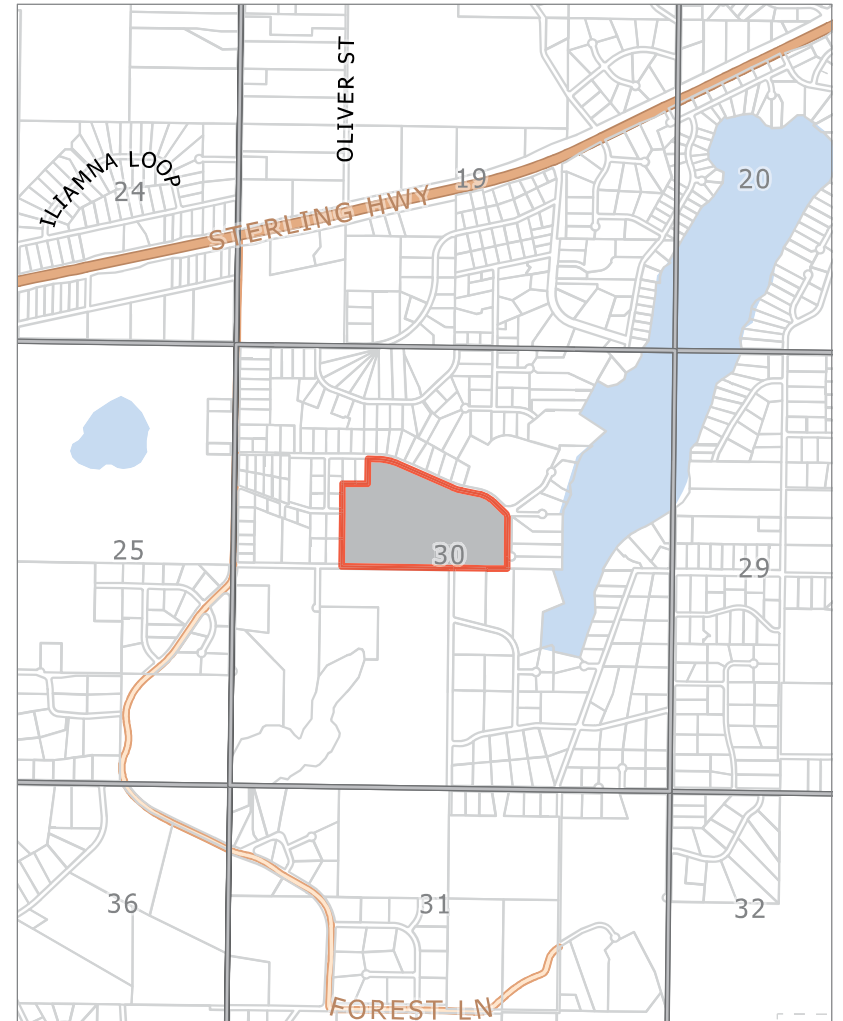


## **E. NEW BUSINESS**

- 5. Birch Forest No. 3; KPB File 2022-151R1  
Edge Survey & DesignPoppin Family Revocable  
Community Property Trust  
Location: Erlwein Road, Erlwein Circle, Smith Road &  
Shishmaref Drive  
Sterling Area**



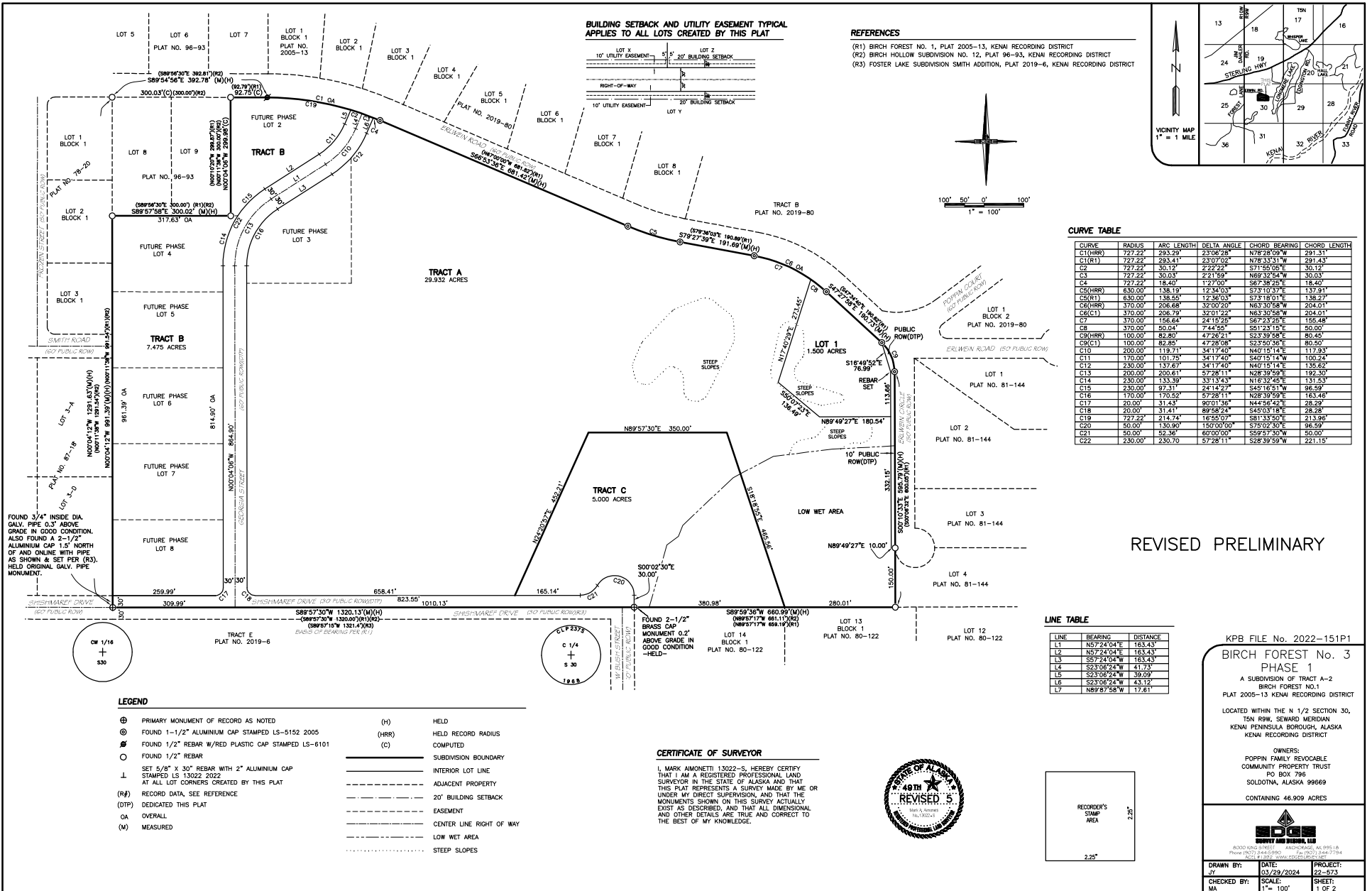
KPB File 2022-151R1  
T 05N R 09W SEC 30  
Sterling





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







NOTES

1. BUILDING SETBACK – A 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. SEE TYPICAL.
2. THE FRONT 10’ FEET ADJACENT TO RIGHT-OF WAY AND THE FRONT 20’ FEET ADJACENT TO RIGHT-OF-WAY WITHIN 5’ FEET OF LOT LINES IS A UTILITY EASEMENT. 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. THESE PARCELS MAY BE AFFECTED BY A GENERAL EASEMENT WITH NO DEFINED LOCATION GRANTED TO HOMER ELECTRIC ASSOCIATION, RECORDED AUGUST 4, 1961 MISC. BOOK 7 PAGE 36, KENAI RECORDING DISTRICT.
4. 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, PER KPB 14.06.
5. 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.
6. EXCEPTIONS TO KPB CODE 20.30.030, 20.30.100, 20.30.170 AND 20.30.190 WERE GRANTED BY THE KENAI PENINSULA BOROUGH PLAT COMMITTEE AT THE MARCH 25, 2024 MEETING.
7. WASTEWATER DISPOSAL. TRACT A, B AND C ARE AT LEAST 200,000 SQUARE FEET IN SIZE MAY NOT BE SUITABLE FOR ONSITE WASTEWATER TREATMENT AND DISPOSAL. ANY WASTEWATER TREATMENT OF DISPOSAL SYSTEM MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.
- LOTS 1 CREATED THIS PLAT AND FUTURE LOTS 2-8 SOIL CONDITIONS, WATER TABLE LEVELS, AND SOIL SLOPES IN THIS SUBDIVISION HAVE BEEN FOUND SUITABLE FOR CONVENTIONAL ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEMS SERVING SINGLE-FAMILY OR DUPLEX RESIDENCES AND MEETING THE REGULATORY REQUIREMENTS OF THE KENAI PENINSULA BOROUGH. ANY OTHER TYPE OF ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEM MUST BE DESIGNED BY A PROFESSIONAL ENGINEER, REGISTERED TO PRACTICE IN ALASKA, AND THE DESIGN MUST BE APPROVED BY THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

