

## **E. NEW BUSINESS**

**1. Plat Note Removal; KPB File 2025-085**

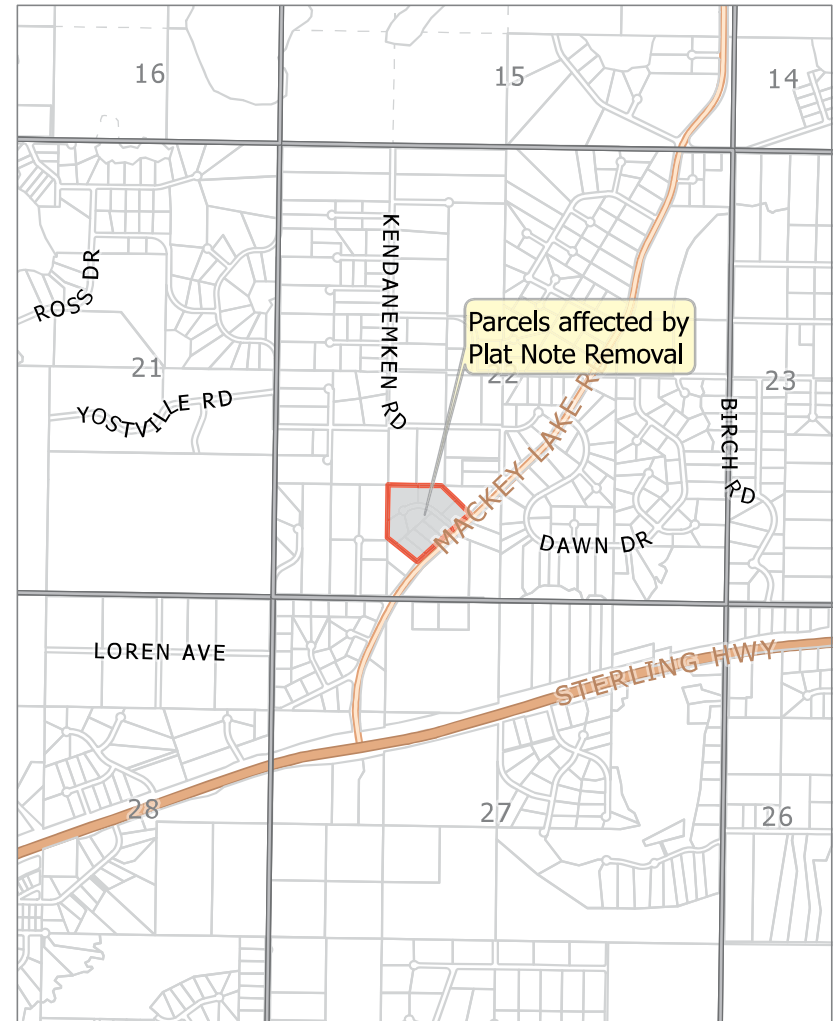
**Petitioner: Matt Miller (Representative for Nancy Miller)**

