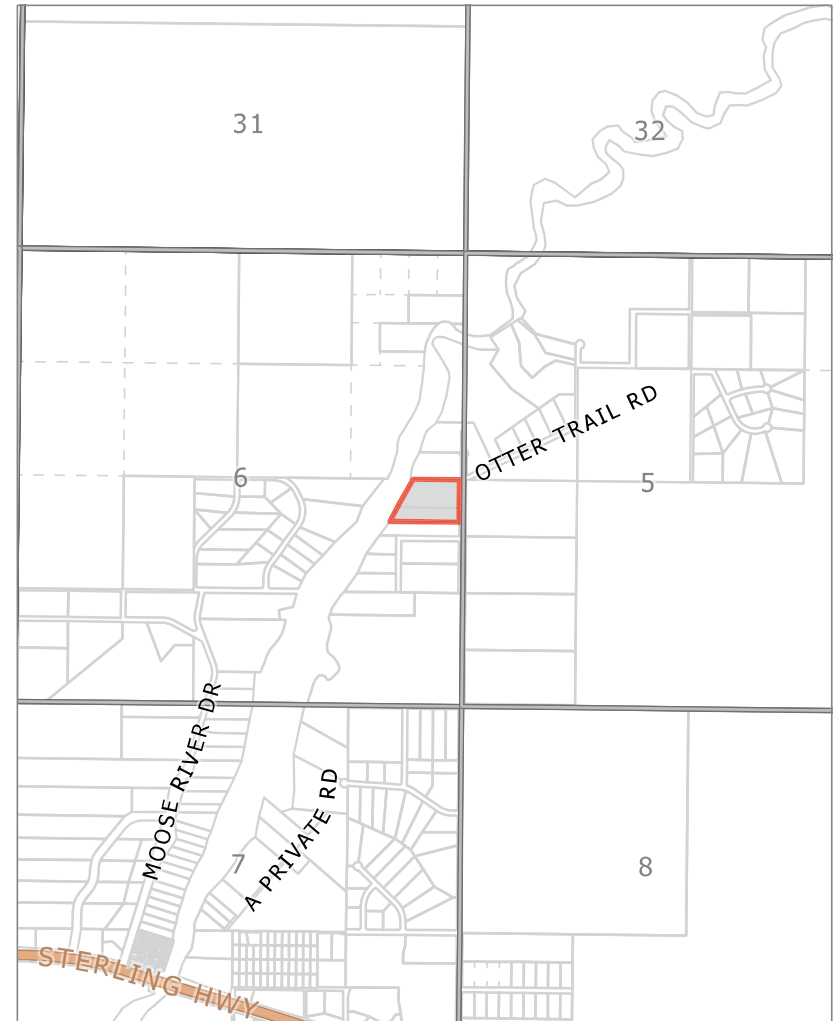


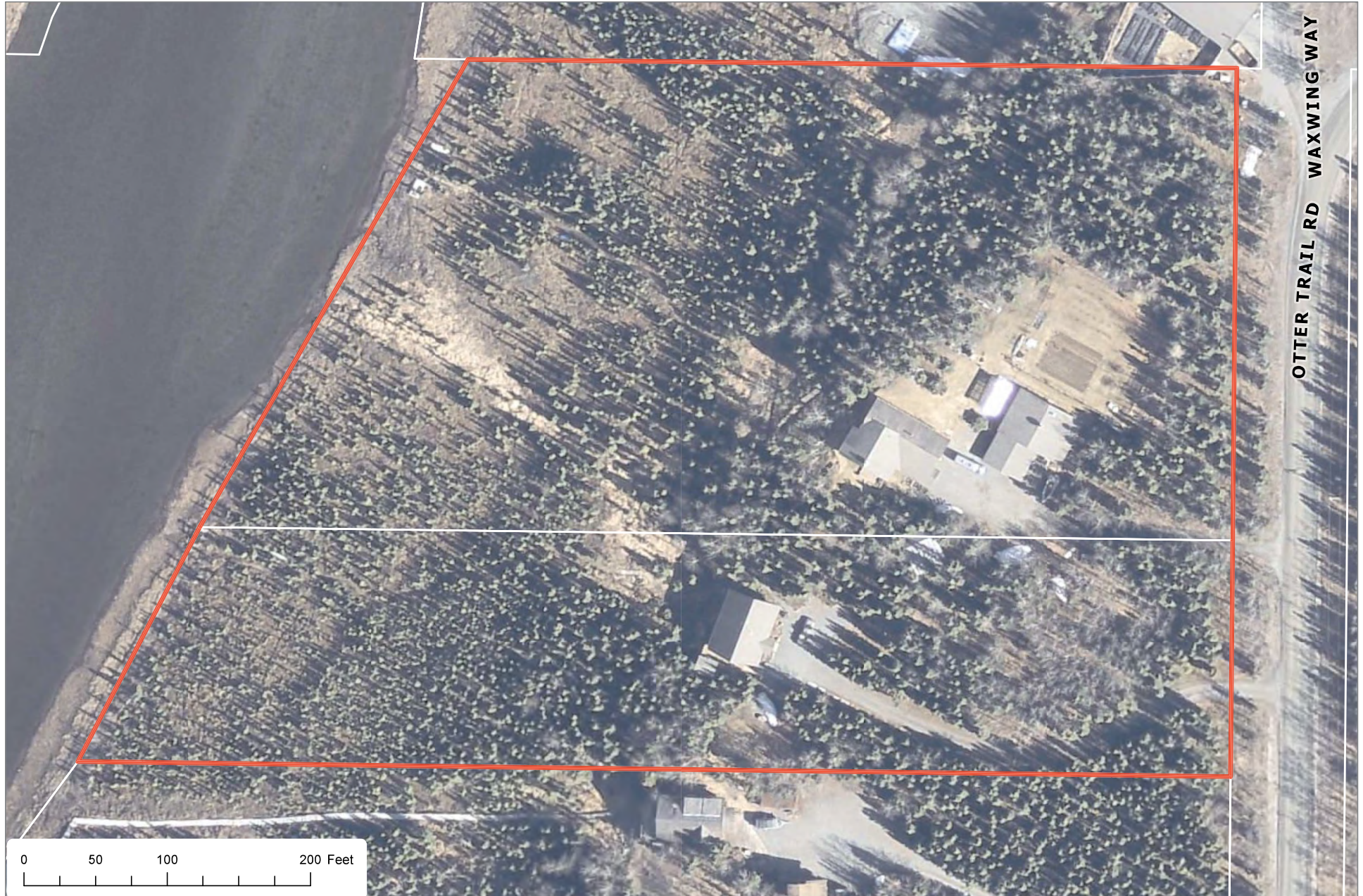
## **E. NEW BUSINESS**

- 6. Swan View Subdivision 2025 Replat; KPB File 2025-080  
McLane Consulting Group / Kuiper, Hummel  
Location: Otter Trail off the Sterling Highway  
Sterling Area**



KPB File 2025-080  
