



## Meeting Agenda Planning Commission

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Monday, February 9, 2026

7:30 PM

Betty J. Glick Assembly Chambers

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**Zoom Meeting ID 907 714 2200**

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

### ZOOM MEETING DETAILS

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

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

Zoom Meeting ID: 907 714 2200

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

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

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

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

### **B. ROLL CALL**

**C. APPROVAL OF CONSENT AND REGULAR AGENDA**

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

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

- 1. Time Extension Request - None
- 2. Planning Commission Resolutions - None
- 3. Plats Granted Administrative Approval - None
- 4. Plats Granted Final Approval (KPB 20.10.040) - None
- 5. Plat Amendment Request - None
- 6. Commissioner Excused Absences

Jeffrey Epperheimer, Nikiski District  
 Jeffrey Epperheimer, Nikiski District

7. Minutes

[KPB-7452](#) 01-26-26 Planning Commission Meeting Minutes

Attachments: [C7. 012626 PC Meeting Minutes](#)

**D. OLD BUSINESS - None**

**E. NEW BUSINESS**

- 1. [KPB-7453](#) Building Setback Encroachment Permit; KPB File 2026-001  
 PC Resolution 2026-11  
 Segesser Surveys / Milliron  
 Request: Permits a portion of the garage to remain within the 20’ building setback on the western lot line along Northbridge Dr. on Lot 1 Block 5 Willow Brook North Addition, Plat KN 98-42 Kalifornsky Area  
 Staff Responsible: Platting Manager Vince Piagentini

Attachments: [E1. BSEP Willow Brook North Addn Packet](#)  
[PHN\\_BSEP-Willow Brook North Addn Lot 1 Block 5](#)

2. [KPB-7450](#) ROW Vacation; KPB File 2026-005V  
McLane Consulting / Cowan  
Request: Vacates a portion of the Bogie Court ROW & associated utility easement  
Location: Lot 5-A, Replat of Lots 5 & 6, Block 1 Golf Acres Subdivision, Plat KN 79-84  
City of Soldotna  
Staff Responsible: Platting Manager Vince Piagentini

Attachments: [E3. ROWV Bogie Court Packet](#)  
[PHN ROWV-Golf Acres Sub Bogie Ct](#)

3. [KPB-7454](#) Utility Easement Vacation; KPB File 2026-004V  
McLane Consulting Group / Heintz  
Request: Vacates the 10' utility easement along the northeastern boundary of Lot 10B and associated 10' utility easement along the southwestern boundary of Lot 8B, all within Block 2, Pavilion Subdivision Part 2, Plat KN 83-156  
Ridgeway Area  
Staff Responsible: Platting Manager Vince Piagentini

Attachments: [E2. UEV Pavilion Sub Part 2 Packet](#)  
[PHN UEV-Pavilion Part 2 Amended 2026 Replat](#)

4. [KPB-7455](#) ROW Vacation; KPB File 2026-006V  
McLane Consulting / Hall  
Request: Vacates a portion of Narrow Road near the intersection with DeBusk Drive  
Location: Lots 11-14 Immanuel Subdivision No. 2, Plat KN 2025-14  
Nikiski Area  
Staff Responsible: Platting Manager Vince Piagentini

Attachments: [E4. ROWV Narrow Road Packet](#)  
[PHN ROWV-Immanuel Sub No 3](#)

- 5. [KPB-7456](#) Conditional Land Use Permit; PC Resolution 2026-12  
 Applicant; M&M Gravel  
 Legal Description: T07N R12W SEC 35 Seward Meridian KN E1/2  
 NE1/4 NW1/4  
 Parcel ID: 01516017  
 Nikiski Area  
 Staff Responsible: Planner Ryan Raidmae

Attachments: [E5. CLUP M&M Gravel Packet](#)  
[PHN CLUP-M&M Gravel LLC](#)

**F. PLAT COMMITTEE REPORT - Plat Committee will review 5 plats**

**G. OTHER - None**

**H. PUBLIC COMMENT/PRESENTATION**

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

**I. DIRECTOR'S COMMENTS**

**J. COMMISSIONER COMMENTS**

**K. ADJOURNMENT**

**MISCELLANEOUS INFORMATIONAL ITEMS  
 NO ACTION REQUIRED**

**NEXT REGULARLY SCHEDULED PLANNING COMMISSION MEETING**

The next regularly scheduled Planning Commission meeting will be held Monday, February 23, 2026 in the Betty J. Glick Assembly Chambers of the Kenai Peninsula Borough George A. Navarre Administration Building, 144 North Binkley Street, Soldotna, Alaska at 7:30 p.m.

**CONTACT INFORMATION  
 KENAI PENINSULA BOROUGH PLANNING DEPARTMENT**

Phone: 907-714-2215  
 Phone: toll free within the Borough 1-800-478-4441, extension 2215  
 e-mail address: [planning@kpb.us](mailto:planning@kpb.us)  
 website: <http://www.kpb.us/planning-dept/planning-home>

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

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

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

## **C. CONSENT AGENDA**

### **\*7. Minutes**

- a. January 26, 2026 Planning Commission Meeting Minutes**

# Kenai Peninsula Borough Planning Commission

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

JANUARY 26, 2026  
7:30 P.M.  
UNAPPROVED MINUTES

## **AGENDA ITEM A.      CALL TO ORDER**

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

## **AGENDA ITEM B.      ROLL CALL**

### *Commissioners Present*

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

With 7 members present, a quorum was present.

### *Staff Present*

Robert Ruffner, Planning Department Director  
Wayne Cary, Deputy Borough Attorney  
Samantha Lopez, River Center Manager  
Morgan Aldridge, Planner  
Brittney Hoffert, LMD Technician  
Ann Shirnberg, Planning Administrative Assistant

**MOTION:** Commissioner Whitney moved, seconded by Commissioner Venuti to amend the agenda to adopt the 01/26/26 Plat Committee agenda and add the items to the PC agenda and move Forest Acres Subdivision Seward Gateway Properties to the start of new business.

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

### **MOTION PASSED BY UNANIMOUS VOTE:**

Yes - 7	Brantley, Fikes, Gillham, Morgan, Slaughter, Whitney, Venuti
Absent – 1	Epperheimer

## **AGENDA ITEM C.      CONSENT & REGULAR AGENDA**

### **\*1      Time Extension Request**

- a. Marysville No. 5 Ellison 2024 Replat; KPB File 2023-143

### **\*2      Planning Commission Resolutions**

- a. PC Resolution 2026-13; Echo Hills Subdivision No. 2; KPB File 2025-008

### **\*3.      Administrative Approvals**

- a. Dairy Hill Subdivision Addition No. 1; KPB File 2023-057
- b. Hangar Subdivision; KPB File 2025-086
- c. Nikiski Village Subdivision Kennedy Addition No. 2; KPB File 2025-060
- d. Sutton Subdivision, KPB File 2024-114R1

**\*6. Commissioner Excused Absences**

- a. Jeffrey Epperheimer, Nikiski District
- b. Vacant, City of Seward

**\*7. Minutes**

- a. January 5, 2026 Planning Commission Meeting Minutes
- b. January 5, 2026 Plat Committee Minutes

**\*8 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:

- Seward Original Townsite Budd Replat; KPB File 2025-183
- Burger Bush Homestead Subdivision 2026 Addition; KPB File 2025-185
- Ruth Haven Estates Debby's Addition; KPB File 2025-167
- Tulin Terrace Sub West Terrace Unit 1 Floyd 2026 Replat; KPB File 2025-141

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

**MOTION:** Commissioner Whitney moved, seconded by Commissioner Fikes to approve the consent and regular agendas, granting preliminary approval to the grouped plats based on staff recommendations and compliance to borough code, adopting and incorporating by reference the staff reports.

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

**MOTION PASSED BY UNANIMOUS VOTE:**

Yes - 7	Brantley, Fikes, Gillham, Morgan, Slaughter, Whitney, Venuti
Absent – 1	Epperheimer

**PRELIMINARY PLAT  
SEWARD ORIGINAL TOWNSITE BUDD REPLAT**

<b>KPB File No.</b>	2025-183
<b>Plat Committee Meeting:</b>	January 26, 2026
<b>Applicant / Owner:</b>	Eric Budd & Kay Spear-Budd
<b>Surveyor:</b>	Jerry Johnson / Johnson Surveying
<b>General Location:</b>	First Avenue / City of Seward
<b>Parent Parcel No.:</b>	148-050-03 and 148-050-23
<b>Legal Description:</b>	T 1S R 1W SEC 10 Seward Meridian SW 000001 ORIGINAL TOWNSITE OF SEWARD LOTS 29 AND 30, BLK 27
<b>Assessing Use:</b>	Residential Vacant
<b>Zoning:</b>	City of Seward Zoning - Single-Family Residential (R1)
<b>Water / Wastewater</b>	City Water & Sewer
<b>Exception Request</b>	None Requested

**\*APPROVED UNDER THE CONSENT AGENDA**

**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 & Karen A. Burger
<b>Surveyor:</b>	Jason Young / Edge Survey and Design, LLC
<b>General Location:</b>	Burger St., Bush Gardens Ave., & Beatrice Ann St. off Yukon Rd.

	Kasilof Area
<b>Parent Parcel No.:</b>	133-083-37 & 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
<b>Exception Request</b>	None Requested

**\*APPROVED UNDER THE CONSENT AGENDA**

**PRELIMINARY PLAT  
RUTH HAVEN ESTAETS DEBBY'S ADDITION**

<b>KPB File No.</b>	2025-167
<b>Plat Committee Meeting:</b>	January 26, 2026
<b>Applicant / Owner:</b>	Debra M. Hansen
<b>Surveyor:</b>	Jason Young / Edge Survey and Design, LLC
<b>General Location:</b>	Onyx Ave. & Spruce Haven St., off Miller Loop Rd. / Nikiski Area

<b>Parent Parcel No.:</b>	015-180-10
<b>Legal Description:</b>	T 7N R 12W SEC 25 Seward Meridian KN 0760131 RUTH HAVEN ESTATES SUB LOT 4 BLK 4
<b>Assessing Use:</b>	Residential Dwellings
<b>Zoning:</b>	Rural Unrestricted
<b>Water / Wastewater</b>	On-Site
<b>Exception Request</b>	None Requested

**\*APPROVED UNDER THE CONSENT AGENDA**

**PRELIMINARY PLAT  
TULIN TERRACE SUB. WEST TERRACE UNIT 1 FLOYD 2026 REPLAT**

<b>KPB File No.</b>	2025-141
<b>Plat Committee Meeting:</b>	January 26, 2026
<b>Applicant / Owner:</b>	Craig & Susan Floyd Family Trust
<b>Surveyor:</b>	Katherine Kirsis / Seabright Survey & Design
<b>General Location:</b>	Tulin Bluff West Ct., Tulin Bluff East Ct. / City of Homer

<b>Parent Parcel No.:</b>	173-090-37 and 173-090-38
<b>Legal Description:</b>	T 6S R 13W SEC 18 SEWARD MERIDIAN HM 2002003 TULIN TERRACE SUB WEST TERRACE UNIT 1 LOTS 55 & 56
<b>Assessing Use:</b>	Residential Improved Land
<b>Zoning:</b>	City of Homer Rural Residential District
<b>Water / Wastewater</b>	City / On-Site
<b>Exception Request</b>	None Requested

**\*APPROVED UNDER THE CONSENT AGENDA**

**AGENDA ITEM E.      NEW BUSINESS**

**ITEM #1 - PRELIMINARY PLAT  
FOREST ACRES SUBDIVISION SEWARD GATEWAY PROPERTIES**

<b>KPB File No.</b>	2025-178
<b>Plat Committee Meeting:</b>	January 26, 2026
<b>Applicant / Owner:</b>	City of Seward / Robert Williams / Travis E. Maurer

<b>Surveyor:</b>	Stacy Wessel / AK Lands, Land Surveying LLC
<b>General Location:</b>	Seward South of Resurrection River
<b>Parent Parcel No.:</b>	145-021-33; 145-021-40; 145-021-42; and 145-026-01
<b>Legal Description:</b>	<p><b>145-021-33:</b> T 1N R 1W SEC 34 Seward Meridian SW THAT PORTION OF US SURVEY NO 149 BEGIN AT POINT ON THE NORTHERLY LINE OF SAID SURVEY, NORTH 63 DEGREES 41' E 1178.10 FT FROM CORNER NO 2 THEREOF, POB; THENCE S 54 DEGREES 31' E 251.62 FT TO WESTERLY ROW LINE OF ALASKA RAILROAD; THENCE S 29 DEGREES 10' W ALONG WESTERLY ROW LINE 521.21 FT; THENCE N 54 DEGREES 31' W 586.7 FT TO NORTHERLY BOUNDARY OF SAID SURVEY; THENCE N 63 DEGREES 41' E 587.8 FT TO POB, EXCLUDING THE SEWARD HIGHWAY ROW AND THE ALASKA RAILROAD ROW.</p> <p><b>145-021-40:</b> T 1N R 1W SEC 34 SEWARD MERIDIAN SW 2012017 FOREST ACRES SUB LEVEE REPLAT LOT B1</p> <p><b>145-021-42:</b> T 1N R 1W SEC 34 SEWARD MERIDIAN SW 2012017 FOREST ACRES SUB LEVEE REPLAT TRACT 5B</p> <p><b>145-026-01:</b> T 1N R 1W SEC 34 SEWARD MERIDIAN SW 0860010 FORT RAYMOND SUB LOT 13</p>
<b>Assessing Use:</b>	145-021-33; 145-021-40; and 145-021-42: Commercial Vacant 145-026-01: Residential Vacant
<b>Zoning:</b>	City of Seward Zoning
<b>Water / Wastewater</b>	Onsite
<b>Exception Request</b>	KPB 20.30.120 - Street Width Requirements

Staff report given by Platting Manager Vince Piagentini.

Commissioner 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 Whitney moved, seconded by Commissioner Venuti to grant preliminary approval to Forest Acres Subdivision Seward Gateway Properties based on 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 to KPB 20.30.120 – Street Width Requirements, citing findings 1-5 in support of standard one, findings 6-8 in support of standard two and findings 9-12 in support of standard three.

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

**EXCEPTION REQUEST MOTION PASSED BY UNANIMOUS VOTE:**

Yes - 7	Brantley, Fikes, Gillham, Morgan, Slaughter, Whitney, Venuti
Absent – 1	Epperheimer

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

**MAIN MOTION PASSED BY UNANIMOUS VOTE:**

Yes - 7	Brantley, Fikes, Gillham, Morgan, Slaughter, Whitney, Venuti
Absent – 1	Epperheimer

**ITEM #2 – CONDITIONAL USE PERMIT  
FOR THE PLACEMENT OF FILL WITHIN THE 50' HABITAT PROTECTION DISTRICT  
OF BISHOP CREEK**

<b>PC Resolution No.</b>	2026-09
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<b>Planning Commission Meeting:</b>	January 26, 2026
<b>Applicant:</b>	State of Alaska Department of Transportation
<b>Physical Location</b>	MP 35 Kenai Spur Highway

Staff report given by Planner Morgan Aldridge.

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

**MOTION:** Commissioner Slaughter moved, seconded by Commissioner Whitney to adopt Planning Commission Resolution 2026-09 granting a conditional use permit pursuant to KPB 21.18 for the placement of riprap within the 50' Habitat Protection District of Bishop Creek

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

**MOTION PASSED BY UNANIMOUS VOTE:**

Yes - 7	Brantley, Fikes, Gillham, Morgan, Slaughter, Whitney, Venuti
Absent – 1	Epperheimer

**ITEM #3 – CONDITIONAL USE PERMIT  
FOR THE CONSTRUCTION OF MSE WALL & CULVERT OUTFALL WITHIN THE 50' HABITAT  
PROTECTION DISTRICT OF THE SNOW RIVER**

<b>PC Resolution No.</b>	2025-35
<b>Planning Commission Meeting:</b>	January 26, 2026
<b>Applicant:</b>	State of Alaska Department of Transportation
<b>KPB Parcel Number</b>	12534009
<b>Legal Description:</b>	T02N R01E SEC 6 SM SW W1/2 OF SEC 6, 7 & 18

Staff report given by Planner Morgan Aldridge.

Chair Brantley opened the item for public comment.

Rori Van Nortwick, Engineer, AK DOT&PF: Ms. Van Nortwick is the engineer for this project and made herself available for questions.

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

**MOTION:** Commissioner Morgan moved, seconded by Commissioner Gillham to adopt Planning Commission Resolution 2025-35 granting a conditional use permit pursuant to KPB 21.18 the construction of MSE wall & culvert outfall within the 50' Habitat Protection District of the Snow River

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

**MOTION PASSED BY UNANIMOUS VOTE:**

Yes - 7	Brantley, Fikes, Gillham, Morgan, Slaughter, Whitney, Venuti
Absent – 1	Epperheimer

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

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

**AGENDA ITEM J. DIRECTOR'S COMMENTS**

Director Ruffner informed the commission that Karina England (Commissioner from the City of Seward)

had submitted a letter of resignation and that the seat is now open. He noted the KPB will be working with the City of Seward to find a replacement.

**AGENDA ITEM K.      ADJOURNMENT**

Commissioner Venuti moved to adjourn the meeting at 7:52 P.M.

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Ann E. Shirnberg  
Administrative Assistant

UNAPPROVED

## **E. NEW BUSINESS**

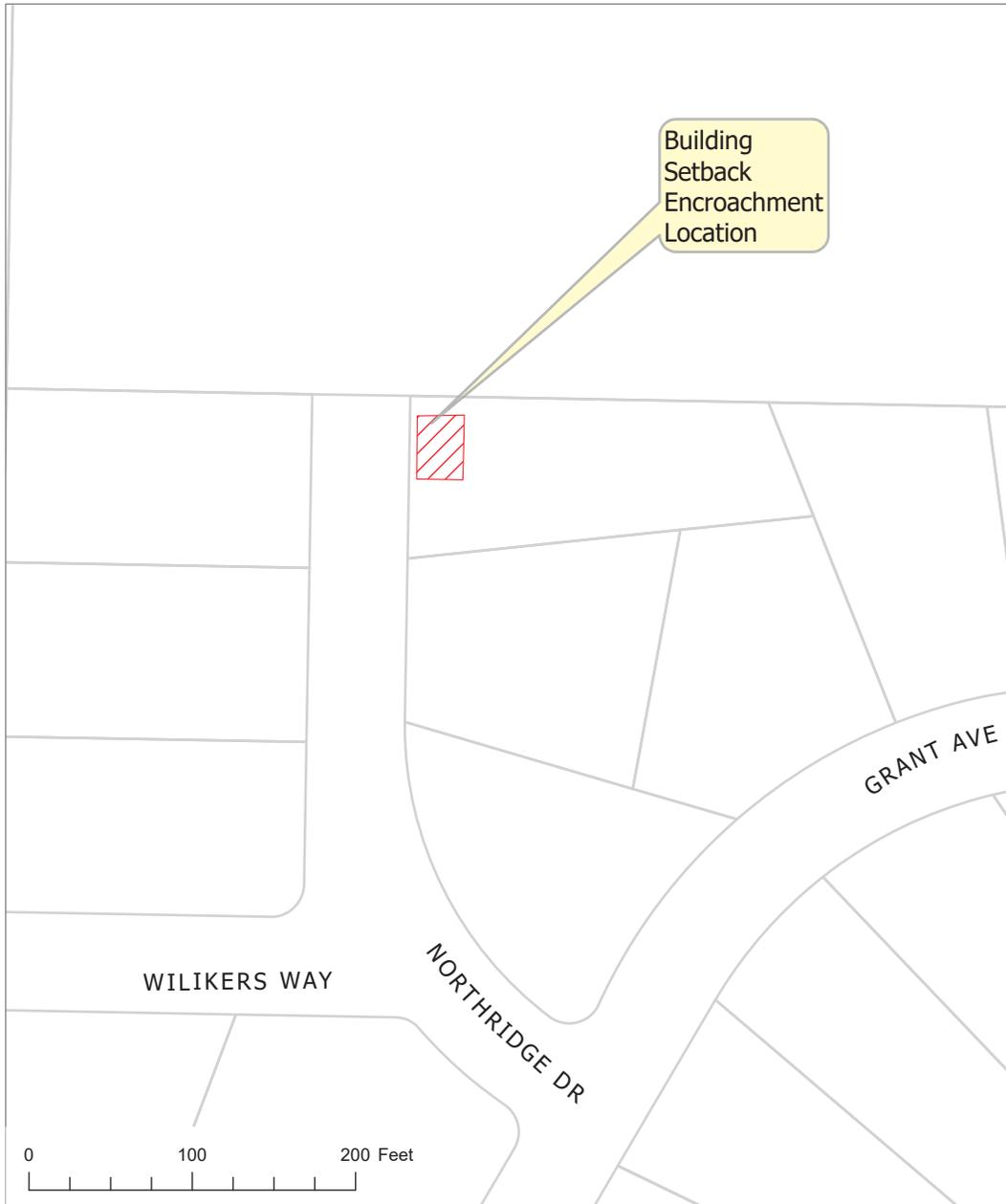
### **1. Building Setback Encroachment Permit**

**KPB File 2026-001; PC Resolution 2026-11**

**Segesser Surveys / Milliron**

**Request: Permits a portion of the garage to remain within the 20' building setback on the western lot line along Northbridge Dr. on Lot 1 Block 5 Willow Brook North Addition, Plat KN 98-42**

**Kalifornsky Area**

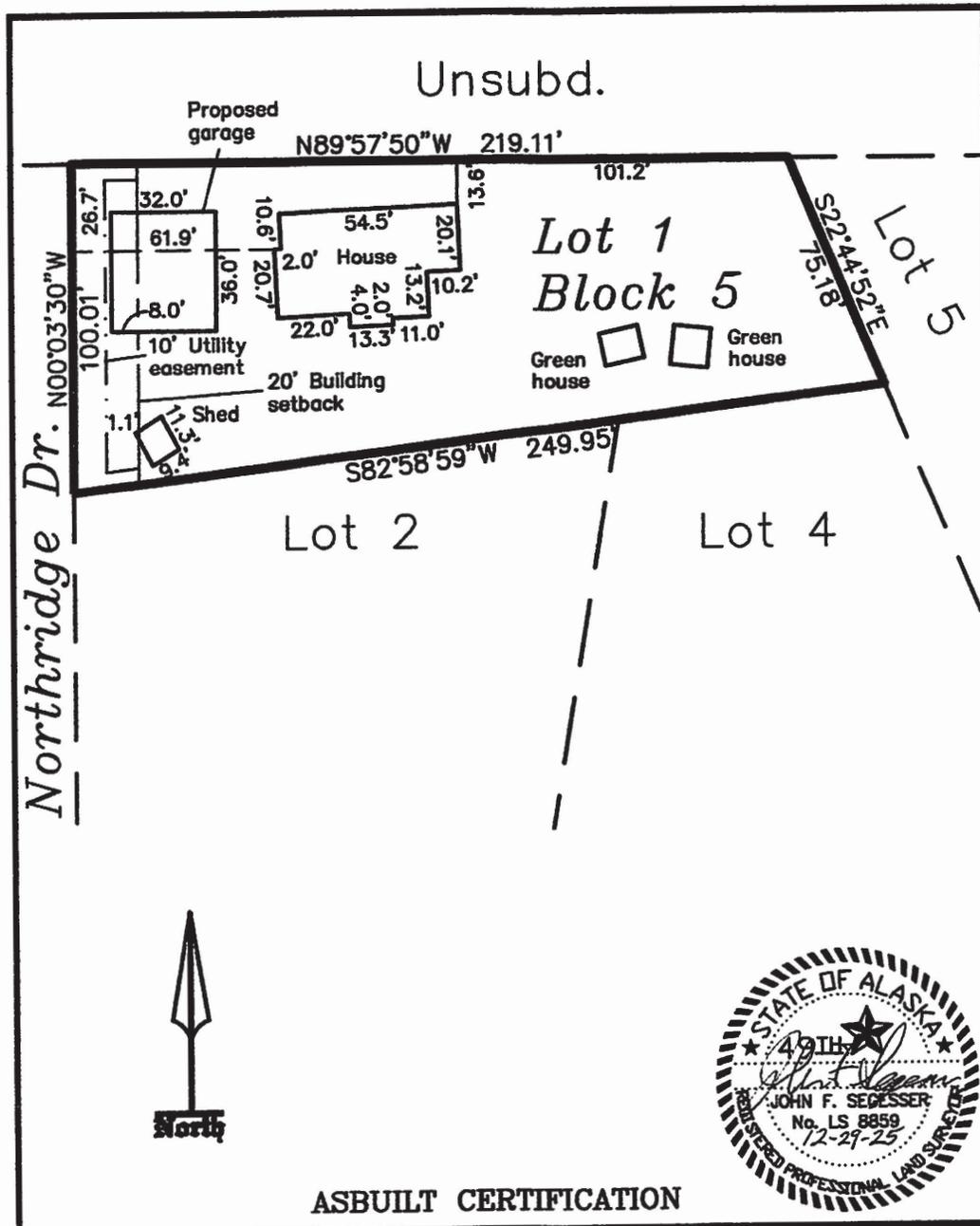


KPB File 2026-001  
T05N R11W SEC15  
Kalifornsky

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.



<b>LEGEND</b>			I hereby certify that I have surveyed the following described property: <div style="text-align: center; border-bottom: 1px solid black; margin: 5px 0;"> <b>Lot 1 Block 5</b> </div> <div style="text-align: center; border-bottom: 1px solid black; margin: 5px 0;"> <b>Willow Brook North Addition</b> </div> and that no encroachments exist except as indicated. <b>Exclusion Note:</b> It is the responsibility of the Owner to determine the existence of any easements, covenants, or restrictions which do not appear on the recorded subdivision plat. Under no circumstances should any data hereon be used for construction or for establishing boundary or fence lines.
● Found Rebar			
KENAI RECORDING DISTRICT	Plat: 98-42		
Date: 12-19-25	Scale: 1"=50'	Drawn: JFS	
Job: 24174	Book: 24-2		
<b>SEGESSER SURVEYS</b> 30485 ROSLAND ST. SOLDOTNA, AK 99889 (907) 282-3909			

KPB 2026-001

AGENDA ITEM E. NEW BUSINESS

ITEM #1. – BUILDING SETBACK ENCROACHMENT PERMIT  
LOT 1, BLOCK 5, WILLOW BROOK NORTH ADDITION, PLAT KN 98-42

<b>KPB File No.</b>	2026-001
<b>Planning Commission Meeting:</b>	February 9, 2026
<b>Applicant / Owner:</b>	Stephen D. and Randy M. Milliron of Soldotna, Alaska
<b>Surveyor:</b>	John Segesser, Segesser Surveys
<b>General Location:</b>	Northridge Drive, off of Even Lane, north of Kalifornsky Beach Road

<b>Parent Parcel No.:</b>	055-041-19
<b>Legal Description:</b>	T 5N R 11W SEC 15 Seward Meridian KN 0980042 WILLOW BROOK NORTH ADDN LOT 1 BLK 5
<b>Assessing Use:</b>	Residential Dwelling
<b>Zoning:</b>	Rural Unrestricted
<b>Resolution</b>	2026-11

**STAFF REPORT**

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

The building setback encroachment permit application is for a portion of a building setback that is an undeveloped wooded section between the end of Northridge Drive and State DNR land.

A Building Setback Encroachment Permit was originally approved on 10/30/2024 by the Planning Commission. Construction of the garage was not completed within the one year time limit of the application and is still not complete. A new request must be completed, which is the reason for this submittal.

**Site Investigation:**

The submitted as-built depicts multiple existing structures on the property and a proposed garage. The two structures located on the west of the lot encroach into the 20-foot building setback along Northridge Drive.

The 9.4-foot by 11.3-foot shed encroaches approximately 1.1 feet into the 20-foot building setback. The proposed 32-foot by 36-foot garage is shown encroaching 8 feet into the building setback when complete.

Northridge Drive is a 60-foot dedication that is constructed and borough-maintained up to the south edge of Lot 1, Block 5, and Lot 1, Block 7, Plat KN 98-42. At the south edge of Lot 1 Block 5 and Lot 1 Block 7 the road stops and continues as driveways into the respective properties.

The sight distance along Northridge Drive is not currently impacted by the encroachments as the road is straight. A future extension of Northridge Drive is feasible, and depending on the design, the proposed garage may create a sight distance concern because of its location near the corner of the lot.

**Staff Analysis:**

Willow Brook North Addition (KN 98-42), subdivided the SE1/4 SE1/4 of Section 15 and a part of NE1/4 NE1/4 of Section 22, both within Township 5 North, Range 11 West, Seward Meridian, Alaska. The subdivision created the affected parcel, Lot 1, Block 5, located along the northern boundary of the subdivision. The parent plat also dedicated Northridge Drive from Grant Avenue to the adjacent DNR-owned parcel to the north and required a 20-foot building setback from all street rights-of-way.

The subject parcel is 20,000 square feet (0.46 acres). Portions of the lot appear to contain developable areas where the garage could be constructed outside of the building setback.

Based on KPB GIS contours data, the terrain of the subject lot is relatively flat, with a slight slope toward the north.

No wetlands affect the subject area according to KPB GIS data.

Currently, Northridge Drive provides access to six developed parcels and ends at the northern boundary adjacent to the State of Alaska DNR parcel. Northridge Drive is one of two access points to the DNR parcel, the other being Phillips Drive to the east. The approximately 32-acre parcel could be developed in the future, and the two rights-of-way could be connected. Additionally, the Kenai River abuts the DNR parcel, and Northridge Drive may serve as a future access point to the river.

KPB Code Compliance officer has recommended relocating the garage outside of the building setback, as its current placement would block potential future access to the DNR parcel (PIN 05503107).

On October 28, 2024, the Planning Commission reviewed and granted conditional approval of the referenced building setback encroachment permit via Resolution 2024-16. Conditions included recording a current as-built within one year of approval. A current as-built depicting the constructed garage has not been submitted, resulting in the file expiring on October 28, 2025.

On January 2, 2026, the Platting Department received a building setback encroachment permit application with an as-built dated December 19, 2025. This as-built includes two greenhouses on the east side of the subject lot that were not depicted on the original as-built; all other information remains unchanged.

**Applicant Discussion:**

The building setback encroachment permit application is for a portion of a building setback that is an undeveloped wooded section between the end of Northridge Drive and State DNR land. Originally approved on 10/30/2024. Construction was not completed within one year. Request a renewal. The greenhouse previously on the right-of-way has been moved to the east side of the property.

**Applicant Findings:**

1. It is an undeveloped road and therefore there is no road maintenance.
2. This section of the right of way is straight and relatively flat.
3. The encroachment is on the east side with no interference of sight lines.
4. There is no travel through this area; therefore, there is no safety hazard.
5. The shed located on the south of the lot will be moved in the spring.
6. If the road is developed in the future, the garage will be 10-feet back of the right-of-way and not interfere with road maintenance, sight lines, or create any safety hazards.

**Staff Discussion:**

KPB 20.10.110 (A) Unless otherwise regulated by city zoning ordinances of properties within its boundaries, any person desiring to construct, or cause, an encroachment within a building setback shall apply for a building setback encroachment permit to the planning department. Failure to obtain an encroachment permit is subject to remedies set forth in KPB 20.10.030.

KPB 20.90.010

- "Building setback" is the area of the lot where permanent structures are not allowed. The purpose of the setback is to promote safe public access, areas for emergency response, and traffic sight distance.
- "Permanent structures" for purposes of the building setback shall mean anything of a permanent nature that requires footings, foundations or pilings. Improvements of a minor nature that do not interfere with the sight distance from the right-of-way are allowed. Examples of allowable improvements are well casings, low retaining walls, vent pipes, individual mailboxes, address sign posts and transparent fencing such as metal chain link.

**Staff Findings for the Commission's review:**

7. The 9.4-foot by 11.3-foot shed encroaches approximately 1.1 feet into the 20-foot building setback.
8. The proposed 32-foot by 36-foot garage encroaches 8 feet into the building setback.
9. In 1998, Willow Brook North Addition (KN 98-42) dedicated Northridge Drive from Grant Avenue to the adjacent DNR-owned parcel to the north.
10. The parent plat (KN 98-42) required a 20-foot building setback from all street rights-of-way.
11. The subject parcel is 20,000 square feet (0.46 acres).
12. The subject parcel has a septic system and field located on the property.
13. Northridge Drive is a 60-foot dedication that is constructed and borough-maintained until the south edge of Lot 1, Block 5, and Lot 1, Block 7, Plat KN 98-42. The unconstructed portion appears to continue as driveways into the respective properties.
14. Currently, Northridge Drive dedication accesses six developed parcels and ends at the north, adjacent to an unsubdivided parcel.
15. The adjacent parcel to the north is 32.20 acres and is owned by the State of Alaska Department of Natural Resources.
16. The sight distance along Northridge Drive is not currently impacted by the encroachments as the road is straight.
17. Based on KPB GIS contours data, the terrain of the subject lot is relatively flat, with a slight slope toward the north.
18. No wetlands affect the subject area according to KPB GIS data.
19. KPB 20.90.010 "Building setback" is the area of the lot where permanent structures are not allowed. The purpose of the setback is to promote safe public access, areas for emergency response, and traffic sight distance.
20. "Permanent structures" for purposes of the building setback shall mean anything of a permanent nature that requires footings, foundations or pilings.

**20.10.110. – Building setback encroachment permits.**

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

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

1. The building setback encroachment may not interfere with road maintenance.
  2. The building setback encroachment may not interfere with sight lines or distances.
  3. The building setback encroachment may not create a safety hazard.
- F. The granting of a building setback encroachment permit will only be for the portion of the improvement or building that is located within the building setback and the permit will be valid for the life of the structure or for a period of time set by the Planning Commission. The granting of a building setback permit will not remove any portion of the 20 foot building setback from the parcel.
- G. The Planning Commission shall approve or deny a building setback encroachment permit. If approved, a resolution will be adopted by the planning commission and recorded by the planning department within the time frame set out in the resolution to complete the permit. The resolution will require an exhibit drawing showing, and dimensioning, the building setback encroachment permit area. The exhibit drawing shall be prepared, signed and sealed, by a licensed land surveyor.

**KPB department / agency review:**

KPB Roads Dept. comments	<p>Out of Jurisdiction: No</p> <p>Roads Director: Uhlin, Dil</p> <p>Comments: RSA has no objections at this. Building is in the setback.</p>
SOA DOT comments	No Response
KPB River Center review	<p>A. Floodplain</p> <p>Reviewer: Hindman, Julie</p> <p>Floodplain Status: IS in flood hazard area</p> <p>Comments: This is within a non-regulatory X-Unshaded Zone, which is an area of minimal flood hazard. As this is in regards to a setback, Floodplain has no comment.</p> <p>Flood Zone: X (unshaded)</p> <p>Map Panel: 02122C-0145F</p> <p>In Floodway: False</p> <p>Floodway Panel:</p> <p>B. Habitat Protection</p> <p>Reviewer: Aldridge, Morgan</p> <p>Habitat Protection District Status: Is NOT within HPD</p> <p>Comments: No comments</p>
State of Alaska Fish and Game	No Response
Addressing	<p>Reviewer: Pace, Rhealyn</p> <p>Affected Addresses: 37254 Northridge Dr.</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names: Northridge Dr.</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: No comment</p>
Code Compliance	<p>Reviewer: Ogren, Eric</p> <p>Comments: the existing structure is in violation of the 20 ft set back, allowing an exception would block future access to PIN 05503107. Recommend it be moved from the set back.</p>
LOZMS Planner	<p>Reviewer: Raidmae, Ryan</p> <p>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	Reviewer: Windsor, Heather

**RECOMMENDATION:**

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

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

1. Compliance with KPB 20.10.110 sections F and G.
2. Removal of all encroachments within the right-of-way dedication.
3. Providing a current as-built with recommended corrections as noted below, to be used as an exhibit drawing for Resolution 2026-11, prepared, signed, and sealed by a licensed land surveyor.
4. Failure to provide an as-built so that it may be recorded within one year approval will result in a new application, hearing, and approval.
5. Additional encroachments found on the new as-built will require a new hearing.

**STAFF RECOMMENDATIONS**

**CORRECTIONS / EDITS**

- o Provide confirmation of the shed being removed from the 20-foot building setback.
- o Provide confirmation of structure removal from right-of-way.
- o Include the Recorded Plat Number within the legal description

**NOTE:**

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

**END OF STAFF REPORT**

**KENAI PENINSULA BOROUGH PLANNING COMMISSION  
RESOLUTION 2026-11  
KENAI RECORDING DISTRICT**

**A RESOLUTION GRANTING A BUILDING SETBACK ENCROACHMENT PERMIT  
TO A PORTION OF THE TWENTY-FOOT BUILDING SETBACK FOR LOT 1,  
BLOCK 5, WILLOW BROOK NORTH ADDITION, PLAT KN 98-42; LOCATED  
WITHIN S15, T05N, R11W; SEWARD MERIDIAN, ALASKA, WITHIN THE KENAI  
PENINSULA BOROUGH; KPB FILE NO. 2026-001**

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

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

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

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

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

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

**WHEREAS**, Stephen D and Randy M Milliron of Soldotna, Alaska (Petitioners), have requested a building setback encroachment permit for a proposed thirty-two-foot by thirty-six-foot garage, which encroaches approximately eight feet into the twenty-foot building setback along Northridge Drive, as established by Willow Brook North Addition (KN 98-42); and

**WHEREAS**, on Monday, February 9, 2026, the Planning Commission considered the background information, all comments received, and recommendations from KPB Planning Department staff regarding the proposed exception,

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

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

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

**SECTION 1.** That the petitioners have met the burden of proof with substantial evidence as to each of the three standards found in KPB 20.10.110(E) for the proposed garage along Northridge Drive.

**SECTION 2.** That an exception to the twenty-foot building setback requirement on Plat KN 98-42, Lot 1, Block 5, Willow Brook North Addition is hereby granted to accommodate only the encroaching portion of the proposed Garage based upon the following findings of fact:

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

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

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

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

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

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

**SECTION 6.** That this resolution is void if not recorded in the appropriate Recording District within one year of adoption.

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

**ADOPTED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2026.**

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

ATTEST:

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

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

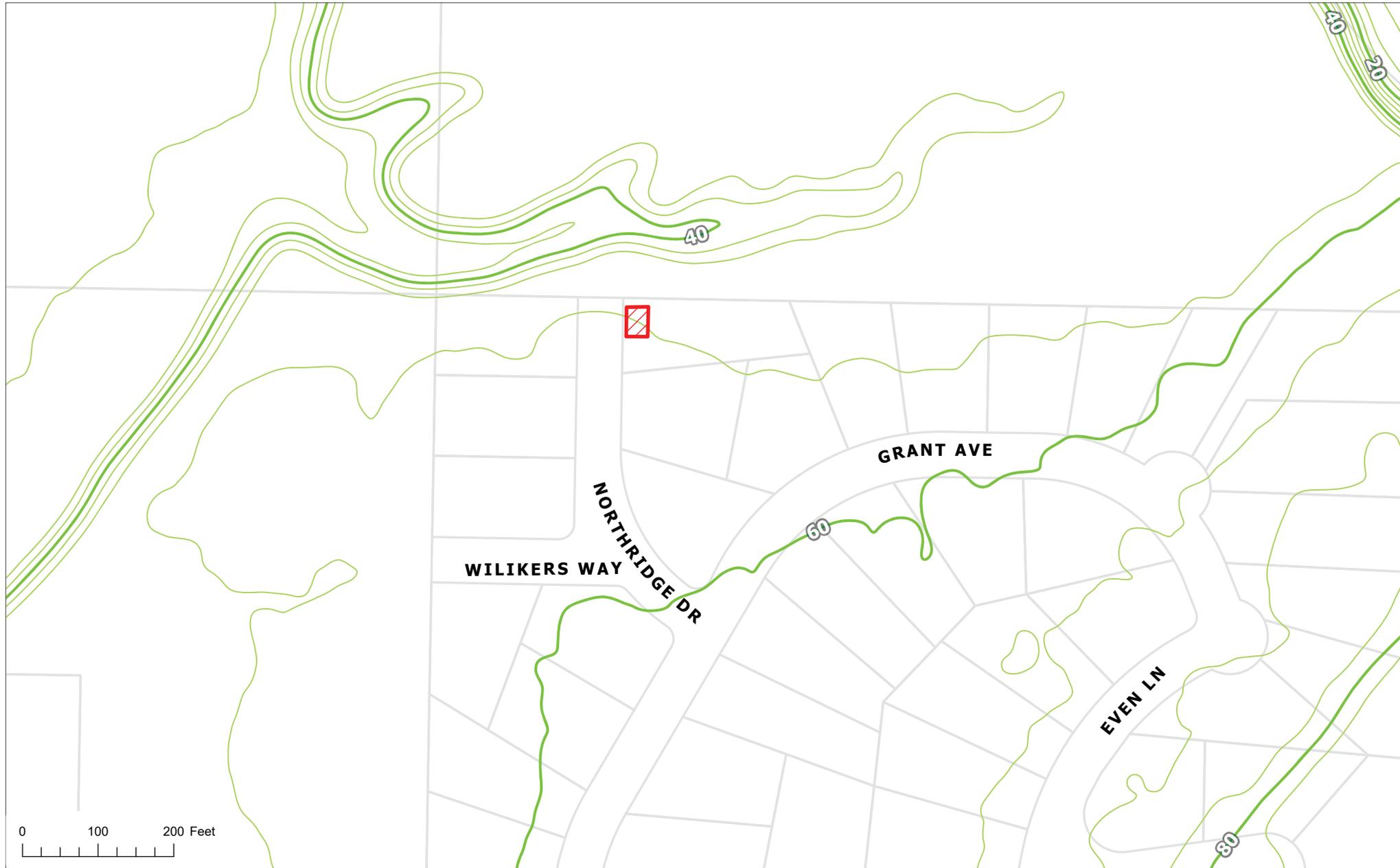




The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.

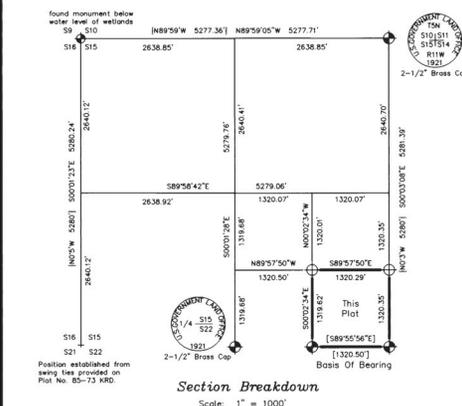


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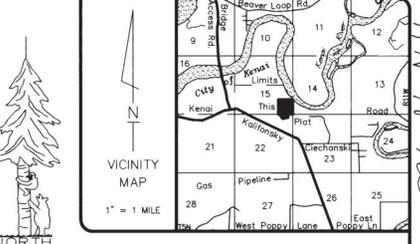
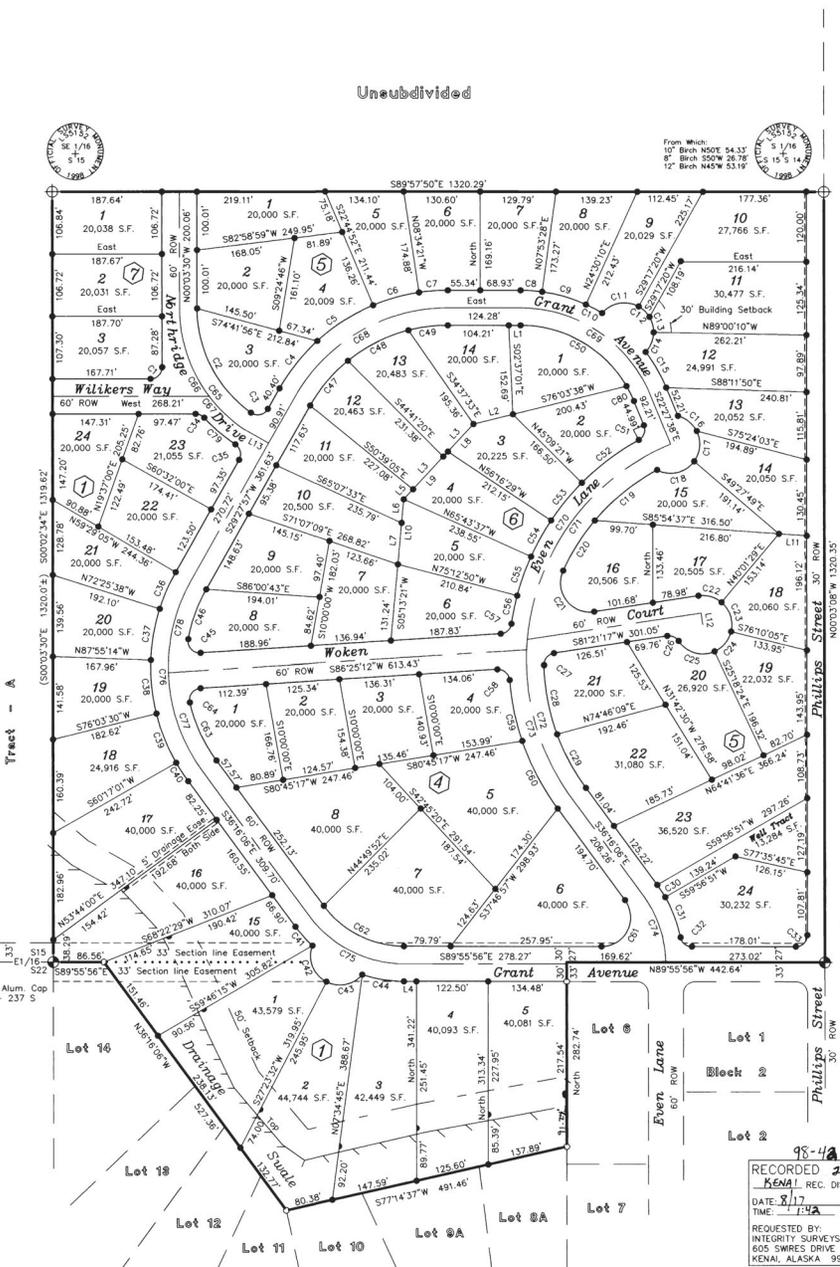
CURVE DATA				CURVE TABLE							
CURVE	DELTA	RADIUS	LENGTH	CHORD	CHORD BEARING	CURVE	DELTA	RADIUS	LENGTH	CHORD	CHORD BEARING
C1	90°03'30"	20.00'	31.44'	28.30'	N44°58'15"E	C41	10°51'50"	230.00'	43.61'	43.54'	S41°42'01"E
C2	54°22'19"	223.00'	708.77'	201.03'	S27°14'40"E	C42	83°30'48"	50.00'	72.50'	68.31'	S23°04'09"E
C3	96°06'14"	20.00'	33.55'	29.75'	N77°31'04"E	C43	76°50'49"	50.00'	67.06'	62.15'	N78°58'07"E
C4	18°01'44"	330.00'	103.84'	103.41'	S38°28'49"W	C44	18°04'44"	230.00'	72.57'	72.27'	S80°33'34"E
C5	19°45'28"	330.00'	113.80'	113.23'	S57°22'24"W	C45	103°45'02"	20.00'	36.22'	31.47'	S41°42'17"E
C6	14°10'30"	330.00'	81.64'	81.43'	S74°20'24"W	C46	19°17'43"	270.00'	80.93'	80.50'	S19°48'05"W
C7	08°34'21"	330.00'	49.37'	49.33'	S85°42'49"W	C47	21°20'56"	270.00'	100.60'	100.02'	S40°08'25"W
C8	07°53'28"	270.00'	37.19'	37.16'	N86°03'16"W	C48	24°45'22"	270.00'	116.66'	115.75'	S63°11'34"W
C9	16°36'42"	270.00'	78.28'	78.01'	N73°48'11"W	C49	14°25'45"	270.00'	68.00'	67.87'	S82°42'07"W
C10	06°19'09"	270.00'	31.34'	31.32'	N60°21'19"W	C50	89°45'50"	210.00'	219.08'	209.25'	N60°03'05"W
C11	79°11'44"	50.00'	69.11'	63.74'	S79°38'09"W	C51	83°37'14"	20.00'	29.19'	26.67'	N19°20'59"E
C12	30°02'41"	50.00'	76.22'	25.92'	N45°44'37"W	C52	16°18'57"	430.00'	122.45'	122.04'	S63°00'07"W
C13	31°43'06"	50.00'	82.68'	27.33'	N1°51'44"W	C53	11°07'07"	430.00'	83.44'	83.31'	S39°37'08"W
C14	42°36'16"	50.00'	97.18'	36.33'	N22°17'57"E	C54	09°27'08"	430.00'	70.94'	70.86'	S28°59'57"W
C15	15°03'10"	270.00'	70.83'	70.73'	N29°52'13"W	C55	09°29'13"	430.00'	71.20'	71.12'	S19°31'47"W
C16	48°58'03"	50.00'	72.23'	41.44'	N51°06'25"W	C56	06°32'22"	430.00'	49.08'	48.05'	S63°00'07"W
C17	62°48'40"	50.00'	54.81'	52.11'	N04°44'56"E	C57	78°10'24"	20.00'	22.22'	25.22'	N47°20'02"E
C18	81°33'35"	50.00'	71.17'	65.32'	N76°58'04"E	C58	89°00'38"	20.00'	31.07'	28.04'	N49°04'29"W
C19	21°26'54"	370.00'	138.51'	137.70'	S50°51'19"W	C59	14°11'34"	430.00'	106.52'	106.24'	S11°38'57"E
C20	19°45'28"	370.00'	101.76'	101.44'	S32°15'07"W	C60	17°30'22"	430.00'	131.38'	130.87'	S27°30'58"W
C21	123°03'06"	50.00'	107.35'	87.89'	S37°08'10"E	C61	108°20'10"	50.00'	110.25'	89.23'	N28°33'56"E
C22	48°40'12"	50.00'	42.47'	41.21'	N74°18'37"W	C62	53°39'50"	170.00'	159.22'	153.47'	S63°06'01"E
C23	63°48'26"	50.00'	55.68'	52.85'	N18°04'18"W	C63	23°20'51"	270.00'	110.02'	109.26'	S24°35'40"E
C24	52°30'15"	50.00'	45.92'	44.23'	N40°05'03"E	C64	99°20'27"	20.00'	34.68'	30.49'	S84°54'58"W
C25	79°18'29"	50.00'	69.50'	64.04'	S32°54'39"E	C65	96°24'39"	250.00'	246.14'	236.32'	S28°15'50"E
C26	64°37'23"	20.00'	22.56'	21.38'	N66°20'02"W	C66	37°04'35"	250.00'	161.78'	158.97'	S18°35'42"E
C27	82°43'01"	20.00'	28.87'	26.43'	S39°59'46"W	C67	18°20'04"	250.00'	84.36'	83.96'	S48°48'07"E
C28	18°41'39"	370.00'	120.72'	120.19'	S10°45'31"W	C68	60°23'03"	300.00'	316.98'	302.42'	S59°33'56"W
C29	16°12'43"	370.00'	104.69'	104.34'	S29°09'44"E	C69	67°33'22"	240.00'	282.91'	266.81'	N58°13'49"W
C30	06°14'24"	230.00'	25.05'	25.04'	N33°08'54"W	C70	65°03'33"	400.00'	454.20'	430.19'	S35°00'35"W
C31	18°27'46"	230.00'	74.11'	73.79'	N20°47'48"W	C71	62°32'19"	400.00'	436.80'	415.25'	S38°16'12"W
C32	72°22'00"	20.00'	27.36'	25.27'	S50°44'55"E	C72	41°16'09"	400.00'	286.11'	281.93'	S15°28'03"E
C33	90°11'00"	20.00'	31.48'	28.33'	N45°02'24"E	C73	38°44'54"	400.00'	270.52'	265.39'	S16°53'39"E
C34	47°57'10"	20.00'	16.74'	16.25'	N66°01'28"W	C74	35°21'32"	200.00'	123.43'	121.48'	N18°35'20"W
C35	86°56'06"	20.00'	30.00'	27.26'	N13°30'06"W	C75	53°29'50"	200.00'	187.32'	180.55'	S63°06'01"E
C36	11°53'35"	330.00'	68.50'	68.98'	S20°33'19"W	C76	65°44'03"	300.00'	344.19'	329.92'	S32°40'05"E
C37	15°29'36"	330.00'	89.23'	88.96'	S09°49'34"W	C77	34°29'18"	300.00'	180.58'	177.87'	S19°01'27"E
C38	16°01'16"	330.00'	92.27'	91.97'	S05°55'52"E	C78	31°14'45"	300.00'	163.60'	161.58'	S13°30'34"W
C39	15°46'29"	330.00'	90.86'	90.57'	S21°49'44"E	C79	11°25'19"	280.00'	70.48'	70.29'	S49°15'30"E
C40	06°33'07"	330.00'	37.74'	37.72"	S32°56'33"E	C80	07°46'32"	210.00'	78.50'	78.49'	N68°20'24"W



LINE	BEARING	DISTANCE
L1	East	20.07'
L2	S78°03'38"W	69.50'
L3	S42°41'23"W	76.11'
L4	N89°25'56"W	71.32'
L5	S42°41'23"W	23.38'
L6	S05°13'21"W	40.60'
L7	S05°13'21"W	71.15'
L8	S42°41'23"W	64.44'
L9	S42°41'23"W	111.15'
L10	S05°13'21"W	111.75'
L11	S85°54'37"E	47.92'
L12	N08°38'43"W	20.00'
L13	N60°32'07"W	46.46'

- LEGEND:**
- MONUMENT (found this survey)
  - 2-1/2" Alum. Cap. Monument (set)
  - 1-1/2" Alum. Cap Prop. Corner (found)
  - 5/8" Rebar (set)
  - Witness Corner 5/8" Rebar (set)
  - Record Datum - Corral Martin Subdivision Plat # 86-148 KR
  - Record Datum - Willow Brook Subdivision Phase 1 - Plat # 86-36 KR
  - Record Datum - GLO accepted 6/13/23
  - Block Number
  - 33' Section Line Easement Line

- NOTES:**
- Proposed land uses are recreational, residential, agricultural, and commercial.
  - 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.
  - Front 10 ft. adjacent to rights-of-way along with an additional 10 ft. within 5 ft. of the side lot lines 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.
  - No structures permitted within panhandle portion of flag lot 10 and the Well Tract within Block 5.
  - Portions of this subdivision is served by a community water system approved by Alaska Department of Conservation on 1998, Public Water Service ID # 249434 & 249442.
  - 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.
- M. J. ... Engineer License # 3200-E Date: 11/11/2018



**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 AND 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.

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

Clint D. Hall, individually & as President  
Hall Quality Builders, Inc.  
P. O. Box 2828  
Kenai, Alaska 99611

**NOTARY'S ACKNOWLEDGMENT**

SUBSCRIBED AND SWORN BEFORE ME this 24th DAY of July 1998 for \_\_\_\_\_

Notary Public for Alaska  
My Commission Expires 03/22/99

**PLAT APPROVAL**

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF May 26, 1998

KENAI PENINSULA BOROUGH  
Authorized Official

**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.

49th Star  
Clifford E. Baker  
No. 45-055  
L.S. 5152  
REGISTRATION No. DATE 14 AUGUST, 1998  
Cliff Baker  
REGISTERED LAND SURVEYOR

KPB FILE No. 98-086

**Willow Brook North Addition**

Located within the SE1/4 SE1/4 Sec. 15 & NE1/4, NE1/4 Sec. 22, T5N, R11W, S. M., Kenai Recording District, Kenai Peninsula Borough, Alaska.  
Containing 45,607 Acres

**Integrity Surveys**  
605 Swires Drive Kenai, Alaska 99611-8363  
SURVEYORS PHONE -- (907) 283-9047 FAX -- (907) 283-9071 PLANNERS

REQUESTED BY: INTEGRITY SURVEYS  
605 SWIRES DRIVE  
KENAI, ALASKA 99611

RECORDED 20  
REC. DIST. 19  
DATE 7/17/98 TIME 1:14 P.M.

