

# **E. NEW BUSINESS**

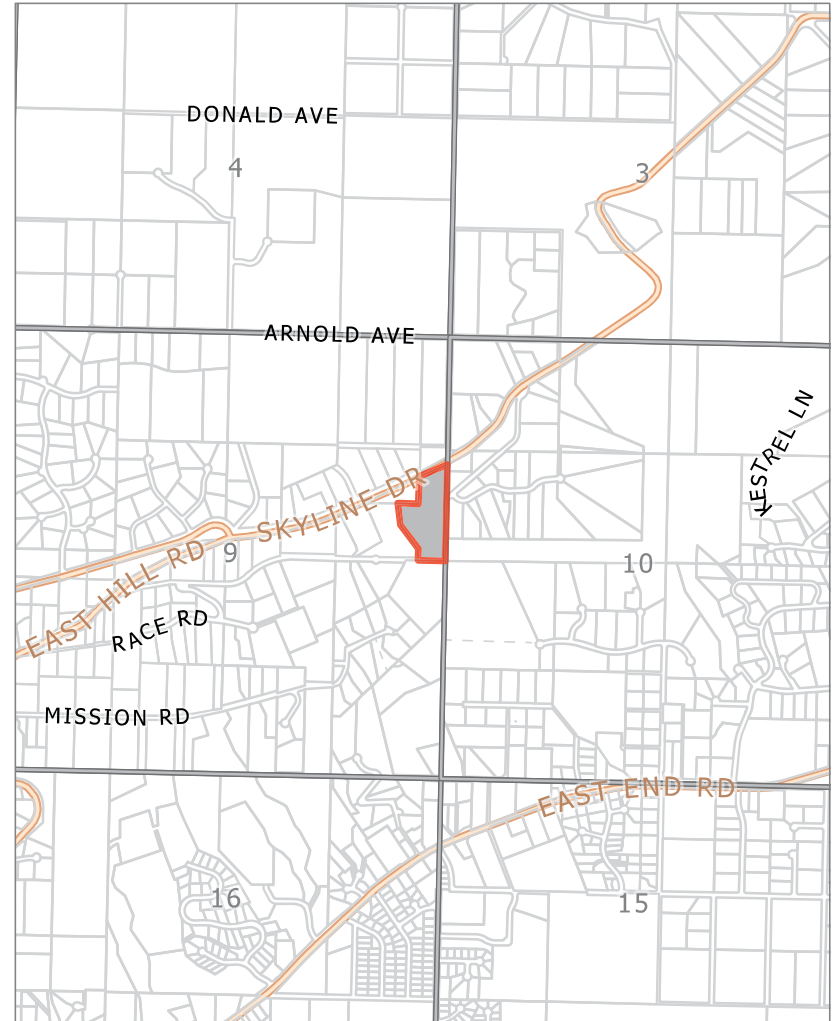
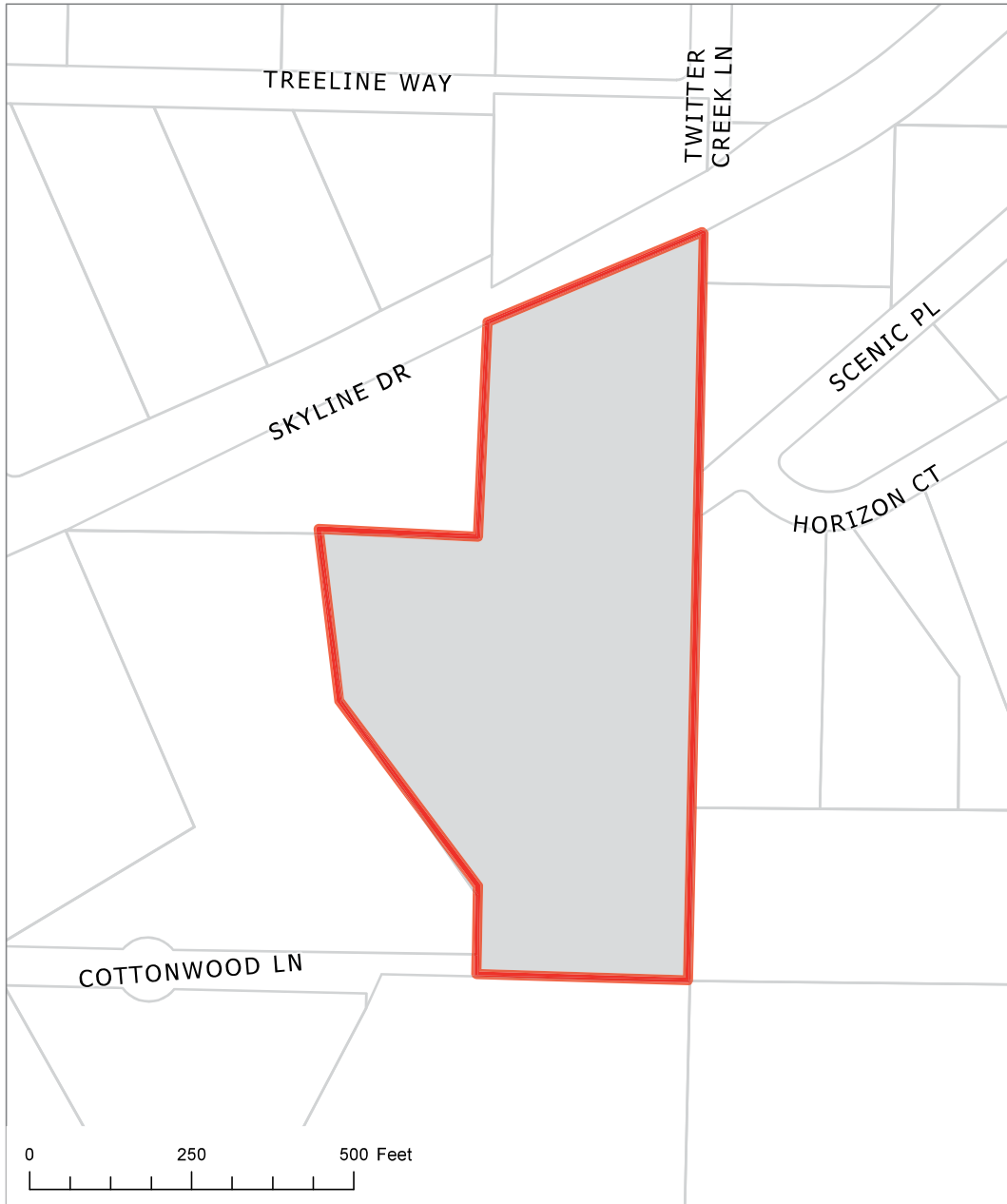
## **2. Eker Estates No. 3 Tract A-1 2024 Replat**

**KPB File 2024-089**

**Seabright Surveying / Weichhand, Van Sandt**

**Location: Skyline Drive, Scenic Place & Cottonwood Lane**

**City of Homer**



KPB File 2024-089  
T 06S R 13W SEC 09  
City of Homer

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



Aerial Map



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

**NOTES**

- THE FRONT 15' ALONG THE RIGHT-OF-WAY AND THE 5' ALIGNMENT TO SIDE LOT LINES IS A UTILITY EASEMENT. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN AN EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
- DEVELOPMENT OF THESE LOTS IS SUBJECT TO THE CITY OF HOMER ZONING REGULATIONS. REFER TO HOMER CITY CODE FOR ALL CURRENT SETBACK AND SITE DEVELOPMENT RESTRICTIONS. OWNERS SHOULD CHECK WITH THE CITY OF HOMER PRIOR TO DEVELOPMENT ACTIVITIES.
- LOTS ARE SERVED BY ONSITE WATER AND SEWER.
- NO ACCESS TO STATE MAINTAINED RIGHTS-OF-WAY PERMITTED UNLESS APPROVED BY THE STATE OF ALASKA DEPARTMENT OF TRANSPORTATION.
- PORTIONS OF THE SUBJECT LOTS MAY BE SUBJECT TO WETLAND REGULATIONS. OWNERS SHOULD CONSULT THE ARMY CORPS OF ENGINEERS PRIOR TO ANY DEVELOPMENT ACTIVITY IN WETLANDS.
- KPB PLAT COMMITTEE GRANTED AN EXCEPTION TO KPB 20.20.030 (EXTENSION OF SCENIC PLACE AND EXTENDING RIGHT-OF-WAY) TO THE 20-ACRE LANDLOCKED PARCEL AT THE SOUTHWESTERN CORNER OF TRACT A-1 (HM 2010-58).
- KPB PLAT COMMITTEE GRANTED AN EXCEPTION TO KPB 20.20.160 (MINIMUM LOT LENGTH), ON THE MEETING OF JULY 19, 2010 (HM 2010-58).
- THE EXISTING PAVED CENTERLINE IS APPROXIMATELY 2.2' SOUTHEASTERLY OF THE PLATED CENTERLINE (HM 2010-58).
- ACCEPTANCE OF THIS PLAT DOES NOT CONSTITUTE ACCEPTANCE OF ANY ENCROACHMENTS BY EITHER THE CITY OF HOMER OR THE KENAI PENINSULA BOROUGH.

