

## **E. NEW BUSINESS**

- 8. Puffin Acres Bayweld 2022 Replat; KPB File 2022-046**  
**Seabright Surveying**  
**ENT Properties LLC & East Road Services Inc.**  
**Location: East End Road & Little Fireweed Lane**  
**City of Homer**



Vicinity Map

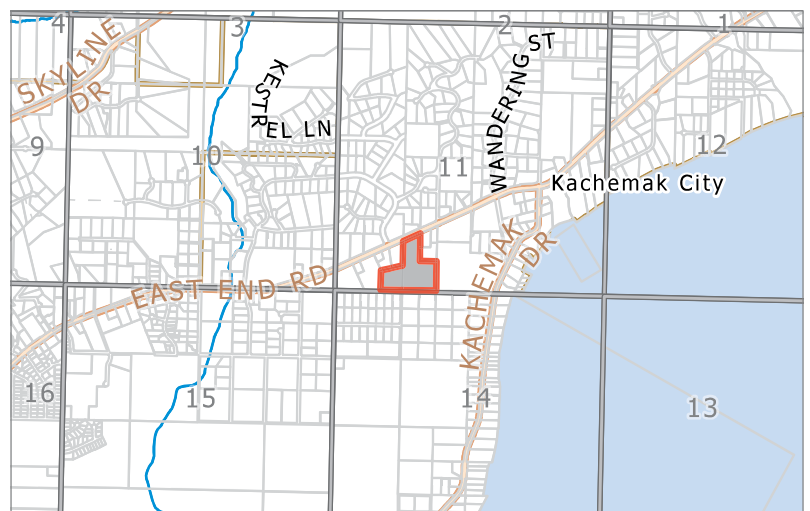
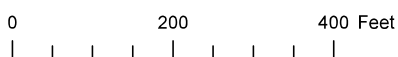


KPB File # 2022-046

S11-T06S-R13W

Homer

4/6/2022





Aerial View





## NOTES

1. NO PERMANENT STRUCTURES SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE SAID EASEMENT.
2. ALL WASTEWATER DISPOSAL SYSTEMS SHALL COMPLY WITH EXISTING APPLICABLE LAWS AT THE TIME OF CONSTRUCTION.
3. THESE LOTS ARE SERVED BY CITY OF HOMER WATER AND SEWER.
4. THESE LOTS ARE SUBJECT TO CITY OF HOMER ZONING REGULATIONS. REFER TO THE PARENT PLATS AND THE HOMER CITY CODE FOR ALL CURRENT SETBACK AND SITE DEVELOPMENT RESTRICTIONS. OWNERS SHOULD CHECK WITH THE CITY OF HOMER PRIOR TO DEVELOPMENT ACTIVITIES.
5. NO ACCESS TO STATE MAINTAINED RIGHTS-OF-WAY PERMITTED UNLESS APPROVED BY THE STATE OF ALASKA DEPARTMENT OF TRANSPORTATION.
6. PROPERTY OWNER SHOULD CONTACT THE ARMY CORPS OF ENGINEERS PRIOR TO ANY ON-SITE DEVELOPMENT OR CONSTRUCTION ACTIVITY TO OBTAIN THE MOST CURRENT WETLAND DESIGNATION (IF ANY). PROPERTY OWNERS ARE RESPONSIBLE FOR OBTAINING ALL REQUIRED LOCAL, STATE, AND FEDERAL PERMITS.
7. THERE IS A RIGHT-OF-WAY EASEMENT WITH NO DEFINED LOCATION THAT AFFECTS THIS SUBDIVISION GRANTED TO HOMER ELECTRIC ASSOCIATION, INC. RECORDED BK 30 PG 32 HRD.
8. THERE IS A RIGHT-OF-WAY EASEMENT THAT AFFECTS THIS SUBDIVISION GRANTED TO HOMER ELECTRIC ASSOCIATION, INC. RECORDED BK 119 PG 74 HRD.
9. ACCEPTANCE OF THIS PLAT BY THE KENAI PENINSULA BOROUGH DOES NOT INDICATE ACCEPTANCE OF ANY ENCROACHMENTS.
10. FOR EAST END ROAD RIGHT OF WAY INFORMATION REFER TO SHEET 21 OF ALASKA DOT & PF ROW MAP STP-041(9), RECORDED AS PLAT 2010-32 HRD.
11. THIS SUBDIVISION MAY BE AFFECTED BY A SEPTIC SYSTEM GROUND USE AND MAINTENANCE AGREEMENT AS RECORDED ON DECEMBER 22, 1995 IN BK 249 PG 576 HRD.
12. THERE IS A RIGHT-OF-WAY EASEMENT THAT MAY AFFECT THIS SUBDIVISION GRANTED TO HOMER ELECTRIC ASSOCIATION, INC. RECORDED BK 81 PG 147 HRD.
13. THERE IS A 15' UTILITY EASEMENT GRANTED TO HOMER ELECTRIC ASSOCIATION THAT AFFECTS THIS SUBDIVISION. RECORDED SERIAL NO. 2017-003713-0 HRD.

