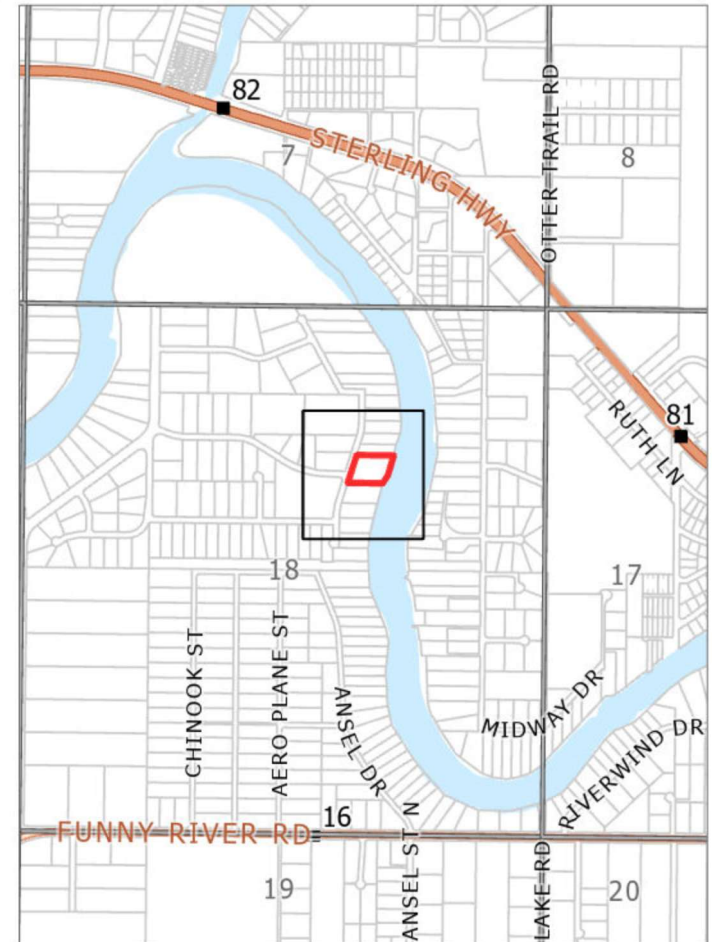
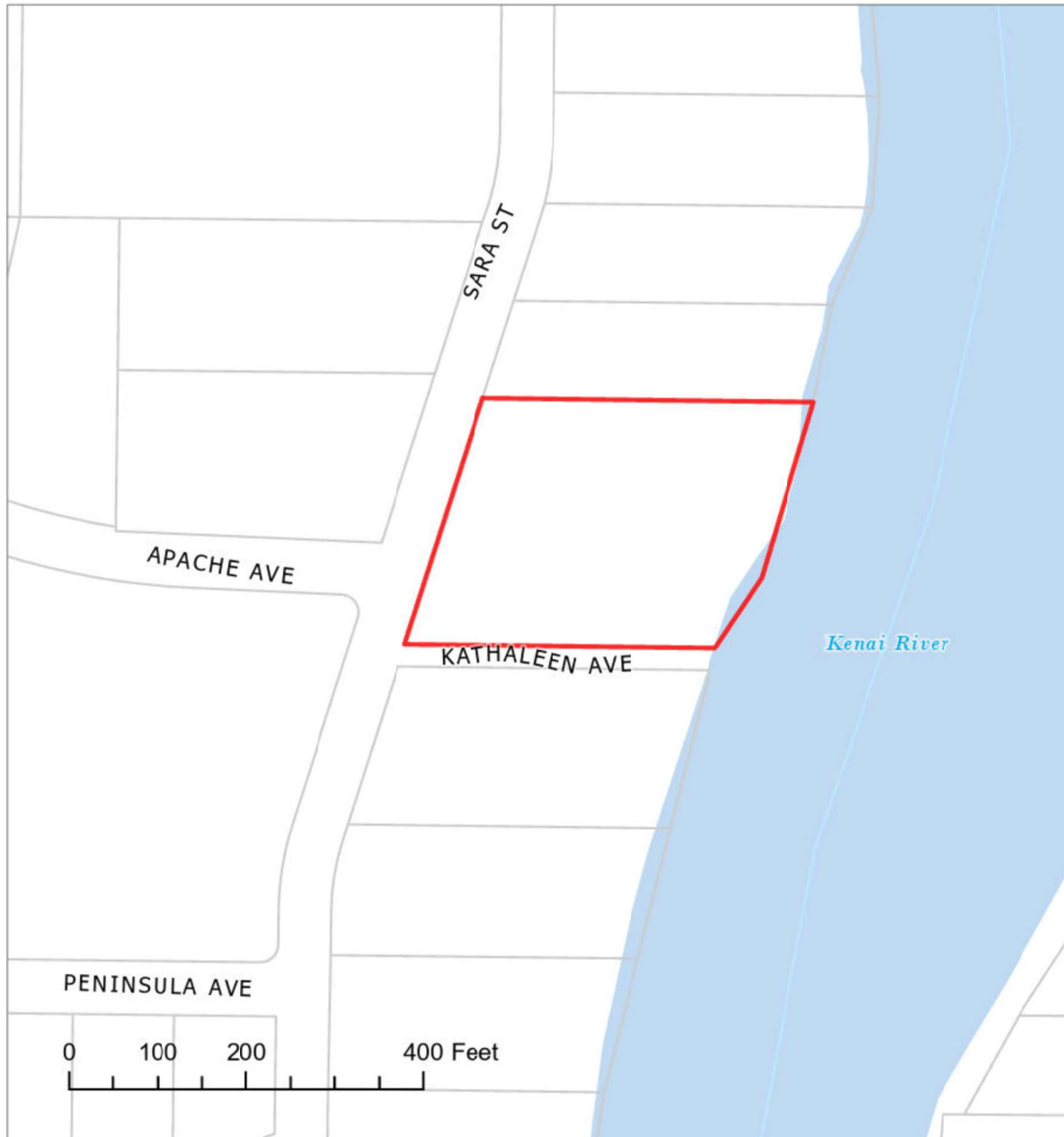


