

# **E. NEW BUSINESS**

- 3. Puffin Acres 2023; KPB File 2023-046**  
**Ability Surveys / Hall**  
**Location: Crested Crane Street & East End Road**  
**Kachemak City**



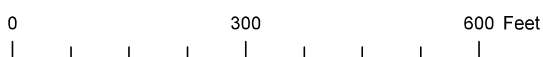
# Kenai Peninsula Borough Planning Department

## Vicinity Map



KPB File 2023-046  
 T 06S R 13W SEC 11  
 Kachemak

4/28/2023

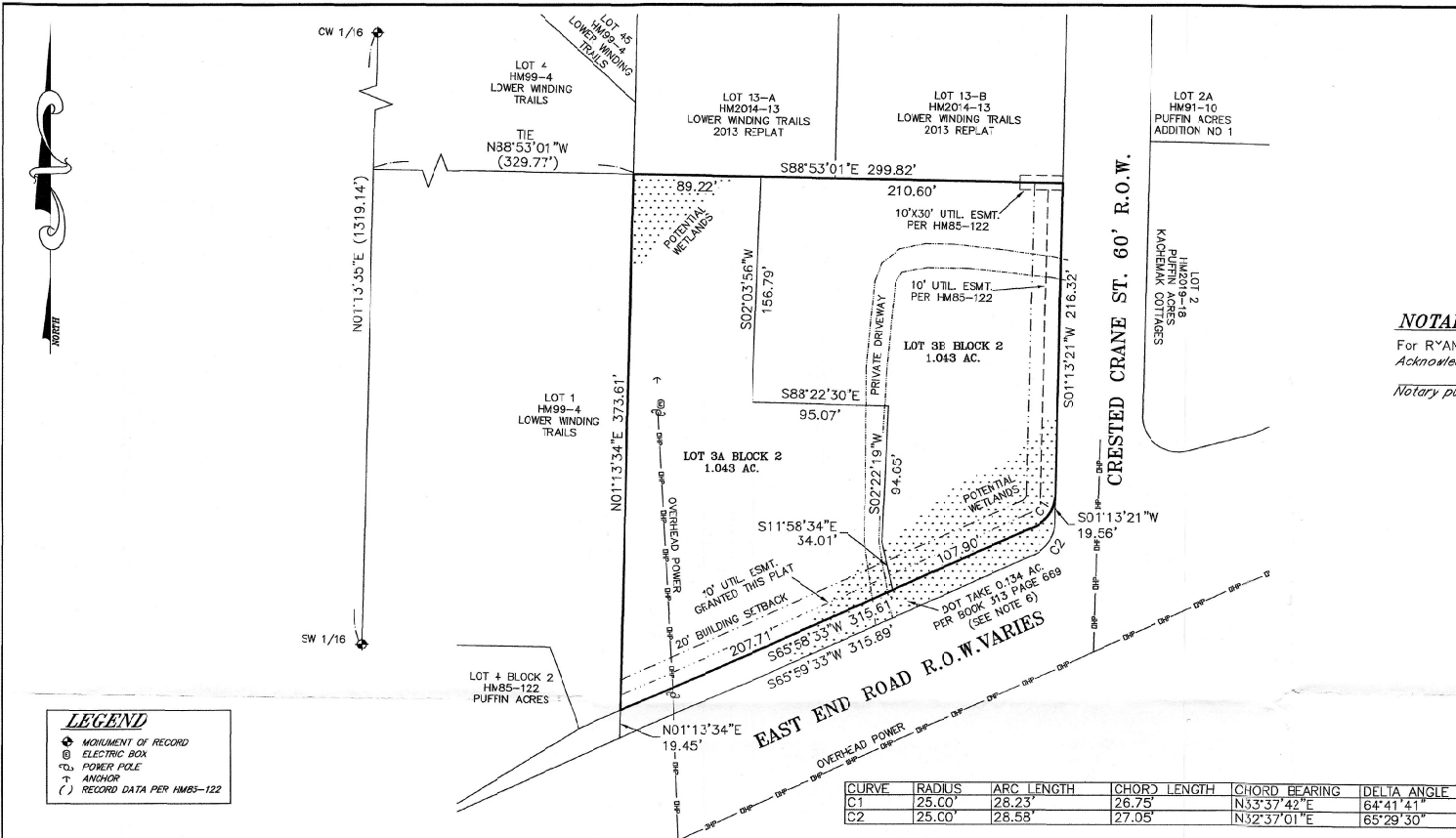




**Aerial View**



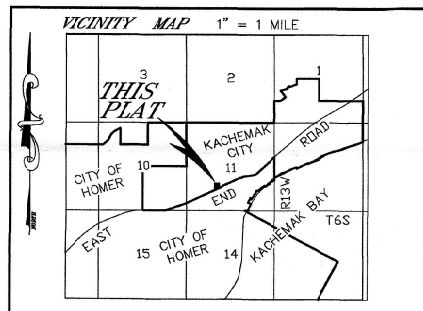
The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



**CERTIFICATE OF OWNERSHIP**  
 I hereby certify that I am the owner of the real property shown and described hereon, and that I hereby adopt this plan of subdivision, and by my free consent dedicate all public rights-of-way and grant: all easements to the use shown.

RYAN K HALL  
 PO BOX 3765  
 SOLDOTNA, AK 99669

**NOTARY'S ACKNOWLEDGEMENT**  
 For RYAN K HALL  
 Acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_ 2023.  
 Notary public for Alaska My Commission Expires \_\_\_\_\_



- NOTES**
- A BUILDING SETBACK OF 20 FEET IS REQUIRED FROM ALL STREET RIGHTS-OF-WAY UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
  - THE FRONT 10 FEET OF THE 20 FOOT BUILDING SETBACK IS A UTILITY EASEMENT.
