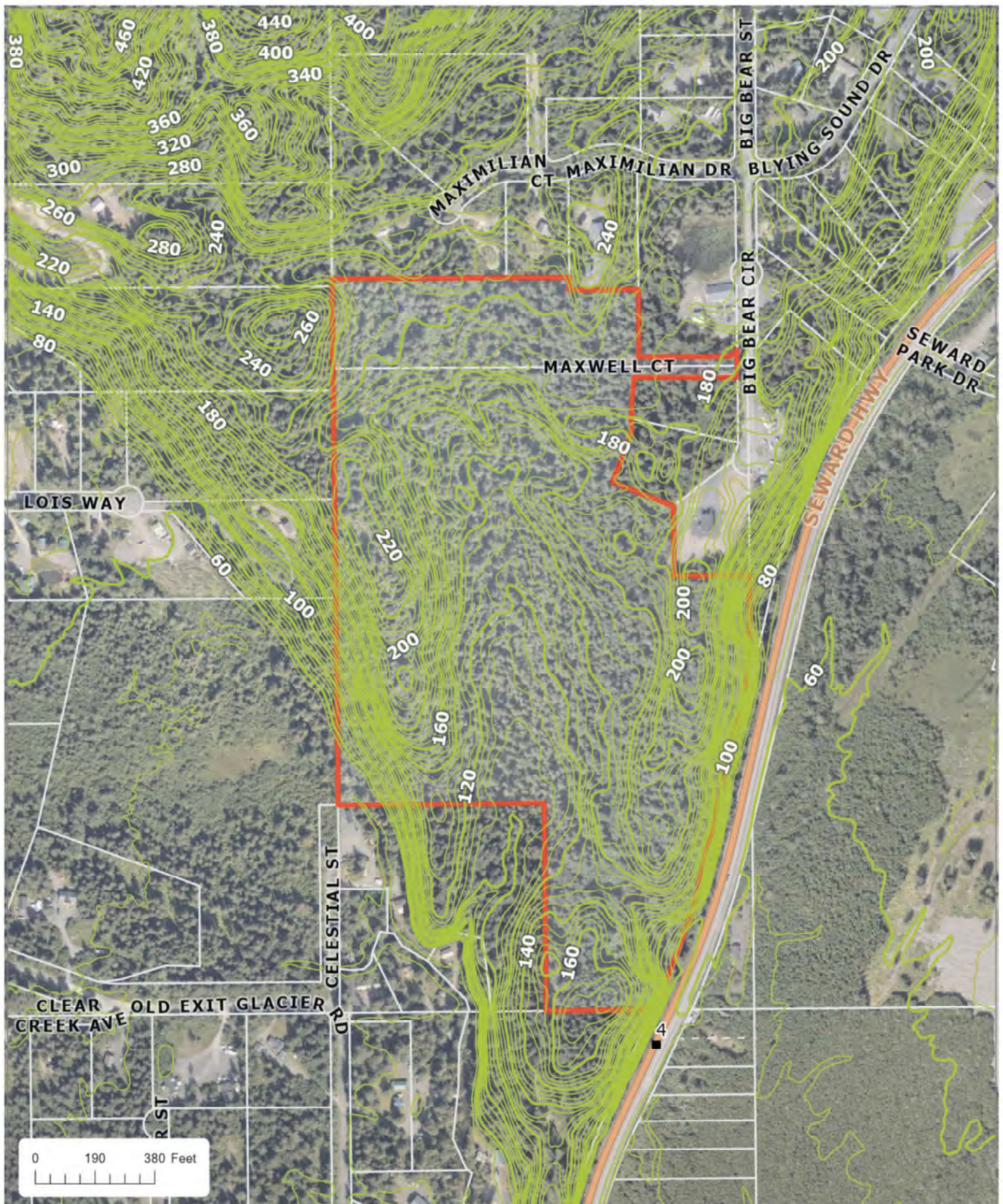
- GRANT APPROVAL OF THE PRELIMINARY PLAT SUBJECT TO STAFF RECOMMENDATIONS, AND
- COMPLIANCE WITH KPB 20.25.070 (FORM AND CONTENTS), KPB 20.25.080 (PETITION REQUIRED), KPB 20.30 (DESIGN REQUIREMENTS); AND KPB 20.40 (WASTEWATER DISPOSAL), AND
- COMPLIANCE WITH KPB 20.60 TO ENSURE ADMINISTRATIVE APPROVAL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

NOTE: 20.25.120. - REVIEW AND APPEAL.

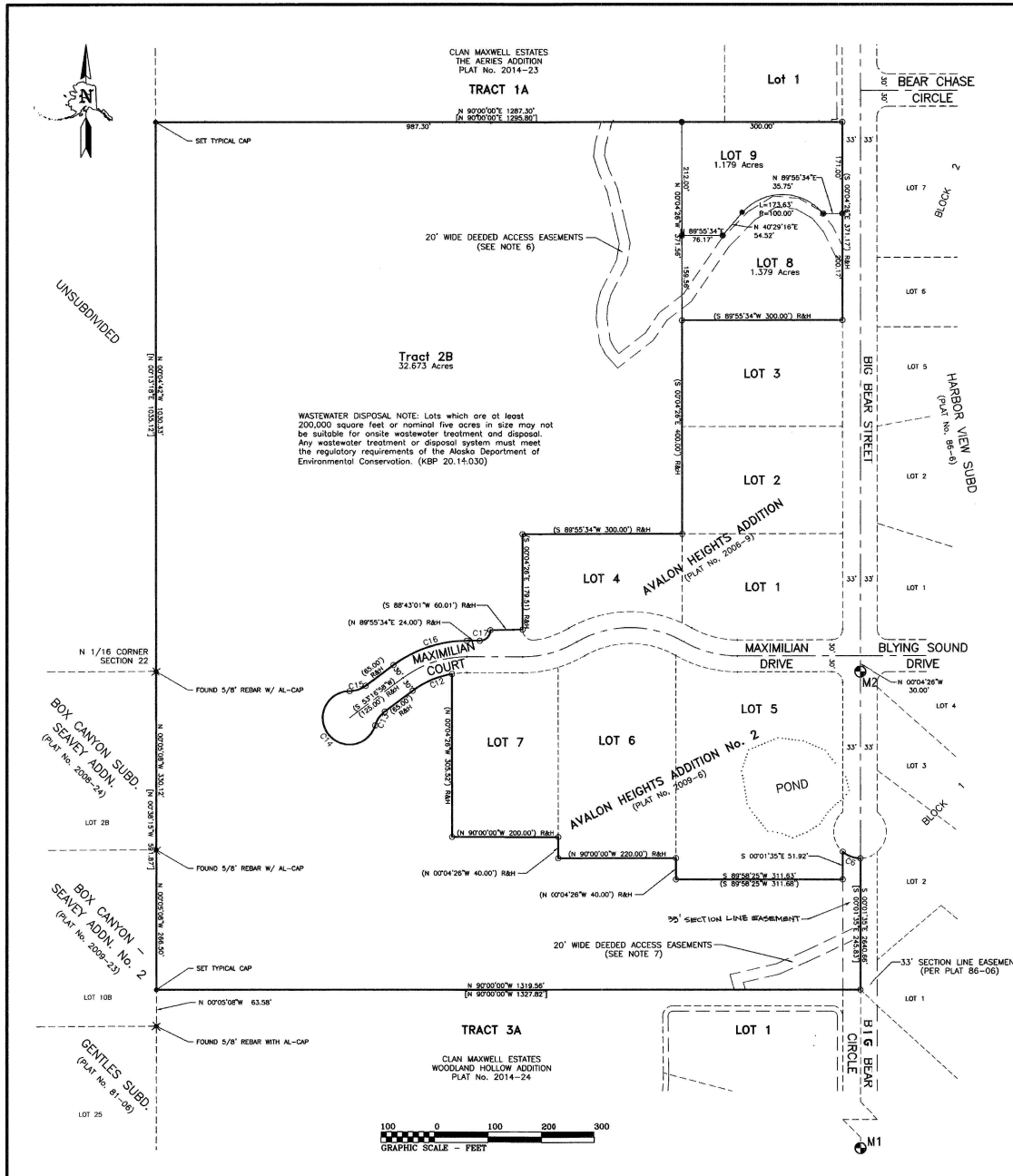
A PARTY OF RECORD MAY REQUEST THAT A DECISION OF THE PLAT COMMITTEE BE REVIEWED BY THE PLANNING COMMISSION BY FILING A WRITTEN REQUEST WITHIN 15 DAYS OF NOTIFICATION OF THE DECISION IN ACCORDANCE WITH KPB 2.40.080.

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





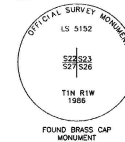


Curve	Radius	Tangent	Length	Delta	Chord	Chord Bear
C1	50.00'	18.54'	35.04'	41°19'00"	35.37'	N 69°22'35" W R&H
C2	170.00'	41.07'	80.14'	7°08'15"	170.00'	N 89°55'34" W R&H
C3	50.00'	18.51'	35.18'	41°19'15"	35.37'	N 69°22'35" W R&H
C4	50.00'	18.51'	35.18'	41°19'15"	35.37'	N 69°22'35" W R&H
C5	50.00'	18.51'	35.18'	41°19'15"	35.37'	N 69°22'35" W R&H
C6	50.00'	18.51'	35.18'	41°19'15"	35.37'	N 69°22'35" W R&H
C7	50.00'	18.51'	35.18'	41°19'15"	35.37'	N 69°22'35" W R&H

LEGEND

- MONUMENT RECOVERED
- TYPICAL CAP - FOUND
- RECORD PER PLAT 2009-06 (SEE NOTE 9)
- RECORD PER PLAT 2009-06 AND HELD
- TYPICAL CAP SET
- 1/8" BRASS WITH ALUMINUM PAINTED

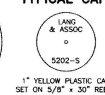
M1



M2



TYPICAL CAP



NOTES

- Proposed land uses are recreational, residential, agricultural and commercial.
- Building Setback - A setback of 20 feet is required from all street rights-of-way unless a lesser standard is approved by resolution of the appropriate Planning Commission (KBP 20.20.230).
- Front 10 feet of the building setback adjacent to rights-of-way and entire setback within 5 feet of the side lot lines is also a utility easement. No permanent structure shall be constructed or placed within a utility easement which would interfere with the ability of a utility to use the easement.
- The BASIS OF BEARINGS IS FROM M1 to M2.
- Distances shown in parenthesis are record per Plot 2006-09. Distances shown without parenthesis are measured.
- Easement reserved in a deed recorded June 3, 2004 as Serial No. 2004-000998-0 and also granted in an instrument recorded June 3, 2004 as Serial No. 2004-001000-0 in the Seward Recording District.
- Easement reserved in a deed recorded June 3, 2004 as Serial No. 2004-000999-0 and also granted in an instrument recorded June 3, 2004 as Serial No. 2004-001002-0 in the Seward Recording District. A portion of this easement was relinquished by an instrument recorded May 17, 2006 as Serial No. 2006-000663-0.
- Protective covenants were recorded in the Seward Recording District on July 28, 2006 as document 2006-001092-0.
- Discrepancies have been noted between this survey and the record information reported on the plot of Clan Maxwell Estates (Plot no. 2003-09).

SURVEYOR'S CERTIFICATE

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

WASTEWATER DISPOSAL NOTE

LOT 8 & LOT 9 - Soil conditions, water table levels, and soil slopes in this subdivision have been found suitable for conventional onsite wastewater treatment and disposal systems serving single-family or duplex residences and meeting the regulatory requirements of the Kenai Peninsula Borough. Any other type of onsite wastewater treatment and disposal system must be designed by a professional engineer, registered to practice in Alaska and the design must be approved by the Alaska Department of Environmental Conservation.

Seward Recording District

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

Owner

MAXWELL D. CUTLER, TRUSTEE
AVALON HEIGHTS LAND TRUST
1019 W. 72nd AVENUE
Anchorage, Alaska 99518

Notary Acknowledgement

for Alaska Subscribed and
sworn to before me this 15th day of August, 2015
Pauline K. Brown July 23, 2016
Notary Public for the State of Alaska My Commission Expires

Owner

JULIE R. PACE, TRUSTEE
AVALON HEIGHTS LAND TRUST
1019 W. 72nd AVENUE
Anchorage, Alaska 99518

Notary Acknowledgement

for Alaska Subscribed and
sworn to before me this 15th day of August, 2015
Pauline K. Brown July 23, 2016
Notary Public for the State of Alaska My Commission Expires

Owner

See 2007-00073 S.R.D.
MAXWELL D. CUTLER, TRUSTEE
AVALON HEIGHTS LAND TRUST
1019 W. 72nd AVENUE
Anchorage, Alaska 99518

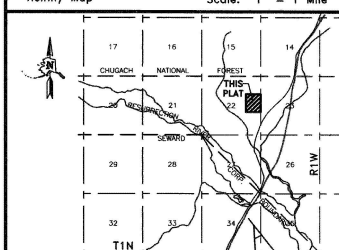
Notary Acknowledgement

for Alaska Subscribed and
sworn to before me this 15th day of August, 2015
Pauline K. Brown July 23, 2016
Notary Public for the State of Alaska My Commission Expires

PLAT APPROVAL

Plat approved by the Kenai Peninsula Borough Planning Commission at the meeting of OCTOBER 23, 2015
Mayor Bob
Borough Official

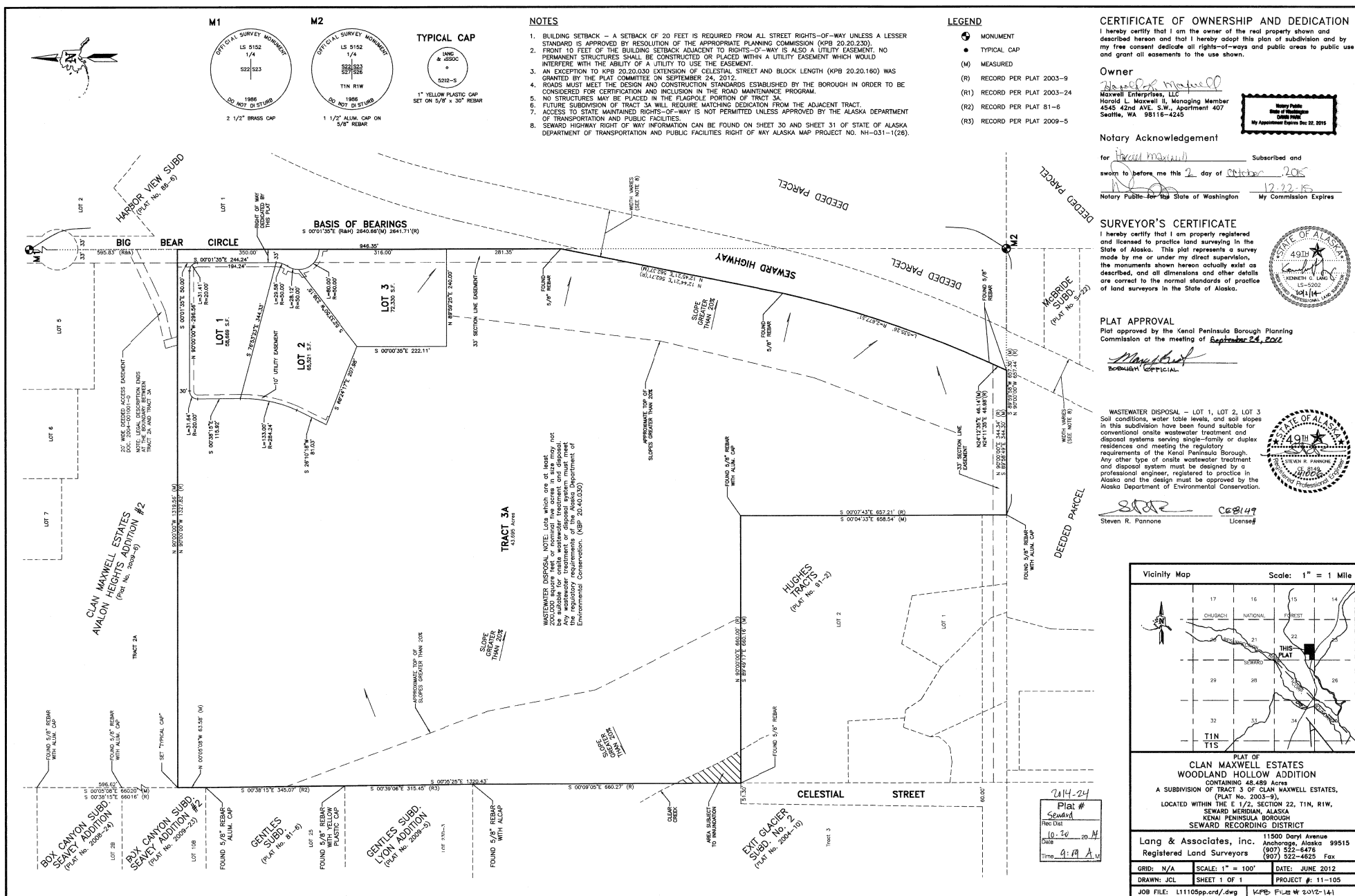
Vicinity Map Scale: 1" = 1 Mile

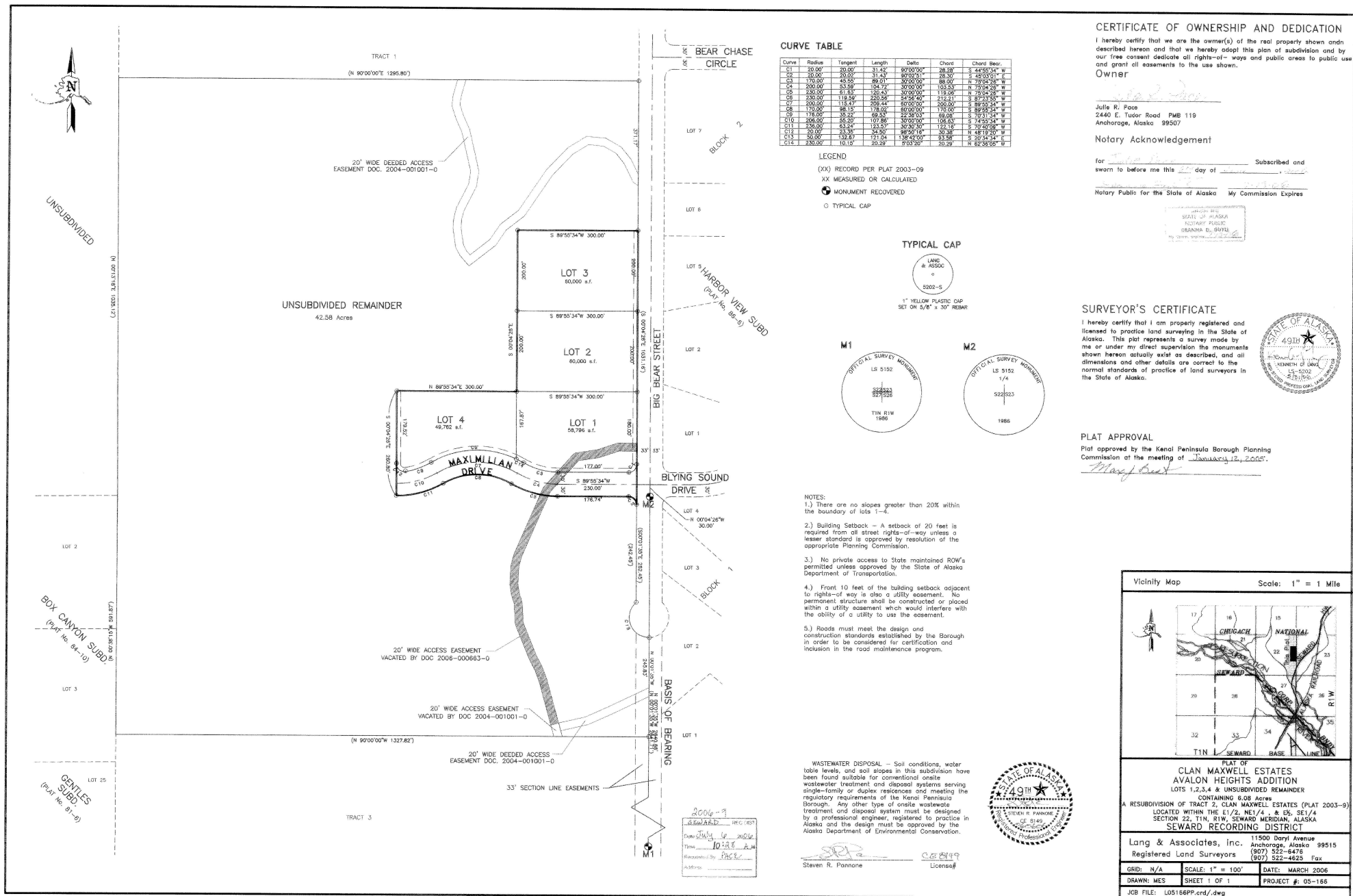


PLAT OF
CLAN MAXWELL ESTATES
AVALON HEIGHTS ADDITION #3
Containing 35.230 Acres
A SUBDIVISION OF TRACT 2A OF CLAN MAXWELL ESTATES, AVALON HEIGHTS ADDITION #2 (PLAT No. 2009-06), LOCATED WITHIN THE E 1/2, SECTION 22, T1N, R1W, SEWARD MERIDIAN, ALASKA
KENAI PENINSULA BOROUGH
SEWARD RECORDING DISTRICT

Lang & Associates, Inc.
11500 Daryl Avenue
Anchorage, Alaska 99515
Registered Land Surveyors (907) 522-6476
(907) 522-4625 Fax
GRD: N/A SCALE: 1" = 100' DATE: JUNE 2014
DRAWN: JCL SHEET 1 OF 1 PROJECT #: 13-175
JOB FILE: L13175pp.crd/dwg

CASE No.: KPB 2013-180





CERTIFICATE OF SURVEYOR

I hereby certify that, I am properly registered and licensed to practice land surveying in the State of Alaska. This plat represents a survey made by me or under my direct supervision. The monuments shown hereon, if properly set and disturbed, and all dimensions and other details are correct to the current standards of practice of land surveyors in the State of Alaska.

26 August, 2003
DATE

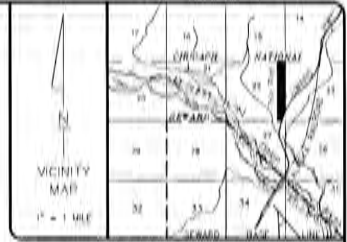


PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF May 27, 2003

KENAI PENINSULA BOROUGH

[Signature]
AUTHENTICATED



Lost Lake
Subd. #8

Unsubdivided

Unsubdivided

USGL
N89°57'W 40.01' or 2640.99'

1320.30'

5 CORNER MARK
TIN PIN
SIS 254
S22 52'3
1994
2-1/2" Brass Cap

33' Section Line Easement

5 CORNER MARK
TIN PIN
SIS 254
S22 52'3
1991
Brass Cap

Tract 1
48.659 AC.

Tract 2
48.659 AC.

Tract 3
48.659 AC.

Unsubdivided

Box Canyon
Subdivision

Chenille
Subdivision

Hughes Tract

5 CORNER MARK
TIN PIN
SIS 254
S22 52'3
1991
Brass Cap

Corner	Date	Radius	Length	Angle	Point Bearing
1	11/27/94	48.22'±	136.26'	N44°12'	S17°27'30"
2	1/24/95	50.00'	121.04'	N45°36'	S17°27'30"
3	1/24/95	50.00'	121.04'	N45°36'	S17°27'30"

Line	IN TABLE	LYRONS
1	1/24/95	146.00'

NOTES

- Proposed land uses are recreational, residential, agricultural, and commercial.
- Building setbacks: A setback of 10 feet is required from all street rights-of-way unless a lesser standard is approved by resolution of the appropriate Planning Commission.
- No private access to state maintained ROWs permitted unless approved by the State of Alaska Department of Transportation.
- Front 10 ft. of the building setback adjacent to rights-of-way is also a utility easement. No permanent structures shall be constructed or placed within a utility easement which would interfere with the ability of a utility to use the easement.
- Roads must meet the design and construction standards established by the Borough, in order to be considered for certification and inclusion in the road maintenance program.
- WASTEWATER DISPOSAL: These lots are at least 100,000 square feet or 100,000 sq. ft. to size and conditions may not be suitable for onsite wastewater treatment and disposal. Any wastewater treatment or disposal system must meet the regulatory requirements of the Alaska Department of Environmental Conservation.
- This is a paper plat. NO FIELD SURVEY WAS PERFORMED. All dimensional data shown is of record or calculated from record.
- The plat contains graphics accurate to 1/8" on 1" scale. LRP 20-24-160 and LRP 20-24-160 (c) at the May 27, 2003 meeting.

LEGEND

- Monument of Record
- 1/8" Scale of Record

NOTARY'S ACKNOWLEDGMENT

SUBSCRIBED AND SWORN BEFORE ME THIS 30 DAY OF Aug. 2003 FOR Lou Anne Maxwell

[Signature]
NOTARY PUBLIC
MY COMMISSION EXPIRES 12/31/2005



CERTIFICATE of OWNERSHIP and DEDICATION

I HEREBY CERTIFY THAT WE ARE THE OWNER(S) OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND THAT WE HEREBY AGREE THAT PLAT OF SUBDIVISION AND BY OUR FREE CONSENT DEEDS, ETC. RIGHTS OF WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

[Signature]
Lou Anne Maxwell
Maxwell Investments
1780 Truist Avenue
Anchorage, Alaska 99507-4123

2003-7
RECORDED
Seward REC DIST 24
DATE 9/16/03
BY 11-10-03 A U
REQUESTED BY
INTEGRITY SURVEYS
200 TRUIST DRIVE
KENAI, ALASKA 99541

RPD FILE No. 2003-108

Clan Maxwell
Estates

Located within the E1/2 SE1/4 & E1/2 SE1/4 of Section 22, T1N, R1W, 10M
Seward Recording District, Kenai Peninsula Borough, Alaska

Containing 146.077 Acres

Integrity Surveys

R/S Bureau (100) Rural, Alaska 99511-0563
SURVEYORS DATE 2003 081 DAY PLANNERS

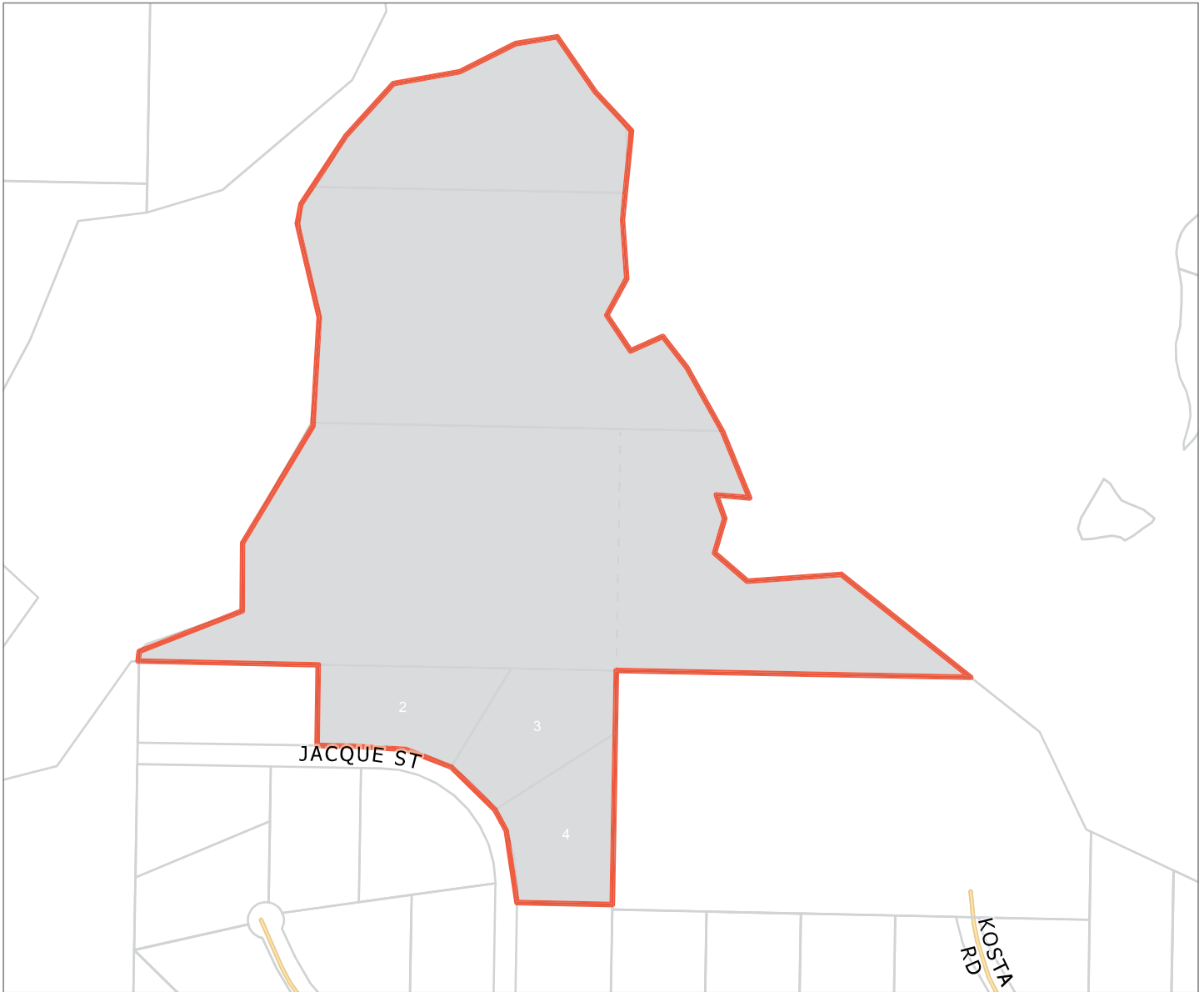
JOB NO.	25087	DRAWN	13 August, 2003	CS
SURVEYED	N/A	SCALE	1" = 200'	
FIELD DR.	N/A	DATE	Maxwell	

