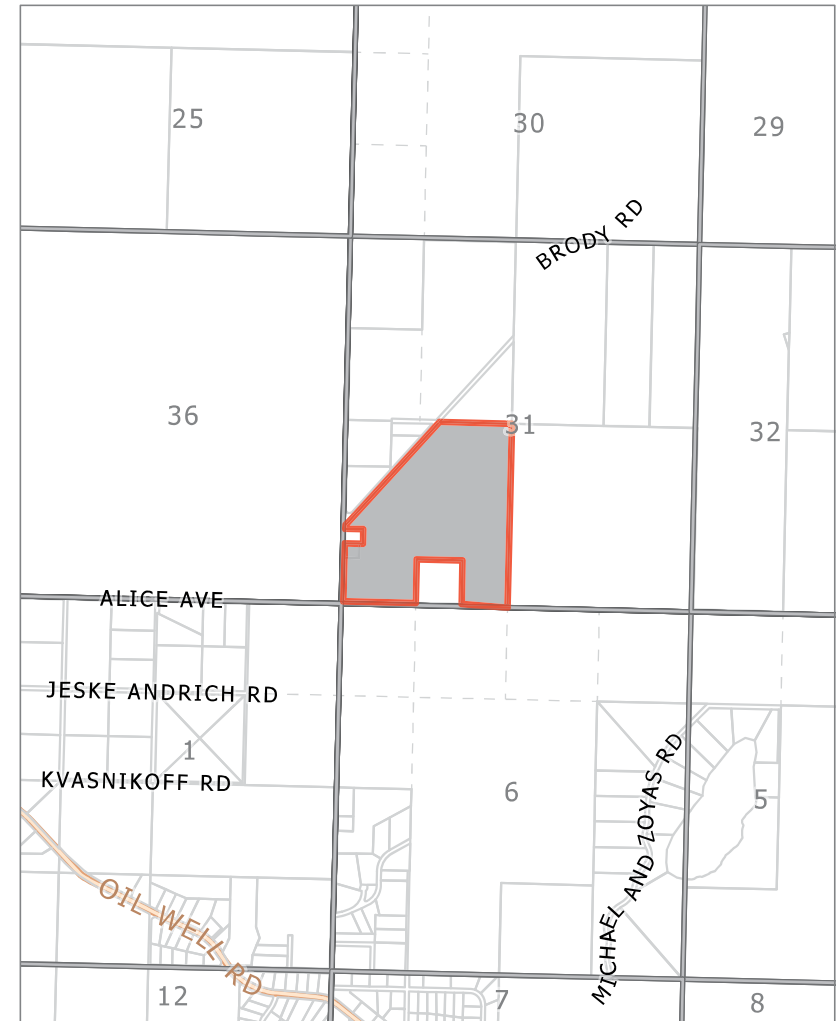
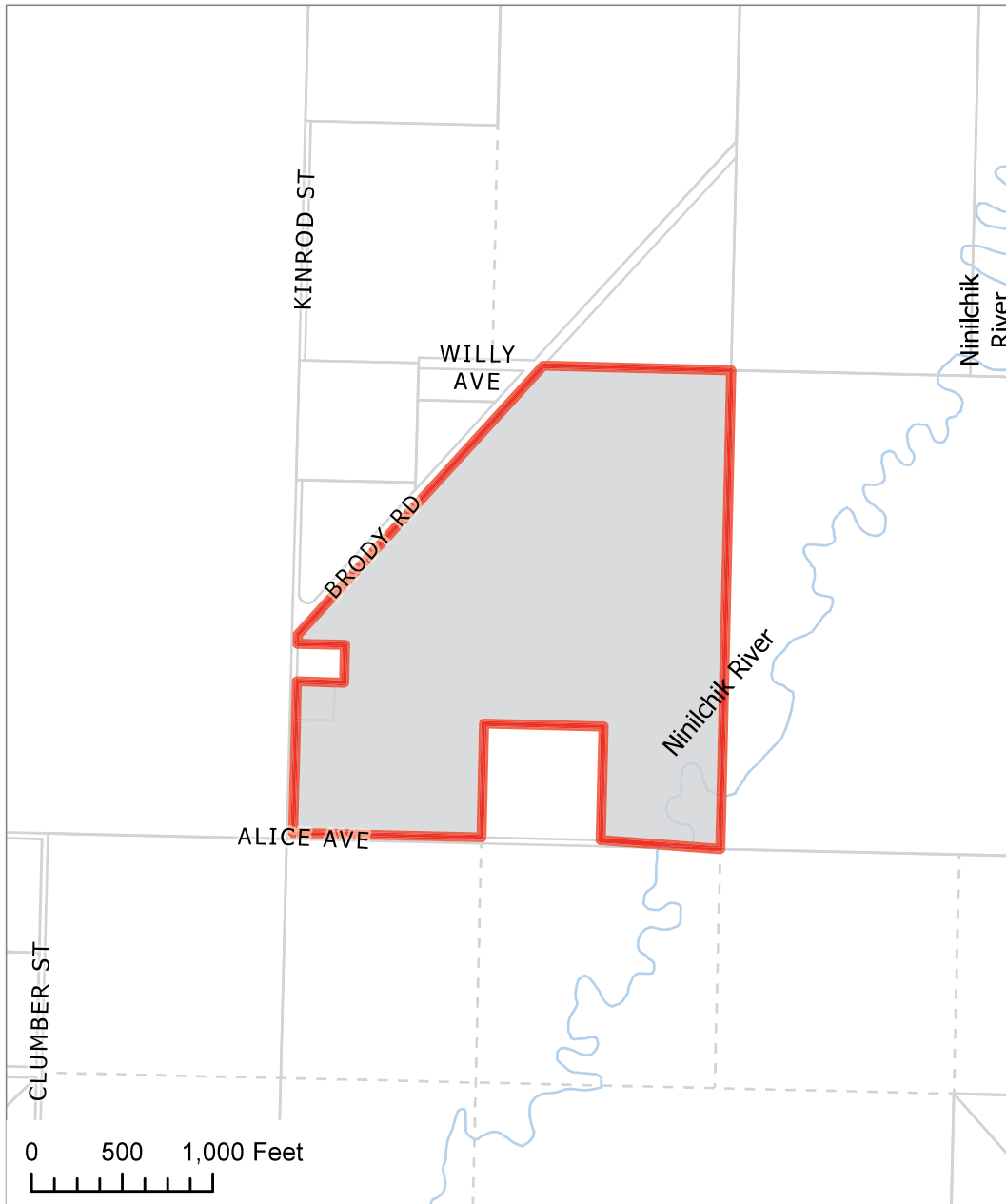


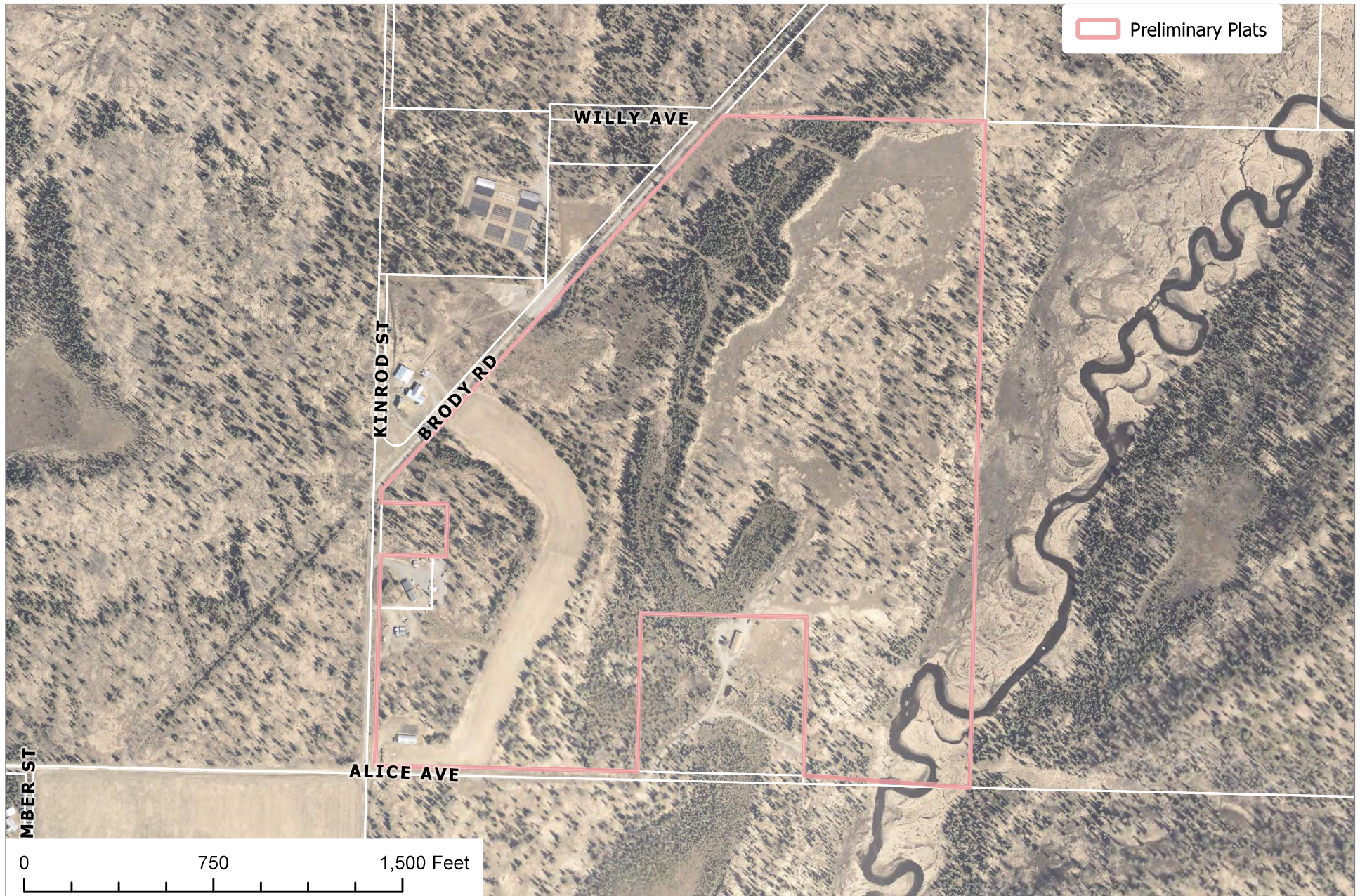
## **E. NEW BUSINESS**

- 6. Kinrod 2025 Replat; KPB File 2025-131**  
**Peninsula Surveying / Tilbury**  
**Location: Brody Road & Alice Avenue**  
**Ninilchik Area**



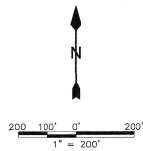
KPB File 2025-131  
T 01S R 13W SEC 31  
Ninilchik





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



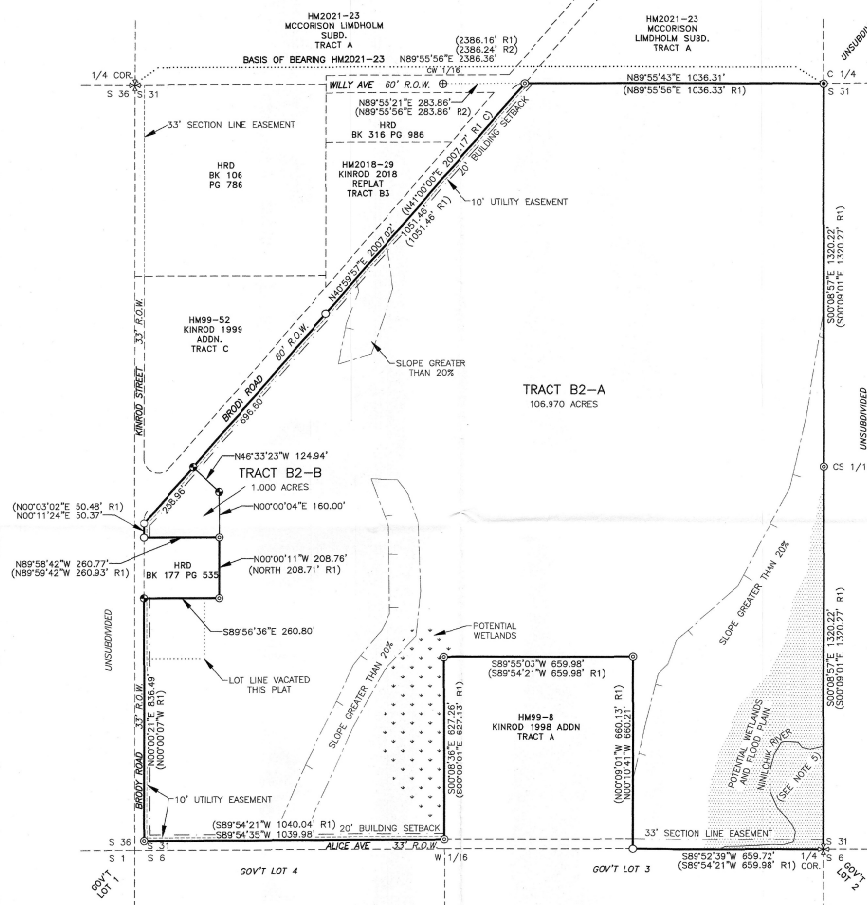


#### NOTES

1. A BUILDING SETBACK OF 20' IS REQUIRED FROM ALL STREET RIGHT-OF-WAYS UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
2. THE FRONT 10' OF THE BUILDING SETBACK IS ALSO A UTILITY EASEMENT.
3. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
4. HOMER ELECTRIC ASSOCIATION HAS A GENERAL EASEMENT, RECORDED JANUARY 25, 1974 IN BOOK 74 PAGE 99, HRD.
5. SUBJECT TO RIGHTS OF THE PUBLIC AND OR GOVERNMENTAL AGENCIES IN AND TO THAT PORTION OF SAID PREMISES LYING BELOW THE MEAN HIGH WATER MARK OF NINILCHIK RIVER AND ANY QUESTIONS OF RIGHT OF ACCESS TO NINILCHIK RIVER IN THE EVENT SAID LANDS DO NOT IN FACT ABUT THE NINILCHIK RIVER.
6. ANY PERSON DEVELOPING THIS 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. THE KPB PLAT COMMITTEE GRANTED AN EXCEPTION TO KPB 20.30.030, PROPOSED STREET LAYOUT REQUIREMENTS AND AN EXCEPTION TO KPB 20.30.170, BLOCK LENGTH AT THE MEETING OF JANUARY 22, 2018.
8. PORTIONS OF THIS SUBDIVISION ARE WITHIN THE KENAI PENINSULA BOROUGH 50-FOOT ANADROMOUS HABITAT PROTECTION DISTRICT. SEE KPB CHAPTER 21.18, AS MAY BE AMENDED, FOR RESTRICTIONS THAT AFFECT DEVELOPMENT IN THIS SUBDIVISION.
9. SUBJECT TO A RIGHT-OF-WAY EASEMENT, RECORDED SEPTEMBER 24, 1973 IN BOOK 72 PAGE 11, HRD. THIS 60 FOOT WIDE EASEMENT IS CENTERED ON THE HISTORIC SEISMIC LINE WHICH IS NOW DEDICATED AS 3RD JY ROAD.

#### LEGEND

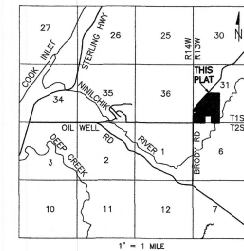
- ⊕ FOUND USGLS BRASS CAP MONUMENT, 1919
- ⊙ FOUND 2.5" ALUMINUM MONUMENT BY 7328-S, 2003
- ⊙ FOUND 2 1/2" AL-CAP BY 14488-S, 2018
- FOUND 1/2" REBAR
- ⊙ FOUND 1 1/2" AL-CAP BY 13022-S, 2021
- ⊙ TO SET RPC ON 5/8" X 36" REBAR BY LS14488
- (R1) RECORD DATA PER HM2C18-29
- (R2) RECORD DATA PER HM2C21-23



#### WASTEWATER DISPOSAL

TRACT B2-A: LOTS WHICH ARE AT LEAST 200,000 SQUARE FEET IN SIZE MAY NOT BE SUITABLE FOR ONSITE WASTEWATER TREATMENT AND DISPOSAL. ANY WASTEWATER TREATMENT OR DISPOSAL SYSTEM MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

TRACT B2-B: TBD



#### CERTIFICATE OF OWNERSHIP AND DEDICATION

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

PATRICIA E. TILBURY, OWNER TRACT B2  
P.O. BOX 39061  
NINILCHIK, AK 99639

STEVEN A. TILBURY,  
AKA STEVEN TILBURY OWNER TRACT B2 & LOT 1  
P.O. BOX 39061  
NINILCHIK, AK 99639

#### NOTARY ACKNOWLEDGMENT

FOR: PATRICIA E. TILBURY  
ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2025

NOTARY PUBLIC FOR: \_\_\_\_\_  
MY COMMISSION EXPIRES: \_\_\_\_\_

#### NOTARY ACKNOWLEDGMENT

FOR: STEVEN A. TILBURY, AKA STEVEN TILBURY  
ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2025

NOTARY PUBLIC FOR: \_\_\_\_\_  
MY COMMISSION EXPIRES: \_\_\_\_\_

#### PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMITTEE AT THE MEETING OF MM/DD/YYYY.

BOROUGH OFFICIAL \_\_\_\_\_

DATE \_\_\_\_\_

KPB FILE NUMBER: 2025-200

PENINSULA SURVEYING, LLC  
10535 KATRINA BOULEVARD, NINILCHIK, AK 99639  
(907)356-7065

PLAT OF  
**KINROD 2025 REPLAT**

A SUBDIVISION OF  
TRACT B2, KINROD 2018 REPLAT, HM2018-29  
& LOT 1, KINROD ADDITION, HM81-18  
LOCATED WITHIN  
3W1/4 SEC. 31, T1S, R13W, S.M.  
HOMER RECORDING DISTRICT, THIRD JUDICIAL DISTRICT/KENAI PENINSULA  
BOROUGH, ALASKA, CONTAINING 107.970 ACRES

OWNERS: PATRICIA E. TILBURY STEVEN A. TILBURY, AKA STEVEN TILBURY  
P.O. BOX 39061  
NINILCHIK, AK 99639 NINILCHIK, AK 99639

SCALE: 1" = 200' DATE: AUGUST 27, 2025

DRAWN: BLT CHECKED: JLS SHEET: 1 OF 1

**KPB 2025-131**



AGENDA ITEM E. NEW BUSINESS

**ITEM #6 - PRELIMINARY PLAT  
KINROD 2025 REPLAT**

<b>KPB File No.</b>	2025-131
<b>Plat Committee Meeting:</b>	September 22, 2025
<b>Applicant / Owner:</b>	Steven A. Tilbury and Patricia E. Tilbury of Ninilchik, Alaska
<b>Surveyor:</b>	Jason Schollenberg, Peninsula Surveying, LLC
<b>General Location:</b>	Brody Road off Oil Well Road, Ninilchik

<b>Parent Parcel No.:</b>	157-130-23 and 157-130-38
<b>Legal Description:</b>	T 1S R 13W SEC 31 Seward Meridian HM 0810018 KINROD ADDN LOT 1 AND HM 2018029 KINROD 2018 REPLAT TRACT B2
<b>Assessing Use:</b>	157-130-23: Residential Dwelling 157-130-38: Residential Accessory Building
<b>Zoning:</b>	Rural Unrestricted
<b>Water / Wastewater</b>	Onsite / Onsite
<b>Exception Request</b>	None Requested

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**STAFF REPORT**

**Specific Request / Scope of Subdivision:** The proposed plat will reconfigure the lot lines between two parcels, one of 1.000 acres and one of 106.972 acres into two parcels of the same size.

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

The proposed plat is located on Brody Road and Alice Avenue, off Oil Well Road in Ninilchik. The Ninilchik River flows through proposed Tract B2-A.

Brody Road and Alice Avenue provide legal access to the proposed plat both coming in at the southwest corner of the plat.

Brody Road is a borough-maintained road, varying in width from 33-feet to 60-feet, and provides access to both proposed Tracts. Brody Road located to the west was dedicated by Plats HM 99-8 and HM 81-18. Cook Inlet Region Inc owns the adjacent parcel and if subdivided, can be expected to dedicate the remaining ROW. A Grant of Right of Way Easement 60-feet in width, was recorded in Book 72, Pages 11-12, HRD. This easement is located within the dedication of Brody Road running northeasterly and is denoted as plat note number 9. Plats HM 2018-29 and HM 99-52 dedicated the 60-foot portion of Brody Road on top of the existing easement.

Alice Avenue is a 33-foot partially constructed road located on the south and provides access to Proposed Tract B2-A. Plat HM 99-8 dedicated the northern 33-foot portion of Alice Avenue Future subdivision of the adjacent unsubdivided parcel to the south can reasonably expect the remainder of Alice Avenue to be dedicated.

Exceptions to KPB 20.30.030 (proposed street layout – requirements) and KPB 20.30.170 (block length) were granted by the Plat Committee on January 22, 2018 for the parent plat, Kinrod 2018 Replat (Plat HM 2018-29. Staff report and minutes from the January 22, 2018 Plat Committee meeting are included in the packet for reference. **Staff recommends** the Plat Committee concur the exception requests be carried forward to the proposed plat. If approved, **staff recommends** plat note number 7 to be modified to include the Plat Committee meeting date approving the exception requests to be carried forward.

No dedications or vacations are proposed by this platting action.

KPB Records and the Certificate to Plat indicate 33-foot section line easements located to the south and west adjacent to the proposed plat. These easements have been depicted and labeled on the plat.

