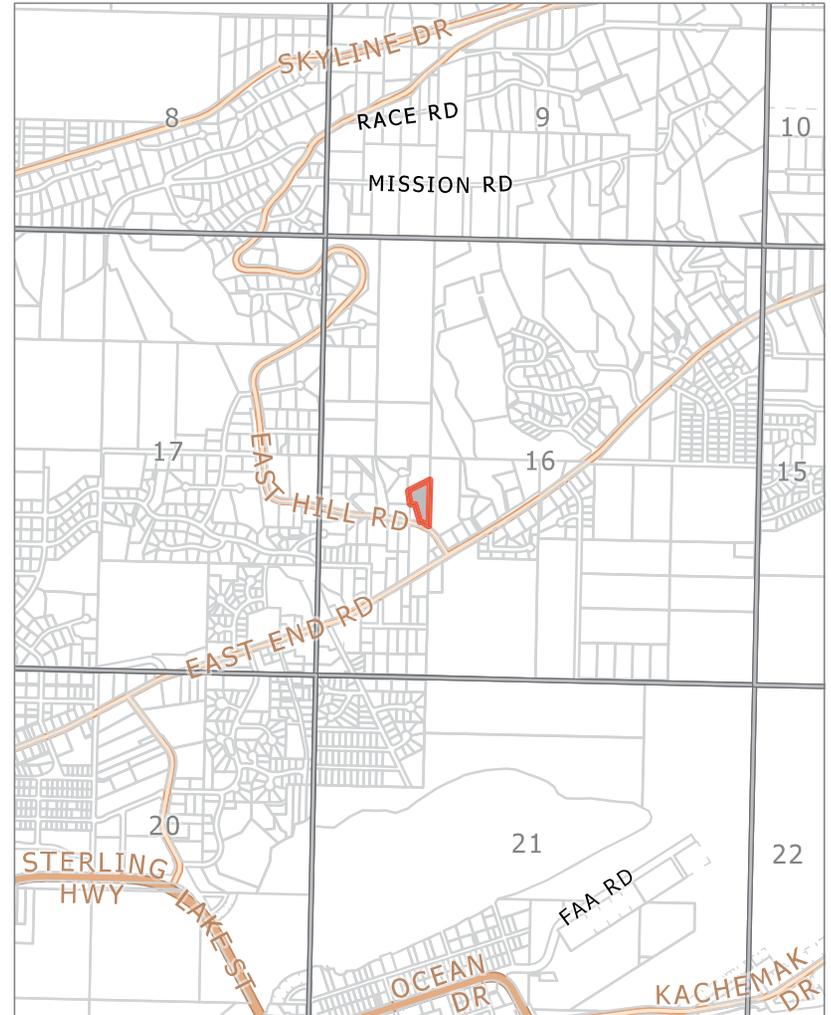


## **E. NEW BUSINESS**

- 9. Thomas Court Subdivision; KPB File 2023-078R1  
Fineline Surveys / Christopher, Chambers  
Location: East Hill Road  
City of Homer**



KPB File 2023-078R1  
T 06S R 13W SEC 16  
Homer

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



Aerial 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.

**NOTES:**

1. A BUILDING SETBACK OF 20 FEET IS REQUIRED FROM ALL STREET RIGHTS OF WAY UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
2. THE FRONT 15 FEET OF THE 20 FOOT BUILDING SET BACK AND THE ENTIRE SETBACK WITHIN 5 FEET OF THE SIDE LOT LINES IS A UTILITY EASEMENT. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN THE UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF THE UTILITY TO USE THE EASEMENT.
3. WASTEWATER DISPOSAL: PLANS FOR WASTEWATER THAT MEET REGULATORY REQUIREMENTS ARE ON FILE AT THE STATE OF ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.
4. ANY PERSON DEVELOPING THE PROPERTY IS RESPONSIBLE FOR OBTAINING ALL REQUIRED LOCAL, STATE, AND FEDERAL PERMITS, INCLUDING A U.S. ARMY CORPS OF ENGINEERS WETLAND DETERMINATION, IF APPLICABLE.
5. HOMER ELECTRIC ASSOCIATION, INC. WAS GRANTED A GENERAL EASEMENT TO ENTER, MAINTAIN, REPAIR, AND CLEAR SHRUBBERY (1/12/1960 BK19, PG104) & (1/10/1961 BK21, PG217).
6. ADDITIONAL EASEMENTS:  
ACCESS EASEMENT (10/3/1972 BK66, PG407),  
TELEPHONE LINES TOGETHER WITH RIGHT TO ENTER, MAINTAIN, REPAIR, AND CLEAR SHRUBBERY (GLACIER STATE TELEPHONE CO. 7/1/1982 BK128, PG 662)  
TELEPHONE LINES TOGETHER WITH RIGHT TO ENTER, MAINTAIN, REPAIR, AND CLEAR SHRUBBERY (TELEPHONE UTILITIES OF THE NORTHLAND 4/23/1987 BK176, PG110)
7. EXCEPTIONS TO 20.30.050 LEGAL ACCESS, 20.30.090 MAXIMUM GRADES, 20.30.190 LOT DIMENSIONS WERE GRANTED BY THE PLANNING COMMISSION. MEETING DATE \_\_\_\_\_
8. CONTOURS ARE MINIMAL AND WILL NOT BE SHOWN.

**CERTIFICATE OF OWNERSHIP:**

WE, THE UNDERSIGNED, HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREIN, AND WE HEREBY ADOPT THIS SUBDIVISION PLAN AND BY OUR FREE CONSENT GRANT ALL EASEMENTS TO USE SHOWN.

KAREN ANN CHRISTOPHER  
4510 THOMAS CT.  
HOMER, AK 99603

LARRY SCOTT CHAMBERS  
4510 THOMAS CT.  
HOMER, AK 99603

**NOTARY'S ACKNOWLEDGEMENT:**

FOR: KAREN ANN CHRISTOPHER

ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ 20\_\_\_\_  
DAY OF \_\_\_\_\_

NOTARY PUBLIC FOR ALASKA  
MY COMMISSION EXPIRES \_\_\_\_\_

**NOTARY'S ACKNOWLEDGEMENT:**

FOR: LARRY SCOTT CHAMBERS

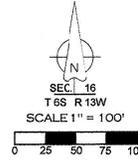
ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ 20\_\_\_\_  
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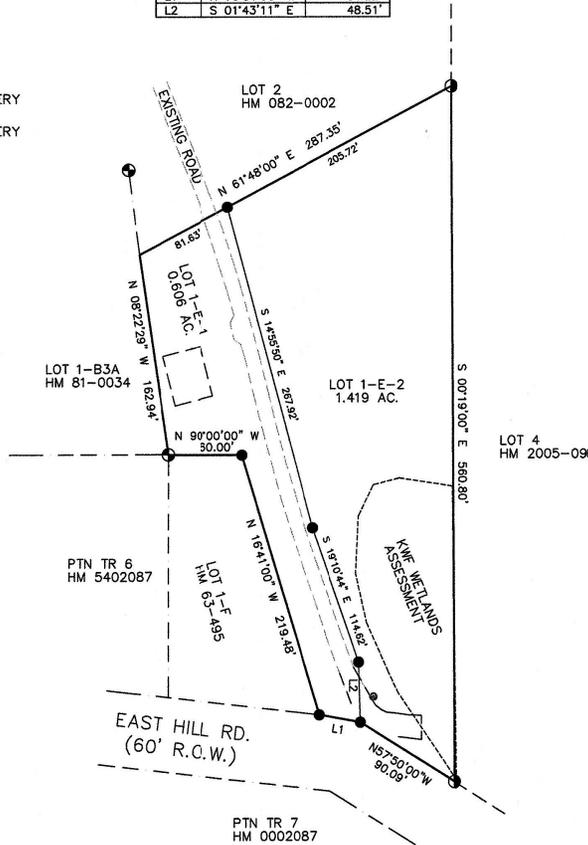
**KPB 2023-078R1**

**LEGEND:**

- FOUND IRON 3/4" IRON PIPE
- ⊕ FOUND REBAR WITH 2"ALUMINUM CAP
- FOUND 5/8" REBAR
- SET REBAR WITH ALUMINUM CAP (10771-S 2024)

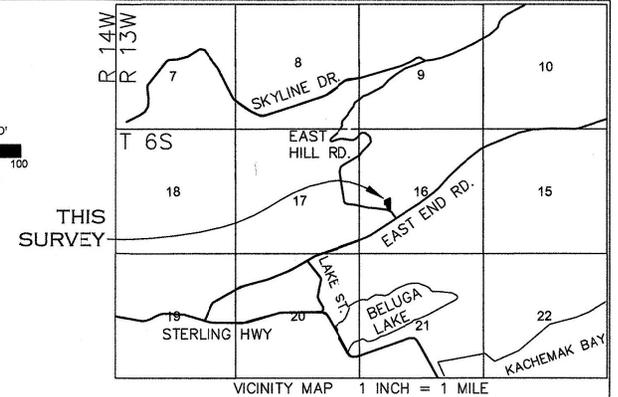


LINE	BEARING	DISTANCE
L1	N 79°51'00" W	34.22'
L2	S 01°43'11" E	48.51'



**WASTEWATER DISPOSAL:**  
PNS FOUR WASTEWATR DISPOSAL THAT MEET REGULATORY REQUIREMENTS ARE ON FILE AT THE ALASKA DEPARTMENT OF CONSERVATION.