# **D. UNFINISHED BUSINESS**

- 1. Apache Acres Part Nine; KPB File 2024-123  
Johnson Surveying / Stevens  
Location: Apache Avenue & Sara Street  
Funny River Area / Funny River APC**



KPB File 2024-123  
T05N R08W SEC 18  
Funny River



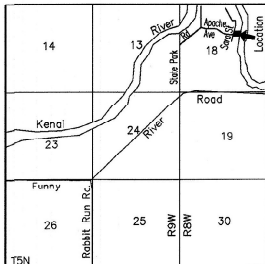


Aerial Map



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VICINITY 1" = 1 mile MAP

# Apache Acres Part Nine

A subdivision of a portion of the North 440' of Government Lot 6 lying East of Sara St. and Excepting Apache Acres Part 8 (KRD 89-50). Located in the NE 1/4, Section 18, T5N, R6W, S4M, Alaska. Kenai Recording District Kenai Peninsula Borough File 2024-123

Prepared for  
John Robert Stevens  
P.O. Box 3171  
Erina, NSW 2250  
Australia

Prepared by  
Johnson Surveying  
P.O. Box 27  
Clam Gulch, AK 99588  
(907) 262-5772



SCALE 1" = 100' 2.392 Acres 30 August, 2025

## NOTES

1. A building setback of 20' from all street ROWs is required unless a lesser standard is approved by a resolution of the appropriate planning commission. Front 10' of building setback is also a utility easement, extending to 20' within 5' of side lot lines. Existing building shown predates the granting of this setback and easement and is not subject to them. Any additional or replacement construction will then be subject to the setback and easement.
2. No permanent structure shall be constructed or placed within a utility easement which would interfere with the ability of a utility to use the easement.
3. Driveway shown is also location of a mutual private access easement as described by Kenai Records Deeds Serial #2007-009015-0. Per KPB 20.16.17(U)(B), the borough will not enforce private covenants, easements, or deed restrictions.
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 wetlands determination, if applicable.
5. Overhead power line shown is the centerline of a 30' wide utility easement, 15' each side, including guys and anchors.
6. Meander line shown is for area computations only. The true corners being on the extensions of the side lot lines and the intersections with the natural meanders.
7. Acceptance of this plat by the borough does not indicate acceptance of any encroachments.
8. All bearings and distances shown herein are measured and agree with record information unless noted otherwise.
9. Top river bank shown is the approximate limit of Flood Zone X.

## PLAT APPROVAL

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of 16 December, 2024.

KENAI PENINSULA BOROUGH

BY: \_\_\_\_\_ Date \_\_\_\_\_  
Authorized Official

Plat #
Rec. Dist.
DATE 20
TIME M

## LEGEND

- ⊕ - 3" Alcapon monument, 3255-S, 2002, per KRD 2002-76, found
- ⊙ - 3" Alcapon monument, 4928-S, 2000, per KRD 2002-76, found
- - 1/2" rebar, found
- ▲ - 1/2" x 4' rebar with plastic cap, set.

## FLOOD HAZARD NOTICE

Some or all of the property shown on this plat has been designated by FEMA or the Kenai Peninsula Borough Seward Mapped Flood Data Area as a flood hazard area district (Flood Panel 02122C-0390F), flood zones AE & X, as of the date this plat is recorded with the district recorders office. Prior to development, the Kenai Peninsula Borough floodplain administrator should be contacted for current information and restrictions. Development must comply with Chapter 21.06 of the Kenai Peninsula Borough Code.

