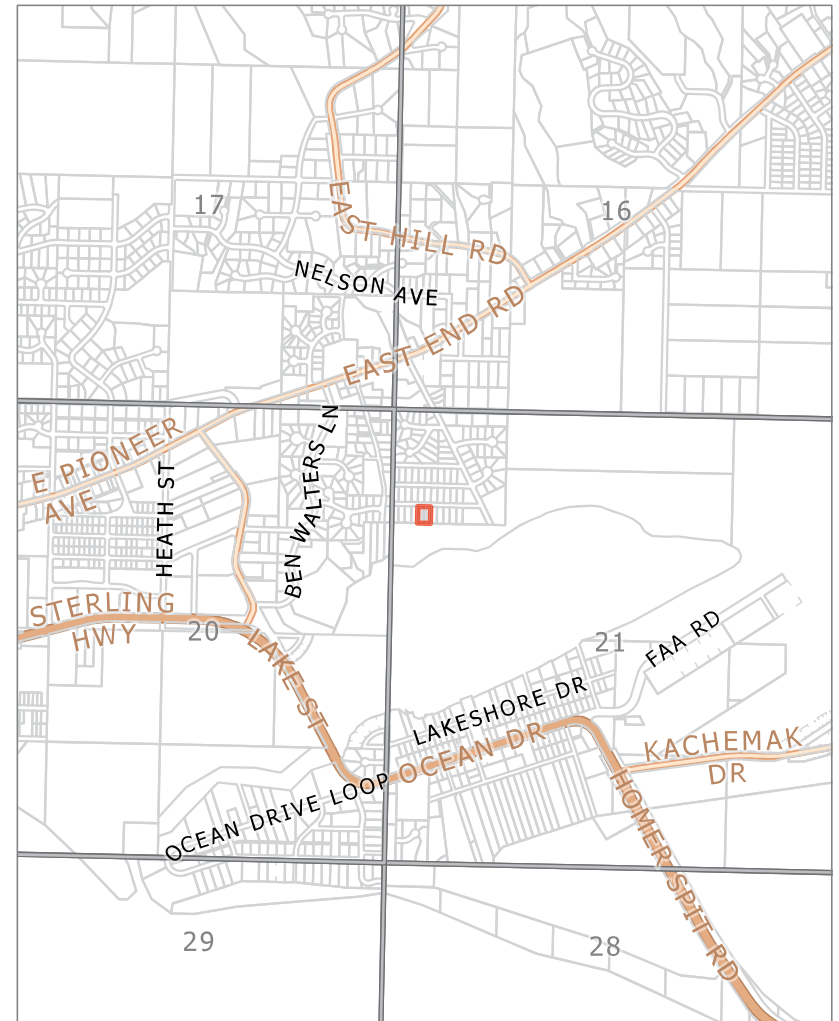


## **E. NEW BUSINESS**

- 5. Virginia Lyn 2025 Replat; KPB File 2025-062  
Mullikin Surveys / Mustard Seed iTrust  
Location: Virginia Lyn Way Near Beluga Lake  
City of Homer**



KPB File 2025-062  
T 6S R 13W Sec21  
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.



# NOTES:

- The Base of Bearing for this survey was determined by high precision GNSS survey using Trimble R-10 survey grade receivers, differentially corrected and processed using Spectra Geospatial Survey Pro 6.8.1.7.
- A bulking setback of 20 feet is required from all street rights-of-way unless a lesser standard is approved by resolution of the appropriate planning commission.
- The northern 10 feet of Lots 53 and 54, adjoining the southern edge of Virginia Lyn Way right-of-way, are subject to an underground utility and slope maintenance easement for the placement and maintenance of utilities, and for maintenance of slopes per document No. 2019-002812, Homer Recording District.
- An easement over, across, under and through Lots 53 and 54 for a public use right-of-way, including the right to construct, operate, and maintain public improvements and utilities of all kinds, was granted to the City of Homer in Book 61, Pages 79 through 81, Serial Nos 71-835 and 71-836, Homer Recording District.
- 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: Wastewater treatment and disposal systems must meet the regulatory requirements of the Alaska Department of Environmental Conservation.
- Any person developing the property is responsible for obtaining all required local, state, and federal permits, including a U.S. Army Corps of Engineers wetlands determination, if applicable.
- Acceptance of this plat by the Kenai Peninsula Borough does not indicate acceptance of any encroachments.

## SURVEYORS 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 supervision, that the monuments shown hereon actually exist as described, and that all dimensions and other details are correct.

Date: \_\_\_\_\_  
Registration No.: 14449-S  
Christopher L. Mullikin,  
Professional Land Surveyor



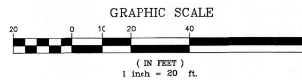
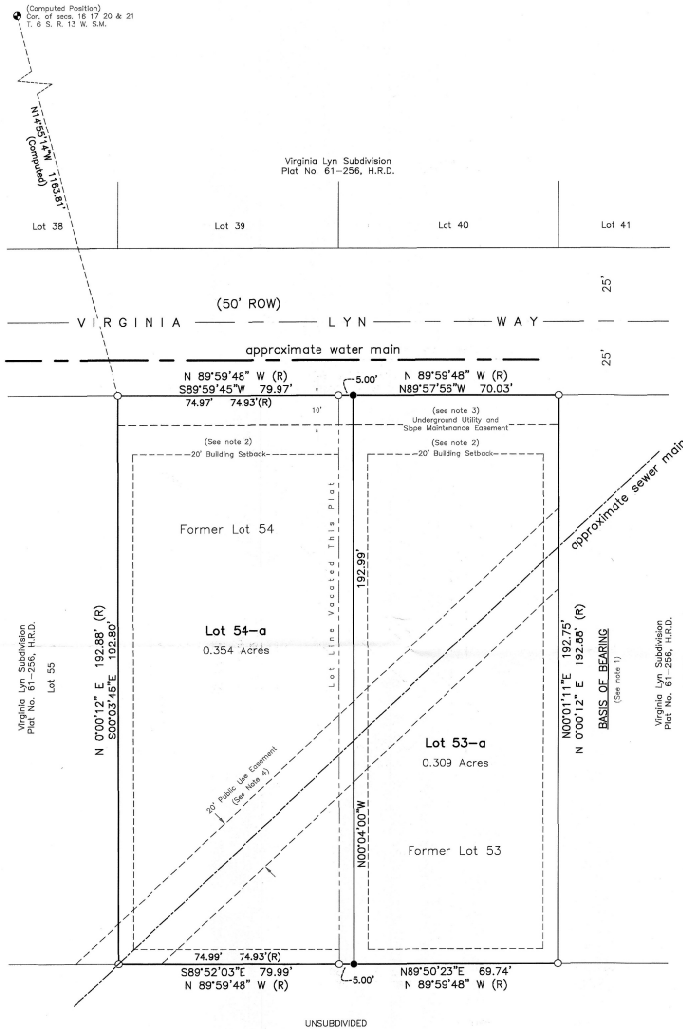
## LEGEND

- Record GLO 3 3/4" Brass Cap on Iron Post, 1917
- Set 2" Aluminum Cap on 5/8" x 30" Rebar, 14449-S 2023
- Found 2" Aluminum Cap on 5/8" Rebar, 7538-S 2019
- (R) Record Measurements Per Record of Survey HM 2019-41

----- Vacated Lot Line  
----- Setback Line  
----- Easement Line

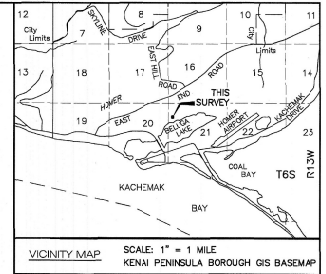
Note: There are no areas over 20% grade per Kenai Peninsula Borough Terrain Viewer (Five Foot Contours)

Note: The entire survey is within Discharge Slope Wetlands per the Kenai Watershed Forum (KWF).



