



## Meeting Agenda Plat Committee

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Monday, June 26, 2023

6:00 PM

Betty J. Glick Assembly Chambers

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**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-5308](#) June 12, 2023 Plat Committee Meeting Minutes

Attachments: [C3. 061223 Plat Minutes](#)

#### **D. OLD BUSINESS**

#### **E. NEW BUSINESS**

1. [KPB-5309](#) Right-of-Way Acquisition Park Road; KPB File 2023-033  
McLane Consulting Group / Oliva  
Location: Park Road  
Nikiski Area / Nikiski APC  
  
Attachments: [E1. ROW Acquisition Park Road](#)
2. [KPB-5310](#) Fox Sparrow Subdivision; KPB File 2023-060  
Seabright Surveying / Mary Ann Cooper Living Trust  
Location: Cowgirl Avenue, Woape Street & North Glacier View Road  
Homer Area / Kachemak Bay APC  
  
Attachments: [E2. Fox Sparrow Sub\\_Packet](#)
3. [KPB-5311](#) Seal Rock Roost 2023; KPB File 2023-059  
Ability Surveys / Koth  
Location: East End Road  
City of Homer  
  
Attachments: [E3. Seal Rock Roost 2023](#)

#### **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, July 17, 2023 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](mailto: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**

- a. June 12, 2023 Plat Committee Meeting Minutes



# Kenai Peninsula Borough

## Plat Committee

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

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June 12, 2023  
6:00 PM  
UNAPPROVED MINUTES

### A. CALL TO ORDER

Commissioner Gillham called the meeting to order at 6:00 p.m.

### B. ROLL CALL

#### *Plat Committee Members/Alternates*

Pamela Gillham, District 1 – Kalifornsky  
Michael Horton, District 4 - Soldotna  
David Stutzer, District 8 – Homer  
Franco Venuti, City of Homer

#### *Staff Present*

Robert Ruffner, Planning Director  
Walker Steinhage, Deputy Borough Attorney  
Vince Piagentini, Platting Manager  
Madeleine Quainton, Platting Specialist  
Ann Shirnberg, Planning Administrative Assistant

With 4 members of a 4-member committee in attendance, a quorum was present.

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

#### \*3. Approval of Minutes

- a. May 22, 2023 Plat Committee Meeting Minutes

#### \*4. Grouped Plats

- 1. Atkinson Subdivision 2023 Replat; KPB File 2023-052
- 3. Dairy Hill Subdivision Addition No. 1; KPB File 2023-057
- 4. A.A. Mattox 2023 Replat; KPB File 2023-050
- 5. Patch Subdivision 2023; KPB File 2023-030R1 (*Removed from Grouped Plats*)

Staff report by Platting Manager Vince Piagentini.

Staff has grouped the following plats located under **AGENDA ITEM E**. They are grouped as simple or non-controversial. The type of plats grouped are lot splits, creating a small number of lots, replats, no exceptions required and no public comments were received. – 3 Plats

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

Chair Gillham asked if anyone from the public wished to speak to any of the items under the consent agenda.

Commissioner Stutzer requested that Patch Subdivision be removed from the grouped agenda so that the comments from the Kachemak Bay APC could be addressed.

Patch Subdivision was removed from the grouped plats on the consent agenda.

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

**MOTION:** Commissioner Horton moved, seconded by Commissioner Venuti to approve the agenda, the May 22, 2023 Plat Committee meeting minutes and grouped plates based on staff recommendations and compliance to borough code.

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

**MOTION PASSED BY UNANIMOUS VOTE**

Yes- 4	Gillham, Horton, Stutzer, Venuti
No - 0	

**D. OLD BUSINESS – None**

**E. NEW BUSINESS**

Chair Gillham asked Administrative Assistant Shirnberg to read the planning commission public hearing procedures into the record.

**ITEM #1 – ATKINSON SUBDIVISION 2023 REPLAT**

<b>KPB File No.</b>	2023-052
<b>Plat Committee Meeting:</b>	June 12, 2023
<b>Applicant / Owner:</b>	David and Susan Denzine, Kasilof, Alaska
<b>Surveyor:</b>	Jerry Johnson / Johnson Surveying
<b>General Location:</b>	Sterling Highway MP 111.5, Cohoe area
<b>Parent Parcel No.:</b>	137-260-19, 137-260-18
<b>Legal Description:</b>	Lots 1 & 2 Atkinson Subdivision
<b>Assessing Use:</b>	Residential
<b>Zoning:</b>	Rural Unrestricted
<b>Water / Wastewater</b>	Onsite

*\*Passed Under Grouped Plats Under The Consent Agenda*

**ITEM #2 - BUTTERFLY MEADOWS NO. 3**

<b>KPB File No.</b>	2023-056
<b>Plat Committee Meeting:</b>	June 12, 2023
<b>Applicant / Owner:</b>	The Don W. Bailey and Gloria Ann Bailey Living Trust of Anchor Point, Alaska & Von and Joanne Bailey of Anchor Point, Alaska
<b>Surveyor:</b>	Tom Latimer / Orion Surveys
<b>General Location:</b>	Green Woods Street, Coleman Lantern Avenue, and Wall Tent Street, Anchor Point Area / Anchor Point APC
<b>Parent Parcel No.:</b>	169-190-30 and 169-190-31
<b>Legal Description:</b>	Lots 2-A and 2-B, Butterfly Meadows No 2, Plat HM 2008-36
<b>Assessing Use:</b>	Residential
<b>Zoning:</b>	Single-family Dwellings (R-1), North Fork One LOZD
<b>Water / Wastewater</b>	On site

Staff report given by Platting Manager Vince Piagentini.

Chair Gillham opened the item for public comment.

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

Seeing and hearing no one else wishing to comment, public comment was closed and discussion was opened among the committee.

**MOTION:** Commissioner Horton moved, seconded by Commissioner Stutzer to grant preliminary approval to Butterfly Meadows No. 3, based on staff recommendations and compliance to borough code and adopting and incorporating by reference the staff report and staff recommendations.

**EXCEPTION REQUEST:** Commissioner Horton moved, seconded by Commissioner Stutzer to grant exception request to KPB 20.30.030 Proposed Street Layout and KPB 20.30.170 Block Length, citing findings 2-6, 8 & 9 in support of standard one, findings 1-3, 7 & 9 in support of standard two, and findings 1, 2, 4-6 & 8 in support of standard three.