  - NO DIRECT ACCESS TO STATE MAINTAINED RIGHTS-OF-WAY PERMITTED UNLESS APPROVED BY THE STATE OF ALASKA DEPARTMENT OF TRANSPORTATION.
  - THESE LOTS WILL BE SERVED BY ONSITE WATER AND CITY OF HOMER SEWER.
  - ANY PERSON DEVELOPING THE PROPERTY IS RESPONSIBLE FOR OBTAINING ALL REQUIRED LOCAL, STATE AND FEDERAL PERMITS, INCLUDING A U.S. ARMY CORPS OF ENGINEERS WETLAND DETERMINATION, IF APPLICABLE.
  - PER BOOK 313, PAGE 669 FILED IN THE HOMER RECORDING DISTRICT, A WARRANTY DEED GRANTED LAND FOR EAST END ROAD RIGHT-OF-WAY TO STATE OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES.
  - PER BOOK 30, PAGE 32 FILED IN THE HOMER RECORDING DISTRICT, A GENERAL EASEMENT WAS GRANTED TO HOMER ELECTRIC ASSOCIATION, INC. FOR ELECTRIC LINES OR SYSTEM AND/OR TELEPHONE LINES TOGETHER WITH RIGHT TO ENTER, MAINTAIN, REPAIR AND CLEAR SHRUBBERY WITH NO DEFINITE LOCATION DISCLOSED.
  - PER BOOK 276, PAGE 702 FILED IN THE HOMER RECORDING DISTRICT, A 15' WIDE PUBLIC ACCESS EASEMENT WAS GRANTED TO THE CITY OF HOMER FOR SANITARY SEWER. THIS EASEMENT NOW LIES COMPLETELY WITHIN THE DOT TAKE.
  - WETLAND HATCHING REPRESENTS POTENTIAL WETLANDS AS CLASSIFIED BY KENAI WATERSHED FORUM SHOWN ON KENAI PENINSULA BOROUGH GIS.
  - THERE ARE NO SLOPES GREATER THAN 20% IDENTIFIED ON KPB GIS MAPPING.

