



# Kenai Peninsula Borough

144 North Binkley Street  
Soldotna, AK 99669

## Meeting Agenda Plat Committee

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Monday, June 9, 2025

6:30 PM

Betty J. Glick Assembly Chambers

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**Zoom Meeting ID: 907 714 2200**

### ZOOM MEETING DETAILS

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

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

Zoom Meeting ID: 907 714 2200

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

The hearing procedure for the Plat Committee public hearings are as follows:

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

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

### A. CALL TO ORDER

### B. ROLL CALL



**C. APPROVAL OF AGENDA, EXCUSED ABSENCES, AND MINUTES**

*All items marked with an asterisk (\*) are consent agenda items. Consent agenda items are considered routine and noncontroversial by the Plat Committee and may be approved by one motion. There will be no separate discussion of consent agenda items unless a Planning Commissioner removes the item from the consent agenda. The removed item will then be considered in its normal sequence on the regular agenda. If you wish to comment on a consent agenda item, please advise the recording secretary before the meeting begins, and she will inform the Chair of your wish to comment.*

1. Agenda
2. Member / Alternate Excused Absences
3. Minutes

[KPB-6974](#) May 27, 2025 Plat Committee Meeting Minutes

Attachments: [C3. 052425 Plat Meeting Minutes](#)

4. Grouped Plats

[KPB-6842](#) Grouped Plats Staff Report  
E1. Baringer 2025 Replat No 1  
E4. Butler- Church Subdivision No Galley Addition  
E5. Spruce Park Estates Subdivision Davis Addition No 2

Attachments: [Grouped Plats Staff Report\\_060925](#)

**D. OLD BUSINESS - None****E. NEW BUSINESS**

1. [KPB-6976](#) Baringer 2025 Replat No. 1; KPB File 2025-072  
Mullikin Surveys / Roderick  
Location: North Fork Road  
Anchor Point Area

Attachments: [E1. Baringer 2025 Replat No 1\\_Packet](#)  
[Baringer 2025 Replat No. 1 PHN](#)



2.     [KPB-6977](#)     Cooper Subdivision 2025 Addition (POSTPONED)  
                    KPB File 2025-069  
                    Fineline Surveys / Hennick  
                    Location: Alder Lane off East End Road  
                    City of Homer  
  
          Attachments:     [E2. Cooper Sub 2025 Addn](#)  
                                  [Cooper Sub 2025 Replat PHN](#)
3.     [KPB-6978](#)     Stormwater Works Tract One; KPB File 2025-073  
                    Geovera / Kennedy  
                    Location: Spruce Lane, off Eagle Crest & East End Road  
                    City of Homer  
  
          Attachments:     [E3. Stormwater Works Tracts One Packet](#)  
                                  [Stormwater Works Tracts One PHN](#)
4.     [KPB-6979](#)     Butler-Church Subdivision No. 3 Galley Addition; KPB File 2025-079  
                    Johnson Surveying / Galley Living Trust  
                    Location: Funny River Road & Ansel Street  
                    Funny River Area / Funny River APC  
  
          Attachments:     [E4. Butler Church Sub No 3 Galley Addn Packet](#)  
                                  [Butler-Church Sub No. 3 Galley Addn PHN](#)
5.     [KPB-6980](#)     Spruce Park Estates Subdivision Davis Addition No. 2  
                    KPB File 2025-078  
                    Johnson Surveying / Davis  
                    Location: Spruce Park Drive off Irish Hills & Sterling Highway  
                    Kalifornsky Area  
  
          Attachments:     [E5. Spruce Park Estates Sub Davis Addn No 2 Packet](#)  
                                  [Spruce Park Estates Sub Davis Addn No. 2 PHN](#)
6.     [KPB-6981](#)     Swan View Subdivision 2025 Replat; KPB File 2025-080  
                    McLane Consulting Group / Kuiper, Hummel  
                    Location: Otter Trail off the Sterling Highway  
                    Sterling Area  
  
          Attachments:     [E6. Swan View Sub 2025 Replat Packet](#)  
                                  [Swan View Sub 2025 Replat PHN](#)



7. [KPB-6982](#) Ware Subdivision; KPB File 2025-081 (POSTPONED)  
McLane Consulting Group / Ware  
Location: Midnight Sun Drive off Lafayette Avenue Kenai Spur  
Highway  
Nikiski Area / Nikiski APC
- Attachments: [E7. Ware Subdivision](#)  
[Ware Subdivision PHN](#)

## F. PUBLIC COMMENT

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

## G. ADJOURNMENT

### MISCELLANEOUS INFORMATIONAL ITEMS

### NEXT REGULARLY SCHEDULED PLAT COMMITTEE MEETING

The next regularly scheduled Plat Committee meeting will be held Monday, June 23, 2025 in the Betty J. Glick Assembly Chambers of the Kenai Peninsula Borough George A. Navarre Administration Building, 144 North Binkley Street, Soldotna, Alaska at 7:30 p.m.

### KENAI PENINSULA BOROUGH PLANNING DEPARTMENT

Phone: 907-714-2215

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

e-mail address: [planning@kpb.us](mailto:planning@kpb.us)

Written comments will be accepted until 1:00 p.m. on the last business day (usually a Friday) before the day of the Plat Committee meeting in which the item is being heard. If voluminous information and materials are submitted staff may request seven copies be submitted. Maps, graphics, photographs, and typewritten information that is submitted at the meeting must be limited to 10 pages. Seven copies should be given to the recording secretary to provide the information to each Committee member. If using large format visual aids (i.e. poster, large-scale maps, etc.) please provide a small copy (8 ½ x 11) or digital file for the recording secretary. Audio, videos, and movies are not allowed as testimony. If testimony is given by reading a prepared statement, please provide a copy of that statement to the recording secretary.

An interested party may request that the Planning Commission review a decision of the Plat Committee by filing a written request within 10 days of the written notice of decision in accordance with KPB 2.40.080.



## **C.        CONSENT AGENDA**

### **\*3.   Minutes**

#### **a.   May 27, 2025 Plat Committee Meeting Minutes**



# Kenai Peninsula Borough

## Plat Committee

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

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**MAY 27, 2025**  
**6:30 PM**  
**UNAPPROVED MINUTES**

### **A. CALL TO ORDER**

Commissioner Gillham called the meeting to order at 6:30 p.m.

### **Oath of Office**

Karina England was appointed by Mayor Micciche to serve as the commissioner from the City of Seward . Ms. Shirnberg administered the oath of office to Commissioner England

### **B. ROLL CALL**

#### *Plat Committee Members/Alternates*

Karina England, City of Seward  
Jeffrey Epperheimer, Nikiski District  
Pamela Gillham, Kalifornsky/Kasilof District  
Virginia Morgan, Cooper Landing/Hope/Eastern Peninsula District  
Franco Venuti, City of Homer  
Paul Whitney, City of Soldotna

#### *Staff Present*

Vince Piagentini, Platting Manager  
Beverly Carpenter, Platting Specialist  
Ann Shirnberg, Planning Administrative Assistant  
Jenny Robertson, Land Management Administrative Assistant

With 6 members in attendance, a quorum was present.

### **C. APPROVAL OF AGENDA, EXCUSED ABSENCES, AND MINUTES**

#### **\*3. Approval of Minutes**

- a. May 12, 2025 Plat Committee Meeting Minutes

#### **\*4. Grouped Plats:** The plats placed on the consent agenda are considered simple or non-controversial. They are generally lot splits, lot line adjustment, no exceptions or ones that received no public comments. The grouped plats on the consent agenda are as follows:

- E1. Nikiski Village Subdivision Kennedy Addition No. 2
- E2. Mansfield 1999 Subdivision Lot 2-A Replat
- E8. Millers Crossing Subdivision Phase 2

Chair Gillham asked if anyone from the public wished to speak to any of the items under the consent agenda. Hearing no one wishing to comment discussion was opened among the commission.

**MOTION:** Commissioner Whitney moved, seconded by Commissioner Venuti to approve the agenda, the minutes from the May 12, 2025 Plat Committee and grouped plats based on staff recommendations and compliance to borough code, adopting and incorporating by reference the staff reports and staff recommendations.



Seeing and hearing no objection or discussion, the motion was carried by the following vote:

**MOTION PASSED BY UNANIMOUS VOTE**

|         |  |
|---------|--|
| Yes - 6 | England, Epperheimer, Gillham, Morgan, Whitney, Venuti |
|---------|--|

**E. NEW BUSINESS**

**ITEM #1 - PRELIMINARY PLAT  
NIKISKI VILLAGE SUBDIVISION KENNEDY ADDITION NO. 2**

|                                |   |
|--------------------------------|---|
| <b>KPB File No.</b>            | 2025-060  |
| <b>Plat Committee Meeting:</b> | May 27, 2025  |
| <b>Applicant / Owner:</b>      | Wanda J. Kennedy & Wanda J. Kennedy Living Trust                                  |
| <b>Surveyor:</b>               | John Segesser / Segesser Surveys  |
| <b>General Location:</b>       | Between MP 25 & 26, Kenai Spur Highway and Nikiski Avenue; Nikiski Area           |
| <b>Parent Parcel No.:</b>      | 012-120-10  |
| <b>Legal Description:</b>      | Tract 1, Nikiski Village Subdivision No 2, Plat KN 76-03, T07N, R12W, SEC02, S.M. |
| <b>Assessing Use:</b>          | General Commercial  |
| <b>Zoning:</b>                 | Rural Unrestricted  |
| <b>Water / Wastewater</b>      | On-Site   |
| <b>Exception Request</b>       | None Requested  |

*\*Approved Under The Consent Agenda*

**ITEM #2 - PRELIMINARY PLAT  
MANSFIELD 1999 SUBDIVISION LOT 2-A REPLAT**

|                                |   |
|--------------------------------|---|
| <b>KPB File No.</b>            | 2025-057  |
| <b>Plat Committee Meeting:</b> | May 27, 2025  |
| <b>Applicant / Owner:</b>      | Michael & Deborah Alpe  |
| <b>Surveyor:</b>               | Katie Kirsis / Seabright Survey & Design                                    |
| <b>General Location:</b>       | Mansfield Avenue; Fritz Creek Area  |
| <b>Parent Parcel No.:</b>      | 172-250-29  |
| <b>Legal Description:</b>      | Lot 2-A, Mansfield 1999 Subdivision, Plat HM 99-68, T05S, R12W, SEC23, S.M. |
| <b>Assessing Use:</b>          | Residential Dwelling  |
| <b>Zoning:</b>                 | Rural Unrestricted  |
| <b>Water / Wastewater</b>      | On-site   |
| <b>Exception Request</b>       | None Requested  |

*\*Approved Under The Consent Agenda*

**ITEM #3 - PRELIMINARY PLAT  
PEACEFUL ACRES JACKSON'S GARDEN NO. 2**

|                                |   |
|--------------------------------|---|
| <b>KPB File No.</b>            | 2025-064  |
| <b>Plat Committee Meeting:</b> | May 27, 2025  |
| <b>Applicant / Owner:</b>      | Harold & Bobbie Jackson   |
| <b>Surveyor:</b>               | Jerry Johnson / Johnson Surveying   |
| <b>General Location:</b>       | Johns Road, Liisia Dawn Street & Marty Lane; Kalifornsky Area   |
| <b>Parent Parcel No.:</b>      | 131-360-58  |
| <b>Legal Description:</b>      | Tract D1, Peaceful Acres Subdivision Jackson's Garden Replat, Plat KN 2006-112, T04N, R11W, SEC34, S.M. |
| <b>Assessing Use:</b>          | Lodge- Multiple Cabins  |
| <b>Zoning:</b>                 | Rural Unrestricted  |
| <b>Water / Wastewater</b>      | On-site   |
| <b>Exception Request</b>       | KPB 20.40 - Wastewater Review   |



Staff report given by Platting Manager Vince Piagentini.

Chair Gillham opened the item for public comment.

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

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

**MAIN MOTION:** Commissioner Whitney moved, seconded by Commissioner Morgan to grant preliminary approval to Peaceful Acres Jackson's Garden No. 2 based on staff recommendations and compliance to borough code and adopting and incorporating by reference the staff report and staff recommendations.

**EXCEPTION REQUEST:** Commissioner Whitney moved, seconded by Commissioner Venuti to grant the exception request to KPB 20.40 – Wastewater Disposal, citing findings 1-7 & 11 in support of standard one, findings 1, 2 & 9-11 in support of standard two and findings 1, 2, 10 & 11 in support of standard three.

Seeing and hearing no objection or discussion, the motion was carried by the following vote:

**EXCEPTION REQUEST MOTION PASSED BY UNANIMOUS VOTE**

|         |  |
|---------|--|
| Yes - 6 | England, Epperheimer, Gillham, Morgan, Whitney, Venuti |
|---------|--|

Seeing and hearing no objection or discussion, the motion was carried by the following vote:

**MAIN MOTION PASSED AS AMENDED BY UNANIMOUS VOTE**

|         |  |
|---------|--|
| Yes - 6 | England, Epperheimer, Gillham, Morgan, Whitney, Venuti |
|---------|--|

#### ITEM #5 - FINAL PLAT ST. THERESA SUBDIVISION MERKES ADDITION

|                                |   |
|--------------------------------|---|
| <b>KPB File No.</b>            | 2025-003  |
| <b>Plat Committee Meeting:</b> | May 27, 2025  |
| <b>Applicant / Owner:</b>      | ANDE, LLC   |
| <b>Surveyor:</b>               | Jerry Johnson / Johnson Surveying   |
| <b>General Location:</b>       | Steadman Street, Soldotna Area  |
| <b>Parent Parcel No.:</b>      | 063-580-71 & 063-580-80   |
| <b>Legal Description:</b>      | T05N, R09W, SEC20 S.M., Plat KN 2001074 St. Theresa Subdivision, Tract 1 & Plat KN 2018065 St. Theresa Subdivision #2, Tract 2B |

Staff report given by Platting Manager Vince Piagentini.

Chair Gillham opened the item for public comment.

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

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

**MOTION:** Commissioner Venuti moved, seconded by Commissioner Whitney to grant final approval to St. Theresa Subdivision Merkes Addition based on staff recommendations and compliance to borough code and adopting and incorporating by reference the staff report and staff recommendations.

Seeing and hearing no objection or discussion, the motion was carried by the following vote:

**MOTION PASSED AS AMENDED BY UNANIMOUS VOTE**

|         |  |
|---------|--|
| Yes - 6 | England, Epperheimer, Gillham, Morgan, Whitney, Venuti |
|---------|--|



**ITEM #5 - PRELIMINARY PLAT  
RIVER ACRES SUBDIVISION BLU RIVER ADDITION**

|                                |   |
|--------------------------------|---|
| <b>KPB File No.</b>            | 2025-067  |
| <b>Plat Committee Meeting:</b> | May 27, 2025  |
| <b>Applicant / Owner:</b>      | Bryon & Jennifer Jaymes   |
| <b>Surveyor:</b>               | Jason Young / Edge Survey & Design  |
| <b>General Location:</b>       | Kasilof River Area  |
| <b>Parent Parcel No.:</b>      | 133-120-02  |
| <b>Legal Description:</b>      | Tract B, River Acres Subdivision, Plat KN 2021-43, T03, R11W, SEC32, S.M. |
| <b>Assessing Use:</b>          | Residential Vacant  |
| <b>Zoning:</b>                 | Rural Unrestricted  |
| <b>Water / Wastewater</b>      | On-site   |
| <b>Exception Request</b>       | KPB 20.40.100 - Soils Analysis and Report                                 |

Staff report given by Platting Specialist Beverly Carpenter.

Chair Gillham opened the item for public comment.

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

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

**MAIN MOTION:** Commissioner Whitney moved, seconded by Commissioner Venuti to grant preliminary approval to River Acres Subdivision Blu River Addition based on staff recommendations and compliance to borough code and adopting and incorporating by reference the staff report and staff recommendations.

**EXCEPTION REQUEST:** Commissioner Whitney moved, seconded by Commissioner Venuti to grant the exception request to KPB 20.40.100 – Soils Analysis & Report, citing findings 1-3 & 8-11 in support of standard one, findings 1-8 & 11 in support of standard two and findings 1-5 & 11 in support standard three.

Seeing and hearing no objection or discussion, the motion was carried by the following vote:

**EXCEPTION REQUEST MOTION PASSED BY UNANIMOUS VOTE**

|         |  |
|---------|--|
| Yes - 6 | England, Epperheimer, Gillham, Morgan, Whitney, Venuti |
|---------|--|

Seeing and hearing no objection or discussion, the motion was carried by the following vote:

**MAIN MOTION PASSED AS AMENDED BY UNANIMOUS VOTE**

|         |  |
|---------|--|
| Yes - 6 | England, Epperheimer, Gillham, Morgan, Whitney, Venuti |
|---------|--|

**ITEM #6 - PRELIMINARY PLAT  
WHITCOMB SUBDIVISION ADDITION NUMBER 7**

|                                |  |
|--------------------------------|--|
| <b>KPB File No.</b>            | 2025-068   |
| <b>Plat Committee Meeting:</b> | May 27, 2025   |
| <b>Applicant / Owner:</b>      | Sarah Donchi & Rupert Scribner   |
| <b>Surveyor:</b>               | Jason Young / Edge Survey & Design   |
| <b>General Location:</b>       | Funny River Area   |
| <b>Parent Parcel No.:</b>      | 066-460-13   |
| <b>Legal Description:</b>      | T05N, R09W, SEC27 S.M., Plat KN 0830263 Whitcomb Subdivision Addition No. 4, Lot 3-A |
| <b>Assessing Use:</b>          | Residential  |
| <b>Zoning:</b>                 | Rural Unrestricted   |
| <b>Water / Wastewater</b>      | Onsite   |
| <b>Exception Request</b>       | KPB 20.30.190 – Lot Dimensions   |

Staff report given by **Platting Manager Vince Piagentini.**



Chair Gillham opened the item for public comment.

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

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

**MAIN MOTION:** Commissioner Venuti moved, seconded by Commissioner England to grant preliminary approval to Whitcomb Subdivision Addition No. 7 based on staff recommendations and compliance to borough code and adopting and incorporating by reference the staff report and staff recommendations.

**EXCEPTION REQUEST:** Commissioner Venuti moved, seconded by Commissioner Epperheimer to grant the exception request to KPB 20.30.190 – Lot Dimensions, citing findings 3 – 6 in support of standard one, findings 4, 5, & 7 in support of standard two and findings 8 – 10 in support of standard three.

Seeing and hearing no objection or discussion, the motion was carried by the following vote:

**EXCEPTION REQUEST MOTION PASSED BY UNANIMOUS VOTE**

|         |  |
|---------|--|
| Yes - 6 | England, Epperheimer, Gillham, Morgan, Whitney, Venuti |
|---------|--|

Seeing and hearing no objection or discussion, the motion was carried by the following vote:

**MAIN MOTION PASSED AS AMENDED BY UNANIMOUS VOTE**

|         |  |
|---------|--|
| Yes - 6 | England, Epperheimer, Gillham, Morgan, Whitney, Venuti |
|---------|--|

**ITEM #7 - PRELIMINARY PLAT  
THE RENAISSANCE PHASE TWO 2025 REPLAT**

|                                |  |
|--------------------------------|--|
| <b>KPB File No.</b>            | 2025-070                                 |
| <b>Plat Committee Meeting:</b> | May 27, 2025                             |
| <b>Applicant / Owner:</b>      | Salamatof Native Association Inc.        |
| <b>Surveyor:</b>               | Andrew Hamilton / McLane Consulting Inc. |
| <b>General Location:</b>       | Holt Lamplight Area                      |

|                           |  |
|---------------------------|--|
| <b>Parent Parcel No.:</b> | 013-122-40; 013-122-41; 013-122-42; 013-122-43; 013-122-44; 013-122-45; 013-122-46; 013-122-47; 013-122-48; 013-122-49 |
| <b>Legal Description:</b> | Lots 1-5, Block 6 & Lots 1-5, Block 7, The Renaissance Phase Two, Plat KN 2020-65, T07N, R11W, SEC 32, S.M.            |
| <b>Assessing Use:</b>     | Residential Vacant   |
| <b>Zoning:</b>            | Rural Unrestricted   |
| <b>Water / Wastewater</b> | Community Water & On-site Septic   |
| <b>Exception Request</b>  | KPB 20.30.200 – Minimum Lot Size   |

Staff report given by Platting Manager Vince Piagentini.

Chair Gillham opened the item for public comment.

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

**MAIN MOTION:** Commissioner England moved, seconded by Commissioner Whitney to grant preliminary approval to The Renaissance Phase Two 2025 Replat based on staff recommendations and compliance to borough code and adopting and incorporating by reference the staff report and staff recommendations.

**EXCEPTION REQUEST:** Commissioner England moved, seconded by Commissioner Whitney to grant the exception request to KPB 20.30.200 – Minimum Lot Size, citing findings 1, 2 & 5-8 in support of standard one, findings 1-3 in support of standard two and findings 2 & 4-9 in support of standard two.



Seeing and hearing no objection or discussion, the motion was carried by the following vote:

**EXCEPTION REQUEST MOTION PASSED BY UNANIMOUS VOTE**

|         |  |
|---------|--|
| Yes - 6 | England, Epperheimer, Gillham, Morgan, Whitney, Venuti |
|---------|--|

Seeing and hearing no objection or discussion, the motion was carried by the following vote:

**MAIN MOTION PASSED AS AMENDED BY UNANIMOUS VOTE**

|         |  |
|---------|--|
| Yes - 6 | England, Epperheimer, Gillham, Morgan, Whitney, Venuti |
|---------|--|

**ITEM #8 - PRELIMINARY PLAT  
MILLERS CROSSING SUBDIVISION PHASE 2**

|                                |   |
|--------------------------------|---|
| <b>KPB File No.</b>            | 2025-071  |
| <b>Plat Committee Meeting:</b> | May 27, 2025  |
| <b>Applicant / Owner:</b>      | Hall Building LLC   |
| <b>Surveyor:</b>               | Andrew Hamilton / McLane Consulting Inc.  |
| <b>General Location:</b>       | Near MP Two Miller Loop Road; Nikiski Area  |
| <b>Parent Parcel No.:</b>      | 015-161-36  |
| <b>Legal Description:</b>      | Tract A, Millers Crossing Subdivision Phase 1, Plat KN 2014-57, T07N, R12W, SEC36, S.M. |
| <b>Assessing Use:</b>          | Residential Vacant  |
| <b>Zoning:</b>                 | Rural Unrestricted  |
| <b>Water / Wastewater</b>      | On-site   |
| <b>Exception Request</b>       | None Requested  |

*\*Approved Under The Consent Agenda*

**G. ADJOURNMENT**

Commissioner Whitney moved to adjourn the meeting at 7:07 P.M.

\_\_\_\_\_  
Ann E. Shirnberg  
Administrative Assistant





June 9, 2025

## Plat Committee

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

**Jeremy Brantley, Chair**  
Sterling/Funny River  
Term Expires 2027

**Pamela Gillham, Vice Chair**  
Kalifornsky / Kaslof District  
Term Expires 2026

**Virginia Morgan**  
Cooper Landing / Hope  
Eastern Peninsula District  
Term Expires 2025

**Diane Fikes**  
City of Kenai  
Term Expires 2025

**Paul Whitney**  
City of Soldotna  
Term Expires 2027

**Franco Venuti**  
City of Homer  
Term Expires 2025

**Karina England**  
City of Seward  
Term Expires 2026

**Jeffrey Epperheimer**  
Nikiski District  
Term Expires 2026

**Dawson Slaughter**  
South Peninsula District  
Term Expires 2025

Staff has grouped the following plats located under **AGENDA ITEM C4 – Grouped Plats (AGENDA ITEM F - FINAL PLATS WILL NEED SEPARATE REVIEW)**. They are grouped as:

- A. The plats placed on the consent agenda are considered simple or non-controversial. They are generally lot splits, lot line adjustment, no exceptions or ones that received no public comments. The group plats on the consent agenda are as follows – 3 Plats

E1 Baringer 2025 Replat No 1  
E4 Butler- Church Subdivision No Galley Addition  
E5 Spruce Park Estates Subdivision Davis Addition No 2

**Staff recommends** the committee determine whether any members of the public, surveyors or committee members wish to speak to any of the plats in this **group (A)** and remove the specific plats from the group, voting on the remainder of plats in the group in a single action to grant preliminary approval to the plats subject to staff recommendations and the conditions noted in the individual staff reports.

- B. Plats needing specific actions or controversial - (public comments received, major staff concerns, exceptions required) – 2 Plats

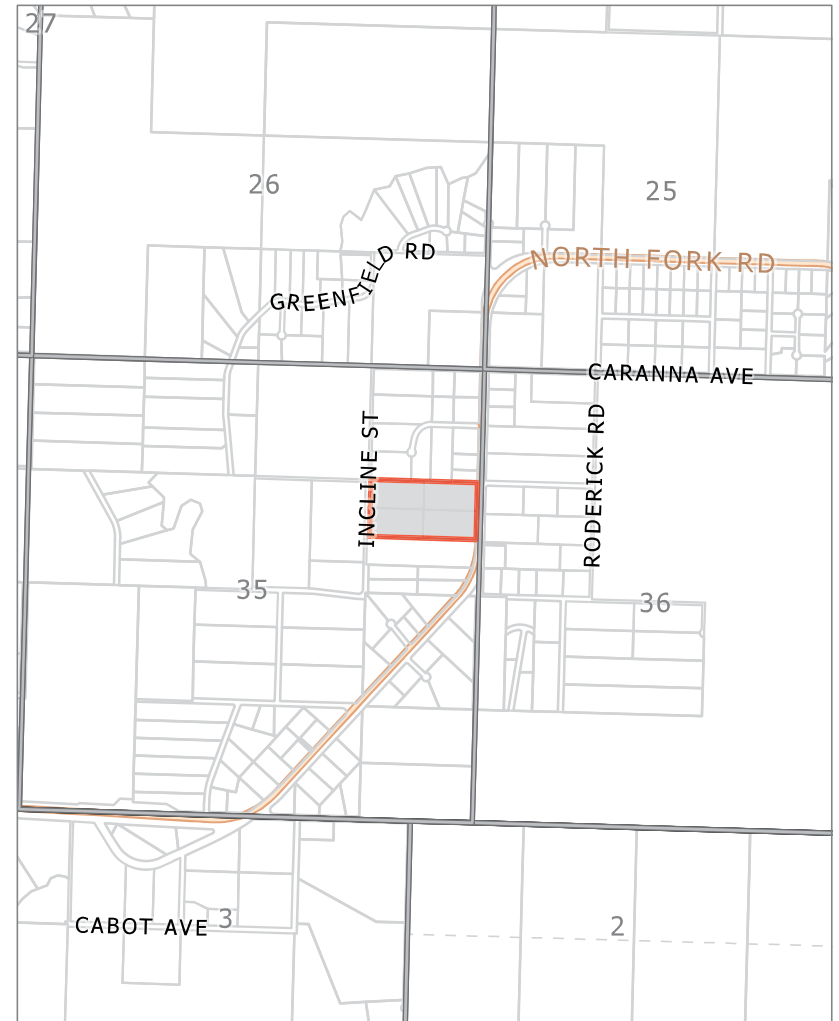
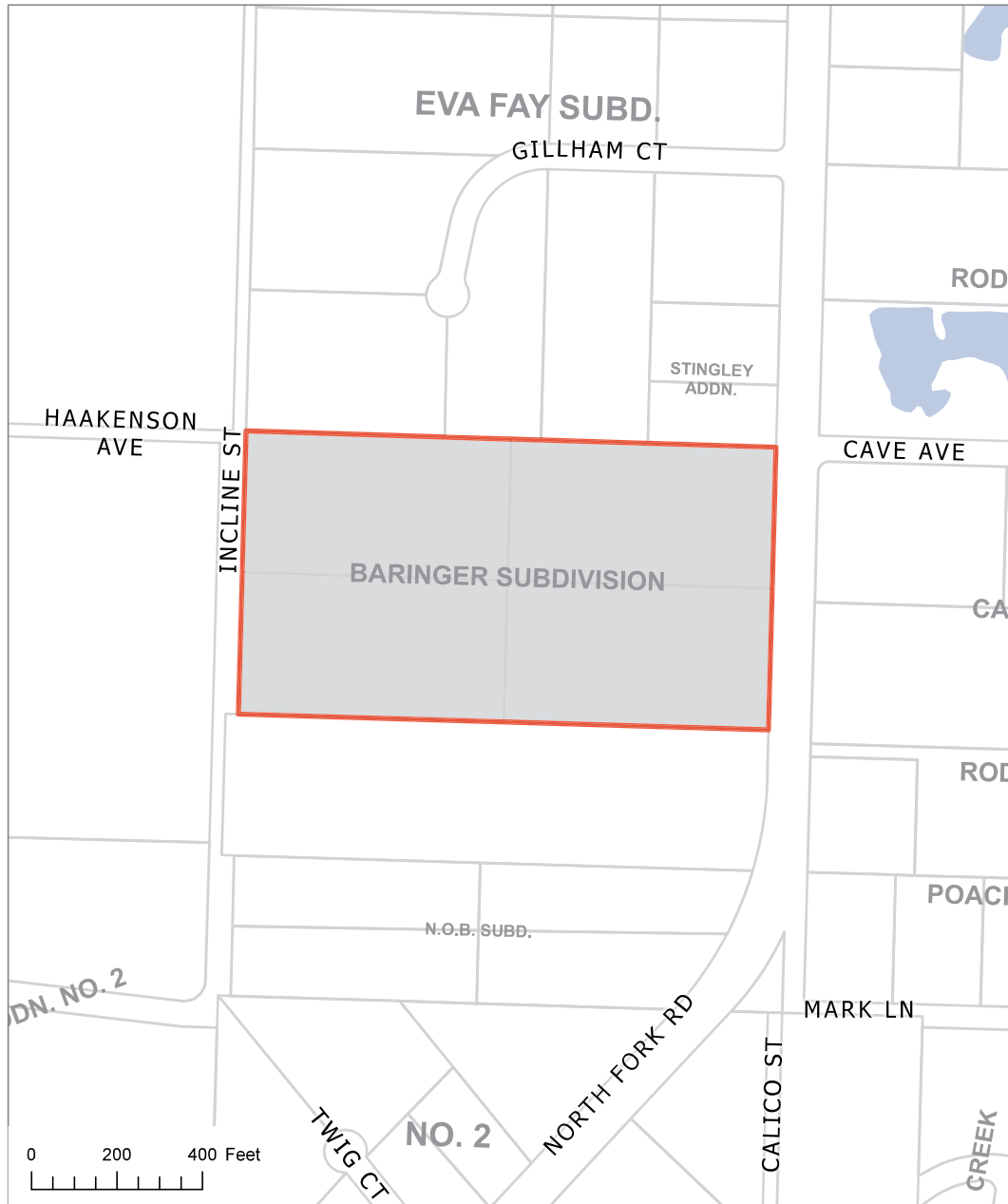
E3 Stormwater Works Tracts One  
E6 Swan View Subdivision 2025 Replat



## **E. NEW BUSINESS**

- 1. Baringer 2025 Replat No. 1; KPB File 2025-072**  
**Mullikin Surveys / Roderick**  
**Location: North Fork Road**  
**Anchor Point Area**





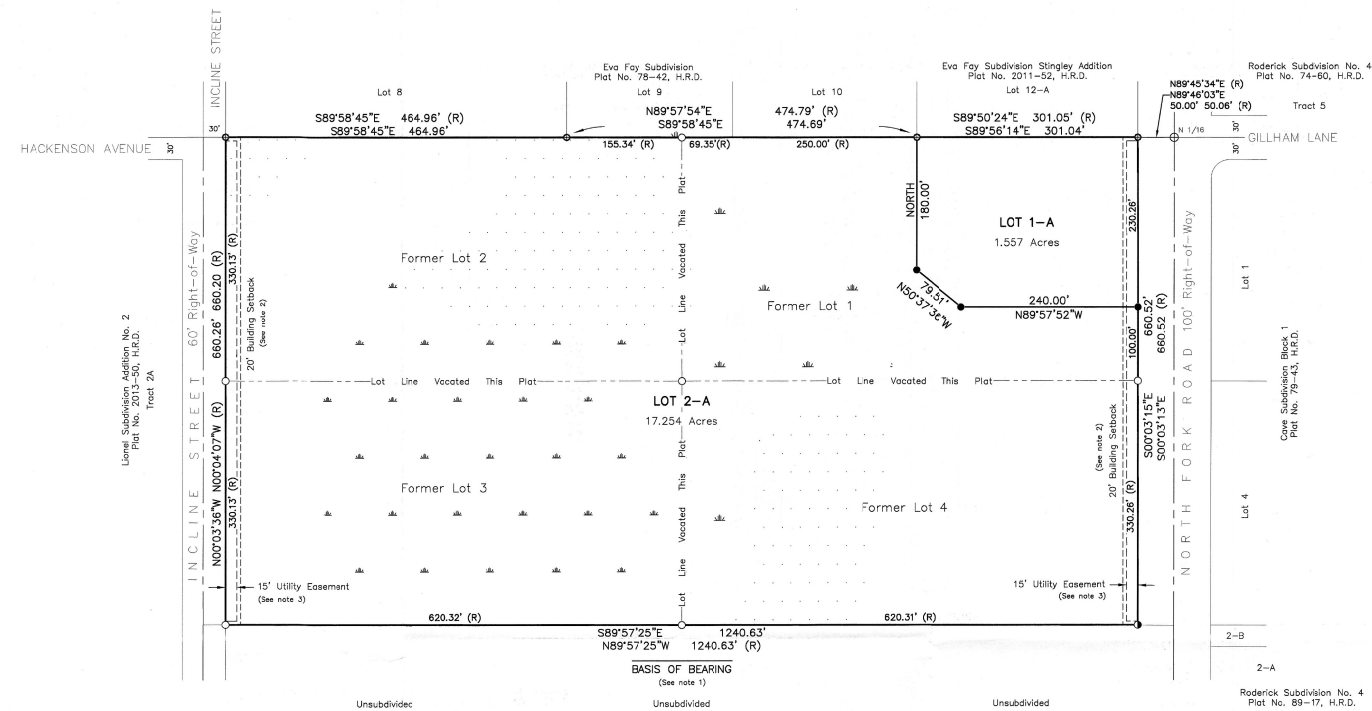
KPB File 2025-072  
T 4S R 15W Sec35  
Anchor Point





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.





- LEGEND**
- Found Brass Capped Monument, AK DOT 4469 S 2008
  - Found 2" Aluminum Cap on 5/8" Rebar, LS 10771 2019
  - Found 2" Aluminum Cap on 5/8" Rebar, LS 5780 2003
  - Found 5/8" Rebar
  - Set 2" Aluminum Cap on 5/8" x 30" Rebar, 14449-S 2025
  - (R) Record Measurements Per HM 2020-34, Baringer Subdivision
- Easement Line
- Setback Line
- Wetlands Area defined as Lakebed per the Kenai Watershed Forum (KWF)
- Wetlands Area defined as Discharge Slope per the Kenai Watershed Forum (KWF)
- Note: There are no areas over 20% grade per Kenai Peninsula Borough Terrain Viewer (Five Foot Contours)

- NOTES**
- The Basis of Bearing for this survey was determined by high precision GNSS survey using Trimble R10 survey grade receivers, differentially corrected and processed using Spectra Geospatial Survey Pro 6.8.1.7.
  - A building setback of 20 feet is required from all street rights-of-way unless a lesser standard is approved by resolution of the appropriate planning commission.
  - The front 15 feet of the 20 foot building setback and the entire setback within 5 feet of the side lot line is a utility easement.
  - HEA transmission line is the centerline of a 100 foot wide easement, 50 feet either side of the centerline. Location verified per HM2020-34.
  - 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.
  - No access to State maintained rights-of-way permitted unless approved by the State of Alaska Department of Transportation.
  - Wastewater Disposal: Lots which are at least 200,000 square feet in size may not be suitable for on-site wastewater treatment and disposal. Any wastewater treatment or disposal system must meet the regulatory requirements of the Alaska Department of Environmental Conservation.
  - Any person developing the property is responsible for obtaining all required local, state, and federal permits, including a U.S. Army Corps of Engineers wetlands determination, if applicable.
  - Acceptance of this plat by the Kenai Peninsula Borough does not indicate acceptance of any encroachments.

**SURVEYOR'S CERTIFICATE**

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

Date: \_\_\_\_\_

Registration No. 14449-S  
Christopher J. Mullikin  
Professional Land Surveyor

**GRAPHIC SCALE**

1 inch = 80 ft.



**BARINGER 2025 REPLAT NO. 1**

A PLAT AND SUBDIVISION OF LOTS 1 THROUGH 4, BARINGER SUBDIVISION, PLAT No. 2020-34, HOMER RECORDING DISTRICT, VACATING FORMER LOT LINES AND CREATING LOT 1-A AND LOT 2-A

LOCATED WITHIN THE N1/2, SE1/4, N1/4 OF SECTION 35, TOWNSHIP 4 SOUTH, RANGE 15 WEST, SEWARD MERIDIAN, THIRD JUDICIAL DISTRICT, KENAI PENINSULA BOROUGH, HOMER RECORDING DISTRICT, ALASKA.

CONTAINING 18.811 ACRES

| SURVEYOR  | CLIENT                           |
|---|----------------------------------|
| MULLIKIN SURVEYS LLC<br>CHRISTOPHER MULLIKIN, PLS<br>P.O. BOX 1023<br>HOMER, AK 99603 | PAUL RODERICK<br>HOMER, AK 99603 |
| SURVEY DATE: 4/##/2025  | SCALE: 1" = 80'                  |
| PLAY DATE: 4/24/2025  | BOOK No.: NA                     |
| CHECKED BY: CLM   | FILE: BARINGER REPLAT.dwg        |
| DRAWN BY: MRS   | KPB FILE No.: 2025-###           |

**CERTIFICATE OF OWNERSHIP AND DEDICATION**

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.

Paul Roderick  
Homer, AK 99603

**NOTARY'S ACKNOWLEDGMENT**

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

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

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

**PLAT APPROVAL**

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

Kenai Peninsula Borough Authorized Official

PRELIMINARY PLAT



AGENDA ITEM E. NEW BUSINESS

**ITEM #1 - PRELIMINARY PLAT  
BARINGER 2025 REPLAT NO. 1**

|                                |   |
|--------------------------------|---|
| <b>KPB File No.</b>            | 2025-072                                    |
| <b>Plat Committee Meeting:</b> | June 9, 2025                                |
| <b>Applicant / Owner:</b>      | Paul Roderick of Anchor Point, Alaska       |
| <b>Surveyor:</b>               | Christopher Mullikin; Mullikin Surveys, LLC |
| <b>General Location:</b>       | Near milepost 2 North Fork Road             |

|                           |   |
|---------------------------|---|
| <b>Parent Parcel No.:</b> | 165-162-76; 165-162-77; 165-162-78;165-162-79   |
| <b>Legal Description:</b> | Lots 1 through 4, Baringer Subdivision, Plat HM 2020-34, Township 4 South, Range 15 West, Section 35, Seward Meridian |
| <b>Assessing Use:</b>     | Lot 1: Residential Mobile Home<br>Lots 2-3: Residential Vacant<br>Lot 4: Residential Improved Land                    |
| <b>Zoning:</b>            | Rural Unrestricted  |
| <b>Water / Wastewater</b> | On-site / On-site   |
| <b>Exception Request</b>  | None Requested  |

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**STAFF REPORT**

**Specific Request / Scope of Subdivision:**

The proposed plat will redesign four lots totaling 18.811 acres each, into two lots of size 1.557 acres and 17.254 acres.

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

This plat is located near milepost 1.8 North Fork Road in Anchor Point giving legal access on the east. North Fork Road is a 100-foot-wide state-maintained road. The DOT has stated that any platting action voids any previous issued permits and land owners will need to reapply for driveway access permits to state roads. Incline Street provides legal access to proposed Lot 2-A on the west and is a 60-foot dedicated right-of-way currently unconstructed according to KPB GIS Imagery.

The plat is not proposing any dedications nor vacations

The block length is non-compliant. The block is generally defined by Gillham Court to the north, North Fork Road to the east, Twig Court to the south and Incline Street to the west, which none come back to connect to each other. Gillham Court and Twig Court both end in cul-de-sacs. Along state-maintained roads, block lengths shall be at least 800 feet long. Gillham Court is approximately 685.46 feet to the north and Twig Court is located approximately 1,535.57 feet to the south. There are existing structures located to the north and south on the proposed plat and wetlands are located centrally on the property. The parent plat (HM 2020-34) did not provide a dedication to satisfy block length requirements due to the adjacent cul-de-sacs, lakebed, discharge slope, and existing development. **Staff recommends** the plat committee concur that an exception to KPB 20.30.170 is not required due to the circumstances affecting this subdivision as noted.

KPB Records indicate there is a 66-foot Section Line Easement within the North Fork Road right-of-way. **Staff recommends** the surveyor verify the section line easement and depict it on the plat.

|                           |  |
|---------------------------|--|
| KPB Roads Dept RSA review | Out of Jurisdiction: No<br><br>Roads Director: Uhlin, Dil<br>Comments: No comments |
|---------------------------|--|



|                  |               |
|------------------|---------------|
| SOA DOT comments | No objections |
|------------------|---------------|

#### **Site Investigation:**

According to KPB GIS Imagery and KPB Assessing Records, a dwelling is located on former Lot 1 and a drive is located on former Lot 4. The structure will be located on proposed Lot 1-A. The drive will be located on proposed Lot 2-A. KPB GIS Imagery shows a portion of a structure may be encroaching into proposed Lot 2-A (former Lot 4) on the south. **Staff recommends** the surveyor confirm if the structure is located on the proposed lot and if so, report to affected land owners of the issue and extent and to staff the issue and extent and how it will be resolved.

The KPB GIS Terrain Layer shows minimal contours on the subject area with no grades exceeding 20%.

KWF Wetlands Assessment show wetlands located on the majority of the proposed plat identified as a Lakebed and Discharge Slope. The wetlands are included on the preliminary plat and the correct note has been denoted as plat note number 8.

The Surveyor requested a floodplain determination from the KPB River Center that reflects the KPB River Center Reviewer comments. The proposed plat is within a non-regulatory Flood Hazard Area with an undetermined flood risk: Zone D. **Staff recommends** the surveyor add the KPB 20.30.280(D) Flood Hazard Notice to the final plat and include the FEMA map panel 02122C-1895E.

The KPB River Center Reviewer has confirmed that this plat is not within a Habitat Protection District.

|                               |  |
|-------------------------------|--|
| KPB River Center review       | <p>A. Floodplain</p> <p>Reviewer: Hindman, Julie<br/>Floodplain Status: IS in flood hazard area<br/>Comments: Within a non-regulatory zone with an undetermined flood risk.<br/>Plat note needed, no depiction is required.</p> <p>Flood Zone: D<br/>Map Panel: 02122C-1895E<br/>In Floodway: False<br/>Floodway Panel:</p> <p>B. Habitat Protection</p> <p>Reviewer: Aldridge, Morgan<br/>Habitat Protection District Status: Is NOT within HPD<br/>Comments: No comments</p> |
| State of Alaska Fish and Game | No objections  |

#### **Staff Analysis**

Originally, the land was an aliquot part of the N1/2 SE1/4 NE1/4 of Section 35, Township 4 South, Range 15 West, Seward Meridian, Homer Recording District, Kenai Peninsula Borough, Alaska. In 2020, Baringer Subdivision (HM 2020-34) first subdivided the land into four lots. The proposed plat will reconfigure the four previous lots into two lots.

A soils report will be required and an engineer will sign the final plat for proposed Lot 1-A as the new lot is less than 200,000 sq ft (67,822.92 sq ft) per KPB 20.40. **Staff recommends** the surveyor include the proper Wastewater Disposal note to the final plat with reference to proposed Lot 1-A.



A soils report will not be required for proposed Lot 2-A as the new lot is greater than 200,000 sq ft (751,584.24) per KPB 20.40.030. The correct Wastewater Disposal note has been added to the preliminary plat as plat note number 7. **Staff suggests** the surveyor include reference to proposed Lot 2-A in the note.

Per the preliminary Certificate to Plat, beneficial interest holders do not affect the proposed plat. Notification per KPB 20.10.100 will not be required unless the final Certificate to Plat states the property is affected by beneficial interest holders.

The proposed plat is located within the Anchor Point APC which is currently inactive.

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

#### **Utility Easements**

The parent plat, Baringer Subdivision (HM 2020-34) included a depiction of a transmission easement on the west side North Fork Road. This easement is an HEA transmission line and is the centerline of a 100-foot-wide, 50-feet on either side of the centerline. This easement is denoted on the proposed plat as plat note number 4. **Staff recommends** that the surveyor include a depiction of the easement as referenced in the parent plat with a label referencing the plat note.

The parent plat granted a 15-foot utility easement within the 20-foot building setback, extending to 20-feet within 5 feet of the side lot lines adjacent to all rights-of-way. This easement has been carried forward to the proposed plat as plat note number 3 and depicted. **Staff recommends** the surveyor include the parent plat information in the plat note as required per KPB 20.60.160 (A). Depiction needs to be corrected at the sidelines as the utility easement is shown going to the front line instead of the building setback line within 5' of sidelines. At the joint lines of Lot 1-A and 2-A the 5' depiction is not shown. where former lines are being vacated, the 5' sideline utility easements still exist and should be shown.

As part of our routine notification process, the subdivision plat was emailed to the affected utility providers for review. **Staff recommends:** the surveyor work with the utility providers to accommodate their request, ensuring optimal use of the owner's land and maximum benefit for both the provider and the public.

#### **Utility provider review:**

|        |                   |
|--------|-------------------|
| HEA    | No Comments       |
| ENSTAR | No Response       |
| ACS    | No Objections     |
| GCI    | Approved as Shown |

#### **KPB department / agency review:**

|                   |  |
|-------------------|--|
| Addressing Review | <p>Reviewer: Leavitt, Rhealyn</p> <p>Affected Addresses:<br/>34340 NORTH FORK RD</p> <p>Existing Street Names are Correct: No</p> <p>List of Correct Street Names:<br/>HAAKENSON AVE, INCLINE ST, NORTH FORK RD, CAVE AVE</p> <p>Existing Street Name Corrections Needed:<br/>PER SN RES 1996-05 PLEASE CORRECT HACKENSON AVE TO HAAKENSON AVE, AND GILLHAM LN TO CAVE AVE.</p> <p>All New Street Names are Approved: No</p> |
|-------------------|--|



|                      |   |
|----------------------|---|
|                      | List of Approved Street Names:<br><br>List of Street Names Denied:<br><br>Comments:<br>34340 NORTH FORK RD WILL REMAIN WITH LOT 1-A   |
| Code Compliance      | Reviewer: Ogren, Eric<br>Comments: No comments  |
| LOZMS Review Planner | Reviewer: Raidmae, Ryan<br>There are not any Local Option Zoning District issues with this proposed plat.<br><br>Other Material Site Type<br>Material Site Comments:<br>Material Site Permit MS2003-003, expired on September 27, 2019. The site has been reclaimed and closed. |
| Assessing Review     | Reviewer: Windsor, Heather<br>Comments: No comment  |

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

In the Plat Approval, change the date to June 9, 2025

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**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:**

- Staff suggests including the entire parent plat name for consistency: Baringer Subdivision 2025 Replat No. 1
- Include the full mailing address for Paul Roderick: PO Box 377, Homer, AK 99603
- Modify the KPB File Number to 2025-072.

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

**Staff recommendation:**

- There appears to be a 66' SLE is located within North Fork Road. Please verify and depict and include a label on the plat.
- To the NE of the proposed plat: Gillham Lane should be Cave Avenue (SN Res 1996-05).
- To the NW of the proposed plat: Haakenson Avenue.
- Provide a note for North Fork Road, HM 85-35 Page 4 of 6.

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



**Staff recommendation:**

- Please include the entire name for North Fork Anchor River
- There appears to be a river on the vicinity map through sections 1 and 11-12 that do not coincide with imagery. Please verify and remove if needed.
- There appears to be a river connecting to the North Fork Anchor River in section 26 that does not coincide with KPB GIS records. Please verify and remove if needed.

- 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 limitations of reservations that could affect the subdivision;

**Staff recommendation:**

- Correct the utility easement line at the 5' side line to go from the 15' back to the 20' setback. Currently is shown as going from the front lot line to the 15' line.
- Add 5' utility easement at joint line of lot 1-A and 2-A
- Add 5' sideline easement where former lot lines were.

- F. The location, width and name of existing and platted streets and public ways, railroad rights-of-way, easements, and travel ways existing and proposed, within the subdivision;

**Staff recommendation:**

- Depict the Transmission Line as referenced in plat note number 4

- G. The status of adjacent lands within 100 feet of the proposed subdivision boundary or the land status across from any dedicated rights-of-way that adjoin the propose subdivision boundary, including names of subdivisions, lot lines, block numbers, lot numbers, rights-of-way; or an indication that the adjacent land is not subdivided;

**Staff recommendation:**

- Provide an "unsubdivided" label for the parcel to the northwest
- Correct the ROW name to "Haakenson Avenue" to the northwest
- Correct the ROW name to "Cave Avenue" to the northeast
- Include "Lot" in the labels for Lot 2-A and 2-B, HM 89-17 SE

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**KPB 20.30 – Subdivision Design Requirements**

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

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**KPB 20.40 – Wastewater Disposal**

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

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20.40.010 Wastewater disposal.

*Platting Staff Comments:*

**Staff recommendation:** comply with 20.40.

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**KPB 20.60 – Final Plat**

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

20.60.190. Certificates, statements, and signatures required. **Staff recommendation:** modify the Certificate of Ownership and Dedication to comply with KPB code.