## FLOODWAY NOTICE

Portions of this subdivision are within the floodway, (floodway panel 020012-0008). Pursuant to KPB Chapter 21.06, all development (including fill) in the floodway is prohibited unless certification by an engineer is provided demonstrating that encroachments shall not result in any increases in flood levels during the occurrence of the base flood discharge.

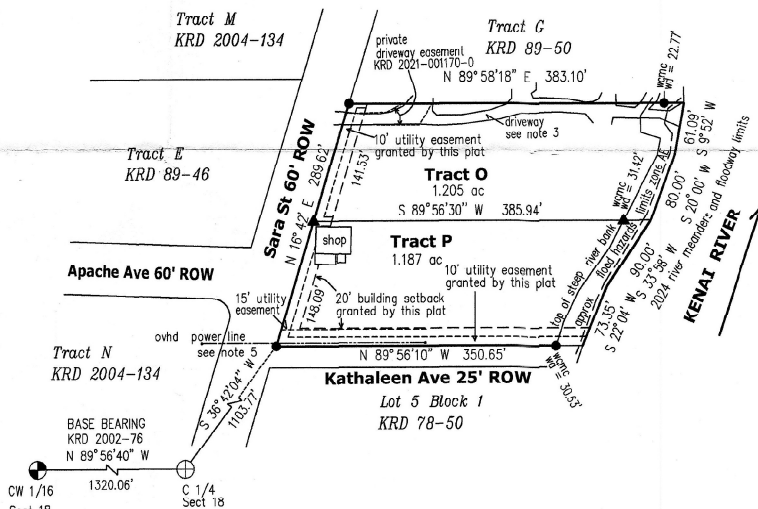
## ANADROMOUS WATERS HABITAT PROTECTION DISTRICT NOTE

Portions of this subdivision are within the Kenai Peninsula Borough Anadromous Waters Habitat Protection District. See KPB Chapter 21.18 as may be amended for restrictions that affect development in this subdivision.

Width of the Habitat Protection District shall be in accordance with KPB 20.18.040.

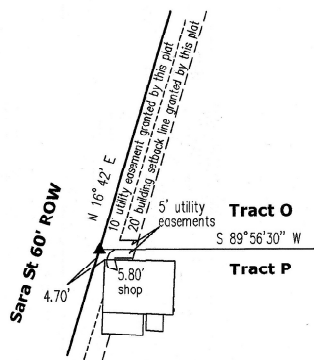
## WASTEWATER DISPOSAL

20.40.040  
Soil conditions, water table levels, and soil slopes in this subdivision have been found suitable for conventional onsite wastewater treatment and disposal systems serving single-family or duplex residences. An Engineer's Subdivision and Soils Report is available from the Kenai Peninsula Borough.  
Any other type of onsite wastewater treatment and disposal system must be designed by a qualified engineer, registered to practice in Alaska, and the design must be approved by the Alaska Department of Environmental Conservation.



## DETAIL OF SHOP

Scale 1" = 50'



## OWNERSHIP CERTIFICATE

I hereby certify that I am the owner of the real property shown and described herein; and that I hereby adopt this plan of subdivision and by my free consent grant all easements to the use shown.

John Robert Stevens  
P.O. Box 3171 Erina, NSW 2250 Australia

## NOTARY'S ACKNOWLEDGEMENT

For: John Robert Stevens  
Acknowledged before me this \_\_\_\_\_

day of \_\_\_\_\_, 2025

Notary Public for \_\_\_\_\_

My commission expires \_\_\_\_\_

Engineer License # Date



AGENDA ITEM D. NEW BUSINESS

**ITEM #1 - PRELIMINARY PLAT  
APACHE ACRES PART NINE**

<b>KPB File No.</b>	2024-123
<b>Plat Committee Meeting:</b>	October 27, 2025
<b>Applicant / Owner:</b>	John Robert Stevens of Erina, Australia
<b>Surveyor:</b>	Jerry Johnson – Johnson Surveying
<b>General Location:</b>	Funny River Area – Funny River APC

<b>Parent Parcel No.:</b>	066-280-22
<b>Legal Description:</b>	Township 5 North, Range 8 West, Section 18, Seward Meridian, KN, That portion of the north 440 feet of government Lot 6, lying east of Sara Street, except Apache Acres Subdivision Part 6
<b>Assessing Use:</b>	Residential Dwelling
<b>Zoning:</b>	Unrestricted
<b>Exception:</b>	20.60.150(B) limited area

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**STAFF REPORT**

The plat of Apache Acres Part Nine was given preliminary approval by the Plat Committee at the meeting of December 16, 2024, so this will be a reduced staff report as previous review comments have been addressed. The plat has been submitted for Final Submittal and Review in house and has been determined to have a shop and carport structure sitting inside the 20' building setback line in conflict with KPB 20.30.240 Building Setbacks which has submitted a Building setback Encroachment Permit Application and is being reviewed by the Planning Commission. The surveyor and applicant are requesting an exception to 20.60.150(B) Utility Easements (note requirement).

