

E. NEW BUSINESS

5. Bidarki Creek No. 5; KPB File 2022-160



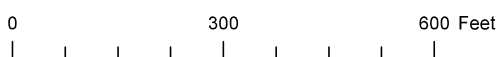
Kenai Peninsula Borough Planning Department

Vicinity Map



KPB File 2022-160
T 06S R 14W SEC 24
Homer

10/24/2022





NOTES:

1. This subdivision is subject to Homer City Code.
2. All wastewater disposal systems shall comply with existing applicable laws at the time of construction.
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. This subdivision is subject to the zoning regulations of the City of Homer. Portions of this subdivision may contain wetlands. Owners should consult with the City of Homer Planning Dept. and the Army Corps of Engineers prior to any development activity.
5. The location of the northerly edge of the ROW of the Sterling Highway is shown per Bidarki Creek No. 4 HM2012-27.
6. Per Plat HM2007-106 a 50' wide drainage easement is on each side of the centerline of Bidarki Creek for maintenance purposes regarding drainage for the Sterling Highway.
7. No access to state maintained rights-of-way permitted unless approved by the State of Alaska, Department of Transportation.
8. Covenants, conditions and restrictions which may affect portions of this subdivision are recorded in Bk. 68, Pg. 145 H.R.D.
9. The location of the northerly edge of the Sterling Highway is shown per Bidarki Creek No. 4 HM2012-27.
10. There is a 15' Utility and Drainage easement benefiting the City of Homer recorded per Serial No. 2003-01950-0, H.R.D.
11. Bidarki Creek is subject to periodic flooding.
12. 15' Utility and Drainage easement per Serial 2003-01950-0, HRD.

LEGEND

- Found Survey Monument
- Set 2" Alcap on 5/8" 30" rebar
- Fire Hydrant
- Bollard
- Abandoned CMP Well
- Utility Pole with anchor
- Wetland areas per KVF Wetland Assessment
- Approximate Slopes 20% or greater

Line	Bearing	Distance
L1	S76°05'22"W	18.00
L2	N73°54'38"W	12.59
L3	S75°55'07"W	19.86
L4	S29°58'24"W	33.52

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	766.20	151.83	151.59	N68°44'01"W	112°15'
C2	20.00	22.25	21.12	S42°02'07"E	63°45'01"
C3	50.00	86.58	72.13	S27°45'07"E	92°19'01"
C4	50.00	21.38	21.41	S30°48'10"W	244°13'52"
C5	50.00	20.16	20.03	S44°41'07"W	233°06'25"
C6	50.00	22.70	22.57	S29°16'33"W	98°05'10"
C7	50.00	21.75	21.07	N71°58'16"W	31°24'41"
C8	50.00	20.17	20.04	S44°42'33"E	233°06'50"
C9	230.00	20.16	20.15	N6°02'08"E	3°01'19"
C10	230.00	20.46	20.46	S25°34'50"E	3°05'51"
C11	230.00	20.83	20.84	S20°02'20"E	3°13'40"
C12	230.00	24.89	24.88	N05°43'48"W	233°06'25"
C13	766.20	162.45	162.43	N64°51'22"W	44°01'19"
C14	766.20	15.35	15.35	S6°02'08"E	3°01'19"
C15	766.20	58.12	58.11	S70°02'21"E	4°20'46"
C16	766.20	22.71	22.71	S73°03'41"E	1°41'53"

Plat Approval:

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of _____, 20____.

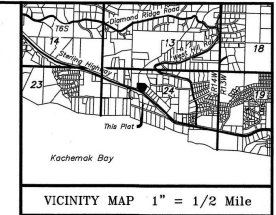
Kenai Peninsula Borough

By: _____
Authorized Official

Certificate of Acceptance

The undersigned official identified by name and title is authorized to accept and hereby accepts on behalf of the City of Homer for public use and for public purposes the Public Access Easement granted this plat. The acceptance of lands for public use or public purpose does not obligate the public or any governing body to construct, operate, or maintain improvements.

By: _____
Rob Dumouchel, City Manager
City of Homer



Ownership Certificate:

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 to public use and grant all easements to the use shown.

Mckennan Lamb, for former Tract 2
2585 Timview Dr.
Provo, UT 84604

Notary's Acknowledgment:

For _____
Acknowledged before me this _____ day of _____, 20____.

Notary Public for Alaska
My commission expires: _____

Rachael Lamb, for former Tract 2
2585 Timview Dr.
Provo, UT 84604

Notary's Acknowledgment:

For _____
Acknowledged before me this _____ day of _____, 20____.

Notary Public for Alaska
My commission expires: _____

Kristen Lamb Realty, for former Tract 1
2795 Rolling Hills Dr.
Provo, UT 84604

Notary's Acknowledgment:

For _____
Acknowledged before me this _____ day of _____, 20____.

Notary Public for Alaska
My commission expires: _____

WASTEWATER CERTIFICATE:

Plans for wastewater disposal that meet regulatory requirements are on file at the Department of Environmental Conservation.

Engineer _____ License # _____ Date _____

BIDARKI CREEK No. 5

A subdivision of Tracts 1 and 2
Bidarki Creek No. 4 HM2012-27
Within NW1/4, Sec. 14, T6S, R14W, S4E,
in the City of Homer, Kenai Peninsula Borough,
Homer Recording District,
Third Judicial District, Alaska
Containing 3.114 Acres

Prepared for:
Mckennan and Rachael Lamb
2585 Timview Dr.
Provo, Utah 84604 and
Kristen Lamb Realty
2795 Rolling Hills Dr.
Provo, Utah 84604
Scale: 1"=30'
7/8/24 Job# 365

Prepared by:
Orion Surveys
PO Box 15025,
36570 Maria Road,
Pritz Creek, AK 99603
(907) 359-7028
tom@orionsurveys.com
Date: 8/24/2022
KPB File No. 2022-_____

KPB 2022-160

NOTES:

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11. Bidarki Creek is subject to periodic flooding.
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- Sit 2" Alcap on 5/8"x30" rebar
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- Utility Pole with anchor
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C1	106.20	151.83	151.88	N67°14'01"E	172°16'
C2	20.00	22.25	21.12	S42°02'07"E	83°45'31"
C3	50.00	80.58	72.13	S27°45'00"E	92°17'0"
C4	50.00	21.58	21.41	S30°48'10"W	24°41'52"
C5	50.00	20.16	20.03	S44°41'07"W	23°58'22"
C6	50.00	24.78	22.57	S72°16'53"W	28°35'10"
C7	50.00	21.41	22.02	N71°58'18"W	31°21'31"
C8	50.00	20.17	20.04	S44°42'33"E	23°58'57"
C9	130.00	20.16	20.15	N30°18'25"W	2°01'19"
C10	130.00	20.46	20.46	S25°34'50"E	5°05'31"
C11	130.00	20.93	20.94	S20°05'20"E	5°07'0"
C12	130.00	64.89	64.86	N05°43'48"W	28°52'59"
C13	766.20	62.43	62.43	N64°31'29"W	43°01'3"
C14	766.20	62.43	62.43	S64°31'29"E	43°01'24"
C15	766.20	58.17	58.11	S27°09'21"E	42°54'46"
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Kenai Peninsula Borough

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By: _____
Job Demouchel, City Manager
City of Homer



VICINITY MAP 1" = 1/2 Mile

Ownership Certificate:
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 to public use and grant all easements to the use shown.

McKernan Lamb, for former Tract 2
2385 Timmyview Dr.
Provo, UT 84604

Notary's Acknowledgment:

For Acknowledged before me this _____ day of _____, 20____.

Notary Public for Alaska
My commission expires: _____

Rachael Lamb, for former Tract 2
2385 Timmyview Dr.
Provo, UT 84604

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My commission expires: _____

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Engineer _____ License # _____ Date _____

0 30 60 90

BIDARKI CREEK No. 5

A subdivision of Tracts 1 and 2
Bidarki Creek No. 4 HM2012-27
Within NW1/4, Sec. 14, T05, R14W, SH,
in the City of Homer, Kenai Peninsula Borough,
Homer Recording District,
Third Judicial District, Alaska
Containing 3.114 Acres

Prepared for:
McKernan and Rachael Lamb
2385 Timmyview Dr.
Provo, Utah 84604
Kristen Lamb Reilly
2795 Rolling Hills Dr.
Provo, Utah 84604
Scale: 1"=33'

Prepared by:
Orion Surveys
PO Box 15025,
36577 Maria Road,
Fritz Creek, AK 99603
(907) 395-7028
tom@orionsurveys.com
Date: 8/24/2022
Job# 965 KPB file No. 2022-

Contours from KPB GIS
Contour interval = 4'

KPB 2022-160

AGENDA ITEM E. NEW BUSINESS

ITEM 5 – BIDARKI CREEK NO. 5

KPB File No.	2022-160
Plat Committee Meeting:	November 14, 2022
Applicant / Owner:	McKennen and Rachael Lamb and Kristen Lamb Reilly all of Provo, Utah
Surveyor:	Tom Latimer / Orion Surveys
General Location:	Near mile 171 Sterling Highway, City of Homer

Parent Parcel No.:	175-250-12 and 175-250-13
Legal Description:	Tracts 1 and 2, Bidarki Creek No. 4, Plat HM 2012-27
Assessing Use:	Residential
Zoning:	Rural Residential District
Water / Wastewater	City

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide two tracts into 10 lots with a cul-de-sac dedication. The lots will range in size from 10,015, square feet (approximately .23 acres) to 20,167 square feet (approximately .46 acres).

Location and Legal Access (existing and proposed): The proposed plat is located just south of mile 171 of state maintained Sterling Highway. The existing lots have a share driveway directly from the highway. The plat is proposing to dedicate a cul-de-sac atop the main portion of the existing driveway to provide access to all lots. The majority of the lots will be flag lots to have access to the new dedication and one access to the highway.

Hunter Street, Coyote Way, section line easements, West Hill Road, and the Sterling Highway define the block. The block exceeds allowable limits. The other dedications within the block are incomplete or end with cul-de-sacs. There is steep terrain to the north and a creek within the western portion of the subdivision. Due to previous road designs, terrain, and exiting improvements, **staff recommends the plat committee concur that this plat cannot improve the block length.**

While the width of the Sterling Highway varies, **staff recommends the width to the centerline be shown and record source for the right-of-way be provided in a label or plat note if it differs than that noted in note 5.**

Staff discussed with the surveyor during a pre-application conference the concerns regarding the length of the cul-de-sac in regards to maintenance and snow removal in addition to its entry to the Sterling Highway. The surveyor stated he has been working with City of Homer Public Works, Roads and DOT on the design.

KPB Roads Dept. comments	Out of Jurisdiction: Yes Roads Director: Uhlin, Dil Comments: No comments
SOA DOT comments	The ROW for Sterling appears to be shown correctly. – Engineering.

Site Investigation: Wetlands have been determined to be within the western and southern portions of the subdivision. The western wetlands are around the existing creek that meanders through a portion of the western area. The southern wetlands are considered discharge slope as are the neighboring portions of the right-of-way. The preliminary plat contains the wetland areas. Plat note 4 contains the required wetland determination note. **Staff recommends the wetlands remain on the final plat as the southern wetlands may impact access and development.**

The surveyor provided a separate contour map but the main preliminary has slopes greater than 20 percent shown. The terrain may limit some of the developable areas. There is an existing structure contained within some of the steep slopes. The steep slopes are found within some of the access portions of the lots.

The creek is depicted on the plat. Bidarki Creek No. 3, Plat HM 2007-106, granted a 50 foot wide drainage easement on each side of Bidarki Creek. The creek is depicted and the easement edge is depicted within the bounds of the subdivision. **Staff recommends a reference to plat note 6 be added to the setback label and the spelling of the creek be updated in all locations.**

No known encroachments exist. The City Planner noted that the original design they reviewed contained encroachment issues with their side lot line requirements. The plat has been adjusted and **staff recommends the owner/surveyor verify with the Homer Planning Department that they will be compliant.**

KPB River Center review	<p>A. Floodplain Reviewer: Carver, Nancy Floodplain Status: Not within flood hazard area Comments: Located in a Non-Regulatory D - Zone, undetermined flood risk</p> <p>B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments</p> <p>C. State Parks Reviewer: Russell, Pam Comments: No Comments</p>
State of Alaska Fish and Game	The correct name of the creek is Bidarki Creek, not Bidarka as depicted on the plat and the plat notes. Bidarki Creek is not anadromous.

Staff Analysis This is a replat of property that has been replatted numerous times. The first plat was Bidarki Creek Subdivision, HM 73-81. The most recent plat is Bidarki Creek No. 4, HM 2012-27.

The plat is proposing to create ten lots with six being traditional flag lots. All flag lots comply with the width and length requirements. **Staff recommends a plat note be added regarding no improvements within the flag lots.**

The lots are all proposed under a half acre. Per KPB Code 20.30.200, if lots will be served by public wastewater disposal and water systems they must be at least 6,000 square feet. There were some concerns discussed at the City of Homer meeting about the terrain and the lot sizes. KPB Code does have restrictions with street grades and that all lots must have access that is practical and economical. The surveyor submitted a draft mutual access easement agreement. That will allow for a single driveway to provide access for multiple lots. This plan will allow for a reduced amount of driveways having access to the small proposed right-of-way and also to take advantage of the terrain and build the driveway in the best location. **Staff recommends the mutual access easement agreement be revised as some lots have been changed, the owners consult with an attorney to make sure the easement is not viewed as self-serving or adjust to not be, and that the easement must be recorded with the State of Alaska Homer Recording Office concurrently with the plat.**

Concurrent recordings occur on occasion and the Platting Staff can help the surveyor with the process and steps required to insure both documents have the needed information. This will allow for the easement to be depicted on the final plat with recording information being added at the recording office. The City of Homer Planner also requested a depiction of the easement on the plat.

The lots will be served by City of Homer water and sewer. A soils report will not be required but an installation agreement or documentation that one is not required must be provided.

Notice of the proposed plat was mailed to the beneficial interest holder on October 25, 2022. The beneficial interest holder will be given 30 days from the date of the mailing of the notification to respond. They are given the opportunity to notify staff if their beneficial interest prohibits or restricts subdivision or requires their signature on the final plat. If no response is received within 30 days, staff will assume they have no requirements regarding the subdivision and it may be finalized.

