



Meeting Agenda Plat Committee

Monday, April 11, 2022

6:00 PM

Betty J. Glick Assembly Chambers

Zoom Meeting ID 907 714 2200 - ZOOM ONLY MEETING

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

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

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

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF AGENDA, EXCUSED ABSENCES, AND MINUTES

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

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

[KPB-4088](#) March 21, 2022 Plat Committee Meeting Minutes
Attachments: [Plat Minutes 032122_Draft](#)

D. OLD BUSINESS

E. NEW BUSINESS

1. [KPB-4079](#) Alaskan Wildwood East; KPB File 2021-126
Attachments: [E1. Alaskan Wildwood East_Packet](#)
2. [KPB-4080](#) McClaren Subdivision; KPB File 2016-083
Attachments: [E2. McClaren Subdivision_Packet](#)
3. [KPB-4081](#) Tulchina Pointe Estates 2022 Replat; KPB 2022-023
Attachments: [E3. Tulchina Pointe_Packet](#)
4. [KPB-4082](#) Terra Bella Subdivision; KPB File 2022-024
Attachments: [E4. Terra Bella Sub_Packet](#)
5. [KPB-4083](#) Fort Raymond Subdivision Replat Number 5; KPB File 2022-029
Attachments: [E5. Fort Raymond Sub_Packet](#)
6. [KPB-4084](#) Townsley Subdivision; KPB File 2022-030
Attachments: [E6. Townsley Subdivision](#)
7. [KPB-4085](#) Evelyn's Corner; KPB File 2022-032
Attachments: [E7. Evelyn's Corner_Packet](#)
8. [KPB-4086](#) Cook Estates Iverslie Addition; KPB File 2022-028
Attachments: [E8. Cook Estates Iverslie_Packet](#)
[PLAT E8. Staff Report Add_Cook Estates Iverslie Addition KPB File 2022-028](#)
9. [KPB-4087](#) Strawberry Acres Subdivision 2022 Replat; KPB File 2022-025
Attachments: [E9. Strawberry Acres Sub_Packet](#)

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 25, 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 KP.B. 2.40.080.

Kenai Peninsula Borough

Plat Committee

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

March 21 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

Julie Hindman, Platting Specialist
Ann Shirnberg, Planning Administrative Assistant

C. APPROVAL OF AGENDA, EXCUSED ABSENCES, AND MINUTES

*4. Grouped Plats

Staff report by Julie Hindman.

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

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

2. Playle Estates; KPB File 2021-159R1
Peninsula Surveying, LLC / Schilling, Playle & Bannock
Location: Jacque Street
Nikiski Area
4. Inglebrook 2022 Replat; KPB File 2022-021
Johnson Surveying / Daniels
Location: Sonda Avenue, Inglebrook Court & Missouri Street
Sterling Area
5. Katamar Subdivision 2022; KPB File 2022-020
Ability Surveys / Sookraj
Location: Iliamna Drive & Brown Drive
Diamond Ridge Area / Kachemak Bay APC
6. Tulin West Highlands Replat 2022; KPB File 2022-019
Ability Surveys / Green
Location: Joe Super Street
Diamond Ridge Area / Kachemak Bay APC

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 Gillham to approve the agenda and grouped plates based on staff recommendations and compliance to borough code.

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

MOTION PASSED BY UNANIMOUS VOTE

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

ITEM E2 - Playle Estates

**Passed by Grouped Plats Under the Consent Agenda*

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

ITEM E4 - Inglebrook 2022 Replat

**Passed by Grouped Plats Under the Consent Agenda*

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

ITEM E5 - Katamar Subdivision 2022

**Passed by Grouped Plats Under the Consent Agenda*

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

ITEM E6 - Tulin West Highlands Replat 2022

**Passed by Grouped Plats Under the Consent Agenda*

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

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

E. NEW BUSINESS

ITEM E1 - 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 given by Julie Hindman.

Chair Brantley opened the meeting for public comment.

Kenneth Lang, Lang & Associates Inc.; 11500 Daryl Avenue, Anchorage AK 99515: Mr. Lang 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 Commissioner Ruffner to grant preliminary approval to Clan Maxwell Estates Woodland Hollow Addition, based on staff recommendations and compliance to borough code.

AMENDMENT A: Commissioner Gillham moved, seconded by Commissioner Ruffner to grant the exception request to KPB 20.30.030 - Proposed street layout requirements, extension of Celestial Street and

dedications on section line easements and KPB 20.30.170 – Block length requirements, citing findings 1-14 in support of standards one, two and three.

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		

AMENDMENT B: Commissioner Gillham moved, seconded by Commissioner Venuti to grant the exception request to KPB 20.30.100 – Cul-de-sacs, citing findings 1-4 & 6-8 in support of standards one, two and three.

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

AMENDMENT B MOTION PASSED BY UNANIMOUS VOTE

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

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

MAIN MOTION PASSED AS AMENDED BY UNANIMOUS VOTE

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

ITEM E3 - 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 given by Julie Hindman.

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

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

Commissioner Ruffner asked Ms. Hindman to clarify the wastewater disposal note for Tract B1. He wanted to know how it could be assured there will be no development allowed on this lot and that it would be used for flood control only. Is there a way to note on the plat that should development occur a wastewater soils report would be required? Ms. Hindman replied that the recommended rewording of the plat note was to bring it into compliance with KPB 20.40.08(A). She noted that in the end the regulatory requirement for this issue would fall to the DEC and should they see this plat note they would know that this lot was not intended to be developed.

Commissioner Ruffner asked if staff knew the condition of the bridge on this right-of-way. Ms. Hindman replied that she the comments received from the Roads Department indicated that they did not know what materials were used in the construction of the bridge. Commissioner Ruffner note dedicating a right-of-way on top of something that may or may not be structurally sound creates public safety concerns. He understands that there is nothing in code that address this concern but at some point, he believes that this will be something that will catch up and possibly create issues for the borough in the future.

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 E7 - 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 given by Julie Hindman.

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

MOTION: Commissioner Ruffner moved, seconded by Commissioner Gillham to grant preliminary approval to Lobdell Subdivision based on staff recommendations and compliance to borough code.

AMENDMENT: Commissioner Ruffner moved, seconded by Commission Gillham to grant exception request to KPB 20.30.190 – Lot dimensions, 3:1 depth to width ratio for Tract B, citing findings 3-5 & 7-9 in support of standards one, two and three.

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

AMENDMENT 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:

MOTION PASSED AS AMENDED BY UNANIMOUS VOTE

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

ITEM E8 - 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 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 Gillham moved, seconded by Commissioner Venuti to grant the exception request to KPB 20.40.100 – Soils analysis and report, citing findings 1-4, 6, 10 & 11 in support of standards one, two and three.

Commissioner Ruffner noted that when this preliminary plat was initially approved this lot did not meet the 40,000-sf minimum requirement. By code this lot should be required to get a soils test. Ms. Hindman replied he was correct, to support this request the owners are point to the fact that a soils analysis report was not required for approval for the previous plat. The owners also noted that they are simply moving a lot line and the both lots have improvements with existing septic systems. The owner did not ask for the exception earlier as they were not aware of the requirement of a soils report. When it was brought to their attention that one was required that is when they asked for the exception request. Commissioner Ruffner noted that the justification here is that this a minor lot line change and that the lots both have existing septic systems. Ms. Hindman replied that he was correct, the landowner here is just want to fix an encroachment issue.

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		

F. PUBLIC COMMENT - None

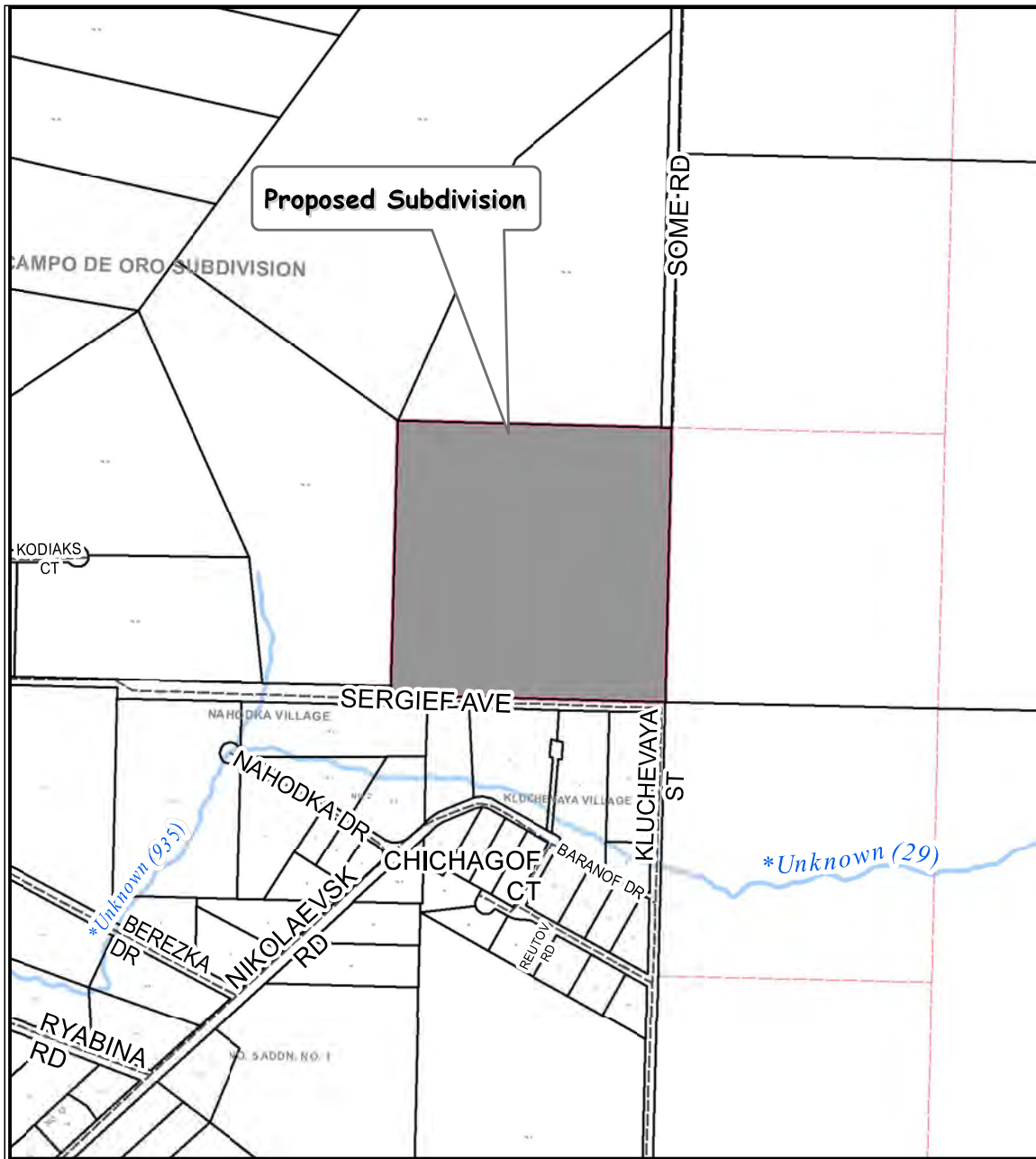
G. ADJOURNMENT

Commissioner Ruffner moved to adjourn the meeting 6:55 P.M.

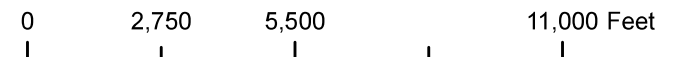
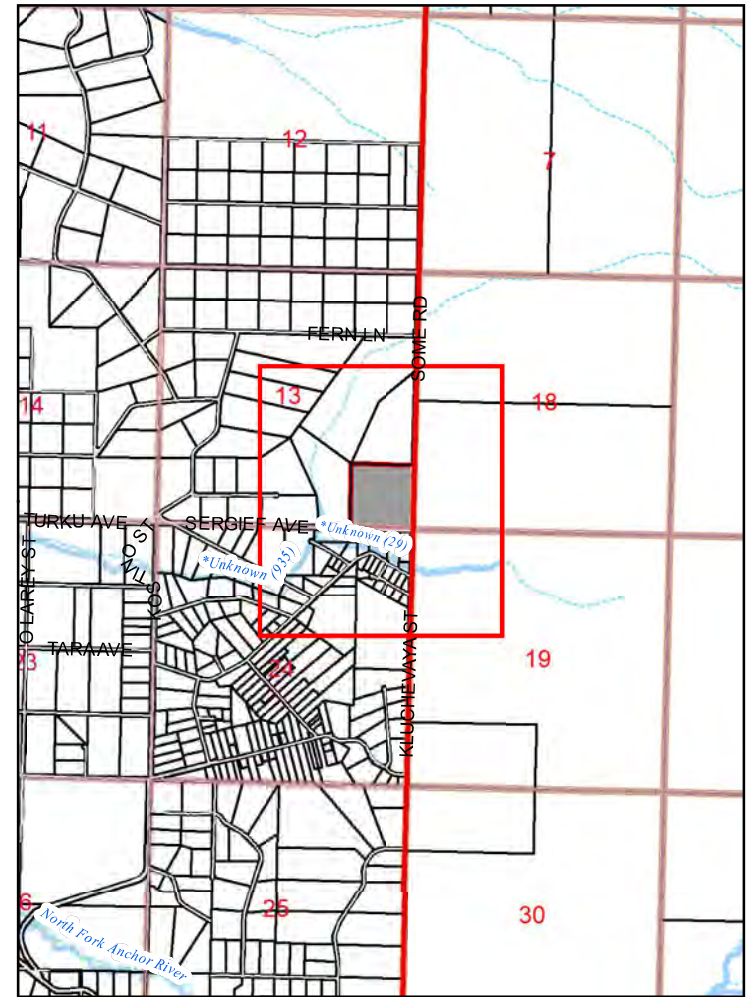
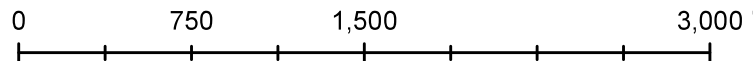
Ann E. Shirnberg
Administrative Assistant

E. NEW BUISNESS

ITEM E1 - ALASKAN WILDWOOD EAST

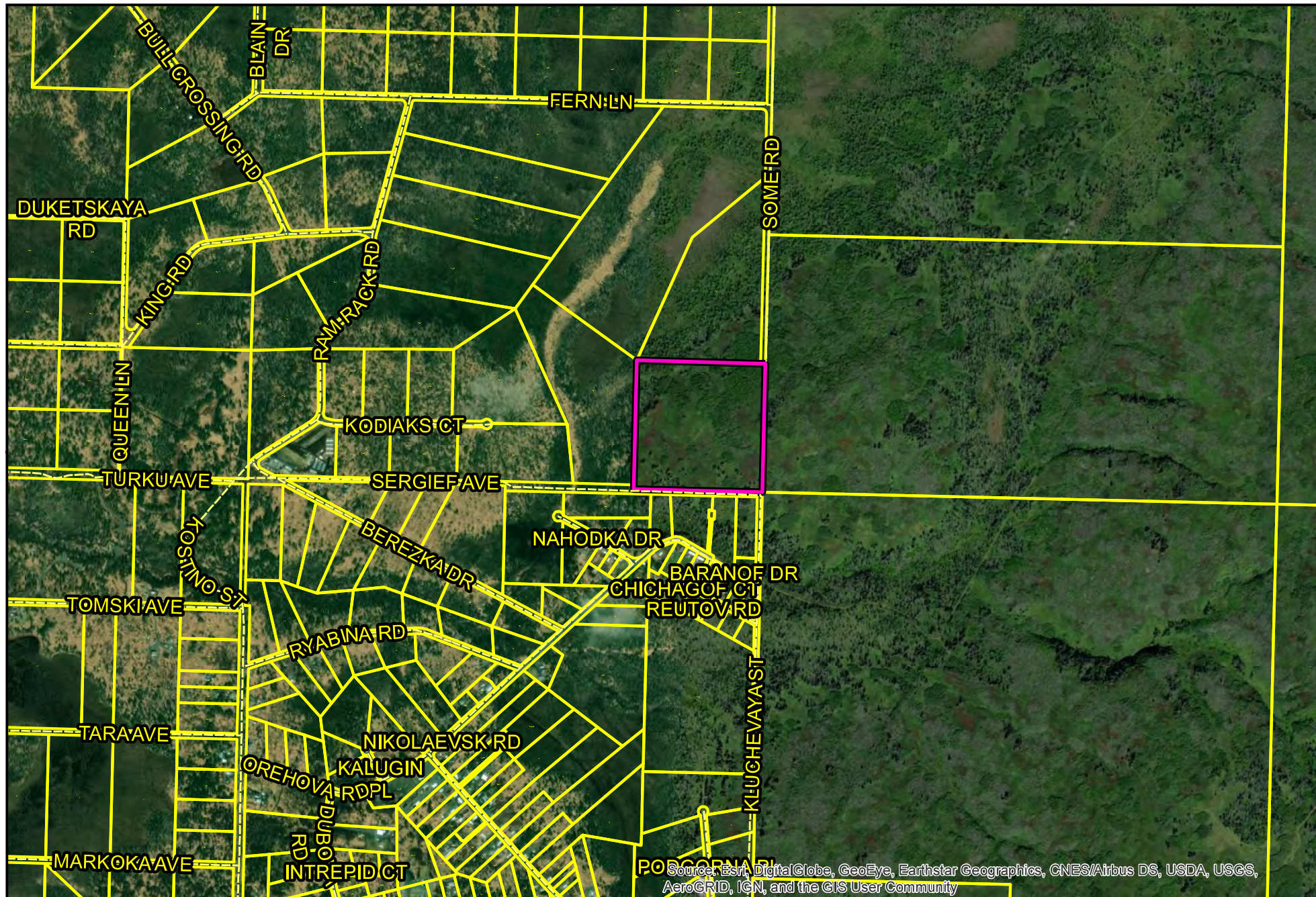


The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



KPB 2021-126
S13 T04S R14W
Nikolaevsk

PClements, KPB 2021-126 Date: 9/2/2021



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

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0 375 750 1,500'

Aerial View



 PRELIMINARY PLAT

PClements, KPB 2021-126
Imagery World

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF SEPTEMBER, 27-2021.

COMMISSIONER _____

DATE _____

CERTIFICATE OF ACCEPTANCE

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

SERGIEF AVENUE AND HUNT/LAND STREET.

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

AUTHORIZED OFFICIAL
KENAI PENINSULA BOROUGH
144 NORTH BINKLEY STREET
SOLDOTNA, ALASKA 99589

DATE _____

CERTIFICATE OF OWNERSHIP AND DEDICATION

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

JOE BALLYEAT
6909 RISING EAGLE ROAD
BOZEMAN, MONTANA 59715

DATE _____

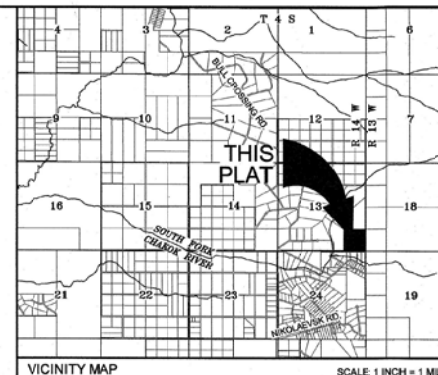
NOTARY'S ACKNOWLEDGMENT

FOR JOE BALLYEAT

ACKNOWLEDGED BEFORE ME THIS
DAY OF _____, 2021.

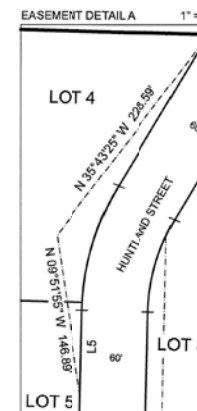
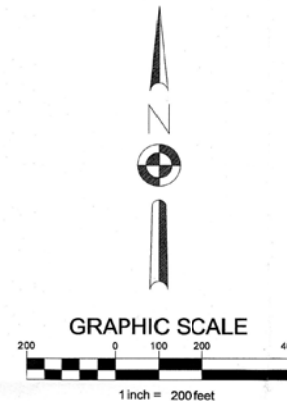
NOTARY PUBLIC _____

MY COMMISSION EXPIRES _____



NOTES

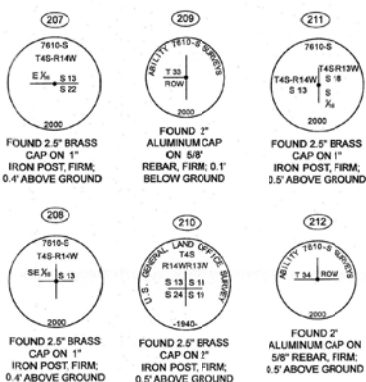
- ROADS MUST MEET THE DESIGN AND CONSTRUCTION STANDARDS ESTABLISHED BY THE BOROUGH IN ORDER TO BE CONSIDERED FOR CERTIFICATION AND INCLUSION IN THE ROAD MAINTENANCE PROGRAM (KPB 14.06).
- BUILDING SETBACK - A SETBACK OF 20 FEET IS REQUIRED FROM ALL STREET RIGHTS-OF-WAY UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
- THE FRONT 10 FEET OF THE 20 FOOT BUILDING SETBACK AND THE ENTIRE SETBACK WITHIN 5 FEET OF THE SIDE LOT LINES IS A UTILITY EASEMENT. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN THE UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF THE UTILITY TO USE THE EASEMENT.
- SET 5/8" X 30" REBAR WITH 1.5" DIAMETER ORANGE PLASTIC CAP AT ALL LOT CORNERS AND PC/PT OF CURVES ALONG LOT LINES.
- WASTEWATER DISPOSAL: THESE LOTS ARE AT LEAST 200,000 SQUARE FEET IN SIZE AND CONDITIONS MAY NOT BE SUITABLE FOR ON-SITE WASTEWATER TREATMENT AND DISPOSAL. ANY WASTEWATER TREATMENT OR DISPOSAL SYSTEM MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.
- ANY PERSON DEVELOPING THE PROPERTY IS RESPONSIBLE FOR OBTAINING ALL LOCAL, STATE, AND FEDERAL PERMITS, INCLUDING A U.S. ARMY CORPS OF ENGINEERS WETLAND DETERMINATION, IF APPLICABLE.
- EXCEPTIONS TO KPB 20.30.170 (BLOCKS-LENGTH REQUIREMENTS) WERE GRANTED BY THE KPB PLANNING COMMISSION AT THE MEETING HELD ON SEPTEMBER 27, 2021.



LEGEND

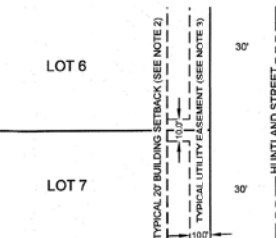
- FOUND 2.5" DIAMETER BRASS MONUMENT
- FOUND 2" DIAMETER ALUMINUM CAP
- RECORD MEASUREMENT - PLAT No. 2011-31
- (DTP) ROW DEDICATED THIS PLAT
- (SLE) SECTION LINE EASEMENT
- SECTION LINE
- EASEMENT LINE
- ROAD MAINTENANCE EASEMENT LINE
- POORLY DRAINED SOILS DETERMINED FROM KENAI PENINSULA BOROUGH AERIAL PHOTOGRAPHY (2012 / 2013)

MONUMENT DETAILS



TYPICAL CAP SET

TYPICAL EASEMENT DETAIL
(APPLIES TO ALL LOTS)



LINE	BEARING	DIST. (ft.)
L1	N 29°42'11" W	178.28'
L2	N 29°23'30" E	193.87'
L3	S 29°23'30" W	159.91'
L4	N 29°42'11" W	121.39'

CURVE	RADIUS	DELTA ANGLE	ARC	CHORD BEARING	CHORD
C1	20.00'	60°22'52"	21.08'	N 59°52'42" W	20.12'
C2	170.00'	29°38'14"	87.94'	S 14°53'04" E	86.95'
C3	170.00'	29°38'14"	87.94'	S 14°45'10" W	86.95'
C4	230.00'	27°47'56"	111.59'	N 15°38'48" E	110.50'
C5	230.00'	1°48'48"	7.28'	S 00°50'22" W	7.28'
C6	230.00'	0°44'50"	3.00'	S 00°26'22" E	3.00'
C7	230.00'	28°53'24"	115.97'	S 15°15'30" E	114.75'
C8	20.00'	119°38'58"	41.77'	N 30°06'23" E	34.58'

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF ALASKA AND THAT THIS PLAT REPRESENTS A SURVEY MADE BY ME AND THAT THE MONUMENTS SHOWN HEREON ACTUALLY EXIST AS DESCRIBED, AND THAT ALL DIMENSIONS AND OTHER DETAILS ARE TRUE AND CORRECT.

BUKU SALIZ LS-14837
REGISTERED LAND SURVEYOR

10/8/2021
DATE



PLAT OF ALASKAN WILDWOOD EAST SUBDIVISION

A SUBDIVISION OF

PARCEL #3 OF PLAT WAIVER 93-26 AMENDED
PER Doc. No. 1993-003636-0, HOMER RECORDING DISTRICT
CONTAINING 46.100 ACRES



FIXED HEIGHT LLC

907.280.8649
WWW.FIXEDHEIGHT.COM
225 W 23rd AVE.
ANCHORAGE, AK 99503
C.O.A. 122554

OWNER:	JOE BALLYEAT; 6909 RISING EAGLE ROAD; BOZEMAN, MT; 59715
KPB FILE NO.:	2021-128
PROJECT NO.:	21024
SURVEY DATE:	JUNE 15, 2021
FIELD BOOK:	21-01
DRAWN BY:	JK
CHECKED BY:	BS
SCALE:	1" = 200'
SHEET:	1 OF 1

AGENDA ITEM E. NEW BUSINESS

ITEM 1 - ALASKAN WILDWOOD EAST

KPB File No.	2021-126
Plat Committee Meeting:	April 11, 2022
Applicant / Owner:	Joe Balyeat of Bozeman, MT
Surveyor:	Andre Kaeppele, Buk Saliz / Fixed Height LLC
General Location:	Nikolaevsk / Anchor Point APC

Parent Parcel No.:	165-111-42
Legal Description:	SE1/4 SE1/4 Section 13, Township 4 South, Range 14 West. Parcel 2 of Plat Waiver Resolution 93-26 Amended, Serial Number 93-3636 HRD.
Assessing Use:	Residential
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 originally named Alaskan Wildwood Phase1, at the September 27, 2021 meeting. An exception was granted to KPB 20.30.00, proposed street layout, so that a dedication was not required along the eastern boundary. An exception was also approved for KPB 20.30.170, block length requirements.

The original design, approved by the Plat Committee, was going to subdivide a 40 acre parcel into eight lots and provide a right of way dedication. This plat is being brought back to the plat committee as the surveyor has requested an exception to KPB 20.30.190 – lots dimensions, 3:1 depth to width ratio for Lot 4.

EXCEPTIONS REQUESTED:

KPB 20.30.190 – Lots dimensions (3:1 depth to width ratio for Lot 4)

Surveyor's Discussion: An exception is requested to the borough code requiring that the average depth of a lot shall be no greater than three times the average width. This request is for Lot 4 of the proposed subdivision.

Staff Discussion: The Kenai Peninsula Borough Plat Committee heard and approved the preliminary plat at the September 27, 2021 meeting. A final was received for review on November 8, 2021 with the same design. Due to the terrain, centerline profiles were requested to determine if slope easements would be required. The surveyor determined, due to the terrain, the road needed to be slightly adjusted. The final submitted on February 22, 2022 showed a minor design change. There are still eight lots but the configuration and the road design have slightly changed. The design is keeping the lots above 200,000 square feet so that soils analysis report is not required. The new design has resulted in one of the lots not complying with the 3:1 depth to width requirements.

The granting of the exception will not change the original approval date of the preliminary plat. Time extensions will be permitted as outlined in KPB 20.25.110.

Approval will require a new plat note for the exception granted in addition to any corrections noted by staff during their final review.

If denied, a redesign will be required to bring all lots into compliance.

Surveyor's Findings:

1. The configuration of the lot is constrained by the surrounding topography and lot area requirements.
2. The location of the Huntland Street is the best location along the side sloping topography to place a roadway with a grade under 10 percent.
3. Additionally, in an attempt to keep lot areas above the requirements for a soil analysis report while keeping eight lots within the subdivision, the width of the lot is restricted.
4. The resulting depth to width ratio is only slightly higher than the ratio illustrated in the code.

Staff's Findings:

5. KPB Code requires a ratio of 3:1 for the depth to width of lots.
6. Due to the change in design, the ratio for Lot 4 is 3.3:1.
7. There are some low wet lands present in the western portion of Lot 4.
8. The change in design can be attributed to the terrain and the need to place the right of way dedication in the best location.
9. The road has been shifted to the east to provide a better connection to Sergief Avenue.
10. Slope easements are proposed and have been reviewed and approved by the KPB Roads Department.
11. The redesign changed from four lots on each side of the dedication to five on one side and three on the other.

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 7-10 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 7-10 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 7-10 appear to support this standard.

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

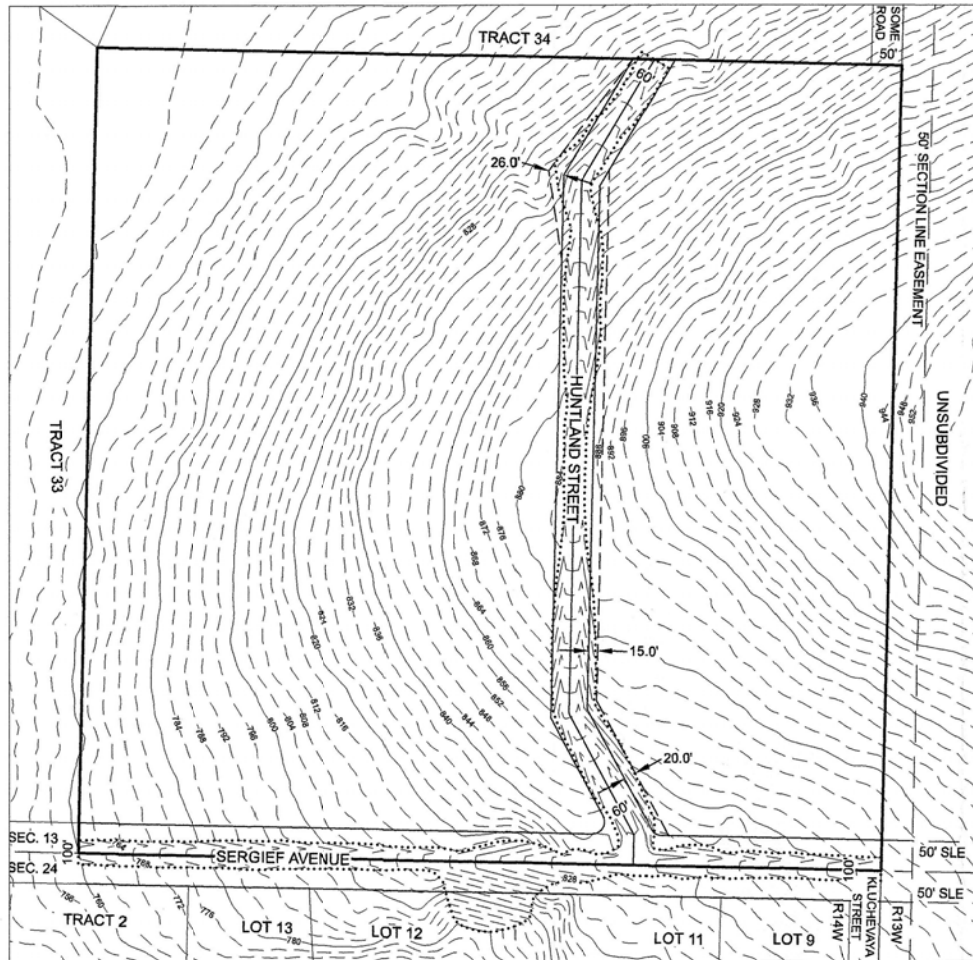
NOTE: 20.25.120. - REVIEW AND APPEAL.

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.

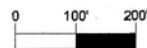
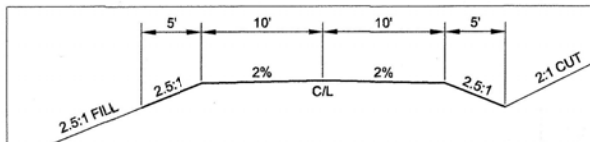
A DECISION OF THE PLANNING COMMISSION MAY BE APPEALED TO THE HEARING OFFICER BY A PARTY OF RECORD WITHIN 15 DAYS OF THE DATE OF NOTICE OF DECISION IN ACCORDANCE WITH KPB 21.20.250.

END OF STAFF REPORT

PLAN VIEW



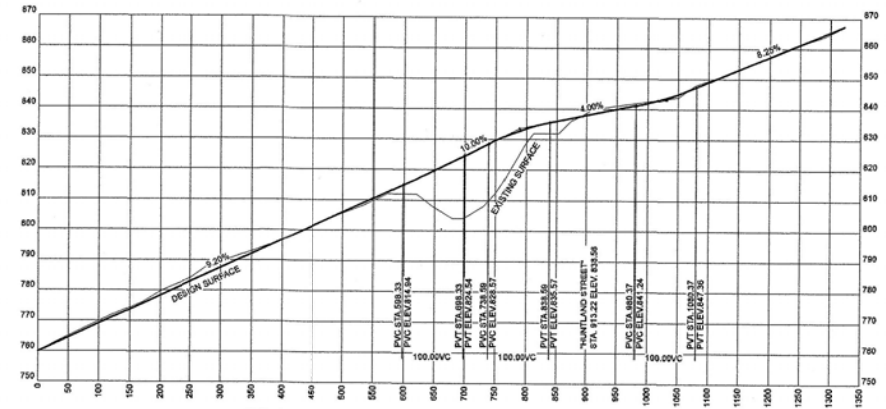
TYPICAL ROAD SECTION



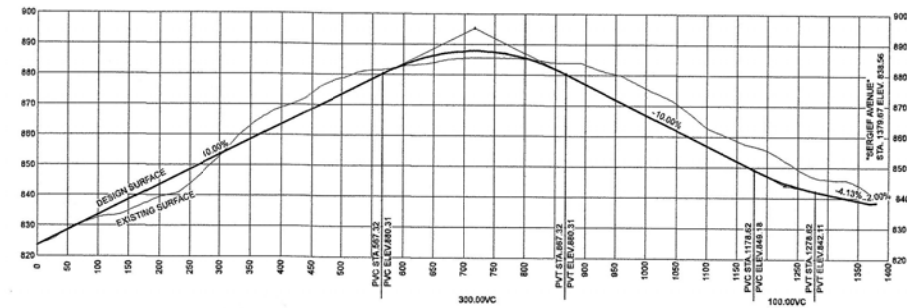
NOTES

1. THIS EXHIBIT REPRESENTS A POSSIBLE ROAD DESIGN FOR SERGIEF AVENUE AND HUNTLAND STREET.
2. TOTAL CUT: 12,786.4 C.Y.
3. TOTAL FILL: 9,893.3 C.Y.
4. CUT TO FILL RATIO: 1.29

PROFILE VIEW - HUNTLAND STREET



PROFILE VIEW - SERGIEF AVENUE



LEGEND

- LIMITS OF CUT AND FILL
- SLOPE EASEMENT



EXHIBIT

ALASKAN WILDWOOD EAST SUBDIVISION

ROAD PLAN AND PROFILE OF

SERGIEF AVENUE & HUNTLAND STREET



FIXED HEIGHT LLC

907.290.8949
WWW.FIXEDHEIGHT.COM

225 W 23rd AVE.
ANCHORAGE, AK 99503
C.O.A. 122544

OWNER: JOE BALLYEAT ; 6909 RISING EAGLE ROAD ; BOZEMAN, MT ; 59715

KPB FILE NO.: 2021-127 DRAWN BY: BS

PROJECT NO.: 21024 CHECKED BY: AP

SURVEY DATE: JUNE 15, 2021 SCALE: 1" = 200'

FIELD BOOK: 21-01 SHEET: 1 OF 1



Fixed Height, LLC
225 W 23rd Avenue
Anchorage, AK 99503
907.290.8949
www.fixedheight.com

March 21, 2022

ATTN: Julie Hindman
Platting Department
Kenai Peninsula Borough
144 North Binkley Street
Soldotna, AK 99669

Hello Julie,

In regards to the final plat of Alaskan Wildwood East, we would like to request an exception to the following conflict with borough code:

KPB 20.30.190 – Lots Dimensions

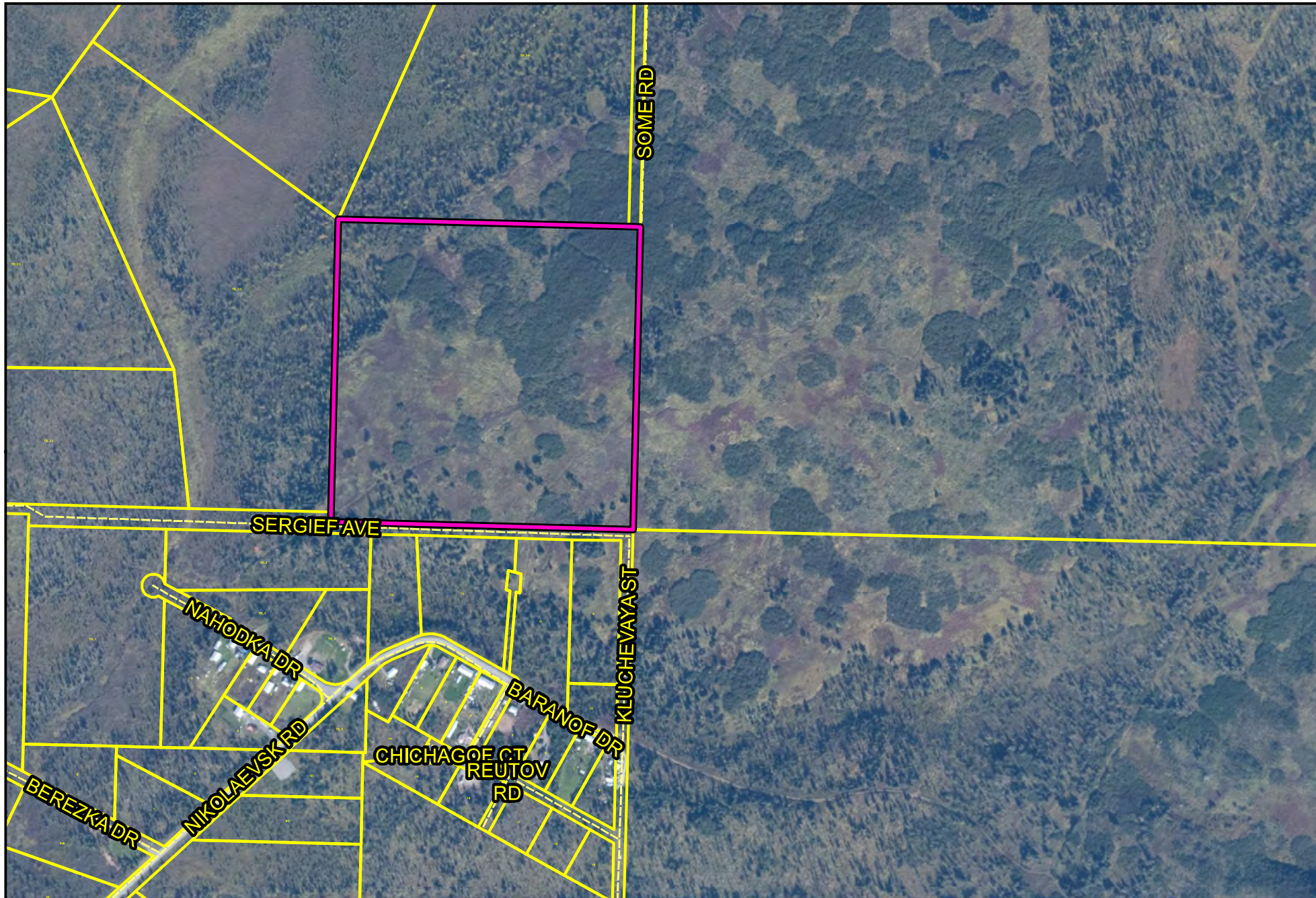
An exception is requested to the borough code requiring that the average depth of a lot shall be no greater than three times the average width. This request is for Lot 4 of the proposed subdivision.

Supportive Findings:

- The configuration of the lot is constrained by the surrounding topography and lot area requirements.
- The location of the Huntland Streets is the best location along the side sloping topography to place a roadway with a grade under 10 percent.
- Additionally, in an attempt to keep lot areas above the requirement for a soil analysis report while keeping 8 lots within the subdivision, the width of the lot is restricted.
- The resulting depth to width ratio is only slightly higher than the ratio illustrated in the code.

Thank you for your time.

Andre Kaeppele, PLS
907.290.8949
www.fixedheight.com



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

0 150 300 600 '
|-----|-----|-----|-----|

Aerial View



 PRELIMINARY PLAT

PClements, KPB 2021-126
Imagery 2016

CERTIFICATE OF OWNERSHIP

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

JOE BALYEA
8909 RISING EAGLE ROAD
BOZEMAN, MONTANA 59715

DATE

NOTARY'S ACKNOWLEDGEMENT

SUBSCRIBED AND SWORN TO, BEFORE ME,
THIS ____ DAY OF _____, 20__.

PERSONALLY APPEARED

MY COMMISSION EXPIRES

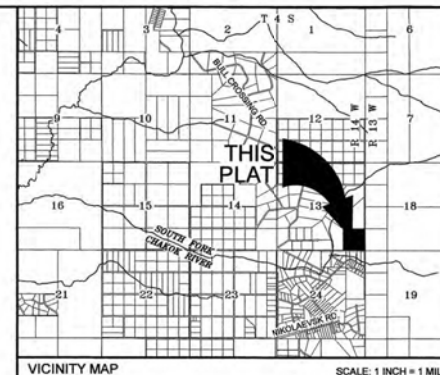
NOTARY PUBLIC

PLAT APPROVAL

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

COMMISSIONER

DATE



NOTES

1. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN AN EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
2. BUILDING SETBACK - A SETBACK OF 20 FEET IS REQUIRED FROM ALL STREET RIGHTS-OF-WAY UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATED PLANNING COMMISSION.
3. THE FRONT 10 FEET OF THE 20 FOOT BUILDING SETBACK AND THE ENTIRE SETBACK WITHIN 5 FEET OF THE SIDE LOT LINES IS A UTILITY EASEMENT. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN THE UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF THE UTILITY TO USE THE EASEMENT.
4. SET 5/8" X 3/4" REBAR WITH 1 1/2" DIAMETER ORANGE PLASTIC CAP AT ALL LOT CORNERS AND PC/PT OF CURVES ALONG LOT LINES.
5. WASTEWATER DISPOSAL: THESE LOTS ARE AT LEAST 200,000 SQUARE FEET OR NOMINAL 5 ACRES IN SIZE AND CONDITIONS MAY NOT BE SUITABLE FOR ON SITE WASTEWATER TREATMENT AND DISPOSAL. ANY WASTEWATER TREATMENT OR DISPOSAL SYSTEM MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.
6. THE TRADEMARK ALASKAN WILDWOOD RANCH(R) IS REGISTERED AND OWNED BY: ALASKAN LIFE REALTY LLC; SERIAL NUMBER: 87518956; REGISTRATION NUMBER: 5406113.

LEGEND

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

PRELIMINARY PLAT OF

ALASKAN WILDWOOD PHASE 1

A SUBDIVISION OF

SE 1/4 SE 1/4, SECTION 13, TOWNSHIP 4 SOUTH, RANGE 14 WEST, SEWARD MERIDIAN

PER Doc. No. 2019-002734-0, HOMER RECORDING DISTRICT CONTAINING 40 ACRES



FIXED HEIGHT LLC

907.290.8949
WWW.FIXEDHEIGHT.COM
225 W 23rd AVE.
ANCHORAGE, AK 99503
C.O.A. 122544

SURVEY DATE: JUNE 15, 2021

SHEET: 1 OF 2

PROJECT NO.: 21024

DRAWN BY: AK

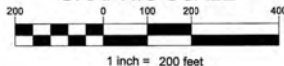
CHECKED BY: BS

SCALE: 1" = 200'

TYPICAL CAP SET



GRAPHIC SCALE



CURVE TABLE					
CURVE	RADIUS	DELTA ANGLE	ARC	CHORD BEARING	CHORD
C1	20.00'	89°59'49"	31.41'	N 44°55'57" E	28.28'
C2	20.00'	90°00'11"	31.42'	N 45°04'03" W	28.29'

KPB 2021-126

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF ALASKA AND THAT THIS PLAT REPRESENTS A SURVEY MADE BY ME AND THAT THE MONUMENTS SHOWN HEREON ACTUALLY EXIST AS DESCRIBED, AND THAT ALL DIMENSIONS AND OTHER DETAILS ARE TRUE AND CORRECT.

BUKU SALIZ LS-14837
REGISTERED LAND SURVEYOR

6/1/2021
DATE



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

Staff recommendation: Place the following notes on the plat.

- Roads must meet the design and construction standards established by the borough in order to be considered for certification and inclusion in the road maintenance program (KPB 14.06).
- Improvements on Lot 1-A Block 2 predate the 20' building setback created by this plat and are not subject to the 20' building setback. Any new construction, replacement, or improvement to the building must comply with the 20 foot building setback as shown on this plat.

Reword plat note 2, "The front 10 feet adjoining dedicated right of ways is a utility easement. No permanent..."

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: An acceptance will be required to be signed by the Kenai Peninsula Borough for the new dedication of C Street. The certificate of ownership for Bureau of Indian Affairs may be removed as well as their notary. The ownership information shall reflect the Certificate to Plat. This may be done by listing as Native Village of Nanwalek (aka English Bay Village Council). If this is not correctly representing the ownership, the owners must work with the title company. We have received documentation authorizing Mr. Kvasnikoff to sign on behalf of the Council. Comply with 20.60.190.

KPB 20.70 – Vacation Requirements

Staff recommendation. This plat must be recorded within one year of consent, August 3, 2022.

RECOMMENDATION:

STAFF RECOMMENDS:

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

NOTE: 20.25.120. - REVIEW AND APPEAL.

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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

**Passed by Grouped Agenda*

AGENDA ITEM E. NEW BUSINESS

ITEM 1 – ALASKAN WILDWOOD PHASE 1

KPB File No.	2021-126
Plat Committee Meeting:	September 27, 2021
Applicant / Owner:	Joe Balyeat of Bozeman, MT
Surveyor:	Andre Kaeppele, Buk Saliz / Fixed Height LLC
General Location:	Nikolaevsk / Anchor Point APC

Parent Parcel No.:	165-111-42
Legal Description:	SE1/4 SE1/4 Section 13, Township 4 South, Range 14 West. Parcel 2 of Plat Waiver Resolution 93-26 Amended, Serial Number 93-3636 HRD.
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On-site

Staff report given by Scott Huff.

Specific Request / Scope of Subdivision: The proposed plat will subdivide a 40 acre parcel into eight lots that are all 4.6 acres and dedicate multiple right of ways.

Location and Legal Access (existing and proposed): The subdivision is located in Nikolaevsk and will subdivide a 40 acre lot parcel in the southeast corner of section 13. Section line easements affect the east and south boundary. Some Road and Sergief Avenue are partially dedicated right of ways that coincide with the section line easements.

Per KPB GIS imagery, there is currently no improved access to the property. The closest constructed access from the west is Tonski Avenue to Kostino Street, which provide access to Sergief Avenue. Additional constructed access is located to the south, Nikolaevsk Road to Baranof Drive, which connects to unconstructed Kluchevaya Street. The only right of ways maintained by the borough are Tonski Avenue and Nikolaevsk Road.

The plat is proposing to dedicate a 50 foot wide right of way along the south boundary. This will be atop an existing 50 foot section line easement. The southern portion has been dedicated and with this dedication will provide a 100 foot dedication for Sergief Avenue.

A new right of way dedication is proposed within the subdivision. This is proposed as a 60 foot wide dedication named Huntland Street and will provide legal access to all lots in this subdivision. Lot 1 and 8 will also have access via Sergief Avenue.

A 50 foot section line easement affects the eastern boundary of the subdivision and has been depicted on the plat. The section line easement provides access to the four eastern lots. To the north is a 50 foot dedication for Some Road. **Staff recommends per KPB 20.30.030 proposed street layout – projection of right of ways, a minimum 30 foot right of way dedication be provided for the extension of Some Road.**

The subdivision is located within a closed block but the block length is longer than allowed per KPB code. Sergief Avenue, Ramrack Road, Fern Lane, Some Road, and section line easements define the block. The dedication within the subdivision does improve the block length along the south. **Staff recommends a minimum 30 foot wide dedication around the perimeter of the subdivision to comply with KPB 20.30.170 Blocks – Length requirements.**

KPB Roads Dept. comments	Out of Jurisdiction: No Roads Director: Painter, Jed Comments: No comments
SOA DOT comments	No comments

Site Investigation: Per GIS Data, there appears to be some wetlands located within the northwest corner of the subdivision.

The terrain generally slopes downward to the west with a 13% grade. The terrain drops approximately 180 feet from the east boundary to the west boundary. There are small sections with steeper slopes or drainages.

Centerline profiles and cross-sections may be required if slopes greater than 10 percent are present along dedicated right of ways, both existing and proposed. **Staff recommends**

- *Depict and label any low wet areas on the final plat.*
- *Depict and label any slopes greater than 20 percent on the final plat*
- *Provide centerline profiles and cross sections for any right of way dedications affected by slopes*

great than 10 percent.

- *Place a note on the final plat that reads, "Any person developing the property is responsible for obtaining all required local, state, and federal permits, including a U.S. Army Corps of Engineers wetland determination if applicable."*

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

Staff Analysis A plat waiver was completed in 1993 to subdivide a 640 acre parcel. Plat Waiver Resolution 93-26 Amended, created Parcel 1 which is the parent 40 acre parcel.

The surveyor and owner are encouraged to contact the Planning Department on any questions or concerns regarding the approval requirements and compliance with KPB subdivision code requirements.

The proposed lots are more than 200,000 square feet, a soils report is not required and an engineer will not need to sign the plat. Based on staff's recommendations and requirements to provide right of way dedications the lots may become smaller than 200,000 square feet. Lots that are less than 200,000 sq. ft. will require a soils analysis report and an engineer to sign the plat.

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

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

Utility Easements The property has not been subdivided by the typical platting process therefore no utility easements have been dedicated by plat. The certificate to plat does not indicate any utility easements granted by document. Plat note 3 states the intent to grant 10 foot utility easements along dedicated right of ways as well as 20 feet along the side lot lines. **Staff recommends the easements be depicted on the plat or a detail showing the setback and typical utility easements being granted.**

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

Utility provider review:

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

KPB department / agency review:

Addressing – Derek Haws	Affected Addresses: None
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	<p>Existing Street Names are Correct: Yes List of Correct Street Names: SERGIEF AVE SOME RD Existing Street Name Corrections Needed:</p> <p>All New Street Names are Approved: Yes List of Approved Street Names: HUNTLAND ST List of Street Names Denied:</p> <p>Comments: HUNTLAND ST is approved. No addresses affected by this subdivision.</p>
Code Compliance – Eric Ogren	Comments: No comments
Planner – Bryan Taylor	There are not any Local Option Zoning District or material site issues with this proposed plat.
Assessing – Matt Bruns	Comments: No concerns from Assessing Dept.
Advisory Planning Commission	Comments not available when staff report was prepared.

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

STAFF RECOMMENDATIONS

CORRECTIONS / EDITS

KPB 20.25.070 - Form and contents required.

- A. Within the Title Block
1. Name of the subdivision which shall not be the same as an existing city, town, tract, or subdivision of land in the borough, of which a plat has been previously recorded, or so nearly the same as to mislead the public or cause confusion. The parent plat's name shall be the primary name of the preliminary plat.
 2. Legal description, location, date, and total area in acres of the proposed subdivision;
 3. Name and address of owner(s), as shown on the KPB records and the certificate to plat, and registered land surveyor.
- Staff recommendation:**
- Update the description of the parent parcel that is being subdivided to 'Parcel #3 of Plat Waiver 93-26 Amended, Serial No. 1993-3636 HRD'.
 - Update the subdivision name to Alaskan Wildwood Subdivision. Phase is a designation used for a portion of a larger approved plan where portions are finalized at different times.
 - Provide the KPB file number (2021-126) near or within the title block.
 - Within the title block remove the reference to Document No. 2019-002734 as that is a deed and not a document that created the parcel of land.
 - Provide the owners name and mailing address within the title block.
 - Update the sheet to 1 of 1.
- C. The location, width, and name of existing or platted streets and public ways, railroad rights-of-way, and other important features such as section lines or political subdivisions or municipal corporation boundaries abutting the subdivision;
- Staff recommendation:** Label all section line easements within and abutting the subdivision such as the one within Section 19. Provide a street name label and right of way width for Kluchevaya Street.
- F. The location, width and name of existing and platted streets and public ways, railroad rights-of-way, easements, and travel ways existing and proposed, within the subdivision;

Staff recommendation: *The hatching used on the plat is typically used to depict vacations. No hatching is required for ROW dedications. Provide labels that state ROW being dedicated this plat. Update to the subdivision boundary to show the parent parcel as the boundary.*

- G. The status of adjacent lands within 100 feet of the proposed subdivision boundary or the land status across from any dedicated rights-of-way that adjoin the 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: *The label to the south should be updated to Kluchevaya Village Subdivision Amended.*
- H. Approximate locations of low wet areas, areas subject to inundation, areas subject to flooding or storm water overflow, and the line of ordinary high water. This information may be provided on an additional sheet if showing these areas causes the preliminary plat to appear cluttered and/or difficult to read;
Staff recommendation: *Per KPB GIS data, the northwest corner may contain wetlands. Verify during the field survey and depict and label any low wet areas that affect the subdivision.*
- L. Contours at suitable intervals when any roads are to be dedicated unless the planning director or commission finds evidence that road grades will not exceed 6 percent on arterial streets, and 10 percent on other streets;
Staff recommendation: *Per KPB GIS data, sloping terrain is present within a majority of the subdivision. This may affect the right of way dedications and additional right of way width or easements may be needed.*
- M. Approximate locations of slopes over 20 percent in grade and if contours are shown, the areas of the contours that exceed 20 percent grade shall be clearly labeled as such;
Staff recommendation: *Depict and label any steep slopes greater than 20 percent.*

KPB 20.30 Design Requirements

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

20.30.030. Proposed street layout-Requirements.

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

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

C. Preliminary plats fronting state maintained roads will be submitted by the planning department to the State of Alaska Department of Transportation and Public Facilities (DOT) for its review and comments.

Staff recommendation: *Provide a minimum 30 foot dedication along the eastern boundary for the extension of Some Road.*

20.30.060. Easements-Requirements.

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

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

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

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

Staff recommendation: *If necessary, provide lateral support (slope) easements for any roadways that are affected by steep terrain so that a road way can be constructed with no more than a 10% grade. Provide road plans with centerline profiles and cross sections to show the roadway limits.*

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

Staff recommendation: *Provide road plans with centerline profiles and cross sections to show the roadway limits.*

20.30.240. Building setbacks.

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

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

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

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

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

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

Staff recommendation: *Within the drawing, depict and label the 20 foot building setback.*

KPB 20.40 -- Wastewater Disposal

20.40.010 Wastewater disposal.

Platting Staff Comments: Lots larger than 200,000 sq. ft. will not require soils analysis report. If the requirement to provide right of way dedications reduces the size of the lots to less than 200,000 sq. ft. then a soils analysis, prepared by a licensed engineer, will be required and an engineer will sign the final plat.

Staff recommendation: *comply with 20.40.*

KPB 20.60 – Final Plat

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

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

Staff recommendation: *A certificate of acceptance for all dedicated right of ways is required to be signed by the Kenai Peninsula Borough.*

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

Staff recommendation: *All lands within the parent parcel are to be within a wider border to define the limits of the proposed plat. This would include any right of way dedications being proposed.*

20.60.180. Plat notes.

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

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

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

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

Plat note 1 is duplicated within plat note 3. Remove plat note 1 or remove that portion from plat note 3.

Plat note 5 needs to be worded to match code by removing "or nominal 5 acres".

Plat note 6 refers to a registered trademark. Staff is unsure as to the intent for this note, as there does not appear to be any reference outside of the plat note to Alaska Wildwood Ranch. Remove plat note 6 from the final plat.

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: *An acceptance of right of way dedications is required. As there are roads being dedicated, the Certificate of Ownership should read "Certificate of Ownership and Dedication". Comply with 20.60.190.*

KPB 20.60.190 corrected the Notary's Acknowledgement so it is an acknowledgement instead of a combination of an acknowledgement and a jurat.

Staff recommendation: *the Notary's Acknowledgement on the final plat must comply with 20.60.190.*

20.60.200. Survey and monumentation.

Staff recommendation: *Provide all survey marker cap information for found monuments. Comply with 20.60.200*

RECOMMENDATION:

STAFF RECOMMENDS:

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

AND

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

NOTE: 20.25.120. - REVIEW AND APPEAL.

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

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

STAFF REPORT - ADDENDUM

After the staff report was prepared, a request for exceptions from code was received from the surveyor.

EXCEPTIONS REQUESTED:

A. KPB 20.30.030 – Proposed Street Layout

Surveyor's Discussion: Although the current design fails to extend the platted ROW along the east boundary of the subject parcel, it does provide through access to the adjoining tract to the north via the proposed 60' wide "Huntland Street". This location for access is preferable because it is both the most suitable orientation for development based on soils and topography, and allows access to all proposed lots through a single corridor. Further, due to the predominately poorly drained soils of parcels to the West and the North, the proposed "Huntland Street" is one of the only reasonable locations for road access.

Staff Discussion: Along the eastern boundary is a 50 foot section line easement on both sides of the section line, providing a 100 foot easement. To the north of the subdivision is dedicated Some Road. Some Road is a 50 foot right of way dedication that coincides with a 50 foot wide section line easement. Some Road was dedicated on Campo De Oro Subdivision, Plat HM 2000-48.

The section line easements continue south past the subdivision. A 50 foot dedication of Kluchevaya Street coincides with a 50 foot section line easement. Kluchevaya Street was dedicated by Nikolaevsk Village Subdivision Addition No. 1, Plat HM 75-8.

Per KPB Code 20.30.030, "dedications must provide for continuation or appropriate projection of all streets in surrounding areas and provide reasonable means of ingress for surrounding acreage tracts." A minimum 30 foot dedication, as provided in KPB 20.30.120, would be expected along the eastern boundary to provide a continuation of Some Road to the intersection of Kluchevaya Street and Sergief Avenue.

If the exception is denied, a minimum 30 foot right of way dedication will be required along the eastern boundary to provide a continuation of Some Road right of way.

Findings:

1. A 50 foot section line easement is located within the subdivision adjoining the entire eastern boundary.
2. A full 100 foot section line easement is available for access along the eastern boundary of the proposed subdivision.
3. A new dedication is proposed within the middle of the subdivision to provide additional access.
4. A reduction in lot sizes will require a soils analysis report for all lots under 200,000 square feet.
5. The terrain slopes to the west.
6. Per KPB GIS Images from 2021, Some Road is not constructed.

Staff reviewed the exception request and recommends granting approval.

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

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

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

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

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

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

EXCEPTIONS REQUESTED:

B. KPB 20.30.170 – Blocks Length Requirements

Surveyor's Discussion: Due to the rural nature of the proposed subdivision, our client would like to request an exemption to the block length requirements. Many of the parcel to the north are undeveloped and unsubdivided. As the parcels get developed there will be Rights of Way added that will decrease the current block length.

The benefit of running the Rights of Way North-South through the center of the parcel:

- It avoids areas with soils that are not conducive to road construction
- It follow the side slope of the hill to avoid excessive grades
- It will decrease development costs for the proposed parcels because they could share the same physical access.

Staff Discussion: Fern Lane, Some Road, Sergief Avenue, Ram Rack Road, and section line easements define the block. The block is closed but exceeds allowable limits. The proposed dedication within the center of the subdivision will improve the block for the eastern portion of the subdivision but it will not be closed. The western portion of the subdivision will still be within a large non-compliant block.

The distance of the boundary of the subdivision is approximately 1,320 feet. Per KPB 20.30.170, "Blocks shall not be less than 330 feet or more than 1,320 feet in length."

If denied, the proposed subdivision will need to provide a minimum 30 foot dedication along the west and north to provide compliant block lengths.

Findings:

1. A 50 foot section line easement is located within the subdivision adjoining the entire eastern boundary.
2. A new dedication is proposed within the middle of the subdivision to provide additional access and improve block length for a portion of the subdivision.
3. The block is defined by Fern Lane, Some Road, Sergief Avenue, Ram Rack Road, and section line easements.
4. The shortest block boundary distance is approximately 3,600 feet.
5. The longest block boundary distance is approximately 5,250 feet.
6. Code requires the block length to be no more than 1,320 feet.
7. New dedications will require a reduction in lots sizes.
8. A reduction in lot sizes will require a soils analysis report for all lots under 200,000 square feet.

9. The terrain slopes to the west.
10. The current block contains 17 lots including the one within the subdivision.
11. Of the 17 lots within the block, only 3 contain improvements, per KPB Assessing information.
12. The subdivision owner owns seven additional lots within the block.
13. There are nine additional landowners within the block.
14. The lots within the block range in size from 6.7 acres to 70 acres.
15. A stream or creek divides the block.
16. The southern portion of the stream is within the Anadromous Streams Catalog.
17. Northern portions of the block contain wetlands.
18. The northwest area of the subdivision appears to be affected by low wet areas of land.

Staff reviewed the exception request and recommends granting approval.

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

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

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

1. That special circumstances or conditions affecting the property have been shown by application;
Findings 1, 2, 7, 14, 17, 18 appear to support this standard.
2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title;
Findings 1, 2, 7, 14, 17, 18 appear to support this standard.
3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.
Findings 1, 2, 7, 14, 17, 18 appear to support this standard.

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

END OF STAFF REPORT ADDENDUM

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

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

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

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

AMENDMENT A PASSED BY UNANIMOUS VOTE

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

AMENDMENT B: Commissioner Ruffner moved, seconded by Commissioner Venuti to to grant exception request to KPB 20.30.170 – Block Length Requirements, citing finding 1, 2, 7, 14, 17 & 18 in support of standards one, two and three.

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

AMENDMENT B PASSED BY UNANIMOUS VOTE

Yes	5	No	0
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Yes	Brantley, Ecklund, Gillham, Ruffner, Venuti
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Seeing and hearing no objection or discussion, the motion was carried by the following vote:

MAIN MOTION PASSED BY UNANIMOUS VOTE

Yes	5	No	0
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Yes	Brantley, Ecklund, Gillham, Ruffner, Venuti
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Move AGENDA ITEM E. NEW BUSINESS

ITEM 2 – J BOOTH RECREATIONAL SUBD 2019 BLAUVELT ADDITION

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

Parent Parcel No.:	159-310-17
Legal Description:	Lot A-2C, J Booth Recreational Subd 2019 (HM 2019-16)
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On-Site

Staff report given by Scott Huff.

Specific Request / Scope of Subdivision: The proposed plat will subdivide a 4.88 acre parcel into four lots ranging in size from 1.018 acres to 1.604 acres.

Legal Access (existing and proposed): The subdivision is located in the Happy Valley area near mile 149 of state maintained, Sterling Highway.

All lots have legal access from Walt Court, a 60 foot wide right of way that runs east-west along the northern boundary of the subdivision. The southern 30 feet of Walt Court was originally dedicated as Walt Road on Plat HM 75-49. The northern 30 feet was dedicated as a partial cul-de-sac with the name Walt Court on Plat HM 2002-17. J. Booth Recreational Sub Olsford Replat, Plat HM 2003-39, vacated the western 400 feet and dedicated the remaining portion of the cul-de-sac bulb.

Access, with state approval, is available to proposed Lot A-2C-1 via the Sterling Highway.

Walt Court is constructed but the Kenai Peninsula Borough does not provide maintenance. KPB GIS Imagery shows that the right of way may not be constructed within the dedicated right of way. The parent plat noted that the surveyor thought the basis of bearings on parent plats were based on erroneous information due to disturbed monuments. If true, this could result in errors of geometric symmetry and the width of Walt Court. **Staff recommends the surveyor verify the boundary of the subdivision and determine if any portions of Walt Court are within the proposed lots. Right of way across private property may require a realignment of the constructed right of way or easement/additional right of way width being granted.**

The block is closed but not compliant. The Sterling Highway, Isabelle Road, Moore Street and section line easements define the block. The original design of Walt Road would have improved the block but it was approved to be vacated and end with a cul-de-sac. **Staff recommends the plat committee concur that an exception is not required, as any road dedications required will not improve the block length.**

AGENDA ITEM E. NEW BUSINESS

ITEM 1 – ALASKAN WILDWOOD PHASE 1

KPB File No.	2021-126
Plat Committee Meeting:	September 27, 2021
Applicant / Owner:	Joe Balyeat of Bozeman, MT
Surveyor:	Andre Kaeppele, Buk Saliz / Fixed Height LLC
General Location:	Nikolaevsk / Anchor Point APC

Parent Parcel No.:	165-111-42
Legal Description:	SE1/4 SE1/4 Section 13, Township 4 South, Range 14 West. Parcel 2 of Plat Waiver Resolution 93-26 Amended, Serial Number 93-3636 HRD.
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On-site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide a 40 acre parcel into eight lots that are all 4.6 acres and dedicate multiple right of ways.

Location and Legal Access (existing and proposed): The subdivision is located in Nikolaevsk and will subdivide a 40 acre lot parcel in the southeast corner of section 13. Section line easements affect the east and south boundary. Some Road and Sergief Avenue are partially dedicated right of ways that coincide with the section line easements.

Per KPB GIS imagery, there is currently no improved access to the property. The closest constructed access from the west is Tomski Avenue to Kostino Street, which provide access to Sergief Avenue. Additional constructed access is located to the south, Nikolaevsk Road to Baranof Drive, which connects to unconstructed Kluchevaya Street. The only right of ways maintained by the borough are Tomski Avenue and Nikolaevsk Road.

The plat is proposing to dedicate a 50 foot wide right of way along the south boundary. This will be atop an existing 50 foot section line easement. The southern portion has been dedicated and with this dedication will provide a 100 foot dedication for Sergief Avenue.

A new right of way dedication is proposed within the subdivision. This is proposed as a 60 foot wide dedication named Huntland Street and will provide legal access to all lots in this subdivision. Lot 1 and 8 will also have access via Sergief Avenue.

A 50 foot section line easement affects the eastern boundary of the subdivision and has been depicted on the plat. The section line easement provides access to the four eastern lots. To the north is a 50 foot dedication for Some Road. ***Staff recommends per KPB 20.30.030 proposed street layout – projection of right of ways, a minimum 30 foot right of way dedication be provided for the extension of Some Road.***

The subdivision is located within a closed block but the block length is longer than allowed per KPB code. Sergief Avenue, Ramrack Road, Fern Lane, Some Road, and section line easements define the block. The dedication within the subdivision does improve the block length along the south. ***Staff recommends a minimum 30 foot wide dedication around the perimeter of the subdivision to comply with KPB 20.30.170 Blocks – Length requirements.***

KPB Roads Dept. comments	Out of Jurisdiction: No Roads Director: Painter, Jed Comments: No comments
SOA DOT comments	No comments

Site Investigation: Per GIS Data, there appears to be some wetlands located within the northwest corner of the subdivision.