**Request: Remove plat note #4 "Restrict Lot 1 to interior access, Lot 8 to interior access or common to Lot 9"**

**Location: Lots 1, 6, 7, 8, 9, 10 & 11 from Huckabay Subdivision Addition No. 2, Plat KN 83-154**

**General Location: Mackey Lake Road / Ridgeway Area**

**Responsible Staff Person: Platting Manager Vince Piagentini**



KPB File 2025-085  
T 5N R 10W Sec 22  
Ridgeway



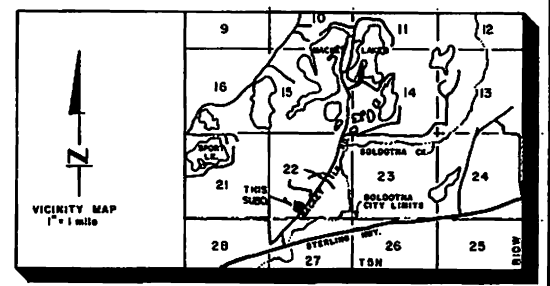
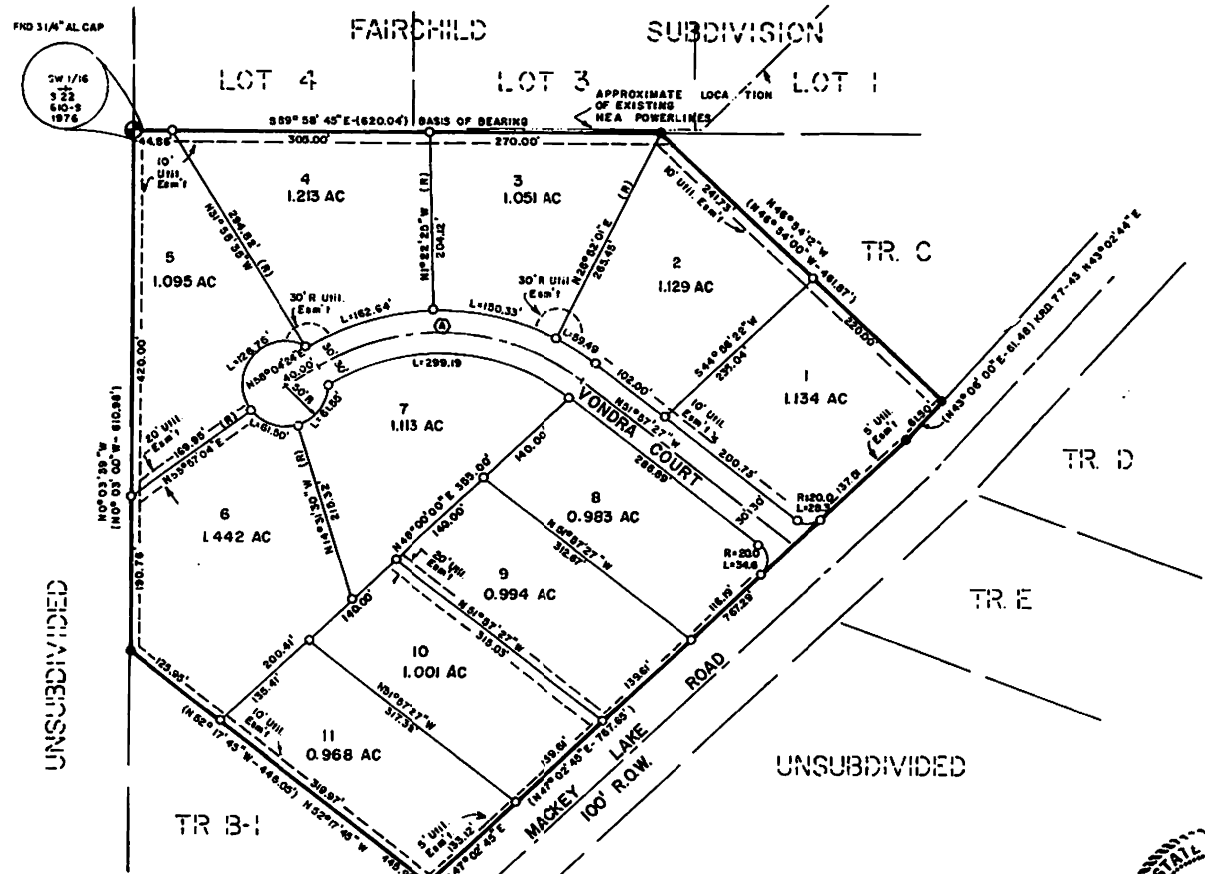


Aerial Map



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.





**CERTIFICATE of OWNERSHIP and DEDICATION**

WE HEREBY CERTIFY THAT WE ARE THE OWNER(S) OF THE PROPERTY SHOWN & DESCRIBED HEREON & THAT WE HEREBY ADOPT THIS PLAN OF SUBDIVISION & DEDICATE ALL RIGHT-OF-WAYS & PUBLIC AREAS TO PUBLIC USE & GRANT ALL EASEMENTS TO THE USE SHOWN.