**Specific Request:** Exception to KPB Code 20.60.150(B)

**Scope of Subdivision:** The plat is subdividing a 2-acre parcel into two lots: one of 1.206 acres and another of 1.187 acres.

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

Legal access is provided by Sara Street on the west and Kathaleen Avenue on the south. Sara Street connects to Apache Avenue going west, which then connects to State Park Road,

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

**Site Investigation:**

Multiple structures are depicted on the plat. Three structures appear to be located on proposed Tract P and one structure is located on proposed Tract O. According to KPB imagery, a house on the east side and what appears to be a shop building and carport are located to the west side of Tract P. A cabin appears to be on the east side of proposed Tract O per KPB imagery. The drawing shows the northwest shop corner to be 4.7' from the property line and 5.3' into the utility easement.

KPB River Center review	<p>See attachments</p> <p>A. Floodplain</p> <p>Reviewer: Hindman, Julie Floodplain Status: IS in flood hazard area Comments: Portions of this subdivision are within the regulatory floodway and floodplain. Both should be depicted and labeled. Attached is the new regulatory information and the new map panel is 02122C-0390F</p> <p>Flood Zone: AE,X Zone, Floodway Map Panel: In Floodway: True Floodway Panel:</p> <p>B. Habitat Protection</p> <p>Reviewer: Aldridge, Morgan Habitat Protection District Status: IS totally or partially within HPD Comments: Portions of this plat lie within the jurisdiction of KPB 21.18 due to the Kenai River being an anadromous stream</p>
State of Alaska Fish and Game	No response

### **Staff Analysis**

The land originally was surveyed as Government Lot 6 in the NE1/4 of Section 18, Township 5 North, Range 5 North, SM Alaska, and then was reduced to a portion of the North 440 feet of Government Lot 6, lying east of Sara Street and excepting Apache Acres Part 6, KN 89-50. The subdivision will subdivide the parcel into two parcels.

### **Utility Easements**

The proposed plat grants a 10 foot utility easement, extending to 20 feet within 5 feet of side lot lines adjacent to all rights-of-way per plat note number one. The shop is located in the utility easement. No comment was made concerning the shop location. This easement is encroached into by the shop structure.

### **Utility provider review:**

HEA	See comments
ENSTAR	No response
ACS	No objections
GCI	No response

### **KPB department / agency review:**

Addressing Review	Reviewer: Windsor, Heather Comments: No comment
Code Compliance	Reviewer: Ogren, Eric Comments: The structure nearest Sara St is within the 20ft building set back. this will need to be addressed in addition to the replat
LOZMS Review 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 Review	Reviewer: Windsor, Heather Comments: No comment



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

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**EXCEPTIONS REQUESTED:****A. KPB 20.60.150(B) Utility Easement (note to be shown-limited area)****Surveyor's Discussion:**

For existing structure that will encroach into the 10' utility easement.

The Surveyor/Applicant has submitted the following proposed Findings in support of the exception request.

1. The shop is existing.
2. Utilities are within the existing street ROW.
3. These exceptions will not adversely affect the public or cause any hazards.
4. This is necessary for the owners to continue to use the structure.

**Staff Discussion:****20.60.150. - Utility easements.**

A. The utility easements approved by the planning commission shall be clearly shown on the final plat in dimensioned graphic form or as a note.

B. The following note shall be shown on the final plat:

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

The request is to limit the note in (B) to the area of the shop structure located in the 10' utility easement as shown while in existence and use.

**Findings.**

5. No objectionable utility comments were received about the shop location.
6. The road is on the farther west side of the right-of-way and a driveway utilizes the closer side to the structure
7. The structure does not appear to be an causing a sight issue.
8. Apache Acres Subdivision Part Two KN 79-157 dedicated Sara Street as a 60' dedication.
9. Roberts Subdivision Addition No One Part One KN 78-50 dedicated Kathaleen Ave as a varied right-of-way dedication.

**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 KPB Title 20, the Committee may authorize exceptions to any of the requirements set forth in KPB Title 20. A request for an exception shall be in writing and presented to the 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

**Findings 1-7 appear to support this standard.**

2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title;  
**Findings 1-4, 6 & 7 appear to support this standard.**
3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.  
**Findings 2, 3 & 6 appear to support this standard.**

**Staff recommendation:** place notes on the final plat indicating any exceptions granted by the Plat Committee with the meeting date. The note shall reference that the exception is for only the structures shown on the plat in the 10' utility easement and their current location and life of the structure.

