

Kenai Peninsula Borough Planning Department

MEMORANDUM

TO: Kelly Cooper, Assembly President
Kenai Peninsula Borough Assembly Members

FROM: Marcus Mueller, Acting Planning Director *MM*

DATE: September 15, 2020

RE: Vacate a 100' Section Line Easement within Tract B, Quartz Creek Subdivision (Plat SW 94-11). The Section Line Easement, running east to west, is unconstructed and located within the SW1/4 Section 25 and the NW1/4 Section 36, Township 5 North, Range 3 West, Seward Meridian, Alaska, within the Kenai Peninsula Borough. KPB File 2020-098V

In accordance with AS 29.40.140, no vacation of a Borough right-of-way and/or easement may be made without the consent of the Borough Assembly.

During their regularly scheduled meeting of September 14, 2020 the Kenai Peninsula Borough Planning Commission granted approval of the proposed vacation of a portion of a 100' wide section line easement within Tract B, Quartz Creek Subdivision, plat SW 94-11, by majority vote (7-Yes, 1-No) based on the means of evaluating public necessity established by KPB 20.70. This petition is being sent to you for your consideration and action.

A draft copy of the unapproved minutes of the pertinent portion of the meeting and other related materials are attached.

September 14, 2020 Planning Commission Draft Meeting Minutes
September 14, 2020 Agenda Item E2 Meeting/Desk Packet Materials

The assembly shall have 30 calendar days from the date of approval in which to veto the planning commission decision. If no veto is received by the planning director within the specified period, the borough shall be considered to have given consent to the vacation.

KPB 20.70.120:

- A. Denial of a vacation petition is a final act for which no further consideration shall be given by the Kenai Peninsula Borough.
- B. Upon denial by the planning commission, 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.

KPB 20.70.130:

THE FINAL PLAT MUST BE RECORDED WITHIN ONE YEAR OF THE VACATION CONSENT IN KPB 20.70.110.

END OF STAFF REPORT

Chair Martin opened the meeting for public comment.

Jess Sweatt, P.O. Box 1103, Seward AK: Mr. Sweatt, one of the petitioners for the proposed vacation, made himself available to the commission for any questions.

Seeing and hearing no one else wishing to comment Chair Martin closed public comment and discussion was opened among the commission.

MOTION: Commissioner Ecklund moved, seconded by Commissioner Ruffner, to approve the vacation as petitioned based on the means of evaluating public necessity established by KPB 20.70, subject to staff recommendations and compliance with borough code.

Commissioner Carluccio noted that since this public access easement appeared to go down to the water, was the petitioner required to provide another equal or better access to the water for public use. Mr. Huff replied that to the north of the proposed vacation is a privately owned parcel, Tract B1, so the area proposed for vacation did not go to Kwechack Creek. Mr. Huff also noted that there is a public right-of-way, Bruno Road, which provides access to the creek area.

Chair Martin hearing no further discussion on the motion brought it back to the commission for a vote.

MOTION PASSED: Seeing and hearing no discussion or objection, the motion passed by unanimous vote.

Yes	8	No	0	Absent	2
Yes	Bentz, Brantley, Carluccio, Ecklund, Fikes, Martin, Ruffner, Venuti				
No	None				
Absent	Gillham, Morgan				

AGENDA ITEM E. NEW BUSINESS

PC Meeting: September 14, 2020

- 2. Vacate a 100' Section Line Easement within Tract B, Quartz Creek Subdivision (Plat SW 94-11). The Section Line Easement, running east to west, is unconstructed and located within the SW1/4 Section 25 and the NW1/4 Section 36, Township 5 North, Range 3 West, Seward Meridian, Alaska, within the Kenai Peninsula Borough. KPB File 2020-098V

Staff report given by Scott Huff.

Purpose as stated in petition: To allow the development of Tract B with the Cooper Landing Commercial Area Plan.

Petitioners: Three Bears Alaska, Inc. of Wasilla, AK.

Notification: Public notice appeared in the September 2, 2020 issue of the Peninsula Clarion as a separate ad. The public hearing notice was published in the September 10, 2020 issue of the Peninsula Clarion as part of the Commission's tentative agenda.

Public hearing notices were sent by regular mail to two owners within 600 feet of the proposed vacation.

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

State of Alaska Dept. of Fish and Game	Cooper Landing Advisory Planning Commission
State of Alaska DNR	Cooper Landing Emergency Services
State of Alaska DOT	Kenai Peninsula Borough Office - Seward
State of Alaska DNR	Kenai Peninsula Borough Land Management

Public hearing notices were made available to five KPB staff/Departments (Addressing, Code Compliance, Planner, Roads Dept., River Center) via a shared database.

Notices were mailed to the Cooper Landing Post Office and Cooper Landing Community Library with a request to be posted in public locations.

The notice and maps were posted on the Borough bulletin board and Planning Department public hearing notice web site.

Comments Received:

ENSTAR: no comment or recommendation

Chugiak Electric: No comment regarding the vacation activity as described on the preliminary plat.

KPB Addressing: 21949 Sterling Hwy. will be retained on Tract B.

KPB Planning: KPB Planner unavailable. Platting staff review shows no local option zoning district or material site issues associated with this parcel.

KPB River Center: Not within a flood hazard area. Is totally or partially within the Anadromous Waters Habitat Protection District.

KPB Roads Department: Within KPB jurisdiction, no comment.

KPB Code Compliance: A branch of Quartz Creek runs through the parcel. There is a 50 foot buffer along the creek.

Cooper Landing Advisory Planning Commission: Not available at the time the staff report was prepared but if available will be included in the desk packet.

State Parks: No comment.

Staff Discussion: This land was federal land as shown on the US BLM section plat recorded Sept 28, 1992. The section line between Section 25 and Section 36 is depicted as a protracted section line, meaning that the survey markers were not set for this section line.

The property was transferred to the State of Alaska (SOA) and then subdivided by Alaska State Land

Survey 92-22 (plat SW 93-8). Plat note d) states *All parcels of land owned by the State of Alaska, located within 50.00 feet of, or bisected by a surveyed section line, are subject to a 50 foot (50') easement, each side of the section line, which is reserved to the State of Alaska for public highways under A.S. 19.10.010.* Per the State of Alaska Attorney General, a section line easement attaches to protracted section lines.

The borough acquired Tract A ASLS 92-22 and further subdivided the land as shown on Quartz Creek Subdivision (SW 94-11) Tract B, Quartz Creek Subdivision is affected by the protracted section line including 50 foot section line easements on both sides of the section line for a total section line easement width of 100 feet.

Tract B was purchased by Three Bears Alaska, Inc. in 2019. They have begun the process to construct a store on the property. The submitted site plans indicate that the section line easement will hinder their development plan. The tract is approximately 13.5 acres. The portion of the tract affected by the section line easement cannot contain any permanent structures. Approximately 1.9 acres of the property is affected by the section line easement.

KPB staff notes that there are concerns regarding the development plan and the existing conservation easements. Information regarding the allowed use within a conservation easement has been provided to the surveyor and site designer. The owners will need to contact KPB Lands Department with any questions regarding the conservation easement.

If approved, a Section Line Easement Vacation plat associated with Tract B Quartz Creek Subdivision will finalize the proposed section line easement vacations. Per KPB 20.10.080, the right of way vacation plat will be submitted to the Planning Department as a final plat. Since no property lines are changing and the plat is only removing the section line easement it will not be required to be reviewed by the Plat Committee unless staff deems it necessary or the Planning Commission makes it a condition for approval. The Final Plat must meet the requirements of KPB 20.40.020, 20.70.130, and applicable portions of 20.60. The final approval will rest with State of Alaska DNR.

KPB 20.70 – Vacation Requirements.

Platting staff comments: Staff reviewed the vacation and all the items required by 20.70 were met, unless otherwise noted below:

- C. In areas where right-of-way is being vacated due to excessive topographic features, a contour map or centerline profile and/or right-of-way cross sectional view may be required by the commission to substantiate the unusable right-of-way and show alternate and dedicated routes to insure ingress and egress to adjacent lands.

Platting Staff Comments: A contour map has been provided in the packet.

Staff recommendation:

20.70.130. Vacation plat—Preparation, approval and recording. Upon approval of the vacation request by the planning commission and no veto by the city council or assembly, 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 in KPB 20.70.110.

Platting Staff Comments: A Section Line Easement Vacation plat has not been submitted at this time.

Staff recommendation: Submit a Section Line Easement Vacation Plat for KPB review as well as submittal to AK DNR survey section.

20.70.150. Title to vacated area.

- A. The title to the street or other public area vacated on a plat attaches to the lot or lands bordering on the area in equal proportions, except that if the area was originally dedicated by different persons, original boundary lines shall be adhered to so that the street area which lies on one side of the boundary line shall attach to the abutting property on that side, and the street area which lies on the other side of the boundary line shall attach to the property on that side. The portion of a vacated street which lies within the limits of a platted addition attaches to the lots of the platted addition bordering on the area. If a public square is vacated, the title to it vests in the city if it lies within the city and to the borough if it lies within the borough outside a city. If the property vacated is a lot or tract, title vests in the rightful owner.

Platting Staff Comments: The title to the property will not be affected. Only the section line easement within the parcel is being vacated.

Staff recommendation:

20.70.160. Partial vacation allowed. Where the planning commission finds that a right-of-way must be preserved, but determines there is excessive width for all intended uses within the right-of-way, the commission may approve a partial vacation of a right-of-way such that the width is reduced to the maximum necessary for the intended use. Such vacation shall conform to this title for the class of right-of-way involved except where the right-of-way is not intended to be used for vehicular purposes.

Platting Staff Comments: The proposed vacation will vacate the entire section line easement within Tract B Quartz Creek Subdivision.

20.70.170. Vehicular Access. The planning commission shall not approve the vacation of a right-of-way unless an equal or superior right-of-way for vehicular access exists or will be provided in exchange. Where two or more access points are necessary for large vacant or semi-vacant areas of land, the commission shall consider density, use, projected development, and maintain sufficient rights-of-way to serve potential use.

Platting Staff Comments: The public is not using this portion of the SLE for vehicular access as it does not provide access to public lands or a continuing of right of way. The property fronts the Sterling Highway. There is a dedicated 60 foot right of way, Persistent Way, along the west parcel boundary. Persistent Way extends in a southwestern direction along the Cooper Landing Airstrip property. There is a 100 foot wide public pedestrian access easement along the eastern parcel boundary, 50 foot of which is within Tract B.

Staff recommendation: Complies with 20.70.170.

20.70.180. Other access. Other lawful uses that exist or are feasible for the right-of-way shall be considered when evaluating a vacation request. When such uses exist or could exist within rights-of-way which are not suited for general road use, the commission shall not approve the vacation request, unless it can be demonstrated that equal or superior access is or will be available. The planning commission shall consider whether alternate uses present public safety issues which support approval of the vacation.

Platting Staff Comments: The existing dedicated ROW provide legal access for all other types of access.

20.70.190. Utility provisions. All existing and future utility requirements shall be considered when evaluating a vacation request. Rights-of-way which are utilized by a public utility or which logically would be required by a public 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 public utility easement be granted in place of the right-of-way.

Platting Staff Comments: Utilities are permitted and allowed to be placed in the outer 10 feet of the dedicated right of ways.

Staff recommendation: Comply with 20.70.190 and grant utility easements requested by providers that can be worked out and agreed upon by all parties.

20.30.220. Section line easement vacations. Section line easement vacation petitions must comply with the requirements of KPB 20.70.040, 20.70.050 and 20.70.060. A fee is required in compliance with KPB 20.70.060. Public hearing and notice must comply with the requirements of KPB 20.70.070, 20.70.080, 20.70.100, 20.70.110 and 20.70.120. The mail notice required in KPB 20.70.090 may be by regular mail. Publication on the planning commission agenda, advertised once in local papers, posted in public areas and on the borough website prior to the meeting will satisfy the publishing requirements. The petitioner is responsible for all submittals required by the State of Alaska Department of Natural Resources (DNR) in compliance with their procedures. The petition must be reviewed and approved by the planning commission but final authority for approval and platting of the vacation rests with DNR. The petitioner is responsible for coordination with DNR and submittals to DNR.

Platting Staff Comments: A SLEV plat has not been submitted to KPB Planning Department.

Staff recommendation: Submittal of a SLEV plat to the KPB Planning Department and the State of AK DNR – Survey Section.