*Ernie Vondra Daniel Vondra*  
ERNIE VONDRA & DANIEL VONDRA  
BOX 399H  
SOLDOTNA, AK. 99669

**NOTARY'S ACKNOWLEDGEMENT**

SUBSCRIBED AND SWORN BEFORE ME THIS 29 DAY OF June, 1983 FOR ERNIE VONDRA & DANIEL VONDRA

*Janice Bishop*  
STATE OF ALASKA  
JANICE BISHOP  
NOTARY PUBLIC  
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 June 27, 1983.

KENAI PENINSULA BOROUGH  
*[Signature]*  
AUTHORIZED OFFICIAL



*Clifford E. Baker*  
CLIFFORD E. BAKER, R.L.S.  
REGISTRATION NO. LS-5152

Effects, if any, of plat note #4 will be removed.

CURVE DATA				
A	R	L	C	T
1	69°00'00"	275.00'	335.82'	315.35'
2	100°00'00"	275.00'	335.82'	315.35'
3	100°00'00"	275.00'	335.82'	315.35'
4	100°00'00"	275.00'	335.82'	315.35'
5	100°00'00"	275.00'	335.82'	315.35'
6	100°00'00"	275.00'	335.82'	315.35'
7	100°00'00"	275.00'	335.82'	315.35'
8	100°00'00"	275.00'	335.82'	315.35'
9	100°00'00"	275.00'	335.82'	315.35'
10	100°00'00"	275.00'	335.82'	315.35'
11	100°00'00"	275.00'	335.82'	315.35'

- LEGEND**
- ⊙ MONUMENT (Found this survey)
  - ⊕ MONUMENT (Set this survey)
  - 1/2" REBAR (Found this survey)
  - 5/8" x 30" REBAR (Set this survey)

( ) RECORD DATUM K.R.D. 77-43  
(R) RADIAL

**KPB 2025-085**

**NOTES:**

- 1) PROPOSED LAND USES ARE RECREATIONAL, RESIDENTIAL & AGRICULTURAL.
- 2) A SETBACK OF 20 FEET IS REQ'D FROM ALL STREET RIGHT-OF-WAYS UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
- 3) ALL WASTEWATER DISPOSAL SYSTEMS SHALL COMPLY WITH EXISTING LAWS AT THE TIME OF CONSTRUCTION.
- 4) RESTRICT LOT 1 TO INTERIOR ACCESS, LOT 8 TO INTERIOR ACCESS OR COMMON TO LOT 9, AND LOTS 9, 10, 11 TO COMMON ACCESSSES.

**HUCKABAY SUBDIVISION ADDITION NO. 2**

A RESUBDIVISION OF TRACT B-2  
LOCATED WITHIN  
THE SE 1/4 SW 1/4, SEC 22, T5N, R10W, S.M., AK.  
CONSISTING OF 11 LOTS  
CONTAINING 13.185 AC.

**DOWLING-RICE and ASSOCIATES**  
P.O. BOX 1974 SOLDOTNA, ALASKA 99669  
ENGINEERS 262-2011 SURVEYORS  
SURVEYED: 6/83 PLATTED: 6/83  
DRAFTED: DAM DDP SCALE: 1"=100'  
CHECKED: CB SHEET: 1 of 1



**KPB 2025-085**

AGENDA ITEM E.      NEW BUSINESS

**ITEM #1 - PLAT NOTE RESTRICTION REMOVAL**

<b>KPB File No.</b>	2025-084
<b>Planning Commission Meeting:</b>	August 11, 2025
<b>Applicant / Owner:</b>	Matt Miller, Personal Representative for Nancy L. Miller of Palm Bay, Florida
<b>Surveyor:</b>	None
<b>General Location:</b>	Mackey Lake Road
<b>Legal Description:</b>	Huckabay Subdivision Addition No. 2, Plat 83-154, Kenai Recording District, Section 22, Township 5 North, Range 10 West, Seward Meridian

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**STAFF REPORT**

**Specific Request / Purpose as stated in the petition:**

Requesting removal of plat note 4: "Restrict Lot 1 to interior access, Lot 8 to interior access or common to lot 9, and lots 9, 10, 11 to common accesses." (Plat Huckabay Subdivision Addition No. 2, KN 83-154).