KPB Roads Dept RSA review	Out of Jurisdiction: No  Roads Director: Uhlin, Dil Comments: No comments
SOA DOT&PF comments	No comments

**Site Investigation:**

According to KPB GIS imagery and KPB Assessing records, multiple improvements are located on the property and when the plat is completed will be located within proposed Tract B2-A. There appears to be no encroachment issues.

KPB GIS Imagery Contours Layer shows steep slopes greater than 20%. The areas of slopes greater than 20% are depicted and labeled on the plat. **Staff recommends** it is at the surveyor's discretion to keep or remove the contours on the final plat per KPB 20.60.010.

KWF Wetland Assessment layer on KPB GIS Imagery show wetlands identified as Kettle and Riverine on the proposed plat. The wetlands have been depicted on the preliminary plat. **Staff recommends** the wetland labels be modified to reflect Kettle and Riverine to correspond with KWF Wetlands Assessment rather than 'potential wetlands.'

The Ninilchik River flows through the southeast corner of proposed Tract B2-A and is shown and labeled.

Per the River Center Review, the plat is not affected by a mapped flood hazard area.

The proposed plat is located within an Anadromous Waters Habitat Protection District according to the KPB River Center Reviewer. **Staff recommends** Plat Note number 8 be modified to more reflect the note in KPB 20.30.290.

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 totally or partially within HPD Comments: portions of this plat fall within the jurisdiction of KPB 21.18 and the River Center permits must be obtained prior to any development
State of Alaska Fish and Game	No response

**Staff Analysis**

Originally the land was an aliquot part of the SW 1/4 of Section 31, Township 1 South, Range 13 West, Seward Meridian, Alaska. In 1981, Kinrod Addition (Plat HM 81-18) subdivided a portion into Lot 1. Kinrod 1998 Addition (Plat HM 99-8) subdivided another portion into Tracts A and B. Tract B was further subdivided by Kinrod 1999 Addition (Plat HM 99-52), Kinrod 2003 Addition (Plat HM 2004-74) and Kinrod 2018 Replat (Plat HM 2018-29). This proposed plat will reconfigure lot lines between Lot 1, Kinrod Addition (Plat HM 81-18) and Tract B2, Kinrod 2018 Replat (Plat HM 2018-29).



A soils report will be required and an engineer will sign the final plat for Proposed Tract B2-B as the new lot is less than 200,000 square feet. **Staff recommends** the Wastewater Disposal Note be modified for proposed Tract B2-B on the final plat.

Proposed Tract B2-A is greater than 200,000 square feet and a soils report will not be required. The proper Wastewater Disposal note has been added to the plat.

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

The property is not within an advisory planning commission.

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

#### **Utility Easements**

Kinrod Addition (HM 81-18) granted a 5-foot utility easement adjacent to Brody Road and a 10-foot utility easement on the south lot line. **Staff recommends** the 10-foot utility easement be depicted and labeled on the final plat. If the owners wish to vacate the easement, a utility easement vacation application must be submitted for consideration by the Planning Commission.

Kinrod 1998 Addition (HM 99-8) granted a 10-foot utility easement increasing to 20-feet within 5-feet of side lot lines adjacent to all rights-of-way. Plat 2018-29 carried forward the easement excluding the 20-feet within 5-feet of side lot lines. **Staff recommends** plat note number 2 be modified to include the additional easement width within 5-feet of side lots lines.

KPB Planning Commission Resolution 2010-15 vacated the 20-foot utility easements along the east boundary as granted by Kinrod 1998 Addition (HM 99-8).

Homer Electric Association, Inc was granted a right-of-way easement as recorded in Book 74, Page 99, HRD. This easement has been denoted as plat note number 4.

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

The plat is carrying forward the 10' utility easement through the plat to the new part of Plat HM81-18 which covers the 5' utility easement from HM81-18.

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

HEA	No comments
ENSTAR	No comment or recommendation
ACS	
GCI	Approved as shown

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

Addressing Review	Reviewer: Pace, Rhealyn Affected Addresses: 15680 BRODY RD  Existing Street Names are Correct: Yes
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	List of Correct Street Names: ALICE AVE, BRODY RD, WILLY AVE, KINROD ST  Existing Street Name Corrections Needed:  All New Street Names are Approved: No  List of Approved Street Names:  List of Street Names Denied:  Comments: 15680 BRODY RD WILL REMAIN WITH TRACT B2-A
Code Compliance	Reviewer: Ogren, Eric Comments: No comments
LOZMS Review Planner	Reviewer: Raidmae, Ryan There are not any Local Option Zoning District issues with this proposed plat.  Conditional Land Use Permit CLUP Resolution Number: 2003-08 CLUP Approval Date: 4/28/2003 Material Site Comments: There is an existing material site MS2003-002, lying South of the subject parcel on PID: 185-190-27, owned by the Ninilchik Native Association.
Assessing Review	Reviewer: Windsor, Heather Comments: No comment

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

- Modify the KPB File Number to 2025-131
- 

**KPB 20.25.070 – Form and contents required**

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

- A. Within the Title Block
1. Name of the subdivision which shall not be the same as an existing city, town, tract, or subdivision of land in the borough, of which a plat has been previously recorded, or so nearly the same as to mislead the public or cause confusion. The parent plat's name shall be the primary name of the preliminary plat.
  2. Legal description, location, date, and total area in acres of the proposed subdivision;
  3. Name and address of owner(s), as shown on the KPB records and the certificate to plat, and registered land surveyor.
- Staff recommendation:**
- Add a command and a space between District and Kenai in the legal description: Third Judicial District, Kenai Peninsula Borough
- F. The location, width and name of existing and platted streets and public ways, railroad rights-of-way, easements, and travel ways existing and proposed, within the subdivision;
- Staff recommendation:**  
There appears to be a 10' utility easement from HM 81-18 that needs to be shown and possibly vacated.



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

**Staff recommendation:**

- Modify parcel label to the northeast to Tract B, HM 2021-23

- H. Approximate locations of low wet areas, areas subject to inundation, areas subject to flooding or storm water overflow, and the line of ordinary high water. This information may be provided on an additional sheet if showing these areas causes the preliminary plat to appear cluttered and/or difficult to read;

**Staff recommendation:**

- Wetlands labels are different than KWF Wetlands Assessment Layer on KPB GIS, change 'potential wetlands' to names as shown in KWF Wetlands Assessment

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**KPB 20.30 – Subdivision Design Requirements**

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

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**KPB 20.40 – Wastewater Disposal**

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

20.40.010 Wastewater disposal.

*Platting Staff Comments:*

**Staff recommendation:** comply with 20.40.

---

**KPB 20.60 – Final Plat**

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

20.60.190. Certificates, statements, and signatures required.

- Modify the Certificate of Ownership and Dedication "...hereby certify that we are the owners of the real property shown..."

**Staff recommendation:** comply with 20.60.190.

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**RECOMMENDATION:**

**STAFF RECOMMENDS:**

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

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

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

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

END OF STAFF REPORT

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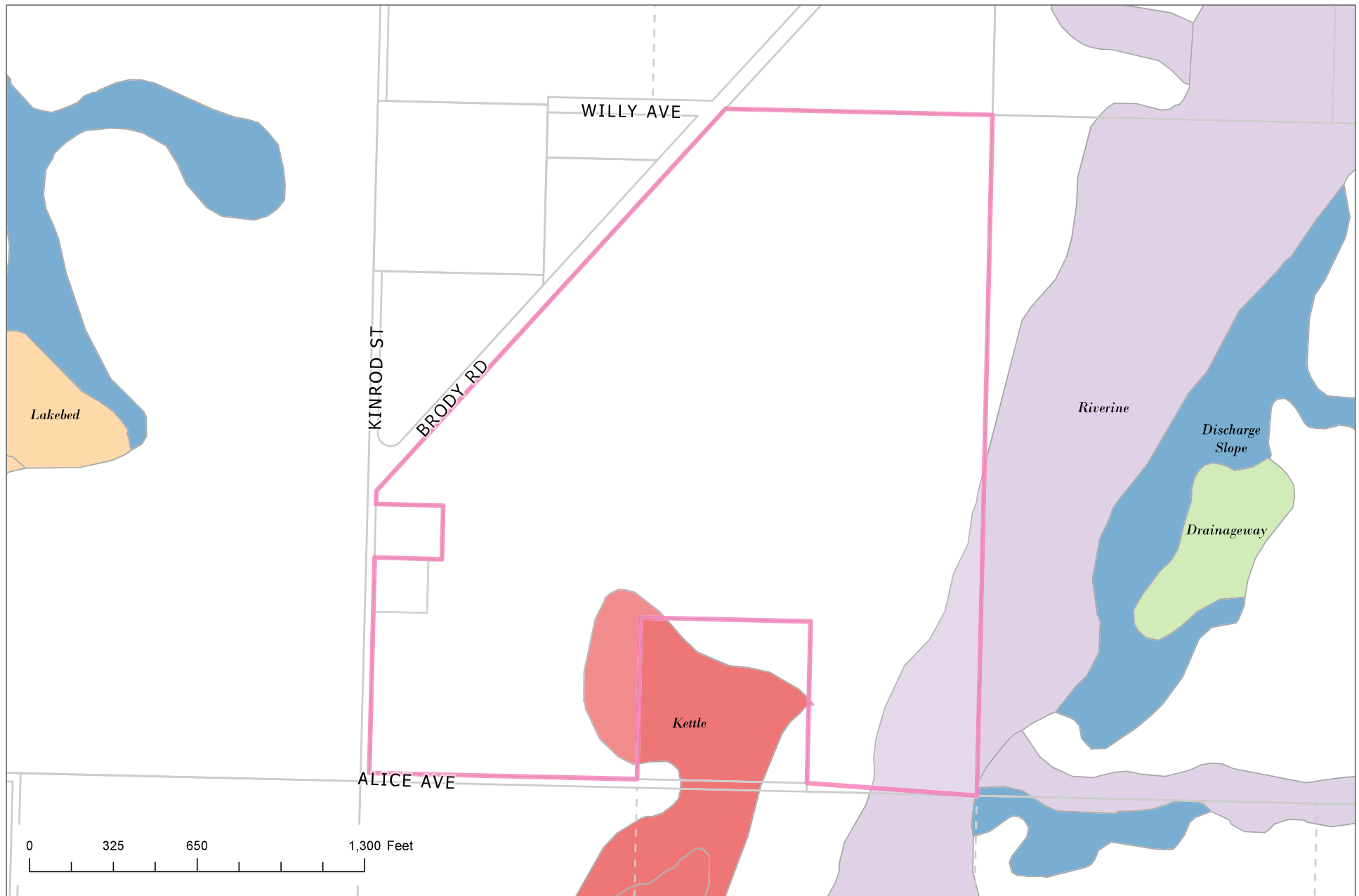


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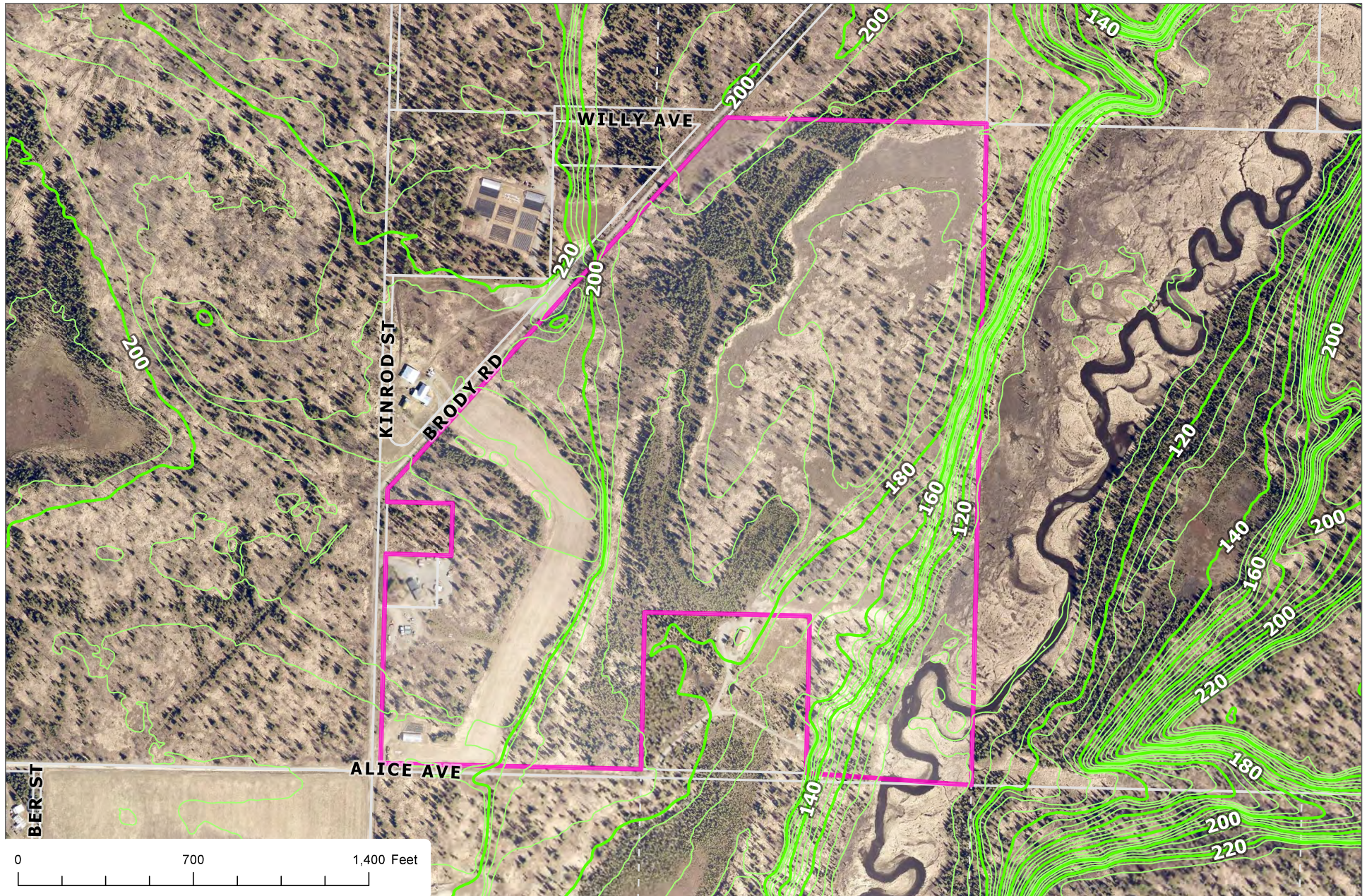


## Wetlands



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**KENAI PENINSULA BOROUGH PLANNING COMMISSION  
RESOLUTION 2010-15  
HOMER RECORDING DISTRICT**

Vacate the 20-foot utility easements along the east, portions of the north and south boundaries connecting the eastern boundary, and a portion of the west boundary of Tract B, granted by Kinrod 1998 Addition (Plat HM 99-8); also shown within Tract B1 of Kinrod 1999 Addition (Plat HM 99-52) and Tract B1A of Kinrod 2003 Addition (Plat HM 2004-74); within Section 31, Township 1 South, Range 13 West, Seward Meridian, Alaska; within the Kenai Peninsula Borough. KPB File No. 2010-127

WHEREAS, a request has been received from Steven A. and Patricia E. Tilbury of Ninilchik, Alaska to vacate utility easements granted by Kinrod 1998 Addition (Plat HM 99-8); and

WHEREAS, affected utility companies have provided written non-objection to the vacation; and

WHEREAS, the easements are not in use by a utility company; and

WHEREAS, no surrounding properties will be denied utilities; and

WHEREAS, on August 23, 2010, the Kenai Peninsula Borough Planning Commission addressed all concerns about the proposed vacation; and

WHEREAS, the Planning Commission has found that vacating the utility easement will not be detrimental to the public interest; and

WHEREAS, 20.28.120 of the Kenai Peninsula Borough Code of Ordinances authorizes the Planning Commission to accomplish vacations by Resolution.

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

Section 1. That the above described utility easement is hereby vacated.

Section 2. That a survey plat showing the vacation will be recorded as Page 2 of this resolution.

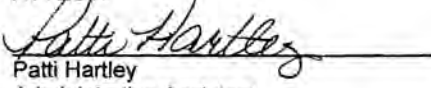
Section 3. That this resolution is eligible for recording upon being signed by the Planning Commission chairperson and will be deemed void if not recorded within 90 days of adoption.

Section 4. That this Resolution becomes effective upon being properly recorded with petitioner being responsible for payment of recording fee.

ADOPTED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH  
ON THIS 23 DAY OF August, 2010.

  
Philip Bryson, Chairperson  
Planning Commission

ATTEST:

  
Patti Hartley  
Administrative Assistant

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

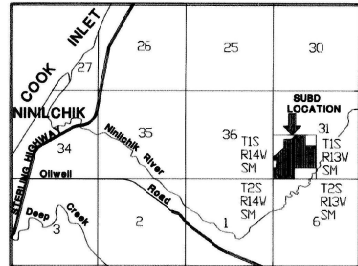


# KINROD 2003 ADDITION

A subdivision of Tract B1 Kinrod 1999 Addition (HRD 99-52)  
Located in the SW1/4 Section 31, T1S R13W, SM, Ninilchik, Alaska.

Homer Recording District KPB File 2003-262

SCALE 1" = 200' AREA = 90.509 acres  
30 October, 2003



VICINITY 1" = 1 mile MAP

2004-74

## RECORDED-FILED

Homer Rec. District  
DATE 9/13/2004  
TIME 9:57 A.M.

Requested by:  
Johnson Surveying  
Box 27  
Clam Gulch, AK 99566

## Prepared for

Ted Thorson  
P.O. Box 620130  
Woodside, CA 94062

## Prepared by

Johnson Surveying  
Box 27  
Clam Gulch, AK 99566

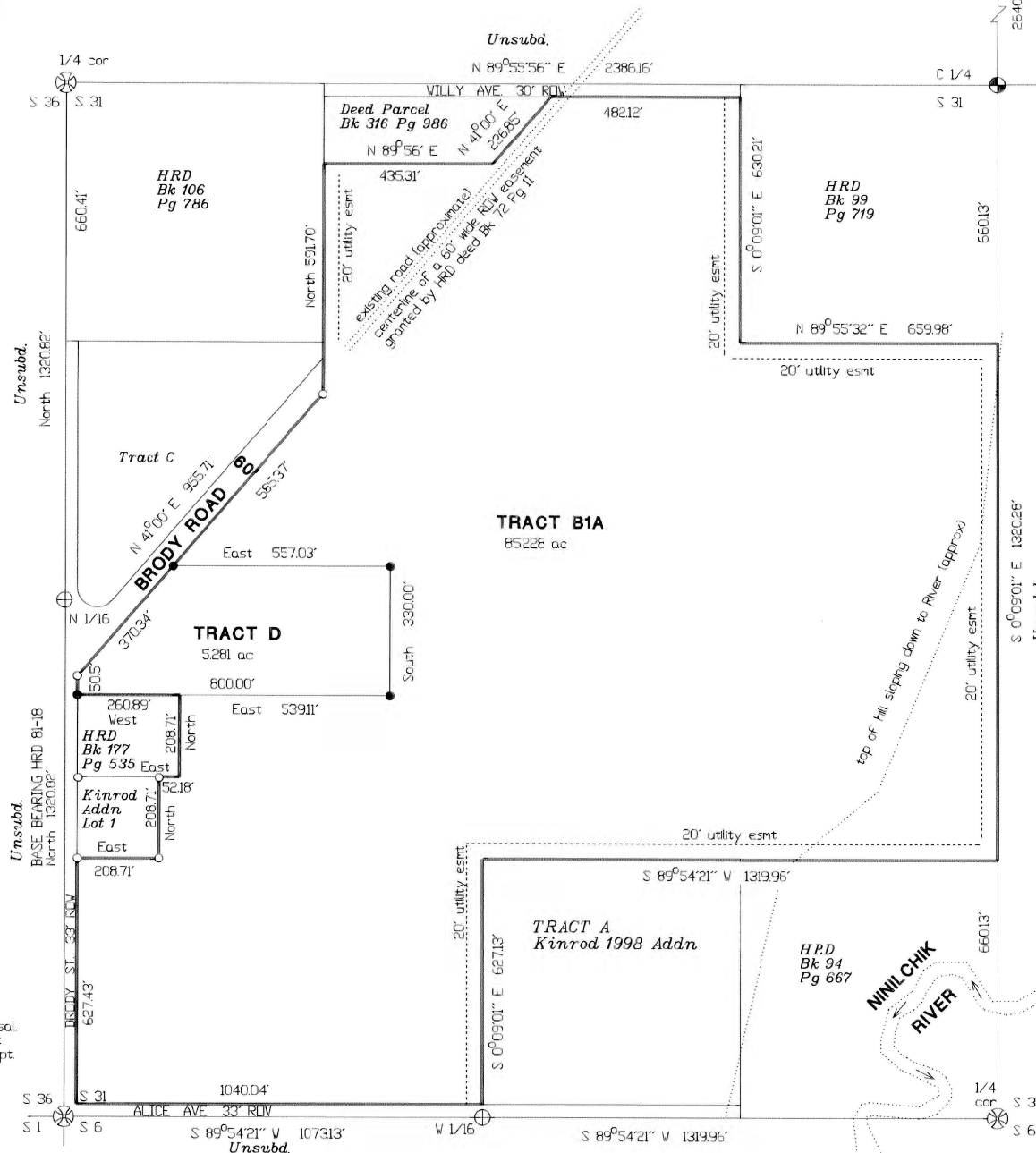


## LEGEND

- ⊗ - 1919 USGLD brass cap monument, found.
- ⊕ - 2 1/2" alcap monument, 7328-S, 1999, found.
- - 1/2" rebar lot corner, found.
- ⊙ - 2 1/2" alcap on 5/8"x 6" rebar, set.
- - 1/2"x 4" rebar with 1" plastic cap, set.
- └ - Lot corner position, not set.