## GPS CONTROL DATA

1. BASIS OF COORDINATES FOR THIS SURVEY IS FROM GPS STATIC OBSERVATIONS TAKEN ON THE MONUMENT POSITIONS AS SHOWN ON THIS PLAT. NAD83 ALASKA STATE PLANE GRID COORDINATES OBTAINED FROM THE GPS OBSERVATIONS WERE BASED ON THE NGS PUBLISHED VALUES FOR USCGS TRISTATION "HOMER".
2. TRUE BEARINGS AND DISTANCES WERE DETERMINED BY ROTATING AND SCALING FROM GRID USING USCGS TRISTATION "HOMER" AS A SCALING POINT. TRUE BEARINGS WERE DETERMINED BY ROTATING GRID INVERSE AZIMUTHS  $-111^{\circ}13.4'$ . TRUE DISTANCES WERE OBTAINED BY DIVIDING GRID INVERSE DISTANCES BY 0.999984696.
3. THE RESULTING SCALED COORDINATES WERE TRANSLATED TO A LOCAL COORDINATE SYSTEM BASED ON USCGS TRISTATION "HOMER"  $N=100,000$   $E=100,000$ . ALL COORDINATE VALUES REPRESENT GROUND DISTANCES ORIENTED TO TRUE NORTH.