E. NEW BUSINESS

ITEM E2 - Playle Estates

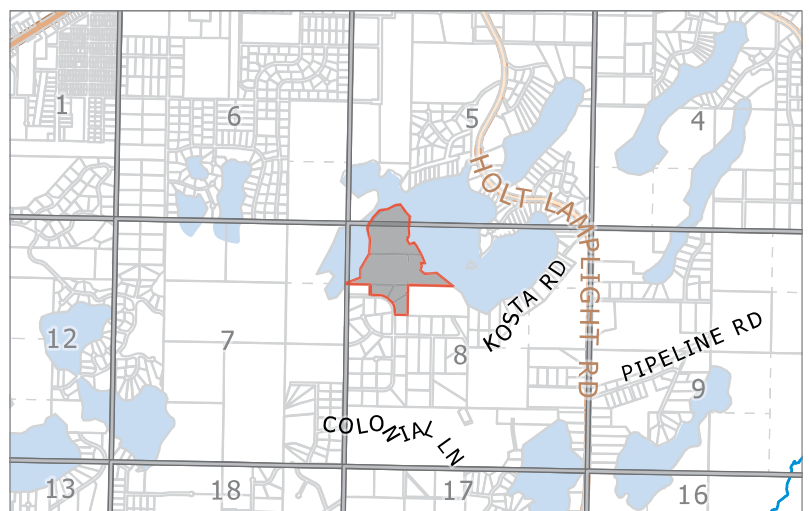
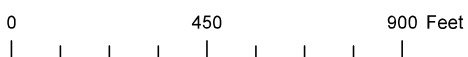


Vicinity Map



KPB File # 2021-159R1
Sec 5 and 8 -T07N-R11W
Nikiski

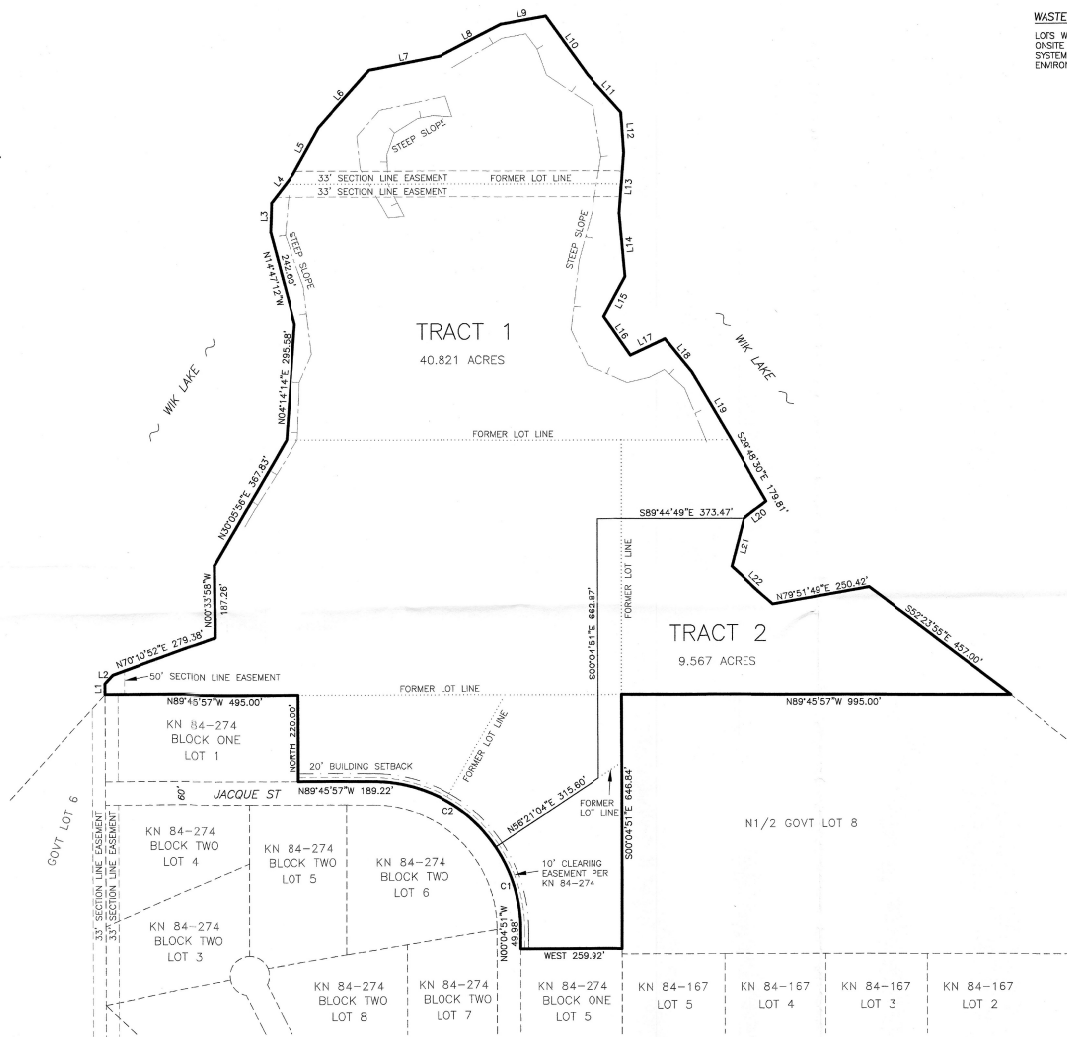
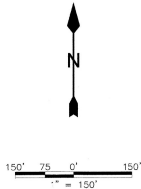
2/28/2022





Aerial View





NOTES

1. A BUILDING SETBACK OF 20' IS REQUIRED FROM ALL STREET RIGHTS-OF-WAY UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION. THE BUILDING SETBACK IS ALSO A UTILITY EASEMENT PER KN 84-274.
2. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
3. THIS PLAT IS SUBJECT TO AN EASEMENT FOR ELECTRIC LINES OR SYSTEMS AND/OR TELEPHONE LINES TOGETHER WITH THE RIGHT TO ENTER, MAINTAIN, REPAIR AND CLEAR SHRUBBERY GRANTED TO HOMER ELECTRIC ASSOCIATION, INC. IN DOCUMENT FOUND IN MISC. BOOK 7, PAGE 177 KENAI RECORDING DISTRICT. NO DEFINITE LOCATION DISCLOSED.
4. NO STRUCTURES ARE PERMITTED WITHIN THE PANHANDLE PORTION OF TRACT 2.
5. THIS PLAT IS SUBJECT TO COVENANTS, CONDITIONS, AND RESTRICTIONS AS CONTAINED IN AN INSTRUMENT RECORDED ON AUGUST 30, 1985 IN BOOK 269, PAGE 65, KENAI RECORDING DISTRICT.
6. THE BOROUGH WILL NOT ENFORCE PRIVATE COVENANTS, EASEMENTS, OR DEED RESTRICTIONS PER KPB 20.60.170.
7. AN EASEMENT HAS BEEN GRANTED OVER PORTIONS OF THE PROPERTY AS DESCRIBED IN DOCUMENT WITH SERIAL NO. 2021-002384-0, KENAI RECORDING DISTRICT. EASEMENT WILL TERMINATE WITH MERGER OF TITLE.
8. 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.

CURVE TABLE						
CURVE	LENGTH	RADIUS	DELTA ANGLE	TANGENT	CHORD	CHORD BEARING
C1	222.63	380.00	33°34'04"	114.61	219.46	N16°51'53"W
C2	372.18	380.00	56°06'58"	202.54	357.48	N61°42'22"W

PLAT APPROVAL

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

KENAI PENINSULA BOROUGH

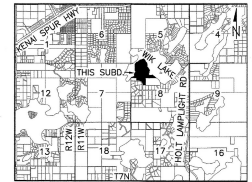
BY: _____

AUTHORIZED OFFICIAL

KPB 2021-159R1

WASTEWATER DISPOSAL

LOTS WHICH ARE AT LEAST 200,000 SQUARE FEET IN SIZE MAY NOT BE SUITABLE FOR ONSITE WASTEWATER TREATMENT AND DISPOSAL. ANY WASTEWATER TREATMENT AND DISPOSAL SYSTEMS MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.



1" = 1 MILE

CERTIFICATE OF OWNERSHIP AND DEDICATION

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

DUANE BANNOCK (GOVT LOTS 4 AND 12)
PO BOX 2044, KENAI, AK 99611

NOTARY ACKNOWLEDGMENT

FOR: DUANE BANNOCK
ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2022

NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES: _____

CERTIFICATE OF OWNERSHIP AND DEDICATION

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

MICHAEL SCHILLING (LOTS 2, 3, AND 4)
420 N WILLOW ST, KENAI, AK 99611

NOTARY ACKNOWLEDGMENT

FOR: MICHAEL SCHILLING
ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2022

NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES: _____

CERTIFICATE OF OWNERSHIP AND DEDICATION

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

THOMAS PLAYLE (GOVT LOTS 5 AND 6)
PO BOX 7304, NIKISKI, AK 99635

NOTARY ACKNOWLEDGMENT

FOR: THOMAS PLAYLE
ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2022

NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES: _____

KPB FILE NUMBER:

PENINSULA SURVEYING, LLC
10525 KATRINA BOULEVARD, NINILCHIK, AK 99639
(907)306-7065

PLAYLE ESTATES

A SUBDIVISION OF
GOVERNMENT LOTS 4, 5, 6, 12 AND LOTS 2, 3, 4, BLOCK 1, THOMPSON
HOMESTEAD SUBDIVISION HAPPY HOLLOW ACRES ADDITION
LOCATED WITHIN
SW 1/4 SEC. 5 AND NW 1/4 SEC. 8, T.7N., R.11W., S.M.
KENAI RECORDING DISTRICT, KENAI PENINSULA BOROUGH
CONTAINING 50.388 ACRES

OWNERS: MICHAEL SCHILLING - 420 N WILLOW ST, KENAI, AK 99611
THOMAS PLAYLE - PO BOX 7304, NIKISKI, AK 99635
DUANE BANNOCK - PO BOX 2044, KENAI, AK 99611

SCALE: 1" = 150'
DRAWN: JLS

DATE: FEBRUARY 2, 2022
SHEET: 1 OF 1



AGENDA ITEM E. NEW BUSINESS

ITEM 2 - Playle Estates

KPB File No.	2021-159R1
Plat Committee Meeting:	March 21, 2022
Applicant / Owner:	Duane Bannock of Kenai, AK Michael Schilling of Kenai, AK Thomas Playle of Nikiski, AK
Surveyor:	Jason Schollenberg / Peninsula Surveying
General Location:	Jacque Street, Wik Lake, Nikiski

Parent Parcel No.:	013-212-48, 013-216-01, 013-216-02, 013-216-28, 013-216-29, and 013-216-30
Legal Description:	Lots 2, 3, and 4, Block 1 Thompson Homestead Happy Hollow Acres Plat No KN 84-274 Government Lots 4, 5, and 6 in Section 8 Government Lot 12 in Section 5
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will reconfigure three subdivision lots and four government lots into two tracts. The tracts are proposed to be 40.821 acres and 9.567 acres.

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

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

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

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

A 50 foot section line easement is present in the western portion of proposed Tract 1. To the south is a 33 foot section line easement. The plat has the section line easements within the northern portion of the subdivision. The plat has them labeled as 33 foot wide easements. Per KPB staff information and the Certificate to Plat, the section line easements in that area are 50 feet wide. ***Staff recommends updating the depiction and labeling the section line easements. If the surveyor has information to support the 33 foot section line easements it is recommended to work with the title company to resolve and present to the KPB planning department.***

A 50 foot public access easement is present within Government Lots 4 and 12. The State Patent No. 4456 and 6176 created the easement. The patents state the lands are subject to A.S. 38.05.127, Access to Navigable or

Public Waters. The Supplemental Land Estate Plat done by Alaska DNR included a note that the lots were subject to the public access easements extending 50 feet upland of ordinary high water per AS 38.05.127. The access easement was included on the record of survey performed for the property and recorded as KN 2021-31. Staff was unable to determine if the southern Government Lots were subject to the easement. **Staff recommends a plat note be added as well as a depiction of the easement within Government Lots 4 and 12 and verify if easements are present within Government Lots 5 and 6.**

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

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

Site Investigation: Some steep slopes appear to be present near the edge of Wik Lake. The remainder of the property is rolling terrain with isolated area of slopes greater than 20%. The steep slopes are depicted and labeled on the plat. Excluding the areas fronting Wik Lake, there do not appear to be any low wet areas within the subdivision.

The lots within the proposed subdivision are shown as vacant. The newest KPB GIS imagery does not show any improvements. It has been mentioned that some improvements have been started on the eastern portion of the subdivision that will be within Tract 2. There are improvements on the N1/2 of Government Lot 8 that is located south of Tract 2. All other lots in the area appear to be vacant. There do not appear to be any encroachment issues.

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

Staff Analysis This is a revision of a previously submitted preliminary plat. The plat was scheduled to be reviewed at the January 10, 2022 meeting. A postponement was requested and granted. The previously presented design did not include the northern government lots and would have required a right of way dedication to provide access. The owners requested to postpone and have submitted a revision that includes the northern lots in the design of Tract 1 so a right of way dedication is not required.

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

The current design of Tract 2 is unusual but is designed to accommodate the existing driveway. The narrow portion is 60 feet wide and being treated like a panhandle or flag portion of a lot. The appropriate note is present. **Staff recommends a 20 foot building setback be depicted within Tract 1 along the 60 foot wide portion.**

A soils report will be not be required due to the size of the lots.

The plat is subject to multiple deed of trusts. Notice of the proposed plat was mailed to one of the beneficial interest holders on December 7, 2021. The beneficial interest holder was 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. No comments were received.

The Kenai Peninsula Borough, as part of a Land Sale, recently sold the two northern government lots being added to this subdivision design. Those lands were financed and deeds of trust exist for those properties. The Kenai Peninsula Borough Land Management Department provided the following comment.

"The proposed Playle Estates plat includes two parcels recently sold in the 2021 General Land Sale Auction (Parcels 01321248, 01321601). Both parcels are currently encumbered with individual seller financing notes granted by Mr. Bannock in favor of KPB as beneficiary. Language found in the Deed of Trust (Paragraph 8, see below) specifically prohibits the subdivision of an encumbered parcel in order to preserve the condition of the collateral.

8. Subdivision; Resource Extraction Prohibited. Trustor, during the term of this Deed of Trust, shall not subdivide the property, cut any timber, or extract any gravel, peat or other natural resources except for its own personal use on the property, nor shall Trustor encumber the property with any obligation, which, in the judgement of Beneficiary or Trustee, appears to be prior or superior to Beneficiary's interest in or rights to the property.

After reviewing the proposed plat, it appears to be absent a 50' wide public access easement along the shoreline as platted on the recorded record of survey completed by KPB prior to the disposal of these parcels."

The subdivision of these lands is not permissible under the terms of agreement for the deed of trust. The changing of the property lines will change the collateral that is tied to the loans. Once the debt has been fully paid, documents will be filed and the borough will no longer object. The plat will not be allowed to record until the deeds of trust with the Kenai Peninsula Borough listed as beneficiary are cleared from the Certificate to Plat.

The property is not within an advisory planning commission.

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

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

Plat note 3 provides the information for an easement granted by recorded document.

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

Utility provider review:

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

KPB department / agency review:

Addressing	<p>Reviewer: Haws, Derek Affected Addresses: 50806 JACQUE ST</p> <p>Existing Street Names are Correct: Yes List of Correct Street Names: JACQUE ST</p> <p>Existing Street Name Corrections Needed:</p> <p>All New Street Names are Approved: No List of Approved Street Names: List of Street Names Denied:</p> <p>Comments: 50806 JACQUE ST WILL REMAIN WITH TRACT 2.</p>
Code Compliance	<p>Reviewer: Ogren, Eric Comments: No comments</p>
Planner	
Assessing	<p>Reviewer: Wilcox, Adeena Comments: No Comment</p>

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

STAFF RECOMMENDATIONS
CORRECTIONS / EDITS

KPB 20.25.070 – Form and contents required

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

- A. Within the Title Block
1. Name of the subdivision which shall not be the same as an existing city, town, tract, or subdivision of land in the borough, of which a plat has been previously recorded, or so nearly the same as to mislead the public or cause confusion. The parent plat's name shall be the primary name of the preliminary plat.
 2. Legal description, location, date, and total area in acres of the proposed subdivision;
 3. Name and address of owner(s), as shown on the KPB records and the certificate to plat, and registered land surveyor.
- Staff recommendation:** Include the recording number for Thompson Homestead Subdivision Happy Hollow Acres Addition, KN 84-274.
- N. Apparent encroachments, with a statement indicating how the encroachments will be resolved prior to final plat approval;

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

KPB 20.30 – Subdivision Design Requirements

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

20.30.190. 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: The required note is present. The panhandle portion is 60 feet wide and will be subject to a building setback along the 60 foot portion within Tract 1.

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 lots, a soils analysis report will not be required. Correct plat note is present.

Staff recommendation: comply with 20.40.

KPB 20.60 – Final Plat

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

20.60.180. Plat notes.

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.

- Update the page in plat note 5 to 865 and add, "and Amended on January 26, 1990 in Book 359, Page 845, Kenai Recording District.

RECOMMENDATION:

STAFF RECOMMENDS:

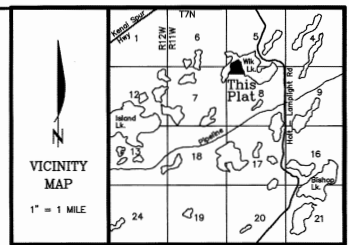
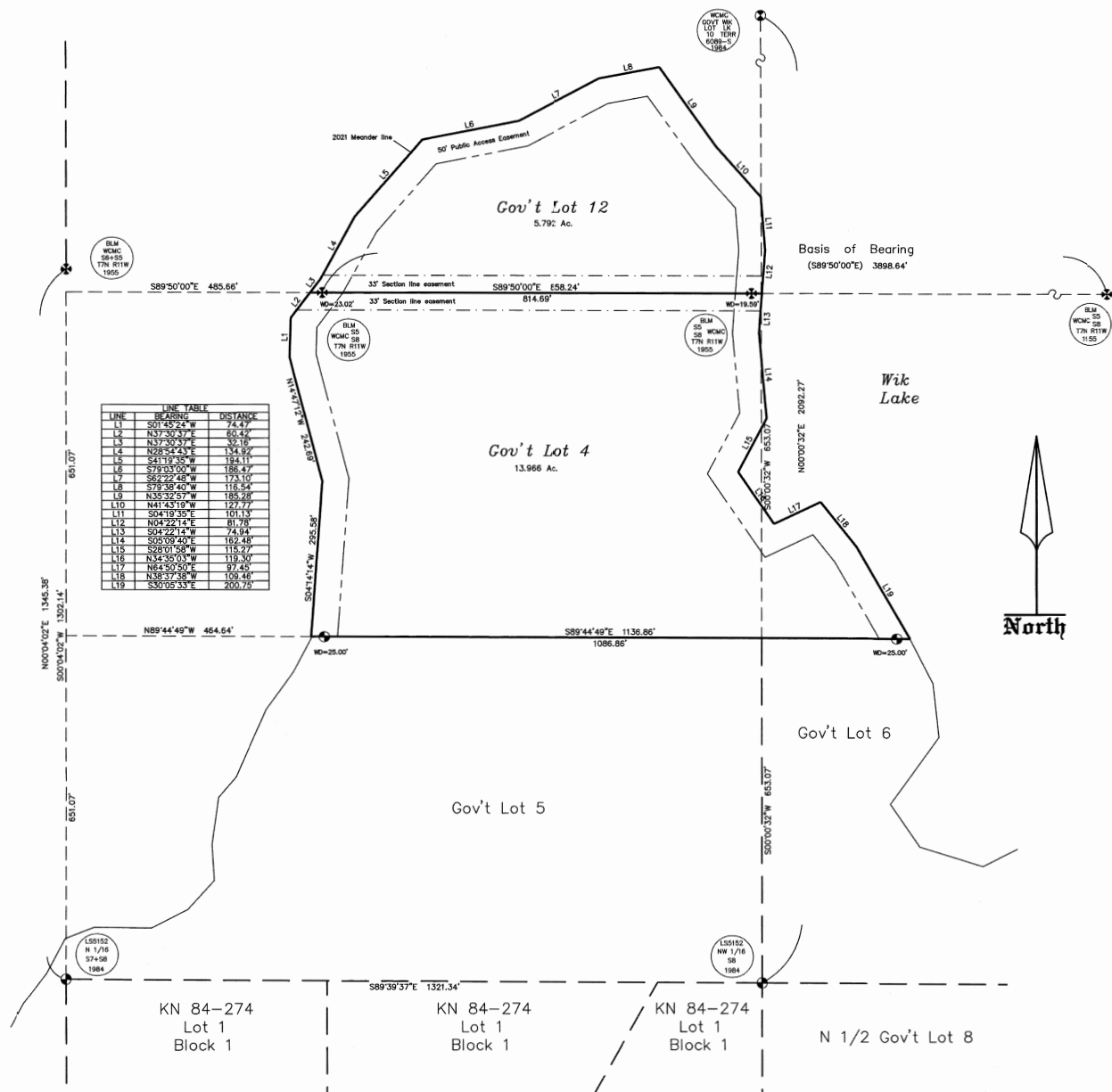
- GRANT APPROVAL OF THE PRELIMINARY PLAT SUBJECT TO STAFF RECOMMENDATIONS, AND
- COMPLIANCE WITH KPB 20.25.070 (FORM AND CONTENTS), KPB 20.25.080 (PETITION REQUIRED), KPB 20.30 (DESIGN REQUIREMENTS); AND KPB 20.40 (WASTEWATER DISPOSAL), AND
- COMPLIANCE WITH KPB 20.60 TO ENSURE ADMINISTRATIVE APPROVAL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

NOTE: 20.25.120. - REVIEW AND APPEAL.

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

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

END OF STAFF REPORT



- LEGEND:**
- ✱ 3 1/4" BLM MONUMENT 1955 FOUND
 - ⊙ 3 1/4" ALUM. CAP MONUMENT LS 5152 1984 FOUND
 - ⊙ 2 1/2" ALUM. CAP MONUMENT 6089-S 1984 FOUND
 - ⊙ 5/8" REBAR W/ 2 1/2" ALUM. CAP LS8859 2021 SET
 - () RECORD DATUM BLM

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



SURVEYOR'S CERTIFICATE

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

Date 6-30-21

Record of Survey	
Government Lot 12, Section 5 and Government Lot 4, Section 8, T7N, R11W, S.M.	
Located within the SW1/4 Section 5 and the NW1/4 Section 8, T7N, R11W, S.M., Kenai Recording District, Kenai Peninsula Borough, Alaska.	
Surveyor Segesser Surveys 30485 Rosland St. Soldotna, AK 99669 (907) 262-3909	Owner (907) 262-3909 30485 Rosland St. Soldotna, AK 99669
JOB NO. 21135 SURVEYED: June, 2021 FIELD BOOK: 21-2	DRAWN: 6-29-21 SCALE: 1"=100' SHEET: 1 of 1

2021-31
Kenai
LS 8859
John F. Segesser
Surveyor

page 1 of 1

MH

OTHER ACTIONS AFFECTING DISPOSAL OR
USE OF STATE LANDS.
AQ- 37591, PLAT APPVD 3/2/71, 45LS # 26-68 & 26-67
TWP. PARTIALLY SURVEYED SECS. 1, 6, 7, 8, 17, 20,
22-32. OFFICIALLY FILED 6-1-59
Entirely within Kenai Peninsula Borough

EV-8-250, Filed 6/22/84
EV-8-311, Filed 9/23/85
COT 3 : ANCSA Sec 10(a)(2) Withdrawal and Sec 12(a)
or 12(b) Selections Titled Over Tentatively
Approved Statehood and/or Mental Health Grant Land
May Exist in this Township. Check BLM Records for
Location and DNR Dept Order 86-130 for Permissible
Activities.
AS 16.20.030A06; Entirely within Rural National Monas
Range; the State Game Refuge includes those Land Areas
within the Rural National Monas Range up to Existence in 1980

Designated Mental Health Trust Land pursuant to secs. 4 and 5, ch. 1, SSSLA 1994. Consult LAS for further information.

Original Mental Health Grant Land (MH) not shown as
Mental Health Trust Land is redesignated as General
Grant Land pursuant to secs. 6 and 7, ch. 1, SSSLA 1994.
Consult LAS for further information.

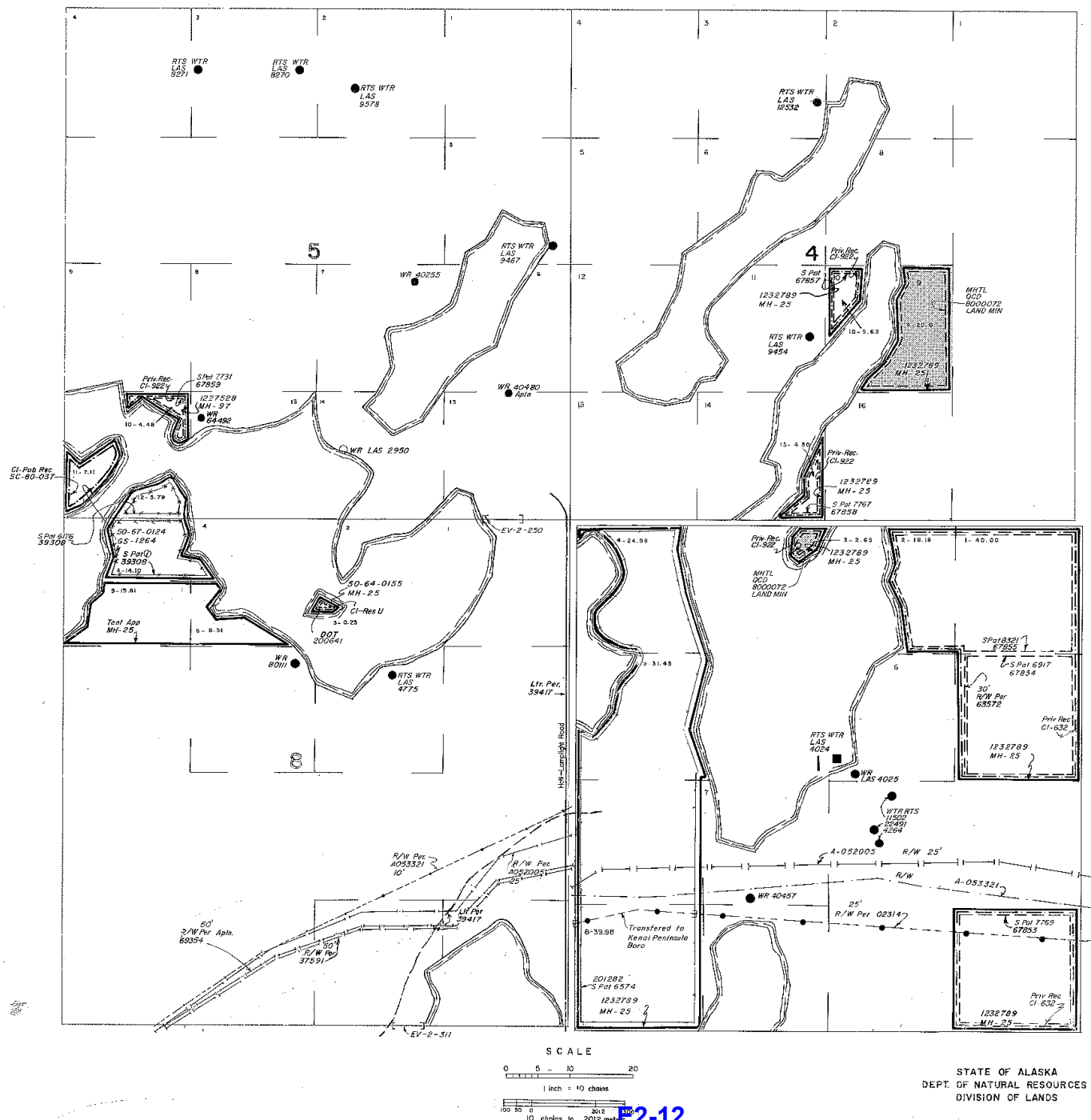
Notes:

① Public Access Easements are reserved by the State of Alaska
along all Public and Navigable Inland Water, extending 50'
upland of ordinary high water per AS 38.05.127

DUPLICATE, REDRAWN 7-16-68

CURRENT TO	85
6-27-2001	Day

LE
SECS. 1, 4, 5, 8
T. 7 N.
R. 11 W.
S. M.



From: B Zubeck <bzubeck@gmail.com>

Sent: Tuesday, March 15, 2022 11:43 AM

To: Planning Dept, <planning@kpb.us>

Cc: B Zubeck <bzubeck@gmail.com>

Subject: <EXTERNAL-SENDER>Comments on KPB File No. 2021-159R1 Playle Estates

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

Dear Borough Platting Staff and Planning Commissioners,

Please accept this email as my written comment/testimony on the subject plat/replat that will be before the Commission on March 21, 2022. In general, I commend the Staff on a thorough review of the proposed replat.