\* Include the full mailing address for Paul Roderick: PO Box 377, Homer, AK 99603



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**RECOMMENDATION:**

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

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

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

**IN ACCORDANCE WITH KPB 2.40.080, ANY PERSON, AGENCY, OR CITY THAT PARTICIPATED AT THE PLAT COMMITTEE HEARING, EITHER BY WRITTEN OR ORAL PRESENTATION, MAY REQUEST THAT A DECISION OF THE PLAT COMMITTEE BE REVIEWED BY THE PLANNING COMMISSION BY FILING A WRITTEN REQUEST WITHIN 15 DAYS OF DATE OF DISTRIBUTION OF THE DECISION.**

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

**END OF STAFF REPORT**

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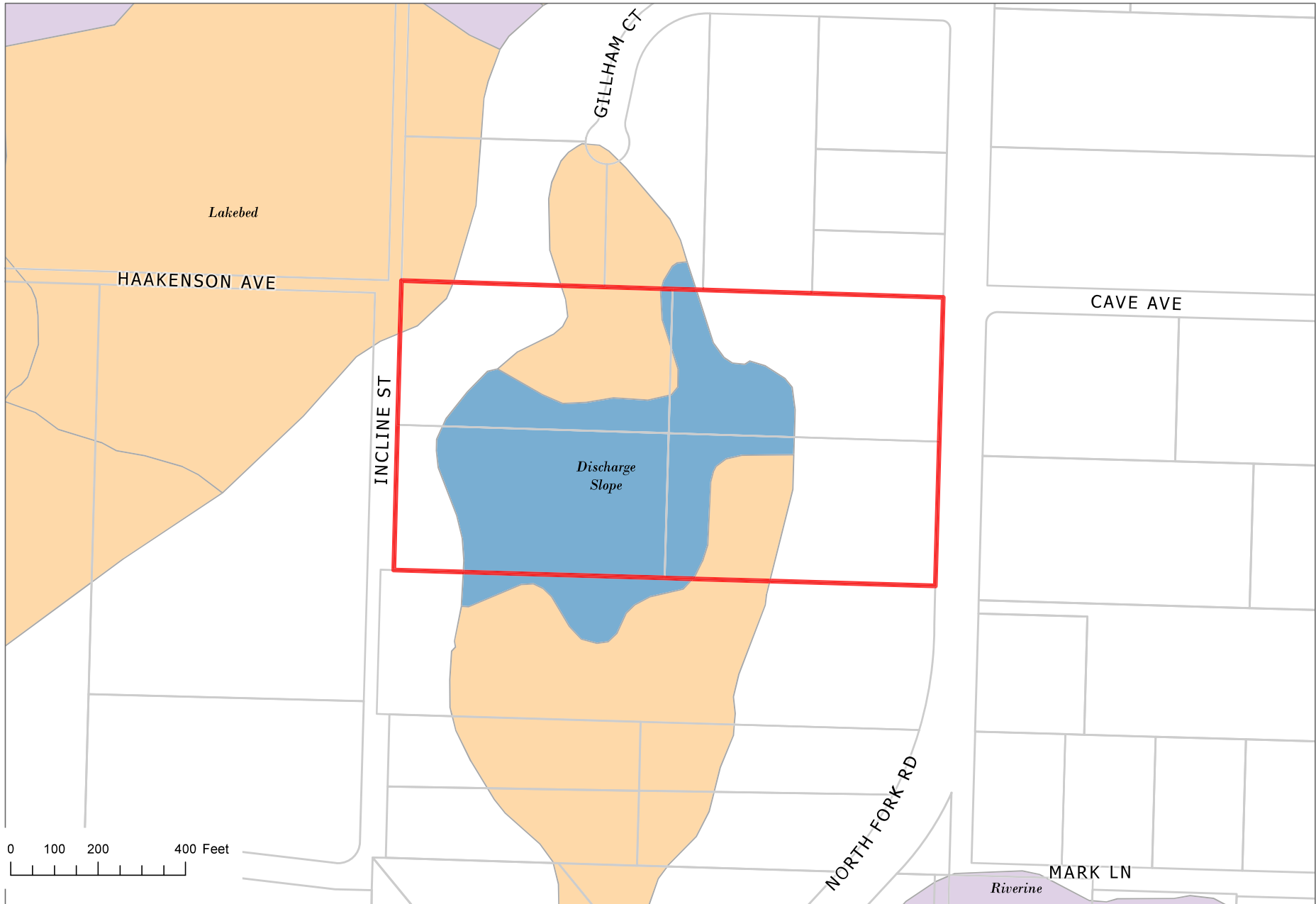


Aerial Map



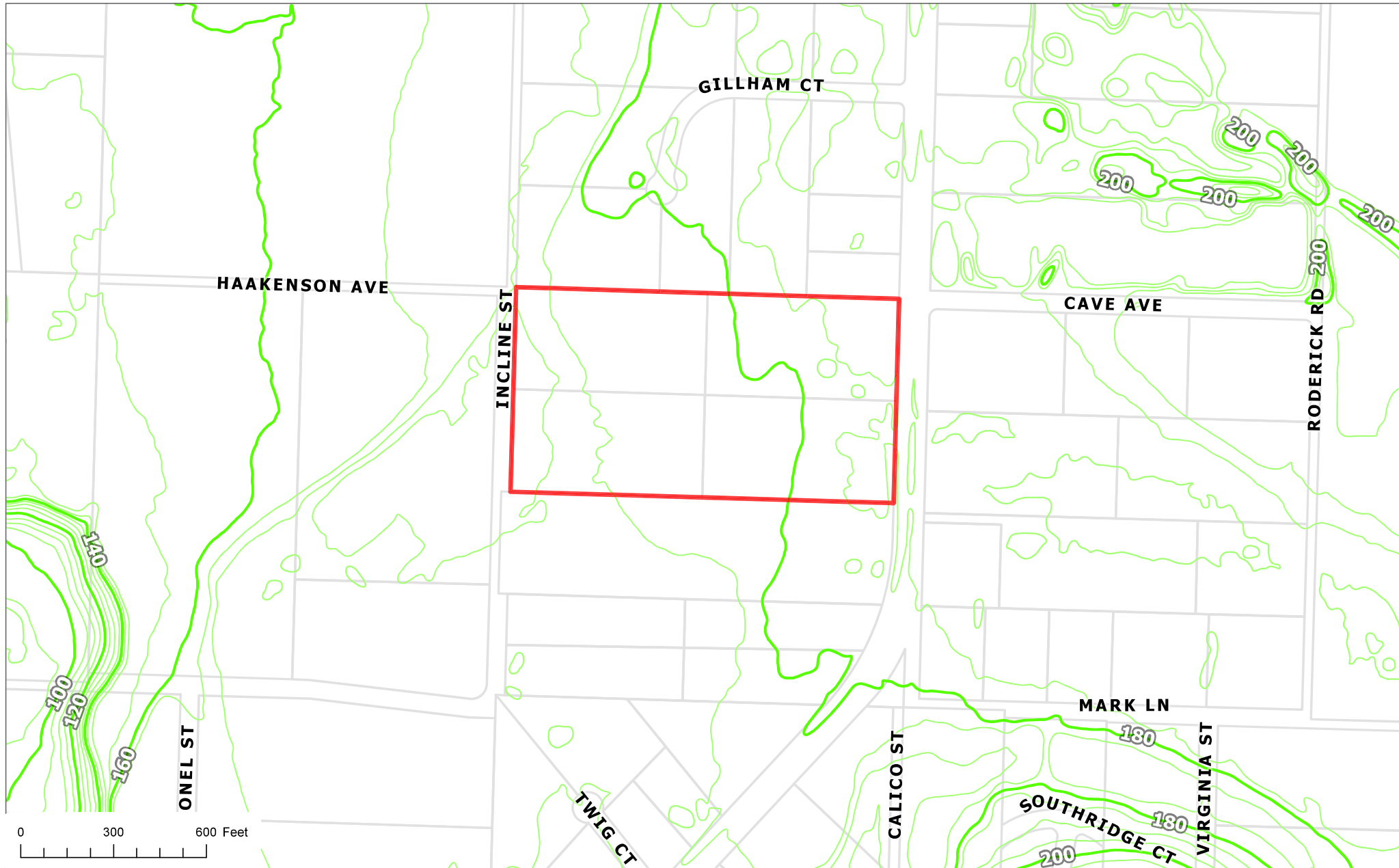
The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.





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





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



# NOTES:

1. A BUILDING SETBACK OF 20 FEET IS REQUIRED FROM ALL STREET RIGHTS OF WAY UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
2. THE FRONT 15 FEET OF THE 20 FOOT BUILDING SETBACK AND THE ENTIRE SETBACK WITHIN 5 FEET OF THE SIDE LOT LINES 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.
3. AN EXCEPTION TO K.P.B. 20.30.170 (BLOCK LENGTH) HAS BEEN GRANTED. MEETING DATE 7/15/2019
4. NO ACCESS TO STATE MAINTAINED RIGHTS OF WAY PERMITTED UNLESS APPROVED BY THE STATE OF ALASKA DEPARTMENT OF TRANSPORTATION.
5. HEA TRANSMISSION LINE IS THE CENTERLINE OF A 100' WIDE EASEMENT, 50' EITHER SIDE OF CENTERLINE. LOCATION VERIFIED BY INITIAL SURVEY.
6. ANY PERSON DEVELOPING THE PROPERTY IS RESPONSIBLE FOR OBTAINING ALL REQUIRED LOCAL, STATE, AND FEDERAL PERMITS, INCLUDING A U.S. ARMY CORPS OF ENGINEERS WETLAND DELINEATION, IF APPLICABLE.
7. BASIS OF BEARING IS THE RECORD BEARING BETWEEN THE N 1/16 CORNER SECTION 35 AND THE NE 1/16 CORNER SECTION 35, PER HM 78-42.

## PLAT APPROVAL:

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING DATED, July 15, 2019

KENAI PENINSULA BOROUGH

BY: Sarah A. King 10/6/20

AUTHORIZED OFFICIAL:

## WASTEWATER DISPOSAL:

LOTS WHICH ARE AT LEAST 200,000 SQUARE FEET OR NOMINAL 5 ACRES IN SIZE MAY NOT BE SUITABLE FOR ONSITE WASTEWATER TREATMENT AND DISPOSAL. ANY WASTEWATER TREATMENT OR DISPOSAL SYSTEM MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

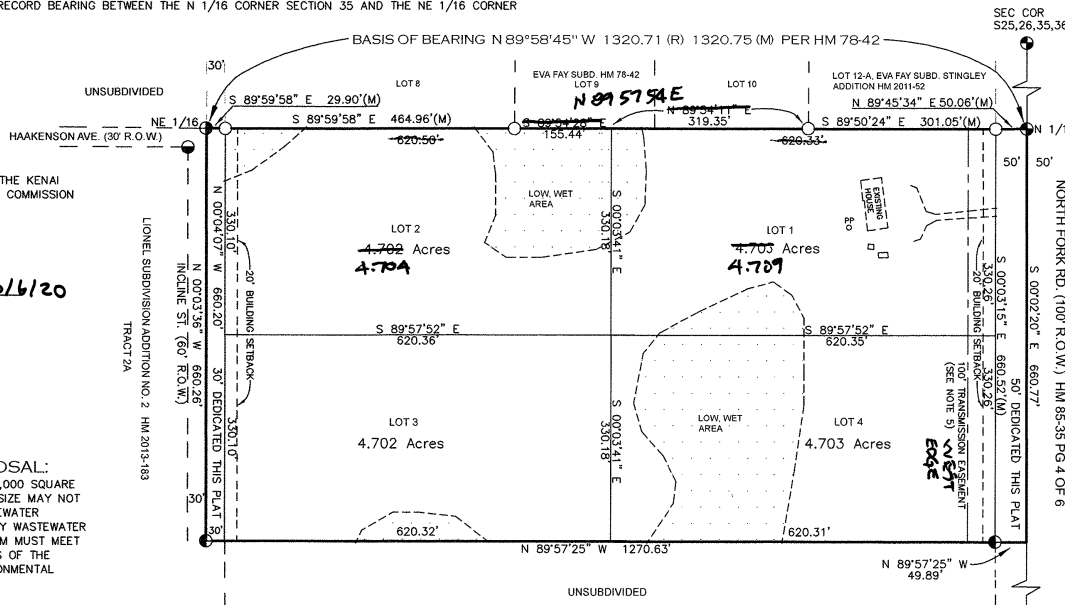
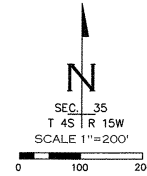
## CERTIFICATE OF ACCEPTANCE:

THE UNDERSIGNED OFFICIAL IDENTIFIED BY NAME AND TITLE IS AUTHORIZED TO ACCEPT AND HEREBY ACCEPTS ON BEHALF OF STATE OF ALASKA DEPARTMENT OF TRANSPORTATION FOR PUBLIC USES AND FOR PUBLIC PURPOSES THE REAL PROPERTY TO BE DEDICATED BY THIS PLAT INCLUDING EASEMENTS, RIGHTS-OF-WAY, ALLEYS, AND OTHER PUBLIC AREAS SHOWN ON THE PLAT IDENTIFIED AS FOLLOWS:

NORTH FORK ROAD

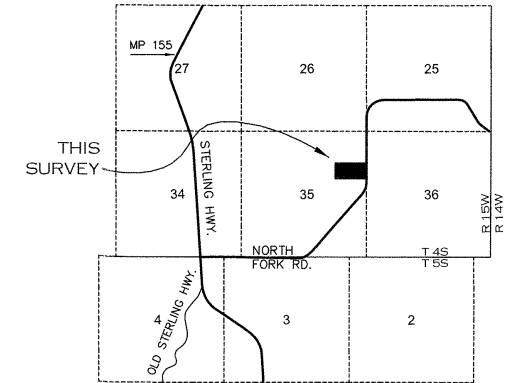
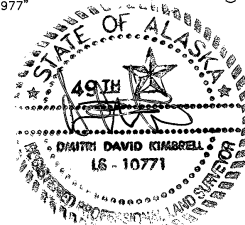
THE ACCEPTANCE OF LANDS FOR PUBLIC USE OR PUBLIC PURPOSE DOES NOT OBLIGATE THE PUBLIC OR ANY GOVERNING BODY TO CONSTRUCT, OPERATE, OR MAINTAIN IMPROVEMENTS.

BY: Randy D. Vanderwood DATE: 1/21/20  
RANDY D. VANDERWOOD P.E. CENTRAL REGION R.O.W. CHIEF



## LEGEND:

- ① FOUND 1 1/2" BRASS CAP MONUMENT "NE 1/16 SEC. 35 3686-S 1977"
- ⊖ FOUND 5/8" REBAR WITH PLASTIC CAP LS 11795 2013
- ⊖ FOUND 5/8" REBAR WITH 2" ALUMINUM CAP LS 5780 2003
- ⊖ BRASS CAP MONUMENT AK DOT 4469 S 2008
- ⊖ FOUND ALUMINUM MONUMENT (DISTURBED, NO CAP)
- FOUND 5/8" REBAR
- ⊖ SET 5/8" REBAR WITH 2" ALUMINUM CAP LS 10771 2019 AT ALL NEW CORNER LOCATIONS



VICINITY MAP SCALE 1" = 1 MILE

## CERTIFICATE OF OWNERSHIP:

I HEREBY CERTIFY THAT I AM THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREIN AND THAT I HEREBY ADOPT THIS SUBDIVISION PLAN AND BY MY FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

Nikki Baringer

NIKKI BARINGER  
PO BOX 70  
ANCHOR POINT, AK 99556

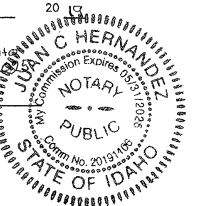
## NOTARY'S ACKNOWLEDGEMENT:

FOR: NIKKI BARINGER

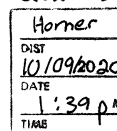
ACKNOWLEDGED BEFORE ME THIS 9  
DAY OF December 20 19

NOTARY PUBLIC FOR ALASKA EDNA H. HARRIS  
MY COMMISSION EXPIRES 05-31-2020

Juan C. Hernandez



2020-34



## SURVEYORS CERTIFICATE:

I HEREBY CERTIFY THAT I AM PROPERLY REGISTERED AND LICENSED TO PRACTICE LAND SURVEYING IN THE STATE OF ALASKA, AND THAT THE PLAT REPRESENTS A SURVEY MADE BY ME, AND THAT THE MONUMENTS SHOWN HEREON ACTUALLY EXIST AS DESCRIBED, AND THAT ALL DIMENSIONS AND OTHER DETAILS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

## BARINGER SUBDIVISION,

K.P.B. FILE # 2019-071  
A SUBDIVISION OF THE N 1/2 SE 1/4 NE 1/4, SECTION 35, TOWNSHIP 4 SOUTH, RANGE 15 WEST, SEWARD MERIDIAN, KENAI PENINSULA BOROUGH, ALASKA. HOMER RECORDING DISTRICT. containing 20.027 acres.  
OWNER: NIKKI BARINGER  
P.O. BOX 70 ANCHOR POINT, AK. 99556

## FINELINE SURVEYS

P.O. Box 774  
ANCHOR POINT, ALASKA 99556  
DMITRI D. KIMBRELL, RLS (907) 360 6382

SCALE: 1"=200' DATE: 11/1/2019



*boundary and lot closure computations be provided with the paper final plat.*

20.60.170. Other data required by law.

B. Private covenants and restrictions of record in effect at the time the final plat is approved shall be referenced on the plat.

*Surveyor's Comments: Regarding covenants, this minor lot line adjustment is only shifting area from one lot to another to accommodate existing buildings and should not be a violation of covenants.*

*Platting Staff Comments: Per the covenants, conditions and restrictions, as recorded in Bk. 592 Pg. 937 KRD, under item 2.c, the subject lots 'shall not be reduced in size by resubdivision'. This plat will be reducing the size of Lot 10 from 3.080 Acres to 2.867 Acres.*

**Staff recommends** a plat note be provided for the private restrictive covenants recorded in Bk. 592 Pg. 937 KRD.

*The borough will not enforce private covenants, easements, or deed restrictions per KPB 21.44.080.*

20.60.190. Certificates, statements, and signatures required.

*Platting Staff Comments: **Staff recommends** compliance with 20.60.190.*

20.60.200. Survey and monumentation.

*Platting Staff Comments:*

- Show the survey marker for all set property corners.
- Remove any extraneous survey markers on the former lot line.
- Provide a tie measurement from the subdivision boundary to the aliquot subdivision corners (1/4 corner and/or 1/16 corner).

**Staff recommends** compliance with 20.60.200.

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

- **GRANT APPROVAL OF THE PRELIMINARY PLAT SUBJECT TO ANY ABOVE 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 10 DAYS OF NOTIFICATION OF THE DECISION IN ACCORDANCE WITH KPB 2.40.080.**

END OF STAFF REPORT

***\*Approved with the adoption of the grouped agenda.***

B. Plats needing specific actions or controversial - (public comments received, major staff concerns, exceptions required) – 5 Plats

#### **AGENDA ITEM E. SUBDIVISION PLAT PUBLIC HEARINGS**

##### **1. Baringer Subdivision**



KPB File No. 2019-071; FineLine Surveys/Baringer

Staff Report given by Scott Huff

Plat Committee Meeting: 7/15/19

|                          |                                       |
|--------------------------|---------------------------------------|
| Location:                | off the North Fork Road, Anchor Point |
| Proposed Use:            | Residential                           |
| Water/Sewer:             | On-site                               |
| Zoning:                  | Unrestricted                          |
| Assessing Use:           | Residential                           |
| Parent Parcel Number(s): | 165-162-30                            |

**Supporting Information:**

The proposed plat subdivides an approximate 19.2-acre parcel into four lots containing 4.7 acres each. A soils report is not required. This platting action is providing a 30-foot right-of-way dedication for a match for Incline Street. Lot 2 and Lot 3 front Incline Street; the subdivision fronts the paved State maintained North Fork Road.

The flags for Lot 2 and Lot 3 are out of compliance with KPB 20.30.190. The surveyor advised staff he would provide a revised preliminary. A new submittal had not been received when the staff report was prepared.

Notice of the proposed plat was mailed to the beneficial interest holder on June 17, 2019. 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.

Anchor Point Advisory Planning Commission minutes were not available when the staff report was prepared (KPB 21.02.020). These will be provided with the desk packet if available.

**Staff recommends** that notes be placed on the final plat indicating any exceptions granted by the Plat Committee with the meeting date.

**Exception Requested:** KPB 20.30.170 – Block Length

**Staff Discussion:** The block is generally defined by the North Fork Road, Ester Avenue, Lionel Street, Mark Lane, Incline Street, and Caranna Avenue. The east/west block is approximately 1,300 feet long. The north/south block is approximately 4,400 feet long.

The shape of this block appears to be based on two adjacent cul-de-sacs, lakebed, discharge slope, and existing development. Although the block is longer than allowed by KPB Code, it is a platted, looped access. A right-of-way through the proposed subdivision would shorten the block and provide a second platted looped access.

It appears right-of-way may not be able to be dedicated along the northern boundary of the subdivision due to an existing residential structure.

**Findings**

1. The block is generally defined by the North Fork Road, Ester Avenue, Lionel Street, Mark Lane, Incline Street, and Caranna Avenue.
2. The block is a platted, looped access.
3. Low wet areas within the subdivision have been shown and labeled.
4. Per Kenai Watershed Forum 2013 Cook Inlet Wetlands Mapping, the proposed subdivision may be affected by discharge slope and lakebed.
5. Per National Wetlands Inventory, the proposed subdivision may be affected by freshwater



- forested/shrub wetland.
6. The proposed subdivision is providing a 30-foot matching right-of-way for Incline Street per KPB 20.30.030, 20.30.110, and 20.30.120.
7. Lots to the north have access off KPB maintained Gillham Court and/or paved State maintained North Fork Road.
8. Tract 2A to the west has access off Incline Street.
9. The 10-acre parcel to the south has access off the North Fork Road and Incline Street.
10. The block has two cul-de-sacs (Gillham Court and Twig Court).
11. Adjoining and adjacent lots/tracts front existing constructed and/or maintained rights-of-way.
12. No adjoining or adjacent lots/tracts will be denied access.

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

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

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

1. That special circumstances or conditions affecting the property have been shown by application;  
**Findings 1-12 appear to support this standard.**
2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title;  
**Findings 1-12 appear to support this standard.**
3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.  
**Findings 2 and 6-12 appear to support this standard.**

#### **KPB 20.25.070 - Form and contents required.**

Platting staff comments: Additional information is provided for the following portions of 20.25.070 or additional information, revision or corrections are required

- 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;
  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;  
*Platting Staff Comments: Staff recommends to verify the parent parcel information in the Certificate to Plat with the Title Company, and if necessary, the State of Alaska DOT. It appears that this parcel is subject to the North Fork Road right of way. If so, then the legal description should exclude the North Fork Road right of way. If North Ford Road is an easement, then the boundary of the subdivision will need to be updated and a dedication will be required for the North Fork Road. State of Alaska DOT will be required to sign a certificate of acceptance.*
- 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;

*Platting Staff Comments: Staff recommends the ROW map be noted for North Fork Road, HM 85-35 Pg. 4 of 6.*

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

*Platting Staff Comments: Staff recommends the label to the northeast be corrected.*

- H. Approximate locations 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;

*Platting Staff Comments: The low wet areas have been shown and labeled.*

**Staff recommends** a note be placed on the final plat indicating any person developing the property is responsible for obtaining all required local, state, and federal permits, including a U.S. Army Corps of Engineers wetland determination, if applicable.

#### KPB Department/Agency Review Comments

- KPB Addressing/Street Name Review:
  - 34340 North Fork Rd - will be retained on Lot 1
  - Existing street names are correct.
- KPB Planner:
  - There are not any Local Option Zoning District issues with this proposed plat.
  - Conditional Land Use Permit CLUP Resolution Number: 2003-15 CLUP Approval Date: 10/22/2004. See attachments
    - *Platting Staff Comments: A letter was mailed to the owner stating the proposed subdivision was inconsistent with the operation of a material site. Instructions for terminating the conditional land use permit were provided. The conditional land use permit will expire on October 21, 2019.*
- KPB Roads Department: No comments.
- State Department of Fish & Game: Not available when the staff report was prepared.
- State Division of Mining, Land & Water: No comment.
- State Parks: No comments.

#### **KPB 20.30 Design Requirements**

Platting staff comments: Additional information is provided for the following portions of 20.30 or additional information, revision or corrections are required

##### 20.30.030. Proposed street layout-Requirements.

- C. Preliminary plats fronting state maintained roads will be submitted by the planning department to the State of Alaska Department of Transportation and Public Facilities (DOT) for its review and comments.

*State Department of Transportation Comments: The ROW for North Fork Road / North Anchor River Road is per ROW map, plat 85-35 sheet 4 of 6.*

*Platting Staff Comments: Right of Way Map MA-21036, Record of Survey (HM 2003-03), and HM 74-1960 to the east show the North Fork Road is 100 feet wide adjoining the proposed subdivision; however, the subject property has not been previously subdivided. The subdivision to the east dedicated 50 feet for the North Fork Road. Staff was unable to find the source of the 50-foot dedication adjoining the proposed subdivision.*

**Staff recommends** to verify the status of North Fork Road with the title company and State of Alaska DOT. If North Ford Road is a fee simple right of way, then the parent parcel in the Certificate to Plat will need to be updated. If North Fork Road is an easement, then the parent parcel boundary will need to be updated,



a 50-foot right of way will need to be dedicated and the State of Alaska DOT will be required to sign a certificate of Acceptance. Contact Louise Hooyer at DOT to verify the status of North Fork Road right of way.

**20.30.060. Easements-Requirements.**

- C. The subdivider bears the responsibility for coordination with the utility companies during the design and development phases. When a subdivider and the utility company cannot agree on easements, the final plat will be taken to the planning commission for determination of easements.

*Platting Staff Comments: ENSTAR submitted a statement of no comments.*

*Homer Electric Association requested the easement centered on the transmission line be shown and labeled. It appears 50 feet of the 100-foot wide easement extends into the subject plat.*

**Staff recommends compliance with 20.30.060.**

**20.30.110. Half streets.**

- A. Half streets shall generally not be allowed except where one of the following circumstances applies:
1. The street is identified on the borough road plan as an arterial;
  2. The street is a logical extension of an existing street; or
  3. The remaining half street can reasonably be expected to be dedicated.

- B. When a design change required as a condition of preliminary approval results in a half right-of-way that was not shown on the original preliminary plat, adjoining to the new half right-of-way are parties of record and will be sent a copy of the plat committee minutes and a sketch showing the new half right-of-way. Pursuant to KPB 2.40.080 review of the plat committee decision by the planning commission may be requested by parties of record.

*Platting Staff Comments: If the Committee denies the exception to block length, and the decision is made to dedicate a 30-foot half right-of-way along the southern boundary, the owner of the 10-acre parcel to the south will need to be notified per KPB 20.30.100.*

**20.30.120. Streets-Width requirements.**

- A. The minimum right-of-way width of streets shall be 60 feet.

*Platting Staff Comments: This platting action is bringing Incline Street into compliance with KPB 20.30.120.*

**20.30.160. Streets-Name requirements. Streets shall be named to conform to KPB Chapter 14.10**

*Platting Staff Comments: If the exception to block length is denied and new right-of-way is required to be dedicated, **staff recommends compliance with KPB 20.30.160.***

**20.30.190. Lots-Dimensions.**

- 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.

*Platting Staff Comments: The width of each flag is 10 feet, and both flags are 635 feet long. Per the submittal, the subdivision is not subject to slopes greater than 20 percent. The flags cross low wet areas. In response to an email from staff, the surveyor said he would provide a revised plat.*

**Staff recommends compliance with KPB 20.30.190.**

**20.30.240. Building setbacks.**

- B. The setback shall be graphically depicted and labeled on the lots; if such depiction will interfere with the legibility of the plat, a typical lot showing the depiction and label may be provided on the plat, clearly indicating that the typical setback applies to all lots created by the plat.

*Platting Staff Comments: **Staff recommends compliance with KPB 20.30.240.***



20.30.280. Floodplain requirements.

*Platting Staff Comments: Per River Center review, the plat is not affected by a mapped flood hazard zone.*

20.30.290. Anadromous habitat protection district.

*Per River Center review, the subdivision is not affected by the Anadromous Habitat Protection District.*

*Per KPB GIS mapping, no anadromous streams flow through the subdivision.*

#### **KPB 20.60 – Final Plat**

Platting staff comments: Additional information is provided for the following portions of 20.60 or additional information, revision or corrections are required:

20.60.020. Filing-Form and number of copies required. The subdivider shall file a standard number of prints as determined by the planning director. All prints shall be folded as required by KPB 20.25.030 except those to be recorded with the district recorder.

*Platting Staff Comments: **Staff recommends** one full-sized paper copy of the plat be submitted for final review prior to submittal of the mylar. Electronic submittals are not acceptable for final reviews.*

20.60.030. Certificate of borough finance department required.

*Platting Staff Comments: All taxes and special assessments levied on the property within the subdivision shall be paid prior to recordation of the final plat. If approval is sought between January 1 and the tax due date, there shall be on deposit with the borough finance department an amount sufficient to pay the entire estimated real property tax for the current year. Additionally, the entire balance, or estimated balance of all special assessments or pending special assessments, as provided in KPB 5.35.070(8) and KPB 14.31.080(8), against the property owed to the borough must be paid in full prior to filing of the final plat. Prior to filing of the final plat, a certificate to this effect shall be provided by the borough finance director or [HIS] designee upon request by the planning director. Estimated tax payments shall be applied to the actual bill as of July 1 or such earlier date as the taxes due have been determined.*

*Per KPB GIS mapping, the proposed subdivision is not within a special assessment district.*

**Staff recommends** compliance with 20.60.030.

20.60.110. Dimensional data required.

- A. The bearing and length of every lot line, block line, and boundary line shall be shown. Dimensions of lots shall be given as net dimensions to the boundaries of adjoining streets and shall be shown in feet. No ditto marks shall be used. Information shall be shown for all curves, including radius, central angle, arc length, chord length and chord bearing. The initial point of survey shall be shown and labeled.

*Platting Staff Comments: **Staff recommends** to provide sub distances between found survey markers on the north boundary. **Staff recommends** compliance with 20.60.110.*

20.60.120. Accuracy of measurements. All linear measurements shall be shown to the nearest 1/10 foot, and angular measurements shall be at least to the nearest minute. All lot areas shall be shown to the nearest 10 square feet or to the nearest 1/1,000 of total acres. Meander lines, dry land areas and submerged land areas shall be shown in addition to total area when applicable. All boundary closures shall be to a minimum accuracy of 1:5,000. Boundary and lot closure computations must be submitted with the final plat.

*Platting Staff Comments: KPB GIS will verify closure complies with 20.60.120. **Staff recommends** boundary and lot closure computations be provided with the paper final plat.*

20.60.130. Boundary of subdivision. The boundary of the subdivision shall be designated by a wider border and shall not interfere with the legibility of figures or other data.

*Platting Staff Comments: **Staff recommends** the boundary of the subdivision be moved to the centerline*



*of Incline Street.*

20.60.190. Certificates, statements, and signatures required.

*Platting Staff Comments: If a right of way is dedicated for North Fork Road, then the State of Alaska DOT will be required to sign a certificate of acceptance. **Staff recommends** compliance with 20.60.190.*

20.60.200. Survey and monumentation.

*Platting Staff Comments:*

- *Show the sectional information for the found survey markers (1/4 Cor., N1/16 Cor., Sec. Cor.).*

**Staff recommends** compliance with 20.60.200.

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

- **GRANT APPROVAL OF THE PRELIMINARY PLAT SUBJECT TO ANY ABOVE 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 10 DAYS OF NOTIFICATION OF THE DECISION IN ACCORDANCE WITH KPB 2.40.080.**

**END OF STAFF REPORT**

Mr. Huff added that minutes from the Advisory Planning Commission were in the desk packet. They recommended approval.

Chairman Carluccio opened the meeting for public comment. Seeing and hearing no one wishing to comment, public comment was closed and discussion was opened among the committee.

**MOTION:** Commissioner Whitney moved, seconded by Commissioner Morgan, to approve the preliminary plat for Baringer Subdivision based on staff recommendations and compliance with borough code.

**AMENDMENT MOTION:** Commissioner Whitney moved, seconded by Commissioner Morgan, to approve the exception requested, KPB 20.30.170 – Block Length, citing staff report findings 1 through 12 in support of standards 1 and 2, and findings 2 and 6 through 12 in support of standard 3.

**AMENDMENT MOTION PASSED:** Seeing and hearing no discussion or objection, the motion passed by unanimous consent.

**MOTION PASSED:** Seeing and hearing no discussion or objection, the motion passed by unanimous consent.

**AGENDA ITEM E. SUBDIVISION PLAT PUBLIC HEARINGS**

2. Northern Enterprises No. 3  
KPB File No. 2019-075; Ability Surveys/Northern Enterprises Boat Yard, Inc. and  
Kenneth & Roseleen Moore Alaska Community Property Trust





## KENAI PENINSULA BOROUGH PLANNING COMMISSION NOTICE OF SUBDIVISION/REPLAT

Public notice is hereby given that a preliminary plat was received on 5/7/2025 proposing to subdivide or replat property. You are being sent this notice because you are within 300 feet of the proposed subdivision, or a beneficial interest holder, and are invited to comment. *If you are an owner adjacent to a half right-of-way being dedicated, please be aware that you may be required to match the dedication if your property is subdivided in the future.*

Proposed plat under consideration is described as follows:

Request / Affected Property: This subdivision will combine four lots into two lots.

KPB File No. 2025-072

Petitioner(s) / Land Owner(s): Paul Roderick of Homer, AK

The location of the proposed plat is provided on the attached map. A preliminary plat showing the proposed subdivision may be viewed at the Planning Department. Subdivision reviews are conducted in accordance with KPB Subdivision Ordinance. A copy of the Ordinance is available from the Planning Department. ***Comments should be guided by the requirements of that Ordinance.***

Public hearing will be held by the Kenai Peninsula Borough Plat Committee or Planning Commission on **Monday, June 9, 2025**, commencing at **6:30 pm**, or as soon thereafter as business permits. The meeting is being held in person at the Betty J. Glick Assembly Chambers of the Kenai Peninsula Borough George A. Navarre Administration Building, 144 N. Binkley Street, Soldotna, Alaska. This meeting will also be held via Zoom, or other audio or video conferencing means whenever technically feasible.

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

Anyone wishing to testify may attend the meeting in person or through Zoom. Written testimony may be submitted by email to [planning@kpb.us](mailto:planning@kpb.us), or mailed to the attention of Beverly Carpenter, Kenai Peninsula Borough Planning Department, 144 N. Binkley Street, Soldotna, Alaska 99669. [Written comments may also be sent by Fax to 907-714-2378]. All written comments or documents must be submitted by **1:00 PM, Friday, June 6, 2025**. The deadline to submit written comments or documents does not impact the ability to provide verbal testimony at the public hearing.

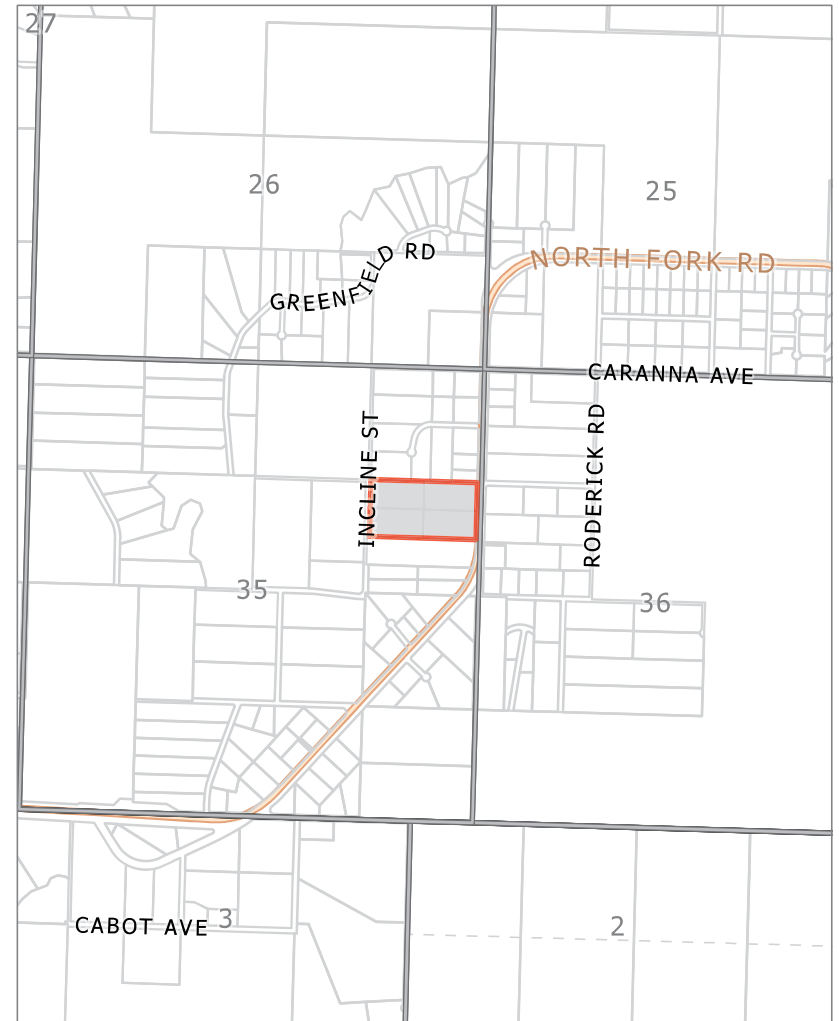
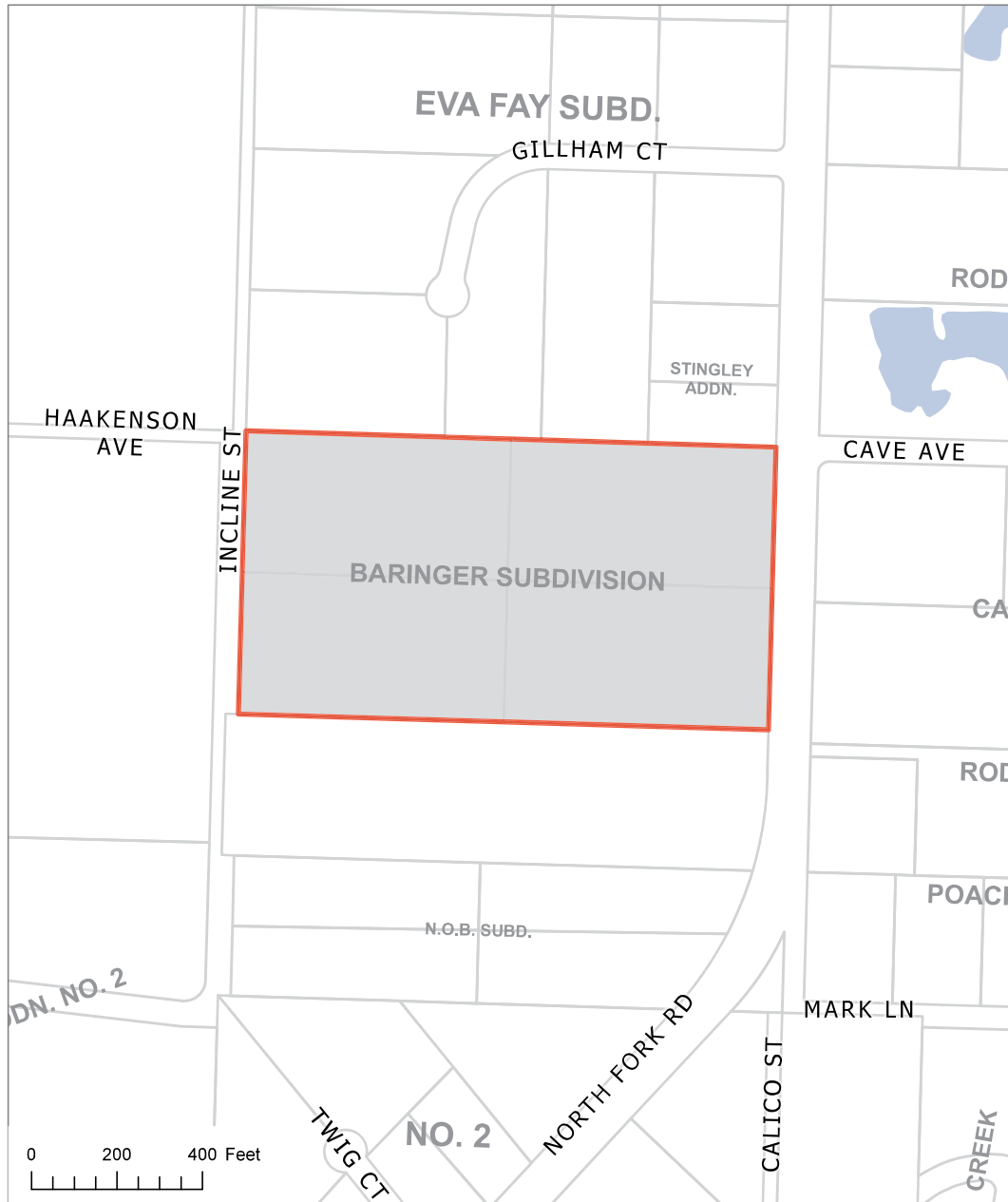


Additional information such as staff reports and comments are available online. This information is available the Monday prior to the meeting and found at <https://kpb.legistar.com/Calendar.aspx>. Use the search options to find the correct timeframe and committee.

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

Mailed 5/19/2025

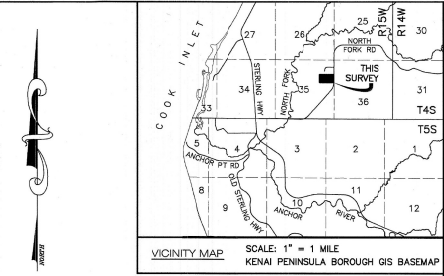
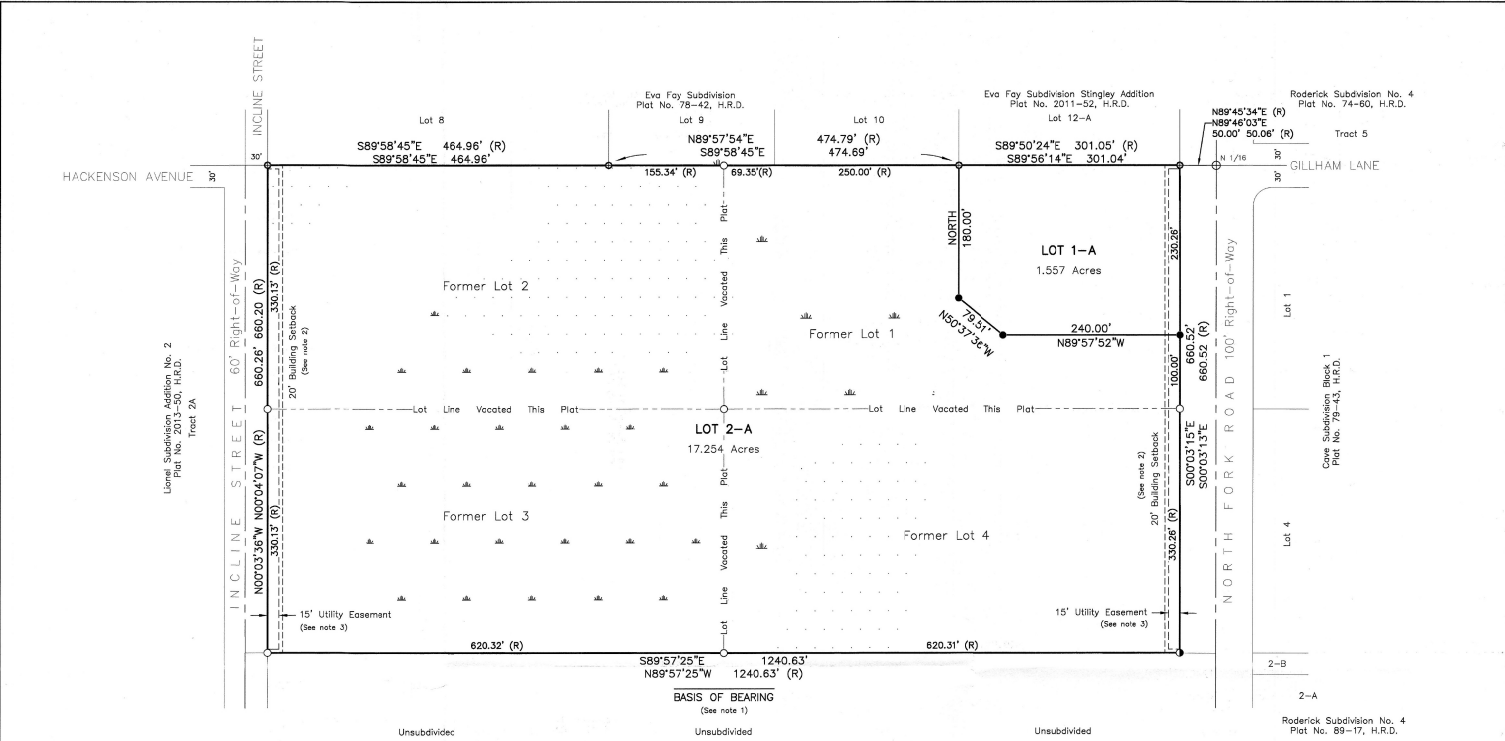




KPB File 2025-072  
T 4S R 15W Sec35  
Anchor Point



KPB 2025-072



CERTIFICATE OF OWNERSHIP AND DEDICATION

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.

Paul Roderick  
Homer, AK 99603

NOTARY'S ACKNOWLEDGMENT

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

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

PLAT APPROVAL

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

Kenai Peninsula Borough Authorized Official

- LEGEND**
- Found Brass Capped Monument, AK DOT 4469 S 2008
  - Found 2" Aluminum Cap on 5/8" Rebar, LS 10771 2019
  - Found 2" Aluminum Cap on 5/8" Rebar, LS 5780 2003
  - Found 5/8" Rebar
  - Set 2" Aluminum Cap on 5/8" x 30" Rebar, 14449-S 2025
  - (R) Record Measurements Per HM 2020-34, Baringer Subdivision

- Easement Line
- Setback Line
- Wetlands Area defined as Lakebed per the Kenai Watershed Forum (KWF)
- Wetlands Area defined as Discharge Slope per the Kenai Watershed Forum (KWF)

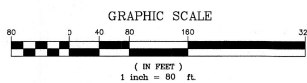
Note: There are no areas over 20% grade per Kenai Peninsula Borough Terrain Viewer (Five Foot Contours)

- NOTES:**
- The Basis of Bearing for this survey was determined by high precision GNSS survey using Trimble R10 survey grade receivers, differentially corrected and processed using Spectra Geospatial Survey Pro 6.8.1.7.
  - A building setback of 20 feet is required from all street rights-of-way unless a lesser standard is approved by resolution of the appropriate planning commission.
  - The front 15 feet of the 20 foot building setback and the entire setback within 5 feet of the side lot line is a utility easement.
  - HEA transmission line is the centerline of a 100 foot wide easement, 50 feet either side of the centerline. Location verified per HM2020-34.
  - 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.
  - No access to State maintained rights-of-way permitted unless approved by the State of Alaska Department of Transportation.
  - Wastewater Disposal: Lots which are at least 200,000 square feet in size may not be suitable for on-site wastewater treatment and disposal. Any wastewater treatment or disposal system must meet the regulatory requirements of the Alaska Department of Environmental Conservation.
  - Any person developing the property is responsible for obtaining all required local, state, and federal permits, including a U.S. Army Corps of Engineers wetlands determination, if applicable.
  - Acceptance of this plat by the Kenai Peninsula Borough does not indicate acceptance of any encroachments.

**SURVEYOR'S CERTIFICATE**

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

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



PRELIMINARY  
PLAT



BARINGER 2025 REPLAT NO. 1

A REPLAT AND SUBDIVISION OF LOTS 1 THROUGH 4, BARINGER SUBDIVISION PLAT No. 2020-34, HOMER RECORDING DISTRICT, VACATING FORMER LOT LINES AND CREATING LOT 1-A AND LOT 2-A

LOCATED WITHIN  
THE N1/2, SE1/4, NE1/4 OF SECTION 35  
TOWNSHIP 4 SOUTH, RANGE 15 WEST,  
SEWARD MERIDIAN, THIRD JUDICIAL DISTRICT,  
KENAI PENINSULA BOROUGH,  
HOMER RECORDING DISTRICT, ALASKA.

CONTAINING 18.811 ACRES

| SURVEYOR  | CLIENT                           |
|---|----------------------------------|
| MULLIKIN SURVEYS LLC<br>CHRISTOPHER MULLIKIN, PLS<br>P.O. BOX 1023<br>HOMER, AK 99603 | PAUL RODERICK<br>HOMER, AK 99603 |
| SURVEY DATE: 4/##/2025  | SCALE: 1" = 80'                  |
| PLAT DATE: 4/24/2025  | BOOK No.: NA                     |
| CHECKED BY: CLM   | FILE: BARINGER REPLAT.dwg        |
| DRAWN BY: MRS   | KPB FILE No.: 2025-###           |



## **E. NEW BUSINESS**

### **2. Cooper Subdivision 2025 Addition (*Postponed*)**

**KPB File 2025-069**

**Fineline Surveys / Hennick**

**Location: Alder Lane off East End Road**

**City of Homer**



AGENDA ITEM E.    NEW BUSINESS

**ITEM #2 - PRELIMINARY PLAT  
COOPER SUBD - 2025 ADDITION**

|                                     |  |
|-------------------------------------|--|
| <b>KPB File No.</b>                 | 2025-069   |
| <b>Planning Commission Meeting:</b> | June 9, 2025   |
| <b>Applicant / Owner:</b>           | Mark Hennick of Ninilchik, Alaska  |
| <b>Surveyor:</b>                    | Dmitri Kimbrell; Fineline Surveys  |
| <b>General Location:</b>            | East End Road, Homer   |
| <b>Legal Description:</b>           | Lot 2 and Lot 15, Block 2, Cooper Subdivision, Plat 72-764, Excluding that portion deeded to SOA DOT&PF by warranty deed serial number 2006-004993-0, Homer Recording District, Township 6 South, Range 13 West, Section 15, Seward Meridian |

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**STAFF REPORT**

Upon review of the submittal staff has postponed this requested until more information can be received. If there is anyone wishing to speak on the item, they may do so, but will be no decision made.