STAFF RECOMMENDATION: Based on the above means of evaluating public necessity established by KPB 20.70, the merits of the proposed vacations, and staff comments, staff recommends approval of the vacation as petitioned, subject to:

1. Consent by the KPB Assembly.
2. Approval by the State of Alaska.
3. Compliance with the requirements for preliminary plats per Chapter 20 of the KPB Code.
4. Grant utility easements requested by the utility providers.
5. Submittal of a final plat within a timeframe such that the plat can be recorded within four years of vacation consent (KPB 20.25.110).

KPB 20.70.110:

A vacation of a street right-of-way, public area, or public easement within the borough outside of the limits of cities may not be made without the consent of the borough assembly.

The assembly shall have 30 calendar days from the date of approval in which to veto the planning commission decision. If no veto is received by the planning director within the specified period, the borough shall be considered to have given consent to the vacation.

KPB 20.70.120:

- A. **Denial of a vacation petition is a final act for which no further consideration shall be given by the Kenai Peninsula Borough.**
- B. **Upon denial by the planning commission, 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.**

KPB 20.70.130:

THE FINAL PLAT MUST BE RECORDED WITHIN FOUR YEARS OF THE VACATION CONSENT IN KPB 20.70.110.

END OF STAFF REPORT

Chair Martin opened the meeting for public comment.

Mike Horn, Farpoint Land Services LLC, 1131 E. 76th Ave., #101, Anchorage, AK: Mr. Horn was the surveyor on this project and he made himself available to the commission for questions. He stated that he agreed with staff recommendations and hopes that the commission will approve the section line easement (SLE) vacation. He also stated he was aware of the situation regarding the conservation easement and that it will need to be resolved for the project to move forward.

Steve Mierop, Vice President, Three Bears AK, Inc., 445 N. Pitman, Suite B, Wasilla, AK: Mr. Mierop represented the petitioner, Three Bears AK, Inc. Mr. Mierop stated that early on in this project, even before they purchased the property he spoke to someone at the borough regarding the section line & conservation easement vacations and was informed about the vacation process. Mr. Mierop noted that he was aware when the borough sold the property the conservation easement was not included in the tax assessment of the property. If they are successful with vacating the conservation easement, he understands that there will be an additional tax assessment that they will be required to pay. They need to deal with the SLE vacation first, since the vacation process with the state is much longer. If they are successful then they will move forward with the conservation easement. If they are not successful with the SLE vacation there is no reason to move forward with the conservation easement. Since they cannot build within a SLE, if it is not vacated they will not be able to secure a bank loan for the project.

Seeing and hearing no one else wishing to comment Chair Martin closed public comment and discussion was opened among the commission.

MOTION: Commissioner Brantley moved, seconded by Commissioner Ruffner, to approve the vacation as petitioned based on the means of evaluating public necessity established by KPB 20.70, subject to staff recommendations and compliance with borough code.

Commissioner Ecklund had a question for staff, can you explain what the access will be if the SLE easement is vacated, and second, how the site design will protect the creek. Mr. Huff replied a site plan was submitted

but was not used to determine whether the SLE could be vacated. What he looks at is access, currently the SLE provides access to Tract B, which is an airstrip. There is a 60-foot public right-of-way, Persistence Way, which provides legal access to the Sterling Hwy and the airstrip. If the SLE is vacated, there will still be legal access to the lots. Commissioner Ecklund then stated that the Cooper Landing APC expressed concern that one of the access points on the site plan was very close to an anadromous stream. Are any of the proposed access points within the Habitat Protection District (HPD)? Mr. Huff replied that according to the site plan the access points are not within the HPD. The stream is on the eastern boundary of Tract B, and the site plan shows one access point off Persistence Way and another from the Sterling Hwy., neither are within the HDP.

Commissioner Ruffner stated he had no problem separating the two easements. He had not seen a vacation of a conservation easement come before the commission and asked staff what the process would be to do so. Mr. Mueller replied there is no president for buying back a conservation easement. It would be a matter that would have to be brought back to the Planning Commission and possibly the Assembly. How it would work, being that we have not been through this process before, would depend on the proposal brought to borough.

Chair Martin hearing no further discussion on the motion brought it back to the commission for a vote.

MOTION PASSED: Seeing and hearing no discussion or objection, the motion passed by majority vote.

Yes		7	No	1	Absent	2
Yes		Bentz, Brantley, Ecklund, Fikes, Martin, Ruffner, Venuti				
No		Carluccio				
Absent		Gillham, Morgan				

AGENDA ITEM E.

NEW BUSINESS

PC Meeting: September 14, 2020

3. A Conditional Use Permit is sought pursuant to KPB 21.18 for the construction of a 15-foot by 6-foot high chain link fence beginning at the water's edge attached to a 35-foot by 6-foot high cedar fence within the 50-foot Habitat Protection District of the Kenai River, as established in KPB 21.18.040.

KPB Planning Commission Resolution 2020-27

Staff given by Nancy Carver

Applicant: Marilyn DeFord
 PO Box 111433
 Anchorage, AK 99511

Legal Description: T5N R10W SEC 30 Seward Meridian KN 0001382 Hodgson Subdivision Lot 13

Physical Address: 35795 Sabaca Road, Soldotna

KPB Parcel Number: 057-483-18

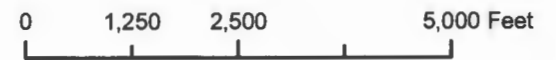
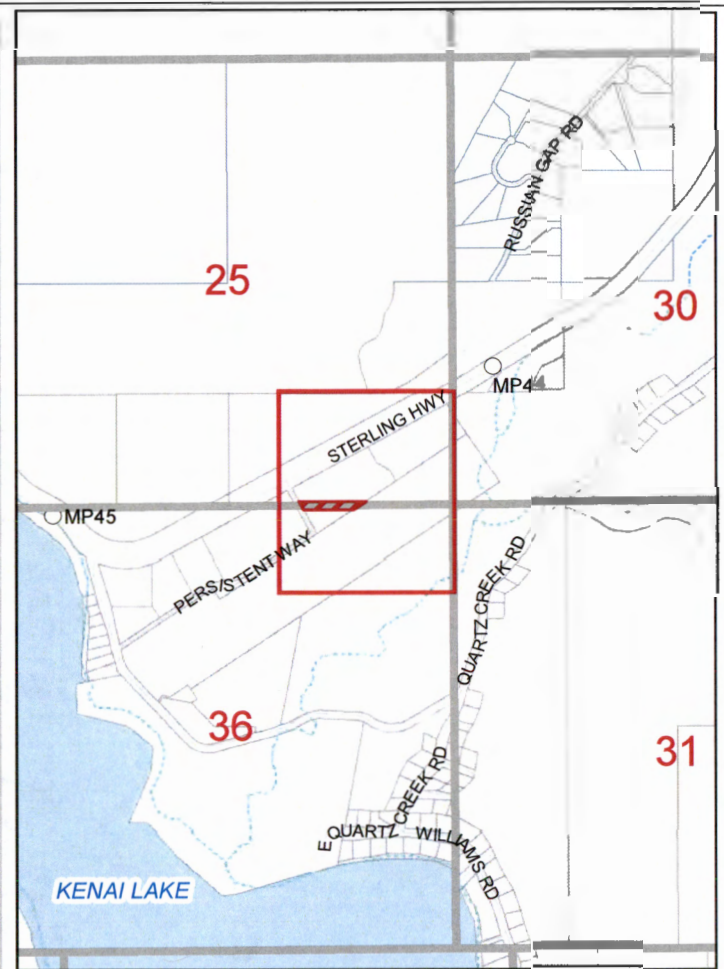
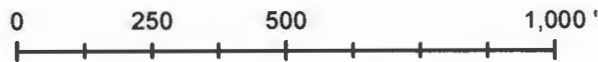
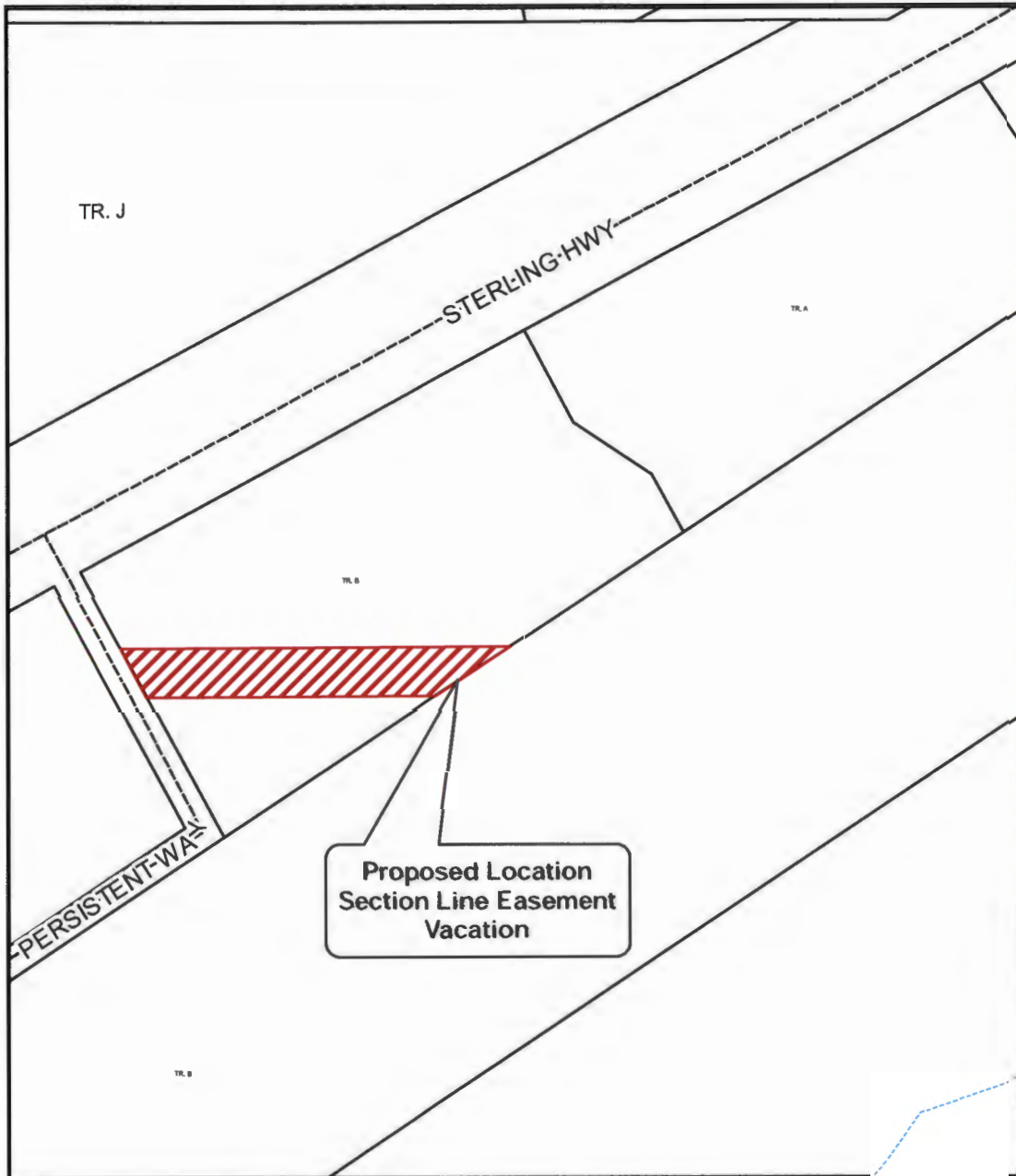
Background Information

In 2005 the applicant submitted an application for: bank restoration, elevated, light penetrating (ELP) structures, and 119 feet of fence along the side property line. A staff permit was issued for all items except the fence which required a Conditional Use Permit (CUP). On September 12, 2005, the Borough Planning Commission unanimously approved Resolution 2005-40, for a fence within the 50-foot Habitat Protection District (HPD). Prior to installation of the fence, the applicant observed severe medical issues prohibiting her moving forward with the CUP, which eventually expired.