ENGINEER \_\_\_\_\_ LICENSE NUMBER \_\_\_\_\_ DATE \_\_\_\_\_

CERTIFICATE OF ACCEPTANCE AND DEDICATION  
BY KENAI PENINSULA BOROUGH

THE UNDERSIGNED OFFICIAL, IDENTIFIED BY NAME AND TITLE IS AUTHORIZED TO ACCEPT AND HEREBY ACCEPTS ON BEHALF OF THE KENAI PENINSULA BOROUGH FOR PUBLIC USES AND FOR PUBLIC PURPOSES THE REAL PROPERTY TO BE DEDICATED BY THIS PLAT INCLUDING EASEMENTS, RIGHTS-OF-WAY, ALLEYS, AND OTHER PUBLIC AREAS SHOWN ON THE PLAT IDENTIFIED AS FOLLOWS:  
RIGHT OF WAY DEDICATED ON THIS PLAT – GEORGIA AVENUE, NORTH 30 FEET OF SHISHMARF DRIVE AND TEN ADDITIONAL FEET ALONG ERLWEN CIRCLE.  
THE ACCEPTANCE OF LANDS FOR PUBLIC USE OR PUBLIC PURPOSES DOES NOT OBLIGATE THE PUBLIC OR ANY GOVERNING BODY TO CONSTRUCT, OPERATE, OR MAINTAIN IMPROVEMENTS.

AUTHORIZED OFFICIAL \_\_\_\_\_ DATE \_\_\_\_\_  
KENAI PENINSULA BOROUGH  
144 NORTH BINKLEY STREET  
SOLDOTNA, ALASKA 99669

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF MARCH 25, 2024.  
KENAI PENINSULA BOROUGH

AUTHORIZED OFFICIAL \_\_\_\_\_

CERTIFICATE OF OWNERSHIP AND DEDICATION

I, THE UNDERSIGNED, HEREBY CERTIFY THAT THE POPPIN FAMILY REVOCABLE COMMUNITY PROPERTY TRUST IS THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND ON BEHALF OF THE POPPIN FAMILY REVOCABLE COMMUNITY PROPERTY TRUST, I HEREBY ADOPT THIS PLAN OF SUBDIVISION AND BY MY FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND GRANT ALL EASEMENTS TO THE USE SHOWN.

DANIEL JOHN POPPIN, TRUSTEE,  
POPPIN FAMILY REVOCABLE COMMUNITY PROPERTY TRUST  
PO BOX 796  
SOLDOTNA, ALASKA 99669

NOTARY ACKNOWLEDGMENT

FOR: DANIEL JOHN POPPIN  
ACKNOWLEDGED BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2024.

NOTARY PUBLIC FOR STATE OF ALASKA

NOTARY  
STAMP  
AREA

KPB FILE No. 2022-151P1

BIRCH FOREST No. 3  
PHASE 1

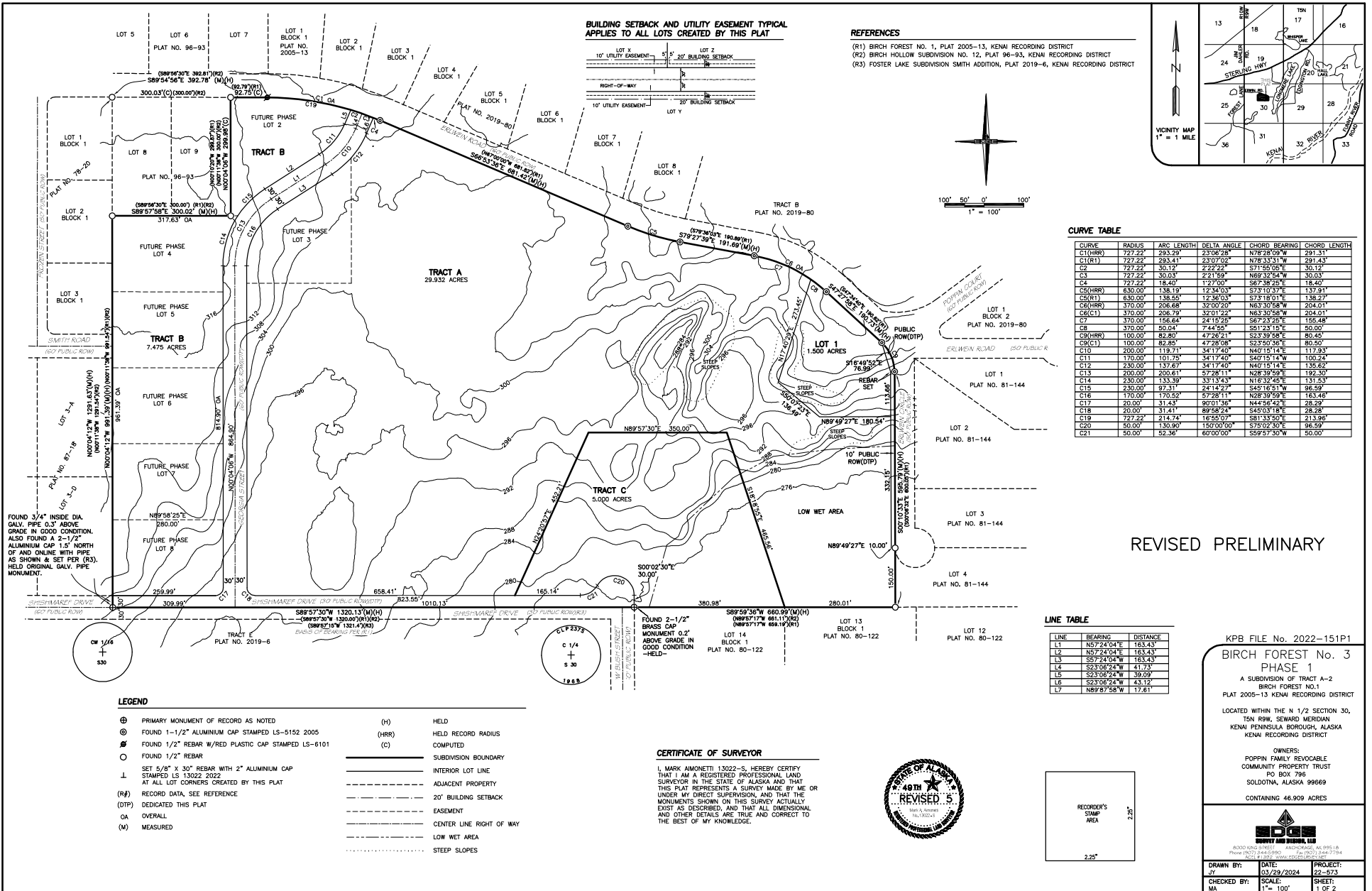
A SUBDIVISION OF TRACT A-2  
BIRCH FOREST NO.1  
PLAT 2005-13 KENAI RECORDING DISTRICT  
LOCATED WITHIN THE N 1/2 SECTION 30,  
T5N R9W, SEWARD MERIDIAN  
KENAI PENINSULA BOROUGH, ALASKA  
KENAI RECORDING DISTRICT

OWNERS:  
POPPIN FAMILY REVOCABLE  
COMMUNITY PROPERTY TRUST  
PO BOX 796  
SOLDOTNA, ALASKA 99669  
CONTAINING 46.909 ACRES



8000 KING STREET ANCHORAGE, AK 99518  
Phone (907) 244-5290 Fax (907) 244-7704  
www.sdg-survey.com

DRAWN BY: DATE: PROJECT:  
JY 03/29/2024 22-573  
CHECKED BY: SCALE: SHEET:  
MA 1"= 100' 2 OF 2





AGENDA ITEM E. NEW BUSINESS

**ITEM #5 - PRELIMINARY PLAT  
Birch Forest No. 3 Phase 1**

|                                |  |
|--------------------------------|--|
| <b>KPB File No.</b>            | 2022-151R1   |
| <b>Plat Committee Meeting:</b> | April 22, 2024   |
| <b>Applicant / Owner:</b>      | Poppin Family Revocable Community Property Trust of Soldotna, Alaska |
| <b>Surveyor:</b>               | Jason Young, Mark Aimonetti / Edge Survey and Design, LLC            |
| <b>General Location:</b>       | Erlwein Road, Sterling   |

|                           |   |
|---------------------------|---|
| <b>Parent Parcel No.:</b> | 063-780-25                                    |
| <b>Legal Description:</b> | Tract A-2 Birch Forest No. 1, Plat KN 2005-13 |
| <b>Assessing Use:</b>     | Residential                                   |
| <b>Zoning:</b>            | Rural Unrestricted                            |
| <b>Water / Wastewater</b> | On Site                                       |
| <b>Exception Request</b>  | 20.30.170; 20.30.030; 20.30.100; 20.30.190    |

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**STAFF REPORT**

This plat was postponed from the March 25, 2024 and April 2, 2024 meetings.