END OF STAFF REPORT

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## KENAI PENINSULA BOROUGH PLANNING COMMISSION NOTICE OF SUBDIVISION/REPLAT

Public notice is hereby given that a preliminary plat was received on 5/8/2025 proposing to subdivide or replat property. You are being sent this notice because you are within 300 feet of the proposed subdivision, or a beneficial interest holder, and are invited to comment. *If you are an owner adjacent to a half right-of-way being dedicated, please be aware that you may be required to match the dedication if your property is subdivided in the future.*

Proposed plat under consideration is described as follows:

Request / Affected Property: This subdivision will subdivide two lots into two lots with reconfigured lot lines.

KPB File No. 2025-069

Petitioner(s) / Land Owner(s): Mark E. Hennick of Ninilchik, AK

The location of the proposed plat is provided on the attached map. A preliminary plat showing the proposed subdivision may be viewed at the Planning Department. Subdivision reviews are conducted in accordance with KPB Subdivision Ordinance. A copy of the Ordinance is available from the Planning Department. ***Comments should be guided by the requirements of that Ordinance.***

Public hearing will be held by the Kenai Peninsula Borough Plat Committee or Planning Commission on **Monday, June 9, 2025**, commencing at **6:30 pm**, or as soon thereafter as business permits. The meeting is being held in person at the Betty J. Glick Assembly Chambers of the Kenai Peninsula Borough George A. Navarre Administration Building, 144 N. Binkley Street, Soldotna, Alaska. This meeting will also be held via Zoom, or other audio or video conferencing means whenever technically feasible.

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

Anyone wishing to testify may attend the meeting in person or through Zoom. Written testimony may be submitted by email to [planning@kpb.us](mailto:planning@kpb.us), or mailed to the attention of Beverly Carpenter, Kenai Peninsula Borough Planning Department, 144 N. Binkley Street, Soldotna, Alaska 99669. [Written comments may also be sent by Fax to 907-714-2378]. All written comments or documents must be submitted by **1:00 PM, Friday, June 6, 2025**. The deadline to submit written comments or documents does not impact the ability to provide verbal testimony at the public hearing.

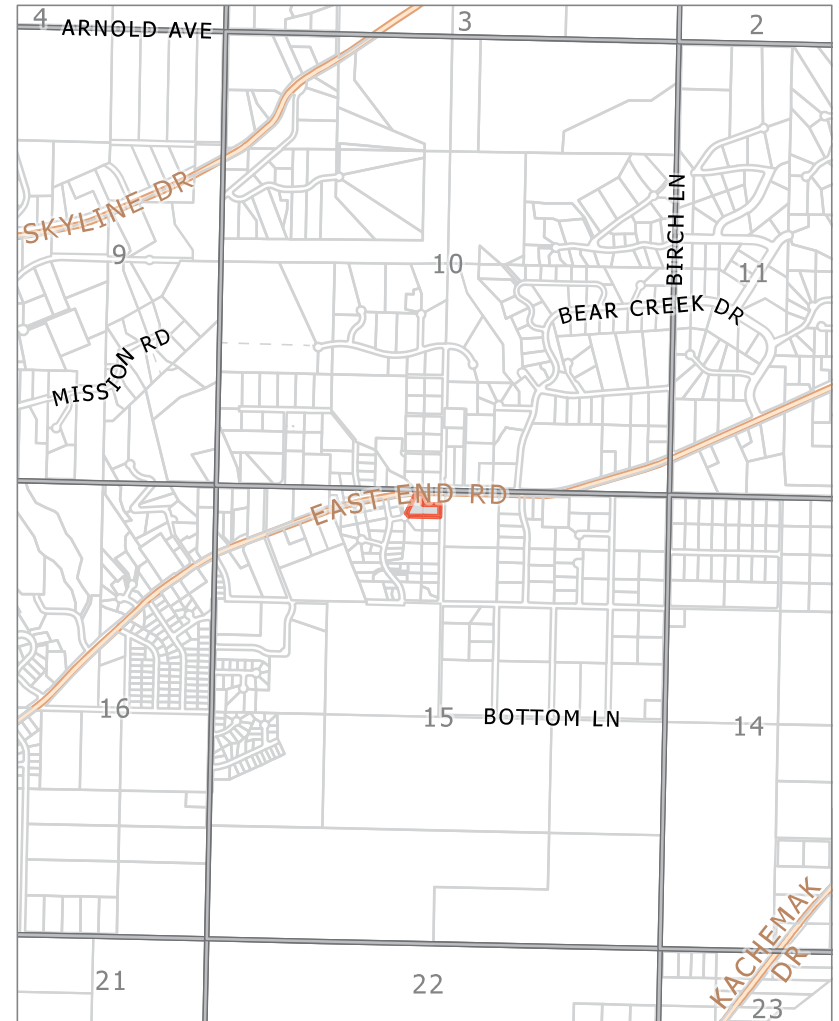


Additional information such as staff reports and comments are available online. This information is available the Monday prior to the meeting and found at <https://kpb.legistar.com/Calendar.aspx>. Use the search options to find the correct timeframe and committee.

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

Mailed 5/19/2025





KPB File 2025-069  
T 6S R 13W Sec15  
Homer



1. NO ACCESS TO STATE MAINTAINED RIGHTS OF WAY PERMITTED UNLESS APPROVED BY THE STATE OF ALASKA DEPT. OF TRANSPORTATION.

2. THE FRONT 15 FEET OF ADJOINING RIGHTS-OF-WAY, AND 20' WITHIN 5 FEET OF THE SIDE LOT LINES 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. HOMER ELECTRIC ASSOCIATION—FOR ELECTRIC LINES OR SYSTEM AND/OR TELEPHONE LINES TOGETHER WITH RIGHT TO ENTER, MAINTAIN, AND REPAIR AND CLEAR SHRUBBERY. (BK 19, PG 100, 1/9/1960)

B. WATER LINE (BK 169, PG 157, 7/7/1986)

C. CITY OF HOMER SEWER UTILITIES (BK153, PG 373, 1/9/1985)

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

5. THE BOROUGH WILL NOT ENFORCE PRIVATE COVENANTS, EASEMENTS, OR DEED RESTRICTIONS PER KPB 20.60.170(3). ACCEPTANCE OF THIS PLAT BY THE BOROUGH DOES NOT INDICATE ACCEPTANCE OF ANY ENCROACHMENTS.

6. POSSIBLE LIMITATIONS ON FURTHER SUBDIVISION BASED ON ACCESS ISSUES, DEVELOPEMENT TRENDS IN THE AREA, OR TOPOGRAPHY.

7. ANY PERSON DEVELOPING THE PROPERTY IS RESPONSIBLE FOR OBTAINING ALL REQUIRED LOCAL, STATE, AND FEDERAL PERMITS INCLUDING A U.S. ARMY CORPS OF ENGINEERS WETLAND DETERMINATION, IF APPLICABLE.

8. NO SLOPES GREATER THAN 20%. NO WETLANDS DESIGNATION.

9. AN EXCEPTION TO KPB 20.30.190—LOT DIMENSIONS, HAS BEEN GRANTED BY THE PLAT COMMITTEE. MEETING DATE X/XX/2025

I HEREBY CERTIFY THAT I AM THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON, AND I HEREBY ADOPT THIS PLAN OF SUBDIVISION AND BY MY FREE CONSENT GRANT ALL RIGHTS-OF-WAY AN PUBLIC AREAS TO PUBLIC USE, AND GRANT ALL EASEMENTS TO THE USE SHOWN.

MARK E. HENNICK  
19375 STERLING HWY.  
NINILCHIK, AK 99639

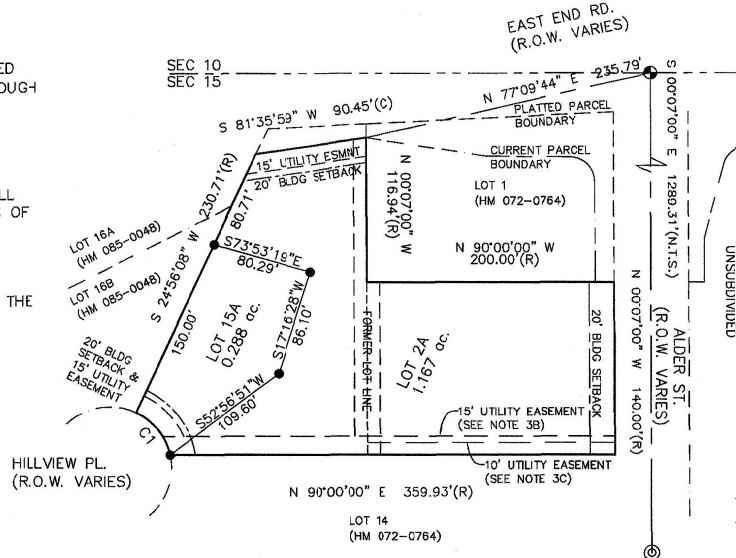
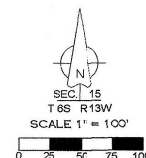
NOTARY'S ACKNOWLEDGEMENT:  
FOR: MARK E. HENNICK

ACKNOWLEDGED BEFORE ME THIS  
DAY OF 20

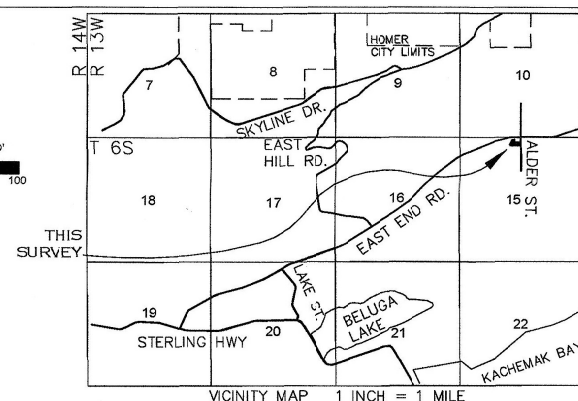
NOTARY PUBLIC FOR ALASKA

MY COMMISSION EXPIRES

- GLO MONUMENT (1917 CAP MISSING)
- ◎ BRASS CAP MONUMENT (CN 1/16TH, 1972 S-1301)
- FOUND REBAR
- SET REBAR WITH 2" ALUMNUM CAP (2025 S-10771)



| CURVE | RADIUS | ARC LENGTH | CHORD LENGTH | CHORD BEARING | DELTA ANGLE |
|-------|--------|------------|--------------|---------------|-------------|
| C1    | 50.00' | 45.60'     | 44.04'       | S 38°22'52" E | 52°15'13"   |



THIS PLAT WAS APPROVED BY THE KENAI PENINSULA  
BOROUGH PLANNING COMMISSION AT THE MEETING DATED,  
X/XX/2025

KENAI PENINSULA BOROUGH

BY:

AUTHORIZED OFFICIAL:

I HEREBY CERTIFY THAT I AM PROPERLY REGISTERED AND LICENSED TO PRACTICE LAND SURVEYING IN THE STATE OF ALASKA, AND THAT THE PLAT REPRESENTS A SURVEY MADE BY ME, AND THAT THE MONUMENTS SHOWN HEREON ACTUALLY EXIST AS DESCRIBED, AND THAT ALL DIMENSIONS AND OTHER DETAILS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

PRELIM

COOPERSUBD - 2025 ADDITION.

K.P.B. FILE # 2025-

A REPLATTING OF LOTS 2 & 15, BLOCK 2, COOPER SUBD (HM072-0764),  
NE 1/4 OF NW 1/4 SECTION 15, TOWNSHIP 6 SOUTH, RANGE 13 WEST,  
SEWARD MERIDIAN, KENAI PENINSULA BOROUGH, ALASKA.  
HOMER RECORDING DISTRICT.  
containing 1.485 acres.

OWNER: MARK E. HENNICK 19375 STERLING HWY. NIVILCHIK, AK 99639

## FINELINE SURVEYS

P.O. Box 774

Anchor Point, Alaska 99556

Dmitri D. Kimbrell, RLS (907) 360 6382

SCALE: 1"=100'      DATE: 3/3/2025

**KPB 2025-069**



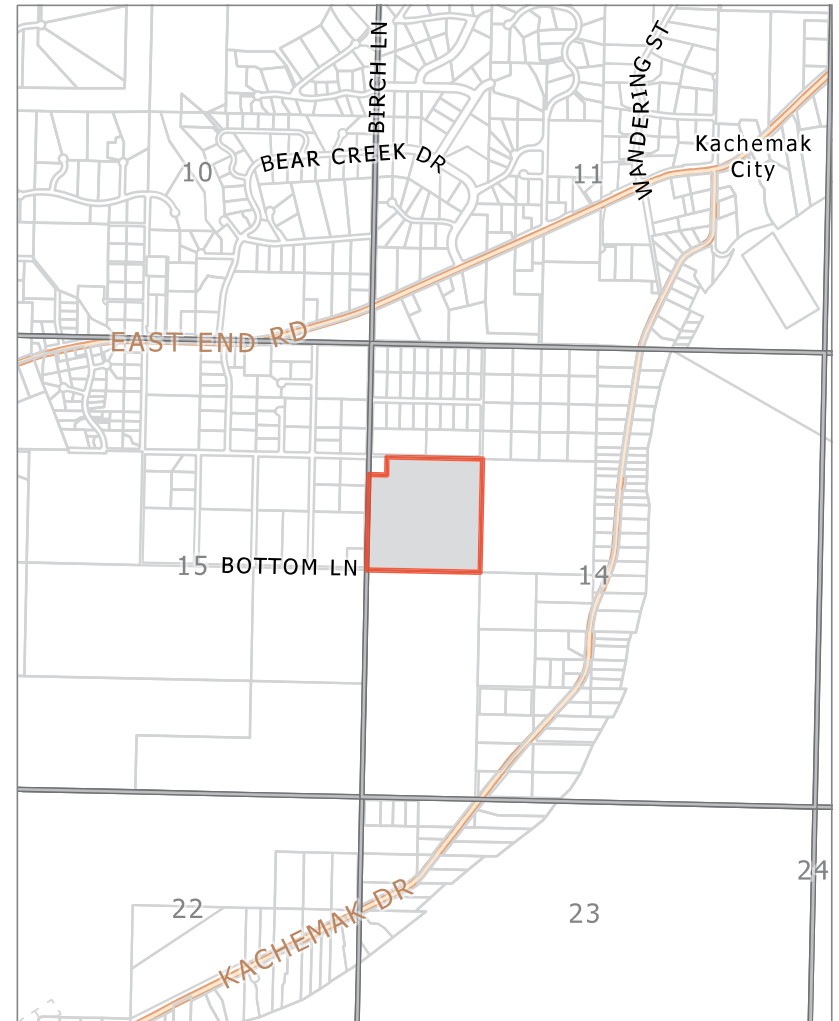
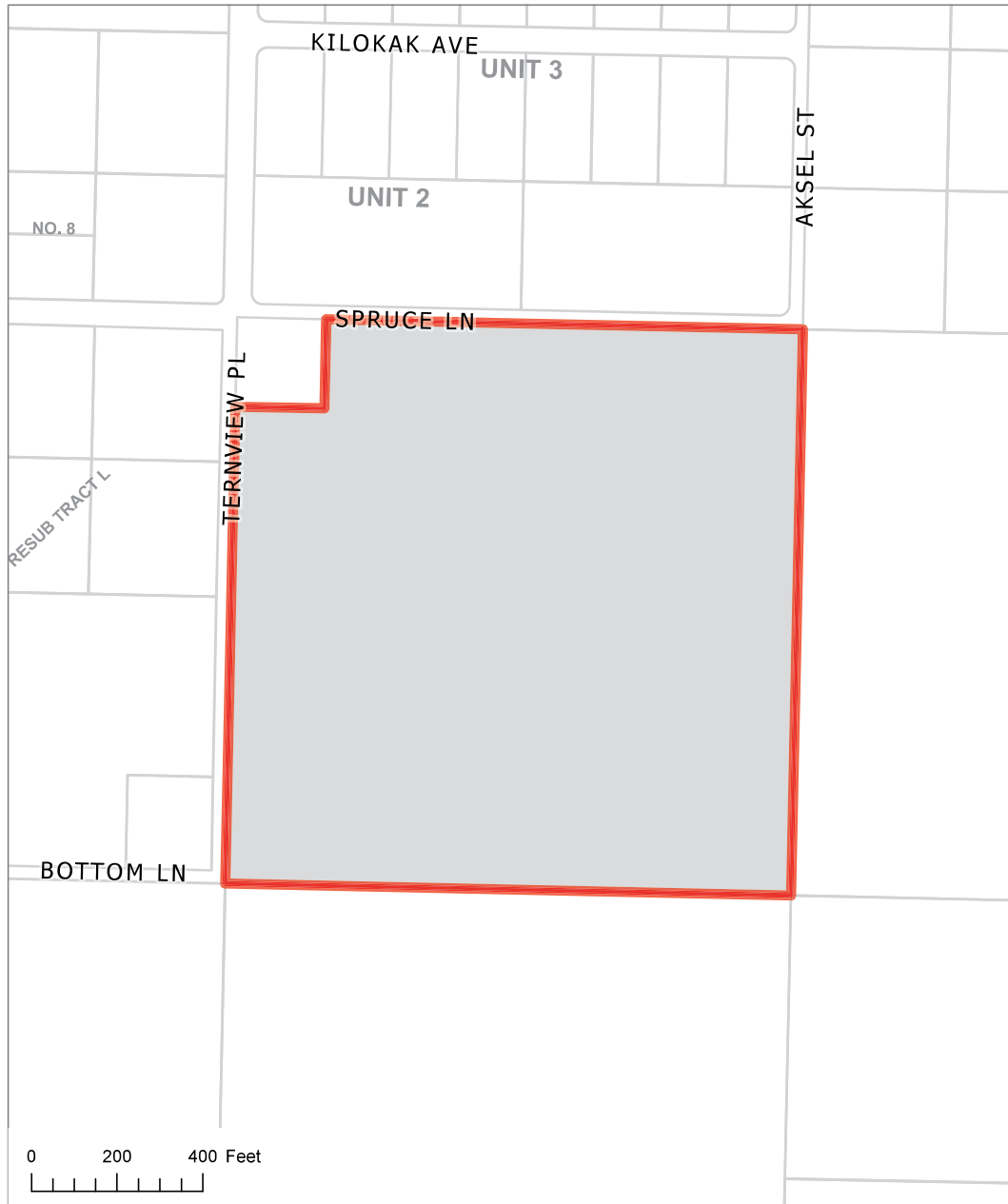
## **E. NEW BUSINESS**

### **3. Stormwater Works Tract One; KPB File 2025-073**

**Geovera / Kennedy**

**Location: Spruce Lane, off Eagle Crest & East End Road  
City of Homer**





KPB File 2025-073  
T 6S R 13W Sec14  
Homer





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



**NOTES**

1. BASIS OF BEARING FOR THIS SURVEY WAS DETERMINED BY A HIGH PRECISION GPS SURVEY USING TOPCON DUAL-FREQUENCY HP4W V RECEIVERS, DIFFERENTIALLY CORRECTED AND PROCESSED WITH MAGNET OFFICE VERSION 3.1 SOFTWARE. NAD83 ALASKA STATE PLANE GRID COORDINATES (U.S. SURVEY FEET) OBTAINED FROM THE GPS OBSERVATIONS WERE BASED ON THE NGS PUBLISHED VALUES FOR FEDERAL BASE NETWORK CONTROL STATION "HOMAR" (PID TT0155).

2. TRUE BEARINGS AND DISTANCES WERE DETERMINED BY ROTATING AND SCALING FROM GRID USING FEDERAL BASE NETWORK CONTROL STATION "HOMAR" AS A SCALING POINT. TRUE BEARINGS WERE DETERMINED BY ROTATING GRID INVERSE AZIMUTHS  $-117^{\circ}13'4"$ . TRUE DISTANCES WERE OBTAINED BY DIVIDING GRID INVERSE DISTANCES BY 0.999986696.

3. THE RESULTING SCALED COORDINATES WERE TRANSLATED TO A LOCAL COORDINATE SYSTEM BASED ON FEDERAL BASE NETWORK CONTROL STATION "HOMAR"  $N=100,000$   $E=100,000$ . ALL COORDINATE VALUES REPRESENT GROUND DISTANCES IN U.S. SURVEY FEET ORIENTED TO TRUE NORTH.

4. THE FRONT 15 FEET ADJOINING THE TERVIEW PLACE AND SPRUCE LANE RIGHTS-OF-WAY IS A UTILITY EASEMENT GRANTED BY THIS PLAT. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.

5. PROPERTY IS SUBJECT TO CITY OF HOMER REGULATIONS. CHECK WITH HOMER PLANNING PRIOR TO ANY DEVELOPMENT ACTIVITIES.

6. 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.

**WASTEWATER DISPOSAL****TRACTS A AND B**

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

**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 USES AND FOR PUBLIC PURPOSES THE REAL PROPERTY TO BE DEDICATED BY THIS PLAT INCLUDING EASEMENTS, RIGHTS-OF-WAY, ALLEYS, AND OTHER PUBLIC AREAS SHOWN ON THIS PLAT IDENTIFIED AS FOLLOWS:

THE TERVIEW PL. RIGHT-OF-WAY

THE SPRUCE LN. RIGHT-OF-WAY

THE 15 FOOT UTILITY EASEMENTS ADJOINING THE RIGHT-OF-WAY DEDICATIONS

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: \_\_\_\_\_ DATE: \_\_\_\_\_  
MEISSA JACOBSEN, CITY MANAGER  
CITY OF HOMER, ALASKA

**LEGEND**

- INDICATES 3-1/4" ALUM. CAP MONUMENT (7538-S 2017) RECOVERED THIS SURVEY
- INDICATES 3" ALUM. CAP MONUMENT (3686-S 1996) RECOVERED THIS SURVEY
- ⊙ INDICATES 1/2" GP WITH TACK IN WOOD PLUG RECOVERED THIS SURVEY
- ⊗ INDICATES X IN GRANITE BUILDER (RECORD HM 2004-8) RECOVERED THIS SURVEY
- INDICATES 2" ALCAP ON 5/8"x30" REBAR (7538-S 2024) SET THIS SURVEY

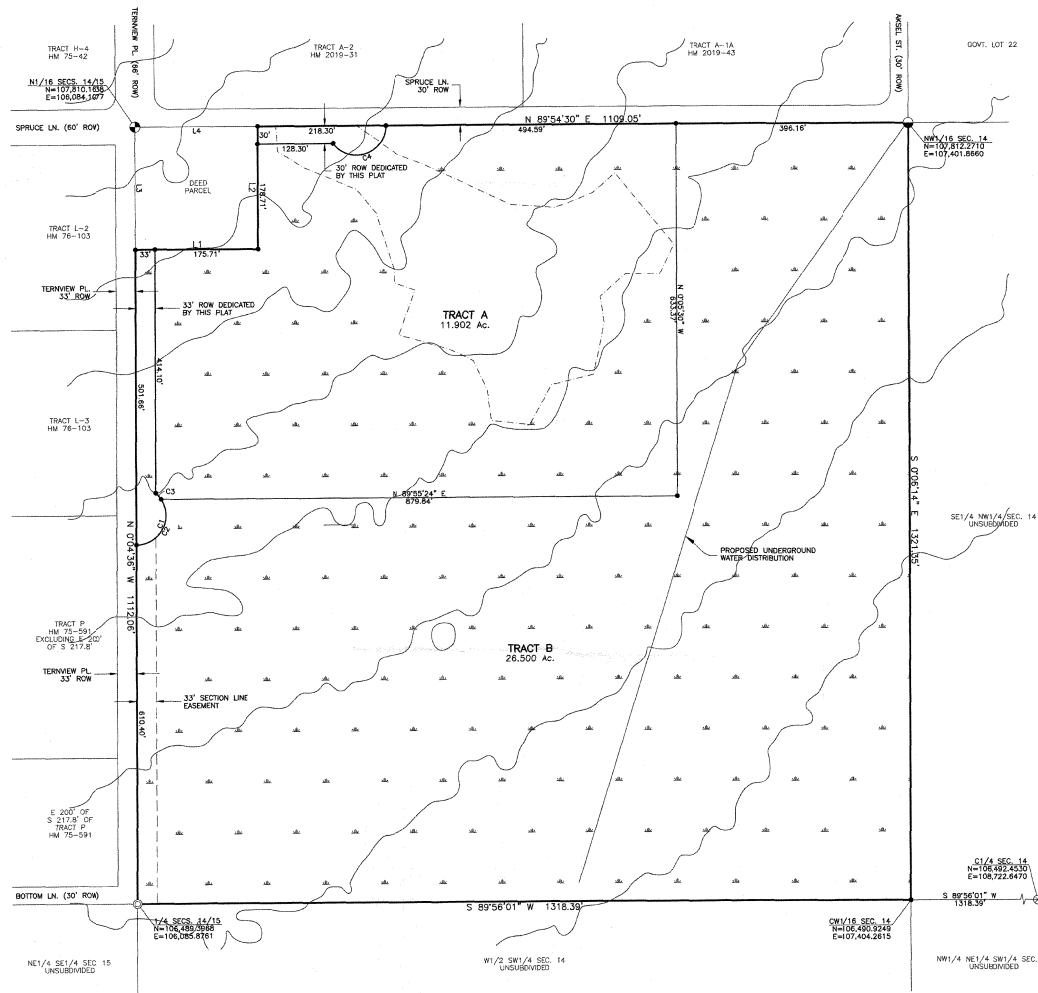
--- INDICATES POTENTIAL WETLAND/UPLAND COMPLEX AND/OR DRAINAGEWAY PER KENAI WATERSHED FORUM WETLANDS MAPPING

**LINE TABLE**

| LINE | BEARING       | DISTANCE |
|------|---------------|----------|
| L1   | N 89°54'30" E | 208.71'  |
| L2   | N 0°04'36" W  | 208.71'  |
| L3   | N 89°54'30" E | 208.71'  |

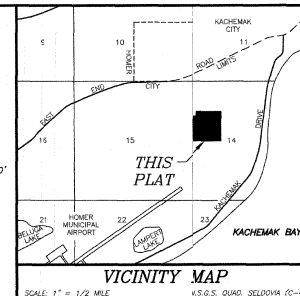
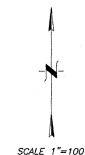
**CURVE TABLE**

| CURVE | DELTA      | RADIUS | LENGTH  | CHORD BRNG    | CHORD DIST |
|-------|------------|--------|---------|---------------|------------|
| C1    | 138°22'00" | 50.00' | 121.04' | N 40°34'23" E | 91.58'     |
| C2    | 123°00'40" | 50.00' | 107.35' | N 28°26'04" E | 87.89'     |
| C3    | 154°17'20" | 50.00' | 13.89'  | N 40°59'56" E | 13.89'     |
| C4    | 143°07'48" | 50.00' | 124.90' | N 71°28'24" E | 94.87'     |

**PLAT APPROVAL**

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

BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
AUTHORIZED OFFICIAL  
KENAI PENINSULA BOROUGH

**CERTIFICATE OF OWNERSHIP AND DEDICATION**

I, THE UNDERSIGNED, HEREBY CERTIFY THAT I AM THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I HEREBY ADOPT THIS PLAN OF SUBDIVISION AND BY MY FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

GEORGE M. KENNEDY  
844 OCEAN DRIVE LOOP  
HOMER, ALASKA 99603

**NOTARY'S ACKNOWLEDGMENT**

FOR GEORGE M. KENNEDY  
ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_  
DAY OF \_\_\_\_\_, 2025.

NOTARY PUBLIC FOR ALASKA

MY COMMISSION EXPIRES: \_\_\_\_\_

HOMER RECORDING DISTRICT KPB FILE No. 2024-???

**STORMWATER WORKS TRACTS ONE**

CREATING TRACTS A AND B  
LOCATED WITHIN THE SW 1/4 NW 1/4 SECTION 14,  
EXCLUDING THE NORTH 208.71' OF THE WEST 208.71'  
T. 6 S., R. 13 W., SEWARD MERIDIAN, CITY OF HOMER, KENAI PENINSULA  
BOROUGH, THIRD JUDICIAL DISTRICT, ALASKA  
CONTAINING 38,973 ACRES

OWNER:  
GEORGE M. KENNEDY 844 OCEAN DRIVE LOOP HOMER, AK 99603

**GEOVERA, LLC**

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

DRAWN BY: SCS

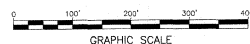
DATE: MAY 2025

JOB #2023-12

SHEET 1 OF 1



**KPB 2025-073**





AGENDA ITEM E. NEW BUSINESS

**ITEM #3 - PRELIMINARY PLAT  
Stormwater Works Tracts One**

|                                |                               |
|--------------------------------|-------------------------------|
| <b>KPB File No.</b>            | 2025-073                      |
| <b>Plat Committee Meeting:</b> | June 9, 2025                  |
| <b>Applicant / Owner:</b>      | George M. Kennedy / Homer     |
| <b>Surveyor:</b>               | Stephen C Smith / Geovera LLC |
| <b>General Location:</b>       | East End Rd Area              |

|                           |   |
|---------------------------|---|
| <b>Parent Parcel No.:</b> | 179-080-30  |
| <b>Legal Description:</b> | T 6S R 13W SEC 14 SEWARD MERIDIAN HM SW1/4 OF NW1/4 EXC N 208.71 FT<br>OF W 208.71 FT |
| <b>Assessing Use:</b>     | Residential   |
| <b>Zoning:</b>            | City of Homer   |
| <b>Water / Wastewater</b> | City / City   |
| <b>Exception Request</b>  | 20.30.030- Proposed Street Layout Requirements  |

---

**STAFF REPORT**

**Specific Request / Scope of Subdivision:** The proposed plat will subdivide one 38.973-acre parcel into two parcels of size 11.902-acres and 26.500-acres and includes two dedications.

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

Legal access to the property is from Spruce Lane in the northwest corner of the plat. There are half dedications on the north (Spruce Lane) and the west (Ternview Place) that are currently are undeveloped.

Access to Spruce Lane is from East End Road near milepost 2.5, to Little Fireweed Lane, to Eagle Place south, to Spruce Lane. East End Road is a state maintained road and the rest are maintained by the City of Homer.

The plat is proposing two dedications of cul-de-sacs along both Spruce Lane and Ternview Place as shown. Ternview Place dedication stops at the extent of developed land on the west due as the South of Tract L-3 on the west is reserved for moose habitat in the name of Kachemak Moose Habitat, Inc. Spruce Lane dedication goes into proposed Tract A to be retained as privately owned with the remaining part and that in Tract B being wetlands and intended to be included in the wetland preservation project by the City of Homer. The Roads Director has recommended that Sprue Lane be extended to the east limits of the plat. Staff does not believe this to be necessary due to the intended use by the City of Homer in purchasing Tract B and creating a wetland preservation area within it. **Staff recommends** to compromise with the City of Homer intent and KPB Roads director review comments, to extend the bulb of Spruce Lane to the west boundary of Tract A-1A, providing a full 60-foot access, in similarity to the extension of Ternview Place as the extensions provide access to developable areas.

The extension of Aksel Street south into the plat and Bottom Lane east into the plat were not proposed and have been requested to not be with the exception request.

The surveyor has requested an exception to KPNB 20.30.030 Proposed Street Layout Requirements, to be looked at later in the staff report.

The plat is affected by a 33' section line easement affecting the west line and shown on the lower portion. Staff recommends the surveyor notate the section line easement continuing north in the location of the right-of-way of Ternview Place as it still affects the plat even though a dedication is given.



Block length is not compliant with this plat. The wetlands located on the property and the proposed use of being a wetlands preservation project on the east and south portion of the plat make dedications to break the block less practical. Staff recommends the Plat Committee concur that an exception to KPB 20.30.170 Block – Length Requirements is not needed at this time due to the limitations of the proposed use and conditions of the property.

|                           |   |
|---------------------------|---|
| KPB Roads Dept RSA review | Out of Jurisdiction: Yes<br><br>Roads Director: Uhlin, Dil<br>Comments:<br>This is in the City of Homer. I would recommend the ROW for Spruce Lane on the northern border be dedicated in its entirety. |
| SOA DOT comments          | No Response   |

#### **Site Investigation:**

There are some structures located on the property, that when the plat is complete will be located on Tract A of the subdivision. There does not appear to be any encroachment issues. Staff recommends the surveyor be alert to any issues when doing the field survey and notify staff of any found and a resolution to the issue if found.

There are no steep areas on the plat and the terrain is gradually sloping to the southeast at 2% across the property.

A majority of the property is wetlands according the KWF Wetlands Assessment being designated as Discharge Slope and Drainageway. **Staff recommends** the surveyor review their records and verify the wetlands and revise as needed in the legend.

The River Center review identified the plat to be in a FEMA Identified flood hazard area. The plat note in KPB 20.30.280(D) needs to be added to the plat, including the FEMA Map Panel and Flood Zone, but no depiction on the plat will be needed.

The River Center review did not identify the plat to be located in habitat protection district and no note is needed.

|                               |  |
|-------------------------------|--|
| KPB River Center review       | <p>A. Floodplain</p> <p>Reviewer: Hindman, Julie<br/>Floodplain Status: IS in flood hazard area<br/>Comments: Within a non-regulatory zone with an undetermined flood risk. Include plat note, no depiction required.</p> <p>Flood Zone: D<br/>Map Panel: 02122C-2115E<br/>In Floodway: False<br/>Floodway Panel:</p> <p>B. Habitat Protection</p> <p>Reviewer: Aldridge, Morgan<br/>Habitat Protection District Status: Is NOT within HPD<br/>Comments: No comments</p> |
| State of Alaska Fish and Game | No Comments  |

#### **Staff Analysis**

This is the first division of the property being located in the SW1/4 NW1/4 of Section 14, Township 6 South, Range 13 West SM City of Homer, Kenai Peninsula Borough, Alaska other than a deeded parcel in the northwest corner.

Page 2 of 6



A soils report will not be required as the new lots are above 200,000 sq ft.

The plat is located in the City of Homer and was reviewed by the Homer Planning Commission on August 7, 2024. The Commission voted with unanimously consent to approve the plat Stormwater Works Tract One. On September 4, 2024 the Planning Commission reconsidered the plat and it was unanimously voted to be postponed to the next available meeting. The plat was then discussed concerning the exception request at the September 18, 2024 and given a non-objection unanimous consent.

Per the preliminary Certificate to Plat, beneficial interest holders do not affect the proposed plat. Notification per KPB 20.10.100 will not be required unless the final Certificate to Plat states the property is affected by beneficial interest holders.

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

#### **Utility Easements**

There are no utility easements of record to be shown or carried forward.

As part of our routine notification process, the subdivision plat was emailed to the affected utility providers for review. **Staff recommends:** the surveyor work with the utility providers to accommodate their request, ensuring optimal use of the owner's land and maximum benefit for both the provider and the public.

The plat is providing a 15' utility easement adjoining the Ternview Place and Spruce Lane rights-of-way.

#### **Utility provider review:**

|        |                   |
|--------|-------------------|
| HEA    | No comment        |
| ENSTAR | No Response       |
| ACS    | No objections     |
| GCI    | Approved as shown |

#### **KPB department / agency review:**

|                      |   |
|----------------------|---|
| Addressing Review    | Reviewer: Leavitt, Rhealyn<br>Affected Addresses:<br>4722 TERNVIEW PL<br><br>Existing Street Names are Correct: Yes<br><br>List of Correct Street Names:<br>SPRUCE LN, TERNVIEW PL<br><br>Existing Street Name Corrections Needed:<br><br>All New Street Names are Approved: No<br><br>List of Approved Street Names:<br><br>List of Street Names Denied:<br><br>Comments:<br>CITY OF HOMER WILL ADVISE ON ADDRESSING |
| Code Compliance      | Reviewer: Ogren, Eric<br>Comments: No comments  |
| LOZMS Review Planner | Reviewer: Raidmae, Ryan   |



|                  |   |
|------------------|---|
|                  | There are not any Local Option Zoning District issues with this proposed plat.<br><br>Material Site Comments:<br>There are not any material site issues with this proposed plat.<br>Review Not Required |
| Assessing Review | Reviewer: Windsor, Heather<br>Comments: No comments   |

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### **STAFF RECOMMENDATIONS**

#### **CORRECTIONS / EDITS**

Add the date of June 9, 2025 to the Plat Approval

Modify the KPB File No to 2025-073

---

#### **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.

- C. The location, width, and name of existing or platted streets and public ways, railroad rights-of-way, and other important features such as section lines or political subdivisions or municipal corporation boundaries abutting the subdivision;  
**Staff recommendation:**
- Make the adjacent road names stand out better on the roads.
  - Continue to show the SLE north on the west side as it still affects the property. If the SLE applies to the other side of the section line please show.
- D. A vicinity map, drawn to scale showing location of proposed subdivision, north arrow if different from plat orientation, township and range, section lines, roads, political boundaries, and prominent natural and manmade features, such as shorelines or streams;  
**Staff recommendation:**  
Add the adjacent roads to the vicinity map
- G. The status of adjacent lands within 100 feet of the proposed subdivision boundary or the land status across from any dedicated rights-of-way that adjoin the propose subdivision boundary, including names of subdivisions, lot lines, block numbers, lot numbers, rights-of-way; or an indication that the adjacent land is not subdivided;  
**Staff recommendation:**  
Tracts to the west on the south need the subdivision label corrected.
- H. Approximate locations of low wet areas, areas subject to inundation, areas subject to flooding or storm water overflow, and the line of ordinary high water. This information may be provided on an additional sheet if showing these areas causes the preliminary plat to appear cluttered and/or difficult to read;  
**Staff recommendation:**  
KWF wetlands Assessment indicates area to be Discharge Slope and Drainageway, please add to legend.

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#### **KPB 20.30 – Subdivision Design Requirements**

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

---

#### **KPB 20.40 – Wastewater Disposal**



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

20.40.010 Wastewater disposal.

*Platting Staff Comments:*

**Staff recommendation:** comply with 20.40.

---

#### **KPB 20.60 – Final Plat**

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

#### **EXCEPTIONS REQUESTED:**

##### **A. KPB 20.30.030 Proposed Street Layout**

###### Surveyor's Discussion:

The Surveyor/Applicant has submitted the following proposed Findings in support of the exception request.

1. This subdivision is for the purpose of acquiring 26.5 acres of wetlands to be part of a wetland preservation project being undertaken by the City of Homer funded in part through a NOAA grant.
2. This land will be off limits to future development.
3. Right-of-way dedications within this proposed subdivision provide matching dedications on the portions of this subdivision and adjoining tracts that will have the potential for future development.
4. Tract B of this subdivision will be set aside as a conservation easement for the purpose of preserving and enhancing the wetlands within the tract and the surrounding wetlands. It will be off limits to development. The requirement to match right-of-way dedications on portions of the north and west boundaries, and dedication of right-of-way on the east and south boundaries would defeat the purpose of this project.
5. The granting of this exception will not be detrimental to the public welfare. Adjoining property owners all have legal and functional access to their property. The 40 acres to the east of this subdivision has legal access through a City of Homer owned parcel that gives it a connection to Kachemak Drive. The property to the north of that parcel is part of this wetland conservation project. There will be no future need to provide road access to it.

###### Staff Discussion:

##### **20.30.030. - Proposed street layout—Requirements.**

A. The streets provided on the plat must provide fee simple right-of-way dedications to the appropriate governmental entity. These dedications must provide for the continuation or appropriate projection of all streets in surrounding areas and provide reasonable means of ingress for surrounding acreage tracts. Adequate and safe access for emergency and service vehicle traffic shall be considered in street layout.

###### Findings.

6. Large areas of wetlands exist on the plat.
7. The City of Homer approved this plat with the specific intent to create a wetland preservation project in mind.

###### Staff reviewed the exception request and recommends granting approval

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

Unless prohibited under KPB Title 20, the Committee may authorize exceptions to any of the requirements set forth in KPB Title 20. A request for an exception shall be in writing and presented to the Committee with substantial evidence, justifying the requested waiver or exception stating fully the grounds for the application and the facts relied upon. All exceptions must be requested and granted at the time of preliminary plat approval. Exceptions may

Page 5 of 6



not be requested with a final plat submittal.

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

1. That special circumstances or conditions affecting the property have been shown  
**Findings 1-3 & 6 appear to support this standard.**
2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title;  
**Findings 4, 6 & 7 appear to support this standard.**
3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.  
**Findings 5 & 7 appear to support this standard.**

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

---

**RECOMMENDATION:**

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

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

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

**IN ACCORDANCE WITH KPB 2.40.080, ANY PERSON, AGENCY, OR CITY THAT PARTICIPATED AT THE PLAT COMMITTEE HEARING, EITHER BY WRITTEN OR ORAL PRESENTATION, MAY REQUEST THAT A DECISION OF THE PLAT COMMITTEE BE REVIEWED BY THE PLANNING COMMISSION BY FILING A WRITTEN REQUEST WITHIN 15 DAYS OF DATE OF DISTRIBUTION OF THE DECISION.**

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

**END OF STAFF REPORT**

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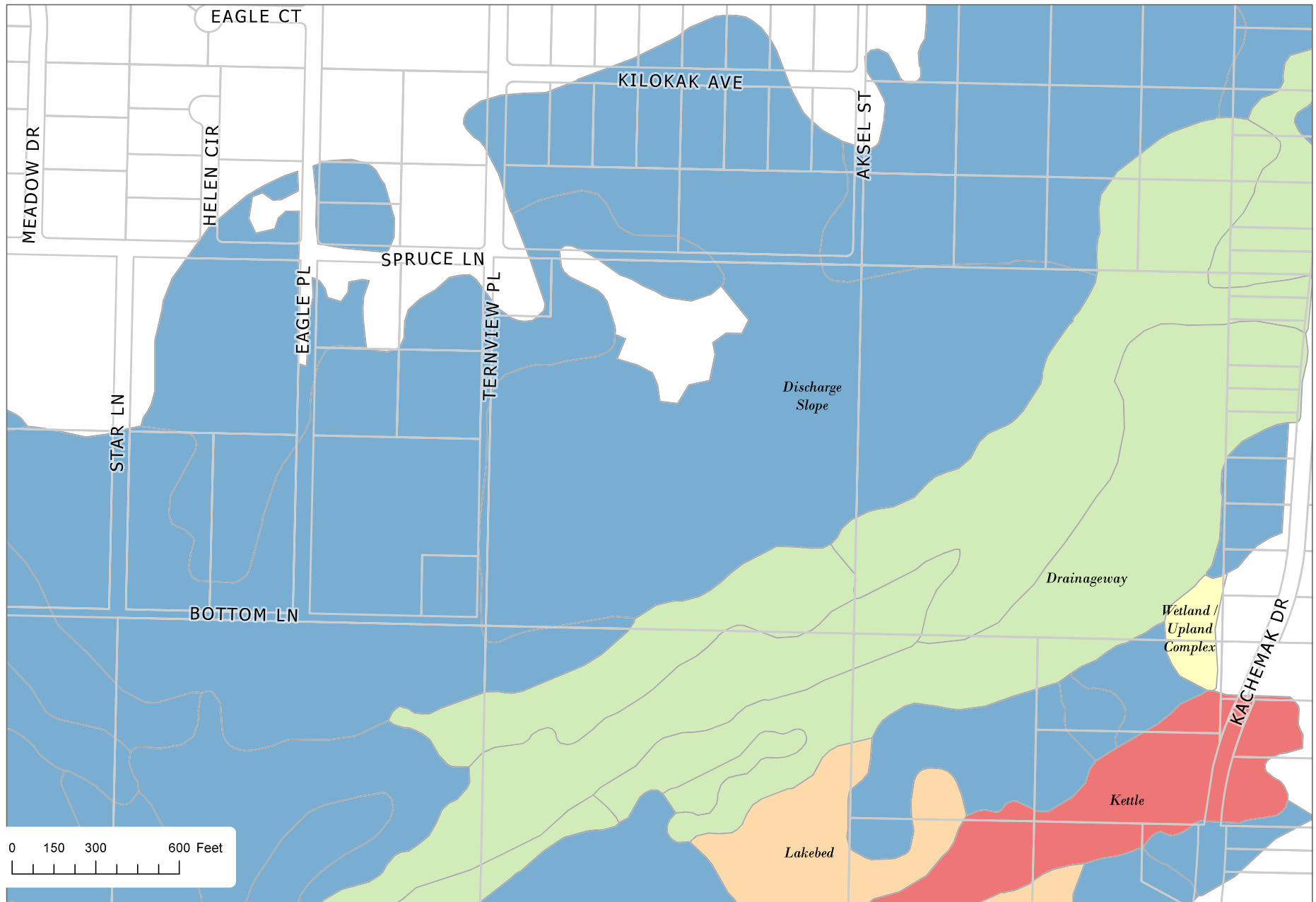


The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.





Wetlands

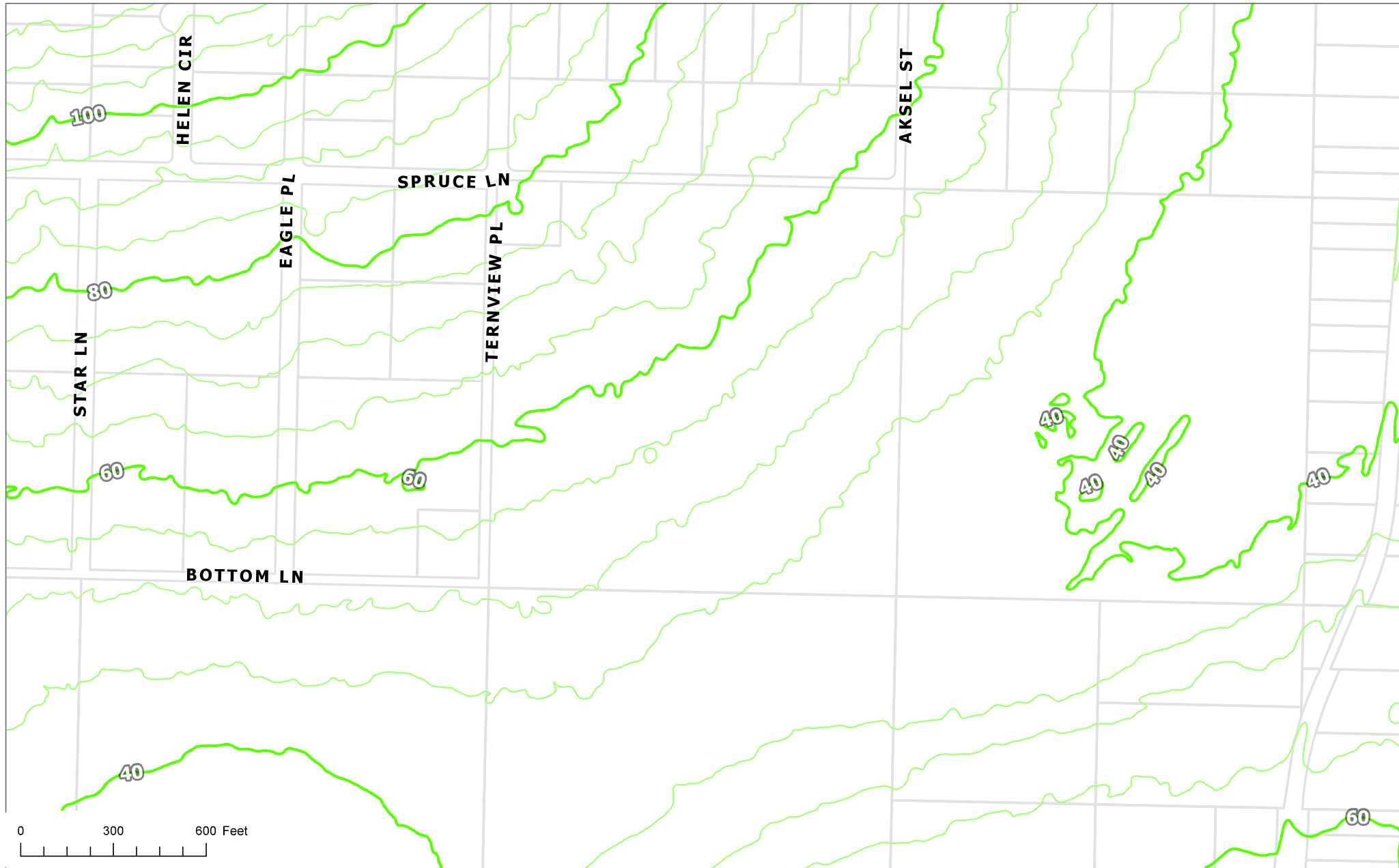


The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.





