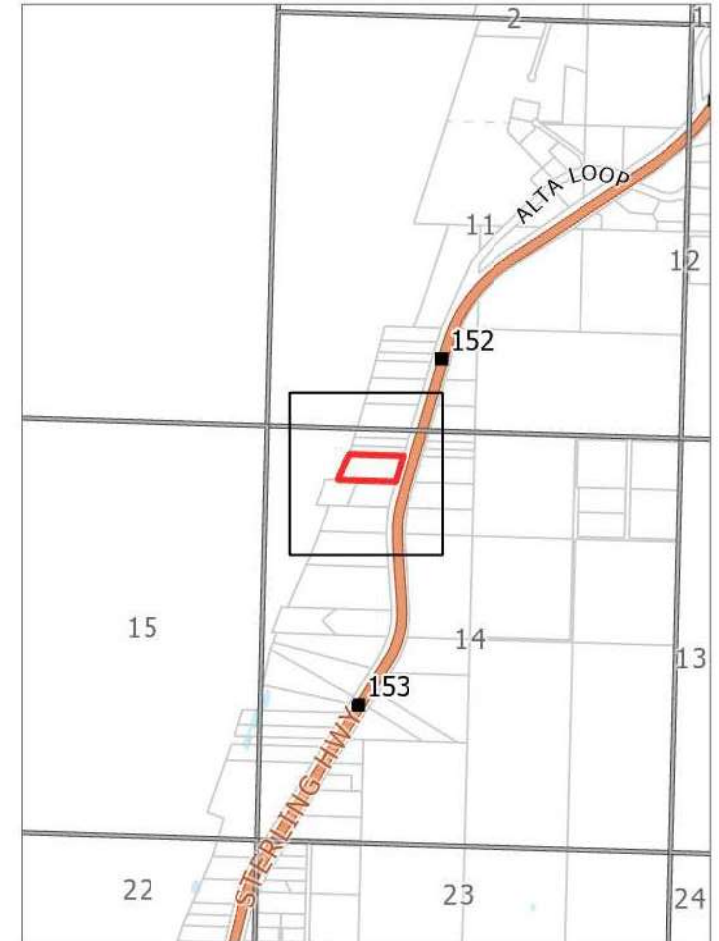


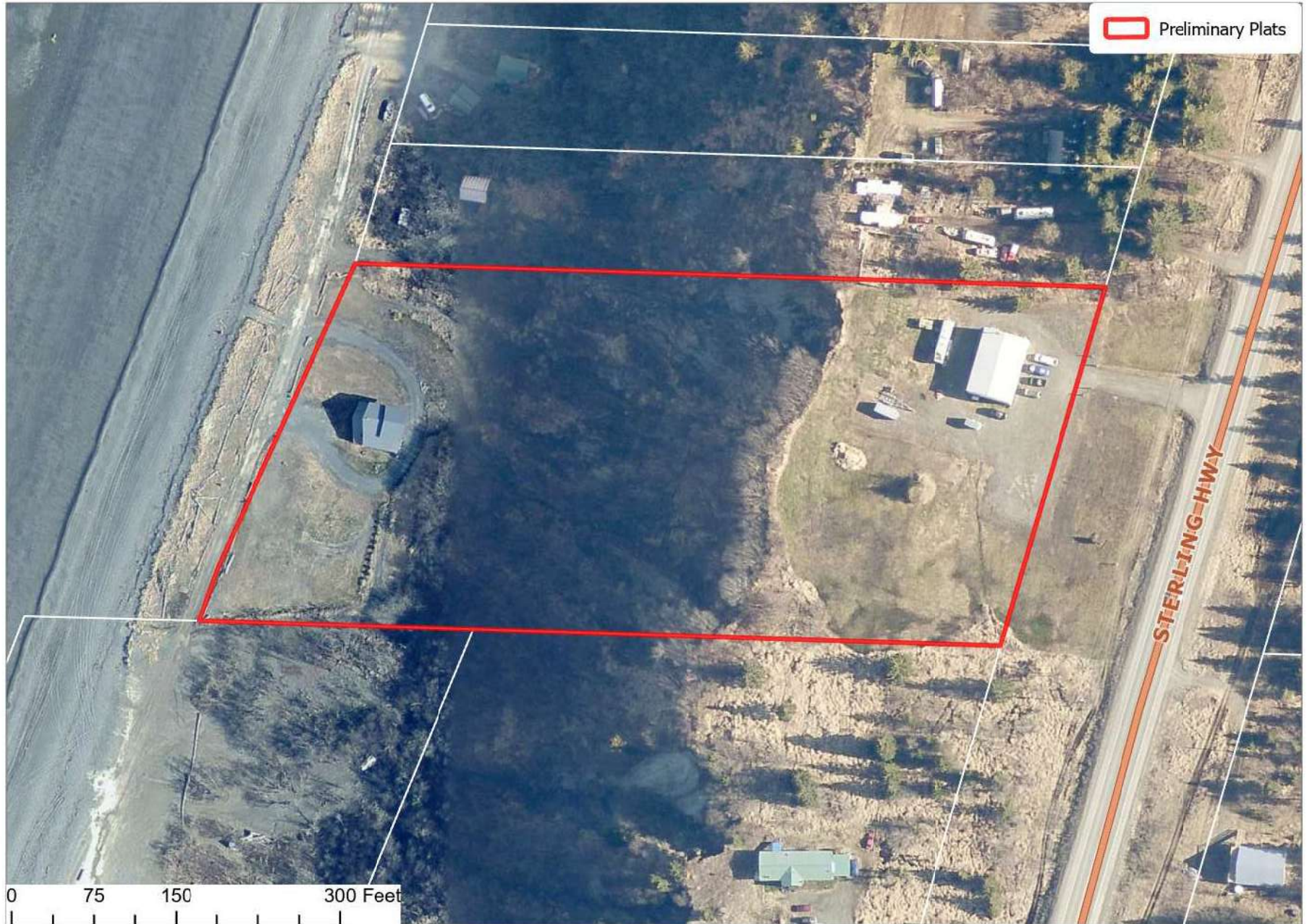
E. NEW BUSINESS

- 3. Whiskey Gulch Beach Subdivision; KPB File 2025-007**
Edge Survey & Design / Thomas
Location: Near MP 152 of Sterling Highway
Anchor Point Area / Anchor Point APC
Staff Person: Platting Manager Vince Piagentini



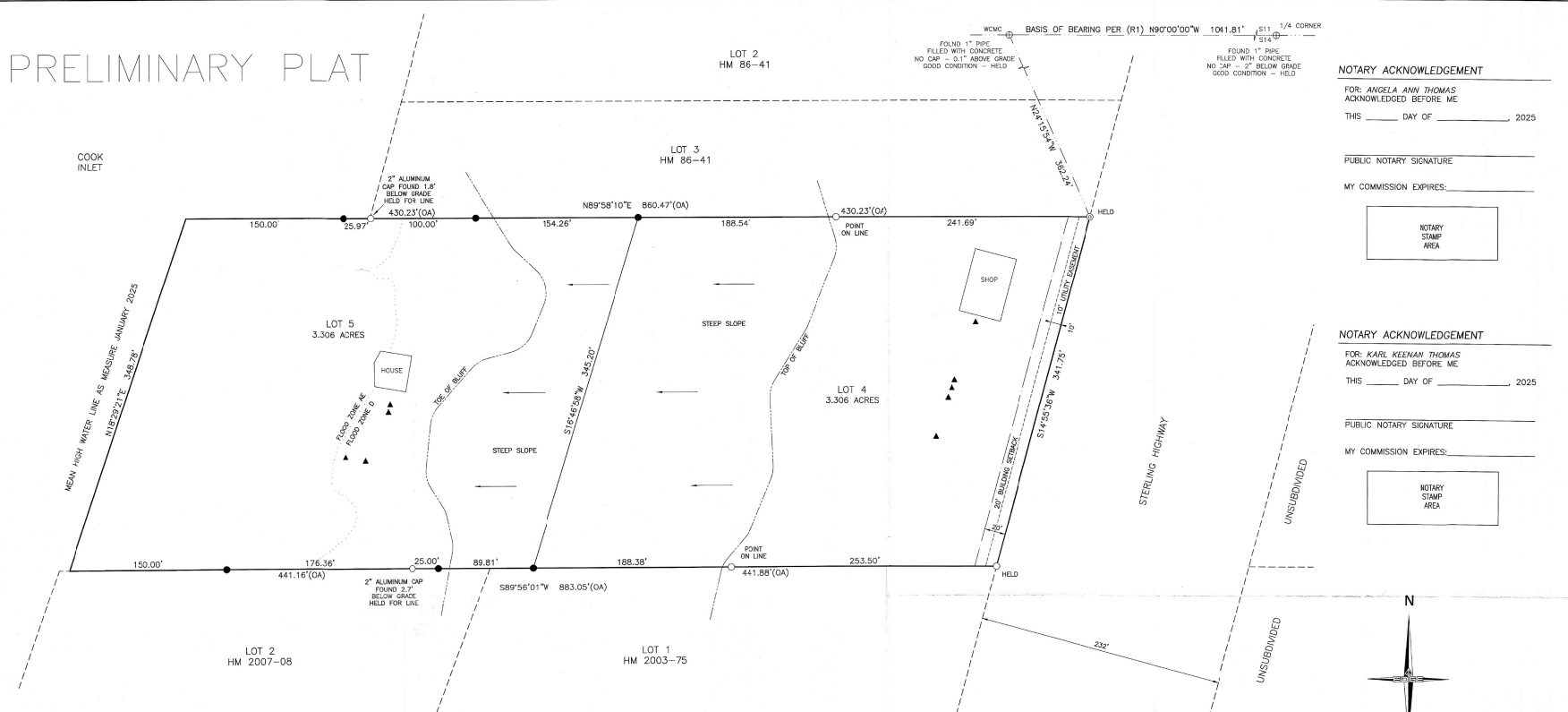
KPB FILE 2025-007
T04S R15W
Sec 14
ANCHOR POINT

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.

PRELIMINARY PLAT



LEGEND

⊕	FOUND PRIMARY MONUMENT AS REFERENCED	—————	SUBDIVISION BOUNDARY
⊙	FOUND PROPERTY CORNER -1/2" REBAR NO CAP	—————	INTERIOR LOT LINE
○	FOUND PROPERTY CORNER -2" ALUMINUM CAP STAMPED 5780-S 2003	- - - - -	ADJACENT PROPERTY LINE
●	SET PROPERTY CORNER 5/8" X 30" REBAR WITH 2" ALUMINUM CAP STAMPED EDGE SURVEY LS-13022 2024	EASEMENT
GTP	GRANTED THIS PLAT	20 FOOT BUILDING SETBACK
		TOP/TOE OF BLUFF
		FLOOD ZONES

REFERENCES

(R1) STATE OF ALASKA LAND SURVEY 2004-57, PLAT 2007-08, HOMER RECORDING DISTRICT

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF FEBRUARY 3, 2025. KENAI PENINSULA BOROUGH

