

E. NEW BUSINESS

- 2. Homer One Swan Cove Addn. 2022 Replat
KPB File 2022-165**



KPB File # 2022-165
S21 T06S R13W
Homer

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



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NOTES

1. BASIS OF BEARING IS FROM THE PLAT OF HOMER ONE SWAN COVE ADDN. (HM 2012-23).
2. NO FIELD SURVEY WAS PERFORMED FOR THIS REPLAT AS PERMITTED BY KP.B 20.60.200(A). MONUMENTS AND DIMENSIONS SHOWN ARE PER THE RECORDED PLAT OF HOMER ONE SWAN COVE ADDN. (HM 2012-23).
3. THIS LOT MAY BE SUBJECT TO FEMA JURISDICTIONAL FLOOD ZONE MANAGEMENT. FEMA FIRM PANEL 6045, NUMBER 02122C2020E DATED OCTOBER 20, 2016, REVISION 17-10-0041P-02017 EFFECTIVE 3/31/2017 IS CURRENT AT THIS PLAT'S COMPOSITION. CHECK WITH HOMER PLANNING DEPARTMENT FOR CURRENT STATUS PRIOR TO DEVELOPMENT.
4. 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.
5. PROPERTY IS SUBJECT TO CITY OF HOMER REGULATIONS. CHECK WITH HOMER PLANNING PRIOR TO ANY DEVELOPMENT ACTIVITIES.
6. 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.
7. THE ORDINARY HIGH WATER LINE AS DIMENSIONED WAS USED FOR AREA COMPUTATIONS. THE ORDINARY HIGH WATER LINE FORMS THE LITTORAL BOUNDARY AND GENERALLY IS IN A STATE OF CHANGE.

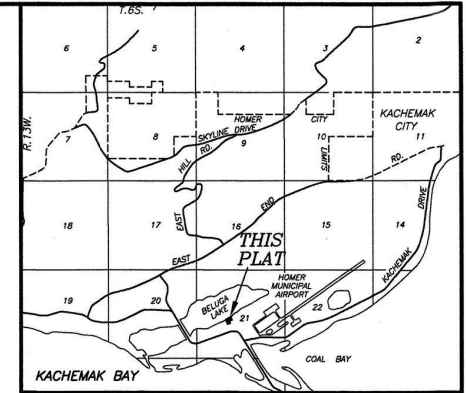
WASTEWATER DISPOSAL

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

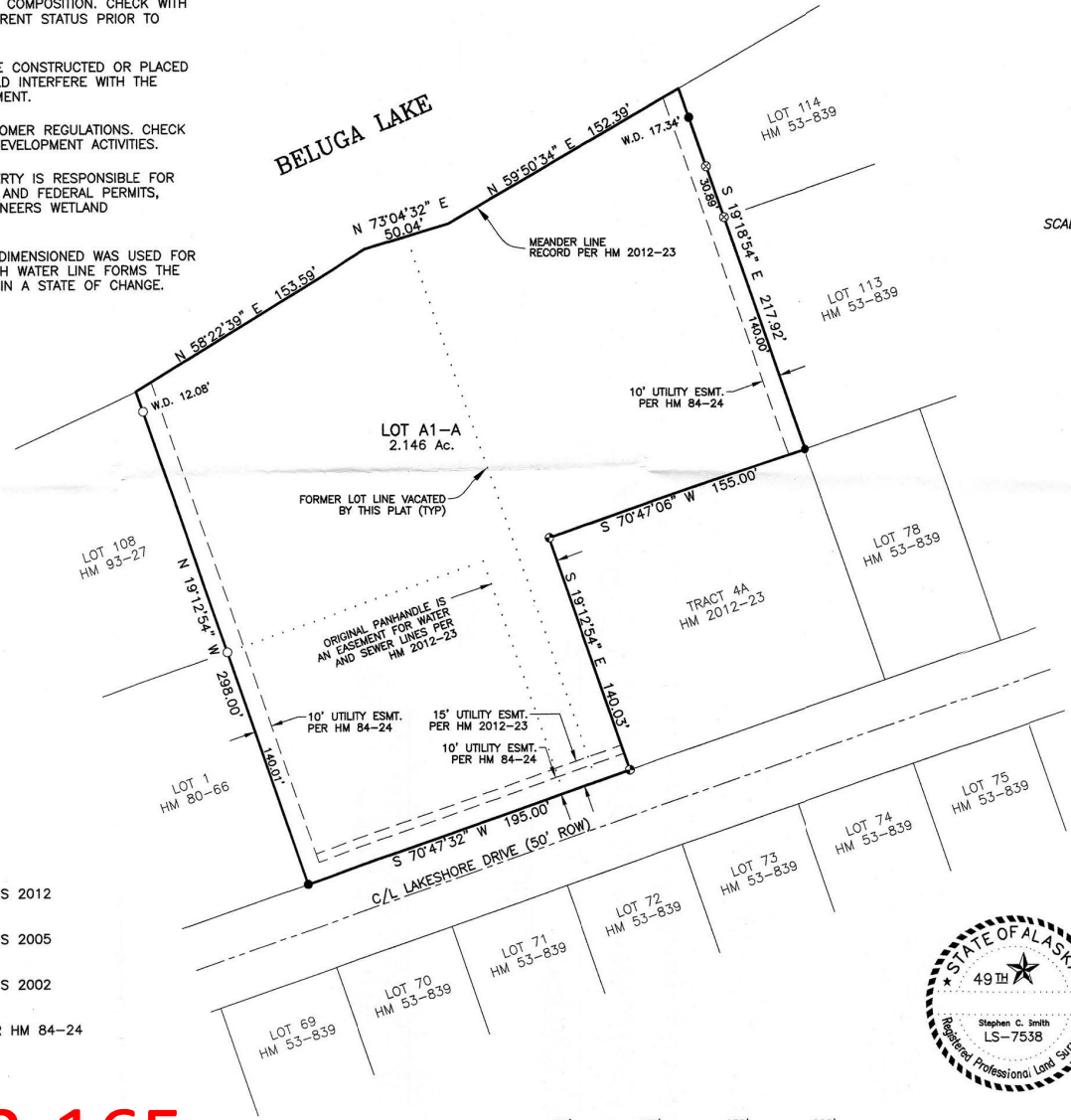
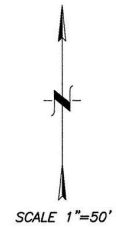
PLAT APPROVAL

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

BY: _____ DATE _____
 AUTHORIZED OFFICIAL
 KENAI PENINSULA BOROUGH



VICINITY MAP
 SCALE: 1" = 1 MILE
 U.S.G.S. QUAD. SELDOVIA (C-4 & C-5)



CERTIFICATE OF OWNERSHIP

I, THE UNDERSIGNED, HEREBY CERTIFY THAT THE NORBERG COMMUNITY PROPERTY TRUST IS THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON, AND ON BEHALF OF THE NORBERG 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.