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

**EXCEPTION REQUEST PASSED BY UNANIMOUS VOTE**

Yes- 4	Gillham, Horton, Stutzer, 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- 4	Gillham, Horton, Stutzer, Venuti
No - 0	

**ITEM #3 - DAIRY HILL SUBDIVISION ADDITION NO 1**

<b>KPB File No.</b>	2023-057
<b>Plat Committee Meeting:</b>	June 12, 2023
<b>Applicant / Owner:</b>	Leirer Family Limited Partnership of Seward, Alaska
<b>Surveyor:</b>	Joshua Varney / Lounsbury & Associates Inc
<b>General Location:</b>	Phoenix Road, Bayview Place, Aialik Street, Dairy Hill Lane, Third Avenue, and Seward Highway, City of Seward
<b>Parent Parcel No.:</b>	145-104-14
<b>Legal Description:</b>	Tract 5, Dairy Hill Subdivision, Plat SW 2000-21
<b>Assessing Use:</b>	Residential
<b>Zoning:</b>	Resource Management (RM) and Single-family Residential (R1)
<b>Water / Wastewater</b>	City

*\*Passed Under Grouped Plats Under The Consent Agenda*

**ITEM 4 - A.A. MATTOX 2023 REPLAT**

<b>KPB File No.</b>	2023-050
<b>Plat Committee Meeting:</b>	June 12, 2023
<b>Applicant / Owner:</b>	Church of the Rock
<b>Surveyor:</b>	Stephen Smith / Geovera, LLC
<b>General Location:</b>	City of Homer
<b>Parent Parcel No.:</b>	177-054-09, 177-054-12, 177-054-13
<b>Legal Description:</b>	Lot 14A-2 AA Mattox Subdivision Pennock Place Addition No 2 HM 2003-70 and Lot 14-C1 and Lot 14-B1-A of A.A. Mattox Subdivision 2018 HM 2018-43
<b>Assessing Use:</b>	Institutional (Lot 14-B1-A), Commercial (Lot 14-C1), and Residential (Lot 14A-2)
<b>Zoning:</b>	Residential Office District
<b>Water / Wastewater</b>	City

***\*Passed Under Grouped Plats Under The Consent Agenda*****ITEM 5 – PATCH SUBDIVISION 2023**

<b>KPB File No.</b>	2023-030R1
<b>Plat Committee Meeting:</b>	June 12, 2023
<b>Applicant / Owner:</b>	Michael Patch of Homer, Alaska & Eric Shafford of Fritz Creek, Alaska
<b>Surveyor:</b>	Stephen Smith / Geovera, LLC
<b>General Location:</b>	Kaleen Street, Shiloh Avenue, Fritz Creek, Kachemak Bay APC
<b>Parent Parcel No.:</b>	174-320-34 & 174-320-33
<b>Legal Description:</b>	Lot 1 & Tract A, Patch Subdivision, Plat HM 2007-46
<b>Assessing Use:</b>	Residential
<b>Zoning:</b>	Rural Unrestricted
<b>Water / Wastewater</b>	On site

Staff report given by Platting Manager Vince Piagentini.

Chair Gillham opened the item for public comment. Seeing and hearing no one wishing to comment, public comment was closed and discussion was opened among the committee.

**MOTION:** Commissioner Horton moved, seconded by Commissioner Stutzer to grant preliminary approval to Patch Subdivision 2023, based on staff recommendations and compliance to borough code and adopting and incorporating by reference the staff report and staff recommendations.

Commissioner Stutzer asked staff to address the concerns raised by the Kachemak Bay APC about not depicting the wetlands on the plat. Platting Manager Piagentini replied note #7 on the plat states that the entire subdivision contains possible low wet areas per the Kenai Watershed Forum Wetlands Assessments. The reason the borough is not requiring the wetlands to be depicted on the plat is the plat would become too busy and make it difficult to read.

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

**MOTION PASSED BY UNANIMOUS VOTE**

Yes- 4	Gillham, Horton, Stutzer, Venuti
No - 0	

**ITEM #6 – DAN LEE SUBDIVISION NO 5**

<b>KPB File No.</b>	2023-051
<b>Plat Committee Meeting:</b>	June 12, 2023
<b>Applicant / Owner:</b>	John and Tami Johnson
<b>Surveyor:</b>	John Segesser / Segesser Surveys
<b>General Location:</b>	Trader John St and Paneyagiak St, Nikiski
<b>Parent Parcel No.:</b>	013-212-62, 013-212-61, 013-212-60,
<b>Legal Description:</b>	Tract 5B Dan Lee Subdivision No. 3 KN 2018-52 and Tracts 3A and 5A1 Dan Lee Subdivision No. 4 KN 2020-51
<b>Assessing Use:</b>	Residential
<b>Zoning:</b>	Rural Unrestricted
<b>Water / Wastewater</b>	Onsite

Staff report given by Platting Manager Vince Piagentini.

Chair Gillham opened the item for public comment.

John Segesser, Segesser Surveys; 30485 Rosland Street, Soldotna, AK 99669: Mr. Segesser was the surveyor on this project and made himself available for questions.

Tami Johnson, 51835 Trader John Street, Kenai, AK 99669: Ms. Johnson is the landowner and made herself available for questions.

Seeing and hearing no one else wishing to comment, public comment was closed and discussion was opened among the committee.

**MOTION:** Commissioner Horton moved, seconded by Commissioner Venuti to grant preliminary approval to Dan Lee Subdivision No. 5, based on staff recommendations and compliance to borough code and adopting and incorporating by reference the staff report and staff recommendations.

**EXCEPTION REQUEST:** Commissioner Horton moved, seconded by Commissioner Venuti to grant exception request to KPB 20.30.170 – Blocks – Length requirements, citing findings 1-6 in support of standards one, two and three.

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

**EXCEPTION REQUEST PASSED BY UNANIMOUS VOTE**

Yes- 4	Gillham, Horton, Stutzer, 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- 4	Gillham, Horton, Stutzer, Venuti
No - 0	

**ITEM #7 - RIVERWIND 1 SUBDIVISION SUTHERLIN ADDITION**

<b>KPB File No.</b>	2023-055
<b>Plat Committee Meeting:</b>	June 12, 2023
<b>Applicant / Owner:</b>	Susan Haggart of Soldotna, Alaska
<b>Surveyor:</b>	John Segesser / Segesser Surveys Inc
<b>General Location:</b>	Funny River Road in Funny River Area / Funny River APC

<b>Parent Parcel No.:</b>	066-161-02
<b>Legal Description:</b>	Lot 7 Riverwind Subdivision, Plat KN 72-48
<b>Assessing Use:</b>	Residential
<b>Zoning:</b>	Rural Unrestricted
<b>Water / Wastewater</b>	On site

Staff report given by Platting Manager Vince Piagentini.

Chair Gillham opened the item for public comment.

John Segesser, Segesser Surveys; 30485 Rosland Street, Soldotna, AK 99669: Mr. Segesser was the surveyor on this project and made himself available for questions.

Jeffery Deitz; 5600 East 98<sup>th</sup> Avenue, Anchorage, 99507: Mr. Deitz owns land in the subdivision and expressed concerns about adding more lots to the subdivision. He noted there is a private river access for the subdivision and it is near his lot. As more lots are added to the subdivision more and more folks and their family/friends are using that private access. As the usage increases the private river bank access area is getting more and more damaged.

Commissioner Gillham stated she understood his concerns but there is nothing in code that would support the committee denying approval for this plat. She encouraged Mr. Deitz to take his concerns about the damage to the riverbank to the Kenai River Center and hopefully they can assist him in finding a way to preserve the area.

Seeing and hearing no one else wishing to comment, public comment was closed and discussion was opened among the committee.

**MOTION:** Commissioner Horton moved, seconded by Commissioner Stutzer to grant preliminary approval to Riverwind 1 Subdivision Sutherlin Addition, based on staff recommendations and compliance to borough code and adopting and incorporating by reference the staff report and staff recommendations.