JOB NO: 98049 REF: 96046 DRAWN: 17 June, 1998 CB  
SURVEYED: April-August, 1998 SCALE: 1" = 100'  
FIELD BK: 98-3 DISK: \D15\Willow Brook

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

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

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

**MOTION PASSED BY UNANIMOUS VOTE:**

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

**AGENDA ITEM E. NEW BUSINESS**

**ITEM #1. – BUILDING SETBACK ENCROACHMENT PERMIT  
WILLOW BROOK NORTH ADDITION LOT 1 BLOCK 5**

<b>KPB File No.</b>	2024-102
<b>Planning Commission Meeting:</b>	October 28, 2024
<b>Applicant / Owner:</b>	Steve & Randy Milliron / Soldotna
<b>Surveyor:</b>	John Segesser / Segesser Surveys
<b>General Location:</b>	North of Kalifornsky Beach Rd off of Even Ln
<b>Parent Parcel No.:</b>	055-041-19
<b>Legal Description:</b>	Lot 1 Block 5 Willow Brook North Addition KN 98-42
<b>Assessing Use:</b>	Residential
<b>Zoning:</b>	Rural Unrestricted
<b>Resolution</b>	2024-16

Staff report given by Platting Manager Vince Piagentini.

Chair Brantley opened the item for public comment.

Steve Milliron; P.O. Box 757 Soldotna, AK 99669: Mr. Milliron is the applicant and made himself available for questions.

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

**MOTION:** Commissioner Gillham moved, seconded by Commissioner Epperheimer to adopt Planning Commission Resolution 2024-16, granting a building setback encroachment permit to a portion of the 20-foot building setback on Lot 1, Block 5, Willow Brook North Addition, Plat KN 98-42, adopting and incorporating by reference the staff report, staff recommendations and citing findings 4, 6 & 9 in support of standard one, findings 5 & 9 in support of standard two and findings 5, 6 & 9 in support of standard three.

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

**MOTION PASS BY UNANIMOUS VOTE:**

Yes - 8	Brantley, Epperheimer, Fikes, Gillham, Morgan, Slaughter, Whitney, Venuti,
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**ITEM #2. – BUILDING SETBACK ENCROACHMENT PERMIT  
LUKE’S WILDERNESS ACRES LOT 8 / BRITTANY SPILLETT**

<b>KPB File No.</b>	2024-110
<b>Planning Commission Meeting:</b>	October 28, 2024
<b>Applicant / Owner:</b>	Brittany & Nick Spillett / Anchor Point, Alaska

AGENDA ITEM E. NEW BUSINESS

**ITEM #1. – BUILDING SETBACK ENCROACHMENT PERMIT  
WILLOW BROOK NORTH ADDITION LOT 1 BLOCK 5**

<b>KPB File No.</b>	2024-102
<b>Planning Commission Meeting:</b>	October 28, 2024
<b>Applicant / Owner:</b>	Steve & Randy Milliron / Soldotna
<b>Surveyor:</b>	John Segesser / Segesser Surveys
<b>General Location:</b>	North of Kalifornsky Beach Rd off of Even Ln

<b>Parent Parcel No.:</b>	055-041-19
<b>Legal Description:</b>	Lot 1 Block 5 Willow Brook North Addition KN 98-42
<b>Assessing Use:</b>	Residential
<b>Zoning:</b>	Rural Unrestricted
<b>Resolution</b>	2024-16

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**STAFF REPORT**

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

The existing right-of-way on the west side of the property is wooded land between the end of the Northridge Dr. and State Park land. The purpose for “building setback” does not apply to this section of the right-of-way.

**Site Investigation:**

There is an existing house and shed on the property. The shed is shown on the as-built as encroaching into the 20’ building setback line. The shed is 1.1’ into the building setback line.

There is a proposed garage shown encroaching across the building setback line. No distance across is given, but it looks to be approximately 9 feet into the building setback as it does not touch the 10’ utility easement.

According to KPB GIS data Northridge Dr stops at the south edge of Lot 1 Block 5. At the south edge of Lot 1 Block 5 and Lot 1 Block 7 across the street the road stops and continues as driveways into the respective properties. It appears borough maintenance stops with the road. No traffic can go through the right-of-way beyond the south end of Lot 1 Block 5 all traffic must turn around.

To the north of Lot 1 Block 5 and the entire north line of this subdivision is land owned by the State of Alaska DNR abutting to the Kenai River. This is one of two access points to the high side of the property, the rest is along the flats.

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**Staff Analysis:**

The subdivision of Willow Brook North Addition KN98-42 was platted from the SE1/4 SE1/4 Section 15 and a part of NE1/74 NE1/4 Section 22 both in Township 5 North, Range 11 West, SM, Kenai Recording District, Kenai Peninsula Borough, Alaska. Lot 1 Block 5 is located on the northern border of the subdivision.

The terrain of Lot 1 Block 5 is relatively flat with a slight slope to the north towards the DNR land.

The plat is in the Kalifornsky APC which is not currently active.

**Applicant Discussion:**

**Applicant Findings:**

1. East side of property contains the septic tank and leech field
2. Cost of extending the driveway to the east side of the lot
3. Lot is narrower on the east side and would limit the size of garage.

**Staff Findings:**

4. No traffic goes past property
5. Road is straight along this segment, not a sight distance issue
6. Garage location will not be a hazard to the public.
7. Shed should be moved to be out of setback
8. There looks to be room from house to garage, to place garage closer to house outside setback.
9. Road stops short of lot, only driveways in front of lot.
10. Setback line was created by Willow Brook North Addition KN98-42

**20.10.110. – Building setback encroachment permits.**

E. The following standards shall be considered for all building setback encroachment permit applications. Staff recommends the Commission select the findings they determine are applicable to the standards and vote on them:

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

**Findings 4, 6 & 9 appear to support this standard.**

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

**Findings 5 & 9 appear to support this standard.**

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

**Findings 5, 6 & 9 appear to support this standard.**

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

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

**KPB department / agency review:**

KPB Roads Dept. comments	<p>Out of Jurisdiction: No</p> <p>Roads Director: Griebel, Scott</p> <p>Comments: The RSA does not manage setback. The allowance presents little impact to the current level of development other than limited maintenance equipment turnaround space. However, Northridge Dr. termination provides access for the development of unsubdivided parcel 05503107 to the North and likely a portion of 05503101 to its West. This appears to be property prime for potential development, raising the likelihood of future ROW extension.</p>
SOA DOT comments	No comment
KPB River Center review	<p>A. Floodplain</p> <p>Reviewer: Hindman, Julie</p> <p>Floodplain Status: Not within flood hazard area</p>

	<p>Comments: Per the new FEMA maps, this is not within a flood hazard area.</p> <p>B. Habitat Protection</p> <p>Reviewer: Aldridge, Morgan  Habitat Protection District Status: Is NOT within HPD  Comments: No comments</p>
State of Alaska Fish and Game	
Addressing	<p>Reviewer: Leavitt, Rhealyn  Affected Addresses:  37254 NORTHRIDGE DR</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:  No other comments</p>
Code Compliance	<p>Reviewer: Ogren, Eric  Comments: No new construction should be allowed in the 20ft set back. The existing shed should be moved from the setback. The new construction should be designed as to preserve the setback.</p>
Planner	<p>Reviewer: Raidmae, Ryan  There are not any Local Option Zoning District issues with this proposed plat.</p> <p>Material Site Comments:  There are not any material site issues with this proposed plat.</p>
Assessing	<p>Reviewer: Windsor, Heather  Comments: No comment</p>
Advisory Planning Commission	

**Utility provider review:**

HEA	
ENSTAR	
ACS	
GCI	
SEWARD ELECTRIC	
CHUGACH ELECTRIC	
TELALASKA	

**RECOMMENDATION:**

Based on the standards to grant a building setback encroachment permit, **staff recommends** to grant approval for the portion of structures within the 20 foot building setback as shown on the 2024 as-built survey, subject to:

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

**NOTE:**

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

**END OF STAFF REPORT**

BUILDING SETBACK ENCROACHMENT PERMIT CHECKLIST  
complete items are marked with a check box - ☑

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**20.10.110. – Building setback encroachment permits.**

*Platting staff comments: Staff reviewed the plat and all the items required by 20.10.110 were met, unless otherwise noted below:*

- A. Unless otherwise regulated by city zoning ordinances of properties within its boundaries, any person desiring to construct, or cause, an encroachment within a building setback shall apply for a building setback encroachment permit to the planning department. Failure to obtain an encroachment permit is subject to remedies set forth in KPB 20.10.030.
- B. A permit fee shall be charged for building setback encroachment permit as provided in the current approved Kenai Peninsula Borough Schedule of Rates, Charges and Fees. A person who fails to apply for, and obtain, a building setback encroachment permit prior to an enforcement notice being issued pursuant to KPB 21.50.100 is subject to enforcement.
- C. All building setback encroachments, including those that pre-date the effective date of this ordinance, must apply for a building setback encroachment permit. Permits for building setback encroachments that existed prior to the effective date of this ordinance shall pay the same permit fee as applies to permits received prior to placement or construction of the encroachment.
- D. When the building setback encroachment permit application is complete, it will be scheduled for the next available planning commission meeting.
- E. The following standards shall be considered for all building setback encroachment permit applications:
  - 1. The building setback encroachment may not interfere with road maintenance.
  - 2. The building setback encroachment may not interfere with sight lines or distances.
  - 3. The building setback encroachment may not create a safety hazard.
- F. The granting of a building setback encroachment permit will only be for the portion of the improvement or building that is located within the building setback and the permit will be valid for the life of the structure or for a period of time set by the Planning Commission. The granting of a building setback permit will not remove any portion of the 20 foot building setback from the parcel.
- G. The planning commission shall approve or deny a building setback encroachment permit. If approved, a resolution will be adopted by the planning commission and recorded by the planning department within the time frame set out in the resolution to complete the permit. The resolution will require an exhibit drawing showing, and dimensioning, the building setback encroachment permit area. The exhibit drawing shall be prepared, signed and sealed, by a licensed land surveyor.
- H. A decision of the planning commission may be appealed to the hearing officer by a party of record, as defined by KPB 20.90, within 15 days of the date of notice of decision in accordance with KPB 21.20.250.

END OF BUILDING SETBACK ENCROACHMENT PERMIT CHECKLIST

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## KENAI PENINSULA BOROUGH PLANNING COMMISSION NOTICE OF BUILDING SETBACK ENCROACHMENT PERMIT

Public notice is hereby given that a building setback encroachment permit application was received on 1/7/2026. You are being sent this notice because you are within 300 feet of the subject parcel and are invited to comment.

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

Request / Affected Property: Permits a 32' X 36' garage to remain approximately 10' within the 20' building setback located on the western lot line along Northbridge Dr.

KPB File No. 2026-001

Petitioner(s) / Land Owner(s): Stephen D and Randy M Milliron of Soldotna, AK.

Purpose as stated in petition: The building setback encroachment permit application is for a portion of a building setback that is an undeveloped wooded section between the end of North Ridge Dr and State DNR land. It is an undeveloped road and therefore no maintenance is performed. This section of the right of way is straight and relatively flat. The encroachment is on the east side with no interference of sight lines. Because there is no travel through this area there is no safety hazard created. If a road is developed in the future the garage will be 10 feet back of the right of way and not interfere with road maintenance, sight lines, or create any safety hazards

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

Public hearing will be held by the Kenai Peninsula Borough Planning Commission on **Monday, February 9, 2026**, commencing at **7:30 p.m.**, or as soon thereafter as business permits. The meeting is being held in person at the Betty J. Glick Assembly Chambers of the Kenai Peninsula Borough George A. Navarre Administration Building, 144 N. Binkley Street, Soldotna, Alaska. This meeting will also be held via Zoom, or other audio or video conferencing means whenever technically feasible.

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

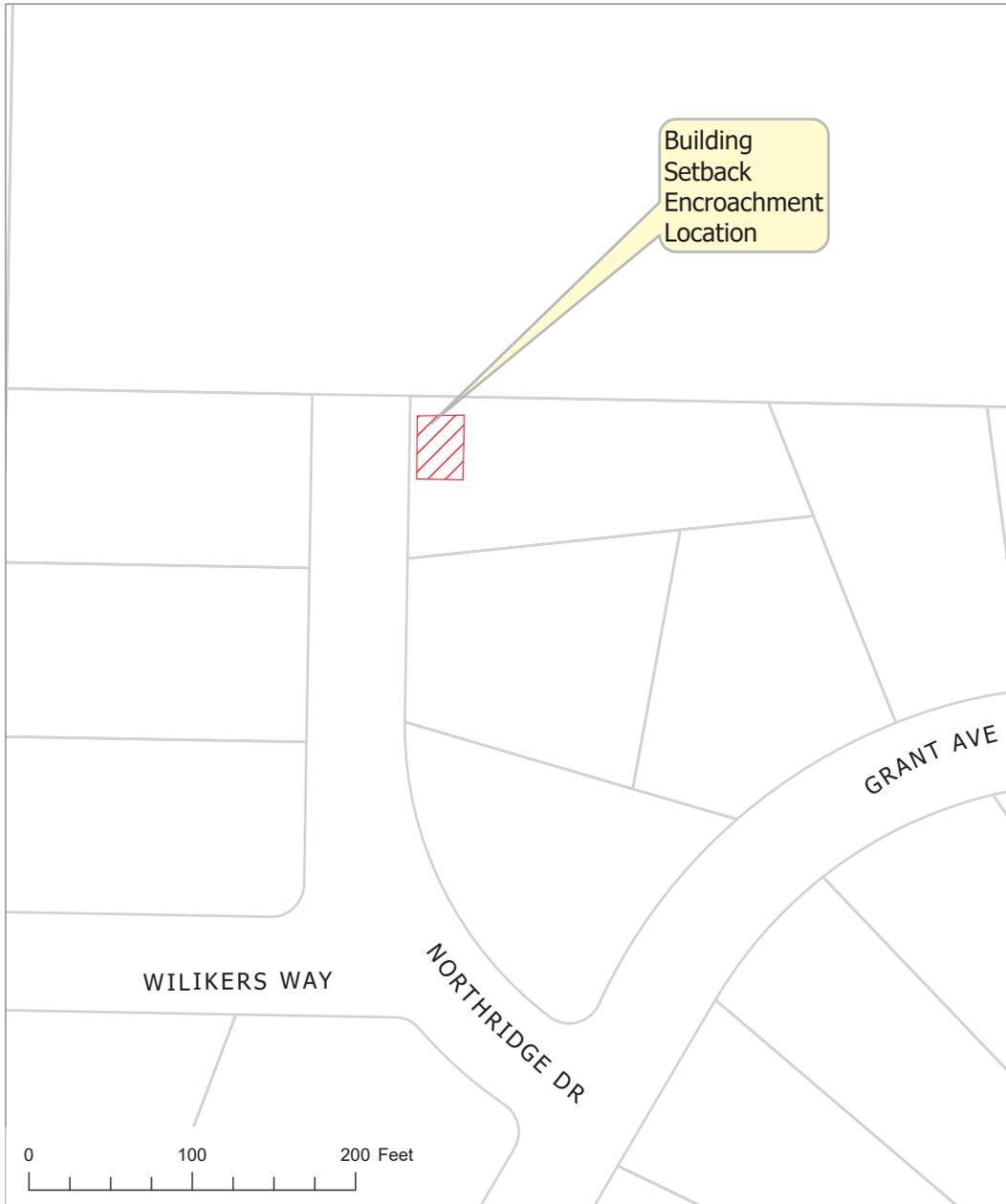
Anyone wishing to testify may attend the meeting in person or through Zoom. Written testimony may be submitted by email to [planning@kpb.us](mailto:planning@kpb.us), or mailed to the attention of Beverly Carpenter, Kenai Peninsula Borough Planning Department, 144 N. Binkley Street, Soldotna, Alaska 99669.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

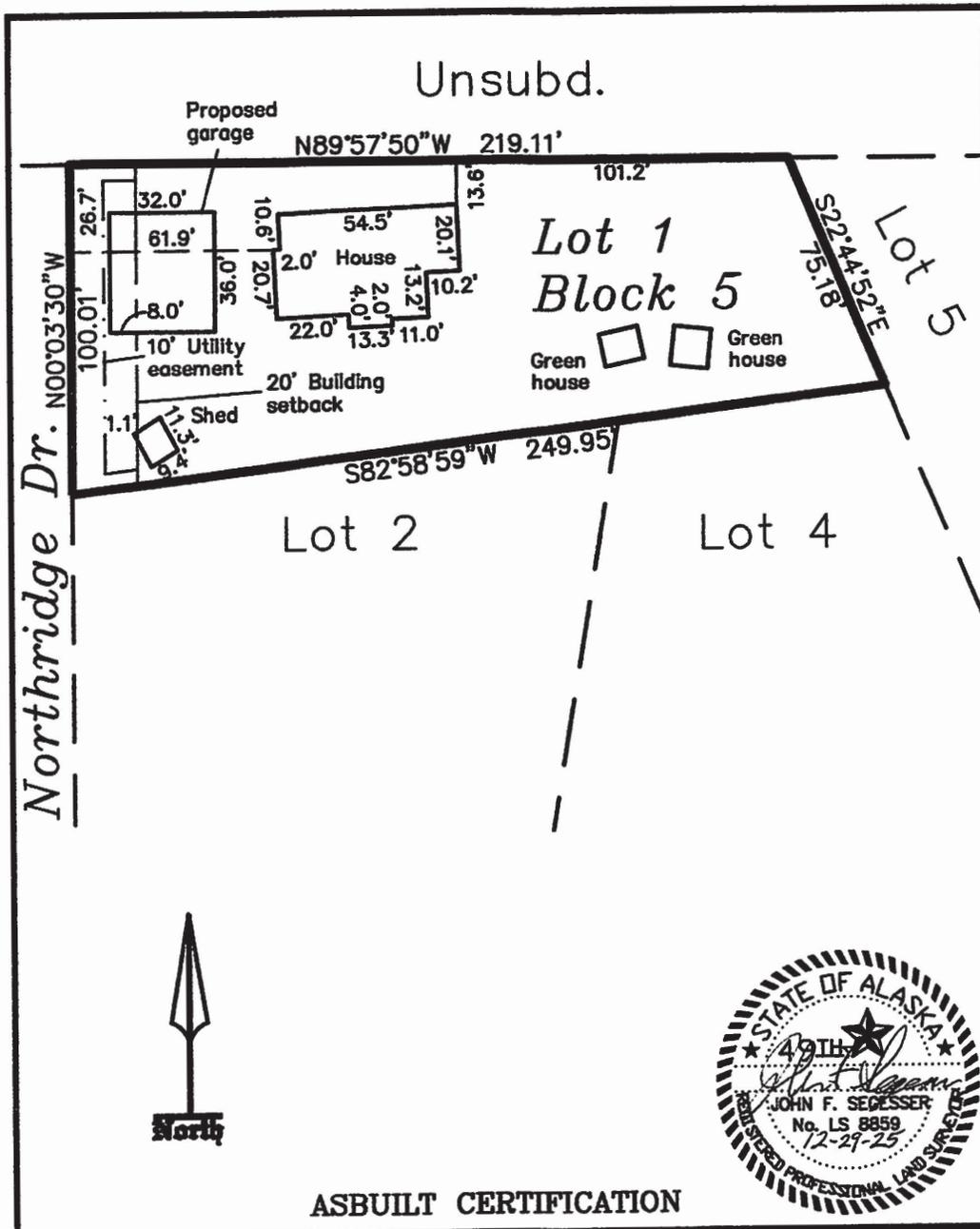
Additional information such as staff reports and comments are available online. This information is available the Monday prior to the meeting and found at <https://kpb.legistar.com/Calendar.aspx>. Use the search options to find the correct timeframe and committee.

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 1/20/2026



KPB File 2026-001  
T05N R11W SEC15  
Kalifornsky



**ASBUILT CERTIFICATION**

<b>LEGEND</b>			I hereby certify that I have surveyed the following described property: <div style="text-align: center; border-top: 1px solid black; border-bottom: 1px solid black;">           Lot 1 Block 5            Willow Brook North Addition         </div> and that no encroachments exist except as indicated. <b>Exclusion Note:</b> It is the responsibility of the Owner to determine the existence of any easements, covenants, or restrictions which do not appear on the recorded subdivision plat. Under no circumstances should any data hereon be used for construction or for establishing boundary or fence lines.
● Found Rebar			
KENAI RECORDING DISTRICT	Plat: 98-42		
Date: 12-19-25	Scale: 1"=50'	Drawn: JFS	
Job: 24174	Book: 24-2		
<b>SEGESSER SURVEYS</b> 30485 ROSLAND ST. SOLDOTNA, AK 99869 (907) 262-3909			

KPB 2026-001

## **E. NEW BUSINESS**

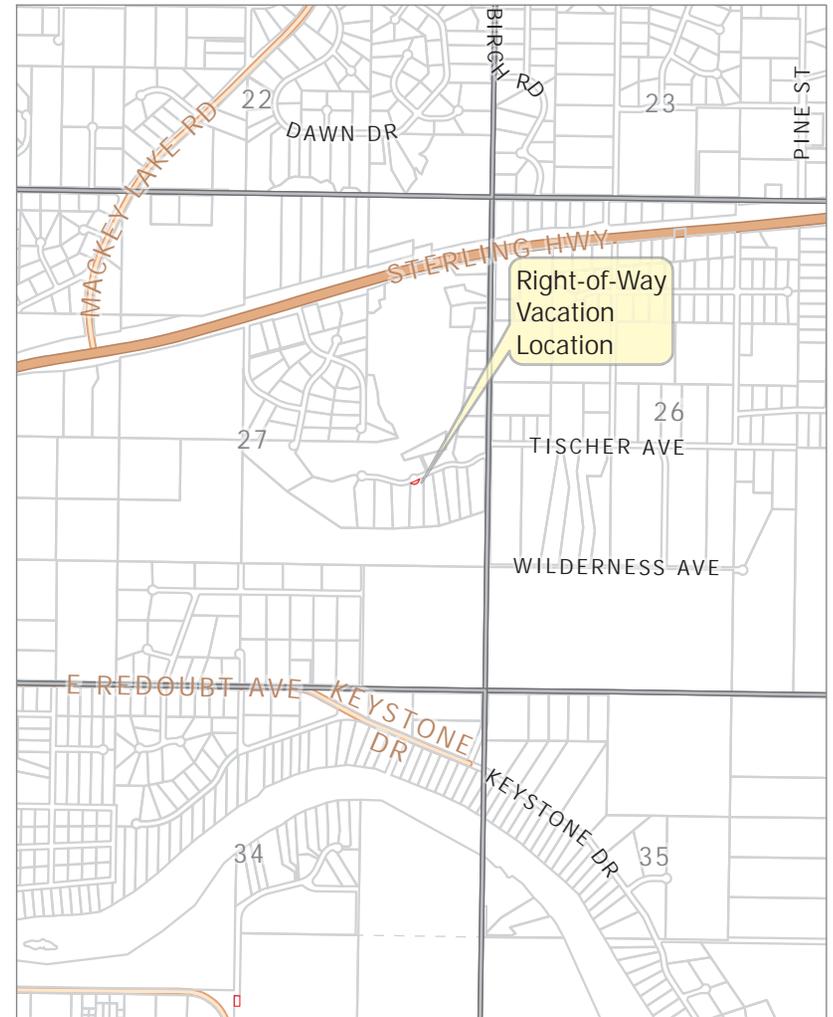
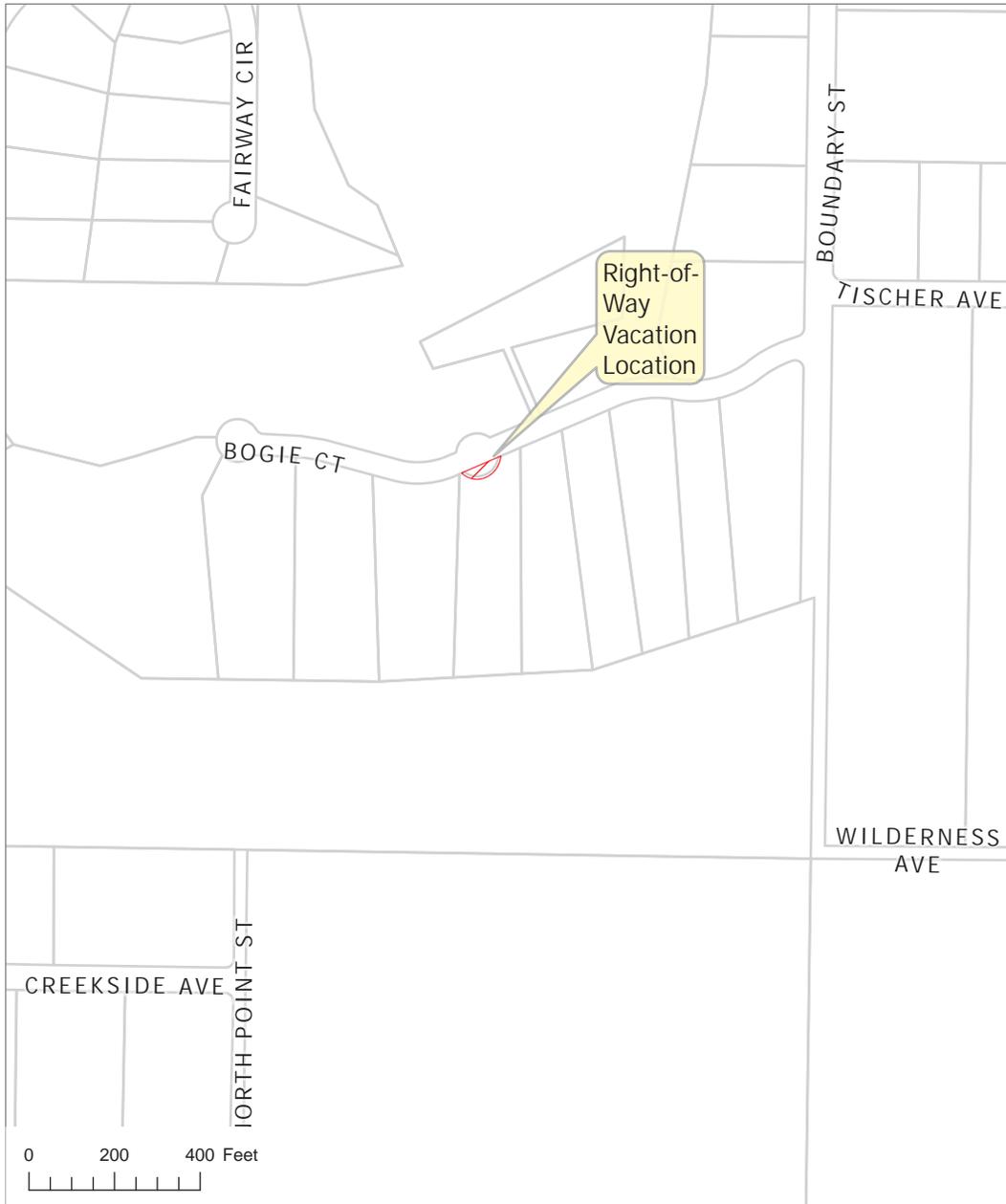
### **3. ROW Vacation; KPB File 2026-005V**

**McLane Consulting / Cowan**

**Request: Vacates a portion of the Bogie Court ROW  
& associated utility easement**

**Location: Lot 5-A, Replat of Lot 5 & 6 , Block 1 Golf  
Acres Subdivision, Plat KN 79-84**

**City of Soldotna**



KPB File 2026-005V  
T05N R10W SEC27  
Soldotna

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.

**CERTIFICATE OF OWNERSHIP**

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 DEDICATE ALL RIGHTS-OF-WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

TIMOTHY SHAUN COWAN  
PO BOX 2676  
SOLDOTNA, AK 99669

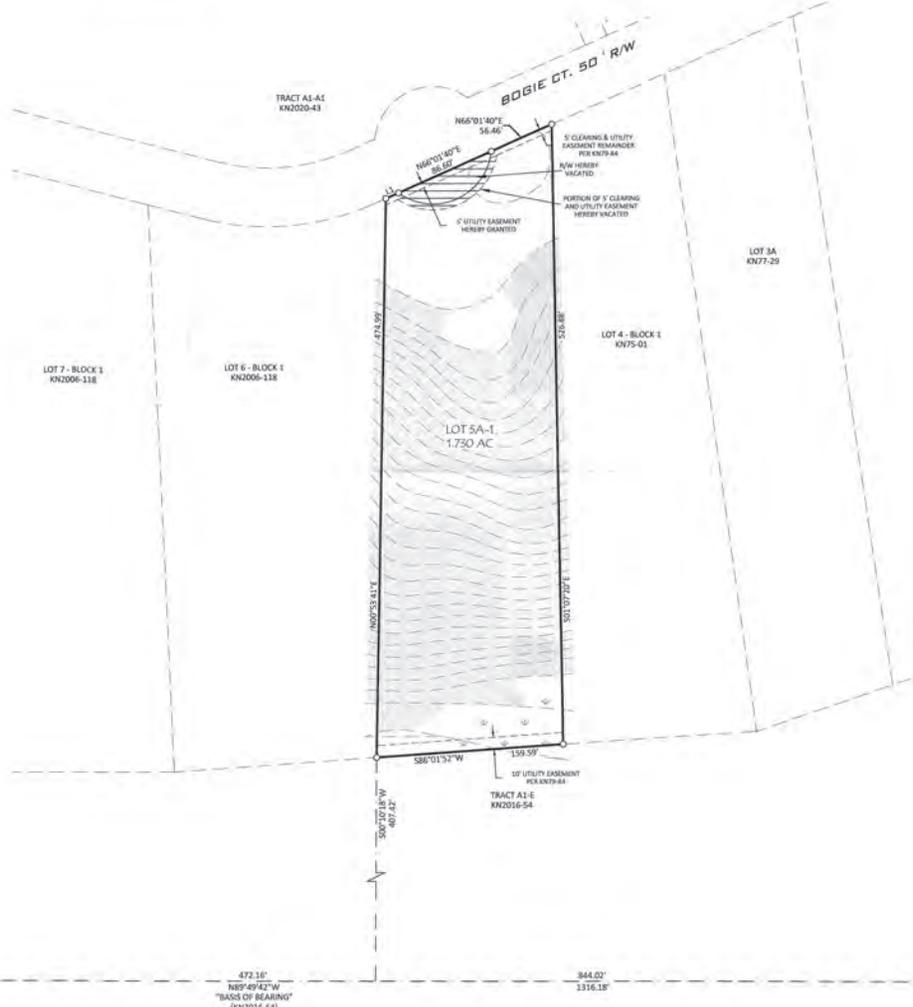
**NOTARY'S ACKNOWLEDGEMENT**

FOR: TIMOTHY SHAUN COWAN  
ACKNOWLEDGED BEFORE ME THIS  
\_\_\_\_ DAY OF \_\_\_\_\_, 2025  
MY COMMISSION EXPIRES: \_\_\_\_\_

NOTARY PUBLIC FOR THE  
STATE OF ALASKA

**WASTEWATER DISPOSAL**

THE SOLE PURPOSE OF THIS PLAT IS TO DEPICT AN AREA APPROVED FOR VACATION UNDER KPB CHAPTER 20.65 AS DESCRIBED IN KPB 20.60.035(A)(3). WASTEWATER TREATMENT AND DISPOSAL SYSTEMS MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.



**NOTES**

1. WATER SUPPLY AND SEWAGE DISPOSAL SYSTEMS SHALL BE PERMITTED ONLY IN CONFORMANCE WITH APPLICABLE REQUIREMENTS OF 18 AAC 72 AND 18 AAC 80.
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. DEVELOPMENT MUST MEET THE CITY OF SOLDOTNA TITLE 17 ZONING CODE REQUIREMENTS.
4. THE KENAI PENINSULA BOROUGH PLANNING COMMISSION APPROVED THE VACATION OF A PORTION OF BOBBIE COURT AND THE ASSOCIATED BUILDING SETBACK AT THE MEETING OF \_\_\_\_\_, 2025.
5. BUILDING SET BACK - A BUILDING SET BACK OF 20 FEET IS REQUIRED FROM ALL STREETS RIGHTS-OF-WAY UNLESS A LESSER STANDARD IS APPROVED.
6. THIS PLAT MAY BE SUBJECT TO THE FOLLOWING:
  - 6.1. A RIGHT OF WAY EASEMENT GRANTED TO HOMER ELECTRIC ASSOCIATION JUNE 25, 1978, BOOK 71 PAGE 909, KRD. LOCATION NOT DRAWN.
  - 6.2. COVENANTS, CONDITIONS AND RESTRICTIONS RECORDED OCTOBER 10, 1975, BOOK 58, PAGE 750, KRD. THE KENAI PENINSULA BOROUGH WILL NOT ENFORCE PRIVATE COVENANTS, EASEMENTS OR DEED RESTRICTIONS PER KPB 20.60.170(B).

**LEGEND**

- ⊕ FOUND PRIMARY MONUMENT AS DESCRIBED
- ⊙ FOUND 1/2" REBAR UNLESS NOTED
- - - DISCHARGE SLOPE PER KPB KWF WETLANDS ASSESSMENT
- CONTOUR INTERVAL = 5'
- ▨ SLOPES GREATER THAN 20%

LINE #	BEARING	DISTANCE
11	N.69°08'44"E	11.30'

Plat # \_\_\_\_\_  
 Rec Date: \_\_\_\_\_  
 Date: \_\_\_\_\_  
 Time: \_\_\_\_\_



**GOLF ACRES SUBDIVISION BOBBIE COURT VACATION**  
 REPLAT OF LOT 5A (REPLAT OF LOTS 5 AND 6 BLOCK 1 GOLF ACRES SUBDIVISION KN79-84) AND PORTION OF BOBBIE COURT 50' R/W  
 OWNER:  
 TIMOTHY SHAUN COWAN  
 PO BOX 2676, SOLDOTNA, AK 99669  
 1.730 AC. A/LJ SITUATED IN THE SE 1/4 OF SECTION 27, TOWNSHIP 5 NORTH, RANGE 10 WEST, SEWARD MERIDIAN, KENAI PENINSULA BOROUGH, AND THE KENAI RECORDING DISTRICT, ALASKA.

**PLAT APPROVAL**

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH IN ACCORDANCE WITH KPB 20.10.080.

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

 ENGINEERING SURVEYING MAPPING P.O. BOX 488 SOLDOTNA, AK 99688 VOICE: (907) 283-5200 FAX: (907) 283-5202 WWW.MCLANCO.COM	KPB File No. 2025-XXXX
	Project No. 252040

Scale: 1" = 50' Date: NOV, 2025 BOOK: XX-XX Drawn by: AHH

**KPB 2026-005V**

AGENDA ITEM E. NEW BUSINESS

ITEM #3 - RIGHT OF WAY VACATION

VACATE THE SOUTHERN PORTION OF BOGIE COURT CUL-DE-SAC BULB, INCLUDING ADJACENT 5-FOOT CLEARING EASEMENT, ADJACENT TO LOT 5A, BLOCK 1, AS DEDICATED BY PLAT KN 79-84

<b>KPB File No.</b>	2026-005V
<b>Planning Commission Meeting:</b>	February 9, 2026
<b>Applicant / Owner:</b>	Timothy Shaun Cowan of Soldotna, Alaska
<b>Surveyor:</b>	Andrew Hamilton, McLane Consulting Inc.
<b>General Location:</b>	Bogie Court off Boundary Street near Birch Ridge Golf Course, City of Soldotna
<b>Legal Description:</b>	BOGIE COURT, T 5N R 10W SEC 27 Seward Meridian KN 0790084 GOLF ACRES SUB RESUB OF LOTS 5 & 6 BLK 1 LOT 5A

STAFF REPORT

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

Right-of-way Vacation: Southern portion of Bogie Court Cul-De-Sac per KN79-84 and KN 2006-118 with associated clearing easement per KN75-1 and 79-84. Proposed right of way vacation is approximately 1535 square feet.

**Notification:** The public hearing notice was published in the February 6, 2026 issue of the Peninsula Clarion and the February 5, 2026 issue of the Homer News as part of the Commission’s tentative agenda.

The public notice was posted on the Planning Commission bulletin board at the Kenai Peninsula Borough George A. Navarre Administration building. Additional notices were mailed to the following with the request to be posted for public viewing.

Library of Soldotna

Post Office of Soldotna

Eight certified mailings were sent to owners of property within 300 feet of the proposed vacation. Five receipts had been returned when the staff report was prepared.

Ten public hearing notices 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  
 City of Soldotna  
 Emergency Services of Soldotna

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

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

Bogie Court provides legal access to the subject parcel.

Boundary Street is a borough-maintained road connecting to the Sterling Highway between milepost 91.5 and 92, east of the Birch Ridge Golf Course. From the highway, Boundary Street runs south and intersects with Bogie Court going to the west. Bogie Court is a 50-foot-wide, city-maintained right-of-way that serves approximately twelve parcels and terminates in a cul-de-sac at the western end.

A partial cul-de-sac is located approximately 733.59 feet west of the Boundary Street intersection. The southern portion of this partial cul-de-sac is proposed for vacation by this petition. The affected parcel and all surrounding parcels will continue to have access via Bogie Court.

No section line easements exist within the portion of right-of-way proposed for vacation. No new dedications are proposed with this platting action.

Block length in this area is defined by the Sterling Highway to the north, Boundary Street to the east, Bogie Court to the south, and Long Drive and Fairway Circle to the northwest. Bogie Court, Long Drive, and Fairway Circle all terminate in cul-de-sacs. Due to these existing cul-de-sacs, the bluff to the south, and the golf course to the north, opportunities to modify right-of-way design to reduce block length are limited. The existing partial cul-de-sac provides some relief to block length on the south side.

KPB Roads Dept. comments	Out of Jurisdiction: Yes  Roads Director: Uhlin, Dil Comments: City of Soldotna jurisdiction
SOA DOT comments	No response

**Site Investigation:**

Publicly available imagery indicates that the northern portion of the partial cul-de-sac has been constructed, while the southern portion is currently being used as a driveway providing access to the affected parcel.

KPB GIS contour data shows that the area proposed for vacation is relatively flat. A bluff is present on the subject parcel to the south.

According to KPB GIS wetlands mapping, wetlands classified as discharge slope are located along the southern boundary of the affected parcel. No wetlands are present within the portion of right-of-way proposed for vacation.

The parcel lies within the City of Soldotna and is subject to the requirements of the City's zoning code.

KPB River Center review	<p>A. Floodplain</p> <p>Reviewer: Hindman, Julie Floodplain Status: IS in flood hazard area Comments: This is within non-regulatory zone X-Unshaded, which is area of minimal flood hazard. Floodplain has no comment in regards to the vacation of the partial bulb. Plat that finalizes the vacation will need code required plat note, but no depiction.</p> <p>Flood Zone: X (unshaded) Map Panel: 02122C-0910F 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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**Staff Analysis:**

In 1975, Golf Acres Subdivision (KN 75-1) dedicated Bogie Court as a 900-foot-long right-of-way terminating in a 50-foot-radius cul-de-sac. The plat included a 5-foot clearing or underground utility easement along Bogie Court and a 10-foot utility easement along the rear boundary of Lot 5. At the time of approval, the Planning Commission granted an exception to the maximum cul-de-sac length requirement of 500 feet (former KPB 20.15.075).

In 1979, Plat KN 79-84 realigned the cul-de-sac bulb, creating Lots 5-A and 6-A and establishing the current cul-de-sac configuration. The plat granted a 5-foot clearing easement adjacent to the new reconfigured cul-de-sac and carried forward the 10-foot utility easement along the rear boundary of Lot 5-A.

In 2006, Plat KN 2005-57 (later amended and re-recorded as KN 2006-118) opened and extended Bogie Court from approximately 900 feet to approximately 1,300 feet. This extension created an open cul-de-sac in the middle of Bogie Ct and a closed cul-de-sac to the west. The Soldotna City Council and the Plat Committee granted an exception to the right-of-way width for Bogie Court; however, cul-de-sac length was not addressed at that time. The Plat Committee granted an exception to KPB 20.30.160 Block Length Requirement at the time also.

The golf course and surrounding area have undergone multiple subdivisions, with associated plats granting or carrying forward exceptions to KPB requirements related to cul-de-sac length, block length, and right-of-way width. The most recent plat of the golf course, Golf Acres Meyer Addition (KN 2020-43), continued the exceptions to KPB 20.30.100, KPB 20.30.120, and KPB 20.30.170.

The presence of the golf course to the north, the bluff to the south, and the existing cul-de-sacs significantly limits the feasibility of meeting block length standards or proposed street layout.

No future development is proposed at this time.

On December 3, 2025, the City of Soldotna Planning and Zoning Commission recommended approval of Resolution PZ2025-01 for the Preliminary Plat Golf Acres Subdivision Bogie Court Vacation. The proposed plat includes a 5-foot utility easement adjacent to Bogie Court.

The City Council will consider the vacation at an upcoming meeting within thirty days. If approved, the Golf Acres Subdivision Bogie Court Vacation plat will finalize the right-of-way vacation. The plat will be scheduled for review by Plat Committee following the City Council consideration.

**Staff recommends that the proposed plat finalizing the vacation include the following:**

- o An exception request to KPB 20.30.100(A) Cul-de-sac length.
- o An exception request to KPB 20.30.170 Blocks-Length Requirements.
- o Carry forward the exception to KPB 20.30.120 (A) as granted by the parent plat.

**20.65.050 – Action on vacation application**

D. The planning commission shall consider the merits of each vacation request and in all cases the planning commission shall deem the area being vacated to be of value to the public. It shall be incumbent upon the applicant to show that the area proposed for vacation is no longer practical for the uses or purposes authorized, or that other provisions have been made which are more beneficial to the public. In evaluating the merits of the proposed vacation, the planning commission shall consider whether:

1. The right-of-way or public easement to be vacated is being used;

**Surveyor comments:** The turnaround has not been developed and primarily encompasses the driveway of the petitioner.

**Staff comments:** Publicly available imagery indicates that the northern portion of the partial cul-de-sac has been constructed, while the southern portion is currently being used as a driveway providing access to the affected parcel.

2. A road is impossible or impractical to construct, and alternative access has been provided;  
**Surveyor comments:** Primary access to this land is Bogie Court. There is an additional cul-de-sac roughly 550 feet to the west via KN 2006-118. This cul-de-sac has been built and is suitable as a turnaround.  
  
**Staff comments:** Bogie Court is a 50-foot-wide, city-maintained right-of-way that serves approximately twelve parcels and terminates in a cul-de-sac at the western end. The area proposed for vacation is relatively flat. A bluff is present on the subject parcel to the south. Wetlands classified as discharge slope are located along the southern boundary of the affected parcel. No wetlands are present within the portion of right-of-way proposed for vacation.
  
3. The surrounding area is fully developed and all planned or needed rights-of-way and utilities are constructed;  
**Surveyor comments:** There are no known utilities in the portion of Right of Way to be vacated or the associated utility/clearing easements. Utility easement will be rededicated accordingly so that it is parallel to the proposed right of way line. City of Soldotna streets and maintenance manager is supportive of vacating the cul-de-sac. CES Fire Marshal has approved of vacation.  
  
**Staff comments:** The affected parcel and all surrounding parcels will continue to have access via Bogie Court. The proposed plat should increase the utility easement along Bogie Court to match the 10' utility easement granted by KN2006-118, carry forward the 5' clearing easement where appropriate and carry forward the 10-foot utility easement on the rear boundary of the lot.
  
4. The vacation of a public right-of-way provides access to a lake, river, or other area with public interest or value, and if so, whether equal or superior access is provided;  
**Surveyor comments:**  
  
**Staff comments:** The proposed vacation on the south does not provide access to a public interest, no equal or superior access is needed to be supplied.
  
5. The proposed vacation would limit opportunities for interconnectivity with adjacent parcels, whether developed or undeveloped;  
**Surveyor comments:** All surrounding parcels remain with legal access via Bogie Court. There is an additional cul-de-sac at the end of Bogie Court roughly 550 feet to the west.  
  
**Staff comments:** All existing parcels have current legal access and the proposed vacation will not limit that access.
  
6. Other public access, other than general road use, exist or are feasible for the right-of-way;  
**Surveyor comments:**  
  
**Staff comments:** No proposed future development is planned.
  
7. All existing and future utility requirements are met. Rights-of-way which are utilized by a utility, or which logically would be required by a utility, shall not be vacated, unless it can be demonstrated that equal or superior access is or will be available. Where an easement would satisfactorily serve the utility interests, and no other public need for the right-of-way exists, the commission may approve the vacation and require that a utility easement be granted in place of the right-of-way.  
**Surveyor comments:** City of Soldotna streets and maintenance manager is supportive of vacating the cul-de-sac.  
  
**Staff comments:** Utility agencies provided no objections or no response was received.
  
8. Any other factors that are relevant to the vacation application or the area proposed to be vacated.

**Staff comments:** The golf course and surrounding area have undergone multiple subdivisions, with associated plats granting or carrying forward exceptions to KPB requirements related to cul-de-sac length, block length, and right-of-way width. The presence of the golf course to the north, the bluff to the south, and the existing cul-de-sacs significantly limits the feasibility of meeting block length standards or proposed street layout.

A KPB Planning Commission decision denying a vacation application is final. A KPB Planning Commission decision to approve the vacation application is subject to consent or veto by the KPB Assembly, or City Council if located within City boundaries. The KPB Assembly, or City Council must hear the vacation within thirty days of the Planning Commission decision.

**KPB department / agency review:**

Addressing	<p>Reviewer: Pace, Rhealyn          Affected Addresses:          1045 Bogie Court</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names:          Bogie Court</p> <p>Existing Street Name Corrections Needed:          All New Street Names are Approved: No</p> <p>List of Approved Street Names:</p> <p>List of Street Names Denied:</p> <p>Comments:          No comment</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.          Review Not Required</p>
Assessing	<p>Reviewer: Windsor, Heather          Comments: No comment</p>
City of Soldotna	No comments

**Utility provider review:**

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

**STAFF RECOMMENDATIONS**

**CORRECTIONS / EDITS**

- Modify KPB File No. to 2026-005

- Include a label for the block number on the lot.
- Modify the easement labels and reference corresponding sources:
  - 10-foot utility easement on rear of lot KN 75-1
  - Front of lot, 5-foot easement remainder: 5' Clearing easement east of bulb per KN75-1, 10' Utility Easement west of bulb per KN2006-118,
  - Easement to be vacated with bulb: 5-foot clearing easement (KN 79-84).
  - Include label of total area to be vacated (approximately 1,535 square feet).

**RECOMMENDATION:**

Based on consideration of the merits as per KPB 20.65.050(D) as outlined by Staff comments, Staff recommends APPROVAL as petitioned, subject to:

1. Consent by Soldotna City Council.
2. Compliance with the requirements for preliminary plats per Chapter 20 of the KPB Code including a submittal to and approval by the Plat Committee.
3. Grant utility easements requested by the Soldotna City Council and utility providers.
4. Submittal of a final plat within a timeframe such that the plat can be recorded within one year of vacation consent (KPB 20.65.050(I)).

**KPB 20.65.050 – Action on vacation application**

- H. A planning commission decision to approve a vacation is not effective without the consent of the city council, if the vacated area to be vacated is within a city, or by the assembly in all other cases. The council or assembly shall have 30 days from the date of the planning commission approval to either consent to or veto the vacation. Notice of veto of the vacation shall be immediately given to the planning commission. Failure to act on the vacation within 30 days shall be considered to be consent to the vacation. This provision does not apply to alterations of utility easements under KPB 20.65.070 which do not require the consent of the assembly or city council unless city code specifically provides otherwise.**
- I. Upon approval of the vacation request by the planning commission and no veto by the city council or assembly, where applicable, the applicant shall have a surveyor prepare and submit a plat including the entire area approved for vacation in conformance with KPB 20.10.080. Only the area approved for vacation by the assembly or council may be included on the plat. The final plat must be recorded within one year of the vacation consent.**
- J. A planning commission decision denying a vacation application is final. No reapplication or petition concerning the same vacation may be filed within one calendar year of the date of the final denial action except in the case where new evidence or circumstances exist that were not available or present when the original petition was filed.**
- K. An appeal of the planning commission, city council or assembly vacation action under this chapter must be filed in the superior court in accordance with the Alaska Rules of Appellate Procedure.**

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

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

- *Focus Area: Energy and Utilities*

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

*Goal 4. Improve access to, from and connectivity within the Kenai Peninsula Borough*

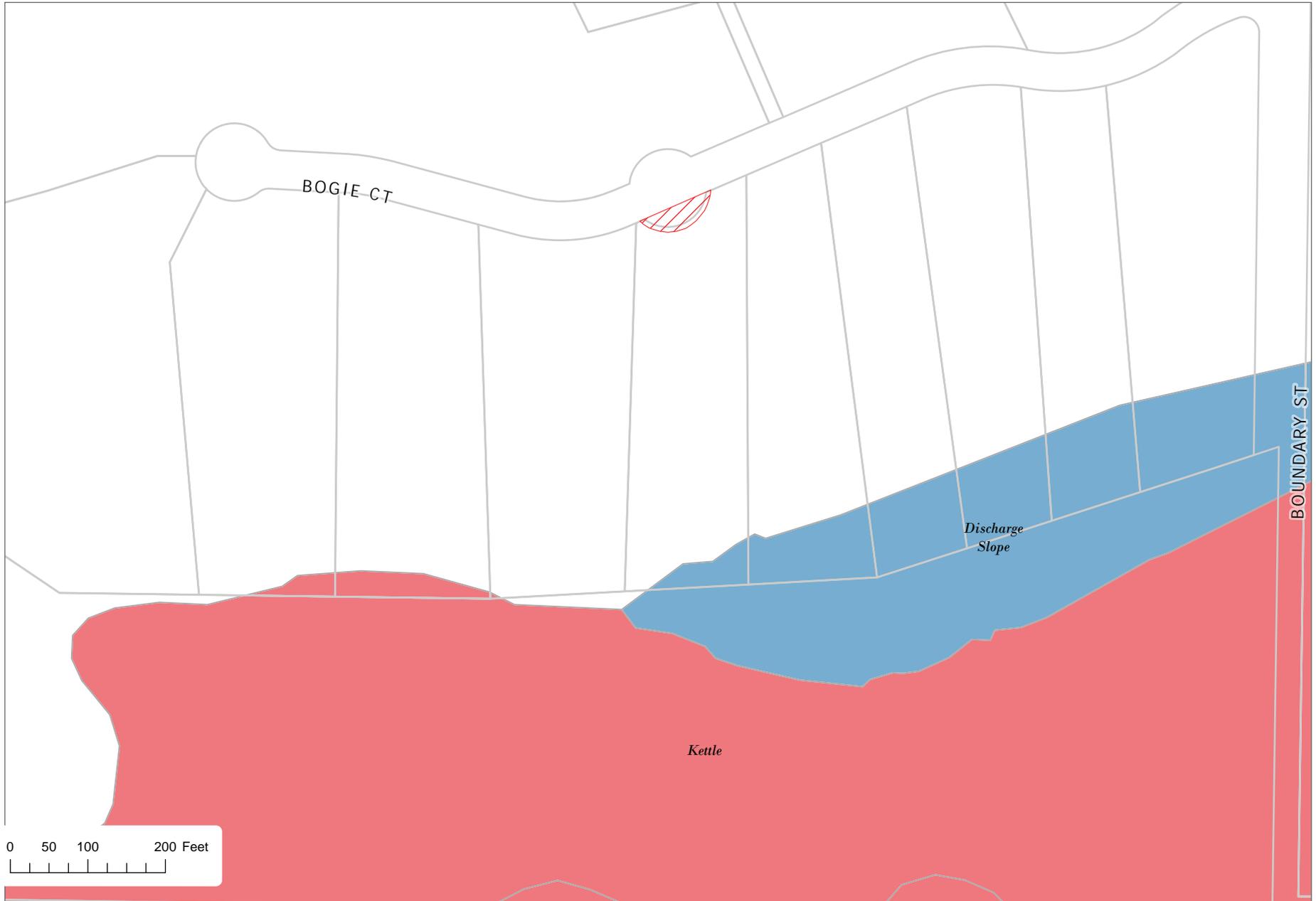
- *Focus Area: Transportation*
  - *Objective B. Ensure new roads are developed in alignment with existing and planned growth and development.*
    - *Strategy 2. Near – Term: Establish subdivision codes that dictate road construction standards to accommodate future interconnectivity and/or public safety.*
    - *Strategy 3. Near – Term: Identify areas of anticipated growth to determine future access needs.*

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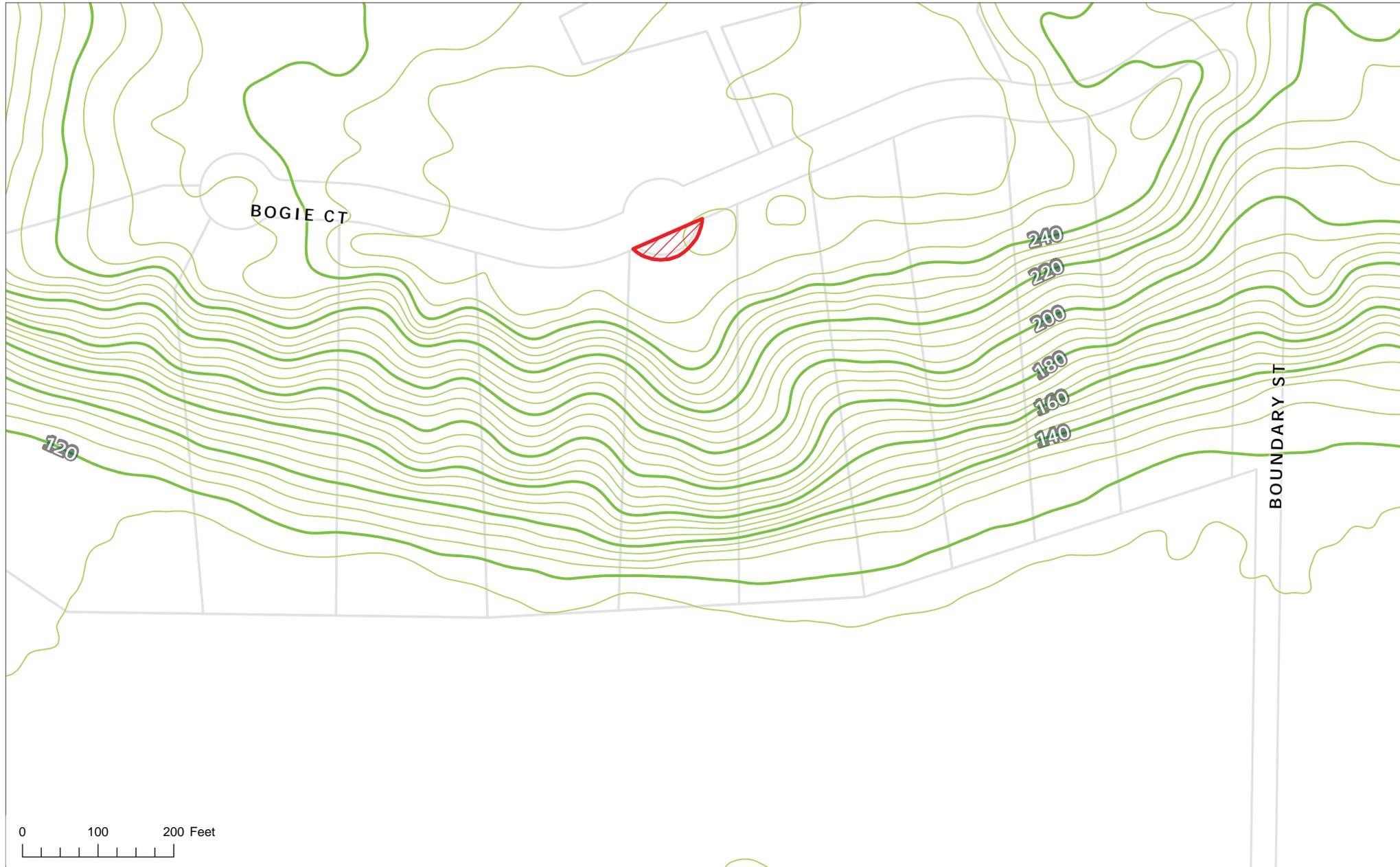
**END OF STAFF REPORT**



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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**WASTEWATER DISPOSAL**

Soil conditions in this subdivision have been found unsuitable for conventional onsite wastewater treatment and disposal systems. Plans for a typical alternate wastewater disposal system for use on lots in this subdivision are included in the Engineer's Subdivision and Sales Report and are available from the Kenai Peninsula Borough. All alternate onsite wastewater treatment and disposal systems must be designed by a professional engineer registered to practice in Alaska and the design must be approved by the Alaska Department of Environmental Conservation prior to construction.