**Notification:** The public hearing notice was published in the August 1, 2025 issue of the Peninsula Clarion and the July 31, 2025 issue of the Homer News as part of the Commission's tentative agenda.

Notice of the proposed plat note removal was sent by regular mail to all owners within Huckabay Subdivision Addition No. 2.

Notice of the proposed plat note removal were emailed to agencies and interested parties as shown below;

State of Alaska Dept. of Fish and Game  
State of Alaska DNR  
State of Alaska DOT  
State of Alaska DNR Forestry  
Central Emergency Services

Alaska Communication Systems (ACS)  
ENSTAR Natural Gas  
General Communications Inc, (GCI)  
Homer Electric Association (HEA)

**KPB department / agency review:**

KPB River Center review	<p>A. Floodplain</p> <p>Reviewer: Hindman, Julie Floodplain Status: IS in flood hazard area Comments: All of subdivision is within non-regulatory zone X-unshaded. This is an area of minimal flood hazard. No depiction required but code required plat note should be present.</p> <p>Flood Zone: X (unshaded) Map Panel: 02122C-0245F In Floodway: False Floodway Panel:</p> <p>B. Habitat Protection</p> <p>Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments</p>
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KPB Roads Dept. comments	
Addressing	<p>Reviewer: Pace, Rhealyn Affected Addresses: 36115 MACKEY LAKE RD</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names:</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: THIS ACTION WILL NOT AFFECT ADDRESSES</p>
Code Compliance	<p>Reviewer: Ogren, Eric Comments: No comments</p>
Planner	
Assessing	<p>Reviewer: Windsor, Heather Comments: No comment</p>

**Utility provider review:**

SOA DOT comments	No comment
HEA	No comments
ENSTAR	
ACS	
GCI	No objections

Applicant's Discussion on submittal form:

Please remove article 4 for Huckabay Subdivision. The current plat does not provide access to lot 11 via shared driveway. If unchanged access to lot 11 would need to cross the entire easement of lot 10, potentially causing future issues with utility or road development. It is proposed to remove article 4 for lot 11 to allow the installation of a separate driveway for development. Access for lots 9 and 10 are currently shared.

Staff Discussion:

Huckabay Subdivision Addition No. 2 was recorded on July 29, 1983 and included plat note number 4: Restrict Lot 1 to interior access, Lot 8 to interior access or common to Lot 9, and Lots 9, 10, 11 to common accesses. The note was added at the preliminary review stage and included in the staff report for the June 27, 1983 Planning Commission meeting. It is noted in the review papers that KPB 20.20.220 was cited as the code for the note addition.

Mackey Lake Road is located on the easterly side of Lots 1 and 8-11. Mackey Lake Road is defined as a medium-collector road within the borough. It is a 100-foot-wide dedicated road, state-maintained road and connects to the Sterling Highway to the south. The pavement along Mackey Lake Rd is approximately 33' wide indicating it is a well-travelled throughfare. Lot 10 has a house with an access point at the northerly edge of the lot close to Lot 9. Lots 9 and 11 currently are vacant.

Inukshuk Court is a 60-foot borough-maintained road entering the subdivision. It begins at the intersection of



Mackey Lake Road to the east and ends in a cul-de-sac bulb to the west inside the plat. Lots 1 and 8 have interior access to Inukshuk Court per the plat note. Lot 8 has an access currently built accessing Inukshuk Ct. for the house on the lot.

KPB 20.90.010 defines an arterial road: “Arterial Road” means a road intended to carry traffic from local and subdivision roads to major highways. May also be called a “collector road.”

On June 4, 2025, Platting staff contacted the Alaska DOT and provided a copy of the plat and a description of the plat note removal request. Although AKDOT & PF stated no comments on the removal of the plat note, it was stated that removing the plat note would result in voiding the previous DOT driveway permits of all lots in the subdivision, specifically on Mackey Lake Road and new driveway permits must be requested by each landowner. The driveway permits are issued through DOT. The landowners would be at the whim of the DOT for issuing the permits along Mackey Lake Rd for the lots when reapplying.

Reviewing the new 2025 KPB Safe Streets Comprehensive Safety Action Plan has many issues dealing with access to improve safety. Some of the ideas include limiting access points and creating frontage and backage roads.

