

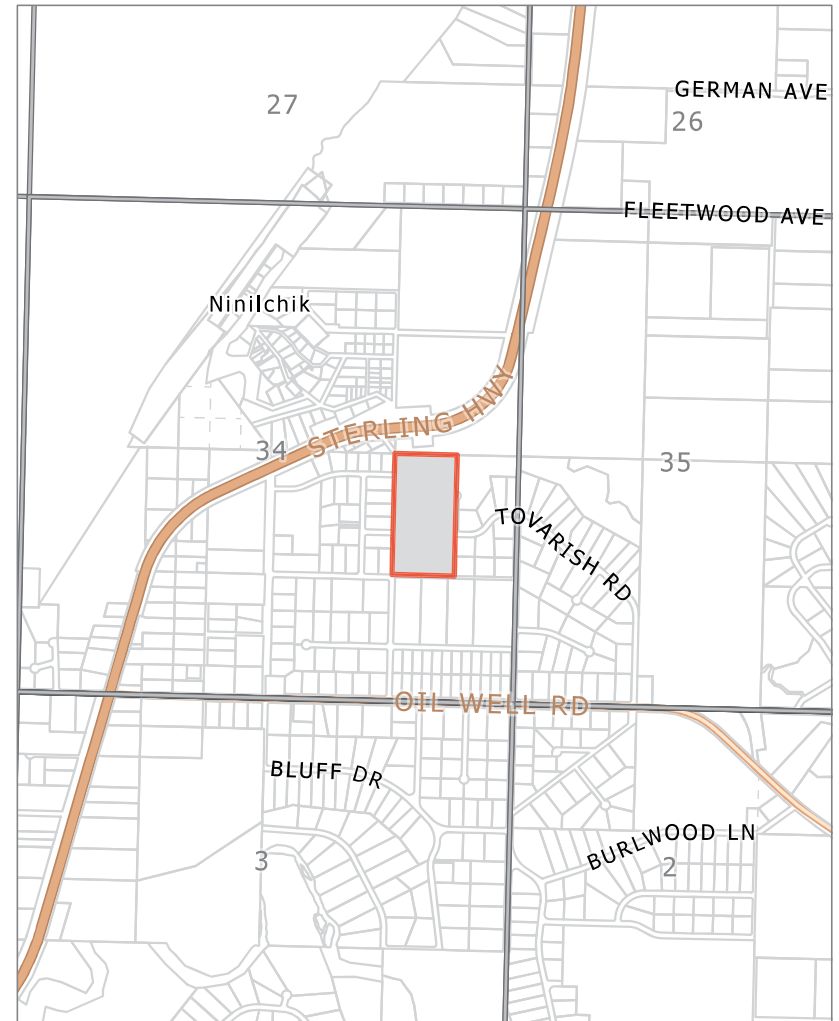
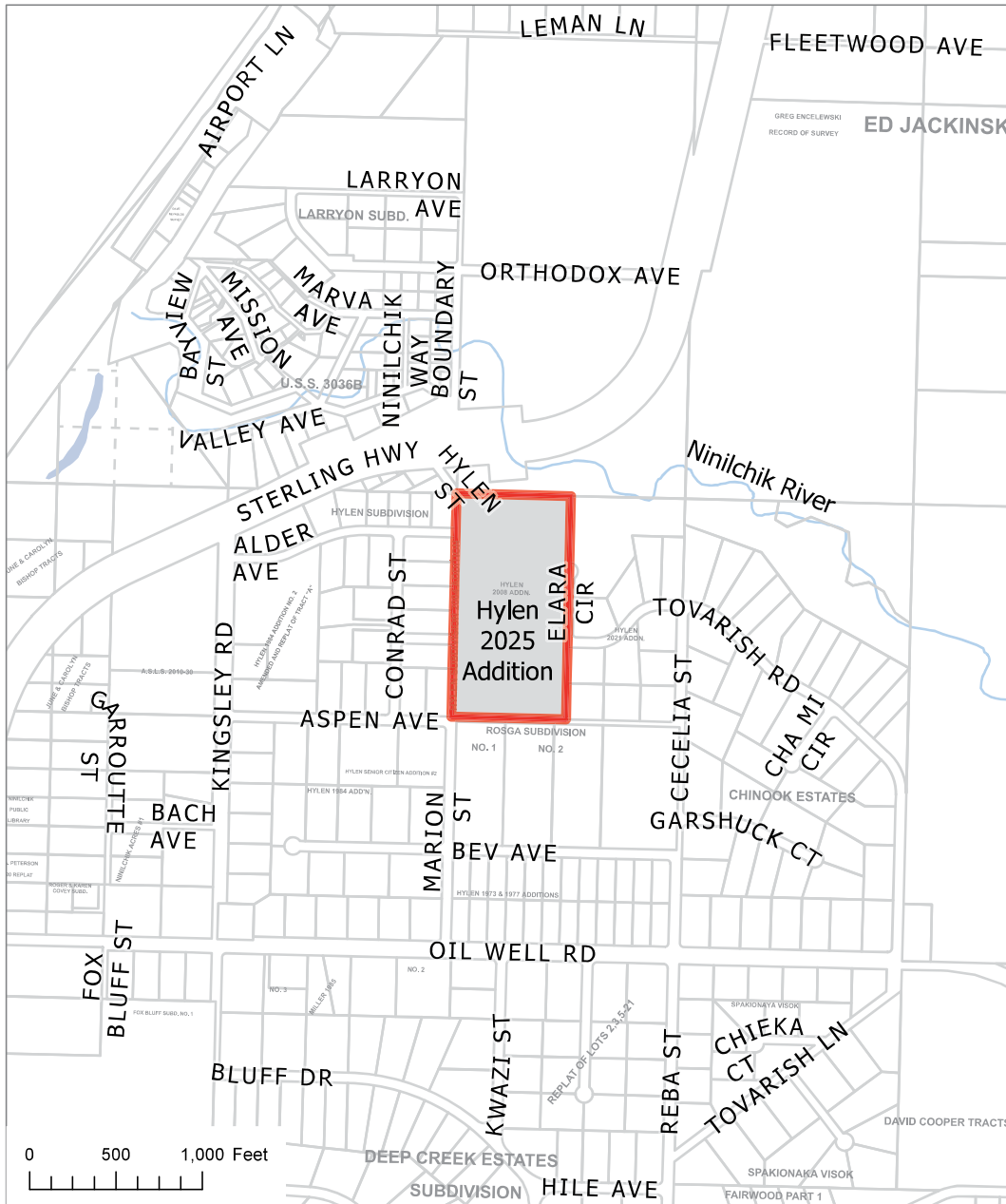
## **E. NEW BUSINESS**