The terrain generally slopes downward to the west with a 13% grade. The terrain drops approximately 180 feet from the east boundary to the west boundary. There are small sections with steeper slopes or drainages.

Centerline profiles and cross-sections may be required if slopes greater than 10 percent are present along dedicated right of ways, both existing and proposed. **Staff recommends**

- *Depict and label any low wet areas on the final plat.*
- *Depict and label any slopes greater than 20 percent on the final plat*
- *Provide centerline profiles and cross sections for any right of way dedications affected by slopes great than 10 percent.*
- *Place a note on the final plat that reads, "Any person developing the property is responsible for obtaining all required local, state, and federal permits, including a U.S. Army Corps of Engineers wetland determination if applicable."*

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

Staff Analysis A plat waiver was completed in 1993 to subdivide a 640 acre parcel. Plat Waiver Resolution 93-26 Amended, created Parcel 1 which is the parent 40 acre parcel.

The surveyor and owner are encouraged to contact the Planning Department on any questions or concerns regarding the approval requirements and compliance with KPB subdivision code requirements.

The proposed lots are more than 200,000 square feet, a soils report is not required and an engineer will not need to sign the plat. Based on staff's recommendations and requirements to provide right of way dedications the lots may become smaller than 200,000 square feet. Lots that are less than 200,000 sq. ft. will require a soils analysis report and an engineer to sign the plat.

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

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

Utility Easements The property has not been subdivided by the typical platting process therefore no utility easements have been dedicated by plat. The certificate to plat does not indicate any utility easements granted by document. Plat note 3 states the intent to grant 10 foot utility easements along dedicated right of ways as well as

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20 feet along the side lot lines. **Staff recommends** the easements be depicted on the plat or a detail showing the setback and typical utility easements being granted.

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

Utility provider review:

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

KPB department / agency review:

Addressing – Derek Haws	<p>Affected Addresses: None</p> <p>Existing Street Names are Correct: Yes List of Correct Street Names: SERGIEF AVE SOME RD Existing Street Name Corrections Needed:</p> <p>All New Street Names are Approved: Yes List of Approved Street Names: HUNTLAND ST List of Street Names Denied:</p> <p>Comments: HUNTLAND ST is approved. No addresses affected by this subdivision.</p>
Code Compliance – Eric Ogren	Comments: No comments
Planner – Bryan Taylor	There are not any Local Option Zoning District or material site issues with this proposed plat.
Assessing – Matt Bruns	Comments: No concerns from Assessing Dept.
Advisory Planning Commission	Comments not available when staff report was prepared.

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

STAFF RECOMMENDATIONS
CORRECTIONS / EDITS

KPB 20.25.070 - Form and contents required.

A. Within the Title Block

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

Staff recommendation:

- Update the description of the parent parcel that is being subdivided to 'Parcel #3 of Plat Waiver 93-26 Amended, Serial No. 1993-3636 HRD'.
- Update the subdivision name to Alaskan Wildwood Subdivision. Phase is a designation used for a portion of a larger approved plan where portions are finalized at different times.
- Provide the KPB file number (2021-126) near or within the title block.
- Within the title block remove the reference to Document No. 2019-002734 as that is a deed and not a document that created the parcel of land.
- Provide the owners name and mailing address within the title block.
- Update the sheet to 1 of 1.

- C. The location, width, and name of existing or platted streets and public ways, railroad rights-of-way, and other important features such as section lines or political subdivisions or municipal corporation boundaries abutting the subdivision;
Staff recommendation: Label all section line easements within and abutting the subdivision such as the one within Section 19. Provide a street name label and right of way width for Kluchevaya Street.
- F. The location, width and name of existing and platted streets and public ways, railroad rights-of-way, easements, and travel ways existing and proposed, within the subdivision;
Staff recommendation: The hatching used on the plat is typically used to depict vacations. No hatching is required for ROW dedications. Provide labels that state ROW being dedicated this plat. Update to the subdivision boundary to show the parent parcel as the boundary.
- G. The status of adjacent lands within 100 feet of the proposed subdivision boundary or the land status across from any dedicated rights-of-way that adjoin the propose subdivision boundary, including names of subdivisions, lot lines, block numbers, lot numbers, rights-of-way; or an indication that the adjacent land is not subdivided;
Staff recommendation: The label to the south should be updated to Kluchevaya Village Subdivision Amended.
- H. Approximate locations of low wet areas, areas subject to inundation, areas subject to flooding or storm water overflow, and the line of ordinary high water. This information may be provided on an additional sheet if showing these areas causes the preliminary plat to appear cluttered and/or difficult to read;
Staff recommendation: Per KPB GIS data, the northwest corner may contain wetlands. Verify during the field survey and depict and label any low wet areas that affect the subdivision.
- L. Contours at suitable intervals when any roads are to be dedicated unless the planning director or commission finds evidence that road grades will not exceed 6 percent on arterial streets, and 1 0 percent on other streets;
Staff recommendation: Per KPB GIS data, sloping terrain is present within a majority of the subdivision. This may affect the right of way dedications and additional right of way width or easements may be needed.
- M. Approximate locations of slopes over 20 percent in grade and if contours are shown, the areas of the contours that exceed 20 percent grade shall be clearly labeled as such;
Staff recommendation: Depict and label any steep slopes greater than 20 percent.

KPB 20.30 Design Requirements

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

20.30.030. Proposed street layout-Requirements.

- A. The streets provided on the plat must provide fee simple right-of-way dedications to the appropriate governmental entity. These dedications must provide for the continuation or appropriate projection of all

streets in surrounding areas and provide reasonable means of ingress for surrounding acreage tracts. Adequate and safe access for emergency and service vehicle traffic shall be considered in street layout.

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

C. Preliminary plats fronting state maintained roads will be submitted by the planning department to the State of Alaska Department of Transportation and Public Facilities (DOT) for its review and comments.
Staff recommendation: *Provide a minimum 30 foot dedication along the eastern boundary for the extension of Some Road.*

20.30.060. Easements-Requirements.

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

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

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

D. Unless a utility company requests additional easements, the front ten feet adjoining rights-of-way shall be designated as a utility easement, graphically or by note. Within the boundaries of an incorporated city, the width and location of utility easements will be determined by the city and affected utility providers.
Staff recommendation: *If necessary, provide lateral support (slope) easements for any roadways that are affected by steep terrain so that a road way can be constructed with no more than a 10% grade. Provide road plans with centerline profiles and cross sections to show the roadway limits.*

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

Staff recommendation: *Provide road plans with centerline profiles and cross sections to show the roadway limits.*

20.30.240. Building setbacks.

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

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: *Within the drawing, depict and label the 20 foot building setback.*

KPB 20.40 -- Wastewater Disposal

20.40.010 Wastewater disposal.

Platting Staff Comments: Lots larger than 200,000 sq. ft. will not require soils analysis report. If the requirement to provide right of way dedications reduces the size of the lots to less than 200,000 sq. ft. then a soils analysis, prepared by a licensed engineer, will be required and an engineer will sign the final plat.

Staff recommendation: *comply with 20.40.*

KPB 20.60 – Final Plat

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

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

Staff recommendation: *A certificate of acceptance for all dedicated right of ways is required to be signed by the Kenai Peninsula Borough.*

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

Staff recommendation: *All lands within the parent parcel are to be within a wider border to define the limits of the proposed plat. This would include any right of way dedications being proposed.*

20.60.180. Plat notes.

- 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).*

Plat note 1 is duplicated within plat note 3. Remove plat note 1 or remove that portion from plat note 3.

Plat note 5 needs to be worded to match code by removing "or nominal 5 acres".

Plat note 6 refers to a registered trademark. Staff is unsure as to the intent for this note, as there does not appear to be any reference outside of the plat note to Alaska Wildwood Ranch. Remove plat note 6 from the final plat.

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: *An acceptance of right of way dedications is required. As there are roads being dedicated, the Certificate of Ownership should read "Certificate of Ownership and Dedication". Comply with 20.60.190.*

KPB 20.60.190 corrected the Notary's Acknowledgement so it is an acknowledgement instead of a combination of an acknowledgement and a jurat.

Staff recommendation: *the Notary's Acknowledgement on the final plat must comply with 20.60.190.*

20.60.200. Survey and monumentation.

Staff recommendation: *Provide all survey marker cap information for found monuments. Comply with 20.60.200*

RECOMMENDATION:

STAFF RECOMMENDS:

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

NOTE: 20.25.120. - REVIEW AND APPEAL.

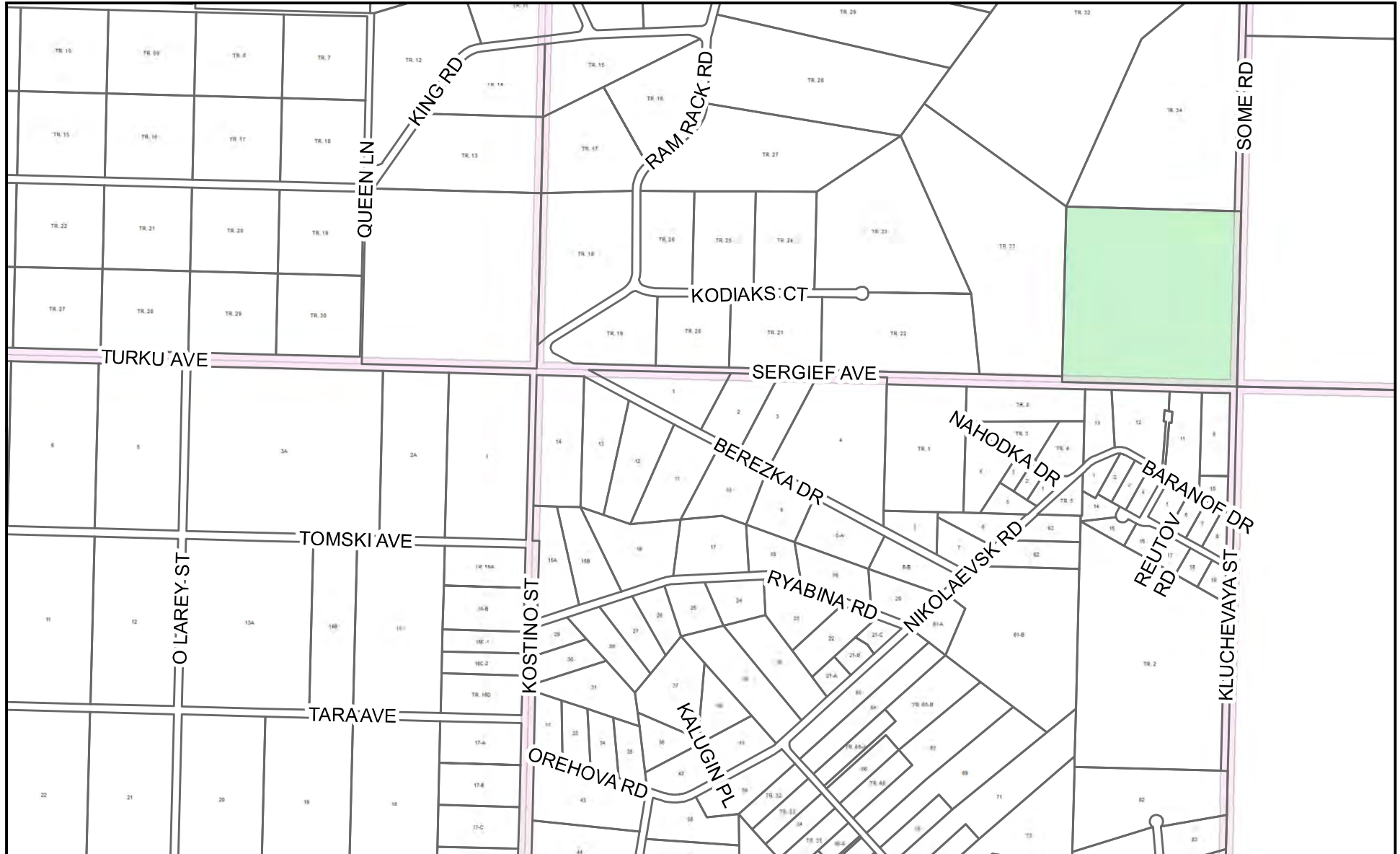
A PARTY OF RECORD MAY REQUEST THAT A DECISION OF THE PLAT COMMITTEE BE REVIEWED BY THE PLANNING COMMISSION BY FILING A WRITTEN REQUEST WITHIN 15 DAYS OF NOTIFICATION OF THE DECISION IN ACCORDANCE WITH KPB 2.40.080.

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

END OF STAFF REPORT



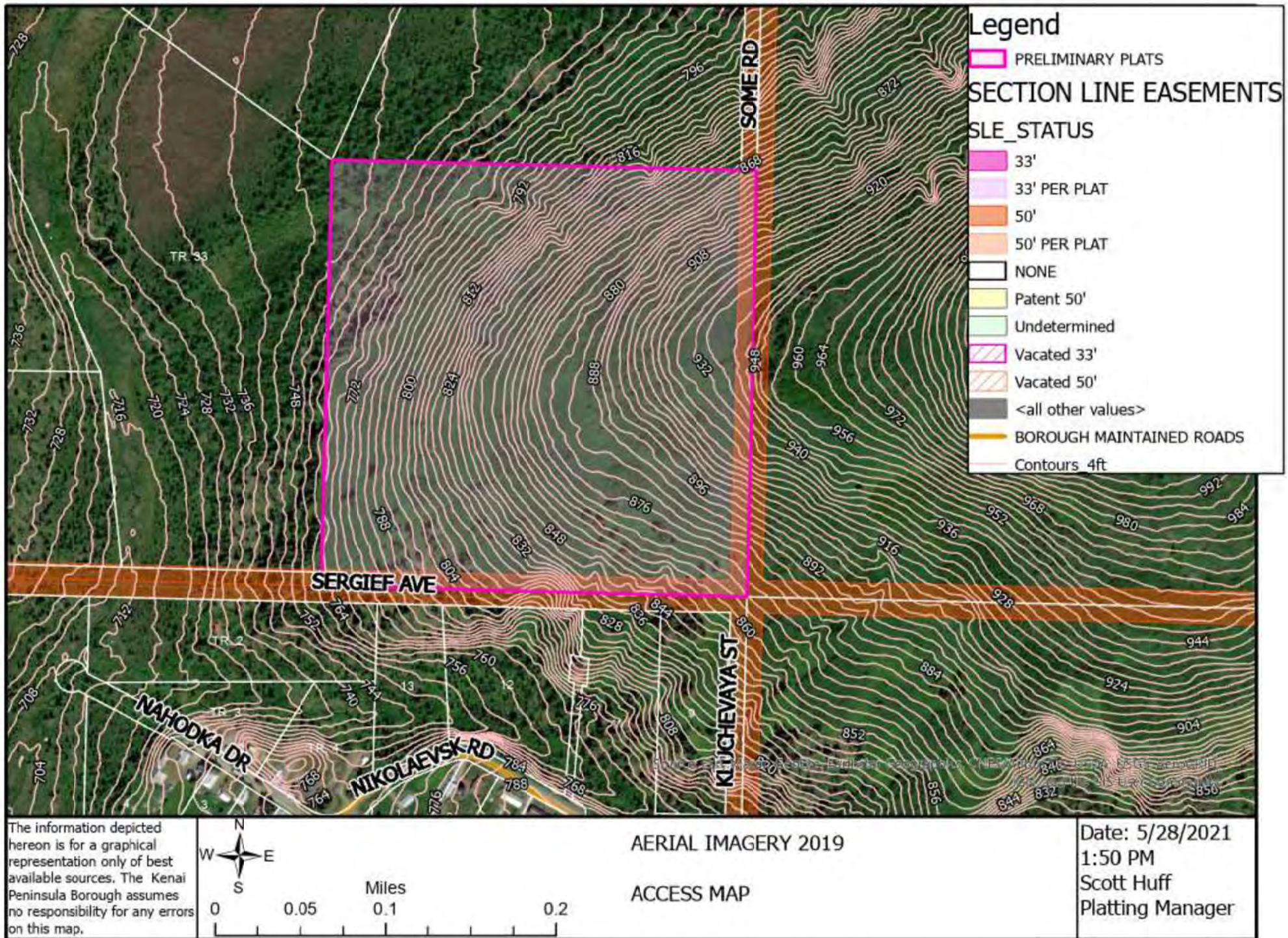
Alaskan Wildwood Phase 1 KPB File 2021-126

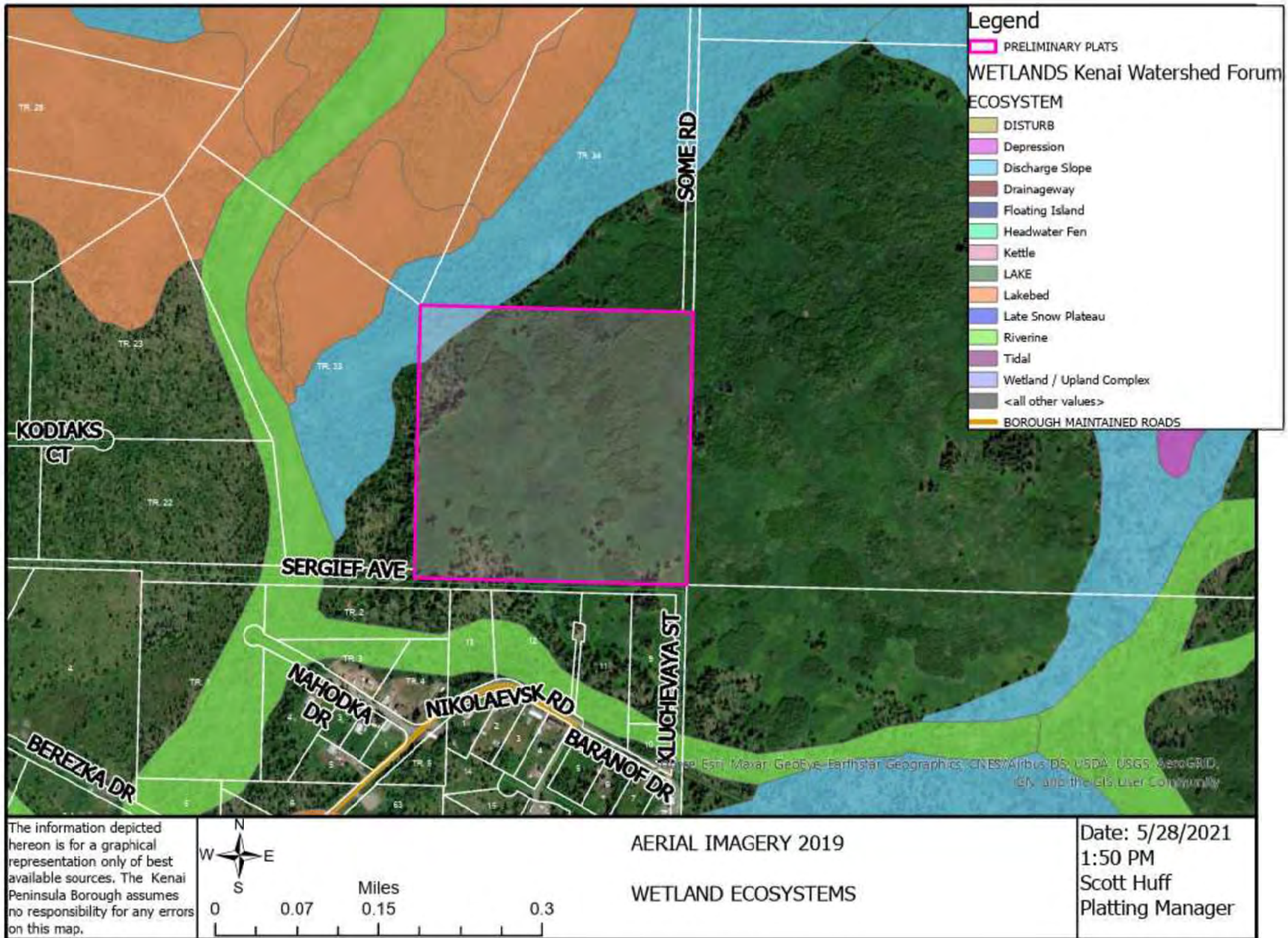


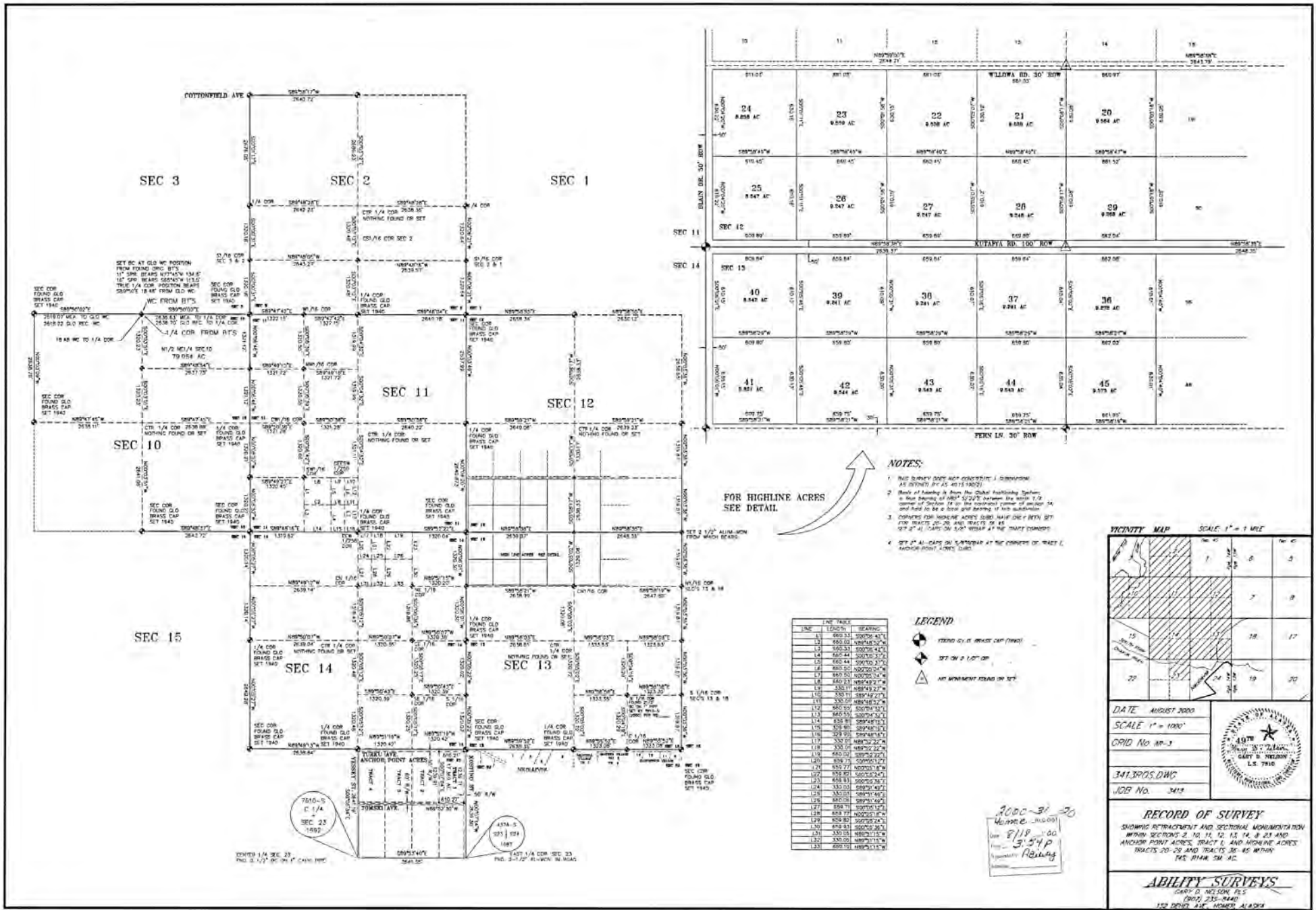


Alaskan Wildwood Phase 1 KPB File 2021-126









KENAI PENINSULA BOROUGH
PLANNING COMMISSION

PLAT WAIVER RESOLUTION 93-26 AMENDED

HOMER RECORDING DISTRICT

AMENDING RESOLUTION 93-26, FILED AS 93-44W IN THE HOMER RECORDING DISTRICT, GRANTING A PLATTING WAIVER FOR CERTAIN LANDS WITHIN SECTIONS 13 AND 14, TOWNSHIP 4 SOUTH, RANGE 14 WEST, SEWARD MERIDIAN, HOMER RECORDING DISTRICT, ALASKA

WHEREAS, Elizabeth S. Dempsey and Belvidere National Bank & Trust Co., Trustee of Van A. Dempsey Insurance Trust, have petitioned for a waiver of platting requirements for the following described parcel:

S1/2 & S1/2 N1/2 of Section 13 and E1/2 E1/2 of Section 14, all within Township 4 South, Range 14 West, Seward Meridian, Homer Recording District, Alaska; cntg 640 Ac m/l.

WHEREAS, on August 23, 1993, the Planning Commission of Kenai Peninsula Borough approved that application; and

WHEREAS, after filing, an error in description of Parcel 1 was discovered.

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

Section 1. That the parcel description in Section 2 of Plat Waiver Resolution 93-26, filed as 93-44W in the Homer Recording District is hereby amended to read:

Parcel 1: S1/2 N1/2 & NE1/4 SE1/4 & W1/2 SE1/4 & SW1/4 Section 13; and E1/2 NE1/4 & NE1/4 SE1/4 Section 14, Township 4 South, Range 14 West, Seward Meridian, Homer Recording District, Alaska; cntg 560 Ac m/l.

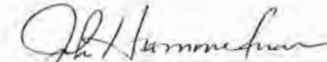
Parcel 2: SE1/4 SE1/4 Section 14, Township 4 South, Range 14 West, Seward Meridian, Homer Recording District, Alaska; cntg 40 Acres m/l.

Parcel 3: SE1/4 SE1/4 Section 13, Township 4 South, Range 14 West, Seward Meridian, Homer Recording District, Alaska; cntg 40 Acres m/l.

Section 3. That the only change is the correction of the description of Parcel 1 described under Section 2 of Resolution 93-26.


Section 4. That this Resolution becomes effective upon being properly recorded.

ADOPTED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH ON THIS 25th DAY OF OCTOBER, 1993.


John Hammelman, Chairperson
Planning Commission

NOTARY ACKNOWLEDGEMENT:

Subscribed and sworn before me this 25 day of October, 1993.


Notary Public for State of Alaska
My Commission Expires 12-16-95

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



93-3636
HOMER REC 20 cc
DISTRICT
REQUESTED BY KPB

'93 NOV 3 PM 2 27

93-44W

KENAI PENINSULA BOROUGH
PLANNING COMMISSION
PLAT WAIVER RESOLUTION 93-26
HOMER RECORDING DISTRICT

SUB RESOLUTION 93 26 AMENDED

GRANTING A PLATTING WAIVER FOR CERTAIN LANDS WITHIN SECTIONS 13 AND 14, TOWNSHIP 4 SOUTH, RANGE 14 WEST, SEWARD MERIDIAN, HOMER RECORDING DISTRICT, ALASKA

WHEREAS, Elizabeth S. Dempsey and Belvidere National Bank & Trust Co., Trustee of Van A. Dempsey Insurance Trust, have petitioned for a waiver of platting requirements for the following described parcel:

S1/2 & S1/2 N1/2 of Section 13 and E1/2 E1/2 of Section 14, all within Township 4 South, Range 14 West, Seward Meridian, Homer Recording District, Alaska; cntg 640 Ac m/l.

WHEREAS, 29.04.090 of Alaska Statutes provides that the platting authority shall waive the preparation, submission for approval, and recording of a plat upon satisfactory evidence that certain conditions exist.

WHEREAS, it has been determined that all requirements have been met.

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

Section 1: That a waiver of platting requirements is hereby granted for the above described parcel.

Section 2: That the plat waiver is being granted for the purpose of creating three parcels described as follows:

Parcel 1: S1/2 N1/2 & NE1/4 SE1/4 & W1/2 SE1/4 & SE1/4 Section 13; and E1/2 NE1/4 & NE1/4 SE1/4 Section 14; Township 4 South, Range 14 West, Seward Meridian, Homer Recording District, Alaska; cntg 560 Ac m/l.

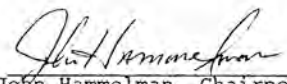
Parcel 2: SE1/4 SE1/4 Section 14, Township 4 South, Range 14 West, Seward Meridian, Homer Recording District, Alaska; cntg 40 Acres m/l.

Parcel 3: SE1/4 SE1/4 Section 13, Township 4 South, Range 14 West, Seward Meridian, Homer Recording District, Alaska; cntg 40 Acres m/l.

Section 3. That this Resolution is void if not recorded in the appropriate Recording District within twenty days of adoption.

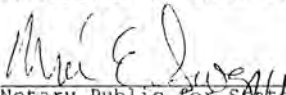
Section 4. That this Resolution becomes effective upon being properly recorded.

ADOPTED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH ON THIS 23 DAY OF August 1993.


John Hammelman, Chairperson,
Planning Commission

NOTARY ACKNOWLEDGEMENT:

Subscribed and sworn before me this 23 day of August 1993.


Notary Public for State of Alaska
My Commission Expires: 1-16-95



93-2827
HOMER REC DISTRICT
REQUESTED BY Polco Pacific Inc
'93 SEP 3 PM 2 05

PLEASE RETURN TO:
Planning Department
Kenai Peninsula Borough
144 North Binkley
Soldotna, Alaska 99669

AGENDA ITEM E. NEW BUSINESS

ITEM 1 – ALASKAN WILDWOOD PHASE 1

KPB File No.	2021-126
Plat Committee Meeting:	September 27, 2021

STAFF REPORT - ADDENDUM

After the staff report was prepared, a request for exceptions from code was received from the surveyor.

EXCEPTIONS REQUESTED:

A. KPB 20.30.030 – Proposed Street Layout

Surveyor's Discussion: Although the current design fails to extend the platted ROW along the east boundary of the subject parcel, it does provide through access to the adjoining tract to the north via the proposed 60' wide "Huntland Street". This location for access is preferable because it is both the most suitable orientation for development based on soils and topography, and allows access to all proposed lots through a single corridor. Further, due to the predominately poorly drained soils of parcels to the West and the North, the proposed "Huntland Street" is one of the only reasonable locations for road access.

Staff Discussion: Along the eastern boundary is a 50 foot section line easement on both sides of the section line, providing a 100 foot easement. To the north of the subdivision is dedicated Some Road. Some Road is a 50 foot right of way dedication that coincides with a 50 foot wide section line easement. Some Road was dedicated on Campo De Oro Subdivision, Plat HM 2000-48.

The section line easements continue south past the subdivision. A 50 foot dedication of Kluchevaya Street coincides with a 50 foot section line easement. Kluchevaya Street was dedicated by Nikolaevsk Village Subdivision Addition No. 1, Plat HM 75-8.

Per KPB Code 20.30.030, "dedications must provide for continuation or appropriate projection of all streets in surrounding areas and provide reasonable means of ingress for surrounding acreage tracts." A minimum 30 foot dedication, as provided in KPB 20.30.120, would be expected along the eastern boundary to provide a continuation of Some Road to the intersection of Kluchevaya Street and Sergief Avenue.

If the exception is denied, a minimum 30 foot right of way dedication will be required along the eastern boundary to provide a continuation of Some Road right of way.

Findings:

1. A 50 foot section line easement is located within the subdivision adjoining the entire eastern boundary.
2. A full 100 foot section line easement is available for access along the eastern boundary of the proposed subdivision.
3. A new dedication is proposed within the middle of the subdivision to provide additional access.
4. A reduction in lot sizes will require a soils analysis report for all lots under 200,000 square feet.
5. The terrain slopes to the west.
6. Per KPB GIS Images from 2021, Some Road is not constructed.

Staff reviewed the exception request and recommends granting approval.

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

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

Page 1 of 3

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

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

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

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

EXCEPTIONS REQUESTED:

B. KPB 20.30.170 – Blocks Length Requirements

Surveyor's Discussion: Due to the rural nature of the proposed subdivision, our client would like to request an exemption to the block length requirements. Many of the parcel to the north are undeveloped and unsubdivided. As the parcels get developed there will be Rights of Way added that will decrease the current block length.

The benefit of running the Rights of Way North-South through the center of the parcel:

- It avoids areas with soils that are not conducive to road construction
- It follow the side slope of the hill to avoid excessive grades
- It will decrease development costs for the proposed parcels because they could share the same physical access.

Staff Discussion: Fern Lane, Some Road, Sergief Avenue, Ram Rack Road, and section line easements define the block. The block is closed but exceeds allowable limits. The proposed dedication within the center of the subdivision will improve the block for the eastern portion of the subdivision but it will not be closed. The western portion of the subdivision will still be within a large non-compliant block.

The distance of the boundary of the subdivision is approximately 1,320 feet. Per KPB 20.30.170, "Blocks shall not be less than 330 feet or more than 1,320 feet in length."

If denied, the proposed subdivision will need to provide a minimum 30 foot dedication along the west and north to provide compliant block lengths.

Findings:

1. A 50 foot section line easement is located within the subdivision adjoining the entire eastern boundary.
2. A new dedication is proposed within the middle of the subdivision to provide additional access and improve block length for a portion of the subdivision.
3. The block is defined by Fern Lane, Some Road, Sergief Avenue, Ram Rack Road, and section line easements.
4. The shortest block boundary distance is approximately 3,600 feet.

5. The longest block boundary distance is approximately 5,250 feet.
6. Code requires the block length to be no more than 1,320 feet.
7. New dedications will require a reduction in lots sizes.
8. A reduction in lot sizes will require a soils analysis report for all lots under 200,000 square feet.
9. The terrain slopes to the west.
10. The current block contains 17 lots including the one within the subdivision.
11. Of the 17 lots within the block, only 3 contain improvements, per KPB Assessing information.
12. The subdivision owner owns seven additional lots within the block.
13. There are nine additional landowners within the block.
14. The lots within the block range in size from 6.7 acres to 70 acres.
15. A stream or creek divides the block.
16. The southern portion of the stream is within the Anadromous Streams Catalog.
17. Northern portions of the block contain wetlands.
18. The northwest area of the subdivision appears to be affected by low wet areas of land.

Staff reviewed the exception request and recommends granting approval.

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

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

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

1. That special circumstances or conditions affecting the property have been shown by application;
Findings 1, 2, 7, 14, 17, 18 appear to support this standard.
2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title;
Findings 1, 2, 7, 14, 17, 18 appear to support this standard.
3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.
Findings 1, 2, 7, 14, 17, 18 appear to support this standard.

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

END OF STAFF REPORT ADDENDUM

E. NEW BUISNESS

ITEM E2 - MCCLAREN SUBDIVISION



KPB File # 2016-083

Township 5 South Range 14 West Sections 19 & 20

Anchor Point area



CERTIFICATE OF ACCEPTANCE

THE UNDERSIGNED OFFICIAL, IDENTIFIED BY NAME AND TITLE IS AUTHORIZED TO ACCEPT AND HEREBY ACCEPTS ON BEHALF OF THE KENAI PENINSULA BOROUGH FOR PUBLIC USES AND FOR PUBLIC PURPOSES THE REAL PROPERTY TO BE DEDICATED BY THIS PLAT INCLUDING EASEMENTS, RIGHTS-OF-WAY, ALLEYS AND OTHER PUBLIC AREAS SHOWN ON THIS PLAT IDENTIFIED AS FOLLOWS: ROLLINS WAY, THE ACCEPTANCE OF LANDS FOR PUBLIC USE OR PUBLIC PURPOSES DOES NOT OBLIGATE THE PUBLIC OR ANY GOVERNING BODY TO CONSTRUCT, OPERATE, OR MAINTAIN IMPROVEMENTS.

BY: _____ DATE: _____
NAME AND TITLE OF AUTHORIZED OFFICIAL
KENAI PENINSULA BOROUGH

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

Adm Nathaniel Stockdale as PCA for
Teri Hope McClaren (owner)
37885 Sterling Highway
Anchor Point, AK 99556

NOTARY'S ACKNOWLEDGMENT

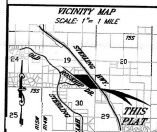
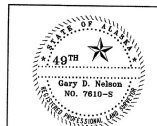
For Adm Nathaniel Stockdale
Acknowledged before me this _____ day
of _____, 2021.

Notary Public for Alaska My Commission Expires _____

PLAT APPROVAL

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of August 6, 2016. Time extensions were granted June 18, 2018 and May 7, 2020.
KENAI PENINSULA BOROUGH

BY _____
Authorized Official



DATE: 1/17/2022
SCALE: 1" = 100'
JOB NO: 2858
DRAWING: 217

McCLAREN SUBDIVISION

A SUBDIVISION OF THAT PORTION OF THE SW 1/4 SW 1/4 SEC 20 LYING WEST OF THE NEW STERLING HIGHWAY TOGETHER WITH THAT PORTION OF THE S 1/2 S 1/2 SEC 19 LYING BETWEEN THE NEW STERLING HIGHWAY AND THE OLD STERLING HIGHWAY, EXCEPTING THEREFROM THAT PORTION OF S 1/2 SW 1/4 NE 1/4 SW 1/4 OF SAID SECTION 19, LYING EAST OF SAID OLD STERLING HIGHWAY, AND FURTHER EXCEPTING THEREFROM THE PLAT OF STERLING ACRES UNIT 1 (HM86-70), AND FURTHER EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE STATE OF ALASKA, DEPARTMENT OF TRANSPORTATION & PUBLIC FACILITIES BY WARRANTY DEED RECORDED JANUARY 10, 2022 UNDER SERIAL NUMBER 2022-00089-D, ALL WITHIN T5S, 14W, S. M., KENAI PENINSULA BOROUGH, THIRD JUDICIAL DISTRICT, STATE OF ALASKA, HOMER RECORDING DISTRICT, CONTAINING 33.189 ACRES.

OWNER:
TERI HOPE McCLAREN
37885 STERLING HIGHWAY
ANCHOR POINT, AK 99556
ABILEE SURVEYS
GARY D. NELSON, P.L.S.
152 DOUGLASS AVE. HOMER, ALASKA

PLAT #

Rec: Dist _____
Date: _____
Time: _____

WASTEWATER DISPOSAL:
LOT 4 SOIL CONDITIONS, WATER TABLE LEVELS, AND SOIL SLOPES IN THIS SUBDIVISION HAVE BEEN FOUND SUITABLE FOR CONVENTIONAL ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEMS SERVING SINGLE-FAMILY OR DUPLEX RESIDENCES AND MEETING THE REGULATORY REQUIREMENTS OF THE KENAI PENINSULA BOROUGH. ANY OTHER TYPE OF ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEM MUST BE DESIGNED BY A PROFESSIONAL ENGINEER, REGISTERED TO PRACTICE IN ALASKA, AND THE DESIGN MUST BE APPROVED BY THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

LOTS 2,3,5,6 & 7 ARE AT LEAST 200,000 SQUARE FEET, OR NOMINAL 5 ACRES IN SIZE AND CONDITIONS MAY NOT BE SUITABLE FOR ON SITE WASTEWATER TREATMENT AND DISPOSAL. ANY WASTEWATER TREATMENT OR DISPOSAL SYSTEM MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

ENGINEER: _____ LICENSE # _____ DATE: _____

KPB FILE NO. 2016-083

LEGEND

- FOUND 2.5" GLO BRASS CAP ON 2"IP, 1918
- FOUND 8"x 8" D.O.T. CONCRETE R.O.W. MON.
- FOUND 2" AL-CAP BY 1301-S, 1918
- SET 2" AL-CAP ON 5/8" REBAR, 7616-S, 2020
- FOUND 3" ALUM. MON BY 1301-S, 1918
- FOUND 2" AL-CAP BY 5780-S, 2000

LINE TABLE

CURVE	LENGTH	RADIUS	DELTA	CHORD BEING	CHORD
C1	31.42	20.00	88°59'31"	S84°34'24"E	28.28
C2	31.42	20.00	88°59'31"	N03°25'26"E	28.28
C3	30.27	20.00	88°43'27"	S83°11'16"W	27.46
C4	33.02	20.00	84°35'19"	S08°09'21"E	28.39

LINE TABLE

LINE	BEARING	DISTANCE
L1	N71°45'16"E	139.32
L2	N12°10'11"W	54.22
L3	S45°07'26"W	246.76

NOTES

- 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. THE FRONT 15 FEET OF THE BUILDING SETBACK FRONTING DEDICATED RIGHTS-OF-WAY IS GRANTED AS A UTILITY EASEMENT.
- NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN AN EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
- NO DIRECT ACCESS TO STATE MAINTAINED ROADWAYS IS 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 14.003).
- HATCHING REPRESENTS AREAS OF POTENTIAL WETLANDS. DEVELOPERS OF THESE PARCELS SHOULD CONTACT THE U.S. ARMY CORPS OF ENGINEERS PRIOR TO ANY DEVELOPMENT OR CONSTRUCTION ACTIVITY TO OBTAIN THE MOST CURRENT WETLAND DESIGNATION (IF ANY). PROPERTY OWNERS ARE RESPONSIBLE FOR OBTAINING ALL REQUIRED LOCAL, STATE AND FEDERAL PERMITS.

CURVE	LENGTH	RADIUS	DELTA	CHORD BEING	CHORD
C1	31.42	20.00	88°59'31"	S84°34'24"E	28.28
C2	31.42	20.00	88°59'31"	N03°25'26"E	28.28
C3	30.27	20.00	88°43'27"	S83°11'16"W	27.46
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NOTES

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- 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 14.003).
- HATCHING REPRESENTS AREAS OF POTENTIAL WETLANDS. DEVELOPERS OF THESE PARCELS SHOULD CONTACT THE U.S. ARMY CORPS OF ENGINEERS PRIOR TO ANY DEVELOPMENT OR CONSTRUCTION ACTIVITY TO OBTAIN THE MOST CURRENT WETLAND DESIGNATION (IF ANY). PROPERTY OWNERS ARE RESPONSIBLE FOR OBTAINING ALL REQUIRED LOCAL, STATE AND FEDERAL PERMITS.

LINE TABLE

CURVE	LENGTH	RADIUS	DELTA	CHORD BEING	CHORD
C1	31.42	20.00	88°59'31"	S84°34'24"E	28.28
C2	31.42	20.00	88°59'31"	N03°25'26"E	28.28
C3	30.27	20.00	88°43'27"	S83°11'16"W	27.46
C4	33.02	20.00	84°35'19"	S08°09'21"E	28.39

LINE TABLE

LINE	BEARING	DISTANCE
L1	N71°45'16"E	139.32
L2	N12°10'11"W	54.22
L3	S45°07'26"W	246.76

NOTES

- 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. THE FRONT 15 FEET OF THE BUILDING SETBACK FRONTING DEDICATED RIGHTS-OF-WAY IS GRANTED AS A UTILITY EASEMENT.
- NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN AN EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
- NO DIRECT ACCESS TO STATE MAINTAINED ROADWAYS IS 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 14.003).
- HATCHING REPRESENTS AREAS OF POTENTIAL WETLANDS. DEVELOPERS OF THESE PARCELS SHOULD CONTACT THE U.S. ARMY CORPS OF ENGINEERS PRIOR TO ANY DEVELOPMENT OR CONSTRUCTION ACTIVITY TO OBTAIN THE MOST CURRENT WETLAND DESIGNATION (IF ANY). PROPERTY OWNERS ARE RESPONSIBLE FOR OBTAINING ALL REQUIRED LOCAL, STATE AND FEDERAL PERMITS.

AGENDA ITEM E. NEW BUSINESS

ITEM 2 - MCCLAREN SUBDIVISION

KPB File No.	2016-083
Plat Committee Meeting:	April 11, 2022
Applicant / Owner:	Teri McClaren of Anchor Point, AK
Surveyor:	Gary Nelson / Ability Surveys
General Location:	Rosehip Drive, Anchor Point

Parent Parcel No.:	171-024-19
Legal Description:	Portion of S1/2 S1/2 in Section 19 lying west of Sterling Highway and east of Rosehip Drive and that portion of SW1/4 SW1/4 in Section 20 lying west of Sterling Highway
Assessing Use:	Residential
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 August 8, 2016 meeting. Time extensions were granted in 2018 and 2020 by Administrative Approval. The approval for the file is set to expire on August 8, 2022.

The original design, approved by the Plat Committee, was going to subdivide a 33 acre parcel into nine lots and provide a right of way dedication. The owners submitted their final with the same general design but reduced the number of lots to seven. The lots were designed to be over 200,000 square feet so that a soils analysis report would not be required except for one lot. That report was received and approved.

This plat is being brought back to the plat committee as the surveyor has requested an exception to KPB 20.40.030 or 040 as appropriate for Lot 1.

EXCEPTIONS REQUESTED:

KPB 20.40.040 – Conventional onsite soil absorption systems (requirement for a soils analysis report for Lot 1)

Surveyor's Discussion: A Certificate to Plat was provided on February 14, 2022. Shockingly to me, the CTP cited (2022-000089-0) a Deed to State of Alaska DOT, by McClarens for a 16.8 feet wide strip of land fronting the Sterling Highway recorded on January 10, 2022. I knew nothing of this deed.

In explanation; a history:

Clarence and Elizabeth McClaren asked me to subdivide the subject property in 2016 because Elizabeth was diagnosed with cancer and felt they were going to need to sell some land to help cover medical costs and distribute to children. Clarence thought he was going to be able to improve the roadway for the new Rollins Way dedication, but wanted to do it prior to plat recording so he would not have to get permits from KPB to make the improvements. Well life kept getting in the way. Clarence kept experiencing delays in obtaining equipment to do the work, combined with travel to hospital care for Elizabeth and at home care for her that became extensive. She died in December 18, 2016. His quest to do the roadwork and subdivide continued but somewhat on hold due to the circumstances. He traveled during winters, and always seemed to bite off more than he could chew so to speak regarding getting the roadwork done.

Clarence remarried, to Teri in December 2017.

In 2020 Clarence was diagnosed with pancreatic cancer. He continued his life as if he had not, and thought he would get the roadwork done. In 2021 he asked me to please complete the processing of the subdivision. I and KPB were very busy and so the processing took some time. The cancer combined with the radiation and chemotherapies obviously took their toll on his mental capacity. He obviously did not understand the significance of deeding the strip of highway frontage to DOT would have on the processing of his subdivision. He never mentioned the deed action to me. The lots fronting the highway had been designed and approved by KPB to meet the over 200,000 square feet provision of KPB Wastewater Code 20.40.030 Abbreviated Submittal. The lots 1, 3, and 7 were now going to be less than the required minimum. Lot 1 will now be .128 acre shy of meeting the code provision, Lot 3 can easily be adjusted to meet the code provision by moving the boundary between Lots 3 and 4. Lot 7 can be adjusted to meet the minimum by moving the line common with Lot 6. I am therefore requesting the plat be put on the next Plat Committee meeting for consideration of an exception to KPB Wastewater Code 20.40.030 Abbreviated Submittal or as needed, for Lot 1, due to the extenuating circumstances.

I understand that a few lot corners will need to be moved, wastewater note changed, and lot closures redone. I have enclosed an 11x17 reduced copy of the final prior to knowledge of the DOT deed. Also enclosed are seven 11x17 reduced copies and one full size copy of the final plat correct to conform to the new legal description excepting DOT Deed 2022-000089-0 and redesigned to incorporate the changes mentioned above.

Thank you for your assistance and consideration in this endeavor.

Staff Discussion: The exception request will be for 20.40.040(A), the requirement of submitting a soils analysis report.

The Kenai Peninsula Borough Plat Committee heard and approved the preliminary plat at the August 8, 2016 meeting. Time extensions were granted by Administrative Approval in 2018 and 2020. The approval for the file is set to expire on August 8, 2022. A final was received by the surveyor on September 9, 2021 and was followed by another final submittal on December 8, 2021 for another review. The surveyor was attempting to finalize the plat in 2021. The surveyor had requested a final certificate to plat on December 1, 2021 and per the surveyor, typically only take about 3 days to be submitted. It took the title company two months to provide the final certificate to plat. Once received a deed had been recorded where the owners deeded a portion of their property to Alaska DOT.

The warranty deed, recorded on January 10, 2022, states that 23,736 square feet were being conveyed to the State along the Sterling Highway. This deed was done as part of the project "Sterling Highway MP 157-169 Reconstruction, Anchor Point to Baycrest Hill." The state, as part of highway projects, sometimes needs to acquire additional property along the right of ways. This is usually done by deed and KPB records are updated once the deeds are recorded and the right of way project has been completed. It should be noted that this is the only time the KPB allows for property boundaries to change without a subdivision plat. It appears that the state took approximately 17 feet of right of way for approximately 1,400 feet along the preliminary subdivision.

The granting of the exception will not change the original approval date of the preliminary plat. Time extensions have been permitted as outlined in KPB 20.25.110. The last of which was granted and the approval will expire on August 8, 2022. Staff is working with the surveyor to try to complete this item prior to the expiration date.

Approval will require a new plat note for the exception granted in addition to the corrections noted by the surveyor.

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.

Surveyor's Findings:

1. The change was mandated by DOT after KPB Preliminary plat approval had been granted, and no alternative option was given the landowners by DOT.
2. The change in acreage will not diminish wastewater capacity.
3. The acreage change will not increase habitable density.

4. The change of ownership to DOT will only be used for highway corridor purposes.
5. Lot 1 slopes or drains to the Sterling Highway that is a 200 feet wide buffer to the undeveloped DNR land on the other side of the Highway, posing no possibility of adverse impact to the public.

Staff's Findings:

6. The owner is willing to adjust other impacted lots to comply with code.
7. A soils analysis report was presented to the Kenai Peninsula Borough and was approved on January 26, 2022.
8. The soils report was based on the seven lot configuration prior to the DOT deed.
9. The soils on Lot 4 were found to be suitable for conventional and on-site wastewater disposal and consistent with historically encountered soils in the area.
10. The test hole was excavated to a depth of 9 feet with significant groundwater at 7 feet from the surface.
11. Soils between 2' and 9' below grade are noted to be well graded sand and gravel.
12. Lot 1 contains 33 foot wide section line easements for a total of 66 feet.
13. A small area of wetlands are present in the western boundary of Lot 1.
14. The working map presented with the soils analysis indicate slopes greater than 20 percent are present within proposed Lot 1.
15. The working map indicates possible locations for future wells, septic, and replacement systems.

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 1-7, 9-11, and 15 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 1-7, 9-11, and 15 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 1-7, 9-11, and 15 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

ABILITY SURVEYS

SURVEYING HOMER SINCE 1976

LAND SURVEYING - CONSTRUCTION SURVEYING - DESIGN SURVEYING
152 DEHEL AVE. , HOMER, AK. 99603 PH. 907-235-8440 FAX. 235-8440

3/17/2022

Julie Hindman
KPB Planning Dept.
144 N. Binkley
Soldotna, AK 99669

Re: Action needed for McClaren Subdivision.
KPB FILE NO. 2016-083

Pursuant to our communication of 3/16/2022, I submit this revised plat for Plat Committee consideration of exception to KPB 20.40.030 & 040 or as appropriate.

A Certificate to Plat was provided on February 14, 2022.

Shockingly to me, the CTP cited (2022-000089-0) a Deed to State of Alaska DOT, by McClarens for a 16.8 feet wide strip of land fronting the Sterling Highway recorded on January 10, 2022.

I knew nothing of this deed.

In explanation; a history:

Clarence and Elizabeth McClaren asked me to subdivide the subject property in 2016 because Elizabeth was diagnosed with Cancer and felt they were going to need to sell some land to help cover medical costs and distribute to children. Clarence thought he was going to be able to improve the roadway for the new Rollins Way dedication, but wanted to do it prior to plat recording so he would not have to get permits from KPB to make the improvements. Well life kept getting in the way. Clarence kept experiencing delays in obtaining equipment to do the work, combined with travel to Hospital care for Elizabeth and at home care for her that became extensive. She died in December 18, 2016. His quest to do the road work and subdivide continued but somewhat on hold due to the circumstances. He traveled during winters, and always seemed to bite off more than he could chew so to speak regarding getting the road work done.

Clarence remarried, to Teri in December 2017.

In 2020 Clarence was diagnosed with Pancreatic Cancer. He continued his life as if he had not, and thought he would get the road work done. In 2021 he asked me to please complete the processing of the subdivision. I and KPB were very busy and so the processing took some time. The Cancer combined with the Radiation and Chemo therapies obviously took their toll on his mental capacity. He obviously did not understand the significance of deeding the strip of highway frontage to DOT would have on the processing of his subdivision. He never mentioned the deed action to me. The lots fronting the highway had been designed and approved by KPB to meet the over 200,000 square feet provision of **KPB Wastewater Code 20.40.030 Abbreviated Submittal**. The lots 1, 3, and 7 were now going to be less than the required minimum. Lot 1 will now be .128 acre shy of meeting the code provision. Lot 3 can easily be adjusted to meet the code provision by moving the boundary between Lots 3 and 4. Lot 7 can be adjusted to

meet the minimum by moving the line common with Lot 6. I am therefore requesting the plat be put on the next Plat Committee meeting for consideration of an exception to **KPB Wastewater Code 20.40.030 Abbreviated Submittal or as needed**, for Lot 1, due to the extenuating circumstances and following findings:

- > The change was mandated by DOT after KPB Preliminary plat approval had been granted, and no alternative option was given the land owners by DOT.
- > The change in acreage will not diminish wastewater capacity.
- > The acreage change will not increase habitable density.
- > The change of ownership to DOT will only be used for highway corridor purposes.
- > Lot 1 slopes or drains to the Sterling Highway, that is a 200 foot wide buffer to the undeveloped DNR land on the other side of the Highway, posing no possibility of adverse impact to the public.

I understand that a few lot corners will need to be moved, Wastewater note changed, and lot closures redone. I have enclosed an 11X17 reduced copy of the final prior to knowledge of the DOT Deed.

Also enclosed are seven 11X17 reduced copies and one full sized copy of the final plat corrected to conform to the new legal description excepting DOT Deed 2022-000089-0 and redesigned to incorporate the changes mentioned above.

Thank you for your assistance and consideration in this endeavor. Please don't hesitate to call for any reason.

Sincerely,

Gary Nelson, PLS



STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION
AND PUBLIC FACILITIES

WARRANTY DEED

PROJECT NAME: STERLING HIGHWAY: MP
157-169 RECONSTRUCTION, ANCHOR POINT
TO BAYCREST HILL

STATE PROJECT #: Z581060000

FEDERAL-AID PROJECT #: 0211052

PARCEL NO: 13

The **GRANTORS, CLARENCE JAMES MCCLAREN and TERI HOPE MCCLAREN**, whose mailing address is 37895 Sterling Highway, Anchor Point, Alaska 99556-9446, for and in consideration of ten (\$10.00) DOLLARS, and other valuable consideration, in hand paid, conveys and warrants to the **GRANTEE, STATE OF ALASKA, DEPARTMENT OF TRANSPORTATION & PUBLIC FACILITIES** (hereinafter DOT&PF), whose mailing address is P.O. Box 196900, Anchorage, Alaska 99519-6900, the following described real estate, located in the State of Alaska:

All that part of the following-described tract of land:

That portion of the Southwest one-quarter of the Southwest one-quarter (SW1/4 SW1/4), lying West of the New Sterling Highway, in Section 20, Township 5 South, Range 14 West, Seward Meridian, Homer Recording District, Third Judicial District, State of Alaska, TOGETHER WITH that portion of the South one-half of the South one-half (S1/2 S1/2), lying between the New Sterling Highway and the Old Sterling Highway of Section 19, Township 5 South, Range 14 West, Seward Meridian, Homer Recording District, Third Judicial District, State of Alaska, EXCEPTING THEREFROM that portion of the South one-half of the Southwest one-quarter of the Southeast one-quarter of the Southwest one-quarter (S1/2 SW1/4 SE1/4 SW1/4) of said Section 19, lying East of said Old Sterling Highway, and FURTHER EXCEPTING THEREFROM the Plat of Sterling Acres Unit 1, Plat No. 86-70,

which lies adjacent to right-of-way lines of Alaska Project No. Z581060000, delineated as to said tract of land on the plat attached hereto and made a part hereof as pages 4 thru 7 of this instrument and designated as Parcel No. 13.

Return to:
DOT&PF Right of Way,
Engineering
P.O. Box 196900
Anchorage, AK 99519-6900
State Business-No Charge

Said parcel, containing 23,736 square feet, more or less, in addition to existing right-of-way, is hereby conveyed to the **STATE OF ALASKA, DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES**.

Dated this 16th day of November, 2020


CLARENCE JAMES MCCLAREN

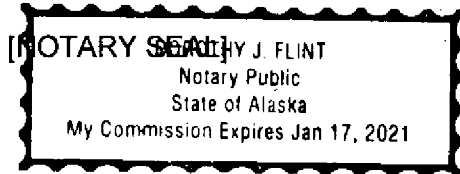

TERI HOPE MCCLAREN

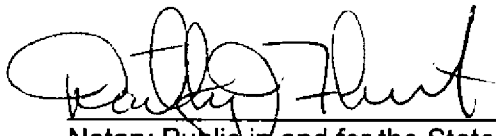
ACKNOWLEDGMENT OF GRANTORS

STATE OF ALASKA)
) ss
THIRD JUDICIAL DISTRICT)

On this 16th day of November, 2020, before me, the undersigned, a Notary Public in and for the State of Alaska, personally appeared **CLARENCE JAMES MCCLAREN**, the Grantor, known to me to be the identical person who executed the foregoing instrument and who acknowledged to me that they signed the same freely and voluntarily, with full knowledge of its contents, for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year above written.

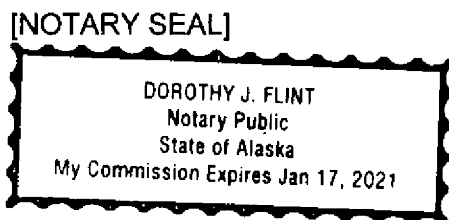


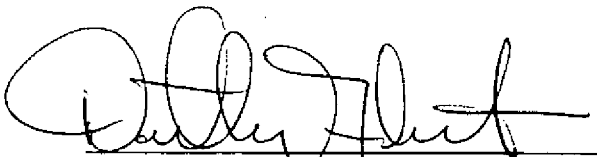

Notary Public in and for the State of Alaska
My Commission Expires: Jan 17, 2021

STATE OF ALASKA)
) ss
THIRD JUDICIAL DISTRICT)

On this 16th day of November, 2020, before me, the undersigned, a Notary Public in and for the State of Alaska, personally appeared **TERI HOPE MCCLAREN**, the Grantor, known to me to be the identical person who executed the foregoing instrument and who acknowledged to me that they signed the same freely and voluntarily, with full knowledge of its contents, for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year above written.




Notary Public in and for the State of Alaska
My Commission Expires: Jan 17, 2021

REGION: CENTRAL
25A-R610 (Rev 09/01/06)

Project No. Z581060000 / 0211052
Sterling Highway: MP 157-169 Reconstruction
Anchor Point to Baycrest Hill

Parcel No. 13
Page 2 of 7



Page 2 of 7
2022 - 000089 - 0

CERTIFICATE OF ACCEPTANCE

THIS IS TO CERTIFY that the STATE OF ALASKA, DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES, Grantee herein, acting by and through its Commissioner, hereby accepts for public purposes the real property, or interest therein, described in this instrument and consents to the recordation thereof.

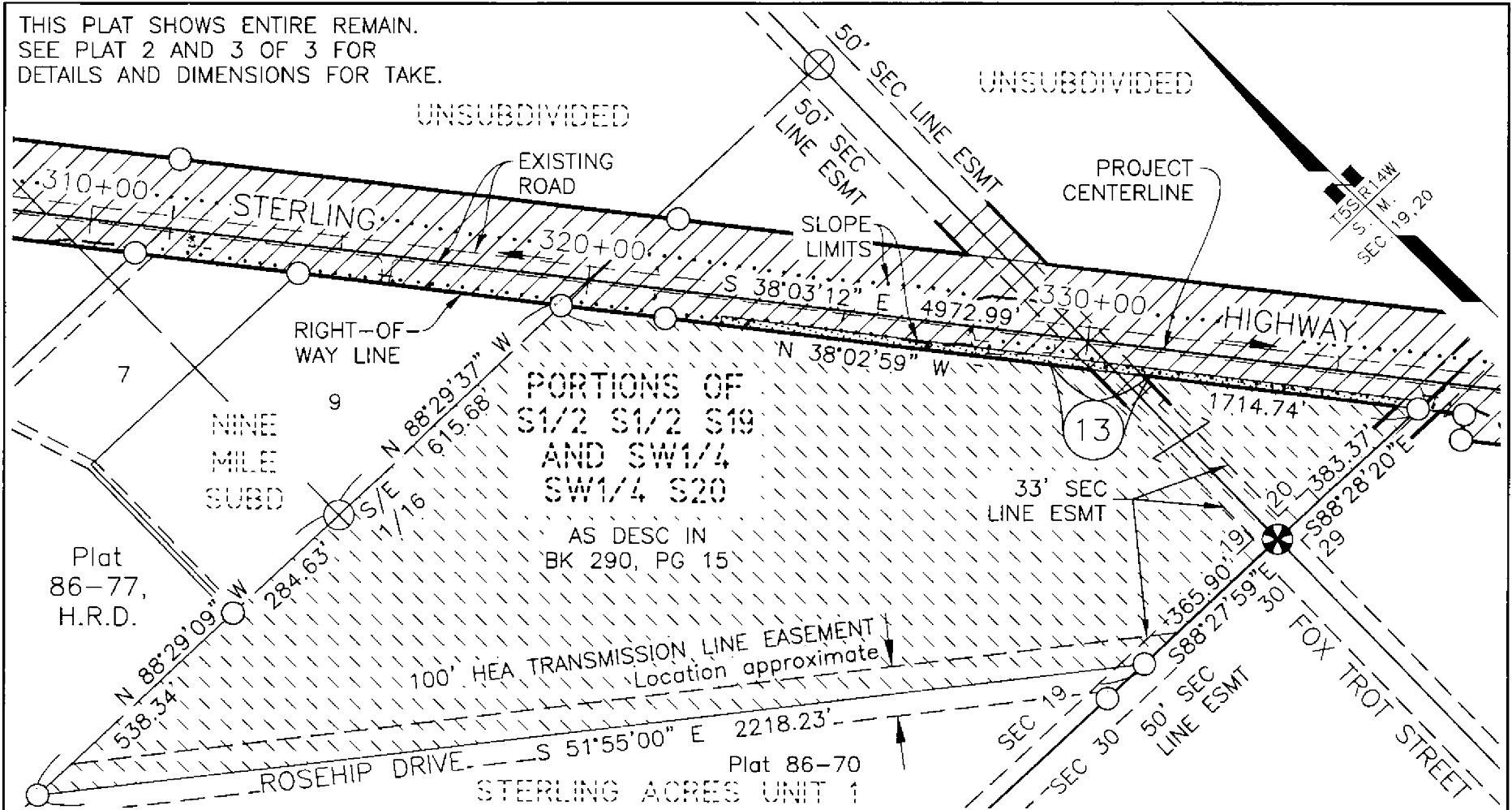
IN WITNESS WHEREOF, I have hereunto set my hand this 8 day of December, 2020

STATE OF ALASKA DEPARTMENT OF TRANSPORTATION
AND PUBLIC FACILITIES

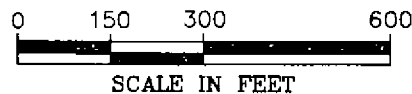
By: *Jason W. Acting Chief*
For the Commissioner



THIS PLAT SHOWS ENTIRE REMAIN.
SEE PLAT 2 AND 3 OF 3 FOR
DETAILS AND DIMENSIONS FOR TAKE.



- EXISTING RIGHT-OF-WAY
- RIGHT-OF-WAY REQUIRED
- AREA REMAINING



STATE OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

RIGHT-OF-WAY REQUIRED FOR
STERLING HIGHWAY MP 157-169 RECONSTRUCTION
ANCHOR POINT TO BAYCREST HILL
PROJECT NUMBER: 0211052/Z581060000

OWNER'S INITIAL
ATTACHED TO Warranty Deed
PAGE 4 OF 7 DATED 10-27-2020

PLAT 1 OF 3

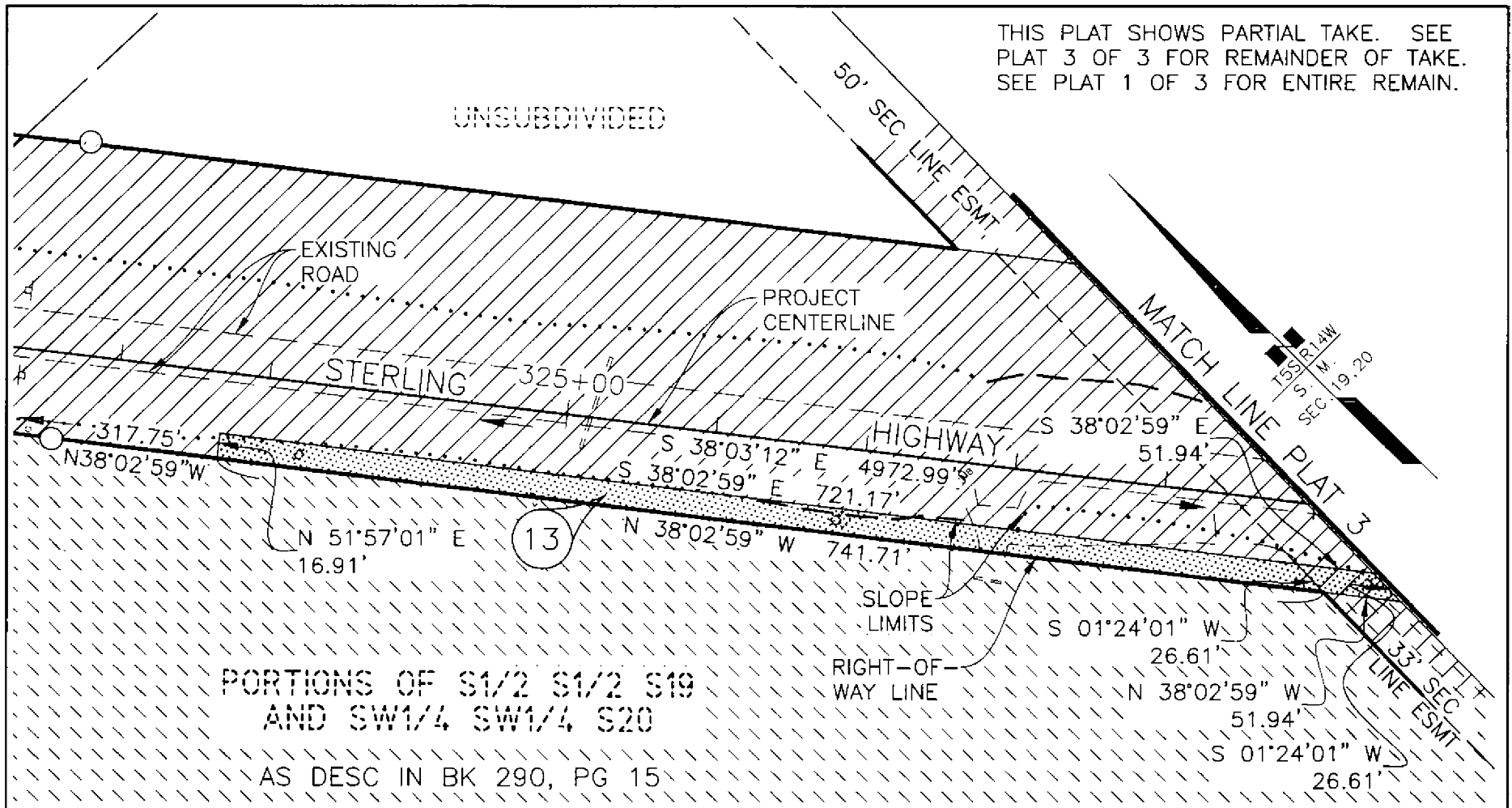
GROSS TAKE 23,736 S.F.
NET TAKE 21,256 S.F.
REMAIN 33.192 AC

DRAWN BY AFF

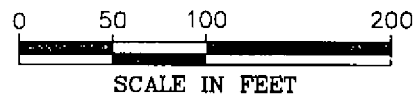
DATE Jul 2019

PARCEL NO. 13

THIS PLAT SHOWS PARTIAL TAKE. SEE
PLAT 3 OF 3 FOR REMAINDER OF TAKE.
SEE PLAT 1 OF 3 FOR ENTIRE REMAIN.