On August 21, 2020, the applicant submitted an application for the installation of the fence as originally permitted. The proposed project will include the construction of a 15-foot section of a 6-foot high chain link

AGENDA ITEM E. NEW BUSINESS

- 2. Vacate a 100' Section Line Easement within Tract B, Quartz Creek Subdivision (Plat SW 94-11). The Section Line Easement, running east to west, is unconstructed and located within the SW1/4 Section 25 and the NW1/4 Section 36, Township 5 North, Range 3 West, Seward Meridian, Alaska, within the Kenai Peninsula Borough. KPB File 2020-098V**



KPB 2020-098V
 S36 T05N R03W
 S25 T05N R03W
 COOPER LANDING



PClements, KPB
 Date: 8/18/2020

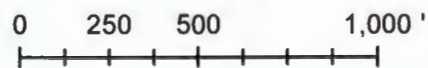



The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



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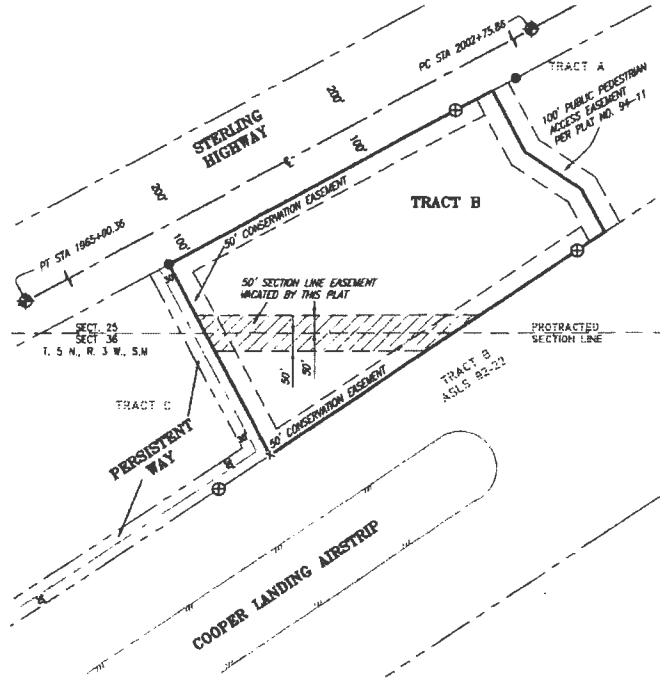
Aerial View



 Section Line Easement Vacation

PClements, KPB
Date: 8/18/2020
Imagery: FixedWing 2012-13

Attachment # 4



LEGEND:

- ⊗ PRIMARY MONUMENT OF RECORD
- SECONDARY MONUMENT OF RECORD
- ⊙ DOT MONUMENT OF RECORD
- ▨ SECTION-LINE EASEMENT VACATED BY THIS PLAT.

**SECTION-LINE EASEMENT VACATION CERTIFICATE
APPROVAL RECOMMENDATION**

STATE OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES
THE VACATION STATEMENT, AS SHOWN HEREON, HAS BEEN REVIEWED BY THE REGIONAL OFFICE AND IS HEREBY RECOMMENDED FOR APPROVAL BY THE COMMISSIONER.

RECOMMENDED BY: _____ DATE: _____
TITLE: REGIONAL CHIEF RIGHTS-OF-WAY AGENT

STATE OF ALASKA DIVISION OF MINING, LAND & WATER
THE VACATION STATEMENT, AS SHOWN HEREON, HAS BEEN REVIEWED BY THE DIVISION OF MINING, LAND & WATER AND IS HEREBY RECOMMENDED FOR APPROVAL BY THE COMMISSIONER.

RECOMMENDED BY: _____ DATE: _____
TITLE: DIRECTOR, DIVISION OF MINING, LAND & WATER

THE STATE OF ALASKA, ACTING BY AND THROUGH THE COMMISSIONER OF THE DEPARTMENT OF NATURAL RESOURCES AND THE COMMISSIONER OF THE DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES, DOES HEREBY STATE AND DECLARE THAT THE STATE OF ALASKA VACATES AND RELEASES ALL RIGHTS AND TITLE TO ANY AND ALL PORTIONS OF SECTION-LINE EASEMENTS FOR PUBLIC HIGHWAYS RESERVED TO IT UNDER A.S. 18.10.010 (SPECIFIC AREA DELINEATED BY DIAGONAL HATCHING ON THIS PLAT)

DATE: _____ APPROVED: _____
COMMISSIONER
DEPARTMENT OF TRANSPORTATION AND
PUBLIC FACILITIES

DATE: _____ APPROVED: _____
COMMISSIONER
DEPARTMENT OF NATURAL RESOURCES

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

AUTHORIZED OFFICIAL _____

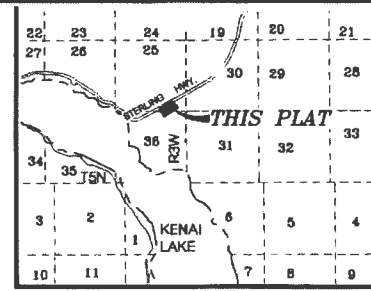
CERTIFICATE OF BENEFICIARY

I (WE), THE UNDERSIGNED, HEREBY CERTIFY THAT I (WE) HOLD A BENEFICIARY INTEREST IN THE PROPERTY SHOWN HEREON.
I (WE) HEREBY APPROVE THIS SURVEY AND PLAT.

BENEFICIARY: _____ DATE: _____

NOTES

- DIAGONALLY HATCHED AREA INDICATES PORTIONS OF THE SECTION-LINE EASEMENTS BEING VACATED WITHIN SECTIONS 25 & 36, T. 5 N., R. 3 W., S.M. IT IS NOT THE INTENT OF THIS PLAT TO VACATE ANY OTHER DEDICATED PUBLIC RIGHTS-OF-WAY OR EASEMENTS.
- NO FIELD SURVEY HAS BEEN CONDUCTED IN RELATION TO THE PREPARATION OF THIS SECTION-LINE EASEMENT VACATION PLAT. ALL DIMENSIONS AND OTHER DETAILS AS SHOWN HEREON ARE FROM THE PLAT OF QUARTZ CREEK SUBDIVISION ON FILE AT THE SEWARD RECORDING DISTRICT AS PLAT No. 94-11.
- THIS SECTION-LINE EASEMENT VACATION IS IN COMPLIANCE WITH THE FINAL DECISION EV-3-____ APPROVED _____
- THE ALTERNATE ROUTE IN ACCORDANCE WITH AS 18.30.410 AND/OR 11 AAC 51.065 IS VIA EXISTING PERSISTENT WAY R-D-W OR EXISTING 100' PEDESTRIAN ACCESS EASEMENT ALONG QUARTZ CREEK PER PLAT No. 94-11
- SECTION LINE EASEMENT VACATION WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION ON THE MEETING OF _____



UNOS QUAD, ANCHORAGE (8-10) 1932 REV. 1985 SCALE 1"=1 MILE

VICINITY MAP

CERTIFICATE OF OWNERSHIP:

I (WE) THE UNDERSIGNED, CERTIFY THAT I AM (WE ARE) THE OWNER(S) OF TRACT B, QUARTZ CREEK SUBDIVISION, AS SHOWN ON THIS PLAT. I (WE) APPROVE THIS SECTION-LINE EASEMENT VACATION PLAT.

DATE: _____
THREE BEARS ALASKA
445 N. PITTMAN RD, SUITE B
WASILLA, AK 99823

NOTARY'S ACKNOWLEDGEMENT

SUBSCRIBED AND SWORN TO BEFORE ME THIS ____ DAY OF _____, 20____
BY: _____

NOTARY FOR THE STATE OF ALASKA
MY COMMISSION EXPIRES _____

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I AM PROPERLY REGISTERED AND LICENSED TO PRACTICE LAND SURVEYING IN THE STATE OF ALASKA AND THAT THIS PLAT WAS DRAFTED UNDER MY DIRECT SUPERVISION, AND THAT ALL DATA SHOWN HEREON IS TRUE AND CORRECT AS COMPILED FROM EXISTING RECORD INFORMATION.

MICHAEL J. HORNE 5318
DATE REGISTERED LAND SURVEYOR REGISTRATION NO.

KPB FILE No. 2020-XXX

DATE OF SURVEY Beginning 2020 FIELD SURVEY Ending _____	NAME OF SURVEYOR FARPOINT LAND SERVICES 1131 E. 76TH AVE, SUITE 101 ANCHORAGE, ALASKA 99508
STATE OF ALASKA DEPARTMENT OF NATURAL RESOURCES DIVISION OF MINING, LAND & WATER ANCHORAGE, ALASKA	
SECTION-LINE EASEMENT VACATION PLAT Associated with QUARTZ CREEK SUBDIVISION Located within Protected Secs. 25 & 36, T. 5 N., R. 3 W., S. M., AK. KENAI PENINSULA BOROUGH SEWARD RECORDING DISTRICT, ALASKA	
DRAWN BY: J.A.	APPROVAL RECOMMENDED
DATE: 07/10/2020	STATEWIDE PLATTING SUPERVISOR DATE
SCALE: 1"= 200'	CHECKED: _____ DNR FILE NO. EV-3-###

AGENDA ITEM E. PUBLIC HEARINGS

2. Vacate a 100' Section Line Easement within Tract B, Quartz Creek Subdivision (Plat SW 94-11). The Section Line Easement, running east to west, is unconstructed and located within the SW1/4 Section 25 and the NW1/4 Section 36, Township 5 North, Range 3 West, Seward Meridian, Alaska, within the Kenai Peninsula Borough. KPB File 2020-098V

STAFF REPORT

PC Meeting: September 14, 2020

Purpose as stated in petition: To allow the development of Tract B with the Cooper Landing Commercial Area Plan.

Petitioners: Three Bears Alaska, Inc. of Wasilla, AK.

Notification: Public notice appeared in the September 2, 2020 issue of the Peninsula Clarion as a separate ad. The public hearing notice was published in the September 10, 2020 issue of the Peninsula Clarion as part of the Commission's tentative agenda.

Public hearing notices were sent by regular mail to 2 owners within 600 feet of the proposed vacation.

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

State of Alaska Dept. of Fish and Game	Cooper Landing Advisory Planning Commission
State of Alaska DNR	Cooper Landing Emergency Services
State of Alaska DOT	Kenai Peninsula Borough Office - Seward
State of Alaska DNR	Kenai Peninsula Borough Land Management

Public hearing notices were made available to five KPB staff/Departments (Addressing, Code Compliance, Planner, Roads Dept., River Center) via a shared database.

Notices were mailed to the Cooper Landing Post Office and Cooper Landing Community Library with a request to be posted in public locations.

The notice and maps were posted on the Borough bulletin board and Planning Department public hearing notice web site.

Comments Received:

ENSTAR: no comment or recommendation

Chugiak Electric: No comment regarding the vacation activity as described on the preliminary plat.

KPB Addressing: 21949 Sterling Hwy. will be retained on Tract B.

KPB Planning: KPB Planner unavailable. Platting staff review shows no local option zoning district or material site issues associated with this parcel.

KPB River Center: Not within a flood hazard area. Is totally or partially within the Anadromous Waters Habitat Protection District.

KPB Roads Department: Within KPB jurisdiction, no comment.

KPB Code Compliance: A branch of Quartz Creek runs through the parcel. There is a 50 foot buffer along the creek.

Cooper Landing Advisory Planning Commission: Not available at the time the staff report was prepared but if available will be included in the desk packet.

State Parks: No comment.

Staff Discussion: This land was federal land as shown on the US BLM section plat recorded Sept 28, 1992. The section line between Section 25 and Section 36 is depicted as a protracted section line, meaning that the survey markers were not set for this section line.

The property was transferred to the State of Alaska (SOA) and then subdivided by Alaska State Land Survey 92-22 (plat SW 93-8). Plat note d) states *All parcels of land owned by the State of Alaska, located within 50.00 feet of, or bisected by a surveyed section line, are subject to a 50 foot (50') easement, each side of the section line, which is reserved to the State of Alaska for public highways under A.S. 19.10.010.* Per the State of Alaska Attorney General, a section line easement attaches to protracted section lines.

The borough acquired Tract A ASLS 92-22 and further subdivided the land as shown on Quartz Creek Subdivision (SW 94-11) Tract B, Quartz Creek Subdivision is affected by the protracted section line including 50 foot section line easements on both sides of the section line for a total section line easement width of 100 feet.

Tract B was purchased by Three Bears Alaska, Inc. in 2019. They have begun the process to construct a store on the property. The submitted site plans indicate that the section line easement will hinder their development plan. The tract is approximately 13.5 acres. The portion of the tract affected by the section line easement cannot contain any permanent structures. Approximately 1.9 acres of the property is affected by the section line easement.

KPB staff notes that there are concerns regarding the development plan and the existing conservation easements. Information regarding the allowed use within a conservation easement has been provided to the surveyor and site designer. The owners will need to contact KPB Lands Department with any questions regarding the conservation easement.

