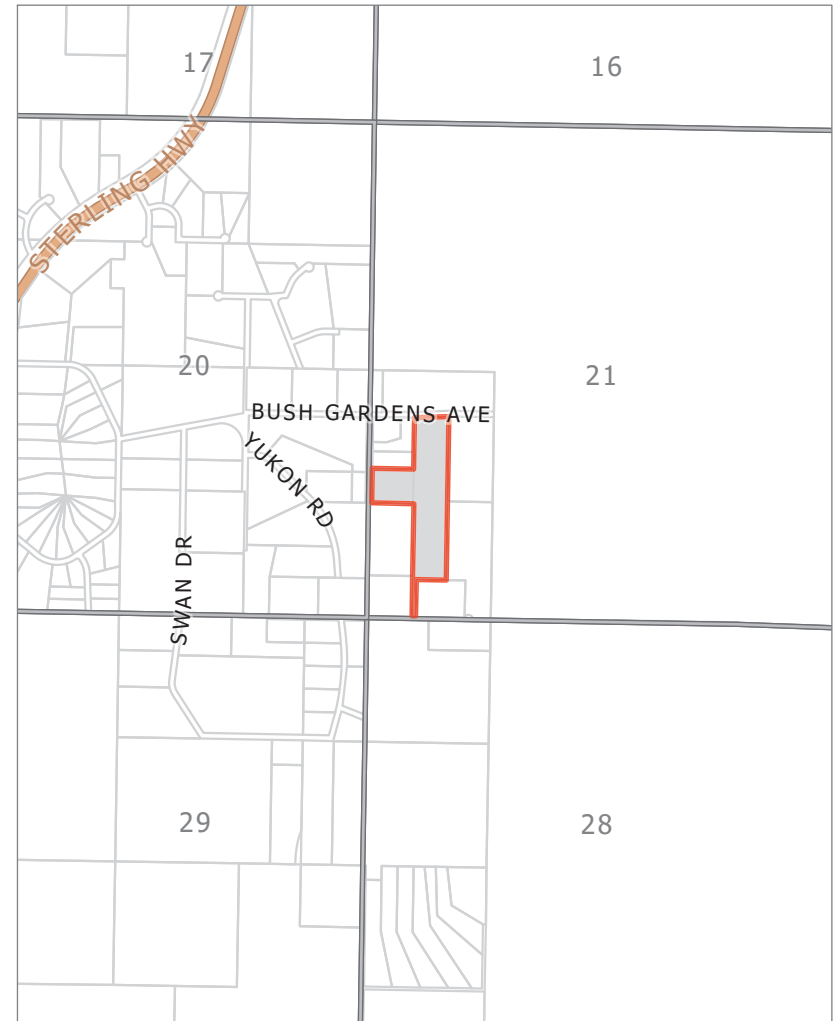
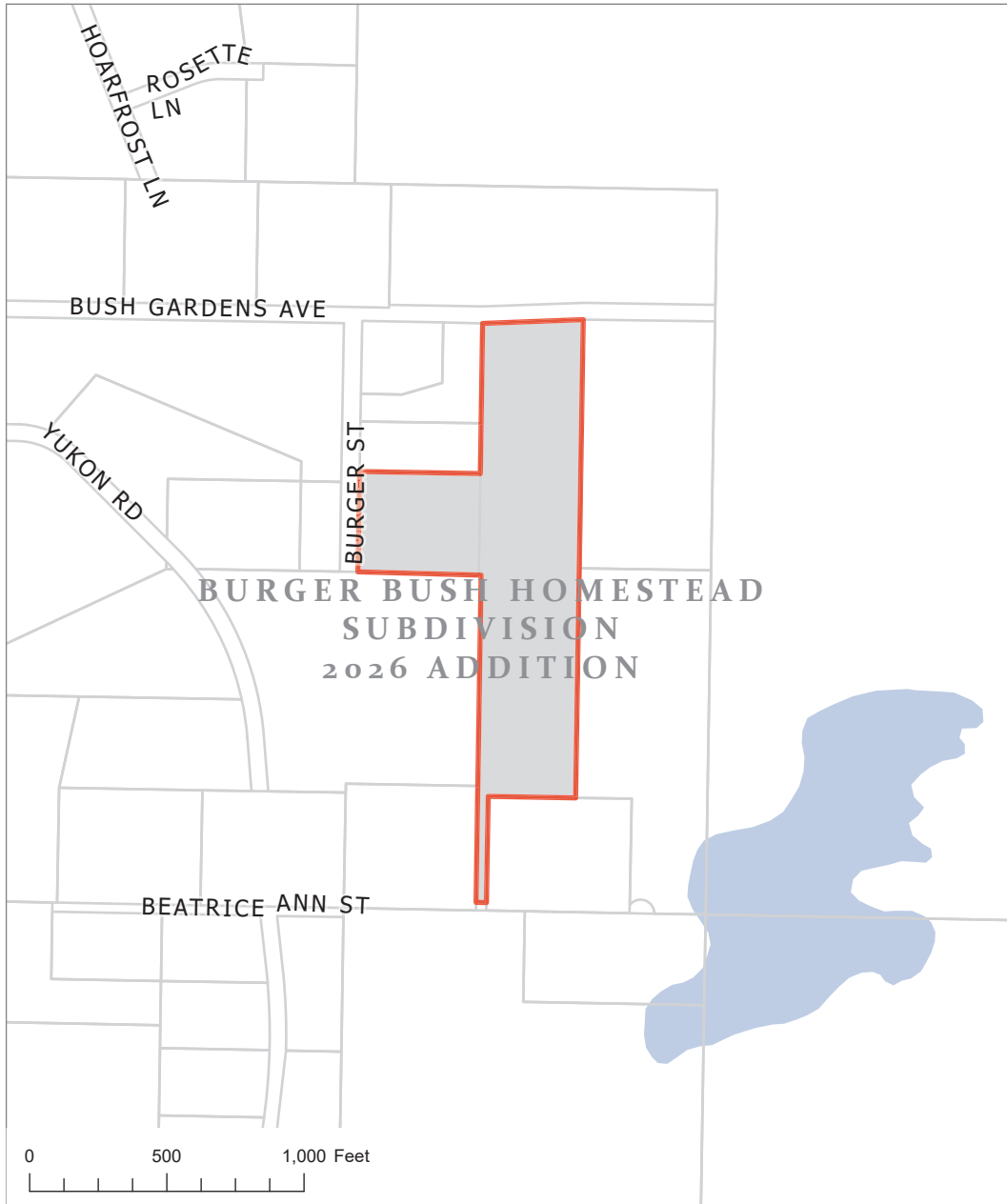


