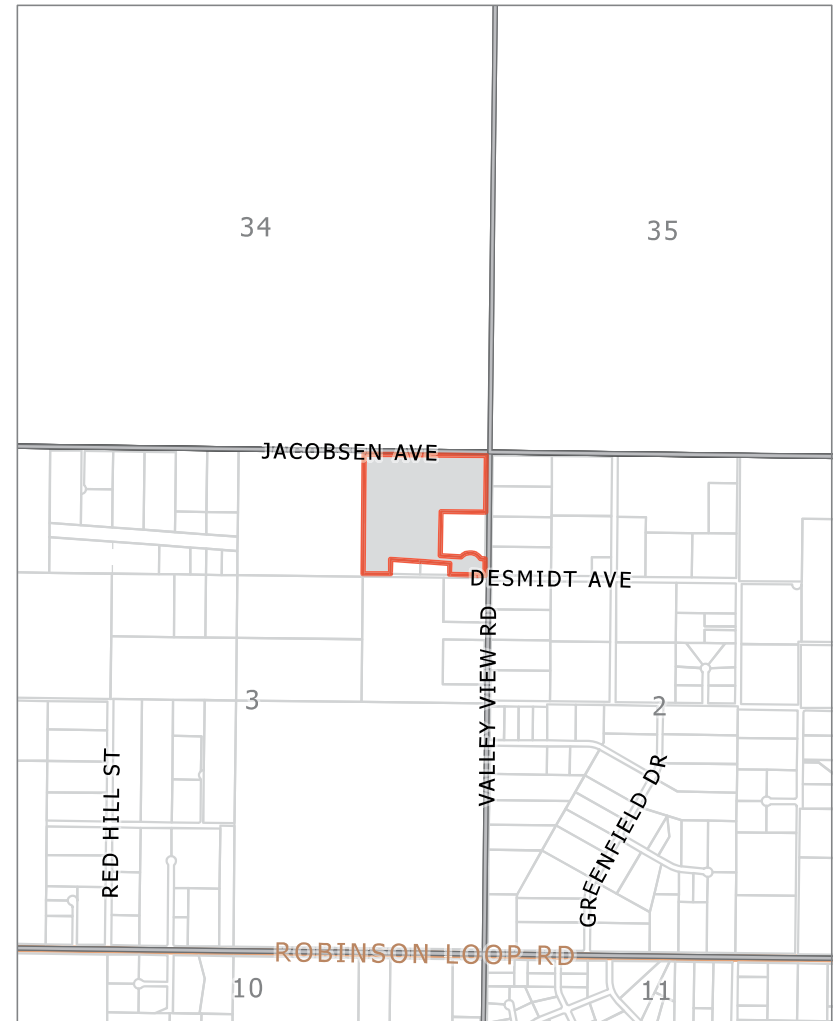


E. NEW BUSINESS

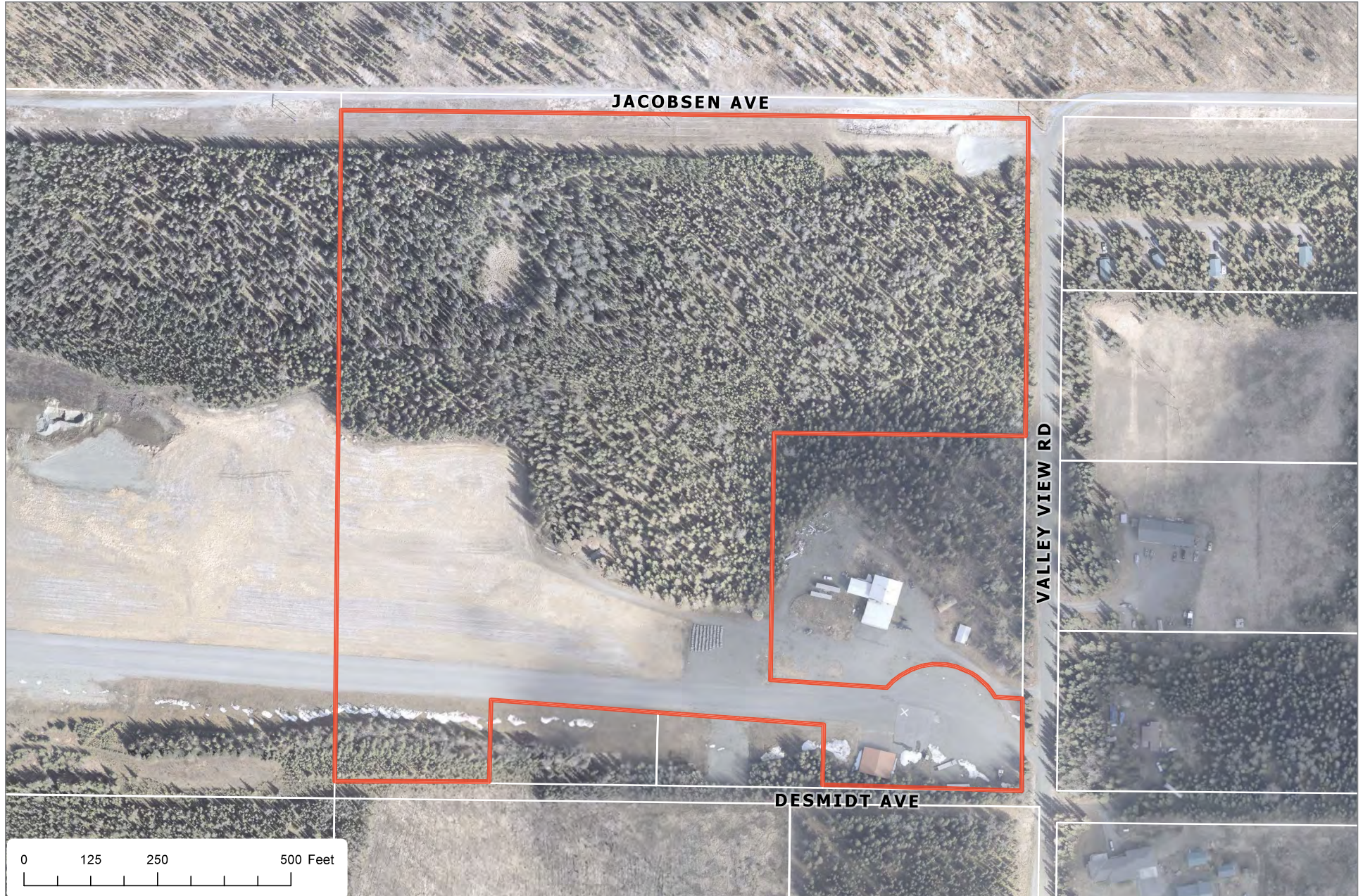
2. Whistlebait Estates Addition No. 3; KPB File 2026-023

Vector Surveying / Whistlebait LLC

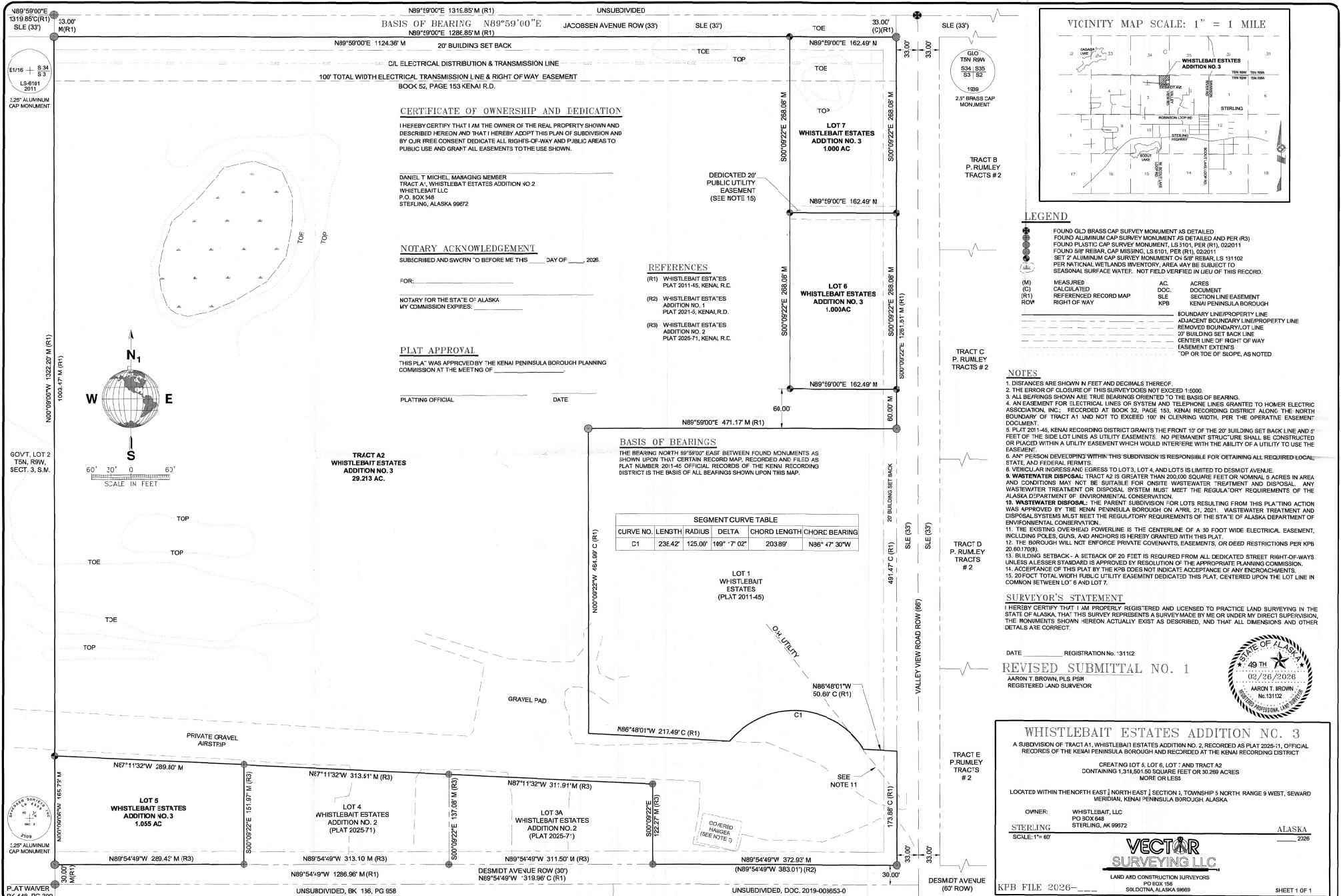
**Location: Jacobsen Avenue, Valley View Road &
Desmidt Avenue
Sterling Area**



KPB File 2026-023
T05N R09W SEC03
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.