*JANCA* CE 1867 24 August  
 Stan A. Malone C.E. 7583 AK Date

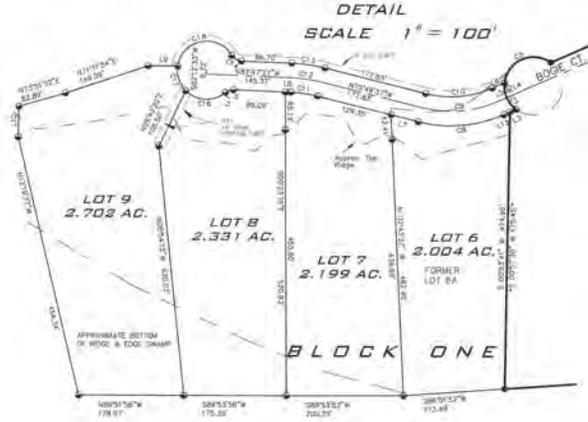
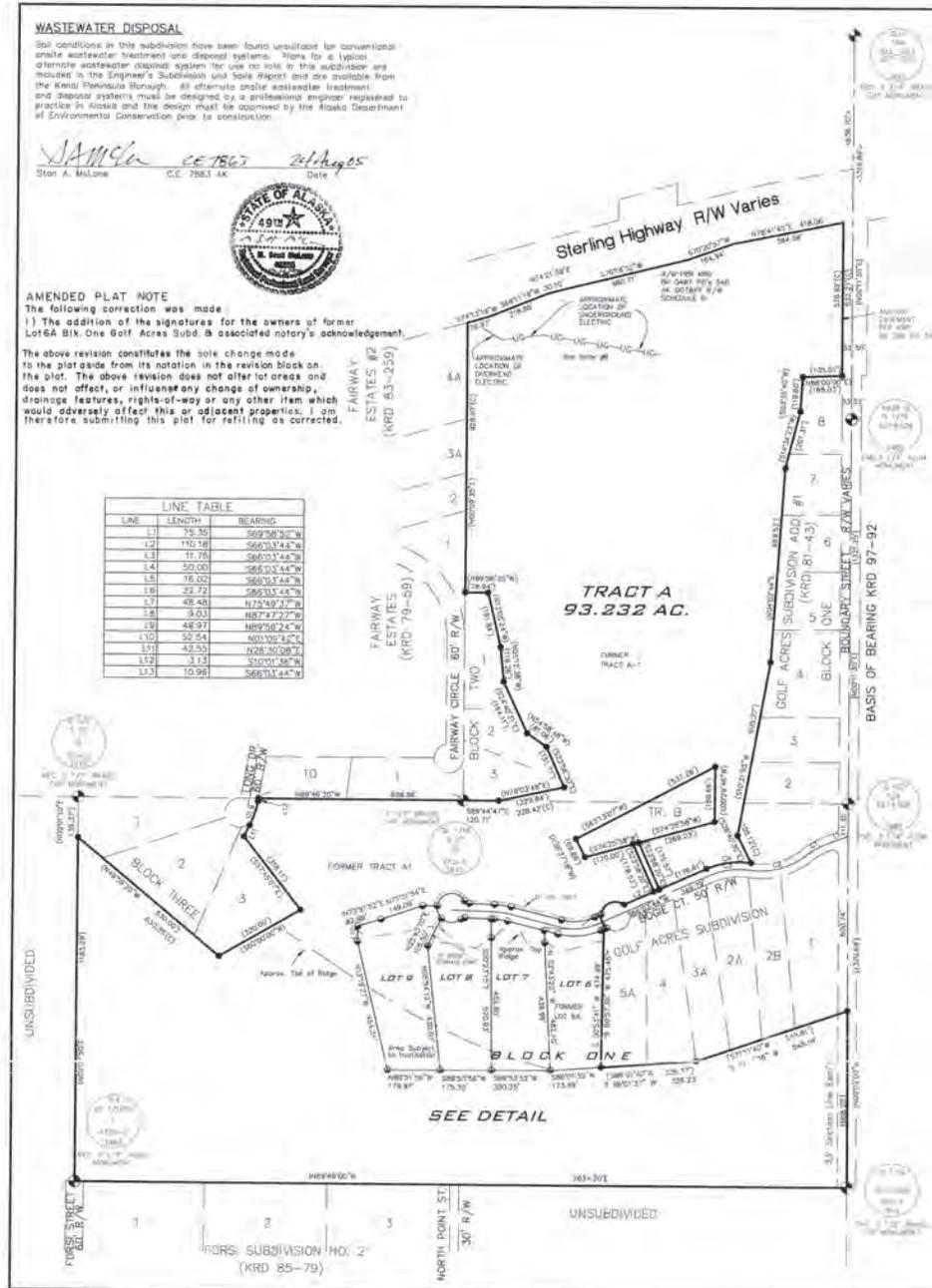


**AMENDED PLAT NOTE**

The following correction was made:  
 1) The addition of the signatures for the owners of former Lot 6A Birch, One Golf Acres Subd. & associated notary's acknowledgment.

The above revision constitutes the sole change made to the plat grade from its notation in the revision block on the plat. The above revision does not alter lot areas and does not affect, or influence any change of ownership, drainage features, rights-of-way or any other item which would adversely affect this or adjacent properties. I am therefore submitting this plat for recording as corrected.

LINE	LENGTH	BEARING
L1	75.30	S69°54'32"W
L2	170.18	S66°33'44"W
L3	11.76	S66°33'44"W
L4	50.00	S66°33'44"W
L5	16.02	S66°33'44"W
L6	22.72	S66°33'44"W
L7	48.40	N174°59'37"E
L8	9.03	N87°42'27"W
L9	48.97	N89°56'24"W
L10	32.54	N01°05'42"E
L11	42.50	S72°30'08"E
L12	3.13	S70°01'36"W
L13	10.99	S66°33'44"W



**LEGEND**

- Primary monument of as described
- 1/2" rebar of rebar
- Set 5/8"x30" rebar with 2" diam. diam. 1929-5
- Derived from date of record (KRD 81-43)
- Derived from date of record (KRD 79-1)
- Data from Moore Rea survey of 4/1-27/72
- Derived from date of record (88-84)
- Derived from date of record (79-84)
- Consulted REC: Sheet 770, Found

**NOTES**

- Water supply and sewage disposal systems will be permitted only in conformance with applicable requirements of 18 AAC 70, 18 AAC 72, and 18 AAC 80.
- No direct access in state mentioned ROWS permitted unless essential which would interfere with the utility of a utility to use the easement.
- No permanent structure shall be constructed or placed within or adjacent to any easement.
- A partial survey measurement error was granted by the Kenai Peninsula Borough Planning Commission at the meeting of November 10, 1997.
- This plat was prepared from data of record (Kenai Recording District Plat No. 83-256, 79-58, 88-44, 81-43, 79-1 and 97-82) Additional data furnished from boundary survey conducted April 1-27, 1972 by Moore. No additional field survey work conducted this date except for Lot 6 thru 9 Block One.
- Existing powerlines and the centerline of a 20 foot wide overhead and 15 foot wide (underground) electrical distribution easement.
- The least 10 foot along state all rights of ways and the least 20 foot along rights of ways within 5 feet of the side lot line is utility easement.
- The Kenai Peninsula Borough Planning Commission granted an exception to KRS 20.20.110 Minimum right of way width for Block One at the meeting of June 28, 2004.
- Covenants, Conditions and Restrictions which may affect this subdivision are recorded in Book 198 Page 494-500.

CURVE	LENGTH	RADIUS	DELTA	TANGENT	CHORD BEARING	CHORD
C1	74.66	250.00	170°36'39"	37.61	S91°32'35"E	74.98
C2	196.78	250.00	45°03'56"	103.81	N25°23'11"E	191.74
C3	139.22	250.00	31°44'36"	71.47	S82°00'57"W	137.43
C4	155.87	275.00	34°28'30"	85.09	S62°17'58"W	153.78
C5	104.72	50.00	119°29'45"	86.89	S63°04'19"W	86.60
C6	26.19	50.00	100°01'38"	13.40	S08°50'56"E	25.99
C7	26.16	50.00	100°00'00"	13.40	S38°46'15"E	25.86
C8	140.68	225.00	38°06'36"	77.72	N85°27'43"E	148.83
C9	133.03	200.00	38°06'36"	69.06	N85°27'43"E	130.59
C10	116.40	175.00	38°06'36"	60.45	N85°27'43"E	114.27
C11	46.36	225.00	115°27'50"	23.58	N81°48'32"W	46.90
C12	32.30	250.00	115°27'50"	26.20	N81°48'32"W	32.51
C13	31.42	275.00	115°27'50"	26.82	N81°48'32"W	31.71
C14	16.84	30.00	56°50'39"	10.82	S59°22'08"E	16.04
C15	14.70	30.00	43°22'16"	7.75	S71°01'26"W	14.46
C16	14.27	50.00	85°04'42"	48.81	S87°36'25"E	67.83
C17	46.45	50.00	55°13'28"	25.00	S18°26'17"E	44.79
C18	123.94	50.00	140°27'45"	140.72	S28°36'49"W	94.23
C19	94.89	330.00	161°28'42"	47.78	N18°15'52"E	94.57

**NOTARY'S ACKNOWLEDGEMENT**  
 I, Notary Public for the State of Alaska  
 do hereby certify that the foregoing is a true and correct copy of the original as submitted to me this 24th day of August, 2005.  
 My commission expires 24th August, 2008.  
 Notary Public for the State of Alaska

**CERTIFICATE OF OWNERSHIP AND DEDICATION**  
 We hereby certify that we are the owners of the real property shown and described herein and we hereby dedicate this plat of subdivision and by law the consent dedicate all rights-of-way and public areas to public use and grant of easements to the use shown.  
 We further certify that deed of trust affecting this property do not contain restrictions which would prohibit this subdivision, or require signature and approval of some persons.  
 Patricia S. Cowan Myra K. Cowan  
 Notary Public for the State of Alaska

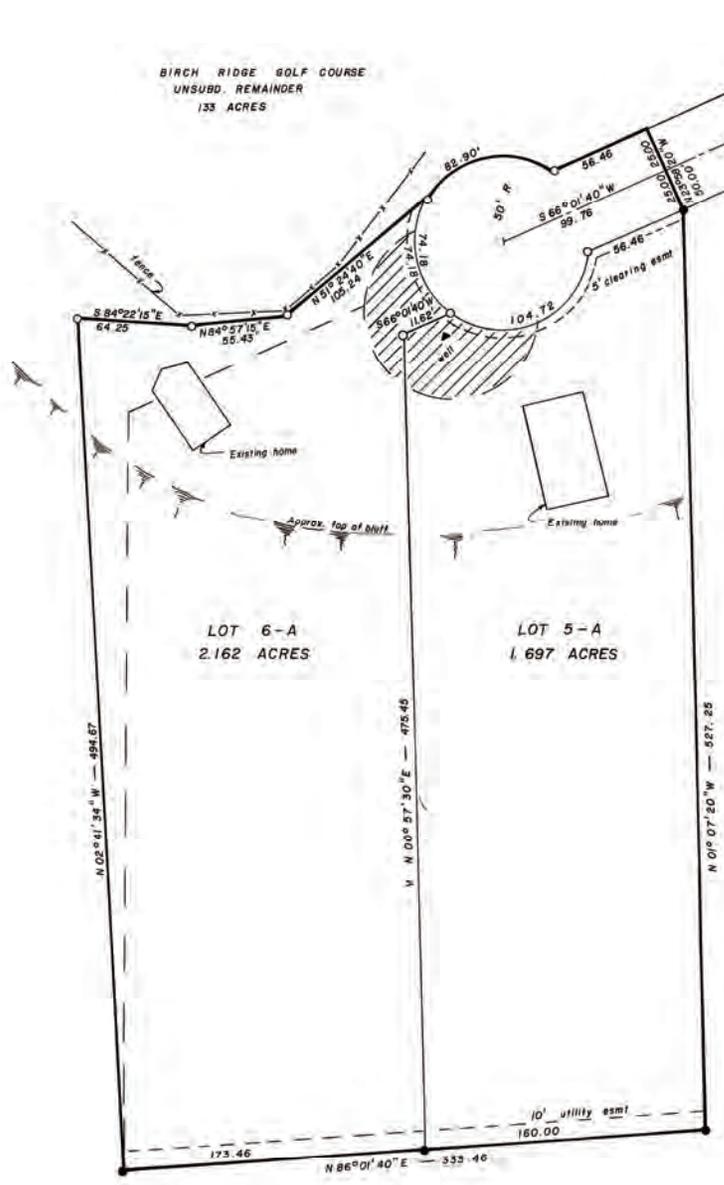
**NOTARY'S ACKNOWLEDGEMENT**  
 I, Notary Public for the State of Alaska  
 do hereby certify that the foregoing is a true and correct copy of the original as submitted to me this 24th day of August, 2005.  
 My commission expires 24th August, 2008.  
 Notary Public for the State of Alaska

**PLAT APPROVAL**  
 This plat was approved by the KENAI PENINSULA BOROUGH PLANNING COMMISSION at the meeting of June 28, 2004.  
 KENAI PENINSULA BOROUGH by  
 Notary Public



**AMENDED GOLF ACRES SUBDIVISION BIRCH BLUFF ADDITION**  
 A Resubdivision of Tr. A-1 and Lot 6A Golf Acres Subdivision (KRD 97-92 and KRD 79-84)  
 Plat and Myra Cowan  
 P.O. Box 528  
 Soldotna, AK 99669 LOCATION  
 103.199 AC. M.A. SITUATED IN THE E 1/3 OF SEC 27, T5N, R10E, S4E, AK AND THE CITY OF SOLDOTNA, THE KENAI PENINSULA BOROUGH IN THE KENAI RECORDING DISTRICT.





**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.

Thomas R. Smith  
 Thomas R. Smith owners unsubs. remainder, 8340 E. Chapparral, Scottsdale, Ariz. 85251  
Gail A. Smith  
 Gail A. Smith

NOTARY'S ACKNOWLEDGEMENT  
 Subscribed and sworn before me this 20<sup>th</sup> day of MARCH, 1979  
 My commission expires Sept. 19, 1981  
Rebecca B. McLane  
 Notary Public for Alaska

Raymond L. Hugli  
 Raymond L. Hugli owners Lot 6, 210 4th Ave. Seward, Ak. 99664  
Martha G. Hugli  
 Martha G. Hugli

NOTARY'S ACKNOWLEDGEMENT  
 Subscribed and sworn before me this 20<sup>th</sup> day of APRIL, 1979  
 My commission expires 1-22-83  
Devi A. Steyer  
 Notary Public for Alaska

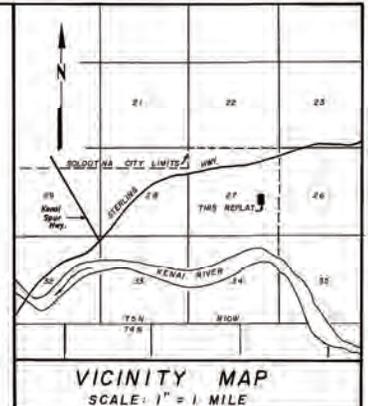
William A. McWilliams  
 William A. McWilliams, owners Lot 5, Box 435, Soldotna, Ak. 99669  
Anita McWilliams  
 Anita McWilliams  
 NBA Trust Beneficiary, Bank Officer, NBA Box 509 Soldotna, Ak. 99669

NOTARY'S ACKNOWLEDGEMENT  
 Subscribed and sworn before me this 10<sup>th</sup> day of May, 1979  
 My commission expires 9-19-81  
Rebecca B. McLane  
 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 October 24, 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: Philip Williams



**LEGEND AND NOTES**

- Found 1/2" X 24" steel rebar
- Set 1/2" X 24" steel rebar
- Previous lot line
- ▲ Waterwell

▨ Street being vacated by this plat

All bearings refer to the east boundary of Lot 6 as being N 0° 07' 20" E, datum of record.

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

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

**COVENANT**

Each of the lots in this subdivision shall be subject to assessments for improvements required by ordinance of the City of Soldotna when installed by the City of Soldotna

79-84

DATE	5-14	BY	79
TITLE	8-46	BY	A
APPROVED BY	RPB		

**REPLAT OF LOT 5 AND 6 BLOCK 1 GOLF ACRES SUBDIVISION**

Ray Hugli, William McWilliams and T. R. Smith, owners  
 Box 828 Soldotna, Alaska 99669

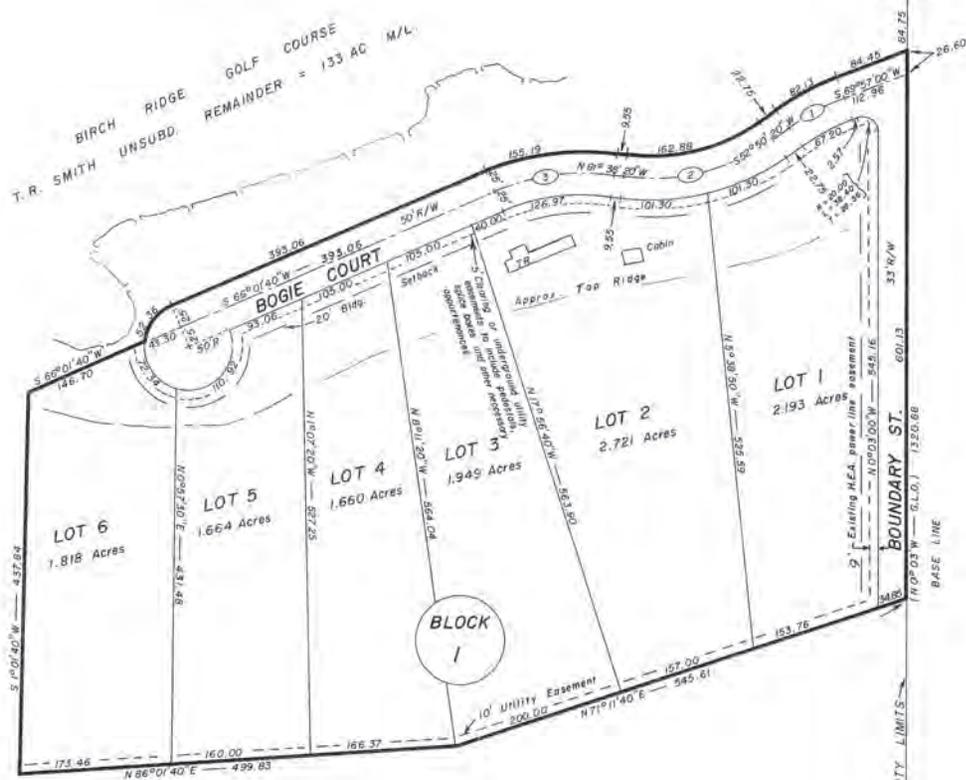
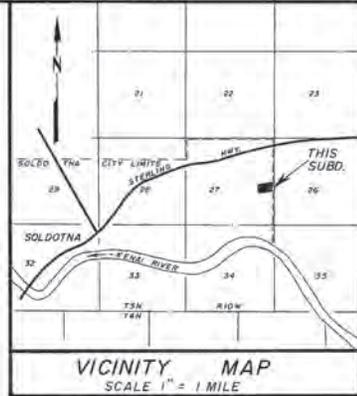
**DESCRIPTION**  
 4.099 ACRES SITUATED IN THE NE 1/4 SE 1/4 SECTION 27, T5N, R10W, S.M. AK. AND THE CITY OF SOLDOTNA.

Surveyed by: Mc Lane and Associates  
 Soldotna, Alaska 99669

DATE	SCALE	BK. NO.
July 20, 1977	1" = 50'	

58-66 NY

CURVE DATA					
CURVE	Δ	R	L	Ch	T
1	17°06'40"	250.00	74.66	74.38	37.61
2	45°31'20"	230.00	182.74	177.97	96.50
3	32°20'00"	250.00	141.08	139.22	72.47



LEGEND AND NOTES:

- Found G.L.O. brass cap monument.
- Found official survey 2 1/2" brass cap. (610-5)
- Set 1/2" x 24" steel rebar at all lot corners and P.C.s.

All bearings refer to the G.L.O. datum of N 0° 03' W for the east line of Section 27.

COVENANT

Each of the lots in this subdivision shall be subject to assessments for improvements required by ordinance of the City of Soldotna when installed by the City of Soldotna.

CERTIFICATE OF OWNERSHIP AND DEDICATION

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

Date 2 Dec 1974

*Thomas R. Smith*  
OWNER

*David L. Smith*  
OWNER

NOTARY'S ACKNOWLEDGEMENT.

Subscribed and sworn before me this 2 day of Dec, 1974.

My commission expires 3/1/78

*Arthur M. Dean*  
notary public for Alaska

PLAT APPROVAL.

Plat approved by the Commission this 4th day of November, 1974.

*Stanley F. Thompson*  
Mayor

75-1  
RECORDED - FILED  
Kensal  
1/9  
1:49  
KPB

**GOLF ACRES SUBDIVISION**

Thomas R. Smith — owner  
Box 828, Soldotna, Ak. 99669

DESCRIPTION  
13.611 ACRES SITUATED IN THE NE 1/4 SE 1/4 SECTION 27, T9N, R10W, S.M.AK. AND IN THE CITY OF SOLDOTNA.

Surveyed by — S.S. McLane P.L.S.

DATE OF SURVEY Oct. 1-3, 1974	SCALE 1" = 100'	BK. NO. 38-70
----------------------------------	--------------------	------------------

KN 75-1

*Moved by:* Dennis Murray

*Seconded by:* Susan Strausbaugh

**Yes** Dennis Murray, Susan Strausbaugh, Kaitlin Vadla, and Jessie Ruffridge

**Adopted 4-0**

5.2 Resolution PZ 2025-019 - Recommending Approval of the Golf Acres Subdivision Bogie Court Vacation

Director Mitchell provided the staff report.

Chair Vadla opened the public hearing for public comments.

Tim Cowan, the property owner, spoke in support for the vacation and answered questions from the commission.

With no one else wishing to speak, the public comment period was closed and the item was back before the commission.

Commissioners Strausbaugh and Murray asked clarifying questions, which Director Mitchell answered.

Motion to Adopt Resolution PZ 2025-019.

*Moved by:* Dennis Murray

*Seconded by:* Susan Strausbaugh

**Yes** Dennis Murray, Susan Strausbaugh, Kaitlin Vadla, and Jessie Ruffridge

**Adopted 4-0**

**6. UNFINISHED BUSINESS**

None.

**7. NEW BUSINESS**

None.

**8. PUBLIC COMMENTS WITHOUT PRIOR NOTICE**

None.

**To:** Planning and Zoning Commission  
**From:** Linda Mitchell, ED+P Director  
**Date:** November 26, 2025  
**Subject:** **Resolution PZ 2025-019.** Recommending Approval of the Golf Acres Subdivision Bogie Court Vacation

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**Request:** The applicant is requesting to vacate a portion of Bogie Court right-of-way adjacent to the property located at 1045 Bogie Court.

**Staff Recommendation:** Adopt Resolution PZ 2025-019 recommending approval of the preliminary plat.

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#### **GENERAL INFORMATION**

**Applicant:** Andrew Hamilton  
McLane Consulting Inc.  
P.O. Box 468, Soldotna, AK 99669

**Property Owner:** Timothy Cowan  
P.O. Box 2676, Soldotna, AK 99669

**Parcel ID:** 059-410-06

**Legal Description:** Lot 5-A, Block 1, Replat of Lot 5 and 6 Block 1 Golf Acres Subdivision

**Area:** 1.697 acres

**Proposed Lot Size:** 1.730 acres

**Existing Zoning:** Rural Residential (RR)

**Existing Land Use:** Single-Family Dwelling

**Surrounding Zoning and Land Use:**

<b>North:</b>	Rural Residential	Golf Course
<b>South:</b>	Rural Residential	Vacant
<b>East:</b>	Rural Residential	Single-Family Dwelling
<b>West:</b>	Rural Residential	Single-Family Dwelling

**Kenai River Overlay District (KROD):** Proposed preliminary plat is **not** subject to KROD standards.

**Utilities:** Municipal sewer and water are **not** available within 300 feet

**Access:** Access is via Bogie Court

**REQUEST**

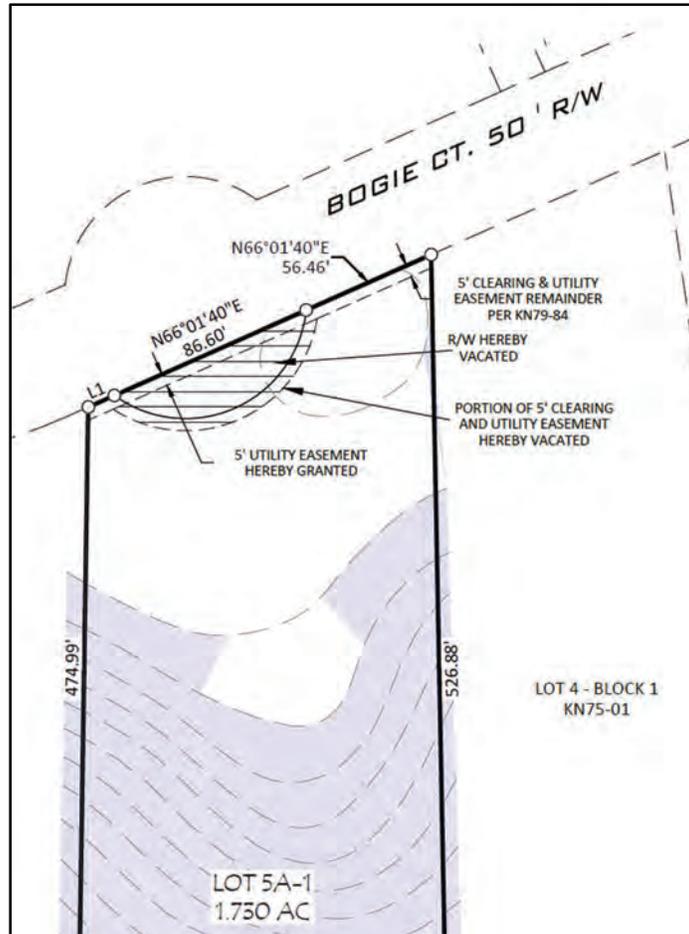
The preliminary plat will vacate a portion of Bogie Court right-of-way adjacent to the property located at 1045 Bogie Court (Figure 1). The proposed vacation would affect an undeveloped right-of-way area (Figure 2) and rededicates the utility easement accordingly (Figure 3).



**Figure 1.** The Golf Acres Subdivision Bogie Court Vacation would vacate a portion of Bogie Court right-of-way.



**Figure 2.** Undeveloped right-of-way adjacent to 1045 Bogie Court.



**Figure 3.** Golf Acres Subdivision Bogie Court Vacation vacates a portion of Bogie Court cul-de-sac.

## APPROVAL PROCESS

Authority to review and approve proposed vacations, abbreviated subdivision plats, subdivision plat waivers, and preliminary plats showing a subdivision of land within the corporate boundary of the City of Soldotna is provided by AS 29.40.010 and Kenai Peninsula Borough (KPB) code 20.25.050, and is codified within SMC 16.10.040.

## ANALYSIS

### **General Standards**

Standards for subdividing property is intended to meet the public safety, utility, street and public access needs of the city and its residents and to ensure quality development in the city consistent with the comprehensive plan are found in Title 16 – *Subdivision Requirements*.

**Zoning.** The affected parcel, 059-410-06, addressed as 1045 Bogie Court is zoned Rural Residential. The existing use of a single-family dwelling is compliant with the zoning.

**Access.** There is no change to the access. The access will remain via Bogie Court.

**Streets.** There are no dedications, nor the construction or acceptance of right-of-way involved in the proposed vacation.

**Street Designations.** There are no street designations involved in the proposed vacation.

**Utility.** There is an existing five-foot (5') utility easement along Bogie Court, which will be rededicated accordingly.

**Water and Sewer Services.** Municipal sewer and water are unavailable within 300 feet of the preliminary plat.

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## NOTICING AND PUBLIC COMMENTS

In accordance with SMC 16.10.040.E, on November 24, 2025, the City mailed notices with the meeting date and subdivision request to property owners within 300 feet of the subject properties. At the time this staff report is published, staff has not received any comments.

---

## DEPARTMENT & AGENCY REVIEW COMMENTS

Staff provided the Public Works Director, Streets & Maintenance Manager, and CES Fire Marshal the opportunity to comment on the application. Below is a list of the provided comment(s).

Streets & Maintenance Manager

- Supportive of vacating the cul-de-sac.

Public Works Director

- Initially, requested for vacating the entire cul-de-sac; however, after consulting with KPB Platting Manager and CES Marshal, partial vacation is acceptable. KPB Platting Manager informed that an exception would be required for the block length.

CES Fire Marshal

- Partial vacation is acceptable since there is an existing cul-de-sac at the end of Bogie Court.

---

## STAFF RECOMMENDATION

Staff finds that the preliminary plat for a portion of Bogie Court right-of-way vacation meets the standards in Title 16 – *Subdivision Requirements* and applicable requirements established by other titles of the Soldotna Municipal Code (SMC). Staff recommends the Planning and Zoning Commission adopt Resolution PZ 2025-019, recommending approval of the preliminary plat, Golf Acres Subdivision Bogie Court Vacation to the Kenai Peninsula Borough.

**Attachments:**

- A. Preliminary Plat
- B. Parent Plat

## ATTACHMENT A: Preliminary Plat

---

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**CERTIFICATE OF OWNERSHIP**

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 DEDICATE ALL RIGHTS-OF-WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

TIMOTHY SHAUN COWAN  
PO BOX 2676  
SOLDOTNA, AK 99669

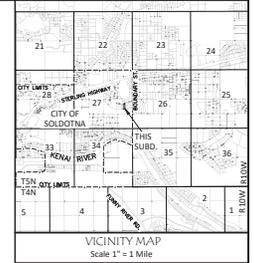
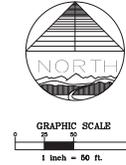
**NOTARY'S ACKNOWLEDGEMENT**

FOR: TIMOTHY SHAUN COWAN  
ACKNOWLEDGED BEFORE ME THIS  
\_\_\_\_ DAY OF \_\_\_\_ 2025  
MY COMMISSION EXPIRES: \_\_\_\_\_

NOTARY PUBLIC FOR THE  
STATE OF ALASKA

**WASTEWATER DISPOSAL**

THE SOLE PURPOSE OF THIS PLAT IS TO DEPICT AN AREA APPROVED FOR VACATION UNDER KPB CHAPTER 20.65 AS DESCRIBED IN KPB 20.40.020(A)(3). WASTEWATER TREATMENT AND DISPOSAL SYSTEMS MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.



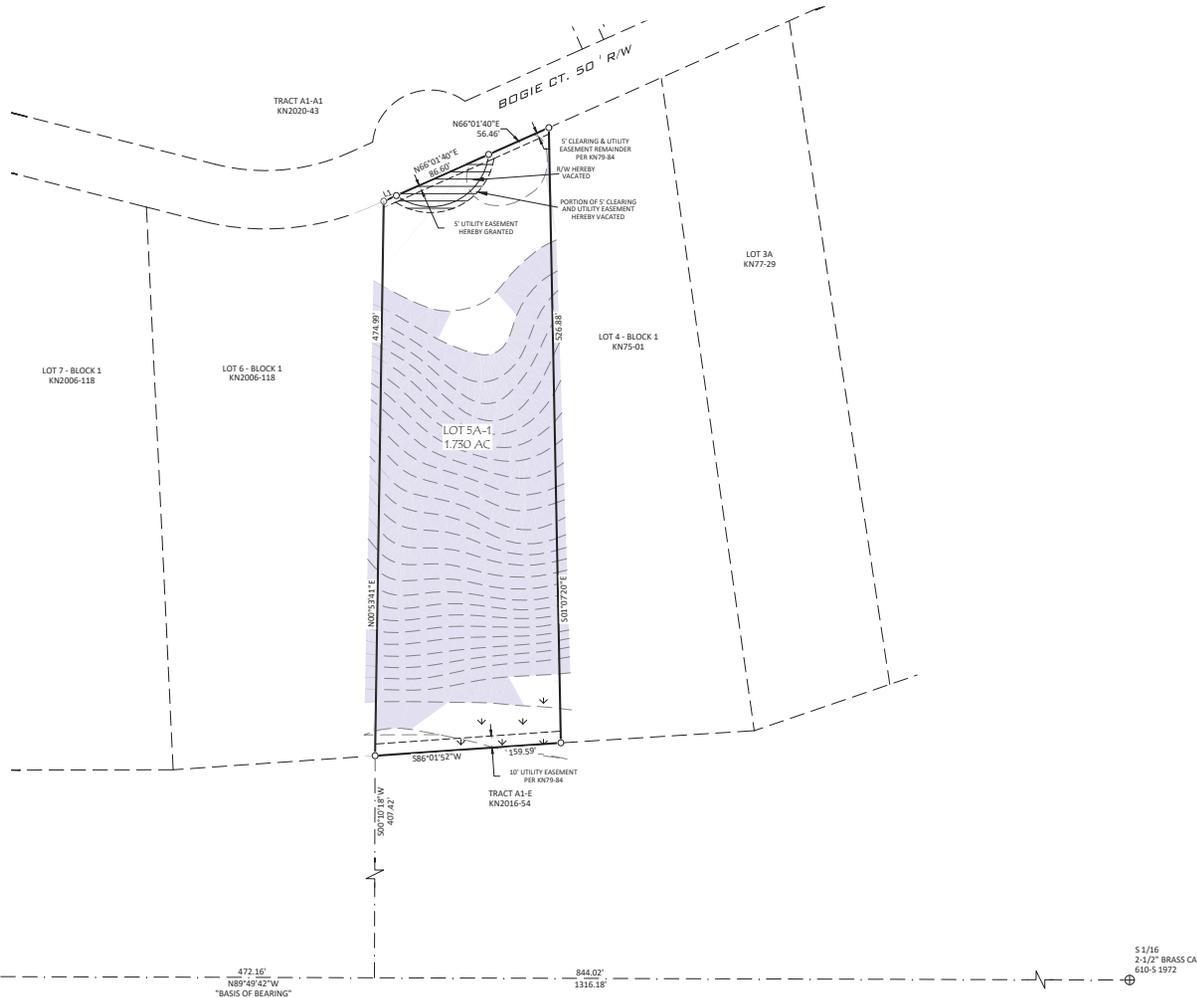
**NOTES**

1. WATER SUPPLY AND SEWAGE DISPOSAL SYSTEMS SHALL BE PERMITTED ONLY IN CONFORMANCE WITH APPLICABLE REQUIREMENTS OF 18 AAC 72 AND 18 AAC 80.
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. DEVELOPMENT MUST MEET THE CITY OF SOLDOTNA TITLE 17 ZONING CODE REQUIREMENTS.
4. THE KENAI PENINSULA BOROUGH PLANNING COMMISSION APPROVED THE VACATION OF A PORTION OF BOGIE COURT AND THE ASSOCIATED BUILDING SETBACK AT THE MEETING OF \_\_\_\_\_, 2025.
5. BUILDING SET BACK - A BUILDING SET BACK OF 20 FEET IS REQUIRED FROM ALL STREETS RIGHTS-OF-WAY UNLESS A LESSER STANDARD IS APPROVED.
6. THIS PLAT MAY BE SUBJECT TO THE FOLLOWING:
  - 6.1. A RIGHT OF WAY EASEMENT GRANTED TO HOMER ELECTRIC ASSOCIATION JUNE 25, 1973, BOOK 73 PAGE 509, KRD. LOCATION NOT DEFINED.
  - 6.2. COVENANTS, CONDITIONS AND RESTRICTIONS RECORDED OCTOBER 10, 1975, BOOK 88, PAGE 750, KRD. THE KENAI PENINSULA BOROUGH WILL NOT ENFORCE PRIVATE COVENANTS, EASEMENTS OR DEED RESTRICTIONS PER KPB 20.60.170(B).

**LEGEND**

- ⊕ FOUND PRIMARY MONUMENT AS DESCRIBED
- FOUND 1/2" REBAR UNLESS NOTED
- DISCHARGE SLOPE PER KPB KWF WETLANDS ASSESSMENT
- - - - - CONTOUR INTERVAL = 5'
- ▨ SLOPES GREATER THAN 20%

LINE TABLE		
LINE #	BEARING	DISTANCE
11	N 68°07'44" E	11.76'



⊕ SE 1/16  
3-1/4" BRASS CAP  
4725-S-1983

472.16'  
N89°49'42"W  
"BASIS OF BEARING"  
(KN2016-54)

844.03'  
1316.18'

S 1/16  
2-1/2" BRASS CAP  
640-S-1972

**PLAT APPROVAL**

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH IN ACCORDANCE WITH KPB 20.10.080.

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

Plat # \_\_\_\_\_  
Rec Date: \_\_\_\_\_  
Scale: \_\_\_\_\_  
Time: \_\_\_\_\_



**GOLF ACRES SUBDIVISION BOGIE COURT VACATION**  
REPLAT OF LOT 5A (REPLAT OF LOT 5 AND 6 BLOCK 1 GOLF ACRES SUBDIVISION KN79-84) AND PORTION OF BOGIE COURT 50' R/W  
OWNER:  
TIMOTHY SHAUN COWAN  
PO BOX 2676, SOLDOTNA, AK 99669  
1.730 AC. M/L. SITUATED IN THE SE 1/4 OF SECTION 27, TOWNSHIP 5 NORTH, RANGE 10 WEST, SEWARD MERIDIAN, KENAI PENINSULA BOROUGH, AND THE KENAI RECORDING DISTRICT, ALASKA.

	ENGINEERING - TESTING SURVEYING - MAPPING P.O. BOX 468 SOLDOTNA, AK 99669 VOICE (907) 283-4218 FAX (907) 283-5049 WWW.MCLANEENGINEERING.COM	KPB File No. 2025-XXXX
	Project No. 252040	

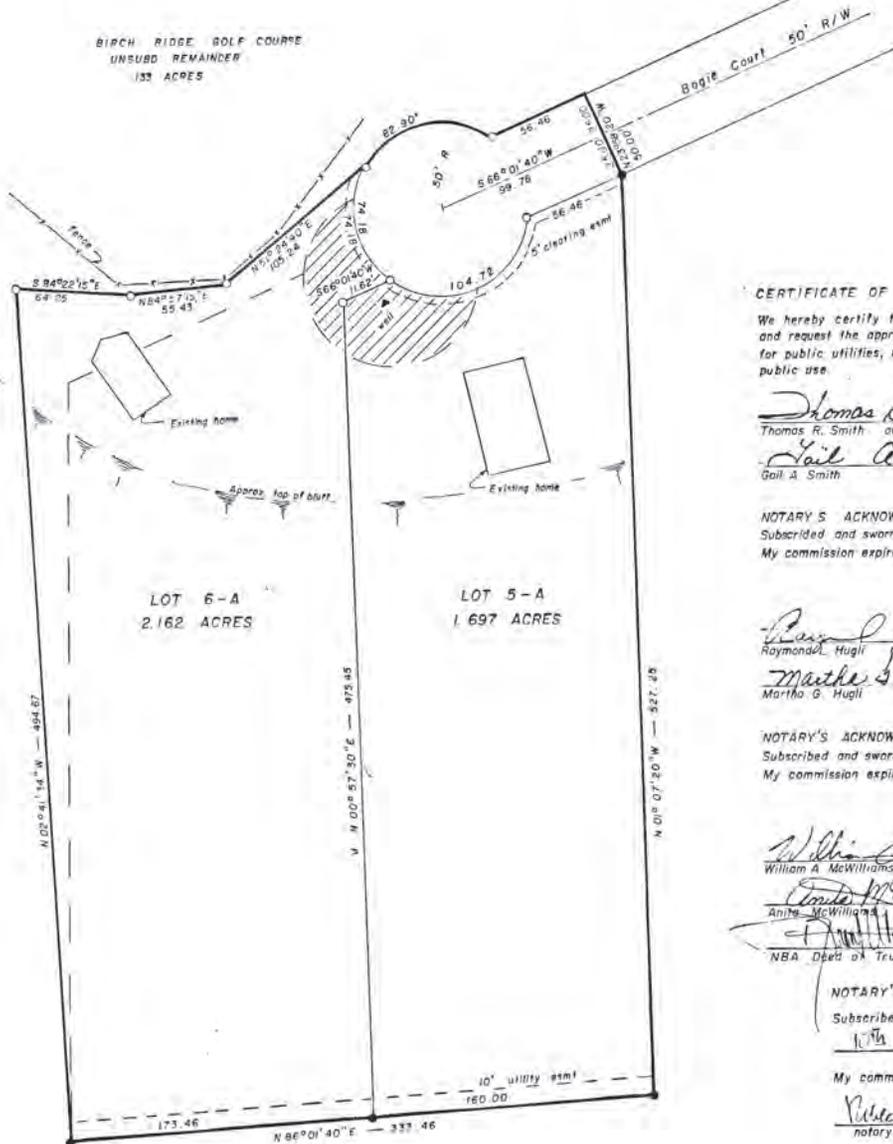
Scale: 1" = 50' Date: NOV. 2025 BOOK: XX-XX Drawn by: AJH

## ATTACHMENT B: Parent Plat

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BIRCH RIDGE GOLF COURSE  
UNSUBD REMAINDER  
133 ACRES



**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.

Thomas R. Smith  
Thomas R. Smith owners unsubd remainder, 8340 E. Chapparral, Scottsdale, Ariz. 85251  
Gail A. Smith  
Gail A. Smith

NOTARY'S ACKNOWLEDGEMENT  
Subscribed and sworn before me this 26<sup>th</sup> day of MAY, 1977  
My commission expires Sept. 19, 1981  
Rebecca B. McInane  
Notary Public for Alaska

Raymond L. Hugel  
Raymond L. Hugel owners Lot 6, 210 4th Ave. Seward, Ak 99664  
Martha G. Hugel  
Martha G. Hugel

NOTARY'S ACKNOWLEDGEMENT  
Subscribed and sworn before me this 20<sup>th</sup> day of APRIL, 1977  
My commission expires 1-22-83  
Lois A. Decker  
Notary Public for Alaska

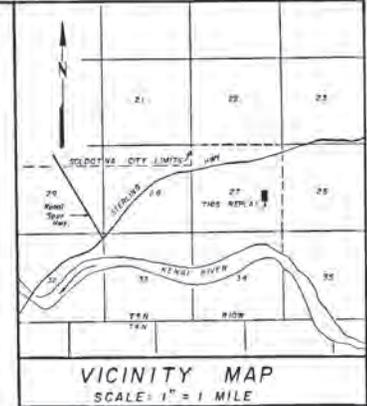
William A. McWilliams  
William A. McWilliams, owner Lot 5, Box 435, Soldotna, Ak 99669  
Anita McWilliams  
Anita McWilliams  
NBA Dept of Trust Beneficiary, Bank Officer, NBA Box 509 Soldotna, Ak. 99669

NOTARY'S ACKNOWLEDGEMENT  
Subscribed and sworn before me this 10<sup>th</sup> day of May, 1977  
My commission expires 9-17-81  
Rebecca B. McInane  
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 October 24, 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: Richard Williams



**LEGEND AND NOTES**

- Found 1/2" X 24" steel rebar
- Set 1/2" X 24" steel rebar
- Previous lot line
- ▲ Waterwell
- ▨ Street being vacated by this plat

All bearings refer to the east boundary of Lot 6 as being N 0° 07' 20" E, datum of record.  
All lots are subject to a 20' building setback along dedicated R/W's.

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

**COVENANT**

Each of the lots in this subdivision shall be subject to assessments for improvements required by ordinance of the City of Soldotna when installed by the City of Soldotna.

79-84  
SEARCHED - INDEXED  
SERIALIZED - FILED  
Kenai  
DATE 5-14-79  
TIME 8:46 AM  
APB

**REPLAT OF LOT 5 AND 6  
BLOCK 1 GOLF ACRES SUBDIVISION**  
Ray Hugel, William McWilliams and T. R. Smith, owners  
Box 828 Soldotna, Alaska 99669

**DESCRIPTION**  
4.099 ACRES SITUATED IN THE NE 1/4 SE 1/4 SECTION 27, T5N, R10W, S.M. AK, AND THE CITY OF SOLDOTNA.

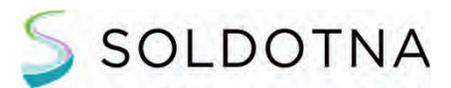
Surveyed by: McLain and Associates  
Soldotna, Alaska 99669

DATE July 20, 1977	SCALE 1" = 50'	BK. NO.
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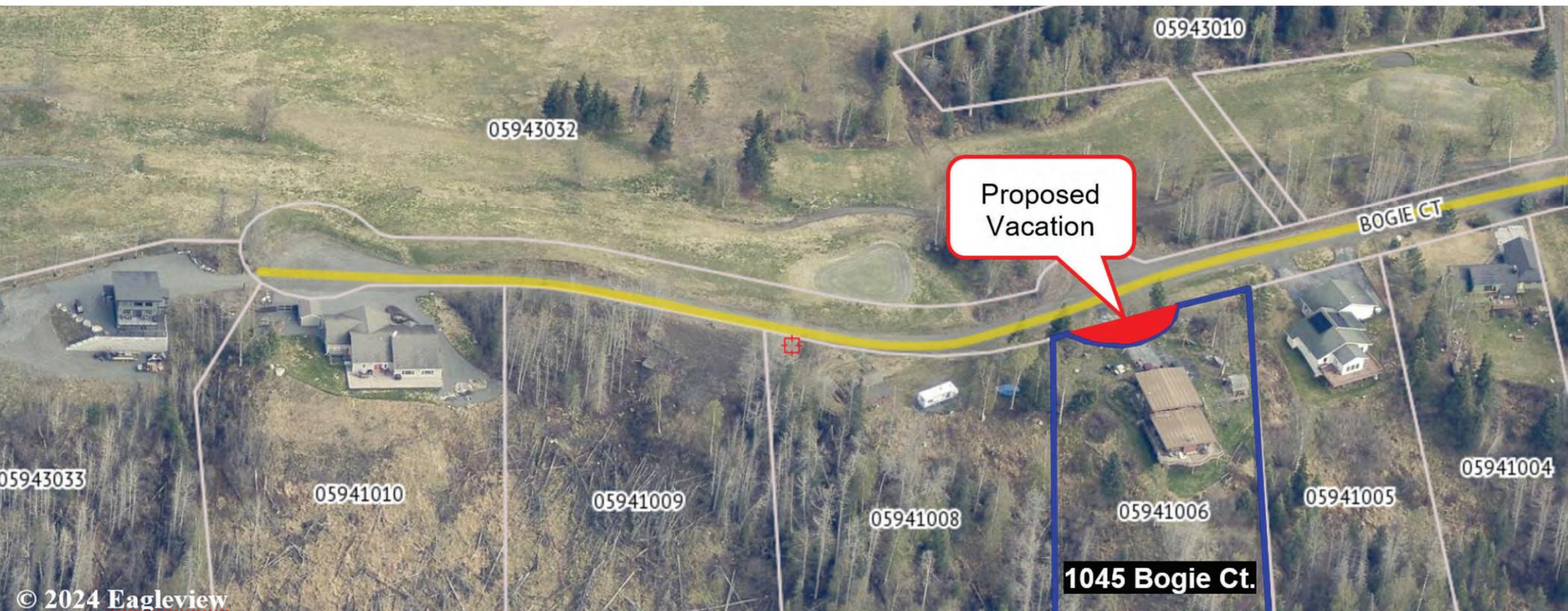


RECOMMENDING APPROVAL OF THE GOLF ACRES SUBDIVISION  
BOGIE COURT VACATION  
**RESOLUTION PZ 2025-019**

Linda Mitchell, ED+P Director  
December 3, 2025



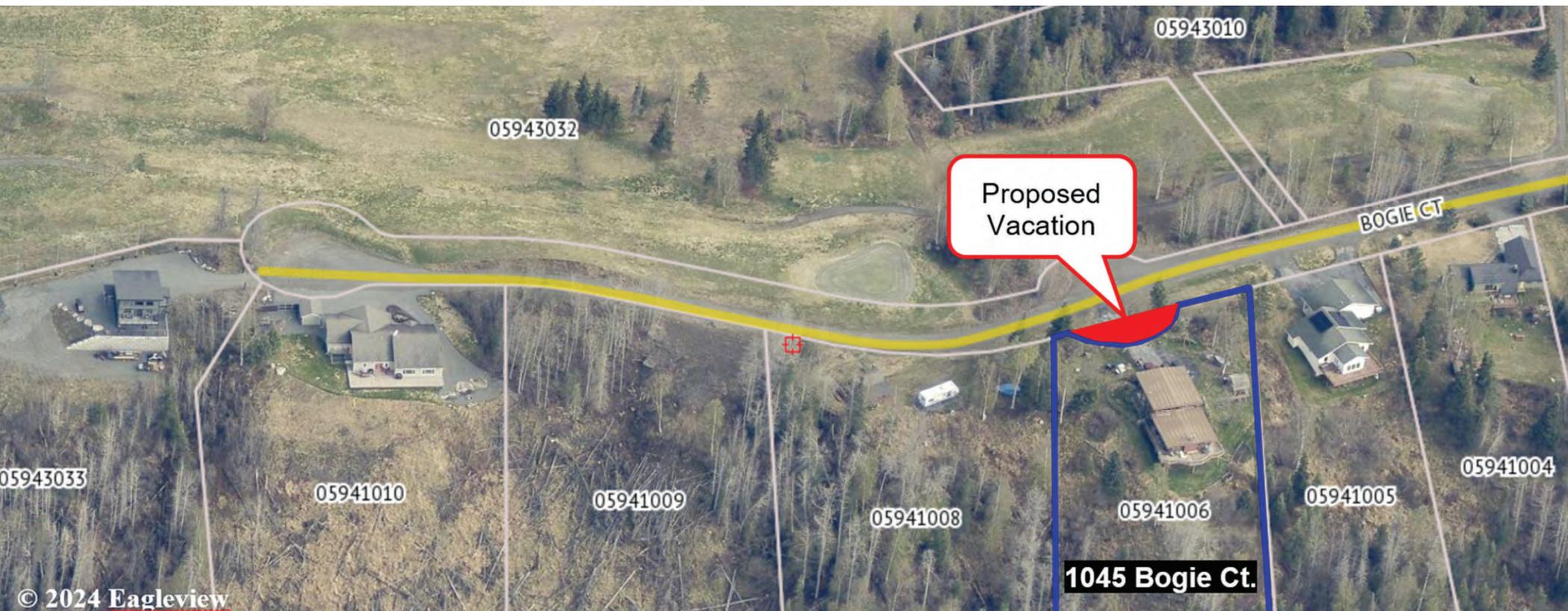
# PRELIMINARY PLAT (ROW VACATION) REQUEST



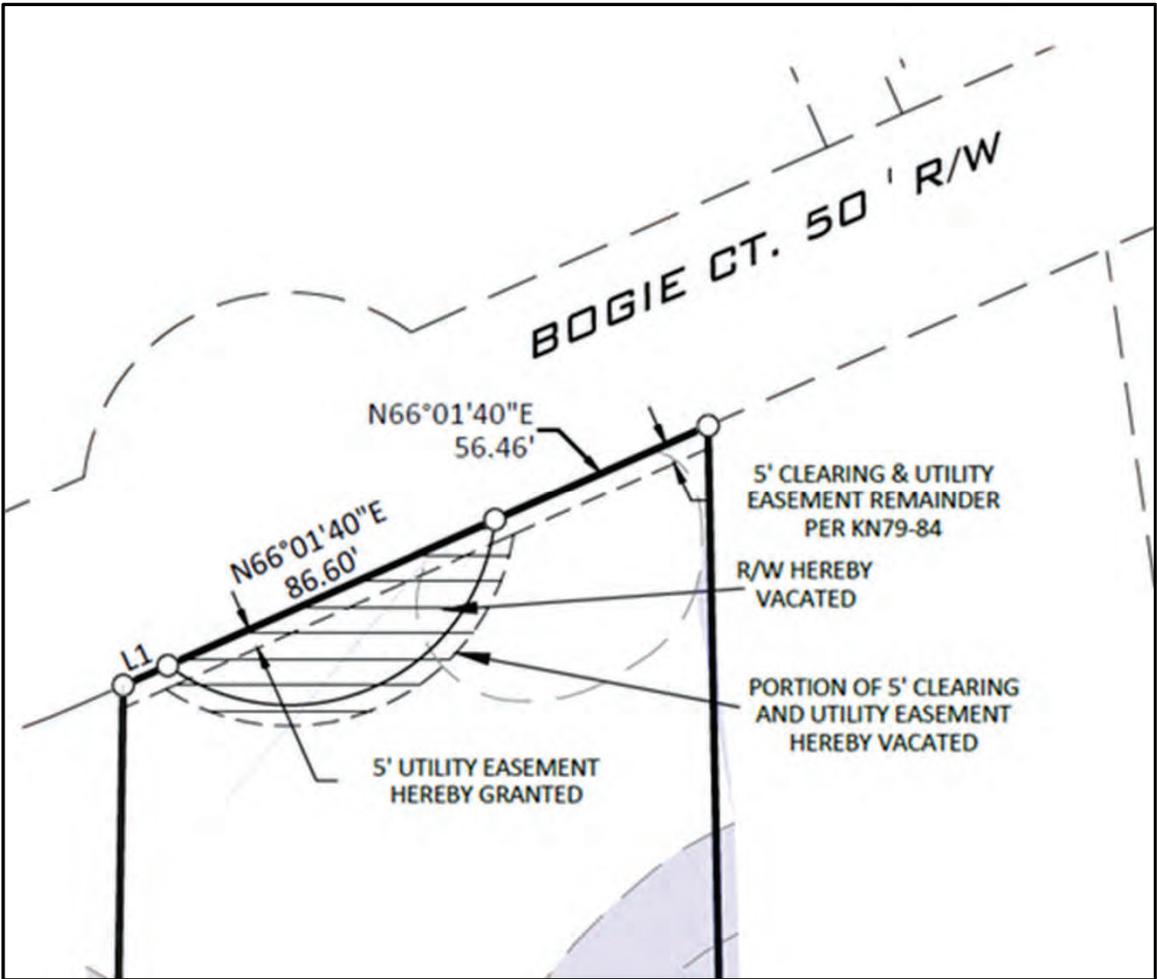
# TITLE 16 - SUBDIVISION REQUIREMENTS - ZONING



# TITLE 16 – SUBD. REQS. – ACCESS & STREET DESIGNATION

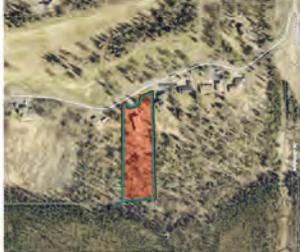


# TITLE 16 - SUBDIVISION REQUIREMENTS – UTILITY



# NOTICING AND COMMENTS

 **SOLDOTNA**  
Economic Development + Planning  
177 North Birch Street  
Soldotna, AK 99669



**Questions or Comments?**  
Contact Economic Development + Planning  
[planning@soldotna.org](mailto:planning@soldotna.org) or 907-262-9107

## PUBLIC NOTICE

 **SOLDOTNA**

The Planning and Zoning Commission will meet on **Wednesday, December 3, 2025, 5:30 p.m.** in the City Council Chambers, located in City Hall at 177 N. Birch Street, to consider the following Preliminary Plat request:

A recommendation to the Kenai Peninsula Borough for the vacation of a portion of the Bogle Court right-of-way adjacent to the property at 1045 Bogle Court with the legal description of Lot 5-A, Replat of Lot 5 and 6 Block 1, Golf Acres Subdivision.