**KPB 2025-062**

PRELIMINARY  
PLAT



## CERTIFICATE OF OWNERSHIP AND DEDICATION

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

Paul Huper  
3901 Pennock Street  
Homer, AK 99603

## NOTARY'S ACKNOWLEDGMENT

For: \_\_\_\_\_

Acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2025.

Notary Public for Alaska  
My Commission expires: \_\_\_\_\_  
For: \_\_\_\_\_

Acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2025.

Notary Public for Alaska  
My Commission expires: \_\_\_\_\_

## PLAT APPROVAL

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of April 4th, 2025.

Kenai Peninsula Borough Authorized Official



## VIRGINIA LYN 2025 REPLAT

A REPLAT OF LOTS 53 AND 54  
VIRGINIA LYN SUBDIVISION, PLAT No. 61-256  
HOMER RECORDING DISTRICT

LOCATED WITHIN  
THE NW1/4 NW1/4 OF SECTION 21  
TOWNSHIP 6 SOUTH, RANGE 13 WEST,  
SEWARD MERIDIAN, THIRD JUDICIAL DISTRICT,  
KENAI PENINSULA BOROUGH,  
HOMER RECORDING DISTRICT, ALASKA.

CONTAINING 0.663 ACRES

SURVEYOR	CLIENT
MULLIKIN SURVEYS LLC CHRISTOPHER MULLIKIN, PLS P.O. BOX 1023 HOMER, AK 99603	PAUL HUPER 3901 PENNOCK STREET HOMER, AK 99603
SURVEY DATE: 4/18/2025	SCALE: 1" = 20'
PLAT DATE: 4/18/2025	BOOK No.: NA
CHECKED BY: JLM	FILE: HUPER SUBDIVISION.dwg
DRAWN BY: MFS	KPB FILE No.: 2025-##



AGENDA ITEM E. NEW BUSINESS

**ITEM #3 - PRELIMINARY PLAT  
Virginia Lyn 2025 Replat**

<b>KPB File No.</b>	2025-062
<b>Plat Committee Meeting:</b>	October 27, 2025
<b>Applicant / Owner:</b>	Mustard Seed iTrust of Homer, Alaska
<b>Surveyor:</b>	Christopher Mullikin / Mullikin Surveys
<b>General Location:</b>	Virginalyn Way off Mattox Road

<b>Parent Parcel No.:</b>	179-133-05 and 179-133-06
<b>Legal Description:</b>	Township 6 South, Range 13 West, Section 21, Seward Meridian, Homer Recording District, Plat 61-256, Virginia Lyn Subdivision, Lot 53 and Lot 54
<b>Assessing Use:</b>	Residential Dwellings
<b>Zoning:</b>	City of Homer
<b>Water / Wastewater</b>	City / City
<b>Exception Request</b>	None Requested

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**STAFF REPORT**

**Specific Request / Scope of Subdivision:** The proposed plat will combine two 0.34-acre parcels and replat them into two lots having sizes of 0.309-acres to 0.354-acres.

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

Legal access to the proposed plat is along Virginalyn Way on the north side of the plat. Virginalyn Way is a 50' dedication maintained by the City of Homer. To the west is Pennock St a city of Homer maintained dedication to runs north to East End Rd a State of Alaska maintained road.

The right-of-way of Virginalyn is dedicated at 50 feet. KPB 20.30.120 requires street widths to be 60 feet. With the lots being in the jurisdiction of the City of Homer and having already been reviewed by the City of Homer Planning and Zoning and approved with no recommendation for extra right-of-way; no addition right of way is being requested by KPB Staff.

The plat is not vacating any right-of-way and is not affected by a section line easement either. The City of Homer noted in their staff report that this subdivision is being

KPB Roads Dept RSA review	Out of Jurisdiction: Yes  Roads Director: Uhlin, Dil Comments: city of homer jurisdiction
SOA DOT comments	

**Site Investigation:**

There are improvements on the lots of structures. The City of Homer recommended in the resolution that the structures be shown on the plat. **Staff recommends** an as-built of the structures be submitted with the final submittal rather than shown on the final drawing. As-built should have write up of details how the issues found will be addressed. The Borough has no jurisdiction in the City of Homer to enforce the setback encroachment issues. **Staff request** the surveyor submit prior to final approval information and findings from the City of Homer any resolve done with the structure having encroachment or setback issues.

The terrain of the plat is flat with an even slope of about 10% across the property going from the northwest corner to the southeast corner.

The entire property is designated as Discharge Slope according to the KWF Wetlands Assessment. This is noted near the legend on the drawing.

The subdivision is within the City of Homer. The floodplain program is administered and enforced by HCC 21.41 Flood Prone Areas. For information on the flood plain regulations and required permits in Homer, please contact the Homer Planning Department at 907-235-3106 or at [planning@ci.homer.ak.us](mailto:planning@ci.homer.ak.us).

The River Center reviewer did not identify the plat to be located in a habitat protection district.

KPB River Center review	<p>A. Floodplain</p> <p>Reviewer: Hindman, Julie Floodplain Status: Within City of Homer Comments: No comments</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	

### **Staff Analysis**

The property was originally a part of the NW1/4 NW1/4 Sec 21, T6S, R13W, SM, Homer, Alaska, being the Carl Kibby Homestead. Plat of the Carl Kibby Homestead HM0002337 showed the intended division of the property created by two deeds that were filed of the NW1/4 NW1/4 of Section 21. Virginia Lyn Subdivision HM61-256 platted Tract A of Carl Kibby Homestead.

A soils report will not be required for these lots as city water and sewer are available to these lots.

Notice of the proposed plat was mailed to the beneficial interest holder on June 25, 2025. The beneficial interest holder will be given 30 days from the date of the mailing of the notification to respond. They are given the opportunity to notify staff if their beneficial interest prohibits or restricts subdivision or requires their signature on the final plat. If no response is received within 30 days, staff will assume they have no requirements regarding the subdivision and it may be finalized.

The plat is located in the City of Homer and was reviewed at the City of Homer Planning and Zoning Commission meeting of May 21, 2025. The Commission voted with unanimous consent to approved with conditions and sent the plat to KPB Plat Committee.

### **Utility Easements**

There is a 10' underground utility and slope maintenance easement noted in plat note 3 and dawn on the plat along the adjacent right-of-way as filed in 2019-002812. The city of Homer is also requiring a 15' utility easement immediately adjacent to the right-of-way be dedicated on the plat. staff recommends the surveyor add the 15' utility easement as required by the City of Homer along with a plat note and Certificate of Acceptance by City of Homer for the easement.

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.

**Utility provider review:**

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

**KPB department / agency review:**

Addressing Review	<p>Reviewer: Pace, Rhealyn Affected Addresses: 1161 VIRGINIALYN WAY, 1177 VIRGINIALYN WAY</p> <p>Existing Street Names are Correct: No</p> <p>List of Correct Street Names: VIRGINIALYN WAY</p> <p>Existing Street Name Corrections Needed: PLEASE CORRECT ON PLAT, VIRGINIALYN WAY</p> <p>All New Street Names are Approved: No List of Approved Street Names: List of Street Names Denied:</p> <p>Comments: CITY OF HOMER WILL ADVISE ON ADDRESSING</p>
Code Compliance	<p>Reviewer: Ogren, Eric Comments: No comments</p>
LOZMS Review 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 Review	<p>Reviewer: Windsor, Heather Comments: No comments</p>

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

Correct plat note #4 to be through page 82.