ROBERT BURL NORBERG
 CO-TRUSTEE, NORBERG COMMUNITY
 PROPERTY TRUST
 PO BOX 1875
 HOMER, ALASKA 99603

NOTARY'S ACKNOWLEDGMENT

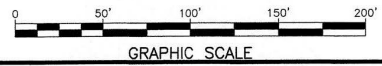
FOR ROBERT BURL NORBERG
 ACKNOWLEDGED BEFORE ME THIS _____
 DAY OF _____, 2022.
 NOTARY PUBLIC FOR ALASKA _____
 MY COMMISSION EXPIRES: _____

HOMER RECORDING DISTRICT KP.B FILE No. 2022-???

**HOMER ONE SWAN COVE ADDN.
 2022 REPLAT**
 THE COMBINATION OF LOTS A1, A2 AND A3,
 HOMER ONE SWAN COVE ADDN. (HM 2012-23)
 INTO LOT 1A-1
 LOCATED WITHIN THE NE1/4 SW1/4, SEC 21,
 T. 6 S., R. 13 W., SEWARD MERIDIAN, CITY OF HOMER, KENAI
 PENINSULA BOROUGH, THIRD JUDICIAL DISTRICT, ALASKA
 CONTAINING 2.146 ACRES
 OWNERS:
 THE NORBERG COMMUNITY PROPERTY TRUST
 PO BOX 1875 HOMER, ALASKA 99603

GEOVERA, LLC
 PO BOX 3235
 HOMER ALASKA 99603
 (907) 399-4345
 EMAIL: scsmith@gci.net

DRAWN BY: SCS	DATE: NOVEMBER 2022	SCALE: 1" = 50'
CHK BY: SCS	JOB #2022-54	SHEET 1 OF 1



KPB 2022-165

AGENDA ITEM E. NEW BUSINESS

ITEM 2 - HOMER ONE SWAN COVE ADDN 2022 REPLAT

KPB File No.	2022-165
Plat Committee Meeting:	December 12, 2022
Applicant / Owner:	Norberg Community Property Trust of Homer, Alaska
Surveyor:	Stephen Smith / Geovera, LLC
General Location:	Lakeshore Drive, City of Homer

Parent Parcel No.:	179-191-06, 179-191-07, 179-191-08
Legal Description:	Lots A1, A2, and A3, Homer One Swan Cove Addn, Plat HM 2012-23
Assessing Use:	Residential / Commercial
Zoning:	General Commercial 1 District
Water / Wastewater	City

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will combine three lots into one lot that will be 2.146 acres.

Location and Legal Access (existing and proposed): The proposed plat is located in the City of Homer between Lakeshore Drive and Beluga Lake. Lakeshore Drive is a 50 foot wide dedicated right-of-way that is constructed and managed by the City of Homer. The subdivision has multiple access routes that come from state maintained Ocean Drive or FAA Road. The most direct is either using A Street or Douglas Place to connect to Lakeshore Drive, both are 50 foot wide dedications managed by the City of Homer.

The current lots are vacant with all three having access via Lakeshore Drive. The plat will combine the lots into one and access will remain on Lakeshore Drive. Access is also available from Beluga Lake.

A Street, Lakeshore Drive, Landings Street, and Beluga Lake define the block. The block is incomplete due to the inability to dedicate a connection due to Beluga Lake. All distances within the block are compliant.

Lakeshore Drive is dedicated at 50 feet wide. KPB Code requires a minimum width of 60 feet wide. An exception has been requested.

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

Site Investigation: The proposed replat is along the shores of Beluga Lake. Lake Meander is shown per record. The preliminary plat does not indicate low wet areas. Per the Kenai Watershed Wetlands Assessment the entire subdivision is subject to a type of wetlands classification of either discharge slope or wetland/upland complex. The wetlands determination note is present. **Staff recommends the wetlands not be required to be shown but the determination note remain.**

The City of Homer requested a plat note be added with flood panel information that has been added.

The property is currently vacant and there does not appear to be any encroachment issues. The City of Homer did hear at the same meeting a conditional use permit for the property. Any construction will comply with City of Homer zoning.

KPB River Center review	<p>A. Floodplain Reviewer: Carver, Nancy Floodplain Status: Within City of Homer Comments: No comments</p> <p>B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments</p> <p>C. State Parks Reviewer: Russell, Pam Comments: No Comments</p>
State of Alaska Fish and Game	

Staff Analysis Bay View Subdivision, Plat HM 53-839, originally subdivided the area containing the subject plat. The plat created many lots around .25 acres and a few closer to .5 acres. The plat also dedicated the rights-of-way in the area. Excluding Ocean Drive, the roads on the plat were all dedicated with 50 foot width.

The subject lots were replatted by Homer One, Plat HM 84-24. That plat vacated B Street that originally went through the subject property to provide access to Beluga Lake.

The lots were replatted into their current configuration by Homer One, Swan Cove Addn, Plat HM 2012-23. That plat created four lots including two that were flag lots. Three of those lots are proposed to be reconfigured by this plat into one lot. This platting action will eliminate the flag lots and will increase the lots from under an acre each to a lot that is 2.146 acres.

City water and sewer are available. An installation agreement or documentation that one is not required will need to be submitted by the City of Homer.

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 City of Homer Planning Commission heard the preliminary plat at their October 19, 2022 regular meeting. They recommended approval with the following comments:

- “1. Include a plat note stating property is subject to the City of Homer regulations check with City of Homer Planning Department prior to any development activity.
2. Update plat note #3 to map number 02122C2020E effective 10/20/2016, revision 17-10-0041P-020107 effective 3/31/2017. Check with Kenai Peninsula Borough regarding panel number/format.
3. The City of Homer does not object to an exception to the roadway width of Lakeshore Drive.”

Items one and two have been addressed and item 3 shows their support for the exception request.

Utility Easements The original plat did not grant any easements on the subject property to carry over. The replat of the property did grant easements that are depicted and being carried over with source cited. The easements include 15 foot utility easements adjacent to Lakeshore Drive, 10 foot utility easements along the west and east boundary, and water and sewer easements within the former panhandles.

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

KPB department / agency review:

Addressing	<p>Reviewer: Haws, Derek Affected Addresses: 1450 LAKESHORE DR 1472 LAKESHORE DR 1484 LAKESHORE DR</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names: LAKESHORE DR</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>List of Street Names Denied:</p> <p>Comments: The city of Homer will advise on affected addresses.</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. Review Not Required</p>
Assessing	<p>Reviewer: Windsor, Heather Comments: No comment</p>

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

STAFF RECOMMENDATIONS
CORRECTIONS / EDITS

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.

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.

20.30.270. Different standards in cities. Where cities have enacted by ordinance different subdivision design standards than those set forth in this chapter, the planning commission shall apply the city standards in lieu of those set forth in this chapter. Any appeal of a city design standard is subject to KPB 21.01.020(E).