The proposed plat is within the City of Homer. The Homer Planning Commission heard the plat at their September 21, 2022 meeting. They took public testimony with many being opposed due to terrain and size of the lots. The owners' intent to use this subdivision as a tiny home development. The City Planner noted that the proposed plans and configuration follow the requirements for the current zoning and that their minimum lot size was 10,000 square feet. It was questioned that it was not taking terrain into consideration and the City Planner noted it was complying with KPB Code. The City Planner also advised that if they voted to deny, the applicants still could present to the KPB Planning Commission as they are just making a recommendation. The Homer Planning Commission denied the preliminary plat by a vote of 3-2. There was no requested amendments or citing of code for the KPB Staff to take into consideration or to review. Due to the discussions during the public meeting, the design before the KPB Plat Committee has been reduced from 11 lots to 10 to provide more space for the lots. The change also allowed an exception for 3:1 depth to width ratio to not be required as many objected to exceptions being granted. The adjustment also allows for an existing structure to comply with municipal code side lot line setbacks.

KPB Code does not require approval from the City Planning Commissions. It is required that they are presented to them for possible hearings with minutes or memos being sent with the application. While the Homer Planning Commission denied the proposed plat, KPB Staff reviewed the Homer Staff Report for the recommendations made by the Planning Department to incorporate those recommendations as allowed by code.

A couple of additional requests is that a street name must be provided for the new cul-de-sac. They also requested a name be granted to the easement as it will be used for access by multiple lots and this can assist with 9-1-1 calls. It is not uncommon to name easements or driveways if they serve more than three separate residents/businesses as it can assist with routing emergency services. **Staff recommends the owners/surveyor work with the KPB Addressing Officer on road names and the possibility of naming the easement.**

Utility Easements A 10 foot wide utility easement was granted along the northern boundary of the subdivision on Bidarki Creek Subdivision, Plat HM 73-81. Bidarki Creek No. 4, Plat HM 2012-27, granted a 10 foot water main easement along the eastern boundary. **Staff recommends both easements be depicted and labeled including the plat number granting the easements.**

Bidarki Creek No. 3, Plat HM 2007-106, granted 15 foot utility easements that increased to 20 feet within 5 feet of the side lot lines adjacent to rights-of-way. This would be the 15 foot utility easement adjacent to the Sterling Highway. **Staff recommends the depiction be updated to include the 20 foot portions and labeled that it was granted by HM 2007-106.**

The plat is depicting 15 foot utility easements along the new dedication being granted by this plat. **Staff recommends the depiction and label remain but include a plat note regarding the easement being granted.**

Several easements have been granted by recorded document and are noted and depicted if location is known.

The affected utility providers were emailed the subdivision plat public hearing notice as part of the routine notification process. **Staff recommends** to grant utility easements requested by the utility providers or work with the utility providers to obtain approval.

Utility provider review:

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

KPB department / agency review:

Addressing	<p>Reviewer: Haws, Derek Affected Addresses: 1762 STERLING HWY 1742 STERLING HWY</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names: STERLING HWY</p> <p>Existing Street Name Corrections Needed:</p> <p>All New Street Names are Approved: No</p> <p>List of Approved Street Names:</p> <p>List of Street Names Denied:</p> <p>Comments: City of Homer will advise on affected street name. New street name needed for newly dedicated row.</p>
Code Compliance	<p>Reviewer: Ogren, Eric Comments: No comments</p>
Planner	<p>Reviewer: Raidmae, Ryan There are not any Local Option Zoning District issues with this proposed plat.</p> <p>Material Site Comments: There are not any material site issues with this proposed plat. Review Not Required</p>
Assessing	<p>Reviewer: Windsor, Heather Comments: No comment</p>

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

STAFF RECOMMENDATIONS**CORRECTIONS / EDITS**

A depiction within Lot 1, between the right-of-ways, is unclear on what it is representing. Provide a new symbol or update the depiction.

KPB 20.25.070 – Form and contents required

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

A. Within the Title Block

1. Name of the subdivision which shall not be the same as an existing city, town, tract, or subdivision of land in the borough, of which a plat has been previously recorded, or so nearly the same as to mislead the public or cause confusion. The parent plat's name shall be the primary name of the preliminary plat.
2. Legal description, location, date, and total area in acres of the proposed subdivision;

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

Staff recommendation: Update the section. Verify Kristen Lamb Reilly's address as KPB Assessing has Rolling Knolls. Please update or if KPB records are incorrect, advise contacting KPB Assessing to update.

KPB 20.30 – Subdivision Design Requirements

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

20.30.190. Lots-Dimensions.

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

B. The access portion of a flag lot shall not be less than 20 feet wide. A flag lot with the access portion less than 60 feet wide may be subject to a plat note indicating possible limitations on further subdivision based on access issues, development trends in the area, or topography. If the access portion is less than 60 feet wide, it may not exceed 150 feet in length. The access portion may not be used for permanent structures or wastewater disposal area, must meet the design standards of KPB 20.30.030(A) and 20.30.090 for access, and, if at least 60 feet wide, will be subject to the building setback restrictions of KPB 20.30.240.

Staff recommendation: place the standard note on the plat for the flag lot(s): No structures are permitted within the panhandle portion of the flag lot(s).

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

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

KPB 20.40 – Wastewater Disposal

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

20.40.010 Wastewater disposal.

Platting Staff Comments: Soils report not required, city water and sewer are available.

Staff recommendation: comply with 20.40.

KPB 20.60 – Final Plat

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

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

Staff recommendation: An installation agreement will be required or documentation that one is not required.

20.60.180. Plat notes.

A. Plat notes shall not be placed on a final plat unless required by borough code or by the planning commission in order to promote or protect the public health, safety, and welfare consistent with borough and state law.

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

Staff recommendation: *Place the following notes on the plat.*

- *The borough will not enforce private covenants, easements, or deed restrictions per KPB 20.60.170.*
- *No structures are permitted within the panhandle portion of the flag lot(s).*
- *If the driveway agreement is required to be recorded concurrently, a plat note may be needed unless fully depicted and noted on the plat.*

Plat notes 5 and 9 are similar and only one is required.

Plat notes 10 and 12 are similar and only one is required (if 10 is left correct the serial number).

There is a typo within plat note 8 to be corrected.

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: *Street name added to City Acceptance. Verify the owner's address for signature line. Comply with 20.60.190.*

RECOMMENDATION:

STAFF RECOMMENDS:

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

NOTE: 20.25.120. - REVIEW AND APPEAL.

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

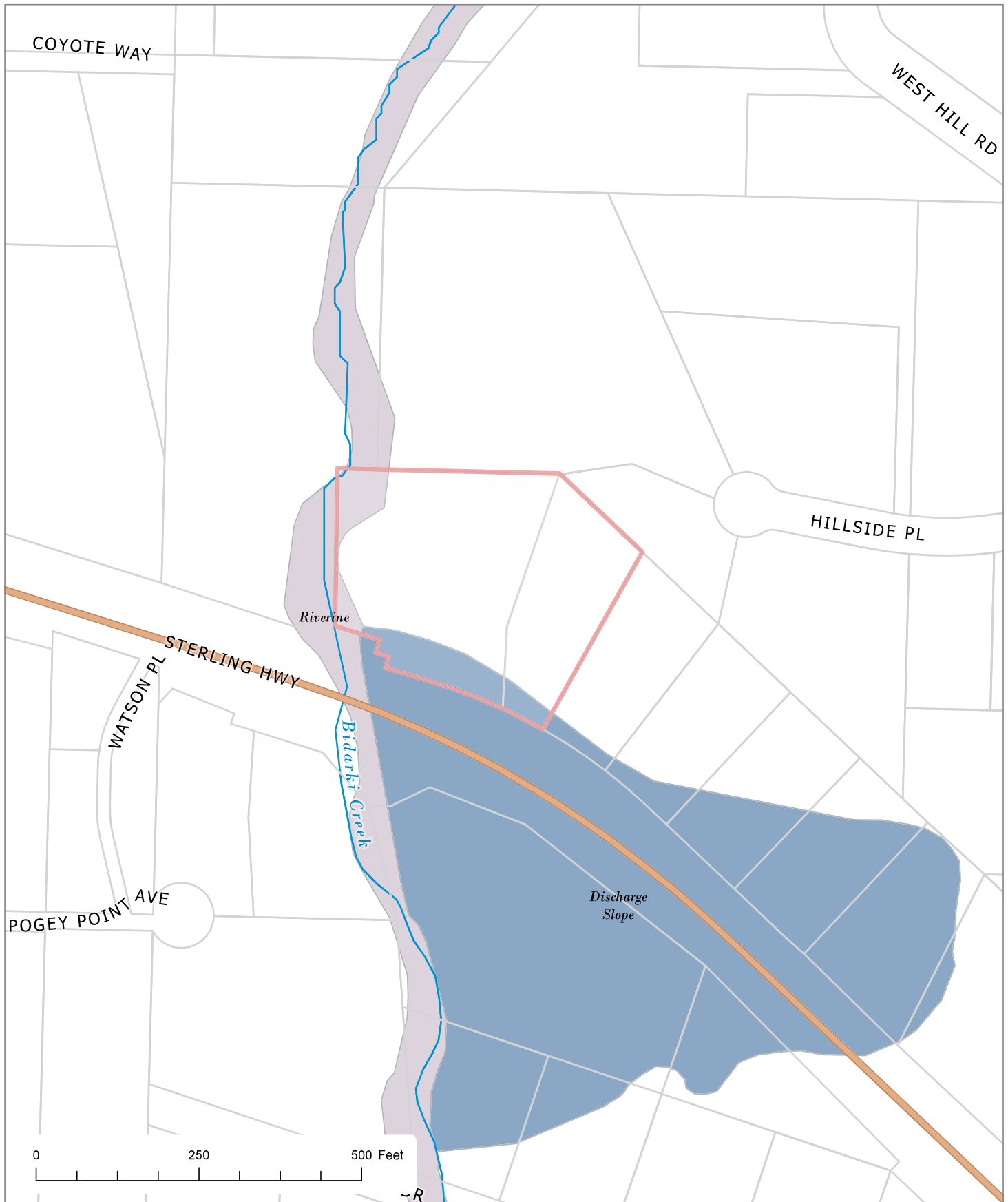
A DECISION OF THE PLANNING COMMISSION MAY BE APPEALED TO THE HEARING OFFICER BY A PARTY OF RECORD WITHIN 15 DAYS OF THE DATE OF NOTICE OF DECISION IN ACCORDANCE WITH KPB 21.20.250.

END OF STAFF REPORT





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.

MUTUAL ACCESS EASEMENT AGREEMENT

THIS MUTUAL ACCESS EASEMENT AGREEMENT (this "Agreement"), by and between **MCKENNEN LAMB** and **RACHAEL LAMB**, of 2585 Timpview Dr., Provo, Utah 84604, and **KRISTEN LAMB REILLY**, of 2795 Rolling Knolls Dr., Provo, Utah 84604, hereinafter referred to as "**GRANTORS**", and **MCKENNEN LAMB** and **RACHAEL LAMB**, of 2585 Timpview Dr., Provo, Utah 84604, and **KRISTEN LAMB REILLY**, of 2795 Rolling Knolls Dr., Provo, Utah 84604, hereinafter referred to as "**GRANTEES**", in connection with adjacent properties in Homer Recording District, Kenai Peninsula Borough, Alaska, owned by Grantors and Grantees.

RECITALS

A. **WHEREAS**, Grantors are the owners of real property legally described as:

LOTS 7 THROUGH 10, BIDARKI CREEK NO. 5, according to Plat No. _____, Homer Recording District, Third Judicial District, State of Alaska.

which are known as the "Grantor Tracts".

B. **WHEREAS**, Grantees are the owners of real property legally described as:

LOTS 6 THROUGH 11, BIDARKI CREEK NO. 5, according to Plat No. _____, Homer Recording District, Third Judicial District, State of Alaska.

which are known as the "Grantee Tracts".

C. **WHEREAS**, _____ (road name), a public road, does not continue onto the Grantee Tracts. A shared private driveway runs from _____ (road) through the boundaries between the Grantor Tracts and the Grantee Tracts.

D. **WHEREAS**, Grantees wish to obtain pedestrian and vehicle access to the Grantee Tracts from _____ (road) over the shared private driveway on Grantor Tracts.

E. **WHEREAS**, Grantors and Grantees wish to enter into this Agreement to allow Grantees to access the Grantee Tracts over the shared private driveway on the Grantor Tracts for residential purposes. Grantors and Grantees also wish to set out the terms and conditions that will govern use of the shared private driveway for the benefit of the Grantee Tracts, and to provide for the maintenance and repair of the shared private driveway.

WHEREAS, it is the intent of the parties hereto that Grantors shall grant and convey unto Grantees a Mutual Access Easement across that certain shared private driveway which is presently in existence and set forth in "Exhibit A" which is attached hereto and incorporated herein by reference for all purposes.

NOW, THEREFORE, the parties agree as follows:

1. **GRANT OF EASEMENT.** For good consideration, Grantors hereby grant to Grantees for the benefit of, and appurtenant to, the Grantee Tracts, a non-exclusive, perpetual easement for pedestrian and vehicle ingress and egress between _____ (road) and the Grantee Tracts over and across the shared private driveway (the "Easement Area") that is located in approximately the location depicted on the attached **Exhibit A**. The easement is limited to the purpose of access for residential use of the Grantee Tracts.

2. **AS IS.** Grantees accept the use of the Easement Area in its present condition, AS IS, with all defects, apparent or latent, without any representation or warranty by Grantors or any representative of Grantors, expressed or implied. Grantees hereby assume all risk of Grantees' use of the Easement Area.

3. **MAINTENANCE AND REPAIR.** Grantees shall maintain the Easement Area to be reasonably flat and readily passable by pedestrians and Class ____ vehicles. Grantees shall divide the expense of maintenance of the shared private driveway in proportion to the use made of the easement by each holder of an interest in the easement. OR PROPORTION? Ex. Lot 11: 1/10; Lot 10: 2/10; etc.

4. **BINDING EFFECT.** This Agreement, and the rights and obligations herein, run with the land and bind and benefit the future owners of the Grantor Tract and the Grantee Tract. This Agreement is intended to create a covenant running with the land.

5. **NO DEDICATION.** This Agreement shall not be interpreted or

construed to create any third-party beneficiary rights in any person other than the Grantors, the Grantees, and their respective successors and assigns with respect to the fee ownership of the Grantor Tracts and the Grantee Tracts, and any subdivision or parcel thereof. This Agreement shall not be deemed a gift or dedication of the Easement Area or any other portion of any property to any governmental agency, to any private third party, or to the general public whatsoever.