In the Plat Approval make the approval date October 27, 2025

Change the signer under Certificate of Ownership and Dedication to correct name and address of Mustard Seed iTrust

Label side and rear line easements with size and type.

**KPB 20.25.070 – Form and contents required**

**Staff recommendation:** final plat submittals must comply with 20.25.070. Additional information, revisions, and/or corrections are required as noted below.

**A. Within the Title Block**

1. Name of the subdivision which shall not be the same as an existing city, town, tract, or subdivision of land in the borough, of which a plat has been previously recorded, or so nearly the same as to



mislead the public or cause confusion. The parent plat's name shall be the primary name of the preliminary plat.

2. Legal description, location, date, and total area in acres of the proposed subdivision;

3. Name and address of owner(s), as shown on the KPB records and the certificate to plat, and registered land surveyor.

**Staff recommendation:**

- Include City of Homer within legal description
- Modify the KPB File n to 2025-062
- Change the owner to current owners of Mustard Seed iTrust and current address
- Change Client to Owner

- 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:**

Spelling of Virginialyn Way needs corrected on the drawing.

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

**Staff recommendation:**

Map should be more representative of roads in area, zoom in to site since it is a city location

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**KPB 20.30 – Subdivision Design Requirements**

**Staff recommendation:** final plat submittals must comply with 20.30. Additional information, revisions, and/or corrections are required as noted below.

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**KPB 20.40 – Wastewater Disposal**

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

20.40.010 Wastewater disposal.

*Platting Staff Comments:*

**Staff recommendation:** comply with 20.40.

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**KPB 20.60 – Final Plat**

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

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**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

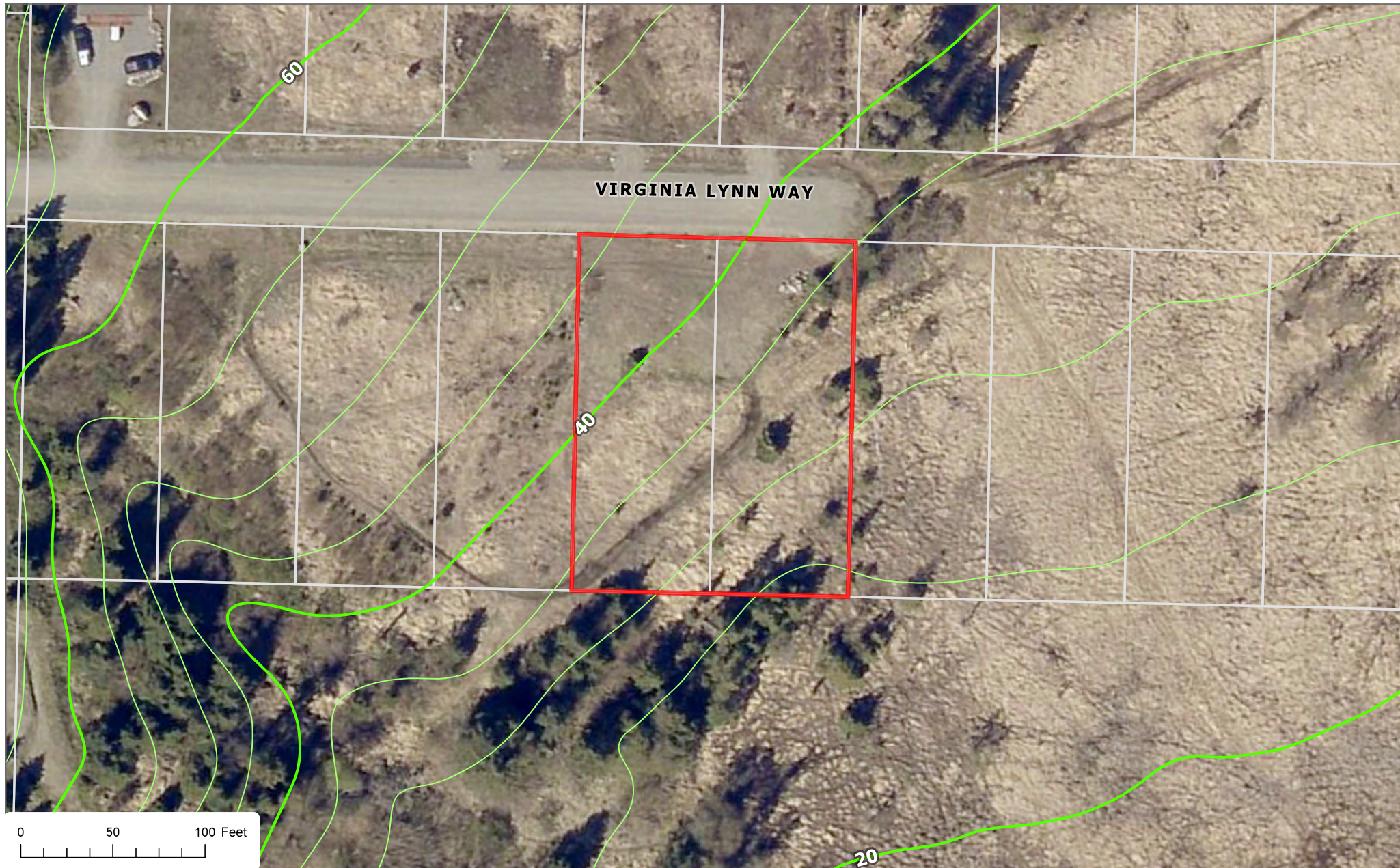
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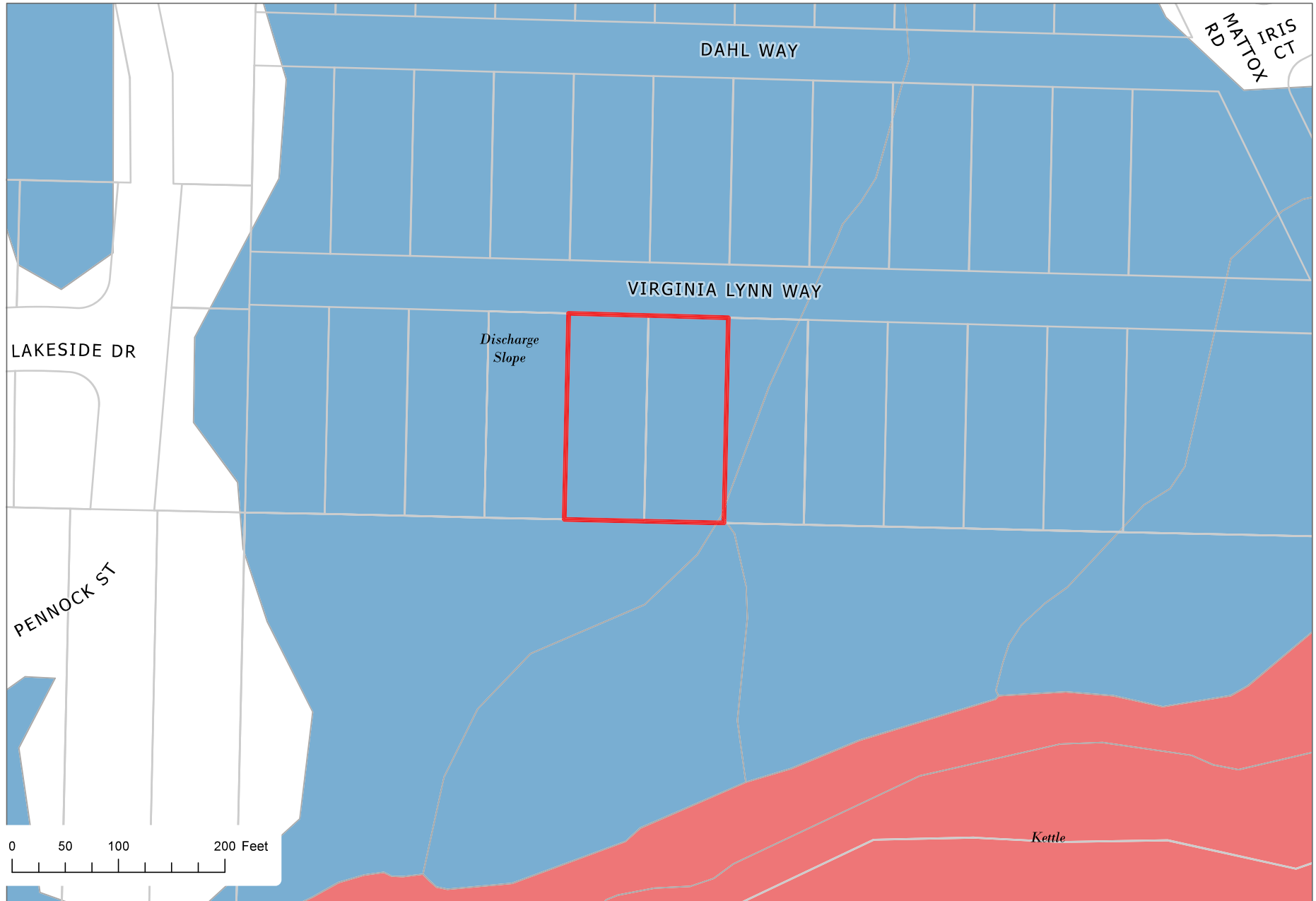