**Resolution No.:** PZ2025-019  
**Project Location:** 1045 Bogle Court  
**Zoning District:** Rural Residential (RR)

Planning & Zoning Commission meetings are livestreamed on the City's YouTube channel at <https://www.youtube.com/@citysoldotna>.

Telephonic/virtual participation: To participate through the Zoom webinar by telephone call 1-669-900-6833 or 1-253-215-8782, or to join from a computer visit <https://us02web.zoom.us/j/84511083895>, the webinar ID is: 845 1108 3895.

You are being sent this notice in accordance with the Soldotna Municipal Code 16.10.040 and Soldotna Public Notification Policy, because you are a property owner within 300 feet of the proposed vacation.

Scan to Submit Comments via Email



Notices were mailed on November 24, 2025.

Public Comment(s): 1 (no objections)

Department/Agency Comments: Public Works Director, Streets & Maintenance Manager, and CES Fire Marshal are all supportive of the proposal.

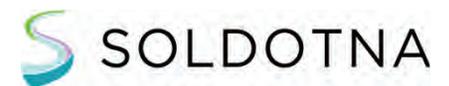
# STAFF RECOMMENDATION

Adopt Resolution PZ 2025-019 recommending approval of the preliminary plat, Golf Acres Subdivision Bogie Court Vacation to the Kenai Peninsula Borough.



RECOMMENDING APPROVAL OF THE GOLF ACRES SUBDIVISION  
BOGIE COURT VACATION  
**RESOLUTION PZ 2025-019**

Linda Mitchell, ED+P Director  
December 3, 2025





**Economic Development + Planning**  
177 North Birch Street  
Soldotna, AK 99669  
907.262.9107  
[www.soldotna.org](http://www.soldotna.org)

SENT VIA ELECTRONIC MAIL

December 4, 2025

McLane Consulting  
Attn: Andrew Hamilton  
PO Box 468  
Soldotna, AK 99669  
[ahamilton@mcclanecg.com](mailto:ahamilton@mcclanecg.com)

**RE: Notice of Recommendation - Resolution PZ2025-019 – Preliminary Plat – Golf Acres Subdivision Bogie Court Vacation**

Dear McLane Consulting:

On Wednesday, December 3, 2025, the City of Soldotna Planning and Zoning Commission recommended approval of Resolution PZ2025-019 for Preliminary Plat Golf Acres Subdivision Bogie Court Vacation. **An installation agreement is not required.** Enclosed is a copy of the resolution.

If you have any questions, please contact Economic Development and Planning Department at 907-7141234 or [planning@soldotna.org](mailto:planning@soldotna.org).

Sincerely,

A handwritten signature in black ink, appearing to read 'L. Mitchell', is written over a light blue rectangular background.

Linda Mitchell  
Economic Development and Planning Director

Enclosure

cc: KPB Planning Department ([planning@kpb.us](mailto:planning@kpb.us))

Date: December 3, 2025  
Action: Adopted  
Vote: 4 Yes, 0 No, 1 Absent

CITY OF SOLDOTNA  
PLANNING AND ZONING COMMISSION  
RESOLUTION NO. PZ 2025-019

RECOMMENDING APPROVAL OF THE  
GOLF ACRES SUBDIVISION BOGIE COURT VACATION

WHEREAS, the City received a completed application for the attached plat, Golf Acres Subdivision Bogie Court Vacation from McLane Consulting Inc. on October 27, 2025; and

WHEREAS, the Planning and Zoning Commission conducted a duly advertised review on December 3, 2025 following noticing requirements outlined in Soldotna Municipal Code 16.10.040.E; and

WHEREAS, the Planning and Zoning Commission finds:

1. The preliminary plat vacates a portion of Bogie Court right-of-way adjacent to the parcel legally described as Lot 5-A, Block 1, Replat of Lot 5 and 6 Block 1 Golf Acres Subdivision;
2. The affected parcel, Lot 5-A, is zoned Rural Residential;
3. Surrounding zoning is Rural Residential with the following adjacent land uses: golf course to the north, single-family dwellings to the west and east, and vacant land to the south;
4. The access will remain via Bogie Court;
5. There are no dedications, nor the construction or acceptance of right-of-way involved in the proposed vacation.
6. There are no street designations involved in the proposed vacation.
7. There is an existing five-foot (5') utility easement along Bogie Court, which will be rededicated accordingly.
8. Municipal water and sewer are unavailable within 300 feet of the preliminary plat;
9. The preliminary plat generally meets the standards in Title 16 – *Subdivision Requirements* and applicable requirements established by other titles of the Soldotna Municipal Code (SMC).

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF SOLDOTNA, ALASKA:

Section 1. That the Commission recommends the Kenai Peninsula Borough Planning Commission approve the Golf Acres Subdivision Bogie Court Vacation, subject to the findings as stated above.

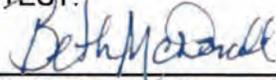
Section 2. A copy of this resolution shall be forwarded to the Kenai Peninsula Borough Planning Department for their consideration.

Section 3. This resolution shall become effective immediately upon its adoption.

PASSED BY THE PLANNING AND ZONING COMMISSION THIS 3<sup>RD</sup> DAY OF DECEMBER, 2025.

  
Kaitlin Vadla, Chair

ATTEST:

  
Beth McDonald, Associate Planner

Yes: Murray, Ruffridge, Strausbaugh, Vadla  
No: None  
Absent: Burton



## KENAI PENINSULA BOROUGH PLANNING COMMISSION NOTICE OF PUBLIC HEARING

Public notice is hereby given that a petition was received on 1/15/2026 to vacate a public right-of-way in the City of Soldotna. Area under consideration is described as follows:

Request / Affected Property: Vacates of portion of the Bogie Court right-of-way and associated utility easement

KPB File No. 2026-005V.

Petitioner(s) / Land Owner(s): Timothy Shaun Cowan of Soldotna, AK.

Purpose as stated in petition: Vacate southern portion of Bogie Court cul-de-sac per KN79-84 with associated utility and clearing easement. Utility easement will be rededicated accordingly so that it is parallel to the proposed right of way line.

Public hearing will be held by the Kenai Peninsula Borough Planning Commission on **Monday, February 9, 2026**, commencing at **7:30 p.m.**, or as soon thereafter as business permits. The meeting is being held in 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>.

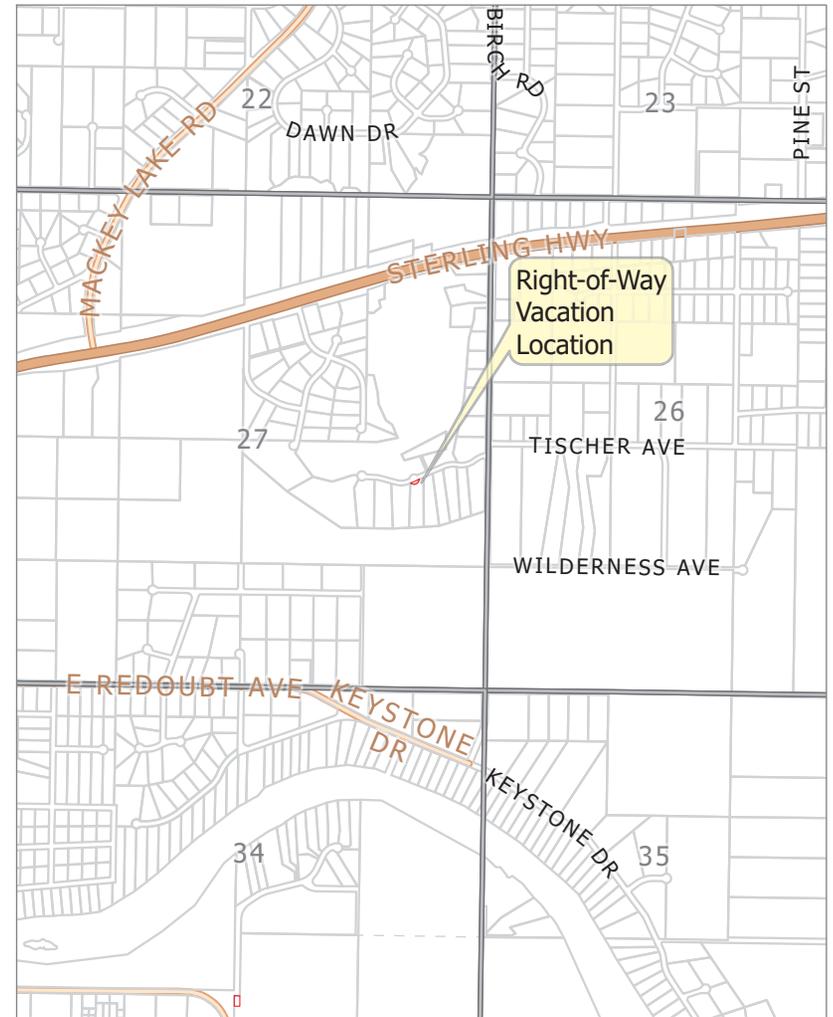
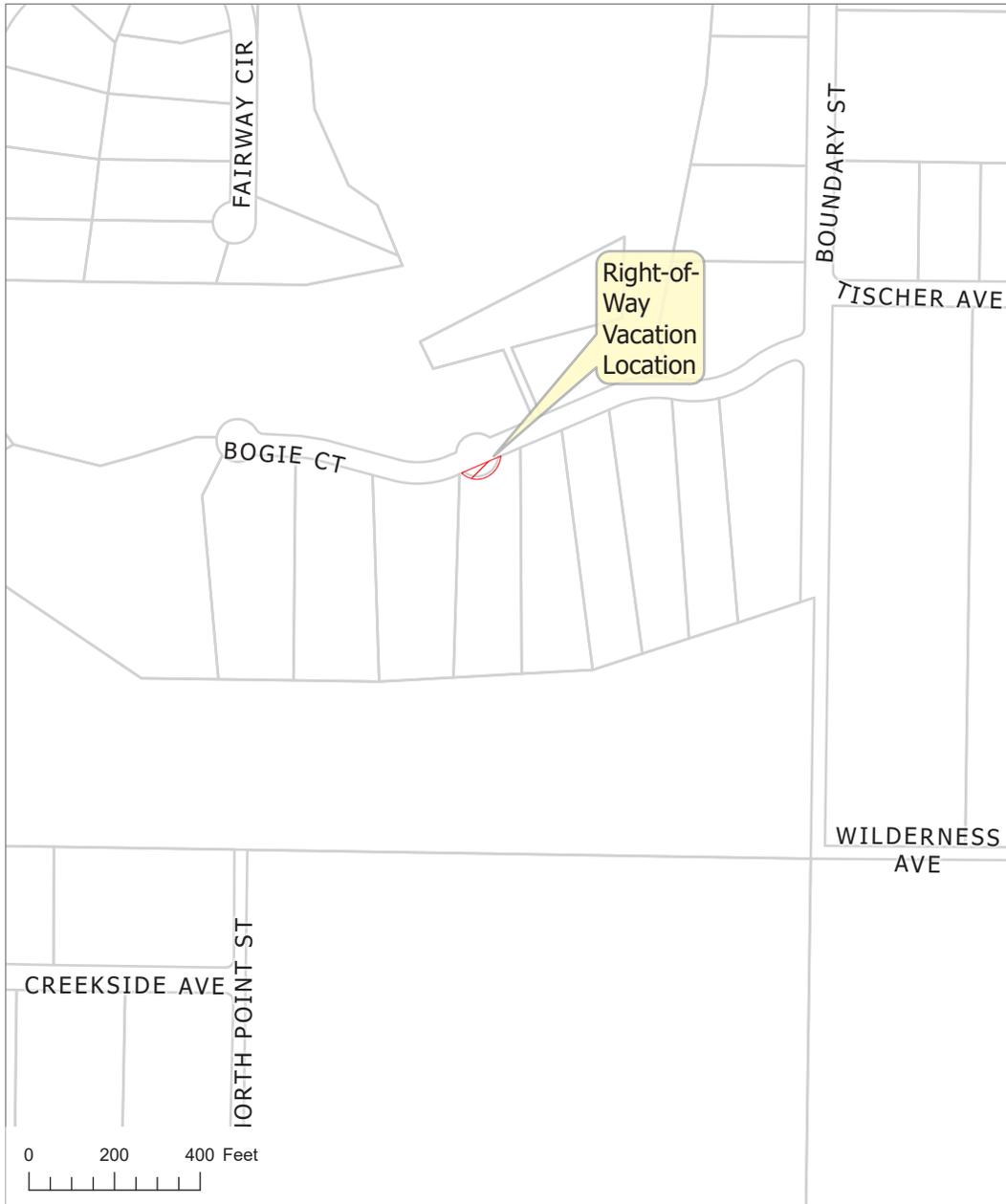
Anyone wishing to testify may attend the meeting in person or through Zoom. Written testimony may be submitted by email to [planning@kpb.us](mailto:planning@kpb.us), or mailed to the attention of Beverly Carpenter, Kenai Peninsula Borough Planning Department, 144 N. Binkley Street, Soldotna, Alaska 99669.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

If the Planning Commission approves the vacation, the Soldotna City Council has thirty days from that decision in which they may veto the Planning Commission approval. Denial of a vacation petition is a final act for which no further consideration shall be given by the Kenai Peninsula Borough.

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) or email [planning@kpb.us](mailto:planning@kpb.us).

Mailed 1/20/2026



KPB File 2026-005V  
T05N R10W SEC27  
Soldotna

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**

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 DEDICATE ALL RIGHTS-OF-WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

TIMOTHY SHAUN COWAN  
PO BOX 2676  
SOLDOTNA, AK 99669

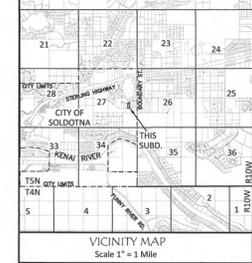
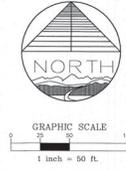
**NOTARY'S ACKNOWLEDGEMENT**

FOR: TIMOTHY SHAUN COWAN  
ACKNOWLEDGED BEFORE ME THIS  
\_\_\_\_ DAY OF \_\_\_\_\_, 2025  
MY COMMISSION EXPIRES: \_\_\_\_\_

NOTARY PUBLIC FOR THE  
STATE OF ALASKA

**WASTEWATER DISPOSAL**

THE SOLE PURPOSE OF THIS PLAT IS TO DEPICT AN AREA APPROVED FOR VACATION UNDER KPB CHAPTER 20.65 AS DESCRIBED IN KPB 20.40.020(A)(3). WASTEWATER TREATMENT AND DISPOSAL SYSTEMS MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.



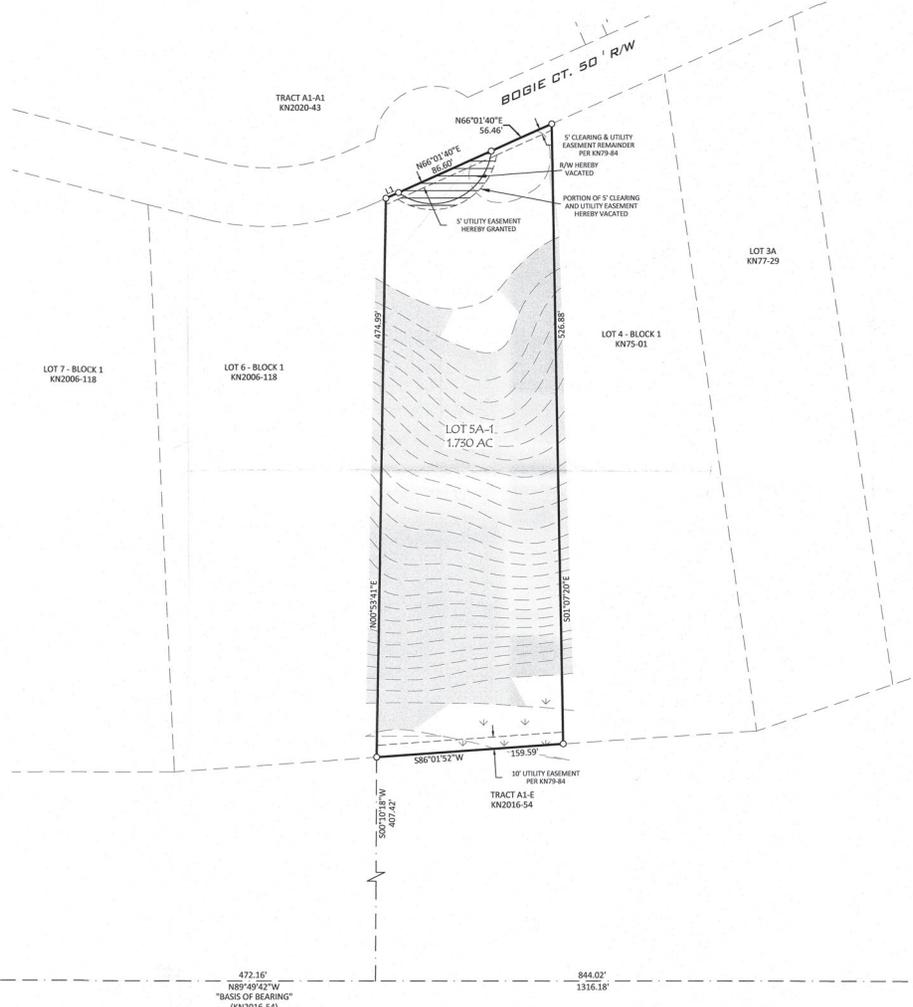
**NOTES**

1. WATER SUPPLY AND SEWAGE DISPOSAL SYSTEMS SHALL BE PERMITTED ONLY IN CONFORMANCE WITH APPLICABLE REQUIREMENTS OF 18 AAC 72 AND 18 AAC 80.
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. DEVELOPMENT MUST MEET THE CITY OF SOLDOTNA TITLE 17 ZONING CODE REQUIREMENTS.
4. THE KENAI PENINSULA BOROUGH PLANNING COMMISSION APPROVED THE VACATION OF A PORTION OF BOBBIE COURT AND THE ASSOCIATED BUILDING SETBACKS AT THE MEETING OF \_\_\_\_\_, 2025.
5. BUILDING SET BACK - A BUILDING SET BACK OF 20 FEET IS REQUIRED FROM ALL STREETS RIGHTS-OF-WAY UNLESS A LESSER STANDARD IS APPROVED.
6. THIS PLAT MAY BE SUBJECT TO THE FOLLOWING:
  - 6.1. A RIGHT OF WAY EASEMENT GRANTED TO HOMER ELECTRIC ASSOCIATION JUNE 25, 1973, BOOK 71, PAGE 905, KRD. LOCATION NOT DEFINED.
  - 6.2. COVENANTS, CONDITIONS AND RESTRICTIONS RECORDED OCTOBER 10, 1975, BOOK 88, PAGE 750, KRD. THE KENAI PENINSULA BOROUGH WILL NOT ENFORCE PRIVATE COVENANTS, EASEMENTS OR DEED RESTRICTIONS PER KPB 20.60.170(B).

**LEGEND**

- ⊕ FOUND PRIMARY MONUMENT AS DESCRIBED
- FOUND 1/2" REBAR UNLESS NOTED
- DISCHARGE SLOPE PER KPB KWF WETLANDS ASSESSMENT
- CONTOUR INTERVAL = 5'
- ▨ SLOPES GREATER THAN 20%

LINE TABLE		
LINE #	BEARING	DISTANCE
L1	N 66°00'04"E	11.70'



Plat # \_\_\_\_\_  
Rec Date \_\_\_\_\_  
Date \_\_\_\_\_  
Time \_\_\_\_\_



**GOLF ACRES SUBDIVISION BOBBIE COURT VACATION**  
REPLAT OF LOT 5A (REPLAT OF LOT 5 AND 6 BLOCK 1 GOLF ACRES SUBDIVISION KN79-84) AND PORTION OF BOBBIE COURT 50' R/W  
OWNER:  
TIMOTHY SHAUN COWAN  
PO BOX 2676, SOLDOTNA, AK 99669  
1.730 AC. M/L SITUATED IN THE SE 1/4 OF SECTION 27, TOWNSHIP 5 NORTH, RANGE 10 WEST, SEWARD MERIDIAN, KENAI PENINSULA BOROUGH, AND THE KENAI RECORDING DISTRICT, ALASKA.

**PLAT APPROVAL**  
THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH IN ACCORDANCE WITH KPB 20.10.080.

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

 ENGINEERING - TESTING SURVEYING - MAPPING P.O. BOX 488 SOLDOTNA, AK 99689 VOICE: (907) 283-3218 FAX: (907) 283-3265 WWW.MCLANCO.COM	KPB File No.	2025-XXXX
	Project No.	252040
Scale: 1" = 50'	Date: NOV. 2025	BOOK: XX-XX Drawn by: AHH

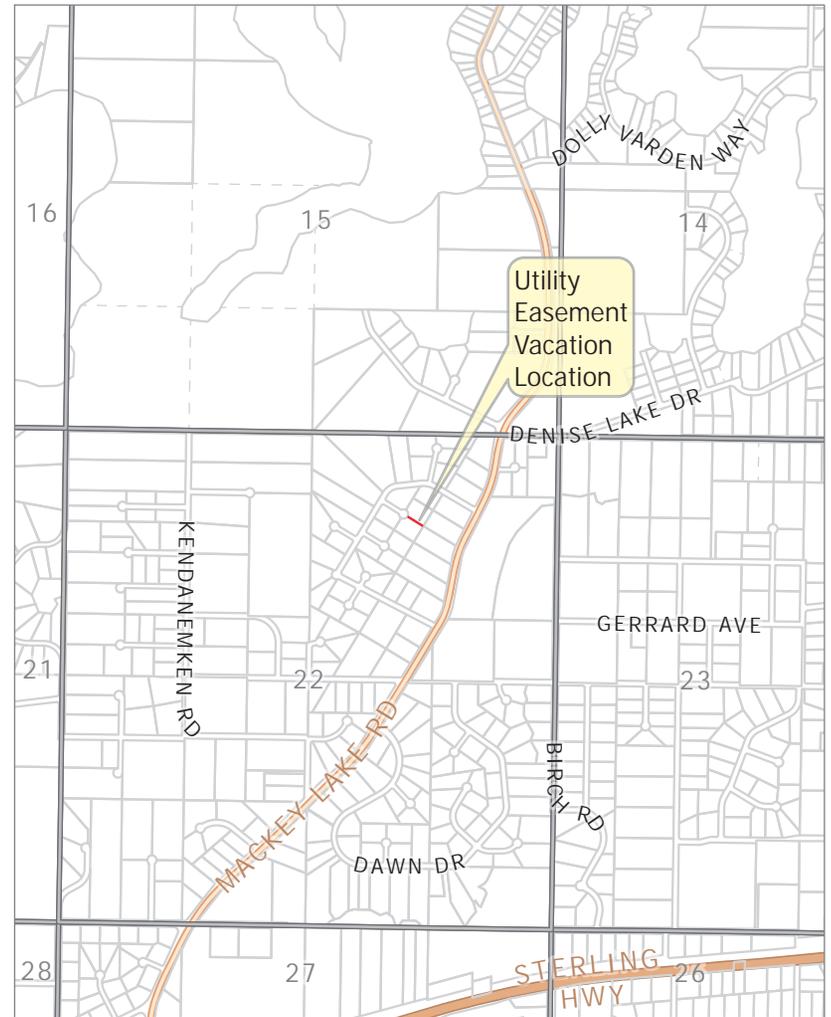
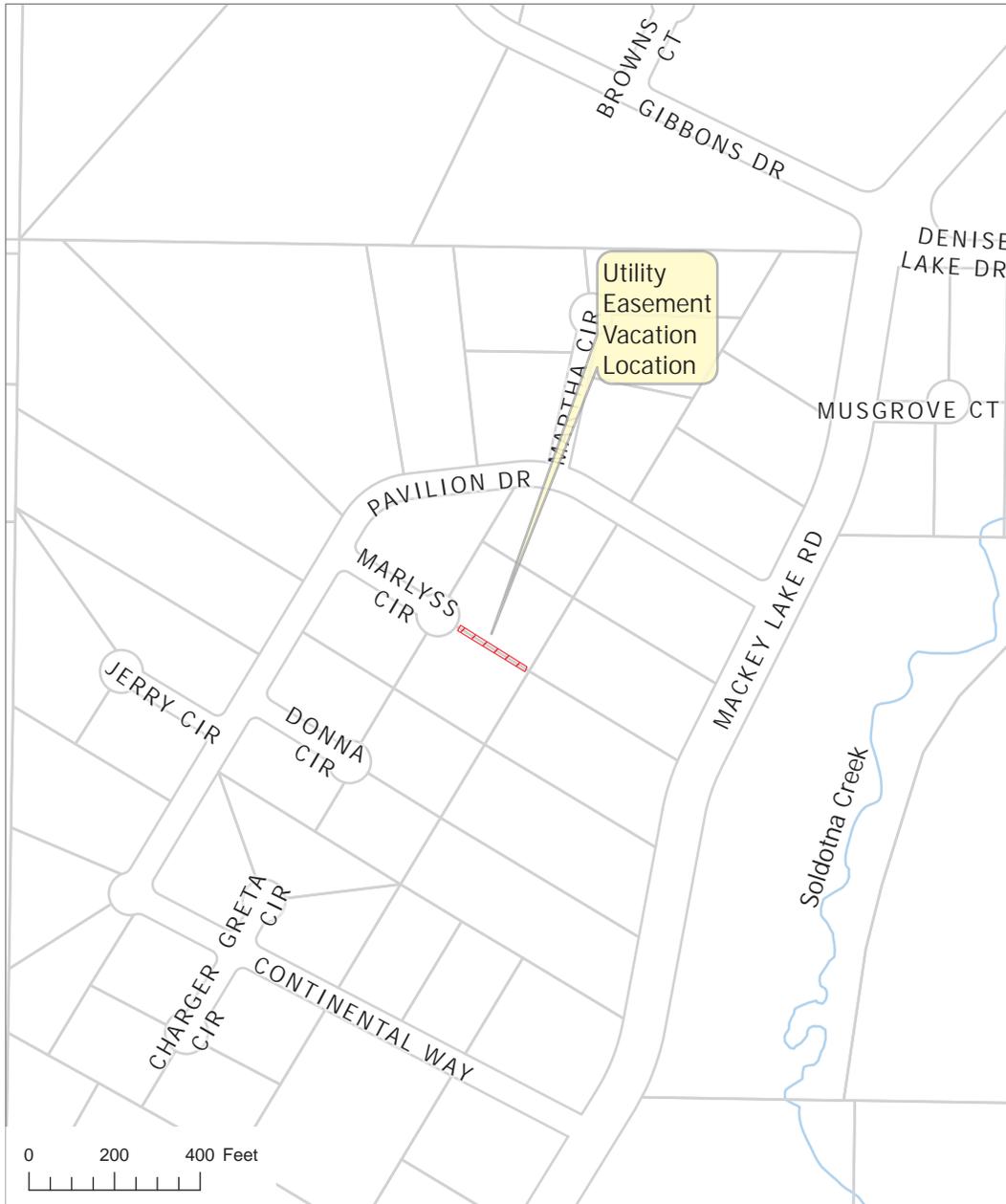
**KPB 2026-005V**

## **E. NEW BUSINESS**

### **2. Utility Easement Vacation; KPB File 2026-004V**

**McLane Consulting Group / Heintz**

**Request: Vacates the 10' utility easement along the northeastern boundary of Lot 10B and associated 10' utility easement along the southwestern boundary of Lot 8B, all within Block 2, Pavilion Sub Part 2, Plat KN 83-156 Ridgeway Area**

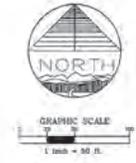
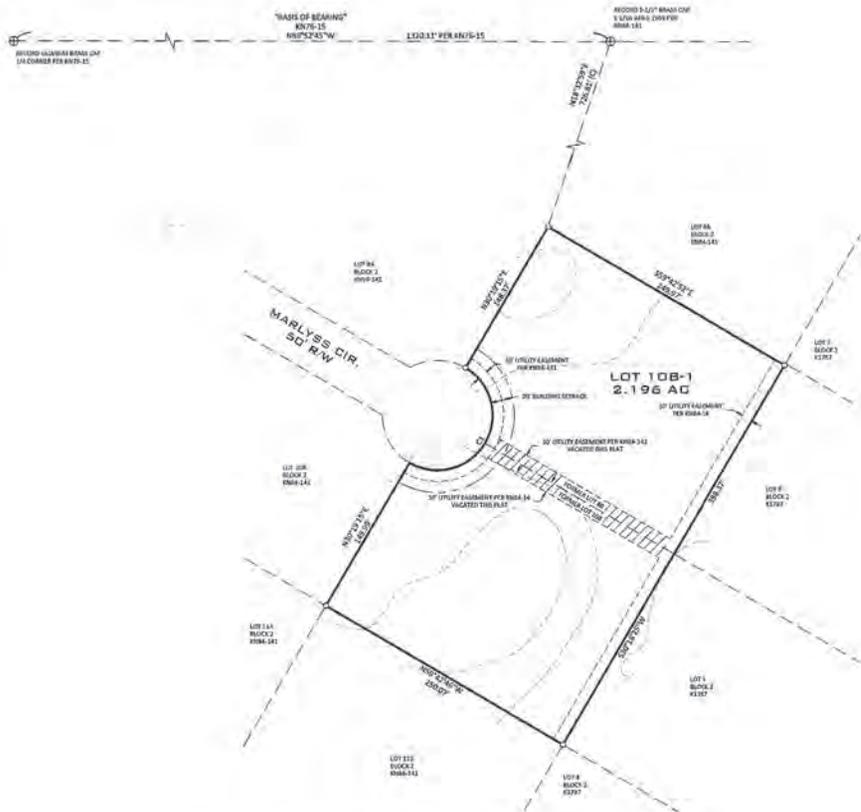


KPB File 2026-004V  
T05N R10W SEC22  
Ridgeway

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. WATER SUPPLY AND SEWAGE DISPOSAL SYSTEMS SHALL BE PERMITTED ONLY IN CONFORMANCE WITH APPLICABLE REQUIREMENTS OF 18 AAC 72 AND 18 AAC 60.
  2. BUILDING SETBACK: A BUILDING SETBACK OF 20 FT. IS REQUIRED FROM ALL STREET RIGHTS-OF-WAY UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
  3. THE FRONT 10 FEET ADJOINING DESIGNATED RIGHTS-OF-WAY IS ALSO A UTILITY EASEMENT PER KRSB-443.
  4. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE SAME AS INTENT.
  5. THIS PLAT WAS PREPARED FROM DATA OF RECORDED KRSB-1413. NO ADDITIONAL FIELD SURVEY WAS REQUIRED PER KPB 20-00-2005B.
  6. UTILITY VACATION SHOWS HEREON WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING ON \_\_\_\_\_, 2024.

**WASTEWATER DISPOSAL**  
 THIS PLAT INCREASES LOT SIDES BY 1,000 SQUARE FEET OR MORE OF AREA SUITABLE FOR CONVENTIONAL DEVELOPMENT AS DESCRIBED IN KPB 20-00-2005B. WASTEWATER TREATMENT AND DISPOSAL SYSTEMS MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

- LEGEND**
- ⊕ RECORD PRIMARY ALIGNMENT AS DESCRIBED
  - RECORD 5/8" FB&B w/ 1-1/2" A/C&P PER KRSB-381
  - - - CONTOUR INTERVAL = 5'
  - ▨ UTILITY EASEMENT VACATED THIS PLAT

**CURVE TABLE**

CHORD R	DELTA	ANGLE	LENGTH	TANGENT	CHORD BEARING	CHORD LENGTH
CL	170°54'53"	56.67	151.02	47222.807	N 89° 19' 58" E	800.00

**CERTIFICATE OF OWNERSHIP AND DEDICATION**  
 WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND 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.

JASON M. HEINTZ, OWNER  
 PO BOX 3323, SOLDOTNA, AK 99689

JULIE L. HEINTZ, OWNER  
 PO BOX 3323, SOLDOTNA, AK 99689

**NOTARY'S ACKNOWLEDGEMENT**  
 FOR: JASON M. HEINTZ  
 ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2026  
 MY COMMISSION EXPIRES: \_\_\_\_\_  
 NOTARY PUBLIC FOR THE STATE OF ALASKA

**NOTARY'S ACKNOWLEDGEMENT**  
 FOR: JULIE L. HEINTZ  
 ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2026  
 MY COMMISSION EXPIRES: \_\_\_\_\_  
 NOTARY PUBLIC FOR THE STATE OF ALASKA

Plat # \_\_\_\_\_  
 Rec. Date: \_\_\_\_\_  
 Date: \_\_\_\_\_  
 Title: \_\_\_\_\_



**PLAT APPROVAL**  
 THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF \_\_\_\_\_, 2026.  
 AUTHORIZED OFFICIAL \_\_\_\_\_

**PAVILION SUBDIVISION PART 2 AMENDED 2026 REPLAT**  
 REPLAT OF LOT 88 AND 808 PAVILION SUBDIVISION PART 2 AMENDED KRSB-1413

**OWNERS:**  
 JASON M. HEINTZ  
 JULIE L. HEINTZ  
 PO BOX 3323, SOLDOTNA, AK 99689

3.196 AC. M/L SITUATED IN THE NE1/4 OF SECTION 22, TOWNSHIP 5 NORTH, RANGE 10 WEST, SOWARD MERIDIAN, KENAI PENINSULA BOROUGH AND THE KENAI RECORDING DISTRICT, ALASKA.

**Consulting by:** M&A INC  
 1500 W. 11TH AVE., SUITE 100  
 SELLERSVILLE, OH 45670  
 FAX: (614) 233-2222  
 WWW.M&AENGINEERING.COM

**KPB File No.:** 2025-XXX  
**Project No.:** 252045

Scale 1" = 50'  
 Date: NOVEMBER 2025  
 Drawn by: AMH

KPB 2026-004V

**ITEM #2 - UTILITY EASEMENT ALTERATION  
 VACATE THE 10-FOOT-WIDE UTILITY EASEMENTS LOCATED ALONG THE EAST BOUNDARY OF LOT 10B AND ALONG THE WEST BOUNDARY OF LOT 8B, BLOCK 2, GRANTED BY PAVILION SUBDIVISION PART 2 PAVILION PARK ESTATES ADDITION AMENDED, PLAT KN 84-141**

<b>KPB File No.</b>	2026-004V
<b>Planning Commission Meeting:</b>	February 9, 2026
<b>Applicant / Owner:</b>	Julie L. Heintz and Jason M. Heintz of Soldotna, Alaska
<b>Surveyor:</b>	Andrew Hamilton, McLane Consulting Inc.
<b>General Location:</b>	Marlyss Circle off Pavilion Drive, located off Mackey Lake Road in Sterling

---

**STAFF REPORT**

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

Utility Vacation: A 20-foot-wide utility easement centered on the common lot line of Lot 8B and Lot 10B - 10 feet each side of said common lot line. Proposed vacation is approximately 3,600 +/- square feet.

**Notification:** Notice of vacation mailings were sent by regular mail to \_\_\_ owners of property within 600 feet. Notice of the proposed vacation was emailed to \_\_\_ agencies and interested parties.

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

**Staff Analysis:**

In 1976, Pavilion Subdivision, Part 2 (KN 76-15) originally subdivided the area and granted a 10-foot utility easement along each side of the common lot line of Lot 10 to both Lots 8 & 9, Block 2, as well as along the rear boundaries of Lots 8 and 10.

In 1983, Pavilion Subdivision Part 2 Pavilion Park Estates Addition (KN 83-156, later amended by plat KN 84-141) replatted multiple lots, and in the process created lots 8B and 10B, Block 2. The 10-foot-wide utility easement was carried forward along the common lot line between Lots 8B and 10B and along the rear boundaries of the lots. Additionally, a 10-foot utility easement was granted along Marlyss Circle right-of-way.

The 10-foot-wide utility easement along the west boundary of Lot 8B and along the east boundary of Lot 10B between the rear utility easement and the utility easement along the right-of-way are petitioned to be vacated, as shown by the hatched area on the submitted preliminary plat. The proposed plat also eliminates the common lot line between Lots 8B & 10B, resulting in a single lot.

The associated plat, Pavilion Subdivision Part 2 Amended 2026 Replat, is scheduled for review at the February 9, 2026, Plat Committee meeting. Upon approval, the plat will finalize the utility easement vacation.

The proposed plat will retain the 10-foot-wide utility easements adjacent to Marlyss Circle right-of-way and along the rear boundary.

A garage located on Lot 8B may be encroaching into the 10-foot utility easement at the southwest corner of the structure. The proposed plat and utility vacation, which eliminates the common lot lines and finalizes the easement vacation, resolves the encroachment concern. Because the lot lines are being removed, an as-built survey was not requested for this submittal.

**Utility provider review:**

HEA	HEA has no objection or concerns with the vacation of the utility easement as depicted on this drawing.
ENSTAR	Approved as shown.
ACS	No objections.
GCI	No response.
KPB Roads	No objection at this time.

**Applicant Findings:**

1. Lots 8B and 10B are owned by Jason and Julie Heintz. The landowners intend to consolidate these two lots into a single lot.
2. The proposed Lot 10-B1 has an existing 10-foot utility easement adjacent to Marlyss Circle right-of-way per KN 84-141 and a 10-foot utility easement along the easterly boundary per KN 84-141.
3. The utility easement is not in use by utility companies and each company has supported vacation of said easement.
4. Vacation of this utility easement will not prohibit future utility connection to surrounding properties.

**Staff Findings:**

5. ACS, ENSTAR, and HEA provided written non-objection to the proposed vacation. GCI did not respond after two separate contact attempts.
6. Pavilion Subdivision, Part 2 (KN 76-15) granted a 10-foot utility easement along each side of the common lot line on Lots 8 through 10, Block 2, as well as along the rear boundaries of Lots 8 and 10.
7. Pavilion Subdivision Part 2 Pavilion Park Estates Addition Amended KN 84-141 carried forward the 10-foot-wide utility easement along the common lot line between Lots 8B and 10B and along the rear boundary of the lots. Additionally, a 10-foot utility easement was granted along Marlyss Circle.
8. Pavilion Subdivision Part 2 Amended 2026 Replat, is scheduled for review at the February 9, 2026, Plat Committee meeting. Upon approval, the plat will finalize the utility easement vacation and eliminate the common lot line, resulting in a single lot. The proposed plat will retain the 10-foot-wide utility easement adjacent to Marlyss Circle and along the rear boundary.
9. No surrounding properties will be denied utilities.

---

**STAFF RECOMMENDATIONS**

**CORRECTIONS / EDITS**

- o Modify the 10-foot utility easement labels to reference the parent plat source KN 76-15
- o Comply with all recommendations outlined in the associated plat staff report.

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**RECOMMENDATION:**

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

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

- iii. The Planning Department is responsible for filing the Planning Commission resolution.

#### **20.65.070 Alteration of platted utility easements**

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

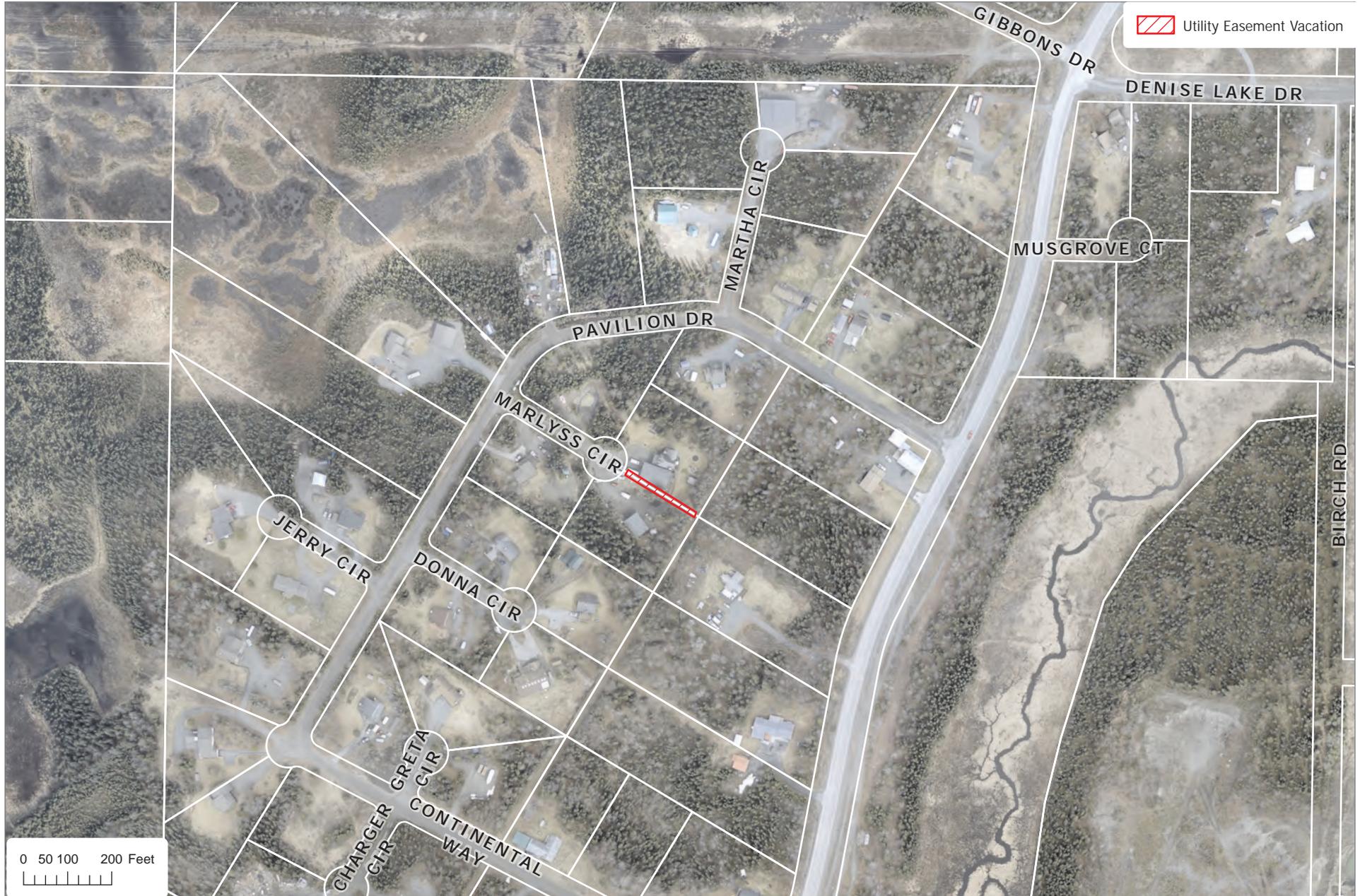
The 2019 Kenai Peninsula Borough Comprehensive Plan adopted November, 2019 by Ordinance No. 2019-25. The relevant objectives are listed.

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

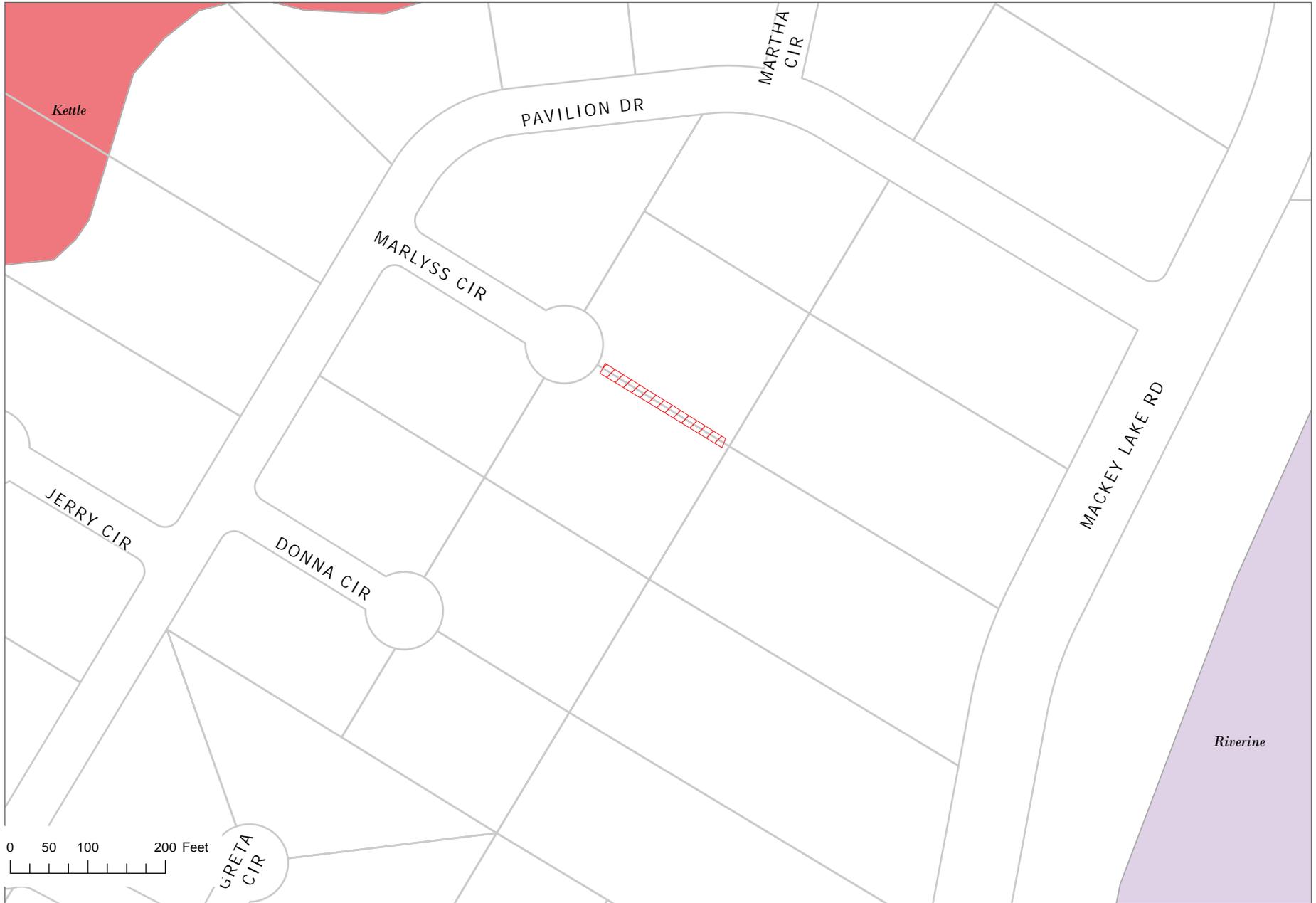
- *Focus Area: Energy and Utilities*
  - o *Objective A - Encourage coordination or residential, commercial, and industrial development with extension of utilities and other infrastructure.*
    - *Strategy 1. Near – Term: Maintain existing easements (especially section line easements) in addition to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

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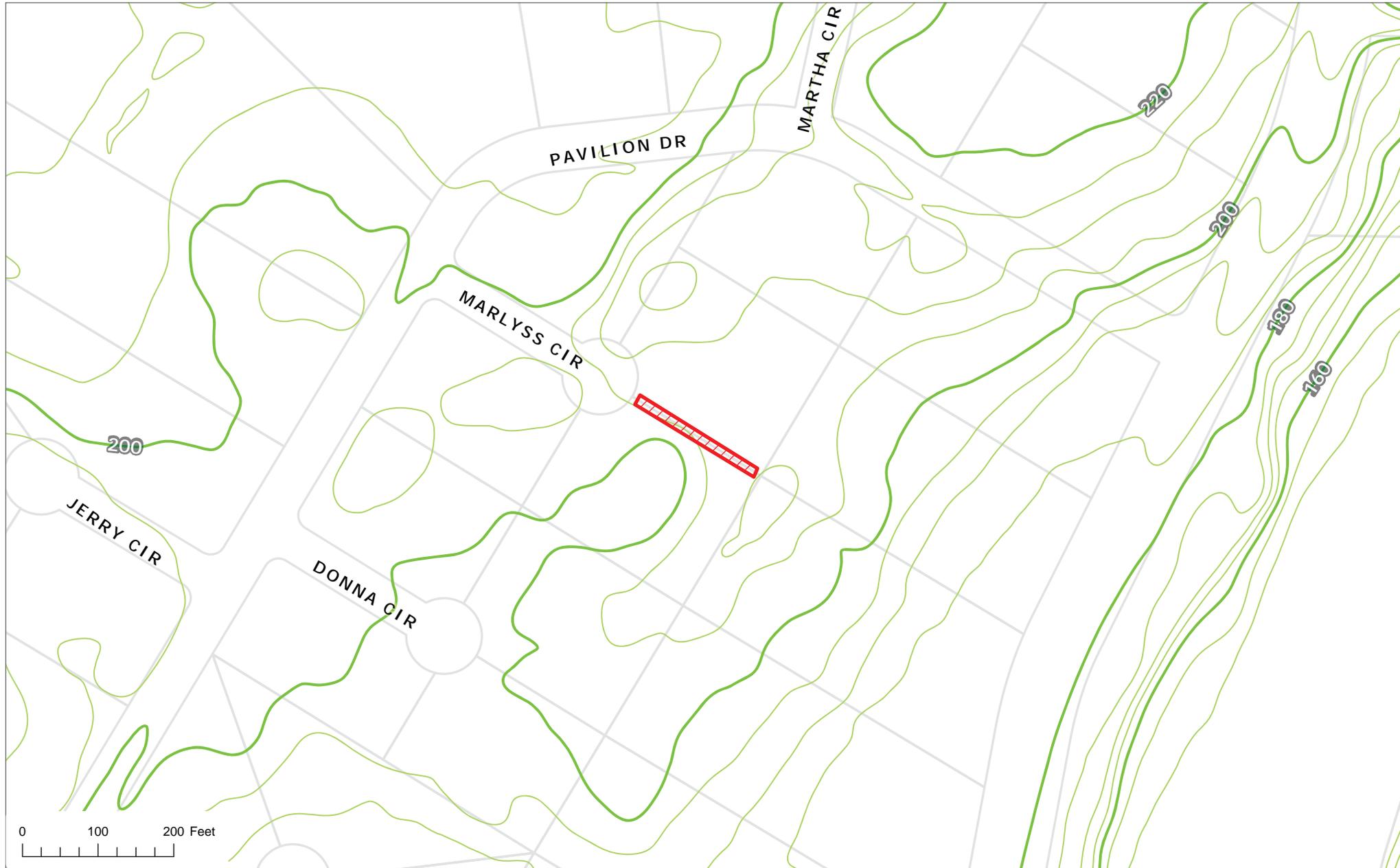
**END OF STAFF REPORT**

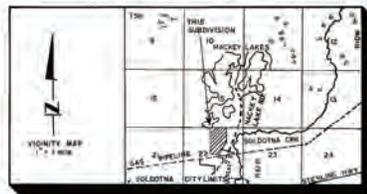
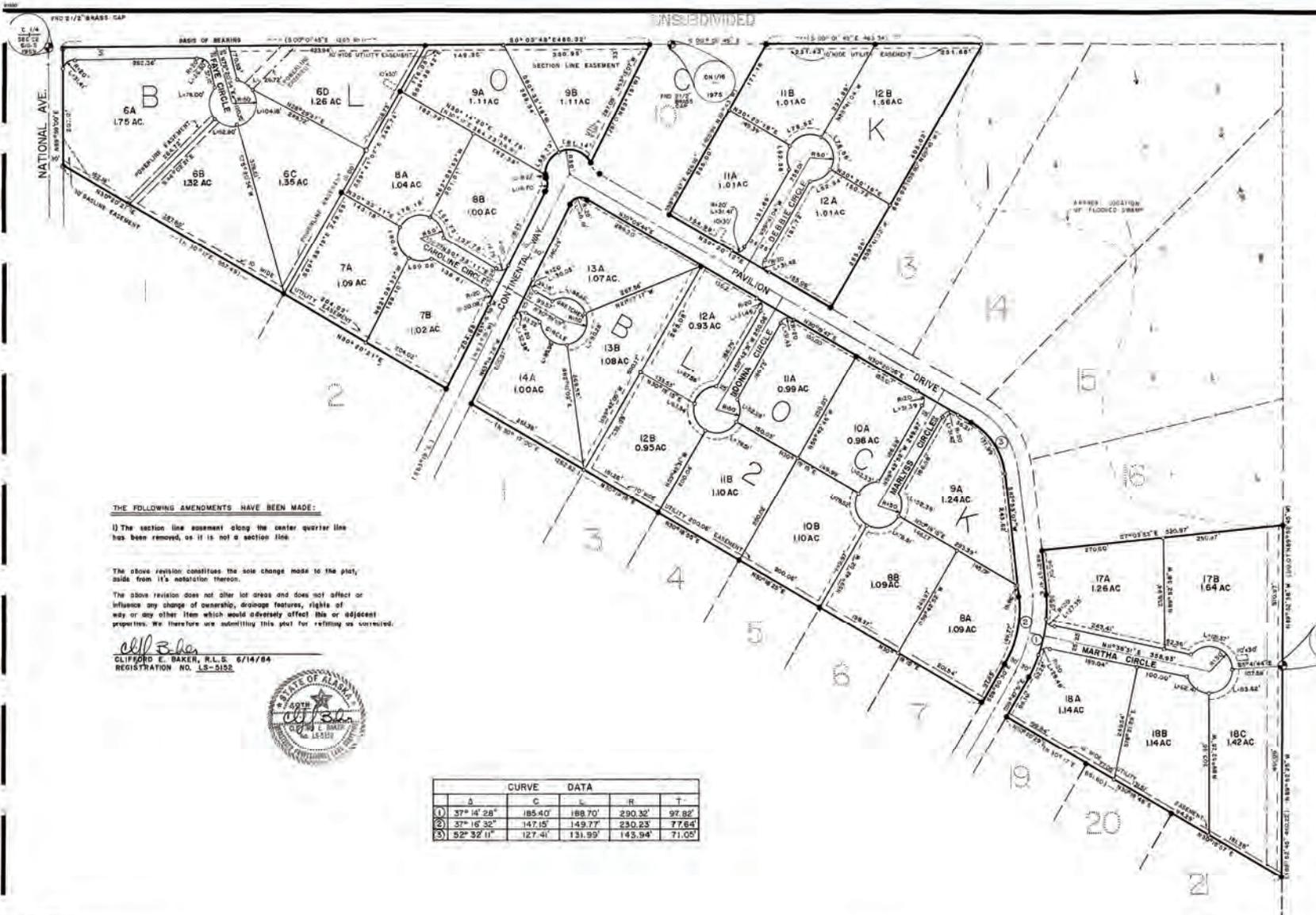


The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



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**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.