**WASTEWATER NOTES**  
 PLANS FOR WASTEWATER DISPOSAL THAT MEET REGULATORY REQUIREMENTS ARE ON FILE AT THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

**PLAT APPROVAL**  
 This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of MM/DD/YYYY.  
 KENAI PENINSULA BOROUGH

By \_\_\_\_\_  
 Authorized Official

PLAT # \_\_\_\_\_  
 Rec Dist \_\_\_\_\_  
 Date \_\_\_\_\_ 20\_\_\_\_  
 Time \_\_\_\_\_ M

DATE 4/24/2023  
 SCALE 1" = 60'  
 JOB No. 5469  
 DRAWING: 5459\_2465\_SPZ

STATE OF ALASKA  
 49TH  
 Gary A. Nelson  
 No. 7610-S  
 PROFESSIONAL LAND SURVEYOR

**PUFFIN ACRES 2023**  
 A REPLAT OF LOT 3 BLOCK 2, PUFFIN ACRES SUBDIVISION (HM85-122), EXCEPTING THEREFROM THAT PORTION DEDDED TO THE STATE OF ALASKA IN WARRANTY DEED RECORDED MAY 3, 2001 IN BOOK 313 PAGE 669, WITHIN THE SW1/4 SEC. 11, T6S, R13W, S.M., KENAI PENINSULA BOROUGH, HOMER RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA CONTAINING 2.086 ACRES

OWNERS: RYAN K HALL  
 PO BOX 3765  
 SOLDOTNA, AK 99669

**ABILITY SURVEYS**  
 GARY NELSON, PLS  
 (907) 235-8440  
 152 DEHEL AVE., HOMER ALASKA 99603

DRAWN BY: BT CHECKED: GN

**KPB 2023-046**

AGENDA ITEM E. NEW BUSINESS

ITEM ## - Puffin Acres 2023

<b>KPB File No.</b>	2023-046
<b>Plat Committee Meeting:</b>	May 22, 2023
<b>Applicant / Owner:</b>	Ryan K Hall of Soldotna, AK
<b>Surveyor:</b>	Gary Nelson / Ability Surveys
<b>General Location:</b>	East End Road and Crested Crane Street, City of Kachemak

<b>Parent Parcel No.:</b>	174-192-14
<b>Legal Description:</b>	Lot 3 Block 2 Puffin Acres, HM 85-122 Excepting Therefrom that portion conveyed to the State of Alaska DOT&PF by warranty deed recorded in Book 313 Page 669
<b>Assessing Use:</b>	Residential
<b>Zoning:</b>	Unrestricted
<b>Water / Wastewater</b>	On site / City of Homer

STAFF REPORT

**Specific Request / Scope of Subdivision:** The proposed plat will subdivide a 2.086 acre parcel into two 1.043 acre lots. No new dedication is proposed with this plat.

**Location and Legal Access (existing and proposed):** the preliminary plat is located at the northwest corner of East End Road and Crested Crane Street in the City of Kachemak. East End Road is state-maintained with varying widths along its right-of-way. East End Road was originally dedicated as a 100 foot right of way by Puffin Acres HM 85-122. A deed was recorded in Book 313 Page 669 to the Alaska DOT as an acquisition for addition right of way from Lot 3 Block 2 along East End Road. Crested Crane street was originally named Old Squaw Street as dedicated on Puffin Acres HM 85-122 and is a 60-foot dedication.

Lot 3 Block 2 originally had access to both East End Road and Crested Crane Street. With the new lots, Lot 3A Block 2 will have direct access to East End Road, and Lot 3B Block 2 will have access to East End Road and Crested Crane Street. There is a private drive that starts on East End Road inside Lot 3A and exits onto Crested Crane Street through Lot 3B. Both lots appear to use the private drive. **Staff recommends** a plat note be added to the Final Plat concerning the use of the private drive "Private driveway shown, is for use of owners of these lots only and is not dedicated to the use of the public."