KPB 2026-023

AGENDA ITEM E. NEW BUSINESS

**ITEM #2 - PRELIMINARY PLAT
WHISTLEBAIT ESTATES NO 3**

KPB File No.	2026-023
Plat Committee Meeting:	August 10, 2026
Applicant / Owner:	Whistlebait LLC / Sterling Alaska
Surveyor:	Aaron Brown / Vector Surveying LLC
General Location:	Desmidt Ave & Valleyview Rd in Sterling

Parent Parcel No.:	063-043-79
Legal Description:	T 05N R 09W SEC 03 SEWARD MERIDIAN KN 2025071 WHISTLEBAIT ESTATES ADDN NO 2 TRACT A1
Assessing Use:	Accessory Building
Zoning:	Rural Unrestricted
Water / Wastewater	Onsite / Onsite
Exception Request	20.40

STAFF REPORT

This plat was heard at the April 13, 2026 Plat Committee meeting and granted preliminary approval. This submittal and staff report is only for the hearing of a new exception request for KPB 20.40 that was not requested at the time of the preliminary submittal. Wastewater Disposal.

Location and Access (existing and proposed):

Legal access to the plat is along Valley View Dr which has intersections with both Desmidt Ave on the south of the plat and Jacobsen Ave on the north of the plat. Valley View Dr. is a 60' dedication developed and maintained by the borough. Jacobsen Ave. is a 33' dedication that is developed and maintained by the borough. Desmidt Ave. is a 33' dedication no developed.

Staff Analysis

A soils report is required for Lots 5, 6 & 7 and an engineer will sign the final plat as the new lots are below 200,000 sq ft. an exception to KPB 20.40 has been requested.

A soils report will not be required as the for Tract A2 as it is above 200,000 sq ft.

STAFF RECOMMENDATIONS

CORRECTIONS / EDITS

Remove (see note 7) from drawing

Add plat note 7 with reference to granted exception to building setback dated April 13, 2026.

Darken the north line along Lot 4 as boundary of plat.

Lighten the north line of Lot 5 as an interior line of plat.

Lighten the west and south lines of Lots 6 & 7 as interior lines of the plat.

EXCEPTIONS REQUESTED:

A. KPB 20.40 Wastewater Disposal

Surveyor's Discussion:

On behalf of the applicant, this letter respectfully request an exception to the requirement for a site-specific soils report for onsite wastewater treatment in connection with the above-referenced subdivision, consistent with the discretionary provisions of KPB 20.60 (Subdivisions) and applicable wastewater review standards.

Surveyor's Findings:

1. Existing soils data on file (KPB Record): A soils investigation was completed for the subject property in 2021, and said report is on file with the Kenai Peninsula Borough. That investigation concluded that subsurface conditions are suitable for onsite wastewater systems. This existing, accepted documentation satisfies the intent of Borough requirements to verify soils suitability and minimizes redundancy.
2. Consistency with Intent of KPB Code: The purpose of requiring a soils report under KPB 20.60 and related wastewater provisions is to ensure that lots are developed and capable of supporting compliant onsite wastewater systems without risk to public health. Given the existence of a verified soils report demonstrating suitability, the strict resubmittal of duplicative data does not materially advance this purpose.
3. Area-wide Soil Conditions and Development History: The property lies within a developed area of the Kenai Peninsula where soils are well characterized through prior subdivision activity and permitting. Numerous adjacent parcels have been approved and developed using onsite wastewater systems under similar subsurface conditions.
4. Adequate Lot Configuration and Future Compliance: the proposed lots are of sufficient size and configuration to accommodate primary and reserve drain fields, meeting separation and siting requirements. Final system design will remain subject to State of Alaska DEC approval and or applicable permitting, including any site-specific verification required at the time of construction.
5. Avoidance of Unnecessary Burden; Requiring an additional soils report at the platting stage would impose unnecessary cost and delay, particularly where adequate, acceptable data already exist. Any further site-specific investigation can be appropriately addressed at the time of individual lot development, consistent with standard practice.

Staff Discussion:

20.40.010. - Wastewater disposal.

A. All lots within a proposed subdivision in the Kenai Peninsula Borough must meet the following applicable standards of this chapter for wastewater disposal.

Staff Findings:

6. The area tested in the soils report was the area of the lower lots mainly with three test holes, no holes on the east line where the new proposed lots are of this plat.
7. The area to the west is a gravel pit and was observed in Summary of Soils Review 1) to be consistent with the soils of the three test holes indicating a consistent soil stratum across the what is proposed as Tract A2 and Lots 6 and 7 of this proposed plat.
8. A conventional bed type system was recommended in the soils report.
9. The proposed plat is creating three new lots, one on the southwest corner and two on the northeast corner of the plat.
10. Granting this exception will not deny adjacent owners the use of a soils analysis report for their property upon subdividing.

Staff reviewed the exception request and recommends granting approval.

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

Unless prohibited under this title, the committee may authorize exceptions to any of the requirements set forth in this title. Application for an exception shall present 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 by application;
Findings 4, 5, 7 & 8 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, 2, 4 & 5 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 5 & 10 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:

STAFF RECOMMENDS:

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

NOTE: 20.25.120. - REVIEW AND APPEAL.

A PARTY OF RECORD MAY REQUEST THAT A DECISION OF THE PLAT COMMITTEE BE REVIEWED BY THE PLANNING COMMISSION BY FILING A WRITTEN REQUEST WITHIN 15 DAYS OF NOTIFICATION OF THE DECISION IN ACCORDANCE WITH KPB 2.40.080.

A DECISION OF THE PLANNING 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

WL Robson Engineering
36235 Stephens Dr.
Sterling, AK 99672
Ph.: (907) 262-3178
M.: (907) 312-6051

February 20, 2021

Whistlebait, LLC
Att.: Mr. Daniel T. Michel
P. O. Box 648
Sterling, AK 99672

Re: WhistleBait Estates, Add. No. 1 Subdivision Soils Report for KPB 2020-143
Legal Description: A subdivision of Gov't. Lot 1, Section 3, T5N, R9W, S.M., excluding WhistleBait Est. Plat 2011-45, Kenai Recording District. Located within the NE1/4, of the NE1/4, Section 3, T5N, R9W, S.M., KPB, AK. Containing 32.235 Ac.

Dear Sir:

Per your request, please find the attached soils report for the subject WhistleBait Est., Add. No. 1 Subdivision.

Described herein are the locations of test-holes, description of soils encountered per each test-hole log, dialogue describing conditions at the time of excavation, as well as an example of a typical system that would meet the conditions of the available soils.

Any onsite wastewater disposal systems would need to be installed by an ADEC certified installer and/or a professional engineer licensed in the State of AK and per State Administrative Code 18AAC72 governing the installation of onsite systems.

Please contact myself, per the above, regarding any questions. Thank you for the time of review.

Sincerely;



Walter L. Robson P.E.
AK Lic. # CE7717
AK B.L.: 974543

Attached: Soil Investigation Report (12pp.)

Cc: KPB Planning Dept.



SOILS REPORT FOR WHISTLEBAIT ESTATES ADDITION NO. 1

FEBRUARY 2021

INTRODUCTION:

This subdivision is located in the Sterling area, ~1.5 miles due north of the Sterling Hwy., at MP 84.6. Its legal description is: *A subdivision of Gov't. Lot 1, Section 3, T5N, R9W, S.M., excluding WhistleBait Est. Plat 2011-45, Kenai Recording District. Located within the NE1/4, of the NE1/4, Section 3, T5N, R9W, S.M., KPB, AK. Containing 32.235 Ac.* The subdivision is roughly square in geometry with a ~5 Ac. parcel previously subdivided (KRD Plat 2011-45).

This subdivision thusly contains a ~29.24 Ac. and includes the main parcel, (Tract A) and three ~1 Ac. Lots, (#2,3 &4) These lie along the south boundary, per the preliminary Plat. This subdivision is accessed via Valley View Rd. and each lot's south border is along Desmidt Ave., a 30' ROW. A request was received by the Owners to review the soils of each of these three named Lots, for future development potential. Three test-holes were completed on these three lots, in conjunction with two percolation tests. A photo view, of the preliminary plat, was provided by the Owner, via their retained surveyor, Segesser Surveying, for development of this report. The site has some varying topography to the north but is quite flat along the southern half. The subject three Lots are all within the flat portion of the original parcel.

AREA GEOLOGY:

¹The subject area is part of the Kenai-Kasilof Soils Conservation Sub-district and lies along the north-eastern portion, of the Kenai uplands. The area is underlain by folded silty and sandy sediments of the Kenai formation, of the Tertiary, Eocene age. Most deposits are buried by thick glacial and alluvial deposits. Most deposits originated from the tributary glaciers of the Kenai Mountains. These occurred either through their progression or (in the case of the deposition of thick, coarse grained deposits, formally broad terraces of the Kenai River) their retreat, leaving sub-angular sands and rounded, clean gravels, as witnessed from this investigation. The coarser materials were formed into the hillier portions, with the lowlands representing the fine, grained materials. Principally, many of the upland soils of this lower portion of this subdivision are of the Naptowne silt-loam soil types, known for their well-drained characteristic as well as stability as foundation material. Some limited areas of Kenai silt-loams are in evidence but of limited extent; found mainly in areas just south of the flatter border areas of this subdivision. Per the Area Soils report, Reference¹, the Naptowne silt loams, whether relatively level or gently sloping (NaA or NaB as listed in this reference) all have deep separation to the underlying water table and typically exhibit 'moderately deep to shallow loess' over coarse-grained substratum.