## WASTEWATER DISPOSAL

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



## PLAT APPROVAL

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of 24 November, 2003.

KENAI PENINSULA BOROUGH

BY: Mary Ball 9/17/2004  
Authorized Official Date

## NOTES

1. A building setback of 20' from all street ROW's is required unless a lesser standard is approved by a resolution of the appropriate planning commission. Front 10' of building setback is also a utility easement as is the entire setback within 5' of side lot lines.
2. No permanent structure shall be constructed or placed within an easement which would interfere with the ability of a utility to use the easement.
3. Building setback to be 50' from unsurveyed lot lines until such time as the lot is fully surveyed and monumented.
4. KPB Planning Commission granted an exception to the extension of Brody Road and a partial survey & monumentation exception at the meeting of 24 Nov., 2003.

## OWNERSHIP CERTIFICATE

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

Joris Brody by Ricky J. Thompson  
Joris Brody P.O. Box 12 / Ninilchik, AK 99566  
By: Ricky J. Thompson, Attorney-In-Fact  
PLA recorded Kenai Records Serial # 2004-005249-0

## NOTARY'S ACKNOWLEDGEMENT

For Ricky J. Thompson  
Subscribed and sworn to before me this 25th  
day of August 2004.

adi L. Javers  
Notary Public For Alaska  
My commission expires 2/20/2007

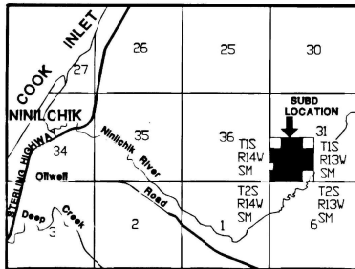


# KINROD 1999 ADDITION

A subdivision of Tract B Kinrod 1998 Addition (HRD 99-8).  
Located in the SW1/4 Section 31, T1S R13W, SM, Nulitichik, Alaska.

Homer Recording District KPB File 99-047

SCALE 1" = 200' AREA = 99.667 acres +/- 15 March, 1999



VICINITY 1" = 1 mile MAP

RECORDED-FILED  
HOMER RECORDING DIST.  
DATE 10/5/1999  
TIME 3:40 P M  
Requested by:  
Johnson Surveying  
Box 27  
Clan Gulch, AK 99568

## Prepared for

Rick Thompson  
P.O. Box 39311  
Nulitichik, AK 99639

## Prepared by

Johnson Surveying  
Box 27  
Clan Gulch, AK 99568

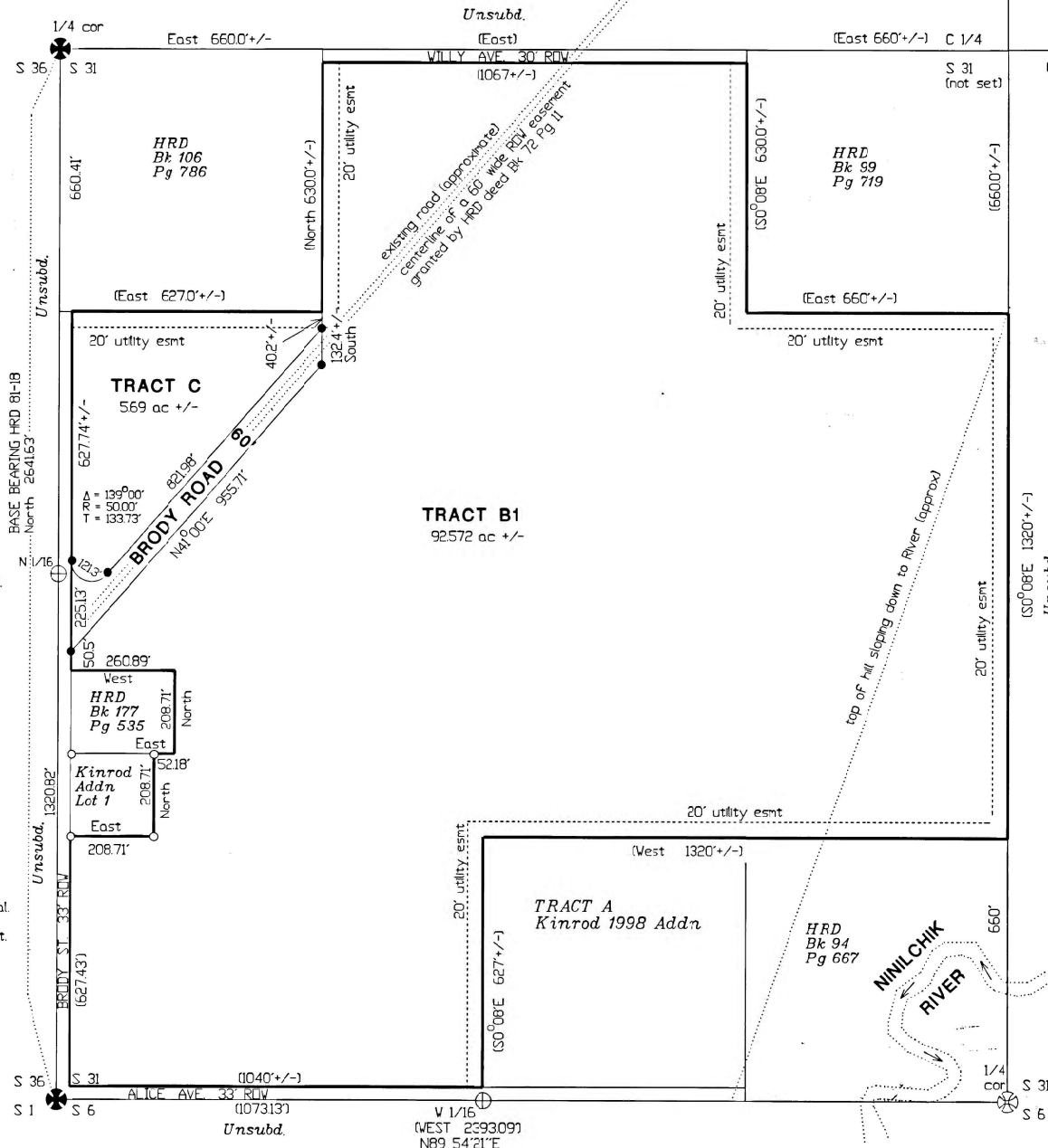


## LEGEND

- ✕ - 1919 USGLD brass cap monument. Found.
- - USGLD brass cap monument. record. 1919 USGLD.
- - 1/2" rebar lot corner. Found.
- ⊙ - 2 1/2" alcap monument record HRD 99-8.
- ⊕ - 2 1/2" x 30" alcap monument. set.
- ⊖ - Lot corner position. not set.
- - 1/2" x 4" rebar with 1" plastic cap. set.
- ( ) - Record information. HRD 98-8.

## WASTEWATER DISPOSAL

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



## PLAT APPROVAL

This plat was approved by the Kena Peninsula Borough Planning Commission at the meeting of 12 April, 1999.

KENAI PENINSULA BOROUGH

By: Max Best 10-5-99  
Authorized Official Date

## NOTES

1. A survey and monumentation waiver for Tract B1 and the north boundary of Tract C were granted by the KPB Planning Commission on 12 April, 1999. Unsurveyed information for these Tracts is as shown on plat HRD 99-8.
2. A building setback of 20' from all street ROW's is required unless a lesser standard is approved by a resolution of the appropriate planning commission. Front 10' of building setback is also a utility easement as is the entire setback within 5' of side lot lines.
3. No permanent structure shall be constructed or placed within an easement which would interfere with the ability of a utility to use the easement.
4. Building setback to be 50' from unsurveyed lot lines until such time as the lot is fully surveyed and monumented.

## OWNERSHIP CERTIFICATE

We hereby certify that we are the owners of the real property shown and described herein; and that we hereby adopt this plan of subdivision, and by our Free consent dedicate all ROW's to public use and grant all easements to the use shown.

William Brody  
William Brody P.O. Box 12 Nulitichik, AK 99639

Doris Brody  
Doris Brody P.O. Box 12 Nulitichik, AK 99639

## NOTARY'S ACKNOWLEDGEMENT

For: William & Doris Brody  
Subscribed and sworn to before me this 17th day of September, 1999.

Lela Jernison  
Lela Jernison  
Notary Public For Alaska

My commission expires 11/1/02

Lela Jernison

Lela J. Jernison, Notary Public  
State of Alaska  
My Commission Expires 11/1/2002



# KINROD 1998 ADDITION

A subdivision of the SW1/4 Section 31, T1S R13W, SM, Nnitchik, Alaska.  
Excluding Lot 1 Kinrod Addn. (HR 81-18) and deed parcels HRD Bk 94  
Pg 667, Bk 99 pg 719, Bk 106 pg 786, and Bk 177 pg 535.  
Honer Recording District KPB File 98-281

SCALE 1" = 200' AREA = 112.51 acres +/- 7 Nov, 1998

## PLAT APPROVAL

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of 14 December 1998.

KENAI PENINSULA BOROUGH

BY: Mary Beth March 15 1999  
Authorized Official Date

## NOTES

1. This is a paper plat compiled from information shown on USGLO 1919 Township Plat, HRD Plat 81-18, and HR Deeds Bk 94 pg 667, Bk 99 pg 719, Bk 106 pg 786, & Bk 177 pg 535, and a field survey of the south section line of section 31. A partial survey & monumentation waiver was granted by the KPB Planning Commission on 14 Dec. 1998.
2. A building setback of 20' from all street ROW's is required unless a lesser standard is approved by a resolution of the appropriate planning commission. Front 10' of building setback is also a utility easement as is the entire setback within 5' of side lot lines.
3. No permanent structure shall be constructed or placed within an easement which would interfere with the ability of a utility to use the easement.
4. Building setback to be 50' from unsurveyed lot lines until such time as the lot is fully surveyed and monumented.

## OWNERSHIP CERTIFICATE

We hereby certify that we are the owners of the real property shown and described herein; and that we hereby adopt this plan of subdivision, and by our Free consent dedicate all ROW's to public use and grant all easements to the use shown.

William Brody  
William Brody P.O. Box 12 Nnitchik, Ak 99639

Doris Brody  
Doris Brody P.O. Box 12 Nnitchik, Ak 99639

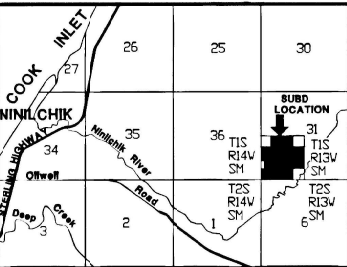
## NOTARY'S ACKNOWLEDGMENT

For: William & Doris Brody  
Subscribed and sworn to before me this 28th

day of Jan. 1999.

Shirley A. Schmitt  
Notary Public for Alaska

My commission expires 1/25/2001



VICINITY 1" = 1 mile MAP

99-8  
**RECORDED FILED**  
HOMER RECORDING DIST.  
DATE 3/16/1999  
TIME 1:17 P.M.  
Requested by:  
Johnson Surveying  
Box 27  
Clam Gulch, Ak 99568

## Prepared for

Brian Tibbs  
P.O. Box 452  
Kenai, Ak 99561

## Prepared by

Johnson Surveying  
Box 27  
Clam Gulch, Ak 99568

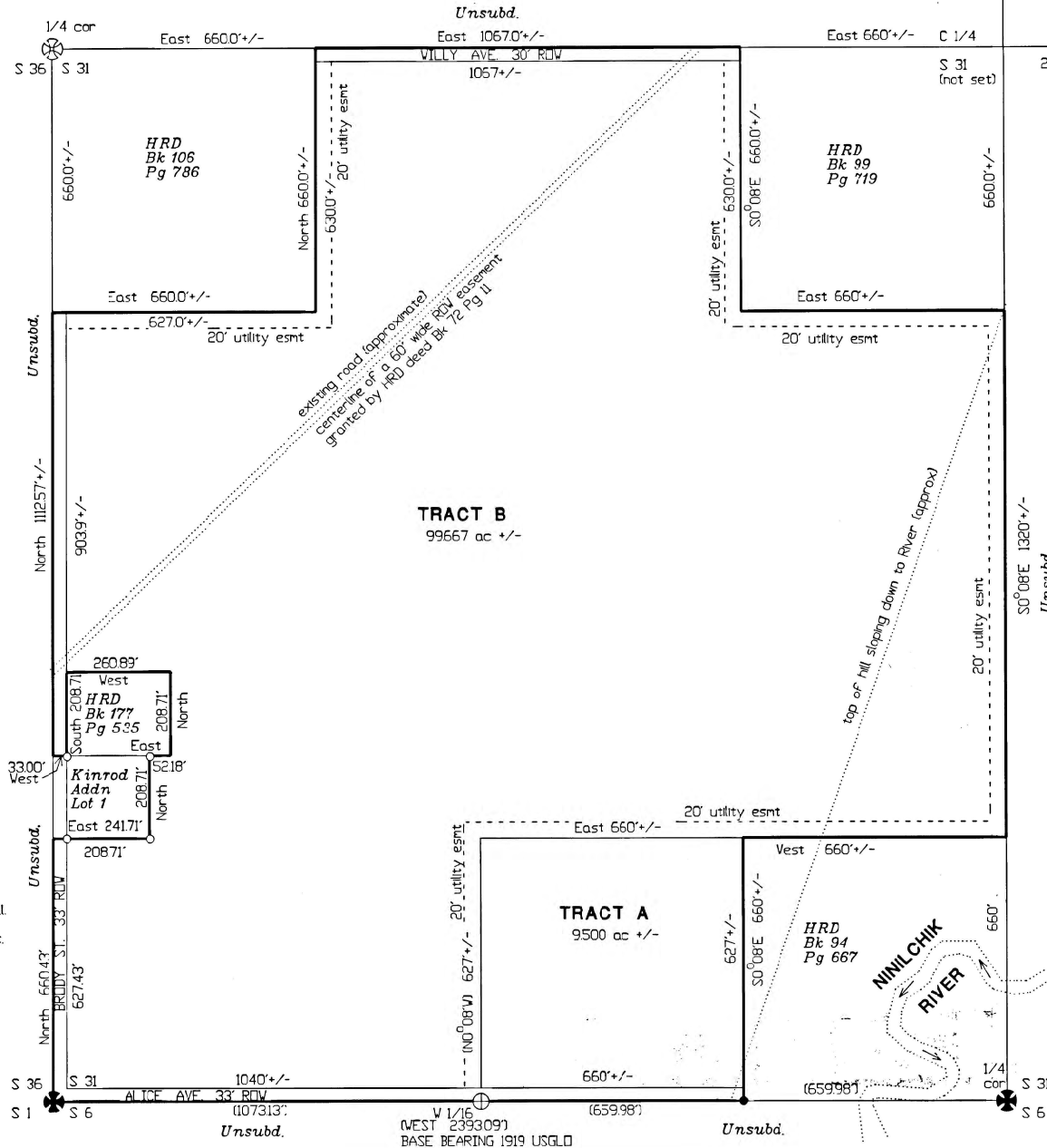


## LEGEND

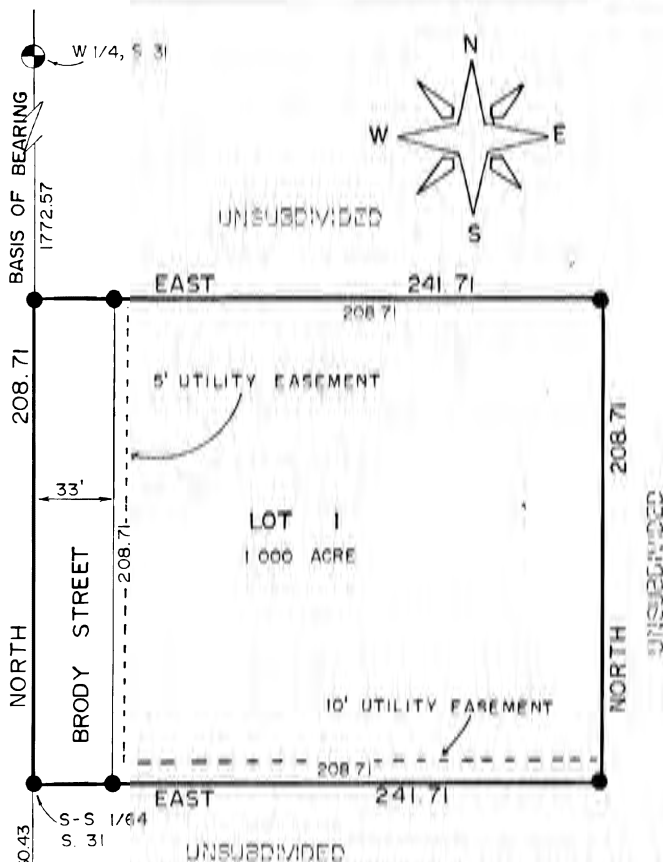
- ✱ - 1919 USGLO brass cap monument, Found.
- ⊗ - USGLO brass cap monument, record, 1919 USGLO.
- - 1/2" rebar lot corner, record, plat HRD 81-18.
- ⊕ - 2 1/2" x 30" alcap monument, set.
- ⊙ - Lot corner position, not set.
- - 1/2" x 4" rebar with 1" plastic cap, set.
- ( ) - Indicates measurement made this survey.
- +/- - Indicates information derived from USGLO 1919.

## WASTEWATER DISPOSAL

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



UNSUBDIVIDED



#### CERTIFICATE OF OWNERSHIP

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

Doris D. Brody  
DORIS D. BRODY, BOX 12, NINILCHIK, AK. 99639

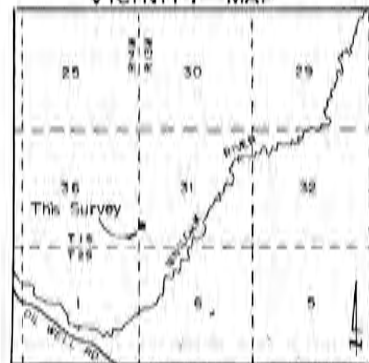
#### NOTARY'S ACKNOWLEDGEMENT

SUBSCRIBED AND SWORN BEFORE ME THIS 24<sup>th</sup> DAY OF February, 1981.

Virginia L. Wilson  
NOTARY PUBLIC FOR ALASKA  
MY COMMISSION EXPIRES 2-26-82

State of Alaska  
NOTARY PUBLIC  
VIRGINIA L. WILSON  
MY COMMISSION EXPIRES FEB. 26, 1982

#### VICINITY MAP



SCALE: 1" = 1 MILE

#### LEGEND:

- SET 1/2" REBAR
- ⊙ FOUND GLO BC, 1915

#### NOTES:

- 1 ALL WASTEWATER DISPOSAL SYSTEMS SHALL COMPLY WITH EXISTING APPLICABLE LAWS AT THE TIME OF CONSTRUCTION.
- 2 THE STATE OF ALASKA REQUIRES THAT ALL WASTEWATER DISPOSAL SYSTEMS BE A MINIMUM OF 100' FROM ANY WATER SOURCE.
- 3 A SETBACK OF 20' IS REQUIRED FROM ALL STREET RIGHTS-OF-WAY UNLESS A LESSER STANDARD IS APPROVED BY A RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.

#### PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF July 22, 1980.

KENAI PENINSULA BOROUGH  
BY: Jeffrey B. Loh  
AUTHORIZED OFFICIAL

#### CERTIFICATE OF OWNERSHIP

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

William Brody  
WILLIAM BRODY  
BOX 12  
NINILCHIK, AK. 99639

#### NOTARY'S ACKNOWLEDGEMENT

SUBSCRIBED AND SWORN BEFORE ME THIS 24<sup>th</sup> DAY OF February, 1981.

Virginia L. Wilson  
NOTARY PUBLIC FOR ALASKA  
MY COMMISSION EXPIRES 2-26-82

State of Alaska  
NOTARY PUBLIC  
VIRGINIA L. WILSON  
MY COMMISSION EXPIRES FEB. 26, 1982

#### KINROD ADDITION

LOCATED WITHIN THE SW 1/4 SW 1/4, S-31, T1S, R13W, S.M., HOMER RECORDING DISTRICT, ALASKA. CONTAINING 1.158 AC.



SURVEYED BY: DONALD E. MULLIKIN, RLS  
JULY 1980 SCALE 1" = 50'

MULLIKIN SURVEYS  
PO. BOX 790 HOMER, AK

81-18

FILED 10-  
Homer REC. DIST.

DATE 3-10- 1981  
TIME 8:39 A.M.  
Requested by J.P. Burroughs  
Address Saladina

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

- 1. McCorison Subdivision  
KPB File 2017-166  
[Peninsula Surveying / Tilbury]  
Location: Brody Rd & Alice Ave,  
Ninilchik area**



## AGENDA ITEM E. SUBDIVISION PLAT PUBLIC HEARINGS

1. McCorison Subdivision  
KPB File 2017-166 [Peninsula Surveying / Tilbury]

### STAFF REPORT

Plat Committee Meeting: 1/22/18

Location:	off Brody Road, Ninilchik
Proposed Use:	Residential
Water/Sewer:	On-site
Zoning:	Unrestricted
Assessing Use:	Vacant
Parent Parcel Number(s):	157-130-11, 157-130-13, 157-130-34, 157-130-35

### Supporting Information:

The proposed subdivision replats two deed parcels and two tracts into a tract containing 2.5 acres and a tract containing approximately 107 acres. A soils report is required for Tract B3, and an engineer will sign the plat. Tract B3 fronts constructed Brody Road. Tract B2 fronts the KPB maintained portion of Brody Road and constructed Alice Avenue.