The block is closed and compliant as defined by the following roads: East End Road, Bear Creek Drive, Winding Trails Lane and Crested Crane Street.

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

KPB Roads Dept. comments	Out of Jurisdiction: Yes  Roads Director: Griebel, Scott Comments: No comments
SOA DOT comments	ROW for East End Rd appears to be shown correctly

**Site Investigation:** The proposed subdivision has smooth flat terrain from the north towards the south. There are wetlands present in the northwest corner and the southeast corner of the subdivision as shown, they are designated as discharge slopes. **Staff recommends** the wetlands remain identified on the final plat.

There are improvements on both lots of the proposed subdivision. **Staff recommends** the surveyor locate the structures to verify location to setbacks and lot lines. If there is an issue to notify staff and present a solution to the problem.

The proposed subdivision is located in a FEMA Flood Hazard Zone. The property is located in Zone X which is an area of minimal flooding possibility.

KPB River Center review	<p>A. Floodplain</p> <p>Reviewer: Hindman, Julie          Floodplain Status: IS in flood hazard area          Comments: Flood Zone: X (unshaded)          Map Panel: 02122C-2115E          In Floodway: False          Floodway Panel:</p> <p>B. Habitat Protection</p> <p>Reviewer: Aldridge, Morgan          Habitat Protection District Status: Is NOT within HPD          Comments: No comments</p> <p>C. State Parks</p> <p>Reviewer: VACANT          Comments:</p>
State of Alaska Fish and Game	No Objections

**Staff Analysis** The subdivision was originally an aliquot part of Section 11, Township 6 South, Range 13 West of the Seward Meridian, City of Kachemak, Alaska. The original subdivision was then platted from the East ½ of the Southwest ¼ of said Section 11 into Puffin Acres HM 85-122, creating two blocks, Lots 1-4 Block 1 and Lots 1 – 11 Block 2 and an unsubdivided remainder. The subdivision also dedicated four street right of ways.

The new subdivision will create two lots and no new dedication.

A soil report not will be required and the correct plat note is shown.

Notice of the proposed plat was mailed to the beneficial interest holder on April 28, 2023. The beneficial interest holder will be given 30 days from the date of the mailing of the notification to respond. They are given the opportunity to notify staff if their beneficial interest prohibits or restricts subdivision or requires their signature on the final plat. If no response is received within 30 days, staff will assume they have no requirements regarding the subdivision and it may be finalized.

The property is not within an advisory planning commission.

There does not appear to be any encroachments on the subdivision. Improvements on Lot 3B Block 2 may be located near a setback on the east line. The improvement looks to have been built in 1996 and would be subject to municipal standards of the City of Kachemak Zoning.

**Utility Easements**

The parent plat dedicated a 10 foot utility easement along the east and south side of the lot. The south is now within the right-of-way dedication in technicality. This plat is dedicating a new 10 foot utility easement along the right of way of East End Rd. Both easements are indicated correctly.

There is a general electrical utility easement granted to Homer Electric Association in Book 30 Page 32 with no specific location given noted on the plat.

A 15 foot sanitary sewer easement granted to the City of Homer at Bok 276 Page 702 which now lies within the right of way as dedicated to Alaska DOT in Book 313 Page 669 is noted on the plat.

The affected utility providers were emailed the subdivision plat public hearing notice as part of the routine notification process. **Staff recommends** to grant utility easements requested by the utility providers or work with the utility providers to obtain approval.