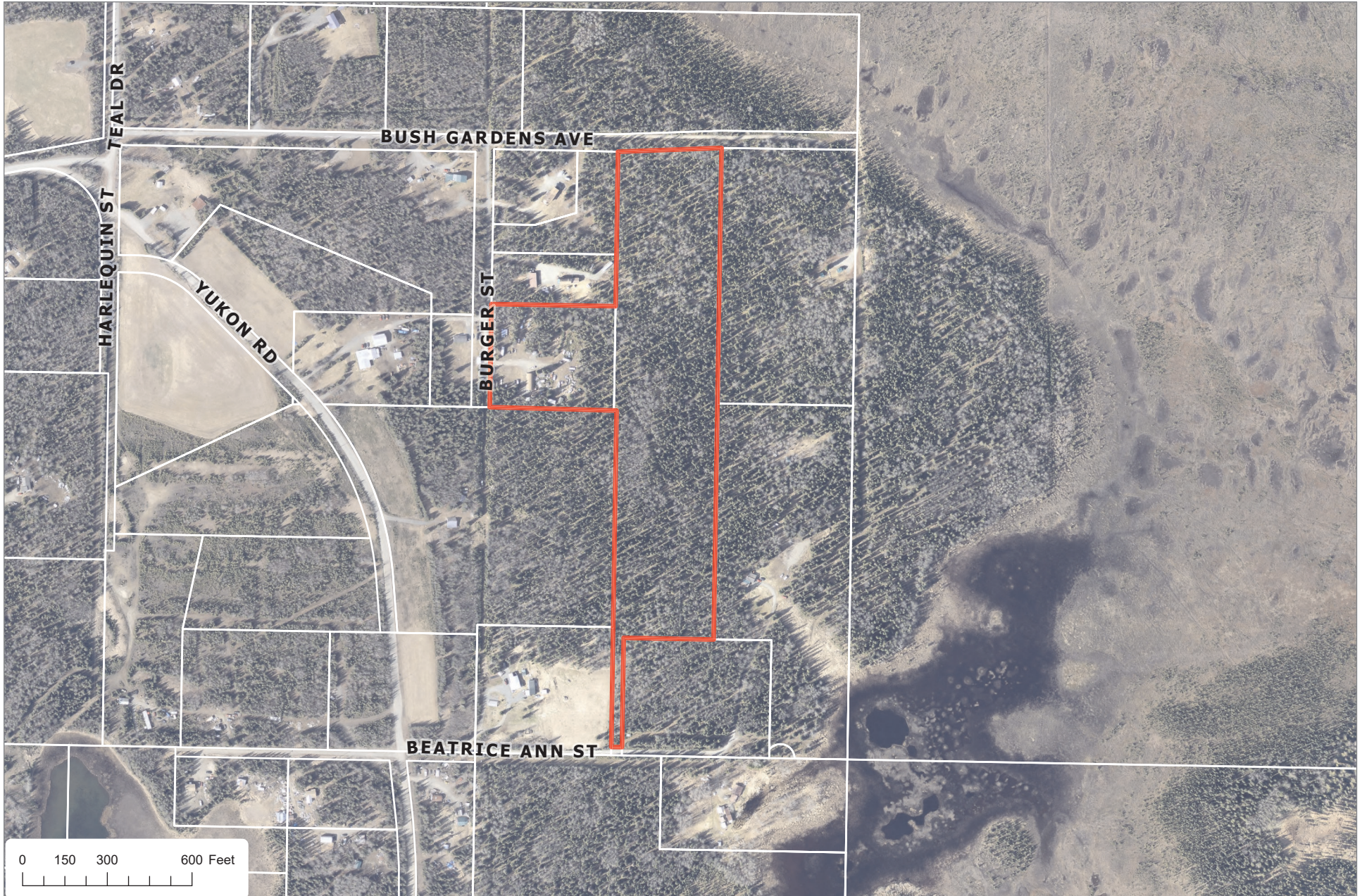
## **E. NEW BUSINESS**

- 3. Burger Bush Homestead Subdivision 2026 Addition**  
**KPB File 2025-185**  
**Edge Survey & Design / Burger**  
**Location: Burger Street & Bush Gardens Avenue**  
**Kasilof Area**



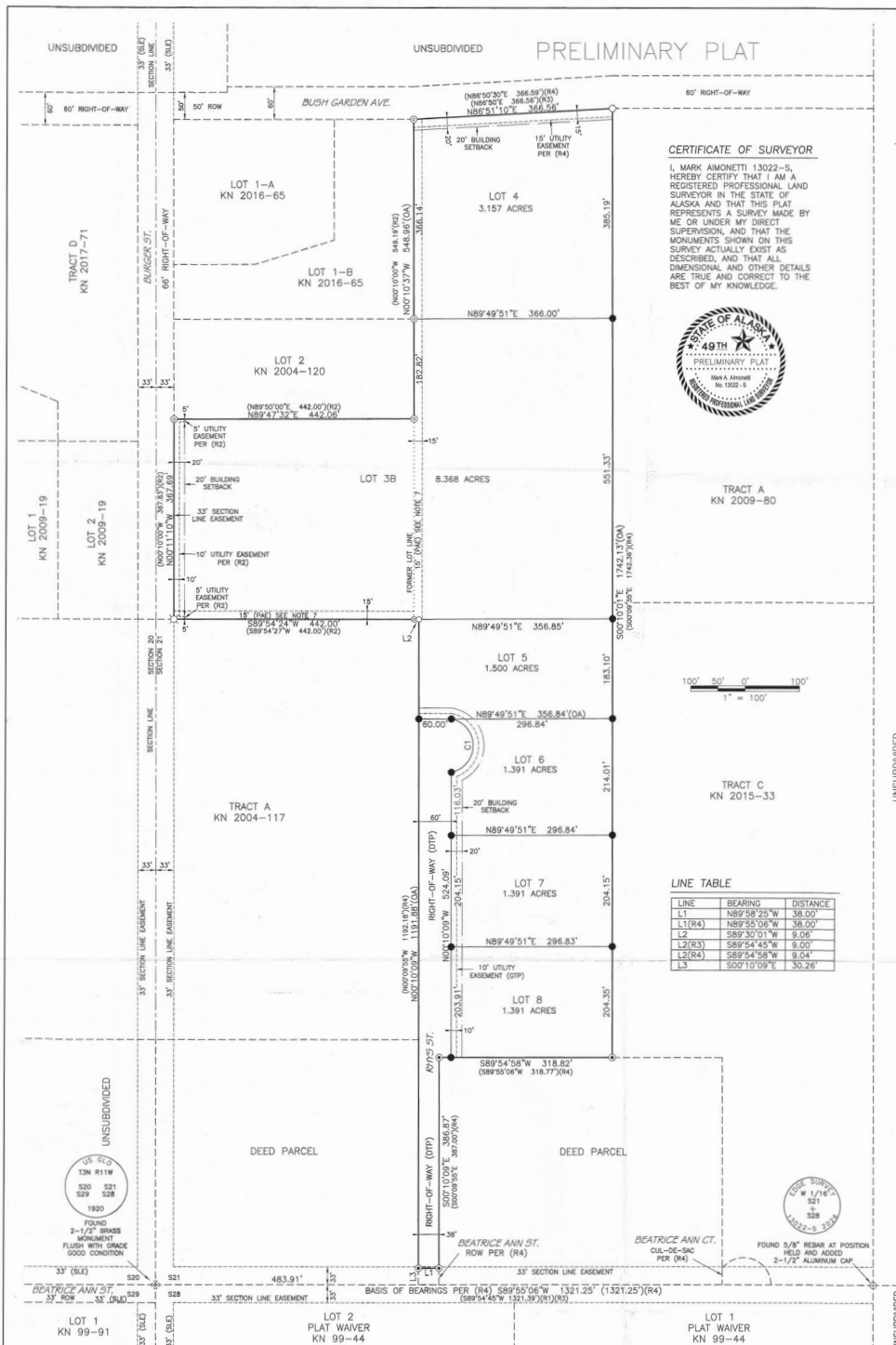
KPB File 2025-185  
T03N R11W SEC21  
Kasilof



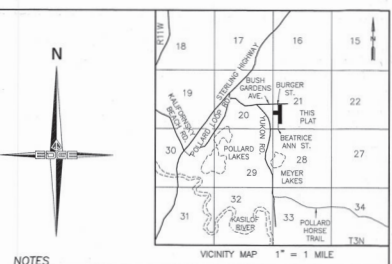


The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.