6. **EMERGENCY VEHICLE ACCESS AND TURN AROUND.** Grantors and Grantees agree that no party shall utilize the Easement Area in a manner that may impede use of Easement Area by emergency vehicles, or emergency vehicle use of the Emergency Vehicle Turn Around Area marked in **Exhibit A**.

7. **ATTORNEYS' FEES.** In the event suit or action is instituted to interpret, enforce, or rescind this Agreement, the prevailing party shall be entitled to recover from the other party such sum as the court may adjudge as attorneys' fees.

8. **MODIFICATIONS.** Any modifications to this Agreement must be in writing and signed by the parties, or by their respective heirs, successors, or assigns.

9. **GOVERNING LAW.** This Agreement is made under Alaska law.

10. **SEVERABILITY.** Any provision of this Agreement which is found to be invalid or in violation of any statute, rule, regulation, or common law shall be considered null and void, with the remaining provisions remaining in effect.

11. **ENTIRE AGREEMENT.** This Agreement constitutes the entire agreement of the Parties with respect to the Easement Area. This Agreement supersedes any written and oral agreements previously made or existing between the Parties with respect to the Easement Area.

IN WITNESS WHEREOF, the parties have executed this agreement on the _____ day of _____, 2022.

SIGNATURE OF GRANTORS:

MCKENNEN LAMB

RACHAEL LAMB

KRISTEN LAMB REILLY

SIGNATURE OF GRANTEEES:

MCKENNEN LAMB

RACHAEL LAMB

KRISTEN LAMB REILLY

STATE OF UTAH)
 :ss.

COUNTY)

THIS IS TO CERTIFY that on this _____ day of _____, 2022, before me the undersigned Notary Public in and for the State of Utah, personally appeared MCKENNEN LAMB and RACHAEL LAMB known to me to be the persons named in the foregoing instrument, and acknowledged to me that they executed the same freely and voluntarily for the uses and purposes therein contained.

IN WITNESS HEREOF, I have hereunto set my hand and seal the day and year first hereinabove written.

NOTARY PUBLIC, State of Utah
My Commission Expires:_____

STATE OF UTAH)
 :ss.

COUNTY)

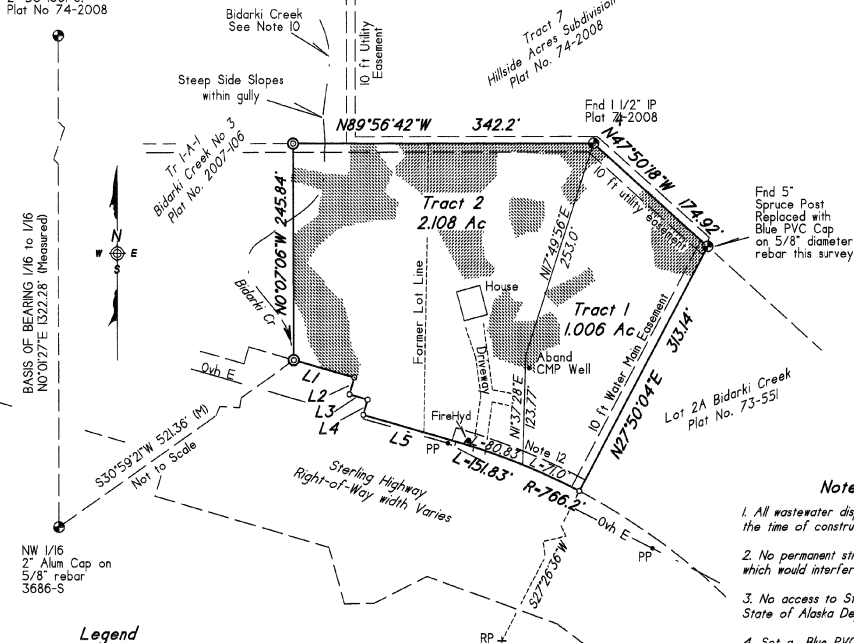
THIS IS TO CERTIFY that on this _____ day of _____, 2022, before me the undersigned Notary Public in and for the State of Utah, personally appeared KRISTEN LAMB REILLY known to me to be the person named in the foregoing instrument, and acknowledged to me that she executed the same freely and voluntarily for the uses and purposes therein contained.

IN WITNESS HEREOF, I have hereunto set my hand and seal the day and year first hereinabove written.

NOTARY PUBLIC, State of Utah
My Commission Expires:_____

RETURN TO:

Find W 1/16
2" BC 1301-S
Plat No 74-2008



Legend

- Found Monument as described
- Found 2" Alum Cap Lounsbury and Associates
- Found 2" Alum Cap on 5/8" Rebar 5780-S per Plat No. 2007-106
- () Dimension of Record Metes and Bounds Description Book 102 Page 4, HRD
- () Dimension of Record Bidarki Creek No. 2 Plat No. 2000-56
- Approximate Slopes 20% or greater

Line Chart

L1	S73°53'43"E	71.83'
	(S73°54'38"E	71.83')
L2	S15°55'07"W	19.86'
	(S16°05'22"W	19.97')
L3	S73°54'38"E	21.52'
L4	S16°05'22"W	18.00'
L5	S73°54'38"E	109.40'

Wastewater Disposal

Plans for wastewater disposal that meet regulatory requirements are on file at the State of Alaska Department of Environmental Conservation.

Surveyors Certificate

I hereby certify that I am a Registered Land Surveyor and that this plat represents a survey made by me or under my direct supervision and the monuments shown hereon actually exist as described and that the dimensions and other details are correct to the best of my knowledge.

7-14-2012
Date Roger W. Imhoff LS 5780



Plat Approval

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

June 11, 2012

KENAI PENINSULA BOROUGH

By: *[Signature]*
Authorized Official

Ownership Certificate

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-way to public use and grant all easements to the use shown.

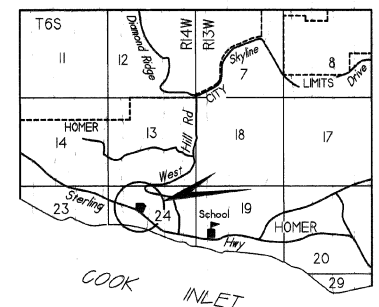
I further certify that the Deed of Trust affecting this property does not contain restrictions which would prohibit this subdivision or require signature and approval of the beneficiary.

[Signature] 7/19/2012
Date
Pamela Breckenridge
PO Box 455
Homer AK 99603

Notary's Acknowledgment
Subscribed and sworn to me before me this 19th day
of July, 2012
for Pamela Breckenridge
[Signature]
Notary Public for Alaska
My Commission Expires 7-6-13

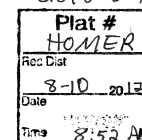


Vicinity Map 1" = 1 Mile



Notes

- All wastewater disposal systems shall comply with existing applicable laws at the time of construction.
- No permanent structures shall be constructed or placed within an easement which would interfere with the ability of a utility to use the easement.
- No access to State maintained rights-of-way permitted unless approved by State of Alaska Department of Transportation.
- Set a Blue PVC Cap on 5/8" x 33" long steel rebar at all lot corners and ROW points of curvature for this survey (unless noted otherwise).
- Basis of Bearing between the NW 1/16 Corner and the W 1/16 Corner as shown.
- Covenants, conditions, and restrictions which may effect portions of this subdivision are recorded in Bk 68 Page 145, HRD.
- State of Alaska Permit and Certificate of Appropriation of Water recorded in Bk 102 Page 290, HRD.
- The location of the Northerly edge of the ROW of the Sterling Highway was determined from calculations made using surveyed locations of found monuments and record data from Plat No. 73-81, Plat No. 73-551, DOT&PF Right-of-Way Maps from Alaska Project No. F 021-1(37) Homer Hill, and the corresponding ROW 'Take' as shown in Book 251 Page 324.
- This subdivision is subject to the zoning regulations of the City of Homer. Portions of this subdivision may contain wetlands. Owners should consult with the City of Homer Planning Dept and the Army Corps of Engineers prior to any development activity.
- Per Plat No. 2007-106 HRD, a 50 ft wide drainage easement on each side of the centerline of Bidarki Creek for maintenance purposes regarding drainage for the Sterling Highway.
- The 15 ft fronting the edge of right-of-way and the 20 ft fronting the edge of right-of-way within 5 ft of each side of any side lot line is a utility easement. No permanent structure shall be constructed or placed within the utility easement which would interfere with the ability of the utility to use the easement.
- A 15 ft Utility & Drainage Easement benefiting the City of Homer per Serial No. 2003-1950.
- Bidarki Creek is subject to periodic flooding.



Files
bidarkino3.vcd
bidarki.cgo
FB 2006-7

Bidarki Creek No. 4

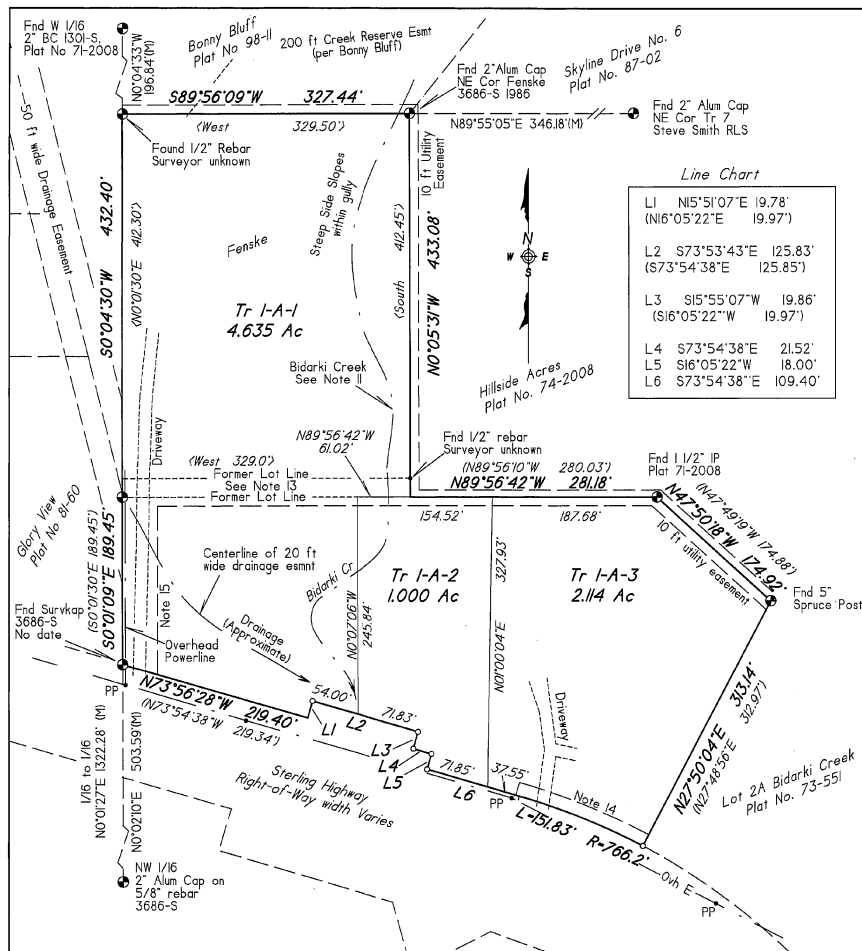
Being a subdivision of Tract 1-A-2 and 1-A-3
Bidarki Creek No. 3 as shown on Plat No. 2007-106

Located within the NW 1/4, Section 24,
T6S, R14W, S1M, in the City of Homer
Kenai Peninsula Borough

Homer Recording District
Third Judicial District, Alaska

Contains 3.114 Acres, more or less

Clients: Breckenridge PO Box 455 Homer AK 99603	Surveyor: Roger W. Imhoff, RLS PO Box 2588 Homer AK 99603
Drawn: RWI	Date: April 2012
Scale 1" = 100 ft	KPB File No. 2012-066



Surveyors Certificate

I hereby certify that I am a Registered Land Surveyor and that this plat represents a survey made by me or under my direct supervision and the monuments shown hereon actually exist as described and that the dimensions and other details are correct to the best of my knowledge.

Nov 7, 2007
Date
Roger W. Imhoff LS 5780

Legend

- Found Monument as described
- Found 2" Alum Cap Lounsbury and Associates
- < > Dimension of Record Metes and Bounds Description Book 102 Page 4, HRD
- () Dimension of Record Bidarki Creek No. 2 Plat No. 2000-56

Wastewater Disposal

Tract I-A-4: These lots is at least 200,000 square feet or nominal 5 acres in size and conditions may not be suitable for onsite wastewater treatment and disposal. Any wastewater treatment or disposal system must meet the regulatory requirements of the Alaska Department of Environmental Conservation.

Tract I-A-2 and Tract I-A-3: Plans for wastewater that meet regulatory requirements are on file at the State of Alaska Department of Environmental Conservation.

Ownership Certificate

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

I further certify that the Deed of Trust affecting this property does not contain restrictions which would prohibit this subdivision or require signature and approval of the beneficiary.

Pamela Kae Breckenridge
Owner of former Tract I-A Bidarki Creek No. 2
Pamela Kae Ackling aka Pamela Kae Breckenridge Date 11/9/07
PO Box 455
Homer AK 99603

Notes

- All wastewater disposal systems shall comply with existing applicable laws at the time of construction.
- No permanent structures shall be constructed or placed within an easement which would interfere with the ability of a utility to use the easement.
- No access to State maintained rights-of-way permitted unless approved by State of Alaska Department of Transportation.
- Set a 2" self identifying Aluminum Cap on 5/8" x 33" long steel rebar at all lot corners and ROW points of curvature for this survey (unless noted otherwise).
- Basis of Bearing was GPS RTK best fit of found monumentation in Bidarki Creek Subdivision Plat No. 73-81 Homer Recording District.
- Covenants, conditions, and restrictions which may effect portions of this subdivision are recorded in Bk 68 Page 143, HRD.
- State of Alaska Permit and Certificate of Appropriation of Water recorded in Bk 102 Page 290, HRD.
- Existing overhead powerline is located within a 10 ft wide electrical distribution line easement which adjoins the west line of former Tract I-A.
- The location of the Northerly edge of the ROW of the Sterling Highway was determined from calculations made using surveyed locations of found monuments and record data from Plat No. 73-81, Plat No. 73-551, DOT&PF Right-of-Way Maps from Alaska Project No. F 0214371 Homer Hill, and the corresponding ROW "Take" as shown in Book 251 Page 324.
- This subdivision is subject to the zoning regulations of the City of Homer. Portions of this subdivision may contain wetlands. Owners should consult with the City of Homer Planning Dept and the Army Corps of Engineers prior to any development activity.
- This plat grants a 50 ft wide drainage easement on each side of the centerline of Bidarki Creek for maintenance purposes regarding drainage for the Sterling Highway.
- The 15 ft fronting the edge of right-of-way and the 20 ft fronting the edge of right-of-way within 5 ft of each side of any side lot line is a utility easement. No permanent structure shall be constructed or placed within the utility easement which would interfere with the ability of the utility to use the easement.
- This strip of land approximately 21 ft wide is effected by that "Default Judgement" per Case No 340-06-274CI recorded Serial No. 2007-3720.
- A 15 ft Utility & Drainage Easement benefitting the City of Homer per Serial No. 2003-1950.
- 40 ft wide easement to satisfy encroachment of private road and future utilities per Plat No. 73-81 HRD.

