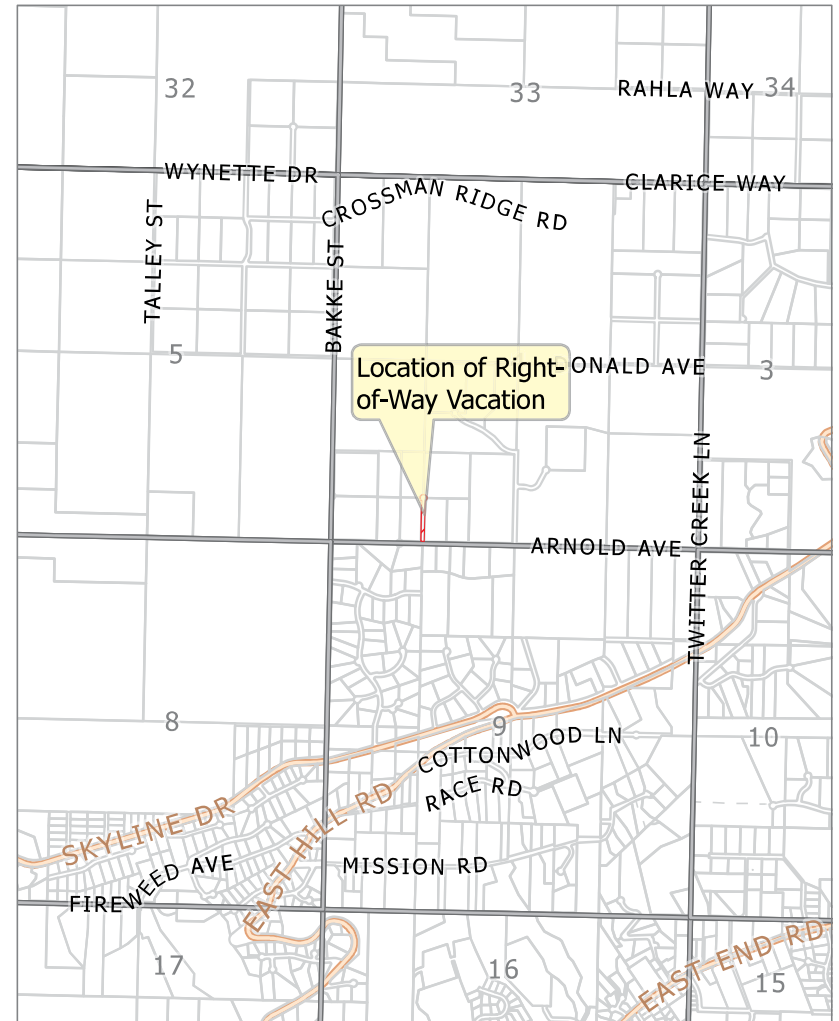
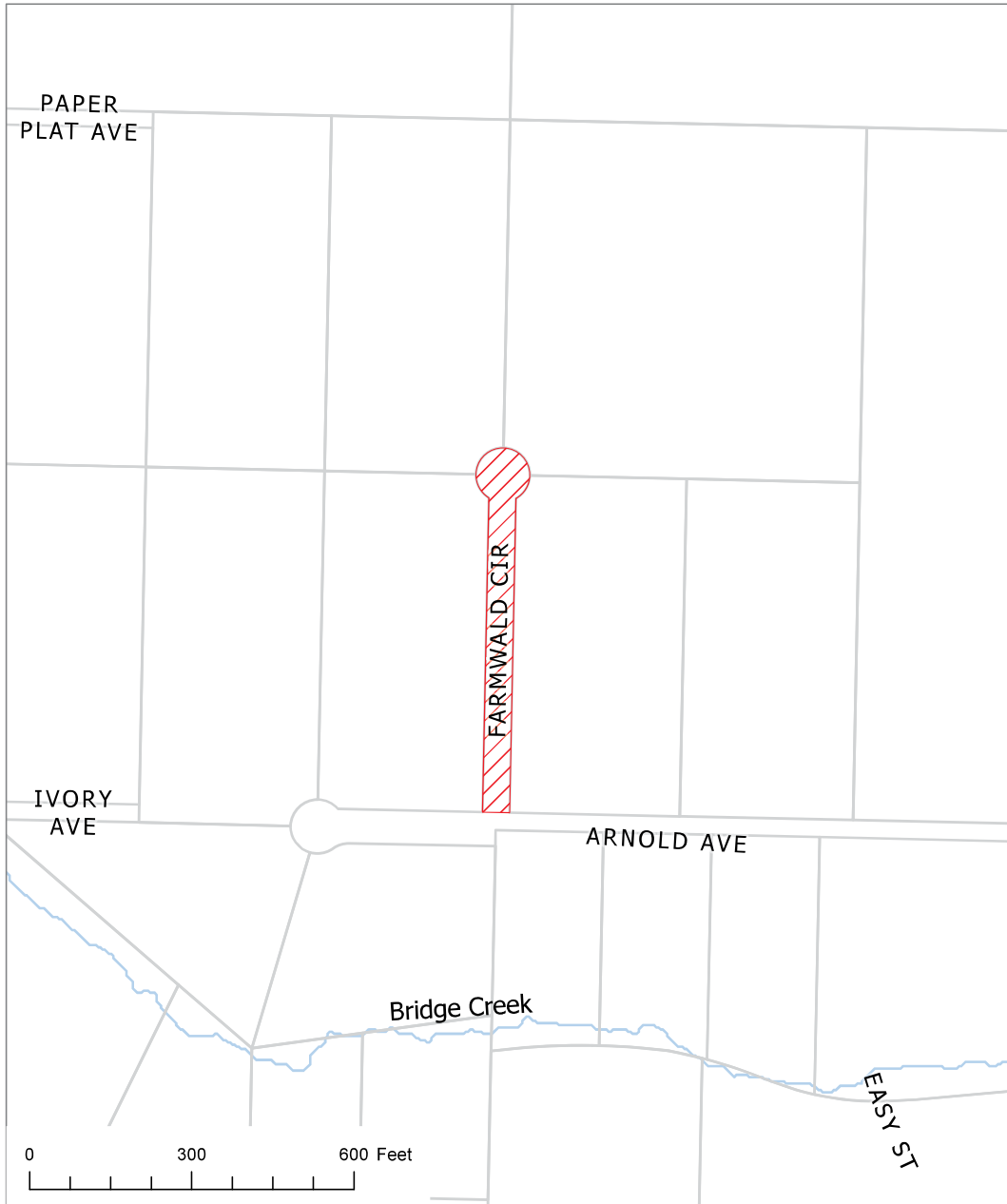


E. NEW BUSINESS

- 2. Right-Of-Way Vacation; KPB File 2024-133V
Seabright Surveying / Farmwald, City of Homer
Request: Vacates the entire Farmwald Circle right-of-way
granted by Bridge Creek Cooperative Subdivision, Plat HM 81-5
City of Homer**