**LEGEND**

- ① FND 5/6" REBAR
- ② FND 1.5" PLASTIC CAP 7814-S
- ③ FND 2" AC 1301-S 1990
- 15' UTILITY ESMI
- - - 20' BUILDING SETBACK
- - - SECTION LINE EASEMENT
- ▨ APPROX. AREAS OF 20% SLOPE OR GREATER (KPB 85 & 2024 TOPO SURVEY)

**WASTEWATER DISPOSAL**

LOT 1: SOIL CONDITIONS, WATER TABLE LEVELS, AND SOIL SLOPES IN THIS SUBDIVISION HAVE BEEN FOUND SUITABLE FOR CONVENTIONAL ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEMS SERVING SINGLE-FAMILY OR DUPLEX RESIDENCES. AN ENGINEER'S SUBDIVISION AND SOILS REPORT IS AVAILABLE FROM THE KENAI PENINSULA BOROUGH. ANY OTHER TYPE OF ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEM MUST BE DESIGNED BY A QUALIFIED ENGINEER, REGISTERED TO PRACTICE IN ALASKA, AND THE DESIGN MUST BE APPROVED BY THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

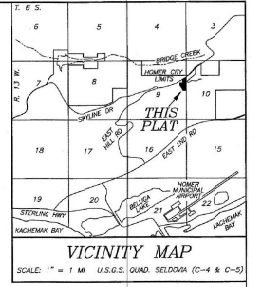
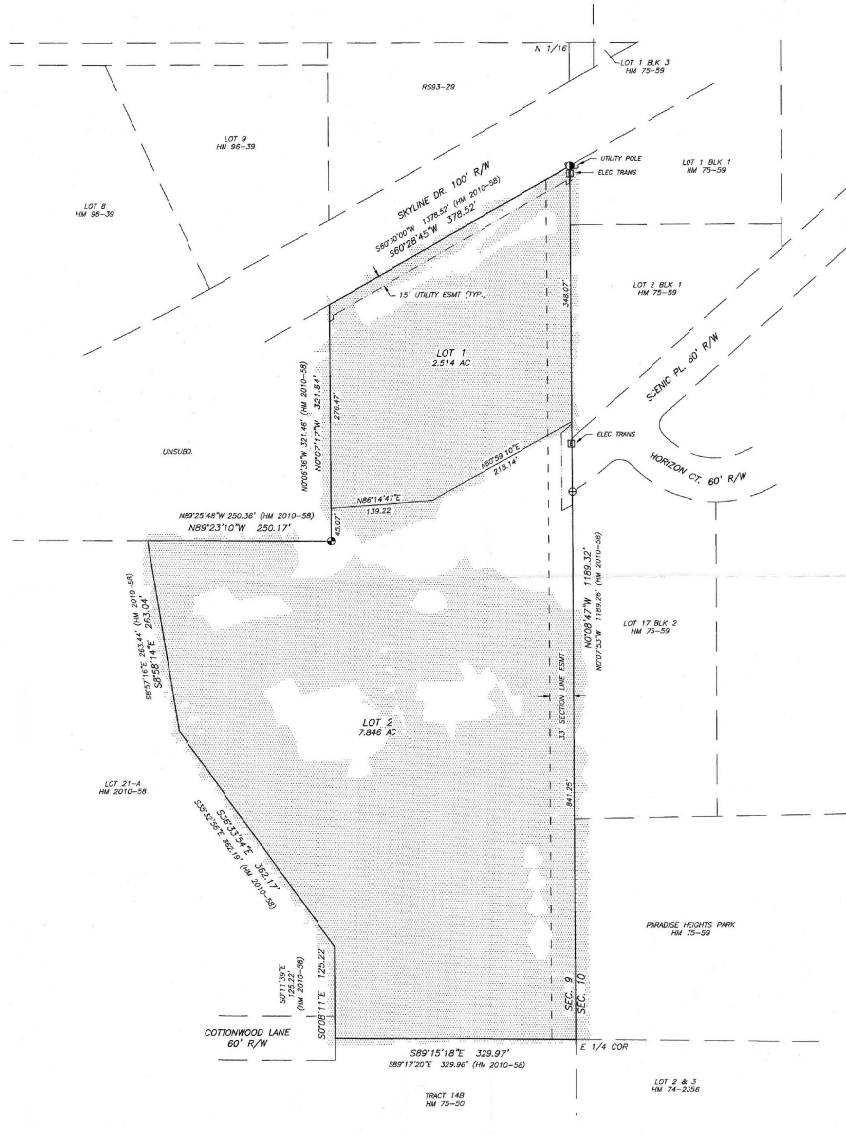
LOT 2: WHICH IS AT LEAST 200,000 SQUARE FEET IN SIZE MAY NOT BE SUITABLE FOR ONSITE WASTEWATER TREATMENT AND DISPOSAL. ANY WASTEWATER TREATMENT OR DISPOSAL SYSTEM MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

ENGINEER \_\_\_\_\_ LICENSE NO. \_\_\_\_\_ DATE \_\_\_\_\_

**PLAT APPROVAL**

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF \_\_\_\_\_

BY: \_\_\_\_\_ AUTHORIZED OFFICIAL \_\_\_\_\_ DATE \_\_\_\_\_  
KENAI PENINSULA BOROUGH



**CERTIFICATE OF OWNERSHIP**

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

KURT WEICHARD  
6825 SCENIC PLACE  
HOMER, AK 99603

BETH VAN SANDT  
6825 SCENIC PLACE  
HOMER, AK 99603

**NOTARY'S ACKNOWLEDGMENT**

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

**NOTARY'S ACKNOWLEDGMENT**

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

HOMER RECORDING DISTRICT KPB FILE NO. 2024-\_\_\_\_

**EKER ESTATES NO. 3**  
**TRACT A-1 2024 REPLAT**  
A SUBDIVISION OF TRACT A-1 EKER ESTATES NO. 3 REPLAT 2010 (HM 2010-58), LOCATED IN THE E1/2 SE1/4 NE1/4 SEC. 9, T. 4 S., R. 13 W., SEWARD MERIDIAN, WITHIN THE CITY OF HOMER, KENAI PENINSULA BOROUGH, THIRD JUDICIAL DISTRICT, ALASKA.  
CONTAINING 10.360 ACRES

**SEABRIGHT SURVEY + DESIGN**  
KATHERINE A. KIRKIS, P.L.S.  
1044 EAST END ROAD, SUITE A  
HOMER, ALASKA 99603  
(907) 799-1584

CLIENTS: KURT WEICHARD & BETH VAN SANDT  
5825 SCENIC PL. HOMER, AK 99603

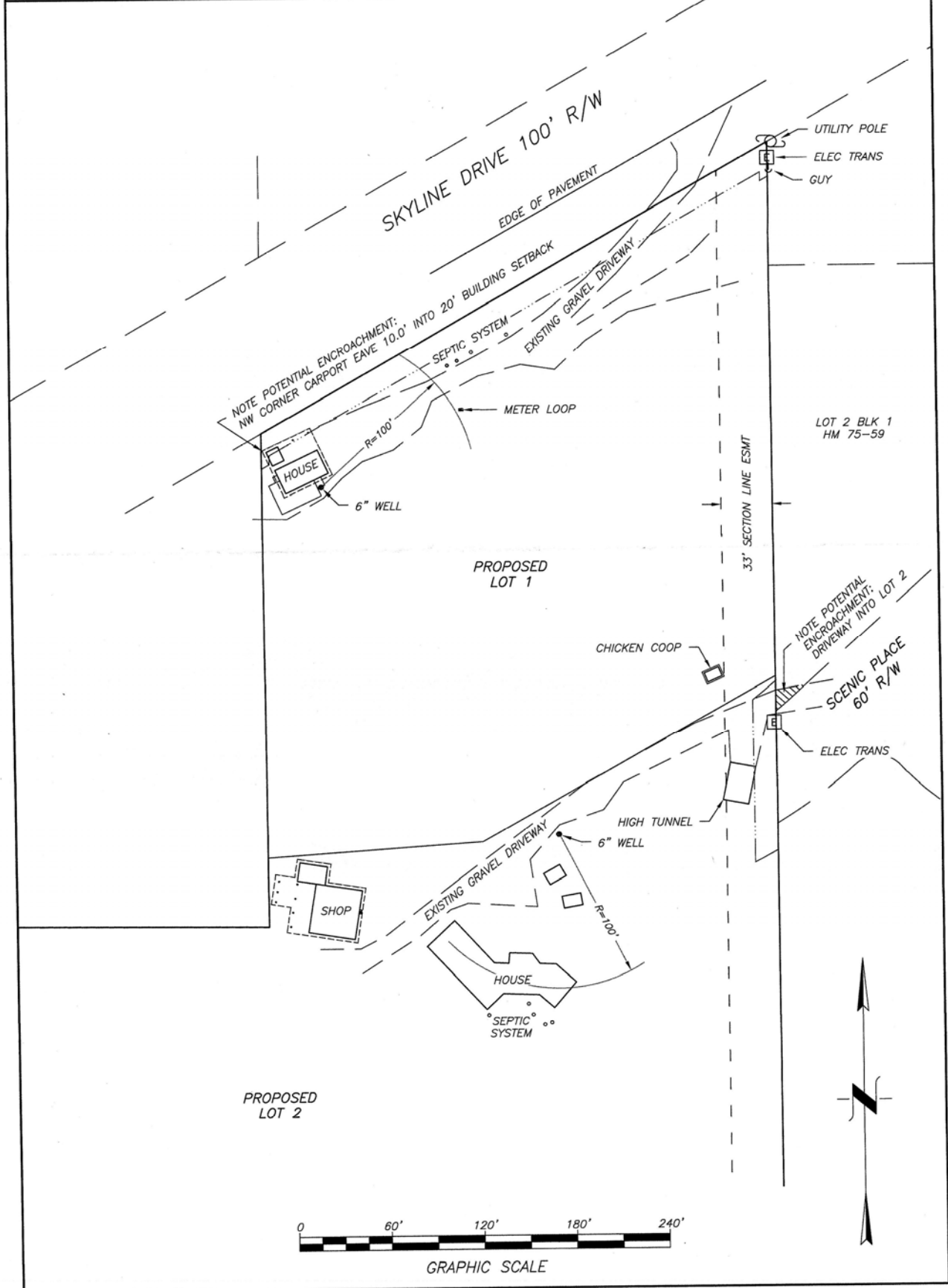
DRAWN BY: KK	CHECK BY: KK	JOB #2024-04
DATE: 08/20/24	SCALE: 1"=80'	SHEET #1 OF 1

**KPB 2024-089**

EKER ESTATES NO. 3  
 TRACT A-1 2024 REPLAT  
 SUPPLEMENTAL ASBUILT DIAGRAM

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

DATE: 08/2024      SCALE: 1"=60'      SHEET #1 OF 1



AGENDA ITEM E. NEW BUSINESS

**ITEM #2 - PRELIMINARY PLAT  
EKER ESTATES NO. 3 TRACT A-1 2024 REPLAT**

<b>KPB File No.</b>	2024-089
<b>Plat Committee Meeting:</b>	September 9, 2024
<b>Applicant / Owner:</b>	Kurt Weichhand & Beth Ann Van Sandt of Homer, AK
<b>Surveyor:</b>	Katherine A. Kirsis / Seabright Survey & Design
<b>General Location:</b>	Skyline Drive, Scenic Place & Cottonwood Lane, City of Homer
<b>Parent Parcel No.:</b>	174-051-27
<b>Legal Description:</b>	T 6S R 13W SEC 9 Seward Meridian HM 2010058 EKER ESTATE NO 3 REPLAT 2010 TRACT A-1
<b>Assessing Use:</b>	Residential
<b>Zoning:</b>	Rural Unrestricted
<b>Water / Wastewater</b>	Onsite / Onsite
<b>Exception Request</b>	None Requested

**STAFF REPORT**

**Specific Request / Scope of Subdivision:** The proposed plat will subdivide a 10.37-acre parcel into two lots ranging in size from 2.514 acres to 7.846 acres.