2007-106
HOMER REC DIST
Date 11/29 2007
Time 2:29 PM
Requested By QNH051
Address _____

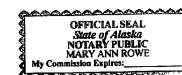
Sheet 1 of 2
Sheet 2 is a Signature
Sheet Only

Files
bidarkino3.vcd
bidarki.cao
FB 2006-7

Notary's Acknowledgment
Subscribed and sworn to me before me this 9 day
of November 2007

for Pamela Kae Breckenridge

Notary Public for Alaska
My Commission Expires 7-30-10



Plat Approval

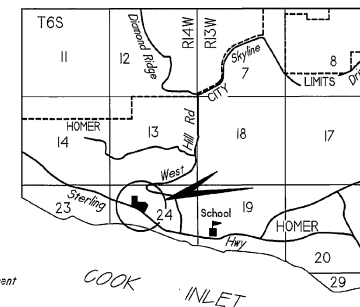
This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of

October 9, 2006

KENAI PENINSULA BOROUGH

By: May J. Best
Authorized Official

Vicinity Map 1" = 1 Mile



Bidarki Creek No. 3

Being a subdivision of Tract I-A Bidarki Creek No. 2 as shown on Plat No. 2000-56 and those parcels described in Book 102 Page 4 and Serial No. 2007-3720, HRD

Located within the NW 1/4 Section 24, T6S, R14W, S1M, in the City of Homer Kenai Peninsula Borough

Homer Recording District
Third Judicial District, Alaska

Contains 7.748 Acres, more or less

Clients:
Breckenridge & Fenske
Homer AK 99603

Surveyor:
Roger W. Imhoff, RLS
PO Box 2588
Homer AK 99603


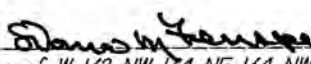
Drawn: RWI
Scale 1" = 100 ft

Date: Sept 2007
KPB File No. 2006-191

Signature Sheet
Sheet 2 of 2

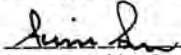
We hereby certify that we are the owners of the real property shown and described hereon and that we hereby adopt this plan of subdivision and by our free consent dedicate all rights-of-way to public use and grant all easements to the use shown.

We further certify that the Deed of Trust affecting this property does not contain restrictions which would prohibit this subdivision; or require signature and approval of the beneficiary.

 11/03/2007  11/03/07
Owner of former M/B Parcel Portion of W 1/2 NW 1/4 NE 1/4 NW 1/4
Section 24
John E. Fenske Date Donna M. Fenske Date
PO Box 2112
Homer Ak 99603

Notary's Acknowledgement
Subscribed and sworn to me before me this 8th day
of November, 2007

for John E. Fenske and Donna M. Fenske


Notary Public for Alaska
My Commission Expires 12-3-07



Bidarki Creek No. 3

Being a subdivision of Tract I-A Bidarki Creek No. 2
as shown on Plat No. 2000-56 and that parcel described in
Book 102 Page 4. HRD and Serial No. 2007-3720

Located within the NW 1/4 Section 24,
T6S, R14W, SM. in the City of Homer
Kenai Peninsula Borough

Homer Recording District
Third Judicial District, Alaska

Contains 7.748 Acres, more or less

Clients:
Breckenridge & Fenske
Homer Ak 99603

Surveyor:
Roger W. Imhoff, RLS
PO Box 2588
Homer Ak 99603

Drawn: RWI

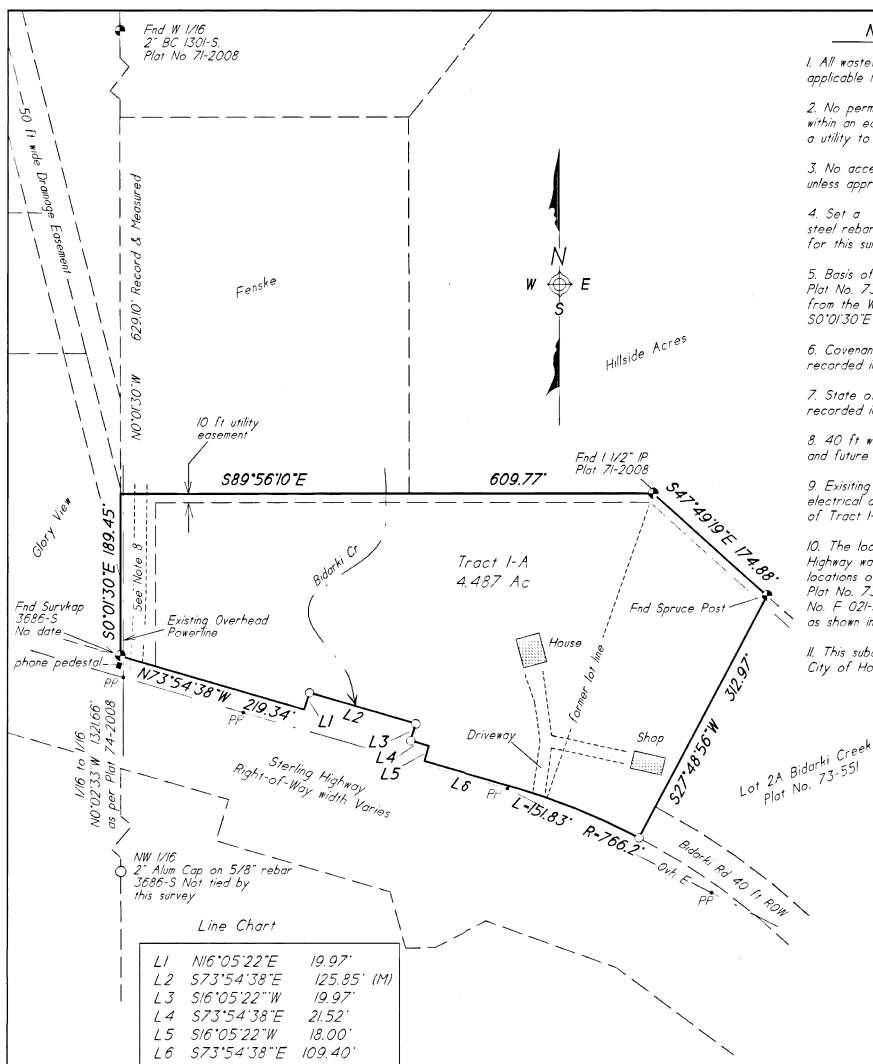
Date: Sept 2007

Scale 1" = 100 ft

KPB File No. 2006-191

Homer 2007-106

HM
2000-56



NOTES

1. All wastewater disposal systems shall comply with existing applicable laws at the time of construction.
2. No permanent structures shall be constructed or placed within an easement which would interfere with the ability of a utility to use the easement.
3. No access to State maintained rights-of-way permitted unless approved by State of Alaska Department of Transportation.
4. Set a 2" self identifying Aluminum Cap on 5/8" x 36" long steel rebar at all lot corners and ROW points of curvature for this survey (unless noted otherwise).
5. Basis of Bearing for this survey is Bidarki Creek Subdivision Plat No. 73-81 Homer Recording District. The record inverse from the W 1/4 to the SW cor of Tract I: S0°03'0"E 84.78' (R) 818.55' (M).
6. Covenants, conditions, and restrictions affecting this lot are recorded in Bk 68 Page 145, HRD.
7. State of Alaska Permit and Certificate of Appropriation of Water recorded in Bk 102 Page 290 HRD.
8. 40 ft wide easement to satisfy encroachment of private road and future utilities (as per Parent Plat).
9. Existing overhead powerline is located within a 10 ft wide electrical distribution line easement which adjoins the west line of Tract I-A.
10. The location of the Northerly edge of the ROW of the Sterling Highway was determined from calculations made using surveyed locations of found monuments and record data from Plat No. 73-81 Plat No. 73-551, DOT&PF Right-of-Way Maps from Alaska Project No. F-021-1371 Homer Hill, and the corresponding ROW "Take" as shown in Book 251 Page 324.
11. This subdivision is subject to the zoning regulations of the City of Homer.

PLAT APPROVAL

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

March 27, 2000

KENAI PENINSULA BOROUGH

By: Roger W. Imhoff
Authorized Official

SURVEYOR'S CERTIFICATE

I hereby certify that I am a Registered Land Surveyor and that this plat represents a survey made by me or under my direct supervision and the monuments shown hereon actually exist as described and that the dimensions and other details are correct to the best of my knowledge.

Date: April 20, 2000 Roger W. Imhoff LS 5780



OWNERSHIP CERTIFICATE

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 to public use and grant all easements to the use shown.

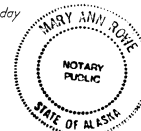
We further certify that the Deed of Trust affecting this property does not contain restrictions which would prohibit this subdivision or require signature and approval of the beneficiary.

Earl Lee Breckenridge Pamela Kae Ackling 9/19/00
Earl Lee Breckenridge Date
PO Box 455
Homer Ak 99603

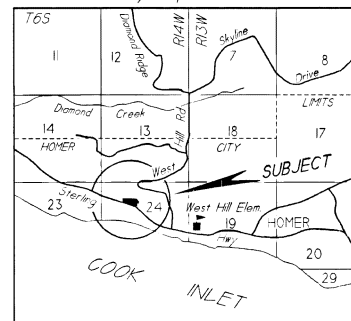
Notary's Acknowledgement
Subscribed and sworn to me before me this 19 day
of September 2000

for Earl Lee Breckenridge and Pamela Kae Ackling

Mary Ann Rowe
Notary Public for Alaska
My Commission Expires 7-30-02



Vicinity Map 1" = 1 Mile



Bidarki Creek No. 2

Being a Replat of Tract I and Lot 1 according to Bidarki Creek Subdivision Plat No. 73-81

Located within the NW 1/4 Section 24 T6S, R14W, SM, in the City of Homer

Homer Recording District
Third Judicial District, Alaska

Contains 4.487 Acres, more or less

Clients:
Breckenridge & Ackling
PO Box 455
Homer Ak 99603

Surveyor:
Roger W. Imhoff, RLS
PO Box 2598
Homer Ak 99603

Drawn: RWI
Scale 1" = 100 ft

Date: 1-17-2000
KPB File No. 2000-044

Files bidarkivcd
bidarkicgo

WASTEWATER DISPOSAL

Soil conditions may be unsuitable for onsite wastewater treatment and disposal systems. Wastewater treatment and disposal systems must meet the regulatory requirements of the Alaska Department of Environmental Conservation.

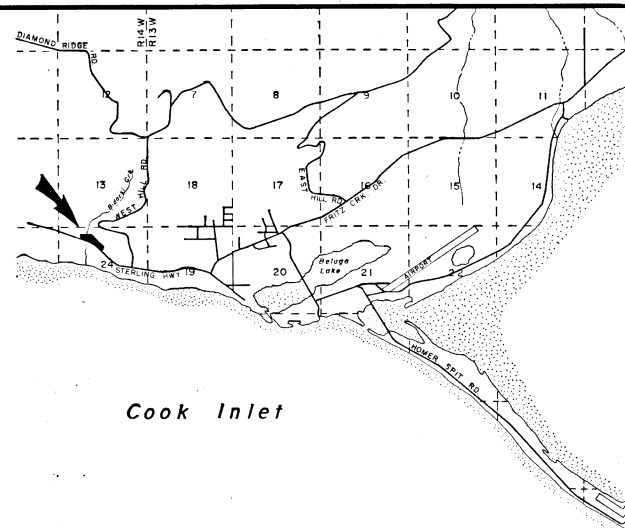
The purpose of this platting action is to vacate a lot line which may provide greater available wastewater disposal area as described by 20.14.020(A)(a).

Roger W. Imhoff April 20, 2000
LS-5780 Date

LEGEND

- Found Monument as described
- Found 2" Alum Cap Lounsbury and Associates

2000-56 REC DIST + 20
Date 12/14 20 00
Time 2:53 P.M.
Requested by Imhoff
Address _____



I HEREBY CERTIFY THAT THIS SUBDIVISION PLAT HAS BEEN FOUND TO COMPLY WITH THE REGULATIONS OF THE KENAI PENINSULA BOROUGH AND THAT SAID PLAT HAS BEEN APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION.

NOVEMBER 27, 1972
Date

Stanley F. Thompson
Borough Mayor

INDICATES STATE HIGHWAY DEPT. MONUMENTS RECOVERED THIS SURVEY.

INDICATES BRASS CAP MONUMENTS SET THIS SURVEY.

INDICATES 10 FT. WIDE UTILITY EASEMENT.

2 X 2 HUB AND TACK SET AT ALL LOT CORNERS THIS SURVEY.

COVENANTS FOR THIS SUBDIVISION RECORDED IN
HOMER RECORDING DISTRICT BOOK 68 PAGE 145.

1"=1 MILE

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTY SHOWN AND DESCRIBED
HEREON AND THAT WE HEREBY ADOPT THIS PLAN OF SUBDIVISION WITH OUR FREE CONSENT
AND DEDICATE ALL STREETS, EASEMENTS AND OTHER OPEN SPACES TO PUBLIC USE.

Date December 27, 1972

Ward J. Lipson
Elizabeth D. Apile

CERTIFICATE OF OWNERSHIP SUBSCRIBED AND SWORN TO BEFORE ME THIS 27 DAY
OF December 1972.

Margaret Sullivan Tate
Notary In and for the State of Alaska.

7/28/73
My Commission Expires

I HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR AND THAT THIS PLAT REPRESENTS A SURVEY MADE UNDER MY DIRECT SUPERVISION AND THAT MONUMENTS ACTUALLY EXIST AS LOCATED AND THAT DIMENSIONAL AND OTHER DETAILS ARE CORRECT.