SUMMARY OF SOILS REVIEW:

- 1.) Each of the three test-holes were excavated down to ~14' in depth and reviewed on 10/10/2020. (See Attach. # 1,2,3). Test-holes #1, #2 & #3 are located on each lot's easterly end i.e., Lots #2, #3 & #4, respectively. (See Attach. #7) The larger portion of Tract A was reviewed on the surface for any anomalies and being > 200,000 sq. ft., was not excavated for analysis. However, the next parcel to the West, containing an open gravel source, was reviewed for possible continuation of the general area's formation. That site indicated that the soil strata visible, mirrored exactly as revealed in the easterly portion of the subject parcel. The various sand and gravel deposits evident through TH. #'s 1,2 & 3, across the continuous river terrace, were laid down in similar fashion. This indicates that similar conditions will be found on the remaining ~29 Ac. of Tract A.

- 2.) No ground water was noted in any of the three test-holes exposed. From historical dialogue and from visualization of the westerly noted gravel site, the water table in this area is found at greater than the 20' depth.
- 3.) Most of the in-situ materials, encountered in each of the test-holes was either coarse grained material, clean and well drained, poorly graded, rated GP or moderately finer and subangular sands, rated SP (per the USCS). A small portion was deemed to be GM, silty gravels. No impervious soils, (plastic silts or clays) were found to exist in this area.
- 4.) These clean sands and gravels would normally be rated for wastewater disposal as requiring 115 to 150 SF per Bedroom, or 1.2 to 1.5 gallons of waste flow per sq. ft.
- 5.) Due to the high porosity of the gravel portions, a typical waste disposal area would be installed as a conventional 'Bed' type system, allowing a subdrain or sand liner (2'D) of #40 sand layer to be placed where percolation rates are tested as being low. Percolation tests were sampled immediately adjacent to each test-hole but adequately separated to eliminate any interference to the two excavations. Two percolation results are included in this report, (P#1 & P#2, see Attach. #'s 4 & 5). Percolation Test #1, performed at the ~ 12' depth in the clean, medium sized, loose Sands, with little silt, were tested at 1.2 Min./In. and that of the shallower, but tighter, sandy Gravels, tested at ~2 Min./ In. Perc Test at TH#3 gave results like these at 1.0 Min./In. Thusly, some areas, if ever developed, will need a sand liner placed prior to a waste-water absorption bed being installed.
- 6.) No wells were noted on these lots. Attach. #7 demonstrates that with the examples of each Lot's 100' Rad. Well swings, more than 20,000 S.F. of area for future waste disposal systems and any future replacements, exists. The adjacent properties to the East, North and South do have private wells but all lie >200' away; greater than the required 100' separation from any future onsite waste disposal systems. Any future ground water sources developed on these Lots should be logged in at ~50 - 100' depth, depending on quality and quality so desired.
- 7.) Additional Attachments included to this report are:
 - a.) ATTACH. # 6: Preliminary Plat layout of Whistlebait Estates Add. No. 1.
 - b.) ATTACH. # 7: Test hole locations for each Lot.
 - c.) ATTACH. # 8: Typical 3-Tube Leach Bed example with #40 Sand Liner and with buriable closed foam insulation as necessary.
 - d.) ATTACH. # 9: Location Map showing general location.
 - e.) ATTACH. #10: Unified Soil Classification System chart.

In summation, this report was compiled from attached subsurface soils reports, the author's area-wide experience with similar soil conditions, the noted soils investigation field work as well as the platted topography and existing development of the parcel property proper. The soils delineated through the excavation of the represented test-hole locations, found on these three lots, represent fully capable soils for general building construction. Also, more than 20,000 sq. ft. of area exist on each lot, as adequate area, and absorption capability for onsite wastewater disposal, with no complications of impermeable soils or shallow water table.

TEST HOLE LOG				#1	Attach. 1
				Date:	10/10/2020
LOCATION: T5N R9W SM. NE1/4, NE1/4, S. 3, Whistlebait Est. Add.#1, Lot2 105' W of Valley View Rd. ROW, ~40' North of the So. E/W property line. {Lat.: 60.556667° N, Long.: 150.824444° W}					
EQUIPT.: Komatsu PC138, Valley View Gravels				Fld. Rvw. W. Robson	
Oper.: D. Michel					
Grd. Elev.: ~ 321' (Est'd. from Cell Ph. App.)					
STRATA DEPTH		HATCHING	DESCRIPTION	SAMPLE	
0"			<u>GRAVEL</u> , (imported) (Origin'l. surface organics stripped years earlier.)		
- 2.8'	1				
	2		clean, dry, slight silt, <8%, Sandy, ~ 25%. Gravel to ~ 4" dia.	[GP]	
	3				
	4				
2.8' -	5		<u>GRAVEL</u> Silty, (~8-10%) w/ #80 - #100 Sand (~30%) Moderately loose, brown Gravel portion, mostly 1 - 2" dia., loose, some to 4" and inc. w/ depth		
	6				
	7				
9.8'	8				
	9			[GM-GP]	
	10				
9.8' -	11		<u>SAND</u> Clean, sub-angulr, dry, brown #60 to #80; <10% silt, some 1" gravel, compact		P E R C
	12				
14.1'	13			[SP]	
	14		No Groundwater encountered to B.O.H.		
			B.O.H. @ 14.1'		

TEST HOLE LOG				#2	ATTACH. #2
				Date:	10/10/2020
LOCATION: T5N R9W SM. NE1/4, NE1/4, S. 3, Whistlebait Est. Add.#1, Lot3 ~510' W of Valley View Rd. ROW, ~42' North of the So. E/W, P/L & 108' So. of runway C/L. {Lat.: 60.556667° N, Long.: 150.826667° W}					
EQUIPT.: Komatsu PC138, Valley View Gravels Oper.: D. Michel				Fld. Rvw. W. Robson	
Grd. Elev.: ~ 320' (Est'd. from Cell Ph. App.)					
STRATA DEPTH	HATCHING	DESCRIPTION	SAMPLE		
0" - 11"	1	<u>VEG.</u> Organic silt, drk. Brwn., moist, previously disturbed years earlier. [Pt]		P E R C	
11" - 2.2'	2	<u>SILT</u> Organic, changing to inorganic Dense, moist, brown to grey. [OL-ML]			
2.2' - 3'	3				
3' - 4'	4				
4' - 5'	5	<u>GRAVEL</u> Boney, ~70% gravel, 1" to 5", rounded,			
5' - 6'	6	sand portion clean, dry, #60 - #80.			
6' - 7'	7				
7' - 8'	8				
8' - 8.8'	9				
8.8' - 10'	10	<u>SAND</u> Clean, sub-angulr, dry, brown #80 to #100;			
10' - 11'	11	Loose to mod. compact; uniform, sub-ang. <10% silt, some 1"gravel.			
11' - 12'	12				
12' - 13'	13				
13' - 14.2'	14	No Groundwater encountered to B.O.H.			
B.O.H. @ 14.2'					

PERCOLATION TEST FORM**ATTACH. #4**DATE: 10/13/2020 TEST PERFORMED BY: W. RobsonLOCATION: T5N R9W SM. NE1/4, NE1/4, S. 3, Whistlebait Est. Add.#1, Lot2LAT./LONG.: LAT.: 60.556389° N.; LAT.: 150.824444° WTEST HOLE #: #1-P.1DEPTH TO BOTTOM OF HOLE: 11.9'DIAMETER: 6"**PERCOLATION HOLE DESCRIPTION:**DEPTH, IN.SOIL TEXTURE:0 - (9.4')GRAVEL ,silty 10-15%18" (10.9')GRAVEL, sand portion fine- medium ~30%18" - 30' (11.9')SAND, Fine, -medium, clean12:35P - Soak #1- 9min., hole empty; Soak #2- 9.5 mon. empty.

Start Time	Time Interval Min.	Mesurement Inches	Drop in Water Level Inches	Perc Rate Min/In.	Remarks:
1:07PM	10	8.25 - 2.75"	5.5	1.82	
1:19	7.5	2.75 - 7.88	5.1	1.47	
1:28	6.5	7.8 - 2.2	5.6	1.16	
1:29	0	Void	N/A	N/A	Dirt-wall fell in Hole, test temp. halted
1:35	5	8.8 - 3.8	5	1.00	
1:42	4.5	6.0 - 3.0	3	1.50	
1:47	6.1	8.5 - 2.4	6.1	1.00	
1:55	4.6	9.1 - 3.4	5.7	0.81	
2:02	4.6	10.2 - 4.1	6.1	0.75	
			Ave:	1.19	

RESULTANT PERCOLATION RATE: 1.2 Min. / Inch

PERCOLATION TEST FORM**ATTACH. #5**DATE: 10/13/2020TEST PERFORMED BY: W. RobsonLOCATION: TSN R9W SM. NE1/4, NE1/4, S. 3, Whistlebait Est. Add.#1, Lot 3LAT./LONG.: LAT.: 60.556667° N.; LAT.: 150.826944° WTEST HOLE #: #2-P.2DEPTH TO BOTTOM OF HOLE: 4.7'DIAMETER: 6"