KPB File 2024-133V
T 06S R 13W SEC 04
Diamond Ridge

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

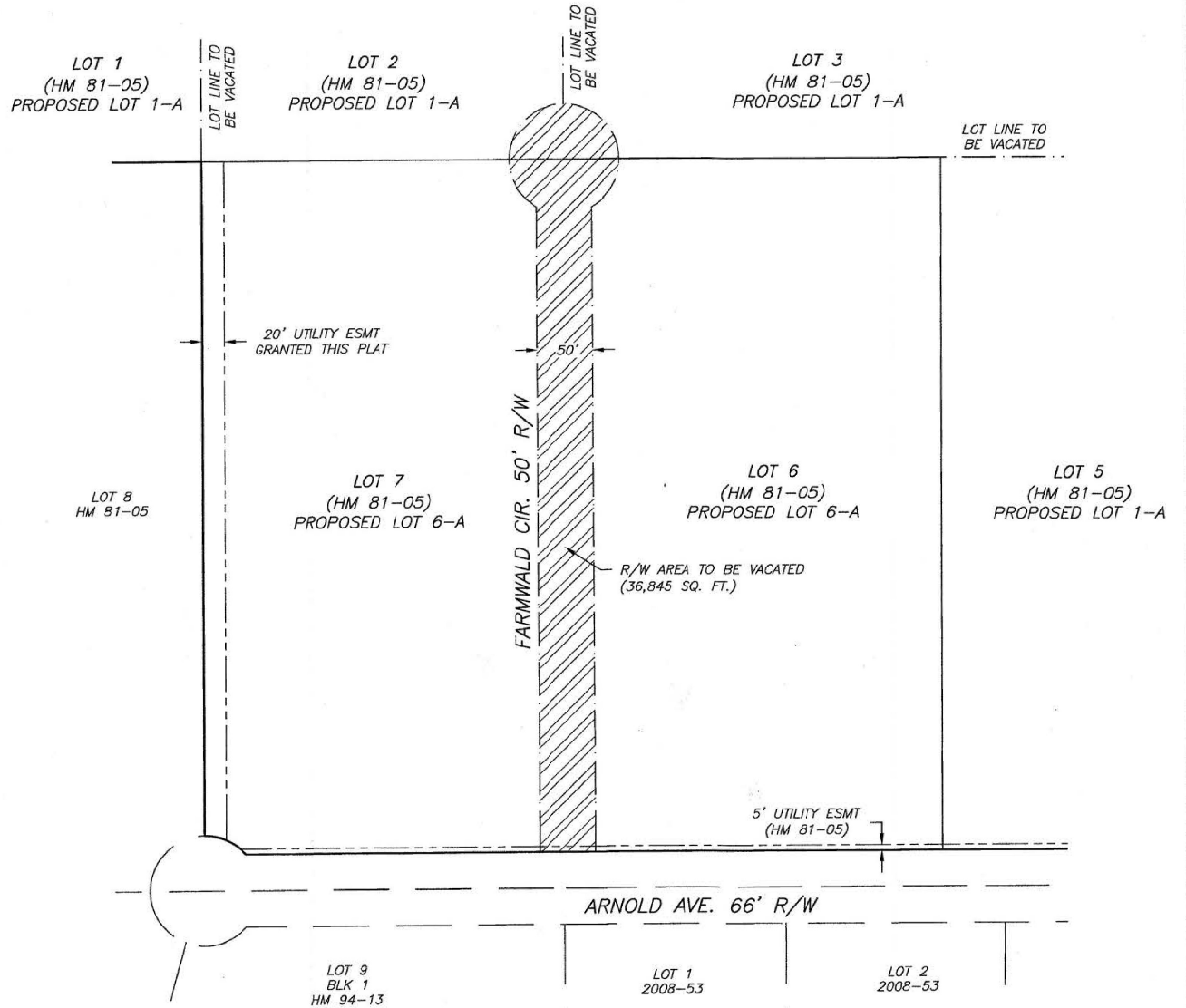
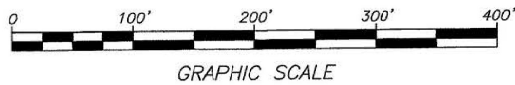
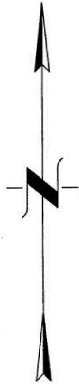


The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.

**BRIDGE CREEK COOP. SUBDIVISION
2024 REPLAT
RIGHT-OF-WAY VACATION DIAGRAM**

A REPLAT OF LOTS 1, 2, 3, 5, 6 & 7, BRIDGE CREEK COOP. SUBDIVISION (HM 81-05), & LOT 4A BRIDGE CREEK COOP. SUBDIVISION NO. 2 (HM 88-54), LOCATED IN THE SW1/4 SEC. 4, T. 6 S., R. 13 W., SEWARD MERIDIAN, KENAI PENINSULA BOROUGH, THIRD JUDICIAL DISTRICT, ALASKA

SEABRIGHT SURVEY + DESIGN
KATHERINE A. KIRSIS, P.L.S.
1044 EAST END ROAD, SUITE A
HOMER, ALASKA 99603
(907) 299-1580



KPB 2024-133V

AGENDA ITEM E. NEW BUSINESS

**ITEM #2 - RIGHT OF WAY VACATION
Bridge Creek Cooperative Subdivision Farmwald Circle ROW Vacation**

KPB File No.	2024-133V
Planning Commission Meeting:	January 13, 2025
Applicant / Owner:	City of Homer / Homer Jay & Wilton Farmwald / Anchorage
Surveyor:	Katie Kirsis – Seabright Surveying LLC
General Location:	Bridge Creek Watershed District, Near Homer, AK
Legal Description:	Farmwald Rd in Bridge Creek Cooperative Subdivision KN81-5 / Section 4 Township 6 South, Range 13 West S.M. AK

STAFF REPORT

Specific Request / Purpose as stated in the petition:

The right-of-way vacation petition in this packet proposes to vacate the entirety of Farmwald Circle. This vacation request is part of an ongoing effort to promote environmental protection within the Bridge Creek Watershed District. The watershed serves as a crucial public water source for the City of Homer. There are no constructed roadways or utilities within the proposed right-of-way to be vacated. Legal and physical access to adjacent parcels will not be adversely impacted by this action.

Notification: The public hearing notice was published in the January 10, 2025 issue of the Peninsula Clarion and the January 9th, 2025 issue of the Homer News as part of the Commission’s tentative agenda.

The public notice was posted on the Planning Commission bulletin board at the Kenai Peninsula Borough George A. Navarre Administration building. Additional notices were mailed to the following with the request to be posted for public viewing.

Library of Homer

Post Office of Homer

8 certified mailings were sent to owners of property within 300 feet of the proposed vacation. ___ receipts had been returned when the staff report was prepared.

12 public hearing notices were emailed to agencies and interested parties as shown below;

State of Alaska Dept. of Fish and Game
State of Alaska DNR
State of Alaska DOT
State of Alaska DNR Forestry
City of Homer
Emergency Services of Homer

Kenai Peninsula Borough Office
Ninilchik Traditional Council
Alaska Communication Systems (ACS)
ENSTAR Natural Gas
General Communications Inc, (GCI)
Homer Electric Association (HEA)

Legal Access (existing and proposed):

Legal access to Farmwald Rd is by Arnold Ave on the south, a 33’ dedication not install west of Easy St. The vacation of Farmwald Rd will not affect access for any of the lots as with the approval, the lots will be combined into three large lots. Access to all three lots will continue to be from Arnold Ave and the east lot will still have access to Mae St from the east.

No new road is planned to be dedicated to go with this vacation.

There is a 33' section line easement running along the south side of the subdivision, with the majority being in the dedicated Arnold Ave.