AUTHORIZED OFFICIAL

KPB 2025-007

- 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.
 - THE FRONT 10 FEET ADJACENT TO THE RIGHTS-OF-WAY IS A UTILITY EASEMENT, GRANTED THIS PLAT. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
 - ANY PERSON DEVELOPING THE PROPERTY IS RESPONSIBLE FOR OBTAINING ALL REQUIRED LOCAL, STATE, AND FEDERAL PERMITS, INCLUDING A U.S. ARMY CORPS OF ENGINEERS WETLANDS DETERMINATION IF APPLICABLE.
 - NO PRIVATE ACCESS TO STATE MAINTAINED ROW'S PERMITTED UNLESS APPROVED BY THE STATE OF ALASKA DEPARTMENT OF TRANSPORTATION.
 - ACCESS TO LOT 1 IS BY WAY OF COOK INLET OR BEACH BELOW MEAN HIGH WATER LINE.
 - THE NATURAL MEANDERS OF THE LINE OF MEAN HIGH WATER FORMS THE TRUE BOUNDS OF THE SUBDIVISION, THE APPROXIMATE LINE OF MEAN HIGH WATER AS SHOWN, IS FOR COMPUTATIONS ONLY. THE TRUE PROPERTY CORNERS BEING ON THE EXTENSION OF THE SIDE LOT LINES AND THEIR INTERSECTION WITH THE NATURAL MEANDERS.
 - 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 21.08 OF THE KENAI PENINSULA BOROUGH CODE. THIS PLAT IS AFFECTED BY FLOOD ZONES AE AND D, PER MAP PANEL 02122C1880E.
 - THESE PARCELS SUBJECT TO ANY PROHIBITIONS OR LIMITATIONS ON THE USE, OCCUPANCY OR IMPROVEMENTS OF THE LAND RESULTING FROM THE RIGHTS OF THE PUBLIC OR RIPARIAN OWNERS TO USE ANY WATERS WHICH MAY COVER THE LAND OR TO USE ANY PORTION OF THE LAND WHICH IS NOW OR MAY FORMERLY HAVE BEEN COVERED BY WATER.
 - THESE PARCELS SUBJECT TO RIGHTS OF THE PUBLIC AND OR GOVERNMENTAL AGENCIES IN AND TO THAT PORTION OF SAID PREMISES LYING BELOW THE MEAN HIGH WATER MARK OF COOK INLET AND ANY QUESTIONS OF RIGHTS OF ACCESS TO COOK INLET IN THE EVENT SAID LANDS DO NOT IN FACT ABUT THE COOK INLET.
 - THESE PARCELS SUBJECT TO AN EASEMENT, WITH NO DEFINED LOCATION, GRANTED TO HOMER ELECTRIC ASSOCIATION, INC. FOR ELECTRIC LINES OR SYSTEM AND/OR TELEPHONE LINES TOGETHER WITH RIGHT TO ENTER, MAINTAIN, REPAIR AND CLEAR SHRUBBERY, RECORDED AUGUST 13, 1993, BOOK 30 PAGE 53, KENAI RECORDING DISTRICT. RELEASE OF GENERAL RIGHT-OF-WAY, RECORDED APRIL 23 2003, SERIAL NO. 2003-001884-D.
 - WASTEWATER DISPOSAL: ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION AND ENGINEERED APPROVED SEPTIC SYSTEM IN USE AT TIME OF THIS PLATING ACTION. ANY WASTEWATER TREATMENT AND DISPOSAL SYSTEMS MUST MEET THE REGULATOR REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

CERTIFICATE OF SURVEYOR

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



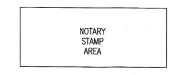
NOTARY ACKNOWLEDGEMENT

FOR: ANGELA ANN THOMAS
ACKNOWLEDGED BEFORE ME

THIS _____ DAY OF _____, 2025

PUBLIC NOTARY SIGNATURE _____

MY COMMISSION EXPIRES: _____



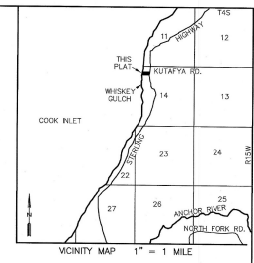
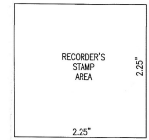
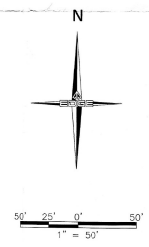
NOTARY ACKNOWLEDGEMENT

FOR: KARL KEENAN THOMAS
ACKNOWLEDGED BEFORE ME

THIS _____ DAY OF _____, 2025

PUBLIC NOTARY SIGNATURE _____

MY COMMISSION EXPIRES: _____



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.

ANGELA ANN THOMAS
PO BOX 1142
ANCHOR POINT, ALASKA 99556

KARL KEENAN THOMAS
PO BOX 1142
ANCHOR POINT, ALASKA 99556

KPB FILE No. 2024-130

WHISKEY GULCH BEACH SUBDIVISION

A SUBDIVISION OF SOUTH 1/2 NORTH 1/2 OF GOVERNMENT LOT 1 LYING WEST OF STERLING HIGHWAY

LOCATED WITHIN: NW 1/4 SECTION 14, T.4S., R.15W., S.3M., STATE OF ALASKA KENAI PENINSULA BOROUGH HOMER RECORDING DISTRICT

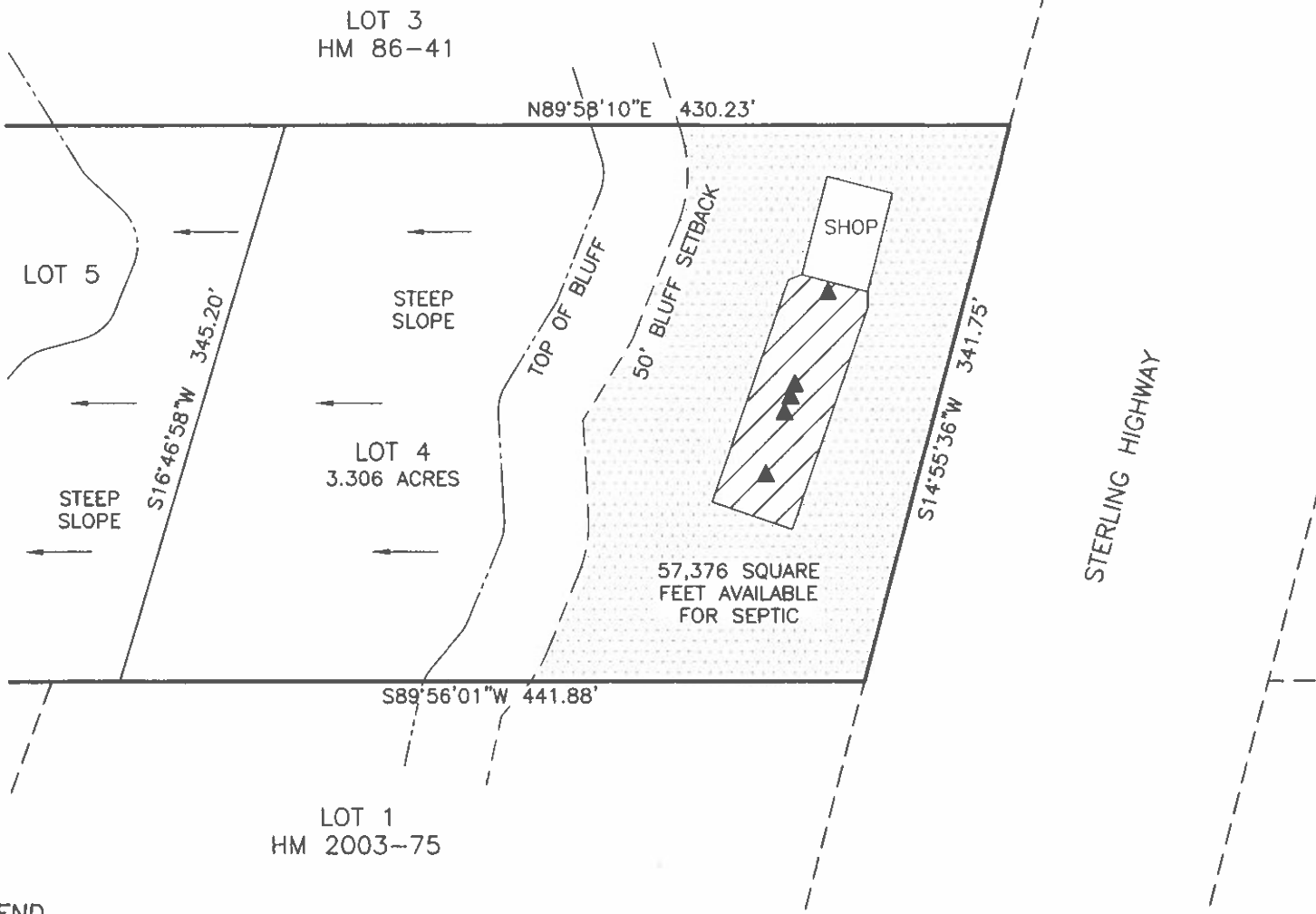
OWNERS: KARL KEENAN THOMAS AND ANGELA ANN THOMAS PO BOX 1142 ANCHOR POINT, ALASKA 99556

CONTAINING 5.98 ACRES

EDGE SURVEY AND DESIGN, LLC



8000 KING STREET ANCHORAGE, AK 99518
Phone (907) 344-5990 Fax (907) 344-7794
AEC# 1392

DRAWN BY: JY	DATE: 01/15/2025	PROJECT: 24-536
CHECKED BY: MA	SCALE: 1" = 50'	SHEET: 1 OF 1



PROPOSED LOT 4
SEPTIC AREA EXHIBIT

LEGEND

- ▲ SEPTIC VENT
-  EXISTING SEPTIC
-  AVAILABLE SEPTIC

PROPOSED LOT 4
57,376 SQUARE FEET
AVAILABLE SEPTIC AREA



8000 KING STREET ANCHORAGE, AK 99518
Phone (907) 344-5990 Fax (907) 344-7794

DRAWN BY:
JY

PROJECT:
24-636

DATE:
01/13/2025

SCALE:
1" = 100'

COOK
INLET

LOT 3
HM 86-41

N89°58'10"E 430.23'

LOT 5
3.306 ACRES

HOUSE

STEEP
SLOPE

MEAN HIGH WATER LINE AS MEASURE JANUARY 2025
N18°29'21"E 348.78'

100' WATER LINE SET BACK

TOE OF BLUFF

STEEP
SLOPE

S16°46'58"W 345.20'

LOT 4

TOP OF
BLUFF

66,709 SQUARE
FEET AVAILABLE
FOR SEPTIC

S89°56'01"W 441.16'

LOT 2
HM 2007-08

LOT 1
HM 2003-75

LEGEND



SEPTIC VENT



EXISTING SEPTIC



AVAILABLE SEPTIC

PROPOSED LOT 5
66,709 SQUARE FEET
AVAILABLE SEPTIC AREA



8000 KING STREET ANCHORAGE, AK 99518
Phone (907) 344-5990 Fax (907) 344-7794

PROPOSED LOT 5
SEPTIC AREA EXHIBIT

DRAWN BY:
JY

PROJECT:
24-636

DATE:
01/13/2025

SCALE:
1" = 100'

AGENDA ITEM E. NEW BUSINESS

**ITEM #3 - PRELIMINARY PLAT
WHISKEY GULCH BEACH SUBDIVISION**

KPB File No.	2025-007
Plat Committee Meeting:	February 10, 2025
Applicant / Owner:	Karl and Angela Thomas
Surveyor:	Jason Young – Edge Survey and Design, LLC
General Location:	Near Mile Post 152 Sterling Highway, Anchor Point Area – Anchor Point APC

Parent Parcel No.:	165-620-02
Legal Description:	Township 4 South, Range 15 West, Section 14, Seward Meridian, Homer, S1/2 N1/2 Government Lot 1, Lying West of Sterling Highway
Assessing Use:	Residential Dwelling
Zoning:	Unrestricted
Water / Wastewater	On-Site – On-Site
Exception Request	None Requested

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide a 6.612 acre parcel into two lots, each consisting of 3.306 acres.