- EXISTING RIGHT-OF-WAY
- RIGHT-OF-WAY REQUIRED
- AREA REMAINING



STATE OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

RIGHT-OF-WAY REQUIRED FOR
STERLING HIGHWAY MP 157-169 RECONSTRUCTION
ANCHOR POINT TO BAYCREST HILL
PROJECT NUMBER: 0211052/Z581060000

OWNER'S INITIAL

ATTACHED TO Warranty Deed

PAGE 5 OF 7 DATED 10-27-20

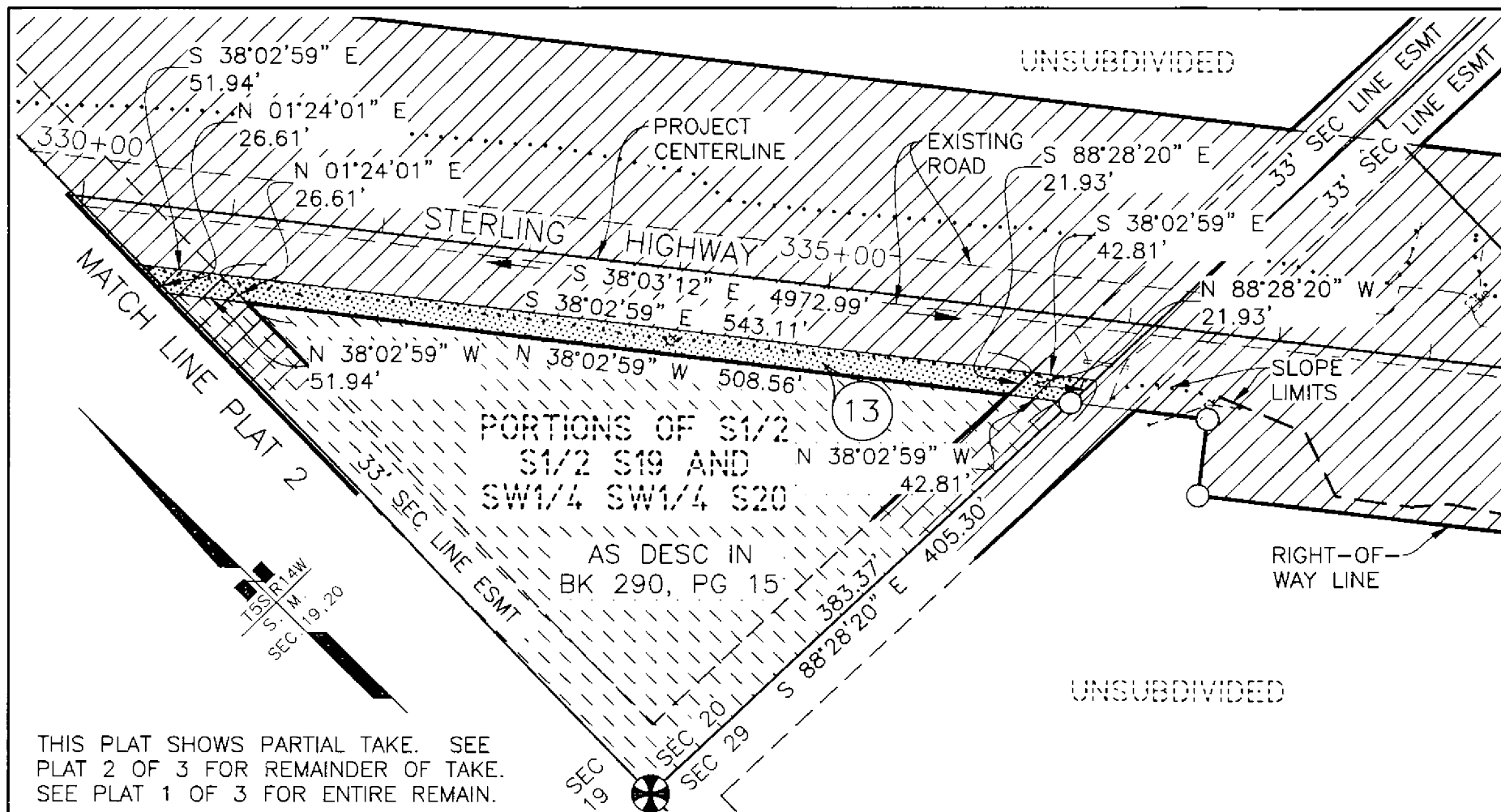
PLAT 2 OF 3

GROSS TAKE 23,736 S.F.
NET TAKE 21,256 S.F.
REMAIN 33.192 AC






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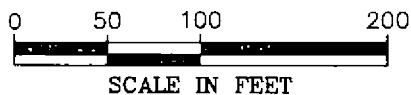
DATE Jul 2019

PARCEL NO. 13





THIS PLAT SHOWS PARTIAL TAKE. SEE
PLAT 2 OF 3 FOR REMAINDER OF TAKE.
SEE PLAT 1 OF 3 FOR ENTIRE REMAIN.

-  EXISTING
-  RIGHT-OF-WAY
-  RIGHT-OF-WAY
-  REQUIRED
-  AREA REMAINING



STATE OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

RIGHT-OF-WAY REQUIRED FOR
STERLING HIGHWAY MP 157-169 RECONSTRUCTION
ANCHOR POINT TO BAYCREST HILL
PROJECT NUMBER: 0211052/Z581060000

OWNER'S INITIAL  
ATTACHED TO Warranty Deed
PAGE 6 OF 7 DATED 10-27-20

PLAT 3 OF 3

GROSS TAKE 23,736 S.F.
NET TAKE 21,256 S.F.
REMAIN 33.192 AC

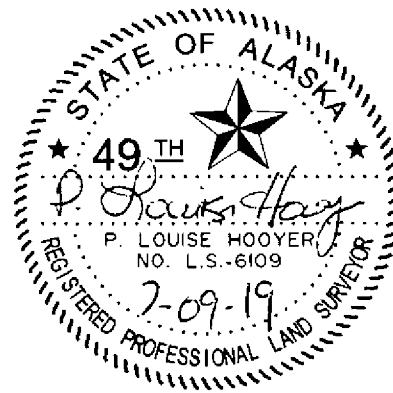
DRAWN BY AFF

DATE Jul 2019

PARCEL NO. 13

THESE PLATS MAY BE USED FOR THE ESTABLISHMENT OF
THE RIGHT-OF-WAY BOUNDARY ONLY, AND SHOULD NOT
BE USED AS A BASIS FOR ESTABLISHING ADJOINING
PROPERTY LINES AND CORNERS.

THIS SEAL IS FOR ALL WORK CONTAINED ON PLATS 1-3 OF 3.



ALASKA DEPARTMENT OF TRANSPORTATION
AND PUBLIC FACILITIES

4111 AVIATION AVENUE
ANCHORAGE, AK 99502
PHONE (907) 269-0700

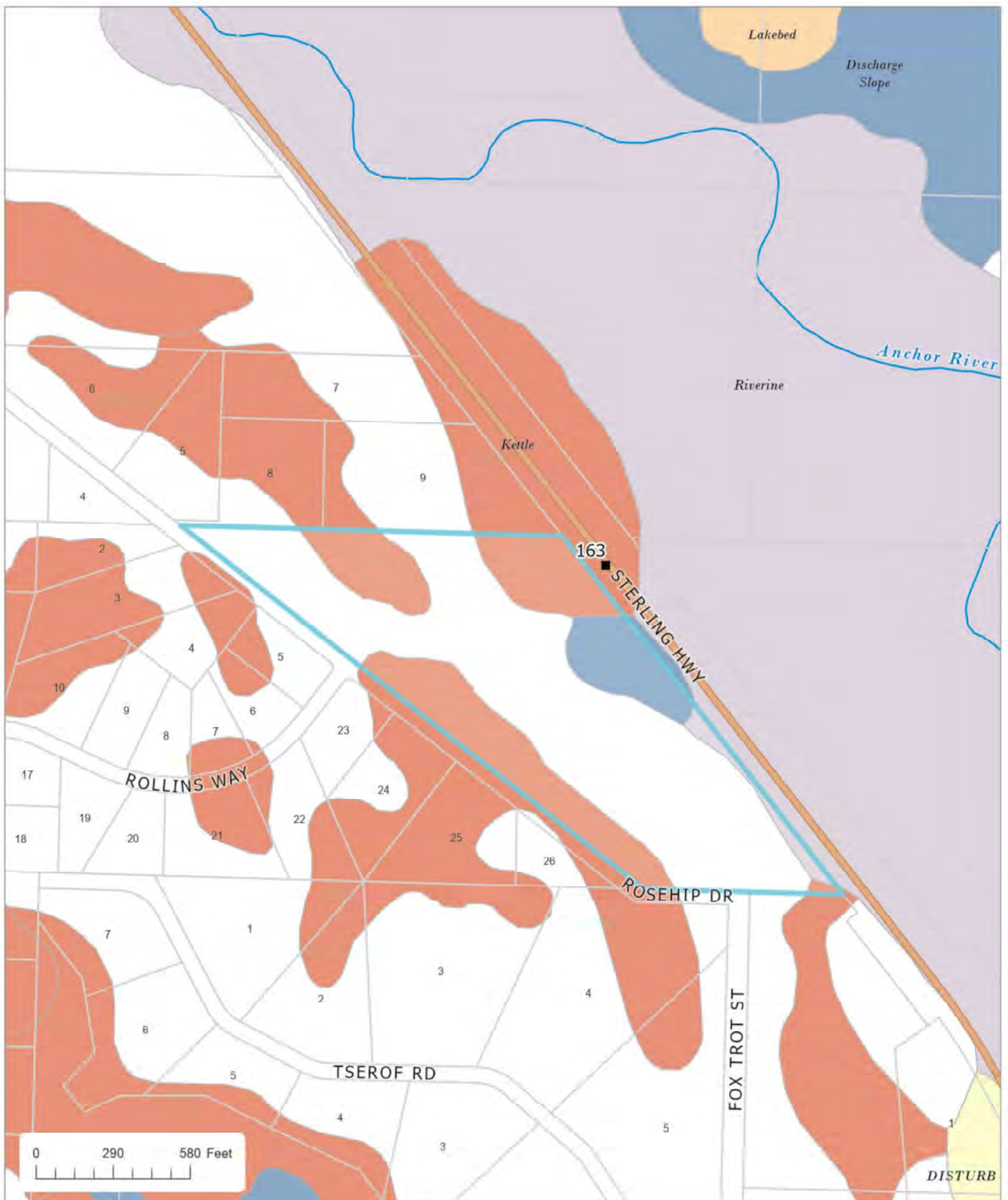
ATTACHED TO WASCEANBY DEED PAGE 7 OF 7 DATED 11-16-20

PROJECT NUMBER: 0211052 / Z591060000

PARCEL NO. 13







January 17, 2022

Teri Hope McClaren
37895 Sterling Highway
Anchor Pt., AK 99556

Reference: KPB Soils Evaluation Report
Physical Address: 37895 Sterling Highway,
Anchor Pt., AK

Legal Description: KPB Subdivision Soils Evaluation for McClaren Subdivision, a Subdivision of that Portion of the SW1/4, SW1/4, SEC 20 Lying West of the New Sterling Hwy Together with that Portion of the S1/2, S1/2, SEC. 19 Lying Between the New Sterling Highway and the Old Sterling Highway, Excepting Therefrom that Portion S1/2, SW1/4, NE1/4, SW1/4 of said Section 19, Lying East of said Old Sterling Highway, and Further Excepting the Play of Sterling Acres Unit 1 (HM86-70). All Within T6S, R14W, S. M., Kenai Peninsula Borough, Third Judicial District, State of Alaska, Homer Recording District, Containing 33.19 Acres

Dear Teri:

Please find enclosed the Soils Evaluation Report for this project. This package has been submitted to the KPB Planning Department for review and approval.

Thank you very much for the opportunity to perform these services. We very much appreciate your business. Please feel free to contact me at the numbers below if you have any questions regarding these submittals.

Sincerely,



Eric Struben, P.E., Principal
Kalie Rubalcava, Civil E.I.T.

BAYSIDE ENGINEERING, LLC

4375 KACHEMAK DR.
HOMER, AK 99603

January 17, 2022

Mr. Scott Huff
KPB Planning Department
144 North Binkley St.
Soldotna, AK 99669

Re: KPB Subdivision Soils Evaluation for McClaren Subdivision, a Subdivision of that Portion of the SW1/4, SW1/4, SEC 20 Lying West of the New Sterling Hwy Together with that Portion of the S1/2, S1/2, SEC. 19 Lying Between the New Sterling Highway and the Old Sterling Highway, Excepting Therefrom that Portion S1/2, SW1/4, NE1/4, SW1/4 of said Section 19, Lying East of said Old Sterling Highway, and Further Excepting the Play of Sterling Acres Unit 1 (HM86-70). All Within T6S, R14W, S. M., Kenai Peninsula Borough, Third Judicial District, State of Alaska, Homer Recording District, Containing 33.19 Acres

Dear Mr. Huff:

Enclosed please find my Soils Evaluation Report for the referenced subdivision.

This proposed subdivision creates 7 new lots. Lot 2 has an existing driveway, home, and sanitary absorption system and is serviced by a well located on Lot 3. In addition to the well, Lot 3 has a single storage building that is not serviced by water or a septic. The remaining lots are undeveloped with no existing structures, driveways or wells. Rollins Way has been cleared for access purposes but is not fully developed. The following table represents the contiguous area available for a wastewater treatment and disposal system on each new lot:

Lot No.	Area Available (SF)
1	204,993
2	204,993
3	200,806
4	28,956
5	203,817
6	209,131
7	200,680

Lots 1,2,3,5,6, &7, all are greater than 200,000 sq. ft. Based on our soils investigation on Lot 4, the soils on site are suitable for conventional an on-site wastewater disposal system and consistent with soils historically encountered in this area.

Please contact me at the numbers or emails listed in the event you have questions regarding this submittal.
Sincerely,



Eric Struben, P.E., Principal
Kalie Rubalcava, Civil E.I.T.

BAYSIDE ENGINEERING, LLC

4375 KACHEMAK DR.
HOMER, AK 99603

BAYSIDE ENGINEERING

K.P.B. Subdivision Soils Evaluation Report

KPB Subdivision Soils Evaluation for McClaren Subdivision, a Subdivision of that Portion of the SW1/4, SW1/4, SEC 20 Lying West of the New Sterling Hwy Together with that Portion of the S1/2, S1/2, SEC. 19 Lying Between the New Sterling Highway and the Old Sterling Highway, Excepting Therefrom that Portion S1/2, SW1/4, NE1/4, SW1/4 of said Section 19, Lying East of said Old Sterling Highway, and Further Excepting the Play of Sterling Acres Unit 1 (HM86-70). All Within T6S, R14W, S. M., Kenai Peninsula Borough, Third Judicial District, State of Alaska, Homer Recording District, Containing 33.19 Acres

Prepared for:

**Teri Hope McClaren
37895 Sterling Highway
Anchor Pt., AK 99556**

Prepared by:

**Eric Struben, P.E.
4375 Kachemak Drive
Homer, AK 99603
562-370-5078 cell
eric.struben@gmail.com**

JANUARY 2022

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PROJECT DESCRIPTION

This report is the KPB Subdivision Soils Evaluation for McClaren Subdivision, a Subdivision of that Portion of the SW1/4, SW1/4, SEC 20 Lying West of the New Sterling Hwy Together with that Portion of the S1/2, S1/2, SEC. 19 Lying Between the New Sterling Highway and the Old Sterling Highway, Excepting Therefrom that Portion S1/2, SW1/4, NE1/4, SW1/4 of said Section 19, Lying East of said Old Sterling Highway, and Further Excepting the Play of Sterling Acres Unit 1 (HM86-70). All Within T6S, R14W, S. M., Kenai Peninsula Borough, Third Judicial District, State of Alaska, Homer Recording District, Containing 33.19 Acres

This subdivision contains 33.19 acres and is to be subdivided into 7 lots. Lots 1, 2, 3, 5, 6, and 7 are all greater than 200,000 and the soils encountered on Lot 4 are consistent with soils historically encountered in this area. A soils investigation was performed on Lot 4 and those results are included in this report. The following areas were determined to be of contiguous usable area to support wastewater treatment and disposal on each new lot:

Lot No.	Area Available (SF)
1	204,993
2	204,993
3	200,806
4	28,956
5	203,817
6	209,131
7	200,680

Lot 2 is fully developed with an existing driveway, house, and wastewater disposal system and is served by a private well located on Lot 3. In addition to the existing well, Lot 3 has a storage building that is not serviced by the well or a septic system. All remaining lots are undeveloped with no existing permanent structures, driveways, or wells. The proposed Rollins Way is partially developed. Each property in the new subdivision has sufficient room on the site for a 3-bedroom single-family residence, private well, parking, driveway, as well as a new and replacement on-site septic system. All pertinent landmarks are shown on the working map in Appendix B.

KPB Subdivision Soils Evaluation for McClaren Subdivision, a Subdivision of that Portion of the SW1/4, SW1/4, SEC 20 Lying West of the New Sterling Hwy Together with that Portion of the S1/2, S1/2, SEC. 19 Lying Between the New Sterling Highway and the Old Sterling Highway, Excepting Therefrom that Portion S1/2, SW1/4, NE1/4, SW1/4 of said Section 19, Lying East of said Old Sterling Highway, and Further Excepting the Play of Sterling Acres Unit 1 (HM86-70). All Within T6S, R14W, S. M., Kenai Peninsula Borough, Third Judicial District, State of Alaska, Homer Recording District, Containing 33.19 Acres
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There are no known Class A or B wells within 200 feet of the property lines for each of the 7 proposed lots. There are no known private wells within 100 feet of any part of the proposed subdivision. All future lots will be served by private wells.

This subdivision is situated on sloping terrain between 0-15% in most areas. There is an upper bench and a lower bench on the property that is divided by a steep slope. The steep slopes exceeding 20% grade are showing in the working map in Appendix B with the appropriate setbacks. At the time of the soils investigations no seasonal drainages were present. This subdivision has potential wetlands as noted via the Kenai Peninsula Borough Parcel viewer and developers should contact the U.S. Army Corps of Engineers prior to any development or construction activity to obtain the most current wetland designations. At the time of investigation there was no standing water within 100' of the potential locations of future sanitary absorption systems.

All undeveloped lots are vegetated with low bushes, mature spruce, tall grasses, and alder.

A working map in the form of a survey plat is attached in Appendix B.

SOILS INVESTIGATION AND SOILS PROFILE

The soils investigation was conducted by Bayside Engineering with the assistance of Maurice Vachon. A large excavator was used to excavate the test hole on proposed Lot 4. The soils investigation was conducted on August 27, 2021. The location of the test hole is shown on the survey plat in Appendix B. All soils were visually graded and logged in accordance with the Unified Soils Classification System. The results of the soils profile and percolation test is shown in the soils profiles in Appendix A.

The soils analysis was conducted in accordance with KPB Chapter 20.40.100 and ADEC 18 ACC 72.265(9). Due to the nature of the soils, no falling head percolation test procedure was performed. The results of the soils investigation and the soils percolation tests for Lot 4 is presented in Appendix A of this report.

KPB Subdivision Soils Evaluation for McClaren Subdivision, a Subdivision of that Portion of the SW1/4, SW1/4, SEC 20 Lying West of the New Sterling Hwy Together with that Portion of the S1/2, S1/2, SEC. 19 Lying Between the New Sterling Highway and the Old Sterling Highway, Excepting Therefrom that Portion S1/2, SW1/4, NE1/4, SW1/4 of said Section 19, Lying East of said Old Sterling Highway, and Further Excepting the Play of Sterling Acres Unit 1 (HM86-70). All Within T6S, R14W, S. M., Kenai Peninsula Borough, Third Judicial District, State of Alaska, Homer Recording District, Containing 33.19 Acres December 11, 2021 Soils Evaluation Report

SOILS PERCOLATION RESULTS (TH-1) Lot 4:

Test Hole #1 was excavated on August 27, 2021 on proposed Lot 4. This test hole was excavated to a depth of 9.0 feet. Significant groundwater was discovered at 7.0 feet from the surface. No impermeable soils were encountered at the time of excavation.

The soils encountered between 2' and 9' feet below grade are noted to be well graded sand and gravels and were visually graded to yield a percolation test result of 1-5 min/ inch. These soils are suitable for a conventional system but would require a 2-ft sand liner on top of the existing GW soils per KPB 20.40.100(A)(4). Additionally, a vertical separation distance requirement of 4 feet to groundwater would need to be maintained. An original and a replacement conventional soil absorption system (SAS), each measuring 15' x 40' to service up to a 3-bedroom home, was designed and located as shown on the working map in Appendix B. There is adequate room for each SAS within the 28,956 SF of available contiguous area on Lot 4.

The results of the soils investigation for Test Hole #1 are presented in Appendix A of this report.

Soils Profile (TH-1):

The soils profile encountered is shown below:

0.0' to 0.5'	Vegetative matt with roots, organics and dark brown loamy soil	(PT)
0.5' to 2.0'	Reddish brown, silty sands, dry, loose, no balls, no ribbons	(SM)
2.0' to 9.0'	Grey, well graded sands and gravels, some rocks up to 8 in, unstable sides, difficult to excavate	(GW)

RECOMMENDED WASTEWATER TREATMENT AND DISPOSAL SYSTEMS:

The soils encountered on Lot 4 allows for a conventional shallow bed type soil absorption system (SAS) with a 2' ADEC approved sand liner placed on top of the in the GW soils with the bottom of the sewer rock no deeper than 3 feet below grade to

KPB Subdivision Soils Evaluation for McClaren Subdivision, a Subdivision of that Portion of the SW1/4, SW1/4, SEC 20 Lying West of the New Sterling Hwy Together with that Portion of the S1/2, S1/2, SEC. 19 Lying Between the New Sterling Highway and the Old Sterling Highway, Excepting Therefrom that Portion S1/2, SW1/4, NE1/4, SW1/4 of said Section 19, Lying East of said Old Sterling Highway, and Further Excepting the Play of Sterling Acres Unit 1 (HM86-70). All Within T6S, R14W, S. M., Kenai Peninsula Borough, Third Judicial District, State of Alaska, Homer Recording District, Containing 33.19 Acres
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maintain the required 4 feet of vertical separation to groundwater encountered at 7 feet below grade. A section view of a typical shallow bed SAS is included in Appendix C.

It should be noted that all types of on-site septic systems for all proposed lots for this subdivision would be required to meet the regulatory requirements of the Kenai Peninsula Borough Chapter 20.40 and the state of Alaska Department of Environmental Conservation regulations 18 AAC 72.

Additionally, all on-site systems must meet the specifications contained in the ADEC "Onsite Wastewater System Installation Manual", January 27, 2016 or the most current edition if applicable.

A conventional wastewater treatment and disposal system for this subdivision would typically consist of a two-compartment septic tank from an approved manufacturer, possibly an approved lift station, and a shallow bed type soil absorption system.

ADEC must approve any type system serving any facility other than a single-family residence or a duplex prior to installation.

Per section 18 AAC 72.015 of the ADEC Wastewater Disposal Regulations advanced on-site wastewater disposal systems must be designed and inspected by an engineer licensed in the state of Alaska or installed by a person certified under 18 ACC 72.400-18 ACC 72.440.

Any system installed within this subdivision must be properly sized, sited, constructed and maintained. Proper location of septic systems is very important. In the event that all parts of the system (e.g. septic tank and soil absorption system) cannot meet the minimum required horizontal and/or vertical separations (e.g. 100 feet from any private water supply wells and/or surface water, 200 feet from Class A or Class B wells, 4 feet vertical to groundwater or 6 feet vertical to impermeable soils or 50 feet to a slope > 25%), a waiver request must be submitted to ADEC. Due to the presence of SM and SC soils at levels required for the SAS, an engineer's soil log and percolation test is required per ADEC regulations.

KPB Subdivision Soils Evaluation for McClaren Subdivision, a Subdivision of that Portion of the SW1/4, SW1/4, SEC 20 Lying West of the New Sterling Hwy Together with that Portion of the S1/2, S1/2, SEC. 19 Lying Between the New Sterling Highway and the Old Sterling Highway, Excepting Therefrom that Portion S1/2, SW1/4, NE1/4, SW1/4 of said Section 19, Lying East of said Old Sterling Highway, and Further Excepting the Play of Sterling Acres Unit 1 (HM86-70). All Within T6S, R14W, S. M., Kenai Peninsula Borough, Third Judicial District, State of Alaska, Homer Recording District, Containing 33.19 Acres
December 11, 2021 Soils Evaluation Report

CONCLUSION:

Based on the available contiguous area for each lot and the suitable soils encountered on Lot 4, this subdivision is suitable for development utilizing either a conventional system, above grade mound, or advanced on-site wastewater treatment and disposal systems. It is recommended, however, that soil and groundwater conditions be verified at or prior to construction of any on-site wastewater treatment systems.

KPB Subdivision Soils Evaluation for McClaren Subdivision, a Subdivision of that Portion of the SW1/4, SW1/4, SEC 20 Lying West of the New Sterling Hwy Together with that Portion of the S1/2, S1/2, SEC. 19 Lying Between the New Sterling Highway and the Old Sterling Highway, Excepting Therefrom that Portion S1/2, SW1/4, NE1/4, SW1/4 of said Section 19, Lying East of said Old Sterling Highway, and Further Excepting the Play of Sterling Acres Unit 1 (HM86-70). All Within T6S, R14W, S. M., Kenai Peninsula Borough, Third Judicial District, State of Alaska, Homer Recording District, Containing 33.19 Acres
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APPENDIX A: SOILS PROFILE/ SOILS PERCOLATION TEST RESULTS

	PERC TEST RANGE	DEPTH (FT)	SOIL DESCRIPTION	LEGAL DESCRIPTION:
		0	TOPSOIL, ROOTS, ORGANICS (PT)	WERE IMPERMEABLE SOIL OBSERVED: NO _____ WHAT DEPTH: NA _____ WAS GROUND WATER OBSERVED: YES _____ WHAT DEPTH: 7 FEET _____ DATE OBSERVED: 08/27/2021
*		1	REDDISH BROWN, DRY, SILTY SANDS, NO BALLS OR RIBBONS FORMED (SM)	PERCOLATION TEST RESULTS:
-----		2		
		3		
		4	GREY, WELL GRADED SANDS AND GRAVELS, ROCKS UP TO 8 IN, UNSTABLE SIDES, DIFFICULT TO DIG (SM)	
		5		
		6		
		7		
		8		
		9		
		10		
		11		
		12		
		13		
		14		
		15		
		16		
		17		
		18		
		19		
		20		

NOTES:
KPB Subdivision Soils Evaluation for McClaren Subdivision, a Subdivision of that Portion of the SW1/4, SW1/4, SEC 20 Lying West of the New Sterling Hwy Together with that Portion of the S1/2, S1/2, SEC. 19 Lying Between the New Sterling Highway and the Old Sterling Highway, Excepting Therefrom that Portion S1/2, SW1/4, NE1/4, SW1/4 of said Section 19, Lying East of said Old Sterling Highway, and Further Excepting the Play of Sterling Acres Unit 1 (HM86-70). All Within T6S, R14W, S. M., Kenai Peninsula Borough, Third Judicial District, State of Alaska, Homer Recording District, Containing 33.19 Acres

STATE OF ALASKA
49TH
Date: _____
ERIC W. STRUBEN
No. 167047
REGISTERED PROFESSIONAL ENGINEER
EXPIRES 12/31/23

BAYSIDE ENGINEERING LLC 4375 KACHEMAK DRIVE HOMER, AK 99603 (562) 370-5078	MCCLAREN SUB 37895 STERLING HWY., ANCHOR PT., AK	DATE: 08/27/2021
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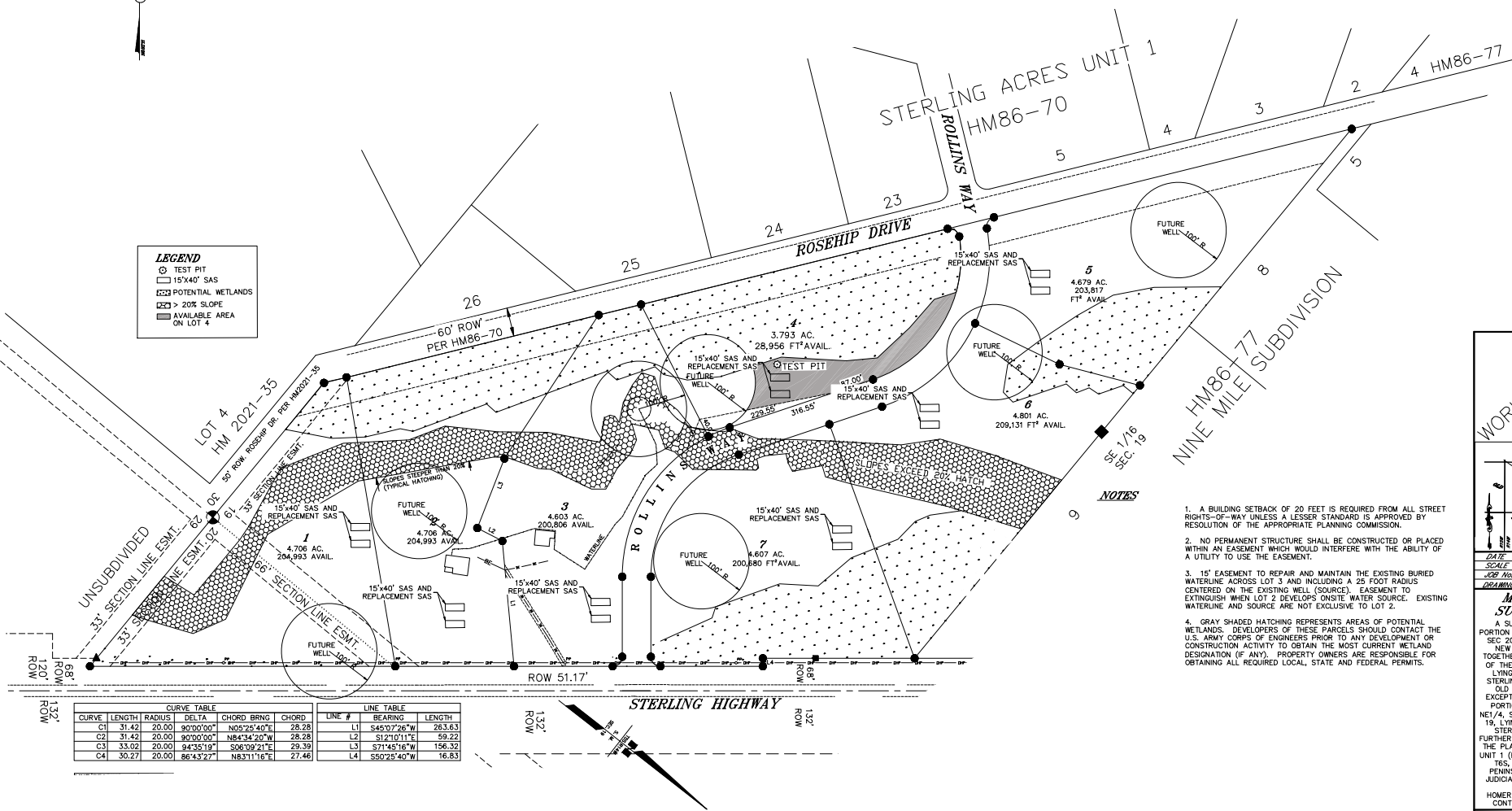
KPB Subdivision Soils Evaluation for McClaren Subdivision, a Subdivision of that Portion of the SW1/4, SW1/4, SEC 20 Lying West of the New Sterling Hwy Together with that Portion of the S1/2, S1/2, SEC. 19 Lying Between the New Sterling Highway and the Old Sterling Highway, Excepting Therefrom that Portion S1/2, SW1/4, NE1/4, SW1/4 of said Section 19, Lying East of said Old Sterling Highway, and Further Excepting the Play of Sterling Acres Unit 1 (HM86-70). All Within T6S, R14W, S. M., Kenai Peninsula Borough, Third Judicial District, State of Alaska, Homer Recording District, Containing 33.19 Acres
December 11, 2021 Soils Evaluation Report

APPENDIX B: SUBDIVISION WORKING MAP



LEGEND

- TEST PIT
- 15'x40' SAS
- ▨ POTENTIAL WETLANDS
- ▨ > 20% SLOPE
- ▨ AVAILABLE AREA ON LOT 4



CURVE TABLE				LINE TABLE			
CURVE	LENGTH	RADIUS	DELTA	CHORD BRNG	CHORD	LINE #	BEARING
C1	31.43	20.00	90°00'00"	N08°28'40"E	28.28	L1	S45°07'28"W
C2	31.42	20.00	90°00'00"	N84°34'20"W	28.28	L2	S12°10'11"E
C3	33.02	20.00	94°35'19"	S06°09'21"E	29.39	L3	S71°45'16"W
C4	30.27	20.00	86°43'27"	N83°11'16"E	27.46	L4	S50°25'40"W

- 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 AN EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
 3. 15' EASEMENT TO REPAIR AND MAINTAIN THE EXISTING BURIED WATERLINE ACROSS LOT 3 AND INCLUDING A 25 FOOT RADIUS CENTERED ON THE EXISTING WELL (SOURCE). EASEMENT TO EXTINGUISH WHEN LOT 2 DEVELOPS ONSITE WATER SOURCE. EXISTING WATERLINE AND SOURCE ARE NOT EXCLUSIVE TO LOT 2.
 4. GRAY SHADED HATCHING REPRESENTS AREAS OF POTENTIAL WETLANDS. DEVELOPERS OF THESE PARCELS SHOULD CONTACT THE U.S. ARMY CORPS OF ENGINEERS PRIOR TO ANY DEVELOPMENT OR CONSTRUCTION ACTIVITY TO OBTAIN THE MOST CURRENT WETLAND DESIGNATION (IF ANY). PROPERTY OWNERS ARE RESPONSIBLE FOR OBTAINING ALL REQUIRED LOCAL, STATE AND FEDERAL PERMITS.

WORKING MAP

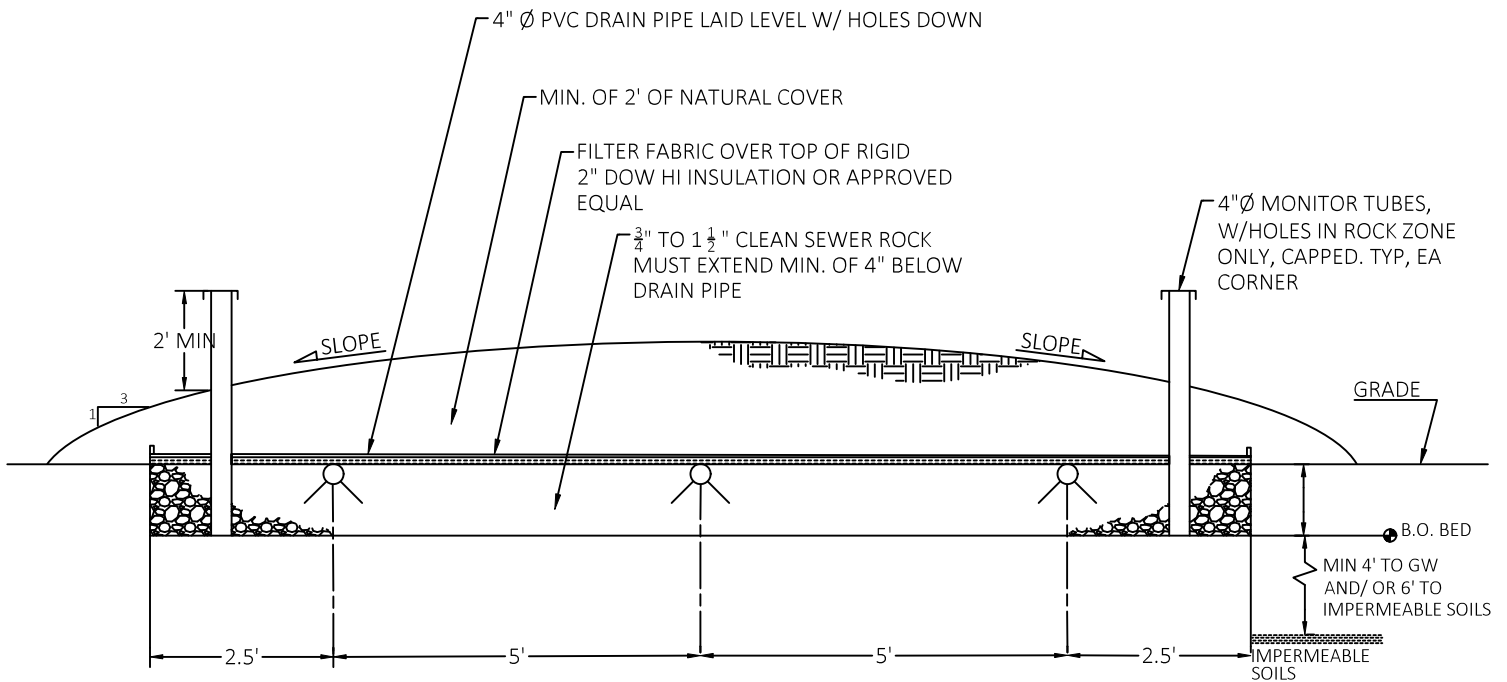
IDENTITY MAP
SCALE: 1" = 1 MILE

DATE 01/12/2022
SCALE 1" = 100'
JOB NO.
DRAWING

MCCLAREN SUBDIVISION
A SUBDIVISION OF THAT PORTION OF THE SW1/4, SW1/4, SEC 20 LYING WEST OF THE NEW STERLING HIGHWAY TOGETHER WITH THAT PORTION OF THE S1/2, S1/2, SEC. 19 LYING BETWEEN THE NEW STERLING HIGHWAY AND THE OLD STERLING HIGHWAY, EXCEPTING THEREFROM THAT PORTION OF S1/2, SW1/4, NE1/4, SW1/4 OF SAID SECTION 19, LYING EAST OF SAID OLD STERLING HIGHWAY, AND FURTHER EXCEPTING THEREFROM THE PLAT OF STERLING ACRES UNIT 1 (HM86-70), ALL WITHIN T6S, R14W, S. W. M., KENAI PENINSULA BOROUGH, THIRD JUDICIAL DISTRICT, STATE OF ALASKA, HOMER RECORDING DISTRICT, CONTAINING 33.19 ACRES.

KPB Subdivision Soils Evaluation for McClaren Subdivision, a Subdivision of that Portion of the SW1/4, SW1/4, SEC 20 Lying West of the New Sterling Hwy Together with that Portion of the S1/2, S1/2, SEC. 19 Lying Between the New Sterling Highway and the Old Sterling Highway, Excepting Therefrom that Portion S1/2, SW1/4, NE1/4, SW1/4 of said Section 19, Lying East of said Old Sterling Highway, and Further Excepting the Play of Sterling Acres Unit 1 (HM86-70). All Within T6S, R14W, S. M., Kenai Peninsula Borough, Third Judicial District, State of Alaska, Homer Recording District, Containing 33.19 Acres
December 11, 2021 Soils Evaluation Report

APPENDIX C: TYPICAL BED TYPE SOIL ABSORPTION SYSTEM DETAILS



SECTION VIEW SHALLOW BED SOIL ABSORPTION SYSTEM

N.T.S.

BAYSIDE ENGINEERING

4375 KACHEMAK DRIVE

HOMER, AK 99603

907-299-2266

**TYPICAL SHALLOW
BED CROSS SECTION**

E2-34

SCALE: NTS

DATE:

SHEET: 1 OF 1

COLLINS YES	ECKLUND YES	GLENDENING ABSENT	MARTIN YES	WHITNEY YES	4 YES 1 ABSENT
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AGENDA ITEM E. SUBDIVISION PLAT PUBLIC HEARINGS

6. McClaren Subdivision
KPB File No. 2016-083; Ability Surveys/McClaren

Staff Report given by Patti Hartley

Plat Committee Meeting: 8/8/16

Location: off Rosehip Drive, Anchor Point
Proposed Use: Residential
Water/Sewer: On-site
Zoning: Unrestricted
Assessing Use: Residential
Parent Parcel Number(s): 171-024-19

Supporting Information:

The proposed plat is the overall preliminary design for a phased subdivision. An approximate 33-acre parcel is being subdivided into 9 lots ranging in size from 1.6 to 5 acres. A soils report is required for all lots less than 5 acres, and an engineer will sign the plat. This platting action is providing a 60-foot wide dedication for Rollins Way from Rosehip Drive to the Sterling Highway. Lots within the proposed plat front the Sterling Highway, Rosehip Drive, and/or Rollins Way.

Carrie Henson, Addressing Officer, reported that the address assigned to the parent parcel will be retained on Lot 2, and a new Sterling Highway address will be assigned to Lot 3. Ms. Henson can answer questions about addresses for the plat.

Notice of the proposed plat was mailed to the beneficial interest holder on July 19, 2016. 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.

Anchor Point Advisory Planning Commission minutes were not available when the staff report was prepared (KPB 21.02.020). These will be provided with the desk packet if available. Anchor Point Fire and EMS had no concerns with the proposed plat.

Staff recommends that notes be placed on the final plat indicating any exceptions granted by the Plat Committee with the meeting date.

Exception Requested: KPB 20.30.130 – 100-foot tangent between curves. Non-compliance to fit hillside bluff.

Findings

1. Potential wetlands have been shown and labeled.
2. Per KPB GIS 4-foot contours, the plat is affected by slopes greater than 20 percent.
3. This platting action is extending Rollins Drive per KPB 20.30.030, which provides the block with a dedicated public right-of-way connecting the Old Sterling Highway and the new Sterling Highway.
4. Rollins Way is 60 feet wide with extra dedication (curve return radius ends) at the intersections with Rosehip Drive and the Sterling Highway.
5. Rollins Way was designed to avoid the potential wetlands and slopes greater than 20 percent to the extent possible.
6. The right-of-way within the subdivision has been designed to provide reasonable access to surrounding parcels per KPB 20.30.030.

Staff reviewed the exception request and wishes to support the request but needs additional terrain and alignment information to support the request (See 20.30.190 & 20.30.120). The requirement of a 100-foot tangent section was placed within Title 20 specifically for reverse curves which are what the type of curves is shown on the plat. This is a traffic safety concern and should not be overlooked. Additional information is needed by staff to support this request.

Staff reviewed the exception request and recommends denial. 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;
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;
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.

STAFF RECOMMENDATIONS:

- **GRANT APPROVAL OF THE PRELIMINARY PLAT SUBJECT TO ANY ABOVE RECOMMENDATIONS, AND**
- **REQUIRE 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), SUBJECT TO EXCEPTION(S) GRANTED.**

20.25.070 - Form and contents required.

Platting staff comments: Additional information is provided for the following portions of 20.25.070 or additional information, revision or corrections are required

- A. Within the Title Block
 1. Name of the subdivision which shall not be the same as an existing city, town, tract, or subdivision of land in the borough, of which a plat has been previously recorded, or so nearly the same as to mislead the public or cause confusion;
 2. Legal description, location, date, and total area in acres of the proposed subdivision; and
 3. Name and address of owner(s), as shown on the KPB records and the certificate to plat, and registered land surveyor;
*Platting Staff Comments: **Staff recommends:***
 - a. *Remove the commas from the aliquot descriptions, such as, SW1/4 SW1/4.*
 - b. *Correct the Township.*
 - c. *Include the owners' names and address in the title block.*

- C. The location, width, and name of existing or platted streets and public ways, railroad rights-of-way, and other important features such as section lines or political subdivisions or municipal corporation boundaries abutting the subdivision;
*Platting Staff Comments: **Staff recommends** Fox Trot Street be labeled.*
- F. The names and widths of public streets and alleys and easements, existing and proposed, within the subdivision;
Platting Staff Comments: The 66-foot section line easement crossing Lot 1 and a small portion of Lot 2 has been shown and labeled. A section line easement is not a lot boundary.
- G. Status of adjacent lands, including names of subdivisions, lot lines, block numbers, lot numbers, rights-of-way; or an indication that the adjacent land is not subdivided;
*Platting Staff Comments: **Staff recommends:***
1. *Correct the label for HM 86-77*
 2. *Clarify Lot 4 to the northwest is part of HM 86-77.*
 3. *Revise the label to the south. The unsubdivided remainder of A to S Subdivision adjoins the proposed plat.*
 5. *Label the existing dedication for Rollins Way.*
- L. Contours at suitable intervals when any roads are to be dedicated unless the planning director or commission finds evidence that road grades will not exceed 6 percent on arterial streets, and 10 percent on other streets;
Platting Staff Comments: Additional information was requested from the surveyor (July 26th) to confirm the right-of-way being dedicated by this plat complies with 20.25.070 and 20.30.090.
- M. Approximate locations of slopes over 20 percent in grade and if contours are shown, the areas of the contours that exceed 20 percent grade shall be clearly labeled as such;
Platting Staff Comments: Per KPB GIS 4-foot contours, it appears the plat is subject to slopes greater than 20 percent. Additional information was requested from the surveyor.
- O. If the subdivision will be finalized in phases, all dedications for through streets as required by KPB 20.30.030 must be included in the first phase.
*Platting Staff Comments: The phase boundary appears to exclude Rollins Way. **Staff recommends** Rollins Way be dedicated in the first phase per KPB 20.25.070.*

KPB 20.30 Design Requirements

Platting staff comments: Additional information is provided for the following portions of 20.30 or additional information, revision or corrections are required

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.

*Platting Staff Comments: If Rollins Way is being dedicated atop an existing travel way, **staff recommends** the existing road be depicted within the dedication.*

Staff is not recommending fee right-of-way be dedicated atop the 66-foot section line easement, which would be an extension of Fox Trot Street. KPB GIS 4-foot contours indicate the section line easement crosses slopes greater than 20 percent. The section line easement will remain in place for pedestrian use, all-terrain vehicles, and utilities.

- 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.

State Department of Transportation Comments: Property fronts on the Sterling Highway. ROW is shown on unrecorded Sterling Highway MP 157 to 169, Sheets 20 and 21. See also historical data for acquisition. DOT Planning should be commenting on the access to the Sterling Highway.

Platting Staff Comments: The existing driveway off the highway is approximately 200 feet from Rollins Way. DOT may not allow a driveway and a right-of-way within the same plat that close together on a highway with a 55-mile per hour speed limit.

20.30.060. Easements-Requirements

- B. Upon submittal of a preliminary plat, the planning department shall provide a copy to public utility companies for their comment 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.

Alaska Communications requested a Plat Note be added to allow the front 15 feet of the 20-foot setback line to be a utility easement.

Staff recommends compliance with 20.30.060.

20.30.070. Lots on major streets-Access requirements.

Lots fronting on arterial streets with less than 200 feet of right-of-way as identified in the arterial road plan adopted by the borough or lots fronting on state maintained roads with less than 200 feet of right-of-way may be required to provide interior or frontage road access after review and recommendation by the Kenai Peninsula Borough Road Service Area staff and upon a finding by the planning commission that due to size, topography, physical characteristics, or heavy traffic flow, that direct access to the arterial or state maintained road may present a traffic hazard.

KPB Roads Department Comments: Not available with the staff report was prepared.

20.30.090. Streets-Maximum grades allowed.

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

*Platting Staff Comments: **Staff recommends** the surveyor confirm the right-of-way being dedicated by this plat complies with 20.30.090 and a plan and profile drawing be provided. Cross sections will also be needed in any areas of considerable cut or fill (greater than four (4) feet.*

20.30.120. Streets-Width requirements.

- 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.

*Platting Staff Comments: **Staff recommends** compliance with 20.30.120 if the right-of-way being dedicated by this plat requires additional right-of-way or easement due to steep slopes. The requested plan, profile and cross-section information will allow the need for extra widths to be determined.*

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.

Platting Staff Comments: The proposed plat is dedicating curve return radii at the intersections with Rosehip Drive and the Sterling Highway.

20.30.160. Streets-Name requirements.

Streets shall be named to conform to KPB Chapter 14.10

Platting Staff Comments: Carrie Henson approved Rollins Way for the new dedication.

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.

Platting Staff Comments: Based on rights-of-way and section line easements three blocks exist within the proposed plat. The northern-most block is incomplete at this time. Subdivision of the 41 and 79-acre parcels to the north will require right-of-way dedications; however, KPB GIS mapping indicates placement of the right-of-way will be constrained by wet areas and slopes greater than 20 percent. Due to terrain challenges, the block may not be able to strictly comply with length requirements.

With the dedication of Rollins Way, the plat meets the requirements of 20.30.170.

20.30.180. Pedestrian ways required when.

Pedestrian ways not less than 8 feet wide shall be required in blocks longer than 600 feet where reasonably deemed necessary to provide circulation or access to schools, playgrounds, shopping centers, transportation or other community facilities.

Platting Staff Comments: The section line easement provides pedestrian access.

20.30.230. Lots-Double frontage prohibited when.

Double frontage lots with depths less than 250 feet will not be approved except where necessitated by topographic or other physical conditions, or to provide reverse frontage along arterial streets. Corner lots are not subject to the double frontage prohibition.

Platting Staff Comments: Lot 1 is a corner lot in this subdivision.

Lot 5B has double frontage and is less than 250 feet deep. Lot 3 has triple frontage and is less than 250 feet deep.

KPB GIS 4-foot contours indicate a ridge crosses approximately through the middle of the subdivision. The plat is affected by potential wetlands, which have been shown and labeled on the plat.

The property is sandwiched between Rosehip Drive and the Sterling Highway. Right-of-way is being extended from the highway to connect with the existing Rollins Way on the opposite site of Rosehip Drive. Unless smaller lots are created, double and triple right-of-way frontage can be expected. Lot 5B contains 2.4 acres; Lot 3 contains 4.6 acres.

Staff recommends the Committee concur that the double and triple frontage is acceptable based on topographic and other physical conditions.

20.30.240. Building setbacks.

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

*Platting Staff Comments: **Staff recommends** compliance with 20.30.240.*

20.30.280. Floodplain requirements.

Platting Staff Comments: Per River Center review, the plat is not affected by a mapped flood hazard zone.

20.30.290. Anadromous habitat protection district.

Platting Staff Comments: Per River Center review, the subdivision is not affected by the Anadromous Habitat Protection District.

Per KPB GIS mapping, no anadromous streams flow through the subdivision.

KPB 20.40 -- Wastewater Disposal

Platting Staff Comments: **Staff recommends** the wastewater disposal notes per 20.40 be placed on the final plat. **Staff recommends** each note identify the lots to which it applies.

STAFF RECOMMENDATIONS: COMPLIANCE WITH KPB 20.60 TO ENSURE ADMINISTRATIVE APPROVAL OF THE FINAL PLAT.

Platting staff comments: Additional information is provided for the following portions of 20.60 or additional information, revision or corrections are required

20.60.020. Filing-Form and number of copies required.

The subdivider shall file a standard number of prints as determined by the planning director. All prints shall be folded as required by KPB 20.25.030 except those to be recorded with the district recorder.

Platting Staff Comments: **Staff recommends** one full-sized paper copy of the plat be submitted for final review prior to submittal of the mylar. Electronic submittals are not acceptable for final reviews.

20.60.120. Accuracy of measurements.

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

Platting Staff Comments: KPB GIS will verify closure complies with 20.60.120. **Staff recommends** boundary and lot closure computations be provided with the paper final plat.

20.60.160. Easements.

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

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

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

Platting Staff Comments: Easements granted by plat do not self-extinguish when no longer needed. If the easement for the waterline needs to be removed at some point in the future, **staff recommends** it be granted by separate document. Once the need for the easement ceases, the owner(s) can eliminate it by document without KPB involvement.

*If the owners wish to grant the waterline easement by this plat, **staff recommends** compliance with 20.60.160, and the easement be labeled 'granted this plat.' Removal of the platted easement will require Planning Commission review and approval.*

Staff recommends wording be included the shared driveway easement clarifying it is being granted by this plat.

Staff recommends wording be added to the 10-foot easement to HEA to clarify if it is an existing easement or it is being granted this plat. If the HEA easement is existing, **staff recommends** the recording information be noted on the plat if the easement was recorded.

Staff recommends a plat note be provided by the blanket easement of record granted to Homer Electric Association.

20.60.190. Certificates, statements, and signatures required.

Platting Staff Comments: **Staff recommends:**

1. *Correct the spelling of Mrs. McClaren's name in the Certificate of Ownership and the Notary's Acknowledgement.*
2. *Provide the Plat Approval statement.*
3. *Include the engineer's wastewater disposal certificate.*

20.60.200. Survey and monumentation.

*Platting Staff Comments: **Staff recommends** compliance with 20.60.200.*

NOTE: 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 10 DAYS OF NOTIFICATION OF THE DECISION IN ACCORDANCE WITH KPB 2.40.080.

PARTIES OF RECORD: UNLESS SPECIFIED OTHERWISE MEANS THOSE PERSONS WHO HAVE COMMENTED IN A WRITTEN AND SIGNED DOCUMENT OR IN PERSON ON AN AGENDA ITEM BEFORE THE PLANNING COMMISSION OR PLAT COMMITTEE WHO OWN PROPERTY WITHIN THE NOTIFICATION RADII ESTABLISHED IN THIS CHAPTER.

END OF STAFF REPORT

Commissioner Ecklund read the rules by which public hearings are heard.

Commissioner Ecklund opened the meeting for public comment.

1. Gary Nelson, Ability Surveys

Mr. Nelson is the surveyor for this project. He addressed the exception request to KPB 20.30.130, 100-foot tangent between curves and believes he could redesign that to fit code requirements. Basically, he will eliminate one curve with a fairly minor revision. His request would be that it would be considered a minor revision and that it would not have to come back before the Plat Committee.

Mr. Nelson asked for clarification regarding the following note that was placed near Lot 1. *"If considered a boundary by KPB Platting authority, section line vacated this plat."* When he has done plats for the State of Alaska, they have always said that that section line has to be vacated and this was not addressed in the staff report. He asked how the borough felt about that because it seems that they are in a contradictory opinion as to the State.

Mr. Nelson stated they were asking for an exception to the Rollins Way dedication during Phase 1. He felt this would be pretty detrimental to the owner if this was dedicated in Phase 1 because the Borough Roads Department has stringent permitting requirements that are pretty restrictive. They hoped to get the first 2-3 lots on the market as soon as possible to help finance the over \$30,000 expenditure that it takes to build the 1,100 feet of road. The owner would like to rough that road in and then do Phase 2. They felt that if it was dedicated in Phase 1 then the owner would have to deal with the other layer of bureaucracy that would really be tough to deal with.

Commissioner Ecklund asked if there were questions for Mr. Nelson.

Mr. Voeller replied to Mr. Nelson's request and stated he would like to see if a tangent length between those two curves could be worked out for safety reasons. The grade issue was what concerned him. He requested a plan profile and settings.

Mr. Voeller stated that staff was reluctant to support not dedicating the road at this time but understood the concerns of permitting. The roads department wants roads built to certain standard which is what the permitting was for. He wasn't sure how they would let them do that so he recommended they discuss it with the Roads Department.

Mr. Voeller addressed the note on the plat regarding the section line and stated that he has seen plats all through the borough that have crossed the section line on the same lots. He felt that the easement was there and didn't feel the necessity to vacate that.

Mr. Nelson asked if he considered it a boundary. Mr. Voeller replied no, not if it has already been platted. It was a contiguous piece of property. Mr. Nelson replied no it wasn't. Mr. Voeller asked if there was separate ownership in Section 20. Mr. Nelson replied no, this was the first time this land has been platted. Mr. Voeller replied that he didn't see a problem with that if his owner owns that. He thought the State may see it differently.

Commissioner Ecklund asked if staff considered changing Rollins Way a minor change that that it would need to come back before the Plat Committee if that was changed. Mr. Voeller replied that it would depend on how it would come out; he would need to see the plan and profile for the proposed gradients. Commissioner Ecklund asked if they could move forward with approvals and then if it staff doesn't approve it then it would come back before the committee. Mr. Voeller replied yes, that was correct. Commissioner Martin stated they could do a conditional approval. Commissioner Ecklund understood that they could conditionally approve it. Mr. Voeller stated that he had full confidence that this could be worked out. Commissioner Ecklund also understood that would cover staff's non-approval of Rollins Way. Mr. Voeller replied yes, but the surveyor agreed to redesign it to the requirements. He stated the big issue now was if the road was to be dedicated in Phase 1 or Phase 2.

Commissioner Ecklund asked which three lots the owner was going to sell first just so the committee can make sure they don't have any access issues. Mr. Nelson replied that it would be Lots 1-4 in Phase 1. Commissioner Ecklund asked if it Lots 4A and 4B were included in that. Mr. Nelson replied yes. Commissioner Ecklund asked where the access was for Lot 1. Mr. Nelson replied that that parcel fronts the Sterling Highway.

Mr. Nelson stated that the roads department will commonly will accept the dedications with some sort of roadbed in them. When a permit is received to construct roads in their right-of-way then they want them built to their standards. He believed Mr. McClaren was planning on building the roads to their standards but he would need to really decide if he wants to do that. There was quite a bit of expense to that. The road could be dedicated right now with nothing there however the owner wants to rough a road in there. Mr. Nelson stated there was quite a bit of gravel material on this property that could be used for the development of the road. The argument for not taking it up to borough standards would be that the owner believes this could incur a lot of through traffic. If it was not up to borough standards then it could become quite bumpy which could slow and deter people from using it. It could create a lot of through traffic zooming through there if the road was constructed to borough standards. He stated it was the only cut across between Anchor Point and 8-mile where the Old Sterling meets the New Sterling.

There being no further comments or questions, the public hearing continued.

2. Clarence McClaren, 37895 Sterling Hwy, Anchor Point

Mr. McClaren was the owner of the property. The reason he was wanting to have this road be more like a driveway was because that he plans on using some of the material off the upper portion of Phase 2 in the development of the first set of lots; Lots 1-4 & 4A and 4B.

Mr. McClaren asked for clarification regarding the Borough's requirement for engineering. He asked if the requirement was for a lot to be 200,000 square feet.

Mr. Nelson replied that it was 200,000 square feet for a soils engineering. Mr. Voeller replied that was correct. Mr. McClaren asked if it would be approximately 4.59. Mr. Voeller replied that was correct.

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

MAIN MOTION: Commissioner Collins moved, seconded by Commissioner Whitney to grant approval of the preliminary plat for McClaren Subdivision Preliminary Design, KPB File 2016-083 as per staff

recommendations, conditions and adherence to borough code.

Commissioner Martin understood the strategy in trying to get funding to build the roads. The road has to be constructed if it is dedicated. He asked if there was a way that this first phase could be legally platted and not deny access but have the drawings in place as an earnest that there was a plan and that it was coherent. Then the owners could then come back with the next phase that would dedicate that road and the new lots that wouldn't be served by the already existing right-of-way. Mr. Voeller replied that it would take an exception to the code. Code requires that any through streets in a phased development be dedicated in the first phase.

Commissioner Ecklund asked if it needed to be dedicated or built. Mr. Voeller replied that the road would need to be dedicated. Commissioner Ecklund understood that if the preliminary plat was approved, if they fix the road driveway to take care of the curve and the slope was developed to borough code then this could move forward. She asked if at that point the owners could sell the lots and then construct the road. Mr. Voeller recommended that the road be dedicated in the first phase per code. Commissioner Ecklund asked if the owner could sell lots if the plat goes through with the road being dedicated and then the construction of the road take place in phase two. Mr. Voeller replied yes, but once the road was dedicated according to Roads Service Area policy they need to permit it before it was developed which is where the Road Design Criteria comes into play.

Commissioner Martin asked if the Roads Department has a process for a pioneer phase for construction. Mr. Voeller replied that he heard that in some instances they will allow them to develop a half width roadway. Mr. Nelson believed that it would be on a case by case basis.

Mr. Nelson stated that their request for an exception here infringes on the owners' rights to do anything with that land once it was dedicated. He stated the owner felt that he needs to use that right-of-way. Commissioner Martin stated that they just don't know what the Roads Service Area policy is for a road.

Commissioner Ecklund understood that the exception request to KPB 20.30.130, 100-foot tangent between curves was no longer needed since that will be fixed by the surveyor. Mr. Voeller stated that they need to demonstrate that the road can be constructed to no steeper than 10%. He agreed that the surveyor could fix the tangent between curves so that exception request would not be needed.

Commissioner Ecklund stated the surveyor and owner will work with the Roads Department to build whatever they need to start, sell and the final plat will handle that.

Mr. Voeller referred to the staff report under "O" which states, *"If the subdivision will be finalized in phases, all dedications for through streets as required by KPB 20.30.030 must be included in the first phase. Platting Staff Comments: The phase boundary appears to exclude Rollins Way. Staff recommends that Rollins Way be dedicated in the first phase per KPB 20.25.070."* He stated the surveyor requests an exception to KPB 20.25.070 as a second exception.

Commissioner Ecklund asked if it would be dedicated if the bold line was drawn on the other side of Rollins Way. She understood that if the Phase 1 boundary line was moved to the east side of Rollins Way then the road was dedicated in Phase 1. Mr. Voeller replied yes, that was correct. Mr. Nelson stated that they requested an exception to that.

AMENDMENT MOTION: Commissioner Martin moved, seconded by Commissioner Whitney to grant exception to KPB 20.25.070, Rollins Way dedication so that the dedication of Rollins Way can be postponed until Phase 2 citing the following findings of fact.

Findings

1. It would be onerous to pay for the construction costs up front.
2. The dedication prohibits the owner's ability to use or develop his land.

Mr. Voeller stated that staff does not support the request.

Mr. Nelson asked if Phase 1 would have a two year approval and would need to be finalized within two years.

He also asked if Phase 2 would fall under that two year deadline or if they would have two years to complete Phase 2 once it was submitted. Mr. Voeller replied that Phase 1 would have a two year deadline and once Phase 2 was submitted and approved then it would have two years to finalize. Mr. Nelson stated that the owner wants to finalize Phase 2 as soon as possible but wants to be able to utilize that right-of-way for his purposes then record it once he was done with his development efforts. Mr. Voeller thought that the Roads Service Area would not restrict his construction effort if he permitted and dedicated that road in the first phase. Mr. Nelson stated that technically and legally the owner couldn't do anything in that right-of-way without a permit. Mr. Voeller replied that the owner would have to get a permit which would dictate what the finished product would be.

Commissioner Martin asked if there was a timeframe that the owner must accomplish getting a roads permit and constructing a right-of-way once they break ground. Mr. Voeller replied that he wasn't sure.

Commissioner Ecklund asked if he could get a permit without a dedicated road if this road was not dedicated in Phase 1. Mr. Voeller didn't see why he would not be able to since it is his land. Commissioner Ecklund understood that he could put a driveway in. Mr. Voeller replied that yes that was correct.

There being no further comments or questions, the committee proceed to vote.

AMENDMENT VOTE: The motion passed by unanimous consent.

COLLINS YES	ECKLUND YES	GLENDENING ABSENT	MARTIN YES	WHITNEY YES	4 YES 1 ABSENT
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MAIN MOTION VOTE: The motion passed by unanimous consent.

COLLINS YES	ECKLUND YES	GLENDENING ABSENT	MARTIN YES	WHITNEY YES	4 YES 1 ABSENT
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AGENDA ITEM E. SUBDIVISION PLAT PUBLIC HEARINGS

7. Parsons Lake West Subdivision (*NC from Idleman Subdivision*)
KPB File No. 2016-089 [Segesser / Idleman]

Staff Report given by Patti Hartley

Plat Committee Meeting: 8/8/16

Location: off Vandevere Drive, Nikiski
 Proposed Use: Residential
 Water/Sewer: On-site
 Zoning: Unrestricted
 Assessing Use: Vacant
 Parent Parcel Number(s): 013-700-20

Supporting Information:

The proposed plat subdivides an approximate 38-acre parcel into 7 lots containing about 4.7 acres each. A soils report is not required. This platting action provides the following dedications per KPB 20.30.030 and 20.30.170:

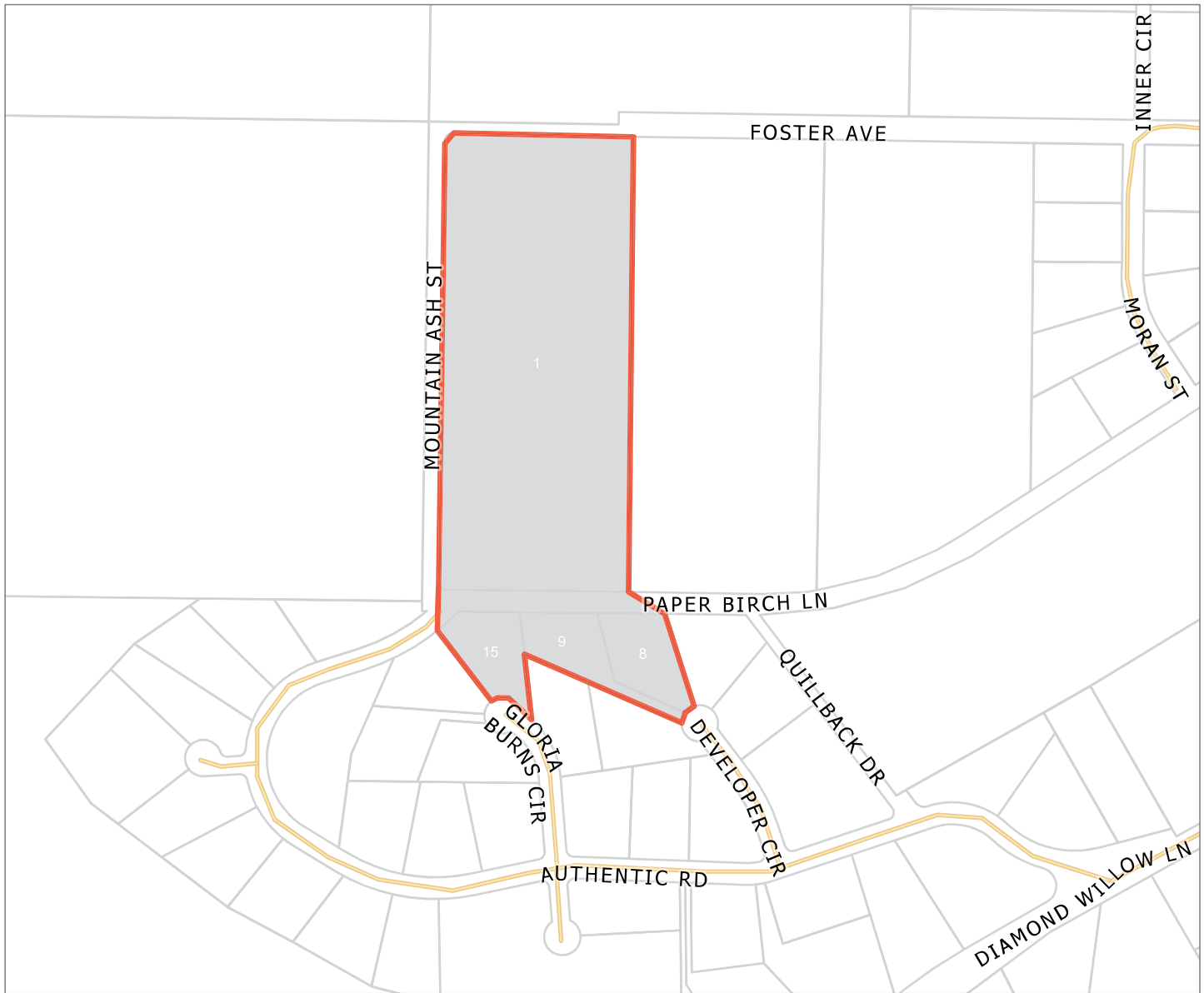
1. 60-foot extension of Vandevere Drive over the existing travel way to the subdivision to the north.
2. 30-foot matching dedication for Grebe Avenue that connects with Vandevere Drive being dedicated by this plat.
3. 30-foot half dedication for Trenchant Street.