Staff recommendation: The City of Homer does not meet the specified requirements for the application and consideration of different standards.

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: City water and sewer available.

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.

20.60.080. Improvements-Installation agreement required. A final plat of a subdivision located within city limits shall not be recorded with the district recorder prior to compliance with any city ordinances concerning the installation of improvements. Evidence of compliance shall be provided by the subdivider in the form of a written statement from the appropriate city official that improvements required by city ordinance are or will be installed. Evidence of compliance shall be a part of the final plat submission and the time for action required by KPB 20.60.210 shall not commence until evidence of compliance is submitted.

Staff recommendation: Installation agreement or documentation one is not required must be submitted.

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.

B. Revision of, or not carrying forward, an existing plat note from the parent plat will adhere to KPB 20.50.010. Separate advertising of the plat note removal is not required, Notification of the requested change will be sent by regular mail to all owners within the subdivision (parent plat and subsequent replats) as shown on the borough tax rolls. Upon approval by the planning commission, the revision or removal of the record plat note shall be finalized by recording a planning commission resolution or subdivision plat.

Staff recommendation: Place the following notes on the plat.

- Add a note for any exception granted.

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: Correct typo at the beginning of Certificate of Ownership. Comply with 20.60.190.

EXCEPTIONS REQUESTED:

KPB 20.30.120 – Street-Width Requirements

Surveyor's Discussion: I would like to request an exception KPB 20.30.120 for the right-of-way width. The city staff report and planning commission minutes show, the city does not object to the current width of the right-of-way.

Staff Discussion: KPB Code 20.30.120 states that the minimum right-of-way width shall be 60 feet. Lakeshore Drive is only a 50 foot wide dedication.

Findings:

1. KPB Code 20.30.120 required 60 foot wide rights-of-way.
2. Lakeshore Drive is only 50 feet wide.
3. Lakeshore Drive was dedicated as 50 feet wide in 1953.
4. Lakeshore Drive was one of several rights-of-way dedicated by Bay View Subdivision, Plat HM 53-839, that were only dedicated as 50 feet wide.
5. Numerous replats have occurred along Lakeshore Drive without requiring additional dedication for the right-of-way.
6. Lakeshore Drive is constructed and maintained by the City of Homer.
7. The majority of the lots along Lakeshore Drive have been developed and limit getting additional right-of-way widths.
8. At the October 19, 2022 City of Homer Planning Commission meeting they did not object the exception for right-of-way width being granted.
9. Allowing the 50 foot dedication to remain can be supported by the Kenai Peninsula Borough Comprehensive Plat 2019 as an effort to maintain the historic nature of the community.

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 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 3-9 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 3-9 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 3-9 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.

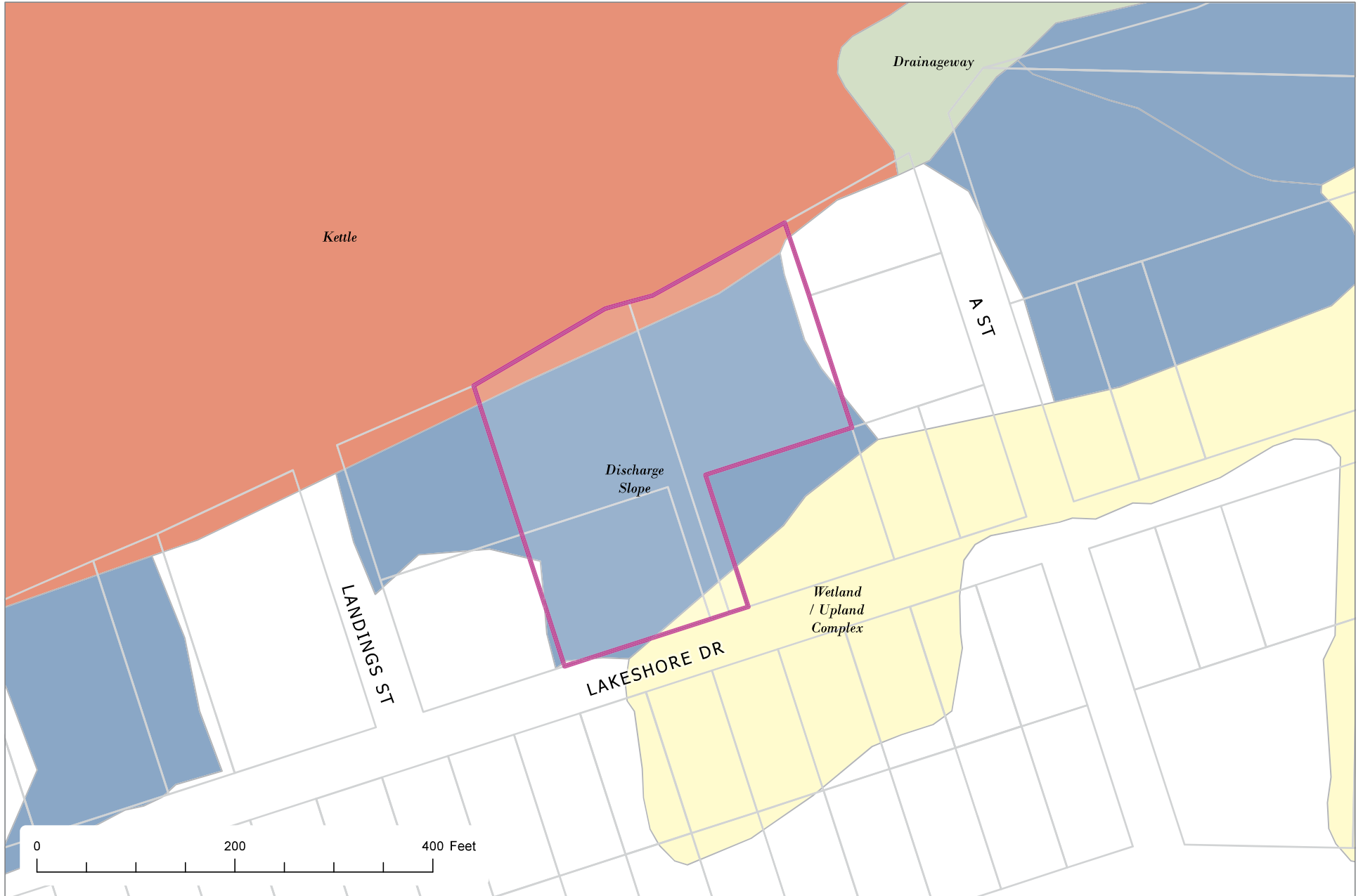
A PARTY OF RECORD MAY REQUEST THAT A DECISION OF THE PLAT COMMITTEE BE REVIEWED BY THE PLANNING COMMISSION BY FILING A WRITTEN REQUEST WITHIN 15 DAYS OF NOTIFICATION OF THE DECISION IN ACCORDANCE WITH KPB 2.40.080.