Block length is compliant as there are road surrounding the plat to complete the block. Arnold Ave, Mae St and Hughes Ct go around the south, east and north part of the plat and on the southwest is Ivory Ave and to the northwest is Paper Plat Ave. These roads do not all connect to each other and this plat is not able to contribute due to location and terrain with the ravine and steepness and the attempt to preserve the Bridge Creek Watershed. Staff recommends the Planning commission concur an exception is not needed.

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

Site Investigation:

There are steep areas located on the property. They are not shown on the vacation plat, but can be seen on the contours map. The steep areas do not directly affect the right-of-way area being vacated.

According to the KWF Wetlands Assessment, wetlands affect the right-of-way being vacated. An area of riverine crosses the bulb of the cul-de-sac and discharge slope is located along the length of the cul-de-sac of Farmwald Cir. These can be seen on the wetlands map in the packet.

The vacation is located in the Bridge Creek Watershed Protection District according to the City of Homer and identified as being in Flood Hazard Area Zone X.

KPB River Center review	A. Floodplain Reviewer: Hindman, Julie 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
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Staff Analysis:

Farmwald Cir was dedicated from the platting of Bridge Creek Cooperative Subdivision HM 81-5, Previously the land was part of the E3/4, S1/2, SW1/4 Section 4, Township 6 South, Range 13 West, SM, Alaska.

Most of the land directly around the proposed vacation is vacant. On Lots 2 and 3 on the north end of the proposed vacation are some small cabins.

To the west of these lots is the tracts of Paper Plat Park Subdivision HM79-03. There is a house on Tract 1 that has access by Copalis St coming from the south. To the southwest is Kelly Ranch Estates Subdivision HM94-13 composed of three blocks and 47 lots, with approximately 27 houses built. To the southeast are vacant lots. To the north and east are undeveloped land with a house and subdivisions with some development. There does not appear to be issues with access to the adjacent lands if Farmwald Cir is approved for vacation.

Per the submittal, there does not appear to be any utilities in the easement adjacent to the right-of-way vacation. A new 20' utility easement is being proposed on the west side of existing Lot 7 as shown on the drawing.

No future development is being proposed. The proposed plat is combing lots to reduce them from 7 down to 3, to help preserve the watershed and water supply for the City of Homer. The two lots proposed not directly adjacent to the requested vacation will be residential in private ownership and the one created that will include the majority of the vacated right-of-way is owned by the City of Homer and will remain undeveloped.

20.65.050 – Action on vacation application

- D. The planning commission shall consider the merits of each vacation request and in all cases the planning commission shall deem the area being vacated to be of value to the public. It shall be incumbent upon the applicant to show that the area proposed for vacation is no longer practical for the uses or purposes authorized, or that other provisions have been made which are more beneficial to the public. In evaluating the merits of the proposed vacation, the planning commission shall consider whether:
1. The right-of-way or public easement to be vacated is being used;
Staff comments: not built or used
 2. A road is impossible or impractical to construct, and alternative access has been provided;
Staff comments: not impossible and an alternative has not been supplied
 3. The surrounding area is fully developed and all planned or needed rights-of-way and utilities are constructed;
Staff comments: surrounding area not fully developed and utilities are capable to get to areas as needed.
 4. The vacation of a public right-of-way provides access to a lake, river, or other area with public interest or value, and if so, whether equal or superior access is provided;
Staff comments: no access to public area.
 5. The proposed vacation would limit opportunities for interconnectivity with adjacent parcels, whether developed or undeveloped;
Staff comments: no access to adjacent parcels
 6. Other public access, other than general road use, exist or are feasible for the right-of-way;
Staff comments: no other use foreseen for the right-of-way being vacated
 7. All existing and future utility requirements are met. Rights-of-way which are utilized by a utility, or which logically would be required by a utility, shall not be vacated, unless it can be demonstrated that equal or superior access is or will be available. Where an easement would satisfactorily serve the utility interests, and no other public need for the right-of-way exists, the commission may approve the vacation and require that a utility easement be granted in place of the right-of-way.
Staff comments: a new 20' utility is being granted to the west to get utilities to the north if needed.
 8. Any other factors that are relevant to the vacation application or the area proposed to be vacated.
Staff comments:

A KPB Planning Commission decision denying a vacation application is final. A KPB Planning Commission decision to approve the vacation application is subject to consent or veto by the KPB Assembly, or City Council if located within City boundaries. The KPB Assembly, or City Council must hear the vacation within thirty days of the Planning Commission decision.

The City of Homer Planning Commission heard the vacation of Farmwald Circle at the regular meeting of November 6, 2024 and gave unanimous consent to approve the vacation.

Upon approval by the Planning Commission on the meeting of January 13, 2025, this vacation is scheduled to be on the KPB Assembly meeting of January 21, 2025. If given consent by the Assembly, Bridge Creek Cooperative Subdivision 2024 Replat will finalize the proposed right of way vacations. The Plat Committee is scheduled to review Bridge Creek Cooperative Subdivision 2024 Replat on January 13, 2025.

KPB department / agency review:

Addressing	<p>Reviewer: Leavitt, Rhealyn Affected Addresses: 61875 PAPER PLAT AVE, 40927 FARMWALD CIR, 40928 FARMWALD CIR, 40957 FARMWALD CIR, 40958 FARMWALD CIR, 40775 MAE ST</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names: MAE ST, ARNOLD AVE, FARMWALD CIR, FLORANCE MARTIN CT, HUGHES CT</p> <p>Existing Street Name Corrections Needed:</p> <p>All New Street Names are Approved: No</p> <p>List of Approved Street Names:</p> <p>List of Street Names Denied:</p> <p>Comments: No other comments</p>
Code Compliance	<p>Reviewer: Ogren, Eric Comments: No comments</p>
Planner	<p>Reviewer: Raidmae, Ryan There are not any Local Option Zoning District issues with this proposed plat.</p> <p>Other Material Site Type Material Site Comments: There are not any material site issues with this proposed plat, but vacating Farmwald Cir would land lock PID: 17370009 and 17370008.</p>
Assessing	<p>Reviewer: Windsor, Heather Comments: No comment</p>
Advisory Planning Commission	

Utility provider review:

HEA	No comment
ENSTAR	No comment or recommendation
ACS	
GCI	
SEWARD ELECTRIC	
CHUGACH ELECTRIC	
TELALASKA	

STAFF RECOMMENDATIONS
CORRECTIONS / EDITS

- Title of this drawing should not be the new subdivision, as this is the request for vacation of the right-of-way. Legal description should reflect the same.
- Every spot Coop. is used should be replaced with Cooperative as used in the original spelling of the name of the subdivision, including the name of this subdivision.
- Show the 33' section line easements on the drawing.
- Add the KPB File No. 2024-133V
- Add the 5' utility easement on the west side of the Farmwald Cir. right-of-way being vacated to the drawing.

RECOMMENDATION:

Based on consideration of the merits as per KPB 20.65.050(D) as outlined by Staff comments, Staff recommends APPROVAL as petitioned, subject to:

1. Consent by KPB Assembly.
2. Compliance with the requirements for preliminary plats per Chapter 20 of the KPB Code including a submittal to and approval by the Plat Committee.
3. Grant utility easements requested by the Homer City Council and utility providers.
4. Submittal of a final plat within a timeframe such that the plat can be recorded within one year of vacation consent (KPB 20.65.050(I)).

