



Meeting Agenda Plat Committee

Monday, May 23, 2022

6:00 PM

Betty J. Glick Assembly Chambers

Zoom Meeting ID 907 714 2200

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

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

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

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF AGENDA, EXCUSED ABSENCES, AND MINUTES

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

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

[KPB-4259](#) May 9, 2022 Plat Committee Meeting Minutes

Attachments: [C3. 050922 Plat Committee Minutes](#)

4. Grouped Plats

[KPB-4274](#) Staff Report

Attachments: [PlatGroupedStaffReport052322](#)

- a. Kings's Creek 2022 Replat; KPB File 2022-056
- b. Bailey Estates Karpik Rice Replat; KPB File 2022-038

D. OLD BUSINESS

E. NEW BUSINESS

1. [KPB-4260](#) Lower Cohoe Subdivision Tracts 1-7; KPB File 2022-057
Attachments: [E1. Lower Cohoe Subdivision Tracts 1-7_Packet](#)
2. [KPB-4261](#) Morning Panorama Subdivision #2; KPB File 2022-058
Attachments: [E2. Morning Panorama Subdivision #2_Packet](#)
3. [KPB-4262](#) Mott's Subdivision 2022 Addition; KPB File 2022-059
Attachments: [E3. Mott's Subdivision 2022 Addition_Packet](#)
4. [KPB-4263](#) Tulchina Point Estate 2022 Replat; KPB File 2022-023
Attachments: [E4. Tulchina Point Estates 2022 Replat_Packet](#)
5. [KPB-4264](#) King's Creek 2022 Replat; KPB File 2022-056
Attachments: [E5. King's Creek 2022 Replat_Packet](#)
6. [KPB-4265](#) Wales Subdivision; KPB File 2022-061
Attachments: [E6. Wales Subdivision_Packet](#)

7. [KPB-4266](#) Beaver Creek Alaska Subdivision 2020 Replat; KPB File 2021-006
Attachments: [E7. Beaver Creek Alaska Subdivision 2020 Replat Packet](#)
8. [KPB-4267](#) Bailey Estates Karpik Rice Replat; KPB File 2022-038
Attachments: [E8. Bailey Estates Karpik Rice Replat Packet](#)
9. [KPB-4268](#) Kenai Meadows Addition No. 1; KPB File 2022-035
Attachments: [E9. Kenai Meadows Addition No 1 Packet](#)
10. [KPB-4269](#) Quartz Creek Subdivision Outfitters Way Replat; KPB File 2022-060
Attachments: [E10. Quartz Creek Sub Outfitters Way Replat 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, June 13, 2022, in the Betty J. Glick Assembly Chambers of the Kenai Peninsula Borough George A. Navarre Administration Building, 144 North Binkley Street, Soldotna, Alaska at 7:30 p.m.

KENAI PENINSULA BOROUGH PLANNING DEPARTMENT

Phone: 907-714-2215

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

Fax: 907-714-2378

e-mail address: planning@kpb.us

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

Written comments will be accepted until 1:00 p.m. on the last business day (usually a Friday) before the day of the Plat Committee meeting in which the item is being heard. If voluminous information and materials are submitted staff may request seven copies be submitted. Maps, graphics, photographs, and typewritten information that is submitted at the meeting must be limited to 10 pages. Seven copies should be given to the recording secretary to provide the information to each Committee member. If using large format visual aids (i.e. poster, large-scale maps, etc.) please provide a small copy (8 ½ x 11) or digital file for the recording secretary. Audio, videos, and movies are not allowed as testimony. If testimony is given by reading a prepared statement, please provide a copy of that statement to the recording secretary.

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

C. CONSENT AGENDA

- *3. Minutes**
 - May 9, 2022 Plat Committee Meeting Minutes**

Kenai Peninsula Borough Plat Committee

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

May 9, 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
John Hooper, District 3 – Nikiski
Franco Venuti, City of Homer

Staff Present

Julie Hindman, Platting Specialist
Ann Shirnberg, Planning Administrative Assistant

C. APPROVAL OF AGENDA, EXCUSED ABSENCES, AND MINUTES

*3 Minutes

- a. April 25, 2022 Plat Committee Meeting Minutes

Chair Brantley asked if anyone from the public wished to speak to any of the items under the consent agenda. He then requested that Ms. Hindman give the staff report for the grouped plats.

Ms. Hindman gave the staff report for the grouped plats and noted the following plats were contained in the report:

- E2. Breakfield-McCaughey Subdivision KPB File 2022-054

Hearing no one wishing to comment discussion was opened among the commission.

MOTION: Commissioner Gillham moved, seconded by Commissioner Venuti, to approve the agenda, the April 25, 2022 Plat Committee meeting minutes and grouped plats 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	5	Brantley, Gillham, Horton, Morgan, Venuti
No	0	

E. NEW BUSINESS

Chair Brantley asked Ms. Shirnberg to read into the record the public hearing procedures.

ITEM E1 – JAYNES SUBDIVISION 2022 REPLAT

KPB File No.	2022-040
Plat Committee Meeting:	May 9, 2022
Applicant / Owner:	BMGC LLC and Peninsula Mini Storage, LLC both of Kenai, Alaska
Surveyor:	James Hall / McLane Consulting Inc
General Location:	Van Antwerp Avenue, Beaver Loop Road, City of Kenai

Parent Parcel No.:	049-013-24, 049-350-12, 049-350-13
Legal Description:	Tract A-1 Bridge Road Subdivision 2019 Replat (KN 2022-15) and Tracts 3 and 4 Jaynes Subdivision Big Mikes Addition
Assessing Use:	Residential / Commercial
Zoning:	Heavy Industrial District
Water / Wastewater	City available

Staff report given by Platting Specialist Julie Hindman.

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

MOTION: Commissioner Venuti moved, seconded by Commissioner Gillham, to grant preliminary approval to Jaynes Subdivision 2022 Replat, 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	5	Brantley, Gillham, Horton, Morgan, Venuti
No	0	

ITEM E2 - BREAKFIELD-MCCAUGHEY SUBDIVISION

KPB File No.	2022-054
Plat Committee Meeting:	May 9, 2022
Applicant / Owner:	Robert and Karen Andrade of Ninilchik, AK Jeffrey and Pamela Breakfield of Soldotna, AK
Surveyor:	Mark Aimonetti, Jason Young / Edge Survey & Design
General Location:	Shelford Avenue, Woodhead Street, Prosser Street, Ninilchik

Parent Parcel No.:	185-505-16 & 185-505-17
Legal Description:	Parcel 3 and 4 of Plat Waiver Resolution 94-14
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On site

**Passed by Grouped Agenda*

ITEM E3 - C L HATTON SUBDIVISION EAGLES CREST ADDITION BYLER REPLAT

KPB File No.	2022-027
Plat Committee Meeting:	May 9, 2022
Applicant / Owner:	Brenda and Kenneth Noonan of Willington, CT No More FYI LLC of Kenai, AK Mathew Byler of Ninilchik, AK
Surveyor:	Jason Schollenberg / Peninsula Surveying LLC
General Location:	Tricia's Court, Symphony Lane, Ninilchik

Parent Parcel No.:	157-032-07, 157-032-08, and 157-032-09
Legal Description:	Tracts B-5, B-6, and B-7 CL Hatton Subdivision Eagles Crest Addition (Plat HM 93-51)
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On site

Staff report given by Platting Specialist Julie Hindman.

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

MOTION: Commissioner Venuti moved, seconded by Commissioner Gillham, to grant preliminary approval to C L Hatton Subdivision Eagles Crest Addition Byler Replat, 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	5	Brantley, Gillham, Horton, Morgan, Venuti
No	0	

ITEM E4 - COLES CORNER NO 3

KPB File No.	2022-052
Plat Committee Meeting:	May 9, 2022
Applicant / Owner:	Estate of Josephine S. Knapp of Anchorage, AK
Surveyor:	Jerry Johnson / Johnson Surveying
General Location:	Kalifornsky Beach Road, Capstan Street, Kasilof / Kalifornsky APC

Parent Parcel No.:	133-471-05
Legal Description:	Lot 5 Coles Corner Plat No KN 85-31
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On site

Staff report given by Platting Specialist Julie Hindman.

Chair Brantley opened the meeting for public comment.

Jerry Johnson, Johnson Surveys; P.O. Box 27, Clam Gulch, AK 99568: Mr. Johnson 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 opened among the commission.

MOTION: Commissioner Gillham moved, seconded by Commissioner Venuti, to grant preliminary approval to Coles Corner No. 3, 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	5	Brantley, Gillham, Horton, Morgan, Venuti
No	0	

ITEM E5 - EAST OYSTER COVE SUBDIVISION

KPB File No.	2022-047
Plat Committee Meeting:	May 9, 2022
Applicant / Owner:	Alaska Mental Health Trust of Anchorage, AK
Surveyor:	Andre Kaeppele, Buku Saliz / Fixed Height LLC
General Location:	Remote, Oyster Cove, Kasitsna Bay

Parent Parcel No.:	191-170-70 and 191-170-87
Legal Description:	A Portion of the North ½ of Section 21 and Lot 4 of US Survey No 4700
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On site

Staff report given by Platting Specialist Julie Hindman.

Chair Brantley opened the meeting for public comment.

Donald & Mary Ann Fell; P.O. Box 615 Homer, AK 99603: The Fells are landowners in the near vicinity of this plat and spoke in opposition to this development. They expressed concerns related to water rights, adverse environmental impacts & access to the proposed lots.

Tom Hopkins; 60112 Nordby Ave., Homer, AK 99603: Mr. Hopkins is a landowner in the near vicinity of this proposed plat. He spoke in opposition to this development and shared many of the same concerns as other landowners in the area

Philip Brudie, P.O. Box 111, Homer, AK 99603: Mr. Brudie is an adjacent landowner and spoke in opposition to this development. He expressed concerns related to water rights, identification of trails used by the public and possible septic issues.

Tamera Hopkins; 60112 Nordby Ave. Homer, AK 99603: Ms. Hopkins is a landowner in the near vicinity of this proposed plat. She spoke in opposition to this development and shared many of the same concerns as other landowners in the area.

Sharon Whytal; P.O. Box 1529, Homer, AK 99603: Ms. Whytal is a landowner in the near vicinity of this proposed plat. She spoke in opposition to this development and shared many of the same concerns as other landowners in the area.

Dennis Poirier; 11819 Rockridge Dr., Anchorage, AK 99516: Mr. Poirier is a landowner in the near vicinity of this proposed plat. He spoke in opposition to this development and shared many of the same concerns as other landowners in the area. He also has concerns with an easement on the plat used to access Lots 15 & 16. This easement crosses his property and he would like more information on this easement.

Chair Brantley confirmed with staff that the easement Mr. Poirier is referring to, between Lots 15 & 16 of Little Tuka Bay, was in existence before it was depicted on the preliminary plat. Ms. Hindman responded that this easement was depicted on South Kachemak Alaska Subdivision which was done in 1969, which is centered on the common lot line between Lots 15 & 16.

Dave Messer & Ricki Lebman; 15740 Windsong Dr., Anchorage, AK 99516: Mr. Messer & Ms. Lebman are landowners in the near vicinity of this plat and spoke in opposition to this development. Mr. Messer believes that numerous lots on this proposed plat have inadequate access and that the plat at the very least needs to be redesigned. They also share many of the same concerns expressed by the other landowners in the area.

William Lanier; 89 S 750 E, Bountiful, UT 84010: Mr. Lanier is a landowner in the near vicinity of this proposed plat. He spoke in opposition to this development and shared many of the same concerns as other landowners in the area.

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

MOTION: Commissioner Gillham moved to grant preliminary approval to East Oyster Cove Subdivision, based on staff recommendations and compliance to borough code.

Chair Brantley asked for a second on the motion.

Commissioner Venuti asked if there was not a second, would it mean the plat failed to receive preliminary approval? Chair Brantley responded that is correct.

Ms. Hindman was then asked what the next step would be for the applicants. Ms. Hindman replied she was not sure and suggested Borough Attorney Steinhage be asked to weigh in. She believed at the very least the applicants would need to resubmit the plat, possibly with new information, and the plat would go through another public hearing process. Chair Brantley asked if the applicants could appeal the decision. Ms. Hindman replied she wasn't sure, since the committee hasn't made a decision. Again, she suggested that Borough Attorney Steinhage be asked to weigh in.

Mr. Steinhage noted that KP.B 2.40.080 states that a review of the plat committee's decision may be heard by the planning commission acting as a platting board. He is not sure that this applies in this case as it implies that the plat committee has made a decision. Mr. Steinhage then asked for time to research this question.

Chair Brantley then asked if someone would like to make a motion to table the item until the end of new business.

MOTION: Commissioner Gillham moved, seconded by Commissioner Morgan to table the item until the end of new business.

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

MOTION PASSED BY UNANIMOUS VOTE

Yes	5	Brantley, Gillham, Horton, Morgan, Venuti
No	0	

ITEM E6 - SOLDOTNA AIRPORT LEASE LOT 2021 REPLAT

KPB File No.	2022-048
Plat Committee Meeting:	May 9, 2022
Applicant / Owner:	City of Soldotna of Soldotna, AK
Surveyor:	Max Best / Wince-Corthell-Bryson
General Location:	Soldotna Airport Property, Funny River Road, City of Soldotna

Parent Parcel No.:	060-341-44 & 060-341-45
Legal Description:	Lots H-15 and H-21 Soldotna Airport Lease Lot Subdivision Plat No. KN 87-88
Assessing Use:	Leased Vacant Land
Zoning:	Industrial District
Water / Wastewater	City

Staff report given by Platting Specialist Julie Hindman.

Chair Brantley opened the meeting for public comment.

Max Best, Surveyor; Wince-Corthell-Bryson, P.O. Box 1041, Kenai, AK 99611: Mr. Best 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 opened among the commission.

MOTION: Commissioner Morgan moved, seconded by Commissioner Venuti, to grant preliminary approval to Soldotna Airport Lease Lot 2021 Replat, based on staff recommendations and compliance to borough code.

AMENDMENT MOTION: Commissioner Morgan moved, seconded by Commissioner Venuti to grant exception request to KPB 20.30.210 – Lots Access to Street, citing findings 1-9 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	5	Brantley, Gillham, Horton, Morgan, Venuti
No	0	

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

MOTION PASSED AS AMENDED BY UNANIMOUS VOTE

Yes	5	Brantley, Gillham, Horton, Morgan, Venuti
No	0	

ITEM E7 - LLOYD RACE AND EKER ESTATES LUJAN 2022 REPLAT

KPB File No.	2022-045
Plat Committee Meeting:	May 9, 2022
Applicant / Owner:	Ruben and Jennifer Lujan of Scottsdale, AZ
Surveyor:	Kenton Bloom / Seabright Surveying
General Location:	Mission Road and Race Road, City of Homer

Parent Parcel No.:	174-030-01 and 174-051-15
Legal Description:	Lot 15 Eker Estates Plat No HM 90-43 Lot 1 Lloyd Race Addition Plat No. HM 56-3009
Assessing Use:	Residential
Zoning:	Rural Residential District
Water / Wastewater	On site

Staff report given by Platting Specialist Julie Hindman.

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

Commissioner Venuti informed the commission that he heard this item as planning commissioner for the City of Homer and abstain from deliberations and voting.

MOTION: Commissioner Gillham moved, seconded by Commissioner XX, to grant preliminary approval to Lloyd Race & Eker Estates Lujan 2022 Replat, 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		Brantley, Gillham, Horton, Morgan
Abstained	1	Venuti

ITEM E8 - PUFFIN ACRES BAYWELD 2022 REPLAT

KPB File No.	2022-046
Plat Committee Meeting:	May 9, 2022
Applicant / Owner:	East Road Services Inc and ENT Properties LLC of Homer, AK
Surveyor:	Kenton Bloom / Seabright Surveying

General Location:	East End Road, Little Fireweed Lane, City of Homer
Parent Parcel No.:	174-191-05 and 174-192-87
Legal Description:	Lot 4-A Block 1 Puffin Acres SVH 2021 Replat Plat No HM 2021-33 Lot 5 Commerce Park Plat No HM 1985-14
Assessing Use:	General Commercial
Zoning:	East End Mixed Use
Water / Wastewater	City

Staff report given by Platting Specialist Julie Hindman.

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

Commissioner Venuti informed the commission that he heard this item as planning commissioner for the City of Homer and abstain from deliberations and voting.

MOTION: Commissioner Gillham moved, seconded by Commissioner Morgan, to grant preliminary approval to Puffin Acres Bayweld 2022 Replat, 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		Brantley, Gillham, Horton, Morgan
Abstained	1	Venuti

Chair Brantley asked Borough Attorney Steinhage for the answer to the committee's earlier question regarding East Oyster Cove Subdivision. Mr. Steinhage clarified for the committee that having a second to the motion does not mean that the individual making the second agrees with the motion. It just allows the motion to be brought to the floor for debate and decision. If there is not a second then there is no discussion or decision. In this instance it would mean that the applicant would have to resubmit the plat for reconsideration by the committee. Chair Brantley asked if the applicant could request that the planning commission hear the plat. Mr. Steinhage replied only if there is an actual decision made by the plat committee. The planning commission would need a decision in place to review. An appeal only works if there are findings by the plat committee for the planning commission to review.

MOTION: Commissioner Gillham moved to remove the plat from the table, and to grant preliminary approval to East Oyster Cove Subdivision, based on staff recommendations and compliance to borough code.

MOTION FAILED DUE TO A LACK OF A SECOND

F. PUBLIC COMMENT - None

G. ADJOURNMENT

Commissioner Venuti moved to adjourn the meeting 7:48 P.M.

Ann E. Shirnberg
Administrative Assistant



Plat Committee Grouped Plats Staff Report

144 N. Binkley Street, Soldotna, Alaska 99669 • (907) 714-2200 • (907) 714-2378 Fax

GROUPED PLATS **KPB Plat Committee Meeting** **May 23, 2022**

Staff has grouped the following plats located under **AGENDA ITEM C4 – Grouped Plats (AGENDA ITEM F - FINAL PLATS WILL NEED SEPARATE REVIEW)**. They are grouped as:

- A.** The plat currently placed on the consent agenda are considered simple or non-controversial. These are generally lot splits, lot line adjustment, no exceptions or ones that received no public comments. The group plats on the consent agenda are as follows. – 2 Plats
5. King's Creek 2022 Replat; KPB File 2022-056 (*Grouped Plats*)
Geovera LLC / O'Neill Community Property Trust
Location: Walters Street, Walters Court & Wilderness Lane
Fitz Creek Area / Kachemak Bay APC
 8. Bailey Estates Karpik Rice Replat; KPB File 2022-038 (*Grouped Plats*)
Segesser Surveys / Karpik & Rice
Location: Lawton Drive
City of Kenai

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 (A)** 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.

- B.** Plats needing specific actions or controversial - (public comments received, major staff concerns, exceptions required) – 8 Plats
1. Lower Cohoe Subdivision Tracts 1-7; KPB File 2022-057
R&M Consultants / Alaska Mental Health Trust Authority
Location: Herrin Street, Fairway Avenue & Cohoe Lake Road
Cohoe Area
 2. Morning Panorama Subdivision #2; KPB File 2022-058
Johnson Surveying / Rahman
Location: Morning Circle
Salamatof Area
 3. Mott's Subdivision 2022 Addition; KPB File 2022-059
Edge Survey & Design, LLC / Jackson Estate, Wortham Estate & Mott
Location: Gas Well Road & Kalifornsky Beach Road
Kalifornsky Area
 4. Tulchina Point Estates 2022 Replat; KPB File 2022-023
McLane Consulting Group / Littleknife Inc., McLane & Smith
Location: Paper Birch Lan, Developer Circle & Authentic Road
Sterling Area

6. Wales Subdivision; KPB File 2022-061
Geovera LLC / Shenyer
Location: Shegota Loop, Tim Ave., Inlet Ave., Pleasant Spruce Rd. & Sterling Hwy.
Happy Valley Area

7. Beaver Creek Alaska Subdivision 2020 Replat; KPB File 2021-006
Segesser Surveys / Freedom Indeed LLC
Location: Kenai Spur Road & Beaver Loop Road
City of Kenai

9. Kenai Meadows Addition No. 1; KPB File 2022-035
Segesser Surveys / City of Kenai
Location: California Ave., Florida Ave., Fifth St., Nightingale St. & Redoubt Ave.
City of Kenai

10. Quartz Creek Subdivision Outfitters Way Replat; KPB File 2022-060
Segesser Surveys / Kenai Peninsula Borough & Three Bears Alaska Inc.
Persistent Way & Sterling Highway
Cooper Landing Area

E. NEW BUSINESS

- 1. Lower Cohoe Subdivision Tracts 1-7; KPB File 2022-057
R&M Consultants / Alaska Mental Health Trust Authority
Location: Herrin Street, Fairway Avenue & Cohoe Lake Road
Cohoe Area**



Vicinity Map

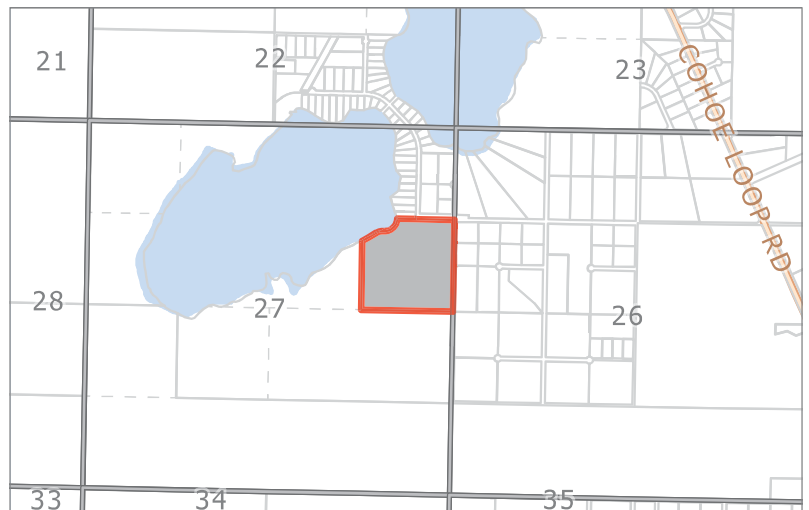
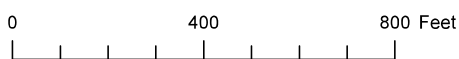


KPB File # 2022-057

S27-T03N-R12W

Cohoe

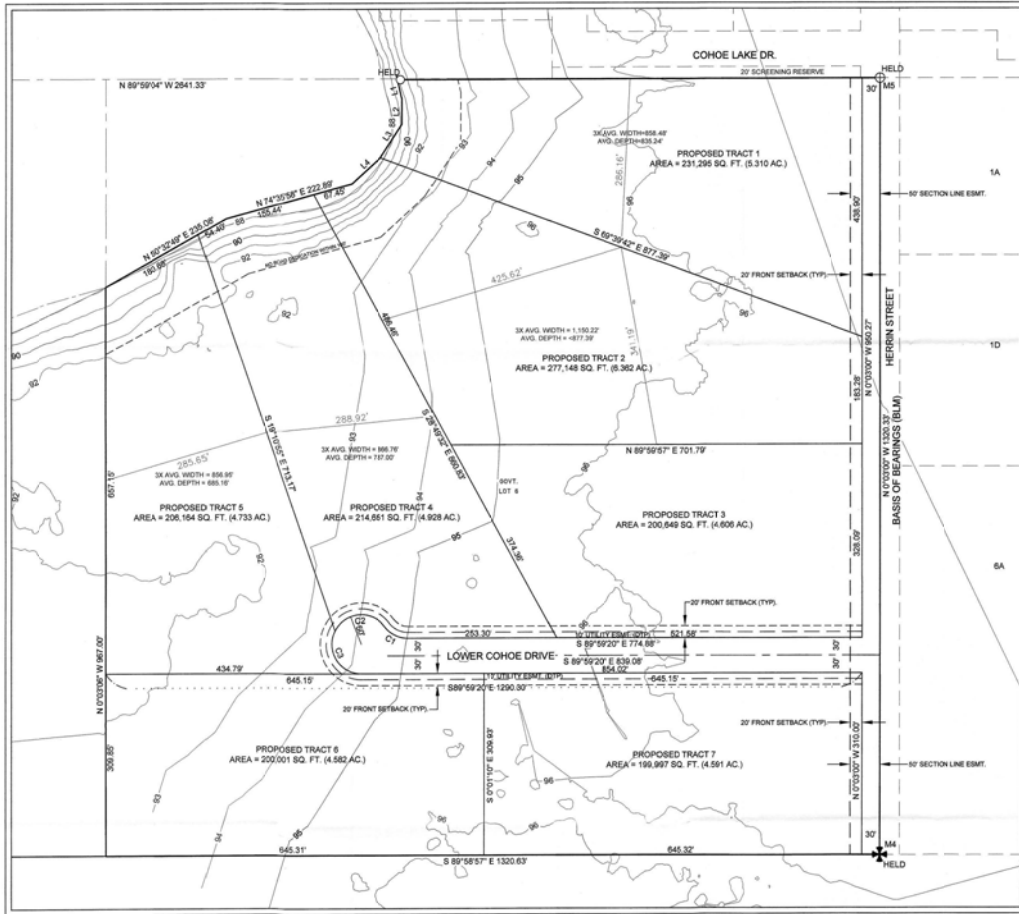
4/25/2022



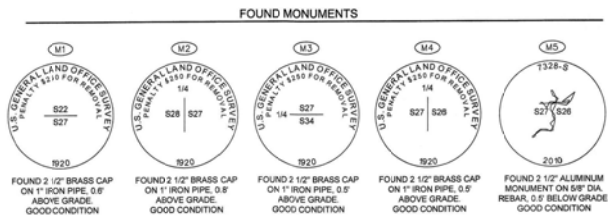


Aerial View





DETAIL: 1"=100'

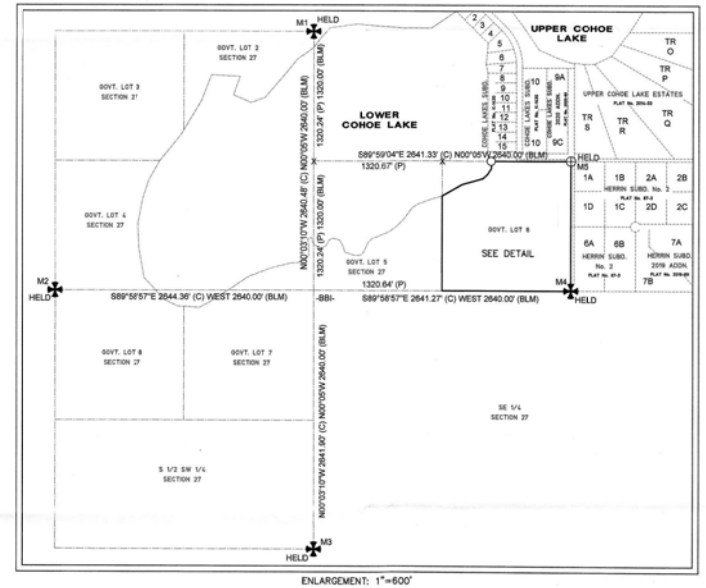
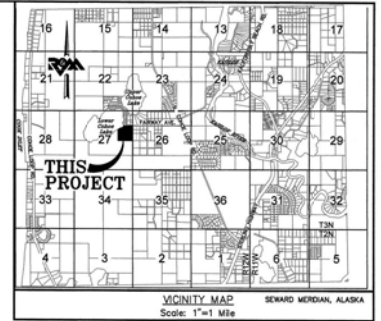
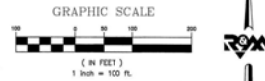


CURVE TABLE					
CURVE #	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD
C1	48.36'	50.00'	S3°07'27"	S 63° 25' 36" E	44.72'
C2	101.66'	50.00'	116°22'34"	S 84° 56' 50" W	84.98'
C3	100.98'	50.00'	116°42'33"	S 31° 05' 43" E	84.67'

LINE TABLE		
LINE#	DIRECTION	LENGTH
L1	N 13°12'28"W	33.75'
L2	N 02°04'36"E	42.86'
L3	N 32°58'12"E	67.86'
L4	N 41°40'23"E	65.55'

NOTES

- BUILDING SETBACK - A SETBACK OF 20 FEET IS REQUIRED FROM ALL STREET RIGHTS-OF-WAY UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
- CONTOUR INTERVAL IS 1-FOOT. CONTOURS WERE OBTAINED FROM PUBLICLY AVAILABLE GIS DATA FROM THE KENAI PENINSULA BOROUGH AND HAVE NOT BEEN FIELD VERIFIED.



LEGEND

- ⊕ FOUND GLO MONUMENT AS DESCRIBED
- ⊙ FOUND PRIMARY MONUMENT AS DESCRIBED
- FOUND IRON PIPE
- ⊕ SET 2" ALUMINUM CAP ON 5/8" X 30" REBAR THIS SURVEY
- H- HELD FOUND MONUMENT POSITION
- (M) MEASURED DIMENSION THIS SURVEY
- (C) COMPUTED DIMENSION
- (P) PROPORTIONED DIMENSION
- X COMPUTED POINT, NOTHING FOUND OR SET
- ⊕ COMPUTED BEARING-BEARING INTERSECTION
- (BLM) RECORD DIMENSIONS PER BUREAU OF LAND MANAGEMENT PLAT APPROVED ON JULY 19, 1921



TYPICAL
2" ALUMINUM CAP ON 5/8" X 30"
REBAR SET THIS SURVEY

SURVEYOR'S CERTIFICATE

I 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; AND THAT 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.

DAVID C. HALE, L.S. 10395 DATE _____



**PRELIMINARY PLAT OF
LOWER COHOE SUBDIVISION
TRACTS 1 THRU 7**

TRUST LAND OFFICE, STATE OF ALASKA, OWNER
2600 CORDOVA ST., SUITE 201
ANCHORAGE, ALASKA 99503

A 37.34 ACRE SUBDIVISION OF GOVERNMENT LOT 6, SECTIONS 27,
TOWNSHIP 3 NORTH, RANGE 12 WEST, SEWARD MERIDIAN, ALASKA

KENAI RECORDING DISTRICT

9101 Vanguard Drive, Anchorage, Alaska, 99507
PH (907) 522-1707 FAX (907) 522-3403
www.rmconsult.com

AEC 111

DRAWN: DCH SCALE: 1"=100' PROJECT: 2850.03 GRID:
CHECKED: AC HELD BY: 2850.03 DATE: 03/31/22 SHEET: 1 OF 1

KPB 2022-057

AGENDA ITEM E. NEW BUSINESS

ITEM 1 - LOWER COHOE SUBDIVISION TRACTS 1 THRU 7

KPB File No.	2022-057
Plat Committee Meeting:	May 23, 2022
Applicant / Owner:	Alaska Mental Health Trust Authority of Anchorage, AK
Surveyor:	David Hale / R & M Consultants
General Location:	Herrin Street, Fairway Avenue, Cohoe Area

Parent Parcel No.:	133-110-98
Legal Description:	Government Lot 6, Section 27 Township 3 North Range 12 West
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide a 37.3 acre parcel into seven lots that will range in size from 4.582 acres to 6.362 acres. A 30 foot width dedication is proposed for Herrin Street to bring the street width into compliance. A new cul-de-sac is proposed for dedication within the subdivision.

Location and Legal Access (existing and proposed): The proposed plat is located at the end of Fairway Avenue, a varying width borough maintained right-of-way. Fairway Avenue is located near mile 13 of state maintained Cohoe Loop Road. This is near the southern Cohoe Loop Road intersection with the Sterling Highway. Fairway Avenue runs along a portion of the northern boundary of the proposed plat and then connects to Cohoe Lake Drive, which runs to the north and provides access to lots found between the two Cohoe Lakes. Herrin Street intersects with Fairway Avenue and provides access along the eastern boundary of the proposed plat. The current dedication of Herrin Street is only 33 feet wide. The northern portion appears to be cleared and in use but is not maintained by the borough. Section line easements are present within the existing dedication and proposed dedication of Herrin Street.

The plat is proposing to dedicate a 30 foot wide dedication for Herrin Street. The underlying 50 foot section line easement will remain and is depicted on the plat. The certificate to plat references 33 foot section line easements. That is the width on the eastern side of Herrin Street but the surveyor and KPB staff information shows 50 foot is present on the western side. **Staff recommends the surveyor verify the width and work with the title company to update their information or if it is found to be 33 feet, provide documentation to the borough to support the change to 33 feet.**

A new cul-de-sac is proposed within the subdivision. This right-of-way will provide access to several of the lots within the preliminary plat.

The block length is not compliant as defined in KPB Code 20.30.170. Due to the location of Lower Cohoe Lake, the ability to get a closed block is limited. The cul-de-sac does not improve the block as it does not provide a through continuation.

The land to the west and south is all owned by the State of Alaska DNR. It is currently shown as a 221 acre parcel. Low wet areas are present within the Herrin Street dedication and section line easements. The low wet areas continue through the DNR property. The access to the dryer portions of the property is limited.

Due to the location of the lake and wetlands within a portion of the area and the DNR properties surrounding the preliminary plat, **staff recommends a dedication not be required at this time along the western boundary of the subdivision in an effort to improve block length.**

Due to the terrain restrictions present within the Herrin Street dedication, **staff recommends** a 30 foot wide dedication be required along the southern boundary of the subdivision.

The requirement of a dedication along the south will improve the block requirements as well as KPB Code 20.30.030(A), by providing access to surrounding acreage tracts. Changing the already proposed right-of-way to a through dedication will improve both 20.30.030 and 20.30.170 but due to wetlands present within the western area the southern dedication is the best solution. It would be expected to receive a 30 foot matching dedication from the State of Alaska lands if they have a subdivision done.

If the plat committee does not agree with staff, findings will be required to support their decision to not require the dedication.

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

Site Investigation: The area is relatively flat with no steep slopes present. There are some low wet areas along the western boundary. **Staff recommends** low wet areas be depicted on the plat and the wetland determination plat note be added.

The land appears to be vacant. KPB Assessing records indicate an improvement but upon further review it appears to be an improved travel way or driveway. The location is not easily detected on imagery.

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

Staff Analysis This is a subdivision of a Government Lot that is owned by Alaska Mental Health Trust Authority. There has not been a plat performed on the property through the Kenai Peninsula Borough.

The majority of the lots are currently over 200,000 square feet and will not require a soils analysis report. The surveyor has noted that if the design is approve, the intention will be to make some adjustments to get all lots to comply. As long as the adjustments are not significant and still complies with all of KPB Code, the final will not be brought back to the Planning Commission unless they request to review again. If any of the lots fail to be 200,000 square feet, a soils report will be required and an engineer will sign the final plat.

The surveyor provided the depth and width information on the lots to show they comply. Staff did find some slight differences with the measurements but found that they all comply.

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 property does not have any platted utility easement in place. The Certificate to Plat did not contain any easements granted by recorded document.

The plat has the 10 foot utility easements depicted along the proposed cul-de-sac. Utility easements will need to be required along the portion adjacent to Fairway Avenue. If a new dedication is required along the south, additional utility easements will need to be depicted. Per code, 10 foot easements should also be granted along Herrin Street. As noted by HEA’s comments, the section line easement would encompass the utility easement and the section line easements can be used for utility needs. **Staff recommends the plat committee concur that utility easements not be granted along Herrin Street, all other utility easements be depicted and a plat note be added that clarifies which rights-of-way will have adjoining easements 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	HEA is not requesting the 10 foot utility easement adjoining the dedicated ROW be granted with this platting action as the 50 foot section line easement provides a greater area for the placement of utility lines.
ENSTAR	No comments or recommendations
ACS	No objections
GCI	Approved as shown

KPB department / agency review:

Addressing	<p>Reviewer: Haws, Derek Affected Addresses: None</p> <p>Existing Street Names are Correct: No</p> <p>List of Correct Street Names: HERRIN ST</p> <p>Existing Street Name Corrections Needed: COHOE LAKE DR</p> <p>All New Street Names are Approved: No</p> <p>List of Approved Street Names:</p> <p>List of Street Names Denied: LOWER COHOE DR</p> <p>Comments: LOWER COHOE DR is denied because the word Cohoe is on the KPB prohibited names list. The street suffix for the newly dedicated ROW should be court (CT) due to the east-west direction and ending in a cul-de-sac. COHOE LAKE DR should be labeled FAIRWAY AVE.</p>
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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

All that will be required on the lots is the acreage to the thousandths, three decimal digits. The square footage should be removed from the final.

The setback should be labeled and depicted along Fairway Avenue.

KPB 20.25.070 – Form and contents required

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

A. Within the Title Block

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

Staff recommendation:

- *The owner should match the deeds and certificate to plat, which is Alaska Mental Health Trust Authority.*
- *Update the location description to make “Sections” singular as it is only within one section.*
- *The KPB File number will need to be included within or near the title block.*
- *Staff suggests the name be shortened to Lower Cohoe Subdivision. In smaller text below the name you can add “Creating Tracts 1 Thru 7” if desired.*

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 label of Cohoe Lake Drive to Fairway Avenue. Cohoe Lake Drive is the north-south right-of-way located at the end of Fairway Avenue.*
- *Provide a label for Cohoe Lake Drive.*
- *Provide a label for Herrin Circle.*
- *Provide right of way width labels for Cohoe Lake Drive, Fairway Avenue, Herrin Street, and Herrin Circle.*

- 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: *Map meets all criteria but the sections shown can be reduced to make the map smaller to improve spacing on the plat. A 3 x 3, 3 x 4, or 4 x 4, depiction with subject section being near center will be sufficient.*
- 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:
 - *A new dedication is proposed as Lower Cohoe Drive. Cohoe is on the street name prohibited list. The suffix should also be Court as defined by KPB code.*
 - *A 30 foot wide dedication for Herrin Street is proposed.*
 - *Both rights-of-way will require a label stating "Dedicated by this Plat".*
- G. The status of adjacent lands within 100 feet of the proposed subdivision boundary or the land status across from any dedicated rights-of-way that adjoin the propose subdivision boundary, including names of subdivisions, lot lines, block numbers, lot numbers, rights-of-way; or an indication that the adjacent land is not subdivided;
Staff recommendation:
 - *Include the name of the lake.*
 - *Add a Government Lot 5 label to the lot to the west.*
 - *Provide an "Unsubdivided" label for the land to the south.*
 - *We generally request all streets and lots be labeled within 100 feet for the subdivision. Many of these are being shown on the area enlargement. As long as the information is present within the enlargement additional labeling will not be required.*
 - *Within the enlargement area, Lot 9C north of the subdivision, is incorrectly depicted as well as the depiction of Herrin Circle. Update the lot depiction to configuration at the time of final.*

KPB 20.30 – Subdivision Design Requirements

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

20.30.030. Proposed street layout-Requirements.

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

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

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

Staff recommendation: *A dedication along the southern boundary should be required to provide access to lots to the west.*

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

Staff recommendation: *Work with the KPB Addressing Officer for approved street names.*

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. Due to lake, a fully closed block will be difficult. A dedication along the southern boundary will improve the block.*

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 tracts but Tract 7, will not require a soils analysis report due to size of the lots. Provide required plat notes in compliance with code. Multiple wastewater disposal notes may need to be provided and should indicate which tracts the note applies.

Staff recommendation: *comply with 20.40.*

KPB 20.60 – Final Plat

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

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

Staff recommendation: *All rights-of-way will need to be accepted by the Kenai Peninsula Borough. Provide the acceptance as outlined in KPB Code.*

20.60.110. Dimensional data required.

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

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

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

Staff recommendation: *Meander source is required to be sited or provide a year label for the data if measured or computed as part of this plat. Comply with 20.60.110.*

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: *Correct the line along the southwest located outside the boundary to be the same depiction of neighboring lot lines.*

20.60.180. Plat notes.

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

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

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

- *Roads must meet the design and construction standards established by the borough in order to be considered for certification and inclusion in the road maintenance program (KPB 14.06).*
- *“The front 10 feet adjoining dedicated rights-of-way is granted by this plat as utility easements.” If not granted along Herrin Street revised to “The front 10 feet adjoining the dedicated rights-of-way of Fairway Avenue, new street names is granted by this plat as utility easements. Easements along Herrin Street were not required with this platting action.”*
- *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.*
- *Any person developing the property is responsible for obtaining all required local, state, and federal permits, including a U.S. Army Corps of Engineers wetland determination if applicable.*
- *The natural meanders of ordinary high water is for area computations only, the true corners being on the extension of the sidelines and the intersection with the natural meanders.*
- *WASTEWATER DISPOSAL (Tracts #'s): Lots which are at least 200,000 square feet in size may not be suitable for onsite wastewater treatment and disposal. Any wastewater treatment or disposal system must meet the regulatory requirements of the Alaska Department of Environmental Conservation.*
- *WASTEWATER DISPOSAL (Tracts #'s): Soil conditions, water table levels, and soil slopes in this subdivision have been found suitable for conventional onsite wastewater treatment and disposal systems serving single-family or duplex residences. An Engineer's Subdivision and Soils Report is available from the Kenai Peninsula Borough. Any other type of onsite wastewater treatment and disposal system must be designed by a qualified engineer, registered to practice in Alaska, and the design must be approved by the Alaska Department of Environmental Conservation.*

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: *Provide the Certificate of Ownership on behalf of the Alaska Mental Health trust Authority. Provide the notary's acknowledgment. In addition to the Certificate of Acceptance for the rights-of-way being dedicated, a plat approval note will be required for the borough to sign. 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.

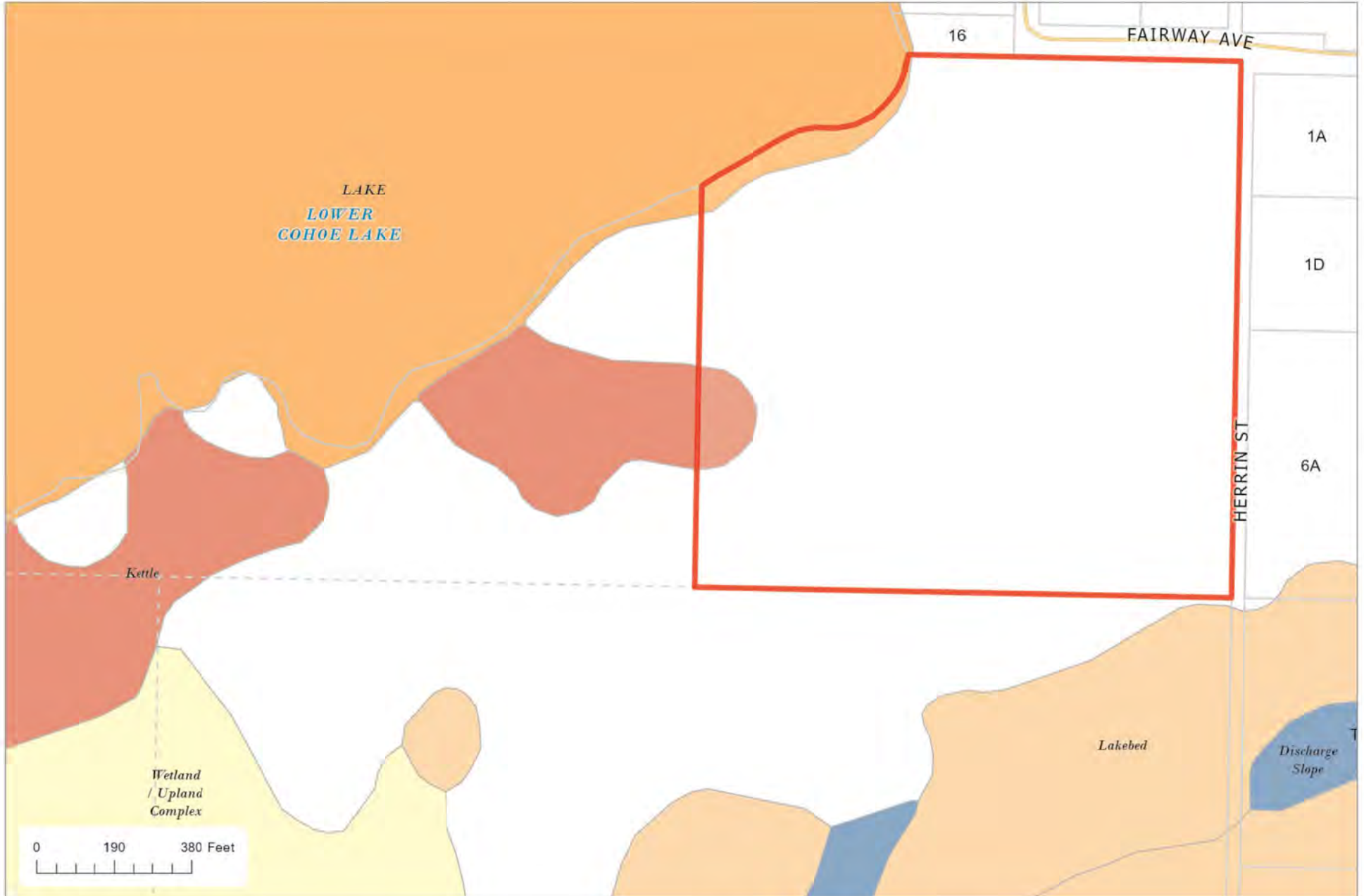
A PARTY OF RECORD MAY REQUEST THAT A DECISION OF THE PLAT COMMITTEE BE REVIEWED BY THE PLANNING COMMISSION BY FILING A WRITTEN REQUEST WITHIN 15 DAYS OF NOTIFICATION OF THE DECISION IN ACCORDANCE WITH KPB 2.40.080.

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



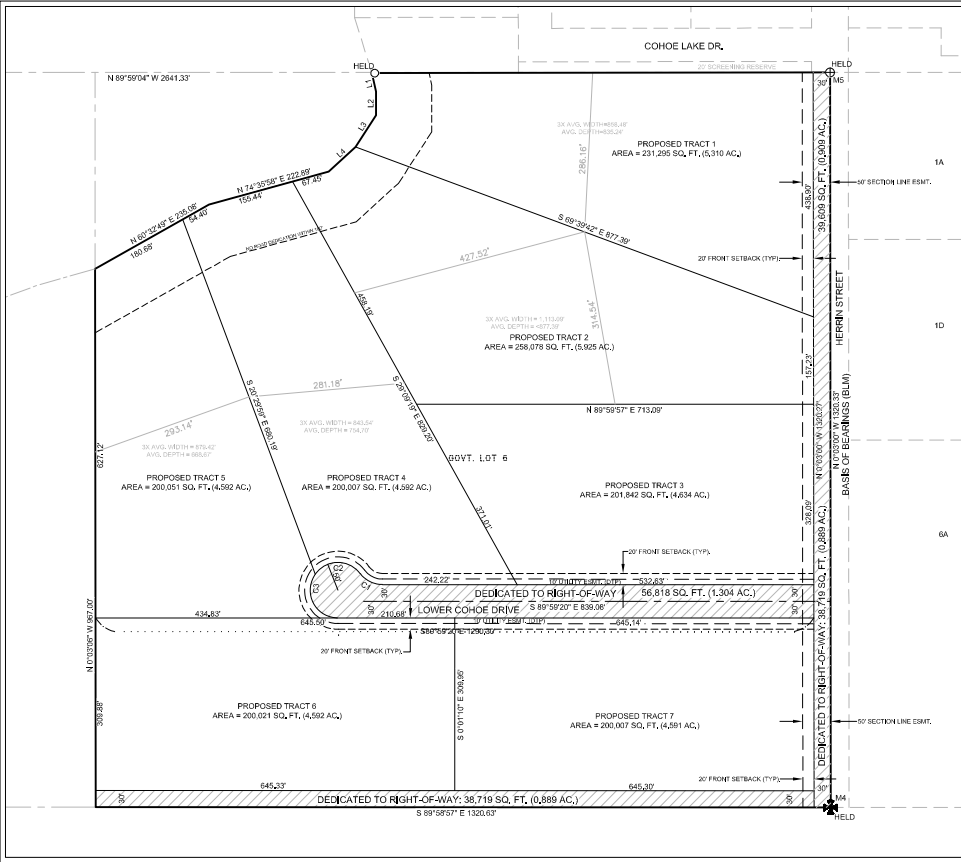
The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



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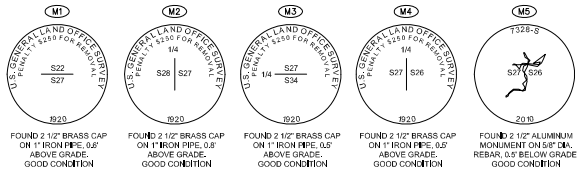
DESK PACKET ITEMS

(Items received after the publishing of the meeting packet on 5/13/22)



DETAIL: 1"=100'

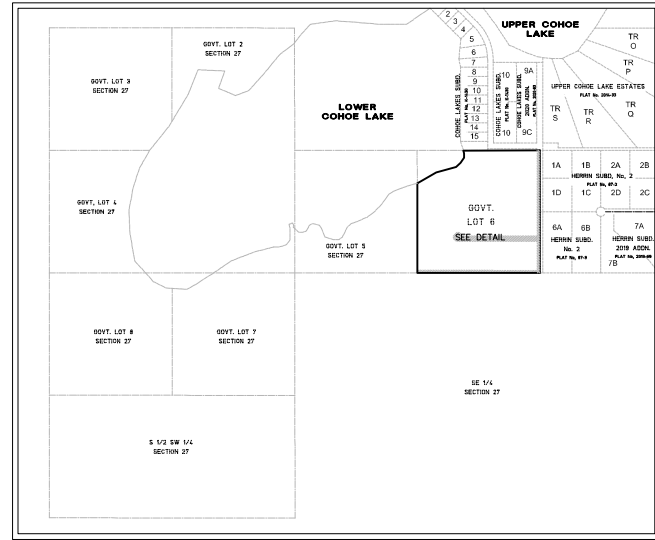
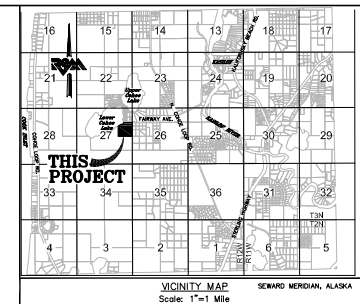
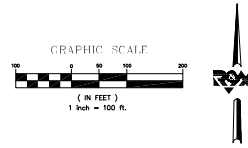
FOUND MONUMENTS



CURVE TABLE					
CURVE #	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD
C1	45.36'	50.00'	53°07'27"	S 63° 25' 38" E	44.72'
C2	94.04'	50.00'	107°45'58"	S 89° 15' 08" W	80.78'
C3	108.49'	50.00'	124°19'09"	S 36° 47' 25" E	88.43'

LINE TABLE		
LINE #	DIRECTION	LENGTH
L1	N 13°12'28" W	33.75'
L2	N 00°04'30" E	42.86'
L3	N 32°55'12" E	67.85'
L4	N 47°40'23" E	65.55'

- NOTES**
- BUILDING SETBACK -- A SETBACK OF 20 FEET IS REQUIRED FROM ALL STREET RIGHTS-OF-WAY UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
 - CONTOUR INTERVAL IS 1-FOOT. CONTOURS WERE OBTAINED FROM PUBLICLY AVAILABLE GIS DATA FROM THE KENAI PENINSULA BOROUGH AND HAVE NOT BEEN FIELD VERIFIED.



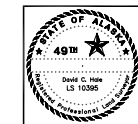
ENLARGEMENT: 1"=600'

- LEGEND**
- FOUND GLO MONUMENT AS DESCRIBED
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 - SET 2" ALUMINUM CAP ON 5/8" X 30" REBAR THIS SURVEY
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 - RECORD DIMENSIONS PER BUREAU OF LAND MANAGEMENT PLAT APPROVED ON JULY 19, 1921

SURVEYOR'S CERTIFICATE

I 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; AND THAT 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.