If approved, a Section Line Easement Vacation plat associated with Tract B Quartz Creek Subdivision will finalize the proposed section line easement vacations. Per KPB 20.10.080, the right of way vacation plat will be submitted to the Planning Department as a final plat. Since no property lines are changing and the plat is only removing the section line easement it will not be required to be reviewed by the Plat Committee unless staff deems it necessary or the Planning Commission makes it a condition for approval. The Final Plat must meet the requirements of KPB 20.40.020, 20.70.130, and applicable portions of 20.60. The final approval will rest with State of Alaska DNR.

KPB 20.70 – Vacation Requirements.

Platting staff comments: *Staff reviewed the vacation and all the items required by 20.70 were met, unless otherwise noted below:*

- C. In areas where right-of-way is being vacated due to excessive topographic features, a contour map or centerline profile and/or right-of-way cross sectional view may be required by the commission to substantiate the unusable right-of-way and show alternate and dedicated routes to insure ingress and egress to adjacent lands.

Platting Staff Comments: *A contour map has been provided in the packet.*

Staff recommendation:

20.70.130. Vacation plat—Preparation, approval and recording. Upon approval of the vacation request by the planning commission and no veto by the city council or assembly, 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 in KPB 20.70.110.

Platting Staff Comments: A Section Line Easement Vacation plat has not been submitted at this time.

Staff recommendation: *Submit a Section Line Easement Vacation Plat for KPB review as well as submittal to AK DNR survey section.*

20.70.150. Title to vacated area.

A. The title to the street or other public area vacated on a plat attaches to the lot or lands bordering on the area in equal proportions, except that if the area was originally dedicated by different persons, original boundary lines shall be adhered to so that the street area which lies on one side of the boundary line shall attach to the abutting property on that side, and the street area which lies on the other side of the boundary line shall attach to the property on that side. The portion of a vacated street which lies within the limits of a platted addition attaches to the lots of the platted addition bordering on the area. If a public square is vacated, the title to it vests in the city if it lies within the city and to the borough if it lies within the borough outside a city. If the property vacated is a lot or tract, title vests in the rightful owner.

Platting Staff Comments: The title to the property will not be affected. Only the section line easement within the parcel is being vacated.

Staff recommendation:

20.70.160. Partial vacation allowed. Where the planning commission finds that a right-of-way must be preserved, but determines there is excessive width for all intended uses within the right-of-way, the commission may approve a partial vacation of a right-of-way such that the width is reduced to the maximum necessary for the intended use. Such vacation shall conform to this title for the class of right-of-way involved except where the right-of-way is not intended to be used for vehicular purposes.

Platting Staff Comments: The proposed vacation will vacate the entire section line easement within Tract B Quartz Creek Subdivision.

20.70.170. Vehicular Access. The planning commission shall not approve the vacation of a right-of-way unless an equal or superior right-of-way for vehicular access exists or will be provided in exchange. Where two or more access points are necessary for large vacant or semi-vacant areas of land, the commission shall consider density, use, projected development, and maintain sufficient rights-of-way to serve potential use.

Platting Staff Comments: The public is not using this portion of the SLE for vehicular access as it does not provide access to public lands or a continuing of right of way. The property fronts the Sterling Highway. There is a dedicated 60 foot right of way, Persistent Way, along the west parcel boundary. Persistent Way extends in a southwestern direction along the Cooper Landing Airstrip property. There is a 100 foot wide public pedestrian access easement along the eastern parcel boundary, 50 foot of which is within Tract B.

Staff recommendation: *Complies with 20.70.170.*

20.70.180. Other access. Other lawful uses that exist or are feasible for the right-of-way shall be considered when evaluating a vacation request. When such uses exist or could exist within rights-of-way which are not suited for general road use, the commission shall not approve the vacation request, unless it can be demonstrated that equal or superior access is or will be available. The planning commission shall consider whether alternate uses present public safety issues which support approval of the vacation.

Platting Staff Comments: The existing dedicated ROW provide legal access for all other types of access.

20.70.190. Utility provisions. All existing and future utility requirements shall be considered when evaluating a vacation request. Rights-of-way which are utilized by a public utility or which logically would be required by a public 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 public utility easement be granted in place of the right-of-way.

Platting Staff Comments: Utilities are permitted and allowed to be placed in the outer 10 feet of the dedicated right of ways.

Staff recommendation: *Comply with 20.70.190 and grant utility easements requested by providers that can be worked out and agreed upon by all parties.*

20.30.220. Section line easement vacations. Section line easement vacation petitions must comply with the requirements of KPB 20.70.040, 20.70.050 and 20.70.060. A fee is required in compliance with KPB 20.70.060. Public hearing and notice must comply with the requirements of KPB 20.70.070, 20.70.080, 20.70.100, 20.70.110 and 20.70.120. The mail notice required in KPB 20.70.090 may be by regular mail. Publication on the planning commission agenda, advertised once in local papers, posted in public areas and on the borough website prior to the meeting will satisfy the publishing requirements. The petitioner is responsible for all submittals required by the State of Alaska Department of Natural Resources (DNR) in compliance with their procedures. The petition must be reviewed and approved by the planning commission but final authority for approval and platting of the vacation rests with DNR. The petitioner is responsible for coordination with DNR and submittals to DNR.

Platting Staff Comments: A SLEV plat has not been submitted to KPB Planning Department.

Staff recommendation: *Submittal of a SLEV plat to the KPB Planning Department and the State of AK DNR – Survey Section.*

STAFF RECOMMENDATION: Based on the above means of evaluating public necessity established by KPB 20.70, the merits of the proposed vacations, and staff comments, staff recommends approval of the vacation as petitioned, subject to:

1. Consent by the KPB Assembly.
2. Approval by the State of Alaska.
3. Compliance with the requirements for preliminary plats per Chapter 20 of the KPB Code.
4. Grant utility easements requested by the utility providers.
5. Submittal of a final plat within a timeframe such that the plat can be recorded within four years of vacation consent (KPB 20.25.110).

KPB 20.70.110:

A vacation of a street right-of-way, public area, or public easement within the borough outside of the limits of cities may not be made without the consent of the borough assembly.

The assembly shall have 30 calendar days from the date of approval in which to veto the planning commission decision. If no veto is received by the planning director within the specified period, the borough shall be considered to have given consent to the vacation.

KPB 20.70.120:

- A. **Denial of a vacation petition is a final act for which no further consideration shall be given by the Kenai Peninsula Borough.**
- B. **Upon denial by the planning commission, 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.**

KPB 20.70.130:

THE FINAL PLAT MUST BE RECORDED WITHIN FOUR YEARS OF THE VACATION CONSENT IN KPB 20.70.110.

END OF STAFF REPORT

Introduced by: Mayor
Date: April 30, 1991
Hearing: June 18, 1991
Action: FAILED AS AMENDED
Vote: 6 YES, 9 NO
MOTION TO RECONSIDER: BROWN
Reconsidered: 7/9/91
Action: ENACTED AS AMENDED
Vote: 9 YES, 5 NO

KENAI PENINSULA BOROUGH
ORDINANCE 91-20

AUTHORIZING A LEASE WITH OPTION TO PURCHASE FOR SHERMAN C. SMITH ON LANDS LOCATED IN THE COOPER LANDING VICINITY AND LOCATED WITHIN A PORTION OF THE NW $\frac{1}{4}$ NE $\frac{1}{4}$ OF SECTION 36 AND A PORTION OF THE S $\frac{1}{2}$ SE $\frac{1}{4}$ OF SECTION 25, TOWNSHIP 5 NORTH, RANGE 3 WEST, SEWARD MERIDIAN AND CLASSIFYING THESE LANDS AS "SALE LANDS"

WHEREAS, an application has been received from Sherman C. "Red" Smith for purchase of ten acres, more or less, located in the Cooper Landing area, for industrial development; and,

WHEREAS, the borough selected the subject land pursuant to the Municipal Entitlement Act and has received a final decision from the State of Alaska approving the selection; and

WHEREAS, a final decision does transfer certain management rights of the land allowing the borough to enter into leases, grant permits, easements, rights-of-way and dispose of lands; and,

WHEREAS, it is not borough policy to sell or otherwise convey title in lands until patent has been issued by the State of Alaska and received by the borough; and,

WHEREAS, on March 11, 1991, a memorandum, maps and supporting backup was sent out for review and comments to the School District, Cooper Landing Community Club, Cooper Landing Advisory Planning Commission, East Peninsula Road Service Area and departments of the borough; and,

NOW THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:

Section 1. That a long-term lease with option to purchase is hereby authorized for ten acres, more or less, located within a portion of NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 36 and S $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 25, Township 5 North, Range 3 West, Seward Meridian, Alaska.

Section 2. That the subject lands are hereby classified as "Sale Lands" pursuant to Chapter 17.04 of the KPB Code of Ordinances.

Kenai Peninsula Borough
Ordinance 91-20
Page 1 of 2 Pages

Section 3. That the plat which creates the subject ten acre parcel shall designate a fifty foot conservation easement around the perimeter of the site, exclusive of a fifty foot wide entry and exit wherein no live, naturally existing vegetation over 3" in diameter shall be removed.

Section 4. That the annual lease shall be at the rate of six percent (6%) of the borough assessed valuation and shall be reappraised every five (5) years and the fee adjusted accordingly.

Section 5. That upon the borough receiving patent, the lessee may exercise his option to purchase the subject land at the current fair market value. Said purchase may be made by payment in full or a minimum down payment of ten percent (10%) of the fair market value with the remaining principal balance payable in installments at the rate of ten (10%) percent interest.

Section 6. That the Mayor is authorized to sign any documents necessary to effectuate this ordinance and deemed to be in the best interest of the borough.

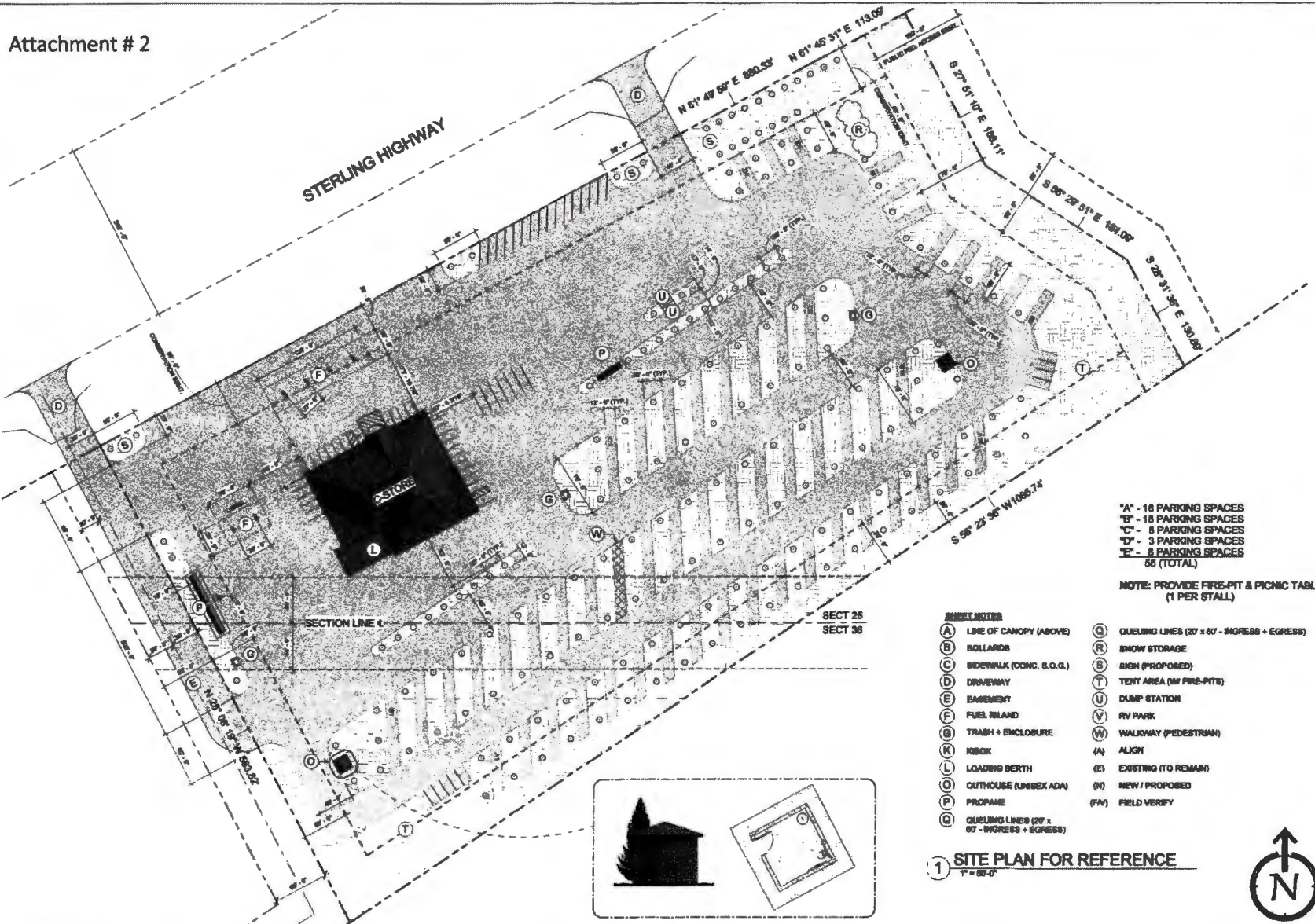
ENACTED THIS 9th DAY OF July BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH.