**EXCEPTION REQUEST:** Commissioner Horton moved, seconded by Commissioner Stutzer to grant exception request to KPB 20.30.150(B) Street Intersection Requirements, citing findings 1-4 & 6 in support of standard one, findings 2-4 & 6 in support of standard two and findings 1-6 in support of standard three.

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

**EXCEPTION REQUEST PASSED BY UNANIMOUS VOTE**

Yes- 4	Gillham, Horton, Stutzer, 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- 4	Gillham, Horton, Stutzer, Venuti
No - 0	

**ITEM #8 – ROOFE SUBDIVISION**

<b>KPB File No.</b>	2023-054
<b>Plat Committee Meeting:</b>	June 12, 2023
<b>Applicant / Owner:</b>	Laura and Christopher Roofe
<b>Surveyor:</b>	John Segesser / Segesser Surveys
<b>General Location:</b>	Kenai Spur Highway MP 29.5, Nikiski

<b>Parent Parcel No.:</b>	013-140-59
<b>Legal Description:</b>	Part of S1/2 NW1/4 & NW1/4 NE1/4 & Gov't Lot 10 Sec 33, T8N, R11W SM KRD Alaska
<b>Assessing Use:</b>	Residential
<b>Zoning:</b>	Unrestricted
<b>Water / Wastewater</b>	Onsite

Staff report given by Platting Manager Vince Piagentini.

Chair Gillham opened the item for public comment.

John Segesser, Segesser Surveys; 30485 Rosland Street, Soldotna, AK 99669: Mr. Segesser was the surveyor on this project and made himself available for questions.

Seeing and hearing no one else wishing to comment, public comment was closed and discussion was opened among the committee.

**MOTION:** Commissioner Horton moved, seconded by Commissioner Venuti to grant preliminary approval to Roofe Subdivision, based on staff recommendations and compliance to borough code and adopting and incorporating by reference the staff report and staff recommendations.

**EXCEPTION REQUEST:** Commissioner Horton moved, seconded by Commissioner Venuti to grant exception request to KPB 20.30.170 – Block length requirements, citing findings 1-4 in support of standards one, two and three.

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

**EXCEPTION REQUEST PASSED BY UNANIMOUS VOTE**

Yes- 4	Gillham, Horton, Stutzer, 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- 4	Gillham, Horton, Stutzer, Venuti
No - 0	

**F. PUBLIC COMMENT**

Chair Gillham asked if there was anyone from the public who would like to comment on anything not appearing on the agenda. No one wished to comment

**G. ADJOURNMENT**

Commissioner Horton moved to adjourn the meeting 7:06 P.M.

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Ann E. Shirnberg  
Administrative Assistant

## **E. NEW BUSINESS**

1. Right-of-Way Acquisition Park Road  
KPB File 2023-033  
McLane Consulting Group / Oliva  
Location: Park Road  
Nikiski Area / Nikiski APC



AGENDA ITEM E.    NEW BUSINESS

**ITEM 2– RIGHT-OF-WAY ACQUISITION PARK ROAD KPB 2023-033**

<b>KPB File No.</b>	2023-033
<b>Plat Committee Meeting:</b>	June 26, 2023
<b>Applicant / Owner:</b>	Louis and Stacy Oliva of Nikiski, Alaska
<b>Surveyor:</b>	James Hall / McLane Consulting Inc
<b>General Location:</b>	Park Road, Nikiski, Nikiski APC

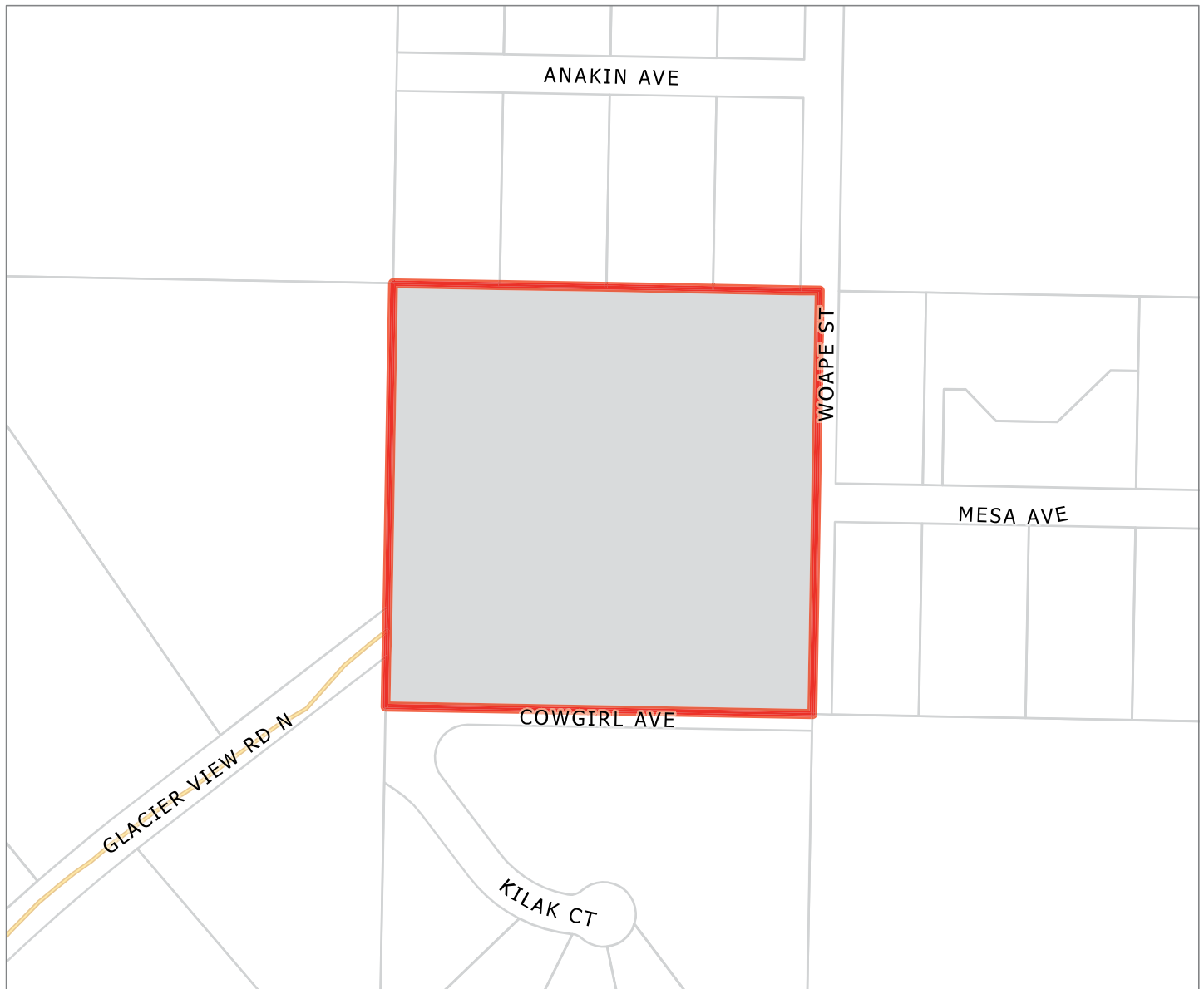
<b>Parent Parcel No.:</b>	013-410-69
<b>Legal Description:</b>	Government Lot 17 of Section 34 Township 8N Range 11W

**STAFF REPORT**

This item is being postponed at the request of the land owner at this time and will be rescheduled when a resolve has been come to.