The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.





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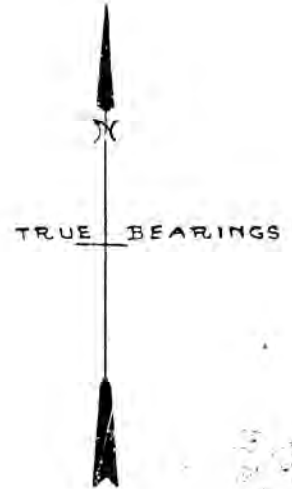
# VIRGINIA LYN SUBDIVISION

LOCATED IN NW $\frac{1}{4}$  NW $\frac{1}{4}$  SEC. 21, T6S-R13W S.M. HOMER, ALASKA  
WITHIN TRACT "A" CARL KIBBY HOMESTEAD

SCALE: 1"=100'

HOMER

Serial No. 61-256



TRACT-B  
15.27 AC.

RECORDED - FILED  
Homer REC. DIST.  
DATE 5/3 1961  
TIME 11:30 A.M.  
Requested by C.W. Mitchell  
Address Homer, Alaska

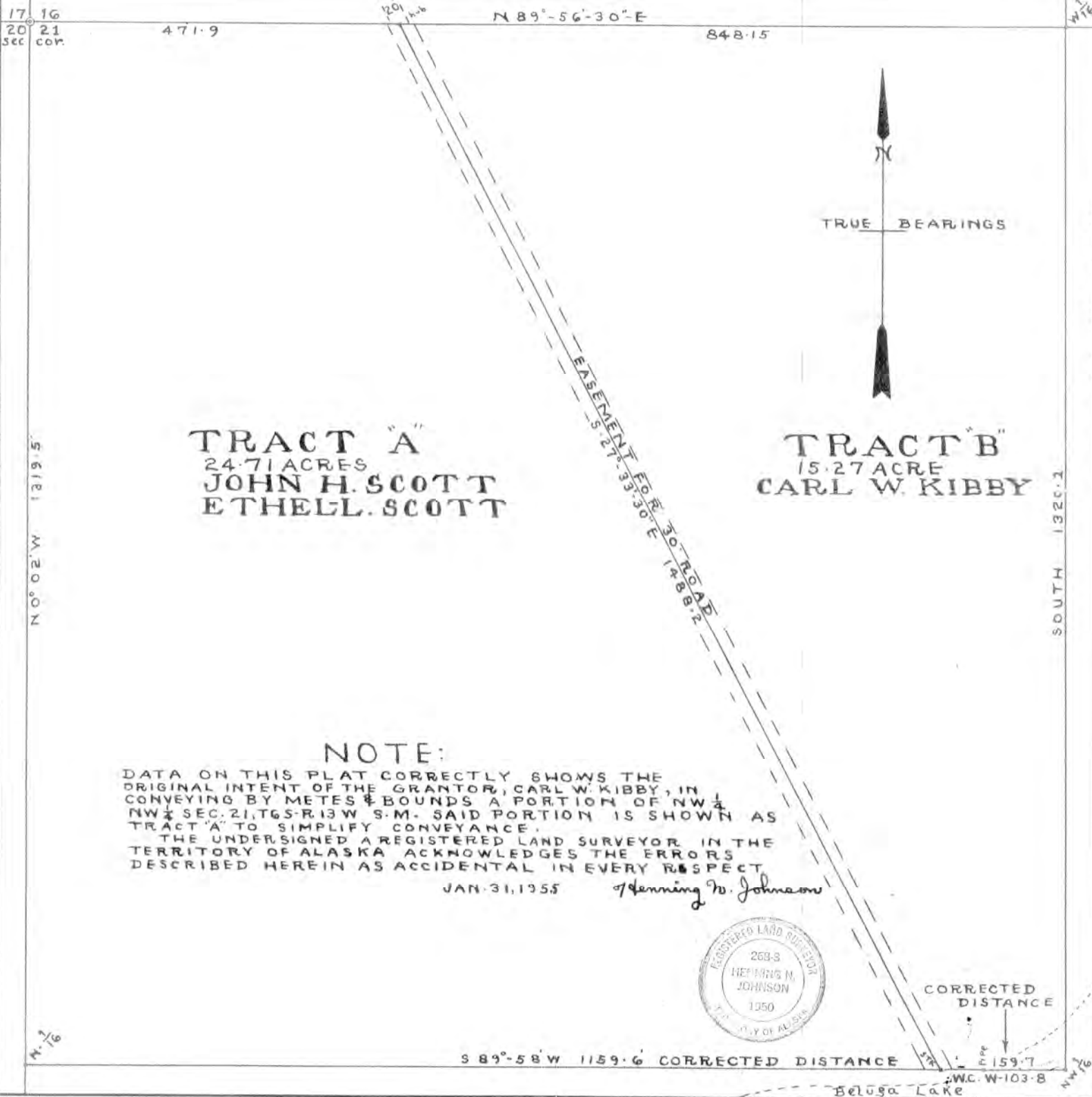




# PLAT OF THE CARL KIBBY HOMESTEAD

LOCATED IN NW $\frac{1}{4}$  NW $\frac{1}{4}$  SEC. 21, T6S-R13W S.M. ALASKA  
SHOWING CORRECTION OF DEEDS NO. 2242 & 2267, HOMER RECORD

SCALE = 1" = 100'





# City of Homer

[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

## Planning

491 East Pioneer Avenue  
Homer, Alaska 99603

[Planning@ci.homer.ak.us](mailto:Planning@ci.homer.ak.us)

(p) 907-235-3106

(f) 907-235-3118

### Staff Report 25-029

TO: Homer Planning Commission **25-029**  
FROM: Ryan Foster, City Planner  
DATE: May 21, 2025  
SUBJECT: Virginia Lyn 2025 Replat

**Requested Action:** Approval of a preliminary plat to adjust the lot lines between Virginia Lyn Subdivision Lots 54 and 53. This preliminary plat establishes a new lot line between a proposed Lot 54-a and Lot 53-a.