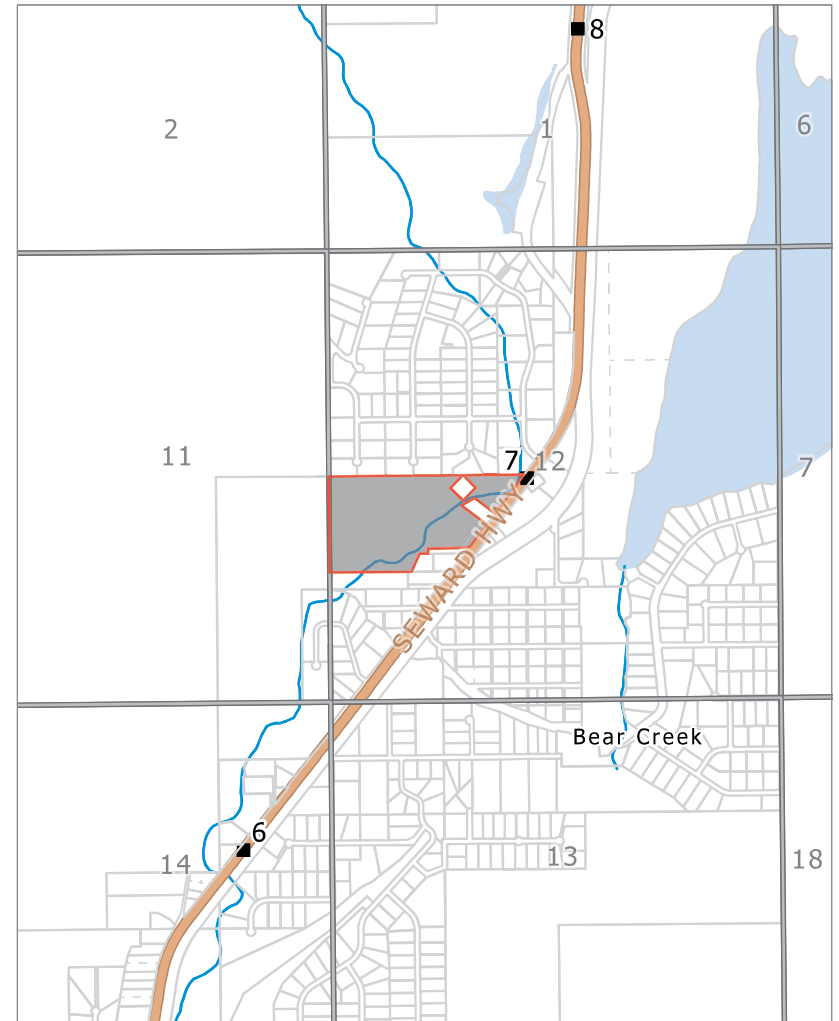
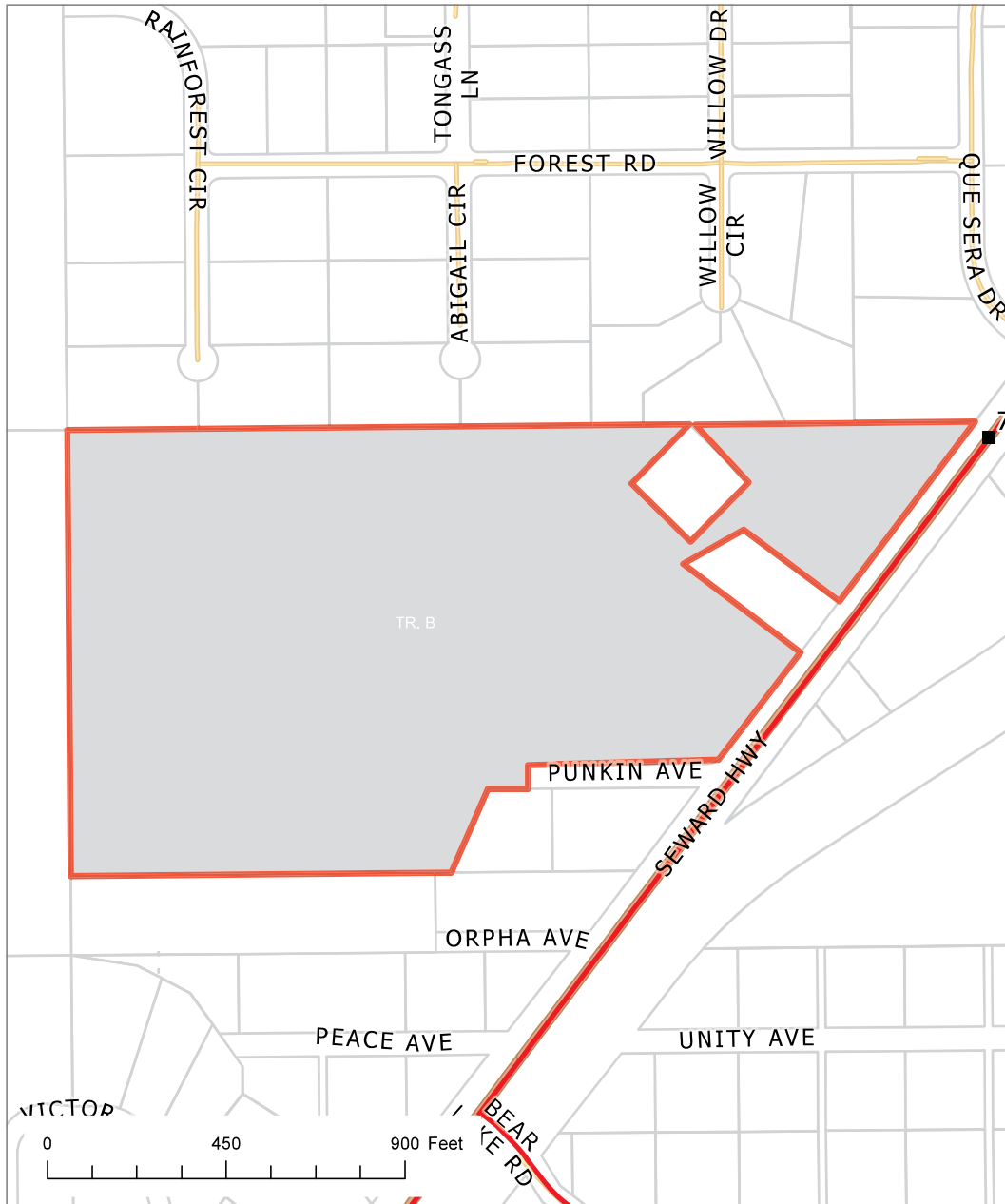
50-ft Public Access Easement - I support the Staff's review and recommendation to add a plat note and depiction of the 50-foot public access easement pursuant to the State Patents cited in the Staff report. I also support the Staff's recommendation to determine whether there exists a similar public easement within Government Lots 5 and 6.

Reply with any questions or clarifications regarding this testimony. Thank you!

Sincerely,
Bill B. Zubeck

E. NEW BUSINESS

ITEM E3 - Grouse Creek Subdivision 2022 Addition

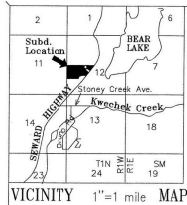


KPB File # 2022-022

Township 01N-Range 01W-Section 12

Bear Creek





Grouse Creek Subdivision 2022 Addition Preliminary Flat

A subdivision of Tract B Grouse Creek Subd., 2016 Addn, SWD 2016-7, located in the NW1/4 Section 12, T1N R1W, SM, Alaska. Seward Recording District Kenai Peninsula Borough Creating

Prepared for
Marshall & Ester Rønne Living Trust
P.O. Box 763
Seward, AK 99664

Prepared by
Johnson Surveying
P.O. Box 27
Clam Gulch, AK 99566
(907) 282-5772

SCALE 1" = 100'
17 October, 2015

AREA = 2.613 acres

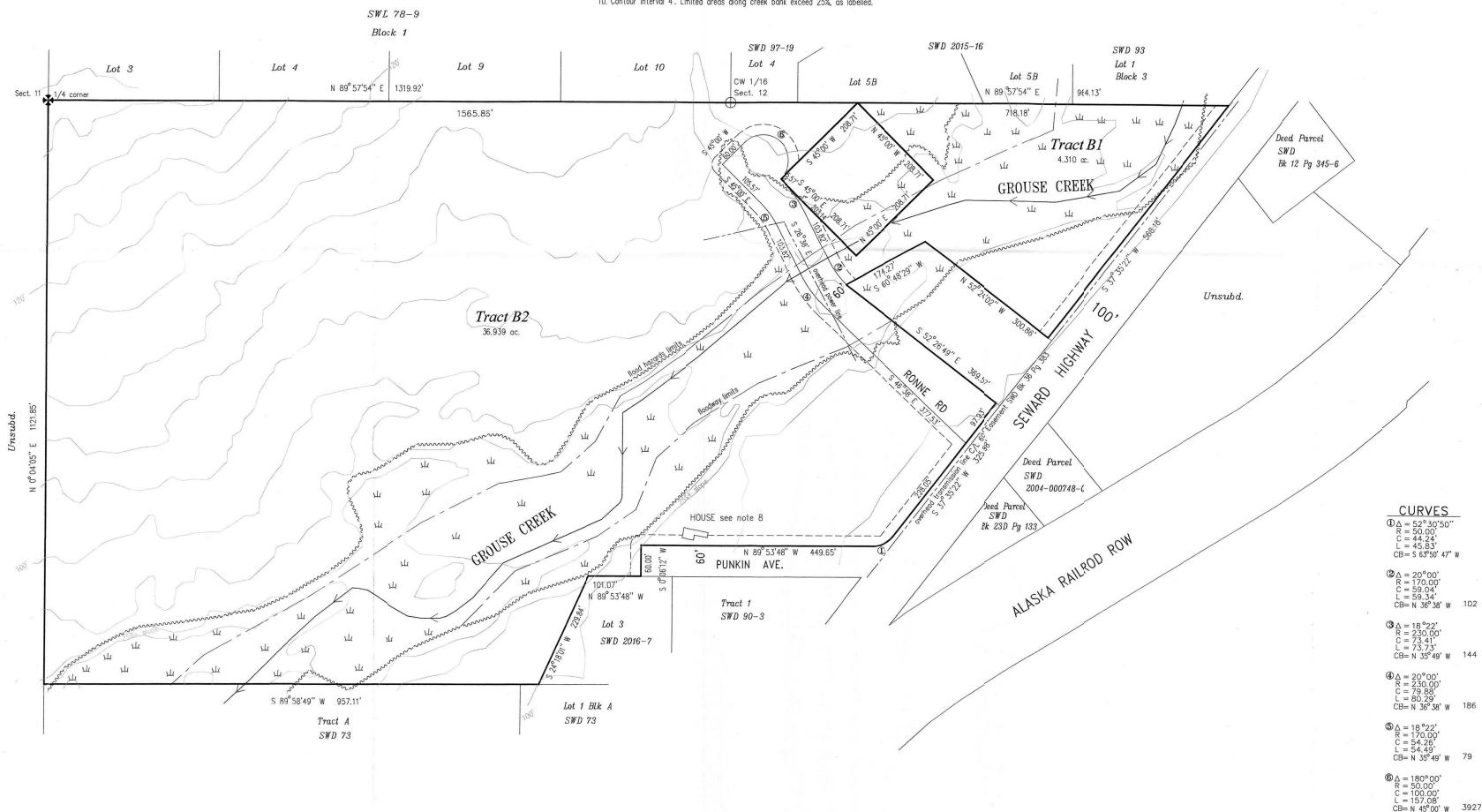
NOTES

1. A building setback of 20' from all street ROWs is required unless a lesser standard is approved by a resolution of the appropriate planning commission. SWD plot 2016-7 reserved a 15' utility easement adjacent to Seward Highway & Punkin Ave. ROWs extending to 20' within 5' of side lot lines. This plot grants a 15' utility easement adjacent to new street ROWs extending to 20' within 5' of new side lot lines.
2. No permanent structure shall be constructed or placed within a utility easement which would interfere with the ability of a utility to use the easement.
3. Any person developing the property is responsible for obtaining all required local, state, and federal permits, including a U.S. Army Corps of Engineers wetland determination if applicable.
4. No access to state maintained ROWs permitted unless approved by the State of Alaska Dept. of Transportation.
5. FLOOD HAZARD NOTICE: Some or all of the property within this subdivision has been designated by FEMA as Flood Hazard Area District as of the date this plot is filed with the District Records Office. Prior to development, the Kenai Peninsula Borough Floodplain Administrator should be contacted for current information and regulations. Development must comply with Chapter 21.06 of the Kenai Peninsula Borough Code. A survey to determine the elevation of the property may be required prior to construction.
6. FLOODWAY NOTICE: Portions of this subdivision are within then Floodway, Pursuant to KPB Chapter 21.06, (including (b)) in the floodway is prohibited unless certification by an Engineer or Architect is provided demonstrating that encroachments shall not result in any increases in flood levels during the occurrence of the base flood discharge.
7. Roads must meet the design and construction standards establish by the borough in order to be considered for certification and inclusion in the road maintenance program.
8. The house predates the granting of the building setback and is not subject to it. Any new or replacement will be subject to the 20' building setback. No other building setback exceptions are noted in this subdivision.
9. This property is subject to Reservation of an easement for highway purposes as disclosed by Public Land Order No. 601, dated August 10, 1949 and amended by Public Land Order No. 757, dated October 10, 1959; Public Land Order No. 1613, dated April 7, 1968, and Department of the Interior Order No. 2865, dated October 18, 1951, Amendment No. 1, thereto, dated July 17, 1952, and Amendment No. 2, thereto, dated September 15, 1956, filed in the Federal Register. 10. Contour interval 4'. Limited areas along creek bank exceed 25%, as labeled.

WASTEWATER DISPOSAL

Tract B2
KPB 20.40.030
This lot is at least 200,000 square feet in size and conditions may not be suitable for onsite wastewater treatment and disposal. Any wastewater treatment and disposal systems must meet the regulatory requirements of the Alaska Dept. of Environmental Conservation.

Tract B1
20.40.080
This lot to be used for flood control only. No wastewater will be generated or disposed of on this lot. Conditions might not be suitable for onsite wastewater treatment and disposal systems. Any onsite wastewater treatment and disposal systems must meet the wastewater disposal requirements of KPB Chapter 20.14 and regulatory requirements of the Alaska Dept. of Environmental Conservation.



CURVES

- ① $\Delta = 52^{\circ}30'50''$
 $R = 24.24'$
 $C = 45.83'$
 $CB = S 63^{\circ}58' 47'' W$
- ② $\Delta = 20^{\circ}00'$
 $R = 170.00'$
 $C = 59.04'$
 $L = 59.34'$
 $CB = N 35^{\circ}38' W$ 102
- ③ $\Delta = 18^{\circ}52'$
 $R = 230.00'$
 $C = 73.41'$
 $L = 73.73'$
 $CB = N 35^{\circ}49' W$ 144
- ④ $\Delta = 20^{\circ}00'$
 $R = 230.00'$
 $C = 59.04'$
 $L = 59.34'$
 $CB = N 35^{\circ}38' W$ 186
- ⑤ $\Delta = 18^{\circ}52'$
 $R = 170.00'$
 $C = 54.28'$
 $L = 54.49'$
 $CB = N 35^{\circ}49' W$ 79
- ⑥ $\Delta = 180^{\circ}00'$
 $R = 50.00'$
 $C = 100.00'$
 $L = 157.08'$
 $CB = N 45^{\circ}00' W$ 3927

KPB 2022-022

AGENDA ITEM E. NEW BUSINESS

ITEM 3 - Grouse Creek Subdivision 2022 Addition

KPB File No.	2022-022
Plat Committee Meeting:	March 21, 2022
Applicant / Owner:	Marshall and Ester Ronne Living Trust of Seward, AK
Surveyor:	Jerry Johnson / Johnson Surveying
General Location:	Mile 7 Seward Highway, Bear Creek

Parent Parcel No.:	125-033-28
Legal Description:	Tract B Grouse Creek Subdivision 2016 Addition Plat No SW 2016-7
Assessing Use:	Lodge - Multiple Cabins
Zoning:	Rural Unrestricted
Water / Wastewater	On site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide a 42.49 acre tract into two tracts that will be 4.31 acres and 36.939 acres. A right of way dedication is proposed that will provide access to a deed parcel located within the parent parcel.

Location and Legal Access (existing and proposed): The preliminary plat is located near mile 7 of the Seward Highway in the Bear Creek Area. Additional access is available on Punkin Avenue, a 60 foot wide right of way that appears constructed but is not maintained by the Kenai Peninsula Borough.

The plat is proposing to dedicate a new right of way, Ronne Road, a 60 foot wide right of way ending in a cul-de-sac. This dedication will provide access to a deed parcel located in the middle of the parent tract. Additional access will be made available to Lot 1 of Grouse Subdivision, Plat SW 88-11. Proposed Tract B1 will have access available via the Seward Highway and the new dedication. Proposed Tract B2 will have access available by the new dedication, Punkin Avenue, and the Seward Highway.

The plat, along with the parent plats, indicate a creek named Grouse Creek running through the subdivision. KPB GIS data indicates the name of the creek is Lost Creek. **Staff recommends the surveyor verify the name of the subdivision for the final plat. The River Center may be assistance in verifying the name.**

The location of the creek will limit the ability for Tract B1 to use the new dedication for access and the creek runs through the narrow portion of the tract. Tract B2 is also divided by the creek but the northern portion will have access via the dedication. There appears to be an existing travelway that is used by multiple structures located thorough out the property and the Deed Parcel and Lot 1 from SW 88-11. The dedication appears to encompass the majority of that right of way. It does appear that the intersection with the Seward Highway may not be within the dedication. This should be verified. If a common or shared access through Tract B2 is to be used for the portion outside the new dedication **staff recommends access or shared driveway easements be recorded by separate document and noted on the plat.**

The existing drive and the proposed right of way will be crossing the creek. This is shown as an anadromous stream but is exempt from KPB management. A bridge of some type appears to be constructed and in use. It should be noted that acceptance of the road dedication does not obligate the borough or any other accepting governing body to construct, operate, or maintain improvements. If the right of way is not included within the borough road maintenance program, anyone providing improvements to the right of way must comply with all laws and regulations regarding right of ways crossing a water body.

The block does not close or contain compliant lengths. This is a large acreage tract with a 70 acre parcel owned by Alaska DNR to the west. Due to constructed improvements, terrain, floodways, flood hazard areas, and streams, the ability to get a closed block will be difficult. **Staff recommends the plat committee concur and exception is not required, as any required dedications will not improve the block.**

The Certificate to Plat indicates the subdivision is subject to 33 foot section line easements along the western boundary. KPB GIS research indicates a 50 foot wide section is present within the DNR lands. A section line easement is not present within the bounds of the subdivision. **Staff recommends the surveyor review documentation to determine if the section line easements are present and if so provide documentation to the borough and depict on the plat.**

KPB Roads Dept. comments	Out of Jurisdiction: No Roads Director: Uhlin, Dil Comments: No comments
SOA DOT comments	The ROW for Seward Highway is generally as shown on Seward Highway MP 0-8 Right of Way Map NH-031-1(26) Seward Recording District 2013-1 and appears to be shown correctly.

Site Investigation: The proposed subdivision has slopes throughout with areas with slopes greater than 25 percent labeled. **Staff recommends the toe and/or top of any steep bluffs be depicted and labeled on the final plat if not in conflict with other required information.**

The low wet areas are depicted on the plat. The correct plat note is present that a wetlands determination may be required.

The proposed subdivision is within a flood hazard area. The flood hazards are depicted and labeled on the plat and should remain on the final plat.

Plat notes are present on the plat. Flood Hazard and Floodway notices are present as notes 5 and 6. Per the comment received by the Seward Bear Creek Flood Service Area, **staff recommends adding to the flood hazard notice or adding an additional note, "Portions of the parcel are also designated as Seward Mapped Flood Data Area as included in the Flood Risk Assessment and Hydrologic and Hydraulic Report."**

Proposed Tract B2 has multiple improvements throughout the property. There appears to be three larger structures within the portion south of the creek. Two other improvements are visible on KPB GIS imagery north of the creek.

KPB River Center review	A. Floodplain Reviewer: Carver, Nancy Floodplain Status: IS in flood hazard area Comments: Flood Zone: SMFDA, Floodway, X (shaded), AE Map Panel: 02122C-4534D In Floodway: False Floodway Panel: B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments C. State Parks Reviewer: Russell, Pam Comments: No Comments
State of Alaska Fish and Game	No objections

Staff Analysis The proposed subdivision will create two tracts and dedicate a right of way. This is a subdivision of Tract B that was created by Grouse Creek Subdivision 2016 Addition, Plat SW 2016-7. Previously to the that plat it was an unsubdivided remainder that was not platted as it divided off Lot 1 of Grouse Creek Subdivision, Plat SW 88-11 and Tract 1 of Ronne Subdivision, Plat SW 90-03. A deed was also issued in 1965 that created the parcel located in the middle of the parent tract.

KPB GIS data shows the property within Chugach National Forest. This is common and is considered a private inholding and the laws and regulations within the Chugach National Forest do not apply to the property.

Per a wastewater disposal note, Tract B1 is “to be used for flood control only.” The note references KPB Code 20.40.080 – subdivisions with no wastewater disposal. Per 20.40.080(A), “This section applies to subdivisions where no wastewater will be generated or disposed, and the land use cannot produce wastewater.” Due to the proximity to the creek and the flood hazard areas, only a small portion may be found to provide adequate location for a wastewater disposal system. **Staff recommends the plat committee discuss to determine if they are in agreement with this tract falling under this portion of code. If agreed to by the plat committee, the plat note needs to be reworded to correct a typo and to match what is outlined in KPB Code. “WASTEWATER DISPOSAL: Conditions might not be suitable for onsite wastewater treatment and disposal systems. No wastewater will be generated or disposed of on these lots as of the date of this plat. If circumstances change to allow lawful onsite wastewater treatment and disposal systems, those systems must meet the wastewater disposal requirements of KPB Chapter 20.40 and regulatory requirements of the Alaska Departmental of Environmental Conservation.”**

If the plat committee does not agree that Tract B1 can fall under KPB Code 20.40.080, a soils report will be required for Tract B1 and an engineer will sign the final plat.

Staff would like to mention that the Certificate to Plat included a statutory warranty deed recorded in 2021. The deed attempted to deed a portion of proposed Tract B2. The deed used GPC coordinates to describe the property. Due to the description, the title company included the note “The legal description in said Warranty Deed is insufficient to determine the location, further, Grantor Ester K. Ronne, is identified as an “Agent” rather than a “Trustee” of the Trust.” They also included the note “The following condition may affect in regards to subject recorded Warranty Deed: Any question which may be raised by a government entity, as the land is a portion of a larger parcel for which no plat has been filed, as required by Alaska Statutes or local law.”

The change in property lines by a deed is regarded by the borough as an “illegal subdivision”. The borough has not recognized the deed and no ownership or property lines have changes. Platting staff requested the KPB GIS department review the deed and the description given. Staff did find some discrepancies between the distances and points mentioned in the deed but it appears to be for the eastern improvement located north of the creek within Tract B2. It does not appear that this platting action will be creating that lot. Unless the ownership of the Tract is later conveyed, including the portion described and to the owner listed in the deed, a cloud on the title may remain. The owners may need to work with a title company or seek legal counsel to clear the title and determine how to deal with the recorded deed.

The building setback along Punkin Avenue was created after the structure was in place. The structure will be exempt from the setback. Plat note 8 explains that all other setbacks have no exceptions and that any replacements or additions to that structure will abide by the setback.

Per the certificate to plat and Grouse Creek Subdivision 2016 Addition, Plat SW 2016-7, a prescriptive rights claim was recorded for the driveway for access to the Deed Parcel. The title company did note the owners did not sign the document and was signed by the owners of the Deed Parcel. **Staff recommends it be determined if the driveway within the document is now within the dedication. If so a plat note should be added, “The dedication of the right of way, Ronne Road, the access easement for driveway as described in Book 41 Page 839, SRD,**

terminates with the recording of the plat.” If the easement is outside the dedication area, carry over the plat note from the parent plat.

Notice of the proposed plat was mailed to the beneficial interest holder on February 24, 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 property is not within an advisory planning commission.

Utility Easements Grouse Creek Subdivision 2016 Addition, Plat SW 2016-7, granted 15 foot utility easements along the right of ways of Punkin Avenue and the Seward Highway. **Staff recommends** *plat note 1 be revised to remove the portion “extending to 20’ within 5’ of side lot lines.”*

An easement was granted by recorded document that is 60 feet wide and centered on the overhead transmission line along the Seward Highway. This is depicted on the plat with reference to the recorded document.

An additional easement was granted by document for existing lines. Per the attachment recorded with the easement, this easement runs through portions of Tract B2 to the Deed lot. The plat is depicting some overhead lines within the proposed dedication and within portions of Tract B2. **Staff recommends** *the depiction of the easement as granted be shown on the plat with a reference to the recording document or provide a plat note.*

The plat will be granting 10 foot utility easements that increase to 20 feet within 5 feet of the side lot lines along the new right of way dedications.

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

Utility provider review:

HEA	
ENSTAR	No comments or recommendations.
ACS	Not an ACS Service Area, no objections.
GCI	Approved as shown
SEWARD ELECTRIC	
CHUGACH ELECTRIC	Chugach has no comments.
TELALASKA	

KPB department / agency review:

Addressing	Reviewer: Haws, Derek Affected Addresses: 33236 PUNKIN AVE 33276 PUNKIN AVE 14835 SEWARD HWY Existing Street Names are Correct: Yes List of Correct Street Names: SEWARD HWY PUNKIN AVE
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	<p>Existing Street Name Corrections Needed: All New Street Names are Approved: Yes</p> <p>List of Approved Street Names: RONNIE RD</p> <p>List of Street Names Denied:</p> <p>Comments: 33236 PUNKIN AVE WILL REMAIN WITH TRACT B1. 33276 PUNKIN AVE WILL REMAIN WITH TRACT B1. 14835 SEWARD HWY WILL BE DELETED AND REPLACED WITH A RONNIE RD ADDRESS ON TRACT B2.</p>
Code Compliance	<p>Reviewer: Ogren, Eric Comments: No comments</p>
Planner	
Assessing	<p>Reviewer: Wilcox, Adeena Comments: No Comment</p>

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

STAFF RECOMMENDATIONS **CORRECTIONS / EDITS**

The building setback is depicted but requires a label.

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 to "N1/2 SW ¼". Verify the owner's address as KPB Assessing has a Primrose Road address listed.*
- C. The location, width, and name of existing or platted streets and public ways, railroad rights-of-way, and other important features such as section lines or political subdivisions or municipal corporation boundaries abutting the subdivision;
- Staff recommendation:** *Provide a width label for the Alaska Railroad ROW.*
- D. A vicinity map, drawn to scale showing location of proposed subdivision, north arrow if different from plat orientation, township and range, section lines, roads, political boundaries, and prominent natural and manmade features, such as shorelines or streams;
- Staff recommendation:** *Remove any overstrikes of labels. Provide a label for the Chugach National Forest.*

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

Staff recommendation:

- Lot "5B" to the north, needs corrected to "5A".
- A label is needed for Lot 1 of SW 88-11.
- A label is needed for the Deed Parcel located in the middle of this 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.

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: Provide appropriate plat notes. Provide a soils analysis report if required by the plat committee.

Staff recommendation: comply with 20.40.

KPB 20.60 – Final Plat

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

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

Staff recommendation: An acceptance by the borough will be required for new dedicated right of ways.

- 20.60.060. Dedications within 100 feet of waterbodies. In addition to the criteria set forth in KPB 14.40.061(B), where dedications are proposed within 100 feet of a waterbody, the requirements of KPB 20.30.040 shall be met as part of the subdivision design.

Staff recommendation: Provide the plat note "Any roadway construction or improvement within Ronne Road will be subject to KPB 20.60.060 and will require review and approval by KPB Roads Department."

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.

- Correct "then" to "the" within the first line of plat note 6.
- Correct the spelling of "Reservation" within plat note 9.
- Provide the plat notes as required and noted within the staff report.

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: *Documentation will be required to show who as signature authority for land transactions for the trust. The Owners Certificate should include the signatures are on behalf of the Trust. The signature lines should include their title, such as trustee or manager. Comply with 20.60.190.*

RECOMMENDATION:

STAFF RECOMMENDS:

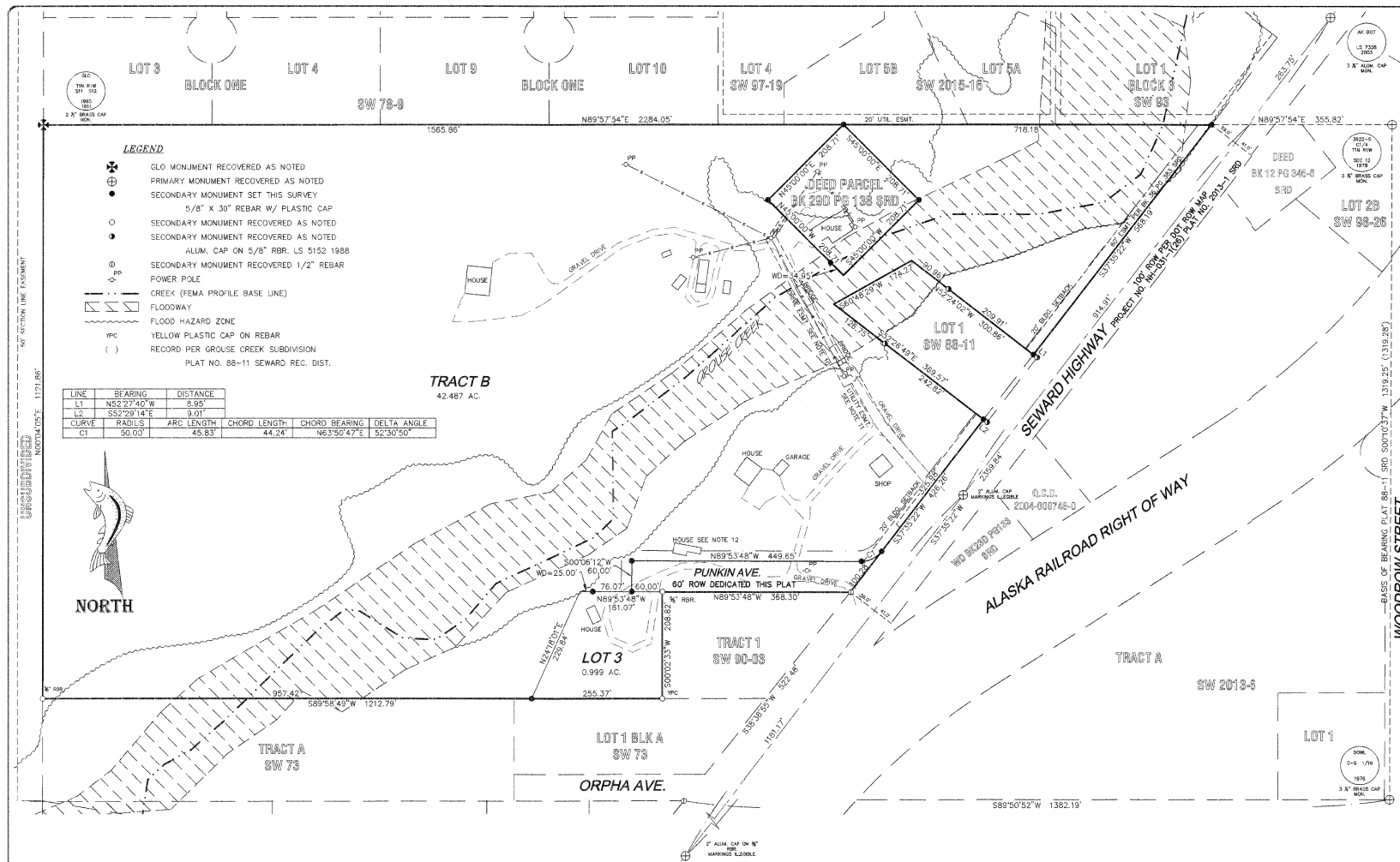
- GRANT APPROVAL OF THE PRELIMINARY PLAT SUBJECT TO STAFF RECOMMENDATIONS, AND
- COMPLIANCE WITH KPB 20.25.070 (FORM AND CONTENTS), KPB 20.25.080 (PETITION REQUIRED), KPB 20.30 (DESIGN REQUIREMENTS); AND KPB 20.40 (WASTEWATER DISPOSAL), AND
- COMPLIANCE WITH KPB 20.60 TO ENSURE ADMINISTRATIVE APPROVAL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



CERTIFICATE OF OWNERSHIP AND DEDICATION

I, THE UNDERSIGNED, HEREBY CERTIFY THAT MARSHALL & ESTHER RONNE LIVING TRUST, IS THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND ON BEHALF OF THE MARSHALL & RONNE LIVING TRUST, I HEREBY ADOPT THIS PLAN OF SUBDIVISION AND BY MY FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND GRANT ALL EASEMENTS TO THE USE SHOWN.

