



**Meeting Agenda
Planning Commission**

Monday, November 17, 2025

7:30 PM

Betty J. Glick Assembly Chambers

Zoom Meeting ID: 907 714 2200

Remote participation will be available through Zoom, or other audio or video means, wherever technically feasible

ZOOM MEETING DETAILS

Zoom Meeting Link: <https://us06web.zoom.us/j/9077142200>

Zoom Toll Free Phone Numbers: 888-788-0099 or 877-853-5247

Zoom Meeting ID: 907 714 2200

The hearing procedure for the Planning Commission public hearings are as follows:

- 1) Staff will present a report on the item.
- 2) The Chair will ask for petitioner's presentation given by Petitioner(s) / Applicant (s) or their representative – 10 minutes
- 3) Public testimony on the issue. – 5 minutes per person
- 4) After testimony is completed, the Planning Commission may follow with questions. A person may only testify once on an issue unless questioned by the Planning Commission.
- 5) Staff may respond to any testimony given and the Commission may ask staff questions.
- 6) Rebuttal by the Petitioner(s) / Applicant(s) to rebut evidence or provide clarification but should not present new testimony or evidence.
- 7) The Chair closes the hearing and no further public comment will be heard.
- 8) The Chair entertains a motion and the Commission deliberates and makes a decision.

All those wishing to testify must wait for recognition by the Chair. Each person that testifies must write his or her name and mailing address on the sign-in sheet located by the microphone provided for public comment. They must begin by stating their name and address for the record at the microphone. All questions will be directed to the Chair. Testimony must be kept to the subject at hand and shall not deal with personalities. Decorum must be maintained at all times and all testifiers shall be treated with respect.

A. CALL TO ORDER

B. ROLL CALL**C. APPROVAL OF CONSENT AND REGULAR AGENDA**

All items marked with an asterisk () are consent agenda items. Consent agenda items are considered routine and non-controversial by the Planning Commission and will be approved by one motion. There will be no separate discussion of consent agenda items unless a Planning Commissioner so requests in which case the item will be removed from the consent agenda and considered in its normal sequence on the regular agenda.*

If you wish to comment on a consent agenda item or a regular agenda item other than a public hearing, please advise the recording secretary before the meeting begins, and she will inform the Chairman of your wish to comment.

1. Time Extension Request**2. Planning Commission Resolutions**

[KPB-7293](#) PC Resolution 2025-30

Attachments: [C2. PC RES 2025-30 Packet](#)

3. Plats Granted Administrative Approval

[KPB-7294](#) 11/17/2025 Administrative Approvals Report

Attachments: [C3. Admin Approvals Report](#)

4. Plats Granted Final Approval (KPB 20.10.040)

[KPB-7295](#) 11/17/20 Final Approvals Report

Attachments: [C4. Final Approvals Report](#)

5. Plat Amendment Request**6. Commissioner Excused Absences****7. Minutes**

[KPB-7296](#) October 27, 2025 PC Meeting Minutes

Attachments: [C7. 102725 PC Meeting Minutes](#)

D. OLD BUSINESS**E. NEW BUSINESS**

1. [KPB-7297](#) Building Setback Encroachment Permit (PC Resolution 2025-31)
 KPB File 2025-161
 Swan Surveying / Nienhuis
 Request: Permits a portion of a build to remain within the building
 setback on Tract A3A Harvey Subdivision No. 2, Plat KN 82-47
 Sterling Area

 Attachments: [E1. BSEP Harvey Sub No. 2 Packet](#)
 [PHN_BSEP-Harvey Sub No 2 Tract A3A](#)

2. [KPB-7298](#) Utility Easement Vacation; KPB File 2025-128V
 Peninsula Surveying / Matthews, Schollenbert, Wells
 Request: Vacates a 10' wide utility easement along the eastern lot line
 of Lot 1A & associated 10' wide utility easement along the west lot
 line of Lot 1B, Bouwens Subdivision #3
 Happy Valley Area

 Attachments: [E2. UEV Bouwens Sub #3 Packet](#)
 [PHN UEV-Bouwens Sub No 2](#)

3. [KPB-7299](#) Utility Easement Vacation (PC Resolution 2025-29); KPB File
 2025-156V
 Edge Surveying & Design / Barrickman
 Request: Vacates a portion of the 10' wide utility easement adjacent to
 Skeeter Street granted by Sterling's Heights Scooter's Replat, Plat KN
 93-87
 Sterling Area

 Attachments: [E3. UEV Sterling Heights Scooters Replat Packet](#)
 [PHN UEV-Sterling Heights Scooter's Replat](#)

F. PLAT COMMITTEE REPORT

G. OTHER

H. PUBLIC COMMENT/PRESENTATION

(Items other than those appearing on the agenda or scheduled for public hearing. Limited to five minutes per speaker unless previous arrangements are made)

I. DIRECTOR'S COMMENTS

J. COMMISSIONER COMMENTS

K. ADJOURNMENT**MISCELLANEOUS INFORMATIONAL ITEMS****NO ACTION REQUIRED****NEXT REGULARLY SCHEDULED PLANNING COMMISSION MEETING**

The next regularly scheduled Planning Commission meeting will be held Monday, December 8, 2025 in the Betty J. Glick Assembly Chambers of the Kenai Peninsula Borough George A. Navarre Administration Building, 144 North Binkley Street, Soldotna, Alaska at 7:30 p.m.

CONTACT INFORMATION**KENAI PENINSULA BOROUGH PLANNING DEPARTMENT**

Phone: 907-714-2215

Phone: toll free within the Borough 1-800-478-4441, extension 2215

e-mail address: planning@kpb.us

website: <http://www.kpb.us/planning-dept/planning-home>

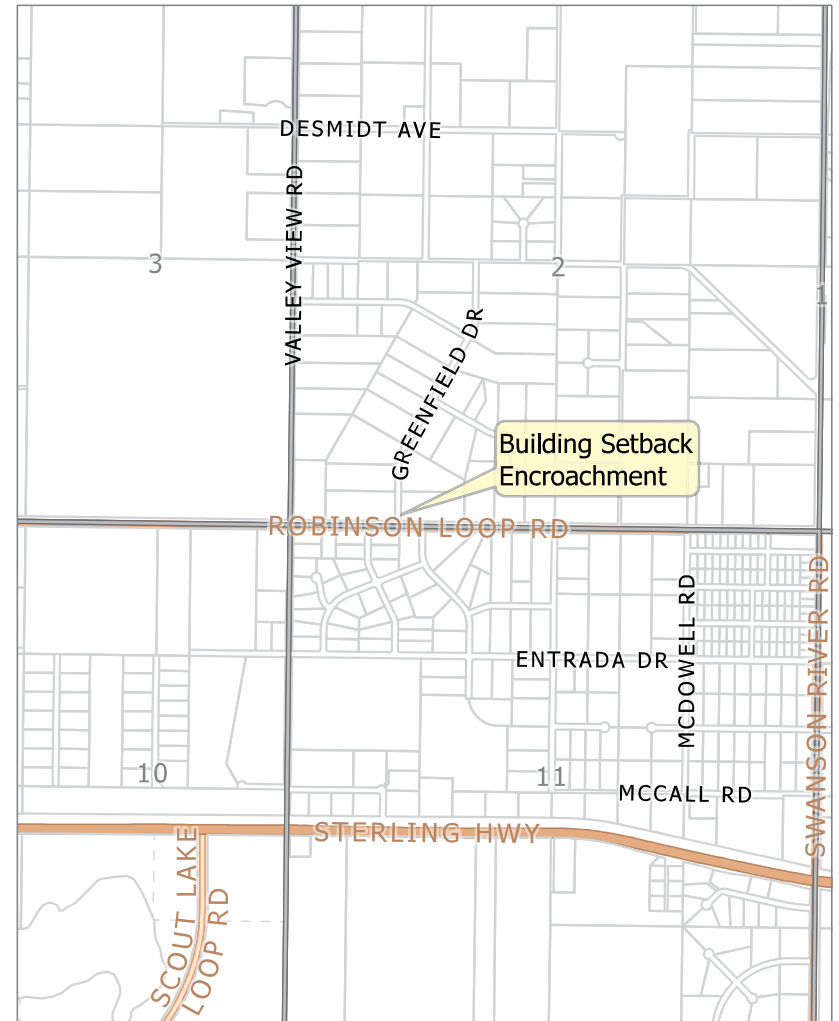
A party of record may file an appeal of a decision of the Planning Commission in accordance with the requirements of the Kenai Peninsula Borough Code of Ordinances. An appeal must be filed with the Borough Clerk within 15 days of the notice of decision, using the proper forms, and be accompanied by the filing and records preparation fees. Vacations of right-of-ways, public areas, or public easements outside city limits cannot be made without the consent of the borough assembly.

Vacations within city limits cannot be made without the consent of the city council. The assembly or city council shall have 30 calendar days from the date of approval in which to veto the planning commission decision. If no veto is received within the specified period, it shall be considered that consent was given.

A denial of a vacation is a final act for which the Kenai Peninsula Borough shall give no further consideration. Upon denial, no reapplication or petition concerning the same vacation may be filed within one calendar year of the date of the final denial action except in the case where new evidence or circumstances exist that were not available or present when the original petition was filed.

C. CONSENT AGENDA

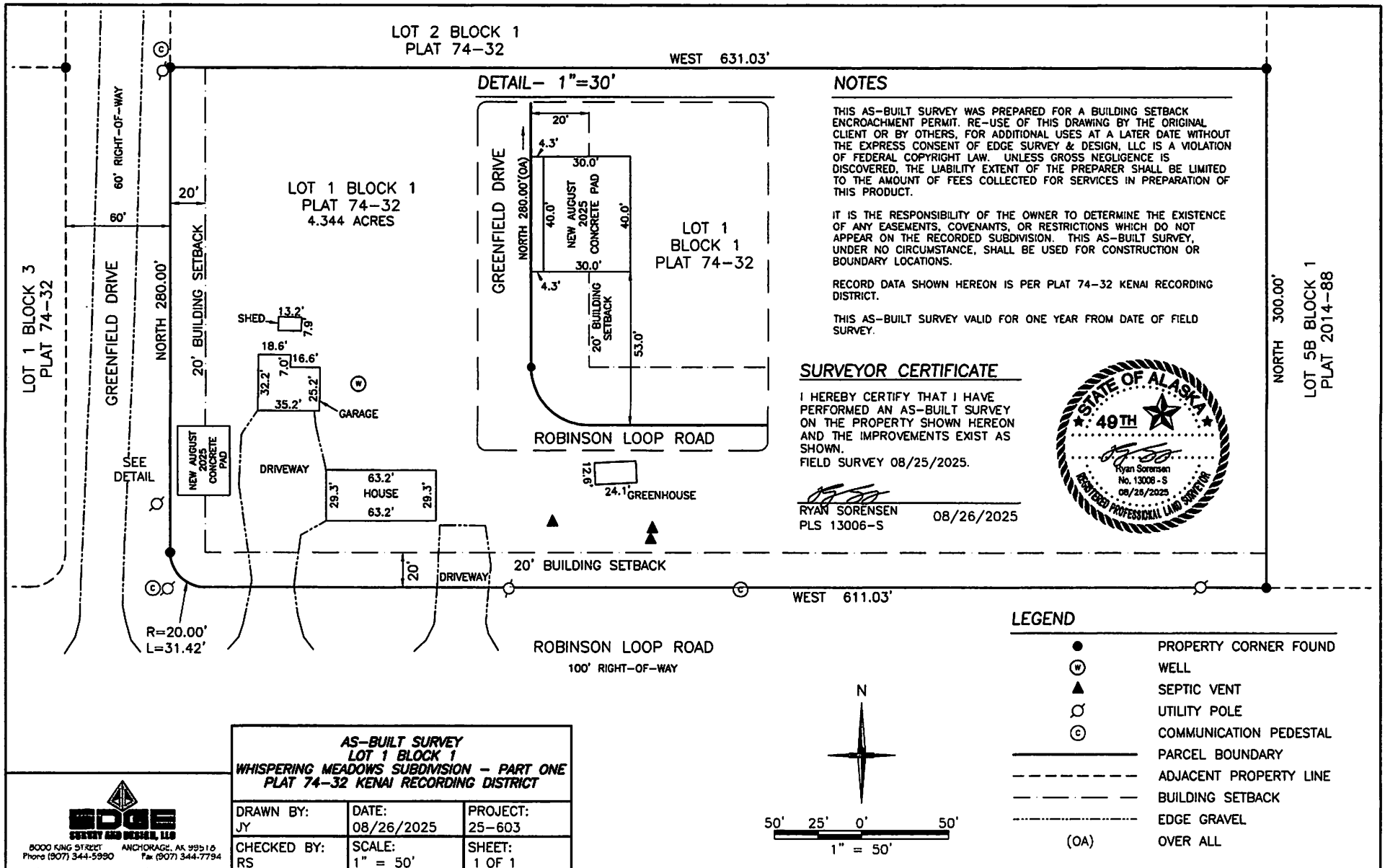
- *2 Planning Commission Resolution**
 - a. PC Resolution 2025-30**



KPB File 2025-018
T 05N R 9W SEC 2
Sterling



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



AGENDA ITEM C. NEW BUSINESS

**ITEM #1. – BUILDING SETBACK ENCROACHMENT PERMIT
LOT 1, BLOCK 1, WHISPERING MEADOWS SUBDIVISION PART 1, PLAT KN 74-32**

KPB File No.	2025-018
Planning Commission Meeting:	November 17, 2025
Applicant / Owner:	David C. and Barbara J. Caswell
Surveyor:	Ryan Sorenson / Edge Survey and Design
General Location:	Greenfield Drive and Robinson Loop Road, Sterling area

Parent Parcel No.:	063-360-01
Legal Description:	Township 5 North, Range 9 West, Section 2, Seward Meridian, Kenai, Plat 74-32, Whispering Meadows Subdivision Part 1, Lot 1, Block 1
Assessing Use:	Residential
Zoning:	Unrestricted
Resolution	2025-30

STAFF REPORT

This Building Setback Encroachment Permit (BSEP) is returning to the Planning Commission for re-approval after a missed deadline.

The Planning Commission reviewed and approved the BSEP through Resolution 2025-6, following consideration of the standards in KPB 20.10.110(E). Approval was granted subject to the conditions outlined in the staff report, including submission of a current as-built within ninety (90) days for use as an exhibit to Resolution 2025-6. The Resolution was signed on March 24, 2025, and included a stipulation that it would become void if not recorded within ninety (90) days of adoption.

The Planning Department did not receive an updated as-built that satisfied all conditions set forth in the staff report until September 4, 2025. However, the ninety-day recording period required by Resolution 2025-6 had expired. Accordingly, a new resolution, proposed Resolution 2025-30, is required before recording.

RECOMMENDATION:

Based on the Planning Commission's prior approval of the BSEP on March 24, 2025, and the subsequent submittal of a compliant as-built beyond the required recording period of Resolution 2025-6, staff recommends that the Planning Commission adopt Resolution 2025-30 to reaffirm the original approval and ensure compliance with procedural requirements pursuant to KPB 20.10.110(G).

NOTE:

20.10.110.(H) A decision of the planning commission may be appealed to the hearing officer by a party of record, as defined by KPB 21.20.210, within 15 days of the date of notice of decision in accordance with KPB 21.20.250.

END OF STAFF REPORT

**KENAI PENINSULA BOROUGH PLANNING COMMISSION
RESOLUTION 2025-30
KENAI RECORDING DISTRICT**

**A RESOLUTION GRANTING A BUILDING SETBACK ENCROACHMENT PERMIT
FOR A PORTION OF THE TWENTY-FOOT BUILDING SETBACK FOR LOT 1,
BLOCK 1, WHISPERING MEADOWS SUBDIVISION - PART ONE (KN 74-32);
LOCATED IN THE SW ¼ OF S02, T05N, R09W; SEWARD MERIDIAN, ALASKA,
WITHIN THE KENAI PENINSULA BOROUGH; KPB FILE NO. 2025-018**

WHEREAS, pursuant to KPB 20.30.240, a minimum twenty-foot building setback from all dedicated rights-of-way in subdivisions located outside incorporated cities is required; and

WHEREAS, issuance of a building setback encroachment permit is an exception to the rule prohibiting such encroachments; and

WHEREAS, KPB 20.10.110 governs building setback encroachment permits and authorizes the Planning Commission to grant building setback encroachment permits by resolution; and

WHEREAS, KPB 20.10.110(E) provides the three Standards the Planning Commission must consider when evaluating building setback encroachment permit applications; and

WHEREAS, the Planning Commission may only approve a building setback encroachment permit if there is substantial evidence showing that each of the three Standards in KPB 20.10.110(E) are met; and

WHEREAS, these are affirmative findings, and the permittees have the burden to prove with substantial evidence they are true; and

WHEREAS, David C. and Barbara J. Caswell, Sterling, AK, permittees, requested a building setback encroachment permit to the twenty-foot building setback granted by Whispering Meadows Subdivision - Part One (KN 74-32); and

WHEREAS, on March 24, 2025, the Planning Commission considered the background information, all comments received, and recommendations from KPB Planning Department staff regarding the proposed exception, and granted approval of the building setback encroachment permit via Resolution 2025-6, subject to conditions outlined in the staff report and a requirement that the resolution be recorded within ninety (90) days of adoption; and

WHEREAS, Resolution 2025-6 was not recorded within ninety (90) days of adoption, therefore it is void; and

WHEREAS, on November 17, 2025, the Planning Commission considered the prior approval of Resolution 2025-6 and the subsequent submittal of a compliant as-built beyond the required recording period; and

WHEREAS, the Planning Commission found that the permittees met the burden of proof with substantial evidence as to each of the three Standards found in KPB 20.10.110(E); and

WHEREAS, the Planning Commission found that granting the building setback encroachment permit will not be detrimental to the public interest;

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH:

SECTION 1. That the permittees have met the burden of proof with substantial evidence as to

each of the three standards found in KPB 20.10.110(E).

SECTION 2. That an exception to the 20-foot building setback limit on KN 74-32 Lot 1 Block 1 WHISPERING MEADOWS SUBDIVISION - PART ONE is hereby granted to accommodate only the encroaching portion of the structure based upon the following findings of fact:

Standard 1: The building setback encroachment may not interfere with road maintenance.

1. There is no constructed ditch on the east side of Greenfield Drive and there is adequate space for snow berm storage.
2. The proposed building will be 25-feet or more from the traveled surface of Greenfield Drive.
3. The KPB Roads Reviewer commented that there is adequate snow storage and maintenance has not usually been impacted.

Standard 2: The building setback encroachment may not interfere with sight lines or distances.

1. The proposed building will be 25-feet or more from the traveled surface of Greenfield Drive.
2. Greenfield Drive is a straight road and the proposed building is well out of the necessary line of sight while traveling Greenfield Drive.
3. There is sufficient line of sight left and right along Robinson Loop while parked at stop sign of Greenfield.

Standard 3. The building setback encroachment may not create a safety hazard.

1. The proposed building will be 25-feet or more from the traveled surface of Greenfield Drive.
2. Greenfield Drive is a straight road and the proposed building is well out of the necessary line of sight while traveling Greenfield Drive.
3. The area in question is near the intersection of Robinson Loop and Greenfield Drive, and the traffic is relatively slow in this area.
4. The topography of the parcel is relatively flat.

SECTION 3. That any new, replacement, and/or additional construction will be subject to the 20-foot building setback limit.

SECTION 4. That the granting of a building setback encroachment permit will only be for the portion of the improvement or building that is located within the building setback and the permit will be valid for the life of the structure or for a period of time set by the Planning Commission. The granting of a building setback encroachment permit will not remove any portion of the 20-foot building setback from the parcel.

SECTION 5. That the current as-built survey or sketch prepared, signed, and sealed by a licensed land surveyor showing the location of the encroachment within the building setback provided by the permittees on September 4, 2025, be attached to, and made a part of this Resolution, becoming page 4 of 4.

SECTION 6. That this Resolution is void if not recorded in the appropriate Recording District within 90 days of adoption.

SECTION 7. That this Resolution becomes effective upon being properly recorded with the permittees being responsible for payment of recording fees.

ADOPTED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA
BOROUGH ON THIS _____ DAY OF _____, 2025.

_____	ATTEST:	_____
Jeremy Brantley, Chairperson		Ann Shirnberg,
Planning Commission		Administrative Assistant

Return to:
Planning Department
Kenai Peninsula Borough
144 North Binkley Street
Soldotna, Alaska 99669



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.



Aerial with 5-foot Contours



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.

KENAI NATIONAL MOOSE RANGE

TEN TSW

1 2 3 4

THIS SUBD

ROBINSON LOOP ROAD

PIPELINE

9 10 11 12

STERLING

SCOUT LAKE

13 14 15 16

R9W

SHANOW RIVER

KENAI RIVER

VICINITY MAP

SCALE 1" = 1 MILE

- ⊙ Found G.L.O. brass cap monument.
- ⊙ Found official survey brass cap (C.L.P.-1963)
- ⊙ H.E.A. Power Pole
- ⊥ Set 1/2" x 24" steel rebar at all lot corners.

Exterior survey date Nov. 22-27, 1972.
Subdivision survey date Dec. 11-18, 1973.

CERTIFICATE OF OWNERSHIP AND DEDICATION.

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

Date April 9, 1974 Jack C. Foster
owner
Lesley C. Foster
owner

NOTARY'S ACKNOWLEDGEMENT.

Subscribed and sworn before me this 9th day of April, 1974.

My commission expires July 1, 1974.

PLAT APPROVAL.

Plot approved by the Commission this
11th day of February, 1974.

Stanley F. Thompson
Mayor



WHISPERING MEADOWS
SUBDIVISION - PART ONE

Charles C. and Leroy E. Foster, owners
Box 303, Soldotna, Ak. 99669

DESCRIPTION
47085 ACRES SITUATED IN THE SW1/4
SECTION 2, T5N, R9W, S.M. AK. AND
KENAI PENINSULA BOROUGH.

Surveyed by S. S. McLane R. L. S.
Soldotna, Ak.

DATE OF SURVEY
Dec. 11-18, 1973

SCALE
1" = 200'

BK. NO.	39-71
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Hearing no objection or further discussion, the motion was carried by the following vote:

MOTION PASSED BY UNANIMOUS VOTE:

Yes - 7	Brantley, Epperheimer, Gillham, Morgan, Slaughter, Whitney, Venuti
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AGENDA ITEM E. NEW BUSINESS

**ITEM #1. – BUILDING SETBACK ENCROACHMENT PERMIT
LOT 1, BLOCK 1, WHISPERING MEADOWS SUBDIVISION PART 1, PLAT KN 74-32**

KPB File No.	2025-018
Planning Commission Meeting:	March 24, 2025
Applicant / Owner:	David C. & Barbara J. Caswell
Surveyor:	Ryan Sorenson, Edge Survey & Design
General Location:	Greenfield Drive & Robinson Loop Road / Sterling area
Parent Parcel No.:	063-360-01
Legal Description:	T05N R09W SEC02 S.M. KN LOT 1 BLK 1 WHISPERING MEADOWS SUB KN 74-32
Assessing Use:	Residential
Zoning:	Unrestricted
Resolution	2025-06

Staff report given by Platting Manager Vince Piagentini.

Chair Brantley opened the item for public comment. Seeing and hearing no one wishing to comment, public comment was closed and discussion was opened among the committee.

MOTION: Commissioner Epperheimer moved, seconded by Commissioner Slaughter to adopt Planning Commission Resolution 2025-06, granting a building setback encroachment permit to a portion of the 20-foot building setback on Lot 1, Block 1, Whispering Meadows Subdivision Part One, Plat KN 0740032.

Hearing no objection or further discussion, the motion was carried by the following vote:

MOTION PASSED BY:

Yes - 5	Brantley, Epperheimer, Morgan, Slaughter, Venuti,
No - 2	Gillham, Whitney
Absent – 1	Fikes

**ITEM #2 - UTILITY EASEMENT ALTERATION
VACATE THE ENTIRE 10' WIDE UTILITY EASEMENT ALONG THE EASTERN BOUNDARY OF
LOT 22, BLOCK 2, BEND IN THE RIVER SUBDIVISION PLAT KN 75-114**

KPB File No.	2025-004V
Planning Committee Meeting:	March 24, 2025
Applicant / Owner:	Dean W. & Dolores J. Cash
Surveyor:	Andrew Hamilton, McLane Consulting Group
General Location:	King Salmon Avenue / Funny River Area
APC	Funny River APC

Staff report given by Platting Manager Vince Piagentini.

Chair Brantley opened the item for public comment. Seeing and hearing no one wishing to comment, public comment was closed and discussion was opened among the committee.

MOTION: Commissioner Gillham moved, seconded by Commissioner Whitney to grant the vacation as petitioned based on the means of evaluating public necessity established by KPB 20.65.050(D), based on

AGENDA ITEM E. NEW BUSINESS

**ITEM #1. – BUILDING SETBACK ENCROACHMENT PERMIT
LOT 1, BLOCK 1, WHISPERING MEADOWS SUBDIVISION PART 1, PLAT KN 74-32**

KPB File No.	2025-018
Planning Commission Meeting:	March 24, 2025
Applicant / Owner:	David C. and Barbara J. Caswell
Surveyor:	Ryan Sorenson / Edge Survey and Design
General Location:	Greenfield Drive and Robinson Loop Road, Sterling area

Parent Parcel No.:	063-360-01
Legal Description:	Township 5 North, Range 9 West, Section 2, Seward Meridian, Kenai, Plat 74-32, Whispering Meadows Subdivision Part 1, Lot 1, Block 1
Assessing Use:	Residential
Zoning:	Unrestricted
Resolution	2025-6

STAFF REPORT

Specific Request / Purpose as stated in the petition:

The proposed building is replacing an old structure in the same location.

Site Investigation:

Multiple structures are depicted on the provided as-built. KPB GIS Imagery shows an approximate 33 foot by 40 foot structure on the west lot line of the lot, encroaching into the 20-foot building setback along borough-maintained Greenfield Drive. No building setback encroachment permit is on record for this structure.

The owners have provided in their justification that they plan to replace the building in the setback. According to the submitted survey, the proposed 32.9-foot by 40-foot structure will encroach 18-feet into the 20-foot building setback along Greenfield Drive.

Per KPB Code 20.90.010- Definitions- Building Setback is the area of the lot where permanent structures are not allowed. The purpose of the setback is to promote safe public access, areas for emergency response, and traffic sight distance. KPB code 20.90.010 also defines Permanent Structures as anything of a permanent nature that requires footings, foundations or pilings.

The parcel is located on the corner of Greenfield Drive and Robinson Loop Road. Greenfield Drive is a 60-foot KPB maintained road. It connects to Robinson Loop Road to the south and Herta Avenue to the north. Robinson Loop is located on the south side of the lot and is a 100-foot state-maintained road.