#### General Information:

Applicants:	Paul Hueper 3901 Pennock St. Homer, AK 99603	Mullikin Surveys, LLC PO Box 1023 Homer, AK 99603
Location:	West of Pennock Street at Virginialyn Way	
Parcel ID:	17913305 & 17913306	
Size of Existing Lot(s):	0.335 acres, 0.335 acres	
Size of Proposed Lots(s):	0.354 acres and 0.309 acres	
Zoning Designation:	Urban Residential District	
Existing Land Use:	Residential	
Surrounding Land Use:	North: Residential South: Vacant East: Vacant West: Residential	
Comprehensive Plan:	1-C-1 Promote infill development in all housing districts.	
Wetland Status:	Wetland/ Discharge Slope.	
Flood Plain Status:	Not in a floodplain.	
BCWPD:	Not within the Bridge Creek Watershed Protection District.	
Utilities:	City water and sewer are available.	
Public Notice:	Notice was sent to 45 property owners of 48 parcels as shown on the KPB tax assessor rolls.	

**Analysis:** This subdivision is within the Urban Residential District. This plat adjusts the lot lines between Virginia Lyn Subdivision Lots 54 and 53. A new lot line is placed between a proposed Lot 54-a of 0.354 acres and Lot 53-a of 0.309 acres. There is an existing conditional use permit for three dwelling units and a zoning permit for both Lot 54 and Lot 53. There is an active stop work code enforcement order on both Lot 54 and Lot 53 regarding encroachment issues on these properties. The intent of this replat is to ensure the encroachment issues are addressed, ensuring the access easement is clear of buildings/structures and all other City code requirements are also met.

**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 does not meet this requirement. The plat illustrates a 10'-utility easement and should be changed to 15'.

- 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 this requirement.

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

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

**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 does not meet these requirements. The spelling for Virginialyn Way is incorrect.

- 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. *No such areas are proposed.*

- 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 does not meet 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. No new roads are dedicated.

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

**Staff Response:** The plat meets this requirement.

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

**Staff Response:** The plat does not meet these requirements. This replat is intended to correct for encroachment issues with the construction of new dwelling units on each of the properties and any existing encroachments should be noted, including a statement on how encroachments will be resolved.

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

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

**Public Works Comments:** Public Works staff reviewed the plat and have the following comment.

“survey and depict the water service valve (for lot 53-1) in relation to the newly adjusted property line. I want to ensure the water service for lot 53-a is not now on lot 54-a with the lot line moving over 5’.”

**Staff Recommendation:**

Planning Commission recommends approval of the preliminary plat.

1. Depict the utility easement along Virginia Way as 15’.
2. Correct the spelling for the street Virginia Way.
3. Add apparent encroachments to existing building setbacks and utility easements and a statement of how encroachments will be resolved.
4. Depict the water service valve for lot 53-a in relation to the newly adjusted property line, to verify that, that service is not on lot 54-a.

**Attachments:**

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

# NOTES:

- The Basis of Bearing for this survey was determined by high precision GNSS survey using Trimble R-10 survey grade receivers, differentially corrected and processed using Spectra Geospatial Survey Pro 6.8.1.7.
- A building setback of 20 feet is required from all street rights-of-way unless a lesser standard is approved by resolution of the appropriate planning commission.
- The northern 10 feet of Lots 53 and 54, adjoining the southern edge of Virginia Lyn Way right-of-way, are subject to an underground utility and slope maintenance easement for the placement and maintenance of utilities, and for maintenance of slopes per document No. 2019-002812, Homer Recording District.
- An easement over, across, under, and through Lots 53 and 54 for a public use right-of-way, including the right to construct, operate, and maintain public improvements and utilities of all kinds, was granted to the City of Homer in Book 61, Pages 79 through 81, Serial Nos. 71-835 and 71-836, Homer Recording District.
- 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: Wastewater treatment and disposal systems must meet the regulatory requirements of the Alaska Department of Environmental Conservation.
- Any person developing the property is responsible for obtaining all required local, state, and federal permits, including a U.S. Army Corps of Engineers wetlands determination, if applicable.
- Acceptance of this plat by the Kenai Peninsula Borough does not indicate acceptance of any encroachments.

## SURVEYORS 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 supervision, that the monuments shown hereon actually exist as described, and that all dimensions and other details are correct.

Date: \_\_\_\_\_  
Registration No.: 14449-S  
Christopher L. Mullikin,  
Professional Land Surveyor



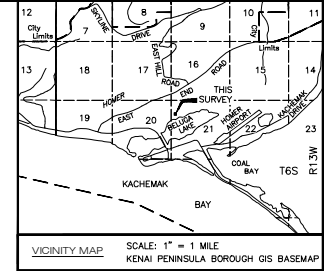
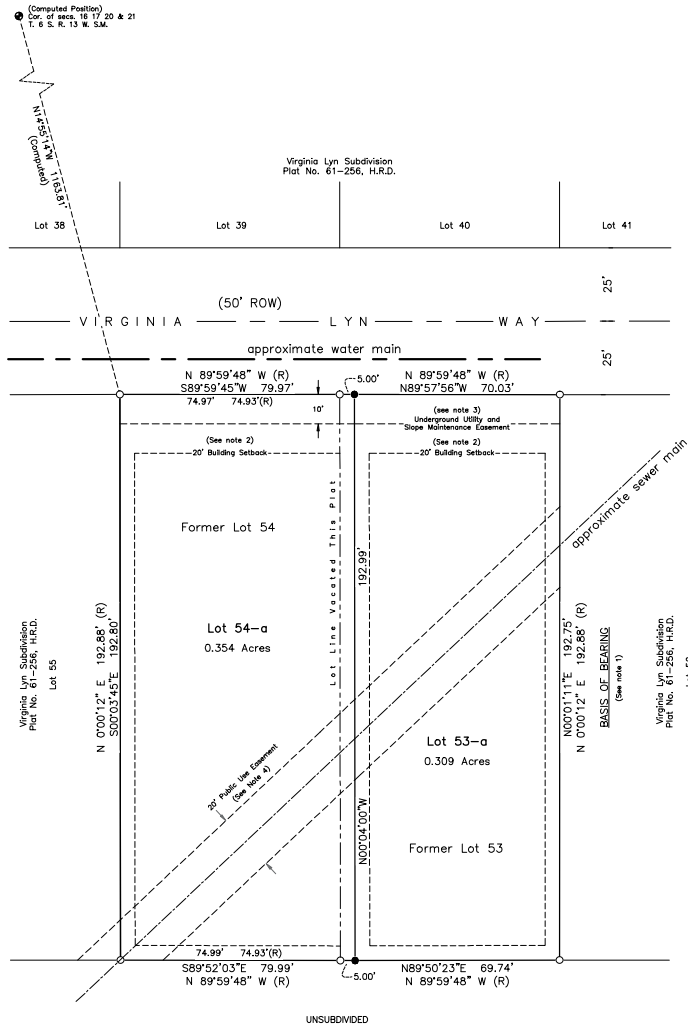
## LEGEND

- Record GLO 3 1/2" Brass Cap on Iron Post, 1917
- Set 2" Aluminum Cap on 5/8" x 30" Rebar, 14449-S 2025
- Found 2" Aluminum Cap on 5/8" Rebar, 7538-S 2019
- (R) Record Measurements Per Record of Survey HM 2019-41

----- Vacated Lot Line  
----- Setback Line  
----- Easement Line

Note: There are no areas over 20% grade per Kenai Peninsula Borough Terrain Viewer (Five Foot Contours)

Note: The entire survey is within Discharge Slope Wetlands per the Kenai Watershed Forum (KWF)



## CERTIFICATE OF OWNERSHIP AND DEDICATION

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

Paul Hueper  
3901 Pennock Street  
Homer, AK 99603

## NOTARY'S ACKNOWLEDGMENT

For: \_\_\_\_\_

Acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2025.