ENGINEER \_\_\_\_\_ LICENSE \_\_\_\_\_ DATE \_\_\_\_\_



**PLAT APPROVAL:**

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING DATED, \_\_\_\_\_

KENAI PENINSULA BOROUGH

BY: \_\_\_\_\_

AUTHORIZED OFFICIAL:

**SURVEYORS CERTIFICATE:**

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

THOMAS COURT SUBD.

K.P.B. FILE # 2023-  
A SUBDIVISION OF LOT 1-E, TRACT NO. 1 JAMES WADDELL BOUNDARY SURVEY (HM 63-495), SECTION 16, TOWNSHIP 6 SOUTH, RANGE 13 WEST, SEWARD MERIDIAN, KENAI PENINSULA BOROUGH, ALASKA. HOMER RECORDING DISTRICT. containing 2.024 acres.  
KAREN ANN CHRISTOPHER & LARRY SCOTT CHAMBERS  
4510 THOMAS CT. HOMER, AK 99603

**FINELINE SURVEYS**

P.O. Box 774  
Anchor Point, Alaska 99556  
Dmitri D. Kimbrell, RLS (907) 360 6382

SCALE: 1"=100' DATE: 6/28/2024

**ITEM 9 - PRELIMINARY PLAT  
THOMAS COURT SUBDIVISION**

<b>KPB File No.</b>	2023-078R1
<b>Plat Committee Meeting:</b>	October 14, 2024
<b>Applicant / Owner:</b>	Karen Ann Christopher & Larry Scott Chambers
<b>Surveyor:</b>	Dmitri Kimbrell / Fineline Surveys
<b>General Location:</b>	East Hill Rd, Homer Area

<b>Parent Parcel No.:</b>	179-040-14
<b>Legal Description:</b>	T 6S R 13W SEC 16 SM HM 0630495 JAMES WADDELL BOUNDARY SURVEY LOT 1-E TRACT 1
<b>Assessing Use:</b>	Residential
<b>Zoning:</b>	Rural Unrestricted
<b>Water / Wastewater</b>	City / City
<b>Exception Request</b>	20.30.190

**STAFF REPORT**

**Specific Request / Scope of Subdivision:** The proposed plat located in the City of Homer, will subdivide a 2.024 acre parcel into two lots having sizes of 0.606 acres and 1.419 acres.

**Location and Legal Access (existing and proposed):**

Existing legal access to the plat is on East Hill Rd a 60' dedicated road maintained by the City of Homer. Both lots have direct access to East Hill Rd. East Hill Rd runs out to East End Rd a State maintained road.

The plat is not dedicating a right-of-way or vacating one. There is a private road crossing the property though. There is an easement for access and maintenance listed at plat note #6. **Staff recommends** the surveyor show the location of the easement on the drawing with labels.

Block length is not compliant and there is nothing this plat can do to complete the block due to terrain. The plat was previously presented the City of Homer with a proposal of the private road as a dedication, but the road was too steep to be considered. It was determined to leave it as private and use the access easement for the lots to the north still instead of the dedication. Staff recommends the Plat Committee concur that an exception is not needed for KPB 20.30.170 Block Length.

KPB Roads Dept. comments	Out of Jurisdiction: Yes Roads Director: Griebel, Scott Comments: Within the City of Homer. No RSA comments or objections.
SOA DOT comments	No comment

**Site Investigation:**

There are structures on the plat and when complete there will be a cabin on Lot 1-E-1 and the main house on Lot 1-E-2. The reason for the plat is to divide the two structures apart so the applicants can sell the cabin possibly and live in the main structure.

The City of Homer has requested an installation agreement be completed for the sanitary line and water line to Lot 1-E-1 to have separate services. **Staff request** that to the installation agreement and completion be submitted to Staff by the surveyor prior to finalizing the plat.

There are steep slopes located behind the main structure on Lot 1-E-2 which can be viewed on the contours shown on the KPB GIS data. The surveyor referenced KPB generated contours for his submittal as this was the only one that appeared to be of steepness. **Staff recommends** this and any other areas that should be observed, be added to the final as a shaded designation and noted.

The division of the property is proposed to be along the east edge of the private road, putting the road completely in Lot 1-E-1. An access agreement should be created for Lot 1-E-2 to use the private road when ownership changes. With the shape of Lot 1-E-1 being a flag lot along the east edge of the road, an exception to KPB 20.30.190 Lot Dimensions has been requested.

The City of Homer noted the property is not in floodplain or within the Bridge Creek Watershed Protection District. According to the KWF Wetlands Assessment there is Wetland/Upland Complex in the southeast portion of the property as noted on the plat.

KPB River Center Review	<p>A. Floodplain            Reviewer: Hindman, Julie            Floodplain Status: Within City of Homer            Comments: No comments</p> <p>B. Habitat Protection            Reviewer: Aldridge, Morgan            Habitat Protection District Status: Is NOT within HPD            Comments: No comments</p>
State of Alaska Fish & Game	No response

**Staff Analysis**

The land was originally part of the James Waddell Homestead in the W1/2 SW1/4 Sec 16 T6S, R13W SM Alaska. Tracts were plotted out in 1954 in the Boundary Survey of the E1/2 of the W1/2 of the NW1/4 of Section, and Tracts 1 and 6 situated in the W1/2 SW1/4 S16, T6S, R13 W SM, filed as HM 002087. Subdivision of Tract No. 1 HM 63-495 divided Tract 1 into 6 tracts of which Tract 1-E is now be subdivided. The private road shown on this plat is depicted on HM 63-495 as a gravel road.

Notice of the proposed plat was mailed to three beneficial interest holders on September 23, 2024. The beneficial interest holders 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.

This plat is located in the City of Homer. This is the third version that has been submitted to the city and the second to the Borough for review. This last version was reviewed by the City of Homer at the September 4, 2024 Homer Planning Commission meeting and was non-objection and unanimous consent. The Planning Commission recommended the surveyor provide the location of slopes over 20 percent as previously noted in this report also and to enter into an installation agreement with the City of Homer for new water and sewer service for Lot 1-E1. Proof of the completion of the installation agreement will need to be provided to staff prior to recording of the final plat.

With the installation agreement being required for the available water and sewer service, a soils report will not be needed. **Staff recommends** the proper wastewater note be put on the plat. Current not on the plat needs to be corrects.

There does not appear to be any encroachments to or from the property. **Staff recommends** the surveyor note any on the plat if found in the field and a solution to the issue should be reported to staff.

**Utility Easements**

There are several utility easements listed on the plat that need to be added to the drawing as review of the documents indicates defined locations within. The parent plat also has a 15’ utility easement being carried forward on this plat that should be shown and labeled as coming from the parent plat. **Staff recommends** the surveyor review the needed documents and add the easements to the drawing as needed.

Enstar reviewed the plat and noted that an existing natural gas service line appears to cross proposed Lot 1-E-1 to serve proposed Lot 1-E-2. **Staff recommends that the surveyor follow the recommendations outlined in the ENSTAR review.**

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	See comments in packet
ENSTAR	See comments in packet
ACS	No response
GCI	No response

**KPB department / agency review:**

Addressing	Reviewer: Leavitt, Rhealyn Affected Addresses: 4510 THOMAS CT Existing Street Names are Correct: Yes List of Correct Street Names: EAST HILL RD Existing Street Name Corrections Needed: All New Street Names are Approved: No List of Approved Street Names: List of Street Names Denied: Comments: CITY OF HOMER WILL ADVISE ON ADDRESSES
Code Compliance	Reviewer: Ogren, Eric Comments: No comments
Planner	Reviewer: Raidmae, Ryan There are not any Local Option Zoning District issues with this proposed plat. Material Site Comments: There are not any material site issues with this proposed plat. Review Not Required
Assessing	Reviewer: Windsor, Heather Comments: No comment

**STAFF RECOMMENDATIONS**  
**CORRECTIONS / EDITS**

PLAT NOTES TO ADD?

- The borough will not enforce private covenants, easements, or deed restrictions per KPB 20.60.170(B).

No structures are permitted within the panhandle portion of the flag lot.

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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.

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

**Staff recommendation:**

Revise KPB File # to 2023-078R1

Add City of Homer to the Legal Description

- 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 city limits on vicinity map

Fix the overstrikes on the section numbering and roads.

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

**Staff recommendation:**

Location of easement in bk 66 pg 407 should be shown on the drawing.

Location of 10' easement in bk 128 pg 662 should be shown on drawing

Location of 20' easement in bk 176 pg 110 should be shown on drawing

15' utility easement needs to be shown on the drawing.

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

**Staff recommendation:**

Tract 6 to the southwest, the plat as filed is found as HM 002087 at the Recorder's site, please correct.