*Clifford E. Baker, R.L.S.*  
 KENNETH W. RICE JR. PRES. ALEXANDER B. RICE VICE-PRES.  
 SOLDOTNA, ALASKA 99581

**NOTARY'S ACKNOWLEDGEMENT**

SUBSCRIBED AND SWORN BEFORE ME THIS 1 DAY OF June 1983 FOR KENNETH W. RICE JR. ALEXANDER B. RICE

*James S. Jones*  
 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 May 3, 1983

KENAI PENINSULA BOROUGH  
*Robert*  
 AUTHORIZED OFFICIAL

**CERTIFICATE OF APPROVAL BY THE**

DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
 This subdivision has been reviewed by the department and IS ACCEPTED and is approved subject to any usual conditions.

*William R. E.* 7/28/82  
 SPECIAL AGENT TITLE S&S



*Clifford E. Baker*  
 CLIFFORD E. BAKER, R.L.S.  
 REGISTRATION NO. 15-5182



**THE FOLLOWING AMENDMENTS HAVE BEEN MADE:**

1) The section line easement along the center quarter line has been removed, as it is not a section line.

The above revision constitutes the sole change made to the plat, aside from it's notation hereon.

The above revision does not alter lot areas and does not affect or influence any change of ownership, drainage features, rights of way or any other item which would adversely affect this or adjacent properties. We therefore are submitting this plat for recording as corrected.

*Cliff E. Baker*  
 CLIFFORD E. BAKER, R.L.S. 6/14/84  
 REGISTRATION NO. 15-5182



CURVE DATA				
Δ	C	L	R	T
① 37° 14' 28"	185.40'	188.70'	290.32'	97.82'
② 37° 16' 32"	147.15'	149.77'	230.23'	77.64'
③ 52° 32' 11"	127.41'	131.99'	145.94'	71.02'

- LEGEND**
- ⊙ MONUMENT (Found this survey)
  - ⊕ MONUMENT (Set this survey)
  - 1/2" REBAR (Found this survey)
  - 5/8" x 30" REBAR W/ 1/2" AL SERV CAP (Set this survey)
  - ( ) RECORD DATUM K.R.D. 75-15

- 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) AS PER STAFF RECOMMENDATION 3 RESTRICT LOTS TO INTERIOR ACCESS ONLY ALONG CONTINENTAL AND PAVILION DRIVE.

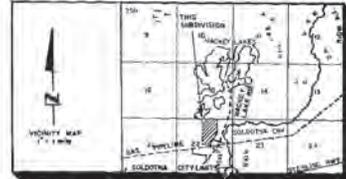
AMENDED

**PAVILION SUBDIVISION, PART 2**  
 PAVILION PARK ESTATES ADDITION  
 REFLET OF LOTS  
 6,7,8,9,10,11,12,13,14 BLOCK 2

LOCATED WITHIN  
 1/4 SEC 22, T44N, R10W, S4W ALASKA  
 CONTAINS 34.5 ACRES

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

ENGINEERS	262-5011	SURVEYORS	
DATE	4/23/83	SCALE	1"=100'
DRAWN BY	BRZ	SHEET	1
CHECKED BY	CR	SURVEYED	6/7/83



**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 RIGHTS-OF-WAYS & PUBLIC AREAS TO PUBLIC USE & GRANT ALL EASEMENTS TO THE USE SHOWN.

*Clifford E. Baker, R.L.S.*  
*Richard E. Baker, R.L.S.*

**NOTARY'S ACKNOWLEDGEMENT**

SUBSCRIBED AND SWORN BEFORE ME THIS 1 DAY OF June 1983 FOR CLIFFORD E. BAKER, R.L.S. & RICHARD E. BAKER, R.L.S.

**NOTARY PUBLIC FOR ALASKA**

MY COMMISSION EXPIRES 2/21/84

**PLAT APPROVAL**

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF May 2, 1983

**KENAI PENINSULA BOROUGH**

*Richard E. Baker*  
 AUTHORIZED OFFICIAL

CERTIFICATE OF APPROVAL BY THE  
 DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
 This subdivision has been reviewed in accordance with  
 the Act and is approved subject to any local restrictions.

*William G. ...*  
 DIRECTOR

	Δ	C	L	R	T
①	37° 14' 28"	185.40	188.70	290.30	97.82
②	37° 18' 32"	147.15	149.77	230.23	77.64
③	52° 32' 11"	127.41	131.99	143.94	71.03

- LEGEND**
- ⊕ MONUMENT (Found this survey)
  - ⊙ MONUMENT (Not this survey)
  - 1/2" REBAR (Found this survey)
  - 5/8" x 30" REBAR W/ 1/2" AL. SERV. CAP (Not this survey)
  - ⊥ RECORD DATUM K.R.S. 78-18

- 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) AS PER STAFF RECOMMENDATION 3 RESTRICT LOTS TO INTERIOR ACCESS ONLY ALONG CONTINENTAL AND PAVILION DRIVE.

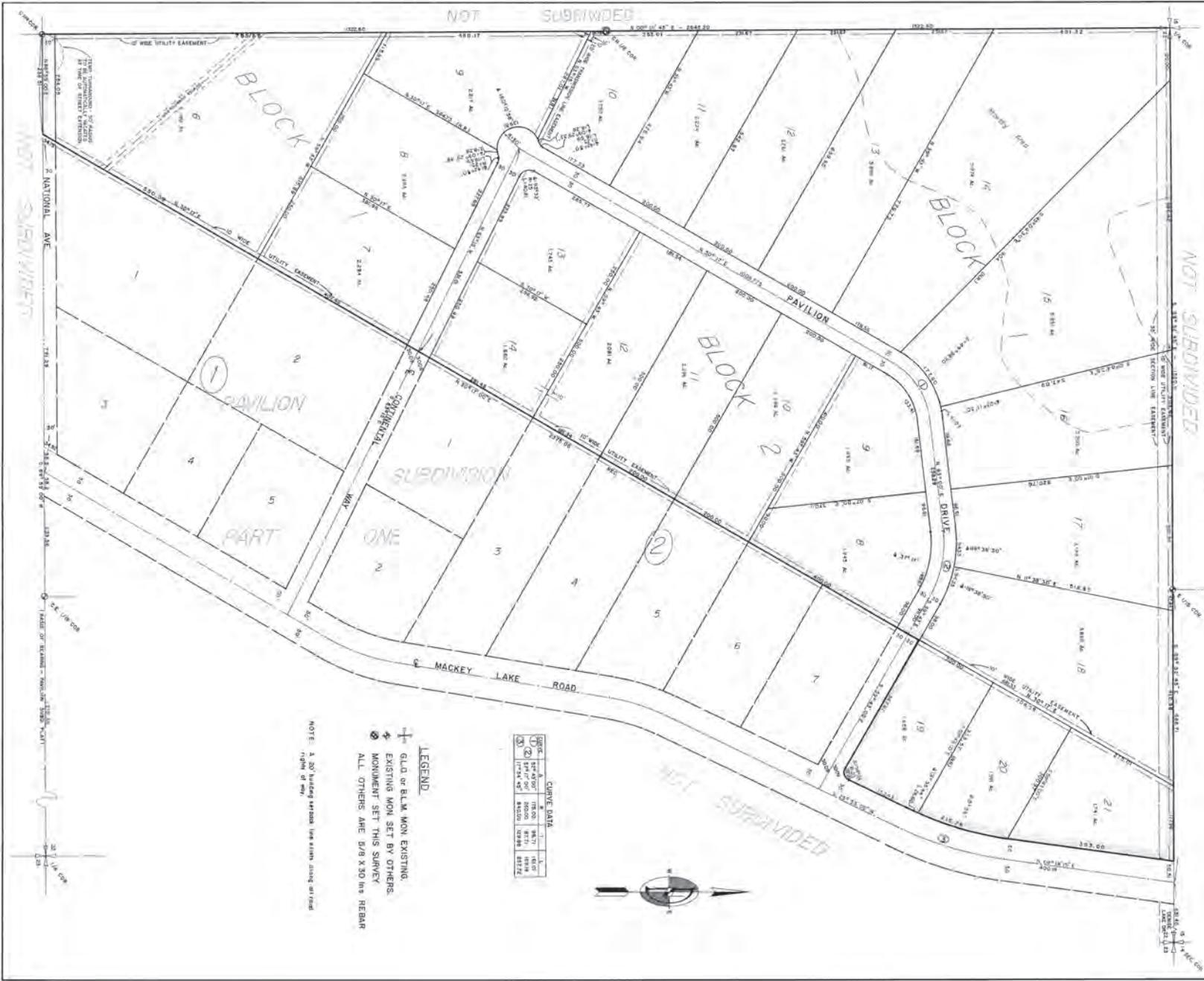
**PAVILION SUBDIVISION, PART 2**  
 PAVILION PARK ESTATES ADDITION  
 RECLAMATION OF LOTS  
 6,7,8,9,10,11,12,13,14 BLOCK 2

LOCATED WITHIN  
 1/4 SEC 28, T36N, R15W, S4 ALASKA  
 DISTRICT 14, STATE OF ALASKA

**DOWLING-RICE and ASSOCIATES**  
 P.O. BOX 8794 SODONA, ALASKA 99669

DESIGNED BY: *DR* DATE: 7/10/82  
 DRAWN BY: *DR* SHEET: 1 OF 1  
 CHECKED BY: *DR* APPROVED: *DR*





CERTIFICATE OF OWNERSHIP AND DEDICATION  
 I (WE) HEREBY CERTIFY THAT I AM (WE ARE) THE OWNER(S) OF THE PROPERTY SHOWN AND DESCRIBED HEREIN AND THAT I (WE) HEREBY ADOPT THIS PLAN OF SUBDIVISION, AND DEDICATE ALL STREETS, ALLEYS, WALKS, RAILS, UTILITY EASEMENTS AND OTHER OPEN SPACES OPEN TO PUBLIC USE.

DATE Nov 20, 1975  
 STATE OF ALASKA  
 THIRD JUDICIAL DISTRICT

IN THIS DAY OF Nov, 1975, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC FOR THE STATE OF ALASKA, PERSONALLY APPEARED RUTH SCHUBERT, TO ME KNOWN TO BE THE PERSON DESCRIBED AS HAVING EXECUTED THE FOREGOING CERTIFICATE OF OWNERSHIP AND DEDICATION, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS HIS FREE AND VOLUNTARY ACT.

WITNESS MY HAND AND OFFICIAL SEAL THE DAY, MONTH AND YEAR HEREABOVE WRITTEN.  
Ruth Schubert  
 NOTARY PUBLIC FOR ALASKA  
 BY COMMISSION EXPIRES 2/1/76

PLAN APPROVAL  
 PLAN APPROVED BY COMMISSION THIS 2<sup>nd</sup> DAY OF January, 1976  
Conrad E. Schuman DATE 2/3/76  
 MAYOR

NOTE:  
 1/2" = 20' 200' SET OF ALL DIMENSIONS  
 DRAWN BY: [Signature]

76-15  
 1-5  
 K...  
 2-3-76  
 S...  
 S...  
 S...



**PAVILION SUBDIVISION, PART 2**

UNLASED WITHIN  
 1/4 SECTION 20, T40N, R10W, S4E, ALASKA  
 CONTAINS 21 LOTS - 62.25 ACRES

**DICKINSON-OSWALD-WALCH-LEE**  
 ENGINEERS - SURVEYORS

DRAWN: [Blank] ASK: [Blank] SCALE: [Blank] DATE: [Blank] BY: [Blank] CHECKED: [Blank] DATE: [Blank] BY: [Blank]

CURVE DATA

STATION	1+00.00	1+10.00	1+20.00	1+30.00	1+40.00	1+50.00	1+60.00	1+70.00	1+80.00	1+90.00	2+00.00
CHORD BEARING		S 89° 59' 59" W									
CHORD DIST.		100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
CHORD BEARING			S 89° 59' 59" W								
CHORD DIST.			100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00

LEGEND  
 + GLD or BLM MON EXISTING  
 \* EXISTING MON SET BY OTHERS  
 \* MONUMENT SET THIS SURVEY  
 ALL OTHERS ARE 5/8" X 3/32" IRON REBAR

NOTE: 1/200 Building section line shown along street  
 1/400 of map



# KPB Pictometry





## **NOTICE OF PROPOSED UTILITY EASEMENT VACATION**

Notice is hereby given that an application to vacate a utility easement in the Ridgeway area was received on 1/16/2026 by the Planning Department of the Kenai Peninsula Borough.

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

Request / Affected Property: Vacates the 10-foot utility easement along the northeastern boundary of Lot 10B and associated 10-foot utility easement along the southwestern boundary of Lot 8B, all within Block 2, granted by Pavilion Subdivision Part 2 Pavilion Park Estates Addition (Plat KN 83-156)

KPB File No. 2026-004V

Petitioner(s)/ Land owner(s): Jason M and Julie L Heintz of Soldotna, AK.

Purpose as stated in petition: The landowners intend to consolidate these two lots into a single lot. The proposed lot 10-B1 has an existing 10 foot utility easement adjacent to Marlyss Cir right of way per KN 81-141 and a 10 foot utility easement along the easterly boundary per KN 84-141. The utility easement is not in use by utility companies and each company has supported vacation of said easement. Vacation of this utility easement will not prohibit future utility connection to surrounding properties..

Public hearing will be held by the Kenai Peninsula Borough Planning Commission on **Monday, February 9, 2026** commencing at **7:30 p.m.**, or as soon thereafter as business permits. The meeting is being held in person at the Betty J. Glick Assembly Chambers of the Kenai Peninsula Borough George A. Navarre Administration Building, 144 N. Binkley Street, Soldotna, Alaska. This meeting will also be held via Zoom, or other audio or video conferencing means whenever technically feasible.

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

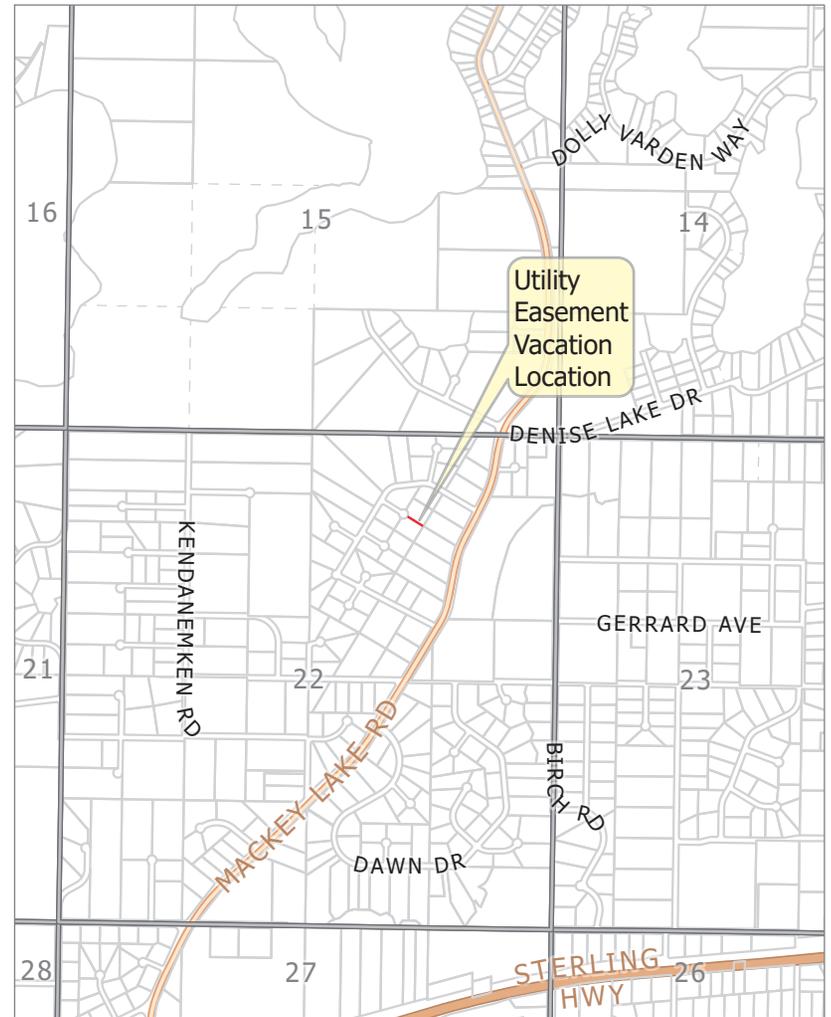
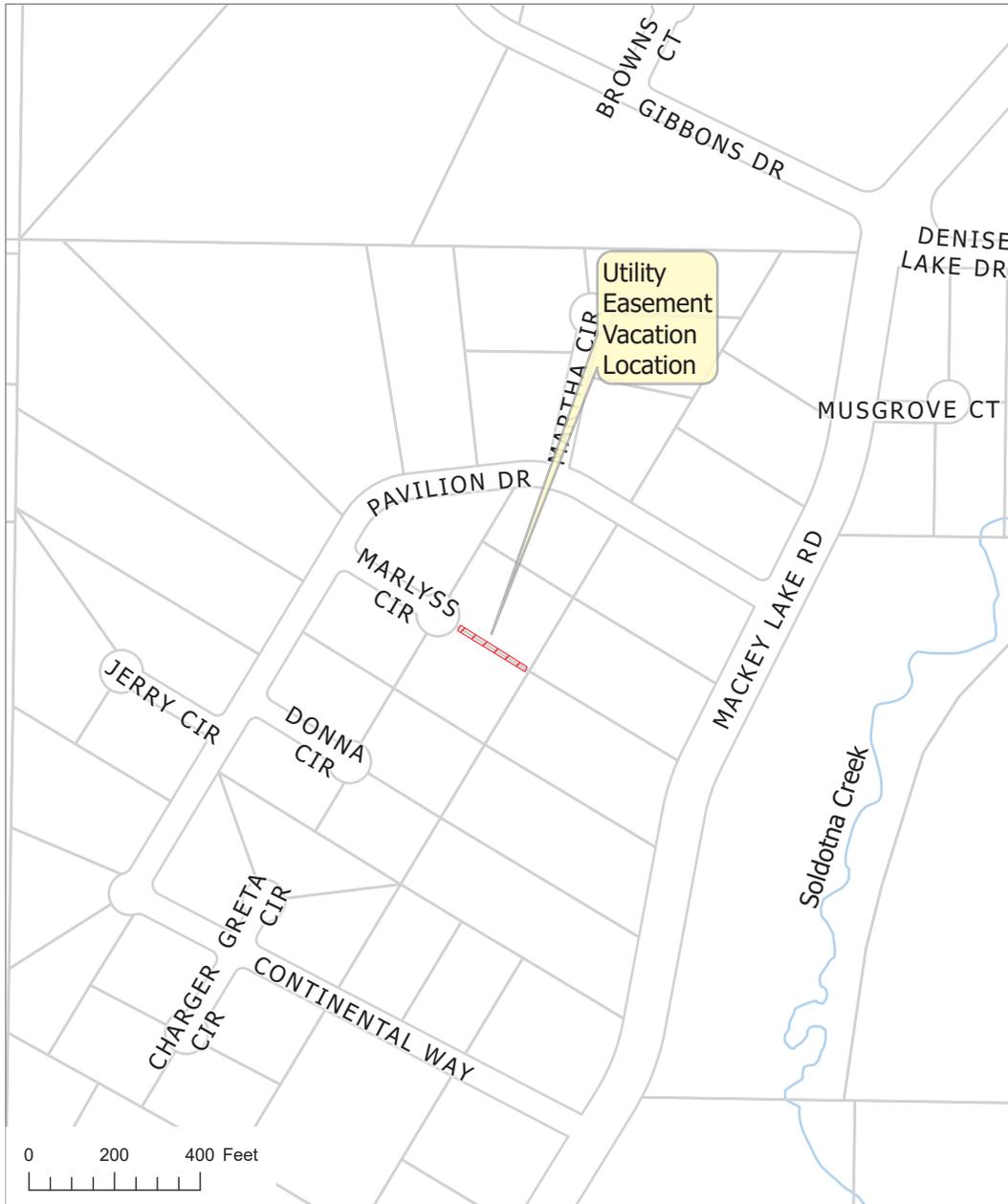
Anyone wishing to testify may attend the meeting in person or through Zoom. Written testimony may be submitted by email to [planning@kpb.us](mailto:planning@kpb.us), or mailed to the attention of Beverly Carpenter,

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, February 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.

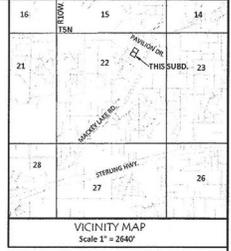
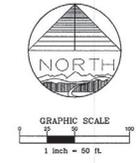
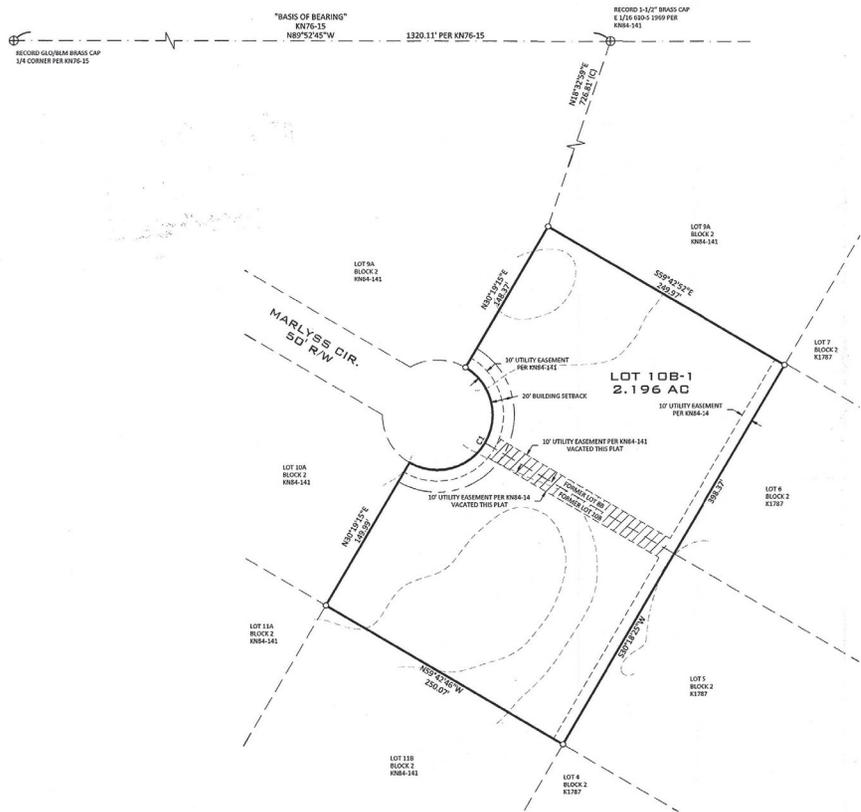
For additional information, contact Sandee Simons (ssimons@kpb.us) or Beverly Carpenter (BCarpenter@kpb.us), Planning Department, 714-2200 (1-800-478-4441 Toll Free within the Kenai Peninsula Borough).

Mailed 1/20/2026



KPB File 2026-004V  
T05N R10W SEC22  
Ridgeway

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. WATER SUPPLY AND SEWAGE DISPOSAL SYSTEMS SHALL BE PERMITTED ONLY IN CONFORMANCE WITH APPLICABLE REQUIREMENTS OF 18 AAC 72 AND 18 AAC 80.
  2. BUILDING SETBACK: A BUILDING SETBACK OF 20 FT. IS REQUIRED FROM ALL STREET RIGHTS-OF-WAY UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
  3. THE FRONT 20 FEET ADJOINING DEDICATED RIGHTS-OF-WAY IS ALSO A UTILITY EASEMENT PER KN84-141.
  4. 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. THIS PLAT WAS PREPARED FROM DATA OF RECORD (KN04-141). NO ADDITIONAL FIELD SURVEY WAS REQUIRED PER KPB 20.40.2004A.
  6. UTILITY VACATION SHOWN HEREON WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF \_\_\_\_\_, 2026.

**WASTEWATER DISPOSAL**  
 THIS PLAT INCREASES LOT SIZES BY 1,000 SQUARE FEET OR MORE OF AREA SUITABLE FOR CONVENTIONAL DEVELOPMENT AS DESCRIBED IN KPB 20.40.80(2). WASTEWATER TREATMENT AND DISPOSAL SYSTEMS MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

- LEGEND**
- ⊕ RECORD PRIMARY MONUMENT AS DESCRIBED
  - RECORD 5/8" REBAR w/ 1-1/2" AICAP PER KN84-141
  - CONTOUR INTERVAL = 5'
  - ▨ UTILITY EASEMENT VACATED THIS PLAT

CURVE TABLE						
CURVE #	DELTA	RADIUS	LENGTH	TANGENT	CHORD BEARING	CHORD LENGTH
C1	179°54'51"	50.00'	157.07'	67232.02'	N 30° 19' 18" E	300.00'

**CERTIFICATE OF OWNERSHIP AND DEDICATION**  
 WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND 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.

JASON M. HEINTZ, OWNER  
 PO BOX 3123, SOLDOTNA, AK 99669

JULIE L. HEINTZ, OWNER  
 PO BOX 3123, SOLDOTNA, AK 99669

**NOTARY'S ACKNOWLEDGEMENT**  
 FOR: JASON M. HEINTZ  
 ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2026  
 MY COMMISSION EXPIRES: \_\_\_\_\_

NOTARY PUBLIC FOR THE STATE OF ALASKA

**NOTARY'S ACKNOWLEDGEMENT**  
 FOR: JULIE L. HEINTZ  
 ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2026  
 MY COMMISSION EXPIRES: \_\_\_\_\_

NOTARY PUBLIC FOR THE STATE OF ALASKA

Plat # \_\_\_\_\_

Rev. Dist. \_\_\_\_\_

Date: \_\_\_\_\_, 20\_\_

Time: \_\_\_\_\_



**PLAT APPROVAL**  
 THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF \_\_\_\_\_, 2026.

AUTHORIZED OFFICIAL

**PAVILION SUBDIVISION PART 2 AMENDED 2026 REPLAT**  
 REPLAT OF LOT 88 AND 10B PAVILION SUBDIVISION PART 2 AMENDED KN84-141

OWNERS:  
 JASON M. HEINTZ  
 JULIE L. HEINTZ  
 PO BOX 3123, SOLDOTNA, AK 99669

2.196 AC. M/L SITUATED IN THE NE1/4 OF SECTION 22, TOWNSHIP 5 NORTH, RANGE 10 WEST, SEWARD MERIDIAN, KENAI PENINSULA BOROUGH, AND THE KENAI RECORDING DISTRICT, ALASKA.

	ENGINEERING - TESTING SURVEYING - MAPPING P.O. BOX 488 SOLDOTNA, AK 99689 VOICE: (907) 218-4418 FAX: (907) 285-2026 WWW.MAANCO.COM	KPB File No. 2025-XXX
	Project No. 252045	

Scale 1" = 50' Date: NOVEMBER 2025 Drawn by: AHH

**KPB 2026-004V**

## **E. NEW BUSINESS**

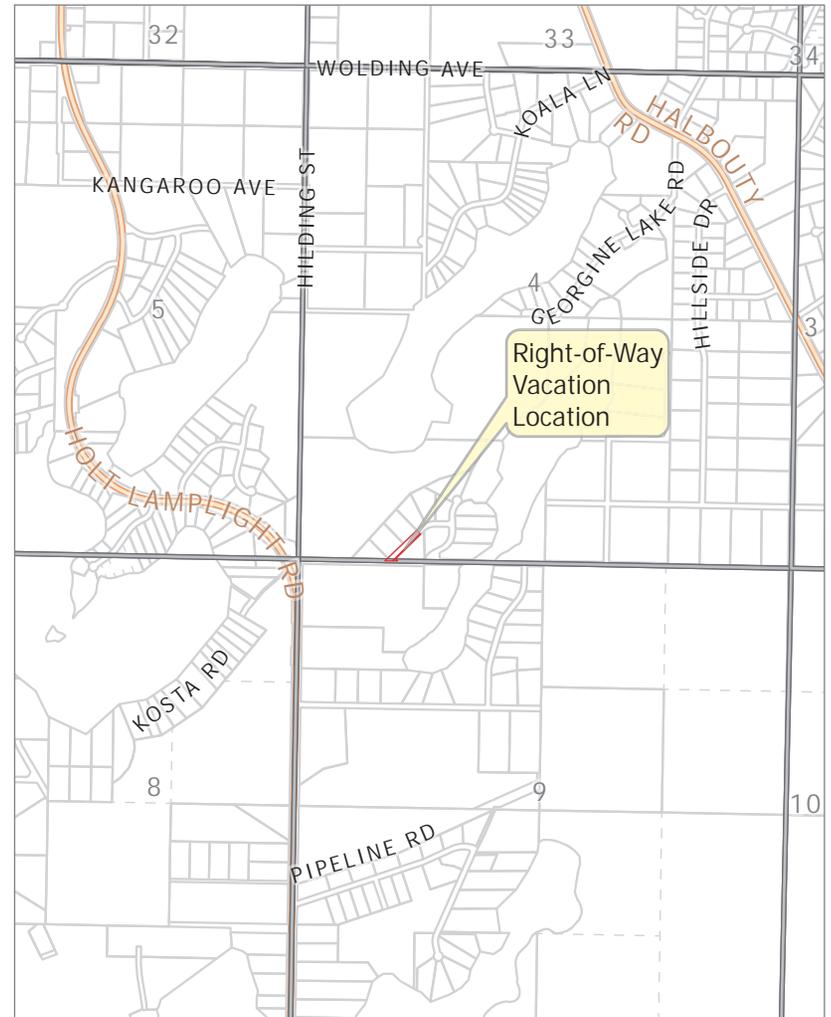
### **4. ROW Vacation; KPB File 2026-006V**

**McLane Consulting / Hall**

**Request: Vacates a portion of Narrow Road near the intersection with DeBusk Drive**

**Location: Lots 11-14 Immanuel Subdivision No. 2, Plat KN 2025-14**

**Nikiski Area**



KPB File 2026-006V  
T07N R11W SEC04  
Nikiski

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 #4 - RIGHT OF WAY VACATION

VACATE AN IRREGULAR-SHAPED PORTION OF NARROW ROAD AS IT IS CURRENTLY LOCATED EAST OF LOTS 14 AND 15, NORTH OF THE INTERSECTION WITH DE BUSK DRIVE, INCLUDING ALL ASSOCIATED UTILITY EASEMENTS, AS ORIGINALLY DEDICATED BY IMMANUEL SUBDIVISION NO. 2, PLAT KN 2025-14

<b>KPB File No.</b>	2026-006V
<b>Planning Commission Meeting:</b>	February 9, 2026
<b>Applicant / Owner:</b>	David and Christina Hall of Nikiski, Alaska
<b>Surveyor:</b>	Andrew Hamilton, McLane Consulting Inc.
<b>General Location:</b>	Intersection of Narrow Road and De Busk Drive, Nikiski Area
<b>Legal Description:</b>	NARROW ROAD, T 07N R 11W SEC 04 Seward Meridian KN 2025014 IMMANUEL SUB NO 2 LOT 11 THROUGH 14

STAFF REPORT

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

This plat proposes to relocate the intersection of Narrow Road and De Busk Drive to the west where the construction of the intersection is more feasible, safe and economical. The current location of said intersection creates an awkward and acute angle to the east.

**Notification:** The public hearing notice was published in the February 6, 2026 issue of the Peninsula Clarion and the February 5, 2026 issue of the Homer News as part of the Commission’s tentative agenda.

The public notice was posted on the Planning Commission bulletin board at the Kenai Peninsula Borough George A. Navarre Administration building. Additional notices were mailed to the following with the request to be posted for public viewing.

Library of Nikiski

Post Office of Nikiski

Nine certified mailings were sent to owners of property within 300 feet of the proposed vacation. Two receipts had been returned when the staff report was prepared.

Eleven public hearing notices 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  
 Emergency Services of Nikiski  
 Nikiski Community Council

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

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

Legal access to the affected lots is by Narrow Road.

The proposed vacation is located at the southern end of Narrow Road, a 60-foot-wide dedicated right-of-way. Narrow Road currently serves approximately eight parcels. It connects to De Busk Drive to the south and Shalom Lane to the northeast. De Busk Drive is a borough-maintained right-of-way that provides access to Holt Lamplight Road, a state-maintained road.

The proposed plat, Immanuel Subdivision No. 3, will finalize the vacation, realigning the right-of-way to the east. The sketch depicts both the portion of right-of-way proposed for vacation and the location of the realigned roadway. A 60-foot-wide right-of-way, named Redeemed Road, is also proposed for dedication to the west. **Staff recommends** revising the sketch to remove the shaded right-of-way area north of the proposed vacation that lies within the remaining portion of Narrow Road, and to include the total area of the proposed vacation.

The affected parcels and all surrounding parcels will continue to have access via Narrow Road.

The block is defined by De Busk Drive, Narrow Road, Shalom Lane, and a lake. Vacating this segment of Narrow Road will alter the block length.

De Busk Drive and its intersection with Narrow Road lie within a 66-foot section line easement, with 33-feet located on either side of the section line.

KPB Roads Dept. comments	Out of Jurisdiction: No  Roads Director: Uhlin, Dil Comments: RSA has no objection at this time
SOA DOT comments	No response

**Site Investigation:**

Publicly available imagery indicates that Narrow Road is currently unconstructed.

Available topographic data shows slight downward sloping to the south within the area proposed for vacation.

No wetlands are present on the subject parcels or within the area proposed for vacation. Several lakes are located in the vicinity of the subdivision.

The subject area is not located within a flood hazard area or a habitat protection district.

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
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**Staff Analysis:**

In 2022, Immanuel Subdivision (KN 2022-46) first subdivided Government Lot 14, Section 4, Township 7 North, Range 11 West, Seward Meridian, creating Tract A and 6 lots.

In 2025, Immanuel Subdivision No. 2 (KN 2025-14) platted Government Lot 13 and further subdivided Tract A and lots 5 and 6. This subdivision dedicated Narrow Road.

The Assembly will consider the proposed vacation at its February 17, 2026 meeting. If approved, Immanuel Subdivision No. 3 will finalize the right-of-way vacation. The Plat Committee is scheduled to review the plat on February 9, 2026.

## 20.65.050 – Action on vacation application

- D. The planning commission shall consider the merits of each vacation request and in all cases the planning commission shall deem the area being vacated to be of value to the public. It shall be incumbent upon the applicant to show that the area proposed for vacation is no longer practical for the uses or purposes authorized, or that other provisions have been made which are more beneficial to the public. In evaluating the merits of the proposed vacation, the planning commission shall consider whether:
1. The right-of-way or public easement to be vacated is being used;  
**Surveyor comments:** All surrounding parcels remain with legal access via Narrow Road.  
**Staff comments:** Narrow road currently serves approximately eight parcels and is currently unconstructed.
  2. A road is impossible or impractical to construct, and alternative access has been provided;  
**Surveyor comments:** Primary access to this land is via De Busk Drive and Narrow Road. This plat just simply relocates/reshapes the right of way intersection.  
**Staff comments:** The proposed plat, Immanuel Subdivision No. 3, will finalize the vacation, realigning the right-of-way to the east.
  3. The surrounding area is fully developed and all planned or needed rights-of-way and utilities are constructed;  
**Surveyor comments:**  
**Staff comments:** The proposed plat, Immanuel Subdivision No. 3, will finalize the vacation, realigning the right-of-way to the east and further subdivide the area to create additional lots. Additionally, a 60-foot right-of-way named Redeemed Road is proposed to be dedicated.
  4. The vacation of a public right-of-way provides access to a lake, river, or other area with public interest or value, and if so, whether equal or superior access is provided;  
**Surveyor comments:** The proposed plat relocates the right of way to the west (east) and so that Narrow Road intersects De Busk Drive at a 90 degree angle.  
**Staff comments:** No access to a lake, river or public area is being vacated.
  5. The proposed vacation would limit opportunities for interconnectivity with adjacent parcels, whether developed or undeveloped;  
**Surveyor comments:** The current intersection is dedicated at an angle not feasible to construction and creates nontypical intersection geometry. This plat proposes to relocate the intersection of Narrow Road and De Busk Drive to the west (east) where the construction is more feasible, safe and economical.  
**Staff comments:** The proposed plat, Immanuel Subdivision No. 3, will finalize the vacation, realigning the right-of-way to the east and further subdivide the area to create additional lots. Additionally, a 60-foot right-of-way named Redeemed Road is proposed to be dedicated.
  6. Other public access, other than general road use, exist or are feasible for the right-of-way;  
**Staff comments:**
  7. All existing and future utility requirements are met. Rights-of-way which are utilized by a utility, or which logically would be required by a utility, shall not be vacated, unless it can be demonstrated that equal or superior access is or will be available. Where an easement would satisfactorily serve the utility interests, and no other public need for the right-of-way exists, the commission may approve the vacation and require that a utility easement be granted in place of the right-of-way.

**Staff comments:** Utility agencies provided no objections or no response was received.

8. Any other factors that are relevant to the vacation application or the area proposed to be vacated.

**Staff comments:**

A KPB Planning Commission decision denying a vacation application is final. A KPB Planning Commission decision to approve the vacation application is subject to consent or veto by the KPB Assembly, or City Council if located within City boundaries. The KPB Assembly, or City Council must hear the vacation within thirty days of the Planning Commission decision.

**KPB department / agency review:**

Addressing	<p>Reviewer: Pace, Rhealyn          Affected Addresses:          50998 Holt Lamplight Rd.</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names:          Narrow Rd, De Busk Dr, Shalom Ln, Georgine Lake Rd, Lucky Ln.</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 vacation will not affect addresses.</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>

**Utility provider review:**

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

**STAFF RECOMMENDATIONS**

**CORRECTIONS / EDITS**

Adjust hatching to cover correct vacation area.

**RECOMMENDATION:**

Based on consideration of the merits as per KPB 20.65.050(D) as outlined by Staff comments, Staff recommends APPROVAL as petitioned, subject to:

1. Consent by KPB Assembly.
  2. Compliance with the requirements for preliminary plats per Chapter 20 of the KPB Code including a submittal to and approval by the Plat Committee.
  3. Grant utility easements requested by any utility providers.
  4. Submittal of a final plat within a timeframe such that the plat can be recorded within one year of vacation consent (KPB 20.65.050(I)).
- 

#### **KPB 20.65.050 – Action on vacation application**

- H. A planning commission decision to approve a vacation is not effective without the consent of the city council, if the vacated area to be vacated is within a city, or by the assembly in all other cases. The council or assembly shall have 30 days from the date of the planning commission approval to either consent to or veto the vacation. Notice of veto of the vacation shall be immediately given to the planning commission. Failure to act on the vacation within 30 days shall be considered to be consent to the vacation. This provision does not apply to alterations of utility easements under KPB 20.65.070 which do not require the consent of the assembly or city council unless city code specifically provides otherwise.**
- I. Upon approval of the vacation request by the planning commission and no veto by the city council or assembly, where applicable, the applicant shall have a surveyor prepare and submit a plat including the entire area approved for vacation in conformance with KPB 20.10.080. Only the area approved for vacation by the assembly or council may be included on the plat. The final plat must be recorded within one year of the vacation consent.**
- J. A planning commission decision denying a vacation application is final. No reapplication or petition concerning the same vacation may be filed within one calendar year of the date of the final denial action except in the case where new evidence or circumstances exist that were not available or present when the original petition was filed.**
- K. An appeal of the planning commission, city council or assembly vacation action under this chapter must be filed in the superior court in accordance with the Alaska Rules of Appellate Procedure.**

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

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

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

- *Strategy 1. Near – Term: Collaborate with the AK Department of Transportation, incorporated cities within the borough, utility providers, other agencies overseeing local services, and existing communities located adjacent to the undeveloped areas that are appropriate for future growth, to align plans for future expansion of services to serve future residential development and manage growth.*

*Goal 4. Improve access to, from and connectivity within the Kenai Peninsula Borough*

- *Focus Area: Transportation*

- *Objective B. Ensure new roads are developed in alignment with existing and planned growth and development.*
  - *Strategy 2. Near – Term: Establish subdivision codes that dictate road construction standards to accommodate future interconnectivity and/or public safety.*
  - *Strategy 3. Near – Term: Identify areas of anticipated growth to determine future access needs.*

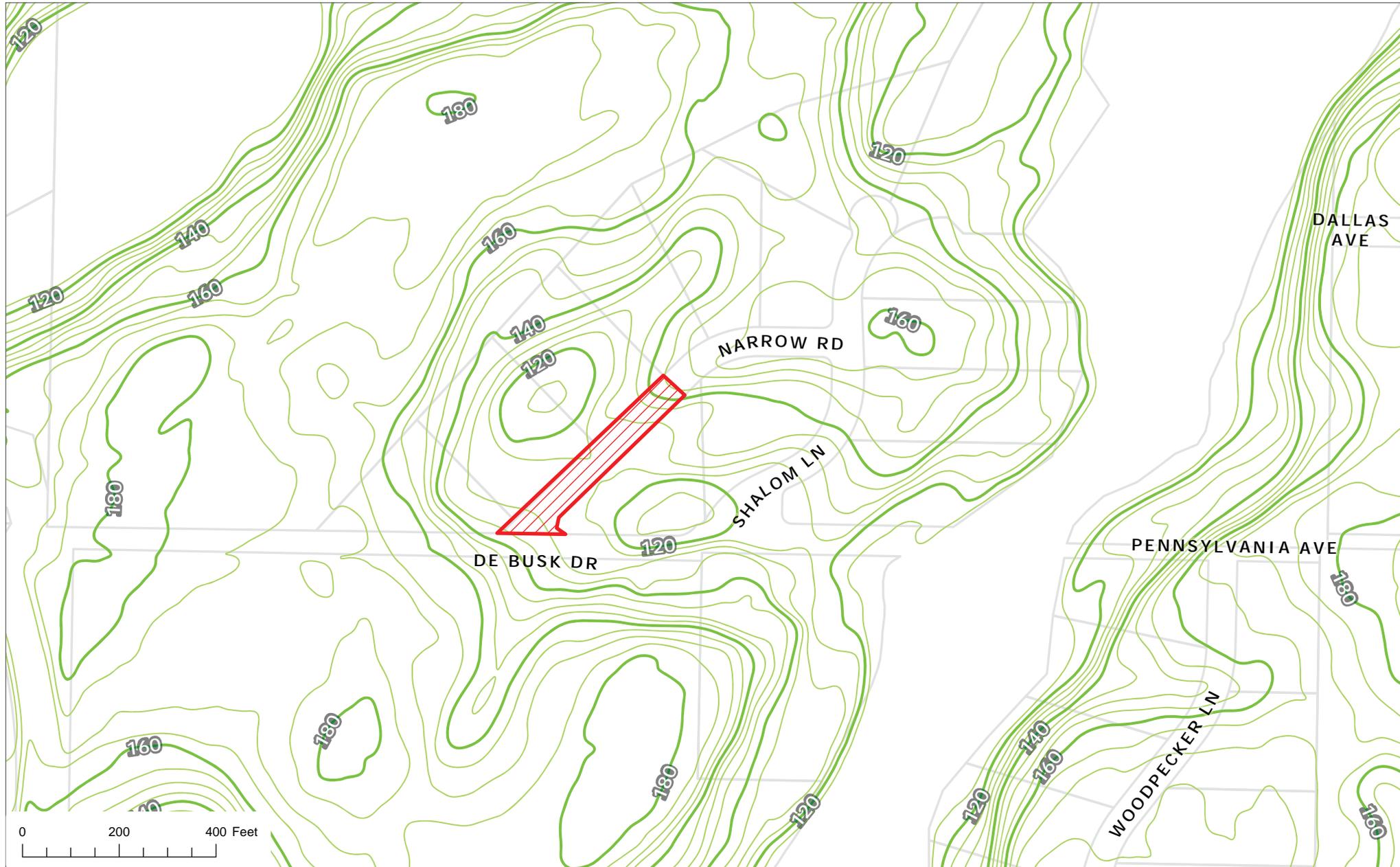
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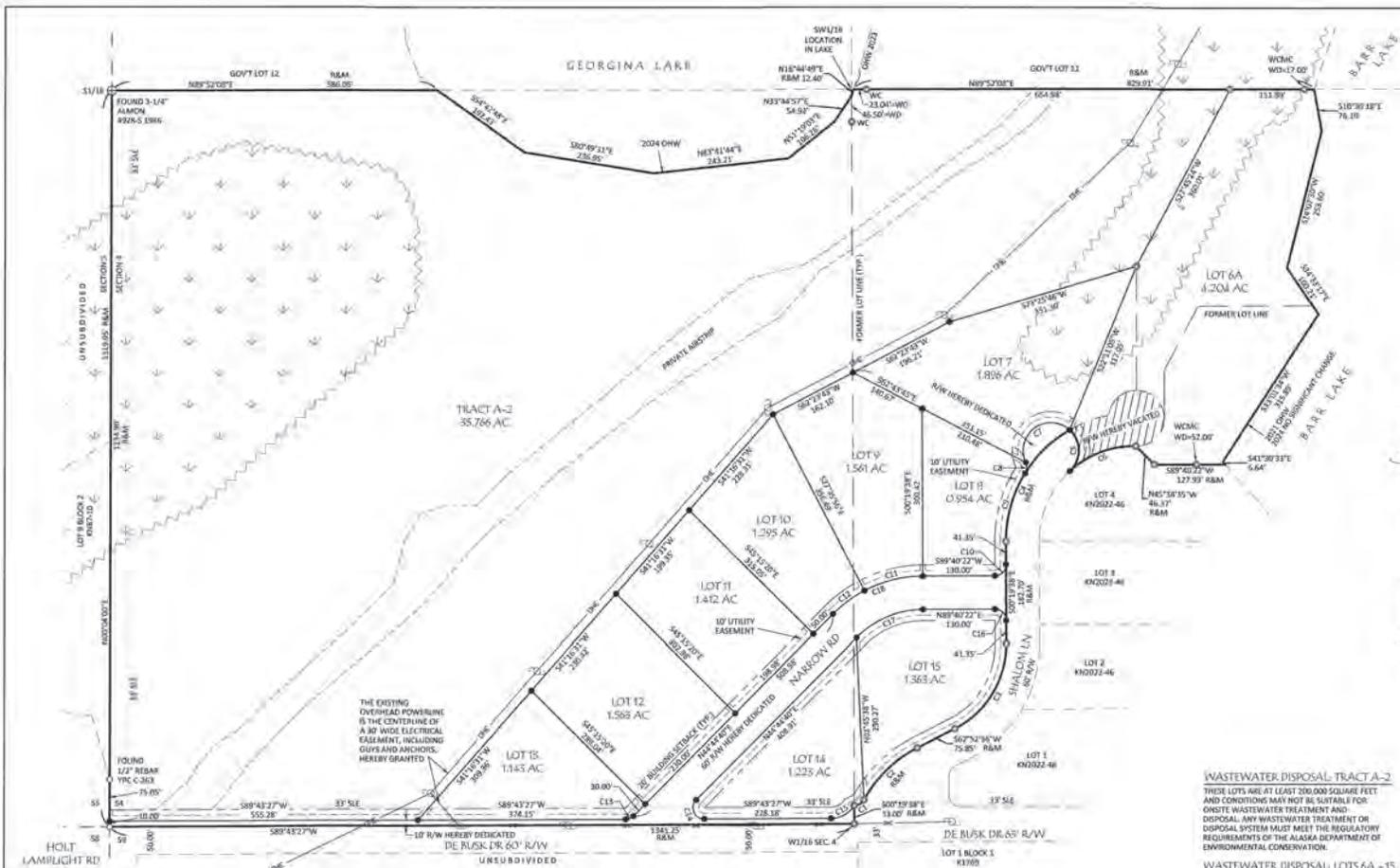
**END OF STAFF REPORT**





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.





**LEGEND**

- FOUND PRIMARY MONUMENT AS DESCRIBED
- FOUND 5/8" BEAR UNLESS NOTED
- FOUND 5/8" x 20" BEAR w/ 1" STAINLESS STEEL CAP AS SHOWN
- SET 5/8" x 20" BEAR w/ 1" STAINLESS STEEL CAP LS-231269
- SECTION LINE EASEMENT
- POWER POLE
- OVERHEAD ELECTRIC
- AREA SUBJECT TO INUNDATION
- R&M RECORDED & MEASURED

**CERTIFICATE OF OWNERSHIP AND DEDICATION**

WE HEREBY CERTIFY THAT THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND 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.

David Hall  
DAVID HALL, CHAIRMAN, GOVT LOT 15 & TRACT A-2, LOT 15-16  
PO BOX 7601, NIKSIA, AK 99625

Christina Hall  
CHRISTINA HALL, CHAIRMAN, GOVT LOT 15 & TRACT A-2, LOT 15-16  
PO BOX 7601, NIKSIA, AK 99625

**NOTARY PUBLIC FOR THE STATE OF ALASKA**  
ANDREW HAMILTON  
My Commission Expires 04/27/2025

**CERTIFICATE OF OWNERSHIP AND DEDICATION**

WE HEREBY CERTIFY THAT THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND 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.

Terence Rias  
TERENCE RIAS, OWNER, LOT 1 & 2, BLOCK 1  
3107 2ND ST, KENAI, AK 99611

**NOTARY PUBLIC FOR THE STATE OF ALASKA**  
ANDREW HAMILTON  
My Commission Expires 04/27/2025

**WASTEWATER DISPOSAL TRACT A-2**

THESE LOTS ARE AT LEAST 2000 SQUARE FEET 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.

**WASTEWATER DISPOSAL LOTS 6A-15**

SOIL CONDITIONS, WATER TABLE LEVELS, AND SOIL TYPES IN THIS SUBDIVISION HAVE BEEN FOUND SUITABLE FOR CONVENTIONAL ON-SITE WASTEWATER TREATMENT AND DISPOSAL SYSTEMS SERVING SINGLE-FAMILY OR DUESLY RESIDENCES AND MEETING THE REGULATORY REQUIREMENTS OF THE KENAI PENINSULA BOROUGH. ANY OTHER TYPE OF ON-SITE 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 DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

COOY R. McJANE 3/17/2025  
COOY R. McJANE, C.E. 11510 AK, DATE

**RIGHT OF WAY VACATION**

THAT PORTION OF SHALON LN. TO BE CANCELLED AS SHOWN HEREON WAS APPROVED FOR VACATION AT THE MEETING OF THE APRIL 2, 2024 RFP PLANNING COMMISSION MEETING AND GIVEN UNANIMOUS CONSENT TO VACATE BY THE OP ASSEMBLY AT THE APRIL 2, 2024 MEETING AND THIS PLAN IS FULFILLING THE VACATION PETITION IN ACCORDANCE WITH KRS 20.01.080.