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

Legal access to Lot 1 is provided by Skyline Drive to the north, Scenic Place to the east, and Cottonwood Lane to the west, provide access to Lot 2. Scenic Place is a constructed 60-foot-wide dedication which connects to Skyline Drive to the north. Cottonwood Lane is a partially constructed 60-foot-wide dedication that connects to East Hill Road. East Hill Road a 60 foot dedication and Skyline Drive a 100 foot dedication are both state maintained roads while the rest are maintained by the City of Homer.

A section line abuts the subdivision to the east, with a 33-foot easement located on the east and west sides of the section line. The sections are noted, but the section line easements need to be verified and shown on the drawing.

There are no dedications or vacations proposed with this platting action.

At plat note #6 it is noted that an exception to KPB 20.20.030 Extension of Scenic Place and extending the right-of-way to the 25-acre landlocked parcel at the southeastern corner of Tract A-1 (HM 201-58) was granted. **Staff recommends** the Plat Committee concur this exception shall be carried forward and can remain on the plat as noted.

The block length is non-compliant. An exception to KPB 20.20.160 Maximum Block Length is note at plat note #7 being carried forward from Eker Estates No. 3 Replat 2010 HM 2010-58. **Staff recommends** the Plat Committee concur this exception shall be carried forward and can remain on the plat as noted.

**PER DOT:** The platting action voids any previous issued permits. Land owners will need to reapply for driveway access permits to state road and right-of-way access.

KPB Roads Dept. comments	Out of Jurisdiction: Yes Roads Director: Griebel, Scott Comments: Within the city of Homer. No RSA comment or objections.
SOA DOT comments	No comments

**Site Investigation:**

Multiple structures are depicted on the supplemental asbuilt diagram. The high tunnel depicted on Lot 2 is indicated as being located into the 33-foot section line easement. **Staff recommends** *It is noted to the land owner their responsibility to remove the high tunnel for future potential use of the section line easement by a utility company or government entity.*

*Also shown on the supplemental asbuilt diagram in the northwest corner is a possible carport eave encroachment. The building setback is subject to the City of Homer Zoning Regulations and will need to be verified with the City of Homer Zoning Department.*

There is steep terrain shown on the plat with grades over 25% shaded. **Staff recommends** *the shading to be shown on the final submittal.*

This plat is located inside the City of Homer, the City of Homer is considered an independent community by the National Flood Insurance Program (NFIP) and is not within the jurisdiction of the KPB Floodplain Management Program, no review was given for floodplain review by the KPB River Center. Homer administers their own floodplain management programs. For information on the flood plain regulations and required permits in Homer, please contact the Homer Planning Department at 907-235-3106 or at [planning@ci.homer.ak.us](mailto:planning@ci.homer.ak.us). The City of Homer did not identify the plat as being in a flood plain or having wetlands on it. The city also did not identify the plat as being in the Bridge Creek Watershed Protection District.

KPB River Center review	<p>A. Floodplain  Reviewer: Hindman, Julie  Floodplain Status: Within City of Homer  Comments: No comments</p> <p>B. Habitat Protection  Reviewer: Aldridge, Morgan  Habitat Protection District Status: Is NOT within HPD  Comments: No comments</p>
State of Alaska Fish & Game	

**Staff Analysis**

Originally the land was an aliquot part of the NE1/4 of Section 9, Township 6 South, Range 13 West, SM City of Homer, Kenai Peninsula Borough, Alaska. Then the subdivision Eker Estates, HM 90-43 subdivided the land. Lot 21 was added to the parcel to the east and redivided into Lot 21-A and Tract A-1 by Eker Estates No. 3 Replat 2010, HM 2010-58. The proposed subdivision will replat Tract A-1 into Lot 1 and Lot 2.

City of Homer stated that City water and sewer are not present at this site location. A soils report will be required and an engineer will sign the final plat for Lot 1. Lot 2 will not need a soils report as it is over 200,000 sq ft.

The surveyor included locations of structures on the supplemental asbuilt diagram. This plat is governed by the City of Homer zoning requirements and is noted on the plat as note number 2. The high tunnel depicted on Lot 2 demonstrates an encroachment into the 33-foot section line easement.

**Staff recommends** *It is the responsibility of the owner to remove the high tunnel for future potential use of the section line easement.*

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

The plat is located inside the City of Homer and was presented to the Homer Planning Commission at their August 7, 2024 meeting. The commission reviewed and approved with a unanimous vote of consent to recommend approval of the preliminary plat of Ekers Estate No 3 Tract A-1 2024 Replat for presenting to the KPB Platting Committee.

**Utility Easements**

Eker Estates, HM 90-43, granted a utility easement within the front 10-feet of the setback line abutting rights-of-way. The City of Homer requires a 15 foot utility easement which shall override the 10 foot easement. Plat note #1 makes note of the 15 foot easement and it is also graphically shown on the drawing. the 15 foot utility easement should be added in the southwest near Cottonwood Lane.

The affected utility providers were emailed the subdivision plat public hearing notice as part of the routine notification process, to date all replies have been of no comment or acceptable as submitted. **Staff recommends** to grant utility easements requested by any utility provider or work with the utility providers to obtain approval.

**Utility Provider Review:**

HEA	No comments
ENSTAR	No comments or recommendations
ACS	
GCI	No comments

**KPB Department / Agency Review:**

Addressing	Reviewer: Leavitt, Rhealyn Affected Addresses: 1979 SKYLINE DR, 5655 SCENIC PL Existing Street Names are Correct: No List of Correct Street Names: SKYLINE DR, SCENIC PL, HORIZON CT, COTTONWOOD LN Existing Street Name Corrections Needed: All New Street Names are Approved: No List of Approved Street Names: List of Street Names Denied: Comments: CITY OF HOMER WILL ADVISE ON ADDRESSING
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. Material Site Comments: There are not any material site issues with this proposed plat. Review Not Required
Assessing	Reviewer: Windsor, Heather Comments: No comment

**STAFF RECOMMENDATIONS**

**CORRECTIONS / EDITS**

- In the Certificate of Ownership, Include Owner’s middle name, “Beth Ann Van Sandt” to reflect KPB records and the certificate to plat.
- Include the Plat Approval date of September 9, 2024.

**PLAT NOTES TO ADD**

- Add reference to the document in Bk 201 Pg 374 as referenced in the CTP at #10
- Add a plat note indicating, “The borough will not enforce private covenants, easements, or deed restrictions per KPB 20.60.170(B)



**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:**

Include Owner’s middle name, “Beth Ann Van Sandt” to reflect KPB records and the certificate to plat.  
Modify the KPB File no to 2024-089

- C. The location, width, and name of existing or platted streets and public ways, railroad rights-of-way, and other important features such as section lines or political subdivisions or municipal corporation boundaries abutting the subdivision;

**Staff recommendation:**

Correctly depict Cottonwood Lane to the southwest  
Label Treeline Way to the north  
Label the section line easements in all places applicable.

- D. A vicinity map, drawn to scale showing location of proposed subdivision, north arrow if different from plat orientation, township and range, section lines, roads, political boundaries, and prominent natural and manmade features, such as shorelines or streams;

**Staff recommendation:**

Add Cottonwood Lane to vicinity map

- F. The location, width and name of existing and platted streets and public ways, railroad rights-of-way, easements, and travel ways existing and proposed, within the subdivision;

**Staff recommendation:**

Add the 15’ utility easement to near Cottonwood Lane on the plat.

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**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.

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**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.

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**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.

**RECOMMENDATION:**

**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.

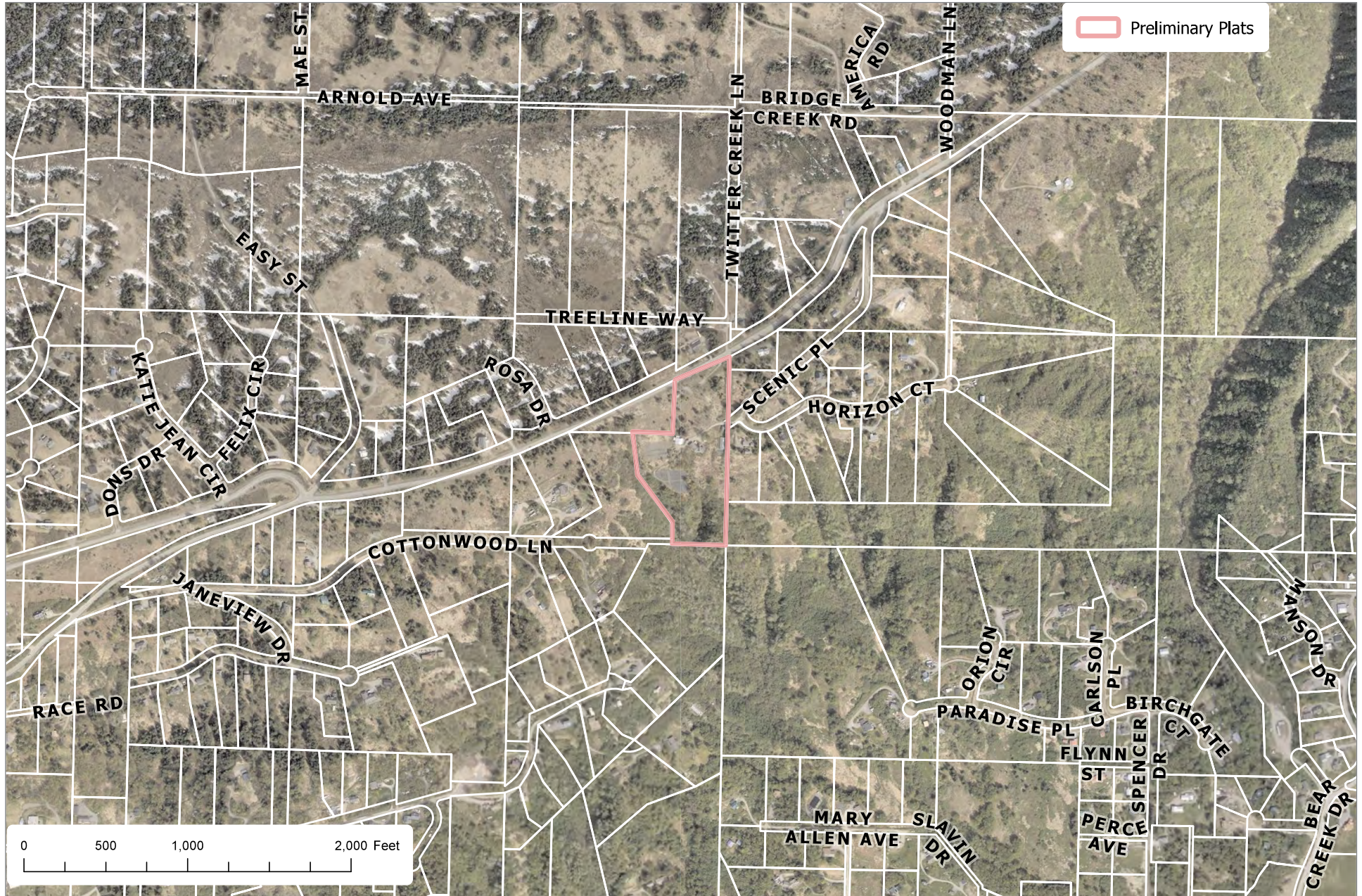
NOTE: 20.25.120. - REVIEW AND APPEAL.