DAVID C. HALE, L.S. 10395 DATE



REVISED 05/16/22

**PRELIMINARY PLAT OF
LOWER COHOE LAKE
TRACTS 1 THRU 7**

TRUST LAND OFFICE, STATE OF ALASKA, OWNER
2600 CORDOVA ST., SUITE 201
ANCHORAGE, ALASKA 99503

A 37.34 ACRE SUBDIVISION OF GOVERNMENT LOT 6, SECTION 27,
TOWNSHIP 3 NORTH, RANGE 12 WEST, SEWARD MERIDIAN, ALASKA

KENAI RECORDING DISTRICT

9101 Vanguard Drive, Anchorage, Alaska, 99507
PH (907) 522-1707 FAX (907) 522-3403
www.rmconsult.com

AECC 111

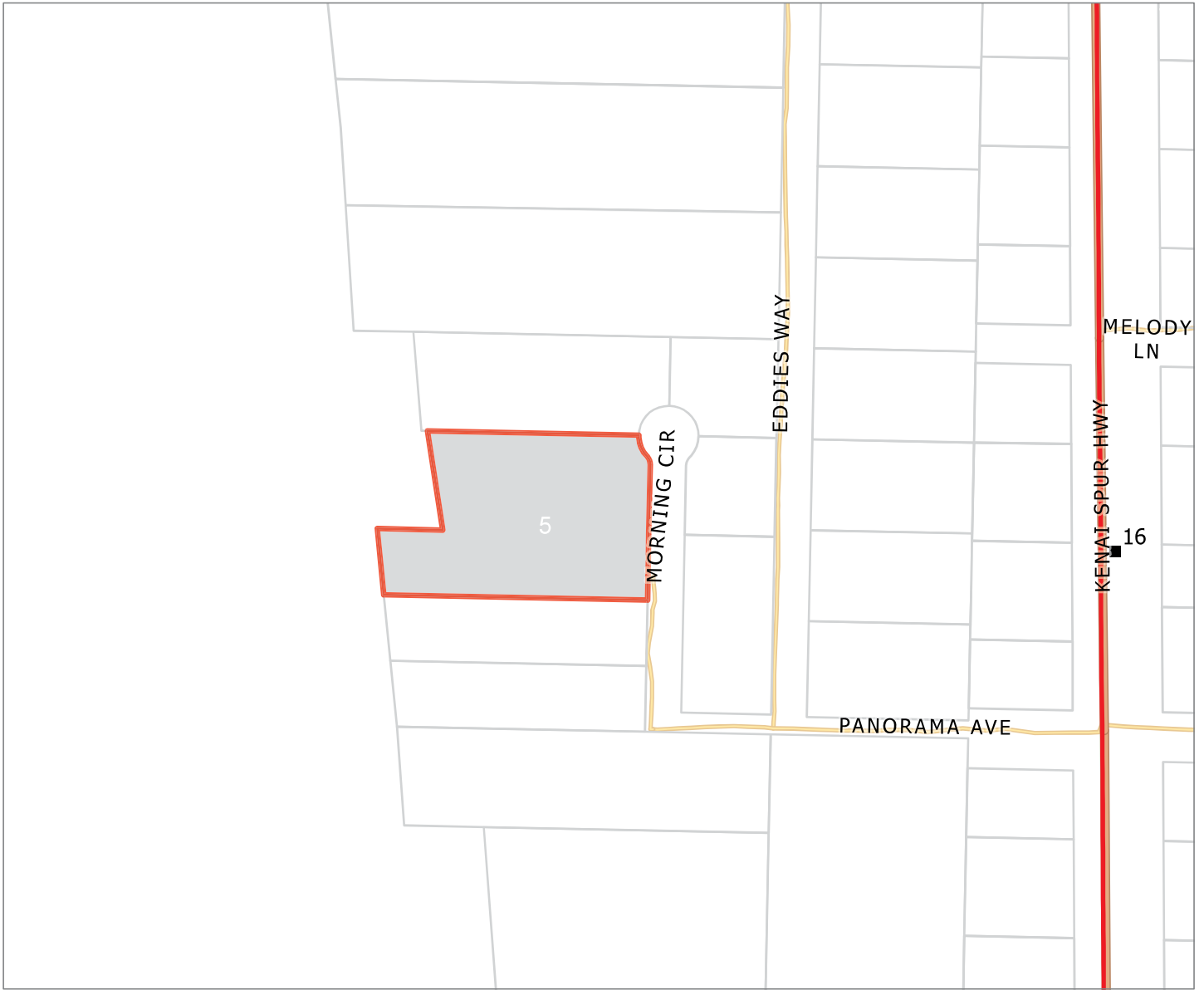
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CHECKED: AC FIELD BK: 2850.03 DATE: 05/16/22 SHEET: 1 of 1

E. NEW BUSINESS

- 2. Morning Panorama Subdivision #2; KPB File 2022-058
Johnson Surveying / Rahman
Location: Morning Circle
Salamatof Area**



Vicinity Map

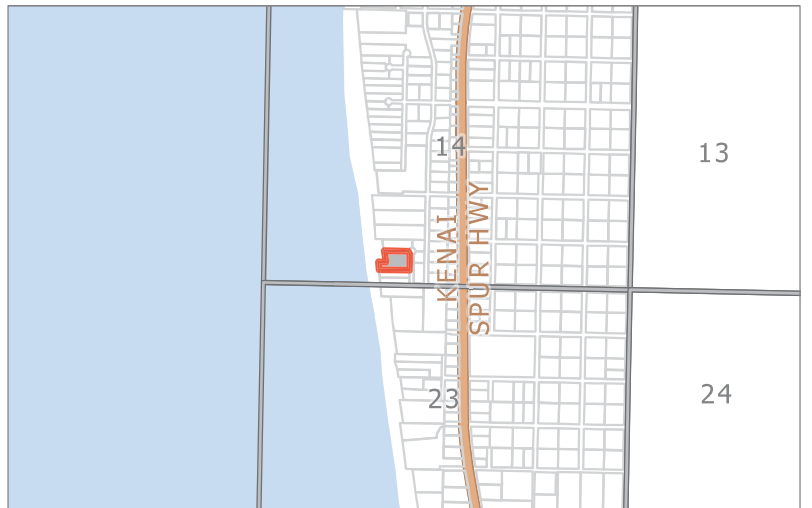
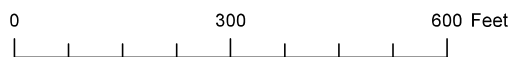


KPB File # 2022-058

S14-T06N-R12W

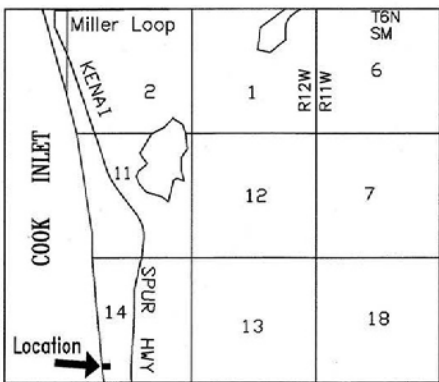
Salamatof

4/27/2022





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VICINITY 1" = 1 mile MAP

Morning Panorama Subdivision #2 Preliminary Plat

A subdivision of Lot 5 Morning Panorama Subd., Richey Replat, KRD 2019-9
 Located in the SW1/4 Section 14, T6N R12W, SM, Alaska.
 Kenai Recording District Kenai Peninsula Borough

KPB 2022-058

Prepared for
 Hafiz Rahman
 3809 E. Thousand Oaks Circle
 Salt Lake City, UT 84124

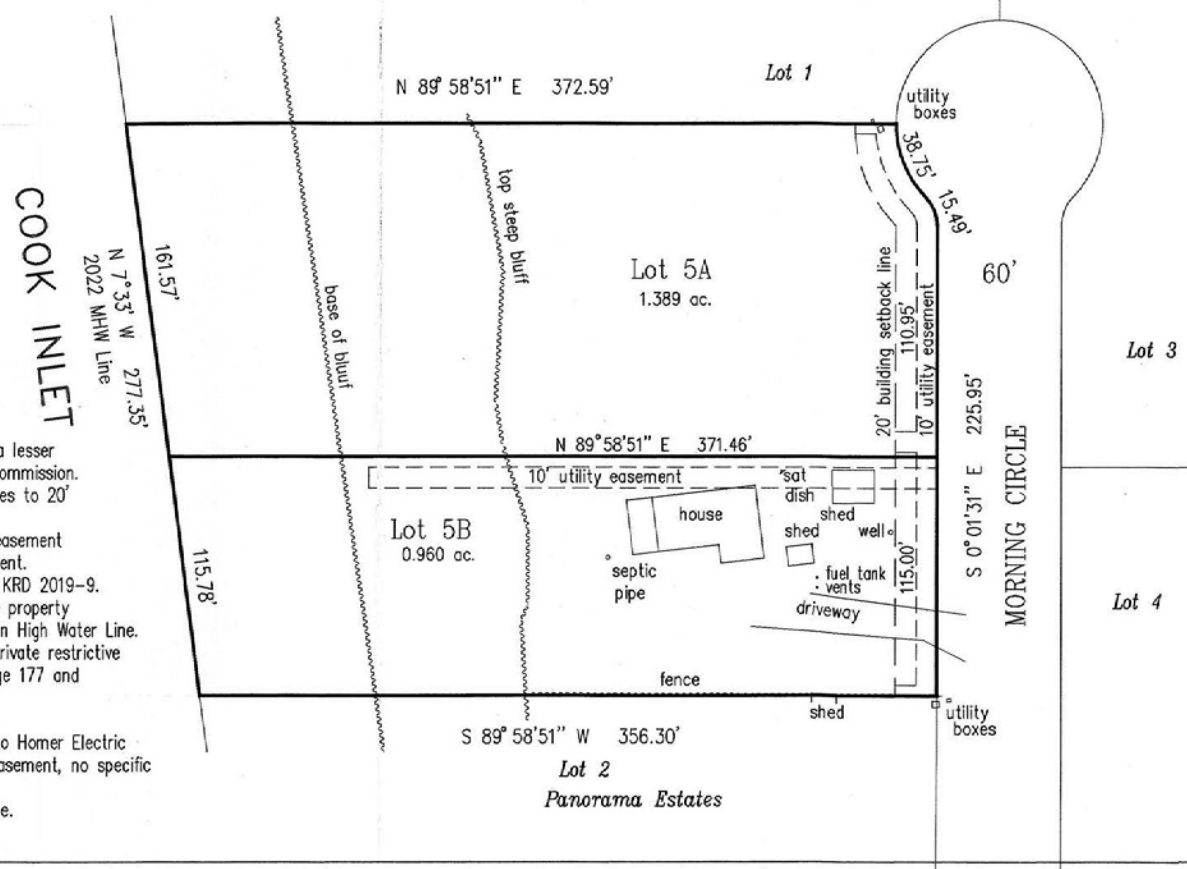
Prepared by
 Johnson Surveying
 P.O. Box 27
 Clam Gulch, Ak 99568
 (907) 262-5772

SCALE 1" = 60'
 30 March, 2022

AREA = 2.349 acres

NOTES

1. A building setback of 20' from all street ROWs is required unless a lesser standard is approved by a resolution of the appropriate planning commission. Front 10' adjacent to ROWs is also a utility easement that increases to 20' within 5' of side lot lines.
2. No permanent structure shall be constructed or placed within an easement which would interfere with the ability of a utility to use the easement.
3. 10' utility easements shown hereon were carried forward from plat KRD 2019-9.
4. Mean High Tide Meanders shown are for area calculations, the true property corners being the extensions of side lot lines with the Natural Mean High Water Line.
5. Former Lot 2 of KRD 80-80 within this subdivision is subject to private restrictive covenants filed with the Kenai District Recorder in Book 2006 page 177 and amendments thereto file in book 206 page 371.
 The borough will not enforce private covenants per KPB 20.60.170.
6. This property may be subject to an electrical easement granted to Homer Electric Association filed in KRD misc book 2 page 75. This is a general easement, no specific location given.
7. Topography on top bluff is flat, bluff area is over 25% grade.
 There are no wet areas on the property above bluff.



AGENDA ITEM E. NEW BUSINESS

ITEM 2 - MORNING PANORAMA SUBDIVISION #2

KPB File No.	2022-058
Plat Committee Meeting:	May 23, 2022
Applicant / Owner:	Hafiz Rahman of Salt Lake City, UT
Surveyor:	Jerry Johnson / Johnson Surveying
General Location:	Morning Circle, Salamatof area

Parent Parcel No.:	017-110-47
Legal Description:	Lot 5 Morning Panorama Subdivision Richey Replat, Plat KN 2019-9
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On Site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide a 2.349 acre parcel into two lots that will be 1.389 acres and .96 acres.

Location and Legal Access (existing and proposed): Near mile 16 of state maintained Kenai Spur Highway is Panorama Avenue. This is a varying width right-of-way that is maintained by the borough. At the end of Panorama Avenue is Morning Circle. Morning Circle is a 60 foot wide right-of-way that ends with a cul-de-sac. The southern portion of Morning Circle is developed and maintained by the borough. An existing driveway is on the parent lot and will be within proposed Lot 5B. Both lots will have access from Morning Circle.

Cook Inlet is along the western boundary. Due to the location of the coast, this property will not be part of a closed compliant block. **Staff recommends the plat committee concur that an exception is not required as this preliminary plat cannot dedicate any rights-of-way that would improve the block.**

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

Site Investigation: Steep terrain can be found within the western portion of the preliminary plat. The surveyor has indicated the top and base of the bluff. **Staff recommends the depiction of the bluff remain on the final plat.**

The only wetlands present are along Cook Inlet. The mean high water line is being used for the boundary of the lots and will be noted as such. No other water depiction or wetlands depiction is required.

The preliminary plat is within a floodplain zone. **Staff recommends a floodplain note be added to the plat that includes the reference to the map panel.**

Numerous improvements are depicted on the preliminary plat with all remaining within proposed Lot 5B. A portion of the house and a shed appear to be within a 10 foot utility easement within the northern portion of proposed Lot 5B. A satellite dish is also within that easement. The easement was granted by Panorama Estates Subdivision, Plat KN 80-80. KPB Assessing records indicate that the house was possibly built in 1980. The encroachments into the utility easement may be dealt with in numerous ways.

Staff recommends the utility easement encroachments be resolved by one or a combination of the following

options.

- Remove the encroachments from the utility easement.
- Petition to have the utility easement removed by filing for a utility easement alteration to be heard by the KPB Planning Commission.
- Determine if the structures predate the creation of the utility easement. Provide documentation, depict the structures on the plat, and add a plat note that the structures predate the utility easement.

KPB River Center review	<p>A. Floodplain Reviewer: Carver, Nancy Floodplain Status: IS in flood hazard area Comments: Flood Zone: VE,D Map Panel: 02122C-0105E In Floodway: False Floodway Panel:</p> <p>B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments</p> <p>C. State Parks Reviewer: Russell, Pam Comments: No Comments</p>
State of Alaska Fish and Game	No objections

Staff Analysis The property within this preliminary plat has been replatted several times. Panorama Estates Subdivision, Plat KN 80-80, was a subdivision of land that created parent Lot 1, which is located in the southern portion of the preliminary plat. Morning-Holm Subdivision, Plat KN 82-51, was a subdivision of a government lot and created parent Lot 2, which is within the northern portion of the preliminary plat. Morning Panorama Subdivision Rickey Replat, Plat KN 2019-9, combined the lots from the two subdivisions into one lot. This plat will now subdivide that lot back into two lots.

The southern lot will be slightly wider than the former parent Lot 1. The last replat was not surveyed and used record information. The surveyor has indicated the mean high water line is from 2022 information. Due to erosion the southern portion appears to have reduced in length by approximately 85 feet along the southern property line. Due to using record information that was from 1967 on the last plat, the northern boundary of the subdivision is increasing by approximately 20 feet.

Lot 5B does not comply with the 3:1, depth to width ratio. An exception has been requested.

None of the parent subdivision plats had a soils report submitted. A soils report will be required and an engineer will sign the final plat.

Notice of the proposed plat was mailed to the beneficial interest holder on April 27, 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.

As discussed under the site analysis portion of the staff report, there are numerous encroachments within the utility easement. Per KPB GIS data, it does not appear that the easement is currently in use by utility providers. Encroachments of this manner may cause issue with the utility providers if they so wish or need to use the

easement. The encroachments may also limit the ability to obtain financing as many financial intuitions are monitoring encroachments closer and resolution may be required prior to sale or refinancing.

Utility Easements Panorama Estates Subdivision, Plat KN 80-80, created a 5 foot utility easement along Morning Circle and the 10 foot utility easement along the northern boundary of parent Lot 1. Morning-Holm Subdivision, Plat KN 82-51, granted a 10 foot utility easement along Morning Circle within parent Lot 2. Morning Panorama Subdivision Richey Replat, Plat KN 2019-9, carried over the utility easements created by the parent plats and granted an additional 5 foot utility easement to bring the easement within parent Lot 1 into compliance as a 10 foot utility easement.

This plat is carrying over the utility easements previously granted. Due to the various plats granting the easements, the surveyor is noting he carried them over from the previous plat, Plat KN 2019-9. This plat will have the utility easements increase to 20 feet within 5 feet of the side lot lines. **Staff recommends** the 10 foot utility easement within Lot 5B include “granted by Plat KN 80-80”, and adjust the depiction of the utility easements within 5 feet of the side lot lines as they appear to be off.

The comment from HEA is referring to what appears to be the inaccurate depiction to the side lot lines. If this is not what the depiction is referring to, then remove or note the creation of the easement.

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

Utility provider review:

HEA	This portion of the easement does not appear to be from any record plats. Either remove or state that the 10 x 10 square is being granted by this plat.
ENSTAR	No comments or objections
ACS	No objections
GCI	Approved as shown

KPB department / agency review:

Addressing	<p>Reviewer: Haws, Derek Affected Addresses: 43045 MORNING CIR</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names: MORNING CIR</p> <p>Existing Street Name Corrections Needed:</p> <p>All New Street Names are Approved: No</p> <p>List of Approved Street Names:</p> <p>List of Street Names Denied:</p> <p>Comments: 43045 MORNING CIR will remain with lot 5B.</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>

	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.

- G. The status of adjacent lands within 100 feet of the proposed subdivision boundary or the land status across from any dedicated rights-of-way that adjoin the propose subdivision boundary, including names of subdivisions, lot lines, block numbers, lot numbers, rights-of-way; or an indication that the adjacent land is not subdivided;
Staff recommendation: Provide a label for Lot 3A and update label to Lot 3B. The subdivision for those two lots is Morning-Holm Subdivision, provide a subdivision name label for the two lots. Lot 4, located south of Lot 3B is from the Panorama Estates subdivision and should have a label added.

KPB 20.30 – Subdivision Design Requirements

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

KPB 20.40 – Wastewater Disposal

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

20.40.010 Wastewater disposal.

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

KPB 20.60 – Final Plat

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

- 20.60.130. 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: Adjust the shared lot line so it is not the same as the subdivision boundary.

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.*

- **FLOOD HAZARD NOTICE:**
Some or all of the property shown on this plat has been designated by FEMA as a flood hazard area district as of the date this plat is recorded with the district recorder's office. Prior to development, the Kenai Peninsula Borough floodplain administrator should be contacted for current information and regulations. Development must comply with Chapter 21.06 of the Kenai Peninsula Borough Code. Map Panel: 02122C-0105E
- *Acceptance of this plat by the Kenai Peninsula Borough does not indicate acceptance of any encroachments.*
- *If it is determine the encroachments were prior to the creation of the utility easement add, 'Improvements on Lot 5B predate the 10' utility easement created by plat KN 80-80 and are not subject to the utility easement. Any replacement, or improvement, to the building must comply with the 10 foot utility easement as shown on this plat.'*
- *Provide a plat note for any exceptions granted.*
- *Include the code compliant Wastewater disposal notes.*

Correct plat note 5, the Book should be 206 and correct "file" to "filed".

Within plat note 5 and 6 capitalize "book" and "page" throughout the notes to be consistent.

EXCEPTIONS REQUESTED:

KPB 20.30.190 – Lots-Dimensions (3:1 depth to width ratio for Lot 5B)

Surveyor's Discussion: Area above bluff does not exceed ratio.

Staff Discussion: KPB Code 20.30.190 states that the depth of a lot shall be no greater than three times the average width. The ratio for Lot 5B is 3.2:1.

Findings:

1. The ratio for Lot 5B is 3.2:1.
2. Code requires the ratio to be 3:1.
3. The average length of the lot is 363.88 feet.
4. The average depth of the lot is 115.39 feet.
5. Using the upland area for computation the ratio is 1.77:1.
6. The area along the top of the bluff has an average length of 204.5 feet.
7. The original configuration of parent Lot 1 of Panorama Estates Subdivision, Plat KN 80-80, was narrower and longer then the proposed configuration.
8. Due to erosion the western area of Lot 5B has shrunk some.
9. Existing structures and utilities are in place.
10. The western boundary is Cook Inlet.
11. Lot 5A appears to have a ratio of 2.4:1

If denied, the lot shared lot line will be required to be adjusted to allow both lots to comply.

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 5-10 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 5-10 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 5-10 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



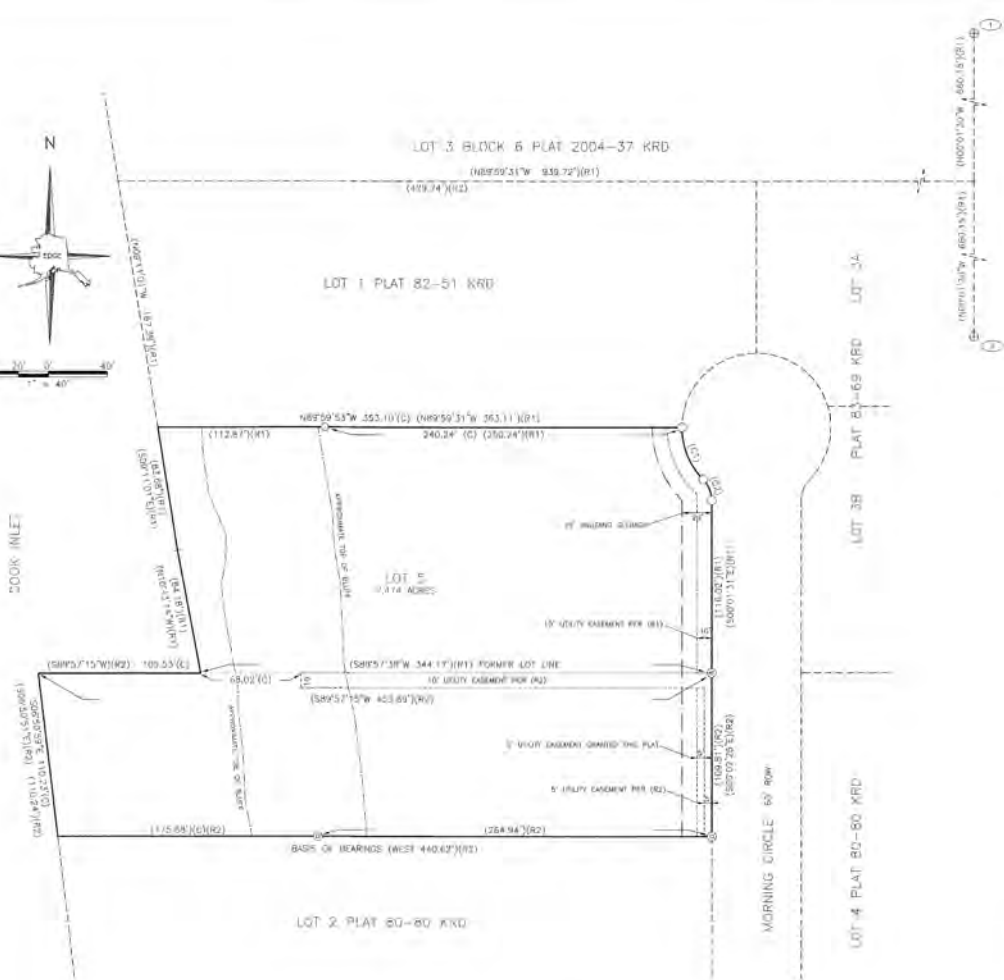
The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



Wetlands







NOTES

1. THE SOLE PURPOSE OF THIS PLAT IS TO VACATE AN INTERIOR LOT LINE. NO FIELD SURVEY WAS PERFORMED FOR THIS PLATTING ACTION.
2. A 20' BUILDING SETBACK IS REQUIRED FROM ALL STREET RIGHT OF WAYS UNLESS A LESSEH STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
3. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH COULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
4. THE NATURAL MEANDERS OF THE MEAN HIGH WATER LINE FORMS THE TRUE TIDAL BOUNDARY OF THE SUBDIVISION. THE TIDAL BOUNDARY SHOWN IS FROM RECORD DATA PER (R1) AND (R2). THE TRUE PROPERTY CORNERS BEING THE EXTENSION OF THE SOLE LOT LINES AND THEIR INTERSECTION WITH THE NATURAL MEANDERS OF MEAN HIGH TIDE LINE.
5. FORMER LOT 3 MORNING HOLMS SUBDIVISION, WITHIN THIS SUBDIVISION IS SUBJECT TO PRIVATE RESTRICTIVE COVENANTS AS RECORDED WITH THE KRD. RECORDED APRIL 13, 1985 VOLUME 206 PAGE 175. AND AMENDMENTS THERETO RECORDED, APRIL 15, 1983, VOLUME 206 PAGE 371.
6. THESE PARCELS MAY BE AFFECTED BY A GENERAL EASEMENT WITH NO DEFINED LOCATION GRANTED FOR ELECTRICAL AND TELEPHONE LINE DISTRIBUTION. RECORDED DECEMBER 5, 1986 VOLUME MISC. 2 PAGE 75, KRD.
7. FORMER LOT 2 PER (R1) MAY BE AFFECTED BY AS 38.05.122, ACCESS TO NAVIGABLE WATERS. NO DEFINED LOCATION OR DIMENSIONS SPECIFIED.
8. FLOOD HAZARD NOTICE: SOME OR ALL OF THE PROPERTIES SHOWN ON THIS PLAT HAVE BEEN DESIGNATED BY FEMA AS A FLOOD HAZARD AREA DISTRICT AS OF THE DATE THIS PLAT IS RECORDED WITH THE DISTRICT RECORDER'S OFFICE. PRIOR TO DEVELOPMENT, THE KENAI PENINSULA BOROUGH FLOODPLAIN ADMINISTRATOR SHOULD BE CONTACTED FOR CURRENT INFORMATION AND REGULATIONS. DEVELOPMENT MUST COMPLY WITH CHAPTER 31.08 OF THE KENAI PENINSULA BOROUGH CODE. THIS PLAT IS EFFECTED BY FLOOD ZONES VE AND D PER MAP PANEL 021270-01504.
9. WASTEWATER DISPOSAL, WASTEWATER TREATMENT AND DISPOSAL SYSTEMS MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

LEGEND

- (R) MONUMENT OF RECORD SEE REFERENCE
- (C) PROPERTY CORNER OF RECORD 5/8" REBAR SET PER (R1)
- (R) PROPERTY CORNER OF RECORD 1/2" REBAR SET PER (R2)
- (RP) RECORD DATA, SEE REFERENCE
- KRD PLAT RECORDED IN KENAI RECORDING DISTRICT
- (C) CALCULATED DATA
- (R) MONUMENT REFERENCE NUMBER
- (---) SUBDIVISION BOUNDARY
- (---) EASEMENT AS NOTED
- (---) 20' BUILDING SETBACK
- (---) ADJACENT PROPERTY LINE
- (---) FORMER LOT LINE
- (---) BLUNT LINE

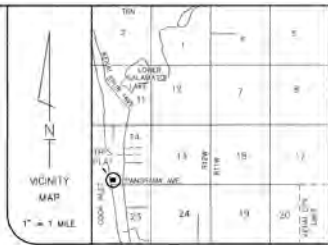
REFERENCES

- (R1) PLAT 82-51, MORNING-HOLM SUBDIVISION, KRD.
- (R2) PLAT 80-80, PANORAMA ESTATES SUBDIVISION, KRD.
- (R3) PLAT 2004-37, PILE OLEN SUBDIVISION TYLER/SCHILLING ADDITION, KRD.

CURVE TABLE

CURVE	ARC LENGTH	BEARING	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
LOT (R1)	108.80 (R1)	150.00 (R1)	449.72 (C)	142.12 (C)	17.83 (C)
LOT (R1)	115.88 (R2)	120.00 (R2)	442.43 (C)	122.14 (C)	15.11 (C)

MONUMENT REFERENCE



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 ADVERTISE THIS PLAT OF SUBDIVISION AND BY OUR FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

Robert A. Richey
Julie T. Richey
 OWNERS OF FORMER LOTS 1 AND 2
 PO BOX 611
 KENAI, ALASKA 99541

NOTARY ACKNOWLEDGEMENT

KENAI HONORARY & HECHT
 ACKNOWLEDGED BEFORE ME
 THIS 19th DAY OF March, 2019
Robert A. Richey
 NOTARY PUBLIC FOR STATE OF ALASKA



NOTARY ACKNOWLEDGEMENT

KENAI HONORARY & HECHT
 ACKNOWLEDGED BEFORE ME
 THIS 19th DAY OF March, 2019
Robert A. Richey
 NOTARY PUBLIC FOR STATE OF ALASKA



KRD FILE 2019-003

MORNING PANORAMA SUBDIVISION RICHEY REPLAT

A SUBDIVISION OF LOT 2 MORNING-HOLM SUBDIVISION, PLAT 82-51 KRD, AND LOT 1 PANORAMA ESTATES SUBDIVISION, PLAT 80-80 KRD

OWNER: ROBERT A. AND JULIE T. RICHEY
 PO BOX 611
 KENAI, ALASKA 99541

LOCATED WITHIN THE SW 1/4 SECTION 14, TEN R12W, SEWARD MERIDIAN, KENAI PENINSULA BOROUGH, ALASKA (KENAI RECORDING DISTRICT)

STRIPPING 1.474 ACRES



EDGE SURVEY AND DESIGN, LLC
 2501 CEDARWOOD BL. ANCHORAGE, AK 99503
 Phone: (907) 344-3333 Fax: (907) 344-0734

2019-9
 Richey
 4/3/2019
 2:05 PM

DRAWN BY: DATE: FIELD BOOK:
 01/13/19 6/2
 CHECKED BY: SCALE: SHEET:
 1" = 40' 1 OF 1

PLAT APPROVAL

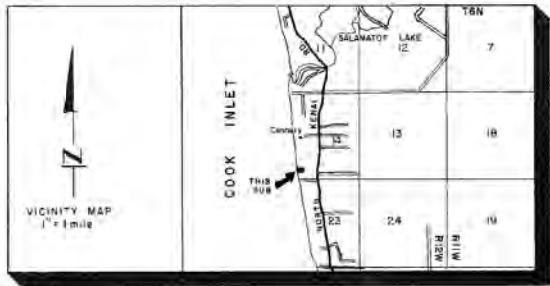
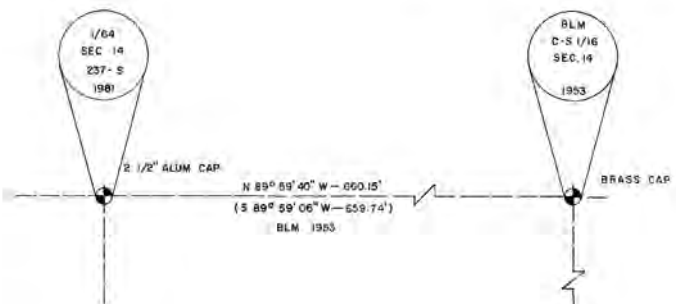
THIS PLAT WAS APPROVED BY THE KENAI-PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF FEBRUARY 8, 2019.
 KENAI PENINSULA BOROUGH
Max A. Burt April 3, 2019
 AUTHORIZED OFFICIAL

CERTIFICATE OF SURVEYOR

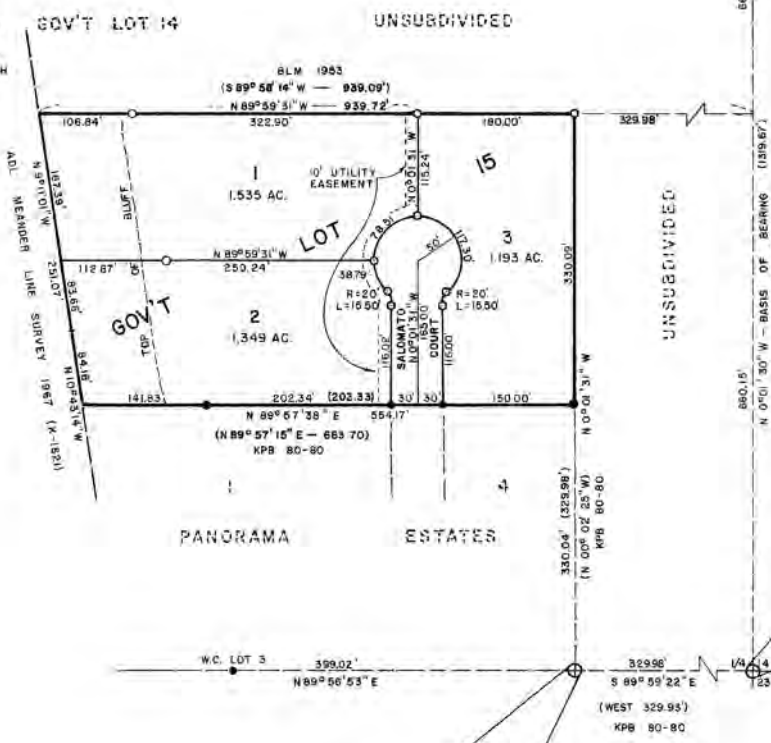
I, MARK ANONETTI 1922-55, HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF ALASKA AND THAT THIS PLAT REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, AND THAT THE MONUMENTS SHOWN ON THIS SURVEY ACCURATELY CROSS AS DESCRIBED, AND THAT ALL DIMENSIONAL AND OTHER DETAILS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.



C:\Users\user\Desktop\2019-003 Edge 2019-003-11-19.dwg Plotting: March 2019, 11:51 AM DATE: 3/17/2019 11:51 AM



MEANDER LINE SHOWN FOR COMPUTATION PURPOSES ONLY ACTUAL PROPERTY LINE FOLLOWS MEAN HIGH TIDE LINE.



COOK INLET

UNSUBDIVIDED

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.

Kelly Sederholm
 KELLY SEDERHOLM - P.O. BOX 569, KENAI, ALASKA 99611
Linda Ann Morning
 LINDA ANN MORNING - P.O. BOX 569, KENAI, ALASKA 99611
NOTARY'S ACKNOWLEDGEMENT

SUBSCRIBED AND SWORN BEFORE ME THIS 14 DAY OF June, 1982 FOR KELLY SEDERHOLM & LINDA ANN MORNING

NOTARY PUBLIC
 SHARON JEAN
 STATE OF ALASKA

Sharon Jean
 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 April 5, 1982

KENAI PENINSULA BOROUGH
Robert
 AUTHORIZED OFFICIAL



Cliff Baker
 CLIFFORD E. BAKER, R.L.S.
 REGISTRATION NO. LS-512

LEGEND

- ⊕ MONUMENT (Found this survey)
- ⊕ MONUMENT (Set this survey)
- 1/2" REBAR (Found this survey)
- 5/8" x 30" REBAR (Set this survey)
- () RECORD

NOTES:

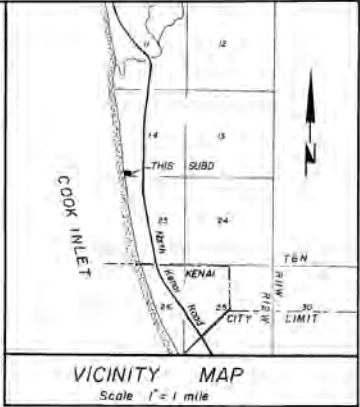
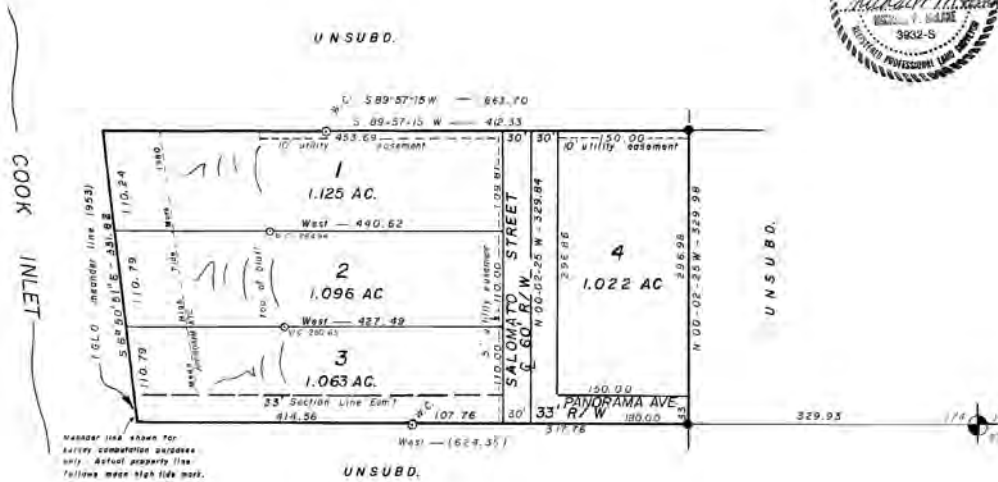
- 1) PROPOSED LAND USES ARE RECREATIONAL, RESIDENTIAL & AGRICULTURAL.
- 2) A SETBACK OF 20 FEET IS REQ'D FROM ALL STREET RIGHT-OF-WAYS UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
- 3) ALL WASTEWATER DISPOSAL SYSTEMS SHALL COMPLY WITH EXISTING LAWS AT THE TIME OF CONSTRUCTION.

MORNING - HOLM SUBD.

A SUBDIVISION OF GOV'T LOT 15
 SW 1/4 SEC. 14 T6N R12W S.M.
 CONSISTING OF 3 LOTS
 CONTAINING 4.420 AC.

DOWLING-RICE and ASSOCIATES	
P.O. BOX 1974 SOLDOTNA, ALASKA 99669	
ENGINEERS	262 - 9011 SURVEYORS
SURVEYED: MARCH 22, 1982	PLATTED: 4/16/82
DRAFTED: R.W.	SCALE: 1" = 100'
CHECKED: R.R.	SHEET: 1 of 1

15-18 KW



LEGEND AND NOTES

- Found G.L.O. brass cap monument
- Found 5/8" rebar set by J. Laddell
- ⊥ Set 1/2" x 24" steel rebar at all lot corners
- () Data of Record.

All bearings refer to the South bounds of Sec. 14 as being West data of record.

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

Building set back—A building set back of 20' is required from all street rights of ways unless a lesser standard is approved by resolution of the appropriate planning commission.

PLAT APPROVAL

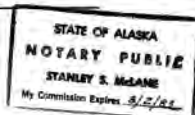
This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of June 2, 1980.

Kenai Peninsula Borough
By Richard Warming
Authorized Official

CERTIFICATE OF OWNERSHIP AND DEDICATION

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

Clint D. Hall
Clint D. Hall, owner
Stanley S. McNamee
Stanley S. McNamee, Notary Public



NOTARY'S ACKNOWLEDGEMENT

Subscribed and sworn before me this 22nd day of Sept., 1980.
My commission expires 3/31/83
Stanley S. McNamee
notary public for Alaska



PANORAMA ESTATES SUBDIVISION

Clint Hall owner
Box 2825 Kenai, Alaska 99611

LOCATION
488 AC. LOCATED IN THE SE 1/4 SW 1/4 SEC. 14, T6N, R12W S.M. AK AND THE KENAI PENINSULA BOROUGH.

Surveyed By: McNamee and Associates Inc.
Soldatna, Alaska

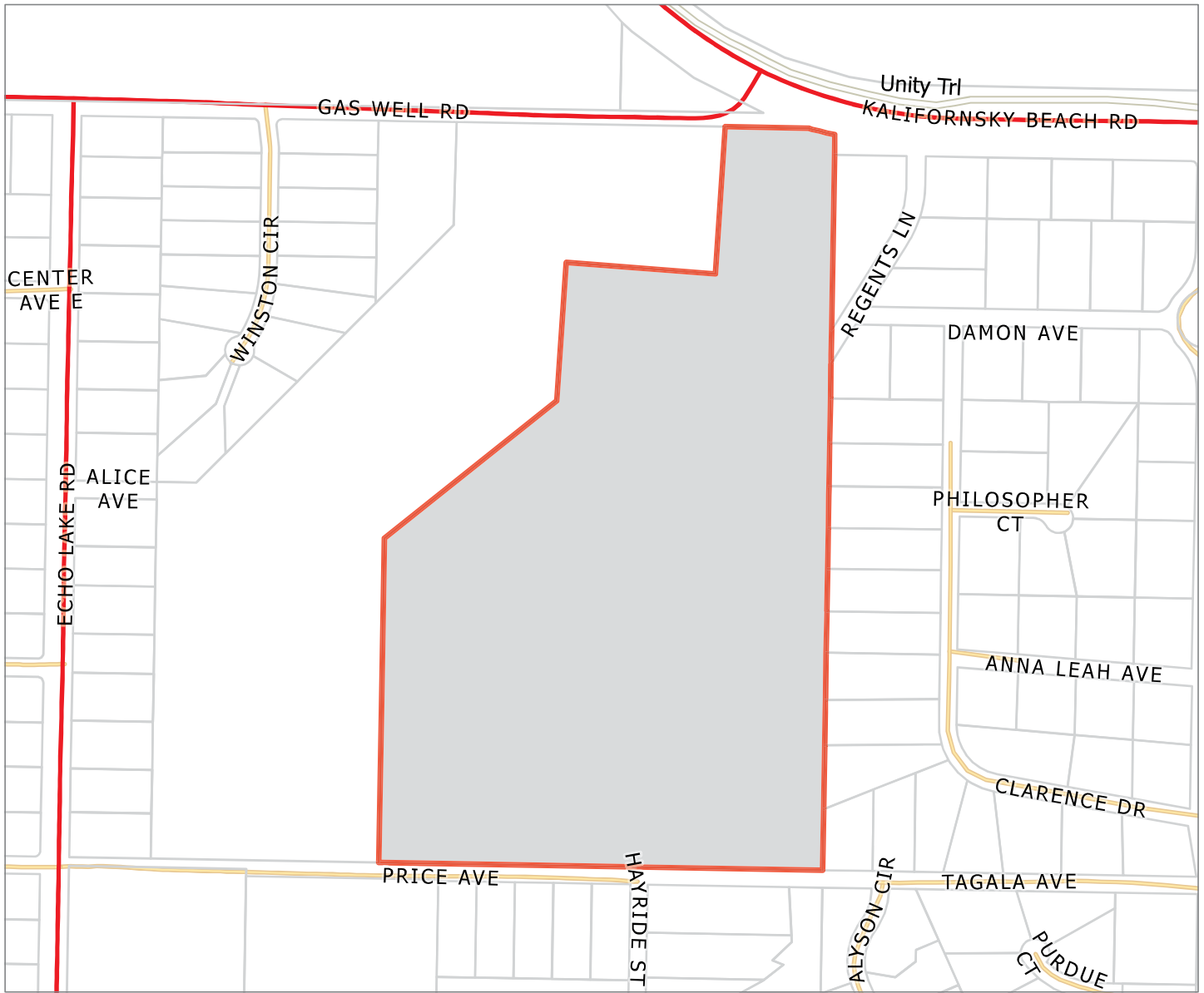
DATE OF SURVEY 5/21/80	SCALE 1" = 100'	BK NO 80-09
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E. NEW BUSINESS

- 3. Mott's Subdivision 2022 Addition; KPB File 2022-059
Edge Survey & Design, LLC / Jackson Estate, Wortham Estate & Mott
Location: Gas Well Road & Kalifornsky Beach Road
Kalifornsky Area**



Vicinity Map

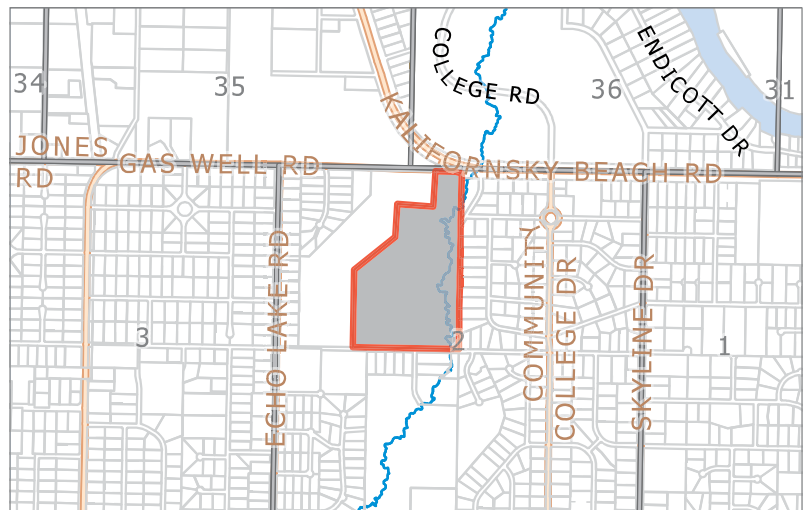
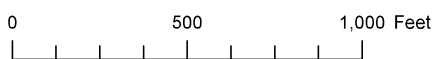


KPB File # 2022-059

S02-T04N-R11W

Kalifornsky

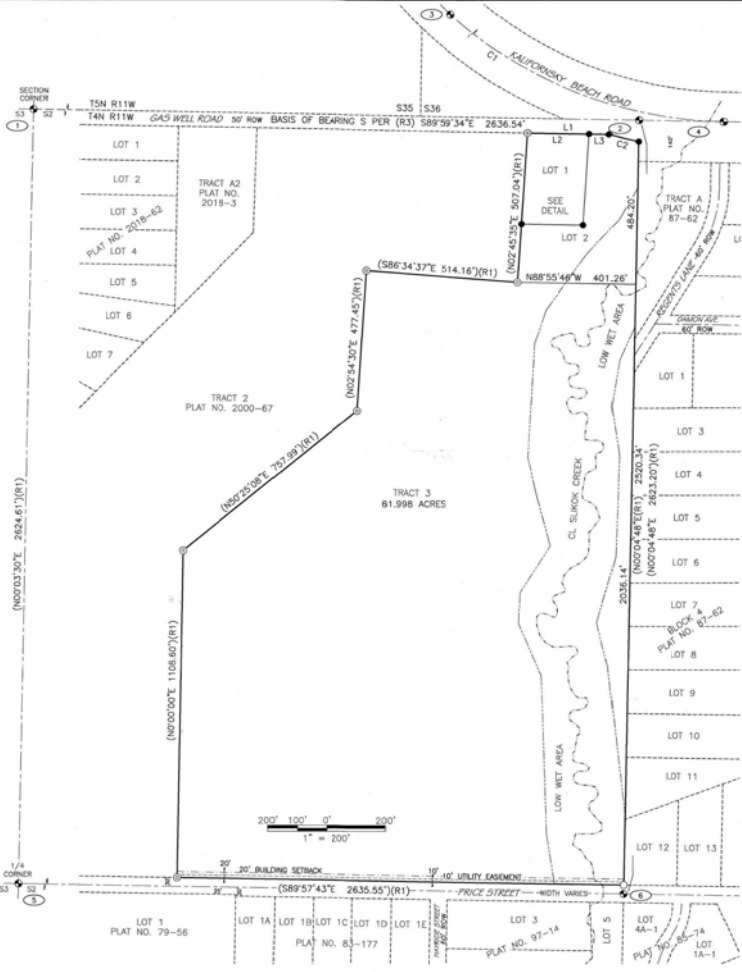
4/27/2022



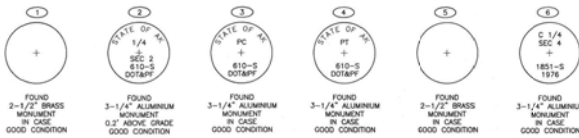


Aerial View



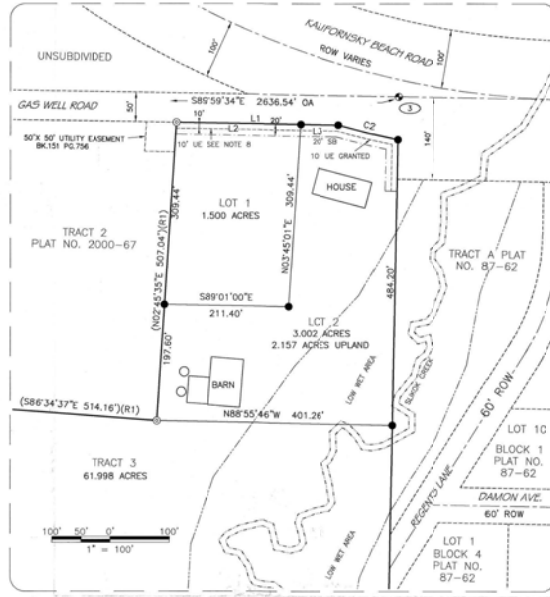


MONUMENT SUMMARY



REFERENCES

- (R1) MOTT'S FARM, PLAT 200-67, KENAI RECORDING DISTRICT
- (R2) DAMON PLAZA SUBDIVISION # 2, PLAT NO. 87-62, KENAI RECORDING DISTRICT
- (R3) MOTT'S FARM WINSTON ESTATES SUBDIVISION, PLAT 2018-62, KENAI RECORDING DISTRICT



LEGEND

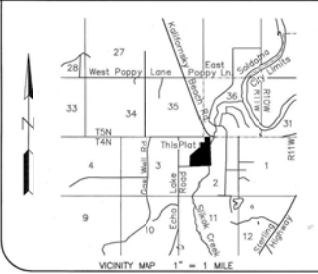
- FOUND PRIMARY MONUMENT AS REFERENCED
- FOUND SECONDARY MONUMENT 1/2" REBAR
- ⊙ FOUND SECONDARY MONUMENT 5/8" REBAR WITH 1-1/2" ALUMINUM CAP STAMPED LS 5152
- SET SECONDARY MONUMENT 5/8" X 30" REBAR WITH 2" ALUMINUM CAP STAMPED EDGE SURVEY LS-13022 2022
- SUBDIVISION BOUNDARY
- INTERIOR LOT LINE
- - - ADJACENT PROPERTY LINE
- - - EASEMENT
- - - SETBACK
- - - CENTERLINE
- LOW WET AREA
- OA OVERALL
- (R#) RECORD DATA, SEE REFERENCE
- UE UTILITY EASEMENT
- SB SETBACK

CURVE TABLE

CURVE	RADIUS	ARC LENGTH	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1 (R#)	1432.40'	1.664-27"	71°34'00"		
C2	1532.40'	103.19'	3°51'30"	S76°12'54"E	103.17'

LINE TABLE

LINE	BEARING	DISTANCE
L1	S89°01'00"E	276.93'
L2	S89°01'00"E	211.40'
L3	S89°01'00"E	65.51'



CERTIFICATE OF SURVEYOR

I, MARK AMONETTI 13022-5, HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF ALASKA AND THAT THIS PLAT REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, AND THAT THE MONUMENTS SHOWN ON THIS SURVEY ACTUALLY EXIST AS DESCRIBED, AND THAT ALL DIMENSIONAL AND OTHER DETAILS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.



KPB FILE No. 2022-xxx

MOTT'S SUBDIVISION 2022 ADDITION

A RESUBDIVISION OF THE REMAINDER PORTION OF THE MOTT'S FARM SUBDIVISION, PLAT NO. 2000-67 IN THE KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA

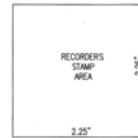
OWNERS: ESTATE OF CHARLES WAYNE JACKSON
PERSONAL REPRESENTATIVE
TRISTA RENAE CLARK
33458 ALYSON CIRCLE
SOLDOTNA, AK 99669

ESTATE OF SYLVIA ELAINE WORTHAM
PERSONAL REPRESENTATIVE
RAY LEWIS HENRICH
PC BOX 2936
SOLDOTNA, AK 99669

PRISCILLA WYOMIE MOTT
33640 ECHO LAKE ROAD
SOLDOTNA, AK 99669

LOCATED WITHIN NE1/4 SECTION 2,
T4N, R1W, S1M, ALASKA
KENAI PENINSULA BOROUGH,
KENAI RECORDING DISTRICT

CONTAINING 66.500 ACRES



12501 OLD SEWARD, D ANCHORAGE, AK 99515
Phone (907) 344-5950 Fax (907) 344-7754
RECL# 1392

DRAWN BY: DATE: 04/21/2022 PROJECT: 21-576
JY
CHECKED BY: SCALE: AS SHOWN SHEET: 1 OF 2
MA

KPB 2022-059

NOTES

1. NO PRIVATE ACCESS TO STATE MAINTAINED RIGHTS-OF-WAY IS PERMITTED UNLESS APPROVED BY THE STATE OF ALASKA DEPARTMENT OF TRANSPORTATION.
2. THERE MAY BE FEDERAL, STATE AND LOCAL REQUIREMENTS GOVERNING LANC USE. ANY PERSONS DEVELOPING THIS PROPERTY IS RESPONSIBLE FOR OBTAINING ALL REQUIRED FEDERAL, STATE AND LOCAL PERMITS, INCLUDING A U.S. ARMY CORPS OF ENGINEERS WETLAND DETERMINATION IF APPLICABLE.
3. EXCEPTION TO KPB 20.30.170 - BLOCK LENGTH AND 20.30.030 STREET LAYOUT WERE GRANTED BY THE KPB PLAT COMMITTEE AT THE MEETING OF MAY 23, 2022.
4. 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.
5. FRONT 10 FEET OF THE BUILDING SETBACK ADJACENT TO RIGHTS-OF-WAY IS ALSO A UTILITY EASEMENT. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH COULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
6. THIS SUBDIVISION IS SUBJECT TO A SUBSURFACE RESERVATIONS AND EXCEPTIONS AS CONTAINED IN MINERAL PATENT RECORDED SEPTEMBER 27, 1982 IN BK.194 PG. 786, KENAI RECORDING DISTRICT.
7. THIS SUBDIVISION MAY BE AFFECTED BY A GENERAL ELECTRIC EASEMENT GRANTED TO HOMER ELECTRIC ASSOCIATION, INC. ON DECEMBER 7, 1959 IN BK.5 PG.72 KENAI RECORDING DISTRICT.
8. THIS SUBDIVISION AFFECTED BY A COMMUNICATION LINE EASEMENT GRANTED TO PTI COMMUNICATIONS ON FEBRUARY 26, 1996 IN BK. 479 PG. 436 KENAI RECORDING DISTRICT.
9. THIS SUBDIVISION AFFECTED BY A EASEMENT GRANTED TO ALASKA GAS AND SERVICE COMPANY ON NOVEMBER 12, 1981 IN BK.179 PG.739 AND ON DECEMBER 14, 1981 IN BK. 181 PG.217, KENAI RECORDING DISTRICT. EASEMENTS FALL ENTIRELY WITHIN GAS WELL ROAD RIGHT-OF-WAY.
10. THIS SUBDIVISION IS SUBJECT TO RESERVATION OF EASEMENT FOR HIGHWAY PURPOSES, AND ANY ASSIGNMENTS OF USES THEREOF FOR RECREATIONAL UTILITY OR OTHER PURPOSES, AS DISCLOSED BY PUBLIC LAND ORDER NO. 601 DATED AUGUST 10, 1949 AND AMENDED BY PUBLIC LAND ORDER NO. 757 DATED OCTOBER 10, 1959; PUBLIC LAND ORDER 1613 DATED APRIL 7, 1958 AND DEPARTMENT OF THE INTERIOR ORDER NO. 2665 DATED OCTOBER 16, 1951, AMENDMENT NO. 1 THERETO DATED JULY 17, 1952 AND AMENDMENT NO. 2 THERETO DATED SEPTEMBER 15, 1956, FILED IN THE FEDERAL REGISTER, KENAI RECORDING DISTRICT.
11. THIS SUBDIVISION MAY BE AFFECTED BY A STATE OF ALASKA PERMIT AND CERTIFICATE OF APPROPRIATION OF WATER RECORDED DECEMBER 17, 1980 IN BK.165 PG.263, KENAI RECORDING DISTRICT.
12. WASTEWATER DISPOSAL: TRACT 3 IS AT LEAST 200,000 SQUARE FEET IN SIZE AND CONDITIONS MAY NOT BE SUITABLE FOR ONSITE WASTEWATER TREATMENT AND DISPOSAL. ANY WASTEWATER TREATMENT AND DISPOSAL SYSTEM MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.
13. WASTEWATER DISPOSAL: SOIL CONDITIONS, WATER TABLE LEVELS, AND SOIL SLOPES IN LOTS 1 AND 2 HAVE BEEN FOUND SUITABLE FOR CONVENTIONAL ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEMS SERVING SINGLE-FAMILY OR DUPLEX RESIDENCES AND MEETING THE REGULATORY REQUIREMENTS OF THE KENAI PENINSULA BOROUGH. ANY OTHER TYPE OF ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEM MUST BE DESIGNED BY A PROFESSIONAL ENGINEER, REGISTERED TO PRACTICE IN ALASKA, AND THE DESIGN MUST BE APPROVED BY THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

ENGINEER _____ LICENSE NUMBER _____ DATE _____

PLAT APPROVAL

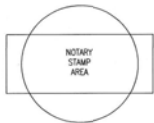
THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF MAY 23, 2022.
KENAI PENINSULA BOROUGH

AUTHORIZED OFFICIAL _____

NOTARY ACKNOWLEDGEMENT

FOR: PRISCILLA YVONNE MOTT
ACKNOWLEDGED BEFORE ME
THIS _____ DAY OF _____, 2022.