**CERTIFICATE OF SURVEY**  
I, MARK AMONETTI 13022-S, HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF ALASKA AND THAT THIS PLAT REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, AND THAT THE MONUMENTS SHOWN ON THIS SURVEY ACTUALLY EXIST AS DESCRIBED, AND THAT ALL DIMENSIONAL AND OTHER DETAILS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.



- NOTES**
- 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.
  - PER THIS PLAT THE FRONT 10 FEET ADJACENT TO RHYNS ST., DEDICATED THIS PLAT, IS A UTILITY EASEMENT, PER (R2) THE FRONT 10 FEET ADJACENT TO BURGER ST. AND AN ADDITIONAL 10 FEET WITHIN 5 FEET OF THE SIDE LOT LINE IS A UTILITY EASEMENT, PER (R4) THE FRONT 15 FEET ADJACENT TO BUSH GARDEN AVE. IS A UTILITY EASEMENT. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
  - ROADS MUST MEET THE DESIGN AND CONSTRUCTION STANDARDS ESTABLISHED BY THE BOROUGH IN ORDER TO BE CONSIDERED FOR CERTIFICATION AND INCLUSION IN THE ROAD MAINTENANCE PROGRAM, PER KPB 14.06.
  - THIS SUBDIVISION SUBJECT TO A ROAD RESERVATION OF 33 FEET ALONG EACH SIDE OF THE SECTION LINE AS CREATED BY 43 U.S.C. 932.
  - THIS SUBDIVISION IS SUBJECT TO AN ELECTRICAL LINE EASEMENT WITH NO DEFINED LOCATION GRANTED TO HOMER ELECTRIC ASSOCIATION, INC. RECORDED ON JULY 31, 1959 IN MISC. BOOK 3, PAGE 147, KENAI RECORDING DISTRICT.
  - THIS SUBDIVISION MAY BE SUBJECT TO A UTILITY EASEMENT WITH NO RETRACEABLE LOCATION, GRANTED TO GLACIER STATE TELEPHONE CO., RECORDED ON AUGUST 18, 1980 IN VOLUME 160, PAGE 162, AND IN VOLUME 160, PAGE 168 KENAI RECORDING DISTRICT.
  - THIS SUBDIVISION IS SUBJECT TO A PRIVATE ACCESS EASEMENT, RECORDED ON DECEMBER 30, 2004, SERIAL NUMBER 2004-0131156-0, KENAI RECORDING DISTRICT.
  - WASTEWATER DISPOSAL LOT 3B: LOTS WHICH ARE AT LEAST 200,000 SQUARE FEET IN SIZE MAY NOT BE SUITABLE FOR ONSITE WASTEWATER TREATMENT AND DISPOSAL. ANY WASTEWATER TREATMENT OR DISPOSAL SYSTEM MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.
  - WASTEWATER DISPOSAL LOTS 4-8: SOIL CONDITIONS, WATER TABLE LEVELS, AND SOIL SLOPES IN THIS SUBDIVISION HAVE BEEN FOUND SUITABLE FOR CONVENTIONAL, ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEMS SERVING SINGLE-FAMILY OR DUPLEX RESIDENCES. AN ENGINEER'S SUBDIVISION AND SOILS REPORT IS AVAILABLE FROM THE KENAI PENINSULA BOROUGH. ANY OTHER TYPE OF ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEM MUST BE DESIGNED BY A QUALIFIED ENGINEER, REGISTERED TO PRACTICE IN ALASKA, AND THE DESIGN MUST BE APPROVED BY THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

ENGINEER	LICENSE NUMBER	DATE
<b>LEGEND</b>		
⊕	FOUND BLM MONUMENT AS REFERENCED	
⊙	FOUND PRIMARY MONUMENT AS REFERENCED	
⊗	FOUND 1" BLUE PLASTIC CAP STAMPED INTEGRITY LS 11759	
⊕	FOUND 1-1/2" ALUMINUM CAP STAMPED LS 5152	
○	FOUND 1" YELLOW PLASTIC CAP STAMPED 7328-S	
⊗	FOUND 5/8" REBAR - NO CAP	
●	SET PROPERTY CORNER 5/8" X 30" REBAR WITH 2" ALUMINUM CAP STAMPED EDGE SURVEY LS-13022 2026	
Ⓜ	MONUMENT REFERENCE NUMBER	
---	SUBDIVISION BOUNDARY	
---	INTERIOR LOT LINE	
---	ADJACENT PROPERTY LINE	
---	EASEMENT	
---	BUILDING SETBACK	
---	SECTION LINE/ CENTERLINE	
---	FORMER LOT LINE	
(OA)	OVER-ALL	
(R#)	RECORD DATA, SEE REFERENCE	
(DTP)	DEDICATED THIS PLAT	
(ROW)	RIGHT-OF-WAY	
(SLE)	SECTION LINE EASEMENT	
(PAE)	PRIVATE ACCESS EASEMENT	

**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.

KAREN A. BURGER  
P.O. BOX 93  
KASLOF, ALASKA 99610

RHYNS WAYNE BURGER  
A.K.A. RHYNS W. BURGER  
P.O. BOX 93  
KASLOF, ALASKA 99610

**NOTARY ACKNOWLEDGEMENT**

FOR: KAREN A. BURGER  
ACKNOWLEDGED BEFORE ME  
THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2026

PUBLIC NOTARY SIGNATURE \_\_\_\_\_

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

**NOTARY ACKNOWLEDGEMENT**

FOR: RHYNS WAYNE BURGER, A.K.A. RHYNS W. BURGER  
ACKNOWLEDGED BEFORE ME  
THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2026

PUBLIC NOTARY SIGNATURE \_\_\_\_\_

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

**REFERENCES**

- (R1) FOWLER TRACT A, PLAT 2004-117, KENAI RECORDING DISTRICT
- (R2) BURGER SUBDIVISION, PLAT 2004-120, KENAI RECORDING DISTRICT
- (R3) BUSH HOMESTEAD CEMETERY ADDITION, PLAT 2009-80, KENAI RECORDING DISTRICT
- (R4) BUSH HOMESTEAD 2015 ADDITION, PLAT 2015-33, KENAI RECORDING DISTRICT

**CURVE TABLE**

CURVE	RADIUS	ARC LENGTH	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	50.00'	136.94'	158°55.34'	S00°10'09"E	97.99'

**CERTIFICATE OF ACCEPTANCE BY KENAI PENINSULA BOROUGH**

THE UNDERSIGNED OFFICIAL IDENTIFIED BY NAME AND TITLE IS AUTHORIZED TO ACCEPT AND HEREBY ACCEPTS ON BEHALF OF THE KENAI PENINSULA BOROUGH 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: RIGHT OF WAY DEDICATED ON THIS PLAT - RHYNS AVE.