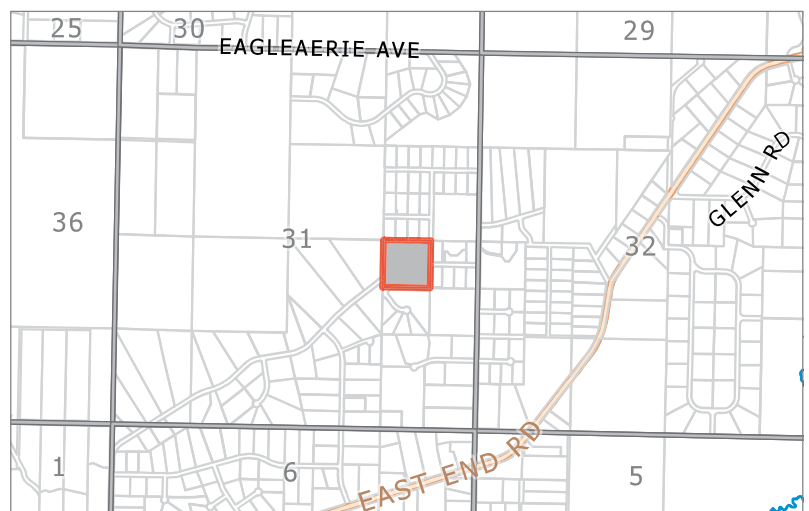
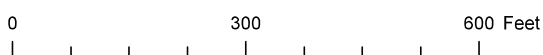
## **E. NEW BUSINESS**

- 2. Fox Sparrow Subdivision; KPB File 2023-060**  
**Seabright Surveying / Mary Ann Cooper Living Trust**  
**Location: Cowgirl Ave., Woape St. & North Glacier View Rd.**  
**Homer Area / Kachemak Bay APC**



KPB File 2023-060  
T 05S R 12W SEC 31  
Fritz Creek

6/1/2023







## NOTES

1. A SETBACK OF 20' IS REQUIRED FROM ALL STREET RIGHT-OF-WAYS UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION. THE FRONT 10' ADJACENT TO RIGHTS-OF-WAY IS A UTILITY EASEMENT GRANTED THIS PLAT. NO PERMANENT STRUCTURES SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE SAID EASEMENT.
2. ALL WASTEWATER DISPOSAL SYSTEMS SHALL COMPLY WITH EXISTING APPLICABLE LAWS AT THE TIME OF CONSTRUCTION.
3. PROPERTY OWNER SHOULD CONTACT THE ARMY CORPS OF ENGINEERS PRIOR TO ANY ON-SITE DEVELOPMENT OR CONSTRUCTION ACTIVITY TO OBTAIN THE MOST CURRENT WETLAND DESIGNATION (IF ANY). PROPERTY OWNERS ARE RESPONSIBLE FOR OBTAINING ALL REQUIRED LOCAL, STATE, AND FEDERAL PERMITS.
4. ROADS MUST MEET THE DESIGN AND CONSTRUCTION STANDARDS ESTABLISHED BY THE BOROUGH IN ORDER TO BE CONSIDERED FOR CERTIFICATION AND INCLUSION IN THE ROAD MAINTENANCE PROGRAM (KPB 14.06).
5. THIS SUBDIVISION IS SUBJECT TO A RIGHT-OF-WAY EASEMENT OF NO DEFINITE LOCATION GRANTED TO HOMER ELECTRIC ASSOCIATION PER BK 19 PG 10 HRD.

CURVE TABLE					
CURVE #	LENGTH	RADIUS	DELTA	CH. BEARING	CH. LENGTH
C1	31.40'	20.00'	89°59'00"	N4°43'42"E	28.28'

## WASTEWATER DISPOSAL

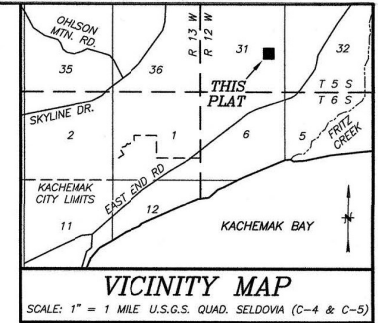
SOIL CONDITIONS IN THIS SUBDIVISION HAVE BEEN FOUND UNSUITABLE FOR CONVENTIONAL ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEMS. PLANS SHOWING A SUITABLE ALTERNATE WASTEWATER DISPOSAL SYSTEM THAT COULD BE USED ON LOTS IN THIS SUBDIVISION ARE INCLUDED IN THE ENGINEER'S SUBDIVISION AND SOILS REPORT AND AREA AVAILABLE FROM THE KENAI PENINSULA BOROUGH. ALL ALTERNATE ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEMS MUST BE DESIGNED FOR THE SPECIFIC INSTALLATION BY A QUALIFIED ENGINEER REGISTERED TO PRACTICE IN ALASKA, AND THE DESIGN MUST BE APPROVED BY THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION PRIOR TO CONSTRUCTION.

## 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 COWGIRL ST. 30' WIDE RIGHT-OF-WAY AND THE WOAPLE ST. 30' WIDE RIGHT-OF-WAY DEDICATED THIS PLAT. 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.