### **5. Hylan 2025 Addition; 2025-101**

**Johnson Surveying / Hylan**

**Location: Alder Avenue off Sterling Highway**

**Ninilchik Area**



KPB File 2025-101  
T 1S R 14W Sec 34  
Ninilchik





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 2025-101**

PRELIMINARY PLAT

Prepared by

Johnson Surveying  
P.O. Box 27  
Clam Gulch, Ak 99568  
(907) 262-5772

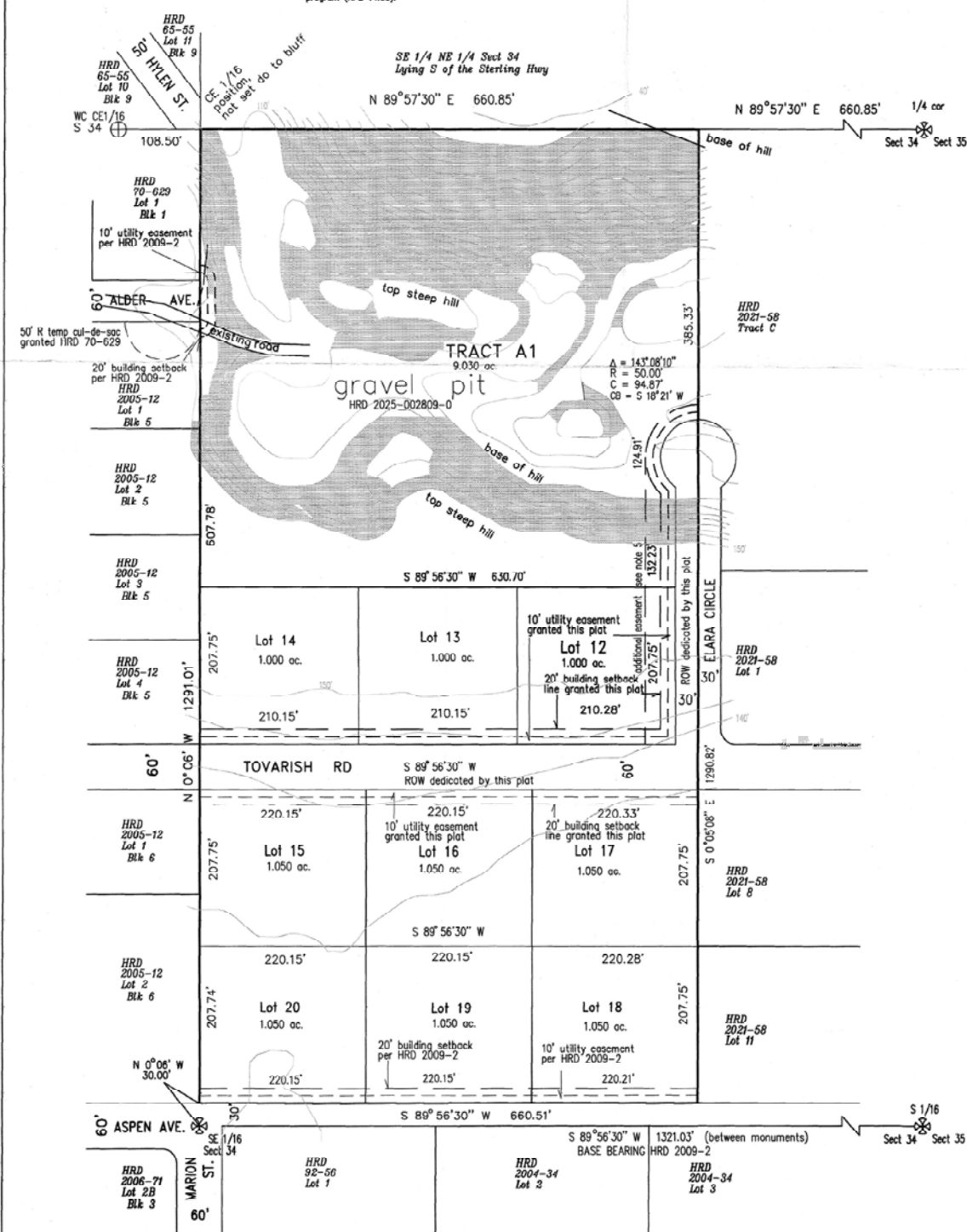
19.580 Acres

Contour interval 5'. shaded areas are grades over 25%.  
There are no wet areas on the property.

1. A building setback of 20' from all street ROW's is required unless a lesser standard is approved by a resolution of the appropriate planning commission. Front 10' of building setback is also a utility easement, as is the entire setback within 5' of side lot lines.
2. No permanent structure shall be constructed or placed within a utility easement which would interfere with the ability of a utility to use the easement.
3. Any person developing this property is responsible for obtaining all required local, state, and federal permits, including a US Army Corps of Engineers wetlands determination, if applicable.
4. This easement is affected by a deed restriction granted in HRO book 18 page 206. This is a general easement, no definite location given.
5. A 40' side slope road construction and maintenance easement is granted within the east boundaries of Lot 12 & Tract A1 from the street intersection to the cul-de-sac.
6. Roads must meet the design and construction standards established by the borough in order to be considered for certification and inclusion in the road maintenance program (SPB 14.06).



VICINITY 1" = 1 mile MAP



AGENDA ITEM E. NEW BUSINESS

**ITEM #5 - PRELIMINARY PLAT  
Hysten 2025 Addition**

<b>KPB File No.</b>	2025-101
<b>Plat Committee Meeting:</b>	August 11, 2025
<b>Applicant / Owner:</b>	John N. Hysten Jr. of Ninilchik, Alaska
<b>Surveyor:</b>	Jerry Johnson / Johnson Surveying
<b>General Location:</b>	North of Oil Well Rd in Ninilchik

<b>Parent Parcel No.:</b>	157-170-36
<b>Legal Description:</b>	T 1S R 14W SEC 34 SEWARD MERIDIAN HM 2009002 HYLEN 2008 ADDN TRACT A
<b>Assessing Use:</b>	Residential Improved Land
<b>Zoning:</b>	Rural Unrestricted
<b>Water / Wastewater</b>	Onsite / Onsite
<b>Exception Request</b>	None requested

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**STAFF REPORT**

**Specific Request / Scope of Subdivision:** The proposed plat will subdivide one 19.57-acre parcel into ten parcels ranging in size from 1.0-acre to 9.030-acres.