KPB 20.65.050 – Action on vacation application

- H. A planning commission decision to approve a vacation is not effective without the consent of the city council, if the vacated area to be vacated is within a city, or by the assembly in all other cases. The council or assembly shall have 30 days from the date of the planning commission approval to either consent to or veto the vacation. Notice of veto of the vacation shall be immediately given to the planning commission. Failure to act on the vacation within 30 days shall be considered to be consent to the vacation. This provision does not apply to alterations of utility easements under KPB 20.65.070 which do not require the consent of the assembly or city council unless city code specifically provides otherwise.**
- I. Upon approval of the vacation request by the planning commission and no veto by the city council or assembly, where applicable, the applicant shall have a surveyor prepare and submit a plat including the entire area approved for vacation in conformance with KPB 20.10.080. Only the area approved for vacation by the assembly or council may be included on the plat. The final plat must be recorded within one year of the vacation consent.**
- J. A planning commission decision denying a vacation application is final. No reapplication or petition concerning the same vacation may be filed within one calendar year of the date of the final denial action except in the case where new evidence or circumstances exist that were not available or present when the original petition was filed.**
- K. An appeal of the planning commission, city council or assembly vacation action under this chapter must be filed in the superior court in accordance with the Alaska Rules of Appellate Procedure.**

The 2019 Kenai Peninsula Borough Comprehensive Plan adopted November, 2019 by Ordinance No. 2019-25. The relevant objectives are listed.

Goal 3. Preserve and improve quality of life on the Kenai Peninsula Borough through increased access to local and regional facilities, activities, programs and services.

- Focus Area: Energy and Utilities
 - o Objective A - Encourage coordination or residential, commercial, and industrial development with extension of utilities and other infrastructure.
 - Strategy 1. Near – Term: Maintain existing easements (especially section line easements) in addition to establishing adequate utility rights of way or easements to serve existing and future utility needs.
 - Strategy 2. Near – Term: Maintain regular contact with utility operators to coordinate and review utility easement requests that are part of subdivision plat approval.
 - Strategy 3. Near – Term: Identify potential utility routes on Borough lands.
- Housing
 - o Objective D. Encourage efficient use of land, infrastructure and services outside incorporated cities by prioritizing future growth in the most suitable areas.
 - Strategy 1. Near – Term: Collaborate with the AK Department of Transportation, incorporated cities within the borough, utility providers, other agencies overseeing local services, and existing communities located adjacent to the undeveloped areas that are appropriate for future growth, to align plans for future expansion of services to serve future residential development and manage growth.

Goal 4. Improve access to, from and connectivity within the Kenai Peninsula Borough

- Focus Area: Transportation
 - o Objective B. Ensure new roads are developed in alignment with existing and planned growth and development.
 - Strategy 2. Near – Term: Establish subdivision codes that dictate road construction standards to accommodate future interconnectivity and/or public safety.
 - Strategy 3. Near – Term: Identify areas of anticipated growth to determine future access needs.