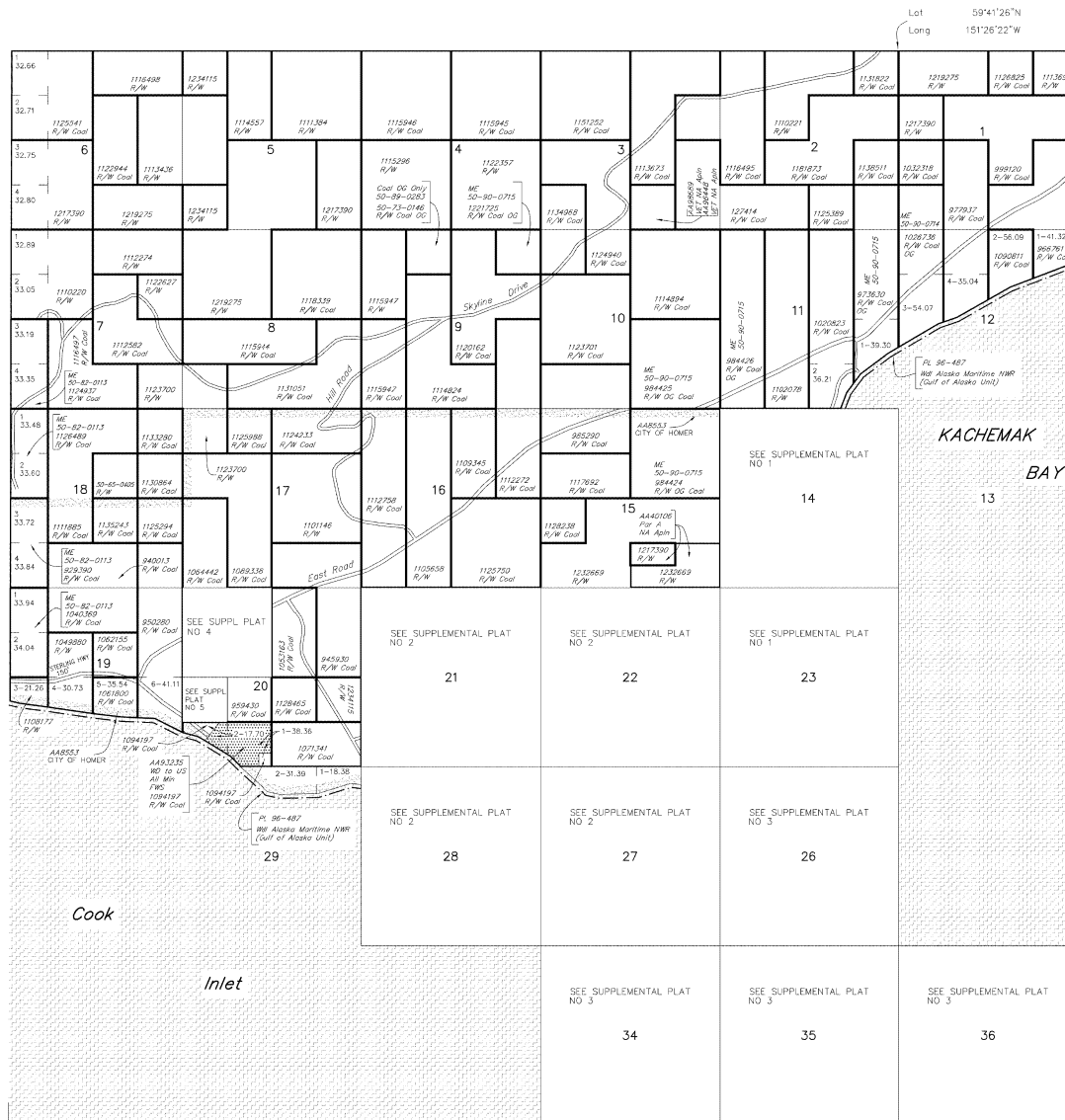
Aerial with 5-foot Contours



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



## SURVEYED TOWNSHIP 6 SOUTH RANGE 13 WEST OF THE SEWARD MERIDIAN, ALASKA



STATUS OF PUBLIC DOMAIN  
LAND AND MINERAL TITLES  
AND ACQUIRED LANDS

## MTP

FOR ORDERS EFFECTING DISPOSAL OR USE OF UN-  
IDENTIFIED LANDS WITHDRAWN FOR CLASSIFICATION  
MINERALS, WATER AND/OR OTHER PUBLIC PURPOSES  
REFER TO INDEX OF MISCELLANEOUS DOCUMENTS.

PLO 5164 Wai O affects Lds/Interests not conveyed

A055316 SS Unpat Lds W/1 entire Tp

A058732 SS Reserved Min Estate Only

A481235 Acq Conservation Esm't affects:

Sec 27: Parcel 1: Lot 6 lying east of Homer Spit  
R/W, Except that portion lying within Plat 77-55.  
Parcel 2: Lots 7 & 8, Parcel 3: Lot 9 lying East of  
Homer Spit R/W.

A481237 Acq Conservation Esm't affects:

Sec 27:  
Parcel 1: Tract A, of Retracement and Subdivision  
of tract A, Walter Dufour Property, according to plat  
No. 63-660.

Parcel 2: Lot 1 of Retracement and Subdivision  
Tract A, Walter Dufour Property, according to plat  
No. 63-660.

Parcel 3: Tract B, Walter Dufour tract B according  
to Plat No. 77-55.

Parcel 4: Government Lot 3: Excepting Therefrom,  
those portions deeded to the state of Alaska by  
Deeds recorded 1/3/1966, in Volume 39 of page 299.

Parcel 5: Government Lot 5: Excepting Therefrom,  
those portions deeded to the state of Alaska by  
Deeds recorded 1/3/1966, in Volume 39 of page 291.

A481236 Acq Conservation Esm't affects:

Sec 20: NW1/4SE1/4, Except that portion of land  
lying East of the Homer Spit Road in its present  
location, and further excepting that portion deeded to  
State of Alaska, Department of Highway in Deed  
recorded in Book 75, page 67, and further excepting  
therefrom that portion deeded to State of Alaska,  
Department of Transportation & Public Facilities in  
deed recorded in Book 264 of page 326.

A055316 SS Amul Pl 96-487 Sec 906(e) Top Filed

SCALE in chains  
10 20 30 40 50 60

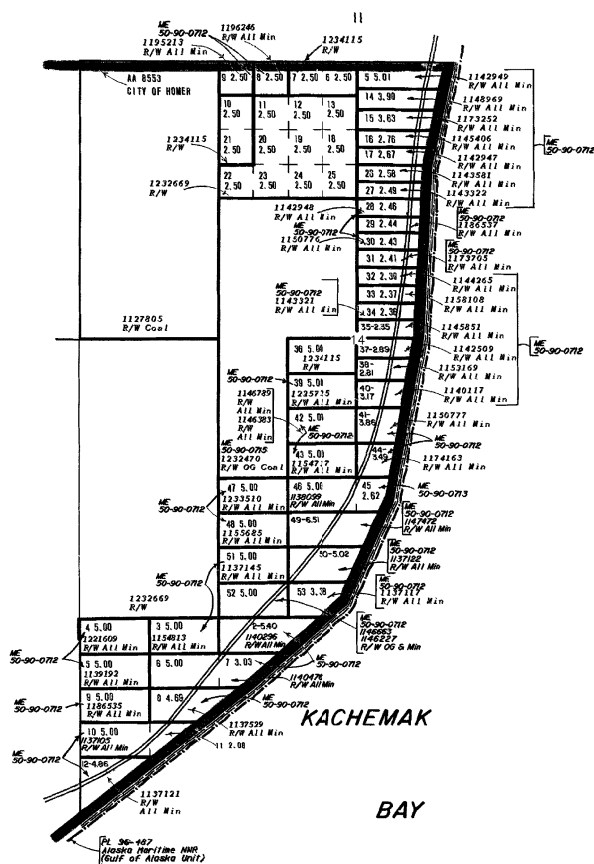
WARNING:  
This is the Bureau's Record of Title, and should be used  
only as a graphic display of the township survey data. Rec-  
ordation does not reflect title changes which may have been  
affected by lateral movements of rivers or other bodies of water.  
Refer to the cadastral surveys for official survey information.

| CURRENT TO | Acq | Sew Mer |
|------------|-----|---------|
| 11-20-2024 | T   | 6 S     |
|            | R   | 13 W    |

ACAD



## SURVEYED TOWNSHIP 6 SOUTH RANGE 13 WEST OF THE SEWARD MERIDIAN, ALASKA

STATUS OF PUBLIC DOMAIN  
LAND AND MINERAL TITLES**MTP  
SUPPL SEC 14, 23**

NO 1

FOR ORDERS EFFECTING DISPOSAL OR USE OF UN-  
IDENTIFIED LANDS WITHDRAWN FOR CLASSIFICATION  
MINERALS, WATER AND/OR OTHER PUBLIC PURPOSES  
REFER TO INDEX OF MISCELLANEOUS DOCUMENTS.

PLO 5184 Wd 'J' affects Lds/Interests not conveyed

A055316 SS unpatented Lds W/1 entire Tp

A058732 SS Reserved Min Estate Only

23

SCALE in chains  
0 5 10 20

WARNING:  
This plat is the Bureau's Record of Title, and should be used  
only as a graphic display of the township survey data. Rec-  
ords herein do not reflect title changes which may have been  
effected by isolated movements of rivers or other bodies of water.  
Refer to the cadastral surveys for official survey information.

|            |  |         |
|------------|--|---------|
| CURRENT TO |  | NO 1    |
| 6-14-2017  |  | Sew Mer |
|            |  | T 6 S   |
|            |  | R 13 W  |





# City of Homer

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

## Planning

491 East Pioneer Avenue  
Homer, Alaska 99603

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

(p) 907-235-3106

(f) 907-235-3118

### Staff Report 24-036

TO: Homer Planning Commission **24-036**  
FROM: Julie Engebretsen, Community Development Director  
DATE: August 7, 2024  
SUBJECT: Storm Water Works Tracts One Preliminary Plat

**Requested Action:** Approval of a preliminary plat to divide one large lot into two smaller lots. The larger tract is proposed for a conservation storm water project.

### General Information:

|                           |   |   |
|---------------------------|---|---|
| Applicants:               | George M. Kennedy<br>844 Ocean Drive Loop<br>Homer, AK 99603  | Geovera LLC<br>PO Box 3235<br>Homer, Alaska 99603 |
| Location:                 | East End Mixed area, south of East End Road and north of the Airport.   |   |
| Parcel ID:                | 17908030  |   |
| Size of Existing Lot(s):  | 39 acres  |   |
| Size of Proposed Lots(s): | 11.902 and 26.5 acres   |   |
| Zoning Designation:       | East End Mixed Use District   |   |
| Existing Land Use:        | Vacant  |   |
| Surrounding Land Use:     | North: Vacant, commercial<br>South: Airport lands<br>East: Vacant<br>West: Conservation, vacant commercial                    |   |
| Comprehensive Plan:       | Chapter 4 Goal 2 Objective C: Provide extra protection for areas with highest environmental value or development constraints. |   |
| Wetland Status:           | Property contains discharge slope and drainage way wetlands.  |   |
| Flood Plain Status:       | Flood Hazard Area Zone X, outside the 0.2% annual flood chance  |   |
| BCWPD:                    | Not within the Bridge Creek Watershed Protection District.  |   |
| Utilities:                | City water and sewer are not available at this time.  |   |
| Public Notice:            | Notice was sent to 31 property owners of 29 parcels as shown on the KPB tax assessor rolls.                                   |   |



**Analysis:** This subdivision is within the East End Mixed Use Zoning District. The purpose of this plat is to divide a large lot into two tracts. The larger tract, Tract B, is proposed to be purchased for a green infrastructure storm water project. The City is working with the Kachemak Bay National Estuarine Research Reserve, part of the University of Alaska Anchorage, to use NOAA grant funds to acquire this property for conservation status. The City will be the end owner and allow for a green infrastructure storm water outfall swale. This project will provide storm water treatment for a portion of the industrial areas in the zoning district. Tract A would remain in private ownership.

Rights of way: Please see the surveyors letter regarding right of way dedications. Staff, and the surveyor met with KPB platting staff to discuss dedications and arrived at the dedications presented on the preliminary plat.

- On the north lot line, Spruce Lane slopes downhill on the eastern end, and the surveyor reports shin deep water. This area is not suitable for road construction, so a cul de sac has been dedicated. Tracts A-2 and Tract A-1A have a preliminary plat which would create alternate access; they do not rely on the extension of Spruce Lane for further development or subdivision.
- On the western boundary of this plat, Ternview Place dedicates a cul de sac at the terminus of developable land. Tract P and the lower western lot adjacent to the ROW are held in conservation by Moose Habitat Inc., and carry deed restrictions. Tract A within this plat would have a full dedication along the length of the lot, down to Tract B.

#### **Homer City Code 22.10.051 Easements and rights-of-way**

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

**Staff Response:** The plat meets these requirements. See plat note 4.

- 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. No additional easements are required.

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

**Staff Response:** The plat meets these requirements. No streets are proposed for acceptance by the City for maintenance therefore HCC 11.04.120 does not apply.

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



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

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

- B. North point;

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

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

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

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

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

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

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

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

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

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

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

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

**Staff Response:** The plat meets these requirements. Wetlands are shown and noted in plat note 6.



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

**Staff Response:** The plat meets these requirements. Not within a tidal area.

- 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. City water and waste water are not available.

- 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. The land slopes gently; see attachments.

- 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. No areas over 20 percent grade. The land slopes gently to the southeast.

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

**Staff Response:** The plat meets these requirements. No known encroachments.

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

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

**Public Works Comments:** Public Works reviewed the plats and responded that they did not have any comments.

**Staff Recommendation:** Planning Commission recommend approval of the preliminary plat.

**Attachments:**

1. Preliminary Plat
2. Surveyor's Letter to City of Homer
3. Plat w topo shown
4. Public Notice
5. Aerial Map



**NOTES**

1. BASIS OF BEARING FOR THIS SURVEY WAS DETERMINED BY A HIGH PRECISION GPS SURVEY USING TOPCON DUAL-FREQUENCY HP+ V RECEIVERS, DIFFERENTIALLY CORRECTED AND PROCESSED WITH MAGNET OFFICE VERSION 3.1 SOFTWARE. NAD83 ALASKA STATE PLANE GRID COORDINATES (U.S. SURVEY FEET) OBTAINED FROM THE GPS OBSERVATIONS WERE BASED ON THE NGS PUBLISHED VALUES FOR FEDERAL BASE NETWORK CONTROL STATION "HOMAIR" (PID T10155).

2. TRUE BEARINGS AND DISTANCES WERE DETERMINED BY ROTATING AND SCALING FROM GRID USING FEDERAL BASE NETWORK CONTROL STATION "HOMAIR" AS A SCALING POINT. TRUE BEARINGS WERE DETERMINED BY ROTATING GRID INVERSE AZIMUTHS -111°13.4". TRUE DISTANCES WERE OBTAINED BY DIVIDING GRID INVERSE DISTANCES BY 0.999986696.

3. THE RESULTING SCALED COORDINATES WERE TRANSLATED TO A LOCAL COORDINATE SYSTEM BASED ON FEDERAL BASE NETWORK CONTROL STATION "HOMAIR" N=100,000 E=100,000. ALL COORDINATE VALUES REPRESENT GROUND DISTANCES IN U.S. SURVEY FEET ORIENTED TO TRUE NORTH.

4. THE FRONT 15 FEET ADJOINING THE TERNVIEW PLACE AND SPRUCE LANE RIGHTS-OF-WAY IS A UTILITY EASEMENT GRANTED BY THIS PLAT. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.

5. PROPERTY IS SUBJECT TO CITY OF HOMER REGULATIONS. CHECK WITH HOMER PLANNING PRIOR TO ANY DEVELOPMENT ACTIVITIES.

6. 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.

**WASTEWATER DISPOSAL****TRACTS A AND B**

THESE LOTS ARE AT LEAST 200,000 SQUARE FEET 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.

**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 USES AND FOR PUBLIC PURPOSES THE REAL PROPERTY TO BE DEDICATED BY THIS PLAT INCLUDING EASEMENTS, RIGHTS-OF-WAY, ALLEYS, AND OTHER PUBLIC AREAS SHOWN ON THIS PLAT IDENTIFIED AS FOLLOWS:

THE TERNVIEW PL. RIGHT-OF-WAY

THE SPRUCE LN. RIGHT-OF-WAY

THE 15 FOOT UTILITY EASEMENTS ADJOINING THE RIGHT-OF-WAY DEDICATIONS

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: \_\_\_\_\_ DATE: \_\_\_\_\_  
MELISSA JACOBSEN, CITY MANAGER  
CITY OF HOMER, ALASKA

**LEGEND**

- INDICATES 3-1/4" ALUM. CAP MONUMENT (7538-S 2017) RECOVERED THIS SURVEY
- INDICATES 3" ALUM. CAP MONUMENT (3686-S 1996) RECOVERED THIS SURVEY
- INDICATES 1/2" DIP WITH TACK IN WOOD PLUG RECOVERED THIS SURVEY
- ⊗ INDICATES X IN GRANITE BOULDER (RECORD HM 2004-6) RECOVERED THIS SURVEY
- INDICATES 2" ALCAP ON 5/8"x30" REBAR (7538-S 2024) SET THIS SURVEY
- INDICATES POTENTIAL WETLAND/UPLAND COMPLEX AND/OR DRAGAGEWAY PER KENAI WATERSHED FORUM WETLANDS MAPPING

**LINE TABLE**

| LINE | BEARING       | DISTANCE |
|------|---------------|----------|
| L1   | N 89°54'30" E | 208.71   |
| L2   | N 0°04'38" W  | 208.71   |
| L3   | N 0°04'38" W  | 208.71   |
| L4   | N 89°54'30" E | 208.71   |

**CURVE TABLE**

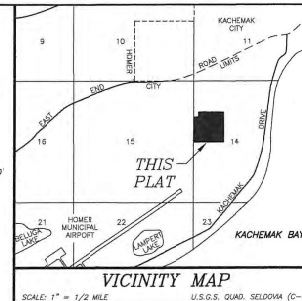
| CURVE | DELTA      | RADIUS | LENGTH | CHORD BRNG    | CHORD DIST |
|-------|------------|--------|--------|---------------|------------|
| C1    | 18°42'00"  | 50.00  | 17.44  | N 20°30'24" E | 83.30      |
| C2    | 123°00'40" | 50.00  | 107.35 | N 28°23'04" E | 87.89      |
| C3    | 124°17'20" | 50.00  | 13.89  | N 40°55'58" W | 13.65      |
| C4    | 143°07'48" | 50.00  | 124.90 | N 71°28'22" E | 94.87      |

**PLAT APPROVAL**

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

BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
AUTHORIZED OFFICIAL  
KENAI PENINSULA BOROUGH

SCALE 1"=100'

**CERTIFICATE OF OWNERSHIP AND DEDICATION**

I, THE UNDERSIGNED, HEREBY CERTIFY THAT I AM THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I HEREBY ADOPT THIS PLAN OF SUBDIVISION AND BY MY FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

GEORGE M. KENNEDY  
844 OCEAN DRIVE LOOP  
HOMER, ALASKA 99603

**NOTARY'S ACKNOWLEDGMENT**

FOR GEORGE M. KENNEDY

ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_

DAY OF \_\_\_\_\_, 2024.

NOTARY PUBLIC FOR ALASKA

MY COMMISSION EXPIRES: \_\_\_\_\_

HOMER RECORDING DISTRICT KPB FILE No. 2024-???

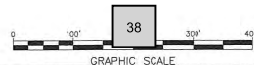
**STORMWATER WORKS TRACTS ONE**

CREATING TRACTS A AND B  
LOCATED WITHIN THE SW 1/4 NW1/4 SECTION 14,  
EXCLUDING THE NORTH 208.71' OF THE WEST 208.71'  
T. 6 S., R. 13 W., SEWARD MERIDIAN, CITY OF HOMER, KENAI PENINSULA  
BOROUGH, THIRD JUDICIAL DISTRICT, ALASKA  
CONTAINING 38.973 ACRES

OWNER:  
GEORGE M. KENNEDY 844 OCEAN DRIVE LOOP HOMER, AK 99603

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

DRAWN BY: SCS DATE: JULY 2024 SCALE: 1" = 100'  
CHK BY: SCS JOB #2023-12 SHEET 1 OF 1





**Geovera, LLC**

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

July 18, 2024

City of Homer  
Planning Department  
Ryan Foster, City Planner  
491 E. Pioneer Ave.  
Homer, Alaska 99603

RE: Stormwater Works Tracts One Preliminary Submittal

Ryan,


Please find enclosed 1 full size and 2 half size copies of the preliminary plat of Stormwater Works Tracts One and the signed plat submittal form.

This plat subdivides the SW1/4 NW1/4, Section 14, T. 6 S., R. 13, W S.M., Alaska into two lots. Both lots will have legal access by way of the Ternview Place and Spruce Lane rights-of-way. The subdivision is part of a wetland preservation project being undertaken by the City of Homer funded in part through a NOAA grant. The project requires acquiring various properties to be put off limits to future development, one in the SW1/4 NW1/4 Section 14 (Tract B this plat), and several in the NE1/4 NW1/4 Section 14 (future plat).

The city is asking for an exception to KPB 20.30.30 Proposed Street Layout Requirements (justification letter attached). Since the project is for the purpose of protecting wetlands, the city is asking that right-of-way along the east and south boundaries, and the portion of matching Spruce Lane right-of-way within wetlands not be dedicated. The city is also asking that the matching Ternview Place right-of-way south of adjoining tracts L-2 and L-3 HM 76-103 not be dedicated. There is an existing 33 foot section line easement along the west boundary of this subdivision. The properties to the south of Tracts L-2 and L-3 HM 76-103 are reserved as moose habitat. The property to the south of this subdivision is state DNR land. The property to the southwest of this subdivision is state DNR land and is part of the Homer Airport Critical Habitat Area. The 40 acres east of this subdivision has legal access by way of Kachemak Drive through city owned property.

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

Sincerely,

  
Stephen C. Smith P.L.S.



NOTES

1. BASIS OF BEARING FOR THIS SURVEY WAS DETERMINED BY A HIGH PRECISION GPS SURVEY USING TOPCON DUAL-FREQUENCY HPPer V RECEIVERS, DIFFERENTIALLY CORRECTED WITH MAGNET PROCESSOR VERSION 3.1.1 SOFTWARE. NAD83 ALASKA STATE PLANE GRID COORDINATES (U.S. SURVEY FEET) OBTAINED FROM THE GPS OBSERVATIONS WERE BASED ON THE NGDS PUBLISHED VALUES FOR FEDERAL BASE NETWORK CONTROL STATION "HOMAR" (PID TT0155).

2. TRUE BEARINGS AND DISTANCES WERE DETERMINED BY ROTATING AND SCALING FROM GRID USING FEDERAL BASE NETWORK CONTROL STATION "HOMAR" AS A SCALING POINT. TRUE BEARINGS WERE DETERMINED BY ROTATING GRID INVERSE AZIMUTHS  $-117^{\circ}13'41''$ . TRUE DISTANCES WERE OBTAINED BY DIVIDING GRID INVERSE DISTANCES BY 0.999986696.

3. THE RESULTING SCALED COORDINATES WERE TRANSLATED TO A LOCAL COORDINATE SYSTEM BASED ON FEDERAL BASE NETWORK CONTROL STATION "HOMAR" N=100,000 E=100,000. ALL COORDINATE VALUES REPRESENT GROUND DISTANCES IN U.S. SURVEY FEET ORIENTED TO TRUE NORTH.

4. THE FRONT 15 FEET ADJOINING THE TERNVIEW PLACE AND SPRUCE LANE RIGHTS-OF-WAY IS A UTILITY EASEMENT GRANTED BY THIS PLAT. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.

5. PROPERTY IS SUBJECT TO CITY OF HOMER REGULATIONS. CHECK WITH HOMER PLANNING PRIOR TO ANY DEVELOPMENT ACTIVITIES.

6. 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.

WASTEWATER DISPOSAL

TRACTS A AND B

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

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 USES AND FOR PUBLIC PURPOSES THE REAL PROPERTY TO BE DEDICATED BY THIS PLAT INCLUDING EASEMENTS, RIGHTS-OF-WAY, ALLEYS, AND OTHER PUBLIC AREAS SHOWN ON THIS PLAT IDENTIFIED AS FOLLOWS:

THE TERNVIEW PL. RIGHT-OF-WAY

THE SPRUCE LN. RIGHT-OF-WAY

THE 15 FOOT UTILITY EASEMENTS ADJOINING THE RIGHT-OF-WAY DEDICATIONS

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: MELISSA JACOBSEN, CITY MANAGER  
CITY OF HOMER, ALASKA

DATE: \_\_\_\_\_

LEGEND

- INDICATES 3-1/4" ALUM. CAP MONUMENT (7538-S 2017) RECOVERED THIS SURVEY
- INDICATES 3" ALUM. CAP MONUMENT (3686-S 1996) RECOVERED THIS SURVEY
- INDICATES 1/2" GIP WITH TACK IN WOOD PLUG RECOVERED THIS SURVEY
- INDICATES X IN GRANITE BOULDER (RECORD HM 2004-8) RECOVERED THIS SURVEY
- INDICATES 2" ALCAP ON 5/8"x30" REBAR (7538-S 2024) SET THIS SURVEY

- INDICATES POTENTIAL WETLAND/UPLAND COMPLEX AND/OR DRAINAGEWAY PER KENAI WATERSHED FORUM WETLANDS MAPPING

LINE TABLE

| LINE | BEARING       | DISTANCE |
|------|---------------|----------|
| L1   | N 89°54'30" E | 208.71'  |
| L2   | N 0°04'30" W  | 208.71'  |
| L3   | N 0°04'30" W  | 208.71'  |
| L4   | N 89°54'30" E | 208.71'  |

CURVE TABLE

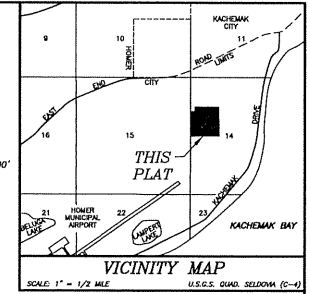
| CURVE | DELTA      | RADIUS | LENGTH  | CHORD BRNG    | CHORD DIST |
|-------|------------|--------|---------|---------------|------------|
| C1    | 138°20'00" | 50.00' | 171.04' | N 20°12'24" E | 133.56'    |
| C2    | 23°00'40"  | 50.00' | 107.35' | N 26°35'04" E | 87.89'     |
| C3    | 12°41'20"  | 50.00' | 13.69'  | N 40°58'50" W | 13.85'     |
| C4    | 153°07'48" | 50.00' | 124.90' | N 71°28'24" E | 94.87'     |

PLAT APPROVAL

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

BY: AUTHORIZED OFFICIAL  
KENAI PENINSULA BOROUGH

DATE: \_\_\_\_\_



CERTIFICATE OF OWNERSHIP AND DEDICATION

1. THE UNDERSIGNED, HEREBY CERTIFY THAT I AM THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I HEREBY ADOPT THIS PLAN OF SUBDIVISION AND BY MY FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

GEORGE M. KENNEDY  
844 OCEAN DRIVE LOOP  
HOMER, ALASKA 99603

NOTARY'S ACKNOWLEDGMENT

FOR GEORGE M. KENNEDY

ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_

DAY OF \_\_\_\_\_, 2024.

NOTARY PUBLIC FOR ALASKA

MY COMMISSION EXPIRES: \_\_\_\_\_

5 Foot Topo Shown

HOMER RECORDING DISTRICT KPB File No. 2024-???

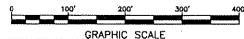
STORMWATER WORKS TRACTS ONE

CREATING TRACTS A AND B  
LOCATED WITHIN THE SW 1/4 NW1/4 SECTION 14,  
EXCLUDING THE NORTH 208.71' OF THE WEST 208.71'  
T. 6 S., R. 13 W., SEWARD MERIDIAN, CITY OF HOMER, KENAI PENINSULA  
BOROUGH, THIRD JUDICIAL DISTRICT, ALASKA  
CONTAINING 38.973 ACRES

GEORGE M. KENNEDY 844 OCEAN DRIVE LOOP HOMER, AK 99603

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

DRAWN BY: SCB DATE: JULY 2024 SCALE: 1" = 100'  
CHK BY: SCB JOB #2023-12 SHEET 1 OF 1





## 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:

### **Stormwater Works Tracts One 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 7, 2024 at 6:30 p.m. In-person meeting participation is available in Cowles Council Chambers located downstairs at Homer City Hall, 491 E. Pioneer Ave., Homer, AK 99603. To attend the meeting virtually, visit [zoom.us](https://zoom.us) and enter the Meeting ID & Passcode listed below. To attend the meeting by phone, dial any one of the following phone numbers and enter the Webinar ID & Passcode below, when prompted: 1-253-215-8782, 1-669-900-6833, (toll free) 888-788-0099 or 877-853-5247.

Meeting ID: 979 8816 0903

Passcode: 976062

Additional information regarding this matter will be available by 5 p.m. on the Friday before the meeting. This information will be posted to the City of Homer online calendar page for August 2, 2024 at <https://www.cityofhomer-ak.gov/calendar>. It will also be available at the Planning and Zoning Office at Homer City Hall and at the Homer Public Library.

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

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

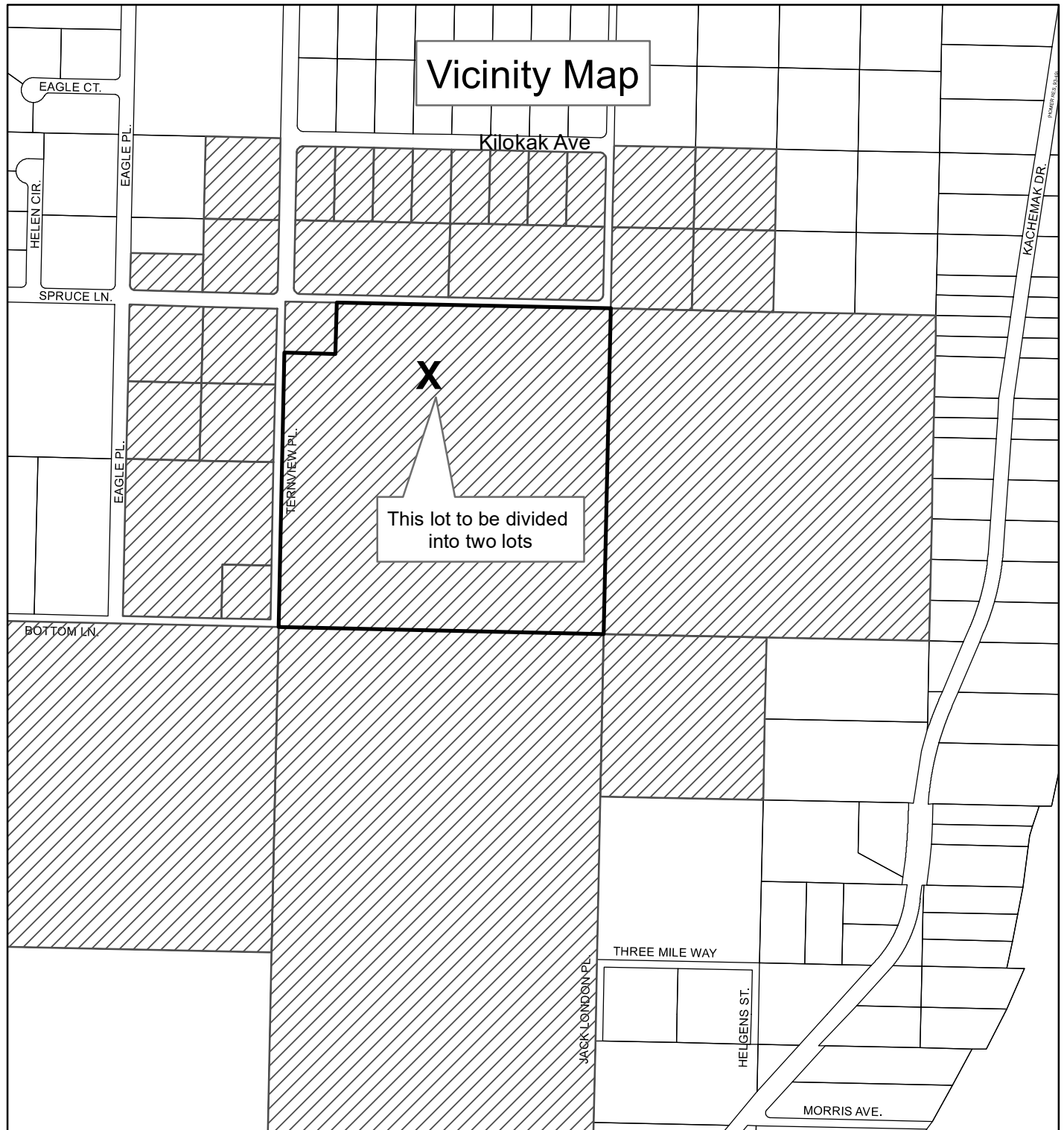
**NOTICE TO BE SENT TO PROPERTY OWNERS WITHIN 500 FEET OF PROPERTY.**

.....

## VICINITY MAP ON REVERSE



# Vicinity Map



City of Homer  
Planning and Zoning Department  
July 22, 2024

## Storm Water Tracts One Preliminary Plat

Marked lots are w/in 500 feet  
and property owners notified.



**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.





## Legend

Physical Addresses

Transportation

Mileposts

Roads

- Medium Collector
- Medium Volume - Unmaintained
- Medium Volume - Maintained
- Low / Seasonal
- Legal Trail
- Private
- State Hwy
- Platted / Proposed

Parcels and PLSS

Tax Parcels



9" Imagery

- Red: Red
- Green: Green
- Blue: Blue

0 1000 2000 ft

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



July 18, 2024

Kenai Peninsula Borough  
Planning Department  
Beverly Carpenter, Platting Specialist  
144 N. Binkley  
Soldotna, AK 99669

RE: Stormwater Works Tracts One Exception Requests

Beverly,

This letter is an attachment to the Exception Request Application form. It addresses an exception to KPB 20.30.30 Proposed Street Layout Requirements. KPB 20.50.10 A (1-3) are addressed.

KPB 20.30.030 Proposed Street Layout Requirements

A (1) This subdivision is for the purpose of acquiring 26.5 acres of wetlands to be part of a wetland preservation project being undertaken by the City of Homer funded in part through a NOAA grant. This land will be off limits to future development. Right-of-way dedications within this proposed subdivision provide matching dedications to the portions of this subdivision and adjoining tracts that will have the potential for future development.

A (2) Tract B of this subdivision will be set aside as a conservation easement for the purpose of preserving and enhancing the wetlands within the tract and the surrounding wetlands. It will be off limits to future development. The requirement to match right-of-way dedications on portions of the north and west boundaries, and dedication of right-of-way on the east and south boundaries would defeat the purpose of this project.

A (3) The granting of this exception will not be detrimental to the public welfare. Adjoining property owners all have legal and functional access to their property. The 40 acres to the east of this subdivision has legal access through a City of Homer owned parcel that gives it a connection to Kachemak Drive. The property to the north of that parcel is part of this wetland conservation project. There will be no future need to provide road access to it.

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

Stephen C. Smith P.L.S.



Commissioner Venuti stated that he voted against the CUP due to the fact that it doesn't appear to be compatible with surrounding land use.

Commissioner H. Smith stated that he feels this project would negatively affect the harmony in scale, bulk, coverage, and density of the neighborhood's character.

Motion failed.

#### **PLAT CONSIDERATION**

##### **A. Staff Report 24-036, Storm Water Works Tract One, Preliminary Plat**

Chair S. Smith introduced the item by reading of the title. City Planner Foster then provided a summary of his report included in the packet.

Chair S. Smith invited the applicant to comment on the application, but there was no applicant present.

Chair S. Smith then opened the floor for public comments.

Mike Arno shared that he is the property owner of the 10 acres to the north of this land. He stated that he is opposed to it for various reasons. His first reason being that he doesn't feel the city should be doing this with funds that the city doesn't have. He added that the city is going about their development backwards, stating that "there is no basic infrastructure, but all the frills on top of it." Mr. Arno referenced another property he owns on East End Road that is basically undevelopable because there's no water and sewer to it. He shared his frustration with the LID process that's currently in place at the city, stating that it makes development of infrastructure in the city extremely difficult. Mr. Arno also made a point that the city requires anyone developing property inside of it to create a right-of-way along their property line, and questioned why the city doesn't have to follow the same rules.

Chair S. Smith closed the public comment period and opened the floor to questions and comments from the Commission.

Chair S. Smith referenced the letter from Steve Smith on page 39 of the packet. He highlighted a sentence in the second paragraph that read, "the project requires acquiring various properties to be put off limits for future development..." He shared that this sentence was a huge red flag for him, adding that he views it as playing with a partial deck of cards, and not really knowing what they're playing with. Acknowledging Mr. Arno's comments, Mr. Smith shared that he doesn't think the city should ask for exception to things that are going to require tax-payer funding.

With no other questions posed, Chair S. Smith requested a motion and second.

SCHNEIDER/BARNWELL MOVED TO ADOPT STAFF REPORT 24-036 AND RECOMMEND APPROVAL OF THE STORM WATER WORKS TRACT ONE PRELIMINARY PLAT.

Commissioner Stark stated that this is a matter of due process and the Commission is responsible for looking at it that way. He added that all the issues raised will be investigated further in the next stage of the project.

VOTE: NON-OBJECTION: UNANIMOUS CONSENT.



Motion carried.

B. Staff Report 24-037, Ageya Homestead 2024 Replat, Preliminary Plat

Chair S. Smith introduced the item by reading of the title. City Planner Foster then provided a summary of his report included in the packet. Mr. Foster noted that this plat is outside of Homer City limits, but is within the Bridge Creek Watershed Protection District, which is why it's in front of the Commission.

Chair S. Smith then opened the floor for the applicant. Katie Kirsis, with Seabright Survey + Design, stated that it was a pretty straight-forward application and made herself available for questions.

Chair S. Smith opened the floor for public comments. There were none.

Chair S. Smith then opened the floor for questions and comments from the Commission.

Commissioner H. Smith asked Ms. Kirsis if she had reviewed the easement information, and if she would be comfortable with the Commission including the easement information along with what they send to the Borough. Ms. Kirsis stated that she would need to review it in depth, but that they are planning on granting shared private access easements across some of those existing driveways shown. She added that private access easements aren't typically shown on plats.

With no other comments or questions from the Commission, Chair S. Smith requested a motion and second.

H. SMITH/BARNWELL MOVED TO ADOPT STAFF REPORT 24-037 AND RECOMMEND APPROVAL OF THE AGEYA HOMESTEAD 2024 REPLAT PRELIMINARY PLAT WITH THE FOLLOWING COMMENT: 1. REVIEW THE GRANT OF EASEMENT ON BOOK 0253 PAGE 684 AND CONSIDER WHETHER THIS SHOULD BE INCORPORATED INTO THIS REPLAT.

Chair S. Smith asked for clarification on what "Book 0253 Page 684" was referencing. Ms. Kirsis explained that it's the recording number of the document for the State of Alaska. She added that this area has a history of old trails that were used by different parties, rights-of-way were dedicated and easements were vacated and use was changed.

VOTE: NON-OBJECTION: UNANIMOUS CONSENT.

Motion carried.

C. Staff Report 24-038, Ekers Estate No. 3 Tract A-1 2024 Replat, Preliminary Plat

Chair S. Smith introduced the item by reading of the title. City Planner Foster then provided a summary of his report included in the packet.

Chair S. Smith then opened the floor for the applicant. Katie Kirsis, with Seabright Survey + Design, noted that there are some steep slopes affecting this property. She added that an application/waiver for a setback to steep slopes for the proposed septic system for the upper lot has been conditionally approved by the Department of Environmental Conservation.

Chair S. Smith opened the floor for public comments. There were none.



Chair S. Smith then opened the floor for questions and comments from the Commission.

Commissioner H. Smith asked Ms. Kirsis how much of the new subdivision would be 20% or more on grade. Ms. Kirsis informed Mr. Smith that all of the shaded areas on the map were 20% or more on grade.

H. SMITH/SCHNEIDER MOVED TO ADOPT STAFF REPORT 24-038 AND RECOMMEND APPROVAL OF THE ETERS ESTATE NO. 3 TRACT A-1 2024 REPLAT PRELIMINARY PLAT.

There was no discussion.

VOTE: NON-OBJECTION: UNANIMOUS CONSENT.

Motion carried.

### **PENDING BUSINESS**

#### **A. Review of Capital Improvement Plan**

Chair S. Smith introduced the item by reading of the title. He then recapped the unofficial votes from the Commission during the Worksession, noting the following:

- HERC Hazardous Material Cleanup and Revitalization Plan, Homer Spit Coastal Erosion Mitigation, Homer Harbor Critical Float System Replacement: Float Systems 4 & 1, and the City Hall Access Barrier Removal all tallied one (1) vote each
- Slope Stability & Erosion Mitigation Program and Fire Hall Expansion, Phase 1 tallied two (2) votes each
- A-Frame Water Transmission Line Replacement and New Public Works Facility tallied three (3) votes each
- Homer Harbor Expansion tallied five (5) votes

With no further discussion, Chair S. Smith requested a motion and second.

SCHNEIDER/VENUTI MOVED THAT THE PLANNING COMMISSION RECOMMEND THE FOLLOWING THREE PROJECTS TO CITY COUNCIL FOR INCLUSION IN THE LEGISLATIVE PRIORITY SECTION OF THE CAPITAL IMPROVEMENT PLAN:

1. HOMER HARBOR EXPANSION - **#1 FEDERAL LEGISLATIVE PRIORITY PROJECT**
2. NEW PUBLIC WORKS FACILITY - **#2 FEDERAL LEGISLATIVE PRIORITY PROJECT**
3. A-FRAME WATER TRANSMISSION LINE REPLACEMENT

There was no further discussion.

VOTE: NON-OBJECTION: UNANIMOUS CONSENT.

Motion carried.

### **NEW BUSINESS**





# City of Homer

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

## Office of the City Clerk

491 East Pioneer Avenue

Homer, Alaska 99603

[clerk@cityofhomer-ak.gov](mailto:clerk@cityofhomer-ak.gov)

(p) 907-235-3130

(f) 907-235-3143

## Memorandum

To: PLANNING COMMISSION  
From: ZACH PETTIT, DEPUTY CITY CLERK I  
Date: SEPTEMBER 4, 2024  
Subject: STORM WATER WORKS TRACTS ONE, PRELIMINARY PLAT RECONSIDERATION

---

**Background:** The packet materials from the August 7<sup>th</sup>, 2024 Planning Commission Regular Meeting pertaining to the Storm Water Works Tracts One Preliminary Plat have been re-attached to this packet in the event that the Commission votes to reconsider the plat. If the Commission votes against reconsideration at this time the attachments need not apply. If the motion to reconsider is carried, the motion from the August 7<sup>th</sup>, 2024 Planning Commission Regular Meeting will be back on the floor, as follows: "SCHNEIDER/BARNWELL MOVED TO ADOPT STAFF REPORT 24-036 AND RECOMMEND APPROVAL OF THE STORM WATER WORKS TRACT ONE PRELIMINARY PLAT."

**Requested Action:** Discuss and vote on whether or not the Commission wishes to approve this preliminary plat reconsideration.



A. City Planner's Report, Staff Report 24-046

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

- Next Commissioner Report to Council will take place on September 23<sup>rd</sup>
- Next Planning Commission Worksession and Regular Meeting is on Wednesday, October 2<sup>nd</sup>
- Open House at Islands & Oceans Visitor Center on October 22<sup>nd</sup> for review of the Homer Comprehensive Plan Growth Scenarios

Commissioner Venuti voiced concerns he had regarding the AI-generated summaries within the Zoom recordings of the Planning Commission's recorded meetings.

B. Comprehensive Plan Steering Committee Report

Commissioner Barnwell noted that there's been a lot of concern regarding the timeline for the project, adding that the Committee was recently informed of a deadline extension for the project. He also spoke to the Title 21 rewrite and the timing of its implementation. There was brief discussion about any changes the deadline extension might have to the cost of the project, but Commissioner Barnwell and City Planner Foster assured the Commission that there wouldn't be any budgetary changes regarding the extension.

**PUBLIC HEARINGS**

**PLAT CONSIDERATION**

1. Staff Report 24-036, Storm Water Works Tracts One, Preliminary Plat

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

Chair S. Smith reiterated the motion that was on the floor, as follows:

SCHNEIDER/BARNWELL MOVED TO ADOPT STAFF REPORT 24-036 AND RECOMMEND APPROVAL OF THE STORM WATER WORKS TRACTS ONE PRELIMINARY PLAT.

Chair S. Smith opened the public comment period. With no one coming forward to comment, Chair S. Smith closed the public comment period.

Commissioner H. Smith inquired if the City had received a justification letter given that this project proposes that the right-of-way no longer be dedicated beyond the cul-de-sacs. Community Development Director Engebretsen answered that the City of Homer is in some ways the applicant for this project, adding that in the Borough code you can ask for exceptions to certain things. She noted that in this process, the City has asked for that exception in two locations.

Ms. Engebretsen continued to explain that the western property line is proposed to have a cul-de-sac due to conservation restrictions and nearby critical habitat, while full road dedication could be required if the Commission disagrees. She added that the northern property line has standing water, making it unsuitable for road construction, and a separate subdivision proposal does not use that right-of-way. She offered



another alternative for the Commission, stating that they could recommend extending Spruce Lane along the property line.

When questioned by Commissioner H. Smith about whether this plat consideration would land-lock parcel owners in the area, Ms. Engebretsen stated that the surveyor is working with the owner of the two parcels to the north, adding that their proposal was to build a cul-de-sac through the center of these two lots for the purpose of bringing water and sewer in. She added that part of that decision was that they recognized from their subdivision activity further north that they needed some smaller lots.

Chair S. Smith asked if there was any developable property or property slated for future development that Ternview could access in the future. Ms. Engebretsen stated that it would be very unlikely to have future development in this area given that it's mostly airport and airport critical habitat property, adding that this would require a change in the State legislature.

Chair S. Smith asked for confirmation from Ms. Engebretsen that the easement is not being vacated, and therefore that means there is still a potential for a road in the future. Ms. Engebretsen stated that there's a half right-of-way dedication that exists now, and that will remain in place. She added that the north-south along Ternview is where there is a section-line easement, and that too will stay.

With no further questions from the Commission, Chair S. Smith restated that there was a motion on the floor, and asked for any Commissioners with objections to come forth.

SCHNEIDER/BARNWELL MOVED TO ADOPT STAFF REPORT 24-036 AND RECOMMEND APPROVAL OF THE STORM WATER WORKS TRACTS ONE PRELIMINARY PLAT.

There was no further discussion.

VOTE: NON-OBJECTION: UNANIMOUS CONSENT.

Motion carried.

2. Staff Report 24-047, Mattox Subdivision Corbin 2024 Replat, Preliminary Plat

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

Chair S. Smith invited the applicant to speak to the application. Katie Kirsis stated that she was there to answer any technical questions regarding the plat.

Chair S. Smith opened the public comment period of the plat consideration. With no one wishing to comment, he closed the public comment period.

Chair S. Smith then opened the floor for comments and questions from the Commission. With no comments made, Chair S. Smith requested a motion and second.

SCHNEIDER/VENUTI MOVED TO ADOPT STAFF REPORT 24-047 AND RECOMMEND APPROVAL OF THE MATTOX SUBDIVISION CORBIN 2024 REPLAT PRELIMINARY PLAT WITH THE FOLLOWING ADDITIONAL COMMENTS:



**CALL TO ORDER**

Session 24-14, a Regular Meeting of the Planning Commission was called to order by Chair Scott Smith at 6:35 p.m. on September 4<sup>th</sup>, 2024 at the Cowles Council Chambers in City Hall, located at 491 E. Pioneer Avenue, Homer, Alaska, and via Zoom Webinar.

**PRESENT:** COMMISSIONER CONLEY, VENUTI, S. SMITH, SCHNEIDER, STARK & H. SMITH

**ABSENT:** COMMISSIONER BARNWELL (EXCUSED)

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

**AGENDA APPROVAL**

Chair S. Smith read the supplemental items into the record, and requested a motion and second to approve the agenda as amended.

SCHNEIDER/H. SMITH MOVED TO APPROVE THE AGENDA AS AMENDED.

There was no discussion.

VOTE: NON-OBJECTION: UNANIMOUS CONSENT.

Motion carried.

**PUBLIC COMMENTS UPON MATTERAS AREADY ON THE AGENDA**

**RECONSIDERATION**

A. Staff Report 24-045, Storm Water Works Tracts One, Preliminary Plat Consideration

Chair S. Smith introduced the item by reading of the title, and deferred to City Planner Foster for a brief explanation. Mr. Foster explained that the Commission originally approved the preliminary plat consideration at its August 7<sup>th</sup>, 2024 Regular Meeting. He continued, providing that Commissioner H. Smith issued a timely notice for reconsideration regarding this plat on August 9<sup>th</sup>, 2024.

VENUTI/H. SMITH MOVED TO RECONSIDER THE STORM WATER WORKS TRACTS ONE, PRELIMINARY PLAT CONSIDERATION.

Commissioner H. Smith stated that in reviewing the previous discussion and thinking about some of the public testimony from the previous meeting, it had occurred to him that the redrawing of these boundaries on the plat would effectively eliminate the road easements, preventing certain properties in the area from having access. He said that he wanted to be able to have a fuller conversation about the effect of that on the adjacent properties, and what that would mean for their ability to develop and to be usable.

Chair S. Smith shared his opinion that he feels the decision on a project like this should be reserved for after the Comprehensive Plan is adopted.



Commissioner Stark commented that he feels the Commission's original decision on the matter complies with due process.

Commissioner Conley said that it's good to get the full value of agenda items when the Commission meets and discusses them, but warned the Commission of the precedent they might set for themselves if they continue to reconsider items frequently.

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

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

Motion carried.

#### **CONSENT AGENDA**

A. Unapproved Regular Meeting Minutes of August 7, 2024

B. Decisions and Findings CUP 24-11, 3869 Jennifer Place

Chair S. Smith noted for the record that all items on the consent agenda are considered routine and non-controversial by the Planning Commission and are approved in one motion. If a separate discussion is desired on an item, a Commissioner may request that item be removed from the Consent Agenda and placed on the Regular Agenda under New Business. He then requested a motion and second to adopt the consent agenda.

H. SMITH/SCHNEIDER MOVED TO ADOPT THE CONSENT AGENDA AS PRESENTED.

There was no discussion.

VOTE: NON-OBJECTION: UNANIMOUS CONSENT

Motion carried.

#### **PRESENTATIONS / VISITORS**

#### **REPORTS**

A. City Planner's Report, Staff Report 24-041

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

- Comprehensive Plan Survey results and Interactive Map results are being compiled, and will start to be released into the community next week
- Joint Worksession between the Planning Commission and PARCAC targeted for September 18<sup>th</sup> at 5:00 p.m.
- Planning Commissioner Training – two-part virtual Planning Commissioner Training hosted by the Alaska Chapter of the American Planning Association on Sunday, October 27<sup>th</sup>
- Next Regular Meeting is on Wednesday, September 18<sup>th</sup>



Chair S. Smith commented that the first time the Commission saw this application, the tenant in Lot 1-E-1 was saying that the particular lot line adjustment caused her cabin to be in violation of some sort. He questioned City Planner Foster if that issue had been resolved. Mr. Foster answered that these are two very different applications, with the prior application having a dedicated right-of-way.

There was no further discussion.

VOTE: NON-OBJECTION: UNANIMOUS CONSENT.

Motion carried.

2. Staff Report 24-044, Bayview Gardens Subdivision Addn. 1 Jennings 2024 Replat, Preliminary Plat

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

Chair S. Smith opened the floor for the Applicant.

Katie Kirsis stated that she is the surveyor who prepared the plats for this project. She added that it's a simple plat, claiming that they're just moving a lot line. She made herself available for questions.

Chair S. Smith opened the public comment period, but none were offered.

Chair S. Smith then opened the floor to questions and comments from the Commission, but there were none.