E. NEW BUISNESS

ITEM E3 - TULCHINA POINTE ESTATES 2022 REPLAT



Vicinity Map

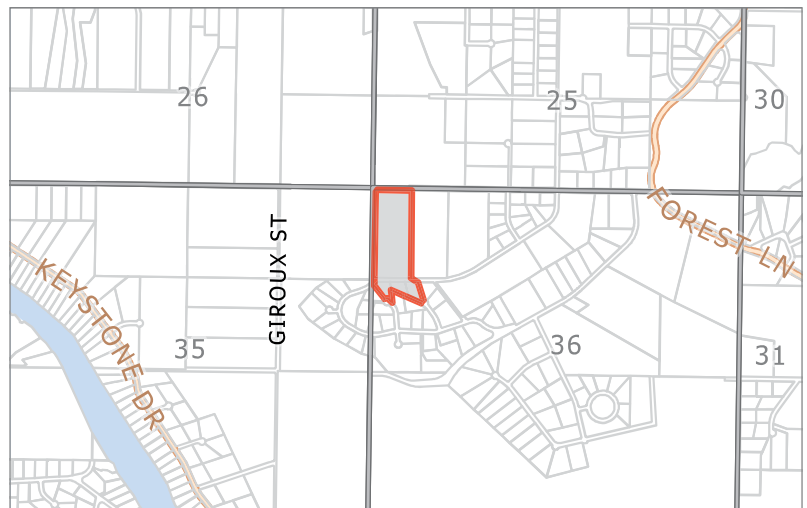
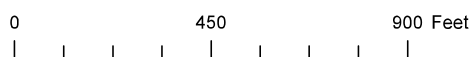


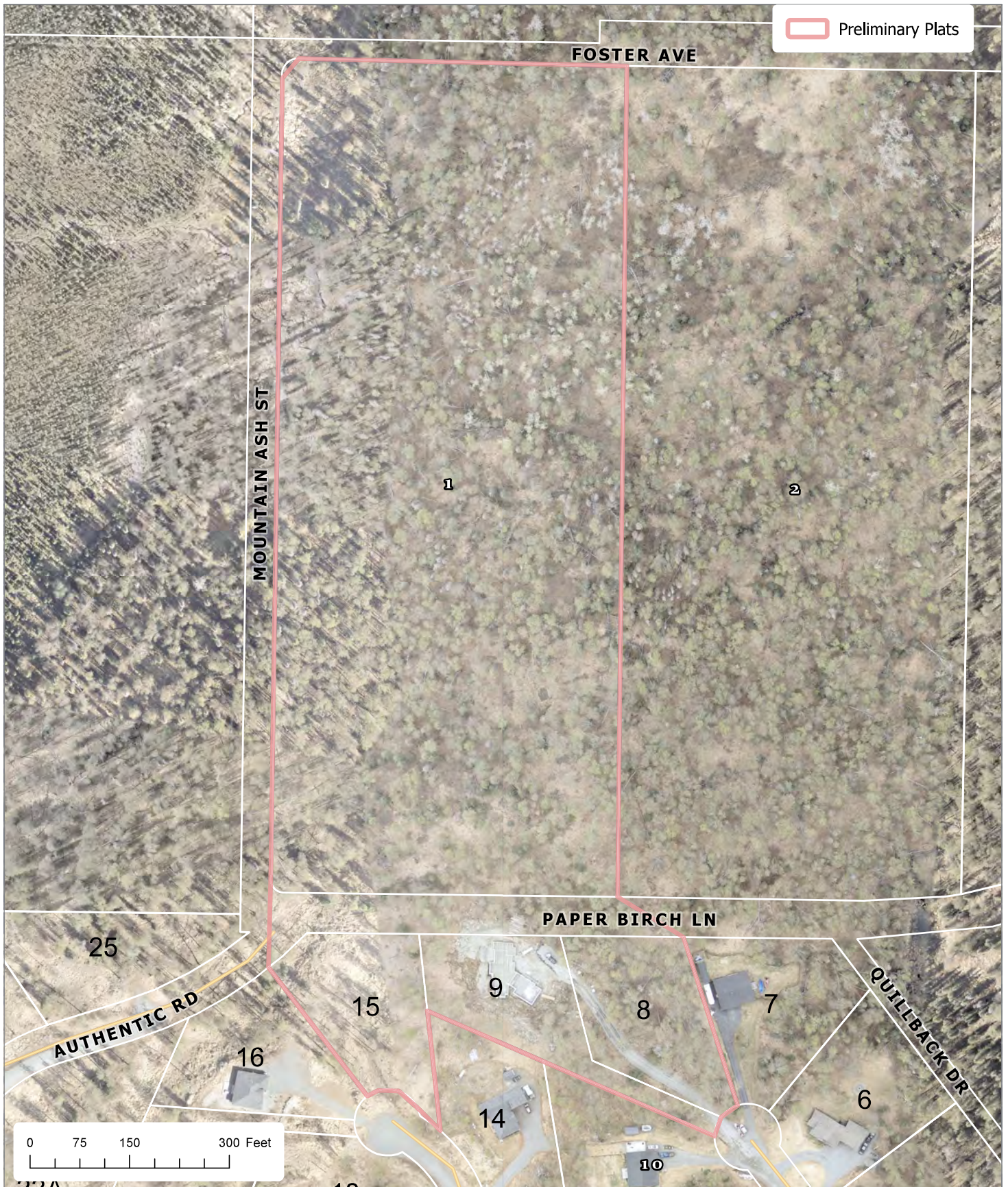
KPB File # 2022-023

S36-T05N-R10W

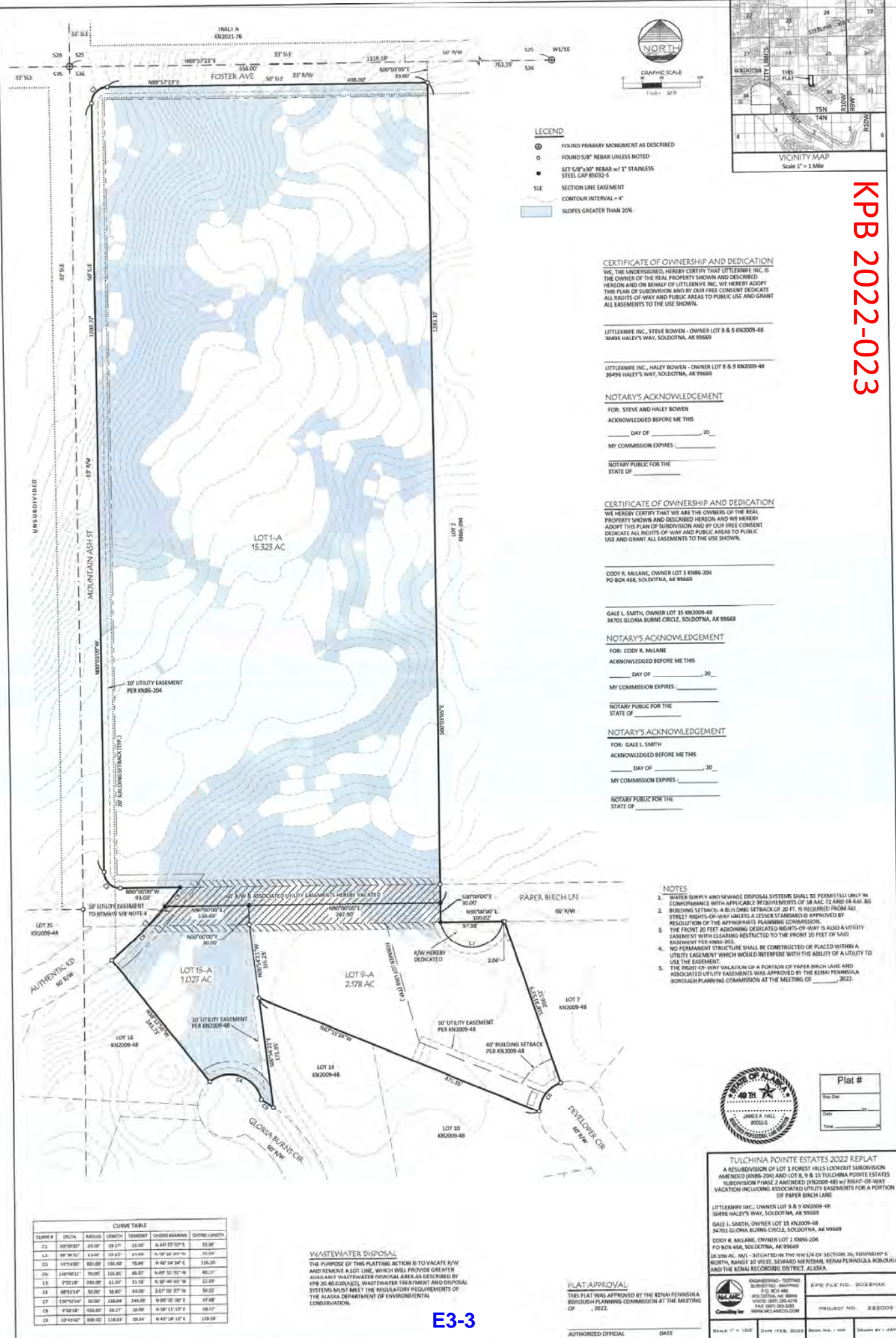
Sterling

3/16/2022





KPB 2022-023



LEGEND

- FOUND PRIMARY MONUMENT AS DESCRIBED
- FOUND 5/8" REBAR UNLESS NOTED
- SET 5/8"x6" REBAR w/ 1" STAINLESS STEEL CAP 85032-5
- SECTION LINE EASEMENT
- CONTOUR INTERVAL = 4'
- SLOPES GREATER THAN 20%

CERTIFICATE OF OWNERSHIP AND DEDICATION

WE, THE UNDERSIGNED, HEREBY CERTIFY THAT LITTLEKNE INC. IS THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND ON BEHALF OF LITTLEKNE INC. 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.

LITTLEKNE INC., STEVE BOWEN - OWNER LOT 8 & 9 KN2009-48
36495 HALEY'S WAY, SOLDOTNA, AK 99669

LITTLEKNE INC., HALEY BOWEN - OWNER LOT 8 & 9 KN2009-48
36495 HALEY'S WAY, SOLDOTNA, AK 99669

NOTARY'S ACKNOWLEDGEMENT

FOR: STEVE AND HALEY BOWEN
ACKNOWLEDGED BEFORE ME THIS
____ DAY OF _____, 20____
MY COMMISSION EXPIRES: _____
NOTARY PUBLIC FOR THE
STATE OF _____

CERTIFICATE OF OWNERSHIP AND DEDICATION

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

CODY R. McLANE, OWNER LOT 1 KN86-204
PO BOX 468, SOLDOTNA, AK 99669

NOTARY'S ACKNOWLEDGEMENT

FOR: CODY R. McLANE
ACKNOWLEDGED BEFORE ME THIS
____ DAY OF _____, 20____
MY COMMISSION EXPIRES: _____
NOTARY PUBLIC FOR THE
STATE OF _____

NOTARY'S ACKNOWLEDGEMENT

FOR: GALE L. SMITH
ACKNOWLEDGED BEFORE ME THIS
____ DAY OF _____, 20____
MY COMMISSION EXPIRES: _____
NOTARY PUBLIC FOR THE
STATE OF _____

NOTES

1. WATER SHIPPIY AND WASTE DISPOSAL SYSTEMS SHALL BE PERMITTED ONLY IN CONFORMANCE WITH APPLICABLE REQUIREMENTS OF 18 AAC 72 AND 18 AAC 80.
2. BUILDING SETBACK: A BUILDING SETBACK OF 20 FT. IS REQUIRED FROM ALL STREET RIGHTS-OF-WAY UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
3. THE FRONT 10 FEET DESIGNATED RIGHTS-OF-WAY IS ALSO A UTILITY EASEMENT WITH CLEARING RESTRICTED TO THE FRONT 10 FEET OF SAID EASEMENT PER 800-103.
4. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
5. THE RIGHT-OF-WAY VALUATION OF A PORTION OF PAPER BIRCH LANE AND ASSOCIATED UTILITY EASEMENTS WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF _____, 2022.



Plat #
Wet Date _____
Date _____
Time _____

TULCHIRA POINTE ESTATES 2022 REPLAT
A RESUBDIVISION OF LOT 1 FOREST HILLS LOOKOUT SUBDIVISION AMENDED (KN86-204) AND LOT 8, 9 & 15 TULCHIRA POINTE ESTATES SUBDIVISION PHASE 2 AMENDED (KN2009-48) w/ RIGHT-OF-WAY VACATION INCLUDING ASSOCIATED UTILITY EASEMENTS FOR A PORTION OF PAPER BIRCH LANE

LITTLEKNE INC., OWNER LOT 8 & 9 KN2009-48
36495 HALEY'S WAY, SOLDOTNA, AK 99669

GALE L. SMITH, OWNER LOT 15 KN2009-48
34701 GLORIA BURNS CIRCLE, SOLDOTNA, AK 99669

CODY R. McLANE, OWNER LOT 1 KN86-204
PO BOX 468, SOLDOTNA, AK 99669

JESSIE AL. ANN - SITUATED IN THE NW 1/4 OF SECTION 36, TOWNSHIP 5 NORTH, RANGE 10 WEST, SEWARD MERIDIAN, KENAI PENINSULA BOROUGH AND THE KENAI RECORDING DISTRICT, ALASKA.

MAKALU
ENGINEERING - TESTING
SURVEYING - MAPPING
P.O. BOX 488
SOLDOTNA, AK 99669
PHONE: (907) 264-0416
FAX: (907) 264-0416
WWW.MAKALUENGINEERING.COM

PROJECT FILE NO. 2022-023
PROJECT NO. 2022-023
DATE: FEB. 2023
BOOK NO. 1 MAX
DRAWN BY: J. ANN

CURVE TABLE					
CURVE #	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD LENGTH
C1	90°00'00"	25.00	78.54	N 45°00'00" E	53.98
C2	90°00'00"	25.00	78.54	S 45°00'00" W	53.98
C3	180°00'00"	800.00	157.08	N 00°00'00" E	157.08
C4	180°00'00"	800.00	157.08	S 00°00'00" W	157.08
C5	90°00'00"	25.00	78.54	N 45°00'00" E	53.98
C6	90°00'00"	25.00	78.54	S 45°00'00" W	53.98
C7	180°00'00"	800.00	157.08	N 00°00'00" E	157.08
C8	180°00'00"	800.00	157.08	S 00°00'00" W	157.08
C9	90°00'00"	25.00	78.54	N 45°00'00" E	53.98
C10	90°00'00"	25.00	78.54	S 45°00'00" W	53.98

WASTEWATER DISPOSAL
THE PURPOSE OF THIS PLATTING ACTION IS TO VACATE R/W AND REMOVE A LOT LINE, WHICH WILL PROVIDE GREATER AVAILABLE WASTEWATER DISPOSAL AREA AS DESCRIBED BY 18 AAC 25.40.002(A)(2). WASTEWATER TREATMENT AND DISPOSAL SYSTEMS MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF _____, 2022.

AUTHORIZED OFFICIAL _____ DATE _____

AGENDA ITEM E. NEW BUSINESS

ITEM 3 - TULCHINA POINTE ESTATES 2022 REPLAT

KPB File No.	2022-023
Plat Committee Meeting:	April 11, 2022
Applicant / Owner:	LittleKnife, Inc, Gale Smith, and Cody McLane, all of Soldotna, Alaska
Surveyor:	James Hall / McLane Consulting Inc.
General Location:	Authentic Road, Paper Birch Lane, Foster Avenue, Sterling area

Parent Parcel No.:	058-360-01, 058-360-58, 058-360-59, 058-360-62
Legal Description:	Lot 1 of Forest Hills Lookout Subdivision Amended (Plat KN 86-204) Lots 8, 9, & 15 of Tulchina Pointe Estates Subdivision Phase 2 Amended (Plat KN 2009-48)
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On Site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat finalizes a right of way vacation associated with four lots and will combine two of the lots into one lot.

Location and Legal Access (existing and proposed): The road is located off Forest Lane, a state maintained right of way that runs south of the Sterling Highway near mile 90. Multiple routes are dedicated that provide access to the subdivision but all are not fully constructed. Foster Avenue, Moran Street, Authentic Road, and Quillback Drive intersect Paper Birch Lane. Foster Avenue and Moran Street are constructed and maintained by the Kenai Peninsula Borough. Authentic Road is constructed and connects to Diamond Willow Lane. Both are constructed and maintained by the Borough. Diamond Willow Lane connects back to Foster Avenue near the Forest Lane intersection. Quillback Drive is only a half width right of way that is not constructed. Portions of Paper Birch Lane appear to be cleared and used for access. The Kenai Peninsula Borough does not maintain any portions of Paper Birch Lane. The areas cleared are northeast of the Quillback Drive intersection and are accessed via Moran Street and Foster Avenue.

Once the vacation is finalized, the lots will continue having multiple access. Proposed Lot 15-A will have access from Authentic Road and Gloria Burns Circle. Proposed Lot 9-A will have access from the Paper Birch Lane and Developer Circle. Proposed Lot 1-A will have access from Paper Birch Lane, Authentic Road, Foster Avenue, and Mountain Ash Street. Lot 1-A has an approved design for a subdivision, Forest Hills Lookout Bolder Heights Addition KPB File 2019-117, and is awaiting for approval for the section line easement vacations by the state. Those easement vacations are in addition to vacations of Mountain Ash Street and portions of Foster Avenue. New right of ways are proposed to continue Authentic Road through the subdivision to connect to Foster Avenue and provide a new dedication to Lot 2 located to the east.

This subdivision will finalize the vacation of 428 feet of Paper Birch Lane, which was heard by the Planning Commission on March 21, 2022. The vacation is scheduled to be heard by the Kenai Peninsula Borough Assembly at their April 5, 2022 meeting to veto or consent the Planning Commission decision. A partial bulb will be dedicated to provide a turnaround area at the end of Paper Birch Lane.

Section line easements (SLE) are currently present along Foster Avenue and Mountain Ash Street. There are labels present. A depiction of a dotted line appears to be representing the SLE. ***Staff recommends the dotted line be clearly marked as what it is depicting or add to the legend unless the vacations of the section line easements records prior to the recording of this plat and they can be removed.***

The vacation will result in the block for the southern lots no longer being closed. Until dedication occur to the north, the block will not be closed. The subdivision Forest Hills Lookout Bolder Heights Addition (Lot 1-A) will result in dedications to improve the block and provide a closed block. The lengths along Authentic Road are longer than allowed by code and with the new right of way will continue to be non-compliant until additional dedications are given in the future. The purpose of the vacation is to resolve an encroachment issue. ***Staff recommends the plat committee concur that an exception is not required as there are no dedications that can be given to improve the block and allow the approved vacation to finalize.***

KPB Roads Dept. comments	Out of Jurisdiction: No Roads Director: Uhlin, Dil Comments: The section of ROW that is proposed for vacation is a severe slope and could not be developed for a reasonable construction cost.
SOA DOT comments	No comment

Site Investigation: There does not appear to be any low wet areas within the subdivision. There are steep slopes throughout the lots. The proposed subdivision, Forest Hills Lookout Bolder Heights Addition KPB File 2019-117, received approval for vacations due to the terrain to allow for the design of right of ways that result in roads that can be built to borough standards. It was demonstrated to the satisfaction of the Planning Commission that the portion of Paper Birch Lane that is being vacated has steep enough terrain to make it difficult to construct.

The purpose of the plat is to finalize a vacation due to an encroachment within the right of way. The house will be within proposed Lot 9-A. Lot 8 and 9 are being combined into Lot 9-A. The driveway for the house crosses both lots. Lot 15-A and Lot 1-A are currently vacant.

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 Forest Hills Lookout Subdivision, Plat KN 86-204, dedicated Paper Birch Lane (as Walker Street) and created large acreage lots. Many of the lots have been subdivided through the year. Tulchina Pointe Estates Subdivision Phase 2 Amended, Plat KN 2009-489, provided the current right of way configuration and lot design for the lots south of Paper Birch Lane.

The vacation will resolve an encroachment issue. The vacated portion of Paper Birch Lane is being added equally to the lots fronting along the right of way.

A soils report will not be required and an engineer will not need to sign the plat. Lot 1-A is larger than 200,000 square feet. The other two lots being created are gaining more than 1,000 square feet of area. A soils report was submitted for the parent subdivision and an engineer signed the parent plat stating the soils were suitable for onsite systems.

Notice of the proposed plat was mailed to the beneficial interest holder on March 16, 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 A utility easement was granted by recorded document to ENSTAR within parent Lot 1. **Staff recommends a plat note be added with the easement information and if a specific location is known depict on the plat.**

Forest Hills Lookout Subdivision Amended, Plat KN 86-204, granted 10 foot utility easements along dedicated right of ways. The plat depicts those that still apply and notes the plat that granted them.

Tulchina Pointe Estate Phase 2 Amended, Plat KN 2009-48, granted the 10 foot adjacent to right of ways and increasing to 20 feet within Lots 8 & 9 are being carried over. The utility easements adjacent to the vacated portion of Paper Birch Lane are also vacated with the finalizing of the plat. New utility easements will be granted along the new bulb dedication and along the former right of way portions that now abut right of ways. Plat note 3 will need to be revised as it is referring to a different plat. The reference on the plat to note 4 will also need to be corrected to the correct note number. **Staff recommends update the plat notes and labels.**

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

Utility provider review:

HEA	No comments
ENSTAR	No comments
ACS	No objection
GCI	Approved as shown

KPB department / agency review:

Addressing	<p>Reviewer: Haws, Derek Affected Addresses: 41258 AUTHENTIC RD</p> <p>Existing Street Names are Correct: Yes List of Correct Street Names: MOUNTAIN ASH ST PAPER BIRCH LN AUTHENTIC RD GLORIA BURNS CIR DEVELOPER CIR</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: 41258 AUTHENTIC RD will remain with lot 1-A</p>
Code Compliance	<p>Reviewer: Ogren, Eric Comments: No comments</p>

Planner	<p>Reviewer: Raidmae, Ryan 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 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**

Verify the scale and update the title block if needed.

KPB 20.25.070 – Form and contents required

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

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

Staff recommendation: *Label the dotted line or provide in the legend.*

KPB 20.30 – Subdivision Design Requirements

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

20.30.240. Building setbacks.

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

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

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

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

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

Staff recommendation: *Provide depiction, including new dedication, if does not interfere with required information.*

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: All lots are increasing by more than 1,000 square feet. A soils report was provided for the parent subdivision for Lots 8, 9, and 15. A soils reports will not be required and an engineer will not need to sign.

Staff recommendation: comply with 20.40.

KPB 20.60 – Final Plat

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

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

Staff recommendation: Acceptance of the turnaround will be required.

20.60.180. Plat notes.

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

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

Staff recommendation: Place the following notes on the plat.

- 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).
- Lots may be subject to covenants, conditions, and restrictions as contained in instrument 2006-009157-0, KRD recorded on August 23, 2006.
- The borough will not enforce private covenants, easements, or deed restrictions per KPB 20.60.170.
- Subject to an easement for natural gas pipelines issued to ENSTAR Natural Gas Company as defined by instrument 2020-005306-0, KRD, recorded on June 11, 2020.
- Granting 10 foot utility easements along the new dedication and along the new right of way edges created by the vacation. (Alternatively, similar wording or labeled "granted by this plat.")

Make corrections to the following plat notes.

- Plat note 3 is being carried over from another plat. Revise to reflect the correct plat note regarding utility easements from the parent plats.
- Update plat note 5 to include the Assembly consent date.

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: Will need Corporate Resolution to show those that may sign and update their titles as needed. An acceptance for the borough will be needed for the new Paper Birch Lane dedication. Comply with 20.60.190.

KPB 20.70 – Vacation Requirements

Staff recommendation. Must be finalized within one year of Assembly consent.

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

Anthony Avenue

corner to be set when Tract A is further subdivided

CE1/36

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 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.

Patrick S. O'Neill
Patrick S. O'Neill, Managing Member & Agent
Pristine Properties, LLC
P. O. Box 4281
Soldotna, Alaska 99669

NOTARY'S ACKNOWLEDGMENT

SUBSCRIBED AND SWORN BEFORE ME THIS 10th DAY OF August
2006 FOR Patrick S. O'Neill

Sarah Hanson
NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES 3/1/09



Full Title:

- [illegible]

COMPARISON TABLE					
	Building	Design			
1.1	57.20.44	20.44			
1.2	58.30.10.5	20.10.5			

COMPARISON TABLE					
Case	Delta	Radius	Length	Cloud	Other Results
1.1	23.30.44	47.0.0	18.32	100.00	100.00.00.00
1.2	23.30.44	47.0.0	18.32	100.00	100.00.00.00

AMENDED PLAINT

This and previous Part No. 5000-104-0011 by connecting across SS & SS and Pins 21 & 22 within their respective tubes. The end connector has been built out and connection table provided above.
























I certify that I have made the corrections noted above and all other changes appear below:

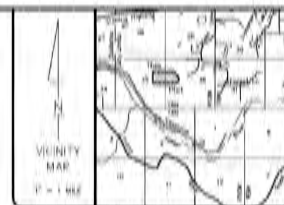
04/18/02 03 April 02
 Bureau of Census Date

CERTIFICATE OF SURVEYOR

I hereby certify that I am properly registered and qualified to perform the following in the State of Alaska. This statement is made under oath by me in order to obtain employment. The information about Alaska, Alaska's seal or flag, and our motto and other symbols are correct to the current knowledge of Alaska's official symbols to the State of Alaska.

LEGEND:

- | | |
|---|---|
|  | 2-1/2" Black Cap Management (Round) |
|  | 3-1/4" Black Cap Management (Round) |
|  | 5/8" Natural 2" Square Plastic Cap (Round) |
|  | 5/8" Nylon (not for snow) |
|  | Mini-Roller |
|  | Formal Lid 104 |
|  | Form and assembled by STEPS Management, Inc. (not included by STEPS Management, Inc.) |
|  | May be used for any other purpose during the year. |
|  | Rolling System - For all other (not included) |
|  | Rolling System - For all other (not included) |
|  | Rolling System - For all other (not included) |
|  | Rolling System - For all other (not included) |
|  | Rolling System - For all other (not included) |
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|  | Rolling System - For all other (not included) |
|  | Rolling System - For all other (not included) |
|  | Rolling System - For all other (not included) |
|  | Rolling System - For all other (not included) |



Date	Depth	Temperature				Direction	Speed	Remarks
		Surface	10 fms	20 fms	30 fms			
1911	1000	60.0	58.0	56.0	54.0	1000	1000	1000
1912	1000	60.0	58.0	56.0	54.0	1000	1000	1000
1913	1000	60.0	58.0	56.0	54.0	1000	1000	1000
1914	1000	60.0	58.0	56.0	54.0	1000	1000	1000
1915	1000	60.0	58.0	56.0	54.0	1000	1000	1000
1916	1000	60.0	58.0	56.0	54.0	1000	1000	1000
1917	1000	60.0	58.0	56.0	54.0	1000	1000	1000
1918	1000	60.0	58.0	56.0	54.0	1000	1000	1000
1919	1000	60.0	58.0	56.0	54.0	1000	1000	1000
1920	1000	60.0	58.0	56.0	54.0	1000	1000	1000
1921	1000	60.0	58.0	56.0	54.0	1000	1000	1000
1922	1000	60.0	58.0	56.0	54.0	1000	1000	1000
1923	1000	60.0	58.0	56.0	54.0	1000	1000	1000
1924	1000	60.0	58.0	56.0	54.0	1000	1000	1000
1925	1000	60.0	58.0	56.0	54.0	1000	1000	1000
1926	1000	60.0	58.0	56.0	54.0	1000	1000	1000
1927	1000	60.0	58.0	56.0	54.0	1000	1000	1000
1928	1000	60.0	58.0	56.0	54.0	1000	1000	1000
1929	1000	60.0	58.0	56.0	54.0	1000	1000	1000
1930	1000	60.0	58.0	56.0	54.0	1000	1000	1000
1931	1000	60.0	58.0	56.0	54.0	1000	1000	1000
1932	1000	60.0	58.0	56.0	54.0	1000	1000	1000
1933	1000	60.0	58.0	56.0	54.0	1000	1000	1000
1934	1000	60.0	58.0	56.0	54.0	1000	1000	1000
1935	1000	60.0	58.0	56.0	54.0	1000	1000	1000
1936	1000	60.0	58.0	56.0	54.0	1000	1000	1000
1937	1000	60.0	58.0	56.0	54.0	1000	1000	1000
1938	1000	60.0	58.0	56.0	54.0	1000	1000	1000
1939	1000	60.0	58.0	56.0	54.0	1000	1000	1000
1940	1000	60.0	58.0	56.0	54.0	1000	1000	1000
1941	1000	60.0	58.0	56.0	54.0	1000	1000	1000
1942	1000	60.0	58.0	56.0	54.0	1000	1000	1000
1943	1000	60.0	58.0	56.0	54.0	1000	1000	1000
1944	1000	60.0	58.0	56.0	54.0	1000	1000	1000
1945	1000	60.0	58.0	56.0	54.0	1000	1000	1000
1946	1000	60.0	58.0	56.0	54.0	1000	1000	1000
1947	1000	60.0	58.0	56.0	54.0	1000	1000	1000
1948	1000	60.0	58.0	56.0	54.0	1000	1000	1000
1949	1000	60.0	58.0	56.0	54.0	1000	1000	1000
1950	1000	60.0	58.0	56.0	54.0	1000	1000	1000
1951	1000	60.0	58.0	56.0	54.0	1000	1000	1000

PLAT APPROVAL

THE PLAN WAS APPROVED BY THE KENAI PENINSULA DISTRICT PLANNING COMMISSION AT THE MEETING OF JULY 17, 2013.

JOURNAL OF POST KEYNESIAN ECONOMICS

Submitted: 12/1/01; Accepted: 1/10/02

KPB FILE No. 2006-149 Amended Chart

**Tulchina Pointe
Estates - Phase 2**

A subdivision of Lot 5 & 11 Forest Hill Subdivision (Attended, Phone: 88-204; Local & Inland Route Exits - Stage 1, Exit No. 204) within the SW1/4 NW1/4 535, the SW1/4 NE1/4 535 and partial NW1/4 NE1/4 535. The subdivision is shown on the attached plat.

Located within 100.000 sq. m. from existing district town process through Atlanta.

Integrity Surveys

SIDS Rapid Response		Rapid, Aligned 2001-2006
Survivors	FROM 1978 TO 1997	PLANNERS

JOH NO.	16019	DATE	11 August 2008
IRRAWED	April - June 2008	SCALE	1" = 100'
FIELD NO.	2008-1	LOC	Indiano Runia

INTEGRITY SURVEYS

Tulchina Pointe Estates – Phase 2

AFFIDAVIT

The above referenced subdivision plat, as filed in the office of the District Recorder, Kenai Recording District, under Plat File No. 2006-63, has been amended by:

Correcting the correcting curves 64 & 66 and lines 21 & 22 within their respective tables. The old information has been lined out and corrective tables provided.

The above revision constitutes the sole change to the plat, aside from its notation thereon.

The above revision does not alter lot areas and does not affect or influence any change of ownership, drainage features, rights-of-way or any other item which would adversely affect this or adjacent properties. We, therefore, are submitting this plat for refile as corrected

Date: 19 August, 2009



ITEM E2 ORDINANCE 2022-04

Ordinance 2022-04: An ordinance adoption the updated 2022 Kenai Peninsula Borough Community Wildfire Protection Plan.

Staff report given by Brenda Ahlberg.

Vice Chair Ruffner 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 Morgan moved, seconded by Commissioner Venuti to forward to the Assembly a recommendation to adopt Ordinance 2022-04, an ordinance adoption the updated 2022 Kenai Peninsula Borough Community Wildfire Protection Plan.

Hearing no objection or further discussion, the motion was carried by the following vote:

MOTION PASSED BY UNANIMOUS VOTE:

Yes	10	Absent	1	Vacant	3
Yes	Bentz, Brantley, Fikes, Gillham, Hooper, Horton, Martin, Morgan, Ruffner, Venuti				
Absent	Stutzer				

ITEM E3 - RIGHT OF WAY VACATION VACATE A PORTION OF PAPER BIRCH LANE AND ASSOCIATED UTILITY EASEMENTS

KPB File No.	2022-023V
Planning Commission Meeting	March 21, 2022
Applicant / Owner	Cody McLane, Gale Smith, Littleknife Inc., all of Soldotna, Alaska
Surveyor	James Hall / McLane Consulting Inc.
General Location	Sterling Area, Paper Birch Lane, Mountain Ash Street
Legal Description	Lot 1 Forest Hills Lookout Subdivision, Plat KN 86-204, and Lots 8, 9, and 15 of Tulchina Pointe Estates Phase 2, Plat KN 2009-48.

Staff report given by Julie Hindman.

Vice Chair Ruffner opened the meeting for public comment.

1. Steve Bowen, Builder; 36496 Haley's Way, Soldotna, AK 99669: Mr. Bowen was the builder who made the mistake and build the house in the right-of-way. He apologized for all this issues this mistake has created. He interpreted flagging on the lot and what he thought was the north property line was actually the north boundary of the right-of-way. He noted that he cannot close on the sale of the home until the right-of-way encroachment is resolved. He has hired McLane Consulting to do the survey work and replating of the lot which will hopefully resolve this issue.
2. James Hall, Surveyor; McLane Consulting; P.O. Box 468, Soldotna, AK 99669: Mr. Hall is the surveyor working on this project. Mr. Hall noted that this area has been replatted over the years due to difficult terrain. The plat Mr. McLane is submitting for the subdivision of Lot 1 will provide access to Lot 2 and continue Authentic Road to Mountain Ash which will connect with Foster Avenue to the north. Tulchina Point Estates Phase 2 was approved by in 2006 and effects Lots 8, 9 & 15 and are also involved with this vacation request. The 2006 meeting minutes stated that the surveyor identified the difficult terrain of this area. The surveyor, Mr. Baker proposed an intersection layout for Mountain Ash and Walker Steet (later renamed to Paper Birch) which would provide dedicated access to the northwest. Walker would be vacated at the top of the knob and Authentic Road would connect to Foster Avenue. The reason given for this was they were trying to follow the terrain. He proposed vacating the portion of Walker between the intersection at the top of the knob and install a cul-de-sac because the road could not be built over that terrain. A lot of the area could not be built and they were trying to work with the terrain as much as possible.

3. Cody McLane, McLane Consulting; P.O. Box 468, Soldotna, AK 99669: Mr. McLane is an engineer and is assisting Steve Bowen with this situation and he is also the owner of Lot 1 to the north of Paper Birch. He spoke to the buildability of Paper Birch Lane. He noted that KPB 14.060.100 which speak to road standards, state that from any intersection the vertical alignment must not exceed 4% within the first 100' and then cannot exceed 10% anywhere else. Where Paper Birch intersects Authentic Road, the elevation changes 70' over the first 200'. To build a road in that area to borough standards, the centerline cut 200' away from the intersection would be approximately 50' and the back slopes would catch about approximate 85' from both directions making the right-of-way of 170'. There is also the possibility of running into ground water issues.

Commissioner Morgan asked Mr. McLane if the rest of Paper Birch Road is built to borough standards. Mr. McLane replied that Paper Birch is not built but he believes there may be some trails in the right-of-way.

Commissioner Ruffner asked Mr. McLane if the concept with the preliminary plat for Lot 1 is to have a connection to Authentic Road as well as a new road that would continue to run north. Mr. McLane replied that he will have a spur that runs up and around the knob of Paper Birch about 200' to the north and will continue north and connect with Foster Road which is to the north of Lot. He noted that there would be a gap created that would be resolved if or when Lot 2 would be subdivided.

4. Gail Smith; 34701 Gloria Burns Circle, Soldotna, AK 99669: Ms. Smith spoke in support of the vacation. She is the owner of Lot 15. She noted the terrain where Paper Birch Lane intersects with Authentic Road is very steep. The image she would use to describe the area would be if you were standing at the bottom on Authentic Road and would go up the easement to connect with Paper Birch it would be like going up a tram at the Alyeska Ski area. The area is very steep and it would be difficult if not impossible to build the road. The area is much flatter and more open where the proposed new road will be. She believed that the new proposed road Mountain Ash will provide a safe access than Paper Birch. She also expressed numerous safety concerns related to the steepness of Paper Birch Lane.
5. Charles Johnson; P.O., Box 1608, Seward, AK 99664: Mr. Johnson is the owner of Lot 2 of Forest Hills Lookout Subdivision. He spoke in support of the vacation. He noted that the area of Paper Birch being vacated is very steep and would be very difficult to build a road to borough standards. He is happy to use the new road the Mr. McLane, is proposing with his proposed subdivision of Lot one. He also noted he is not planning on subdividing his property. He is planning to build a single home on his 15 acres of land. However, should he ever decide to subdivide he does not see a problem with dedicating a road along his property line that would connect with Paper Birch.

Commissioner Fikes asked if Mr. Johnson currently accesses his property from Paper Birch Lane. Mr. Johnson replied he accessed his property in the past by walking up a trail along Paper Birch Lane. Currently there is not developed road access to his property.

6. Mark Kemberling, 40790 Authentic Road, Soldotna, AK 99669: Mr. Kemberling spoke in opposition to this vacation. He noted that several of the affected property owners in the area were led to believe the Mr. Johnson was allowed access to his property through Cody McLane's property. He stated that he has not seen anything in writing confirming this. He also does not see anything in the record confirming the Mr. Johnson will provide access to Paper Birch from his property. He noted that the builder had made a big mistake building well over the property line into the right-of-way. He noted since his clients are gaining more land that they be required to take a sliver out of Lot 8 and connect that to Paper Birch. He noted that Developer Circle is already there and it is about 120' feet over flat land to connect to Paper Birch Lane. He feels that Developer Circle could to be easily connected to the existing Paper Birch Lane He noted that the area of Paper Birch that is being vacated is steep but that he and his wife have walked it with their dogs several times, it is a bit of a workout but is doable.
7. Heidi Morrison; 107 Sand Dollar Dr., Sitka AK: Ms. Morrison spoke in opposition to this vacation. She owns Lot 6 in the Forest Hills Lookout Subdivision, which runs along Paper Birch Road. When she purchased her property, the plat showed Paper Birch connecting to Authentic Road. She noted that since she has owned this property there have been numerous platting actions in the area, none of the platting actions ever noted that Paper Birch could not be built. She herself has ridden horses and driven snowmachines up Paper Birch and at no time has anyone ever indicated to her that Paper Birch could not be built. She has always assumed that she would have access there. She noted that the Borough must

have thought it was possible to build the road because they approved the dedication. She believed that during all the other platting actions this should have been brought up and addressed then but it was not. When she got her notice in the mail regarding this vacation she spoke with Mr. Bowen and presented an alternative of dedicating a section of road along Lots 8 & 9 and connect it to Developer Circle. This would solve the access issues and would allow the landowner who built his house in Paper Birch to resolve his encroachment issue using the land within his lots. She also noted that Mr. Johnson does not have plans to subdivide his property (Lot 2) and so there will not be any road dedications that could be used by any of the land owners along Paper Birch. She noted the KPB Roads Department initially was not supporting the vacation. Mr. McLane replied to the Roads Department concerns about access stating that he would supply access to Mr. Johnson's property (Lot 2), which caused the Roads Department to change their mind and support the vacation. She feels that this email communication was not clear enough to ensure that there will be guaranteed access. She would like the commission to send this vacation request back to the Roads Department for review to ensure that they understand what is being proposed by Mr. McLane. She does not feel that the residents along Paper Birch Lane are being guaranteed access. She believed that there is an opportunity here to discuss other options, but if this platting action is granted the opportunity would be lost. She would like to see Paper Birch Lane remain as it is it provides access and makes the neighborhood walkable.

Commissioner Brantley asked Ms. Morrison which lot she owned and how did she access the lot. She replied that her lot is the large lot that runs parallel along Paper Birch Lane and that she accesses her property via Moran Street which is off Paper Birch Lane. Commissioner Brantley noted that she also has access to her property via Quillback Drive. She replied that she has never accessed her property via Authentic Road and that she does not intend to develop Quillback Drive as an access. She noted that Quillback was dedicated after she purchased her land. Her plans are to be able to access her 15-acre property anywhere along Paper Back Lane. She noted that vacating Paper Birch would put pressure on her to give up some of her land to make Quillback a 60' right-of-way should she ever subdivide her property unless alternate access of secured. She believed her earlier recommendation would resolve this issue and that she would not be required to give up any of her land for a road dedication should she subdivide her property in the future.

Commissioner Ruffner noted that currently even if the vacation did not go through that Ms. Morrison would still be able to access her lot using Foster Ave. to Moran St. and along Paper Birch. He also noted that to the south she also had access to her property via Diamond Willow Lane which turns into Authentic Road which connects to Quillback Drive. She replied that is correct. She is concerned that being required to give the required match to Quillback Drive when she goes to subdivide her property will limit her options on how she could develop her property.

8. Jackie Kemberling; 40790 Authentic Road, Soldotna, AK 99669: She spoke in opposition to this vacation. She and her husband own Lot 4 in Tulchina Point Estates Phase 2. She wanted to let the commission know the Quillback Drive is not constructed. She stated that she did not want the other landowners in the area to be pressured into doing something they do not want to do with their properties because of the mistake of another landowner. She just wanted to make sure that everyone gets what they need without having to put pressure on others.
9. Russ Morrison; P.O. Box 4623, Soldotna, AK 99669: Mr. Morrison spoke in opposition to this vacation. He owns Lot 7B of Forest Hills Lookout and his property fronts Paper Birch Lane. He is in opposition to this vacation until another easement is finalized. He believes this vacation will limit his access and negatively affect the development of his land. His plan is to subdivide his land believes that vacating Paper Birch will cut access to high value land of Tulchina Estates. His property is directly behind some very expensive land and by Paper Birch Lane completes a loop which would dramatically increases the value of his property. He believes the vacation would decrease the value of his land

Commissioner Ruffner noted that Mr. Morrison still has dedicated access to his property via Paper Birch. Mr. Morrison stated that is correct, but he does not want to see the loop go away. He believes that losing the loop would negatively affect his land value.

10. James Hall, Surveyor; McLane Consulting; P.O. Box 468, Soldotna, AK 99669: Mr. Hall noted that a goal of the borough is to improve access and that roads are dedicated can be improved and constructed. He noted that is what they are trying to do with developing this area. The section of Paper Birch being vacated is not constructable. He noted that KPB 20.30.030(A) requires the matching of road dedications.

Should Lot 2 ever subdivide he will have to match and continue the right-of-way the Mr. McLane is proposing to dedicate with his development of Lot 1. The same would be required of Quillback should the property owner of Lot 15 ever subdivide. This would provide good access for the area should these properties be developed.

Commissioner Morgan asked for clarification on the access that Mr. McLane is proposing for his development of Lot 1. Mr. Hall noted that the proposed dedication could be found on page E3-21 of the meeting packet. It shows the right-of-way dedication that will go to Lot 2. He then noted that per borough code should Lot 2 ever subdivide he would be required to continue that right-of-way and would connect it to Paper Birch.

Commissioner Horton ask a question regarding exceptions to road standards. Commissioner Ruffner replied if you want to build a road that will be accepted into the maintenance system you will need to meet the standards set out in code. The Road Service Board generally does not like to make exceptions to the standards. Commissioner Ruffner sits on the Road Service Board and noted there have been problems in the past when exceptions have been granted which resulted in roads being approved which were like goat trails. In his opinion the section of Paper Birch Lane being vacated, should it ever be developed, could not be built to the standard that it would be accepted into the road maintenance inventory.

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

MOTION: Commissioner Brantley moved seconded by Commissioner Gillham to approve the vacation as petitioned based on the means of evaluating public necessity established by KPB 20.65, subject to staff recommendations and compliance to borough code.

Commissioner Brantley stated that he would be supporting the vacation request. The section of road being vacated is not buildable. The only lot that would have an access issue is Lot 2 and the access issue will be resolved with Mr. McLane's replat of Lot 1. Mr. Johnson is going from the Paper Birch access point which is not constructable to one being dedicated by Mr. McLane's plat that is. Mr. Johnson's access to his property will be improved. Everyone else that has spoken tonight currently has developed access to their properties. They are not using the unconstructed portion of Paper Birch Lane being vacated to access their properties.

Commissioner Horton stated that he will be supporting this vacation request. He noted that he lives in this area and is familiar with the lots in question. He noted that there will still be access to Paper Birch Lane via Quillback in the future if needed. The vacation being requested is further back and will not affect access for the other property owners.

Hearing no objection or further discussion, the motion was carried by the following vote:

MOTION PASSED BY UNANIMOUS VOTE:

Yes	10	Absent	1	Vacant	3
Yes	Bentz, Brantley, Fikes, Gillham, Hooper, Horton, Martin, Morgan, Ruffner, Venuti				
Absent	Stutzer				

**ITEM E4 - UTILITY EASEMENT ALTERATION
PIPER'S HAVEN UNIT 3 LOT 3 AND LOT 4**

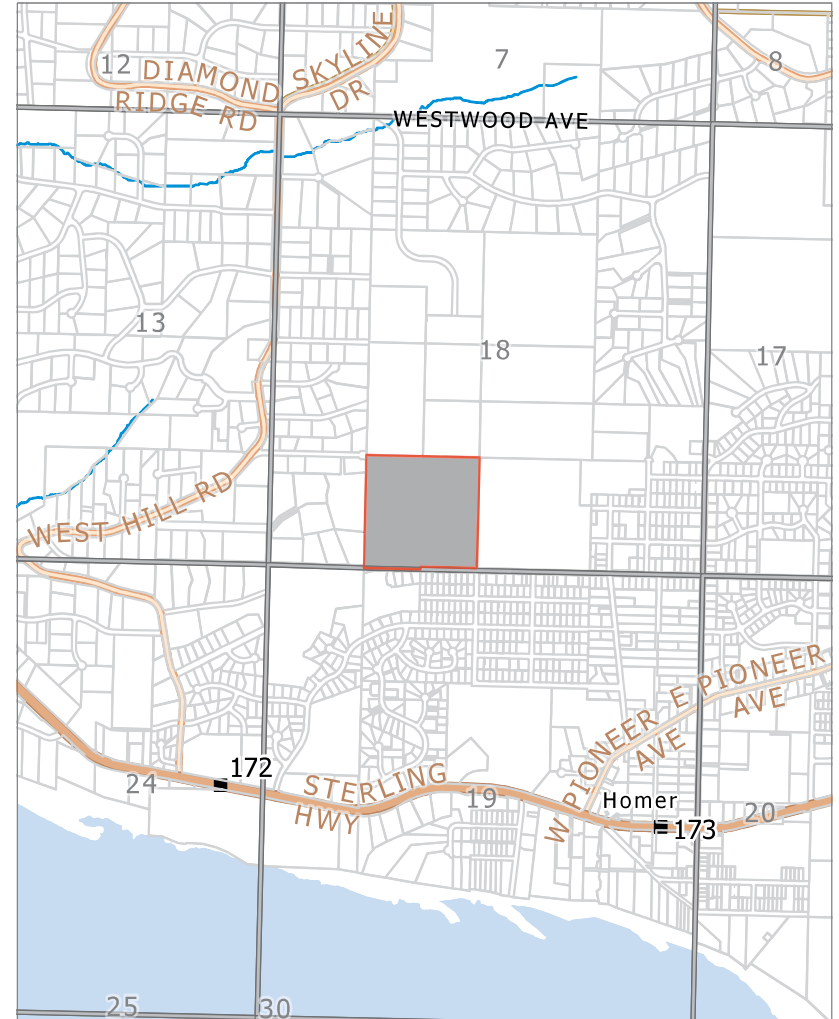
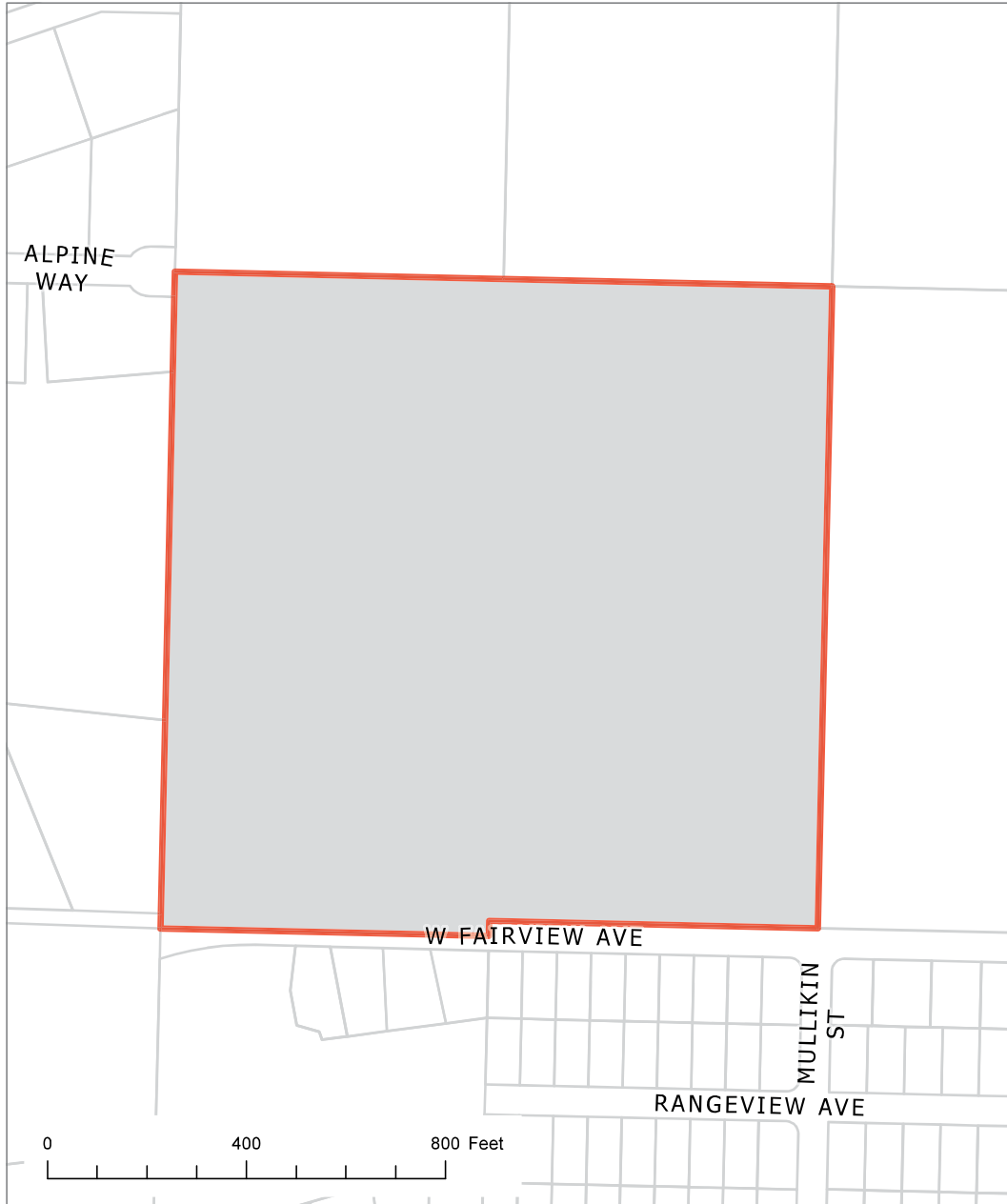
KPB File No.	2021-115V
Planning Commission Meeting	March 21, 2022
Applicant / Owner	David & Jessica Talbot, Baxter Poe & Megan Tashash, all of Anchor Point, Alaska
Surveyor	Jason Schollenberg / Peninsula Surveying, LLC
General Location	Cloyd's Road, Happy Valley, Anchor Point APC

Staff report given by Julie Hindman.

Vice Chair Ruffner opened the meeting for public comment.

E. NEW BUISNESS

ITEM E4 – TERRA BELLA SUBDIVISION



KPB File # 2022-024

Township 06S-Range 13W-Section 18

Homer



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

NOTES

1. BASIS OF BEARING FOR THIS SURVEY WAS DETERMINED BY A HIGH PRECISION GPS SURVEY USING TOPCON DUAL-FREQUENCY HIPER V RECEIVERS, DIFFERENTIALLY CORRECTED AND PROCESSED WITH MAGNET OFFICE VERSION 3.1 SOFTWARE. NAD83 ALASKA STATE PLANE GRID COORDINATES (U.S. SURVEY FEET) OBTAINED FROM THE GPS OBSERVATIONS WERE BASED ON THE NGS PUBLISHED VALUES FOR FEDERAL BASE NETWORK CONTROL STATION "HOMAIR" (PID T70155).

2. TRUE BEARINGS AND DISTANCES WERE DETERMINED BY ROTATING AND SCALING FROM GRID USING FEDERAL BASE NETWORK CONTROL STATION "HOMAIR" AS A SCALING POINT. TRUE BEARINGS WERE DETERMINED BY ROTATING GRID INVERSE AZIMUTHS -117°13.4'. TRUE DISTANCES WERE OBTAINED BY DIVIDING GRID INVERSE DISTANCES BY 0.999986696.

3. THE RESULTING SCALED COORDINATES WERE TRANSLATED TO A LOCAL COORDINATE SYSTEM BASED ON FEDERAL BASE NETWORK CONTROL STATION "HOMAIR" N=100,000 E=100,000. ALL COORDINATE VALUES REPRESENT GROUND DISTANCES IN U.S. SURVEY FEET ORIENTED TO TRUE NORTH.

4. THE 15 FEET FRONTING THE STREET RIGHT-OF-WAYS AND THE FRONT 20 FEET WITHIN 5 FEET OF THE SIDE LOT LINES IS A UTILITY EASEMENT. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.

5. PROPERTY OWNER SHOULD CONTACT THE ARMY CORPS OF ENGINEERS PRIOR TO ANY ON-SITE DEVELOPMENT OR CONSTRUCTION ACTIVITY TO OBTAIN THE MOST CURRENT WETLAND DESIGNATION (IF ANY). PROPERTY OWNERS ARE RESPONSIBLE FOR OBTAINING ALL REQUIRED LOCAL, STATE, AND FEDERAL PERMITS.

6. LOTS 1 THROUGH 9 WILL BE SERVED BY CITY OF HOMER SEWER AND WATER.

7. ALL LOTS WITHIN THIS SUBDIVISION ARE SUBJECT TO CITY OF HOMER ZONING REGULATIONS. REFER TO THE HOMER CITY CODE FOR ALL CURRENT SETBACK AND SITE DEVELOPMENT RESTRICTIONS. OWNERS SHOULD CHECK WITH THE CITY OF HOMER PLANNING DEPARTMENT PRIOR TO DEVELOPMENT ACTIVITIES.

8. SET A 5/8" X 30" REBAR WITH 2" ALCAP (7538-S 2022) AT ALL LOT CORNERS UNLESS INDICATED OTHERWISE.

9. DRAINAGE EASEMENT 30 FEET ON BOTH SIDES OF THE EXISTING CREEK GRANTED BY THIS PLAT. APPROXIMATE LOCATION OF CREEK IS SHOWN.

10. DRAINAGE EASEMENT 20 FEET ON BOTH SIDES OF THE EXISTING SEASONAL DRAINAGE GRANTED BY THIS PLAT. APPROXIMATE LOCATION OF DRAINAGE PATTERN IS SHOWN.

11. THESE LOTS ARE AFFECTED BY AN EASEMENT OF RECORD WITH NO DEFINED LOCATION GRANTED TO HOMER ELECTRIC ASSOCIATION (BK17, PG 327 HRD).

LEGEND

- INDICATES PRIMARY MONUMENT RECOVERED OR SET AS DESCRIBED
- INDICATES POTENTIAL LOW WET AREAS PER KENAI WATERSHED FORUM 2013 COOK INLET WETLANDS MAPPING
- INDICATES AREAS WITH SLOPES GREATER THAN 20%
- INDICATES CENTERLINE OF DRAINAGE

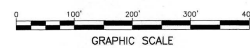
PLAT APPROVAL

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

BY: _____ AUTHORIZED OFFICIAL
KENAI PENINSULA BOROUGH
DATE: _____

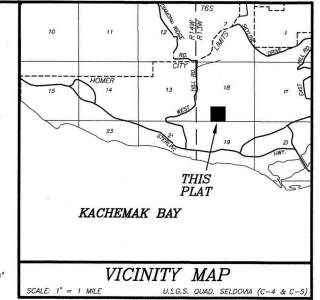
LINE TABLE

LINE	BEARING	DISTANCE
L1	N 0°00'23" E	30.00'
L2	N 0°07'28" W	30.00'



WASTEWATER DISPOSAL

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



CERTIFICATE OF OWNERSHIP AND DEDICATION

I HEREBY CERTIFY THAT TERRA BELLA PROPERTIES, LLC IS THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON, THAT ON BEHALF OF TERRA BELLA PROPERTIES, LLC I HEREBY ADOPT THIS PLAN OF SUBDIVISION, AND BY OUR FREE CONSENT DEDICATE ALL RIGHTS OF WAY AND PUBLIC AREAS TO PUBLIC USE, AND GRANT ALL EASEMENTS TO THE USE SHOWN HEREON.

TERRA BELLA PROPERTIES, LLC
JOSEPH COLUMBUS, MANAGER
1430 K STREET
ANCHORAGE, ALASKA 99501

NOTARY'S ACKNOWLEDGMENT

FOR JOSEPH COLUMBUS
ACKNOWLEDGED BEFORE ME THIS _____
DAY OF _____, 2022.

NOTARY PUBLIC FOR ALASKA

MY COMMISSION EXPIRES: _____

CERTIFICATE OF ACCEPTANCE

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

40 FOOT AND 10 FOOT ADDITIONAL WEST FAIRVIEW AVENUE RIGHT-OF-WAY DEDICATION.

DRAINAGE EASEMENTS AS SHOWN

PUBLIC ACCESS EASEMENTS AS SHOWN

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

BY: _____ DATE: _____
ROB DUMOUCHE, CITY MANAGER
CITY OF HOMER, ALASKA

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

TERRA BELLA SUBDIVISION

THE SUBDIVISION OF A PORTION OF THE SE1/4 SW1/4 SECTION 18, T. 6 S., R. 13 W., SEWARD MERIDIAN, CITY OF HOMER, KENAI PENINSULA BOROUGH, THIRD JUDICIAL DISTRICT, ALASKA CONTAINING 39.531 ACRES

OWNER:
TERRA BELLA PROPERTIES, LLC
1430 K STREET ANCHORAGE, AK 99501

GEOVERA, LLC

PO BOX 3235

HOMER ALASKA 99603

(907) 399-4345

EMAIL: scsmith@gci.net

DRAWN BY: SGS
CHK BY: SGS
DATE: FEBRUARY 2022
JOB #2021-10
SCALE: 1" = 100'
SHEET 1 OF 1

KPB 2022-024

AGENDA ITEM E. NEW BUSINESS

ITEM 4 – TERRA BELLA SUBDIVISION

KPB File No.	2022-024
Plat Committee Meeting:	April 11, 2022
Applicant / Owner:	Terra Bella Properties, LLC of Anchorage, Alaska
Surveyor:	Stephen Smith / Geovera, LLC
General Location:	West Fairview Avenue, City of Homer

Parent Parcel No.:	175-040-05
Legal Description:	SE1/4 SW1/4 of Section 18, Township 6 South, Range 13 West, excluding W Fairview Avenue dedication on Plat HM 88-52
Assessing Use:	Residential
Zoning:	Rural Residential District
Water / Wastewater	Lots will have City / Tract will be on site.

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide a 40 acre parcel into nine lots, one tract, and dedicate some right of way. One lot will be 1.082 acres, seven lots will be 1.076 acres, one lot will be 2.755 acres, and the tract will be 27.403 acres. The plat will dedicate additional width for W Fairview Avenue to bring it into compliance for width. Additional public access easements have been requested by the City of Homer and are being granted by the plat.

Location and Legal Access (existing and proposed): The lots will all have access from W Fairview Avenue. W Fairview Avenue is a City of Homer managed right of way that is currently constructed from Bartlett Street, another City of Homer right of way, to the western corner of this subdivision. Bartlett Street is located off W Pioneer Avenue, a state maintained right of way. The tract will have access via Alpine Way. A 100 foot wide turn around area abuts the tract providing a 50 foot wide access point. The right of way is a City of Homer managed road. It does appear that Alpine Way is developed but the turnaround area is not fully developed and appears to be more of a driveway to an improvement. Alpine Way is located off state maintained West Hill Road.

The width of W Fairview Avenue varies. The portion from Bartlett Street to the eastern corner of the subdivision is 60 feet wide. Fairview & Soundview Avenues, Plat HM 88-52, dedicated an additional 30 feet for W Fairview Avenue along the southeastern portion of the subdivision. The western portion is only 30 feet wide. The subdivision will be providing the additional width for the western portion of the right of way. An additional 10 foot dedication will be granted along the entire length of the subdivision to allow room for potential sidewalks. West of the subdivision, W Fairview Avenue is currently only 30 feet wide but there is a section line easement and an approved preliminary plat that will dedicate additional right of way. Preliminary Plat Foothills Subdivision Sunset View Estates 2020 Addition, KPB File 2020-113, will dedicate the other 30 feet of W Fairview Avenue as well as provide a southern right of way, Eric Lane that will connect at the western portion of W Fairview Avenue.

To the east is City of Homer's Karen Hornaday Park. Portions of the campground road cross into what will be Tract A. The plat, at the City of Homer's request, will be granting 20 foot access easements centered on the existing roads. North of the subdivision is another parcel owned by the City of Homer. The ability to develop roads to the City standards within Tract A is not currently possible. The City of Homer requested some access from the lot containing the Karen Hornaday Park to the lot to the north. This plat will be granting a 20 x 30 public access easement to allow a connection and access between the two lots.

The City of Homer have also requested drainage easements along a creek and seasonal drainage area. The plat will be granting those and are depicted and noted.

The block is not closed nor compliant in length. An exception has been requested.

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

Site Investigation: The low wet area present within the subdivision is depicted. It surrounds an existing creek and a drainage easement is being granted of the creek. The creek runs through proposed Lots 8, 9 and Tract A. The correct note to contact the Army Corps of Engineers is present.

Steep slopes are present through the majority of Tract A and are depicted. There are access concerns and the ability to connect to other lots and construct right of ways. Per the neighbors to the south there were concerns regarding drainage. The seasonal drainage area located within proposed Lots 2, 3, and Tract A will have a drainage easement granted by this plat. Per information provided to the City of Homer, the additional 10 feet of right of way will help accommodate backslopes and future sidewalks.

KPB River Center review	A. Floodplain Reviewer: Carver, Nancy Floodplain Status: Not within flood hazard area Comments: Located in a non-regulatory D Zone 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 objection

Staff Analysis This is a subdivision of an aliquot piece of land. A portion of right of way was already granted from a portion of the lot for W Fairview Avenue, Plat HM 88-52.

This subdivision will be creating nine lots and one tract. All the parcels being created will have access to dedicated right of way. Additional width for W Fairview Avenue will be granted in addition to drainage easements and public access easements requested by the City of Homer.

The City of Homer had a different design submitted for review in September 2021. Due to comments from the public, the surveyor withdrew that design. On December 1, 2021, the City of Homer Planning Commission heard the design now submitted to the Kenai Peninsula Borough. The drainage issues were discussed and the current design with the requested easements was acceptable and would not create any additional drainage issues. There was also discussion about the development of Tract A. It was stated in the minutes that Tract A does not seem feasible for development. There were discussions regarding the zoning and the possibility of a nature conservancy but there is also a portion in the northwest corner that could be developed from Alpine Way.

The City of Homer Planning Commission, at their December 1, 2021 meeting, by majority vote, recommended approval of Terra Bella Preliminary Plat with the following comments:

1. Dedicate a public access easement over the existing campground road where it encroaches on Tract A.

2. Grant a public access or trail easement from the northwest corner of Karen Hornaday Park to the City Parcel.
3. Correct plat note 6 to specify which lots have access to city water and sewer.
4. Dedicate a 60 foot drainage easement centered on the eastern creek.
5. Accept a 40 foot drainage easement on the western creek as shown on the plat.

A soils report will not be required. Tract A is larger than 200,000 square feet. City water and wastewater is not available for Tract A. The area in the northwest corner does appear to have over 20,000 contiguous area for possible systems to be installed. The lots are to be connected to City water and sewer. An installation agreement will be required. The City of Homer's comment 3 has already been updated on the preliminary plat being reviewed.

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 encroachment of the campground road will be resolved by granting of a public access easement that was agreed to by the City of Homer Planning Commission. In regards to the City of Homer lot to the north, the Homer staff report stated, "There is no legal access to the city owned lot north of this plat. Full physical access to the City parcel would need to be from the north and west, outside of this platting area. Granting an access easement would at least provide minimal legal access to the tract from the City's adjoining land." An exception for dedications has been requested.