**PLAT APPROVAL**

THIS PLAN WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF APRIL 8, 2024.

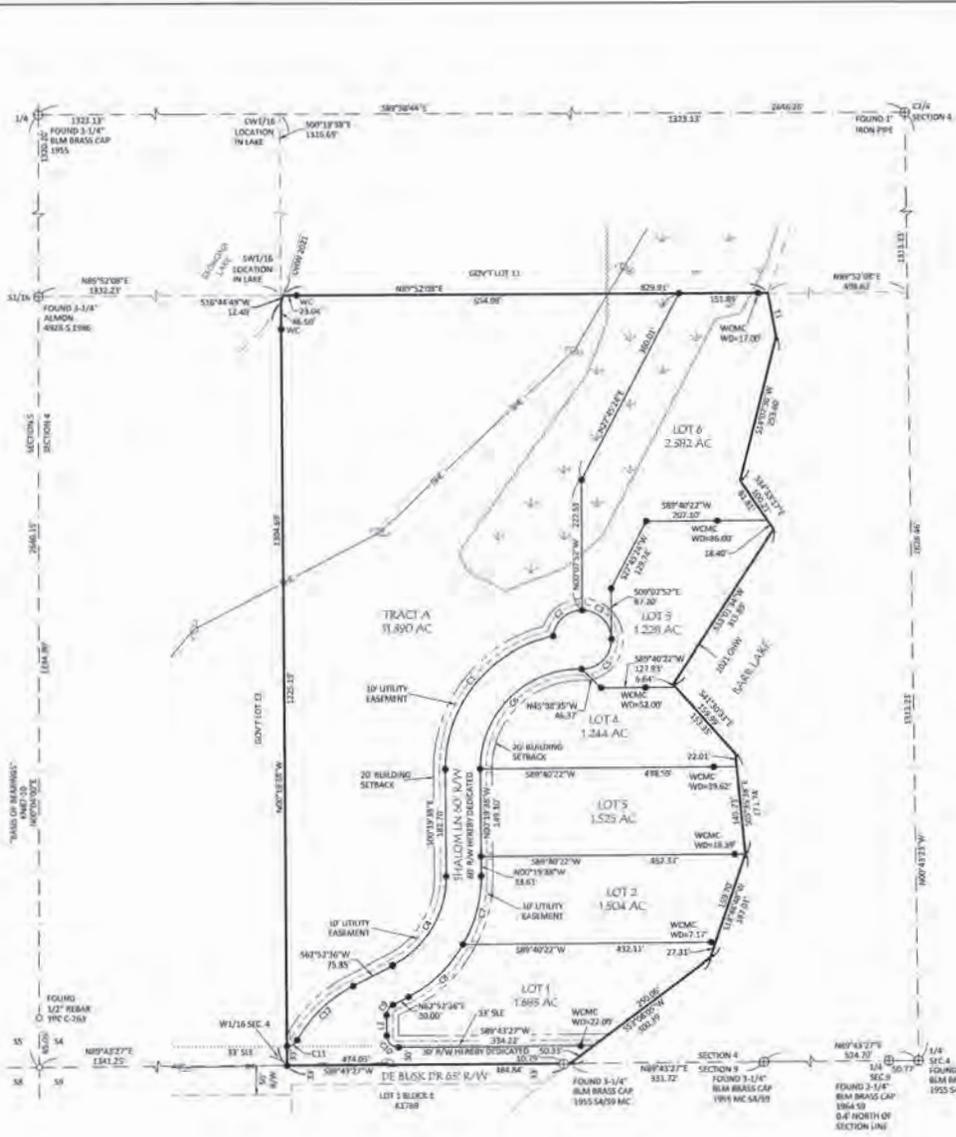
ANDREW HAMILTON 3/17/2025  
ANDREW HAMILTON, NOTARY PUBLIC  
NOTARIZED OFFICIAL, DATE

**NOTES**

- WATER SUPPLY AND SEWAGE DISPOSAL SYSTEMS SHALL BE PERMITTED ONLY IN CONFORMANCE WITH APPLICABLE REQUIREMENTS OF 18 AAC 72 AND 18 AAC 80.
- BUILDING SETBACK: A BUILDING SETBACK OF 20 FT. IS REQUIRED FROM ALL STREET RIGHTS-OF-WAY UNLESS A LESSEE STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
- THE RIGHT 10 FEET ADJOINING DEDICATED RIGHTS-OF-WAY AND 20 FEET WITHIN 5 FEET OF THE SIDE OF LINES 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.
- 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.
- 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.
- THIS PARCEL MAY BE AFFECTED BY AN ELECTRIC EASEMENT GRANTED TO HOMER ELECTRIC ASSOCIATION ON JUNE 4, 2003 IN BOOK 10 PAGE 111, KENAI RECORDING DISTRICT, LOCATION NOT DEFINED.
- THE NATURAL MEANDERS OF THE ORDINARY HIGH WATER OF GEORGIA LAKE AND BARK LAKE FROM THE TRUE BOUNDS OF LOT 6A AND TRACT A-2, THE 2023 MEANDER LINE SHOWN HEREON IS FOR SURVEY COMPUTATIONS ONLY - THE TRUE CORNERS BEING ON THE EXTENSION OF THE SIDE LINES AND THE INTERSECTION WITH THE NATURAL MEANDERS.
- THIS PARCEL MAY BE AFFECTED BY THE FOLLOWING:
  - AN ELECTRICAL EASEMENT GRANTED TO HOMER ELECTRIC ASSOCIATION ON JUNE 4, 1984 RECORDED IN BOOK 10 PAGE 111, KENAI RECORDING DISTRICT, LOCATION NOT DEFINED.
  - A NATURAL GAS EASEMENT GRANTED TO ENSTAR NATURAL GAS COMPANY ON JULY 10, 2022 IN DOCUMENT NO. 2022-00593-D-KRD, LOCATION NOT DEFINED.
  - A RIGHT-OF-WAY EASEMENT GRANTED TO ENSTAR NATURAL GAS COMPANY ON SEPTEMBER 5, 2023 IN DOCUMENT NO. 2023-00672-D, LOCATION NOT DEFINED.
  - COVENANTS, CONDITIONS AND RESTRICTIONS RECORDED ON JUNE 12, 2023 IN DOCUMENT NO. 2023-00453-D-KRD.
  - KENAI PENINSULA BOROUGH WILL NOT ENFORCE PRIVATE COVENANTS, EASEMENTS OR DEED RESTRICTIONS FOR RFR 20.06.170.

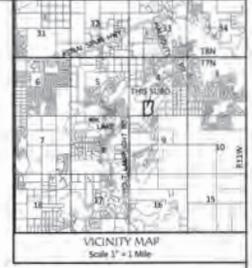
**CURVE TABLE**

CURVE #	BEARING	RADIUS	LENGTH	CHORD BEARING	CHORD LENGTH	R&M
C1	88°30'28"	20.00	21.17	11.70	1.97 24 11"	88.30
C2	89°47'17"	29.00	133.66	88.87	140° 52' 47"	133.66
C3	89°37'15"	37.00	187.51	106.59	141° 32' 59"	174.51
C4	90°07'07"	28.00	291.57	110.36	150° 07' 43"	291.57
C5	90°12'17"	30.00	83.89	34.77	84°07' 51"	110.07
C6	49°34'29"	17.00	180.23	18.51	108° 38' 32"	173.11
C7	107°24'18"	10.00	127.90	256.28	50°25' 44"	180.00
C8	57°07'18"	20.00	138.88	13.80	308° 17' 14"	13.12
C9	82°10'11"	200.00	1,208.18	160.03	51° 45' 38"	1217.47
C10	90°08'00"	20.00	11.42	38.89	54° 49' 22"	28.29
C11	97°18'17"	280.00	599.40	15.00	178° 52' 11"	168.45
C12	17°39'24"	280.00	16.86	65.17	510° 38' 27"	75.00
C13	4°29'47"	20.00	13.70	3.28	317° 46' 08"	13.70
C14	118°01'17"	20.00	41.13	44.12	81°22' 03"	36.88
C15	12°12'19"	10.00	18.63	22.89	510°28' 57"	17.80
C16	90°07'00"	20.00	11.41	26.00	248° 12' 08"	26.29
C17	44°55'44"	110.00	113.11	102.90	84° 12' 31"	128.97
C18	89°49'42"	180.00	180.83	95.10	347° 12' 14"	171.17



CURVE #	DATA	RADIUS	LENGTH	TANGENT	CHORD BEARING	CHORD LENGTH
C1	79°52'42"	220.82	117.44	109.80	S 87°22'45" W	253.28
C2	87°52'57"	163.00	22.20	48.50	S 89°32'32" W	66.02
C3	89°02'00"	163.00	38.54	56.80	N 45°07'32" W	70.77
C4	87°52'57"	129.88	102.79	58.07	S 11°30'30" W	178.38
C5	87°52'57"	163.00	78.75	15.27	S 40°32'47" W	75.30
C6	91°54'52"	126.00	231.78	134.70	N 43°27'40" E	243.71
C7	87°52'57"	240.00	123.00	82.04	N 15°07'01" E	223.39
C8	42°57'52"	230.00	130.00	87.14	N 60°38'00" E	128.02
C9	43°09'00"	160.00	23.04	12.29	N 11°18'01" E	38.90
C10	87°52'57"	163.00	31.42	10.00	N 40°18'30" W	58.92
C11	87°52'57"	28.50	21.17	11.50	S 59°24'13" W	30.19
C12	87°52'57"	220.00	155.80	88.27	S 45°38'43" W	324.38

LINE #	BEARING	DISTANCE
L1	N 40°28'42" W	75.10
L2	N 07°03'30" W	64.97



**LEGEND**

- FOUND PRIMARY MONUMENT AS DESCRIBED
- FOUND 5/8" REBAR UNLESS NOTED
- SET 5/8"x30" REBAR w/ 1" STAINLESS STEEL CAP 8002-S
- SECTION LINE EASEMENT
- POWER POLE
- OVERHEAD ELECTRIC
- AREA SUBJECT TO DEDICATION

**CERTIFICATE OF OWNERSHIP AND DEDICATION**

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND 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.

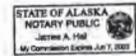
*David Hall*  
 DAVID HALL  
 PO BOX 7901, NENAH, AK 99563

*Christina Hall*  
 CHRISTINA HALL  
 PO BOX 7901, NENAH, AK 99563

**NOTARY'S ACKNOWLEDGEMENT**  
 FOR: DAVID HALL AND CHRISTINA HALL  
 ACKNOWLEDGED BEFORE ME THIS  
 27th DAY OF JULY, 2022

MY COMMISSION EXPIRES: June 6, 2025

*James A. Hall*  
 NOTARY PUBLIC FOR THE STATE OF ALASKA



**NOTES**

1. WATER SUPPLY AND SEWAGE DISPOSAL SYSTEMS SHALL BE PERMITTED ONLY IN CONFORMANCE WITH APPLICABLE REQUIREMENTS OF 18 AAC 77 AND 18 AAC 80.
2. BUILDING SETBACK: A BUILDING SETBACK OF 20 FT. IS REQUIRED FROM ALL STREET RIGHTS-OF-WAY UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
3. THE FRONT 10 FEET ACCORDING DEDICATED RIGHTS-OF-WAY AND 20 FEET WITHIN 5 FEET OF THE SIDE LOT LINES IS ALSO A UTILITY EASEMENT.
4. 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. 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.
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 DETERMINATION IF APPLICABLE.
7. THIS PARCEL MAY BE AFFECTED BY AN ELECTRIC EASEMENT CREATED TO HOMER ELECTRIC ASSOCIATION ON PLAT 4, 1963 IN BOOK 10 PAGE 171, KENAI RECORDING DISTRICT, LOCATION NOT SHOWN.
8. EXCEPTION GRANTED TO STREET LIGHTS (RHS 20.30 (G) AND BLOCK LENGTH (RHS 20.36 (7) BY THE PLANNING COMMISSION AT THE FEBRUARY 22, 2023 MEETING.
9. NO STRUCTURES ARE PERMITTED WITHIN THE PANORAMIC VIEWPORT OF FLAG LOT 6.
10. THE NATURAL MEANERS OF THE QUADRANT HIGH WATER OF GEORGINA LAKE AND BARR LAKE FORM THE TRUE BOUNDS OF LOTS 1 - 6 AND TRACT A. THE 2011 MEANDER LINE SHOWN HEREON IS FOR SURVEY COMPUTATIONS ONLY. THE TRUE CORNERS BEING ON THE EXTENSION OF THE SIDE LINES AND THE INTERSECTION WITH THE NATURAL MEANDERS.
11. LOT 6 MAY HAVE POSSIBLE LIMITATION ON FURTHER SUBDIVISION BASED ON ACCESS ISSUES, DEVELOPMENT TRENDS IN THE AREA, OR TOPOGRAPHY.
12. THIS PARCEL MAY BE AFFECTED BY A NATURAL GAS EASEMENT GRANTED TO CHENIERA & JULY 14, 2012 IN BOOK 4767 AND 2022-065108-N.E.L. LOCATION NOT SHOWN.

**CERTIFICATE OF ACCEPTANCE**

THE UNDERSIGNED OFFICIAL, IDENTIFIED BY NAME AND TITLE IS AUTHORIZED TO ACCEPT AND HEREBY ACCEPTS ON BEHALF OF THE KENAI PENINSULA BOROUGH FOR PUBLIC PURPOSES THE REAL PROPERTY TO BE DEDICATED BY THIS PLAN INCLUDING THE RIGHTS-OF-WAY (SEE BLOCK 00016 & SHOWN LINES) SHOWN ON THIS PLAN. THE ACCEPTANCE OF LANDS FOR PUBLIC USE OR PUBLIC PURPOSE DOES NOT OBLIGATE THE PUBLIC OR ANY GOVERNING BODY TO CONSTRUCT, UPGRADE, OR MAINTAIN IMPROVEMENTS.

*Yvonne Pugh* 8/16/22  
 YVONNE PUGH  
 KENAI PENINSULA BOROUGH

**WASTEWATER DISPOSAL LOTS 1 - 3**

SOIL CONDITIONS, WATER TABLE LEVELS, AND SOIL SLOPES IN THIS SUBDIVISION HAVE BEEN FOUND SUITABLE FOR CONVENTIONAL ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEMS. PLANS FOR A TYPICAL ALTERNATE WASTEWATER DISPOSAL SYSTEM FOR USE ON LOTS IN THIS SUBDIVISION ARE INCLUDED IN THE ENGINEER'S SUBDIVISION AND SOILS REPORT AND ARE AVAILABLE FROM THE KENAI PENINSULA BOROUGH. ALL ALTERNATE ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEMS MUST BE DESIGNED BY A PROFESSIONAL ENGINEER REGISTERED TO PRACTICE IN ALASKA, AND THE DESIGN MUST BE APPROVED BY THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

*Colby Hill* 7/6/2022  
 COLBY HILL  
 C.E. 115310-AK DATE

**WASTEWATER DISPOSAL TRACT A**

THESE LOTS ARE AT LEAST 200,000 SQUARE FEET 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.

**WASTEWATER DISPOSAL LOTS 5 & 6**

SOIL CONDITIONS IN THIS SUBDIVISION HAVE BEEN FOUND UNDESIRABLE FOR CONVENTIONAL ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEMS. PLANS FOR A TYPICAL ALTERNATE WASTEWATER DISPOSAL SYSTEM FOR USE ON LOTS IN THIS SUBDIVISION ARE INCLUDED IN THE ENGINEER'S SUBDIVISION AND SOILS REPORT AND ARE AVAILABLE FROM THE KENAI PENINSULA BOROUGH. ALL ALTERNATE ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEMS MUST BE DESIGNED BY A PROFESSIONAL ENGINEER REGISTERED TO PRACTICE IN ALASKA AND THE DESIGN MUST BE APPROVED BY THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION PRIOR TO CONSTRUCTION.

*Colby Hill* 7/6/2022  
 COLBY HILL  
 C.E. 115310-AK DATE

**PLAT APPROVAL**

THIS PLAN WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF FEBRUARY 22, 2022.

*Yvonne Pugh* 8/16/22  
 YVONNE PUGH  
 AUTHORIZED OFFICIAL DATE



2022-46  
 Plat #  
 Kenai  
 8/16/22  
 Date  
 2:00p

**IMMANUEL SUBDIVISION**  
 A SUBDIVISION OF GOV'T LOT 3 A SECTION 4, TOWNSHIP 7 NORTH, RANGE 31 WEST, SEWARD MERIDIAN, KENAI PENINSULA BOROUGH, AND THE NEWM RECORDING DISTRICT, ALASKA.

DAVID HALL, OWNER  
 PO BOX 7901  
 NENAH, AK 99563  
 22.77 AC. MA. SITUATED IN THE SW/4 OF SECTION 4, TOWNSHIP 7 NORTH, RANGE 31 WEST, SEWARD MERIDIAN, KENAI PENINSULA BOROUGH, AND THE NEWM RECORDING DISTRICT, ALASKA.

CHRISTINA HALL, OWNER  
 PO BOX 7901  
 NENAH, AK 99563

PREPARED BY: HERRIN SURVEYING, MAPPER  
 715 588-8888  
 1001 W. 11th St., Anchorage, AK 99501  
 VOICE: 907-248-6414  
 FAX: 907-252-0268  
 WWW.HERRINSURVEY.COM

FILE NO: 2022-1037  
 SHEET NO. 2 OF 2  
 PREPARED BY: HERRIN SURVEYING, MAPPER  
 DATE: 8/16/22

# **DESK PACKET**

## *Supplemental*

**(MATERIALS SUBMITTED BY 1:00 PM 02/06/2026)**

### **E4. NEW BUSINESS**

E4. ROWV\_Narrow Road  
Public Comments

## Piagentini, Vincent

---

**From:** Raidmae, Ryan  
**Sent:** Friday, February 6, 2026 9:32 AM  
**To:** Piagentini, Vincent  
**Cc:** Simons, Sandee; Carpenter, Beverly; Lopez, Samantha  
**Subject:** Nikiski APC Recommendations for Platting Items

Good Morning, Platting Friends,

At Nikiski's Advisory Planning Commission Meeting, held on February 05, 2026, the Commission recommended the following:

- Immanuel Subdivision, No. 3 (KPB 2026-006) – [Approved](#)
- Immanuel Subdivision, No. 3, Vacation, (KPB 2026-006V) – [Approved](#)
- Veal Subdivision 2026 Addition (KPB 2026-099) – [Approved](#)

If you have any questions about the recommendations, please let me know.

Thank You,

### [Ryan Raidmae](#)

**Planner**

**Kenai River Center**

**A Division of the Planning Department**

**Office:** (907) 714-2460 **Direct:** (907) 714-2462

**PUBLIC RECORDS LAW DISCLOSURE:** This email and responses to this email may be considered a public record under the law.

Susie Chmielowiec  
49821 DeBusk Drive  
Nikiski, AK

Public comment to KPB-7449 Immanuel Subdivision

Hearing 2-9-2026

The plat submission for this property should be denied or, in the alternative, be approved on a conditional basis.

The problems with the plat pertain to the placement of roads intersecting DeBusk, Narrow, Redeemed and Shalom.

DeBusk Drive encroaches upon private property directly across from the subject property in 2 places. One is where the proposed Redeemed Road will intersect with DeBusk. The other is where the proposed Shalom Road will intersect with DeBusk.

Narrow Road is not accurately depicted on the plat. The original location is there, but in fall 2025, the intersection was relocated.

A meeting was held on DeBusk Drive October 10, 2025 at approximately 11:30am to discuss re-alignment, at which time the private property was marked by Chmielowiec's surveyor with stakes and paint. It was attended by Dennis Merkes, road contractor for the Halls, a representative of McLane (name unknown), the firm submitting the plat for the Halls, Brian Conrad and Jed Painter, with KPB road maintenance, a representative of Alaska Land Surveys, the firm surveying and marking the property lines for Chmielowiec, and Susie Chmielolwiec. The boundaries were very clearly marked to show where DeBusk encroached upon Chmielowiec's private property. Everyone could clearly see that placement of any roads should not go in those areas. Yet, McLane has submitted a plat that places Redeemed and Shalom ingress and egress in such positions that drivers will have no choice but to trespass onto private land with no permission. Chmielowiec is currently trying to replat her property into 2 parcels for insurance and financing reasons. Chmielowiec is currently trying to work with KPB platting to resolve this issue but there has been no resolution at this point. The encroachment issue is preventing the approval. I am unsure why platting would support a plan that calls for trespass upon private property, e.g., Immanuel Subdivision.

The encroachment on DeBusk was documented by Chmielowiec's surveyor. It is unclear and unknown why McLane does not show the path of DeBusk and the encroachment.

To approve the plat as submitted would put the owners of the Immanuel Subdivision, David and Christina Hall, in territorial and potentially legal conflict with the owner of the property located on the opposite side of DeBusk, Susie Chmielowiec. None of the parties want that.

Narrow Road: The plat needs to accurately show the current location of the road.

Redeemed Road: The ingress and egress needs to be relocated such that it does not encroach on the private property across from it. Alternatively, the encroachment issue needs to be resolved between Chmielowiec and KPB platting.

Shalom Road: The ingress and egress needs to be relocated such that it does not encroach on the private property across from it. Alternatively, the encroachment issue needs to be resolved between Chmielowiec and KPB platting. Further issues with this road make it impractical. The road would have to be built over an existing pond or otherwise fully submerged portion of land. Additionally, there is a 30-40 foot cliff that extends from the current location of the end of Shalom Road to DeBusk. The high portion is on DeBusk. To tie those together at the location currently proposed in the plat would also encroach upon private property, again.

Exhibits show the following:

SC 1 Immanuel Subdivision KPB GID proposed plat showing Redeemed Road proposed placement. The path of DeBusk can be seen as it crosses in and over the property line of the Chmielowiec property.

SC 2 Enhanced Immanuel Subdivision KPB GID proposed plat showing Redeemed Road proposed placement. The path of DeBusk can be seen as it crosses in and over the property line of the Chmielowiec property.

SC 3 Photo of DeBusk encroachment at proposed Redeemed intersection. Land to the left of the pink marks are private property.

SC 4 Photo of DeBusk encroachment at proposed Redeemed intersection. Land to the left of the pink marks are private property.

SC 5 Photo of DeBusk encroachment at proposed Shalom intersection. Land to the left of the pink marks and pink flagged stake are private property. The photo also shows the steep cliff Shalom would have to resolve. Shalom can be seen in the photo at the bottom of the hill. The plat proposes linking the current location of Shalom with DeBusk.

SC 6 Topo map of Immanuel Subdivision showing the elevations between DeBusk and proposed location of Shalom.

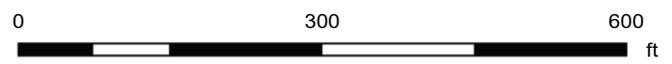
SC 7 Proposed plat of Big Bear Lookout. It is Chmielowiec's unapproved, pending plat that shows the encroachment of DeBusk onto the property that was derived from an original plat from 2023. The original plat and the current proposed plat show the path of DeBusk and its encroachment onto the property.



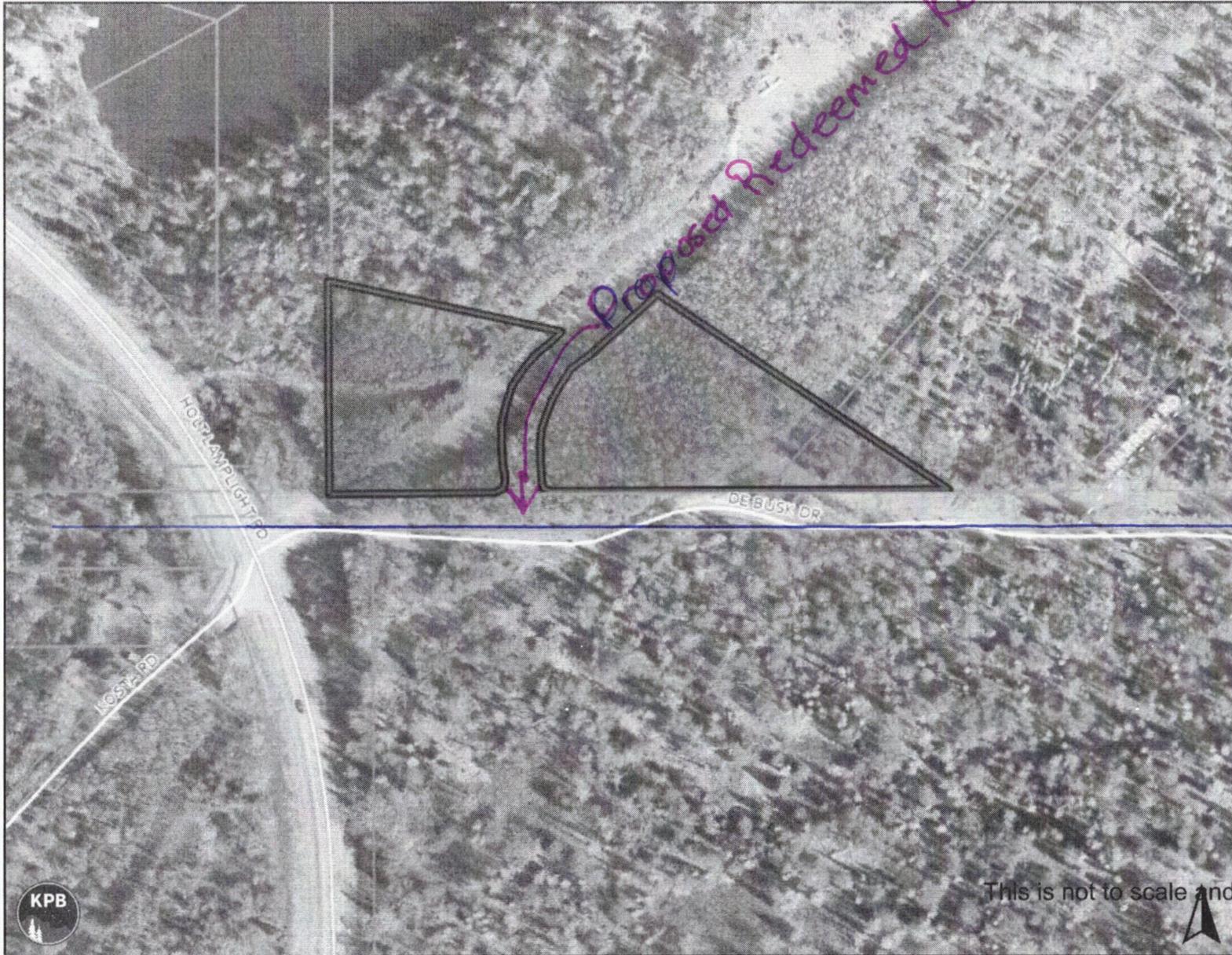
### Legend

- Transportation
- Mileposts
- 
- Parcels and PLSS
- Tax Parcels
- 

This is not to scale and is for graphical puposes only.



NOTE: Every reasonable effort has been made to ensure the accuracy of these data. However, by accepting this material, you agree that the Kenai Peninsula Borough assumes no liability of any kind arising from the use of this data. The data are provided without warranty of any kind, either expressed or implied, including but not limited to time, money or goodwill arising from the use, operation or modification of the data. In using these data, you further agree to indemnify, defend, and hold harmless Kenai Peninsula Borough for any and all liability of any nature arising from the lack of accuracy or correctness of the data, or use of the data.



Legend

Transportation

Mileposts

Parcels and PLSS

Tax Parcels

Dark line  
private  
property line

white line  
path of  
DeBusk Drive

This is not to scale and is for graphical purposes only.



NOTE: Every reasonable effort has been made to ensure the accuracy of these data. However, by accepting this material, you agree that the Kenai Peninsula Borough assumes no liability of any kind arising from the use of this data. The data are provided without warranty of any kind, either expressed or implied, including but not limited to time, money or goodwill arising from the use, operation or modification of the data. In using these data, you further agree to indemnify, defend, and hold harmless Kenai Peninsula Borough for any and all liability of any nature arising from the lack of accuracy or correctness of the data, or use of the data.



Redeemed Debusk interestion encroachment 2

E4-21



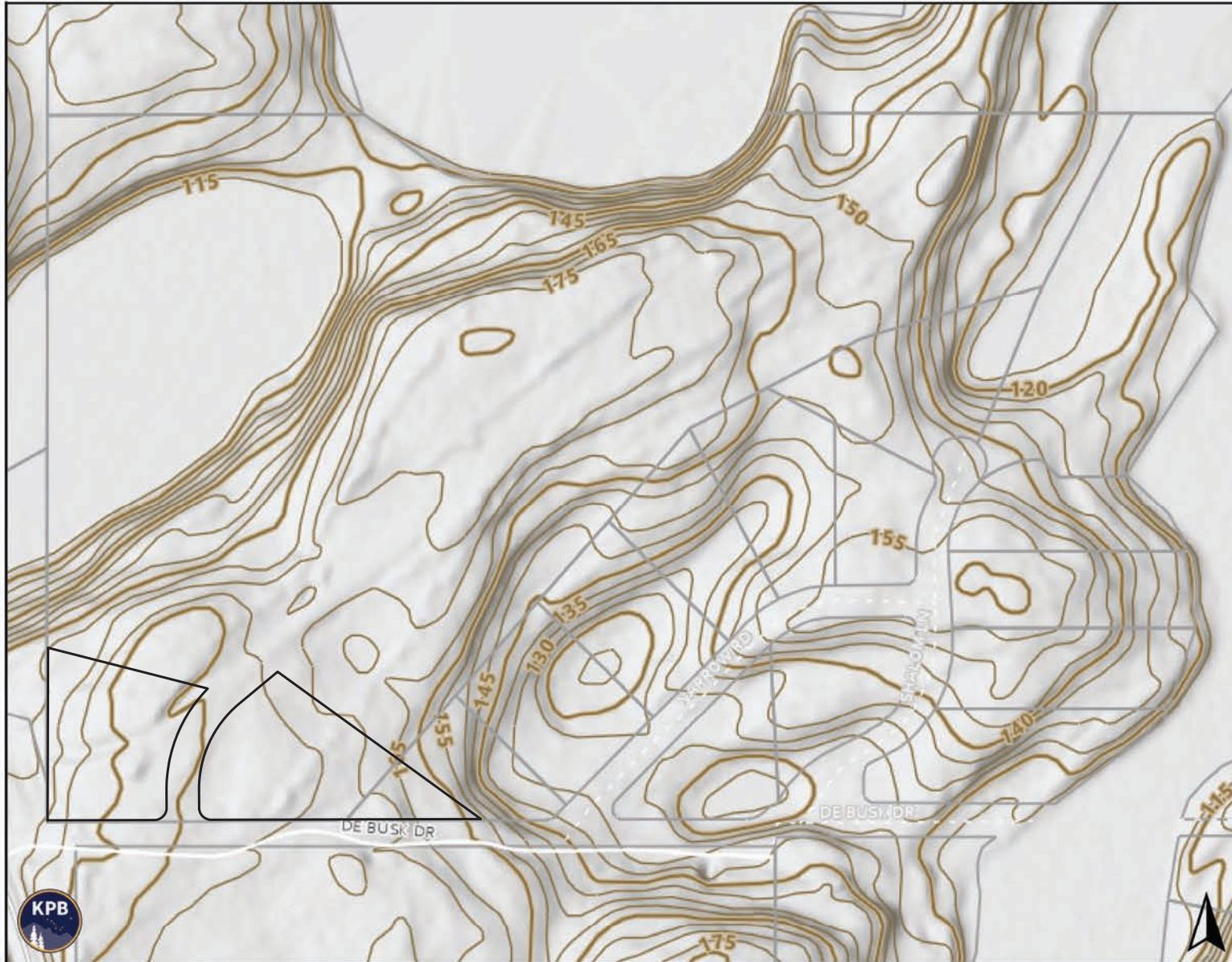
Shalom placement encroachment and steep embankment

E4-22



Redeemed intersection showing encroachment 1

E4-23



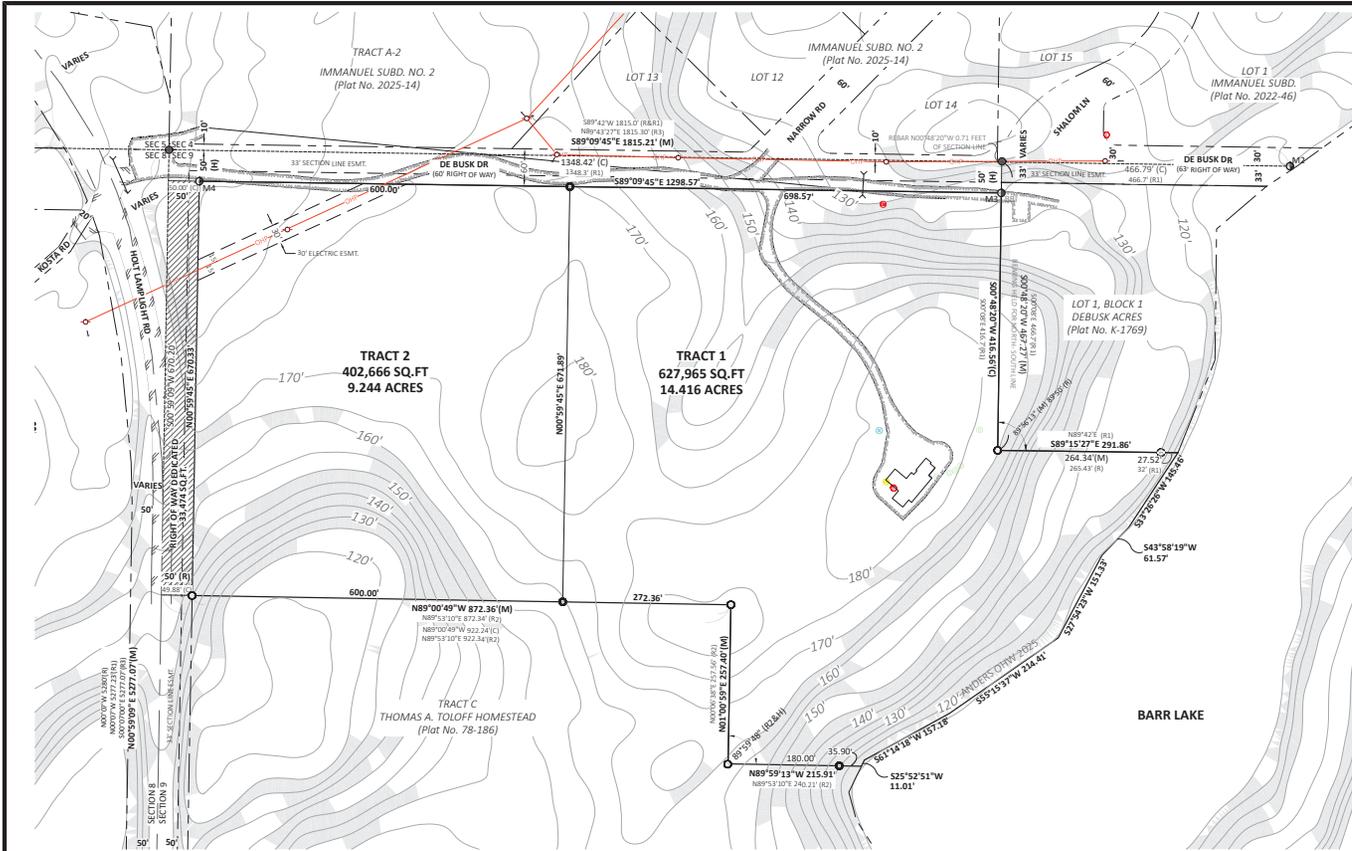
Legend

- Historical Aerial Photos
- Photos
- Transportation
- Mileposts
- Parcels and PLSS
- Tax Parcels
- Terrain
- 2008/09 LiDAR Hillshade
- 255 - 0



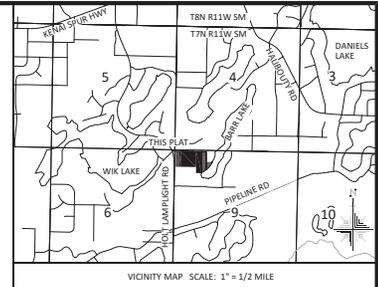
NOTE: Every reasonable effort has been made to ensure the accuracy of these data. However, by accepting this material, you agree that the Kenai Peninsula Borough assumes no liability of any kind arising from the use of this data. The data are provided without warranty of any kind, either expressed or implied, including but not limited to time, money or goodwill arising from the use, operation or modification of the data. In using these data, you further agree to indemnify, defend, and hold harmless Kenai Peninsula Borough for any and all liability of any nature arising from the lack of accuracy or correctness of the data, or use of the data.

# marked Final Plat Exhibit with Debusk



### MONUMENT DETAILS

- FOUND 3-1/4" BRASS CAP IN MONUMENT CASE 0.3' BELOW RIM GOOD CONDITION
- FOUND 3-1/4" BRASS CAP 0.5' ABOVE GRADE LEANING MEASURED POINT ON EXIT
- SET 2" ALCAP ON 5/8" REBAR 0.3' BELOW GRADE
- SET 2" ALCAP ON 5/8" REBAR 0.3' BELOW GRADE



### NOTES:

1. THIS PROJECT IS LOCATED WITHIN ALASKA STATE PLANE COORDINATE SYSTEM, ZONE 4, NORTH AMERICAN DATUM OF 1983 (NAD 83). BEARINGS SHOWN HEREIN ARE GEODETIC BEARINGS DERIVED FROM COORDINATES BASED ON GPS OBSERVATIONS. ALL DISTANCES ARE GROUND DISTANCES EXPRESSED IN U.S. SURVEY FEET, USING A COMBINED SCALE FACTOR OF 1.00005246 APPLIED TO GRID MEASUREMENTS.
2. RESERVATION OF SECTION LINE EASEMENT 33 FEET IN WIDTH ALONG EACH SIDE OF SECTION LINE AS PROVIDED BY 43 USC 932 AND REENACTED BY 1721 CLA 1933.
3. EASEMENTS NOT SHOWN ON THIS PLAT: A TELECOMMUNICATIONS AND ELECTRIC EASEMENT GRANTED TO HOMER ELECTRIC ASSOCIATION RECORDED ON MAY 26, 1961 PER BOOK 6 PAGE 373.
4. 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.
5. THE FRONT 10 FEET OF THE BUILDING SETBACK ADJACENT TO RIGHTS-OF-WAY AND ENTIRE SETBACK WITHIN 5 FEET OF THE SIDE LOT LINES IS ALSO A UTILITY EASEMENT.
6. 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.
7. ANY PERSON DEVELOPING THE PROPERTIES SHOWN HEREON IS RESPONSIBLE FOR OBTAINING ALL REQUIRED LOCAL, STATE, AND FEDERAL PERMITS, INCLUDING A U.S. ARMY CORPS OF ENGINEERS WETLAND DETERMINATION IF APPLICABLE.

NOT ALL SITE FEATURES ARE SHOWN HEREON. CONTOURS ARE PER KPB GIS DATA

### LEGEND

- FOUND / SET MONUMENT AS DESCRIBED
- FOUND 5/8" REBAR
- FOUND 1/2" REBAR
- SET 3-1/4" YELLOW PLASTIC CAP ON 5/8" X 30" REBAR STAMPED AKLAND 107877
- MEASURED BEARING AND/OR DISTANCE
- COMPUTED BEARING AND/OR DISTANCE
- HELD BEARING AND/OR DISTANCE
- RECORD PER BLM PLAT T7N, R11W, S4M ACCEPTED MAY 12, 1966
- RECORD PER PLAT K-1769
- RECORD PER PLAT 78-186
- RECORD PER PLAT 2022-46
- RECOVERED MONUMENT
- GRANTED THIS PLAT

### LEGEND

- CULVERT
- SWITCH CABINET
- POWER POLE
- ELECTRICAL MANHOLE
- ELECTRIC METER
- UTILITY FENCED
- GAS METER
- WELL
- CLEANOUT
- ROW DEDICATION
- SECTION LINE
- EASEMENT
- CONTOUR
- OVERHEAD POWER LINES
- EDGE OF PAVEMENT
- GRAVEL

### CERTIFICATE OF OWNERSHIP AND DEDICATION

I, SUSIE CHMIELOWICZ, 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.

OWNER  
SUSIE CHMIELOWICZ  
3206 PATRICIA LN  
PEARLAND, TX 77581

AUTHORIZED OFFICIAL SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_  
TITLE \_\_\_\_\_ PRINTED NAME \_\_\_\_\_

**NOTARY'S CERTIFICATE**  
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 IN ACCORDANCE WITH KPB 20.10.040.  
KENAI PENINSULA BOROUGH

AUTHORIZED OFFICIAL SIGNATURE \_\_\_\_\_

### SURVEYORS CERTIFICATE

I, STACY M WESSEL, PROFESSIONAL LAND SURVEYOR, 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 DIRECT SUPERVISION, THAT THE MONUMENTS SHOWN HEREON ACTUALLY EXIST AS DESCRIBED, AND THAT ALL DIMENSIONS AND OTHER DETAILS ARE CORRECT.



PLAT OF:  
**BIG BEAR LOOKOUT SUBDIVISION**  
CREATING TRACTS 1 AND 2 CONTAINING 23,660 ACRES

A SUBDIVISION OF:  
A PORTION OF GOVERNMENT LOTS 4 AND 5 IN SECTION 9, TOWNSHIP 7 NORTH, RANGE 11 WEST, SEWARD MERIDIAN, STATE OF ALASKA  
ACCORDING TO UNITED STATES DEPARTMENT OF THE INTERIOR BUREAU OF LAND MANAGEMENT PLAT ACCEPTED MAY 12, 1966

EXCEPTING THEREFROM ANY PORTION LYING WITHIN DE BUSK ACRES, FILED UNDER PLAT NO. K-1769; TRACTS B & C THOMAS A. TOLOFF HOMESTEAD, FILED UNDER PLAT NO. 78-186; TOLOFF SUBDIVISION NO. 1, FILED UNDER PLAT NO. 78-232; AND FURTHER EXCEPTING THEREFROM ANY PORTION LYING WITHIN TOLOFF SUBDIVISION NO. 2, FILED UNDER PLAT NO. 78-303.

KENAI RECORDING DISTRICT  
KENAI PENINSULA BOROUGH  
THIRD JUDICIAL DISTRICT  
STATE OF ALASKA

LOCATED WITHIN: NW1/4 OF SECTION 9, T7N, R11W, S4M., AK.

**OWNER**  
SUSIE CHMIELOWICZ  
3206 PATRICIA LN  
PEARLAND, TX 77581

**AKLANDS**  
Land Surveying LLC  
PO Box 110485  
Anchorage, AK 99511  
aklands@aklands.com  
http://aklands.com  
(907) 744-LAND

Date: 07/16/2025 Scale: 1"= 100' Date of Survey: May 5, 2025 Sheet: 1 of 1  
Drawn: SMW PN: 1559 Field Book: 8/56-58\_13/68-69 KPB NO. 2025-XXX



## KENAI PENINSULA BOROUGH PLANNING COMMISSION NOTICE OF PUBLIC HEARING

Public notice is hereby given that a petition was received on 1/16/2026 to vacate a public right-of-way in the Nikiski area. Area under consideration is described as follows:

Request / Affected Property: Vacates a portion of Narrow Rd near the intersection with De Busk Dr

KPB File No. 2026-006V.

Petitioner(s) / Land Owner(s): David and Christine Hall of Nikiski, AK.

Purpose as stated in petition: This plat proposes to relocate the intersection of Narrow Rd & De Busk Dr. to the west where the construction of the intersection is more feasible, safe & economical. The current location of said intersection creates an awkward & acute angle to the east..

Public hearing will be held by the Kenai Peninsula Borough Planning Commission on **Monday, February 9, 2026**, commencing at **7:30 p.m.**, or as soon thereafter as business permits. The meeting is being held in 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, February 6, 2025**. The deadline to submit written comments or documents does not impact the ability to provide verbal testimony at the public hearing.

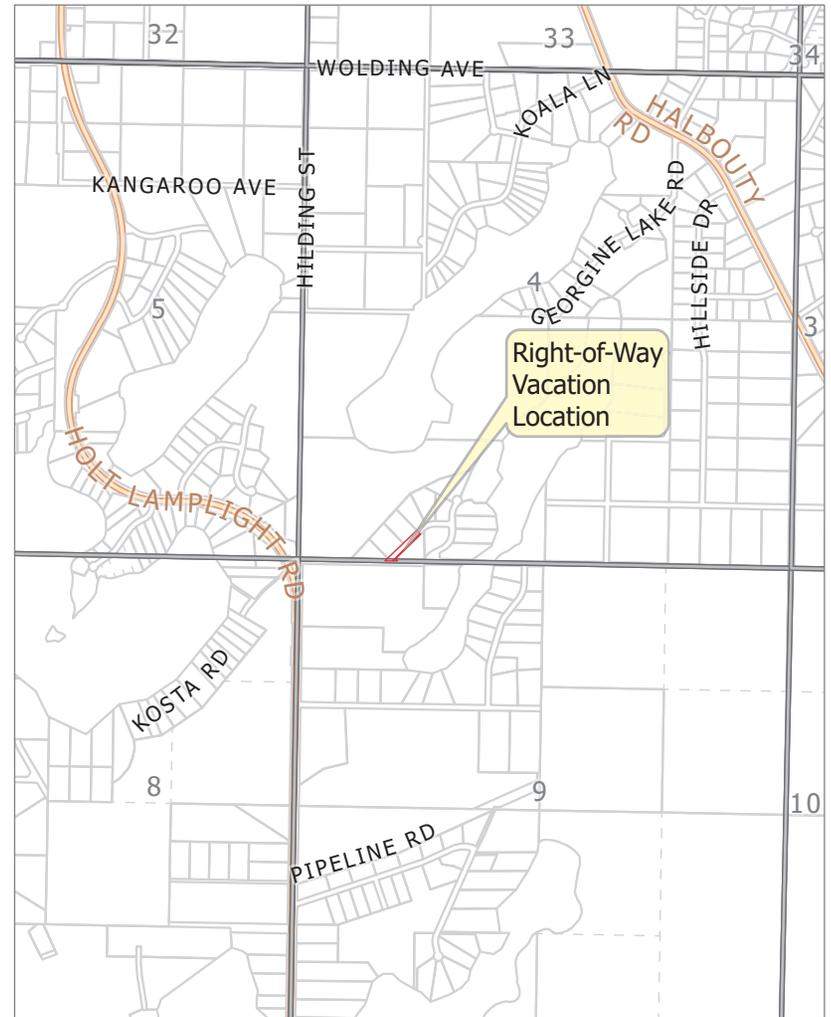
If the Planning Commission approves the vacation, the Borough Assembly has thirty days from that decision in which they may veto the Planning Commission approval. Denial of a vacation petition is a final act for which no further consideration shall be given by the Kenai Peninsula Borough.

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](mailto:ssimons@kpb.us)) or Beverly Carpenter

(BCarpenter@kpb.us), Planning Department, 714-2200 (1-800-478-4441 toll free within Kenai Peninsula Borough) or email [planning@kpb.us](mailto:planning@kpb.us).

Mailed 1/20/2026



KPB File 2026-006V  
T07N R11W SEC04  
Nikiski

**PLAT APPROVAL**  
 THE PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF APRIL 14, 2025.

**CERTIFICATE OF ACCEPTANCE - KP#**  
 THE UNDERGROUND UTILITIES IDENTIFIED BY NAME AND TYPE IS AUTHORIZED TO ACCEPT AND HEREBY ACCEPTS ON BEHALF OF KENAI PENINSULA BOROUGH FOR PUBLIC USE AND PUBLIC PURPOSES THE AREA PROPOSED TO BE LOCATED BY THIS PLAT INCLUDING EXISTING, RIGHTS-OF-WAY, ALLEYS, AND OTHER PUBLIC AREAS SHOWN ON THIS PLAT IDENTIFIED AS FOLLOWS:

**CERTIFICATE OF OWNERSHIP AND DEDICATION**  
 WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND WE HEREBY ACCEPT THIS PLAN OF SUBDIVISION AND WE HEREBY DEDICATE ALL RIGHTS OF WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANT EASEMENTS TO THE USE SHOWN.