James W. Skogstad
James W. Skogstad, Assembly President

ATTEST:

Raymond Naugan
Borough Clerk

Kenai Peninsula Borough
Ordinance 91-20
Page 2 of 2 Pages

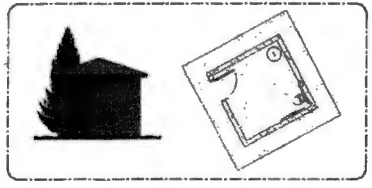


- *A* - 18 PARKING SPACES
- *B* - 18 PARKING SPACES
- *C* - 8 PARKING SPACES
- *D* - 3 PARKING SPACES
- *E* - 8 PARKING SPACES
- 66 (TOTAL)

NOTE: PROVIDE FIRE-PIT & PICNIC TABLE (1 PER STALL)

- MARKET INDEX**
- | | |
|--|--|
| (A) LINE OF CANOPY (ABOVE) | (Q) QUELING LINES (20' x 87' - INGRESS + EGRESS) |
| (B) BOLLARDS | (R) SNOW STORAGE |
| (C) SIDEWALK (CONC. S.O.G.) | (S) SIGN (PROPOSED) |
| (D) DRIVEWAY | (T) TENT AREA (W/ FIRE-PITS) |
| (E) EASEMENT | (U) DUMP STATION |
| (F) FUEL ISLAND | (V) RV PARK |
| (G) TRASH + ENCLOSURE | (W) WALKWAY (PEDESTRIAN) |
| (H) KIOSK | (X) ALIGN |
| (I) LOADING BERTH | (Y) EXISTING (TO REMAIN) |
| (J) OUTHOUSE (UMBREX ADA) | (Z) NEW / PROPOSED |
| (K) PROPANE | (FM) FIELD VERIFY |
| (L) QUELING LINES (20' x 87' - INGRESS + EGRESS) | |

1 SITE PLAN FOR REFERENCE
1" = 87'-0"



11X17 DRAWINGS ARE HALF THE INDICATED SCALE*

* REVIEW SET * 02/21/2020 *

NOT FOR CONSTRUCTION
DEVELOPMENT
PHASE

35%

REV. NO. DATE

SAJJ ARCHITECTURE, LLC
SCOTT A. JONES SCOTT@SAJJARCHITECTURE.COM HONOLULU, HI 96822

THREE BEARS

Cooper Landing, AK

DR: CK & CH
CK: SAJ
DT: 02/21/2020
JE: PRUSH
DWG: SITE

A2.0



KENAI PENINSULA BOROUGH

Planning Department * Land Management Division
144 North Binkley Street • Soldotna, Alaska 99669-7520
PHONE: (907) 714-2205 • FAX: (907) 714-2378
Toll-free within the Borough: 1-800-478-4441, Ext. 2200
www.kpb.us

MIKE NAVARRE
BOROUGH MAYOR

May 3, 2017

Pixie Smith
309 Katmai Avenue
Soldotna, AK 99669

Re: Tract B, Quartz Creek Subdivision, SW 94-11
APN: 119-124-18

Dear Mrs. Smith:

I have some more information to share with you regarding the 50' conservation easement affecting your parcel. It appears that the conservation easement is not solely a Platting matter, it is also a Land Management matter as the interests of the conservation easement belongs to the borough. Removing the plat note does not remove the restriction from the deed; removing the restriction from the deed does not remove the note on the plat. The following is a history of events leading to the borough's sale of Tract B to you, followed by the actions that will need to occur should you decide to proceed with your request.

07/09/1991: The Kenai Peninsula Borough (KPB) enacted Ordinance 91-20 which authorized a long-term lease with option to purchase of ten acres more or less, and classified the lands "sale lands".

- KPB had only received Final Decision from the State which meant land uses could be authorized, but interests in title cannot be conveyed. It is not borough policy to sell or otherwise convey title in lands until KPB has received patent, which meant your option could not be exercised until such time as the State issued a deed to KPB.
- The ordinance required that when the plat was created, your parcel would be subject to a 50' conservation easement around its perimeter "wherein no live, naturally existing vegetation over 3-inches in diameter shall be removed".

07/22/1993: ASLS 92-22, recorded as Plat no. 93-8, creates Tracts A, B, & C.

05/05/1994: Quartz Creek Subdivision (a resub. of Tract A, ASLS 92-22), recorded as Plat no. 94-11, creates Tracts A-E. Tract B is approximately 13.52 acres in total.

02/05/1996: A Real Property Lease was executed authorizing Sherman C. Smith's the use of Tract B, and recorded as document 1996-000263, Seward Recording District.

04/29/1996: Real Property Lease was assigned to Pixie A. Smith, and recorded as document 1996-000763, Seward Recording District.

03/04/1997: KPB receives State Patent No. 15658 for subject lands located within Sections 30 and 31, T05N, R02W, S.M.

10/22/1997: The purchase price of Tract B was determined by a FMV appraisal of 10 acres of vacant land. The FMV appraisal did not consider the 50' conservation easement around the perimeter of your parcel (approximately 3.51 acres in total).

05/13/1998: Pursuant to Ordinance 91-20, KPB conveyed Tract B to you via a Statutory Warranty Deed recorded as document no. 1998-000696, Seward Recording District,

- The conveyance was subject to a 50' conservation easement around the perimeter of the parcel wherein no live, naturally existing vegetation over 3" in diameter shall be removed, except for a 50' wide entry and a 50' wide exit. It was also subject to use restrictions for commercial and light industrial purposes.

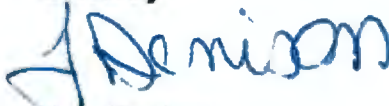
The KPB is the primary interest holder in the 50' conservation easement affecting your parcel. In order to request to vacate the conservation easement from the deed, or a portion thereof, you will need to complete and submit the enclosed *Petition for Modification of Conveyance Instrument Restrictions*. Because the value of the land remains with the conservation easement, as evidenced by the 1997 appraisal, we expect that the easement would not be released without payment for those interests which were not included at the original sale.

This form can also be found by navigating to the following webpage.

<http://www.kpb.us/images/KPB/LND/Documents/Permits Apps/Mod Con App.pdf>

I hope this information helps clarify the considerations involved and the next steps necessary for requesting a removal of the conservation easement. Please contact me if you have any questions. Thanks!

Sincerely



Julie Denison
Land Management Technician III
(907) 714-2203
jdenison@kpb.us



100 FT. SECTION LINE EASEMENT VACATION

T05N-R03W SECTION 25

T05N-R02W SECTION 30

T05N-R03W SECTION 36

T05N-R02W SECTION 31

STERLING HWY

PERSISTENT WAY

QUARTZ CREEK RD

QUARTZ CREEK RD

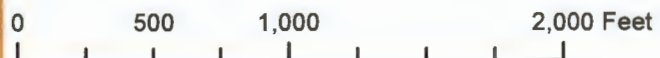
QUARTZ CREEK RD

MP 45

MP 44



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



AERIAL IMAGERY - 2012



Date: 9/2/2020
S. Huff, KPB

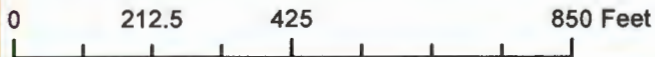


100 FT. SECTION LINE
EASEMENT VACATION

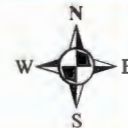
Page 48 of 511



The information depicted hereon is for a graphical representation only of best available sources. The Kanawha County Planning Commission assumes no responsibility for any errors on this map.



AERIAL IMAGERY - 2012
4 FT CONTOUR INTERVAL



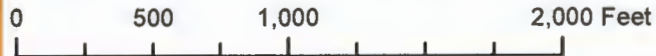
Date: 9/2/2020
S. Huff, KPB



Page 30 of 31



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 IMAGERY - 2012



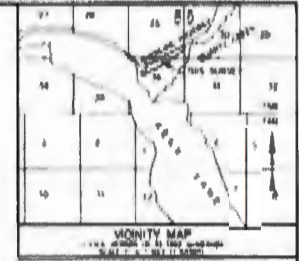
Date: 9/2/2020
S. Huff, KPB

CURVE TABLE

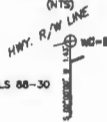
ID#	CURVE	RADIUS	LEN	CHORD	CHORD BEARING	PT. OF BEGINNING	PT. OF ENDING
1	CA Highway	111	111.00	111.00	90°00'00"	0+00	0+111
2	R/W Highway	111	111.00	111.00	90°00'00"	0+111	0+222
3	100' R/W	100	100.00	100.00	90°00'00"	0+222	0+322
4	50' R/W	50	50.00	50.00	90°00'00"	0+322	0+372
5	25' R/W	25	25.00	25.00	90°00'00"	0+372	0+397

LINE TABLE

LINE NO.	START STATION	END STATION	LENGTH	BEARING
1	0+00	0+111	111.00	90°00'00"
2	0+111	0+222	111.00	90°00'00"
3	0+222	0+322	100.00	90°00'00"
4	0+322	0+372	50.00	90°00'00"
5	0+372	0+397	25.00	90°00'00"

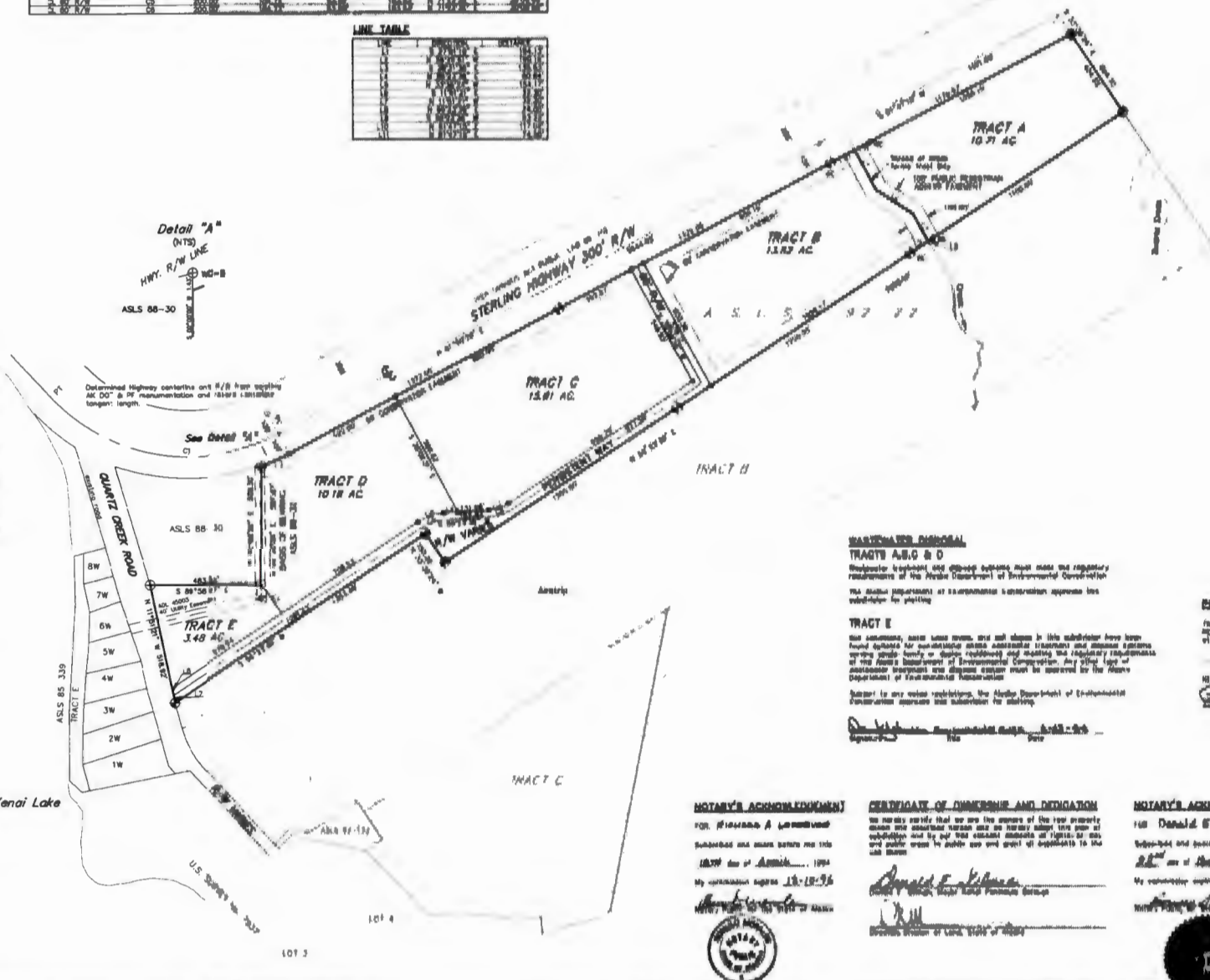


Detail "A"
(NTS)



Determined Highway centerline and R/W from topographic AC 00' ± 20' monumentation and staked centerline tangent length

See Detail "A"



LEGEND

- 1) Primary subdivision as shown on map
- 2) Secondary subdivision as shown on map
- 3) 100' R/W of 100' R/W
- 4) 50' R/W of 100' R/W
- 5) 25' R/W of 100' R/W
- 6) 1/2" ROAD WITH 10' R/W

NOTES

- 1) All other details and notes shown on maps must be followed.
- 2) No other details or notes shown on maps must be followed.
- 3) No other details or notes shown on maps must be followed.
- 4) No other details or notes shown on maps must be followed.