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

The plat is located in the Ninilchik area on the south side of Sterling Highway at mile post 135. Access to the property is by Alder Ave on the west from Kingsley Rd off of Sterling Highway. Alder Ave is a 55' dedication being borough maintained to the plat boundary. Aspen Ave on the south provides access also coming off Kingsley Rd. Aspen Ave is a 60' borough maintained dedication until it gets to the southwest corner of the plat, then it becomes a 30' dedication not maintained by the borough and not developed as it goes east along the plat. Tovarish Rd comes in on the west also, which is an undeveloped 60' dedication. On the east side of the plat there is Elara Cir, an undeveloped half cul-de-sac going north from Tovarish Rd on the plat to the east.

This plat proposed a 60' dedication of Tovarish Rd running east / west, connecting the two previous dedications of road on either side of this plat. there is also the dedication of the west half of the Elara Cir cul-de-sac to complete it. Both these roads are currently undeveloped.

Along the west side of Elara Cir is proposed an additional 40' side slope road construction and maintenance easement extending from Tovarish Rd to the tangent with the cul-de-sac bulb dedication. this easement is noted in plat note 5.

As Adler Ave comes in from the west to the property, the existing gravel drops south out of the dedicated right-of-way and crosses into the adjacent lot before entering into this property. Staff recommends any future development of the road fix this issue.

The plat is not vacating any right-of-way and is not affected by a section line easement.

On the parent plat Hysten 2008 Addition HM2009-2 an exception to KPB20.20.030 extending Hysten St and Alder Ave into the gravel pit area was granted at the August 25, 2008 Plat Committee meeting. The gravel pit was endorsed for prior use as a material site in May 2025 and continues to be used as such. ***Staff recommends*** the exception granted on HM2009-2 be carried forward to this plat as noted and be updated to current KPB Code of

20.30.030 with the condition that future development of Tract A1 will extend Hylen St and Alder Ave into the development.

**Staff recommends** the owner contact Ryan Raidmae, the River Center Planner, for any questions regarding the effect the subdivision may have on the material site as well as any action that may be required.

Block length is compliant with the roads surrounding the plat. The Ninilchik River and steep area, limits the potential to bring any road in from the northeast area.

KPB Roads Dept RSA review	Out of Jurisdiction: No  Roads Director: Uhlin, Dil Comments: no objection at this time
SOA DOT comments	No response

**Site Investigation:**

Per the KPB GIS data, the area of the plat is vacant. The north end is currently being used as a material site.

There are steep areas shown on the plat with the hatched spots over the topography shown as dropping north. The shaded areas are indicated to be over 25% grades. The plat has a high point running through the property from west to east located on the back line of lots 12 – 14, with the top of the hill grade being indicated as 150' on the drawing. from Tovarish Rd the plat drops gradually to the south rather than on a steep grade on the opposite side of the hill.

Wetlands are located on the property as noted by the KWF Wetlands Assessment but not shown on the drawing. On the north end is an area of Riverine wetlands. **Staff recommends** the surveyor include the wetlands on the final plat submittal.

The River Center review did indicate the plat to be located in a FEMA flood hazard zone of Zone X. the note in KPB 20.30.280 will need to be added to the plat including the FEMA Panel and zone, but will not be needed to designate the zone limitations.

The plat is not in a habitat protection district, the note 20.30.290 will not need to be on the plat.

KPB River Center review	<p>A. Floodplain</p> <p>Reviewer: Hindman, Julie Floodplain Status: IS in flood hazard area Comments: Within non-regulatory X Zone. This is an area of minimal flood risk. No depiction required. Code required plat note should be present.</p> <p>Flood Zone: X Zone Map Panel: 02122C-1620E 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>
State of Alaska Fish and Game	No response

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### **Staff Analysis**

Originally the land was part of the NE1/4 SE1/4 of Section 34, Township 1 South, Range 14 West, SM Ninilchik, Alaska, Homer Recording District. the first division of the land was Hylen 2008 Addition HM 2009-2, dividing the land into 2 tracts and 2 dedications. This platting action is now platting Tract A of HM2009-2 into 9 lots, a tract and 2 road dedications.

A soils report will be required and an engineer will sign the final plat for lots 12 through 20, as the lots are below 200,000 sq ft.

A soils report will not be required for Tract A1, as the tract is above 200,000 sq ft in area. A proper note needs to be on the drawing similar to KPB 20.40.

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

The property is not within an advisory planning commission area.

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

### **Utility Easements**

The parent plat, HM 2009-2, granted a 10-foot utility easement adjacent to all rights of way. This easement is depicted and labeled correctly on the preliminary plat.

The plat is affected by an electric easement as noted in plat note 4, that has no defined location in the document.

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.

The plat is proposing a new 10' utility easement at the front of the 20' building setback and the full 20' within 5' of side lines as noted at plat note 1. The drawing needs to be revised to show the 5' side line easement.

### **Utility provider review:**

HEA	No Comments
ENSTAR	No Response
ACS	No Objections
GCI	No Response

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

Addressing Review	Reviewer: Pace, Rhealyn Affected Addresses: 66251 ALDER AVE  Existing Street Names are Correct: Yes  List of Correct Street Names: HYLEN ST, ALDER AVE, TOVARISH RD, ASPEN AVE, MARION ST, ELARA CIR  Existing Street Name Corrections Needed:
-------------------	--

	<p>All New Street Names are Approved: No</p> <p>List of Approved Street Names:</p> <p>List of Street Names Denied:</p> <p>Comments: 66251 ALDER AVE WILL REMAIN WITH TRACT A1</p>
Code Compliance	<p>Reviewer: Ogren, Eric</p> <p>Comments: No comments</p>
LOZMS Review Planner	<p>Reviewer: Raidmae, Ryan</p> <p>There are not any Local Option Zoning District issues with this proposed plat.</p> <p>Prior Existing Use PEU Recognized Date: 12/28/1999 Material Site Comments: According to KPB 21.25.130, Prior-Existing Uses, it states, "Where a parcel subject to a pre-existing use is further subdivided after May 21, 1996, the use may not be expanded beyond the boundaries of the lots, tracks, or parcels it occupies on February 16, 1999, to new parcels created by the subdivision." Per KPB Code, after subdividing, the applicant will lose the Prior Existing Use designation on all subdivided lots except the parent parcel, which is Tract A1. A recording certificate will be created that states, "Upon recording of the final plat for this subdivision, the Prior Existing Uses Material Site within Lots 12 through 20 of Hylen 2025 Addition, will be lost, and a Conditional Land Use Permit must be obtained for each parcel intended for further material site operations. Tract A1 may continue to perform material extraction under the prior existing use provisions of KPB 21.25.130." This recording certificate will be recorded separately from the plat. Please let the Planner (Ryan Raidmae) know before the final plat is recorded. See attachments</p>
Assessing Review	<p>Reviewer: Windsor, Heather</p> <p>Comments: No comment</p>

## **STAFF RECOMMENDATIONS**

### **CORRECTIONS / EDITS**

Add all items of KPB 20.60.as needed and follow necessary codes for final submittal.