Based on KPB imagery and Google Earth imagery, the encroachment does not obstruct or interfere with the sight lines along Greenfield Drive as the topography is relatively flat. Sight distance will not be affected as the proposed structure is approximately 39 feet from the center of the driving lane of Greenfield Drive at its closest point on the north side of indicated structure.

Staff Analysis:

This parcel was originally an aliquot portion of the S1/2 SW1/4 of Section 2, Township 5 North, Range 9 West, Seward Meridian, Alaska. Whispering Meadows Subdivision – Part One, subdivided a portion of the land including Lot 1, Block 1 and dedicated portions of Greenfield Drive and Robinson Loop Road.

Whispering Meadows Subdivision - Part One does not include any reference to a building setback. However, in 1968, the Kenai Peninsula Borough developed a subdivision ordinance, KPB 68-26, that included a 20-foot building setback requirement on all plats.

According to KPB GIS Imagery, Greenfield Drive provides access to parcels and roads to the north, with the majority of the parcels being developed. The topography is relatively flat on the parcel and Greenfield Drive. No wetlands affect the road or subject lot.

The structure does not appear to affect the maintenance of Greenfield Drive. The KPB Roads Reviewer commented that there is adequate snow storage and maintenance has not usually been impacted.

Issuance of a building setback encroachment permit is an exception to the rule prohibiting such encroachments. The Commission may only approve an encroachment permit if there is substantial evidence in the record showing that each of the three standards are met. These are affirmative findings, and the petitioner has the burden to prove with substantial evidence they are true. The findings are provided for the Commission's consideration and are not exclusive. Additional relevant findings may be derived from the record, public testimony, written comments, or other Commissioner findings based on substantial evidence in the record.

"Substantial evidence" means relevant evidence a reasonable mind might accept as adequate to support a conclusion.

Applicant Discussion:

1. The proposed building is replacing an old structure in the same location. There had been a garage in the same location on air photos dating back until 1996 and the current owners have been there since 1993 and the original structure was in place at that time. See provided photo of the original structure. The previous building had been in place for over 25 years without complaint or issue. The landowner wants to simply replace the structure in the historic location.
2. The proposed building setback encroachment does not interfere with road maintenance efforts. The proposed building corner will be 25 feet or more from the traveled surface of Greenfield Drive. There is no constructed ditch on the East side of Greenfield Drive and there is adequate space for snow berm storage.
3. The proposed setback encroachment does not interfere with line of sight while traveling on Greenfield Drive. The proposed building is 25 feet from the traveled surface of Greenfield Drive. Greenfield Drive is a straight road, and the proposed building is well out of the necessary line of sight while traveling Greenfield Drive. There is existing vegetation and trees closer to the intersection with Robinson Loop Road than the proposed building, with sufficient line of sight left and right along Robinson Loop while parked at stop sight of Greenfield Drive.
4. The proposed building setback encroachment does not create any safety hazard. The proposed building corner is 2 feet from the property line and does not create any safety hazards while traveling Greenfield Drive. The area in question is near the intersection and traffic is traveling slow in this area. Greenfield Drive has low traffic pattern with less than 40 homes located beyond this parcel.
5. There is no platted utility easement along the rights-of-way from the parent plat and all the local utility lines appear to be within the right-of-way. The proposed building therefore will not block any easements.

Applicant Findings:

1. The proposed building is replacing an old structure in the same location.
2. The old structure can be dated back to 1993, when the owners purchased the property.
3. There is no constructed ditch on the east side of Greenfield Drive and there is adequate space for snow berm storage.
4. The proposed building will be 25-feet or more from the traveled surface of Greenfield Drive.

5. Greenfield Drive is a straight road and the proposed building is well out of the necessary line of sight while traveling Greenfield Drive.
6. There is existing vegetation and trees closer to the intersection of Robinson Loop Road than the proposed building.
7. There is sufficient line of sight left and right along Robinson Loop while parked at stop sight of Greenfield Drive.
8. The proposed building is 2-feet from the property line.
9. The area in question is near the intersection of Robinson Loop and Greenfield Drive, and the traffic is traveling slow in this area.
10. Greenfield Drive has a low traffic pattern with less than 40 homes located beyond this parcel.
11. There is no platted utility easement along the rights-of-way from the parent plat.
12. The local utility lines appear to be within the right-of-way.

Staff recommends the Committee select the findings they determine are applicable, make additional findings if needed, tie the findings to the following standards,

20.10.110. – Building setback encroachment permits.

E. The following standards shall be considered for all building setback encroachment permit applications.

1. The building setback encroachment may not interfere with road maintenance.
2. The building setback encroachment may not interfere with sight lines or distances.
3. The building setback encroachment may not create a safety hazard.

F. The granting of a building setback encroachment permit will only be for the portion of the improvement or building that is located within the building setback and the permit will be valid for the life of the structure or for a period of time set by the Planning Commission. The granting of a building setback permit will not remove any portion of the 20 foot building setback from the parcel.

G. The Planning Commission shall approve or deny a building setback encroachment permit. If approved, a resolution will be adopted by the planning commission and recorded by the planning department within the time frame set out in the resolution to complete the permit. The resolution will require an exhibit drawing showing, and dimensioning, the building setback encroachment permit area. The exhibit drawing shall be prepared, signed and sealed, by a licensed land surveyor.

Staff Findings for the Commission's review:

13. The parcel is 4.34 acres in size.
14. The topography of the parcel is relatively flat.
15. There are no classified wetlands within the boundary of the lot.
16. The 20-foot building setback was created by KPB Ordinance 68-20.
17. The KPB Roads Reviewer commented that there is adequate snow storage and maintenance has not usually been impacted.
18. Existing structures / new structures both require Building Setback Encroachment Permits, one is asking for an existing built structure and the other is for preconstruction request.
19. Additions to an existing structure need to be completed behind the 20' building setback line.

KPB department / agency review:

KPB Roads Dept. comments	Out of Jurisdiction: No
	Roads Director: Griebel, Scott
	Comments:

	Greenfield is slightly misaligned to the West at the structure location, but located well within the ROW. There exist adequate snow storage and maintenance has not been traditionally impacted. No further RSA comments or objections.
SOA DOT comments	No Comments
KPB River Center review	A. Floodplain Reviewer: Hindman, Julie Floodplain Status: Not within flood hazard area Comments: No comments B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments
State of Alaska Fish and Game	No Response
Addressing	Reviewer: Leavitt, Rhealyn Affected Addresses: 35710 ROBINSON LOOP RD Existing Street Names are Correct: Yes List of Correct Street Names: GREENFIELD DR, ROBINSON LOOP RD Existing Street Name Corrections Needed: All New Street Names are Approved: No List of Approved Street Names: List of Street Names Denied: Comments: No other comments
Code Compliance	Reviewer: Ogren, Eric Comments: Existing structure is in violation and permit to be in the setback would be required to allow it to stay or to be rebuilt in the same location.
Planner	Reviewer: Raidmae, Ryan There are not any Local Option Zoning District issues with this proposed plat. Material Site Comments: There are not any material site issues with this proposed plat.
Assessing	Reviewer: Windsor, Heather Comments: No comment
Advisory Planning Commission	No Response

RECOMMENDATION:

If the Commission determines the petitioner **has not** met the burden of proving by substantial evidence that each of the Standards is met, the Commission should deny the application, and it should explain its reasons.

If the Commission determines the petitioner **has** met the burden of proving by substantial evidence that each of the Standards is met, the Commission should identify the findings of fact, based upon substantial evidence from the record, which includes this Staff Report, it determines are applicable to the Standards, and incorporate the following conditions for final approval:

1. Compliance with KPB 20.10.110 sections F and G.
2. Providing a current as-built with recommended corrections as noted below, to be used as an exhibit drawing for a resolution 2025-8, prepared, signed, and sealed by a licensed land surveyor.
3. The recording fees be submitted to the Kenai Peninsula Borough Planning Department for the recording of the resolution.
4. Failure to provide an as-built so that it may be recorded within one year approval will result in a new application, hearing, and approval.
5. Additional encroachments found on the new as-built will require a new hearing.

STAFF RECOMMENDATIONS
CORRECTIONS / EDITS

- Correct the east lot label to reflect "Lot 5B, Block 1, KN 74-32.

NOTE:

20.10.110.(H) A decision of the planning commission may be appealed to the hearing officer by a party of record, as defined by KPB 20.90, within 15 days of the date of notice of decision in accordance with KPB 21.20.250.

END OF STAFF REPORT

**KENAI PENINSULA BOROUGH PLANNING COMMISSION
RESOLUTION 2025-6
KENAI RECORDING DISTRICT**

GRANT A BUILDING SETBACK ENCROACHMENT PERMIT TO A PORTION OF THE TWENTY FOOT BUILDING SETBACK FOR LOT 1 BLOCK 1, WHISPERING MEADOWS SUBDIVISION - PART ONE (KN 0740032); IN SW 1/4 S02, T05N, R09W; SEWARD MERIDIAN, ALASKA, WITHIN THE KENAI PENINSULA BOROUGH; KPB FILE NO. 2025-018

WHEREAS, per KPB 20.30.240 – Building Setbacks, a minimum 20-foot building setback shall be required for fee simple non-arterial rights-of-way in subdivisions located outside incorporated cities; and

WHEREAS, David C. and Barbara J. Caswell of Sterling, AK requested a building setback encroachment permit to the 20-foot building setback granted by Whispering Meadows Subdivision - Part One (KN 0740032); and

WHEREAS, per the petition; and

WHEREAS, the encroaching structure does not affect sight distance along the right-of-way; and

WHEREAS, on Monday, March 24, 2025, the Kenai Peninsula Borough Planning Commission considered the background information, all comments received, and recommendations from KPB Planning Department staff regarding the proposed exception; and

WHEREAS, the Planning Commission found that granting the building setback encroachment permit will not be detrimental to the public interest; and

WHEREAS, 20.10.110 of the Kenai Peninsula Borough Code of Ordinances authorizes the Planning Commission to accomplish building setback encroachment permits by Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH:

Section 1. That the 20-foot building setback limit on KN 0740032 Lot 1 Block 1 is hereby excepted to accommodate only the encroaching portion of the Garage.

Section 2. That any new, replacement, and/or additional construction will be subject to the 20-foot building setback limit.

Section 3. That the 20-foot building setback limit shall apply to the remainder of said lot.

Section 4. That a current as-built survey or sketch prepared, signed, and sealed by a licensed land surveyor showing the location of the encroachment within the building setback be attached to, and made a part of this resolution, becoming page 2 of 2.

Section 5. That this resolution is void if not recorded in the appropriate Recording District within 90 days of adoption.

Section 6. That this resolution becomes effective upon being properly recorded with petitioner being responsible for payment of recording fees.

ADOPTED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH ON THIS _____ DAY OF _____, 2025.

Jeremy Brantley, Chairperson
Planning Commission

ATTEST:

Ann Shirnberg,
Administrative Assistant

Return to:
Planning Department
Kenai Peninsula Borough
144 North Binkley Street
Soldotna, Alaska 99669

C. CONSENT AGENDA

***3. Administrative Approvals**

- a. Friday Replat; KPB File 2025-034**
- b. Liebenthal Subdivision 2024 Addition; KPB File 2024-086**
- c. Lookout Valley Subdivision; KPB File 2025-056**
- d. River Acres Subdivision Blu River Addition; KPB File 2025-067**
- e. Snowland Estates 2025; KPB File 2025-019**



ADMINISTRATIVE APPROVAL

Subdivision: Friday Replat
KPB File 2025-034
Kenai Recording District

The Kenai Peninsula Borough Planning Commission conditionally approved the preliminary subdivision plat on April 14, 2025. Approval for the plat is valid for two years from the date of approval.

The final plat complied with conditions of preliminary approval and KPB Title 20 (Subdivisions); therefore, per KPB 20.60.220, administrative approval has been granted by the undersigned on Wednesday, October 22, 2025.

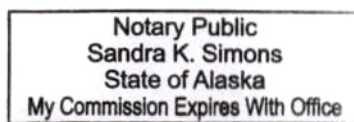
Vince Piagentini
Platting Manager

State of Alaska
Kenai Peninsula Borough

Signed and sworn (or affirmed) in my presence this 22nd day of October 2025 by
Vince Piagentini.

Notary Public for the State of Alaska

My commission expires: with office



The survey firm has been advised of additional requirements, if any, to be complied with prior to recording. After the original mylar has been signed by the KPB official, it must be filed with the appropriate district recorder within ten business days by the surveyor or the Planning Department.



ADMINISTRATIVE APPROVAL

Subdivision: Liebenthal Subdivision 2024 Addition
KPB File 2024-086
Homer Recording District

The Kenai Peninsula Borough Planning Commission conditionally approved the preliminary subdivision plat on September 9, 2024. Approval for the plat is valid for two years from the date of approval.

The final plat complied with conditions of preliminary approval and KPB Title 20 (Subdivisions); therefore, per KPB 20.60.220, administrative approval has been granted by the undersigned on Wednesday, October 22, 2025.

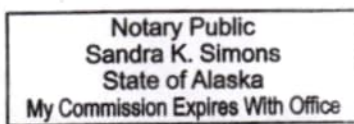
Vince Piagentini
Platting Manager

State of Alaska
Kenai Peninsula Borough

Signed and sworn (or affirmed) in my presence this 22nd day of October 2025 by
Vince Piagentini.

Notary Public for the State of Alaska

My commission expires: with office



The survey firm has been advised of additional requirements, if any, to be complied with prior to recording. After the original mylar has been signed by the KPB official, it must be filed with the appropriate district recorder within ten business days by the surveyor or the Planning Department.



ADMINISTRATIVE APPROVAL

Subdivision: Lookout Valley Subdivision
KPB File 2025-056
Homer Recording District

The Kenai Peninsula Borough Planning Commission conditionally approved the preliminary subdivision plat on May 12, 2025. Approval for the plat is valid for two years from the date of approval.

The final plat complied with conditions of preliminary approval and KPB Title 20 (Subdivisions); therefore, per KPB 20.60.220, administrative approval has been granted by the undersigned on Wednesday, October 29, 2025.

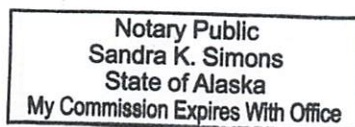
Vince Piagentini
Platting Manager

State of Alaska
Kenai Peninsula Borough

Signed and sworn (or affirmed) in my presence this 29th day of October 2025 by
Vince Piagentini.

Notary Public for the State of Alaska

My commission expires: with office



The survey firm has been advised of additional requirements, if any, to be complied with prior to recording. After the original mylar has been signed by the KPB official, it must be filed with the appropriate district recorder within ten business days by the surveyor or the Planning Department.



ADMINISTRATIVE APPROVAL

Subdivision: River Acres Subdivision Blu River Addition
KPB File 2025-067
Kenai Recording District

The Kenai Peninsula Borough Planning Commission conditionally approved the preliminary subdivision plat on May 27, 2025. Approval for the plat is valid for two years from the date of approval.

The final plat complied with conditions of preliminary approval and KPB Title 20 (Subdivisions); therefore, per KPB 20.60.220, administrative approval has been granted by the undersigned on Wednesday, October 29, 2025.

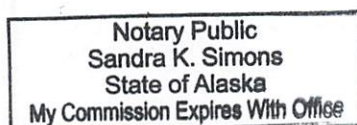
Vince Piagentini
Platting Manager

State of Alaska
Kenai Peninsula Borough

Signed and sworn (or affirmed) in my presence this 29th day of October 2025 by
Vince Piagentini.

Notary Public for the State of Alaska

My commission expires: with office



The survey firm has been advised of additional requirements, if any, to be complied with prior to recording. After the original mylar has been signed by the KPB official, it must be filed with the appropriate district recorder within ten business days by the surveyor or the Planning Department.



ADMINISTRATIVE APPROVAL

Subdivision: Snowland Estates 2025
KPB File 2025-019
Kenai Recording District

The Kenai Peninsula Borough Planning Commission conditionally approved the preliminary subdivision plat on March 24, 2025. Approval for the plat is valid for two years from the date of approval.

The final plat complied with conditions of preliminary approval and KPB Title 20 (Subdivisions); therefore, per KPB 20.60.220, administrative approval has been granted by the undersigned on Wednesday, October 29, 2025.

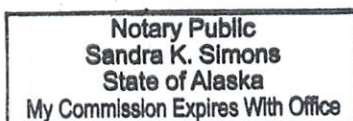
Vince Piagentini
Platting Manager

State of Alaska
Kenai Peninsula Borough

Signed and sworn (or affirmed) in my presence this 29th day of October 2025 by
Vince Piagentini.

Notary Public for the State of Alaska

My commission expires: with office



The survey firm has been advised of additional requirements, if any, to be complied with prior to recording. After the original mylar has been signed by the KPB official, it must be filed with the appropriate district recorder within ten business days by the surveyor or the Planning Department.

C. CONSENT AGENDA

***4. Final Approvals**

- a. Bailey Estates Karpik Rice Replat; KPB File 2025-001**
- b. Cape Resurrection Sub Sanefur Seavey Replat; KPB File 2024-113**



FINAL APPROVAL OF PLAT SUBMITTED UNDER 20.10.040

Subdivision: Bailey Estates Karpik Rice Replat
KPB File 2025-001
Kenai Recording District

The Kenai Peninsula Borough Planning Department has reviewed the above referenced subdivision plat in accordance with 20.10.040 Borough Code of Ordinances. The final plat meets the conditions of the preliminary approval and complies with KPB Title 20; therefore, final approval has been granted by the undersigned on Wednesday, October 22, 2025.

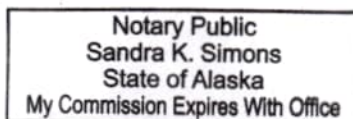
Vince Piagentini
Platting Manager

State of Alaska
Kenai Peninsula Borough

Signed and sworn (or affirmed) in my presence this 22nd day of October 2025 by
Vince Piagentini.

Notary Public for the State of Alaska

My commission expires: with office



The survey firm has been advised of additional requirements, if any, to be complied with prior to recording. After the original mylar has been signed by the KPB official, it must be filed with the appropriate district recorder within ten business days by the surveyor or the Planning Department.



FINAL APPROVAL OF PLAT SUBMITTED UNDER 20.10.040

Subdivision: Cape Resurrection Subdivision Sandefur Seavey Replat
KPB File 2024-113
Seward Recording District

The Kenai Peninsula Borough Planning Department has reviewed the above referenced subdivision plat in accordance with 20.10.040 Borough Code of Ordinances. The final plat meets the conditions of the preliminary approval and complies with KPB Title 20; therefore, final approval has been granted by the undersigned on Thursday, October 30, 2025.

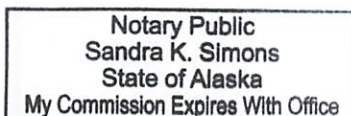
Vince Piagentini
Platting Manager

State of Alaska
Kenai Peninsula Borough

Signed and sworn (or affirmed) in my presence this 30th day of October 2025 by
Vince Piagentini.

Notary Public for the State of Alaska

My commission expires: with office



The survey firm has been advised of additional requirements, if any, to be complied with prior to recording. After the original mylar has been signed by the KPB official, it must be filed with the appropriate district recorder within ten business days by the surveyor or the Planning Department.

C. CONSENT AGENDA

***7. Minutes**

a. 10/27/25 Planning Commission Meeting Minutes

Kenai Peninsula Borough Planning Commission

Betty J. Glick Assembly Chambers, Kenai Peninsula Borough George A. Navarre Administration Building

OCTOBER 27, 2025
7:30 P.M.
UNAPPROVED MINUTES

AGENDA ITEM A. CALL TO ORDER

Commissioner Brantley called the meeting to order at 7:30 p.m.

AGENDA ITEM B. ROLL CALL

Commissioners Present

Jeremy Brantley, Sterling / Funny River
Jeffery Epperheimer, Nikiski District
Pamela Gillham, Kalifornsky/Kasilof District
Dawson Slaughter, Southern Peninsula District
Virginia Morgan, Cooper Landing/Hope/Eastern Peninsula District
Karina England, City of Seward
Diane Fikes, City of Kenai
Paul Whitney, City of Soldotna
Franco Venuti, City of Homer

With 9 members present, a quorum was present.

Staff Present

Aaron Hughes, Land Management Officer
Vince Piagentini, Platting Manager
Jenny Robertson, LM Administrative Assistant
Ann Shirnberg, Planning Administrative Assistant

AGENDA ITEM C. CONSENT & REGULAR AGENDA

***1. Time Extension Requests**

- a. Seward Airport ROW Acquisition Plat; KPB File 2021-047

***3. Administrative Approvals**

- a. Barber Heights Addition Riedel Subdivision; KPB File 2023-013R1
- b. Baycrest Subdivision 2025 Replat; KPB File 2025-023
- c. Bridge Creek Coop Subdivision 2024 Replat; KPB File 2024-133
- d. Kenai River Bridge Subdivision 2024 Replat; KPB File 2024-118
- e. McGahan Ridge Subdivision No. 2; KPB File 2024-134
- f. Millers Crossing Subdivision Phase 2; KPB File 2025-071
- g. Soldotna Creek The Pointe Addition 2025 Replat; KPB File 2025-040
- h. Stone Steps Estates; KPB File 2024-125
- i. Whistlebait Estates Addition No. 2 KPB File 2024-100

***4. Final Approvals**

- a. Rudy Dazzling Scenic View Subdivision Hendriks Addition; KPB File 2025-099

***7. Minutes**

- a. October 13, 2025 Planning Commission Meeting Minutes

Chair Brantley asked Ms. Shirnberg to read the consent agenda items into the record. He then asked if anyone wished to speak to any of the items on the consent agenda. Seeing and hearing no one wishing to comment, Chair Brantley brought it back to the commission for a motion.

MOTION: Commissioner Gillham moved, seconded by Commissioner Slaughter to approve the consent and regular agendas.

Hearing no objection or further discussion, the motion was carried by the following vote:

MOTION PASSED BY UNANIMOUS VOTE:

Yes - 9	Brantley, England, Epperheimer, Fikes, Gillham, Morgan, Slaughter, Whitney, Venuti
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AGENDA ITEM E. NEW BUSINESS

ITEM #1. – BUILDING SETBACK ENCROACHMENT PERMIT

PERMITS A 30.7-FOOT BY 40.5-FOOT SHOP TO REMAIN 15.3-FEET INTO THE 20-FOOT BUILDING SETBACK; AND A 12-FOOT BY 23.5-FOOT CARPORT TO REMAIN 4.7-FEET INTO THE 20-FOOT BUILDING SETBACK ADJACENT TO SARA STREET GRANTED BY PLAT KN 79-157 ON THAT PORTION OF THE NORTH 440 FEET OF GOVERNMENT LOT 6, LYING EAST OF SARA STREET, EXCEPT APACHE ACRES SUBDIVISION PART 6

KPB File No.	2025-153
Planning Commission Meeting:	October 27, 2025
Applicant / Owner:	John Robert Stevens
Surveyor:	Jerry Johnson, Johnson Surveying
General Location:	Sara Street / Funny River Area

Parent Parcel No.:	066-280-22
Legal Description:	T 5N R 8W SEC 18 SEWARD MERIDIAN KN THAT PORTION OF THE NORTH 440 FT OF GOVT LOT 6 LYING EAST OF SARA STREET EXCEPT APACHE ACRES SUB PART 6
Assessing Use:	Residential Dwelling
Zoning:	Rural Unrestricted
Planning Commission Resolution	2025-27

Staff report given by Platting Manager Vince Piagentini.

Chair Brantley opened the item for public comment.

Jerry Johnson, Johnson Surveying; P.O. Box 27, Clam Gulch, AK 99568: Mr. Johnson was the surveyor for this project and made himself available for questions.

Seeing and hearing no one else wishing to comment, public comment was closed and discussion was opened among the committee.

MOTION: Commissioner Gillham moved, seconded by Commissioner Slaughter to adopt PC Resolution 2025-27 granting a building setback encroachment permit to that portion of the north 440' of Government Lot 6 lying east of Sara Street, excluding Apache Acres Subdivision Part 6, citing finding 1, 8 & 9 in support of standards one, two and three and subject to the six conditions as stated in the staff report

Hearing no objection or further discussion, the motion was carried by the following vote:

MOTION PASSED BY UNANIMOUS VOTE:

Yes - 9	Brantley, England, Epperheimer, Fikes, Gillham, Morgan, Slaughter, Whitney, Venuti
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ITEM #2. – BUILDING SETBACK ENCROACHMENT PERMIT
PERMITS A PORTION OF A 24.4' X 28.4' HOUSE, PART OF A COVERED PORCH AND THE ATTACHED STAIRS AND AN OPEN CARPORT TO REMAIN INTO THE 20' BUILDING SETBACK LOCATED IN LOT 1 HOLLYWOOD KENNEDY GIBBONS 2006 ADDITION KN2007-108

KPB File No.	2025-149
Planning Commission Meeting:	October 27, 2025
Applicant / Owner:	Laida LLC
Surveyor:	Dmitri Kimbrell, Fineline Surveys, Inc.
General Location:	Sterling Highway / Anchor Point Area

Parent Parcel No.:	165-630-27
Legal Description:	T 4S R 15W SEC 22 & 23 SEWARD MERIDIAN HM 2007108 HOLLYWOOD KENNEDY GIBBONS 2006 ADDN LOT 1
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Planning Commission Resolution	2025-26

Staff report given by Platting Manager Vince Piagentini.

Chair Brantley opened the item for public comment.

Mary Trimble, Owner; P.O. Box 193, Anchor Point, AK 99556: Ms. Trimble is the petitioner and landowner and made herself available for questions.

Travis Todd; 31150 Sterling Hwy., Anchor Point, AK 99556: Mr. Todd is a neighboring landowner and just want to make sure that this permit would not negatively affect his property.

Seeing and hearing no one else wishing to comment, public comment was closed and discussion was opened among the committee.

MOTION: Commissioner Slaughter moved, seconded by Commissioner Epperheimer to adopt PC Resolution 2025-26 granting a building setback encroachment permit to Lot 1, Hollywood Kennedy Gibbons 2006 Addition, Plat KN 2007-108, citing findings 1 & 4 in support of standard one, findings 2 & 4 in support of standard two and findings 3 & 4 in support of standard three and subject to the 6 conditions as stated in the staff report.