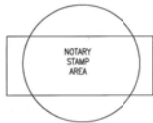
NOTARY PUBLIC SIGNATURE _____



NOTARY ACKNOWLEDGEMENT

FOR: RAY LEWIS HENRICHS
ACKNOWLEDGED BEFORE ME
THIS _____ DAY OF _____, 2022.

NOTARY PUBLIC SIGNATURE _____



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 OUR FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

TRISTA RENAE CLARK
PERSONAL REPRESENTATIVE
ESTATE OF CHARLES WAYNE JACKSON
33458 ALYSON CIRCLE
SOLDOTNA, AK 99669

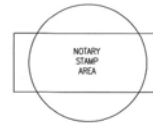
RAY LEWIS HENRICHS
PERSONAL REPRESENTATIVE
ESTATE OF SYLVIA ELAINE WORTHAM
PO BOX 2936
SOLDOTNA, AK 99669

PRISCILLA YVONNE MOTT
33640 ECHO LAKE ROAD
SOLDOTNA, AK 99669

NOTARY ACKNOWLEDGEMENT

FOR: TRISTA RENAE CLARK
ACKNOWLEDGED BEFORE ME
THIS _____ DAY OF _____, 2022.

NOTARY PUBLIC SIGNATURE _____



KPB FILE No. 2022-xxx

**MOTT'S SUBDIVISION
2022 ADDITION**

A RESUBDIVISION OF THE REMAINDER PORTION OF THE
MOTT'S FARM SUBDIVISION, PLAT NO. 2000-67 IN THE
KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT,
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OWNERS: ESTATE OF CHARLES WAYNE JACKSON
PERSONAL REPRESENTATIVE
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PERSONAL REPRESENTATIVE
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PO BOX 2936
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PRISCILLA YVONNE MOTT
33640 ECHO LAKE ROAD
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LOCATED WITHIN NE1/4 SECTION 2,
T4N, R1W, S1M, ALASKA
KENAI PENINSULA BOROUGH
KENAI RECORDING DISTRICT

CONTAINING 66.500 ACRES



12501 OLD SEWARD, D ANCHORAGE, AK 99515
Phone (907) 344-5990 Fax (907) 344-7794
AECL# 1392

DRAWN BY: JY	DATE: 04/21/2022	PROJECT: 21-576
CHECKED BY:	SCALE: AS SHOWN	SHEET: 2 OF 2

KPB 2022-059

AGENDA ITEM E. NEW BUSINESS

ITEM 3 - MOTT'S SUBDIVISION 2022 ADDITION

KPB File No.	2022-059
Plat Committee Meeting:	May 23, 2022
Applicant / Owner:	Jackson Estate, Wortham Estate, and Priscilla Mott all of Soldotna, AK
Surveyor:	Jason Young, Mark Aimonetti / Edge Survey and Design
General Location:	Kalifornsky Beach Road, Gas Well Road, Price Avenue, Kalifornsky area / Kalifornsky APC

Parent Parcel No.:	131-220-20
Legal Description:	Unsubdivided remainder of Mott's Farm Subdivision Plat No KN 2000-67
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide a 66.5 acre parcel into two lots that will be 1.5 acres and 3.002 acres and a 61.99 acre tract.

Location and Legal Access (existing and proposed): The subdivision is located at the intersection of Gas Well Road and Kalifornsky Beach Road, both are state maintained rights-of-way. Gas Well Road is near mile 20 of Kalifornsky Beach Road. It is dedicated as a 50 foot wide right-of-way in this location. A 33 foot section line easement coincides with the dedication. The northern half of Gas Well Road has not been dedicated but contains 33 foot and 50 foot section line easements. *Staff recommends the section line easements be depicted and labeled for those portions lacking a right-of-way dedication.*

The southern portion of the subdivision is located on Price Avenue. This is a varying width right-of-way that is partially constructed and maintained by the borough. Price Avenue is located off Echo Lake Road, a state maintained right-of-way that intersects Gas Well Road.

The proposed lots will have access from Gas Well Road or Kalifornsky Beach Road. There are existing structures with an existing drive. Gas Well Road intersects Kalifornsky Beach Road at a curve. It appears that there is or has been access directly to Kalifornsky Beach Road as well as access to Gas Well Road. Both rights-of-way are managed by the State and any existing or future driveways must be approved and permitted by Alaska DOT. The large acreage tract will have access from Price Avenue.

The block is not compliant and an exception has been requested as well as an exception to street layout.

KPB Roads Dept. comments	Out of Jurisdiction: No Roads Director: Uhlin, Dil Comments: No comments
SOA DOT comments	The ROW for Gaswell Road is as shown on previous plats 2000-67 and 2018-62, and appears to be shown correctly.

Site Investigation: The land within the preliminary plat boundary is relatively flat. Slikok Creek, an anadromous stream, is within the eastern portion of the plat with low wet areas surrounding it. The correct wetland determination plat note is present.

Multiple structures are on the property. The plat shows the location of several and there does not appear to be any encroachment issues. Per KPB GIS imagery, there may be some possible improvements on proposed Lot 1. Some

of the items showing up are vehicles that but there are a few structures in place. They do not appear to create an encroachment issue. Proposed Tract 3 has what appears to be some internal travel ways. There appears to be multiple vehicles on the property but staff did not detect any permanent structures or encroachment issues.

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 totally or partially within HPD Comments: KPB\maldrige</p> <p>C. State Parks Reviewer: Russell, Pam Comments: No Comments</p>
State of Alaska Fish and Game	No objections

Staff Analysis The preliminary plat is located in the Kalifornsky area and is south of the City of Soldotna's limits. Kalifornsky Beach Road is the boundary for the City of Soldotna in this area and the limits run within Gas Well Road just west of the proposed plat.

This is a subdivision of a remainder parcel. This was originally an aliquot parcel of land that several subdivisions have been created from. This will now create two more lots and create a tract for the larger remaining portion.

A soils report will be required for the lots and an engineer will sign the final plat. The correct wastewater disposal notes are on 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.

Kalifornsky Advisory Planning Commission is inactive at this time.

Utility Easements Several utility easements have been granted by recorded document and are noted on the plat. One of the easements gave a location and is depicted. That easement is located along Gas Well Road within the proposed lots. As this property has not been included in a plat, this plat will be granting 10 foot utility easements adjacent to the dedicated rights-of-way. **Staff recommends the easement note along Price Avenue state "granted by this plat".**

The utility easement depiction located within Tract 2 of Plat KN 2000-67, may be removed as it is not within the bounds of this plat unless it is for the benefit of the lots within this subdivision.

HEA is requesting the power lines be located that provides the connection to the house proposed to be on Lot 2. If the lines are entirely contained within the bounds of Lot 2, an easement is not required. If any part of the lines is located on Lot 1, a 20 foot utility easement centered on the lines within Lot 1 will need to be 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	Locate the existing service connect overhead line. If the line crosses the new lot boundary provide a 20 foot wide electric easement centered on the existing overhead utility line within Lot 1. An easement is not needed within Lot 2 as the service is being provided to the house on Lot 2.
ENSTAR	No comments or recommendations
ACS	No objections
GCI	Approved as shown

KPB department / agency review:

Addressing	<p>Reviewer: Haws, Derek Affected Addresses: 45026 KALIFORNSKY BEACH RD</p> <p>Existing Street Names are Correct: No</p> <p>List of Correct Street Names: KALIFORNSKY BEACH RD GAS WELL RD DAMON AVE REGENTS LN HAYRIDE ST</p> <p>Existing Street Name Corrections Needed: PRICE ST should be changed to PRICE AVE.</p> <p>All New Street Names are Approved: No</p> <p>List of Approved Street Names:</p> <p>List of Street Names Denied:</p> <p>Comments: PRICE ST should be changed to PRICE AVE. 45026 KALIFORNSKY BEACH RD will remain with Lot 2</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

Staff would like to note the dimension along the southern boundary of the subdivision is currently missing and will be required 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: Update Price Street to Price Avenue. The city limits for Soldotna is along Kalifornsky Beach Road and north of Gas Well Road adjacent to this subdivision. Provide a line depiction of the city limits and label. Note the section line easements located north of Gas Well Road.
- D. A vicinity map, drawn to scale showing location of proposed subdivision, north arrow if different from plat orientation, township and range, section lines, roads, political boundaries, and prominent natural and manmade features, such as shorelines or streams;
Staff recommendation: Some section line labels are missing.

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 will be required for the two lots. Wastewater notes are present.

Staff recommendation: comply with 20.40.

KPB 20.60 – Final Plat

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

20.60.180. Plat notes.

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

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

Staff recommendation: Place the following notes on the plat.

- ANADROMOUS WATERS HABITAT PROTECTION DISTRICT NOTE:

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

It is recommended on easements with no location given to include in the plat note “no definite location given”.

EXCEPTIONS REQUESTED:

KPB 20.30.030 – Proposed street layout-requirements and KPB 20.30.170 – Block-length requirements

Surveyor's Discussion: 20.30.030 Street layout – Petitioner asking for exception to not dedicate a cul-de-sac at the end of Regents Lane. Regents Lane not constructed and likely never will be. Regents Lane currently dead ends at the low wet area adjacent to Slikok Creek and is not a practical location for the construction of a cul-de-sac. Damon Avenue intersects Regents Lane and provides for traffic flow in the areas.

20.30.170 block length- Petitioner asking for exception to not dedicate right-of-way from Gas Well Road to Price Avenue to accommodate block length. There is not adequate space in proposed Lots 1 and 2 to accommodate right-of-way dedication. Per Code 20.30.040 no right-of-way shall be dedicated within 100 feet of water body, Slikok Creek and adjacent wetlands limit the available space for ROW. Current house and barns also limit the space available, as shown on preliminary plat. Price Avenue dead ends at Slikok Creek, there is no bridge, with the access to Price Avenue from Echo Lake Road. Proposed Tract 3 will be further subdivided in the near future, the preliminary layout is for ROW dedication north from Price Avenue. When Tract 2, Plat 2000-67, is further subdivided block length requirements can be satisfied.

Staff Discussion: Staff grouped the exception requests together. If the plat committee wishes to hear these requests separately they may make two motions and take separate action on the requests.

KPB Code 20.30.040, does allow for streets within 100 feet of waterbodies but only if necessary. There are other access points to Slikok Creek by the public, including the mentioned Regents Lane. A turnaround area for Regents Lane does not appear to be needed at this time. When future subdivisions of Tract 3 occur it would be advised to take the location of Regents Lane into consideration and to possibly provide dedications that would align so if a bridge or connection was later needed it would be possible. In regards to the block length, due to the location of structures and Slikok Creek, the dedication would need to occur on the western area of the subdivision. At this time that dedication would only provide access to Tract 3, which has access from Price Avenue.

Findings:

1. The northern portion of the subdivision is only 400 feet wide.
2. Both lots will have access from Gas Well Road.
3. Tract 3 will have access from Price Avenue.
4. Slikok Creek runs the length of the eastern subdivision boundary.
5. Low wet areas are present along Slikok Creek.
6. Slikok Creek is an anadromous stream and subject to habitat protection regulations.
7. All surrounding lots have access.
8. Tract 3 will be 62 acres and can be further subdivided.
9. Gas Well Road, Echo Lake Road, Price Avenue, Tagala Avenue, and Community College Drive define the block.
10. The block is split by Slikok Creek and is the divider between Price Avenue and Tagala Avenue.
11. The block along Echo Lake Road exceeds allowable limits.
12. Alice Avenue has a portion dedicated to improve the block with future subdivisions.
13. The block along Price Avenue to Slikok Creek is approximately 2,500 feet.
14. Future dedications that provide access and improve the block can be given in the future.

Denial of the exceptions will require a turnaround dedication at the end of Regents Lane and a dedication from Gas Well Road to Price Avenue.

Staff reviewed the exception request and recommends granting approval.

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

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

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

1. That special circumstances or conditions affecting the property have been shown by application;
Findings 1-8, 12, and 14 appear to support this standard.
2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title;
Findings 1-8, 12, and 14 appear to support this standard.
3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.
Findings 1-8, 12, and 14 appear to support this standard.

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

RECOMMENDATION:

SUBJECT TO EXCEPTION(S) GRANTED, STAFF RECOMMENDS:

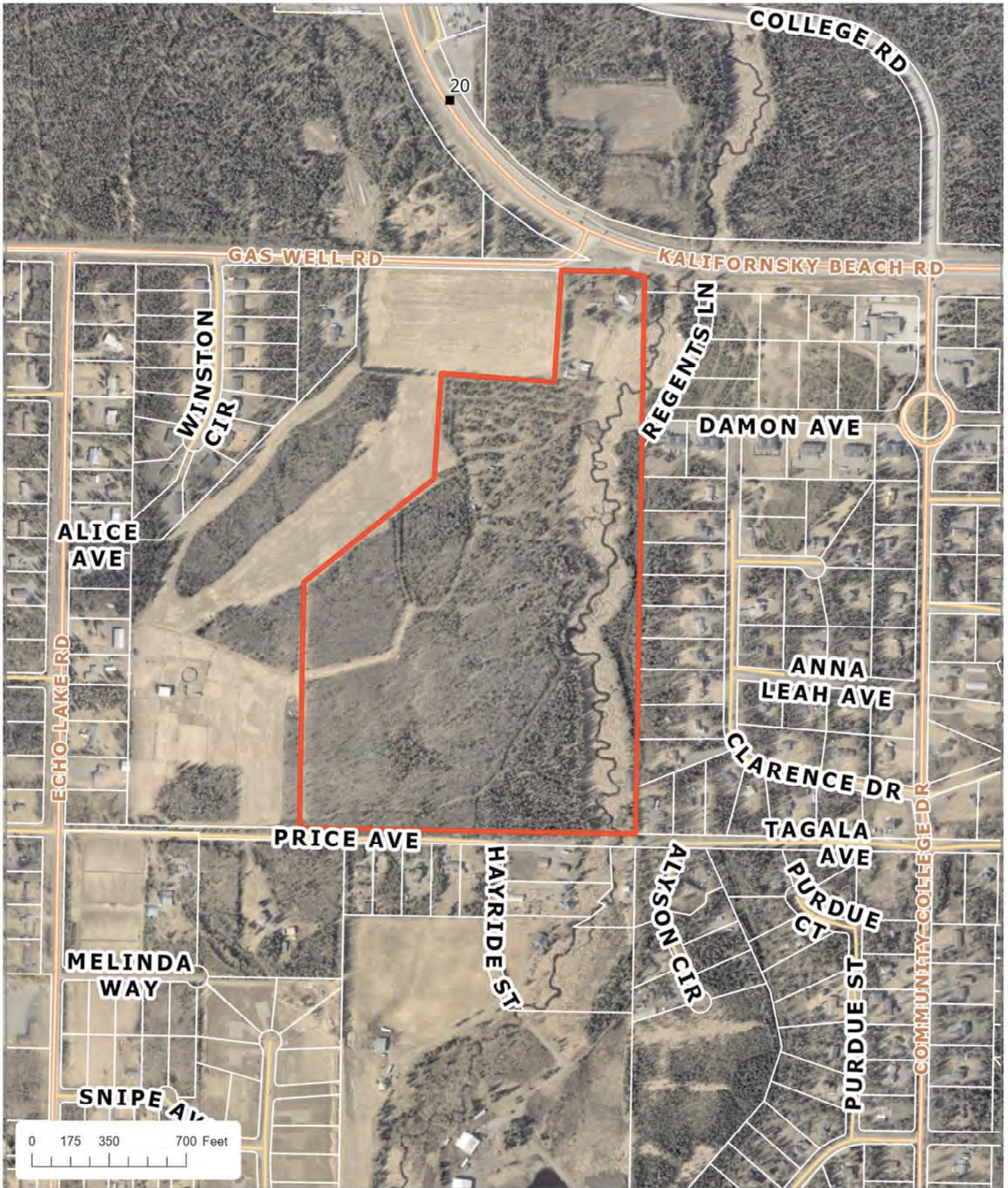
- **GRANT APPROVAL OF THE PRELIMINARY PLAT SUBJECT TO STAFF RECOMMENDATIONS, AND**
- **COMPLIANCE WITH KPB 20.25.070 (FORM AND CONTENTS), KPB 20.25.080 (PETITION REQUIRED), KPB 20.30 (DESIGN REQUIREMENTS); AND KPB 20.40 (WASTEWATER DISPOSAL), AND**
- **COMPLIANCE WITH KPB 20.60 TO ENSURE ADMINISTRATIVE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

NOTE: 20.25.120. - REVIEW AND APPEAL.

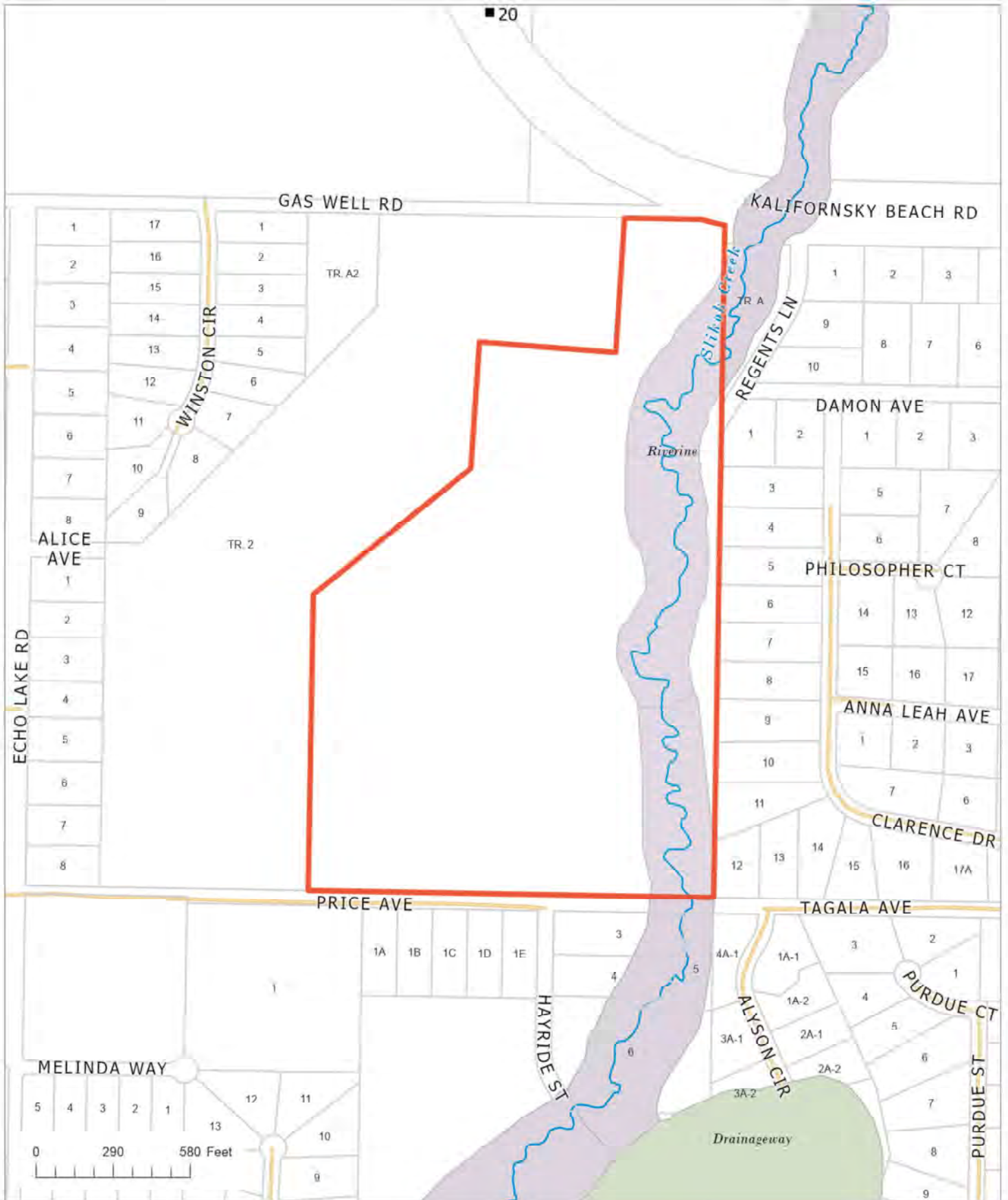
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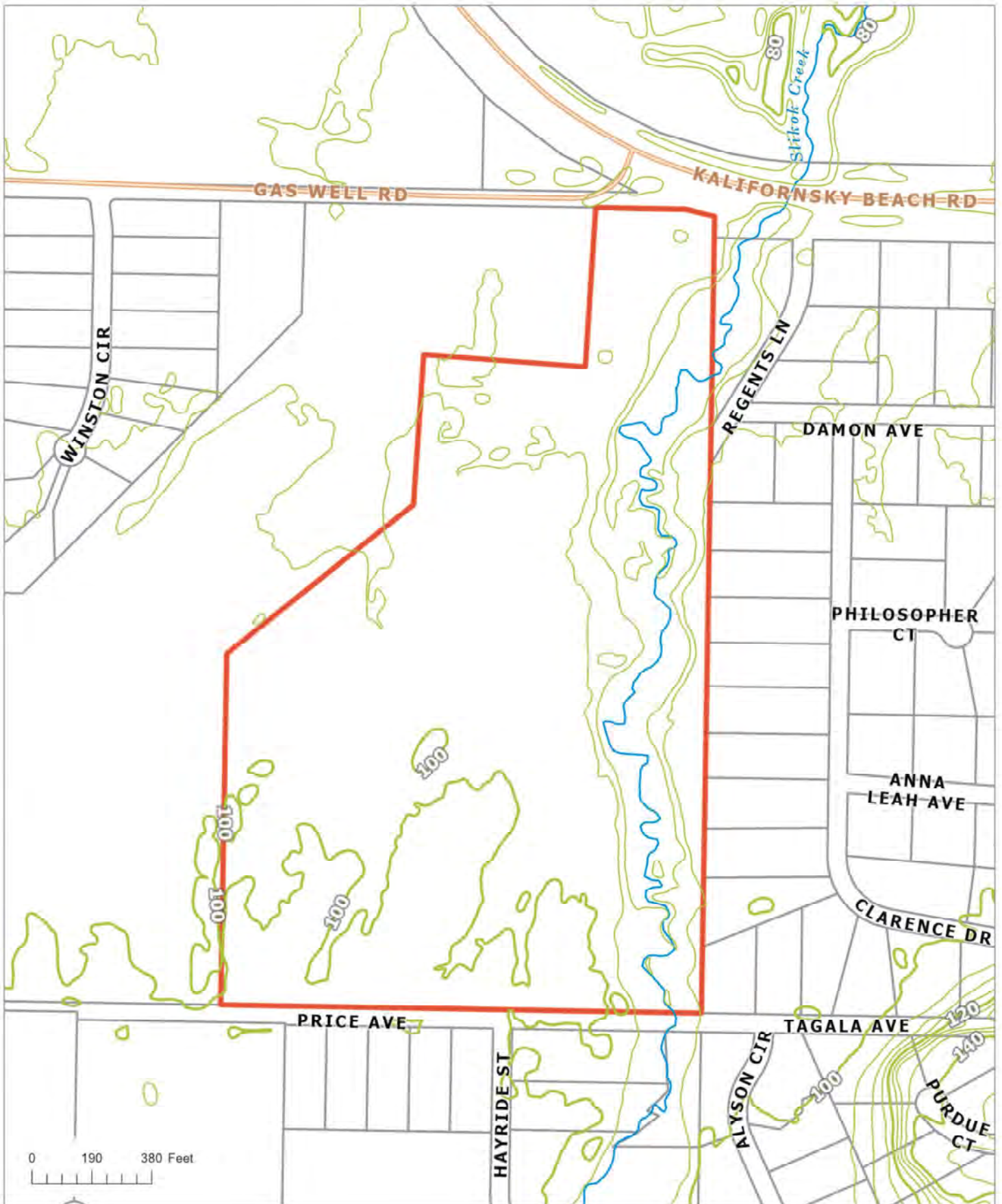
END OF STAFF REPORT



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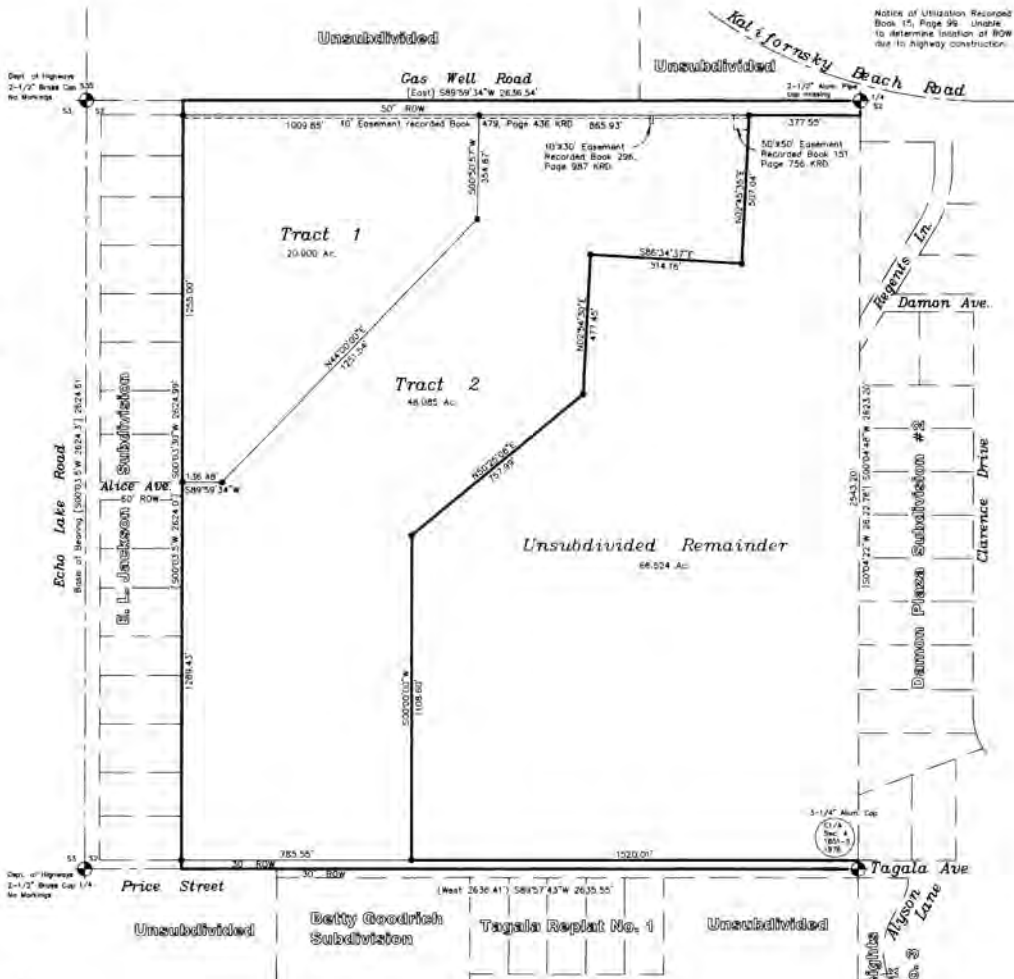


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LEGEND:

- ⊕ Monument (found this survey)
- ⊕ Monument (set this survey)
- 5/8" Rebar (found this survey)
- 5/8" Rebar (set this survey)
- [] Record Datum - E. L. Jackson Subdivision Plat # K-1604
- [] Record Datum - Betty Goodrich Subd. Plat # 79-56
- [] Record Datum - Damon Plaza Subd. #2 Plat # 87-82



Notice of Utilization Recorded Book 15, Page 96 Unable to determine location of ROW due to highway construction.



CERTIFICATE OF OWNERSHIP and DEDICATION

I HEREBY CERTIFY THAT I AM THE OWNER(S) OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I HEREBY ADMIT THIS TO AN 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.

Edgar Lewis Jackson
 Edgar Lewis Jackson
 41765 Cas Well Road
 Soldotna, Alaska 99668



NOTARY'S ACKNOWLEDGMENT

SUBSCRIBED AND SWORN BEFORE ME THIS 24th DAY OF October, 2000 FOR Edgar Lewis Jackson

Heather Schepker
 NOTARY PUBLIC FOR ALASKA
 MY COMMISSION EXPIRES 09/24/2003



PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF August 28, 2000

KENAI PENINSULA BOROUGH
Maureen K. ...
 ATTORNEY

KPB FILE No. 2000-148

Mott's Farm

A subdivision of portions of Government Lots 3 & 4 and the S1/2 NW1/4 all of which are located within the NW1/4 of Section 2, T4N, R11W, S4M, Kenai Recording District, Kenai Peninsula Borough, Alaska.

Containing 72,377 Acres.

Integrity Surveys

605 Swires Drive Kenai, Alaska 99611-8363
 SURVEYORS PHONE: (907) 283-8041 FAX: (907) 283-8071 PLANNERS

JOB NO: 20059	DATE: 2000-08-20	SCALE: 1" = 200'
SURVEYED: June - August, 2000	FIELD BY: 2000-4, Pg. 126-147	DISK: Mott's

2000-67
 RECORDED 20
 KSA/L, REC-1057
 DATE: 12-8-2000
 TIME: 5:13 P.M.

CERTIFICATE OF SURVEYOR

I HEREBY CERTIFY THAT I am properly registered and licensed to practice land surveying in the State of Alaska, this plat represents a survey made by me or under my direct supervision, the measurements shown hereon actually exist as described, and all dimensions and other details are correct to the highest standards of practice of land surveyors in the State of Alaska.

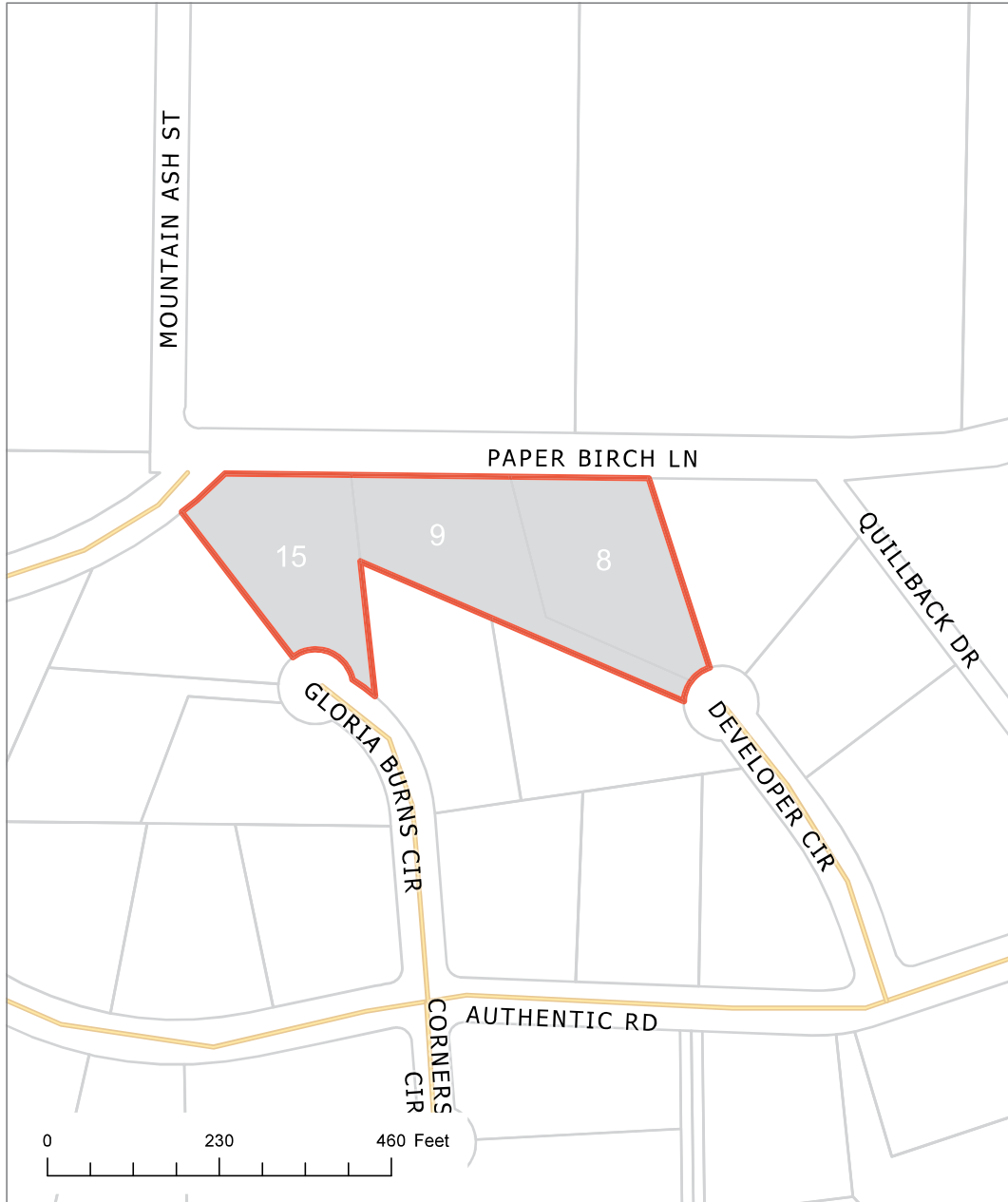
LS 5152
 REGISTRATION NO: 26
 DATE: OCTOBER 2000
Chad Baker
 REGISTERED LAND SURVEYOR



- NOTES:**
- Proposed land uses are recreational, residential, agricultural, and commercial.
 - Building Setback - A setback of 20 feet is required from all street rights-of-way unless a lesser standard is approved by resolution of the appropriate Planning Commission.
 - No private access to State maintained ROW's permitted unless approved by the State of Alaska Department of Transportation.
 - Treat 10 ft. of the building setback adjacent to rights-of-way as also a utility easement. No permanent structure shall be constructed or placed within a utility easement which would interfere with the ability of a utility to use the easement.
 - 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.
 - 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.

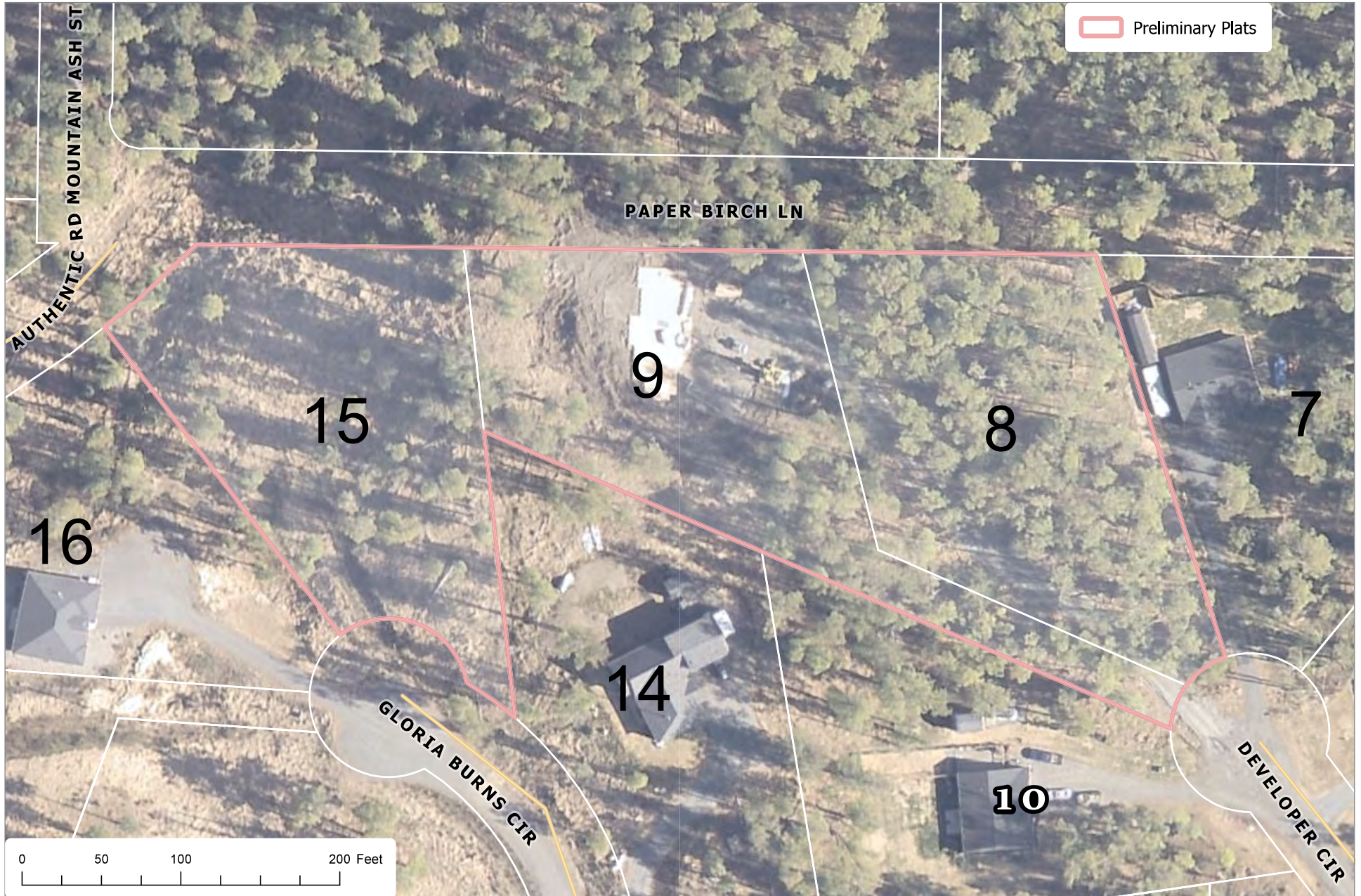
E. NEW BUSINESS

- 4. Tulchina Pointe Estates 2022 Replat; KPB File 2022-023
McLane Consulting Group / Littleknife Inc., McLane & Smith
Location: Paper Birch Lan, Developer Circle & Authentic Road
Sterling Area**

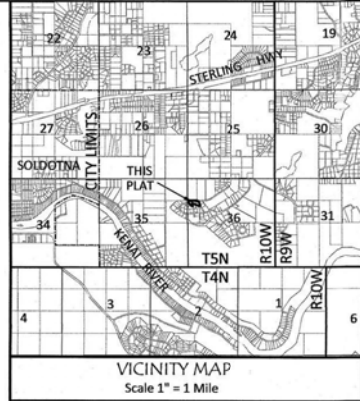
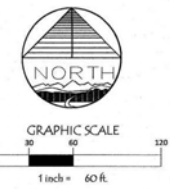
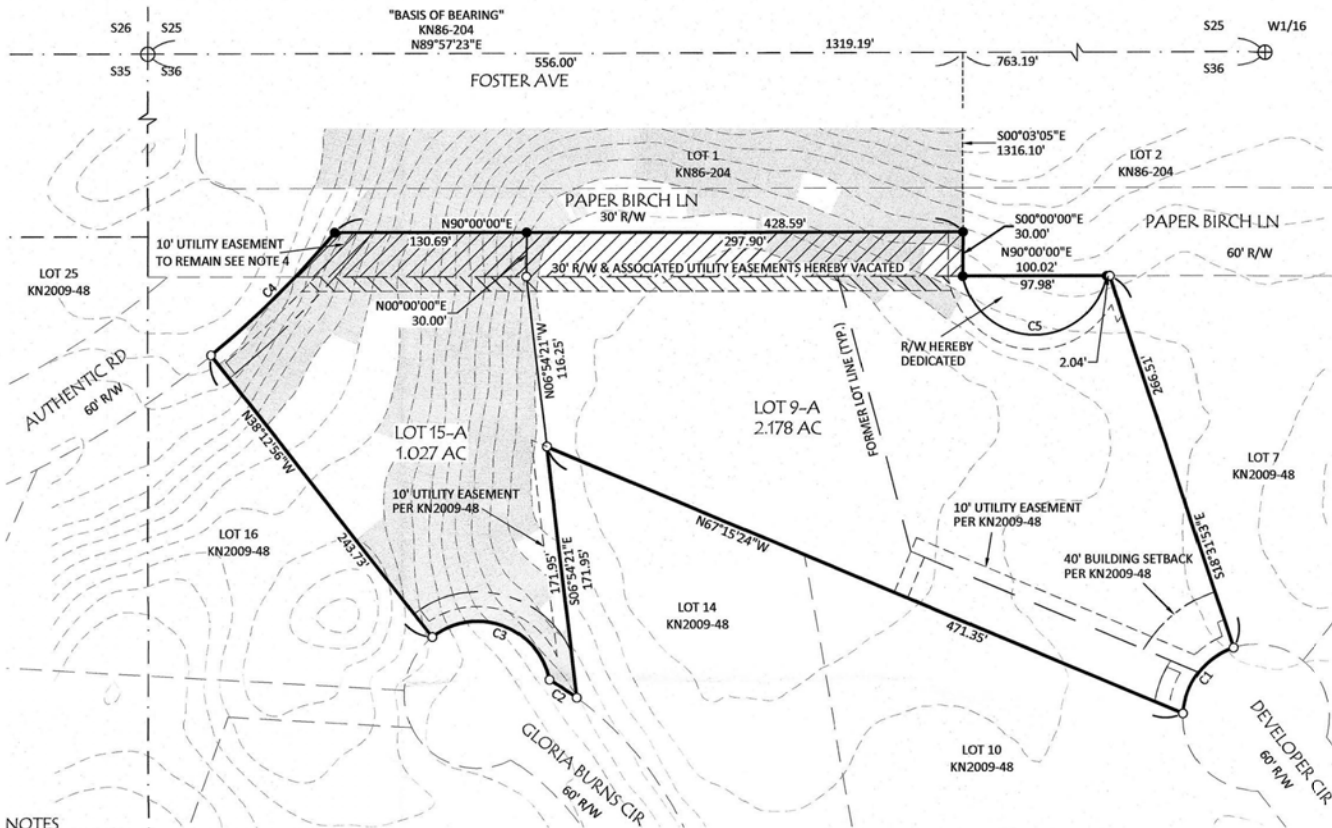


KPB File # 2022-023
 S36 T05N R10W
 Sterling

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

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 KPB 20.40.020(A)(2). WASTEWATER TREATMENT AND DISPOSAL SYSTEMS MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

- NOTES**
1. WATER SUPPLY AND SEWAGE DISPOSAL SYSTEMS SHALL BE PERMITTED ONLY IN CONFORMANCE WITH APPLICABLE REQUIREMENTS OF 18 AAC 72 AND 18 AAC 80.
 2. BUILDING SETBACK- A BUILDING SETBACK OF 20 FT. IS REQUIRED FROM ALL STREET RIGHTS-OF-WAY UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
 3. THE FRONT 10 FEET ADJOINING DEDICATED RIGHTS-OF-WAY IS ALSO A UTILITY EASEMENT PER KN86-204.
 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 VACATION 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.
 6. THIS PARCEL MAY BE AFFECTED BY THE FOLLOWING:
 - 6.1. COVENANTS, CONDITIONS AND RESTRICTIONS RECORDED AUGUST 23, 2006 IN DOCUMENT NO. 2006-009157-0 KR.D. THE BOROUGH WILL NOT ENFORCE PRIVATE COVENANTS, EASEMENTS OR DEED RESTRICTIONS PER KPB 20.60.170(B).

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

LITTLEKNIFE INC., STEVE BOWEN - OWNER LOT 8 & 9 KN2009-48
 36496 HALEY'S WAY, SOLDOTNA, AK 99669

LITTLEKNIFE INC., HALEY BOWEN - OWNER LOT 8 & 9 KN2009-48
 36496 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

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

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

NOTARY'S ACKNOWLEDGEMENT

FOR: GALE L. SMITH
 ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 20__

MY COMMISSION EXPIRES: _____

NOTARY PUBLIC FOR THE STATE OF _____

PLAT APPROVAL

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

AUTHORIZED OFFICIAL _____ DATE _____

CURVE TABLE						
CURVE #	DELTA	RADIUS	LENGTH	TANGENT	CHORD BEARING	CHORD LENGTH
C1	68°33'14"	50.00'	59.82'	34.08'	S 37° 03' 57" W	56.32'
C2	5°33'18"	230.00'	22.30'	11.16'	N 56° 44' 05" W	22.29'
C3	116°40'11"	50.00'	101.81'	81.07'	N 69° 52' 51" W	85.11'
C4	10°45'42"	630.00'	118.33'	59.34'	N 45° 18' 13" E	118.16'
C5	156°55'34"	50.00'	136.94'	244.95'	N 90° 00' 00" E	97.98'

KPB 2022-023



Plat #

Rec Dist _____

Date _____ 20__

Time _____ M

TULCHINA POINTE ESTATES 2022 REPLAT
 A RESUBDIVISION OF LOTS 8, 9 & 15 TULCHINA POINTE ESTATES SUBDIVISION PHASE 2 AMENDED (KN2009-48) w/ RIGHT-OF-WAY VACATION INCLUDING ASSOCIATED UTILITY EASEMENTS FOR A PORTION OF PAPER BIRCH LANE

LITTLEKNIFE INC., OWNER LOT 8 & 9 KN2009-48
 36496 HALEY'S WAY, SOLDOTNA, AK 99669

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

3.272 AC. M/L - SITUATED IN THE NW1/4 OF SECTION 36, TOWNSHIP 5 NORTH, RANGE 10 WEST, SEWARD MERIDIAN, KENAI PENINSULA BOROUGH AND THE KENAI RECORDING DISTRICT, ALASKA.

	ENGINEERING - TESTING SURVEYING - MAPPING P.O. BOX 498 SOLDOTNA, AK 99669 VOICE: (907) 283-4218 FAX: (907) 283-3285 WWW.MCLANECG.COM	KPB FILE NO. 2022-XXXX
	PROJECT NO. 222009	
SCALE 1" = 100'	DATE: FEB, 2022	BOOK NO.: XXX
		DRAWN BY: JAH

AGENDA ITEM E. NEW BUSINESS

ITEM 4 - TULCHINA POINTE ESTATES 2022 REPLAT

KPB File No.	2022-023
Plat Committee Meeting:	May 9, 2022
Applicant / Owner:	LittleKnife, Inc, and Gale Smith all of Soldotna, Alaska
Surveyor:	James Hall / McLane Consulting Inc.
General Location:	Authentic Road, Paper Birch Lane, Foster Avenue, Sterling area

Parent Parcel No.:	058-360-58, 058-360-59, 058-360-62
Legal Description:	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

This plat was scheduled for a hearing on April 11, 2022. A request to postpone was received to allow for a redesign. Notifications for this meeting were sent with copies of the new design. The original design included a vacation that was vetoed by the Kenai Peninsula Borough Assembly, thus requiring a design change.

Specific Request / Scope of Subdivision: The proposed plat finalizes a right-of-way vacation associated with three lots, will combine two lots into one lot, and dedicate a turnaround area.

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. Lot 1 of Forest Hills Lookout Subdivision Amended, Plat KN 86-204, 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. The design will result in a 30 foot wide portion of Paper Birch Lane to remain that can provide additional access to the lots.

This subdivision will finalize the vacation of the southern 30 foot width of Paper Birch Lane for a length of 428 feet. The vacation was heard by the Planning Commission on May 9, 2022 and was approved. The vacation is scheduled to be heard by the Kenai Peninsula Borough Assembly at their May 17, 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.

The block is currently closed but is not compliant in length. The lengths along Authentic Road are longer than allowed by code. While a 30 foot dedication will remain, the ability to have a compliant right-of-way diminishes. **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 rights-of-way 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 is currently 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 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.

The existing and proposed remaining portion of Paper Birch Lane does not comply with KPB Code 20.30.090, streets-maximum grades allowed. **Staff recommends** the plat committee concur that an exception is not required as this is an already dedicated right-of-way.

The vacation will result in a substandard width of Paper Birch Lane. **Staff recommends** the plat committee concur that an exception is not required as the design is to finalize an already approved vacation.

A soils report will not be required and an engineer will not need to sign the plat. 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 Tulchina Pointe Estate Phase 2 Amended, Plat KN 2009-48, granted the 10 foot adjacent to rights-of-way 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 remaining portion of Paper Birch Lane. **Staff recommends utility easements be granted along the southern side of the remaining 30 foot width of Paper Birch Lane and it be noted that they are granted by this plat.**

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

Utility provider review:

HEA	Per 20.30.060D, a 10 foot utility easement adjoining the south boundary of Paper Birch Lane within proposed Lot 9-A and Lot 15-A is required. HEA has no objection to an exception of KPB 20.30.060D.
ENSTAR	No comments
ACS	No objection
GCI	Approved as shown

KPB department / agency review:

Addressing	<p>Reviewer: Haws, Derek Affected Addresses:</p> <p>Existing Street Names are Correct: Yes List of Correct Street Names: 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:</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	Reviewer: Wilcox, Adeena Comments: No comment
-----------	--

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

STAFF RECOMMENDATIONS
CORRECTIONS / EDITS

Verify the 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: *The Foster Avenue label can be removed.*

KPB 20.30 – Subdivision Design Requirements

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

20.30.030. Proposed street layout-Requirements.

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

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

C. Preliminary plats fronting state maintained roads will be submitted by the planning department to the State of Alaska Department of Transportation and Public Facilities (DOT) for its review and comments.
Staff recommendation: *A bulb is proposed for a turnaround area located at the end of the Paper Birch Lane dedication. The lot to the north has an approved design to provide right of way continuations to the north.*

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, and along remaining portion of Paper Birch Lane, if it does not interfere with required information. A detail drawing may also be provided. The well is located within the setback but per KPB Code 20.90, the definitions allow for a well within the setback.*

KPB 20.40 – Wastewater Disposal

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

20.40.010 Wastewater disposal.

Platting Staff Comments: Lots 8, 9, and 15 had a soils report provided for the parent plat and an engineer signed the plat. A soils analysis report is not required as all lots are increasing in size.

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).*
- *Granting 10 foot utility easements along the new dedication and along the new right of way edges created by the vacation. (or similar wording or labeled “granted by this plat.”)*

Make corrections to the following plat notes.

- *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.