**Specific Request / Scope of Subdivision:** The proposed plat will subdivide a 46.909 acre parcel into 3 tracts and 1 lot with the tracts ranging in size from 5.000 acres to 29.932 acres and the lot being 1.500 acres.

**Location and Legal Access (existing and proposed):** The subdivision is accessed by borough maintained Erlwein Road, a varying width dedicated right-of-way. Erlwein Road intersects state maintained Forest Lane, which is located near mile 90 of state maintained Sterling Highway. This subdivision is in the Sterling area near Longmere Lake but there is no lake frontage within this subdivision.

To the west of the subdivision is Smith Road, a varying width borough maintained road that is constructed only to the intersection with Frozen Street. The eastern approximate 170 feet of Smith Road is not constructed that connects to the proposed subdivision. There should be a continuation of Smith Road or a cul-de-sac to permanently close the right-of-way. Exceptions have been requested for Smith Road dedications and cul-de-sac bulb.

On the south of the subdivision is Shishmaref Drive, a varying width dedicated right-of-way. Only the western 550 feet of Shishmaref Drive appears to be constructed and is not currently borough maintained. Shishmaref Drive connects to Forest Lane. The dedicated width of Shishmaref Drive is only 30 feet wide abutting this subdivision. The subdivision is proposing to dedicate the additional 30 feet and a partial bulb at the end of the dedication at the intersection with Low Bush Street. Just south of the intersection, Low Bush Street contains low wet area that are classified as depression and per KPB GIS imagery appear very wet. The partial bulb dedication will provide an adequate turn around area until such time that Low Bush Street is ever constructed. A request to not dedicate a continuation of Low Bush Street across the subdivision has been submitted.

Erlwein Road and Shishmaref Drive are proposed to be connected by a 60 foot dedication to be named Georgia Street. This street will provide access for Tract A & B, in which Tract B is proposed to be divided into 11 lots with access from Georgia Street.

The Roads Department has some concern about the condition of the road along Erlwein Rd as more development is done especially on this property being one of the last to develop.

Block length is not compliant and an exception has been requested.

|                          |  |
|--------------------------|--|
| KPB Roads Dept. comments | Out of Jurisdiction: No<br>Roads Director: Griebel, Scott<br>Comments: No RSA protests. One note: The Poppin trust property continues to see subdivision, with the potential for considerably more. All subdivided lot load feeds from Erlwein Rd. Erlwein has seen no substantial improvements to support the introduction of additional parcel traffic load. |
| SOA DOT comments         | No comments  |

#### **Site Investigation:**

There are currently no structures located on the property.

The southeast portion of the subdivision contains low wet areas. The plat indicates the bounds of the wetlands with a line symbol and a label. These lines appear to be outlining the boundary of two different classifications per KPB GIS data. The area is not in a mapped FEMA flood hazard area according the River Center review.

|                             |  |
|-----------------------------|--|
| KPB River Center review     | A. Floodplain<br>Reviewer: Hindman, Julie<br>Floodplain Status: Not within flood hazard area<br>Comments: No comments<br><br>B. Habitat Protection<br>Reviewer: Aldridge, Morgan<br>Habitat Protection District Status: Is NOT within HPD<br>Comments: No comments<br><br>C. State Parks<br>Reviewer:<br>Comments: |
| State of Alaska Fish & Game |  |

#### **Staff Analysis**

This is a proposed preliminary plat to be finalized in phases at later dates. The subject property has been involved with numerous subdivision plats through the years with the most recent being Birch Forest No. 1, Plat KN 2005-13. Staff has reviewed all plats this property was associated with and found that all required plat notes and easements are being carried forward correctly.

A soils report will be required for Lot 1 and an engineer will sign the final plat. Tracts A & B do not require a soils report but the future lots 2 – 8 will. A soils report for these lots within Tracts A & B as noted will need to be submitted for review. **Staff recommends:** the Plat Committee concur soils reports for the areas of future Lots 2- 8 are required to be submitted with this plat for final approval if the future lots are to be listed in the wastewater disposal approval on the final plat.

Per the preliminary Certificate to Plat, beneficial interest holders do not affect the proposed plat. Notification per KPB 20.25.090 will not be required unless the final Certificate to Plat states the property is affected by beneficial interest holders.

The property is not within an advisory planning commission.

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



**Utility Easements**

There are the standard utility easements within the setback being carried forward from the parent plat as noted. A general utility easement is noted in the certificate to plat at plat note 3.

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              | No comment        |
| ENSTAR           | No comment        |
| ACS              | No objections     |
| GCI              | Approved as shown |
| SEWARD ELECTRIC  |                   |
| CHUGACH ELECTRIC |                   |
| TELALASKA        |                   |

**KPB department / agency review:**

|                              |  |
|------------------------------|--|
| Addressing                   | Reviewer: Leavitt, Rhealyn<br>Affected Addresses: 39455 ERLWEIN RD<br>Existing Street Names are Correct: Yes<br>List of Correct Street Names: ERLWEIN RD, ERLWEIN CIR, SMITH RD, SHISHMAREF DR, LOW BUSH ST<br>Existing Street Name Corrections Needed:<br>All New Street Names are Approved: Yes<br>List of Approved Street Names: GEORGIA ST<br>List of Street Names Denied:<br>Comments: 39455 ERLWEIN RD WILL BE DELETED |
| Code Compliance              | Reviewer: Ogren, Eric<br>Comments: No comments   |
| Planner                      | Reviewer: Raidmae, Ryan<br>There are not any Local Option Zoning District issues with this proposed plat.<br>Material Site Comments: There are not any material site issues with this proposed plat.   |
| Assessing                    | Reviewer: Windsor, Heather<br>Comments: No comment   |
| Advisory Planning Commission |  |

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

Correct KPB File No to 2022-151R1

Show the setting of a monument at the southwest corner of the dedication of Erlwein Circle.

Show setting of monuments along Georgia Street and Shishmaref and Tract C and Lot 1  
Tract C linework is too dark, match interior lines of lot 1.

---

**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.

- 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 proposed 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 12 to southeast needs Blk 2 added

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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.

---

**KPB 20.40 – Wastewater Disposal**

**Staff recommendation:** final plat submittals must comply with 20.40. Additional information, revisions, and/or corrections are required as noted below.

20.40.010 Wastewater disposal.

*Platting Staff Comments:*

**Staff recommendation:** comply with 20.40.

---

**KPB 20.60 – Final Plat**

**Staff recommendation:** final plat submittals must comply with 20.60. Additional information, revisions, and/or corrections are required as noted below.

**EXCEPTIONS REQUESTED:**

- A. KPB 20.30.030 – Proposed Street Layout-Requirements and 20.30.170 – Block Length-Requirements**  
(Extension of Smith Street)

**Surveyor's Discussion:** Asking exception to not dedicate Smith Road from the west through this plat.

**Surveyor's Findings:**

1. No practical reason for that section of Smith Street to be developed, all surrounding parcels have adequate legal access.
2. Dedication would take up square footage from proposed future lots.
3. Parcels near the intersection of Frozen Street and Smith Road have established access and necessary right of way dedication to accommodate the local development.
4. Plats 78-20 and 87-18 assumed Smith Street would continue.

**Staff Discussion:** A through dedication of Smith Road should be provided to connect to the new north-south dedication proposed. This would provide a complete block for the area west of this subdivision and provide for projection and extension of the existing dedication.

**Staff's Findings:**

5. KPB Code 20.30.030 states dedications must provide for the continuation or appropriate projection of all streets in surrounding areas and provide reasonable means of ingress for surrounding acreage tracts.



6. Smith Road is not constructed east of the intersection with Frozen Street.
7. Previous plats designed the road with the intention of Smith Road continuing once larger acreage lots were subdivided.
8. This is a subdivision of a 46 acre piece of property.
9. Requiring a dedication will result in a redesign to accommodate the right-of-way.
10. The lots along Smith Road have two routes either by Smith Road to Frozen Street or Smith Road to Forest Lane.
11. The block defined by Frozen Street and Smith Road, directly to the west of the subdivision, will be an incomplete block with no continuation of Smith Road.
12. The block defined by Smith Road and Shishmaref Drive, directly to the west of the subdivision, will be an incomplete block with no continuation of Smith Road.
13. With the continuation of Smith Road, lots East of Frozen Street on Erlwein Road would have a secondary route in case of emergency purposes.
14. The last plat designated Smith Road over 35 years ago and the road has not gone further than Frozen Street since that time without issues.

Denial of the exception will require a through dedication of Smith Street to connect to the new dedication.

Staff reviewed the exception request and recommends approval.

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

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

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

1. That special circumstances or conditions affecting the property have been shown by application;  
**Findings 1-4, 6, 9, 10 and 14 appear to support this standard.**
2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title;  
**Findings 1-4, 6, 9, 10 and 14 appear to support this standard.**
3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.  
**Findings 1-4, 6, 9, 10 and 14 appear to support this standard.**

**B. KPB 20.30.100 – Cul-de-sacs** (This exception is only required if exception A is granted).

**Surveyor's Discussion:** Asking exception to not dedicate cul-de-sac for Smith Street dedicated per plats 78-20 and 87-18.