Hearing no objection or further discussion, the motion was carried by the following vote:

MOTION PASSED BY UNANIMOUS VOTE:

Yes - 9	Brantley, England, Epperheimer, Fikes, Gillham, Morgan, Slaughter, Whitney, Venuti
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ITEM #3. – BUILDING SETBACK ENCROACHMENT PERMIT
PERMITS A PORTION OF A 24.2-FOOT BY 34.2-FOOT ONE-STORY HOUSE TO REMAIN ENTIRELY WITHIN THE 20-FOOT BUILDING SETBACK ADJACENT TO SKEETER STREET WITHIN LOT 1A, BLOCK 1, STERLING HEIGHTS SCOOTER'S REPLAT, PLAT KN 93-87, KR.D.

KPB File No.	2025-124
Planning Commission Meeting:	October 27, 2025
Applicant / Owner:	Kathleen A. Barrickman
Surveyor:	Jason Young, Edge Survey & Design
General Location:	Skeeter Street / Sterling Area

Parent Parcel No.:	063-454-09
Legal Description:	T05N R09W SEC 11 S. M. KN 0930087 STERLING HEIGHTS SUB SCOOTER'S REPLAT LOT 1A BLK 1
Assessing Use:	Residential Mobile Home

Zoning:	Rural Unrestricted
Planning Commission Resolution	2025-25

Staff report given by Platting Manager Vince Piagentini.

Chair Brantley opened the item for public comment.

Jason Young, Edge Survey & Design; P.O. Bx 59, Kasilof, AK 99610: Mr. Young was the surveyor on this project and made himself available for questions.

Seeing and hearing no one else wishing to comment, public comment was closed and discussion was opened among the committee.

MAIN MOTION: Commissioner Venuti moved, seconded by Commissioner Gillham to adopt PC Resolution 2025-25 granting a building setback encroachment permit to Lot 1A, Block 1, Sterling Heights Scooter's Replat, Plat KN 93-87.

Hearing no objection or further discussion, the motion was carried by the following vote:

MAIN MOTION PASSED BY UNANIMOUS VOTE:

Yes - 9	Brantley, England, Epperheimer, Fikes, Gillham, Morgan, Slaughter, Whitney, Venuti
---------	--

FINDINGS MOTION: Commissioner Gillham moved, seconded by Commissioner Slaughter to attach findings 1, 4 & 14 – 16 in support of standard one, findings 2-4 & 13 in support of standard two and findings 2-4 in support of standard three and subject to the 4 conditions as set forth in the staff report.

Hearing no objection or further discussion, the motion was carried by the following vote:

FINDINGS MOTION PASSED BY UNANIMOUS VOTE:

Yes - 9	Brantley, England, Epperheimer, Fikes, Gillham, Morgan, Slaughter, Whitney, Venuti
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ITEM #4 - UTILITY EASEMENT ALTERATION

VACATE THE 10-FOOT UTILITY EASEMENT ALONG THE EAST BOUNDARY OF LOTS 27 AND 28 AND ALONG THE WEST BOUNDARY OF LOTS 8 AND 9 ALL WITHIN BLOCK 7 GRANTED BY VALHALLA HEIGHTS SUBDIVISION PART 3 (PLAT KN 1568)

KPB File No.	2025-129V
Planning Committee Meeting:	October 27, 2025
Applicant / Owner:	Craig W. Thomsen o
Surveyor:	Jason Young, Edge Survey & Design LLC
General Location:	Standard Drive and Phillips Drive / City of Kenai

Staff report given by Platting Manager Vince Piagentini.

Chair Brantley opened the item for public comment.

Jason Young, Edge Survey & Design; P.O. Bx 59, Kasilof, AK 99610: Mr. Young was the surveyor on this project and made himself available for questions.

Seeing and hearing no one else wishing to comment, public comment was closed and discussion was opened among the committee.

Commissioner Fikes informed the chair that she had voted on this matter in her role as a planning commissioner for the City of Kenai and requested to be recused. Chair Brantley granted her request.

MOTION: Commissioner Whitney moved, seconded by Commissioner Epperheimer to grant the vacation as petitioned based on the means of evaluating public necessity established by KPB 20.65, adopting and incorporating by reference the staff report, staff recommendations and subject to the two conditions as set forth in the staff report.

Hearing no objection or further discussion, the motion was carried by the following vote:

MOTION PASSED BY UNANIMOUS VOTE:

Yes - 8	Brantley, England, Epperheimer, Gillham, Morgan, Slaughter, Whitney, Venuti
Recused - 1	Fikes

AGENDA ITEM H. PRESENTATIONS / PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

Chair Brantley asked if there was anyone who wished to comment on anything that was not on the agenda. There was no one who wished to comment.

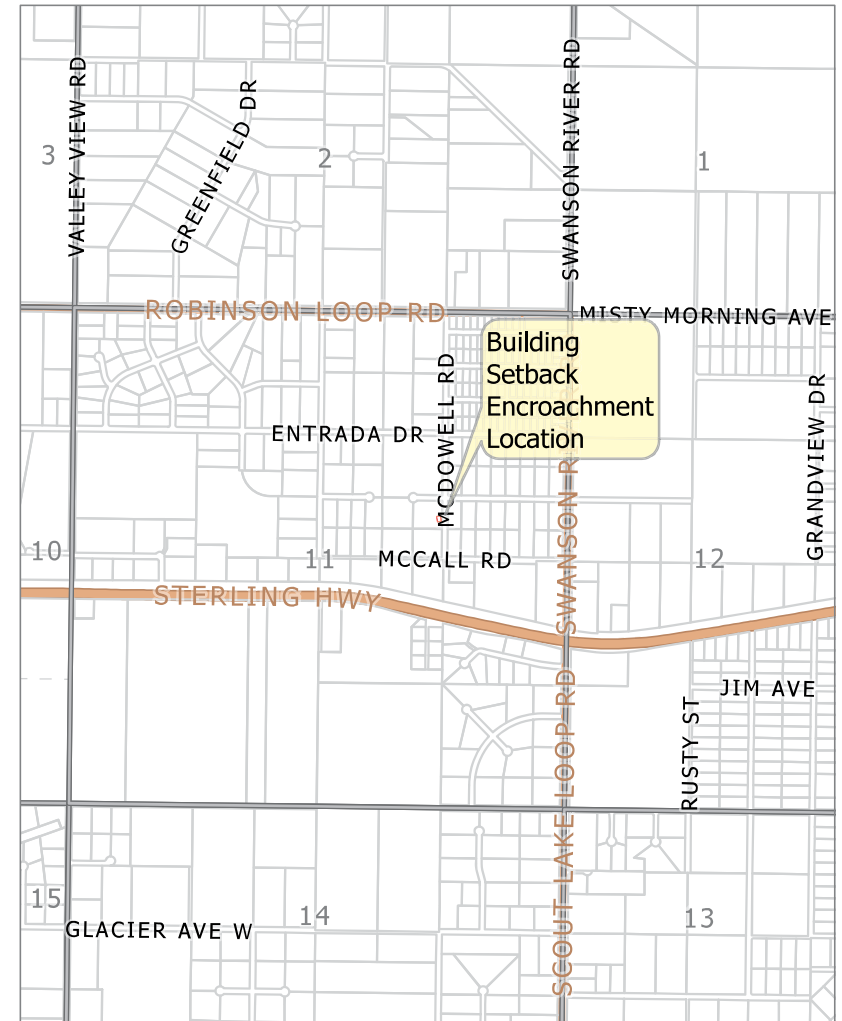
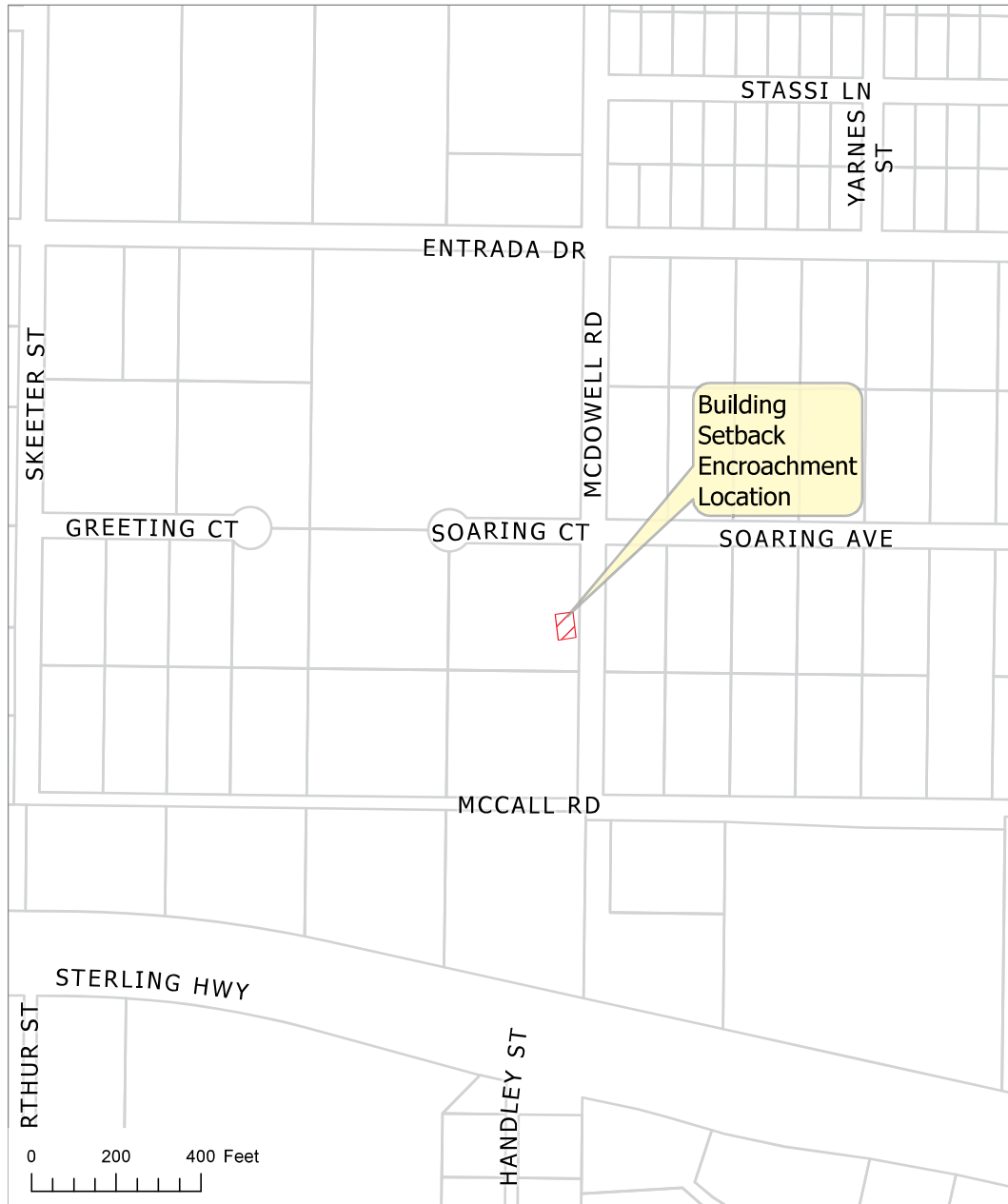
AGENDA ITEM K. ADJOURNMENT

Commissioner Venuti moved to adjourn the meeting at 8:20 P.M.

Ann E. Shirnberg
Administrative Assistant

E. NEW BUSINESS

- 1. Building Setback Encroachment Permit (PC Resolution 2025-31)
KPB File 2025-161
Swan Surveying / Nienhuis
Request: Permits a portion of a build to remain within the building
setback on Tract A3A Harvey Subdivision No. 2, Plat KN 82-47
Sterling Area**

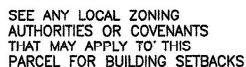
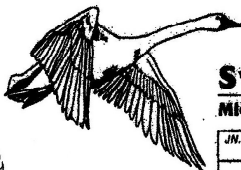


KPB File 2025-161
T 05N R09W SEC11
Sterling



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

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**AS-BUILT**

KPB 2025-161

AGENDA ITEM E. NEW BUSINESS

ITEM #1. – BUILDING SETBACK ENCROACHMENT PERMIT

PERMITS A PORTION OF A 40.2 BY 60.2-FOOT BUILDING ON TRACT A3A, TO REMAIN WITHIN THE 20-FOOT BUILDING SETBACK ADJACENT TO MCDOWELL ROAD, AS GRANTED BY HARVEY SUBDIVISION NO 2 (KN 82-47)

KPB File No.	2025-161
Planning Commission Meeting:	November 17, 2025
Applicant / Owner:	Brett and Paula Nienhuis of Sterling, Alaska
Surveyor:	Mike Swan, Swan Surveying
General Location:	McDowell Road, Sterling Area

Parent Parcel No.:	063-490-26
Legal Description:	T 5N R 9W SEC 11 SEWARD MERIDIAN KN 0820047 HARVEY SUB NO 2 TRACT A3A
Assessing Use:	Residential Dwelling
Zoning:	Rural Unrestricted
Resolution	2025-31

STAFF REPORT

Specific Request / Purpose as stated in the petition:

The encroachment does not interfere with any road maintenance, lines of sight or distances, and does not create any safety or traffic hazards.

Site Investigation:

The submitted as-built drawing shows a 40.2 by 60.2-foot building encroaching into the 20-foot building setback along McDowell Road, specifically by 1.6-feet at the north corner and 5.7-feet at the south corner. Additionally, a concrete pad of unspecified dimensions encroaches into the building setback in the southeast corner of the lot.

KPB GIS Imagery dated 2021 indicates trees within the 20-foot building setback and does not reflect the current structure. Based on a comparison with KPB Assessing records and KPB GIS imagery, the building appears to have been constructed in 2023.

The concrete pad was shown on the parent plats Harvey Subdivision No 2 (KN82-47) and Harvey Subdivision (KN81-55). Plat KN 82-47 included a note stating, "The garage as shown in the R/W is to be allowed until such time it deteriorates, then if is to be removed." Per the as-built and the owner's correspondence the garage appears to have deteriorated and has been used for extra parking. The owner has indicated they plan to remove the concrete within the next year.

Located to the east, McDowell Road is a 60-foot platted dedication. The road is approximately 23.5-feet wide and appears to be gravel constructed, maintained by the borough. The edge of the driving surface appears to be approximately 44.7-feet from encroaching structure.

Sight distances along McDowell Road does not seem to be impacted due to the encroachment based off the distance between the structure and driving surface. Traffic seems to be limited in this area due to the surrounding parcels including being developed with structures and the existence of constructed roads allowing connectivity.

Staff Analysis:

Originally the land consisted of an aliquot section of the SW1/4 NE1/4 of Section 11, Township 5 North, Range 9 West, Seward Meridian, Kenai Recording District, Alaska. In 1974, Sterling Heights Subdivision (KN74-51) subdivided the area into two tracts. In 1981, Harvey Subdivision (KN 81-55) further subdivided Tract A into five tracts. Subsequently in 1982, Harvey Subdivision No. 2 (KN 82-47) reconfigured three tracts on the east to dedicate the west 20-feet of McDowell Road. Harvey Subdivision No. 2 (KN 82-47) also granted a 20-foot building setback from all street rights-of-way.

According to the contours data available on KPB GIS Imagery, the topography of the area is relatively flat with no steep slopes present.

Applicant Discussion:

Property was cleared of trees and debris. Level of the ground is same height as the road; therefore, road maintenance is actually easier. We maintain the road area around property, keeping sight lines clear for safety and road conditions. No building or debris in sight line for road. Area around property is kept clear all year long. Easy for borough to maintain and have necessary access around property.

Applicant Findings:

1. Level of the ground is same height as the road.
2. We maintain the road area around property and area around property is kept clear all year long.
3. No building or debris in sight line for road.

Staff Findings for the Commission's review:

4. Harvey Subdivision No. 2 (KN 82-47) granted a 20-foot building setback from all street rights-of-way.
5. The submitted as-built drawing shows a 40.2 by 60.2-foot building encroaching into the 20-foot building setback along McDowell Road, specifically by 1.6-feet at the north corner and 5.7-feet at the south corner.
6. Based on a comparison with KPB Assessing records and KPB GIS imagery, the building appears to have been constructed in 2023.
7. The garage depicted and noted on the parent plat (KN 82-47) is no longer present.
8. The concrete pad is to be removed in the next year.
9. The encroaching structure appears to be approximately 44.7-feet from driving surface of McDowell Road.
10. No maintenance concerns were submitted by KPB RSA.

20.10.110. – Building setback encroachment permits.

- E. The following standards shall be considered for all building setback encroachment permit applications.

Staff recommends the Planning Commission select the findings they determine are applicable to the standards and vote on them:

1. The building setback encroachment may not interfere with road maintenance.

Findings 1, 2, 9 and 10 appear to support this standard.

2. The building setback encroachment may not interfere with sight lines or distances.

Findings 1, 3, and 9 appear to support this standard.

3. The building setback encroachment may not create a safety hazard.

Findings 2, 3 and 9 appear to support this standard.

- F. The granting of a building setback encroachment permit will only be for the portion of the improvement or building that is located within the building setback and the permit will be valid for the life of the structure or for a period of time set by the Planning Commission. The granting of a building setback permit will not remove any portion of the 20 foot building setback from the parcel.

- G. The Planning Commission shall approve or deny a building setback encroachment permit. If approved, a resolution will be adopted by the planning commission and recorded by the planning department within the time frame set out in the resolution to complete the permit. The resolution will require an exhibit drawing showing, and dimensioning, the building setback encroachment permit area. The exhibit drawing shall be prepared, signed and sealed, by a licensed land surveyor.

KPB department / agency review:

KPB Roads Dept. comments	Out of Jurisdiction: No Roads Director: Uhlin, Dil Comments: RSA has no objection at this time
SOA DOT comments	No Response
KPB River Center review	A. Floodplain Reviewer: Hindman, Julie Floodplain Status: IS in flood hazard area Comments: Within non-regulatory X-Unshaded Zone, an area of minimal flood hazard. Flood Zone: X (unshaded) Map Panel: 02122C-0295F In Floodway: False Floodway Panel: B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments
Addressing	Reviewer: Pace, Rhealyn Affected Addresses: 38575 MCDOWELL RD Existing Street Names are Correct: Yes List of Correct Street Names: SOARING CT, MCDOWELL RD Existing Street Name Corrections Needed: All New Street Names are Approved: No List of Approved Street Names: List of Street Names Denied: Comments: No other comments
Code Compliance	Reviewer: Ogren, Eric

	Comments: The building is in the Set back. With the approval of the Commission it would be granted an exception, otherwise it should be moved out the setback.
Planner	Reviewer: Raidmae, Ryan There are not any Local Option Zoning District issues with this proposed plat. Material Site Comments: There are not any material site issues with this proposed plat.
Assessing	Reviewer: Windsor, Heather Comments: No comment

RECOMMENDATION:

Based on the standards to grant a building setback encroachment permit, **staff recommends** to grant approval for the portion of structures within the 20-foot building setback as shown on the October, 2025 as-built survey, subject to:

If the Commission determines the petitioner **has not** met the burden of proving by substantial evidence that each of the Standards is met, the Commission should deny the application, and it should explain its reasons.

If the Commission determines the petitioner **has** met the burden of proving by substantial evidence that each of the Standards is met, the Commission should identify the findings of fact, based upon substantial evidence from the record, which includes this Staff Report, it determines are applicable to the Standards, and incorporate the following conditions for final approval:

1. Compliance with KPB 20.10.110 sections F and G.
2. Providing a current as-built with recommended corrections as noted below, to be used as an exhibit drawing for Resolution 2025-31, prepared, signed, and sealed by a licensed land surveyor.
3. The recording fees be submitted to the Kenai Peninsula Borough Planning Department for the recording of the resolution.
4. Failure to provide an as-built so that it may be recorded within one year approval will result in a new application, hearing, and approval.
5. Additional encroachments found on the new as-built will require a new hearing.
6. Removal of the concrete pad in the southeast corner of property within one year of approval.

STAFF RECOMMENDATIONS

CORRECTIONS / EDITS

- Add the KPB File No 2025-161 to the drawing
- Correct label of McDowell Road right-of-way: 60' R/W
- Add a note to the drawing near the concrete pad that "concrete pad will be removed within one year of approval of the Building Setback Encroachment Permit"

NOTE:

20.10.110.(H) A decision of the planning commission may be appealed to the hearing officer by a party of record, as defined by KPB 20.90, within 15 days of the date of notice of decision in accordance with KPB 21.20.250.

END OF STAFF REPORT

**KENAI PENINSULA BOROUGH PLANNING COMMISSION
RESOLUTION 2025-31
KENAI RECORDING DISTRICT**

**A RESOLUTION GRANTING A BUILDING SETBACK ENCROACHMENT PERMIT
TO A PORTION OF THE TWENTY FOOT BUILDING SETBACK FOR TRACT A3A,
HARVEY SUBDIVISION NO 2 (KN 0820047); LOCATED IN THE NE ¼ S11, T05N,
R09W; SEWARD MERIDIAN, ALASKA, WITHIN THE KENAI PENINSULA
BOROUGH; KPB FILE NO. 2025-161**

WHEREAS, pursuant to KPB 20.30.240, a minimum twenty-foot building setback from all dedicated rights-of-way in subdivisions located outside incorporated cities is required; and

WHEREAS, issuance of a building setback encroachment permit is an exception to the rule prohibiting such encroachments; and

WHEREAS, KPB 20.10.110 governs building setback encroachment permits and authorizes the Planning Commission to grant building setback encroachment permits by resolution; and

WHEREAS, KPB 20.10.110(E) provides the three Standards the Planning Commission must consider when evaluating building setback permit applications; and

WHEREAS, the Planning Commission may only approve an encroachment permit if there is substantial evidence showing that each of the three Standards in KPB 20.10.110(E) are met; and

WHEREAS, these are affirmative findings, and the petitioner has the burden to prove with substantial evidence they are true; and

WHEREAS, Brett and Paula Nienhuis of Sterling, Alaska, requested a building setback encroachment permit to the twenty-foot building setback granted by Harvey Subdivision No 2 (KN 82-47); and

WHEREAS, on Monday, November 17, 2025, the Planning Commission considered the background information, all comments received, and recommendations from KPB Planning Department staff regarding the proposed exception,

WHEREAS, the Planning Commission found that the petitioner met the burden of proof with substantial evidence as to each of the three Standards found in KPB 20.10.110(E); and

WHEREAS, the Planning Commission found that granting the building setback encroachment permit will not be detrimental to the public interest;

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH:

SECTION 1. That the petitioner has met the burden of proof with substantial evidence as to each of the three standards found in KPB 20.10.110(E).

SECTION 2. That an exception to the 20-foot building setback limit on KN 0820047 Tract A3A HARVEY SUBDIVISION NO 2 is hereby granted to accommodate only the encroaching portion of the building based upon the following findings of fact:

Standard 1: The building setback encroachment may not interfere with road maintenance.

1. Level of the ground is same height as the road.
2. The encroaching structure appears to be approximately 44.7-feet from driving surface of McDowell Road.
9. The encroaching structure appears to be approximately 44.7-feet from driving surface of McDowell Road.
10. No maintenance concerns were submitted by KPB RSA.

Standard 2: The building setback encroachment may not interfere with sight lines or distances.

1. Level of the ground is same height as the road.
3. No building or debris in sight line for road.
9. The encroaching structure appears to be approximately 44.7-feet from driving surface of McDowell Road.

Standard 3: The building setback encroachment may not create a safety hazard.

2. The encroaching structure appears to be approximately 44.7-feet from driving surface of McDowell Road.
3. No building or debris in sight line for road.
9. The encroaching structure appears to be approximately 44.7-feet from driving surface of McDowell Road.

SECTION 3. That any new, replacement, and/or additional construction will be subject to the 20-foot building setback limit.

SECTION 4. That the granting of a building setback encroachment permit will only be for the portion of the improvement or building that is located within the building setback and the permit will be valid for the life of the structure or for a period of time set by the Planning Commission. The granting of a building setback permit will not remove any portion of the 20-foot building setback from the parcel.

SECTION 5. That a current as-built survey or sketch prepared, signed, and sealed by a licensed land surveyor showing the location of the encroachment within the building setback be attached to, and made a part of this resolution, becoming page 3 of 3.

SECTION 6. That this resolution is void if not recorded in the appropriate Recording District within 90 days of adoption.

SECTION 7. That this resolution becomes effective upon being properly recorded with petitioner being responsible for payment of recording fees.

ADOPTED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH ON THIS _____ DAY OF _____, 2025.