Notary Public for Alaska  
My Commission expires: \_\_\_\_\_

For: \_\_\_\_\_

Acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2025.

Notary Public for Alaska  
My Commission expires: \_\_\_\_\_

## PLAT APPROVAL

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of April #\_\_, 2025.

Kenai Peninsula Borough Authorized Official



## VIRGINIA LYN 2025 REPLAT

A REPLAT OF LOTS 53 AND 54  
VIRGINIA LYN SUBDIVISION, PLAT No. 61-256  
HOMER RECORDING DISTRICT

LOCATED WITHIN  
THE NW1/4 NW1/4 OF SECTION 21  
TOWNSHIP 6 SOUTH, RANGE 13 WEST,  
SEWARD MERIDIAN, THIRD JUDICIAL DISTRICT,  
KENAI PENINSULA BOROUGH,  
HOMER RECORDING DISTRICT, ALASKA.

CONTAINING 0.663 ACRES

SURVEYOR	CLIENT
MULLIKIN SURVEYS LLC CHRISTOPHER MULLIKIN, PLS P.O. BOX 1023 Homer, AK 99603	PAUL HUEPER 3901 PENNOCK STREET HOMER, AK 99603
SURVEY DATE: 4/18/2025	SCALE: 1" = 20'
PLAT DATE: 4/18/2025	BOOK No.: NA
CHECKED BY: CLM	FILE: HUEPER SUBDIVISION.dwg
DRAWN BY: MRS	KPB FILE No.: 2025-###

PRELIMINARY  
PLAT



# MULLIKIN SURVEYS LLC

MullikinSurveys.com 907-299-2289

Christopher Mullikin, PLS  
P.O. Box 1023, Homer, AK 99603

## PRELIMINARY PLAT SUBMITTAL

Planning Dept.  
City of Homer  
491 E. Pioneer Ave.  
Homer, AK 99603

Re: Virginia Lyn 2025 Replat

To Whom it may concern,

This is a preliminary plat submittal for Paul Hueper, owner of Lots 53 & 54, Virginia Lyn Subdivision, HM61-256.

Please find included in this packet:

- o One full sized paper plat
- o 1 reduced size (11x17) drawing
- o \$300 check (#248) for plat submittal fee

Sincerely,

Christopher Mullikin, PLS

**RECEIVED**

**APR 24 2025**

**CITY OF HOMER  
PLANNING/ZONING**



## 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:

### **Virginia Lyn 2025 Replat Preliminary Plat**

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

A public meeting will be held by the Homer Planning Commission on Wednesday, May 21, 2025 at 6:30 p.m. In-person meeting participation is available in Cowles Council Chambers located downstairs at Homer City Hall, 491 E. Pioneer Ave., Homer, AK 99603. To attend the meeting virtually, visit [zoom.us](https://zoom.us) and enter the Meeting ID & Passcode listed below. To attend the meeting by phone, dial any one of the following phone numbers and enter the Webinar ID & Passcode below, when prompted: 1-253-215-8782, 1-669-900-6833, (toll free) 888-788-0099 or 877-853-5247.

Meeting ID: 979 8816 0903

Passcode: 976062

Additional information regarding this matter will be available by 5 p.m. on the Friday before the meeting. This information will be posted to the City of Homer online calendar page for May 16, 2025 at <https://www.cityofhomer-ak.gov/calendar>. It will also be available at the Planning and Zoning Office at Homer City Hall and at the Homer Public Library.

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

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

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

.....



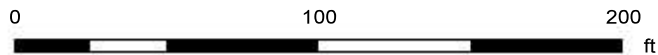
### Legend

Transportation

Mileposts

Parcels and PLSS

Tax Parcels



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

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Kenai Peninsula Borough assumes no liability of any kind arising from the use of this data. The operation or modification of the data. In using these data, you further agree to the data, or use of the data.

**CALL TO ORDER**

Session 25-10, a Regular Meeting of the Planning Commission was called to order by Chair Scott Smith at 6:35 p.m. on May 21<sup>st</sup>, 2025 in the Cowles Council Chambers in City Hall, located at 491 E. Pioneer Avenue, Homer, Alaska, and via Zoom Webinar.

**PRESENT:** COMMISSIONERS BARNWELL, VENUTI, S. SMITH, SCHNEIDER, STARK, & H. SMITH

**ABSENT:** COMMISSIONER CONLEY

**STAFF:** CITY PLANNER FOSTER & DEPUTY CITY CLERK PETTIT

**AGENDA APPROVAL**

Chair S. Smith requested a motion and second to approve the agenda as presented.

SCHNEIDER/BARNWELL MOVED TO APPROVE THE AGENDA AS PRESENTED.

There was no discussion.

VOTE: NON-OBJECTION: UNANIMOUS CONSENT.

Motion carried.

**PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA**

Ole Andersson, city resident, shared that he lives at the end of Tundra Rose Road. He commended Kyra Wagner for her presentation regarding erosion that she presented to the Commission on May 7<sup>th</sup>. He urged the Commission to make good choices in their future decisions, and stated that he's in favor of the reconsideration for the Foss Acres 2025 Addition Preliminary Plat.

Jinky Handy, city resident, urged the Commission to reconsider the Foss Acres 2025 Addition Preliminary Plat.

**RECONSIDERATION**

A. Foss Acres 2025 Addition Preliminary Plat, Staff Report 25-25, Commissioner Barnwell

Chair S. Smith introduced the item by reading of the title and deferred to City Planner Foster, who provided a summary review of his report included in the packet.

BARNWELL/VENUTI MOVED TO RECONSIDER THE FOSS ACRES 2025 ADDITIONAL PRELIMINARY PLAT.

Commissioner Barnwell provided his reasoning for issuing the reconsideration, summarizing that he felt the Commission needed to spend more time with this application before making a decision. He cited insufficient information as the key reason as to why he issued the reconsideration. He also highlighted various other issues he had with the plat, including walking trail connectivity, traffic safety concerns, and wetlands.

Commissioner Stark stated that the Commission followed due process in regards to this plat. He added that it shouldn't be incumbent upon the applicant to fix the traffic problems.

Commissioner H. Smith noted that his biggest concern is the drainage easements and how that water is taken care of. He acknowledged that platting is just part of the process, not the entire process.

Hearing no further discussion, Chair S. Smith requested the Clerk to perform a roll-call vote.

VOTE: YES: VENUTI, SCHNEIDER, H. SMITH, BARNWELL.

VOTE: NO: S. SMITH, STARK.

Motion carried.

### **CONSENT AGENDA**

A. Unapproved Regular Meeting Minutes of May 7, 2025

BARNWELL/SCHNEIDER MOVED TO ADOPT THE CONSENT AGENDA AS PRESENTED.