**Surveyor's Findings:**

1. No practical reason for that section of Smith Street to be developed, all surrounding parcels have adequate legal access.
2. Dedication would take up some square footage from proposed future lots.
3. New parcel created with future phase will have right-of-way legal access.
4. Parcels near the intersection of Frozen Street and Smith Road have established access and necessary right-of-way dedication to accommodate the local development.

**Staff Discussion:** If an exception is granted to not dedicate Smith Street through, the owners would like a request to not dedicate a cul-de-sac.

**Staff's Findings:**

5. This section of Smith Street is not developed.
6. A cul-de-sac dedication will provide adequate turnaround area if the right-of-way is developed.
7. A cul-de-sac will permanently close the right-of-way for future extensions unless approval is received by neighboring land owners.
8. This is a subdivision of a large acreage parcel that can be adjusted to provide required dedications.
9. The last plat designated Smith Road over 35 years ago and the road has not gone further than Frozen Street since that time without issues.

Approval of the exception will not require a cul-de-sac dedication at the end of Smith Street. Denial will require a code compliant cul-de-sac to be dedicated.

Staff reviewed the exception request and recommends approval.

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

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

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

1. That special circumstances or conditions affecting the property have been shown by application;  
**Findings 2-5, 7, and 8 appear to support this standard.**
2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title;  
**Findings 2-5, 7, and 8 appear to support this standard.**
3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.  
**Findings 2-5, 7, and 8 appear to support this standard**

**C. KPB 20.30.030 – Proposed Street Layout-Requirements and 20.30.170 – Block Length-Requirements**  
(Extension of Low Bush Street)

**Surveyor's Discussion:** Asking exception to not dedicate Low Bush Street from the South through this plat and to not comply with block length.

**Surveyor's Findings:**

1. Right-of-way dedication would divide proposed Tract C into two separate parcels, landowner would to leave as a large tract.
2. Proposed Tract A can ROW with future subdivision phases as developed.
3. Low Bush Street to the South also not developed and has significant area of wat land to cross if developed. Development of Low Bush not likely soon.

**Staff Discussion:** The block to the east of the new dedication along Erlwein Rd will exceed allowable limits and is

not closed due to the cul-de-sac to the east.

**Staff Findings:**

4. Erlwein Circle is along the eastern boundary but ends with a cul-de-sac and cannot provide a closed block.
5. Low wet areas are present in the southeast corner of the development.
6. The owner is proposing an east-west right-of-way that is not a complete dedication but will allow future extension.
7. A dedication from Low Bush Street to Erlwein Rd would break the block length.
8. No adjacent owners will be affected by not projecting Low Bush Street as it is not currently developed..

Staff reviewed the exception request and recommends approval.

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

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

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

1. That special circumstances or conditions affecting the property have been shown by application;  
**Findings 1-5 appear to support this standard.**
2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title;  
**Findings 1-5 appear to support this standard.**
3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.  
**Findings 1-5 and 8 appear to support this standard**

**D. KPB 20.30.190 Lots - Dimensions**

Surveyor's Discussion:

Asking exception to irregular shape for Tract B and Length to width ratio.

**Surveyor Findings:**

1. Tract B contains future phase lots to be approved this preliminary plat.
2. Future lots within Tract B will conform to code dimensions.
3. Once future lots are created remainder of Tract B will meet code dimensions.

Staff Discussion:

20.30.190. - Lots—Dimensions.

A. The size and shape of lots shall provide usable sites appropriate for the locality in which the subdivision is located and in conformance with the requirements of any zoning ordinance effective for the area in which the proposed subdivision is located. Generally, lots shall be square or rectangular. Lots shall be at least 60 feet wide on the building setback line. The minimum depth shall be no less than 100 feet, and the average depth shall be no greater than three times the average width.

**Staff Findings:**

4. There does not appear to be a remainder after future lots are created.



5. The average depth is no greater than three times the average width of the two portions of Tract B.
6. Surrounding properties will not be affected by the exception.

Staff reviewed the exception request and recommends granting approval.

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

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

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

1. That special circumstances or conditions affecting the property have been shown by application;  
**Findings 1-3 and 5 appear to support this standard.**
2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title;  
**Findings 1-3 and 5 appear to support this standard.**
3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.  
**Findings 2 and 6 appear to support this standard.**

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

---

**RECOMMENDATION:**

**SUBJECT TO EXCEPTION(S) GRANTED, STAFF RECOMMENDS:**

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

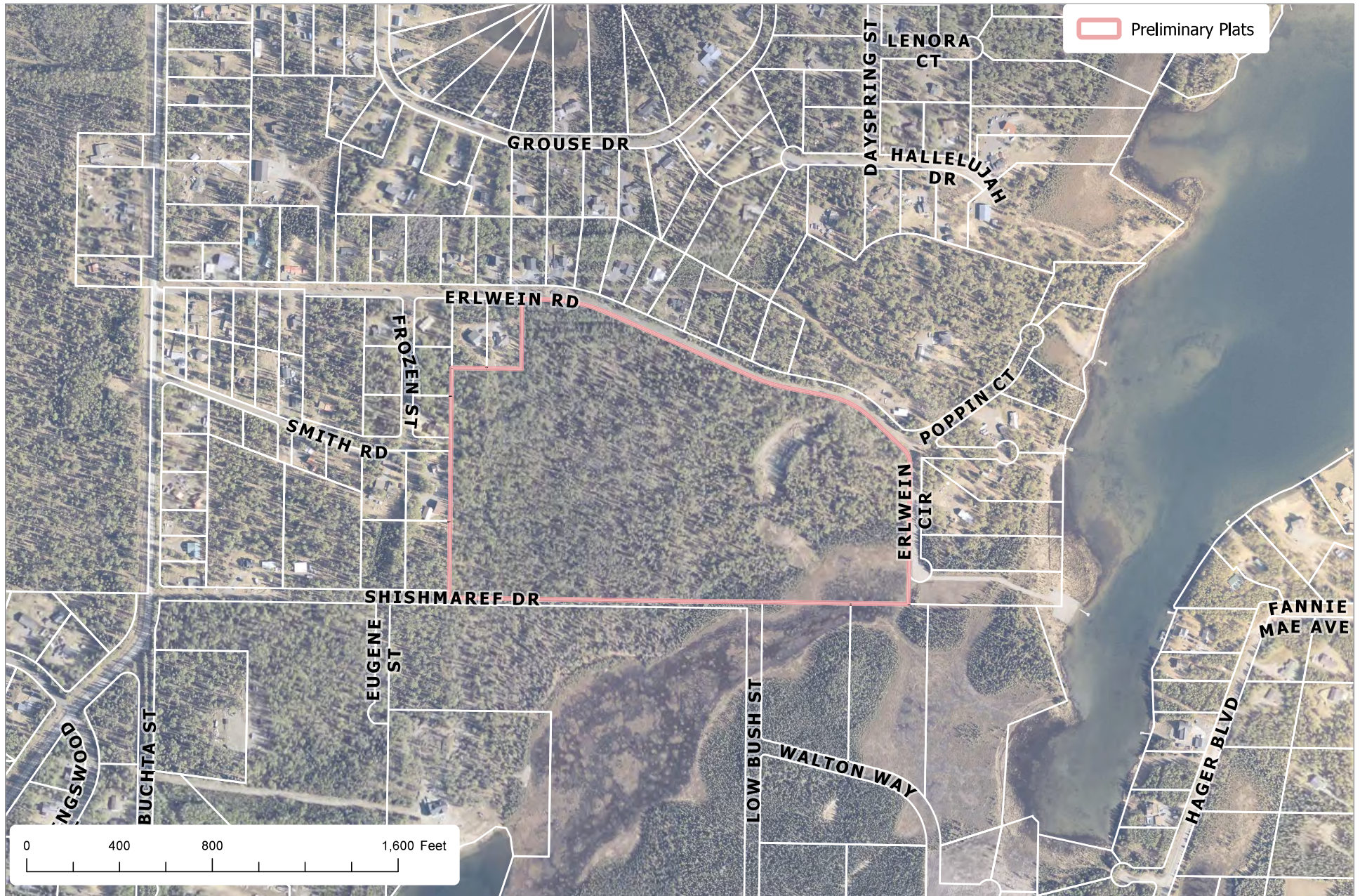
**NOTE: 20.25.120. - REVIEW AND APPEAL.**