_____ Jeremy Brantley, Chairperson Planning Commission	ATTEST:	_____ Ann Shirnberg, Administrative Assistant
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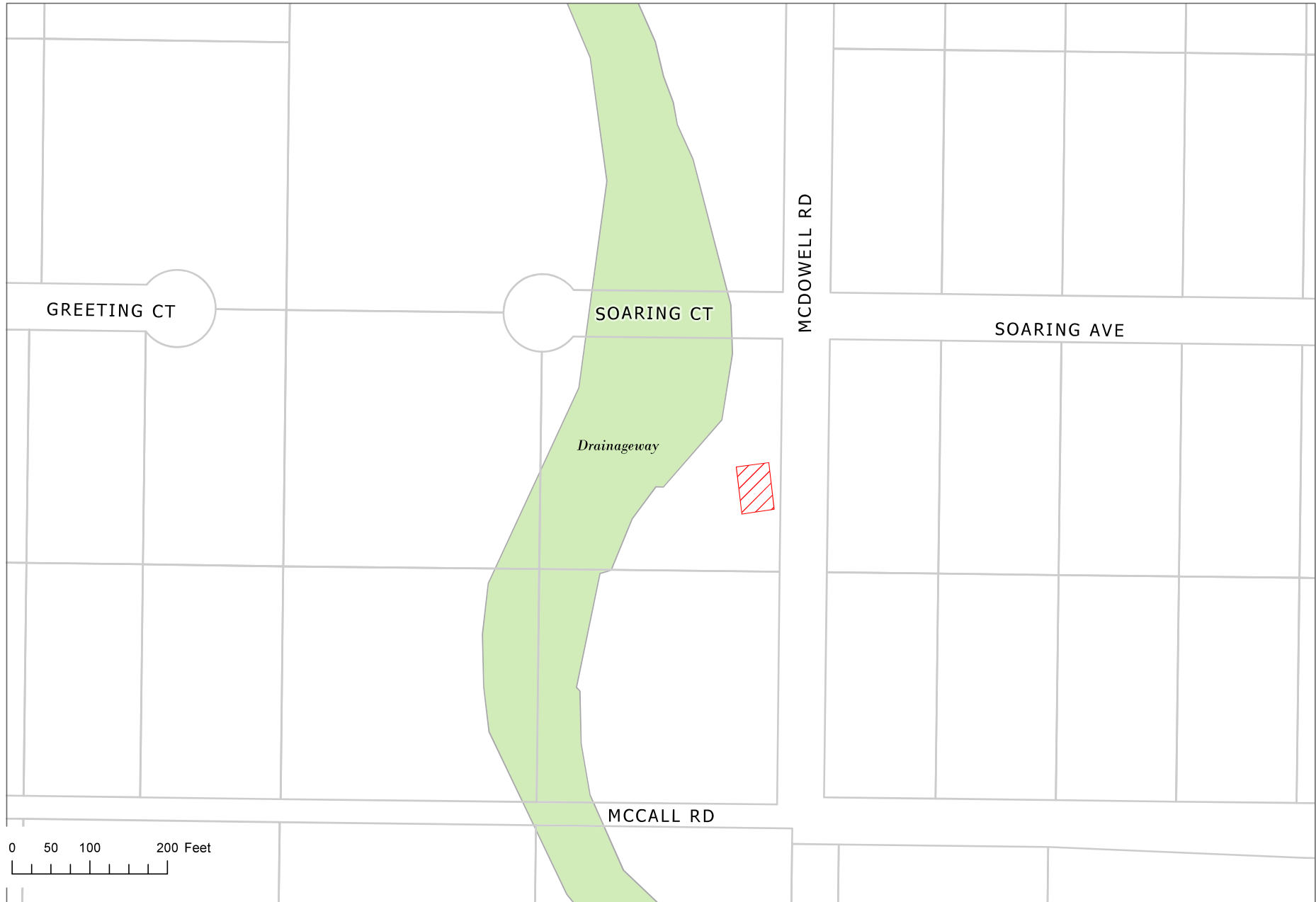
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 Planning Department
 Kenai Peninsula Borough
 144 North Binkley Street
 Soldotna, Alaska 99669



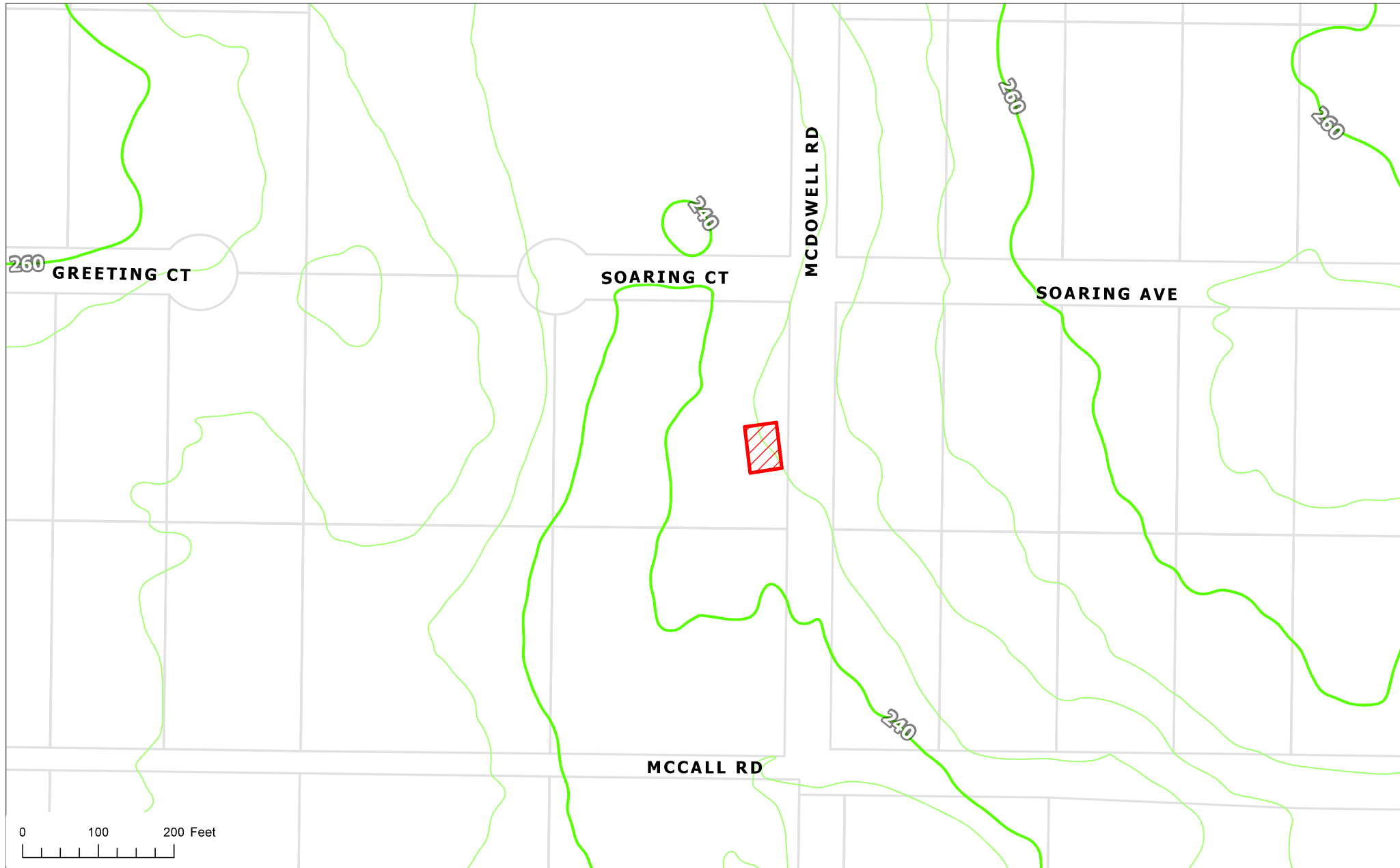
The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



Wetlands



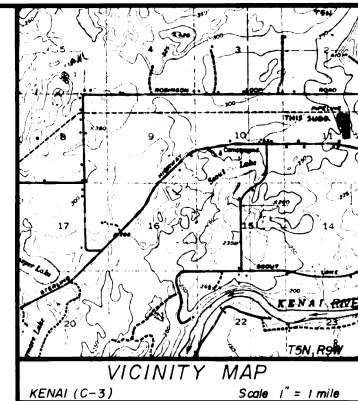
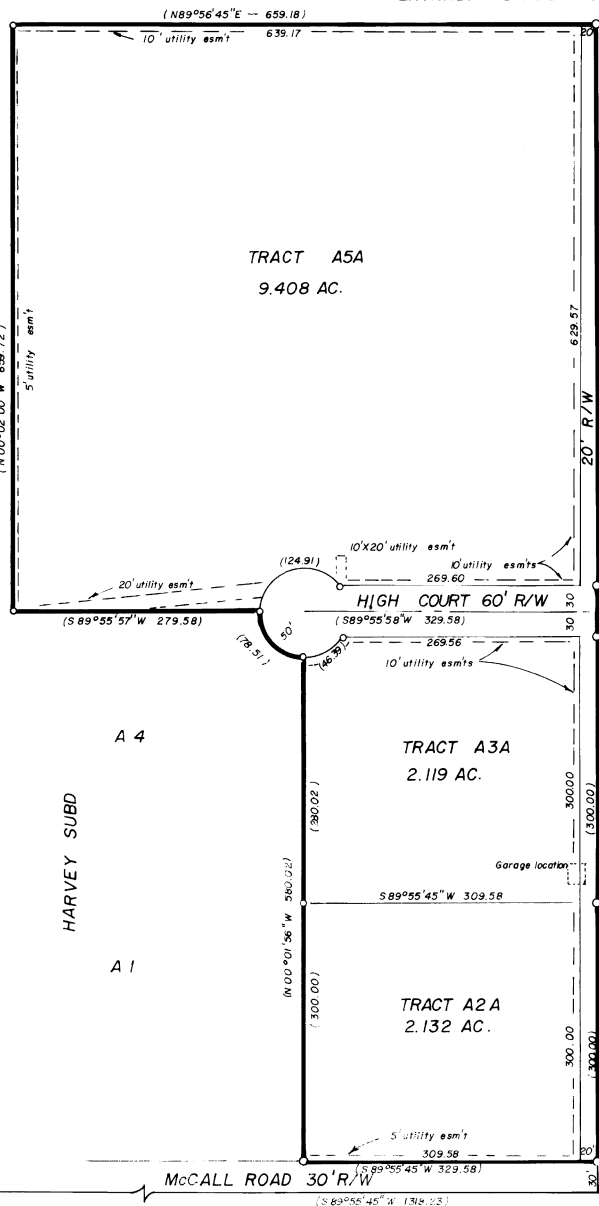
The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



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

STERLING HEIGHTS ADD NO. 2

ENTRADA DRIVE 60' R/W



LEGEND AND NOTES

- ⊕ Found official survey monument
- Found 1/2" steel rebar
- ⊥ Set 1/2" x 24" steel rebar at all other lot corners
- () Indicates record datum

Basis of bearing is the record datum of N 89° 55' 45" E for the east-west centerline of Section II.

The garage as shown in the R/W is to be allowed until such time it deteriorates, then it is to be removed.

All wastewater treatment and disposal systems shall comply with existing law at time of construction.

Building set back—A building set back of 20' is required from all street rights of ways unless a lesser standard is approved by resolution of the appropriate planning commission.

PLAT APPROVAL

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of... 8.1.82...

Kenai Peninsula Borough

By *Stanley S. McLane*
Authorized Official

CERTIFICATE OF OWNERSHIP AND DEDICATION

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

David E. Harvey and *Janet E. Harvey*
David E. Harvey and Janet E. Harvey

NOTARY'S ACKNOWLEDGEMENT

For Arnold L. Harvey and Jo Ann Harvey

Subscribed and sworn before me this

5th day of MAY, 1982

My commission expires 4/12/83

Michael P. McLane
Notary Public for Alaska



Arnold L. Harvey and *Jo Ann Harvey*
Arnold L. Harvey and Jo Ann Harvey

NOTARY'S ACKNOWLEDGEMENT

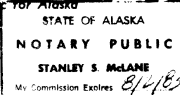
For David E. Harvey and Janet E. Harvey

Subscribed and sworn before me this

12th day of March, 1982

My commission expires 8/4/83

Stanley S. McLane
notary public for Alaska



NOTARY'S ACKNOWLEDGEMENT

For Orville W. Terry and Vivian K. Terry

Subscribed and sworn before me this

27th day of May, 1982

My commission expires 8/4/83

Stanley S. McLane
Notary Public for Alaska

HARVEY SUBDIVISION NO. 2
A RESUBDIVISION OF TRACTS A-2,
A-3 and A-5 OF THE HARVEY SUBD.

David Harvey owner
Box 774
Seldovia, Ak. 99669

LOCATION

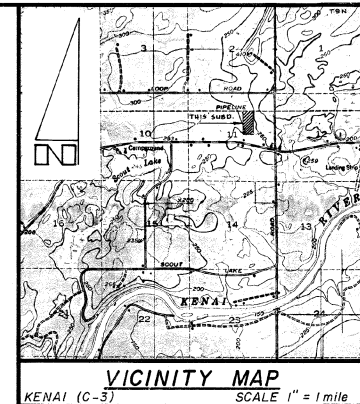
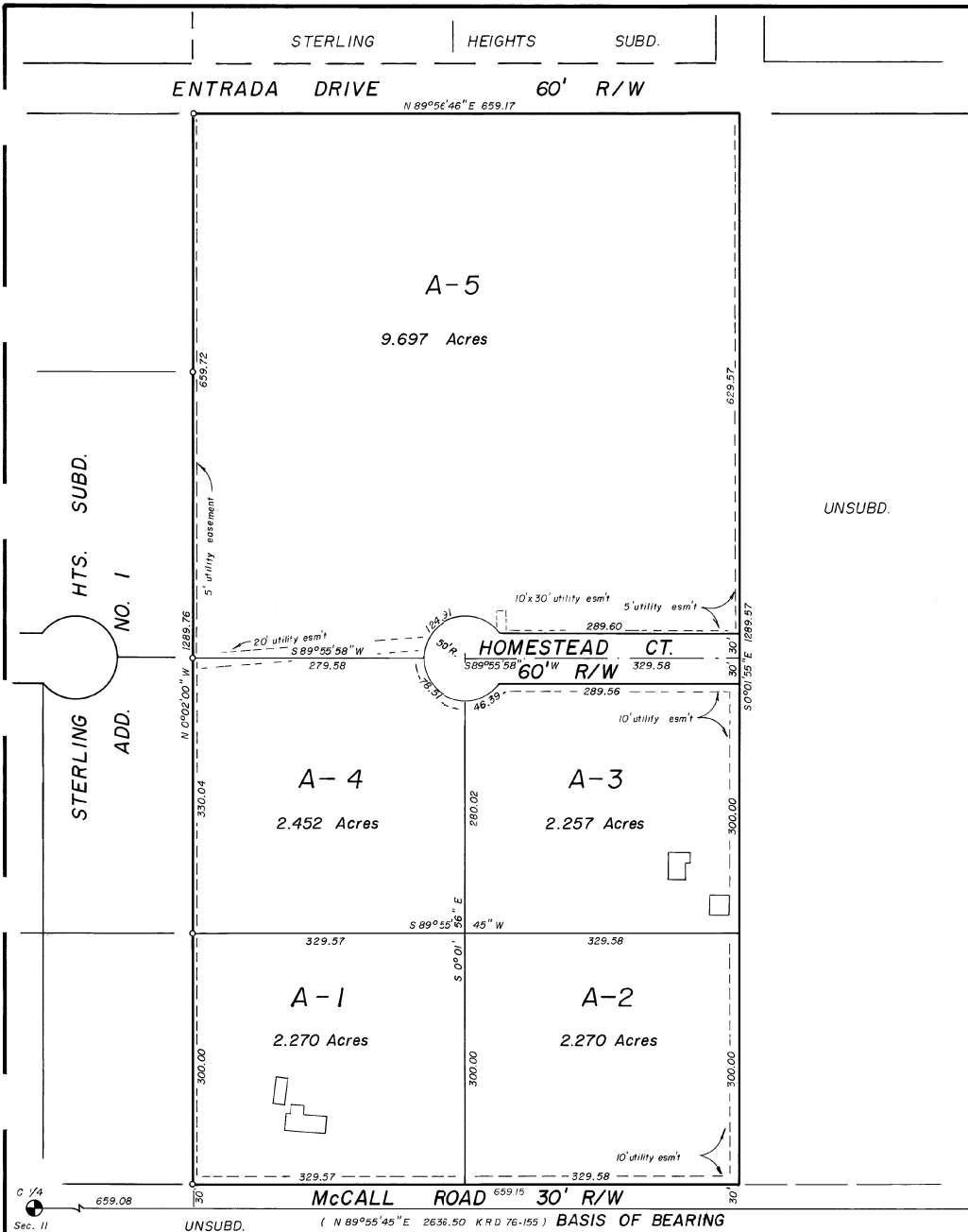
14.794 AC. SITUATED IN THE NE1/4 SECTION II, T5N, R9W, S.M. AK. AND THE KENAI PENINSULA BOROUGH

Surveyed by: *McLane and Associates Inc.*
Box 468
Seldovia, Alaska

DATE OF SURVEY
3/1/82

SCALE
1" = 100'

Orville W. Terry and *Vivian K. Terry*
Orville W. Terry and Vivian K. Terry
Box 28 Sterling, Alaska 99672



LEGEND AND NOTES

- Found official survey monument.
- Found 1/2" steel rebar.
- ⊥ Set 1/2" x 24" steel rebar at all other lot corners.
- () Indicates record datum.

Basis of bearing is the record datum of N 89°55'45"E for the east-west centerline of Section 11.

All wastewater treatment and disposal systems shall comply with existing law at time of construction.

Building set back—A building set back of 20' is required from all street rights of ways unless a lesser standard is approved by resolution of the appropriate planning commission.

PLAT APPROVAL

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of... January 19, 1981...

Kenai Peninsula Borough

By: Jeffrey B. Lohr
Authorized Official

HARVEY SUBDIVISION A RESUBDIVISION OF TRACT-A STERLING HEIGHTS SUBDIVISION

David Harvey — owner
Box 774
Soldotna, Alaska 99669

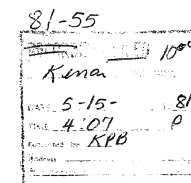
LOCATION
19.516 Acres situated in the NE 1/4 Section 11, T5N,
R9W, S.M. Ak. and in the Kenai Peninsula Borough.

Surveyed by: McLane and Associates, Inc.
Soldotna, Ak. 99669

DATE OF SURVEY
Feb. 16-26, 1981

SCALE
1" = 100'

BK. NO.
80-27



CERTIFICATE OF OWNERSHIP AND DEDICATION

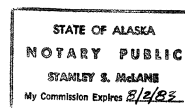
We hereby certify that we are the owners of said property and request the approval of this plat showing such easements for public utilities, roadways, and/or streets dedicated to us for public use.

David E. Harvey and Janet E. Harvey
David E. Harvey and Janet E. Harvey owners

Subscribed and sworn before me this
3rd day of April, 1981.

My commission expires 5/2/83.

Stanley S. McLane
notary public for Alaska



1/4 Cor. ESTABLISHED POSITION
FROM R.P.S.









KPB GIS Imagery 2021

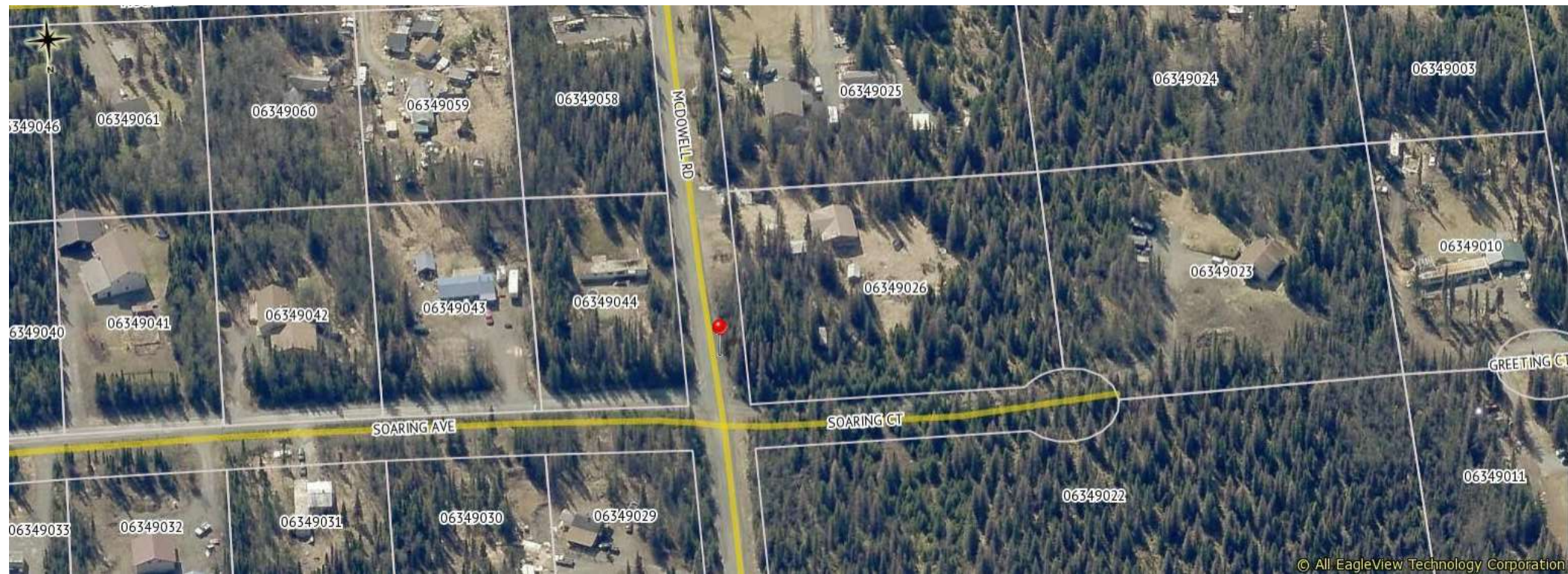


05/13/2021

58

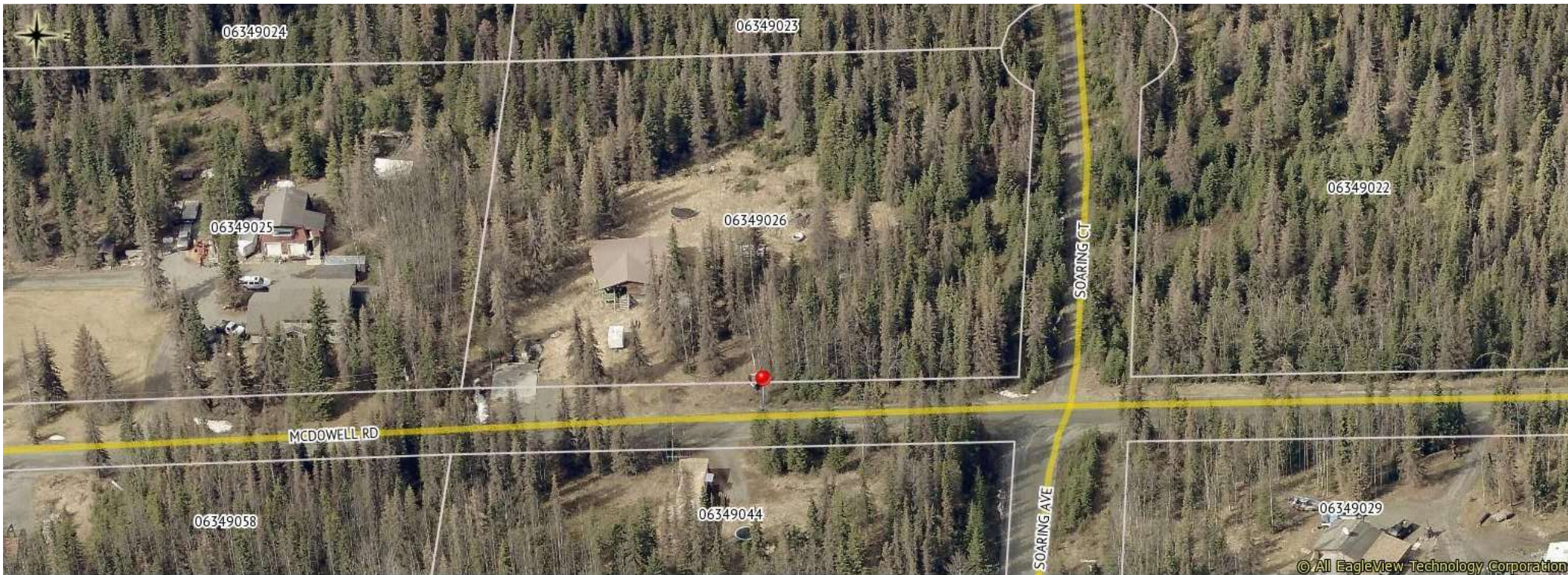
E1-20

KPB GIS Imagery 2021



05/18/2021

KPB GIS Imagery 2021



05/13/2021

09

E1-22



KENAI PENINSULA BOROUGH PLANNING COMMISSION NOTICE OF BUILDING SETBACK ENCROACHMENT PERMIT

Public notice is hereby given that a building setback encroachment permit application was received on 10/21/2025. You are being sent this notice because you are within 300 feet of the subject parcel and are invited to comment.

The building setback encroachment permit application is for the following property:

Request / Affected Property: Permits a 60.2' side of a 40.2' x 60.2' building to remain 1.6' into the building setback on the northern end and 5.7' into the building setback on the southern end.

KPB File No. 2025-161

Petitioner(s) / Land Owner(s): Brett E. & Paula J. Nienhuis of Sterling, AK.

Purpose as stated in petition: The encroachment does not interfere with any road maintenance, lines of sight or distances, and does not create any safety or traffic hazards.

Building setback encroachment permit reviews are conducted in accordance with KPB Subdivision Ordinance.

Public hearing will be held by the Kenai Peninsula Borough Planning Commission on **Monday, November 17, 2025**, commencing at **7:30 p.m.**, or as soon thereafter as business permits. The meeting is being held in person at the Betty J. Glick Assembly Chambers of the Kenai Peninsula Borough George A. Navarre Administration Building, 144 N. Binkley Street, Soldotna, Alaska. This meeting will also be held via Zoom, or other audio or video conferencing means whenever technically feasible.