T 5N R 8W Sec 6  
Sterling





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.



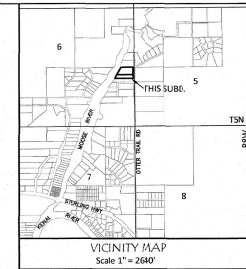
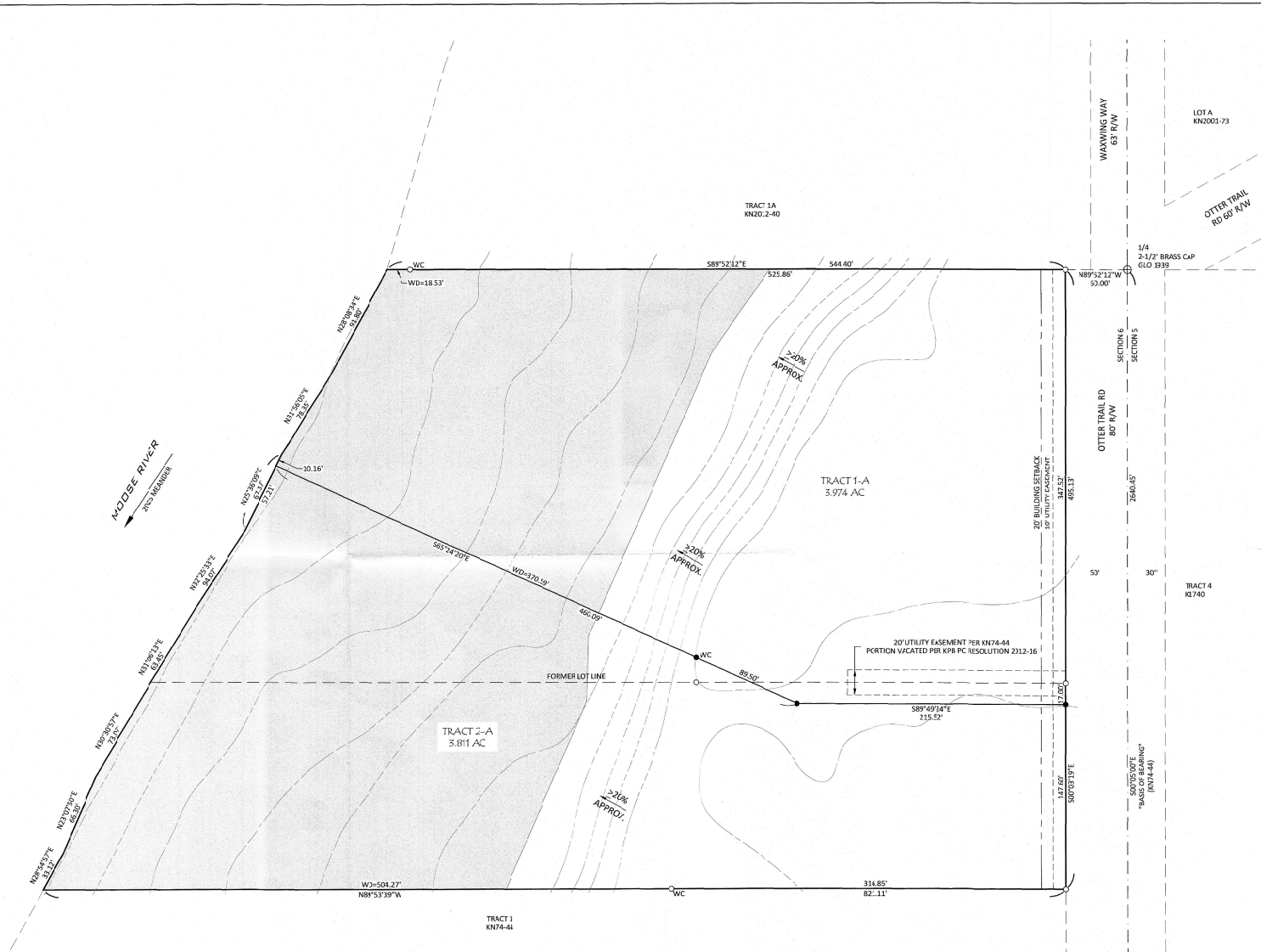
PLAT APPROVAL  
THIS PLAT WAS APPROVED BY THE KENAI PENINSULA  
BOROUGH PLANNING COMMISSION AT THE MEETING  
OF , 2025.