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

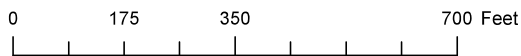
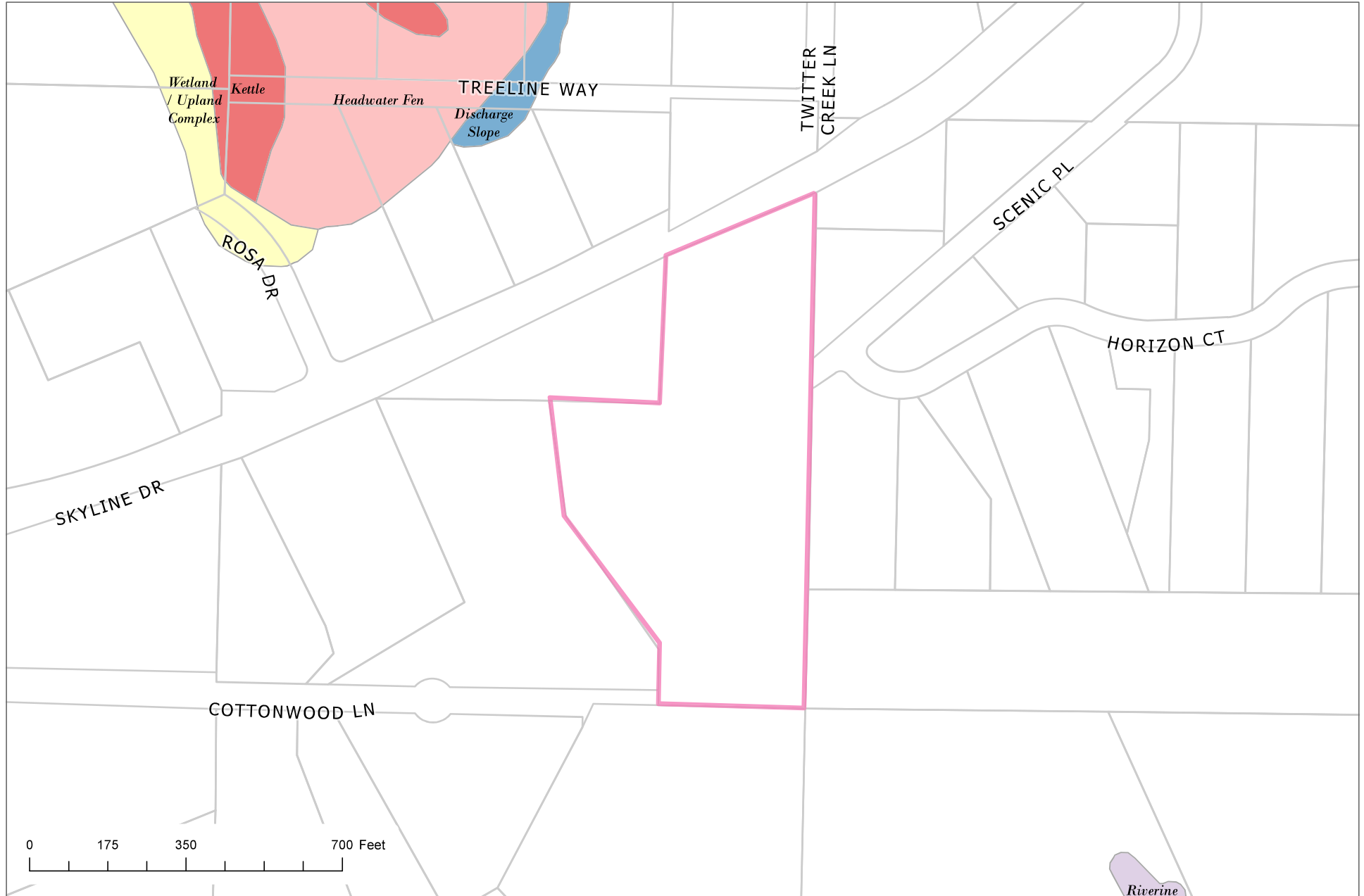
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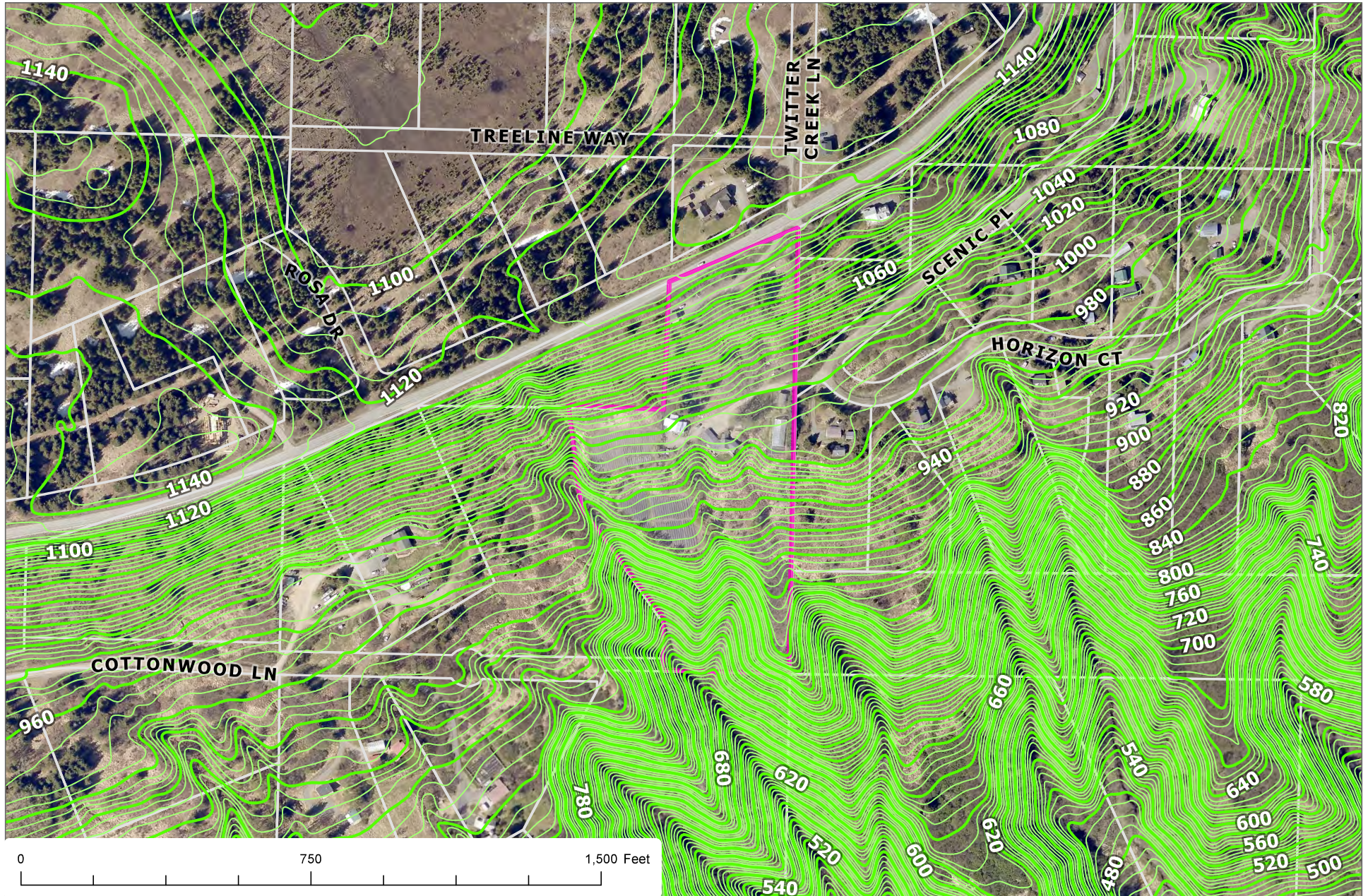
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Wetlands



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**WASTEWATER DISPOSAL:**

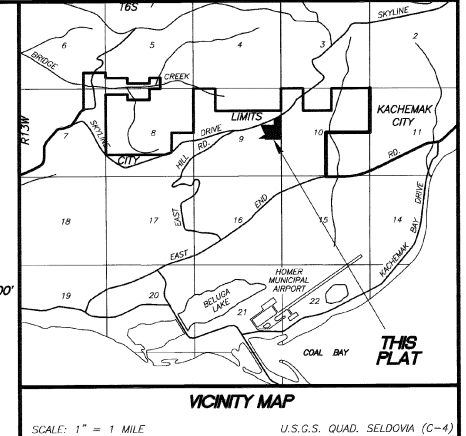
LOT 21-A AND TRACT A-1 ARE AT LEAST 200,000 SQUARE FEET OR NOMINAL 5 ACRES IN SIZE. CONDITIONS MAY NOT BE SUITABLE FOR ONSITE WASTEWATER TREATMENT AND DISPOSAL. ANY WASTEWATER TREATMENT OR DISPOSAL SYSTEM MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