#### *PLAT NOTES TO ADD*

- Acceptance of this plat by the Borough does not indicate acceptance of any encroachments.

### **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 2025-101 to the title block

Add (aka John N Hylen, John Hylen) near the owner's name.

- 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:**

Correct the width of Adler Ave to 55'

Add ROW Width to Tovarish Rd coming from the east.

- 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:**

Lot to the southwest needs the lot label corrected to 22B

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

**Staff recommendation:**

Put the bearing in Tovarish Rd on both ROW lines.

Give overall distances where needed.

Distances in the back of lots 12-14 needed.

Distances on side lines of Lots 12-20 needed.

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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.*

20.30.280. Floodplain requirements.

- A. All subdivision plats which are within areas where the floodplain has been identified by the Federal Emergency Management Agency (FEMA), and which involve 50 lots or five acres whichever is lesser, shall include the base flood elevation source.
- B. Any area of the subdivision within the floodplain, floodway or Seward Mapped Flood Data Area (SMFDA) is to be shown and labeled on the plat.
- C. All subdivisions which are wholly or partially located within flood hazard areas as defined by KPB 21.06.030 must comply with KPB 21.06.050 standards for Floodplain Management.
- D. All subdivisions or replats within the Flood Insurance Rate Map (FIRM) area or SMFDA, as amended, as defined by KPB 21.06.030, shall contain the following note:

**FLOOD HAZARD NOTICE:**

Some or all of the property shown on this plat has been designated by FEMA or the Kenai Peninsula Borough Seward Mapped Flood Data Area as a flood hazard area district as of the date this plat is recorded with the district recorder's office. Prior to development, the

Kenai Peninsula Borough floodplain administrator should be contacted for current information and regulations. Development must comply with Chapter 21.06 of the Kenai Peninsula Borough Code.

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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: KPB 20.25.120. - REVIEW AND APPEAL.

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

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

**END OF STAFF REPORT**

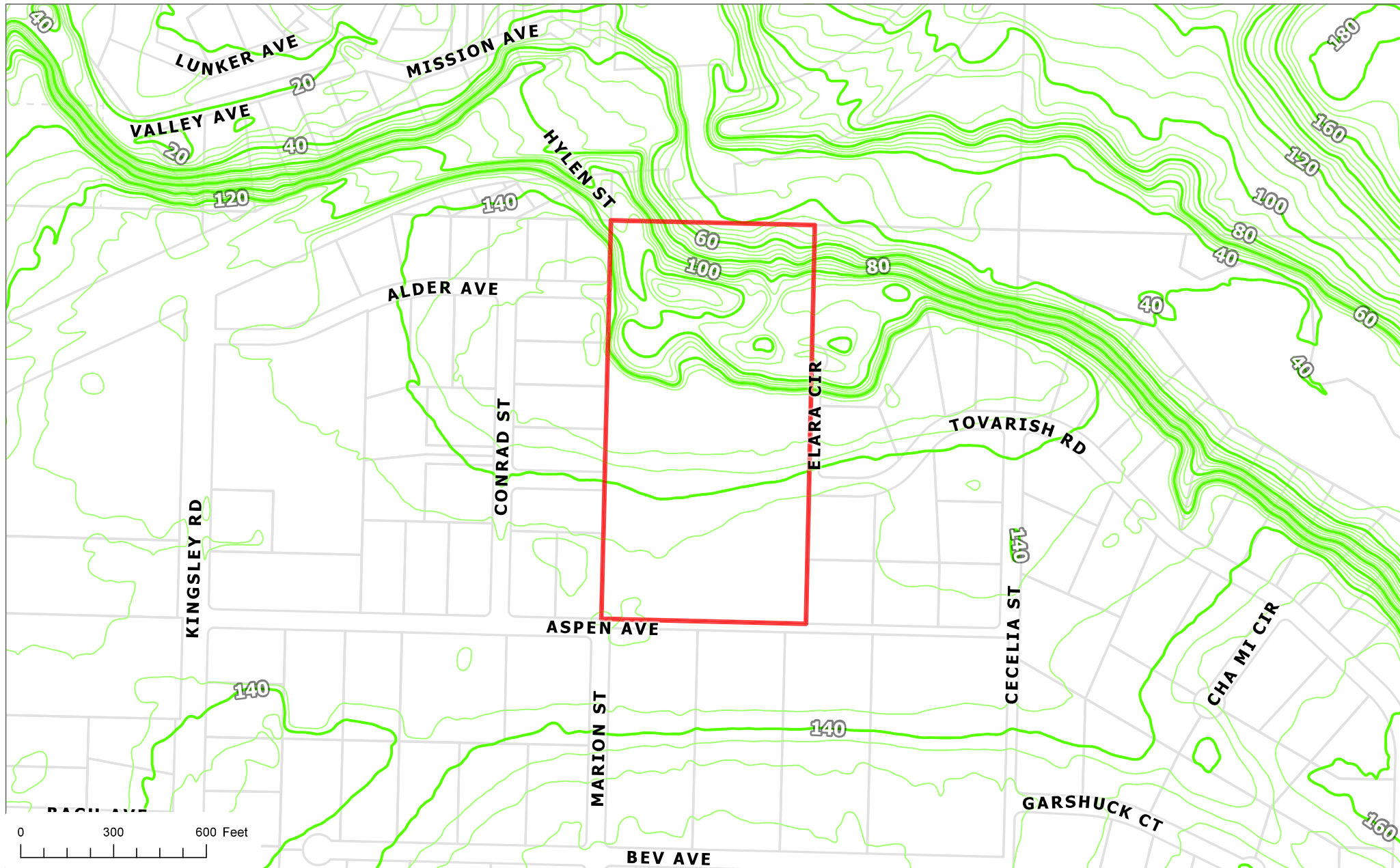
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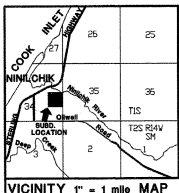