Location and Legal Access (existing and proposed):

Current legal access to the subject property is by the Sterling Highway, near milepost 152. Proposed Lot 4 will continue to have legal access by the Sterling Highway, a state-maintained road. *Per the applicant: Proposed Lot 5 will have legal access by the Cook Inlet and beach access below the mean high-water line. The beach access is gained from the Sterling Highway via the State of Alaska owned Whiskey Gulch beach access road, which is open to the public year around. Plat note concerning access provided on plat. Several plats in the area with similar circumstances, such as HM 2003-75, HM2003-82 and HM 87-52, all having the beach or Cook Inlet as legal access.*

Previous subdivisions near the subject property (HM 2003-75 and HM 2003-82) were granted exception request to KPB 20.30.210 Lots-Access to Street. The minutes from the Plat Committee Meetings granting these exceptions may be found in the staff packet.

Per KPB 20.30.050 Legal Access (B)(1); The following situations may qualify for a waiver of the legal access requirement:

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

Staff Recommends: The Plat Committee concur that an exception request to KPB 20.30.210 is not needed due to the steep terrain between the two proposed parcels and there is available access by Cook Inlet and Cook Inlet Beach via Whiskey Gulch Beach Road.

Staff recommends an exception is not needed as the access is established by use and the house on Lot 5 is an existing structure having existing access and the Plat Committee concur. If the Plat Committee should not concur, then the surveyor will need to fill an exception to KPB 20.30.050 – Legal Access and 20.60.210 Lots – Street Access at the request of the Plat Committee.

The proposed plat is not completing a vacation or dedication of right-of-way.

No section line easements or patent easement affects the subject property.

The block length is non-compliant. Due to the specific location of the subdivision directly adjacent to the Cook Inlet, the plat cannot give a dedication to become compliant. **Staff recommends:** The Plat Committee concur that an exception to 20.30.170 Block Length is not required.

PER DOT: The platting action voids any previous issued permits. Land owners will need to reapply for driveway access permits to state road and right-of-way access.

KPB Roads Dept RSA review	Out of Jurisdiction: No Roads Director: Griebel, Scott Comments: No RSA comments or objections.
SOA DOT comments	No Comments

Site Investigation:

The submitted plat includes locations of structures. When the plat is completed, each lot will contain one residential structure each. Reviewing that information with KPB GIS Imagery for that area, there does not appear to be any encroachment issues to or from the property.

There is a bluff located between the proposed lots which has been depicted and labeled on the submitted drawing. Top of bluff and toe of bluff are identified and steep slope is labeled along with directional arrows for the downhill slope.

The Cook Inlet is located directly to the west of the subject parcel. Per KWF Wetlands Assessment, tidal wetlands affect proposed Lot 5. **Staff recommends** the surveyor indicate the approximate location of the tidal wetlands and the mean high-water line.

The River Center Reviewer has identified the plat as being within FEMA-designated flood zones, Zones D, AE and VE. The plat includes the proper note and depiction for Zones D and AE, but the line should be darker. **Staff Recommends** the surveyor indicate and label Zone VE and modify plat note number 7 to include Zone VE.

Per the KPB River Center Reviewer, this plat is not within a Habitat Protection District.

Staff Comments: To maintain consistency with KPB 21.06.050, staff requests the surveyor ensure the proposed subdivision have adequate drainage to reduce exposure to flood damage.

Staff reminds the owner(s), that it is the responsibility of the subdivider to provide all necessary information regarding flood protection measures at the time the preliminary plat is presented for consideration by the planning commission (21.06.050).

KPB River Center review	A. Floodplain Reviewer: Hindman, Julie Floodplain Status: IS in flood hazard area Comments: Portions of this subdivision are within Zone D - a non-regulatory zone. The western portions are within Zones AE or VE. These are regulatory zones with permits and specific development requirements. The code
-------------------------	--

	<p>required plat note should be present with a reference to the map panel. The AE and VE Zone should each be indicated and labeled.</p> <p>Flood Zone: AE,VE,D Map Panel: 02122C-1880E In Floodway: False Floodway Panel:</p> <p>B. Habitat Protection</p> <p>Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments</p>
State of Alaska Fish and Game	No Response

Staff Analysis

The land originally was surveyed as Government Lot 1, in the N1/2 of Section 14, Township 4 South, Range 15 West, Seward Meridian, Alaska and then was reduced to the S1/2 N1/2 of Government Lot 1, lying west of the Sterling Highway and excepting that portion taken by the State of Alaska, Department of Highways, recorded in Book 28, Page 176. The proposed subdivision will subdivide the parcel into two parcels.

A soils report will not be required as both proposed lots have existing septic systems.

The following is the Surveyor’s explanation:

Both proposed lots 4 and 5 have existing septic systems. Both proposed lots have water delivered to storage tanks and no on-site wells. Proposed Lot 4 has existing septic system with 57,376 square feet available for future septic systems as needed, exhibit attached. Lot 4 has had a wastewater system adequacy test performed in 2019, engineer stamped and signed documents attached. Lot 4 also has a DEC filed documentation of construction for the septic system, which depicts adequate soil types for future septic systems. Lot 4 does not have a water well and relies on water delivered to a storage tank.

Proposed Lot 5 has existing septic system with 66,709 square feet available for future septic systems as needed; exhibit attached. Lot 5 has had a wastewater system adequacy test performed in 2019, engineer stamped and signed documents attached. Lot 5 does not have a water well and relies on water delivered to a storage tank.

The surveyor has supplied Septic Area Exhibits for both proposed lots which are included in the packet.

Notice of the proposed plat was mailed to the beneficial interest holder on January 21, 2025. The beneficial interest holder will be given 30 days from the date of the mailing of the notification to respond. They are given the opportunity to notify staff if their beneficial interest prohibits or restricts subdivision or requires their signature on the final plat. If no response is received within 30 days, staff will assume they have no requirements regarding the subdivision and it may be finalized.

Anchor Point Advisory Planning Commission minutes for the February 10, 2025 meeting were not available when the staff report was prepared on January 30, 2025 (KPB 21.02.020). Meeting notes will be provided with the desk packet if available but not necessarily addressed in the staff report.

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

Utility Easements

A general easement was granted to Homer Electric Association for a non-disclosed location for electric lines or system and/or telephone lines recorded in Book 30, Page 53, August 13, 1963. That easement was later released by Homer Electric Association recorded in serial number 2003-001884-0. This easement is release of easement is noted as plat note number 10. **Staff recommends** the surveyor modify the plat note to “Homer Recording District.”

As part of our routine notification process, the subdivision plat was emailed to the affected utility providers for review. **Staff recommends:** the surveyor work with the utility providers to accommodate their request, ensuring optimal use of the owner’s land and maximum benefit for both the provider and the public.

The proposed plat grants a 10-foot utility easement adjacent to Sterling Highway and is depicted and noted on the plat.

Utility provider review:

HEA	No comments
ENSTAR	No comments or recommendations
ACS	No response
GCI	No response

KPB department / agency review:

Addressing Review	<p>Reviewer: Leavitt, Rhealyn Affected Addresses: 30055 STERLING HWY</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names: STERLING HWY</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: 30055 STERLING HWY WILL REMAIN WITH LOT 4</p>
Code Compliance	<p>Reviewer: Ogren, Eric Comments: No comments</p>
LOZMS Review 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.</p>
Assessing Review	<p>Reviewer: Windsor, Heather Comments: No dedicated road access to lot 5</p>

STAFF RECOMMENDATIONS
CORRECTIONS / EDITS

- Modify Plat Note number 5 to “Access to Lot 5”

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:

Move the area up into the title block, verify the acres, individual lots total more
Modify the KPB File No to 2025-007

- 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:

Show beach and land on section 15. Verify beach and land size on section 22. Correct label of “Anchor River” to “North Fork Anchor River.”

Verify location of North Fork Road; appears that it begins on common section lines 24 and 25.

- E. All parcels of land including those intended for private ownership and those to be dedicated for public use or reserved in the deeds for the use of all property owners in the proposed subdivision, together with the purposes, conditions, or limitations of reservations that could affect the subdivision;

Staff recommendation:

Correct plat note number 10 to “Homer Recording District”

- I. Approximate locations of areas subject to tidal inundation and the mean high-water line;

Staff recommendation:

Indicate areas subject to tidal inundation per KWF Wetlands assessment and depict the mean high-water line.

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:

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.

RECOMMENDATION:

STAFF RECOMMENDS:

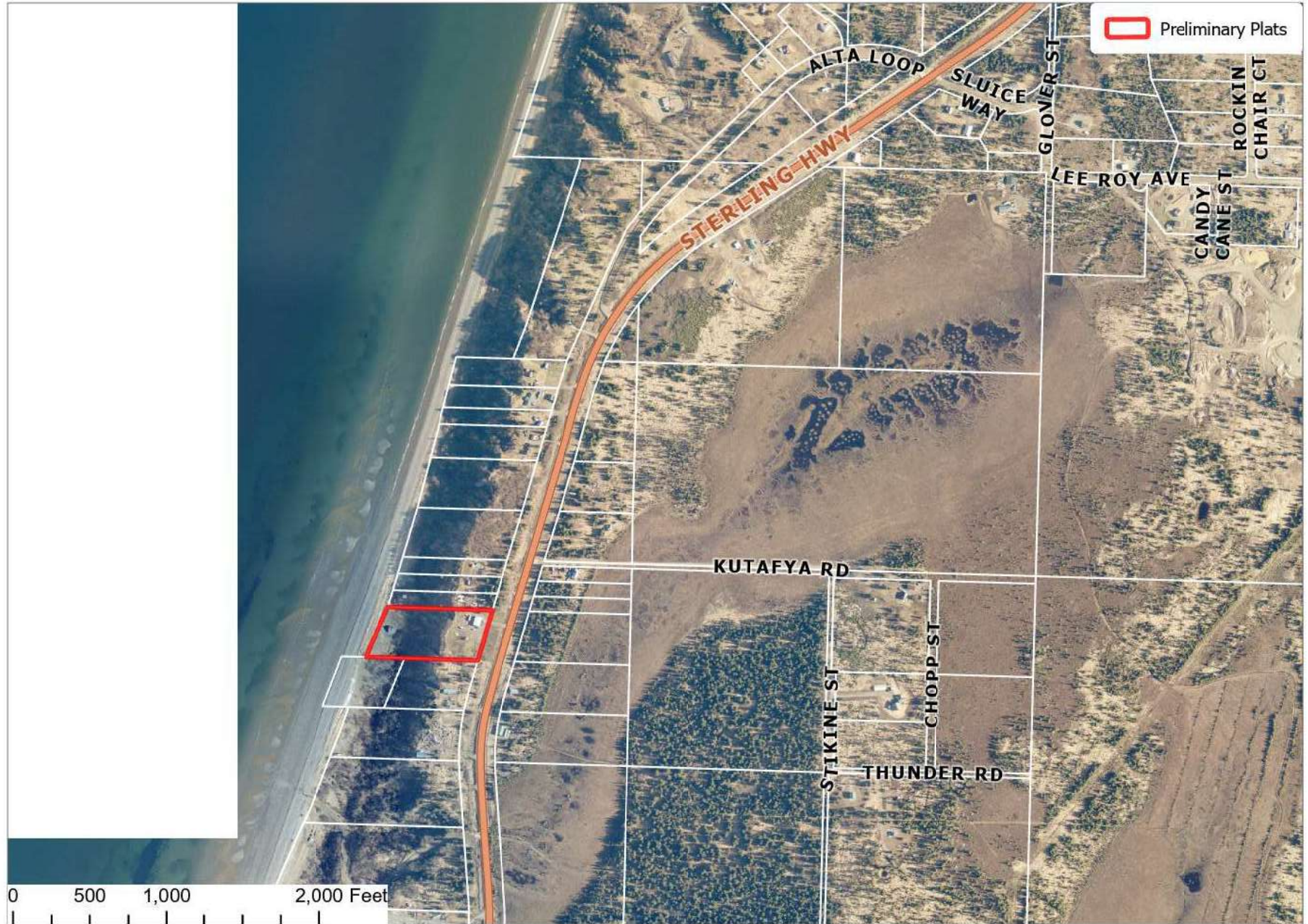
- GRANT APPROVAL OF THE PRELIMINARY PLAT SUBJECT TO STAFF RECOMMENDATIONS, AND
- COMPLIANCE WITH KPB 20.25.070 (FORM AND CONTENTS), KPB 20.25.080 (PETITION REQUIRED), KPB 20.30 (DESIGN REQUIREMENTS); AND KPB 20.40 (WASTEWATER DISPOSAL), AND
- COMPLIANCE WITH KPB 20.60 TO ENSURE ADMINISTRATIVE APPROVAL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

NOTE: KPB 20.25.120. - REVIEW AND APPEAL.