KENAI PENINSULA BOROUGH

DATE



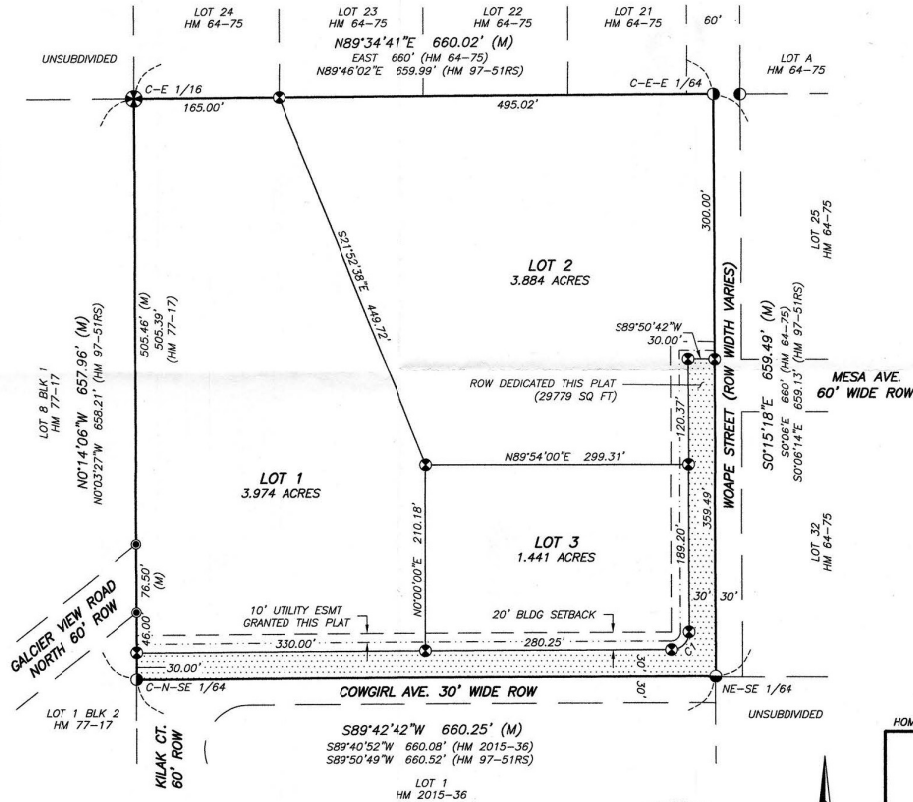
## CERTIFICATE OF OWNERSHIP

I HEREBY CERTIFY THAT MARY ANN COOPER LIVING TRUST IS THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON, THAT ON BEHALF OF MARY ANN COOPER LIVING TRUST, 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.

MARY ANN COOPER, TRUSTEE  
MARY ANN COOPER LIVING TRUST  
P.O. BOX 126  
HOMER, AK 99603

## NOTARY'S ACKNOWLEDGMENT

FOR: \_\_\_\_\_  
ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_  
DAY OF \_\_\_\_\_, 2023  
NOTARY PUBLIC FOR ALASKA  
MY COMMISSION EXPIRES \_\_\_\_\_



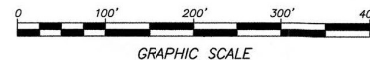
## LEGEND

- SET 2" AC 7968-S 2022
- FND 2" AC 7538-S 2015
- FND 2" AC 7610-S 2007
- FND 2" AC 1301-3 1997
- FND 1/2" REBAR
- FND 2.5" BC MON 3686-S 1976
- 10' UTILITY ESMT GRANTED THIS PLAT
- 20' BUILDING SETBACK
- (M) MEASURED BOUNDARY DATA PER THIS SURVEY
- (C) COMPUTED BOUNDARY DATA

## PLAT APPROVAL

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

BY: \_\_\_\_\_ AUTHORIZED OFFICIAL  
KENAI PENINSULA BOROUGH  
DATE \_\_\_\_\_



HOMER RECORDING DISTRICT

KPB FILE NO. 2023-XXX

## FOX SPARROW SUBDIVISION

A SUBDIVISION OF THE NW1/4 NE1/4 SE1/4 SECTION 31,  
T. 5 S., R. 12 W., SEWARD MERIDIAN, KENAI PENINSULA  
BOROUGH, THIRD JUDICIAL DISTRICT, ALASKA

CONTAINING 9.983

## SEABRIGHT SURVEY + DESIGN

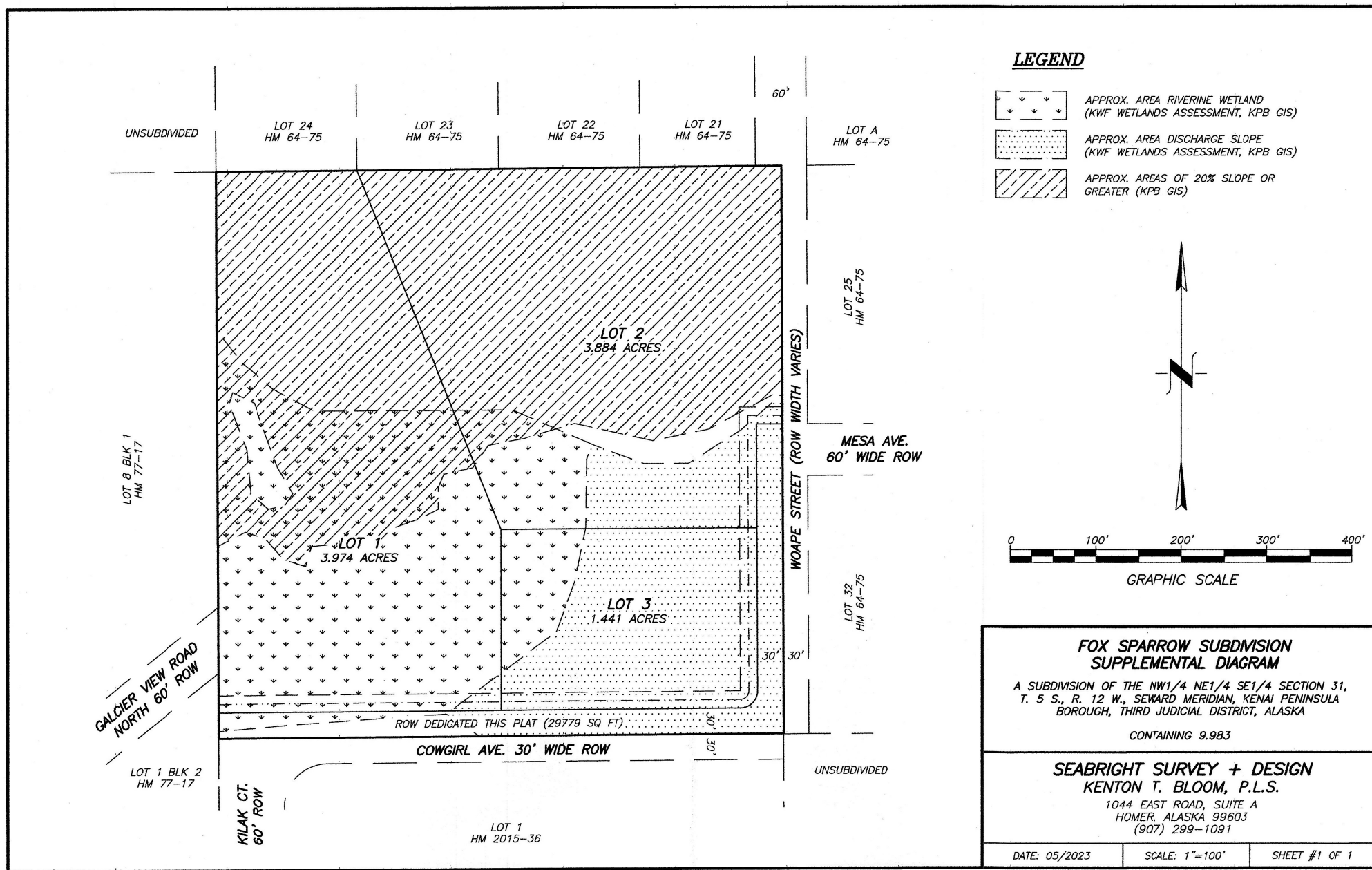
KENTON T. BLOOM, P.L.S.