AUTHORIZED OFFICIAL

**KPB 2025-080**

#### LEGEND

- ⊕ FOUND PRIMARY MONUMENT AS DESCRIBED
- FOUND 5/8" REBAR UNLESS NOTED
- SET 5/8"x30" REBAR w/ 1" BLUE PLASTIC  
CAP IS-211269
- DISCHARGE SLOPE
- CONTOUR INTERVAL = 5'
- APPROX. APPROXIMATE SLOPES OVER 20%



#### NOTES

1. WATER SUPPLY AND SEWAGE DISPOSAL SYSTEMS SHALL BE PERMITTED ONLY IN CONFORMANCE WITH APPLICABLE REQUIREMENTS OF 18 AAC 72 AND 18 AAC 88.
2. BUILDING UTILITY TRACK: A BUILDING UTILITY TRACK OF 20 FT IS REQUIRED FROM ALL STREET RIGHTS-OF-WAY UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
3. THE FRONT 10 FEET OF THE 20 FOOT BUILDING UTILITY TRACK ADJOINING RIGHTS-OF-WAY IS A UTILITY EASEMENT HEREBY GRANTED.
4. 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.
5. THE NATURAL MEANDER OF THE ORDINARY HIGHWATER OF THE MOOSE RIVER FORM THE TRUE BOUNDS OF ALL PARCELS. THE 2025 MEANDER LINE IS SHOWN FOR SURVEY COMPUTATIONS ONLY. THE TRUE CORNER BEING ON THE EXTENSION OF THE SIDE LINES AND THE INTERSECTION WITH THE NATURAL MEANDERS.
6. FLOOD HAZARD NOTICE.
- 6.1. SOME OF 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 2 OF THE DATE 1-95 PLAT IS RECORDED WITH THE DISTRICT RECORDS OFFICE. PRIOR TO DEVELOPMENT, THE KENAI PENINSULA BOROUGH FLOODPLAIN ADMINISTRATOR SHOULD BE CONTACTED FOR CURRENT INFORMATION AND REGULATIONS.
7. DEVELOPMENT MUST COMPLY WITH CHAPTER 21.06 OF THE KENAI PENINSULA BOROUGH CODE.
- 7.1. ANADOMOS WATERS-HABITAT PROTECTION DISTRICT NOTE: PORTIONS OF THE SUBDIVISION ARE WITHIN THE KENAI PENINSULA BOROUGH ANADOMOS WATERS-HABITAT PROTECTION DISTRICT. SEE KPB CHAPTER 21.16, AS MAY BE AMENDED, FOR RESTRICTIONS THAT AFFECT DEVELOPMENT IN THIS SUBDIVISION. WIDTH OF THE HABITAT PROTECTION DISTRICT SHALL BE IN ACCORDANCE WITH CHAPTER 21.18.060.
8. ANY PERSON DEVELOPING THE PROPERTY IS RESPONSIBLE FOR OBTAINING LOCAL, STATE, AND FEDERAL PERMITS, INCLUDING A U.S. ARMY CORPS OF ENGINEERS WETLAND DETERMINATION IF APPLICABLE.

#### CERTIFICATE OF OWNERSHIP AND DEDICATION

I HEREBY CERTIFY THAT I AM THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND I HEREBY ADOPT THIS PLAN OF SUBDIVISION AND BY MY FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

ROBERT J. KUIPER  
PO BOX 342  
STERLING, AK 99672

#### NOTARY'S ACKNOWLEDGEMENT

FOR: ROBERT J. KUIPER  
ACKNOWLEDGED BEFORE ME THIS  
DAY OF , 2025  
MY COMMISSION EXPIRES :  
NOTARY PUBLIC FOR THE  
STATE OF

Plat #
Rec Date
Date
Time



SWAN VIEW SUBDIVISION 2025 REPLAT  
REPLAT OF TRACT 1 AND 2 SWAN VIEW SUBDIVISION (KN74-44)

OWNER:  
ROBERT J. KUIPER  
PO BOX 342, STERLING, AK 99672

7.35 AC. M/L SITUATED IN THE SE1/4 OF SECTION 6, TOWNSHIP 5  
NORTH, RANGE 8 WEST, SEWARD MERIDIAN, KENAI PENINSULA  
BOROUGH, AND THE KENAI RECORDING DISTRICT, ALASKA.

 ENGINEERING - TESTING SURVEYING - MAPPING P.O. BOX 468 86301 ALASKA 99588 VOICE: (907) 265-4218 FAX: (907) 265-0818 WWW.MLANC-ALASKA.COM	KPB File No.	2025-XXXX
	Project No.	252010

Scale 1" = 40'	Date : MAY 2025	BOOK NC : 24-05	Drawn by : A/H
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AGENDA ITEM E. NEW BUSINESS

**ITEM #6 - PRELIMINARY PLAT  
Swan View Subdivision 2025 Replat**

<b>KPB File No.</b>	2025-080
<b>Plat Committee Meeting:</b>	June 9, 2025
<b>Applicant / Owner:</b>	Robert Kuiper and Judy Hummel / Sterling
<b>Surveyor:</b>	Andrew Hamilton / McLane Consulting, Inc.
<b>General Location:</b>	Otter Trail Area

<b>Parent Parcel No.:</b>	065-480-14 and 065-480-15
<b>Legal Description:</b>	T 5N R 8W SEC 6 SEWARD MERIDIAN KN 0740044 SWAN VIEW SUB TRACT 1 & Tract 2
<b>Assessing Use:</b>	Residential
<b>Zoning:</b>	Rural Unrestricted
<b>Water / Wastewater</b>	On Site / On Site
<b>Exception Request</b>	20.40.040

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**STAFF REPORT**

**Specific Request / Scope of Subdivision:** The proposed plat will subdivide two parcels of 2.854-acres and 4.672-acres into two new parcels of size 3.811-acres and 3.974-acres.