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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:*

**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.

20.60.200. Survey and monumentation.

**Staff recommendation:** comply with 20.60.200

F. Bearings and distances between the nearest subdivision property lines and official GLO or BLM monuments shall be accurately described and delineated on the plat and the basis of bearings shall be indicated

#### **EXCEPTIONS REQUESTED:**

##### **A. KPB 20.30.190 Lot Dimensions**

###### Surveyor's Discussion:

I am requesting an exception to 20.30.190 (lot dimensions)

###### **Findings:**

1. Special circumstances: this is currently a single lot that is bisected by an existing access drive that is too steep for borough maintenance.
2. Necessary for preservation and enjoyment: the property owners may wish to sell part of the property to maintain their quality of life.
3. Granting of the exception not detrimental: where as the property has an access drive through the middle, is effectively 2 parcels. This action would not be detrimental to the public welfare or injurious to other properties in the area.

###### Staff Discussion:

##### **20.30.190. - Lots—Dimensions.**

A.

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

B.

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

###### **Findings:**

4. The road has been in existence since the 1960's.

Staff reviewed the exception request and recommends granting approval.

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

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

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

1. That special circumstances or conditions affecting the property have been shown by application;  
**Findings 1 & 4 appear to support this standard.**
2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title;  
**Findings 2 & 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 3 appear to support this standard.**

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

---

**RECOMMENDATION:**

**SUBJECT TO EXCEPTION(S) GRANTED, STAFF RECOMMENDS:**

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

**NOTE: 20.25.120. - REVIEW AND APPEAL.**

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

**END OF STAFF REPORT**

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# Planning Department

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

## EXCEPTION REQUEST APPLICATION

### NAME OF PRELIMINARY PLAT OR PLANNING COMMISSION ITEM:

Thomas Court Subdivision

### PROPERTY INFORMATION:

legal description:

T 6S R 13W SEC 16 Seward Meridian HM 0630495 JAMES WADDELL BOUNDARY SURVEY LOT 1-E TRACT 1

General area location:Homer

### 20.50.010. - EXCEPTIONS TO REGULATIONS—PROCEDURE—COMMISSION AUTHORITY.

- A. Unless prohibited under this title, the commission may authorize exceptions to any of the requirements set forth in this title. Application for an exception shall present the commission with substantial evidence, justifying the requested waiver or exception stating fully the grounds for the application and the facts relied upon. The commission shall make findings of fact meeting the following standards before granting any exception:
  - 1. That special circumstances or conditions affecting the property have been shown by application;
  - 2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title;
  - 3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.
- B. Where a design requirement of this title is addressed by a zoning regulation adopted by the borough assembly or city council, the variance procedures of the applicable zoning code shall be utilized in lieu of the exception procedures.
- C. All exceptions must be requested and granted at the time of preliminary plat approval. Exceptions may not be requested with a final plat submittal.
- D. Upon reconsideration of a plat committee decision following the procedure in KPB 20.25.120, an appeal of a decision of the planning commission made under this section shall be taken to the

### SUBMITTAL REQUIREMENTS

Identify the exceptions requested including the section identifier of KPB code. Provide evidence justifying the requested exceptions that fully states the grounds for the exception request, and the facts relied upon. A letter can be attached to this application.

KPB 20.30.190

I am requesting an exception to 20.30.190 (lot dimensions)

- 1. special circumstances: this is currently a single lot that is bisected by an existing access drive that is too steep for borough maintenance.
- 2. necessary for preservation and enjoyment: the property owners may wish to sell part of the property to maintain their quality of life.
- 3. granting of the exception not detrimental: where as the property has an access drive through the middle, it is effectively 2 parcels. this action would not be detrimental to the public welfare or injurious to other property in the area.