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



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BAY VIEW SUBDIVISION

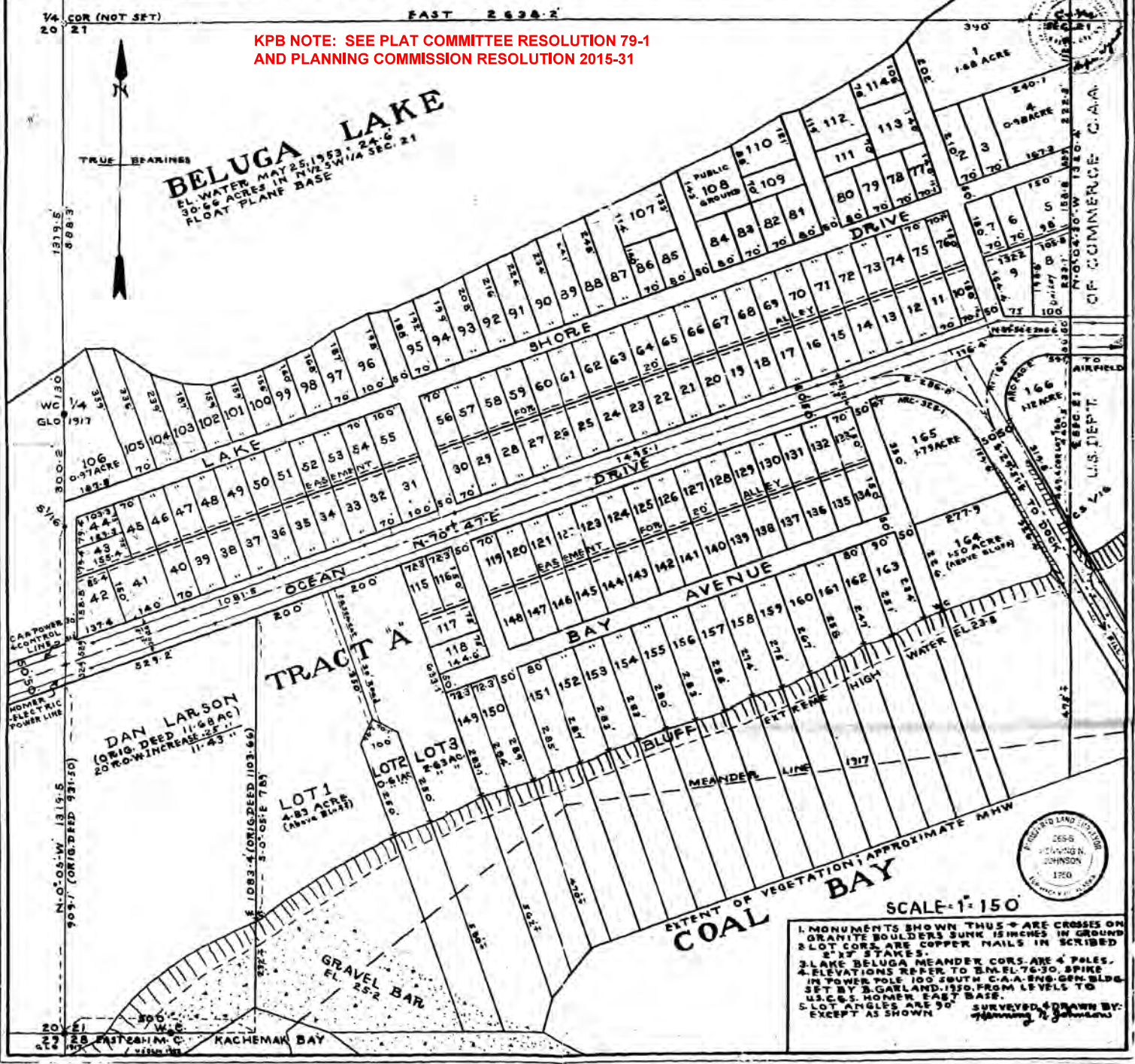
DEVELOPED BY GOTTFRIED KOHLER, IN SW 1/4 SEC. 21
T-6S-R13S-M ALASKA UNITED STATES OF AMERICA

WITNESSETH: I, GOTTFRIED KOHLER, DO HEREBY DEDICATE THE STREETS, ALLEYS, PUBLIC GROUND, AND THAT PORTION OF THE NE 1/4 SEC. 21 COVERED BY BELUGA LAKE, AS SHOWN ON THIS PLAT, TO USE OF THE GENERAL PUBLIC FOREVER, FOR FORESS, INGRESS AND UTILITIES. ON THIS 25th OF JUNE 1953, BEFORE ME A NOTARY, IN AND FOR THE TERRITORY OF ALASKA, CAME GOTTFRIED KOHLER, KNOWN TO ME TO BE THE PERSON WHO SIGNED THIS DEDICATION, THAT HE ACKNOWLEDGED HE SIGNED SAME FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES STATED HEREIN.