Utility Easements This is a subdivision of an aliquot property. No platted utility easements have been granted. The plat is proposing to grant 15 feet along dedicated right of ways and increasing to 20 feet within 5 feet of the side lot lines. These easements are depicted along W Fairview Avenue and Alpine Way. **Staff recommends the plat note 4 include "granted this plat".**

There are several easements granted by document per the Certificate to Plat. The surveyor stated in his letter that some should not be considered valid. **Staff recommends the owner work with the title company to remove items from the Certificate to Plat or add the appropriate plat notes.**

A 20 foot wide utility easement was granted along the eastern boundary by recorded document. The easement is depicted and labeled with the recording information. The Certificate to Plat mentions another easement by document HM 2004-003777-0. The location may be similar to the one being shown. **Staff recommends the location be determined and if differs from document HM 2004-003779-0 add to the plat, if the depiction is the same, add the recording number to the label.**

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

Utility provider review:

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

KPB department / agency review:

Addressing	Reviewer: Haws, Derek Affected Addresses: None Existing Street Names are Correct: Yes
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	List of Correct Street Names: MULLIKIN ST W FAIRVIEW AVE ALPINE WAY Existing Street Name Corrections Needed: All New Street Names are Approved: No List of Approved Street Names: List of Street Names Denied: Comments: No addresses affected by this subdivision.
Code Compliance	Reviewer: Ogren, Eric Comments: No comments
Planner	Reviewer: Raidmae, Ryan There are not any Local Option Zoning District issues with this proposed plat. Material Site Comments: There are not any material site issues with this proposed plat. Review Not Required
Assessing	Reviewer: Wilcox, Adeena Comments: No Comment

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

STAFF RECOMMENDATIONS **CORRECTIONS / EDITS**

KPB 20.25.070 – Form and contents required

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

A. Within the Title Block

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

Staff recommendation: *Revise the title block by removing "A Portion" and add "excepting therefrom, Fairview Avenue according to Plat HM 88-52".*

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:

- *We generally do not want ownership of neighboring lots as those may change. Remove "Terra Bella Properties, LLC" and "City of Homer" from lot designations and just provide "Unsubdivided".*

In this case, staff would recommend keeping “Karen Hornaday Park” label in addition to an “unsubdivided” label.

- *Staff would like for labeling to be consistent. The lots to the west only contain the recording number while those to the south have the subdivision name. Please either had the names to those to the west or remove on the southern lots.*
- *Provide Lot labels for the lots located south of W. Fairview Avenue.*
- *Located to the southwest is a preliminary plat that is being finalized in phases. Phase 1 has recorded and the lot should be labeled “Tract B1 HM 2022-07” and note the section line easement present for the southern portion of W Fairview Avenue. This will need to be reviewed prior to final. If Phase 2 records, it will change the Tract’s designation and W Fairview Avenue in addition to Eric Lane may be dedicated.*
- *Provide a width label for the portion of W Fairview Avenue located to the west of the subdivision and for the portion to the east.*
- *Provide width labels for Mullikin Street and Alpine Way.*

KPB 20.30 – Subdivision Design Requirements

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

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

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

KPB 20.40 – Wastewater Disposal

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

20.40.010 Wastewater disposal.

Platting Staff Comments: This is within the City. A soils analysis report will not be required as city water and sewer are available. Tract A is large enough to not require a soils analysis report at this time.

Staff recommendation: *comply with 20.40.*

KPB 20.60 – Final Plat

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

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

Staff recommendation: *One is required per the City of Homer Planning Staff Report. Documentation from the city will be required prior to recording that all requirements have been satisfied.*

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:

- *Per the Certificate to Plat, there is an easement for an overhead powerline through the property. The surveyor noted that the document stated it would be abandoned if not used. He states there is no powerline in that location. Staff will require a plat note as the easement is present on the certificate to plat. The owners may wish to work on getting the easement removed by working with the title company and utility providers.*
- *Per the Certificate to Plat, there is an easement for the existing water main along Fairview Avenue. The exhibit was not recorded with the easement but it appears to be within the area of Fairview Avenue. A plat note should be added, as this is on the Certificate to Plat. If the City of Homer agrees that the location will now be fully within the dedicated right of way, add to the plat note "the easement is no longer required with the dedication of W. Fairview Avenue." The other option is to work with the city to get the easement removed from the Certificate to Plat.*

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: *The documentation provided shows the signer has the title "Member Manager". Please update on the signature line. Comply with 20.60.190.*

EXCEPTIONS REQUESTED:

KPB 20.30.030(A) - Proposed Street Layout-Requirements and KPB 20.30.170 – Blocks-Length requirements

Surveyor's Discussion: The majority of Tract A is extremely steep and undevelopable and a number of deep gullies run through the property. It is not possible to construct a road to city standards to access the 10 acre city owned parcel adjoining the north boundary. The city plans to use the 10 acre landlocked parcel for hiking trails and walk in camping in the future. The city has asked for a pedestrian (public access) easement to connect the northwest corner of Karen Hornaday Park to the city parcel. An exception to KPB 20.30.030(A) Proposed Street Layout-Requirements is requested for the above described issues. A 20 by 30 foot public access easement is granted by this plat to connect the park to the landlocked parcel.

I would like to request an exception for block length. The topography uphill of Fairview Avenue within the limits of the subdivision would definitely not allow for construction of a road to borough or city standards.

Staff Discussion: Staff has combined the two exceptions. The plat committee may determine they wish to review the exceptions separately. If so desired, two motions will be required.

Per KPB Code, a dedication either along the western, eastern, or both would be expected. This would create a compliant block. It would also provide access to large acreage parcels located to the north.

The block is not compliant. In order to find a closed block will required going well beyond the required distances. Many roads end at improved lots, are cul-de-sacs, or cannot continue due to terrain. The center of the section contains multiple large acreage lots with limited or no dedicated access. The lot to the east is owned by the City of Homer and contains the Karen Hornaday Park. Northwest of that lot is another City of Homer lot that is currently landlocked. The City of Homer has requested a pedestrian or access easement. The lot to the north of that City of Homer parcel is owned by someone that has access through their own property at the end of Tundra Rose Road. Terra Bella Properties, the owners of this subdivision, own the lot located to the northwest of this property that has access from Alpine Way, Miller Lane, and Bell Avenue. Terra Belle Properties also owns the two lots north of the Karen Hornaday Park, each are 20 acres in size. A state parcel is north of those parcels. The Terra Belle Properties north of the Park can be access via the Park and the public access easement being granted by this plat. The two parcels and the state parcel contain deep gullies and rough terrain that will make access options difficult.

If the exception is denied, right of way dedications will be required to improve the block and provide access to lots located to the north.

Findings:

1. The block is not closed within allowable length requirements of 330 feet to 1,320 feet.
2. Steep slopes are present throughout the preliminary plat.
3. Steep slopes are present within the areas that would provide dedications to create compliant blocks and meet street layout requirements.
4. There is a creek within the eastern portion with needed drainage easements.
5. A seasonal drainage way is present in the western portion with needed drainage easements.
6. Roads for the park and campground encroach on the property.
7. Roads will be difficult to build to City of Homer standards.
8. The owner, City of Homer, of the landlocked parcel, has only requested an access easement to provide a connection between their lots.
9. The same owner of this subdivision owns the other landlocked parcels.
10. The City of Homer did not request any additional dedications.

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 2-10 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 2-10 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 2-10 appear to support this standard.

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

RECOMMENDATION:

SUBJECT TO EXCEPTION(S) GRANTED, STAFF RECOMMENDS:

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

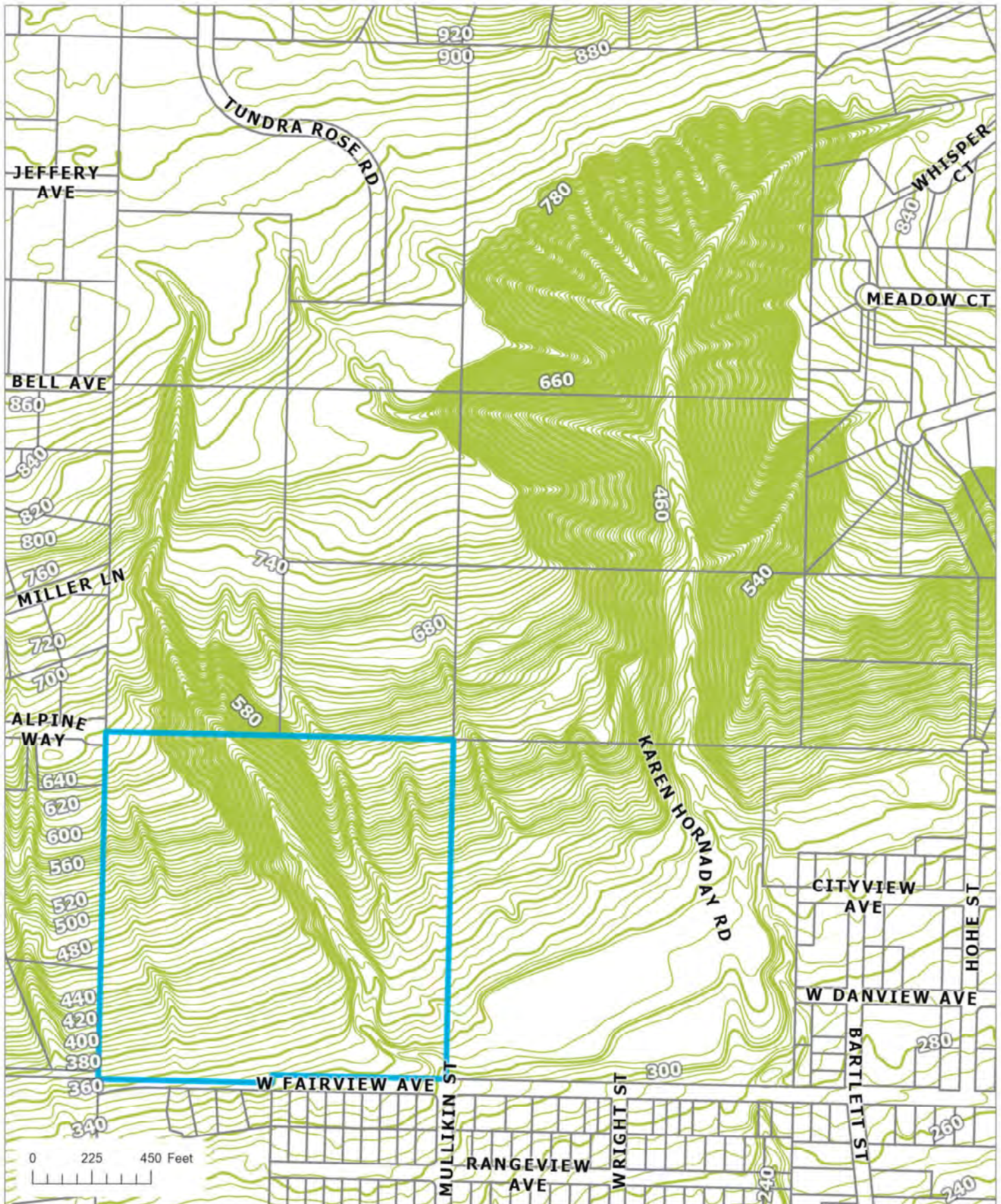
- COMPLIANCE WITH KPB 20.60 TO ENSURE ADMINISTRATIVE APPROVAL OF THE FINAL PLAT.

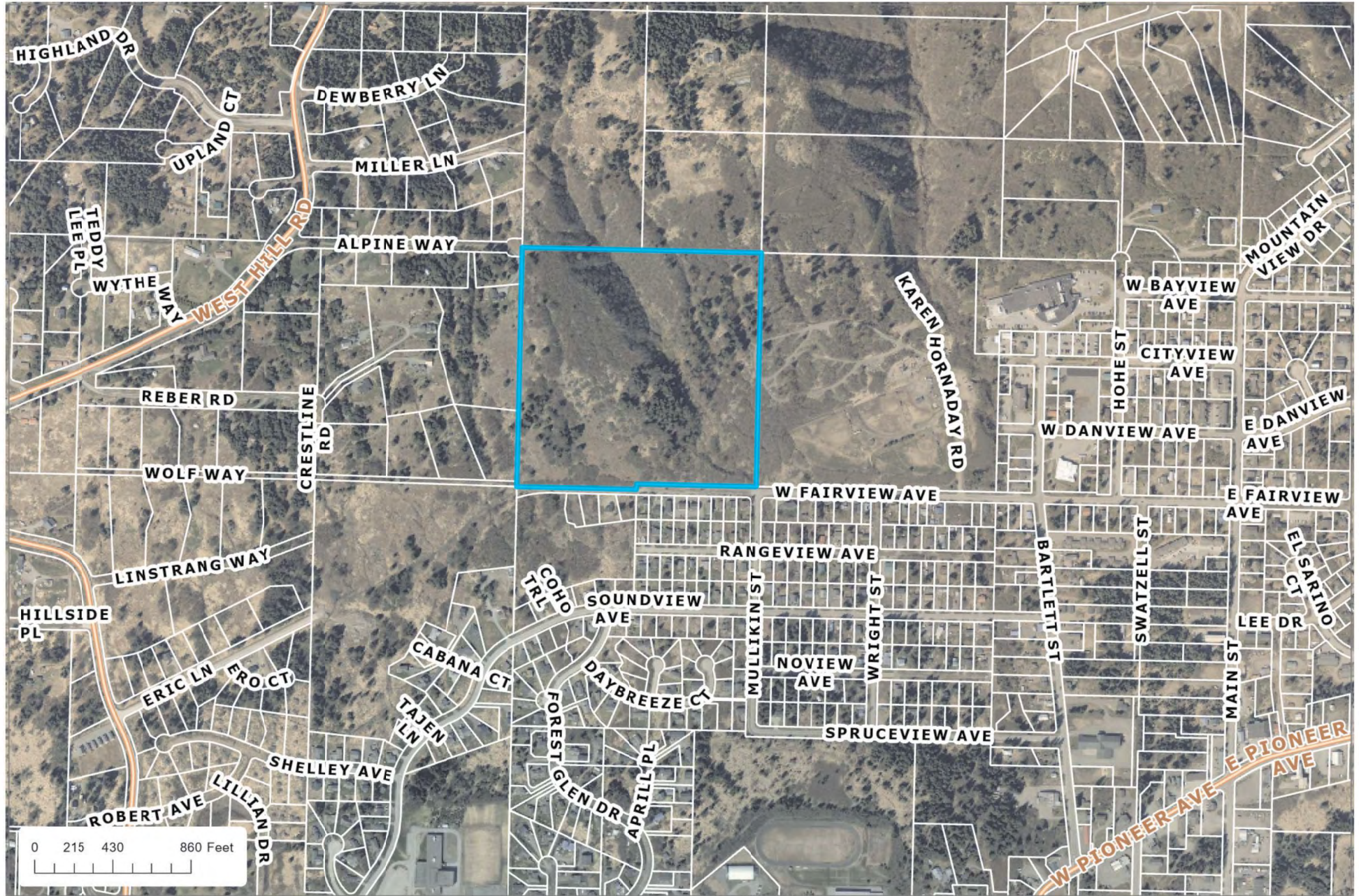
NOTE: 20.25.120. - REVIEW AND APPEAL.

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

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

END OF STAFF REPORT





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

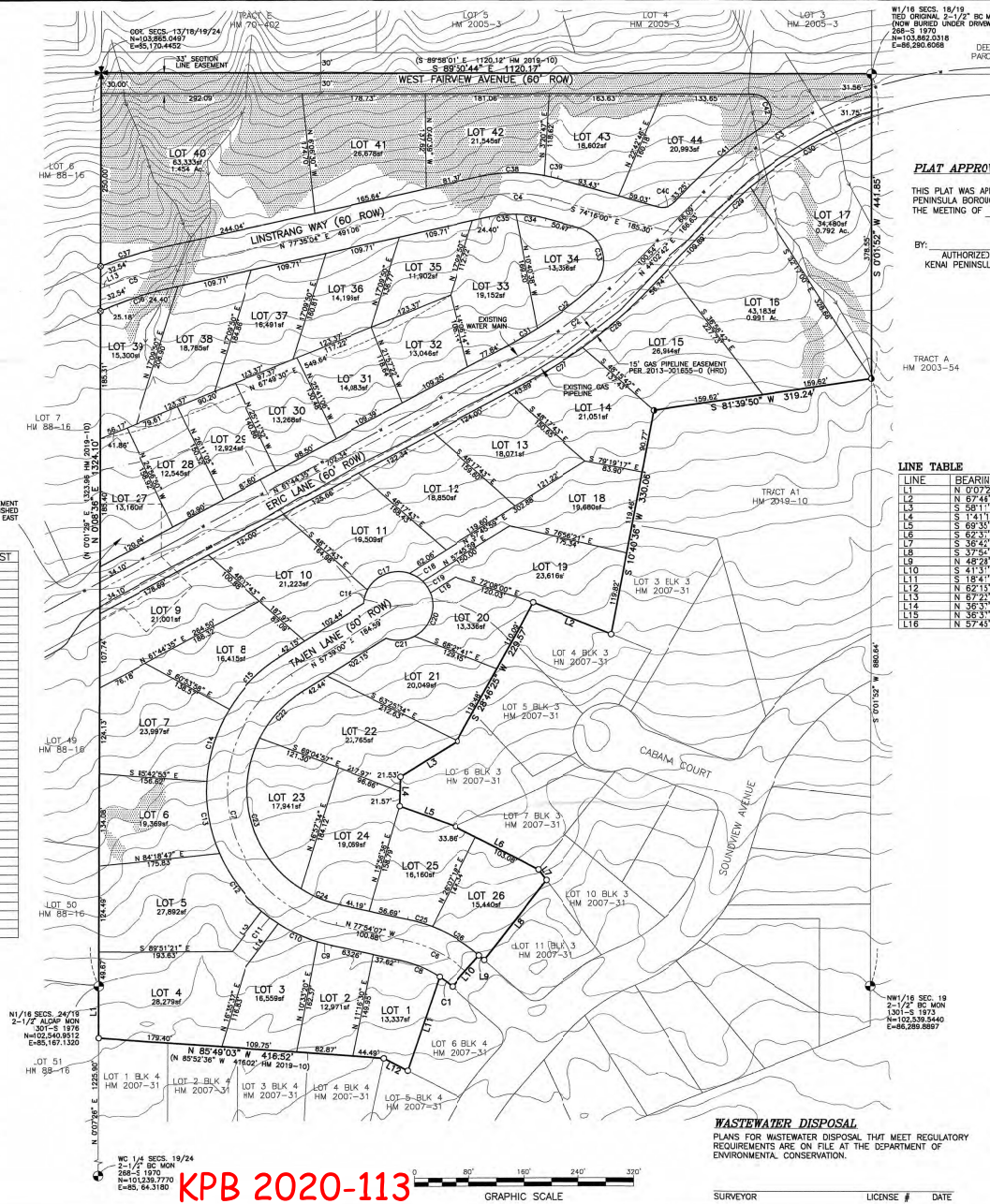
1. BASIS OF BEARING FOR THIS SURVEY WAS DETERMINED BY A HIGH PRECISION GPS SURVEY USING TOPCON DUAL-FREQUENCY HiPer V RECEIVERS, DIFFERENTIALLY CORRECTED AND PROCESSED WITH MAGNET OFFICE VERSION 3.1 SOFTWARE. NADES ALASKA STATE PLANE GRID COORDINATES (U.S. SURVEY FEET) OBTAINED FROM THE GPS OBSERVATIONS WERE BASED ON THE NGS PUBLISHED VALUES FOR FEDERAL BASE NETWORK CONTROL STATION "HOMER" (PID T0105).
2. TRUE BEARINGS AND DISTANCES WERE DETERMINED BY ROTATING AND SCALING FROM GRID USING FEDERAL BASE NETWORK CONTROL STATION "HOMER" AS A SCALING POINT. TRUE BEARINGS WERE DETERMINED BY ROTATING GRID INVERSE AZIMUTHS $-117^{\circ}13'44''$. TRUE DISTANCES WERE OBTAINED BY DIVIDING GRID INVERSE DISTANCES BY 0.999986698.
3. THE RESULTING SCALED COORDINATES WERE TRANSLATED TO A LOCAL COORDINATE SYSTEM BASED ON FEDERAL BASE NETWORK CONTROL STATION "HOMER" N=100,000 E=100,000. ALL COORDINATE VALUES REPRESENT GRID DISTANCES IN U.S. SURVEY FEET ORIENTED TO TRUE NORTH.
4. THE 15 FEET FRONTING THE STREET RIGHT-OF-WAYS AND THE FRONT 20 FEET WITHIN 5 FEET OF THE SIDE LOT LINES IS A UTILITY EASEMENT. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
5. PROPERTY OWNER SHOULD CONTACT THE ARMY CORPS OF ENGINEERS PRIOR TO ANY ON-SITE DEVELOPMENT OR CONSTRUCTION ACTIVITY TO OBTAIN THE MOST CURRENT WETLAND DESIGNATION (IF ANY). PROPERTY OWNERS ARE RESPONSIBLE FOR OBTAINING ALL REQUIRED LOCAL, STATE, AND FEDERAL PERMITS.
6. THESE LOTS WILL BE SERVED BY CITY OF HOMER SEWER AND WATER.
7. ALL LOTS WITHIN THIS SUBDIVISION ARE SUBJECT TO CITY OF HOMER ZONING REGULATIONS. REFER TO THE HOMER CITY CODE FOR ALL CURRENT SETBACK AND SITE DEVELOPMENT RESTRICTIONS. OWNERS SHOULD CHECK WITH THE CITY OF HOMER PLANNING DEPARTMENT PRIOR TO DEVELOPMENT ACTIVITIES.
8. SET A 5/8" X 30" REBAR WITH 2" ALCAP (7538-S 2020) AT ALL LOT CORNERS AND RIGHT-OF-WAY POINTS OF CURVATURE UNLESS INDICATED OTHERWISE.
9. THE LOT IS AFFECTED BY AN EASEMENT OF RECORD WITH NO DEFINED LOCATION GRANTED TO HOMER ELECTRIC ASSOCIATION (BK17, PG 328 HRD).
10. EXISTING DRAINS ARE SUBJECT TO DRAINAGE EASEMENTS (S) PER HOMER CITY CODE. APPROXIMATE LOCATIONS OF DRAINAGES ARE SHOWN.

CURVE TABLE

CURVE	DELTA	RADIUS	LENGTH	CHORD BRNG	CHORD DIST
C1	75.51°	170.00'	23.34'	N 52.24.00" E	23.32'
C2	17.61°	800.00'	18.33'	N 63.63.33" E	184.60'
C3	27.23°	800.00'	286.89'	N 57.44.35" E	284.16'
C4	28.08°	200.00'	98.26'	N 86.20.70" E	97.15'
C5	10.12°	200.00'	35.28'	N 86.20.70" E	35.28'
C6	29.26°	200.00'	102.75'	N 63.11.04" W	101.62'
C7	138.33°	200.00'	473.17'	N 107.07.4" W	370.28'
C8	21.34°	170.00'	64.00'	N 67.07.03" W	63.62'
C9	51.43°	230.00'	101.81'	N 64.50.20" W	100.06'
C10	15.32°	230.00'	62.74'	N 64.50.20" W	62.55'
C11	78.43°	230.00'	30.02'	N 53.17.05" W	30.00'
C12	36.21°	230.00'	107.92'	N 56.21.15" W	104.19'
C13	28.47°	230.00'	107.92'	N 56.21.15" W	104.19'
C14	28.47°	230.00'	107.92'	N 56.21.15" W	104.19'
C15	28.47°	230.00'	107.92'	N 56.21.15" W	104.19'
C16	28.47°	230.00'	107.92'	N 56.21.15" W	104.19'
C17	28.47°	230.00'	107.92'	N 56.21.15" W	104.19'
C18	28.47°	230.00'	107.92'	N 56.21.15" W	104.19'
C19	28.47°	230.00'	107.92'	N 56.21.15" W	104.19'
C20	28.47°	230.00'	107.92'	N 56.21.15" W	104.19'
C21	28.47°	230.00'	107.92'	N 56.21.15" W	104.19'
C22	28.47°	230.00'	107.92'	N 56.21.15" W	104.19'
C23	28.47°	230.00'	107.92'	N 56.21.15" W	104.19'
C24	28.47°	230.00'	107.92'	N 56.21.15" W	104.19'
C25	28.47°	230.00'	107.92'	N 56.21.15" W	104.19'
C26	28.47°	230.00'	107.92'	N 56.21.15" W	104.19'
C27	28.47°	230.00'	107.92'	N 56.21.15" W	104.19'
C28	28.47°	230.00'	107.92'	N 56.21.15" W	104.19'
C29	28.47°	230.00'	107.92'	N 56.21.15" W	104.19'
C30	28.47°	230.00'	107.92'	N 56.21.15" W	104.19'
C31	28.47°	230.00'	107.92'	N 56.21.15" W	104.19'
C32	28.47°	230.00'	107.92'	N 56.21.15" W	104.19'
C33	28.47°	230.00'	107.92'	N 56.21.15" W	104.19'
C34	28.47°	230.00'	107.92'	N 56.21.15" W	104.19'
C35	28.47°	230.00'	107.92'	N 56.21.15" W	104.19'
C36	28.47°	230.00'	107.92'	N 56.21.15" W	104.19'
C37	28.47°	230.00'	107.92'	N 56.21.15" W	104.19'
C38	28.47°	230.00'	107.92'	N 56.21.15" W	104.19'
C39	28.47°	230.00'	107.92'	N 56.21.15" W	104.19'
C40	28.47°	230.00'	107.92'	N 56.21.15" W	104.19'
C41	28.47°	230.00'	107.92'	N 56.21.15" W	104.19'
C42	28.47°	230.00'	107.92'	N 56.21.15" W	104.19'

LEGEND

- INDICATES 1917 2-1/2" BC GLO MONUMENT RECOVERED THIS SURVEY
- INDICATES PRIMARY MONUMENT RECOVERED THIS SURVEY AS DESCRIBED
- INDICATES 5/8" REBAR WITH 2" ALCAP (5760-S, 2007) RECOVERED THIS SURVEY
- INDICATES 5/8" REBAR WITH 2" ALCAP (7810-S, 2017) RECOVERED THIS SURVEY
- INDICATES 5/8" REBAR WITH 1-1/2" ALCAP (NO LSF OR DATE) RECOVERED THIS SURVEY
- INDICATES NORTHERN LIMIT OF DISCHARGE SLOPE DESIGNATION PER KENAI WATERSHED FORUM WETLANDS ASSESSMENT
- INDICATES APPROXIMATE CENTERLINE OF DRAINAGE
- INDICATES AREAS WITH SLOPES GREATER THAN 20%

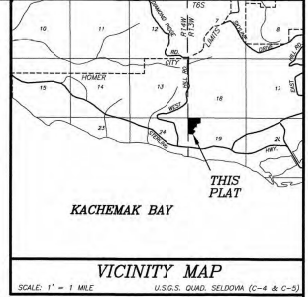


PLAT APPROVAL

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

BY: AUTHORIZED OFFICIAL
KENAI PENINSULA BOROUGH

DATE



LINE TABLE

LINE	BEARING	DISTANCE
L1	N 07.28° E	75.28'
L2	N 67.44.49" E	75.28'
L3	S 58.11.43" W	97.19'
L4	N 41.11° W	52.00'
L5	S 69.35.27" E	86.32'
L6	S 62.21.08" E	136.93'
L7	N 62.09.12" W	10.22'
L8	S 37.50.50" W	146.67'
L9	S 41.31.58" W	60.00'
L10	S 19.41.10" W	143.33'
L11	N 66.13.52" W	38.88'
L12	N 67.21.28" E	12.59'
L13	N 36.33.07" E	82.53'
L14	N 36.33.07" E	73.01'
L15	N 57.45.59" E	42.63'
L16	N 57.45.59" E	42.63'

CERTIFICATE OF OWNERSHIP AND DEDICATION

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

TL INVESTMENTS, LLC
REAL PROPERTY MANAGER
PO BOX 3403
HOMER, ALASKA 99603

NOTARY'S ACKNOWLEDGMENT

FOR TOM STAFFORD

ACKNOWLEDGED BEFORE ME THIS
DAY OF _____, 2020.

NOTARY PUBLIC FOR ALASKA

MY COMMISSION EXPIRES: _____

CERTIFICATE OF ACCEPTANCE

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

THE UTILITY EASEMENTS WITHIN THE 10' FEET ADJACENT TO ALL STREET ROW'S AND THE FRONT 20 FEET WITHIN 5 FEET OF SIDE LOT LINES.

ERIC LANE (60' ROW), TAIVEN LANE (60' ROW), LINSTRANG WAY (60' ROW), MATCHING 30' ROW WEST FAIRVIEW AVENUE.

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

BY: ROB DIMOUCHEL, CITY MANAGER
CITY OF HOMER, ALASKA

HOMER RECORDING DISTRICT KPB FILE No. 2020-???

FOOTHILLS SUBDIVISION SUNSET VIEW ESTATES 2020 ADDITION

THE SUBDIVISION OF TRACT B
FOOTHILLS SUBDIVISION SUNSET VIEW ESTATES ADDITION NO. 3
(HM 2019-10)
LOCATED WITHIN THE NW 1/4 SEC 19,
T. 6 S., R. 13 W., SEWARD MERIDIAN, CITY OF HOMER, KENAI
PENINSULA BOROUGH, THIRD JUDICIAL DISTRICT, ALASKA
CONTAINING 25.561 ACRES
OWNER:
TL INVESTMENTS, LLC PO BOX 3403 HOMER, AK 99603

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

DRAWN BY: SCS DATE: SEPTEMBER 2020 SCALE: 1" = 80'
CHK BY: SCS JOB #2020-23 SHEET 1 OF 1



WASTEWATER DISPOSAL

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

SURVEYOR LICENSE # DATE

KPB 2020-113

GRAPHIC SCALE

- the project has not been submitted to the Fire Marshall, engineers have signed off on the project before they submitted it to the Planning department

City Planner Abboud stated that if the Commission has concerns on Fire Safety then they can make that a condition of granting the permit. Currently, that is a requirement regardless, it is in code for zoning. The commission can make a motion to add it as a condition.

Additional responses and comments on these topics followed:

- Water usage and drainage
 - o City Water will be used and there is no current plan for address drainage at this time
 - o It is assumed that they will meet any necessary requirements for utilities
- The property was surveyed and an asbuilt will be provided as required when the project is completed.
- the positive nature of the project within a very fractious society, those that believe higher education is only for the elite yet this represents practical education that is arguably very useful
- Currently there are no plans for informational signage to assist in letting the neighboring property owners and general public passing by know what is happening on or in the property but appreciation was expressed for the idea
 - o Community outreach will be conducted in a number of ways through seminars, media print and social media
- Ventilation will be installed in the green house that consists of vents with wax seals that will automatically open when the wax melts

BENTZ/BARNWELL MOVE TO ADOPT STAFF REPORT 21-68 AND APPROVE CUP 21-08 TO ALLOW A GREEN HOUSE AT 3860 KACHEMAK WAY WITH FINDINGS 1.10 AND CONDITION 1

1. OUTDOOR LIGHTING MUST BE DOWNLIT PER HOMER CITY CODE 21.59.030 AND THE COMMUNITY DESIGN MANUAL (CDM)

A brief discussion on adding a second condition and if the Fire Marshall was a code requirement ensued.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PLAT CONSIDERATION

- A. Staff Report 21-69 REVISED Terra Bella Subdivision Preliminary Plat

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

City Planner Abboud provided a summary of Staff Report 21-69 for the commission.

There was no applicant present.

Chair Smith opened the Public Comment period.

Bob Shavelson, neighboring property owner commented that he appreciated the revised plat and admitted that he has not seen the item in the supplemental packet but reported the eastern drainage is an actual year round creek and periodically glaciates over the road and would like to see a culvert installed. He reported on the parking for Reber Trail issues and solutions should be considered for the future to designate parking. He further expressed appreciation for the installation of a sidewalk for connectivity to Karen Hornaday Park and other trails in the community which is super important. Mr. Shavelson expressed his appreciation for the Commissioners and how the Chair conducted these meetings.

There were technical issues on a second member of the public attending and the attendee could not be heard to provide testimony. They were offered the choice of calling in on the conference phone line, check the volume on their device, were promoted to panelist, staff suggested emailing the planning department or to use another device.

Chair Smith called for a five minute recess at 7:41 p.m. The meeting was called back to order at 7:46 p.m. with the Chair noting for the record that the member of the public did not call in or contact Planning or the Clerk during that time.

Deputy City Clerk Krause stated that she had the phone number and will try to locate the owner and get in contact with them.¹

Chair Smith opened the floor to questions from the Commission.

City Planner Abboud facilitated a lengthy discussion and provided responses to the following concerns and questions expressed by the commission:

- Storm water plans for this property have satisfied Public Works requirements
 - o drainage easements applied are in Public Works domain and they follow what is outlined in their rules
- concerns expressed by multiple members of the commission on the development of the steeper parcels and how those developments will impact the drainage downslope
- parking for the Reber Trail should be directed to Karen Hornaday Park which is a short walk from the trail head
 - o Signage
- concerns that drainage boundaries are artificial and should follow natural drainage boundaries
 - o maintenance of the drainage has been requested

¹ Clerk located the owner of the phone number and had their email from previous contact. No response was received from that member of the community to her inquiry.

- it is not expected that nine additional residences will impact the natural drainage any more than what is actually going on currently
- what development is proposed for Lot A since the majority of the parcel is over 20% slope
 - Parcel A does not really lend itself for development and be feasible
 - Make that parcel a nature conservancy if possible
 - There is a spot in the NW corner that could be developed and possibly could be accessed from Alpine Way

HIGHLAND/MOVE TO ADOPT STAFF REPORT 21-69 AND RECOMMEND APPROVAL OF THE REVISED TERRA BELLA PRELIMINARY PLAT TO CREATE NINE RESIDENTIAL LOTS ALONG FAIRVIEW AVENUE AND ONE LARGE TRACT ACCESSED FROM ALPINE WAY WITH THE FOLLOWING COMMENTS:

1. DEDICATE A PUBLIC ACCESS EASEMENT OVER THE EXISTING CAMPGROUND ROAD WHERE IT ENCROACHES ON TRACT A
2. GRANT A PUBLIC ACCESS OR TRAIL EASEMENT FROM THE NORTHWEST CORNER OF KAREN HORNADAY PARK TO THE CITY PARCEL
3. CORRECT PLAT NOTE 6 TO SPECIFY WHICH LOTS HAVE ACCESS TO CITY WATER AND SEWER
4. DEDICATE A 60 FOOT DRAINAGE EASEMENT CENTERED ON THE EASTERN CREEK.
5. ACCEPT A 40 FOOT DRAINAGE EASEMENT ON THE WESTERN CREEK AS SHOWN ON THE PLAT (TO BE PROVIDED AS A LAYDOWN AT THE MEETING.)

A lengthy discussion ensued on approving the plat with development of the steeper parcels that will create drainage issues for the downslope properties. City Planner Abboud counseled the Commission on denial of the plat without the basis of standing regulations. Further discussion on postponement to have the applicant present or respond to their concerns ensued as well as points made on supporting their recommendation by the Borough and if the issue went to Court, and development versus subdivision is where these issues can be addressed.

VOTE. YES. BENTZ, CONLEY, BARNWELL, VENUTI, SMITH, CHIAPPONE
VOTE. NO. HIGHLAND.

Motion carried.

PENDING BUSINESS

A. Staff Report 21-70 Coastal Bluff Analysis

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

City Planner Abboud stated that this is a follow-up to the presentation and believed that Ms. Overbeck did a great job on what is in existing code. He facilitated discussions and responses to questions on the following:



City of Homer

www.cityofhomer-ak.gov

Planning

491 East Pioneer Avenue
Homer, Alaska 99603

Planning@ci.homer.ak.us

(p) 907-235-3106

(f) 907-235-3118

Staff Report 21-69

TO: Homer Planning Commission
FROM: Julie Engebretsen, Deputy City Planner
THROUGH: Rick Abboud, City Planner
DATE: December 1, 2021
SUBJECT: REVISED Terra Bella Preliminary Plat

Requested Action: Approval of a preliminary plat to create nine residential lots along Fairview Ave, and a large tract accessed from Alpine Way.

NOTE: This is a revised plat. The original submission included two additional lots. Several public comments were received prior to the meeting, and the surveyor withdrew the plat from the September agenda. The applicant subsequently met with Planning and Public Works staff to address the public comments and sidewalk design issues. This revised plat is provided for Commission consideration and mailed out for public notice. The original plat and comments are provided as attachments.

General Information:

Applicants:	Terra Bella Properties, LLC Joseph Columbus, Manager 1430 K Street Anchorage AK 99501	Geovera LLC Stephen Smith, surveyor PO Box 3235 Homer, AK 99603
Location:	West Fairview Ave, directly west of Hornaday Park	
Parcel ID:	17504005	
Size of Existing Lot(s):	39.5 acres	
Size of Proposed Lots(s):	Lots 1-8 are a little over an acre, Lot 9 is 2.755 acres, and Tract A is 27.4 acres	
Zoning Designation:	Rural Residential District	
Existing Land Use:	Vacant	
Surrounding Land Use:	North: Vacant South: Residential/vacant East: Karen Hornaday Park West: Residential	
Comprehensive Plan:	Chapter 4 Implementation 1-B-1: Consider additional methods for preserving natural areas and areas where ongoing natural processes may present hazards to existing or proposed	

	development. 1-C-1 Promote infill development in all housing districts.
Wetland Status:	Riverine/Riparian wetlands within the ravine.
Flood Plain Status:	Zone D, flood hazards undetermined.
BCWPD:	Not within the Bridge Creek Watershed Protection District.
Utilities:	City services are available to lots on Fairview Ave. Water is already available and sewer will be installed as part of the subdivision. Tract A does not have access to city water and sewer.
Public Notice:	Notice was sent to 75 property owners of 70 parcels as shown on the KPB tax assessor rolls.

Analysis: This subdivision is within the Rural Residential District. This plat creates nine residential lots along Fairview Ave, and one lot on Alpine Way (Tract A). Staff researched topics including steep slopes, legal access to adjoining tracts, drainages, and the campground road encroachment. The resulting recommendations are included in this staff report.

Tract A

1. A portion of the campground road encroaches on this property.

Recommendation 1: Staff requests a public access easement over the existing road where it encroaches on Tract A.

2. There is no legal access to the city owned lot north of this plat. Full physical access to the City parcel would need to be from the north and west, outside of this platting area. Granting an access easement would at least provide minimal legal access to the tract from the City's adjoining land.

Recommendation 2: Grant a public access or trail easement from the northwest corner of Karen Hornaday Park, to the City Parcel.

Homer City Code 22.10.051 Easements and rights-of-way

- A. The subdivider shall dedicate in each lot of a new subdivision a 15-foot-wide utility easement immediately adjacent to the entire length of the boundary between the lot and each existing or proposed street right-of-way.

Staff Response: The plat meets these requirements.

- B. The subdivider shall dedicate in each lot of a new subdivision any water and/or sewer easements that are needed for future water and sewer mains shown on the official Water/Sewer Master Plan approved by the Council.

Staff Response: The plat meets these requirements.

- C. The subdivider shall dedicate easements or rights-of-way for sidewalks, bicycle paths or other non-motorized transportation facilities in areas identified as public access

corridors in the Homer Non-Motorized Transportation and Trail Plan, other plans adopted by the City Council, or as required by the Kenai Peninsula Borough Code.

Staff Response: The plat meets these requirements. The surveyor has stated preliminary engineering has been completed which demonstrates a sidewalk will be possible within the right of way as shown on the preliminary plat.

Preliminary Approval, per KPB code 20.25.070 Form and contents required. The commission will consider a plat for preliminary approval if it contains the following information at the time it is presented and is drawn to a scale of sufficient size to be clearly legible.

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

Staff Response: The plat meets these requirements.

- B. North point;

Staff Response: The plat meets these requirements.

- 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 Response: The plat meets these requirements.

- 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 Response: The plat meets these requirements.

- E. All parcels of land including those intended for private ownership and those to be dedicated for public use or reserved in the deeds for the use of all property owners in the proposed subdivision, together with the purposes, conditions or limitation of reservations that could affect the subdivision;

Staff Response: The plat meets these requirements. All lots are intended for private ownership at this time.

- F. The names and widths of public streets and alleys and easements, existing and proposed, within the subdivision; [Additional City of Homer HAPC policy: Drainage easements are normally thirty feet in width centered on the drainage. Final width of

the easement will depend on the ability to access the drainage with heavy equipment.
An alphabetical list of street names is available from City Hall.]

Staff Response: A 60 foot drainage easement is requested, 30 feet each side of the centerline of the eastern creek, extending north to the lot line.

- G. Status of adjacent lands, including names of subdivisions, lot lines, lock numbers, lot numbers, rights-of-way; or an indication that the adjacent land is not subdivided;

Staff Response: The plat meets these requirements.

- H. Approximate location of areas subject to inundation, flooding or storm water overflow, the line of ordinary high water, wetlands when adjacent to lakes or non-tidal streams, and the appropriate study which identifies a floodplain, if applicable;

Staff Response: The plat meets these requirements.

- I. Approximate locations of areas subject to tidal inundation and the mean high water line;

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements.

- K. Within the limits of incorporated cities, the approximate location of known existing municipal wastewater and water mains, and other utilities within the subdivision and immediately abutting thereto or a statement from the city indicating which services are currently in place and available to each lot in the subdivision;

Staff Response: The plat meets these requirements. Information is available at the Public Works Department.

- L. Contours at suitable intervals when any roads are to be dedicated unless the planning director or commission finds evidence that road grades will not exceed 6 percent on arterial streets, and 10 percent on other streets;

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements.

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

Staff Response: The plat does not meet these requirements. Recommend dedication of a public access easement over the existing campground road where it encroaches on Tract A.

- O. If the subdivision will be finalized in phases, all dedications for through streets as required by KPB 20.30.030 must be included in the first phase.

Staff Response: The plat meets these requirements.

Public Works Comments:

1. Drainage Easement: Request a 60 foot Drainage Easement for the eastern creek. A majority of the stream's riparian wetlands are in the flood plain east of the stream, so a wider easement will protect more of these wetlands.
2. Publics Works requested and received a 40' foot drainage easement for the western drainage. A revised plat with the new easement shown will be provided in the meeting laydown packet.
3. An installation agreement or subdivision development agreement is required.

Staff Recommendation:

Planning Commission recommend approval of the preliminary plat with the following comments:

1. Dedicate a public access easement over the existing campground road where it encroaches on Tract A.
2. Grant a public access or trail easement from the northwest corner of Karen Hornaday Park, to the City Parcel.
3. Correct Plat note 6 to specify which lots have access to city water and sewer.
4. Dedicate a 60 foot drainage easement centered on the eastern creek.
5. Accept the 40 foot drainage easement on the western creek, as shown on the plat - **TO BE PROVIDED AS A MEETING LAYDOWN.**

Attachments:

1. Preliminary Plat
2. Surveyor cover letter (email dated 10/29/21)
3. Public Notice
4. Wetlands and Aerial Map
5. Terrain Map 12 1 2021
6. Original plat submission
7. Public comments from first property owner mailing (Pulled from September meeting)

From: "Stephen C. Smith" <scsmith@gci.net>
Date: October 29, 2021 at 11:29:48 AM AKDT
To: Julie Engebretsen <JEngebretsen@ci.homer.ak.us>
Subject: Terra Bella Subdivision Revised Plat

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hi Julie,

Here is the revised Terra Bella Subdivision preliminary plat. The road has been redesigned to address the concerns of the downhill property owners. The revised road design actually improves the access to the two lots with existing driveways on the south side of the road. In order to accommodate lowering the road, the right-of-way on the north side has been revised to dedicate 40 feet instead of 30 due to the backslopes catching farther out. This will also help fit a sidewalk in at some point in the future.

The upper lot was eliminated so that legal access to Tract A can be by way of Alpine Way. The lot configurations were pared down from 130 feet by 390 feet to 125 feet by 375 feet. This was so that a little more room was available for a building site in the southwest corner of what is now Lot 9. Original Lot 10 was eliminated as well because access to a building site would have been across the deep drainage. We felt that it would be best to stay out of that drainage altogether in the development plan.

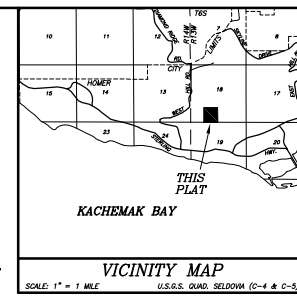
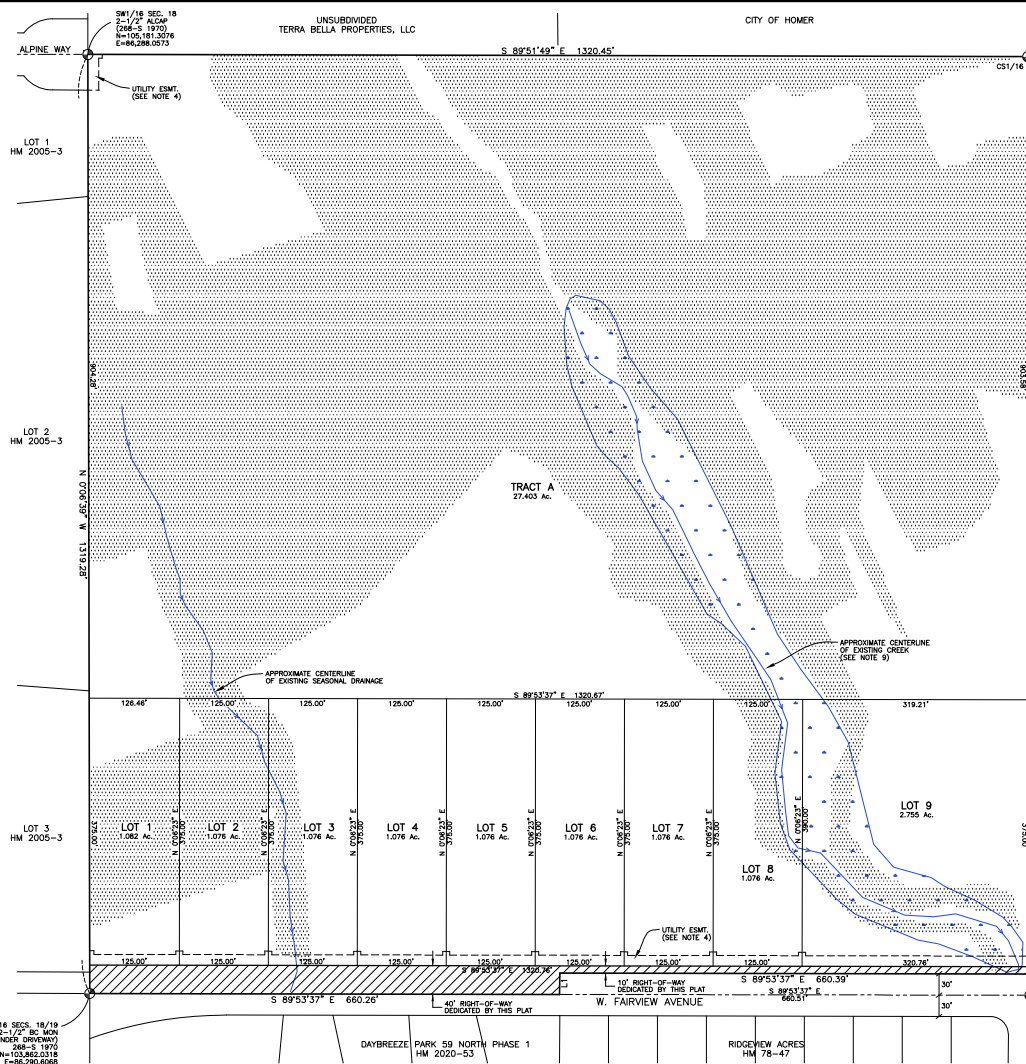
I'll give you a call to follow up.

Steve

Stephen C. Smith, P.L.S.
Geovera, LLC
PO Box 3235
Homer, AK 99603
(907) 399-4345

NOTES

1. BASIS OF BEARING FOR THIS SURVEY WAS DETERMINED BY A HIGH PRECISION GPS SURVEY USING TOPCON DUAL-FREQUENCY HP4r V RECEIVERS, DIFFERENTIALLY CORRECTED AND PROCESSED WITH MAGNET OFFICE VERSION 5.1 SOFTWARE. NAD83 ALASKA STATE PLANE GRID COORDINATES (U.S. SURVEY FEET) OBTAINED FROM THE GPS OBSERVATIONS WERE BASED ON THE NGS PUBLISHED VALUES FOR FEDERAL BASE NETWORK CONTROL STATION "HOMAR" (PID TT0155).
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4. THE 15 FEET FRONTING THE STREET RIGHT-OF-WAYS AND THE FRONT 20 FEET WITHIN 5 FEET OF THE SIDE LOT LINES IS A UTILITY EASEMENT. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
5. PROPERTY OWNER SHOULD CONTACT THE ARMY CORPS OF ENGINEERS PRIOR TO ANY ON-SITE DEVELOPMENT OR CONSTRUCTION ACTIVITY TO OBTAIN THE MOST CURRENT WETLAND DESIGNATION (IF ANY). PROPERTY OWNERS ARE RESPONSIBLE FOR OBTAINING ALL REQUIRED LOCAL, STATE, AND FEDERAL PERMITS.
6. THESE LOTS WILL BE SERVED BY CITY OF HOMER SEWER AND WATER.
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8. SET A 5/8" X 30" REBAR WITH 2" ALCAP (7538-S 2021) AT ALL LOT CORNERS UNLESS INDICATED OTHERWISE.
9. THERE IS A DRAINAGE EASEMENT 20 FEET ON BOTH SIDES OF THE EXISTING CREEK. APPROXIMATE LOCATION OF CREEK IS SHOWN.



CERTIFICATE OF OWNERSHIP AND DEDICATION

I HEREBY CERTIFY THAT TERRA BELLA PROPERTIES, LLC IS THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON, THAT ON BEHALF OF TERRA BELLA PROPERTIES, LLC I HEREBY ADOPT THIS PLAN OF SUBDIVISION, AND BY OUR FREE CONSENT DEDICATE ALL RIGHTS OF WAY AND PUBLIC AREAS TO PUBLIC USE, AND GRANT ALL EASEMENTS TO THE USE SHOWN HEREON.

TERRA BELLA PROPERTIES, LLC
JOSEPH COLUMBUS, MANAGER
1430 K STREET
ANCHORAGE, ALASKA 99501

NOTARY'S ACKNOWLEDGMENT

FOR JOSEPH COLUMBUS
ACKNOWLEDGED BEFORE ME THIS _____
DAY OF _____, 2021.

NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES: _____

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40 FOOT AND 10 FOOT ADDITIONAL WEST FAIRVIEW AVENUE RIGHT-OF-WAY DEDICATION.
THE ACCEPTANCE OF LANDS FOR PUBLIC USE OR PUBLIC PURPOSE DOES NOT OBLIGATE THE PUBLIC OR ANY GOVERNING BODY TO CONSTRUCT, OPERATE, OR MAINTAIN IMPROVEMENTS.

BY: _____ DATE: _____
ROB DUMOUCHELL, CITY MANAGER
CITY OF HOMER, ALASKA

LEGEND

- INDICATES PRIMARY MONUMENT RECOVERED OR SET AS DESCRIBED
- INDICATES POTENTIAL LOW WET AREAS PER KENAI WATERSHED FORUM 2013 COOK INLET WETLANDS MAPPING
- INDICATES AREAS WITH SLOPES GREATER THAN 20%
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W/1/4 SEC. 18/19
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288-S 1872
N=103,862.5318
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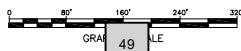
PLAT APPROVAL

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

BY: _____ AUTHORIZED OFFICIAL
KENAI PENINSULA BOROUGH
DATE: _____

LINE TABLE

LINE	BEARING	DISTANCE
L1	N 69°53'37" E	130.00'
L2	N 9°07'28" W	130.00'



WASTEWATER DISPOSAL

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



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

TERRA BELLA SUBDIVISION

THE SUBDIVISION OF A PORTION OF THE SE1/4 SW1/4 SECTION 18, T. 6 S., R. 13 W., SEWARD MERIDIAN, CITY OF HOMER, KENAI PENINSULA BOROUGH, THIRD JUDICIAL DISTRICT, ALASKA CONTAINING 39.531 ACRES

TERRA BELLA PROPERTIES, LLC
1430 K STREET ANCHORAGE, AK 99501

GEOVERA, LLC

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

DRAWN BY: SCS DATE: OCTOBER 2021 SCALE: 1" = 80'
CHK BY: SCS JOB #2021-10 SHEET 1 OF 1

NOTICE OF SUBDIVISION

A preliminary plat has been received proposing to subdivide or replat property in your area. The location of the proposed subdivision is provided on the attached map and a copy of the preliminary plat is provided as an attachment. You are receiving this notice because you are an affected property owner within 500 feet of the proposed subdivision and are invited to comment.

The proposed subdivision under consideration is described as follows:

REVISED Terra Bella Subdivision Preliminary Plat

The matter is scheduled for **Wednesday, December 1, 2021 at 6:30 p.m.** during the Regular Planning Commission Meeting. The meeting will be conducted via Zoom webinar. Participation is available virtually or in-person at Homer City Hall, 491 E. Pioneer Ave., Homer, AK 99603.

To attend the meeting virtually, visit zoom.us and enter the Meeting ID & Passcode listed below. To attend the meeting by phone, dial any one of the following phone numbers and enter the Webinar ID & Passcode below, when prompted: 1-253-215-8782, 1-669-900-6833, (toll free) 888-788-0099 or 877-853-5247.

Meeting ID: 979 8816 0903

Passcode: 976062

Additional information regarding this matter will be available by 5pm on the Friday before the meeting. This information will be posted to the City of Homer online calendar page for December 1, 2021 at <https://www.cityofhomer-ak.gov/calendar>. It will also be available at the Planning and Zoning Office at Homer City Hall and at the Homer Public Library.

Written comments can be emailed to the Planning and Zoning Office at the address below, mailed to Homer City Hall at the address above, or placed in the Homer City Hall drop box at any time. Written comments must be received by 4pm on the day of the meeting. Comments should be guided by the requirements of the City of Homer and Kenai Peninsula Borough Subdivision Ordinances, which are available at the City Planning and Zoning Office.

If you have questions or would like additional information about the proposal, please contact Rick Abboud at the Planning and Zoning Office at 235-3106. If you have questions about how to participate in the virtual meeting, please contact the City Clerk's Office at 235-3130.

NOTICE TO BE SENT TO PROPERTY OWNERS WITHIN 500 FEET OF PROPERTY.

.....

VICINITY MAP ON REVERSE

Vicinity Map

This lot to be subdivided into 9 residential lots along Fairview Ave. and an interior tract (generally very steep) See plat.

X

Hornaday Park

Hospital



W Fairview Ave

Soundview Ave

Middle School

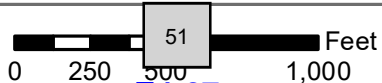
West
Homer
EI

Legend

-  Subject Lot
-  Lots w/in 500 feet

Request for REVISED Terra Bella Subdivision Preliminary Plat

Marked lots are within 500 feet and
property owners notified.

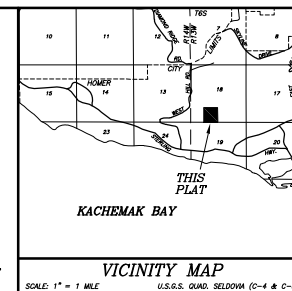
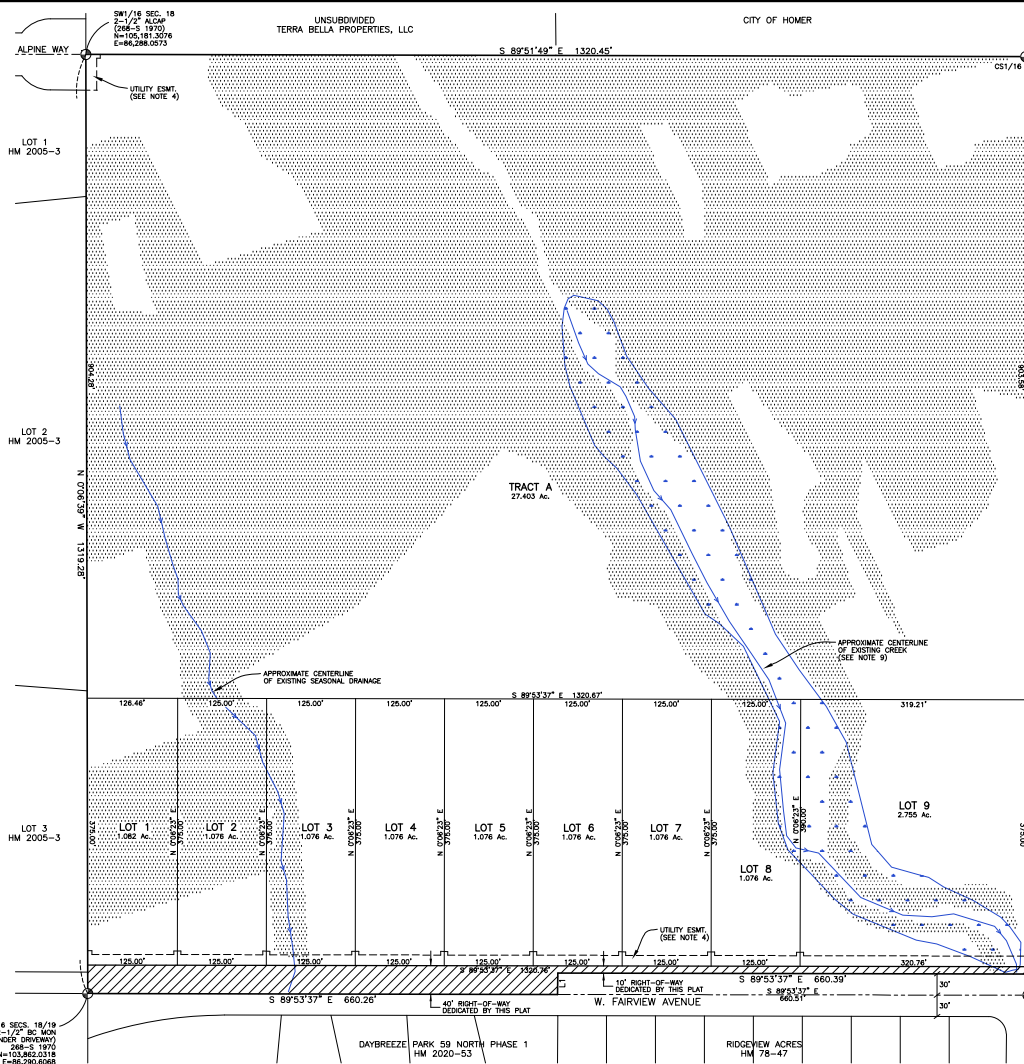


*Disclaimer:
It is expressly understood the City of
Homer, its council, board,
departments, employees and agents are
not responsible for any errors or omissions
contained herein, or deductions, interpretations
or conclusions drawn therefrom.*

*City of Homer
Planning and Zoning Department
December 1, 2021*

NOTES

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TERRA BELLA PROPERTIES, LLC
JOSEPH COLUMBUS, MANAGER
1430 K STREET
ANCHORAGE, ALASKA 99501

NOTARY'S ACKNOWLEDGMENT

FOR JOSEPH COLUMBUS
ACKNOWLEDGED BEFORE ME THIS _____
DAY OF _____, 2021.

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

LEGEND

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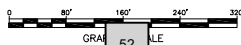
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BY: _____ AUTHORIZED OFFICIAL
KENAI PENINSULA BOROUGH
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HOMER RECORDING DISTRICT KPB FILE NO. 2021-???

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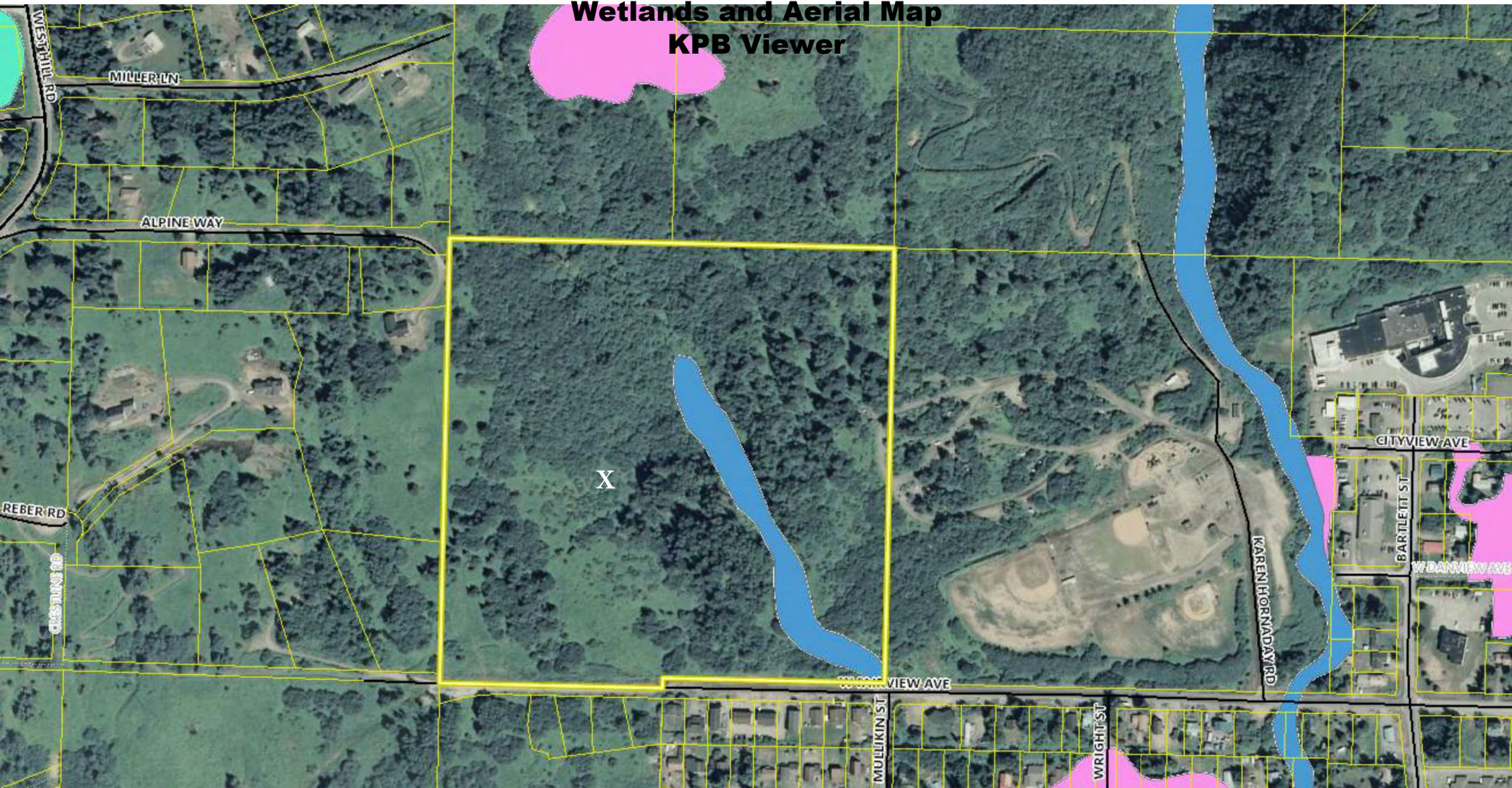
TERRA BELLA PROPERTIES, LLC
1430 K STREET ANCHORAGE, AK 99501

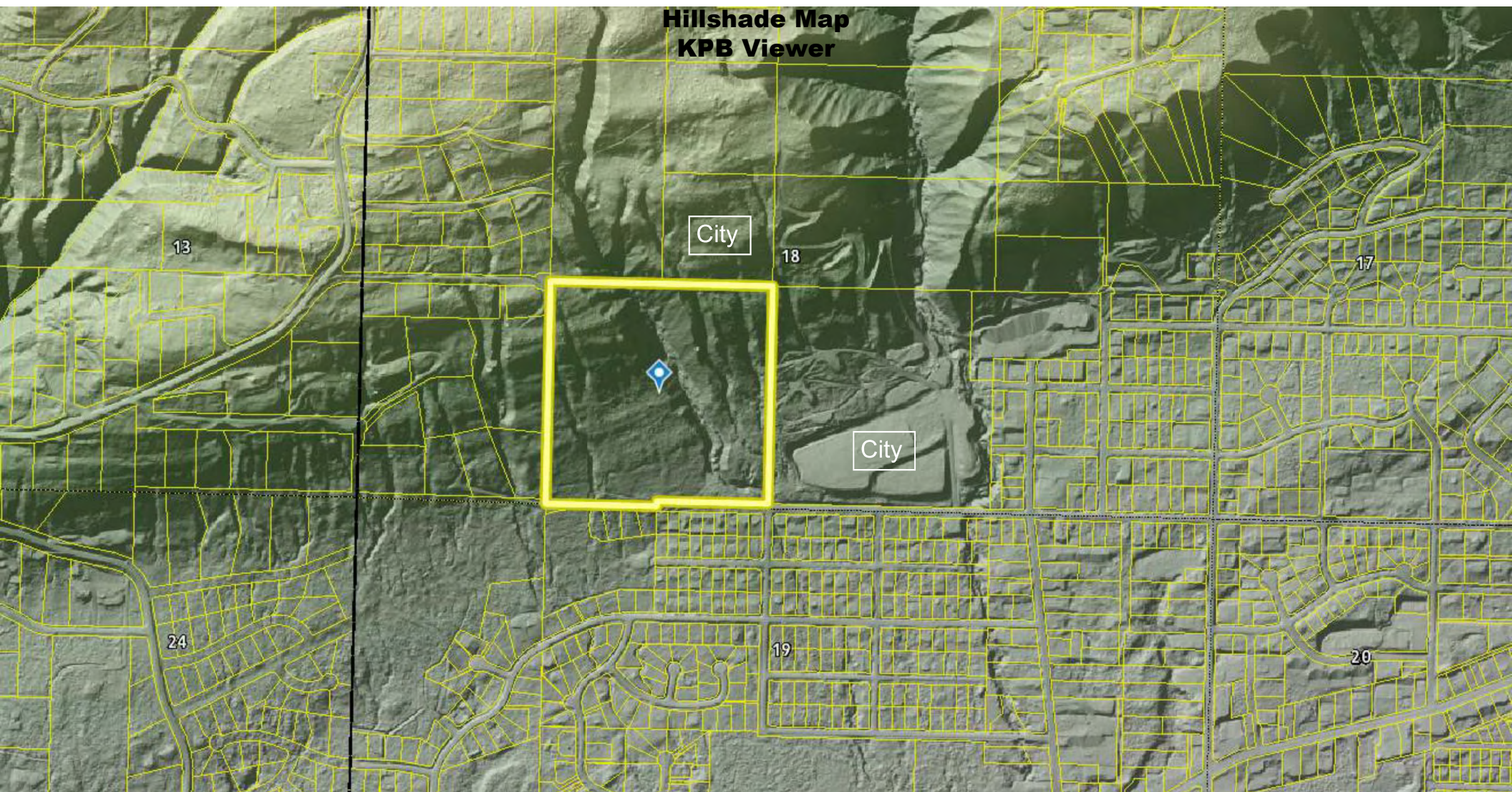
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DRAWN BY: SCS DATE: OCTOBER 2021 SCALE: 1" = 80'
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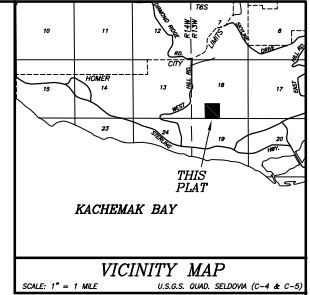
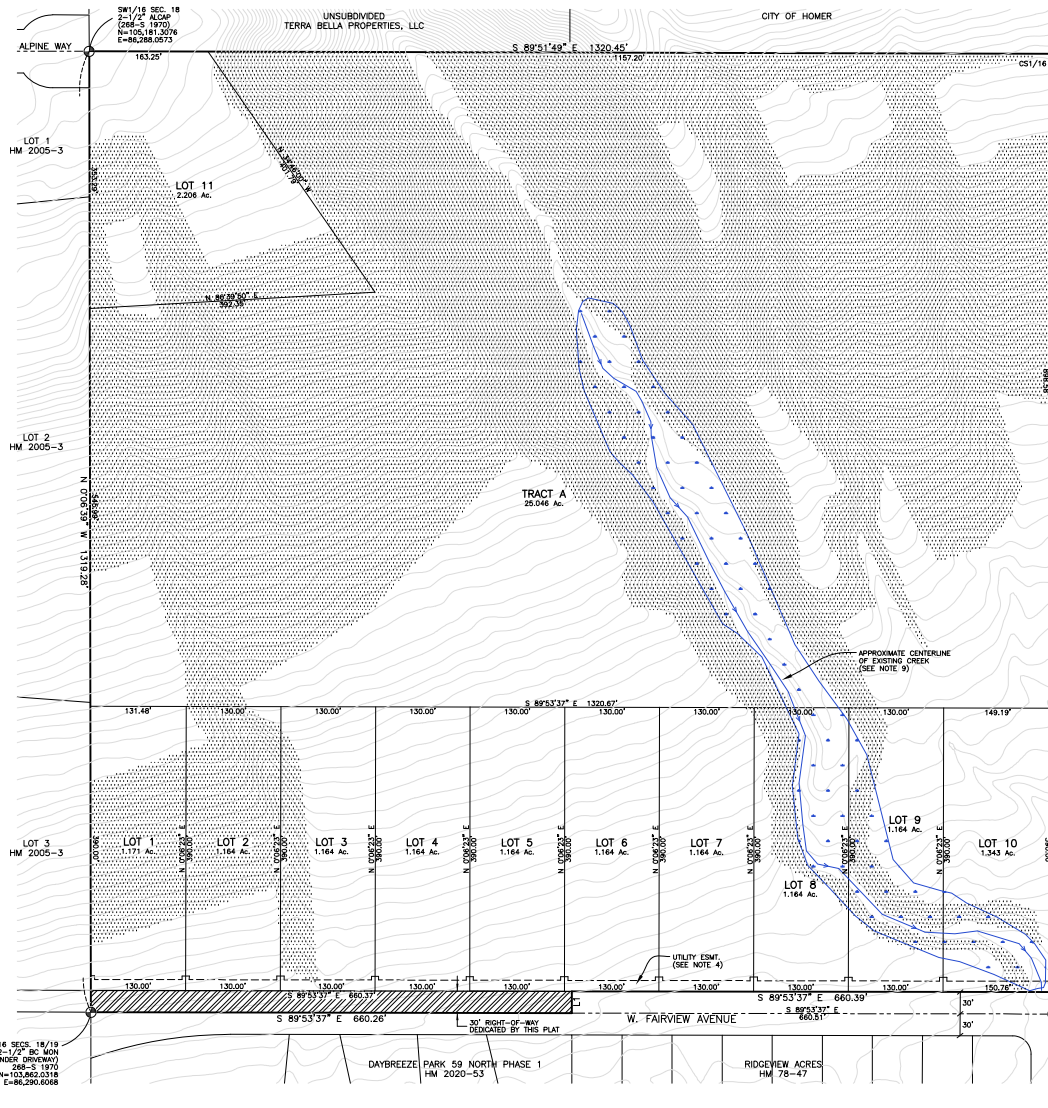
**Wetlands and Aerial Map
KPB Viewer**





NOTES

1. BASIS OF BEARING FOR THIS SURVEY WAS DETERMINED BY A HIGH PRECISION GPS SURVEY USING TOPCON DUAL-FREQUENCY HPPr V RECEIVERS, DIFFERENTIALLY CORRECTED AND PROCESSED WITH MAGNET OFFICE VERSION 3.1 SOFTWARE. NAD83 ALASKA STATE PLANE GRID COORDINATES (U.S. SURVEY FEET) OBTAINED FROM THE GPS OBSERVATIONS WERE BASED ON THE NGS PUBLISHED VALUES FOR FEDERAL BASE NETWORK CONTROL STATION "HOMAR" (PD 110155).
2. TRUE BEARINGS AND DISTANCES WERE DETERMINED BY ROTATING AND SCALING FROM GRID USING FEDERAL BASE NETWORK CONTROL STATION "HOMAR" AS A SCALING POINT. TRUE BEARINGS WERE DETERMINED BY ROTATING GRID INVERSE AZIMUTHS -117°13.4'. TRUE DISTANCES WERE OBTAINED BY DIVIDING GRID INVERSE DISTANCES BY 0.999986696.
3. THE RESULTING SCALED COORDINATES WERE TRANSLATED TO A LOCAL COORDINATE SYSTEM BASED ON FEDERAL BASE NETWORK CONTROL STATION "HOMAR" N=100,000 E=100,000. ALL COORDINATE VALUES REPRESENT GROUND DISTANCES IN U.S. SURVEY FEET ORIENTED TO TRUE NORTH.
4. THE 15 FEET FRONTING THE STREET RIGHT-OF-WAYS AND THE FRONT 20 FEET WITHIN 5 FEET OF THE SIDE LOT LINES IS A UTILITY EASEMENT. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
5. PROPERTY OWNER SHOULD CONTACT THE ARMY CORPS OF ENGINEERS PRIOR TO ANY ON-SITE DEVELOPMENT OR CONSTRUCTION ACTIVITY TO OBTAIN THE MOST CURRENT WETLAND DESIGNATION (IF ANY). PROPERTY OWNERS ARE RESPONSIBLE FOR OBTAINING ALL REQUIRED LOCAL, STATE, AND FEDERAL PERMITS.
6. THESE LOTS WILL BE SERVED BY CITY OF HOMER SEWER AND WATER.
7. ALL LOTS WITHIN THIS SUBDIVISION ARE SUBJECT TO CITY OF HOMER ZONING REGULATIONS. REFER TO THE HOMER CITY CODE FOR ALL CURRENT SETBACK AND SITE DEVELOPMENT RESTRICTIONS. OWNERS SHOULD CHECK WITH THE CITY OF HOMER PLANNING DEPARTMENT PRIOR TO DEVELOPMENT ACTIVITIES.
8. SET A 5/8" X 30" REBAR WITH 2" ALCAP (7538-S 2021) AT ALL LOT CORNERS UNLESS INDICATED OTHERWISE.
9. THERE IS A A DRAINAGE EASEMENT 20 FEET ON BOTH SIDES OF THE EXISTING CREEK. APPROXIMATE LOCATION OF CREEK IS SHOWN.