AUTHORIZED OFFICIAL  
KENAI PENINSULA BOROUGH  
144 NORTH BINKLEY STREET  
SOLDOTNA, ALASKA 99669

**PLAT APPROVAL**

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF JANUARY 26, 2026.  
KENAI PENINSULA BOROUGH

AUTHORIZED OFFICIAL \_\_\_\_\_ DATE \_\_\_\_\_

KPB FILE No. 2026-XXX

**BURGER - BUSH  
HOMESTEAD  
SUBDIVISION  
2026 ADDITION**

A SUBDIVISION OF  
LOT 3 BURGER SUBDIVISION  
PLAT 2004-120  
KENAI RECORDING DISTRICT  
AND  
TRACT B  
BUSH HOMESTEAD 2015 ADDITION  
PLAT 2015-33  
KENAI RECORDING DISTRICT

LOCATED WITHIN:  
SW 1/4 SECTION 21  
T.3N., R.11W. S.M.  
STATE OF ALASKA  
KENAI PENINSULA BOROUGH  
KENAI RECORDING DISTRICT

OWNER:  
KAREN A. BURGER  
AND  
RHYNS WAYNE BURGER  
A.K.A. RHYNS W. BURGER  
P.O. BOX 93  
KASLOF, ALASKA 99610  
CONTAINING 18.459 ACRES

**EDGE**  
SURVEY AND DESIGN, LLC  
8000 KING STREET ANCHORAGE, AK 99516  
Phone (907) 344-5050 Fax (907) 344-7794  
AQUA 1392 www.edgesurvey.net

DRAWN BY: JY DATE: 12/29/2025 PROJECT: 25-634  
CHECKED BY: MS SCALE: 1" = 100' SHEET: 1 OF 1

**KPB 2025-185**  
**E3-3**



AGENDA ITEM E. NEW BUSINESS

**ITEM #3 - PRELIMINARY PLAT  
BURGER – BUSH HOMESTEAD SUBDIVISION 2026 ADDITION**

<b>KPB File No.</b>	2025-185
<b>Plat Committee Meeting:</b>	January 26, 2026
<b>Applicant / Owner:</b>	Rhys Wayne Burger AKA Rhys W. Burger and Karen A. Burger of Kasilof, Alaska
<b>Surveyor:</b>	Jason Young, Edge Survey and Design, LLC
<b>General Location:</b>	Burger Street, Bush Gardens Avenue, and Beatrice Ann Street off Yukon Road, in Kasilof

<b>Parent Parcel No.:</b>	133-083-37 and 133-083-46
<b>Legal Description:</b>	133-083-37: T 3N R 11W SEC 21 Seward Meridian KN 2004120 BURGER SUB LOT 3  133-083-46: T 03N R 11W SEC 21 Seward Meridian KN 2015033 BUSH HOMESTEAD 2015 ADDN TRACT B
<b>Assessing Use:</b>	133-083-37: Residential Dwelling 133-083-46: Residential Vacant
<b>Zoning:</b>	Rural Unrestricted
<b>Water / Wastewater</b>	Onsite / Onsite
<b>Exception Request</b>	None Requested

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**STAFF REPORT**

**Specific Request / Scope of Subdivision:** The proposed plat will replat two existing parcels, one of 14.725 acres and the other of 3.989 acres into six new parcels ranging in size from 1.391 acres to 8.368 acres. The plat will also dedicate a new right-of-way named Ryhs Street.

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

The subdivision is located northeast of Pollard Lake in Kasilof.

Legal access to the subdivision is provided by Bush Gardens Avenue to the north, Burger Street to the West, and Beatrice Ann Street to the south.

Along the northern boundary, proposed Lot 4 will access Bush Gardens Avenue. Plat KN 2009-80 dedicated the adjacent 60-foot right-of-way, which appears partially constructed based on KPB GIS imagery.

Along the western boundary, Burger Street connects to Bush Gardens Avenue from the north and is dedicated on a section line easement. It is a 60-foot, partially constructed right-of-way that extends south and provides access to proposed Lot 3B. Burger Street is platted to the common corner shared by proposed Lot 3B and Tract A (KN 2004-117). **Staff recommends** more clearly defining the right-of-way in relation to the section line easement.

Beatrice Ann Street is a pre-existing right of way located along a section line easement. A 30-foot by 38-foot portion of Beatrice Ann Street was dedicated by plat KN 2015-33 at the south end of the proposed dedication. No additional right-of-way can be dedicated on the south end by this plat, and it is reasonable to expect additional right-of-way to be provided when the deeded parcels located to the east and west are subdivided.

The proposed plat dedicates Rhys Street, located centrally within the subdivision. Rhys Street will connect to Beatrice Ann Street at the south and provides access to Lots 5 through 8. Former Tract B was a flag lot design, and the former flag lot stem is proposed for dedication at 38 feet in width, expanding to 60 feet at the north and ending in a half cul-de-sac. The half cul-de-sac design allows for potential extension northward if future

reconfiguration occurs. Additional right-of-way can reasonably be expected from adjacent parcels if they are subdivided.

Bush Gardens Avenue connects west to Harleyquin Street, which then connects to the intersection of Teal Drive and Yukon Road, both borough-maintained. Yukon Road continues west to Pollard Loop Road, a state-maintained road.

A private driveway easement is recorded in document 2004-013156-0. This easement is depicted on the plat and referenced in plat note #7. **Staff recommends** correcting the document number within the plat note.

The block length is non-compliant and is defined by Bush Gardens Avenue to the north, Burger Street and the section line easement to the west, Beatrice Ann Street and the section line easement to the south, and the proposed dedication of Rhys Street centrally. Future reconfiguration of the subject lots may provide additional right-of-way as needed, and it is reasonable to that adjacent large-acreage parcels will dedicate right-of-way in the future to alleviate block length concerns. Staff **recommends** the Plat Committee concur that an exception to KPB 20.30.170 is not required.

The proposed plat is located along section lines to the west and south. Both section lines include 33-foot section line easements located on either side. These easements and the section lines are depicted and labeled on the preliminary plat.

KPB Roads Dept. comments	Out of Jurisdiction: No  Roads Director: Uhlin, Dil Comments: No comments
SOA DOT comments	No comments

#### **Site Investigation:**

The preliminary plat does not depict any existing structures. KPB data indicates that structures are present on former Lot 3. Upon finalization of the plat, these structures will be located on proposed Lot 3B. No encroachments issues appear to be present.

No wetlands affect the subject area according to the KWF wetlands assessment layer on KPB GIS.