Notary Public
Hopewell Grant
Special Agent
Notary Public



KPB NOTE: SEE PLAT COMMITTEE RESOLUTION 79-1
AND PLANNING COMMISSION RESOLUTION 2015-31



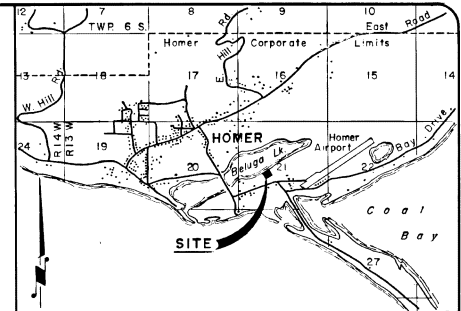
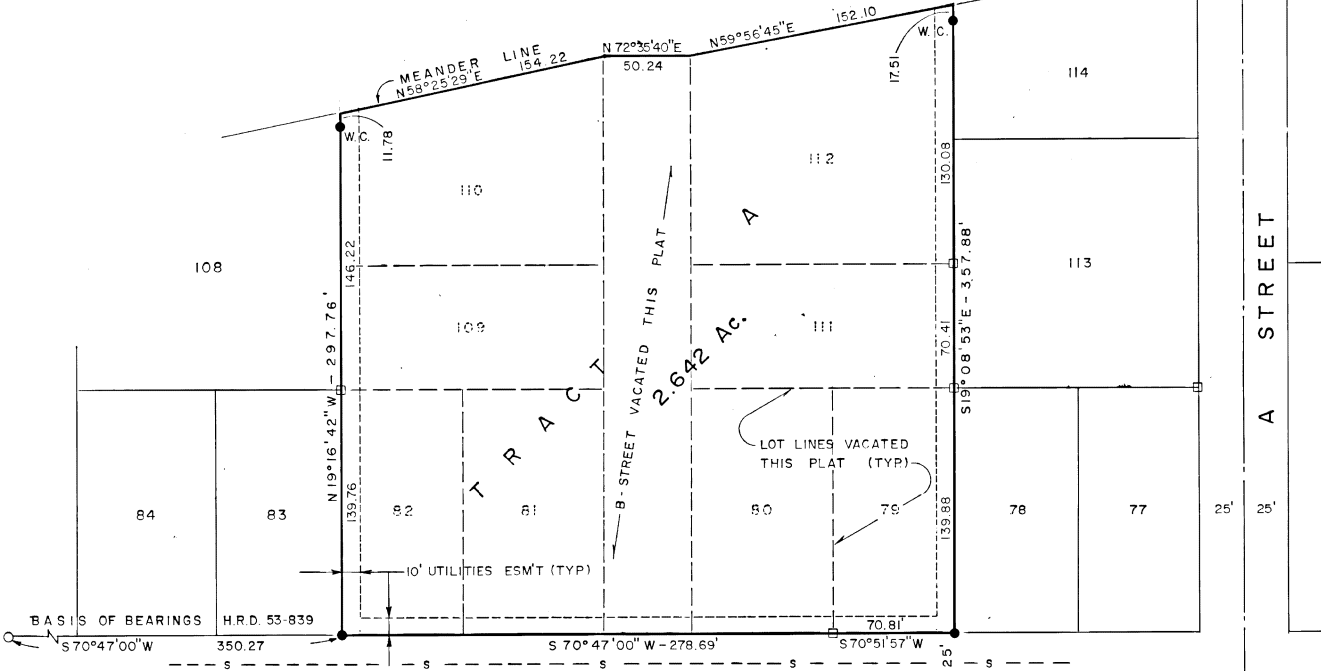
1. MONUMENTS SHOWN THUS + ARE CROSSES ON GRANITE BOULDERS SUNK 15 INCHES IN GROUND
 2. LOT CORNERS ARE COPPER NAILS IN SCRIBED 2" X 2" STAKES
 3. LAKE BELUGA MEANDER CORNERS ARE 4' POLES.
 4. ELEVATIONS REFER TO B.M. EL. 76.30 SPIKE IN TOWER POLE 100 SOUTH C.A.A. ENG. GEN. BLDG. SET BY B. GARLAND, 1950, FROM LEVELS TO U.S.C.S. HOMER EAST BASE.
 5. LOT ANGLES ARE 90° EXCEPT AS SHOWN
- SURVEYED & DRAWN BY:
Hopewell Grant

LEGEND

- 2"x3" WOOD STAKE RECOVERED THIS SURVEY.
- 1/2"x30" STEEL PIN SET THIS SURVEY.
- S- EXISTING MUNICIPAL SEWER LINE.
- W- EXISTING MUNICIPAL WATER LINE.
- W.C. WITNESS CORNER
- RECOVERED 1" IRON PIPE.

B E L U G A

L A K E



VICINITY MAP
U.S.G.S. Quadrangle Seldovia (C4,C5) Ak Scale: 1" = 1 Mile

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 streets, alleys, and other open spaces to public use, and easements to the use shown.

Wayne F. Larson *Maurice A. Larson*
 WAYNE F. LARSON MAURICE A. LARSON
 SPA BOX 10326, FAIRBANKS, AK 99701 H&R ATTORNEY
 WIS ATTORNEY
Wayne F. Larson *Maurice A. Larson*
 IN FACT IN FACT

NOTARY'S ACKNOWLEDGEMENT

Subscribed and sworn before me this 27th
 day of February, 1984, for Wayne F. Larson
 AND Maurice A. Larson

Robert M. Miller
 Notary Public for Alaska

December 9, 1986
 My commission expires

* WAYNE F. LARSON AS AN INDIVIDUAL
 AND MAURICE A. LARSON AS ATTORNEY-
 IN-FACT FOR MAURICE A. LARSON
 AND NELLIE C. LARSON

SURVEYOR'S CERTIFICATE

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

Wayne F. Larson 3-19-84
 Date
 Martin L. Hanson, L.S.
 Reg. No. 3815-S

PLAT APPROVAL

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of November 2, 1977
 Kenai Peninsula Borough
 By *[Signature]*

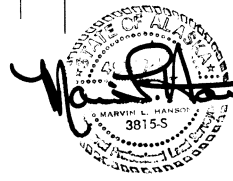
HOMER ONE

RESUBDIVISION OF LOTS 79, 80, 81, 82, 109, 110, 111, 112,
 AND VACATION OF "B" STREET,
 all within BAY VIEW SUBDIVISION, situated within
 NE 1/4, SW 1/4, Sec 21, T6S, R13W, S.M.
 within the City of Homer, Alaska
 Containing 2.642 Acres

HANSON & COMPANY
 REGISTERED SURVEYORS

BOX 490 HOMER, ALASKA 99603-235-8179
 SCALE DATE: NOV., 1983 COMP FILE: HCH-1-P59
 1" = 50' DRAFT: J.B., M.H. DWG No. 8147-2 JOB No. 8147

84-24
 FILED 10-8
 HOMER REC.DIST.
 DATE 3-20 1984
 TIME 11:09 A.M.
 Requested By *Hanson*
 Address *for KFB*
Seldovia



Commissioner Stark concluded his comments noting that the Commission needs to strike a balance addressing tourism and nature, Homer is a destination for photographers, bear viewing and consideration of the property owners selling their property and reaping those benefits of their hard earned efforts.

VOTE. YES. VENUTI, HIGHLAND, CONLEY, STARK, BARNWELL

Motion carried.

Vice Chair Highland called a recess at 8:11 p.m. The meeting was called back to order at 8:20 p.m.

PLAT CONSIDERATION(S)

A. Staff Report 22-63, Preliminary Plat Homer One Swan Cove Addn.2022 Replat

Vice Chair Highland introduced the item and deferred to the City Planner.

City Planner Abboud provided a summary of Staff Report 22-63 for the Commission.

Matt Hambrick, representative for the applicant stated he was present and available for questions from the Commission.

Vice Chair Highland opened the public comment period.

Vice Chair Highland closed the comment period having no one in Council Chambers from the public and no indication from members of the public attending via Zoom wanting to provide comment on the action.

Vice Chair Highland requested questions from the Commission for the City Planner and the Applicant.

Hearing no questions from the Commission, Vice Chair Highland requested a motion and second.

CONLEY/BARNWELL MOVED TO ADOPT STAFF REPORT 22-63 AND RECOMMEND APPROVAL OF THE PRELIMINARY PLAT WITH THE FOLLOWING COMMENTS:

1. INCLUDE A PLAT NOTE STATING PROPERTY IS SUBJECT TO THE CITY OF HOMER REGULATIONS CHECK WITH CITY OF HOMER PLANNING DEPARTMENT PRIOR TO ANY DEVELOPMENT ACTIVITY.
2. UPDATE PLAT NOTE #3 TO MAP NUMBER 02122C2020E EFFECTIVE 10/20/2016, REVISION 17-10-0041P-020107 EFFECTIVE 3/31/2017 CHECK WITH KENAI PENINSULA BOROUGH REGARDING PANEL NUMBER/FORMAT.
3. THE CITY OF HOMER DOES NOT OBJECT TO AN EXCEPTION TO THE ROADWAY WIDTH OF LAKESHORE DRIVE.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.