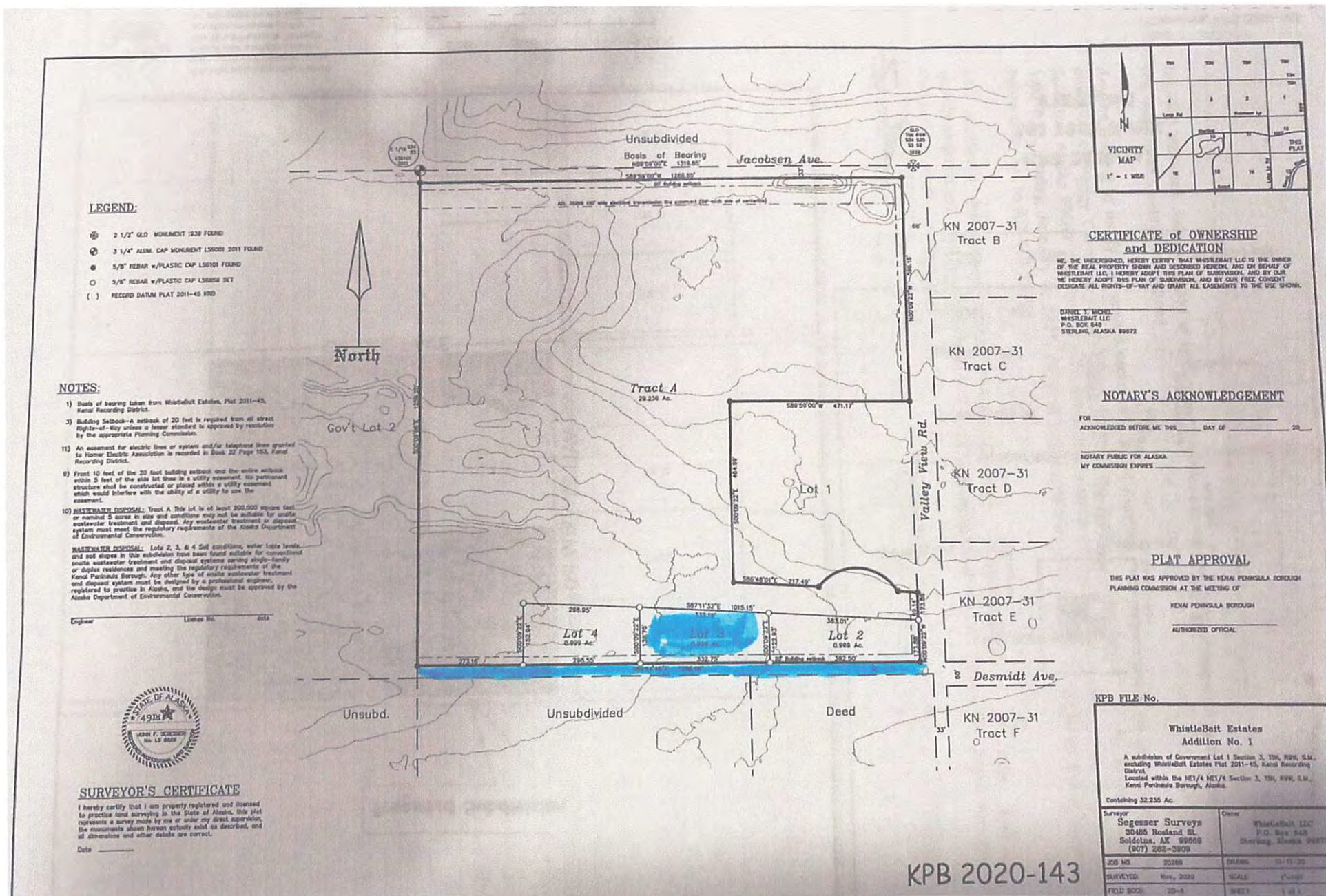
PERCOLATION HOLE DESCRIPTION:

<u>DEPTH, IN.</u>		<u>SOIL TEXTURE:</u>
0 - 11"	(2.6')	SAND, silty, moist, grey.
11" - 17"	(3.5')	SAND, gravelly w/ 20% silt
17" - 31"	(4.7')	GRAVEL, compact, sandy, fine

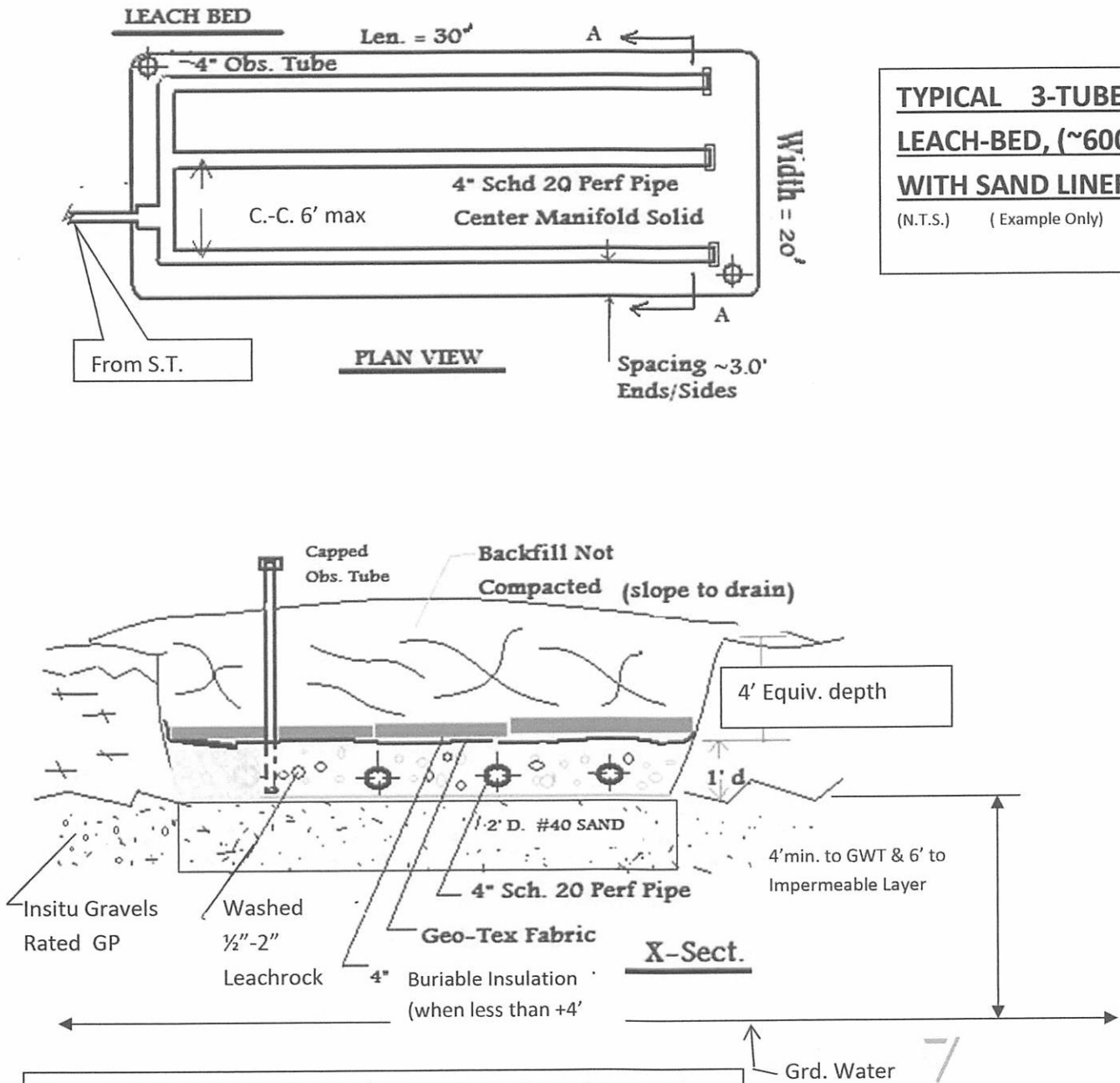
2:31P - Soak began (1.5 hrs.) 4:33p: #1 ck. Fill < 9 min. empty; #2: <10 min. empty.

Start Time	Time Interval Min.	Mesurement Inches	Drop in Water Level Inches	Perc Rate Min/In.	Remarks:
4:55PM	10	11.0 - 3.87	7.13	1.40	Each test allowed to run 10 minutes
5:06	10	11.1 - 4.5	6.60	1.51	"
5:18	10	11.25 - 4.9	6.35	1.57	"
5:30	10	10.75 - 4.82	5.93	1.69	"
5:42	10	11.0 - 4.9	6.10	1.64	"
5:53	10	11.25 - 4.9	6.35	1.57	"
			Ave:	1.56	{Complete by 6:05P}

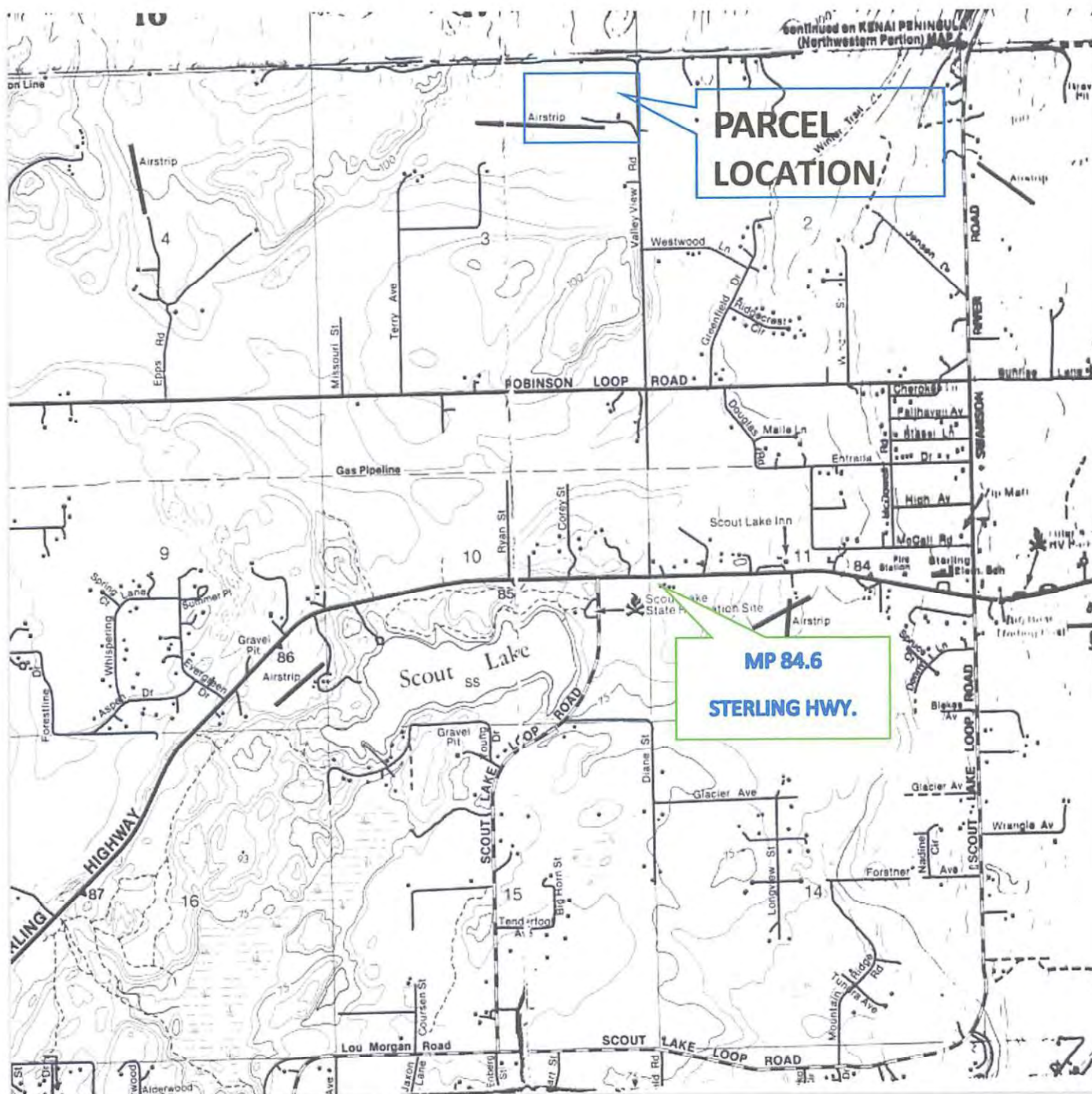
RESULTANT PERCOLATION RATE: 2 Min. / Inch







Example Only: System to be sized per existing soil conditions and determined loading rate. Consult AK 18AAC.72 and ADEC local office.