Based on the KPB GIS contours layer, the topography is relatively flat, with no grades exceeding 20% or 10% within the proposed right-of-way dedication.

The proposed plat is not located within a flood hazard area or a habitat protection district per KPB review.

KPB River Center review	A. Floodplain  Reviewer: Hindman, Julie Floodplain Status: Not within flood hazard area Comments: No comments  B. Habitat Protection  Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments
State of Alaska Fish and Game	No Response

#### **Staff Analysis**



Originally, the land consisted of the aliquot SW1/4 of Section 21, Township 3 North, Range 11 West, Seward Meridian. In 2004, Burger Subdivision (KN 2004-120) subdivided a portion of the aliquot section into three lots, resulting in former Lot 3. In 2015, Bush Homestead 2015 Addition (KN 2015-33) subdivided an additional portion of the aliquot section into Tracts B and C. The proposed plat will reconfigure Lot 3 and Tract B into six parcels and dedicate Rhys Street.

Proposed Lot 3B is approximately 364,510 square feet in size. A soils report for Burger Subdivision (KN 2004-120) is on file and includes former Lot 3. As a result, a new soils report is not required for proposed Lot 3B, and an engineer's signature will not be necessary for this lot. The appropriate Wastewater Disposal note, consistent with KPB 20.40.030, has been added to the plat as plat note #8.

The remaining proposed lots are each under 200,000 square feet in size and the plat does not meet the criteria listed under KPB 20.40.020(A). These lots will require a soils report to be submitted for review, and an engineer will need be required sign the final plat. The corresponding Wastewater Disposal note (plat note #9) will be reviewed following submission of the soils report.

Per the preliminary Certificate to Plat, beneficial interest holders do not affect the proposed plat. Notification per KPB 20.25.090 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.

#### **Utility Easements**

The 10-foot utility easement along Burger Street, which expands to 20 feet within 5 feet of the side lot lines, was granted by Plat KN 2004-120. This easement has been properly depicted and labeled on the preliminary plat.

Plat KN 2009-80 dedicated Bush Gardens Avenue, and through plat note #1, granted a utility easement on the front 10 feet of the building setback. **Staff recommends** depicting this utility easement on the plat and including a label referencing its source.

Plat KN 2015-33, through plat note #2, granted a 15-foot utility easement adjacent to the rights-of-way. **Staff recommends** depicting and labeling this easement along the portion of Beatrice Ann Street to the south, consistent with the parent plat.

An easement was granted to HEA with no defined location, recorded in Book 3, Page 147, KRD. This easement is included as plat note #5.

Two separate 15-foot-wide utility easements were granted to Glacier State Telephone Co., recorded in Book 160, Pages 162 and 168, KRD. These easements are referenced in plat note #6. **Staff recommends** revising the plat note to read, "this subdivision may be subject to..."

Easements recorded in Book 429, Page 210, and Book 506, Page 008, KRD (CTP items #10 and 11) do not appear to affect the subject parcels based on the legal descriptions. **Staff recommends** the surveyor confirm the easement descriptions and, if in agreement, request that the title company remove items #10 and #11 from the final CTP.

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

The proposed plat grants a 10-foot utility easement adjacent to Rhys Street. This easement has been depicted on the preliminary plat and added as plat note #2.

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

HEA	No comments
ENSTAR	No comments or recommendations

ACS	No objections
GCI	Approved as shown

**KPB department / agency review:**

Addressing	<p>Reviewer: Pace, Rhealyn Affected Addresses: 24232 BURGER ST</p> <p>Existing Street Names are Correct: No</p> <p>List of Correct Street Names: BURGER ST, BUSH GARDENS AVE, BEATRICE ANN ST</p> <p>Existing Street Name Corrections Needed:</p> <p>All New Street Names are Approved: No</p> <p>List of Approved Street Names: RHYS ST</p> <p>List of Street Names Denied:</p> <p>Comments: 24232 BURGER ST WILL REMAIN WITH LOT 3B</p>
Code Compliance	<p>Reviewer: Ogren, Eric Comments: No comments</p>
LOZMS Planner	<p>Reviewer: Raidmae, Ryan There are not any Local Option Zoning District issues with this proposed plat.</p> <p>Material Site Comments: There are not any material site issues with this proposed plat.</p>
Assessing	<p>Reviewer: Windsor, Heather Comments: No comment</p>

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

**STAFF RECOMMENDATIONS**

**CORRECTIONS / EDITS**

- Modify KPB File No. to 2025-185
- Edit the Certificate of Acceptance:
  - Rhys Street
  - *The acceptance of lands for public use or public purpose does not....*

ADD PLAT NOTES:

- The borough will not enforce private covenants, easements, or deed restrictions per KPB 20.60.170(B).
- Lot 3B Proposed land uses are recreational, residential, agricultural, and commercial (per KN 2004-120).

**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:**

- Acreage of parent parcels is 18.714. Verify acreage in title block with submittal of final plat.

- 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:**

- ROWS:
  - Modify label of ROW: Bush Gardens Avenue
  - Modify width of Bush Gardens Avenue at the intersection on the northwest end to 49.94 per KN 2009-80
  - Modify label on Beatrice Ann Court to half cul-de-sac and include width and radius (KN 2015-33)

- 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:**

- Within Section 20, add Roque Lake
- For clarity, add an additional label for Kalifornsky Beach Road within section 18

- 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:**

- Verify CTP items #10 and #11
- 10' utility easement along Bush Gardens Avenue (KN 2009-80)
- 15' utility easement along Beatrice Ann St (KN 2015-33)

- 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:**

- For clarity, add labels on either side of the section line for the following parcels:
  - Unsubdivided parcel located in the northeast, on the east side of the section line.
  - Tract A (KN 2004-17) on west side of the section line.

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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.*

20.30.050. Legal access.

- A. The applicant shall provide an access plan to the planning department verifying the existence of legal access to the subdivision boundary. The plan shall consist of the documents depicting the access, a map depicting the location of the access, and topographic information indicating that construction which meets the design requirements set forth in KPB Chapter 20.30 is practical and economical. In this title, legal access exists where an unrestricted, public right-of-way connects the subdivision to the state highway system, the state marine highway system or a regularly served public airport, and one of the following is met:

1. Ingress and egress will be provided over section line easements located within a surveyed section;
  2. The applicant provides copies of borough-accepted recorded conveyances creating the public easement or right-of-way where the access is located;
  3. That access is a State of Alaska maintained road or municipal maintained road;
  4. The applicant provides documentation satisfactory to the borough demonstrating that public legal access is guaranteed through judicial decree; or
  5. The right-of-way is an easement or fee interest at least 60 feet in width dedicated or irrevocably conveyed to the public and acceptable to the planning commission.
- B. The following situations may qualify for a waiver of the legal access requirement:
1. Upon finding that no practical means of providing road access to a proposed subdivision exists and upon presentation of credible and convincing evidence by the applicant that permanent public access by air, water, or railroad is both practical and feasible, the planning commission may waive the legal access requirements of KPB 20.30.050(A). If access other than by road is approved, the mode of access shall be noted on the plat.
  2. Where only a 30-foot dedication exists over all or a portion of the legal access to a subdivision, the provisions of KPB 20.30.050(A) may be considered met if it is reasonable to expect that the other 30 feet will be dedicated in the future.
  3. Where a road is in use for physical access but there is no right-of-way document for all or part of the access road, the provisions of KPB 20.30.050(A) may be considered met if it is reasonable to expect that the right-of-way will be dedicated in the future.