**Utility provider review:**

HEA	
ENSTAR	No comments or recommendations.
ACS	No Objections
GCI	Approved as shown

**KPB department / agency review:**

Addressing	<p>Reviewer: Robinson, Celina  Affected Addresses:  60456 EAST END RD</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names:  EAST END RD; CRESTED CRANE ST</p> <p>Existing Street Name Corrections Needed:</p> <p>All New street Names are Approved: No</p> <p>List of Approved Street Names:</p> <p>Comments:  60456 EAST END RD ADDRESS WILL REMAIN WITH LOT 3B AFTER RECORDING</p>
Code Compliance	<p>Reviewer: Ogren, Eric  Comments: No comments</p>
Planner	<p>Reviewer: Raidmae, Ryan  There are not any Local Option Zoning District issues with this proposed plat.</p> <p>Material Site Comments:  There are not any material site issues with this proposed plat.</p> <p>There is a licensed Marijuana Store located on proposed Lot 3B. <b>The proposed subdivision does not appear to affect the Marijuana site plan, access or pedestrian routes.</b></p>
Assessing	<p>Reviewer: Windsor, Heather</p>

	Comments: No comment
City of Kachemak	Approved

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

City of Kachemak City Council at the meeting of April 12, 2023 voted unanimously to write a letter of non-objection to the subdivision of Puffin Acres 2023.

**STAFF RECOMMENDATIONS**  
**CORRECTIONS / EDITS**

*Add KPB file number.*

**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 City of Kachemak.*

- 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:** *If the total width of East End Road cannot be shown please show the centerline and the boundary for Kachemak City within the dedication.*

- 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:** *Please add missing section labels.*

- 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:** *Correct the plat number for Lots 1, 4 and 5 of Lower Winding Trails to HM 99-44.*

**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.*

- 20.30.250. Building setbacks-Within cities. The building setback requirements for subdivisions located within cities shall be governed by the provisions of municipal zoning districts. Building setbacks as depicted, or noted, on recorded plats shall not be carried forward on a new subdivision plat located within a municipal zoning



district. Provide a plat note stating, "Per KPB 20.30.250 the building setback of record has been removed. All development must comply with the municipal zoning requirements."

**Staff recommendation:** Provide a plat note stating, "Per KPB 20.30.250 the building setback of record has been removed. All development must comply with the municipal zoning requirements."

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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.

20.60.110. Dimensional data required.

A. The bearing and length of every lot line, block line, and boundary line shall be shown. Dimensions of lots shall be given as net dimensions to the boundaries of adjoining streets and shall be shown in feet. No ditto marks shall be used. Information shall be shown for all curves, including radius, central angle, arc length, chord length and chord bearing. The initial point of survey shall be shown and labeled. All non-radial lines shall be labeled. If monumented lines were not surveyed during this platting action, show the computed data per the record plat information.

B. The natural meanders of ordinary high water (or mean high water line as applicable) is for area computations only, the true corners being on the extension of the sidelines and the intersection with the natural meanders.

C. Any discrepancy between the survey and the record description, and the source of all information used in making the survey shall be indicated. When an inconsistency is found including a gap or overlap, excess or deficiency, erroneously located boundary lines or monuments, or when any doubt as to the location on the ground of the true boundary or property rights exists, the nature of the inconsistency shall be clearly shown on the drawing.

**Staff recommendation:** comply with 20.60.110. Check the distances given, the south line appears to be off.

Check closure on all parcels, could not get them to close.

20.60.180. Plat notes.

A. Plat notes shall not be placed on a final plat unless required by borough code or by the planning commission in order to promote or protect the public health, safety, and welfare consistent with borough and state law.

*If the driveway shown on the plat is a private drive, staff suggests the following note be placed on the final plat to avoid confusion about public use in the future: "Private driveway shown, is for use of owners of these lots only and is not dedicated to the use of the public."*