**RECOMMENDATION:**

**STAFF RECOMMENDS:**

- GRANT APPROVAL OF THE EXCEPTION REQUEST SUBJECT TO STAFF RECOMMENDATIONS, AND
- IF THE COMMISSION DETERMINES THE PETITIONER HAS NOT MET THE BURDEN OF PROVING BY SUBSTANTIAL EVIDENCE THAT EACH OF THE STANDARDS IS MET, THE COMMISSION SHOULD DENY THE APPLICATION, AND IT SHOULD EXPLAIN ITS REASONS. THE PETITIONER SHOULD EITHER APPEAL AS STATED BELOW OR FILE A BUILDING SETBACK ENCROACHMENT PERMIT AS NOTED IN KPB 20.10.110
- 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.**

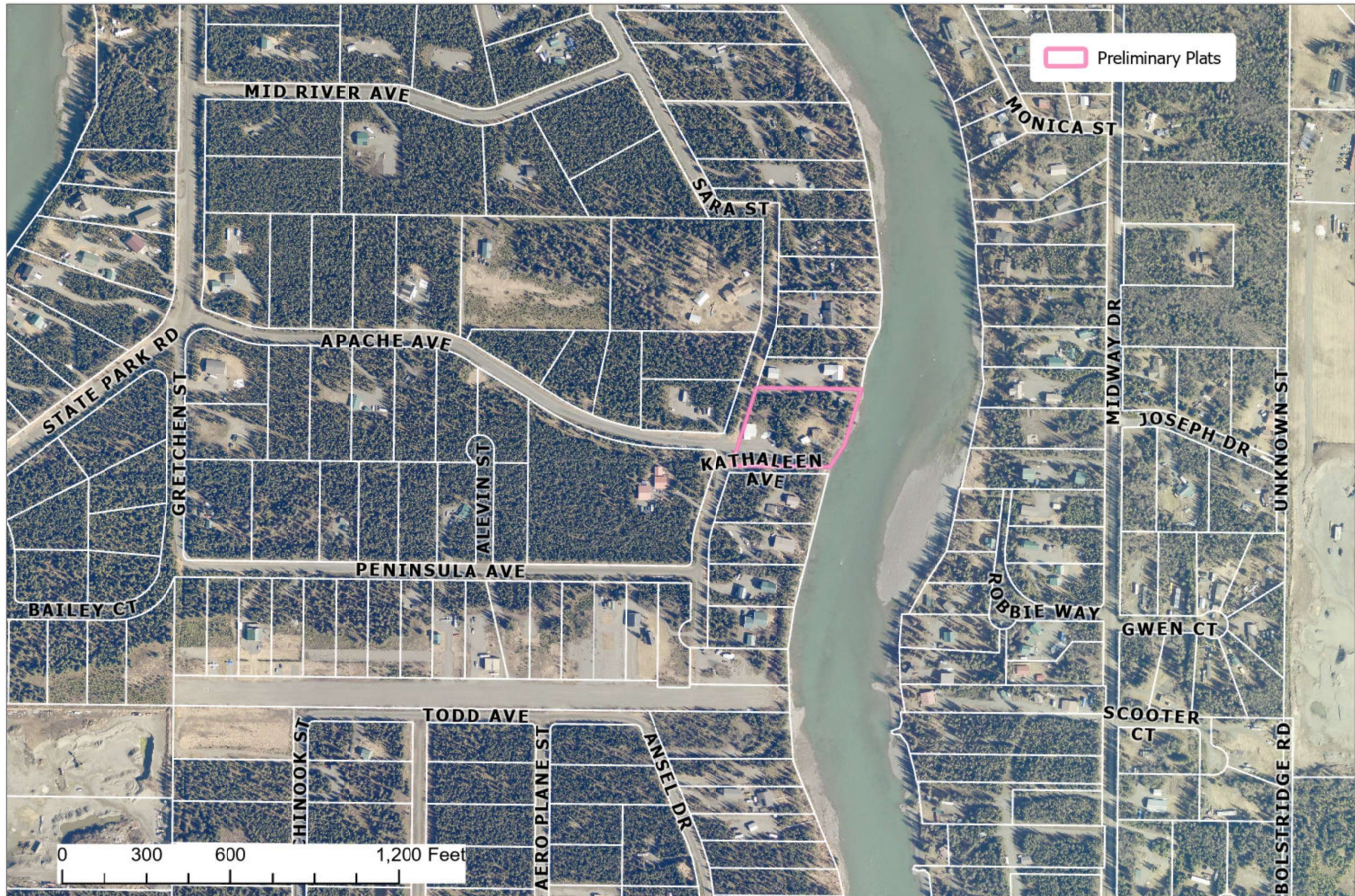
**END OF STAFF REPORT**

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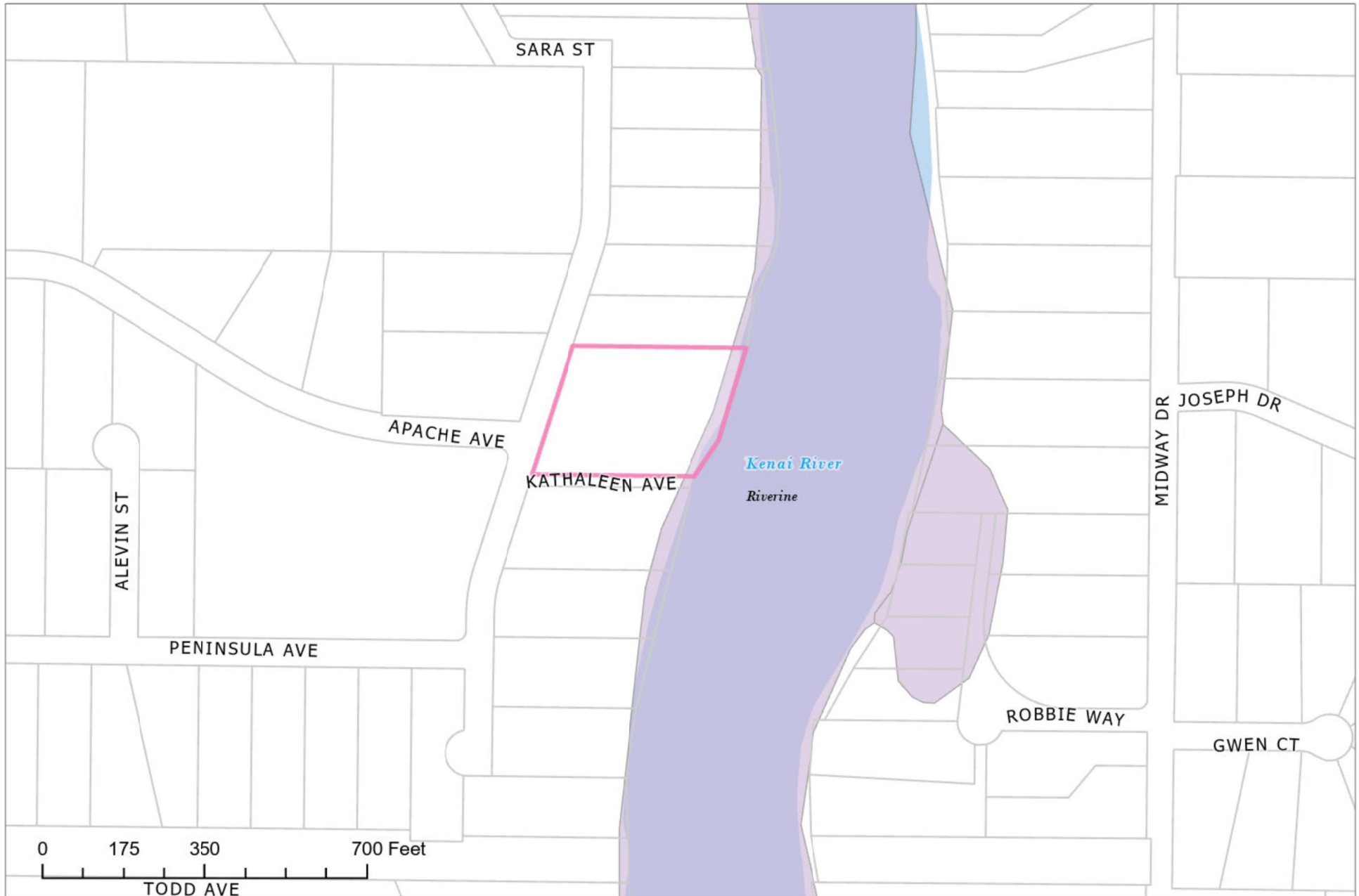