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# HYLEN 2008 ADDITION

Located in the R(1/4) S(1/4) Section 34, T15 R14W S14, Nushik, Alaska.  
Homer Recording District - Kasilof Peninsula Borough File 2008-001

## Prepared for

John Hylan  
P.O. Box 99560  
Nashville, AK 99560

## Prepared by

Johnson Surveying  
Box 27  
Don Guch, AK 99560



Eric Hylan  
4400 25th Ave SE  
Issaquah, WA 98029 7607

SCALE 1" = 100'  
13 June, 2008 40.052 Acres

2009-2  
RECORDED-FILED  
Homer, AK DIST.  
DATE 07/12/09  
TIME 11:30 A.M.  
Requested by:  
Johnson Surveying  
Box 27  
Don Guch, AK 99560

## LEGEND

- ✱ - 3/8" USBLM brass cap monument, 3900' Found
- ⊕ - 2 1/2" brass cap monument, 268-S, 3969' found
- - 1/2" rebar lot corner, found
- 1/2" x 4' rebar with 1" plastic cap, set
- ( ) - indicates record information, plat 180 77-9
- ~ - indicates swamp

## NOTES

1. A building setback of 20' from all street R/Ws is required unless a lesser standard is approved by a resolution of the appropriate planning commission. Front 10' of building setback is also a utility easement, as is the entire setback within 5' of side lot lines.
2. No permanent structure shall be constructed or placed within a utility easement which would interfere with the ability of a utility to use the easement.
3. Roads must meet the design and construction standards established by the borough in order to be considered for certification and inclusion in the road maintenance program.
4. An exception to extending Hylan Street, Alder Avenue, and Tovariish Road into this subdivision was approved by the KPB Planning Commission at the meeting of 5/25/08.
5. Lots within this subdivision may be located within a designated flood hazard area. If such is the case development must comply with title 21 Chapter 06 of the Kasilof Peninsula Borough Code of Ordinances. A survey to determine elevation of the property may be required prior to construction.
6. Portions of this subdivision are within the Kasilof Peninsula Borough 50-Foot Anadromous Stream Habitat Protection Area. See Chapter 03.06 Borough Code of Ordinances for restrictions that affect development of this subdivision.

## WASTEWATER DISPOSAL

These Tracts are at least 200,000 sq. ft. or named 5 acres in size and conditions may not be suitable for conventional onsite wastewater treatment and disposal. Any wastewater treatment or disposal system must meet the regulatory requirements of the Alaska Dept. of Environmental Conservation.



## PLAT APPROVAL

This plat was approved by the Kasilof Peninsula Borough Planning Commission at the meeting of 25 August, 2008.

KASILOF PENINSULA BOROUGH

By: *[Signature]* 7/14/09  
Authorized Official Date

## OWNERSHIP CERTIFICATE & DEDICATION

We hereby certify that we are the owners of the real property shown and described herein and that we hereby accept this plan of subdivision and by our free common consent dedicate all R/Ws to public use and grant all easements to the use shown.

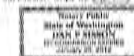
*[Signature]*  
John Hylan  
P.O. Box 99560, Nushik, AK 99560

*[Signature]*  
Eric Hylan  
4400 25th Ave SE, Issaquah, WA 98029 7607

## NOTARY'S ACKNOWLEDGEMENT

For John Hylan, Jr.  
Subscribed and sworn to before me this 24th day of December, 2008.

*[Signature]*  
Notary Public for Washington  
My commission expires 01/23/2012.



## NOTARY'S ACKNOWLEDGEMENT

For Eric Hylan, Jr.  
Subscribed and sworn to before me this 24th day of December, 2008.

*[Signature]*  
Notary Public for Washington  
My commission expires 01/23/2012.



KENAI PENINSULA BOROUGH PLAT COMMITTEE  
ASSEMBLY CHAMBERS  
BOROUGH ADMINISTRATION BUILDING  
144 NORTH BINKLEY STREET  
SOLDOTNA, ALASKA

August 25, 2008 - 5:30 P.M.

APPROVED MINUTES

AGENDA ITEM A.      CALL TO ORDER

Chairman Murphy called the meeting to order at 5:30 p.m.

AGENDA ITEM B.      ROLL CALL

*Plat Committee Members*

Mari Anne Gross, Southwest Borough  
Harry Lockwood, Ridgeway  
Linda Murphy, Soldotna City  
Brent Johnson, Kasilof / Clam Gulch

*Plat Committee Alternates*

Phillip Bryson, City of Kenai

*Staff Present*

Max Best, Planning Director  
Carrie Henson, Acting Administrative Assistant  
Holly Montague, Deputy Borough Attorney  
Maria Sweppy, Platting Planner

*Others Present*

Roger Imhoff  
Jerry Johnson, Johnson Surveying  
Emmitt Trimble

AGENDA ITEM C.      APPROVAL OF AGENDA

1.      Agenda
2.      Plat Committee Member/Alternate Excused Absences
  - a.      Alice JoAnne Collins, Anchor Point / Ninilchik
3.      Minutes
  - a.      August 11, 2008

**MOTION:** Commissioner Johnson moved, seconded by Commissioner Gross to approve the agenda, member/alternate excused absences, and minutes. Seeing and hearing no discussion or objection, the motion passed by unanimous consent.

AGENDA ITEM D.      PUBLIC COMMENT

Chairman Murphy asked if there was anyone who wanted to comment on items not listed on the agenda. Hearing none, the meeting proceeded.



## AGENDA ITEM E. SUBDIVISION PLAT PUBLIC HEARINGS

### 4. Hylen 2008 Addition KPB File 2008-198; Johnson/Hylen

Staff Report reviewed by Carrie Henson

Plat Committee Meeting: 8/25/08

Location: North of Oil Well Road in Ninilchik  
Proposed Use: Residential  
Zoning: Unrestricted  
Sewer/Water: On-site  
Assessing Use: Vacant

#### Supporting Information:

The proposed plat is a simple split of a 40-acre parcel into two tracts. A soils report is not required. **Staff recommends** the wastewater note per KPB 20.14.030 be placed on the final plat. Both tracts front Borough maintained rights-of-way. This platting action provides a matching 33-foot dedication for Cecelia Street and a 30-foot by 30-foot dedication for Aspen Avenue.