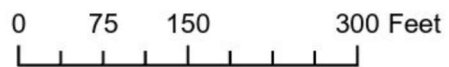
IN ACCORDANCE WITH KPB 2.40.080, ANY PERSON, AGENCY, OR CITY THAT PARTICIPATED AT THE PLAT COMMITTEE HEARING, EITHER BY WRITTEN OR ORAL PRESENTATION, MAY REQUEST THAT A DECISION OF THE PLAT COMMITTEE BE REVIEWED BY THE PLANNING COMMISSION BY FILING A WRITTEN REQUEST WITHIN 15 DAYS OF DATE OF DISTRIBUTION OF THE DECISION.

A DECISION OF THE PLAT 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



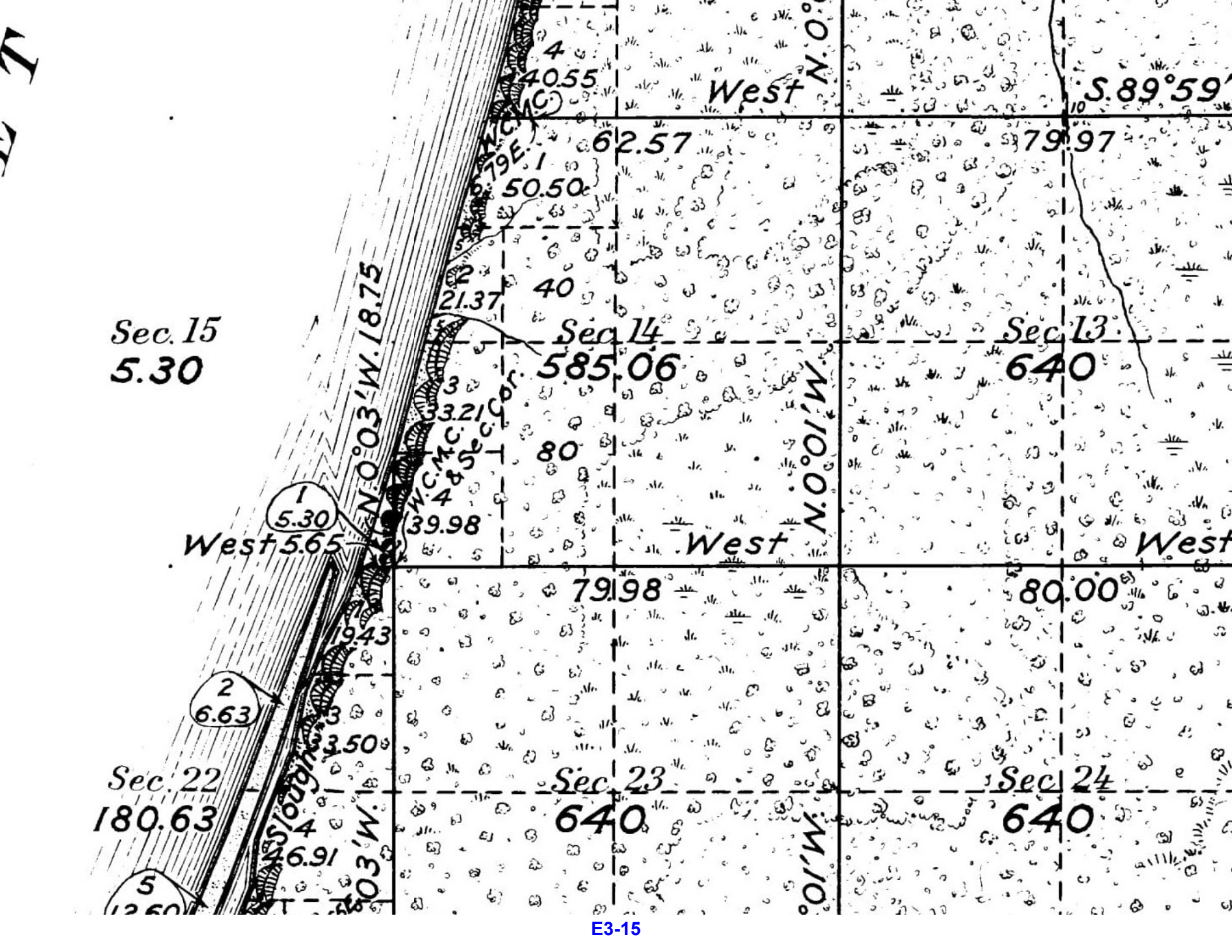
The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



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.



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.



Sec. 15
5.30

Sec. 14
585.06

Sec. 13
640

1
5.30
West 5.65

West N. 0° 01' W.

West

Sec. 22
180.63

Sec. 23
640

Sec. 24
640

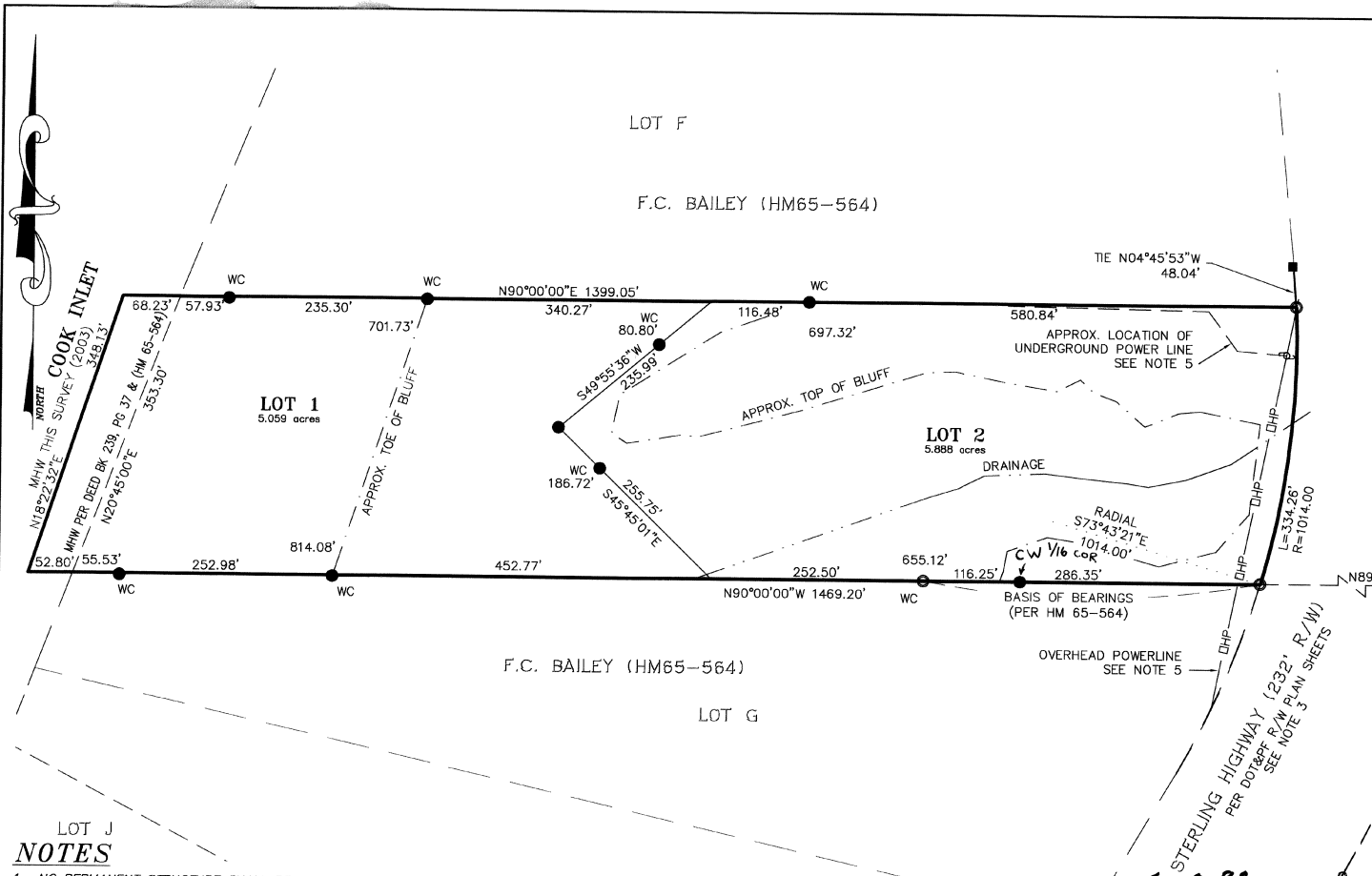
2
6.63

79.98

80.00

03' W.

N. 0° 01' W.



- NOTES**
1. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN AN EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
 2. BUILDING SETBACK-- A SETBACK OF 20 FEET IS REQUIRED FROM ALL STREET RIGHTS-OF-WAY UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
 3. RIGHT-OF-WAY DATA WAS OBTAINED FROM STATE OF ALASKA DEPT. OF HIGHWAYS RIGHT-OF-WAY PLAT FROM PROJECT F-021-1(2) PAGE 31 OF 38 WHICH WAS APPROVED ON MAY 20, 1963. OUR PROJECT IS LOCATED NEAR STA. "0" 5078+54.9 P.C. EXISTING MONUMENTATION WAS FOUND AND HELD THIS ESTABLISHING THIS PROPERTY.
 4. NO DIRECT ACCESS TO STATE MAINTAINED RIGHTS OF WAY IS PERMITTED UNLESS APPROVED BY THE STATE OF ALASKA DEPT. OF TRANSPORTATION AND PUBLIC FACILITIES.
 5. THE EXISTING OVERHEAD POWERLINE IS THE CENTERLINE OF A 20' WIDE ELECTRICAL DISTRIBUTION LINE EASEMENT. THE EXISTING UNDERGROUND POWERLINE IS THE CENTERLINE OF A 15' WIDE ELECTRICAL DISTRIBUTION LINE EASEMENT.
 6. AN EXCEPTION TO KPB 20.20.200 (ALL LOTS FRONT DEDICATED RIGHT OF WAY)--WAS GRANTED AT THE PLAT COMMITTEE MEETING OF 7-28-03.
 7. WASTEWATER DISPOSAL: THESE LOTS ARE AT LEAST 200,000 SQUARE FEET OR NOMINAL 5 ACRES IN SIZE AND CONDITIONS MAY NOT BE SUITABLE FOR ONSITE WASTEWATER TREATMENT AND DISPOSAL. ANY WASTEWATER TREATMENT OR DISPOSAL SYSTEM MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPT. OF ENVIRONMENTAL CONSERVATION.
 8. ACCESS TO LOT 1 IS BY WAY OF COOK INLET OR BEACH BELOW MEAN HIGH WATER.

LOT F
F.C. BAILEY (HM65-564)

F.C. BAILEY (HM65-564)
LOT G

LOT H

CERTIFICATE OF OWNERSHIP

We hereby certify that we are the owner(s) of the real property shown and described hereon, and that we hereby adopt this plan of subdivision, and by our free consent dedicate all rights-of-way and public areas to public use and grant all easements to the use shown. We further certify that the deed of trust affecting this property does not contain restrictions which would affect this subdivision or require signature and approval of the beneficiary.