MARKETABLE DOMINANT TRACTS A, B, C & D

Marketable dominant and other systems must meet the regulatory requirements of the Alaska Department of Environmental Conservation.

TRACT E

This tract is not subject to the state environmental requirements of the Alaska Department of Environmental Conservation.

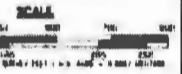


94-11
RECORDED
INDEXED
1994

PLAT APPROVAL

This plat was approved by the State Department of Natural Resources on 10/10/94.

Notary Public for Alaska
[Signature]



NOTARY'S ACKNOWLEDGMENT

I, Notary Public for Alaska, do hereby certify that on the 10th day of October, 1994, the above and signed plat was presented to me for recording and I have examined the same and find it to be correct and in accordance with the laws of the State of Alaska.



CERTIFICATE OF DIVERSITY AND DEDICATION

I, Notary Public for Alaska, do hereby certify that on the 10th day of October, 1994, the above and signed plat was presented to me for recording and I have examined the same and find it to be correct and in accordance with the laws of the State of Alaska.

Notary Public for Alaska
[Signature]

NOTARY'S ACKNOWLEDGMENT

I, Notary Public for Alaska, do hereby certify that on the 10th day of October, 1994, the above and signed plat was presented to me for recording and I have examined the same and find it to be correct and in accordance with the laws of the State of Alaska.

Notary Public for Alaska
[Signature]

QUARTZ CREEK SUBDIVISION (A Re-subdivision of Tract A ASLS 88-30)

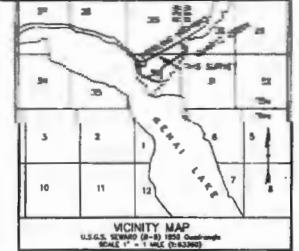
Date	10/10/94	Book No.	10000	Page No.	100
Filed	10/10/94	Sheet No.	10000	Page No.	100
Checked by	[Signature]	Scale	1" = 100'	Area	93.180

CURVE TABLE

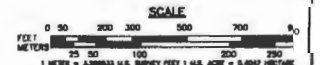
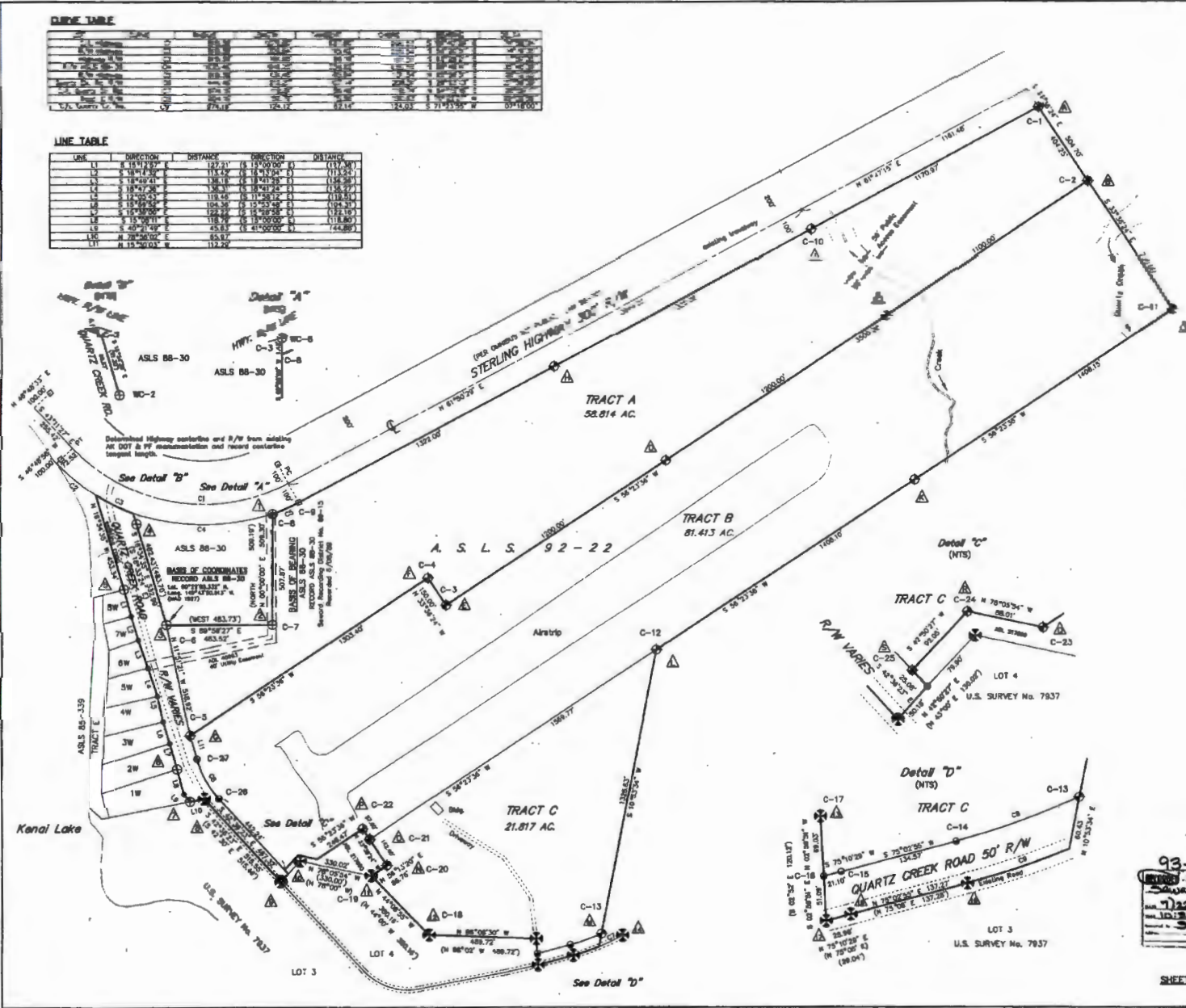
LINE	BEARING	CHORD	ANGLE	CHORD	ANGLE	CHORD	ANGLE	CHORD	ANGLE
1	S 15° 17' 27" E	127.21	S 15° 17' 27" E	127.21	S 15° 17' 27" E	127.21	S 15° 17' 27" E	127.21	S 15° 17' 27" E
2	S 15° 17' 27" E	113.02	S 15° 17' 27" E	113.02	S 15° 17' 27" E	113.02	S 15° 17' 27" E	113.02	S 15° 17' 27" E
3	S 15° 17' 27" E	108.83	S 15° 17' 27" E	108.83	S 15° 17' 27" E	108.83	S 15° 17' 27" E	108.83	S 15° 17' 27" E
4	S 15° 17' 27" E	104.64	S 15° 17' 27" E	104.64	S 15° 17' 27" E	104.64	S 15° 17' 27" E	104.64	S 15° 17' 27" E
5	S 15° 17' 27" E	100.45	S 15° 17' 27" E	100.45	S 15° 17' 27" E	100.45	S 15° 17' 27" E	100.45	S 15° 17' 27" E
6	S 15° 17' 27" E	96.26	S 15° 17' 27" E	96.26	S 15° 17' 27" E	96.26	S 15° 17' 27" E	96.26	S 15° 17' 27" E
7	S 15° 17' 27" E	92.07	S 15° 17' 27" E	92.07	S 15° 17' 27" E	92.07	S 15° 17' 27" E	92.07	S 15° 17' 27" E
8	S 15° 17' 27" E	87.88	S 15° 17' 27" E	87.88	S 15° 17' 27" E	87.88	S 15° 17' 27" E	87.88	S 15° 17' 27" E
9	S 15° 17' 27" E	83.69	S 15° 17' 27" E	83.69	S 15° 17' 27" E	83.69	S 15° 17' 27" E	83.69	S 15° 17' 27" E
10	S 15° 17' 27" E	79.50	S 15° 17' 27" E	79.50	S 15° 17' 27" E	79.50	S 15° 17' 27" E	79.50	S 15° 17' 27" E
11	S 15° 17' 27" E	75.31	S 15° 17' 27" E	75.31	S 15° 17' 27" E	75.31	S 15° 17' 27" E	75.31	S 15° 17' 27" E
12	S 15° 17' 27" E	71.12	S 15° 17' 27" E	71.12	S 15° 17' 27" E	71.12	S 15° 17' 27" E	71.12	S 15° 17' 27" E
13	S 15° 17' 27" E	66.93	S 15° 17' 27" E	66.93	S 15° 17' 27" E	66.93	S 15° 17' 27" E	66.93	S 15° 17' 27" E
14	S 15° 17' 27" E	62.74	S 15° 17' 27" E	62.74	S 15° 17' 27" E	62.74	S 15° 17' 27" E	62.74	S 15° 17' 27" E
15	S 15° 17' 27" E	58.55	S 15° 17' 27" E	58.55	S 15° 17' 27" E	58.55	S 15° 17' 27" E	58.55	S 15° 17' 27" E
16	S 15° 17' 27" E	54.36	S 15° 17' 27" E	54.36	S 15° 17' 27" E	54.36	S 15° 17' 27" E	54.36	S 15° 17' 27" E
17	S 15° 17' 27" E	50.17	S 15° 17' 27" E	50.17	S 15° 17' 27" E	50.17	S 15° 17' 27" E	50.17	S 15° 17' 27" E
18	S 15° 17' 27" E	45.98	S 15° 17' 27" E	45.98	S 15° 17' 27" E	45.98	S 15° 17' 27" E	45.98	S 15° 17' 27" E
19	S 15° 17' 27" E	41.79	S 15° 17' 27" E	41.79	S 15° 17' 27" E	41.79	S 15° 17' 27" E	41.79	S 15° 17' 27" E
20	S 15° 17' 27" E	37.60	S 15° 17' 27" E	37.60	S 15° 17' 27" E	37.60	S 15° 17' 27" E	37.60	S 15° 17' 27" E
21	S 15° 17' 27" E	33.41	S 15° 17' 27" E	33.41	S 15° 17' 27" E	33.41	S 15° 17' 27" E	33.41	S 15° 17' 27" E
22	S 15° 17' 27" E	29.22	S 15° 17' 27" E	29.22	S 15° 17' 27" E	29.22	S 15° 17' 27" E	29.22	S 15° 17' 27" E
23	S 15° 17' 27" E	25.03	S 15° 17' 27" E	25.03	S 15° 17' 27" E	25.03	S 15° 17' 27" E	25.03	S 15° 17' 27" E
24	S 15° 17' 27" E	20.84	S 15° 17' 27" E	20.84	S 15° 17' 27" E	20.84	S 15° 17' 27" E	20.84	S 15° 17' 27" E
25	S 15° 17' 27" E	16.65	S 15° 17' 27" E	16.65	S 15° 17' 27" E	16.65	S 15° 17' 27" E	16.65	S 15° 17' 27" E
26	S 15° 17' 27" E	12.46	S 15° 17' 27" E	12.46	S 15° 17' 27" E	12.46	S 15° 17' 27" E	12.46	S 15° 17' 27" E
27	S 15° 17' 27" E	8.27	S 15° 17' 27" E	8.27	S 15° 17' 27" E	8.27	S 15° 17' 27" E	8.27	S 15° 17' 27" E
28	S 15° 17' 27" E	4.08	S 15° 17' 27" E	4.08	S 15° 17' 27" E	4.08	S 15° 17' 27" E	4.08	S 15° 17' 27" E
29	S 15° 17' 27" E	0.89	S 15° 17' 27" E	0.89	S 15° 17' 27" E	0.89	S 15° 17' 27" E	0.89	S 15° 17' 27" E