FOR OFFICE USE ONLY

RECEIVED BY \_\_\_\_\_

DATE SUBMITTED \_\_\_\_\_

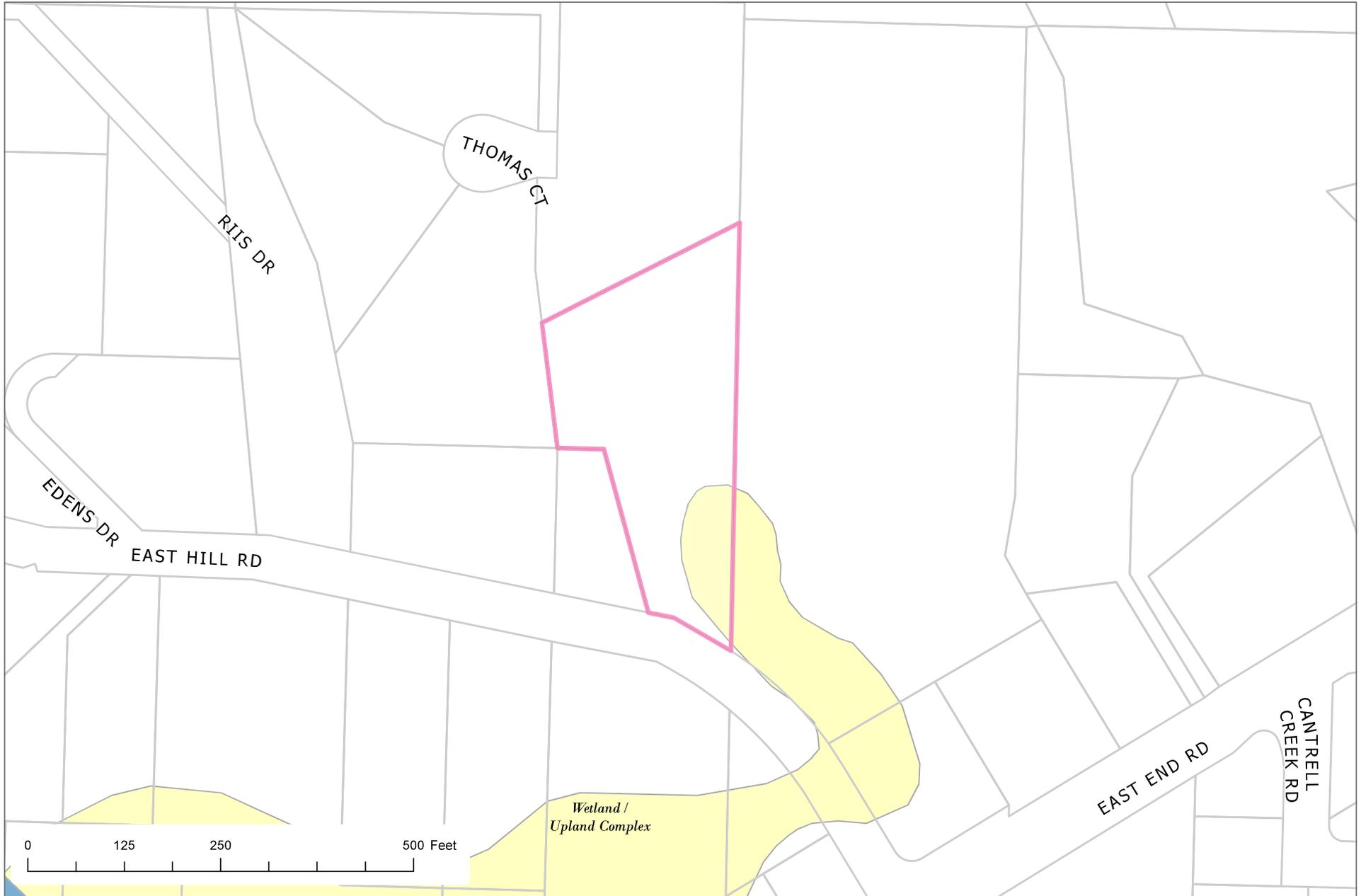
KPB FILE # \_\_\_\_\_



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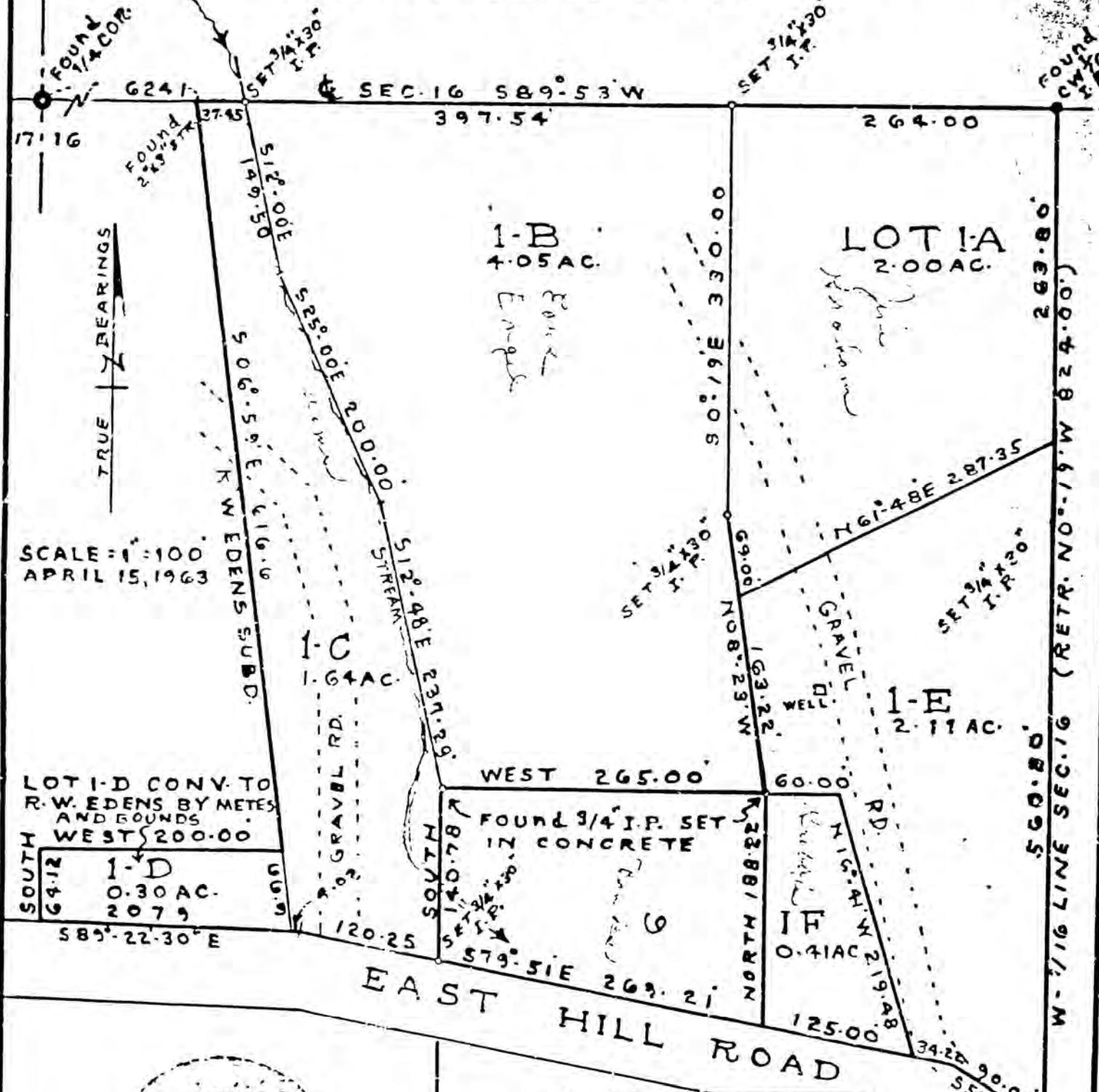
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# SUBDIVISION OF TRACT No. 1

## JAMES WADDELL BOUNDARY SURVEY.

### SITUATED IN W 1/2 SW 1/4 SEC. 16, T6S-R13W

### S.M. HOMER, ALASKA



SCALE = 1" = 100'  
APRIL 15, 1963

LOT 1-D CONV. TO  
R. W. EDENS BY METES  
AND BOUNDS  
WEST 200.00

SOUTH	1-D	0.30 AC.
64.12		207.9
58°-22'-30" E		



TRACT

SEARCHED	INDEXED
SERIALIZED	FILED
Homer	
DATE - 6-19-63	
TIME - 3:30 p.m.	
Surveyed by James Waddell	
Address Homer, Ala	

HOMER

12-1125



SECTION 17

Note: Right of Way easement for Millon Uhlr thru the Eddy property and on file in the Commissioners Office in Anchorage as to location road is approximately as shown. DISTRICT stated to date 1-1-16 the E1/2 NW 1/4 S. 16



Note: It is the purpose of this survey and plat to show as nearly as possible all of the lands conveyed by James Huddell, the original owner of this home-stead, and also to show the un-sold portions, the names and dates platted herein are based on a thorough search of the records in the district recording office, Office of the U.S. Commissioner Homer Alaska. Due to discrepancies in descriptions of these tracts I have platted them to the best of my ability to the intended location and to be in accord with adjacent tracts, for simplification of conveyance I have platted these tracts with numbers, and as stated above these tract numbers are referred to first and original conveyance by James Huddell grantor.

**CERTIFICATION**

I hereby certify this survey to be correct and that all dimensions and other details are correct, I further certify that the bearings and distances shown herein are based on a true and accurate subdivision of section 16 with true bearing referred to the west side of this section all other bearings are given from this traverse closure of this section is 2.80 feet east 1.12 feet north angular error was

*James Huddell*

**BOUNDARY SURVEY**  
 OF THE E1/2 OF THE W 1/2, OF THE NW 1/4, OF SECTION 16, AND TRACTS 1, AND 6, SITUATED IN THE W 1/2, SW 1/4, S. 16, T. 6 S., R. 13 W., S. M.

SURVEYED AND DRAWN BY: DAVID L. BEAR,  
 BOX 371 EAST CHESTER BL.  
 ANCHORAGE, ALASKA.

DATE: JULY 1951  
 SCALE: 1" = 200'

No. 2087

FILED FOR RECORDING

July 28, 1954 at 4:28 P.M.

Vol. V Page 64

Homer Recording Precinct

Terr. of Alaska

At the Request of Wendell Bear

**NOTES:**

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8. CONTOURS ARE MINIMAL AND WILL NOT BE SHOWN.

Add a plat note for the easement of record in Book 30 Page 45 recorded on 8/13/1963. This is a general easement with no defined location.

**CERTIFICATE OF OWNERSHIP:**

WE, THE UNDERSIGNED, HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREIN, AND WE HEREBY ADOPT THIS SUBDIVISION PLAN AND BY OUR FREE CONSENT GRANT ALL EASEMENTS TO USE SHOWN.

KAREN ANN CHRISTOPHER  
4510 THOMAS CT.  
HOMER, AK 99603

LARRY SCOTT CHAMBERS  
4510 THOMAS CT.  
HOMER, AK 99603

**NOTARY'S ACKNOWLEDGEMENT:**

FOR: KAREN ANN CHRISTOPHER

ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_

NOTARY PUBLIC FOR ALASKA  
MY COMMISSION EXPIRES \_\_\_\_\_

**NOTARY'S ACKNOWLEDGEMENT:**

FOR: LARRY SCOTT CHAMBERS

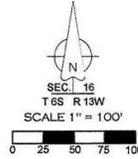
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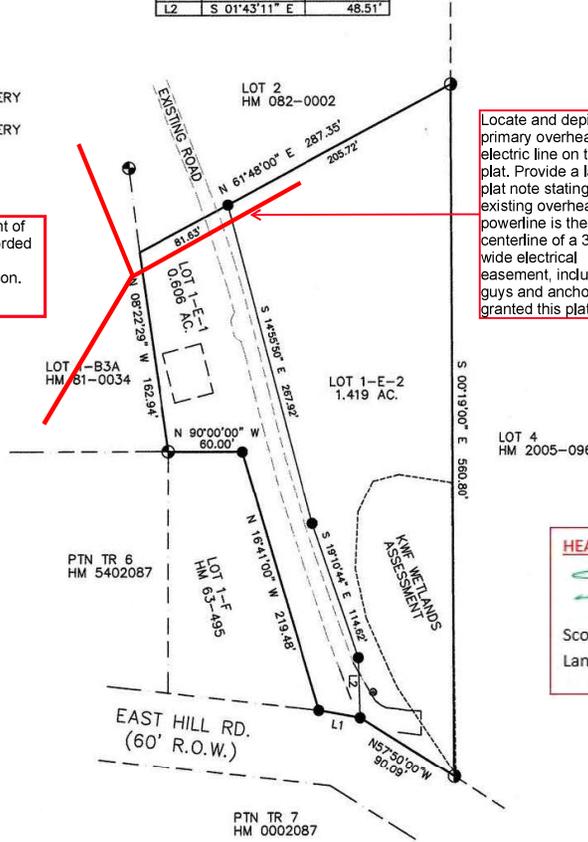
**KPB 2023-078R1**

**LEGEND:**

- FOUND IRON 3/4" IRON PIPE
- ⊕ FOUND REBAR WITH 2"ALUMINUM CAP
- ⓪ FOUND 5/8" REBAR
- SET REBAR WITH ALUMINUM CAP (10771-S 2024)



LINE	BEARING	DISTANCE
L1	N 79°51'00" W	34.22'
L2	S 01°43'11" E	48.51'

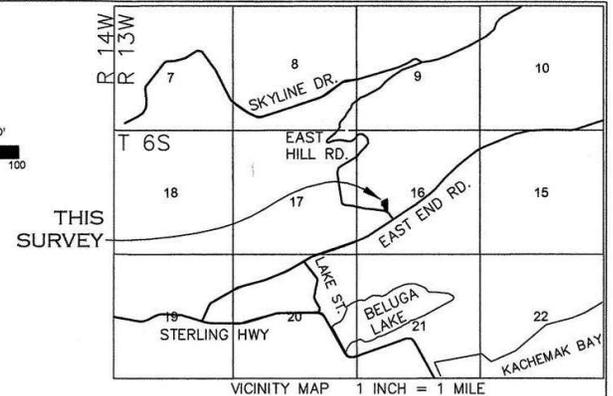


Locate and depict the primary overhead electric line on the final plat. Provide a label or plat note stating, "The existing overhead powerline is the centerline of a 30-foot-wide electrical easement, including guys and anchors, granted this plat."