Unified Soil Classification System

From Wikipedia, the free encyclopedia

The **Unified Soil Classification System** (**USCS**) is a [soil classification](#) system used in [engineering](#) and [geology](#) to describe the [texture](#) and [grain size](#) of a [soil](#). The classification system can be applied to most [unconsolidated](#) materials, and is represented by a two-letter symbol. Each letter is described below (with the exception of **Pt**):

First and/or second letters

Letter	Definition
G	gravel
S	sand
M	silt
C	clay
O	organic

Second letter

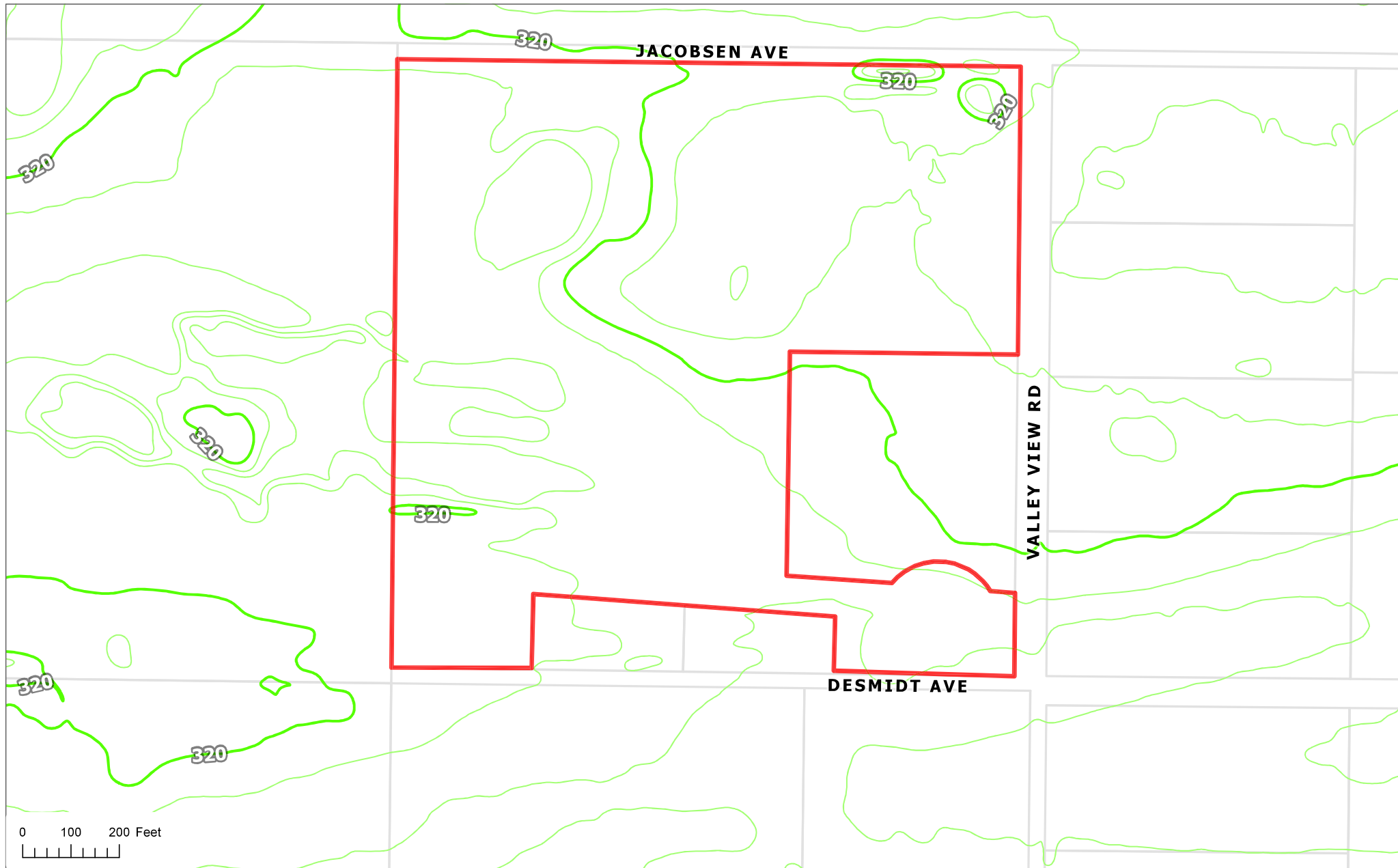
Letter	Definition
P	poorly graded (uniform particle sizes)
W	well-graded (diversified particle sizes)
H	high plasticity
L	low plasticity

If the soil has 5–12% by weight of fines passing a #200 sieve ($5\% < P_{\#200} < 12\%$), both grain size distribution and plasticity have a significant effect on the engineering properties of the soil, and dual notation may be used for the group symbol. For example, GW-GM corresponds to "well-graded gravel *with silt*."

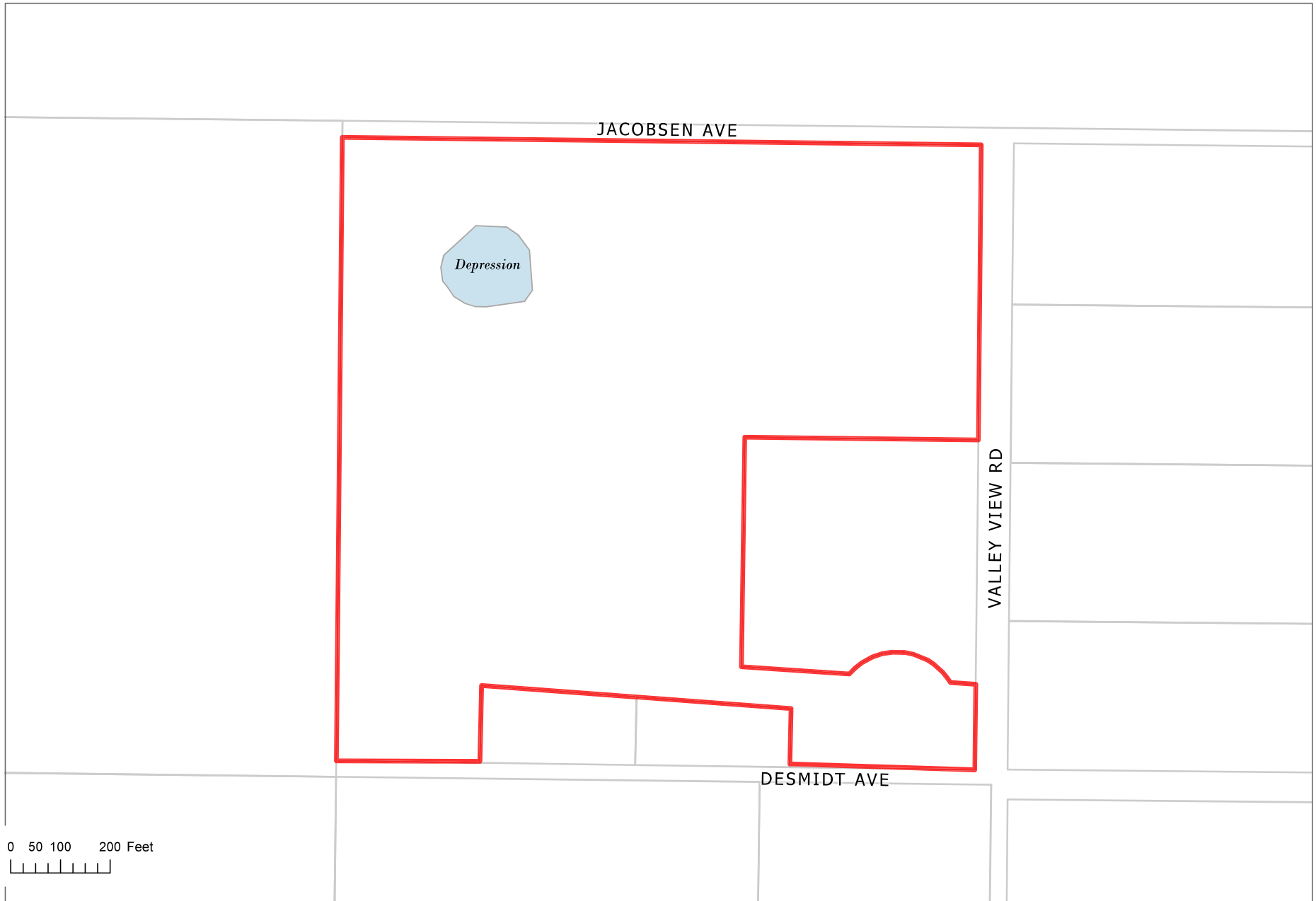
If the soil has more than 15% by weight retained on a #4 sieve ($R_{\#4} > 15\%$), there is a significant amount of gravel, and the suffix "with gravel" may be added to the group name, but the group symbol does not change. For example, SP-SM could refer to "poorly graded SAND with silt" or "poorly graded SAND with silt and gravel."