Aerial Map



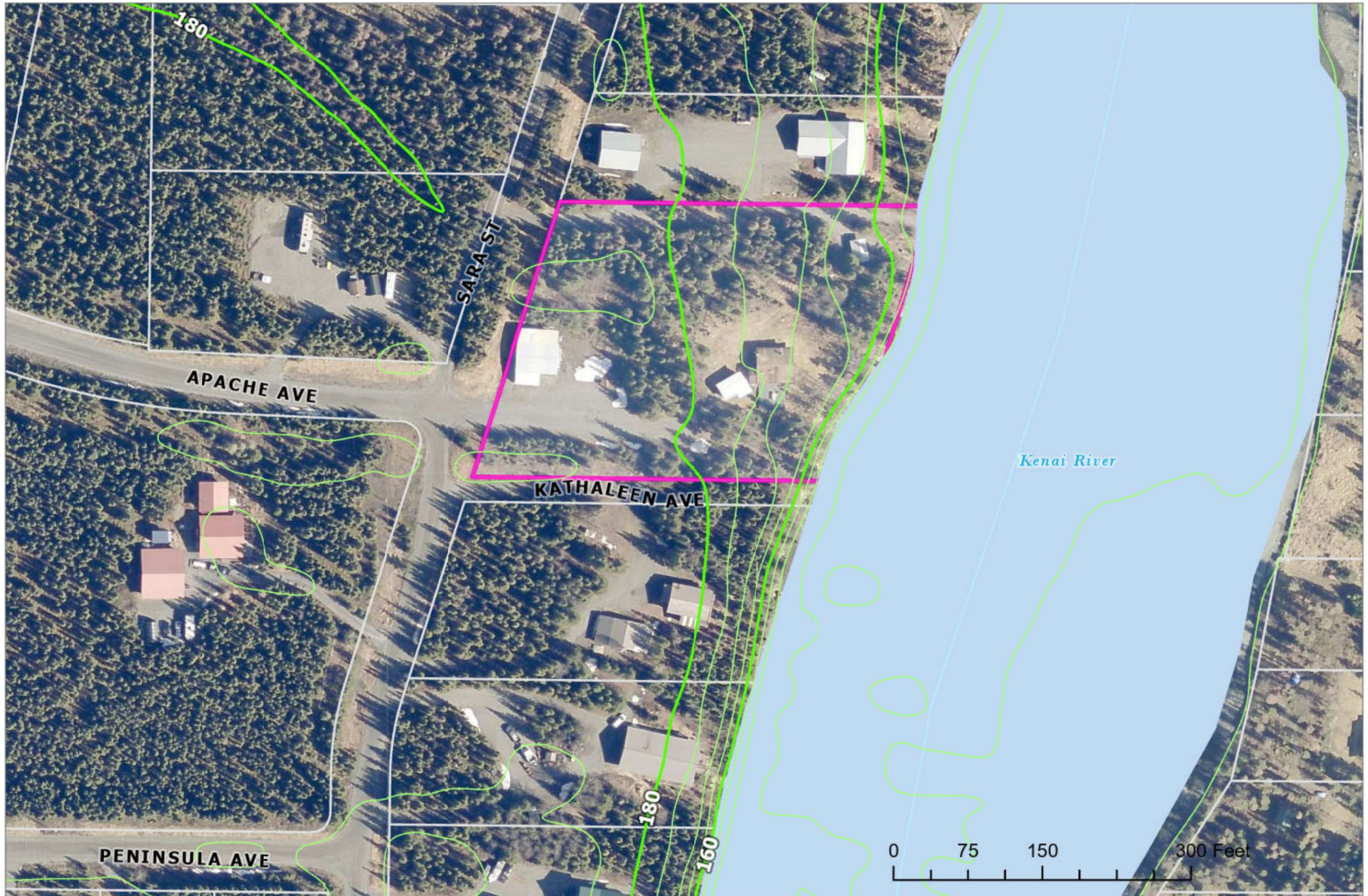
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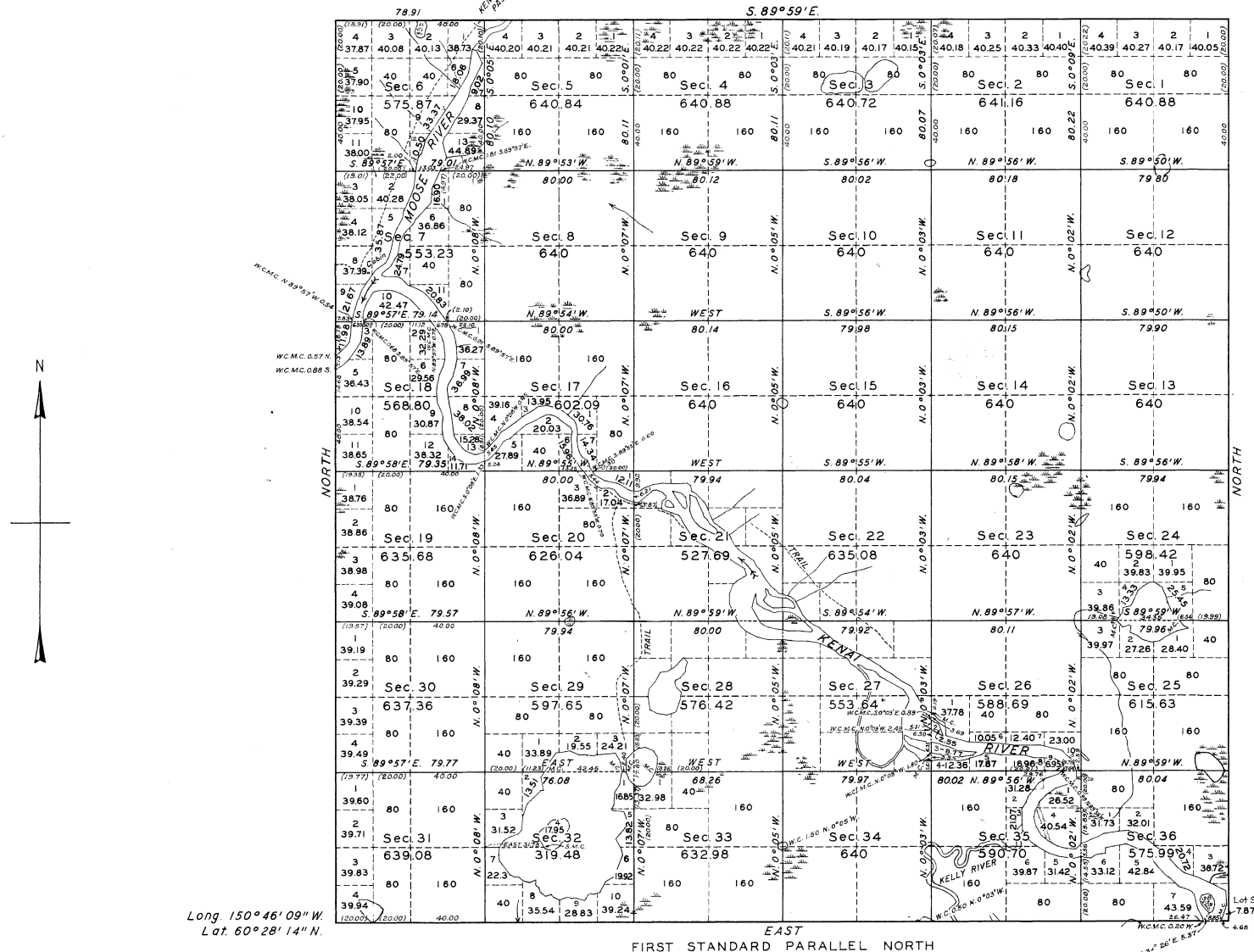