12/13/72
Date

[Signature]
F. G. Branch, R.L.S.

SITUATED IN

A PORTION OF THE NW 1/4 OF SECTION 24, TOWNSHIP 6 SOUTH,
RANGE 14 WEST, S. M., HOMER RECORDING DISTRICT, ALASKA.
9.251 ACRES

PREPARED FOR

PREPARED BY

DATE _____

MRS. ELISABETH D. APRILL
C/O "TOTEM REALTY"
HOMER, ALASKA

KEN BRANCH, R.L.S.
746 "F" STREET
ANCHORAGE, ALASKA

OCTOBER 20, 1972
SCALE
1" = 100'

NO	ANGLE	RADIUS	LENGTH	TANGENT	CHORD
1.	25°43 00	716.20	321.46	163.48	318.77
2.	02°51 47	766.20	38.29	19.15	38.29
3.	08°35 25	766.20	118.88	57.54	118.77
4.	08°28 44	806.20	119.31	59.76	119.20
5.	05°47 08	806.20	81.39	40.73	81.36



City of Homer

www.cityofhomer-ak.gov

Planning

491 East Pioneer Avenue
Homer, Alaska 99603

Planning@ci.homer.ak.us

(p) 907-235-3106

(f) 907-235-3118

October 28, 2022

Homer Advisory Planning Commission

Notice of Action

Request: Approval of Bidarki Creek 5 Preliminary Plat

Applicants:

McKennen and Rachel Lamb
2585 Timpview Dr.
Provo, UT 84604

Kristen Lamb-Reilly
2795 Rolling Meadows Dr.
Provo, UT 84604

Tom Latimer
Orion Surveys
PO Box 15025
Fritz Creek, AK 99603

At the regular meeting of September 21, 2022 the Homer Advisory Planning Commission forwarded a **recommendation for denial** of the preliminary plat with staff recommendations and the attached minutes to the Kenai Peninsula Borough Planning Commission.

Should you have any questions, please contact the planning office at 235-3106.

Cc: Madeleine Quinton, Platting Technician, Kenai Peninsula Borough

Session 22-13, a Regular Meeting of the Planning Commission was called to order by Chair Scott Smith at 6:36 p.m. on September 7, 2022 at the Cowles Council Chambers in City Hall, located at 491 E. Pioneer Avenue, Homer, Alaska, and via Zoom Webinar.

PRESENT: COMMISSIONERS SMITH, CHIAPPONE, HIGHLAND, CONLEY, AND STARK

ABSENT: COMMISSIONERS BARNWELL, VENUTI (EXCUSED)

STAFF: CITY PLANNER ABBOD
DEPUTY CITY CLERK KRAUSE

AGENDA APPROVAL

Chair Smith noted that there was a request to address Plat Considerations, Item A before Public Hearing Item A and requested a motion to amend the agenda.

HIGHLAND/CONLEY MOVED TO AMEND THE AGENDA TO ADDRESS PLAT CONSIDERATION ITEM A BEFORE PUBLIC HEARING ITEM A.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

Chair Smith requested a motion and second to approve the amended agenda.

HIGHLAND/CONLEY MOVED TO APPROVE THE AGENDA AS AMENDED.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PUBLIC COMMENTS ON ITEMS ALREADY ON THE AGENDA

RECONSIDERATION

CONSENT AGENDA

- A. Unapproved Regular Meeting Minutes for September 7, 2022

Chair Smith requested a motion and second to approve the Consent Agenda.

HIGHLAND/CONLEY MOVED TO APPROVE THE CONSENT AGENDA AS PRESENTED.

There was no further discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PRESENTATIONS / VISITORS

A. Homer Quality of Life - A Presentation of City of Homer Economic Development Advisory Commission Presented by Karin Marks, Chair and Julie Engebretsen, Economic Development Manager

Chair Smith introduced Chair Marks and Economic Development Manager Engebretsen. He then advised that the Commission will be given the opportunity to ask questions at the end of the presentation.

Ms. Marks and Ms. Engebretsen presented on what is positive economic growth for Homer and how it leads to the quality of life and growth outcomes desired by the community. They stated that the Economic Development Advisory Commission (EDC) has conducted an analysis on Strengths, Weaknesses, Opportunities and Threats (SWOT) for Homer's quality of life dividing these into four categories of Business Climate, Built Environment, Natural Environment, and Social Climate. This analysis is offered as a gateway to a larger community conversation about Homer's future as a place to live, work, and thrive.

Ms. Marks and Ms. Engebretsen responded to questions and comments regarding the following:

- Weaknesses – Local regulations is not resulting in the patterns and development the community would like to see references zoning and development in downtown Homer and where you want people to walk and have a dense community. Building setbacks and parking standards need to be addressed on Pioneer Avenue if you want downtown to be pedestrian friendly and have more activity requires changes to be made to our building blocks.
 - o Specifics were not addressed by the EDC it was general information that as things in a dense area there could be some zoning issues and differences.
- Under Business Climate, Threats and Weaknesses – too many people moving in at a rate faster than the City can increase infrastructure and housing will destroy what is here and Homer will be like everywhere else. Were there any ideas or discussions on that?
 - o The City has miles of water and sewer pipe and maintains it. The City is doing okay, but not going too far on that point, but typically the preference is for more customers per mile of pipe to have financial stability of the utility. The City needs to think about how to have more people living in the same space that it currently has rather than annexing of other areas further out which would require more pipe and then more space for people.
- Under Built Environment – Opportunities- Rethink Chamber marketing.
 - o The EDC has not come up with specific ways to do this, as there needs to be more conversation as there are always two perspectives. That is why bringing this into the discussion now the City can reflect more specifically when working on the comprehensive plan using details of what is being experienced.
 - Relationship with the Homer Chamber is interesting in that it is a private entity and at a recent meeting that even the Mayor attended and encouraged the City to have a closer relationship with the Chamber.
 - Part of the Chamber's mission is to promote businesses and sound business climate while the City has the interest not to create impediments but to control where certain types of businesses are located with like businesses. The City is in the process of getting these changes on how the town is laid out, how the town wants to work and addressing business growth in a responsible and appropriate manner.
- Under Business Climate Risk of Over-regulation – Please provide further clarification.

- Not over-regulating businesses to the point that they do not want to bring, buy, or do business in the City. The City needs to ensure the level of regulations matches our community desire or acceptance of that regulation. The EDC was careful in the language used in the SWOT and hence why the word “risk” was chosen.
 - Homer is a unique place with many perspectives
- The EDC is hoping to have this included in the structure of the Comprehensive Plan and have each Commission provide input on some of the points on how things can change.
- EDC top priorities and recommendations to the Planning Commission
 - Will be re-evaluating specifics for 2023 but continue to be interested in Housing
 - They have received informational presentation on short-term rentals
 - Transportation
 - Day Care
 - Small Business Development Assistance
 - Strategic Plan of the EDC will be provided to the Planning Commission when updated.
- EDC top three requests or suggestions to the Planning Commission
 - When considering things at the Planning Commission level consider sending to the EDC for input.

Ms. Marks stated that she could only provide her personal opinion and not speaking for the EDC in response to Commissioner Stark on what the Planning Commission should keep on their radar, would be zoning changes, conditional use permit changes, in terms of density, the need for middle housing. There is a need for year round housing for people who want to live in the area and there is no housing available.

STAFF & COUNCIL REPORT/COMMITTEE REPORTS

A. Staff Report 22-58, City Planner's Report

City Planner Abboud provided a summary of Staff Report 22-58 for the Commission. He elaborated on the following topics:

- Homeless Coordinator Position with the Borough funded through a HUD grant for three years
- Transportation Planning – Homer can do better than just a voucher
 - Survey will be distributed soon
- RFP/RFQ being drafted for the Comprehensive Plan update.
- Work continues on the Grading ordinance and will be presented to the Commission for input
- Short term Rentals – passing around ideas, research on ways to address the issue, no policy discussion as yet

Chair Smith will submit a written report and Commissioner Stark will attend in person.

City Planner Abboud responded to questions on the following:

- Number of homeless in Homer
- Brief description on what the grading ordinance will encompass and or address.

PLAT CONSIDERATION

A. Staff Report 22-60, Bidarki Creek No. 5 Preliminary Plat

Chair Smith introduced the item by reading of the title and deferred to City Planner Abboud.

City Planner Abboud reviewed Staff Report 22-60 for the Commission. He shared screen so that a larger view of the map could be provided for those in attendance in Council Chambers.

Chair Smith noted the laydowns provided in the supplemental packet.

Tom Latimer, surveyor for the Applicant; McKennen & Rachael Lamb, Kristen Lamb-Reilly, Applicants

Mr. Latimer noted the letter included in the supplemental packet should address questions the Commission may have as the one in the packet is incorrect; the plat in the packet is incorrect please do not reference it; the encroachment of the deck they are working with Public Works on language for an easement; he understands that it is not allowed by code. The Borough will not allow it to occur. As for the 3:1 width requirement they will be providing valid reasons to allow that and the Borough is the last authority to allow the exception. He further provided comment on those reasons. He then provided information on the drainage and what the Engineer is working on to address those issues. The owners are trying to provide more affordable housing for the community. He then provided some input on neighboring properties that are built to the same percentage of 35% the one difference is they are proposing shared driveways.

Chair Smith opened the public comment portion.

Kristen Lamb-Reilly, applicant, introduced herself and her son and their intent to build a pleasing and aesthetic development and provided a brief history of their relationship living and visiting Homer.

McKennen Lamb, resident and applicant spoke to the application and the intent to work with the City and neighboring property owners on their project. If they can fix the deck encroachment they will and if a lot needs to be removed then that can happen.

Linda Rourke, adjacent property owner to the west at the end of Hillside, expressed concerns with drainage, and the density of the project and it appears very overwhelming and did not support exceptions to code. She continued by stating that the land shakes when you put large equipment on it. She has submitted written testimony as well. She opined that large development projects will make it not a nice place to live.

Jon Faulkner, city resident, close property owner, spoke in opposition to the project, in his opinion this appeared to be a subdivision plat when it should be a rezone. He believed it was effectively rezoning rural residential land. He questioned where the zoning ordinances that relate to rezoning, as they regard findings of fact that the Commission typically has to make relating to impacts of adjacent values. He questioned the public need for smaller lots, how many existing lots were for sale in town with utilities. He did not think that there was a demand for smaller lots. Mr. Faulkner then stated that it was not in character and keeping with the surrounding neighborhood which was one of the findings that typically are in conjunction with a rezone application. He stated that this is a gateway to this town and then expressed the aesthetic values that the current development on Baycrest provides. Mr. Faulkner urged the commission to consider this a back door rezone and that the entire neighborhood of Hillside is on record opposing this sort of rezone.

Sarah Faulkner, city resident, echoed the comments expressed by Linda Rourke and her husband Jon Faulkner. She stated further that they live between West Hill and Hillside Acres in neighboring subdivisions and fought really hard to keep it that way during the earlier meeting regarding rezoning earlier this year.

The neighbors are not happy with the proposed project and you have a lot letters in your packets from neighbors who are unhappy about this project. They just found out about this today as they were not included in the notification. She expressed concerns regarding the exceptions to code, the encroachments, setbacks, parking, steep slope development and fire response. Ms. Faulkner noted that there were wetlands and runoff drainages into the Bidarki Creek as well.

Susan Jeffrey, city resident, sharing a property line with the proposed development, expressed her concerns about the slope and removal of vegetation and the possible significant erosion that would cause. She noted that there was very wet soil there and it did not conduct water well and it is a jiggly mess. Ms. Jeffrey stated that she is not opposed to developing this project but thought it was overkill and requested the applicants to consider half the lots not eleven.

Mike Jeffrey, city resident, he lives right up the hill above the proposed development and he expressed concerns on installation of utilities, removal of trees, the land is hilly and not sure how they would develop them and possible erosion. He understands that the town needs more affordable places to rent or live.

Chair Smith stated for the record that the Applicants and Mr. Latimer will be able to respond to comments after the public comment period is closed.

Chair Smith hearing and seeing no other members of the public wishing to provide comment closed the public comment period. He offered rebuttal to City Planner Abboud who declined.

Chair Smith then opened the floor to questions from the Commission, noting that they could question the City Planner, Applicant, Mr. Latimer or any of the members of the public who commented.

The Following questions were responded to by the Applications and Mr. Latimer:

- Motive for creating eleven lots.
 - o The intent was to create a development of small lots and small affordable houses and to disturb the soil as minimally as possible.
 - o The reason for maximizing the number of lots was primarily to make it affordable. This cannot be accomplished with fewer lots and not naturally increase the cost of the overall project. The cost of the infrastructure would then be split between less numbers of lots. There is a need to have a safe refuge in economic troubling times.
- Creating less lots and constructing duplexes or triplexes
 - o Considerations was given to construction of condominiums which creates a clustering of homes but this does not change the infrastructure
 - o Condominiums or similar developments then depend on creation of a oversight for maintenance for the life of the project. If there is one non-payer then that share of cost is spread to all other property owners. IT is believed that the pride of ownership being a property owner and creation of requirements and rules written into the development agreement will take care of that and empower people to be responsible and not have to police each other.
- Creating underground utilities versus overhead
 - o All utilities will be underground unless there is a reason that it cannot be constructed as such.

- City Code requires underground utilities

Chair Smith recognized Mr. Faulkner stating that the public comment period has expired and he would have to request a motion to suspend the rules.

- When standing on the sidewalk at the highway level and looking at the land, the existing houses are higher up but the area between the house and road are lower, is there plans to bring in fill for that area
 - One of the issues with bringing fill in would be extensive compaction and if that is not done right you would create avalanche slope effect and the water gets underneath and wash it out which we do not want it washing into Bidarki Creek. The area was reviewed for the placement of the homes with the surveyor on the placement of the structures based on the natural clearings to minimize the amount of trees and vegetation removal and maintaining the strongest strength of soil naturally. Further explanation was provided on proposed building foundations.
- Awareness of the soils, wetlands, Bidarki Creek cutting through and in the event of an earthquake possible jellification of the slopes, was there any concerns?
 - John Bishop, Engineer has reviewed this property and while he has been very busy and has not been able to devote an extreme amount of time, he has expressed that the issues you have brought up are solvable and they will be minimizing the impact on any disturbance by using the helical piles.

There was no further questions or comments from the Commission.

Chair Smith requested a motion and second.