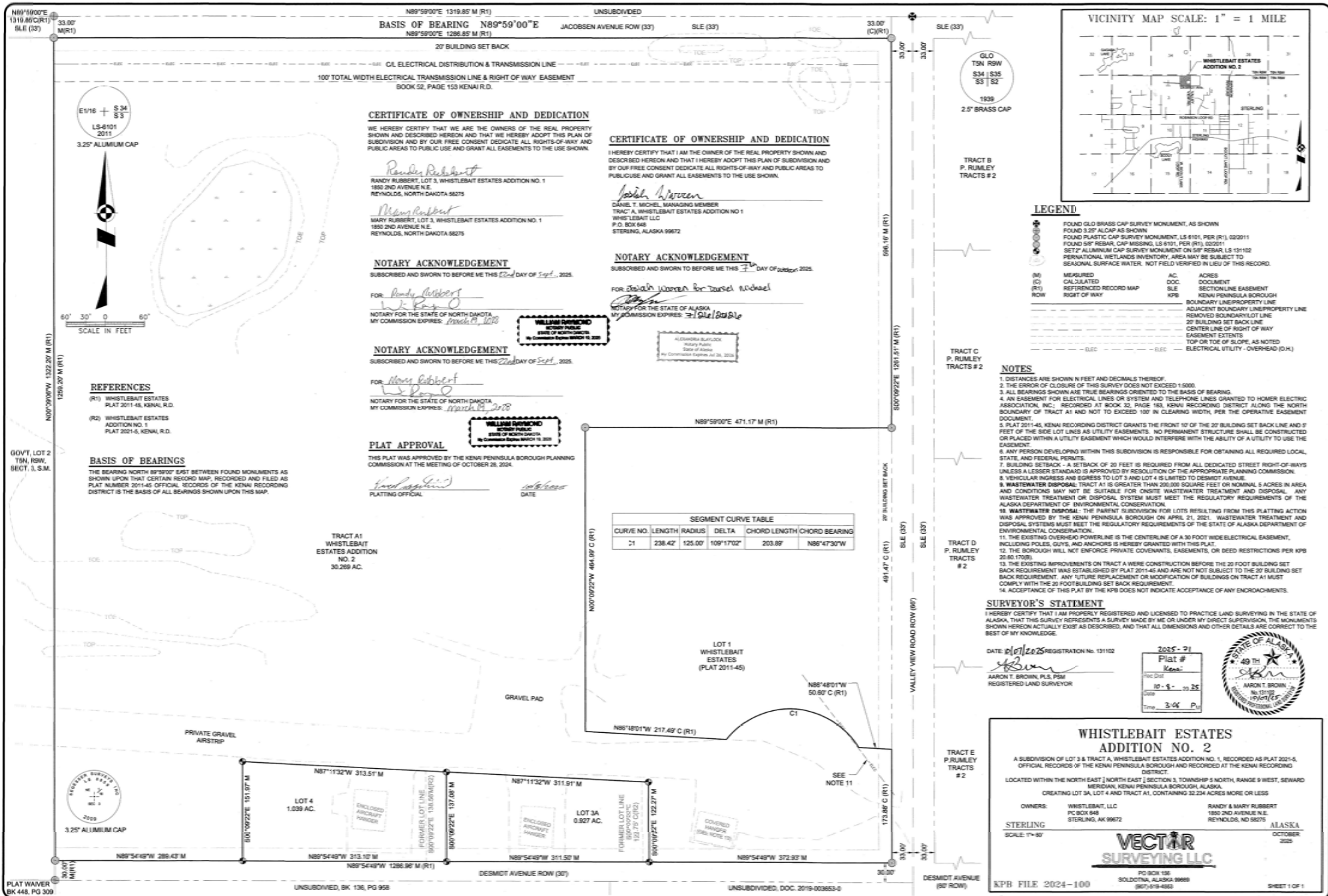
The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



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LEGEND:

- 2 1/2" GLO MONUMENT 1939 F(RNH)
- 3 1/4" ALUM. CAP MONUMENT 19901 2011 F(RNH)
- 5/8" REBAR w/PLASTIC CAP 190101 F(RNH)
- 5/8" REBAR w/PLASTIC CAP 190050 DEI
- () RECORD DATUM PLAT 2011-45 (RNI)

NOTES:

- 1) Basis of bearing taken from WhistleBait Estates, Plat 2011-45, Kenai Recording District.
- 2) Building setback-A setback of 20 feet is required from all street rights-of-way unless a lesser standard is approved by resolution by the appropriate Planning Commission.
- 3) Improvements on Tract A predate the 20' building setback created by plat KN 2011-45 and are not subject to the 20' building setback. Any replacement, or improvement, to the building must comply with the 20' building setback as shown on this plat.
- 4) The existing overhead electric line is the centerline of a 20' wide electrical distribution easement including guy wire area.
- 5) An easement for electric lines or system and/or telephone lines granted to Homer Electric Association, Inc. is recorded in Book 33 Page 153, Kenai Recording District. No definite location disclosed.
- 6) Any person developing the property is responsible for obtaining of required local, state, and federal permits, including a U.S. Army Corps of Engineers wetland determination if applicable.
- 7) An exception to KPB 20.30.170, Block length, was granted by the Plat Committee at the meeting of January 11, 2011.
- 8) ~~No structures are permitted within the platted portion of Tract A.~~
- 9) Plat KN 2011-45 granted the front 10 feet of the 20 foot building setback and the entire setback within 5 feet of the site lot lines on utility easements. No permanent structure shall be constructed or placed within a utility easement which would interfere with the ability of its utility to use the easement.
- 10) **WASTEWATER DISPOSAL:** Tract A This lot is at least 200,000 square feet or nominal 5 acres in size and conditions may not be suitable for onsite wastewater treatment and disposal. Any wastewater treatment or disposal system must meet the regulatory requirements of the Alaska Department of Environmental Conservation.

WASTEWATER DISPOSAL: Lot 3 Soil conditions, water table levels, and soil slopes in this subdivision have been found suitable for conventional onsite wastewater treatment and disposal systems serving single-family or duplex residences and meeting the regulatory requirements of the Kenai Peninsula Borough. Any other type of onsite wastewater treatment and disposal system must be designed by a professional engineer, registered to practice in Alaska, and the design must be approved by the Alaska Department of Environmental Conservation.

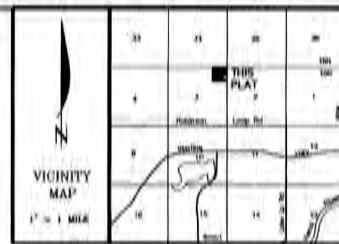
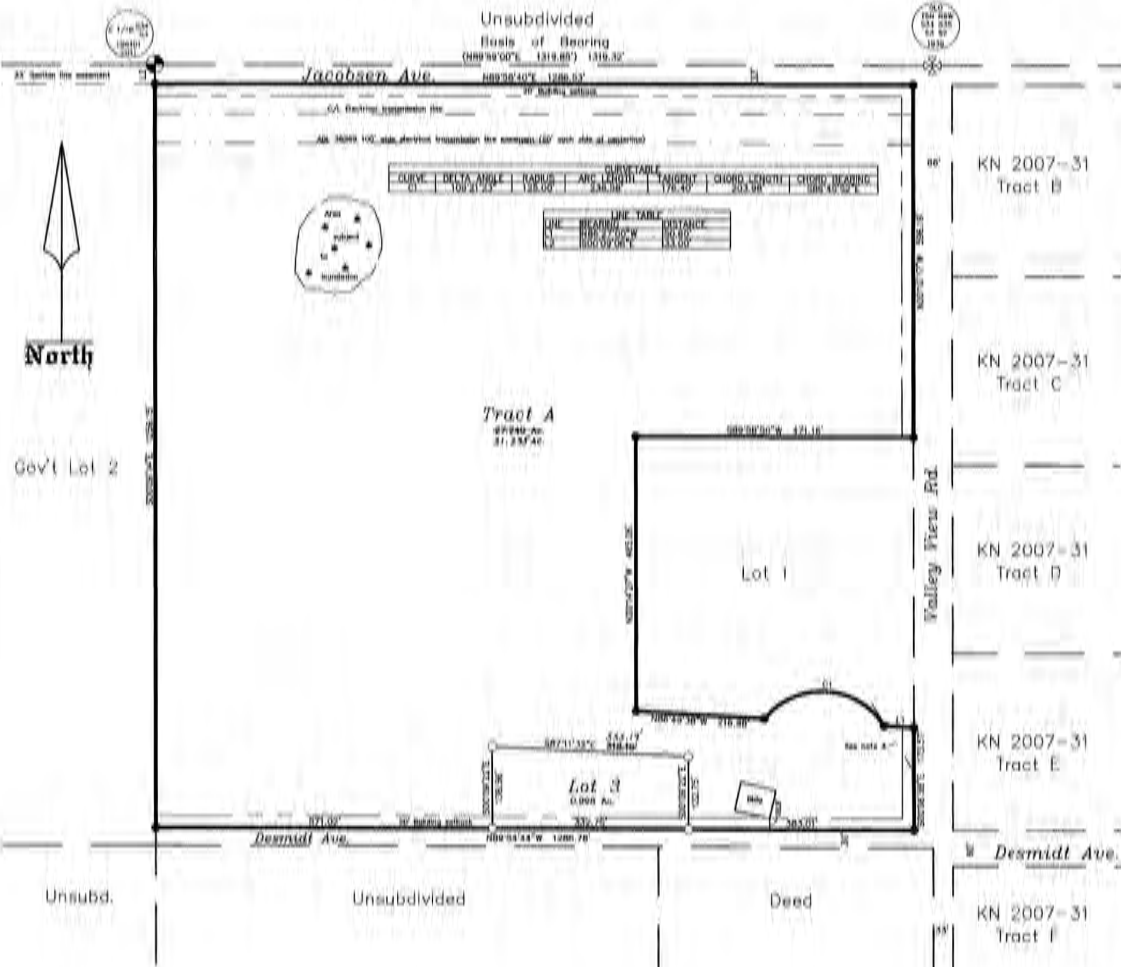
Walter J. Hansen AELC-7712 02/12/2011
 Engineer License No. _____



SURVEYOR'S CERTIFICATE

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

Date 3-11-21



CERTIFICATE of OWNERSHIP and DEDICATION

I, THE UNDERSIGNED, HEREBY CERTIFY THAT WHISTLEBAIT LLC IS THE OWNER OF THE REA PROPERTY SHOWN AND DESCRIBED HEREON, AND IN WITNESS WHEREOF, I HEREBY ADOPT THIS PLAN OF SUBDIVISION, AND BY MY FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND GRANT ALL EASEMENTS IN THE USE THEREOF.