**NOTES**

1. THE FRONT 15' ALONG THE RIGHT-OF-WAY AND THE 5' ADJACENT TO SIDE LOT LINES IS A UTILITY EASEMENT. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN AN EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
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6. KPB PLAT COMMITTEE GRANTED AN EXCEPTION TO KPB 20.20.030 (EXTENSION OF SCENIC PLACE AND EXTENDING RIGHT-OF-WAY TO THE 25-ACRE LANDLOCKED PARCEL AT THE SOUTH-EASTERN CORNER OF TRACT A-1), ON THE MEETING OF JULY 19, 2010.
7. KPB PLAT COMMITTEE GRANTED AN EXCEPTION TO KPB 20.20.160 (MAXIMUM BLOCK LENGTH), ON THE MEETING OF JULY 19, 2010.
8. THE EXISTING PAVED CENTERLINE IS APPROXIMATELY 2.2' SOUTHEASTERLY OF THE PLATTED CENTERLINE.
9. ACCEPTANCE OF THIS PLAT DOES NOT CONSTITUTE ACCEPTANCE OF ANY ENCROACHMENTS BY EITHER THE CITY OF HOMER OR THE KENAI PENINSULA BOROUGH.

**LEGEND**

- INDICATES AREAS IN EXCESS OF 20% GRADE
- FND 2" A-C 1301-S 1990
- SET 2" A-C 7968-S 2010 ON 30" X 5/8" REBAR
- FND P-CAP 7614-S
- FND 2" AL-PIPE BENT OVER



**CERTIFICATE OF OWNERSHIP**  
 WE HEREBY CERTIFY THAT WE ARE THE OWNER(S) OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON. THAT WE HEREBY ADOPT THIS PLAN OF SUBDIVISION, AND BY OUR FREE CONSENT DEDICATE ALL RIGHTS OF WAY AND PUBLIC AREAS TO PUBLIC USE, AND GRANT ALL EASEMENTS TO THE USE SHOWN HEREON.  
 Kurt Weichand  
 BETH ANN VANSANDT TRACT A-1  
 5655 SCENIC PL.  
 HOMER, ALASKA 99603

Kurt Weichand by Beth Ann Vansandt his attorney in fact  
 Kurt Weichand TRACT A-1  
 5655 SCENIC PL.  
 HOMER, ALASKA 99603  
 Bonnie Triplett 8/19/2010  
 BONNIE TRIPLETT LOT 21-A  
 2664 MOUNT TABOR RD.  
 BLACKSBURG, VA 24060

**NOTARY'S ACKNOWLEDGMENT**  
 SUBSCRIBED AND SWORN TO BEFORE ME THIS 12th DAY OF October, 2010.  
 FOR: Beth Ann Vansandt  
 R. Lynn Monroe  
 NOTARY PUBLIC FOR ALASKA  
 MY COMMISSION EXPIRES 10-17-2012



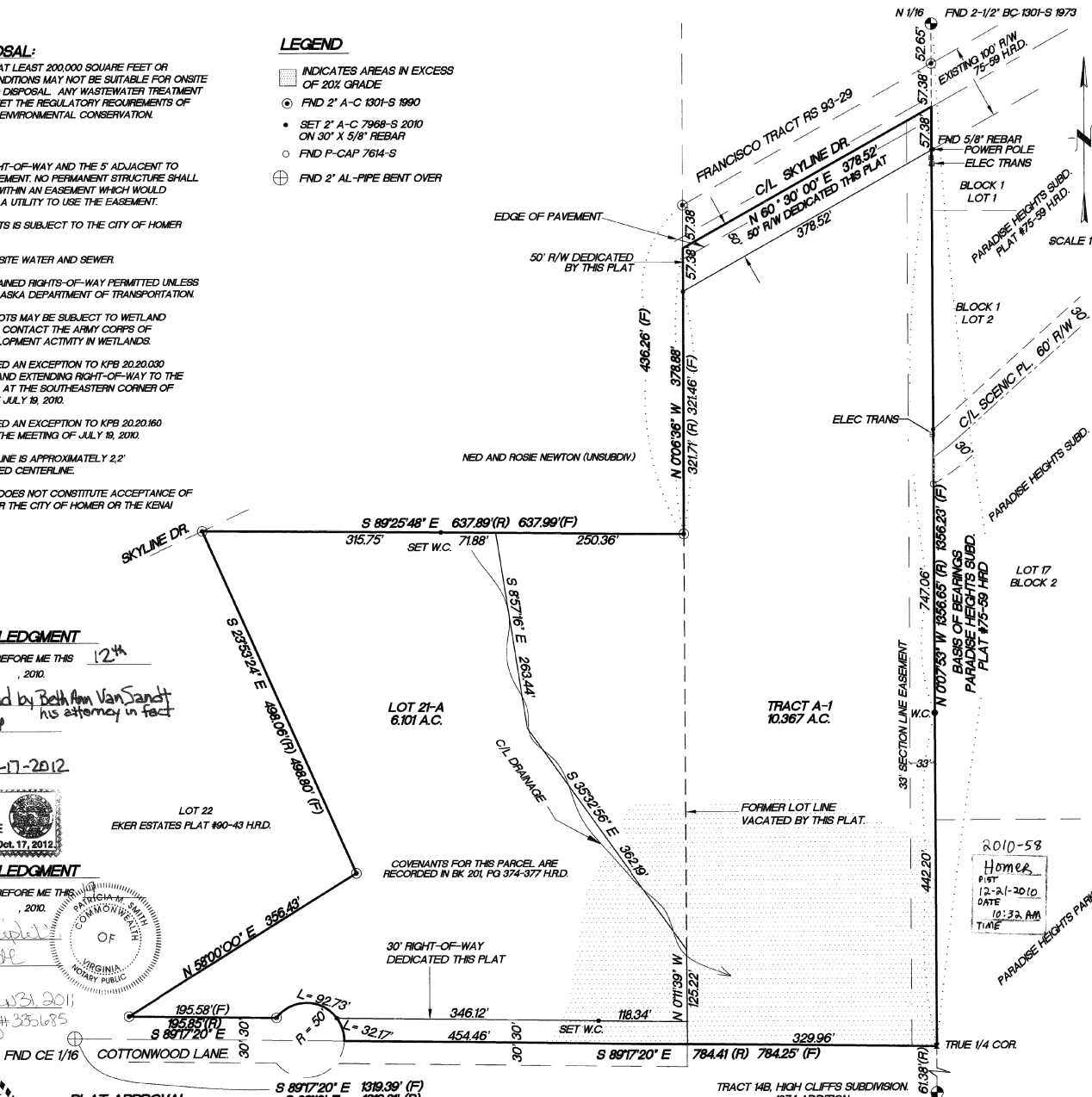
HOMER RECORDING DISTRICT KPB FILE NO. 2010-092

**EKER ESTATES NO. 3 REPLAT 2010**

A RESUBDIVISION OF LOT 21, EKER ESTATES PLAT #90-43 HRD. AND THAT PORTION LYING SOUTH OF SKYLINE DR. LOCATED WITHIN THE E1/2 E1/2 SE1/4 NE1/4, SEC. 9, T. 6S, R. 10W, S.M. WITHIN THE CITY OF HOMER, KENAI PENINSULA BOROUGH, THIRD JUDICIAL DISTRICT, STATE OF ALASKA CONTAINING 17.220 ACRES

**SEABRIGHT SURVEY + DESIGN**  
 1044 EAST ROAD, SUITE A  
 HOMER ALASKA 99603  
 (907) 235-4247  
 EMAIL: seabright@seabrightalaska.com