GARY L. MARLOW Justice under Marlow Living Trust
P.O.B. 249 dated November 16, 1994
ANCHOR POINT, ALASKA 99556

MAXINE H. MARLOW Justice under Marlow Living Trust
P.O.B. 249 dated November 16, 1994
ANCHOR POINT, ALASKA 99556

NOTARY'S ACKNOWLEDGMENT

FOR: GARY L. MARLOW & MAXINE H. MARLOW
Subscribed and sworn to before me this _____ day of _____ 2003.

Notary public for Alaska
My Commission Expires
LYNNE SHULZE
Notary Public - Anchorage
Le Piaz County
My Comm. Expires Oct 28, 2007

2003-82
Home REC DIST
Date 12/19/2003
Time 1:53 P.M.
Requested By Ability
Address

LEGEND

- 2" ALUMINUM CAP (SET)
- 1/2" REBAR (RECOVERED)
- 6x6 CONC. POST (RECOVERED)
- 1" GALV. IRON PIPE AND YELLOW PLASTIC CAP 3686-S 1984 (RECOVERED)
- ⊕ 3" BRASS CAP 268-S 1984 (RECOVERED)

CERTIFICATE OF OWNERSHIP

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

Marvin R. Beeson
MARVIN R. BEESON
P.O.B. 249
ANCHOR POINT, ALASKA 99556

NOTARY'S ACKNOWLEDGMENT

FOR: MARVIN R. BEESON
Subscribed and sworn to before me this 28th day of November 2003.

Sharon J. Velle
Notary public for Alaska
My Commission Expires

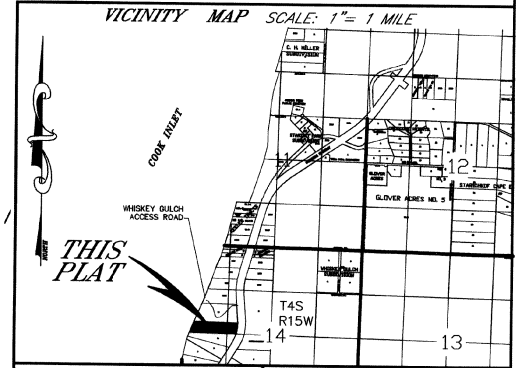
PLAT APPROVAL

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of 7-28-03.
KENAI PENINSULA BOROUGH

BY *Mary Jell*
Authorized Official Date:

CN 1/16

N00°00'52"E
1319.43'
C 1/4
N89°56'30"E
1033.59'



DATE 11-10-03
SCALE 1"=100'
GRID No. AR-1
JOB No. 3732
DRAWING: 3732



MOOSE TRACKS SUBDIVISION

A SUBDIVISION OF A DEED PARCEL RECORDED IN BOOK 233, PAGES 954-956, HOMER RECORDING DISTRICT SITUATED WITHIN THE NW1/4 SEC. 14, T.4S., R.15W., S.M., KENAI PENINSULA BOROUGH, THIRD JUDICIAL DISTRICT, STATE OF ALASKA HOMER RECORDING DISTRICT CONTAINING 10.947 ± ACRES

ABILITY SURVEYS

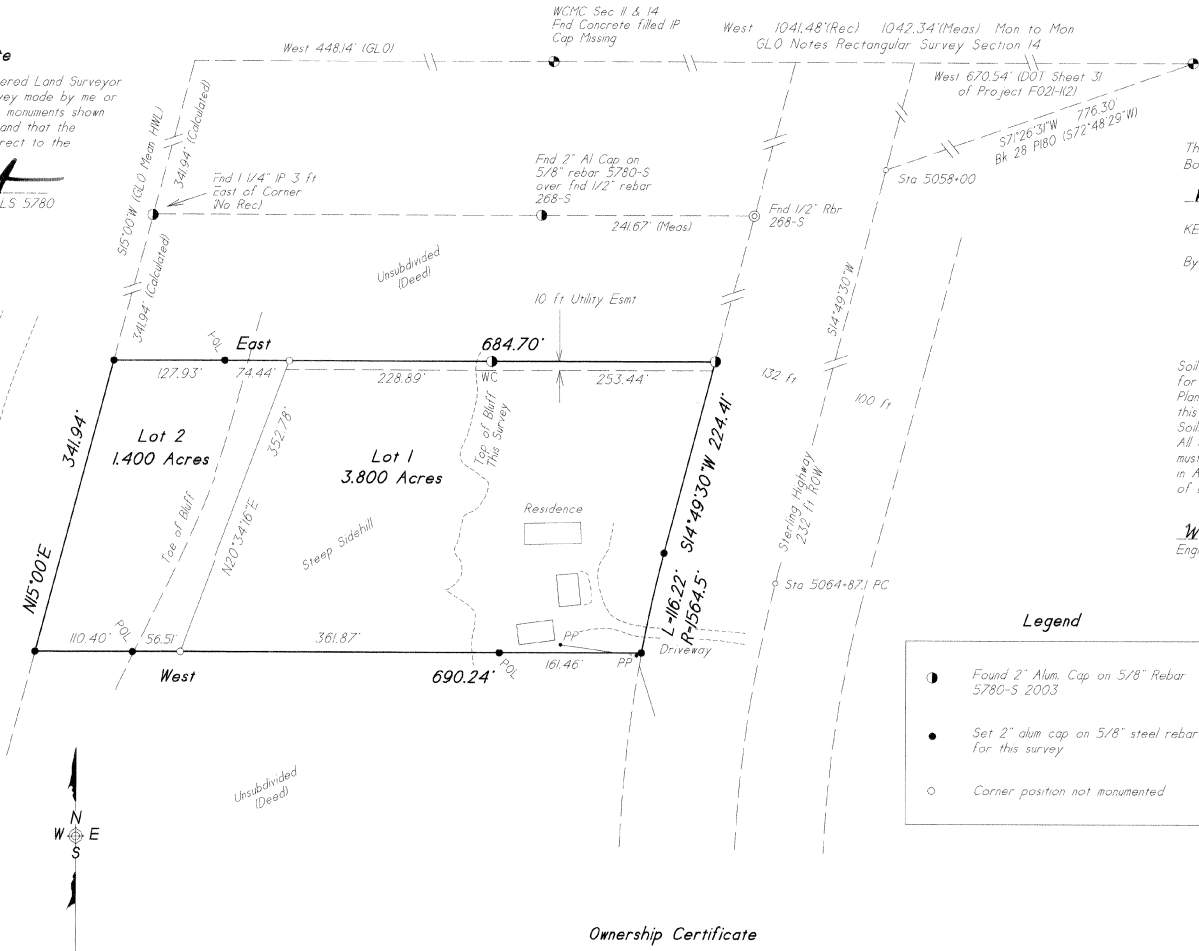
GARY D. NELSON, P.L.S.
(907)235-8440
152 DEHEL AVE., HOMER, ALASKA

KPB FILE No. 2003-154

Surveyor's Certificate

I hereby certify that I am a Registered Land Surveyor and that this plot represents a survey made by me or under my direct supervision and the monuments shown hereon actually exist as described and that the dimensions and other details are correct to the best of my knowledge.

10-17-03 *RWIM*
Date Roger W. Imhoff LS 5780



Plat Approval

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of

August 25, 2003

KENAI PENINSULA BOROUGH

By: *Mary Hill*
Authorized Official

Wastewater Disposal

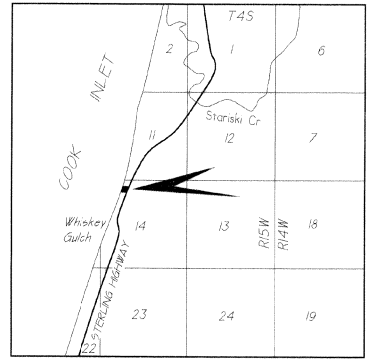
Soil conditions in this subdivision have been found unsuitable for conventional onsite wastewater treatment and disposal systems. Plans for a typical alternate wastewater system for use on lots in this subdivision are included in the Engineer's Subdivision and Soils Report and are available from the Kenai Peninsula Borough. All alternate onsite wastewater treatment and disposal systems 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 prior to construction.

William F. Cain CE 4950 10/27/03
Engineer License Number Date

Legend

- Found 2" Alum. Cap on 5/8" Rebar 5780-S 2003
- Set 2" alum cap on 5/8" steel rebar for this survey
- Corner position not monumented

Vicinity Map 1" = 1 Mile



Notes

1. All wastewater disposal systems shall comply with existing applicable laws at the time of construction.
2. A building setback of 20 feet is required from the edge of street rights-of-way unless a lesser standard is approved by resolution of the appropriate Planning Commission.
3. No access to State maintained rights-of-way permitted unless approved by State of Alaska Department of Transportation.
4. Right-of-Way of the Sterling Highway calculated from ties in Bk 28 Page 180 HRD and DOT ROW Sheet 31 Project F-021-1121. (not recorded). No original ROW monumentation was found along this tangent.
5. This survey was conducted using GPS, Basis of Bearing and coordinates is based on weighted average of found record monumentation of SLO Record and Plat No. 86-41 HRD1 Reeves Acres).
6. At its meeting of August 25, 2003, the KPB Planning Commission granted an exception to KPB 20.20.200 for this plat.
7. The 10 ft fronting rights-of-way is an underground utility easement. No permanent structures shall be constructed or placed within an easement which would interfere with the ability of a utility to use the easement.

Ownership Certificate

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 the beneficiary.

Emily A. Ridout 11-10-2003
Emily A. Ridout Date
PO Box 92
Anchor Point Ak 99556

Notary's Acknowledgment
Subscribed and sworn to me before me this 10th day of November, 2003.

For: *Emily A. Ridout*
Julie Eggemeier
Notary Public for Alaska
My Commission Expires 5-15-06



2003-75
Home REC DIST
Date 12/10 2003
Time 1:53 P.M.
Requested by Imhoff
Address _____