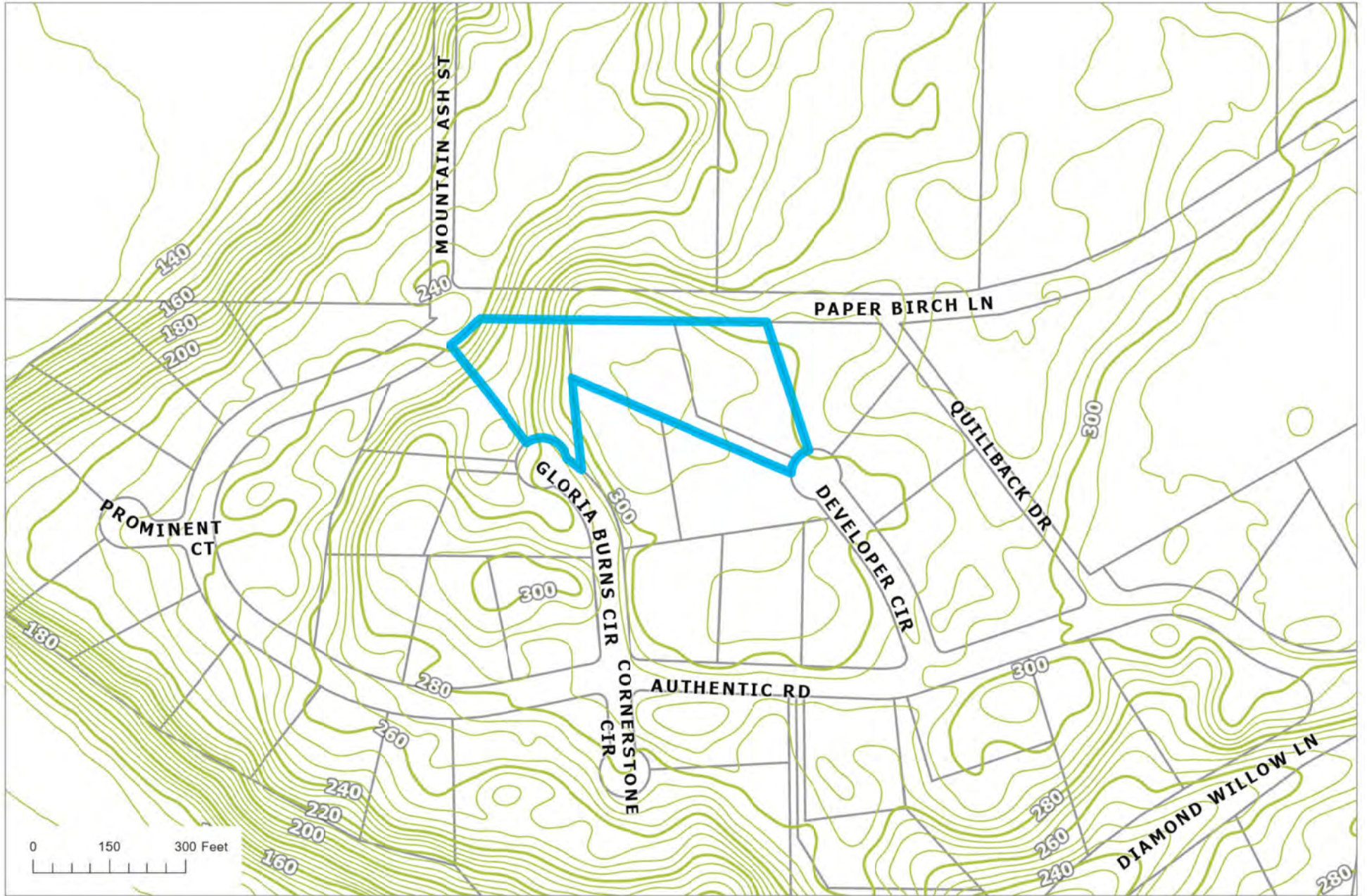
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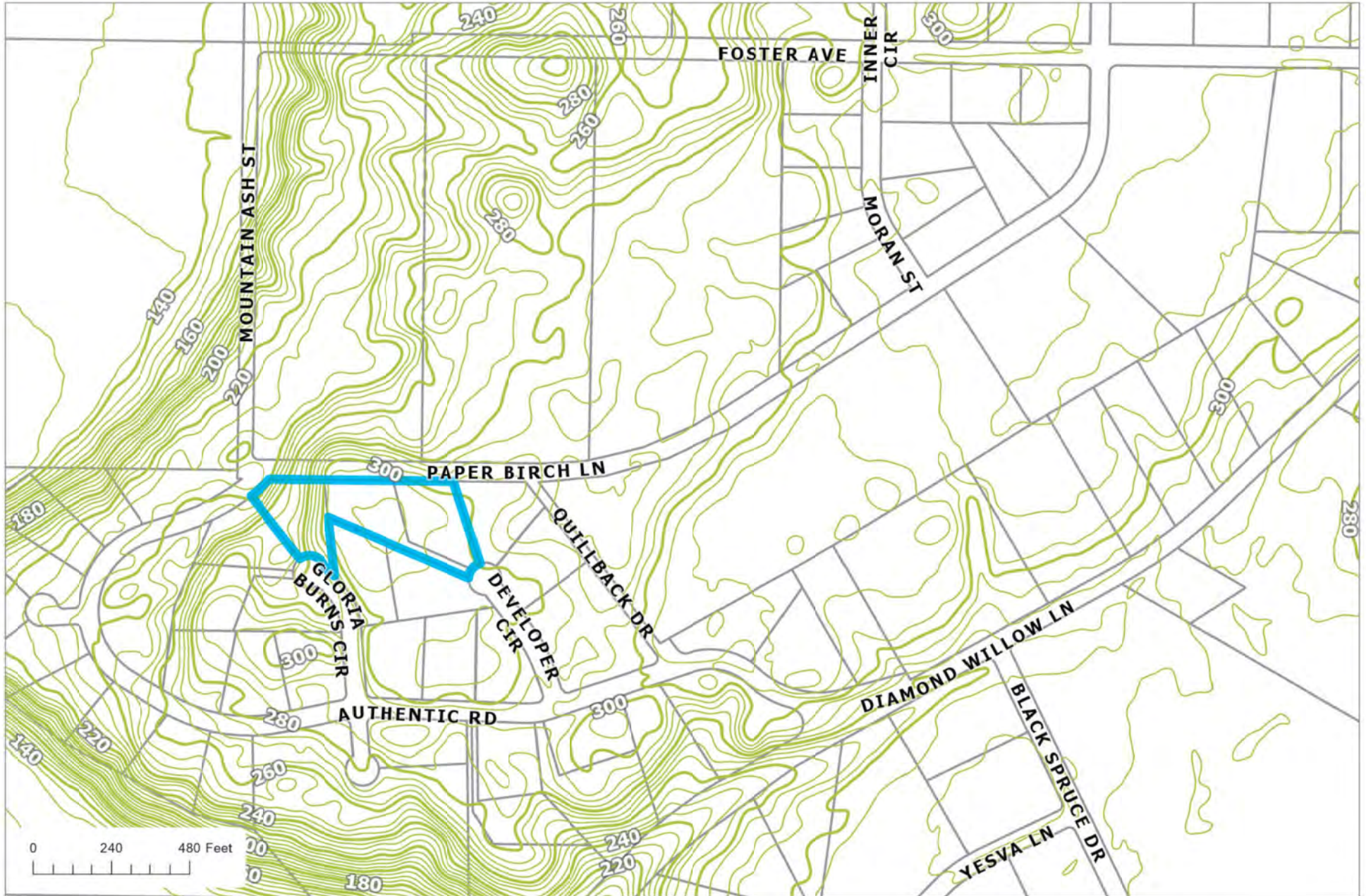
END OF STAFF REPORT



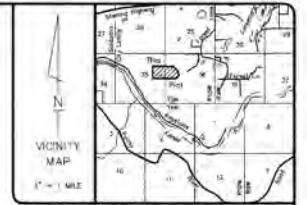
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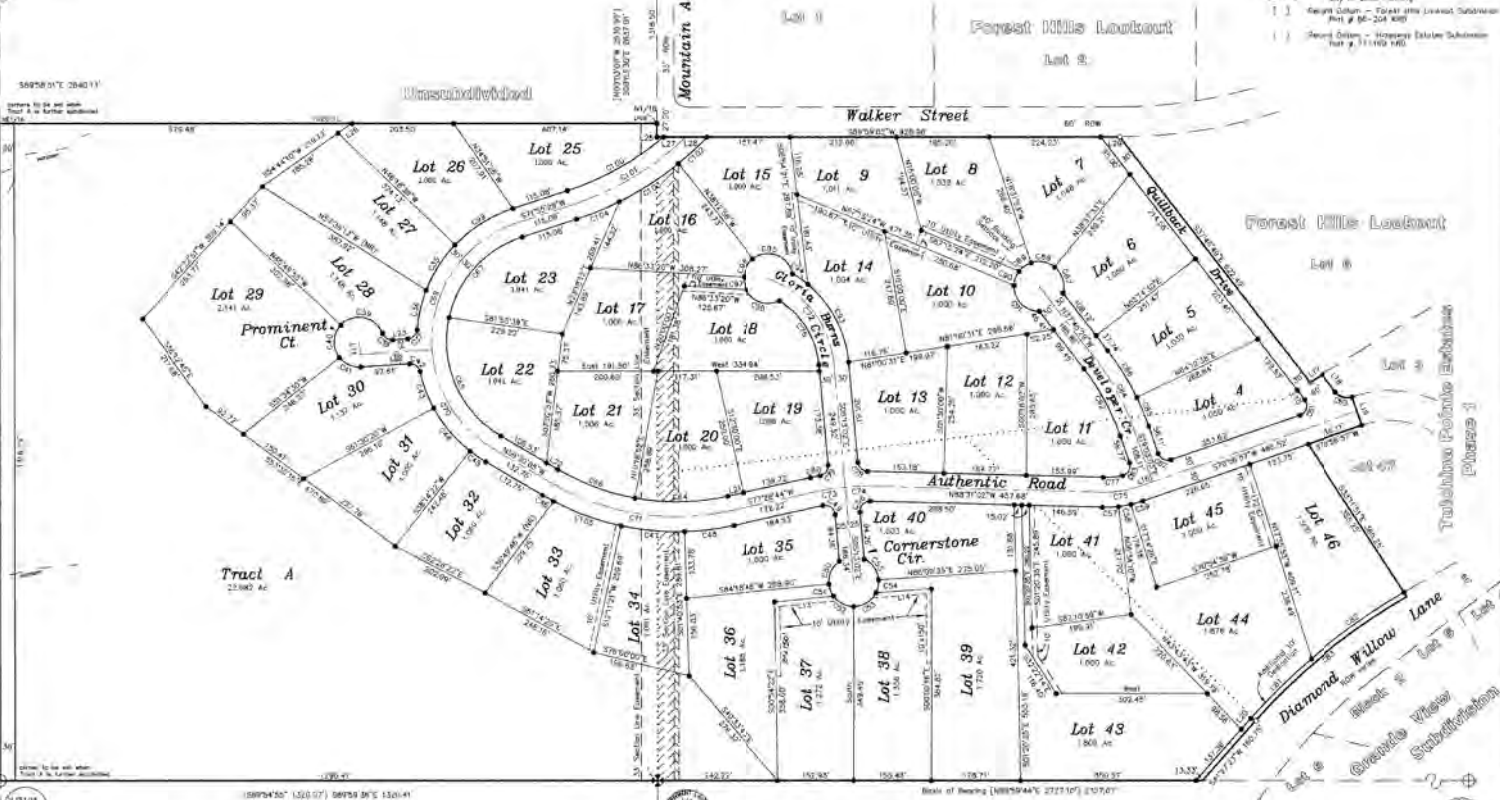
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- LEGEND**
- 2-1/2" Arrow Cap Measurement (Fixed)
 - 2-1/4" Arrow Cap Measurement (Fixed)
 - 1/2" Arrow w/ Yellow Flag (Fixed)
 - 1/2" Arrow (not measured)
 - (RM) Non-Road
 - (L) Lane Lot Line
 - PSD and associated TO Utility Easement location approved by Planning Commission during the May 4, 2006 meeting
 - Survey Station - Triangulation Leveling Substation Point # 90-204 900
 - Survey Station - Horizontal Station Substation Point # 11100 900



Line	Dist	Area	Dist	Area	Dist	Area	Dist	Area
1	222.70	262.00	109.56	102.88	102.88	102.88	102.88	102.88
2	183.47	262.00	81.71	81.43	81.43	81.43	81.43	81.43
3	80.23	262.00	28.45	28.39	28.39	28.39	28.39	28.39
4	72.524	262.00	25.82	25.92	25.92	25.92	25.92	25.92
5	118.24	262.00	101.98	104.99	104.99	104.99	104.99	104.99
6	80.23	262.00	28.45	28.39	28.39	28.39	28.39	28.39
7	55.537	262.00	48.34	48.48	48.48	48.48	48.48	48.48
8	81.27	262.00	68.79	68.86	68.86	68.86	68.86	68.86
9	118.24	262.00	101.98	104.99	104.99	104.99	104.99	104.99
10	80.23	262.00	28.45	28.39	28.39	28.39	28.39	28.39
11	72.524	262.00	25.82	25.92	25.92	25.92	25.92	25.92
12	118.24	262.00	101.98	104.99	104.99	104.99	104.99	104.99
13	80.23	262.00	28.45	28.39	28.39	28.39	28.39	28.39
14	55.537	262.00	48.34	48.48	48.48	48.48	48.48	48.48
15	81.27	262.00	68.79	68.86	68.86	68.86	68.86	68.86
16	118.24	262.00	101.98	104.99	104.99	104.99	104.99	104.99
17	80.23	262.00	28.45	28.39	28.39	28.39	28.39	28.39
18	72.524	262.00	25.82	25.92	25.92	25.92	25.92	25.92
19	118.24	262.00	101.98	104.99	104.99	104.99	104.99	104.99
20	80.23	262.00	28.45	28.39	28.39	28.39	28.39	28.39
21	55.537	262.00	48.34	48.48	48.48	48.48	48.48	48.48
22	81.27	262.00	68.79	68.86	68.86	68.86	68.86	68.86
23	118.24	262.00	101.98	104.99	104.99	104.99	104.99	104.99
24	80.23	262.00	28.45	28.39	28.39	28.39	28.39	28.39
25	72.524	262.00	25.82	25.92	25.92	25.92	25.92	25.92
26	118.24	262.00	101.98	104.99	104.99	104.99	104.99	104.99
27	80.23	262.00	28.45	28.39	28.39	28.39	28.39	28.39
28	55.537	262.00	48.34	48.48	48.48	48.48	48.48	48.48
29	81.27	262.00	68.79	68.86	68.86	68.86	68.86	68.86
30	118.24	262.00	101.98	104.99	104.99	104.99	104.99	104.99
31	80.23	262.00	28.45	28.39	28.39	28.39	28.39	28.39
32	72.524	262.00	25.82	25.92	25.92	25.92	25.92	25.92
33	118.24	262.00	101.98	104.99	104.99	104.99	104.99	104.99
34	80.23	262.00	28.45	28.39	28.39	28.39	28.39	28.39
35	55.537	262.00	48.34	48.48	48.48	48.48	48.48	48.48
36	81.27	262.00	68.79	68.86	68.86	68.86	68.86	68.86
37	118.24	262.00	101.98	104.99	104.99	104.99	104.99	104.99
38	80.23	262.00	28.45	28.39	28.39	28.39	28.39	28.39
39	72.524	262.00	25.82	25.92	25.92	25.92	25.92	25.92
40	118.24	262.00	101.98	104.99	104.99	104.99	104.99	104.99
41	80.23	262.00	28.45	28.39	28.39	28.39	28.39	28.39
42	55.537	262.00	48.34	48.48	48.48	48.48	48.48	48.48
43	81.27	262.00	68.79	68.86	68.86	68.86	68.86	68.86
44	118.24	262.00	101.98	104.99	104.99	104.99	104.99	104.99
45	80.23	262.00	28.45	28.39	28.39	28.39	28.39	28.39
46	72.524	262.00	25.82	25.92	25.92	25.92	25.92	25.92
47	118.24	262.00	101.98	104.99	104.99	104.99	104.99	104.99
48	80.23	262.00	28.45	28.39	28.39	28.39	28.39	28.39
49	55.537	262.00	48.34	48.48	48.48	48.48	48.48	48.48
50	81.27	262.00	68.79	68.86	68.86	68.86	68.86	68.86
51	118.24	262.00	101.98	104.99	104.99	104.99	104.99	104.99
52	80.23	262.00	28.45	28.39	28.39	28.39	28.39	28.39
53	72.524	262.00	25.82	25.92	25.92	25.92	25.92	25.92
54	118.24	262.00	101.98	104.99	104.99	104.99	104.99	104.99
55	80.23	262.00	28.45	28.39	28.39	28.39	28.39	28.39
56	55.537	262.00	48.34	48.48	48.48	48.48	48.48	48.48
57	81.27	262.00	68.79	68.86	68.86	68.86	68.86	68.86
58	118.24	262.00	101.98	104.99	104.99	104.99	104.99	104.99
59	80.23	262.00	28.45	28.39	28.39	28.39	28.39	28.39
60	72.524	262.00	25.82	25.92	25.92	25.92	25.92	25.92
61	118.24	262.00	101.98	104.99	104.99	104.99	104.99	104.99
62	80.23	262.00	28.45	28.39	28.39	28.39	28.39	28.39
63	55.537	262.00	48.34	48.48	48.48	48.48	48.48	48.48
64	81.27	262.00	68.79	68.86	68.86	68.86	68.86	68.86
65	118.24	262.00	101.98	104.99	104.99	104.99	104.99	104.99
66	80.23	262.00	28.45	28.39	28.39	28.39	28.39	28.39
67	72.524	262.00	25.82	25.92	25.92	25.92	25.92	25.92
68	118.24	262.00	101.98	104.99	104.99	104.99	104.99	104.99
69	80.23	262.00	28.45	28.39	28.39	28.39	28.39	28.39
70	55.537	262.00	48.34	48.48	48.48	48.48	48.48	48.48
71	81.27	262.00	68.79	68.86	68.86	68.86	68.86	68.86
72	118.24	262.00	101.98	104.99	104.99	104.99	104.99	104.99
73	80.23	262.00	28.45	28.39	28.39	28.39	28.39	28.39
74	72.524	262.00	25.82	25.92	25.92	25.92	25.92	25.92
75	118.24	262.00	101.98	104.99	104.99	104.99	104.99	104.99

- NOTES:**
- 1) Resolution Comments that may affect the construction of these lots will be recorded.
 - 2) No permanent structures are permitted within the proposed portion of Lots 9, 17, 25, 29, 42, 43 and 44.
 - 3) Building Setbacks - A setback of 20 feet is required from all adjacent right-of-way unless it is otherwise approved by the appropriate Planning Commission.
 - 4) The Plat Commission granted exceptions to 20.02.010 & 20.02.050 on April 10, 2006.
 - 5) Tract 10.0 of the building setback adjacent to right-of-way with an additional 5 ft. within 5 ft. of the side property line is used as utility easement. No permanent structure shall be constructed or placed within a utility easement which would interfere with the utility's ability to use the easement.
 - 6) Shows road that the design and construction standards stipulated by the Borough in order to be considered for construction and dedication to the road maintenance program.
 - 7) WASTEWATER DISPOSAL: For conditions, water table levels, and soil types in this subdivision new data found outside the conventional onsite wastewater treatment and disposal systems serving lots within 100 feet of a utility easement and meeting the regulatory requirements of the Akin Parkland Borough. Any other type of onsite wastewater treatment and disposal system must be designed by a professional engineer, approved to practice in Alaska, and the design must be approved by the Alaska Dept. of Environmental Conservation.

CORRECTED LINE TABLE

Line	Length	Length
1	117.7240	117.7240
2	117.7240	117.7240
3	117.7240	117.7240
4	117.7240	117.7240
5	117.7240	117.7240
6	117.7240	117.7240
7	117.7240	117.7240
8	117.7240	117.7240
9	117.7240	117.7240
10	117.7240	117.7240
11	117.7240	117.7240
12	117.7240	117.7240
13	117.7240	117.7240
14	117.7240	117.7240
15	117.7240	117.7240
16	117.7240	117.7240
17	117.7240	117.7240
18	117.7240	117.7240
19	117.7240	117.7240
20	117.7240	117.7240
21	117.7240	117.7240
22	117.7240	117.7240
23	117.7240	117.7240
24	117.7240	117.7240
25	117.7240	117.7240
26	117.7240	117.7240
27	117.7240	117.7240
28	117.7240	117.7240
29	117.7240	117.7240
30	117.7240	117.7240
31	117.7240	117.7240
32	117.7240	117.7240
33	117.7240	117.7240
34	117.7240	117.7240
35	117.7240	117.7240
36	117.7240	117.7240
37	117.7240	117.7240
38	117.7240	117.7240
39	117.7240	117.7240
40	117.7240	117.7240
41	117.7240	117.7240
42	117.7240	117.7240
43	117.7240	117.7240
44	117.7240	117.7240
45	117.7240	117.7240
46	117.7240	117.7240
47	117.7240	117.7240
48	117.7240	117.7240
49	117.7240	117.7240
50	117.7240	117.7240
51	117.7240	117.7240
52	117.7240	117.7240
53	117.7240	117.7240
54	117.7240	117.7240
55	117.7240	117.7240
56	117.7240	117.7240
57	117.7240	117.7240
58	117.7240	117.7240
59	117.7240	117.7240
60	117.7240	117.7240
61	117.7240	117.7240
62	117.7240	117.7240
63	117.7240	117.7240
64	117.7240	117.7240
65	117.7240	117.7240
66	117.7240	117.7240
67	117.7240	117.7240
68	117.7240	117.7240
69	117.7240	117.7240
70	117.7240	117.7240
71	117.7240	117.7240
72	117.7240	117.7240
73	117.7240	117.7240
74	117.7240	117.7240
75	117.7240	117.7240

AMENDED PLAT NOTE

This plat amends Plat No. 2006-149 by correctly surveying 54 & 55 and lots 21 & 22 within their respective blocks. The plat amendment has been filed and no corrective action is required.

I certify that I have made the corrections noted above and no other changes have been made.

 Date: 12/15/06
 Title: Surveyor

CERTIFICATE OF SURVEYOR

I hereby certify that I am properly registered and licensed to practice land surveying in the State of Alaska. The plat represents a survey made by me under my direct supervision. The measurements shown herein actually used as standards, and all measurements and other details are correctly shown to the highest standards of practice of land surveyors in the State of Alaska.

 Date: 12/15/06
 Title: Surveyor



CERTIFICATE of OWNERSHIP and DEDICATION

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

 Date: 12/15/06
 Title: Owner

NOTARY'S ACKNOWLEDGMENT

SUBSCRIBED AND SIGNED BEFORE ME this 15th day of August 2006 for Jason S. Ornell.

 Notary Public for Alaska
 My Commission Expires 3/1/07

PLAT APPROVAL

THE PLAT WAS APPROVED BY THE BOARD OF PUBLIC WORKS PLANNING COMMISSION AT THE MEETING OF 10/17/06.

PENAL PENALTY BONDING

 AUTHORIZED AGENT

KPB FILE No. 2006-149 Amended Plat
Tulchiana Pointe Estates - Phase 2

A subdivision of Lots 1 & 2 Forest Hills Lookout Subdivision (Amended) Plat No. 2004-097 & A Subdivision Plat No. 2004-097 (Phase 1) and 2004-097 (Phase 2) and 2004-097 (Phase 3) and 2004-097 (Phase 4) and 2004-097 (Phase 5) and 2004-097 (Phase 6) and 2004-097 (Phase 7) and 2004-097 (Phase 8) and 2004-097 (Phase 9) and 2004-097 (Phase 10) and 2004-097 (Phase 11) and 2004-097 (Phase 12) and 2004-097 (Phase 13) and 2004-097 (Phase 14) and 2004-097 (Phase 15) and 2004-097 (Phase 16) and 2004-097 (Phase 17) and 2004-097 (Phase 18) and 2004-097 (Phase 19) and 2004-097 (Phase 20) and 2004-097 (Phase 21) and 2004-097 (Phase 22) and 2004-097 (Phase 23) and 2004-097 (Phase 24) and 2004-097 (Phase 25) and 2004-097 (Phase 26) and 2004-097 (Phase 27) and 2004-097 (Phase 28) and 2004-097 (Phase 29) and 2004-097 (Phase 30) and

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.

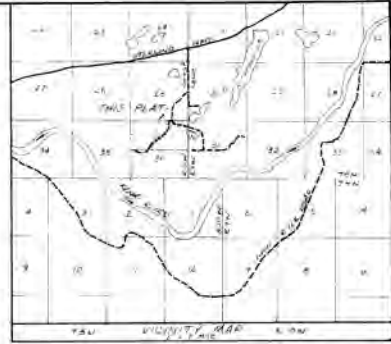
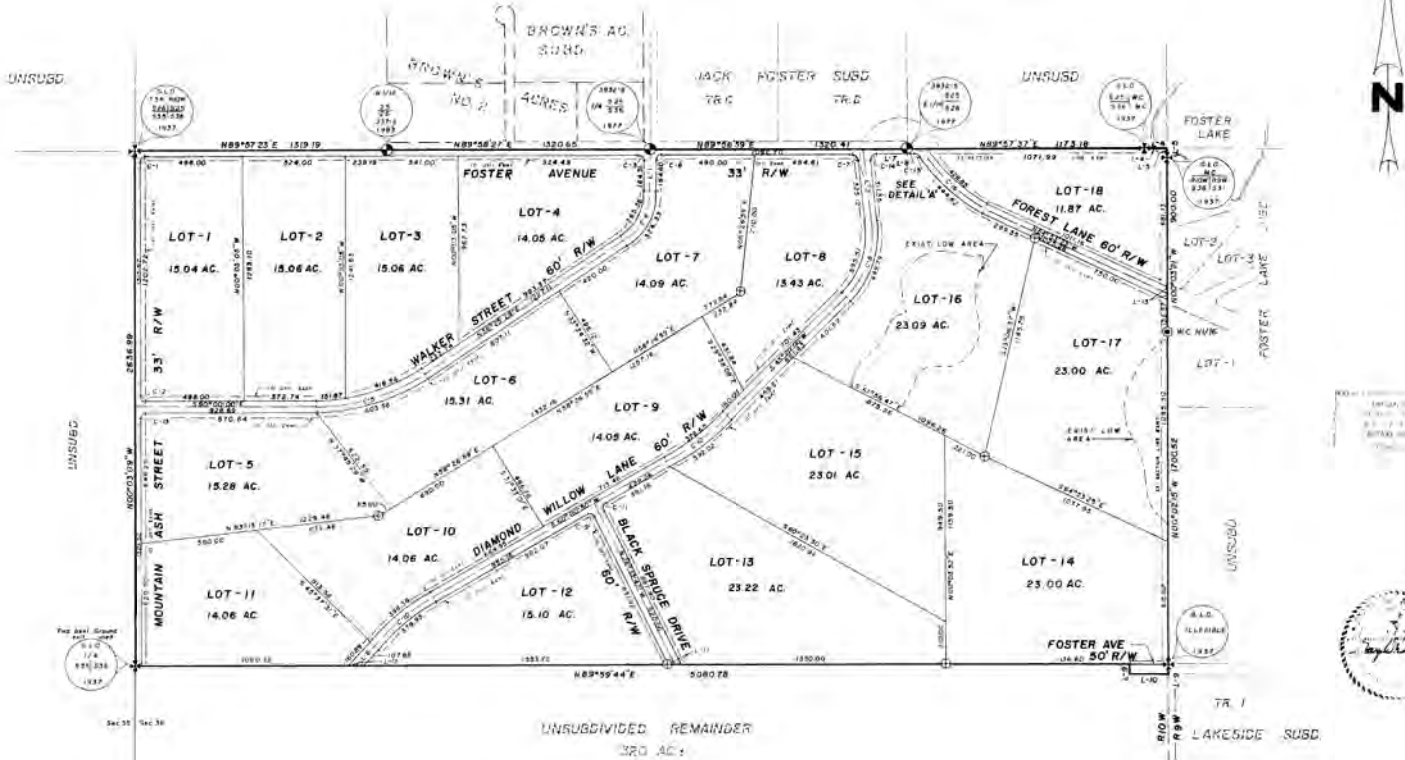
The above revision constitutes the sole change to the plat, aside from its notation thereon.

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



FOREST HILLS LOOKOUT SUBDIVISION



Certificate of Ownership and Dedication
 WE HEREBY CERTIFY THAT WE ARE THE OWNER(S) OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT WE HEREBY ADOPT THIS PLAN OF SUBDIVISION, AND INDICATE ALL RIGHTS OF WAYS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

Robert A. Johnson, Pres. Salamatof Native Assoc. Inc.
 James O. Segura, Vice Pres. Salamatof Native Assoc. Inc.
Notary's Acknowledgement
 FOR: Robert A. Johnson and James O. Segura

SUBSCRIBED AND SHOWN BEFORE ME THIS _____ DAY OF _____, 1985.
 Notary for the State of Alaska My Commission Expires _____

Plat Approval
 THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF _____, 1985.
 (Ord. No. 315, 1985, Sec. 7B-3752(part), 1979) By: _____, Authorized Official

Surveyor's Certificate
 I, _____, CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, THAT THIS PLAT IS A TRUE AND CORRECT REPRESENTATION OF LANDS SURVEYED BY ME UNDER MY DIRECT SUPERVISION, THAT THE DISTANCES AND BEARINGS ARE SHOWN CORRECTLY AND THE ERROR OF CLOSURE FOR FIELD TRAVEL DOES NOT EXCEED ONE PART IN 5000, AND THAT ALL PERMANENT EXTERIOR CONTROL MONUMENTS, ALL OTHER MONUMENTS, AND LOT CORNERS HAVE BEEN SET AND STAKED.
 Signature: _____ Date: 2-23-85

Water Supply and Sewage Disposal
 NO INDIVIDUAL WATER SUPPLY OR SEWAGE DISPOSAL SYSTEM SHALL BE PERMITTED ON ANY LOT UNLESS SUCH SYSTEM IS LOCATED, CONSTRUCTED AND EQUIPPED IN ACCORDANCE WITH THE REQUIREMENTS, STANDARDS AND RECOMMENDATIONS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION WHICH GOVERN THOSE SYSTEMS.

- LEGEND**
- FOUND OFFICIAL SURVEY MONUMENT.
 - FOUND 2 1/2" B.L.G. BRASS CAP MONUMENT.
 - FOUND 1" ALUMINUM MONUMENT.
 - FOUND 2" AL CAP (MC N/16).
 - ALL LOT CORNERS, ANGLE POINTS AND P.C.'s MONUMENTED WITH 3/4" REBAR AND YELLOW CAP 2284-5

AMENDED PLAT (see Notes)

FOREST HILLS LOOKOUT SUBDIVISION
 CONTAINING 320.12 ACRES MORE OR LESS AND SITUATED WITHIN THE
 N 1/2 SECTION 36, T5N, R10W, S.M., AK AND THE KENAI PENINSULA BOROUGH.

PREPARED FOR: SALAMATOF NATIVE ASSOCIATION INC.
 P.O. Box 2582, Kenai, AK 99501

PREPARED BY: **gpb** PROFESSIONAL DESIGN ASSOCIATES' Inc. 4406 Kenai, AK 99501

NO. 080 DATE: 2/29/85 SCALE: 1"=500'
 DRAFTED: Y.B. CHECKED: G.D. K.P.B. FILE # BS-C-03

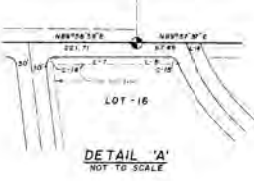
CURVE TABLE

CURVE	DELTA	RADIUS	ARC	TANGENT
C-1	90°00'33"	25.00	39.27	25.01
C-2	89°56'51"	25.00	39.26	24.98
C-3	90°08'29"	25.00	39.23	25.06
C-4	28°12'36"	306.00	284.84	162.56
C-5	33°34'32"	1000.00	586.00	301.68
C-6	88°52'09"	25.00	39.20	24.93
C-7	89°54'48"	30.00	45.74	29.87
C-8	59°45'15"	487.16	422.65	227.03
C-9	93°25'22"	20.00	32.41	21.23
C-10	18°33'27"	1000.00	588.63	196.09
C-11	89°34'38"	20.00	32.22	18.84
C-12	144°00'30"	1500.00	394.34	935.23
C-13	90°03'09"	25.00	39.29	25.02
C-14	88°27'12"	30.00	45.80	33.58
C-15	89°25'25"	30.00	45.64	17.42
C-16	38°24'15"	692.20	463.97	241.08

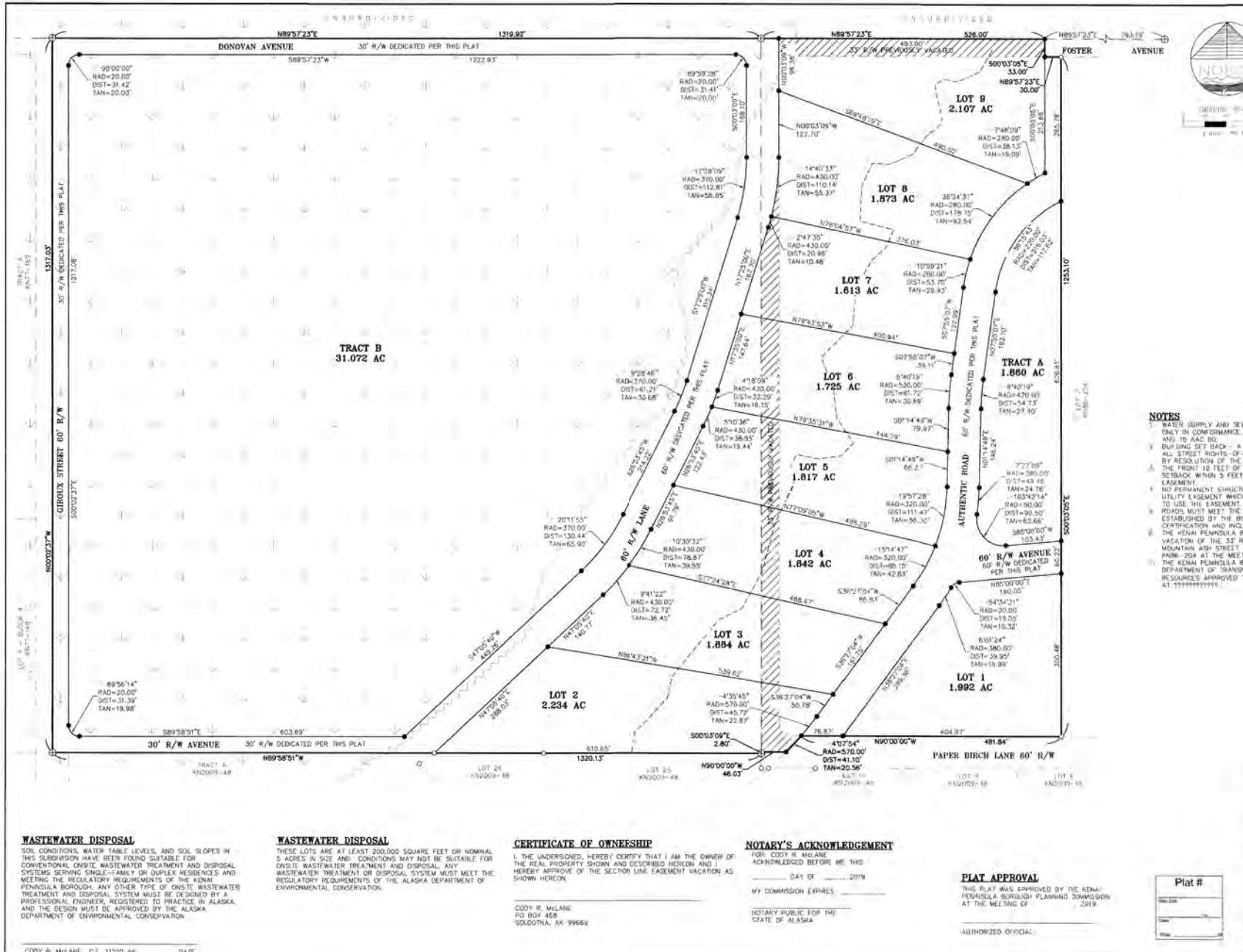
- NOTES**
- There shall be a 20' minimum building setback from all dedicated R/W's unless a lesser standard is approved by resolution of the appropriate planning commission.
 - There shall be a 10' utility easement along all existing electrical lines.
 - All water carrying domestic sewage systems must be designed by an Engineer registered in the State of Alaska and approved by the Alaska Dept. of Environmental Conservation prior to installation.
- Amended 10-9-86**
- Widening on centerline of Foster Ave changed from 144'±2.25' W to 145'±0.25' W.
 - Added missing dimension on Lot 3, along R/W of Walker Street = 233.74 feet.
 - Changed dimension on East boundary of Lot 17 from 1216.07 feet to 1205.50 feet and set the dimension of 122.51 feet to reflect bearing break at W.C. N/16 corner.
 - Changed area of Lot 14 from 20.00 acres to 23.00 acres to reflect correct area as measured.
 - Changed dimension of Curve on Lot 4 from 306.30 feet to 283.36 feet.
 - Changed the title block to reflect the correct spelling of "Salamatof".

LINE TABLE

LINE	BEARING	DISTANCE
L-1	N00°06'50"W	228.44
L-2	N89°30'13"W	361.74
L-3	N44°27'53"E	107.88
L-4	N89°57'37"E	147.75
L-5	S00°03'27"E	39.75
L-6	N42°27'23"E	124.39
L-7	N89°56'07"E	163.03
L-8	N89°57'37"E	33.07
L-9	S00°02'38"E	30.00
L-10	N89°56'44"E	200.00
L-11	N89°56'44"E	33.54
L-12	N89°57'44"E	40.03
L-13	N00°05'21"W	33.15
L-14	N89°57'37"E	33.70



CERTIFICATE OF APPROVAL BY THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION
 This subdivision has been reviewed in accordance with 18AAC72.064 and is approved subject to any stated conditions.
 SIGNATURE: _____ DATE: _____



- LEGEND**
- ⊕ FOUND PRIMARY MONUMENT AS DESCRIBED
 - ⊙ CENTER 1/2" REBAR UNLESS NOTED
 - SET 3/8"x30" REBAR w/ 1" STAINLESS STEEL CAP #5032-5
 - POWER POLE
 - OVERHEAD ELECTRIC
 - ▨ AREA SUBJECT TO INUNDATION
 - CONTOUR INTERVAL = 4'
 - ▨ 33' ROAD R/W PREVIOUSLY VACATED
 - ▨ SLOPES GREATER THAN 20%

- NOTES**
1. WATER SUPPLY AND SEWAGE DISPOSAL SYSTEMS SHALL BE PERMITTED ONLY IN CONFORMANCE WITH APPLICABLE REQUIREMENTS OF 18 AAC 72 AND 18 AAC 80.
 2. BUILDING SET BACK - A BUILDING SET BACK OF 20 FEET IS REQUIRED FROM ALL STREET RIGHTS-OF-WAY UNLESS A LESSEER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
 3. THE FRONT 10 FEET OF THE 20 FOOT BUILDING SETBACK AND THE ENTIRE SETBACK WITHIN 5 FEET OF THE SIDE LOT LINES IS ALSO A UTILITY EASEMENT.
 4. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
 5. ROADS MUST MEET THE DESIGN AND CONSTRUCTION STANDARDS ESTABLISHED BY THE BOROUGH IN ORDER TO BE CONSIDERED FOR CERTIFICATION AND INCLUSION IN THE ROAD MAINTENANCE PROGRAM.
 6. THE KENAI PENINSULA BOROUGH PLANNING COMMISSION APPROVED THE VACATION OF THE 33' ROAD R/W FOSTER AVENUE, 33' ROAD R/W MOUNTAIN ASH STREET AND PORTION OF PAPER BIRCH LANE CREATED BY #288-204 AT THE MEETING OF 1997.
 7. THE KENAI PENINSULA BOROUGH PLANNING COMMISSION, ALASKA DEPARTMENT OF TRANSPORTATION AND THE DEPARTMENT OF NATURAL RESOURCES APPROVED THE VACATION OF THE 50' SECTION LINE EASEMENT AT 1/11/1997.



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

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

CERTIFICATE OF OWNERSHIP
 I, THE UNDERSIGNED, HEREBY CERTIFY THAT I AM THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND I HEREBY APPROVE OF THE SECTION LINE EASEMENT VACATION AS SHOWN HEREON.

NOTARY'S ACKNOWLEDGEMENT
 FOR CODY R. McLANE
 ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____ 2019
 MY COMMISSION EXPIRES _____
 NOTARY PUBLIC FOR THE STATE OF ALASKA

PLAT APPROVAL
 THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF _____ 2019.

Plat #

DATE: _____

FILE: _____

CODY R. McLANE C.E. 11510 AK DATE _____

CODY R. McLANE
 PO BOX 468
 SOLDOTNA, AK 99669

FOREST HILLS LOOKOUT BOLDER HEIGHTS ADDITION
 (A RESUBDIVISION OF LOT 1 AMENDED FOREST HILLS LOOKOUT SUBDIVISION #288-204 AND UNSUBDIVIDED 1811/A OR 1811/A OF SECTION 35, T55N, R10W, 33M, 48)
 CODY R. McLANE
 PO BOX 468
 SOLDOTNA, AK 99669

56.304 AC. N/A, SITUATED IN THE NE1/4 SECTION 35 & W1/2 NW1/4 SECTION 36, TOWNSHIP 5 NORTH, RANGE 10 WEST, SEWARD MERIDIAN, ALASKA, AND THE KENAI PENINSULA BOROUGH, IN THE KENAI RECORDING DISTRICT.

ENGINEERING (CIVIL) SUBDIVISION LICENSED P.O. BOX 468 SOLDOTNA, AK 99669 FAX (907) 264-2428 WWW.MCLANECORP.COM

APP. FILE NO. 2019-117

APPROVED DATE 1/10/2019

SCALE: 1" = 30'

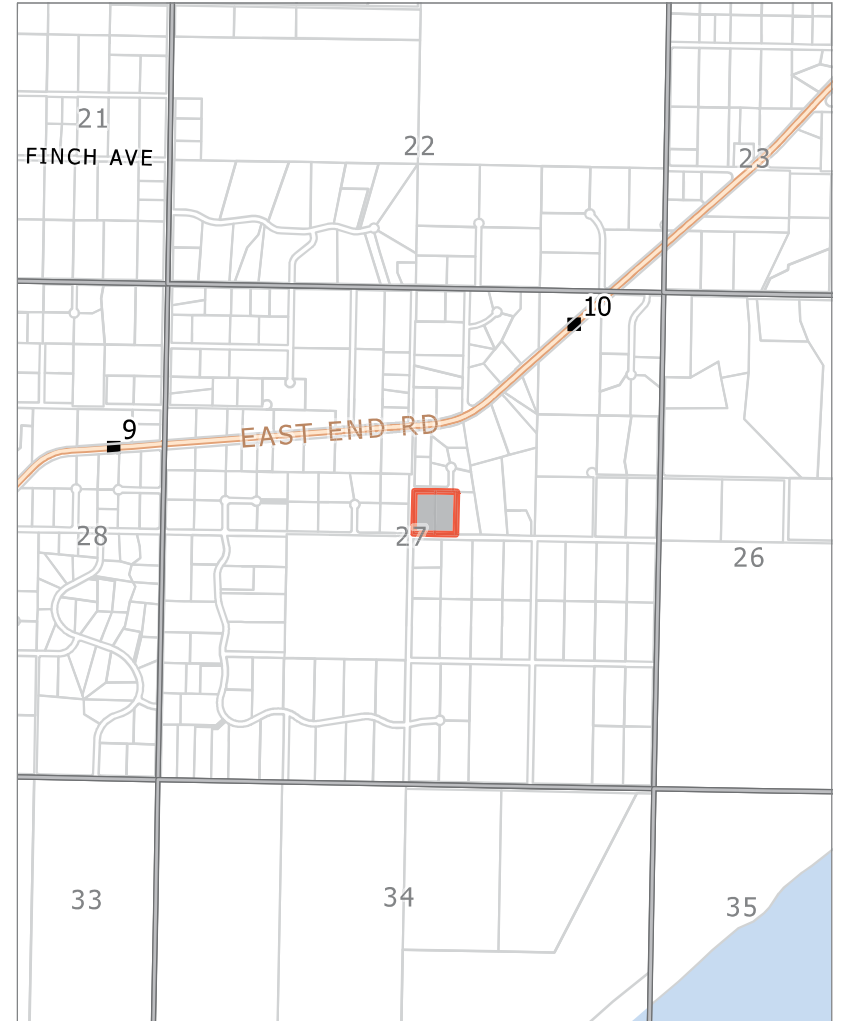
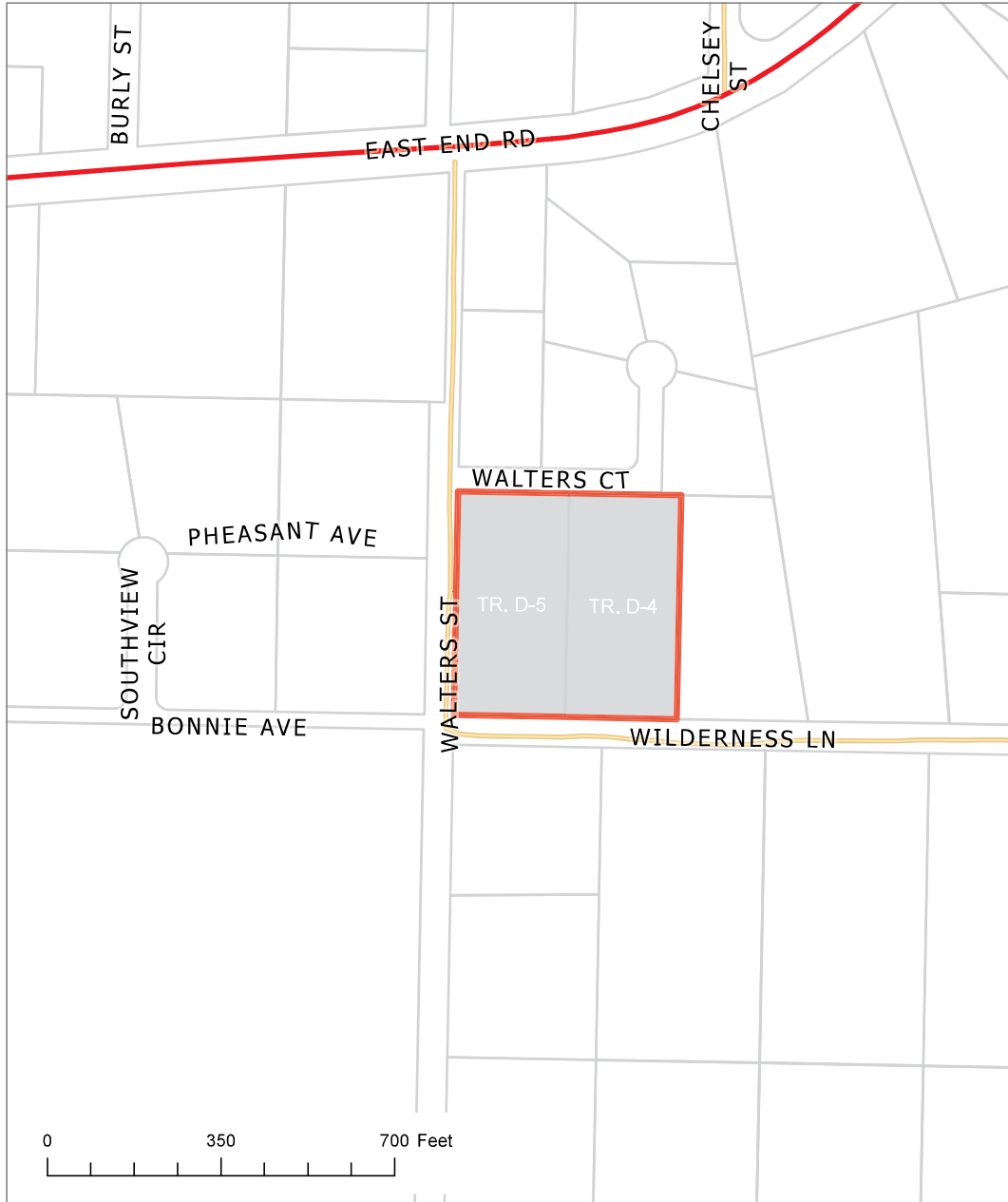
DATE: SEP. 2019

DATE: MAR. 1999

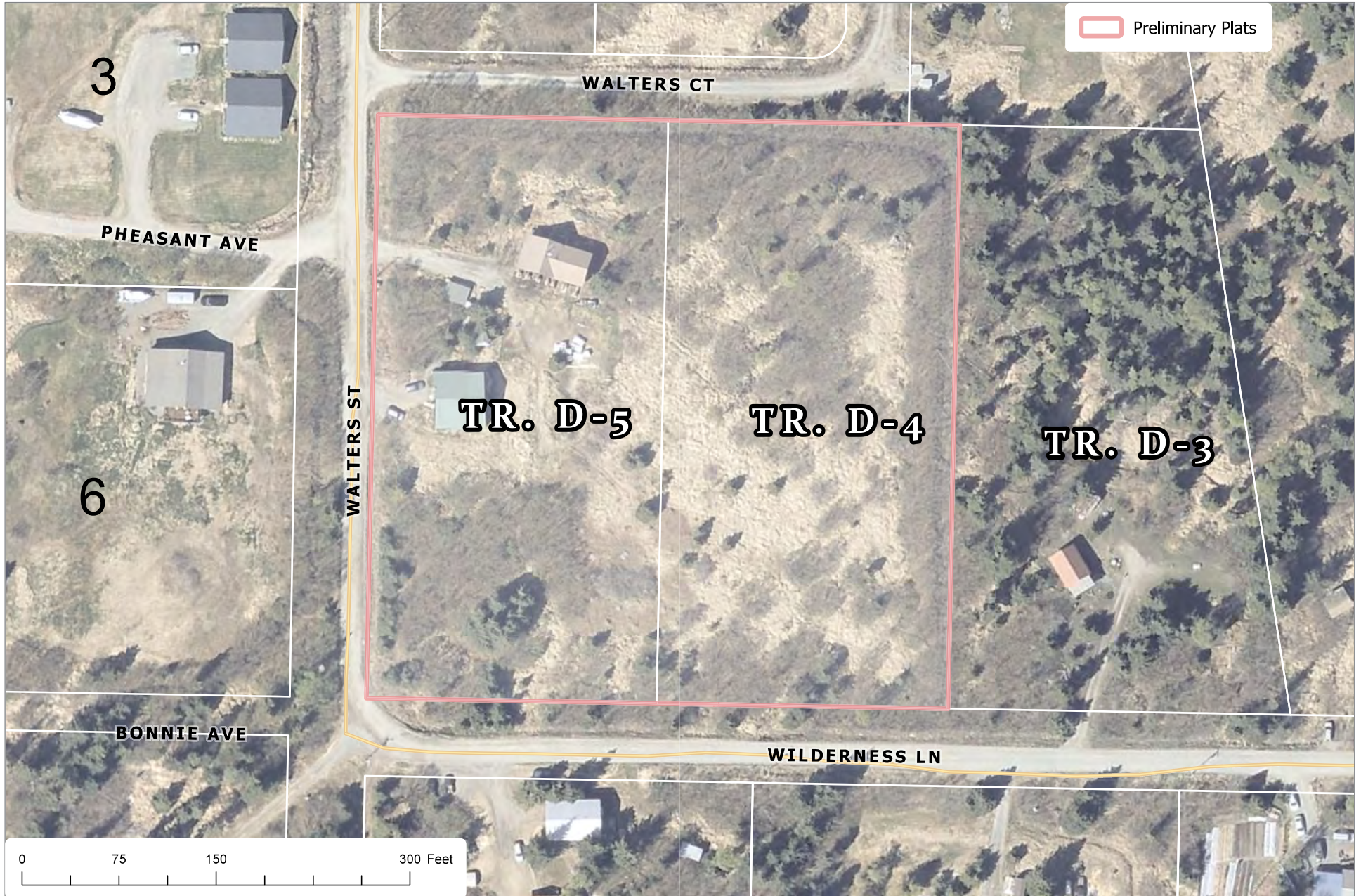
DATE: MAR. 1999

E. NEW BUSINESS

- 5. King's Creek 2022 Replat; KPB File 2022-056
Geovera LLC / O'Neill Community Property Trust
Location: Walters Street, Walters Court & Wilderness Lane
Fitz Creek Area / Kachemak Bay APC**



KPB File # 2022-056
S27 T05S R12W
Fritz Creek



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.

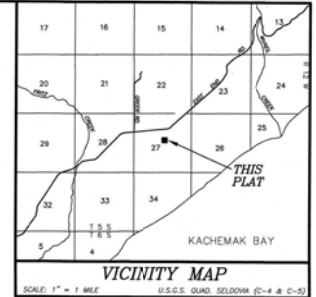
NOTES

1. BASIS OF BEARING IS FROM THE PLAT OF KING'S CREEK 3 (HM 82-89).
2. WASTEWATER DISPOSAL: WASTEWATER TREATMENT AND DISPOSAL SYSTEMS MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.
3. A BUILDING SETBACK OF 20 FEET IS REQUIRED FROM ALL STREET RIGHT-OF-WAYS UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
4. THE FRONT 10 FEET OF THE BUILDING SETBACK IS A UTILITY EASEMENT.
5. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
6. 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.

PLAT APPROVAL

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

BY: _____ AUTHORIZED OFFICIAL
KENAI PENINSULA BOROUGH DATE _____



CERTIFICATE OF OWNERSHIP

WE, THE UNDERSIGNED, HEREBY CERTIFY THAT THE O'NEILL COMMUNITY PROPERTY TRUST IS THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON, AND ON BEHALF OF THE O'NEILL COMMUNITY PROPERTY TRUST, WE HEREBY ADOPT THIS PLAN OF SUBDIVISION AND BY OUR FREE CONSENT DEDICATE ALL RIGHTS OF WAY AND GRANT ALL EASEMENTS TO THE USE SHOWN.

JOHN HOWARD O'NEILL
CO-TRUSTEE, O'NEILL COMMUNITY
PROPERTY TRUST
PO BOX 15235
FRITZ CREEK, ALASKA 99603

GAIL EMILY FORREST O'NEILL
CO-TRUSTEE, O'NEILL COMMUNITY
PROPERTY TRUST
PO BOX 15235
FRITZ CREEK, ALASKA 99603

NOTARY'S ACKNOWLEDGMENT

FOR JOHN HOWARD O'NEILL AND GAIL EMILY FORREST O'NEILL
ACKNOWLEDGED BEFORE ME THIS _____
DAY OF _____, 2022.

NOTARY PUBLIC FOR NEVADA
MY COMMISSION EXPIRES: _____

WASTEWATER DISPOSAL

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

ENGINEER _____ LICENSE # _____ DATE _____

LEGEND

- INDICATES PRIMARY MONUMENT AS SHOWN RECOVERED THIS SURVEY
- INDICATES 1/2" REBAR (3686-S RECORD HM 82-69) RECOVERED THIS SURVEY
- INDICATES 5/8" X 30" REBAR WITH 2" ALCAP (7538-S, 2022) SET THIS SURVEY



KPB 2022-056

HOMER RECORDING DISTRICT KPB FILE No. 2022-??