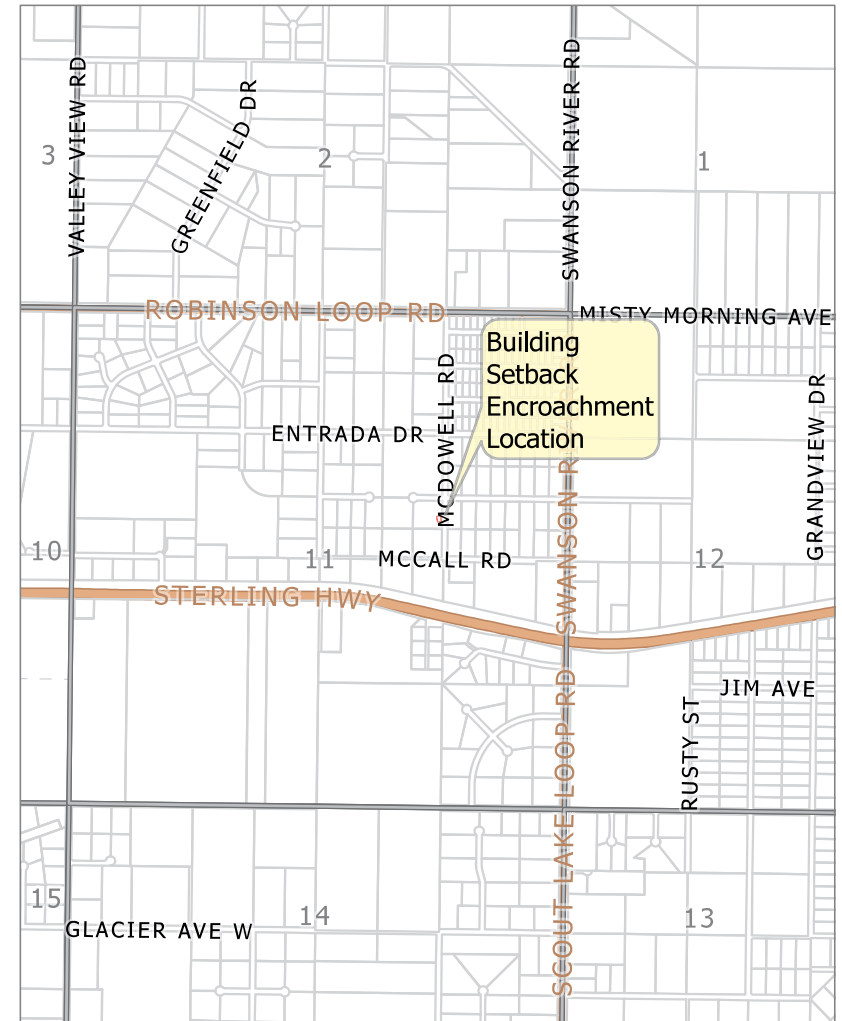
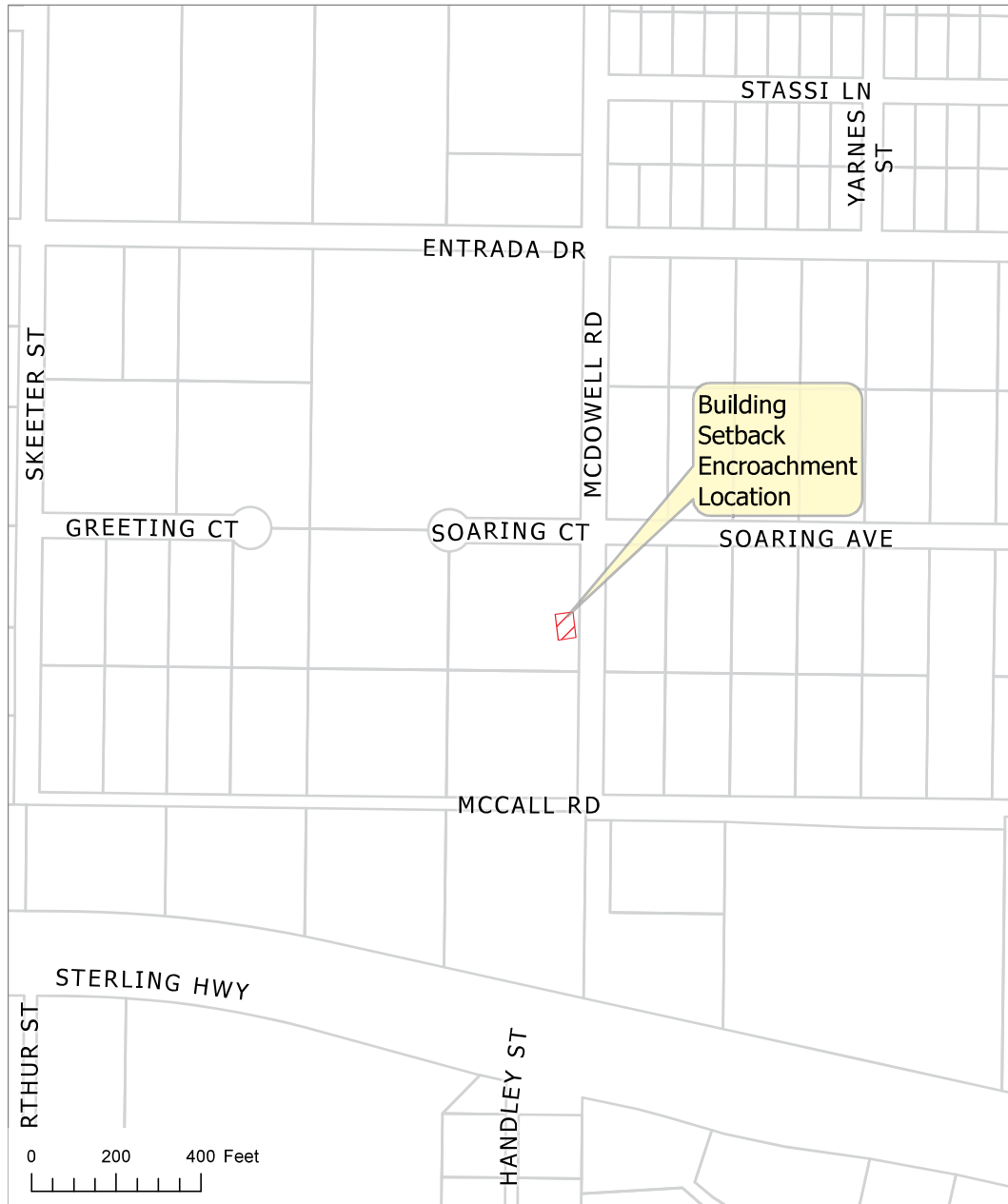
To attend the meeting using Zoom from a computer visit <https://us06web.zoom.us/j/9077142200>. You may also connect to Zoom by telephone, call toll free **1-888-788-0099** or **1-877-853-5247**. If calling in you will need the Meeting ID of 907 714 2200. Additional information about connecting to the meeting may be found at <https://www.kpb.us/local-governance-and-permitting/leadership-governance/planning-commission/planning-public-notices>.

Anyone wishing to testify may attend the meeting in person or through Zoom. Written testimony may be submitted by email to planning@kpb.us, or mailed to the attention of Beverly Carpenter, Kenai Peninsula Borough Planning Department, 144 N. Binkley Street, Soldotna, Alaska 99669. [Written comments may also be sent by Fax to 907-714-2378]. All written comments or documents must be submitted by **1:00 PM, Friday, November 14, 2025**. The deadline to submit written comments or documents does not impact the ability to provide verbal testimony at the public hearing.

Additional information such as staff reports and comments are available online. This information is available the Monday prior to the meeting and found at <https://kpb.legistar.com/Calendar.aspx>. Use the search options to find the correct timeframe and committee.

For additional information contact Sandee Simons (ssimons@kpb.us) or Beverly Carpenter (BCarpenter@kpb.us), Planning Department, 714-2200 (1-800-478-4441 toll free within Kenai Peninsula Borough).

Mailed 10/27/2025



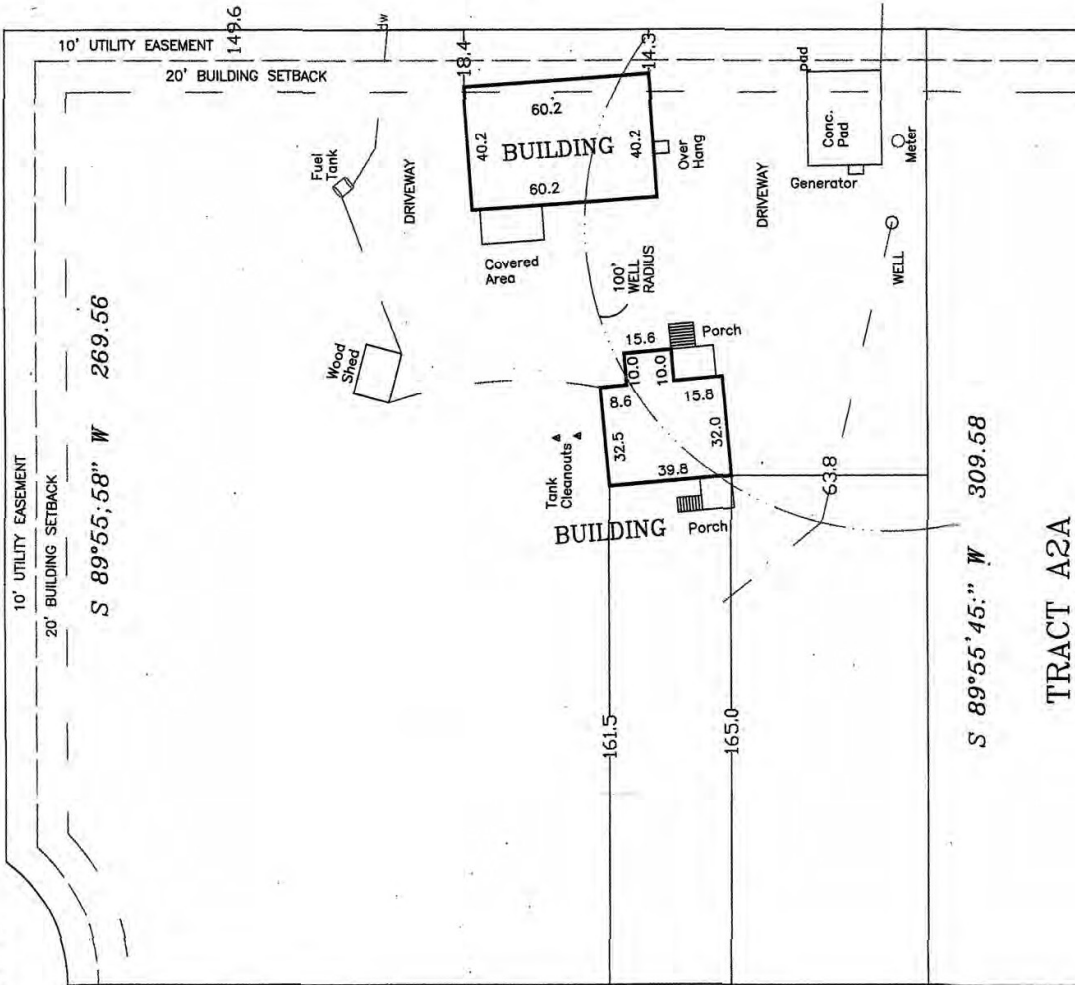
KPB File 2025-161
T 05N R09W SEC11
Sterling

60' W/W MCDOWELL ROAD

S 00°01'55" E 300.00

60' R/W SOARING COURT

R=50.00
L=46.39



NOTES

THIS SURVEY IS SUBJECT TO ANY FACTS THAT MAY BE DISCLOSED BY A FULL AND ACCURATE TITLE SEARCH.

ALL BOUNDARY DATA SHOWN IS OF RECORD INFORMATION UNLESS OTHERWISE NOTED.

THIS MORTGAGE LOCATION SURVEY IS A REPRESENTATION OF THE CONDITIONS THAT WERE FOUND AT THE TIME OF THE LOCATION SURVEY WAS PERFORMED. THIS DOCUMENT DOES NOT CONSTITUTE A BOUNDARY SURVEY AND IS SUBJECT TO ANY INACCURACIES THAT A SUBSEQUENT BOUNDARY SURVEY MAY DISCLOSE. INFORMATION CONTAINED ON THE DRAWING SHALL NOT BE USED TO ESTABLISH ANY FENCE, STRUCTURE, OR OTHER IMPROVEMENTS.

THIS MORTGAGE LOCATION SURVEY WAS PREPARED IN ACCORDANCE WITH THE ASPLS MORTGAGE LOCATION SURVEY STANDARDS.

N 00°01'56" W 280.02

TRACT A-4

SEE ANY LOCAL ZONING AUTHORITIES OR COVENANTS THAT MAY APPLY TO THIS PARCEL FOR BUILDING SETBACKS

SPECIAL NOTE

This document may not be recorded or copies sold without the written permission of the Surveyor. This Survey is to be used only for the purposes intended and is valid for 120 days from the date of original survey after which it must be recertified.



Swan Surveying

Michael Swan R.L.S.

P.O. Box 987 • Soldotna, AK 99669 • 907-257-5816

JN. 25-189 FB DATE 10-08-25 SCALE 1"=40' DRWN. MAS CHK.

I Herby certify that I have performed a Mortgages inspection of the following described property

TRACT A3A HARVEY SUBDIVISION NO. 2

Located in the Kenai Recording District, Kenai, AK, and that the improvements situated thereon are within the property lines and do not overlap or encroach on the property lying adjacent thereto, that no improvements on property lying adjacent thereto encroach on the premises in question and that there are no roadways, transmission lines or other visible easements on said property except as indicated hereon.

Dated at 4th Alaska This 8th day of October 2025

AS-BUILT

KPB 2025-161

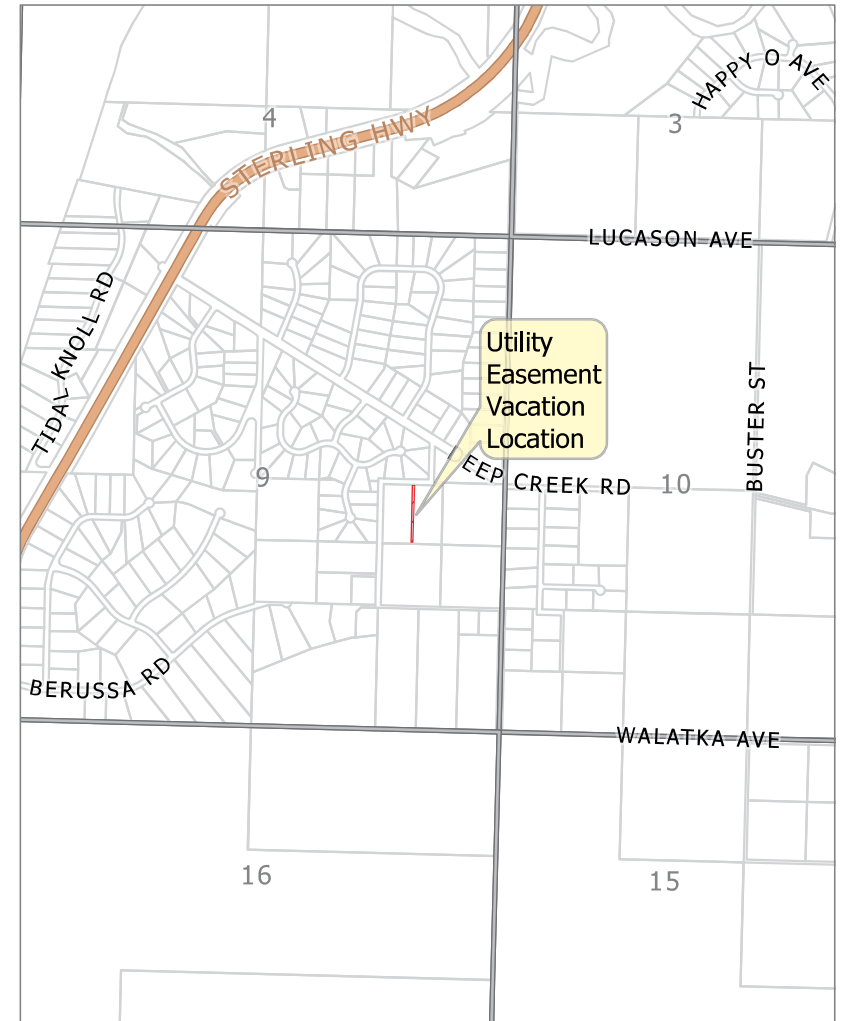
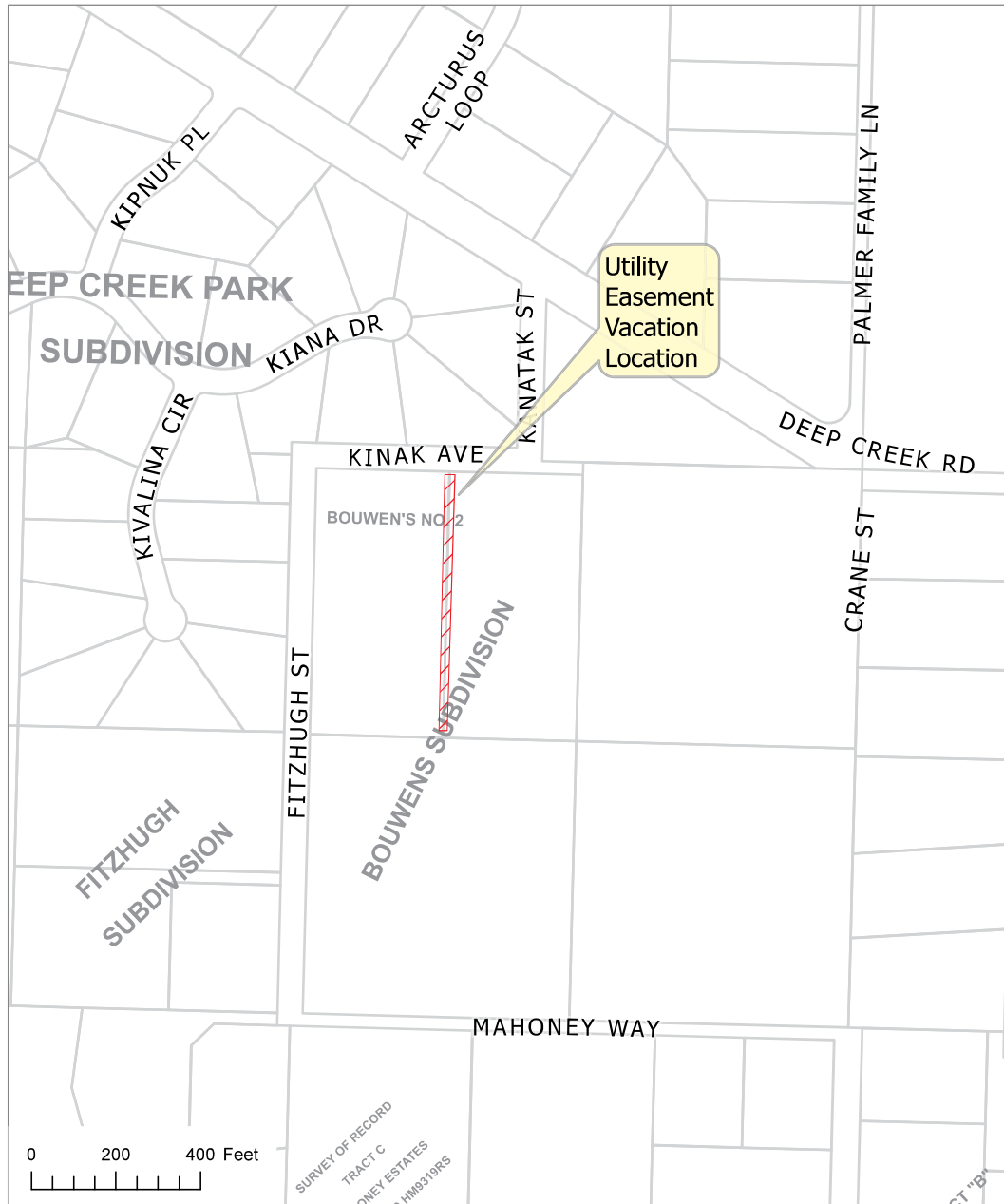
E. NEW BUSINESS

2. Utility Easement Vacation; KPB File 2025-128V

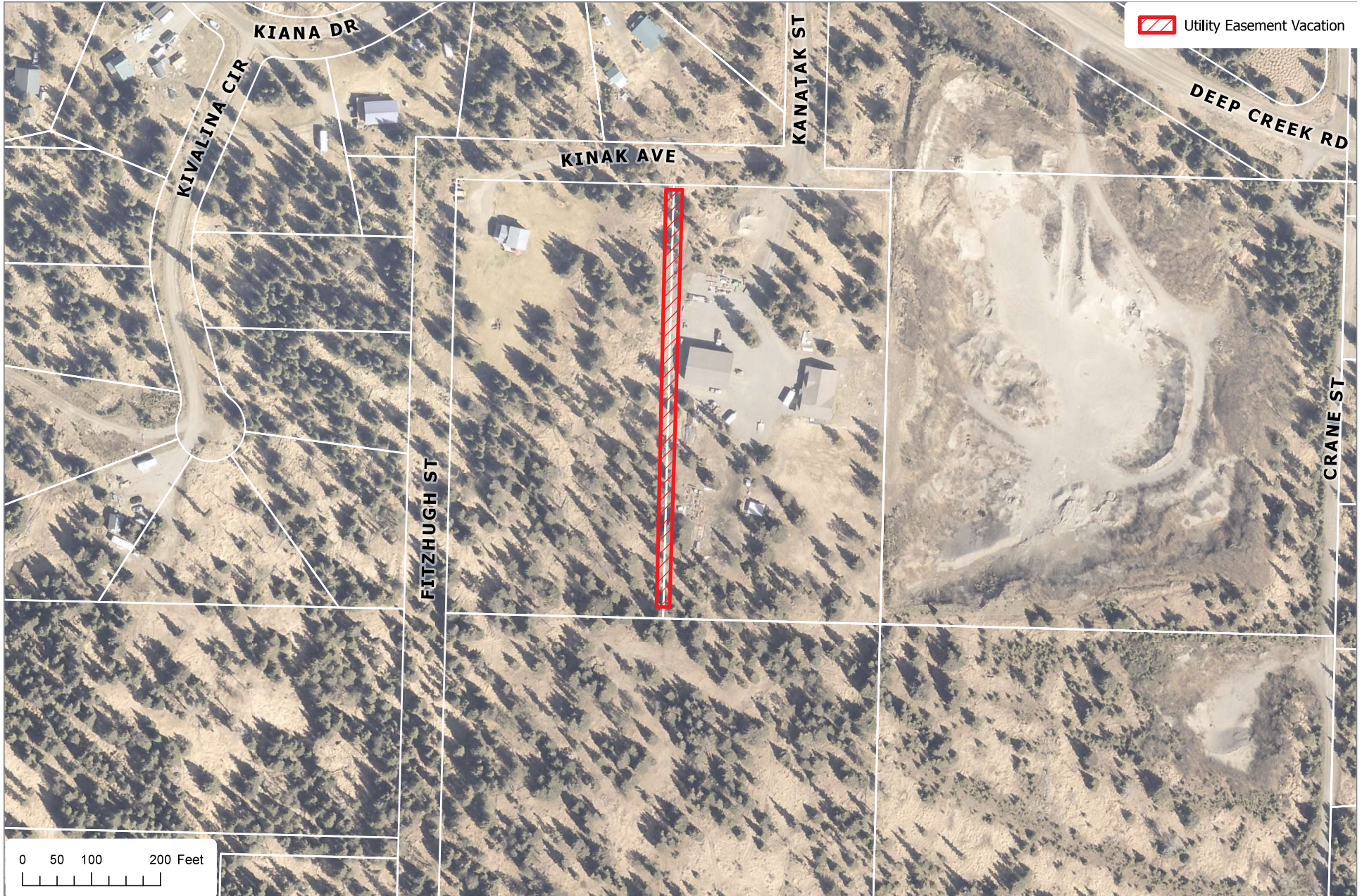
Peninsula Surveying / Matthews, Schollenbert, Wells

Request: Vacates a 10' wide utility easement along the eastern lot line of Lot 1A & associated 10' wide utility easement along the west lot line of Lot 1B, Bouwens Subdivision #3

Happy Valley Area

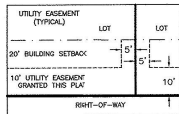
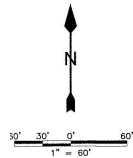


KPB File 2025-128V
T 02S R 14W SEC 09
Happy Valley



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

KPB 2025-128V



NOTES

1. A BUILDING SETBACK OF 20' IS REQUIRED FROM ALL STREET RIGHTS-OF-WAY UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
2. THE FRONT 10' OF ADJOINING DEDICATED RIGHTS-OF-WAY THAT INCREASE TO 20' WITHIN 5' OF THE SIDE LOT LINES IS ALSO A UTILITY EASEMENT.
3. 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.
4. 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.
5. FLOOD HAZARD NOTICE: SOME OR ALL OF THE PROPERTY SHOWN ON THIS PLAT HAS BEEN DESIGNATED BY FEMA OR THE KENAI PENINSULA BOROUGH SEWARD MAPPED FLOOD DATA AREA AS A FLOOD HAZARD AREA DISTRICT AS OF THE DATE THIS PLAT IS RECORDED WITH THE DISTRICT RECORDER'S OFFICE. PRIOR TO DEVELOPMENT, THE KENAI PENINSULA BOROUGH FLOODPLAIN ADMINISTRATOR SHOULD BE CONTACTED FOR CURRENT INFORMATION AND REGULATIONS. DEVELOPMENT MUST COMPLY WITH CHAPTER 21.06 OF THE KENAI PENINSULA BOROUGH CODE. SEE UPDATED FEMA FIRM PANELS 02122C-1815E AND 02122C-1820E, EFFECTIVE 10/20/2016 FOR INFORMATION ON FLOODPLAIN ZONES D.
6. KPB GIS DATA SHOWS THERE ARE NO STEEP SLOPES, WETLANDS OR ANADROMOUS WATERS.
7. DIMENSIONS SHOWN ARE RECORD PER HM96-8.

LEGEND

- ✱ RECORD PRIMARY MONUMENT AS DESCRIBED
- RECORD 5/8" REBAR
- ⊙ RECORD 2" AL-CAP BY 610-S, 1994
- ⊙ RECORD 2 1/4" AL-CAP BY 4725-S, 1995
- ⊙ TO SET RPC ON 5/8" X 30" REBAR BY LS14488

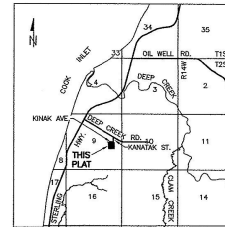
WASTEWATER DISPOSAL

LOT 1A-1: TBD
LOT 1B-1: LOTS WHICH ARE AT LEAST 200,000 SQUARE FEET IN SIZE MAY NOT BE SUITABLE FOR ON-SITE WASTEWATER TREATMENT AND DISPOSAL. ANY WASTEWATER TREATMENT OR DISPOSAL SYSTEM MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMITTEE AT THE MEETING OF MM/DD/YYYY.

BOROUGH OFFICIAL _____ DATE _____



CERTIFICATE OF OWNERSHIP AND DEDICATION

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

ANDREW MATTHEWS, OWNER LOT 1B
P.O. BOX 39148
NINILCHIK, AK 99639

KATIE SCHOLLENBERG MATTHEWS, OWNER LOT 1B
P.O. BOX 39148
NINILCHIK, AK 99639

PATRICK S. WELLS, OWNER LOT 1A
2230 SW 104TH ST
SEATTLE, WA 98146

NOTARY ACKNOWLEDGMENT

FOR: ANDREW MATTHEWS
ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2025

NOTARY PUBLIC FOR: _____
MY COMMISSION EXPIRES: _____

NOTARY ACKNOWLEDGMENT

FOR: KATIE SCHOLLENBERG MATTHEWS
ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2025

NOTARY PUBLIC FOR: _____
MY COMMISSION EXPIRES: _____

NOTARY ACKNOWLEDGMENT

FOR: PATRICK S. WELLS
ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2025

NOTARY PUBLIC FOR: _____
MY COMMISSION EXPIRES: _____

KPB FILE NUMBER: 2025-000

PENINSULA SURVEYING, LLC 10535 KATRINA BOULEVARD, NINILCHIK, AK 99639 (907)306-7065	
PLAT OF BOUWENS SUBDIVISION NO. 3	
A SUBDIVISION OF LOTS 1A & 1B, BOUWENS SUBDIVISION NO. 2, HM96-8	
LOCATED WITHIN THE SE 1/4 SEC. 8, T2S, R14W, S.M., HOMER RECORDING DISTRICT, KENAI PENINSULA BOROUGH, ALASKA CONTAINING 9.106 ACRES	
OWNERS: ANDREW MATTHEWS P.O. BOX 39148 NINILCHIK, AK 99639	PATRICK S. WELLS 2230 SW 104TH ST SEATTLE, WA 98146
KATIE SCHOLLENBERG MATTHEWS P.O. BOX 39148 NINILCHIK, AK 99639	
SCALE: 1" = 60'	DATE: JULY 29, 2025
DRAWN: BJT	CHECKED: JLS
SHEET: 1 OF 1	

AGENDA ITEM E. NEW BUSINESS

ITEM #2 - UTILITY EASEMENT ALTERATION

VACATE A 20-FOOT-WIDE UTILITY EASEMENT CENTERED ON THE COMMON LOT LINE BETWEEN LOTS 1A AND 1B, BOUWENS SUBDIVISION # 2, PLAT HM 96-8.