Ridout Subdivision

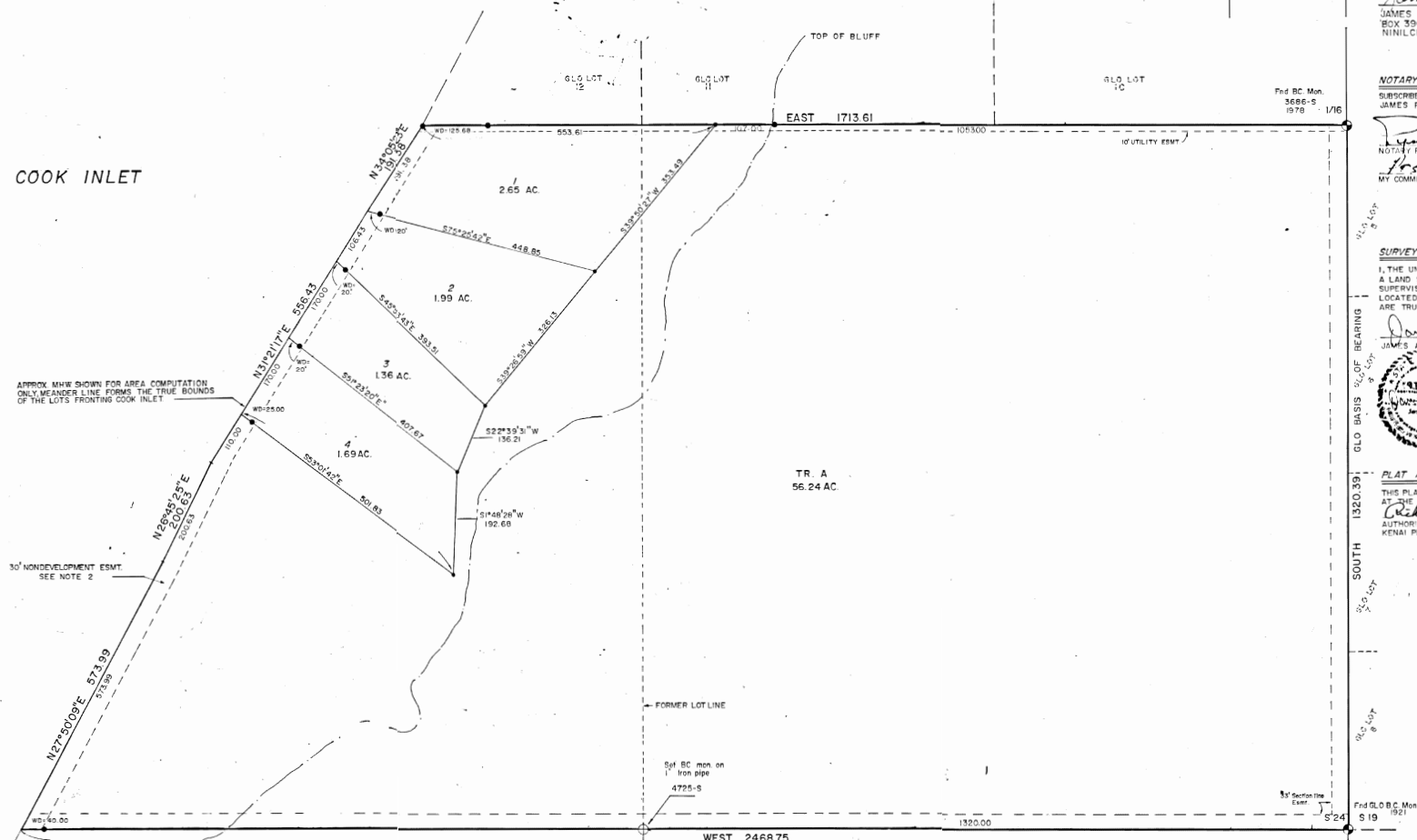
Being a subdivision of the N 1/2 S 1/2 Government Lot 1 Section 14, T4S, R15W SM, lying West of the Sterling Highway excepting therefrom that portion taken by the State of Alaska Dept. of Highways, as per Book 28 Page 176 HRD

Homer Recording District, Third Judicial District, Alaska

Containing 5.200 Acres, more or less

Clients: Emily A. Ridout PO Box 92 Anchor Point Ak 99669	Surveyor: Roger W. Imhoff, RLS PO Box 2588 Homer AK 99603
Date: 7-24-03	File: Ridout.vcd
Drawn RWI	Scale 1"=100 ft KPB File No. 03-179

COOK INLET



APPROX. MHW SHOWN FOR AREA COMPUTATION ONLY. MEANDER LINE FORMS THE TRUE BOUNDS OF THE LOTS FRONTING COOK INLET.

30' NONDEVELOPMENT ESMT. SEE NOTE 2

- NOTES**
1. LOTS 1-4 MAY NOT BE WITHIN A CORPS OF ENGINEERS DEFINED WET LAND. IT IS THE RESPONSIBILITY OF INDIVIDUAL LOT OWNERS TO CONTACT THE CORPS PRIOR TO ANY DEVELOPMENT.
 2. A 30' NONDEVELOPMENT ESMT. IS CREATED UP-LAND OF THE MHW. THE ORIGINAL GROUND IN THIS AREA (EXCEPT FOR 1 HONE) 40' CUT PER LOT USED FOR ACCESS TO THE BEACH SHALL NOT BE DISTURBED. THIS COVENANT IS TO PREVENT EXCESSIVE EROSION TO THE BEACH IN THIS SUBDIVISION.
 3. ACCESS TO LOTS 1-4 WILL BE BY BEACH ONLY.

- LEGEND**
- SET 1 1/2" AL-CAP ON 1/2" x 30" REBAR
 - SET 1/2" x 30" REBAR

- NOTES**
4. SOILS ON THESE LOTS MAY NOT BE SUITABLE FOR CONVENTIONAL ON-SITE WASTE DISPOSAL SYSTEMS. NO PERSON MAY CONSTRUCT, INSTALL, MAINTAIN OR OPERATE A PRESSURIZED WATER SYSTEM OR A WATER-BORNE WASTE DISPOSAL SYSTEM UNLESS APPROVAL OF THE AK DEPT. OF ENVIRONMENTAL CONSERVATION IS OBTAINED.



CERTIFICATE OF OWNERSHIP
 WE HEREBY CERTIFY THAT WE ARE (I AM) THE OWNER(S) OF THE PROPERTY SHOWN AND DESCRIBED HEREON, AND WE (I) HEREBY ADOPT THIS PLAN OF SUBDIVISION AND DELEGATE ALL RIGHTS OF WAYS AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

James P. Wilson 7/31/87
 JAMES P WILSON
 BOX 39050
 NINILCHIK, AK 99566

NOTARY'S ACKNOWLEDGEMENT
 SUBSCRIBED AND SWORN TO BEFORE ME THIS 31st DAY OF JULY 1987
 JAMES P WILSON DID APPEAR BE FOR ME.

Ronald C. Kunitz
 NOTARY PUBLIC FOR ALASKA
 MY COMMISSION EXPIRES:

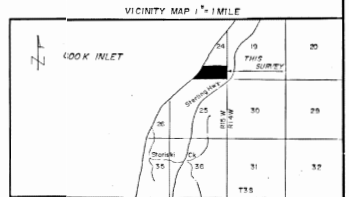


SURVEYOR'S CERTIFICATE
 I, THE UNDERSIGNED REGISTERED SURVEYOR HEREBY CERTIFY THAT A LAND SURVEY HAS BEEN COMPLETED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT CORNERS AND MONUMENTS HAVE BEEN LOCATED AND ESTABLISHED AND THAT DIMENSIONS SHOWN HEREON ARE TRUE AND CORRECT.

Don A. Wilson
 JAMES A WILSON 4725-S DATE 8-11-87



PLAT APPROVAL
 THIS PLAT WAS APPROVED BY THE KENAI PENINSULA PLANNING COMMISSION AT THE MEETING OF July 10, 1986.
Richard P. Torgerson
 AUTHORIZED OFFICIAL
 KENAI PENINSULA BOROUGH



A PLAT OF
STARISKI CAPE SUBDIVISION
 NINTCHIK SUBDIVISION OF
 GOVT LYT 3, SE 1/4 SE 1/4 SEC 24 T35, R15W 5M AK HOMER REC. DIST.

CONTAINING 63.94 AC

TONY WILSON PLS
 17710 WRANGLER WAY
 ANCHORAGE, ALASKA
 345-5324 99516

DATE: 8/15/86 DRAWN TW FB: 86-06.02.03 SCALE 1"=100'
 K.P.B. FILE: 86-217 86-07

87-52
 DEPARTMENT FILED 20
 HOMER REC DIST
 DATE: 8-25-87
 TIME: 9:30 A.
 J. WILSON
 NINILCHIK, AK

REQUESTED AND THE APPLICABLE PROVISIONS OF THE BOROUGH CODE OR OTHER LAW UPON WHICH RECONSIDERATION IS BASED.

END OF STAFF REPORT

Chairman Martin opened the meeting for public comment. Seeing and hearing no one wishing to comment, Chairman Martin closed the public hearing and opened discussion among the Committee.

MOTION: Commissioner Gross moved, seconded by Commissioner Petersen, to grant approval to the preliminary plat subject to staff recommendations.

VOTE: The motion passed by unanimous consent.

GROSS YES	MARTIN YES	PETERSEN YES	TROEGER YES	FOUR YES
--------------	---------------	-----------------	----------------	----------

AGENDA ITEM D. SUBDIVISION PLAT PUBLIC HEARINGS

- 3. Eagle Crest Park Subdivision (name to change)
KPB FILE 2003-154 [Ability/Eagle Crest RV Park & Cabins Gen'l. Partnership]

Staff report as reviewed by Maria Sweppy.

Plat Committee Meeting 7/28/2003

Location: West of Sterling Highway, Anchor Point area
 Proposed Use: Not provided
 Zoning: Unrestricted
 Sewer/Water: On site
 Assessing Use: Commercial

Supporting Information:

This plat proposes to subdivide a 10.5-acre deed parcel into two lots. Lot 1 is of a size that will require an engineer's soils report. The engineer will sign the plat.

The majority of the lot lies below a bluff, extending to Cook Inlet. Access to the lot is via Whiskey Gulch Road through the ADF& G parcel to the north and then along the beach.

Ownership shown on the plat does not agree with KPB information. Please resolve.

Per KPB Resolution 2000-025, if the Certificate to Plat indicates any beneficial interests affect this property, they will be notified and 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.

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

Exceptions Requested: The surveyor's submittal letter indicates that Lot 1 has frontage on Cook Inlet and does not appear to require an exception. KPB 20.20.200 requires that all lots front on a dedicated right-of-way. **Staff recommends** an exception be considered for this requirement.

Findings:

- 1. Per the submittal letter, access to the beach is available via the PLO Whiskey Gulch Road through the ADF&G property to the north.
- 2. Terrain does not appear to be conducive to construct access from the upland portion of the property.
- 3. Access to Cook Inlet frontage parcels is commonly from the beach.
- 4. An engineer's soils report will be required for the parcel.

5. The upland portion of the parcel is naturally segregated from Lot 1 by a steep bluff.

Planning staff has reviewed this request and recommends granting the exception.

20.24.010 provides that the Commission (Committee) may authorize exceptions to any of the requirements set forth in Title 20. This section also states - The Commission (Committee) shall find the following facts before granting any exceptions:

1. That special circumstances or conditions affecting the property have been shown by application;
Findings 1, 2, 3 and 5 appear to support this condition.
2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title;
Findings 1, 2, 3, 4 and 5 appear to support this condition.
3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.
Findings 1, 2, 3, 4 and 5 appear to support this condition.

Staff requests and recommends the Committee make their findings, tying them specifically to each of the above three facts, and vote on the requested exception in a separate motion.

STAFF RECOMMENDATIONS: Grant approval of the preliminary plat subject to any above recommendations, and the following conditions:

REVISE OR ADD TO THE PRELIMINARY PLAT IN ACCORDANCE WITH THE PROVISIONS CONTAINED IN KPB 20.12 AS FOLLOWS:

1. Eagle Crest is a duplicate subdivision name. Please revise.

ADDITIONAL REQUIREMENTS FOR ADMINISTRATIVE APPROVAL OF FINAL PLAT IN ACCORDANCE WITH TITLE 20 INCLUDE:

2. State right-of-way. Show source for data used.
3. Correct the legal description in the title block: R 15 W.
4. Survey and monumentation to meet Ordinance requirements; or an exception having been granted.
5. Conform to conditions of KPB Planning Commission Resolution 78-6.
6. Compliance with Chapter 20.16.155 D & 20.14 Wastewater Disposal regulations.
7. Compliance with Ordinance 90-38(Substitute) - Ownership.
8. Compliance with Ordinance 93-59 - Payment of all taxes due prior to final approval. If final approval and filing of plat is sought between January 1 and the tax due date, the full amount of the estimated taxes will be on deposit with the Finance Department.

NOTE: A NOTICE OF RECONSIDERATION MAY BE TAKEN FROM THE DECISION OF THE PLAT COMMITTEE TO THE PLANNING COMMISSION ACTING AS PLATTING BOARD BY FILING WRITTEN NOTICE THEREOF WITH THE BOROUGH PLANNING DIRECTOR WITHIN 10 DAYS AFTER NOTIFICATION OF THE DECISION OF THE PLAT COMMITTEE BY PERSONAL SERVICE, SERVICE BY MAIL, OR PUBLICATION. (2.40.080 BOROUGH CODE OF ORDINANCES).