Chair S. Smith then requested a motion and second.

SCHNEIDER/H. SMITH MOVED TO ADOPT STAFF REPORT 24-044 AND RECOMMEND APPROVAL OF THE BAYVIEW GARDENS SUBDIVISION ADDITION 1 JENNINGS 2024 REPLAT, PRELIMINARY PLAT WITH THE FOLLOWING ADDITIONAL COMMENTS:

1. THE UTILITY EASEMENT IS DEPICTED AS A 10' UTILITY EASEMENT PER (HM 76-104), HOWEVER IT SPELLS IT OUT AS A 15' UTILITY EASEMENT IN NOTE #1. A 15' UTILITY EASEMENT SHOULD BE DEPICTED ON THE PLAT TOO.

There was no further discussion.

VOTE: NON-OBJECTION: UNANIMOUS CONSENT.

Motion carried.

**PENDING BUSINESS**

**NEW BUSINESS**

- A. Staff Report 24-045, Storm Water Works Tracts One, Preliminary Plat Reconsideration  
Memorandum from Deputy City Clerk as backup



Chair S. Smith introduced the item by reading of the title, and noted the motion that was on the table as a result of the reconsideration:

SCHNEIDER/VENUTI MOVED TO ADOPT STAFF REPORT 24-036 AND RECOMMEND APPROVAL OF THE STORM WATER WORKS TRACTS ONE PRELIMINARY PLAT.

Commissioner H. Smith questioned what determinations had been made that would eliminate access to some of these properties. City Planner Foster stated that if the Commission is looking to obtain more information regarding this plat that the best practice would be to postpone the item to the next meeting in order for the item to be re-noticed. This would provide a way for City Staff to provide a notification to the appropriate parties that can answer the questions that are being asked. Mr. Smith added that part of his concern is that the Commission is allowing a replat of one property that could affect several properties.

Chair S. Smith stated that he tends to agree with Commissioner H. Smith that the letter from the surveyor in the initial application gave indication that there were some things being requested with this application that jeopardized access to other lots, adding that further clarification would be helpful.

After lengthy discussion among the Commission about the cleanest way to move forward with the motion on the floor, Deputy City Clerk Pettit requested the Chair call a recess so he could determine the best way to move forward with the motion on the floor.

Chair S. Smith declared a 10-minute recess at 8:36 p.m.

Chair S. Smith called the meeting back to order at 8:46 p.m.

SCHNEIDER/VENUTI MOVED TO POSTPONE STAFF REPORT 24-045 STORM WATER WORKS TRACTS ONE, PRELIMINARY PLAT RECONSIDERATION UNTIL THE NEXT REGULARLY SCHEDULED MEETING, ALLOWING CITY STAFF TO PURSUE RE-NOTIFICATION AND GATHER ANY INFORMATION NECESSARY CONCERNING THE REPLAT.

Chair S. Smith offered an amendment to the motion before being informed by Deputy City Clerk Pettit that an amendment is out of order at this time given the higher ranking motion to Postpone to a Certain Time.

There was no further discussion.

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

VOTE: NO: H. SMITH, CONLEY, STARK, VENUTI, S. SMITH, SCHNEIDER.

Motion failed.

Commissioner Conley asked a clarifying question regarding the different numbers between the two staff reports that pertain to the Storm Water Works Tracts One Preliminary Plat. City Planner Foster noted that Staff Report 24-045 was associated with the reconsideration, and that the original staff report was Staff Report 24-036.



SCHNEIDER/CONLEY MOVED TO POSTPONE STAFF REPORT 24-036 UNTIL THE NEXT REGULARLY SCHEDULED MEETING SO THAT STAFF CAN RE-NOTICE AND PROVIDE THE PLANNING COMMISSION WITH ADDITIONAL INFORMATION, INCLUDING THE IMPACT THAT THE REPLAT WILL HAVE ON THE NEIGHBORING PROPERTY OWNERS IN REGARDS TO ACCESS.

There was no further discussion.

VOTE: NON-OBJECTION: UNANIMOUS CONSENT.

Motion carried.

#### **INFORMATIONAL MATERIALS**

- A. PC Annual Calendar 2024
- B. 2024 Meeting Dates & Submittal Deadlines
- C. Comprehensive Safety Action Plan – Safe Streets and Roads Flyer

Chair Smith noted the informational materials included in the packet.

#### **COMMENTS OF THE AUDIENCE**

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

City Planner Foster thanked everyone for their hard work tonight.

Deputy City Clerk Pettit thanked the Commission for always teaching him new things and testing his knowledge.

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

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

Commissioner Venuti thanked everyone for serving tonight, and noted that the training session with City Clerk Krause was interesting.

Commissioner H. Smith thanked everyone for their time this evening, and thanked Deputy City Clerk Pettit for including the larger plats as part of the packet.

Commissioner Stark thanked City Planner Foster for his analysis and guidance, and thanked Deputy City Clerk Pettit for his work tonight. He also thanked the Commissioners for their hard work tonight.

Commissioner Conley thanked the Commission and City Staff.

Commissioner Schneider echoed all of the previous comments, and noted that he always learns so much at these meetings.

Chair S. Smith thanked the City Staff, and noted that he will likely be out for the October 16<sup>th</sup> meeting.



Commissioner Venuti stated that he voted against the CUP due to the fact that it doesn't appear to be compatible with surrounding land use.

Commissioner H. Smith stated that he feels this project would negatively affect the harmony in scale, bulk, coverage, and density of the neighborhood's character.

Motion failed.

## **PLAT CONSIDERATION**

### **A. Staff Report 24-036, Storm Water Works Tract One, Preliminary Plat**

Chair S. Smith introduced the item by reading of the title. City Planner Foster then provided a summary of his report included in the packet.

Chair S. Smith invited the applicant to comment on the application, but there was no applicant present.

Chair S. Smith then opened the floor for public comments.

Mike Arno shared that he is the property owner of the 10 acres to the north of this land. He stated that he is opposed to it for various reasons. His first reason being that he doesn't feel the city should be doing this with funds that the city doesn't have. He added that the city is going about their development backwards, stating that "there is no basic infrastructure, but all the frills on top of it." Mr. Arno referenced another property he owns on East End Road that is basically undevelopable because there's no water and sewer to it. He shared his frustration with the LID process that's currently in place at the city, stating that it makes development of infrastructure in the city extremely difficult. Mr. Arno also made a point that the city requires anyone developing property inside of it to create a right-of-way along their property line, and questioned why the city doesn't have to follow the same rules.

Chair S. Smith closed the public comment period and opened the floor to questions and comments from the Commission.

Chair S. Smith referenced the letter from Steve Smith on page 39 of the packet. He highlighted a sentence in the second paragraph that read, "the project requires acquiring various properties to be put off limits for future development..." He shared that this sentence was a huge red flag for him, adding that he views it as playing with a partial deck of cards, and not really knowing what they're playing with. Acknowledging Mr. Arno's comments, Mr. Smith shared that he doesn't think the city should ask for exception to things that are going to require tax-payer funding.

With no other questions posed, Chair S. Smith requested a motion and second.

SCHNEIDER/BARNWELL MOVED TO ADOPT STAFF REPORT 24-036 AND RECOMMEND APPROVAL OF THE STORM WATER WORKS TRACT ONE PRELIMINARY PLAT.

Commissioner Stark stated that this is a matter of due process and the Commission is responsible for looking at it that way. He added that all the issues raised will be investigated further in the next stage of the project.

VOTE: NON-OBJECTION: UNANIMOUS CONSENT.



Motion carried.

B. Staff Report 24-037, Ageya Homestead 2024 Replat, Preliminary Plat

Chair S. Smith introduced the item by reading of the title. City Planner Foster then provided a summary of his report included in the packet. Mr. Foster noted that this plat is outside of Homer City limits, but is within the Bridge Creek Watershed Protection District, which is why it's in front of the Commission.

Chair S. Smith then opened the floor for the applicant. Katie Kirsis, with Seabright Survey + Design, stated that it was a pretty straight-forward application and made herself available for questions.

Chair S. Smith opened the floor for public comments. There were none.

Chair S. Smith then opened the floor for questions and comments from the Commission.

Commissioner H. Smith asked Ms. Kirsis if she had reviewed the easement information, and if she would be comfortable with the Commission including the easement information along with what they send to the Borough. Ms. Kirsis stated that she would need to review it in depth, but that they are planning on granting shared private access easements across some of those existing driveways shown. She added that private access easements aren't typically shown on plats.

With no other comments or questions from the Commission, Chair S. Smith requested a motion and second.

H. SMITH/BARNWELL MOVED TO ADOPT STAFF REPORT 24-037 AND RECOMMEND APPROVAL OF THE AGEYA HOMESTEAD 2024 REPLAT PRELIMINARY PLAT WITH THE FOLLOWING COMMENT: 1. REVIEW THE GRANT OF EASEMENT ON BOOK 0253 PAGE 684 AND CONSIDER WHETHER THIS SHOULD BE INCORPORATED INTO THIS REPLAT.

Chair S. Smith asked for clarification on what "Book 0253 Page 684" was referencing. Ms. Kirsis explained that it's the recording number of the document for the State of Alaska. She added that this area has a history of old trails that were used by different parties, rights-of-way were dedicated and easements were vacated and use was changed.

VOTE: NON-OBJECTION: UNANIMOUS CONSENT.

Motion carried.

C. Staff Report 24-038, Ekers Estate No. 3 Tract A-1 2024 Replat, Preliminary Plat

Chair S. Smith introduced the item by reading of the title. City Planner Foster then provided a summary of his report included in the packet.

Chair S. Smith then opened the floor for the applicant. Katie Kirsis, with Seabright Survey + Design, noted that there are some steep slopes affecting this property. She added that an application/waiver for a setback to steep slopes for the proposed septic system for the upper lot has been conditionally approved by the Department of Environmental Conservation.

Chair S. Smith opened the floor for public comments. There were none.



## CALL TO ORDER

Session 24-15, a Regular Meeting of the Planning Commission was called to order by Chair Scott Smith at 6:33 p.m. on September 18<sup>th</sup>, 2024 at the Cowles Council Chambers in City Hall, located at 491 E. Pioneer Avenue, Homer, Alaska, and via Zoom Webinar.

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

**STAFF:** CITY PLANNER FOSTER, COMMUNITY DEVELOPMENT DIRECTOR ENGBRETSSEN & DEPUTY CITY CLERK PETTIT

## AGENDA APPROVAL

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

SCHNEIDER/BARNWELL MOVED TO APPROVE THE AGENDA AS PRESENTED.

There was no discussion.

VOTE: NON-OBJECTION: UNANIMOUS CONSENT.

Motion carried.

## PUBLIC COMMENTS UPON MATTERAS AREADY ON THE AGENDA

## RECONSIDERATION

## CONSENT AGENDA

### A. Unapproved Regular Meeting Minutes of September 4, 2024

Chair S. Smith noted for the record that all items on the consent agenda are considered routine and non-controversial by the Planning Commission and are approved in one motion. If a separate discussion is desired on an item, a Commissioner may request that item be removed from the Consent Agenda and placed on the Regular Agenda under New Business. He then requested a motion and second to adopt the consent agenda.

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

There was no discussion.

VOTE: NON-OBJECTION: UNANIMOUS CONSENT

Motion carried.

## PRESENTATIONS / VISITORS

## REPORTS



A. City Planner's Report, Staff Report 24-046

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

- Next Commissioner Report to Council will take place on September 23<sup>rd</sup>
- Next Planning Commission Worksession and Regular Meeting is on Wednesday, October 2<sup>nd</sup>
- Open House at Islands & Oceans Visitor Center on October 22<sup>nd</sup> for review of the Homer Comprehensive Plan Growth Scenarios

Commissioner Venuti voiced concerns he had regarding the AI-generated summaries within the Zoom recordings of the Planning Commission's recorded meetings.

B. Comprehensive Plan Steering Committee Report

Commissioner Barnwell noted that there's been a lot of concern regarding the timeline for the project, adding that the Committee was recently informed of a deadline extension for the project. He also spoke to the Title 21 rewrite and the timing of its implementation. There was brief discussion about any changes the deadline extension might have to the cost of the project, but Commissioner Barnwell and City Planner Foster assured the Commission that there wouldn't be any budgetary changes regarding the extension.

**PUBLIC HEARINGS**

**PLAT CONSIDERATION**

1. Staff Report 24-036, Storm Water Works Tracts One, Preliminary Plat

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

Chair S. Smith reiterated the motion that was on the floor, as follows:

SCHNEIDER/BARNWELL MOVED TO ADOPT STAFF REPORT 24-036 AND RECOMMEND APPROVAL OF THE STORM WATER WORKS TRACTS ONE PRELIMINARY PLAT.

Chair S. Smith opened the public comment period. With no one coming forward to comment, Chair S. Smith closed the public comment period.

Commissioner H. Smith inquired if the City had received a justification letter given that this project proposes that the right-of-way no longer be dedicated beyond the cul-de-sacs. Community Development Director Engebretsen answered that the City of Homer is in some ways the applicant for this project, adding that in the Borough code you can ask for exceptions to certain things. She noted that in this process, the City has asked for that exception in two locations.

Ms. Engebretsen continued to explain that the western property line is proposed to have a cul-de-sac due to conservation restrictions and nearby critical habitat, while full road dedication could be required if the Commission disagrees. She added that the northern property line has standing water, making it unsuitable for road construction, and a separate subdivision proposal does not use that right-of-way. She offered



another alternative for the Commission, stating that they could recommend extending Spruce Lane along the property line.

When questioned by Commissioner H. Smith about whether this plat consideration would land-lock parcel owners in the area, Ms. Engebretsen stated that the surveyor is working with the owner of the two parcels to the north, adding that their proposal was to build a cul-de-sac through the center of these two lots for the purpose of bringing water and sewer in. She added that part of that decision was that they recognized from their subdivision activity further north that they needed some smaller lots.

Chair S. Smith asked if there was any developable property or property slated for future development that Ternview could access in the future. Ms. Engebretsen stated that it would be very unlikely to have future development in this area given that it's mostly airport and airport critical habitat property, adding that this would require a change in the State legislature.

Chair S. Smith asked for confirmation from Ms. Engebretsen that the easement is not being vacated, and therefore that means there is still a potential for a road in the future. Ms. Engebretsen stated that there's a half right-of-way dedication that exists now, and that will remain in place. She added that the north-south along Ternview is where there is a section-line easement, and that too will stay.

With no further questions from the Commission, Chair S. Smith restated that there was a motion on the floor, and asked for any Commissioners with objections to come forth.

SCHNEIDER/BARNWELL MOVED TO ADOPT STAFF REPORT 24-036 AND RECOMMEND APPROVAL OF THE STORM WATER WORKS TRACTS ONE PRELIMINARY PLAT.

There was no further discussion.

VOTE: NON-OBJECTION: UNANIMOUS CONSENT.

Motion carried.

## 2. Staff Report 24-047, Mattox Subdivision Corbin 2024 Replat, Preliminary Plat

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

Chair S. Smith invited the applicant to speak to the application. Katie Kirsis stated that she was there to answer any technical questions regarding the plat.

Chair S. Smith opened the public comment period of the plat consideration. With no one wishing to comment, he closed the public comment period.

Chair S. Smith then opened the floor for comments and questions from the Commission. With no comments made, Chair S. Smith requested a motion and second.

SCHNEIDER/VENUTI MOVED TO ADOPT STAFF REPORT 24-047 AND RECOMMEND APPROVAL OF THE MATTOX SUBDIVISION CORBIN 2024 REPLAT PRELIMINARY PLAT WITH THE FOLLOWING ADDITIONAL COMMENTS:



1. THE PROPERTY OWNER WILL NEED TO WORK WITH THE PUBLIC WORKS DEPARTMENT ON AN INSTALLATION AGREEMENT AND PLAN TO ABANDON ADDITIONAL SETS OF WATER AND SEWER SERVICES.

There was no discussion.

VOTE: NON-OBJECTION: UNANIMOUS CONSENT.

Motion carried.

#### **PENDING BUSINESS**

#### **NEW BUSINESS**

#### **INFORMATIONAL MATERIALS**

- A. PC Annual Calendar 2024
- B. 2024 Meeting Dates & Submittal Deadlines

Chair Smith noted the informational materials included in the packet.

#### **COMMENTS OF THE AUDIENCE**

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

City Planner Foster thanked the Commission, Chair S. Smith and Chair David Lewis of PARCAC for the idea of holding a Joint Worksession between the two Commissions.

Deputy City Clerk Pettit stated that he looked into the idea of a disclaimer for the Zoom recordings, and added that it was a good meeting.

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

Mayor Castner expressed his appreciation for the Commission's work, while acknowledging the challenges that lay ahead in terms of the Comprehensive Plan and the Title 21 rewrite. He emphasized the importance of addressing current business needs in development of the Comprehensive Plan. He warned the Commission that the City Council's desire to focus on planning and zoning could lead to reactive resolutions, which he stated is not proper public process. He advised the Commission that now would be a good time to start making a list of items that need to be corrected with the Title 21 rewrite, and lastly shared that he's enjoyed being the Mayor of Homer during his tenure.

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

Commissioner H. Smith thanked Mayor Castner for his service as Mayor. He also spoke to the Comprehensive Plan and the results of the survey. He spoke to the idea that sometimes the City can lose site of the associated costs in the act of balancing the budget. He thanked his fellow Commissioners for serving, as well as a thanks to City Staff and Mayor Castner.



Commissioner Stark thanked City Staff, Mayor Castner and the Commissioners. He alluded to refining the CUP process, which he believes is something that the Commission can start working on now. Mr. Stark briefly addressed the idea of public-private partnerships in the city, as well as the Harbor Expansion project.

Commissioner Conley stated that it was a great meeting, and thanked City Staff. He also thanked Mayor Castner for his service.

Commissioner Schneider thanked everyone for their service, and also thanked Mayor Castner for his service.

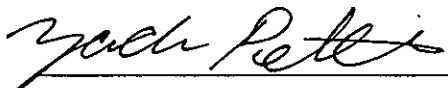
Commissioner Barnwell shared his thanks for Mayor Castner's service. He stressed the importance of wrapping up the Comprehensive Plan in order to start tackling the Title 21 rewrite. Mr. Barnwell shared that he thought the worksession and regular meeting both went well.

Commissioner Venuti thanked the other Commissioners for their service tonight, in addition to thanking Mayor Castner for his time served as Mayor.

Chair S. Smith thanked Mayor Castner for his service. He noted that serving on the Commission can be challenging at times, given that the Commission has no jurisdiction in terms of the City's budget. Mr. Smith spoke briefly about funding for parks and recreational activities around town, stating that there might be some generous individuals in and around Homer who would be willing to donate.

#### ADJOURN

There being no further business to come before the Commission Chair S. Smith adjourned the meeting at 7:35 p.m. The next Regular Meeting is **Wednesday**, October 2, 2024 at 6:30 p.m. A worksession is scheduled for 5:30 p.m. All meetings are scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska and via Zoom Webinar. Meetings will adjourn promptly at 9:30 p.m. An extension is allowed by a vote of the Commission.

  
\_\_\_\_\_  
Zach Pettit, Deputy City Clerk I  
Approved: Oct. 2, 2024





## KENAI PENINSULA BOROUGH PLANNING COMMISSION NOTICE OF SUBDIVISION/REPLAT

Public notice is hereby given that a preliminary plat was received on 5/15/2025 proposing to subdivide or replat property. You are being sent this notice because you are within 300 feet of the proposed subdivision, or a beneficial interest holder, and are invited to comment. *If you are an owner adjacent to a half right-of-way being dedicated, please be aware that you may be required to match the dedication if your property is subdivided in the future.*

Proposed plat under consideration is described as follows:

Request / Affected Property: This subdivision will subdivide one tract into two tracts.

KPB File No. 2025-073

Petitioner(s) / Land Owner(s): George M. Kennedy of Homer, AK

The location of the proposed plat is provided on the attached map. A preliminary plat showing the proposed subdivision may be viewed at the Planning Department. Subdivision reviews are conducted in accordance with KPB Subdivision Ordinance. A copy of the Ordinance is available from the Planning Department. ***Comments should be guided by the requirements of that Ordinance.***

Public hearing will be held by the Kenai Peninsula Borough Plat Committee or Planning Commission on **Monday, June 9, 2025**, commencing at **6:30 pm**, or as soon thereafter as business permits. The meeting is being held in person at the Betty J. Glick Assembly Chambers of the Kenai Peninsula Borough George A. Navarre Administration Building, 144 N. Binkley Street, Soldotna, Alaska. This meeting will also be held via Zoom, or other audio or video conferencing means whenever technically feasible.

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

Anyone wishing to testify may attend the meeting in person or through Zoom. Written testimony may be submitted by email to [planning@kpb.us](mailto:planning@kpb.us), or mailed to the attention of Beverly Carpenter, Kenai Peninsula Borough Planning Department, 144 N. Binkley Street, Soldotna, Alaska 99669. [Written comments may also be sent by Fax to 907-714-2378]. All written comments or documents must be submitted by **1:00 PM, Friday, June 6, 2025**. The deadline to submit written comments or documents does not impact the ability to provide verbal testimony at the public hearing.

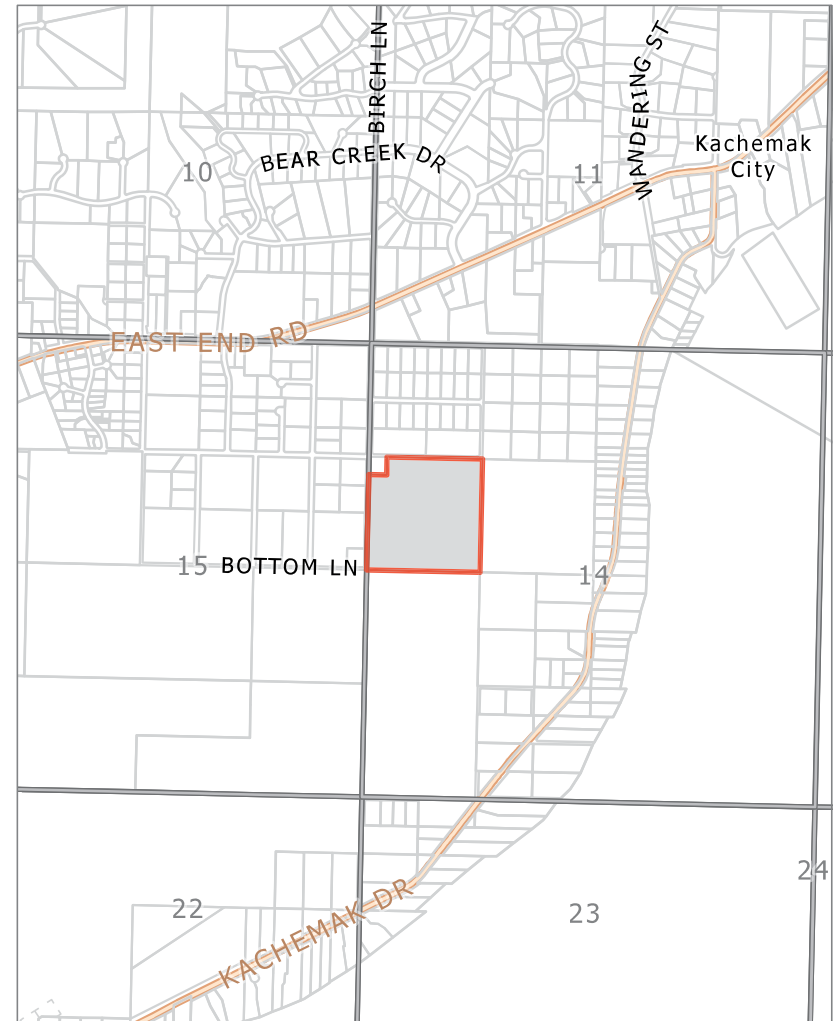
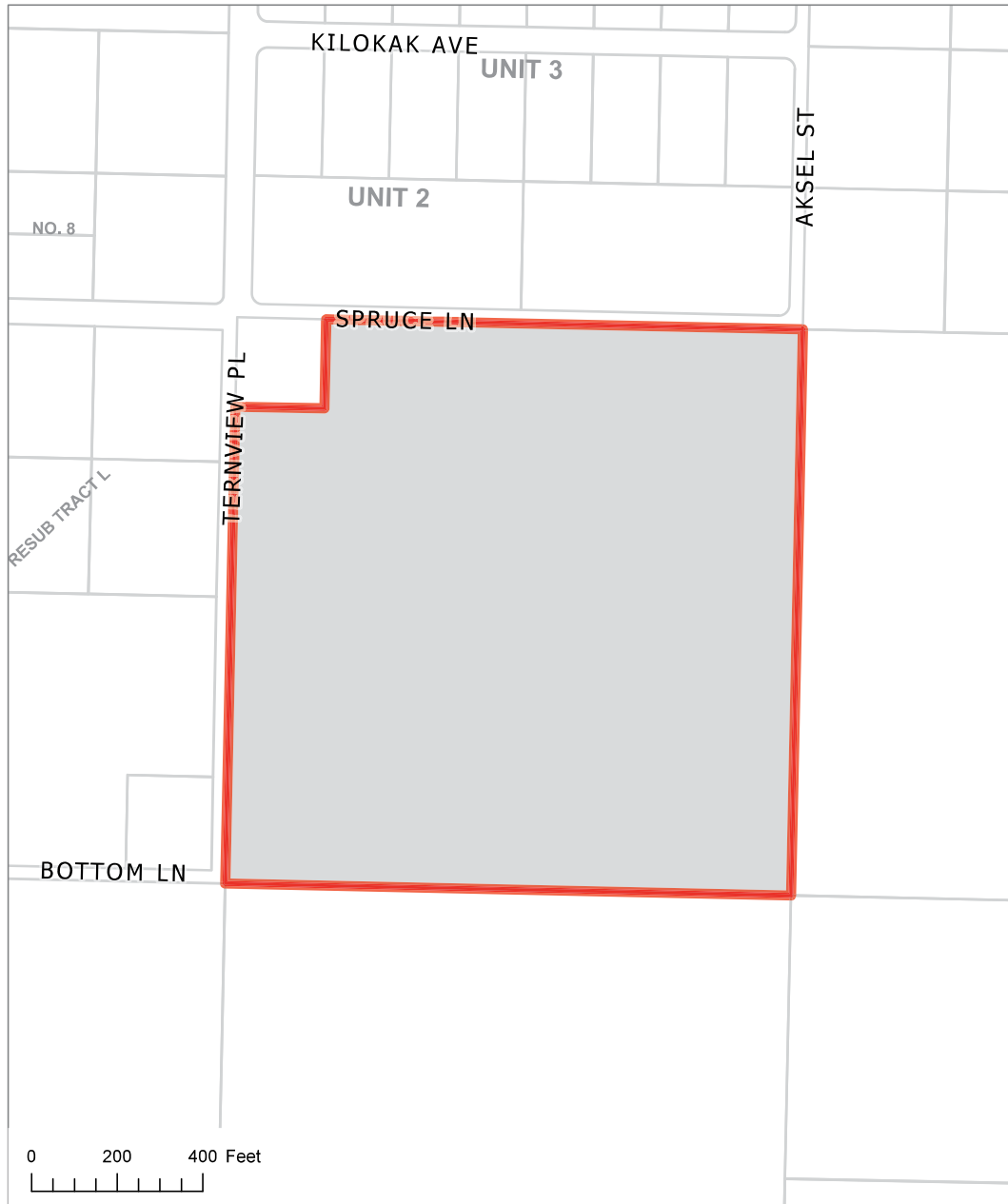


Additional information such as staff reports and comments are available online. This information is available the Monday prior to the meeting and found at <https://kpb.legistar.com/Calendar.aspx>. Use the search options to find the correct timeframe and committee.

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

Mailed 5/19/2025





KPB File 2025-073  
T 6S R 13W Sec14  
Homer



# NOTES

1. BASIS OF BEARING FOR THIS SURVEY WAS DETERMINED BY A HIGH PRECISION GPS SURVEY USING TOPCON DUAL-FREQUENCY HP4V-Y RECEIVERS, DIFFERENTIALLY CORRECTED AND PROCESSED WITH MAGNET OFFICE VERSION 3.1 SOFTWARE. NAD83 ALASKA STATE PLANE GRID COORDINATES (U.S. SURVEY FEET) OBTAINED FROM THE GPS OBSERVATIONS WERE BASED ON THE NGS PUBLISHED VALUES FOR FEDERAL BASE NETWORK CONTROL STATION "HOMAR" (PID TT0155).

2. TRUE BEARINGS AND DISTANCES WERE DETERMINED BY ROTATING AND SCALING FROM GRID USING FEDERAL BASE NETWORK CONTROL STATION "HOMAR" AS A SCALING POINT. TRUE BEARINGS WERE DETERMINED BY ROTATING GRID INVERSE AZIMUTHS  $-117^{\circ}13.4'$ . TRUE DISTANCES WERE OBTAINED BY DIVIDING GRID INVERSE DISTANCES BY 0.999986696.

3. THE RESULTING SCALED COORDINATES WERE TRANSLATED TO A LOCAL COORDINATE SYSTEM BASED ON FEDERAL BASE NETWORK CONTROL STATION "HOMAR"  $N=10,000$   $E=100,000$ . ALL COORDINATE VALUES REPRESENT GROUND DISTANCES IN U.S. SURVEY FEET ORIENTED TO TRUE NORTH.

4. THE FRONT IS FEET ADJOINING THE TERVIEW PLACE AND SPRUCE LANE RIGHTS-OF-WAY IS A UTILITY EASEMENT GRANTED BY THIS PLAT. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.

5. PROPERTY IS SUBJECT TO CITY OF HOMER REGULATIONS, CHECK WITH HOMER PLANNING PRIOR TO ANY DEVELOPMENT ACTIVITIES.

6. 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.

## WASTEWATER DISPOSAL

TRACTS A AND B

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

## 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 USES AND FOR PUBLIC PURPOSES THE REAL PROPERTY TO BE DEDICATED BY THIS PLAT INCLUDING EASEMENTS, RIGHTS-OF-WAY, ALLEYS, AND OTHER PUBLIC AREAS SHOWN ON THIS PLAT IDENTIFIED AS FOLLOWS:

THE TERVIEW PL. RIGHT-OF-WAY

THE SPRUCE LN. RIGHT-OF-WAY

THE 15 FOOT UTILITY EASEMENTS ADJOINING THE RIGHT-OF-WAY DEDICATIONS

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: \_\_\_\_\_ DATE: \_\_\_\_\_  
MELISSA JACOBSEN, CITY MANAGER  
CITY OF HOMER, ALASKA

## LEGEND

- INDICATES 3-1/4" ALUM. CAP MONUMENT (7538-S 2017) RECOVERED THIS SURVEY
- INDICATES 3" ALUM. CAP MONUMENT (3686-S 1996) RECOVERED THIS SURVEY
- ⊙ INDICATES 1/2" COP WITH TACK IN WOOD PLUG RECOVERED THIS SURVEY
- ⊙ INDICATES X IN GRANITE BOULDER (RECORD HM 2004-B) RECOVERED THIS SURVEY
- INDICATES 2" ALCAP ON 5/8"x30' REBAR (7538-S 2024) SET THIS SURVEY

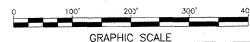
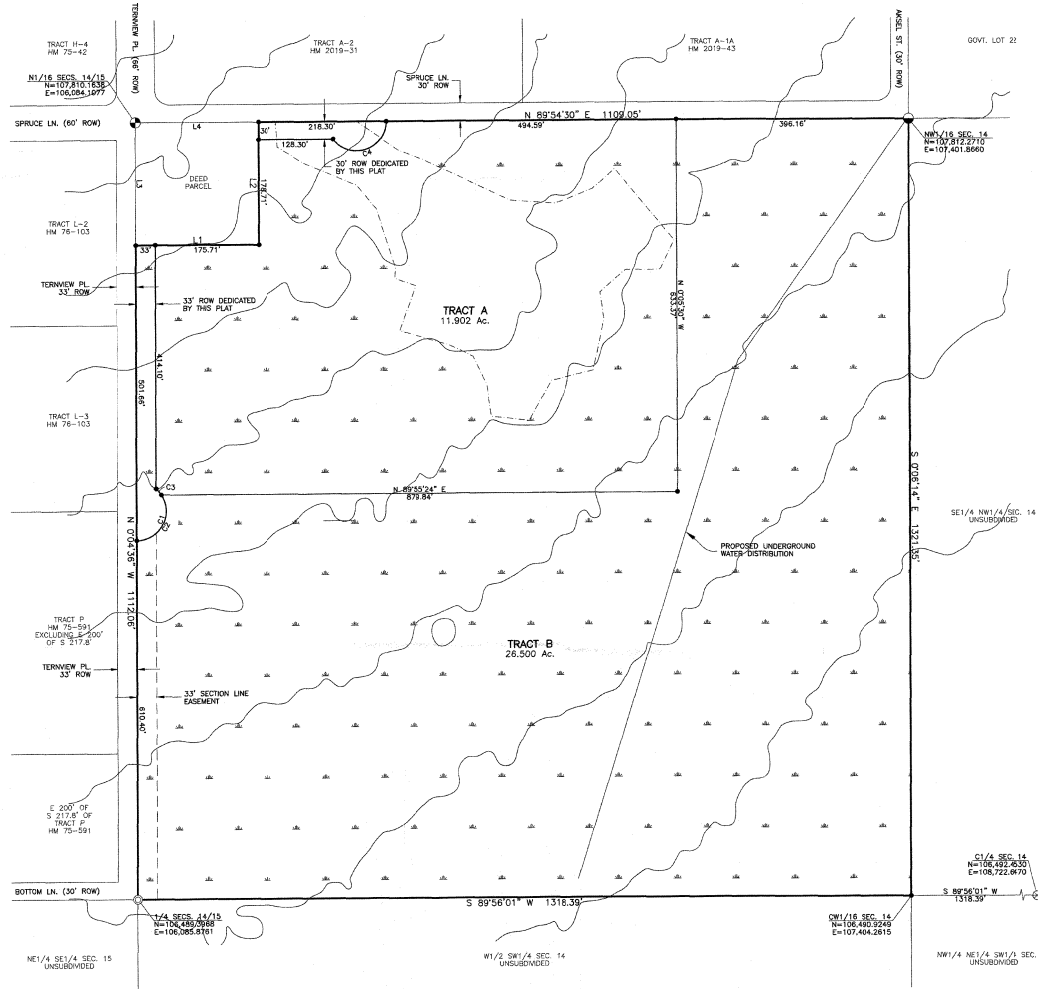
--- INDICATES POTENTIAL WETLAND/AUPLAND COMPLEX AND/OR DRAINAGEWAY PER KENAI WATERSHED FORUM WETLANDS MAPPING

## LINE TABLE

| LINE | BEARING       | DISTANCE |
|------|---------------|----------|
| L1   | N 89°54'30" E | 208.71'  |
| L2   | N 0°4'36" W   | 208.71'  |
| L3   | S 89°54'30" E | 208.71'  |
| L4   | N 89°54'30" E | 208.71'  |

## CURVE TABLE

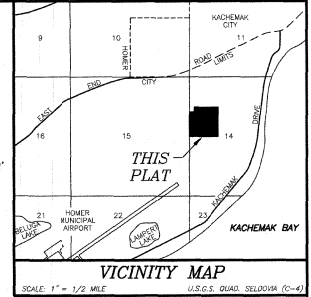
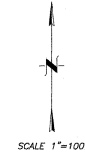
| CURVE | DELTA      | RADIUS | LENGTH  | CHORD BRNG    | CHORD DIST |
|-------|------------|--------|---------|---------------|------------|
| C1    | 138°42'00" | 50.00' | 121.04' | N 20°34'24" E | 93.58'     |
| C2    | 123°00'40" | 50.00' | 107.35' | N 28°25'04" E | 87.89'     |
| C3    | 194°17'00" | 50.00' | 13.89'  | N 40°35'56" E | 13.85'     |
| C4    | 143°07'48" | 50.00' | 124.90' | N 71°28'24" E | 94.87'     |



## PLAT APPROVAL

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

BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
AUTHORIZED OFFICIAL  
KENAI PENINSULA BOROUGH



## CERTIFICATE OF OWNERSHIP AND DEDICATION

I, THE UNDERSIGNED, HEREBY CERTIFY THAT I AM THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I HEREBY ADOPT THIS PLAN OF SUBDIVISION AND BY MY FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

GEORGE M. KENNEDY  
844 OCEAN DRIVE LOOP  
HOMER, ALASKA 99603

## NOTARY'S ACKNOWLEDGMENT

FOR GEORGE M. KENNEDY  
ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_  
DAY OF \_\_\_\_\_, 2025.

NOTARY PUBLIC FOR ALASKA

MY COMMISSION EXPIRES: \_\_\_\_\_

HOMER RECORDING DISTRICT KP8 FILE No. 2024-???

## STORMWATER WORKS TRACTS ONE

CREATING TRACTS A AND B  
LOCATED WITHIN THE SW 1/4 NW1/4 SECTION 14,  
EXCLUDING THE NORTH 208.71' OF THE WEST 208.71'  
T. 6 S., R. 13 W., SEWARD MERIDIAN, CITY OF HOMER, KENAI PENINSULA  
BOROUGH, THIRD JUDICIAL DISTRICT, ALASKA  
CONTAINING 38.973 ACRES

OWNER:  
GEORGE M. KENNEDY 844 OCEAN DRIVE LOOP HOMER, AK 99603

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

DRAWN BY: SC5 DATE: MAY 2025 SCALE: 1" = 100'  
CHK BY: SC5 JOB #2023-12 SHEET 1 OF 1



**KPB 2025-073**



## **E. NEW BUSINESS**

- 4. Butler-Church Subdivision No. 3 Galley Addition**  
**KPB File 2025-079**  
**Johnson Surveying / Galley Living Trust**  
**Location: Funny River Road & Ansel Street**  
**Funny River Area / Funny River APC**





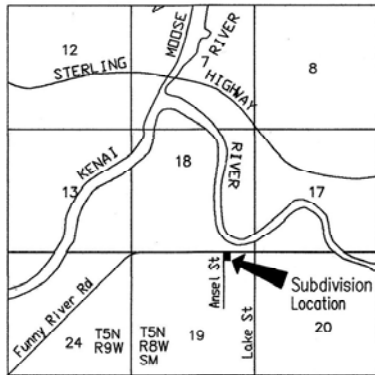
KPB File 2025-079  
T 5N R 8W Sec 19  
Funny River





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.





VICINITY 1" = 1 mile MAP

# Butler - Church Subdivision No. 3 Galley Addition Preliminary Plat

A subdivision of Lot 5A Block 1 Butler-Church Subdivision No. 3 ( KRD 85-28 ).  
Located in the NE1/4 Section 19, T5N R8W, SM, Alaska.  
Kenai Recording District Kenai Peninsula Borough File

Prepared for  
**John Galley**  
Galley Living Trust  
32612 Rocco Ct.  
Soldotna, AK 99669

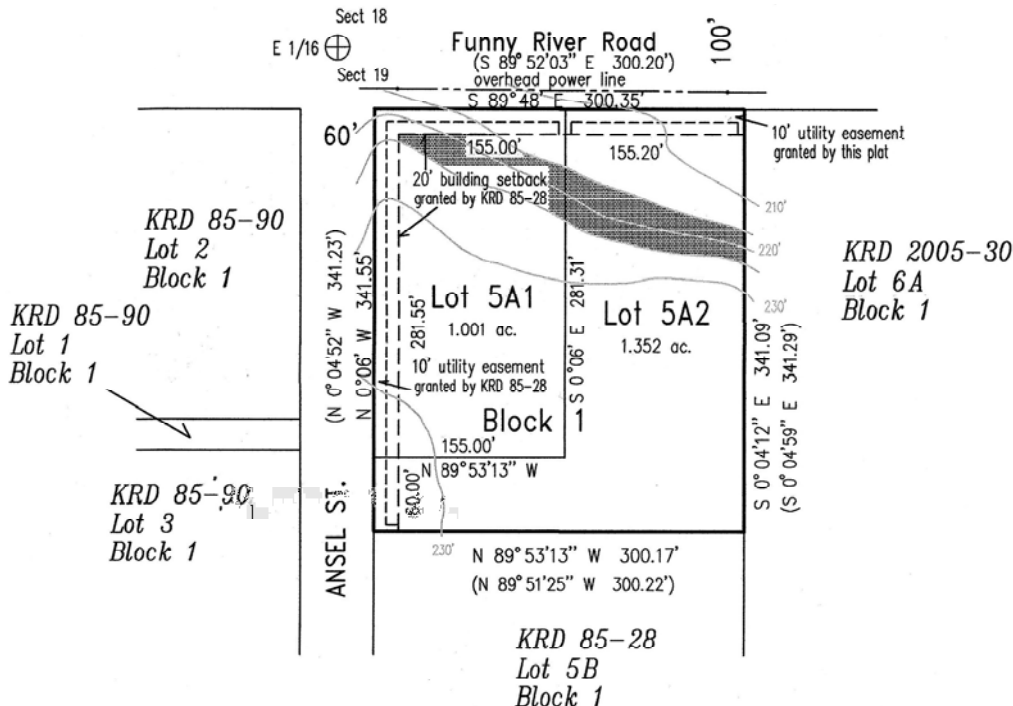
Prepared by  
**Johnson Surveying**  
P.O. Box 27  
Clam Gulch, Ak 99568  
(907) 262-5772

SCALE 1" = 100' AREA = 2.353 acres 8 May, 2025

## NOTES

1. A building setback of 20' from all street ROW's is required unless a lesser standard is approved by a resolution of the appropriate planning commission. Front 10' of building setback is also a utility easement, as is the entire setback within 5' of side lot lines.
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. Contour interval 4'. Shaded areas indicate grades over 20%. There are no wet areas on the property.

|                               |           |                               |                                     |                                     |
|-------------------------------|-----------|-------------------------------|-------------------------------------|-------------------------------------|
| KRD 75-46<br>Lot 1<br>Block 4 | ANSEL ST. | KRD 75-82<br>Lot 7<br>Block 6 | KRD<br>2024-73<br>Lot 6A<br>Block 6 | KRD<br>2024-73<br>Lot 5A<br>Block 6 |
|-------------------------------|-----------|-------------------------------|-------------------------------------|-------------------------------------|



**KPB 2025-079**



AGENDA ITEM E. NEW BUSINESS

**ITEM #4 - PRELIMINARY PLAT  
BUTLER-CHURCH SUBDIVISION NO. 3 GALLEY ADDITION**

|                                |   |
|--------------------------------|---|
| <b>KPB File No.</b>            | 2025-079                                    |
| <b>Plat Committee Meeting:</b> | June 9, 2025                                |
| <b>Applicant / Owner:</b>      | Galley Living Trust of Soldotna, Alaska     |
| <b>Surveyor:</b>               | Jerry Johnson; Johnson Surveying            |
| <b>General Location:</b>       | Between milepost 16 and 17 Funny River Road |

|                           |   |
|---------------------------|---|
| <b>Parent Parcel No.:</b> | 066-130-17  |
| <b>Legal Description:</b> | Lot 5-A, Block 1, Butler-Church Subdivision No. 3, Plat 85-28, Kenai Recording District, Township 5 North, Range 8 West, Section 9, Seward Meridian |
| <b>Assessing Use:</b>     | Residential Vacant  |
| <b>Zoning:</b>            | Rural Unrestricted  |
| <b>Water / Wastewater</b> | On Site / On Site   |
| <b>Exception Request</b>  | None Requested  |

---

**STAFF REPORT**

**Specific Request / Scope of Subdivision:** The proposed plat will subdivide a 2.353-acre lot into two lots: one of 1.001 acres and one of 1.352 acres.

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

This plat is located near milepost 16.2 on Funny River Road. Funny River Road is a 100-foot dedicated state-maintained road which is constructed and provides legal access to the north of the proposed plat. Ansel Street N is a 60-foot dedication which is borough-maintained and is located to the west side of the proposed plat. Ansel Street N provides legal access to proposed Lot 5A1 and 5A2 and connects to Funny River Road to the north. The SOA DOT states a platting action voids any previous issued permits. Land owners will need to reapply for driveway access permits to state road and right-of-way access.

A 66-foot section line easement is located within the Funny River Road right-of-way with 33-feet on either side of the section line. **Staff recommends** the surveyor depict the section line easement and include a label. Add a plat note referencing CTP #7.

No right-of-way dedications or vacations are proposed by this platting action.

The block length is compliant due to the presence of existing roads: Funny River Road to the north, Lake Road to the east, Enterprise Avenue to the south and Ansel Street N to the west completing the block near this plat.

|                           |   |
|---------------------------|---|
| KPB Roads Dept RSA review | Out of Jurisdiction: No<br><br>Roads Director: Uhlin, Dil<br>Comments:<br>No comments |
| SOA DOT comments          | No Response   |

**Site Investigation:**

No structures are indicated on the preliminary plat. KPB GIS Imagery and KPB Assessing Records verified this showing now structures on the aerial photo and no structures to account for.

The preliminary plat includes contours at 4-foot intervals and shaded areas indicate grades over 20% in grade. This

Page 1 of 6



information has been verified with the KPB GIS terrain viewer layer. **Staff recommends** the surveyor may remove the contours and shading and add a label indicating the top and toe of the bluff and direction of >20% slope.

No wetlands are identified on the preliminary plat according to the KWF Wetlands Assessment.

The KPB River Center Reviewer has identified the subject area to be within a non-regulatory flood zone X with minimal flood hazard. **Staff recommends** the surveyor include the Flood Hazard Notice per KPB 20.30.280 (D) on the plat and add a reference to the FEMA map panel and flood zone.

The proposed plat is not within a Habitat Protection District per the KPB River Center Reviewer.

|                               |  |
|-------------------------------|--|
| KPB River Center review       | <p>A. Floodplain</p> <p>Reviewer: Hindman, Julie<br/>Floodplain Status: IS in flood hazard area<br/>Comments: The subdivision is within a non-regulatory flood zone designated as an area with minimal flood hazard. Plat note should be included, no depictions required.</p> <p>Flood Zone: X (unshaded)<br/>Map Panel: 02122C-0390F<br/>In Floodway: False<br/>Floodway Panel:</p> <p>B. Habitat Protection</p> <p>Reviewer: Aldridge, Morgan<br/>Habitat Protection District Status: Is NOT within HPD<br/>Comments: No comments</p> |
| State of Alaska Fish and Game | No Objections  |

### **Staff Analysis**

Originally, the land consisted of the NE1/4 portion of Section 19, Township 5 North, Range 8 West, Seward Meridian, Kenai Peninsula Borough, Alaska. In 1974, Butler-Church Subdivision (KN 74-24) subdivided the land into sixteen lots and dedicated 60-feet to Funny River Road and 60-feet to Ansel Avenue. Butler-Church Sub. No. 3 further subdivided Lot 5 into four lots: 5-A through 5-D. A street naming resolution (SN 2011-15) was adopted in 2011 to rename Ansel Avenue to Ansel Street N. The proposed plat will subdivide former lot 5-A into two Lots.

A soils report will be required and an engineer will sign the final plat as the new lots are less than 200,000 sq ft.

Per the preliminary Certificate to Plat, beneficial interest holders do not affect the proposed plat. Notification per KPB 20.10.100 will not be required unless the final Certificate to Plat states the property is affected by beneficial interest holders.

Funny River Advisory Planning Commission minutes for the June 3, 2025 meeting were not available when the staff report was prepared on May 29, 2025 (KPB 21.02.020). Meeting notes will be provided with the desk packet if available but not necessarily addressed in the staff report.

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



### **Utility Easements**

Butler-Church Sub. No. 3 (Plat KN 85-28), granted a 10-foot clearing and underground utility easement adjacent to Ansel Avenue. Staff recommends the easement shown on the west side of the plat be noted in the plat notes as what it was titled on the parent plat and being renamed to current standards.

A general easement for electric lines or system and/or telephone lines was granted to Homer Electric Association, Inc. in Book 10, Page 321. **Staff recommends** the surveyor include a plat note referencing the easement as listed in the CTP item number 4.

As part of our routine notification process, the subdivision plat was emailed to the affected utility providers for review. **Staff recommends:** the surveyor work with the utility providers to accommodate their request, ensuring optimal use of the owner's land and maximum benefit for both the provider and the public.

The proposed plat is granting a 10-foot utility easement including 20-feet within the side lot line adjacent to Funny River Road. This should be corrected on the joint line of lots 5A1 and 5A2 on the west.

### **Utility provider review:**

|        |                   |
|--------|-------------------|
| HEA    | No Comments       |
| ENSTAR | No Response       |
| ACS    | No Objections     |
| GCI    | Approved as Shown |

### **KPB department / agency review:**

|                      |  |
|----------------------|--|
| Addressing Review    | <p>Reviewer: Leavitt, Rhealyn<br/>Affected Addresses:<br/>NONE</p> <p>Existing Street Names are Correct: No</p> <p>List of Correct Street Names:<br/>FUNNY RIVER RD<br/>ANSEL ST N<br/>ANSEL DR</p> <p>Existing Street Name Corrections Needed:<br/>PLEASE CORRECT ANSEL ST N PER SN RES 2011-15 ADDED POST DIRECTION N.<br/>ALSO PLEASE CORRECT ANSEL ST NORTH OF FUNNY RIVER RD TO ANSEL DR.</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:<br/>No other comments</p> |
| Code Compliance      | <p>Reviewer: Ogren, Eric<br/>Comments: No comments</p>   |
| LOZMS Review Planner | <p>Reviewer: Raidmae, Ryan<br/>There are not any Local Option Zoning District issues with this proposed plat.</p>  |



|                              |  |
|------------------------------|--|
|                              | Material Site Comments:<br>There are not any material site issues with this proposed plat. |
| Assessing Review             | Reviewer: Windsor, Heather<br>Comments: No comment   |
| Advisory Planning Commission | No Response  |

---

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

*PLAT NOTES TO ADD*

- The borough will not enforce private covenants, easements, or deed restrictions per KPB 20.60.170(B).
- No access to state maintained rights-of-way permitted unless approved by the State of Alaska Department of Transportation.