Per KPB 20.60.180, if the Commission approves removal of the restrictive plat note, it will be accomplished by recording Planning Commission Resolution 2025-016.

Staff Findings:

1. Huckabay Subdivision Addition No. 2 is outside city jurisdiction.
2. The plat note was a code requirement at the time of the platting.
3. Lots 1, 9, and 11 are currently unimproved land according to KPB GIS Imagery and KPB Assessing Records.
4. Lots 8 and 10 currently have dwellings according to KPB GIS Imagery and KPB Assessing Records.
5. Lot 1 and Lot 8 can be accessed by Inukshuk Court.
6. Lots 9, 10 and 11 are accessed by Mackey Lake Road.
7. KPB GIS Imagery shows a driveway located off Inukshuk Court for Lot 8.
8. KPB GIS Imagery shows a driveway located off Mackey Lake Road for Lot 10 that may be a shared driveway with Lot 9.
9. Lot 11 does not currently have a driveway installed.
10. Inukshuk Court is a 60-foot-wide road.
11. Mackey Lake Road is a 100-foot-wide road.
12. Mackey Lake Road is a state-maintained road.
13. Mackey Lake Road is an arterial road.
14. Driveway permits are issued through the AK DOT.
15. If the Commission approves removal of the plat note, the restriction will be removed by Planning Commission Resolution 2025-16

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**RECOMMENDATION:**

Staff makes **NO RECOMMENDATION** and leaves the decision to the Commission:

If the Commission recommends approval, the Commission should identify the findings of fact, based upon substantial evidence from the record, which includes this Staff Report, it determines are applicable, and incorporate the following conditions for final approval:

1. The recording of the resolution within 90 days of the adoption of the resolution by the Planning Commission, with the following requirements:
  - i. The Planning Department is responsible for filing the Planning Commission resolution.



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

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**END OF STAFF REPORT**

FND 31/4" AL CAP

 SW 1/16  
 S 22  
 610-S  
 1976

LOT 4

FAIRCHILD

SUBDIVISION

LOT 3

LOT 1

APPROXIMATE LOCATION  
OF EXISTING  
H.E.A. POWERLINES

S 89° 58' 45" E (620.04') BASIS OF BEARING

4  
1.213 AC3  
1.051 AC

TR. C

2

1.129 AC

1  
1.134 AC

TR. D

7  
1.113 AC8  
0.983 AC9  
0.994 AC

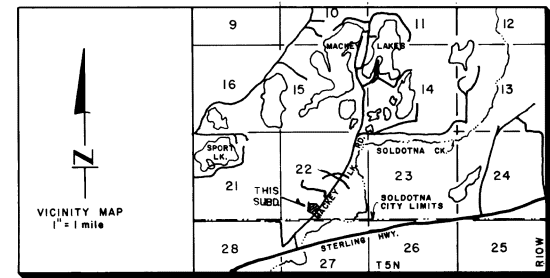
TR. E

6  
1.442 AC10  
1.001 AC11  
0.968 AC

TR. B-1

UNSUBDIVIDED

UNSUBDIVIDED



### CERTIFICATE of OWNERSHIP and DEDICATION

WE HEREBY CERTIFY THAT WE ARE THE OWNER(S) OF THE PROPERTY SHOWN & DESCRIBED HEREON & THAT WE HEREBY ADOPT THIS PLAN OF SUBDIVISION & DEDICATE ALL RIGHT-OF-WAYS & PUBLIC AREAS TO PUBLIC USE & GRANT ALL EASEMENTS TO THE USE SHOWN.