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# TOWNSHIP NO. 5 NORTH, RANGE NO. 8 WEST OF THE SEWARD MERIDIAN, ALASKA

## IN TWO SHEETS      SHEET NO. 1



Long. 150°46'09" W.  
Lat. 60°28'14" N.

10 20 30 40  
Scale: 40 CHAINS TO AN INCH

MEAN MAGNETIC DECLINATION 26°30' E.		AREA SURVEYED: 21895.00 ACRES			
LINES DESIGNATED	BY WHOM SURVEYED	GROUP		MILEAGE	
		NO.	DATE	MLS.	CHS.
SUBDIVISION	SURVEYOR	WHEN SURVEYED		BEGUN	
		NO.	DATE	MLS.	CHS.
EXTERIOR	FLOYD G. BETTS, C.E.	51	JULY 24, 1935	17	78.91
MEANDER	LEONARD M. BERLIN, SURVEYOR	"	"	59	62.31
MISCELLANEOUS	"	"	"	37	4.16
	"	"	"	2	0.54

OFFICE OF SUPERVISOR OF SURVEYS  
DENVER, COLORADO, JUNE 16, 1943.

THE ABOVE PLAT OF TOWNSHIP NO. 5 NORTH, RANGE NO. 8 WEST, OF THE SEWARD MERIDIAN, ALASKA, IS STRICTLY CONFORMABLE TO THE FIELD NOTES OF THE SURVEY THEREOF WHICH HAVE BEEN EXAMINED AND APPROVED.

*Russell H. Allen*  
ACTING ASSISTANT  
SUPERVISOR OF SURVEYS.

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
GENERAL LAND OFFICE  
WASHINGTON, D.C., JUNE 24, 1943.

THE SURVEY REPRESENTED BY THIS PLAT HAVING BEEN CORRECTLY EXECUTED IN ACCORDANCE WITH THE REQUIREMENTS OF LAW AND THE REGULATIONS OF THIS OFFICE, IS HEREBY ACCEPTED.

*Joel Ward Woodson*  
ASSISTANT COMMISSIONER.

THE AREA IS GENERALLY COVERED WITH A FAIR STAND OF SPRUCE, BIRCH, AND ASPEN TIMBER WHICH IS OF LITTLE COMMERCIAL VALUE.

FOR DETAILS IN SECTIONS 21, 22, 27, AND 29, SEE SHEET 2.