DRAWN BY: K.B.	DATE: APRIL 2010	SCALE: 1" = 100'
CHK BY: K.B.	JOB #10-04	SHEET 1 OF 1



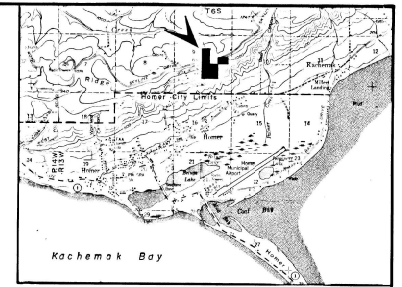
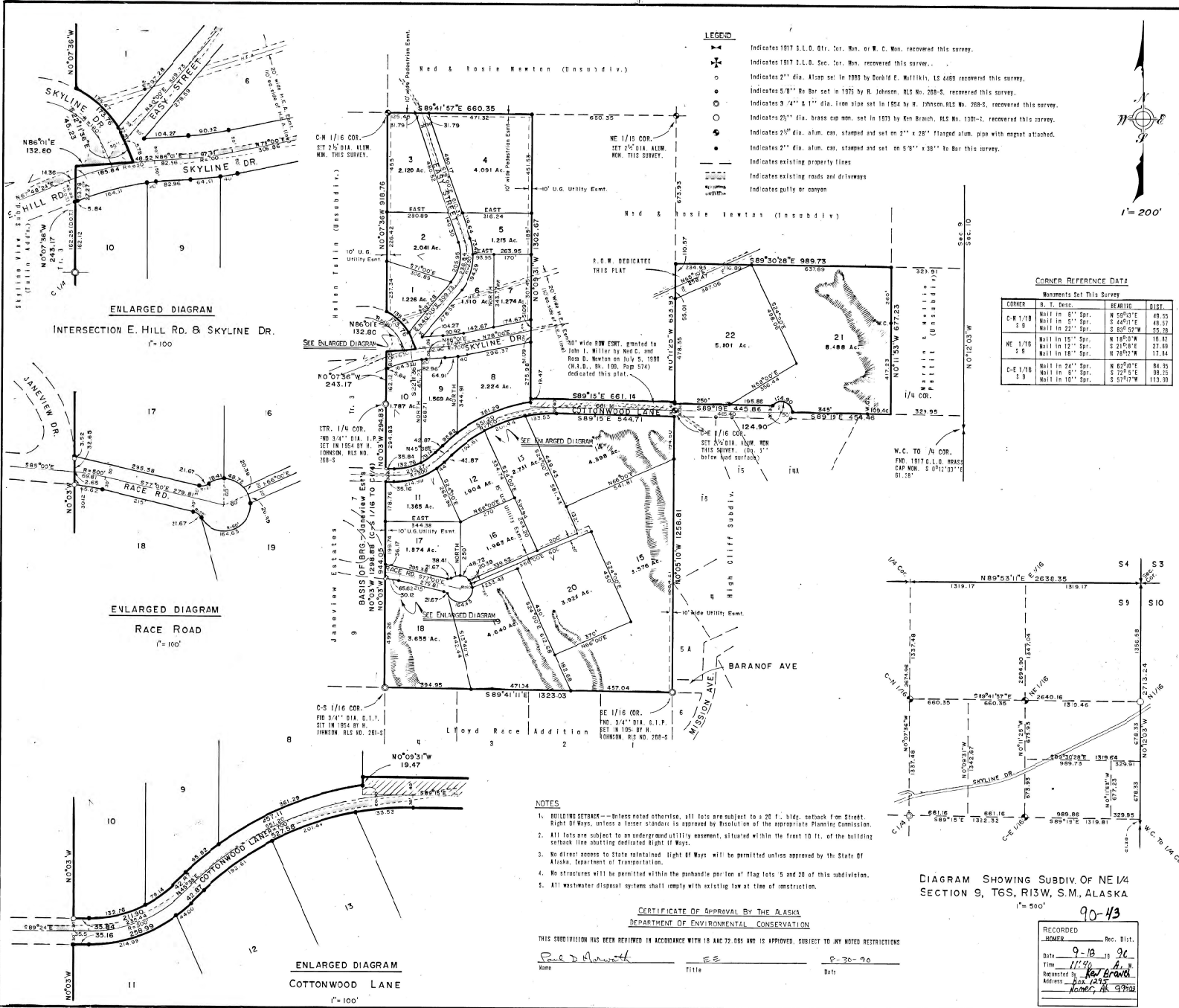
**NOTARY'S ACKNOWLEDGMENT**  
 SUBSCRIBED AND SWORN TO BEFORE ME THIS 12th DAY OF October, 2010.  
 FOR: Kurt Weichand by Beth Ann Vansandt his attorney in fact  
 R. Lynn Monroe  
 NOTARY PUBLIC FOR ALASKA  
 MY COMMISSION EXPIRES 10-17-2012



**NOTARY'S ACKNOWLEDGMENT**  
 SUBSCRIBED AND SWORN TO BEFORE ME THIS 12th DAY OF October, 2010.  
 FOR: Bonnie Triplett  
 R. Lynn Monroe  
 NOTARY PUBLIC FOR ALASKA  
 MY COMMISSION EXPIRES 10-17-2012



**PLAT APPROVAL**  
 THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF July 19, 2010  
 KENAI PENINSULA BOROUGH  
 BY: Max J. Reed  
 AUTHORIZED OFFICIAL



**CERTIFICATE OF OWNERSHIP**

I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I HEREBY GIVE THIS PLAN OF SUBDIVISION AND INDICATE ALL RIGHT OF WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

9/6/90  
 John I. Miller (Personal Representative of Estate of Lee Ann Egan)  
 2240 Kissee Court  
 Anchorage, Alaska 99517

**NOTARY'S ACKNOWLEDGMENT**

SUBSCRIBED AND SWORN TO BEFORE ME THIS 24th day of September 1990

John I. Miller  
 Notary Public for the STATE OF ALASKA My Commission Expires: 6/14/93

**SURVEYORS CERTIFICATE**

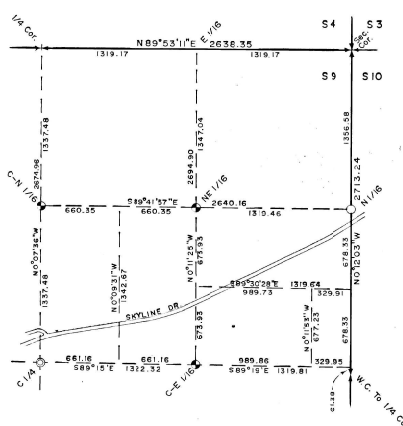
I HEREBY CERTIFY THAT I AM PROPERLY REGISTERED AND LICENSED TO PRACTICE LAND SURVEYING IN THE STATE OF ALASKA AND THAT THIS PLAN REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION AND THE MEASUREMENTS SHOWN THEREON ACTUALLY EXIST AS DESCRIBED AND THAT ALL DIMENSIONS AND OTHER DETAILS ARE CORRECT TO THE BEST OF MY KNOWLEDGE.

John I. Miller  
 Anchorage, Alaska 99503

**PLAT APPROVAL**

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF June 12, 1990

Kenai Peninsula Borough  
 Authorized Official



**RECORDED**

BOOK \_\_\_\_\_ Rec. Dist. \_\_\_\_\_

Date 9-13-90  
 Time 11:40  
 Requested by Ken Branch  
 Address 2240 Kissee Court  
 Anchorage, Alaska 99517

**EKER ESTATES**

SITUATED IN THE NW 1/4 SE 1/4; W 1/2 SW 1/4 NE 1/4 & THE W 3/4 OF THE S 1/2 SE 1/4 NE 1/4 OF SEC. 9, T6S, R13W, S.M., HOMER RECORDING DISTRICT, ALASKA

CONTAINING 72.734 ACRES

Prepared For JOHN I MILLER  
 2240 KISSEE COURT  
 ANCHORAGE, ALASKA 99517

Prepared By KEN BRANCH, RLS  
 BOX 1295  
 HOMER, ALASKA 99603

Date 06/01/90 Scale: I"=200' KPB File No. 90-002



# City of Homer

www.cityofhomer-ak.gov

**Planning**  
491 East Pioneer Avenue  
Homer, Alaska 99603

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

## Staff Report 24-038

TO: Homer Planning Commission **24-038**  
 FROM: Ryan Foster, AICP, City Planner  
 DATE: 8/7/24  
 SUBJECT: Ekers Estates No3 Tract A-1 2024 Replat Preliminary Plat

**Requested Action:** Approval of a preliminary plat to divide one large lot into two smaller lots.

### General Information:

Applicants:	Kurt Weichhand & Beth Van Sandt 5655 Scenic Place Homer, AK 99603	Seabright Survey & Design 1044 East End Rd, Suite A Homer, AK 99603
Location:	South of Skyline Drive and East of Scenic Place	
Parcel ID:	17405127	
Size of Existing Lot(s):	10.36 acres	
Size of Proposed Lots(s):	2.514 acres and 7.846 acres	
Zoning Designation:	Rural Residential District	
Existing Land Use:	Residential	
Surrounding Land Use:	North: Residential South: Vacant East: Vacant and Residential West: Vacant	
Comprehensive Plan:	1-C-1 Promote infill development in all housing districts.	
Wetland Status:	No wetlands present.	
Flood Plain Status:	Not within a flood plain.	
BCWPD:	Not within the Bridge Creek Watershed Protection District.	
Utilities:	City water and sewer are not present	
Public Notice:	Notice was sent to 30 property owners of 28 parcels as shown on the KPB tax assessor rolls.	



**Analysis:** This subdivision is within the Rural Residential District. This plat divides one large lot of 10.36 acres into two proposed lots, Lot 1 is 2.514 acres and Lot 2 is 7.846 acres.

**Homer City Code 22.10.051 Easements and rights-of-way**

- A. The subdivider shall dedicate in each lot of a new subdivision a 15-foot-wide utility easement immediately adjacent to the entire length of the boundary between the lot and each existing or proposed street right-of-way.

**Staff Response:** The plat meets this requirement. The plat notes a 15-foot utility easement.

- B. The subdivider shall dedicate in each lot of a new subdivision any water and/or sewer easements that are needed for future water and sewer mains shown on the official Water/Sewer Master Plan approved by the Council.

**Staff Response:** The plat meets these requirements. City sewer and water are not provided in the vicinity. No additional easements are needed.

- C. The subdivider shall dedicate easements or rights-of-way for sidewalks, bicycle paths or other non-motorized transportation facilities required by HCC 11.04.120.

**Staff Response:** The plat meets these requirements. No new street is being accepted by the City for maintenance.

**Preliminary Approval, per KPB code 20.25.070 Form and contents required.** The commission will consider a plat for preliminary approval if it contains the following information at the time it is presented and is drawn to a scale of sufficient size to be clearly legible.

- A. Within the Title Block:
  - 1. Names 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;
  - 2. Legal description, location, date, and total area in acres of the proposed subdivision; and
  - 3. Name and address of owner(s), as shown on the KPB records and the certificate to plat, and registered land surveyor;

**Staff Response:** The plat meets these requirements.

- B. North point;

**Staff Response:** The plat meets these requirements.

- C. The location, width and name of existing or platted streets and public ways, railroad rights-of-way and other important features such as section lines or political subdivisions or municipal corporation boundaries abutting the subdivision;

**Staff Response:** The plat meets these requirements.

- D. A vicinity map, drawn to scale showing location of proposed subdivision, north arrow if different from plat orientation, township and range, section lines, roads, political

boundaries and prominent natural and manmade features, such as shorelines or streams;

**Staff Response:** The plat meets these requirements.

- E. All parcels of land including those intended for private ownership and those to be dedicated for public use or reserved in the deeds for the use of all property owners in the proposed subdivision, together with the purposes, conditions or limitation of reservations that could affect the subdivision;

**Staff Response:** The plat does meets these requirements.

- F. The names and widths of public streets and alleys and easements, existing and proposed, within the subdivision; [Additional City of Homer HAPC policy: Drainage easements are normally thirty feet in width centered on the drainage. Final width of the easement will depend on the ability to access the drainage with heavy equipment. An alphabetical list of street names is available from City Hall.]