Per the preliminary Certificate to Plat, beneficial interest holders do not affect the proposed plat. Notification per KPB 20.25.090 will not be required unless the final Certificate to Plat states the property is affected by beneficial interest holders.

The property is not within an advisory planning commission.

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

Exception Requested: KPB 20.30.030 (proposed street layout – requirements) and KPB 20.30.170 (block length).

Staff Discussion: In this case, the exception to dedicating new right-of-way and block length are closely related. Findings for dedicating new right-of-way and block length will be the same so the exceptions can be combined.

The preliminary plat shows slopes greater than 20 percent affect the area adjoining the Ninilchik River; however, KPB GIS 4-foot contours indicate other areas of the subdivision are also affected by slopes greater than 20 percent. Staff requested additional information from the surveyor.

### **Findings**

1. Per the submittal and KPB GIS 4-foot contours, the proposed plat is affected by slopes greater than 20 percent.
2. The Ninilchik River, which is protected by KPB 21.18, flows through the southeastern portion of Tract B2.
3. The Planning Commission conditionally approved vacating the 30-foot wide Willy Avenue along the northern boundary of Tract B2 on January 8, 2018.
4. The adjoining Ninilchik Native Association parcels (160 acres to the east, 385 acres to the south) front the KPB maintained portion of Brody Road, KPB maintained River View Drive, Bishop Street, and a constructed section line easement common with Sections 31 and 32, T1S R13W.
5. Tract A, HM 99-8, has access off Alice Avenue.
6. The 112-acre privately owned parcel to the north has access off Brody Road.
7. The 10-acre remainder of Government Lot 3 west of Tract B3 has access off Brody Road.
8. The 2-acre deed parcel adjoining the northern boundary of Tract B3 has access off Brody Road.

Page 1 of 7



- and the remaining portion of Willy Avenue west of Brody Road.
9. Lot 1, HM 81-18, and the adjoining deed parcel on its northern boundary have access off the KPB maintained portion of Brody Road.
  10. Tract B2 contains approximately 107 acres; Tract B3 contains 2.5 acres.
  11. Per the River Center review, the subdivision is not affected by a mapped flood hazard zone.
  12. The proposed plat is subject to a 66-foot section line easement along its southern boundary.
  13. New right-of-way can be obtained when Tracts B2 and B3 are subdivided into smaller tracts.
  14. No adjoining or adjacent acreage parcels will be denied access.

Staff reviewed the exception request and recommends granting approval with the exception of the remaining portion of the Brody Road Public Access Easement (see section 20.30.030). The **owners are put on notice** that subdivision of either Tract B2 or Tract B3 into smaller tracts or lots may require new right-of-way dedications per KPB Code.

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

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

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

1. That special circumstances or conditions affecting the property have been shown by application;  
**Findings 1-14 appear to support this standard.**
2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title;  
**Findings 1-14 appear to support this standard.**
3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.  
**Findings 3-14 appear to support this standard.**

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

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

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

*Platting Staff Comments: Three subdivided tracts comprise the subdivision in addition to two deed parcels. The previously subdivided tracts were all named Kinrod (Kinrod 1998 Addition, Kinrod 1999 Addition, and Kinrod 2003 Addition) and ranged in size from 5 to 100 acres, or a majority of the acreage within the subject replat.*

**Staff recommends** the subdivision's name be revised to reflect the parent plat's name, such as Kinrod McCorison Addition, or Kinrod McCorison 2018 Replat. The name Kinrod can be placed above McCorison in the title block and be in a smaller font.

Placing Kinrod before McCorison in the plat's name will allow it to be grouped with the previous replats of the Kinrod property in the district recorder's database, thus making future property research easier.

- F. The names and widths of public streets and alleys and easements, existing and proposed, within the subdivision;  
*Platting Staff Comments:* **Staff recommends** the 33-foot wide section line easement affecting the southern boundary be shown and labeled.

*Per the Certificate to Plat, the proposed plat is affected by an ingress/egress easement recorded in Book 99 Page 722. This is an exclusive 30-foot wide easement along the northern boundary of former Government Lot 3 and the E1/2SW1/4. The easement appears to have been granted in the same location as Willy Avenue. The recent vacation of Willy Avenue east of Brody Road did not vacate anything other than Willy Avenue right-of-way. Staff recommends the surveyor confirm if the ingress/egress easement still affects the proposed plat, and if so, show and label it with the recording information. This may be considered a merger of title situation now that all properties are under one common ownership.*

- G. Status of adjacent lands, including names of subdivisions, lot lines, block numbers, lot numbers, rights-of-way; or an indication that the adjacent land is not subdivided;  
*Platting Staff Comments:* **Staff recommends** the unsubdivided labels be replaced with the Government Lots along the southern boundary and north of the label for the deed parcel per Book 106 Page 786.

- M. Approximate locations of slopes over 20 percent in grade and if contours are shown, the areas of the contours that exceed 20 percent grade shall be clearly labeled as such;  
*Platting Staff Comments:* KPB GIS 4-foot contours indicate more of the proposed plat is affected by slopes greater than 20 percent besides the area adjoining the Ninilchik River. Staff requested additional information from the surveyor.

#### KPB Department/Agency Review Comments

- KPB Addressing Officer: Road names are approved, please label Kinrod Street.
- KPB Code Compliance: No comments.
- KPB Planner: No material site or local option zone issues.
- State Parks: No comments.

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

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

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

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

*Platting Staff Comments:* The portion of Brody Road that extends through the proposed plat is per a document titled Grant of Right of Way Easement that was recorded in Book 72 Pages 11-12 HRD. Three previous replats of the property (Kinrod 1998 Addition, Kinrod 1999 Addition, and Kinrod 2003 Addition) show Brody Road as a 60-foot wide ROW easement. Kinrod 1999 Addition formally dedicated a portion

Page 3 of 7



of the right-of-way easement as a fee right-of-way and showed the remainder of Brody Road with a standard easement depiction (dashed lines).

The current surveyor interpreted the right-of-way easement per the recorded document as having already dedicated Brody Road through the proposed subdivision. Staff reviewed the granting document, Bk 72 Page 11 HRD and as listed as Item 5 within the Certificate to Plat and feels this is indeed a grant of a 60-foot wide easement to be used as a public right-of-way. No fee interest was transferred with said document.

**Staff recommends** a 60-foot wide right-of-way be dedicated on top of the existing easement from the current end of the Brody Road dedication to the north boundary of the property.

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

*State Department of Transportation Comments:* No comment, not adjacent to a AKDOT managed Right of Way.

#### 20.30.060. Easements-Requirements.

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

*Platting Staff Comments:* ASC asked for the front 15 feet of the building setback and the entire setback within 5 feet of side lot lines also be a utility easement.

HEA asked for the front 10 feet of the building setback to be a utility easement.

ENSTAR submitted a statement of no comments.

**Staff recommends** compliance with 20.30.060.

#### 20.30.070. Lots on major streets-Access requirements.

Lots fronting on arterial streets with less than 200 feet of right-of-way as identified in the arterial road plan adopted by the borough or lots fronting on state maintained roads with less than 200 feet of right-of-way may be required to provide interior or frontage road access after review and recommendation by the Kenai Peninsula Borough Road Service Area staff and upon a finding by the planning commission that due to size, topography, physical characteristics, or heavy traffic flow, that direct access to the arterial or state maintained road may present a traffic hazard.

*KPB Roads Department Comments:* No comments.

#### 20.30.120. Streets-Width requirements.

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

*Platting Staff Comments:* The parent plat provided the existing 33-foot dedication for Alice Avenue and the 33-foot dedication for Brody Road along the southwestern boundary of Tract B2. Tract A, HM 99-8, uses Alice Avenue for access.

The parcel west of Brody Road dedicated by the parent plat contains 640 acres; the parcel south of Alice Avenue contains 385 acres. Both rights-of-way overlie section line easements.

#### 20.30.180. Pedestrian ways required when.

Pedestrian ways not less than 8 feet wide shall be required in blocks longer than 600 feet where reasonably deemed necessary to provide circulation or access to schools, playgrounds, shopping centers, transportation or other community facilities.

*Platting Staff Comments: The section line easement can serve as a pedestrian way depending on terrain constraints.*

20.30.220. Lots-Side line requirements.

Where reasonable, side lines of lots shall be at right angles to straight portions of the right-of-way or radial to curved portions of the right-of-way.

*Platting Staff Comments: The shape of Tract B2 is dictated by previous adjoining replats of the property.*

20.30.280. Floodplain requirements.

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

*The slope greater than 20 percent adjoining the Ninilchik River may protect the rest of the property from occasional inundation due to storm or high water events.*

20.30.290. Anadromous habitat protection district.

If any portion of a subdivision or replat is located within an anadromous habitat protection district, the plat shall contain the following note:

**ANADROMOUS HABITAT PROTECTION DISTRICT NOTE:**

Portions of this subdivision are within the Kenai Peninsula Borough 50-foot Anadromous Habitat Protection District. See KPB Chapter 21.18, as may be amended, for restrictions that affect development in this subdivision.

*Platting Staff Comments: Per River Center review, the proposed plat is affected by the Habitat Protection District. **Staff recommends** compliance with 20.30.290.*

**KPB 20.60 – Final Plat**

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

20.60.020. Filing-Form and number of copies required.

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

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

20.60.030. Certificate of borough finance department required.

*Platting Staff Comments: All taxes levied on the property within the subdivision shall be paid prior to recordation of the final plat.*

*If approval is sought between January 1 and the tax due date, there shall be on deposit with the borough finance department an amount sufficient to pay the entire estimated real property tax for the current year. Prior to filing of the final plat, a certificate to this effect shall be provided by the borough finance director or his designee upon request by the planning director. Estimated tax payments shall be applied to the actual bill as of July 1 or such earlier date as the taxes due have been determined.*

*Taxes owed may include special assessments for utility or road assessment districts established by KPB ordinance.*

**Staff recommends** compliance with 20.60.030.

20.60.120. Accuracy of measurements.

All linear measurements shall be shown to the nearest 1/10 foot, and angular measurements shall be at least to the nearest minute. All lot areas shall be shown to the nearest 10 square feet or to the nearest



1/1,000 of total acres. Meander lines, dry land areas and submerged land areas shall be shown in addition to total area when applicable. All boundary closures shall be to a minimum accuracy of 1:5,000. Boundary and lot closure computations must be submitted with the final plat.

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

20.60.160. Easements.

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

*Platting Staff Comments: **Staff recommends** a plat note be provided for the general easement of record granted to Homer Electric Association including the recording information.*

20.60.200. Survey and monumentation.

*Platting Staff Comments: **Staff recommends** compliance with 20.60.200; insure all 16<sup>th</sup> corners on the plat boundary lines are either recovered or set.*

KPB 20.70 – Vacation Requirements

*Platting Staff comments: The Planning Commission conditionally approved vacation of Willy Avenue east of Brody Road on January 8, 2018. Staff recommended approval of the vacation subject to:*

1. *Consent of the proposed vacation by the KPB Assembly.*
2. *No written objection to the proposed vacation from Cook Inlet Region, Inc.*
3. *No written objection to the proposed vacation from Ninilchik Native Association.*
4. *No objection from the utility providers.*
5. *Grant the utility easements requested by the utility providers.*
6. *Submittal of a final plat in accordance with KPB Title 20 within a timeframe that will allow recordation of the plat within one year of vacation consent.*

**Staff recommends** the date the Planning Commission approved the vacation of Willy Avenue be included in the vacation label or in a plat note.

**THE FINAL PLAT MUST BE RECORDED WITHIN ONE YEAR OF THE VACATION CONSENT IN KPB 20.70.110.**

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

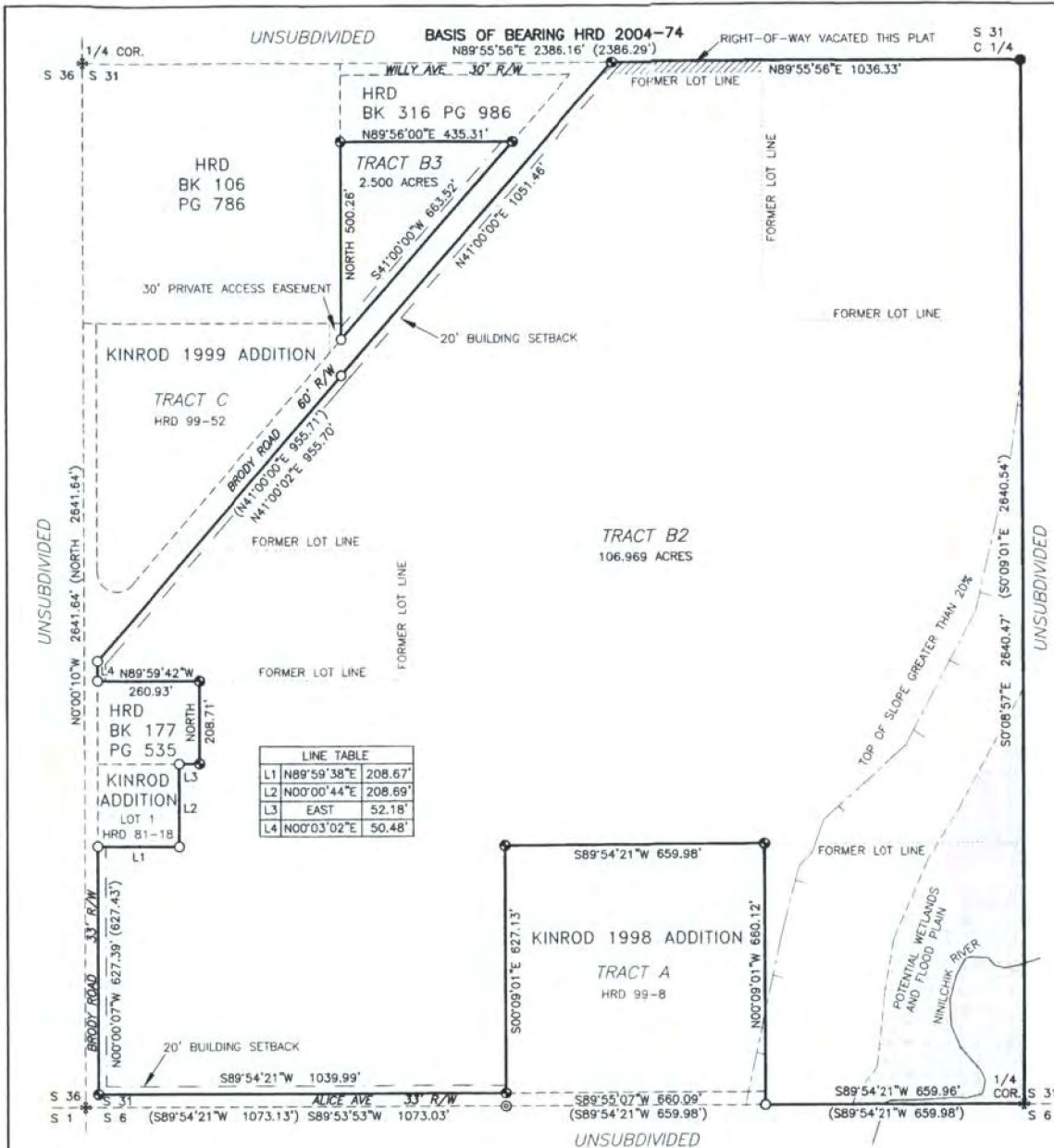
- **GRANT APPROVAL OF THE PRELIMINARY PLAT SUBJECT TO ANY ABOVE RECOMMENDATIONS, AND**
- **COMPLIANCE WITH KPB 20.25.070 (FORM AND CONTENTS), KPB 20.25.080 (PETITION REQUIRED), KPB 20.30 (DESIGN REQUIREMENTS); AND KPB 20.40 (WASTEWATER DISPOSAL), AND**
- **COMPLIANCE WITH KPB 20.60 TO ENSURE ADMINISTRATIVE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

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

**A PARTY OF RECORD MAY REQUEST THAT A DECISION OF THE PLAT COMMITTEE BE REVIEWED BY THE PLANNING COMMISSION BY FILING A WRITTEN REQUEST WITHIN 10 DAYS OF NOTIFICATION OF THE DECISION IN ACCORDANCE WITH KPB 2.40.080.**

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

END OF STAFF REPORT



#### NOTES

1. A BUILDING SETBACK OF 20' IS REQUIRED FROM ALL STREET RIGHT-OF-WAYS UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
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. ANY PERSON DEVELOPING THIS PROPERTY IS RESPONSIBLE FOR OBTAINING ALL REQUIRED LOCAL, STATE, AND FEDERAL PERMITS, INCLUDING A U.S. ARMY CORPS OF ENGINEERS WETLAND DETERMINATION IF APPLICABLE.

#### LEGEND

- FOUND 1/2" REBAR
- FOUND 2.5" ALUMINUM MONUMENT, 7328-S, 2003
- FOUND 2.5" ALUMINUM MONUMENT, 7328-S, 1999
- ⊕ FOUND USQLO BRASS CAP MONUMENT, 1919
- ⊕ SET 3/8" X 36" REBAR WITH 2.5" ALUMINUM CAP, 14488-S, 2018
- ( ) RECORD DATA HRD 2004-74



#### CERTIFICATE OF OWNERSHIP AND DEDICATION

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND THAT WE HEREBY ADOPT THIS PLAN OF SUBDIVISION AND BY OUR FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND GRANT ALL EASEMENTS TO THE USE SHOWN.

STEVEN A. TILBURY  
PO BOX 39061, NINILCHIK, AK 99639

PATRICIA E. TILBURY  
PO BOX 39061, NINILCHIK, AK 99639

#### NOTARY ACKNOWLEDGMENT

FOR: STEVEN A. TILBURY  
ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018

NOTARY PUBLIC FOR ALASKA  
MY COMMISSION EXPIRES: \_\_\_\_\_

#### NOTARY ACKNOWLEDGMENT

FOR: PATRICIA E. TILBURY  
ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018

NOTARY PUBLIC FOR ALASKA  
MY COMMISSION EXPIRES: \_\_\_\_\_

#### WASTEWATER DISPOSAL TRACT B2

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

#### WASTEWATER DISPOSAL TRACT B3

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 QUALIFIED ENGINEER, REGISTERED TO PRACTICE IN ALASKA, AND THE DESIGN MUST BE APPROVED BY THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

#### PLAT APPROVAL

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

KENAI PENINSULA BOROUGH

BY: \_\_\_\_\_  
AUTHORIZED OFFICIAL

KPB FILE NUMBER

#### PENINSULA SURVEYING, LLC

10535 KATRINA BOULEVARD  
NINILCHIK, AK 99639

#### PLAT OF MCCORSON SUBDIVISION

A SUBDIVISION OF  
TRACT B1A AND TRACT D KINROD 2003 ADDITION, HRD  
2004-74 AND THE SE1/4 SE1/4 SW1/4 OF SECTION 31  
AND THE NE1/4 NE1/4 SW1/4 OF SECTION 31  
LOCATED WITHIN  
SW1/4 SEC. 31, T.15., R.13W., S.M.  
HOMER RECORDING DISTRICT  
KENAI PENINSULA BOROUGH  
CONTAINING 106.969 ACRES

OWNERS: STEVEN A. TILBURY AND PATRICIA E. TILBURY  
PO BOX 39061, NINILCHIK, AK 99639

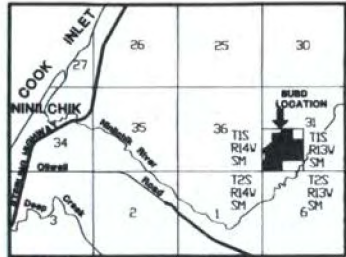
SCALE: 1" = 200'

DATE: 11/12/2017

DRAWN: JLS

SHEET: 1 OF 1





VICINITY 1" = 1 mile MAP

**2004-74**  
**RECORDED-FILED**  
**HONOR** Rec. District  
 DATE **9/17** 2004  
 TIME **9:57 AM**  
 Requested by:  
 Johnson Surveying  
 Box 27  
 Chan Gulch, Ak 99568

**Prepared for**

Ted Thorson  
 P.O. Box 620130  
 Woodside, CA 94062

**Prepared by**

Johnson Surveying  
 Box 27  
 Chan Gulch, Ak 99568



**LEGEND**

- ⊗ - 1919 USGLD brass cap monument, Found
- ⊕ - 2" alcap monument, 7328-S, 1999, Found
- - 1/2" rebar lot corner, Found
- ⊙ - 2" alcap on 5/8"x 6" rebar, set
- - 1/2"x 4" rebar with 1" plastic cap, set
- Lot corner position, not set.