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

Legal Access to the plat is along Otter Trail Rd on the east side. Otter Trail Rd runs south to Sterling Highway near mile marker 81.4. Otter Trail Rd is an 80' dedication that is Borough maintained.

The plat is not proposing any new dedication as 50' has been dedicated from the parent plat.

The plat is affected by a section line easement on the east side in Otter Trail Rd. **Staff recommends** the surveyor verify the section line easement and identify the limits of the SLE on the drawing.

Block length is not compliant, but due to the Moose River being located on the west side of the plat, there is no option for the plat to dedicate a road for relief of block length. Staff recommends the Plat Committee concur an exception to KPB 20.30.170 Block – Length requirements is not needed at this time.

KPB Roads Dept RSA review	Out of Jurisdiction: No  Roads Director: Uhlin, Dil Comments: No comments
SOA DOT comments	

**Site Investigation:**

The site contains several structures located between the two tracts. This plat is being completed to fix the encroachment of a shed from Tract 1 onto Tract 2 at the joint line between the tracts. The front line is being moved seventeen feet south to accommodate the encroachment and then running west for 215.52 feet before angling northwesterly to the bank of the Moose River to complete the line between the newly create tracts.

There are steep areas located on the plat as indicated with the directional arrows and greater then 20% labels in the middle of the tracts, which would be located behind the structures on the plat.

There are wetlands located on the plat indicated with the darker hatched area. The KWF Wetlands Assessment indicates this area to be identified as Discharge Slope.

The River Center review has identified the plat to be located in a FEMA flood hazard area. The note in KPB 20.30.280(D) is included on the plat, the FEMA Panel and flood zones, need to be included in the note and depicted on the plat drawing.

The River Center review also indicated the plat to be located in a Habitat Protection District. The note in KPB 20.30.290 is included in the plat notes. The State of Alaska Fish and Game also indicated Moose River to be an Anadromous habitat in their review.

KPB River Center review	<p>A. Floodplain</p> <p>Reviewer: Hindman, Julie Floodplain Status: IS in flood hazard area Comments: Is within a flood hazard area. Plat notes required and depiction of the AE zone should be included.</p> <p>Flood Zone: AE, X (unshaded) Map Panel: 02122C-0390F In Floodway: False 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 are within the jurisdiction of KPB 21.18 and River Center should be consulted prior to work.</p>
State of Alaska Fish and Game	Moose River is cataloged as anadromous (A WC: 244-30-10010-2063) and is important habitat for Chinook, coho, pink, & sockeye salmon as well as Pacific lamprey.

### **Staff Analysis**

The land was originally surveyed by the US General Land Office in August 1939 to October 1939 and accepted in 1941. The area was surveyed as Lots 24, 25, 26 & 27 of Section 6, Township 5 West, Range 8 West SM Alaska. Swan View Subdivision KN74-44 subdivided these lots into seven tracts and three dedications. This platting action is replating two of the tracts.

A soils report will be required and an engineer will sign the final plat as the new lots are below 200,000 sq ft. The surveyor has requested an exception to KPB 20.40.040 Conventional onsite soils absorption systems to be reviewed at the end of the staff report.

Per the preliminary Certificate to Plat, beneficial interest holders do not affect the proposed plat. Notification per KPB 20.10.100 will not be required unless the final Certificate to Plat states the property is affected by beneficial interest holders.

The property is not within an advisory planning commission.

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



There appears to possibly be encroachment issue on the north line of Tract 1-A as per the KPB GIS information. **Staff recommends** the surveyor watch for issues when doing the field survey for any issues and note them to staff and land owners along with how they plan to rectify the issues if found.

### **Utility Easements**

The 20' Utility easement from the parent plat is being carried forward on the joint line between Tracts 1 & 2. The rear portion was vacated by PC Resolution 2012-16 retaining the front 175' as shown. **Staff recommends** the note be revised to change 'vacated' to 'retained' per KPB PC Resolution 2012-16.

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

HEA has sent a comment for a new easement between the 20' utility easement and the new line between the tracts. The comment is included in the packet for viewing.

### **Utility provider review:**

HEA	See comment
ENSTAR	
ACS	No comment
GCI	No comment
SEWARD ELECTRIC	
CHUGACH ELECTRIC	
FASTWYRE	

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

Addressing Review	<p>Reviewer: Leavitt, Rhealyn  Affected Addresses:  39465 OTTER TRAIL RD, 39429 OTTER TRAIL RD</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names:  OTTER TRAIL RD, WAXWING WAY</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:  THIS ACTION WILL NOT AFFECT PROPERTY ADDRESSES.</p>
Code Compliance	<p>Reviewer: Ogren, Eric  Comments: No comments</p>
LOZMS Review Planner	
Assessing Review	<p>Reviewer: Windsor, Heather  Comments: No comments</p>

## **STAFF RECOMMENDATIONS**

### **CORRECTIONS / EDITS**

Add to the Plat Approval the date of June 9, 2025

#### *PLAT NOTES TO ADD*

- Acceptance of this plat by the Borough does not indicate acceptance of any encroachments.
- Add plat not for approval of exception, if approved.

---

### **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:**

Add Judy A. Hummel as an owner in the Title Block and under the Certificate of Ownership and Dedication. Modify the KPB File No to 2025-080

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 recommendation:**

On diagonal part of Otter Trail Rd, move Rd to the first line behind Trail.  
Label the limit of the section lien easements on the drawing

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:**

Flag in Otter Trail Rd to the diagonal portion on the map

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:**

Revise the joint easement on the former line of Tracts 1 & 2 as this portion is retained by the resolution.

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

**Staff recommendation:**

Identify any encroachments and note solution.