City of Homer

www.cityofhomer-ak.gov

Planning
491 East Pioneer Avenue
Homer, Alaska 99603

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

Staff Report 22-63

TO: Homer Planning Commission **22-63**
 FROM: Rick Abboud, City Planner, AICP
 DATE: 10/19/2022
 SUBJECT: Homer One Swan Cove Addn. 2022 Replat

Requested Action: Approval of a Preliminary Plat that combines three lots.

General Information:

Applicants:	Robert Burl Norberg PO Box 1875 Homer, AK 99603	Steve Smith Geovera, LLC PO Box 3235 Homer, AK 99603
Location:	1450 Lakeshore Drive	
Parcel ID:	17919106, 17919107 & 17919108	
Size of Existing Lot(s):	.5, .77 & .87 Acres	
Size of Proposed Lots(s):	2.146 Acres	
Zoning Designation:	General Commercial 1 District	
Existing Land Use:	Vacant	
Surrounding Land Use:	North: Beluga Lake South: Residential/storage/vacant East: Residential/storage West: Residential	
Comprehensive Plan:	Goal 4: Support the development of a variety of well-defined commercial/business districts for a range of commercial purposes.	
Wetland Status:	Area may be a discharge slope.	
Flood Plain Status:	Area along edge of Beluga Lake has an A21 flood plain designation.	
BCWPD:	Not within the Bridge Creek Watershed Protection District.	
Utilities:	City water and sewer are available	
Public Notice:	Notice was sent to 74 property owners of 57 parcels as shown on the KPB tax assessor rolls.	

Analysis: This subdivision is within the General Commercial 1 District. This plat combines 3 lots into 1 lot.

Homer City Code 22.10.051 Easements and rights-of-way

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

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements.

- C. The subdivider shall dedicate easements or rights-of-way for sidewalks, bicycle paths or other non-motorized transportation facilities in areas identified as public access corridors in the Homer Non-Motorized Transportation and Trail Plan, other plans adopted by the City Council, or as required by the Kenai Peninsula Borough Code.

Staff Response: The plat meets these requirements.

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

- A. Within the Title Block:
 - 1. Names of the subdivision which shall not be the same as an existing city, town, tract or subdivision of land in the borough, of which a plat has been previously recorded, or so nearly the same as to mislead the public or cause confusion;
 - 2. Legal description, location, date, and total area in acres of the proposed subdivision; and
 - 3. Name and address of owner(s), as shown on the KPB records and the certificate to plat, and registered land surveyor;

Staff Response: The plat meets these requirements.

- B. North point;

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements.

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

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

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements.

Public Works Comments:

1. No objections.

A development agreement is not required

Fire Department Comments: *None*

Staff Recommendation:

Planning Commission recommend approval of the preliminary plat with the following comments:

1. Include a plat note stating “Property is subject to City of Homer regulations. Check with Homer Planning prior to any development activity.”
2. Update plat note #3 to map number 02122C2020E effective 10/20/2016, *Revision 17-10-0041P-020107 effective 03/31/2017....* Check with Kenai Peninsula Borough regarding panel number/format.
3. The City of Homer does not object to an exception to the roadway wide of Lakeshore Drive.

Attachments:

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

NOTES

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2. NO FIELD SURVEY WAS PERFORMED FOR THIS REPLAT AS PERMITTED BY KPB 20.60.200(A), MONUMENTS AND DIMENSIONS SHOWN ARE PER THE RECORD PLAT OF HOMER ONE SWAN COVE ADDN. (HM 2012-23).
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WASTEWATER DISPOSAL

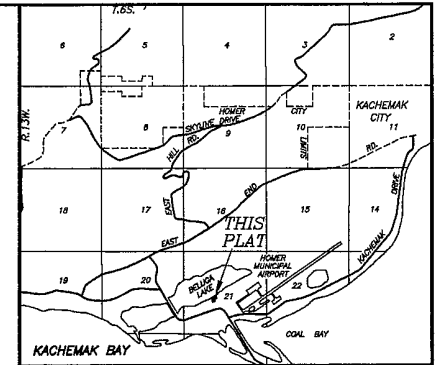
PLANS FOR WASTEWATER DISPOSAL THAT MEET REGULATORY REQUIREMENTS ARE ON FILE AT THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

PLAT APPROVAL

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

BY: _____
 AUTHORIZED OFFICIAL
 KENAI PENINSULA BOROUGH

DATE _____



VICINITY MAP

SCALE: 1" = 1 MILE U.S.G.S. QUAD. SELDOVNA (C-4 & C-5)

SCALE 1"=50'

CERTIFICATE OF OWNERSHIP

I, THE UNDERSIGNED, HEREBY CERTIFY THAT THE NORBERG COMMUNITY PROPERTY TRUST IS THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON, AND ON BEHALF OF THE NORBERG 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.

ROBERT BURL NORBERG
 CO-TRUSTEE, NORBERG COMMUNITY
 PROPERTY TRUST
 PO BOX 1875
 HOMER, ALASKA 99603

NOTARY'S ACKNOWLEDGMENT

FOR ROBERT BURL NORBERG
 ACKNOWLEDGED BEFORE ME THIS _____
 DAY OF _____, 2022.

NOTARY PUBLIC FOR ALASKA
 MY COMMISSION EXPIRES: _____

HOMER RECORDING DISTRICT KPB FILE No. 2022-???

HOMER ONE SWAN COVE ADDN. 2022 REPLAT

THE COMBINATION OF LOTS A1, A2 AND A3, HOMER ONE SWAN COVE ADDN. (HM 2012-23) INTO LOT 1A-1

LOCATED WITHIN THE NE1/4 SW1/4, SEC 21, T. 6 S., R. 13 W., SEWARD MERIDIAN, CITY OF HOMER, KENAI PENINSULA BOROUGH, THIRD JUDICIAL DISTRICT, ALASKA CONTAINING 2.146 ACRES