**WASTEWATER DISPOSAL**

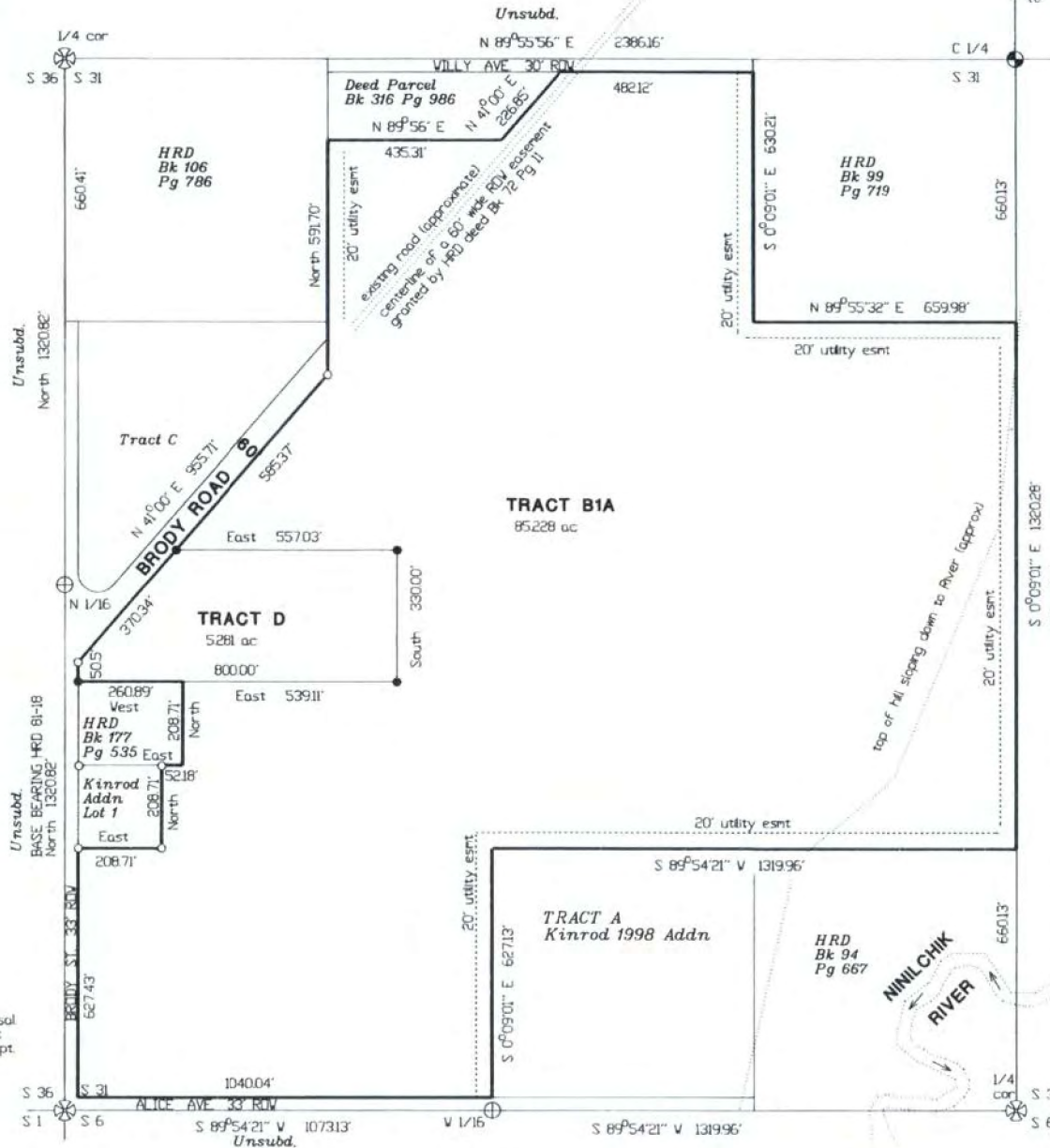
These lots are at least 200,000 square feet or nominal 5 acres in size and conditions may not be suitable for onsite wastewater treatment and disposal. Any wastewater treatment or disposal systems must meet the regulatory requirements of the Alaska Dept. of Environmental Conservation.

**KINROD 2003 ADDITION**

A subdivision of Tract B1 Kinrod 1999 Addition (HRD 99-52)  
 Located in the SW1/4 Section 31, T1S R13W, S1M, Niniichik, Alaska.

Honor Recording District KPB File 2003-262

**SCALE 1" = 200'** **AREA = 90.509 acres**  
**30 October, 2003**



**PLAT APPROVAL**

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of 24 November, 2003

KENAI PENINSULA BOROUGH

BY: Mary Jell 9/17/2004  
 Authorized Official Date

**NOTES**

1. A building setback of 20' from all street RDV's is required unless a lesser standard is approved by a resolution of the appropriate planning commission. Front 10' of building setback is also a utility easement as is the entire setback within 5' of side lot lines.
2. No permanent structure shall be constructed or placed within an easement which would interfere with the ability of a utility to use the easement.
3. Building setback to be 50' from unsurveyed lot lines until such time as the lot is fully surveyed and monumented.
4. KPB Planning Commission granted an exception to the extension of Brody Road and a partial survey & monumentation exception at the meeting of 24 Nov. 2003.

**OWNERSHIP CERTIFICATE**

I hereby certify that I am the owner of the real property shown and described hereon and that I hereby adopt this plan of subdivision, and by my Free consent grant all easements to the use shown.

Doris Brody (by Ricky J. Thompson)  
 Doris Brody P.O. Box 12, Niniichik, AK 99568  
 By: Ricky J. Thompson, Attorney-In-Fact  
 P.O.A. recorded Kenai Records Serial # 2004-005249-0

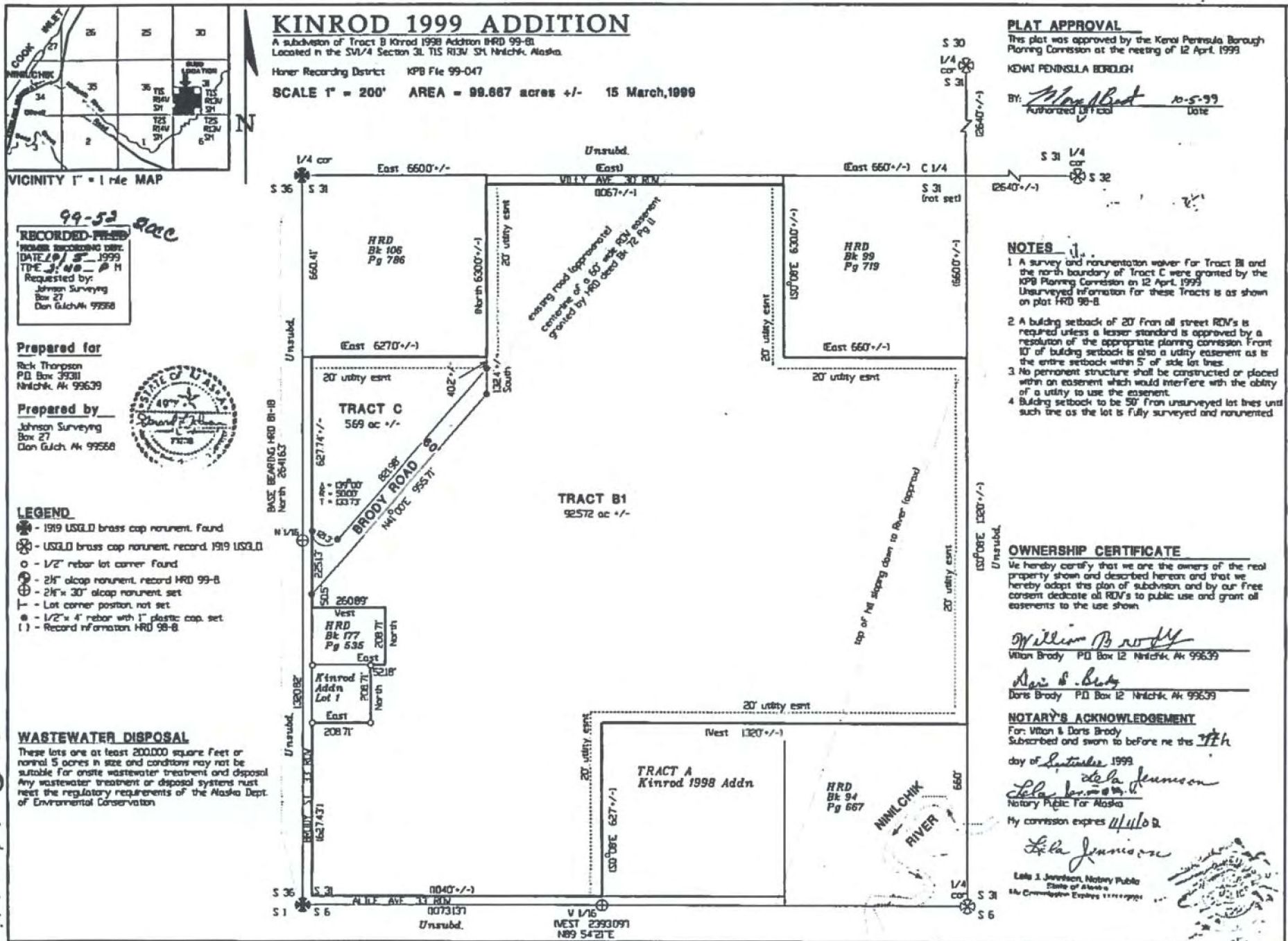
**NOTARY'S ACKNOWLEDGEMENT**

For Ricky J. Thompson  
 Subscribed and sworn to before me this 25th

day of August 2004.

odi L. Jowers  
 Notary Public for Alaska

My commission expires 2/28/2007









W 1/4, S 31

UNSUBDIVIDED

1772.57

208.71

EAST 241.71

208.71

5' UTILITY EASEMENT

33'

LOT 1  
1.000 ACRE

10' UTILITY EASEMENT

208.71

EAST 241.71

UNSUBDIVIDED

660.43

5-S 1/64  
S 31

UNSUBDIVIDED

336 S 31  
S 1 S 6

81-18

FILED 10-  
Homer REC. DIST.

DATE 3-10-81

TIME 8:39 A.M.

WITNESSES  
J.P. Bergh  
L. Wilson

CERTIFICATE OF OWNERSHIP

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

Doris D. Brody

DORIS D. BRODY, BOX 12, NINILCHIK, AK. 99639

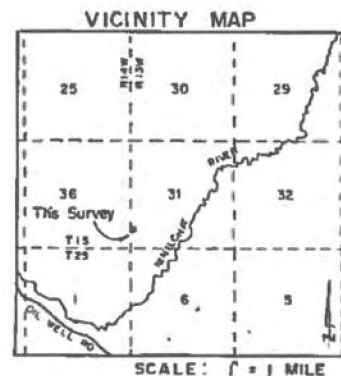
NOTARY'S ACKNOWLEDGEMENT

SUBSCRIBED AND SWORN BEFORE ME THIS 24<sup>th</sup> DAY OF February, 1981

Virginia L. Wilson

NOTARY PUBLIC FOR ALASKA  
MY COMMISSION EXPIRES: 2-26-82

State of Alaska  
NOTARY PUBLIC  
VIRGINIA L. WILSON  
MY COMMISSION EXPIRES FEB. 26 1982



LEGEND:

- SET 1/2" REBAR
- ⊙ FOUND GLO BC, 1919

NOTES:

1. ALL WASTEWATER DISPOSAL SYSTEMS SHALL COMPLY WITH EXISTING APPLICABLE LAWS AT THE TIME OF CONSTRUCTION.
2. THE STATE OF ALASKA REQUIRES THAT ALL WASTEWATER DISPOSAL SYSTEMS BE A MINIMUM OF 100' FROM ANY WATER SOURCE.
3. A SETBACK OF 20' IS REQUIRED FROM ALL STREET RIGHTS-OF-WAY UNLESS A LESSER STANDARD IS APPROVED BY A RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF July 22, 1980

KENAI PENINSULA BOROUGH  
BY: Jeffrey B. Lohr  
AUTHORIZED OFFICIAL

CERTIFICATE OF OWNERSHIP

I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I HEREBY ADOPT THIS PLAN OF SUBDIVISION, AND DEDICATE ALL RIGHTS-OF-WAY TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN

William Brody  
WILLIAM BRODY  
BOX 12  
NINILCHIK, AK 99639

NOTARY'S ACKNOWLEDGEMENT

SUBSCRIBED AND SWORN BEFORE ME THIS 4<sup>th</sup> DAY OF December, 1980

Virginia L. Wilson  
NOTARY PUBLIC FOR ALASKA  
MY COMMISSION EXPIRES: 2-26-82  
State of Alaska  
NOTARY PUBLIC  
VIRGINIA L. WILSON  
MY COMMISSION EXPIRES FEB. 26 1982

KINROD ADDITION

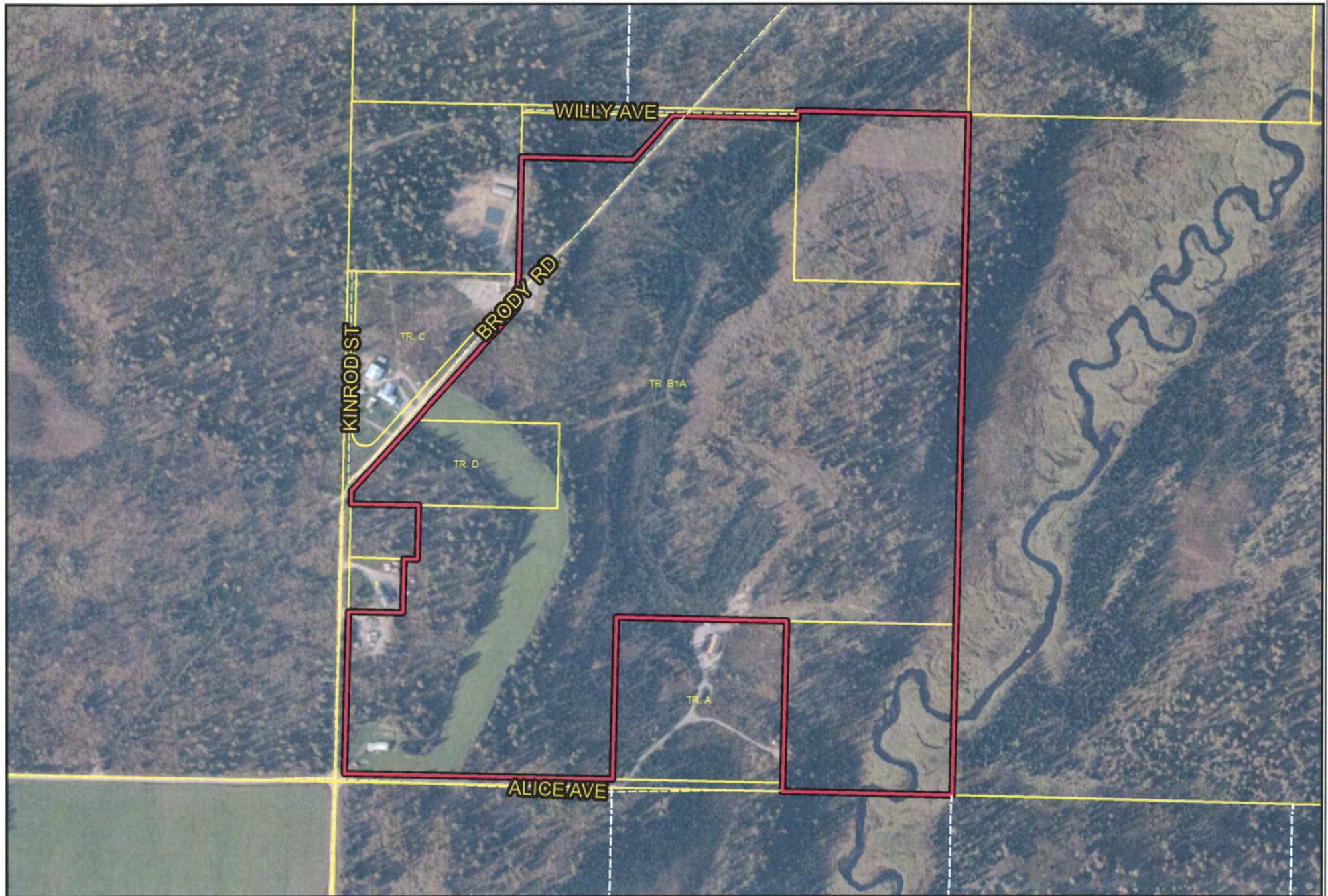
LOCATED WITHIN THE SW 1/4 SW 1/4, S-31, T1S, R13W, S.M., HOMER RECORDING DISTRICT, ALASKA. CONTAINING 1.158 AC.



SURVEYED BY: DONALD E. MULLIKIN, RLS  
JULY 1980 SCALE 1" = 50'

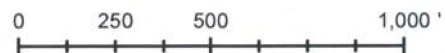
MULLIKIN SURVEYS  
P.O. BOX 790 HOMER, AK





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

### Aerial View



PRELIMINARY PLAT



Kenai Peninsula Borough  
Planning Department

McCorison Subdivision

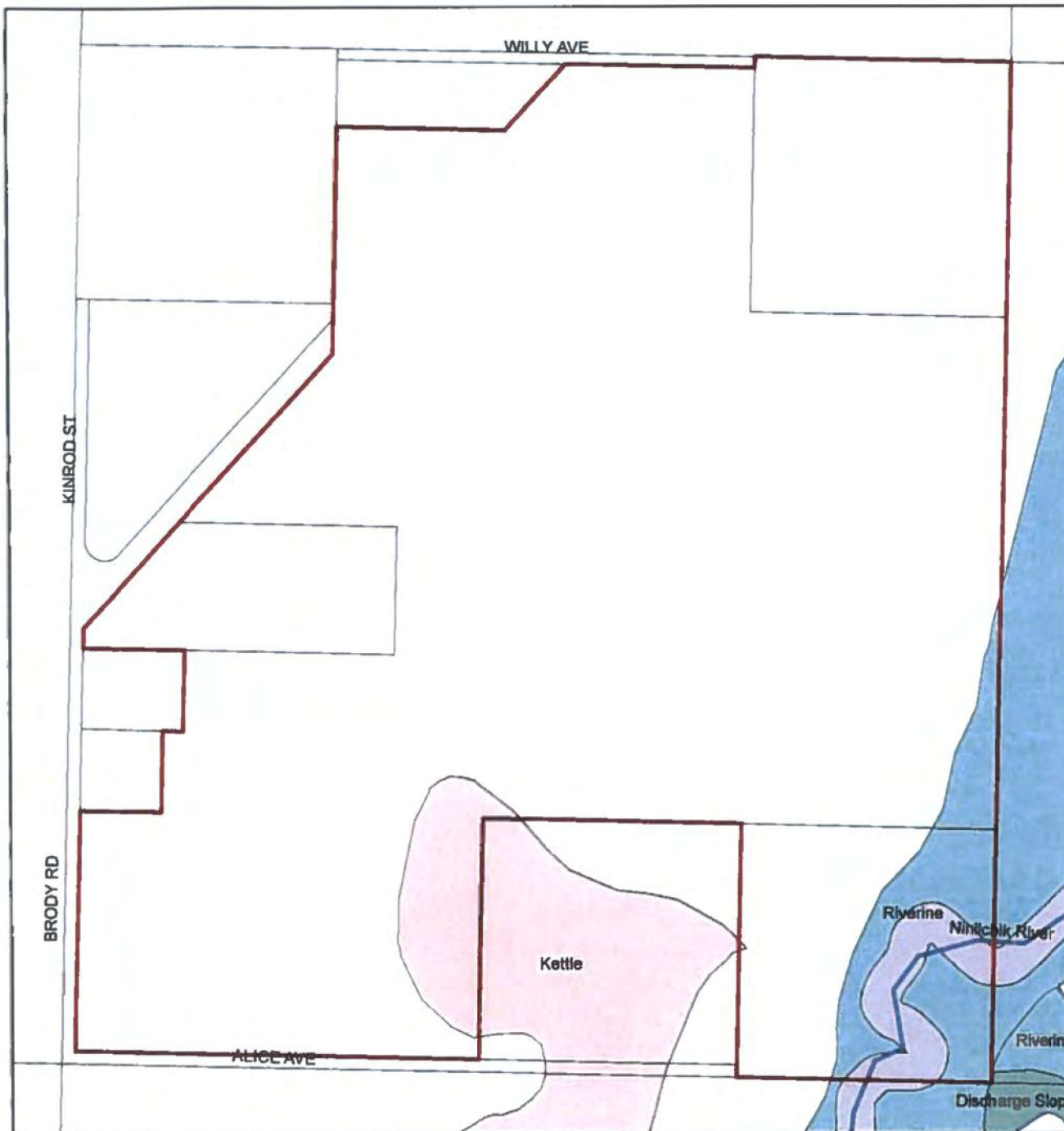
# Ecosystems

-  DISTURB
-  Depression
-  Discharge Slope
-  Drainageway
-  Floating Island
-  Headwater Fen
-  Kettle
-  LAKE
-  Lakebed
-  Late Snow Plateau
-  Riverine
-  Tidal
-  Wetland / Upland Complex
-  Habitat Protection District
-  Anadromous Streams 2016