---

### **KPB 20.30 – Subdivision Design Requirements**

**Staff recommendation:** *final plat submittals must comply with 20.30. Additional information, revisions, and/or corrections are required as noted below.*

---

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



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

20.40.010 Wastewater disposal.

*Platting Staff Comments:*

**Staff recommendation:** comply with 20.40.

---

**KPB 20.60 – Final Plat**

**Staff recommendation:** final plat submittals must comply with 20.60. Additional information, revisions, and/or corrections are required as noted below.

**EXCEPTIONS REQUESTED:**

**A. KPB 20.40.040 Conventional onsite soil absorption systems**

Surveyor's Discussion:

Requesting exception to requiring a soils analysis and report for this subdivision

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

1. The primary purpose of this plat is to adjust the common lot line between Tract 1 and Tract 2 to eliminate encroachment consisting of a shed straddling the property lines.
2. Both Tract 1 and 2 are already developed lots with existing homes, well and wastewater systems.
3. The proposed lots exceed the required 40,000 square foot minimum lot size and exceed the minimum 20,000 square feet of continuous usable land as described in KPB 20.40.040(4)(a).
4. This plat does not create any additional lots suitable for development.

Staff Discussion:

**20.40.040. - Conventional onsite soil absorption systems.**

A. If any lots within a subdivision will utilize conventional onsite soil absorption systems and are less than 200,000 square feet, the following requirements must be met and submitted to the planning director:

1. A soils analysis and report, sealed by a qualified engineer, which meets the requirements of KPB 20.40.100;

Findings.

5. Unnecessary spending is not what the borough is intending to impose on the public.
6. Granting the exception will not cause any inconveniences to the adjoining neighbors.

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, 2, 4 & 5 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 1-6 appear to support this standard.**

3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.

**Findings 1-4 & 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.

---

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

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

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

**END OF STAFF REPORT**

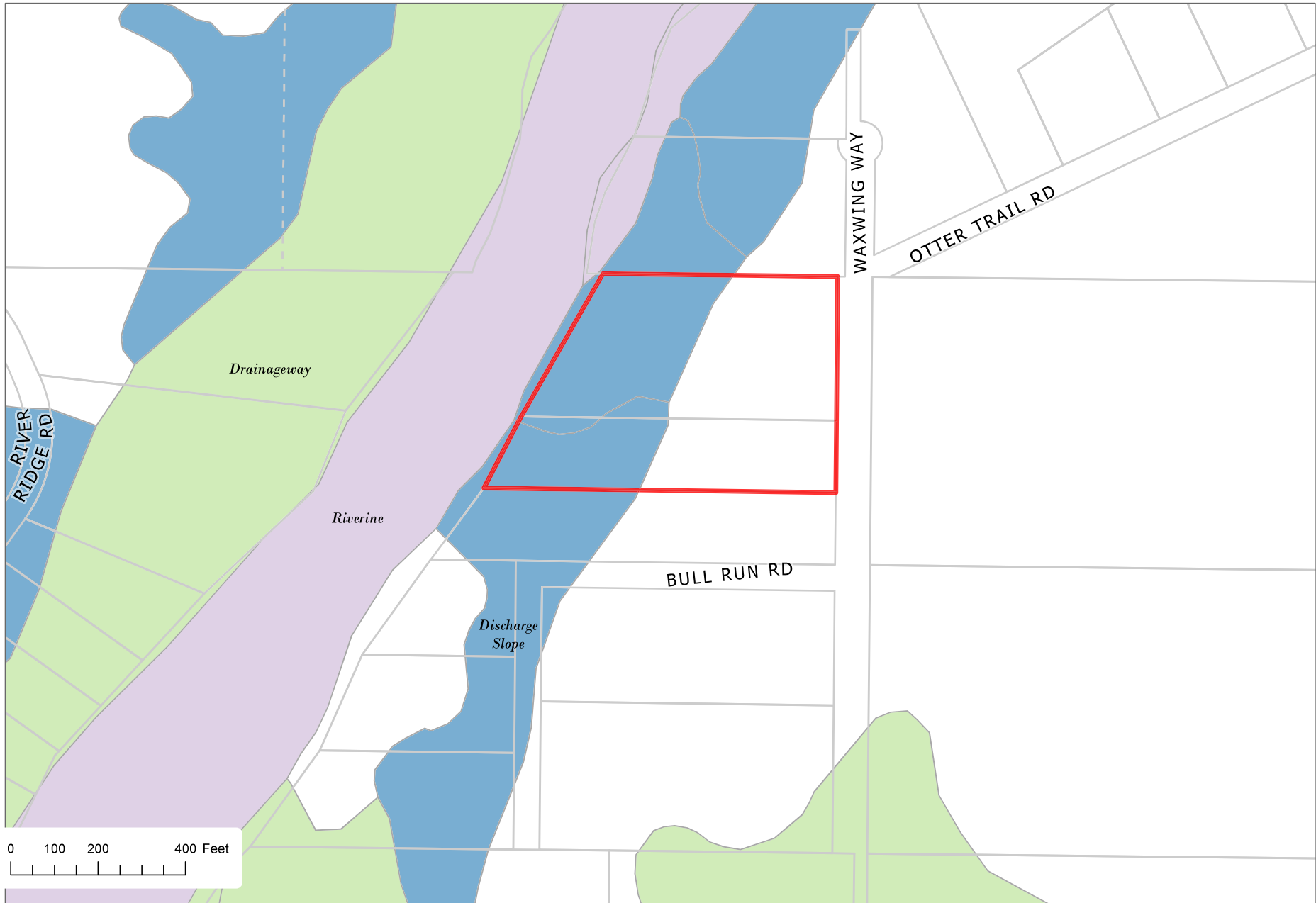
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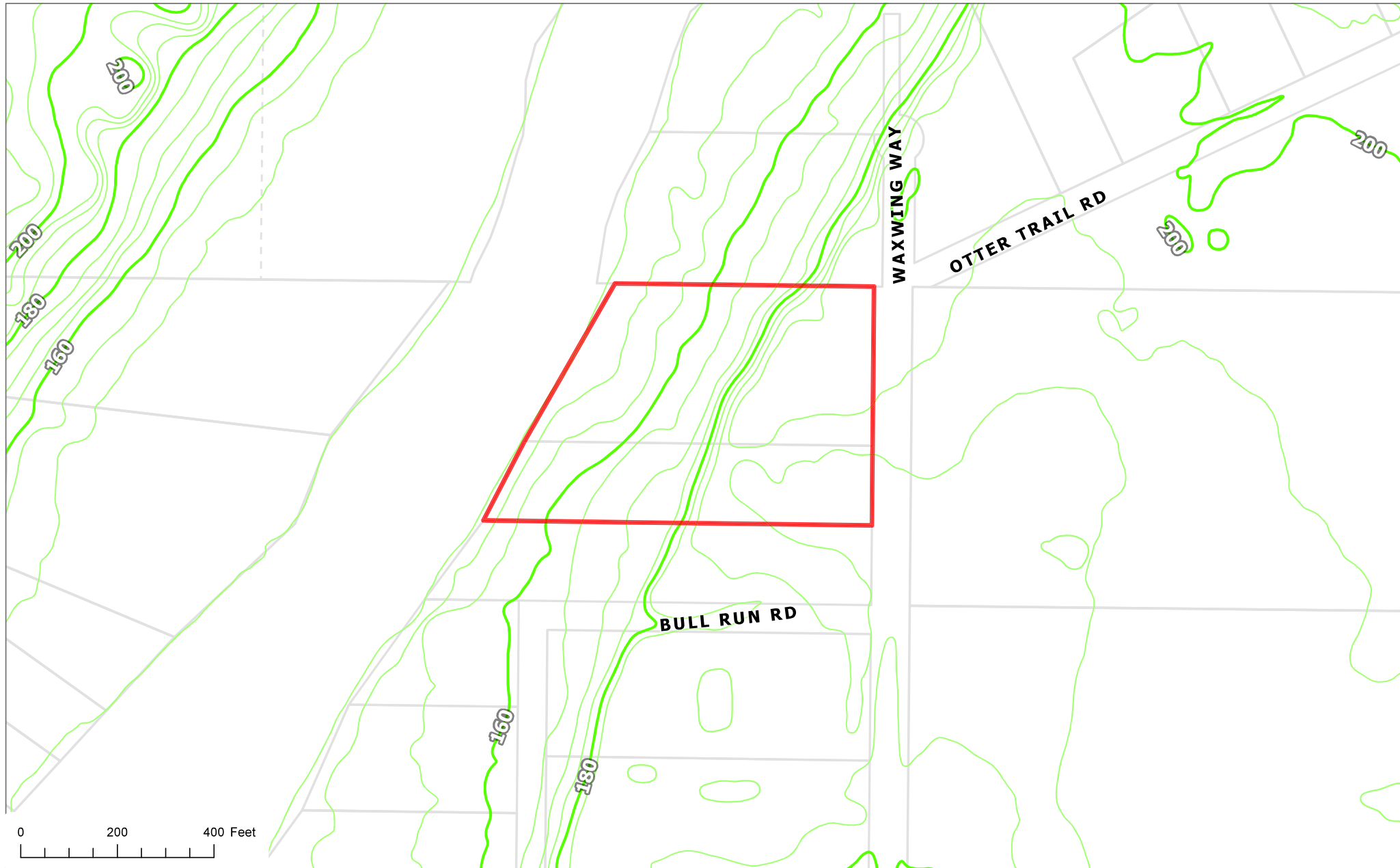


