

**KENAI PENINSULA BOROUGH PLANNING COMMISSION  
PLAT WAIVER RESOLUTION 2021-36  
KENAI RECORDING DISTRICT**

GRANT A PLATTING WAIVER FOR CERTAIN LANDS WITHIN LOT 14, SHADY ACRES (KN 2003-100); IN NW 1/4 S25, T05N, R09W; SEWARD MERIDIAN, ALASKA, WITHIN THE KENAI PENINSULA BOROUGH; KPB FILE NO. 2021-149

WHEREAS, per section 29.40.090 of Alaska Statutes provides that the platting authority shall waive the preparation, submission for approval, and recording of a plat upon satisfactory evidence that certain conditions exist; and

WHEREAS, per section 20.10.050 of Kenai Peninsula Borough Code of Ordinances the Kenai Peninsula Borough, acting as the platting authority, has established a procedure for approving the subdivision of a parcel by plat waiver;

WHEREAS, Rebecca A. Turner of Homer, AK and Sheryl E. Combs, Sheila E. Lloyd, and Joyce M. Matthews of Anchorage, AK have petitioned for a waiver of platting requirements for the following described parcel;

Lot 14, Shady Acres, according to Plat No. 2003-100, Kenai Recording District, Third Judicial District, State of Alaska; and

WHEREAS, it has been determined by the Planning Commission on December 13, 2021 that all requirements have been met.

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

Section 1. That a waiver of platting requirements is hereby granted for the above described parcel.

Section 2. That the plat waiver is being granted from the purpose of subdividing the above described parcel into four parcels described as follows:

- Lot 14A: The NW 1/4 of Lot 14 of Shady Acres, according to Plat No. 2003-100, Kenai Recording District, Third Judicial District, State of Alaska; 5.9 +/- acres
- Lot 14B: The NE 1/4 of Lot 14 of Shady Acres, according to Plat No. 2003-100, Kenai Recording District, Third Judicial District, State of Alaska; 5.9 +/- acres
- Lot 14C: The SW 1/4 of Lot 14 of Shady Acres, according to Plat No. 2003-100, Kenai Recording District, Third Judicial District, State of Alaska; 5.9 +/- acres
- Lot 14D: The SE 1/4 of Lot 14 of Shady Acres, according to Plat No. 2003-100, Kenai Recording District, Third Judicial District, State of Alaska; 5.9 +/- acres

Section 3. Submittal of a certificate from the borough finance department that all taxes due and payable on the land subject to the waiver application have been paid.

Section 4. Submit an updated Certificate to Plat current to no earlier than three business days prior to the planning commission meeting and is valid for 30 days.

Section 5. The Planning Department is responsible for filing the Planning Commission resolution.

Section 6. The applicant will provide the recording fee for the resolution and exhibit drawing to the Planning Department.

Section 7. File the PC Resolution, with the exhibit drawing, in the appropriate recording district after the deadline to appeal the Planning Commission's approval has expired (15 days from the date of the notice of decision) unless there are no parties with appeal rights.

Section 8. The Plat Waiver will be recorded within 30 days after adoption or the waiver shall lapse.

Section 9. The Plat Waiver is subject to all notes, easements, set-backs, and dedications

as delineated on Plat No. 2003-100.

Section 9. The exhibit drawing is attached hereto and part of this resolution.

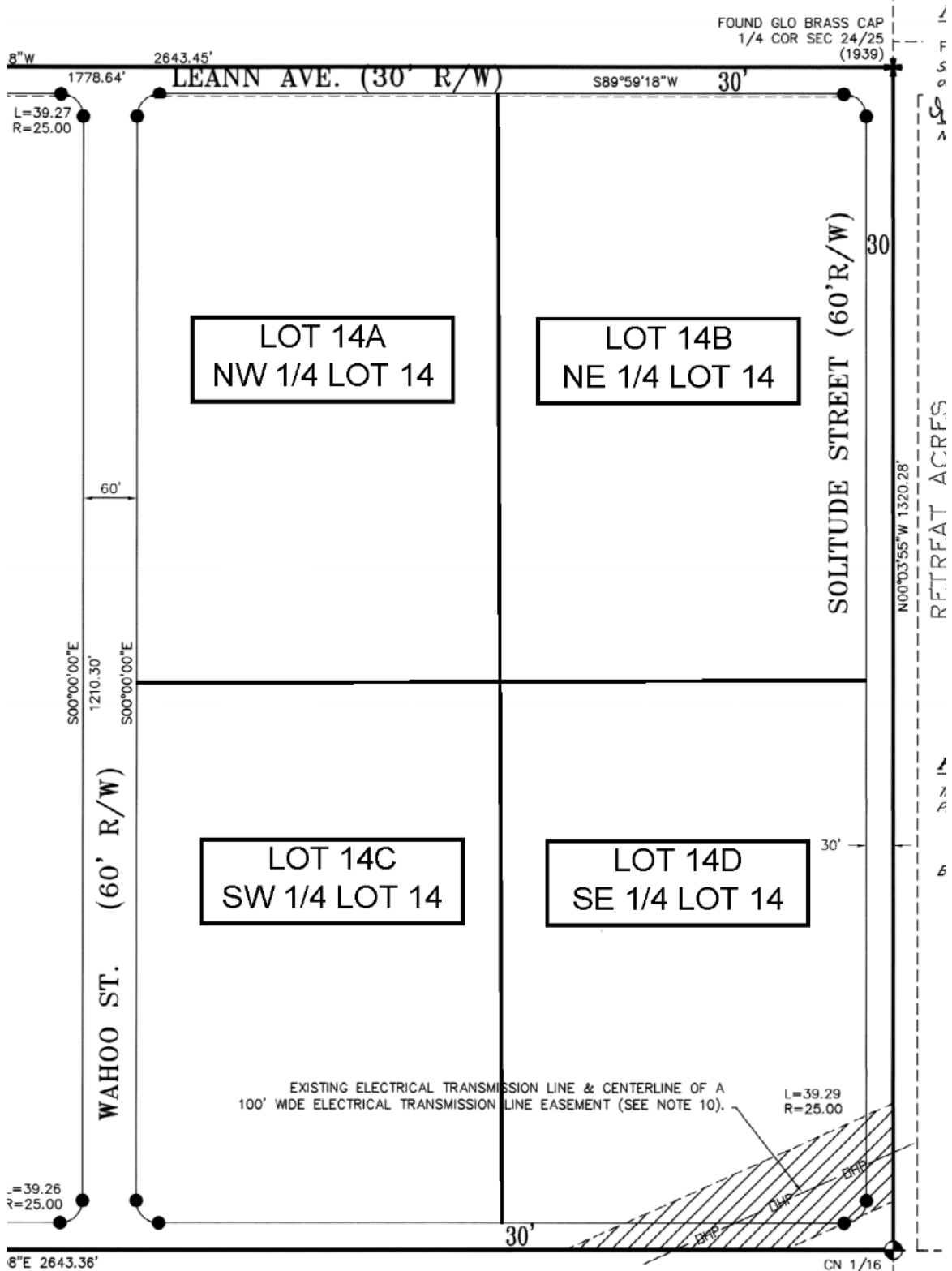
Section 10. That this resolution becomes effective upon being properly recorded.