KPB File No.	2025-128V
Planning Commission Meeting:	November 17, 2025
Applicant / Owner:	Patrick S. Wells, Andrew Matthews, Katie Schollenberg Matthews AKA Katie Schollenberg of Ninilchik, AK
Surveyor:	Jason Schollenberg, Peninsula Surveying, LLC
General Location:	Deep Creek Road, Happy Valley Area
Parent Parcel Number(s):	159-013-17 and 159-013-18
Legal Description:	159-013-17: T 2S R 14W SEC 9 Seward Meridian HM 0960008 BOUWENS SUB #2 LOT 1A 159-013-18: T 2S R 14W SEC 9 Seward Meridian HM 0960008 BOUWENS SUB #2 LOT 1B

STAFF REPORT

Specific Request / Purpose as stated in the petition:

This petition to vacate the utility easement is going along with a replat of Lots 1A and 1B, Bouwens Subdivision No. 2, HM96-8. The proposed replat would vacate the lot line that this easement follows. If the proposed plat is approved, this easement will cut through the middle of the property, limiting use and development. The owners would like to be able to freely use their entire lot. Alternate utility easements are in place along all four sides of the property. These can be used for any future utilities.

Notification: Notice of vacation mailings were sent by regular mail to sixteen owners of property within 300 feet. Notice of the proposed vacation was emailed to six agencies and interested parties.

The public notice was posted on the Planning Department's bulletin board at the KPB Administration Building.

Staff Analysis:

Bouwens Subdivision (HM 84-28) originally granted a 10-foot utility easement adjacent to all rights-of-way. This easement was carried forward in Bouwens Subdivision # 2 (HM 96-8), which also added a 10-foot utility easement to the front setback extending within 5-feet of side lot lines to 20'. The proposed plat accurately reflects the 10-foot utility easement adjacent to all rights-of-way, as noted in plat note number 2.

Additionally, Bouwens Subdivision # 2 (HM 96-8) granted a 10-foot utility easement along both sides of the interior lot line between the two lots, as well as along the southern boundaries of both lots. A 10-foot by 30-foot anchor easement was also granted along the north boundary of former Lot 1B. The proposed plat includes the vacation of the 10-foot utility easement on either side of the former common lot line, as depicted.

Bouwens Subdivision No. 3 proposes to reconfigure the lot line between the two existing lots, resulting in the creation of two newly platted lots. This reconfiguration eliminates the former common lot line and if approved, will finalize the vacation of the associated utility easement. The Plat Committee reviewed and unanimously granted conditional approval of the proposed plat during its September 22, 2025 meeting.

No comment or opposition was received from any utility companies the surveyor sent a request to indicating no utilities are in use on the easement.

Utility provider review:

HEA	No objection and no comment
ENSTAR	Approved as shown
ACS	No objections
GCI	GCI reviewed the associated plat that will finalize the utility easement vacation which included depiction of the area proposed to be vacated and commented "approved as shown."

Applicant Findings:

1. The petition does not state that the utility easement proposed to be vacated is in use by a utility company.
2. Utility Agencies provided written non-objection to the proposed vacation.
3. The proposed replat would vacate the lot line that this easement follows.
4. Alternate utility easements are in place along all four sides of the property. These can be used for any future utilities.

Staff Findings:

5. Bouwens Subdivision (HM 84-28) granted a 10-foot utility easement adjacent to all rights-of-way.
6. The 10-foot utility easement adjacent to all rights-of-way was carried forward in Bouwens Subdivision # 2 (HM 96-8), which also added a 20-foot utility easement extending within 5-feet of side lot lines. The proposed plat will subsequently carry forward this easement.
7. Bouwens Subdivision # 2 (HM 96-8) granted a 10-foot utility easement along interior lot lines between the two lots.
8. Plat HM 96-8 granted a 10-foot utility easement along the south boundary of both lots and a 10-foot by 30-foot anchor easement was granted on the north boundary of former Lot 1B. These easements are being carried forward on the associated plat.
9. The Plat Committee reviewed and unanimously granted conditional approval of the associated plat during its September 22, 2025 meeting.
10. No surrounding properties will be denied utilities.

STAFF RECOMMENDATIONS**CORRECTIONS / EDITS**

- Please review the staff report for the associated plat and make any requested corrections.
- If approved, include a note referencing the meeting date the Planning Commission granted approval of the utility easement vacation.

Make the following corrections:

RECOMMENDATION:

Based on consideration of the merits as outlined by Staff comments and Staff findings, Staff recommends **APPROVAL** of the utility easement alteration as petitioned, subject to:

1. Grant utility easements requested by utility providers.
2. Finalizing the approval of the easement alteration by either;
 - a. The recording of a subdivision plat within 12 months, compliant with the requirements of Chapter 20 of KPB Code or,
 - b. The recording of a utility easement alteration resolution within 90 days of the adoption of the resolution by the Planning Commission, with the following requirements:
 - i. An exhibit drawing showing, and dimensioning, the utility easement alteration area, prepared, signed and sealed by a licensed land surveyor. The exhibit drawing will be attached to, and recorded with, the resolution.

- ii. The applicants will provide the recording fee for the resolution and its attachment to the Planning Department.
- iii. The Planning Department is responsible for filing the Planning Commission resolution.

20.65.070 Alteration of platted utility easements

- E. A planning commission decision under this section is final. A notice of decision shall be sent to the petitioner. No reapplication or petition concerning the same alteration to platted utility easement may be filed within one calendar year of the date of the final denial action except in the case where new evidence or circumstances exist that were not available or present when the original petition was filed. If the reasons for denial are resolved, the petitioner may submit a new petition for alteration of platted utility easement with documentation that the issues have been resolved, accompanied by a new fee.**
- F. An appeal of the planning commission decision under this section must be filed in the superior court in accordance with the Alaska Rules of Appellate Procedure.**

The 2019 Kenai Peninsula Borough Comprehensive Plan adopted November, 2019 by Ordinance No. 2019-25. The relevant objectives are listed.

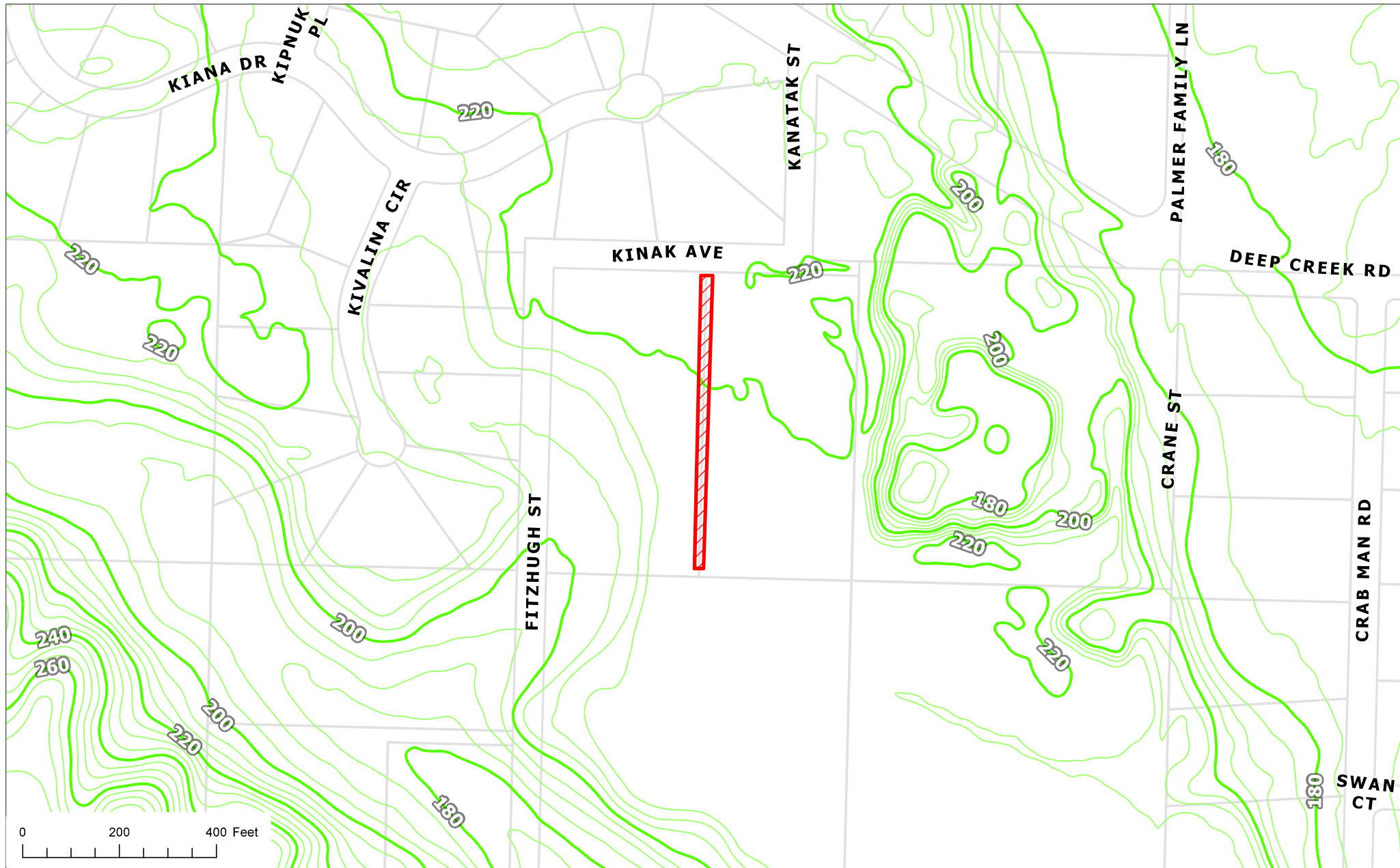
Goal 3. Preserve and improve quality of life on the Kenai Peninsula Borough through increased access to local and regional facilities, activities, programs and services.

- *Focus Area: Energy and Utilities*
 - o *Objective A - Encourage coordination or residential, commercial, and industrial development with extension of utilities and other infrastructure.*
 - *Strategy 1. Near – Term: Maintain existing easements (especially section line easements) in addition to establishing adequate utility rights of way or easements to serve existing and future utility needs.*
 - *Strategy 2. Near – Term: Maintain regular contact with utility operators to coordinate and review utility easement requests that are part of subdivision plat approval.*
 - *Strategy 3. Near – Term: Identify potential utility routes on Borough lands.*
- *Housing*
 - o *Objective D. Encourage efficient use of land, infrastructure and services outside incorporated cities by prioritizing future growth in the most suitable areas.*
 - *Strategy 1. Near – Term: Collaborate with the AK Department of Transportation, incorporated cities within the borough, utility providers, other agencies overseeing local services, and existing communities located adjacent to the undeveloped areas that are appropriate for future growth, to align plans for future expansion of services to serve future residential development and manage growth.*

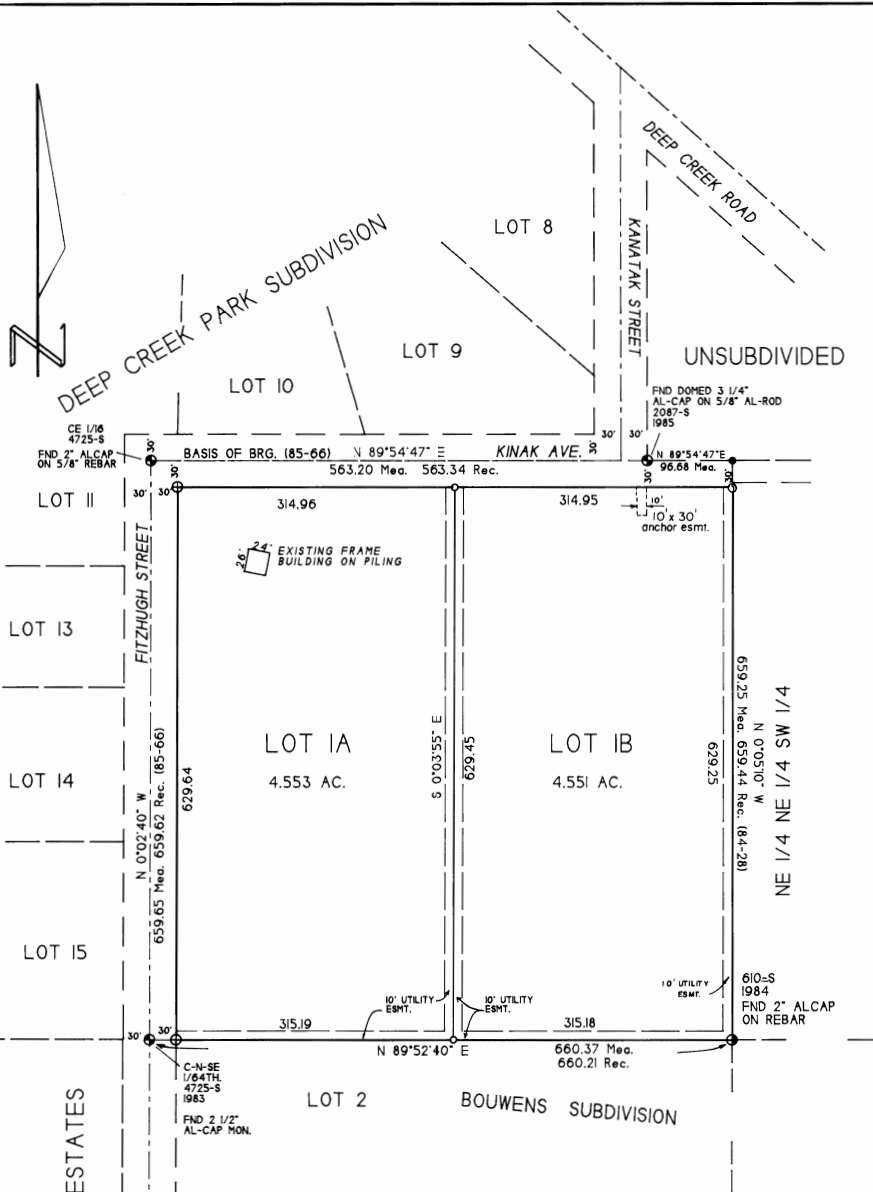
END OF STAFF REPORT



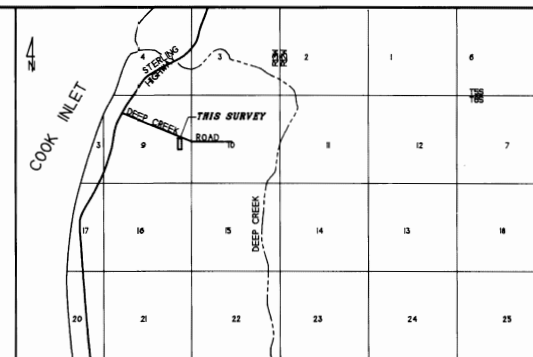
The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



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



- Notes:
1. No permanent structure shall be placed or constructed within an easement which would interfere with the ability of a utility to use the easement.
 2. The front 10' of building set back and entire setback within 5' of side lot lines is a utility easement.
 3. Building Set Back - A setback of 20' is required from all street R-O-Ws unless a lesser standard is approved by resolution of appropriate planning commission.
 4. No access to State maintained Rights-of-way permitted unless approved by State of Alaska Department of Transportation.



VICINITY MAP 1" = 1 MILE

CERTIFICATE OF OWNERSHIP

I hereby certify that I am the owner of the real property shown and described herein and that I hereby adopt this plan of subdivision and by my free consent dedicate all rights of ways and grant all easements to the use shown. We further certify that any deeds of trust affecting this property do not prohibit this replat or require signature and approval of beneficiaries.

James P. Wilson
 JAMES P. WILSON
 P.O. BOX 39050
 NINILCHIK, AK 99639

NOTARY'S ACKNOWLEDGEMENT

FOR *James P. Wilson*
 SUBSCRIBED AND SWORN BEFORE ME THIS *6th* DAY OF *MARCH*, 1996.
Mary Ann Gruber
 NOTARY PUBLIC FOR ALASKA
 MY COMMISSION EXPIRES *5-20-97*



96-8

RECORDED - FILED	20
HOMER REC. DIST.	
DATE	4-17-96
TIME	1:07 P.M.
Requested by	TWA
Address	Surveyor



- LEGEND
- Set 5/8" x 38" Rebar
 - ⊕ Set 2 1/4" alum. cap on 2" x 38" alum pipe
 - Found 5/8" Rebar

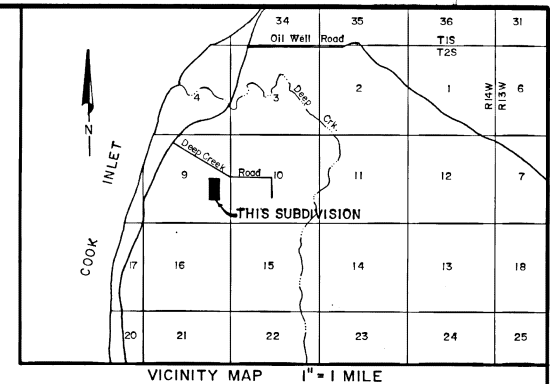
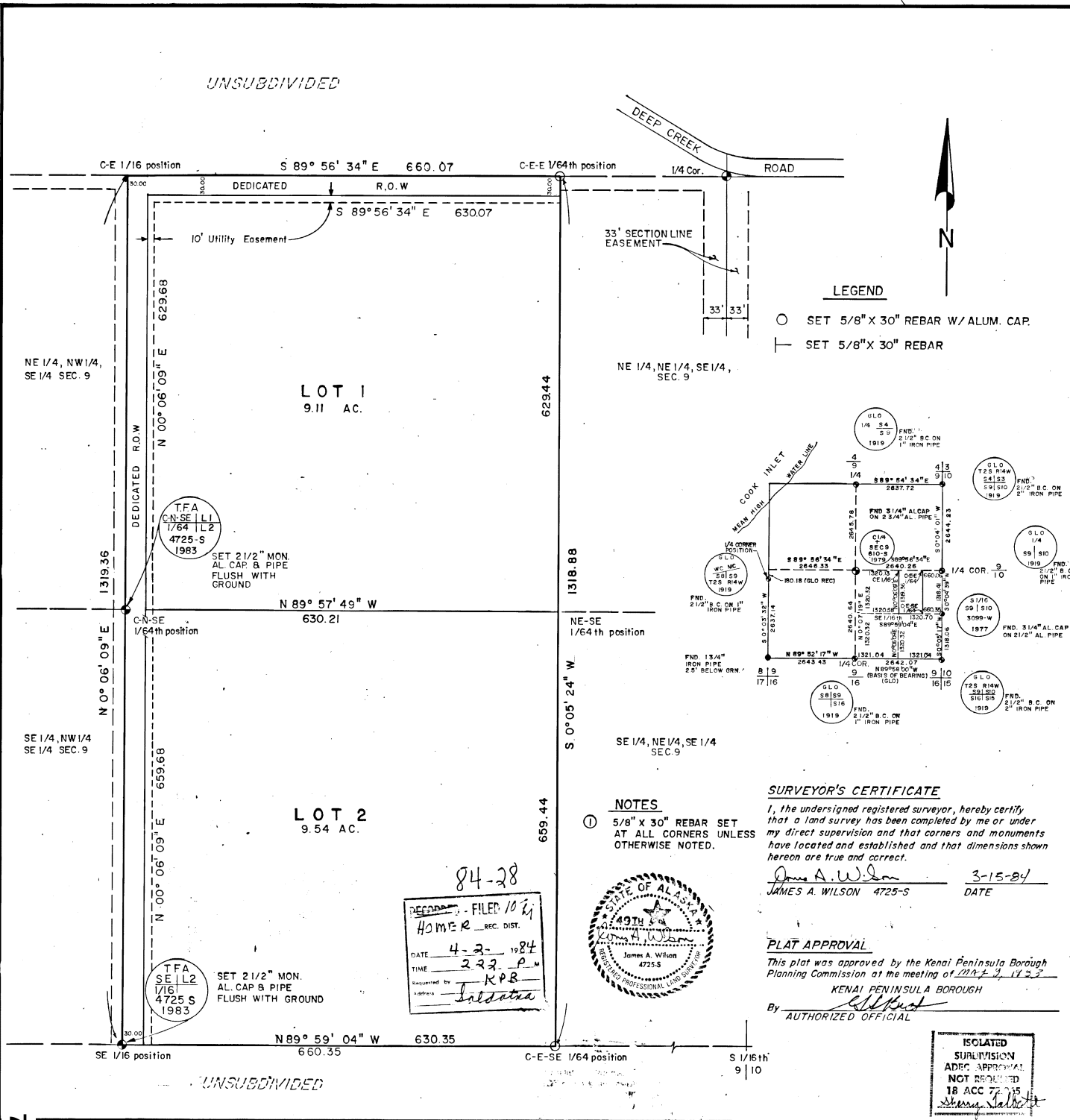
PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF *JANUARY 8, 1996*

KENAI PENINSULA BOROUGH
 BY: *Donald E. Salmon*

Wastewater Disposal
 Conditions may not be suitable for onsite wastewater treatment and disposal. Any wastewater treatment or disposal system must meet the regulatory requirements of the Alaska Department of Environmental Conservation.
 Subject to any noted restrictions, the Alaska Department of Environmental Conservation approves this subdivision for platting.
Scott J. Jorgensen EEA 3-15-96
 Approving Official
 Alaska Department of Environmental Conservation

A PLAT OF BOUWENS SUBDIVISION #2 LOTS 1A AND 1B A REPLAT OF BOUWENS SUBDIVISION LOT 1 PLAT No. 84-28 WITHIN SE1/4 SECTION 9, T2S, R14W S.M. AK. HOMER RECORDING DIST. CONTAINING 9.105+- ACRES		
SURVEYED BY TWA SURVEYING 11710 WRANGLER WAY ANCHORAGE, AK. 99516 PHONE 345-2071		
SCALE 1" = 100'	SURVEY DATE 11/16/95	KPB FILE No. 96-003
DRAWN TW	PLOT DATE 03/07/96	FILE C:\CADD5\DWG\WILSON



CERTIFICATE OF OWNERSHIP

I/We hereby certify that I/We are the owners of the property shown and described hereon, and that we hereby adopt this plan of subdivision and dedicate all right-of-ways and public areas to public use and grant all easements to the use shown.

Mike Bouwens
MIKE BOUWENS
1720 Eagle River Road
Eagle River, Alaska 99507

Patricia Bouwens
PATRICIA BOUWENS
1720 Eagle River Road
Eagle River, Alaska 99507

NOTARY'S ACKNOWLEDGEMENT

Subscribed and sworn to before me this 17th day of FEB, 1988
Mike Bouwens and Patricia Bouwens did appear before me.

March 25, 1985
My commission expires

James A. Wilson
Notary Public
STATE OF ALASKA
JAMES A. WILSON

Ronald Potter
Ronald Potter
General Delivery
Ninilchik, Alaska 99639

Dorothy Potter
Dorothy Potter
General Delivery
Ninilchik, Alaska 99639

NOTARY'S ACKNOWLEDGEMENT

Subscribed and sworn to before me this 10th day of Feb, 1988
Ronald Potter and Dorothy Potter did appear before me.

Feb. 24, 1986
My commission expires

Marion G. Hylen
Notary Public

BENEFICIARY

Elmer Daarud
Elmer Daarud
Box 25
Homer, Alaska 99603

Shirley Daarud
Shirley Daarud
Box 25
Homer, Alaska 99603

NOTARY'S ACKNOWLEDGEMENT

Subscribed and sworn to before me this 17 day of January, 1988
Elmer Daarud and Shirley Daarud did appear before me.

24 May, 1987
My commission expires

Patricia Carlson
Notary Public

SURVEYOR'S CERTIFICATE

I, the undersigned registered surveyor, hereby certify that a land survey has been completed by me or under my direct supervision and that corners and monuments have located and established and that dimensions shown hereon are true and correct.

James A. Wilson
JAMES A. WILSON 4725-S
DATE 3-15-84

PLAT APPROVAL

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of March 2, 1984
KENAI PENINSULA BOROUGH

By Ed Kest
AUTHORIZED OFFICIAL



84-28

RECORDED - FILED 10/21
HOMER REC. DIST.

DATE 4-2-1984
TIME 2:22 P.M.
Surveyed by KPR
Address Indistate



A PLAT OF

BOUWENS SUBDIVISION
LOTS 1 & 2

WHICH IS A SUBDIVISION OF
W1/2, NE1/4, SE1/4 SEC. 9, T2S, R14W S.M.
19.933

TED FORSI & ASSOCIATES, INC.
ENGINEERING PLANNING SURVEYING
124 EAST SEVENTH AVENUE
ANCHORAGE, ALASKA 99501
274-9517

POST OFFICE BOX 2470
SOLDOTNA, ALASKA 99569
262-5531

Drawn By: C.A.M. Date: 9/28/83 Field Book: N/A Proj. No.: 8314
Checked By: JAW Scale: 1" = 100' Grid: N/A Sheet No.: 1 of 1



NOTICE OF PROPOSED UTILITY EASEMENT VACATION

Notice is hereby given that an application to vacate a utility easement in the Happy Valley area was received on 10/20/2025 by the Planning Department of the Kenai Peninsula Borough.

In accordance with Chapter 20 of the Borough Code of Ordinances, all owners of properties within a 300-foot radius must be notified of the proposed vacation. According to Borough records, you are an owner of property within that radius or you are an affected party.

Request / Affected Property: Vacates a 10' wide utility easement along the eastern lot line of Lot 1A and associated 10' wide utility easement along the western lot line of Lot 1B

KPB File No. 2025-128V

Petitioner(s)/ Land owner(s): Andrew Matthews & Katie Schollenberg Matthews of Ninilchik, AK.

Purpose as stated in petition: This petition to vacate the utility easement is going along with a proposed replat that would vacate lot lines that this easement follows. The owners would like to be able to freely use their entire lot. Alternate utility easements are in place along all four sides of the property..