Esther K. Ronne
 ESTHER K. RONNE
 MARSHALL & ESTHER RONNE LIVING TRUST
 P.O. BOX 723
 SEWARD, AK 99664

NOTARY'S ACKNOWLEDGMENT

FOR: ESTHER K. RONNE
 ACKNOWLEDGED BEFORE ME THIS 19 DAY OF JULY, 2016
Notary Signature
 NOTARY PUBLIC FOR ALASKA
 MY COMMISSION EXPIRES 2018



2016-7
 Plat #
 Seward
 Rec. Dist.
 2-26-2016
 Date
 Time 12:50 PM

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF April 26, 2016

KENAI PENINSULA BOROUGH

Notary Signature
 AUTHORIZED OFFICIAL

KPB FILE NO. 2016-046

GROUSE CREEK SUBDIVISION 2016 ADDITION

A SUBDIVISION OF NORTH ONE HALF OF THE SOUTHWEST ONE-QUARTER (N½ SW¼) SECTION 12, T1N, R1W, SEWARD MERIDIAN, LYING WEST OF THE SEWARD HIGHWAY RIGHT OF WAY AND NORTH OF ERV TRESSLER SUBDIVISION, EXCEPTING THEREFROM GROUSE CREEK SUBDIVISION (PLAT NO. 88-11 SRD) FURTHER EXCEPTING THEREFROM RONNE SUBDIVISION (PLAT NO. 90-3 SRD) FURTHER EXCEPTING THEREFROM WARRANTY DEED CONVEYED TO HENRY MUMFORD AND LOIS MUMFORD AS RECORDED ON APRIL 29, 1965 IN BK 290 PG 135 SRD.

OWNER: MARSHALL & ESTHER RONNE LIVING TRUST
 P.O. BOX 723
 SEWARD, AK 99664

LOCATED WITHIN THE N½ SW¼ SECTION 12, T1N, R1W, SEWARD MERIDIAN, SEWARD RECORDING DISTRICT, KENAI PENINSULA BOROUGH, ALASKA CONTAINING 44.110 ACRES

INTEGRITY SURVEYS INC.

820 SET NET DRIVE KENAI, AK 99611

SURVEYORS		PLANNERS	
JOB NO.:	215250	DRAWN:	JUNE 27, 2015 SH
SURVEYED:	NOV. 2015-MAY 2016	SCALE:	1" = 100'
FIELD BK:	2015-9 PG: 6-12	FILE:	215250 FP.DWG

Sheet 1 of 1

NOTES:

- BUILDING SETBACK - A SETBACK OF 20 FEET IS REQUIRED FROM ALL STREET RIGHTS-OF-WAY UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
- NO PRIVATE ACCESS TO STATE MAINTAINED ROW'S PERMITTED UNLESS APPROVED BY THE STATE OF ALASKA DEPARTMENT OF TRANSPORTATION.
- FRONT 15 FEET OF THE BUILDING SETBACK ADJACENT TO THE RIGHTS-OF-WAY IS ALSO A UTILITY EASEMENT. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT EXCLUDING AREAS WITH EXISTING STRUCTURES.
- FLOOD HAZARD NOTICE: SOME OR ALL OF THE PROPERTY SHOWN ON THIS PLAT HAS BEEN DESIGNATED BY F.E.M.A. AS A FLOOD HAZARD AREA DISTRICT AS OF THE DATE THIS PLAT IS RECORDED WITH THE DISTRICT RECORDERS OFFICE. PRIOR TO DEVELOPMENT, THE KENAI PENINSULA BOROUGH FLOODPLAIN ADMINISTRATOR SHOULD BE CONTACTED FOR CURRENT INFORMATION AND REGULATIONS. DEVELOPMENT MUST COMPLY WITH CHAPTER 21.06 OF THE KENAI PENINSULA BOROUGH CODE. A SURVEY TO DETERMINE THE ELEVATION OF THE PROPERTY MAY BE REQUIRED PRIOR TO CONSTRUCTION. THE FLOODWAY AND FLOOD HAZARD AREA HAS BEEN DEPICTED PER FEMA FLOOD MAP NO. 020222 PANEL 4534 SHEET D.
- FLOODWAY NOTICE: PORTIONS OF THIS SUBDIVISION ARE WITHIN THE FLOODWAY. PURSUANT TO KPB CHAPTER 21.06, ALL DEVELOPMENT (INCLUDING FILL) IN THE FLOODWAY IS PROHIBITED UNLESS CERTIFICATION BY AN ENGINEER OR ARCHITECT IS PROVIDED DEMONSTRATING THAT ENCROACHMENTS SHALL NOT RESULT IN ANY INCREASES IN FLOOD LEVELS DURING THE OCCURRENCE OF THE BASE FLOOD DISCHARGE.

- THIS PROPERTY MAY BE AFFECTED BY LOW WET AREAS. 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.
- ROADS MUST MEET THE DESIGN AND CONSTRUCTION STANDARDS ESTABLISHED BY THE BOROUGH IN ORDER TO BE CONSIDERED FOR CERTIFICATION AND INCLUSION IN THE ROAD MAINTENANCE PROGRAM.
- AN EXCEPTION TO KPB CODE 20.30.050 LEGAL ACCESS (FOR DEED PARCEL BK 290 PG 183 SRD), KPB 20.30.150 STREETS - INTERSECTING ANGLE AND KPB 20.30.170 BLOCK LENGTH WERE GRANTED AT THE PLAT COMMITTEE MEETING OF APR. 26, 2016.
- RIGHT OF WAY EASEMENT FOR UTILITIES AS RECORDED ON DEC. 7, 1984 IN BK 36 PG 383 SEWARD RECORDING DISTRICT.
- A PRESCRIPTIVE RIGHTS CLAIM FOR AN ACCESS EASEMENT IS RECORDED IN BK 41 PG 839 SEWARD REC. DIST. ON DEC. 26, 1965. THE PRESCRIPTIVE RIGHTS CLAIM IS CENTERED ON THE EXISTING DRIVEWAY WITH NO DEFINED WIDTH.
- THIS PROPERTY IS AFFECTED BY A UTILITY EASEMENT AS RECORDED ON FEB. 22, 1999 IN BK 94 PG 884 SRD. THE LOCATION OF SAID EASEMENT IS SHOWN PER FIELD SURVEY AND RECORD DOCUMENT.
- THE STRUCTURE PREDATE THE CREATION OF THE BUILDING SETBACK AND IS NOT SUBJECT TO THE RESTRICTION. ANY NEW OR REPLACEMENT CONSTRUCTION WILL BE SUBJECT TO THE 20 FOOT SETBACK. THE 20 FOOT BUILDING SETBACK WILL APPLY TO THE REMAINDER OF THE SUBDIVISION.

- THIS PROPERTY MAY BE SUBJECT TO A HIGHWAY RESERVATION AS CLAIMED BY THE STATE OF ALASKA PURSUANT PUBLIC LAND ORDERS 601, 757, AND 1613 AND DEPARTMENT ORDER 2865.
- ANY ROADWAY CONSTRUCTION OR IMPROVEMENT WITHIN PUNKIN AVENUE WILL BE SUBJECT TO KPB 20.60.080 AND WILL REQUIRE REVIEW AND APPROVAL BY KPB ROADS DEPARTMENT.
- WASTEWATER DISPOSAL: TRACT B - THIS TRACT IS AT LEAST 200,000 SQUARE FEET OR A NOMINAL 5 ACRES IN SIZE AND CONDITIONS MAY NOT BE SUITABLE FOR ONSITE WASTEWATER TREATMENT AND DISPOSAL. ANY WASTEWATER TREATMENT OR DISPOSAL SYSTEM MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

Notary Signature
 ENGINEER

3380-E
 LICENSE #

28.6.16
 DATE



CERTIFICATE OF SURVEYOR

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

No.	Delta	Radius	Arc Length
C1	01°18'40"	1398.34	32.00
C2	18°35'36"	1398.34	453.79
C3	18°45'50"	1575.95	516.11

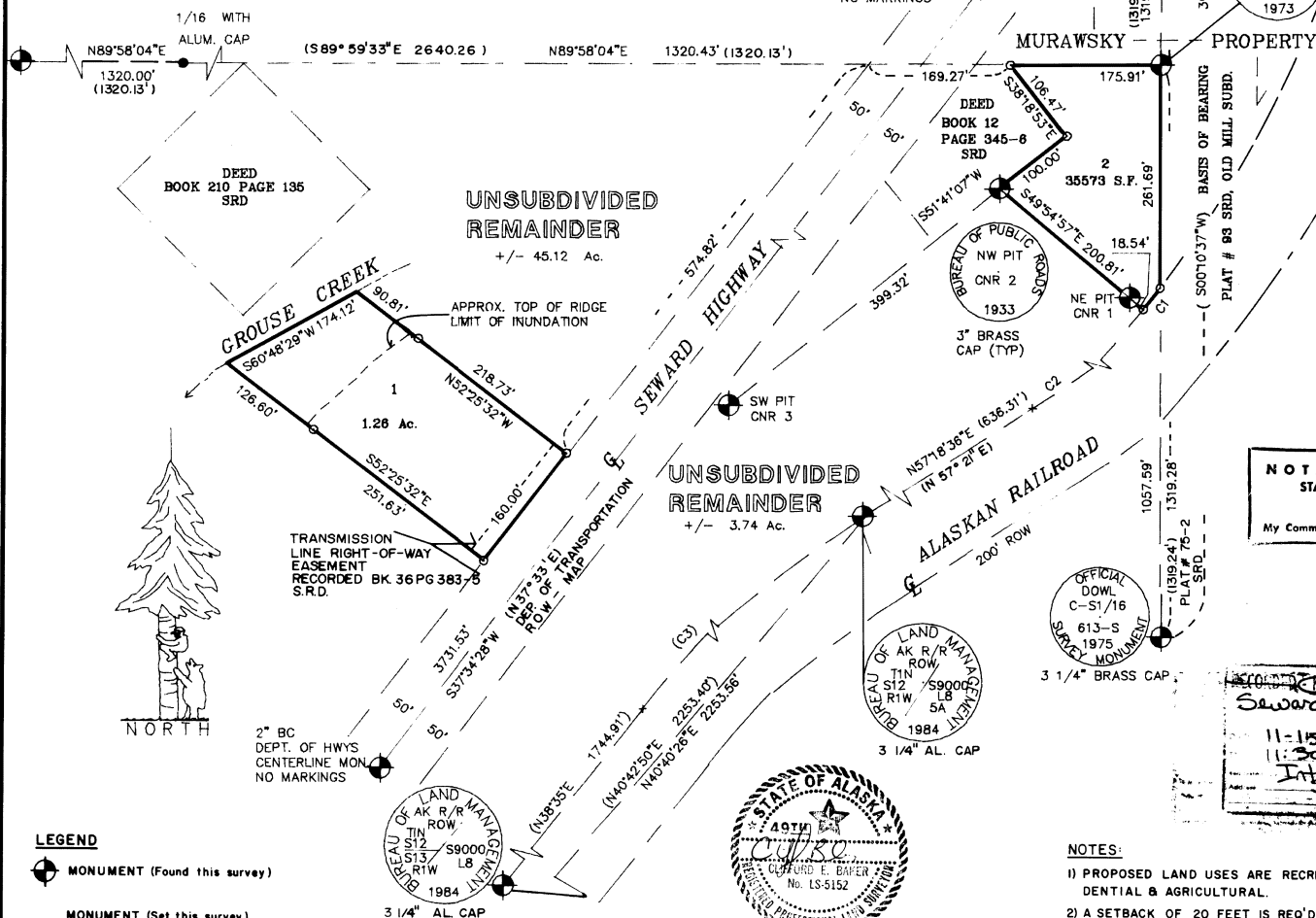
RADIUS USED AND RECORD INFORMATION SHOWN
FOR ALASKA RAILROAD ROW OBTAINED FROM BLW
U. S. SURVEY No. 9000, FILED FEBRUARY 9, 1988.

2 1/2" BRASS CAP



FROM WHICH FOUND BT's
17" SPRUCE N4°W 11.3'
15" SPRUCE S82°E 11.4'

OLD MILL SUBDIVISION

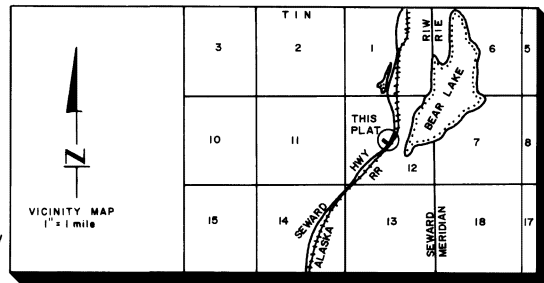


LEGEND

- MONUMENT (Found this survey)
- MONUMENT (Set this survey)
- 5/8" REBAR (Found this survey)
- 5/8" x 30" REBAR (Set this survey) WITH 1 1/2" ALUM. CAP
- () RECORD DATUM

CERTIFICATE OF APPROVAL BY THE ALASKA
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
THIS SUBDIVISION HAS BEEN REVIEWED IN ACCORDANCE WITH
18 AAC 72.065 AND IS APPROVED, SUBJECT TO ANY NOTED RESTRICTIONS.

Paul D. Horvath *EE* *10/31/88*
SIGNATURE TITLE DATE



CERTIFICATE of OWNERSHIP and DEDICATION

WE HEREBY CERTIFY THAT WE ARE THE OWNER(S) OF THE
PROPERTY SHOWN & DESCRIBED HEREON & THAT WE HEREBY
ADOPT THIS PLAN OF SUBDIVISION & DEDICATE ALL RIGHT-OF-
WAYS & PUBLIC AREAS TO PUBLIC USE & GRANT ALL EASEMENTS
TO THE USE SHOWN.

Marshall G. Ronne
MARSHALL G. RONNE

Esther K. Ronne
ESTHER K. RONNE

P.O. BOX 723
SEWARD, ALASKA 99664

NOTARY'S ACKNOWLEDGEMENT

SUBSCRIBED AND SWORN BEFORE ME THIS 4 DAY OF November,
1988 FOR MARSHALL G. RONNE & ESTHER K. RONNE

NOTARY PUBLIC
STATE OF ALASKA
CLIFF BAKER
My Commission Expires 8/12/91

Cliff Baker
NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES 8/12/91

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH
PLANNING COMMISSION AT THE MEETING OF August 22, 1988

KENAI PENINSULA BOROUGH
Cliff Baker
AUTHORIZED OFFICIAL

KPB. FILE NO. 88-066

GROUSE CREEK SUBDIVISION

LOCATED WITHIN THE NE 1/4 SW 1/4 SEC. 12,
T1N, R1W, S12E, WOODROW, SEWARD RECORDING
DISTRICT, KENAI PENINSULA BOROUGH, AK.

CONTAINING 2.08 Ac. INTO 2 LOTS

INTEGRITY SURVEYS

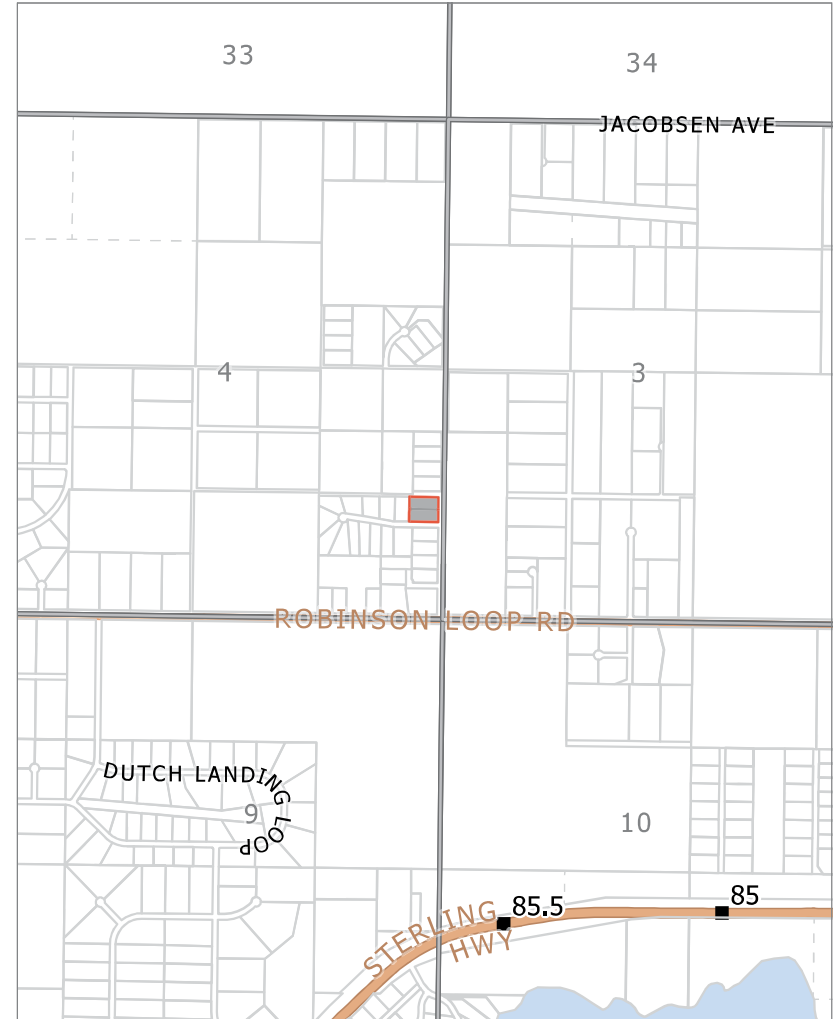
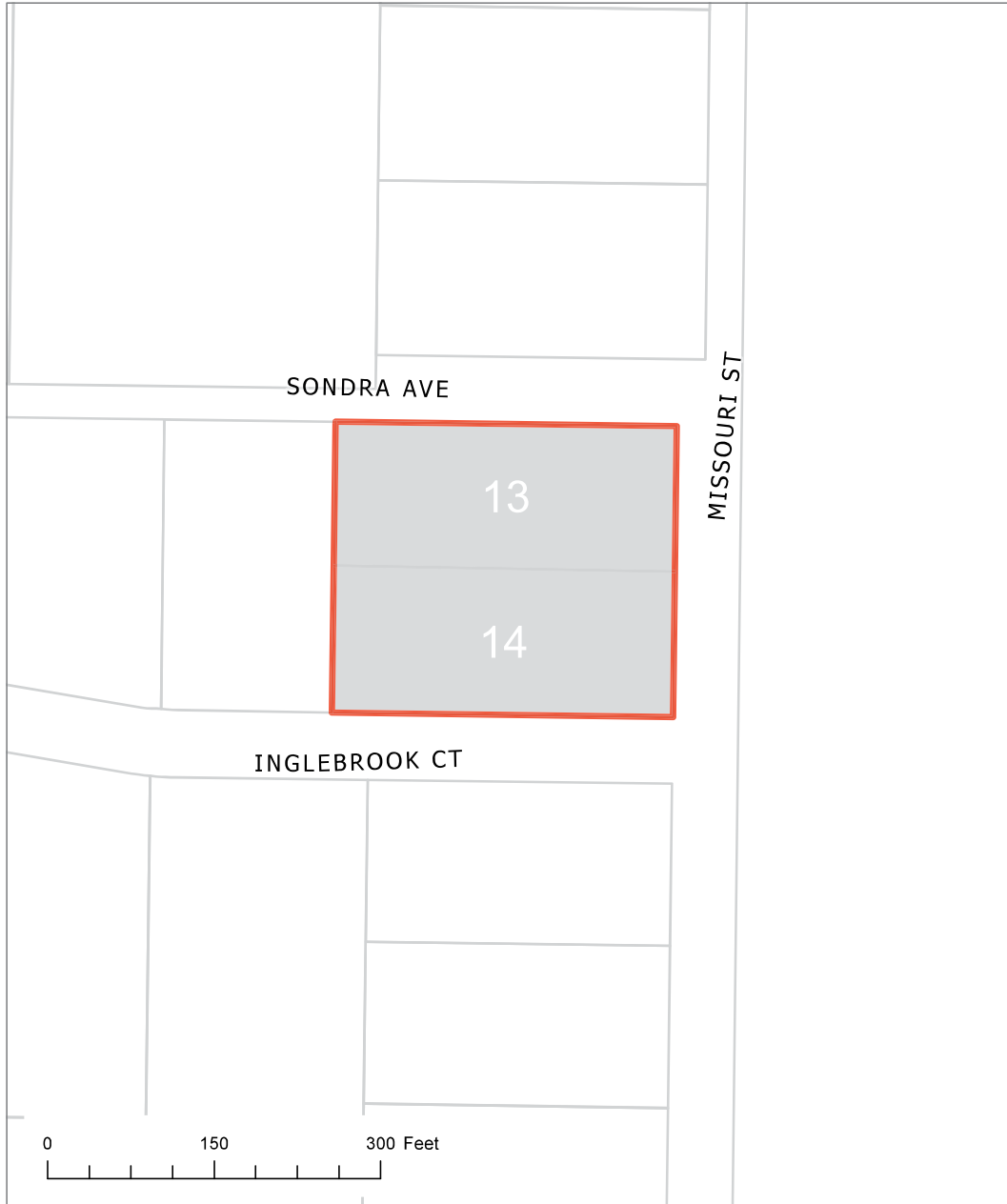
SURVEYORS		PLANNERS	
JOB NO.:	88-27	FIELD BOOK:	88-2
DISK NO.:	OLD MILL	FILE NAME:	OLD MILL
SURVEYED:	AUG.-OCT. 88	PLATTED:	OCTOBER 88
DRAFTED:	CB	SCALE:	1" = 100'
CHECKED:	CB	SHEET:	

NOTES:

- PROPOSED LAND USES ARE RECREATIONAL, RESIDENTIAL & AGRICULTURAL.
- A SETBACK OF 20 FEET IS REQ'D FROM ALL STREET RIGHT-OF-WAYS UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
- ALL WASTEWATER DISPOSAL SYSTEMS SHALL COMPLY WITH EXISTING LAWS AT THE TIME OF CONSTRUCTION.
- NO PRIVATE ACCESS TO STATE MAINTAINED ROW'S PERMITTED UNLESS APPROVED BY STATE OF ALASKA DEPARTMENT OF TRANSPORTATION.
- LOT 2 IS RESTRICTED TO A ONE-TIME CONVEYANCE TO MURAWSKY PROPERTY, ADJOINING NORTH AND EAST OF SAID LOT 2.

E. NEW BUSINESS

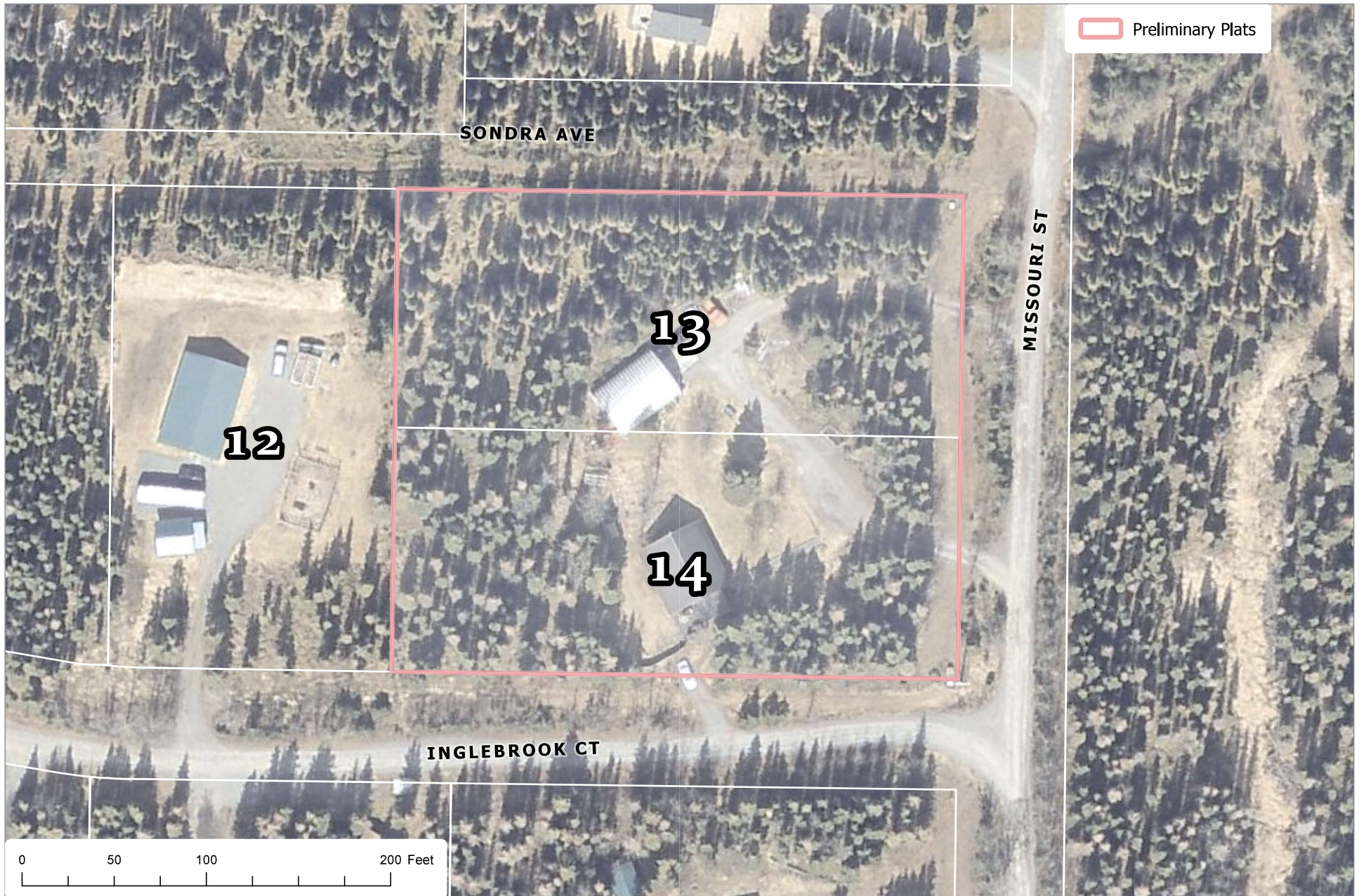
ITEM E4 - Inglebrook 2022 Replat



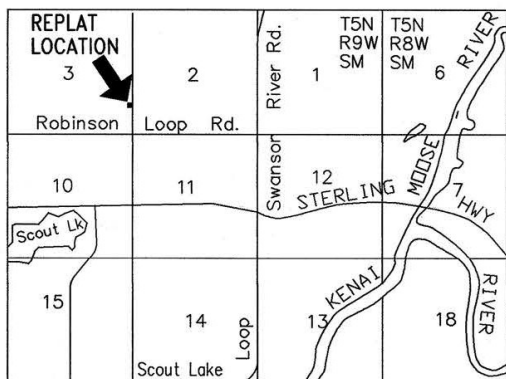
KPB File # 2022-021

Township 05N-Range 09W-Section 04

Sterling



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



VICINITY 1" = 1 mile MAP

Inglebrook 2022 Replat Preliminary Plat

A replat combining Lots 13 & 14 Block 1 Inglebrook, KRD 86-50. Located in the SE 1/4 Section 3, T5N R9W, SM, Sterling, Alaska. Kenai Recording District Kenai Peninsula Borough

Prepared for
John & Norma Daniels
209 Banner Ln.
Soldotna, AK 99669

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

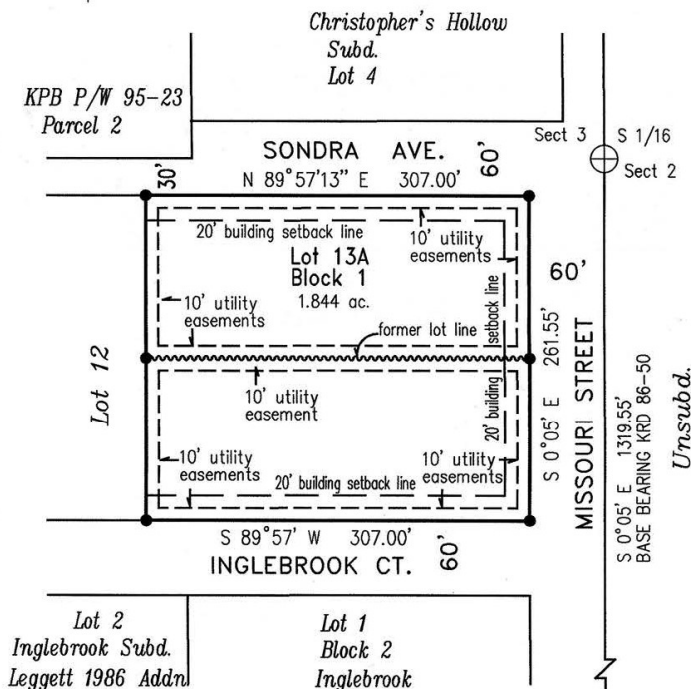
SCALE 1" = 100' AREA = 1.844 acres
2 February, 2022

LEGEND

- ⊕ - 3/4" alcap monument, LS-5152, 2000, record KRD 2019-76.
- ⊕ - 3/4" alcap monument, 3167-S, 1985, record KRD 2019-76.
- - 1/2" rebar lot corner, record, KRD 86-50.

NOTES

1. A building setback of 20' from all street ROWs is required unless a lesser standard is approved by a resolution of the appropriate planning commission. Front 10' of building setback is also a utility easement as is the entire setback within 5' of side lot lines.
2. No permanent structure shall be constructed or placed within a utility easement which would interfere with the ability of a utility to use the easement.
3. 10' utility easements shown hereon were carried forward from plat KRD 86-50.
4. This is a paper plat replat using data derived from plat KRD 86-50. No field survey was conducted in conjunction with preparing this plat, no corners were found or set.
5. An electrical easement affects this property as granted to Homer Electric Association, Inc. in KRD Book 5 Page. 95. This is a general easement, no definite location given.
6. This property is affected by restrictive covenants recorded with the Kenai District Recorder in Book 471 Page 271. The borough will not enforce private covenants per KP 21.44.080.
7. Topography of the property is level with slight downslope from SW to NE. There are no wet areas on the property.



WASTEWATER DISPOSAL

20.40.020

The parent subdivision for lots resulting from this platting action was approved by the Alaska Department of Environmental Conservation on 2/5/1986. Wastewater treatment and disposal systems must meet the regulatory requirements of the Alaska Department of Environmental Conservation.

KPB 2022-021

AGENDA ITEM E. NEW BUSINESS

ITEM 4 - Inglebrook 2022 Replat

KPB File No.	2022-021
Plat Committee Meeting:	March 21, 2022
Applicant / Owner:	John and Norma Daniels of Soldotna, AK
Surveyor:	Jerry Johnson / Johnson Surveying
General Location:	Missouri Street, Sterling

Parent Parcel No.:	063-018-13 & 063-018-14
Legal Description:	Lots 13 & 14, Block 1 Inglebrook Subdivision Plat No KN 86-50
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will combine two lots to create a 1.844 acre lot.