The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.





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**CERTIFICATE OF OWNERSHIP & DEDICATION**

We hereby certify that we are the owners of the property shown and described hereon, and that we hereby adopt this plan of subdivision, and dedicate to public use the roads & easements shown.

Helma Kay Holly

*[Handwritten signature]*

Ernest C. McFarland  
John B. McFarland

Owner

*Wm. J. H. ...*

Schmidt's Island  
Owner

Original of Keating - J. M. H. M. Keating

\_\_\_\_\_

## NOTARY'S ACKNOWLEDGEMENT

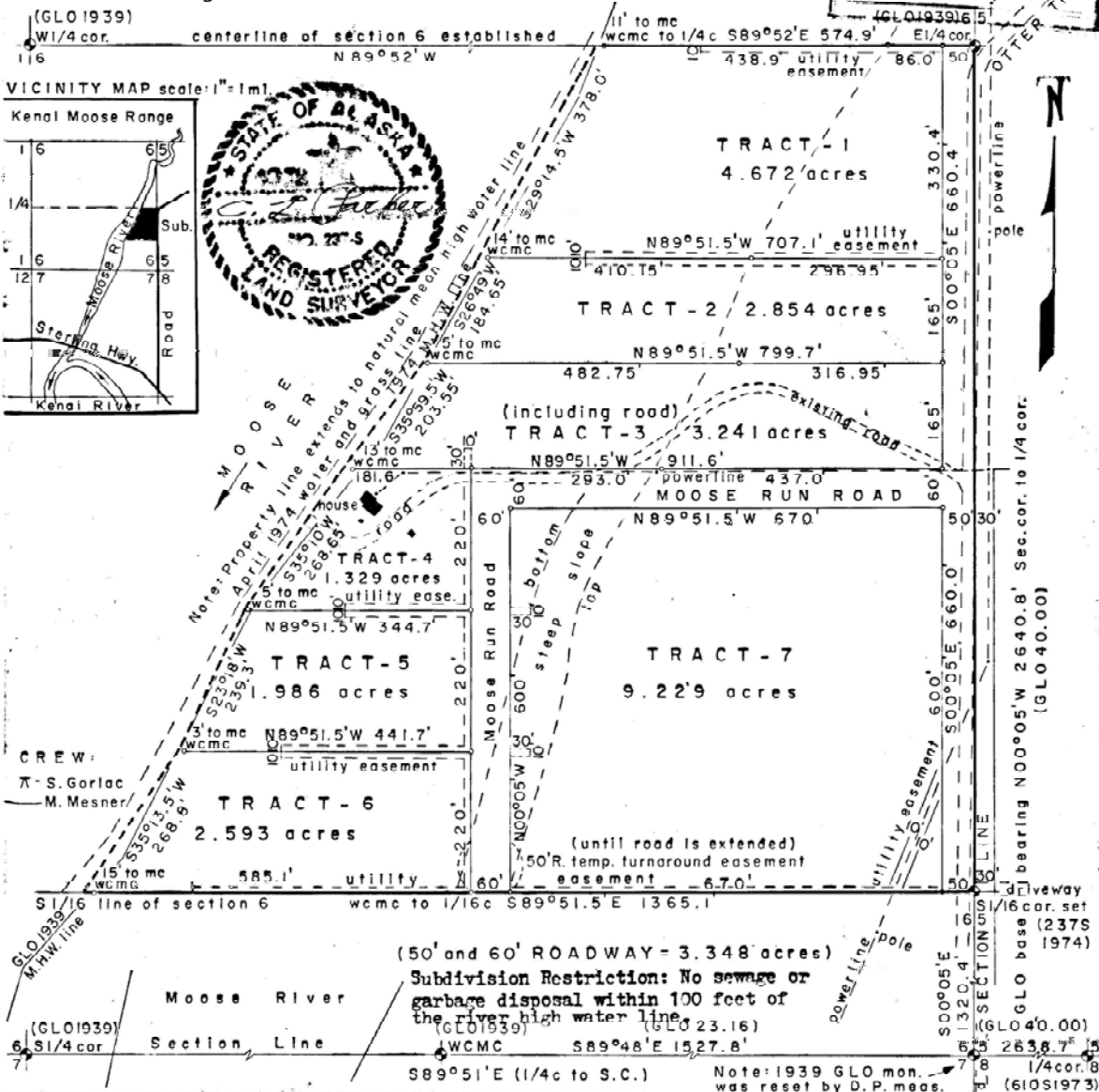
Subscribed and sworn before me this 23<sup>rd</sup> day of May, 1974

Notary Public for Alaska

My Commission expires July 1, 1974

APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION this

6<sup>th</sup> day of May, 1974. Stanley F. Thompson  
Mayor



## SWAN VIEW SUBDIVISION

29.252 ac. Lots 24, 25, 26, 27, Sec. 6, T5N, R8W, S1N.

Owner : Dave Keating, Box 1026, Soldotna, Alaska

Surveyor: C. L. Parker, R.L.S. 237, Soldotna

April, 1974

Scale: 1" = 200' **E6-13**

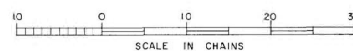
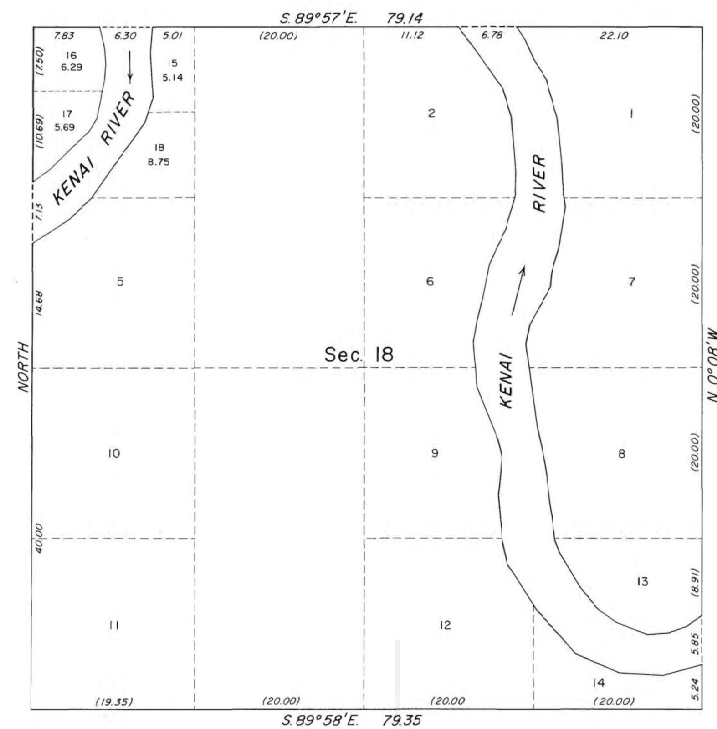
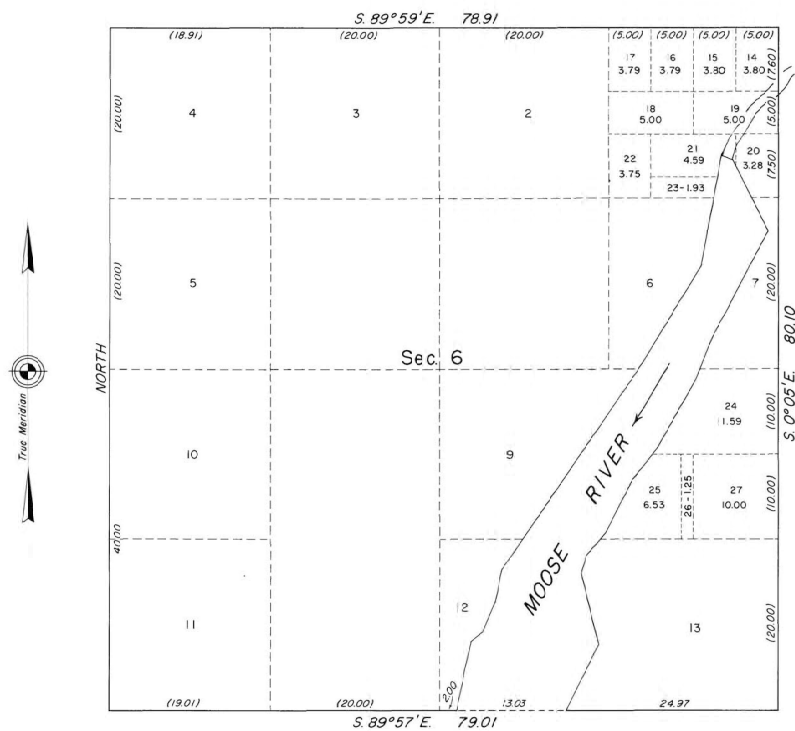
L E G E N D