20.30.060. Easements-Requirements.

- D. Unless a utility company requests additional easements, the front ten feet adjoining rights-of-way shall be designated as a utility easement, graphically or by note. Within the boundaries of an incorporated city, the width and location of utility easements will be determined by the city and affected utility providers.
- o Parent Plat easements

20.30.120. Streets-Width requirements.

- A. The minimum right-of-way width of streets shall be 60 feet.
1. Half streets shall generally not be allowed except to provide the logical extension of a right-of-way where the remaining half street can reasonably be expected to be dedicated in the future.

20.30.170. Blocks-Length requirements. Blocks shall not be less than 330 feet or more than 1,320 feet in length. Along arterial streets and state-maintained roads, block lengths shall not be less than 800 feet. Block lengths shall be measured from centerline intersections.

20.30.240. Building setbacks.

- A. A minimum 20-foot building setback shall be required for dedicated rights-of-way in subdivisions located outside incorporated cities.
- 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.
- C. The setback shall be noted on the plat in the following format:  
Building setback- A setback of 20 feet is required from all dedicated street rights-of-way unless a lesser standard is approved by resolution of the appropriate planning commission.

**Staff Comments:** 20-foot building setback on former flag lot now situated on Rhys Street. Contact platting staff for additional information.

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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.

20.40.020. - Wastewater system review not required.



- A. Wastewater system review will not be required if any of the following criteria are satisfied:
1. The existing parent subdivision was approved by the Department of Environmental Conservation, current state agency, or the Kenai Peninsula Borough under this chapter and the proposed subdivision is limited to:
    - a. Vacating lot lines to create fewer lots;
    - b. Moving one or more lot lines a total distance of ten feet or less without increasing the number of lots having prior onsite wastewater approval; or
    - c. Moving one or more lot lines without increasing the number of developable lots, while maintaining a minimum of 20,000 square feet of contiguous area, as described in KPB 20.40.040(A)(4)(a), for each lot affected by the lot line movement.

20.40.030. - Abbreviated submittal.

Lots within the proposed subdivision that will be at least 200,000 square feet in size must comply with KPB 20.40.100(F).

20.40.100. - Soils analysis and report.

F. Soil testing requirements for subdivision lots equal or greater than 200,000 square feet consist of general soils and water table description with sufficient detail to support the applicability of the proposed means of wastewater disposal; the description must be based on:

1. Existing information; or
2. Visual analysis by, or local knowledge of, a qualified engineer.

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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.*

20.60.160. Easements.

A. The plat shall clearly show the location, width, and use of all easements. The easements must be clearly labeled and identified and, if already of record, the recorded reference given. If public easements are being granted by the plat, they shall be properly set out in the owner's certification of dedication.

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. The borough will not enforce private covenants, easements, or deed restrictions.

20.60.180. Plat notes.

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

Lot 3B Proposed land uses are recreational, residential, agricultural, and commercial (KN 2004-120).

---

#### **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.

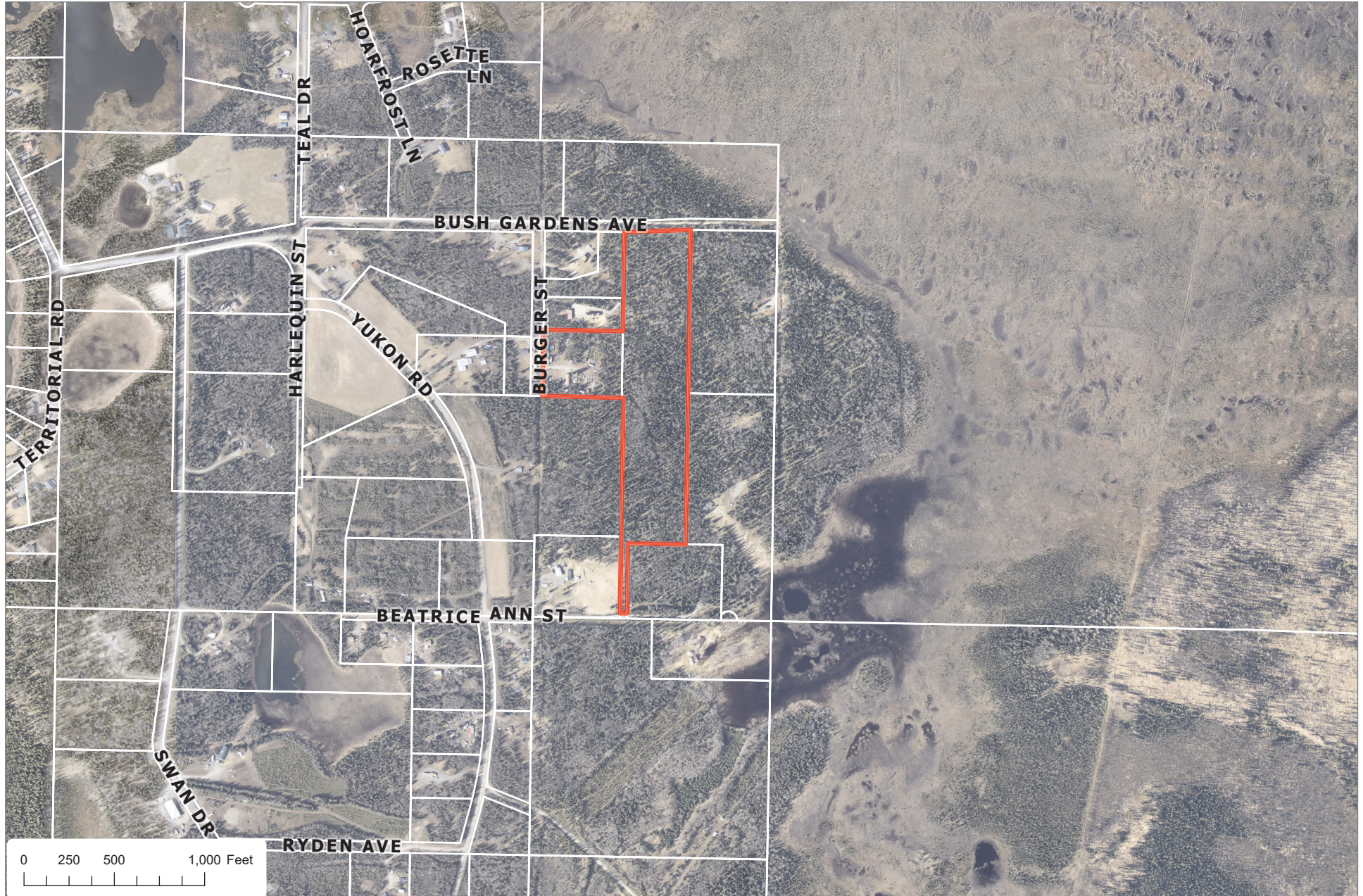
**NOTE:** 20.25.120. - REVIEW AND APPEAL.