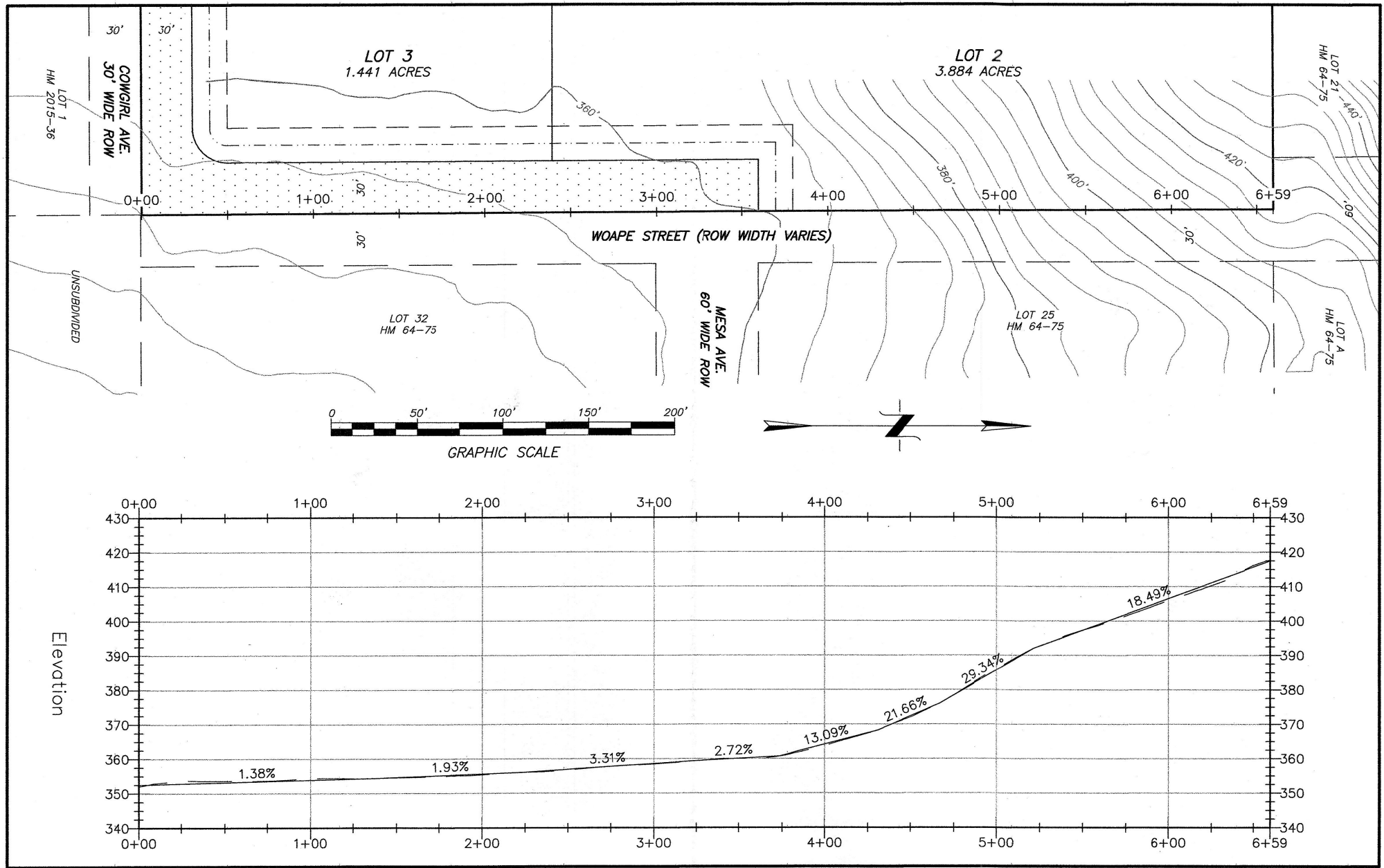
1044 EAST ROAD, SUITE A  
HOMER, ALASKA 99603  
(907) 299-1091

CLIENTS: MARY ANN COOPER LIVING TRUST  
P.O. BOX 126 HOMER, AK 99603

DRAWN BY: KK	CHKD BY: KB	JOB #2023-19
DATE: 05/2023	SCALE: 1"=100'	SHEET #1 OF 1

KPB 2023-060







AGENDA ITEM E. NEW BUSINESS

**ITEM #1 - FOX SPARROW SUBDIVISION**

<b>KPB File No.</b>	2023-060
<b>Plat Committee Meeting:</b>	June 26, 2023
<b>Applicant / Owner:</b>	Mary Ann Cooper Living Trust of Homer, Alaska
<b>Surveyor:</b>	Kenton Bloom / Seabright Surveying
<b>General Location:</b>	Glacier View Road North, Fritz Creek / Kachemak Bay APC

<b>Parent Parcel No.:</b>	172-031-16
<b>Legal Description:</b>	NW1/4 NE1/4 SE1/4 Township 5 South Range 12 West Section 31
<b>Assessing Use:</b>	Residential
<b>Zoning:</b>	Rural Unrestricted
<b>Water / Wastewater</b>	On site

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**STAFF REPORT**

**Specific Request / Scope of Subdivision:** The proposed plat will subdivide a 10 acre parcel into three lots ranging in size from 1.441 acres to 3.974 acres. The proposed plat has two dedications on it also.

**Location and Legal Access (existing and proposed):** The subdivision fronts several dedications. Those dedications are Glacier View Road North, Cowgirl Avenue, and Woape Street. Glacier View Road North is the only constructed right-of-way and is 60 feet wide and is currently maintained by the borough. This plat will be providing a matching 30-foot dedication of Cowgirl Avenue and Woape Street until the intersection with Mesa Avenue. An exception has been requested not to continue Woape Street north due to terrain.

The block does not close and is not compliant, with the steep terrain on the north a dedication and right-of-way for compliance would be difficult. ***Staff recommends: the Plat Committee concur an exception to block length is not required.***

KPB Roads Dept. comments	Out of Jurisdiction: No  Roads Director: Griebel, Scott Comments: There is upstream full ROW dedication issue feeding the parcel: Sibson Dr only 30'. There will remain a missing piece at the corner of Woape St & Cowgirl Ave. Additionally, the Mesa Ave access may be messy due to the configuration of other residents access points.
SOA DOT comments	No comment - Engineering

**Site Investigation:** The subdivision has two wetland classifications from the Kenai Watershed Forum and those are Riverine and Discharge Slope. Because of the classifications and the steep terrain, the surveyor provided an additional map to comply with submittal requirements. The map is included in the packet. The wetlands appear to be located in the south portion of the subdivision and the steep slopes in the north.

There are several improvements located within the subdivision and will remain within proposed Lot 1. There does not appear to be any encroachment issues and none will be caused by this plat.

KPB River Center review	A. Floodplain  Reviewer: Hindman, Julie
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	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: VACANT Comments:
State of Alaska Fish and Game	

**Staff Analysis** This will be the first division of a previously undivided aliquot part of the section. The previous description was the NW1/4 of the NE1/4 of the SE1/4 of Section 31, T5S, R12W SM, Alaska, being a 10 acres parcel.

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 received and the motion passed without objection. The APC did recommend that the Planning Commission consider ways to protect wetlands, including code changes.