KING'S CREEK 2022 REPLAT
BEING A RECONFIGURATION OF LOTS D-4 AND D-5,
KING'S CREEK 3 (82-89 HRD)
LOCATED WITHIN THE 38 1/4 NE 1/4, SEC 27,
T. 5 S., R. 12 W., SEWARD MERIDIAN, KENAI PENINSULA
BOROUGH, THIRD JUDICIAL DISTRICT, ALASKA
CONTAINING 4.649 ACRES
OWNER: O'NEILL COMMUNITY PROPERTY TRUST
PO BOX 15235 FRITZ CREEK, ALASKA 99603

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

DRAWN BY: SC5 DATE: MARCH 2022 SCALE: 1" = 40'
CHK BY: SC5 JOB #2022-14 SHEET 1 OF 1

AGENDA ITEM E. NEW BUSINESS

ITEM 5 - KING'S CREEK 2022 REPLAT

KPB File No.	2022-059
Plat Committee Meeting:	May 23, 2022
Applicant / Owner:	O'Neill Community Property Trust of Fritz Creek, AK
Surveyor:	Steve Smith / Geovera LLC
General Location:	Walters Street and Wilderness Lane, Fritz Creek / Kachemak APC

Parent Parcel No.:	172-460-11 and 172-460-12
Legal Description:	Lots D-4 and D-5 King's Creek 3, Plat HM 82-69
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will adjust a shared lot line between two lots. One of the lots will increase from 2.324 acres to 3.099 acres. The other lot will decrease from 2.324 acres to 1.55 acres.

Location and Legal Access (existing and proposed): The proposed plat is located in the Fritz Creek area. The plat is located between Walters Street, Walters Court, and Wilderness Lane. Walters Street is a varying width borough maintained right-of-way located near mile 9.5 of state maintained East End Road. Walters Street is along the western boundary of the subdivision. Along the northern boundary is Walters Court. This right-of-way is developed but not maintained. It runs from Walters Street east-west for approximately 410 feet and then continues north to end with a cul-de-sac. At the end of the constructed portion of Walters Street is Wilderness Lane. Wilderness Lane runs along the southern boundary of the plat and is constructed for approximately 2,270 feet. Only the western 1,300 feet is maintained by the borough.

An existing driveway is present from Walters Street to the improvements that will be within proposed Lot D-5A. Proposed Lot D-4A will have access from Walters Court or Wilderness Lane.

East End Road, Walters Street, Wilderness Lane, Neal Street, and section line easements define the block. The distance along Walters Street from East End Road to Wilderness Lane is compliant. Any dedications by this subdivision would only connect to Walters Court and not improve the larger block. **Staff recommends the plat committee concur that an exception is not required in an effort to improve the block length as any required dedications would not benefit the area.**

The parent plat created the two lots involved in this subdivision as well as creating two lots to the north. Those lots were replatted and created seven lots and dedicated the entire right-of-way of Walters Court. The dedication was only granted as a 50 foot wide right-of-way. The borough code at the time of that subdivision allowed for cul-de-sacs that serve no more than 6 lots to be only 50 feet wide (former KPB 20.20.110). As two of the lots within the subdivision had access from Walters Street this was allowable. This plat could be required to give a 10 foot dedication for Walters Court but that would only bring the east-west portion into compliance. The north-south portion would remain 50 feet wide. Due to improvements on the lots east of the dedication, the ability to get additional right-of-way from them will be unlikely. **Staff recommends that the plat committee concur that an additional 10 foot dedication for Walters Court is not required at this time.**

If the plat committee does not concur, a 10 foot dedication along Walters Court will be required and an acceptance of the right-of-way will need to be added to the plat to be signed by the Kenai Peninsula Borough.

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

	Roads Director: Uhlin, Dil Comments: No comments
SOA DOT comments	No comments

Site Investigation: There are no low wet areas present within the subdivision. The property does slope but there are no steep grades present.

Multiple improvements are within proposed Lot D-5A and there does not appear to be any improvements on Lot D-4A. The lot to the east has improvements and access from Wilderness Lane. There does not appear to be any encroachment issues related to the property within this subdivision.

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

Staff Analysis The property within this preliminary plat was originally subdivided by King's Creek, Plat HM 79-112, into Tract D. Tract D was replatted by King's Creek 3, Plat HM 82-69. That plat created Tracts D-4 and D-5, the current lot configurations. Tracts D-1 and D-2 of King's Creek 3, Plat HM 82-69, were replatted by King's Creek Nine, Plat HM 2006-31, which granted the Walters Court right-of-way along the northern boundary of this subdivision.

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

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

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

Utility Easements King's Creek, Plat HM 79-112, created Tract D and created 10 foot utility easements along each side of existing HEA power lines. The depictions on that plat appear that those easements were 10 feet from the rights-of-way. Tract D was replatted by King's Creek 3, Plat HM 82-69. That plat created Tracts D-4 and D-5, the current lot configurations. That plat depicted 10 foot utility easements along Walters Street and the northern boundary of the lots. This plat is proposing to grant 10 foot utility easements adjacent to Wilderness Lane. **Staff recommends the location of the easement along the western boundary be verified that the one created by HM 79-112 is within the easement shown on HM 82-69 and on this plat. The easement width should be adjusted to ensure that the original 10 feet on each side of the line is carried over. If the easement adjacent to Walters Street is the easement from HM 79-112, updated the label to state Plat HM 79-112.**

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: 38420 WALTERS ST</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names: WALTERS ST WALTERS CT BONNIE AAVE WILDERNESS LN</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: 38420 WALTERS ST will remain with lot D-5A. 54410 WILDERNESS LN will remain with lot D-4A.</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>
Advisory Planning Commission	

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

STAFF RECOMMENDATIONS

CORRECTIONS / EDITS

KPB 20.25.070 – Form and contents required

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

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 will be required and an engineer will need to sign the plat.

Staff recommendation: comply with 20.40.

KPB 20.60 – Final Plat

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

20.60.180. Plat notes.

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

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

Staff recommendation: Update the wording in plat note 4, "The front 10 feet adjoining rights-of-way is designated as a utility easement."

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.

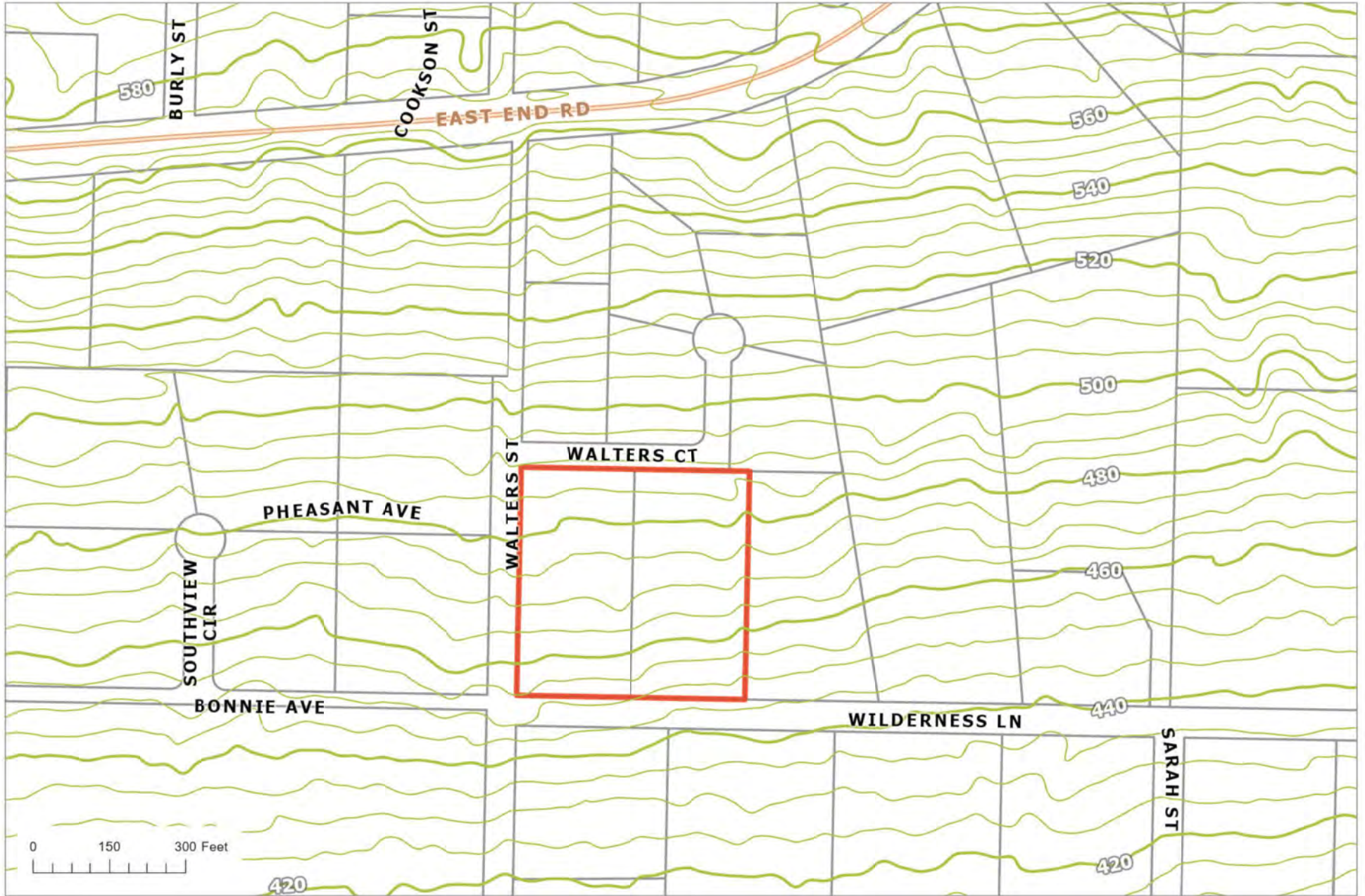
A PARTY OF RECORD MAY REQUEST THAT A DECISION OF THE PLAT COMMITTEE BE REVIEWED BY THE PLANNING COMMISSION BY FILING A WRITTEN REQUEST WITHIN 15 DAYS OF NOTIFICATION OF THE DECISION IN ACCORDANCE WITH KPB 2.40.080.

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.



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

CERTIFICATE OF OWNERSHIP
 I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON. I HEREBY REQUEST APPROVAL OF THIS PLAT SHOWING SUCH EASEMENTS FOR PUBLIC UTILITIES DEDICATED BY ME FOR PUBLIC USE.

Daniel L Mershon
 DANIEL L MERSHON BOX 1677 HOMER, AK 99603

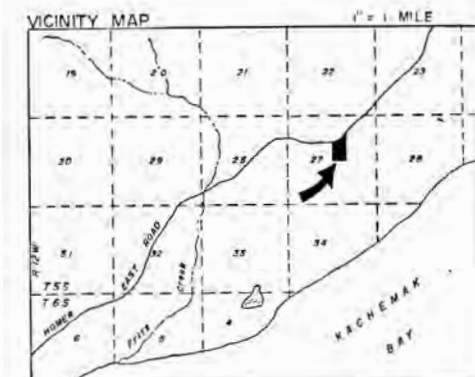
Christy L Mershon
 CHRISTY L MERSHON

NOTARY'S ACKNOWLEDGEMENT (for Daniel & Christy Mershon)
 SUBSCRIBED AND SWORN TO BEFORE ME THIS 22nd DAY OF May, 1992

Jerry Anderson
 NOTARY PUBLIC FOR ALASKA
 SURVEYORS' CERTIFICATE
 I, THE UNPRISONED REGISTERED SURVEYOR, HEREBY CERTIFY THAT A LAND SURVEY HAS BEEN COMPLETED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT CORNERS AND MONUMENTS HAVE BEEN LOCATED AND ESTABLISHED AND THAT DIMENSIONS SHOWN HEREON ARE TRUE AND CORRECT.
 JERRY ANDERSON, SURV. S. DATE 7/10/82

PLAT APPROVAL
 THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF 11/24/82, 1982
 KENAI PENINSULA BOROUGH

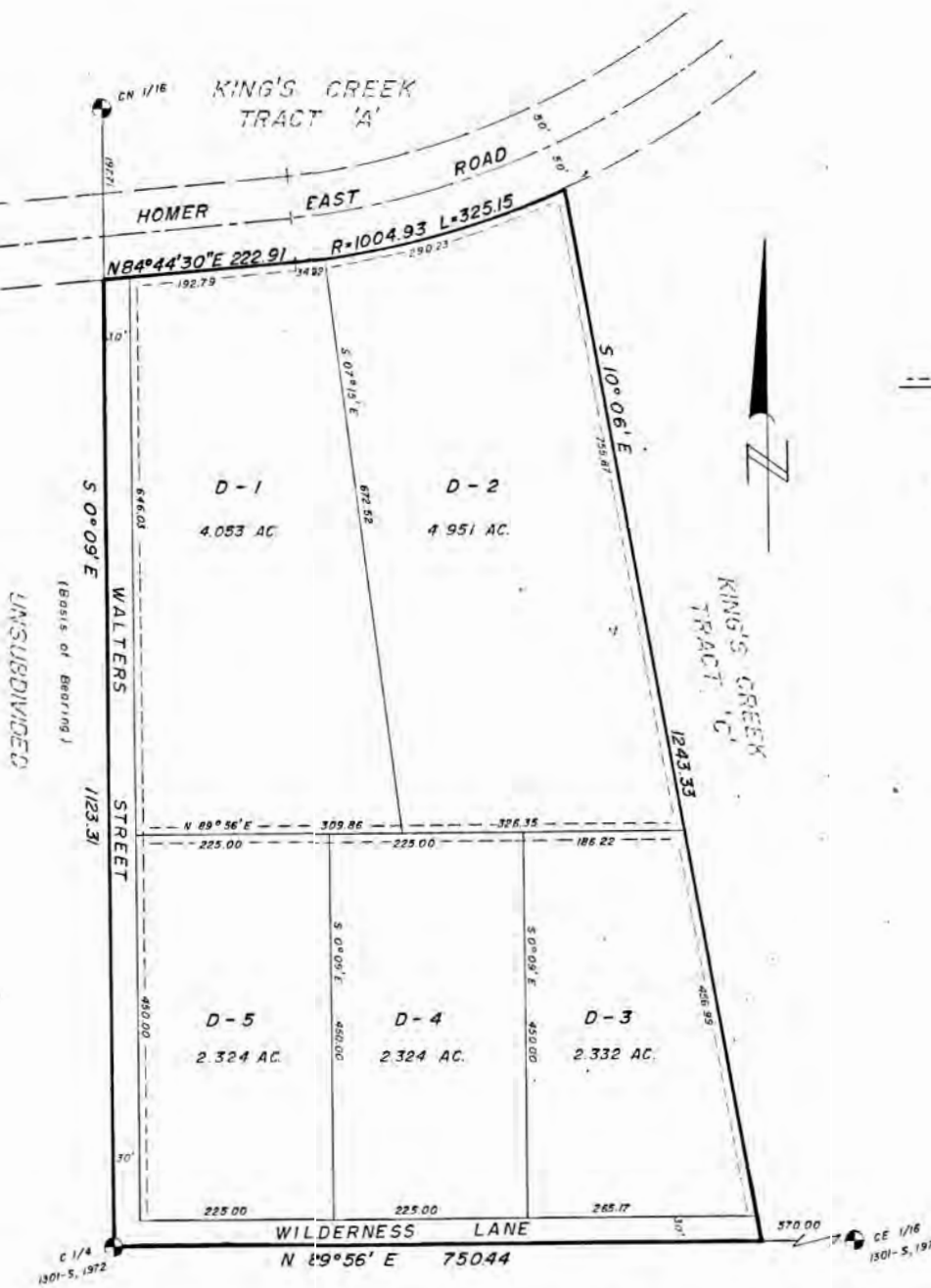
BY: *W. J. Best*
 AUTHORIZED OFFICIAL



DATE: MAY, 1992
 SCALE: 1" = 100'
 DRAWN BY: F.H.
 FLD BK NO.: 110
 JOB NO.: 1417



King's Creek 3
 Being a replat of Tr 'D', Kings Creek, plat no 79-112, H.R.D. Located in the SW 1/4 NE 1/4, Sec 27, T 5 S, R 12 W, S M.
 CONTAINING 17 254 ACRES
 ABILITY SURVEYS
 JERRY ANDERSON, RLS BOX 1263 HOMER, ALASKA



LEGEND

- ⊙ B.C. MONUMENT RECOVERED THIS SURVEY
- ⊥ SET 1/2" x 24" REBAR
- 10' UTILITY EASEMENT

NOTES:

1. A 20' BUILDING SETBACK SHALL EXIST ALONG ALL DEDICATED RIGHTS OF WAY UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION
2. ACCESS TO LOT D-1 SHALL BE RESTRICTED TO WALTERS STREET.

82-69
 RECORDED - FILED 10-1
Home REC. DIST.
 DATE 9-29-1984
 TIME 2:37 P.M.
 J.P. Burgess
 Seldovia, AK.

KACHEMAK WILDERNESS ACRES

77-112

RECORDS FILE 3

REC. DIST.

DATE 8 27 1979

TIME 1:57 P.M.

Submitted by RPA

Address

NOTES:

1. A 20' Building Setback exists along all rights of way.
2. This subdivision meets the requirements of AS 29.33.170
3. No field survey was performed and no monuments were set.
4. This plat was prepared from record data and aerial photography, and dimensions shown are approximate only.

LEGAL DESCRIPTIONS

- TRACT A: The West 550 feet of that portion of the $\frac{1}{2}$ NE $\frac{1}{4}$ Section 27, T5S, R12W, S.M., Alaska, lying North of the northerly right of way line of Homer East Road, containing 17 acres, more or less.
- TRACT B: That portion of the $\frac{1}{2}$ NE $\frac{1}{4}$ Section 27, T5S, R12W, S.M., Alaska, lying North of the northerly right of way line of Homer East Road, excepting the West 550 feet thereof, containing 17 acres, more or less.
- TRACT C: That portion of the $\frac{1}{2}$ NE $\frac{1}{4}$ Section 27, T5S, R12W, S.M., Alaska, lying South of the southerly right of way line of Homer East Road, more particularly described as follows: Beginning at the Center-East one-sixteenth (C-E1/16) corner of said Section 27; thence N89°59'W, along the East-West centerline of said Section 27, a distance of 570 feet; thence N10°W a distance of 1,230 feet, more or less, to a point on the southerly right of way line of Homer East Road; thence Northeasterly along said southerly right of way line a distance of 1,030 feet, more or less, to a point on the East boundary of said $\frac{1}{2}$ NE $\frac{1}{4}$ Section 27; thence S00°03'E, along said East boundary a distance of 1,880 feet, more or less, to the point of beginning, containing 25 acres, more or less.
- TRACT D: That portion of the $\frac{1}{2}$ NE $\frac{1}{4}$ Section 27, T5S, R12W, S.M., Alaska, lying South of the southerly right of way line of Homer East Road, more particularly described as follows: Beginning at the Center-East one-sixteenth (C-E1/16) corner of said Section 27; thence N89°59'W, along the East-West centerline of said Section 27, a distance of 570 feet to the true point of beginning; thence N10°W a distance of 1,230 feet, more or less, to a point on the southerly right of way line of Homer East Road; thence Southwesterly along said southerly right of way line a distance of 550 feet, more or less, to a point on the West boundary of $\frac{1}{2}$ NE $\frac{1}{4}$ Section 27; thence S00°03'E, along the North-South centerline of said Section 27, a distance of 1,120 feet, more or less, to the Center one-quarter corner (C $\frac{1}{4}$) of said Section 27; thence S89°59'E, along the East-West centerline of said Section 27, a distance of 750 feet, more or less, to the true point of beginning, containing 17 acres, more or less.



CERTIFICATE OF OWNERSHIP

I, the undersigned, being the owner of the property shown and described hereon, I hereby request approval of this plat showing such easements for public utilities and request dedicated to me for public use.

JOHN RUSSELL KING MARGARET L. KING
 BOX 4-1124, ANCHORAGE, ALASKA 99509
 (BY ATTORNEY IN FACT BENJAMIN WALTERS, JR.)

NOTARY'S ACKNOWLEDGMENT: 12-14-81

Subscribed and sworn to before me this 12-14-81 day of August 1979

Margaret L. King 6/21/82

Notary Public for Alaska My commission expires

SURVEYOR'S CERTIFICATE

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

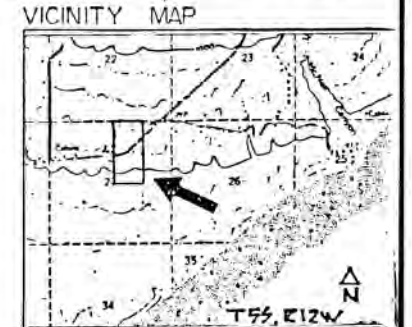
Marvin L. Hanson 9/17/79
 MARVIN L. HANSON, L.S. No. 3815-S DATE

PLAT APPROVAL

This plat having been approved by the Kenai Peninsula Borough Planning Commission as recorded in the official minutes of the meeting of July 18, 1979, is hereby acknowledged and accepted as the official plat, subject to any and all conditions and requirements of ordinance and law pertaining thereto.

KENAI PENINSULA BOROUGH

By: Phyllis Warming



DATE SEPT, 1979
SCALE 1" = 400'
DRAWN BY MH
DESIGNED BY MH
JOB NO 1083
FLD BK NO 80

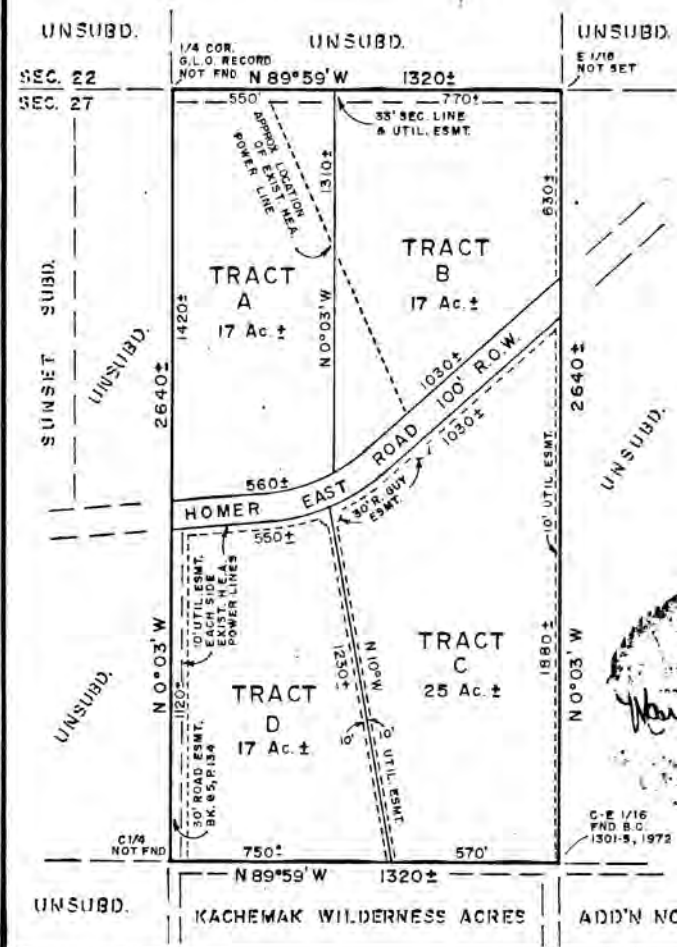
KING'S CREEK
 A SUBDIVISION OF THE W1/2 NE 1/4
 SEC. 27, T5S, R12W, S.M., ALASKA
 CONTAINING 80 ACRES, MORE OR LESS

Ability-Surveys

REGISTERED SURVEYORS
 ENGINEERS - PLANNERS

Jerry Anderson - Marvin Hanson

Box 1263 Homer Alaska 99603 (907) 335-8440



E. NEW BUSINESS

6. Wales Subdivision; KPB File 2022-061

Geovera LLC / Shenyer

**Location: Shegota Loop, Tim Ave., Inlet Ave., Pleasant
Spruce Rd. & Sterling Hwy.**

Happy Valley Area



Vicinity Map

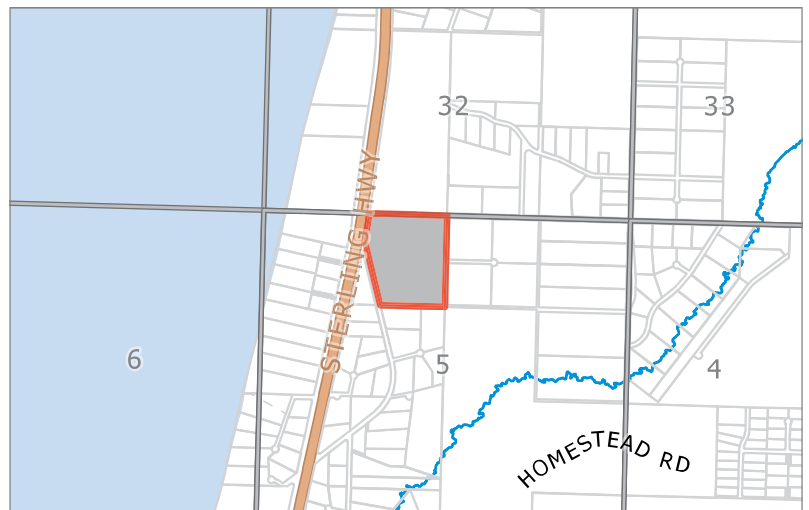
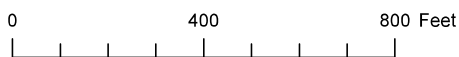


KPB File # 2022-061

S05-T03S-R14W

Happy Valley

4/29/2022





Aerial View



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

NOTES

1. BASIS OF BEARING IS FROM THE PLAT OF COASTAL MEADOWS (HM 97-66).
2. ALL WASTEWATER DISPOSAL SYSTEMS SHALL COMPLY WITH EXISTING APPLICABLE LAWS AT THE TIME OF CONSTRUCTION.
3. A BUILDING SETBACK OF 20 FEET IS REQUIRED FROM ALL STREET RIGHT-OF-WAYS UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
4. THE FRONT 10 FEET ADJOINING RIGHTS-OF-WAY AS WELL AS 20 FEET WITHIN 5 FEET OF SIDE LOT LINES SHALL BE DESIGNATED AS A UTILITY EASEMENT.
5. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
6. 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.
7. ACCEPTANCE OF THE PLAT BY THE KENAI PENINSULA BOROUGH DOES NOT INDICATE ACCEPTANCE OF ANY ENCROACHMENTS.
8. THESE LOTS ARE AFFECTED BY AN EASEMENT OF RECORD W/14 NO DEFINED LOCATION GRANTED TO HOMER ELECTRIC ASSOCIATION (BK17, PG 9 HRD).

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:
 THE SHELLBACK COURT RIGHT-OF-WAY.
 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: _____
 AUTHORIZED OFFICIAL
 KENAI PENINSULA BOROUGH

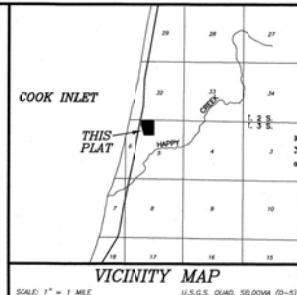
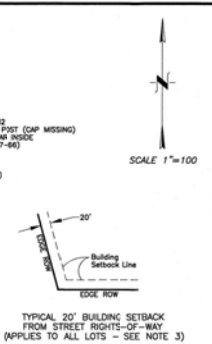
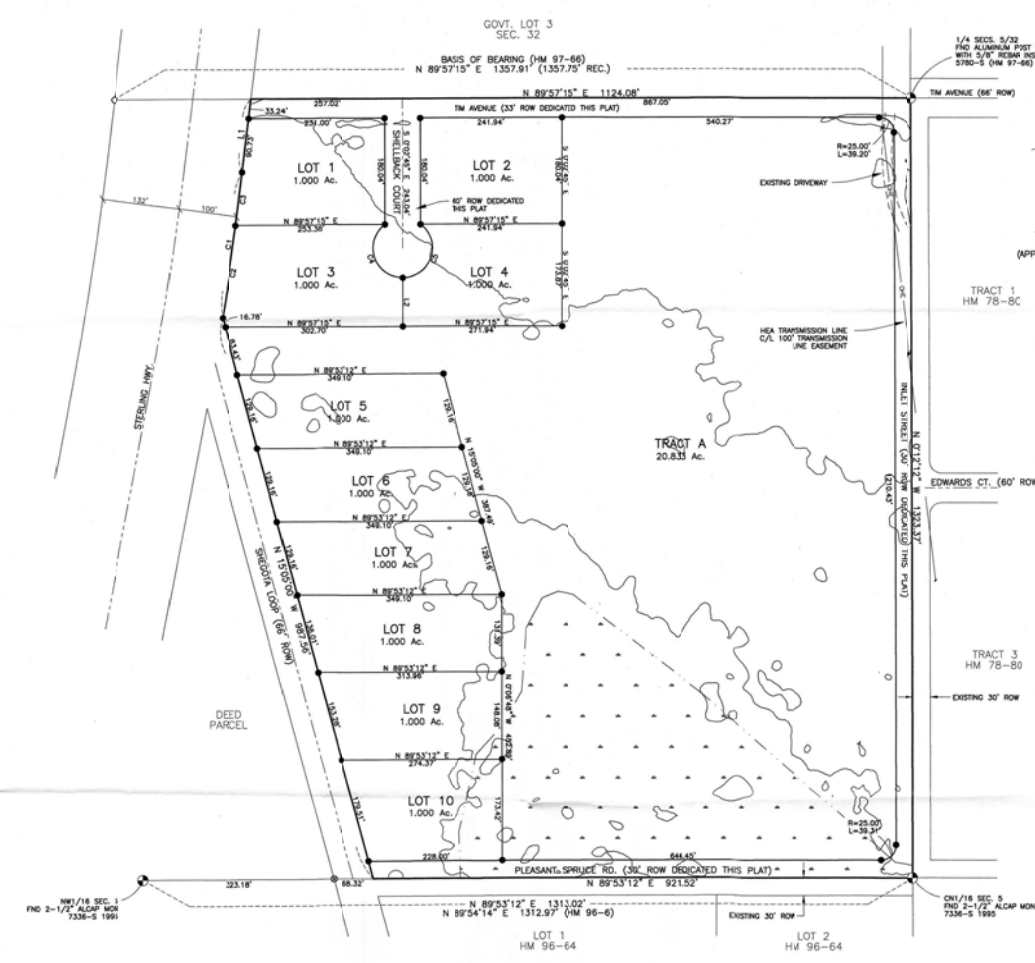
WASTEWATER DISPOSAL

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

LOTS 1-10

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

ENGINEER _____ LICENSE # _____ DATE _____



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

CHARLES D. SHENYER
 PO BOX 543
 PATEROS, WA 98846

NOTARY'S ACKNOWLEDGMENT
 FOR CHARLES D. SHENYER
 ACKNOWLEDGED BEFORE ME THIS _____
 DAY OF _____, 2022
 NOTARY PUBLIC FOR ALASKA
 MY COMMISSION EXPIRES: _____

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

BY: _____ DATE: _____
 AUTHORIZED OFFICIAL
 KENAI PENINSULA BOROUGH



- LEGEND**
- INDICATES PRIMARY MONUMENT (AS SHOWN) RECOVERED THIS SURVEY
 - INDICATES 2" ALCAP (5780-S 1997) RECOVERED THIS SURVEY
 - INDICATES 5/8" X 30" REBAR WITH 2" ALCAP (7538-S, 2022) SET THIS SURVEY
 - INDICATES 5/8" REBAR PER HM 96-6 RECOVERED THIS SURVEY
 - INDICATES POTENTIAL LOW WET AREAS PER KENAI WATERSHED FORUM 2013 COOK INLET WETLANDS MAPPING

LINE TABLE

LINE	BEARING	DISTANCE
L1	N 6°49'02" E	123.97'
L2	N 92°05'55" W	83.97'

CURVE TABLE

CURVE	DELTA	RADIUS	LENGTH	CHORD BRNG	CHORD DIST
C1	2°27'30"	5836.00'	250.14'	N 8°02'47" E	250.12'
C2	1°34'01"	5836.00'	159.24'	N 8°29'31" E	159.43'
C3	0°53'59"	5836.00'	90.70'	N 7°15'42" E	90.70'
C4	14°01'48"	50.00'	122.80'	N 18°25'21" E	84.89'



KPB 2022-061

HOMER RECORDING DISTRICT KPB FILE No. 2022-???

WALES SUBDIVISION
 THE SUBDIVISION OF
 THE NE1/4 NW1/4 SECTION 5
 LYING EAST OF THE STERLING HIGHWAY AND SHEGOTA LOOP
 LOCATED WITHIN
 SEC. 5, T. 3 S., R. 14 W.,
 SEWARD MERIDIAN, KENAI PENINSULA BOROUGH
 THIRD JUDICIAL DISTRICT, ALASKA
 CONTAINING 32.712 ACRES
 OWNER:
 CHARLES D. SHENYER
 PO BOX 543, PATEROS, WA 98846

GEOVERA, LLC
 PO BOX 52335
 HOMER ALASKA 99603
 (907) 399-4345
 EMAIL: scsmith@gci.net

DRAWN BY: SCS APRIL 2022 SCALE: 1" = 100'
 CHK BY: SCS JOB #2022-01 SHEET 1 OF 1

AGENDA ITEM E. NEW BUSINESS

ITEM 6 - WALES SUBDIVISION

KPB File No.	2022-061
Plat Committee Meeting:	May 23, 20225
Applicant / Owner:	Charles Shenyer of Pateros, WA
Surveyor:	Steve Smith / Geovera LLC
General Location:	Tim Avenue, Sterling Highway, Shegota Loop, Happy Valley

Parent Parcel No.:	159-111-08
Legal Description:	NE ¼ NW ¼ Section 5 Township 3S Range 14W
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide a 32 acre parcel into ten 1 acre lots and a 20.8 acre tract. A full 60 foot right-of-way dedication is proposed within the subdivision. Additional right-of-way width dedications are proposed along the north, east, and south boundaries of the subdivision.

Location and Legal Access (existing and proposed): The proposed plat is just north of mile 143 of the Sterling Highway. A portion of the subdivision fronts on state maintained Sterling Highway. Shegota Loop is a borough maintained right-of-way that provides two access points to the Sterling Highway. Pleasant Spruce, Inlet Street, and Tim Avenue provide additional access to the subdivision. A cul-de-sac is proposed within the subdivision, Shellback Circle. Tim Avenue coincides with section line easements and this plat will be dedicating a 33 foot width for the right-of-way. Tim Avenue is constructed and maintained by the borough. Pleasant Spruce Road is not constructed. Inlet Street appears to have a portion in use but is not maintained by the borough.

Lots 1, 3, and Tract A have frontage to the Sterling Highway. Lots 1, 2 and Tract A have frontage to Tim Avenue. Lots 5 thru 10 have access from Shegota Loop. Lot 10 and Tract A will also have access from Pleasant Spruce Road. Tract A also has access from Inlet Street. Lot 4 only has access by proposed Shellback Circle. The cul-de-sac provides access to Lots 1 thru 4.

The State of Alaska DOT is the agency that would have to grant driveway permits to the Sterling Highway. The Kenai Peninsula Borough Roads Department would be the entity for driveways off Tim Avenue. Due to the close proximity of Shellback Circle to the intersection of Tim Avenue and the Sterling Highway, as well as the distance between Tim Avenue and Shegota Loop, the desire would be for all driveways for Lots 1 thru 4 to be issued from the proposed cul-de-sac. **Staff recommends a plat note be added that states "Lots 1 thru 4 shall be limited to access from Shellback Circle."**

Inlet Street appears to have some possible encroachments within the dedication. The existing travel way goes around some of the encroachments and even with the additional dedication being given by this plat, goes slightly into this property. KPB Code Compliance/Road Department are aware of the possible encroachment issues. **Staff recommends the owner of the proposed plat work with the land owners to resolve the encroachment issue. Resolutions may require realignment or the issuance of a driveway or access easement.**

The block is closed and within compliant lengths.

KPB Roads Dept. comments	Out of Jurisdiction: No Roads Director: Uhlin, Dil Comments: No comments
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SOA DOT comments	The ROW for Sterling Highway is generally as shown on sheet 15 of 38 State of Alaska Right of Way Plat F-021-1(2) and appears to be shown correctly.
------------------	--

Site Investigation: Low wet areas are present within the southeastern portion of this subdivision. The area is depicted and the correct plat notes are present. **Staff recommends** the wet areas be depicted on the final but are currently shown in color and must be in black and white on the final.

The area is relatively flat with no steep areas present within the subdivision or within the proposed dedications.

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

Staff Analysis The proposed plat will be subdividing an aliquot piece of land that lies to the east of the Sterling Highway and Shegota Loop.

Ten 1 acre lots will be created and a remaining tract with 20.8 acres. Dedications will be granted surrounding the property to bring existing dedications into compliance or to grant atop a used section line easement. The proposed dedications will bring Pleasant Spruce Road and Inset Street into compliance. The new proposed cul-de-sac is proposed as 60 feet wide and will be compliant.

The proposed design of Tract A is unusual. The large acreage tract will front Pleasant Spruce Road, Inlet Street, and Tim Avenue to provide access or possible intersections for future internal right-of-way dedications. There is an 80 foot by 350 foot portion of Tract A that fronts along the Sterling Highway and is located between Lot 3 and Lot 5. Looking at imagery this lot would most likely need to connect to Shegota Loop for access to the Sterling Highway. We generally see flag lots with narrower panhandles but this does appear to have the characteristics of a flag lot. Due to the width of this panhandle portion the concern would be the intended future plan to dedicate a right-of-way within this area. The intersection with the proximity of Shegota Loop and the Sterling Highway could cause some issues with DOT or the KPB Roads Department.

Staff recommends the plat committee review the design of Tract A and determine if this should be reviewed as a flag lot.

If the plat committee determines that Tract A should not have any of the requirements or notes of flag lots, no additional plat notes or depictions will be required.

If the plat committee determines that Tract A should be reviewed as a flag lot, several items will need to be discussed to determine the most appropriate plat notes and depictions on the plat.

If this is considered a flat log, per KPB 20.30.190(B), the access portion shall not be used for permanent structures or wastewater disposal area and building setbacks should apply to the lots fronting the access portion. In this case Lot 3, a portion of Lot 4 and Lot 5 will be subject to additional setbacks. That portion of code also states the design

must meet KPB 20.30.030(A) and KPB 20.30.090. This will meet those sections of code as it provides access to surrounding acreage tracts and does not contain steep grades. Staff recommends determining if a future right-of-way in this location will comply with 20.30.150 and if an intersection would be recommended in that location.

If it is determined that is a flag lot with the future possibility of being a dedicated right-of-way, **staff recommends 20 foot building setbacks be required for Lots 3, 4, and 5 in accordance with KPB 20.30.190(B) and 20.30.240, the setbacks be depicted and the following plat notes be added.**

- "Lots 3, 4 and 5 are subject to a 20 foot building setback for the portions adjoining the access area of Tract A."
- "No permanent structures or wastewater disposal is permitted within the panhandle portion of Tract A."

If it is determined that this should not be considered a flag lot and the plat committee does not wish to create additional setbacks **staff recommends the following plat note be placed on the plat "The access portion of Tract A may have possible limitations on future subdivision based on access issues, development trends in the area, or topography."**

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

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

The property is not within an advisory planning commission.

Utility Easements This property was not previously platted, there are no platted easements to carry over. A recorded document granting an easement to Homer Electric Association is noted on the plat with no defined location.

The plat is proposing to dedicate 10 foot utility easements adjacent to all rights-of-way and increasing to 20 feet within 5 feet of all side lot lines. Due to the scale this may be difficult in some locations to clearly depict. There is currently a detail for the building setback. **Staff recommends the detail include the depiction of the utility easements to be granted by this plat and the plat note include "granted by this plat".**

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

Utility provider review:

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

KPB department / agency review:

Addressing	Reviewer: Haws, Derek Affected Addresses: 22230 STERLING HWY Existing Street Names are Correct: Yes List of Correct Street Names: STERLING HWY PLEASANT SPRUCE RD SHEGOTA LOOP
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	<p>TIM AVE INLET ST EDWARDS CT</p> <p>Existing Street Name Corrections Needed:</p> <p>All New Street Names are Approved: No</p> <p>List of Approved Street Names:</p> <p>List of Street Names Denied: SHELLBACK CT</p> <p>Comments: 22230 STERLING HWY will be deleted. SHELLBACK CT should be SHELLBACK CIR due to north-south direction. SHELLBACK CIR will be approved.</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

Staff would recommend the detail be slightly revised. Due to common misconceptions about locations of roads and where setbacks begin, some revisions and more information is recommended. Instead of labeling as 'EDGE ROW' it would be advised to change to "PROPERTY LINE" and then include another notation "Dedicated ROW" to show the relationship between the two.

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: *Depict and label the 33 section line easement north of the subdivision. Include a reference to the highway project map for this portion of the Highway.*

- 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 KPB Addressing Officer approves the street name but the suffix must be corrected to Circle.*

- 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: *Include labels for the lots located to the northeast, southeast, and southwest of the subdivision. Verify that the lot to the north is Government Lot 3 and not an aliquot description that can be listed as "Unsubdivided"*

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.*

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

Staff recommendation: *Need to use required suffix.*

20.30.190. Lots-Dimensions.

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

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

Staff recommendation: *Determination if Tract A qualifies as a flag lot is needed.*

KPB 20.40 – Wastewater Disposal

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

20.40.010 Wastewater disposal.

Platting Staff Comments: Soils analysis report is required for all lots and an engineer will need to sign the plat. Correct plat notes are present.

Staff recommendation: *comply with 20.40.*

KPB 20.60 – Final Plat

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

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

Staff recommendation: *The acceptance only states the cul-de-sac. The name should be updated for the correct suffix and include all other right-of-ways being granted by this plat.*

20.60.180. Plat notes.

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

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

Staff recommendation: *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).*

Add any notes for exceptions granted or notes determined to be required by the Plat Committee.

RECOMMENDATION:

STAFF RECOMMENDS:

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

NOTE: 20.25.120. - REVIEW AND APPEAL.

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

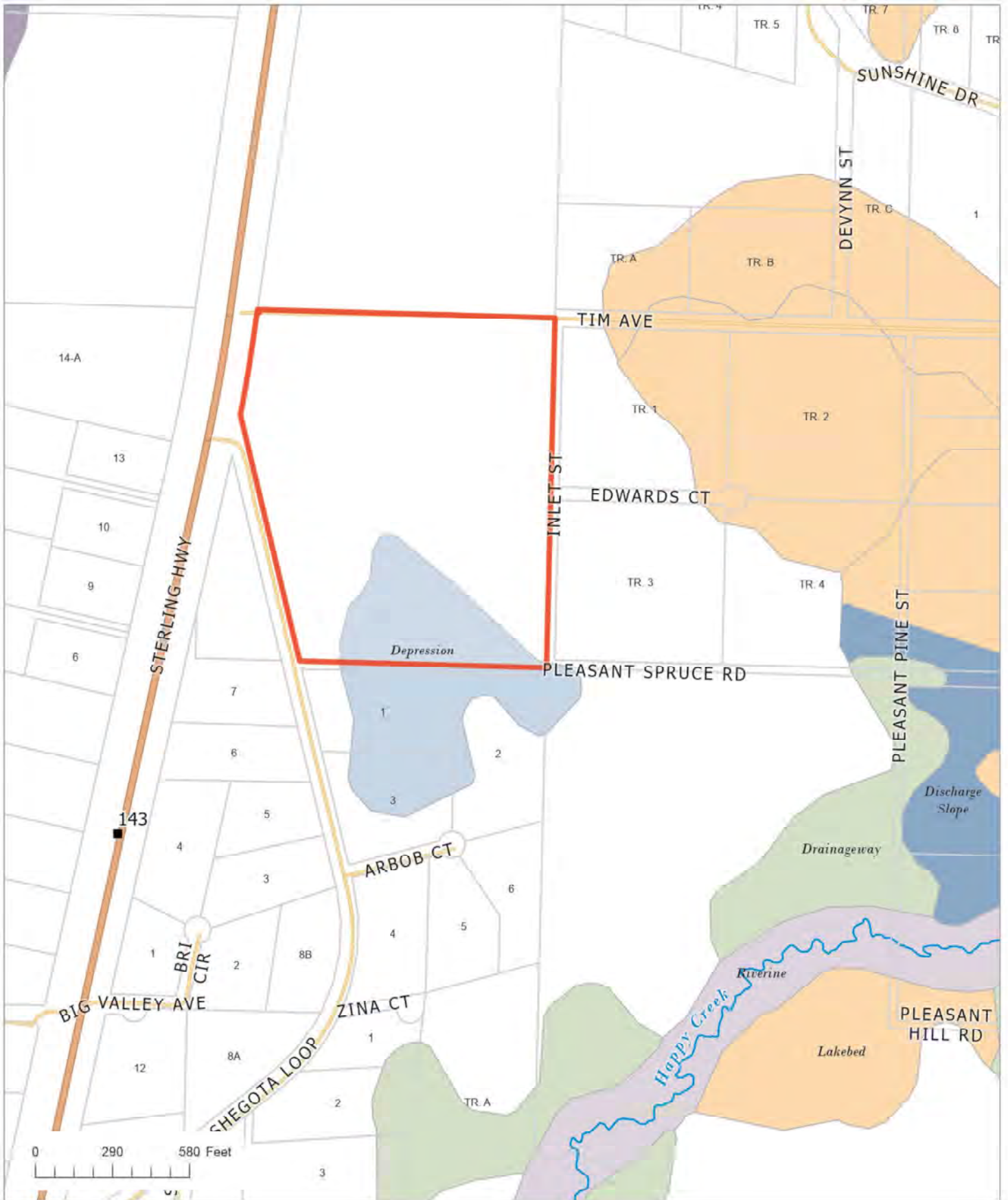
A DECISION OF THE PLANNING COMMISSION MAY BE APPEALED TO THE HEARING OFFICER BY A PARTY OF RECORD WITHIN 15 DAYS OF THE DATE OF NOTICE OF DECISION IN ACCORDANCE WITH KPB 21.20.250.

END OF STAFF REPORT



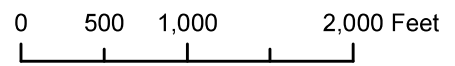
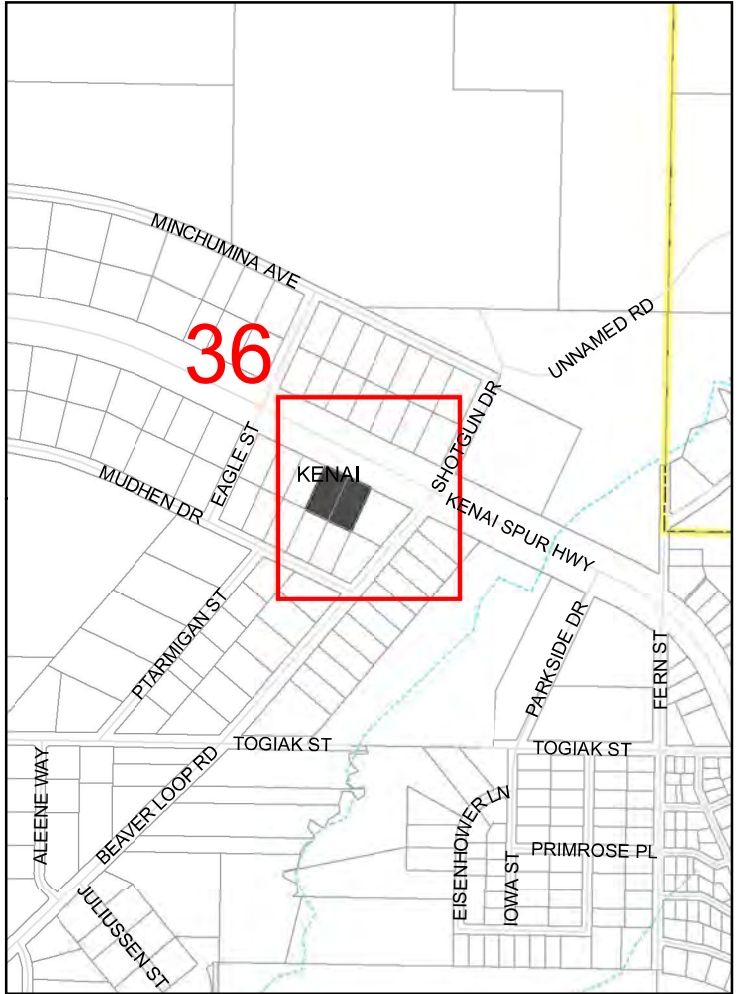
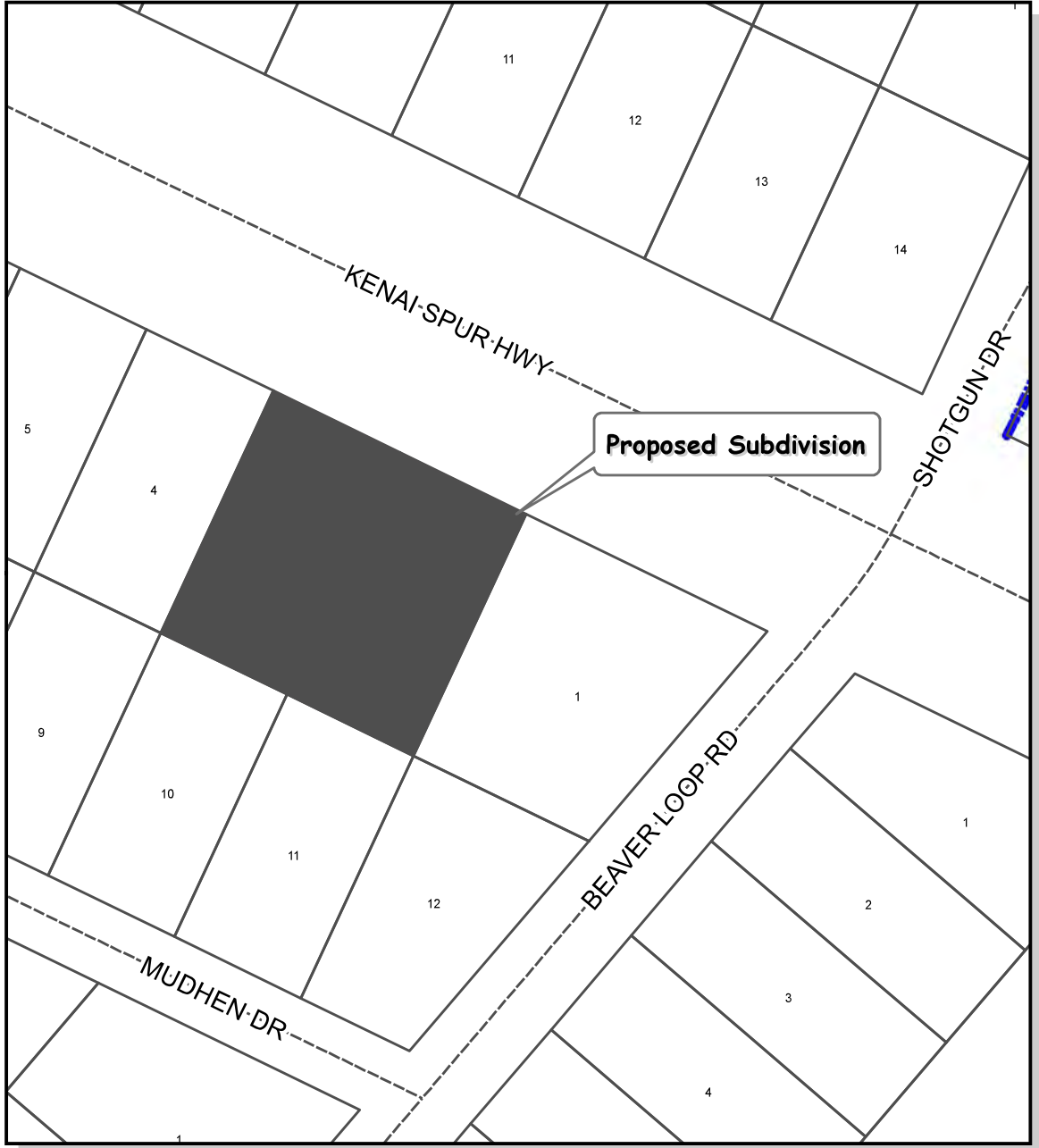
Aerial View





E. NEW BUSINESS

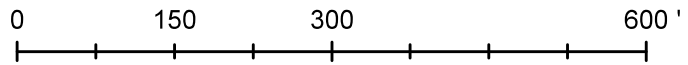
- 7. Beaver Creek Alaska Subdivision 2020 Replat; KPB File 2021-006
Segesser Surveys / Freedom Indeed LLC
Location: Kenai Spur Road & Beaver Loop Road
City of Kenai**



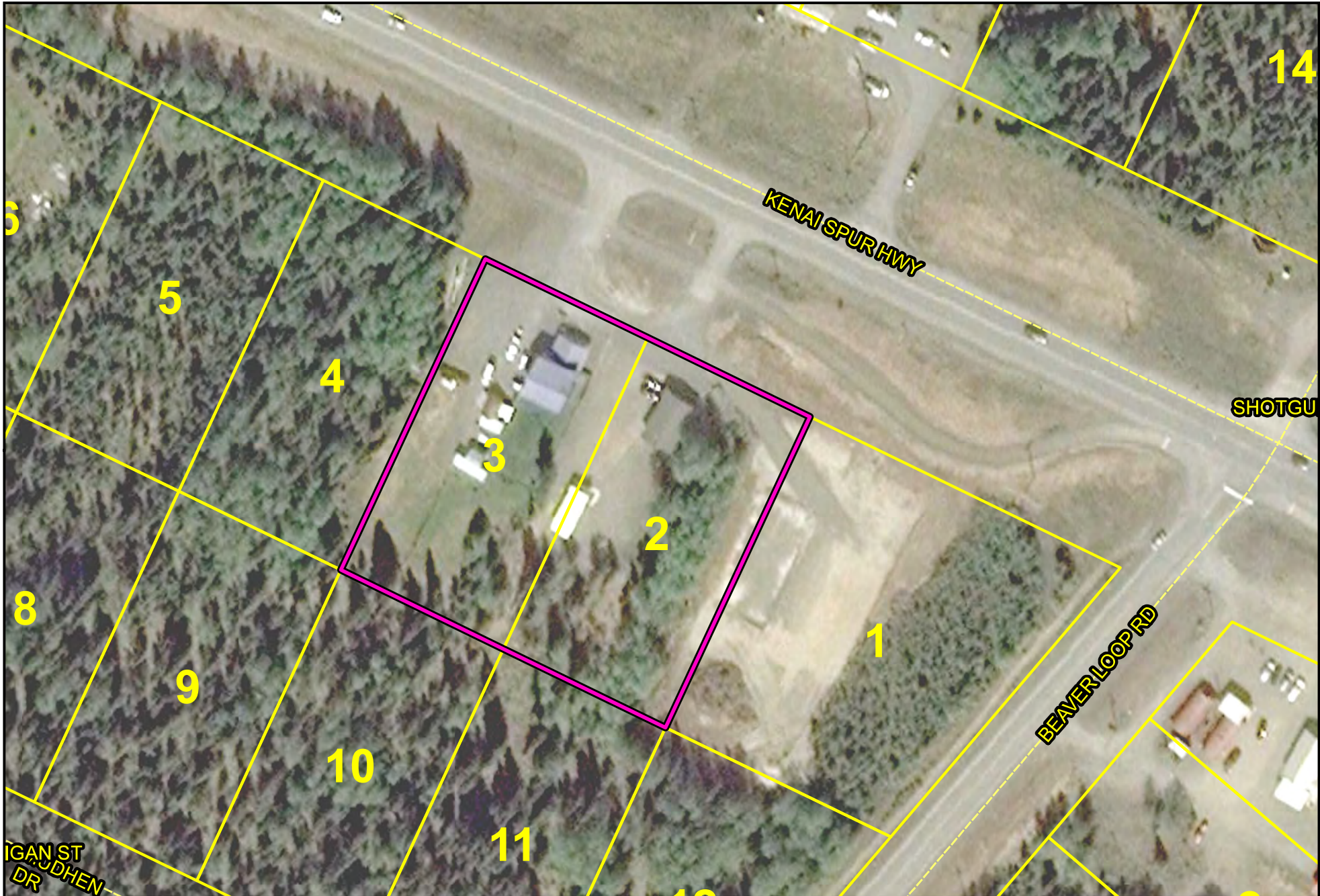
KPB 2021-006
S36 T06N R11W
KENAI



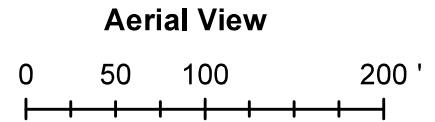
The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



Date: 1/26/2021
 PClements, KPB 2021-006



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 PRELIMINARY PLAT

PClements, KPB 2021-006
Date: 1/26/2021
Imagery Soldotna 2018

AGENDA ITEM E. NEW BUSINESS

ITEM 7 – BEAVER CREEK ALASKA SUBDIVISION 2020 REPLAT

KPB File No.	2021-006
Plat Committee Meeting:	May 23, 2022
Applicant / Owner:	Freedom Indeed LLC and Luke Saven LLC, all of Kasilof, Alaska
Surveyor:	John Segesser / Segesser Surveys
General Location:	Kenai Spur Highway and Beaver Loop Road, City of Kenai

Parent Parcel No.:	041-071-02 and 041-071-03
Legal Description:	Lot 2 Block G and Lot 3 Block G, Beaver Creek Alaska Subdivision Amended, Plat KN 81-101
Assessing Use:	General Commercial
Zoning:	General Commercial Zone
Water / Wastewater	On-site

STAFF REPORT

Specific Request / Scope of Subdivision: The Kenai Peninsula Borough Plat Committee heard and approved the preliminary plat, Beaver Creek Alaska Subdivision 2020 Replat, at the February 22, 2021 meeting. There was not a request or need for exceptions at the time of approval.