ADOPTED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH  
ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.

_____	ATTEST	_____
	:	
Blair J. Martin, Chairperson Planning Commission		Ann Shirnberg, Administrative Assistant

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

EXHIBIT A  
PLAT WAIVER FOR LOT 14, SHADY ACRES (KN 2003-100); IN NW 1/4 S25, T05N, R09W; SEWARD  
MERIDIAN, ALASKA, WITHIN THE KENAI PENINSULA BOROUGH; KPB FILE NO. 2021-149



SUBJECT TO PLAT NOTES AS STATED ON SHADY ACRES, 2003-100 KENAI RECORDING DISTRICT

PLAT NOTES		
1. A 20' BUILDING SET BACK SHALL EXIST ALONG ALL DEDICATED RIGHTS OF WAY UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION. THE FRONT 10' OF THE BUILDING SETBACK IS A UTILITY EASEMENT. THE SHOP ON LOT 1 PREDATES THIS RESTRICTION.		
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. WASTEWATER DISPOSAL LOTS 1-12: SOIL CONDITIONS, WATER TABLES LEVELS, AND SOIL SLOPES IN THIS SUBDIVISION HAVE BEEN FOUND SUITABLE FOR CONVENTIONAL ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEMS SERVING SINGLE-FAMILY OR DUPLEX RESIDENCES AND MEETING THE REGULATORY REQUIREMENTS OF THE KENAI PENINSULA BOROUGH. ANY OTHER TYPE OF ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEM MUST BE DESIGNED BY A PROFESSIONAL ENGINEER, REGISTERED TO PRACTICE IN ALASKA, AND THE DESIGN MUST BE APPROVED BY THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION. AN ENGINEER'S SOILS REPORT IS ON FILE AT THE KENAI PENINSULA BOROUGH.		
<i>William F. Crain</i> CE 4950 11/18/03 ENGINEER LICENSE NO. DATE		
4. WASTEWATER DISPOSAL LOTS 13 AND 14: 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 SYSTEM MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.		
5. THE FRONT 10' OF THE 20' BUILDING SETBACK AND THE ENTIRE SETBACK WITHIN 5' OF THE SIDE LOT LINES IS A UTILITY EASEMENT. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN THE UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF THE UTILITY TO USE THE EASEMENT.		
6. THE BASIS OF BEARINGS IS TRUE BEARINGS AS COMPUTED AT THE C 1/4 SEC. 25 FROM GPS OBSERVATIONS USING TRIMBLE 4700 RECEIVERS AND TRIMBLE TGO VERSION 1.5 SOFTWARE.		
7. ROADS MUST MEET THE DESIGN AND CONSTRUCTION STANDARDS ESTABLISHED BY THE BOROUGH IN ORDER TO BE CONSIDERED FOR CERTIFICATION AND INCLUSION IN THE ROAD MAINTENANCE PROGRAM.		
8. NO DIRECT ACCESS TO STATE MAINTAINED RIGHTS-OF-WAY IS PERMITTED UNLESS APPROVED BY STATE OF ALASKA DEPT. OF TRANSPORTATION.		
9. REFERENCE SHOULD BE MADE TO BOOK 7, PAGE 85 AND BOOK 71, PAGE 204 FOR AN EASEMENT GRANTED TO THE STATE OF ALASKA FOR ROAD AND UTILITY APPURTENANCES.		
10. TRANSMISSION LINE EASEMENT: NO EXCAVATION OR FILL WITHIN THE EASEMENT IS ALLOWED WITHOUT THE EXPRESS WRITTEN PERMISSION OF HEA. NO POLE-STRUCTURES EXIST ON LOT 14 AT TIME OF PLAT CREATION.		KPB FILE No. 2003-139