#### **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**



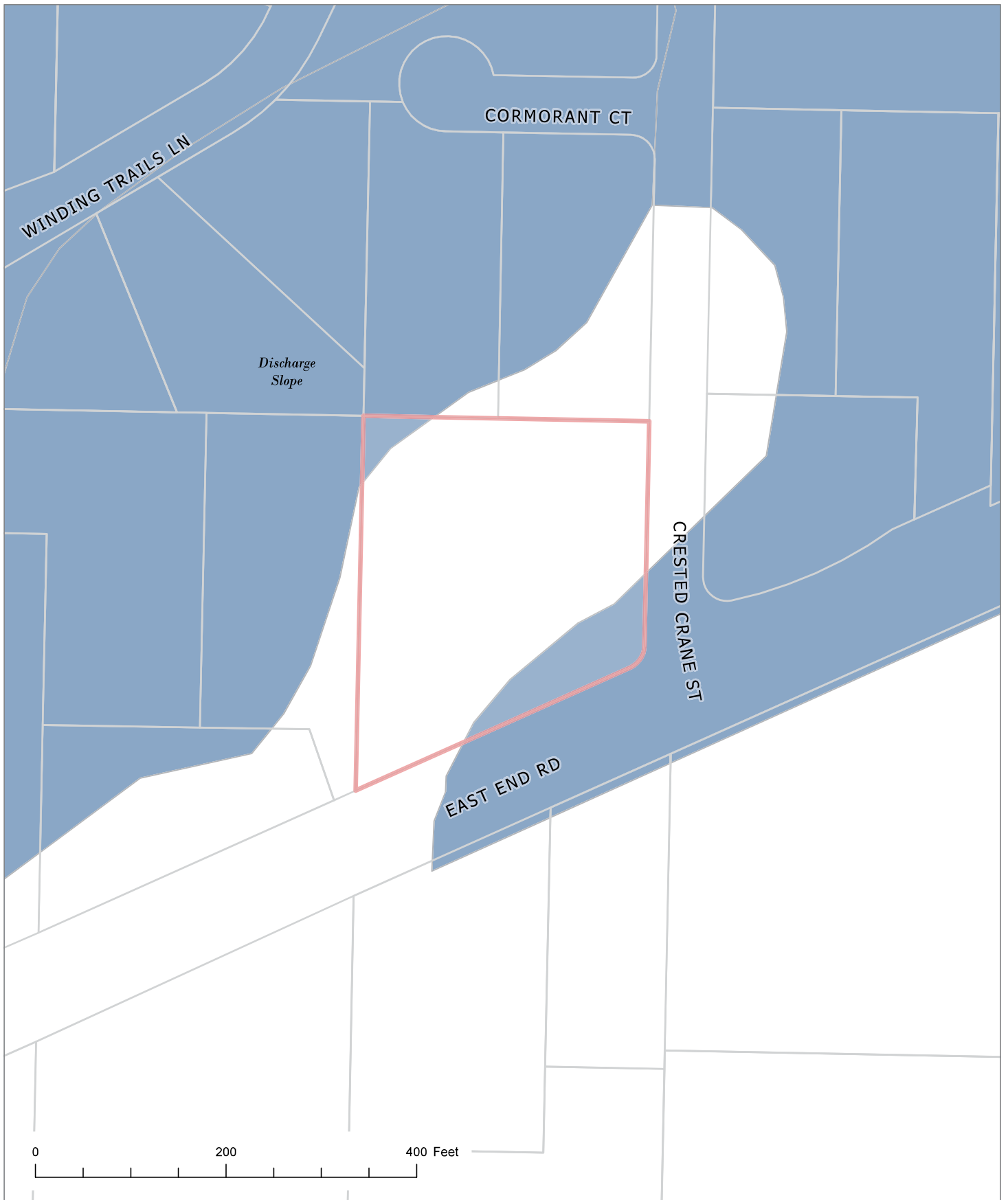
Aerial View



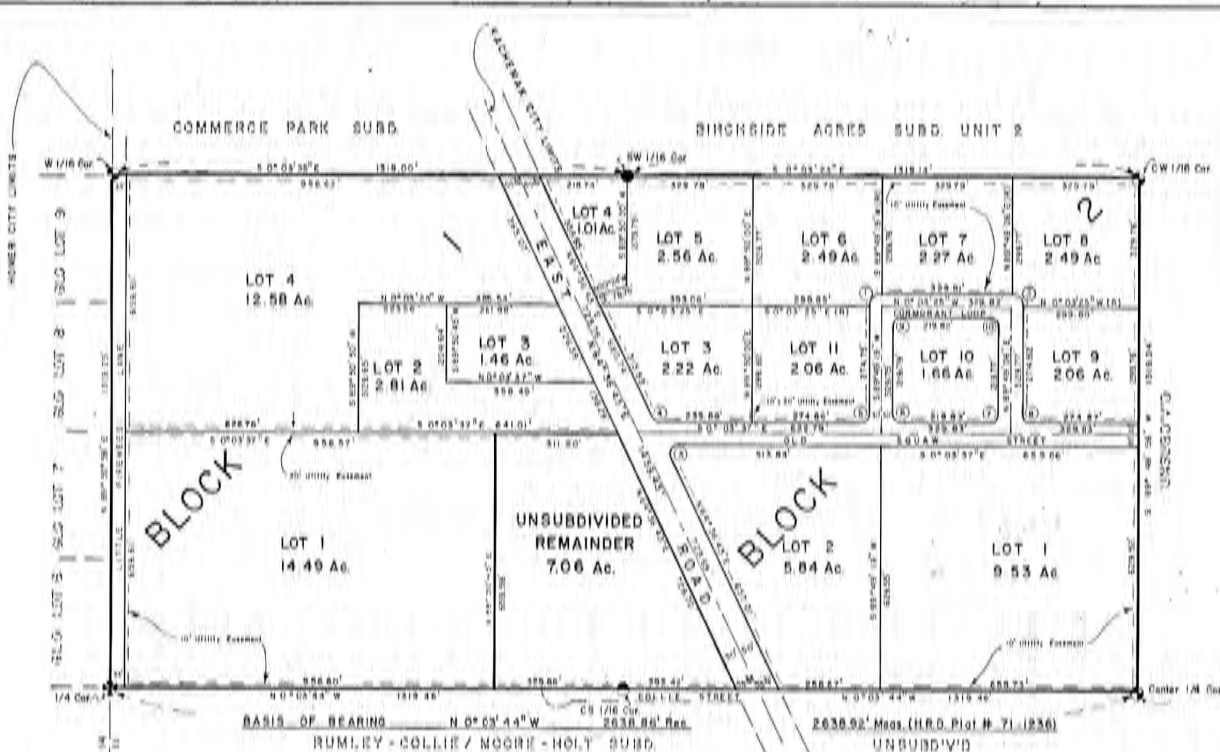
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Wetlands

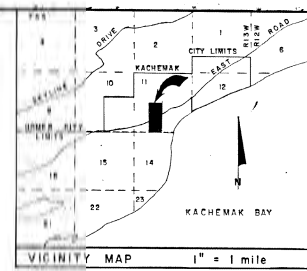


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**NOTES**

- A building setback of 20 feet is required from all street rights of way unless a lesser standard is approved by a resolution of the appropriate planning commission.
- No structures permitted within the easement portion of Lot 5/Block 2 Lot 10/Block 2 restricted to one access only.
- No direct access to state designated ROWs permitted unless approved by State of Alaska Department of Transportation.
- 1/8" rubber seal at each lot corner.
- The drainage pattern within this survey involves only normal runoff water.
- Water supply and sewage disposal systems shall be permitted only in conformance with appropriate requirements of 18 AAC 70, 18 AAC 72, and 18 AAC 80.
- The lots in Lot 4, Block 2 of this subdivision are unsuitable for connection to any water disposal system. Watermaster may not be depended on for lot unit public water is available.