END OF STAFF REPORT



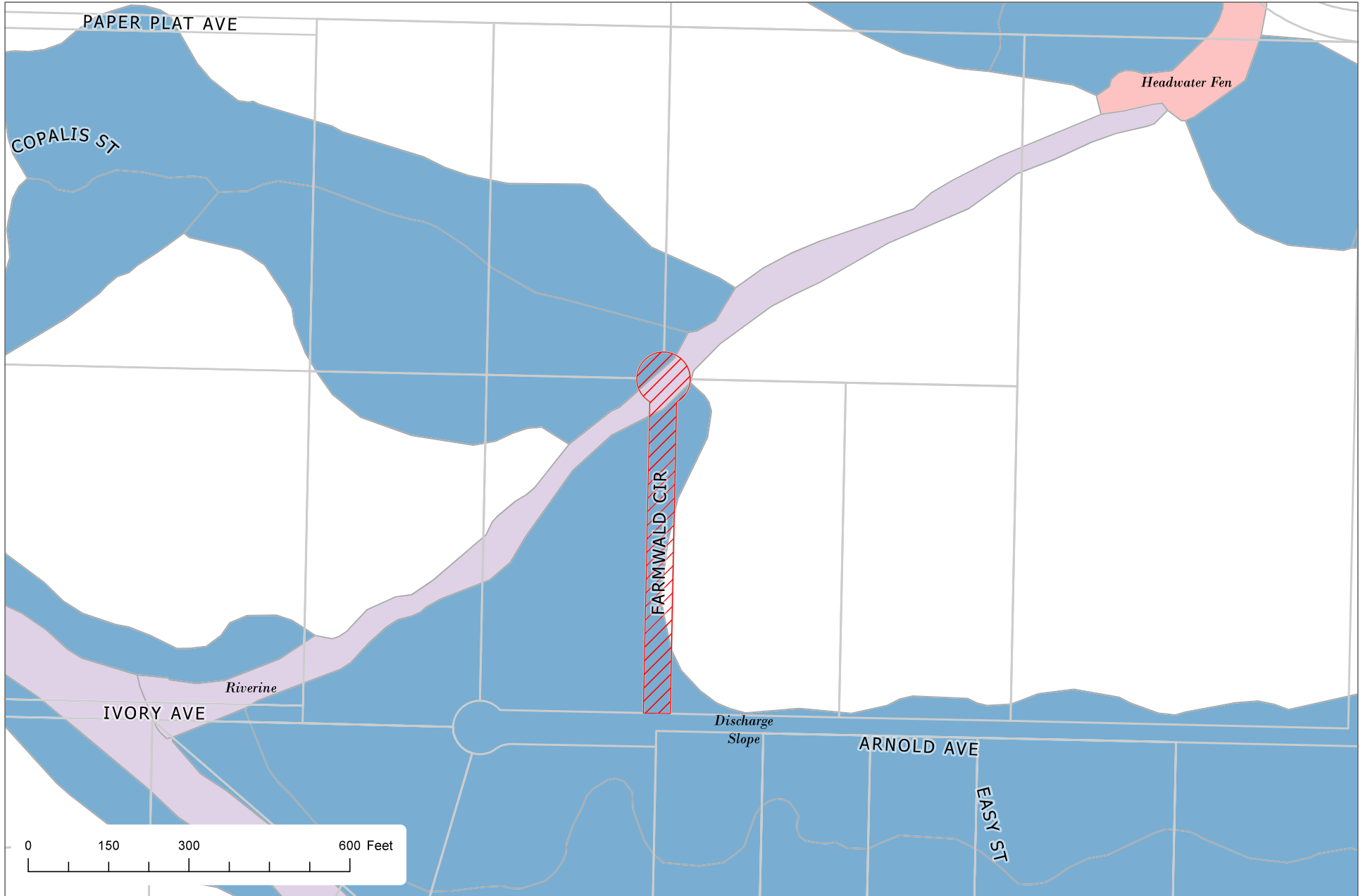
Aerial Map



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Wetlands



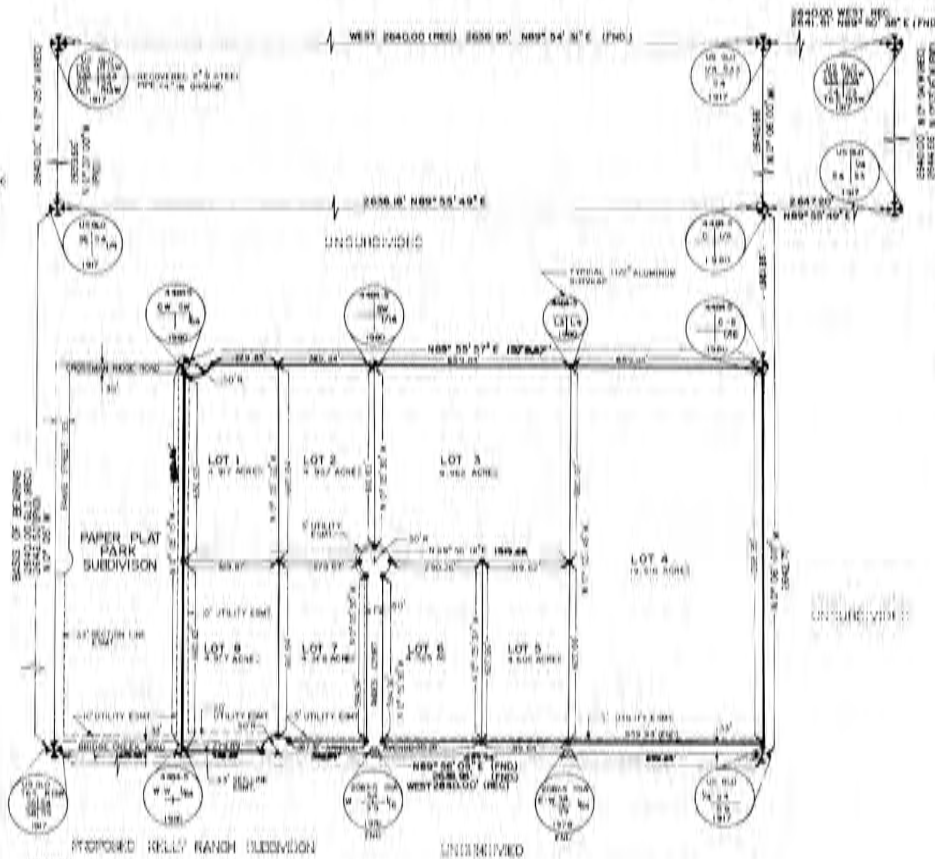
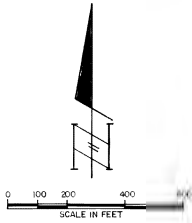
The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



Aerial with 5-foot Contours



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



LEGEND

- ⊕ ORIGINAL 1917 U.S. G.O. BRASS CAP MONUMENTS, RECOVERED
- ⊙ BERTHSEN A-1 30° ALUMINUM FEDERAL MONUMENTS, SET BY THIS SURVEY
- ⊙ 1/2" X 3/4" NEHAR WITH 1/2" ALUMINUM SURKAP NET
- ⊙ ALL CORNERS, UNLESS OTHERWISE NOTED
- ⊙ BERTHSEN A-1 30° ALUMINUM FEDERAL MONUMENTS, FOUND THIS SURVEY

GENERAL NOTES

1. RECORD INFORMATION WAS TAKEN FROM THE U.S.P.S. TOWNSHIP PLAT OF T.10, N.13W, S.1M, ALASKA.
2. ALL WASTE DISPOSAL SYSTEMS SHALL COMPLY WITH EXISTING LAWS AT THE TIME OF CONSTRUCTION.
3. BUILDING SETBACKS - A SETBACK OF 20 FEET IS REQUIRED FROM ALL STREET RIGHT-OF-WAYS UNLESS A LESSEE STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.

CERTIFICATE OF OWNERSHIP

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT WE HEREBY ADMIT THIS PLAN OF SUBDIVISION AND DEDICATE ALL RIGHT-OF-WAYS AND GRANT ALL EASEMENTS TO USE SHOWN.

BRIDGE CREEK COOPERATIVE, INC.
 2946 RIMBERGUE COURT
 ANCHORAGE, ALASKA 99504

Jay A. Farnwald
 JAY A. FARNWALD
 SECRETARY, B.C.C. INC.

Indur R. Glason
 INDUR R. GLASON
 PRESIDENT, B.C.C. INC.

NOTARY'S ACKNOWLEDGEMENT

ON THIS 12th DAY OF December, 1980, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC FOR THE STATE OF ALASKA, PERSONALLY APPEARED *Jay A. Farnwald* AND *Indur R. Glason*, KNOWN TO ME TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE OF OWNERSHIP AND DEDICATION, ACKNOWLEDGING TO ME THAT THEY EXECUTED THE SAME AS THEIR FREE AND VOLUNTARY ACT WITNESS MY HAND AND OFFICIAL SEAL.

Richard A. Lovelace
 RICHARD A. LOVELACE
 NOTARY PUBLIC FOR ALASKA

MY COMMISSION EXPIRES _____

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE SENIA PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF *May 12, 1980*.

SENAI PENINSULA BOROUGH

Philip W. ...

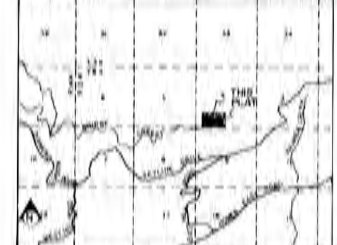


CERTIFICATE OF SURVEY

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

Lynn F. Wallace
 LYNN F. WALLACE, R.L.S.
 438015

VICINITY MAP



BRIDGE CREEK COOPERATIVE SUBDIVISION			
A SUBDIVISION OF			
E 3/4, S 1/2, SW 1/4, SEC 4			
T 05, N 13W, S. 1M, ALASKA			
CONTAINS 60 0.44 ACRES MORE OR LESS			
OWNER:	OND:	JTL ENGINEERING CO.	
BRIDGE CREEK COOPERATIVE, INC. (B.C.C. INC.)	OWNER:	BOX 8084 ANCHORAGE, ALASKA 99508	
2946 RIMBERGUE COURT ANCHORAGE, ALASKA	SCALE:	1" = 200'	
TOTAL LOTS:	DATE:	ORIGIN F.P.D.:	DRAWN BY:
8	12/12/80	ST LOVELY	JT LOVELY

31-5

RECORDED FILE NO. 1-40 81

9-50 81

2-20 81

Sullivan



City of Homer

www.cityofhomer-ak.gov

Planning
 491 East Pioneer Avenue
 Homer, Alaska 99603

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

Staff Report 24-055

TO: Homer Advisory Planning Commission
 FROM: Ryan Foster, AICP, City Planner
 DATE: November 6, 2024
 SUBJECT: Vacation of Farmwald Cir. Right of Way north of Arnold Ave.

Requested Action: Conduct a public hearing and make a recommendation on the vacation of Farmwald Cir. Right of Way within Bridge Creek Coop. Subdivision.

General Information:

Applicants:	Jay A. & Wilton J. Farmwald 6600 Gunnison Dr. Anchorage, AK 99516	Seabright Survey + Design 1044 East End Road, Suite A Homer, AK 99603
	City of Homer 491 E. Pioneer Ave. Homer, Alaska 99603	
Location:	North of Skyline Drive, outside Homer City limits, and within Bridge Creek Watershed Protection District.	
Parcel ID:	17370009, 17370008, 17370005, 17370004	
Zoning Designation:	Bridge Creek Watershed Protection District	
Existing Land Use:	Vacant, accessory buildings	
Surrounding Land Use:	North: Vacant, commercial South: Vacant, residential East: Vacant, accessory bldg. West: Vacant, residential	
Comprehensive Plan:	Chapter 4 Goal 2 Objective C: Provide extra protection for areas with highest environmental value or development constraints.	
Wetland Status:	Property contains riverine and discharge slope wetlands.	
Flood Plain Status:	Flood Hazard Area Zone X, outside the 0.2% annual flood chance	
Utilities:	City water and sewer are not available at this time.	
Public Notice:	Notice was sent to 21 property owners of 32 parcels as shown on the KPB tax assessor rolls.	