**Utility Easements** There are no parent plats for this parcel to grant any previous easements. This plat is granting new 10-foot Utility Easements along all rights-of-way and 20-foot building setbacks also.

The surveyor lists a right-of-way easement for the benefit of Homer Electric Association at plat note 5. Staff reviewed the recorded document as it doesn't appear to apply to this parcel. *Staff recommends: the surveyor confer with Homer Electric Association to verify the plat note is accurate.*

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

**Utility provider review:**

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

**KPB department / agency review:**

Addressing	Reviewer: Leavitt, Rhealyn Affected Addresses: 57251 GLACIER VIEW RD N  Existing Street Names are Correct: Yes
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	List of Correct Street Names: GLACIER VIEW RD N, KILAK CT, COWGIRL AVE, WOAPE ST, MESA AVE  Existing Street Name Corrections Needed:  All New Street Names are Approved: No  List of Approved Street Names:  List of Street Names Denied:  Comments: 57251 GLACIER VIEW RD N WILL REMAIN WIL LOT 1
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: Windsor, Heather Comments: No comment
Kachemak Bay Advisory Planning Commission	See comment above

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

### **STAFF RECOMMENDATIONS**

#### **CORRECTIONS / EDITS**

- Updated the KPB file number to 2023-060.

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#### **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.

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#### **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.

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#### **KPB 20.40 – Wastewater Disposal**

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

20.40.010 Wastewater disposal.

*Platting Staff Comments:* a soils report will be required and an engineer will need to sign the final plat.

**Staff recommendation:** comply with 20.40.

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#### **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.

### **EXCEPTIONS REQUESTED:**

#### **A. KPB 20.30.120 – Streets – Width Requirements**

Surveyor's Discussion: We are requesting an exception to width requirements for Woape St. ROW due to steep terrain. We will dedicate the southerly portion of the ROW half-width up to the intersection with Mesa Ave., as the slope does not exceed 5%. Beyond this intersection the ROW becomes un-buildable, climbing up a bluff with slopes that range from 13-30% in grade. We have provided a plan and profile for the C/L of the ROW based on KPB 4' contours derived from the KPB GIS Terrain Viewer.

Staff Discussion: the minimum right-of-way width of streets shall be 60 feet. 20.30.120. A.1. Half streets shall generally not be allowed except to provide the logical extension of a right-of-way where the remaining half street can reasonably be expected to be dedicated in the future.

#### **Findings:**

1. There is steep terrain located to the north of Mesa Avenue.
2. Centerline profiles were submitted with the preliminary showing the steep terrain.
3. KPB 20.30.090 states grades shall not exceed 10 percent on other than arterial streets being at 6 percent or less.
4. The proposed right-of-way will still provide enough access to Lot 2 of this plat.
5. The connection to the north will be incomplete.
6. Traffic pattern can continue flow to Mesa 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 committee shall make findings of fact meeting the following standards before granting any exception:

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

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

Page 4 of 5

the meeting date.

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**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.**

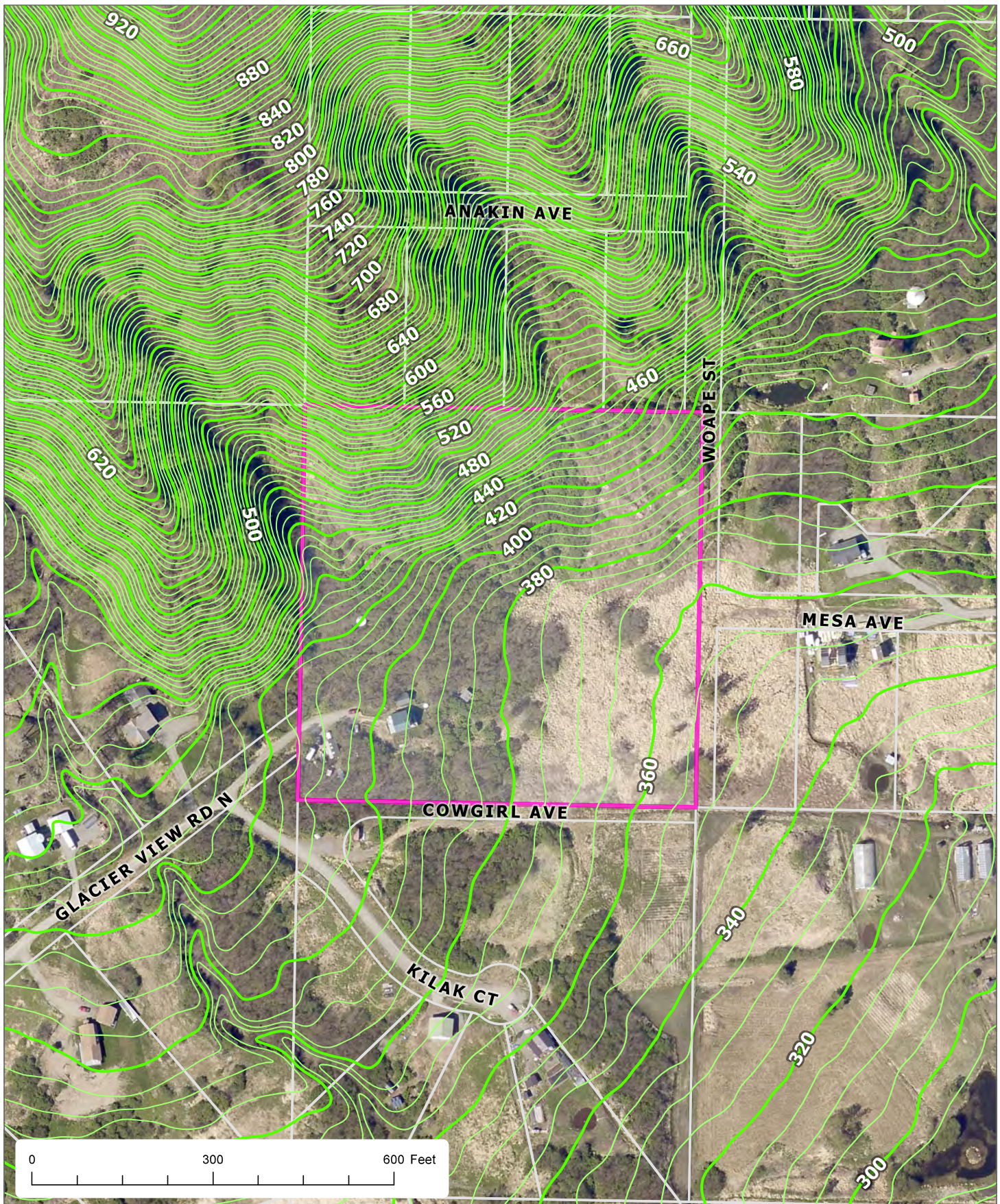
**A DECISION OF THE PLANNING COMMISSION MAY BE APPEALED TO THE HEARING OFFICER BY A PARTY OF RECORD WITHIN 15 DAYS OF THE DATE OF NOTICE OF DECISION IN ACCORDANCE WITH KPB 21.20.250.**