THE NOTICE OF RECONSIDERATION SHALL BRIEFLY STATE THE REASON RECONSIDERATION IS REQUESTED AND THE APPLICABLE PROVISIONS OF THE BOROUGH CODE OR OTHER LAW UPON WHICH RECONSIDERATION IS BASED.

END OF STAFF REPORT

ADDENDUM TO THE STAFF REPORT

Staff report addendum as read by Maria Sweppy.

Plat Committee Meeting 7/28/2003

A redesign has been submitted by the surveyor to increase the size of Lot 1. The new size is illegible, but the submittal letter indicates it will no longer need an engineer's soils report. The lot must be at least 200,000 square feet, or nominal 5 acres, to qualify for this exemption from KPB 20.14.

None of the area that has been added appears to be usable for development, as it is all very steep bluff.

Original Exception Requested: The surveyor's submittal letter indicates that Lot 1 has frontage on Cook Inlet and does not appear to require an exception. KPB 20.20.200 requires that all lots front on a dedicated right-of-way. **Staff recommends** an exception be considered for this requirement.

Original Findings:

1. Per the submittal letter, access to the beach is available via the PLO Whiskey Gulch Road through the ADF&G property to the north.
2. Terrain does not appear to be conducive to construction of access from the upland portion of the property.
3. Access to Cook Inlet frontage parcels is commonly from the beach.
4. An engineer's soils report will be required for the parcel.
5. The upland portion of the entire parcel is naturally segregated from Lot 1 by a steep bluff.

Planning staff reviewed this request based upon the above original findings and recommended granting the exception.

The redesign will no longer require an engineer to verify that Lot 1 will support a conventional wastewater disposal system, and Finding 4 no longer applies. Staff considered Finding 4 to be the main support for Fact 3 below, and now can no longer recommend granting the exception.

20.24.010 provides that the Commission (Committee) may authorize exceptions to any of the requirements set forth in Title 20. This section also states - The Commission (Committee) shall find the following facts before granting any exceptions:

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

Staff requests and recommends the Committee make their findings, tying them specifically to each of the above three facts, and vote on the requested exception in a separate motion.

A letter of objection to the subdivision has been provided from a surrounding landowner. It appears that the concerns voiced in the letter are under the enforcement of ADEC (wastewater disposal).

END OF STAFF REPORT ADDENDUM

Chairman Martin opened the meeting for public comment.

1. George Smallwood, Lot H, F C Bailey Subdivision

Mr. Smallwood submitted a letter of objection to the subdivision. He was concerned about the discharge of sewage and wastewater in the area. He also expressed concern about a trespass problem. People using the Department of Fish & Game property are starting to overflow onto the private property. People to the north of Mr. Smallwood's parcel are having significant problems, and they are aware of the proposed subdivision. These property owners did not submit letters of objection. Their solution to the problem was to gate their property to prevent trespass and damage to their property by the public. People defecate on the property and drive four-wheelers and RVs on private property. If the trespass and sewage problems cannot be resolved, Mr. Smallwood urged the Committee to disapprove the plat.

2. Gary Nelson

Mr. Nelson said he was the project surveyor. Mr. Nelson noted that the subject parcel was to the north of the previous speaker's property. The State Department of Fish & Game owned the parcel to the north of the subject parcel. The State owns the tract with the Borough-maintained Whiskey Gulch access road, which is not a dedicated right-of-way, but it has a PLO (Public Land Order). A lot of work was done on this access last winter after the flood. Mr. Nelson showed the Committee a letter from the State showing the road was Borough-maintained. (*Clerk's Note: A copy was provided for the subject file.*) Rights of that access to the subject parcel are cloudy. Whiskey Gulch Road goes down the bluff to the beach. Many people use this access, and they drive north and south from the access. When people go to the south, they go trespass on Lot 1 of the subject property. Mr. Nelson thought the only way to stop the trespass would be to install gates. Property owners along the beach have problems with trespass, camping, etc.

After Mr. Nelson submitted the plat, he realized that if he redesigned the plat to make Lot 1 larger, it would eliminate the necessity of hiring an engineer to do a soils report. He believed the revised plat met Borough standards. In 1995 the owners had an engineer (Mr. Johnson, Girdwood) help them with their septic system and development. A test hole was done on the beach because the owners were concerned the water table would be high. The test hole determined the water table was not high, and the soil was sand and gravel. The area on the beach is suitable for a septic system. The engineer who did the work is now deceased. The owners got an ADEC approved special septic system for the subject parcel. The owners have a recreational vehicle camper park on the area above the bluff. A septic disposal system, which was approved for the camper park, laundromat, and shower facilities, is on the southern boundary.

Mr. Nelson commented that the lot line revisions were done to meet the square footage to comply with the law. Lot 1 on the revised plat has more than 4.6 acres so the owners do not have to hire another engineer to re-do the engineering that was already done for Lot 1. Mr. Nelson asked the Committee to approve the revised plat. However, if the Committee did not want to approve the revised preliminary, he asked that the original design be approved.

Mr. Nelson commented that the owners want to sell their property. Realtors advised them that the price would be quite expensive for the whole parcel because land values for bluff property have increased substantially. If the property is subdivided so the beach parcel could be sold separately, it would be easier to market the property.

Mr. Nelson attended the previous Plat Committee meeting during which a subdivision on the mouth of the Anchor River was approved. He did not believe the owners requested an exception to right-of-way. This property had Cook Inlet access only; however, an exception was granted. The subject property has a PLO access to the lower portion of the beach and Cook Inlet frontage. Cook Inlet frontage has been approved as access to properties in special circumstances. He added that some of the owners were present to answer any questions.

3. George Smallwood

Mr. Smallwood had used the beach access road for more than 30 years. The Department of Transportation (DOT) improved the road about two years ago. When the flood washed out the road, DOT rebuilt the road and made significant improvements to it. Now a large motor home can use the road to get to the beach. The Kenai Peninsula Borough does not maintain the road. DOT minimally maintains it. He talked to Les Mofford (KPB Road Inspector) who said the Borough did not maintain the road. Chairman Martin asked if the Borough plowed the road in the winter. Mr. Smallwood replied no.

4. Gary Marlow

Mr. Marlow said no one wanted to use the road in the winter. He had seen a grader on the road at least three times this summer. He thought he might want to build a summer cabin on the property. He pointed out that he could have expanded the RV park on the lower portion of the property.

5. Gary Nelson

Mr. Nelson showed the Committee documents from DOT that showed the road was classified as being under the Borough's jurisdiction. (*Clerk's Note: A copy was provided for the meeting file.*)

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

MOTION: Commissioner Gross moved, seconded by Commissioner Troeger, to grant an exception to 20.20.200, which requires that all lots front on a dedicated right-of-way, citing the four findings and the facts.

Commissioner Gross asked why staff did not recommend approving the exception. She noted the lot was being made larger. Ms. Toll said she changed her recommendation because the original recommendation had been based on receipt of an engineer's report. It appeared that wastewater disposal would be the primary concern with the lot. An engineer's report will not be required since the lot will be larger. If the owners had documentation from the engineer who did the test hole, it would support granting the exception. Ms. Toll was unsure if the documentation was available.

Chairman Martin recognized Mr. Marlow. Mr. Marlow commented that he had to hire an engineer when the RV park was built. Anyone who builds on the lot would have to have an engineered septic system. Chairman Martin commented that it was not always mandatory to hire an engineer for residential development. Ms. Toll said residential development on the lower lot would not require any kind of engineer's report or DEC approval. She believed that some kind of community system was installed on the upland portion to serve the RV park. Additional setbacks, large size septic system, and large well radii were probably also required. A community system requires an engineer and DEC approval. Mr. Marlow asked what the rest of the houses along the beach had. Chairman Martin commented that the systems were probably installed by a DEC approved installer.

Chairman Martin asked Mr. Marlow if he had any documentation when the test hole was done. Mr. Marlow replied no. He thought he might have something for the original upland parcel. He assumed most buildings used outhouses.

Commissioner Troeger understood the exception the Committee was to discuss was an exception to the requirement for public access. However, the Committee was discussing the wastewater disposal situation. Wastewater disposal had nothing to do with dedicated access. He asked staff for clarification. He asked if two exceptions were needed. He thought the motion was to grant an exception to dedicated access.

Chairman Martin recognized Maxine Marlow. Ms. Marlow commented that at this time she wanted to subdivide the property because of the price of the property. She had Twin Peaks Construction, a certified installer, do some testing. She gave the Committee a copy of the letter regarding the tests from Twin Peaks Construction.

Chairman Martin inquired about the exception before the Committee. Mr. Best said the test hole requirements had been met with the adjustment of the lot lines. The exception needed is frontage on right-of-way.

Chairman Martin noticed that the property lines extended very close to the ocean. He asked if the only way to cross the beach at low or high tide would be to trespass on private property. Mr. Best replied that if the line was meandered, access was below mean high water line.

Chairman Martin recognized Gary Nelson. Mr. Nelson commented that access was below the mean high water on the beach. He asked the Department of Fish & Game about the status of access. Department of Fish & Game staff verbally confirmed their property was public access. Mr. Nelson realized he needed to get documentation regarding this statement. The subject parcel adjoins the State Fish & Game property. The Department of Fish & Game is not restricting access on their property. State staff posted signs on what they believed were the boundaries of the subject parcel to put the public on notice that property beyond the State parcel was private property.

Chairman Martin inquired about the next beach access. Mr. Nelson thought the next public access was the Anchor Point Beach. He believed the next public access was at Ninilchik. A washout on the Old Sterling Highway near Happy Valley might be public, but this access cannot be driven.

Commissioner Troeger cautioned everyone to be careful about the location of the property line. Government meander lines are not property boundaries. He thought more research was needed. The Borough has granted access to lots fronting Cook Inlet in many cases. He supported the motion based on precedent. The public had the right to access the property by boat regardless of the location of the meander line.

It was the consensus of the Plat Committee that:

Findings 1, 2, 3 and 5 applied to Fact 1 (That special circumstances or conditions affecting the property have been shown by application.);

Findings 1, 2, 3 and 5 applied to Fact 2 (That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title);

Findings 1, 2, 3 and 5 applied to Fact 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. Per the submittal letter, access to the beach is available via the PLO Whiskey Gulch Road through the ADF&G property to the north.
2. Terrain does not appear to be conducive to construct access from the upland portion of the property.
3. Access to Cook Inlet frontage parcels is commonly from the beach.
5. The upland portion of the parcel is naturally segregated from Lot 1 by a steep bluff.

VOTE: The motion passed by unanimous consent.

GROSS YES	MARTIN YES	PETERSEN YES	TROEGER YES	FOUR YES
--------------	---------------	-----------------	----------------	----------

Chairman Martin entertained a motion for the plat.

MOTION: Commissioner Gross moved, seconded by Commissioner Troeger, to approve the preliminary plat as presented.

Chairman Martin asked Mr. Nelson if he requested an exception to submitting an engineer’s report. Mr. Nelson replied that he was asking the Committee to approve the revised plat, which had a point configuration lot line division that showed Lot 1 with 4.6 acres.

VOTE: The motion passed by unanimous consent.

GROSS YES	MARTIN YES	PETERSEN YES	TROEGER YES	FOUR YES
--------------	---------------	-----------------	----------------	----------

AGENDA ITEM D. SUBDIVISION PLAT PUBLIC HEARINGS

4. Cottonwood Point No. 1 (name to change)
KPB FILE 2003-155 [Ability/Baptist Foundation Alabama Trustee]

Staff report as reviewed by Maria Sweppy.

Plat Committee Meeting 7/28/2003

Location: Stariski Creek
 Proposed Use: Not provided
 Zoning: Unrestricted
 Sewer/Water: On site
 Assessing Use: Vacant

Supporting Information:

This plat will resubdivide Tracts 1 and 2 of Fuhr Subdivision. The location of the proposed Cottonwood Drive appears to be designed around the extreme topography of the lots. **Staff recommends** the surveyor submit documentation that a road can be constructed to Borough standards, including grade, within the dedication; or provide additional slope easements to accommodate construction.