The subdivision was approved with the requirement for a soils analysis report. On May 4, 2022, a request by the surveyor was received to request an exception for the soils report requirement.

EXCEPTIONS REQUESTED:

KPB 20.40 – Wastewater Disposal The requirement for a soils analysis report.

Surveyor’s Discussion: The owners would like to request an exception to the subdivision soils report for this replat.

Staff Discussion: The Kenai Peninsula Borough Plat Committee heard and approved the preliminary plat at the February 22, 2021 meeting. A final was received for review on March 11, 2021. The mylar was received on April 13, 2021 for final review. The surveyor was notified on both occasions that the soils analysis report had not yet been submitted for review.

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.

Per 20.40.020 a wastewater system review will not be required if the existing parent subdivision was approved by the Department of Environmental Conservation, current state agency, or the Kenai Peninsula Borough under KPB 20.40, when

- 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 for each lot affected by the lot line movement.

The lot line is moving approximately 5 feet between the parent lots but a wastewater review is not on file for the parent subdivision and the parent subdivision was not approved by AK DEC or KPB under chapter 20.40.

This is within the City of Kenai but city water and sewer lines are not currently available to the lots. Staff was

advised that there was existing systems in place on the lots. No documentation for the systems was presented to staff.

Approval will require a new plat note for the exception granted and a correction to the wastewater disposal note present on the plat. The mylar has been signed and will require reprinting and obtaining new signatures prior to recording.

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

Findings:

1. KPB Code requires a soils analysis report unless specific criteria is met.
2. The parent subdivision was not signed by Department of Environmental Conservation.
3. The Kenai Peninsula Borough does not have a soils analysis report for the parent subdivision.
4. The parent subdivision was recorded in 1981.
5. The lot line is moving approximately 5 feet to the east.
6. The replat was to bring the lots into compliance with City setback requirements for the General Commercial Zone.
7. Lot 3A is increasing by approximately 1,425 square feet.
8. Documentation of Construction was found for parent Lot 2 on the Department of Environmental Conservation online septic tracking system.
9. Documentation was not located by Platting staff for any systems installed on parent Lot 3.
10. Per the USDA Soil Survey of the Kenai-Kasilof Area, the soils in this area are generally classified as Soldotna silt loam.
11. Per the Subdivision Soil Report for nearby Quandt Subdivision Newton-Segura Addition, performed by Johnson Engineering, "According to that study (referring to USDA Soil Survey), the Soldotna series consists of *'well-drained soils developed in a moderately deep to deep mantle of wind-laid, silty material over a thick deposit of gravelly sand or coarse sand.'* Subsurface soils encountered in this investigation are consistent with the soils described in the referenced USDA Soil Survey."
12. Quandt Subdivision Newton-Segura Addition is approximately a half a mile from this subdivision direct measurement (not by access route).

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 4-8 and 10-12 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 4-8 and 10-12 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 4-8 and 10-12 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:

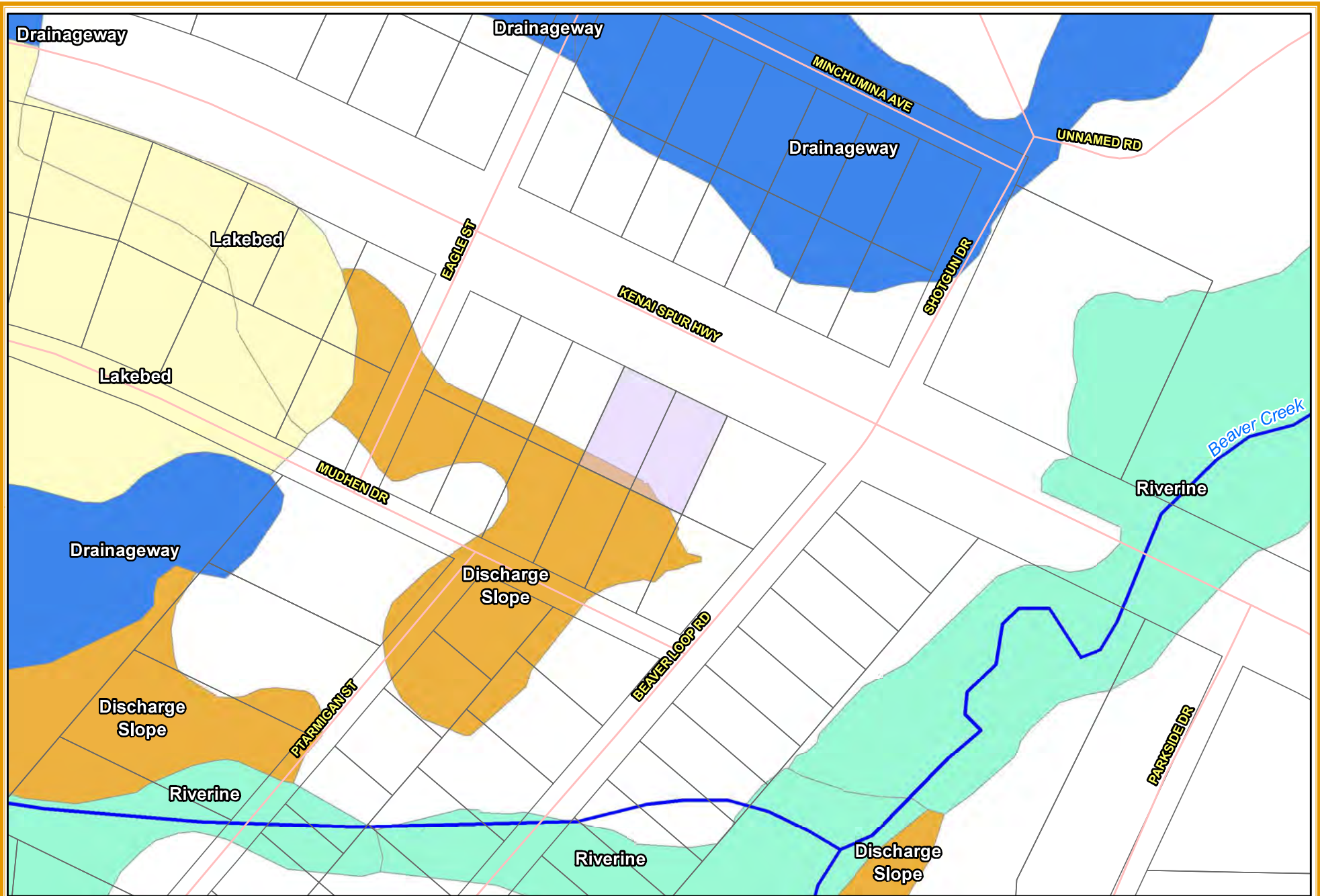
- GRANT THE EXCPETION REQUESTED TO THE ALL READY APPROVED PRELIMINARY PLAT, AND
- COMPLIANCE WITH KPB 20.25.070 (FORM AND CONTENTS), KPB 20.25.080 (PETITION REQUIRED), KPB 20.30 (DESIGN REQUIREMENTS); AND KPB 20.40 (WASTEWATER DISPOSAL), AND
- COMPLIANCE WITH KPB 20.60 TO ENSURE ADMINISTRATIVE APPROVAL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

NOTE: 20.25.120. - REVIEW AND APPEAL.

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

END OF STAFF REPORT



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GIS WETLANDS



Date: 1/26/2021

Date Received

JAN - 7 2004

STATE OF ALASKA
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DOCUMENTATION OF CONSTRUCTION

I. GENERAL INFORMATION

Legal Description of the Location

LOT 2 BLK G
BEAVER CREEK AK. SUB. AMEND.
OWNER: ROD MATSON

Submitted by: (Check one)

- Certified Installer
 Approved Homeowner
 Registered Engineer

Installer Name:

JERRY K. HOLLAND dba: AARDVARK EXCAVATION

Mailing Address

P.O. Box 2289
SOLDOTNA, AK 99669

Onsite Wastewater System Serves:

- Single Family. Number of Bedrooms 5
 Duplex. Number of Bedrooms _____
 Small Commercial Facility With Estimated Design Flow of less than 500 GPD.

II. WATER SUPPLY SYSTEM (SECTION II IS OPTIONAL)

Source of Water and Containment (Check all that Apply)

- Well (Drilled or Driven) Surface (Identify) _____
 Roof Catchment Other (Identify) _____
 Holding Tank Other (Identify) _____

Type of Water Supply System

- Private
 Public (Serves more than one family)

Treatment of Water (Check all that Apply)

- None Chlorination
 Filtration Mineral Removal
 Other: _____

Well Data

- Is the height of the well casing more than 12" above the ground? Yes No
Is a sanitary seal or well cap installed on the well casing? Yes No
Is drainage directed away from or around the casing within a radius of 10 feet of the well casing? Yes No
Is well wire enclosed in conduit? Yes No

Date Drilled	Depth of Well (Feet)	Static Water Level (Feet)	Yield (If available)	Pump Rate (If available)

Separation Distance from the Well Casing to each of the Following Sources of Contamination:

Septic/Holding Tank on Lot	Sewer Lines on Lot	Absorption Area on Lot
Feet	Feet	Feet
Closest Septic/Holding Tank on Adjacent Lot	Closest Sewer Lines on Adjacent Lot	Closest Edge of an Absorption Area on Adjacent Lot
Feet	Feet	Feet

Indicate separation distance from toxic materials (including fuel tanks, paints, lubricants and other petroleum based materials, pesticides, fungicides or herbicides) to well casing:

On Lot	On Adjacent Lot
Feet	Feet

Water Sample Taken by: (Name)

Sampler is:
 Buyer Engineer
 Banker Government Official

Address

Water Sample Results:

Attach Copy Satisfactory - Date _____ Unsatisfactory - Date _____

Comments/Recommendations:

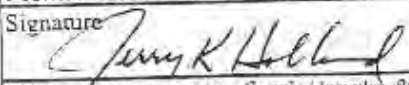
I certify that the above information, and that provided in Section IV, is correct:

Signature	Typed/Printed Name	Title	Date

Note: 1. This section should be signed by a Certified Installer, Professional Engineer, DEC staff, or Owner/Builder
2. All public water systems must receive ADEC plan approval prior to construction. See 18 AAC 90 State of Alaska Drinking Water Regulations for specific requirements.

III. WASTEWATER DISPOSAL	Legal Description: LOT 2 BLK G BEAVER CREEK AK. SUB. AMEND.
Type of Wastewater System:	
<input type="checkbox"/> Septic Tank with Conventional Soil Absorption System	<input type="checkbox"/> Package Treatment Plant (requires engineered design)
<input type="checkbox"/> Holding Tank: Material Type: _____ Size in Gallons: _____ Manufacturer: _____	
<input type="checkbox"/> Other - Specify Type _____	<input type="checkbox"/> Alternate Onsite (requires engineered design)
<input type="checkbox"/> Small Commercial System (< 500 GPD) With Estimated Daily Wastewater Flow of: _____ Gallons Per Day (GPD)	
Criteria Used to Estimate Daily Wastewater Quantity: _____	

<input checked="" type="checkbox"/> NEW SYSTEM	<input type="checkbox"/> REPAIR TO EXISTING SYSTEM	Certified Installer Installation Notification Date: 8-16-03
Name of Installer: JERRY K. HOLLAND dba: ARDUARK EXCAVATION		Date Installed: 8-16-03
<input type="checkbox"/> By a Registered Engineer	<input type="checkbox"/> With Inspection by a Registered Engineer	
<input type="checkbox"/> By Approved Homeowner (attach copy of approval letter)	<input checked="" type="checkbox"/> By a Certified Installer/Installer Number 03-23-014	
Septic Tank: Material: NEW STEEL	Manufacturer: DW	Size (Gallons): 1500
		Number of Compartments: 2
Type of Soil Absorption System:	<input checked="" type="checkbox"/> Deep Trench	<input type="checkbox"/> Shallow Trench
	<input type="checkbox"/> Mound	<input type="checkbox"/> Seepage Pit
		<input type="checkbox"/> Bed
Soil Type: SP	Soil Rating: 150	Dimensions/Size of Absorption Area: 2-4'0" x 47'6" / 752 FT ²
Grading/Size of Distribution Rock: 3/4"-3" / 60 YDS		Thickness/Depth of Distribution Rock: 4' E.D.
Percolation Test Results, Attach Copy of Report: N/A		Percolation Test Performed by: N/A
Minutes per Inch	Sq. Ft. per Bedroom	percolation test results must be sealed/signed by a registered engineer
Minimum Ground Cover Over: Septic Tank: 3' 2" Absorption Area: 2' 2"	Sewer Pipes: 4'	
Cleanout Pipes/Caps Installed: Foundation Cleanout: <input checked="" type="checkbox"/>	Septic Tank: <input checked="" type="checkbox"/>	Monitor Tubes: <input checked="" type="checkbox"/>
List Separation Distances From Septic Tank or Absorption Area, Whichever is Closest, to All Nearby:		
Public Drinking Water Sources Within 200 feet: 200'+	Private Drinking Water Sources Within 100 feet: 100'+	
Nearest Water Bodies (see 18 AAC 72.020(b)): 100'+	Lot Line: 10'+	
Separation Distance from Onlot Sewer Lines to: _____	Public Drinking Water Sources: 100'+	Private Sources: 25'+
Separation Distance From Bottom of Distribution Rock to: _____	Groundwater Table: 4'+	Bedrock: 6'+
Separation Distance from Absorption Area to Slope exceeding 25%: 50'+		
Comments/Recommendations		

I certify that the above information, and that provided in Section IV, is correct:			
Signature: 	Typed/Printed Name: Jerry K. Holland	Title, Reg./Cert No., Inst. No.: CI 03-23-014	Date: 8-16-03
NOTE: Must be signed by a Certified Installer, Professional Engineer, DEC staff, or Approved Homeowner. If engineering seal bears printed name, registration number, and is signed, those blocks need not be completed for engineered submittals.			

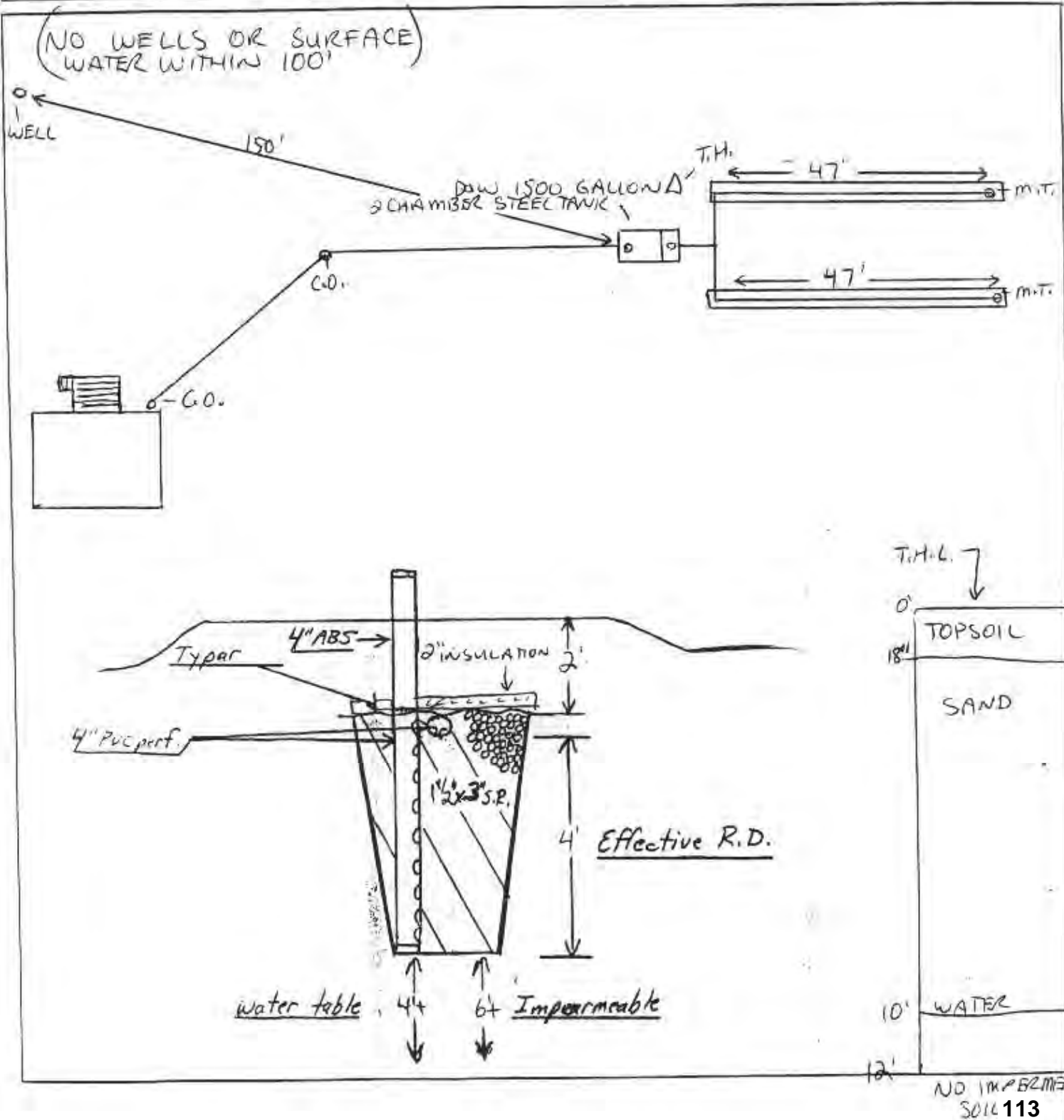
SEAL
Registered Professional
Engineer

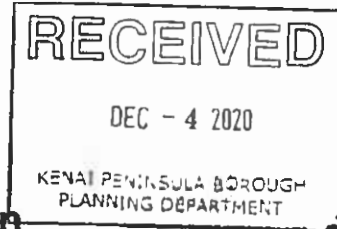
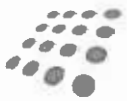
IV. DIAGRAM OF SYSTEM(S) INSTRUCTIONS FOR DIAGRAM

1. In a plan view, locate and identify each of the following:

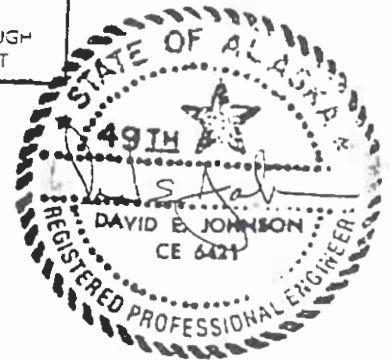
a) Well	b) All Structures	c) Septic Tank	d) Soil Absorption System <i>(Include dimensions)</i>
e) Surface Water	f) Sources of contamination	g) Property Line	i) Closest septic tank on an adjacent property
h) Closest well on adjacent property		j) Closest edge of an absorption field on adjacent property	k) All cleanouts and monitor tubes
2. Show distances between the well and each of the sources of contamination listed in 1.
3. Show distances between water bodies and each part of the onsite system listed in 1.
4. In a cross section view of the soil absorption area, identify each component and show the depth (thickness) of the following:

a) Soil Cover	b) Absorption Material	c) Water Table	d) Bedrock	e) Discharge pipes	f) Insulation
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Quandt Subdivision Newton-Segura Addition SUBDIVISION SOIL REPORT



December 4, 2020

PURPOSE, LOCATION AND SCOPE.

The purpose of this report is to confirm that lots created as a result of the proposed subdivision meet the requirements of the Kenai Peninsula Borough (KPB) Chapter 20 with respect to subsurface soil conditions and wastewater disposal capabilities. The proposed subdivision action relocates an interior lot line between two existing lots a short distance to accommodate an existing driveway. Both lots contain an existing single-family home, each with a drinking water well and an onsite sewer system.

Based on this evaluation and on previous investigations by others, tracts resulting from this subdivision action fall under the provisions of KPB 20.40.040 "Conventional onsite soil absorption systems".

The proposed subdivision lies within NE - NW Section 1 T5N R11W Seward Meridian, Kenai, Alaska. Access to the property is by way of Beaver Loop Road and Juliussen Street.

EXISTING SOIL DATA.

This proposed subdivision action is limited to moving a lot line a few feet that results in a very minor adjustment in useable area for each lot. Both Tracts currently contain homes with onsite wastewater systems. Because of the extensive amount of historical subsurface information available, no new site-specific subsurface soil information was generated for this report.

The existing wastewater system located on proposed Tract B was installed by a certified septic system installer in 2009 and was subsequently approved by the Alaska Department of Environmental Conservation (ADEC). The installer included a test hole with his submittal that showed clean sand to 16' below ground surface (BGS) and a water table at 14' BGS. No information was found regarding the existing system located on proposed Tract A2.

An engineering report for Lot 2 Block 4 Basin View Subdivision Part 3, which lies adjacent to and immediately west of the proposed subdivision, reported similar soil conditions (clean sand) and at least 11' BGS to the groundwater table.

An engineered soil report for Basin View Subdivision prepared by Wm. J. Nelson and Associates in 1983 included a test hole approximately 500' to the southwest of the proposed subdivision that also reported clean sands to at least 12' BGS. A groundwater table was not indicated in the upper 12'

The USDA Soil Survey of the Kenai-Kasilof Area Alaska, published by the United States Department of Agriculture in 1958, indicates that soil within the bounds of this subdivision is generally classified as Soldatna silt loam, nearly level. According to that study, the Soldatna series consists of "well-drained soils developed in a moderately deep to deep mantle of wind-laid, silty material over a thick deposit of gravelly sand or coarse sand." Subsurface soils encountered in this investigation are consistent with the soils described in the referenced USDA Soil Survey.

Anecdotally, the above information is consistent with past work in this area. Accordingly, it is our opinion that subsurface soil conditions within the bounds of the proposed subdivision consist of a surficial layer of silt and organic silts to about 5' BGS, underlain by clean sand to depth and a groundwater table at about 14' BGS. Based on this information, the usable area shown on the working map should be suitable for constructing conventional bed type soil absorption systems that meet the regulatory requirements of the ADEC.

EXISTING DEVELOPMENT.

The proposed subdivision and most of the adjoining property is developed into single family homes. Drinking water wells and surface waters that would impact the useable area within the proposed subdivision are shown on the working map.

It should be noted that information in this report summarizes current conditions. Future development could occur on adjacent properties, including placing drinking water wells and onsite wastewater disposal systems in locations that could adversely impact the useable wastewater disposal area shown on the working map. Additionally, future public drinking water wells that require greater separation distances than private wells could further restrict the useable area indicated.

Prior to developing any of the proposed lots, locations of all wells and wastewater systems on adjacent properties should be thoroughly investigated at that time.

TOPOGRAPHY.

The proposed subdivision surface is level to gently sloping. Slopes exceeding 20% were not noted. Vegetation varies from cleared areas to small forested areas.

CONCLUSIONS AND RECOMMENDATIONS.

Both Tracts B and A2 as modified by the proposed subdivision action, have sufficient usable area for an existing onsite wastewater system and for a replacement system as shown on the working map.

Subsurface soil conditions reported in all existing information and reports indicate that both proposed tracts should be suitable for constructing conventional onsite wastewater disposal systems that meet ADEC requirements, provided that the systems are located in the useable area shown on the working map. The systems must be constructed in the upper sand soils and must maintain the required 4' vertical separation distance to the groundwater table and 6' vertical separation distance to impermeable soil/bedrock. The example system shown on the working map is a bed type system suitable for use in the soil conditions anticipated on the subject properties.

Because both single-family homes are currently served by an existing individual onsite wastewater system, a replacement system is shown on the working map for both Tracts.

The recommendations made in this report are based in-part on existing information provided by others and on the conditions encountered at the test hole location. It should be noted that soil conditions may vary significantly over relatively short distances. Accordingly, as with any property utilizing on-site wastewater disposal, determining a suitable location for a wastewater disposal system should be a first priority during development. Development within and adjacent to this subdivision may impact the areas available for on-site wells and septic systems. Prior to any development, the location of wells and septic systems on adjacent properties must be investigated.



REQUIRED PLAT NOTES.

In accordance with Kenai Peninsula Borough Title 20, the following plat notes should be placed on the final plat:

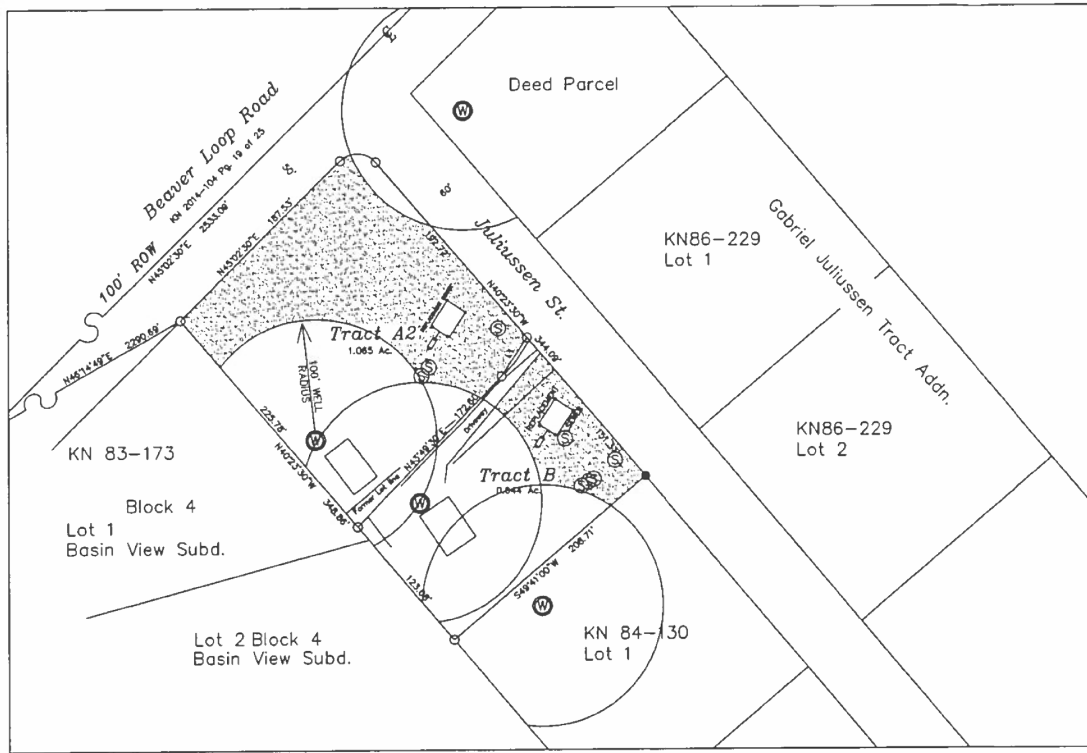
WASTEWATER DISPOSAL: Soil conditions, water table levels, and soil slopes in this subdivision have been found suitable for conventional onsite wastewater treatment and disposal systems serving single-family or duplex residences and meeting the regulatory requirements of the Kenai Peninsula Borough. Any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

(signature of) Engineer License # Date

EXCLUSIONS AND LIMITATIONS.

This report was prepared for the sole purpose of providing a generalized overview of the subsurface soil and groundwater conditions within the proposed subdivision as required by KPB Ordinances. Use of this information for any other purpose is not authorized. Locating bury pits or land that has been “turned over” and determining surface or subsurface contamination of any type, was not requested and is beyond the scope of this report. Determining the location and/or adequacy of drinking water sources or existing wastewater disposal systems is also considered beyond the scope of this report. No guarantee/warranty is offered or implied regarding the overall suitability of this property for development. It must be noted that a test hole reveals conditions only at that specific location.

Attachments: Working Map



NO CREEKS, LAKES, PONDS OR SLOUGHS OBSERVED WITHIN 100' OF SUBDIVISION BOUNDARY OTHER THAN THOSE SHOWN

NO PUBLIC WELLS OBSERVED WITHIN 200' OF SUBDIVISION BOUNDARY & NO PRIVATE WELLS OBSERVED WITHIN 100' OF SUBD BOUNDARY, OTHER THAN THOSE SHOWN.

NO SLOPES EXCEEDING 20% OBSERVED WITHIN SUBDIVISION BOUNDARY EXCEPT AS NOTED.



APPROX SCALE
1" = 100'

LEGEND

- WELL RADIUS
- EXISTING WELL
- USEABLE AREA AS DEFINED IN KPB CODE 20.40.040(A)(4)
- POSSIBLE LOCATION FOR A REPLACEMENT ONSITE WASTEWATER SYSTEM
- EXISTING SEWER

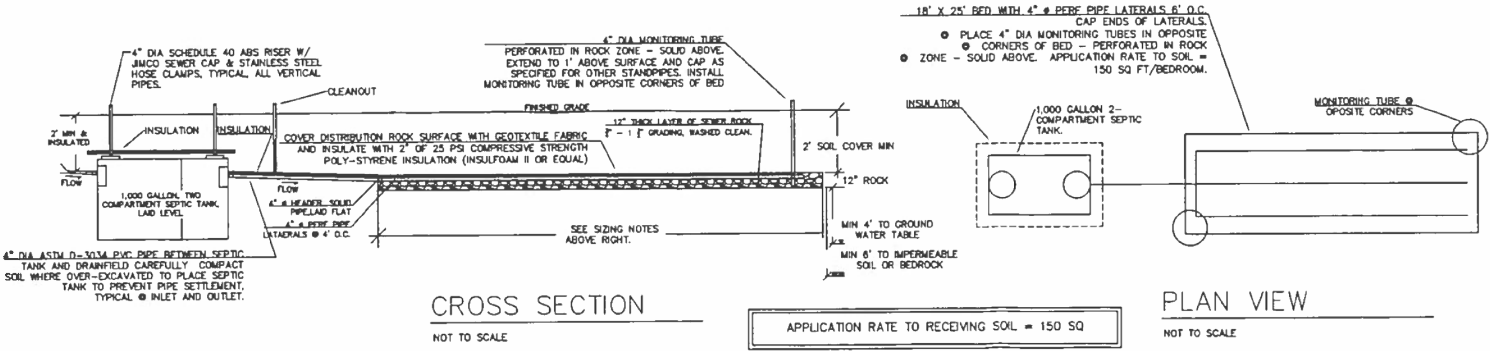
REVISIONS
This drawing prepared to accompany a well soil report for Grand Subdivision Newton-Segura addition dated December 4, 2020. Use of this drawing for any other purpose is not allowed.

DEC 4, 2020

WORKING MAP
QUANDT SUBDIVISION
NEWTON - SEGURA ADDITION

JOHNSON ENGINEERING LLC
P.O. Box 4087
Newton, MA 02459
978.552.8170

DATE: DEC 2020
DRAWN: DCJ
CHECKED: DCJ
SCALE: AS SHOWN
PROJ. NO.:
SHEET: 1 OF 1



CROSS SECTION

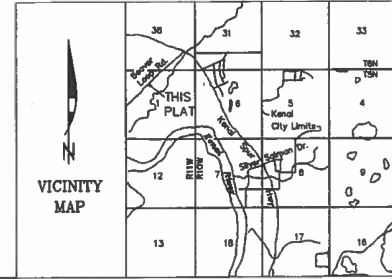
NOT TO SCALE

PLAN VIEW

NOT TO SCALE

EXAMPLE SYSTEM FOR A TYPICAL 3 BEDROOM RESIDENCE

NOT TO SCALE



E. NEW BUSINESS

- 8. Bailey Estates Karpik Rice Replat; KPB File 2022-038
Segesser Surveys / Karpik & Rice
Location: Lawton Drive
City of Kenai**



Vicinity Map

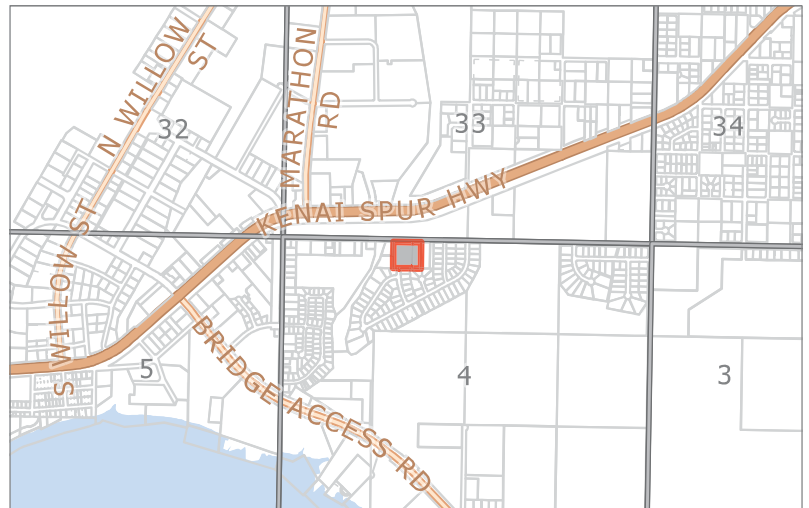
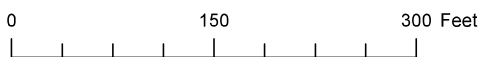


KPB File # 2022-038

S04-T05N-R11W

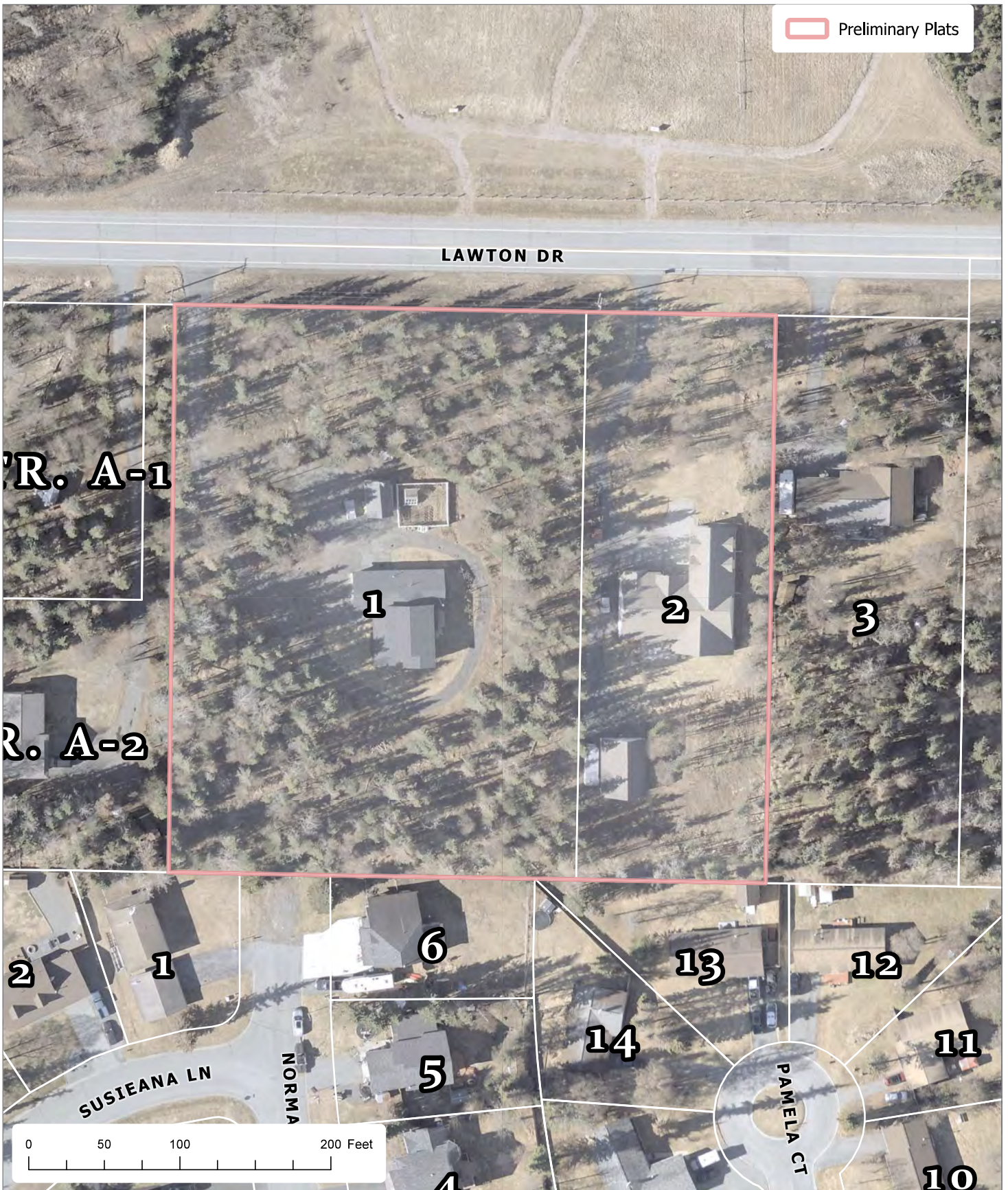
Kenai

3/30/2022





Aerial View



AGENDA ITEM E. NEW BUSINESS

ITEM 8 - BAILEY ESTATES KARPIK RICE REPLAT

KPB File No.	2022-038
Plat Committee Meeting:	May 23, 2022
Applicant / Owner:	David Karpik and Kathleen Rice all of Kenai, AK
Surveyor:	John Segesser / Segesser Surveys
General Location:	Lawton Drive, City of Kenai

Parent Parcel No.:	049-160-68 and 049-160-69
Legal Description:	Lots 1 and 2 Bailey Estates Amended, Plat KN 97-33
Assessing Use:	Residential
Zoning:	Suburban Residential 2
Water / Wastewater	Not disclosed

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will reconfigure a lot line between two lots. Lot 1 will decrease from 2.35 acres to 1.97 acres. Lot 2 will increase from 1.08 acres to 1.46 acres.

Location and Legal Access (existing and proposed): The lots are located on City of Kenai managed right-of-way Lawton Drive. This is located south of the wildflower field that is located between the Kenai Spur Highway and Lawton Drive.

Both lots currently have existing access from Lawton Drive. Norman Street is a 60 foot wide dedication that is located south of Lot 1 but does not appear to be fully constructed to the lot.

Lawton Drive is dedicated as a 40 foot wide right-of-way. The dedication is for the southern half of the right-of-way and coincides with a section line easement. The property to the north of Lawton Drive is owned by the City of Kenai and has not been subdivide. KPB records indicate a 33 foot section line easement is present north of the dedication. *Staff recommends the section line easement be depicted and labeled and that additional dedications for width are not required as the section line easements fulfill the width requirements.*

The block does not close. The area has an unnamed stream that is within the anadromous catalog. This steam is within lots owned by the City of Kenai. The creation of those lots and the location of the stream make it difficult to obtain dedications to bring the block into compliance. The rights-of-way south of this subdivision are looped or cul-de-sacs to avoid the stream location. A continuation of Norman Street could result in a compliant block but due to locations of structures and the offset nature of the lot to the existing right-of-way would make a dedication not possible at this time. *Staff recommends that the plat committee concur that exceptions to 20.30.030 – proposed street layout requirements for continuing Norman Street and to 20.30.170 block length requirements are not required as this plat cannot dedicate any rights-of-way at this time to improve or comply.*

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

Site Investigation: The proposed plat does not contain any low wet areas. There are no steep slopes present within this subdivision.

There are single family dwelling present on each of the existing lots. There does not appear to be any existing encroachment issues. The shifting of the lot line to the west by approximate 45 feet does not appear to create any

encroachment issues and will give more usable space to Lot 2A.

KPB River Center review	<p>A. Floodplain Reviewer: Carver, Nancy Floodplain Status: Within City of Soldotna/Kenai Comments: No comments</p> <p>B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: Is 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 replat of two lots created by Bailey Estates, Plat KN 95-72. That was a replat of a portion of a Government Lot. The plat was amended by Bailey Estates Amended, Plat KN 97-33. The amendment corrected some borders and the area within the title block.

The proposed plat will shift the lot line between the two lots by approximately 45 feet.

It was not disclosed the status of the water and wastewater for the lots. Per the City of Kenai staff report, services are available along Lawton Drive but it was not disclosed if they were currently connected. Staff will require documentation from the City of Kenai that discloses if an installation agreement is required. The parent plat was signed by Alaska Department of Environmental Conservation approving the plat. Per KPB 20.40.020, if the lot line was being removed, moving less than 10 feet, or moving the lot line and maintaining a minimum of 20,000 square feet of contiguous area, then a soils analysis report would not be required. As services are available along Lawton Drive, Lot 2A is increasing in size, and Lot 1A is almost 2 acres in size **staff recommends that a soils analysis report not be required.**

Staff recommends the sewer and water be determined if city services or on-site and the appropriate plat notes be added to comply with 20.40.

Notice of the proposed plat was mailed to the beneficial interest holder on April 27, 2022. The beneficial interest holder will be given 30 days from the date of the mailing of the notification to respond. They are given the opportunity to notify staff if their beneficial interest prohibits or restricts subdivision or requires their signature on the final plat. If no response is received within 30 days, staff will assume they have no requirements regarding the subdivision and it may be finalized.

The City of Kenai Planning and Zoning Commission heard the preliminary plat at their February 23, 2022 meeting. They adopted Planning and Zoning Commission Resolution 2022-04, which recommended approval subject to "Further development of the property shall conform to all federal, State of Alaska, and local regulations." This is addressed in plat note 2.

Utility Easements An easement was granted by recorded document and is noted within plat note 4. The Certificate to Plat indicates some additional information regarding the easement and **staff recommends the plat note be updated to include all information.**

Bailey Estates Amended, Plat KN 97-33, granted a 15 foot utility easement shared on the common lot line between Lot 2 and Lot 3. The easement is depicted but should include the label, "7.5' Utility easement granted by KN 97-33." The plat also granted a 10 foot utility easement along the southern boundary and is depicted and noted correctly. Bailey Estates Amended, also granted 10 foot utility easements along Lawton Drive that increased to 20

feet within 5 feet of the side lot lines. This is also depicted but an additional label should be included. Per plat note 5, this plat will be granting an additional 5 feet adjacent to the rights-of-way for 15 feet utility easements. Per the wording selected this would include the portion adjacent to Norman Street. Unless requested by the utility providers **staff recommends** depict the easements granted by previous plats with width and creation labels, revise the depiction along Lawton Drive to show the easement granted by the parent plat, include a depiction and label for an additional 5 feet granted by this plat. In addition, update plat note 5, "Previously utility easements are depicted and noted on the plat. This plat will be granting an additional 5 feet of utility easements along Lawton Drive to provide a 15 foot utility easement."

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

Utility provider review:

HEA	Provide a width for this utility easement, per KN 97-33it is 7.5 feet in width.
ENSTAR	No comments or recommendations
ACS	No objections
GCI	Approved as shown

KPB department / agency review:

Addressing	<p>Reviewer: Haws, Derek Affected Addresses: 406 LAWTON DR 410 LAWTON DR</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names: LAWTON DR PAULA ST NORMAN ST SUSIEANA LN PAMELA CT</p> <p>Existing Street Name Corrections Needed:</p> <p>All New Street Names are Approved: No</p> <p>List of Approved Street Names:</p> <p>List of Street Names Denied:</p> <p>Comments: The city of Kenai will advise on affected addresses.</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</p>

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 lots being replatted to Lots 1 and 2. Correct "MW1/4" to "NW1/4". Correct the owner's name to "Kathleen".*

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: *Lawton Drive coincides with section line easements. Only the southern half has been dedicated. Depict and label the section line easement north of the dedication.*

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

Staff recommendation: *The plat depiction is within the incorrect section. Update to show the correct location.*

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: *Some of the listed corrections are beyond the required 100 feet. Anything beyond 100 feet may be removed but if shown please make all corrections.*

- *Update the width labels for Pamela Court and Paula Street to 50 feet.*
- *Correct the plat number from 85-141 to 85-228 for Lots 1 Block 8, and Lots 4, 5, 6 Block 6.*
- *Update the Lot depiction from Lot 6 Block 6 to Lot 5 and Lot 4.*
- *Update the lot south of Susieana Lane to Plat 85-228 and Lot 1 Block 7.*
- *Correct the depiction of Lot 15 Block 2 and the label to Plat 2004-036, Lot 15A Block 2.*

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 recommendation: *Per City of Kenai staff report, available along Lawton Drive.*

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

KPB 20.40 – Wastewater Disposal

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

20.40.010 Wastewater disposal.

Platting Staff Comments:

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: It was not stated if the improvements are connected at this time. An installation agreement or documentation that one is not required should be provided by the City of Kenai.

20.60.180. Plat notes.

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

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

Staff recommendation: Place the following notes on the plat.

If not connected to city water or sewer "WASTEWATER DISPOSAL: Wastewater treatment and disposal systems must meet the regulatory requirements of the Alaska Department of Environmental Conservation."

If connected to city services, "WASTEWATER DISPOSAL: Plans for wastewater disposal that meet regulatory requirements are on file at the Department of Environmental Conservation." and "Lots are served by City of Kenai water and wastewater disposal systems."

Revise plat note 4. The easement was granted to Kenai Power Corporation and was assigned to the City of Kenai by document recorded on December 31, 1963 in Misc. Book 11 Page 188, KRD.

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: Add lot designations for which former lots each owner is signing on behalf of. Comply with 20.60.190.

RECOMMENDATION:

SUBJECT TO EXCEPTION(S) GRANTED, STAFF RECOMMENDS:

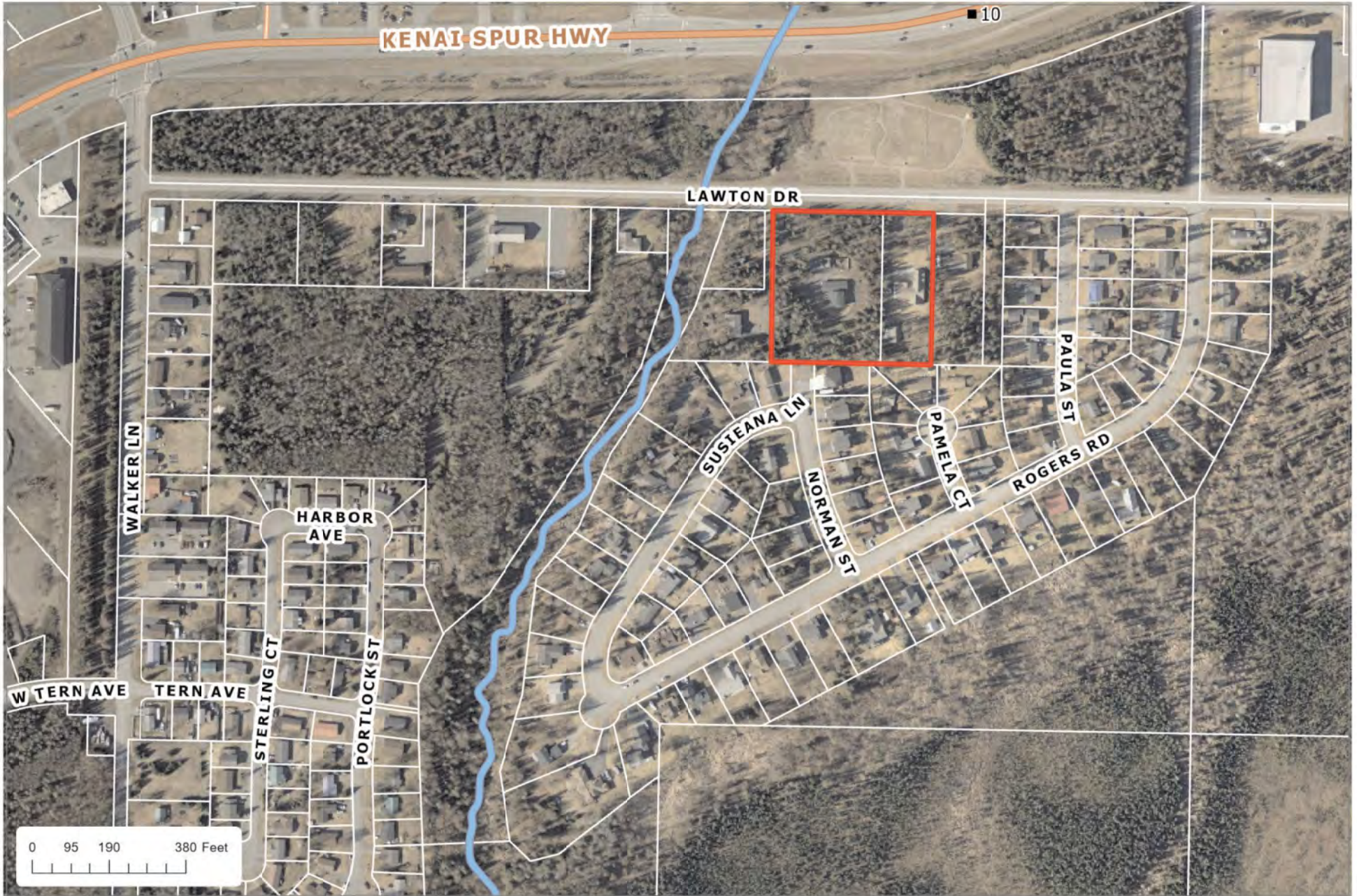
- GRANT APPROVAL OF THE PRELIMINARY PLAT SUBJECT TO STAFF RECOMMENDATIONS, AND
- COMPLIANCE WITH KPB 20.25.070 (FORM AND CONTENTS), KPB 20.25.080 (PETITION REQUIRED), KPB 20.30 (DESIGN REQUIREMENTS); AND KPB 20.40 (WASTEWATER DISPOSAL), AND
- COMPLIANCE WITH KPB 20.60 TO ENSURE ADMINISTRATIVE APPROVAL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

NOTE: 20.25.120. - REVIEW AND APPEAL.