Hylen Street has not been shown as status at the NW corner. **Staff recommends** the dedication be shown. **Staff recommends** any travel way in or extending from that dedication be shown and labeled with use.

KPB 20.20.030 requires the extension or appropriate projection of surrounding dedications. This would require the extension of Hylen Street, Alder Avenue, Tovarish Road and Aspen Avenue. Due to the sizes of the tracts, and the current and possible future use as a gravel pit, extension of Hylen Avenue and Alder Avenue may not be reasonable at this time. A public dedication through an active gravel pit is not safe or in the public's best interest. Extension of Tovarish Road would connect existing dedications on the east and west boundaries; this configuration would require an entirely different subdivision of the land which may not suit the owner's intentions at this time if they involve materials extraction. **Staff recommends** the surveyor provide information regarding the intentions of the owner's use of the gravel pit. The large tracts are of a suitable size that an eventual dedication may be obtained when further subdivision takes place. At a minimum, **staff recommends** redesign to provide a half dedication extending Aspen Avenue across the south boundary to Cecilia Street. **Staff recommends** a revised preliminary plat incorporating the redesign be submitted for Planning Commission review. This will allow notification showing the half right-of-way to the adjoining landowners who would eventually be required to provide the match. The public hearing notice specifically states that owners adjacent to a proposed half right-of-way may comment, since they will be required to provide the match when/if they subdivide.

**Staff recommends** the surveyor request and justifies exceptions to KPB 20.20.030 for any streets not extended by this plat.

Lots south of the requested half right-of-way for Aspen Avenue contain approximately 4.6 to 7.2 acres. It may be reasonable to expect a matching dedication in the future.

**Staff requests** the following note be placed on the plat: *Roads must meet the design and construction standards established by the borough in order to be considered for certification and inclusion in the road maintenance program (KPB 14.06).*

The material site review report is included in the support information. A Prior Existing Use (PEU) was granted for the 40-acre parcel on December 27, 1999. The PEU status may be affected by this subdivision. **Staff recommends** the owner contact Crista Hippchen, the planner tasked with overseeing material sites, for any questions regarding the effect the subdivision will have on the PEU status.

Kenai River Center review indicates a portion of the subdivision is located in the Anadromous Stream Habitat Protection Area. Development may be subject to the requirements of Chapter 21, Borough Code. **Staff recommends** the appropriate note be placed on the final plat.

Kenai River Center Floodplain Administrator has determined the plat is within a mapped floodplain, development may be subject to the requirements of Chapter 21, Borough Code. **Staff recommends** the mapped flood hazard zones be shown and labeled with source. **Staff recommends** the surveyor work with the Kenai River Center to verify that the most current mapping is referenced on the plat. **Staff recommends** the floodplain note be shown on the final plat, if applicable.

River Center review shows no portion of the floodway is located within the subdivision.

**Staff recommends** low wet areas, if any, be shown and labeled.

The locations of steep hills in the subdivision have been shown and labeled.

Development within the subdivision may be subject to the administrative policies and/or enforceable policies of the KPB Coastal Zone Management Program (Ordinance 2007-25).

The 33-foot section line easement along the eastern boundary of Tract B has been shown and labeled. Staff is not recommending the section line easement be dedicated to the northern boundary. Chinook Estates to the east was not required to dedicate the section line easement within Lot 1 or the tract designated Chinook Park (now owned by State Department of Natural Resources). Lot 1 Chinook Estates contains 1.6 acres. Further subdivision is unlikely, and it is very unlikely DNR will subdivide the Chinook Park tract. The section line easement will remain in place for access.

Per Planning Commission Resolution 2000-25, if the Certificate to Plat indicates any beneficial interests affect this property, they will be notified and 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.

If the Certificate to Plat shows the property is affected by private covenants, **staff recommends** the recording information of the private covenants and restrictions of record in effect at the time the final plat is approved be noted on the plat (KPB 20.16.140).

The property is not within an advisory planning commission.

**Staff recommends** that notes be placed on the final plat indicating any exceptions granted by the Plat Committee with the meeting date.

No exceptions have been requested.

20.24.010 provides that the commission (committee) may authorize exceptions to any of the requirements set forth in Title 20. This section also states - The commission (committee) shall find the following facts before granting any exceptions:

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 RECOMMENDATIONS: Grant approval of the preliminary plat subject to any above recommendations, and the following conditions:

REVISE OR ADD TO THE PRELIMINARY PLAT IN ACCORDANCE WITH THE PROVISIONS CONTAINED IN KPB 20.12 AS FOLLOWS:

1. Confirm the name(s) of the owner(s) (KPB 20.12.060).
2. Provide a status label to the south (Rosga S/D No. 2); correct the status label to the west (Hysten 2004 Addition).
3. Show and label Hysten Street; include the width.
4. Show approximate locations of slopes over 20 percent in grade, if any other than the steep hills already shown..

ADDITIONAL REQUIREMENTS FOR ADMINISTRATIVE APPROVAL OF THE FINAL PLAT IN ACCORDANCE WITH TITLE 20 INCLUDE:

5. Correct the width for Alder Avenue: 55 feet.
6. Provide or correct the dedication and/or approval statement(s) with the notary's acknowledgement as needed (KPB 20.16.155).
7. Survey and monumentation must meet the ordinance requirements (KPB 20.16.160).
8. Provide the building setback statement in accordance with KPB 20.20.230.
9. Conform to conditions of KPB Planning Commission Resolution 78-6.
10. Compliance with Ordinance 90-38 (Substitute) - Ownership.
11. Compliance with Ordinance 90-43 Easement Definition.
12. Compliance with Ordinance 93-59 - Payment of all taxes due prior to final approval. If final approval and filing of plat is sought between January 1 and the tax due date, the full amount of the estimated taxes will be on deposit with the Finance Department.

**NOTE: Review of a decision of the plat committee may be heard by the planning commission acting as platting board by filing written notice thereof with the borough planning director on a form provided by the borough planning department. The request for review shall be filed within 10 days after notification of the decision of the plat committee by personal service or service by mail.**

**Any person or agency that participated at the plat committee hearing either by written or oral presentation may file a request for review. The request must have an original signature; filing electronically or by facsimile is prohibited. The request for review must briefly state the reason for the review request and applicable provisions of borough code or other law upon which the request for review is based.**

**Staff will issue notice of the review hearing to the original recipients of the plat committee public hearing notice. Cases reviewed shall be heard de novo by the planning commission acting as the platting board (KPB 2.40.080).**

END OF STAFF REPORT

Chairman Murphy opened the meeting for public comment.