Analysis: This platting vacates the 50-foot Farmwald Circle right-of-way, located north of Arnold Avenue, within the Bridge Creek Watershed Protection District. The right of way to be vacated lies within an approximate discharge slope area, as mapped by the KWF Wetlands Assessment and KPB GIS. The surveyor further reports that the right-of-way terminates in a cul-de-sac within an area classified as riverine, with slopes of 20% or greater. This right-of-way area is undesirable for road construction, and its vacation supports Chapter 4, Goal 2, Objective C of the Homer 2018 Comprehensive Plan by supporting the need to protect sensitive environmental areas. The preliminary plat for Lots 1-A, 4A-1, and 6-A is designed to minimize development impact and provide additional protection within the Bridge Creek Watershed Protection District, aligning with these conservation objectives.

Lot Line Shifting: Please refer to: Preliminary Plat, Bridge Creek Coop. Subdivision 2024.

City of Homer Code does not address right of way vacations, but the Kenai Peninsula Borough code does. The Borough holds platting authority and the Homer Planning Commission is advisory to the Borough on platting matters. Staff is using relevant portions of KPB code for an analysis of the right of way vacation.

- KPB 20.65.030 - Vacation Criteria "Vacation of a platted public right-of-way, access, area, or other easement granted for public use or public benefit must conform to the requirements of this chapter and AS 29.40.120 through AS 29.40.160 as now enacted or as amended."

Staff response: The vacation of the Farmwald Circle right-of-way aligns with the public benefit, particularly concerning environmental protection within the Bridge Creek Watershed. Given that the watershed serves as a crucial public water source, maintaining the area under city ownership and oversight will support continued protection of water quality and allow for any necessary future access. The vacation is deemed appropriate as it does not disrupt current or anticipated access needs.

- KPB 20.65.050(D)(4) - Action on Vacation Application "The planning commission shall consider whether:... The vacation of a public right-of-way provides access to a lake, river, or other area with public interest or value, and if so, whether equal or superior access is provided."

Staff response: The proposed vacation will not impede access to any natural features of public interest within the Bridge Creek Watershed. This action does not affect public access; as equal access is provided.

- KPB 20.65.050(D)(6) - Action on Vacation Application "The planning commission shall consider whether:... Other public access, other than general road use, exists or is feasible for the right-of-way."

Staff response: There are existing access ways from Arnold Avenue as well as Copalis Street to the west, which provide adequate routes that continue to support public safety, water quality, and watershed protection. These uses will remain and be unaffected.

- KPB 20.65.050(D)(7) - Action on Vacation Application "The planning commission shall consider whether:... All existing and future utility requirements are met. Rights-of-way which are utilized by a utility, or which logically would be required by a utility, shall not be vacated unless it can be demonstrated that equal or superior access is or will be available."

Staff response: As Farmwald Circle does not contain active utility infrastructure that supports public services within the watershed, this vacation does not compromise utility needs. Existing utility easements serve the area.

Public Works Comments: Public Works reviewed the plats and responded that they did not have any comments.

Staff Recommendation:

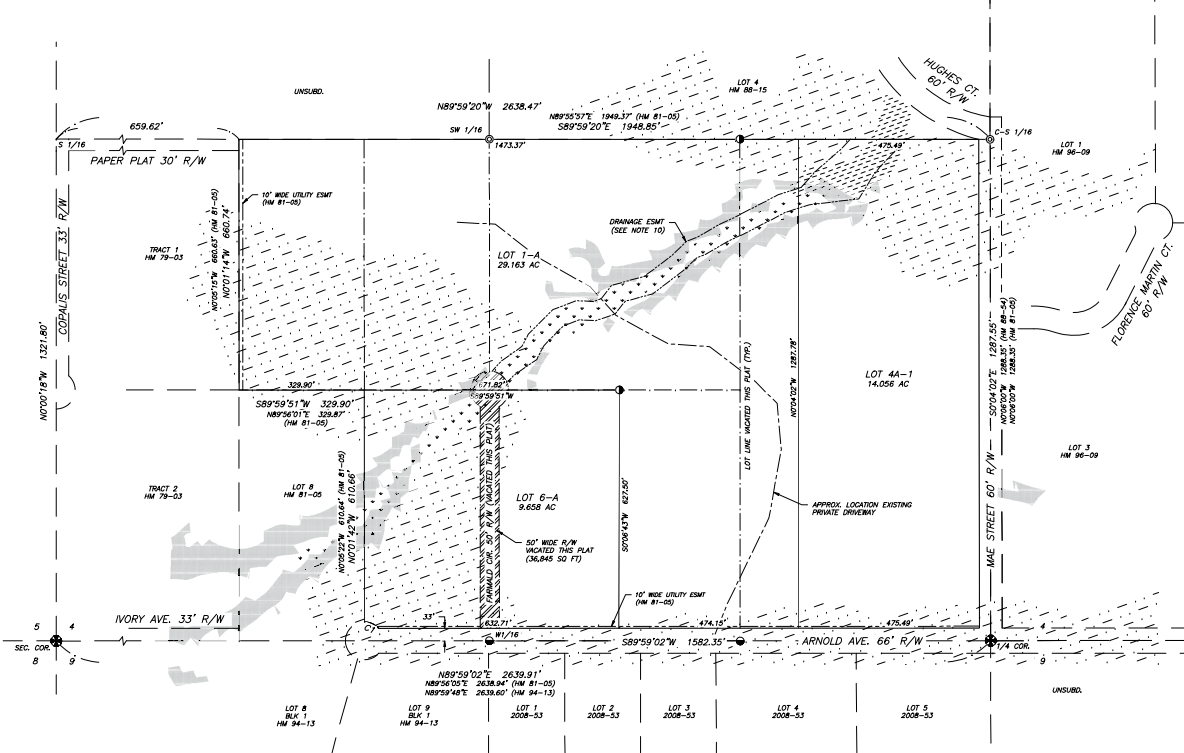
Recommend approval of the vacation of the Farmwald Circle right-of-way within the Bridge Creek Watershed District.

Attachments:

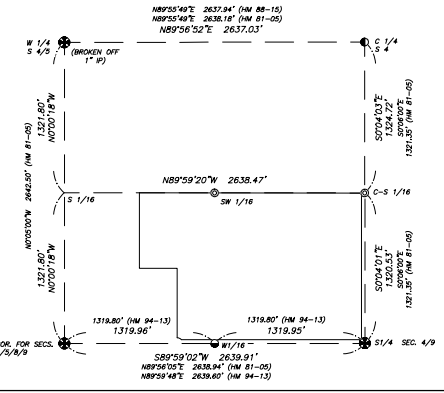
1. Vacation petition
2. Public Notice
3. Aerial Map
4. ROW Vacation Diagram

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. LOTS ARE OR WILL BE SERVED BY ONSITE WATER AND SEWER.
5. THERE IS A RIGHT OF WAY EASEMENT GRANTED TO HOMER ELECTRIC ASSOC., INC. THAT AFFECTS THIS SUBDIVISION, RECORDED BK 119, PG 935 HRD.
6. THERE IS A RIGHT OF WAY EASEMENT GRANTED TO HOMER ELECTRIC ASSOC., INC. THAT AFFECTS THIS SUBDIVISION, RECORDED BK 33, PG 34 HRD.
7. THERE IS AN EASEMENT FOR ROADWAY & APPURTENANCES IN FAVOR OF JAY ALAN FARMWALD THAT AFFECT THIS SUBDIVISION, RECORDED BK 55, PG 854, BK 152, PG 837 & BK 155, PG 840 HRD.
8. THERE IS AN AGREEMENT THAT AFFECTS THIS SUBDIVISION RECORDED BK 187 PG 56 HRD.
9. THERE IS AN AGREEMENT THAT AFFECTS THIS SUBDIVISION, RECORDED BK 250, PG 740 HRD.
10. THERE ARE AN EASEMENTS FOR WATER STREAM DRAINAGE & APPURTENANCES IN FAVOR OF CITY OF HOMER THAT AFFECTS THIS SUBDIVISION, RECORDED #2022-003817-0 HRD & #2023-000803-0 HRD.