Location and Legal Access (existing and proposed): The proposed replat is located along three right of ways. Along the eastern boundary is Missouri Street that is located off Robinson Loop Road, a state maintained right of way. Missouri Street is partially constructed but GIS data states it is not maintained by the borough or state. Missouri Street is along a section line and borough data indicates that 33 foot section line easements are present. The dedication along this portion is 60 feet wide on the west side of the section line. Just north of the subdivision the width reduces to 33 feet west of the section line. The lot to the east of Missouri Street is 30 acres in size and contains a material site. **Staff recommends the section line easement does not need to be labeled as the dedicated right of way width encompasses the full easement.**

Inglebrook Court is located off Missouri Street and south of the proposed replat. Inglebrook Court is approximately 1,000 feet long and ends in a cul-de-sac. The right of way appears to be constructed. KPB GIS data does not show this is a maintained right of way by the borough or state.

Along the north of the replat is Sondra Avenue that connects to Missouri Avenue. Not all portions of Sondra Avenue have been dedicated resulting in varying widths. The majority of the right of way this subdivision fronts on is 60 feet wide. Along the northwest portion, the dedication reduces to 30 feet. If the plat waiver parcel located to the northwest is subdivided, it will be required to provide a 30 foot matching dedication.

Sondra Avenue, Oomingnak Street, Robinson Loop Road, and Missouri Street provide a closed block. Not all portions are currently constructed. The north-south block lengths are compliant. The east-west length exceeds borough code allowable lengths. Within the western portion of the block is a 38.5 acre lot that could later be subdivided and provide dedications to improve block lengths. **Staff recommends the plat committee concur that an exception is not required, as any dedications required 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

Site Investigation: The subdivision is relatively flat with no low wet areas present. Plat note 7 reflects the surveyors findings regarding slopes and low wet areas.

Per KPB Assessing information, an accessory building is present on Lot 13 and a dwelling is on Lot 14. It does not appear that there are any encroachments between the lots but if some are present, this platting action will resolve the issue.

The lot to the west contains improvements but there does not appear to be any encroachment issues. All right of ways appear to be constructed within the dedicated boundaries.

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

Staff Analysis The proposed plat will combine two lots into one lot. Inglebrook, Plat KN 86-50, was a subdivision of aliquot lands and created both lots.

The new lot will have frontage along three right of ways. It appears that some access has been developed of Inglebrook Court and Missouri Street. No additional right of way widths are required from this plat.

The parent plat received approval by Alaska DEC and was signed on February 5, 1986. A soils report will not be required and the appropriate wastewater disposal 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.

The property is not within an advisory planning commission.

Utility Easements Inglebrook, Plat KN 86-50, granted 10 foot utility easements on both sides of all lots lines. The plat does depict those easements. **Staff recommends** the utility easement labels indicate the easements were granted by KN 86-50 or add a plat note that explains the easements and source.

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

Utility provider review:

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

KPB department / agency review:

Addressing	<p>Reviewer: Haws, Derek Affected Addresses: 39171 MISSOURI ST 39145 MISSOURI ST</p> <p>Existing Street Names are Correct: Yes List of Correct Street Names: SONDRA AVE MISSOURI ST INGLEBROOK CT</p> <p>Existing Street Name Corrections Needed: All New Street Names are Approved: No List of Approved Street Names: List of Street Names Denied:</p> <p>Comments: 39171 MISSOURI ST WILL REMAIN WITH LOT 13A. 39145 MISSOURI ST WILL REMAIN WITH LOT 13A.</p>
Code Compliance	<p>Reviewer: Ogren, Eric Comments: No comments</p>
Planner	
Assessing	<p>Reviewer: Wilcox, Adeena Comments: No Comment</p>

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

STAFF RECOMMENDATIONS **CORRECTIONS / EDITS**

KPB 20.25.070 – Form and contents required

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

- A. Within the Title Block
1. Name of the subdivision which shall not be the same as an existing city, town, tract, or subdivision of land in the borough, of which a plat has been previously recorded, or so nearly the same as to mislead the public or cause confusion. The parent plat's name shall be the primary name of the preliminary plat.
 2. Legal description, location, date, and total area in acres of the proposed subdivision;
 3. Name and address of owner(s), as shown on the KPB records and the certificate to plat, and registered land surveyor.
- Staff recommendation:** *Staff recommends that the name be revised to Inglebrook Subdivision 2022 Replat. The parent plat did not include "Subdivision" in the name but deeds and covenants since recorded reference it as Inglebrook Subdivision. Correct the section to 4.*
- 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 vicinity map will need to be adjusted, as the subject replat is located in Section 4 not 3. Update Scout Lake Loop label to "Scout Lake Loop Road".*

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

Staff recommendation: *Provide a width label for the Missouri Street right of way north of Sondra Avenue. Update Lot 2 located to the southwest to "Lot 1". Update Parcel 2 from the Plat Waiver to "Parcel 1".*

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: Correct plat note is present on the plat. Lot is increasing in size and parent lots were approved by DEC.

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:

Update the code reference in plat note 6 to "20.60.170".

Update plat note 1 to closer resemble KPB Code. "Front 10' adjacent to dedicated right of ways is a utility easement that increases to 20' within 5' of side lot lines."

Update plat note 4 to include a reference to KPB Code 20.60.200(A), which allows a field survey not be performed.

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: *The Daniels took title of the lots differently. Staff suggests the signature lines be as follows*

John Daniels AKA John G. Daniels

Norma Daniels AKA Norma L. Daniels

You may also replace "AKA" with "also took title as". Comply with 20.60.190.

20.60.200. Survey and monumentation.

Staff recommendation: *Field survey was not performed as permissible by 20.60.200(A). The S1/16 and Section monument must be updated to reflect the correct section numbers. A tie must also be shown from*

BLM or GLO monuments. The tie must be noted if record and provide the source or if computed. Comply with 20.60.200

RECOMMENDATION:

STAFF RECOMMENDS:

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

NOTE: 20.25.120. - REVIEW AND APPEAL.

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

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

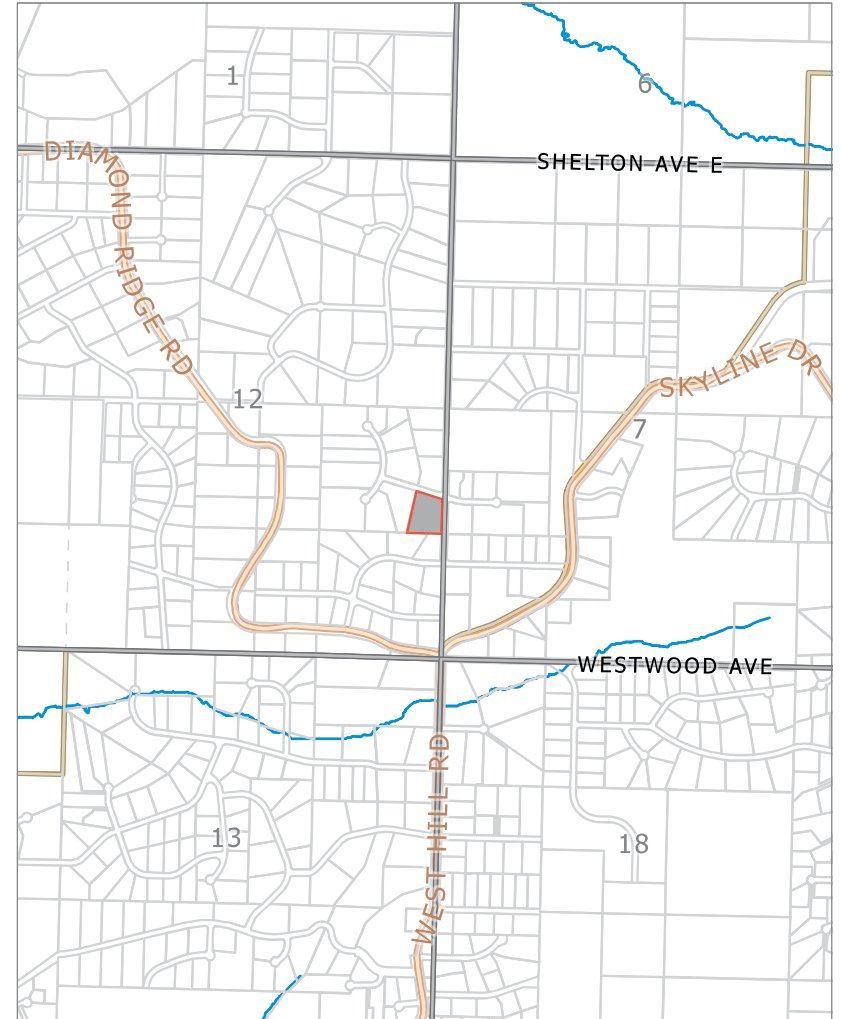
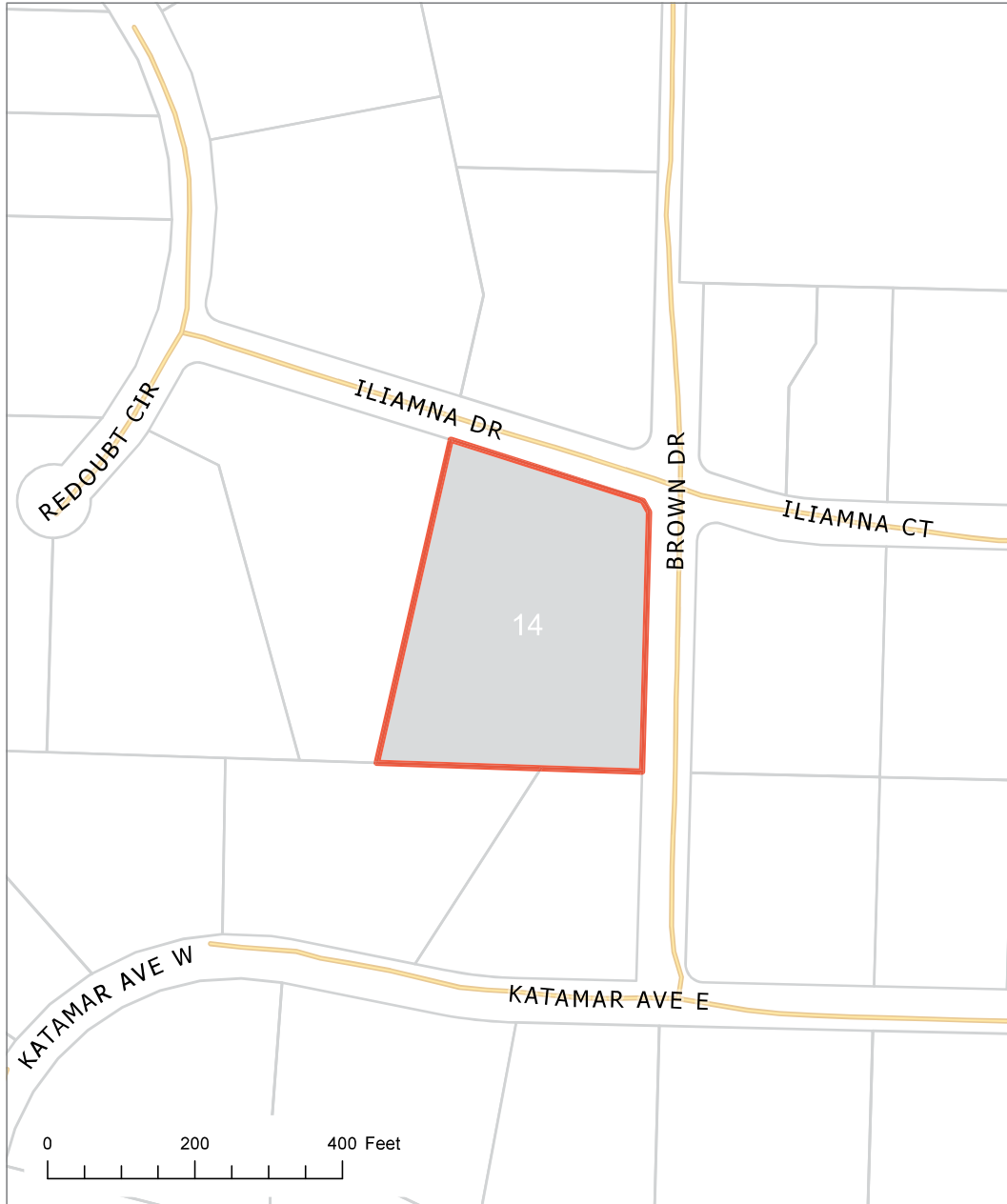
END OF STAFF REPORT



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

E. NEW BUSINESS

ITEM E5 - Katamar Subdivision 2022



KPB File # 2022-020

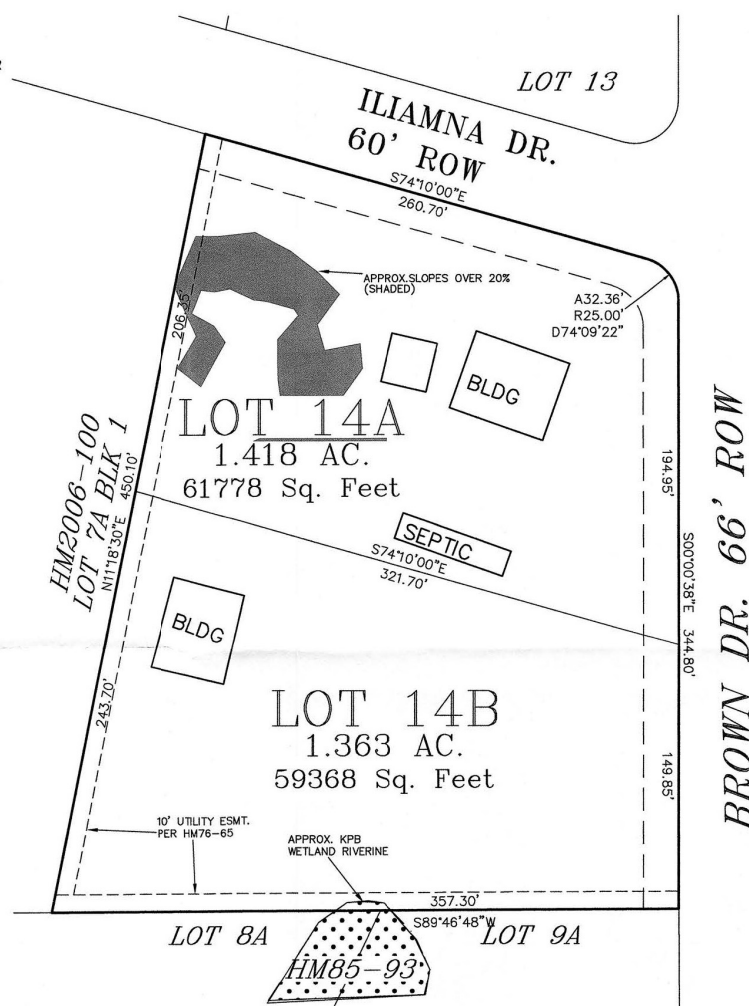
Township 06S-Range 14W-Section 12

Diamond Ridge



NOTES

1. A BUILDING SETBACK OF 20 FEET IS REQUIRED FROM ALL STREET RIGHTS-OF-WAY UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
2. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
3. WETLAND HATCHING DERIVED FROM KENAI WATERSHED FORUM DEPICTION SHOWN AS "RIVERINE" IN JANUARY 2022.

**LEGEND**

- SET 2" ALCAP ON 5/8" REBAR
- FOUND XXXX
- FOUND XXXX
- RI RECORD DATA PER HM XXXX
- KPB WETLAND RIVERINE

CERTIFICATE OF OWNERSHIP

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

HM2020-60 JEROME SOOKRAJ
LOT 7A BLK 1 PO BOX 2007
Homer, AK 99603

ILIAMNA CT.
60' ROW

NOTARY'S ACKNOWLEDGEMENT

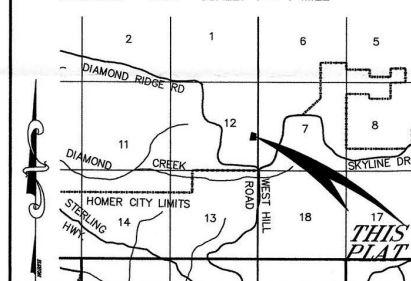
For JEROME SOOKRAJ
Acknowledged before me this ____ day of _____, 2022.
Notary public for Alaska My Commission Expires _____

PLAT APPROVAL

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of _____
KENAI PENINSULA BOROUGH

BY _____
Authorized Official

VICINITY MAP SCALE: 1" = 1 MILE



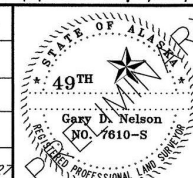
DATE 02-09-2022

SCALE 1" = 50'

GRID No. AR-68

JOB No. 5355

DRAWING: 5355_5109_4927

**KATAMAR SUBDIVISION 2022**

A SUBDIVISION OF LOT 14, BLOCK 1,
"KATAMAR SUBDIVISION" (HM76-65), SE1/4
SEC. 12, T6S, R14W, S.M., KENAI PENINSULA
BOROUGH, HOMER RECORDING DISTRICT, STATE
OF ALASKA
CONTAINING 2.930 ACRES

OWNERS: JEROME SOOKRAJ
PO BOX 2007
HOMER, AK 99603

ABILITY SURVEYS

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

KPB 2022-020

KPB FILE No. 2022-_____

PLAT #
Rec Dist
Date
Time

AGENDA ITEM E. NEW BUSINESS

ITEM 5 - Katamar Subdivision 2022

KPB File No.	2022-020
Plat Committee Meeting:	March 21, 2022
Applicant / Owner:	Jerome Sookraj of Homer, AL
Surveyor:	Gary Nelson / Ability Surveys
General Location:	Brown Drive, Diamond Ridge Area / Kachemak Bay APC

Parent Parcel No.:	173-570-26
Legal Description:	Lot 14, Block 1 Katamar Subdivision Plat No HM 76-65
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide a 2.93 acre parcel into two lots that will be 1.418 acres and 1.363 acres.

Location and Legal Access (existing and proposed): The preliminary plat is located on the corner of Iliamna Drive and Brown Drive. Brown Drive is a 66 foot wide borough maintained right of way. The dedication coincides with 33 foot section line easements that are present on each side of the section line. Iliamna Drive is a 60 foot wide right of way that is maintained by the borough. There are multiple ways to reach Brown Drive. The currently constructed and borough maintained routes are to the south at the intersection with Katamar Avenue. Katamar Avenue W provides access to state maintained Diamond Ridge Road. Katamar Avenue E provides access to state maintained Skyline Drive.

A current drive is present off Iliamna Drive. Lot 14A will continue to have access off Iliamna Drive and Brown Drive. Lot 14B will have access from Brown Drive. There is currently a structure on Lot 14B that appears to be accessed from the shared drive off Iliamna Drive. **Staff recommends** if the ownership changes for Lot 14B and the drive is intended to be shared, a shared driveway easement document should be created and recorded.

The block is closed but larger than allowable lengths. Iliamna Drive connects to Redoubt Circle, which ends with cul-de-sacs at each end. Many of the roads in the area were designed with the terrain taken into consideration. This has resulted in irregular block designs and several cul-de-sacs that do not provide through access. Due to the location of this subdivision, there are no dedications that could be granted to improve the block. **Staff recommends** the plat committee concur that an exception to block length is not required, as any required dedications will not improve the block.

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

Site Investigation: The property does have slopes present. The areas with slopes greater than 20 percent are shaded on the plat. A small area within the southern portion of the subdivision contains wetlands. **Staff recommends** the shading for the slopes be removed from the final and the wetlands remain in place and place a note that a wetlands determination may be required.

Several structures are present and are depicted on the plat. The depiction of the structures is not required on the final plat but if they remain **staff recommends** a label be added to the other structure on Lot 14A.

There are structures on the lots to the west and south. No encroachment issues appear to be present. As discussed above in the staff report, the current access to the building on Lot 14B will go through Lot 14A. The lot will have access from Brown Drive and a new access can be constructed with proper permits from the KPB Roads Department. If the intention is to continue allowing access from Iliamna Drive a driveway easement should be recorded if ownership for either lot changes.

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

Staff Analysis The proposed plat will be subdividing a lot created by Katamar Subdivision, Plat HM 76-65, a subdivision of aliquot lands.

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

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

The platting department worked with the surveyors at the end of last year and beginning of this year due to the delays with the title companies. Platting staff has notified the surveyor that we are will be requiring the certificate to plats for a complete application after this submittal. If time frames are lengthened again, staff will review and will determine how to proceed.

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

Utility Easements The parent plat granted utility easements along the western and southern boundary of the parent lot. Those easements are depicted and the parent plat is noted. The parent subdivision did not grant any utility easements along the right of ways. **Staff recommends** a plat note be added to grant the code required utility easements along right of ways and depict the utility easements on the plat.

Staff recommends any recorded easements within the certificate to plat be depicted or noted on the final plat.

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

Utility provider review:

HEA	
-----	--

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

KPB department / agency review:

Addressing	<p>Reviewer: Haws, Derek Affected Addresses: 64065 ILIAMNA DR</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names: ILIAMNA DR ILIAMNA CT BROWN DR</p> <p>Existing Street Name Corrections Needed: All New Street Names are Approved: No List of Approved Street Names: List of Street Names Denied:</p> <p>Comments: 64065 ILIAMNA DR WILL REMAIN WITH LOT 14A.</p>
Code Compliance	<p>Reviewer: Ogren, Eric Comments: No comments</p>
Planner	
Assessing	<p>Reviewer: Wilcox, Adeena Comments: No Comment</p>
Advisory Planning Commission	Minutes not available when the staff report was prepared

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

STAFF RECOMMENDATIONS
CORRECTIONS / EDITS

Provide a label for the 20 foot building setback that is depicted.

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 township and ranges within the vicinity map boundary should be 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 a block label for Lot 13 located north of Iliamna Drive.*
 - *Provide a block label for Lots 4 and 6 located east of Brown Drive.*
 - *Update the label for the lot north of Iliamna Court to "Lot 1A Block 2".*

- J. Block and lot numbering per KPB 20.60.140, approximate dimensions and total numbers of proposed lots;
Staff recommendation: Provide a "Block 1" label for the new lots.

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 and an engineer will need to sign the plat.

Staff recommendation: comply with 20.40.

KPB 20.60 – Final Plat

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

20.60.180. Plat notes.

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 front 10 feet adjacent to right of ways is granted as a utility easement by this plat.
- Any person developing the property is responsible for obtaining all required local, state, and federal permits, including a U.S. Army Corps of Engineers wetland determination if applicable.
- Any items present on the Certificate to Plat that require notation on the plat.
- The correct wastewater disposal note as determined by the engineers report.

RECOMMENDATION:

STAFF RECOMMENDS:

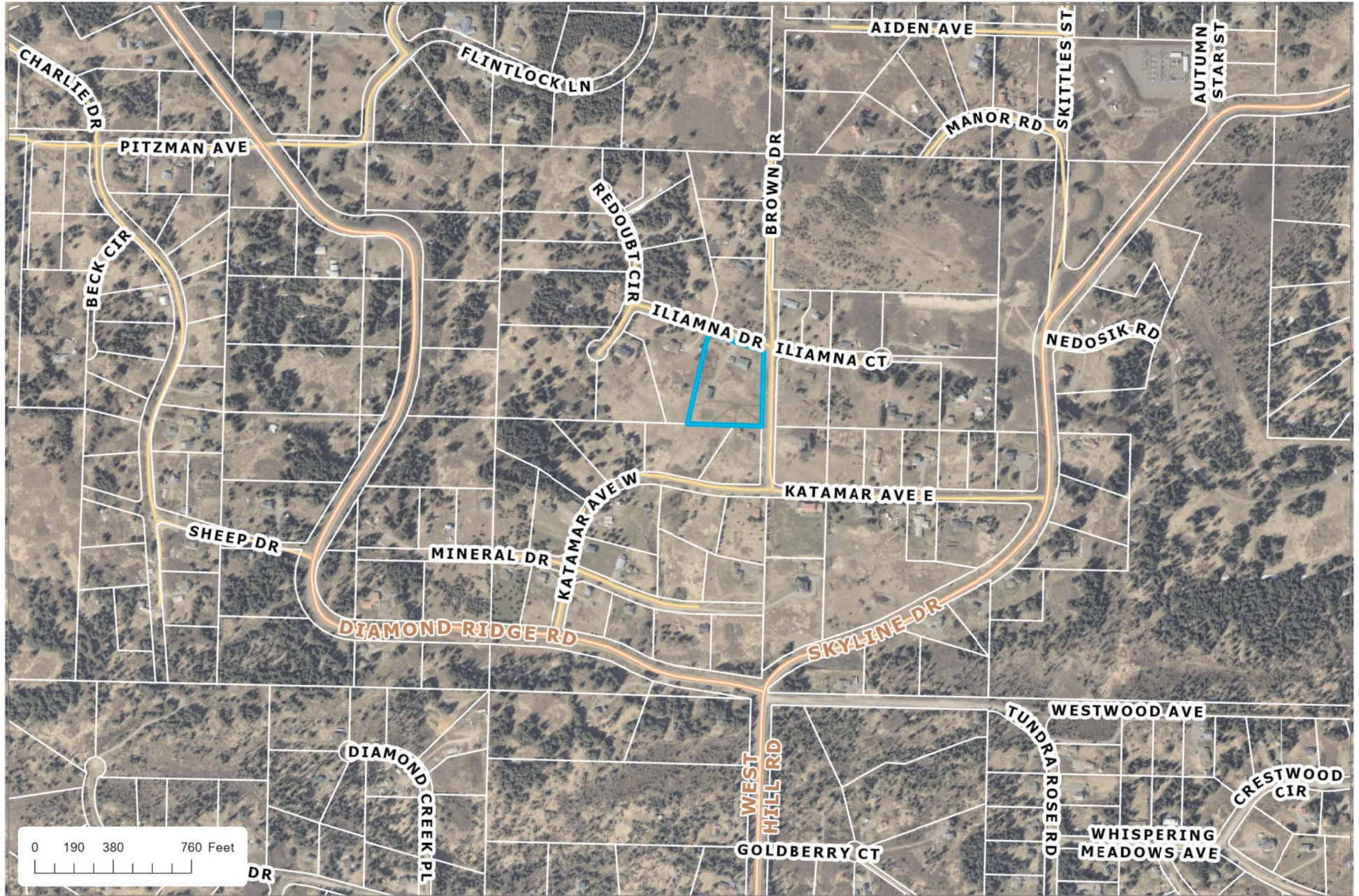
- GRANT APPROVAL OF THE PRELIMINARY PLAT SUBJECT TO STAFF RECOMMENDATIONS, AND
- COMPLIANCE WITH KPB 20.25.070 (FORM AND CONTENTS), KPB 20.25.080 (PETITION REQUIRED), KPB 20.30 (DESIGN REQUIREMENTS); AND KPB 20.40 (WASTEWATER DISPOSAL), AND
- COMPLIANCE WITH KPB 20.60 TO ENSURE ADMINISTRATIVE APPROVAL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

NOTE: 20.25.120. - REVIEW AND APPEAL.

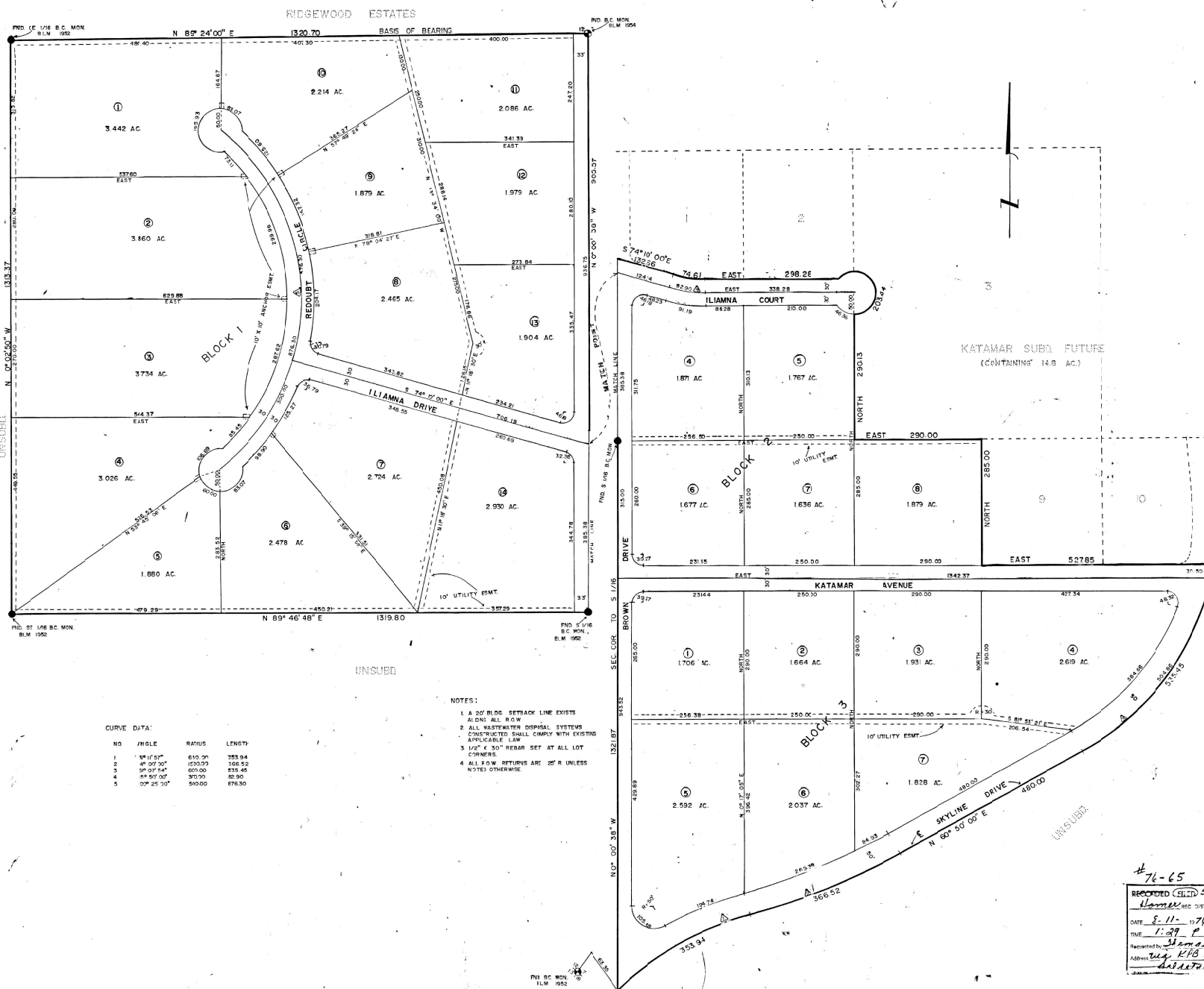
A PARTY OF RECORD MAY REQUEST THAT A DECISION OF THE PLAT COMMITTEE BE REVIEWED BY THE PLANNING COMMISSION BY FILING A WRITTEN REQUEST WITHIN 15 DAYS OF NOTIFICATION OF THE DECISION IN ACCORDANCE WITH KPB 2.40.080.