There was no discussion.

VOTE: NON-OBJECTION: UNANIMOUS CONSENT.

Motion carried.

### **PRESENTATIONS/VISITORS**

### **REPORTS**

A. City Planner's Report, Staff Report 25-27

City Planner Foster reviewed his staff report included in the packet, covering the following items:

- Comprehensive Plan update
- Ordinance 25-11(S)(A) was adopted as amended with discussion by the City Council
- Cancellation of the next Regular Meeting on June 4<sup>th</sup>, 2025
- Joint Worksession with City Council on June 11<sup>th</sup>, 2025
- Next Regular Meeting is scheduled for June 18<sup>th</sup>, 2025.
- Next Commissioner Report to Council on May 27<sup>th</sup>, 2025

### **PUBLIC HEARINGS**

### **PLAT CONSIDERATION**

A. Christensen Gardens Preliminary Plat, Staff Report 25-28

Chair S. Smith introduced the item by reading of the title and deferred to City Planner Foster, who provided a summary review of his staff report included in the packet.



Chair S. Smith opened the floor for the Applicant. Christopher Mullikin noted that he was the surveyor who prepared the plat. He highlighted the oversight of the missing creek from the plat, providing that the creek comes around the edge of the wetlands on Tract F-1-B. He stated that the creek will be added to the next version. Chair S. Smith then opened the public comment period.

Jan Keiser, city resident, recalled a section of City Code requiring connectivity be provided when a development is within a certain proximity of an existing non-motorized trail. She encouraged the Commission to include a condition on the plat directing staff to explore whether that provision applies. Ms. Keiser also noted that City Code stipulates a property can't connect to city water unless it is also connected to city sewer. In reference to the staff's recommendation to add the locations of existing creeks, she additionally requested that the Commission require the inclusion of drainage easements.

With no other members of the public wishing to speak, Chair S. Smith closed the public comment period. He then opened the floor to questions and comments from the Commission.

Commissioner Barnwell questioned if the Stream Hill Trails were part of the City's trail system and whether there's a requirement in City Code to have connectivity to those trails. City Planner Foster noted that staff determined there weren't requirements to put that type of improvement on this plat after reviewing Homer City Code Title 11.

There were brief conversations regarding water and sewer in the area.

H. SMITH/SCHNEIDER MOVED TO ADOPT STAFF REPORT 25-028 AND RECOMMEND APPROVAL OF THE CHRISTENSEN GARDENS PRELIMINARY PLAT, WITH THE FOLLOWING COMMENTS:

1. IN ACCORDANCE WITH HCC 22.101.051, STAFF RECOMMENDS THAT THE SURVEYOR REMOVE NOTE 2 AND REVISE THE UTILITY EASEMENT ALONG EAST END ROAD TO REFLECT THE REQUIRED 15 FEET.
2. STAFF RECOMMENDS THAT THE SURVEYOR CLEARLY INDICATE THE LOCATIONS OF ALL EXISTING CREEKS AND DRAINAGE FEATURES AS REFERENCED IN THE NOTES, AS WELL AS DRAINAGE EASEMENTS.
3. STAFF RECOMMENDS THAT THE SURVEYOR EITHER REMOVE "SETBACK LINE" FROM THE PLAT'S LEGEND, AS NO SETBACKS ARE ILLUSTRATED, OR ILLUSTRATE THE APPROPRIATE SETBACKS AS REFERENCED IN NOTE 6.
4. STAFF RECOMMENDS THAT INFORMATION REGARDING THE STATUS OF LANDS ACROSS HOUGH ROAD TO THE EAST BE INCLUDED IN THE PLAT.
5. STAFF RECOMMENDS THAT THE LOT NUMBER OF THE ADJACENT LAND TO THE NORTHWEST OF TRACT F-1-A BE REVISED TO REFLECT THE RECORD AND READ AS "TRACT B" INSTEAD OF "LOT 30."

There was a brief discussion regarding the addition of a condition to investigate trail connectivity for this particular plat.

VOTE: NON-OBJECTION: UNANIMOUS CONSENT.

Motion carried.

B. Virginia Lynn 2025 Replat Preliminary Plat, Staff Report 25-29

Chair S. Smith introduced the item by reading of the title and deferred to City Planner Foster, who provided a summary review of his staff report included in the packet.

Chair S. Smith opened the floor for the Applicant. Christopher Mullikin noted that he was the surveyor who prepared the plat. He stated that the utility easement will be changed on the final plat, and acknowledged the errors in the spelling of "Virginalyn Way." He added that the primary purpose of this plat is to resolve all of the encroachment issues and made himself available for questions. Chair S. Smith then opened the public comment period.

Jan Keiser, city resident, noted that she was still working for the City when this came forward the first time for the conditional use permit. She stated that the developer needs tight survey control to ensure there are not encroachments.

With no other members of the public wishing to speak, Chair S. Smith closed the public comment period. He then opened the floor to questions and comments from the Commission. There were none.

H. SMITH/BARNWELL MOVED TO ADOPT STAFF REPORT 25-029 AND RECOMMEND APPROVAL OF THE VIRGINIA LYNN 2025 REPLAT PRELIMINARY PLAT, WITH THE FOLLOWING COMMENTS:

1. DEPICT THE UTILITY EASEMENT ALONG VIRGINIALYN WAY AS 15'.
2. CORRECT THE SPELLING FOR THE STREET VIRGINIALYN WAY.
3. ADD APPARENT ENCROACHMENTS TO EXISTING BUILDING SETBACKS AND UTILITY EASEMENTS AND A STATEMENT OF HOW ENCROACHMENTS WILL BE RESOLVED.
4. DEPICT THE WATER SERVICE VALVE FOR LOT 53-A IN RELATIONSHIP TO THE NEWLY ADJUSTED PROPERTY LINE, TO VERIFY THAT SERVICE IS NOT ON LOT 54-A.

There was no discussion.

VOTE: NON-OBJECTION: UNANIMOUS CONSENT.

Motion carried.

C. A A Mattox Sub. 1958 Addn. a Portion of Lot 15 Replat Preliminary Plat, Staff Report 25-30

Chair S. Smith introduced the item by reading of the title and deferred to City Planner Foster, who provided a summary review of his staff report included in the packet.

Chair S. Smith opened the floor for the Applicant. Katie Kirsis noted that she was the surveyor who prepared the plat. She made herself available for questions. Chair S. Smith then opened the public comment period.

Without any members of the public coming forward to speak, Chair S. Smith closed the public comment period. He then opened the floor to questions and comments from the Commission. There were none.

H. SMITH/SCHNEIDER MOVED TO ADOPT STAFF REPORT 25-030 AND RECOMMEND APPROVAL OF THE PRELIMINARY PLAT, WITH THE FOLLOWING COMMENTS:

1. THE PROPERTY OWNER WILL NEED TO PROVIDE WATER AND SEWER TO BOTH LOTS.

There was no discussion.

VOTE: NON-OBJECTION: UNANIMOUS CONSENT.

Motion carried.