**Staff Response:** The plat meets these requirements.

- G. Status of adjacent lands, including names of subdivisions, lot lines, lock numbers, lot numbers, rights-of-way; or an indication that the adjacent land is not subdivided;

**Staff Response:** The plat meets these requirements.

- H. Approximate location of areas subject to inundation, flooding or storm water overflow, the line of ordinary high water, wetlands when adjacent to lakes or non-tidal streams, and the appropriate study which identifies a floodplain, if applicable;

**Staff Response:** The plat meets these requirements.

- I. Approximate locations of areas subject to tidal inundation and the mean high water line;

**Staff Response:** The plat meets these requirements.

- J. Block and lot numbering per KPB 20.60.140, approximate dimensions and total numbers of proposed lots;

**Staff Response:** The plat meets these requirements.

- K. Within the limits of incorporated cities, the approximate location of known existing municipal wastewater and water mains, and other utilities within the subdivision and immediately abutting thereto or a statement from the city indicating which services are currently in place and available to each lot in the subdivision;

**Staff Response:** The plat meets these requirements. City water and sewer are not present in the vicinity.

- L. Contours at suitable intervals when any roads are to be dedicated unless the planning director or commission finds evidence that road grades will not exceed 6 percent on arterial streets, and 10 percent on other streets;

**Staff Response:** The plat meets these requirements. No roads are dedicated.

- M. Approximate locations of slopes over 20 percent in grade and if contours are shown, the areas of the contours that exceed 20 percent grade shall be clearly labeled as such;

**Staff Response:** The plat meets this requirement. Areas over 20 percent grade are indicated on the plat.

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

**Staff Response:** The plat meets these requirements.

- O. If the subdivision will be finalized in phases, all dedications for through streets as required by KPB 20.30.030 must be included in the first phase.

**Staff Response:** The plat meets these requirements.

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

**Staff Recommendation:**

Planning Commission recommends approval of the preliminary plat.

**Attachments:**

1. Preliminary Plat
2. Surveyor's Letter
3. Public Notice
4. Aerial Map

**NOTES**

1. A SETBACK OF 20' IS REQUIRED FROM ALL STREET RIGHTS-OF-WAY UNLESS A LESSEER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION. THE FRONT 10' ADJACENT TO RIGHTS-OF-WAY IS A UTILITY EASEMENT GRANTED THIS PLAT. NO PERMANENT STRUCTURES SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE SAID EASEMENT.
2. THE FRONT 15' ALONG THE RIGHT-OF-WAY AND THE 5' ADJACENT TO SIDE LOT LINES IS A UTILITY EASEMENT. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN AN EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
3. DEVELOPMENT OF THESE LOTS IS SUBJECT TO THE CITY OF HOMER ZONING REGULATIONS.
4. LOTS ARE SERVED BY ONSITE WATER AND SEWER.
5. NO ACCESS TO STATE MAINTAINED RIGHTS-OF-WAY PERMITTED UNLESS APPROVED BY THE STATE OF ALASKA DEPARTMENT OF TRANSPORTATION.
6. PORTIONS OF THE SUBJECT LOTS MAY BE SUBJECT TO WETLAND REGULATIONS OWNERS SHOULD CONTACT THE ARMY CORPS OF ENGINEERS PRIOR TO ANY DEVELOPMENT ACTIVITY IN WETLANDS.
7. KPB PLAT COMMITTEE GRANTED AN EXCEPTION TO KPB 20.20.030 (EXTENSION OF SCENIC PLACE AND EXTENDING RIGHT-OF-WAY TO THE 20-ACRE LANDEDLOCK PARCEL AT THE SOUTHEASTERN CORNER OF TRACT A-1 (HM 2010-58)).
8. KPB PLAT COMMITTEE GRANTED AN EXCEPTION TO KPB 20.20.180 (MAXIMUM BLOCK LENGTH), ON THE MEETING OF JULY 19, 2010 (HM 2010-58).
9. THE EXISTING PAVED CENTERLINE IS APPROXIMATELY 2.21' SOUTHEASTERLY OF THE PLATTED CENTERLINE (HM 2010-58).
10. ACCEPTANCE OF THIS PLAT DOES NOT CONSTITUTE ACCEPTANCE OF ANY ENCUMBRANCES BY EITHER THE CITY OF HOMER OR THE KENAI PENINSULA BOROUGH.

**LEGEND**

- FND 5/8" REBAR
- FND 1.2" PLASTIC CAP 7014-S
- FND 2" AC 1301-S 1390
- 15' UTILITY ESMT
- 20' BUILDING SETBACK
- SECTION LINE EASEMENT
- █ APPROX. AREAS OF 20% SLOPE OR GREATER (KPB GIS)

**WASTEWATER DISPOSAL**

LOT 1: SOIL CONDITIONS, WATER TABLE LEVELS, AND SOIL SLOPES IN THIS SUBDIVISION HAVE BEEN FOUND SUITABLE FOR CONVENTIONAL ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEMS SERVING SINGLE-FAMILY OR DUPLEX RESIDENCES. AN ENGINEER'S SUBDIVISION AND SOILS REPORT IS AVAILABLE FROM THE KENAI PENINSULA BOROUGH. ANY OTHER TYPE OF ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEM MUST BE DESIGNED BY A QUALIFIED ENGINEER, REGISTERED TO PRACTICE IN ALASKA, AND THE DESIGN MUST BE APPROVED BY THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

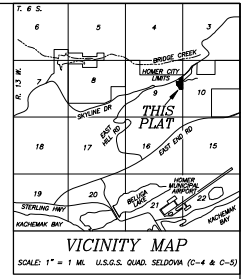
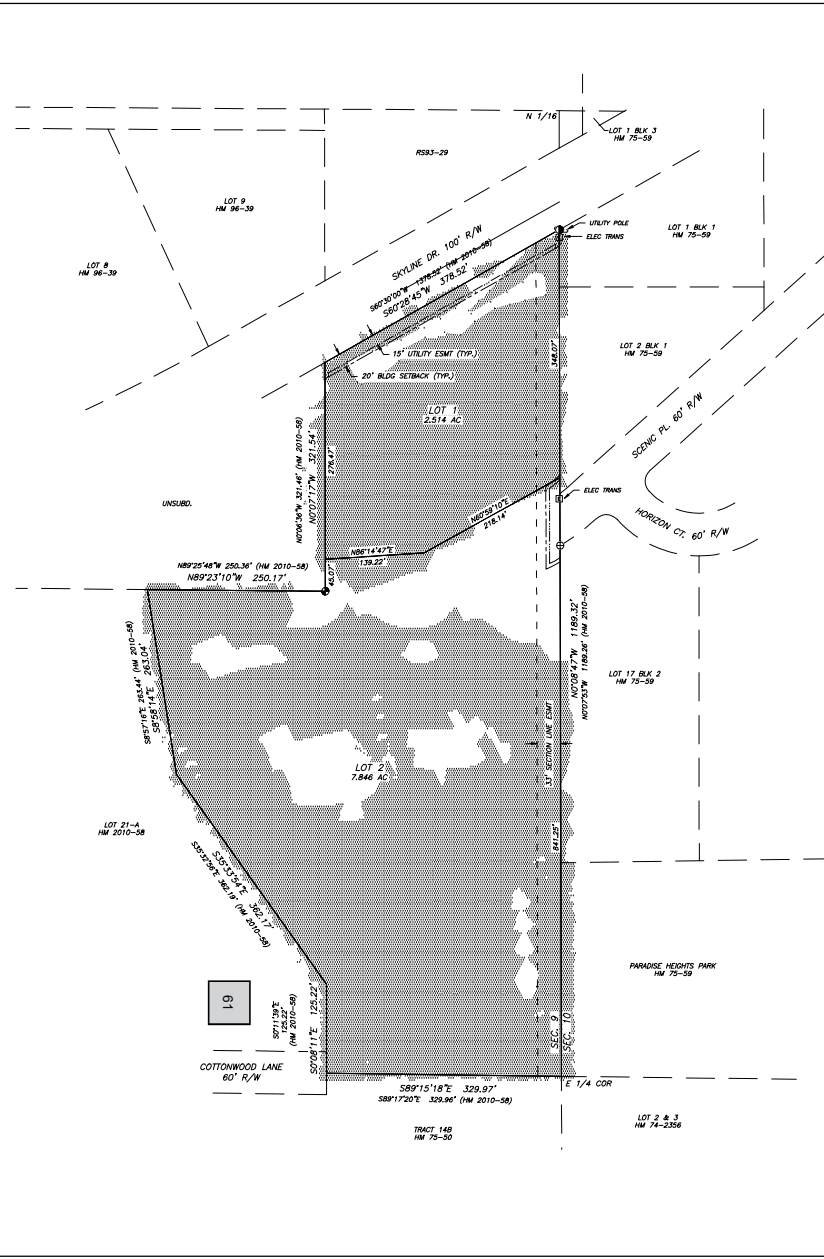
LOT 2: WHICH IS AT LEAST 200,000 SQUARE FEET IN SIZE MAY NOT BE SUITABLE FOR ONSITE WASTEWATER TREATMENT AND DISPOSAL. ANY WASTEWATER TREATMENT OR DISPOSAL SYSTEM MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

ENGINEER LICENSE NO. DATE

**PLAT APPROVAL**

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

BY: \_\_\_\_\_ DATE \_\_\_\_\_  
 AUTHORIZED OFFICIAL KENAI PENINSULA BOROUGH



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

KURT WEICHAND  
 5655 SCENIC PLACE  
 HOMER, AK 99603

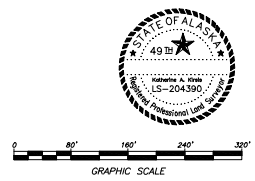
BETH VAN SANDT  
 5655 SCENIC PLACE  
 HOMER, AK 99603

**NOTARY'S ACKNOWLEDGMENT**

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

**NOTARY'S ACKNOWLEDGMENT**

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



HOMER RECORDING DISTRICT KPB FILE NO. 2024-_____		
EKER ESTATES NO. 3 TRACT A-1 2024 REPLAT		
A SUBDIVISION OF TRACT A-1 EKER ESTATES NO. 3 REPLAT 2010 (HM 2010-58), LOCATED IN THE E1/2 SE1/4 NE1/4 SEC. 9, T. 6 S., R. 13 W., SEWARD MERIDIAN, WITHIN THE CITY OF HOMER, KENAI PENINSULA BOROUGH, THIRD JUDICIAL DISTRICT, ALASKA		
CONTAINING 10.360 ACRES		
SEABRIGHT SURVEY + DESIGN KATHERINE A. KIRSIS, P.L.S. 1044 EAST END ROAD, SUITE A HOMER, ALASKA 99603 (907) 299-1580		
CLIENTS: KURT WEICHAND & BETH VAN SANDT 5655 SCENIC PL. HOMER, AK 99603		
DRAWN BY: KK	CHKD BY: KK	JOB #2024-04
DATE: 07/2024	SCALE: 1"=80'	SHEET #1 OF 1

## SEABRIGHT SURVEY + DESIGN

Katherine A. Kirsis, P.L.S.