1. Jerry Johnson, Johnson Surveying, Box 27, Clam Gulch  
Mr. Johnson requested an exception to extending Hysten Street, Alder Avenue, and Tovarish Road because the roads were extended then they would extend into an existing gravel pit. He stated the plat was being done because of an estate issue where two heirs wanted to take separate ownership of the property. Mr. Johnson did not see a purpose in extending Aspen Avenue. There were lots adjacent where a dedication was not required so he felt he didn't need to provide a half dedication. Mr. Johnson was available to answer questions.

Chairman Murphy asked Mr. Johnson what exception he requested. Mr. Johnson replied he requested an exception to KPB 20.20.030, extending Hysten Street, Alder Avenue, and Tovarish Road. He also requested an exception to providing a half dedication on Aspen Avenue.

Chairman Murphy asked if there were questions for Mr. Johnson. Hearing none the public hearing continued.

Seeing and hearing no one else wishing to comment, Chairman Murphy opened discussion among the Committee.



Chairman Murphy asked staff to clarify the exception that Mr. Johnson requested. Mr. Best stated the surveyor requested not extending Hylen Street, Alder Avenue and Tovarish Road as well as not providing a half right of way dedication on Aspen Avenue. At this time, because of a large acreage parcel and the configuration with Hylen and Alder the extensions of those roads may not be necessary. He also stated that staff requested these extensions per Code but the only thing staff requested was the half dedication of Aspen Avenue.

Chairman Murphy asked if an exception was needed to not extend Hylen Street, Alder Avenue and Tovarish Road. Mr. Best replied yes.

**MOTION:** Commissioner Gross moved, seconded by Commissioner Lockwood to grant exception to KPB 20.20.030, extending Hylen Street, Alder Avenue and Tovarish Road citing the following findings and tying them to the three facts.

*Findings*

1. It extends into an existing gravel pit that was in use so it would not be practical to build roads there.
2. The parcels are large and would eventually be subdivided into smaller parcels.

Commissioner Johnson recused himself from voting and discussion due to the potential possibility of a conflict of interest.

**VOTE:** The motion passed by unanimous consent.

BRYSON YES	COLLINS ABSENT	GROSS YES	JOHNSON RECUSED	LOCKWOOD YES	MURPHY YES	4 YES 1 RECUSED 1 ABSENT
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**MOTION:** Commissioner Gross moved, seconded by Commissioner Bryson to grant exception to the half dedication of Aspen Avenue.

Chairman Murphy asked if findings needed to be cited in support of the exception motion. Mr. Best replied yes.

Commissioner Gross asked if findings needed to be cited if the exception request was denied. Mr. Best replied no.

There being no questions or comments, Chairman Murphy called for a roll call vote.

**VOTE:** The motion failed by unanimous consent.

BRYSON NO	COLLINS ABSENT	GROSS NO	JOHNSON RECUSED	LOCKWOOD NO	MURPHY NO	0 YES 4 NO 1 RECUSED 1 ABSENT
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**MOTION:** Commissioner Bryson moved, seconded by Commissioner Lockwood to approve the preliminary plat per staff recommendations.

**VOTE:** The motion passed by unanimous consent.

BRYSON YES	COLLINS ABSENT	GROSS YES	JOHNSON RECUSED	LOCKWOOD YES	MURPHY YES	4 YES 1 RECUSED 1 ABSENT
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AGENDA ITEM E. SUBDIVISION PLAT PUBLIC HEARINGS

5. Lisa – Lynn Subdivision Phase 2 (revised preliminary/final)  
KPB File 2008-190; Imhoff/Oxford, Mattke

**From:** [Raidmae, Ryan](#)  
**To:** ["johnsonsurveying@hotmail.com"](mailto:johnsonsurveying@hotmail.com)  
**Cc:** [Lopez, Samantha](#); [Ruffner, Robert](#); [Simons, Sandee](#)  
**Subject:** Hylen 2025 Addition, Subdivision of a Prior Existing Use Material site  
**Date:** Friday, July 25, 2025 4:05:17 PM  
**Attachments:** [PEU1951-001\\_2025-07-25\\_Subdivision\\_Certificate\\_Draft.docx](#)  
[Plat Prelim KPB 2025-101 Hylen 2025 Addition.pdf](#)

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Good Afternoon Jerry,

My name is Ryan Raidmae, and I am a Planner with the Kenai Peninsula Borough. I have reviewed the preliminary plat, **Hylen 2025 Addition**, and have found that the preliminary plat subdivides a Prior-Existing Use material site, PEU1951-001.

According to Kenai Peninsula Borough (KPB), 21.25.130, Prior-Existing Uses, it states, "Where a parcel subject to a pre-existing use is further subdivided after May 21, 1996, the use may not be expanded beyond the boundaries of the lots, tracks, or parcels it occupies on February 16, 1999 to new parcels created by the subdivision."

PER KPB 21.25.130, after subdividing, the owner, John Hylen Jr., will lose the Prior Existing Use designation on all subdivided parcels except the parent parcel, which is Tract A1.

Per past practice, a note would be added to the plat that states, "Upon recording of the final plat for this subdivision, the Prior Existing Uses Material Site within Lots 12 through 20 of Hylen 2025 Addition, will be considered void, and a Conditional Land Use Permit must be obtained for each parcel intended for further material site operations. Track A1 may continue to perform material extraction under the prior existing use provisions of KPB 21.29.120."

The Planning Department is moving away from placing PEU notes on plats, so a recording certificate will be created that states the same as the above, but will be recorded separately from the plat. I have attached a draft recording certificate to this email for reference.

Please let me know if you have any questions.

Thank You,

Ryan Raidmae

**Ryan Raidmae**

**Planner**

**Planning Administration**

**A Division of the Planning Department**

**Office:** (907) 714-2460 **Direct:** (907) 714-2462

**PUBLIC RECORDS LAW DISCLOSURE:** This email and responses to this email may be considered a public record under the law.