The location of the road results in the odd configuration of Lot 1. It appears to comply with KPB requirements. The road crosses Stariski Creek. **Staff recommends** a note be placed on the plat to indicate the development of any road within the right-of-way requires the developer of the road to obtain all necessary local, state, and federal permits. A crossing

12. Compliance with Ordinance 93-59 - Payment of all taxes due prior to final approval. If final approval and filing of plat is sought between January 1 and the tax due date, the full amount of the estimated taxes will be on deposit with the Finance Department.

NOTE: A NOTICE OF RECONSIDERATION MAY BE TAKEN FROM THE DECISION OF THE PLAT COMMITTEE TO THE PLANNING COMMISSION ACTING AS PLATTING BOARD BY FILING WRITTEN NOTICE THEREOF WITH THE BOROUGH PLANNING DIRECTOR WITHIN 10 DAYS AFTER NOTIFICATION OF THE DECISION OF THE PLAT COMMITTEE BY PERSONAL SERVICE, SERVICE BY MAIL, OR PUBLICATION. (2.40.080 BOROUGH CODE OF ORDINANCES).

THE NOTICE OF RECONSIDERATION SHALL BRIEFLY STATE THE REASON RECONSIDERATION IS REQUESTED AND THE APPLICABLE PROVISIONS OF THE BOROUGH CODE OR OTHER LAW UPON WHICH RECONSIDERATION IS BASED.

END OF STAFF REPORT

While reviewing the staff report, Ms. Sweppy advised the Committee that comments from Coastal Management Program staff were in the desk packet.

Chairman Johnson opened the meeting for public comment.

1. Don Schrader, Lot 5, Matranga Subdivision Resubdivision of Tract 1

Mr. Schrader understood Sandy Lane was between Lots 8 and 9 and Lot 1 Block 2. Chairman Johnson agreed. Mr. Schrader asked if Sandy Lane was going to be above Lots 8 and 9. Chairman Johnson replied yes.

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

MOTION: Commissioner Tauriainen moved, seconded by Commissioner Hutchinson, to grant approval to the preliminary plat subject to staff recommendations.

VOTE: The motion passed by unanimous consent.

GROSS YES	HUTCHINSON YES	JOHNSON YES	TAURIAINEN YES	FOUR YES
--------------	-------------------	----------------	-------------------	----------

AGENDA ITEM D. SUBDIVISION PLAT PUBLIC HEARINGS

5. Ridout Subdivision
KPB FILE 2003-179 [Imhoff/Ridout]

Staff report as reviewed by Maria Sweppy.

Plat Committee Meeting 8/25/2003

Location: On Cook Inlet and Sterling Highway, north of Whiskey Gulch
 Proposed Use: Residential, Recreational
 Zoning: Unrestricted
 Sewer/Water: On site
 Assessing Use: Residential

Supporting Information:

This plat proposes to split a 5-acre previously deeded portion of a government lot into two lots. The access to Lot 1 is on the Sterling Highway. Lot 2 accesses off the beach from Whiskey Gulch Road. The subdivision will require an engineer's soils report, and the engineer will sign the plat.

The Plat Committee approved a similar subdivision on July 28, 2003. Proposed Eagle Crest Park Subdivision is

located south of Whiskey Gulch Road with one of its lots being accessed on the beach from Whiskey Gulch Road. That subdivision was redesigned to remove the requirement for engineering on the beach lot. It appears that the need for engineering on this current subdivision will be a good step toward protecting the public interest, as well as Cook Inlet.

Per KPB Resolution 2000-025, the Certificate to Plat indicates a beneficial interest affects this property. They have been notified and 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.

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

Exceptions Requested: While not specifically requested, staff recommended an exception to KPB 20.20.200 (requires all lots front on a dedicated street) be considered for Eagle Crest Park Subdivision. **Staff recommends** the same request be considered for this plat.

Findings:

1. Per the submittal letter, access to the beach is available via Whiskey Gulch Road through the ADF& G property to the south.
2. Terrain does not appear to be conducive to construction of access from the upland portion of the property.
3. Access to Cook Inlet frontage parcels is commonly from the beach.
4. An engineer's soils report will be required for the parcel.
5. The upland portion of the parcel is naturally segregated from Lot 2 by a steep bluff.

Planning staff has reviewed this request and recommends granting the exception.

20.24.010 provides that the Commission (Committee) may authorize exceptions to any of the requirements set forth in Title 20. This section also states - The Commission (Committee) shall find the following facts before granting any exceptions:

1. That special circumstances or conditions affecting the property have been shown by application;
Findings 1, 2, 3, 4 and 5 appear to support this condition.
2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title;
Findings 2, 3 and 5 appear to support this condition.
3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.
Findings 1, 3 and 4 appear to support this condition.

Staff requests and recommends the Committee make their findings, tying them specifically to each of the above three facts, and vote on the requested exception in a separate motion.

STAFF RECOMMENDATIONS: Grant approval of the preliminary plat subject to any above recommendations, and the following conditions:

REVISE OR ADD TO THE PRELIMINARY PLAT IN ACCORDANCE WITH THE PROVISIONS CONTAINED IN KPB 20.12 AS FOLLOWS:

1. Identify adjacent land status.
2. Indicate the approximate location of the area subject to inundation by storm or tidal flooding. If applicable, cite the study identifying the flood plain.

ADDITIONAL REQUIREMENTS FOR ADMINISTRATIVE APPROVAL OF FINAL PLAT IN ACCORDANCE WITH TITLE 20 INCLUDE:

3. State right-of-way. Show source for data used.
4. Survey and monumentation to meet Ordinance requirements; or an exception having been granted.
5. Compliance with Ordinance 90-43 Easement Definition.
6. Conform to conditions of KPB Planning Commission Resolution 78-6.
7. Compliance with Chapter 20.16.155 D & 20.14 Wastewater Disposal regulations.
8. Compliance with Ordinance 90-38(Substitute) - Ownership.
9. Compliance with Ordinance 93-59 - Payment of all taxes due prior to final approval. If final approval and filing of plat is sought between January 1 and the tax due date, the full amount of the estimated taxes will be on deposit with the Finance Department.

NOTE: A NOTICE OF RECONSIDERATION MAY BE TAKEN FROM THE DECISION OF THE PLAT COMMITTEE TO THE PLANNING COMMISSION ACTING AS PLATTING BOARD BY FILING WRITTEN NOTICE THEREOF WITH THE BOROUGH PLANNING DIRECTOR WITHIN 10 DAYS AFTER NOTIFICATION OF THE DECISION OF THE PLAT COMMITTEE BY PERSONAL SERVICE, SERVICE BY MAIL, OR PUBLICATION. (2.40.080 BOROUGH CODE OF ORDINANCES).

THE NOTICE OF RECONSIDERATION SHALL BRIEFLY STATE THE REASON RECONSIDERATION IS REQUESTED AND THE APPLICABLE PROVISIONS OF THE BOROUGH CODE OR OTHER LAW UPON WHICH RECONSIDERATION IS BASED.

END OF STAFF REPORT

While reviewing the staff report, Ms. Sweppy noted that comments from a nearby property owner and Coastal Management Program staff were in the desk packet.

Chairman Johnson opened the meeting for public comment. Seeing and hearing no one wishing to comment, Chairman Johnson closed the public hearing and opened discussion among the Committee.

MOTION: Commissioner Gross moved, seconded by Commissioner Tauriainen, to grant an exception to 20.20.200 (requiring all lots to front a dedicated street) according to staff recommendations, attaching the findings to the facts.

Commissioner Tauriainen noted the letter in the desk packet indicated there were problems with access to the beach and trespass. The letter indicated Whiskey Gulch Road was not a legal access. He asked staff about legal access to the beach. Mr. Best replied that Whiskey Gulch Road crossed two State Department of Fish & Game parcels. He did not believe the State gated or blocked Whiskey Gulch Road. He had seen the State put a gate on their parcels on Longmere Lake. The State owns and maintains a boat launch facility at Longmere Lake. Currently, the State leaves Whiskey Gulch Road open for public access and public use. Generally, the State does not block access.

Commissioner Hutchinson asked Mr. Best if he was referring to the State's parcel on Sport Lake Road. The State has an access on Sport Lake Road. Mr. Best commented that the State owned parcels on both lakes. He deferred to Commissioner Hutchinson about the State's maintenance and monitoring of their access on Sport Lake Road. Mr. Best noted that the State maintained their facility at Longmere Lake.

Regarding the State's inclination to close access to waterbodies, Commissioner Hutchinson commented that the State does not wish to close such accesses. Neighbors on Sport Lake Road have asked the State to close their access, and the State was adamant about keeping the access open to the public. Mr. Best noted this was also his experience with the State in such matters.

Commissioner Gross understood the subject property had legal access, regardless of the State Fish & Game property, because it fronted the ocean. Chairman Johnson agreed.

It was the consensus of the Plat Committee that:

Findings 1, 2, 3, 4 and 5 applied to Fact 1 (That special circumstances or conditions affecting the property have been shown by application.);

Findings 2, 3 and 5 applied to Fact 2 (That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title);

Findings 1, 3 and 4 applied to Fact 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. Per the submittal letter, access to the beach is available via Whiskey Gulch Road through the ADF& G property to the south.
2. Terrain does not appear to be conducive to construction of access from the upland portion of the property.
3. Access to Cook Inlet frontage parcels is commonly from the beach.
4. An engineer's soils report will be required for the parcel.
5. The upland portion of the parcel is naturally segregated from Lot 2 by a steep bluff.

VOTE: The motion passed by unanimous consent.

GROSS YES	HUTCHINSON YES	JOHNSON YES	TAURIAINEN YES	FOUR YES
--------------	-------------------	----------------	-------------------	----------

MOTION: Commissioner Tauriainen moved, seconded by Commissioner Gross, to grant approval to the preliminary plat subject to staff recommendations.

VOTE: The motion passed by unanimous consent.

GROSS YES	HUTCHINSON YES	JOHNSON YES	TAURIAINEN YES	FOUR YES
--------------	-------------------	----------------	-------------------	----------

AGENDA ITEM D. SUBDIVISION PLAT PUBLIC HEARINGS

6. Landess Subdivision No. 2
KPB FILE 2003-180 [Tinker Creek/Landess]

Staff report as reviewed by Maria Sweppy.

Plat Committee Meeting 8/25/2003

Location: Sterling area
 Proposed Use: Residential
 Zoning: Unrestricted
 Sewer/Water: On site
 Assessing Use: Residential

Supporting Information:

This is a subdivision of a 10-acre lot into two lots. Engineering will not be required due to the size of the lots. Per the submittal letter, a dry lakebed occupies a portion of the subdivision. A cabin is located in the northwest corner on proposed Tract A1.

Staff recommends the boundary of the subdivision be revised to show the partial cul-de-sac dedicated by the parent plat. Cook Estates Subdivision extended this right-of-way, and the current plat will provide the matching dedication.

Staff recommends a half right-of-way be granted along the east or the west boundary of this subdivision. The block length of Cook Daughters Avenue to Three Johns Road is currently approximately 2600 feet with large acreage parcels on each side. Additional dedications will be required when the surrounding large acreage parcels are subdivided to maintain compliance with KPB 20.20.160, which allows a maximum block length of 1400 feet.

Per KPB Resolution 2000-025, if the Certificate to Plat indicates any beneficial interests affect this property, they will be notified and given 30 days from the date of the mailing of the notification to respond. They are given the opportunity to notify staff if their beneficial interest prohibits or restricts subdivision or requires their signature on the final plat. If no response is received within 30 days, staff will assume they have no requirements regarding the subdivision and it may be finalized.

No exceptions have been requested.