Samuel T. Michael
 OWNER
 WHISTLEBAIT LLC
 P.O. BOX 649
 STERLING, ALASKA 99672

NOTARY'S ACKNOWLEDGEMENT

For Samuel T. Michael
 ACKNOWLEDGED BEFORE ME THIS 18 DAY OF March, 2021.

Debra Kaye Fletcher
 NOTARY PUBLIC FOR ALASKA
 MY COMMISSION EXPIRES 3-1-2024

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF JANUARY 11, 2021.

KENAI PENINSULA BOROUGH
Debra Kaye Fletcher
 AUTHORIZED OFFICIAL 3/21/21

KPB FILE No. 2020-143

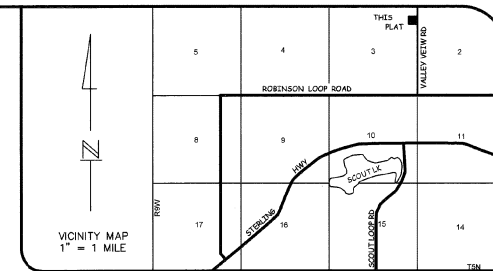
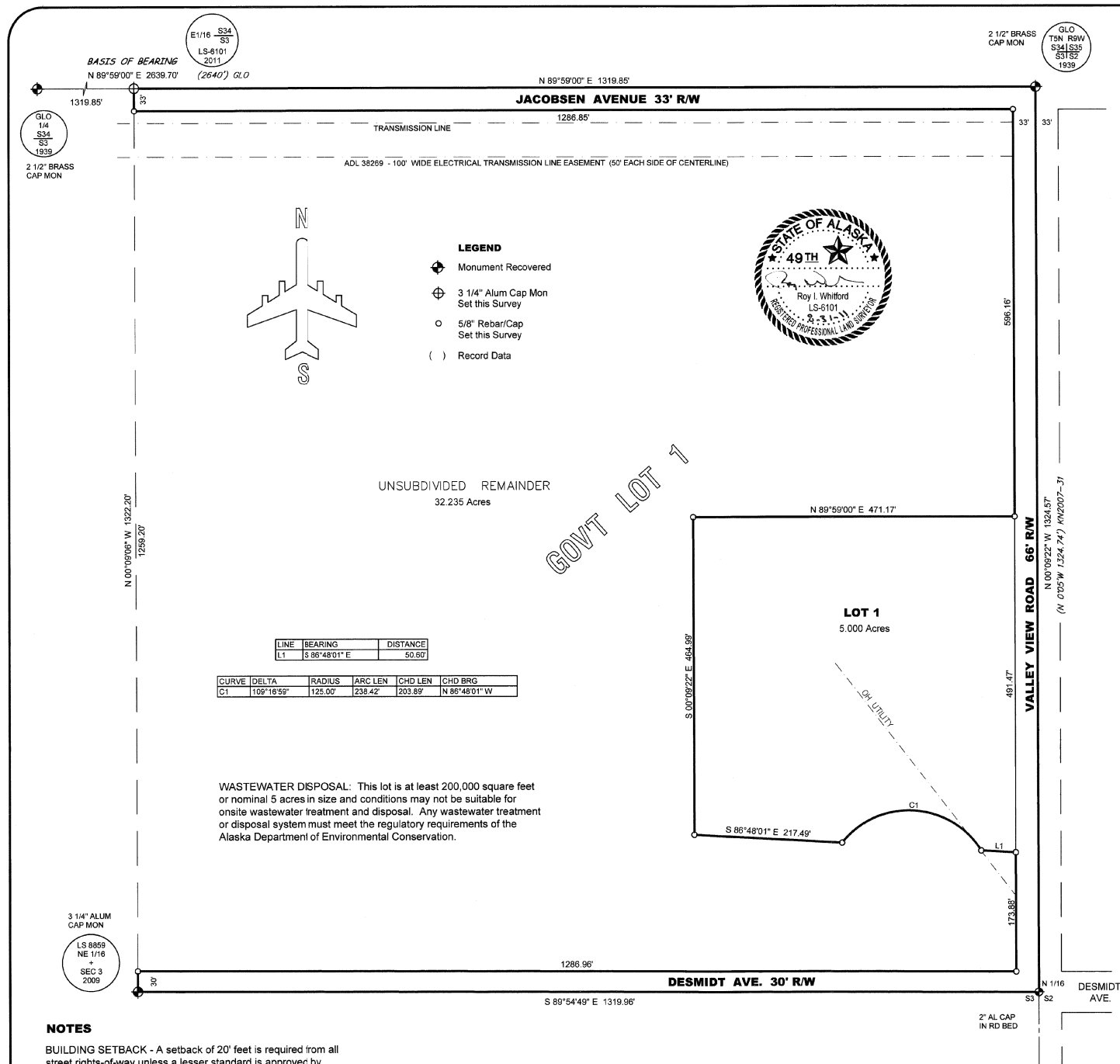
WhistleBait Estates Addition No. 1

A subdivision of Government Lot 1 Section 3, T6N, R9W, S4M, excluding WhistleBait Estates Plat 2011-45, Kenai Recording District, located within the NE1/4 NE1/4 Section 3, T6N, R9W, S4M, Kenai Peninsula Borough, Alaska.

Containing 32.245 Ac.

Surveyor Hegesser Surveys 20400 Rosland St. Soldotna, AK 99669 (907) 883-3000	Owner WhistleBait LLC P.O. Box 649 Sterling, Alaska 99672
JOB NO. 2020R	DRAWN 3-9-21
SURVEYED Nov., 2020	SCALE 1"=100'
FIELD BOOK: 20-4	SHEET: 1 of 1

Page 1 of 1



CERTIFICATE OF OWNERSHIP AND DEDICATION

We hereby certify that we are the owners of the real property shown and described hereon and that we hereby adopt this plan of subdivision and by our free consent dedicate all rights-of-way to public use and grant all easements to the use shown.

Daniel T. Michel
 DANIEL T. MICHEL
 WHISTLEBAIT, LLC
 PO BOX 648 STERLING, AK 99672

NOTARY'S ACKNOWLEDGEMENT

Subscribed and sworn before me this 31st day of August, 2011.

For Daniel T. Michel
Daniel A. Whitford
 Notary Public for Alaska
 My Commission Expires July 14



PLAT APPROVAL

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of JUNE 13, 2011

KENAI PENINSULA BOROUGH
 By: Paul B. Joeller
 Authorized Official

2011-45

RECORDED
<u>Kenai</u> , RECORDING DIST.
DATE <u>9/7</u> , 2011
TIME <u>10:00</u> A M
REQUESTED BY: WHITFORD SURVEYING

KENAI RECORDING DISTRICT

WhistleBait Estates

A SUBDIVISION OF A PORTION OF GOV'T LOT 1
 LOCATED WITHIN THE NE1/4 NE1/4 SEC. 3, T5N, R9W, SM, AK
 KENAI PENINSULA BOROUGH
 7.865 Acres

WHITFORD SURVEYING
 PO BOX 4032 • SOLDOTNA, AK 99669
 (907) 260-9092

SURVEYED: 2/2011	SCALE: 1" = 100'
KPB FILE NO: 2011-015	DWG FILE: WhistleBait.dwg

**ITEM #4 - PRELIMINARY PLAT
WHISTLEBAIT ESTATES NO 3**

KPB File No.	2026-023
Plat Committee Meeting:	April 13, 20226
Applicant / Owner:	Whistlebait, LLC
Surveyor:	Aaron Brown, Vector Surveying LLC
General Location:	Desmidt Avenue & Valleyview Road Sterling Area
Parent Parcel No.:	063-043-79
Legal Description:	T 05N R 09W SEC 03 SEWARD MERIDIAN KN 2025071 WHISTLEBAIT ESTATES ADDN NO 2 TRACT A1
Assessing Use:	Accessory Building
Zoning:	Rural Unrestricted
Water / Wastewater	Onsite
Exception Request	KPB 20.30.240 – Building Setbacks KPB 20.10.110 – Building Setback Encroachment Permits

Staff report given by Platting Manager Vince Piagentini.

Commissioner Gillham opened the item for public comment. Seeing and hearing no one wishing to comment, public comment was closed and discussion was opened among the committee.

MAIN MOTION: Commissioner Venuti moved, seconded by Commissioner Whitney to grant preliminary approval to Whistlebait Estates No. 3 based on compliance to borough code and adopting and incorporating by reference the staff report and staff recommendations.

EXCEPTION REQUEST: Commissioner Venuti moved, seconded by Commissioner Whitney to grant the exception to KPB 20.30.240 – Building Setbacks & KPB 20.10.110 – Building Setback Encroachment Permits

Seeing and hearing no objection or discussion, the motion was carried by the following vote:

EXCEPTION REQUEST MOTION PASSED BY UNANIMOUS VOTE

Yes - 4	Gillham, Morgan, Venuti, Whitney
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AMENDMENT MOTION: Commissioner Venuti moved, seconded by Commissioner Whitney to attach the following finding in support of the exception request:

- Standard One: Finding 1 from the applicant justification letter dated 2/26/26 and findings 12 & 13 from the staff report .
- Standard Two: Finding 1 from the applicant justification letter dated 2/26/26 and findings 12 & 13 from the staff report.
- Standard Three: Findings 1 & 2 from the applicant justification letter dated 2/26/26.