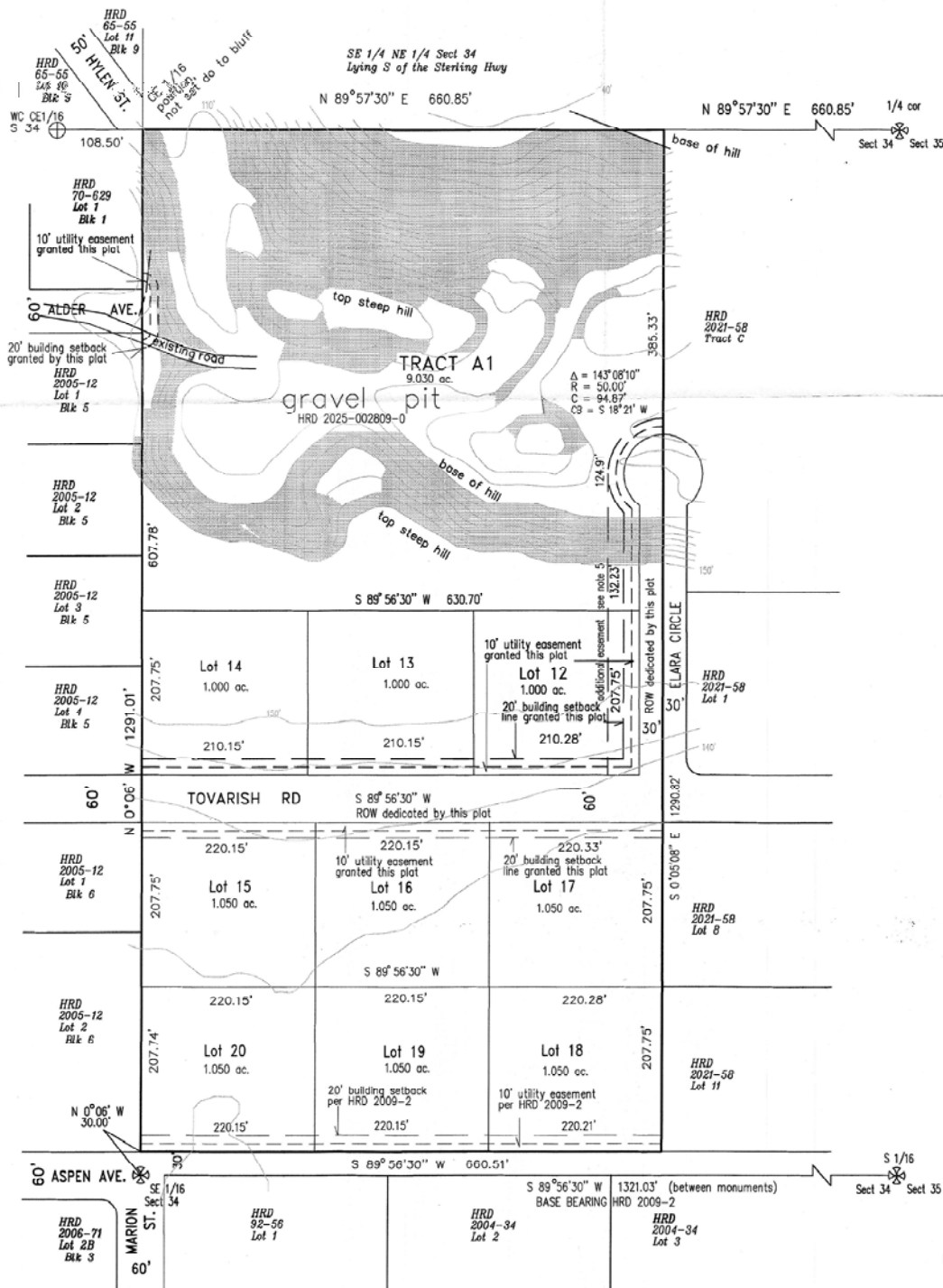
## PRELIMINARY PLAT

Prepared for  
John N Hylen, JR  
P.O. Box 39350  
Ninilchik, AK 99639

Prepared by  
Johnson Surveying  
P.O. Box 27  
Clam Gulch, Ak 99588  
(907) 262-5772

19.580 Acres  
Contour interval 5'. shaded areas are grades over 25%.  
There are no wet areas on the property.

1. A building setback of 20' from all street ROW's is required unless a lesser standard is approved by a resolution of the appropriate planning commission. Front 10' of building setback is also a utility easement, as is the entire setback within 5' of side lot lines.
2. No basement structure shall be constructed within a utility easement which would interfere with the ability of a utility to use the easement.
3. Any person developing this property is responsible for obtaining all required local, state, and federal permits, including a US Army Corps of Engineers wetlands determination, if applicable.
4. This property is affected by an electric easement granted in HRD book 18 page 206. This is a general easement, no definite location given.
5. A 40' side road construction and maintenance easement is granted within the east boundaries of Lot 12 & Tract A1 from the street intersection to the cul-de-sac.
6. Refer to the detailed construction standards established by the borough in order to be considered for certification and inclusion in the road maintenance program (KPB 14.06).



**KPB 2025-101**



**Notice of Kenai Peninsula Borough  
Prior Existing Use (PEU) Subdivision**

Homer Recording District, Third Judicial District, State of Alaska

NOTICE IS HEREBY GIVEN that a Prior Existing Use material site in the Ninilchik area has been subdivided.

According to Kenai Peninsula Borough 21.25.130, where a parcel subject to a pre-existing use is further subdivided after May 21, 1996, the use may not be expanded beyond the boundaries of the lots, tracts, or parcels it occupies on February 16, 1999 to new parcels created by the subdivision.

Hylen 2025 Addition:

Tract A1 and Lots 12, 13, 14, 15, 16, 17, 18, 19 and 20 of Hylen 2025  
Subdivision, according to Plat 2025-101, Homer Recording District.

Upon recording of the final plat for this subdivision, the Prior Existing Uses Material Site within Lots 12, 13, 14, 15, 16, 17, 18, 19 and 20 of Hylen 2025 Subdivision, will be considered void, and a Conditional Land Use Permit must be obtained for each parcel intended for further material site operations. Tract A1 may continue to perform material extraction under the prior existing use provisions of KPB 21.29.120.

Information regarding the Prior Existing Use material site and its requirements may be found in the ordinances cited within this notice and/or by contacting the Kenai Peninsula Borough Planning Department, 144 N. Binkley Street, Soldotna Alaska, 99669.

Date: \_\_\_\_\_

\_\_\_\_\_  
Robert Ruffner, Planning Director

PLEASE RETURN:  
Kenai Peninsula Borough  
Planning Department  
C/O: Ryan Raidmae  
144 North Binkley St.  
Soldotna, AK 99669