**END OF STAFF REPORT**



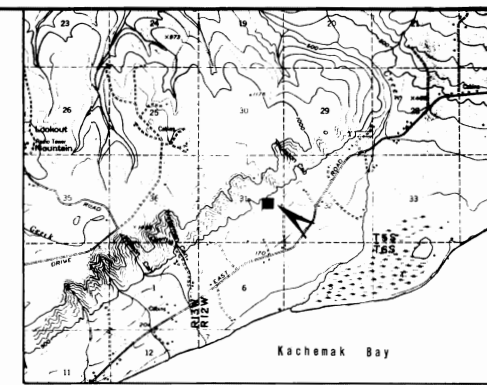
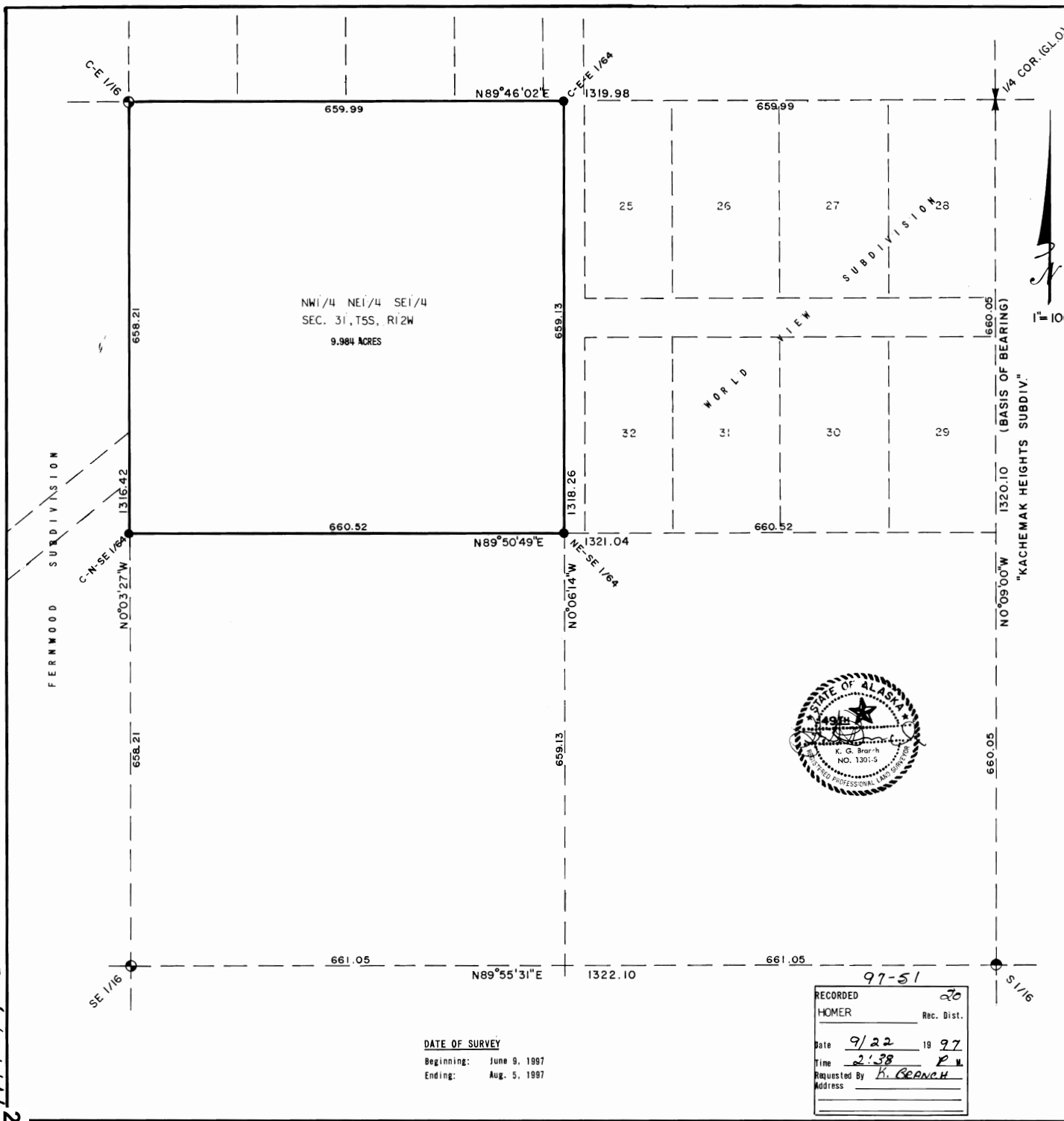








HM 97-51 RS 27



VICINITY MAP  
1"=1 Mile

NOTES

- 1. THIS SURVEY DOES NOT CONSTITUTE A SUBDIVISION AS DEFINED BY AS UD.15.190 (2)
- 2. REFER TO KPB PLANNING DEPARTMENT FOR BUILDING SETBACK REGULATIONS
- 3. PROPERTY IS SUBJECT TO A GENERAL EASEMENT (NO DEFINITE LOCATION) FOR ELECTRIC LINES OR SYSTEM GRANTED TO HEA ON 12/15/1959 IN BK. 19, PAGE 10, HRD WITH RIGHT TO ENTER, MAINTAIN, REPAIR AND CLEAR SHRUBBERY.

LEGEND

3" BRASS CAP MON. FND.	1974	268 S
3" BRASS CAP MON. FND.	1976	3686 S
2" ALUM. CAP MON. SET	1997	1301 S

SURVEYOR'S CERTIFICATE

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

Date 9/23/97  
K. G. Branch, RES NO. 1301 S  
BOX 1295  
HOMER, ALASKA 99603

RECORD OF SURVEY  
OF

NW 1/4 NE 1/4 SE 1/4

SECTION 31  
T5S, R12W, S.M.

Homer Recording District, Alaska



DATE OF SURVEY  
Beginning: June 9, 1997  
Ending: Aug. 5, 1997

RECORDED 20  
HOMER Rec. Dist.  
Date 9/22 19 97  
Time 2:58 P.M.  
Requested By K. BRANCH  
Address \_\_\_\_\_

## **E. NEW BUSINESS**

3. Seal Rock Roost 2023; KPB File 2023-059  
Ability Surveys / Koth  
Location: East End Road  
City of Homer



AGENDA ITEM E.    NEW BUSINESS

**ITEM #3 - SEAL ROCK ROOST 2023**

<b>KPB File No.</b>	2023-059
<b>Plat Committee Meeting:</b>	June 26, 2023
<b>Applicant / Owner:</b>	Annette Koth of Homer, Alaska
<b>Surveyor:</b>	Gary Nelson / Ability Surveys
<b>General Location:</b>	City of Homer

<b>Parent Parcel No.:</b>	174-210-36
<b>Legal Description:</b>	Tract 1, Seal Rock Roost Subdivision, Plat No HM 80-65
<b>Assessing Use:</b>	Residential
<b>Zoning:</b>	Rural Residential District
<b>Water / Wastewater</b>	On site

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**STAFF REPORT**

This item is being postpone at the request of the owner and the surveyor a this time and is rescheduled to the next Plat Committee Meeting of July 17, 2023 so to work on the plat layout.