---

**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:**

- There are two subdivisions recorded with the names Butler-Church Sub No 3 (KN 85-28) and Butler-Church Subdivision Galley Addition (KN 2008-103). To provide clarification, please modify the subdivision name to Butler-Church Sub No. 3 2025 Galley Addition.
- Include a hyphen in the Lot number in the legal description to Lot 5-A.
- Modify the KPB File Number to 2025-079

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

**Staff recommendation:**

- Street abutting the subdivision to the west should be modified to Ansel Street N.
- Verify and add the section line easement to the drawing

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

**Staff recommendation:**

- Modify the name of Ansel Street by adding the direction: Ansel Street N
- Modify Lake Street to Lake Road

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 limitations of reservations that could affect the subdivision;

**Staff recommendation:**

- Include the parent plat note #1: Proposed land uses are recreational, residential, and agricultural and add note referencing KPB 20.60.170(B) will not enforce private covenants, conditions, or restrictions, below the addition of that note.



- Carry forward plat note 3 & 4 from the parent plat, updated to more current wording.
- F. The location, width and name of existing and platted streets and public ways, railroad rights-of-way, easements, and travel ways existing and proposed, within the subdivision;  
**Staff recommendation:**
- Add CTP #4
- G. The status of adjacent lands within 100 feet of the proposed subdivision boundary or the land status across from any dedicated rights-of-way that adjoin the propose subdivision boundary, including names of subdivisions, lot lines, block numbers, lot numbers, rights-of-way; or an indication that the adjacent land is not subdivided;  
**Staff recommendation:**
- Modify the parcel label to the northwest for the plat number Lot 1, Block 4, 75-82
  - Correct the Ansel Street north of Funny River Road to Ansel Drive
  - Add a hyphen to the Lot to the south: Lot 5-B, Block 1, KRD 85-28
- J. Block and lot numbering per KPB 20.60.140, approximate dimensions and total numbers of proposed lots;  
**Staff recommendation:**
- Lot Numbering should be consecutive with parent plat: 5-A1 and 5-A2 or 5-A-1 and 5-A-2

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#### **KPB 20.30 – Subdivision Design Requirements**

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

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#### **KPB 20.40 – Wastewater Disposal**

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

20.40.010 Wastewater disposal.

*Platting Staff Comments:*

**Staff recommendation:** comply with 20.40.

---

#### **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.

---

### **RECOMMENDATION:**

#### **STAFF RECOMMENDS:**

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

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



IN ACCORDANCE WITH KPB 2.40.080, ANY PERSON, AGENCY, OR CITY THAT PARTICIPATED AT THE PLAT COMMITTEE HEARING, EITHER BY WRITTEN OR ORAL PRESENTATION, MAY REQUEST THAT A DECISION OF THE PLAT COMMITTEE BE REVIEWED BY THE PLANNING COMMISSION BY FILING A WRITTEN REQUEST WITHIN 15 DAYS OF DATE OF DISTRIBUTION OF THE DECISION.

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

END OF STAFF REPORT

---





Aerial Map



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



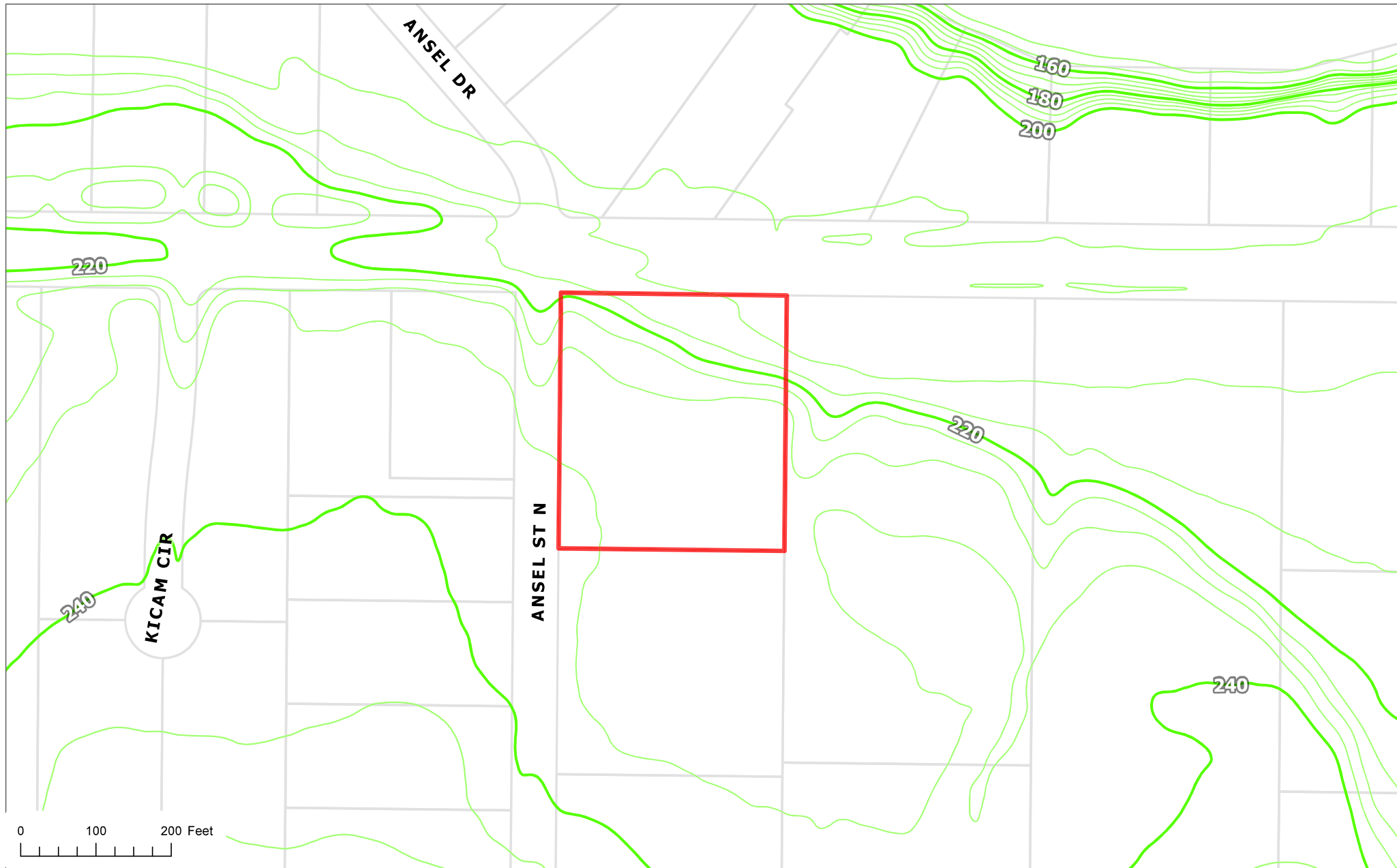


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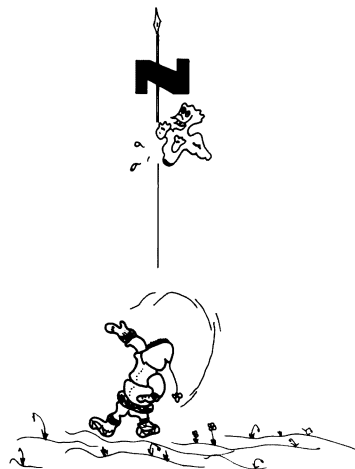


Aerial with 5-foot Contours



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### LEGEND

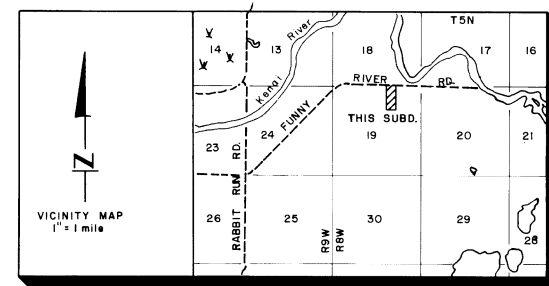
- ☒ MONUMENT (Found this survey)
- ☒ MONUMENT (Set this survey) 3 1/4 AL. CAP.
- ☐ " REBAR (Found this survey)
- ☐ 5/8" x 30" REBAR (Set this survey)
- ☐ RECORD DATUM KRD 84-224

LOT  
4 B L

LOCK LOT 2

2 LOT  
6

**E4-13**



I HEREBY CERTIFY THAT I AM THE OWNER(S) OF THE PROPERTY SHOWN & DESCRIBED HEREON & THAT I HEREBY ADOPT THIS PLAN OF SUBDIVISION & DEDICATE ALL RIGHT-OF-WAYS & PUBLIC AREAS TO PUBLIC USE & GRANT ALL EASEMENTS TO THE USE SHOWN.

William M. Coburn  
WILLIAM M. COBURN P.O. BOX 1511 SOLDOTNA, AK 99669

NOTARY'S ACKNOWLEDGEMENT

SUBSCRIBED AND SWORN BEFORE ME THIS 7 DAY OF Feb  
1985 FOR WILLIAM M. COBYRNE

**STATE OF ALASKA**  
**JANICE BISHOP**  
**NOTARY PUBLIC**

Janice Bishop  
NOTARY PUBLIC FOR ALASKA  
MY COMMISSION EXPIRES 2/24/86

## PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH  
PLANNING COMMISSION AT THE MEETING OF *January 25*

KENAI PENINSULA BOROUGH

*[Signature]*  
AUTHORIZED OFFICIAL

85-28  
Kenai  
2/21 85  
5:01 P  
Dowling Rice

CLIFFORD E. BAKER, R.L.S.  
REGISTRATION NO. LS-5152

## BUTLER - CHURCH SUB. NO. 3

A SUBDIVISION OF LOT 5 BLK 1 BUTLER  
CHURCH SUBDIVISION. LOCATED WITHIN  
THE NE 1/4 SEC 19 T5N R8W., S.M., AK

8.540 ACRES CONSISTING OF 4 LOTS

DOWLING-RICE and ASSOCIATES

155 SMITH WAY SOLDOTNA, ALASKA 99669  
ENGINEERS 262 - 9011 SURVEYORS

|                     |                    |
|---------------------|--------------------|
| SURVEYED: JAN. 1984 | PLATTED: JAN. 1984 |
|---------------------|--------------------|

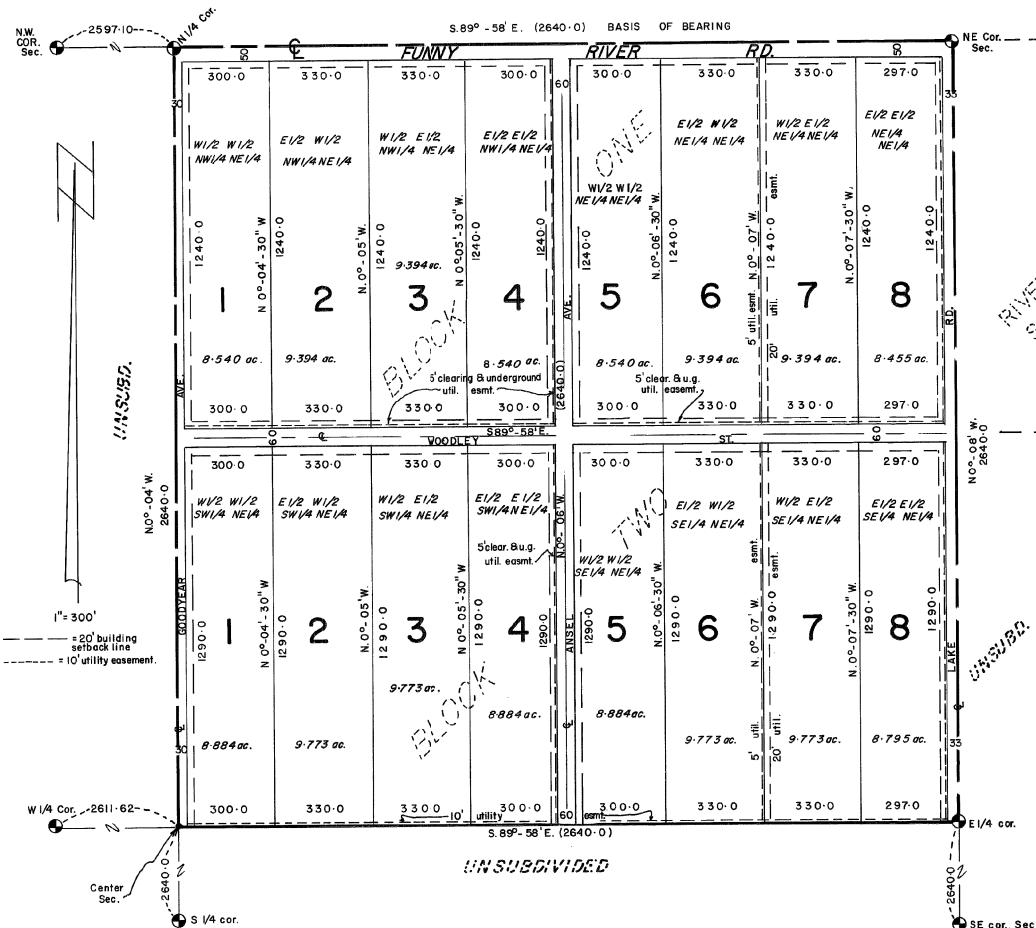
|             |                  |
|-------------|------------------|
| DRAFTED: DW | SCALE: 1" = 100' |
|-------------|------------------|

|             |       |
|-------------|-------|
| CHECKED: CB | SHEET |
|-------------|-------|



# BUTLER-CHURCH SUBDIVISION

WITHIN THE NE 1/4,  
SEC. 19, T. 5 N. R. 8 W., S. M.,  
KENAI PENINSULA BOROUGH,  
ALASKA.



NOTE:  
THIS PLAT IS A COMPILATION OF  
PRESENTLY AVAILABLE MAPS, AND  
NO FIELD SURVEY HAS BEEN MADE.

BOROUGH PLANNING COMMISSION  
Plat approved by the commission this 21<sup>st</sup> day  
of January, 1974.

*Stanley F. Thompson*  
Mayor

## CERTIFICATE OF OWNERSHIP & DEDICATION

We hereby certify that we are the owners of the property shown and described hereon; that we adopt this plan of subdivision with our free consent, and do hereby dedicate to public use and the use of public utilities the streets as shown.

*William B. Butler* owner  
*Laura L. Butler* owner  
*William B. Butler* owner  
*Josiah S. Butler* owner  
*Walter C. Church* owner  
*Kloria R. Church* owner

Sworn and subscribed to before me, a Notary Public,  
this 13 day of March, 1974.

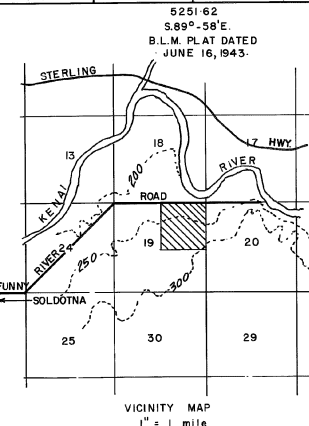
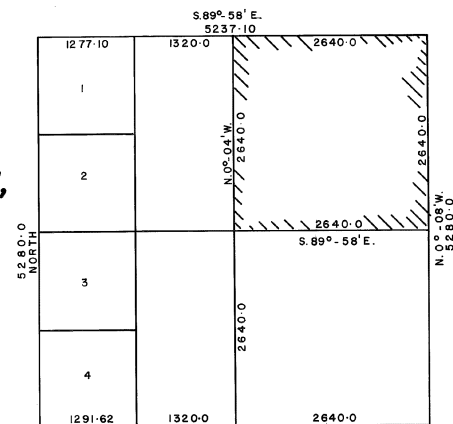
*Reggie O. Stenmark*  
notary

My commission expires *April 11, 1974*.



PREPARED IN ACCORDANCE WITH  
SEC. 20.15.025(2) OF BOROUGH CODE.

DATE: *Jan. 17, 1974*



74-24

|                          |                  |
|--------------------------|------------------|
| RECORDED - FILED         | Kenai REC. DIST. |
| DATE: <i>3-15</i> 1974   |                  |
| TIME: <i>2:34 P.M.</i>   |                  |
| Submitted by: <i>KPB</i> |                  |
| Address: <i>867</i>      |                  |

LAND USE: RESIDENTIAL  
TOTAL AREA SUB., LESS ROADS-146.19 ACRES.

| FOR  |           |
|--|-----------|
| W.B. BUTLER, SR., W.B. BUTLER, JR., & W.C. CHURCH,<br>BOX 187, KENAI |           |
| MALONE   | SURVEYING |
| KENAI  | ALASKA    |



KENAI PENINSULA BOROUGH  
PLANNING COMMISSION RESOLUTION

RESOLUTION SN 2011-15

RENAMING CERTAIN PUBLIC RIGHTS-OF-WAY WITHIN SECTIONS 18, 19, 20, 29 & 30, T5N, R8W;  
WITHIN EMERGENCY SERVICE NUMBER (ESN) 302

RENAMING CERTAIN PUBLIC RIGHTS-OF-WAY WITHIN SECTIONS 25, 27 & 28, T5N, R9W; WITHIN  
EMERGENCY SERVICE NUMBER (ESN) 302

WHEREAS, a procedure has been developed to help implement the Enhanced 9-1-1 Street Naming and Addressing project; and

WHEREAS, eliminating duplicate and sound-alike street names will enable 9-1-1 Emergency Services to respond to emergencies in an efficient timely manner, thereby avoiding delays in providing necessary emergency services; and

WHEREAS, on August 22, 2011 public hearings were held by the Kenai Peninsula Borough Planning Commission to address all concerns about the proposed street name changes; and

WHEREAS, Chapter 14.10 of the Kenai Peninsula Borough Code of Ordinances authorizes the Planning Commission to accomplish street name changes by Resolution.

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

Section 1. That the rights-of-way listed below is renamed as follows:

| DESCRIPTION  | FROM                             | TO            | BASE MAP     |
|--|----------------------------------|---------------|--------------|
| a. Goodyear St originally named by plat KN0740024 Butler Church Subdivision; T 5N R 8W SECTION 19; Seward Meridian, AK; Off of Funny River Rd in the Funny River Community; ESN 302              | Goodyear St (North of Leann Ave) | Goodyear St N | KR14         |
| b. Goodyear St originally named by plat Don Jack Subdivision; T 5N R 8W SECTION 30; Seward Meridian, AK; off of Browns Lake Rd in the Funny River community; ESN 302                             | Goodyear St (South of Leann Ave) | Goodyear St S | KR14         |
| c. Ansel Ave (aka Ansel St) originally named by plat KN0740024 Butler Church Subdivision; T 5N R 8W SECTION 19; Seward Meridian, AK; Off of Funny River Rd in the Funny River Community; ESN 302 | Ansel Ave (North of Leann Ave)   | Ansel St N    | KR14         |
| d. Ansel St originally named by plat Don Jack Subdivision; T 5N R 8W SECTION 30; Seward Meridian, AK; off of Browns Lake Rd in the Funny River community; ESN 302                                | Ansel Ave (South of Leann)       | Ansel St S    | KR14         |
| e. Robert Ave originally named by plat KN0750079 Don Jack Subdivision Unit   | Robert Ave (West of Detroit St)  | Robert Ave W  | KR14<br>KR15 |



|   |                                       |                 |      |
|---|---------------------------------------|-----------------|------|
| 2; T 5N R 9W SECTION 25 and T 5N R 8W SECTION 30; Seward Meridian, AK; Off of Rabbit Run Rd in the Funny River Community; ESN 302;  |                                       |                 |      |
| f. Robert Ave originally named by plat KN0740119 Don Jack Subdivision; T 5N R 8W SECTIONs 29 & 30; Seward Meridian, AK; Off of Lake Rd in the Funny River Community; ESN 302                        | Robert Ave (East of Detroit St)       | Robert Ave E    | KR14 |
| g. Goodyear St originally named by plat KN0750082 Holiday Park Subdivision; T 5N R 8W SECTION 18; Seward Meridian, AK; off of Funny River Rd in the Funny River Community; ESN 302                  | Goodyear St (North of Funny River Rd) | Aero Plane St   | KR11 |
| h. Kanak Ave originally named by plat KN0760067 Heistand Subdivision Addition No 1; T5N R 9W SECTION 28; Seward Meridian, AK; Off of Funny River Rd; ESN 302  | Kanak Ave                             | Heistand Ave W  | KR16 |
| i. Kanak Ave originally named by plat KN0820019 Whitcomb Subdivision Addn No 3; T5N R 9W SECTION 27; Seward Meridian, AK; Off of Funny River Rd; ESN 302  | Kanak Ave                             | Heistand Ave E  | KR15 |
| j. Herring Run originally named by plat KN0880084 Riverwind I Subdivision 1988 Sub of Lot 2; T 5N R 8W SECTION 20; Seward Meridian, AK; Off of Funny River Rd in the Funny River Community; ESN 302 | Herring Run                           | Herring Run St  | KR14 |
| k. Rio Gracioso Terrace Dr originally named by plat KN0780057 Caprice Estates Sub; T 5N R 8W SECTION 20; Seward Meridian, AK; Off of Lake Rd in the Funny River community; ESN 302                  | Rio Gracioso Terrace Dr               | Rio Gracioso Ln | KR14 |

Section 2. That according to Kenai Peninsula Borough Code of Ordinance 14.10.030, the official street name map, 1:500 scale series base maps, Kenai River 11, 14, 15, & 16 are hereby amended to reflect these changes.

Section 3. That the map showing the location of the renamed rights-of-way be attached to, and made a permanent part of this resolution.

Section 4. That this Resolution takes effect immediately upon adoption.

ADOPTED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH THIS  
12 DAY OF September 2011.

  
 Blair Martin, Vice Chairperson  
 Planning Commission



State of Alaska  
Kenai Peninsula Borough

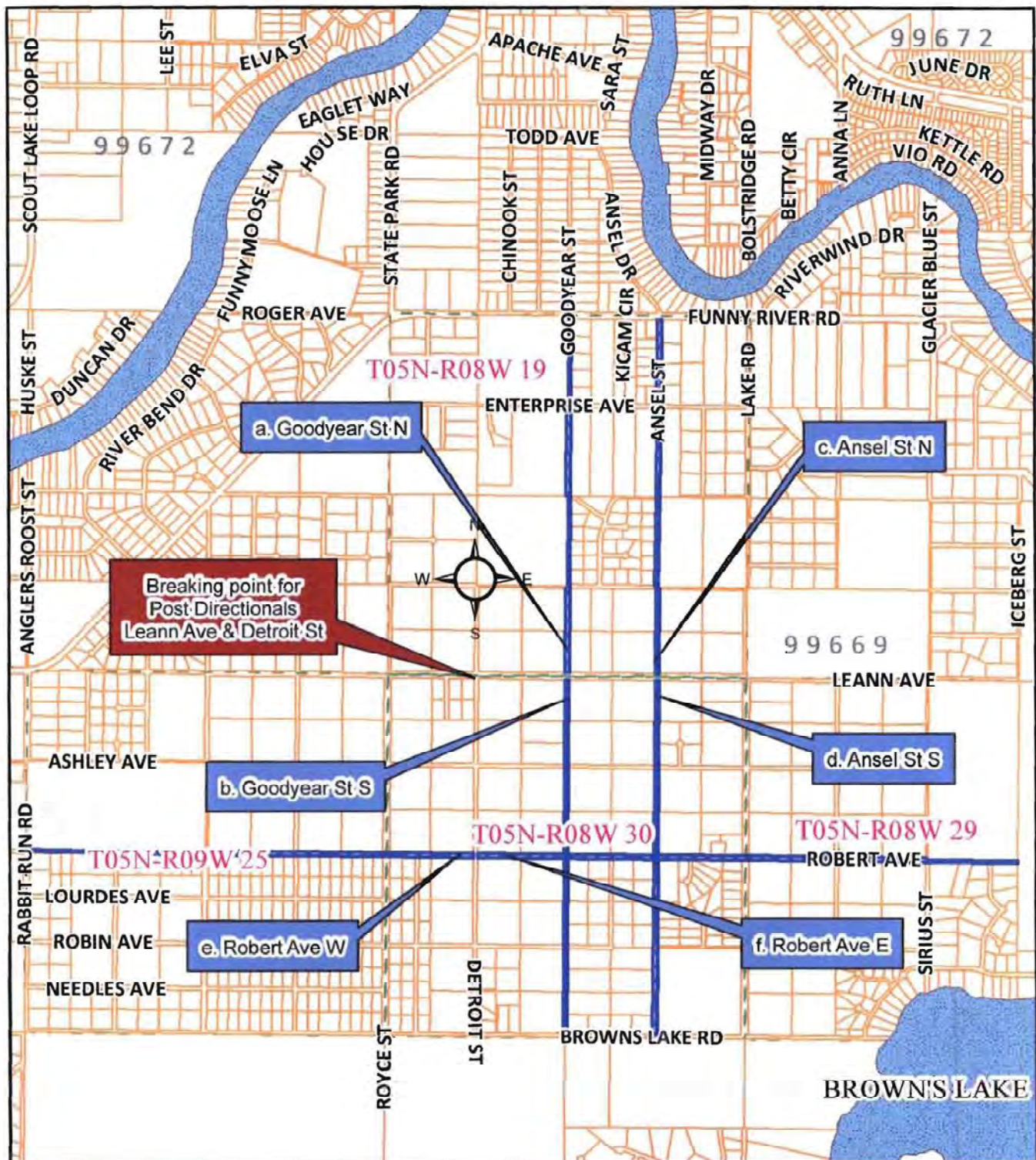
Signed and sworn to (or affirmed) in my presence this 12 day of September 2011 by  
Blair Martin

Patricia Hartley  
Notary Public

My Commission expires 3-7-13







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

08/23/2011

# Kenai Peninsula Borough Planning Commission

## Street Name Resolution 2011-15

- a. Goodyear St to Goodyear St N
- b. Goodyear St to Goodyear St S
- c. Ansel Ave to Ansel St N
- d. Ansel St to Ansel St S
- e. Robert Ave to Robert Ave W
- f. Robert Ave to Robert Ave E



0 950 1,900 3,800 Feet





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08/23/2011

## Kenai Peninsula Borough Planning Commission

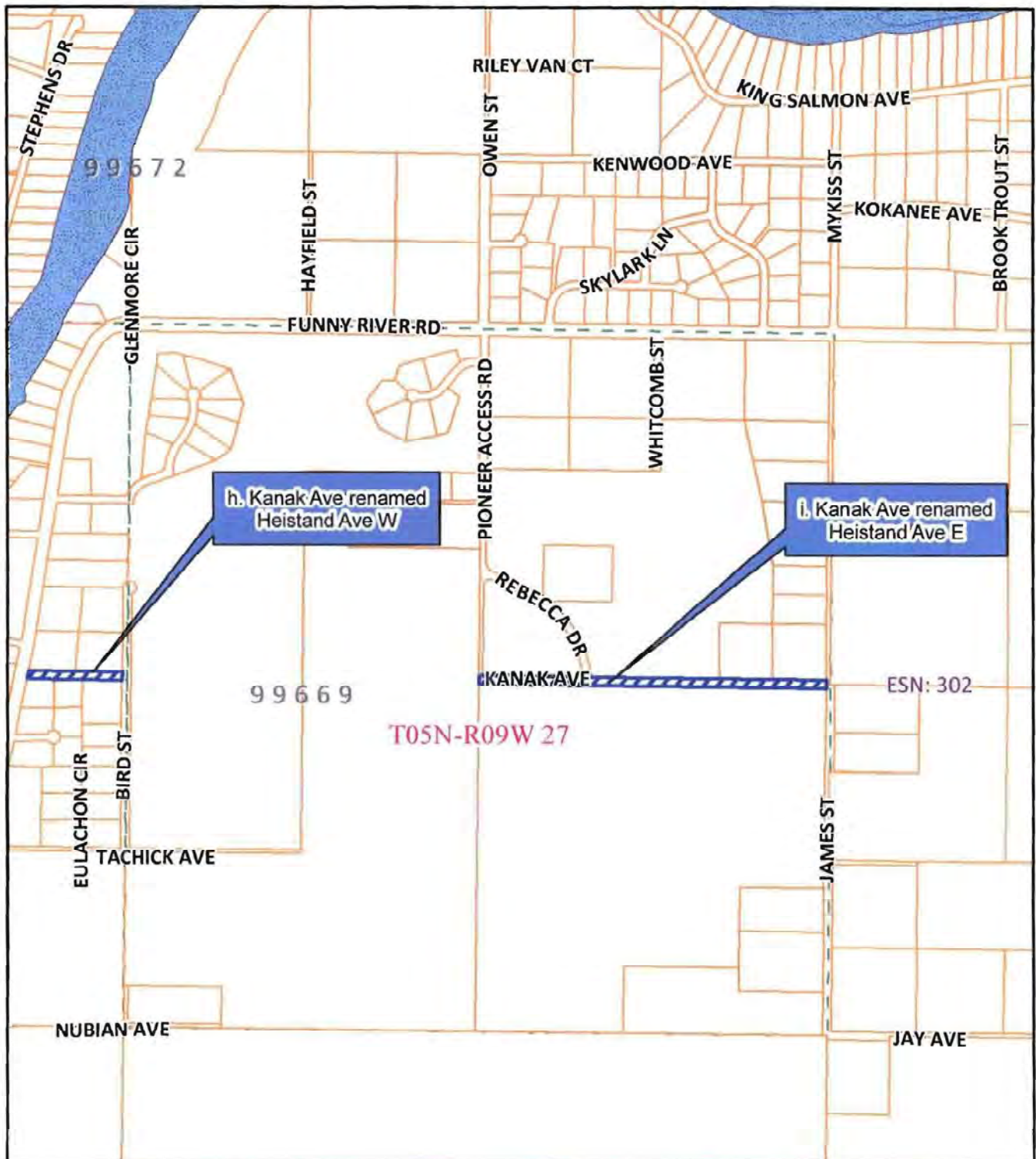
### Street Name Resolution 2011-15

#### Goodyear St to Aero Plane St



0 225 450 900 Feet





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08/23/2011

## Kenai Peninsula Borough Planning Commission

### Street Name Resolution 2011-15

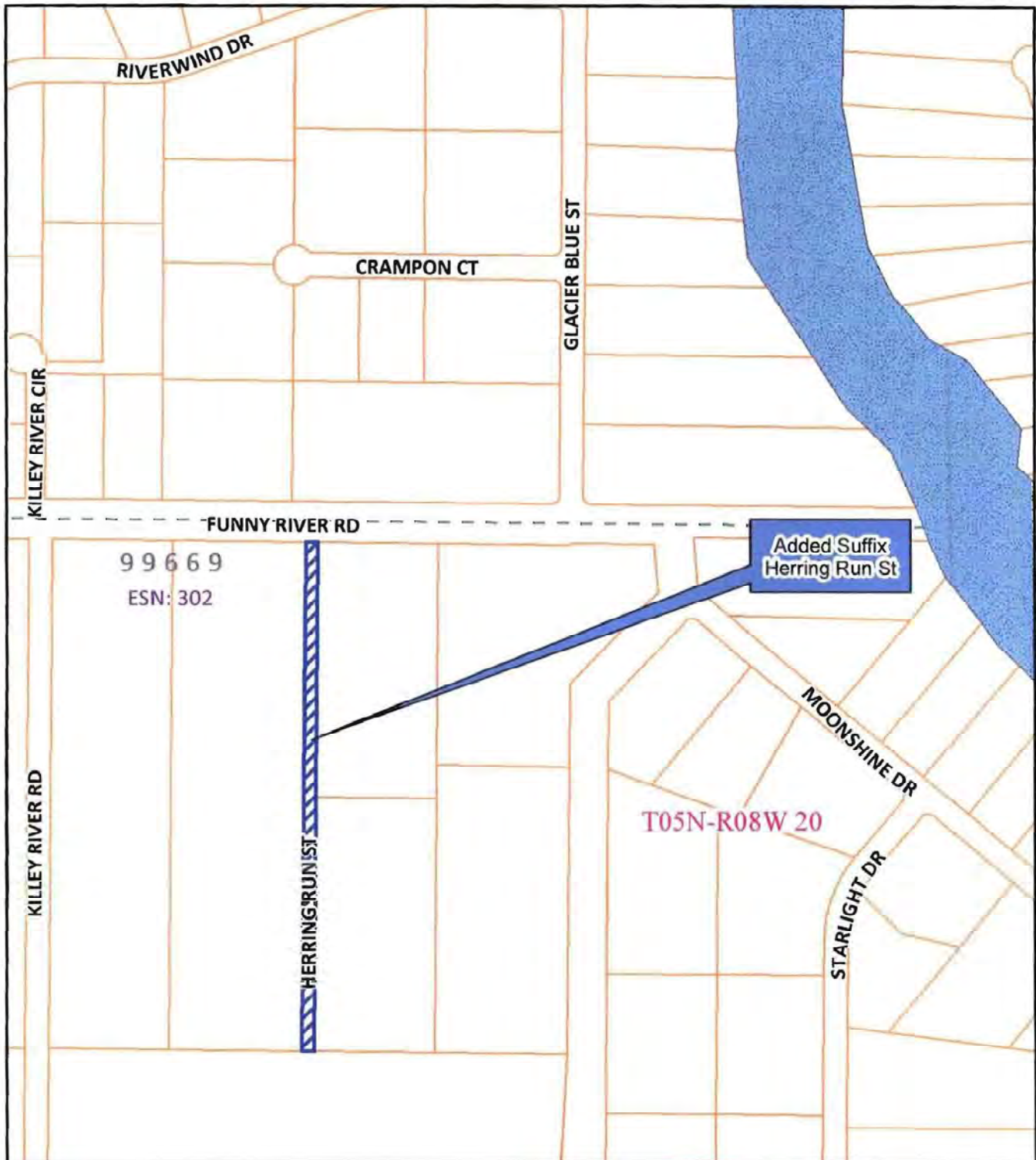
h. Kanak Ave to Heistand Ave W

i. Kanak Ave to Heistand Ave E



0 485 970 1,940 Feet





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08/23/2011

## Kenai Peninsula Borough Planning Commission

### Street Name Resolution 2011-15

### Herring Run to Herring Run St



0 162.5 325 650 Feet





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08/23/2011

Kenai Peninsula Borough Planning Commission

Street Name Resolution 2011-15

Rio Gracioso Terrace Dr to Rio Gracioso Ln



0 220 440 880 Feet





## KENAI PENINSULA BOROUGH PLANNING COMMISSION NOTICE OF SUBDIVISION/REPLAT

Public notice is hereby given that a preliminary plat was received on 5/15/2025 proposing to subdivide or replat property. You are being sent this notice because you are within 300 feet of the proposed subdivision, or a beneficial interest holder, and are invited to comment. *If you are an owner adjacent to a half right-of-way being dedicated, please be aware that you may be required to match the dedication if your property is subdivided in the future.*

Proposed plat under consideration is described as follows:

Request / Affected Property: This subdivision would subdivide one lot into two lots.

KPB File No. 2025-079

Petitioner(s) / Land Owner(s): Galley Living Trust of Soldotna, AK

The location of the proposed plat is provided on the attached map. A preliminary plat showing the proposed subdivision may be viewed at the Planning Department. Subdivision reviews are conducted in accordance with KPB Subdivision Ordinance. A copy of the Ordinance is available from the Planning Department. ***Comments should be guided by the requirements of that Ordinance.***

Public hearing will be held by the Kenai Peninsula Borough Plat Committee or Planning Commission on **Monday, June 9, 2025**, commencing at **6:30 pm**, or as soon thereafter as business permits. The meeting is being held in person at the Betty J. Glick Assembly Chambers of the Kenai Peninsula Borough George A. Navarre Administration Building, 144 N. Binkley Street, Soldotna, Alaska. This meeting will also be held via Zoom, or other audio or video conferencing means whenever technically feasible.

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

Anyone wishing to testify may attend the meeting in person or through Zoom. Written testimony may be submitted by email to [planning@kpb.us](mailto:planning@kpb.us), or mailed to the attention of Beverly Carpenter, Kenai Peninsula Borough Planning Department, 144 N. Binkley Street, Soldotna, Alaska 99669. [Written comments may also be sent by Fax to 907-714-2378]. All written comments or documents must be submitted by **1:00 PM, Friday, June 6, 2025**. The deadline to submit written comments or documents does not impact the ability to provide verbal testimony at the public hearing.



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

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

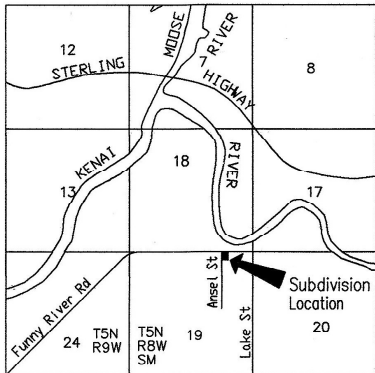
Mailed 5/19/2025





KPB File 2025-079  
T 5N R 8W Sec 19  
Funny River





VICINITY 1" = 1 mile MAP

# Butler - Church Subdivision No. 3 Galley Addition Preliminary Plat

A subdivision of Lot 5A Block 1 Butler-Church Subdivision No. 3 ( KRD 85-28 ).  
Located in the NE1/4 Section 19, 15N R8W, SM, Alaska.  
Kenai Recording District Kenai Peninsula Borough File

Prepared for  
**John Galley**  
Galley Living Trust  
32612 Rocco Ct.  
Soldotna, AK 99669

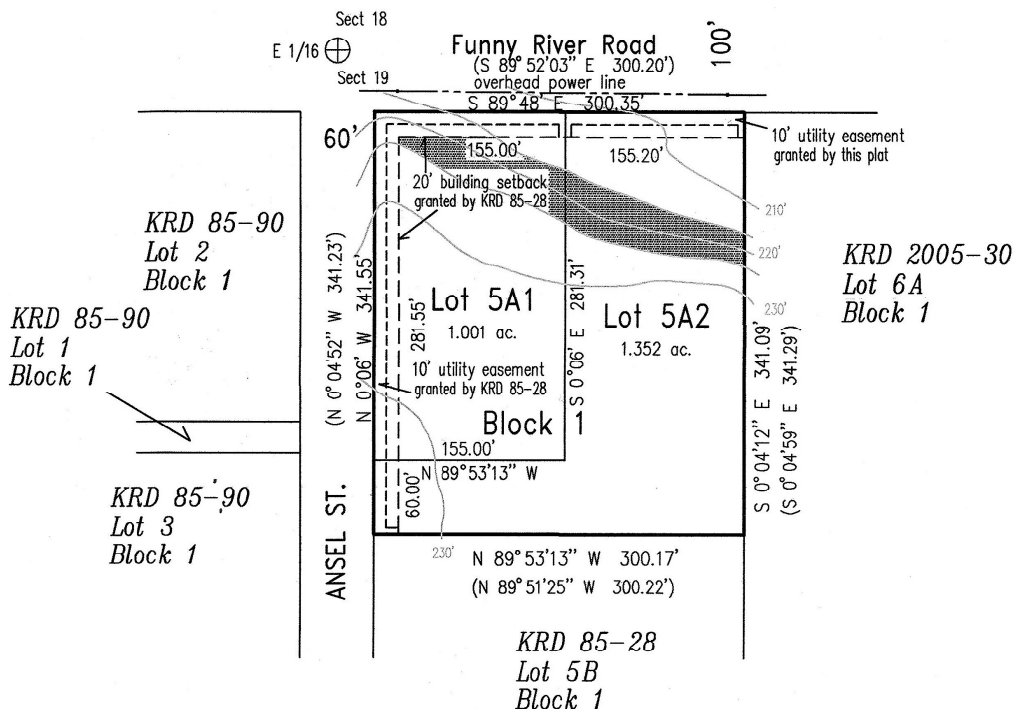
Prepared by  
**Johnson Surveying**  
P.O. Box 27  
Clam Gulch, Ak 99568  
(907) 262-5772

SCALE 1" = 100' AREA = 2.353 acres 8 May, 2025

## NOTES

1. A building setback of 20' from all street ROW's is required unless a lesser standard is approved by a resolution of the appropriate planning commission. Front 10' of building setback is also a utility easement, as is the entire setback within 5' of side lot lines.
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. Contour interval 4'. Shaded areas indicate grades over 20%. There are no wet areas on the property.

|                               |           |                               |                                     |                                     |
|-------------------------------|-----------|-------------------------------|-------------------------------------|-------------------------------------|
| KRD 75-46<br>Lot 1<br>Block 4 | ANSEL ST. | KRD 75-82<br>Lot 7<br>Block 6 | KRD<br>2024-73<br>Lot 6A<br>Block 6 | KRD<br>2024-73<br>Lot 5A<br>Block 6 |
|-------------------------------|-----------|-------------------------------|-------------------------------------|-------------------------------------|



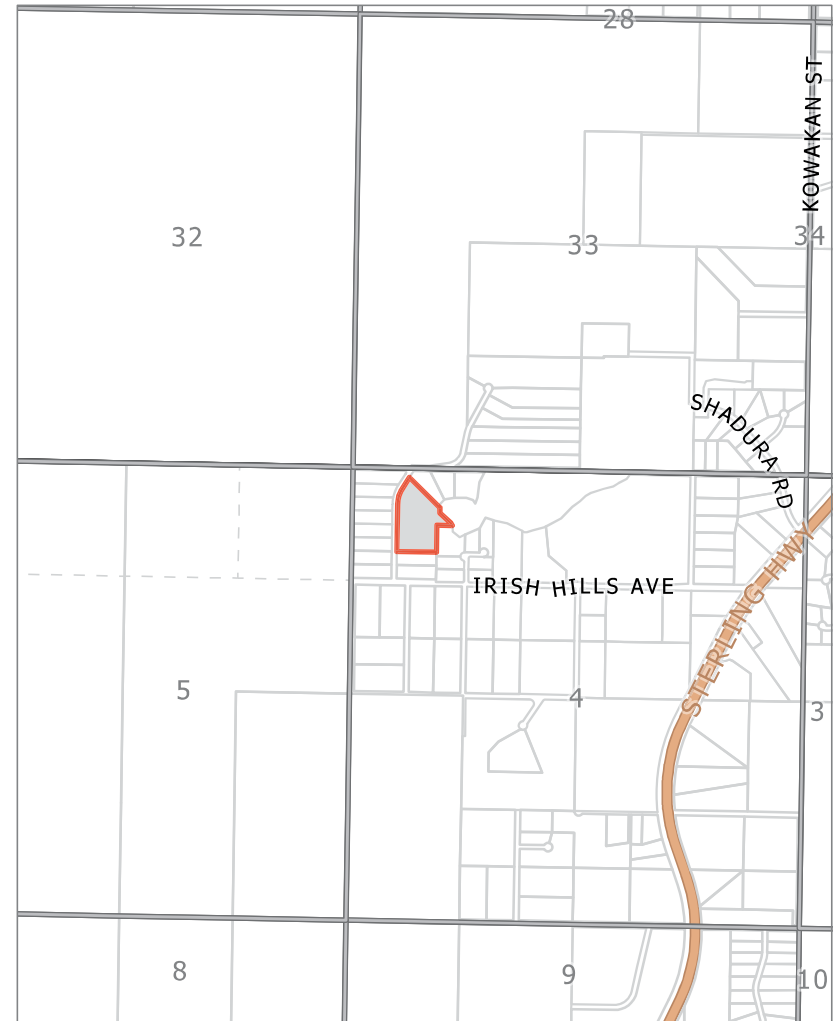
**KPB 2025-079**



## **E. NEW BUSINESS**

- 5. Spruce Park Estates Subdivision Davis Addition No. 2**  
**KPB File 2025-078**  
**Johnson Surveying / Davis**  
**Location: Spruce Park Dr. off Irish Hills & Sterling Hwy.**  
**Kalifornsky Area**





KPB File 2025-078  
T 3N R 11W Sec 4  
Kalifornsky



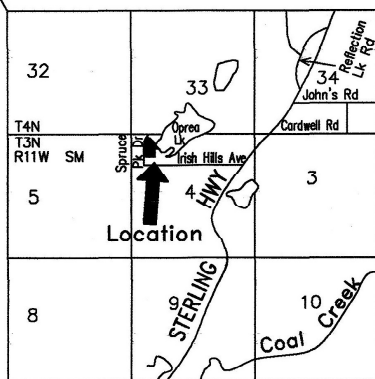


Aerial Map



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





VICINITY 1" = 1 mile MAP

Contour interval 5'  
Shaded areas indicate grades over 25%

# Spruce Park Estates Subdivision Davis Addition No. 2 Preliminary plat

A subdivision of Lot 4A Block 1 Spruce Park Estates Subd. Davis Replat, KR 2016-12.  
Located in the SE1/4 Section 4, T4N R11W, SM, Kaslof, Alaska.  
Kenai Recording District Kenai Peninsula Borough File

Prepared for

Prepared by

Ronald L Davis JR  
Shelly Davis  
P.O. Box 4028  
Soldotna, AK 99669

Johnson Surveying  
P.O. Box 27  
Clam Gulch, Ak 99568  
(907) 262-5772

SCALE 1" = 100' 3 May, 2025

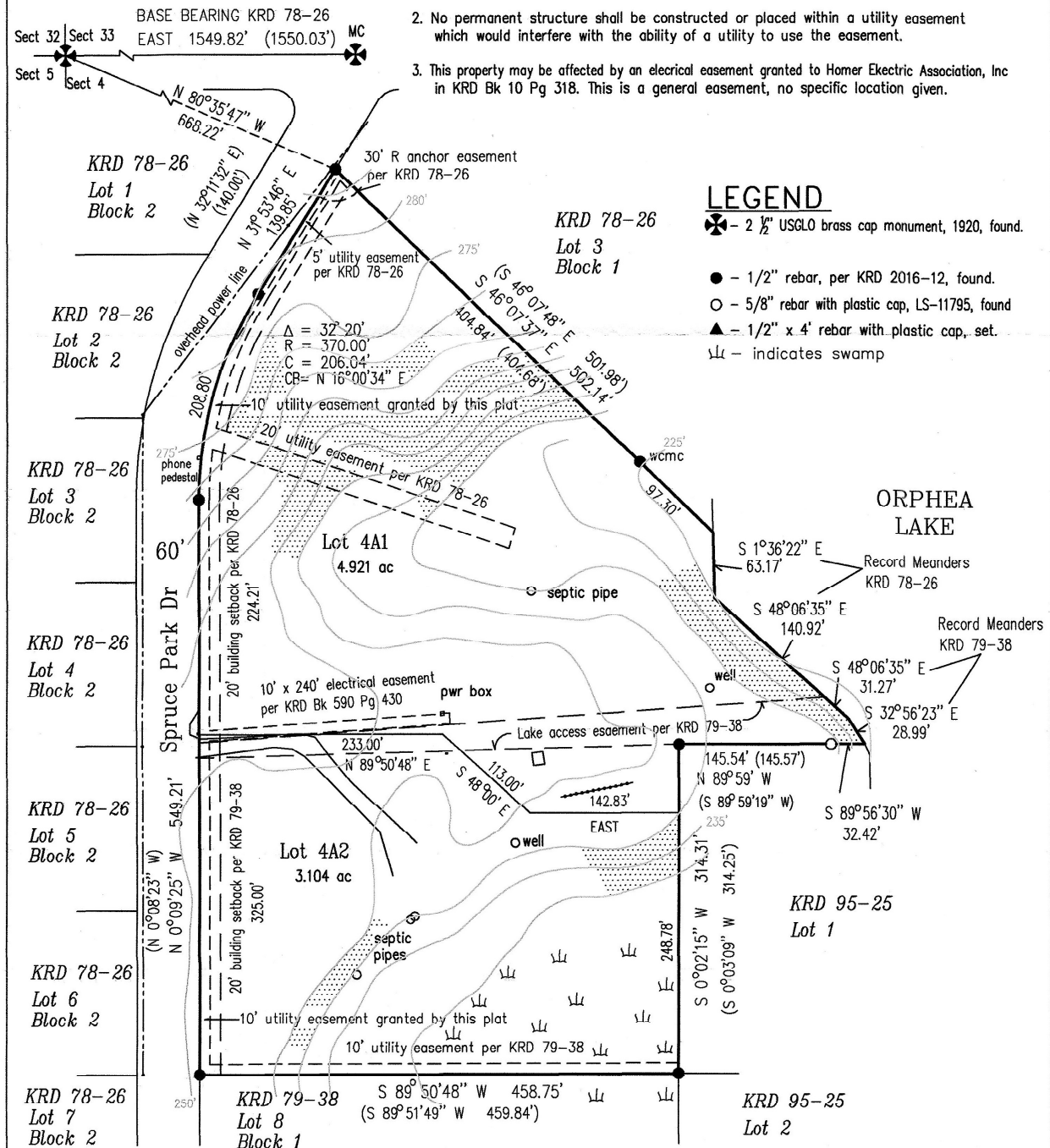
AREA = 8.025 acres

## NOTES

1. A building setback of 20' from all street ROW's is required unless a lesser standard is approved by a resolution of the appropriate planning commission. Front 10' of building setback is also a utility easement, as is the entire setback within 5' of side lot lines.
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 property may be affected by an electrical easement granted to Homer Electric Association, Inc in KR 2016-12 Pg 318. This is a general easement, no specific location given.

## LEGEND

- ✕ - 2 1/2" USGLO brass cap monument, 1920, found.
- - 1/2" rebar, per KR 2016-12, found.
- - 5/8" rebar with plastic cap, LS-11795, found
- ▲ - 1/2" x 4' rebar with plastic cap, set.
- ≡ - indicates swamp



KP 2025-078

E5-3



AGENDA ITEM E. NEW BUSINESS

**ITEM #5 - PRELIMINARY PLAT  
SPRUCE PARK ESTATES SUBDIVISION DAVIS ADDITION NO. 2**

|                                |  |
|--------------------------------|--|
| <b>KPB File No.</b>            | 2025-078   |
| <b>Plat Committee Meeting:</b> | June 9, 2025   |
| <b>Applicant / Owner:</b>      | Ronald L. Davis Jr. and Shelley A. Davis of Soldotna, Alaska |
| <b>Surveyor:</b>               | Jerry Johnson; Johnson Surveying                             |
| <b>General Location:</b>       | Spruce Park Drive off Irish Hills Avenue, Kalifornsky Area   |

|                           |   |
|---------------------------|---|
| <b>Parent Parcel No.:</b> | 133-390-30  |
| <b>Legal Description:</b> | Lot 4A, Block 1, Spruce Park Estates Subdivision Davis Replat, Plat 2016-012, Kenai Recording District, Township 3 North, Range 11 West, Section 4, Seward Meridian |
| <b>Assessing Use:</b>     | Residential Dwelling  |
| <b>Zoning:</b>            | Rural Unrestricted  |
| <b>Water / Wastewater</b> | On-Site / On-Site   |
| <b>Exception Request</b>  | None Requested  |

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**STAFF REPORT**

**Specific Request / Scope of Subdivision:** The proposed plat will subdivide one 8.025-acre lot into two lots: one of 4.921 acres and one of 3.104 acres.