CERTIFICATE OF OWNERSHIP AND DEDICATION
I HEREBY CERTIFY THAT TERRA BELLA PROPERTIES, LLC IS THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON, THAT ON BEHALF OF TERRA BELLA PROPERTIES, LLC I HEREBY ADOPT THIS PLAN OF SUBDIVISION, AND BY OUR FREE CONSENT DEDICATE ALL RIGHTS OF WAY AND PUBLIC AREAS TO PUBLIC USE, AND GRANT ALL EASEMENTS TO THE USE SHOWN HEREON.

TERRA BELLA PROPERTIES, LLC
JOSEPH COLUMBUS, MANAGER
1430 K STREET
ANCHORAGE, ALASKA 99501

NOTARY'S ACKNOWLEDGMENT

FOR JOSEPH COLUMBUS

ACKNOWLEDGED BEFORE ME THIS
DAY OF _____, 2021.

NOTARY PUBLIC FOR ALASKA

MY COMMISSION EXPIRES: _____

CERTIFICATE OF ACCEPTANCE

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

THE UTILITY EASEMENTS WITHIN THE 15' FEET ADJACENT TO ALL STREET ROW'S AND THE FRONT 20 FEET WITHIN 5 FEET OF SIDE LOT LINES.

MATCHING 30' ROW FOR A PORTION OF WEST FAIRVIEW AVENUE.

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

BY: ROB DUMOUCHEL, CITY MANAGER
CITY OF HOMER, ALASKA

DATE: _____

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

TERRA BELLA SUBDIVISION

THE SUBDIVISION OF A PORTION OF THE S1/4 SW1/4 SECTION 18, T. 6 S., R. 13 W., SEWARD MERIDIAN, CITY OF HOMER, KENAI PENINSULA BOROUGH, THIRD JUDICIAL DISTRICT, ALASKA CONTAINING 39.531 ACRES

OWNER:
TERRA BELLA PROPERTIES, LLC
1430 K STREET ANCHORAGE, AK 99501

GEOVERA, LLC

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

DRAWN BY: SC5 DATE: MARCH 2021 SCALE: 1" = 80'
CHK BY: SC5 JOB #2021-10 SHEET 1 OF 1

LEGEND

- INDICATES PRIMARY MONUMENT RECOVERED AS DESCRIBED
- INDICATES POTENTIAL LOW WET AREAS PER KENAI WATERSHED FORUM 2013 COOK INLET WETLANDS MAPPING
- INDICATES AREAS WITH SLOPES GREATER THAN 20%
- INDICATES CENTERLINE OF DRAINAGE

W1/16 SECS. 18/19
TED ORIGINAL S-1/2" BC MON
(NOW BURIED UNDER DRIVEWAY)
286-3 1970
N=103,862.0319
E=86,290.6068

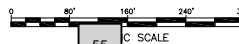
PLAT APPROVAL

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

BY: AUTHORIZED OFFICIAL DATE
KENAI PENINSULA BOROUGH

LINE TABLE

LINE	BEARING	DISTANCE
L1	N 0°08'23" E	30.00'
L2	N 0°07'28" E	30.00'



WASTEWATER DISPOSAL

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

SURVEYOR LICENSE # DATE





City of Homer

www.cityofhomer-ak.gov

Planning

491 East Pioneer Avenue
Homer, Alaska 99603

Planning@ci.homer.ak.us

(p) 907-235-3106

(f) 907-235-3118

Memorandum

Agenda Changes/Supplemental Packet

TO: PLANNING COMMISSION
FROM: TRAVIS BROWN, PLANNING TECHNICIAN
DATE: Sept. 1, 2021
SUBJECT: SUPPLEMENTAL PACKET

PLAT CONSIDERATION

A. Staff Report 21-55, Terra Bella Subdivision Preliminary Plat

Comments from surveyor/applicant Stephen C. Smith, P.L.S.	p. 1
Comments from Karen and William Wuestenfeld	p. 2
Comments from Kenton and Kayla Bloom	p. 5
Comments from Bob Shavelson	p. 6
Comments from Vicky Gordon	p. 8
Comments from Karin Holser	p. 10

From: Julie Engebretsen
Sent: Wednesday, September 1, 2021 10:57 AM
To: Janette Keiser; Rick Abboud; Travis Brown
Subject: FW: Terra Bella Subdivision Preliminary Plat

From: Stephen C. Smith <scsmith@gci.net>
Sent: Wednesday, September 1, 2021 10:55 AM
To: Julie Engebretsen <JEngebretsen@ci.homer.ak.us>
Subject: Terra Bella Subdivision Preliminary Plat

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hi Julie,

Following a conversation with Public Works on the desire for inclusion of a sidewalk on the north side of the road, and concerns about the profile of the proposed road developments, I think it would be prudent to remove the preliminary plat from tonight's planning commission agenda and postpone it until at least the October 6 meeting. I would hope that between now and October 6 that we can determine whether the city and the owners can agree to combine the proposed Tract A with the park. If that is going to happen the plat will need to include the park property.

I will work on addressing the adjoining property owner's concerns about the road profile. That will involve adjusting the sewer design accordingly. I'll keep you and Public Works in the loop as changes are made. Let me know if you have any additional questions or input beyond what we discussed this afternoon. Thanks.

Steve

Geovera, LLC
Stephen C. Smith, P.L.S.
PO Box 3235
Homer, Alaska 99603
(907) 399-4345
scsmith@gci.net

Karen and William Wuestenfeld
801 Alpine Way
P.O. Box 2150
Homer, AK 99603

August 31, 2021

City of Homer Planning Commission
491 Pioneer Ave.
Homer, AK 99603
planning@ci.homer.ak.us

Subject: Terra Bella Subdivision Preliminary Plat

Planning Commission:

We are residents of 801 Alpine Way, Lot 2 Wildflower Ranch Subdivision. The proposed plat would result in creation of a new rural residential lot immediately adjacent to our eastern property line (Lot 11, Terra Bella Subd.).

We are not opposed to the proposed plat, but have concerns about the completeness and accuracy of the information provided in the Terra Bella Subdivision Preliminary Plat.

Specifically:

1. Note 6 of the preliminary plat states that all lots will be served by City of Homer water and sewer. However, these utilities do not current extend north of Fairview Avenue, nor does the plat suggest any engineering to install service up steep slopes to Lot 11. The plat either needs to state that Lot 11 will be not be served with public water and sewer, and must meet State of Alaska Department of Environmental Conservation requirements for onsite septic and/or well, or must demonstrate how public service is to be provided.
2. Alpine Way is not currently maintained by the City of Homer. In fact, we pay for all plowing, subsidizing other residents. We, along with our neighbors, pay for grading the road when needed. Residential construction on Alpine Way this spring resulted in significant damage, which that homebuilder willingly repaired. The plat must disclose that no public road maintenance is provided; and we in no way commit to continuing to provide the current *gratis* level of service. (See below for additional information regarding lack of City maintenance of Alpine Way).
3. The tract contains extensive areas of steep slopes. The plat indicates areas with slopes greater than 20%. Because City of Homer Ordinance 21.40 is applicable to slopes greater than 15%, the plat should be updated to show all slopes greater than 15%. This

will provide for more accurate disclosure to prospective property purchasers and help assure compliance with City requirements. A note should be added to the plat to reference the requirements of City of Homer Ordinance 21.40, which present significant constraints to development across much of this tract. The City might consider establishment of slope / drainage easements such as were provided for in Wildflower Ranch Subdivision.

4. The plat does not show a major drainageway near the western boundary of the tract. The steep slopes indicated on the map contain this drainageway, which flows heavily in the spring and after intense rains. The point where the ravine flattens (approximately on Lots 1 and / or 2), is very wet during the growing season. While these conditions are not shown on the current Homer Wetlands Map, they do exist and should be disclosed for prospective property buyers.

Taken together, this missing or inaccurate information is sufficient to warrant reissuance of a preliminary plat and subsequent public hearing.

City of Homer review of this preliminary plat provides an opportunity for the City to address the inequity associated with the lack of City maintenance of Alpine Way, a public road. The City and developer of Wildflower Ranch may have reached an agreement where public maintenance was not provided for, but circumstances have changed and are changing. Additional subdivision along Alpine Way has occurred, along with residential development. The proposed Terra Bella Subdivision would only exacerbate this situation. For example, load limits should be imposed as warranted during construction to avoid creating the type of quagmire created this spring. As a matter of fairness and equity, property owners along Alpine Way should receive the same level of City support as other roads along West Hill Road. (See attached table for supporting information.)

Thank you for consideration of these serious comments.

Respectfully,


Karen S. and William M. Wuestenfeld
submitted via email

Data about City Maintained Streets in West Hill Area

The following information was gathered through inspection of Kenai Peninsula Borough Basic Map Viewer imagery; the information was not field verified. ***All streets except Alpine Way receive City maintenance services.***

Street Name	Number of Lots Served	Number of Lots that Appear to be Developed
Goldberry Ct.	6	3 or 4
Jeffery Ave.	11	8
Bell Ave.	13	7
Dewberry Lane	8 or 9	5
Miller Lane	9	5
<i>Alpine Way</i>	<i>11</i>	<i>5</i>
Wythe Way	6	3
Reber Rd.	11	4 or 5
Seascape Dr.	5	5

From: [Kenton Bloom](#)
To: [Travis Brown](#)
Subject: Proposed Replat West Fairview Ave
Date: Friday, August 27, 2021 12:38:14 PM

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Planning and Public Works Departments,

We have received notice of the proposed subdivision across the street from our property, Lot 2 59 North. Our two comments are:

- 1) This plat will require an upgrade to Fairview Ave adjacent to our properties. We want the City of Homer to ensure that the final grade of the existing travelway does not get raised higher during the construction of new roadway. The existing accesses to the south side properties are already challenging. In addition, the overhead utility wires, located on the south side, are already dangerously low and present a potential safety concern.
- 2) This plat does not depict the stream through the proposed subdivision that crosses Fairview Ave. in the area located between Lot 1 and Tract A of 59 North. This is relevant in terms of parcel development and drainage plans and warrants consideration by the City and the public.

Please ensure that these items are substantially addressed by the subdivider.

Cordially, Kenton Bloom
Kayla Bloom

**Bob Shavelson
P.O. Box 1498
Homer, Alaska 99603**

VIA EMAIL ONLY
(planning@ci.homer.ak.us)

August 30, 2021

City of Homer Planning Commission
491 East Pioneer Avenue
Homer, Alaska 99603

RE: PROPOSED TERRA BELLA SUBDIVISION PRELIMINARY PLAT

Dear Planning Commission:

Please accept these brief comments on the above-referenced plat.

My family lives immediately down gradient from Lot 6 on the proposed plat, and we own property where we intend to build a home immediately down gradient from Lots 1 & 2.

While we are not opposed to the proposed subdivision, we believe the plat needs considerably more work before it should be approved. Our concerns include:

1. The drainage running from the north through Lot 2 and crossing onto Lot 3 is significant and perennial, and requires an adequate easement to ensure down gradient roads, driveways and properties remain protected.
2. For all proposed lots, the 2013 wetlands map by the Kenai Watershed Forum is informative, but incomplete on this scale. This is especially true for Lots 1-3, which possess considerable slope discharge areas and other wetland features. Accordingly, the Army Corps of Engineers should make a wetlands determination, and independent assessments should be completed, to understand the on-the-ground extent of developable lands and wetlands coverage.
3. Any road improvements should maintain the current elevation of Fairview Avenue, to allow acceptable access to down gradient properties south of Fairview, and to ensure the low hanging power and other wires on the south side of Fairview do not create safety hazards.
4. Any road improvements on the west end of the proposed subdivision should include easements to accommodate parking and related needs for Reber Trail users.
5. While the Kenai Peninsula Borough code requires identification of slopes of 20 percent grade or steeper on the plat, the Homer City Code's ordinance requires a permit for

grades of 15 percent or more. This inconsistency creates confusion, and it would be helpful to see the plat reflect 15% grades to provide a more accurate picture of local rules and conditions.

Thank you for your attention to these issues, and for your service on the Planning Commission.

Very truly yours,

A handwritten signature in black ink, appearing to read "Bob Shavelson", enclosed within a thin black rectangular border.

Bob Shavelson
bobshavelson@gmail.com
907.299.3277

From: Vicky Gordon <vbirchcreek@gmail.com>
Sent: Wednesday, September 1, 2021 1:53 PM
To: Department Planning
Subject: Terra Bella proposed Subdivision

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Planning Commission:
Comments for proposed Terra Bella Subdivision

I live immediately downstream from this proposed subdivision on Mullikin St and have for 23 years. I've experienced 2 major floods and several high water events with numerous and continuing erosion issues. This is not a small creek; it is a large watershed and this proposed subdivision includes most of it. I would not have built my house here if I had known the extent of water flow that is possible with this creek. I own both lots that this creek flows through here and from what I know now neither should have been developed and subdivided. As I have gardened in the lower lot over the years, I have found it is silt from previous flood events.

These high water/flood events occurred with all the shrubs/trees/vegetation in this watershed undisturbed. I am very concerned about this vegetation being disturbed in any way and the ensuing increased water flow and/or erosion that occurs when this happens. It is my experience in dealing with erosion issues here that it takes many years for shrubs and trees which are best at holding soil to become fully established. With climate change these events are predicted to happen with more frequency. I'm glad at least there are some protections in place with slopes now addressed in the city code. Hopefully another disaster like that of the Michael Gordon development above Karen Hornaday Park on Woodard Creek will never happen again. It has had very long lasting consequences.

It has been my hope that the City would extend Karen Hornaday Park to include this beautiful watershed. I have hiked over many parts of it and it is varied, habitat to much wildlife and a corridor for moose to travel up and down to the Homer bench for winter as well as feeding grounds. This intact watershed is important; please take the time to fully look at what is best to be done here.

As I have concern about the whole subdivision, I am especially concerned about lots 8, 9, and 10 and their impacts on the creek. I can't see how Lot 10 can be developed without disturbing the creek to get to utilities and access. Since Lots 8 and 9 have the creek going straight through them, it seems hard for them to be developed without impact.

As tract A may be donated to the City, would you consider the possibility of acquiring more of this parcel? There are many established trails here as well as many more options that could be connected to the Park and Reber. It is a lovely hike from Fairview Ave up to the campground through Lot 10.

It is very important for the City to be conscientious about subdivisions in these major watersheds. I don't want anyone else to have to deal with the problems I have faced here. And the City doesn't need more flooding issues with blocked culverts, water running down roads, over driveways and overflow in ditches as all happened here in the last floods.

Thank you
Vicky Gordon
4046 Mullikin St
235-7471

From: Karin Holser <kholser1@yahoo.com>
Sent: Wednesday, September 1, 2021 10:49 AM
To: Department Planning
Subject: Comment regarding Terra Bella Sub

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

To Whom It May Concern:

I would like to comment on the Terra Bella Subdivision. I am at the west end of Fairview Ave (900 West Fairview) and am wondering if you have taken into consideration the additional traffic that will now be coming through the area. Since the connection of Eric with Fairview will provide a corridor for traffic to cut through from West Hill to the hospital. This will make it hard for people to park on the street to get to the Reber trail. We need to provide parking for this trail - I have had people park in my driveway blocking it. It is a very well used trail and needs to be connected to the Hornaday Park! We need a trail so that people can park at Hornaday and start their hike from there.

Thank you for taking these comments into consideration.

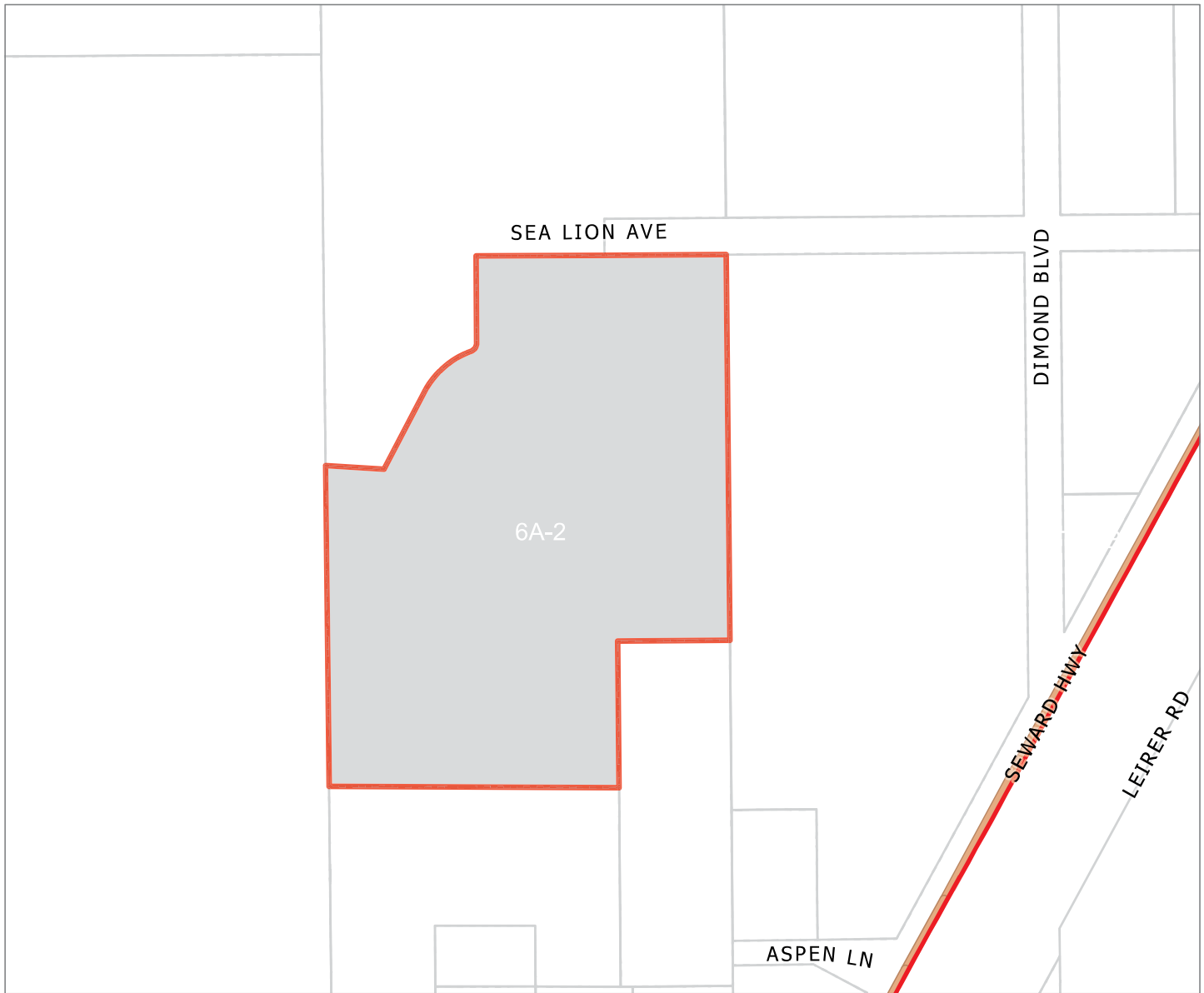
Sincerely,
Karin Holser

E. NEW BUISNESS

**ITEM E5 – FORT RAYMOND SUBDIVISION
REPLAT NUMBER 5**



Vicinity Map

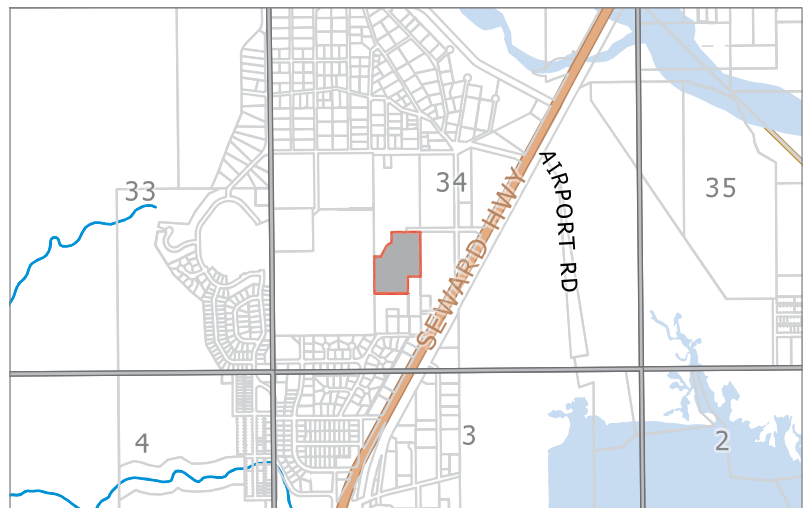
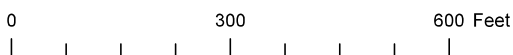


KPB File # 2022-029

S34-T01N-R01W

Seward

3/15/2022





CERTIFICATE OF OWNERSHIP AND DEDICATION

I, HEREBY CERTIFY THAT THE CITY OF SEWARD IS THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND THAT ON BEHALF OF THE CITY OF SEWARD I HEREBY ADOPT THIS PLAN OF SUBDIVISION AND BY MY FEE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

OWNER
CITY OF SEWARD
410 ADAMS STREET CITY HALL BUILDING
SEWARD, AK 99664

AUTHORIZED OFFICIAL SIGNATURE _____ DATE _____

TITLE _____ PRINTED NAME _____

NOTARY'S ACKNOWLEDGMENT

FOR: _____

ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____ 2021.

NOTARY PUBLIC FOR ALASKA

MY COMMISSION EXPIRES: _____

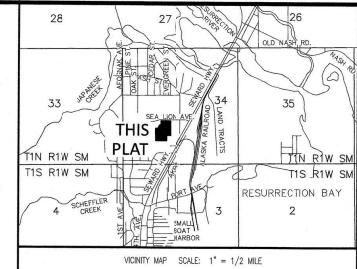
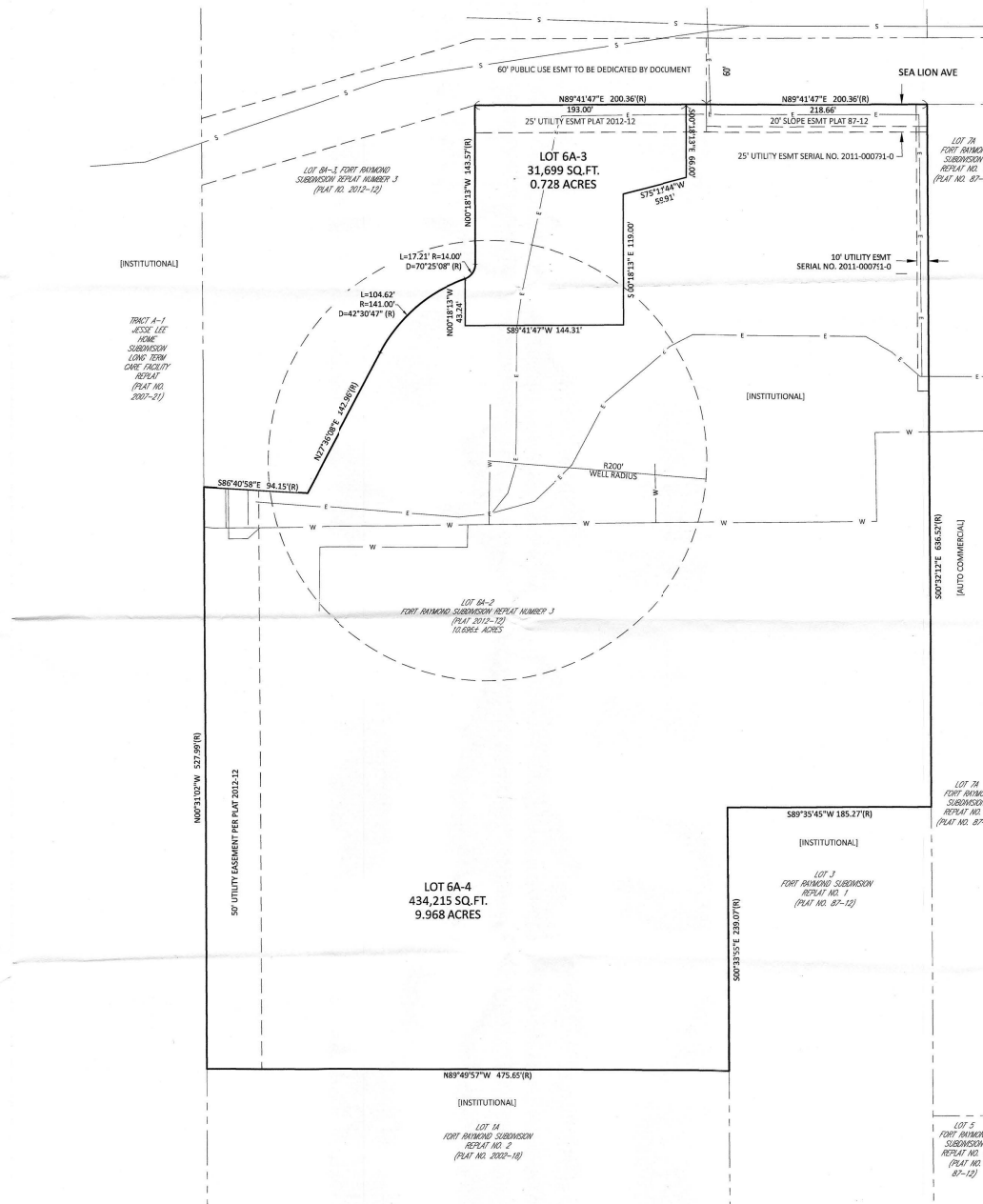
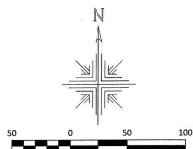
PLAT APPROVAL

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

KENAI PENINSULA BOROUGH

AUTHORIZED OFFICIAL SIGNATURE _____

LEGEND	
(R)	Record for Plat 2012-12
[Auto commercial]	Auto Commercial District Zoning
[Institutional]	Institutional District Zoning
---	Property Line
---	Adjacent Property
---	Easement
---	Water Line (GIS)
---	Electric Line (GIS)
---	Sewer Line (GIS)



NOTES:

1. THIS IS A PROPOSED PLATTING ACTION. NO BOUNDARY SURVEY HAS BEEN PERFORMED. THE BOUNDARY IS RECORDED PER PLAT 2012-12.
2. STREET RIGHT-OF-WAY WIDTHS SHOWN TO THE NEAREST FOOT REPRESENT ACTUAL DIMENSIONS TO THE NEAREST HUNDREDTH OF A FOOT (E.G. 30'-00.00').

SURVEYOR'S CERTIFICATE

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



**Pat of:
FORT RAYMOND SUBDIVISION
REPLAT NUMBER 5**

CREATING LOTS 6A-3 AND 6A-4
CONTAINING 10.696 ACRES MORE OR LESS

A SUBDIVISION OF:
LOT 6A-2,
FORT RAYMOND SUBDIVISION REPLAT NUMBER 3
FILED UNDER PLAT NO. 2012-12

CITY OF SEWARD
SEWARD RECORDING DISTRICT
KENAI PENINSULA BOROUGH
LOCATED WITHIN: SECTION 34, T1N, R1W, S4M, AK.

OWNER CITY OF SEWARD P.O. BOX 167 SEWARD, ALASKA 99664	
AK Lands, Land Surveying LLC PO Box 110485 Anchorage, AK 99511 aklands@aklands.com http://aklands.com (907) 744-LAND	
Drawn: SKW	Date of Survey: 6/2/2022
Parcel ID: PNC 1141	Field Book: KPB No.

KPB 2022-029

AGENDA ITEM E. NEW BUSINESS

ITEM 5 – FORT RAYMOND SUBDIVISION REPLAT NUMBER 5

KPB File No.	2022-029
Plat Committee Meeting:	April 11, 2022
Applicant / Owner:	City of Seward, Alaska
Surveyor:	Stacy Wessel / AK Lands Land Surveying
General Location:	Sea Lion Avenue, City of Seward

Parent Parcel No.:	145-026-23
Legal Description:	6A-2 Fort Raymond Subdivision Replat Number 3, Plat SW 2012-12
Assessing Use:	Institutional
Zoning:	Institutional
Water / Wastewater	Municipal

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide a 10.7 acre parcel into two lots that will be .73 acres and 9.97 acres. This is City of Seward property with the intent of constructing a new animal shelter on proposed Lot 6A-3.

Location and Legal Access (existing and proposed): The proposed plat is located within the City of Seward just north of mile 2 of the Seward Highway. Sea Lion Avenue and Dimond Boulevard provide the dedicated access to the Highway. The parent lot has access from dedicated Sea Lion Avenue. The 60 foot right of way is only dedicated from the Seward Highway to approximately the middle of the parent lot. Sea Lion Avenue construction continues and connects to Swetmann Avenue that continues to Resurrection Boulevard that connects to the Seward Highway south of mile 2. The western portion of Sea Lion Avenue and Swetmann Avenue are not dedicated right of ways. They continue through borough properties and provide access to Seward Elementary, Seward Middle School, Seward High School and associated sports fields.

Lot 6A-4 will continue to have access from dedicated right of way Sea Lion Avenue. The City of Seward and the surveyor are working with Kenai Peninsula Borough Land Management to receive a public access easement to provide access to Lot 6A-3. Exceptions have been requested.

A slope easement is depicted and noted on the plat. The plat being cited is SW 87-12. Staff believes the easement first appeared on Plat SW 86-10. **Staff recommends the creation of the easement be verified and update the plat note accordingly.**

The block is not compliant. The lack of dedication currently over the portions of Sea Lion Avenue and Swetmann Avenue does not provide a closed block. Taking those right of ways into consideration even though not dedicated does provide a closed block that does not comply with length requirements. The intent of this subdivision is provide a lot for an animal shelter. City facilities are already present on portions of the lot as well as a ball field. **Staff recommends the plat committee concur that an exception or dedication is not required; a dedication will not improve the block due to existing public facilities and the design of the area.**

City of Seward Fire Chief had no comment on the proposed plat.

KPB Roads Dept. comments	Out of Jurisdiction: Yes Roads Director: Uhlin, Dil Comments: RSA has no objection at this time
SOA DOT comments	No comment

Site Investigation: Per KPB GIS data, there are no low wet areas within the subdivision boundary of the property within close proximity. The terrain is also relatively flat with some slight slopes.

The KPB Floodplain review stated no comment and within the City of Homer. Staff has requested a revision that was not received when the staff report was prepared. If any additional information is presented to staff, it will be addressed during the staff report presentation. Platting staff did look at the KPB GIS data for the area and it appears the subdivision is not within a floodway. It is within the Floodplain Zone X, which is minimal flood risk and shown as not regulatory. Unless advised otherwise there will be no required floodplain or floodway notes.

KPB River Center review	<p>A. Floodplain Reviewer: Carver, Nancy Floodplain Status: Within City of Homer Comments: No comments</p> <p>B. Habitat Protection Reviewer: 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 land within the proposed subdivision was originally part of a U.S. Survey. It has since been surveyed multiple times with slight adjustments through the years.

Fort Raymond Subdivision, Plat SW 86-10, was the first of the subdivisions. Followed by Fort Raymond Subdivision Replat No. 1, Plat SW 87-12, Fort Raymond Subdivision Replat Number 2, Plat SW 2002-18, and finally the current configuration by Fort Raymond Subdivision Replat Number 3, Plat SW 2012-12.

There are multiple improvements located on the parent plat. The City of Seward staff report stated the current lots are used by the City of Seward Electric Department for the electric warehouse and Fort Raymond Substation. The Parks and Recreation department maintains a ball field on the property. There are multiple utility easements and Municipal Wells and their associated easements located on the property.

The City of Seward heard the plat at their March 1, 2022 Planning and Zoning meeting. The recommendations within their staff report were the following.

1. To comply with access requirements, a 60' public use easement (PUE) needs to be dedicated by document on KPB owned Lot 8A-3 in order to provide access to Lot 6A3-3.
2. Add a second 200' Well Radius for a public water well protection area located on Lot 6A-4 in accordance with Public Work Director's comments.

The City of Seward Public Work Director made comments of concern regarding the location of the southern property line of Lot 6A-3. Staff would like to note that the City would have to approve the final design, as it is their plat. If small line adjustments are made that still comply with KPB Code, the plat will not have to return to the Plat Committee.

A soils report will not be required as city services are available. An installation agreement of documentation that one is not required will need to be submitted. Provide the appropriate notes regarding provided services and wastewater disposal.

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

Utility Easements Fort Raymond Subdivision, Plat SW 86-10, depicted the slope easement along Sea Lion Avenue. Additional well easements were depicted on the plat. Forty Raymond Subdivision Replat No. 1, Plat SW 87-12, carried over the slope easement and the well easements. Fort Raymond Subdivision Replat No. 2, Plat SW 2002-18, carried over the same easements. A 25 foot wide utility easement was granted by recorded document along the Sea Lion Avenue dedication. Fort Raymond Subdivision Replat Number 3, Plat SW 2012-12, noted the recorded easement and granted an additional 25 foot easement along the non-dedicated portion of Sea Lion Avenue. A 50 foot utility easement was also granted along the western boundary. The plat carried over the original well easements and the slope easement. It also vacated a well easement located within the eastern portion of the lot.

The proposed plat is carrying over the previously granted easements with labels indicating the creation. The original creation of the slope easement should be verified as it was depicted on Plat SW 86-10.

The Public Works department for the City of Seward is requesting an additional well easement be depicted. If this easement was not previously granted it should be noted that it is being granted by this plat. **Staff recommends the surveyor work with the City of Seward Public Works Department to correctly depict and label the wells and easements associated with each.**

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

Utility provider review:

HEA	Not within service area
ENSTAR	No comment
ACS	Not ACS service area
GCI	Approved as shown
SEWARD ELECTRIC	Comment not received when staff report was prepared.
CHUGACH ELECTRIC	No comment. Not located within our service area.
TELALASKA	Comment not received when staff report was prepared.

KPB department / agency review:

Addressing	<p>Reviewer: Haws, Derek Affected Addresses: 605 SEA LION AVE</p> <p>Existing Street Names are Correct: Yes List of Correct Street Names: SEA LION AVE</p> <p>Existing Street Name Corrections Needed: All New Street Names are Approved: No List of Approved Street Names: List of Street Names Denied:</p> <p>Comments: The city of Seward will advise on affected address.</p>
Code Compliance	<p>Reviewer: Ogren, Eric Comments: No comments</p>

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

Verify the scale for the final.

KPB 20.25.070 – Form and contents required

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

- C. The location, width, and name of existing or platted streets and public ways, railroad rights-of-way, and other important features such as section lines or political subdivisions or municipal corporation boundaries abutting the subdivision;
Staff recommendation: *As only a portion of Sea Lion Avenue is dedicated, provide a label to indicate it is a “Dedicated Right of Way” to clarify that portion versus the portion that will be a public access easement.*
- 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: *Not required but some of the right of way names may be removed to help unclutter the vicinity map. Just use major right of ways and those adjacent to the plat. Verify the scale.*
- 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 3 and Lot 5 located to the southeast are from Fort Raymond Subdivision Plat SW 87-12. Update the labels. The zoning and land use is helpful during the preliminary phase but remove from the final. An abbreviated plat has been submitted to the Planning Department for Lot 7A lying east of this subdivision. Verify before mylar the status of the property and determine if new labels or depiction of lots is required.*
- N. Apparent encroachments, with a statement indicating how the encroachments will be resolved prior to final plat approval;
Staff recommendation: *A fence is encroaching that surrounds some utility features. The utilities are within the easement but the fence is slightly outside. The City of Seward owns all the lots involved and may resolve the issue in the future. Provide an encroachment note.*

KPB 20.30 – Subdivision Design Requirements

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

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

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

KPB 20.40 – Wastewater Disposal

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

20.40.010 Wastewater disposal.

Platting Staff Comments: City water and wastewater disposal are available. No soils report required.

Staff recommendation: *comply with 20.40.*

KPB 20.60 – Final Plat

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

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

Staff recommendation: *Staff did not indicate if an installation agreement was required. Provide an installation agreement or documentation from the City of Seward if one is not required.*

20.60.170. Other data required by law.

A. The plat shall show all other data that are or may be required on the plat by statute or ordinance.

B. Private covenants and restrictions of record in effect at the time the final plat is approved shall be referenced on the plat. The borough will not enforce private covenants, easements, or deed restrictions. The borough will not enforce private covenants, easements, or deed restrictions.

C. The plat must adhere to the requirement of the local option zone, where applicable.

Staff recommendation: *Per the Certificate to Plat some deed restrictions are present that should be noted on the plat. Comply with 20.60.170.*

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.*

- *Covenant and Reverter Clause as defined within deed recorded on March 2, 1967 in Book 31D Page 5, Seward Recording District.*
- *Covenants that affects a portion as defined within deed recorded on June 15, 1998 in Book 51 Page 342, Seward Recording District.*

- *The borough will not enforce private covenants, easements, or deed restrictions per KPB 20.60.170.*
- *This subdivision is subject to the City of Seward's Zoning and Land Use Regulations.*
- *No permanent structure may be constructed or placed within a utility easement that would interfere with the ability of a utility to use the easement.*
- *Lots are serviced by City of Seward water and wastewater disposal.*
- *Acceptance of this plat by the Kenai Peninsula Borough does not indicate acceptance of any encroachments.*
- *Add a plat note for any exceptions granted.*
- *WASTEWATER DISPOSAL: Plans for wastewater disposal, that meets regulatory requirements are on file at the Department of Environmental Conservation.*

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: *If any new utility or well easements are required by the City of Seward, an acceptance must be present to be signed by the City of Seward. Comply with 20.60.190.*

EXCEPTIONS REQUESTED:

KPB 20.30.030 – Proposed street layout-Requirements and KPB 20.30.210 – Lots-Access to street

Surveyor's Discussion: Sea Lion Avenue is developed paved street that is used by the public to access Lot 6A-2, Fort Raymond Subdivision Replat Number 3. Only a portion of Sea Lion Avenue is a 60' dedicated right-of-way. To comply with KPB Code, proposed Lot 6A-3 will be accessed by a 60' Public Use Easement dedicated by document. Proposed Lot 6A-4 legal access will remain through Sea Lion Avenue. Granting the exception to KPB code will provide the City of Seward with a new lot for the new Animal Shelter.

Staff Discussion: Sea Lion Avenue is a 60 foot wide dedication that is approximately 1,085 feet long. The constructed portion continues west to provide access to the Seward schools and their associated sports fields. The property containing the schools and the continued access is all under the ownership of the Kenai Peninsula Borough. The surveyor reached out to staff on the options for resolving the issue. One proposal was to provide a dedication by including the borough property within the subdivision. The other was to have the Kenai Peninsula Borough issue a public access easement. The surveyor reached out the Land Management Officer, Marcus Mueller, who said they would agree to issue the easement.

Staff has combined the requested exceptions as they appear to be connected. The Plat Committee may determine that the exceptions need to be heard separately and may make separate motions.

Denial of the exception will require a redesign that provides legal access or to work with neighboring property owners for dedication.

Findings:

1. KPB Code 20.30.030 requires dedication to provide proper projection of right of ways and reasonable means of ingress for surrounding acreage.
2. KPB Code 20.30.210 states each lot shall abut a fee simple dedicated right of way as provided in KPB 20.30.030.
3. Sea Lion Avenue is a 60 foot wide, paved right of way.
4. The dedication ends short of the proposed Lot 6A-3.
5. The construction of Sea Lion Avenue continues past this subdivision to provide access to schools and other public facilities.
6. Sea Lion Avenue continues to Swetmann Avenue, another constructed but not dedicated travelway.
7. Sea Lion Avenue and Swetmann Avenue provide a closed block and connect to Resurrection Boulevard.
8. Sea Lion Avenue goes through a 17.6 acre lot that contains the Elementary School and is owned by the Kenai Peninsula Borough.
9. Sea Lion Avenue and Swetmann Avenue continue through a 51.8 acre lot owned by the Kenai Peninsula

Borough that contains the Middle School and High School, along with track and ball field.

10. The Kenai Peninsula Borough agrees to grant a public access easement to provide access to the new lot.
11. If the KPB lots are subdivided or surveyed in the future, a request for dedications or additional access easements can be required.

Staff reviewed the exception request and recommends granting approval **subject to a 60 foot public access easement being recorded prior to finalization and the document being noted and depicted on the plat.**

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

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

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

1. That special circumstances or conditions affecting the property have been shown by application;
Findings 4-11 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 4-11 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 4-11 appear to support this standard.

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

RECOMMENDATION:

SUBJECT TO EXCEPTION(S) GRANTED, STAFF RECOMMENDS:

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

NOTE: 20.25.120. - REVIEW AND APPEAL.

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

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

END OF STAFF REPORT





P&Z Resolution 2022-003

Documents:

- Agenda Statement
- Resolution 2022-003
- Attachments:
 - Application
 - Preliminary Replat
 - Staff Comments

P&Z Agenda Statement



Meeting Date: March 1, 2022

Through: Jason Bickling, Community Development Director

From: Courtney Bringhurst, Planner

Agenda Item: Recommending City Council and Kenai Peninsula Borough Approval Of The Preliminary Replat Of Lot 6A-2, Fort Raymond Subdivision Replat No. 3, Creating Two Lots; Lot 6A-3 and Lot 6A-4.

BACKGROUND & JUSTIFICATION:

Attached for the Commission's review and recommendation to the City Council and the Kenai Peninsula Borough Planning Commission is a preliminary plat submitted by AK Lands, Land Surveying, LLC. on behalf of the City of Seward. This platting action creates two new parcels, Lot 6A-3 and Lot 6A-4 by subdividing Lot 6A-2 Fort Raymond Subdivision Replat No. 3 (Plat 2012-12, Parcel ID 14502623), located at 605 Sea Lion Ave in Seward.

The City of Seward is proposing the subdivision to create Lot 6A-3 which will be used for a new Animal Shelter. The City of Seward will retain ownership of Lots 6A-3 and 6A-4. Lot 6A-4, which will be the remainder of former Lot 6A-2, will continue its current uses of maintenance equipment storage, electric utility warehouse, the Fort Raymond Substation, and recreational ball field facilities. In November of 2021, the Seward Planning & Zoning Commission approved Conditional Use Permit No. 2021-03 allowing the construction of the proposed Animal Shelter.

Sea Lion Ave. provides primary access to Lot 6A-2 and will continue to do so for Lot 6A-4. However, dedicated right-of-way (ROW) for Sea Lion Ave. ends east of proposed Lot 6A-3. To obtain primary access for Lot 6A-3, a 60' public use easement (PUE) on the adjacent property to the north is proposed to be dedicated by document. The Kenai Peninsula Borough owns Lot 8A-3 adjacent to the north (Parcel ID 14502624, site address 600 Sea Lion Ave) and has expressed agreement to dedication of the PUE.

An exception to KPB Code, sections 20.30.030 and 20.30.210 are requested:

- Exception to KPB Code 20.30.030 – Proposed Street Layout:
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.
- Exception to KPB Code 20.30.210 – Lots- Access to Street: *Each lot shall abut a fee simple dedicated street except as provided by KPB 20.30.030(B).*

The exception requested is warranted based on the following:

- Sea Lion Ave is a develop paved street used by the public to access Lot 6A-2, Lot 8A-3 (used for Seward Elementary School) and Tract adjacent to the west (used for Seward High School and Seward Middle School), and connects to the dedication ROW of Swetman St. to the southwest.
- Only a portion of Sea Lion Ave is dedicated ROW despite its use as primary access to public facilities.
- To comply with access requirements, proposed Lot 6A-3 will be accessed by a 60' PUE on KPB owned Lot 8A-3. The PUE will be dedicated by document.

There is a small portion of an existing fence that encloses utilities on the east side of Lot 6A-2 (proposed Lot 6A-2) that encroaches 3 feet into adjacent Lot 7A Fort Raymond Subdivision replat No. 1, owned by the City of Seward. The encroachment appears to be within a 10' utility easement and serves to protect a power pole, transformers and appurtenances.

In accordance with Borough requirements, the City must review and comment on a plat before submittal to the Borough for approval.

SUBDIVISION REVIEW:

Zoning: The property is zoned Institutional.

Size: The existing Lot 6A-2 is 10.7 acres. The replatted Lot 6A-3 would be 0.728 acres, and Lot 6A-4 would be 9.968 acres.

Utilities: Lot 6A-2 is currently served by City water, sewer, electricity, and fire hydrants. All utility lines are underground. There are existing easements on the proposed Lot 6A-3 and 6A-4. There is a 200' well radius on site. No new, on-site streets will be dedicated per this plat, and adjacent streets are already developed.

Existing Use: The existing Lot 6A-2 is used by the City of Seward Electric Department for the electric warehouse and Ft. Raymond Substation. Parks and Recreation maintains a recreational ball field on the property, and there are multiple utility easements, including a 200' radius well easement around Municipal Well #4.

Access: Lot 6A-4 will retain primary access off Sea Lion Ave. Lot 6A-3 will have primary access via the proposed 60' public use easement to be dedicated by document on Lot 8A-3, Fort Raymond Subdivision Replat No. 3, which the Kenai Peninsula Borough has expressed support for.

Flood Zone: Lot 6A-2, Fort Raymond Subdivision Replat No. 3 is not in a flood zone.

Staff Comments:

Department	Comments	No Comment	N/A
Building Department		X	
Fire Department		X	
Public Works Department	The Municipal drinking water wells and protection are very important to the City as we continue to provide clean drinking water to the community. There is concern about the proposed Lot 6A-3 line moving further south into the "Public Water Well Protection Area", as the planned project limits were further north, but support the animal shelter project. The other well on Lot 6A-2 needs the protection area added to the Plat		
Harbor Department		X	
Police Department		X	
Electric Department		X	
Telecommunications			X

Public Comment:

Property owners within three hundred (300) feet of the proposed platting action were notified of this public hearing. Public notice signs were posted on the property and all other public hearing requirements of Seward City Code §15.01.040 were complied with.

At the time of this publication the Community Development Department has received no public inquiries. If any correspondence is received after publication of this agenda statement, it will be presented as a lay down item at the Commission meeting.

RECOMMENDATION: Commission approval, with conditions, of Resolution 2022-003, recommending City Council and Kenai Peninsula Borough approval of the Preliminary Replat of Lot 6A-2, Fort Raymond Subdivision Replat No. 3 Creating Two Lots; Lot 6A-3, and Lot 6A-4.

This approval is subject to the petitioner's application, narrative, submittals and the plans on file at the Community Development Department, provided the following conditions of approval are met:

1. To comply with access requirements, a 60' public use easement (PUE) needs to be dedicated by document on KPB owned Lot 8A-3 in order to provide access to Lot 6A-3.
2. Add a second 200' Well Radius for a public water well protection area located on Lot 6A-4 in accordance with Public Works Director's comments.

Sponsored by: Applicant

**CITY OF SEWARD, ALASKA
PLANNING AND ZONING COMMISSION
RESOLUTION 2022-003**

A Resolution Of The Planning And Zoning Commission Of The City Of Seward, Alaska, Recommending City Council and Kenai Peninsula Borough Approval Of The Preliminary Replat Of Lot 6A-2, Fort Raymond Subdivision Replat No. 3, Creating Two Lots; Lot 6A-3 and Lot 6A-4.

WHEREAS, the City of Seward, has submitted a preliminary replat to the Planning and Zoning Commission for review and recommendation to the Kenai Peninsula Borough; and

WHEREAS, this replat creates two new lots, Lot 6A-3 and Lot 6A-4 by subdividing Lot 6A-2, Fort Raymond Subdivision Replat No. 3, also known as 605 Sea Lion Avenue Seward, Alaska; and

WHEREAS, the parcels are zoned Institutional (Ins); and

WHEREAS, the property currently has access to water, sewer, and electric; and

WHEREAS, all conditions required by Seward City Code §16.01.015, Conditions to plat approval, were met; the property owners within 300 feet of the requested replat were notified of the proposed subdivision, and the property was posted with public notice signage; and

WHEREAS, it is the Planning and Zoning Commission's responsibility to act in an advisory capacity to the Seward City Council and the Kenai Peninsula Borough regarding subdivision plat proposals.

NOW, THEREFORE, BE IT RESOLVED by the Seward Planning and Zoning Commission that:

Section 1. The Commission hereby recommends that, in accordance with Seward City Code Section 16.01.015 (B), the City Council and Kenai Peninsula Borough approve the submittal of the Preliminary Replat of Lot 6A-2, Fort Raymond Subdivision Replat No. 3, creating two lots; Lot 6A-3 and Lot 6A-4.

Section 2. This resolution shall take effect immediately upon its adoption.

PASSED AND APPROVED by the Seward Planning and Zoning Commission this
1st day of March 2022.

THE CITY OF SEWARD, ALASKA

Nathaniel Charbonneau, Presiding Officer

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

Brenda Ballou, MMC
City Clerk

(City Seal)



Planning Department

144 N. Binkley Street, Soldotna, Alaska 99669 • (907) 714-2200 • (907) 714-2378 Fax

PRELIMINARY PLAT SUBMITTAL FORM

☒ PRELIMINARY PLAT ☐ REVISED PRELIMINARY PLAT (no fee required)

☐ PHASED PRELIMINARY PLAT ☐ PRELIMINARY PLAT FOR PRIVATE STREETS / GATED SUBDIVISION

– all requirements of chapter 20, excluding 20.30.210 and 20.50 apply and must be met.

SUBDIVISION PLAT NAME: must be a unique name, contact staff for assistance if needed.

Fort Raymond Subdivision Replat Number 5

PROPERTY INFORMATION:

legal description	Lot 6A-2, Fort Raymond Subdivision Replat Number 3, Plat No. 2012-12
Section, Township, Range	Section 34, T1N, R1W, SM, AK
General area description	South of Sea Lion Avenue
City (if applicable)	Seward
Total Acreage	10.696

SURVEYOR

Company: AK Lands, Land Surveying	Contact Person: Stacy Wessel
Mailing Address: PO box 110485	City, State, Zip Anchorage, AK
Phone: (907) 744-LAND	e-mail: aklands@aklands.com

PROPOSED WASTEWATER AND WATER SUPPLY

WASTEWATER ☐ on site ☒ City ☐ community

WATER ☐ on site ☒ City ☐ community

SUBMITTAL REQUIREMENTS

A preliminary plat application will be scheduled for the next available plat committee meeting after a complete application has been received.

- ☐ 1 – full size paper copy
- ☐ 7 – reduced sized drawing (11 x 17)
- ☐ preliminary plat NON-REFUNDABLE submittal fee \$400
- ☐ City Planning Commission minutes when located within city limits or Bridge Creek Watershed District
- ☐ certificate to plat for ALL parcels included in the subdivision
- ☐ documentation showing proof of signatory authority (partnerships, corporations, estates, trusts, etc.)
- ☐ ALL requirements of KPB 20.25.070 (see page 2 for checklist) and KPB 20.25.080

EXCEPTIONS REQUESTED TO PLATTING CODE: A letter, to be presented to the commission, with substantial evidence justifying the requested exception and fully stating the grounds for the exception request, and the facts relied upon, MUST be attached to this submittal.

1. KPB 20.30.030 2. 20.30.210 3. _____

APPLICANT: SIGNATURES OF ALL LEGAL PROPERTY OWNERS ARE REQUIRED. Additional signature sheets can be attached. When signing on behalf of another individual, estate, corporation, LLC, partnership, etc., documentation is required to show authority of the individual(s) signing. Contact KPB staff for clarification if needed.

OWNER(s)

Name (printed): Alan D. Nickell	Signature:
Phone: (907) 224-3338	e-mail: anickell@cityofseward.net

Name (printed):	Signature:
Phone:	e-mail:

Name (printed):	Signature:
Phone:	e-mail:

FOR OFFICE USE ONLY


















RECEIVED BY _____

DATE SUBMITTED _____

KPB FILE # _____

20.25.070 - Form and contents required.

The preliminary plat shall be drawn to scale of sufficient size to be clearly legible and shall clearly show the following:

A.	Within the title block:	Not applicable to my plat.	The required information has been shown/noted.
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;		
2.	Legal description, location, date, and total area in acres of the proposed subdivision; and		
3.	Name and address of owner(s), as shown on the KPB records and the certificate to plat, and registered land surveyor;		
B.	North point;		
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;		
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;		
E.	All parcels of land including those intended for private ownership and those to be dedicated for public use or reserved in the deeds for the use of all property owners in the proposed subdivision, together with the purposes, conditions, or limitations of reservations that could affect the subdivision;		
F.	The names and widths of public streets and alleys and easements, existing and proposed, within the subdivision;		
G.	Status of adjacent lands, including names of subdivisions, lot lines, block numbers, lot numbers, rights-of-way; or an indication that the adjacent land is not subdivided;		
H.	Approximate locations of areas subject to inundation, flooding, or storm water overflow, the line of ordinary high water, wetlands when adjacent to lakes or non-tidal streams, and the appropriate study which identifies a floodplain, if applicable;		
I.	Approximate locations of areas subject to tidal inundation and the mean high water line;		
J.	Block and lot numbering per KPB 20.60.140, approximate dimensions and total numbers of proposed lots;		
K.	Within the limits of incorporated cities, the approximate location of known existing municipal wastewater and water mains, and other utilities within the subdivision and immediately abutting thereto or a statement from the city indicating which services are currently in place and available to each lot in the subdivision;		
L.	Contours at suitable intervals when any roads are to be dedicated unless the planning director or commission finds evidence that road grades will not exceed 6 percent on arterial streets, and 10 percent on other streets;		
M.	Approximate locations of slopes over 20 percent in grade and if contours are shown, the areas of the contours that exceed 20 percent grade shall be clearly labeled as such;		
N.	Apparent encroachments, with a statement indicating how the encroachments will be resolved prior to final plat approval; and		
O.	If the subdivision will be finalized in phases, all dedications for through streets as required by KPB 20.30.030 must be included in the first phase.		

Subdivision Name: _____ Date: _____



PO Box 110485
Anchorage, AK 99511
(907) 744-LAND
aklands@aklands.com
aklands.com

February 3, 2022

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

Subject: Preliminary Plat-Fort Raymond Subdivision, Seward, Alaska

Greetings Commission Members of the Kenai Peninsula Borough,

The City of Seward is creating two new parcels, Lot 6A-3 and Lot 6A-4, by subdividing Lot 6A-2, Fort Raymond Subdivision Replat Number 3, Plat 2012-12, also known as 605 Sea Lion Ave. in Seward, Alaska. Proposed Lot 6A-3 will be used for a new Animal Shelter. Lot 6A-4 will be the remainder of former Lot 6A-2. To grant the subdivision, the City of Seward is requesting an exception to KPB Platting Code 20.30.030 and KPB 20.30.210.

Exception to KPB Platting code 20.30.030

Sea lion Avenue is a developed paved street, that is used by the public to access Lot 6A-2, Fort Raymond Subdivision Replat Number 3. Only a portion of Sea Lion Ave. is a 60' dedicated right-of-way. To comply with KPB Code, proposed Lot 6A-3 will be accessed by a 60' Public Use Easement dedicated by document. Proposed Lot 6A-4 legal access will remain through Lot Sea Lion Ave.

Fence Encroachment

A very small portion of a fence that surrounds a power pole and utilities encroaches 3 feet onto Lot 7A, Fort Raymond Subdivision No 1. The City of Seward owns both Lots. The fence is there to protect a power pole, transformers, and appurtenances. The utilities appear to be within the 10' Utility Easement Serial No. 2011-000791-0.

Granting the exception to KPB code will provide the City of Seward with a new lot for the new Animal Shelter.

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

Sincerely,

AK Lands, Land Surveying, LLC by

A handwritten signature in blue ink, appearing to read 'Stacy Wessel', is written over a blue circular stamp that contains the text 'AKLANDS'.

Stacy Wessel, PLS




AFFIDAVIT OF POSTING

PUBLIC HEARING NOTICE

I, JASON BICKLING, hereby certify that I have posted a Notice of Public Hearing, as prescribed by Seward City Code ' 15.01.040/16.01.015 on the property located at **Lot 6A-2, Fort Raymond Subdivision Replat No. 3, Plat No. 2012-02, Located at 601 Sea Lion Avenue**, that has petitioned for a Public Hearing for a Preliminary Replat of Lot 6A-2, Fort Raymond Subdivision Replat No. 3, Plat No. 2012-02 Creating Two Lots; Lot 6A-3 and Lot 6A-4.

The notice was posted on FEBRUARY 17, which is 11 days prior to the public hearing on this petition. I acknowledge this Notice must be posted in plain sight, maintained and displayed until all public hearings have been completed.

Affirmed and signed this 17 day of FEBRUARY, 2022.


Signature

CITY OF SEWARD, ALASKA

AFFIDAVIT OF MAILING

PUBLIC HEARING NOTICE



Selena Soto, upon oath, deposes and states:

That she is employed in the Community Development Office of the City of Seward, Alaska; and that on February 15, 2022 she mailed a Notice of Public Hearing to the real property owners within a 300-foot periphery of **Lot 6A-2, Fort Raymond Subdivision Replat No.3, Plat No. 2012-02, Located at 601 Sea Lion Avenue** as prescribed by Seward City Code 15.01.040/16.01.015.

Affirmed and signed this 15th day of February 2022.

Selena Soto

MEMORANDUM

DATE: February 10, 2022

TO: ☐ Rob Montgomery, Electric Utility Manager
☐ Patrick Domitrovich, Electric Utility Operations Sup
☐ Alan Nickell, Police Chief
☐ Clinton Crites, Fire Chief
☐ Nate Crossley, Building Inspector
☒ Doug Schoessler, Public Works Director
☐ Norm Regis, Harbormaster
☐ Mark Groeschel, TelAlaska
☐ Bradley Beck / Von Terry, GCI Cable



FROM: Courtney Bringhurst, Planner

SUBJ: Lot 6A-2, Fort Raymond Subdivision Replat Number 3, Plat No, 2021-12

The City of Seward and their representative, AK Lands, Land Surveying, LLC, has submitted a Preliminary Plat application to the City of Seward Planning and Zoning Commission to replat Lot 6A-2, Fort Raymond Subdivision Replat No. 3 creating two Lots: Lot 6A-3 and Lot 6A-4. The City of Seward will retain ownership of the proposed lots; Lot 6A-3 will be used for a new Animal Shelter.

The attached Preliminary Replat application has been sent to you via email so that you can view the details.

You will not be receiving a hard copy of this memo. Please print your comments clearly—I have included the staff review in a word document if you would prefer to type your comments in.

This item will be heard before Planning and Zoning on March 1st, 2021. Please review and return a signed copy with comments of the attached memo by Thursday, February 18, 2022 so that your comments can be included in the staff report.