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

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

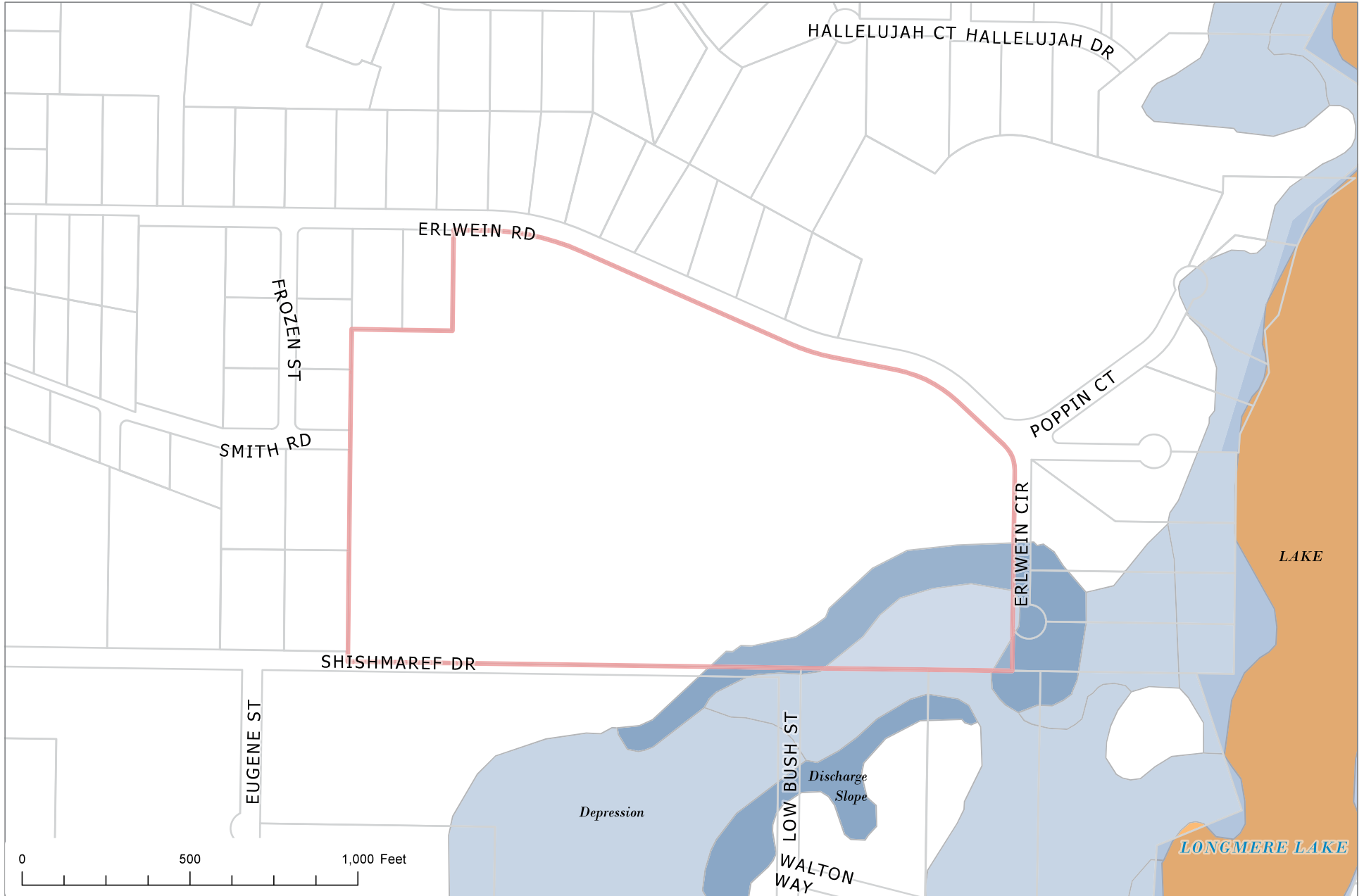
**END OF STAFF REPORT**





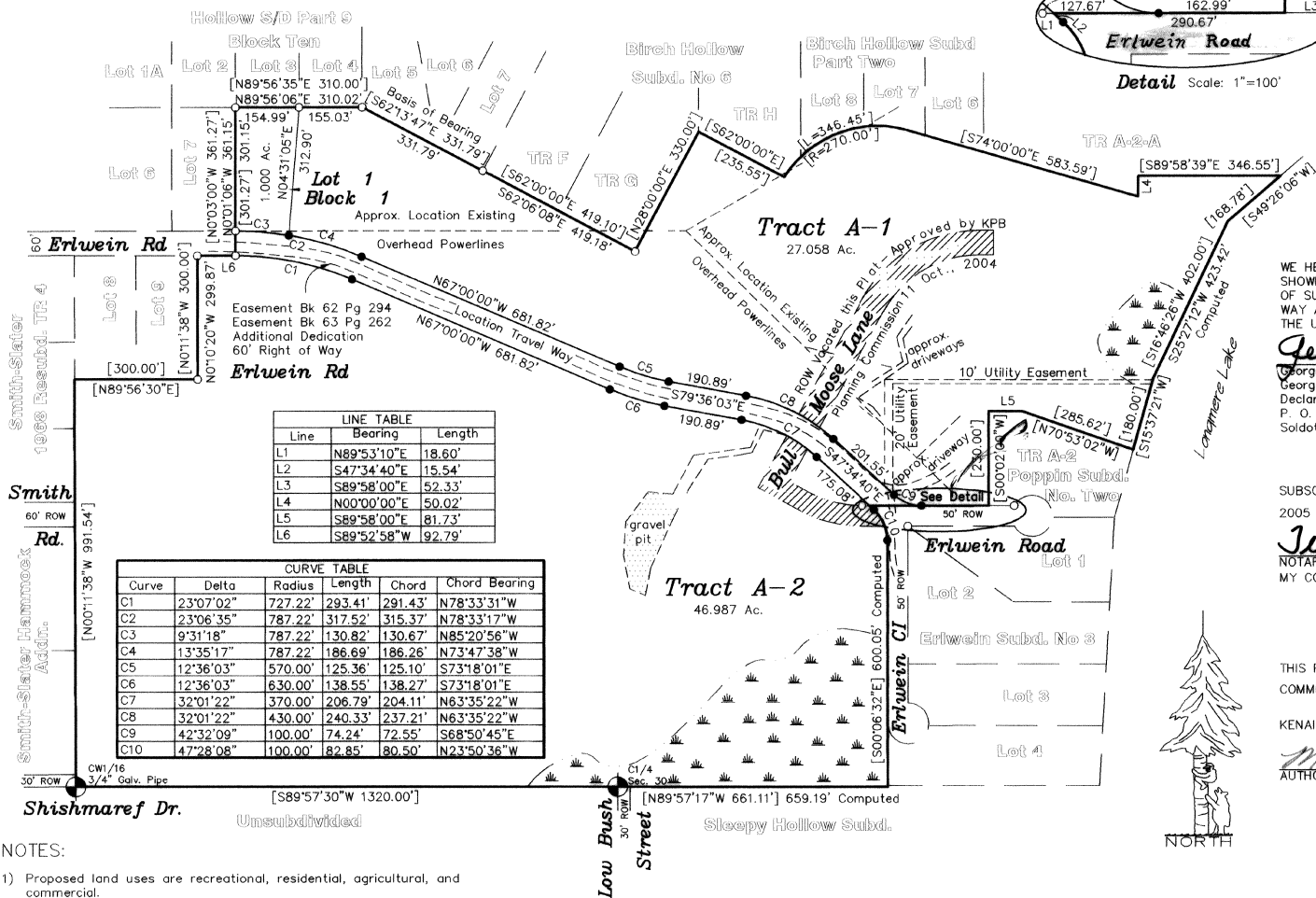
The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.





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:
- Proposed land uses are recreational, residential, agricultural, and commercial.
  - Building Setback - A 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.
  - Existing powerline(s) is centerline of a 20' wide electrical distribution line easement.
  - Front 10 ft. of the building setback adjacent to rights-of-way and entire setback within 5' of side lot lines is also a utility easement. 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.
  - WASTEWATER DISPOSAL:** Soil conditions, water table levels, and soil slopes in this subdivision have been found suitable for conventional onsite wastewater treatment and disposal systems serving single-family or duplex residences and meeting the regulatory requirements of the Kenai Peninsula Borough. Any other type of onsite wastewater treatment and disposal system must be designed by a professional engineer, registered to practice in Alaska, and the design must be approved by the Alaska Dept. of Environmental Conservation.

- WASTEWATER DISPOSAL:** Both Tracts are at least 200,000 square feet or nominal 5 acres in size and conditions may not be suitable for onsite wastewater treatment and disposal. Any wastewater treatment or disposal system must meet the regulatory requirements of the Alaska Department of Environmental Conservation.

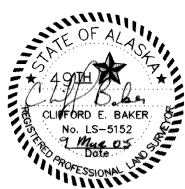
#### LEGEND:

- Monument of Record
- 1/2" Rebar (found)
- 5/8" Rebar (set)
- [ ] Record Datum - Birch Hollow Subd. No. 12, Plat # 96-93 KRD
- ( ) Record Datum - Poppin Subd. No. 2, Plat # 87-8 KRD
- Low Wet Area

#### SURVEYOR'S CERTIFICATE

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

Date 9 March 05



2005-13

RECORDED  
Kenai REC. DIST.