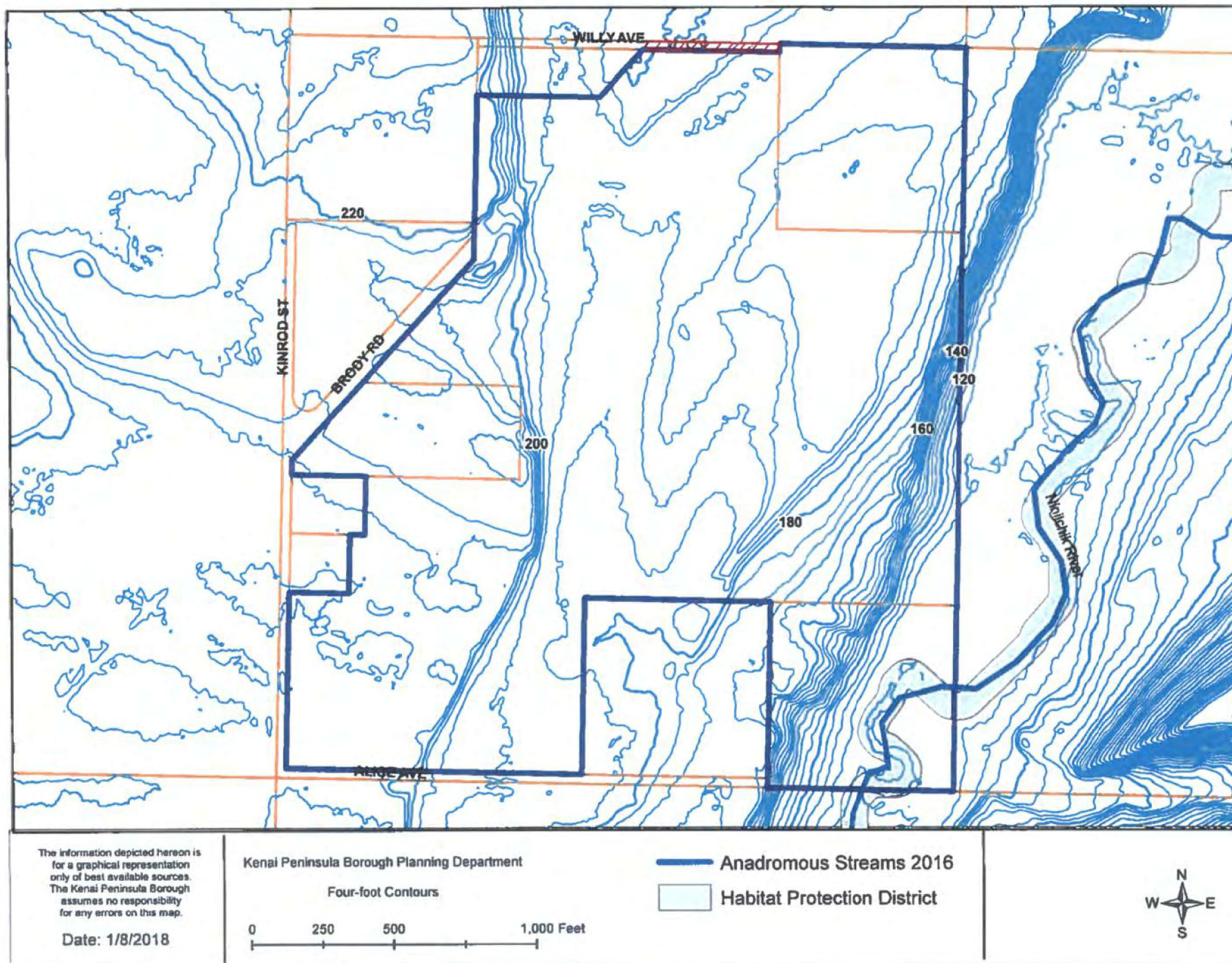


Date: 1/8/2018

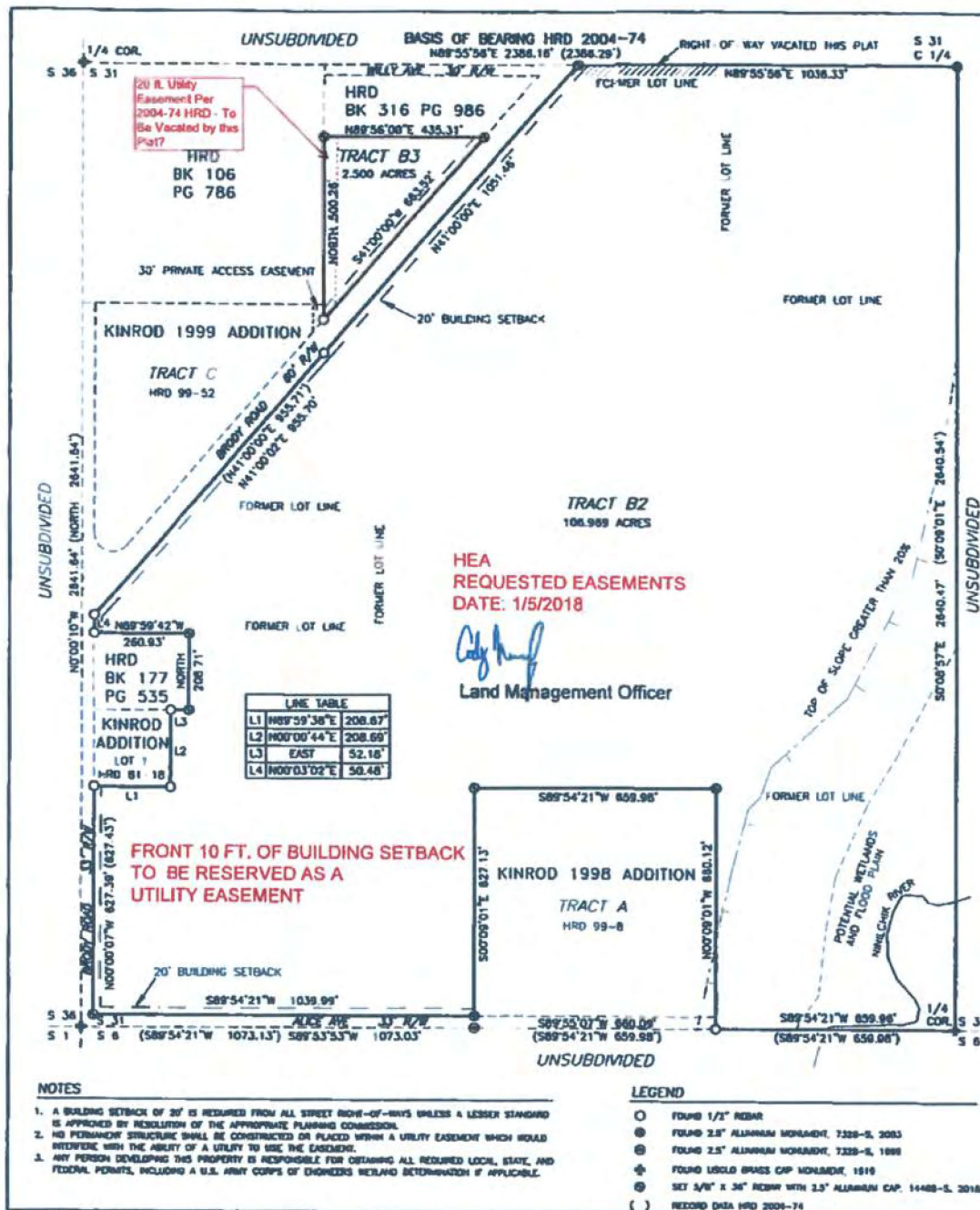
The information depicted hereon  
is for a graphical representation  
only of best available sources.  
The Kenai Peninsula Borough  
assumes no responsibility  
for any errors on this map











#### CERTIFICATE OF OWNERSHIP AND DEDICATION

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND THAT WE HEREBY ADOPT THIS PLAN OF SUBDIVISION AND BY OUR FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND GRANT ALL EASEMENTS TO THE USE SHOWN.

STEVEN A. TELBURY  
PO BOX 20081, NOME, AK 99563

PATRICIA E. TELBURY  
PO BOX 20081, NOME, AK 99563

#### NOTARY ACKNOWLEDGMENT

FOR: STEVEN A. TELBURY  
ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018

NOTARY PUBLIC FOR ALASKA  
MY COMMISSION EXPIRES: \_\_\_\_\_

#### NOTARY ACKNOWLEDGMENT

FOR: PATRICIA E. TELBURY  
ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018

NOTARY PUBLIC FOR ALASKA  
MY COMMISSION EXPIRES: \_\_\_\_\_

#### WASTEWATER DISPOSAL TRACT B2

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

#### WASTEWATER DISPOSAL TRACT B3

SOIL CONDITIONS, WATER TABLE LEVELS, AND SOIL SLOPES IN THIS SUBDIVISION HAVE BEEN FOUND SUITABLE FOR COMMERCIAL ON-SITE 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 ON-SITE WASTEWATER TREATMENT AND DISPOSAL SYSTEM MUST BE DESIGNED BY A QUALIFIED ENGINEER, REGISTERED TO PRACTICE IN ALASKA, AND THE DESIGN MUST BE APPROVED BY THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

DRAWER \_\_\_\_\_ LICENSE # \_\_\_\_\_ DATE \_\_\_\_\_

#### PLAT APPROVAL

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

KENAI PENINSULA BOROUGH

BY: \_\_\_\_\_ AUTHORIZED OFFICIAL



<b>PENINSULA SURVEYING, LLC</b> 10533 NATOMA BOULEVARD NOME, ALASKA 99563	
PLAT OF <b>MCCORMICK SUBDIVISION</b>	
A SUBDIVISION OF <b>TRACT B1A AND TRACT D KINROD 2003 ADDITION, HRD 2004-74 AND THE SE1/4 SE1/4 SW1/4 OF SECTION 31 AND THE NE1/4 NE1/4 SW1/4 OF SECTION 31</b> LOCATED WITHIN <b>SW1/4 SEC. 31, T.15N., R.13W., S.4M.</b> HOMER RECORDING DISTRICT KENAI PENINSULA BOROUGH CONTAINING 106.988 ACRES	
ORDERED STEVEN A. TELBURY AND PATRICIA E. TELBURY PO BOX 20081, NOME, AK 99563	
SCALE: 1" = 200' DRAWN: JLS	DATE: 11/12/2017 SHEET: 1 OF 1

KPB 2017-166



6-10230

# HOMER ELECTRIC ASSOCIATION, INC.

HOMER, ALASKA

## RIGHT-OF-WAY EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that (W) (We), the undersigned WILLIAM and DORIS BRODY, for a good and valuable consideration, the receipt of which is hereby acknowledged, do hereby grant, bargain, sell, convey and deliver unto the HOMER ELECTRIC ASSOCIATION, INC., an Alaska cooperative corporation of Homer, Alaska, hereinafter called the "Cooperative" and to its successors, assigns and licensees, a sole and exclusive easement for the purpose of constructing, operating and maintaining electric transmission and distribution lines, and telephone lines, through, over, in, and across the lands of the undersigned, situated in the HOMER Recording Precinct, Third Division, State of Alaska, and more particularly described as follows:

Lots 1 and 2, and S<sup>1</sup>/<sub>2</sub> NE<sup>1</sup>/<sub>4</sub> OF SECTION 1, T.2S-R17W,S.41.  
and also SW<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub>, SECTION 31, T.1S-R13W,S.41.

THIS EASEMENT IS GRANTED ONLY FOR ONE PILE LINE ALONG EAST EDGE OF PROPERTY, CENTERLINE OF PILE LINE TO BE APPROXIMATELY 44.0 FEET WEST OF SECTION LINE, EXTENDING FROM EXISTING PILE LINE NORTH TO NORTHERLY LINE OF SECTION 1, and SERVICE LINE TO CABIN IN SW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>, SEC. 31.

AND specifically, there is hereby granted to the said "Cooperative", its successors, assigns and licensees, the sole and exclusive right to construct, operate, and maintain any and all facilities for said electric transmission and distribution lines, and telephone lines, through, over, in, and across said property as may be from time to time necessary or desirable for the exclusive use and enjoyment of such easement, including the right of ingress and egress to said property, and the right to cut and keep clear of all trees, shrubbery, undergrowth and other obstructions on said property as may be required for the construction, operation and maintenance of such facilities.

TO HAVE AND TO HOLD the same to the "Cooperative", its successors, assigns and licensees, FOREVER.

THE Cooperative agrees, in constructing, operating and maintaining said lines, to do such work in such a way as not to damage said real property any more than may be necessary to carry out the purpose of this easement.

THE UNDERSIGNED agree(s) that all poles, wires and other facilities, including any main service entrance equipment, installed on the above-described lands at the Cooperative expense shall remain the property of the Cooperative and removable at the option of the Cooperative.

THE UNDERSIGNED covenant(s) that (they are) (he is) the owner(s) of the above-described lands, and that the said lands are free and clear of encumbrances and liens of whatsoever character except those

held by the following persons:

IN WITNESS WHEREOF, the undersigned (have) (has) set (their) (his) hand(s) and seal(s) this 12<sup>th</sup> day of SEPTEMBER, 1973

2 Witnesses:

Consumers:

74-000129

(L.S.)

1. William Brody (L.S.)

2. 3-4

(L.S.)

2. Doris A Brody (L.S.)

RECORDED-~~FILED~~  
HOMER RECORDING  
DISTRICT

3. (L.S.)

4. (L.S.)

JAN 25 4 26 PM '74  
STATE OF ALASKA

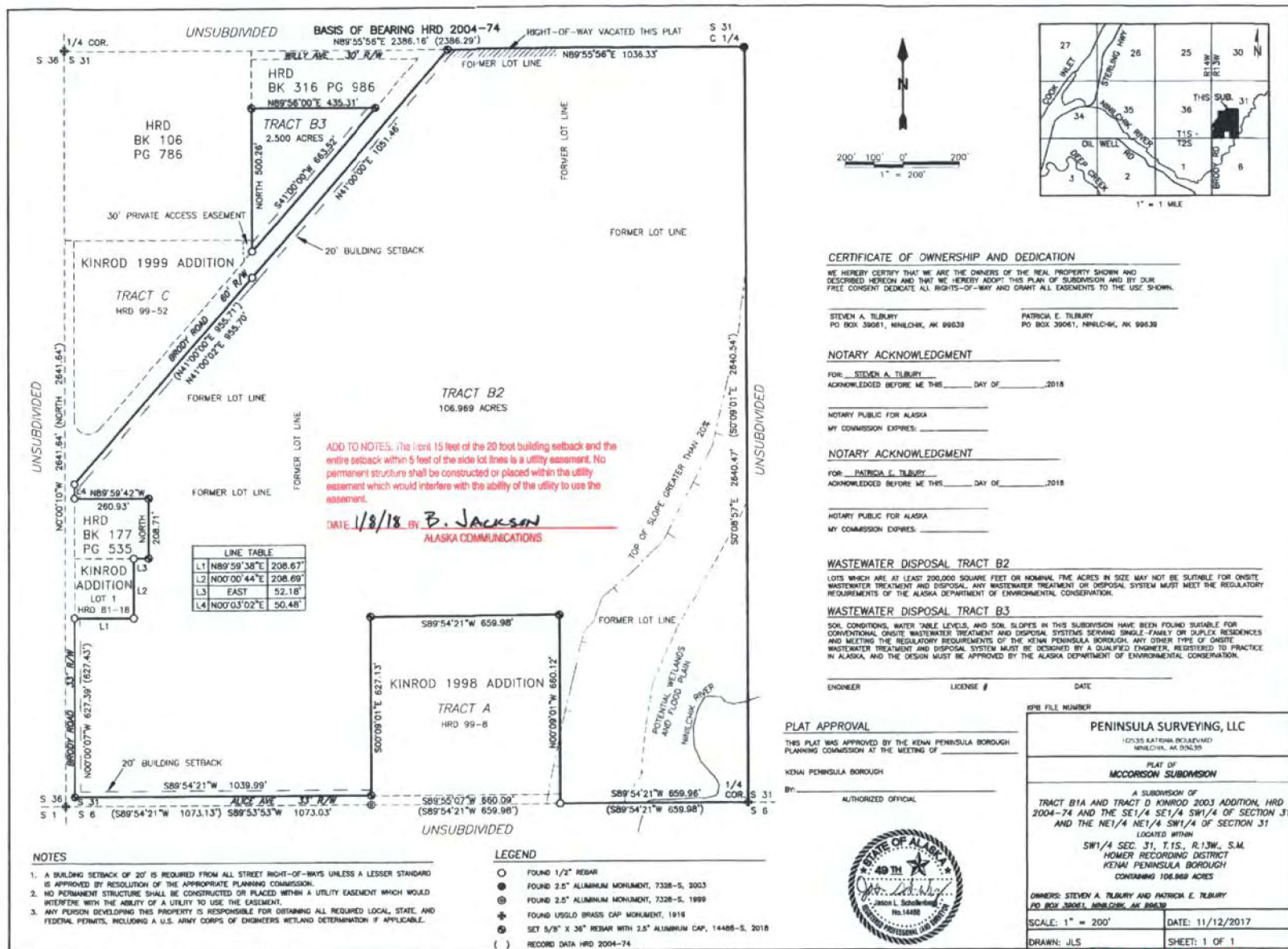
REQUESTED BY WILLIAM and DORIS BRODY

THIS IS TO CERTIFY that on this 12<sup>th</sup> day of SEPTEMBER, 1973 before me, a Notary Public in and for the State of Alaska, residing therein, duly commissioned and sworn, personally appeared WILLIAM and DORIS BRODY (unmarried) (husband and wife), known to be to be the identical individual(s) described in and who executed the foregoing instrument, and (he) (they) personally acknowledged to me that (he) (they) executed the same freely and voluntarily for the uses and purposes therein specified.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal in the above-named State the day and year in this certificate first above written.

Notary Public for Alaska, residing at Homer, AK

My commission expires: 10/1/74



KPB 2017-166





**KENAI PENINSULA BOROUGH PLANNING COMMISSION  
RESOLUTION 2010-15  
HOMER RECORDING DISTRICT**

Vacate the 20-foot utility easements along the east, portions of the north and south boundaries connecting the eastern boundary, and a portion of the west boundary of Tract B, granted by Kinrod 1998 Addition (Plat HM 99-8); also shown within Tract B1 of Kinrod 1999 Addition (Plat HM 99-52) and Tract B1A of Kinrod 2003 Addition (Plat HM 2004-74); within Section 31, Township 1 South, Range 13 West, Seward Meridian, Alaska; within the Kenai Peninsula Borough. KPB File No. 2010-127

WHEREAS, a request has been received from Steven A. and Patricia E. Tilbury of Ninilchik, Alaska to vacate utility easements granted by Kinrod 1998 Addition (Plat HM 99-8); and

WHEREAS, affected utility companies have provided written non-objection to the vacation; and

WHEREAS, the easements are not in use by a utility company; and

WHEREAS, no surrounding properties will be denied utilities; and

WHEREAS, on August 23, 2010, the Kenai Peninsula Borough Planning Commission addressed all concerns about the proposed vacation; and

WHEREAS, the Planning Commission has found that vacating the utility easement will not be detrimental to the public interest; and

WHEREAS, 20.28.120 of the Kenai Peninsula Borough Code of Ordinances authorizes the Planning Commission to accomplish vacations by Resolution.

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

Section 1. That the above described utility easement is hereby vacated.

Section 2. That a survey plat showing the vacation will be recorded as Page 2 of this resolution.

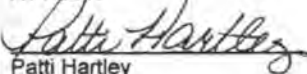
Section 3. That this resolution is eligible for recording upon being signed by the Planning Commission chairperson and will be deemed void if not recorded within 90 days of adoption.

Section 4. That this Resolution becomes effective upon being properly recorded with petitioner being responsible for payment of recording fee.

ADOPTED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH  
ON THIS 23 DAY OF August, 2010.

  
Philip Bryson, Chairperson  
Planning Commission

ATTEST:

  
Patti Hartley  
Administrative Assistant

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





EASEMENT AGREEMENT

THIS AGREEMENT entered into this 1<sup>st</sup> day of May, 1978,  
by and between WILLIAM N. BRODY and DORIS D. BRODY, husband and wife,  
hereinafter referred to as "BRODY" and ALAN J. QUIMBY and THEDA C. COLLINS,  
hereinafter called "QUIMBY/COLLINS".

WITNESS:

WHEREAS, Brody are the owners of:

The East 1/2 of the Southwest one-quarter (E 1/2 SW 1/4) and  
Lots 3 and 4, in Section 31, Township 1 South, Range 13 West,  
Seward Meridian, located in the Homer Recording District,  
Third Judicial District, State of Alaska.

and,

WHEREAS, it is the intention of Brody to grant to Quimby/Collins  
a Thirty (30) foot access easement along the Northerly boundary of the above  
described property.

NOW THEREFORE, in consideration of the covenants and conditions herein  
contained it is agreed as follows:

1. That Brody does hereby grant to Quimby/Collins a Thirty (30) foot  
access easement along the Northerly boundary of the:

U. S. Government Lot 3 and the E 1/2 of the SW 1/4  
of Section 31, Township 1 South, Range 13 West, Seward,  
Meridian, located in the Homer Recording District,  
Third Judicial District, State of Alaska, for access to the  
NE 1/4 NE 1/4 SW 1/4 Section 31, T1S, R13W, S. 4.

2. That the purpose of the granting of this easement is for the  
ingress and egress over the above described property.

DATED at Kenai, Alaska, this 1<sup>st</sup> day of May, 1978.

WILLIAM N. BRODY

DORIS D. BRODY

ALAN J. QUIMBY

THEDA C. COLLINS

STATE OF ALASKA

THIRD JUDICIAL DISTRICT

THIS IS TO CERTIFY that on the 1<sup>st</sup> day of May, 1978, before me,  
the undersigned Notary public in and for Alaska, personally appeared WILLIAM  
N. BRODY, DORIS D. BRODY, ALAN J. QUIMBY and THEDA C. COLLINS, known to me  
to be the person named in the foregoing instrument, and acknowledged to me  
that they executed the same freely and voluntarily for the uses and purposes  
therein mentioned.

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

78-001940

6-

NOTARY PUBLIC in and for Alaska  
My commission expires 11-25-81

MAY 23 11 52 AM '78

RECEIVED

ADDRESS

Kenai, Al 99611

**E6-42**



## AGENDA ITEM F PUBLIC HEARINGS

4. Vacation of a portion of the Willy Avenue right-of-way east of Brody Road adjoining the northernmost portion of the northern boundary of Tract B1A Kinrod 2003 Addition, Plat HM 2004-74, as dedicated on Kinrod 1998 Addition, Plat HM 99-8. The right-of-way being vacated is unconstructed and located within the SW1/4 of S31, T01S, R13W, SM, AK, within the KPB; KPB File 2017-166V.

Staff Report given by Max Best

PC Meeting: 1/8/18

Purpose as stated in petition: The existing right-of-way to be vacated only serves as access to the deed parcel dedicated in BK 99 PG 719, HRD. The lot lines of this property are going to be removed and the owners don't want an unnecessary right-of-way extending across their property.