HIGHLAND/STARK MOVED TO ADOPT STAFF REPORT 22-60 AND RECOMMEND APPROVAL OF A PRELIMINARY PLAT TO DEDICATE A CUL DE SAC AND SUBDIVIDE TWO LOTS INTO ELEVEN LOTS WITH THE FOLLOWING COMMENTS:

1. INCLUDE A PLAT NOTE STATING "PROPERTY OWNER SHOULD CONTACT THE ARMY CORPS OF ENGINEERS PRIOR TO ANY ON-SITE DEVELOPMENT OR CONSTRUCTION ACTIVITY TO OBTAIN THE MOST CURRENT WETLAND DESIGNATION (IF ANY). PROPERTY OWNERS ARE RESPONSIBLE FOR OBTAINING ALL REQUIRED LOCAL, STATE AND FEDERAL PERMITS."
2. DEDICATE A 15 FOOT UTILITY EASEMENT ADJACENT TO ALL RIGHTS OF WAY PER HCC 22.10.051.
3. RESOLVE THE DECK AND STAIRWAY ENCROACHMENT BETWEEN LOTS 5 AND 7 AND ENSURE ALL STRUCTURES MEET ZONING CODE SETBACK REQUIREMENTS.
4. ALL FUTURE DEVELOPMENT MUST MEET APPLICABLE REGULATIONS AT THE TIME OF CONSTRUCTION, INCLUDING SETBACK REQUIREMENTS FOR DECKS AND STAIRWAYS.
5. A STREET NAME IS REQUIRED FOR THE NEW CUL-DE-SAC.
6. THE LONG SHARED DRIVEWAY EASEMENTS SHOULD BE NOTED ON THE PLAT AND PREFERABLY NAMED FOR E- 911 PURPOSES. THE SHORTER WESTERN SHARED DRIVEWAY EASEMENT SHOULD BE NOTED ON THE PLAT BUT DOES NOT NEED TO BE NAMED.
7. VERIFY PROPERTY OWNERS TO BE INCLUDED ON THE PLAT.

Discussion ensued with Commissioners expressing their concern on the amount of development proposed for this property and while supportive of a tiny home development this property is not the appropriate place; technical issues of drainage, slope and soils can be addressed but comments from the public should be addressed; the concept of eleven different homes and properties on this property with regard to the slope and drainage issues; total of three acres and developing nine additional homes and rural residential does not encompass the number of structures on the amount of buildable property; the consideration of reducing the number of lots and constructing condominiums and or duplexes/triplexes which may be a more suitable; previously considering to rezone the area from Rural Residential to Urban Residential.

City Planner Abboud advised that if the Commission votes this down that they are very specific on the reasons for voting in opposition as it will go before the Borough and the City is advisory to the Borough.

Chair Smith expressed that there is a concern on having shared driveways and possible litigation between owners over damages, encroachments, etc., and public safety access.

McKennen Lamb responded quickly in response to the public safety concerns by relating his discussions with their attorney and the Fire Chief with regard to the proposed design.

Commissioner Chiappone commented on not wanting to make decisions based on aesthetics or if it was the right thing for Homer and did not see that there was a codified reason to vote against this action.

Further discussion followed pointing out the following:

- creating affordable housing needs to start somewhere
- Affordable housing may be developed on the outer edges of town, but then there is a lack of transportation.
- Applicant may come back with a condominium project which presents ambiguity
- Applicant can address concerns expressed and reduce the size and number of the lots which creates an area denser than expected or seen in the area.
- Commission is only voting on the preliminary plat and the Applicant has expressed a willingness to work with the neighboring property owners.

CONLEY/HIGHLAND MOVED TO SUSPEND THE RULES TO ALLOW THE PUBLIC TO COMMENT AGAIN ON THE ISSUE.

Commissioner Highland expressed that it was highly unusual to allow a second public comment period.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Chair Smith invited Mr. Faulkner to speak to the Commission.

Mr. Faulkner, city resident, commented on raising his hand to ask a technical question and was will to wait until the end of the meeting, and stated it was not his intent to provide more testimony. He continued by asking, how is the subdivision that creates lots that are not allowed in the zoning district legal and is there a determination by an authority on this, that it is legal? he reiterated his opinion that this was a technical question.

Chair Smith deferred to City Planner Abboud.

City Planner Abboud responded that he would not recommend anything illegal, and in city code for Rural Residential District, if property is served by water and sewer, lots can be subdivided to 10,000 square feet.

Sarah Faulkner, stated that she understood the 10,000 square foot size but did not believe the contour of the parcel was not conducive to that, maybe if it was flat it may make sense. She continued by that there is so much that is undevelopable that you are squishing the development into the areas that are available. Ms. Faulkner further commented that Homer does not have a house shortage, what they have is a housing shortage due to all the short term rentals which the City still has not figured out how to manage and regulate. Ms. Faulkner continued by commenting that there are plenty of houses, it's just people of renting only short term and if that gets solved then there will be plenty of homes for people.

Mr. Jeffrey posed a question that you are making an exception to the rules you are then not following the rules.

City Planner Abboud responded that they were following Borough code and this is allowed. There is a provision for making these decisions. In Homer you can divide into 10000 square foot lots and the Commission can recommend whether they support the exceptions or not.

Commissioner Highland stated that this is the problem with this, referring to suspension of the rules to allow public comment, as members of the public and applicants were speaking without being recognized.

Mr. Lamb responded to concerns regarding lot size, 3:1 and doing what was best for the property and neighbors and if they were required to reduce by a lot then they will reduce the number of lots.

Karin Marks, city resident, commented on hearing a presentation on short term rentals and the housing issue is much more complex than having to do with short term housing. She then noted that the neighborhood that is at the corner of West Hill Road and Sterling Highway is made up of 10,000 square foot lots which is a somewhat dense complex so in her opinion it would not be unthinkable for one to see another dense neighborhood while traveling up Baycrest Hill.

Chair Smith closed the second public comment period.

Discussion continued on the concerns brought forward and the following points were reiterated:

- final decision is at the Borough level
 - o In past decisions the borough has followed the recommendations of the City and did not want the sentiment of the Borough will handle this issue to be part of this Commission's thinking.
 - o Commission appears to be divided on this action by comments expressed
- the action is meeting the regulations and requirements in code and what would direct us to request the smaller lot size
- Referral to the Comprehensive Plan recommendations
- Consideration to make an amendment to the motion to make less lots
 - o If they reduce the recommendation to lower the subdivision to five lots from eleven lots can they do this procedurally

City Planning Abboud responded that the applicant has submitted their plat and paid the fees, the Commission votes it up or down, the Applicant can make amendments to their plans and resubmit to the

Commission or they can take it to the Borough. If they submit something different to the Borough, the Borough will contact the City and ask if the Planning Commission wants to review this again which due to the response we have gotten he will tell them yes. It might be a small thing and you can reconfigure a lot but it would be worth reviewing it again at this body to get a positive recommendation up to the Borough.

Commissioner Stark commented on the application being within the legal rights but the negative response from the public and neighboring properties that the Applicants should work further with the City Planner to address the concerns expressed tonight. He then stressed they are voting on the preliminary plat.

Commissioner Highland expressed the main the concern is that if this Commission votes to recommend approval it goes to the Borough and they will approve it and this Commission will not see it again.

City Planner Abboud confirmed that the Applicant could bring this action to the Borough even though the Commission did not recommend approval.

STARK/HIGHLAND MOVED TO AMEND MOTION TO REDUCE THE NUMBER OF LOTS.

A brief discussion on just recommending the number of lots be reduced without being specific on the number of lots to reduce to; over regulations on development; provide the opportunity to the applicants to reduce the number of lots and bring it back to the Commission; amending the motion does exactly that as the Applicant has expressed a willingness to work with the city and neighbors.

VOTE. NO. SMITH, CHIAPPONE, CONLEY

VOTE. YES. HIGHLAND, STARK

Motion failed.

There was no further discussion on the main motion.

VOTE. YES. CHIAPPONE, STARK

VOTE. NO. HIGHLAND, CONLEY, SMITH.

Motion failed.

Chair Smith called for a recess at 8:50 p.m. He called the meeting back to order at 8:58 p.m.

PUBLIC HEARINGS

A. Staff Report 22-59, Conditional Uses and Structures - Draft Ordinance Amending Title 21 Sections 21.12. Rural Residential District; 21.14, Urban Residential District; 21.16 Residential Office District 21.18 Central Business District; 21.20 Town Center District; 21.22 Gateway Business District; 21.24 GC1 General Commercial District 1; 21.26 GC2 General Commercial District 2; 21.27 East End Mixed Use District Regarding Conditional Uses in Each District. Planning Commission.

Staff Report 22-59 Conditional Use Permit Reduction

Chair Smith introduced the item by reading of the title and deferred to City Planner Abboud.

City Planner Abboud reviewed Staff Report 22-59 and noted the actions taken by the Planning Commission in each of the zoning districts. He noted the ordinance provides the input from the Commissioners at the September 7, 2022 regular meeting. City Planner Abboud stated that he has made some minor changes on intent and impact and provided the comprehensive review on the proposed amendments.

Chair Smith open the Public Hearing.

Karen Marks, city resident, commented that she appreciated the Commissions work on this and believed it will move toward an easier business climate and provides the time to work on those things that exceptionally difficult.

Jon Faulkner, 35 year city resident, owner operator of Lands' End Resort urged the Commission to consider a broader outreach as this significant change warrants more than social media, newspaper, and radio as they don't quite capture getting the word out to the community. He believed that this was a community consensus-driven process, and should use direct mail to advise the community. He believed that would be worth the costs of a dollar per resident at 3200 residents. He lives here and very specifically engaged and he learned about this because of attending the meeting to comment on another matter, but he believes that there are a lot of people like himself who care a great deal about this town and they may not be aware of some of these significant changes that this Commission is putting a lot of time into and Mr. Faulkner applauded the Commission for that effort. He then stated that he is an expert in development as he has spent a lifetime doing it. Condominium, hotel, residential, etcetera, etcetera. He believed that if you are truly interested in affordable housing because it is becoming the same word and almost a justification for everything that is being done he would like the Commission to apply the brakes on it for a bit and think about the context of these changes. What developer like himself might actually think about building affordable housing? An 8000 square foot limitation is the biggest impediment in his view to multifamily inexpensive housing. You are not going to get it from detached houses and that is where you keep focusing your energy. He referenced the development by Alex Treweiler located in Old Town as being a successful model. Mr. Faulkner provided an example of developing an 8000 square foot lot and the difficulties that would present to a developer. He requested the Commission to think about direct mailing the residents so that they can gain consensus on these changes.

Ken Castner, stated that when he became Mayor it was his ambition to reduce the number of conditional use permits, because that's been the root of almost all city litigation in court, and he urged the Commission at that time to either allow it or not. When there is a condition that can be permitted under certain set of circumstances, you are going to tell them how they have to conform. So there is a conformity issue, as well as the application where what you have effectively done through this change, and I congratulate you on doing it, because he believes it brings certainty by definitively stating what is either allowed or not. A person can still go for a conditional use permit, but with the expectation that there is going to be conditions.

Chair Smith seeing no further persons coming forward to provide testimony closed the public hearing. He then deferred to questions from the Commission.

Commissioner Highland noted a typographical error on line 18 of the draft ordinance, the word should be "forth" not "for" as written. She then questioned the number of residents in Homer is more in the number of 5500 referring to the comment from Mr. Faulkner regarding mailing notice of action to all city residents.

City Planner Abboud provided clarification that there are a few more opportunities to comment on this action as it will be going before the City Council. He then provided additional clarification and purpose for the changes that the Commission is recommending.

Chair Smith requested a motion and second.

HIGHLAND/CONLEY MOVE TO ADOPT STAFF REPORT 22-59 AND FORWARD DRAFT ORDINANCE AMENDING HOMER CITY CODE SECTIONS 21.12 RURAL RESIDENTIAL DISTRICT; 21.14, URBAN RESIDENTIAL DISTRICT; 21.16 RESIDENTIAL OFFICE DISTRICT; 21.18, CENTRAL BUSINESS DISTRICT; 21.20, TOWN CENTER DISTRICT;

21.22, GATEWAY BUSINESS DISTRICT; 21.24, GENERAL COMMERCIAL 1 DISTRICT; 21.26, GENERAL COMMERCIAL 2 DISTRICT; AND HOMER CITY CODE 21.27, EAST END MIXED USE DISTRICT REGARDING CONDITIONAL USES IN EACH DISTRICT TO CITY COUNCIL.

Commissioners commented on the time spent and the efforts expending in putting the information together to make all the changes.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PENDING BUSINESS

- A. Memorandum from Deputy City Clerk re: Final Draft Recommendations for Ordinance 22-42

Chair Smith introduced the item by reading of the title and deferred to City Planner Abboud.

City Planner Abboud reviewed the Memorandum prepared by Deputy City Clerk Krause.

Chair Smith requested any amendments from the Commission, noting that the Clerk has requested all amendments be made by a motion.

HIGHLAND/STARK MOVED TO AMEND THE MEMORANDUM, RECOMMENDATION NUMBER TWO, TO STRIKE LANGUAGE AFTER THE WORD "PLANS".

Chair Smith noted that this amended statement was more representative of the overall discussion by the Commission to be sent to Council.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Chair Smith requested additional amendments to the memorandum and hearing none he then requested a motion and second to adopt the memorandum as amended.

HIGHLAND/STARK MOVED TO ADOPT THE MEMORANDUM REGARDING RECOMMENDATIONS ON ORDINANCE 22-42 AS AMENDED AND FORWARD TO CITY COUNCIL FOR THE SEPTEMBER 26, 2022 MEETING.

There was no further discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Mayor Castner confirmed with the Clerk that there was a position on the Council agenda for this item.

NEW BUSINESS

INFORMATIONAL MATERIALS

- A. Memorandum from City Clerk re: Implementation of New Agenda Management Software
- B. Planning Commission Calendar 2022
- C. City Manager's Report for City Council Meeting on September 12, 2022

COMMENTS OF THE AUDIENCE

COMMENTS OF THE STAFF

Deputy City Clerk Krause commented that the Commission did some fine work getting through everything on the agenda tonight.

COMMENTS OF THE COMMISSION

Commissioner Conley expressed his appreciation for the work provided by the staff and the Commission working through the items.

Commissioner Chiappone expressed his appreciation for the work of the Clerk and the City Planner and that it was a very interesting meeting.

Commissioner Stark expressed his appreciation for everyone wrestling through a very difficult situation.