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

The proposed plat is gotten to from Irish Hills Avenue, between mile post 103 and 104 on the Sterling Highway, a state-maintained road. Irish Hills connects to Spruce Park Drive to the west, both being 60-foot dedications and constructed roads that are borough-maintained. Spruce Park Drive provides legal access to both proposed lots on the west side of them.

A lake access easement is situated on the southern end of proposed Lot 4A1 and northern end of proposed Lot 4A2. This easement was originally granted by Spruce Park Estates Subdivision Part Two (KN 79-38) and is noted on the parent plat as having, "the access is restricted to use by lot owners of Spruce Park Estates Subdivisions Part One and Two." The easement has been depicted on the proposed plat. **Staff recommends** the surveyor include the dimensions of the easement as shown on the parent plat and a plat note clarifying that the lake access easement is restricted to use by all owners of parcels included in Spruce Park Estates Subdivision Part One and Two and any parcels resulting from future subdivisions.

The block length is defined by Irish Hills Avenue to the south, Spruce Park Drive to the West, Shoreline Avenue to the north and Orphea Lake. The block length is non-compliant due to the lake abutting the subdivision on the east. Existing rights-of-ways serve the surrounding parcels and no parcels will be denied access. **Staff recommends** the Plat Committee concur that no exception is required to KPB 20.30.170 due to the location of the proposed plat and existing features.

|                           |   |
|---------------------------|---|
| KPB Roads Dept RSA review | Out of Jurisdiction: No<br><br>Roads Director: Uhlin, Dil<br>Comments:<br>No comments |
| SOA DOT comments          | No Response   |

**Site Investigation:**

Multiple Structures are located on the property per KPB GIS Imagery. There does not appear to be any



encroachment issues on the preliminary design when comparing the imagery to the preliminary plat. **Staff recommends** the surveyor confirm if there are any encroachments during the field survey and to notify staff of any encroachments with a resolution prior to finalization.

Orpheus Lake abuts the subdivision on the eastern side of proposed Lot 4A1. KWF Wetlands Assessment shows wetlands on the southeast section of Proposed Lot 4A2 identified as Kettle. The preliminary plat contains a label for the lake and symbology representing swamp for the kettle. **Staff recommends** to include a note on the final plat indicating any person developing the property is responsible for obtaining all required local, state, and federal permits, including a U.S. Army Corps of Engineers wetland determination if applicable.

KPB GIS Terrain Viewer shows steep areas affecting the subject property. Contours have been added on the preliminary plat with grades over 25% shaded. **Staff recommends** the surveyor's to remove the contours from the final plat per KPB 20.60.010 and label the top and toe of slopes.

This plat is not within a Flood Hazard Area or Habitat Protection District per the KPB GIS River Center Reviewers.

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

### **Staff Analysis**

Originally, the land was surveyed as Government Lot 4 in Section 4, Township 3 North, Range 11 West, Seward Meridian, Alaska. In 1978, Spruce Park Estates Subdivision Part One (KN 78-26) subdivided a portion of Government Lot 4 into two blocks. Spruce Park Estates Subdivision Part Two (KN 79-38) subdivided a further portion of Government Lot 4, creating additional lots within Block 1. In 2016, Spruce Park Estates Subdivision Davis Replat (KN 2016-12) subdivided Lots 4 and 5, Block 1 (KN 78-26) and Lots 6 and 7, Block 1 (KN 79-38), into one large Lot. The proposed plat will subdivide the former large Lot into two new lots.

A soils report will be required and an engineer will sign the final plat as proposed Lot 4A2 is less than 200,000 sq ft (135,210.24 sq ft). **Staff recommends** the surveyor add the proper wastewater disposal note and reference to the corresponding lot to the final plat.

A soils report will not be required for proposed Lot 4A1 as the lot is greater than 200,000 sq ft (214,358.76 sq ft). **Staff recommends** the surveyor include the corresponding lot to the proper wastewater disposal note.

Per the preliminary Certificate to Plat, beneficial interest holders do not affect the proposed plat. Notification per KPB 20.10.100 will not be required unless the final Certificate to Plat states the property is affected by beneficial interest holders.

The property is not within an advisory planning commission.

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



### **Utility Easements**

Spruce Park Estates Subdivision Part Two (KN 79-38) granted a 10-foot utility easement on the south lot line of Lot 7. This easement was carried forward to former Lot 4A, Block 1, Spruce Park Estates Subdivision Davis Replat (KN 2016-12). The easement has been depicted and labeled correctly on the proposed plat.

Spruce Park Estates Subdivision Part One (KN 78-26) granted a 30-foot radius anchor easement on the northwest corner of Lot 4. This easement was carried forward to former Lot 4A, Block 1, Spruce Park Estates Subdivision Davis Replat (KN 2016-12). The easement has been depicted and referenced correctly on the proposed plat.

The parent plat KN 78-26 granted a 5-foot utility easement adjacent to the right-of-way on the eastern lot line of former Lot 4. This easement was carried forward to plat KN 2016-12. The easement has been correctly depicted and referenced on the proposed plat.

A general easement for electric lines or system and/or telephone lines was granted to Homer Electric Association, Inc. as recorded in Miscellaneous Book 10, Page 318, KRD. This easement is denoted as plat note number 3. **Staff recommends** correcting the typos within the plat note.

A 10-foot by 240-foot electrical easement was granted to Homer Electric Association, Inc. as recorded in Book 590, Page 430, KRD. This easement has been correctly depicted on the plat. **Staff recommends** the surveyor include a plat note referencing the easement.

As part of our routine notification process, the subdivision plat was emailed to the affected utility providers for review. **Staff recommends:** the surveyor work with the utility providers to accommodate their request, ensuring optimal use of the owner's land and maximum benefit for both the provider and the public.

The proposed plat is granting a 10-foot-wide utility easement adjacent to Spruce Park Drive, extending to 20-feet within 5-feet of the side lot lines. The easement is shown on the preliminary plat and denoted as plat note number one.

### **Utility provider review:**

|        |   |
|--------|---|
| HEA    | No Comments   |
| ENSTAR | No Response   |
| ACS    | No Objections   |
| GCI    | Approved as Shown-Suggested the legal description in the title block be NW1/4 NW1/4 |

### **KPB department / agency review:**

|                   |   |
|-------------------|---|
| Addressing Review | <p>Reviewer: Leavitt, Rhealyn<br/>Affected Addresses:<br/>27914 SPRUCE PARK DR</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names:<br/>SPRUCE PARK DR</p> <p>Existing Street Name Corrections Needed:<br/>All New Street Names are Approved: No</p> <p>List of Approved Street Names:</p> <p>List of Street Names Denied:</p> <p>Comments:<br/>27914 SPRUCE PARK DR WILL REMAIN WITH LOT 4A1</p> |
|-------------------|---|



|                      |   |
|----------------------|---|
| Code Compliance      | Reviewer: Ogren, Eric<br>Comments: No comments  |
| LOZMS Review Planner | Reviewer: Raidmae, Ryan<br>There are not any Local Option Zoning District issues with this proposed plat.<br><br>Material Site Comments:<br>There are not any material site issues with this proposed plat. |
| Assessing Review     | Reviewer: Windsor, Heather<br>Comments: No comment  |

## **STAFF RECOMMENDATIONS**

### **CORRECTIONS / EDITS**

Show set pins on new lot line

Add distances where missing for new lot lines.

### **PLAT NOTES TO ADD**

- The natural meanders of ordinary high water (or mean high water line as applicable) is for area computations only, the true corners being on the extension of the sidelines and the intersection with the natural meanders.
- The borough will not enforce private covenants, easements, or deed restrictions per KPB 20.60.170(B).
- Acceptance of this plat by the Borough does not indicate acceptance of any encroachments.

### **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:**

- **Staff Suggests for the plat name:** Spruce Park Estates Subdivision Davis Replat Addition No. 2
- Modifications to the legal description:
  - Located in the NW 1/4
  - Township 3 North
  - Modify Kasilof to Kalifornsky
- Modify the KPB File Number to 2025-078
- Name of the Owners:
  - Ronald Davis Jr. AKA Ronald L. Davis Jr.
  - Revise name to: Shelley Davis AKA Shelley A. Davis

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

#### **Staff recommendation:**

Label Shoreline Ave and ROW to the north



- D. A vicinity map, drawn to scale showing location of proposed subdivision, north arrow if different from plat orientation, township and range, section lines, roads, political boundaries, and prominent natural and manmade features, such as shorelines or streams;  
**Staff recommendation:**
- Add a label for Reflection Lake
  - Modify spelling of Orpheia Lake
- G. The status of adjacent lands within 100 feet of the proposed subdivision boundary or the land status across from any dedicated rights-of-way that adjoin the proposed subdivision boundary, including names of subdivisions, lot lines, block numbers, lot numbers, rights-of-way; or an indication that the adjacent land is not subdivided;  
**Staff recommendation:**
- Add a label for the unsubdivided parcel to the northwest
- J. Block and lot numbering per KPB 20.60.140, approximate dimensions and total numbers of proposed lots;  
**Staff recommendation:**
- Include "Block 1" on the proposed Lots

---

#### **KPB 20.30 – Subdivision Design Requirements**

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

---

#### **KPB 20.40 – Wastewater Disposal**

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

---

20.40.010 Wastewater disposal.

*Platting Staff Comments:*

**Staff recommendation:** comply with 20.40.

---

#### **KPB 20.60 – Final Plat**

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

---

#### **RECOMMENDATION:**

#### **STAFF RECOMMENDS:**

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

NOTE: KPB 20.25.120. - REVIEW AND APPEAL.

IN ACCORDANCE WITH KPB 2.40.080, ANY PERSON, AGENCY, OR CITY THAT PARTICIPATED AT THE PLAT COMMITTEE HEARING, EITHER BY WRITTEN OR ORAL PRESENTATION, MAY REQUEST THAT A DECISION OF THE PLAT COMMITTEE BE REVIEWED BY THE PLANNING COMMISSION BY FILING A WRITTEN REQUEST WITHIN 15 DAYS OF DATE OF DISTRIBUTION OF THE DECISION.



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

**END OF STAFF REPORT**

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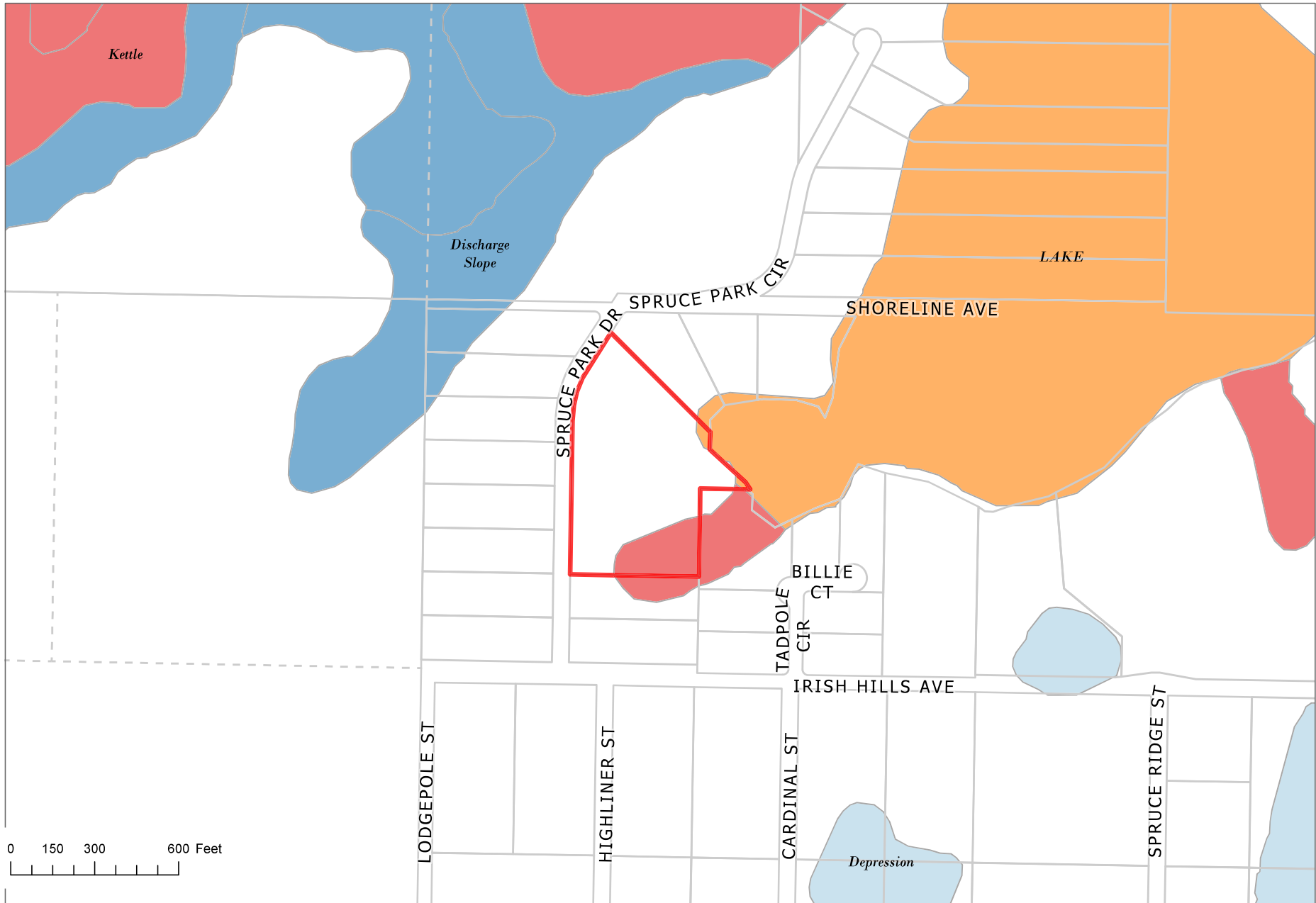


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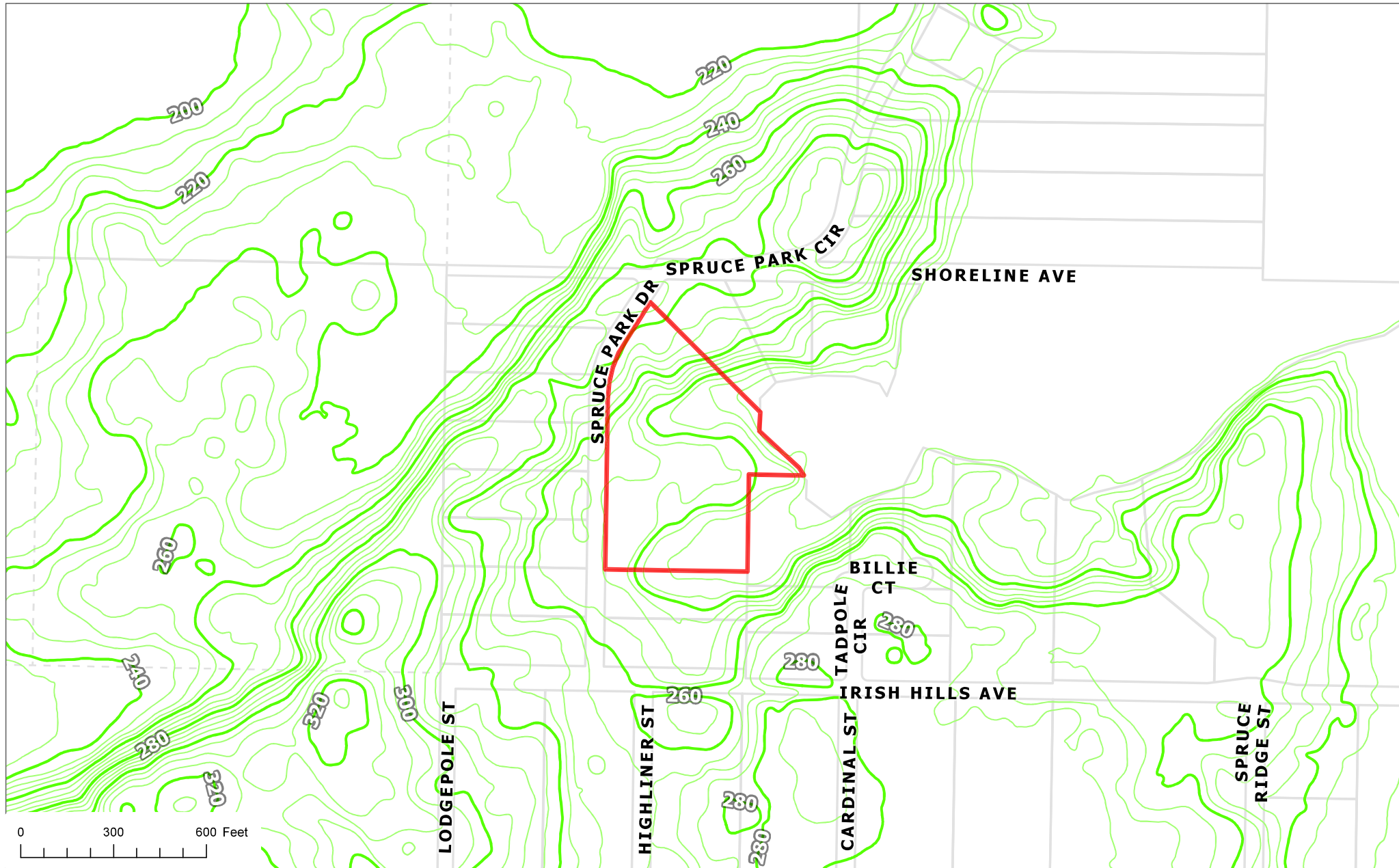
## Wetlands



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.

**E5-11**





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.

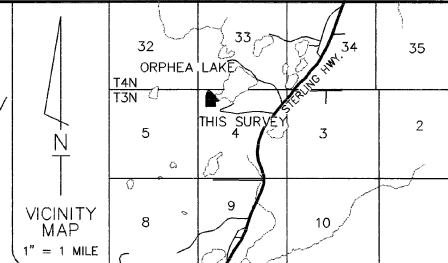


| CURVE | RADIUS  | ARC LENGTH | CHORD LENGTH | CHORD BEARING | DELTA ANGLE |
|-------|---------|------------|--------------|---------------|-------------|
| (C1)  | 370.00' | 208.80'    | 206.04'      | S16°01'42"W   | 32°20'00"   |

32 33 GLO BRASS CAP MONUMENT  
PER 78-26 KRD

BASIS OF BEARING PER 78-26 KRD (N90°00'00"E 1550.03')

GLO BRASS CAP MONUMENT  
PER 78-26 KRD



#### NOTES:

- 1) BUILDING SETBACK - A SETBACK OF 20 FEET IS REQUIRED FROM ALL STREET RIGHTS-OF-WAY UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
- 2) NO ADDITIONAL EASEMENTS ARE BEING GRANTED THIS PLAT. ALL EASEMENTS SHOWN ARE FROM THE PARENT PLATS. 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 IS A PAPER PLAT. A FIELD SURVEY WAS NOT CONDUCTED FOR THIS PLATTING ACTION.
- 4) THIS PARCEL MAY BE AFFECTED BY A GENERAL ELECTRIC EASEMENT RECORDED ON AUGUST 31, 1963 IN BK 10 PG 318 KRD. AND A 10 FEET WIDE ELECTRIC EASEMENT AS RECORDED ON SEPTEMBER 28, 2000 IN BK 590 PG 430 KRD.
- 5) THE NATURAL MEANDERS OF THE LINE OF ORDINARY WATER FORMS THE TRUE BOUNDS OF THE SUBDIVISION. THE APPROXIMATE LINE OF ORDINARY HIGH WATER, AS SHOWN, IS FOR COMPUTATIONS ONLY. THE TRUE PROPERTY CORNERS BEING ON THE EXTENSION OF THE SIDE LOT LINES AND THEIR INTERSECTION WITH THE NATURAL MEANDERS.
- 6) AN EXCEPTION TO KPB 20.30.170 - BLOCK LENGTH WAS GRANTED AT THE KPB PLAT COMMITTEE MEETING OF MARCH 14, 2016.
- 7) PER PLAT 79-38, THE LAKE ACCESS EASEMENT ALONG THE NORTHERN BOUNDARY OF FORMER LOT 6 BLOCK 1 IS RESTRICTED TO USE BY THE LOT OWNERS OF SPRUCE PARK ESTATES SUBDIVISION PART ONE AND TWO.
- 8) ANY PERSON DEVELOPING THE PROPERTY IS RESPONSIBLE FOR OBTAINING ALL REQUIRED LOCAL, STATE AND FEDERAL PERMITS, INCLUDING A U.S. ARMY CORPS OF ENGINEERS WETLAND DETERMINATION IF APPLICABLE.
- 9) **WASTEWATER DISPOSAL:** THIS LOT IS AT LEAST 200,000 SQUARE FEET IN SIZE AND MAY NOT BE SUITABLE FOR ONSITE WASTEWATER TREATMENT AND DISPOSAL. ANY WASTEWATER TREATMENT OR DISPOSAL SYSTEM MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

#### LEGEND

- ⊗ GLO/BLM MONUMENT OF RECORD AS NOTED
- SECONDARY MONUMENT OF RECORD
- 1/2" x 24" REBAR PER 78-26 KRD AND 79-38 KRD ACCESS EASEMENT PER 79-38 KRD
- ( ) RECORD PER SPRUCE PARK ESTATES SUBDIVISION PART ONE PLAT NO. 78-26 KRD
- [ ] RECORD PER SPRUCE PARK ESTATES SUBDIVISION PART TWO PLAT NO. 79-38 KRD

#### CERTIFICATE OF SURVEYOR

I HEREBY CERTIFY THAT I AM PROPERLY REGISTERED AND LICENSED TO PRACTICE LAND SURVEYING IN THE STATE OF ALASKA. THIS PLAT REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION. THE MONUMENTS SHOWN HEREON ACTUALLY EXIST AS DESCRIBED, AND ALL DIMENSIONS AND OTHER DETAILS ARE CORRECT TO THE NORMAL STANDARDS OF PRACTICE OF LAND SURVEYORS IN THE STATE OF ALASKA.



2016-12  
Plat #  
Kenai  
Rec. Dist.  
4121 2016  
Date  
Time 11:52 A.M.

#### CERTIFICATE OF OWNERSHIP AND DEDICATION

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

*Shelley Davis*  
SHELLEY DAVIS  
AKA SHELLEY A. DAVIS  
PO BOX 4028  
SOLDOTNA, AK 99669

*Ronald L. Davis Jr.*  
RONALD DAVIS JR.  
AKA RONALD L. DAVIS JR.  
PO BOX 4028  
SOLDOTNA, AK 99669

#### NOTARY'S ACKNOWLEDGMENT

FOR: SHELLEY DAVIS AKA SHELLEY A. DAVIS AND RONALD DAVIS JR. AKA RONALD L. DAVIS JR.

ACKNOWLEDGED BEFORE ME THIS 13<sup>TH</sup> DAY OF April, 2016

*Scott Huff*  
NOTARY PUBLIC FOR ALASKA  
MY COMMISSION EXPIRES 01/01/17



#### PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF March 14, 2016

KENAI PENINSULA BOROUGH

*Max West*  
AUTHORIZED OFFICIAL

KPB FILE No. 2016-027

#### SPRUCE PARK ESTATES SUBDIVISION DAVIS REPLAT

A REPLAT OF LOTS 4 AND 5 BLOCK 1 SPRUCE PARK ESTATES SUBDIVISION PART ONE (78-26 KRD) AND LOTS 6 AND 7 BLOCK 1 SPRUCE PARK ESTATES SUBDIVISION PART TWO (79-38 KRD)

OWNER: SHELLEY DAVIS AND RONALD DAVIS JR.  
PO BOX 4028  
SOLDOTNA, AK 99669

LOCATED WITHIN THE NW1/4 SECTION 4, T3N, R11W, SEWARD MERIDIAN, KENAI RECORDING DISTRICT, KENAI PENINSULA BOROUGH, ALASKA

CONTAINING 8.025 ACRES

#### INTEGRITY SURVEYS INC.

820 SET NET DR. KENAI, AK 99611

PHONE - (907) 283-9047  
FAX - (907) 283-9071  
integritysurveys@alaska.net

SURVEYORS

PLANNERS

|                |                          |
|----------------|--------------------------|
| JOB NO: 216019 | DRAWN: APRIL 11, 2016 SH |
| SURVEYED: N/A  | SCALE: 1" = 100          |
| FIELD BK: N/A  | FILE: 216019 FP.DWG      |

Page 1 of 1



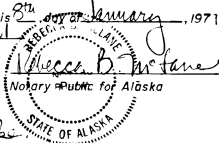
# CERTIFICATE OF OWNERSHIP AND DEDICATION

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

Donald L. Dullenty William A. Joyce  
Donald L. Dullenty William A. Joyce owners  
Box 1594 Soldotna, Ak 99669

## NOTARY S ACKNOWLEDGEMENT.

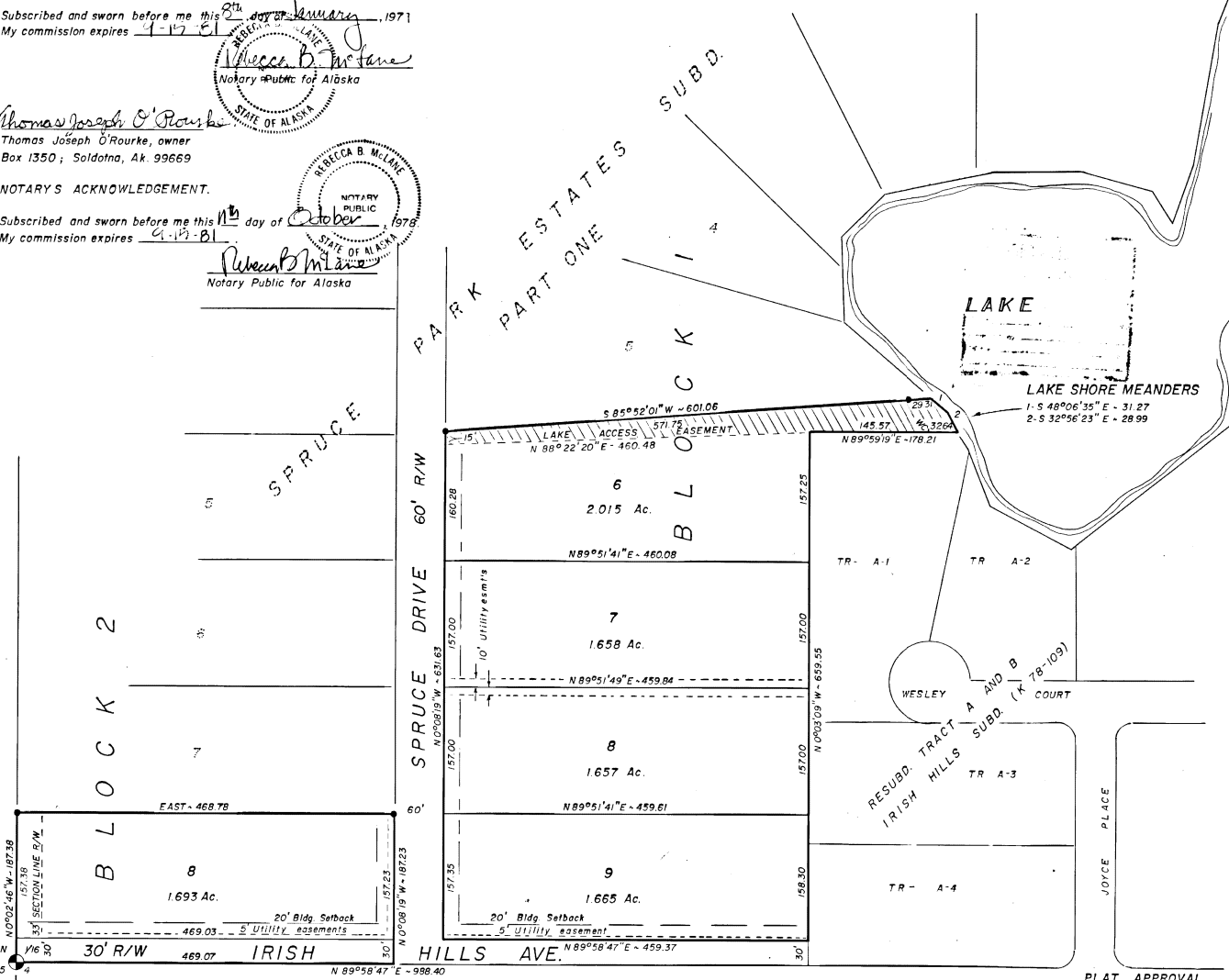
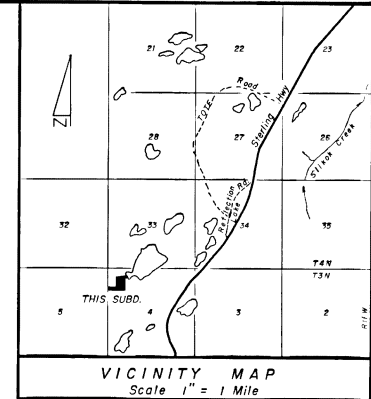
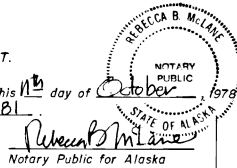
Subscribed and sworn before me this 2<sup>nd</sup> day of January, 1971  
My commission expires 4-17-81



Thomas Joseph O'Rourke  
Thomas Joseph O'Rourke, owner  
Box 1350, Soldotna, Ak. 99669

## NOTARY S ACKNOWLEDGEMENT.

Subscribed and sworn before me this 11<sup>th</sup> day of October, 1978  
My commission expires 9-13-81



## LEGEND AND NOTES:

- Found official survey AI monument.
- Found 1/2" x 24" steel rebar.
- Set 1/2" x 24" steel rebar.
- ( ) Indicates datum of record.

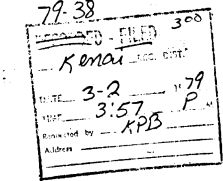
Basis of bearing for this survey is the record datum of N0°02'46"W for the west boundary of Section 4.

Lake shore meanders shown for survey computations only. The ordinary high water line forms the true bounds of Lot 6.

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

The lake access easement along the northern boundary of Lot 6, Block 1 is restricted to use by lot owners of Spruce Park Estates Subd. Part One and Two.

Refer to plat of record (K-78-109) for the subdivision of Section 4, T4N, R11W, S.M., AK.



## SPRUCE PARK ESTATES SUBDIVISION PART TWO

D. Dullenty and William A. Joyce  
Box 1594 Soldotna, Ak 99669

### DESCRIPTION

9010 ACRES SITUATED IN GOVT. LOT 4, SECTION 4, T3N, R11W, S.M., AK. AND IN THE KENAI PENINSULA BORO.

Surveyed by McLane and ASSOC.  
Soldotna, Ak. 99669

DATE OF SURVEY  
Mar. 16, Aug. 22, 1978

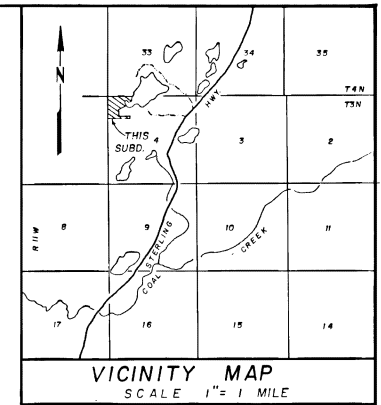
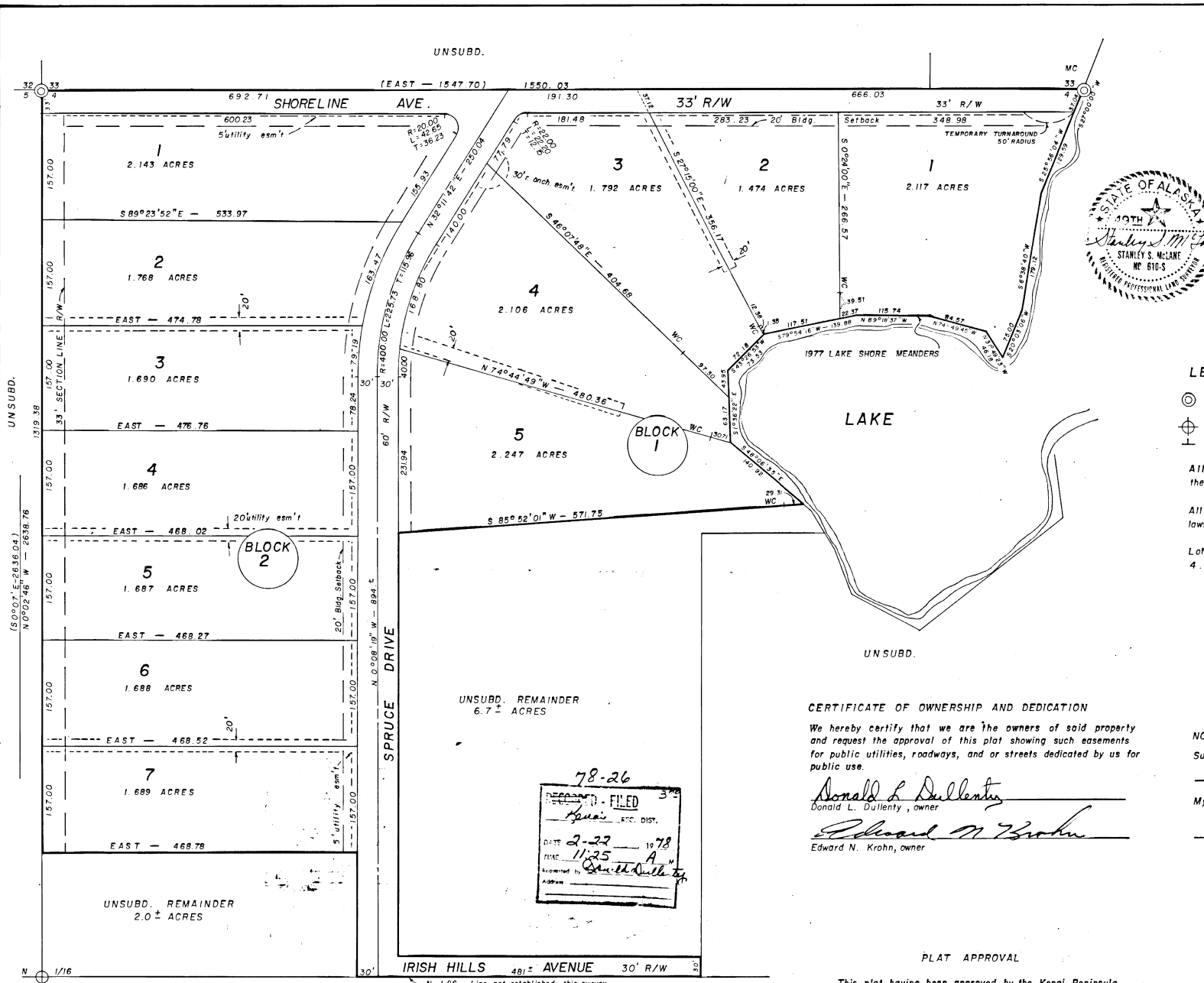
SCALE  
1" = 100'

FD-BK. NO.  
77-34

This plat having been approved by the Kenai Peninsula Borough Planning Commission as recorded in the official minutes of the meeting of July 23, 1978, is hereby acknowledged and accepted as the official plat, subject to any and all conditions and requirements of ordinances and law appertaining thereto.

KENAI PENINSULA BOROUGH  
By: Philip Waring





**LEGEND AND NOTES:**

⊙ Found GLO brass cap monument

⊕ Set 3" Al. Cap (Berntsen) monument (610-S)

⊕ Set 1/2" X 24" rebar at all lot corners and W.C.s

All bearings refer to the GLO datum of East for the North line of Section 34 as shown.

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

Lots 1 and 2, Block 1 and the adjacent R/W contain 4.082 acres for release purposes.

**CERTIFICATE OF OWNERSHIP AND DEDICATION**

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

Donald L. Dullenty  
Donald L. Dullenty, owner

Edward N. Krohn  
Edward N. Krohn, owner

**NOTARY'S ACKNOWLEDGEMENT**

Subscribed and sworn before me this 16 day of February, 1978

My commission expires 11-8-81

Richard Anna Kratoch  
notary public for Alaska

**PLAT APPROVAL**

This plat having been approved by the Kenai Peninsula Borough Planning Commission as recorded in the official minutes of the meeting of December 12, 1977, is hereby acknowledged and accepted as the official plat, subject to any and all conditions and requirements of ordinances and law appertaining thereto.

**KENAI PENINSULA BOROUGH**  
By John White

Thomas Joseph O'Rourke  
Thomas Joseph O'Rourke, owner  
Box 1350  
Soldotna, Ak.

**NOTARY'S ACKNOWLEDGEMENT**  
Subscribed and sworn before me this 9th day of February, 1978.  
My commission expires October 22, 1980  
John J. Carlin  
notary public for Washington residing at Meripelle

**SPRUCE PARK ESTATES SUBDIVISION  
PART ONE**

Donald L. Dullenty and Edward N. Krohn, owners  
Box 587, Soldotna, Ak. 99669

**DESCRIPTION**  
25.405 ACRES SITUATED IN GOVT. LOT 4, SECTION 4, T3N, R11W, S.M., AK. AND IN THE KENAI PENINSULA BOROUGH.

Surveyed by: Mc Lane and Associates  
Soldotna, Ak. 99669

|   |                    |                  |
|---|--------------------|------------------|
| DATE OF SURVEY<br>Aug. 8 - Nov. 7, 1977 | SCALE<br>1" = 100' | BK. NO.<br>77-34 |
|---|--------------------|------------------|





## KENAI PENINSULA BOROUGH PLANNING COMMISSION NOTICE OF SUBDIVISION/REPLAT

Public notice is hereby given that a preliminary plat was received on 5/14/2025 proposing to subdivide or replat property. You are being sent this notice because you are within 300 feet of the proposed subdivision, or a beneficial interest holder, and are invited to comment. *If you are an owner adjacent to a half right-of-way being dedicated, please be aware that you may be required to match the dedication if your property is subdivided in the future.*

Proposed plat under consideration is described as follows:

Request / Affected Property: This subdivision will subdivide one lot into two lots.

KPB File No. 2025-078

Petitioner(s) / Land Owner(s): Ronald L Davis Jr and Shelly Davis of Soldotna, AK

The location of the proposed plat is provided on the attached map. A preliminary plat showing the proposed subdivision may be viewed at the Planning Department. Subdivision reviews are conducted in accordance with KPB Subdivision Ordinance. A copy of the Ordinance is available from the Planning Department. ***Comments should be guided by the requirements of that Ordinance.***

Public hearing will be held by the Kenai Peninsula Borough Plat Committee or Planning Commission on **Monday, June 9, 2025**, commencing at **6:30 pm**, or as soon thereafter as business permits. The meeting is being held in person at the Betty J. Glick Assembly Chambers of the Kenai Peninsula Borough George A. Navarre Administration Building, 144 N. Binkley Street, Soldotna, Alaska. This meeting will also be held via Zoom, or other audio or video conferencing means whenever technically feasible.

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

Anyone wishing to testify may attend the meeting in person or through Zoom. Written testimony may be submitted by email to [planning@kpb.us](mailto:planning@kpb.us), or mailed to the attention of Beverly Carpenter, Kenai Peninsula Borough Planning Department, 144 N. Binkley Street, Soldotna, Alaska 99669. [Written comments may also be sent by Fax to 907-714-2378]. All written comments or documents must be submitted by **1:00 PM, Friday, June 6, 2025**. The deadline to submit written comments or documents does not impact the ability to provide verbal testimony at the public hearing.

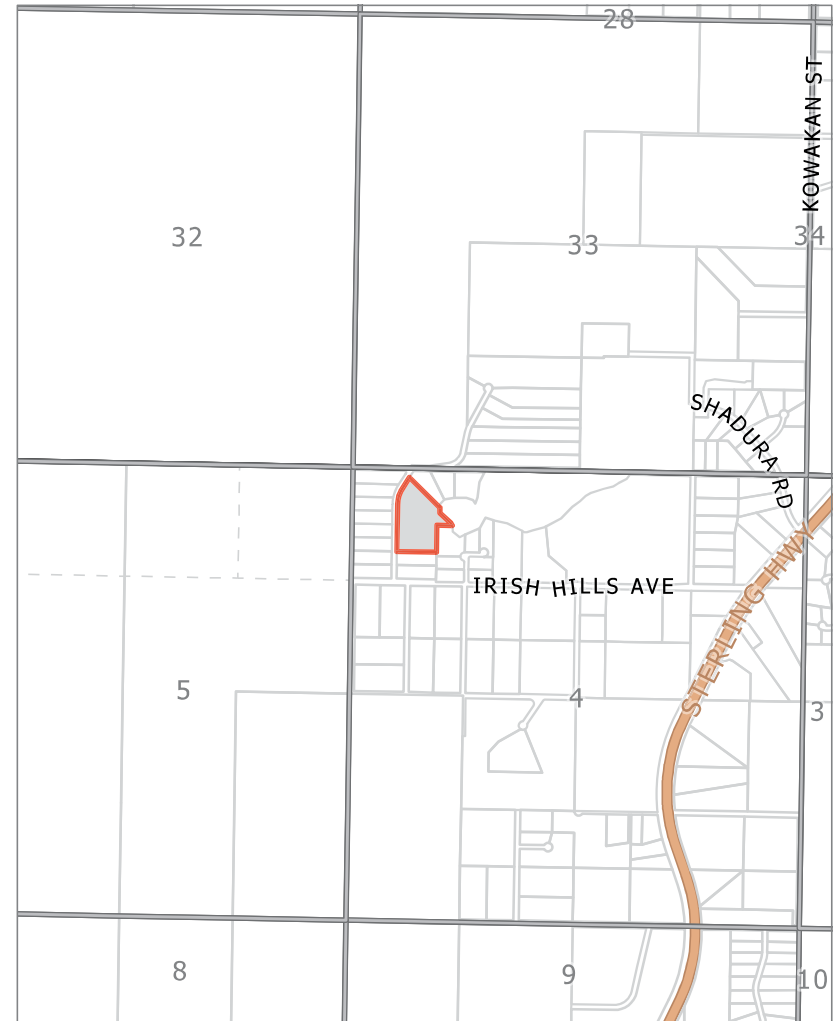


Additional information such as staff reports and comments are available online. This information is available the Monday prior to the meeting and found at <https://kpb.legistar.com/Calendar.aspx>. Use the search options to find the correct timeframe and committee.

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

Mailed 5/19/2025





KPB File 2025-078  
T 3N R 11W Sec 4  
Kalifornsky



Prepared by

**Johnson Surveying**  
P.O. Box 27  
Clam Gulch, Ak 99568  
(907) 262-5772

AREA = 8.025 acres

Contour interval 5'  
Shaded areas indicate grades over 25%

1. A building setback of 20' from all street ROW's is required unless a lesser standard is approved by a resolution of the appropriate planning commission. Front 10' of building setback is also a utility easement, as is the entire setback within 5' of side lot lines.
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 property may be affected by an electrical easement granted to Homer Electric Association, Inc. in KRD Bk 10 Pg 318. This is a general easement, no specific location given.

**BASE BEARING KRD 78-26**  
 EAST 1549.82' (1550.03') MC

**LEGEND**  
 ✕ - 2 1/2" USGLO brass cap monument, 1920, found.  
 ● - 1/2" rebar, per KRD 2016-12, found.  
 ○ - 5/8" rebar with plastic cap, LS-11795, found.  
 ▲ - 1/2" x 4' rebar with plastic cap, set.  
 ≡ - indicates swamp

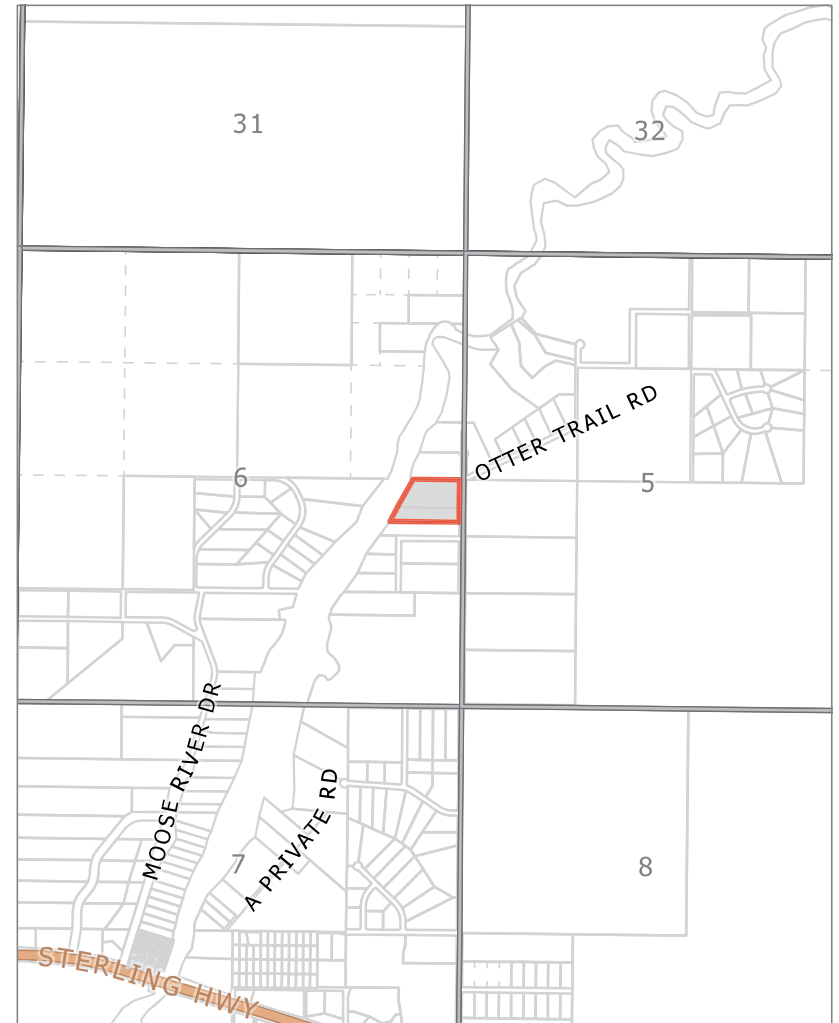
**Property and Easement Details:**  
 - **Lot 4A1:** 4.921 ac.  
 - **Lot 4A2:** 3.104 ac.  
 - **Easements:** 30' R anchor easement per KRD 78-26; 5' utility easement per KRD 78-26; 10' utility easement granted by this plot; 10' utility easement per KRD 78-26; 10' x 240' electrical easement per KRD Bk 590 Pg 430; Lake access easement per KRD 79-38.  
 - **Setbacks:** 20' building setback per KRD 78-26; 20' building setback per KRD 79-38.  
 - **Utilities:** Overhead power line; 275' phone pedestal; septic pipe; pwr box; well; Lake access easement per KRD 79-38.  
 - **Boundaries:** KRD 78-26 (Lots 1, 2, 3, 4, 5, 6, 7); KRD 79-38 (Lots 1, 8); KRD 95-25 (Lots 1, 2).  
 - **Other Features:** Spruce Park Dr; Orphea Lake; Record Meanders KRD 78-26 and KRD 79-38.