Petitioners: Steven A. Tilbury, Patricia E. Tilbury, George Lindholm of Ninilchik, AK.

### Notification:

Public notice appeared in the December 28, 2017 issue of the Homer News as a separate ad. The public hearing notice was published in the January 4, 2018 issues of the Peninsula Clarion, Homer News, and Seward Journal as part of the Commission's tentative agenda.

Seven public hearing notices were sent by certified mail to owners of property within 300 feet of the proposed vacation. Five receipts had been returned when the staff report was prepared. Four public hearing notices were sent by regular mail to owners of property within 600 feet of the proposed vacation.

Public hearing notices were emailed to 15 agencies and interested parties. One notice was emailed to a KPB Department. The public hearing notice was distributed to 10 KPB Departments and 1 agency by a shared database.

Notices were mailed to the Ninilchik Post Office and Ninilchik Community Library with a request to be posted in public locations.

The notice and maps were posted on the Borough bulletin board and Planning Department public hearing notice web site.

### Comments Received:

ENSTAR: No comments, recommendations, or objections.

Homer Electric Association: No comments or objections.

KPB Addressing Office: No objection.

ACS: Requested the front 15 feet of the Building setback area be a utility easement.

KPB Code Compliance Office: No comments.

KPB Planning: Not affected by a local option zone or material site.

KPB River Center: The property is not within a mapped flood hazard zone. The property is affected by the Anadromous Habitat Protection District.

KPB Roads Department: No comments.

State Parks: No comments.



### Staff Discussion:

If the proposed vacation is approved, it will be finalized by recording the plat McCorison Subdivision. McCorison Subdivision is scheduled for review by the Plat Committee on January 22.

Comments from GCI were not available when the staff report was prepared.

Willy Avenue does not adjoin the 160-acre Ninilchik Native Association (NNA) or 80-acre Cook Inlet Region, Inc. (CIRI) parcels to the east; however, it is aligned for future extension to the NNA parcel and CIRI parcels.

The CIRI parcel fronts a 100-foot wide section line easement, and the existing travel way extended off Brody Road crosses the CIRI parcel.

The NNA parcel fronts a section line easement on its southern boundary, but the Ninilchik River separates the northwestern portion of the NNA parcel from the rest of the property. The northwestern portion of the NNA parcel does not front a section line easement or constructed road.

Staff prepared a 4-foot contour map of the subject property and the adjoining parcels to the north and east. Contours indicate the northwestern portion of the NNA parcel is significantly affected by slopes greater than 20 percent. It appears part of the NW1/4 of the NNA parcel may be developable; however, KPB GIS mapping indicates it isolated from the rest of the parcel by slopes greater than 20 percent and the Ninilchik River.

### **Findings:**

1. If the proposed vacation is approved, it will be accomplished by recording the plat McCorison Subdivision.
2. McCorison Subdivision combines two tracts and a deed parcel into one tract containing approximately 107 acres.
3. The 112-acre privately owned parcel to the north fronts Willy Avenue west of Brody Road and Brody Road and has been issued a Brody Road address.
4. The owner of the 112-acre privately owned parcel to the north signed the vacation petition.
5. The 80-acre Cook Inlet Region, Inc. (CIRI) parcel to the northeast fronts 100-foot wide section line easements and the existing travel way that extends off Brody Road.
6. The 160-acre Ninilchik Native Association (NNA) parcel adjoins another NNA parcel that contains 385 acres.
7. The 385-acre NNA parcel fronts River View Drive and Bishop Street.
8. The NNA property fronts dedicated right-of-way and 66-foot wide section line easements.
9. Per the submittal, the right-of-way proposed for vacation is not in use for access.
10. Per the submittal, the right-of-way proposed for vacation has not been constructed.
11. ENSTAR and Homer Electric Association submitted written statements of no comments or objections.
12. KPB Roads Department submitted a written statement of no comments.
13. Parcels affected by the proposed vacation range in size from 80 to 160 acres.
14. KPB GIS mapping shows the parcels affected by the proposed vacation are subject to slopes greater than 20 percent, riverine, kettle, discharge slopes, drainage ways, and the Ninilchik River.
15. The Ninilchik River is protected by KPB 21.18.
16. KPB GIS mapping shows slopes greater than 20 percent, low wet areas, and the Ninilchik River limit areas for practical right-of-way dedications.

**STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the vacation as petitioned, subject to:

1. Consent of the proposed vacation by the KPB Assembly.
2. No written objection to the proposed vacation from Cook Inlet Region, Inc.
3. No written objection to the proposed vacation from Ninilchik Native Association.
4. No objection from the utility providers.
5. Grant the utility easements requested by the utility providers.
6. Submittal of a final plat in accordance with KPB Title 20 within a timeframe that will allow recordation



of the plat within one year of vacation consent.

**KPB 20.70.110:**

A vacation of a street right-of-way, public area, or public easement within the borough outside of the limits of cities may not be made without the consent of the borough assembly. The assembly shall have 30 calendar days from the date of approval in which to veto the planning commission decision. If no veto is received by the planning director within the specified period, borough shall be considered to have given consent to the vacation.

**KPB 20.70.120:**

- A. Denial of a vacation petition is a final act for which no further consideration shall be given by the Kenai Peninsula Borough.
- B. Upon denial by the planning commission, 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.

**KPB 20.70.130:**

**THE FINAL PLAT MUST BE RECORDED WITHIN ONE YEAR OF THE VACATION CONSENT IN KPB 20.70.110.**

**END OF STAFF REPORT**

Chairman Martin opened the meeting for public comment. Seeing and hearing no one wishing to speak Chairman Martin closed the public comment period and opened discussion among the Commission.

**MOTION:** Commissioner Venuti moved, seconded by Commissioner Ruffner to approve the vacation of a portion of Willy Ave right-of-way east of Brody Road adjoining the northernmost portion of the northern boundary of Tract B1A Kinrod 2003 Addition based on the following findings of fact and the six conditions.

*Findings*

- 1. If the proposed vacation is approved, it will be accomplished by recording the plat McCorison Subdivision.
- 2. McCorison Subdivision combines two tracts and a deed parcel into one tract containing approximately 107 acres.
- 3. The 112-acre privately owned parcel to the north fronts Willy Avenue west of Brody Road and Brody Road and has been issued a Brody Road address.
- 4. The owner of the 112-acre privately owned parcel to the north signed the vacation petition.
- 5. The 80-acre Cook Inlet Region, Inc. (CIRI) parcel to the northeast fronts 100-foot wide section line easements and the existing travel way that extends off Brody Road.
- 6. The 160-acre Ninilchik Native Association (NNA) parcel adjoins another NNA parcel that contains 385 acres.
- 7. The 385-acre NNA parcel fronts River View Drive and Bishop Street.
- 8. The NNA property fronts dedicated right-of-way and 66-foot wide section line easements.
- 9. Per the submittal, the right-of-way proposed for vacation is not in use for access.
- 10. Per the submittal, the right-of-way proposed for vacation has not been constructed.
- 11. ENSTAR and Homer Electric Association submitted written statements of no comments or objections.
- 12. KPB Roads Department submitted a written statement of no comments.
- 13. Parcels affected by the proposed vacation range in size from 80 to 160 acres.
- 14. KPB GIS mapping shows the parcels affected by the proposed vacation are subject to slopes greater than 20 percent, riverine, kettle, discharge slopes, drainage ways, and the Ninilchik River.
- 15. The Ninilchik River is protected by KPB 21.18.
- 16. KPB GIS mapping shows slopes greater than 20 percent, low wet areas, and the Ninilchik River limit areas for practical right-of-way dedications.

*Conditions*



1. Consent of the proposed vacation by the KPB Assembly.
2. No written objection to the proposed vacation from Cook Inlet Region, Inc.
3. No written objection to the proposed vacation from Ninilchik Native Association.
4. No objection from the utility providers.
5. Grant the utility easements requested by the utility providers.
6. Submittal of a final plat in accordance with KPB Title 20 within a timeframe that will allow recordation of the plat within one year of vacation consent.

**VOTE:** The motion passed by unanimous consent.

BENTZ YES	CARLUCCIO YES	ECKLUND YES	ERNST YES	FIKES YES	FOSTER ABSENT	ISHAM ABSENT
LOCKWOOD ABSENT	MARTIN YES	MORGAN YES	RUFFNER YES	VENUTI YES	WHITNEY YES	10 YES 3 ABSENT

#### AGENDA ITEM F.

#### PUBLIC HEARING

5. State application for a marijuana establishment license; Kalifornsky Area

Staff Report given by Max Best

PC MEETING: January 8, 2018

**Applicant:** Henley's Happy Harvest

**Landowner:** Harold J. Henley

**Parcel ID#:** 056-300-13

**Legal Description:** Lot L-4-C, Kingswood Estates Subdivision, Resubdivision of Tract - 4, according to Plat 77-27, Kenai Recording District.

**Location:** 35633 Baranof St, Kenai

**BACKGROUND INFORMATION:** On April 10, 2017 the applicant notified the borough that he/she had submitted an application to the state for a Limited Marijuana Cultivation Facility license. On May 9, 2017 the applicant supplied the borough with a signed acknowledgement form and a site plan on December 14, 2017 of the proposed Limited Marijuana Cultivation Facility on the above described parcel. The Alcohol and Marijuana Control Office notified the borough that the application was complete on December 5, 2017.

Staff has reviewed the completed license that has been submitted to the state and the site plan submitted to the borough and has found the following concerning the standards contained in KPB 7.30.020:

1. The Borough finance department has been notified of the complete application and they report that the applicant is in compliance with the borough tax regulations.
2. Borough planning department staff has evaluated the application and has determined that the proposed facility will be located greater than 1,000 feet from any school.
3. Borough planning department staff has evaluated the application and has determined that the proposed facility will be located greater than 500 feet from all recreation or youth centers, and all buildings in which religious services are regularly conducted, and all correctional facilities.
4. The proposed facility is not located within a local option zoning district.
5. The proposed facility is located where there is sufficient ingress and egress for traffic to the parcel.



5. Conform to conditions of KPB Planning Commission Resolution 78-6.
6. Compliance with Chapter 20.16.155 D & 20.14 Wastewater Disposal regulations.
7. Compliance with Ordinance 90-38(Substitute) - Ownership.
8. Compliance with Ordinance 93-59 - Payment of all taxes due prior to final approval. If final approval and filing of plat is sought between January 1 and the tax due date, the full amount of the estimated taxes will be on deposit with the Finance Department.

**NOTE: A NOTICE OF RECONSIDERATION MAY BE TAKEN FROM THE DECISION OF THE PLAT COMMITTEE TO THE PLANNING COMMISSION ACTING AS PLATTING BOARD BY FILING WRITTEN NOTICE THEREOF WITH THE BOROUGH PLANNING DIRECTOR WITHIN 10 DAYS AFTER NOTIFICATION OF THE DECISION OF THE PLAT COMMITTEE BY PERSONAL SERVICE, SERVICE BY MAIL, OR PUBLICATION. (2.40.080 BOROUGH CODE OF ORDINANCES).**

**THE NOTICE OF RECONSIDERATION SHALL BRIEFLY STATE THE REASON RECONSIDERATION IS REQUESTED AND THE APPLICABLE PROVISIONS OF THE BOROUGH CODE OR OTHER LAW UPON WHICH RECONSIDERATION IS BASED.**

#### END OF STAFF REPORT

Chairman Johnson opened the meeting for public comment. Seeing and hearing no one wishing to comment, Chairman Johnson closed the public hearing and opened discussion among the Committee.

**MOTION:** Commissioner Hutchinson moved, seconded by Commissioner Isham, to grant approval to the preliminary plat subject to staff recommendations.

**VOTE:** The motion passed by unanimous consent.

HUTCHINSON YES	ISHAM YES	JOHNSON YES	TROEGER YES	FOUR YES
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Chairman Johnson noted that his brother was the surveyor for Kinrod 2003 Addition, DeFord Subdivision, and Lewis-Anderson Tracts. He abstained from discussion and voting on these plats and passed the gavel to Commissioner Troeger.

#### AGENDA ITEM D. SUBDIVISION PLAT PUBLIC HEARINGS

5. Kinrod 2003 Addition  
KPB FILE 2003-262 [Johnson/Brody]

Staff report as reviewed by Maria Sweppy

Plat Committee Meeting 11/24/2003

Location: Northeast of Oilwell Road, Ninilchik area  
 Proposed Use: Residential  
 Zoning: Unrestricted  
 Sewer/Water: On site  
 Assessing Use: Accessory building

#### Supporting Information:

This plat will subdivide out a 5.3 acre tract from a 91 acre parent tract. The subdivision is fairly remote with constructed road access on Brody Road from Oilwell Road. Both lots are large enough to be exempt from the submittal requirements of an engineer' soils report.

**Staff recommends** the surveyor describe the clearing on the property. His submittal letter states the topography is relatively flat above the hill shown sloping to the Ninilchik River. The Ninilchik River is covered by the Anadromous Stream Habitat Protection Ordinance, but it does not pass through this property and does not appear to be within the 50-foot restriction area. **Staff recommends** the surveyor verify this since a note will be required on the plat if the river is within 50 feet of the Anadromous Stream Habitat Protection boundary.

Per KPB Resolution 2000-025, if the Certificate to Plat indicates any beneficial interests affect this property, they will be notified and given 30 days from the date of the mailing of the notification to respond. They are given the opportunity to notify staff if their beneficial interest prohibits or restricts subdivision or requires their signature on the final plat. If no response is received within 30 days, staff will assume they have no requirements regarding the subdivision and it may be finalized.

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

Exceptions Requested:

A. KPB 20.20.030 Extension of Brody Road dedication

Findings:

1. The new 5-acre tract is located on a dedicated portion of Brody Road.
2. The portion of Brody Road through remainder of this subdivision is the centerline of a 60-foot right-of-way easement, shown with the recording information for the document that granted the easement.
3. The easement protects public access for use of the existing road.
4. Dedication of the road would create a subdivision parcel that requires an engineer's soils report.
5. The owners have no need to create another subdivision parcel at this time.
6. Tract B1A, through which the road passes with an easement, is 85 acres in size.
7. Further subdivision of Tract B1A can reasonably be expected in the future.

Planning staff has reviewed this request and recommends granting the exception.

20.24.010 provides that the Commission (Committee) may authorize exceptions to any of the requirements set forth in Title 20. This section also states - The Commission (Committee) shall find the following facts before granting any exceptions:

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

Exceptions Requested:

- B. Partial Survey and Monumentation Exception – the submittal letter states the C ¼ will be set, Tract D will be fully monumented, and they would like to treat Tract B1A like an unsubdivided remainder. True measurements and distances will be shown.

Staff discussion: The parent subdivision that created Tract B1 (HM 99-52) was granted a partial exception. It appears that the findings supporting that exception request are still valid.

KPB 20.04.040 (C) Subdivisions may be exempt from survey and monumentation requirements of Section 20.16.160 provided an application is submitted with sufficient evidence to support a finding that:

1. The subdivision will not create more than four parcels.  
*Two parcels are being created. One parcel will be fully monumented, and the C ¼ will be set.*
2. Each parcel created contains a minimum of five acres.  
*The parcel for which the request is submitted is 85 acres in size.*



3. The approximate location of each lot shall be readily identifiable to an individual by the presence of prominent topographic features, monumentation on adjoining subdivisions, or other identifiable features sufficient to reference the location of the property.

*The locations of the road, river, clearings, terrain, adjacent development, and surrounding primary monumentation appear to identify the boundaries.*

Staff has reviewed this request and recommends granting the exception. Staff recommends a 50-foot building setback restriction be noted on the final plat from all unsurveyed lines until they are surveyed and monumented, at which time the building restriction will revert to the requirements of KPB 20.20.230.

20.24.010 provides that the Commission (Committee) may authorize exceptions to any of the requirements set forth in Title 20. This section also states - The Commission (Committee) shall find the following facts before granting any exceptions:

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

While the findings for 20.04.040 are not tied specifically to each of the three conditions of 20.24.010, it appears that satisfying the criteria of 20.04.040 inherently satisfies the conditions of 20.04.040.

STAFF RECOMMENDATIONS: Grant approval of the preliminary plat subject to any above recommendations, and the following conditions:

REVISE OR ADD TO THE PRELIMINARY PLAT IN ACCORDANCE WITH THE PROVISIONS CONTAINED IN KPB 20.12 AS FOLLOWS:

1. Provide names and address of all owners.

ADDITIONAL REQUIREMENTS FOR ADMINISTRATIVE APPROVAL OF FINAL PLAT IN ACCORDANCE WITH TITLE 20 INCLUDE:

2. Show building setback statement per 20.20.230.
3. If partial survey and monumentation exception is granted, note 50-foot building setback from all unsurveyed property lines.
4. Survey and monumentation to meet Ordinance requirements; or an exception having been granted.
5. Conform to conditions of KPB Planning Commission Resolution 78-6.
6. Compliance with Ordinance 90-43 Easement Definition.
7. Compliance with Chapter 20.16.155 D & 20.14 Wastewater Disposal regulations – note.
8. Compliance with Ordinance 90-38(Substitute) - Ownership.
9. Compliance with Ordinance 93-59 - Payment of all taxes due prior to final approval. If final approval and filing of plat is sought between January 1 and the tax due date, the full amount of the estimated taxes will be on deposit with the Finance Department.

**NOTE: A NOTICE OF RECONSIDERATION MAY BE TAKEN FROM THE DECISION OF THE PLAT COMMITTEE TO THE PLANNING COMMISSION ACTING AS PLATTING BOARD BY FILING WRITTEN NOTICE THEREOF WITH THE BOROUGH PLANNING DIRECTOR WITHIN 10 DAYS AFTER NOTIFICATION OF THE DECISION OF THE PLAT COMMITTEE BY PERSONAL SERVICE, SERVICE BY MAIL, OR PUBLICATION. (2.40.080 BOROUGH CODE OF ORDINANCES).**

**THE NOTICE OF RECONSIDERATION SHALL BRIEFLY STATE THE REASON RECONSIDERATION IS REQUESTED AND THE APPLICABLE PROVISIONS OF THE BOROUGH CODE OR OTHER LAW UPON WHICH RECONSIDERATION IS BASED.**

## END OF STAFF REPORT

Chairman Pro Tem Troeger opened the meeting for public comment. Seeing and hearing no one wishing to comment, Chairman Pro Tem Troeger closed the public hearing and opened discussion among the Committee. He asked for the preference of the Committee regarding the exception requests.

**MOTION:** Commissioner Hutchinson moved, seconded by Commissioner Isham, to grant an exception to 20.20.030, extension of Brody Road dedication, citing the seven findings, and tying the findings to the facts.

It was the consensus of the Plat Committee that:

Findings 1-7 applied to Fact 1 (That special circumstances or conditions affecting the property have been shown by application.);

Findings 1-7 applied to Fact 2 (That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title);

Findings 1-7 applied to Fact 3 (That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.).

### Findings:

1. The new 5-acre tract is located on a dedicated portion of Brody Road.
2. The portion of Brody Road through remainder of this subdivision is the centerline of a 60-foot right-of-way easement, shown with the recording information for the document that granted the easement.
3. The easement protects public access for use of the existing road.
4. Dedication of the road would create a subdivision parcel that requires an engineer's soils report.
5. The owners have no need to create another subdivision parcel at this time.
6. Tract B1A, through which the road passes with an easement, is 85 acres in size.
7. Further subdivision of Tract B1A can reasonably be expected in the future.

**VOTE:** The motion passed by unanimous consent with one abstention.

HUTCHINSON YES	ISHAM YES	JOHNSON ABSTAINED	TROEGER YES	THREE YES ONE ABSTAINED
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Chairman Pro Tem Troeger entertained a motion for the exception requested for partial survey and monumentation.

**MOTION:** Commissioner Hutchinson moved, seconded by Commissioner Isham, to grant an exception for partial survey and monumentation based on the findings.

KPB 20.04.040 (C) Subdivisions may be exempt from survey and monumentation requirements of Section 20.16.160 provided an application is submitted with sufficient evidence to support a finding that:

1. The subdivision will not create more than four parcels.  
**Findings:** Two parcels are being created. One parcel will be fully monumented, and the C ¼ will be set.
2. Each parcel created contains a minimum of five acres.  
**Finding:** The parcel for which the request is submitted is 85 acres in size.
3. The approximate location of each lot shall be readily identifiable to an individual by the presence of prominent topographic features, monumentation on adjoining subdivisions, or other identifiable features sufficient to reference the location of the property.  
**Findings:** The locations of the road, river, clearings, terrain, adjacent development, and surrounding primary monumentation appear to identify the boundaries.

**VOTE:** The motion passed by unanimous consent with one abstention.



HUTCHINSON YES	ISHAM YES	JOHNSON ABSTAINED	TROEGER YES	THREE YES ONE ABSTAINED
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Chairman Pro Tem Troeger entertained a motion for the plat.

**MOTION:** Commissioner Hutchinson moved, seconded by Commissioner Isham, to grant approval to the preliminary plat subject to staff recommendations and the two exceptions.

**VOTE:** The motion passed by unanimous consent with one abstention.

HUTCHINSON YES	ISHAM YES	JOHNSON ABSTAINED	TROEGER YES	THREE YES ONE ABSTAINED
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#### AGENDA ITEM D. SUBDIVISION PLAT PUBLIC HEARINGS

6. DeFord Subdivision  
KPB FILE 2003-259 [Johnson/DeFord]

Staff report as reviewed by Maria Sweppy.