Public hearing will be held by the Kenai Peninsula Borough Planning Commission on **Monday, November 17, 2025** commencing at **7:30 p.m.**, or as soon thereafter as business permits. The meeting is being held in person at the Betty J. Glick Assembly Chambers of the Kenai Peninsula Borough George A. Navarre Administration Building, 144 N. Binkley Street, Soldotna, Alaska. This meeting will also be held via Zoom, or other audio or video conferencing means whenever technically feasible.

To attend the meeting using Zoom from a computer visit <https://us06web.zoom.us/j/9077142200>. You may also connect to Zoom by telephone, call toll free **1-888-788-0099** or **1-877-853-5247**. If calling in you will need the Meeting ID of 907 714 2200. Additional information about connecting to the meeting may be found at <https://www.kpb.us/local-governance-and-permitting/leadership-governance/planning-commission/planning-public-notices>.

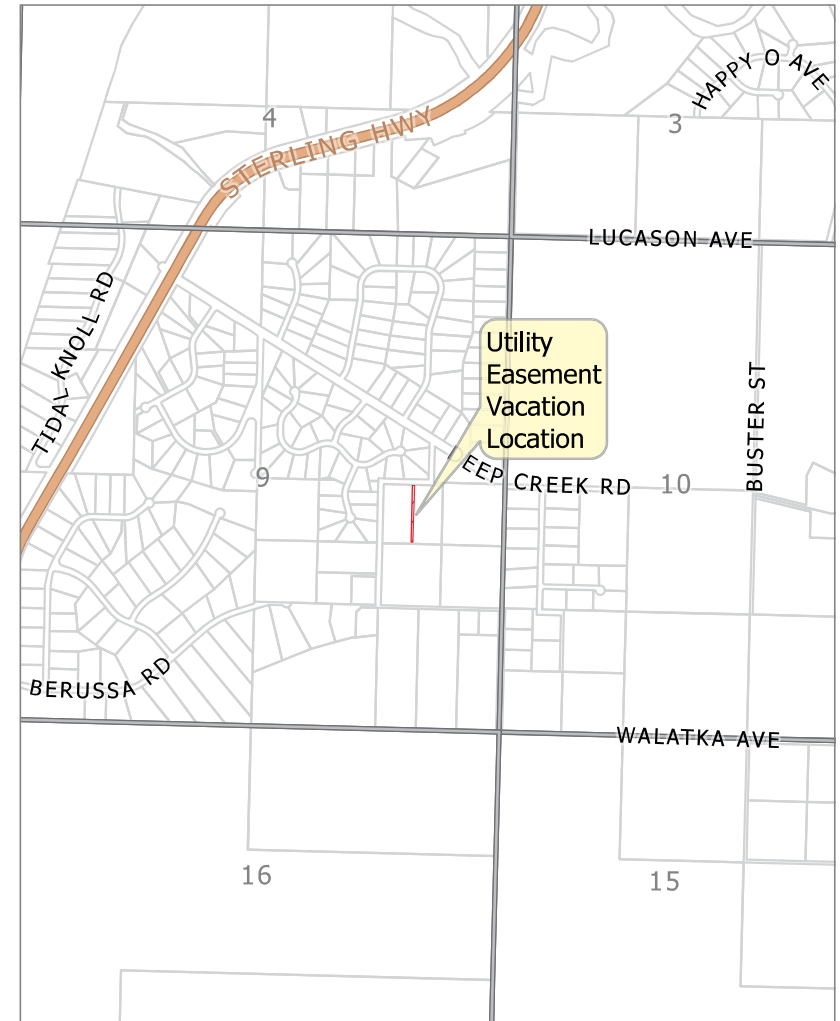
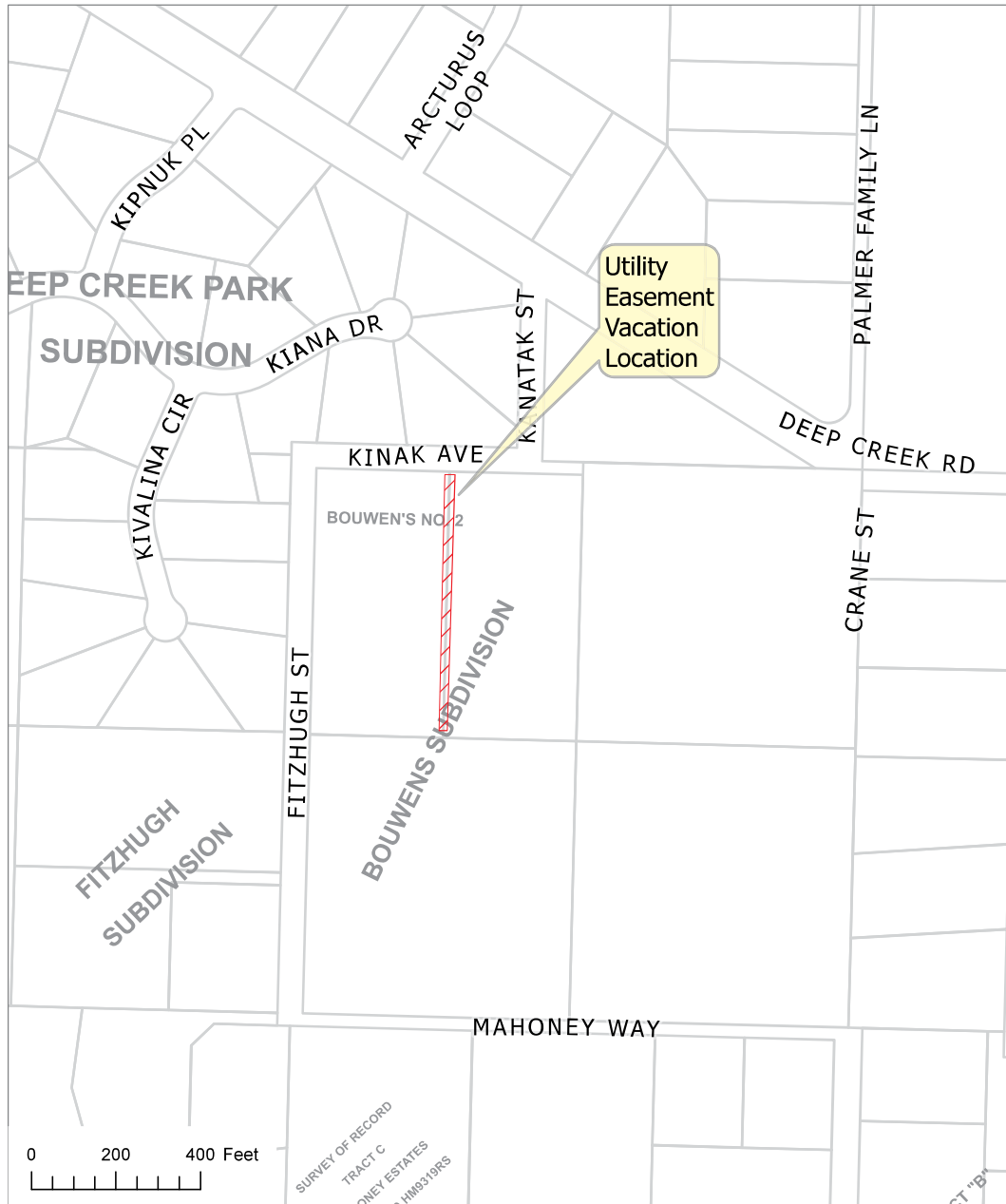
Anyone wishing to testify may attend the meeting in person or through Zoom. Written testimony may be submitted by email to planning@kpb.us, or mailed to the attention of Beverly Carpenter, Kenai Peninsula Borough Planning Department, 144 N. Binkley Street, Soldotna, Alaska 99669. [Written comments may also be sent by Fax to 907-714-2378]. All written comments or documents must be submitted by **1:00 PM, Friday, November 14, 2025**. The

deadline to submit written comments or documents does not impact the ability to provide verbal testimony at the public hearing.

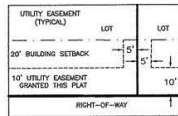
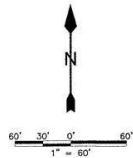
Additional information such as staff reports and comments are available online. This information is available the Monday prior to the meeting and found at <https://kpb.legistar.com/Calendar.aspx>. Use the search options to find the correct timeframe and committee.

For additional information, contact Sandee Simons (ssimons@kpb.us) or Beverly Carpenter (BCarpenter@kpb.us), Planning Department, 714-2200 (1-800-478-4441 Toll Free within the Kenai Peninsula Borough).

Mailed 10/27/2025



KPB File 2025-128V
T 02S R 14W SEC 09
Happy Valley



NOTES

1. A BUILDING SETBACK OF 20' IS REQUIRED FROM ALL STREET RIGHTS-OF-WAY UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
2. THE FRONT 10' OF ADJOINING DEDICATED RIGHTS-OF-WAY THAT INCREASE TO 20' WITHIN 5' OF THE SIDE LOT LINES IS ALSO A UTILITY EASEMENT.
3. 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.
4. 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.
5. FLOOD HAZARD NOTICE: SOME OR ALL OF THE PROPERTY SHOWN ON THIS PLAT HAS BEEN DESIGNATED BY FEMA OR THE KENAI PENINSULA BOROUGH SEWARD MAPPED FLOOD DATA AREA AS A FLOOD HAZARD AREA DISTRICT AS OF THE DATE THIS PLAT IS RECORDED WITH THE DISTRICT RECORDER'S OFFICE. PRIOR TO DEVELOPMENT, THE KENAI PENINSULA BOROUGH FLOODPLAIN ADMINISTRATOR SHOULD BE CONTACTED FOR CURRENT INFORMATION AND REGULATIONS. DEVELOPMENT MUST COMPLY WITH CHAPTER 21.05 OF THE KENAI PENINSULA BOROUGH CODE. SEE UPDATED FEMA FIRM PANELS 02122C-1815E AND 02122C-1820E, EFFECTIVE 10/20/2016 FOR INFORMATION ON FLOODPLAIN ZONES D.
6. KPB GIS DATA SHOWS THERE ARE NO STEEP SLOPES, WETLANDS OR ANADROMOUS WATERS.
7. DIMENSIONS SHOWN ARE RECORD PER HM96-8.

LEGEND

- RECORD PRIMARY MONUMENT AS DESCRIBED
- RECORD 5/8" REBAR
- RECORD 2" AL-CAP BY 610-S, 1984
- RECORD 2 1/4" AL-CAP BY 4725-S, 1995
- TO SET RPC ON 5/8" X 30" REBAR BY LS14488

WASTEWATER DISPOSAL

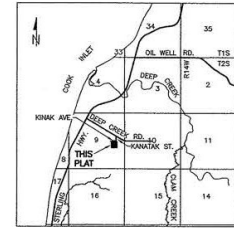
LOT 1A-1: TBD
LOT 1B-1: LOTS WHICH ARE AT LEAST 200,000 SQUARE FEET IN SIZE MAY NOT BE SUITABLE FOR ONSITE WASTEWATER TREATMENT AND DISPOSAL. ANY WASTEWATER TREATMENT OR DISPOSAL SYSTEM MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMITTEE AT THE MEETING OF MM/DD/YYYY.

BOROUGH OFFICIAL _____

DATE _____



CERTIFICATE OF OWNERSHIP AND DEDICATION

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

ANDREW MATTHEWS, OWNER LOT 1B
P.O. BOX 39148
NINILCHIK, AK 99639

KATIE SCHOLLENBERG MATTHEWS, OWNER LOT 1B
P.O. BOX 39148
NINILCHIK, AK 99639

PATRICK S. WELLS, OWNER LOT 1A
2230 SW 104TH ST
SEATTLE, WA 98146

NOTARY ACKNOWLEDGMENT

FOR: ANDREW MATTHEWS
ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2025

NOTARY PUBLIC FOR: _____
MY COMMISSION EXPIRES: _____

NOTARY ACKNOWLEDGMENT

FOR: KATIE SCHOLLENBERG MATTHEWS
ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2025

NOTARY PUBLIC FOR: _____
MY COMMISSION EXPIRES: _____

NOTARY ACKNOWLEDGMENT

FOR: PATRICK S. WELLS
ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2025

NOTARY PUBLIC FOR: _____
MY COMMISSION EXPIRES: _____

KPB FILE NUMBER: 2025-000

PENINSULA SURVEYING, LLC
10535 KATRINA BOULEVARD, NINILCHIK, AK 99639
(907)306-7065

PLAT OF BOUWENS SUBDIVISION NO. 3

A SUBDIVISION OF
LOTS 1A & 1B, BOUWENS SUBDIVISION NO. 2, HM96-8
LOCATED WITHIN
THE SE 1/4 SEC. 8, T2S, R14W, S.M.,
HOMER RECORDING DISTRICT, KENAI
PENINSULA BOROUGH, ALASKA
CONTAINING 9.106 ACRES

OWNERS: ANDREW MATTHEWS
P.O. BOX 39148
NINILCHIK, AK 99639
KATIE SCHOLLENBERG MATTHEWS
P.O. BOX 39148
NINILCHIK, AK 99639

PATRICK S. WELLS
2230 SW 104TH ST
SEATTLE, WA 98146

SCALE: 1" = 60'

DATE: JULY 29, 2025

DRAWN: BLT

CHECKED: JLS

SHEET: 1 OF 1

KPB 2025-128V

E. NEW BUSINESS

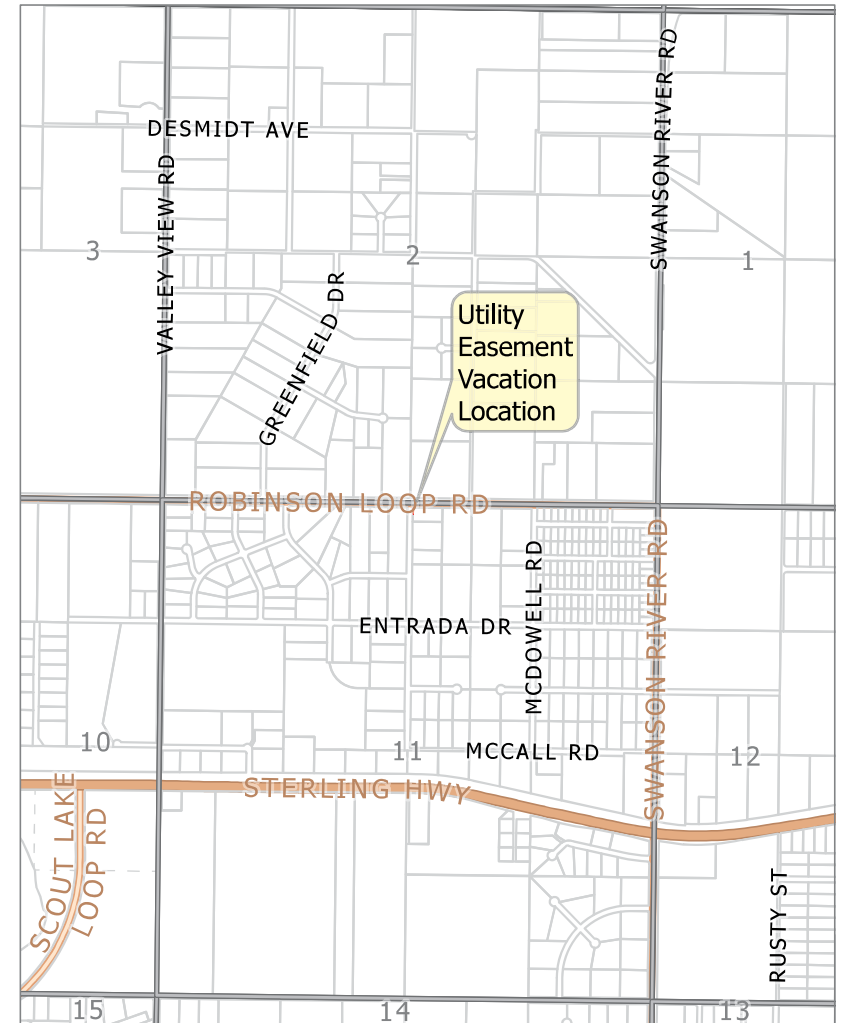
3. Utility Easement Vacation (PC Resolution 2025-29)

KPB File 2025-156V

Edge Surveying & Design / Barrickman

Request: Vacates a portion of the 10' wide utility easement adjacent to Skeeter Street granted by Sterling's Heights Scooter's Replat, Plat KN 93-87

Sterling Area



KPB File 2025-156V
T 05N R09W SEC11
Sterling



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

ROBINSON LOOP ROAD

S39°55'27"W 314.97'

10'

20'

5' X 70' UTILITY EASEMENT VACATED

20' BUILDING SETBACK

LOT 1A
BLOCK 1
PLAT 93-87

20' 10' 0' 20'

1" = 20'

5' UTILITY EASEMENT

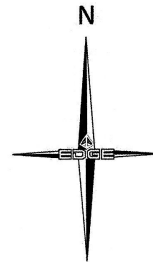
N89°55'27"E 314.98'

LOT 1B BLOCK 1
PLAT 93-87

SKEETER STREET

N00°02'09"W 151.22'

5' 70' 5' 10' 20' 5'



LOT 7
BLOCK 1
PLAT 74-32

TRACT D
PLAT 76-07

ROBINSON LOOP ROAD

100' RIGHT-OF-WAY

LOT 6
BLOCK 1
PLAT 84-184

SKETER STREET
60' RIGHT-OF-WAY

LOT 1A
BLOCK 1
PLAT 93-87

LOT 1B
BLOCK 1
PLAT 93-87

LOT 2
BLOCK 1
PLAT 76-174

10' 10' 20' 5' 151.22' 151.22'

S89°55'27"W 314.97'

UTILITY EASEMENT

20' BUILDING SETBACK

UTILITY EASEMENT VACATED SEE DETAIL

UTILITY EASEMENT

N00°02'09"W 151.22'

N89°55'27"E 314.98'

5' UTILITY EASEMENT

N00°02'33"W 151.22'

100' 50' 0' 100'

1" = 100'

	PARCEL BOUNDARY
	ADJACENT PROPERTY LINE
	BUILDING SETBACK
	EASEMENT
	UTILITY EASEMENT VACATED

RECORD DATA SHOWN HEREON IS PER PLAT 93-87 KENAI RECORDING DISTRICT.
EASEMENT VACATED CONTAINS 350 SQUARE FEET.

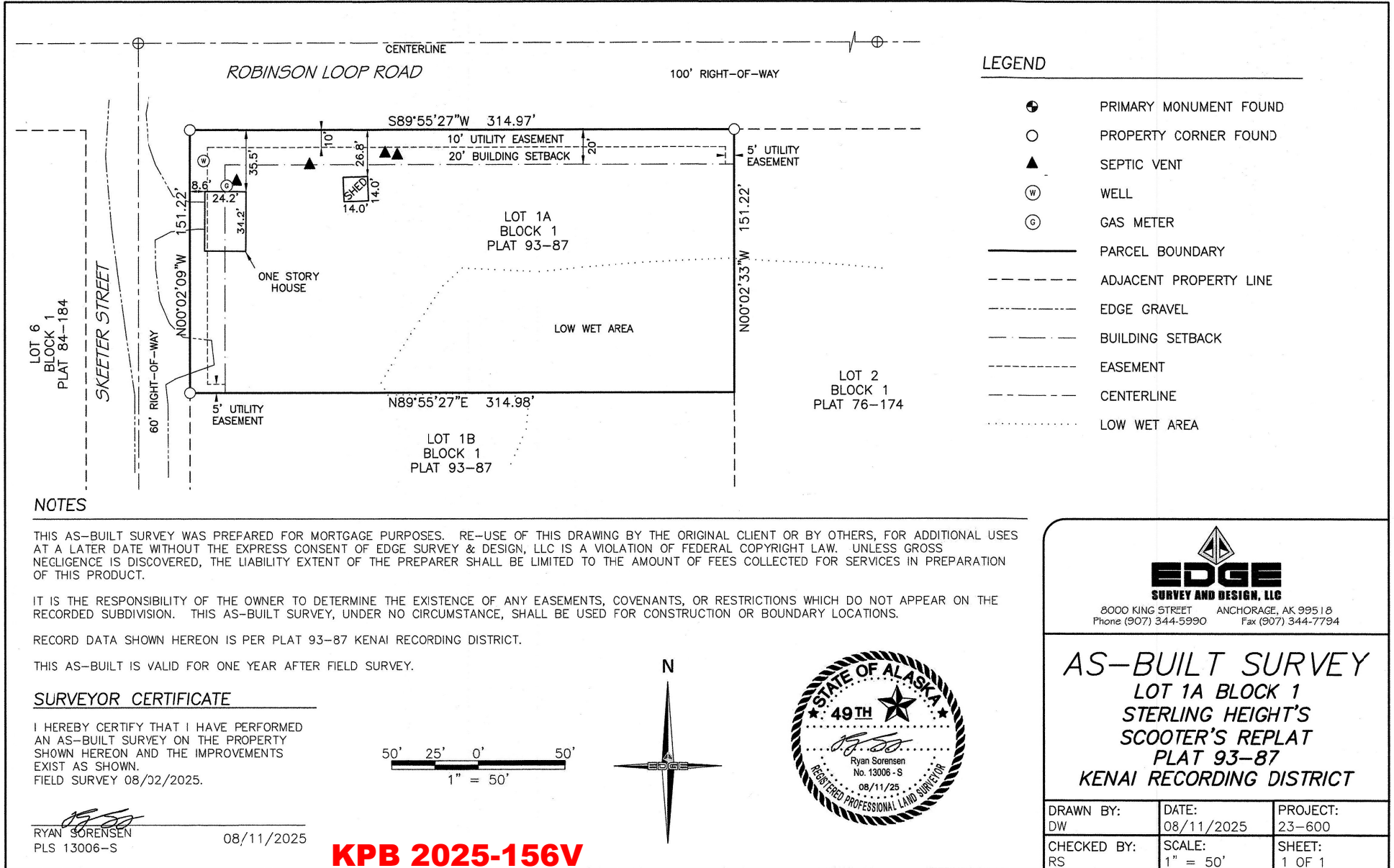


8000 KING STREET ANCHORAGE, AK 99518
Phone (907) 344-5990 Fax (907) 344-7794

LOT 1A BLOCK 1
STERLING HEIGHT'S
SCOOTER'S REPLAT
PLAT 93-87

KENAI RECORDING DISTRICT

DRAWN BY: JY	DATE: 09/29/2025	PROJECT: 25-615
CHECKED BY: RS	SCALE: AS SHOWN	SHEET: 1 OF 1



AGENDA ITEM E. NEW BUSINESS

ITEM #3 - UTILITY EASEMENT ALTERATION

VACATE A 5-FOOT BY 70-FOOT PORTION OF THE 10-FOOT-WIDE UTILITY EASEMENT ADJACENT TO SKEETER STREET LOCATED IN THE NORTHWEST CORNER OF LOT 1A, BLOCK 1, STERLING HEIGHTS SCOOTER'S REPLAT, PLAT KN 93-87 AS DEPICTED ON THE EASEMENT VACATION EXHIBIT

KPB File No.	2025-156V
Planning Commission Meeting:	November 17, 2025
Applicant / Owner:	Kathleen A. Barrickman of Sterling, AK
Surveyor:	Jason Young, Edge Survey & Design
General Location:	Skeeter Street, Sterling Area
Parent Parcel Number:	063-454-09
Legal Description:	T 5N R 9W SEC 11 Seward Meridian KN 0930087 STERLING HEIGHTS SUB SCOOTER'S REPLAT LOT 1A BLK 1
Resolution:	2025-29

STAFF REPORT

Specific Request / Purpose as stated in the petition:

A newly constructed house and existing water well encroach into the 10' utility easement. Seeking to vacate a 5' x 70' portion of the 10' utility easement adjacent to Skeeter Street.

Notification: Notice of vacation mailings were sent by regular mail to eight owners of property within 300 feet. Notice of the proposed vacation was emailed to five agencies and interested parties.

The public notice was posted on the Planning Department's bulletin board at the KPB Administration Building.

Staff Analysis:

In 1976, Sterling Heights Subdivision Addition No. 2 (KN 76-174) originally subdivided the N1/2 NE1/4 Sec 11, T5N R9W, SM, AK. Sterling Heights Scooter's Replat (KN 93-87) further subdivided a lot 1 Block 1 in 1993 and granted a 10-foot-wide utility easement adjacent to rights-of-way including 5-feet within side lot lines. The plat also included the required plat not in KPB 20.60.150 stating, "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" as denoted in plat note number four.

As defined in KPB 20.90.010 Definitions, "Permanent Structures" refers to anything of a permanent nature that requires footings, foundations or pilings.

An as-built survey was submitted depicting a 24.2-foot by 34.2-foot one story house encroaching into the 10' utility easement near the west boundary of Lot 1A, Block 1, Plat KN 93-87. Comparing that information to KPB Imagery and KPB Assessing Records, it appears that a 12-foot by 44-foot manufactured home with a 12.5-foot by 23-foot addition attached to it was previously located within the same general area as the one-story house.

A 5-foot by 70-foot portion of the 10-foot-wide utility easement that the structure is encroaching into is being petitioned to be vacated. The submitted easement vacation exhibit depicts the area petitioned to be vacated with hatching.

Previously, the surrounding adjacent parcels were material sites that have been discontinued per the KPB Planners Review. KPB GIS Imagery shows a former gravel pit and the contours of the property follow the site sloping to the south. The southeasterly portion of the property appears to be within the former gravel pit and is depicted as a low wet area on the as-built. Directly to the south is a pond resulting from the prior existing use.

All associated utility agencies provided a non-objection or no comment upon returned.

Utility provider review:

HEA	No comments
ENSTAR	No response
ACS	No objections
GCI	No Response

Applicant Findings:

1. A newly constructed house and existing water well encroach into the 10' utility easement.
2. The petition does not state that the utility easement proposed to be vacated is in use by a utility company.
3. ACS, GCI, and HEA provided written non-objection to the proposed vacation.

Staff Findings:

4. Sterling Heights Scooter's Replat (KN 93-87) granted a 10-foot-wide utility easement adjacent to rights-of-way including 5-feet within side lot lines.
5. Sterling Heights Scooter's Replat (KN 93-87) Plat Note 4 references the KPB 20.60.150 required plat note stating, "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."
6. "Permanent Structures" as defined in KPB 20.90.010 refers to anything of a permanent nature that requires footings, foundations or pilings.
7. Sterling Heights Scooter's Replat (KN 93-87) includes a hatched depiction on Lot 1A indicating a large portion of the northeast corner of Lot 1A to be area designated for waste disposal.
8. The surrounding adjacent parcels were material sites that have been discontinued per the KPB Planners Review.
9. An as-built survey was submitted depicting a 24.2-foot by 34.2-foot one story house encroaching into the utility easement on the west boundary of Lot 1A, Block 1, Plat KN 93-87
10. No surrounding properties will be denied utilities.