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

END OF STAFF REPORT



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



CERTIFICATE OF OWNERSHIP

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTY SHOWN
AND DESCRIBE) HEREON WE HEREBY REQUEST APPROVAL OF THIS PLAT SHOWING
SUCH EASEMENTS FOR PUBLIC UTILITIES, ROADWAYS AND ALLIES DEDICATED
BY US FOR PUBLIC USE.

7/16/74
DATE

<u>C. E. Abeldgaard</u> C. E. ABELDGAARD, BOX 891 HOMER, AK	<u>Arthur Abeldgaard</u> ARTHUR ABELDGAARD, BOX 891 HOMER, AK
<u>Oliver Hartman</u> OLIVER HARTMAN BOX 891 HOMER, AK	<u>Mary Hartman</u> MARY HARTMAN BOX 891 HOMER, AK

NOTARYS ACKNOWLEDGEMENT

SUBSCRIBED AND SWORN TO BEFORE ME THIS 10th DAY OF July 1976.

Robert B. Frank 30 June 1975
NOTARY PUBLIC FOR ALASKA MY COMMISSION EXPIRES

SURVEYOR'S CERTIFICATE

I, THE UNDERSIGNED REGISTERED SURVEYOR, HEREBY CERTIFY THAT A LAND SURVEY HAS BEEN COMPLETED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT CORNERS AND MONUMENTS HAVE BEEN LOCATED AND ESTABLISHED AND THAT DIMENSIONS SHOWN HEREIN ARE TRUE AND CORRECT.

6-3-76
DATE

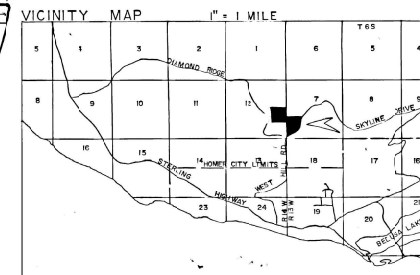

SURVEYOR

PLAT APPROVAL

1 PLAT APPROVED BY THE BORDUGH PLANNING COMMISSION THIS 8th DAY OF March 1976.

8-11-76
DATE

Harold E. Gilman
BOROUGH MAYOR



DATE: FEBRUARY 1976

SCALE: 1" = 100'

DESIGNED BY: J. A.

DRAWN BY :	S. W.
CHECKED BY:	C. E. A.

FLD. BK. NO.: 6 814

**KATAMAR SUBDIVISION**

SITUATED IN THE NE 1/4 SE 1/4, S. 12, T. 4 S., R. 14 W., AND PORTIONS
OF GOVERNMENT LOTS 381, S. 7, T. 6 S., R. 13 W., S. M.

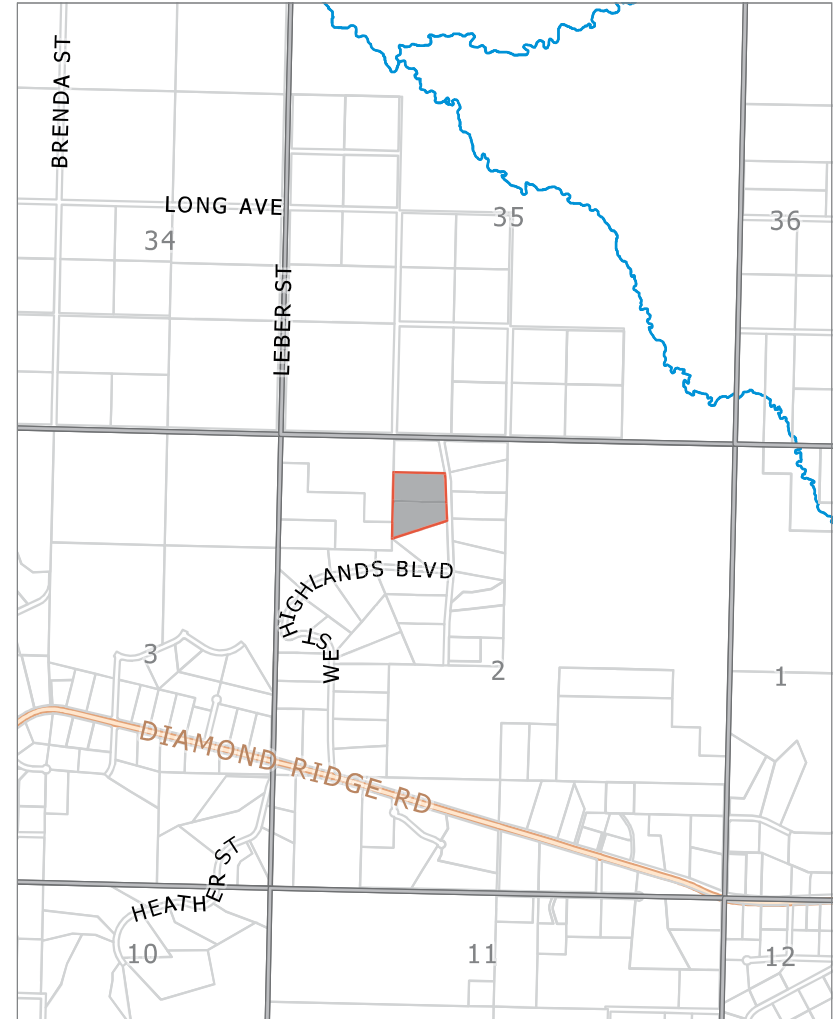
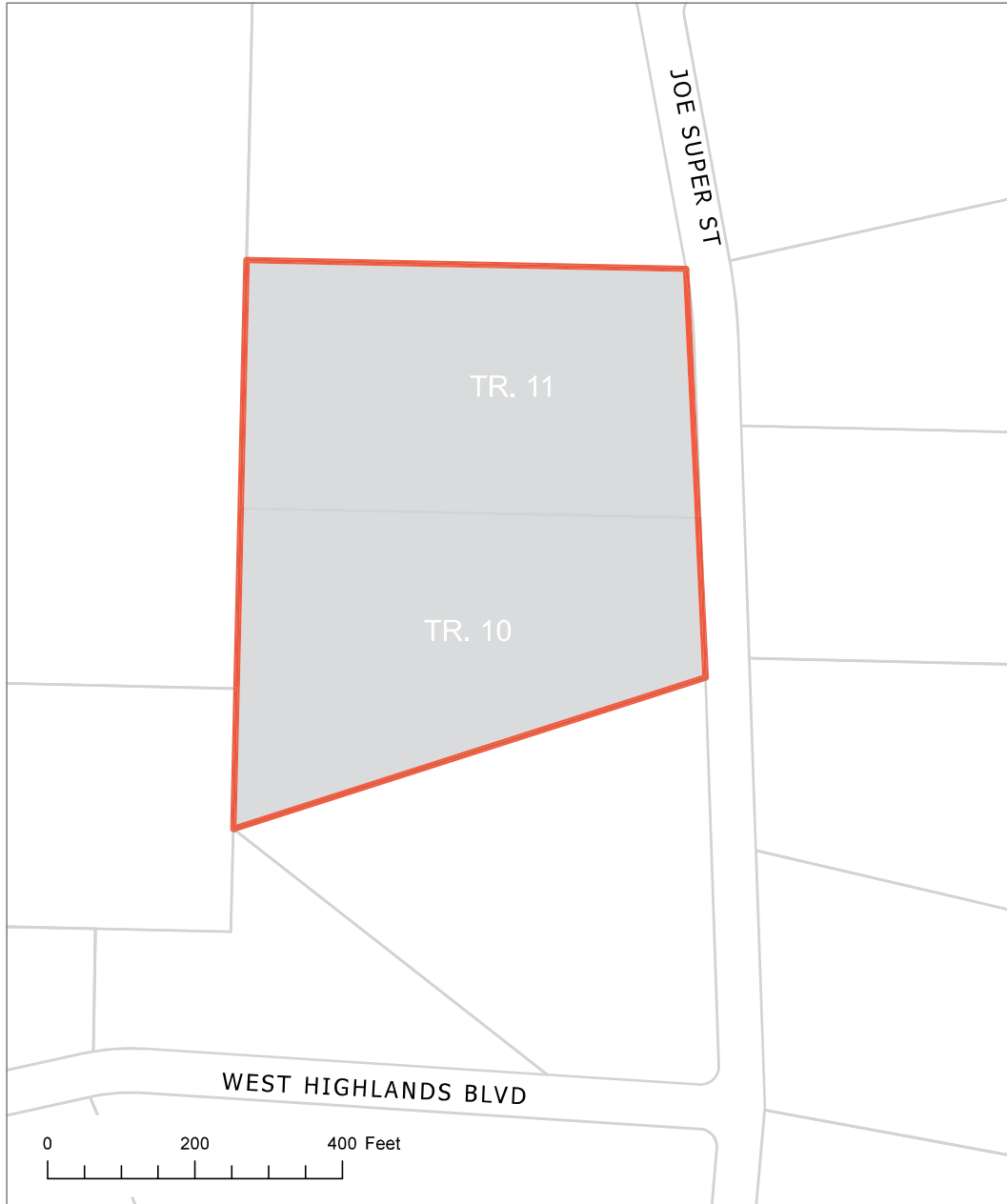
CONTAINING 68.930 ACRES

~~ABILITY~~ SURVEYS

JERRY ANDERSON L.S. BOX 1263 HOMER, ALASKA

E. NEW BUSINESS

ITEM E6 - Tulin West Highlands Replat 2022



KPB File # 2022-019

Township 06S-Range 14W-Section 2

Diamond Ridge



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.

NOTES

1. A BUILDING SETBACK OF 20 FEET IS REQUIRED FROM ALL STREET RIGHTS-OF-WAY UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
2. THE FRONT 10 FEET OF THE 20 FOOT BUILDING SETBACK AND THE ENTIRE SETBACK WITHIN 5 FEET OF SIDE LOT LINES IS A UTILITY EASEMENT.
3. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
4. ROADS MUST MEET THE DESIGN AND CONSTRUCTION STANDARDS ESTABLISHED BY THE BOROUGH IN ORDER TO BE CONSIDERED FOR CERTIFICATION AND INCLUSION IN THE ROAD MAINTENANCE PROGRAM (KPB 14.06).
5. WASTEWATER DISPOSAL: TRACT 10A IS 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.

UNSUBDIVIDED

BASIS OF BEARINGS HM2002-6
N00°00'52"W 245.00'

UNSUBDIVIDED

191.90'

TR 8

436.90'

775.0'(R1)

336.30'(R1)

TR 10A
9.498 AC.
413,746 SQ. FT.

TR 12
N90°00'00"W
596.60'

20' BUILDING SETBACK
10' UTIL. ESMT.

A100.18'
R670.00'
ΔD8°34'02"

LOT LINE TO VACATE
N90°00'00"E
623.20'

S70°55'00"W
672.3'(R1)

TR 9

SUPER JOE ST. 60' R.O.W.
S03°15'00"E
239.40'
217.40'(R1)
456.82'

TR 13

TR 14

TR 15

TR 16

LEGEND

FOUND 2"ALCAP ON 5/8" REBAR BY 3686-S, 2000
ELECTRIC CABINET
ELECTRIC METER

CERTIFICATE OF OWNERSHIP

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

KATHLEEN E GREEN
PO BOX 358
Homer, AK 99603

TODD GREEN
PO BOX 358
Homer, AK 99603

NOTARY'S ACKNOWLEDGEMENT

For KATHLEEN E GREEN AND TODD GREEN

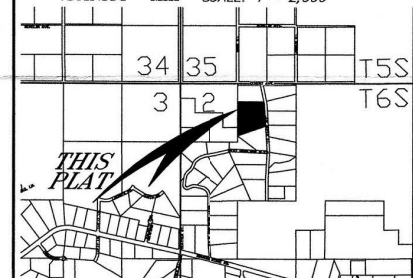
Acknowledged before me this _____ day of _____, 2022.

Notary public for Alaska _____ My Commission Expires _____

PLAT APPROVAL

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of _____
KENAI PENINSULA BOROUGH

BY _____
Authorized Official

VICINITY MAP SCALE: 1"= 2,000'

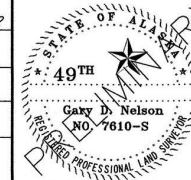
DATE 02/15/2022

SCALE 1"= 100'

GRID No. AR-68

JOB No. 5358

DRAWING: 5358_5357

**TULIN WEST HIGHLANDS REPLAT 2022**

A REPLAT OF TRACTS 10 & 11, "TULIN WEST HIGHLANDS SUBDIVISION (HM2002-6), IN THE NW1/4 SEC. 2, T6S, R14W, S.M., KENAI PENINSULA BOROUGH, HOMER RECORDING DISTRICT, STATE OF ALASKA CONTAINING 9.498 ACRES

OWNERS: KATHLEEN E GREEN
TODD GREEN
PO BOX 358
HOMER, AK 99603

ABILITY SURVEYS

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

PLAT #

Rec Dist _____
Date 20 _____
Time _____ M

KPB 2022-019

KPB FILE No. 2022-_____

AGENDA ITEM E. NEW BUSINESS

ITEM 6 - Tulin West Highlands Replat 2022

KPB File No.	2022-019
Plat Committee Meeting:	March 21, 2022
Applicant / Owner:	Kathleen and Todd Green of Homer, AK
Surveyor:	Gary Nelson / Ability Surveys
General Location:	Diamond Ridge / Kachemak Bay

Parent Parcel No.:	173-035-10 & 173-035-11
Legal Description:	Tracts 10 and 11, Tulin West Highlands Subdivision Plat No HM 2002-6
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will combine two lots to create one 9.5 acre lot.

Location and Legal Access (existing and proposed): The subdivision is located and accessed via Joe Super Street. Joe Super Street is at the end of West Highlands Boulevard. Both right of ways are 60 feet wide and appear to be constructed. Per KPB GIS data, the roads are not currently maintained by the borough or state. West Highlands Boulevard is located off Diamond Ridge Road, a state maintained right of way.

Using section line easements, the block does close but exceeds allowable lengths. West Highlands Boulevard was designed around terrain. There are still some large acreage lots in the area that can be further subdivided in the future. **Staff recommends the plat committee concur that an exception is not required, as any required dedications will not improve the block.**

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

Site Investigation: The terrain within the replat does slope but there are no slopes present that are greater than 20 percent. There are no low wet areas.

KPB Assessing information states there are some improvements on the lots but does not disclose the types. The lot to the south also has some smaller improvements. The lot to the north appears to have several structures within the boundary. There does not appear to be any encroachment issues.

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 comment

Staff Analysis This is a replat of two lots originally created by Tulin West Highlands, Plat HM 2002-6, a subdivision of aliquot lands.

As allowed by KPB code, a soils report will not be required as this is increasing the original lot size by more than 1,000 square feet. The new size will be greater than 200,000 square feet. The correct plat note is present and an engineer will not need to sign the plat.

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

The platting department worked with the surveyors at the end of last year and beginning of this year due to the delays with the title companies. Platting staff has notified the surveyor that we are will be requiring the certificate to plats for a complete application after this submittal. If time frames are lengthened again, staff will review and will determine how to proceed.

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

It was not disclosed if a field survey is being performed with this plat. Per KPB 20.60.200(A), a field survey is not required when eliminating existing property lines. If a field survey is not performed **staff recommends** a plat note be added stating one was not performed as permissible by KPB 20.60.200(A), that source of all record data be noted, computed data be noted, and legend note shows record monuments.

If a field survey is performed, comply with 20.60.200.

Utility Easements The parent plat granted 10 foot utility easements adjacent to dedicated right of ways that increased to 20 feet within 5 feet of the side lot lines. The utility easements are correctly depicted. **Staff recommends** the plat note include the easements were granted by the parent plat or labeled as such on the plat.

Staff recommends any recorded easements within the certificate to plat be depicted or noted on the final plat.

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

Utility provider review:

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

KPB department / agency review:

Addressing	Reviewer: Haws, Derek Affected Addresses: 40085 JOE SUPER ST 40105 JOE SUPER ST
------------	--

	<p>Existing Street Names are Correct: Yes List of Correct Street Names: JOE SUPER ST</p> <p>Existing Street Name Corrections Needed: All New Street Names are Approved: No List of Approved Street Names: List of Street Names Denied:</p> <p>Comments: 40085 JOE SUPER ST WILL BE DELETED. 40105 JOE SUPER ST WILL REMAIN WITH LOT 10A.</p>
Code Compliance	<p>Reviewer: Ogren, Eric Comments: No comments</p>
Planner	
Assessing	<p>Reviewer: Wilcox, Adeena Comments: No comment</p>
Advisory Planning Commission	

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

STAFF RECOMMENDATIONS
CORRECTIONS / EDITS

KPB 20.25.070 – Form and contents required

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 spelling of "Subdivision" and remove the close quote marks in front of "Tulin".
- C. The location, width, and name of existing or platted streets and public ways, railroad rights-of-way, and other important features such as section lines or political subdivisions or municipal corporation boundaries abutting the subdivision;
- Staff recommendation:** Update the street name to Joe Super Street.
- D. A vicinity map, drawn to scale showing location of proposed subdivision, north arrow if different from plat orientation, township and range, section lines, roads, political boundaries, and prominent natural and manmade features, such as shorelines or streams;
- Staff recommendation:** Provide a label for the range.

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

Staff recommendation: *If the lots depicted are not from the same parent plat as the subdivision the subdivision name or plat recording number should be included. Lot 8, located south of the subdivision, was replatted and is now Lot 8B as found on plat HM 2004-32.*

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: The plat will be combining to make a larger lot. The new lot will now be greater than 200,000 square feet. A soils analysis 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:

- *The certificate to plat was not submitted at time of review. Additional plat notes may be required.*
- *Plat note 4 may be removed, as there are no new dedications proposed.*
- *In plat note 5, add "and" between "size" and "may".*
- *Other plat notes mentioned within the staff report.*
- *Add to plat note 2 "Granted by Plat HM 2002-6" unless noted on the utility easement depiction.*

RECOMMENDATION:

STAFF RECOMMENDS:

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

NOTE: 20.25.120. - REVIEW AND APPEAL.

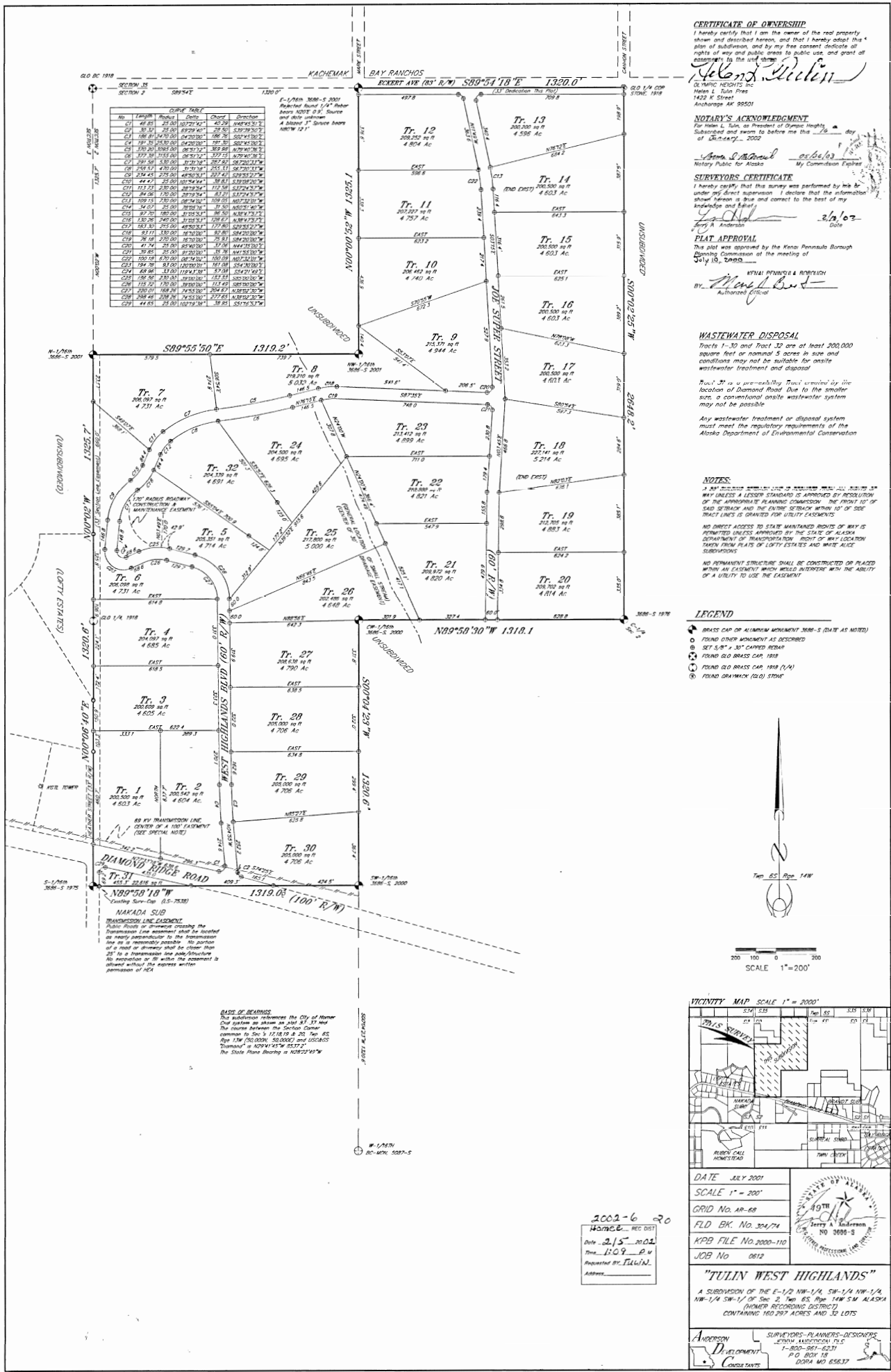
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A DECISION OF THE PLANNING COMMISSION MAY BE APPEALED TO THE HEARING OFFICER BY A PARTY OF RECORD WITHIN 15 DAYS OF THE DATE OF NOTICE OF DECISION IN ACCORDANCE WITH KPB 21.20.250.

END OF STAFF REPORT



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CERTIFICATE OF OWNERSHIP
I hereby certify that I am the owner of the real property shown and described herein, and that I hereby adopt this plan of subdivision, and by my free consent indicate the rights of way and public access to public use and grant of easements to the use shown.
Tulin Heights Inc.
For Helen L. Tulin, as President of Tulin Heights
1422 K Street
Anchorage AK 99501

NOTARY'S ACKNOWLEDGMENT
Notary Public for Alaska
My Commission Expires _____
Date: 2/15/02

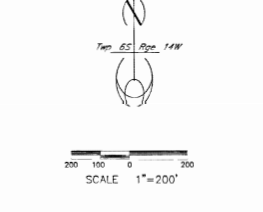
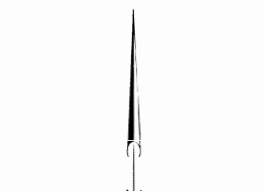
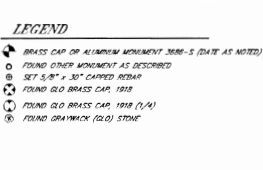
SURVEYORS CERTIFICATE
I hereby certify that this survey was performed by me or under my direct supervision. I declare that the information shown herein is true and correct to the best of my knowledge and belief.
Date: 2/15/02

PLAT APPROVAL
The plat was approved by the Ketchikan Borough Planning Commission at the meeting of July 10, 2000.

WASTEWATER DISPOSAL
Tracts 1-30 and Tract 32 are at least 200,000 square feet or nominal 5 acres in size and conditions may not be suitable for onsite wastewater treatment and disposal.

NOTES:
1. ALL LOT LINES SHALL BE SET BACK 10' FROM THE ADJACENT LOT LINES.
2. NO DIRECT ACCESS TO STATE MAINTAINED ROADS OF WAY IS PERMITTED UNLESS APPROVED BY THE STATE OF ALASKA DEPARTMENT OF TRANSPORTATION. RIGHT OF WAY LOCATION TAKEN FROM PLATS OF LOT LINES AND WHITE ALICE SUBDIVISIONS.
3. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN AN EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.

LEGEND
BRASS CAP OR ALUMINUM MONUMENT 3000-S (DATE AT NOTE)
FOUND OTHER MONUMENT AS DESCRIBED
SET 5.0' x 8" x 30" CAPPED REBAR
FOUND OLD BRASS CAP 1919
FOUND OLD BRASS CAP 1918 (P/V)
FOUND GRAMMICK (20) STONE



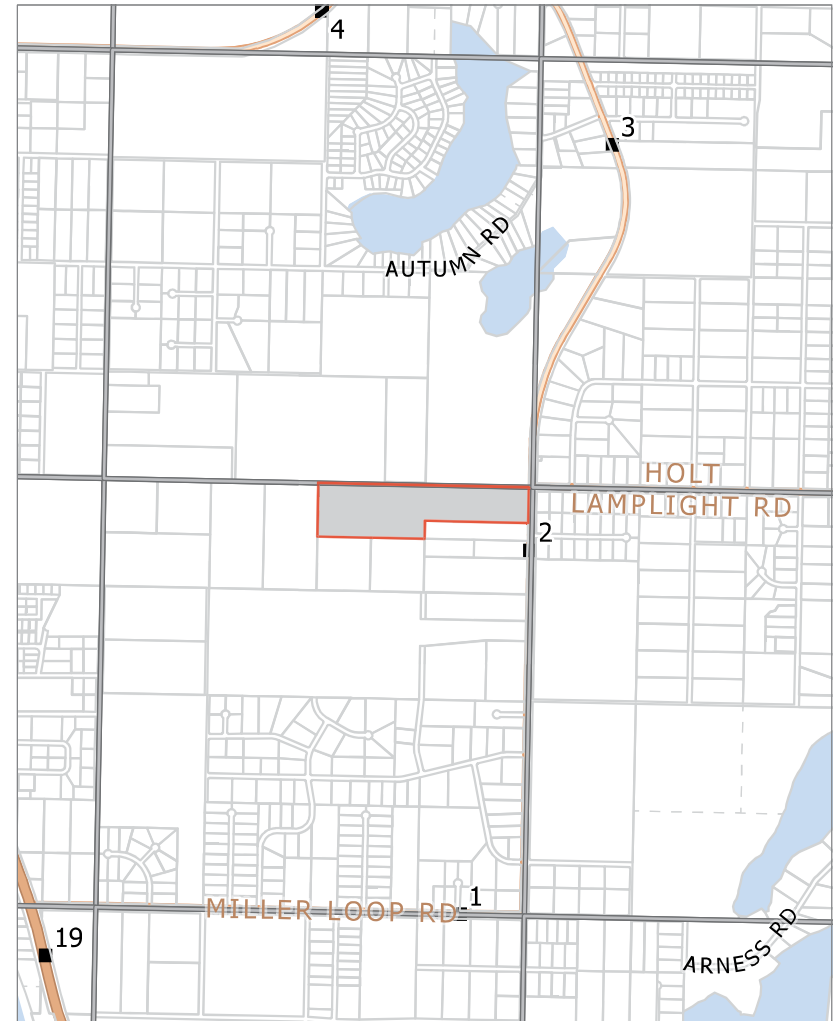
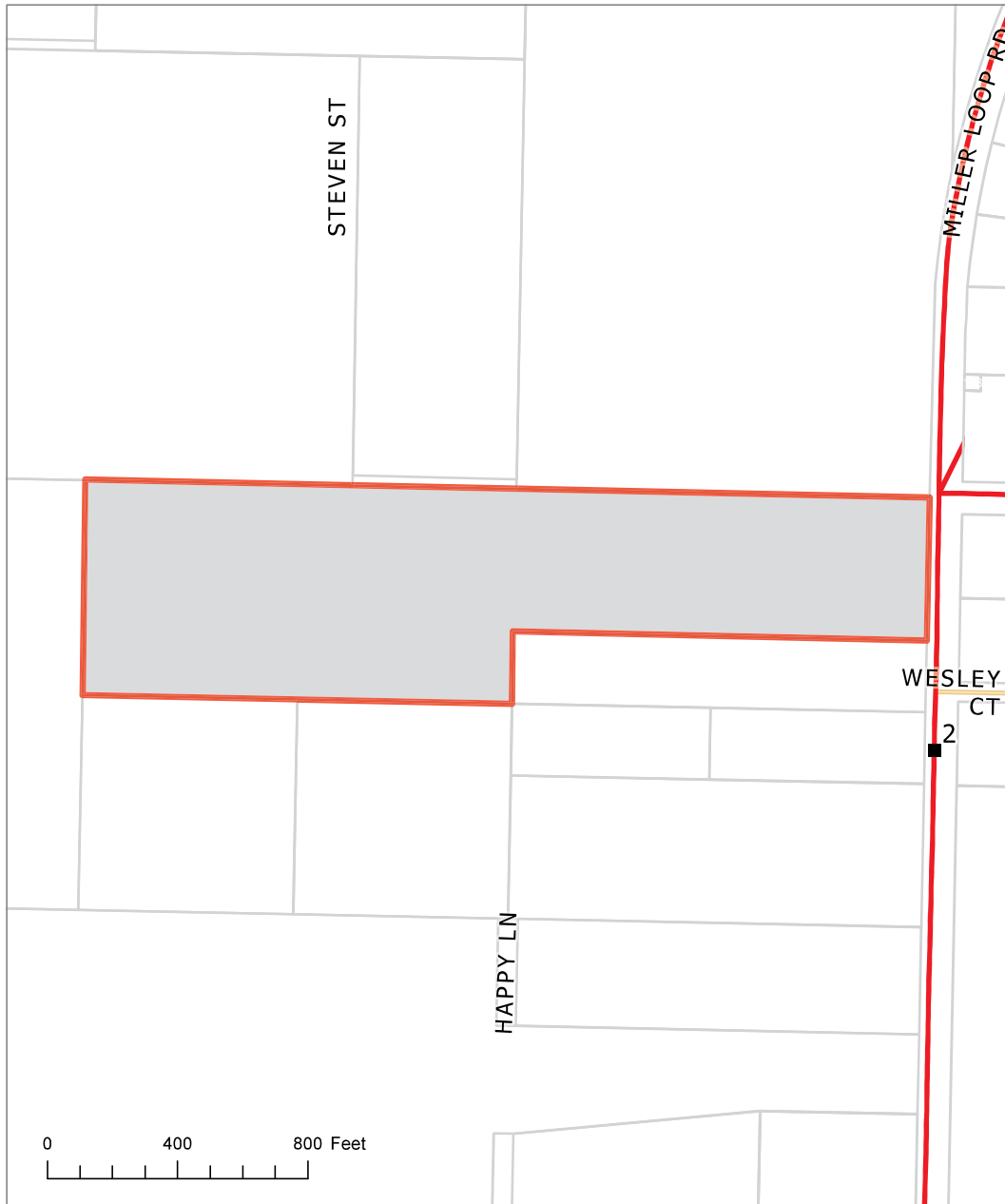
DATE JULY 2001
SCALE 1" = 200'
GRID No. AP-68
FLD BK. No. 304/74
KPB FILE No. 2000-110
JOB No. 0812