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

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

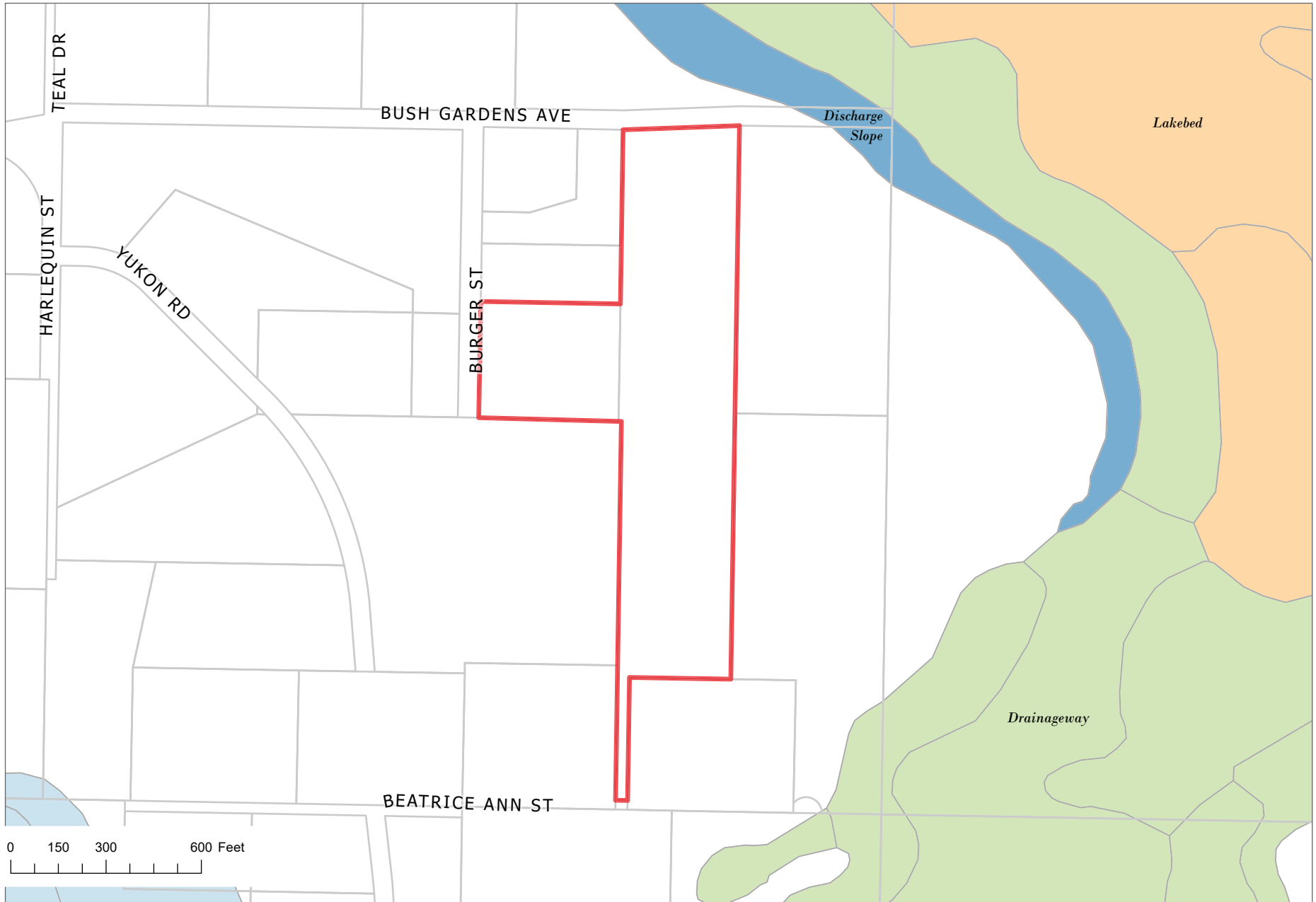
**END OF STAFF REPORT**



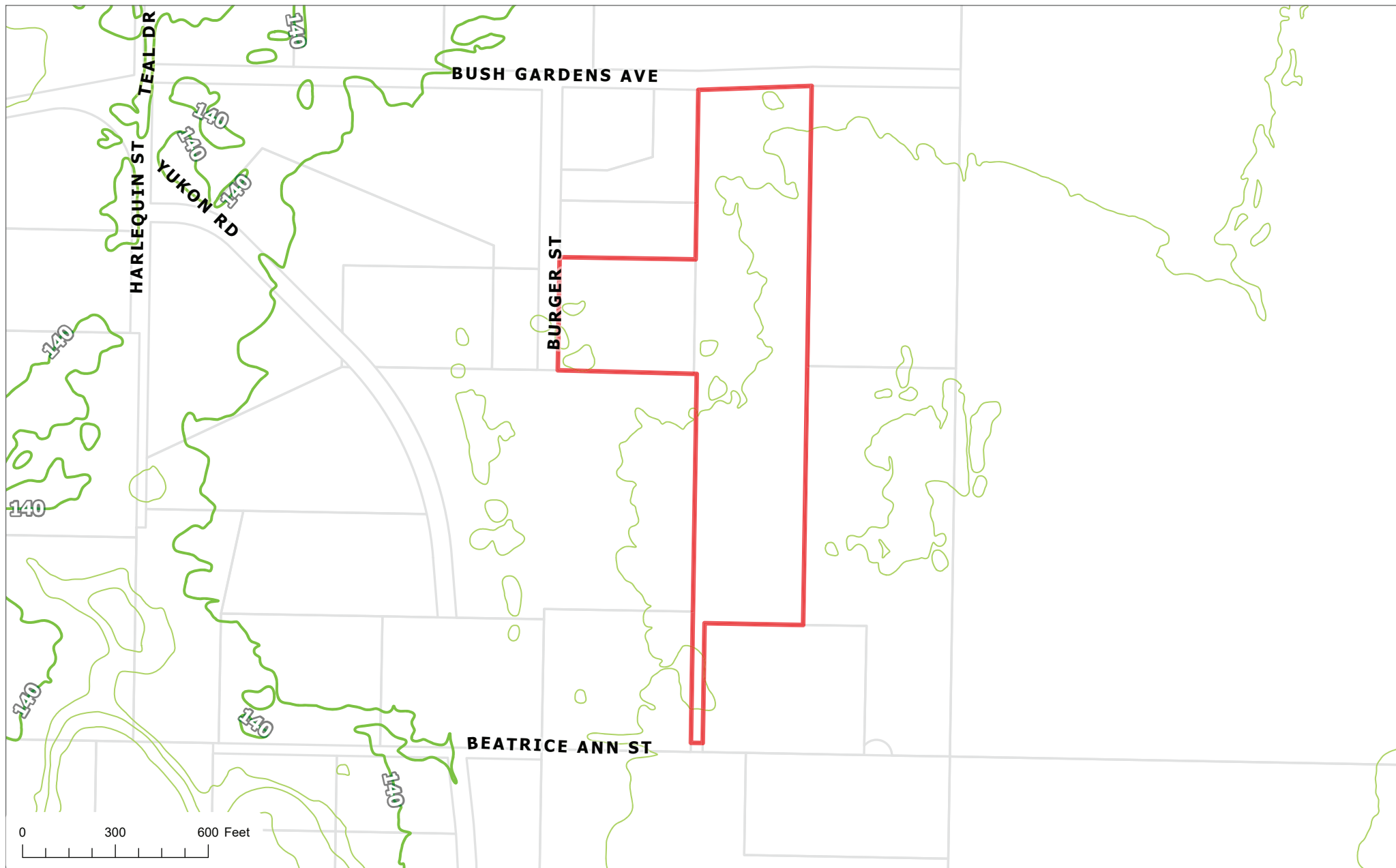


The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.