☐ I Have No Comments

☒ I Have Comments On this Case (attach separate sheet if needed)

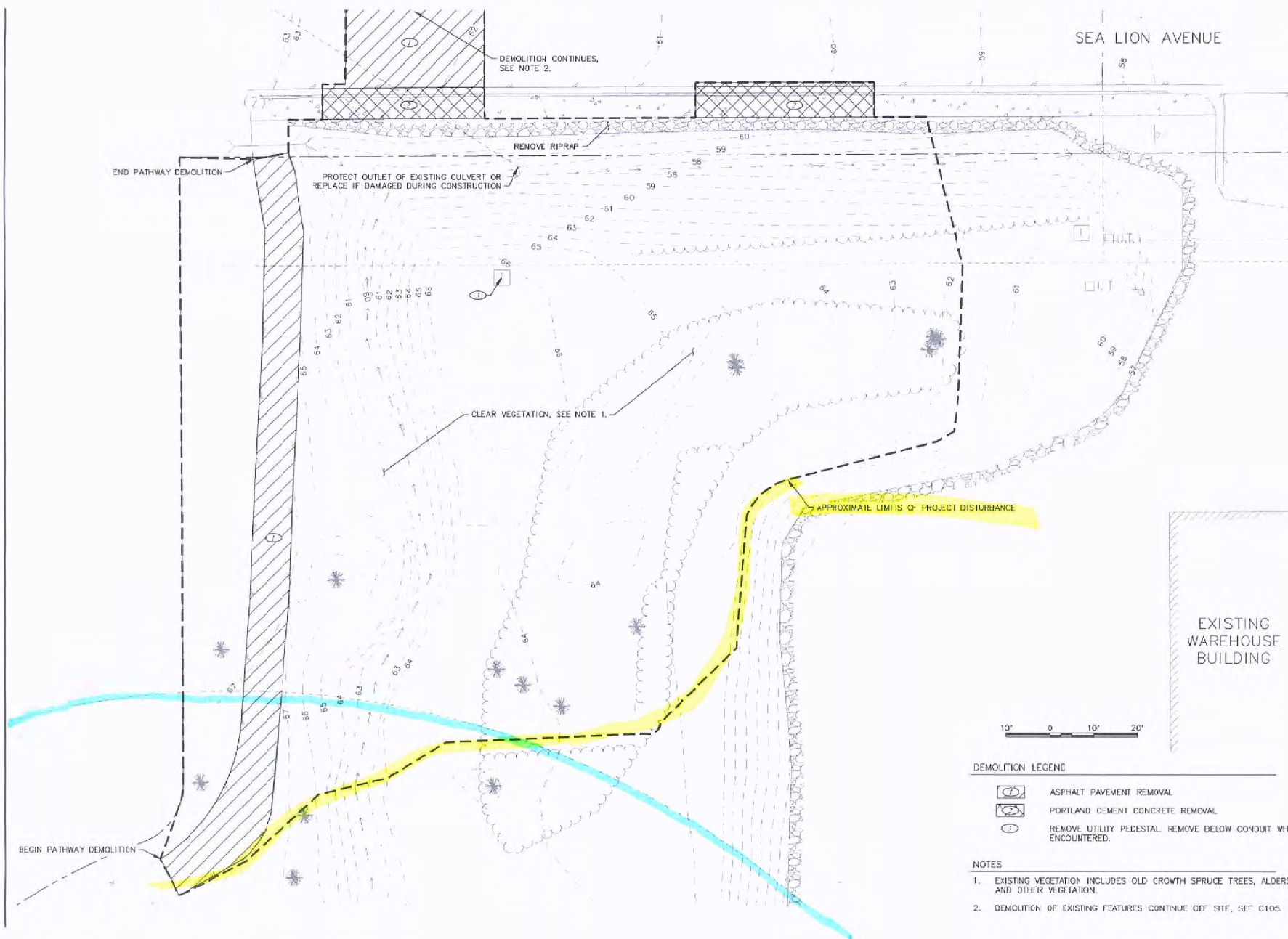
Comments:

① I still have concerns of the new animal shelter property line moving further south into to "Public Water Well Protection Area". The planned project limits were further north. See attached

Signed

Date

② The other well also needs the protection area added to this new plat.
*see attached 2 drawings



City of Seward

SEWARD ANIMAL SHELTER

Sea Lion Ave., Seward, Alaska 99664

dawson

DAWSON CONSTRUCTION
1601 AIRPORT BLVD.
JUNEAU, ALASKA 99901
907.780.1900

NORTHFORM

NORTHFORM ARCHITECTURE
1525 HAMBELL STREET, SUITE 404
ANCHORAGE, ALASKA 99503
907.539.9200
CERT. AUTHORIZATION: 119221

CRW
ENGINEERING GROUP LLC
200 WEST 10TH AVENUE, SUITE 300
ANCHORAGE, ALASKA 99501
PHONE: 907.443.1502
FAX: 907.443.1502

Project Issue Date		
Rev.	Description	Date

PROJECT NO. 7590500
DATE 09/27/2021
DRAWN BY: JC
REVIEWED BY: MS

PRE-FINAL DOCUMENTS
SHEET TITLE
DEMOLITION PLAN

SHEET NO.
C102

ASP ZONE 4 NORTH
NAD83

CERTIFICATE OF OWNERSHIP AND DEDICATION

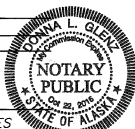
We hereby certify that we are the owners of the real property shown and described hereon and that we hereby adopt this plan of subdivision and by our free consent dedicate all rights of way to public use, and grant all easements to the use shown.

James Hunt
James Hunt, City Manager
City of Seward
P.O. Box 167
Seward, AK, 99664
OWNER FORMER LOT 6A-1

NOTARY'S ACKNOWLEDGMENT

FOR James Hunt
SUBSCRIBED AND SWORN TO BEFORE ME THIS 3rd
DAY OF October, 2012

Donna L. Hilly 10-22-2016
NOTARY FOR ALASKA MY COMMISSION EXPIRES



Paul Oster
For: Mike Navarre, Mayor
Kenai Peninsula Borough
144 North Binkley St
Soldotna, AK, 99669
OWNER FORMER LOT 8A-1

NOTARY'S ACKNOWLEDGMENT

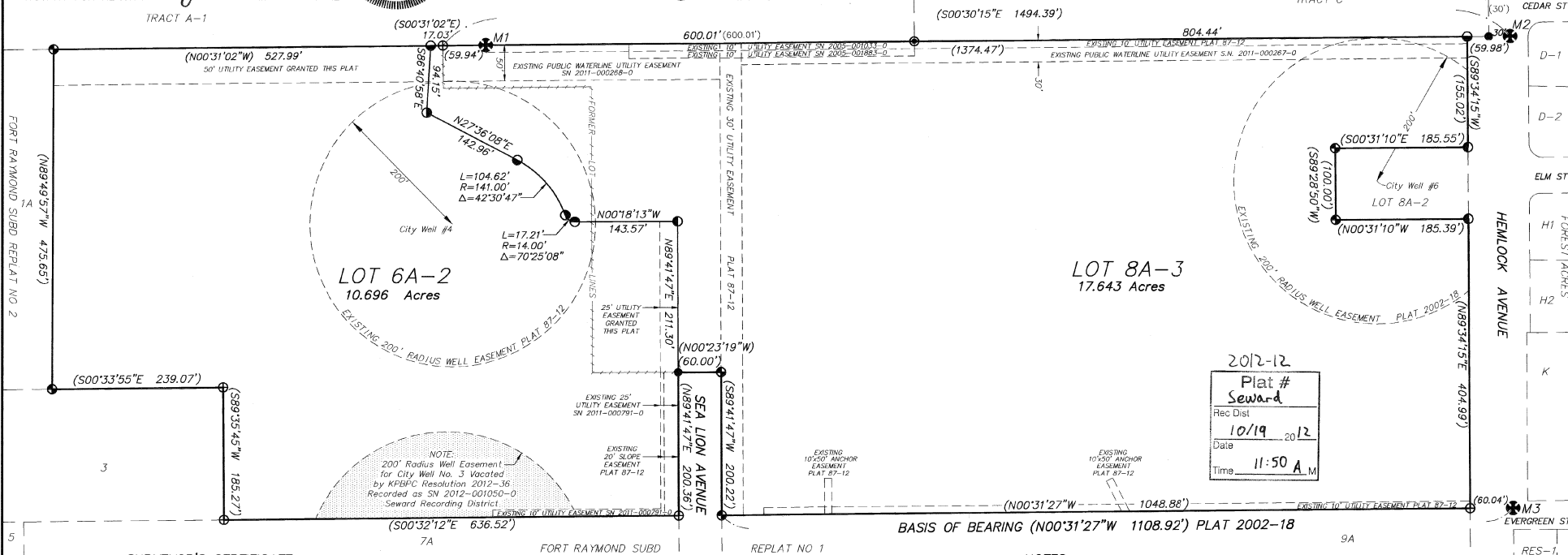
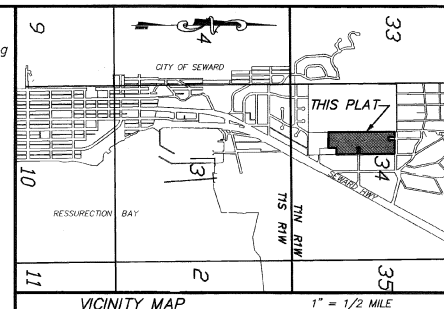
FOR Paul Oster, Chief of Staff
SUBSCRIBED AND SWORN TO BEFORE ME THIS 11th
DAY OF October, 2012

Katuliny 9-20-2015
NOTARY FOR ALASKA MY COMMISSION EXPIRES

PLAT APPROVAL

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of: August 13, 2012

Max Best OCT 18, 2012
Borough Official 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 to the normal standards of practice of land surveyors in the State of Alaska.

9/29/12

DATE



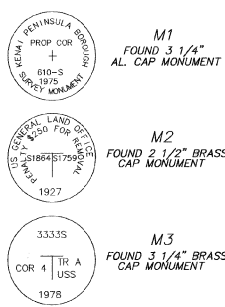
WASTEWATER DISPOSAL

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

LEGEND

- ✱ M1 Found Monument
- Found 5/8" Rebar
- ⊙ Found Rebar & Pl. Cap, LS 5318
- ⊕ Found Rebar & Al. Cap, 3753-S
- ⊙ Found Rebar & Pl. Cap, LS 7569
- Set 5/8x30" Rebar & Pl. Cap, LS 7569
- 1434.59' Measured This Survey
- (100.00') Record and Measured Plat 2002-18
- (600.01') Record Plat 2007-21
- Former Lot Lines

MONUMENT DETAILS



NOTES

- 1 This plat relocates a portion of the boundary between former Lots 6A-1 and 8A-1, in accordance with KPB Ordinance 2011-42 and City of Seward Resolution No. 2012-001.
- 2 Bearings are Alaska State Plane Zone 4 NAD83, as determined by GPS observations, distances are true ground horizontal.
- 3 This subdivision is subject to the City of Seward's Zoning and Land Use Regulations.
- 4 No permanent structure may be constructed or placed within a utility easement that would interfere with the ability of a utility to use the easement.
- 5 This plat was granted an exception to KPB 20.20.030 (extension of Sea Lion Avenue) and KPB 20.20.090 (Cul-de-sacs) by the KPB Plat Committee at the meeting of August 13, 2012.
- 6 Lands within this subdivision are subject to covenants and restrictions recorded in Book 31D page 5 and Book 51 page 342, Seward Rec. District.

FORT RAYMOND SUBDIVISION REPLAT NUMBER 3

A REPLAT OF:
LOTS 6A-1 AND 8A-1
FORT RAYMOND SUBD. REPLAT NUMBER 2
PLAT 2002-18
LOCATED WITHIN THE SW 1/4 AND
THE NW 1/4 SECTION 34
TOWNSHIP 1 NORTH, RANGE 1 WEST
SEWARD MERIDIAN, ALASKA
SEWARD RECORDING DISTRICT
CITY OF SEWARD
KENAI PENINSULA BOROUGH
CONTAINING 28.339 ACRES

CLINE AND ASSOCIATES LAND SURVEYORS

416 4th AVENUE PO BOX 2703 SEWARD, AK 99664
(907) 224-7324 FAX (907) 224-6088

DATE: 08/15/2012	SCALE: 1" = 100'
DRAWN: WNC	F.D. BK.: 12-01
DRAWING NO.: 12-05FP	K.P.B. FILE #: 2012-094

Page 1 of 2

PLAT APPROVAL

This plat was approved by the Rural Planning Commission at the meeting of June 11, 2000

David R. Burt 11/17/00
Borough Official

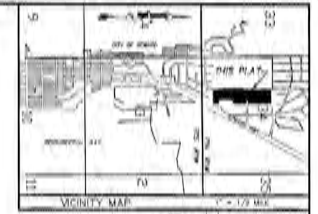
LEGEND

- Found Monument
- Found Rebar A & B
Cdn. 3753.6
- Found Rebar
- Set 6/10/84 Rebar
A & B Cdn. 18 7569
- Measured this Survey
- Rebar A Banned from Plat 87-12

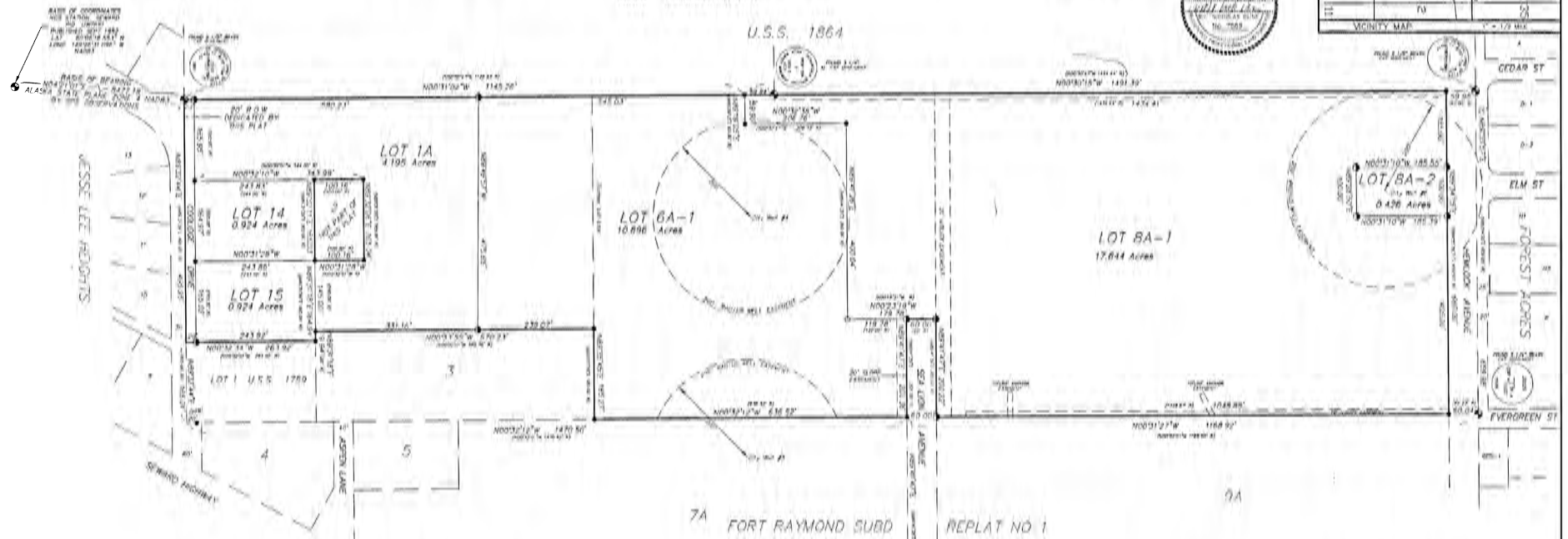
SURVEYOR'S CERTIFICATE

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 herein actually exist as described, and all dimensions and other details are correct in the normal standards of practice of land surveyors in the State of Alaska.

01/17/00
DATE



U.S.S. 1864



CERTIFICATE OF OWNERSHIP AND DEDICATION

We hereby certify that we are the owners of the real property shown and described herein and that we hereby adopt this plan of subdivision and by our true consent dedicate all rights of any to public use, and grant all easements to the use shown

W. Scott Jenkins, City Manager
City of Seward
P.O. Box 167
Seward, AK 99684
OWNER LOTS 1A, 8A-1 and 15



David R. Burt
Date L. Burtley, Mayor
Rural Planning Commission
144 North Burtley St
Seward, AK 99684
OWNER LOTS 8A-1 and 8A-2



David R. Burt
Trustee of Lot No. 9
Honors of Alaska
P.O. Box 171
Seward, AK 99684
OWNER LOT 14

NOTARY'S ACKNOWLEDGEMENT

FOR W. Scott Jenkins
SUBSCRIBED AND SWORN TO BEFORE ME THIS 11th DAY OF May, 2000

David R. Burt
NOTARY FOR ALASKA
MY COMMISSION EXPIRES 11/17/05

NOTARY'S ACKNOWLEDGEMENT

FOR David R. Burt
SUBSCRIBED AND SWORN TO BEFORE ME THIS 11th DAY OF November, 2000

David R. Burt
NOTARY FOR ALASKA
MY COMMISSION EXPIRES August 22, 2003

NOTARY'S ACKNOWLEDGEMENT

FOR David R. Burt
SUBSCRIBED AND SWORN TO BEFORE ME THIS 11th DAY OF October, 2000

David R. Burt
NOTARY FOR ALASKA
MY COMMISSION EXPIRES 7/05/2000



2002-18
DATE 12/15/00 NO. 864
TIME 9:57 A.M.
Representing City of Seward

NOTES

- 1 The plat subdivides a portion of the boundary between Lot 1 and 8A, subdivides Lot 8A into Lots 8A-1 and 8A-2, subdivides Lot 14 and 15 from USS 1750, and dedicates 20' of right of way to Eadsburg Dr.
- 2 All record information and former lot lines are per Plat 87-12, Seward Recording District.
- 3 Bearings are Alaska State Plane Zone 4 NAD83, as determined by GPS observations, distances are true ground horizontal.
- 4 This subdivision is subject to the City of Seward's Zoning Regulations.
- 5 The Plat Easement for City Well Number 6 is being created by this plat, all other easements were created by Plat 86-10.
- 6 No permanent structure may be constructed or placed within a utility easement that would interfere with the ability of a utility to use the easement.

WASTEWATER DISPOSAL

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



**FORT RAYMOND SUBDIVISION
REPLAT NUMBER 2**

LOTS 2 AND 3 USS 1750
LOT 1 FORT RAYMOND SUBD (PLAT 86-10)
AND
LOTS 8A AND 8A FORT RAYMOND SUBD
REPLAT NO 1 (PLAT 87-12)
LOCATED WITHIN THE NW 1/4 SECTION 14
TOWNSHIP 1 NORTH, RANGE 1 WEST
SEWARD MEDIAN, ALASKA
CITY OF SEWARD
CONTAINING 30.04 ACRES

**CLINE AND ASSOCIATES
LAND SURVEYORS**
416 4TH AVENUE P.O. BOX 2703 SEWARD, AK 99684
(907) 234-7134 FAX (907) 234-6084

DATE: 05/08/02	SCALE: 1" = 100'
DRAWN: WHC	P.O. NO. 58-2, 00-2
DRAWING NO.: 00-00A	S.P.S. FILE # 0000-002

2002-18
SEWARD



KENAI PENINSULA BOROUGH
144 N. BINKLEY • SOLDOTNA, ALASKA • 99669-7599
(907) 262-4441

DALE BAGLEY
MAYOR

CERTIFICATE OF TAX DEPARTMENT

I, Rhonda K. Krohn, Property Tax and Collections Supervisor for the Kenai Peninsula Borough, do hereby certify that all real property taxes levied by the Kenai Peninsula Borough through December 31, 2001 have been paid for the area(s) described as:

Subdivision: FORT RAYMOND SUBDIVISION REPLAT NO 2

Parcel # 14502605-0

T01N R01W S34 SW0870012 FORT RAYMOND SUB REPLAT NO 1 Lot 8A

Parcel # 14502606-8

T01N R01W S34 SW0870012 FORT RAYMOND SUB REPLAT NO 1 Lot 6A

Parcel # 14502612-6

T01N R01W S34 SW0000000 US SURVEY 1759 Lot 1

Parcel # 14502613-4

T01N R01W S34 SW0000000 US SURVEY 1759 Lot 2

Parcel # 14502614-2

T01N R01W S34 SW0000000 US SURVEY 1759 Lot 3

Parcel # 14502616-7

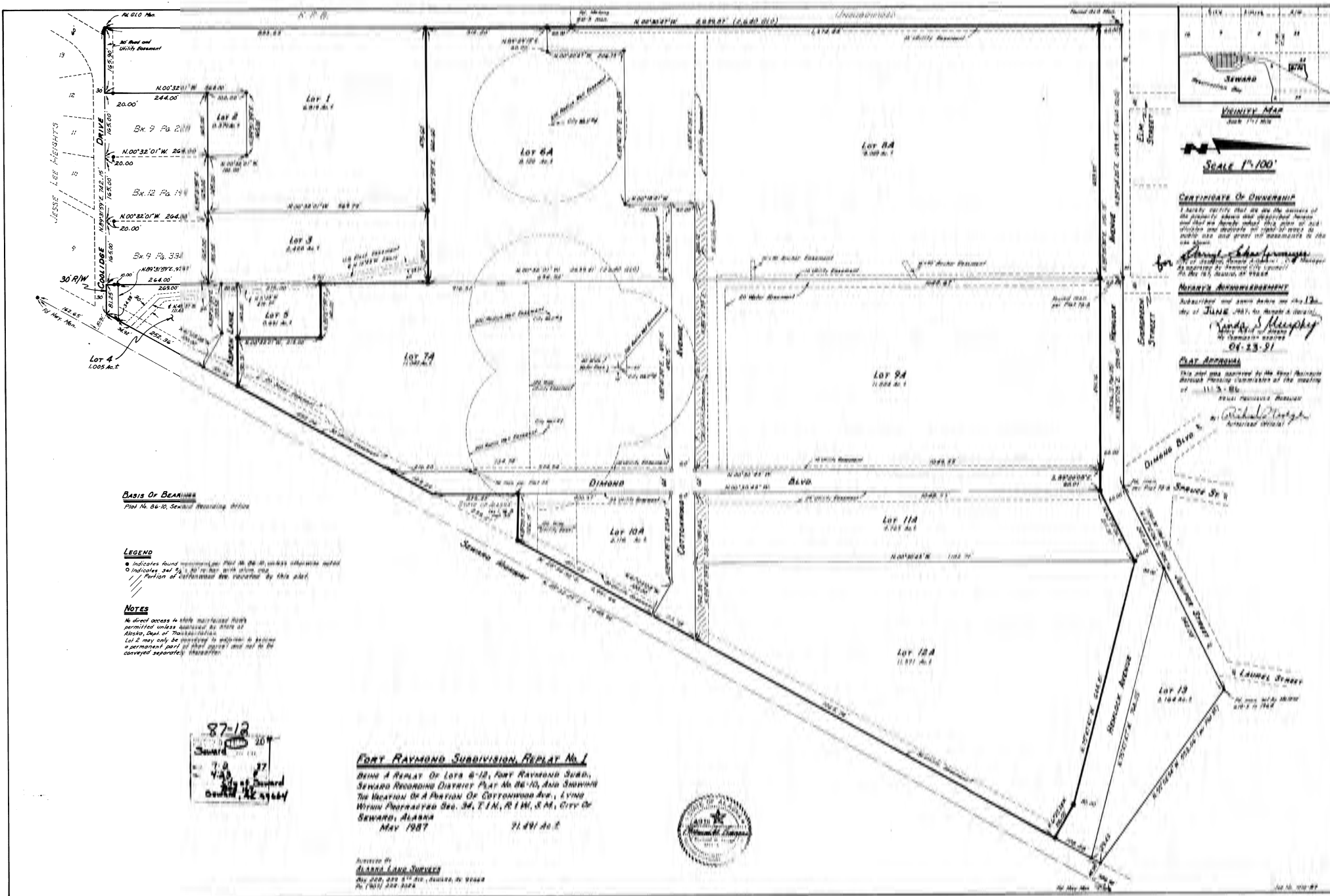
T01N R01W S34 SW0860010 FORT RAYMOND SUB Lot 1

Effective January 1, 2002 the 2002 estimated taxes of were paid on the above property(s). However, if the estimated taxes are less than the actual taxes levied on July 1, 2002, the difference is a lien against the property(s) until paid.

Witness my hand and seal this 26th day of April, 2002.

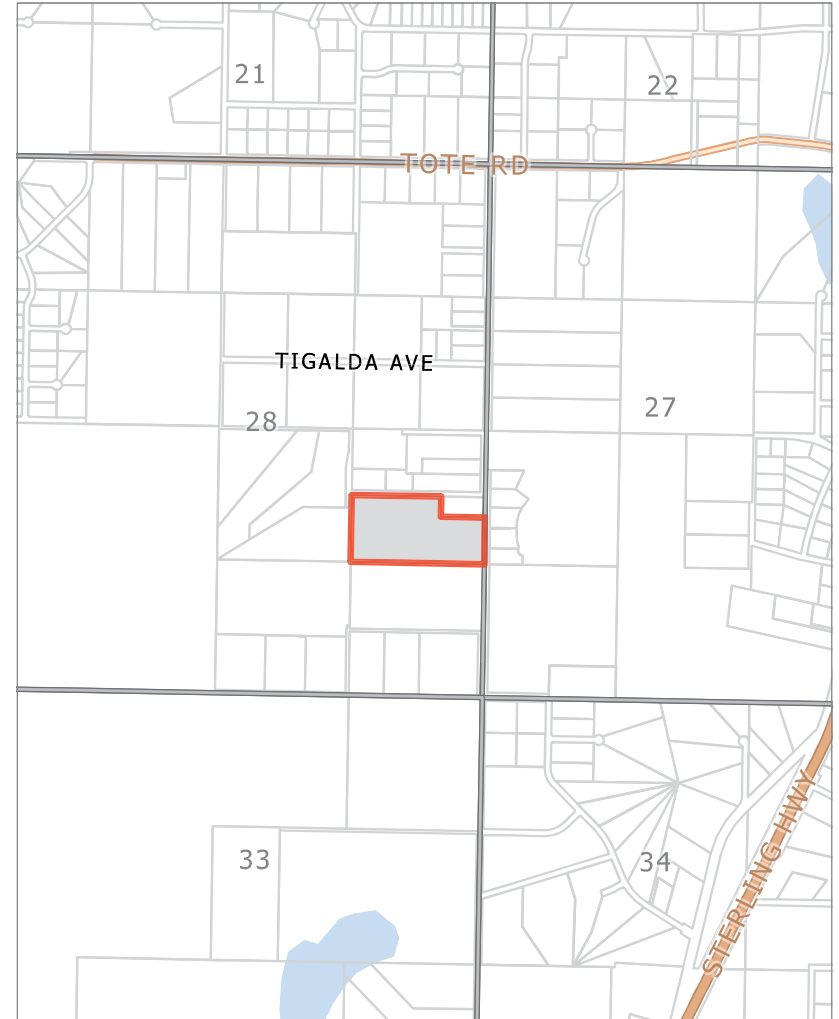
Rhonda K. Krohn
Property Tax and Collections Supervisor

30/ 87-12



E. NEW BUISNESS

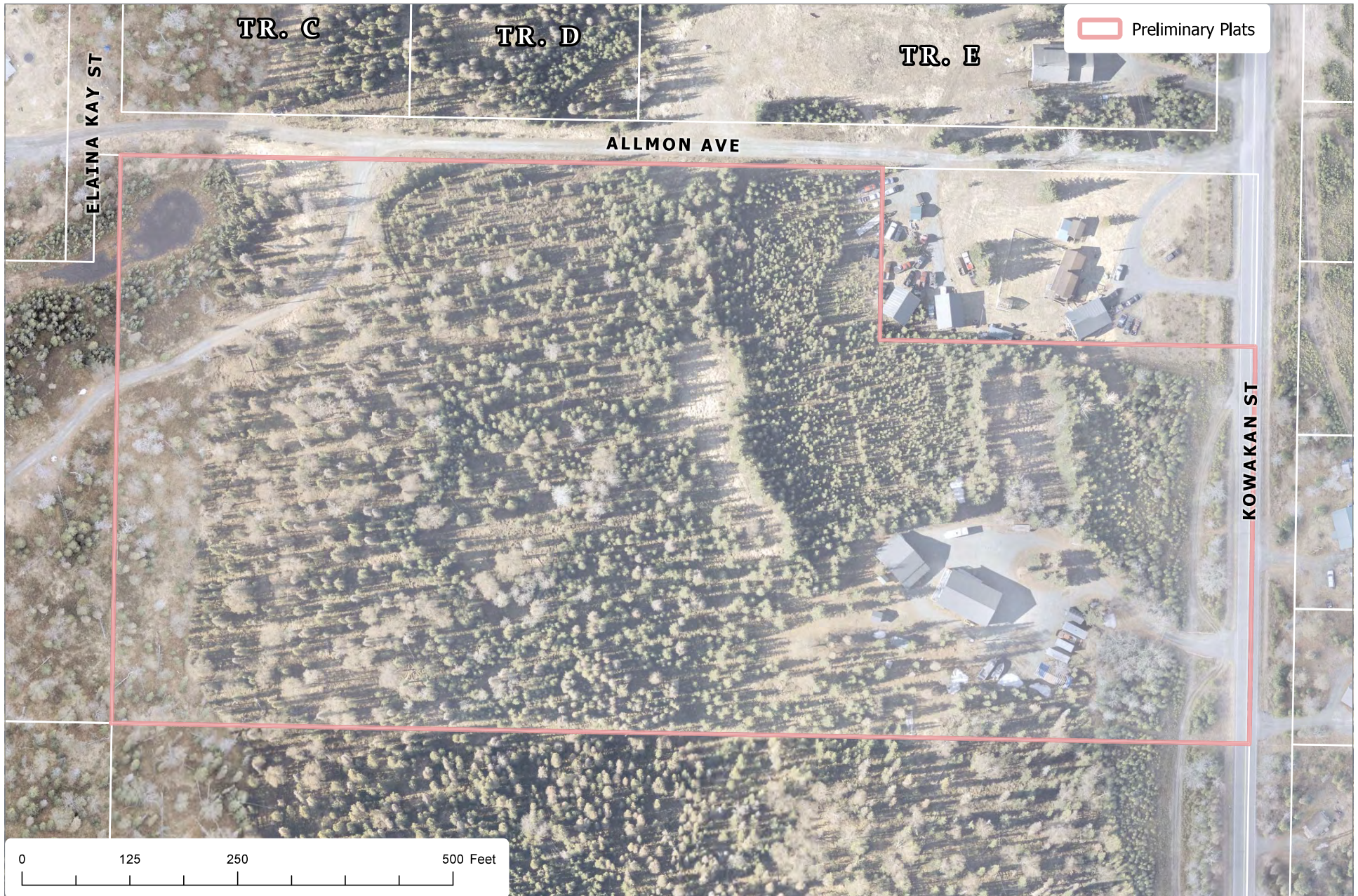
ITEM E6 – TOWNSLEY SUBDIVISION



KPB File # 2022-030

Township 04N-Range 11W-Section 28

Kalifornsky





Townsley Subdivision Preliminary Plat

A subdivision of the S 1/2 NE 1/4 Ne 1/4 Section 28, T4N R11W, SM, Kaslof, Alaska.
Excluding KRD Deed Parcel Serial #2012-003979-0,
Kenai Recording District Kenai Peninsula Borough

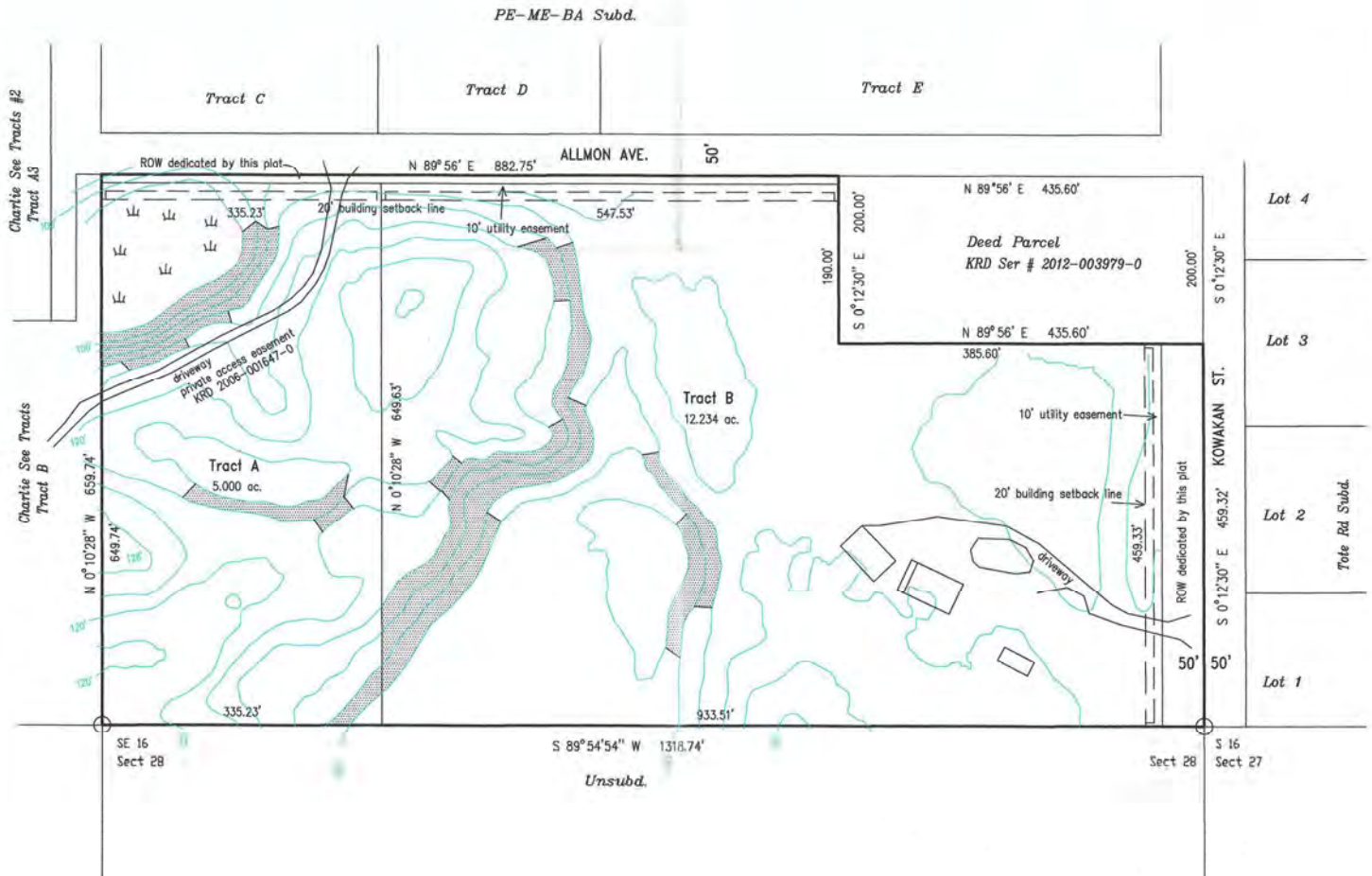
Prepared for
Billy Reynolds
5231 Heritage Hts Dr.
Anchorage, AK 99516

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

SCALE 1" = 100' AREA = 17.964 acres 15 February, 2022

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. This plat dedicates Kowakan Street 50' easement granted to State of Alaska DOT by KRD Book m141 Page 783.
3. Driveway shown crossing Tract A is the location of a 30' driveway easement granted by KRD 2006-001647-0.
4. Contour interval 4' Shaded areas are grades over 25%.



WASTEWATER DISPOSAL

20.40.030
These lots are 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.

AGENDA ITEM E. NEW BUSINESS

ITEM 6 – TOWNSLEY SUBDIVISION

KPB File No.	2022-030
Plat Committee Meeting:	April 11, 2022
Applicant / Owner:	Billy Reynolds of Anchorage, Alaska
Surveyor:	Jerry Johnson / Johnson Surveying
General Location:	Kowakan Street and Allmon Avenue, Kalifornsky

Parent Parcel No.:	131-600-02
Legal Description:	S1/2 NE1/4 SE1/4 of Section 28, Township 4 North, Range 11 West, Seward Meridian
Assessing Use:	General Commercial
Zoning:	Rural Unrestricted
Water / Wastewater	On Site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide a 17.96 acre parcel into two tracts that will be 5 acres and 12.23 acres. Dedications for Kowakan Street and Allmon Avenue are proposed.

Location and Legal Access (existing and proposed): The subdivision can be access from two locations on the Sterling Highway. Near mile 101 is state maintained Tote Road. Kowakan Street is state maintained and intersects Tote Road to provide a northern access route. Kowakan Street continues south and connects with borough maintained right of ways. Mallette Avenue, Brewer Road, and Reflection Lake Road provide the southern connection near mile 103 of the Sterling Highway.

Proposed Tract B will have frontage along Kowakan Street. Tract B and Tract A will have access from Allmon Avenue. The width of Kowakan Street varies but state easements are in place. A 33 foot section line easement is also present within the Kowakan Street easement. This plat will be dedicating a 50 foot width of Kowakan Street atop an existing right of way easement and section line easement. Allmon Avenue is a 50 foot wide right of way that is constructed but not maintained. The plat is proposing to dedicate a 10 foot width along Allmon Avenue to bring that portion into compliance with KPB Code street width requirements.

A private access easement has been granted to the parcel located to the west. This was done by recorded document and is depicted and labeled on the plat.

The block is not closed or compliant. To the west is areas of kettle and per KPB GIS imagery, open water. Subdivisions in the area and the terrain make the continuation of right of way difficult. At the end of Allmon Avenue is a dedication of Elaina Kay Street. This right of way has varying widths and connects to Melott Avenue. The southern portion of Elaina Kay Street is a 30 foot wide dedication on the western side. The eastern portion is not dedicated and is a flag lot for Tract B of Charlie See Tracts. This is the lot with a private access easement through the proposed subdivision. A dedication requirement from this subdivision to improve the block and a right of way continuation will result in a 30 foot wide gap between the dedications. The dedication will also go through wetlands that appear to have some standing water present. The block distance from Allmon Avenue to Victoria Avenue are compliant. ***Staff recommends the plat committee concur that an exception or dedication are not required, as a dedication will result in offset dedications with low construction feasibility.***

KPB Roads Dept. comments	Out of Jurisdiction: No Roads Director: Uhlin, Dil Comments: RSA has no objection at this time
--------------------------	--

SOA DOT comments	The ROW dedication for Kowakan Street (Tote Loop Road) matches the public access easement recorded at Book 144 Page 783 as called for on the plat, and appears to be shown correctly. I was unable to find any official ROW mapping for this area in our records. (There is an edit to the plat – it is the subdivision of the S1/2 NE1/4 SE1/4 Section 28...)
------------------	--

Site Investigation: Low wet areas are present within the northwest corner of the subdivision. The wetlands are depicted. **Staff recommends** the wetlands remain on the final plat and a plat note be added “Any person developing the property is responsible for obtaining all required local, state, and federal permits, including a U.S. Army Corps of Engineers wetland determination if applicable.”

There are some slopes present within the subdivision. The steeper slopes appear around the low wet area with a few other areas scattered throughout. **Staff recommends** the contours be removed from the final and due to the locations of the steep areas do not need to be depicted on the final.

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 comments

Staff Analysis This is a subdivision of an aliquot piece of property. Some property has been deeded off through the years. This is a subdivision of the remainder.

The plat will dedicate the state public access easement that appears to coincide with a section line easement. PE ME BA Subdivision, Plat KN 79-110, dedicated Allmon Avenue as a 50 foot wide right of way. This subdivision will dedicate 10 feet along the southern portion of Allmon Avenue to bring a portion of it into compliance.

Multiple improvements are located with access from Kowakan Street. Those improvements will be located with Tract B. The deed parcel located in the northeast corner has multiple improvements. Per KPB GIS imagery, there is some possible encroachment issues. Looking at imagery it appears the encroachments may be moveable items. **Staff recommends** when the field survey is performed the status of any possible permanent encroachments be provided with the final, including means for resolution. The following plat note may be required, “Acceptance of this plat by the Kenai Peninsula Borough does not indicate acceptance of any encroachments.”

The lots are over 200,000 square feet and a soils report will not be required. Excluding the wetlands and steep terrain, there still appears to be adequate area within Tract A.

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 within the Kalifornsky Beach advisory planning commission. The APC is currently inactive due to inability to have a quorum.

Utility Easements There are currently no platted utility easement present on this property. The plat is intending to grant 10 foot utility easements along the right of ways that increase to 20 feet within the side lot lines. This is depicted and properly noted on the plat.

The certificate to plat did not indicate any easements granted by document are present.

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

Utility provider review:

HEA	No comments
ENSTAR	No comment
ACS	No objection
GCI	Approved as shown

KPB department / agency review:

Addressing	<p>Reviewer: Haws, Derek Affected Addresses: 29305 KOWAKAN ST</p> <p>Existing Street Names are Correct: No List of Correct Street Names: KOWAKAN ST ALLMON AVE</p> <p>Existing Street Name Corrections Needed: ROW west of Tract C should be labeled ELAINA KAY ST.</p> <p>All New Street Names are Approved: No List of Approved Street Names: List of Street Names Denied:</p> <p>Comments: ELAINA KAY ST should be labeled. 29305 KOWAKAN ST will remain with Tract B.</p>
Code Compliance	<p>Reviewer: Ogren, Eric Comments: No comments</p>
Planner	<p>Reviewer: Raidmae, Ryan 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 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: Correct the description to S1/2 NE1/4 SE1/4.

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

Staff recommendation: Provide labels for Tract 1 of KN 2006-84 in the southwest corner and an unsubdivided label for the lot located to the southeast. Provide a label for Elaina Kay Street. Provide some width labels or a width varies label.

KPB 20.30 – Subdivision Design Requirements

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

KPB 20.40 – Wastewater Disposal

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

20.40.010 Wastewater disposal.

Platting Staff Comments: Soils report not required due to the size of the proposed lots.

Staff recommendation: comply with 20.40.

KPB 20.60 – Final Plat

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

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

Staff recommendation: Acceptance by the Kenai Peninsula Borough for Allmon Avenue and one for the State of Alaska for Kowakan Street.

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).*

Correct plat note 3 by removing the "m" prior to the book number.

RECOMMENDATION:

STAFF RECOMMENDS:

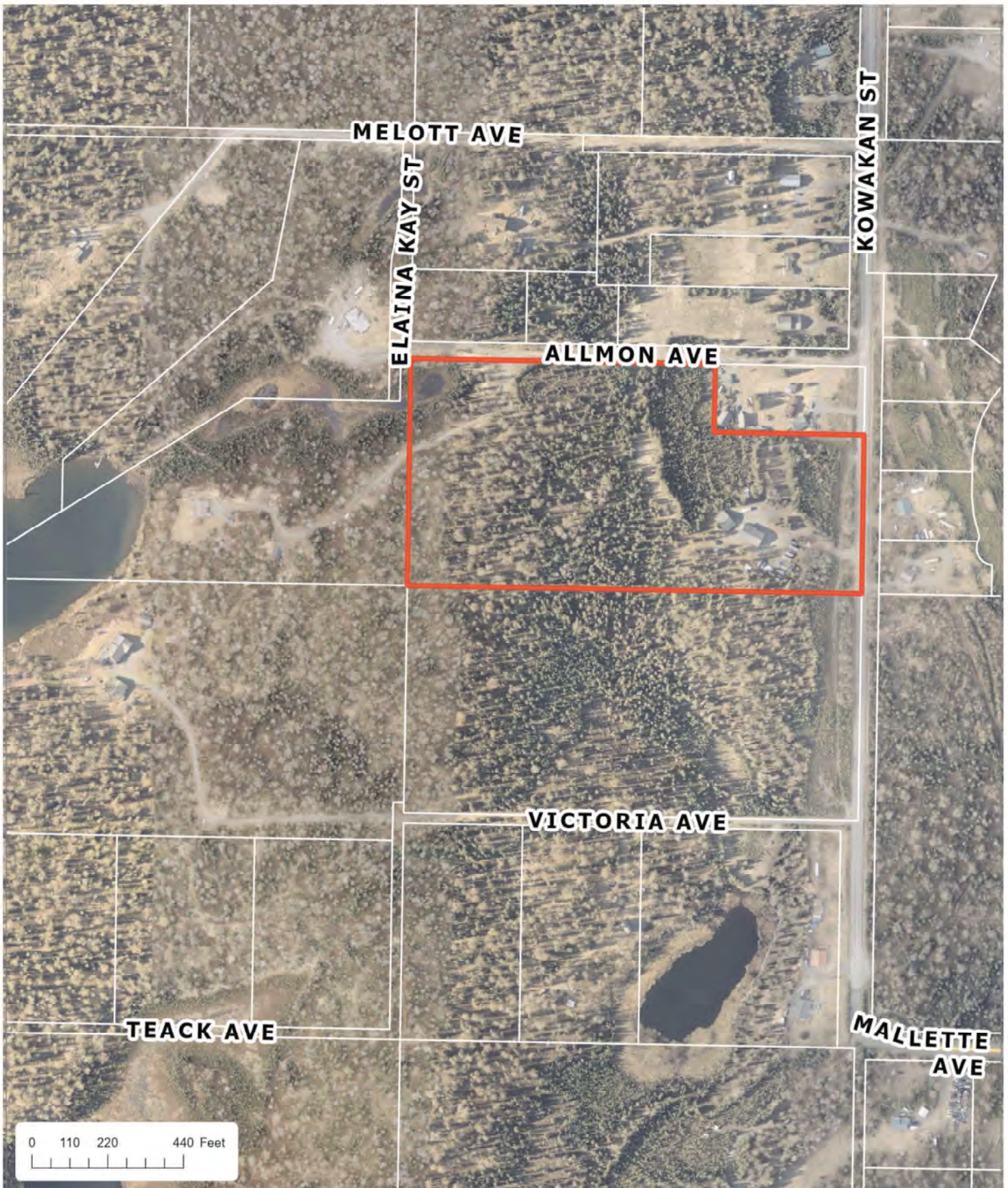
- GRANT APPROVAL OF THE PRELIMINARY PLAT SUBJECT TO STAFF RECOMMENDATIONS, AND
- COMPLIANCE WITH KPB 20.25.070 (FORM AND CONTENTS), KPB 20.25.080 (PETITION REQUIRED), KPB 20.30 (DESIGN REQUIREMENTS); AND KPB 20.40 (WASTEWATER DISPOSAL), AND
- COMPLIANCE WITH KPB 20.60 TO ENSURE ADMINISTRATIVE APPROVAL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

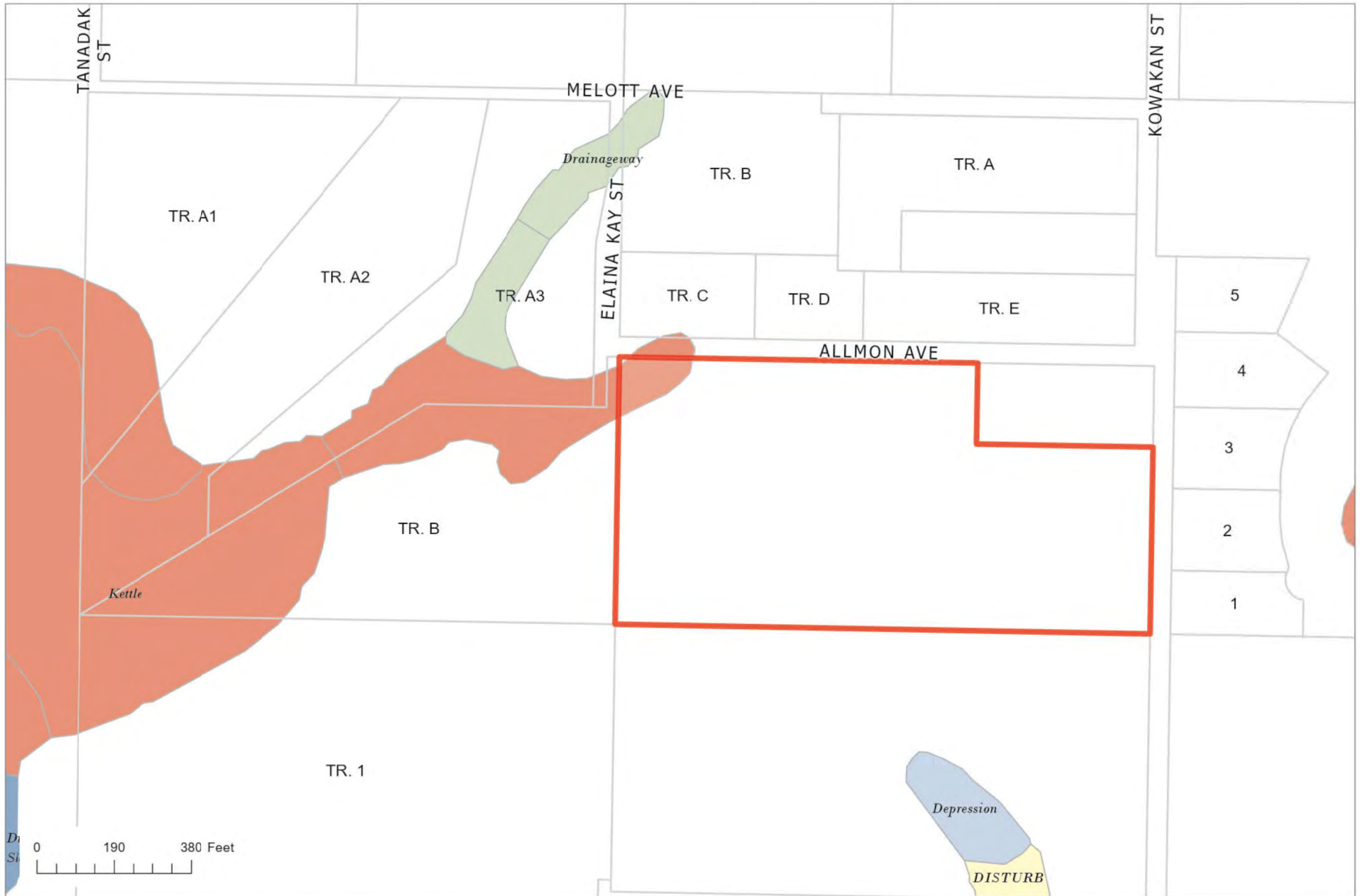
NOTE: 20.25.120. - REVIEW AND APPEAL.

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





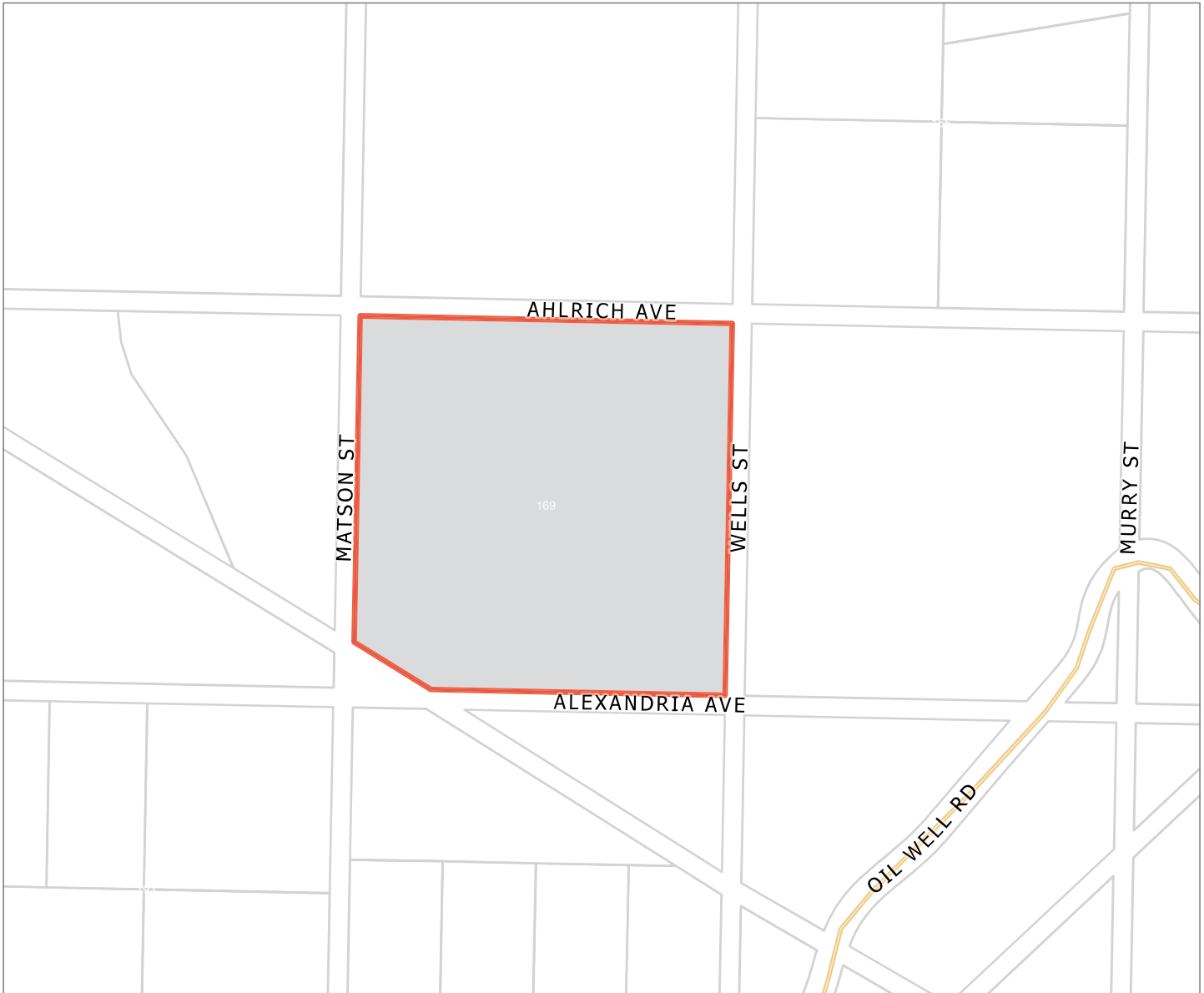
The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.

E. NEW BUISNESS

ITEM E7 – EVELYN’S CORNER



Vicinity Map

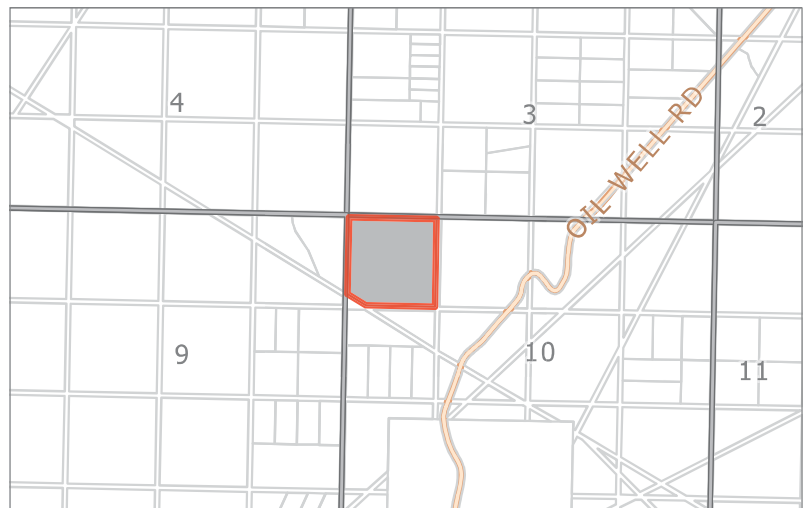
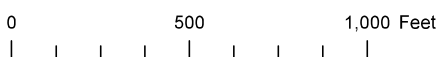


KPB File # 2022-032

S10-T02S-R12W

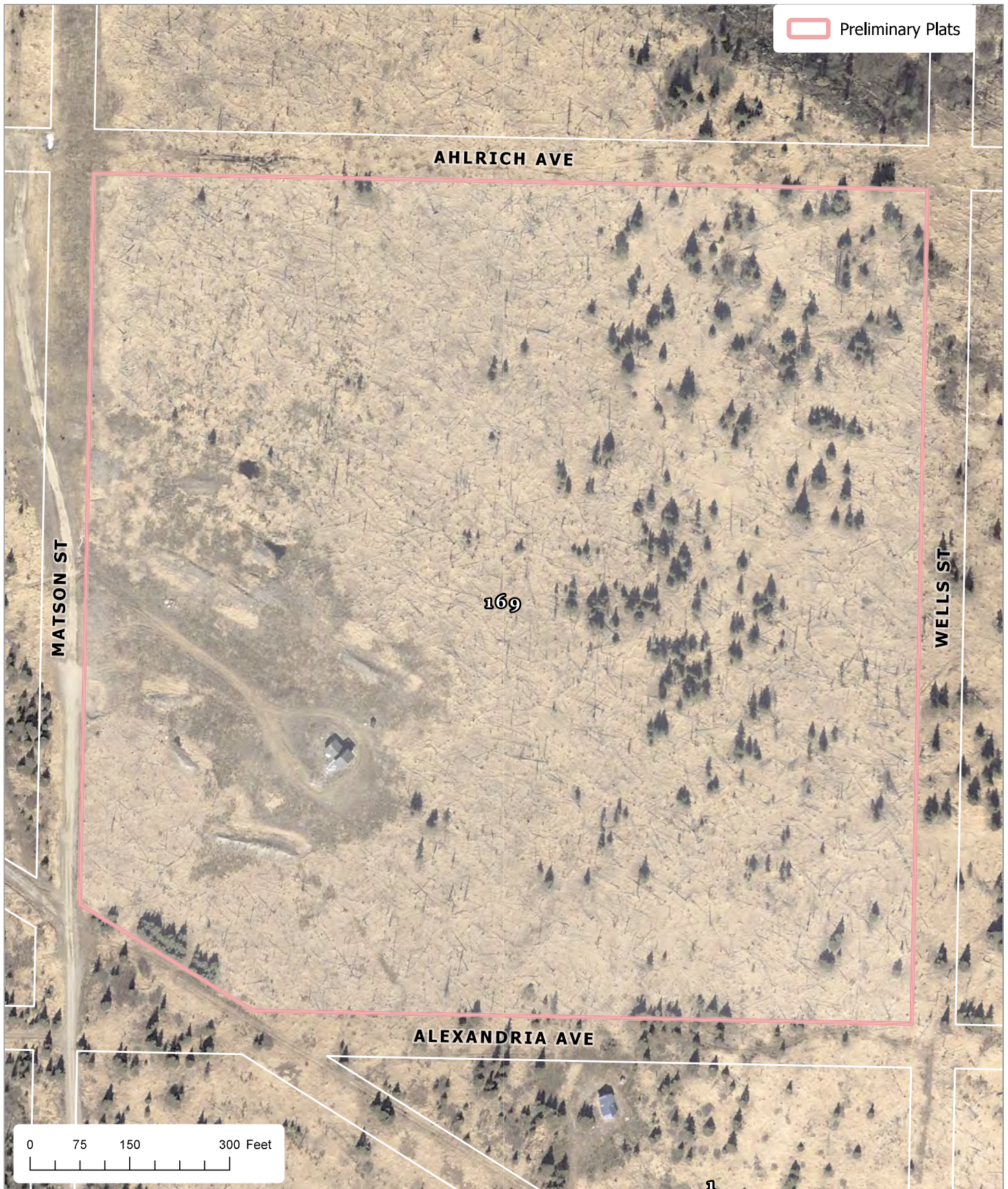
Ninilchik

3/18/2022





Aerial View



KPB 2022-032

Evelyn's Corner Preliminary Plat

A subdivision of Tract 169 NNAI ROW Map (HRD 84-115), NW 1/4 NW 1/4 Section 10, T2S R12W, SM, excluding ROWs.
Homer Recording District Kenai Peninsula Borough

Prepared for

Evelyn G Vanmeter
P.O. Box 498
Kasilof, AK 99610

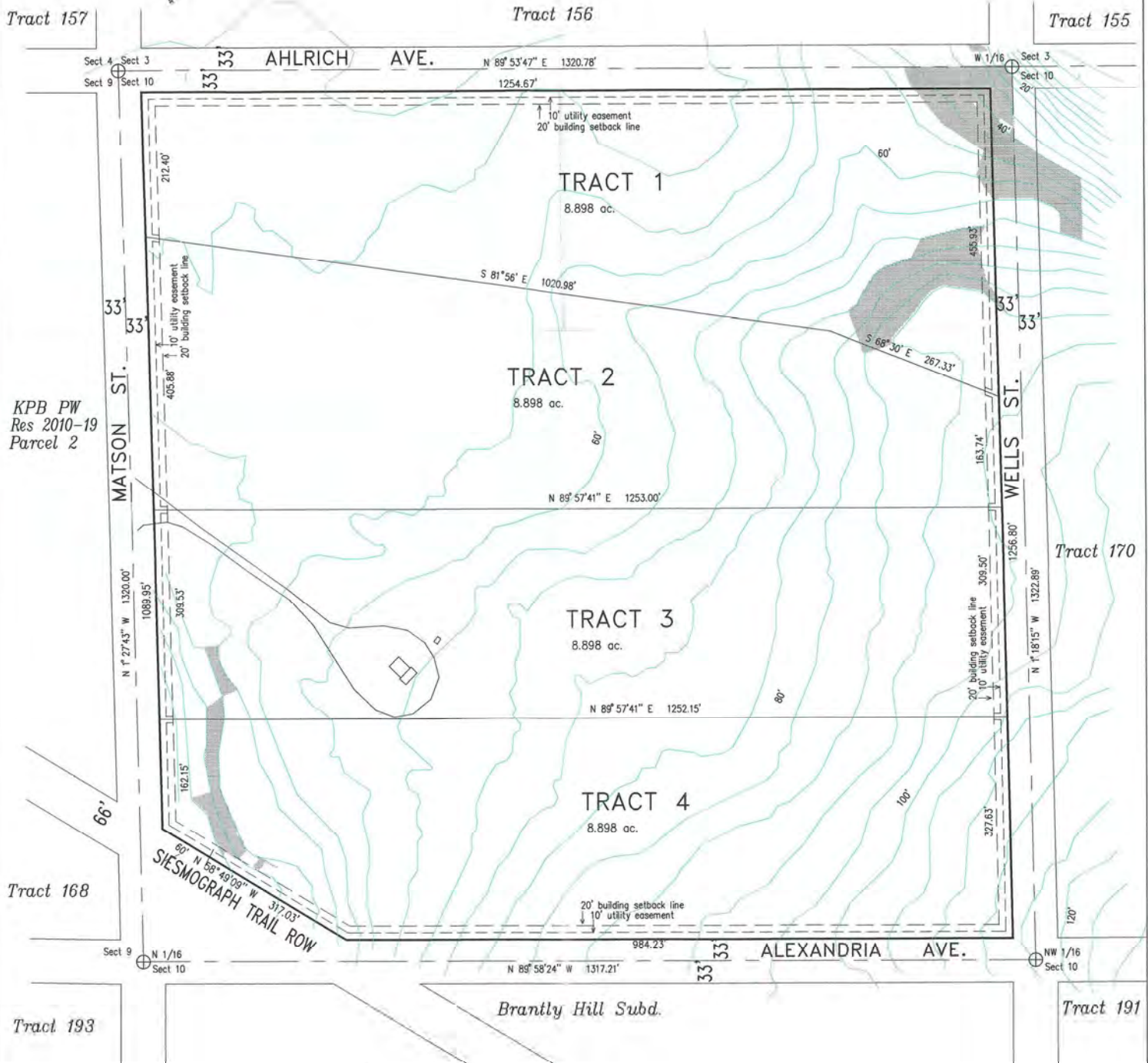
Prepared by

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

SCALE 1" = 100' AREA = 35.590 acres 11 October, 2021

NOTES

1. A building setback of 20' from all street ROWs is required unless a lesser standard is approved by a resolution of the appropriate planning commission. Front 10' of building setback and granted by this plat the entire setback within 5' of side lot lines are utility easements.
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. Property is subject to Covenants, Reservations, Restrictions, conditions, and easements as contained in Deed HRD Book 153 Page 72.
4. Per KPB 21.44.080, the borough will not enforce private covenants, easements, or deed restrictions.
5. Contour interval 4'. Shaded areas indicate grades over 25%. There are no wet areas on the property.



AGENDA ITEM E. NEW BUSINESS

ITEM 7 – EVELYN’S CORNER

KPB File No.	2022-032
Plat Committee Meeting:	April 11, 2022
Applicant / Owner:	Evelyn Anderson (Vanmeter) of Kasilof, Alaska
Surveyor:	Jerry Johnson / Johnson Surveying
General Location:	Matson Street, Ahlrich Avenue, Wells Street, and Alexandria Avenue, Ninilchik

Parent Parcel No.:	185-513-01
Legal Description:	NW1/4 NW1/4, Section 10, Township 2 South, Range 12 West, excluding portions lying within the seismograph or other road right of way. (Tract 169 of Ninilchik Right of Way Map, HM 84-115)
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide a 35.6 acre tract into four tracts that are proposed to be 8.898 acres each.

Location and Legal Access (existing and proposed): The proposed subdivision is in the area known as Caribou Hills. The property is surrounded by 66 foot right of ways. Ahlrich Avenue, Wells Street, Alexandria Avenue, and Matson Street surround the property. An unnamed seismograph trail also provides access and is located in the southwest corner of the subdivision. The Ninilchik Right of Way Map that was done for the Ninilchik Native Association, Inc. (NNAI) dedicated 66 foot wide right of way centered on all 1/16 and 1/4 aliquot lines, section lines, and seismograph lines. Oilwell Road is the main access to the area with various right of way, mostly developed as trails, connecting to provide access. The subdivision has multiple dedicated access routes. The subdivision is accessed near mile 16 of Oilwell Road. Anderson Avenue appears to be cleared and connects to a partially cleared Matson Street that runs along the western boundary of the subdivision.

All four proposed tracts will have access from Matson Street and Wells Street. Tract 4 will also have access via the seismograph trail and Alexandria Avenue. Tract 1 will also have access via Ahlrich Avenue.

An improvement is located on the property and will be on proposed Tract 3. The driveway appears to cross a small portion of Tract 2 where it connects to the right of way. A driveway easement or agreement may be needed when the ownership of the tracts change. ***Staff recommends the depiction of the driveway is not required on the final but if left a plat note will need to state that the travelway is a private drive.***

The block is closed and compliant with block lengths. No additional right of way dedications are required.

KPB Roads Dept. comments	Out of Jurisdiction: No Roads Director: Uhlin, Dil Comments: RSA has no objection at this time
SOA DOT comments	No comment

Site Investigation: There are no low wet areas present within the proposed subdivision. Some steeper terrain is present mostly in the northeast corner. The preliminary plat has the terrain shown and the steep slopes shaded.

A structure is present in what will be Tract 3. The access is from Matson Street. There are cabins present on some of the lots located across right of ways. There do not appear to be any encroachment issues. If the driveway will

in fact cross Tract 2, the owners would be advised to adjust their driveway or provide an agreement or easement if the ownership of the Tracts change.

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 objection

Staff Analysis The proposed plat is in the Caribou Hills area Right of Way Map, Plat HM 84-115, referred to as the Ninilchik ROW Map, subdivided thirteen sections. The plat dedicated 66 foot wide right of ways centered on seismograph lines as well as 66 foot right of ways on all 1/16 and 1/4 aliquot line and section lines. The Right of Way Map, HM 84-115, is a paper plat with no field survey. Terrain was not considered with the right of way dedications and steep terrain or low wet areas affect many right of ways. Local trails, although often crossing private lands, are used for physical access. Subsequent subdivisions have divided lands and provided right of way dedications in practical areas or where trails were already being used for access.

The preliminary plat will be creating four tracts from a tract created by Plat HM 84-115. The lots will be equal in size. Due to the size of the lots a soils report will not be required.

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

The property is not within an advisory planning commission.