Plat Committee Meeting 11/24/2003

Location: Hope  
Proposed Use: Residential  
Zoning: Unrestricted  
Sewer/Water: On site  
Assessing Use: Vacant

#### Supporting Information:

This plat will subdivide a portion of the unsubdivided remainder of Tract A USS 2761. The northerly portion was subdivided into three lots by Plat Waiver Resolution 2003-06. The southerly portion did not qualify for the plat waiver process, as it will require exceptions or dedications.

Staff recommends the legal description be revised. It does not subdivide Parcel 4 of Plat Waiver Resolution 2003-06; there was no Parcel 4. Staff recommends the section and township in the legal description be corrected. The plat appears to be in Section 4, Township 9 North. Staff recommends the status labels to the north be revised: Parcels 1, 2, and 3 Plat Waiver Resolution 2003-06.

All lots are of a size that no engineer's soils report is required. Staff recommends the appropriate note be placed on the final plat.

Per KPB Resolution 2000-025, if the Certificate to Plat indicates any beneficial interests affect this property, they will be notified and given 30 days from the date of the mailing of the notification to respond. They are given the opportunity to notify staff if their beneficial interest prohibits or restricts subdivision or requires their signature on the final plat. If no response is received within 30 days, staff will assume they have no requirements regarding the subdivision and it may be finalized.

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

#### Exceptions Requested:

- A. KPB 20.20.160 block length

#### Findings:

1. United States Forest Service owns the large parcel to the west.
2. The Forest Service has provided a letter indicating they have sufficient public access to their parcel.
3. The subdivision lots are between 420 to 515 feet deep.

KENAI PENINSULA BOROUGH PLAT COMMITTEE  
ASSEMBLY CHAMBERS  
GEORGE A. NAVARRE ADMINISTRATION BUILDING  
144 NORTH BINKLEY STREET  
SOLDOTNA, ALASKA 99669

January 22, 2018 – 6:00 P.M.

APPROVED MINUTES

AGENDA ITEM A. CALL TO ORDER

Chairman Ecklund called the meeting to order at 6:00 p.m.

AGENDA ITEM B. ROLL CALL

*Plat Committee Members*

Paulette Bokenko-Carluccio, City of Seldovia  
Cindy Ecklund, City of Seward  
Paul Whitney, City of Soldotna

*Plat Committee Alternates*

Robert Ernst, Northwest Borough

*Staff Present*

Max Best, Planning Director  
Patti Hartley, Administrative Assistant  
Jordan Reif, Platting Technician  
Ann Shirnberg, Land Management Administrative Assistant  
Paul Voeller, Platting Officer

*Others Present*

James Glendening

AGENDA ITEM C. APPROVAL OF AGENDA

1. Agenda
2. Commissioner Excused Absences
  - a. Robert Ruffner, Kasilof / Clam Gulch
3. Minutes
  - a. January 8, 2018 Plat Committee Minutes

**MOTION:** Commissioner Carluccio moved, seconded by Commissioner Whitney to approve the agenda, the member / alternate excused absences and the January 8, 2018 Plat Committee minutes. Seeing and hearing no discussion or objection, the motion passed by unanimous consent.

AGENDA ITEM D. PUBLIC COMMENT / PRESENTATIONS / COMMISSIONERS

Chairman Ecklund asked if there was anyone who wanted to comment on items not listed on the agenda. Hearing none, the meeting proceeded.

AGENDA ITEM E. SUBDIVISION PLAT PUBLIC HEARINGS



1. McCorison Subdivision  
KPB File 2017-166 [Peninsula Surveying / Tilbury]

Staff Report given by Patti Hartley

Plat Committee Meeting: 1/22/18

Location: off Brody Road, Ninilchik  
Proposed Use: Residential  
Water/Sewer: On-site  
Zoning: Unrestricted  
Assessing Use: Vacant  
Parent Parcel Number(s): 157-130-11, 157-130-13, 157-130-34, 157-130-35

Supporting Information:

The proposed subdivision replats two deed parcels and two tracts into a tract containing 2.5 acres and a tract containing approximately 107 acres. A soils report is required for Tract B3, and an engineer will sign the plat. Tract B3 fronts constructed Brody Road. Tract B2 fronts the KPB maintained portion of Brody Road and constructed Alice Avenue.

Per the preliminary Certificate to Plat, beneficial interest holders do not affect the proposed plat. Notification per KPB 20.25.090 will not be required unless the final Certificate to Plat states the property is affected by beneficial interest holders.

The property is not within an advisory planning commission.

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

Exception Requested: KPB 20.30.030 (proposed street layout – requirements) and KPB 20.30.170 (block length).

Staff Discussion: In this case, the exception to dedicating new right-of-way and block length are closely related. Findings for dedicating new right-of-way and block length will be the same so the exceptions can be combined.

The preliminary plat shows slopes greater than 20 percent affect the area adjoining the Ninilchik River; however, KPB GIS 4-foot contours indicate other areas of the subdivision are also affected by slopes greater than 20 percent. Staff requested additional information from the surveyor.

**Findings**

1. Per the submittal and KPB GIS 4-foot contours, the proposed plat is affected by slopes greater than 20 percent.
2. The Ninilchik River, which is protected by KPB 21.18, flows through the southeastern portion of Tract B2.
3. The Planning Commission conditionally approved vacating the 30-foot wide Willy Avenue along the northern boundary of Tract B2 on January 8, 2018.
4. The adjoining Ninilchik Native Association parcels (160 acres to the east, 385 acres to the south) front the KPB maintained portion of Brody Road, KPB maintained River View Drive, Bishop Street, and a constructed section line easement common with Sections 31 and 32, T1S R13W.
5. Tract A, HM 99-8, has access off Alice Avenue.
6. The 112-acre privately owned parcel to the north has access off Brody Road.
7. The 10-acre remainder of Government Lot 3 west of Tract B3 has access off Brody Road.
8. The 2-acre deed parcel adjoining the northern boundary of Tract B3 has access off Brody Road and the remaining portion of Willy Avenue west of Brody Road.
9. Lot 1, HM 81-18, and the adjoining deed parcel on its northern boundary have access off the KPB maintained portion of Brody Road.
10. Tract B2 contains approximately 107 acres; Tract B3 contains 2.5 acres.

11. Per the River Center review, the subdivision is not affected by a mapped flood hazard zone.
12. The proposed plat is subject to a 66-foot section line easement along its southern boundary.
13. New right-of-way can be obtained when Tracts B2 and B3 are subdivided into smaller tracts.
14. No adjoining or adjacent acreage parcels will be denied access.

Staff reviewed the exception request and recommends granting approval with the exception of the remaining portion of the Brody Road Public Access Easement (see section 20.30.030). The **owners are put on notice** that subdivision of either Tract B2 or Tract B3 into smaller tracts or lots may require new right-of-way dedications per KPB Code.

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

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

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

1. That special circumstances or conditions affecting the property have been shown by application;  
**Findings 1-14 appear to support this standard.**
2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title;  
**Findings 1-14 appear to support this standard.**
3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.  
**Findings 3-14 appear to support this standard.**

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

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

##### **A. Within the Title Block**

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

***Platting Staff Comments:** Three subdivided tracts comprise the subdivision in addition to two deed parcels. The previously subdivided tracts were all named Kinrod (Kinrod 1998 Addition, Kinrod 1999 Addition, and Kinrod 2003 Addition) and ranged in size from 5 to 100 acres, or a majority of the acreage within the subject replat.*

***Staff recommends** the subdivision's name be revised to reflect the parent plat's name, such as Kinrod McCorison Addition, or Kinrod McCorison 2018 Replat. The name Kinrod can be placed above McCorison in the title block and be in a smaller font.*



*Placing Kinrod before McCorison in the plat's name will allow it to be grouped with the previous replats of the Kinrod property in the district recorder's database, thus making future property research easier.*

- F. The names and widths of public streets and alleys and easements, existing and proposed, within the subdivision;

**Platting Staff Comments:** *Staff recommends the 33-foot wide section line easement affecting the southern boundary be shown and labeled.*

*Per the Certificate to Plat, the proposed plat is affected by an ingress/egress easement recorded in Book 99 Page 722. This is an exclusive 30-foot wide easement along the northern boundary of former Government Lot 3 and the E1/2SW1/4. The easement appears to have been granted in the same location as Willy Avenue. The recent vacation of Willy Avenue east of Brody Road did not vacate anything other than Willy Avenue right-of-way. Staff recommends the surveyor confirm if the ingress/egress easement still affects the proposed plat, and if so, show and label it with the recording information. This may be considered a merger of title situation now that all properties are under one common ownership.*

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

**Platting Staff Comments:** *Staff recommends the unsubdivided labels be replaced with the Government Lots along the southern boundary and north of the label for the deed parcel per Book 106 Page 786.*

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

**Platting Staff Comments:** *KPB GIS 4-foot contours indicate more of the proposed plat is affected by slopes greater than 20 percent besides the area adjoining the Ninilchik River. Staff requested additional information from the surveyor.*

#### KPB Department/Agency Review Comments

- KPB Addressing Officer: Road names are approved, please label Kinrod Street.
- KPB Code Compliance: No comments.
- KPB Planner: No material site or local option zone issues.
- State Parks: No comments.

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

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

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

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

**Platting Staff Comments:** *The portion of Brody Road that extends through the proposed plat is per a document titled Grant of Right of Way Easement that was recorded in Book 72 Pages 11-12 HRD. Three previous replats of the property (Kinrod 1998 Addition, Kinrod 1999 Addition, and Kinrod 2003 Addition) show Brody Road as a 60-foot wide ROW easement. Kinrod 1999 Addition formally dedicated a portion of the right-of-way easement as a fee right-of-way and showed the remainder of Brody Road with a standard easement depiction (dashed lines).*

*The current surveyor interpreted the right-of-way easement per the recorded document as having already dedicated Brody Road through the proposed subdivision. Staff reviewed the granting document, Bk 72 Page*

11 HRD and as listed as Item 5 within the Certificate to Plat and feels this is indeed a grant of a 60-foot wide easement to be used as a public right-of-way. No fee interest was transferred with said document.

**Staff recommends** a 60-foot wide right-of-way be dedicated on top of the existing easement from the current end of the Brody Road dedication to the north boundary of the property.

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

*State Department of Transportation Comments: No comment, not adjacent to a AKDOT managed Right of Way.*

20.30.060. Easements-Requirements.

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

*Platting Staff Comments: ASC asked for the front 15 feet of the building setback and the entire setback within 5 feet of side lot lines also be a utility easement.*

*HEA asked for the front 10 feet of the building setback to be a utility easement.*

*ENSTAR submitted a statement of no comments.*

**Staff recommends** compliance with 20.30.060.

20.30.070. Lots on major streets-Access requirements.

Lots fronting on arterial streets with less than 200 feet of right-of-way as identified in the arterial road plan adopted by the borough or lots fronting on state maintained roads with less than 200 feet of right-of-way may be required to provide interior or frontage road access after review and recommendation by the Kenai Peninsula Borough Road Service Area staff and upon a finding by the planning commission that due to size, topography, physical characteristics, or heavy traffic flow, that direct access to the arterial or state maintained road may present a traffic hazard.

*KPB Roads Department Comments: No comments.*

20.30.120. Streets-Width requirements.

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

*Platting Staff Comments: The parent plat provided the existing 33-foot dedication for Alice Avenue and the 33-foot dedication for Brody Road along the southwestern boundary of Tract B2. Tract A, HM 99-8, uses Alice Avenue for access.*

*The parcel west of Brody Road dedicated by the parent plat contains 640 acres; the parcel south of Alice Avenue contains 385 acres. Both rights-of-way overlie section line easements.*

20.30.180. Pedestrian ways required when.

Pedestrian ways not less than 8 feet wide shall be required in blocks longer than 600 feet where reasonably deemed necessary to provide circulation or access to schools, playgrounds, shopping centers, transportation or other community facilities.

*Platting Staff Comments: The section line easement can serve as a pedestrian way depending on terrain constraints.*

20.30.220. Lots-Side line requirements.

Where reasonable, side lines of lots shall be at right angles to straight portions of the right-of-way or radial to curved portions of the right-of-way.

*Platting Staff Comments: The shape of Tract B2 is dictated by previous adjoining replats of the property.*

20.30.280. Floodplain requirements.



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

*The slope greater than 20 percent adjoining the Ninilchik River may protect the rest of the property from occasional inundation due to storm or high water events.*

20.30.290. Anadromous habitat protection district.

If any portion of a subdivision or replat is located within an anadromous habitat protection district, the plat shall contain the following note:

**ANADROMOUS HABITAT PROTECTION DISTRICT NOTE:**

Portions of this subdivision are within the Kenai Peninsula Borough 50-foot Anadromous Habitat Protection District. See KPB Chapter 21.18, as may be amended, for restrictions that affect development in this subdivision.

*Platting Staff Comments: Per River Center review, the proposed plat is affected by the Habitat Protection District. **Staff recommends** compliance with 20.30.290.*

**KPB 20.60 – Final Plat**

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

20.60.020. Filing-Form and number of copies required.

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

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

20.60.030. Certificate of borough finance department required.

*Platting Staff Comments: All taxes levied on the property within the subdivision shall be paid prior to recordation of the final plat.*

*If approval is sought between January 1 and the tax due date, there shall be on deposit with the borough finance department an amount sufficient to pay the entire estimated real property tax for the current year. Prior to filing of the final plat, a certificate to this effect shall be provided by the borough finance director or his designee upon request by the planning director. Estimated tax payments shall be applied to the actual bill as of July 1 or such earlier date as the taxes due have been determined.*

*Taxes owed may include special assessments for utility or road assessment districts established by KPB ordinance.*

**Staff recommends** compliance with 20.60.030.

20.60.120. Accuracy of measurements.

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

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

20.60.160. Easements.

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

*Platting Staff Comments: **Staff recommends** a plat note be provided for the general easement of record granted to Homer Electric Association including the recording information.*

20.60.200. Survey and monumentation.

*Platting Staff Comments: **Staff recommends** compliance with 20.60.200; insure all 16<sup>th</sup> corners on the plat boundary lines are either recovered or set.*

KPB 20.70 – Vacation Requirements

*Platting Staff comments: The Planning Commission conditionally approved vacation of Willy Avenue east of Brody Road on January 8, 2018. Staff recommended approval of the vacation subject to:*

1. *Consent of the proposed vacation by the KPB Assembly.*
2. *No written objection to the proposed vacation from Cook Inlet Region, Inc.*
3. *No written objection to the proposed vacation from Ninilchik Native Association.*
4. *No objection from the utility providers.*
5. *Grant the utility easements requested by the utility providers.*
6. *Submittal of a final plat in accordance with KPB Title 20 within a timeframe that will allow recordation of the plat within one year of vacation consent.*

***Staff recommends** the date the Planning Commission approved the vacation of Willy Avenue be included in the vacation label or in a plat note.*

**THE FINAL PLAT MUST BE RECORDED WITHIN ONE YEAR OF THE VACATION CONSENT IN KPB 20.70.110.**

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

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

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

**A PARTY OF RECORD MAY REQUEST THAT A DECISION OF THE PLAT COMMITTEE BE REVIEWED BY THE PLANNING COMMISSION BY FILING A WRITTEN REQUEST WITHIN 10 DAYS OF NOTIFICATION OF THE DECISION IN ACCORDANCE WITH KPB 2.40.080.**

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

**END OF STAFF REPORT**

Chairman Ecklund opened the meeting for public comment. Seeing and hearing no one wishing to comment, Chairman Ecklund closed the public hearing and opened discussion among the Committee.

**MAIN MOTION:** Commissioner Whitney moved, seconded by Commissioner Carluccio to approve the preliminary plat for McCorison Subdivision based on the staff recommendations and compliance with Borough Code.



**AMENDMENT MOTION:** Commissioner Whitney moved, seconded by Commissioner Carluccio to grant exceptions to KPB 20.30.030, Proposed street layout – requirements and KPB 20.30.170, Block Length; citing the 14 findings and tying them to the three standards in the following manner.

Standard 1. That special circumstances or conditions affecting the property have been shown by application.

*Findings*

1. Per the submittal and KPB GIS 4-foot contours, the proposed plat is affected by slopes greater than 20 percent.
2. The Ninilchik River, which is protected by KPB 21.18, flows through the southeastern portion of Tract B2.
3. The Planning Commission conditionally approved vacating the 30-foot wide Willy Avenue along the northern boundary of Tract B2 on January 8, 2018.
4. The adjoining Ninilchik Native Association parcels (160 acres to the east, 385 acres to the south) front the KPB maintained portion of Brody Road, KPB maintained River View Drive, Bishop Street, and a constructed section line easement common with Sections 31 and 32, T1S R13W.
5. Tract A, HM 99-8, has access off Alice Avenue.
6. The 112-acre privately owned parcel to the north has access off Brody Road.
7. The 10-acre remainder of Government Lot 3 west of Tract B3 has access off Brody Road.
8. The 2-acre deed parcel adjoining the northern boundary of Tract B3 has access off Brody Road and the remaining portion of Willy Avenue west of Brody Road.
9. Lot 1, HM 81-18, and the adjoining deed parcel on its northern boundary have access off the KPB maintained portion of Brody Road.
10. Tract B2 contains approximately 107 acres; Tract B3 contains 2.5 acres.
11. Per the River Center review, the subdivision is not affected by a mapped flood hazard zone.
12. The proposed plat is subject to a 66-foot section line easement along its southern boundary.
13. New right-of-way can be obtained when Tracts B2 and B3 are subdivided into smaller tracts.
14. No adjoining or adjacent acreage parcels will be denied access.

Standard 2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title.

*Findings*

1. Per the submittal and KPB GIS 4-foot contours, the proposed plat is affected by slopes greater than 20 percent.
2. The Ninilchik River, which is protected by KPB 21.18, flows through the southeastern portion of Tract B2.
3. The Planning Commission conditionally approved vacating the 30-foot wide Willy Avenue along the northern boundary of Tract B2 on January 8, 2018.
4. The adjoining Ninilchik Native Association parcels (160 acres to the east, 385 acres to the south) front the KPB maintained portion of Brody Road, KPB maintained River View Drive, Bishop Street, and a constructed section line easement common with Sections 31 and 32, T1S R13W.
5. Tract A, HM 99-8, has access off Alice Avenue.
6. The 112-acre privately owned parcel to the north has access off Brody Road.
7. The 10-acre remainder of Government Lot 3 west of Tract B3 has access off Brody Road.
8. The 2-acre deed parcel adjoining the northern boundary of Tract B3 has access off Brody Road and the remaining portion of Willy Avenue west of Brody Road.
9. Lot 1, HM 81-18, and the adjoining deed parcel on its northern boundary have access off the KPB maintained portion of Brody Road.
10. Tract B2 contains approximately 107 acres; Tract B3 contains 2.5 acres.
11. Per the River Center review, the subdivision is not affected by a mapped flood hazard zone.
12. The proposed plat is subject to a 66-foot section line easement along its southern boundary.
13. New right-of-way can be obtained when Tracts B2 and B3 are subdivided into smaller tracts.
14. No adjoining or adjacent acreage parcels will be denied access.

Standard 3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.

**Findings**

3. The Planning Commission conditionally approved vacating the 30-foot wide Willy Avenue along the northern boundary of Tract B2 on January 8, 2018.
4. The adjoining Ninilchik Native Association parcels (160 acres to the east, 385 acres to the south) front the KPB maintained portion of Brody Road, KPB maintained River View Drive, Bishop Street, and a constructed section line easement common with Sections 31 and 32, T1S R13W.
5. Tract A, HM 99-8, has access off Alice Avenue.
6. The 112-acre privately owned parcel to the north has access off Brody Road.
7. The 10-acre remainder of Government Lot 3 west of Tract B3 has access off Brody Road.
8. The 2-acre deed parcel adjoining the northern boundary of Tract B3 has access off Brody Road and the remaining portion of Willy Avenue west of Brody Road.
9. Lot 1, HM 81-18, and the adjoining deed parcel on its northern boundary have access off the KPB maintained portion of Brody Road.
10. Tract B2 contains approximately 107 acres; Tract B3 contains 2.5 acres.
11. Per the River Center review, the subdivision is not affected by a mapped flood hazard zone.
12. The proposed plat is subject to a 66-foot section line easement along its southern boundary.
13. New right-of-way can be obtained when Tracts B2 and B3 are subdivided into smaller tracts.
14. No adjoining or adjacent acreage parcels will be denied access.

**AMENDMENT VOTE:** The motion passed by unanimous consent.

CARLUCCIO YES	ECKLUND YES	ERNST YES	RUFFNER ABSENT	WHITNEY YES	4 YES 1 ABSENT
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**MAIN MOTION VOTE:** The motion passed by unanimous consent.

CARLUCCIO YES	ECKLUND YES	ERNST YES	RUFFNER ABSENT	WHITNEY YES	4 YES 1 ABSENT
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**AGENDA ITEM E. SUBDIVISION PLAT PUBLIC HEARINGS**

2. Forest Acres 2017 Addition  
KPB File 2017-161 [Integrity / Harmon]

Staff Report given by Patti Hartley

Plat Committee Meeting: 1/22/18

Location: off Hemlock Avenue, City of Seward  
Proposed Use: Not Provided; proposed use must comply with the zoning district  
Water: City  
Sewer: On-site  
Zoning: Rural Residential  
Assessing Use: Vacant  
Parent Parcel Number(s): 145-044-03

**Supporting Information:**

The proposed plat subdivides a 2.44-acre parcel into four lots containing approximately 25,000 square feet each. The subdivision is served by city water. Sewer will be disposed on-site. Lots A1, A2, and A3 front constructed Maple Street and constructed Cedar Street. Lot A4 fronts Maple Street, Cedar Street, and constructed Hemlock Avenue.

Seward Planning and Zoning Commission recommended approval of the plat on December 5, 2017.