LINE TABLE

LINE	DIRECTION	DISTANCE	DIRECTION	DISTANCE
1	S 15° 17' 27" E	127.21	S 15° 17' 27" E	127.21
2	S 15° 17' 27" E	113.02	S 15° 17' 27" E	113.02
3	S 15° 17' 27" E	108.83	S 15° 17' 27" E	108.83
4	S 15° 17' 27" E	104.64	S 15° 17' 27" E	104.64
5	S 15° 17' 27" E	100.45	S 15° 17' 27" E	100.45
6	S 15° 17' 27" E	96.26	S 15° 17' 27" E	96.26
7	S 15° 17' 27" E	92.07	S 15° 17' 27" E	92.07
8	S 15° 17' 27" E	87.88	S 15° 17' 27" E	87.88
9	S 15° 17' 27" E	83.69	S 15° 17' 27" E	83.69
10	S 15° 17' 27" E	79.50	S 15° 17' 27" E	79.50
11	S 15° 17' 27" E	75.31	S 15° 17' 27" E	75.31
12	S 15° 17' 27" E	71.12	S 15° 17' 27" E	71.12
13	S 15° 17' 27" E	66.93	S 15° 17' 27" E	66.93
14	S 15° 17' 27" E	62.74	S 15° 17' 27" E	62.74
15	S 15° 17' 27" E	58.55	S 15° 17' 27" E	58.55
16	S 15° 17' 27" E	54.36	S 15° 17' 27" E	54.36
17	S 15° 17' 27" E	50.17	S 15° 17' 27" E	50.17
18	S 15° 17' 27" E	45.98	S 15° 17' 27" E	45.98
19	S 15° 17' 27" E	41.79	S 15° 17' 27" E	41.79
20	S 15° 17' 27" E	37.60	S 15° 17' 27" E	37.60
21	S 15° 17' 27" E	33.41	S 15° 17' 27" E	33.41
22	S 15° 17' 27" E	29.22	S 15° 17' 27" E	29.22
23	S 15° 17' 27" E	25.03	S 15° 17' 27" E	25.03
24	S 15° 17' 27" E	20.84	S 15° 17' 27" E	20.84
25	S 15° 17' 27" E	16.65	S 15° 17' 27" E	16.65
26	S 15° 17' 27" E	12.46	S 15° 17' 27" E	12.46
27	S 15° 17' 27" E	8.27	S 15° 17' 27" E	8.27
28	S 15° 17' 27" E	4.08	S 15° 17' 27" E	4.08
29	S 15° 17' 27" E	0.89	S 15° 17' 27" E	0.89



- LEGEND**
- ⊕ PRIMARY MONUMENT RECOVERED THIS SURVEY
 - ⊗ SLM PRIMARY MONUMENT RECOVERED THIS SURVEY
 - ⊙ SECONDARY MONUMENT RECOVERED THIS SURVEY
 - ⊙ AK DOT & PF 6" x 6" CONC. R/W MONUMENT RECOVERED THIS SURVEY
 - ⊙ PRIMARY MONUMENT SET THIS SURVEY (SEE NOTE 1)
 - ⊙ SECONDARY MONUMENT SET THIS SURVEY
 - ⚠ Monument Designation
 - () Record Information



DATE OF SURVEY August 3, 1993	NAME OF SUPERVISOR Michele M. Anderson
STATE OF ALASKA DEPARTMENT OF NATURAL RESOURCES DIVISION OF LAND RECORDING, ALASKA	
ALASKA STATE LAND SURVEY NO. 92-22	
WITHIN UNSURVEYED SECTION 30 & 31, T. 5 S., R. 2 W. AND UNSURVEYED SECTIONS 28 & 29, T. 5 N., R. 3 W., S.M., ALASKA THE KEAN PENINSULA BOROUGH AND THE SEWARD RECORDING DISTRICT.	
DRAWN BY: mm	REVISIONS RECORDED: 7-16-97
DATE: May 07, 1993	OFFICIAL PUBLIC RECORD:
SCALE: 1" = 300'	FILE NO.: ASLS 920022
	ASLS FILE NO.: 92-141

93-8
 7/22
 30A

SHEET 1 OF 2

Page 52 of 311

GENERAL STATE OF ALASKA

The undersigned, hereby certify that I am the Director of said office, and that the State of Alaska is the owner of the land shown on this plan. I hereby approve this survey and plan for the State of Alaska, and authorize the public and private use of same, if necessary, public utility lines and other structures are shown and recorded thereon.

Dated July 19, 1983

 Director of Lands

NOTARY'S ACKNOWLEDGMENT

Subscribed and sworn before me this 19th day of July, 1983.


For David A. Macpherson

 Notary Public for Alaska
 My Commission Expires 12-10-83




APPLICANT CERTIFICATE

We the undersigned, hereby certify that we are the applicant as shown herein. We hereby approve this survey and plan.


For Donald E. Gilman, Mayor

 Donald E. Gilman, Mayor
 Authorized Official Kenai Peninsula Borough
 Date 5-11-83

NOTARY'S ACKNOWLEDGMENT

Subscribed and sworn before me this 11th day of May, 1983.

For David A. Macpherson

 Notary Public for Alaska
 My Commission Expires 12-10-83

PLAT APPROVAL

This plat was approved by the KENAI PENINSULA BOROUGH PLANNING COMMISSION in accordance with Section 20.04.070 Kenai Peninsula Borough Subdivision Regulations.
 S-11-83


WASTEWATER DISPOSAL

Wastewater treatment and disposal systems must meet the regulatory requirements of the Alaska Department of Environmental Conservation.

The Alaska Department of the Environmental Conservation approves this subdivision for platting.

For EEA

 Alaska Department of Environmental Conservation
 Commissioner Kenneth Eklund

NOTARY'S ACKNOWLEDGMENT

Subscribed and sworn before me this 19th day of July, 1983.


For David A. Macpherson

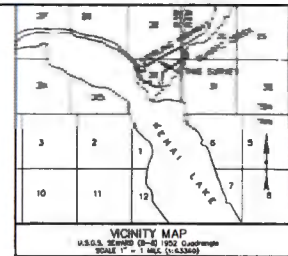
 Notary Public for Alaska
 My Commission Expires 12-10-83



APPLICANT CERTIFICATE

We the undersigned, hereby certify that we are the applicant as shown herein. We hereby approve this survey and plan.

ATS. NO. 21782 Tract C
 ATB. NO. 21783 Tract D
 For David A. Macpherson

 Alaska Department of Transportation and Public Facilities



NOTES

1. This survey was accomplished by acceptance with AC 25.65 and 25.66-25.67.

2. All easements shown on this plan are shown to the benefit of the State of Alaska.

3. All easements shown on this plan are subject to the terms of the original survey and are subject to the terms of the original survey and are subject to the terms of the original survey.


4. All easements shown on this plan are subject to the terms of the original survey and are subject to the terms of the original survey.

MONUMENT ACCESSORY TABLE								
CORNER	OBJECT NO.	BEARING	DISTANCE	DESCRIPTION	CORNER	OBJECT NO.	DESCRIPTION	
BLM 25-30 C-1 1983	▲	N 77°25' E S 10°10' W	40.8' 29.1'	12" Spruce 12" Spruce	BLM 25-30 C-1 1983	▲	N 00°12' E S 70°31' W S 71°43' W	8.8' 8' Spruce 8' Birch
BLM 25-30 C-1 1983	▲	N 00°22' E N 00°34' W	2.3' 18.1'	6" Spruce 6" Spruce 8" Birch	BLM 25-30 C-1 1983	▲	N 11°27' E S 49°22' E N 88°02' W	18.0' 10.3' 8' Spruce 5" Spruce
BLM 25-30 C-1 1983	▲	N 50°15' E S 04°34' W	30.3' 13.7'	6" Spruce 3" Spruce 5" Spruce	BLM 25-30 C-1 1983	▲	S 23°35' E S 68°40' W N 48°11' W	15.5' 4' Spruce 12" Birch
BLM 25-30 C-1 1983	▲	N 23°01' E S 16°32' W	10.7' 23.8'	3" Spruce 12" Birch 6" Spruce	BLM 25-30 C-1 1983	▲	N 28°47' E S 48°18' W W 45°20' W	15.1' 87.1' 34.4'
BLM 25-30 C-1 1983	▲	N 88°24' E S 10°48' W N 42°27' W	25.8' 27.4' 32.9'	5" Spruce 6" Spruce 7" Spruce	BLM 25-30 C-1 1983	▲	N 78°50' E S 29°41' W N 04°57' W	38.7' 7' Spruce 6" Aspen
BLM 25-30 C-1 1983	▲	N 35°10' E S 20°20' W N 68°23' W	28.4' 21.9' 18.8'	5" Birch 4" Birch 6" Spruce	BLM 25-30 C-1 1983	▲	N 78°53' E S 89°40' W N 18°41' W	38.5' 54.1' 24.0'
BLM 25-30 C-1 1983	▲	N 22°47' E S 72°30' E S 02°57' W	41.8' 32.1' 18.4'	10" Spruce 8" Spruce 12" Spruce	BLM 25-30 C-1 1983	▲	N 51°18' E S 30°30' W N 79°12' W	14.4' 87' Birch 8' Spruce
BLM 25-30 C-1 1983	▲	S 88°42' E S 28°39' E S 02°22' W	51.8' 18.2' 20.7'	5" Spruce 4" Spruce 12" Birch	BLM 25-30 C-1 1983	▲	N 38°01' E S 15°05' E N 43°42' W	18.9' 38.0' 13.1'
BLM 25-30 C-1 1983	▲	N 87°34' E S 09°31' E S 43°54' W	88.3' 38.2' 100.3'	5" Spruce 6" Spruce 8" Spruce	BLM 25-30 C-1 1983	▲	N 04°50' E S 89°30' E S 10°29' W	28.3' 43.2' 28.5'
BLM 25-30 C-1 1983	▲	N 56°33' E S 39°41' E S 83°36' W	58.9' 15.7' 53.3'	5" Spruce 10" Spruce 4" Poplar				

MONUMENTS RECOVERED							
CORNER	OBJECT NO.	NOTE	BLM	DATE	RECOVERED	DATE	RECOVERED
BLM 25-30 C-1 1983	▲	Found monument as described in official record.	BLM C-1 1983	1983	Found monument as described in official record.	1983	1983
BLM 25-30 C-1 1983	▲	Found monument as described in official record.	BLM C-1 1983	1983	Found monument as described in official record.	1983	1983
BLM 25-30 C-1 1983	▲	Found monument as described in official record.	BLM C-1 1983	1983	Found monument as described in official record.	1983	1983
BLM 25-30 C-1 1983	▲	Found monument as described in official record.	BLM C-1 1983	1983	Found monument as described in official record.	1983	1983
BLM 25-30 C-1 1983	▲	Found monument as described in official record.	BLM C-1 1983	1983	Found monument as described in official record.	1983	1983
BLM 25-30 C-1 1983	▲	Found monument as described in official record.	BLM C-1 1983	1983	Found monument as described in official record.	1983	1983
BLM 25-30 C-1 1983	▲	Found monument as described in official record.	BLM C-1 1983	1983	Found monument as described in official record.	1983	1983
BLM 25-30 C-1 1983	▲	Found monument as described in official record.	BLM C-1 1983	1983	Found monument as described in official record.	1983	1983
BLM 25-30 C-1 1983	▲	Found monument as described in official record.	BLM C-1 1983	1983	Found monument as described in official record.	1983	1983
BLM 25-30 C-1 1983	▲	Found monument as described in official record.	BLM C-1 1983	1983	Found monument as described in official record.	1983	1983

SURVEYOR'S CERTIFICATE

I hereby certify that I am properly registered and licensed to practice land surveying in the State of Alaska, and that this plan represents a survey made by me or under my direct supervision, and that the monuments shown herein actually exist as described, and that all dimensions and other details are correct.