"TULIN WEST HIGHLANDS"
A SUBDIVISION OF THE E-1/2 NW-1/4, SW-1/4 NW-1/4, NW-1/4 SW-1/4 OF Sec. 5, Twp. 6S, Rng. 14W S.W. ALASKA (HOMER RECORDING DISTRICT) CONTAINING 160.797 ACRES AND 32 LOTS

ANDERSON SURVEYORS-PLANNERS-DESIGNERS
1-800-861-6231
P.O. BOX 18
DORA MO 65637

E. NEW BUSINESS

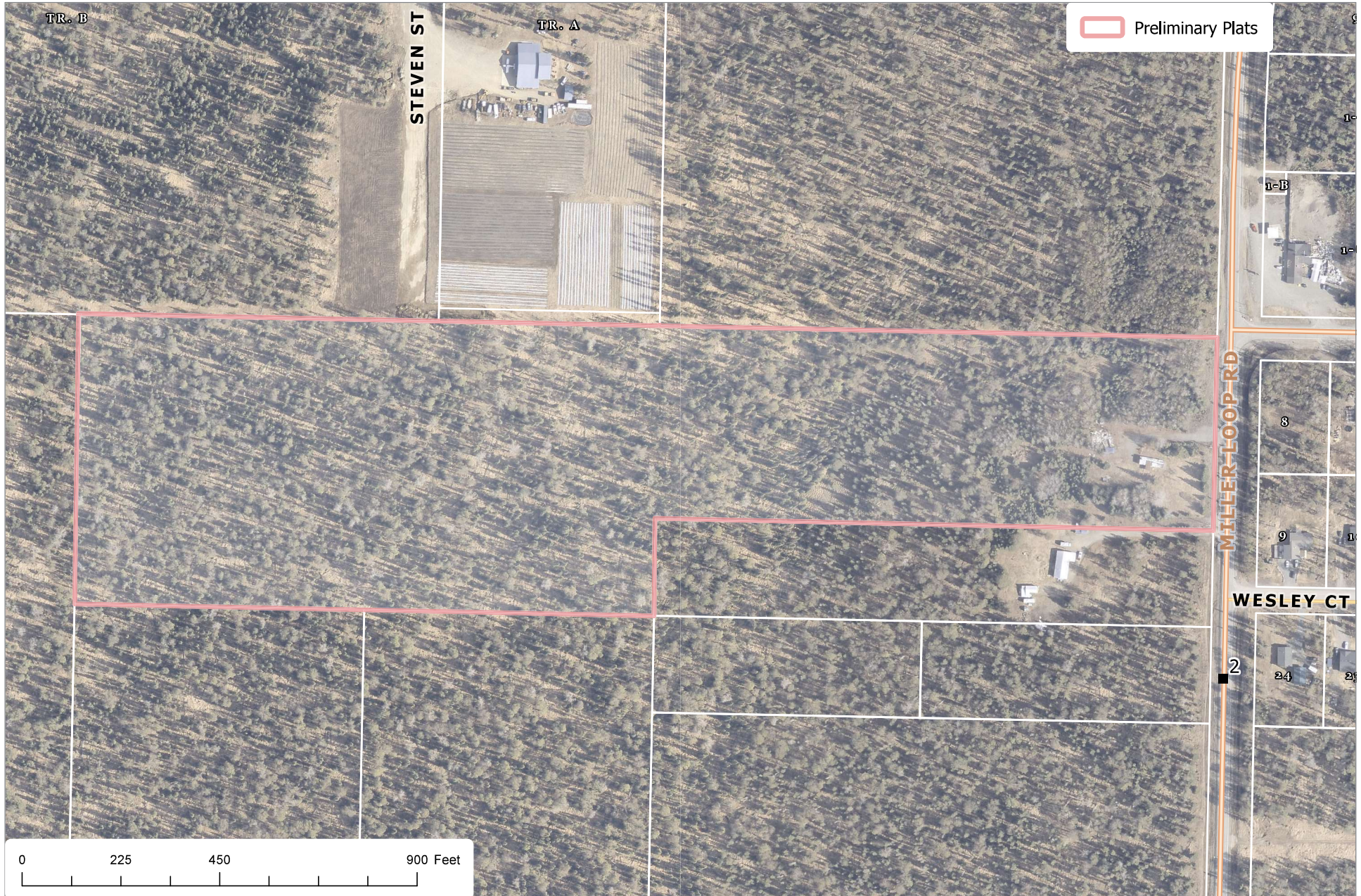
ITEM E7 - Lobdell Subdivision



KPB File # 2022-018

Township 07N-Range 12W-Section 35

Nikiski



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AGENDA ITEM E. NEW BUSINESS

ITEM 7 - Lobdell Subdivision

KPB File No.	2022-018
Plat Committee Meeting:	March 21, 2022
Applicant / Owner:	M. Muriel Lobdell Revocable Trust of Nikiski, AK
Surveyor:	John Segesser / Segesser Surveys
General Location:	Miller Loop Road, Nikiski

Parent Parcel No.:	015-160-13
Legal Description:	N1/3 NE1/4 NE1/4 and the North 610 feet of the NW1/4 NE1/4 Section 35 T07N R12W
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide a 31.8 acre lot into four tracts ranging in size from 5.973 to 8.383 acres. Three right of way dedications are proposed.

Location and Legal Access (existing and proposed): The subdivision is located near mile 2 of Miller Loop Road. This is near the intersection with Holt Lamplight Road. 33 foot wide section line easements run along the eastern boundary that coincide with Miller Loop Road. 33 foot wide section line easements are also along the north boundary. A 500 foot portion of Robert Walker Avenue is dedicated on the north side of the section line easement abutting the subdivision.

This plat is proposing to dedicate the 50 foot portion of Miller Loop Road along the eastern boundary. The plat will also dedicate a 30 foot wide right of way along the northern length of the subdivision as Robert Walker Avenue. This will bring the smaller section already dedicated into compliance. The 33 foot section line easement coincides with that dedication is shown and labeled on the plat as well as the easement north of the section line. **Staff recommends the 33 foot section line easement south of the Miller Loop Road dedication be depicted and labeled.**

A new north-south 60 foot wide right of way is proposed to be dedicated through the western portion of the subdivision. This dedication, proposed as Lobdell Street, will provide access to two deed lots located to the south. The western lot has no dedicated access. The eastern lot has 30 foot frontage on a partially dedicated right of way, Happy Lane.

The property is subject to a reservation of easement for highway purposes. The Public Land Order information is presented in plat note 5.

The block is not closed and the lengths are not compliant. The area contains many larger acreage deed lots and aliquot description lots. KPB GIS data also indicates the area contains or contained in the past several material sites. As subdivisions have occurred, some portions of right of ways have been granted but many have not been extended at this time. The subdivision is dedicating three right of ways. Two are atop existing section line easements, one of those is for already constructed state maintained Miller Loop Road. The other dedication, while the block is still slightly longer than code allows, with future dedications it will improve the block. Several lots to the south have the same owner. Alaska LNG Project, LLC, owns several of the large acreage lots to the west.

Staff recommends the plat committee concur that an exception for block length is not required as the plat is improving the block and large acreage lots can improve the block when further subdivided.

KPB Roads Dept. comments	Out of Jurisdiction: No
--------------------------	-------------------------

	Roads Director: Uhlin, Dil Comments: No comments
SOA DOT comments	I was unable to locate any ROW basis information for Miller Loop Road without digging into the archives; however, the 50' dedication as shown is acceptable.

Site Investigation: The terrain for the proposed subdivision is relatively flat with no low wet areas present.

Per KPB Assessing records, a mobile home is present on the parent parcel. It appears the structure will be within proposed Tract B. A driveway already exists to Miller Loop Road. Using KPB GIS Imagery and the dimensions provided by the surveyor, the driveway might be on Tract A or very close to the lot line. ***Staff recommends the surveyor verify that the current lot design proposed will not create an encroachment. A driveway easement may be required if ownership of the lots changes and the driveway is not completely contained within Tract B. Any encroachments found during the field survey shall be disclosed with the submittal of the final and may require additional plat notes or methods of resolution presented.***

The lot to the south also contains a mobile home. There does not appear to be any encroachment issues. The remaining lots along the west and south boundary appear to be vacant. The lot to the north of Robert Walker Avenue does have improvements but there does not appear to be any encroachment issues.

Approximately 660 feet south of the subdivision is a conditional land use permit issued by Resolution 2016-04. It does not appear to affect this subdivision but due to its use several right of ways have not been yet extended.

KPB River Center review	A. Floodplain Reviewer: Carver, Nancy Floodplain Status: Not within flood hazard area Comments: Parcel located in Zone D, which is non-regulatory 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 comment

Staff Analysis This is a proposed subdivision of aliquot lands that have been split by deeds through the years. This will be taking an irregular shaped parcel and create four tracts and dedicate several right of ways.

Tract A is a long narrow lot. It is permissible as this is a corner lot. Future subdivision of the lot will allow for access to new lots from Robert Walker Avenue.

Tract B does not comply with the 3:1 requirement and an exception has been requested.

Tract C and Tract D are square lots they comply with code.

Lobdell Street is proposed to be 60 feet wide and provide additional access to Tract C and Tract D as well as the two parcels to the south. Staff generally recommends a t-type turnaround be provided at the end of dedication as proposed for Lobdell Street. This will provide the continuation of right of way and provide adequate turn around area. The dedication is proposed as a full 60 feet width, and the roads department did not request additional right of way and a comment was not received by emergency services. There are no east-west dedications in the area

for future plats of this subdivision to connect. **Staff recommends** the plat committee concur a turnaround area is not required at this time in order to not limit future right of way extensions unless requested by emergency responders or the roads department.

The western lot south of the subdivision currently does not front along any dedicated right of ways or section line easements. The eastern lot south of the subdivision has a 30 foot access off Happy Lane. Happy Lane is a 60 foot right of way that is in line with another dedication of Happy Lane but they do not connect, as it would cross the property with the material site. The dedication of Lobdell Street will provide access to both lots and contains the potential to be further dedicated.

A lot to the southeast currently appears to not front on any dedicated right of ways. The preliminary plat indicates the preliminary plat does not connect to the lot and a dedication would not provide access. KPB GIS data indicates the preliminary plat and the lot have a common corner. Staff has reviewed this and does believe the preliminary plat is correct in the depiction. The information has been passed on to the GIS Department. They will review the deeds and legal descriptions and will update the GIS data. The preliminary plat drawing indicates that any dedication by this plat will not provide access to the lot. **Staff recommends** that if it is determined that the subdivision can provide access to the lot that the plat will be returned to the plat committee to review potential dedications or requested exceptions for required dedications.

All lots are proposed to be over 200,000 square feet. A soils report will not be required and an engineer will not sign the final plat.

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

The property is not within an advisory planning commission.

Utility Easements There are no platted utility easements for the lots within the preliminary plat. The Certificate to Plat does not indicate any easements have been granted by document. Plat note 6 will be granting the required 10 foot utility easements along the dedicated right of ways. **Staff recommends** depict the utility easements if possible.

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

Utility provider review:

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

KPB department / agency review:

Addressing	<p>Reviewer: Haws, Derek Affected Addresses: 46995 MILLER LOOP RD</p> <p>Existing Street Names are Correct: Yes List of Correct Street Names: MILLER LOOP RD HOLT LAMPLIGHT RD WESLEY CT ROBERT WALKER AVE</p>
------------	---

	Existing Street Name Corrections Needed: All New Street Names are Approved: Yes List of Approved Street Names: LOBDELL ST List of Street Names Denied: Comments: 46995 MILLER LOOP RD will remain with TRACT B.
Code Compliance	Reviewer: Ogren, Eric Comments: No comments
Planner	
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**

Verify the size used for the monuments on the face of the plat. The size should be similar to those within the legend. Label the Basis of Bearing on the final plat.

KPB 20.25.070 – Form and contents required

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

- G. The status of adjacent lands within 100 feet of the proposed subdivision boundary or the land status across from any dedicated rights-of-way that adjoin the propose subdivision boundary, including names of subdivisions, lot lines, block numbers, lot numbers, rights-of-way; or an indication that the adjacent land is not subdivided;
Staff recommendation: Lot 1C, located north of Holt Lamplight Road, should include a block designation of Block 3.

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: Lots are all over 200,000 square feet and a soils analysis report is not required. The correct plat note is present.

Staff recommendation: comply with 20.40.

KPB 20.60 – Final Plat

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

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

Staff recommendation: *An acceptance for the borough is present. Miller Loop Road is a state right of way. Miller Loop Road should be removed from the Borough's acceptance. An additional acceptance for Miller Loop Road should be added to the plat to be signed by a state official. The surveyor should work with Alaska DOT to verify the status of Miller Loop Road and to determine the official to sign the plat.*

20.60.180. Plat notes.

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

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

Staff recommendation: *Update plat note 1 by adding a space between "Subdivision" and "Paragon". Add a plat note for any exceptions granted.*

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: *Mr. Lobdell's title should have his title of trustee added behind his name. Staff will require additional documentation to verify that Mr. Lobdell is currently able to sign on behalf of the trust. Comply with 20.60.190.*

EXCEPTIONS REQUESTED:

A. KPB 20.30.190 – Lots-Dimensions (3:1 depth to width ratio for Tract B)

Surveyor's Discussion: The subdivider want Tract B to have access to Miller Loop Road.

Staff Discussion: KPB Code states that the average depth of a lot shall be no greater than three times the average width. The design of Tract B creates a ratio of 6.2:1.

Denial of the exception will require a redesign of the subdivision.

Findings:

1. KPB Code has a 3:1 depth to width restriction on lots.
2. Tract B has a 6.2:1 depth to width ratio.
3. Tract B contains improvements that have access from Miller Loop Road.
4. Tract B is proposed to be 5.973 acres.
5. Tract A has a similar design but is a corner lot.
6. Future development and future replatting of the lot may be impacted by the design.
7. Neighboring lots may provide additional right of way dedications in the future.
8. The lot located to the south has a similar design.
9. The lot to the south has a structure and driveway that limits future development to the back of the lot.

Staff reviewed the exception request and recommends granting approval.

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

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

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

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

1. That special circumstances or conditions affecting the property have been shown by application;
Findings 3-5 and 7-9 appear to support this standard.
2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title;
Findings 3-5 and 7-9 appear to support this standard.
3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.
Findings 3-5 and 7-9 appear to support this standard.

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

RECOMMENDATION:

SUBJECT TO EXCEPTION(S) GRANTED, STAFF RECOMMENDS:

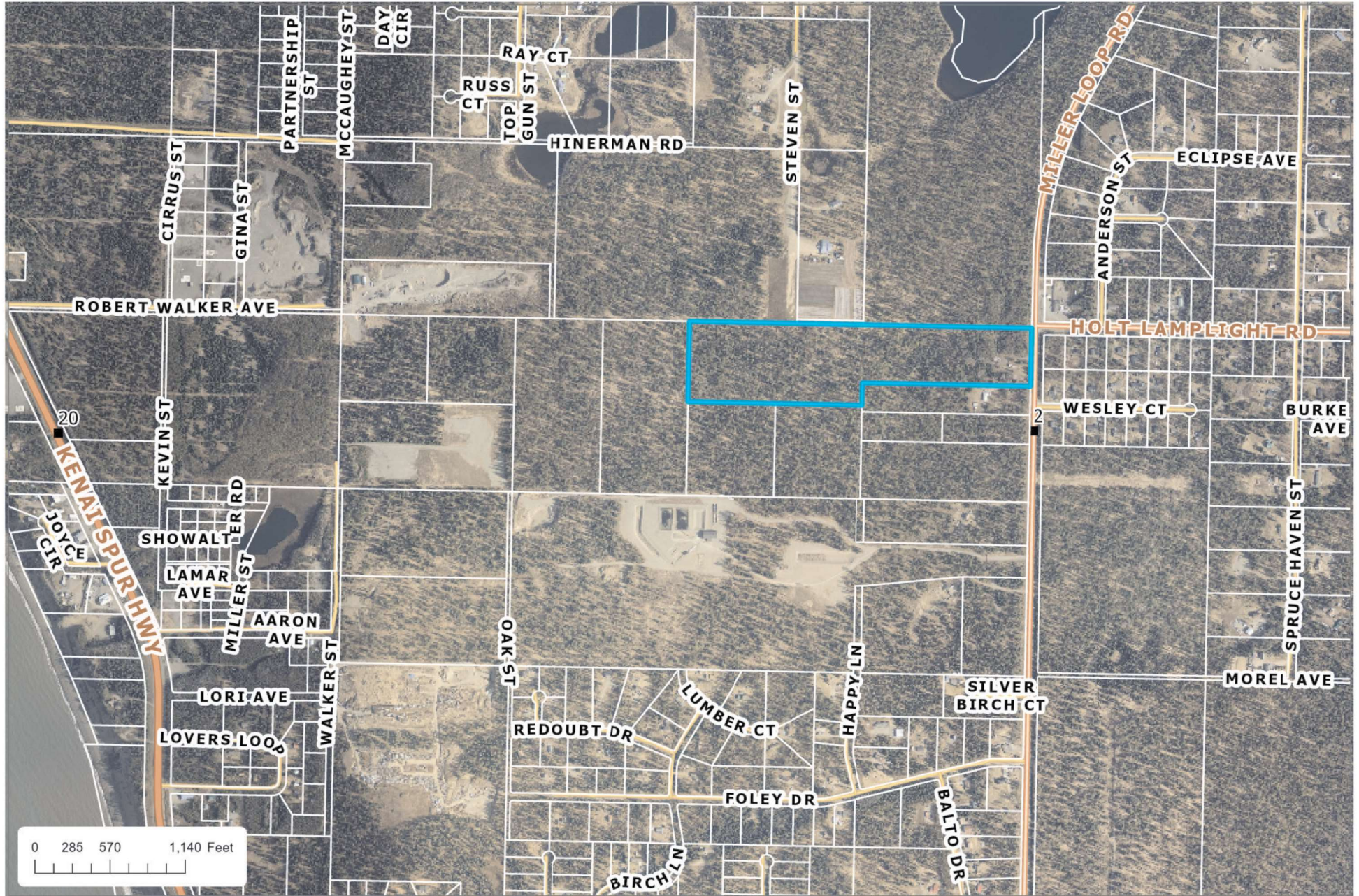
- GRANT APPROVAL OF THE PRELIMINARY PLAT SUBJECT TO STAFF RECOMMENDATIONS, AND
- COMPLIANCE WITH KPB 20.25.070 (FORM AND CONTENTS), KPB 20.25.080 (PETITION REQUIRED), KPB 20.30 (DESIGN REQUIREMENTS); AND KPB 20.40 (WASTEWATER DISPOSAL), AND
- COMPLIANCE WITH KPB 20.60 TO ENSURE ADMINISTRATIVE APPROVAL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

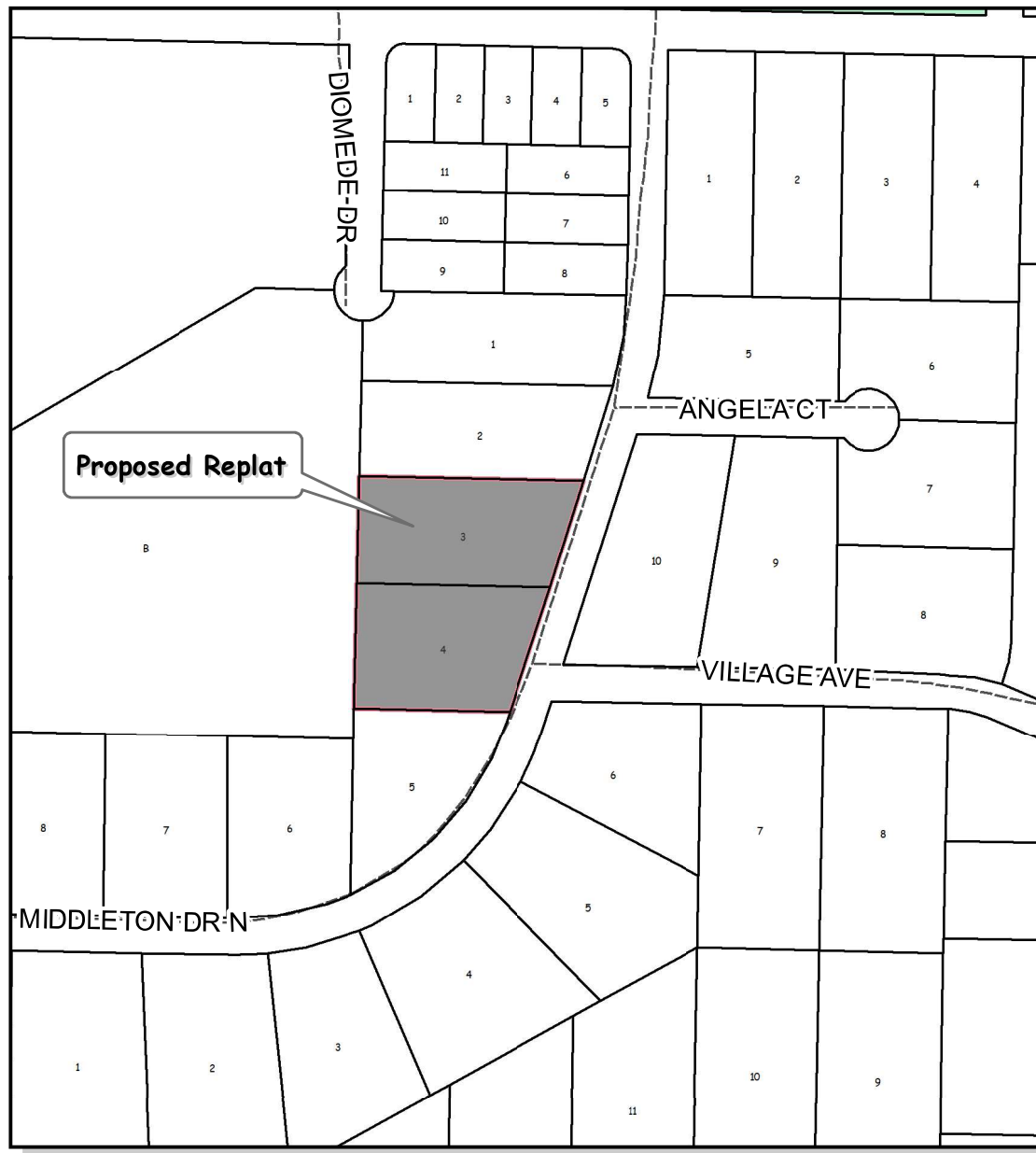
A DECISION OF THE PLANNING COMMISSION MAY BE APPEALED TO THE HEARING OFFICER BY A PARTY OF RECORD WITHIN 15 DAYS OF THE DATE OF NOTICE OF DECISION IN ACCORDANCE WITH KPB 21.20.250.

END OF STAFF REPORT

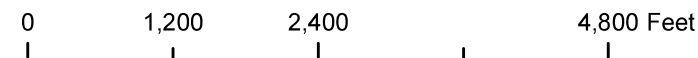
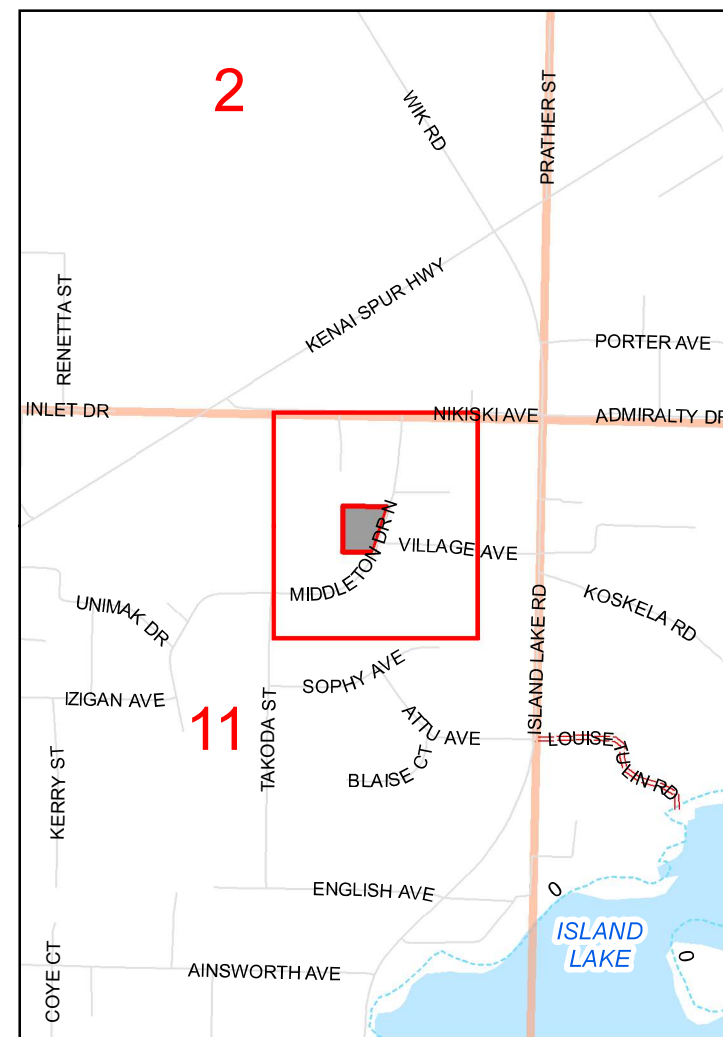
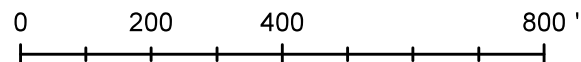


E. NEW BUSINESS

ITEM E8 - Timber Hills Subdivision 2022 Replat



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 2022-007
S11 T07N R12W
Nikiski



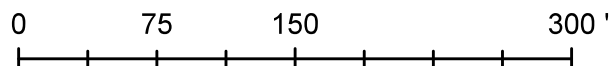
MQuinton, KPB 2022-007 Date: 1/24/2022



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.

MQuainton, KPB 2022-007
Imagery Kenai 2012-2013

Aerial View



E8-2



LEGEND:

- 1 1/2" BRASS, CAP MON. 268-3 1968 FOUND
 ● 1 1/2" ALUM. CAP MON. 4928-3 2004 FOUND
 ● 5/8" REBAR
 ○ 5/8" REBAR w/PLASTIC CAP LS8855 SET
 () RECORD DATUM PLAT 77-114 KR0

NOTES:

- 1) Easels of bearing taken from Timber Hills Subdivision, Plat 77-114, Kenai Recording District.
- 2) Building Setback-A setback of 20 feet is required from all street Rights-of-Way unless a lesser standard is approved by resolution by the appropriate Planning Commission.
- 3) Front 10 feet adjacent to right-of-ways and 20 feet within 5' feet of the side lot lines is a utility easement. No permanent structure shall be constructed or placed within a utility easement which would interfere with the ability of a utility to use the easement.
- 4) **WASTEWATER DISPOSAL:** Soil conditions, water table levels, and soil slopes in this subdivision have been found suitable for conventional on-site wastewater treatment and disposal systems serving single-family or duplex residences and meeting the regulatory requirements of the Kenai Peninsula Borough. Any other type of on-site wastewater treatment and disposal system must be designed by a professional engineer, registered to practice in Alaska, and the design must be approved by the Alaska Department of Environmental Conservation.

Engineer _____ License No. _____ date _____

**SURVEYOR'S CERTIFICATE**

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

Date _____

North

KN 95-38
Lot B

KN 77-114
Lot 6
Block 4

KN 77-114
Lot 5
Block 4

KN 77-114
Lot 1
Block 4

KN 77-114
Lot 2
Block 4

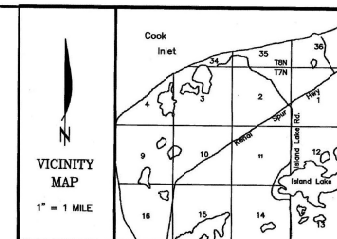
Lot 3A
Block 4
1.186 Ac.

Lot 4A
Block 4
1.507 Ac.

KN 77-114
Lot 5
Block 6

KN 77-114
Lot 10
Block 6

KN 77-114
Lot 6
Block 5

**CERTIFICATE of OWNERSHIP and DEDICATION**

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

MICHAEL B. BRUNKE
P.O. BOX 7594
NIKISKI, ALASKA 99635

GEORGE F. BROWN
P.O. BOX 8153
NIKISKI, ALASKA 99635

NOTARY'S ACKNOWLEDGEMENT

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

NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES _____

NOTARY'S ACKNOWLEDGEMENT

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

NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES _____

PLAT APPROVAL

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

KENAI PENINSULA BOROUGH

AUTHORIZED OFFICIAL _____

KPB FILE No. _____

Timber Hills Subdivision 2022 Replat

A resubdivision of Lots 3 and 4 Block 4 Timber Hills Subdivision, Plat: 77-114, Kenai Recording District.

Located within the SW1/4 NE1/4 Section 11, T7N, R12W, S.M., Kenai Peninsula Borough, Alaska.

Containing 2.694 Ac.

Surveyor
Seegesser Surveys
30496 Rutland St.
Soldotna, AK 99669
(907) 262-3909

Owners
George F. Brown Michael B. Brunke
P.O. Box 8153 P.O. Box 7594
Nikiski, AK 99635 Nikiski, AK 99635

JOB NO. 21355

DRAWN 11-8-21

SURVEYED Nov., 2021

SCALE: 1"=50'

FIELD BOOK: 21-5

SHEET: 1 of 1

KPB 2022-007

AGENDA ITEM E. NEW BUSINESS

ITEM 8 - Timber Hills Subdivision 2022 Replat

KPB File No.	2022-007
Plat Committee Meeting:	March 21, 2022
Applicant / Owner:	Michael B. Brunke, Nikiski 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

Specific Request / Scope of Subdivision: The Kenai Peninsula Borough Plat Committee heard and approved the preliminary plat at the February 14, 2022 meeting. The proposed plat will reconfigure a lot line between two lots to avoid a structure. Lot 3 will decrease from 1.4 acres to 1.2 acres and Lot 4 will increase from 1.3 to 1.5 acres. The exchange of area will be 7,448 square feet between the two lots. The Plat Committee determined a dedication was not required on this plat and granted an exception to KPB 20.30.170 – Blocks- Length requirements.