**NOTARY'S ACKNOWLEDGEMENT**  
 FOR: DAVID HALL AND CHRISTINA HALL  
 ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2025  
 MY COMMISSION EXPIRES \_\_\_\_\_  
 NOTARY PUBLIC FOR THE STATE OF ALASKA

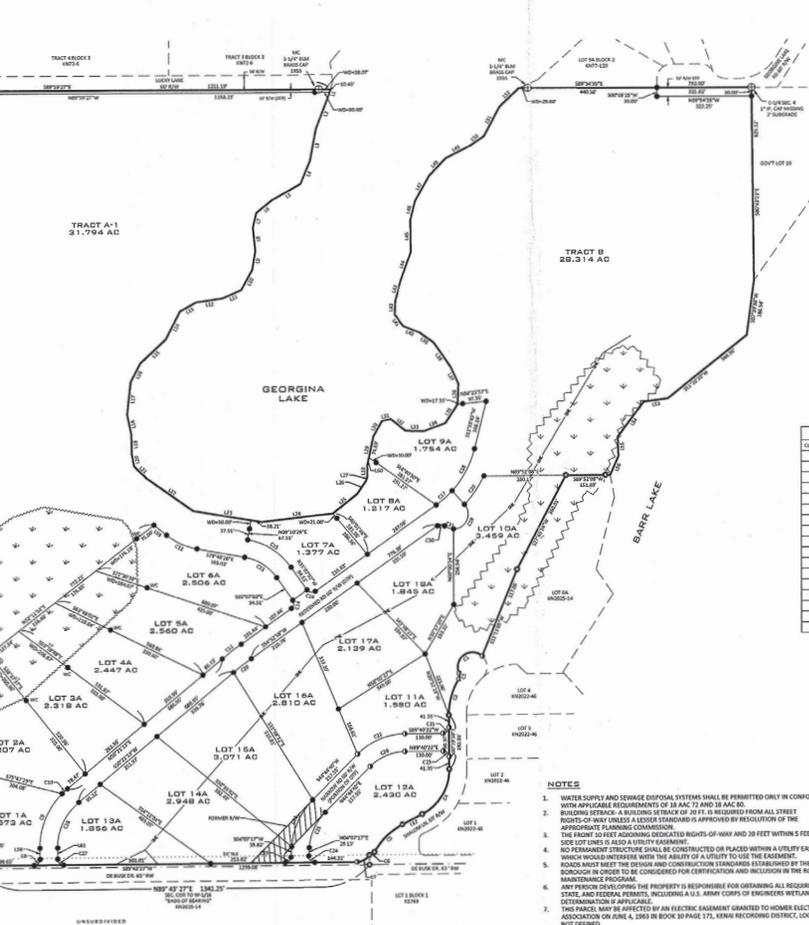
AUTHORIZED OFFICIAL  
 REDEEMED RD.  
 PORTION OF BARRON RD.  
 PORTION OF LUCKY LAKE  
 PORTION OF GEORGINA LAKE RD.  
 AUTHORIZED OFFICIAL \_\_\_\_\_ DATE \_\_\_\_\_

DAVID HALL  
 PO BOX 705L, NIKELI, AK 99515  
 CHRISTINA HALL  
 PO BOX 705L, NIKELI, AK 99515

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

**LINE TABLE**

LINE #	BEARING	DISTANCE
11	S59°29'47"W	13.30'
12	S20°20'00"W	133.40'
13	S10°20'00"W	108.85'
14	S2°20'00"W	84.30'
15	S20°20'00"W	133.40'
16	S59°29'47"W	65.33'
17	S52°49'47"W	83.37'
18	S20°20'00"W	78.20'
19	S10°20'00"W	64.30'
20	S2°20'00"W	77.57'
21	S20°20'00"W	88.62'
22	S18°30'27"W	60.00'
23	S49°21'21"W	42.80'
24	S20°20'00"W	108.40'
25	S20°20'00"W	108.40'
26	S20°20'00"W	73.37'
27	S20°20'00"W	108.85'
28	S15°55'15"W	68.62'
29	S17°30'47"W	65.62'
30	S10°20'00"W	63.37'
31	S40°20'00"W	60.70'
32	S44°24'30"W	126.41'
33	S20°20'00"W	126.70'
34	N80°20'00"E	108.20'
35	N20°20'00"E	54.30'
36	N20°20'00"E	124.40'
37	N20°20'00"E	80.50'
38	N20°20'00"E	78.20'
39	N20°20'00"E	58.30'
40	N77°30'47"E	38.37'
41	N20°20'00"E	68.62'
42	N20°20'00"E	65.70'
43	N70°20'00"E	77.40'
44	N20°20'00"E	78.20'
45	N20°20'00"E	58.30'
46	N20°20'00"E	63.37'
47	N20°20'00"E	108.40'
48	N20°20'00"E	108.40'
49	N20°20'00"E	73.37'
50	N20°20'00"E	108.85'
51	N15°55'15"W	68.62'
52	N17°30'47"E	65.62'
53	N10°20'00"E	63.37'
54	N40°20'00"E	60.70'
55	N44°24'30"W	126.41'
56	N20°20'00"E	126.70'
57	N20°20'00"E	108.20'
58	N20°20'00"E	54.30'
59	N20°20'00"E	124.40'
60	N20°20'00"E	80.50'
61	N20°20'00"E	78.20'
62	N20°20'00"E	58.30'
63	N77°30'47"E	38.37'
64	N20°20'00"E	68.62'
65	N20°20'00"E	65.70'
66	N70°20'00"E	77.40'
67	N20°20'00"E	78.20'
68	N20°20'00"E	58.30'
69	N20°20'00"E	63.37'
70	N20°20'00"E	108.40'
71	N20°20'00"E	108.40'
72	N20°20'00"E	73.37'
73	N20°20'00"E	108.85'
74	N15°55'15"W	68.62'
75	N17°30'47"E	65.62'
76	N10°20'00"E	63.37'
77	N40°20'00"E	60.70'
78	N44°24'30"W	126.41'
79	N20°20'00"E	126.70'
80	N20°20'00"E	108.20'
81	N20°20'00"E	54.30'
82	N20°20'00"E	124.40'
83	N20°20'00"E	80.50'
84	N20°20'00"E	78.20'
85	N20°20'00"E	58.30'
86	N77°30'47"E	38.37'



**CURVE TABLE**

CURVE #	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD LENGTH	CURVE #	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD LENGTH
C1	107°00'00"	200.00'	107.00'	S107°00'00"W	107.00'	C2	207°12'00"	200.00'	103.62'	S207°12'00"W	103.62'
C2	107°00'00"	200.00'	107.00'	S107°00'00"W	107.00'	C3	125°00'00"	200.00'	119.47'	S125°00'00"W	119.47'
C3	107°00'00"	200.00'	107.00'	S107°00'00"W	107.00'	C4	171°00'00"	200.00'	137.42'	S171°00'00"W	137.42'
C4	107°00'00"	200.00'	107.00'	S107°00'00"W	107.00'	C5	300°00'00"	200.00'	200.00'	S00°00'00"W	200.00'
C5	107°00'00"	200.00'	107.00'	S107°00'00"W	107.00'	C6	149°00'00"	200.00'	100.35'	S149°00'00"W	100.35'
C6	107°00'00"	200.00'	107.00'	S107°00'00"W	107.00'	C7	300°00'00"	200.00'	200.00'	S00°00'00"W	200.00'
C7	107°00'00"	200.00'	107.00'	S107°00'00"W	107.00'	C8	207°12'00"	200.00'	103.62'	S207°12'00"W	103.62'
C8	107°00'00"	200.00'	107.00'	S107°00'00"W	107.00'	C9	125°00'00"	200.00'	119.47'	S125°00'00"W	119.47'
C9	107°00'00"	200.00'	107.00'	S107°00'00"W	107.00'	C10	171°00'00"	200.00'	137.42'	S171°00'00"W	137.42'
C10	107°00'00"	200.00'	107.00'	S107°00'00"W	107.00'	C11	300°00'00"	200.00'	200.00'	S00°00'00"W	200.00'
C11	107°00'00"	200.00'	107.00'	S107°00'00"W	107.00'	C12	149°00'00"	200.00'	100.35'	S149°00'00"W	100.35'
C12	107°00'00"	200.00'	107.00'	S107°00'00"W	107.00'	C13	300°00'00"	200.00'	200.00'	S00°00'00"W	200.00'
C13	107°00'00"	200.00'	107.00'	S107°00'00"W	107.00'	C14	207°12'00"	200.00'	103.62'	S207°12'00"W	103.62'
C14	107°00'00"	200.00'	107.00'	S107°00'00"W	107.00'	C15	125°00'00"	200.00'	119.47'	S125°00'00"W	119.47'
C15	107°00'00"	200.00'	107.00'	S107°00'00"W	107.00'	C16	171°00'00"	200.00'	137.42'	S171°00'00"W	137.42'
C16	107°00'00"	200.00'	107.00'	S107°00'00"W	107.00'	C17	300°00'00"	200.00'	200.00'	S00°00'00"W	200.00'
C17	107°00'00"	200.00'	107.00'	S107°00'00"W	107.00'	C18	149°00'00"	200.00'	100.35'	S149°00'00"W	100.35'
C18	107°00'00"	200.00'	107.00'	S107°00'00"W	107.00'	C19	300°00'00"	200.00'	200.00'	S00°00'00"W	200.00'
C19	107°00'00"	200.00'	107.00'	S107°00'00"W	107.00'	C20	207°12'00"	200.00'	103.62'	S207°12'00"W	103.62'
C20	107°00'00"	200.00'	107.00'	S107°00'00"W	107.00'	C21	125°00'00"	200.00'	119.47'	S125°00'00"W	119.47'
C21	107°00'00"	200.00'	107.00'	S107°00'00"W	107.00'	C22	171°00'00"	200.00'	137.42'	S171°00'00"W	137.42'
C22	107°00'00"	200.00'	107.00'	S107°00'00"W	107.00'	C23	300°00'00"	200.00'	200.00'	S00°00'00"W	200.00'
C23	107°00'00"	200.00'	107.00'	S107°00'00"W	107.00'	C24	149°00'00"	200.00'	100.35'	S149°00'00"W	100.35'
C24	107°00'00"	200.00'	107.00'	S107°00'00"W	107.00'	C25	300°00'00"	200.00'	200.00'	S00°00'00"W	200.00'
C25	107°00'00"	200.00'	107.00'	S107°00'00"W	107.00'	C26	207°12'00"	200.00'	103.62'	S207°12'00"W	103.62'
C26	107°00'00"	200.00'	107.00'	S107°00'00"W	107.00'	C27	125°00'00"	200.00'	119.47'	S125°00'00"W	119.47'
C27	107°00'00"	200.00'	107.00'	S107°00'00"W	107.00'	C28	171°00'00"	200.00'	137.42'	S171°00'00"W	137.42'
C28	107°00'00"	200.00'	107.00'	S107°00'00"W	107.00'	C29	300°00'00"	200.00'	200.00'	S00°00'00"W	200.00'
C29	107°00'00"	200.00'	107.00'	S107°00'00"W	107.00'	C30	149°00'00"	200.00'	100.35'	S149°00'00"W	100.35'
C30	107°00'00"	200.00'	107.00'	S107°00'00"W	107.00'	C31	300°00'00"	200.00'	200.00'	S00°00'00"W	200.00'
C31	107°00'00"	200.00'	107.00'	S107°00'00"W	107.00'	C32	207°12'00"	200.00'	103.62'	S207°12'00"W	103.62'
C32	107°00'00"	200.00'	107.00'	S107°00'00"W	107.00'	C33	125°00'00"	200.00'	119.47'	S125°00'00"W	119.47'
C33	107°00'00"	200.00'	107.00'	S107°00'00"W	107.00'	C34	171°00'00"	200.00'	137.42'	S171°00'00"W	137.42'
C34	107°00'00"	200.00'	107.00'	S107°00'00"W	107.00'	C35	300°00'00"	200.00'	200.00'	S00°00'00"W	200.00'
C35	107°00'00"	200.00'	107.00'	S107°00'00"W	107.00'	C36	149°00'00"	200.00'	100.35'	S149°00'00"W	100.35'
C36	107°00'00"	200.00'	107.00'	S107°00'00"W	107.00'	C37	300°00'00"	200.00'	200.00'	S00°00'00"W	200.00'
C37	107°00'00"	200.00'	107.00'	S107°00'00"W	107.00'	C38	207°12'00"	200.00'	103.62'	S207°12'00"W	103.62'
C38	107°00'00"	200.00'	107.00'	S107°00'00"W	107.00'	C39	125°00'00"	200.00'	119.47'	S125°00'00"W	119.47'
C39	107°00'00"	200.00'	107.00'	S107°00'00"W	107.00'	C40	171°00'00"	200.00'	137.42'	S171°00'00"W	137.42'
C40	107°00'00"	200.00'	107.00'	S107°00'00"W	107.00'	C41	300°00'00"	200.00'	200.00'	S00°00'00"W	200.00'
C41	107°00'00"	200.00'	107.00'	S107°00'00"W	107.00'	C42	149°00'00"	200.00'	100.35'	S149°00'00"W	100.35'
C42	107°00'00"	200.00'	107.00'	S107°00'00"W	107.00'	C43	300°00'00"	200.00'	200.00'	S00°00'00"W	200.00'
C43	107°00'00"	200.00'	107.00'	S107°00'00"W	107.00'	C44	207°12'00"	200.00'	103.62'	S207°12'00"W	103.62'
C44	107°00'00"	200.00'	107.00'	S107°00'00"W	107.00'	C45	125°00'00"	200.00'	119.47'	S125°00'00"W	119.47'
C45	107°00'00"	200.00'	107.00'	S107°00'00"W	107.00'	C46	171°00'00"	200.00'	137.42'	S171°00'00"W	137.42'
C46	107°00'00"	200.00'	107.00'	S107°00'00"W	107.00'	C47	300°00'00"	200.00'	200.00'	S00°00'00"W	200.00'
C47	107°00'00"	200.00'	107.00'	S107°00'00"W	107.00'	C48	149°00'00"	200.00'	100.35'	S149°00'00"W	100.35'
C48	107°00'00"	200.00'	107.00'	S107°00'00"W	107.00'	C49	300°00'00"	200.00'	200.00'	S00°00'00"W	200.00'
C49	107°00'00"	200.00'	107.00'	S107°00'00"W	107.00'	C50	207°12'00"	200.00'	103.62'	S207°12'00"W	103.62'
C50	107°00'00"	200.00'	107.00'	S107°00'00"W	107.00'	C51	125°00'00"	200.00'	119.47'	S125°00'00"W	119.47'
C51	107°00'00"	200.00'	107.00'	S107°00'00"W	107.00'	C52	171°00'00"	200.00'	137.42'	S171°00'00"W	137.42'
C52	107°00'00"	200.00'	107.00'	S107°00'00"W	107.00'	C53	300°00'00"	200.00'	200.00'	S00°00'00"W	200.00'
C53	107°00'00"	200.00'	107.00'	S107°00'00"W	107.00'	C54	149°00'00"	200.00'	100.35'	S149°00'00"W	100.35'
C54	107°00'00"	200.00'	107.00'	S107°00'00"W	107.00'	C55	300°00'00"	200.00'	200.00'	S00°00'00"W	200.00'
C55	107°00'00"	200.00'	107.00'	S107°00'00"W	107.00'	C56	207°12'00"	200.00'	103.62'	S207°12'00"W	103.62'
C56	107°00'00"	200.00'	107.00'	S107°00'00"W	107.00'	C57	125°00'00"	200.00'	119.47'	S125°00'00"W	119.47'
C57	107°00'00"	200.00'	107.00'	S107°00'00"W	107.00'	C58	171°00'00"	200.00'	137.42'	S171°00'00"W	137.42'
C58	107°00'00"	200.00'	107.00'	S107°00'00"W	107.00'	C59	300°00'00"	200.00'	200.00'	S00°00'00"W	200.00'
C59	107°00'00"	200.00'	107.00'	S107°00'00"W	107.00'	C60	149°00'00"	200.00'	100.35'	S149°00'00"W	100.35'
C60	107°00'00"	200.00'	107.00'	S107°00'00"W	107.00'	C61	300°00'00"	200.00'	200.00'	S00°00'00"W	200.00'

## **E. NEW BUSINESS**

### **5. Conditional Land Use Permit; PC Resolution 2026-12**

**Applicant; M&M Gravel**

**Legal Description: T07N R12W SEC 35 Seward Meridian  
KN E1/2 NE1/4 NW1/4**

**Parcel ID: 01516017**

**Nikiski Area**

**Material Site Permit Application**  
**Kenai Peninsula Borough**  
 Planning Department

144 N. Binkley Street  
 Soldotna, Alaska 99669  
 planning@kpb.us

Phone: (907) 714-2200  
 Fax: (907) 714-2378

Fees Received: \$ <u>1,000</u>
<input type="checkbox"/> Cash
<input checked="" type="checkbox"/> Check # <u>40191</u>
CREDIT CARDS NOT ACCEPTED FOR APPLICATION FEES

**APPLICANT & LANDOWNER:**

Applicant: <u>M &amp; M Gravel LLC</u>	Landowner: <u>M &amp; M Gravel LLC</u>
Phone: <u>907-283-7556</u>	Phone: <u>907-283-7556</u>
Email: <u>dlunt@glmenergyllc.com</u>	Email: <u>dlunt@glmenergyllc.com</u>
Mailing: <u>420 N Willow Street</u>	Mailing: <u>420 N Willow Street</u>
<u>Kenai, Alaska 99611</u>	<u>Kenai, Alaska 99611</u>

**PARCEL:**

KPB Parcel ID(s): 01516017 Parcel Size: 20 acres  
 Legal Description: T7N R12W Sec35 Seward Meridian KN E1/2 NE1/4 NW1/4

**MATERIAL SITE PERMIT:**

<input checked="" type="checkbox"/> Original	<input type="checkbox"/> Renewal	<input type="checkbox"/> Modification	KPB Material Site Number: _____
Permit Type:	Acreage:	Permit Fees:	
<input type="checkbox"/> Registration	0 – 1 acres	None	
<input type="checkbox"/> Counter Permit	0 – 5 acres	\$250	
<input checked="" type="checkbox"/> Conditional Land Use Permit	5+ acres	\$1000	

**ENDORSEMENTS:**

- Type I Earth Materials Extraction (*excavation disturbing 5+ cumulative acres*)
- Type II Conditioning or Processing (*earth materials conditioning or processing*)
- Type III Extraction Within Water Table (*excavation within 2 feet of the seasonal high-water table*)
- Type IV Consolidated Material Extraction (*quarries of any size*)

**PERMIT QUESTIONS:**

- Brief project description. Include plans for phase development, etc. Attach additional pages if necessary.  
Project includes material extraction, sorting and sort and processing including the potential operation of a rock crusher and/or asphalt plant. Use-based development will begin at the northern limits and proceed southerly as necessary. Exhausted areas of the site may be utilized for waste excavation.
- Material(s) to be mined: (*select all that apply*)  
 Gravel  Sand  Peat  Consolidated  Other: \_\_\_\_\_
- Cumulative acres to be disturbed (excavation, stockpiles, berms, etc.): 19.5 acres
- Approximate annual quantity of material (including overburden) to be mined: 45,000 cubic yards
- Expected life span of the material site: 20 years
- Will material site activities take place on the entire parcel? If not, please describe:  Yes  No

7. Haul route with ingress and egress: Robert Walker Avenue west to Kenai Spur Highway
- 
8. Buffer plan: *(check all that apply)*
- |   |                                       |                                       |                                       |                                       |
|---|---------------------------------------|---------------------------------------|---------------------------------------|---------------------------------------|
| <input checked="" type="checkbox"/> Minimum 6-foot earthen berm | <input checked="" type="checkbox"/> N | <input checked="" type="checkbox"/> S | <input checked="" type="checkbox"/> E | <input checked="" type="checkbox"/> W |
| <input type="checkbox"/> Minimum 6-foot, sight-obscured fence   | <input type="checkbox"/> N            | <input type="checkbox"/> S            | <input type="checkbox"/> E            | <input type="checkbox"/> W            |
| <input type="checkbox"/> Other Buffer: <i>(describe below)</i>  | <input type="checkbox"/> N            | <input type="checkbox"/> S            | <input type="checkbox"/> E            | <input type="checkbox"/> W            |
- 
- Waiver Request: *(describe below)*       N    S    E    W
- 
8. Will you implement any noise suppression methods? If yes, please describe:       Yes    No
- 
9. Principle residential structures present within the Special Impacts Zone (SIZ):
- a. Within 500 ft? *(only applies to Counter Permits)*       Yes    No
- b. Within 1000 ft? *(only applies to CLUP applications)*       Yes    No
10. Are there any public campgrounds within 1000 feet of the material site activities?       Yes    No
11. Depth of excavation:      23      ft
12. Groundwater determination and methods:
- a. Groundwater elevation:      >25      ft
- b. Determined by: *(check all that apply)*
- Monitoring well(s)\*      Total: \_\_\_\_\_      \*CLUPs require 1 monitoring well per 10 acres
- Test Hole(s)      Total: 2
- Civil Engineer per KPB 21.29.030(A)(7)(a)
13. Surface and ground water protection measures: Excavation will not enter the groundwater. There are no adjacent wetlands or sensitive habitat. All onsite runoff will be directed and contained within the material site.
- 
14. Type II Endorsement – Processing (skip if not applicable)
- a. Are you requesting a setback exception?       Yes    No
- b. Are you requesting an exception to the hours of operation?       Yes    No
- c. Are you requesting a seasonal, project-based waiver to the hours of operation?       Yes    No
- d. If yes to any of the above, please justify request: Requesting a reduced setback to the west.  
Adjacent westerly property is an undeveloped industrial property owned by AKLNG.
- 
15. Type III Endorsement - Water Table Excavation (skip if not applicable)
- a. Describe the extent and depth of material extraction below the seasonal-high water table:
- \_\_\_\_\_
- 
- b. Public Water Systems within ½ mile property line: \_\_\_\_\_
- c. Private wells within ½ mile of property line: \_\_\_\_\_
- d. Existing regulated potential sources of contamination within ½ mile: \_\_\_\_\_
- 
16. Voluntary Permit Conditions (skip if not applicable):
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

**ATTACHMENTS**

**Required for originals, modifications, and renewals:**

- Permit Fee.** Applies to originals, renewals, and modifications for Counter Permits and CLUP's.
- Reclamation Plan.** Includes reclamation site plan and bond consistent with KPB 21.29.060.

**Required for originals and modifications:**

- Site Plan/Map.** Scaled plan(s) prepared in accordance with KPB 21.29.030(A).
- Type III Endorsement Report.** Includes all reports required under KPB 21.29.057(A) and (B).
- Supporting Documentation for Waiver/Exception Request(s)**

- |   |                                     |
|---|-------------------------------------|
| <input checked="" type="checkbox"/> <b>Documentation for State and Federal Compliance:</b>        | Not Applicable:                     |
| <input type="checkbox"/> <b>Temporary Water Use Authorization (ADNR)</b>                          | <input checked="" type="checkbox"/> |
| <input checked="" type="checkbox"/> <b>Mining Permit (ADNR)</b>                                   | <input type="checkbox"/>            |
| <input checked="" type="checkbox"/> <b>Reclamation Plan (ADNR)</b>                                | <input type="checkbox"/>            |
| <input type="checkbox"/> <b>Notice of Intent and Storm Water Pollution Prevention Plan (ADEC)</b> | <input checked="" type="checkbox"/> |
| <input type="checkbox"/> <b>Section 404 of the Clean Water Act (USACE)</b>                        | <input checked="" type="checkbox"/> |
| <input checked="" type="checkbox"/> <b>Driveway Permit from KPB or ADOT</b>                       | <input type="checkbox"/>            |
| <input type="checkbox"/> <b>Other:</b>  |                                     |

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**CERTIFICATION & OPERATOR STATEMENT:**

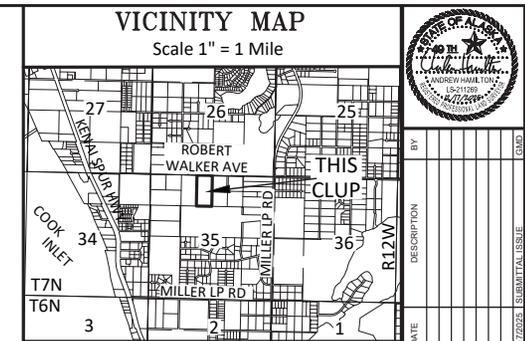
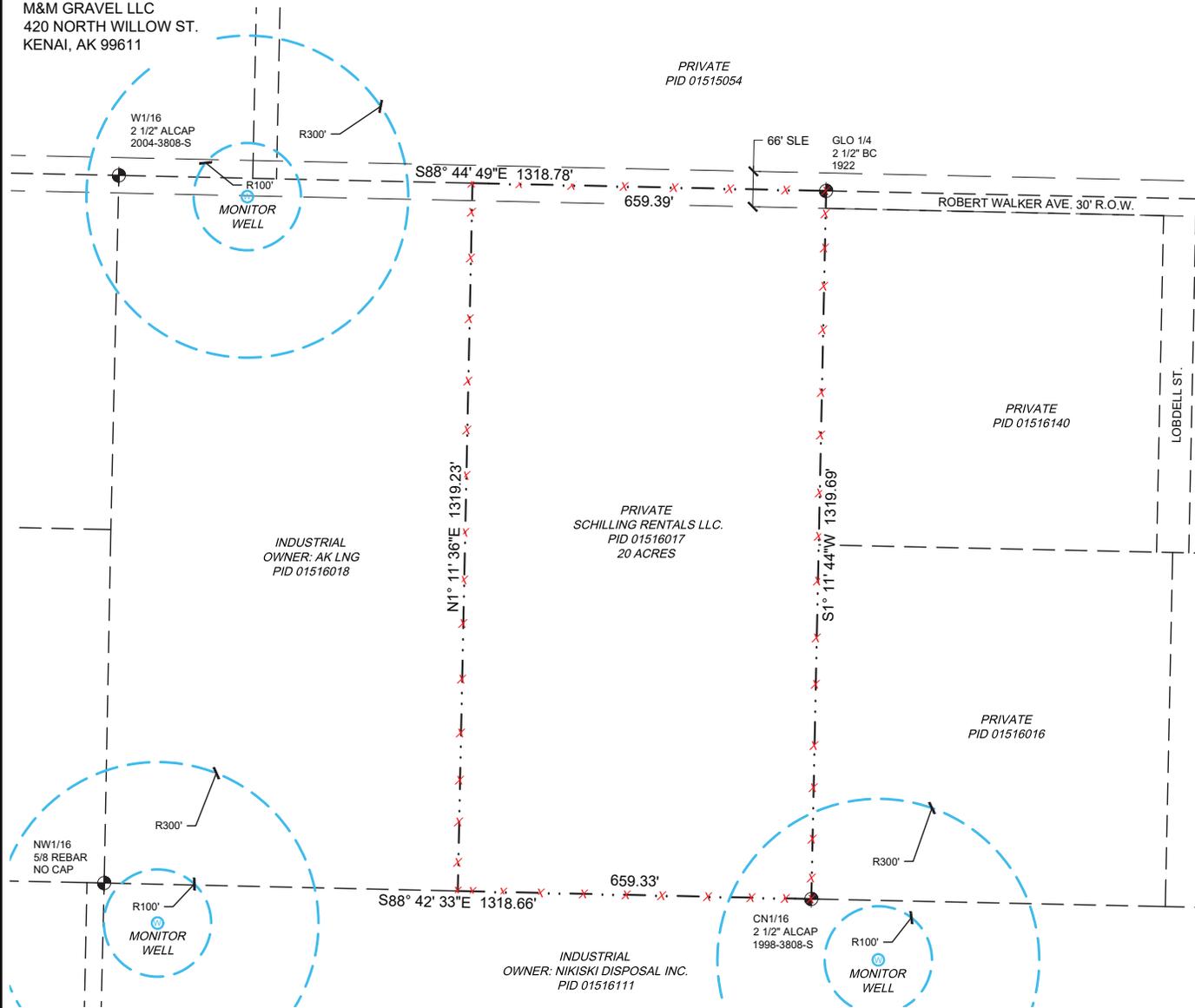
As the site operator, I certify that the conditions of KPB 21.29.045 have been satisfied, and this material site is in compliance with all state and federal permitting requirements. I understand that failure to maintain compliance with other agencies is a violation of the borough permit and is subject to enforcement under KPB 21.50. By signing below, I certify that the information contained on this form and the attachments are true and complete to the best of my knowledge.

	<u>12-10-2025</u>		
Applicant/Operator Signature	Date	Landowner Signature*	Date

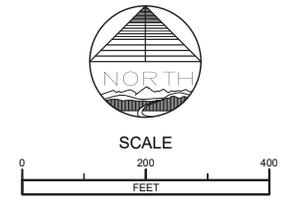
\*Required if applicant is not the landowner

# CONDITIONAL LAND USE PERMIT FOR MATERIAL SITE

APPLICANT / PROPERTY OWNER:  
 M&M GRAVEL LLC  
 420 NORTH WILLOW ST.  
 KENAI, AK 99611



## EXISTING CONDITIONS

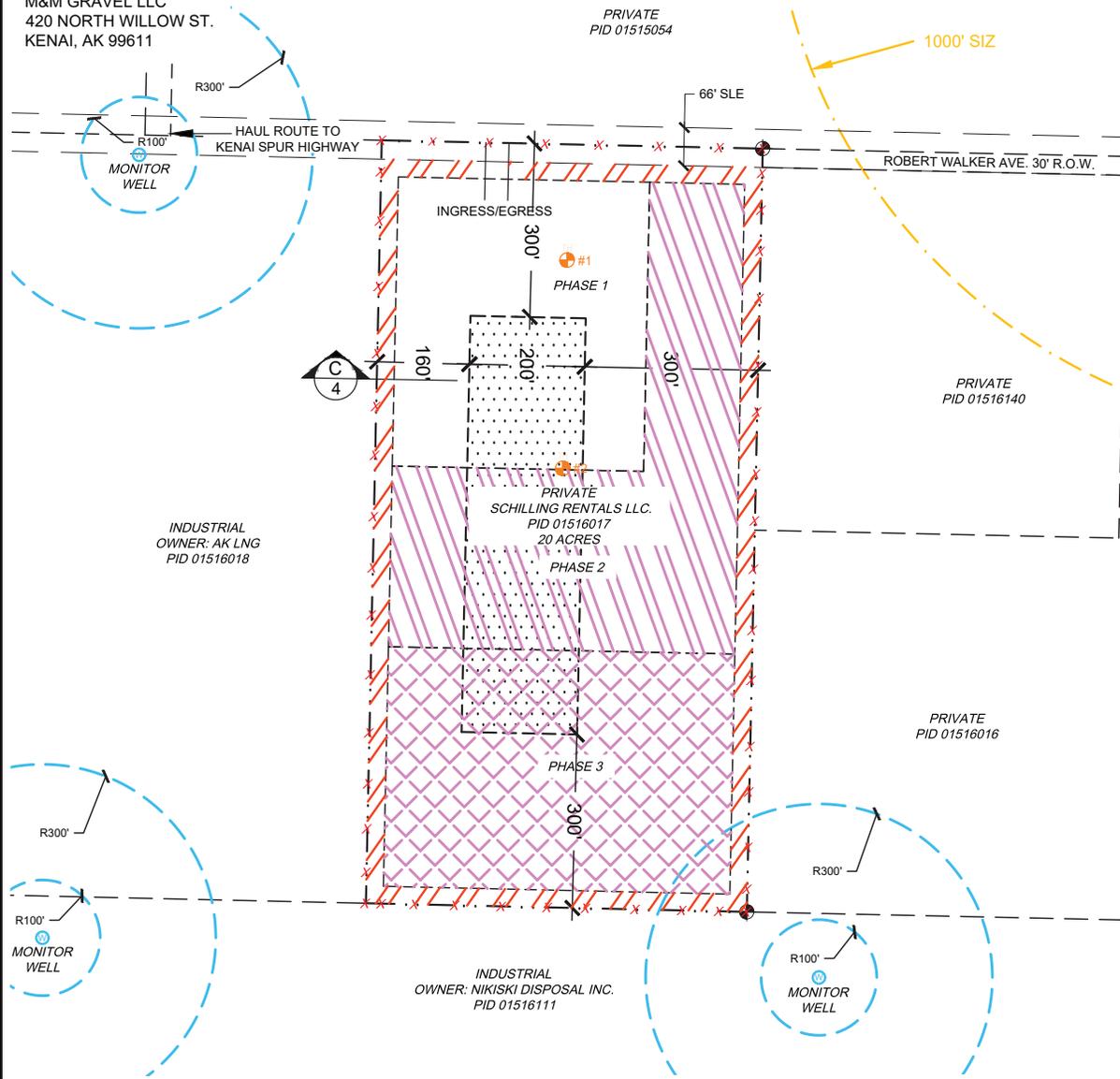


LEGEND	
---	PROPERTY LINE
⊕	FOUND PRIMARY MONUMENT AS DESCRIBED
X	INTERVISIBLE FLAGGING
⊙	WELL
- - -	WELL SETBACK

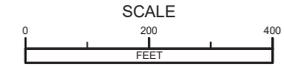
BY	DATE
DESCRIPTION	
REV	
M&M GRAVEL LLC. PID 01516017 CONDITIONAL LAND USE PERMIT	
FIELD WORK DATE:	7/12/2023
FIELD BOOK NO.:	2548
JOB NO.:	244026
ENGINEERING - TESTING SURVEYING - MAPPING P.O. BOX 468 SOLDOTNA, AK 99689 VOICE: (907) 283-4218 FAX: (907) 283-3266 WWW.MCLANECG.COM	
DRAWN BY:	BGB/GMD
CHECKED BY:	AHH
HORIZ. SCALE:	1" = 200'
VERT. SCALE:	N/A
SHEET:	P1

# CONDITIONAL LAND USE PERMIT FOR MATERIAL SITE

APPLICANT / PROPERTY OWNER:  
**M&M GRAVEL LLC**  
 420 NORTH WILLOW ST.  
 KENAI, AK 99611



## DEVELOPMENT PLAN



REV	DATE	DESCRIPTION

### CLUP DEVELOPMENT NOTES

- KPB PARCEL 01516017 IS LOCATED IN TOWNSHIP 7 NORTH, RANGE 12 WEST, SECTION 35, SEWARD MERIDIAN, ALASKA. PROPERTY DESCRIPTION IS THE E½ NE¼ NW¼.
- THE PROPERTY IS UNDEVELOPED AND COVERED IN NATIVE VEGETATION.
- PROPOSED PRIMARY INGRESS/EGRESS WILL BE AT NORTH PROPERTY LINE TRAVELING WEST WITHIN THE SECTION LINE EASEMENT TO ROBERT WALKER LANE RIGHT-OF-WAY. THIS ACCESS IS CURRENTLY UNDEVELOPED.
- THE PREFERRED BUFFERS ARE NATIVE VEGETATION ON ALL SIDES TO BE REPLACED WITH 6' HIGH BERM WHEN EXCAVATION NEARS THE 50' BUFFER DELINEATION.
- PROCESSING AREA IS GREATER THAN 300' FROM THE NORTH, EAST AND WEST PROPERTY LINE. A REDUCED PROCESSING BUFFER WAIVER IS REQUESTED ALONG THE WEST JOINT PROPERTY LINE WITH AK LNG, A VACANT INDUSTRIAL OWNED PROPERTY.
- ALL WELLS WITHIN 300' OF THE PROPERTY ARE SHOWN HEREON. THERE IS NO PROPOSED EXCAVATION WITHIN 100' OF ANY EXISTING WELLS.
- THERE ARE NO RESIDENCES WITHIN SPECIAL IMPACT ZONE LIMITS.
- THERE ARE NO WETLANDS OR SURFACE WATERS.
- NATIVE VEGETATION WILL PROVIDE SURFACE WATER PROTECTION OF ANY SITE RUN-OFF BY WAY OF PHYTOREMEDIATION.
- TWO TEST HOLES WERE EXCAVATED TO A DEPTH OF 25'. GROUNDWATER WAS NOT ENCOUNTERED.
- TWO MONITOR WELLS WILL BE INSTALLED PRIOR TO MATERIAL SITE EXCAVATION.
- THE PARCEL BOUNDARY SHOWN HAS BEEN FLAGGED AT VISIBLE INTERVALS.

### LEGEND

- PROPERTY LINE
- BUFFER LIMITS
- FOUND PRIMARY MONUMENT
- INTERVISIBL FLAGGING
- WELL
- WELL SETBACK
- TESTHOLE LOCATION

### DEVELOPMENT & PHASING

- PROCESSING AREA AVAILABLE  
3.3 ACRES
- PHASE I EXTRACTION  
4.9 ACRES
- PHASE II EXTRACTION  
6.3 ACRES
- PHASE III EXTRACTION  
5.7 ACRES
- BUFFER AREA  
2.6 ACRES

M&M GRAVEL LLC.  
 PID 01516017  
 CONDITIONAL LAND USE PERMIT  
 FIELD WORK DATE: 7/17/2023  
 JOB NO.: 24008  
 SUBMITAL ISSUE: 1



ENGINEERING - TESTING  
 SURVEYING - MAPPING  
 P.O. BOX 468  
 SOLDOTNA, AK 99689  
 VOICE: (907) 283-4218  
 FAX: (907) 283-3265  
 WWW.MCLANECG.COM

DRAWN BY: BGB/GMD  
 CHECKED BY: GMD  
 HORZ. SCALE: 1" = 200'  
 VERT. SCALE: N/A  
 SHEET: P2

# CONDITIONAL LAND USE PERMIT FOR MATERIAL SITE

APPLICANT / PROPERTY OWNER:  
 M&M GRAVEL LLC  
 420 NORTH WILLOW ST.  
 KENAI, AK 99611

PRIVATE  
 PID 01515054

66' SLE

ROBERT WALKER AVE. 30' R.O.W.

B  
4  
D  
4

STOCKPILE AREA

PRIVATE  
 PID 01516140

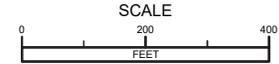
INDUSTRIAL  
 OWNER: AK LNG  
 PID 01516018

PRIVATE  
 SCHILLING RENTALS LLC.  
 PID 01516017  
 20 ACRES

PRIVATE  
 PID 01516016

INDUSTRIAL  
 OWNER: NIKISKI DISPOSAL INC.  
 PID 01516111

# 5-YEAR RECLAMATION PLAN



REV	DATE	DESCRIPTION	BY
1	12/17/2023	SUBMITTAL ISSUE	GMD

## RECLAMATION NOTES

1. THIS RECLAMATION EXHIBIT IS FOR THE ENTIRE PERMIT AREA.
2. THE PREFERRED EARTHEN BERM BUFFERS ARE SHOWN. BUFFERS WILL BE LEFT IN PLACE FOR THE LIFE OF THE MATERIAL SITE.
3. WASTE EXCAVATION MAY BE PLACED IN THE EXHAUSTED AREA OF THE MATERIAL SITE BEGINNING AT THE NORTHWEST LIMITS AND PROCEEDING SOUTH.
4. RECLAMATION AREAS WILL BE GRADED AND CONTOURED. COVER SLOPES WITH 2" MINIMUM SILTY TOPSOIL MIX TO A CONDITION THAT ALLOWS FOR RE-ESTABLISHMENT OF NATURAL VEGETATION. SLOPES STEEPER THAN 2:1 WILL BE SEEDED.
5. THE FLOOR OF THE MATERIAL SITE WILL REMAIN A GRADED GRAVEL PAD.
6. GRADED MATERIAL STOCKPILES MAY REMAIN IN-PLACE IN THE GRAVEL FLOOR OF THE MATERIAL SITE.

## LEGEND

- PROPERTY LINE
- BUFFER LIMITS
- FOUND PRIMARY MONUMENT
- INTERVISIBLE FLAGGING
- TREELINE
- PROPOSED RECLAMATION CONTOURS
- PROPOSED BUFFER AREAS

## DEVELOPMENT & PHASING

- TOTAL PERMIT AREA  
19.5 ACRES
- PROPOSED RECLAMATION  
0.5 ACRES
- REMAINING MATERIAL SITE  
14.6 ACRES

M&M GRAVEL LLC.  
 PID 01516017  
 CONDITIONAL LAND USE PERMIT

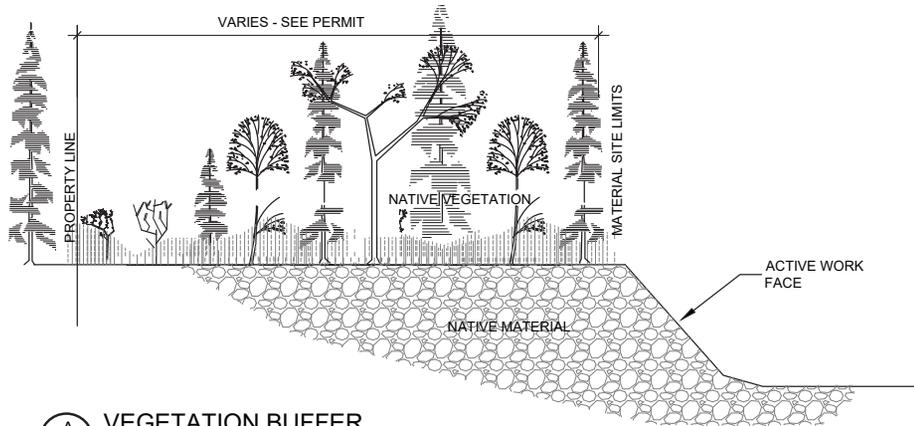


ENGINEERING - TESTING  
 SURVEYING - MAPPING  
 P.O. BOX 468  
 SOLDOTNA, AK 99669  
 VOICE: (907) 283-4218  
 FAX: (907) 283-3266  
 WWW.MCLANECG.COM

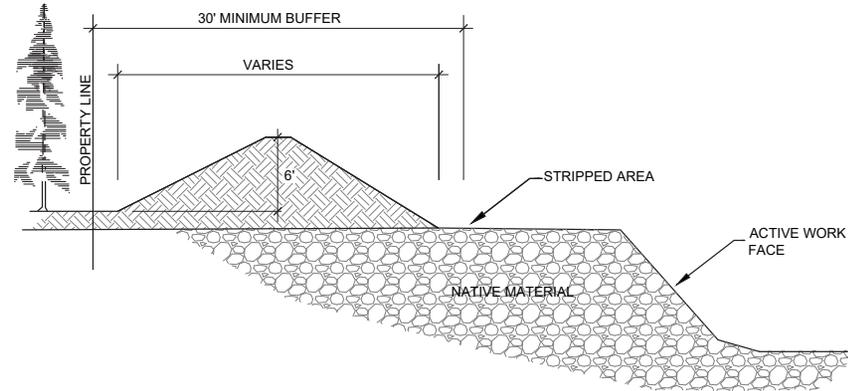
DRAWN BY: BGB/GMD  
 CHECKED BY: GMD  
 HORZ. SCALE: 1" = 200'  
 VERT. SCALE: N/A  
 SHEET: P3

# CONDITIONAL LAND USE PERMIT FOR MATERIAL SITE

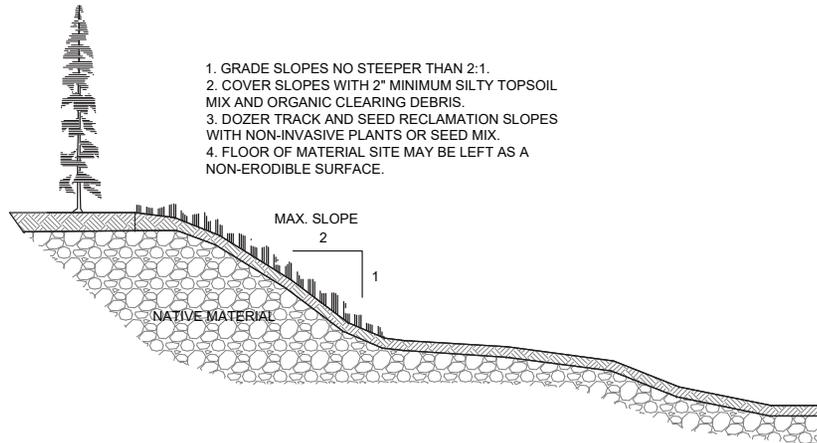
APPLICANT / PROPERTY OWNER:  
 M&M GRAVEL LLC  
 420 NORTH WILLOW ST.  
 KENAI, AK 99611



**A** VEGETATION BUFFER  
 4 SCALE: 1" = 10 FT.

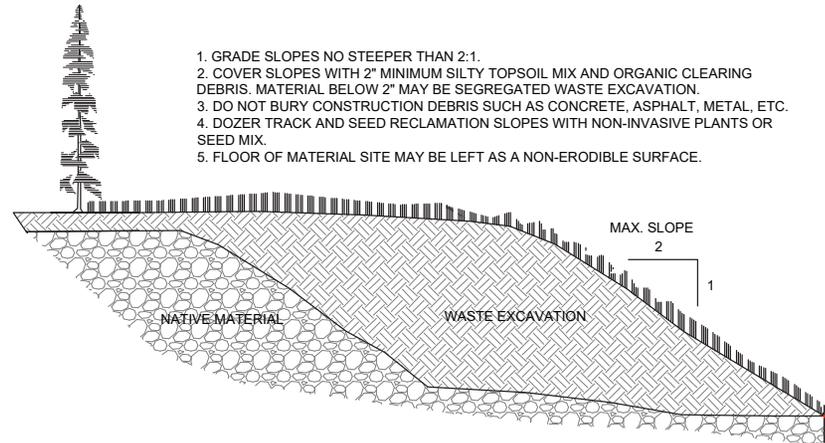


**C** EARTHEN BERM BUFFER  
 4 SCALE: 1" = 10 FT.



1. GRADE SLOPES NO STEEPER THAN 2:1.
2. COVER SLOPES WITH 2" MINIMUM SILTY TOPSOIL MIX AND ORGANIC CLEARING DEBRIS.
3. DOZER TRACK AND SEED RECLAMATION SLOPES WITH NON-INVASIVE PLANTS OR SEED MIX.
4. FLOOR OF MATERIAL SITE MAY BE LEFT AS A NON-ERODIBLE SURFACE.

**B** RECLAMATION SLOPE  
 4 SCALE: 1" = 10 FT.



1. GRADE SLOPES NO STEEPER THAN 2:1.
2. COVER SLOPES WITH 2" MINIMUM SILTY TOPSOIL MIX AND ORGANIC CLEARING DEBRIS. MATERIAL BELOW 2" MAY BE SEGREGATED WASTE EXCAVATION.
3. DO NOT BURY CONSTRUCTION DEBRIS SUCH AS CONCRETE, ASPHALT, METAL, ETC.
4. DOZER TRACK AND SEED RECLAMATION SLOPES WITH NON-INVASIVE PLANTS OR SEED MIX.
5. FLOOR OF MATERIAL SITE MAY BE LEFT AS A NON-ERODIBLE SURFACE.

**D** RECLAMATION SLOPE - WASTE EXCAVATION  
 4 SCALE: 1" = 10 FT.



REV.	DATE	DESCRIPTION	BY
1	12/17/2025	SUBMITTAL ISSUE	GMD

M&M GRAVEL LLC.  
 PID 01516017  
 CONDITIONAL LAND USE PERMIT  
 FIELD BOOK NO. 25-02  
 JOB NO. 254008  
 FIELD WORK DATE: 7/17/2023



ENGINEERING - TESTING  
 SURVEYING - MAPPING  
 P.O. BOX 468  
 SOLDOTNA, AK 99689  
 VOICE: (907) 283-4218  
 FAX: (907) 283-3265  
 WWW.MCLANECG.COM

DRAWN BY: BGB/GMD  
 CHECKED BY: GMD  
 HORZ. SCALE: 1" = 10'  
 VERT. SCALE: N/A  
 SHEET: P4

# Material Site Reclamation Plan

## Kenai Peninsula Borough

### Planning Department

144 N. Binkley Street  
 Soldotna, Alaska 99669  
 planning@kpb.us

Phone: (907) 714-2200  
 Fax: (907) 714-2378

*This form is required for all material site operations exceeding one acre that do not have an approved reclamation plan on file with the State of Alaska. Reclamation plans approved by the State of Alaska may be provided in lieu of this form.*

**MATERIAL SITE INFORMATION:**

KPB Material Site Number: \_\_\_\_\_ Years for Plan: 2026 - 2031  
 Material Site Type: (select one) Reclamation Plan: (select one)  
 Counter Permit  Original  
 Conditional Land Use Permit  Renewal  
 Prior-Existing Use  Modification

**APPLICANT & LANDOWNER INFORMATION:**

Applicant: <u>M &amp; M Gravel LLC</u>	Landowner: <u>M &amp; M Gravel LLC</u>
Phone: <u>907-283-7556</u>	Phone: <u>907-283-7556</u>
Email: <u>dlunt@glmenergyllc.com</u>	Email: <u>dlunt@glmenergyllc.com</u>
Mailing: <u>420 N Willow Street</u>	Mailing: <u>420 N Willow Street</u>
<u>Kenai Alaska 99611</u>	<u>Kenai Alaska 99611</u>

**MINING & RECLAMATION OPERATIONS:**

**Mining Operations:**

- a. Do you intend to remove more than 50,000 cubic yards in any given year?  Yes  No
- b. Will you be mining consolidated materials (aka, quarry)?  Yes  No
- c. Existing acreage of mined area that has not been reclaimed: + 0 acres
- d. Acreage that will be mined or disturbed during this time period: + 4.9 acres
- e. Total acreage to be bonded during this time period: (add c & d) = 4.9 acres

**Reclamation Operations:**

- a. Total acreage that will be reclaimed during this time period: 0.5 acres
- b. Time schedule of reclamation measures: Annually between June & September beginning after 4 acres are disturbed
- c. The following measures must be considered in the preparation, approval and implementation of the reclamation plan. Select the boxes below to confirm which measures will occur as a part of your reclamation activities:
  - Topsoil that is not promptly redistributed to an area being reclaimed will be separated and stockpiled for future use. This material will be protected from erosion and contamination by acidic or toxic metals and preserved in a condition suitable for later use.
  - The area will be backfilled, graded and re-contoured using strippings, overburden, and topsoil so that it will be stabilized to a condition that will allow for revegetation. Area will be revegetated using non-invasive plant species.
  - Stockpiled topsoil will be spread over the reclaimed area to promote natural plant growth that can revegetate the area within five years.

- The topsoil used for reclamation will be reasonably free from roots, clods, sticks, and branches greater than 3 inches in diameter. All sidewalls and stock piles will be graded to a 2:1 slope.
- Any operations that remove topsoil will ensure that a minimum of 4 inches of suitable growing medium has been properly placed upon completion of the reclamation activity.
- Exploration trenches or pits will be backfilled. Brush piles and unwanted vegetation will be removed from the site, buried or burned. Topsoil and other organics will be spread on the backfilled surface to inhibit erosion and promote natural revegetation.
- Any roads, airstrips, or other facilities constructed to provide access to the mining operation shall be reclaimed (unless otherwise authorized) and included in the reclamation plan.
- This material site has a Type III Endorsement to excavate within the water table, and ponding was approved by the Planning Commission as a method of reclamation.
- This material site has a Type III Endorsement to excavate peat, and ponding was approved as a method of reclamation.
- This material site has a Type IV Endorsement for quarry activities, and further mitigation provisions are attached addressing the steep-slope reclamation requirements.
- The area will be reclaimed in a manner that is not harmful to public health, safety, and general welfare.
- Please list out any other reclamation measures you plan to use that are not shown above:

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**ATTACHMENTS:**

- Reclamation Site Map.** A scaled plan is attached and shows:
  - ✓ Parcel boundary(ies)
  - ✓ Excavation area(s)
  - ✓ Stockpile area(s)
  - ✓ Reclaimed area(s)
  - ✓ North arrow
  - ✓ Wells within 300 feet of parcel boundary(ies)
  - ✓ Groundwater test holes/monitoring wells
  - ✓ Waterbodies, wetlands, and/or groundwater flow paths
  - ✓ Surface and/or ground water protection measures
  - ✓ Arrows indicating flow of surface drainage features entering and/or exiting the property
- Bond.** Proof of bonding is attached.  
*Unless otherwise approved by the Planning Director, bonding is required at \$750.00 per acre for existing un-reclaimed mined acreage plus the acreage that will be mined or disturbed during this time period. If you are bonded with the state, KPB's bonding requirement is waived.*

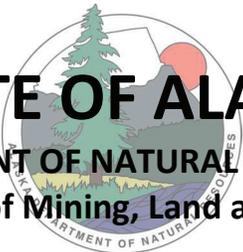
a. Is this site already bonded with the State of Alaska? (if yes, skip to certification)	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
b. Total acreage to be bonded during this time period: (see "e" from "Mining Operations")	4.9	acres
c. Total Bond Amount: (acres from b x \$750 per acre)	\$	\$3,675

**CERTIFICATION:**

By signing below, I certify that the information contained on this form and the attachments are true and complete to the best of my knowledge.

	12-16-2025		
Applicant Signature	Date	Landowner Signature*	Date

\*Required if applicant is not the landowner



# STATE OF ALASKA

## DEPARTMENT OF NATURAL RESOURCES

### Division of Mining, Land and Water

Northern Regional Land Office  
 3700 Airport Way  
 Fairbanks, AK 99709-4699  
 (907) 451-2740  
[nro.lands@alaska.gov](mailto:nro.lands@alaska.gov)

Southcentral Regional Land Office  
 550 West 7<sup>th</sup> Ave, Suite 900C  
 Anchorage, AK 99501-3577  
 (907) 269-8503  
[dnr.pic@alaska.gov](mailto:dnr.pic@alaska.gov)

Southeast Regional Land Office  
 P. O. Box 111020  
 Juneau, AK 99811-1020  
 (907) 465-3400  
[sero@alaska.gov](mailto:sero@alaska.gov)

Statewide TTY – 771 for Alaska Relay or 1-800-770-8973

## MATERIAL SITE RECLAMATION PLAN OR LETTER OF INTENT/ANNUAL RECLAMATION STATEMENT AS 27.19.030 – 27.19.050

In accordance with Alaska Statute 27.19, reclamation is required of all mining operations, including sand and gravel extraction. Completion of this form will meet the law's requirements for a **reclamation plan** (see below for filing requirements; due date: at least 45 days before mining is proposed to begin; requires approval by the Division of Mining, Land and Water). Completion of this form will also serve as a **letter of intent** for operations exempt from the plan requirement (due date: before mining begins). No approval is required for a letter of intent, but a miner who files a letter of intent must, before December 31, file an **annual reclamation statement** (Section 8 of this form).

Check applicable box:

- A. RECLAMATION PLAN (REQUIRED if the operation will disturb five or more acres this year, OR 50,000 cubic yards, OR if the operation has a cumulative disturbed area of five or more acres)
- B. RECLAMATION PLAN-VOLUNTARY (for an operation below the limits shown in Box A but wanting to qualify for the statewide bonding pool)

- C. LETTER OF INTENT (less than five acres to be disturbed AND less than 50,000 cubic yards AND less than five acres unreclaimed area) NOTE: A miner who files a letter of intent is also required to file an annual reclamation statement at the end of the year.

THIS RECLAMATION PLAN/LETTER OF INTENT IS FOR CALENDAR YEAR 2026  
 (If you checked either box a or b above and propose a multi-year plan, state all years covered.)

1. **MINER INFORMATION** (If there is more than one miner, attach a list of the names, addresses, and telephone numbers of all other owners, operators, or leaseholders of the mining operation)

M & M Gravel LLC

Name of miner who will serve as agent for notice purposes  
420 N Willow Street

Address (notify the department of any later change of address)

<u>Kenai</u>	<u>AK</u>	<u>99611</u>	<u>907-283-7556</u>
City	State	Zip code	Telephone
(same)			

Name of landowner (if other than miner) or public land management agency

Federal or state casefile number (if any) assigned to the site

**2. LEGAL DESCRIPTION OF PROPOSED MINING SITE**

Section 35 E1/2 NE1/4 NW1/4	7N	12W	Seward
Legal Subdivision/Section/Quarter-Section	Township	Range	Meridian

3. **DESCRIPTION OF THE MINING OPERATION** (if you checked box a or b on p. 1 of this form and are proposing a multi-year reclamation plan, attach separate sheets as needed showing acreage to be mined, volume to be mined, and existing acreage of mined area for each year covered by the plan)

- a. 4.9 Total acreage to be mined or disturbed during the year.
- b. up to 130,000 CY Estimated total volume to be mined or disturbed, including overburden.
- c. sand, gravel & peat Type of material (sand, gravel, peat, etc.).
- d. 0 Existing acreage of mined area (disturbed area that has not yet been reclaimed, but counting only acreage disturbed after October 15, 1991).

4. **DESCRIPTION OF THE RECLAMATION OPERATION**

- a. The total acreage that will be reclaimed during the year (or each year, if for a multi-year reclamation plan) is:  
0
- b. Provide a list of equipment (type and quantity) to be used during the reclamation operation.
- c. A time schedule of reclamation measures shall be included as part of the plan.

The following measures must be considered in preparing and implementing the reclamation plan. Please mark those measures appropriate to your reclamation activity:

- Topsoil that is not promptly redistributed to an area being reclaimed will be separated and stockpiled for future use. This material will be protected from erosion and contamination by acidic or toxic materials and preserved in a condition suitable for later use.
- The area will be backfilled, graded and recontoured using strippings, overburden, and topsoil to a condition that allows for the reestablishment of renewable resources on the site within a reasonable period of time. It will be stabilized to a condition that will allow sufficient moisture to be retained for natural revegetation.
- Stockpiled topsoil will be spread over the reclaimed area to promote natural plant growth that can reasonably be expected to revegetate the area within five years.
- Stream channel diversions will be relocated to a stable location in the flood plain.
- Exploration trenches or pits will be backfilled. Brush piles, vegetation, topsoil, and other organics will be spread on the backfilled surface to inhibit erosion and promote natural revegetation.
- All buildings and structures constructed, used, or improved on land owned by the State of Alaska will be removed, dismantled, or otherwise properly disposed of at the completion of the mining operation.
- Any roads, airstrips or other facilities constructed to provide access to the mining operation shall be reclaimed (unless otherwise authorized) and included in the reclamation plan.
- Peat and topsoil mine operations shall ensure a minimum of two inches of suitable growing medium is left or replaced on the site upon completion of the reclamation activity.
- If extraction occurs within a flood plain, the reclamation activity shall reestablish a stable bed and bank profile such that river currents will not be altered and erosion and deposition patterns will not change.

NOTE: If you propose to use reclamation measures other than those shown above, or if the private landowner or public land manager of the site requires you to use stricter reclamation measures than those shown above, attach a list of those measures to this plan.

**5. ALTERNATE POST-MINING LAND USE**

- The mining site is public land. The land management agency's land use plan (if any) for post-mining land use is:

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- The mining site is public land. As allowed by AS 27.19.030(b), I propose to reclaim it to the following post-mining land use:

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- The mining site is private property. The private landowner plans to use it for the following post-mining land use:  
Industrial laydown yard

---

**6. ATTACHMENTS**

- If the mining operation has additional owners, operators, or leaseholders not shown on p. 1 of this form, attach a list of their names, addresses, and telephone numbers.
- Attach a USGS map at a scale no smaller than 1:63,360 (inch to the mile) showing the general vicinity of the mining operation and the specific property to be mined. Option: If you checked Box C on the first page of this form and the mining site is adjacent to an airport or public highway, state the name of the airport or the name and milepost of the public highway.
- Attach a diagram of the mined area (this term includes the extraction site, stockpile sites, overburden disposal sites, stream diversions, settling ponds, etc.) and the mining operation as a whole (this term includes the roads you plan to build, your power lines, support facilities, etc.). Show and state the number of acres to be mined during the year. (If you checked Box A or B on the first page of this form and your plan covers more than one year, show each year's work.) Show the location corners or property boundaries of the site in relation to the reclamation work and any other areas affected by the operation.
- Attach a list of the equipment (type and quantity) to be used during the reclamation activity.
- A time schedule of events must be attached that includes dates and activities related to this reclamation plan.
- If the site is private land not owned by the miner, attach a signed, notarized statement from the landowner indicating the landowner's consent to the operation. The landowner may also use the consent statement to notify the department that the landowner plans a post-mining land use incompatible with natural revegetation and therefore believes that reclamation to the standard of AS 27.19.020 is not feasible.
- For those miners that are required to file an annual reclamation statement, attach photographs and/or videotapes dated and described as to location of the reclamation activity that was completed.
- If you propose to use reclamation measures other than those listed on this form, or if the private landowner or public land manager of the site requires you to use stricter reclamation measures, attach a list of those measures.

7. **RECLAMATION BONDING** (REQUIRED **ONLY** IF YOU CHECKED BOX A or B ON THE FIRST PAGE OF THIS FORM)

The total acreage of my mining operation that is subject to the bonding requirement for the current year is 4.9 acres (add acreages stated in Section 3(a) and 3(d) of this form).