**CERTIFICATE OF OWNERSHIP**

We hereby certify that we are the owners of the property shown and described hereon, and that we hereby adopt this plan of subdivision, and dedicate all rights-of-way to public use, and when all easements to be used show James L. Colkins

Date: Jan 28, 1985 James L. Colkins Box 1106 Homer, AK

NOTARY'S ACKNOWLEDGMENT for James L. Colkins

SUBSCRIBED AND SWORN TO BEFORE ME THIS 28 DAY OF JANUARY 1985

Notary in and for the State of Alaska: John R. Colman Notary Public, No. 25

Notary in and for the State of Alaska: My Commission Expires: 11/15/85

CERTIFICATE OF APPROVAL BY THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION

This subdivision has been reviewed in accordance with 18AAC1055 and is approved subject to any noted restrictions.

John R. Colman DATE 21 Nov 85

SIGNATURE TITLE DATE

**PUFFIN ACRES**

SUBDIVISION OF EAST 1/2 SW 1/4 SECTION 11 T.6 S., R.13 W., 8M, ALASKA

CONTAINING 72.84 ACRES

Date: JAN 28, 1985 Scale: 1" = 150'

For: James L. Colkins Box 1106 Homer, Alaska

By: Curtis Freeman 83048 McNeil Canyon Rd. HOMER, Alaska



AS 1 - J

**SURVEYOR'S CERTIFICATE**

I hereby certify that I am a Registered Land Surveyor and that this plan represents a survey made by me or under my direct supervision, and the measurements shown herein actually exist as described and that dimensions and other details are correct.

Jan 28, 1985 Curtis Freeman  
DATE SIGNATURE  
Curtis Freeman, L.S. 5128



**CURVE DATA**

- ① Δ = 90°02'44" L = 47.06' R = 30'
- ② Δ = 90°07'59" L = 42.10' R = 25'
- ③ Δ = 118°19'40" T = 30.40' R = 25' L = 60.50'
- ④ Δ = 84°40'20" T = 15.83' R = 25' L = 28.22'
- ⑤ Δ = 90°07'24" T = 25.05' R = 25' L = 50.50'
- ⑥ Δ = 90°02'56" T = 24.05' R = 25' L = 30.22'
- ⑦ Δ = 90°07'17" T = 25.05' R = 25' L = 50.50'
- ⑧ Δ = 90°52'45" T = 34.05' R = 25' L = 59.22'
- ⑨ Δ = 90°07'16" T = 25.05' R = 25' L = 50.50'
- ⑩ Δ = 90°52'51" T = 24.05' R = 25' L = 30.22'

**LEGEND**

- ⊕ Fed. 66 Mod. Date 010 1917
- ⊙ Fed. 60 Mod. 1501 S. 1971
- ⊙ Fed. 60 Mod. 3086 S. 1983
- ⊙ Fed. Alask. Mod. 4489 S. 1988
- indicates 10 foot utility easement

**PLAT APPROVAL**

This plan was approved by the Kenai Peninsula Planning Commission at the meeting of

December 17, 1984

KENAI PENINSULA BOROUGH  
By: Richard R. Taylor  
Authorized Official

85-122

FILED 10  
HOMER REC. OFF.

DATE 12-2-85  
BY: J. Colkins  
FOR: KPB  
Saldatore

**City of Kachemak**  
P.O. Box 958  
Homer, AK 99603  
p. 907.235.8897 e. [cityclerk@kachemak.city](mailto:cityclerk@kachemak.city)

Kenai Peninsula Borough  
ATTN: Planning Department  
144 North Binkley Street  
Soldotna, AK 99669


April 13, 2023

RE: Puffin Acres Replat

To Whom it May Concern:

The Kachemak City Council met on April 12, 2023, and voted unanimously to write a letter of non-objection to the Subdivision Plat of Puffin Acres Lot 3, Block 2, T 6S R 13W SEC 11 SEWARD MERIDIAN HM 0850122 PUFFIN ACRES SUB LOT 3 BLK 2 EXCLUDING DOT ROW.

Please let us know if you have any questions.

  
Connie Isenhour,  
Mayor