DATE: 3-15 2005  
TIME: 10:02 A.M.

REQUESTED BY:  
INTEGRITY SURVEYS  
605 SWIRES DRIVE  
KENAI, ALASKA 99611

#### CERTIFICATE of OWNERSHIP and DEDICATION

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

Georgia L. Poppin, Trustee  
Georgia L. Poppin - Trustee  
Georgia L. Poppin  
Declaration of Trust  
P. O. Box 796  
Soldotna, AK 99669

#### NOTARY'S ACKNOWLEDGMENT

SUBSCRIBED AND SWORN BEFORE ME THIS 7th DAY OF March 2005 FOR Georgia L. Poppin  
Jerusa A. Monte  
NOTARY PUBLIC FOR HAWAII  
MY COMMISSION EXPIRES 12/26/2005

#### PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF June 14, 2004

KENAI PENINSULA BOROUGH

Max Burt  
AUTHORIZED OFFICIAL

KPB FILE No. 2002-126

#### Birch Forest No. 1

A resubdivision of Tract A, Birch Hollow S/D No. 12. Located within the N 1/2 Section 30, T5N, R9W, S.M., Kenai Recording District, Kenai Peninsula Borough, Alaska.

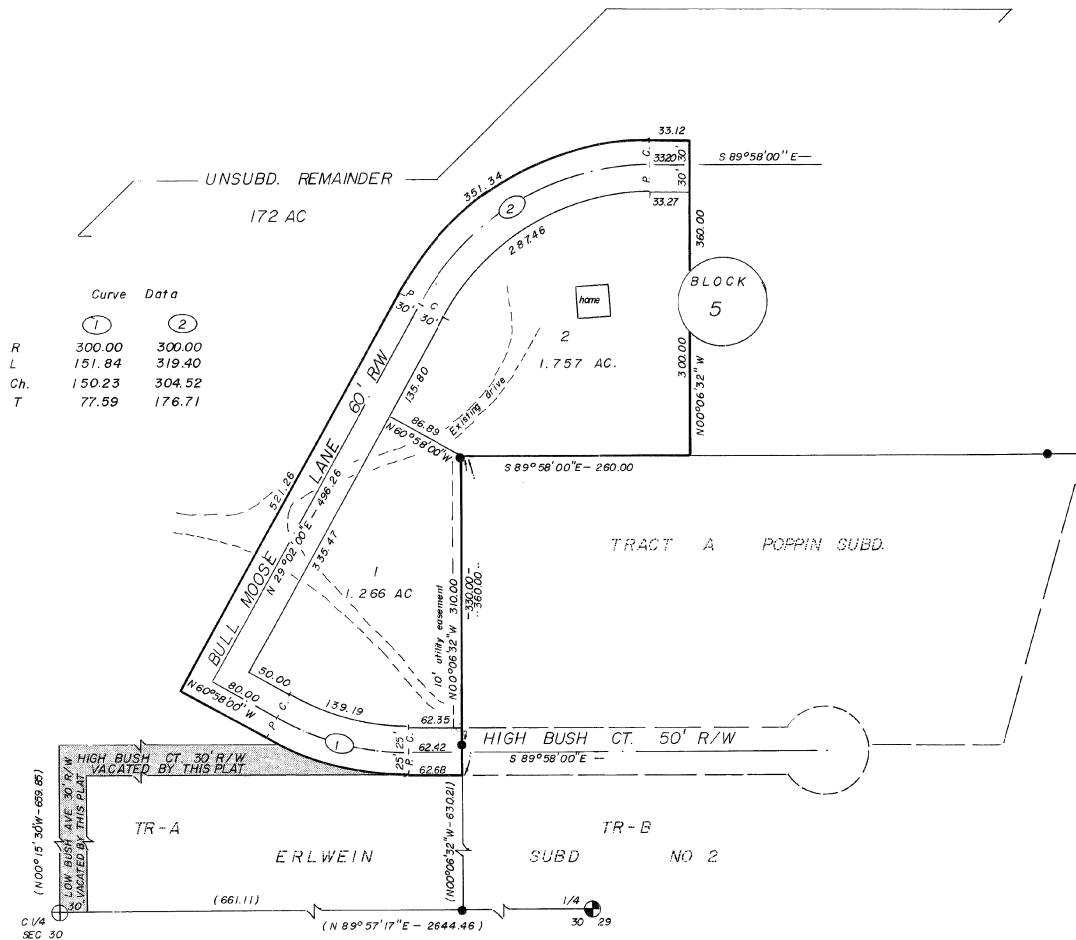
Containing 77.448 Acres

#### Integrity Surveys

605 Swires Drive Kenai, Alaska 99611-8363  
SURVEYORS PHONE - (907) 283-9047 FAX - (907) 283-9071 PLANNERS

|                        |                          |
|------------------------|--------------------------|
| JOB NO: 24042          | DRAWN: 01 March, 2005 CB |
| SURVEYED: October 2004 | SCALE: 1" = 200'         |
| FELD BK: 2004-6, Pg. 1 | DISK: Birch Forest       |

KU 78-155



#### CERTIFICATE OF OWNERSHIP AND DEDICATION

We hereby certify that we are the owners of said property and request the approval of this plat showing such easements for public utilities, roadways, and or streets dedicated by us for public use.

N.J. Poppin Georgia L. Poppin  
N.J. Poppin and Georgia L. Poppin, owners  
Box 796  
Soldotna, Alaska

#### NOTARY'S ACKNOWLEDGEMENT

Subscribed and sworn before me this  
18th day of Aug., 1978  
My commission expires 9-19-81.  
Rebecca B. McLane  
notary public for Alaska



#### PLAT APPROVAL

This plat having been approved by the Kenai Peninsula Borough Planning Commission as recorded in the official minutes of the meeting of August 7, 1978, is hereby acknowledged and accepted as the official plat, subject to any and all conditions and requirements of ordinances and law appertaining thereto.

KENAI PENINSULA BOROUGH  
By: Paul Waring

#### BIRCH HOLLOW SUBDIVISION PART ONE

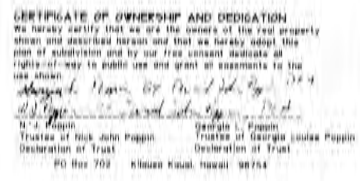
N.J. Poppin owner  
Box 796  
Soldotna, Alaska 99669

DESCRIPTION  
4.530 AC. LOCATED IN GOV'T LOT 4, SEC. 30, T5N, R9W SM AK. AND THE KENAI PENINSULA BOROUGH.

Surveyed by: McLane and Associates  
Soldotna, Alaska

|                           |                    |                 |
|---------------------------|--------------------|-----------------|
| Date of Survey<br>7/11/78 | Scale<br>1" = 100' | Bk. No<br>78-18 |
|---------------------------|--------------------|-----------------|

| RECORD DATA |                 |        |       |
|-------------|-----------------|--------|-------|
| LINE        | SEARCHING       | DIST   | RES   |
| 1 2         | N 00° 00' 00" E | 100.00 | 72.22 |
| 1 3         | N 00° 01' 25" E | 28.80  | 85.74 |
| 1 4         | N 01° 30' 26" E | 282.10 |       |
| 1 7         | N 70° 00' 00" E | 14.30  | 81.72 |
| 1 8         | N 05° 00' 33" E | 030.00 |       |



**NOTARY'S ACKNOWLEDGEMENT**  
Subscribed and sworn before me this 26<sup>th</sup> day of  
January, 1998  
For Units 20th Poppin P.O. for H. Poppin & Georgia L. Poppin  
CH  
Notary Public for Alaska  
My Commission Expires June 18

Tract A may be subject to additional Right-of-Way easements for ingress and egress as recorded in Bk. 54, Pg. 100, Blk. 62.

**FLAT APPROVAL:**  
This plot was approved by the Kani Peninsula Borough Planning Commission at the meeting of December 6, 1997.

KANI PENINSULA BOROUGH

By: [Signature]  
Authorized Official

96-193  
RECORDED 20  
ORIGINAL DEPOSITED CONTINUED  
DATE 12-31-1996  
TIME 2:42 PM  
Discontinued By: JESTER  
ON FILE 1996

[illegible]

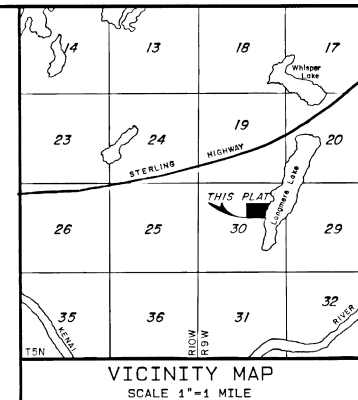
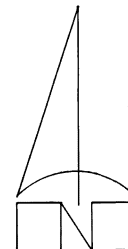


LETTER OF APPROVAL BY THE ALASKA  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

This subdivision has been reviewed in accordance with  
18AAC72.085 and is approved, subject to any noted restrictions.