Chair Smith thanked everyone for their work tonight and doing what their conscious allows. He then noted the Transportation meeting on October 1st and encouraged everyone to attend that event however he may not as it competition with a Mariners playoff game during the same time. His attention will be divided.

ADJOURN

There being no further business before the Commission, the meeting was adjourned at 9:30 p.m. The next Regular Meeting is Wednesday, October 5, 2022 at 6:30 p.m. A worksession is scheduled for 5:30 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska and via Zoom webinar.

RENEE KRAUSE, MMC, DEPUTY CITY CLERK II

Approved: _____



City of Homer

www.cityofhomer-ak.gov

Planning

491 East Pioneer Avenue
Homer, Alaska 99603

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

Staff Report 22-60

TO: Homer Planning Commission **22-60**
FROM: Rick Abboud, City Planner, AICP
DATE: 9/15/2022
SUBJECT: Bidarki Creek No. 5 Preliminary Plat

Requested Action: Recommend approval of a preliminary plat to dedicate a cul de sac, and subdivide two lots into eleven lots.

General Information:

Applicants:	McKennen and Rachael Lamb	Tom Latimer, Orion Surveys
Kristen Lamb-Reilly	2585 Timpview Dr	PO Box 15025
2795 Rolling Meadows Dr	Provo, UT 84604	36570 Maria Rd
Provo, UT 84604		Fritz Creek, AK 99603
Location:	Sterling Highway, west of West Hill Road, just east of Bidarki Creek	
Parcel ID:	17525012, 17525013	
Size of Existing Lot(s):	1.01 and 2.11 acres	
Size of Proposed Lots(s):	11 lots of 10,000 to 12,000 square feet	
Zoning Designation:	Rural Residential District	
Existing Land Use:	Residential, Vacant	
Surrounding Land Use:	North: Residential South: Vacant/residential East: Residential West: Residential	
Comprehensive Plan:	Chapter 4 item 1-C-1 Promote infill housing in all housing districts	
Wetland Status:	The 2005 wetland mapping shows wetlands along Bidarki Creek. The creek itself appears to be west of these properties.	
Flood Plain Status:	Zone D, flood hazards undetermined.	
BCWPD:	Not within the Bridge Creek Watershed Protection District.	
Utilities:	City water and sewer are available	
Public Notice:	Notice was sent to 36 property owners of 30 parcels as shown on the KPB tax assessor rolls.	

Analysis: This subdivision is within the Rural Residential District. This plat dedicates a cul de sac, and subdivides two lots into eleven lots. Staff has had discussion with the surveyor that this subdivision may not extend beyond the preliminary plat phase. This development proposal may come back to the Planning Commission as a condominium project, which would use the Conditional Use Permit process. Please be aware if the applicant applies for a conditional use permit, all ex-parte communication must be disclosed.

Subdivision review

The City of Homer does not have code regarding lot configuration, or driveways on private property. The survey stated in his July 1, 2022 letter to the City that he would be asking an exception to KPB20.30.190(A) for lots 4,5 and 6, which requires lots be 60 feet in width at the building setback line. Additionally, he may ask for an exception to the 3:1 depth to width requirement, if needed. Generally, the City of Homer is not in favor of non-complaint lot configurations. These lots will be served by city water and waste water, so there are no issues with well and septic system separation. Providing physical and utility access quickly becomes challenging. However there is nothing in City code that prevents the use of a shared driveway to access future homes on lots 6-11. Shared driveway easement should be part of the platting process, as some lots will be undevelopable without it.

Commission should make recommendation regarding exceptions. The Applicant has met with Public Works and has made a workable plan for the development of the lots.

Land development/zoning issues

There are a few issues with this proposed development that are outside the platting process but will affect the development as proposed.

The surveyor letter states they will use Mutual Use Agreements for any decks and stairs that cross property lines, however Homer City Code does not allow for this type of encroachments into side yard setbacks. Lots 5 and 7 have a shared deck and stairwell that does not meet the 5 foot side yard setback requirement. This should be resolved prior to final platting or a zoning violation will be created by the platting action. Parking for a single family home must be provided on the zone lot.

Portions of this subdivision contain steep areas. Steep slope development regulations may apply, particularly for the installation of water and sewer lines to the building sites, as those must lie within the panhandle portion of each subject lot. Utility connections between the main lines in the right of way, and the home sites, must stay within the property lines of the parcel they serve.

Homer City Code 22.10.051 Easements and rights-of-way

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

Staff Response: The plat does not meet these requirements. Dedicate a 15 foot utility easement adjacent to all rights of way per HCC 22.10.051

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

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements.

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

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

Staff Response: The plat meets these requirements.

- B. North point;

Staff Response: The plat meets these requirements.

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

Staff Response: The plat does not meet this requirement; a street name is required for the new cul-de-sac.

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

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

Staff Response: The plat meets these requirements.

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

Staff Response: The plat does not meet these requirements. The long shared driveway should be noted and preferably named for E 911 purposes. The shorter western shared driveway should be noted but does not need to be named.

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

Staff Response: The plat meets this requirements.

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

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements.

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

Staff Response: The plat does not meet these requirements. Lots 5 and 7 have a shared deck and stairwell that does not meet the 5 foot side yard setback requirement.

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

Staff Response: The plat meets these requirements.

Public Works Comments:

1. A Development Agreement is required. This will include but is not limited to water and waste water mainline extensions and construction of the new right of way dedication.

Fire Department Comments: No comments received.

Staff Recommendation:

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

1. Include a plat note stating “Property owner should contact the Army Corps of Engineers prior to any on-site development or construction activity to obtain the most current wetland designation (if any). Property owners are responsible for obtaining all required local, state and federal permits.”
2. Dedicate a 15 foot utility easement adjacent to all rights of way per HCC 22.10.051.
3. Resolve the deck and stairway encroachment between lots 5 and 7 and ensure all structures meet zoning code setback requirements.
4. All future development must meet applicable regulations at the time of construction, including setback requirements for decks and stairways.
5. A street name is required for the new cul-de-sac.
6. The long shared driveway easements should be noted on the plat and preferably named for E-911 purposes. The shorter western shared driveway easement should be noted on the plat but does not need to be named.
7. Verify property owners to be included on the plat.

Attachments:

1. Preliminary Plat
2. Working Drawing w/contours
3. Surveyor and Applicant Letters
4. Public Notice
5. Aerial Map

NOTES:

1. This subdivision is subject to Homer City Code.
2. No permanent structure shall be constructed or placed within a utility easement which would interfere with the ability of a utility to use the easement.
3. This subdivision is subject to the zoning regulations of the City of Homer. Portions of this subdivision may contain wetlands. Owners should consult with the City of Homer Planning Dept. and the Army Corps of Engineers prior to any development activity.
4. The location of the northerly edge of the ROW of the Sterling Highway is shown per Bidarki Creek No. 4 HM2012-27.
5. Per Plat HM2007-106 a 50' wide drainage easement on each side of the centerline of Bidarki Creek for maintenance purposes regarding drainage for the Sterling Highway.

LEGEND

- Found Survey Monument
- Set 2" Alcap on 5/8"x30" rebar
- Fire Hydrant
- Bollard
- Abandoned CHP Well
- Utility Pole with anchor

Wetlands areas per KWF
Wetland Assessment
(Typical)

Line	Bearing	Distance
1	S76°02'22"W	118.00'
2	S74°52'46"W	121.50'
3	S74°50'07"W	119.86'
4	S23°33'05"W	136.74'

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	766.20	151.83	151.59	S68°14'01"E	112°11'15"
C2	20.00	22.25	21.72	S42°02'07"E	63°46'01"
C3	60.00	60.56	62.71	S27°45'02"E	52°12'01"
C4	50.00	21.58	21.41	N30°46'10"E	244°33'32"
C5	50.00	120.16	20.03	S94°41'07"W	233°06'22"
C6	50.00	22.76	22.57	S79°12'41"W	263°05'10"
C7	50.00	27.41	27.07	S71°58'18"E	312°24'31"
C8	50.00	10.77	10.04	N44°42'41"E	233°06'53"
C9	230.00	20.16	20.15	S30°38'28"E	50°11'19"
C10	230.00	20.46	20.46	S25°34'50"E	50°55'51"
C11	230.00	20.95	20.94	S20°29'50"E	51°11'10"
C12	230.00	21.67	21.66	N15°06'49"W	52°33'59"
C13	230.00	43.22	43.16	N07°45'02"E	104°46'00"
C14	766.20	123.45	66.43	S64°53'29"E	124°02'24"
C15	766.20	18.35	18.35	N67°32'47"W	07°48'51"
C16	766.20	158.12	58.11	N70°09'11"W	42°02'46"
C17	766.20	22.71	22.71	N73°03'41"E	174°15'31"

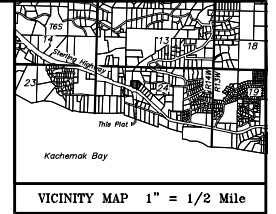


Plat Approval:

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of _____, 20__.

Kenai Peninsula Borough

By: _____
Authorized Official



Ownership Certificate:

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 to public use and grant all easements to the use shown.

McKennen Lamb, for former Tract 2
2585 Timpleview Dr.
Provo, UT 84604

Notary's Acknowledgment:

For
Acknowledged before me this _____ day of _____, 20__.

Notary Public for Alaska
My commission expires: _____

Rachael Lamb, for former Tract 2
2585 Timpleview Dr.
Provo, UT 84604

Notary's Acknowledgment:

For
Acknowledged before me this _____ day of _____, 20__.

Notary Public for Alaska
My commission expires: _____

Kristen Lamb Reilly, for former Tract 1
2795 Rolling Hills Dr.
Provo, UT 84604

Notary's Acknowledgment:

For
Acknowledged before me this _____ day of _____, 20__.

Notary Public for Alaska
My commission expires: _____

WASTEWATER CERTIFICATE:

Plans for wastewater disposal that meet regulatory requirements are on file at the Department of Environmental Conservation.

Engineer _____ License # _____ Date _____



BIDARKI CREEK No. 5

A subdivision of Tracts 1 and 2
Bidarki Creek No. 4 HM2012-27
Within NW1/4, Sec. 14, T6S, R14W, S4M,
in the City of Homer, Kenai Peninsula Borough,
Homer Recording District,
Third Judicial District, Alaska
Containing 3.114 Acres

Prepared for: McKennen and Rachael Lamb 2585 Timpleview Dr. Provo, Utah 84604 and Kristen Lamb Reilly 2795 Rolling Hills Dr. Provo, Utah 84604	Prepared by: Orion Surveys PO Box 15025, 36570 Maria Road, Fritz Creek, AK 99603 (907) 399-7028 tom@orionsurveys.com
Scale: 1"=30'	Date: 8/24/2022
FB: 24	Job#: 965
	KPB File No. 2022-

NOTES:

1. This subdivision is subject to Home City Code.
2. No permanent structure shall be constructed or placed within a utility easement which would interfere with the ability of a utility to use the easement.
3. This subdivision is subject to the zoning regulations of the City of Homer. Portions of this subdivision may contain wetlands. Owners should consult with the City of Homer Planning Dept. and the Army Corps of Engineers prior to any development activity.
4. The location of the northern edge of the ROW of the Sterling Highway is shown per Bidarka Creek No. 4 HM2012-27.
5. Per-Act HM2007-106 a 50' wide drainage easement on each side of the centerline of Bidarka Creek for maintenance purpose regarding drainage for the Sterling Highway.

LEGEND

- Survey Monument
- Set 2" cap on 5/8" x 36" rebar
- Fire hydrant
- Bollard
- Abandoned CMP Well
- Utility Pole with anchor

Line	Bearing	Distance
1	S76°02'22"W	118.00'
2	S74°52'42"W	121.00'
3	S75°53'07"W	119.96'
4	S23°53'05"W	136.74'

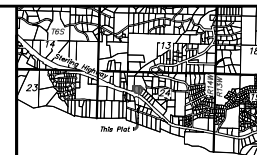
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	BECKET ANGLE
C1	766.20	151.83	151.59	S68°42'01"E	112°11'15"
C2	20.00	22.25	21.72	S42°02'07"E	63°45'07"
C3	50.00	60.56	72.71	S07°45'07"E	97°12'01"
C4	50.00	21.58	21.41	N30°46'10"E	244°3'32"
C5	50.00	120.16	120.03	S54°41'07"W	245°55'22"
C6	50.00	122.76	122.57	S79°42'41"W	265°55'10"
C7	50.00	27.41	27.07	S71°58'18"E	312°24'31"
C8	50.00	10.17	10.04	N44°49'11"E	213°56'53"
C9	230.00	10.16	20.15	S30°38'25"E	530°11'9"
C10	230.00	10.46	20.46	S25°34'50"E	505°57'
C11	230.00	10.95	20.94	S20°29'50"E	511°10'0"
C12	230.00	11.67	21.66	N15°06'49"W	523°55'
C13	230.00	43.22	43.18	S07°51'52"E	531°10'0"
C14	766.20	152.45	152.43	S04°53'28"E	244°0'12"
C15	766.20	18.35	18.35	N67°33'47"W	078°0'0"
C16	766.20	158.12	158.11	N70°09'11"W	420°46'
C17	766.20	22.71	22.71	N73°03'41"W	174°15'3"



Plat Approval:

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of _____, 20____.

Kenai Peninsula Borough
By: _____
Authorized Official



VICINITY MAP 1" = 1/2 Mile

Ownership Certificate:

We hereby certify that we are the owners of the real property shown and described herein and that we hereby adopt this plan of subdivision and by our free consent dedicate all rights-of-way to public use and grant all easements to the use shown.

McKennen Lamb, for former Tract 2
2585 Timptview Dr.
Provo, UT 84604

Notary's Acknowledgment:

For
Acknowledged before me this _____ day of _____, 20____.

Notary Public for Alaska
My commission expires: _____

Rachael Lamb, for former Tract 2
2585 Timptview Dr.
Provo, UT 84604

Notary's Acknowledgment:

For
Acknowledged before me this _____ day of _____, 20____.

Notary Public for Alaska
My commission expires: _____

Kristen Lamb Reilly, for former Tract 1
2795 Rolling Hills Dr.
Provo, UT 84604

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Acknowledged before me this _____ day of _____, 20____.