♣ brasseap mon. found.

①—5/8 x 24" rerod set.

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

## SUPPLEMENTAL PLAT OF SECTIONS 6 AND 18



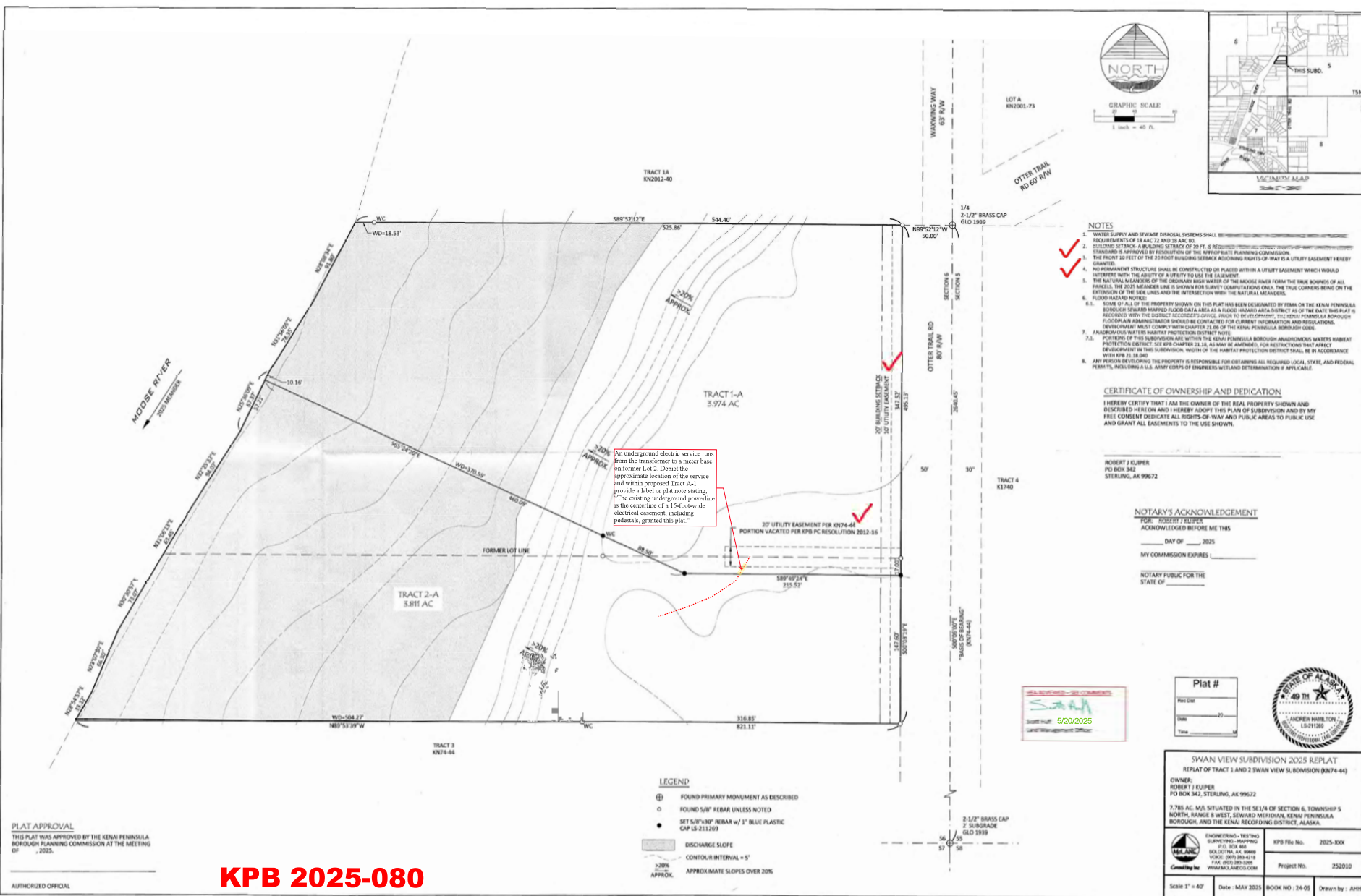
This plat shows a subdivision of original lots 1 and 8 of Section 6 and lots 3 and 4 of Section 18 and is based upon the township plat accepted June 24, 1943.

UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
Washington, D.C. April 9, 1963

This plat, showing amended lotting, is based upon the official records, and having been correctly prepared in accordance with the regulations, is hereby accepted.

For the Director

*E. E. Remington*  
Chief, Division of Engineering



**KPB 2025-080**