Utility Easements Plat HM 84-115 granted 10 foot utility easements adjacent to all right of ways. The easements are depicted on the plat. The depiction and plat note indicate the intention to grant 20 feet wide utility easements within 5 feet of the side lot lines. The plat note will need to be revised as the original 10 feet adjacent to the right of ways were granted by the parent plat. **Staff recommends the plat note be revised to indicate the granting of the original easements by the parent plat.**

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

Utility provider review:

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

KPB department / agency review:

Addressing	<p>Reviewer: Haws, Derek Affected Addresses: 17114 MATSON ST</p> <p>Existing Street Names are Correct: Yes List of Correct Street Names: MATSON ST WELLS ST ALEXANDRIA AVE AHLRICH AVE</p> <p>Existing Street Name Corrections Needed: All New Street Names are Approved: No List of Approved Street Names: List of Street Names Denied:</p> <p>Comments: No other comments</p>
Code Compliance	<p>Reviewer: Ogren, Eric Comments: No comments</p>
Planner	<p>Reviewer: Raidmae, Ryan 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 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:** *Assessing records and Certificate to Plat have the owner's last name as Anderson. Please update accordingly and if what is shown is requested by owner include an "aka".*
- 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 spelling of seismograph for the ROW label.*

- 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: *Plat Waiver 96-50 subdivided Tract 155 in the northeast corner. Update the label. The lots to the south should have lot designations and the spelling of the subdivision should be corrected to "Brantley".*

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 proposed larger than 200,000 square feet. A soils report will not be required.

Staff recommendation: *comply with 20.40.*

KPB 20.60 – Final Plat

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

20.60.180. Plat notes.

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

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

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

- *The borough will not enforce private covenants, easements, or deed restrictions per KPB 20.60.170.*
- *Subject to terms, covenants, conditions, and provisions, including right of way and easements as contained in the Alaska Native Claims Settlement Act, dated December 18, 1971, U.S. Public Law 92-203, 85 Stat. 688, U.S.C. 1601 et seq.*
- *Reservation, restrictions, conditions and easements as contained in Interim Conveyance recorded on June 19, 1978 in Book 100 Page 226 HRD.*
- *Add a plat note for any exceptions granted.*

Plat note 3 should have the page of the document corrected to "134".

Update plat note 1. "Front 10 feet adjoining all dedicated right of ways was granted as utility easements by HM 84-115. This plat will be granting additional utility easements by increasing the easement to 20 feet within 5 feet of the side lot lines. "

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: The Certificate to Plat and Assessing records show title was taken as Evelyn Gay Anderson. The signature line must include that name but if the owner is now going by a different name include "also known as" or "took title as". Comply with 20.60.190.

EXCEPTIONS REQUESTED:

KPB 20.30.190 – Lots-Dimensions (3:1 depth to width ratio for Tract 2 and Tract 3.

Staff Discussion: KPB Code states the average depth of a lot shall not be greater than three times the average width. Tracts 2 and 3 exceed the 3:1 depth to width ratio.

If the exception is denied, a redesign will be required.

Findings:

1. KPB Code states the depth to width ratio cannot exceed 3:1.
2. Tract 2 has a depth to width ratio of 4:1.
3. Tract 3 has a depth to width ratio of 4:1.
4. The design allows for four equal sized lots.
5. The tracts have double frontage.
6. KPB Code 20.30.230 allows double frontage if the depth is more than 250 feet.
7. The tracts are large enough to be subdivided in the future.
8. Matson Street is in use and partially cleared.
9. Wells Street does not appear to be cleared on in use.
10. The design allows all tracts proposed to be able to be accessed from the cleared right of way.
11. A improvement already exists on Tract 3 with access off Matson Street.

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 5-11 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 5-11 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 5-11 appear to support this standard.

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

RECOMMENDATION:

SUBJECT TO EXCEPTION(S) GRANTED, STAFF RECOMMENDS:

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

NOTE: 20.25.120. - REVIEW AND APPEAL.

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

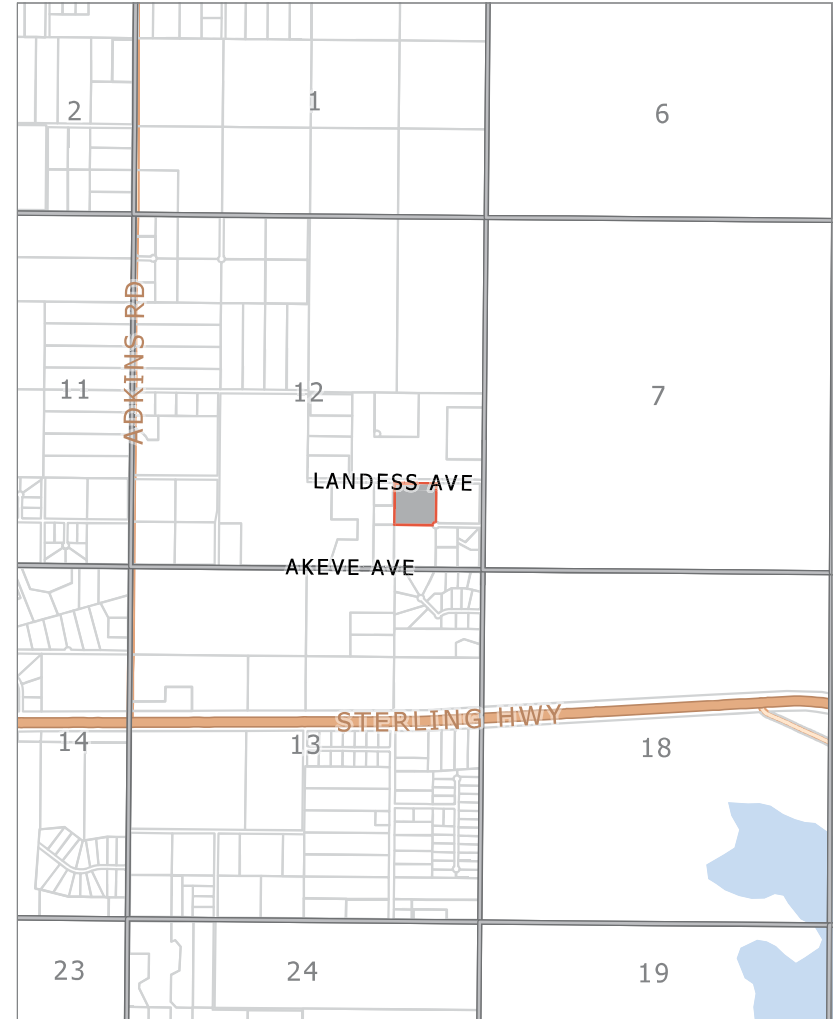
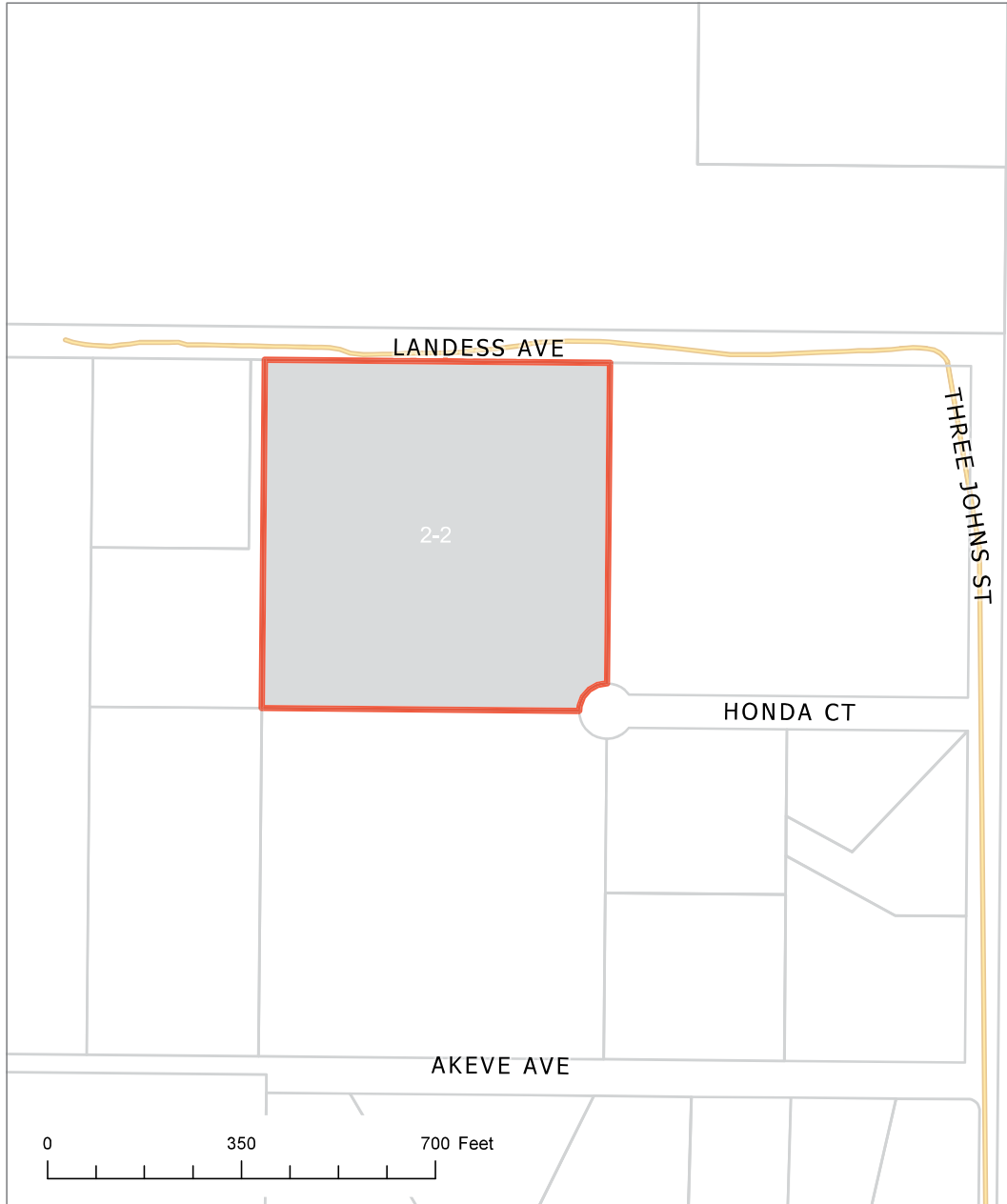
A DECISION OF THE PLANNING COMMISSION MAY BE APPEALED TO THE HEARING OFFICER BY A PARTY OF RECORD WITHIN 15 DAYS OF THE DATE OF NOTICE OF DECISION IN ACCORDANCE WITH KPB 21.20.250.

END OF STAFF REPORT



E. NEW BUISNESS

ITEM E8 – COOK ESTATES IVERSLIE ADDITION



KPB File # 2022-028

Township 05N-Range 08W-Section 12

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.

LEGEND:

- 2 1/2" BRASS, CAP MON. 288-S 1985 FOUND
- 1/2" REBAR FOUND
- 5/8" REBAR w/PLASTIC CAP LS8559 SET
- () RECORD DATUM PLAT 86-22 KRD



NOTES:

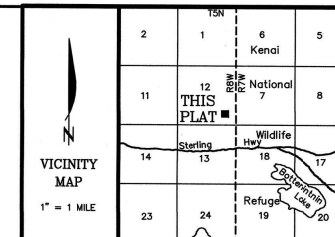
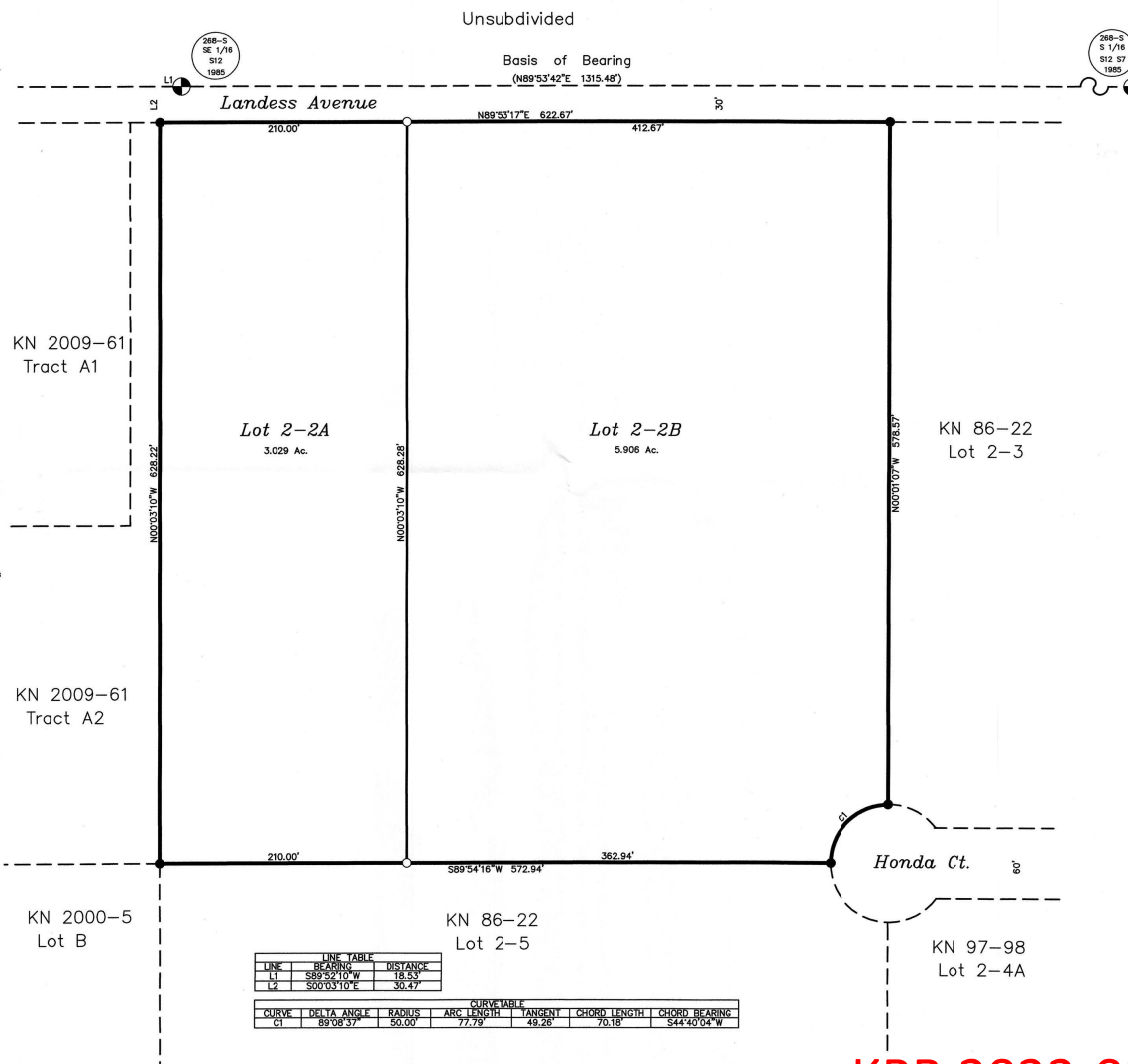
- 1) Basis of bearing taken from Cook Estates No. 2, Plat 86-22, Kenai Recording District.
- 2) Building Setback-A setback of 20 feet is required from all street Rights-of-Way unless a lesser standard is approved by resolution by the appropriate Planning Commission.
- 3) Covenants, conditions, and restrictions which affect this subdivision are recorded in Book 454 Page 827 Kenai Recording District. The borough will not enforce private covenants, easements, or deed restrictions per KFS 21.44.000.
- 4) An easement for electric lines or system and/or telephone lines granted to Homer Electric Association Inc. is recorded in Book 32 Page 155, Kenai Recording District. No definite location disclosed.
- 5) Front 20 feet adjacent to right-of-ways is a utility easement per plat KN 86-22. No permanent structure shall be constructed or placed within a utility easement which would interfere with the ability to use the easement.
- 6) **WASTEWATER DISPOSAL:** The parent subdivision for lots resulting from this platting action was approved by the Alaska Department of Environmental Conservation on (date illegible) 1988. Wastewater treatment and disposal systems must meet the regulatory requirements of the Alaska Department of Environmental Conservation.



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 _____



CERTIFICATE of OWNERSHIP and DEDICATION

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

SCOTT IVERSIE
11635 BIRCH KNOLL LOOP
ANCHORAGE, ALASKA 99515

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.

Cook Estates Iverslie Addition

A re subdivision of Lot 2-2 Cook Estates No. 2, Plat 86-22, Kenai Recording District.

Located within the SE1/4 SE1/4 Section 12, T5N, R5W, S.M., Kenai Peninsula Borough, Alaska.

Containing 8.934 Ac.

Surveyor Segesser Surveys 30485 Roeland St. Soldotna, AK 99669 (907) 262-3909	Owner Scott Iverslie 11635 Birch Knoll Loop Anchorage, AK 99515
JOB NO. 22011	DRAWN: 3-4-22
SURVEYED: Feb., 2022	SCALE: 1"=50'
FIELD BOOK: 22-1	SHEET: 1 of 1

KPB 2022-028

AGENDA ITEM E. NEW BUSINESS

ITEM 8 – COOK ESTATES IVERSLIE ADDITION

KPB File No.	2022-028
Plat Committee Meeting:	April 11, 2022
Applicant / Owner:	Scott Iverslie of Anchorage, AK
Surveyor:	John Segesser / Segesser Surveys
General Location:	Landess Avenue, Sterling

Parent Parcel No.:	065-075-10
Legal Description:	Lot 2-2 Cook Estates No. 2, Plat KN 86-22
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On Site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide an 8.9 acre lot into two lots that will be 3.029 and 5.906 acres.

Location and Legal Access (existing and proposed): The proposed plat is located in the Sterling area. The access is from Three Johns Street, a borough maintained right of way. Three Johns Street is located near mile 76 of the Sterling Highway. Three Johns Street is adjacent to the boundary for the Kenai National Wildlife Refuge. At the end of Three Johns Street is Landess Avenue, a partially constructed and borough maintained right of way. Both lots will have access from Landess Avenue. Lot 2-2B also has access from Honda Court. Honda Court appears to be partially cleared but not maintained.

The subdivision plats for the area indicate that Landess Avenue width varies from dedications but the frontage is 30 feet wide. Looking at GIS data and the legal description for the unsubdivided lot to the north, at some point an additional 30 feet was removed from that lot to provide a full 60 feet. The borough maintains the road and the right of way appears to be constructed within the 60 foot area.

The block is not closed due to an 87 acre lot located to the west. If that lot is subdivided, a continuation of right of way will be required to provide a closed block. Landess Avenue, Three Johns Street, and Akeve Avenue currently define the incomplete block. A dedication to connect Landess Avenue to Akeve Avenue will provide a complete and compliant block.

KPB Roads Dept. comments	Out of Jurisdiction: No Roads Director: Uhlin, Dil Comments: RSA has no objection at this time.
SOA DOT comments	No comment

Site Investigation: There does not appear to be any low wet areas present. The area is relatively flat with no steep areas present.

The lot has multiple improvements located on the parent tract with two separate driveways from Landess Avenue. The proposed plat will result in the improvements and driveways being on their own lots.

The lots to the west and south appear to be vacant. The lot to the east contains multiple improvements, 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 objections

Staff Analysis The proposed plat is a subdivision of Lot 2-2, Cook Estates No. 2, Plat KN 86-22. That was a replat of Tract 2 located in Cook Estates, Plat KN 84-82. Plat KN 84-82 dedicated 60 feet width of Three Johns Street and 30 feet for Landess Avenue (Cook Daughters Avenue). Cook Estates No. 2, Plat KN 86-22, further subdivided Tract 2 and dedicated Honda Court (Cook Court).

Plat KN 84-82 created 50 foot building setbacks from all property lines. The plat was a paper plat with no field survey performed. It was not uncommon to place such setbacks on large acreage lots that were not surveyed. There was not a note stating the setback would be reduced once a field survey was performed. Plat KN 86-22, did not mention the former 50 foot setbacks and nothing was noted in the minutes from the August 26, 1985 Planning Commission meeting. Plat KN 86-22 put into place 20 foot building setbacks along the right of ways. **Staff recommends the Plat Committee concur that the field survey performed with Plat KN 86-22 and the placement of the code compliant setback made the 50 foot requirement no longer required on the subject property and the correct notes are in place.**

The plat note currently on the plat indicates a soils report will not be required due to Department of Environmental Conservation approving the parent plat. That approval can only carry over if one of the following are true per KPB 20.40.020(A).

- Vacating lot lines to create fewer lots;
- Moving one or more lot lines a total distance of ten feet or less without increasing the number of lots having prior onsite wastewater approval; or
- Moving one or more lot lines without increasing the number of developable lots, while maintaining a minimum of 20,000 square feet of contiguous area, as described in KPB 20.40.040(A)(4)(a), for each lot affected by the lot line movement.

Additional provisions in KPB 20.40.020 allow no review to be required.

- The plat increases lot sizes by 1,000 square feet or more of area suitable for conventional development.
- The sole purpose of a plat is to depict an area approved for vacation under KPB Chapter 20.65 or under KPB 20.10.090.
- The sole purpose of a plat is to show a survey and delineate parcels as a condition prior to transfer of title for a municipal entitlement pursuant to AS 29.65, under KPB 20.10.100.

This subdivision does not qualify under the terms listed in KPB 20.40.020. A soils report will be required for Lot 2-2A and an engineer will need to sign the final plat.

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

The property is not within an advisory planning commission.

Utility Easements The only utility easement noted on Cook Estates, Plat KN 84-82, was the 20 foot utility easement centered on the existing powerline. Cook Estate No. 2, Plat KN 86-22, granted the 20 foot building setback as the limit for utility easements. There was no statement limiting the area of clearing within that easement. The plat also carried over the 20 foot easement for the powerline. It indicates it is 19 feet from the western boundary. A 20 foot utility easement was also granted that was centered on the share lot line between Lot 2-2 and Lot 2-5.

Plat note 5 is carrying over the 20 foot utility easement from the parent plat. Plat note 4 includes a recorded easement granted to Homer Electric Association with no definite location defined. **Staff recommends the setback be depicted along Landess Avenue and Honda Court and the label include that it is also the utility easement or reference the plat note. The 20 foot utility easement granted by KN 84-82 needs to be depicted and labeled. The 10 foot utility easement along the southern boundary that was granted by KN 86-22 needs to be depicted and labeled.**

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	Depict and label the utility easements of record. (Map depicts the easements requested)
ENSTAR	No comment
ACS	No objections
GCI	Approved as shown

KPB department / agency review:

Addressing	Reviewer: Haws, Derek Affected Addresses: 28155 LANDESS AVE Existing Street Names are Correct: Yes List of Correct Street Names: LANDESS AVE HONDA CT Existing Street Name Corrections Needed: All New Street Names are Approved: No List of Approved Street Names: List of Street Names Denied: Comments: 28155 LANDESS AVE will remain with lot 2-2B
Code Compliance	Reviewer: Ogren, Eric Comments: No comments
Planner	Reviewer: Raidmae, Ryan There are not any Local Option Zoning District issues with this proposed plat. Material Site Comments: There are not any material site issues with this proposed plat.
Assessing	Reviewer: Wilcox, Adeena Comments: No comment

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

STAFF RECOMMENDATIONS
CORRECTIONS / EDITS

KPB 20.25.070 – Form and contents required

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

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

Staff recommendation: *Correct the typo "Located".*

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

Staff recommendation: *The width of Landess Avenue needs to be verified.*

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.*

- 20.30.170. 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: *Does not comply. A dedication is required to bring into compliance.*

- 20.30.240. Building setbacks.

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

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

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

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

Staff recommendation: *Depict and label including a reference to plat note 5 or label as utility easements.*

KPB 20.40 – Wastewater Disposal

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

20.40.010 Wastewater disposal.

Platting Staff Comments: Lot 2-2A will require a soils report 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.*

- *Provide notes for any exceptions granted.*
- *Provide the correct wastewater review notes.*

Update plat note 3 to cite the correct code, "20.60.170".

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: *If a right of way is required, an acceptance to be signed by the Kenai Peninsula Borough must be present. Comply with 20.60.190.*

RECOMMENDATION:

STAFF RECOMMENDS:

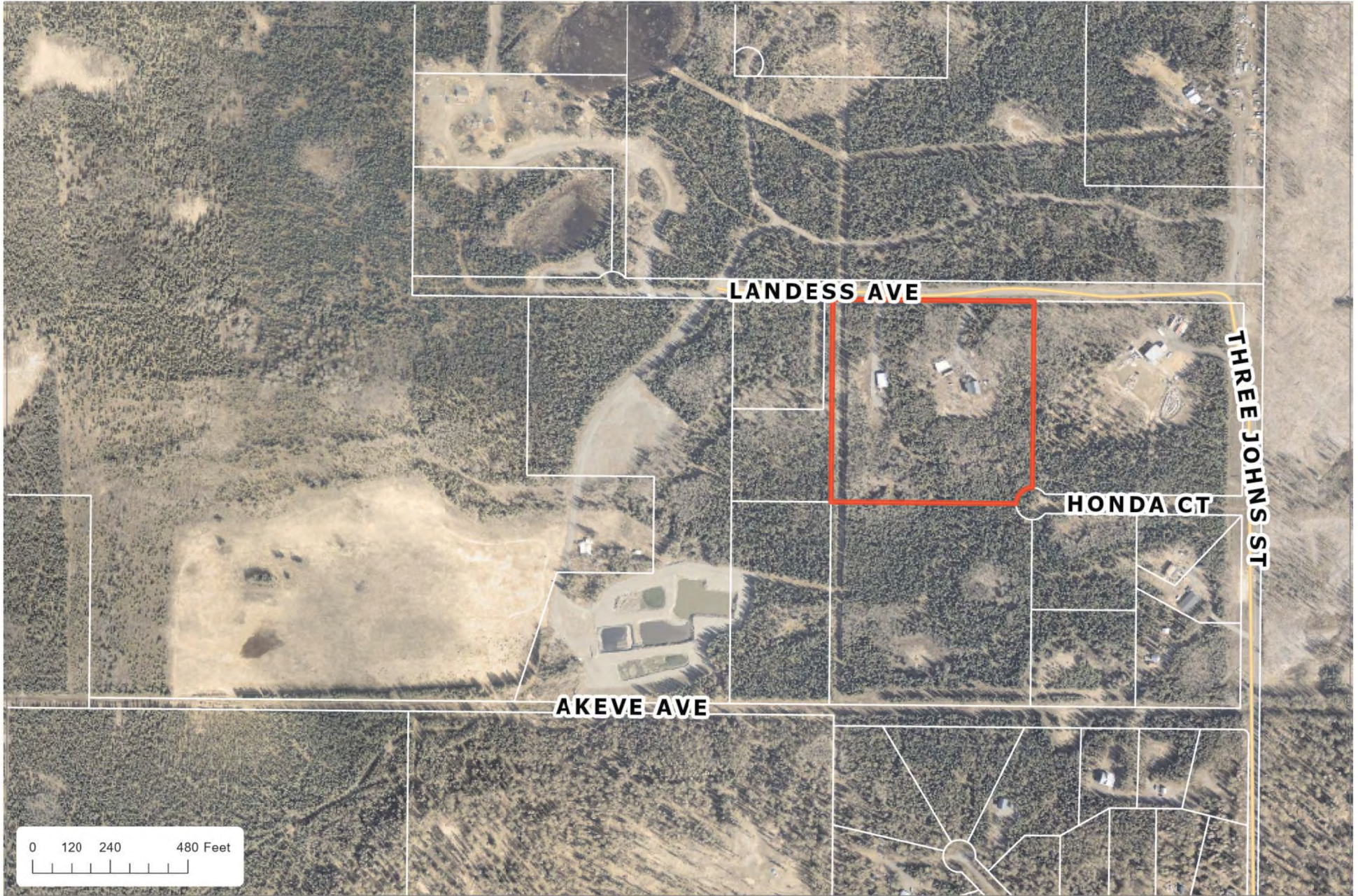
- **GRANT APPROVAL OF THE PRELIMINARY PLAT SUBJECT TO STAFF RECOMMENDATIONS, AND**
- **COMPLIANCE WITH KPB 20.25.070 (FORM AND CONTENTS), KPB 20.25.080 (PETITION REQUIRED), KPB 20.30 (DESIGN REQUIREMENTS); AND KPB 20.40 (WASTEWATER DISPOSAL), AND**
- **COMPLIANCE WITH KPB 20.60 TO ENSURE ADMINISTRATIVE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



COOK ESTATES NO. 2

1985 SUBDIVISION OF TRACT 2, ALSO SHOWING
TRACT 3 (TALMAN DEED OF RECORD KR-BOOK 187 PAGE 153)
LOCATED IN S. 1/2 S.E. 1/4 & S.E. 1/4 S.W. 1/4 SEC. 12 T5N-R8W-S-M-
ALASKA

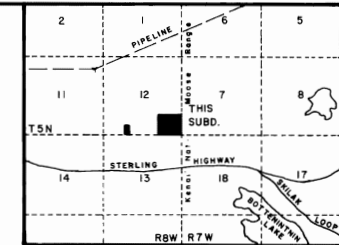
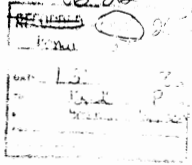
SCALE 1"=200'

AREA 50.720 AC

DATE JULY 30th 1985

LEGEND

- ✚ 1939 G.L.O. BRASS CAP FOUND
- 1971 BRASS CAP BY 237-S FOUND
- ⊕ 1985 3" AL. CAP BY 268-S FOUND
- 3" X 30" AL. MONUMENT BY 268-S SET
- 1/2" X 18" REBAR SET



VICINITY MAP
SCALE 1"=1.1mi

OWNERS' CERTIFICATE & DEDICATION

We hereby certify that we are the owners of the property shown and described hereon, and that we hereby adopt this plan of subdivision, and dedicate all ROW's to public use, and grant all easements to the uses shown.

John Edward Cook
JOHN EDWARD COOK Box 1254 Soldotna, AK. 99669

Carol Ann Cook
CAROL ANN COOK Box 1254 Soldotna, AK. 99669

PLAT APPROVAL

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of August 26, 1985
KENAI PENINSULA BOROUGH

Richard B. Torgler
AUTHORIZED OFFICIAL

NOTARY'S ACKNOWLEDGEMENT

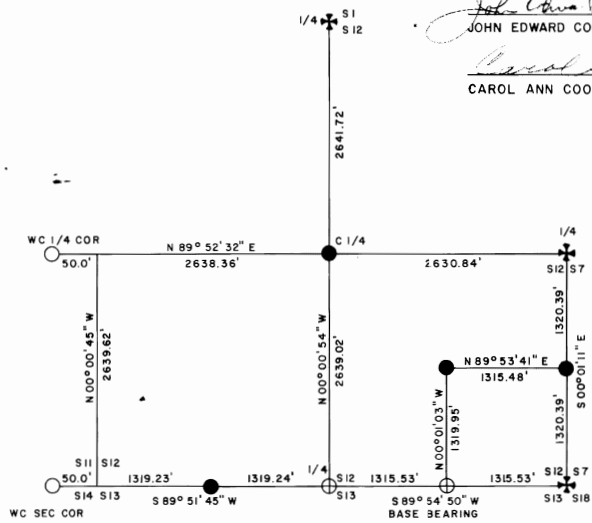
Subscribed and sworn to before me this 17th day of January, 1986

Jane M. Gabler
NOTARY FOR ALASKA
For JOHN EDWARD & CAROL ANN COOK

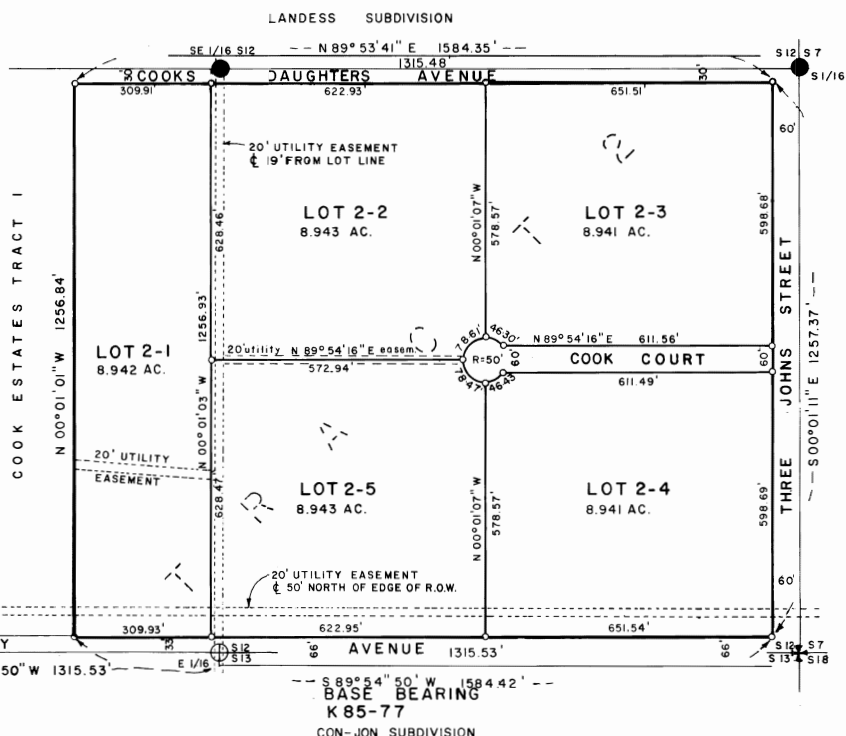
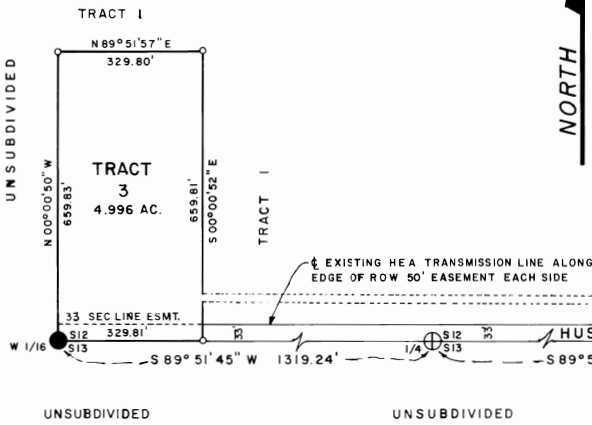
My commission expires Sept. 13, 1989

NOTES

A building setback of 20' from all street R.O.W.s is required unless a lesser standard is approved by a resolution of the appropriate planning commission.
Building setback line to be limit of utility easements along streets, except for Husky Avenue.



SECTION 12 BREAKDOWN
SCALE 1"=1000'



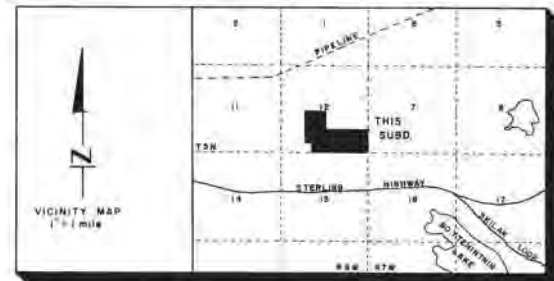
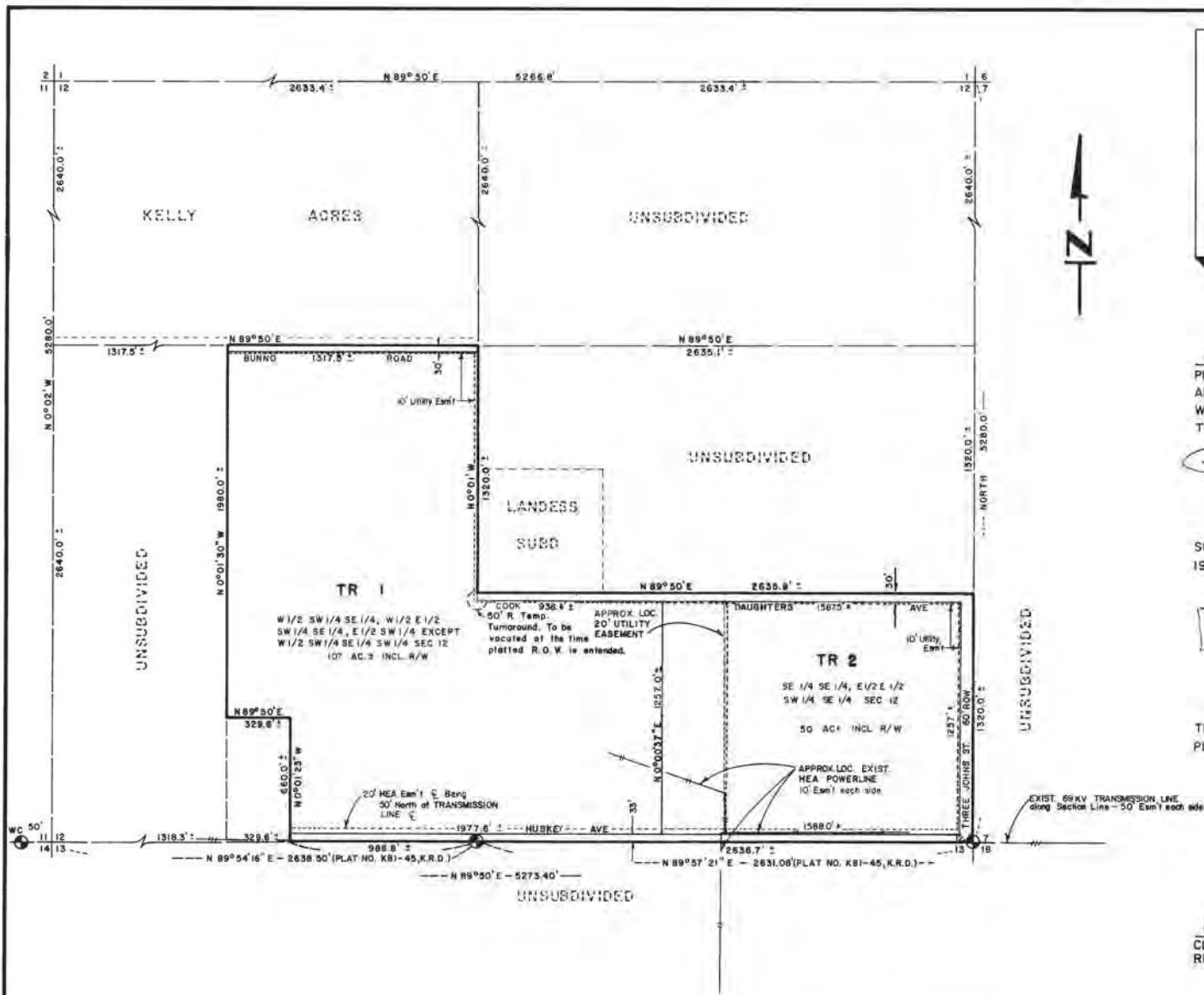
KENAI NATIONAL MOOSE RANGE

CERTIFICATE OF APPROVAL BY THE ALASKA
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
This subdivision has been reviewed in accordance with
9AAC7.20.05 and is approved, subject to any noted restrictions.

SIGNATURE TITLE DATE



BOX 27 CLAM GULCH, AK. 99568



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.

John Edward Cook *Carol Ann Cook*
JOHN EDWARD COOK CAROL ANN COOK
BOX 1254 BOX 1254
SOLDOTNA, AK 99669 SOLDOTNA, AK 99669

NOTARY'S ACKNOWLEDGEMENT

SUBSCRIBED AND SWORN BEFORE ME THIS 24 DAY OF JAN. 1984 FOR JOHN EDWARD COOK CAROL ANN COOK

STATE OF ALASKA
JANICE DISHOP
NOTARY PUBLIC

Janice Bishop
NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES 2/24/86

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF February 6, 1984

KENAI PENINSULA BOROUGH

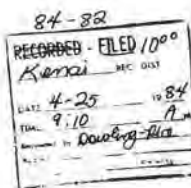
Steve Thompson
AUTHORIZED OFFICIAL



Clifford E. Baker
CLIFFORD E. BAKER, R.L.S.
REGISTRATION NO. LS-5152

LEGEND

MONUMENT (Recorded)



NOTES:

- 1) PROPOSED LAND USES ARE RECREATIONAL, RESIDENTIAL & AGRICULTURAL.
- 2) A SETBACK OF 50' FEET IS REQ'D FROM ALL PROPERTY LINES UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
- 3) ALL WASTEWATER DISPOSAL SYSTEMS SHALL COMPLY WITH EXISTING LAWS AT THE TIME OF CONSTRUCTION.
- 4) THIS IS AN UNSURVEYED PLAT. ALL BEARINGS AND DISTANCES SHOWN HEREON ARE RECORD, () REFER TO G.L.D. DATUM.

COOK ESTATES

A SUBDIVISION OF THE S1/2 SE1/4, E1/2 SW1/4, EXCEPT THE W1/2 SW1/4 SE1/4 SW1/4, SEC. 12, T5N, R8W, S.M. CONSISTING OF 2 TRACTS CONTAINING 157 AC.±

DOWLING-RICE and ASSOCIATES
P.O. BOX 1974 SOLDOTNA, ALASKA 99669

ENGINEERS	262 - 9011	SURVEYORS
DATE	1/1984	SCALE 1" = 400'
DRAFTED	RW / DP / MM	SHEET
CHECKED	RR / CB	

AGENDA ITEM E. NEW BUSINESS

ITEM 8 – COOK ESTATES IVERSIE ADDITION

KPB File No.	2022-028
Plat Committee Meeting:	April 11, 2022

STAFF REPORT - ADDENDUM

After the staff report was prepared, a request for an exception to KPB 20.30.170 – Blocks-Length requirements was received.

EXCEPTIONS REQUESTED:

KPB 20.30.170 – Blocks-Length Requirements

Staff Discussion: Per KPB Code, blocks shall not be less than 330 feet or more than 1,320 feet in length. The subdivision is not part of a closed block due to a large acreage lot located at the end of the Landess Avenue dedication. Akeve Avenue, Three Johns Street, and Landess Avenue currently define the block without a western dedication to close the block. The length along Three Johns Street is compliant at approximately 1,315 feet. The length along Landess Avenue from Three Johns Street to the western boundary of the subdivision is approximately 1,300 feet. A dedication within the subdivision will help bring the block closer to compliance, dependent on the lot to the south being further subdivided.

The best location for the dedication would be along the western boundary but there are several issues with that location. To the west is a flag lot. The length of the flag is approximately 342 feet and the width is 25 feet wide. It will require a subdivision of this lot to get a matching dedication and it would only be able to provide 25 feet. This subdivision plat could grant a 35 foot width right of way and if the neighboring lot wishes to subdivide in the future it could provide the remaining 25 feet. A 20 foot powerline easement exists 19 feet from the western boundary. Powerlines are an allowable use for right of way dedications but this will result in a powerline within the center of the right of way.

A dedication could be granted between the two lots. This would be required to be a full 60 foot wide right of way. There are structures existing on both lots. If dedicated centered on the existing proposed lot line will possibly result in the improvement on Lot 2-2A to be very close or within the building setback. The dedication will result in a loss of approximately .87 acres from this subdivision. The proximity to Honda Court needs to be taken into consideration.

Surveyor's Findings:

1. There is an existing 20' powerline easement centered 19' from the west property line.
2. A dedication would have the powerline in the middle of it.
3. The property on the other side is a flag lot.

Staff's Findings:

4. The neighboring flag lot's panhandle is only 25 feet wide.
5. There are existing structures and improvements on the proposed lots.
6. A dedication along the eastern boundary will connect to a cul-de-sac.
7. There are numerous large acreage lots within the area that have not been subdivided.
8. The lots are large enough to be further subdivided.
9. Lot 2-2B has additional access from Honda Court.
10. Locations of existing wells and septic systems has not been provided.
11. Future subdivisions of Lot 2-2A will be limited if no dedication is received.
12. The flag lot to the west is 2.234 acres.
13. A 25 foot dedication along the flag and remaining length of the lot will result in a 1.87 acre lot.
14. A private drive appears to be present about 400 feet to the west within large acreage lots.

Staff reviewed the exception request and recommends granting approval.

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

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

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

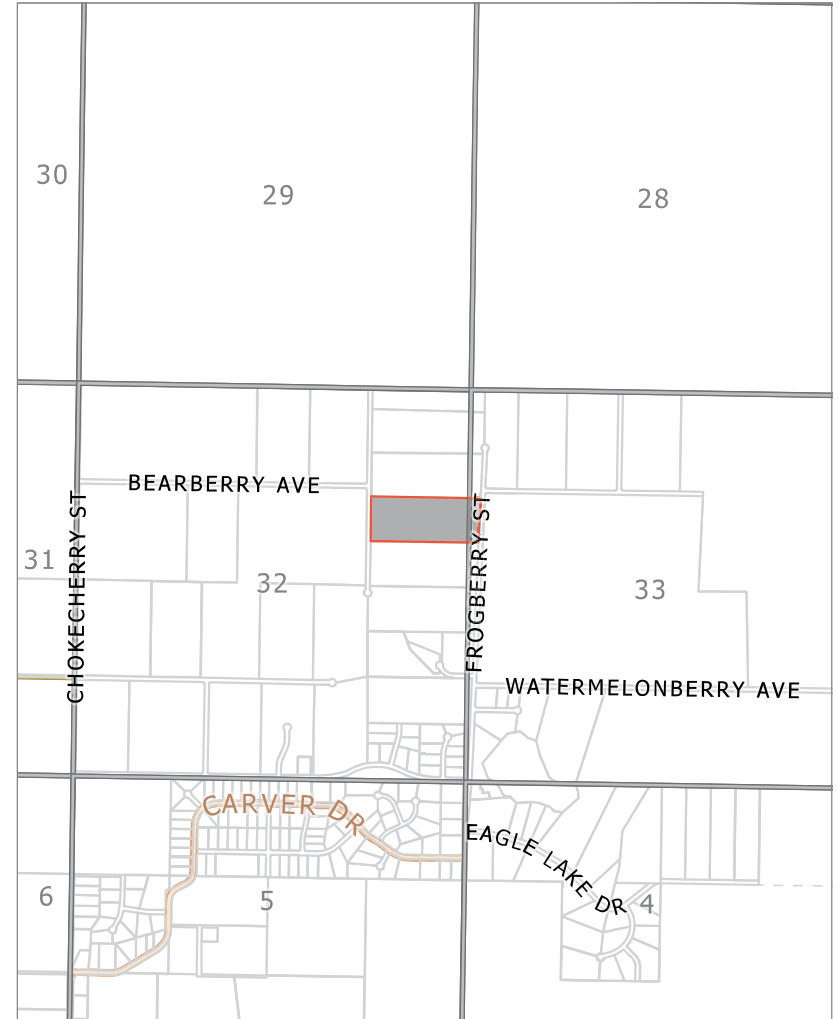
1. That special circumstances or conditions affecting the property have been shown by application;
Findings 1-10 appear to support this standard.
2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title;
Findings 1-10 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 1-10 appear to support this standard.

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

END OF STAFF REPORT ADDENDUM

E. NEW BUISNESS

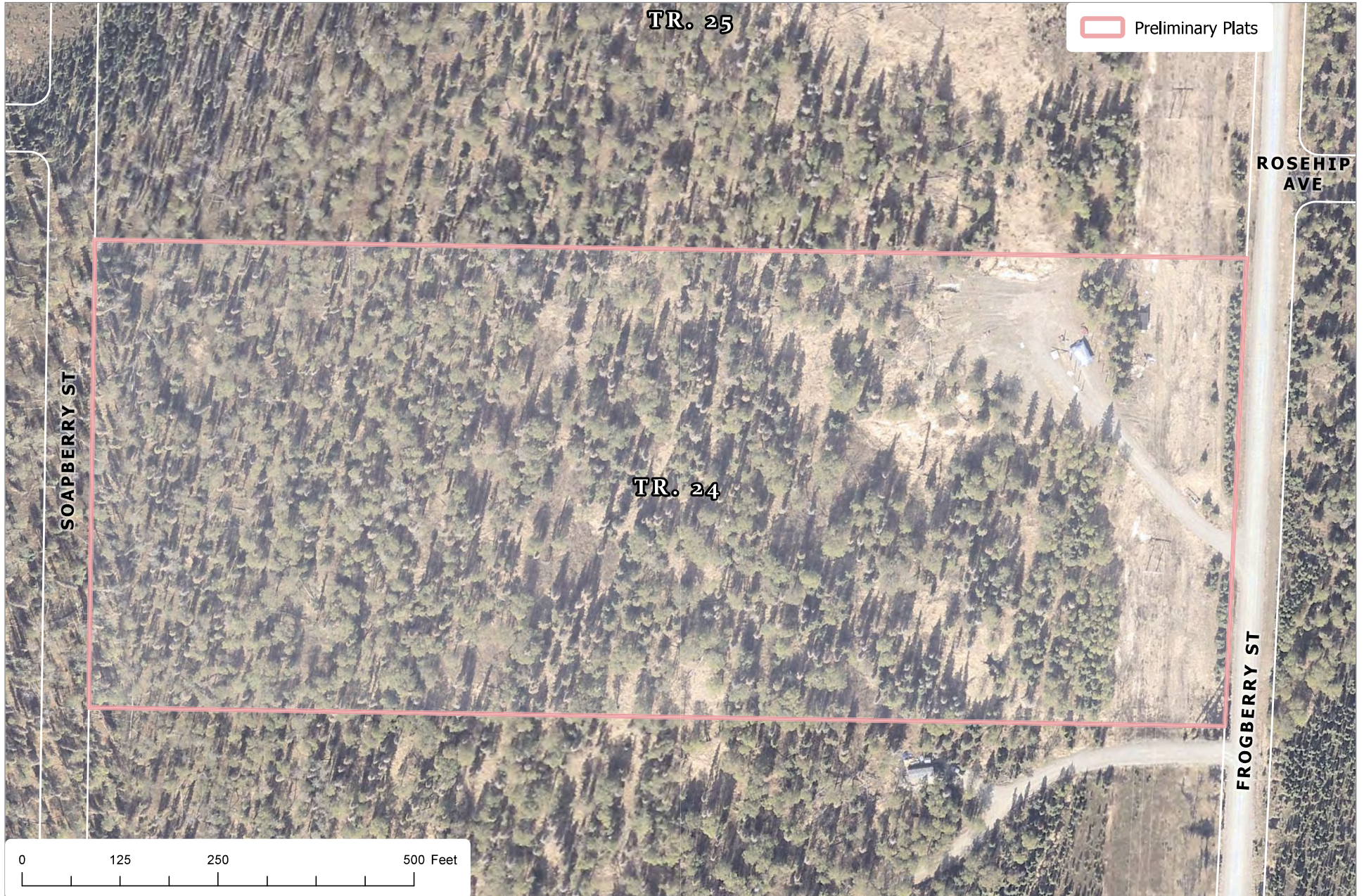
ITEM E9 – STRAWBERRY ACRES SUBDIVISION 2022 REPLAT



KPB File # 2022-025

Township 06N-Range 10W-Section 32 & 33

Kenai



LEGEND:

- ⊗ 3 1/4" BLM MONUMENT AS SHOWN FOUND
- 5/8" REBAR FOUND
- 5/8" REBAR w/PLASTIC CAP LS8859 SET
- () RECORD DATUM PLAT 85-185 KRD

**NOTES:**

- 1) Basis of bearing taken from Strawberry Acres Subdivision, Plat 85-185, 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) An easement for electric lines or system and/or telephone lines granted to Homer Electric Association is recorded in Book 209 Page 369, Kenai Recording District. No definite location disclosed.
- 4) 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.
- 5) **WASTEWATER DISPOSAL:** These lots are at least 200,000 square feet and conditions may not be suitable for on-site wastewater treatment and disposal. Any wastewater treatment or disposal system must meet the regulatory requirements of the Alaska Department of Environmental Conservation.

FLAT APPROVAL

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

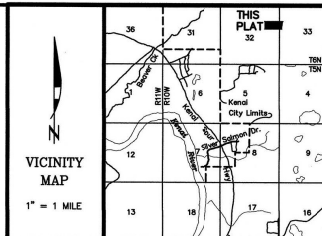
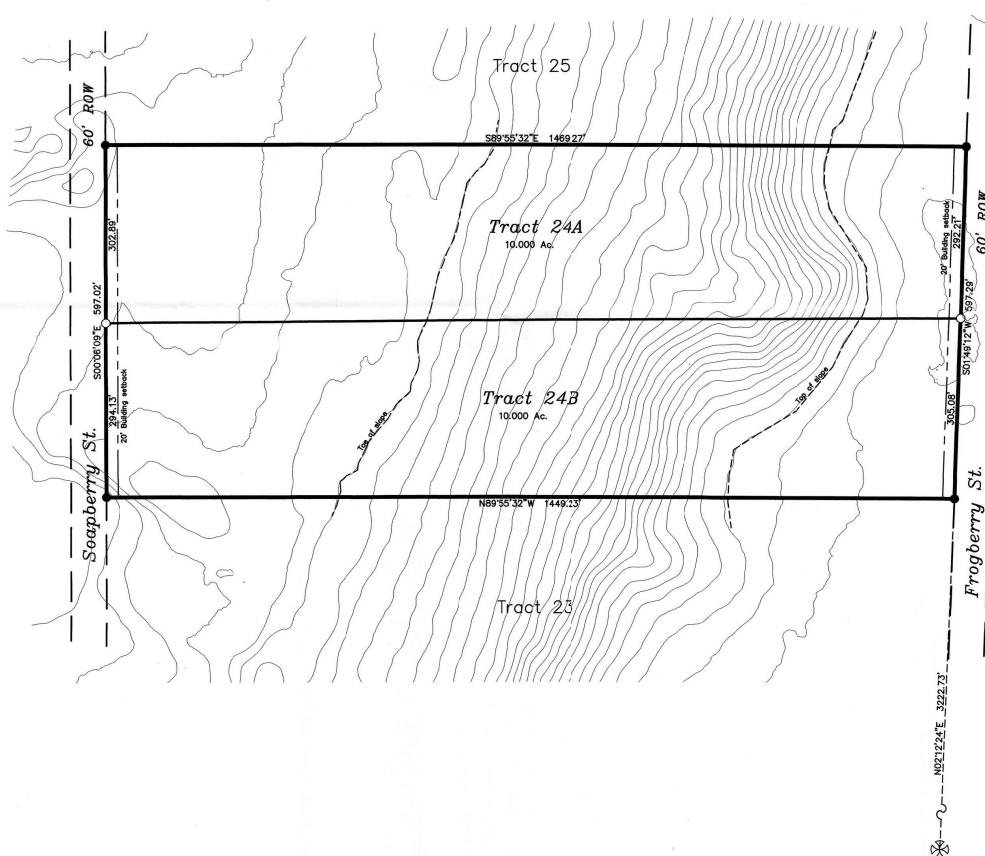
KENAI PENINSULA BOROUGH

AUTHORIZED OFFICIAL

**SURVEYOR'S CERTIFICATE**

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

Date _____

**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.

RUSSELL E. WILSON
P.O. BOX 1807
SOLDOTNA, ALASKA 99669

ANNA C. HALL
39185 DORI LYN STREET
KENAI, ALASKA 99611

NOTARY'S ACKNOWLEDGEMENT

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

NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES _____

NOTARY'S ACKNOWLEDGEMENT

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

NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES _____

KPB FILE No.

**Strawberry Acres
2022 Replat**

A resubdivision of Tract 24 Strawberry Acres Subdivision,
Plat 85-185, Kenai Recording District.

Located within the NE1/4 NE1/4 Section 32 and the NW1/4 NW1/4
Section 33, T6N, R10W, S1M, Kenai Peninsula Borough, Alaska.

Containing 20,000 Ac.

Surveyor	Owners
Segesser Surveys 30485 Rosland St. Soldotna, AK 99669 (907) 262-3909	Russell E. Wilson Anna C. Hall P.O. BOX 1807 39185 Dori Lynn St Soldotna, AK 99669 Kenai, AK 99611
JOB NO. 21231	DRAWN: 2-25-22
SURVEYED:	SCALE: 1"=100'
FIELD BOOK:	SHEET: 1 of 1

KPB 2022-025

AGENDA ITEM E. NEW BUSINESS

ITEM 9 – STRAWBERRY ACRES SUBDIVISION 2022 REPLAT

KPB File No.	2022-025
Plat Committee Meeting:	April 11, 2022
Applicant / Owner:	Russell Wilson of Soldotna, Alaska and Anna Hall of Kenai, Alaska
Surveyor:	John Segesser / Segesser Surveys
General Location:	Frogberry Street, outside Kenai City limits.

Parent Parcel No.:	025-142-08
Legal Description:	Tract 24, Strawberry Acres Subdivision, Plat KN 85-185
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On Site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide a 20 acre parcel into two tracts that will be 10 acres each.

Location and Legal Access (existing and proposed): The tracts will have frontage along Soapberry Street and Frogberry Street. Both right of ways are 60 feet wide and end with cul-de-sacs. The Soapberry Street dedication is not constructed and access is via various roads that go through low wet areas and steep terrain. The connections to Soapberry Street are not constructed. Frogberry Street is constructed to the bulb and appears a trail continues beyond the dedication. The Kenai Peninsula Borough road maintenance for Frogberry Street ends south of the subdivision nears the dedication for Overlook Court, an unmaintained right-of-way that ends in a cul-de-sac. Frogberry Street is accessed off Carver Drive, which is located at the end of N Strawberry Rd. Strawberry Road intersects the Kenai Spur Highway near mile 5. The portion of Strawberry Road to N Strawberry Road as well as a portion of Carver Drive is maintained by the State of Alaska. The Kenai Peninsula Borough maintains the eastern portion of Carver Drive.

The surveyor has asked for an exception for lot dimensions. While a different design would allow a lot to have frontage on Soapberry Street, it can currently not be accessed and future development will be difficult. The current design will result in both lots fronting on Soapberry Street and Frogberry Street but Frogberry Street will be the used access.

A driveway is present from Frogberry Street. Based on the design it appears the driveway may cross Tract 24B to provide access to Tract 24A. ***Staff recommends the location of the driveway be determined and if crossing both lots, a driveway easement may need to be recorded.***

The lots in the area are on the larger side and block lengths are not compliant. Frogberry Street and Soapberry Street were dedicated as cul-de-sacs. A continuation of Bearberry Avenue or Rosehip Avenue to provide a connection would be further north and outside of this subdivision. ***Staff recommends the plat committee concur that an exception is not required nor a dedication as there is steep terrain, the design of the cul-de-sacs will not create a complete block, and access to Soapberry Street currently does not exist.***

The certificate to plat notes the subdivision is subject to 33 foot section lines easements. KPB GIS data indicates there is not one present. Looking at the parent plat, Strawberry Acres Subdivision, Plat KN 85-185, there is reference that a section line easement vacation had been submitted to the state. Staff pulled the number listed and it is stated that a vacation was not recorded and the file was closed because “no section line easement to vacate”. No mention of a section line easement is required.

KPB Roads Dept. comments	Out of Jurisdiction: No Roads Director: Uhlin, Dil Comments: RSA has no objection at this time
SOA DOT comments	No comment

Site Investigation: KPB GIS does not have any wetland information for the area. Per KPB GIS imagery, there does not appear to be any low wet areas. **Staff recommends** any wet areas detected during the field survey they should be depicted on the plat and add the standard plat note to contact the U.S. Army Corps of Engineers.

The subdivision contains steep slopes that run through the middle of the proposed lots. The preliminary plat contains contour information. **Staff recommends** the contour lines can be removed but the toe and top of the slope remain as shown on the preliminary plat.

There is an improvement within the area that will be Tract 24A. The driveway appears to possible cross proposed Tract 24B for access.

The lot to the south contains an improvement but there does not appear to be any encroachment issues. The lot to the north is vacant.

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 The proposed plat will divide a 20 acre tract into two 10 acre lots. Strawberry Acres Subdivision, Plat KN 85-185, a subdivision of sections 32 and 33 in Township 6 North, Range 10 West, created the parent lot. This was a subdivision done by the Salamatof Native Association. The parent plat created multiple large acreage tracts with the smallest being 10 acres and the largest being 187 acres. The roads that provide access were dedicated at that time. Numerous cul-de-sacs were granted and during that time, feasibility of right of way construction was not always reviewed.

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

A soils report will not be required. The lots will be over 200,000 square feet. The parent subdivision was signed by Department of Environmental Conservation. 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.

Utility Easements The parent plat designated the 20 foot building setback as a utility easement with clearing limited to the front 10 feet. The existing plat note states the front 10 feet adjacent to the right of ways and increasing to 20 feet within 5 feet of the side lots lines will be a utility easement. **Staff recommends** the plat note for the utility easement be updated to reflect what was previously granted and the building setback label either include “and utility easement” or refer to the plat note number.

The parent plat did indicate an electric transmission line and natural gas easement ran along Frogberry Street. **Staff recommends** the easement along the eastern boundary of this subdivision must be depicted and labeled.

An additional easement is noted on the Certificate to Plat as being granted in Book 209 Page 369. The certificate to plat indicates no definite location is disclosed and it is noted in plat note 3. However, the document contains descriptions and states there is a 200 foot easement along the eastern boundary of this subdivision. This easement may coincide with the one depicted on the parent plat. **Staff recommends** the plat note be revised to remove “No definite location disclosed”, update the depictions and plat notes to include the existing easements and if needed provide labels to plat notes to explain the easements and how they were granted.

The widths and location of the utility easements along with the steep terrain will reduce the buildable areas on the eastern portion of the lots. **Staff recommends** the owners work with the utility providers to determine if the widths of the easements can be reduced.

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	<p>Depict and label the utility easements of record as sketched on this review or provide documentation if the easements of record have been altered or vacated.</p> <ul style="list-style-type: none"> - Depict and label the 200 foot Electric Easement per Book 209 Page 369 KRD described as the east 115 feet of Sec. 32 and the west 85 feet of Sec. 33. - 140 foot electric transmission & natural gas easement adjoining ROW per KN 85-185.
ENSTAR	<p>ENSTAR Natural Gas company has reviewed the preliminary plat and advised that there is an existing 200 feet (200 FT) Right of Way granted to Alaska Pipeline Company (APC) under US Fish and Wildlife Service Permit No. GP-1-77. Said APC Right of Way is located along the eastern 140 feet (140 FT) of proposed Tracts 24A and 24B, adjacent and parallel to the Right of Way line of Frogberry Street. ENSTAR objects to this plat unless the following condition is met: Add a plat note, which says, “There is a 140 feet (140 FT) wide Natural Gas Easement granted to Alaska Pipeline Company (APC)” and draw in the location of the easement on the map.</p>
ACS	No objections
GCI	Approved as shown

KPB department / agency review:

Addressing	<p>Reviewer: Haws, Derek Affected Addresses: 40735 FROGBERRY ST</p> <p>Existing Street Names are Correct: Yes List of Correct Street Names: SOAPBERRY ST FROGBERRY 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>
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	Comments: 40735 FROGBERRY ST will remain with Lot 24A.
Code Compliance	Reviewer: Ogren, Eric Comments: No comments
Planner	Reviewer: Raidmae, Ryan There are not any Local Option Zoning District issues with this proposed plat. Material Site Comments: There are not any material site issues with this proposed plat.
Assessing	Reviewer: Wilcox, Adeena Comments: No comment

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

STAFF RECOMMENDATIONS **CORRECTIONS / EDITS**

KPB 20.25.070 – Form and contents required

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

- A. Within the Title Block
1. Name of the subdivision which shall not be the same as an existing city, town, tract, or subdivision of land in the borough, of which a plat has been previously recorded, or so nearly the same as to mislead the public or cause confusion. The parent plat's name shall be the primary name of the preliminary plat.
 2. Legal description, location, date, and total area in acres of the proposed subdivision;
 3. Name and address of owner(s), as shown on the KPB records and the certificate to plat, and registered land surveyor.
- Staff recommendation:** Carry over "Subdivision" within the name. Simplify the description of the location by using "NE1/4 Section 32 and the NW1/4 Section 33".
- 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:** Note the Kenai National Wildlife Boundary. Continue the City Limits boundary.
- G. The status of adjacent lands within 100 feet of the proposed subdivision boundary or the land status across from any dedicated rights-of-way that adjoin the propose subdivision boundary, including names of subdivisions, lot lines, block numbers, lot numbers, rights-of-way; or an indication that the adjacent land is not subdivided;
- Staff recommendation:** Provide a tract label and subdivision recording number for the tract west of Soapberry Street. Provide a tract label and subdivision recording number for the tract east of Frogberry Street. Depending on the surrounding area shown to include those tracts, Rosehip Avenue and Bearberry Avenue may need to be shown and include right of way widths.
- H. Approximate locations of low wet areas, areas subject to inundation, areas subject to flooding or storm water overflow, and the line of ordinary high water. This information may be provided on an additional sheet if showing these areas causes the preliminary plat to appear cluttered and/or difficult to read;

Staff recommendation: KPB GIS data does not include wetland information within this area. Per KPB GIS imagery, there does not appear to be any low wet areas. If areas are detected during the field survey, it should be noted on the plat.

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 proposed to be over 200,000 square feet. The parent plat was approved and signed by Department of Environmental Conservation on October 4, 1985. The plat note present complies.

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.

- Terms, covenants, conditions and provisions, including rights of way and easements as contained in the Alaska Native Claims Settlement Act, dated December 18, 1971, U.S. Public Law 92-203, 85 Stat. 688, U.S.C. 1601 et seq.
- The borough will not enforce private covenants, easements, or deed restrictions per KPB 20.60.170.
- Add note for any exceptions granted.

Update the following notes.

- Plat note 3 state no definite location, as does the certificate to plat, however the easement does contain exhibits that show the locations. Update the plat note to remove “no definite location” and depict the easement with a reference to the plat note.
- Plat note 4 should carry over the easement as granted by the parent plat. “The 20 foot building setback shall also serve as a utility easement with clearing restricted to front 10 feet of the setback as granted by Plat KN 85-185.”

20.60.200. Survey and monumentation.

Staff recommendation: Comply with 20.60.200

EXCEPTIONS REQUESTED:

KPB 20.30.190 – Lots-Dimensions (3:1 depth to width ratio)

Surveyor's Discussion: We would like to request an exception to KPB 20.30.190, depth to width ratio, for Strawberry Acres 2022 Replat. The owners are splitting the property equally. Access to the lower portion of the property is hampered by the steep slope and that Soapberry Street has no buildable legal access to it. The extreme eastern portion of Tract 24 is at the top of the bluff with a view and the owners would both like to have a portion of the property.

Staff Discussion: Per KPB 20.30.190, the average depth of lots shall be no greater than three times the average width (3:1). The lots as proposed will be 4.9:1. The distance needed to try to access the western portion of the property by Soapberry Street is long with some construction feasibility concerns. If Soapberry Street is ever constructed in the future, the lots are large enough to be further subdivided with access present along Soapberry Street.

If the exception is denied, a redesign will be required.

Findings:

1. Code requires a depth to width ratio of 3:1 or better.
2. The configuration is for 4.9:1.
3. Existing utility easements may affect the development along Frogberry Street.
4. Both lots will have frontage on constructed but not maintained Frogberry Street.
5. Both lots will have frontage on unconstructed Soapberry Street.
6. The access along Soapberry Street is at this time unusable due to the terrain and distance required for developing an access.
7. A driveway is in place off Frogberry Street.
8. Steep terrain limits access to the western portion of the lots.
9. The lots are large enough that they could be subdivided in the future.

Staff reviewed the exception request and recommends granting approval.

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

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

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

1. That special circumstances or conditions affecting the property have been shown by application;
Findings 4-9 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 4-9 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 4-9 appear to support this standard.

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

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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