1044 East End Road Suite A

Homer, Alaska 99603

(907) 299-1580

[seabrightz@yahoo.com](mailto:seabrightz@yahoo.com)

July 18, 2024

City of Homer  
491 East Pioneer Ave  
Homer, AK 99603

RE: Preliminary Submittal for "Eker Estates No. 3 Tract A-1 2024 Replat"

Dear Planning Department,

We are pleased to submit the above referenced preliminary plat for your review on behalf Kurt Weichhand and Beth Van Sandt. Included in this submittal packet you will find:

- 1 full size plat copy
- 1 11x17 plat copy
- Signed KPB plat submittal form
- Supplemental asbuilt diagram
- Check for \$300 plat review fee

In addition, we are emailing you a digital copy of the 11x17 plat.

Please let us know if there are any concerns or clarifications we can address.

Cordially,

*Katherine A. Kirsis*

Katherine A. Kirsis, PLS  
Seabright Survey + Design

## NOTICE OF SUBDIVISION

Public notice is hereby given that a preliminary plat has been received proposing to subdivide or replat property. You are being sent this notice because you are an affected property owner within 500 feet of a proposed subdivision and are invited to comment.

Proposed subdivision under consideration is described as follows:

### **Eker Estates No. 3 Tract A-1 2024 Replat Preliminary Plat**

The location of the proposed subdivision affecting you is provided on the attached map. A preliminary plat showing the proposed subdivision may be viewed at the City of Homer Planning and Zoning Office. Subdivision reviews are conducted in accordance with the City of Homer Subdivision Ordinance and the Kenai Peninsula Borough Subdivision Ordinance. A copy of the Ordinance is available from the Planning and Zoning Office. **Comments should be guided by the requirements of those Ordinances.**

A public meeting will be held by the Homer Planning Commission on Wednesday, August 7, 2024 at 6:30 p.m. In-person meeting participation is available in Cowles Council Chambers located downstairs at Homer City Hall, 491 E. Pioneer Ave., Homer, AK 99603. To attend the meeting virtually, visit [zoom.us](https://zoom.us) and enter the Meeting ID & Passcode listed below. To attend the meeting by phone, dial any one of the following phone numbers and enter the Webinar ID & Passcode below, when prompted: 1-253-215-8782, 1-669-900-6833, (toll free) 888-788-0099 or 877-853-5247.

Meeting ID: 979 8816 0903

Passcode: 976062

Additional information regarding this matter will be available by 5 p.m. on the Friday before the meeting. This information will be posted to the City of Homer online calendar page for August 2, 2024 at <https://www.cityofhomer-ak.gov/calendar>. It will also be available at the Planning and Zoning Office at Homer City Hall and at the Homer Public Library.

Written comments can be emailed to the Planning and Zoning Office at the address below, mailed to Homer City Hall at the address above, or placed in the Homer City Hall drop box at any time. Written comments must be received by 4 p.m. on the day of the meeting.

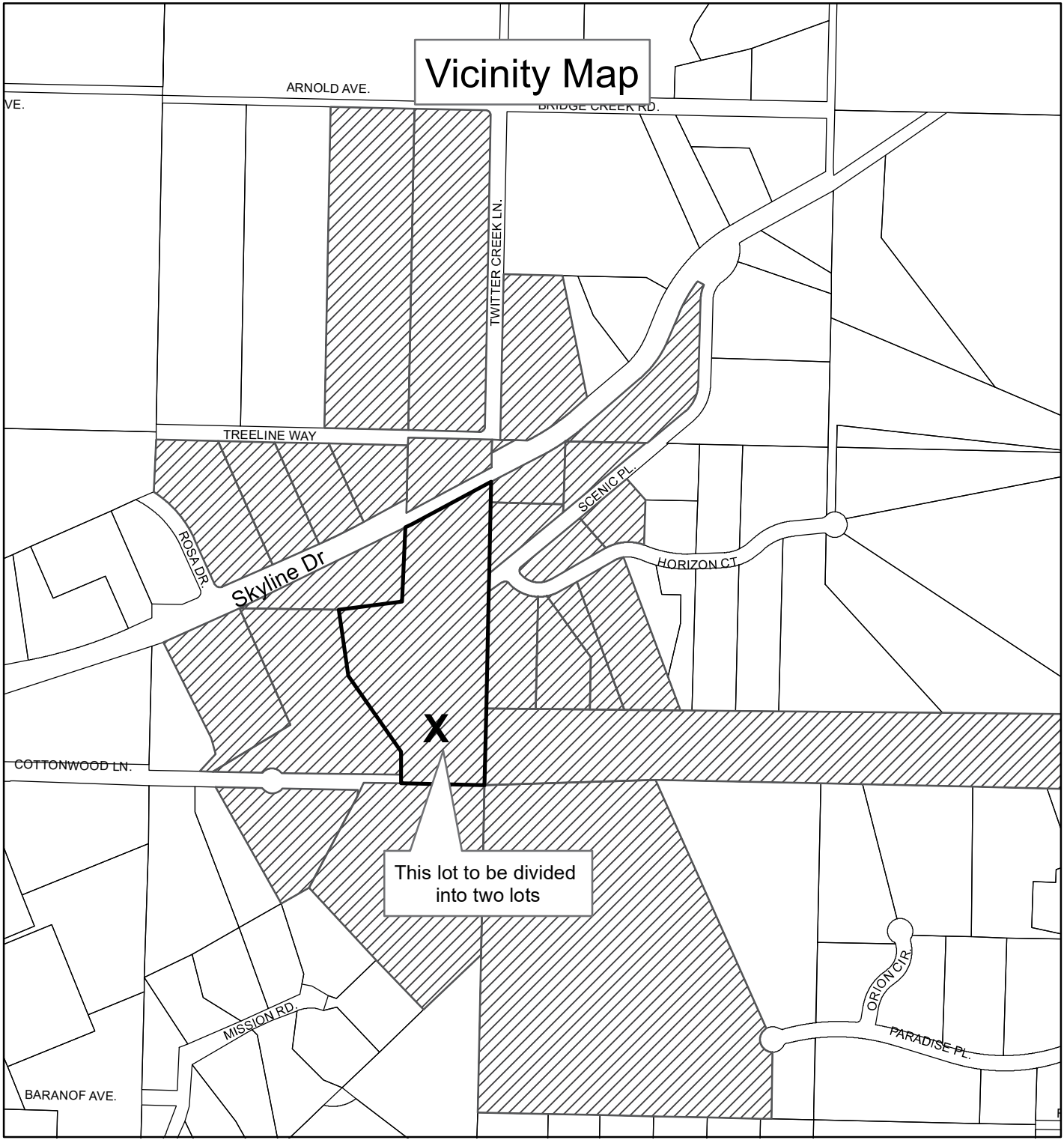
If you have questions or would like additional information, contact Ryan Foster at the Planning and Zoning Office. Phone: (907) 235-3106, email: [clerk@cityofhomer-ak.gov](mailto:clerk@cityofhomer-ak.gov), or in-person at Homer City Hall.

**NOTICE TO BE SENT TO PROPERTY OWNERS WITHIN 500 FEET OF PROPERTY.**

.....

## VICINITY MAP ON REVERSE

# Vicinity Map



This lot to be divided into two lots



**City of Homer**  
 Planning and Zoning Department  
 July 22, 2024

## Eker Estates No. 3 Tract A-1 2024 Replat Preliminary Plat

Marked lots are w/in 500 feet  
 and property owners notified.



*Disclaimer:  
 It is expressly understood the City of Homer, its council, board, departments, employees and agents are not responsible for any errors or omissions contained herein, or deductions, interpretations or conclusions drawn therefrom.*



Legend

- Transportation
- Mileposts
- Roads
  - Medium Collector
  - Medium Volume - Unmaintained
  - Medium Volume - Maintained
  - Low / Seasonal
  - Legal Trail
  - Private
  - State Hwy
  - Platted / Proposed
- Parcels and PLSS
- Tax Parcels
- 9" Imagery
  - Red: Red
  - Green: Green
  - Blue: Blue

0 400 800 ft

NOTE: Every reasonable effort has been made to ensure the accuracy of these data. However, by accepting this material, you agree that the data are provided without warranty of any kind, either expressed or implied, including but not limited to time, money or goodwill arising from indemnify, defend, and hold harmless Kenai Peninsula Borough for any and all liability of any nature arising from the lack of accuracy or correctness of the data, or use of the data.

65





C. Staff Report 24-038, Ekers Estate No. 3 Tract A-1 2024 Replat, Preliminary Plat

Chair S. Smith introduced the item by reading of the title. City Planner Foster then provided a summary of his report included in the packet.

Chair S. Smith then opened the floor for the applicant. Katie Kirsis, with Seabright Survey + Design, stated that this was a pretty straight-forward application. She noted that there are some steep slopes affecting this property. She added that an application/waiver for a setback to steep slopes for the proposed septic system for the upper lot has been conditionally approved by the Department of Environmental Conservation.

Chair S. Smith opened the floor for public comments. There were none.

Chair S. Smith then opened the floor for questions and comments from the Commission.

Commissioner H. Smith asked Ms. Kirsis how much of the new subdivision would be 20% or more on grade. Ms. Kirsis informed Mr. Smith that all of the shaded areas on the map were 20% or more on grade.

H. SMITH/SCHNEIDER MOVED TO ADOPT STAFF REPORT 24-038 AND RECOMMEND APPROVAL OF THE EKERS ESTATE NO. 3 TRACT A-1 2024 REPLAT PRELIMINARY PLAT.

There was no discussion.

VOTE: NON-OBJECTION: UNANIMOUS CONSENT.

Motion carried.