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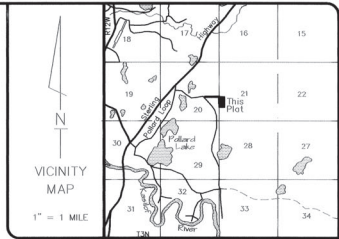
1508-2  
CNI/16  
S 20  
1879

1520-2  
CNI/16  
S 20  
1820

1528-2  
SEI/16  
S 20  
2003

1528-2  
SEI/16  
S 20  
2003

LINE TABLE		
Line	Bearing	Length
L1	S00°10'00"E	49.94'
L2	S89°50'00"W	33.00'
L3	S00°10'00"E	97.25'



### CERTIFICATE of OWNERSHIP and DEDICATION

I HEREBY CERTIFY THAT I AM THE OWNER(S) 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.

*Franklin Edward Bush*  
Franklin Edward Bush  
aka Franklin E. Bush  
P. O. Box 447  
Kenai, Alaska 99610

### NOTARY'S ACKNOWLEDGMENT

SUBSCRIBED AND SWORN BEFORE ME THIS 10<sup>th</sup> DAY OF December 2004 FOR Franklin Edward Bush

*Cliff Baker*  
NOTARY PUBLIC FOR ALASKA  
MY COMMISSION EXPIRES 12/31/06

NOTARY PUBLIC  
STATE OF ALASKA  
CLIFF BAKER  
My Commission Expires 12/31/06

### PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF 10-11-2004

KENAI PENINSULA BOROUGH  
AUTHORIZED OFFICIAL  
*Mark Red*

2004-1220  
RECORDED  
Kenai REC. DIST.  
DATE: 12/16 2004  
TIME: 2:34 P.M.  
REQUESTED BY:  
INTEGRITY SURVEYS  
605 SWIRES DRIVE  
KENAI, ALASKA 99611

### NOTES:

- 1) Proposed land uses are recreational, residential, agricultural, and commercial.
- 2) 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.
- 3) Front 10 ft. of the building setback adjacent to right-of-way along with an additional 10 ft. within 5 ft. of the side property line is also a utility easement. No permanent structure shall be constructed or placed within a utility easement which would interfere with the ability of a Utility to use the easement.
- 4) Roads must meet the design and construction standards established by the Borough in order to be considered for certification and inclusion in the road maintenance program.
- 5) WASTEWATER DISPOSAL: Soil conditions, water table levels, and soil slopes in this subdivision have been found suitable for conventional onsite wastewater treatment and disposal systems serving single-family or duplex residences and meeting the regulatory requirements of the Kenai Peninsula Borough. Any other type of onsite wastewater treatment and disposal system must be designed by a professional engineer, registered to practice in Alaska, and the design must be approved by the Alaska Dept. of Environmental Conservation.

### LEGEND:

- 2-1/2" Brass Cap Monument (found)
- 2-1/2" Alum. Cap Monument (found)
- Yellow Plastic Cap on Rebar (found)
- 5/8" Rebar (set this survey)
- [ ] Record Datum - Fowler Tract A Plot # 2004-117

*M. J. Burman*  
Engineer  
3380-E  
License #  
13 Dec 04  
Date



### 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.

10 December 2004  
DATE

KPB FILE No. 2004-257

## Burger Subdivision

Located within the SW1/4 of Section 21, T3N, R11W, S.M., Kenai Recording District, Kenai Peninsula Borough, Alaska.

Containing 12.281 Acres

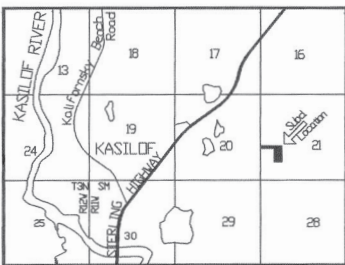
### Integrity Surveys

8195 Kenai Spur Hwy Kenai, Alaska 99611-8902  
SURVEYORS PHONE - (907) 283-9047 FAX - (907) 283-9071 PLANNERS

JOB NO:	24122	DRAWN:	10 December, 2004 CB
SURVEYED:	Oct. - Nov. 2004	SCALE:	1" = 100'
FIELD BK:	2004-6, Pg. 40	DISK:	Burger







VICINITY 1" = 1 mile MAP

# BUSH HOMESTEAD CEMETERY ADDITION

Located in the SW1/4 Section 21, T3N R11W, SM, Kaslof, Alaska.  
Kenai Recording District Kenai Peninsula Borough File 2009-123



Prepared for

Frank Bush  
P.O. Box 447  
Kaslof, AK 99610

Prepared by

Johnson Surveying  
Box 27  
Clam Gulch, AK 99568



SCALE 1" = 200'

AREA = 11.757 acres

27 July, 2009

## LEGEND

- ✕ - 1920 USGLD brass cap monument, found.
- ⊕ - 2 1/2" x 30" alcap monument, 7328-S, 2003, found.
- ⊙ - 2 1/2" alcap on 5/8" x 8" rebar, set.
- - 2" alcap on 5/8" rebar, LS-5152, found.
- - 1" plastic cap on 1/2" rebar, 7328-S, found.
- ⊗ - 1 1/2" x 4" rebar with 1" plastic cap, set.
- ( ) - indicates information calculated from 1920 USGLD information.
- sw - indicates swamp

## PLAT APPROVAL

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of 24 August, 2009.

KENAI PENINSULA BOROUGH

By: Max Burt December 7, 2009  
Authorized Official Date

## WASTEWATER DISPOSAL

This Tract is at least 200,000 square feet or nominal 5 acres in size and conditions may not be suitable for onsite wastewater treatment and disposal. Any wastewater treatment or disposal systems must meet the regulatory requirements of the Alaska Dept. of Environmental Conservation.

## NOTES

1. A building setback of 20' is required from all street RDVs 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 an easement that would interfere with the ability of a utility to use the easement.
3. Roads must meet the design and construction standards established by the Borough in order to be considered for certification and inclusion in the road maintenance program.

## OWNERSHIP CERTIFICATE & DEDICATION

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

Franklin E. Bush  
Franklin E. Bush P.O. Box 447 Kaslof, AK 99610

## NOTARY'S ACKNOWLEDGEMENT

For: Franklin E. Bush  
Subscribed and sworn to before me this 4th  
day of December, 2009

Erica Kemp  
Notary Public For Alaska  
My commission expires May 15, 2012