HEA REVIEWED - SEE COMMENTS  
*Scott Huff*  
Scott Huff 9/26/2024  
Land Management Officer

**WASTEWATER DISPOSAL:**  
PNS FOUR WASTEWATR DISPOSAL THAT MEET REGULATORY REQUIREMENTS ARE ON FILE AT THE ALASKA DEPARTMENT OF CONSERVATION.

ENGINEER \_\_\_\_\_ LICENSE \_\_\_\_\_ DATE \_\_\_\_\_



**PLAT APPROVAL:**  
THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING DATED, \_\_\_\_\_

KENAI PENINSULA BOROUGH  
BY: \_\_\_\_\_

AUTHORIZED OFFICIAL: \_\_\_\_\_

**SURVEYORS CERTIFICATE:**  
I HEREBY CERTIFY THAT I AM PROPERLY REGISTERED AND LICENSED TO PRACTICE LAND SURVEYING IN THE STATE OF ALASKA, AND THAT THE PLAT REPRESENTS A SURVEY MADE BY ME, AND THAT THE MONUMENTS SHOWN HEREON ACTUALLY EXIST AS DESCRIBED, AND THAT ALL DIMENSIONS AND OTHER DETAILS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

THOMAS COURT SUBD.  
K.P.B. FILE # 2023-  
A SUBDIVISION OF LOT 1-E, TRACT NO. 1 JAMES WADDELL BOUNDARY SURVEY (HM 63-495),  
SECTION 16, TOWNSHIP 6 SOUTH, RANGE 13 WEST, SEWARD MERIDIAN, KENAI PENINSULA BOROUGH, ALASKA. HOMER RECORDING DISTRICT.  
containing 2.024 acres.  
KAREN ANN CHRISTOPHER & LARRY SCOTT CHAMBERS  
4510 THOMAS CT. HOMER, AK 99603

**FINELINE SURVEYS**  
P.O. Box 774  
Anchor Point, Alaska 99556  
Dmitri D. Kimbrell, RLS (907) 360 6382  
SCALE: 1"=100' DATE: 6/28/2024



**ENSTAR Natural Gas Company, LLC**

Engineering Department, Right of Way Section  
401 E. International Airport Road  
P. O. Box 190288  
Anchorage, Alaska 99519-0288  
(907) 277-5551  
FAX (907) 334-7798

October 2, 2024

Kenai Peninsula Borough, Platting Division  
144 North Binkley Street  
Soldotna, AK 99669

To whom it may concern:

ENSTAR Natural Gas Company has reviewed preliminary plat **Thomas Court Subdivision (KPB Case # 2023-078R1)** and advises that there is an existing natural gas service line which appears to cross proposed Lot 1-E-1 to serve proposed Lot 1-E-2. Attached is an approximate ENSTAR as-built for your reference. ENSTAR objects to this plat unless one of the following scenarios is met:

1. Add a note which says, "There is a ten foot (10 FT) wide natural gas easement centered on the existing service line that crosses Lot 1-E-1 to serve Lot 1-E-2".
2. Owner signs an ENSTAR Natural Gas Easement document for a ten foot (10 FT) wide natural gas easement, centered on the service line at this location.

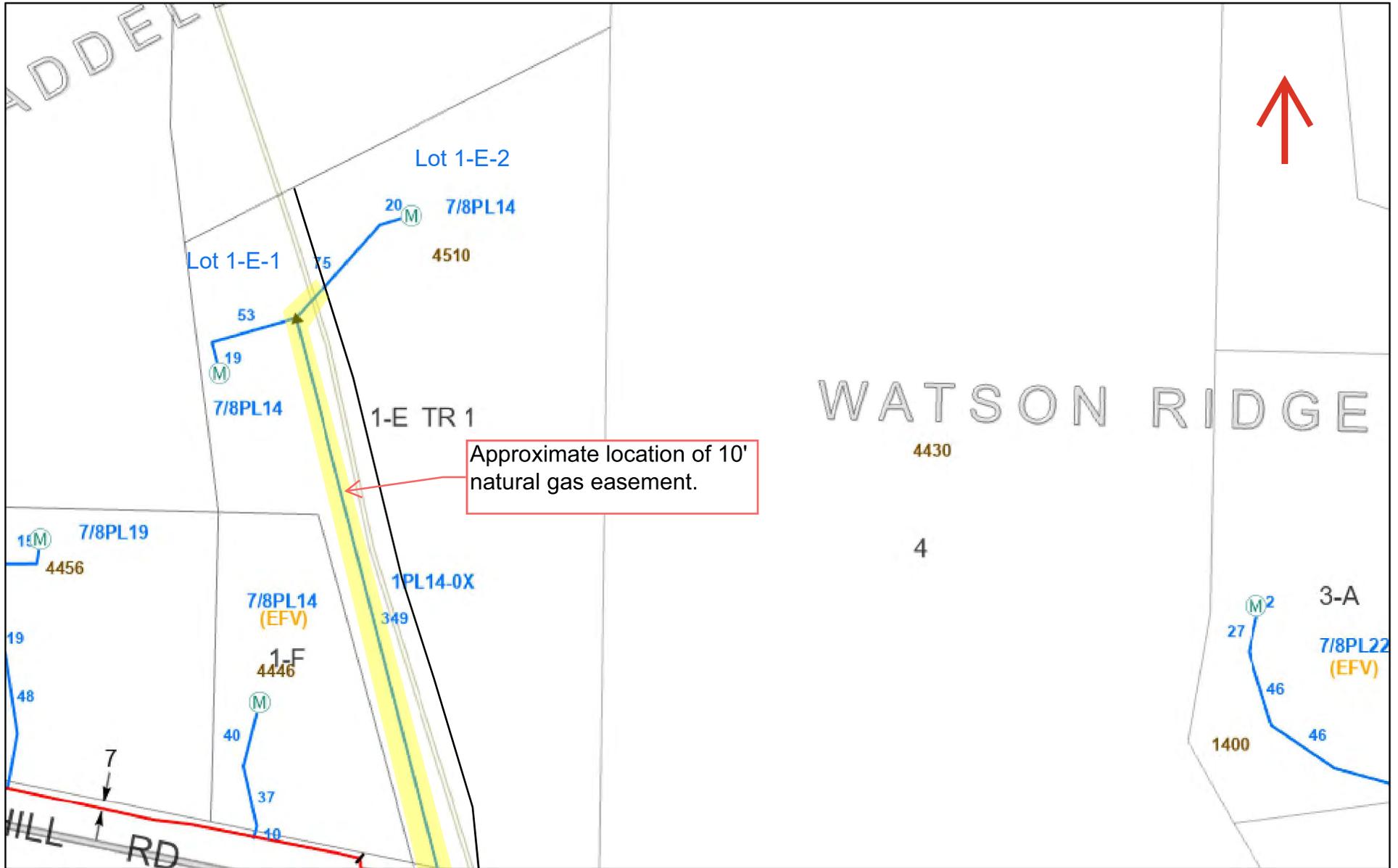
If you have any questions, please feel free to contact me at 907-714-7521 or by email at [Skylar.furlong@enstarnaturalgas.com](mailto:Skylar.furlong@enstarnaturalgas.com).

Sincerely,

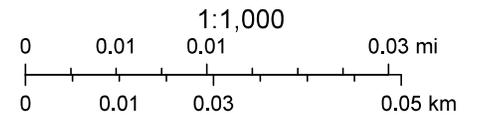
A handwritten signature in blue ink that reads "Skylar Furlong".

Skylar Furlong  
Environmental Permitting & Compliance  
ENSTAR Natural Gas Company, LLC

# ArcGIS Web Map



ENSTAR As-Built  
10/2/2024  
KPB 2023-078R1



ENSTAR Natural Gas Company, MOA, MSB, KPB, US Government, ENSTAR Natural Gas Company

ArcGIS Web AppBuilder  
ENSTAR Natural Gas Company

**NOTES:**

1. A BUILDING SETBACK OF 20 FEET IS REQUIRED FROM ALL STREET RIGHTS OF WAY UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
2. THE FRONT 15 FEET OF THE 20 FOOT BUILDING SET BACK AND THE ENTIRE SETBACK WITHIN 5 FEET OF THE SIDE LOT LINES IS A UTILITY EASEMENT. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN THE UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF THE UTILITY TO USE THE EASEMENT.
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5. HOMER ELECTRIC ASSOCIATION, INC. WAS GRANTED A GENERAL EASEMENT TO ENTER, MAINTAIN, REPAIR, AND CLEAR SHRUBBERY (1/12/1960 BK19, P6104) & (1/10/1961 BK21, PG217).
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7. EXCEPTIONS TO 20.30.050 LEGAL ACCESS, 20.30.090 MAXIMUM GRADES, 20.30.190 LOT DIMENSIONS WERE GRANTED BY THE PLANNING COMMISSION. MEETING DATE
8. CONTOURS ARE MINIMAL AND WILL NOT BE SHOWN.