OWNERS:
 THE NORBERG COMMUNITY PROPERTY TRUST
 PO BOX 1875 HOMER, ALASKA 99603

GEOVERA, LLC

PO BOX 3235
 HOMER ALASKA 99603
 (907) 399-4345
 EMAIL: scsmith@gci.net

DRAWN BY: SCS DATE: SEPT. 2022 SCALE: 1" = 50'
 CHK BY: SCS JOB #2022-54 SHEET 1 OF 1

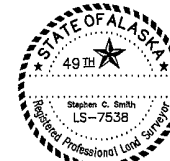
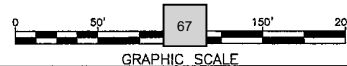
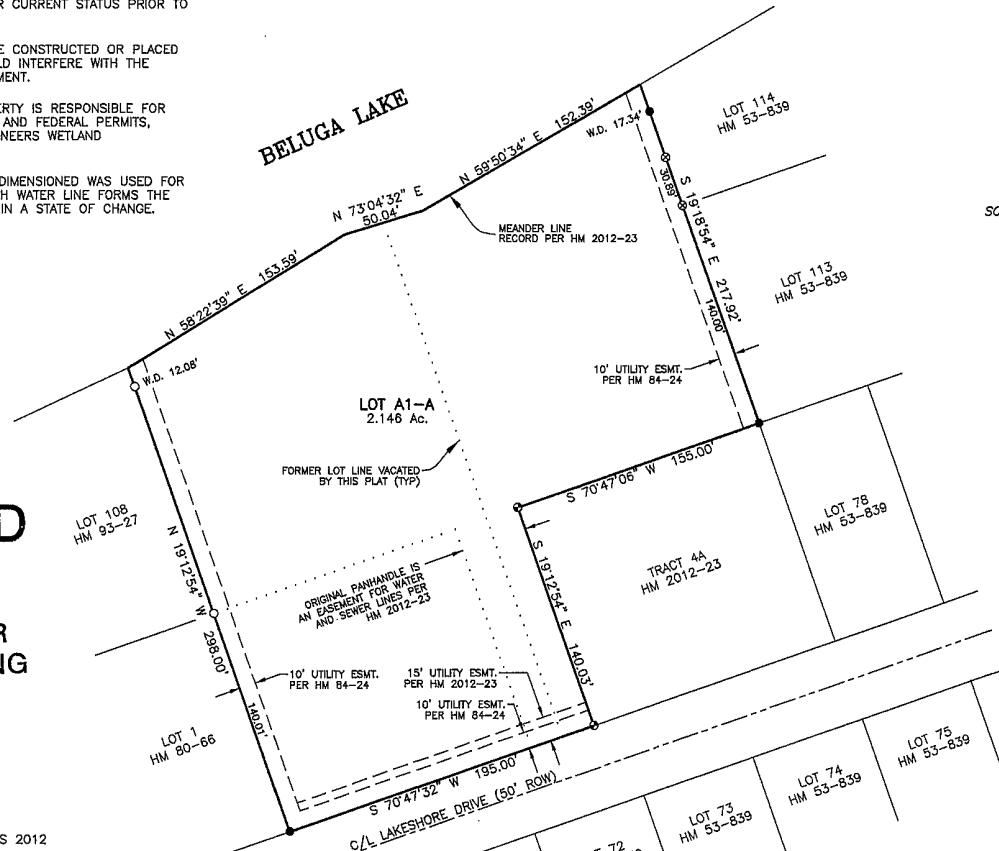
RECEIVED

SEP 20 2022

**CITY OF HOMER
 PLANNING/ZONING**

LEGEND

- INDICATES 2" ALCAP 7610-S 2012 (RECORD HM 2012-23)
- INDICATES 2" ALCAP 7610-S 2005 (RECORD HM 2012-23)
- ⊗ INDICATES 2" ALCAP 7610-S 2002 (RECORD HM 2012-23)
- INDICATES 1/2" REBAR PER HM 84-24 (RECORD HM 2012-23)



Geovera, LLC

PO Box 3235 • Homer, Alaska 99603 • (907) 399-4345 • scsmith@gci.net

September 13, 2022

City of Homer
Planning Department
Julie Engebretsen, Deputy City Planner
491 E. Pioneer Ave.
Homer, Alaska 99603

RECEIVED

SEP 20 2022

**CITY OF HOMER
PLANNING/ZONING**

RE: Homer One Swan Cove Addn. 2022 Replat

Julie,

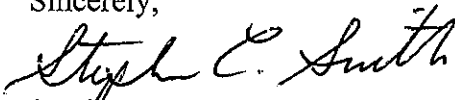
Please find enclosed (1) full size copy and (2) 11X17 copies of the preliminary plat of Homer One Swan Cove Addn. 2022 Replat, and a \$300.00 check for the submittal fee.

This plat combines Lots A1, A2 and A3 into a single lot. This plat was prepared using record data from the plat of Homer One Swan Cove Addn. (HM 2012-23 in accordance with KPB 20.60.200(A). No field survey is being done:

The note on the parent plat referencing the FEMA FIRM panel data has been revised to reflect the current FIRM panel designation. The plat references the water and sewer service easement within the original panhandle portion of original Lots A2 and A3 as described in Note 7 of the parent plat. Those easements will remain.

Please let me know if you have any questions. You can reach me at any time at (907) 399-4345. Thanks!

Sincerely,


Stephen C. Smith P.L.S.

NOTICE OF SUBDIVISION

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

Proposed subdivision under consideration is described as follows:

Homer One Swan Cove Addn. 2022 Replat

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

A public meeting will be held by the Homer Planning Commission on Wednesday, August 3, 2022 at 6:30 p.m. In-person meeting participation is available in Cowles Council Chambers located downstairs at Homer City Hall, 491 E. Pioneer Ave., Homer, AK 99603. To attend the meeting virtually, visit zoom.us and enter the Meeting ID & Passcode listed below. To attend the meeting by phone, dial any one of the following phone numbers and enter the Webinar ID & Passcode below, when prompted: 1-253-215-8782, 1-669-900-6833, (toll free) 888-788-0099 or 877-853-5247.

Meeting ID: 979 8816 0903

Passcode: 976062

Additional information regarding this matter will be available by 5pm on the Friday before the meeting. This information will be posted to the City of Homer online calendar page for October 19, 2022 at <https://www.cityofhomer-ak.gov/calendar>. It will also be available at the Planning and Zoning Office at Homer City Hall and at the Homer Public Library.