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

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

END OF STAFF REPORT



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

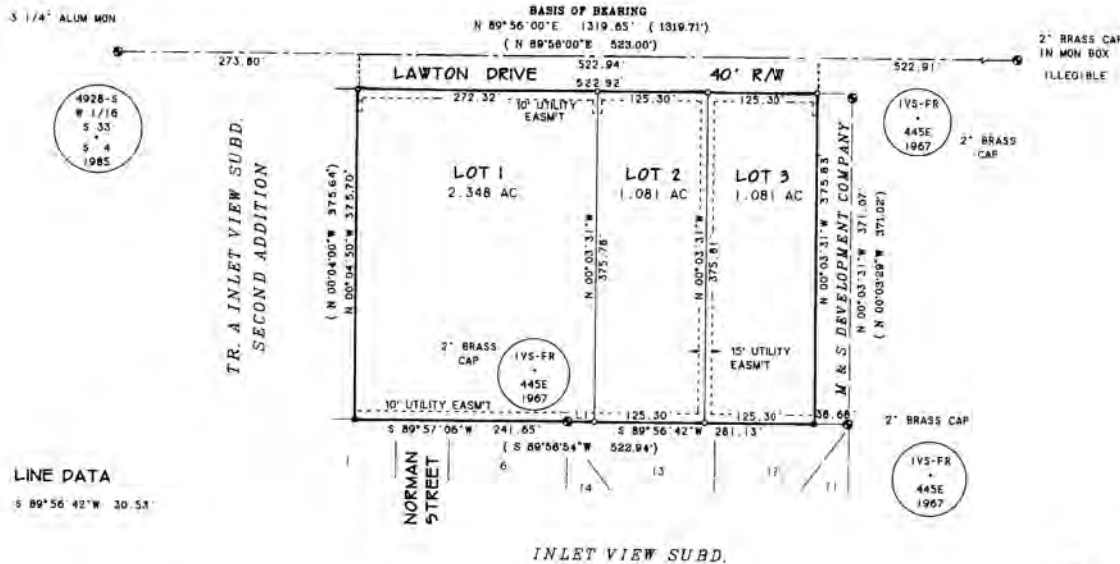
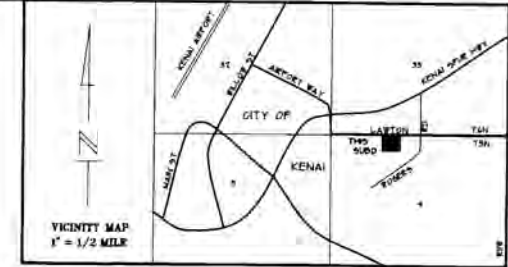
The front 10 feet of the building setback and the entire setback within 5 feet of the side lot lines is reserved as utility easement.

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



LEGEND

- MONUMENT RECOVERED
- 1/2" REBAR RECOVERED
- 5/8" REBAR/PLASTIC CAP SET THIS SURVEY
- () RECORD DATA (85-89, KR0)



Amendments to this plat:
revised border to exclude Lawton Drive
revised distances along East & West borders to reflect border changes
added distance to North boundary of subd.
revised total area in title box

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

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.

We further certify that the Deed of Trust affecting this property does not contain restrictions which would prohibit this subdivision or require signature and approval of beneficiary.

Marvin F. Bailey
Marvin F. Bailey
215 Fidalgo #210 Kenai, AK 99611

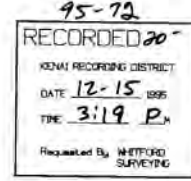
Sonya G. Bailey
Sonya G. Bailey

NOTARY'S ACKNOWLEDGEMENT

Subscribed and sworn before me this 15 day of December 1995.

For *Marvin F. Bailey and Sonya G. Bailey*

Sharon G. Whitted
Notary Public for Alaska
My Commission Expires 1/14/98



WASTEWATER DISPOSAL: The Alaska Department of Environmental Conservation has reviewed plans for this subdivision's wastewater disposal, and approves this subdivision for plotting.

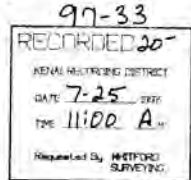
Signature: *[Signature]* Title: EEA Date: 12-9-95

PLAT APPROVAL

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of 12/14/95

KENAI PENINSULA BOROUGH

By: *[Signature]*
Authorized Official



BAILEY ESTATES AMENDED

A subdivision of a portion of Gov't Lot 3, Located within the NE 1/4 NW 1/4 Sec. 4, T5N, R11W, SM, AK and the City of Kenai, AK.
4.510 Ac.

WHITFORD SURVEYING
1902 WYATT WAY - KENAI, AK 99811
(907) 283-4928

SURVEYED: 10/95 SCALE: 1" = 100'
NPS FILE NO: 95-187 DWG FILE: BAILEY.GCD

KN 97-33 AMENDED

B. APPROVAL OF MINUTES

1. *Regular Meeting of February 9, 2022

Approved by the consent agenda.

C. SCHEDULED PUBLIC COMMENT – None.

D. UNSCHEDULED PUBLIC COMMENT – None.

E. CONSIDERATION OF PLATS

1. **Resolution PZ2022-04** - Preliminary Subdivision Plat of Bailey Estates Karpik Rice Replat, submitted by Segesser Surveys, Inc., 30485 Rosland St, Soldotna, AK 99669, on behalf of David C. Karpik and Kathleen J. Rice, 410 Lawton Drive, Kenai, AK 99611

MOTION:

Commissioner Halstead **MOVED** to approve Resolution PZ2022-04. Commissioner Woodard **SECONDED** the motion.

Director Foster provided a summary description of the property noting that the proposed lot line move will provide a larger lot for the parcel located at 410 Lawton Drive; the preliminary plat met the requirements of KMC Subdivision design standards; and conditions would be applied requiring further development of the property shall conform to all federal, State of Alaska and local regulations.

There was discussion related to the benefits to the smaller lot.

VOTE:

YEA: Fikes, Halstead, Askin, Woodard, Douthit

NAY: None

MOTION PASSED UNANIMOUSLY.

2. **Resolution PZ2022-05** - Preliminary Subdivision Plat of Kenai Meadows Addition No. 1, submitted by Segesser Surveys, Inc., 30485 Rosland St, Soldotna, AK 99669, on behalf of City of Kenai, 210 Fidalgo Avenue, Kenai, AK 99611

MOTION:

Commissioner Halstead **MOVED** to approve Resolution PZ2022-05. Commissioner Fikes **SECONDED** the motion.

Director Foster provided a summary description of the property noting that the proposed plat will create two additional lots intended for development of senior and income restricted housing, per a conditional use donation by the City of Kenai; the preliminary plat met the requirements of KMC Subdivision design standards; and conditions would be applied requiring further development of the property shall conform to all federal, State of Alaska and local regulations.



**CITY OF KENAI
PLANNING AND ZONING COMMISSION
RESOLUTION NO. 2022-04**

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI **RECOMMENDING** THAT BAILEY ESTATES KARPIK RICE REPLAT ATTACHED HERETO BE APPROVED

WHEREAS, the City of Kenai received the plat from Segesser Surveys and,

WHEREAS, the plat meets Municipal Code requirements of the Suburban Residential 2 (RS2); and,

WHEREAS, street names are referenced correctly; and,

WHEREAS, access is provided via Lawton Drive, which is a paved, City maintained road; and

WHEREAS, City water and sewer lines are located along Lawton Drive; and,

WHEREAS, the Planning and Zoning Commission finds:

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

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

Section 1. That the preliminary plat of Bailey Estates Karpik Rice Replat be approved subject to the following conditions:

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

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA, this 23rd day of February, 2022.

JEFF TWAIT, CHAIRPERSON

ATTEST:

Michelle M. Saner, MMC, City Clerk



KENAI

City of Kenai | 210 Fidalgo Ave, Kenai, AK 99611-7794 | 907.283.7535 | www.kenai.city

STAFF REPORT

TO: Planning and Zoning Commission
FROM: Ryan Foster, Planning Director
DATE: February 15, 2022
SUBJECT: PZ2022-04 – Preliminary Plat – Bailey Estates Karpik Rice Replat

Applicant: David C. Karpik and Kathleen J. Rice
410 Lawton Drive
Kenai, AK 99611

Submitted By: Segesser Surveys
30485 Rosland St
Soldotna, AK 99669

Requested Action: Preliminary Subdivision Plat – Bailey Estates Karpik Rice Replat

Legal Description: Lot 1 & Lot 2, Bailey Estates Amended

Property Address: 406 and 410 Lawton Drive

KPB Parcel No: 04916068 and 04916069

Lot Size: Approximately 2.35 acres and 1.08 acres

Existing Zoning: Suburban Residential 2

Current Land Use: Single Family Dwelling

Land Use Plan: Suburban Residential

GENERAL INFORMATION

Segesser Surveys submitted a preliminary plat on behalf of the property owners, David C. Karpik and Kathleen J. Rice. The plat affects the parcels with KPB Parcel No: 04916068 and 04916069.

The proposed Bailey Estates Karpik Rice Replat will move the lot line between 406 and 410 Lawton Drive, creating a larger lot for 410 Lawton Drive. The proposed Lot 1A is approximately 2.029 acres and proposed Lot 2A is approximately 1.4 acres.

Application, Public Notice, Public Comment

KMC 14.10.010 General under *Chapter 14.10 Subdivision Regulations* states preliminary plats or replats must first be submitted to the City for review prior to the submittal of the plat to the Kenai Peninsula Borough Planning Department. Kenai Municipal Code (*KMC*) *14.10.060* describes the process in more detail. The plat will be reviewed first by the City of Kenai Planning and Zoning Commission and then by the Kenai Peninsula Borough's Plat Committee and Planning Commission.

The property owners completed the City of Kenai preliminary plat submittal form. The City of Kenai follows *Kenai Peninsula Borough Code 20.25.070* and *20.25.080* for preliminary plat submittal requirements. City staff published notice of the consideration of the plat as part of the agenda for the City of Kenai Planning and Zoning Commission in the *Peninsula Clarion*. No public comments have been received as of February 17, 2022.

ANALYSIS

Access to the proposed Bailey Estates Karpik Rice Replat is provided via Lawton Drive, which is a paved, City maintained road. City water and sewer lines are adjacent along Lawton Drive.

The preliminary plat meets requirements of *KMC Subdivision design standards* and *KMC 14.10.080 Minimum improvements required* under *Chapter 14.10 Subdivision Regulations*.

RECOMMENDATIONS


City staff recommends approval of the preliminary plat of Bailey Estates Karpik Rice Replat subject to the following conditions:

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

ATTACHMENTS

1. Application
2. Preliminary Plat
3. Aerial Map



	<h2>Preliminary Plat Submittal Form</h2>		City of Kenai Planning and Zoning Department 210 Fidalgo Avenue Kenai, AK 99611 (907) 283-8200 planning@kenai.city www.kenai.city/planning	
---	--	--	--	--

PROPERTY INFORMATION					
Name:	Segesser Surveys Inc				
Mailing Address:	30485 Rosland St	City:	Soldotna	State:	AK Zip Code: 99669
Phone Number(s):	907-262-3909, 907-252-3421				
Email:	seggy@ptialaska.net				

PROPERTY INFORMATION					
Name:	David C. Karpik and Kathleen J. Rice				
Mailing Address:	410 Lawton Dr.	City:	Kenai	State:	AK Zip Code: 99611
Phone Number(s):					
Email:					


PROPERTY INFORMATION					
Property Owner Name:	David C. Karpik and Kathleen J. Rice				
Current City Zoning:					
Use:	<input type="checkbox"/> Residential	<input type="checkbox"/> Recreational	<input type="checkbox"/> Commercial		
	<input type="checkbox"/> Other:				
Water:	<input type="checkbox"/> On Site	<input type="checkbox"/> City	<input type="checkbox"/> Community		
Sewer:	<input type="checkbox"/> On Site	<input type="checkbox"/> City	<input type="checkbox"/> Community		

PLAT INFORMATION					
Preliminary Plat Name:	Bailey Estates Karpik-Rice Replat				
Revised Preliminary Plat Name:					
Vacation of Public Right-of-Way:	<input type="checkbox"/> Yes		<input type="checkbox"/> No		
Street Name (if vacating ROW):					

Exceptions Required and Requested:

Comments:

PLAT INFORMATION					
<input checked="" type="checkbox"/> Certificate to Plat	<input checked="" type="checkbox"/> (1) 24" x 36" Plat	<input checked="" type="checkbox"/> (2) 11" x 17" Plats			

Signature:			Date:	1/18/22	
Print Name:	John Segesser	Title/Business:	Segesser Surveys Inc		



E. NEW BUSINESS

9. Kenai Meadows Addition No. 1; KPB File 2022-035

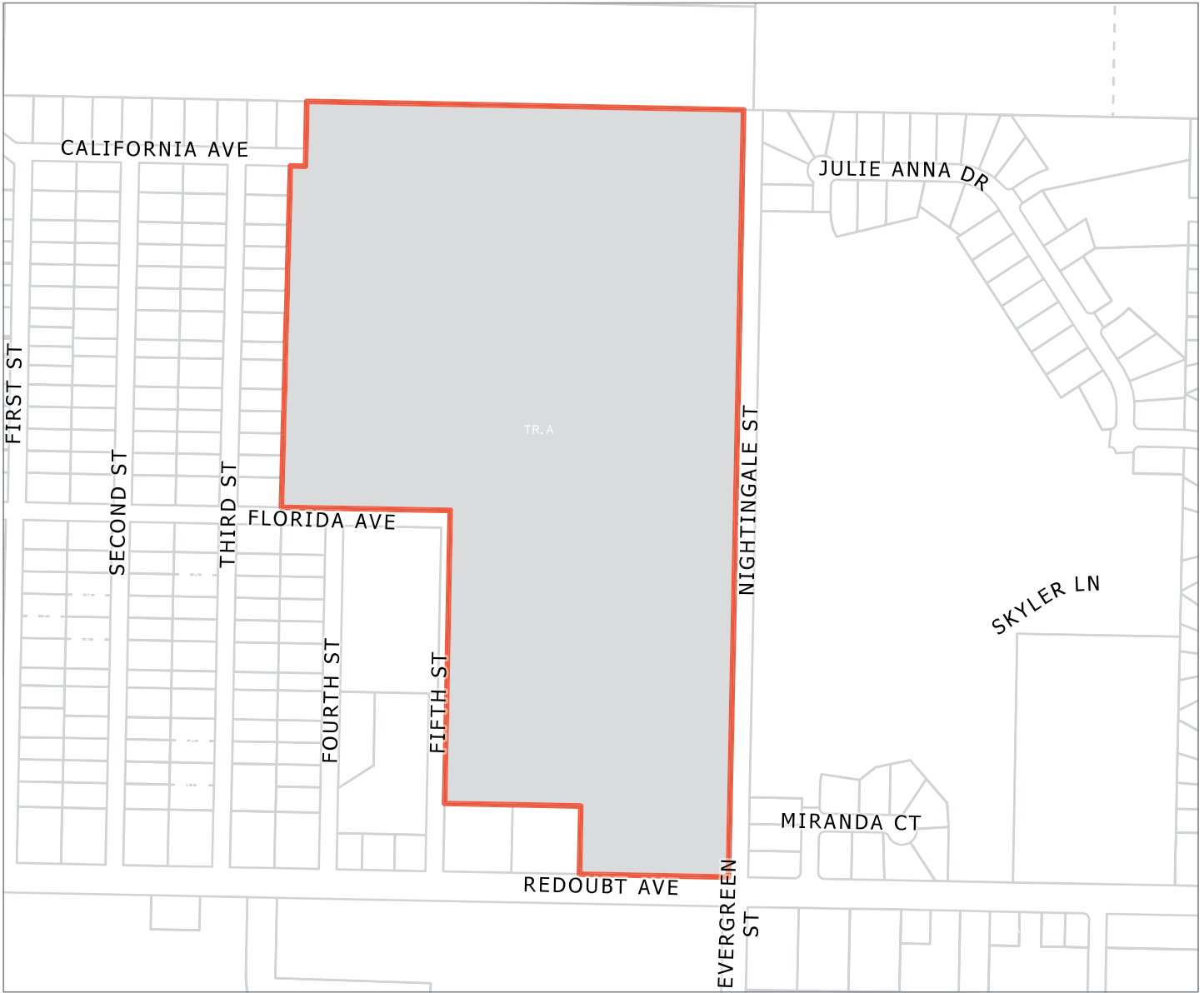
Segesser Surveys / City of Kenai

**Location: California Ave., Florida Ave., Fifth St., Nightingale St.
& Redoubt Ave.**

City of Kenai



Vicinity Map

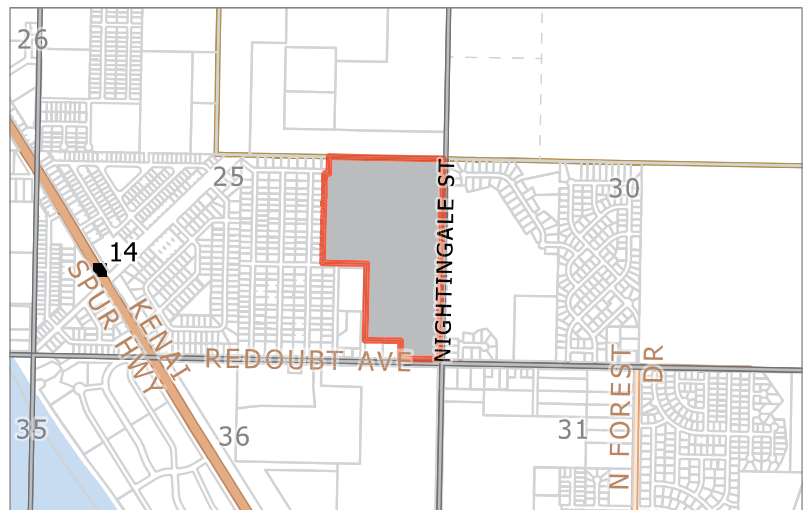
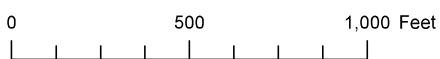


KPB File # 2022-035

S25-T06N-R12W

Kenai

3/29/2022





Aerial View



LEGEND:

- 3 1/4" ALUM. CAP MON. LS 6101 FOUND AS SHOWN
- 2 1/2" BRASS CAP MON. FOUND AS SHOWN
- 5/8" REBAR w/PLASTIC CAP LS8859 FOUND
- 5/8" REBAR w/PLASTIC CAP LS8859 SET
- () RECORD DATUM PLAT 2017-17 KRD



NOTES:

- 1) Basis of bearing taken from Kenal Meadows, Plat 2017-17, Kenal Recording District.
- 2) This plat is subject to City of Kenal zoning regulations.
- 3) Further development of the property shall conform to all Federal, State, and local regulations.
- 4) An easement for electric lines or system and/or telephone lines granted to Homer Electric Association is recorded in Book 2 Page 34, Kenal Recording District.
- 5) No permanent structure shall be constructed or placed within a utility easement which would interfere with the ability of a utility to use the easement.
- 6) **WASTEWATER DISPOSAL:** Plans for wastewater disposal, that meet regulatory requirements are on file at the 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 _____

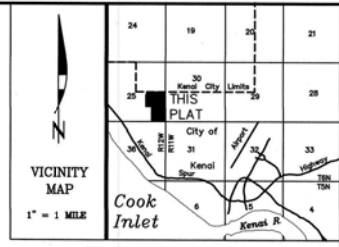
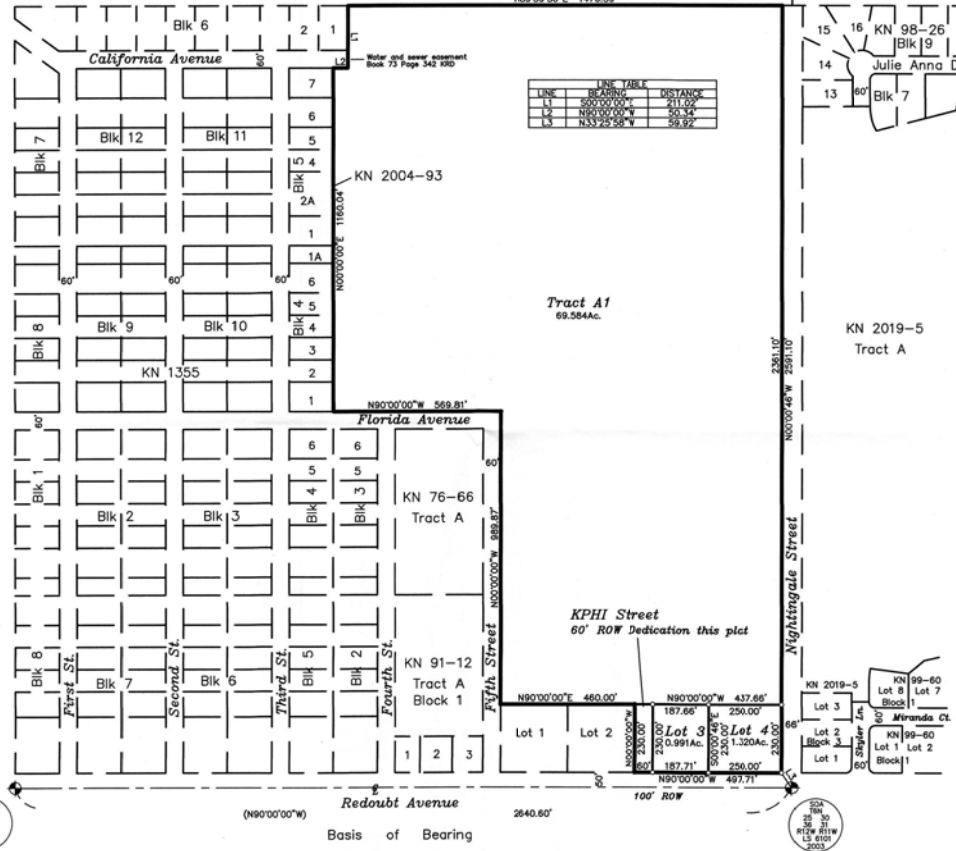
CERTIFICATE of ACCEPTANCE

THE UNDERSIGNED OFFICIAL IDENTIFIED BY NAME AND TITLE IS AUTHORIZED TO ACCEPT AND HEREBY ACCEPTS ON BEHALF OF THE CITY OF KENAI 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: KPHI ST. DEDICATION.
THE ACCEPTANCE OF LANDS FOR PUBLIC USE OR PUBLIC PURPOSE DOES NOT OBLIGATE THE PUBLIC OR ANY OTHER GOVERNING BODY TO CONSTRUCT, OPERATE, OR MAINTAIN IMPROVEMENTS.

PAUL OSTRANDER, CITY MANAGER, CITY OF KENAI _____ DATE _____

KN 92-73 Tract 5

Gov't Lot 2



CERTIFICATE of OWNERSHIP and DEDICATION

I, THE UNDERSIGNED, HEREBY CERTIFY THAT THE CITY OF KENAI IS THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON, AND ON BEHALF OF THE CITY OF KENAI, 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.

PAUL OSTRANDER
CITY MANAGER
CITY OF KENAI
210 FIDALGO AVE.
KENAI, ALASKA 99611

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. _____

Kenai Meadows Addition No. 1

A resubdivision of Tract A Kenal Meadows, Plat 2017-17, Kenal Recording District.

Located within the SE1/4 Section 25, T6N, R12W, S4M, City of Kenal, Kenal Recording District, Kenal Peninsula Borough, Alaska.

Containing 77.815 Ac.

Surveyor Segesser Surveys 30485 Rosland St. Soldotna, AK 99669 (907) 262-9009	Owner City of Kenal 210 Fidalgo Avenue Kenai, Alaska 99611
--	---

JOB NO. 22001	DRAWN: 1-31-22
SURVEYED: Nov, 2016	SCALE: 1"=200'
FIELD BOOK: 16-2	SHEET: 1 of 1

KPB 2022-035

AGENDA ITEM E. NEW BUSINESS

ITEM 9 - KENAI MEADOWS ADDITION NO 1

KPB File No.	2022-035
Plat Committee Meeting:	May 23, 2022
Applicant / Owner:	City of Kenai of Kenai, AK
Surveyor:	John Segesser / Segesser Surveys
General Location:	Redoubt Avenue City of Kenai

Parent Parcel No.:	039-010-65
Legal Description:	Tract A Kenai Meadows Plat No KN 2017-17
Assessing Use:	Residential Vacant
Zoning:	Rural Residential
Water / Wastewater	City

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide a 72 acre parcel into a tract that will be 69.58 acres and two lots that will be .99 acres and 1.32 acres. A 60 foot wide dedication of a right-of-way is proposed.

Location and Legal Access (existing and proposed): This is located within the City of Kenai. It is a large acreage tract with multiple routes and rights-of-way providing access. California Avenue, Florida Avenue, Fourth Street, Fifth Street, and Nightingale Street all provide access but are not currently constructed to the boundary of Tract A. The constructed and used access is from Redoubt Avenue. The two lots will front along Redoubt Avenue. A new right-of-way is proposed along the western boundary of Lot 3 to provide additional access to Tract A1 and to provide for future development.

This property is located south of the Wildwood complex. Section line easements are present within the Redoubt Avenue and Nightingale Street dedications. KPB data indicates possible section line easements continue to the north of the property along the Wildwood complex to provide additional access but they are not developed.

Within proposed Tract A1 there appears to be some clearing that connects California Avenue to Fifth Street but dedications are not proposed.

This is a large acreage Tract owned by the City of Kenai. The intent of this preliminary plat is to create two lots that will be used for development of senior and income restricted housing. They are providing a dedication to provide access to the Tract from the currently constructed right-of-way. This will also allow for future dedications and will help create future compliant block lengths along Redoubt Avenue. The parent plat Kenai Meadows, KN 2017-17, received exceptions to KPB 20.30.030, proposed street layout-requirements, for the extension of California Avenue to Nightingale Street, Florida Avenue to Nightingale Street, and Fifth Street to California Avenue. As there has not been much change in the area and this will remain a large acreage tract, **staff recommends the plat committee carry over the previously granted exception and the plat note from the parent plat be carried over.**

An exception to KPB 20.30.170, block length, was also granted to the parent plat. **Staff recommends if the plat committee concurs to carry over the exception to KPB 20.30.030, the exception to KPB 20.30.170 also be carried over and noted on the plat.**

Staff recommends future preliminary plats for this property shall comply with current code at the time of submittal and may require exception requests at the time of preliminary review.

If the plat committee does not concur to carry over the exceptions, new dedications will be required to bring the preliminary plat into compliance unless new exception requests are presented to be heard.

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

Site Investigation: There are no low wet areas present on the subdivision property. The land is relatively flat with some slight slopes in the northern area. No steep grades are present.

The Tract is currently vacant and zoned by the City of Kenai as Rural Residential. Clearings appear present that would eventually provide connection between California Avenue and Fifth Street.

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

Staff Analysis This is a replat of a tract created by Kenai Meadows, Plat KN 2017-17. This was a replat of an unsubdivided remainder of aliquot property. The property is owned by the City of Kenai. The parent plat created two lots from the large acreage property and dedicated some additional width for Florida Avenue, Fifth Street and Nightingale Street. This plat will be creating two additional lots along Redoubt Avenue, and provide a dedication for future continuation into the large acreage tract.

To the east of Nightingale Street is Windhaven Estates, an approved phased preliminary plan. The dedication of Nightingale Street provides an intersection so any new right-of-way dedications should not impact Tract A1 at this time. A final is in for review for Phase 4. Staff recommends the surveyor verify the status of that plat prior to creating the mylar to ensure the depiction and labeling of neighboring parcels is current.

City sewer and water is available along Redoubt Avenue. Staff will request proof of an installation agreement or documentation from the City of Kenai that one is not required. As municipal utilities are available, 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 City of Kenai Planning and Zoning Commission reviewed the preliminary plat at their February 23, 2022 meeting. They adopted Resolution 2022-05, recommending approval subject to the condition that further development of the property shall conform to all federal, State of Alaska, and local regulations. This condition is noted within plat note 3.

Utility Easements The parent plat did not depict any utility easements or contain the standard plat note for utility easements to be granted along dedicated rights-of-ways. **Staff recommends utility easements be granted by this plat adjacent to all dedicated rights-of-way in compliance with KPB Code and the proper plat note be added.**

An easement was granted to Homer Electric Association by recorded document with a non-defined location and is within the plat notes. An additional easement was granted to the City of Kenai for water and sewer. The location is defined within the document and is labeled within the northwest corner of the subdivision. **Staff recommends the full easement be depicted.**

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	Provide a plat note stating that the front 10 feet adjoining the dedicated right of ways is being granted as a utility easement.
ENSTAR	No comment
ACS	No objections
GCI	Approved as shown

KPB department / agency review:

Addressing	<p>Reviewer: Haws, Derek Affected Addresses: 2200 REDOUBT AVE</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names: REDOUBT AVE FLORIDA AVE CALIFORNIA AVE FIRST ST SECOND ST THIRD ST FOURTH ST NIGHTINGALE ST SKYLER LN MIRANDA CT JULIE ANNA DR</p> <p>Existing Street Name Corrections Needed:</p> <p>All New Street Names are Approved: Yes</p> <p>List of Approved Street Names: KPHI ST</p> <p>List of Street Names Denied:</p> <p>Comments: The city of Kenai will advise on affected addresses.</p>
Code Compliance	<p>Reviewer: Ogren, Eric Comments: No comments</p>
Planner	<p>Reviewer: Raidmae, Ryan</p>

	<p>There are not any Local Option Zoning District issues with this proposed plat.</p> <p>Material Site Comments: There are not any material site issues with this proposed plat. Review Not Required</p>
Assessing	<p>Reviewer: 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 spelling of Meadows in parent subdivision name. Verify the acreage. KPB Assessing data has Suite 200 on the address for the City of Kenai. Verify if that is required to be included.*
- 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:** *Section line easements are present to the northeast of the subdivision. Depict and 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:**
- *Provide a width label for Fourth Street.*
 - *The right-of-way that is south of the bulb at the end of Julie Ann Drive is Courtney Drive. Provide a label.*
 - *Tract A Block 1 from KN 91-12, has been replatted by Plat KN 2018-01. Update the lot labels and depictions.*
 - *Due to so much vicinity depiction, include the plat number for Lot 1 and Lot 2 of KN 2017-17*
 - *Tract A located to the east of Nightingale Street is part of a phased development. Another phase has been submitted for final review by the Planning Department. Prior to printing the mylar, please verify the status of the lot to have the correct depiction and labels in place.*

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.

- 20.30.160. Streets-Name requirements. Streets shall be named to conform to KPB Chapter 14.10
Staff recommendation: The name is approved but the City noted the request to use Sixth Street. If the City wishes to use Sixth Street it will require review by the Addressing Officer for approval.
- 20.30.270. Different standards in cities. Where cities have enacted by ordinance different subdivision design standards than those set forth in this chapter, the planning commission shall apply the city standards in lieu of those set forth in this chapter. Any appeal of a city design standard is subject to KPB 21.01.020(E).
Staff recommendation: The City of Kenai does not meet the specified requirements for the application and consideration of different standards.

KPB 20.40 – Wastewater Disposal

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

- 20.40.010 Wastewater disposal.
Platting Staff Comments: Correct plat note is present. The lots will have access to City of Kenai water and sewer located along Redoubt Avenue.
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: Installation agreement will be required or documentation that one is not required.
- 20.60.180. Plat notes.
- A. Plat notes shall not be placed on a final plat unless required by borough code or by the planning commission in order to promote or protect the public health, safety, and welfare consistent with borough and state law.
- B. Revision of, or not carrying forward, an existing plat note from the parent plat will adhere to KPB 20.50.010. Separate advertising of the plat note removal is not required, Notification of the requested change will be sent by regular mail to all owners within the subdivision (parent plat and subsequent replats) as shown on the borough tax rolls. Upon approval by the planning commission, the revision or removal of the record plat note shall be finalized by recording a planning commission resolution or subdivision plat.
Staff recommendation: Place the following notes on the plat.
- The front 10 feet adjoining rights-of-way is granted by this plat as utility easements.
 - The Certificate to Plat contains a reservation of easement by Public Land Order and Department of the Interior Order. A plat note is required with the numbers and dates listed on the Certificate to Plat.
 - If approved, "The Plat Committee, at the meeting of May 23, 2022, carried over the exception granted to the parent plat. Exceptions to KPB 20.30.030, extension of California Avenue to Nightingale Street, Florida Avenue to Nightingale Street, and Fifth Street to California Avenue, an

KPB 20.30.170, block length, were originally approved by the plat committee at the meeting of March 13, 2017.”

Add “Misc” to the book for plat note 4.

RECOMMENDATION:

STAFF RECOMMENDS:

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

NOTE: 20.25.120. - REVIEW AND APPEAL.

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

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

END OF STAFF REPORT

LEGEND:

- 3 1/4" ALUM. CAP. MOVL. LS 6101 FOUND AS SHOWN
- 2 1/2" BRASS CAP. MOVL. FOUND AS SHOWN
- 2" ALUM. CAP. 49285 1983 FOUND
- 1 1/2" ALUM. CAP. LS2152 2008 FOUND
- 1/2" REBAR FOUND
- 5/8" REBAR w/PLASTIC CAP. LS6859 SET
- () RECORD DATUM PLAT K-1355 KR0
- () RECORD DATUM PLAT 89-52 KR0

NOTES:

- 1) Basis of bearing taken from Record of Mortgages's Addition Nos. 1 & 2 Plat K-1355, Kenai Recording District.
- 2) This plat is subject to City of Kenai zoning regulations.
- 3) Further development of the property shall conform to all Federal, State, and local regulations.
- 4) Exceptions to KPB 20.30.030: extension of California Avenue to Nightingale Street, Florida Avenue to Nightingale Street, and Fifth Street to California Avenue, and KPB 20.30.110, Block length, were granted by the plat Committee at the meeting of March 13, 2017.
- 5) An easement for electric lines or system and/or telephone lines granted to Inver Electric Association is recorded in Book 2 Page 3A, Kenai Recording District.
- 6) 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.
- 7) **WASTEWATER DISPOSAL:** Plans for wastewater disposed, that meet regulatory requirements are on file at the 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 instruments shown herein accurately reflect as described, and all dimensions and other details are correct.

Date: 4-11-17

CERTIFICATE of ACCEPTANCE

THE UNDERSIGNED OFFICIAL IDENTIFIED BY NAME AND TITLE IS AUTHORIZED TO ACCEPT AND HEREBY ACCEPTS ON BEHALF OF THE CITY OF KENAI 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: NIGHTINGALE ST., FLORIDA AVE., AND FIFTH ST. DEDICATIONS. THE ACCEPTANCE OF LANDS FOR PUBLIC USE OR PUBLIC PURPOSE DOES NOT OBLIGATE THE PUBLIC OR ANY OTHER GOVERNING BODY TO CONSTRUCT, OPERATE, OR MAINTAIN IMPROVEMENTS.

FILED: *Paul Ostrander* DATE: 4/11/17
 PAUL OSTRANDER, CITY MANAGER
 CITY OF KENAI

Date: 4-11-17

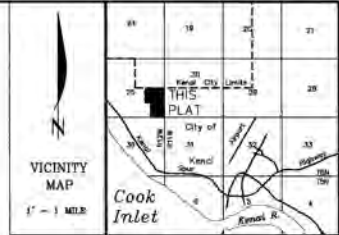
KN 92-73 Tract 5.

Gov't Lot 2

LINE	LENGTH	BEARING
L1	211.00	N00°00'00"W
L2	50.34	S30°00'00"E
L3	150.00	N50°00'00"W
L4	50.00	S00°00'00"W

Tract A
72.212 Ac.

KN 89-52
Tract 1A



CERTIFICATE of OWNERSHIP and DEDICATION

I, THE UNDERSIGNED, HEREBY CERTIFY THAT THE CITY OF KENAI IS THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON, AND ON BEHALF OF THE CITY OF KENAI, 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.

FILED: *Paul Ostrander*
 PAUL OSTRANDER
 CITY MANAGER
 CITY OF KENAI
 310 FIDALGO AVE.
 KENAI, ALASKA 99611

NOTARY'S ACKNOWLEDGMENT

FOR: *Paul Ostrander*
 ACKNOWLEDGED BEFORE ME THIS 14 DAY OF April 2017.

Laura M. Sklar
 NOTARY PUBLIC FOR ALASKA
 MY COMMISSION EXPIRES 02/01/2017



PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF MARCH 13, 2017.

KENAI PENINSULA BOROUGH
Paul Ostrander
 AUTHORIZED OFFICIAL

KPB FILE No. 2017-021

Kenai Meadows

A subdivision of the SE1/4 Section 25, T6N, R12W, S4M, excepting therefrom those portions lying within Mortensen's Addition No. 1 and Two, according to Plat K-1355, Kenai Recording District.

Located within the SE1/4 Section 25, T6N, R12W, S4M, City of Kenai, Kenai Recording District, Kenai Peninsula Borough, Alaska.

Containing 77.810 Ac.	
Surveyor Segesser Surveys 30485 Rosland St. Soldotna, AK 99689 (907) 262-8906	Owner City of Kenai 310 Fidalgo Avenue Kenai, Alaska 99611
JOB NO. 16100	DRAWN: 4-14-17
SURVEYED: Nov., 2016	SCALE: 1"=200'
FIELD BOOK: 16-2	SHEET: 1 of 1

2017-17
K. Ostrander
 4/11/17
 FILED

Page 1 of 1

B. APPROVAL OF MINUTES

1. *Regular Meeting of February 9, 2022

Approved by the consent agenda.

C. SCHEDULED PUBLIC COMMENT – None.

D. UNSCHEDULED PUBLIC COMMENT – None.

E. CONSIDERATION OF PLATS

1. **Resolution PZ2022-04** - Preliminary Subdivision Plat of Bailey Estates Karpik Rice Replat, submitted by Segesser Surveys, Inc., 30485 Rosland St, Soldotna, AK 99669, on behalf of David C. Karpik and Kathleen J. Rice, 410 Lawton Drive, Kenai, AK 99611

MOTION:

Commissioner Halstead **MOVED** to approve Resolution PZ2022-04. Commissioner Woodard **SECONDED** the motion.

Director Foster provided a summary description of the property noting that the proposed lot line move will provide a larger lot for the parcel located at 410 Lawton Drive; the preliminary plat met the requirements of KMC Subdivision design standards; and conditions would be applied requiring further development of the property shall conform to all federal, State of Alaska and local regulations.

There was discussion related to the benefits to the smaller lot.

VOTE:

YEA: Fikes, Halstead, Askin, Woodard, Douthitt
NAY: None

MOTION PASSED UNANIMOUSLY.

2. **Resolution PZ2022-05** - Preliminary Subdivision Plat of Kenai Meadows Addition No. 1, submitted by Segesser Surveys, Inc., 30485 Rosland St, Soldotna, AK 99669, on behalf of City of Kenai, 210 Fidalgo Avenue, Kenai, AK 99611

MOTION:

Commissioner Halstead **MOVED** to approve Resolution PZ2022-05. Commissioner Fikes **SECONDED** the motion.

Director Foster provided a summary description of the property noting that the proposed plat will create two additional lots intended for development of senior and income restricted housing, per a conditional use donation by the City of Kenai; the preliminary plat met the requirements of KMC Subdivision design standards; and conditions would be applied requiring further development of the property shall conform to all federal, State of Alaska and local regulations.

There was discussion related to who would be responsible for future road development; if the City could at this time designate a name for the future road; and the financial responsibility for future development.

The commission members requested that the administration look into taking the steps necessary to designate the road name as Sixth St.

VOTE:

YEA: Halstead, Askin, Woodard, Douthit, Fikes

NAY: None

MOTION PASSED UNANIMOUSLY.

F. **PUBLIC HEARINGS** – None.

G. **UNFINISHED BUSINESS** – None.

H. **NEW BUSINESS** – None.

I. **PENDING ITEMS** – None.

J. **REPORTS**

1. **City Council** – Council Member Winger reported on the actions of the February 16, 2022 City Council Meeting.
2. **Borough Planning** – Commissioner Fikes reported on the actions of the February 14, 2022 Kenai Peninsula Borough Planning Commission.
3. **City Administration** – Planning Director Foster introduced the new Planning Administrative Assistant, Katie Rector and reported on the following:
 - Reminded everyone to attend the February 24, 2022 Kenai Waterfront Revitalization Community Vision Session;
 - Upcoming American Planning Association Conferences and Educational opportunities;
 - March 7, 2022 Kenai City Council Land Management Plan Work Session.

K. **ADDITIONAL PUBLIC COMMENT** – None.

L. **INFORMATIONAL ITEMS** – None.

M. **NEXT MEETING ATTENDANCE NOTIFICATION**

1. March 9, 2022

N. **COMMISSION COMMENTS & QUESTIONS**

Commissioner Halstead noted that the staff did a great job with the Work Session and thanked them.



**CITY OF KENAI
PLANNING AND ZONING COMMISSION
RESOLUTION NO. 2022-05**

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI **RECOMMENDING** THAT KENAI MEADOWS ADDITION NO. 1 ATTACHED HERETO BE APPROVED

WHEREAS, the City of Kenai received the plat from Segesser Surveys and,

WHEREAS, the plat meets Municipal Code requirements of the Rural Residential (RR); and,

WHEREAS, street names are referenced correctly; and,

WHEREAS, access is provided via Redoubt Avenue, which is a paved, City maintained road; and

WHEREAS, City water and sewer lines are located along Redoubt Avenue; and,

WHEREAS, the Planning and Zoning Commission finds:

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

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

Section 1. That the preliminary plat of Kenai Meadows Addition No. 1 be approved subject to the following conditions:

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

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA, this 23rd day of February, 2022.

JEFF TWAIT, CHAIRPERSON

ATTEST:

Michelle M. Saner, MMC, City Clerk



KENAI

City of Kenai | 210 Fidalgo Ave, Kenai, AK 99611-7794 | 907.283.7535 | www.kenai.city

STAFF REPORT

TO: Planning and Zoning Commission
FROM: Ryan Foster, Planning Director
DATE: February 15, 2022
SUBJECT: PZ2022-05 – Preliminary Plat – Kenai Meadows Addition No. 1

Applicant: City of Kenai
210 Fidalgo Avenue
Kenai, AK 99611

Submitted By: Segesser Surveys
30485 Rosland St
Soldotna, AK 99669

Requested Action: Preliminary Subdivision Plat – Kenai Meadows Addition No. 1

Legal Description: Kenai Meadows Tract A

Property Address: 2200 Redoubt Avenue

KPB Parcel No: 03901065

Lot Size: Approximately 72.2 acres

Existing Zoning: Rural Residential

Current Land Use: Vacant

Land Use Plan: Suburban Residential

GENERAL INFORMATION

Segesser Surveys submitted a preliminary plat on behalf of the property owners, City of Kenai. The plat affects the parcel with KPB Parcel No: 03901065.

The proposed Kenai Meadows Addition No. 1 will create a Lot 3 at approximately 0.99 acres and Lot 4 at approximately 1.3 acres. These proposed lots are for the development of senior and income restricted housing per a conditional donation by the City of Kenai to the Kenai Peninsula Housing Initiative. The preliminary plat proposes to dedicate a 60' right of way between Lots 2 and 3. The right of way would provide access to the remaining approximately 70 acres of City owned property and aligns with the block widths of neighboring subdivided properties.

Application, Public Notice, Public Comment

KMC 14.10.010 General under *Chapter 14.10 Subdivision Regulations* states preliminary plats or replats must first be submitted to the City for review prior to the submittal of the plat to the Kenai Peninsula Borough Planning Department. *Kenai Municipal Code (KMC) 14.10.060* describes the process in more detail. The plat will be reviewed first by the City of Kenai Planning and Zoning Commission and then by the Kenai Peninsula Borough's Plat Committee and Planning Commission.

The property owners completed the City of Kenai preliminary plat submittal form. The City of Kenai follows *Kenai Peninsula Borough Code 20.25.070* and *20.25.080* for preliminary plat submittal requirements. City staff published notice of the consideration of the plat as part of the agenda for the City of Kenai Planning and Zoning Commission in the *Peninsula Clarion*. No public comments have been received as of February 17, 2022.

ANALYSIS

Access to the proposed Kenai Meadows Addition No. 1 is provided via Redoubt Avenue, which is a paved, City maintained road. City water and sewer lines are adjacent along Redoubt Avenue.

The preliminary plat meets requirements of *KMC Subdivision design standards* and *KMC 14.10.080 Minimum improvements required* under *Chapter 14.10 Subdivision Regulations*.

RECOMMENDATIONS

City staff recommends approval of the preliminary plat of Kenai Meadows Addition No. 1 subject to the following conditions:

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

ATTACHMENTS

1. Application
2. Preliminary Plat
3. Aerial Map





Preliminary Plat Submittal Form

City of Kenai
Planning and Zoning Department
210 Fidalgo Avenue
Kenai, AK 99611
(907) 283-8200
planning@kenai.city
www.kenai.city/planning

Name:	Segesser Surveys Inc						
Mailing Address:	30485 Rosland St	City:	Soldotna	State:	AK	Zip Code:	99669
Phone Number(s):	907-262-3909, 907-252-3421						
Email:	seggy@ptialaska.net						

Name:	City of Kenai						
Mailing Address:	210 Fidalgo Ave.	City:	Kenai	State:	AK	Zip Code:	99611
Phone Number(s):							
Email:							

Property Owner Name:	City of Kenai					
Current City Zoning:						
Use:	<input type="checkbox"/> Residential	<input type="checkbox"/> Recreational	<input type="checkbox"/> Commercial			
	<input type="checkbox"/> Other:					
Water:	<input type="checkbox"/> On Site	<input type="checkbox"/> City	<input type="checkbox"/> Community			
Sewer:	<input type="checkbox"/> On Site	<input type="checkbox"/> City	<input type="checkbox"/> Community			

Preliminary Plat Name:	Kenai Meadows Addition No. 1					
Revised Preliminary Plat Name:						
Vacation of Public Right-of-Way:	<input type="checkbox"/> Yes		<input type="checkbox"/> No			
Street Name (if vacating ROW):						

Exceptions Required and Requested:

Comments:

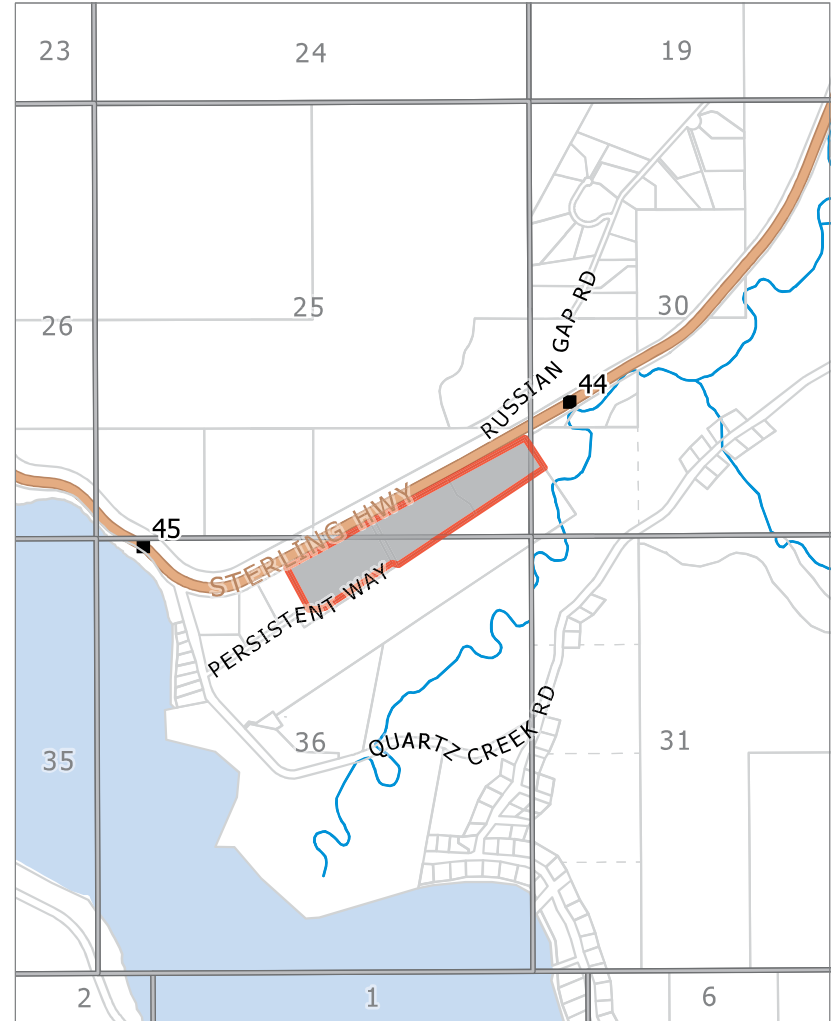
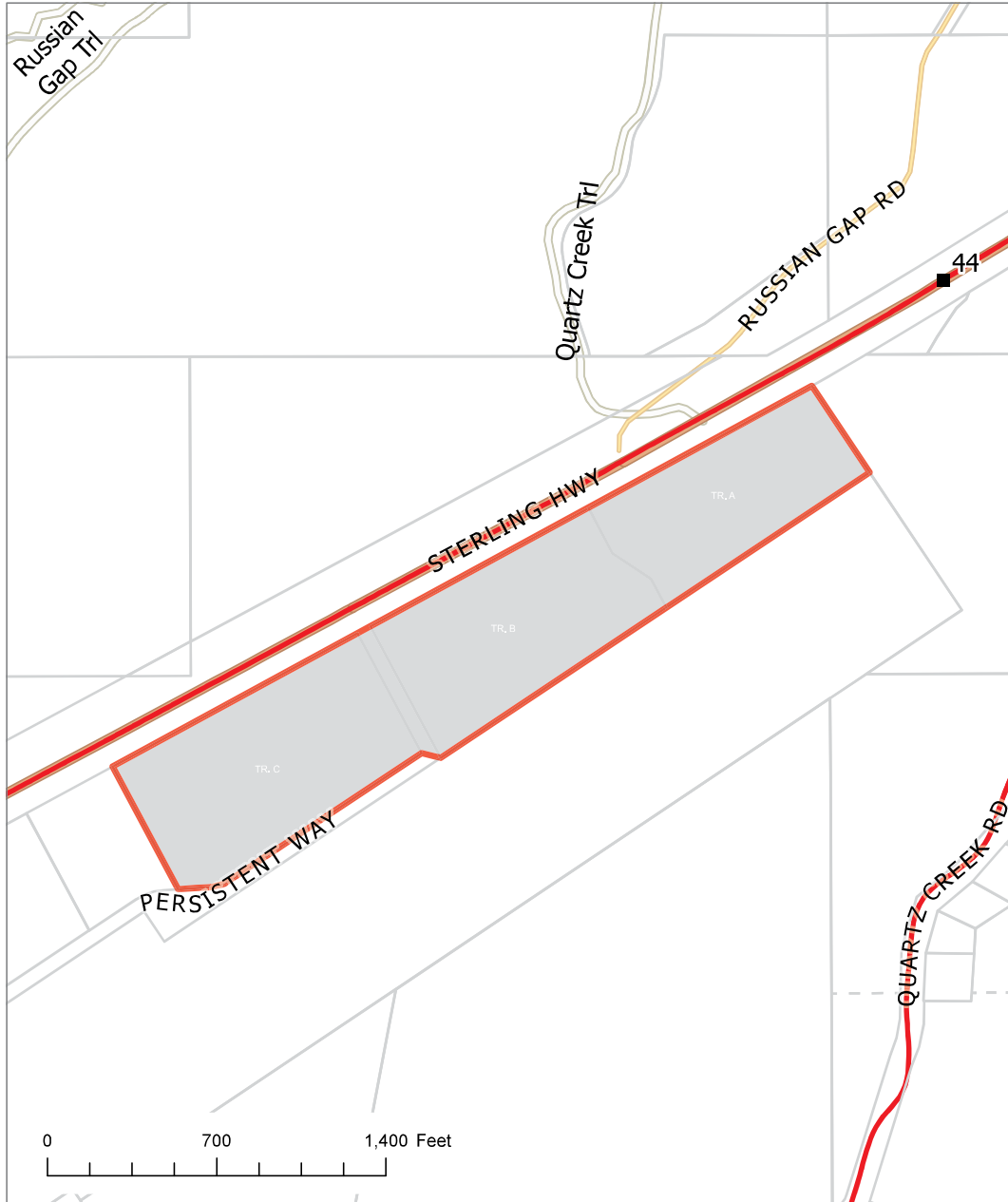
<input checked="" type="checkbox"/> Certificate to Plat	<input checked="" type="checkbox"/> (1) 24" x 36" Plat	<input checked="" type="checkbox"/> (2) 11" x 17" Plats
---	--	---

Signature:			Date:	2/2/22
Print Name:	John Segesser	Title/Business:	Segesser Surveys Inc	



E. NEW BUSINESS

- 10. Quartz Creek Sub. Outfitters Way Replat; KPB File 2022-060
Segesser Surveys / KPB & Three Bears Alaska Inc.
Persistent Way & Sterling Highway
Cooper Landing Area**



KPB File # 2022-060

S25 T05N R02W

S30 T05N R02W

S36 T05N R03W

Cooper Landing

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.



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:

- ⊗ 3 1/4" ALUM. CAP MONUMENT BLM 1986 FOUND
- ⊗ 2 1/2" ALUM. CAP MONUMENT L55152 2000 FOUND
- ⊗ 3 1/4" ALUM. CAP MONUMENT 1928-S 1992 FOUND
- ⊗ 2 1/2" ALUM. CAP MONUMENT 4469-S 2003 FOUND
- ⊙ 5/8" REBAR w/ 2" ALUM. CAP MCLANE 1994 FOUND
- ⊙ 5/8" REBAR w/ PLASTIC CAP L58859 SET
- () RECORD DATUM PLAT 2004-9 KR



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: OUTFITTERS WAY DEDICATION. THE ACCEPTANCE OF LANDS FOR PUBLIC USE OR PUBLIC PURPOSE DOES NOT OBLIGATE THE PUBLIC OR ANY OTHER COVERING BODY TO CONSTRUCT, OPERATE, OR MAINTAIN IMPROVEMENTS.