SW1/4 SECTION 4
SCALE: 1" = 500'



LEGEND

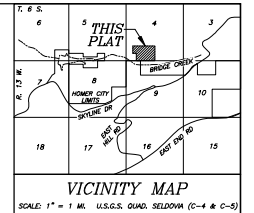
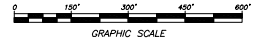
- ① FND 1.5" AC 4484-S 1980
 - ② FND 3.25" AC 4484-S 1980
 - ③ FND 1.25" AC 4184-S 1987
 - ④ FND 3.25" AC 2087-S 1978
 - ⑤ FND 2.5" BC 1917
- APPROX. AREA RIVERINE (KWF WETLANDS ASSESSMENT, KPB GIS)
 - APPROX. AREA DISCHARGE SLOPE (KWF WETLANDS ASSESSMENT, KPB GIS)
 - APPROX. AREA HEADWATER FEN (KWF WETLANDS ASSESSMENT, KPB GIS)
 - APPROX. AREAS OF 20% SLOPE OR GREATER (KPB GIS)
 - R/W VACATED THIS PLAT

WASTEWATER DISPOSAL
LOTS WHICH ARE AT LEAST 200,000 SQUARE FEET IN SIZE MAY BE SUITABLE FOR ONSITE WASTEWATER TREATMENT AND DISPOSAL. ANY WASTEWATER TREATMENT OR DISPOSAL SYSTEM MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

PLAT APPROVAL
THIS PLAT WAS APPROVED BY THE HENNA PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF _____, 2024

BY: _____ DATE: _____
AUTHORIZED OFFICIAL
HENNA PENINSULA BOROUGH

CURVE TABLE					
CURVE #	LENGTH	RADIUS	DELTA	CH. BEARING	CH. LENGTH
C1	42.51'	50.00'	48°42'44"	N85°40'20"W	41.24'



CERTIFICATE OF OWNERSHIP

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

- JAY A. FARMWALD, 8600 GUNNISON DRIVE, ANCHORAGE, AK 99516 (FORMER LOTS 1, 2, 3, & 5)
- MILTON J. FARMWALD, 8600 GUNNISON DRIVE, ANCHORAGE, AK 99516 (FORMER LOT 4A)
- MELISSA JACOBSON, CITY MANAGER, 491 E. PIONEER AVENUE, HOMER, AK 99603 (FORMER LOTS 6 & 7)

NOTARY'S ACKNOWLEDGMENT

FOR: _____
ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2024.
NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES _____

NOTARY'S ACKNOWLEDGMENT

FOR: _____
ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2024.
NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES _____

NOTARY'S ACKNOWLEDGMENT

FOR: _____
ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2024.
NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES _____

HOMER RECORDING DISTRICT KPB FILE NO. 2024-____

BRIDGE CREEK COOP. SUBDIVISION 2024 REPLAT

A REPLAT OF LOTS 1, 2, 3, 5, 6 & 7, BRIDGE CREEK COOP. SUBDIVISION (HM 81-05), & LOT 4A BRIDGE CREEK COOP. SUBDIVISION NO. 2 (HM 88-54), LOCATED IN THE SW1/4 SEC. 4, T. 6 S., R. 13 W., SEWARD MERIDIAN, KENAI PENINSULA BOROUGH, THIRD JUDICIAL DISTRICT, ALASKA

CONTAINING 52.877 ACRES

SEABRIGHT SURVEY + DESIGN
KATHERINE A. KIRSIS, P.L.S.
1044 EAST END ROAD, SUITE A
HOMER, ALASKA 99603
(907) 299-1580

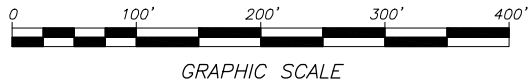
OWNERS: JAY A. FARMWALD & MILTON J. FARMWALD
8600 GUNNISON DR., ANCHORAGE, AK 99516
CITY OF HOMER
491 E. PIONEER AVENUE, HOMER, AK 99603

DRAWN BY: KK CHKD BY: KK JOB #2024-77
DATE: 10/2024 SCALE: 1"=150' SHEET #1 OF 1

BRIDGE CREEK COOP. SUBDIVISION
2024 REPLAT
RIGHT-OF-WAY VACATION DIAGRAM

A REPLAT OF LOTS 1, 2, 3, 5, 6 & 7, BRIDGE CREEK COOP. SUBDIVISION (HM 81-05), & LOT 4A BRIDGE CREEK COOP. SUBDIVISION NO. 2 (HM 88-54), LOCATED IN THE SW1/4 SEC. 4, T. 6 S., R. 13 W., SEWARD MERIDIAN, KENAI PENINSULA BOROUGH, THIRD JUDICIAL DISTRICT, ALASKA

SEABRIGHT SURVEY + DESIGN
KATHERINE A. KIRSIS, P.L.S.
1044 EAST END ROAD, SUITE A
HOMER, ALASKA 99603
(907) 299-1580



LOT 1
(HM 81-05)
PROPOSED LOT 1-A

LOT 2
(HM 81-05)
PROPOSED LOT 1-A

LOT 3
(HM 81-05)
PROPOSED LOT 1-A

LOT 8
HM 81-05

LOT 7
(HM 81-05)
PROPOSED LOT 6-A

LOT 6
(HM 81-05)
PROPOSED LOT 6-A

LOT 5
(HM 81-05)
PROPOSED LOT 1-A

FARMALD CIR. 50' R/W

50'

R/W AREA TO BE VACATED
(36,845 SQ. FT.)

10' WIDE UTILITY ESMT
(HM 81-05)

ARNOLD AVE. 66' R/W

LOT 9
BLK 1
HM 94-13

LOT 1
2008-53

LOT 2
2008-53



City of Homer

www.cityofhomer-ak.gov

Planning

491 East Pioneer Avenue
Homer, Alaska 99603

Planning@ci.homer.ak.us

(p) 907-235-3106

(f) 907-235-3118

Addendum SR 24-055

TO: Homer Planning Commission
THROUGH: Ryan Foster, City Planner
FROM: Will Anderson, Associate Planner
DATE: 11/5/24
SUBJECT: Vacation of Farmwald Cir. Right of Way, Additional Comment

At the property owner's request, the surveyor proposes an amendment to the preliminary plat to reflect a vacation of the existing utility easement adjacent to the vacated Farmwald Circle 50' right-of-way on Lot 6-A. In place of the existing easement, a new 20-foot utility easement will be dedicated along the west boundary of Lot 6-A as part of the replat. This new easement is intended to serve the northwest portion of the newly created Lot 1-A.