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DAY OF \_\_\_\_\_

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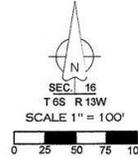
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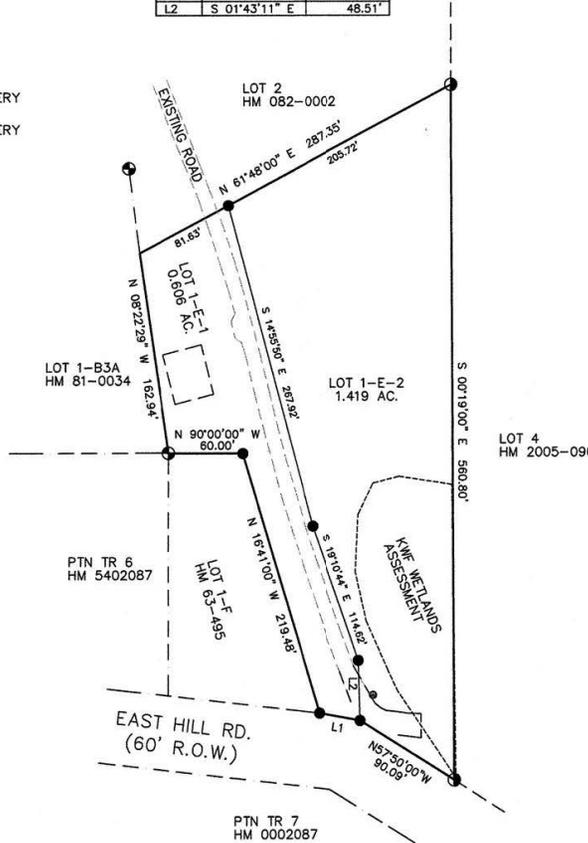
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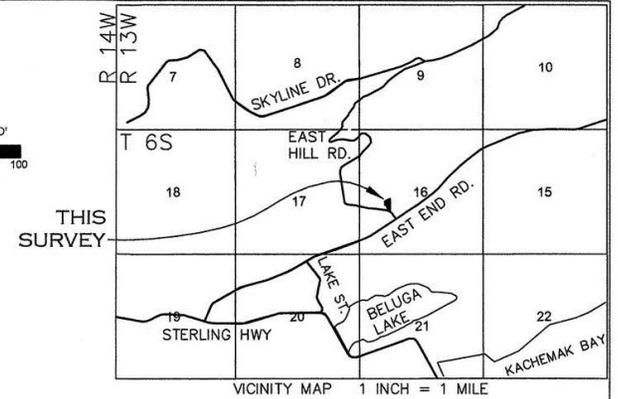


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KENAI PENINSULA BOROUGH

BY: \_\_\_\_\_

AUTHORIZED OFFICIAL:

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**FINELINE SURVEYS**

P.O. Box 774  
Anchor Point, Alaska 99556  
Dmitri D. Kimbrell, RLS (907) 360 6382

SCALE: 1"=100' DATE: 6/28/2024



# City of Homer

[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

Planning  
491 East Pioneer Avenue  
Homer, Alaska 99603

[Planning@ci.homer.ak.us](mailto:Planning@ci.homer.ak.us)  
(p) 907-235-3106  
(f) 907-235-3118

## Staff Report 24-043

TO: Homer Planning Commission **24-043**  
 FROM: Ryan Foster, AICP, City Planner  
 DATE: September 4, 2024  
 SUBJECT: Thomas Court Subdivision, Revised Submission 2

**Requested Action:** Approval of a preliminary plat to divide lot 1-E, Subdivision of Tr. No. 1, James Waddell Boundary Survey (HM 63-495), into 2 lots.

### General Information:

Applicants:	Karen Ann Christopher & Larry Scott Chambers 4510 Thomas Court Homer, AK 99603	FineLine Surveys PO Box 774 Anchor Point, AK 99556
Location:	Thomas Court, North of East Hill Road	
Parcel ID:	17904014	
Size of Existing Lot(s):	2.02 acres	
Size of Proposed Lots(s):	0.606 acres and 1.419 acres	
Zoning Designation:	Rural Residential District	
Existing Land Use:	Residential	
Surrounding Land Use:	North: Residential South: Vacant East: Vacant West: Residential	
Comprehensive Plan:	1-C-1 Promote infill development in all housing districts.	
Wetland Status:	KFW Wetland/Upland Complex in the southeast portion of the property.	
Flood Plain Status:	Not in a floodplain.	
BCWPD:	Not within the Bridge Creek Watershed Protection District.	
Utilities:	City water and sewer are present on East Hill Road.	
Public Notice:	Notice was sent to 40 property owners of 32 parcels as shown on the KPB tax assessor rolls.	

**Analysis:** This subdivision is within the Rural Residential District. This plat subdivides one larger lot into two smaller lots. This preliminary plat has been revised a second time and resubmitted for consideration. Access to the lots to the north would remain through an existing access easement.

**Homer City Code 22.10.051 Easements and rights-of-way**

- A. The subdivider shall dedicate in each lot of a new subdivision a 15-foot-wide utility easement immediately adjacent to the entire length of the boundary between the lot and each existing or proposed street right-of-way.

**Staff Response:** The plat meets these requirements.

- B. The subdivider shall dedicate in each lot of a new subdivision any water and/or sewer easements that are needed for future water and sewer mains shown on the official Water/Sewer Master Plan approved by the Council.

**Staff Response:** City sewer and water mains are located on East Hill Road. The owner will need to enter into an installation agreement with the City. A new water and sewer service will need to be provided to Lot 1-E-1. Both existing houses will need to be served by their own water and sewer services with no lines crossing property lines, except where the line comes from the main line in the public right-of-way to the property being served.

- C. The subdivider shall dedicate easements or rights-of-way for sidewalks, bicycle paths or other non-motorized transportation facilities required by HCC 11.04.120.

**Staff Response:** The plat meets these requirements.

**Preliminary Approval, per KPB code 20.25.070 Form and contents required.** The commission will consider a plat for preliminary approval if it contains the following information at the time it is presented and is drawn to a scale of sufficient size to be clearly legible.

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

**Staff Response:** The plat meets these requirements.

- B. North point;

**Staff Response:** The plat meets these requirements.

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

**Staff Response:** The plat meets these requirements.

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

**Staff Response:** The plat meets these requirements.

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

**Staff Response:** The plat meets these requirements. *No such areas are proposed.*

- F. The names and widths of public streets and alleys and easements, existing and proposed, within the subdivision; [Additional City of Homer HAPC policy: Drainage easements are normally thirty feet in width centered on the drainage. Final width of the easement will depend on the ability to access the drainage with heavy equipment. An alphabetical list of street names is available from City Hall.]

**Staff Response:** The plat meets these requirements. *An access agreement provides access to the proposed properties.*

- G. Status of adjacent lands, including names of subdivisions, lot lines, lock numbers, lot numbers, rights-of-way; or an indication that the adjacent land is not subdivided;

**Staff Response:** The plat meets these requirements.

- H. Approximate location of areas subject to inundation, flooding or storm water overflow, the line of ordinary high water, wetlands when adjacent to lakes or non-tidal streams, and the appropriate study which identifies a floodplain, if applicable;

**Staff Response:** The plat meets these requirements.

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

**Staff Response:** The plat meets these requirements.

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

**Staff Response:** The plat meets these requirements.

- K. Within the limits of incorporated cities, the approximate location of known existing municipal wastewater and water mains, and other utilities within the subdivision and immediately abutting thereto or a statement from the city indicating which services are currently in place and available to each lot in the subdivision;

**Staff Response:** The plat meets these requirements.

- L. Contours at suitable intervals when any roads are to be dedicated unless the planning director or commission finds evidence that road grades will not exceed 6 percent on arterial streets, and 10 percent on other streets;

**Staff Response:** The plat meets these requirements. *No new roads are dedicated.*

- M. Approximate locations of slopes over 20 percent in grade and if contours are shown, the areas of the contours that exceed 20 percent grade shall be clearly labeled as such;

**Staff Response:** The plat does not meet these requirements. No slopes are identified, though there are steep slopes present. Recommend the surveyor provides approximate locations of slopes over 20 percent in grade or demonstrates that there are no slopes over 20 percent.

- N. Apparent encroachments, with statement indicating how the encroachments will be resolved prior to final plat approval; and

**Staff Response:** The plat meets these requirements.

- O. If the subdivision will be finalized in phases, all dedications for through streets as required by KPB 20.30.030 must be included in the first phase.

**Staff Response:** The plat meets these requirements.

**Public Works Comments:** The owner will need to enter into an installation agreement with the City. A new water and sewer service will need to be provided to Lot 1-E-1. Both existing houses will need to be served by their own water and sewer services with no lines crossing property lines, except where the line comes from the main line in the public right-of-way to the property being served.

**Staff Recommendation:**

Planning Commission recommends approval of the preliminary plat with the following additional comments.

1. Recommend the surveyor provides approximate locations of slopes over 20 percent in grade or demonstrates that there are no slopes over 20 percent.
2. The owner will need to enter into an installation agreement with the City. A new water and sewer service will need to be provided to Lot 1-E-1. Both existing houses will need to be served by their own water and sewer services with no lines crossing property lines, except where the line comes from the main line in the public right-of-way to the property being served.