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WASTEWATER CERTIFICATE:

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Engineer _____ License # _____ Date _____

BIDARKI CREEK No. 5

A subdivision of Tracts 1 and 2
Bidarki Creek No. 4 HM2012-27
Within NW1/4, Sec. 14, T6S, R14W, S4M,
in the City of Homer, Kenai Peninsula Borough,
Homer Recording District,
Third Judicial District, Alaska
Containing 3.114 Acres

Prepared for:
McKennen and Rachael Lamb
2585 Timptview Dr.
Provo, Utah 84604 and
Kristen Lamb Reilly
2795 Rolling Hills Dr.
Provo, Utah 84604

Prepared by:
Orion Surveys
PO Box 15525,
36570 Maria Road,
Fritz Creek, AK 99603
(907) 399-7028
tom@orionsurveys.com

Scale: 1"=30'
Date: 8/24/2022
Job# 965
KPB File No. 2022-

Contours from KPB GIS
Contour interval = 4'

PRELIMINARY

Orion Surveys
PO Box 15025
Fritz Creek, AK 99603

July 1, 2022,

Planning Staff,
City of Homer Planning Department
491 East Pioneer Avenue,
Homer, AK 99669

Re: Bidarka Creek 5, preliminary plat submittal

Staff,

Please find enclosed two full size copies and one reduced (11"x17") copy of this plat and check #295 for the ~~\$300.00~~ plat submittal fee.

\$1100.00

This proposed plat reconfigures two adjoining lots along the Sterling Highway on Baycrest hill into 11 lots. Additional right of way needs to be dedicated as shown. These lots are served by City water and sewer.

The owners plan to work with the city on a comprehensive development plan for all these lots. The plan generally is to build tiny houses on each lot using a Techno Metal post type foundation. Lot configurations are guided by this plan. All lots meet the current 10,000 Sq. Ft. size requirement for this zone.

The owners plan to grant Mutual Use Driveway Agreements to enable some common use of the flag portions of the lots if needed to meet city code for parking. They also plan to use Mutual Use Agreements for any decks that cross property lines as does the deck and stairs between Lots 5 and 7. This will allow for shared decks and stairs where applicable and will be addressed in the development plan with the city.

We plan to ask the KPB Plat Committee for exception to:

KPB 20.30.190 (A) for Lots 4, 5, and 6. While city code governs the setback on these lots these lots do not meet the borough requirement to be 60' wide at the building setback. While flag portions could be designed on these lots the configuration shown is governed by the existing houses. These lots will be difficult to evaluate for the 3:1 depth to width requirement but it is likely that Lots 4 and 5 will be close. If the KPB staff determines that these lots do not meet the 3:1 criteria we will be asking for exception to that part of the code also.

Please contact me if you have any questions.

Sincerely



Tom Latimer

encl

Full size paper plats (2)

Reduced paper plat (11"x17")

Plat fee \$300.00, Check #295

#1100⁰⁰
T2

July 6, 2022

Homer City, To Whom It May Concern:

I just wanted to do a quick introduction. Our family has been coming to Alaska every summer for the past almost 20 years. We LOVE Homer and have dreamed of having it as part of what we call "home". My son and his wife (McKennen and Rachael Lamb) moved there a few years ago for work during the summers but made the decision last year to make it their year round home. (I miss them dearly and look for every opportunity to visit.)

My husband and I bought the property next to my son and we decided to create this development together so that we could find more ways to spend time there with them. My background is in interior design and construction but I also served on the planning commission for the Town of Woodland Hills in Utah. My greatest concern while I lived and served in WH was to make sure we were able to maintain the natural beauty that drew us there. We feel the same way about Homer. Our goal in this process is to create a beautiful gateway community that sets a standard anyone would be proud to call home.

There are several things we looked at while creating this site plan which we think you'll appreciate.

1. We love the trees and wanted to protect them with as little disruption as possible, leaving the natural surroundings intact. As you'll notice, we've designed the cul-de-sac into the natural clearing that's already there. Although it's not easily seen on the plat, the cul-de-sac is actually much farther away from the main road than it appears which we love. It lets you safely enter and exit the subdivision with one well designed access point instead of each lot trying to enter the busy road from multiple locations.
2. We wanted to make sure the homes could be placed in undisturbed locations as well which you can see on the plans with the tentative sample build zones. They are in natural clearings where beautiful usable yards can be easily maintained.
3. We've also thought through parking. Though we've shown the plat with the minimum 2 stalls per lot, we also wanted to consider the visiting guest as well. We've been that "guest" on many occasions over the years when we've come to visit Homer and parking was a bit challenging so we've planned a few extra "guests parking" spots off the road for good measure. We hope you don't mind that we added those into the mix.
4. We wanted to create something that was affordable AND beautiful. The homes aren't large but will be inviting and functional. Young couples or old would enjoy the beauty we are creating. Beautiful "affordable" homes are hard to find so we felt like this would be a perfect place.

We are excited to be part of the permanent community and want to help keep the natural beauty that exists and bring a fun vibe with us in all that we create together with the city of Homer. We are anxious to move forward so please let us know if we've missed anything.

Sincerely,
Kristen Lamb-Reilly (801-420-5812)

NOTICE OF SUBDIVISION

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

Proposed subdivision under consideration is described as follows:

Bidarki Creek No. 5 Preliminary Plat

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

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

Meeting ID: 979 8816 0903

Passcode: 976062

Additional information regarding this matter will be available by 5pm on the Friday before the meeting. This information will be posted to the City of Homer online calendar page for August 3, 2022 at <https://www.cityofhomer-ak.gov/calendar>. It will also be available at the Planning and Zoning Office at Homer City Hall and at the Homer Public Library.

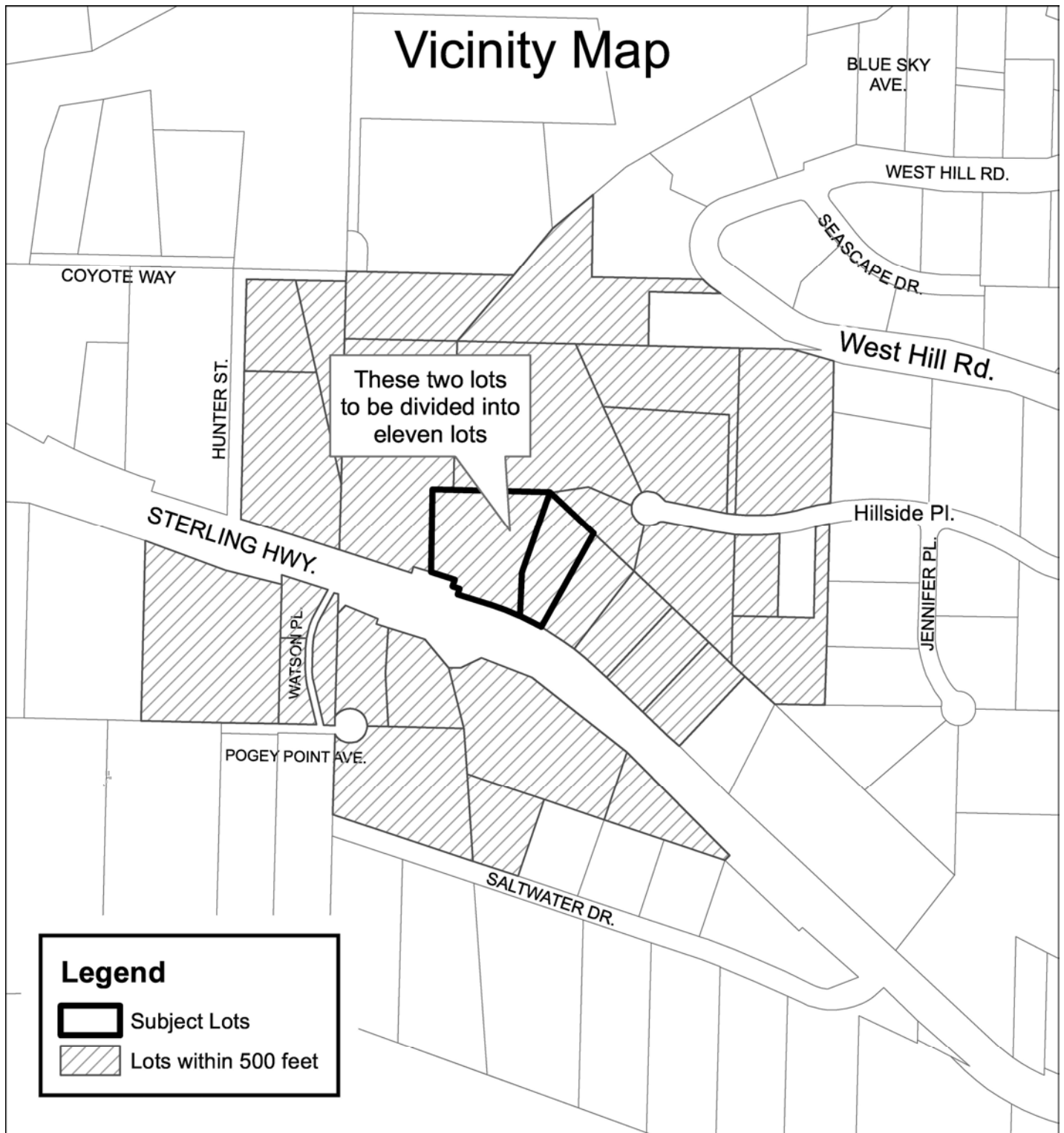
Written comments can be emailed to the Planning and Zoning Office at the address below, mailed to Homer City Hall at the address above, or placed in the Homer City Hall drop box at any time. Written comments must be received by 4pm on the day of the meeting.

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

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

VICINITY MAP ON REVERSE

Vicinity Map



City of Homer
Planning and Zoning Department

July 21, 2022

Request for Bidarki Creek 5 Preliminary Plat

Marked lots are within 500 feet and
property owners notified.

0 250 500 Feet



Disclaimer:
It is expressly understood the City of
Homer, its council, board,
departments, employees and agents are
not responsible for any errors or omissions
contained herein, or deductions, interpretations
or conclusions drawn therefrom.

NOTES:

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C11	230.00	20.95	20.94	S20°29'50"E	51°11'10"
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C13	230.00	43.22	43.18	N07°01'52"E	104°46'00"
C14	766.20	162.45	66.43	S94°53'29"E	142°01'24"
C15	766.20	18.35	18.35	N67°32'47"W	07°18'51"
C16	766.20	158.12	58.11	N70°09'11"W	42°01'46"
C17	766.20	22.71	22.71	N73°03'41"E	174°15'31"

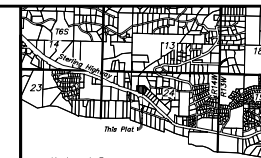


Plat Approval:

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of _____, 2022

Kenai Peninsula Borough

By: _____
Authorized Official



VICINITY MAP 1" = 1/2 Mile

Ownership Certificate:

We hereby certify that we are the owners of the real property shown and described herein and that we hereby adopt this plan of subdivision and by our free consent dedicate all rights-of-way to public use and grant all easements to the use shown.

McKennen Lamb
2585 Timpanew Dr.
Provo, UT 84604

Notary's Acknowledgement:

For _____
Acknowledged before me this _____ day of _____, 20____.

Notary Public for Alaska
My commission expires: _____

Rachael Lamb
2585 Timpanew Dr.
Provo, UT 84604

Notary's Acknowledgement:

For _____
Acknowledged before me this _____ day of _____, 20____.

Notary Public for Alaska
My commission expires: _____

WASTEWATER CERTIFICATE:

Plans for wastewater disposal that meet regulatory requirements are on file at the Department of Environmental Conservation.

Engineer _____ License # _____ Date _____



BIDARKI CREEK No. 5

A subdivision of Tracts 1 and 2
Bidarki Creek No. 4 HM2012-27
Within NW1/4, Sec. 14, T6S, R14W, S4M,
in the City of Homer, Kenai Peninsula Borough,
Homer Recording District,
Third Judicial District, Alaska
Containing 3.114 Acres

Prepared for:
McKennen and Rachael Lamb
2585 Timpanew Dr.
Provo, Utah 84604

Prepared by:
Orion Surveys
PO Box 15025,
36570 Maria Road,
Fritz Creek, AK 99603
(907) 399-7028
tom@orionsurveys.com

Scale: 1"=30'
PB: 24 Job#: 965 Date: 5/5/2022
KPB File No. 2022-

PRELIMINARY

Aerial Map



City of Homer
Planning and Zoning Department

July 21, 2022

Request for Bidarki Creek 5 Preliminary Plat

Marked lots are within 500 feet and
property owners notified.

0 250 500 Feet



Disclaimer:
It is expressly understood the City of
Homer, its council, board,
departments, employees and agents are
not responsible for any errors or omissions
contained herein, or deductions, interpretations
or conclusions drawn therefrom.

August 2, 2022


Attention: Homer Planning Commission

We have major concerns about the new Bidarki Creek No.5 Preliminary Plat that is up for consideration.

Since we are zoned Rural Residential and would like to remain that way, we feel this proposed subdivision is too dense in relationship to the surrounding area and the watershed needs to be factored in. We would request that no exceptions to our current rules and regulations be made for the newly proposed subdivision.

As lifelong Homer residents, we feel there is enough Urban Residential area East of West Hill and would like to maintain the Rural Residential feel that we currently have.

Thank you for your time,



Charlie and Debbie Rehder

From: Travis Brown
To: Rick Abboud
Subject: FW: Written Testimony for Commission/Board Meetings
Date: Tuesday, August 2, 2022 10:31:01 AM

Just want to make sure you got this

From: Jeffres <homer-ak@municodeweb.com>
Sent: Tuesday, August 2, 2022 4:46 AM
To: Travis Brown <tbrown@ci.homer.ak.us>
Subject: Written Testimony for Commission/Board Meetings

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Written Testimony for the Planning Commission Name: Susan Jeffres Email: Fljeffres@msn.com Phone: 303-909-4280 Residency: City Resident Meeting to Participate In: Planning Commission Regular Meeting Wed, 08/03 Plat Consideration (Planning Commission Only) - Citizens may comment on plats scheduled for consideration. Bidarki Creek No. 5 Written Testimony: I am writing in opposition to the proposed platting change to Bidarki Creek No. 5. We live on 7-A and have first hand knowledge of the drainage issues and steep slopes that some of these lots will have. Also, with the watershed right there, the environmental impact is huge. Additionally, the density of housing is not in keeping with the surrounding neighborhood. Please abide by the codes and regulations already in place and deny this change.

Electronic Signature: Susan Jeffres Submitted on Tuesday, August 2, 2022 - 4:45am The results of this submission may be viewed at: <https://www.cityofhomer-ak.gov/node/60481/submission/49651>