*Ernie Vondra Daniel Vondra*

ERNIE VONDRA & DANIEL VONDRA  
 BOX 3991  
 SOLDOTNA, AK. 99669

### NOTARY'S ACKNOWLEDGEMENT

SUBSCRIBED AND SWORN BEFORE ME THIS 29 DAY OF June, 1983 FOR ERNIE VONDRA & DANIEL VONDRA

STATE OF ALASKA  
 JANICE BISHOP  
 NOTARY PUBLIC

*Janice Bishop*  
 NOTARY PUBLIC FOR ALASKA  
 MY COMMISSION EXPIRES 3/24/86

### PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF JUNE 27, 1983.

KENAI PENINSULA BOROUGH  
*Jeffrey*  
 AUTHORIZED OFFICIAL



*Clifford E. Baker*  
 CLIFFORD E. BAKER, R.L.S.  
 REGISTRATION NO. LS-5152

### CURVE DATA

Δ	R	L	C	T	C BRG
A	69°58'09"	275.00'	335.82'	315.35'	192.45' N 86°56'32" W

### LEGEND

- ⊕ MONUMENT (Found this survey)
- ⊕ MONUMENT (Set this survey)
- 1/2" REBAR (Found this survey)
- 5/8" x 30" REBAR (Set this survey)
- ( ) RECORD DATUM K.R.D. 77-43
- (R) RADIAL

CERTIFICATE OF APPROVAL BY THE ALASKA  
 DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
 This subdivision has been reviewed in accordance with  
 AS 12.45 and is approved, subject to any noted restrictions.  
*Robert P. Cannon* R.E. 7-25-83  
 SIGNATURE TITLE DATE

### NOTES:

- PROPOSED LAND USES ARE RECREATIONAL, RESIDENTIAL & AGRICULTURAL.
- A SETBACK OF 20 FEET IS REQ'D FROM ALL STREET RIGHT-OF-WAYS UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
- ALL WASTEWATER DISPOSAL SYSTEMS SHALL COMPLY WITH EXISTING LAWS AT THE TIME OF CONSTRUCTION.
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### HUCKABAY SUBDIVISION ADDITION NO. 2

A RESUBDIVISION OF TRACT B-2  
 LOCATED WITHIN  
 THE SE 1/4 SW 1/4, SEC 22, T5N, R10W, S.M., AK.  
 CONSISTING OF 11 LOTS  
 CONTAINING 13.185 AC.

DOWLING-RICE and ASSOCIATES  
 P.O. BOX 1974 SOLDOTNA, ALASKA 99669

ENGINEERS	262 - 9011	SURVEYORS
SURVEYED: 6/83	PLATTED: 6/83	
DRAFTED: DAM DDP	SCALE: 1"=100'	
CHECKED: CB	SHEET: 1 of 1	

**KENAI PENINSULA BOROUGH PLANNING COMMISSION  
RESOLUTION 2025-16  
KENAI RECORDING DISTRICT**

REMOVING PLAT NOTE #4 FROM HUCKABAY SUBDIVISION ADDITION NO.2 AFFECTING LOTS 1, 8, 9, 10, 11 (KN 83-154): WITHIN SECTION 22, TOWNSHIP 5 NORTH, RANGE 10 WEST, SEWARD MERIDIAN, ALASKA, WITHIN THE KENAI PENINSULA BOROUGH; KPB FILE NO. 2025-085

WHEREAS, Huckabay Subdivision Addition No.2, KN 83-154, is located in Ridgeway; and

WHEREAS, Huckabay Subdivision Addition No.2, KN 83-154, depicts an existing plat note #4 stating "Restrict Lot 1 to interior access, Lot 8 to interior access or common to lot 9, and lots 9, 10, 11 to common accesses."

WHEREAS, all owners within Huckabay Subdivision Addition No.2, KN 83-154, were notified of the plat note removal request; and

WHEREAS, on July 14, 2025, the Kenai Peninsula Borough Planning Commission addressed all concerns about this action.

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

Section 1: That removal of the effects, if any, of the depiction on the plat note stating "Restrict Lot 1 to interior access, Lot 8 to interior access or common to lot 9, and lots 9, 10, 11 to common accesses", Huckabay Subdivision Addition No.2, KN 83-154, is hereby granted.

Section 2: That this resolution is void if not recorded in the appropriate Recording District within 90 days of adoption.

Section 3: That this resolution becomes effective upon being properly recorded.

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

\_\_\_\_\_  
Jeremy Brantley, Chairperson  
Planning Commission

ATTEST:

\_\_\_\_\_  
Ann Shirnberg,  
Administrative Assistant

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