STAFF RECOMMENDATIONS
CORRECTIONS / EDITS

Make the following corrections:

- Add KPB File NO 2025-156V to drawing.
- Within the title block:
 - Correct the minor typo: Easement Vacation Exhibit
 - Remove the apostrophe in "Heights."
- Both graphic scales appear to be off when checking with a scale. Please check scaling and fix.

RECOMMENDATION:

Based on consideration of the merits as outlined by Staff comments and Staff findings, Staff recommends **APPROVAL** of the utility easement alteration as petitioned, subject to:

1. Finalizing the approval of the easement alteration by either;
 - a. The recording of a subdivision plat within 12 months, compliant with the requirements of Chapter 20 of KPB Code or,
 - b. The recording of a utility easement alteration resolution within 90 days of the adoption of the resolution by the Planning Commission, with the following requirements:

- i. Corrections to be made to the exhibit prior to recording.
- ii. An exhibit drawing showing, and dimensioning, the utility easement alteration area, prepared, signed and sealed by a licensed land surveyor. The exhibit drawing will be attached to, and recorded with, the resolution 2025-29.
- iii. The applicants will provide the recording fee for the resolution and its attachment to the Planning Department.
- iv. The Planning Department is responsible for filing the Planning Commission resolution.

20.65.070 Alteration of platted utility easements

- E. A planning commission decision under this section is final. A notice of decision shall be sent to the petitioner. No reapplication or petition concerning the same alteration to platted utility easement may be filed within one calendar year of the date of the final denial action except in the case where new evidence or circumstances exist that were not available or present when the original petition was filed. If the reasons for denial are resolved, the petitioner may submit a new petition for alteration of platted utility easement with documentation that the issues have been resolved, accompanied by a new fee.**
- F. An appeal of the planning commission decision under this section must be filed in the superior court in accordance with the Alaska Rules of Appellate Procedure.**

The 2019 Kenai Peninsula Borough Comprehensive Plan adopted November, 2019 by Ordinance No. 2019-25. The relevant objectives are listed.

Goal 3. Preserve and improve quality of life on the Kenai Peninsula Borough through increased access to local and regional facilities, activities, programs and services.

- *Focus Area: Energy and Utilities*
 - o *Objective A - Encourage coordination or residential, commercial, and industrial development with extension of utilities and other infrastructure.*
 - *Strategy 1. Near – Term: Maintain existing easements (especially section line easements) in addition to establishing adequate utility rights of way or easements to serve existing and future utility needs.*
 - *Strategy 2. Near – Term: Maintain regular contact with utility operators to coordinate and review utility easement requests that are part of subdivision plat approval.*
 - *Strategy 3. Near – Term: Identify potential utility routes on Borough lands.*
- *Housing*
 - o *Objective D. Encourage efficient use of land, infrastructure and services outside incorporated cities by prioritizing future growth in the most suitable areas.*
 - *Strategy 1. Near – Term: Collaborate with the AK Department of Transportation, incorporated cities within the borough, utility providers, other agencies overseeing local services, and existing communities located adjacent to the undeveloped areas that are appropriate for future growth, to align plans for future expansion of services to serve future residential development and manage growth.*

END OF STAFF REPORT

**KENAI PENINSULA BOROUGH PLANNING COMMISSION
RESOLUTION 2025-29
KENAI RECORDING DISTRICT**

Vacate a 5-foot by 70-foot portion of the 10-foot-wide utility easement adjacent to Skeeter Street located in the Northwest corner of Lot 1A, Block 1, granted by Sterling Heights Scooter's Replat (KN 93-187); within S11, T05N, R09W, Seward Meridian, Alaska, within the Kenai Peninsula Borough, as depicted on the easement vacation exhibit, KPB File 2025-156V

WHEREAS, a request has been received from Kathleen Barrickman of Sterling, AK to vacate a 5-foot by 70-foot portion of the 10-foot-wide utility easement granted by Sterling Heights Scooter's Replat (KN 93-187); and

WHEREAS, affected utility companies have provided written non-objection to the proposed vacation; and

WHEREAS, the Kenai Peninsula Borough Roads Department provided written non-objection to the proposed vacation; and

WHEREAS, the easement is not in use by the utility companies; and

WHEREAS, no surrounding properties will be denied utilities; and

WHEREAS, on November 17, 2025, the Kenai Peninsula Borough Planning Commission addressed all concerns about the proposed vacation; and

WHEREAS, the Planning Commission has found that vacating the utility easement will not be detrimental to the public interest; and

WHEREAS, 20.65.070 of the Kenai Peninsula Borough Code of Ordinances authorizes the Planning Commission to accomplish vacations by Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH:

Section 1. That the above described 5-foot by 70-foot portion of the 10-foot-wide utility easement adjacent to Skeeter Street is hereby vacated.

Section 2. That an easement vacation exhibit prepared, signed, and sealed by a licensed land surveyor showing the locations of the portions of the utility easements being vacated be attached to, and made a part of this resolution, becoming page 2 of 2.

Section 3. That this resolution is eligible for recording upon being signed by the Planning Commission chairperson and will be deemed void if not recorded within 90 days of adoption.

Section 4. That this Resolution becomes effective upon being properly recorded with petitioner being responsible for payment of recording fee.

ADOPTED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH ON THIS _____ DAY OF _____, 2025.

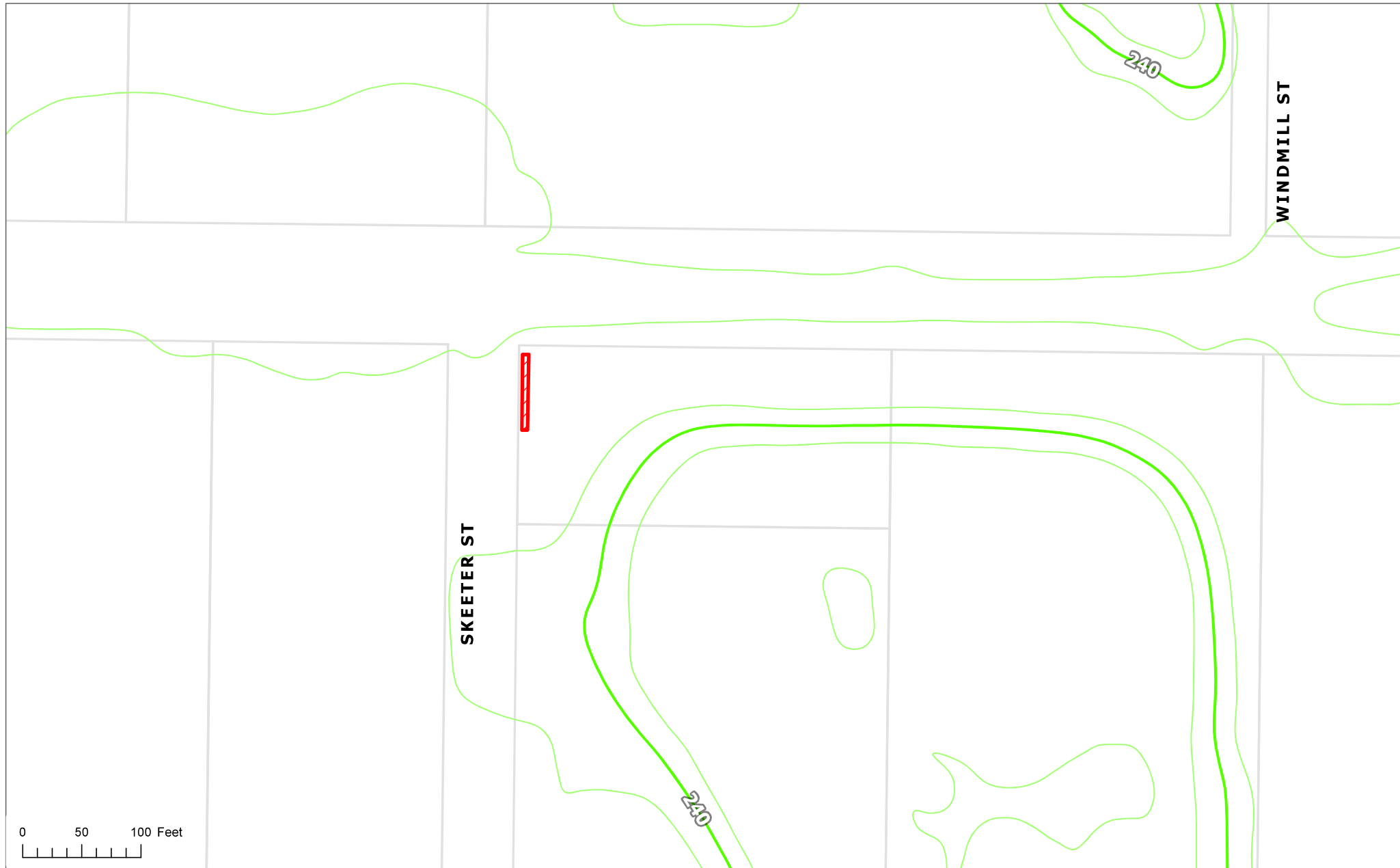
Jeremy Brantley, Chairperson
Planning Commission

ATTEST: _____
Ann Shirnberg,
Administrative Assistant

Return to:
Kenai Peninsula Borough Planning Department
144 N. Binkley Street
Soldotna, Alaska 99669



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.



SURVEYOR'S CERTIFICATE

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

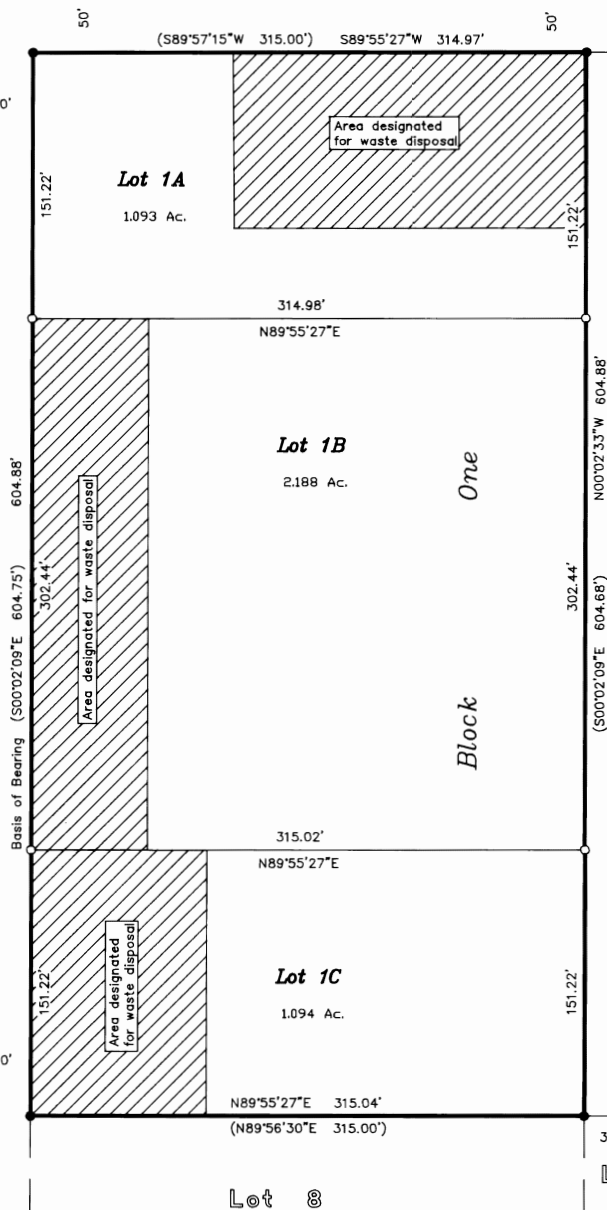
Date 2/22/93



Unsubdivided

Shady Lane

Robinson Loop Road



LEGEND:

- 1/2" Rebar (found this survey)
- 5/8" Rebar w/ 1 1/2" Alum. Cap (set this survey)
- () Record Datum

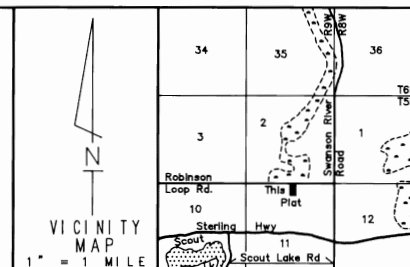
NOTES:

- 1) Proposed land uses are recreational, residential, agricultural, and commercial.
- 2) A setback of 20 feet is required from all street Right-of-Ways unless a lesser standard is approved by the appropriate planning commission.
- 3) No private access to State maintained ROW's permitted unless approved by the State of Alaska Department of Transportation.
- 4) Front 10 feet of the building setback and the entire setback adjacent to Right-of-Ways, within 5 feet of the side lot lines is reserved as utility easement. No permanent structure shall be constructed or placed within a utility easement which would interfere with the ability of a Utility to use the easement.
- 5) Basis of Bearing and all record datum obtained from Sterling Heights Subdivision Addition No. 2, Plat No. 76-174 KRD.
- 6) **"WASTEWATER DISPOSAL:** Soil conditions, water table levels, and soil slopes in this subdivision have been found suitable for conventional onsite wastewater treatment and disposal systems serving single-family or duplex residences and meeting the regulatory requirements of the Alaska Department of Environmental Conservation. Any other type of wastewater treatment and disposal system must be approved by the Alaska Department of Environmental Conservation.

Subject to any noted restrictions,

The Alaska Department of Environmental Conservation approves this subdivision for platting."

signature Clifford E. Baker title LEA date 1/15/93



CERTIFICATE of OWNERSHIP and DEDICATION

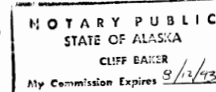
I HEREBY CERTIFY THAT WE ARE THE OWNER(S) OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND THAT WE HEREBY ADOPT THIS PLAN OF SUBDIVISION AND BY OUR FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

WE FURTHER CERTIFY THAT DEED(S) OF TRUST AFFECTING THIS PROPERTY DO NOT CONTAIN RESTRICTIONS WHICH WOULD PROHIBIT THIS REPLAT; OR REQUIRE SIGNATURE AND APPROVAL OF BENEFICIARY(IES).

Hugh R. Chumley Joe E. Chumley
Hugh R. Chumley Joe E. Chumley
P. O. Box 752
Sterling, Alaska 99672

NOTARY'S ACKNOWLEDGEMENT

SUBSCRIBED AND SWORN BEFORE ME THIS 22 DAY OF JANUARY, 1993 FOR Hugh R. Chumley & Joe E. Chumley



Cliff Baker
NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES 5/12/93

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF June 8, 1992

KENAI PENINSULA BOROUGH

Richard D. Torgerson
AUTHORIZED OFFICIAL

KPB FILE No. 92-038

Sterling Heights Scooter's Replat

A resubdivision of Lot 1 Block 1 Sterling Heights Subdivision Addition No. 2, Plat No. 76-174.

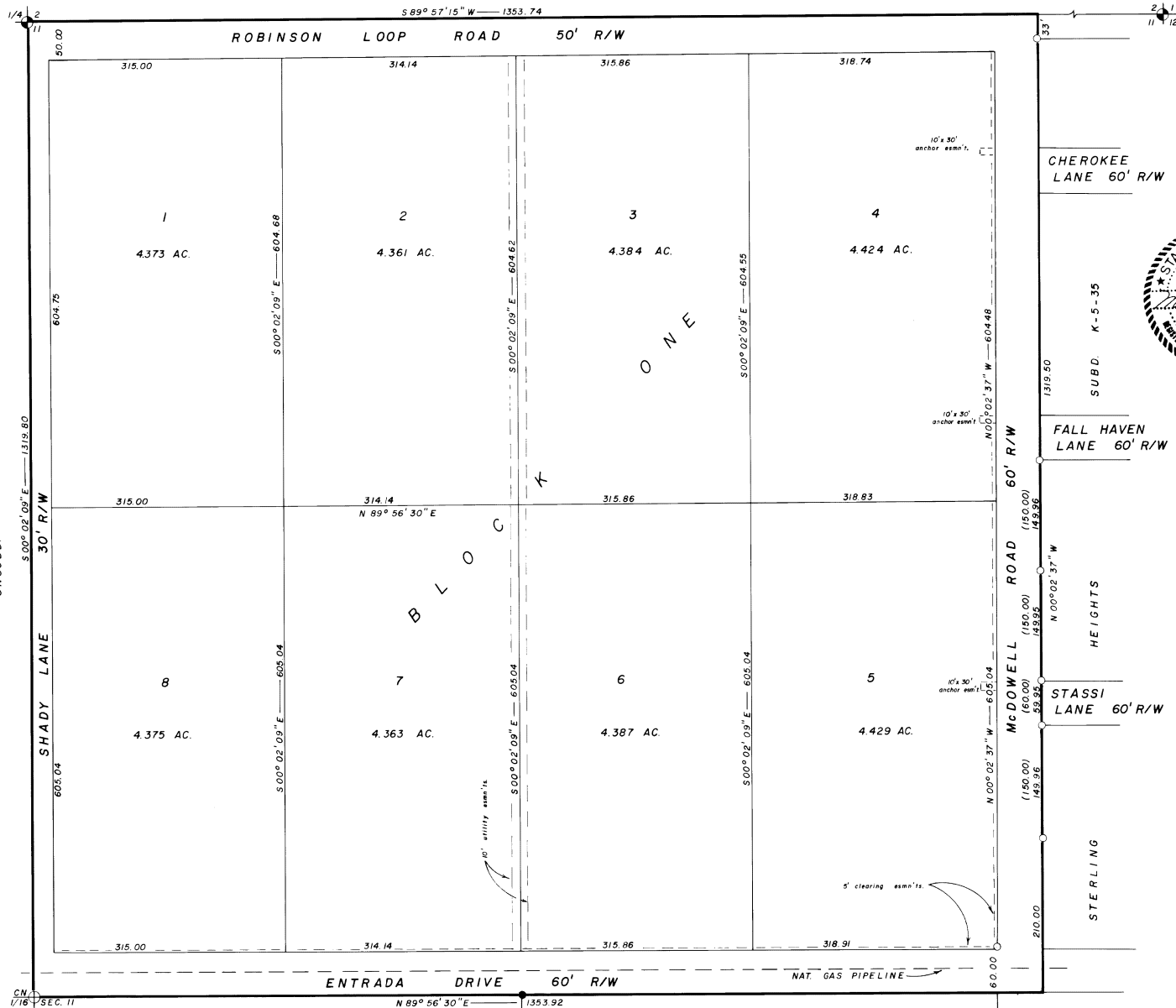
Located within the NW1/4 NW1/4 Sec. 11, T5N, R9W, S.M., Sterling, Kenai Recording District, Kenai Peninsula Borough, Alaska.

Containing 4.374 Acres

INTEGRITY SURVEYS			
HC2 BOX 385 SOLDOTNA, ALASKA 99669			
SURVEYORS		PLANNERS	
JOB NO.	92044	PLATTED:	May 5, 1992
SURVEYED:	May 5, 1992	SCALE:	1" = 50'
FIELD BK:	92-5, Pg 1-2	DISK:	STER-SC

93-87
RECORDED 20
Kenai REC. DIST.
DATE: 12/15 19 93
TIME: 8:36 A.M.
REQUESTED BY:
INTEGRITY SURVEYS
HC2 BOX 385
SOLDOTNA, AK 99669

DUTCH BASIN SUBD.



LEGEND AND NOTES:

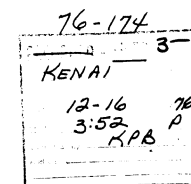
- Found U.S.G.L.O. B.C. monument
- Found official survey B.C.
- Found 1" al. cap monument
- Found 1/2" x 24" steel rebar
- Set 1/2" x 24" steel rebar at all lot corners.

All bearings refer to the NS centerline, Section II as S 0° 02' 09" E—datum of record, Sterling Heights Subd. Add. No. 1.

All lots are subject to a 20' bldg. setback along dedicated R/W's.

Datum of record—K-5-35 shown in ().

All wastewater disposal systems shall comply with existing law at time of construction.



STERLING HEIGHTS SUBDIVISION
ADDITION NO. 2

Fred F. and Thelma F. McCall, owners
Box 592, Sterling, Ak. 99672

DESCRIPTION

41.014 ACRES SITUATED IN THE N1/2 NE1/4 SEC. II, T5N, R9W, S.M. AK. AND THE KENAI PENINSULA BOROUGH.

Surveyed by: McLane & Associates
Soldotna, Alaska

PLAT APPROVAL

Plat approved by the
Commission this 15th
day of June, 1976.

Michael P. Wallace
Notary Public for California

CERTIFICATE OF OWNERSHIP AND DEDICATION

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

NOTARY'S ACKNOWLEDGEMENT

Subscribed and sworn before me this 15th day of
November, 1976. My commission expires
June 17, 1977.

Debbie M. Mendoza
Notary public for California

Fred F. McCall
Fred F. McCall—owner—Box 592, Sterling, Ak. 99669

Thelma F. McCall
Thelma F. McCall—owner

DATE OF SURVEY
10/1 - 10/4/76

SCALE
1" = 100'

BK. NO.
74-2



NOTICE OF PROPOSED UTILITY EASEMENT VACATION

Notice is hereby given that an application to vacate a utility easement in the Sterling area was received on 10/13/2025 by the Planning Department of the Kenai Peninsula Borough.

In accordance with Chapter 20 of the Borough Code of Ordinances, all owners of properties within a 300-foot radius must be notified of the proposed vacation. According to Borough records, you are an owner of property within that radius or you are an affected party.

Request / Affected Property: Vacates a 5' x 70' portion of the 10' utility easement adjacent to Skeeter Street, granted by KN 93-87

KPB File No. 2025-156V

Petitioner(s)/ Land owner(s): Kathleen Barrickman of Sterling, AK.

Purpose as stated in petition: A newly constructed house and existing water well encroach into the 0' utility easement. Seeking to vacate a 5' x 70' portion of the 10' utility easement adjacent to Skeeter Street. .

Public hearing will be held by the Kenai Peninsula Borough Planning Commission on **Monday, November 17, 2025** commencing at **7:30 p.m.**, or as soon thereafter as business permits. The meeting is being held in person at the Betty J. Glick Assembly Chambers of the Kenai Peninsula Borough George A. Navarre Administration Building, 144 N. Binkley Street, Soldotna, Alaska. This meeting will also be held via Zoom, or other audio or video conferencing means whenever technically feasible.

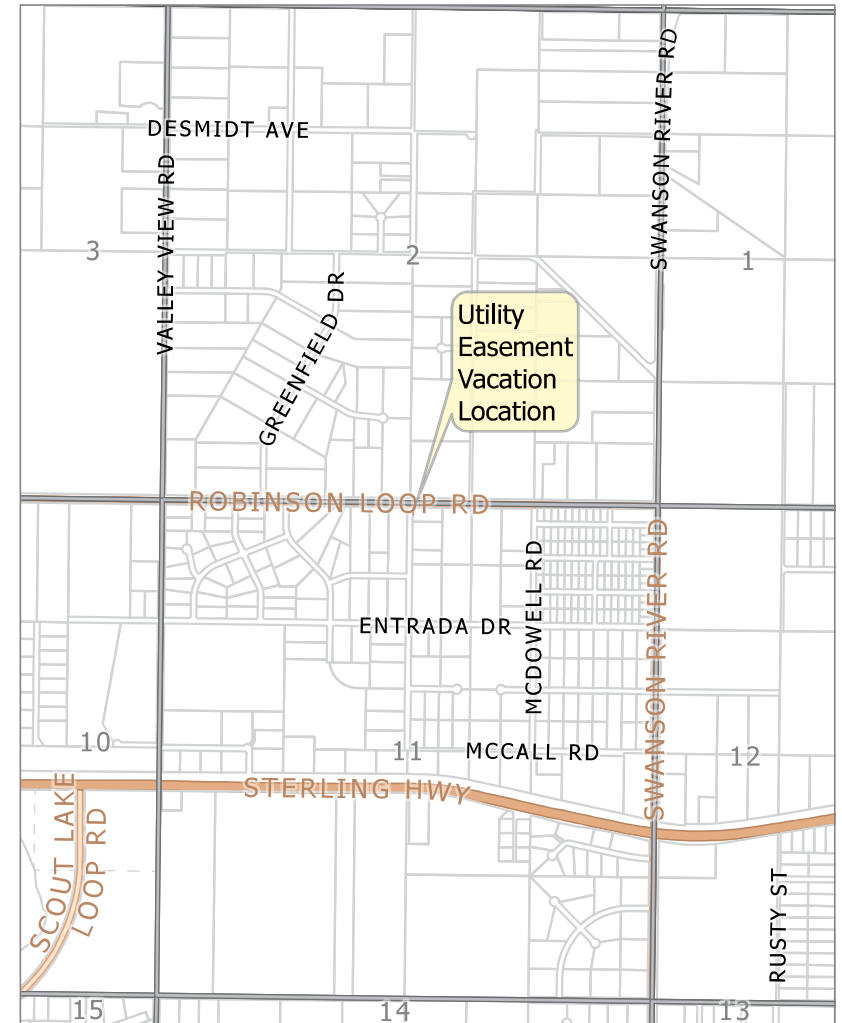
To attend the meeting using Zoom from a computer visit <https://us06web.zoom.us/j/9077142200>. You may also connect to Zoom by telephone, call toll free **1-888-788-0099** or **1-877-853-5247**. If calling in you will need the Meeting ID of 907 714 2200. Additional information about connecting to the meeting may be found at <https://www.kpb.us/local-governance-and-permitting/leadership-governance/planning-commission/planning-public-notice>.

Anyone wishing to testify may attend the meeting in person or through Zoom. Written testimony may be submitted by email to planning@kpb.us, or mailed to the attention of Beverly Carpenter, Kenai Peninsula Borough Planning Department, 144 N. Binkley Street, Soldotna, Alaska 99669. [Written comments may also be sent by Fax to 907-714-2378]. All written comments or documents must be submitted by **1:00 PM, Friday, November 14, 2025**. The deadline to submit written comments or documents does not impact the ability to provide verbal testimony at the public hearing.

Additional information such as staff reports and comments are available online. This information is available the Monday prior to the meeting and found at <https://kpb.legistar.com/Calendar.aspx>. Use the search options to find the correct timeframe and committee.

For additional information, contact Sandee Simons (ssimons@kpb.us) or Beverly Carpenter (BCarpenter@kpb.us), Planning Department, 714-2200 (1-800-478-4441 Toll Free within the Kenai Peninsula Borough).

Mailed 10/27/2025



KPB File 2025-156V
T 05N R09W SEC11
Sterling