Nov. 14, 1986

Date

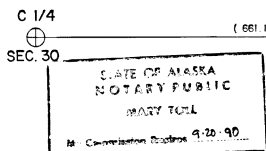
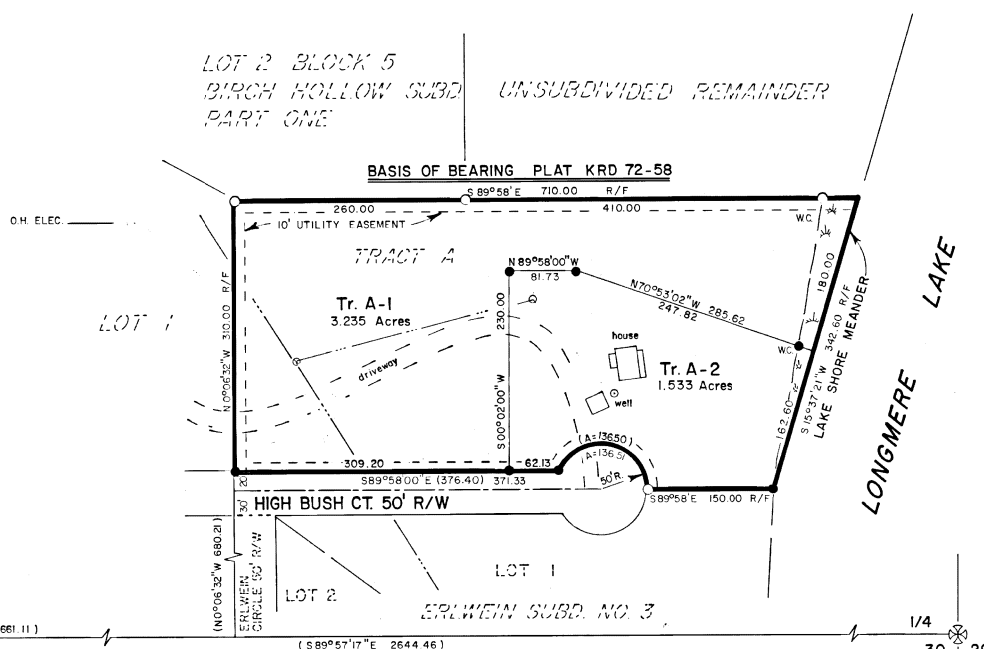


LEGEND

- BLM or GLO monument recovered
- BLM or GLO monument not recovered
- Found official survey monument
- Set Bernitsen 3 1/4" x 30" aluminum survey monument
- Monument of record not recovered
- Found 5/8" rebar
- Set 5/8" x 30" rebar with 2" aluminum cap
- Found 1/2" rebar
- Set 1/2" x 24" rebar with plastic cap C 283
- Found 1 1/2" aluminum cap
- R/F Record and found data agree K72-58
- ( ) Indicates record data K72-58

NOTES

- 1) Water supply and sewage disposal systems shall be permitted only in conformance with applicable requirements of 18 AAC 70, 18 AAC 72, and 18 AAC 80.
- 2) The ordinary waterline of Longmere Lake forms the true bounds of the lake front lots. The Lake Shore Meander shown hereon is for survey computational purposes only.
- 3) No direct access to state maintained ROWs permitted unless approved by State of Alaska Dept. of Transportation.
- 4) BUILDING SET BACK - A building set back of 20 ft. is required from all street right-of-ways unless a lesser standard is approved by resolution of the appropriate Planning Commission.
- 5) The existing powerline is the centerline of a 20' utility easement.
- 6) The front 10' of building setback is also a utility easement.



NOTARY'S ACKNOWLEDGEMENT

FOR: Georgia Poppin and Georgia L. Poppin P.O.A. for N.J. Poppin  
Subscribed and sworn before me this

16th day of November, 1986.

My commission expires 9-20-90

Mary Jell  
Notary Public for the State of Alaska

CERTIFICATE OF OWNERSHIP AND DEDICATION

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 right-of-ways to public use and grant all easements to the use shown.

N.J. Poppin by P.O.A. Georgia L. Poppin  
Georgia L. Poppin

PLAT APPROVAL

This plat was approved by the KENAI PENINSULA BOROUGH PLANNING COMMISSION at the meeting of

OCTOBER 6, 1986

KENAI PENINSULA BOROUGH

By Richard P. Poppin  
Authorized official

87-8  
RECORDED  
Kenai REC. DIST.  
DATE 11/13/87  
TIME 11:33 A.M.  
By M. Scott McLane

POPPIN SUBDIVISION  
NUMBER TWO

(A RESUBDIVISION OF TRACT A POPPIN SUBDIVISION)

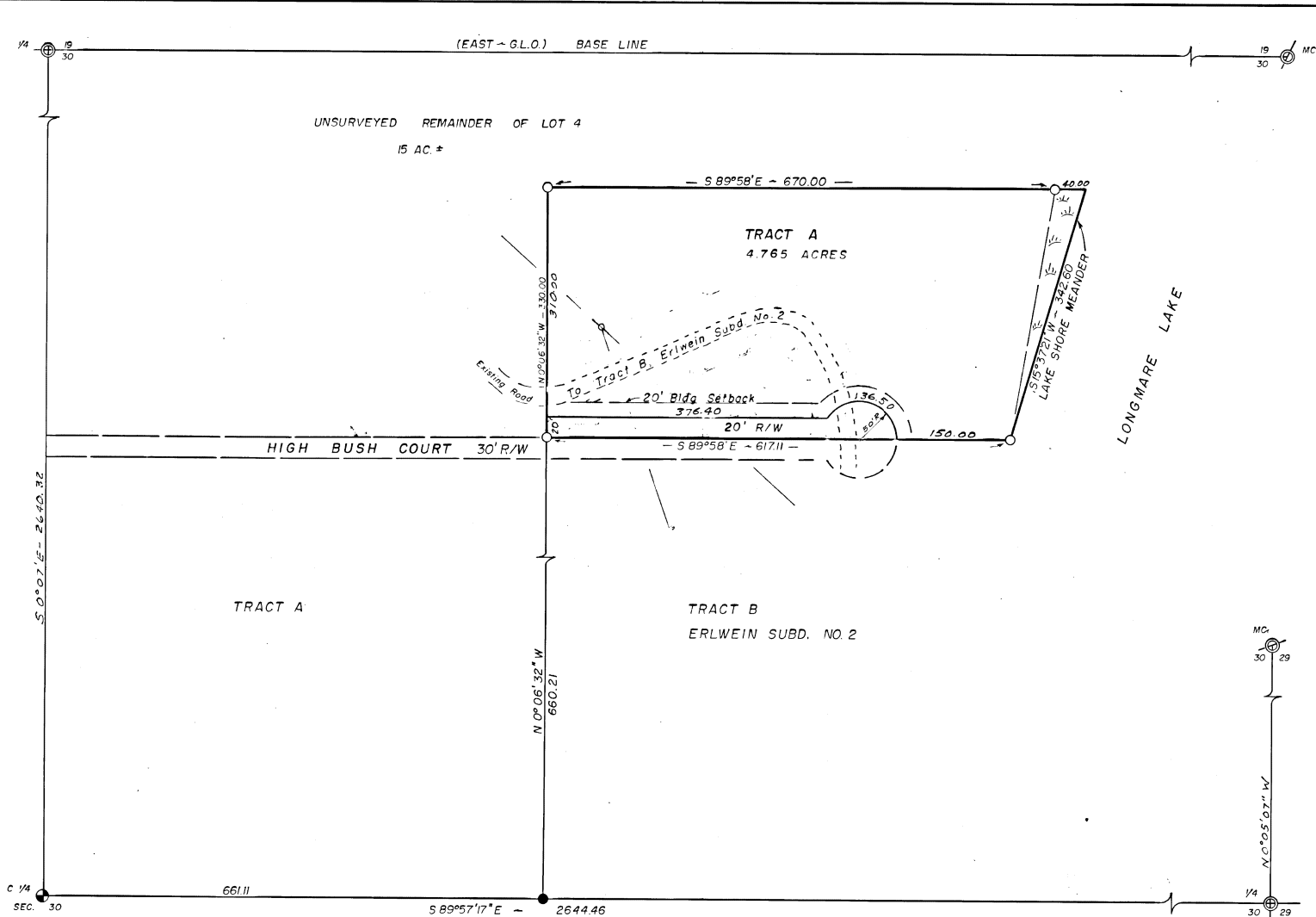
N.J. Poppin, owner  
P.O. Box 796  
Soldotna, AK 99669

LOCATION

4.768 AC. SITUATED IN S1/2 NE 1/4 SECTION 30, T5N, R9W, SEWARD MERIDIAN, ALASKA IN THE KENAI PENINSULA BOROUGH AND THE KENAI RECORDING DISTRICT.