The per-acre bond amount is \$750/acre or a total bond amount of \$ 3675

Please check the appropriate bonding method that you will apply toward this reclamation plan:

- Participation in the statewide bonding pool.
- Posting a corporate surety bond.
- Posting a personal bond accompanied by a letter of credit, certificate of deposit, or a deposit of cash or gold.
- Posting a bond or financial guarantee with another government agency that has jurisdiction over the mining operation, as allowed by a cooperative management agreement between that agency and the Division of Mining, Land and Water.
- Posting a general performance bond with a state agency that meets the requirements of 11 AAC 97.400(4).

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The above reclamation plan/letter of intent and all attachments are correct and complete to the best of my knowledge.

  
Signature of Miner

12-16-2025  
Date

AS 27.19.030 and AS 27.19.050 require a miner either to file a reclamation plan for approval or to file a letter of intent followed by an annual reclamation statement. AS 38.05.035(a) authorizes the director to decide what information is needed to process an application for the sale or use of state land and resources. This information is made a part of the state public land records and becomes public information under AS 40.25.110 and 40.25.120 (unless the information qualifies for confidentiality under AS 38.05.035(a)(8) and confidentiality is requested, AS 43.05.230, or AS 45.48). Public information is open to inspection by you or any member of the public. A person who is the subject of the information may challenge its accuracy or completeness under AS 44.99.310, by giving a written description of the challenged information, the changes needed to correct it, and a name and address where the person can be reached. False statements made in an application for a benefit are punishable under AS 11.56.210. In submitting this form, the applicant agrees with the Department to use "electronic" means to conduct "transactions" (as those terms are used in the Uniform Electronic Transactions Act, AS 09.80.010 – AS 09.80.195) that relate to this form and that the Department need not retain the original paper form of this record: the department may retain this record as an electronic record and destroy the original. In submitting this form, the applicant certifies that he or she has not changed the original text of the form or any attached documents provided by the Division.

## **SOA DNR Material Site Reclamation Plan**

Supplemental information for:  
T7N R12W Section 35 Seward Meridian  
E1/2 NE1/4 NW1/4  
KPB Parcel ID 01516017

**Equipment to be used for reclamation.** Front end loader, mid-sized dozer, and hydro seeder.

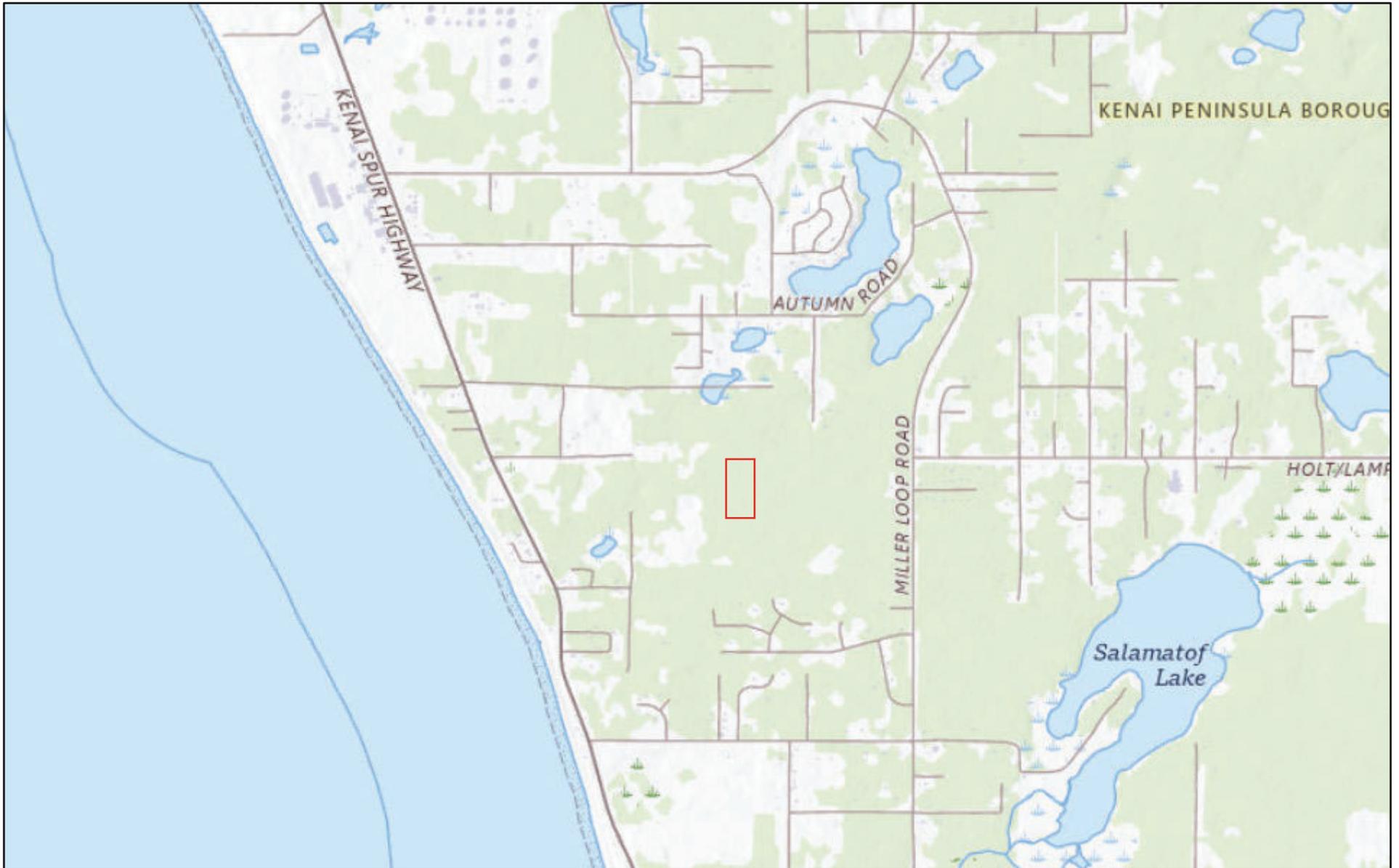
**Time schedule of events related to this reclamation plan.** This material site will be utilized on an as-needed basis for industrial and commercial development in the Nikiski area. When the material site is not in use the site will be temporarily stabilized and partially reclaimed until further use.

The material site may be partially reclaimed utilizing waste excavation to backfill the exhausted portions of the excavation site. Reclamation will begin at the northernwest excavation limits and proceed southerly.

Reclamation areas will be graded and contoured. Cover slopes with 2" minimum of silty topsoil mix to a condition that allows for re-establishment of natural vegetation. Slopes steeper than 2:1 will be seeded.

The floor of the material site will remain a graded gravel pad.

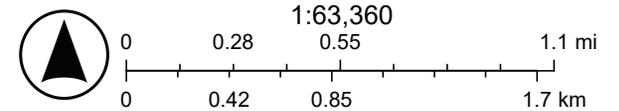
# M & M Gravel Robert Walker Avenue Material Site



11/20/2025

USGSTopo

-  Red: Band\_1
-  Green: Band\_2
-  Blue: Band\_3



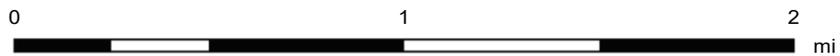
USGS The National Map: National Boundaries Dataset, 3DEP Elevation Program, Geographic Names Information System, National Hydrography



Legend

Transportation

Mileposts



NOTE: Every reasonable effort has been made to ensure the accuracy of these data. However, by accepting this material, you agree that the Kenai Peninsula Borough assumes no liability of any kind arising from the use of this data. The data are provided without warranty of any kind, either expressed or implied, including but not limited to time, money or goodwill arising from the use, operation or modification of the data. In using these data, you further agree to indemnify, defend, and hold harmless Kenai Peninsula Borough for any and all liability of any nature arising from the lack of accuracy or correctness of the data, or use of the data.



**MS2025-014, M&M Gravel LLC**

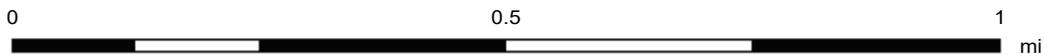


**Project Area**

**KPB Parcel(s):**  
01516017

**Project Description:**

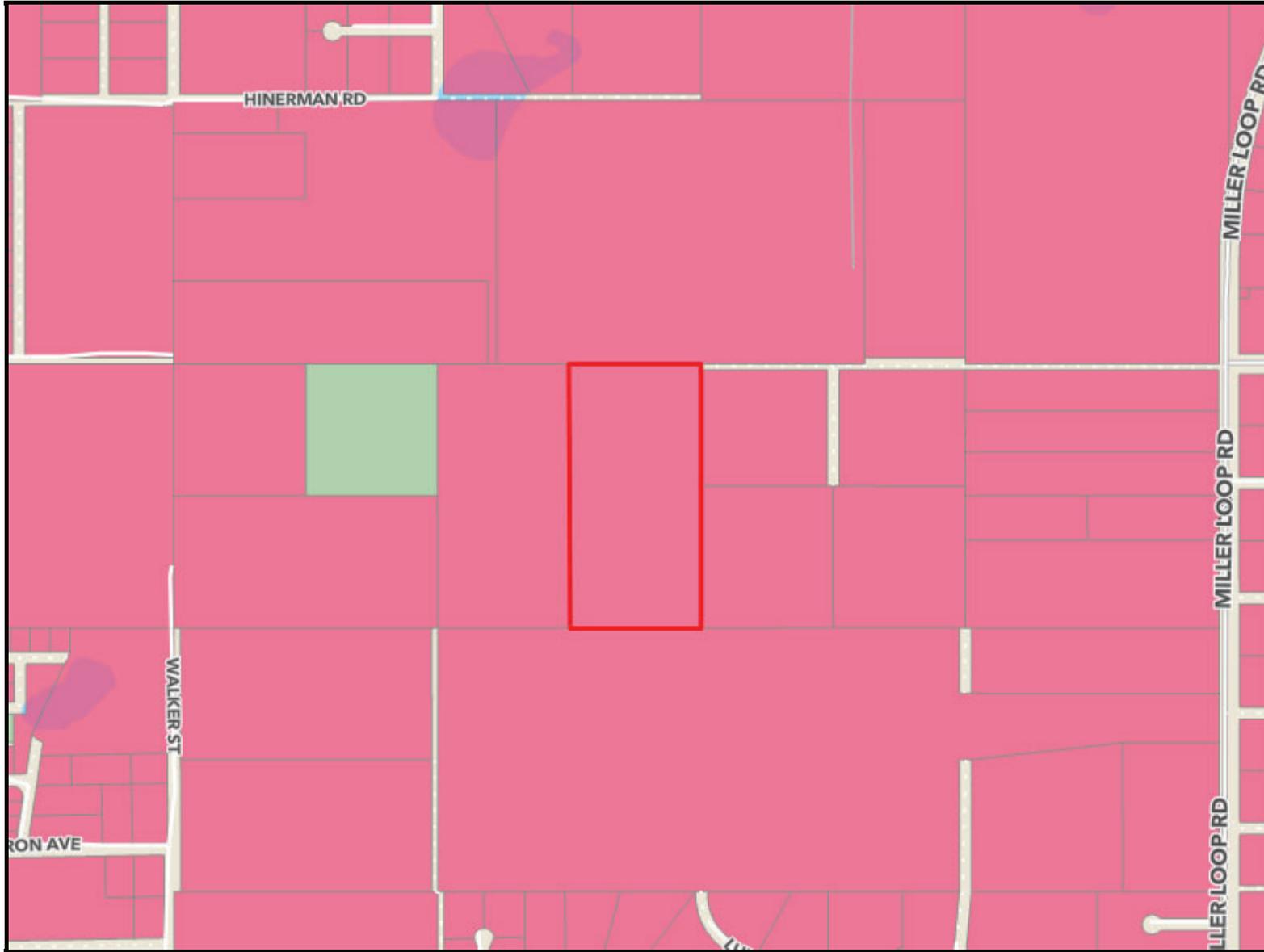
**Vicinity: Nikiski**



Map created by Raidmae, Ryan  
Tuesday, January 13, 2026



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.



Project Area

KPB Parcel(s):

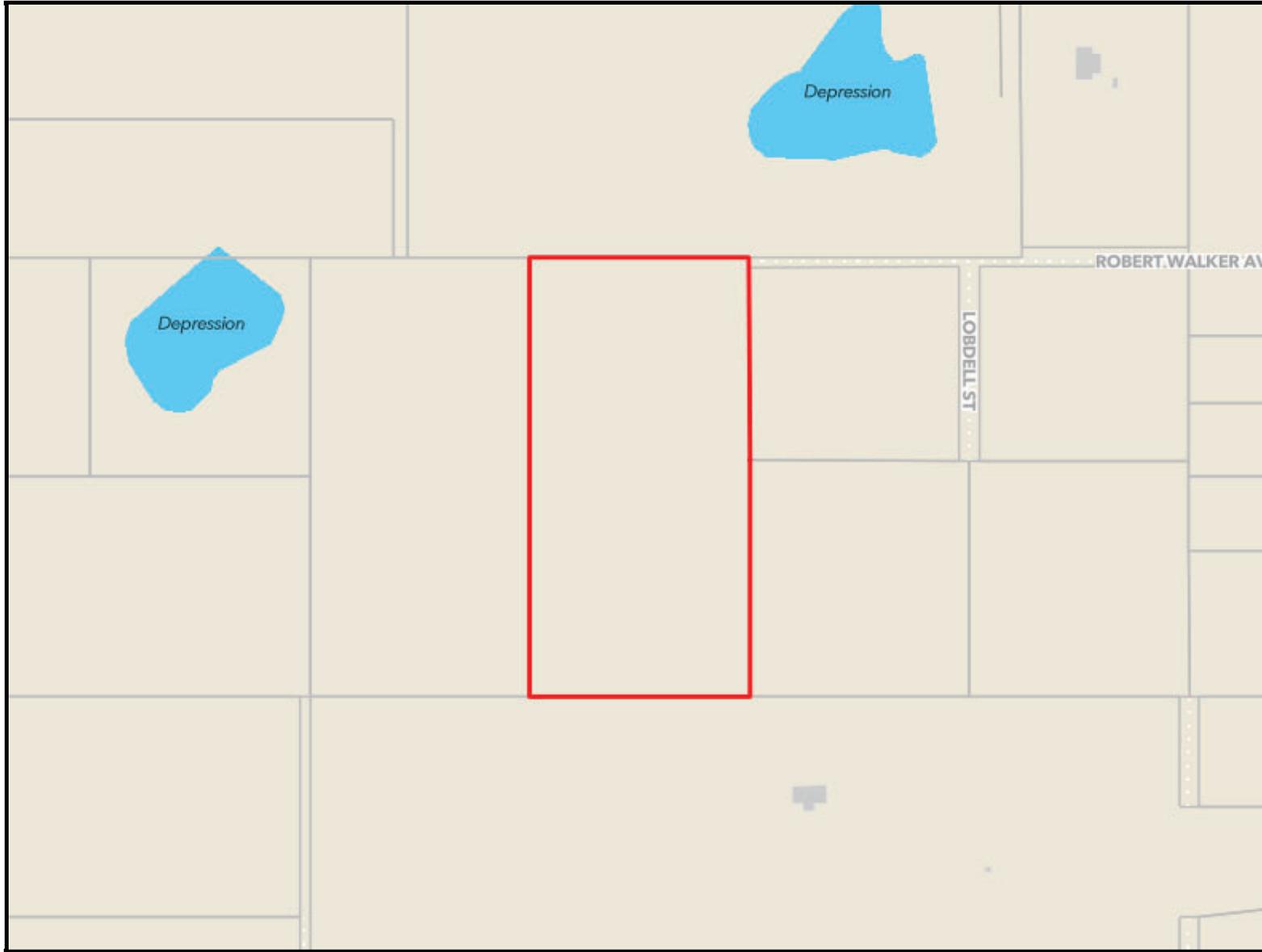
01516017

Parcel and PLSS

Parcel Ownership Type

- Borough
- Federal
- Native
- Native Allotment
- Municipal
- Private
- State





Project Area

KPB Parcel(s):

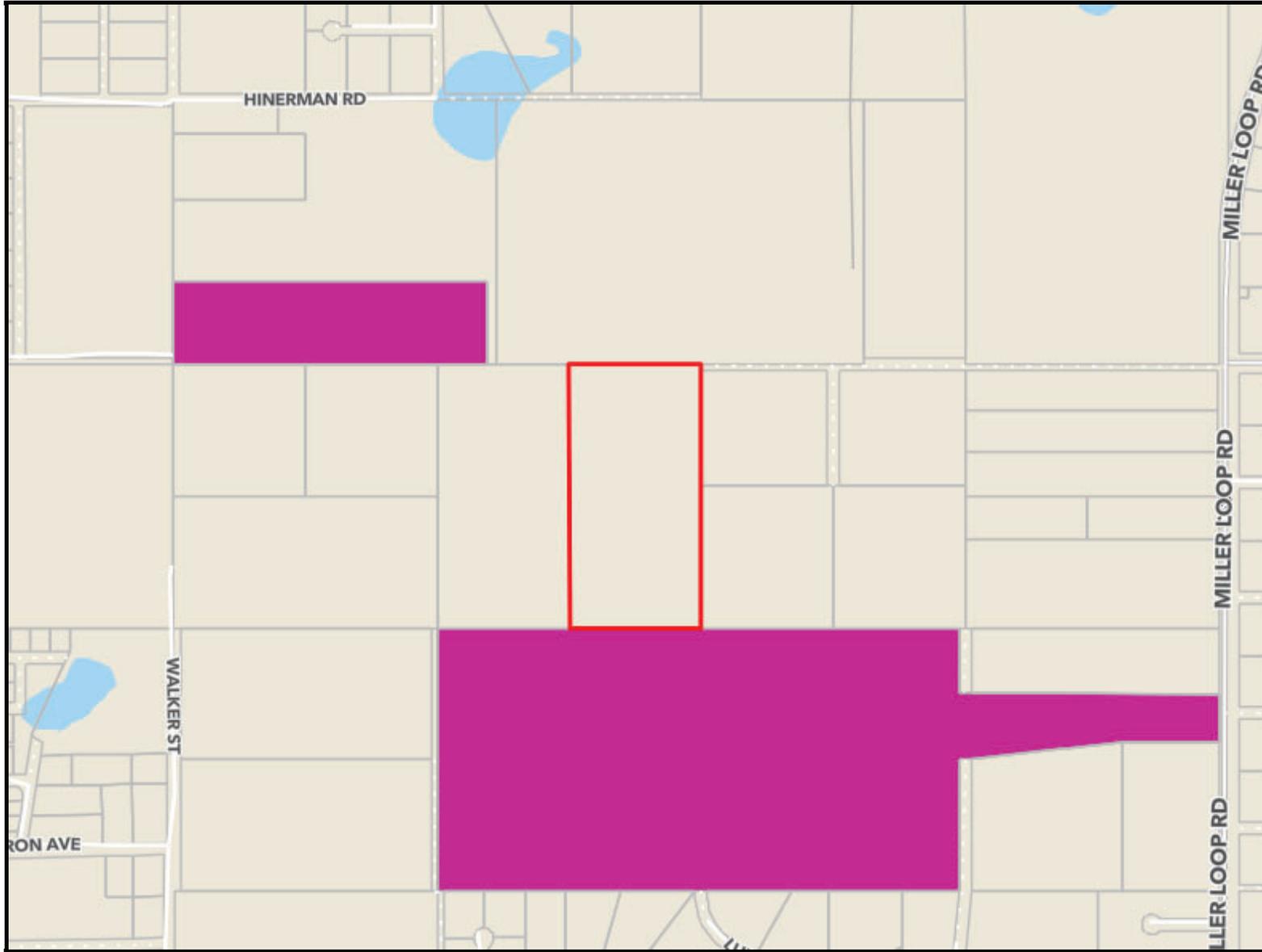
01516017

Landcover Features

KWF Wetlands Assessment

- Disturb
- Depression
- Discharge Slope
- Drainageway
- Floating Island
- Headwater Fen
- Kettle
- Lake
- Lakebed
- Late Snow Plateau
- Riverine
- Tidal
- Wetland / Upland Complex





Project Area

**KPB Parcel(s):**

01516017

Regulatory

Material Sites

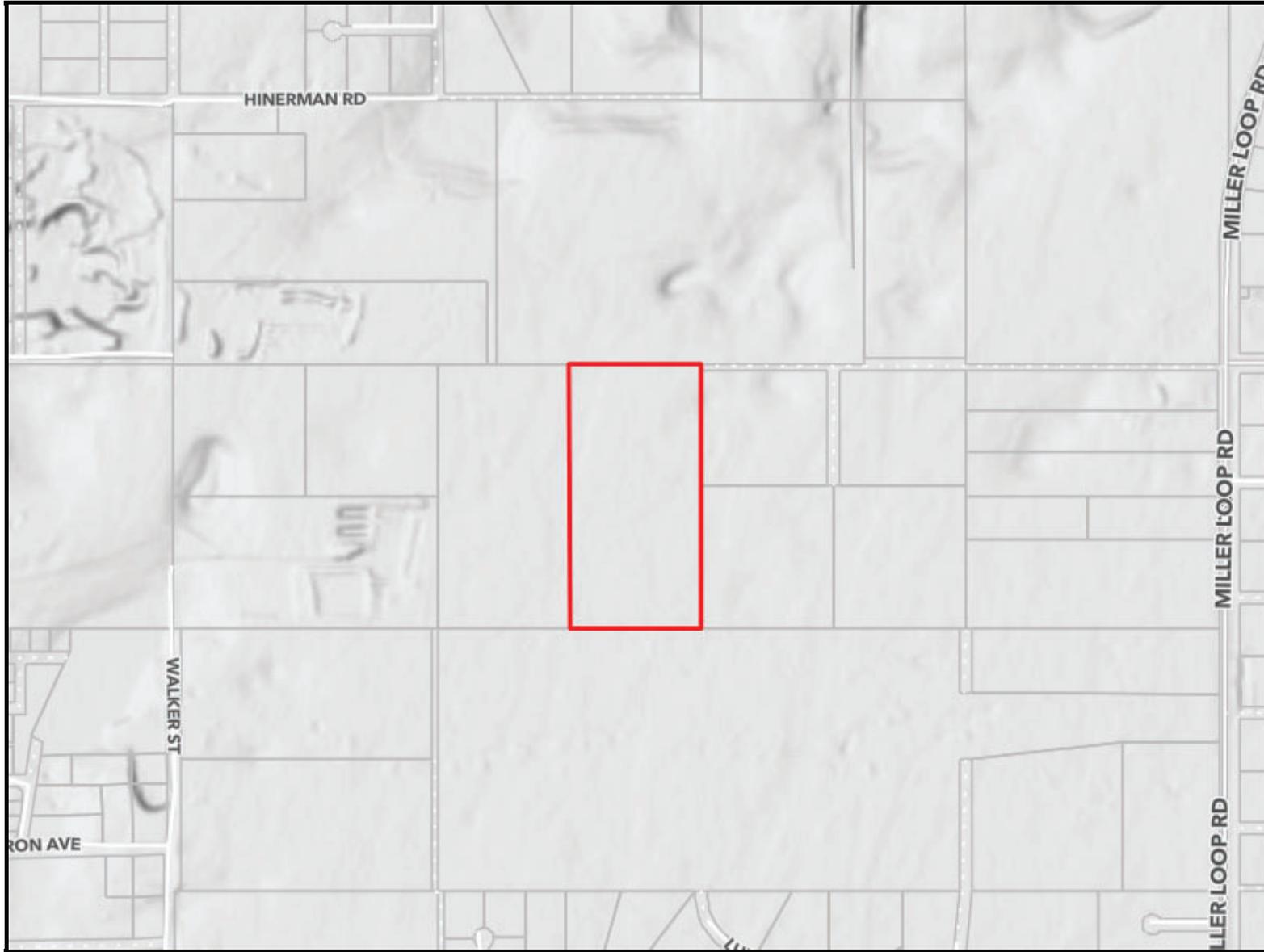
Conditional Land Use Permit

Counter Permit

Prior Existing Use

Local Option Zones





 Project Area

KPB Parcel(s):

01516017



**Material Site Conditional Land Use Permit  
Staff Report**

<b>PC Res No.</b>	2026-12
<b>Planning Commission Meeting:</b>	Monday, February 09, 2026
<b>Applicant</b>	M&M Gravel LLC
<b>Mailing Address</b>	420 N Willow Street Kenai, Alaska 99611
<b>Legal Description</b>	T 7N R 12W SEC 35 SEWARD MERIDIAN KN E1/2 NE1/4 NW1/4
<b>Physical Address</b>	NHN Robert Walker Ave
<b>KPB Parcel Number</b>	01516017

**Project Description**

The applicant, M&M Gravel LLC, has submitted an application for a Conditional Land Use Permit (CLUP) for the entire parcel listed above and is seeking Type I and II Endorsements for material extraction over 5 acres and material conditioning or processing, respectively.

The submitted site plan indicates that the ingress and egress will be located on the northern property line, with the material haul route traveling west within the Section Line Easement to Robert Walker Lane. From there, the haul route will continue west to the Kenai Spur Highway. The haul route from the northern property line to Robert Walker Lane has not been constructed yet. Robert Walker Lane is maintained by the KPB from the Kenai Spur Highway to the property owned by James Decker, approximately one-half mile.

The subject property is bordered on the north and east sides by privately owned parcels that are undeveloped. To the south is the industrial property of Nikiski Disposal Inc. To the west is a parcel owned by Alaska LNG Project LLC.

The site plan and application propose the following buffers to the north, south, east, and west: a 50-foot native vegetated buffer, to be replaced by a 6-foot high earthen berm when excavation nears the 50-foot buffer delineation.

The site plan, completed by McLane Consulting Inc., states that groundwater is deeper than 25 feet below the existing surface, based on two (2) test holes. The application states that the proposed depth of material excavation will be 23 feet and will maintain a 2-foot separation from the seasonal high-water table. Prior to excavation, the operator will install and maintain two (2) observation wells, with one (1) well installed per 10 acres of excavated area. Plan notes state that there are no wetlands or surface waters within the property boundaries. A northern central area will be maintained as a processing area, which is at least 300 feet from the north, east, and south property lines. The applicant requests a waiver from the 300-foot processing distance on the

west side of the property, due to the adjacent property being an industrial property owned by Alaska LNG Project LLC. Native vegetation will provide surface water protection by way of phytoremediation, according to the McLane report. The site plan shows three (3) adjacent wells, with one (1) located within 300 feet of the proposed use area. All three wells are monitoring wells are associated with a nearby industrial site.

Reclamation areas within the material site will be graded, contoured, and covered with at least 2 inches of silty topsoil. Slopes steeper than 2:1 will be seeded. The floor of the site will remain a graded gravel pad. Material stockpiles may be left in place for future use. Unsuitable excavation may be placed in the exhausted areas of the material site, beginning at the northwest limits and proceeding south. The applicant has supplied a State of Alaska Department of Natural Resources (DNR), Material Site Reclamation Plan. The plan states that the applicant wishes to join the statewide bonding pool and will bond 4.9 acres, for a total of \$3,675. Before excavation begins, the applicant must submit proof of bonding pool participation to the Planning Department.

The applicant estimates a life span of 20 years for the site and an annual extraction quantity of approximately 45,000 cubic yards of material.

### **Public Notice**

Public notice was mailed on or before January 21, 2026, to the 16 landowners within 1000 feet of the subject parcel, and was posted in accordance with KPB 21.25.060. There appears to be no Principal Structures within the 1,000-foot special impact zone.

### **Staff Recommendation**

After review of the application and submitted materials, it appears that the four standards contained in KPB 21.29.040 will be met by imposition of the relevant conditions in KPB Chapter 21.29, and staff recommends approval subject to those conditions. Staff has included proposed findings of fact in the draft resolution for the Planning Commission's consideration.

Whether the Planning Commission decides to approve or deny the application, staff recommends that the Planning Commission include findings of fact based upon the record to support its decision.

### **Attachments**

1. Application
2. Maps
3. Staff Report
4. Resolution
5. Public Hearing Notice
6. Notification List
7. Public Comment

**NOTE: Any party of record, as defined by KPB 21.20.210, with standing to appeal, as set forth in KPB 21.20.225, may file an appeal of a decision of the Planning Commission in accordance with the requirements of the Kenai Peninsula Borough Code of Ordinances, Chapter 21.20.250. An appeal must be filed with the Borough Clerk within 15 days of date of the notice of the decision using the proper forms and be accompanied by the filing and records preparation fee.**

**END OF STAFF REPORT**

**KENAI PENINSULA BOROUGH PLANNING COMMISSION  
RESOLUTION 2026-12  
KENAI RECORDING DISTRICT**

**A resolution granting approval of a conditional land use permit to operate a sand, gravel, or material site under Type I and II Endorsements for the parcel described as T 7N R 12W SEC 35 SEWARD MERIDIAN KN E1/2 NE1/4 NW1/4, Kenai Recording District, Third Judicial District, State of Alaska.**

- WHEREAS,** KPB 21.25 allows for land in the rural district to be used as a sand, gravel, or material site once a permit has been obtained from the Kenai Peninsula Borough; and
- WHEREAS,** KPB 21.29 provides that a conditional land use permit (CLUP) is required for earth materials extraction, which includes Type I and II Endorsements for earth materials extraction over 5 acres and material conditioning or processing, respectively; and
- WHEREAS,** on December 17, 2025, permittee M&M Gravel LLC submitted to the Borough Planning Department a CLUP application on KPB Parcel 01516017, which is located within the rural district; and
- WHEREAS,** public notice of the application was mailed on January 21, 2026, to the 16 landowners or leaseholders within 1,000 feet of the subject parcel pursuant to KPB 21.25.060; and
- WHEREAS,** public notice of the project was posted in accordance with KPB 21.25.060; and
- WHEREAS,** this item was presented at the February 5, 2026 meeting of the Nikiski Advisory Planning Commission who recommended \_\_\_\_\_;
- WHEREAS,** a public hearing was held at the Monday, February 9, 2026, meeting of the Kenai Peninsula Borough Planning Commission;

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

**Section 1. That the land use and operations are described and shall be conducted on KPB Parcel Number(s) 01516017, T 7N R 12W SEC 35 SEWARD MERIDIAN KN E1/2 NE1/4 NW1/4. The total area to be disturbed under this activity is approximately 19.5 acres.**

**Section 2. Findings of Fact:**

1. KPB 21.25 allows for land in the rural district to be used as a sand, gravel, or material site once a CLUP has been obtained from the Kenai Peninsula Borough.
2. KPB 21.29 governs material site activity within the rural district of the Kenai Peninsula Borough.
3. KPB 21.29 provides that a CLUP is required for material extraction that disturbs 5 or more cumulative acres, processes material, or extracts below the water table.
4. KPB 21.29.005 states that the purpose of KPB 21.29 is to provide a land use permitting process to regulate the operation, scope, and duration of earth materials extraction and processing within the borough while promoting the public health, safety, and general welfare of the KPB, including

the health of aquatic systems that support salmon. It is the further purpose of KPB 21.29 to promote compatible, orderly development.

5. This item was presented at the February 5, 2026 meeting of the Nikiski Advisory Planning Commission who recommended \_\_\_\_\_
6. A public hearing of the Planning Commission was held on Monday, February 9, 2026, and notice of the meeting was published, posted, and mailed in accordance with KPB 21.25.060, KPB 21.11, and KPB 1.08.180(B).
7. The 2019 KPB Comprehensive Plan outlined the need to update KPB 21.29 to address recurring land use conflicts for gravel extraction. A rewrite of KPB 21.29 was adopted by the KPB Assembly in October 2023.
8. Goal 2 of the 2019 KPB Comprehensive Plan sets out the objective to proactively manage growth to provide economic development opportunities on the KPB while preserving what residents and visitors value about the area's natural features. It further sets out objectives that KPB should establish policies that better guide land use to minimize land use conflicts, maintain property values, protect natural systems, and support individual land use freedoms.
9. The proposed cumulative disturbed area within the parcel is approximately 19.5 acres, including the buffer areas.
10. The permittee has provided a reclamation plan that is consistent with KPB 21.29.
11. The application indicates that groundwater is greater than 25 feet below the existing grade, and the lowest depth of excavation will be approximately 23 feet below the existing grade.
12. The site plan indicates that there is one (1) monitor well located within 300 feet of the proposed excavation area that is associated with a nearby industrial site, and no wells are located within 100 feet of the proposed excavation area.
13. The permittee has proposed a 50-foot vegetated buffer on all sides of the material site. This buffer will be replaced with a 6-foot earthen berm when excavation activities near the 50-foot buffer delineation.
14. Ingress and egress to the site will be located on the northern property line, with the material haul route traveling west within the Section Line Easement to Robert Walker Lane. From there, the haul route will continue west to the Kenai Spur Highway.
15. The permittee has indicated that material processing will take place on the property. Any equipment used for conditioning or processing materials will be operated at least 300 feet from the north, east, and south parcel boundaries. The applicant requests a waiver from the 300-foot processing distance on the west property boundary. Earth materials crushing equipment and blasting may only be operated between 8:00 am and 7:00 pm AKST. Additionally, the site plan indicates processing activities will be outside the 1,000-foot Special Impact Zone.

### **Section 3. Permit Conditions**

#### **Requirements Prior to Excavation**

Prior to beginning excavation activities, the following conditions must be implemented and proof provided to the Planning Department:

1. The permittee must install and maintain one (1) observation well at least two (2) feet below the lowest level of excavation, per 10 acres of excavated area. Elevations will be established for: top of well casing, ground elevation, and groundwater in the well, if any.
2. The permittee must have the area of excavation, buffers, and any easements or rights-of-way abutting the proposed CLUP area staked at sequentially visible intervals. Field verification and

staking will require the services of a professional land surveyor. Stakes must be in place prior to issuance of the permit.

3. Within 90 days of the issuance of the Notice of Decision and prior to excavation, the permittee must provide proof of bonding related to the reclamation plan that was submitted with the application. Failure to do so will render this permit invalid. The bond must be maintained for the life of the permit.
4. The permittee must obtain an Alaska Department of Natural Resources (ADNR) temporary use authorization if the permittee intends for water to leave the site.
5. The permittee must obtain a mining permit as required by ADNR if extraction activities are to take place on state land.
6. The permittee must submit a notice of intent for a construction general permit or multi-sector general permit and storm water pollution prevention plan, and other associated permits or plans required by the Alaska Department of Environmental Conservation pursuant to the Alaska Pollutant Discharge Elimination System requirements.
7. The permittee must obtain a United States Army Corps of Engineers (USACE) permit pursuant to Section 404 of the Clean Water Act, 33 U.S.C. 1344, if material extraction activity requires USACE approval.
8. The permittee must submit an application or obtain a permit from any other applicable state or federal agency with regulatory authority over mining activities or earth materials extraction.

### **General Conditions**

9. The permittee must reclaim the site as described in the reclamation plan for this parcel.
10. The permittee must conduct all activity in compliance with state or federal regulations governing the items listed in KPB 21.29.045(B)(1-3). Complaints received by the borough of violations of requirements within this section will be forwarded to the appropriate agency for enforcement.
11. The permittee must operate in accordance with the application and site plan as approved by the Planning Commission. If the permittee revises or intends to revise operations so that they are no longer consistent with the original application, a CLUP modification is required in accordance with KPB 21.29.070.
12. This CLUP is subject to annual review by the Planning Department to ensure compliance with the conditions of the permit. In addition to the penalties provided by KPB 21.25.090, the CLUP may be revoked pursuant to KPB 21.50 if the permittee fails to comply with the provisions of this chapter or the conditions of the permit.
13. Once effective, this CLUP is valid for five years. A renewal application must be submitted at least 90 days prior to the expiration of the CLUP.
14. At the time of CLUP renewal, every 5 years, the permittee must have all missing boundary stakes replaced before the renewal certificate can be issued. Field staking will require the services of a professional land surveyor.
15. Failure to comply with any of the conditions is a violation of the CLUP and is subject to enforcement pursuant to KPB Chapter 21.50.
16. This CLUP is not transferable unless a written transfer request is submitted to the Planning Department, an inspection is performed, and approval is issued. Note that CLUP transfers cannot be approved if the permittee is in violation of its CLUP conditions or KPB code.

### **Buffer Zone**

17. The permittee must maintain the buffers between the area of excavation and the parcel boundaries as shown in the approved site plan and application. The permittee will maintain a

minimum 50-foot vegetated buffer along all parcel boundaries, to be replaced by a 6-foot high earthen berm when the excavation nears the 50-foot buffer delineation. In any location where the vegetated buffer has been denuded, the applicant will place a 6-foot earthen berm.

18. The permittee must not allow buffers to alter natural drainage features.
19. The permittee must not allow a buffer to overlap an easement.

### **Water Source Separation**

20. The permittee must not extract material below or within two feet of the seasonal high-water table.
21. The permittee must not conduct off-site excavation dewatering.
22. The permittee must not extract material within 100 linear feet of any water source existing prior to original CLUP issuance, as defined in KPB 21.29.130.

### **Roads**

23. Operations that impact borough roads must be conducted in accordance with the requirements and remedies of KPB 14.40.

### **Dust Control**

24. The permittee must provide dust suppression on haul roads within the boundaries of the material site by application of water or calcium chloride.

### **Hours of Operation**

25. The permittee must conduct material extraction activities, including equipment operation, between the hours of 6:00 a.m. and 9:00 p.m. Alaska Standard Time (AKST).

### **Groundwater Elevation**

26. Prior to excavation, the permittee must install and maintain at least one (1) observation well at least two (2) feet below the lowest level of excavation, one (1) well per 10 acres of excavated area. Elevations will be established for: top of well casing, ground elevation, and groundwater in the well, if any.

### **Setback**

27. Material site excavation areas must be 250 feet from the property boundaries of any existing public school ground, private school ground, college campus, licensed childcare facility, multi-purpose senior center, assisted living home, or licensed health care facility.

### **Permit Boundaries**

28. The permittee must have the area of excavation, buffers, and any easements or rights-of-way abutting the proposed permit area staked at sequentially visible intervals. Field verification and staking will require the services of a professional land surveyor. Stakes must be in place prior to issuance of the permit.

### **Fuel Storage**

29. The permittee must ensure that fuel storage containers larger than 50 gallons will be contained in impermeable berms and basins capable of retaining 110 percent of storage capacity to minimize the potential for uncontained spills or leaks. Fuel storage containers 50 gallons or smaller will not be placed directly on the ground, but will be stored on a stable impermeable surface. Double-walled fuel storage tanks are allowed for secondary containment.

### **Ingress and Egress**

30. Ingress and egress to the site will be located on the northern property line, with the material haul route traveling west within the Section Line Easement to Robert Walker Lane. From there, the haul route will continue west to the Kenai Spur Highway.

### **Surface and Groundwater Protection**

31. Surface and groundwater protection measures are not required for this site as there are no wetlands or surface waters within, or adjacent to, the property boundaries.
32. The permittee must not excavate in a way that causes off-site dewatering.

### **Public Campgrounds**

33. There are no public campgrounds within 1,000 feet of the site operations, and therefore, no added conditions apply.

### **Type II Endorsement: Processing**

34. Setback. Equipment that conditions or crushes material must be operated at least 300 feet from the parcel boundaries. At its discretion, the planning commission may waive the 300-foot processing distance requirement or allow a lesser distance in consideration of and in accordance with existing uses of the properties in the vicinity at the time of approval of the permit.
35. The applicant requests a waiver from the 300-foot processing distance on the west property boundary.
36. Hours of Operation. Earth materials crushing equipment and blasting may only be operated between 8:00 a.m. and 7:00 p.m. AKST.

**Section 4. Based on the above findings, the Planning Commission concludes as a matter of law that the application has met all the requirements of KPB 21.25 and KPB 21.29, and through imposition of the conditions under KPB 21.29.050, the Planning Commission concludes as a matter of law that the application meets the four standards found in KPB 21.29.040:**

### **CONCLUSIONS OF LAW**

1. That the use is not inconsistent with the applicable comprehensive plan. Findings 4, 6-7, and Conditions 4-8, 10-12, 14-16, and 19 meet this standard.
2. That the use will not be harmful to the public's health, safety, and general welfare, or the health of anadromous waterbodies. Findings 4, 10-14, and Conditions 1-2, 4, 6-7, 10-18, and 20-36 meet this standard.
3. That sufficient setbacks, buffer zones, and other safeguards, including measures to mitigate blast overpressure impacts and impacts to groundwater flow paths, are being provided consistent with this chapter. Findings 4, 10-14, and Conditions 1-2, 4, 11-15, 17-18, 20-22, and 24-36 meet this standard.
4. That the use provides for a reclamation plan consistent with KPB 21.29. Findings 9 and Conditions 3, 4, 11-13, and 15 meet this standard.

**Section 5. Therefore, permittee, M&M Gravel LLC, is granted a conditional land use permit to operate a sand, gravel, or material site under a Type I and II Endorsements for material extraction over 5 acres and material conditioning or processing, respectively. The permittee must also reclaim the site to a stable condition upon completion of the project. The Planning Commission authorizes the issuance of a conditional land use permit pursuant to this resolution.**

ADOPTED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2026.

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Jeremy Brantley, Chairperson  
Planning Commission

ATTEST:

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Ann Shirnberg  
Administrative Assistant



**KENAI PENINSULA BOROUGH PLANNING COMMISSION  
NOTICE OF PUBLIC HEARING**

«ATTENTION»  
«OWNER»  
«MAILING\_ADDRESS»  
«MAILING\_CITY», «MAILING\_STATE» «MAILING\_ZIPCODE»

Wednesday, January 21, 2026

Public notice is hereby given that a Conditional Land Use Permit application has been received to develop a material site (gravel pit) on a property located in the Nikiski area. These applications are reviewed by the Kenai Peninsula Borough Planning Commission in accordance with KPB 21.25 and KPB 21.29. You are receiving this notice because you are a landowner within a 1,000-foot radius of the subject property, and are invited to provide comment at the public hearing below.

**Applicant:** M&M Gravel LLC  
**Landowner:** M&M Gravel LLC  
**Parcel Number(s):** 01516017  
**Legal Description:** T 7N R 12W SEC 35 SEWARD MERIDIAN KN E1/2 NE1/4 NW1/4  
**Address:** NHN Robert Walker Ave

**Public Hearing:**

**Date and Time:** Monday, February 09, 2026, at 7:30 p.m.  
**Location:** Kenai Peninsula Borough  
Betty Glick Assembly Chambers  
144 N. Binkley, Soldotna, AK 99669  
**Zoom Meeting ID:** 907 714 2200  
**Zoom Link:** <https://us06web.zoom.us/j/9077142200>  
**Telephonic:** 1-888-788-0099 or 1-877-853-5247

**Special Impact Zone:** Landowners with a primary residence within 1,000 horizontal feet of a material site are located in an area called the Special Impact Zone. Residents in this zone may request that the material site implement screening methods that are objective, measurable, and within the overall regulatory limits of KPB 21.29, by providing substantial evidence to support the request.

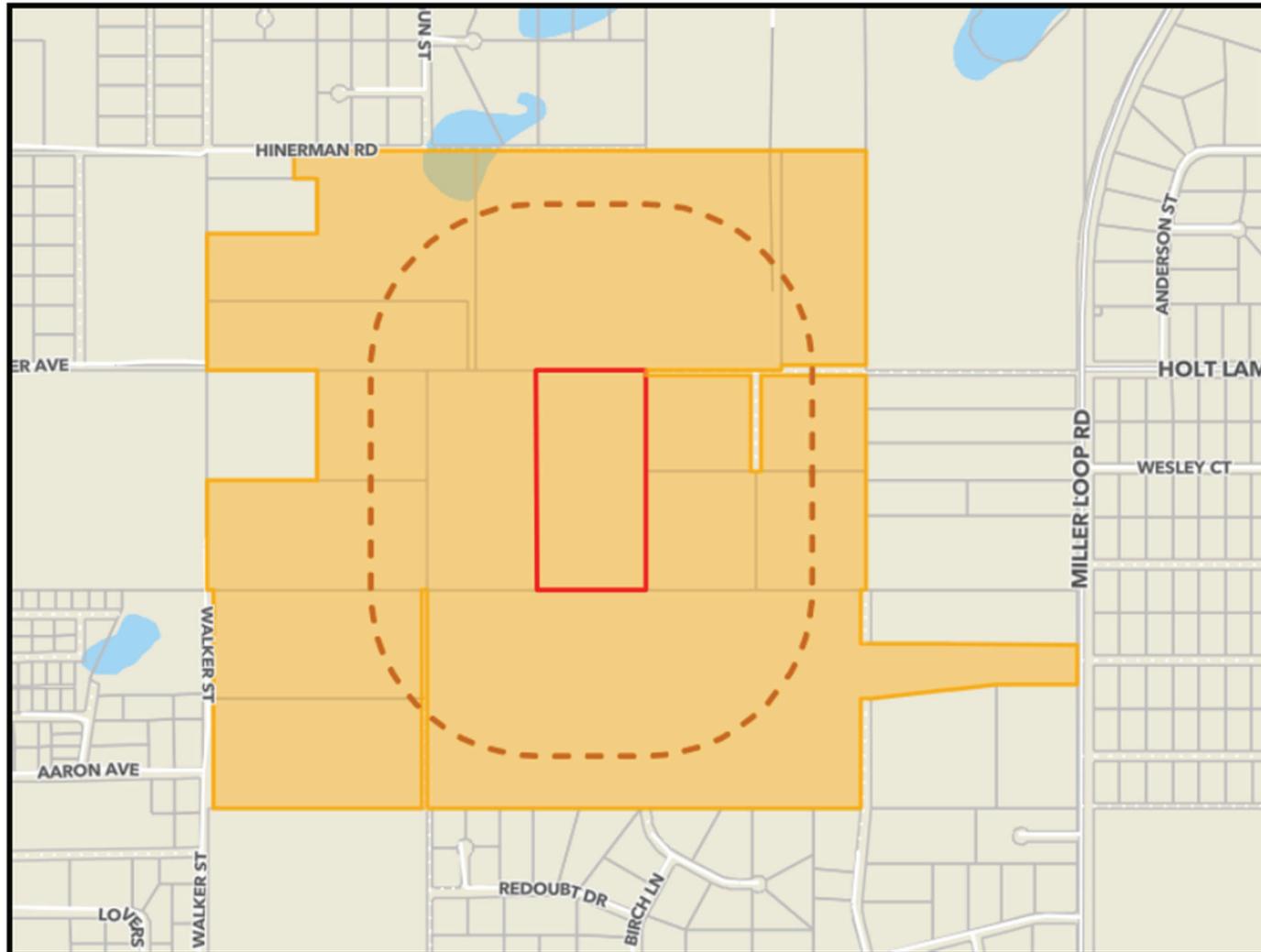
**Public Comment:** You can provide verbal comment at the hearing (see information above). You may also submit written comments by emailing them to rraidmae@kpb.us. **Written comments must be received by 1:00 p.m. on Friday, February 06, 2026.** Note that persons who participate in the public hearing, either by written or oral comment, may appeal the Planning Commission’s decision within 15 days of the date of notice of the decision.

The meeting packet will be posted the week prior to the meeting. Once it has been posted, you can view the application and additional maps at [kpb.legistar.com/Calendar](http://kpb.legistar.com/Calendar). For additional information, contact Ryan Raidmae at rraidmae@kpb.us or 907-714-2462.

Please see the attached vicinity map of the proposed activities.

Ryan Raidmae

Planner

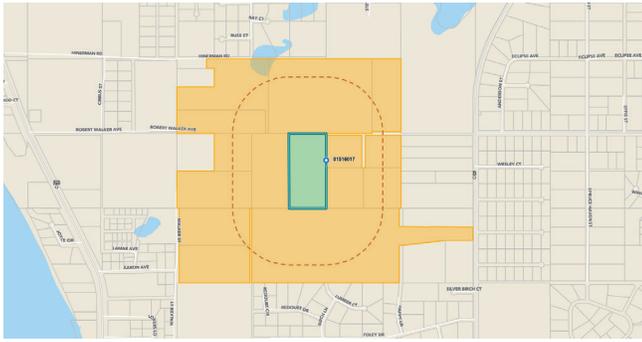


 **Project Area**  
**KPB Parcel(s):**  
 01516017

Map created by Raidmae, Ryan  
 Tuesday, January 13, 2026



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.



# CLUP Notification Report

Monday, January 12, 2026

Report generated for KPB Parcel(s):  
01516017



- 1000ft Buffer
- Original selection
- Parcels intersecting the buffered area.

The following list was created by applying a 1000 ft buffer to the parcel or parcels indicated above. Questions or comments can be relayed to rraidmae@kpb.us.

## All Ownership Records

PARCEL_ID	OWNER	ADDRESS	CITY	STATE	ZIP
01515018	DECKER JAMES	PO BOX 8407	NIKISKI	AK	99635
01515052	VEAL NAOMI	47113 STEVEN ST	KENAI	AK	99611
01515052	VEAL TIM	47113 STEVEN ST	KENAI	AK	99611
01515054	VEAL TIM & NANCY	47437 STEVEN ST	KENAI	AK	99611
01515055	ALASKA LNG PROJECT LLC	PO BOX 100360	ANCHORAGE	AK	99510
01516015	PADDOCK ANNA JEAN	PO BOX 182	BELLS	TX	75414
01516016	EGGENBERG ROBERTA	PO BOX 1602	DURANT	OK	74702
01516017	M & M GRAVEL LLC	420 N WILLOW ST	KENAI	AK	99611
01516018	ALASKA LNG PROJECT LLC	PO BOX 100360	ANCHORAGE	AK	99510
01516019	KENAI PENINSULA BOROUGH	144 N BINKLEY ST	SOLDOTNA	AK	99669
01516020	ALASKA LNG PROJECT LLC	PO BOX 100360	ANCHORAGE	AK	99510
01516098	ALASKA LNG PROJECT LLC	PO BOX 100360	ANCHORAGE	AK	99510
01516110	ALASKA LNG PROJECT LLC	PO BOX 100360	ANCHORAGE	AK	99510
01516111	NIKISKI DISPOSAL INC	42115 K BEACH RD STE B	SOLDOTNA	AK	99669
01516139	VEAL TIM STEVEN	47113 STEVEN ST	KENAI	AK	99611
01516140	LOBDELL BRADLEY T	3903 STILLVIEW DR	HOUSTON	TX	77068



**KENAI PENINSULA BOROUGH PLANNING COMMISSION  
NOTICE OF PUBLIC HEARING**

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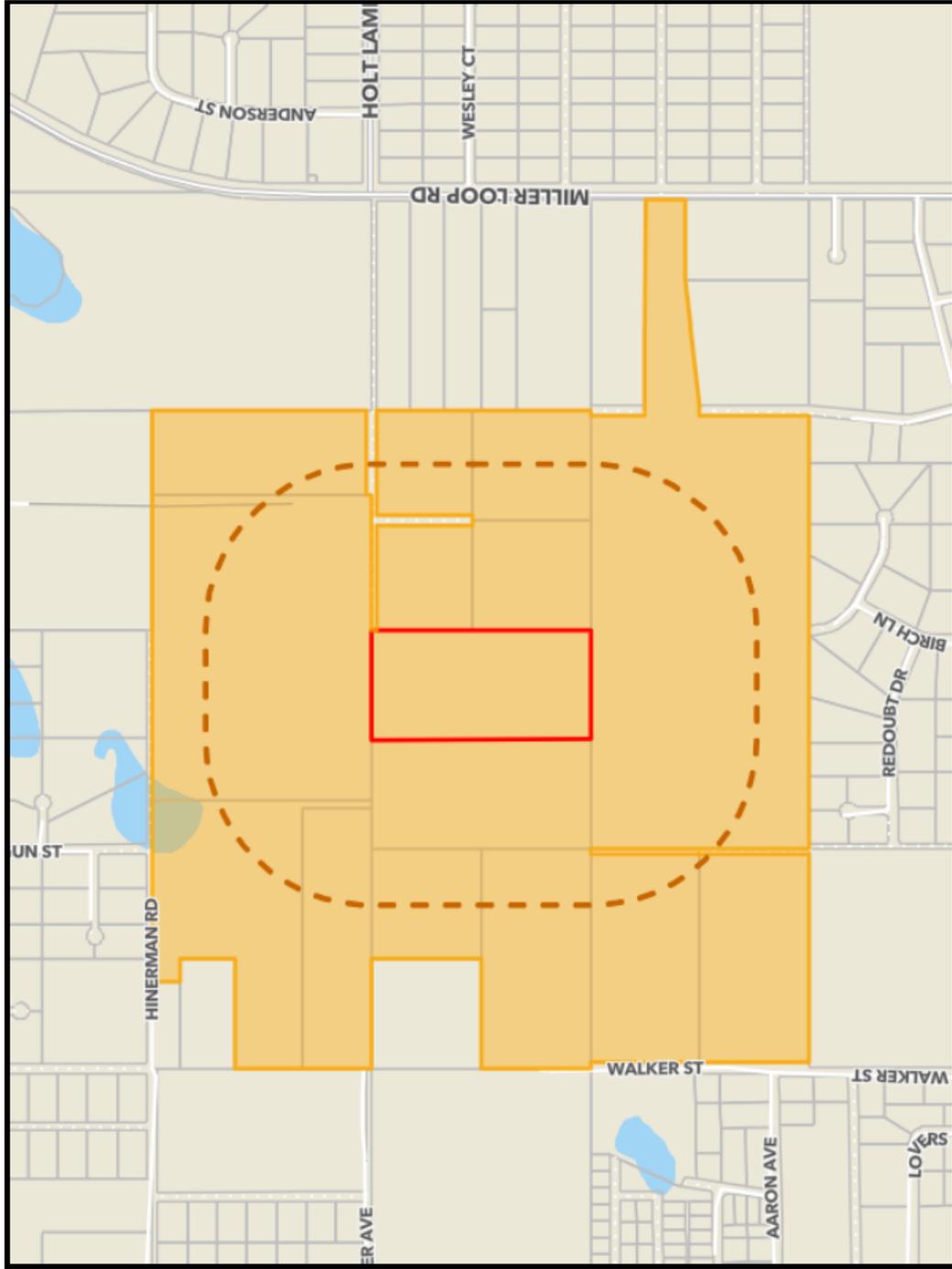
Planner



KENAI PENINSULA BOROUGH

Planning

Parcels within 1000 Foot Buffer  
MS2025-014, M&M Gravel LLC's  
Robert Walker Ave. Material Site



 Project Area  
 KPB Parcel(s):  
 01516017



Map created by Raidmae, Ryan  
 Tuesday, January 13, 2026

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