AUTHORIZED OFFICIAL
KENAI PENINSULA BOROUGH

DATE _____



PLAT APPROVAL

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

KENAI PENINSULA BOROUGH

AUTHORIZED OFFICIAL _____

SURVEYOR'S CERTIFICATE

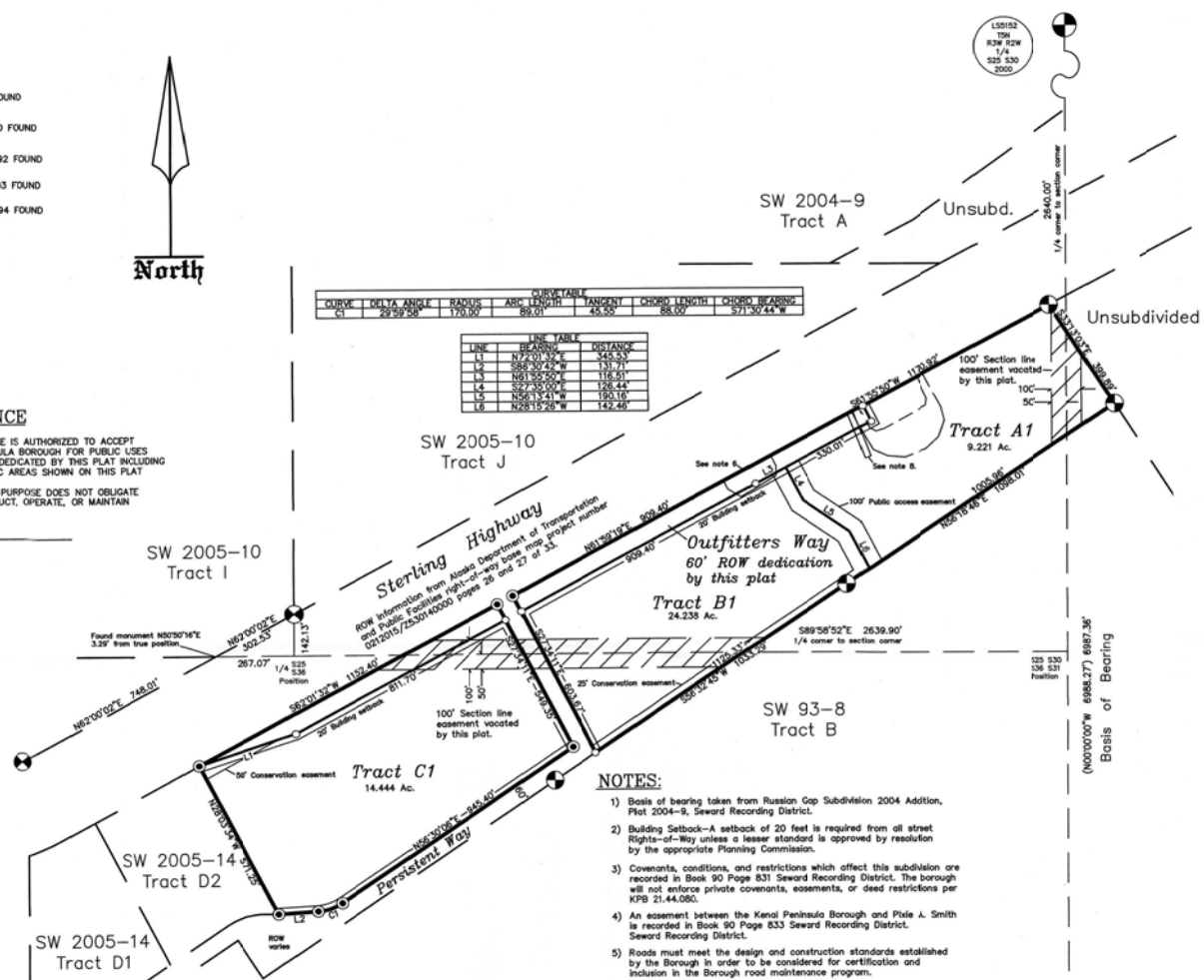
I hereby certify that I am properly registered and licensed to practice land surveying in the State of Alaska, this plat represents a survey made by me or under my direct supervision, the monuments shown hereon actually exist as described, and all dimensions and other details are correct.

Date _____

KPB 2022-060

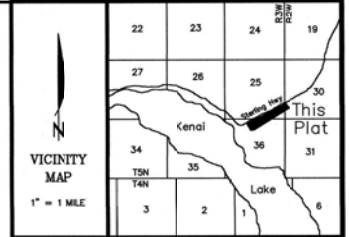
CURVE	DELTA ANGLE	RADIUS	CHORD	CHORD BEARING
1	242°59'29"	170.00'	62.01'	25.30'
2	170°00'00"	170.00'	170.00'	271°50'44"

LINE	BEARING	DISTANCE
L1	S77°01'32"E	345.53'
L2	S88°01'32"E	171.71'
L3	N81°50'50"E	176.51'
L4	S2°33'00"E	126.44'
L5	N56°11'41"W	150.11'
L6	N28°15'28"W	142.49'



NOTES:

- 1) Basis of bearing taken from Russian Gap Subdivision 2004 Addition, Plat 2004-8, Seward 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 90 Page 831 Seward Recording District. The borough will not enforce private covenants, easements, or deed restrictions per KPB 21.44.080.
- 4) An easement between the Kenai Peninsula Borough and Pixie A. Smith is recorded in Book 90 Page 833 Seward Recording District.
- 5) Roads must meet the design and construction standards established by the Borough in order to be considered for certification and inclusion in the Borough road maintenance program.
- 6) This property is subject to a reservation of easement for highway purposes, and any easements or uses thereof for recreational, utility or other purposes, as disclosed by Public Land Order No. 601, dated August 10, 1949; and amended by Public Land Order Number No. 757, dated October 10, 1959; Public Land Order No. 1613, dated April 7, 1958; Department of the Interior Order Number 2685, dated October 16, 1951, Amendment Number 1 thereto, dated July 17, 1952 and Amendment Number 2 thereto, dated September 15, 1956, filed in the Federal Register.
- 7) No private access to State maintained ROW's permitted unless approved by the State of Alaska Department of Transportation.
- 8) An easement for electrical lines or system and/or telephone lines which affects a portion of Tract A, granted to Chuquch Electric Association, Inc. is recorded as serial number 2004-000989-0, Seward Recording District.
- 9) 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.
- 10) **WASTEWATER DISPOSAL:** These lots are at least 200,000 square feet and conditions may not be suitable for onsite wastewater treatment and disposal. Any wastewater treatment or disposal system must meet the regulatory requirements of the Alaska Department of Environmental Conservation.



CERTIFICATE of OWNERSHIP and DEDICATION

I, THE UNDERSIGNED, HEREBY CERTIFY THAT THE KENAI PENINSULA BOROUGH IS THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON, AND ON BEHALF OF THE KENAI PENINSULA BOROUGH, 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.

CHARLIE PIERCE, MAYOR
KENAI PENINSULA BOROUGH
144 N BRIMLEY STREET
SOLDOTNA, ALASKA 99666
TRACTS A AND C

CERTIFICATE of OWNERSHIP and DEDICATION

I, THE UNDERSIGNED, HEREBY CERTIFY THAT THREE BEAR ALASKA INC IS THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON, AND ON BEHALF OF THREE BEAR ALASKA INC, 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.

DAVID A. WEISZ, PRESIDENT/CEO
THREE BEARS ALASKA INC
445 N PITTMAN ROAD, SUITE B
WASILLA, ALASKA 99623
Tract B

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.

Quartz Creek Subdivision Outfitters Way Replat and Section Line Easement Vacation		
A subdivision of Tracts A, B, and C, Quartz Creek Subdivision Plat 94-11, Seward Recording District.		
Located within the SW1/4 Section 30, T5N, R2W, the SE1/4 Section 25 and the N1/2 Section 36, T5N, R3W, S.M., Kenai Peninsula Borough, Alaska.		
Containing 40.040 Ac.		
Surveyor Segesser Surveys 30485 Rosland St. Soldotna, AK 99669 (907) 262-5909	Owners Kenai Peninsula Bor. 445 N Pittman Rd. 144 N Brimley St. Suite B Soldotna, AK 99669 Wasilla, AK 99623	Three Bears Alaska Inc
JOB NO. 22031	DATE: March, 2022	DRAWN: 4-27-22
SURVEYED: March, 2022	SCALE: 1"=200'	SHEET: 1 of 1
FIELD BOOK: 22-1		

AGENDA ITEM E. NEW BUSINESS

ITEM 10 - QUARTZ CREEK SUBDIVISION OUTFITTERS WAY REPLAT

KPB File No.	2022-060
Plat Committee Meeting:	May 23, 2022
Applicant / Owner:	Three Bears of Alaska of Wasilla, AK Kenai Peninsula Borough of Soldotna, AK
Surveyor:	John Segesser / Segesser Surveys
General Location:	Cooper Landing / Cooper Landing APC

Parent Parcel No.:	119-124-17, 119-124-18, and 119-124-19
Legal Description:	Tracts A, B, and C of Quartz Creek Subdivision Plat No SW 94-11
Assessing Use:	Residential Vacant
Zoning:	Rural Unrestricted
Water / Wastewater	On site

STAFF REPORT

The Cooper Landing Advisory Planning Commission requested that this plat be postponed. Kenai Peninsula Borough Land Management Department has requested this item be postponed due to the concerns regarding the frontage road and the proposed changes to the conservation easements discussed at the Cooper Landing APC meeting.

Specific Request / Scope of Subdivision: The proposed plat will finalize section line easement vacations and dedicate a frontage right-of-way.

Location and Legal Access (existing and proposed): The proposed plat is located between miles 44 and 45 of the Sterling Highway, a state maintained right-of-way. Additional access is available by a 60 foot wide right-of-way between two of the tracts that contains a turn to intersect with Quartz Creek Road. The right-of-way is Persistent Way and is not constructed at this time. Quartz Creek Road is constructed and maintained by the State of Alaska DOT.

The plat will be finalizing some section line easement vacations that are scheduled for hearing by the Planning Commission on May 23, 2022. Section line easements are still present outside of this subdivision boundary.

The plat is proposing to dedicate a 60 foot wide right-of-way adjacent to the Sterling Highway and is proposed to be named Outfitters Way. This dedication is to provide a frontage right-of-way to the properties fronting along the Sterling Highway. There have been discussions with the State of Alaska DOT and Three Bears Alaska on the best options to allow access along the northern portion of their property while not creating safety concerns on the highway.

The block containing Tract C1 is closed. Persistent Way, Quartz Creek Road, and the Sterling Highway define the block. The lengths along the block are not compliant and exceed allowable limits. The vacation of the section line easements, the location of an airstrip to the south, and anadromous streams between Tract A2 and B2, limit the ability to get a closed block for the eastern portion of the proposal. Tract A1 is owned by the Kenai Peninsula Borough (KPB) and is used as a transfer site. Tract C1 is also owned by the KPB and could be subdivided in the future. **Staff recommends the plat committee concur that an exception is not required and additional dedications are not needed at this time.**

KPB Roads Dept. comments	Out of Jurisdiction: No Roads Director: Uhlin, Dil
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	Comments: No comments
SOA DOT comments	Please see attached email comments that were submitted separately from the Sterling Highway 45-60 project team to Marcus Mueller.

Site Investigation: The area is relatively flat within the subdivision boundary and there are no steep slopes within the lots are proposed dedication. There are some low wet areas within the subdivision. **Staff recommends low wet areas be depicted on the final plat and a wetland determination plat note be added to the plat.**

Per the parent plat, Quartz Creek Subdivision SW 94-11, the boundary between parent parcels, Tracts A and B, is a thread of creek that forms the tract boundaries. A 100 foot easement is centered over the creek. The easement is depicted and labeled. **Staff recommends the shared boundary line be labeled as "Thread of Creek forms Tract Boundary."**

The creek is within the Anadromous Waters Habitat Protection catalog and the appropriate plat note must be added to the final plat.

Alaska State Land Survey No. 92-22, Plat SW 93-8, depicted the creek and showed a 50 foot public access easement on each side of the creek. Quartz Creek Subdivision, Plat SW 94-11, carried over the depiction but stated it was a pedestrian access easement. Per the Certificate to Plat there are rights of the public to have access to the creek and to portions lying below the mean high water mark. The plat is proposing to carry over the label from the original plat and states it is "100' Public Access Easement". **Staff recommends allowing the label to match the first plat as any development of access within the easement may require permitting.**

KPB River Center review	A. Floodplain Reviewer: Carver, Nancy Floodplain Status: Not within flood hazard area Comments: No comments
	B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: IS totally or partially within HPD Comments: KPB\maldrige
	C. State Parks Reviewer: Russell, Pam Comments: No Comments
State of Alaska Fish and Game	No objections

Staff Analysis This land was federal land as shown on the US BLM section plat recorded September 28, 1992. The property was transferred to the State of Alaska and then subdivided by Alaska State Land Survey 92-22, Plat SW 93-8. The borough acquired Tract A, ASLS 92-22 and further subdivided the land as shown on Quartz Creek Subdivision, Plat SW 94-11.

The ownership of Tract B has changed several times and is currently owned by Three Bears Alaska, Inc. The ownership of Tracts A and B is still the Kenai Peninsula Borough. Tract A is currently being used as a waste transfer site.

A petition to vacate the section line easements within Tract B was heard and approved by the Kenai Peninsula Borough Planning Commission on September 14, 2020. The Kenai Peninsula Borough Assembly consented to the vacation at their October 13, 2020 meeting. Some issues arose at the state level about the plan in place. Three Bears Alaska have been working with the state and the borough and are now seeking approval of a new design that includes additional section line easements to be vacated and a frontage right-of-way dedication.

The section line easement vacations are scheduled to be heard by the Planning Commission on May 23, 2022 and if approved will be heard by the Assembly on June 7, 2022.

The preliminary plat is proposing to alter some conservation easements. These easements were created by an Ordinance and they were later put into the deed that transferred ownership from the borough. Any alterations or removal of those conservation easements may be discussed at the Plat Committee meeting but any formal action will require an Ordinance that will be presented to the Planning Commission for recommendations to the Assembly. The proposed right-of-way dedication is atop one of the conservation easements and the other easements are proposed to be removed or reduced. The status of the conservation easements will be required to be the configuration at the time of recording with correct depiction and notations. **Staff recommends the plat committee review the right-of-way dedication and if approved, subject to approval by the Assembly to alter or remove the conservation easement.**

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

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.

Cooper Landing Advisory Planning Commission reviewed the preliminary plat on May 4, 2022. It was explained that the proposed right-of-way would be a frontage road that extends to the waste transfer site. The traffic safety team at DOT has been involved with the design to bring traffic from Quartz Creek road and to improve the turning safety to Russian Gap Road. The highway access for Persistence Way would be removed and would reduce the waste transfer site driveways to one. It was confirmed that the frontage road would extend from the parking lot of the Sunrise Inn to the transfer site. The concerns by the APC were in regards to the conservation easements and the possibility of altering the frontage road dedication to still allow some greenspace or conservation easement as a buffer. **The Cooper Landing Advisory Planning Commission recommendation is to disapprove the plat as presented and recommend for extended time for public review and comment regarding the design options.**

Utility Easements Alaska State Land Survey 92-22, did not grant any utility easements that affect this property. Quartz Creek Subdivision, Plat SW 94-11, did not grant any utility easements. Some of the areas fronting rights-of-way are conservation easements and there is no depiction or note to create easements along Persistent Way. Plat note 8 contains the information for a utility easement granted by document and it is depicted on the plat within proposed Tract A1.

Plat note 9 indicates the intent to grant 10 foot utility easements adjacent to rights-of-way. The easements should be depicted on the plat. If the creation of the utility easements fall within a conservation easement area, it should be noted that those areas are excluded or easements should be granted outside the conservation easement if requested by utility providers. **Staff recommends the utility easements be depicted and if they overlap with conservation easements the plat note specify those areas are excluded.**

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 HEA service area
ENSTAR	No comments or recommendations
ACS	Not an Alaska Communications Service Area – No objections
GCI	Approved as shown
SEWARD ELECTRIC	
CHUGACH ELECTRIC	

TELALASKA	
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KPB department / agency review:

Addressing	<p>Reviewer: Haws, Derek Affected Addresses: 21919 STERLING HWY 21971 STERLING HWY 21949 STERLING HWY</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names: STERLING HWY PERSISTANT WAY</p> <p>Existing Street Name Corrections Needed:</p> <p>All New Street Names are Approved: Yes</p> <p>List of Approved Street Names: OUTFITTERS WAY</p> <p>List of Street Names Denied:</p> <p>Comments: 21919 STERLING HWY and 21949 STERLING HWY will be deleted and replaced with OUTFITTERS WAY addresses.</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>
Advisory Planning Commission	<p>Disapprove the plat as presented and recommend for extended time for public review and comment regarding the design options.</p>

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

STAFF RECOMMENDATIONS
CORRECTIONS / EDITS

*The same line style is used for the setback, public access easements, conservation easements, and utility easements. **Staff recommends** different line styles be used to depict various items present within the subdivision.*

KPB 20.25.070 – Form and contents required

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

- D. A vicinity map, drawn to scale showing location of proposed subdivision, north arrow if different from plat orientation, township and range, section lines, roads, political boundaries, and prominent natural and manmade features, such as shorelines or streams;
Staff recommendation: *Include labels for the Chugach National Forest, which is located on both sides of Kenai Lake.*

- F. The location, width and name of existing and platted streets and public ways, railroad rights-of-way, easements, and travel ways existing and proposed, within the subdivision;
Staff recommendation: *Include a 60 foot wide label between Tracts B1 and C1.*

- G. The status of adjacent lands within 100 feet of the proposed subdivision boundary or the land status across from any dedicated rights-of-way that adjoin the propose subdivision boundary, including names of subdivisions, lot lines, block numbers, lot numbers, rights-of-way; or an indication that the adjacent land is not subdivided;
Staff recommendation: *Update the labels for Tract D1 and D2 to the southwest of the subdivision to include hyphens, D-1 and D-2.*

KPB 20.30 – Subdivision Design Requirements

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

20.30.240. Building setbacks.

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

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

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

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

Staff recommendation: *Depictions may need to be revised once conservation easements are determined. Suggest using a different line style.*

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

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

Platting Staff Comments: *A creek is present between Tract A1 and Tract B2. This is anadromous and should be labeled as a creek and the Anadromous Waters note should be added.*

Staff recommendation: *comply with 20.30.290.*

KPB 20.40 – Wastewater Disposal

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

20.40.010 Wastewater disposal.

Platting Staff Comments: The lots are all over 200,000 square feet. Correct plat notes are present.

Staff recommendation: comply with 20.40.

KPB 20.60 – Final Plat

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

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

Staff recommendation: The jurisdiction on the proposed dedication will need to be reviewed to determine the correct acceptance.

20.60.160. Easements.

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

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

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

Staff recommendation: A public easement is in place along the creek and is depicted. Conservation easements will need to be further reviewed and adjusted by Ordinance. Comply with 20.60.160.

20.60.180. Plat notes.

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

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

Staff recommendation: Place the following notes on the plat.

- 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.
- ANADROMOUS WATERS HABITAT PROTECTION DISTRICT NOTE:
Portions of this subdivision are within the Kenai Peninsula Borough Anadromous Waters Habitat Protection District. See KPB Chapter 21.18, as may be amended, for restrictions that affect development in this subdivision. Width of the habitat protection district shall be in accordance with KPB 21.18.040.
- Notes will be required to note the date the Planning Commission and the Assembly approved the section line easement vacations.
- Conservation easements will require notes to indicate creation and/or documents altering the easements.

Correct plat note 3 to reference KPB Code 20.60.170.

KPB 20.70 – Vacation Requirements

Staff recommendation. *If the section line easement vacations are approved, the plat will need to be recorded within four years of 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.

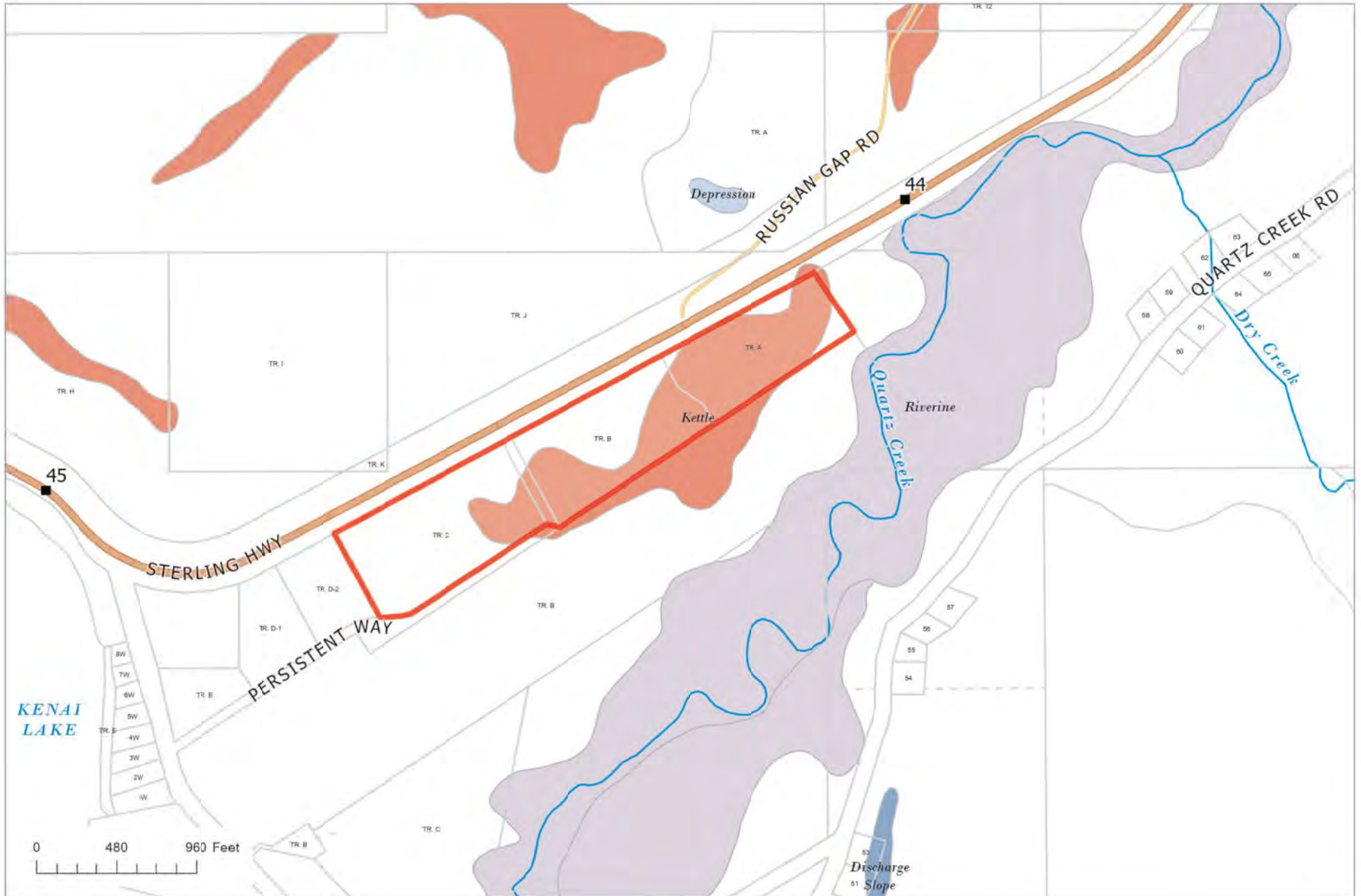
A PARTY OF RECORD MAY REQUEST THAT A DECISION OF THE PLAT COMMITTEE BE REVIEWED BY THE PLANNING COMMISSION BY FILING A WRITTEN REQUEST WITHIN 15 DAYS OF NOTIFICATION OF THE DECISION IN ACCORDANCE WITH KPB 2.40.080.

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.

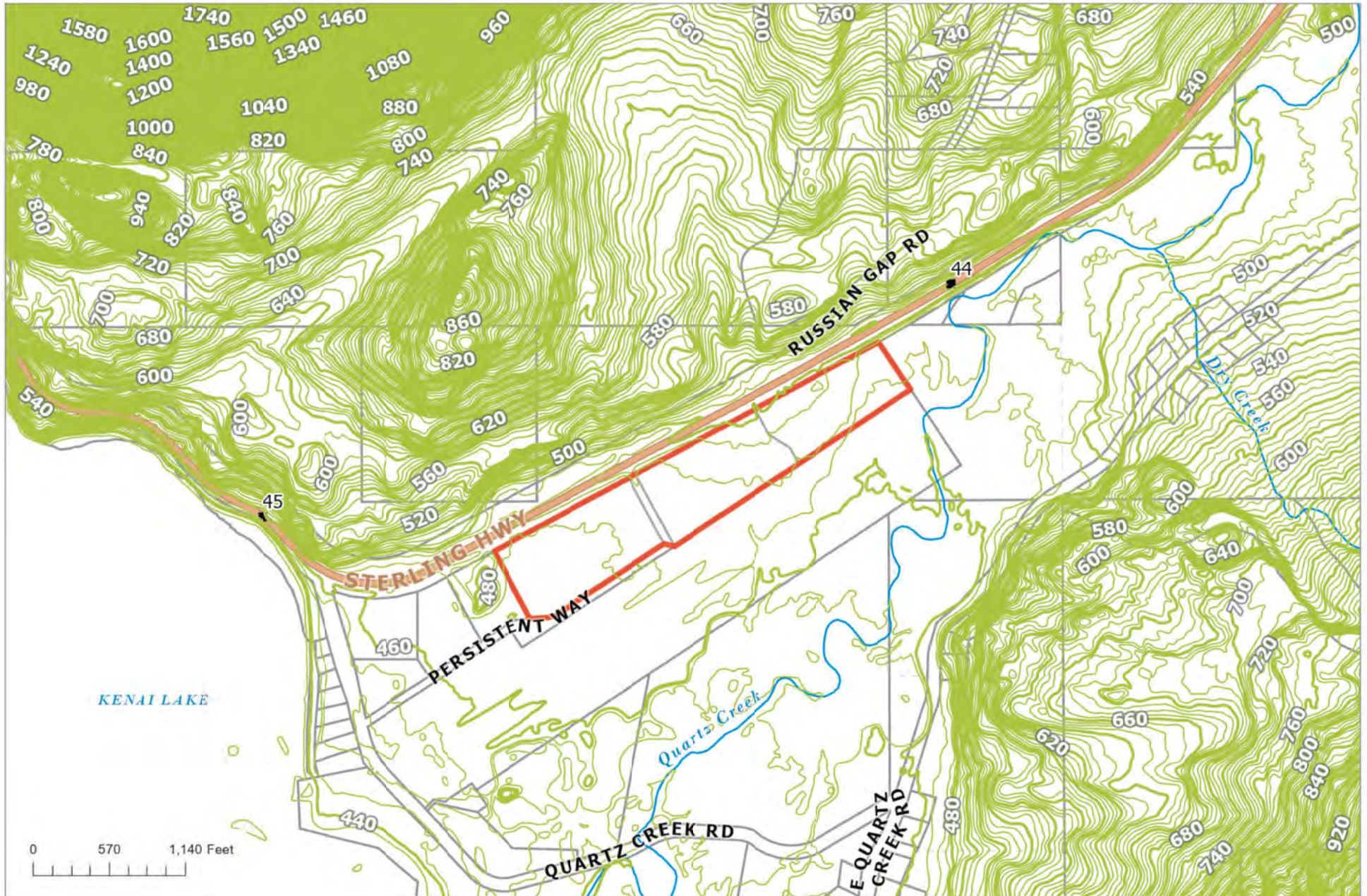
END OF STAFF REPORT



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



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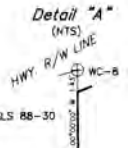
The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.

CURVE TABLE

LOT	CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
C/A Highway	C1	818.38	1070.80	827.60	898.03	S 82°40'20" E	74°58'04"
R/W Highway	C2	818.38	131.45	65.84	131.34	N 65°56'31" E	08°12'04"
TRACT C	C3	230.00	48.01	43.53	88.50	N 71°23'36" E	30°00'00"
TRACT C	C4	230.00	120.43	61.63	119.08	N 71°23'36" E	30°00'00"
CL 60' R/W	C5	200.00	104.72	53.59	103.53	N 71°23'36" E	30°00'00"
CL 60' R/W	C6	200.00	104.72	53.59	103.53	N 71°23'36" E	30°00'00"

LINE TABLE

LINE	DIRECTION	DISTANCE
L1	S 27°51'10" E	194.13
L2	N 52°25'51" E	102.18
L3	S 28°31'30" E	135.53
L4	N 86°23'50" E	80.84
L5	N 33°38'24" W	154.77
L6	S 11°50'21" E	32.50
L7	N 11°51'21" W	32.50
L8	N 58°23'54" E	24.00
L9	S 58°23'36" W	83.22
L10	N 81°47'19" E	117.02
L11	N 81°47'19" E	74.50

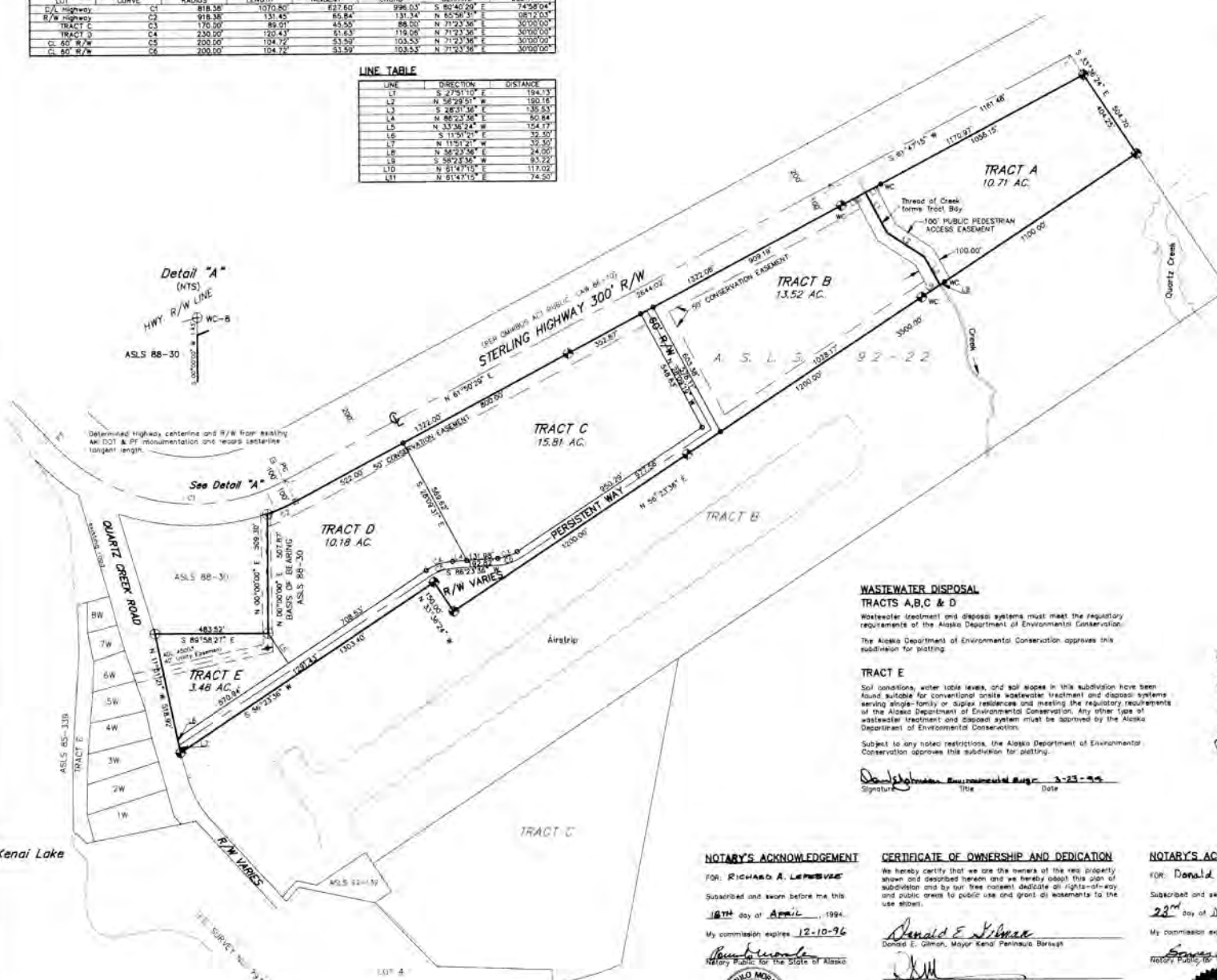


LEGEND

- ⊕ PRIMARY MONUMENT RECOVERED THIS SURVEY
- ⊙ SECONDARY MONUMENT RECOVERED THIS SURVEY
- ⊙ AX DOT & PE 6" x 6" CONC R/W MONUMENT RECOVERED THIS SURVEY
- ⊕ PRIMARY MONUMENT SET THIS SURVEY
- ⊙ SECONDARY MONUMENT SET THIS SURVEY
- 1/2" REBAR WITH PLASTIC CAP

NOTES

- 1) Water supply and sewage disposal systems shall be permitted only in conformance with applicable requirements of 18 AAC 70, 18 AAC 72, and 18 AAC 80.
- 2) No direct access to state maintained ROW permitted unless approved by State of Alaska Department of Transportation.
- 3) No permanent structure shall be constructed or placed within an easement which would interfere with the ability of a utility to use the easement.
- 4) BUILDING SET BACK - A building set back of 20 ft. is required from all street rights-of-way unless a lesser standard is approved by resolution of the appropriate Planning Commission.



WASTEWATER DISPOSAL TRACTS A,B,C & D

Wastewater treatment and disposal systems must meet the regulatory requirements of the Alaska Department of Environmental Conservation. The Alaska Department of Environmental Conservation approves this resolution for platting.

TRACT E

Soil conditions, water table levels, and soil slopes in this subdivision have been found suitable for conventional onsite wastewater treatment and disposal systems serving single-family or duplex residences and meeting the regulatory requirements of the Alaska Department of Environmental Conservation. Any other type of wastewater treatment and disposal system must be approved by the Alaska Department of Environmental Conservation.

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

Donald E. Gilman
 Signature Date 3-23-99

NOTARY'S ACKNOWLEDGEMENT

FOR **RICHARD A. LEFEBVRE**
 Subscribed and sworn before me this 18th day of April, 1994.
 My commission expires 12-10-96
Richard A. Lefebvre
 Notary Public for the State of Alaska



CERTIFICATE OF OWNERSHIP AND DEDICATION

We hereby certify that we are the owners of the real property shown and described herein and we hereby donate this plan of subdivision and by our true consent dedicate all rights-of-way and public areas to public use and grant of easements to the use shown.

Donald E. Gilman
 Donald E. Gilman, Mayor Kenai Peninsula Borough

Donald E. Gilman
 Director, Division of Land, State of Alaska

NOTARY'S ACKNOWLEDGEMENT

FOR **Donald E. Gilman**
 Subscribed and sworn before me this 23rd day of March, 1994.
 My commission expires 3-29-92
Donna J. O'Connell
 Notary Public for the State of Alaska



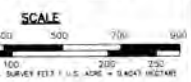
PLAT APPROVAL

This plat was approved by the KENAI PENINSULA BOROUGH PLANNING COMMISSION at the meeting of
 December 15, 1992

KENAI PENINSULA BOROUGH by
Richard A. Lefebvre
 Authorized Official



94-11
 RECORDED
 SEWARD REC DIST
 3-24-94
 REGISTERED BY: MCLANE & ASSOCIATES
 ADDRESS: 412 2ND AVE SEASATA, AK 99669



QUARTZ CREEK SUBDIVISION (A Resubdivision of Tract A ASLS 92-22)

KENAI PENINSULA BOROUGH, OWNER 144 N. BIRNEY SEASATA, AK 99669		LOCATION
N 814 AC. W/4 WITHIN UNSURVEYED SEC. 30, T. 5 N., R. 2 W., AND UNSURVEYED SEC. 25 & 36, T. 5 N., R. 3 W., S. 4 AC. THE KENAI PENINSULA BOROUGH IN SEWARD RECORDING DISTRICT		
Surveyed by: MCLANE & ASSOCIATES P.O. BOX 468 SEASATA, AK 99669		
Date: Nov. 28, 1993	Book No.: 95-08	Project No.: 9220180
Drawn by: WSM	Scale 1" = 200'	SPS File No.: 85-185
Checked by: WSM		

**COOPER LANDING ADVISORY PLANNING COMMISSION
REGULAR MEETING
LOCATION: ZOOM TELECONFERENCE
WEDNESDAY, MAY 04, 2022
6:00 PM
UNAPPROVED MINUTES**

1. CALL TO ORDER – 6:00 pm
2. ROLL CALL – J. Cadieux, K. Recken, Y. Galbraith, C. Degernes, L. Johnson, D. Story present. H. Harrison excused absent.
 - a. Nancy Carver; Kenai River Center, Jonathan Tymick ADOT&PF, Marcus Mueller; KPB Land Management, Aaron Hughes; KPB Land Management, Dakota Truitt; KPB Land Management, Alice Rademacher, Carol Fox, Rhonda Lynn, Phil Weber, Jerry Fox, Kim Neis, Jerry Neis, Virginia Morgan attending.
3. APPROVAL OF AGENDA – C. Degernes moves to approve the agenda as amended. L. Johnson seconds. All approve.
4. APPROVAL OF MINUTES for April 06, 2022 - This items was mistakenly skipped and will be addressed at the June 8 meeting.
5. CORRESPONDENCE - none
6. PUBLIC COMMENT/PRESENTATION WITHOUT PREVIOUS NOTICE – none
7. REPORT FROM BOROUGH
 - a. DOT&PF Sterling Hwy MP 45-60 Project report and questions/answers. Jonathan Tymick, PE, Project Manager, AKDOT&PF.
 - i. Lane closures at MP 58 for blasting were successful. There will be other closures to be determined at a future date.
 - ii. Open house was successful.
 - iii. Construction is finally happening on the pioneer roads. There will be a temporary cul-de-sac on Langille Road for emergency vehicles.
 - iv. There will be more publicly available firewood this year so stay tuned.
 - b. No KPB report other than those items in the agenda
8. OLD BUSINESS - none

- applied for and others are still being sought but all is in process and none yet confirmed.
- b. M. Mueller explained the framework this ordinance provides is the same whether it is a timber sale or a service contract.
8. Y. Galbraith moved to recommend approval of the ordinance with the amended language for Whereas #12. L. Johnson seconds.
 - a. The modification of the language is as follows:

“Whereas, treatments will establish, preserve, and regulate logging infrastructure such as roads, resource management access, and recreational trails, along with methods to close out temporary forest access; and”
 - iv. D. Story suggested the modification of the language of Whereas 15 to read, “...forest management sale reports designed for a given unit may exceed the standards of the Alaska Forest Resource and Practices Act, and should in areas determined to be sensitive, susceptible to damage, and in need of additional protection; and”
 1. Y. Galbraith agreed to the amended motion to include the modified language for Whereas #15 as well as #12 as proposed.
 2. All approved, motion passed.
 3. C. Degernes said she appreciates the work of KPB staff members on this important project.
 - d. Permit for floodplain action Drift Worldwide, Inc.
 - i. After group discussion of the structure type, location, and adequacy of the onsite septic, C. Degernes moves to recommend approval of the permit for construction of the structures. Y. Galbraith seconds. D. Story recuses. All approve. Motion passes.
 - e. Ordinance 2021-19-51 Land Trust Fund monies for investigation and land planning in Unit 395
 - i. Respect is the firm that has been selected and the ordinance is asking the land trust for monies to fund the investigation and land planning in Unit 395.
 1. C. Degernes moves to support the ordinance as written. L. Johnson seconds. All approve. Motion passes.

10. PLAT REVIEW

- a. Plat Preliminary 2022-060 Outfitters Way replat
 - i. M. Mueller explained that this plat is to lay out the right-of-way for a frontage road extending to the waste transfer site. It was brought by DOT to limit the accesses to the highway. The traffic safety team at DOT has been involved with this frontage road to bring the traffic from Quartz Creek Rd. and improve the turning safety to Russian Gap Rd. It would remove access to the highway

- from Persistence Way and reduce the driveways at the KPB waste transfer site to just the one across from Russian Gap Rd.
- ii. Conservation easement on the plat goes across Tracts A and B. Tract B also has a conservation easement that surrounds the tract. In the ordinance that authorized the sale to Sherman Smith it created that 50' easement. The KPB is trying to figure out the mechanics of unwinding the conservation easements to 25' on two of the sides and subsequently an action to modify the deed.
 - iii. On the plat the Outfitters Way frontage road would lay over the existing conservation easement on the north side of the tracts and the remaining conservation easements would be reduced from 50' to 25'.
 - iv. K. Recken asked for confirmation that the frontage road would extend from the parking lot of the Sunrise Inn to the transfer site with no conservation easements.
 1. M. Mueller explained that that is correct.
 - v. J. Cadieux asked if it is because there is not enough room for both the conservation easement and the frontage road.
 1. M. Mueller said that they occupy the same location.
 - vi. V. Morgan asked where she could access the plat.
 1. J. Cadieux said the CLAPC had only gotten this information yesterday.
 2. N. Carver confirmed that the plat is up for review at the May 23, 2022 Planning Commission Meeting. Comments are due May 11th.
 - vii. J. Tymick shared a graphic to help explain.
 1. He said that the Three Bears access congests the MP 45-60 project and this proposed project may help with access and the Russian Gap turning lane.
 - viii. J. Neiss said that one of the issues with the transfer station is that we get a lot of non-residents dumping and this layout would help reduce that.
 1. K. Recken clarified that the plans show that the highway access to the transfer station will still be preserved so it would not prevent the non-resident dumping.
 - ix. J. Tymick said that the conservation easement being reclassified started with the DOT's belief that a frontage road is in the best interest of the project.
 - x. J. Cadeiux said that the community had a series of meetings that fielded many comments saying that a frontage road was not desirable but that a compromise had been achieved to allow a frontage road as far as the Cozy Bear property then the road would pass through Tract C and on to Tract B.
 - xi. L. Johnson asked whether the reduction of the greenbelt would continue down to Tract D.

1. M. Mueller said this would not alter Tract D's conservation easement.
- xii. J. Cadieux asked if the conservation easement would be vacated on the other boundaries of Tract B to allow the new owner to use more of the land. M. Mueller indicated that was so though the 50' conservation easement would remain next to the parcel's boundary with Dena'ina Creek, an anadromous stream.
- xiii. K. Recken asked why the frontage road couldn't go on the same alignment as on Tract D and if it was just because Three Bears doesn't want the conservation agreement that we approved during their initial plat request. J. Tymick referred back to the drawing showing the space available along Tracts C and B would require elimination of the conservation easement to make way for the frontage road.
- xiv. J. Cadieux said that it seems like if we are not having access to the highway why can't we return to the plans we spent so much time at previous CLAPC meetings with KPB and a hired design professional.
 1. J. Tymick said that the proposed frontage road is intended to stay within the DOT right of way and not mean DOT would need to take possession of the maintenance of the frontage road.
 2. J. Cadieux asked that since the planning process of Tract C involved notable community effort over multiple meetings, can the original planning for Tract C be on the table or has it been abandoned and we have to give up our green space.
 - a. M. Mueller indicated it might be possible.
- xv. D. Story said that the timing of this information is hard to support since it is just being presented and the community was not informed via draft agenda that this change was proposed.
- xvi. J. Cadieux asked if this is something that needs to happen right now.
 1. M. Mueller said that from his standpoint in land management there is not a time crunch but the platting process does have a statutory timeframe.
- xvii. C. Degernes said that one of the biggest benefits to the community is DOT's willingness to provide safe ingress and egress to Russian Gap Rd. but that the loss of the 50' treed buffer is a big deal. C. Degernes said that a hybrid might be that there is a spur road from the transfer site side to Tract B but the 50' buffer remains and the frontage road across Tracts C and B from Quartz Creek runs south of the 50' buffer.
- xviii. J. Cadieux said that she also supports the improvement to the ingress/egress.
- xix. D. Story said that the resistance to a frontage road at the entry to our community seemed to come from the desire to keep it from

feeling like a strip mall. He said that the Brewery's treatment of the 50' conservation easement seemed like a good compromise with the need for a business to be seen and maintaining greenspace that ties the community to the land management intent.

- xx. L. Johnson said she agreed with D. Story
- xxi. K. Recken said that the importance of the conservation easement is considerable for the community.
- xxii. C. Degernes said that another possible compromise is to move the frontage road further in. The businesses get more access and the community retains the buffer. They lose some of the usable area of their property but maintain the easements that are a part of their property. Right now it seems like Three Bears doesn't lose much while the community does.
- xxiii. D. Story said that in this short discussion we have already had several ideas for compromise or change and we are the only ones in the community that know that this is a discussion. He said that it seems like our obligation is to make sure the community has more opportunity for input.
- xxiv. V. Morgan speaking, not as a Planning Commission member but as a community member, said this should be brought before the community.
- xxv. R. Lynn asked whether it can be withdrawn from the May 23rd Planning Commission Meeting.
 - 1. M. Mueller said that he would consult the platting specialist for KPB and find out more about bringing this up for the June CLAPC meeting.
- xxvi. D. Story moves to recommend disapproval of the plat as presented and recommend for extended time for public review and comment regarding the design options. L. Johnson seconds. All approve. Motion passes.

11. INFORMATION and ANNOUNCEMENTS

- a. Ordinance 2022-07 Re-Appportionment of Board of Education
 - i. V. Morgan said that this is a part of a regular review of the districts and their populations. She explained that there are generally two options for changes which are presented with the review. In this case it is a 9 district option and an 11 district options. She said that the conceptual maps presented in the voting pamphlets are just that and after the vote the KPB will make the actual map based on the census blocks. She said this is also for the assembly districts and that there is a cost increase with an 11 district model and that the 11 district model is what was recommended by the committee.
- b. The new Planning Department Director is Robert Ruffner.

12. COMMISSIONER'S COMMENTS

Introduced by: Mayor
Date: April 30, 1991
Hearing: June 18, 1991
Action: FAILED AS AMENDED
Vote: 6 YES, 9 NO
MOTION TO RECONSIDER: BROWN
Reconsidered: 7/9/91
Action: ENACTED AS AMENDED
Vote: 9 YES, 5 NO

KENAI PENINSULA BOROUGH
ORDINANCE 91-20

AUTHORIZING A LEASE WITH OPTION TO PURCHASE FOR SHERMAN C. SMITH ON LANDS LOCATED IN THE COOPER LANDING VICINITY AND LOCATED WITHIN A PORTION OF THE NW $\frac{1}{4}$ NE $\frac{1}{4}$ OF SECTION 36 AND A PORTION OF THE S $\frac{1}{2}$ SE $\frac{1}{4}$ OF SECTION 25, TOWNSHIP 5 NORTH, RANGE 3 WEST, SEWARD MERIDIAN AND CLASSIFYING THESE LANDS AS "SALE LANDS"

WHEREAS, an application has been received from Sherman C. "Red" Smith for purchase of ten acres, more or less, located in the Cooper Landing area, for industrial development; and,

WHEREAS, the borough selected the subject land pursuant to the Municipal Entitlement Act and has received a final decision from the State of Alaska approving the selection; and

WHEREAS, a final decision does transfer certain management rights of the land allowing the borough to enter into leases, grant permits, easements, rights-of-way and dispose of lands; and,

WHEREAS, it is not borough policy to sell or otherwise convey title in lands until patent has been issued by the State of Alaska and received by the borough; and,

WHEREAS, on March 11, 1991, a memorandum, maps and supporting backup was sent out for review and comments to the School District, Cooper Landing Community Club, Cooper Landing Advisory Planning Commission, East Peninsula Road Service Area and departments of the borough; and,

NOW THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:

Section 1. That a long-term lease with option to purchase is hereby authorized for ten acres, more or less, located within a portion of NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 36 and S $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 25, Township 5 North, Range 3 West, Seward Meridian, Alaska.

Section 2. That the subject lands are hereby classified as "Sale Lands" pursuant to Chapter 17.04 of the KPB Code of Ordinances.

Kenai Peninsula Borough
Ordinance 91-20
Page 1 of 2 Pages

Section 3. That the plat which creates the subject ten acre parcel shall designate a fifty foot conservation easement around the perimeter of the site, exclusive of a fifty foot wide entry and exit wherein no live, naturally existing vegetation over 3" in diameter shall be removed.

Section 4. That the annual lease shall be at the rate of six percent (6%) of the borough assessed valuation and shall be reappraised every five (5) years and the fee adjusted accordingly.

Section 5. That upon the borough receiving patent, the lessee may exercise his option to purchase the subject land at the current fair market value. Said purchase may be made by payment in full or a minimum down payment of ten percent (10%) of the fair market value with the remaining principal balance payable in installments at the rate of ten (10%) percent interest.

Section 6. That the Mayor is authorized to sign any documents necessary to effectuate this ordinance and deemed to be in the best interest of the borough.

ENACTED THIS 9th DAY OF July BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH.


James W. Skogstad, Assembly President

ATTEST:


Borough Clerk

Kenai Peninsula Borough
Ordinance 91-20
Page 2 of 2 Pages

90-831
DISTRICT

Return To: Grantee

STATUTORY WARRANTY DEED
(AS 34.15.030)

8903 The GRANTOR, KENAI PENINSULA BOROUGH, an Alaska municipal corporation, whose address is 144 North Binkley Street, Soldotna, Alaska 99669, for ten dollars (\$10.00) and other good and valuable consideration, receipt of which is hereby acknowledged, and pursuant to Assembly Ordinance 91-20 enacted July 9, 1991, conveys and warrants unto the GRANTEE(S), Pixie A. Smith, a single person, whose address of record is 309 Katmai Avenue, Soldotna, Alaska 99669, her heirs, successors and assigns, the following described real property:

Tract B, Quartz Creek Subdivision, according to Plat No. 94-11, on file in the Seward Recording District, Third Judicial District, State of Alaska,

TOGETHER WITH all the improvements thereon, if any, and all rights of the Grantor to any and all hereditaments and appurtenances hereto, and

SUBJECT TO any taxes and assessments, exceptions, reservations, restrictions, conditions, covenants, easements, rights-of-way, encroachments either of record or ascertainable by physical inspection, including without limitation, pursuant to Ordinance 91-20, a 50-foot conservation easement around the perimeter of the parcel wherein no live, naturally existing vegetation over 3" in diameter shall be removed except for a 50-foot wide entry and a 50-foot wide exit, and

FURTHER SUBJECT TO a restrictive covenant pursuant to KPB 17.10.130(D), that the real property described in this conveyance instrument shall be used for commercial and light industrial purposes as defined hereinbelow, and that the use of the land for any other purpose is prohibited, provided that this restriction may be modified by the Borough Assembly pursuant to KPB 17.10.130(F) as presently enacted. Pursuant to KPB 17.10.250(D), "commercial" means lands suitable for development or location of service oriented facilities such as stores, offices, medical clinics, restaurants, lodges, vehicular service stations, hotels, and camper parks, and able to support on-sight water and sewer systems or capable of receiving water and/or sewer service, near public utilities and in proximity to residential areas. Pursuant to KPB 17.10.250(R) and legislative intent supporting adoption of KPB Ordinance 91-20, "light industrial" means lands suitable for industrial uses that generally do not have offensive characteristics and can be conducted primarily inside closed buildings. Such uses may include warehousing, storage inside enclosed area, light manufacturing not inside buildings, and the development of sawmills or other wood processing.

KENAI PENINSULA BOROUGH:

GRANTEE(S):

Mike Navarre
Mike Navarre, Mayor
Dated: 4-30-98

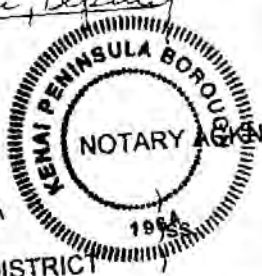
Pixie A. Smith
Pixie A. Smith
Dated: 5-1-98

APPROVED AS TO LEGAL FORM
AND SUFFICIENCY:

ATTEST:

Linda S. Murphy
Linda S. Murphy,
Borough Clerk

Colette G. Thompson
Colette G. Thompson,
Borough Attorney

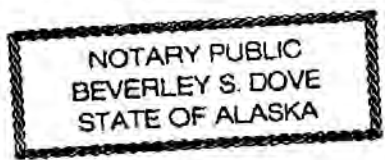


STATE OF ALASKA
THIRD JUDICIAL DISTRICT

The foregoing instrument was acknowledged before me this 30th day of April, 1998, by Mike Navarre, Mayor of the Kenai Peninsula Borough, an Alaska municipal corporation, on behalf of the corporation.

Beverley S. Dove
Notary Public in and for Alaska
My commission expires: Aug 30, 1999

NOTARY ACKNOWLEDGMENT



STATE OF ALASKA }
THIRD JUDICIAL DISTRICT } ss.

The foregoing instrument was acknowledged before me this 1st day of May, 1998, by Pixie A. Smith.

Sammie L. Cole
Notary Public in and for Alaska
My commission expires: 6/17/2001

696
5/13 1998
8:35 AM
Notary by Smith



Kenai Peninsula Borough, Alaska
wd