**Attachments:**

1. Preliminary Plat Revised 2
2. Surveyor's Letter
3. Public Notice
4. Aerial Map

**NOTES:**

1. A BUILDING SETBACK OF 20 FEET IS REQUIRED FROM ALL STREET RIGHTS OF WAY UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
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FOR: KAREN ANN CHRISTOPHER  
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DAY OF \_\_\_\_\_

NOTARY PUBLIC FOR ALASKA  
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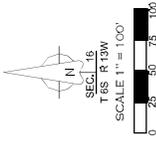
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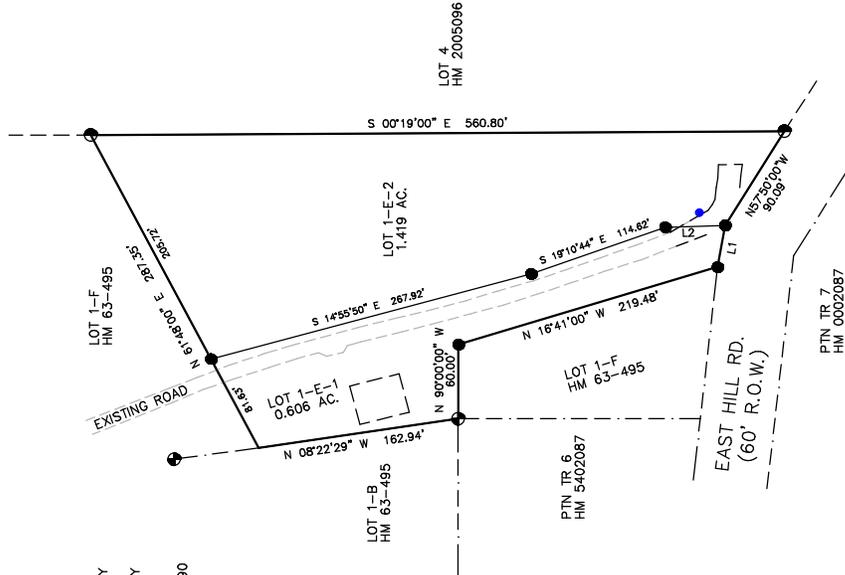
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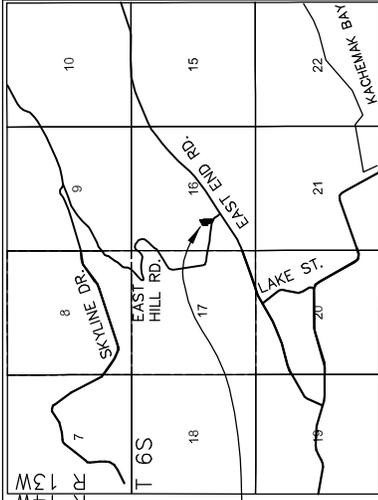


THIS SURVEY



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43



VICINITY MAP 1 INCH = 1 MILE

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Dmitri D. Kimbrell, RLS (907) 360 6382

SCALE: 1"=100' DATE: 6/29/2024

FineLine Surveys

P.O. 774

Anchor Point, AK 99556

Attn.: Ryan Foster

Re: Thomas Court Subd.

Ryan

This proposed platting action would divide lot 1-E, Subdivision of Tr. No. 1, James Waddell Boundary Survey(HM 63-495), into 2 lots. Access to the lots to the north would remain through an existing access easement.

Please call with any questions or concerns.

dmitri kimbrell

907 360 6382

## NOTICE OF SUBDIVISION

Public notice is hereby given that a preliminary plat has been received proposing to subdivide or replat property. You are being sent this notice because you are an affected property owner within 500 feet of a proposed subdivision and are invited to comment.

Proposed subdivision under consideration is described as follows:

### **Thomas Court Subdivision Preliminary Plat**

The location of the proposed subdivision affecting you is provided on the attached map. A preliminary plat showing the proposed subdivision may be viewed at the City of Homer Planning and Zoning Office. Subdivision reviews are conducted in accordance with the City of Homer Subdivision Ordinance and the Kenai Peninsula Borough Subdivision Ordinance. A copy of the Ordinance is available from the Planning and Zoning Office. **Comments should be guided by the requirements of those Ordinances.**

A public meeting will be held by the Homer Planning Commission on Wednesday, September 4, 2024 at 6:30 p.m. In-person meeting participation is available in Cowles Council Chambers located downstairs at Homer City Hall, 491 E. Pioneer Ave., Homer, AK 99603. To attend the meeting virtually, visit [zoom.us](https://zoom.us) and enter the Meeting ID & Passcode listed below. To attend the meeting by phone, dial any one of the following phone numbers and enter the Webinar ID & Passcode below, when prompted: 1-253-215-8782, 1-669-900-6833, (toll free) 888-788-0099 or 877-853-5247.

Meeting ID: 979 8816 0903

Passcode: 976062

Additional information regarding this matter will be available by 5 p.m. on the Friday before the meeting. This information will be posted to the City of Homer online calendar page for August 30, 2024 at <https://www.cityofhomer-ak.gov/calendar>. It will also be available at the Planning and Zoning Office at Homer City Hall and at the Homer Public Library.

Written comments can be emailed to the Planning and Zoning Office at the address below, mailed to Homer City Hall at the address above, or placed in the Homer City Hall drop box at any time. Written comments must be received by 4 p.m. on the day of the meeting.

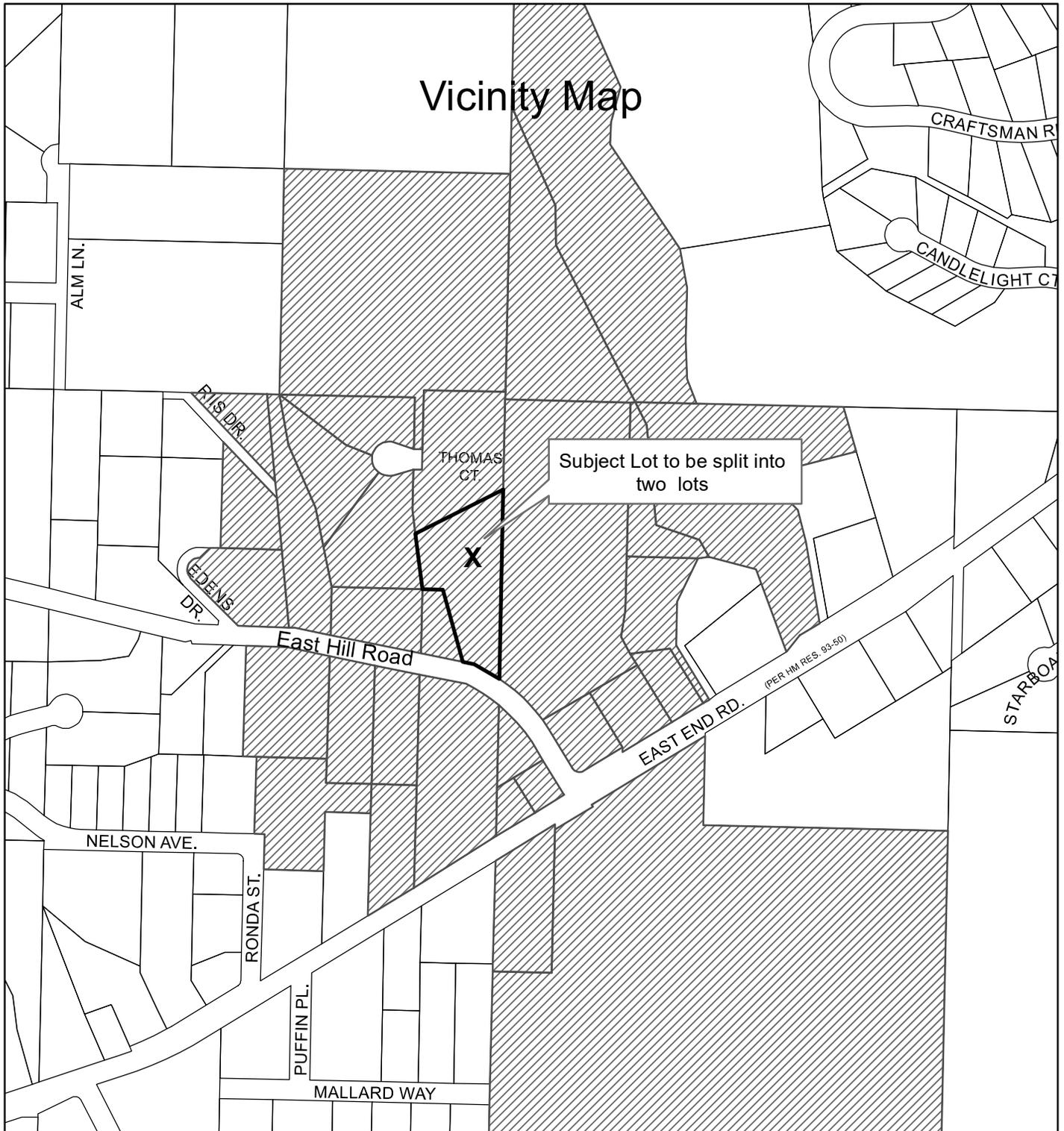
If you have questions or would like additional information, contact Ryan Foster at the Planning and Zoning Office. Phone: (907) 235-3106, email: [clerk@cityofhomer-ak.gov](mailto:clerk@cityofhomer-ak.gov), or in-person at Homer City Hall.