Date May 8, 1983 Registration Number 4926-S

 Registered Land Surveyor



93-B
 Surveyed by
 David A. Macpherson
 7-16-83
 SPA

SHEET 2 OF 2

SCALE

0 50 100 200 300 400 500 600 700 800
 FEET
 METERS

DATE OF SURVEY: June 2, 1983
 RECORDING: February 11, 1983
 DRAWING: February 11, 1983

NAME OF SURVEYOR: David A. Macpherson
 LICENSE AND ASSOCIATION: 4926-S
 P.O. BOX: 4926-S
 ADDRESS: Kenai, Alaska

STATE OF ALASKA
 DEPARTMENT OF NATURAL RESOURCES
 DIVISION OF LAND RECORDS
 RECORDING DISTRICT

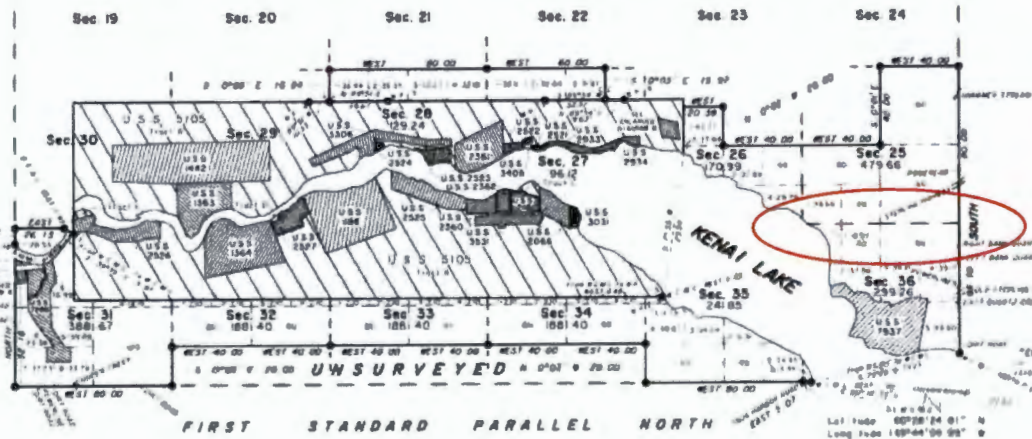
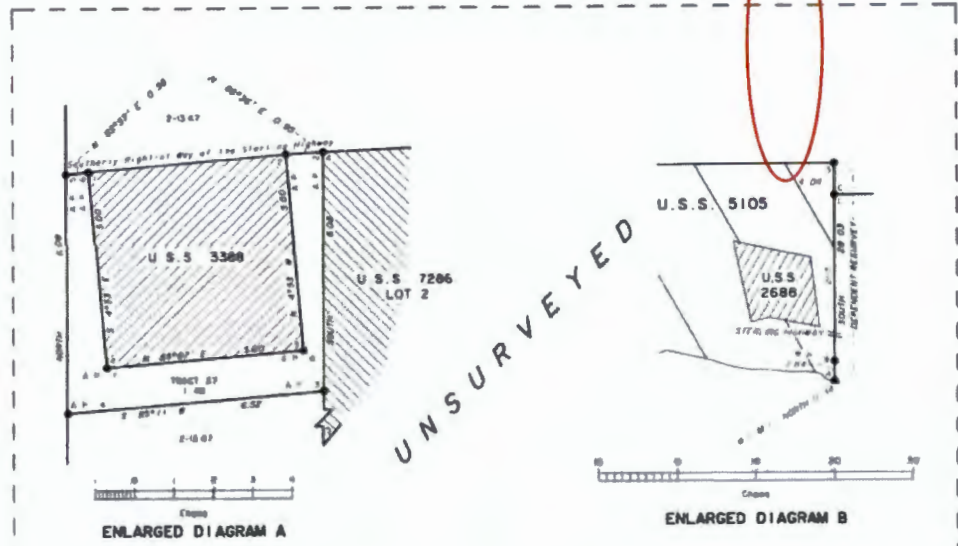
ALASKA STATE LAND SURVEY NO. 92-22

WITH UNSURVEYED SECTION 30 & 31, T. 5 N., R. 2 W. AND UNSURVEYED SECTIONS 25 & 26, T. 6 N., R. 3 W., S.M., ALASKA
 THE KENAI PENINSULA BOROUGH AND THE SEWARD RECORDING DISTRICT.

DATE: May 07, 1983 APPROVAL: David A. Macpherson 7-16-83
 SCALE: 1" = 300' RECORDED: 4926-S FILE NO.: ASL 920022 92-141

DATE, OCTOBER 8, 1992

TOWNSHIP 5 NORTH, RANGE 3 WEST, OF THE SEWARD MERIDIAN, ALASKA



The history of surveys is contained in the field notes.

This plat and the field notes represent the dependent reserves of portions of U.S. Survey No. 5105, the retracement of a portion of U.S. Survey No. 3388, and the survey of the First Standard Parallel North along part and of the south boundary of Township 5 North through Range 3 West, Seward Meridian, portions of the east and west boundaries, portions of the subdivision lines, Tract 37, and a portion of the meanders of Township 5 North, Range 3 West, Seward Meridian, Alaska. A portion of the subdivision lines of the township were surveyed by protraction as shown on this plat.

This survey was executed by Frank & Horst, Coastal Surveyors, May 25 through September 11, 1986, in accordance with the specifications set forth in the Manual of Surveying Instructions, 1973, Special Instructions for Group No. 408 Alaska, dated November 1, 1983, approved September 5, 1985, and Assignment Instructions dated May 15, 1986.

The hydrography shown on this plat was obtained by field survey methods.

Acceptance of this survey does not purport to transfer any interest in submerged lands to which the State of Alaska is entitled under the Equal Footing Doctrine and Section 6(m) of the Alaska Statehood Act P.L. 85-506, notwithstanding the use, location, or absence of meander lines to depict water bodies.

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Anchorage, Alaska

This plat is strictly conformable to the approved field notes, and the survey, having been correctly executed in accordance with the requirements of law and the regulations of this Bureau, is hereby accepted.

For the Director
Mark D. [Signature] 28 Sep 1992
Date

Deputy State Director for Coastal Survey, Alaska

Proj: S16-6 T5N, R3W S1

Seward B-8

S.D.E.

Kenai Peninsula Borough

PLANNING COMMISSION DESK PACKET

**September 14, 2020
7:30 p.m.**

Clements, Peggy

From: Cooper Landing Advisory Planning Commision <cooperlandingapc@gmail.com>
Sent: Thursday, September 10, 2020 7:49 AM
To: Janette Cadieux; Hartley, Patricia; Kathy Recken; Laura Johnson; Mueller, Marcus; Yvette Galbraith; Heather Harrison; Fletcher, Sandra; Hindman, Julie; Clements, Peggy; Chris Degernes
Subject: <EXTERNAL-SENDER>2020 09 09 CLAPC Unapproved Minutes
Attachments: 20200909 CLAPC Minutes UNAPP.docx; SR Quartz Creek Sub Tract B SLEV 2020-098V.pdf; 20200708 CLAPC Minutes APPROVED.docx

CAUTION:This email originated from outside of the KPB system. Please use caution when responding or providing information. Do not click on links or open attachments unless you recognize the sender, know the content is safe and were expecting the communication.

Commissioners,

Here are the Unapproved Minutes from our September 9th Regular Meeting and the supporting documents not already available on the KPB's CLAPC webpage.

Please note that the CLAPC voted to:

- Disapprove the request for vacation of the section line until such time as the deficiencies in the design can be addressed and shown to the Platting Committee of the KPB Planning Commission and the CLAPC. These deficiencies include: the conservation easement described in Section 3 of KPB Ordinance 91-20 must remain intact, the public access that the section easement provides must be shown to be mitigated in the design, and the anadromous waters that surround this property must be protected.

I have also attached the Approved Minutes from the July 8th Regular Meeting. Please let me know if you need more info or have questions.

Cheers,
David

**COOPER LANDING ADVISORY PLANNING COMMISSION
REGULAR MEETING
LOCATION: ZOOM TELECONFERENCE
WEDNESDAY, SEPTEMBER 09, 2020
6:00 PM
UNAPPROVED MINUTES**

1. CALL TO ORDER – 6:00pm
2. ROLL CALL – J. Cadieux, L. Johnson, K. Recken, D. Story, Y. Galbraith present. H. Harrison, C. Degernes excused. S. Holland, S. Fletcher, K Route attending.
3. APPROVAL OF AGENDA – Y. Galbraith moves to approve as written. L. Johnson seconds. All approve.
4. APPROVAL OF MINUTES for July 08, 2020 – L. Johnson moves to approve as written. Y. Galbraith seconds, all approve.
5. CORRESPONDENCE – none.
6. PUBLIC COMMENT/PRESENTATION WITHOUT PREVIOUS NOTICE – none.
7. REPORT FROM BOROUGH
 - a. DOT&PF Sterling Hwy MP 45-60 Project report and questions/answers. Sean Holland, PE, Project Manager, AKDOTP&F.
 - i. Still working on clearing the preliminary corridor. About 95% complete.
 - ii. Firewood program is going well. Access is still soft and steep in places but there is a lot of wood to access. Estimated at about 150 cords taken by the public so far. KPB and USFS will pursue commercial operators to take some of the wood because the volume is so large.
 - iii. Geotechnical investigation is continuing and will do so as weather holds, likely into November.
 - iv. Aim to hold a public meeting for the 35% design of the highway to share some of the alignment updates around the bridge.
 - v. The final bridge type selection is narrowing down. A decked arch bridge is the current design that is favored.
 - vi. The hope is to get equipment to the bridge site area yet this fall in order to stage for bridge equipment so that work can commence in the spring earlier than waiting for usual road hardening timeline.
 - vii. The Slaughter Gulch trail will need some local input in order to determine the best access and crossing location.

- viii. The Three Bears plat request asked for entry and exit onto the Sterling Highway which DOT believes will be denied in order to consolidate highway access to the Quartz Creek Rd. interchange.

8. OLD BUSINESS – none.

9. NEW BUSINESS

- a. Kenai River Center Multi-Agency Permit Application for rehabilitation of the Seward Highway MP 17-22.5 including drainage improvements, new Victor Creek bridge, bridge updates including bike/ped path on Snow River bridge, some road re-alignment, and other specifics. See permit app for details.
 - i. J. Cadieux said that without a representative to explain some of the decisions, it is difficult to know how some of the assessments are made. She said that it would be useful to know some of how these decisions are made and would help with learning about other projects. S. Fletcher said she would contact Nancy Carver to find out if she could be available for such explanations of this and future projects. J. Cadieux will share some already identified questions so that those individuals can be prepared to respond to some of them specifically.
 - ii. The CLAPC is thankful for the opportunity to review the project information provided. The scope of the project is large and has introduced more questions that we feel would be benefitted by a representative who can speak to some of the specifics. We would like to invite any representatives who might be able to join us at our next meeting.

10. PLAT REVIEW

- a. Preliminary plat, KPB 2020-098v, Tract B, Sterling Hwy frontage lot, east of Sunrise, near the KPB transfer site.
 - i. K. Recken asked about the design drawing which shows encroachments on the 50' conservation easement that surrounds the property.
 - ii. J. Cadieux said that there is also a need to provide access if the section line is vacated and the current design places this access near the anadromous stream Denaina Creek.
 - iii. J. Cadieux emailed with KPB Platting Specialist Scott Huff who said that this preliminary design did not take into account these two limitations and that an updated design will be required to address these deficiencies.
 - iv. K. Recken moves to disapprove the request for vacation of the section line until such time as the deficiencies in the design can be addressed and shown to the Platting Committee of the KPB Planning Commission and the CLAPC. These deficiencies include: the conservation easement described in Section 3 of KPB Ordinance 91-20 must remain intact, the public access that the section easement provides must be shown to be mitigated in the

design, and the anadromous waters that surround this property must be protected. Y. Galbraith seconds. All approve.

11. INFORMATION and ANNOUNCEMENTS

- a. J. Cadieux said that the Cooper Landing Community Club is working with the CLAPC to draft letters to trail websites to: 1. Promote trail etiquette and best use practices, 2. Contribute as a partner to the stewardship of non-maintained trails that are advertised or promoted on their sites or to consider not promoting non-maintained trails at all.

12. COMMISSIONER'S COMMENTS – none.

13. ADJOURNMENT – L. Johnson moves to adjourn. Y. Galbraith seconds. All approve. 7:32pm.

For more information or to submit comments please contact:

David Story, Secretary Treasurer or Janette Cadieux, Chair, P.O. Box 694, Cooper Landing, 99572 CooperLandingAPC@gmail.com