This plat is being brought back to the plat committee as the surveyor has requested an exception to KPB 20.40.100, soils analysis and report.

EXCEPTIONS REQUESTED:

KPB 20.40.100 – Soils analysis and report

Surveyor's Discussion: The owner for Timber Hills Subdivision 2022 Replat, KPB 2022-007, would like to ask for an exception to the subdivision soils report. This plat was heard at the February 14 meeting.

Staff Discussion: The preliminary plat is adjusting a shared lot line that will result in a change of approximately 7,448 square feet. One lot will be increasing and one will be decreasing. KPB Code outlines when wastewater system reviews are not required and this plat did not meet the criteria. The parent plat was recorded in 1977 and a soils analysis report was not completed at that time.

Staff was unable to locate DEC reports for the parent lots. An as-built was not submitted. The preliminary plat did not indicate septic tank or well locations. Staff received a phone call regarding the requirement of the soils analysis report and was advised that both lots have improvements with septic systems in place. No documentation has been provided on the types of systems or if DEC approved.

The granting of the exception will not change the original approval date of the preliminary plat. The approval date will remain February 14, 2022 and is valid for two years with time extensions permitted as outlined in KPB 20.25.110.

If denied, a soils analysis report will be required to be submitted for review and approval and an engineer will need to sign the plat.

Findings:

1. Sloping terrain affects the subdivision but no slopes appear to be greater than 20 percent in grade.
2. No low wet areas appear to affect this subdivision.
3. The intent of the plat is provide adequate space around a structure constructed on either the property line or close.
4. Parent Lots 3 and 4 have existing structures.
5. The subdivision will reduce Lot 3 by 7,448 square feet.
6. The subdivision will increase Lot 4 by 7,448 square feet.
7. The parent plat, Timber Hills Subdivision Plat KN 77-114, did not require a soils analysis report to be approved by the Kenai Peninsula Borough or by Alaska DEC.
8. Without knowing the locations of existing systems, staff cannot determine if adequate square footage is available for replacement systems.
9. A structure appears to be present approximately 100 feet west of the subdivision boundary.
10. Lot 4A is increasing by more than 1,000 square feet.
11. The owner of parent Lot 3 is also the owner of Lot 2 located to the north, which is a 1.37 acre lot.

Staff reviewed the exception request and recommends granting approval.

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

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

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

1. That special circumstances or conditions affecting the property have been shown by application;
Findings 1-4, 6, 10, and 11 appear to support this standard.
2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title;
Findings 1-4, 6, 10, and 11 appear to support this standard.
3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.
Findings 1-4, 6, 10, 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 and provide the correct Wastewater Disposal note.

RECOMMENDATION:

SUBJECT TO EXCEPTION(S) GRANTED, STAFF RECOMMENDS:

- **GRANT THE EXCPETION REQUESTED TO THE ALL READY APPROVED PRELIMINARY PLAT, AND**
- **COMPLIANCE WITH KPB 20.25.070 (FORM AND CONTENTS), KPB 20.25.080 (PETITION REQUIRED), KPB 20.30 (DESIGN REQUIREMENTS); AND KPB 20.40 (WASTEWATER DISPOSAL), AND**

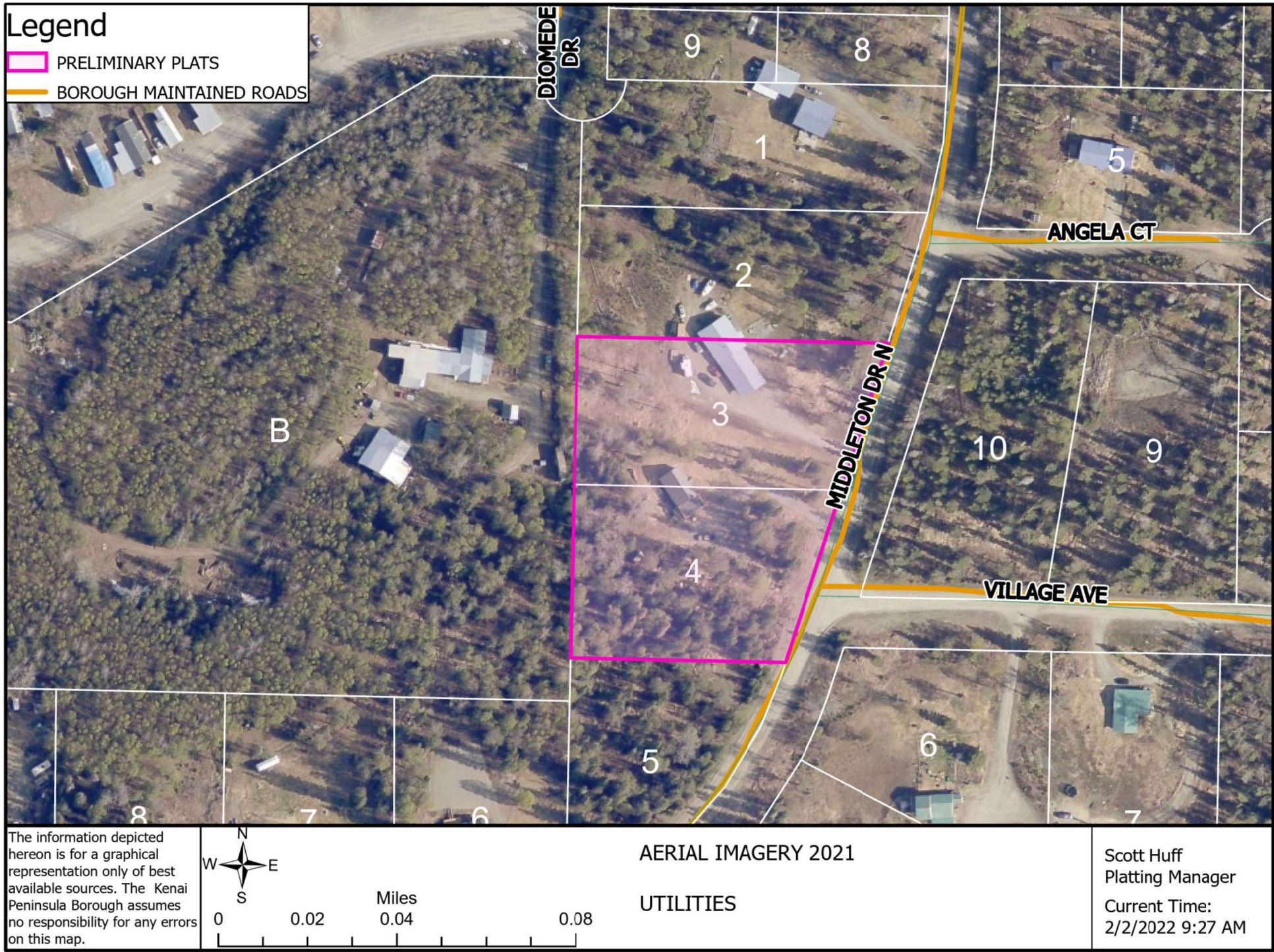
- COMPLIANCE WITH KPB 20.60 TO ENSURE ADMINISTRATIVE APPROVAL OF THE FINAL PLAT.

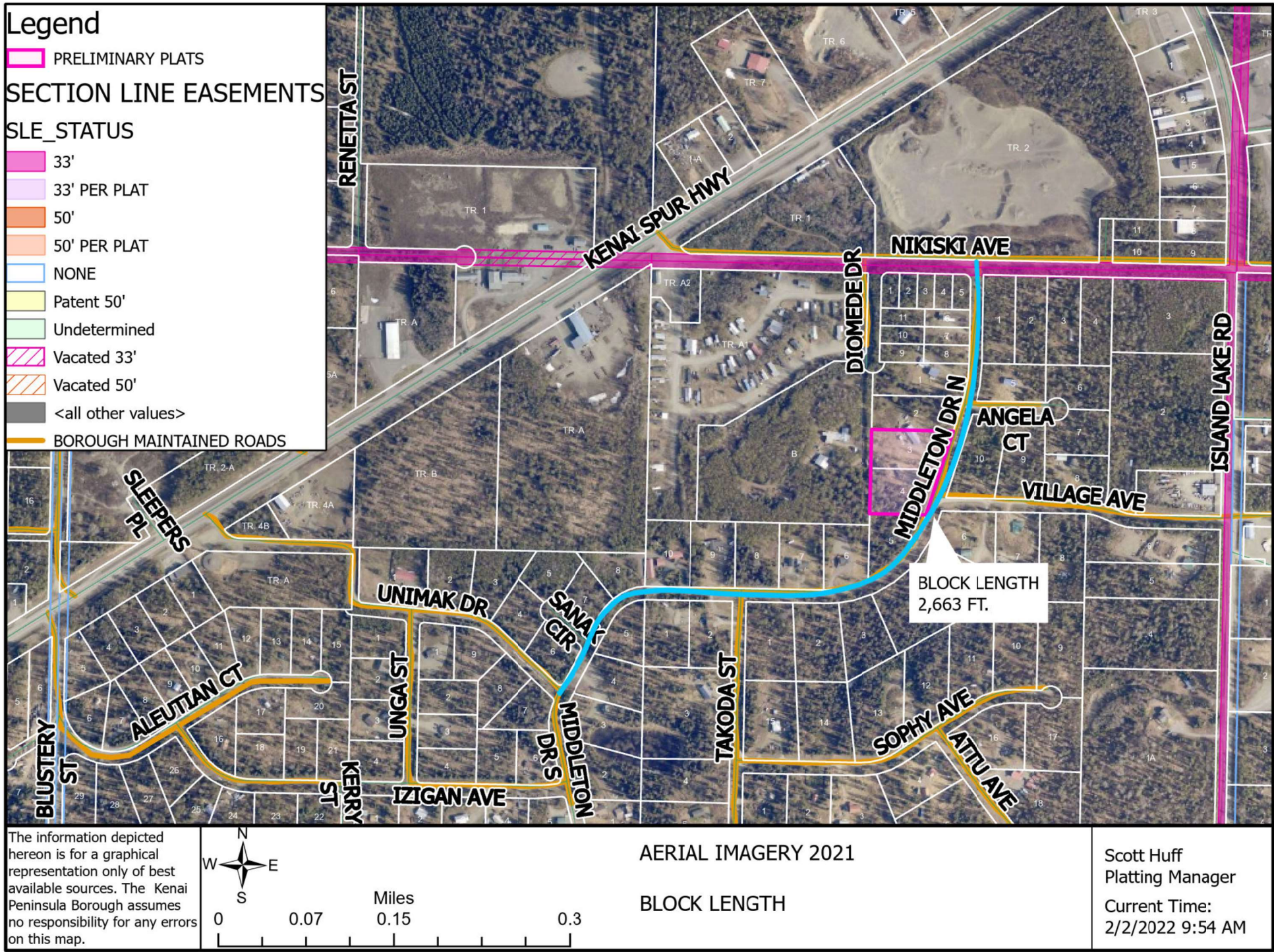
NOTE: 20.25.120. - REVIEW AND APPEAL.

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

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

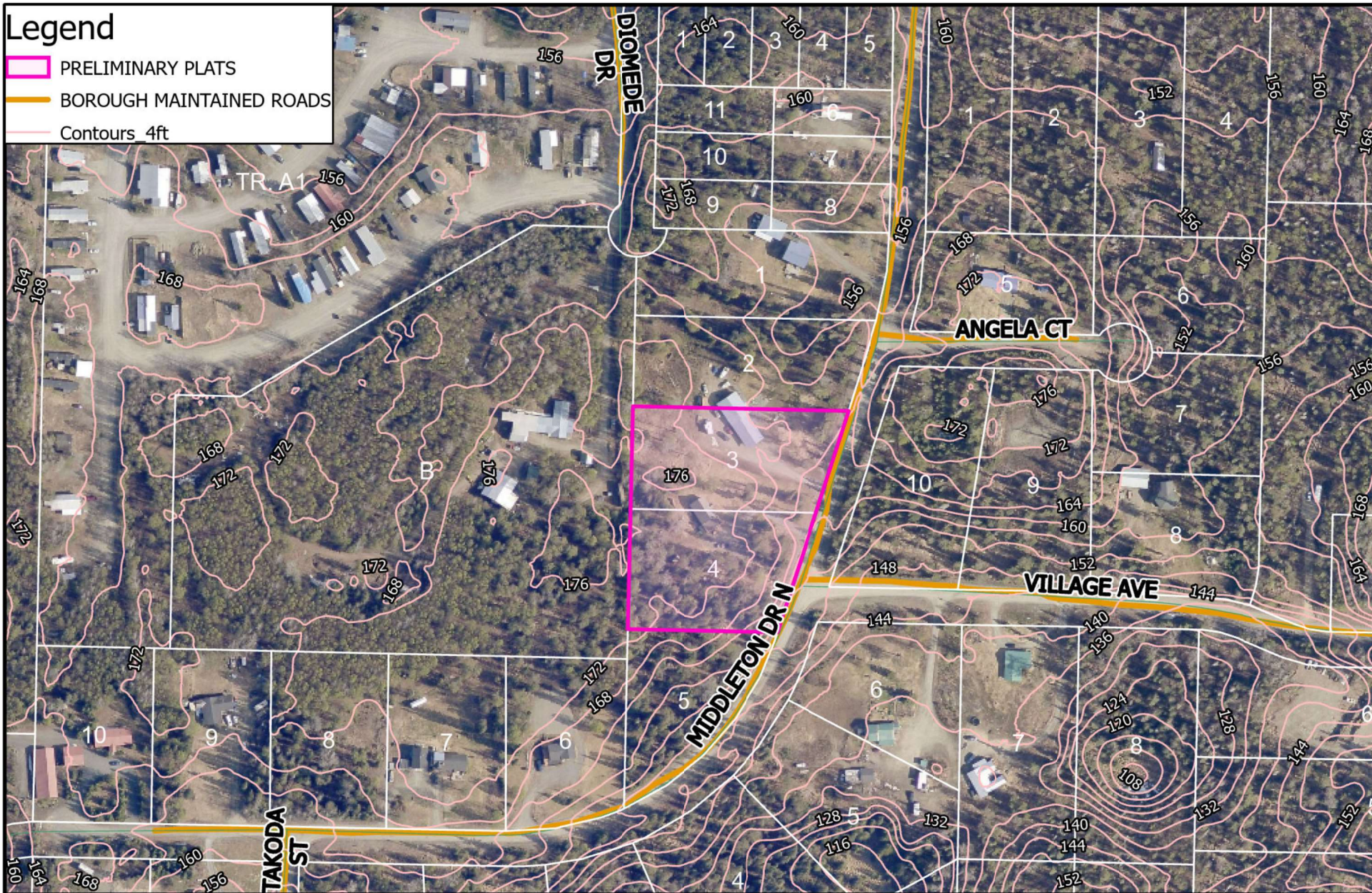
END OF STAFF REPORT



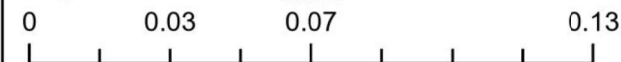


Legend

- PRELIMINARY PLATS
- BOROUGH MAINTAINED ROADS
- Contours 4ft



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

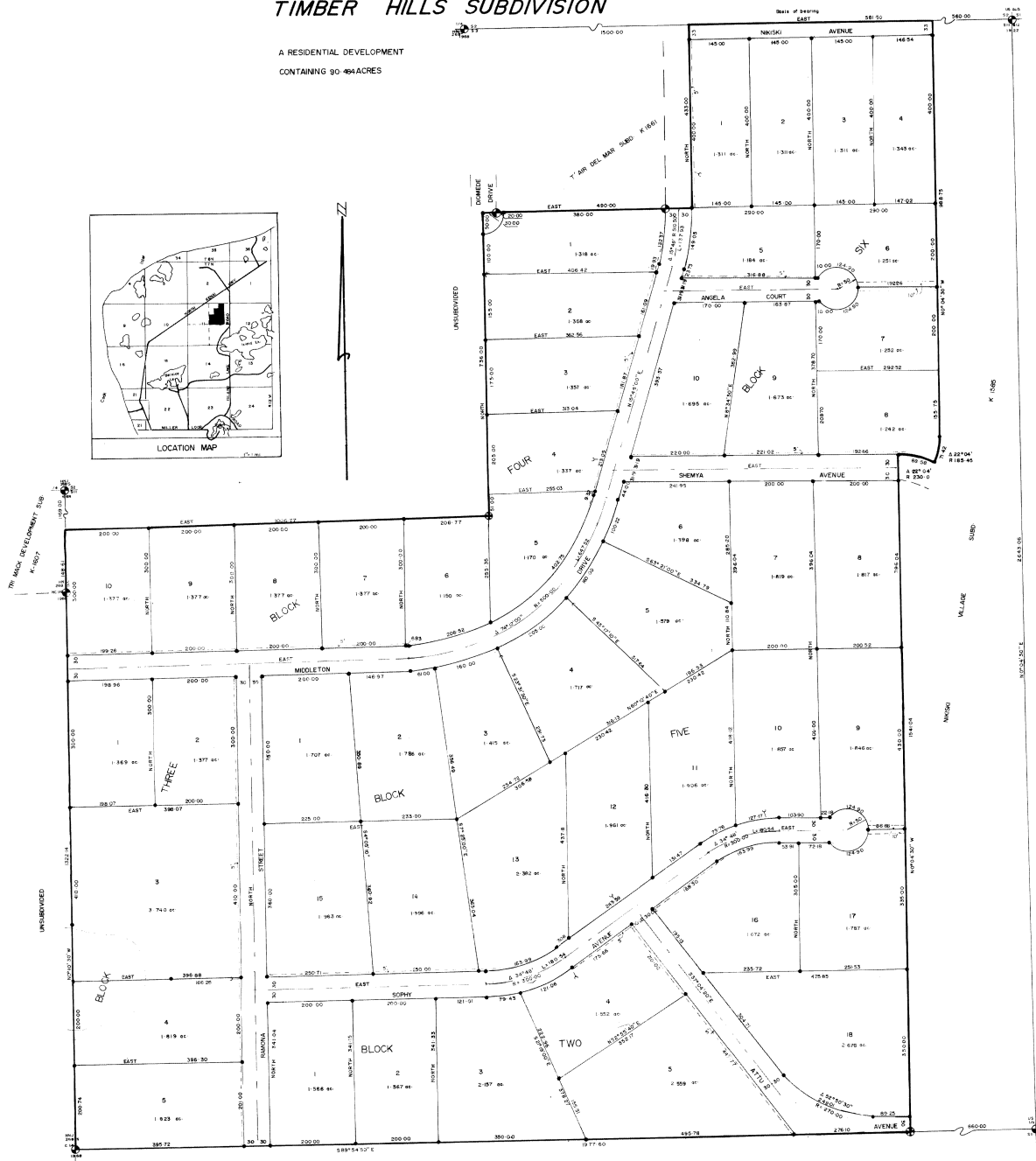
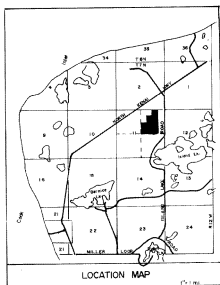


AERIAL IMAGERY 2021

Scott Huff
Platting Manager
Current Time:
2/2/2022 9:31 AM

TIMBER HILLS SUBDIVISION

A RESIDENTIAL DEVELOPMENT
CONTAINING 90.484 ACRES



CERTIFICATE OF OWNERSHIP AND DESIGNATION

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

ROBERT S. BOLES
RT. 2, BOX 217
SOLDOTNA, ALASKA

WOODROW J. BOLES
P.O. BOX 659
SOLDOTNA, ALASKA

ERNE BOLES
P.O. BOX 659
SOLDOTNA, ALASKA

NOTARY'S ACKNOWLEDGMENT

BEFORE AND SUBSCRIBED TO BEFORE ME, A NOTARY PUBLIC THIS 22nd DAY OF August, 1977.

Olden G. G. G. G. G.

MY COMMISSION EXPIRES 1980.

BOROUGH APPROVAL

THIS PLAN HAVING BEEN APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AS RECORDED IN THE OFFICIAL MAPS OF THE METRO OF 2-22-1977 IS HEREBY ACKNOWLEDGED AND ACCEPTED AS THE OFFICIAL PLAN, SUBJECT TO ANY AND ALL CONDITIONS OF ORDINANCES AND LAW APPLICABLE THERE TO.

KENAI PENINSULA BOROUGH
Philip W. W.

John H. H.

NOTE: 20' Building setback adjacent to all rights of way.

NOTE: All sewer and drainage systems shall comply with existing law at time of construction.

- LEGEND
- Symbol for utility structure: Approx. location for utility structure, structure dimensions to be 10' wide by 10' deep, 10' high.
 - Symbol for utility easement: Utility easement.
 - Symbol for brick capped utility easement: Brick capped utility easement.
 - Symbol for brick capped utility structure: Brick capped utility structure.
 - Symbol for 5/8" steel pit: 5/8" steel pit.

TIMBER HILLS SUBDIVISION	
WITHIN THE NE 1/4 SEC 10 T14N R14W S14W	SURVEY COMPLETED JUNE 1977
KENAI PENINSULA BOROUGH, ALASKA	
DEVELOPERS	
WOODY R. ROBERT BOLES BOX 458 SOLDOTNA, ALASKA	ARNE LOBELLY - SURVEYOR ROUTE 1, BOX 47 KENAI, ALASKA

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 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 Diomedes 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 Diomedes Dr. Staff's concern was this large 10-acre lot's 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 Diomedes Dr. Ms. Hindman replied that the same person owns both Lot A1 and Lot B. Lot A1 also fronts Diomedes 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 Diomedes 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	Brantley, Gillham, Ruffner, 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, Ruffner, Venuti		

F. PUBLIC COMMENT - None

G. ADJOURNMENT

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

Ann E. Shirnberg
Administrative Assistant

AGENDA ITEM E. NEW BUSINESS

ITEM 7 - Timber Hills Subdivision 2022 Replat

KPB File No.	2022-007
Plat Committee Meeting:	February 14, 2022
Applicant / Owner:	Michael B. Brunke, Nikiski 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

Specific Request / Scope of Subdivision: The proposed plat will adjust a common boundary between two parcels to avoid a structure. Lot 3 will decrease from 1.4 acres to 1.2 acres and Lot 4 will increase from 1.3 to 1.5 acres. The exchange of area will be 7,448 sq. ft. between the two lots.

Location and Legal Access (existing and proposed): This subdivision is located in the Nikiski area new milepost 25 of the Kenai Spur Highway. Legal access to the subdivision is via Nikiski Avenue to Middleton Drive North. Both streets are improved and maintained by KPB.

No additional right of ways will be dedicated with this platting action.

This subdivision is within a closed block but the block length is longer the allowed per KPB 20.30.170 Block Lengths. The block is defined by Kenai Spur Highway, Nikiski Ave., Middleton Dr. N., and Unimak Dr. The parcel to the west is 10.65 acres in size and can be further subdivided. Diomed Drive, a cul-de-sac, provides the only legal access to the 10.65 acre parcel. Further subdivision of the 10.65 acre parcel is limited due to the lack of right of way dedication. The 10.65 acre parcel and Lot 5 are under common ownership and can be combined to allow a secondary access. A 60 foot wide right of way dedication on the south boundary would provide secondary access to the 10.65 acre parcel and would generally align with Village Avenue.

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

Site Investigation: Sloping terrain affects this subdivision but no slopes appear to be greater than 20% in grade. Low wet areas do not affect this subdivision.

Several buildings have been constructed within this subdivision. There appears to be a residential structure on the boundary line between Lot 3 and Lot 4. This platting action will revise the encroachment of the building that affects Lot 3 and Lot 4. There appears to be a residential structure on the boundary line between Lot 2 and Lot 3. Mr. Michael Brunke is the owner of Lot 2 and Lot 3. Per KPB 20.25.070 (N) encroachments will need to be resolved prior to final plat approval. As both lots are under common ownership, the building is not an issue at this time. Staff would like to put the land owner on notice that a sale of either lot may create an issues as the building would then be an encroachment. Staff strongly encourages the land owner to combine Lot 2 and Lot 3A into one

parcel to avoid any encroachment issues. **Staff recommends** a plat note be added that states, “The acceptance of this plat by KPB does not indicate acceptance of any possible encroachments.”

KPB River Center review	<p>A. Floodplain</p> <p>Reviewer: Carver, Nancy Floodplain Status: Not within flood hazard area Comments: No comments</p> <p>B. Habitat Protection</p> <p>Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments</p> <p>C. State Parks</p> <p>Reviewer: Russell, Pam Comments: No Comments</p>
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Staff Analysis The parent parcels were created in 1977 with the recording of Timber Hills Subdivision (KN 77-114).

A soils analysis report was not prepared for the parent plat. Per KPB 20.40 Wastewater Disposal, a soils analysis report is required and an engineer will sign the final plat. The correct wastewater disposal note is on the preliminary plat.

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

Utility Easements The parent plat granted a 5 foot utility easement adjoining Middleton Drive North, including a 10 foot by 20 foot anchor easement. **Staff recommends** the easement of record per KN 77-144 be depicted and labeled on the plat.

This plat will be granting the front 10 feet adjoining the right of way and 20 feet within 5 feet of side lot as utility easements.

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	<p>Reviewer: Haws, Derek Affected Addresses: 50835 MIDDLETON DR N 50805 MIDDLETON DR N</p>
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	<p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names: MIDDLETON DR N ANGELA CT VILLAGE AVE</p> <p>Existing Street Name Corrections Needed:</p> <p>All New Street Names are Approved: No</p> <p>List of Approved Street Names:</p> <p>List of Street Names Denied:</p> <p>Comments: 50835 MIDDLETON DR N will remain with lot 3A. 50805 MIDDLETON DR N will remain with lot 4A.</p>
Code Compliance	<p>Reviewer: Ogren, Eric</p> <p>Comments: No comments</p>
Planner	<p>Reviewer: Aldridge, Morgan</p> <p>There are not any Local Option Zoning District issues with this proposed plat.</p> <p>Material Site Comments: There are not any material site issues with this proposed plat.</p>
Assessing	<p>Reviewer: Wilcox, Adeena</p> <p>Comments: No comment</p>
Advisory Planning Commission	Not within an APC area.

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: Correct the aliquot part location to NW1/4 NE1/4 Section 11, T7N, R12W, S.M.

- D. A vicinity map, drawn to scale showing location of proposed subdivision, north arrow if different from plat orientation, township and range, section lines, roads, political boundaries, and prominent natural and manmade features, such as shorelines or streams;
Staff recommendation: *Provide the location of the subdivision within the Vicinity Map.*
- N. Apparent encroachments, with a statement indicating how the encroachments will be resolved prior to final plat approval;
Staff recommendation: *This platting action will resolve an encroachment of a building on the boundary of Lot 3 and Lot 4. Another structure appears to be located over the boundary of Lot 2 and proposed Lot 3A. Cuncur that as both Lots 2 and proposed Lot 3A are under common ownership that an encroachment does not exist at this time on the north boundary of this subdivision. Staff cautions the land owner that any transfer of title of either Lot 2 or Lot 3A may create an encroachment issue.*

KPB 20.30 – Subdivision Design Requirements

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

20.30.030. Proposed street layout-Requirements.

- A. The streets provided on the plat must provide fee simple right-of-way dedications to the appropriate governmental entity. These dedications must provide for the continuation or appropriate projection of all streets in surrounding areas and provide reasonable means of ingress for surrounding acreage tracts. Adequate and safe access for emergency and service vehicle traffic shall be considered in street layout.
- B. Subdivision of land classified as agricultural conveyed subject to AS 38.05.321(a)(2)(B) may provide public access easements in lieu of fee simple dedications if necessary to comply with the minimum lot size restriction of the statute. The public access easements must meet all applicable right-of-way design criteria of Title 20 and are subject to the building setback requirements set forth in KPB 20.30.240.
- C. Preliminary plats fronting state maintained roads will be submitted by the planning department to the State of Alaska Department of Transportation and Public Facilities (DOT) for its review and comments.
Staff recommendation: *The parcel to the west is a large acreage parcel that can be further subdivided. Provide a 60 foot right of way dedication to provide for the continuation of Village Avenue to the surrounding tract to the west.*

20.30.120. Streets-Width requirements.

- A. The minimum right-of-way width of streets shall be 60 feet.
1. Half streets shall generally not be allowed except to provide the logical extension of a right-of-way where the remaining half street can reasonably be expected to be dedicated in the future.
 2. When a design change required as a condition of preliminary approval results in a half right-of-way that was not shown on the original preliminary plat, adjoiners to the new half right-of-way will be sent a copy of the plat committee minutes and a sketch showing the new half right-of-way and per KPB 2.40.080 can request a review of the plat committee decision by the full Planning Commission.
- B. Additional right-of-way or easement width may be required to provide for the construction of side slopes or to otherwise accommodate right-of-way construction standards set forth in KPB Title 14.
Staff recommendation: *A right of way dedication for the extension of Village Avenue must be 60 feet wide as the neighboring parcel is unlikely to be subdivided and cannot provide a matching right of way dedication.*

20.30.150. Streets-Intersection requirements.

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

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

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

D. Intersections of access streets with arterial streets or state maintained roads must be designed to the American Association of State Highway and Transportation Officials (AASHTO) standards.

Staff recommendation: *Concur that a 60 foot right of way dedication on the south boundary will generally align with Village Avenue as the width of the opposing right of ways will have an area that overlaps.*

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

Staff recommendation: *Work with the Addressing Officer to obtain an approved street name for any right of way dedications.*

20.30.170. Blocks-Length requirements. Blocks shall not be less than 330 feet or more than 1,320 feet in length. Along arterial streets and state maintained roads, block lengths shall not be less than 800 feet. Block lengths shall be measured from centerline intersections.

Staff recommendation: *The block length along Middleton Drive North is 2,663 feet long and longer than the allowable length of 1,320 feet. A right of way dedication for the extension of Village Avenue will help to comply with block length by allowing the 10 acre parcel to the west to extend the right of way when it is further subdivide.*

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 was not prepared for the parent plat. Per KPB 20.40.020 a soils analysis report will be required.*

Staff recommendation: *comply with 20.40.*

KPB 20.60 – Final Plat

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

20.60.030. Certificate of borough finance department required.

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

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

Staff recommendation: *comply with 20.60.030.*

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

Staff recommendation: Provide a certificate of acceptance for the KPB to accept any right of way dedications.

20.60.180. Plat notes.

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

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

Staff recommendation: Place the following notes on the plat.

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

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