Surveyed by: McLane and ASSOCIATES, INC.  
Soldotna, AK 99669

|                                  |                     |                           |
|----------------------------------|---------------------|---------------------------|
| DATE OF SURVEY<br>7/9 - 12/11/86 | SCALE<br>1" = 100'  | SHEET<br>1 of 1           |
| DRAWN BY gb,mt                   | BK. No. 86-25,87-05 | K.P.B. FILE No.<br>86-316 |
| CHECKED BY msm                   | JOB No. 86-2072     |                           |



#### LEGEND AND NOTES

- ⊕ Found G.L.O. brass cap monument.
- Found official survey brass cap.
- Found 1/2" rebar.
- Set 1/2" x 24" rebar.
- HEA power pole.

All bearings refer to the G.L.O. datum of East for the North line of Section 30.

#### CERTIFICATE OF OWNERSHIP AND DEDICATION:

We hereby certify that we are the owners of the property shown and described hereon. We request approval of this plat showing such easements for public utilities, roadways, and or streets dedicated by us for public use.

Date Aug 9, 72 Stanley S. McLane owner  
Date Aug 9, 72 George A. Poppin owner

#### NOTARY'S ACKNOWLEDGEMENT:

Subscribed and sworn before me this 9<sup>th</sup> day of August, 1972.

My commission expires July 1, 1974 George A. Poppin

Notary Public for Alaska

Plat approved by the Kenai Peninsula Borough Planning Commission  
this 10<sup>th</sup> day of July, 1972.

George A. Poppin  
Chairman

22-58  
RECORDED - FILED  
Kenai SEC. DIST.  
DATE 10/27 1972  
TIME 1:52 P.M.  
Submitted by KPB  
Address \_\_\_\_\_



#### POPPIN SUBDIVISION

N.J. Poppin, owner  
Rt. 3; Kenai, Alaska 99611

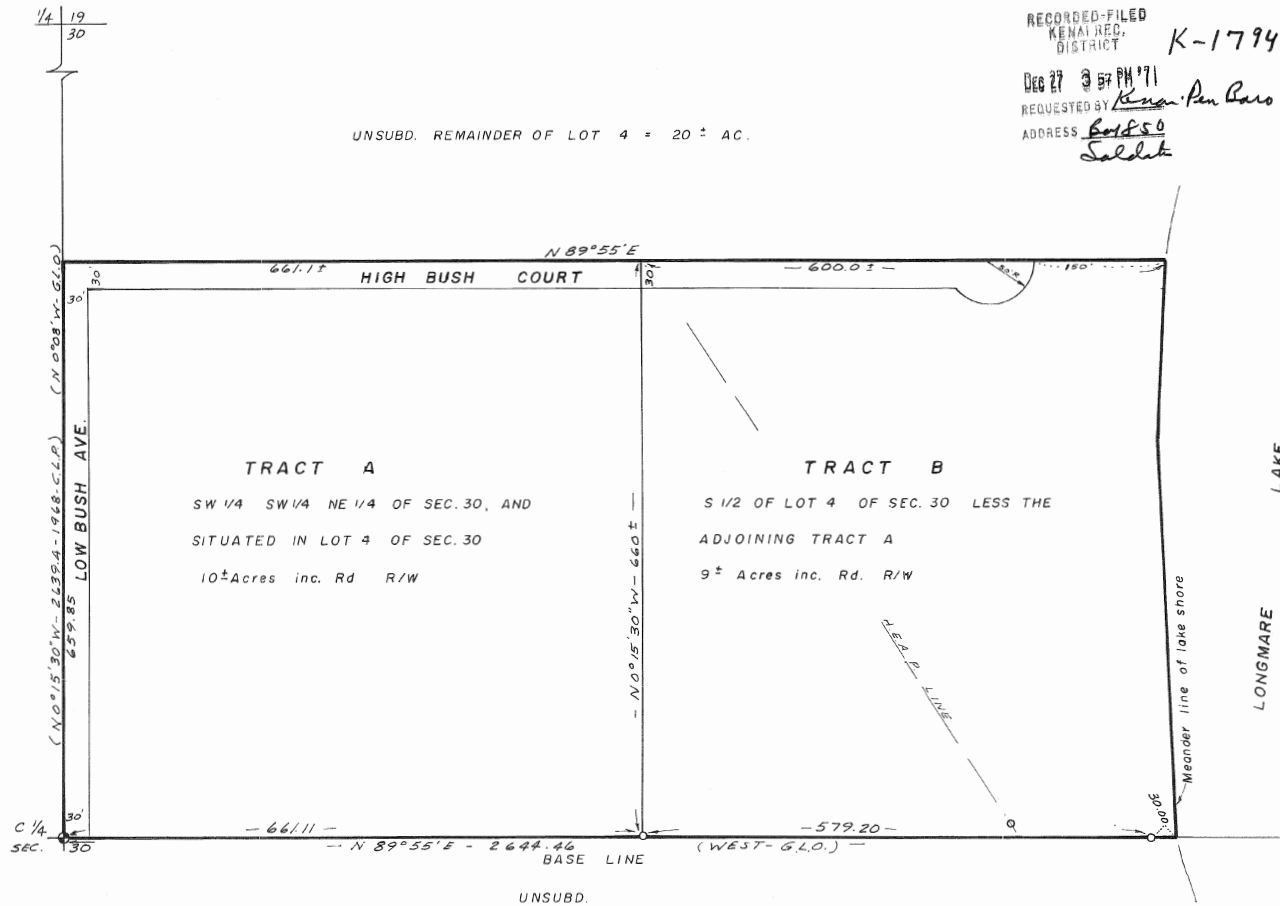
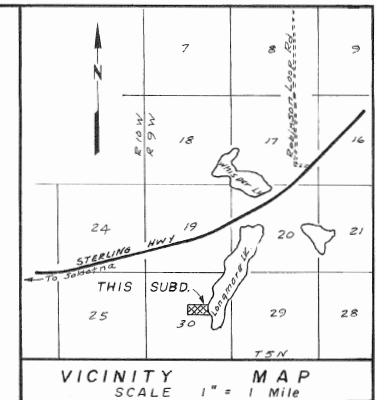
#### DESCRIPTION

5.027 ACRES SITUATED IN LOT 4 SECTION 30, T5N, R9W, S.M., ALASKA AND KENAI PENINSULA BOROUGH.

SURVEYED BY: Stanley S. McLane  
Soldotna, Ak 99669

|                                |                    |                   |
|--------------------------------|--------------------|-------------------|
| DATE OF SURVEY<br>June 6, 1972 | SCALE<br>1" = 100' | BOOK NO.<br>37-70 |
|--------------------------------|--------------------|-------------------|

RECORDED-FILED  
KENAI REC.  
DISTRICT  
K-1794  
DEC 27 3 57 PM '71  
REQUESTED BY Kenan Pen Baro  
ADDRESS Box 850  
Seldovia



LEGEND AND NOTES.

- Found U.S.G.L.Q. brass cap monument.
- Found official survey brass cap (237-S)
- Set 1/2" x 24" Rebar
- H.E.A. Power Pole

This is a paper plot subdivision by aliquot parts of a portion of the T.D. Erlwein homestead, however the south line of Tracts A and B was surveyed Aug. 27, 1971.

All bearings refer to the E-W center line of Sec. 30 as being N 89° 55' E as established by C. L. Parker (237-S) as shown on Smith-Slater subd. plat K-1548.

CERTIFICATE OF OWNERSHIP AND DEDICATION:

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREON. WE REQUEST THE APPROVAL OF THIS PLAN SHOWING SUCH EASEMENTS FOR PUBLIC UTILITIES, ROADWAYS, AND OR STREETS DEDICATED BY US FOR PUBLIC USE.

DATE Dec 27, 1971 W. J. Oppen George L. Oppen  
DATE Dec 27, 1971 J. D. Salwein Robert Salwein

NOTARY'S ACKNOWLEDGEMENT:

DEPOSED AND SWORN BEFORE ME THIS 27 DAY OF December 1971.

COMMISSION EXPIRES 7-22-72


 Francis R. Bryner  
 Notary Public for Texas

PLAY APPROVED BY THE KENYA FILM CENSORSHIP BOARD

THIS 13<sup>th</sup> DAY OF OCTOBER, 1979, George F. Lawrence



## ERLWEIN SUBDIVISION NO. 2

T. D. Erlwein P.O.Box 3138 Kenai, Ak.  
N.J. Poppin Rt. 3 Kenai, Ak.

— owners —

## DESCRIPTION

S 1/2 OF LOT 4 OF SECTION 30, T5N, R9W,  
S.M., AK. CONTAINING 19± ACRES IN THE  
KENAI PENINSULA BOROUGH.

PREPARED BY: S.S. McLane R.L.S.  
Soldofna, Ak.

|                        |                    |                  |
|------------------------|--------------------|------------------|
| DATE<br>Sept. 29, 1971 | SCALE<br>1" = 100' | BK. NO.<br>37-70 |
|------------------------|--------------------|------------------|

K-1794 ERLWEIN SUB No. 2