## **E. NEW BUSINESS**

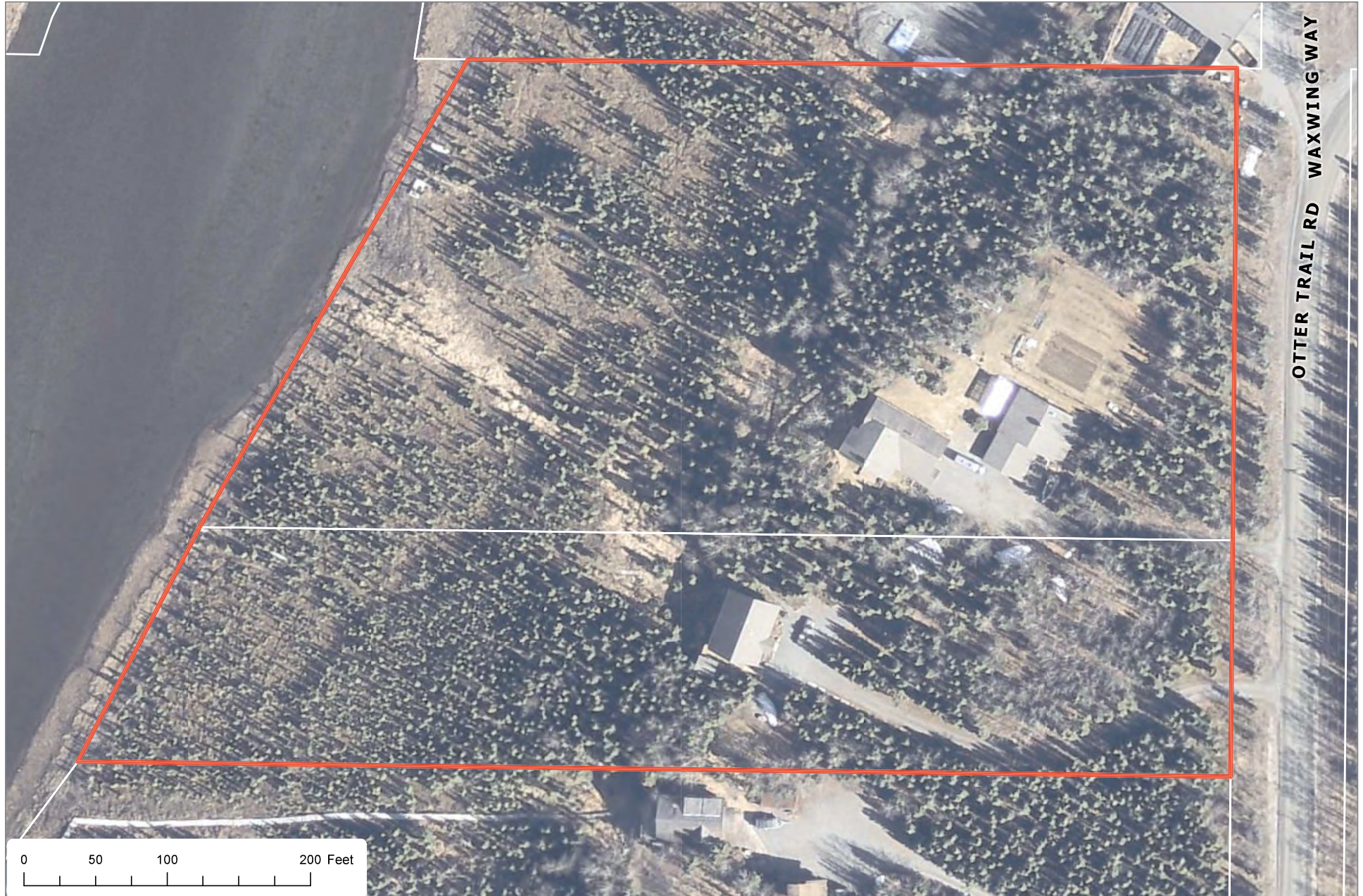
- 6. Swan View Subdivision 2025 Replat; KPB File 2025-080  
McLane Consulting Group / Kuiper, Hummel  
Location: Otter Trail off the Sterling Highway  
Sterling Area**





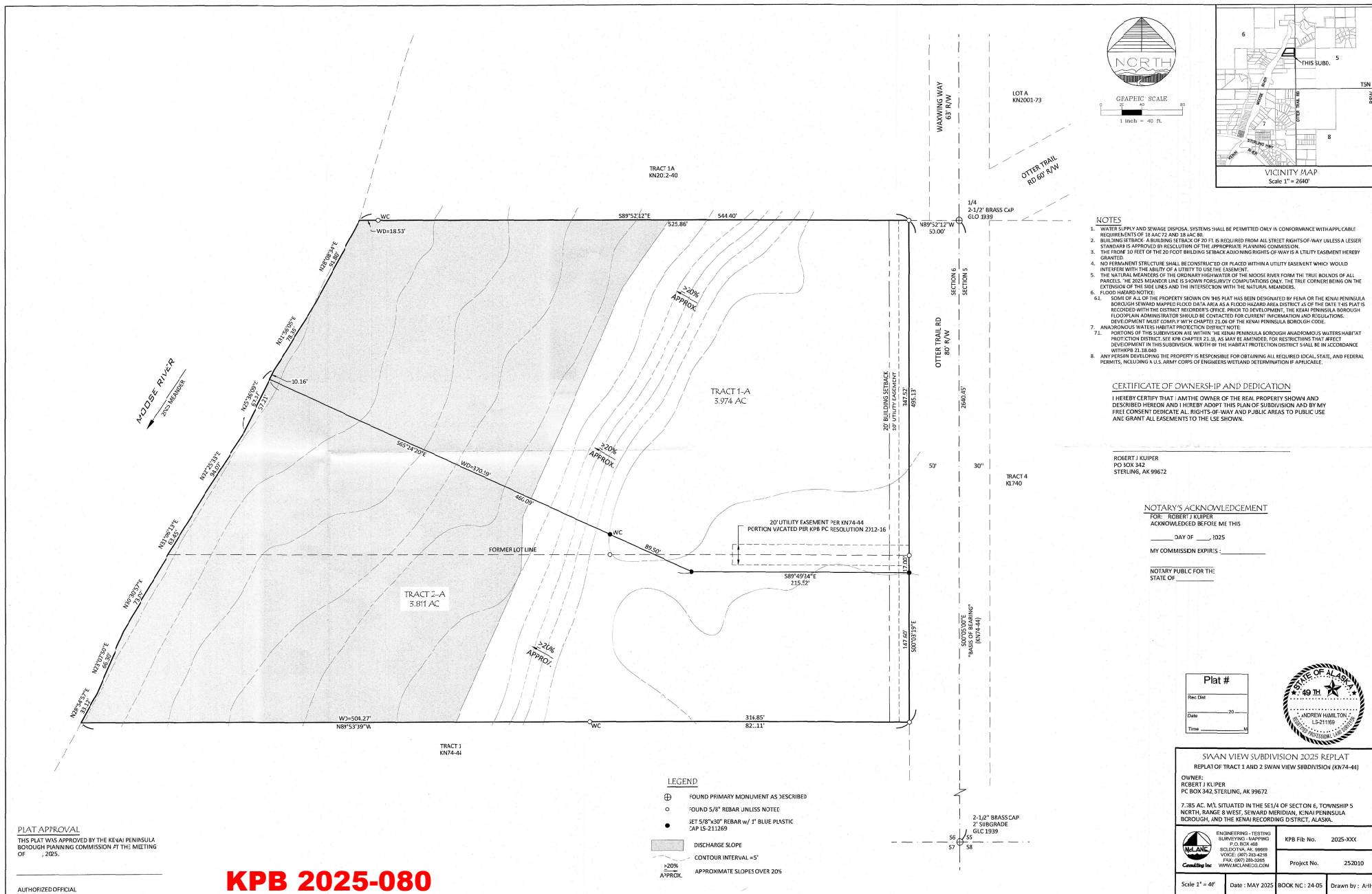
KPB File 2025-080  
T 5N R 8W Sec 6  
Sterling





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







AGENDA ITEM E. NEW BUSINESS

**ITEM #6 - PRELIMINARY PLAT  
Swan View Subdivision 2025 Replat**

|                                |   |
|--------------------------------|---|
| <b>KPB File No.</b>            | 2025-080                                  |
| <b>Plat Committee Meeting:</b> | June 9, 2025                              |
| <b>Applicant / Owner:</b>      | Robert Kuiper and Judy Hummel / Sterling  |
| <b>Surveyor:</b>               | Andrew Hamilton / McLane Consulting, Inc. |
| <b>General Location:</b>       | Otter Trail Area                          |

|                           |  |
|---------------------------|--|
| <b>Parent Parcel No.:</b> | 065-480-14 and 065-480-15  |
| <b>Legal Description:</b> | T 5N R 8W SEC 6 SEWARD MERIDIAN KN 0740044 SWAN VIEW SUB TRACT 1 & Tract 2 |
| <b>Assessing Use:</b>     | Residential  |
| <b>Zoning:</b>            | Rural Unrestricted   |
| <b>Water / Wastewater</b> | On Site / On Site  |
| <b>Exception Request</b>  | 20.40.040  |

---

**STAFF REPORT**

**Specific Request / Scope of Subdivision:** The proposed plat will subdivide two parcels of 2.854-acres and 4.672-acres into two new parcels of size 3.811-acres and 3.974-acres.

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

Legal Access to the plat is along Otter Trail Rd on the east side. Otter Trail Rd runs south to Sterling Highway near mile marker 81.4. Otter Trail Rd is an 80' dedication that is Borough maintained.

The plat is not proposing any new dedication as 50' has been dedicated from the parent plat.

The plat is affected by a section line easement on the east side in Otter Trail Rd. **Staff recommends** the surveyor verify the section line easement and identify the limits of the SLE on the drawing.

Block length is not compliant, but due to the Moose River being located on the west side of the plat, there is no option for the plat to dedicate a road for relief of block length. Staff recommends the Plat Committee concur an exception to KPB 20.30.170 Block – Length requirements is not needed at this time.

|                           |   |
|---------------------------|---|
| KPB Roads Dept RSA review | Out of Jurisdiction: No<br><br>Roads Director: Uhlin, Dil<br>Comments:<br>No comments |
| SOA DOT comments          |   |

**Site Investigation:**

The site contains several structures located between the two tracts. This plat is being completed to fix the encroachment of a shed from Tract 1 onto Tract 2 at the joint line between the tracts. The front line is being moved seventeen feet south to accommodate the encroachment and then running west for 215.52 feet before angling northwesterly to the bank of the Moose River to complete the line between the newly create tracts.

There are steep areas located on the plat as indicated with the directional arrows and greater then 20% labels in the middle of the tracts, which would be located behind the structures on the plat.



There are wetlands located on the plat indicated with the darker hatched area. The KWF Wetlands Assessment indicates this area to be identified as Discharge Slope.

The River Center review has identified the plat to be located in a FEMA flood hazard area. The note in KPB 20.30.280(D) is included on the plat, the FEMA Panel and flood zones, need to be included in the note and depicted on the plat drawing.

The River Center review also indicated the plat to be located in a Habitat Protection District. The note in KPB 20.30.290 is included in the plat notes. The State of Alaska Fish and Game also indicated Moose River to be an Anadromous habitat in their review.

|                               |   |
|-------------------------------|---|
| KPB River Center review       | <p>A. Floodplain</p> <p>Reviewer: Hindman, Julie<br/>Floodplain Status: IS in flood hazard area<br/>Comments: Is within a flood hazard area. Plat notes required and depiction of the AE zone should be included.</p> <p>Flood Zone: AE, X (unshaded)<br/>Map Panel: 02122C-0390F<br/>In Floodway: False<br/>Floodway Panel:</p> <p>B. Habitat Protection</p> <p>Reviewer: Aldridge, Morgan<br/>Habitat Protection District Status: IS totally or partially within HPD<br/>Comments: Portions of this plat are within the jurisdiction of KPB 21.18 and River Center should be consulted prior to work.</p> |
| State of Alaska Fish and Game | Moose River is cataloged as anadromous (A WC: 244-30-10010-2063) and is important habitat for Chinook, coho, pink, & sockeye salmon as well as Pacific lamprey.   |

### **Staff Analysis**

The land was originally surveyed by the US General Land Office in August 1939 to October 1939 and accepted in 1941. The area was surveyed as Lots 24, 25, 26 & 27 of Section 6, Township 5 West, Range 8 West SM Alaska. Swan View Subdivision KN74-44 subdivided these lots into seven tracts and three dedications. This platting action is replating two of the tracts.

A soils report will be required and an engineer will sign the final plat as the new lots are below 200,000 sq ft. The surveyor has requested an exception to KPB 20.40.040 Conventional onsite soils absorption systems to be reviewed at the end of the staff report.

Per the preliminary Certificate to Plat, beneficial interest holders do not affect the proposed plat. Notification per KPB 20.10.100 will not be required unless the final Certificate to Plat states the property is affected by beneficial interest holders.

The property is not within an advisory planning commission.

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



There appears to possibly be encroachment issue on the north line of Tract 1-A as per the KPB GIS information. **Staff recommends** the surveyor watch for issues when doing the field survey for any issues and note them to staff and land owners along with how they plan to rectify the issues if found.

### **Utility Easements**

The 20' Utility easement from the parent plat is being carried forward on the joint line between Tracts 1 & 2. The rear portion was vacated by PC Resolution 2012-16 retaining the front 175' as shown. **Staff recommends** the note be revised to change 'vacated' to 'retained' per KPB PC Resolution 2012-16.

As part of our routine notification process, the subdivision plat was emailed to the affected utility providers for review. **Staff recommends:** the surveyor work with the utility providers to accommodate their request, ensuring optimal use of the owner's land and maximum benefit for both the provider and the public.

HEA has sent a comment for a new easement between the 20' utility easement and the new line between the tracts. The comment is included in the packet for viewing.

### **Utility provider review:**

|                     |             |
|---------------------|-------------|
| HEA                 | See comment |
| ENSTAR              |             |
| ACS                 | No comment  |
| GCI                 | No comment  |
| SEWARD<br>ELECTRIC  |             |
| CHUGACH<br>ELECTRIC |             |
| FASTWYRE            |             |

### **KPB department / agency review:**

|                      |   |
|----------------------|---|
| Addressing Review    | <p>Reviewer: Leavitt, Rhealyn<br/> Affected Addresses:<br/> 39465 OTTER TRAIL RD, 39429 OTTER TRAIL RD</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names:<br/> OTTER TRAIL RD, WAXWING WAY</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:<br/> THIS ACTION WILL NOT AFFECT PROPERTY ADDRESSES.</p> |
| Code Compliance      | <p>Reviewer: Ogren, Eric<br/> Comments: No comments</p>   |
| LOZMS Review Planner |   |
| Assessing Review     | <p>Reviewer: Windsor, Heather<br/> Comments: No comments</p>  |



## **STAFF RECOMMENDATIONS**

### **CORRECTIONS / EDITS**

Add to the Plat Approval the date of June 9, 2025

#### *PLAT NOTES TO ADD*

- Acceptance of this plat by the Borough does not indicate acceptance of any encroachments.
- Add plat not for approval of exception, if approved.

---

#### **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:**

Add Judy A. Hummel as an owner in the Title Block and under the Certificate of Ownership and Dedication. Modify the KPB File No to 2025-080

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

**Staff recommendation:**

On diagonal part of Otter Trail Rd, move Rd to the first line behind Trail.  
Label the limit of the section lien easements on the drawing

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

**Staff recommendation:**

Flag in Otter Trail Rd to the diagonal portion on the map

F. The location, width and name of existing and platted streets and public ways, railroad rights-of-way, easements, and travel ways existing and proposed, within the subdivision;

**Staff recommendation:**

Revise the joint easement on the former line of Tracts 1 & 2 as this portion is retained by the resolution.

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

**Staff recommendation:**

Identify any encroachments and note solution.

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#### **KPB 20.30 – Subdivision Design Requirements**

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

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#### **KPB 20.40 – Wastewater Disposal**



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

20.40.010 Wastewater disposal.

*Platting Staff Comments:*

**Staff recommendation:** comply with 20.40.

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#### **KPB 20.60 – Final Plat**

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

#### **EXCEPTIONS REQUESTED:**

##### **A. KPB 20.40.040 Conventional onsite soil absorption systems**

###### Surveyor's Discussion:

Requesting exception to requiring a soils analysis and report for this subdivision

The Surveyor/Applicant has submitted the following proposed Findings in support of the exception request.

1. The primary purpose of this plat is to adjust the common lot line between Tract 1 and Tract 2 to eliminate encroachment consisting of a shed straddling the property lines.
2. Both Tract 1 and 2 are already developed lots with existing homes, well and wastewater systems.
3. The proposed lots exceed the required 40,000 square foot minimum lot size and exceed the minimum 20,000 square feet of continuous usable land as described in KPB 20.40.040(4)(a).
4. This plat does not create any additional lots suitable for development.

###### Staff Discussion:

##### **20.40.040. - Conventional onsite soil absorption systems.**

A. If any lots within a subdivision will utilize conventional onsite soil absorption systems and are less than 200,000 square feet, the following requirements must be met and submitted to the planning director:

1. A soils analysis and report, sealed by a qualified engineer, which meets the requirements of KPB 20.40.100;

###### Findings.

5. Unnecessary spending is not what the borough is intending to impose on the public.
6. Granting the exception will not cause any inconveniences to the adjoining neighbors.

###### Staff reviewed the exception request and recommends granting approval

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

Unless prohibited under KPB Title 20, the Committee may authorize exceptions to any of the requirements set forth in KPB Title 20. A request for an exception shall be in writing and presented to the Committee with substantial evidence, justifying the requested waiver or exception stating fully the grounds for the application and the facts relied upon. All exceptions must be requested and granted at the time of preliminary plat approval. Exceptions may not be requested with a final plat submittal.

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

1. That special circumstances or conditions affecting the property have been shown  
**Findings 1, 2, 4 & 5 appear to support this standard.**
2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is



the most practical manner of complying with the intent of this title;

**Findings 1-6 appear to support this standard.**

3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.

**Findings 1-4 & 6 appear to support this standard.**

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

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**RECOMMENDATION:**

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

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

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

**IN ACCORDANCE WITH KPB 2.40.080, ANY PERSON, AGENCY, OR CITY THAT PARTICIPATED AT THE PLAT COMMITTEE HEARING, EITHER BY WRITTEN OR ORAL PRESENTATION, MAY REQUEST THAT A DECISION OF THE PLAT COMMITTEE BE REVIEWED BY THE PLANNING COMMISSION BY FILING A WRITTEN REQUEST WITHIN 15 DAYS OF DATE OF DISTRIBUTION OF THE DECISION.**

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

**END OF STAFF REPORT**

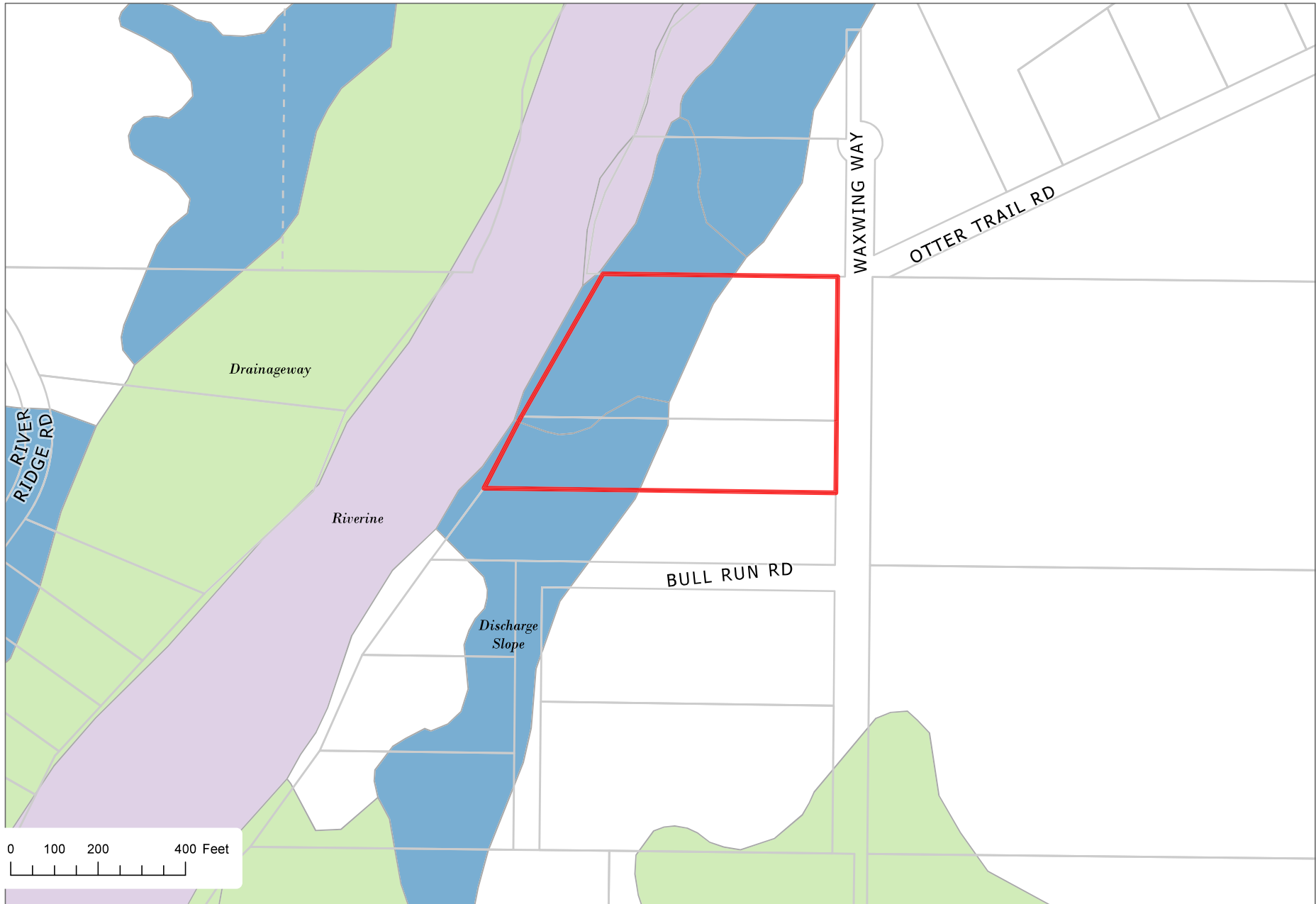
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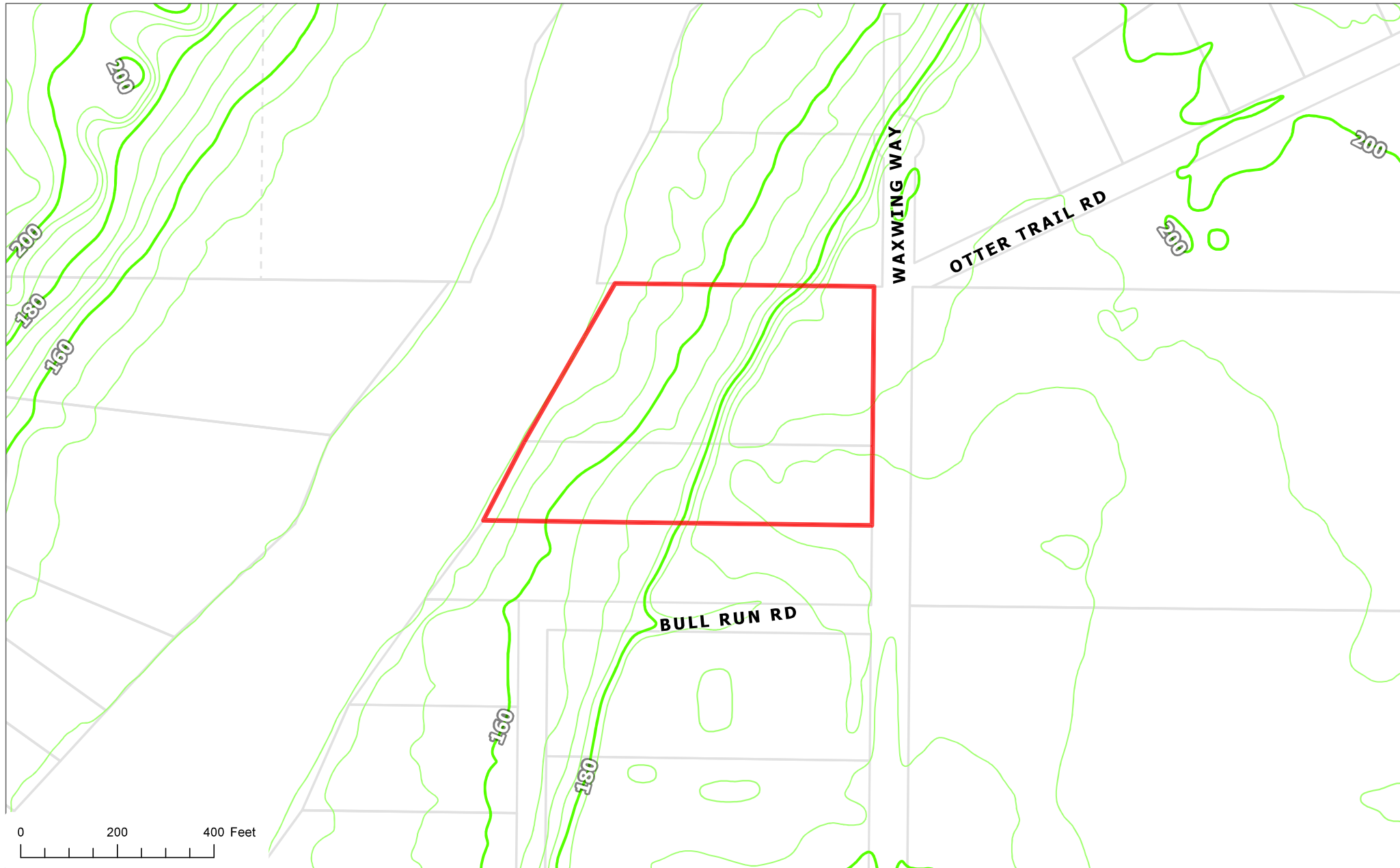
The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.





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## CERTIFICATE OF OWNERSHIP &amp; DEDICATION

We hereby certify that we are the owners of the property shown and described hereon, and that we hereby adopt this plan of subdivision, and dedicate to public use the roads & easements shown.

Velma Ray Holly  
Owner

John P. McFarland  
Owner

Kristine M. McFarland  
Owner

Daniel H. Keating  
Owner

## NOTARY'S ACKNOWLEDGEMENT

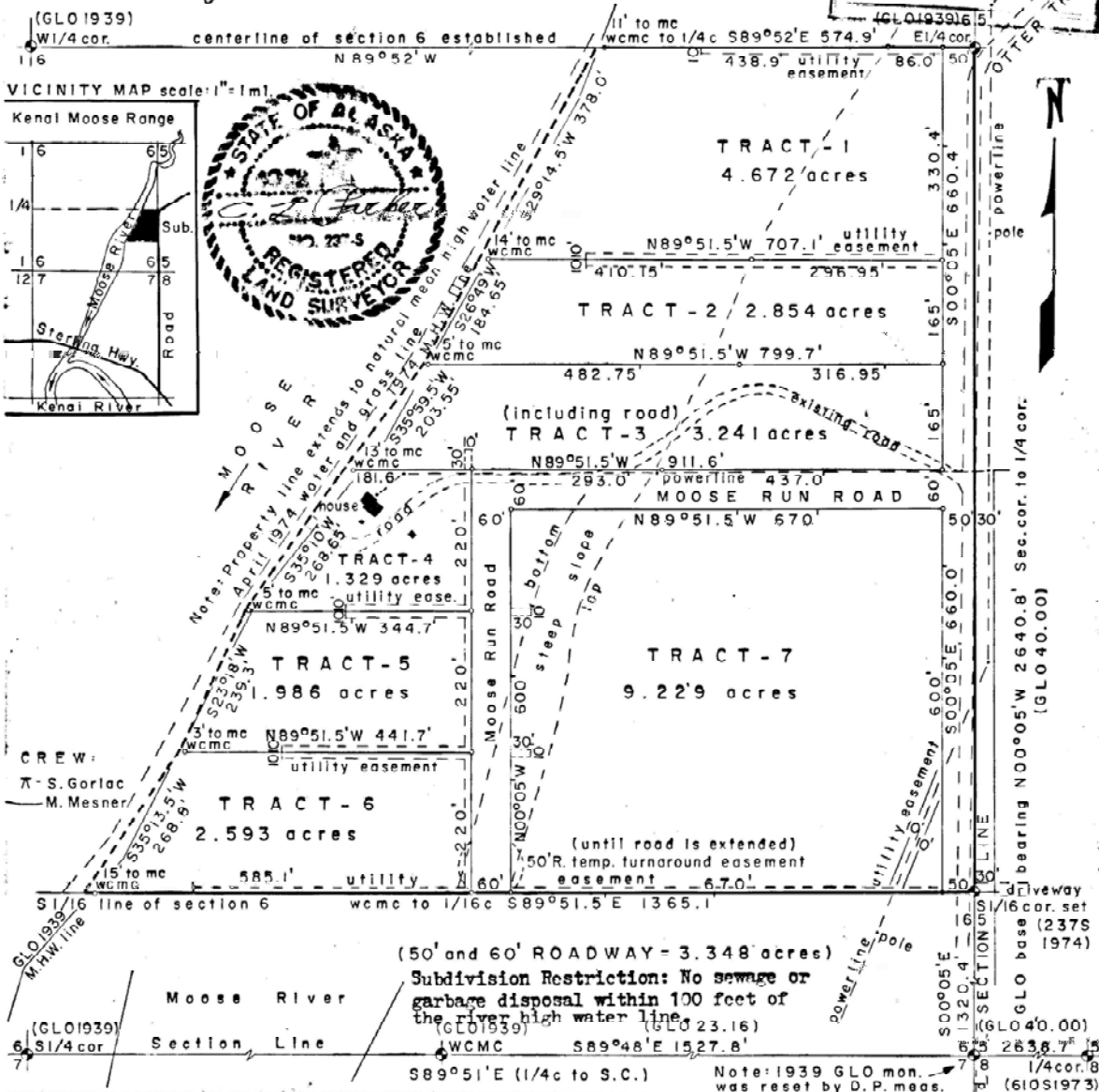
Subscribed and sworn before me this 23<sup>rd</sup> day of May, 1974

Ells Best  
Notary Public for Alaska

My Commission expires July 1, 1974

APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION this

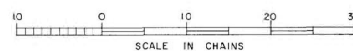
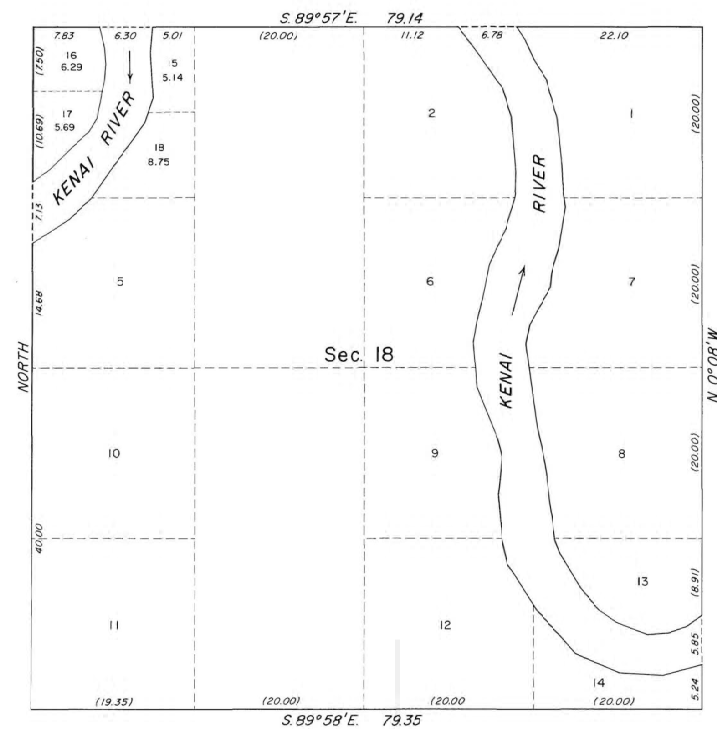
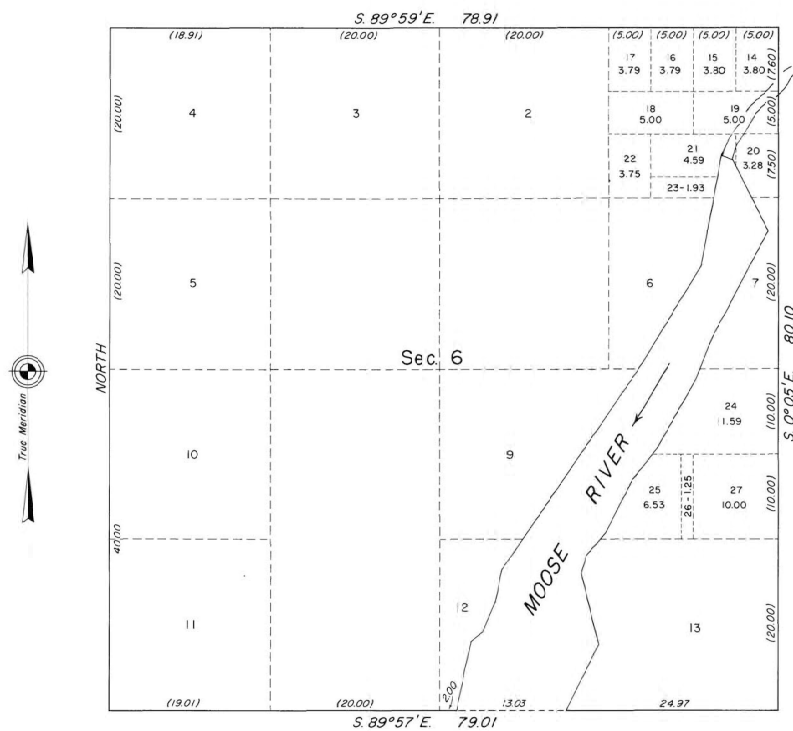
16<sup>th</sup> day of May, 1974. Stanley F. Thompson  
Mayor





## TOWNSHIP No. 5 NORTH, RANGE No. 8 WEST OF THE SEWARD MERIDIAN, ALASKA

## SUPPLEMENTAL PLAT OF SECTIONS 6 AND 18



This plat shows a subdivision of original lots 1 and 8 of Section 6 and lots 3 and 4 of Section 18 and is based upon the township plat accepted June 24, 1943.

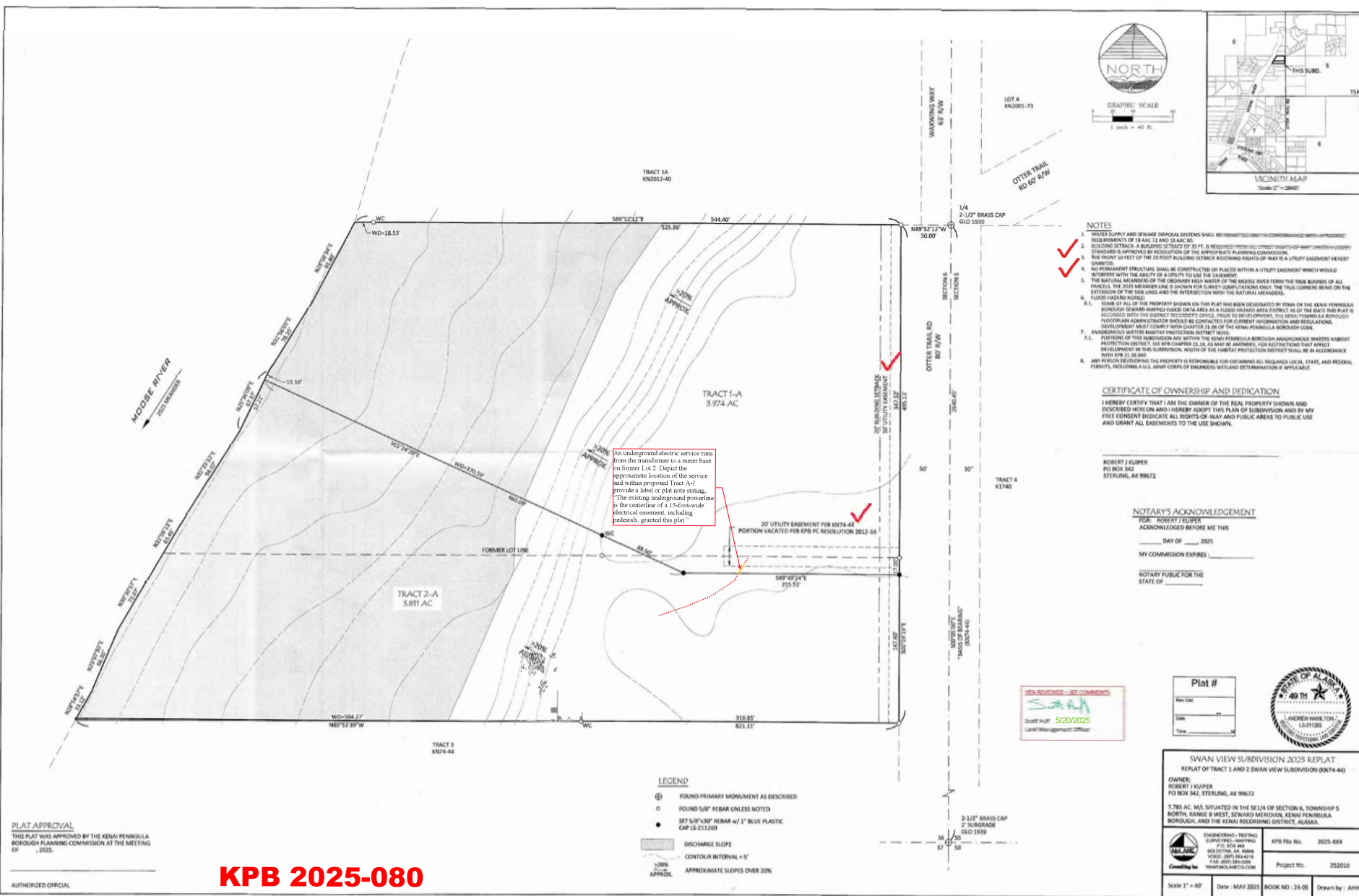
UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
Washington, D.C. April 9, 1963

This plat, showing amended lotting, is based upon the official records, and having been correctly prepared in accordance with the regulations, is hereby accepted.

For the Director

*E. E. Remington*  
Chief, Division of Engineering





**KPB 2025-080**





## KENAI PENINSULA BOROUGH PLANNING COMMISSION NOTICE OF SUBDIVISION/REPLAT

Public notice is hereby given that a preliminary plat was received on 5/16/2025 proposing to subdivide or replat property. You are being sent this notice because you are within 300 feet of the proposed subdivision, or a beneficial interest holder, and are invited to comment. *If you are an owner adjacent to a half right-of-way being dedicated, please be aware that you may be required to match the dedication if your property is subdivided in the future.*

Proposed plat under consideration is described as follows:

Request / Affected Property: This subdivision will subdivide two parcels into two new parcels with lot lines reconfigured.

KPB File No. 2025-080

Petitioner(s) / Land Owner(s): Robert J Kuiper and Judy A Hummel of Sterling, AK

The location of the proposed plat is provided on the attached map. A preliminary plat showing the proposed subdivision may be viewed at the Planning Department. Subdivision reviews are conducted in accordance with KPB Subdivision Ordinance. A copy of the Ordinance is available from the Planning Department. ***Comments should be guided by the requirements of that Ordinance.***

Public hearing will be held by the Kenai Peninsula Borough Plat Committee or Planning Commission on **Monday, June 9, 2025**, commencing at **6:30 pm**, or as soon thereafter as business permits. The meeting is being held in person at the Betty J. Glick Assembly Chambers of the Kenai Peninsula Borough George A. Navarre Administration Building, 144 N. Binkley Street, Soldotna, Alaska. This meeting will also be held via Zoom, or other audio or video conferencing means whenever technically feasible.

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

Anyone wishing to testify may attend the meeting in person or through Zoom. Written testimony may be submitted by email to [planning@kpb.us](mailto:planning@kpb.us), or mailed to the attention of Beverly Carpenter, Kenai Peninsula Borough Planning Department, 144 N. Binkley Street, Soldotna, Alaska 99669. [Written comments may also be sent by Fax to 907-714-2378]. All written comments or documents must be submitted by **1:00 PM, Friday, June 6, 2025**. The deadline to submit written comments or documents does not impact the ability to provide verbal testimony at the public hearing.

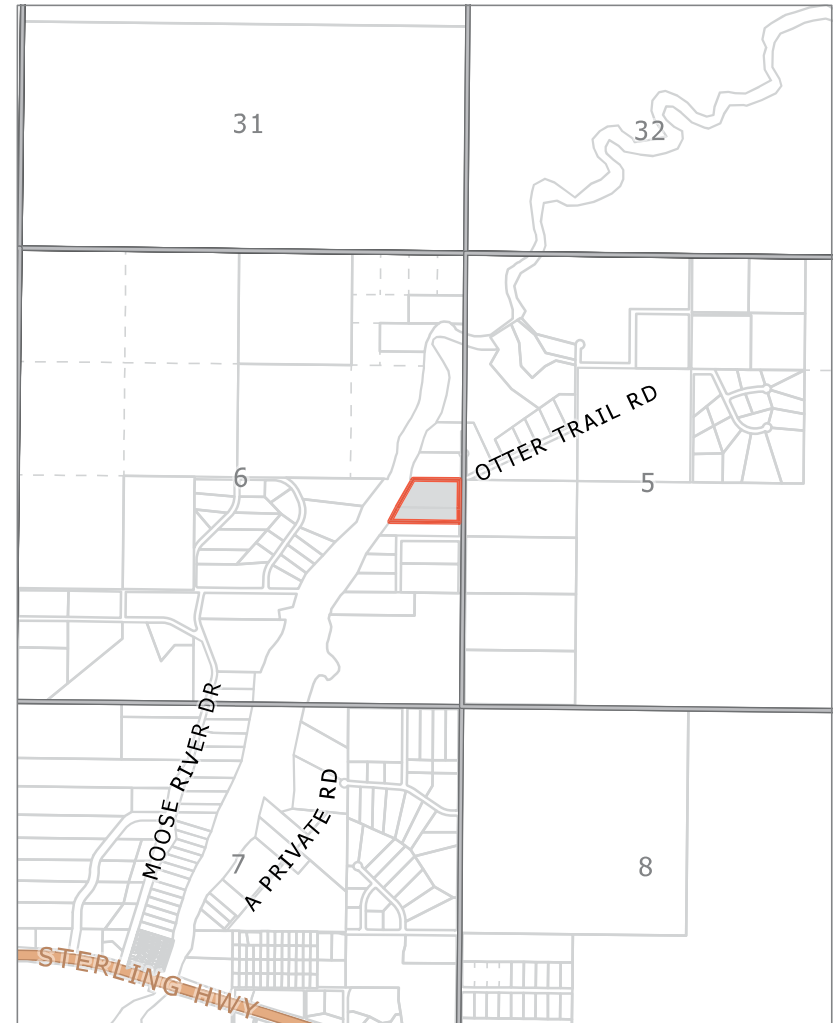


Additional information such as staff reports and comments are available online. This information is available the Monday prior to the meeting and found at <https://kpb.legistar.com/Calendar.aspx>. Use the search options to find the correct timeframe and committee.

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

Mailed 5/19/2025





KPB File 2025-080  
T 5N R 8W Sec 6  
Sterling







## **E. NEW BUSINESS**

- 7. Ware Subdivision; KPB File 2025-081 (*Postponed*)**  
**McLane Consulting Group / Ware**  
**Location: Midnight Sun Drive off Lafayette Avenue,**  
**Kenai Spur Highway**  
**Nikiski Area / Nikiski APC**



AGENDA ITEM E.    NEW BUSINESS

**ITEM #7 – PRELIMINARY PLAT  
WARE SUBDIVISION**

|                                     |   |
|-------------------------------------|---|
| <b>KPB File No.</b>                 | 2025-081  |
| <b>Planning Commission Meeting:</b> | June 9, 2025  |
| <b>Applicant / Owner:</b>           | Brandie W Ware and Julie Ware / Nikiski   |
| <b>Surveyor:</b>                    | Andrew Hamilton / McLane Consulting, Inc.   |
| <b>General Location:</b>            | Daniels Lake Area   |
| <b>Parent Parcel No:</b>            | 013-041-20  |
| <b>Legal Description:</b>           | T 8N R 11W SEC 26 SEWARD MERIDIAN KN W1/2 NW1/2 SW1/2 & NE1/4<br>NW1/4 SW1/4 & GOVT LOTS 26 27 28 & 31 THRU 36 & 53 |

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**STAFF REPORT**

At the request of the surveyor, this plat has been postponed until further notice. If there is anyone wishing to speak on the item, they may do so, but will be no decision made.

END OF STAFF REPORT

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## KENAI PENINSULA BOROUGH PLANNING COMMISSION NOTICE OF SUBDIVISION/REPLAT

Public notice is hereby given that a preliminary plat was received on 5/16/2025 proposing to subdivide or replat property. You are being sent this notice because you are within 300 feet of the proposed subdivision, or a beneficial interest holder, and are invited to comment. *If you are an owner adjacent to a half right-of-way being dedicated, please be aware that you may be required to match the dedication if your property is subdivided in the future.*

Proposed plat under consideration is described as follows:

Request / Affected Property: This subdivision will subdivide one parcel into three parcels.

KPB File No. 2025-081

Petitioner(s) / Land Owner(s): Brandie W Ware and Julie Ware of Nikiski, AK

The location of the proposed plat is provided on the attached map. A preliminary plat showing the proposed subdivision may be viewed at the Planning Department. Subdivision reviews are conducted in accordance with KPB Subdivision Ordinance. A copy of the Ordinance is available from the Planning Department. ***Comments should be guided by the requirements of that Ordinance.***

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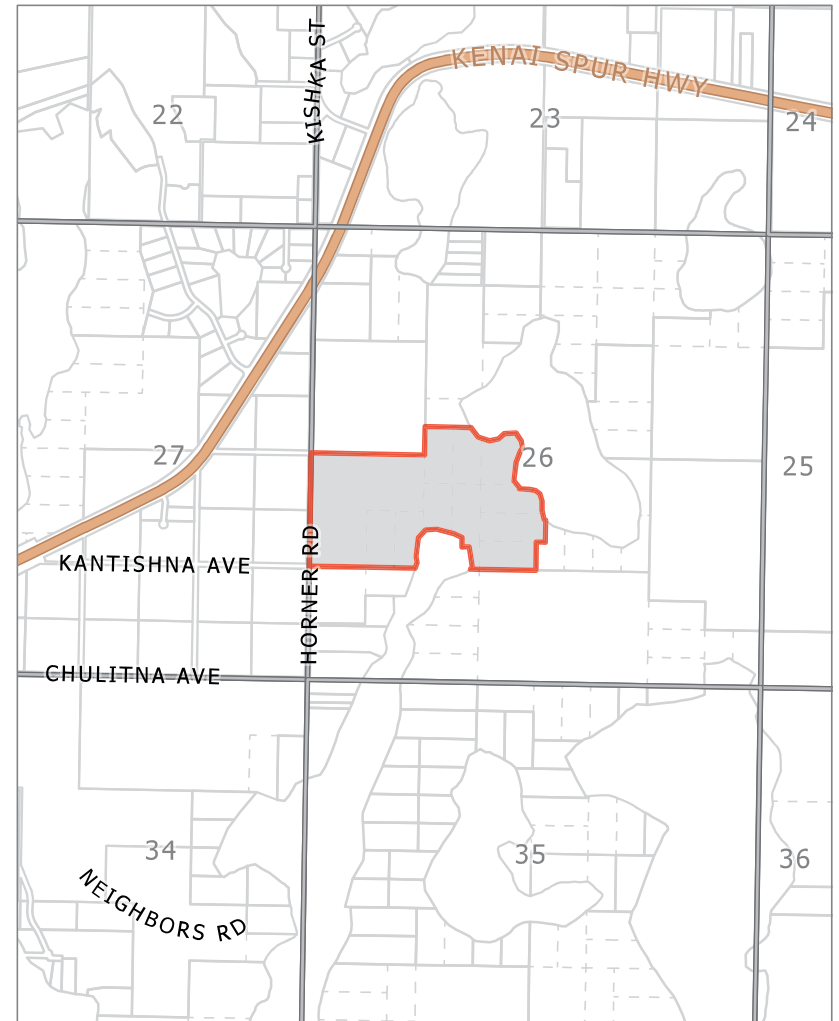
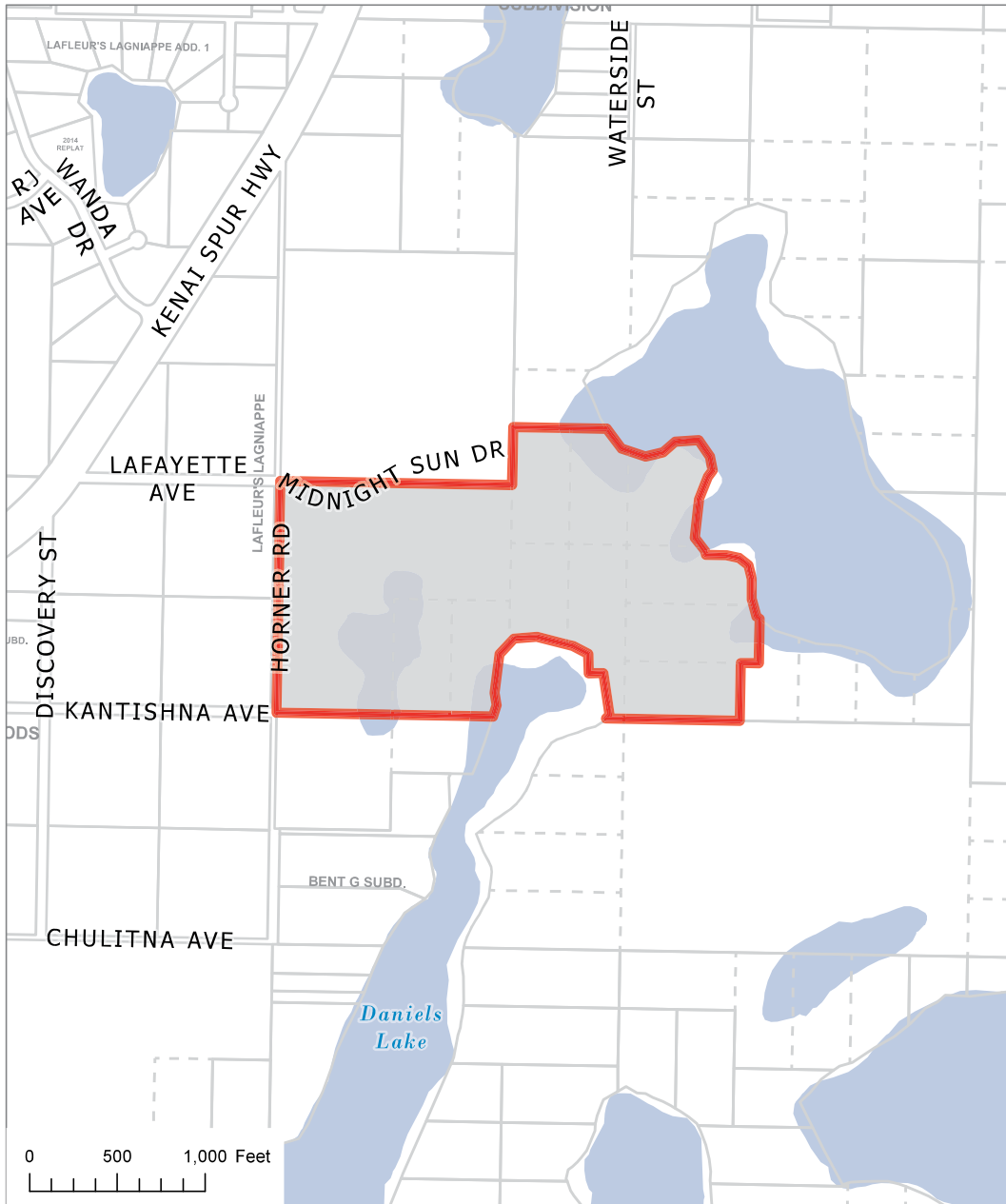


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Mailed 5/19/2025





KPB File 2025-081  
T 8N R 11W Sec 26  
Nikiski