**PENDING BUSINESS**

A. Foss Acres 2025 Addition Preliminary Plat, Staff Report 25-25

Chair S. Smith introduced the item by reading of the title and noted the following main motion that was back on the floor per the Reconsideration:

BARNWELL/STARK MOVED TO ADOPT STAFF REPORT 25-25 AND RECOMMEND APPROVAL OF THE FOSS ACRES 2025 ADDITION PRELIMINARY PLAT, WITH THE FOLLOWING COMMENTS:

1. THE DEVELOPER WILL NEED TO ENTER INTO A SUBDIVISION AGREEMENT WITH THE CITY:
  - a. CONSTRUCT TUNDRA ROSE ROAD AND THE DEDICATED CUL-DE-SAC OFF JEFFREY AVENUE TO A CITY STANDARD ROAD.
  - b. PROVIDE POWER AND GAS TO ALL LOTS.
  - c. DEDICATE A 40' WIDE ROAD ACCESS AND UTILITY EASEMENT TO PROVIDE LEGAL ACCESS TO THE UN-SUBDIVIDED REMAINDER TO THE EAST.
  - d. CONSTRUCT A HAMMER HEAD AT THE END OF TUNDRA ROSE ROAD WITHIN THE RIGHT-OF-WAY TO PROVIDE EMERGENCY AND MAINTENANCE TURNAROUND.
  - e. THERE IS A 10' UTILITY EASEMENT ALONG THE PROPERTY BOUNDARIES OF TRACTS B2, B3, A PORTION OF B4, AND B5. CHANGE THE LANGUAGE OF THE UTILITY EASEMENT TO INCLUDE PEDESTRIAN ACCESS FOR A FUTURE TRAIL AND RECREATIONAL CONNECTIVITY.
2. HOMER PLANNING COMMISSION RECOMMENDS APPLICANT PROVIDES DETAILED SURVEY WITH TOPOGRAPHY, CURRENT WETLANDS STATUS, DRAINAGES, AND CONTOUR LINES:
  - a. DOWNSTREAM WATER IMPACT.
  - b. EVALUATE ROAD ACCESS FROM JEFFREY AVENUE.

Commissioner Barnwell declared potential ex-parte communication between himself and some members of the public. He briefly described conversations he had regarding the Foss Acres Preliminary Plat the morning before he issued the notice for reconsideration.

Commissioner Stark questioned Mr. Barnwell if he had discussed any additional information not originally provided during the original hearing. Mr. Barnwell stated that he did not.

Commissioner H. Smith asked Mr. Barnwell if either of the conversations he had regarding the plat influenced him to issue the notice for reconsideration. Mr. Barnwell claimed that one of the conversations ultimately contributed to his decision to issue a notice of reconsideration, though no new information was provided.

H. SMITH/STARK MOVED THAT COMMISSIONER BARNWELL HAD EX-PARTE COMMUNICATION AND SHOULD BE EXCLUDED FROM THE CONVERSATION.

There were brief discussions regarding what classifies as ex-parte communication.

Chair S. Smith requested the Clerk to perform a roll-call vote.



VOTE: YES: S. SMITH, SCHNEIDER, H. SMITH, STARK.

VOTE: NO: VENUTI.

Motion carried.

*Commissioner Barnwell removed himself from Cowles Council Chambers for the remainder of this business item.*

Chair S. Smith opened the floor to further discussion from the Commission regarding the motion on the floor.

Commissioner S. Smith stated that he trusts the back end of the process, adding that he does not see the need for the Commission to reverse the decision made in his absence.

Commissioner Stark echoed Mr. Smith's comments. He noted that the Borough has ability to add any requirements they see fit.

Hearing no other comments from the Commission, Chair S. Smith requested the Clerk to perform a roll-call vote.

VOTE (MAIN MOTION): YES: SCHNEIDER, H. SMITH, STARK, S. SMITH.

VOTE (MAIN MOTION): NO: VENUTI.

Motion carried.

## **NEW BUSINESS**

### **INFORMATIONAL MATERIALS**

- A. 2025 Planning Commission Calendar
- B. 2025 Planning Commission Meeting Dates and Submittal Deadlines

Chair S. Smith noted the informational materials. There were comments regarding the Commission's schedule.

### **COMMENTS OF THE AUDIENCE**

Jan Keiser, city resident, noted that the Foss Acres Subdivision lies within the Woodard Creek watershed. She stated that in 2017, the City convened a coalition of stakeholders to develop goals, objectives, and recommendations for the watershed's protection and management. She asserted that the Foss Acres plat, along with several of its conditions, conflicts with nearly all of those guidelines.

Ole Andersson, city resident, alluded to things that are yet to be known about the Foss Acres Subdivision. He suggested the Planning Commission should have more than just one hearing before approving a plat consideration. He thanked the Commissioners for the work they do.

Jinky Handy, city resident, expressed her concern about the cost of developing the road for the Foss Acres Subdivision. She recalled a 1990s agreement between herself, Ole Andersson, and the City in which she and Mr. Andersson agreed to assume responsibility for road maintenance. She also raised concerns about

ensuring emergency vehicle access, access to her own property, and the ability to receive deliveries during the time of road development. Ms. Handy requested assurance from the City that the developer would be responsible for any costs associated with road damage, abandonment, or related issues.

Rika Mouw, city resident, echoed Ms. Keiser's comments and inquired about the number of affirmative votes required to adopt a motion. She expressed her desire for the Commission to consider past studies—particularly those related to the Woodard Creek watershed—when making decisions, rather than allowing them to be overlooked.

#### **COMMENTS OF THE STAFF**

Deputy City Clerk Pettit noted that it was a great meeting, and that he was looking forward to seeing everyone again next month.

#### **COMMENTS OF THE MAYOR/COUNCILMEMBER** (If Present)

#### **COMMENTS OF THE COMMISSION**

Commissioner Venuti commented that it was an interesting meeting. He stated that he feels the Commission is cavalier about how it deals with wetlands, adding that he doesn't feel the Commission pays enough attention to the issue.

Commissioner H. Smith reasoned that the City could buy up all the wetlands in order to control outcomes. He acknowledged that the Commission can't make all the decisions given that there is a process and other parties involved. He added that just because an individual doesn't get their way doesn't mean that due process didn't play out. He thanked the members of the public, City staff, and his fellow Commissioners.

Commissioner Stark thanked his fellow Commissioners for the thoughtful deliberation. He also gave thanks to City staff and members of the public. He stated that there are checks and balances to ensure that due process is carried out. He offered to provide any reports to Council when needed.

Commissioner Schneider shared that it's good to be back after his hiatus. He emphasized the need for constant improvement, adding that it was interesting to watch due process in action at the meeting tonight.

Commissioner Barnwell echoed Mr. Venuti's comments regarding the omission of wetlands when making decisions. He noted that the City has no policy for wetlands even though the City has a ton of useful information on wetlands. He suggested that the process the Commission uses for plat considerations be improved. He thanked City staff, his fellow Commissioners, and the public for their participation in the meeting tonight.

Chair S. Smith urged Mr. Andersson and Ms. Handy to take their concerns about the maintenance of Tundra Rose Road to City Council. He briefly spoke to due process and Title 21. He stood by the decision that the Commission made on the Foss Acres Subdivision given the rules and laws governing the Commission. He questioned the omission of the Bridge Creek Watershed from the Title 21 spreadsheet. He shared his desire for a better way of weighing in public comment when the Commission is making decisions. Lastly, he noted that his dad has been in and out of the hospital recently, and that he might be absent in the near future.

**ADJOURN**

There being no further business to come before the Commission, Chair Scott Smith adjourned the meeting at 8:21 p.m. The next Regular Meeting is scheduled for **Wednesday, June 18<sup>th</sup>, 2025 at 6:30 p.m.** A Worksession is scheduled for 5:30 p.m. All meetings are scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska and via Zoom Webinar. Meetings will adjourn promptly at 9:30 p.m. An extension is allowed by a vote of the Commission.

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Zach Pettit, Deputy City Clerk II

Approved:\_\_\_\_\_