Staff Recommendation:

Recommend approval of the vacation of the Farmwald Cir. right-of-way with the following comment.

1. In place of the existing utility easement along Farmwald Circle, a new 20-foot utility easement will be designated along the west boundary of Lot 6-A as part of the replat.

H. SMITH/CONLEY MOVED TO ADOPT STAFF REPORT 24-054 WITH FINDINGS 1-10 AND THE FOLLOWING CONDITIONS:

1. INSTALL APPROVED COMMUNITY SEWER SERVICE TO THE STRUCTURES.
2. OUTDOOR LIGHTING MUST BE DOWN LIT PER HCC 21.59.030 AND THE COMMUNITY DESIGN MANUAL.
3. PROVIDE DRAINAGE FLOW ARROWS ON THE FULL SITE PLAN SHOWING ALL FUTURE STRUCTURES. INDICATE IF DRIVEWAY IS PAVED.
4. THE APPLICANT WILL SUBMIT A ZONING PERMIT TO THE PLANNING DEPARTMENT AND DEMONSTRATE ALL APPLICABLE REQUIREMENTS OF HCC 21.44 SLOPE AND COASTAL DEVELOPMENT HAVE BEEN MET.

Commissioner H. Smith stated that a lot of things come on him about steep slope development, and that this project isn't unique to those challenges. He added that people who own steep slope property know the dangers they take on when they choose to develop there, and that this is not an onus that the City has to be a party to.

Commissioner Conley echoed Mr. Smith's comments, noting that development on the bluff seems to be a recurring theme for the Commission. He suggested the Commission revisit the coastal setbacks again as the town develops and infill becomes more of a topic.

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

VOTE: YES: S. SMITH, H. SMITH, CONLEY, STARK, VENUTI.

Motion carried.

- B. A Proposal to Vacate the Farmwald Circle Right-of-Way within the Bridge Creek Coop. Subdivision, Located in the E 3/4, S 1/2, SW 1/4, SEC. 4 T. 6S, R13W, S.M. ALASKA, Staff Report 24-055 Addendum SR 24-055

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

Chair S. Smith stated that he needed to declare a potential conflict of interest, noting that he lives on the property to the east of Clearwater. He stated that he resides outside of the notification zone, but felt it appropriate to disclose this information. He then passed the gavel to Commissioner Venuti to consider the potential conflict of interest.

SCHNEIDER/H. SMITH MOVED THAT CHAIR S. SMITH HAS A CONFLICT OF INTEREST.

Chair S. Smith stated that his declaration was for precautionary purposes, adding that he has visual view of the property out of his front door, but that he doesn't know the applicant. He clarified that he has no financial gain from this application, just that he resides in the neighborhood.

Commissioner Venuti requested the Clerk to perform a roll-call vote.

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

Motion failed.

Commissioner Venuti returned the gavel to Chair S. Smith.

Commissioner Conley stated that he needed to declare a potential conflict of interest, stating that he owns the lot adjacent to the northwest of Mr. Farmwald's property. He added that the vacation of this right-of-way could have some perception on the effect of his property access.

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

Commissioner Stark asked Commissioner Conley if his proximity to the property would affect his vote. Mr. Conley shared that he and the Applicant have discussed access to each other's properties in the past, but he was unsure if it would affect his vote. He added that he certainly has a different perception and position than the rest of the Commission.

Chair S. Smith questioned if the potential vacation would negatively or positively affect the value of Mr. Conley's property, or work that he may have to do to access his property. Mr. Conley affirmed that this would affect his property. He then pointed out that the next agenda item also pertains to this same property.

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

VOTE: YES: H. SMITH, STARK, VENUTI, S. SMITH, SCHNEIDER.

Motion carried.

Commissioner Conley stepped out of the room for the remainder of this business item, as well as the plat consideration for Staff Report 24-056.

Chair S. Smith opened the floor for the Applicant, Jay Farmwald, who explained that the City previously bought Lots 6, 7, and 8 to protect the watershed, noting that Farmwald Circle and half the cul-de-sac lie on City property. As the owner of Lots 1, 2, 3, and 5, Mr. Farmwald stated that he relies on this road easement for access to Lots 2, 3, and 5. He shared that he had agreed to provide a drainage easement to protect the creek when the City purchased the lots, and also supports vacating Farmwald Circle to align with watershed protection goals.

Mr. Farmwald stated that this property was originally platted in 1981, predating the creation of the Watershed Protection District. He added that he is updating the plat to reflect watershed priorities. He said that he plans to combine Lots 1, 2, 3, and 5 into a single 29-acre lot. He concluded his statement by informing the Commission that upon the vacation of Farmwald Circle, the property will revert back to the City.

Chair S. Smith then opened the public hearing period.

Scott Adams, city resident, shared his concern that Commissioner Conley's property might be landlocked from ever being developed should the Farmwald Circle-vacation be approved.

Chair S. Smith closed the public hearing period, and opened the floor to comments and questions from the Commission.

Given that Lots 1, 2, 3, 4, and 5 are owned by either Mr. Farmwald or his son, Commissioner H. Smith questioned if the City has ever shown interest in acquiring any of these lots. Mr. Farmwald stated that the City has not approached him about these properties. He added that this is a legacy property that will transfer to his son eventually, and that he has no plans of selling the land.

Addressing the comment made during the public hearing period, Mr. Farmwald insisted that the vacation won't land lock Mr. Conley's property.

SCHNEIDER/VENUTI MOVED TO RECOMMEND APPROVAL OF THE VACATION OF THE FARMWALD CIRCLE RIGHT-OF-WAY WITHIN THE BRIDGE CREEK WATERSHED DISTRICT WITH THE FOLLOWING COMMENT:

1. IN PLACE OF THE EXISTING UTILITY EASEMENT ALONG FARMWALD CIRCLE, A NEW 20-FOOT UTILITY EASEMENT WILL BE DESIGNATED ALONG THE WEST BOUNDARY OF LOT 6-A AS PART OF THE REPLAT.

There was no further discussion.

VOTE: NON-OBJECTION: UNANIMOUS CONSENT.

Motion carried.

PLAT CONSIDERATION

- A. Staff Report 24-056, Bridge Creek Coop. Subdivision 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, Jay Farmwald, who mentioned that vacating the utility easement and shifting it to a 20-footer on the west side of Lot 6-A maintains the potential for utility access to the western portion of his new 29-acre lot.

Chair S. Smith opened the public hearing period. With no one wishing to speak, Chair S. Smith closed the public hearing and opened the floor to questions and comments from the Commission to either the Applicant or the City Planner. Seeing no further comments or questions, Chair S. Smith requested a motion and second.

SCHNEIDER/H. SMITH MOVED TO ADOPT STAFF REPORT 24-056 AND RECOMMEND APPROVAL OF THE PRELIMINARY PLAT WITH THE FOLLOWING COMMENTS:

1. THE SPELLING OF "FARMALD CIR. 50' R/W" ON BOTH THE PRELIMINARY PLAT AND THE RIGHT-OF-WAY VACATION DIAGRAM BE CORRECTED TO "FARMWALD CIR. 50' R/W."
2. THE ADDITION OF A PLAT NOTE: ALL LOTS ARE LOCATED WITHIN THE BRIDGE CREEK WATERSHED PROTECTION DISTRICT AND ARE SUBJECT TO CITY OF HOMER REGULATIONS. CHECK WITH HOMER PLANNING PRIOR TO ANY DEVELOPMENT ACTIVITIES.