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

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

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

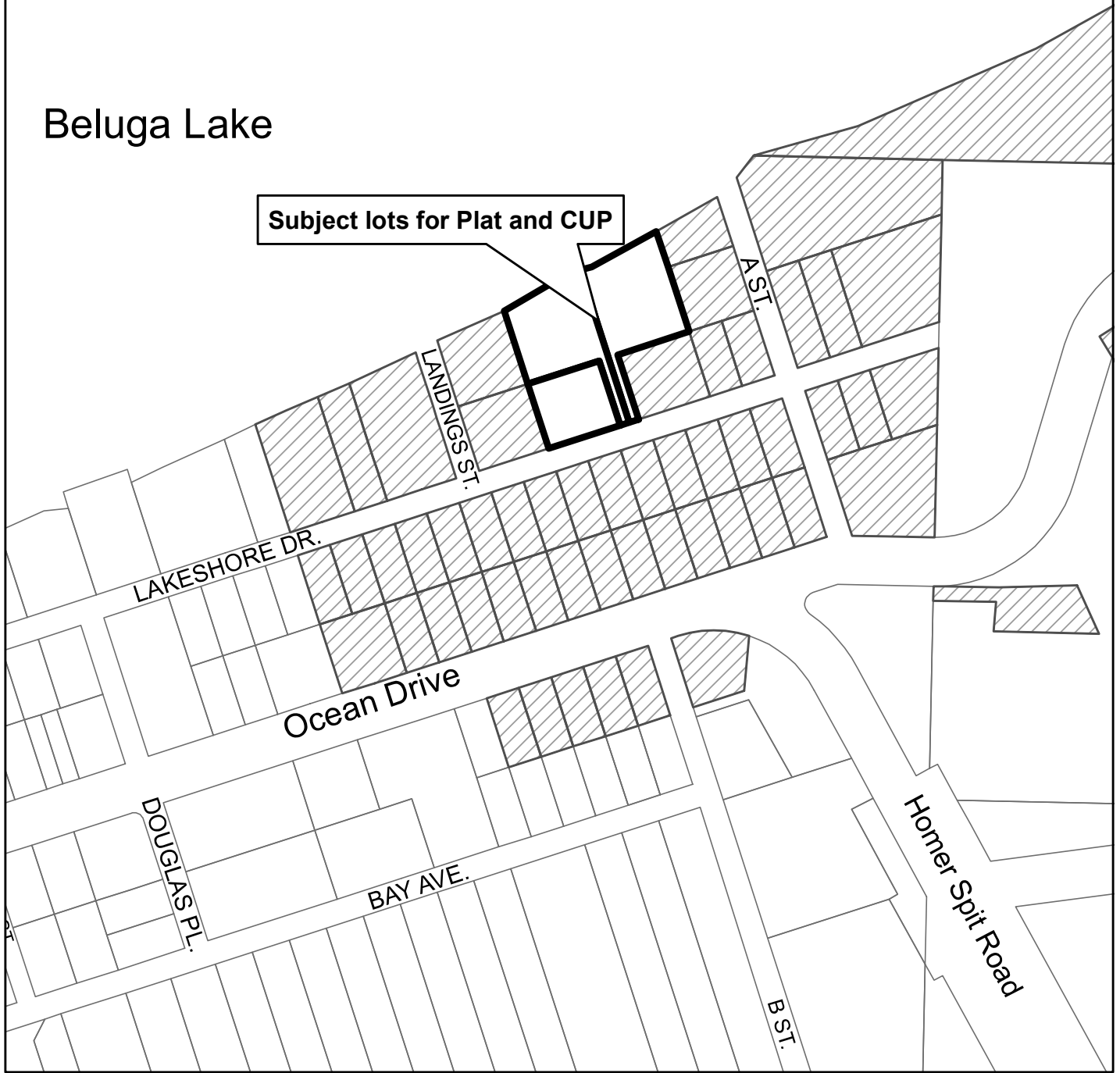
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VICINITY MAP ON REVERSE

Vicinity Map

Beluga Lake

Subject lots for Plat and CUP

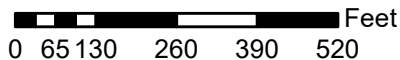


City of Homer
Planning and Zoning Department

October 4, 2022

Request for Preliminary Plat and Conditional Use Permit

Marked lots are within the 500 feet
and have recieved notification.



*Disclaimer:
It is expressly understood the City of
Homer, its council, board,
departments, employees and agents are
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contained herein, or deductions, interpretations
or conclusions drawn therefrom.*

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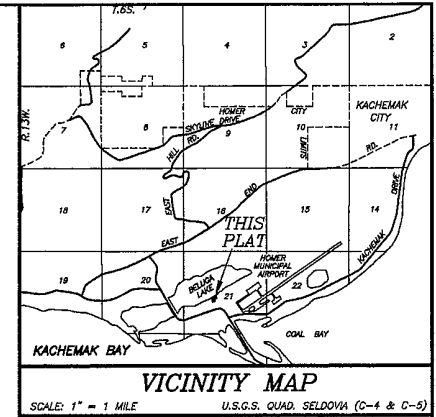
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BY: _____
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 DAY OF _____, 2022.

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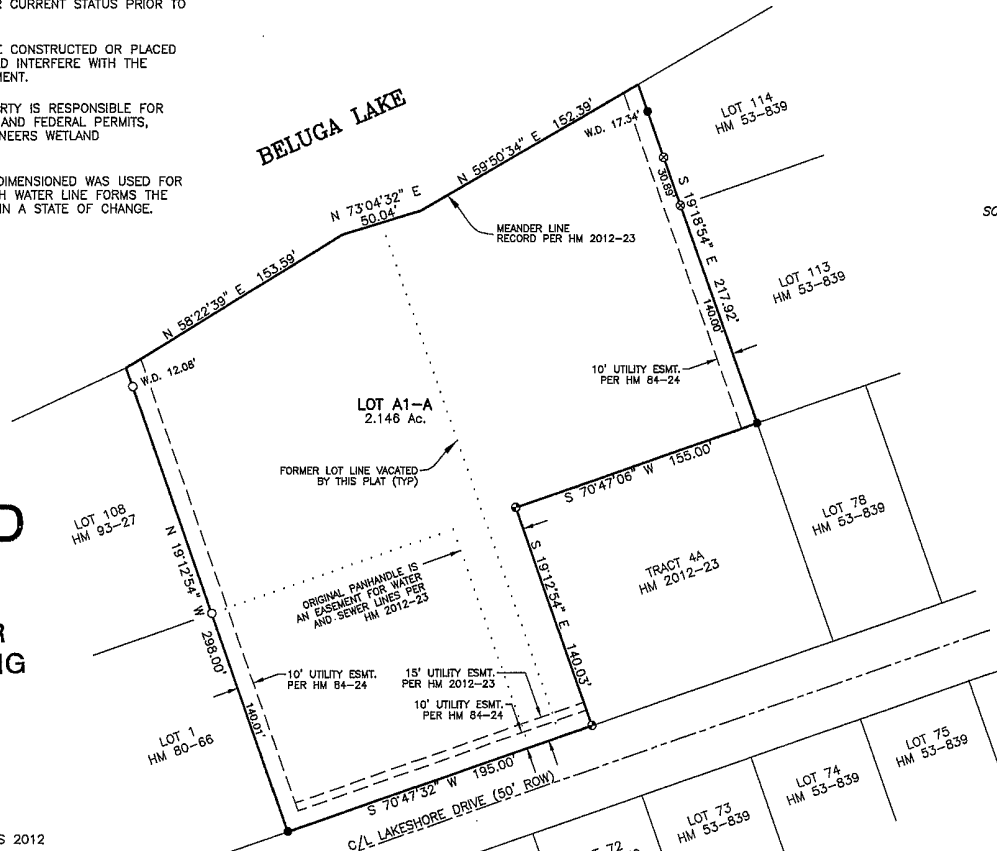
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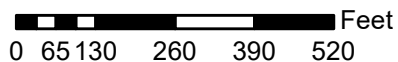


City of Homer
Planning and Zoning Department

October 4, 2022

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