Seeing and hearing no objection or discussion, the motion was carried by the following vote:

AMENDMENT MOTION PASSED BY UNANIMOUS VOTE

Yes - 4	Gillham, Morgan, Venuti, Whitney
---------	----------------------------------

Seeing and hearing no objection or discussion, the main motion was carried by the following vote:

MAIN MOTION PASSED AS AMENDED BY UNANIMOUS VOTE

Yes - 4	Gillham, Morgan, Venuti, Whitney
---------	----------------------------------

**ITEM #5 - PRELIMINARY PLAT
CLARK'S POINT OF VIEW CHCH ROW VACATION PLAT**

KPB File No.	2023-061
Plat Committee Meeting:	April 13, 2026

AGENDA ITEM E. NEW BUSINESS

**ITEM #4 - PRELIMINARY PLAT
WHISTLEBAIT ESTATES NO 3**

KPB File No.	2026-023
Plat Committee Meeting:	April 13, 20226
Applicant / Owner:	Whistlebait LLC / Sterling Alaska
Surveyor:	Aaron Brown / Vector Surveying LLC
General Location:	Desmidt Ave & Valleyview Rd in Sterling

Parent Parcel No.:	063-043-79
Legal Description:	T 05N R 09W SEC 03 SEWARD MERIDIAN KN 2025071 WHISTLEBAIT ESTATES ADDN NO 2 TRACT A1
Assessing Use:	Accessory Building
Zoning:	Rural Unrestricted
Water / Wastewater	Onsite / Onsite
Exception Request	20.30.240

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide a 30.269 acres tract into three new lots of size 1.055, 1.000 and 1.000 acres respectively and a tract of size 27.214 acres.

Location and Legal Access (existing and proposed):

Legal access to the plat is along Valley View Dr which has intersections with both Desmidt Ave on the south of the plat and Jacobsen Ave on the north of the plat. Valley View Dr. is a 60' dedication developed and maintained by the borough. Jacobsen Ave. is a 33' dedication that is developed and maintained by the borough. Desmidt Ave. is a 33' dedication no developed.

To get to Valley View Dr. you must exit the Sterling Highway at Swanson River Rd to Robinson Loop Rd, then to Valley View Rd.

This plat is not vacating any right-of-way or dedicating any new right-of-way.

There is a 33' section line easement along the north of the plat, south side of the section line that should be shown.

Block length is not compliant an exception was not requested. To become compliant a road needs to be ran along the west line of the plat dedicating 30 feet. This would be crossing the existing air strip that has been active for several years. The air strip has been shown on a plat in 1995. located to the west. Staff recommends the Plat Committee concur an exception is not needed at this time, but any further and more extensive development of Tract A2 in the future should consider a dedication along the west property line and Lot 5 should be reduced 30 feet to the east along the west line.

KPB Roads Dept. comments	Out of Jurisdiction: No Roads Director: Uhlin, Dil Comments: No comments
SOA DOT ROW	
SOA DOT & PF	

Site Investigation:

There are no structures located on the area of proposed Lots 5, 6 & 7. There is a structure shown on proposed

Tract A2 that has been shown on the previous plats starting with Whistlebait Estates Addition No 1 KN 2021-5, the second plat completed on the property. It was noted as predating the setback line created on Whistlebait Estates KN2011-45. To clear up the issue staff has requested the applicant request an exception to KPB 20.30.240 building setbacks, which has been done for the structure continually shown. The surveyor has noted that the encroached portion is an overhang.

There are steep areas noted with TOP and TOE on the drawing. Staff recommends the surveyor add lines to connect the tops and toes to show a 'contour' line connection, and to note they indicate steep slopes over 20%.

Per the River Center review, the plat is located in a FEMA designated flood hazard area, Zone X-Unshaded. A plat note should be added with the Flood Hazard Notice as shown in KPB 20.30.280.D. no depiction is needed on the drawing though.

KPB River Center review	A. Floodplain Reviewer: Hindman, Julie Floodplain Status: IS in flood hazard area Comments: Within non-regulatory X-Unshaded. No depiction. Plat note present. Flood Zone: X (unshaded) Map Panel: 02122C-0290F In Floodway: False Floodway Panel: B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments
State of Alaska Fish and Game	

Staff Analysis

The land was originally surveyed as Government Lot 1 in Section 3, Township 5 North, Range 9 West SM, Alaska. Whistlebait Estates KN2011-45 was the first subdivision of the land. Whistlebait Estates Addition No. 1 KN 2021-5 split one lot out of the larger tract previously created. Whistlebait Estates Addition No 2 KN205-71 reconfigured Lot 3 into 3A and a new lot 4 and Tract A1. This platting action will create three new lots and a remaining tract.

A soils report will be required and an engineer will sign the final plat as lots 5, 6 and 7 are below 200,000 sq ft. Previous report did not cover the area of the new lots and anew soils report covering these area will need to be submitted.

A soils report will not be required for Tract A2 as it is above 200,000 sq ft.

Per the preliminary Certificate to Plat, beneficial interest holders do not affect the proposed plat. Notification per KPB 20.25.090 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.

Utility Easements

All utility easements of record appear to be shown.

The plat is not vacating any easements, none need to be shown.

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.

No easements were recommended by the utility providers

Utility provider review:

HEA	No comment
ENSTAR	No comments or recommendations
ACS	No objections
GCI	Approved as shown

KPB department / agency review:

Addressing	Reviewer: Pace, Rhealyn Affected Addresses: None Existing Street Names are Correct: Yes List of Correct Street Names: Desmidt Ave, Valley View Rd, Jacobsen Ave Existing Street Name Corrections Needed: All New Street Names are Approved: No List of Approved Street Names: List of Street Names Denied: Comments: No other comments
Code Compliance	Reviewer: Ogren, Eric Comments: No comments
Planner	Reviewer: Raidmae, Ryan There are not any Local Option Zoning District issues with this proposed plat. Conditional Land Use Permit CLUP Resolution Number: 2016-23 CLUP Approval Date: 7/18/2016 Material Site Comments: There is an existing material site, MS2016-006, PID: 063-043-41, that is west of the subject parcel and adjacent.
Assessing	Reviewer: Windsor, Heather Comments: No comment

STAFF RECOMMENDATIONS
CORRECTIONS / EDITS

All corners of Tract A1 /A2 should be found or set, being the involved tract of this subdivision
Plat should be updated to current surveyed (measured) data.
Area of Tract A2 is off by 2.00 acres, should be 27.214 acres.
Add the date of April 13, 2026 to the Plat Approval.
Plat notes – Plat note 7 is missing, either use or renumber.
Darken the outer boundary of the plat lines or lighten the interior lot lines of the new lots to be distinguishable of the two types.

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 KPB File no 2026-023 to title block
- 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:
Add section line easement on north side of plat, south side of section line
- G. The status of adjacent lands within 100 feet of the proposed subdivision boundary or the land status across from any dedicated rights-of-way that adjoin the propose subdivision boundary, including names of subdivisions, lot lines, block numbers, lot numbers, rights-of-way; or an indication that the adjacent land is not subdivided;
Staff recommendation:
To the east the lot labels need to have KN2007-31 replace P. Rumley Tracts #2
- H. Approximate locations of low wet areas, areas subject to inundation, areas subject to flooding or storm water overflow, and the line of ordinary high water. This information may be provided on an additional sheet if showing these areas causes the preliminary plat to appear cluttered and/or difficult to read;
Staff recommendation:
Low spot shown, designated as Depression by KWF Wetlands Assessment

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 20.30.240 Building setbacks / KPB 20.10.110 Building setback encroachment permits

Surveyor's Discussion:

SEE SUBMITTED REQUEST IN PACKET

Surveyor's Findings:

SEE SUBMITTED JUSTIFICATIONS IN PACKET

Staff Discussion:

20.30.240. - Building setbacks.

A. A minimum 20-foot building setback shall be required for dedicated rights-of-way in subdivisions located outside incorporated cities.

20.10.110. - Building setback encroachment permits.

A. Unless otherwise regulated by city zoning ordinances of properties within its boundaries, any person desiring to construct, or cause, an encroachment within a building setback shall apply for a building setback encroachment permit to the planning department. Failure to obtain an encroachment permit is subject to remedies set forth in KPB 20.10.030.

Staff Findings:

10. Per KPB 20.90 Definitions

"Permanent structures" for purposes of the building setback shall mean anything of a permanent nature that requires footings, foundations or pilings. Improvements of a minor nature that do not interfere with the sight distance from the right-of-way are allowed. Examples of allowable improvements are well casings, low retaining walls, vent pipes, individual mailboxes, address sign posts and transparent fencing such as metal chain link.

"Building setback" is the area of the lot where permanent structures are not allowed. The purpose of the setback is to promote safe public access, areas for emergency response, and traffic sight distance.

11. The encroachment shown is a 1.3' portion of a ~2.5' overhang. Photos from surveyor in packet.

12. The foundation portion of the structure sits at 21.2' of the property line and 1.2' back from the 20' setback line.

13. Whistlebait Estates KN2011-45 created the 20' building setback line originally, the following two subdivisions

14. Height of a Connex container starts a 8.5 feet, next size is 9.5 feet

If the Committee determines the petitioner **has not** met the burden of proving by substantial evidence that each of the Standards is met, the Committee should deny the exception request, and it should explain its reasons.

If the Committee determines the petitioner **has** met the burden of proving by substantial evidence that each of the Standards is met, the Committee should identify the findings of fact, based upon substantial evidence from the record, which includes this Staff Report, it determines are applicable to the Standards, and incorporate the following conditions for final approval:

Unless prohibited under this title, the commission (committee) may authorize exceptions to any of the requirements

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

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

1. That special circumstances or conditions affecting the property have been shown by application;
2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title;
3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.

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

RECOMMENDATION:

SUBJECT TO EXCEPTION(S) GRANTED, STAFF RECOMMENDS:

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

NOTE: 20.25.120. - REVIEW AND APPEAL.

A PARTY OF RECORD MAY REQUEST THAT A DECISION OF THE PLAT COMMITTEE BE REVIEWED BY THE PLANNING COMMISSION BY FILING A WRITTEN REQUEST WITHIN 15 DAYS OF NOTIFICATION OF THE DECISION IN ACCORDANCE WITH KPB 2.40.080.

A DECISION OF THE PLANNING 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