**NOTICE TO BE SENT TO PROPERTY OWNERS WITHIN 500 FEET OF PROPERTY.**

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## VICINITY MAP ON REVERSE

# Vicinity Map

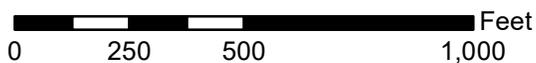


City of Homer  
Planning and Zoning Department

August 21, 2024

## Request for Thomas Court Subdivision Preliminary Plat

Marked lots are within 500 feet  
and property owners notified.



*Disclaimer:  
It is expressly understood the City of  
Homer, its council, board,  
departments, employees and agents are  
not responsible for any errors or omissions  
contained herein, or deductions, interpretations  
or conclusions drawn therefrom.*



Legend

Transportation

Mileposts



Roads

- Medium Collector
- Medium Volume - Unmaintained
- Medium Volume - Maintained
- Low / Seasonal
- Legal Trail
- Private
- State Hwy
- Platted / Proposed

Parcels and PLSS

Tax Parcels



NOTE: Every reasonable effort has been made to ensure the accuracy of these data. However, by accepting this material, you agree that the data are provided without warranty of any kind, either expressed or implied, including but not limited to time, money or goodwill arising from indemnify, defend, and hold harmless Kenai Peninsula Borough for any and all liability of any nature arising from the lack of accuracy or correction.

Kenai Peninsula Borough assumes no liability of any kind arising from the use of this data. The operation or modification of the data. In using these data, you further agree to the data, or use of the data.

Commissioner H. Smith asked if this land was appropriate for any kind of zoning designation if it isn't even appropriate for the medical district. He added that there is a land problem in Homer, and that at some point the realization needs to occur that there is a level of risk that will be incorporated into a lot of things that the Commission deals with.

Chair S. Smith stated that in evaluating the legitimacy of the concerns of steep slope building he isn't certain that he views them as logical.

Commissioner Stark added that the Commission shouldn't be in fear of developing areas with steep slopes, highlighting the development that is taking place on both West Hill Road and East Hill Road.

Commissioner Schneider stated that this is an item that should be considered by the Comprehensive Plan that's being developed, as well as the forthcoming rezoning process.

Commissioner Venuti said that as an experienced inspector he couldn't imagine anything being built on that slope, whether it be residential or medical. He provided the reasoning for his statement, claiming that any negative effect of something being built up there would have a dramatic effect on the hospital.

Commissioner Conley pointed out that by rezoning this property, the Commission would likely be accelerating the timeline of the property getting developed, and questioned if that is what they want to see happen there.

STARK/H. SMITH MOVED TO RECOMMEND APPROVAL OF APPLICATION 24-042 TO CHANGE RURAL RESIDENTIAL ZONE TO MEDICAL DISTRICT ZONE.

There was no further discussion. Chair S. Smith requested the Clerk to perform a roll-call vote.

VOTE: YES: STARK, H. SMITH, S. SMITH  
VOTE: NO: VENUTI, CONLEY, SCHNEIDER

Motion failed.

## **PLAT CONSIDERATION**

1. Staff Report 24-043, Thomas Court Subdivision, Preliminary Plat

Chair S. Smith introduced the item by reading of the title, and deferred to City Planner Foster who provided a summary of his report included in the packet. Mr. Foster noted that this is the third time that this plat is being seen by the Commission.

Chair S. Smith opened the floor for the Applicant.

Karen Christopher explained that her property contains two homes, and Thomas Court runs through both of them. She mentioned that there are four families who live with her on Thomas Court, and that they drive right through her property to get to East Hill Road, stating that's the way it's always been. Ms. Christopher stated that she and her husband are wishing to subdivide a large log home on the property given the costly payments. The subdivision would allow them to sell the log home while retaining their current residency here in Homer.

Chair S. Smith opened the floor for public comments, but there were none.

Chair S. Smith then opened the floor to questions and comments from the Commission.

Commissioner H. Smith asked Ms. Christopher if that was a private road easement or a city road that cuts through her property. Ms. Christopher answered that it's a private road. Mr. Smith then questioned if she has a road easement agreement with the people on the north side on Thomas Court that provides those people with access from East Hill Road, to which Ms. Christopher affirmed this was correct.

Commissioner Schneider inserted that he needed to declare a potential conflict of interest, claiming that the Applicant is a current client of his as they are currently in a business relationship.

VENUTI/H. SMITH MOVED THAT COMMISSIONER SCHNEIDER HAS A CONFLICT OF INTEREST.

Commissioner Conley asked if the relationship between Mr. Schneider and the Applicant would affect the way that he perceives this application, to which Mr. Schneider asserted that it would not.

Commissioner Venuti questioned Mr. Schneider on whether he had any financial interest in this project that he would gain. Mr. Schneider jokingly answered, "only that she can afford to pay me."

Commissioner H. Smith asked Mr. Schneider if any of his income would be affected if he were to vote in the negative. Mr. Schneider stated that there is no direct connection between this vote and any funds involved.

When asked if he would benefit financially as a result of the Commission potentially approving the plat, Mr. Schneider stated that he would not benefit in any way.

Chair S. Smith requested the Clerk to perform a roll-call vote.

VOTE: NO: H. SMITH, CONLEY, STARK, VENUTI, S. SMITH

Motion failed.

VENUTI/CONLEY MOVED TO ADOPT STAFF REPORT 24-043 AND RECOMMEND APPROVAL OF THE THOMAS COURT SUBDIVISION PRELIMINARY PLAT WITH THE FOLLOWING ADDITIONAL COMMENTS:

1. RECOMMEND THE SURVEYOR PROVIDES APPROXIMATE LOCATIONS OF SLOPES OVER 20 PERCENT IN GRADE OR DEMONSTRATES THAT THERE ARE NO SLOPES OVER 20 PERCENT.
2. THE OWNER WILL NEED TO ENTER INTO AN INSTALLATION AGREEMENT WITH THE CITY. A NEW WATER AND SEWER SERVICE WILL NEED TO BE PROVIDED TO LOT 1-E-1. BOTH EXISTING HOUSES WILL NEED TO BE SERVED BY THEIR OWN WATER AND SEWER SERVICES WITH NO LINES CROSSING PROPERTY LINES, EXCEPT WHERE THE LINE COMES FROM THE MAIN LINE IN THE PUBLIC RIGHT-OF-WAY TO THE PROPERTY BEING SERVED.

Chair S. Smith commented that the first time the Commission saw this application, the tenant in Lot 1-E-1 was saying that the particular lot line adjustment caused her cabin to be in violation of some sort. He questioned City Planner Foster if that issue had been resolved. Mr. Foster answered that these are two very different applications, with the prior application having a dedicated right-of-way.

There was no further discussion.

VOTE: NON-OBJECTION: UNANIMOUS CONSENT.

Motion carried.

2. Staff Report 24-044, Bayview Gardens Subdivision Addn. 1 Jennings 2024 Replat, Preliminary Plat

Chair S. Smith introduced the item by reading of the title, and deferred to City Planner Foster, who provided a summary of his report included in the packet.

Chair S. Smith opened the floor for the Applicant.

Katie Kirsis stated that she is the surveyor who prepared the plats for this project. She added that it's a simple plat, claiming that they're just moving a lot line. She made herself available for questions.

Chair S. Smith opened the public comment period, but none were offered.

Chair S. Smith then opened the floor to questions and comments from the Commission, but there were none.

Chair S. Smith then requested a motion and second.

SCHNEIDER/H. SMITH MOVED TO ADOPT STAFF REPORT 24-044 AND RECOMMEND APPROVAL OF THE BAYVIEW GARDENS SUBDIVISION ADDITIONAL 1 JENNINGS 2024 REPLAT, PRELIMINARY PLAT WITH THE FOLLOWING ADDITIONAL COMMENTS:

1. THE UTILITY EASEMENT IS DEPICTED AS A 20' UTILITY EASEMENT PER (HM 76-104), HOWEVER IT SPELLS IT OUT AS A 15' UTILITY EASEMENT IN NOTE #1. A 15' UTILITY EASEMENT SHOULD BE DEPICTED ON THE PLAT TOO.

There was no further discussion.

VOTE: NON-OBJECTION: UNANIMOUS CONSENT.

Motion carried.

**PENDING BUSINESS**

**NEW BUSINESS**

- A. Staff Report 24-045, Storm Water Works Tracts One, Preliminary Plat Reconsideration Memorandum from Deputy City Clerk as backup

Chair S. Smith introduced the item by reading of the title, and noted the motion that was on the table as a result of the reconsideration:

SCHNEIDER/VENUTI MOVED TO ADOPT STAFF REPORT 24-036 AND RECOMMEND APPROVAL OF THE STORM WATER WORKS TRACTS ONE PRELIMINARY PLAT.