## CERTIFICATE OF ACCEPTANCE

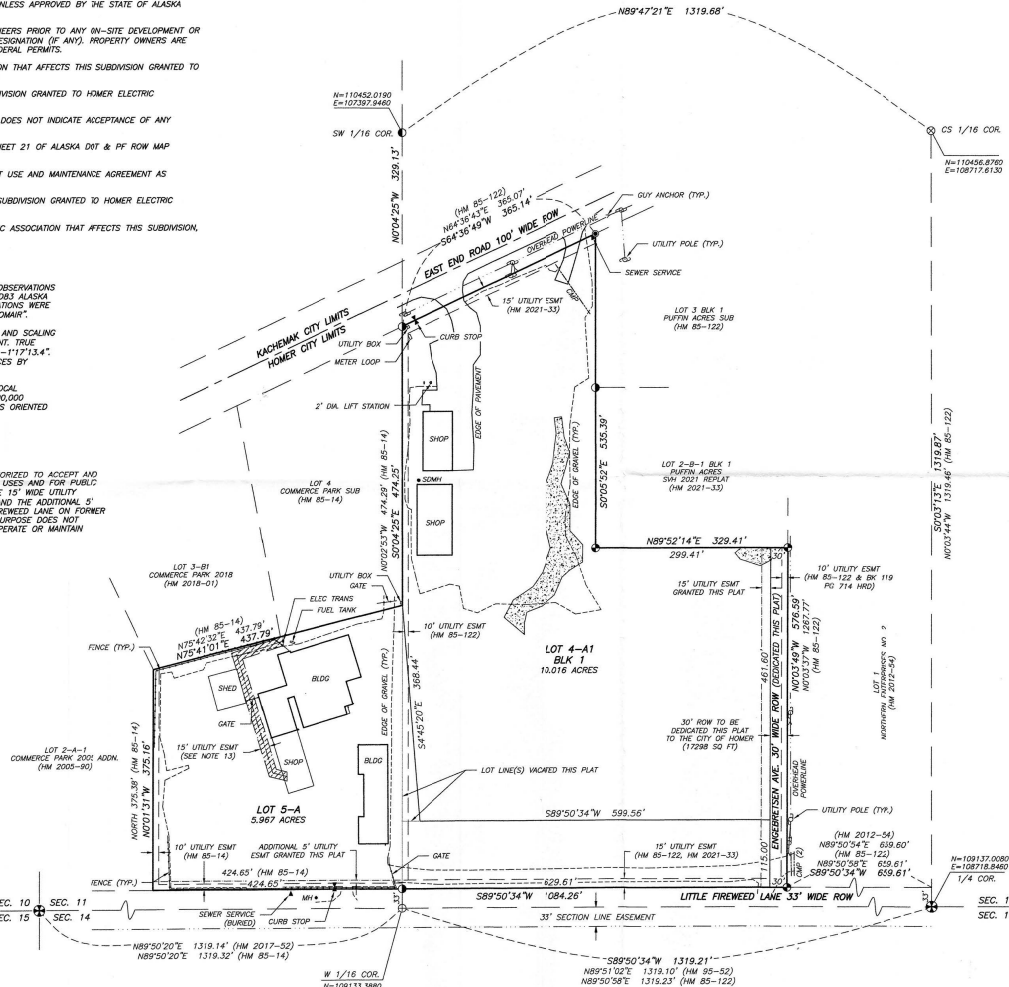
THE UNDERSIGNED OFFICIAL IDENTIFIED BY NAME AND TITLE IS AUTHORIZED TO ACCEPT AND HEREBY ACCEPTS ON BEHALF OF THE CITY OF HOMER FOR PUBLIC USES AND FOR PUBLIC PURPOSES THE 10' WIDE RIGHT-OF-WAY DEDICATED THIS PLAT. THE 15' WIDE UTILITY EASEMENT GRANTED THIS PLAT ADJACENT TO ENGETERSEN AVE., AND THE ADDITIONAL 5' WIDE UTILITY EASEMENT GRANTED THIS PLAT ADJACENT TO LITTLE FREWED LANE ON FORMER LOT 5. THE ACCEPTANCE OF LANDS FOR PUBLIC USE OR PUBLIC PURPOSE DOES NOT OBLIGATE THE PUBLIC OR ANY GOVERNING BODY TO CONSTRUCT, OPERATE OR MAINTAIN IMPROVEMENTS.

ROB DUNKEL, CITY MANAGER  
CITY OF HOMER

DATE



GRAPHIC SCALE  
0 100' 200' 300' 400'



## NOTARY'S ACKNOWLEDGMENT

FOR:  
ACKNOWLEDGED BEFORE ME THIS  
DAY OF \_\_\_\_\_, 2022

NOTARY PUBLIC FOR ALASKA

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

## NOTARY'S ACKNOWLEDGMENT

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ACKNOWLEDGED BEFORE ME THIS  
DAY OF \_\_\_\_\_, 2022

NOTARY PUBLIC FOR ALASKA

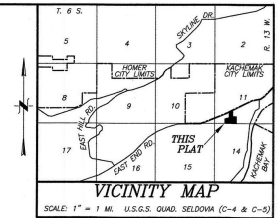
MY COMMISSION EXPIRES \_\_\_\_\_

## NOTARY'S ACKNOWLEDGMENT

FOR:  
ACKNOWLEDGED BEFORE ME THIS  
DAY OF \_\_\_\_\_, 2022

NOTARY PUBLIC FOR ALASKA

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



## CERTIFICATE OF OWNERSHIP

WE HEREBY CERTIFY THAT ENT PROPERTIES, LLC IS THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON, THAT ON BEHALF OF ENT PROPERTIES, LLC 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 HEREON.

ENT PROPERTIES  
OWNER, ENT PROPERTIES LLC  
4575 THOMAS CT.  
HOMER, AK 99603

FORMER LOT 5  
(HM 85-14)

THERESA ENGEBRETSEN  
OWNER, ENT PROPERTIES LLC  
4575 THOMAS CT.  
HOMER, AK 99603

FORMER LOT 5  
(HM 85-14)

## CERTIFICATE OF OWNERSHIP

I HEREBY CERTIFY THAT EAST ROAD SERVICES, INC. IS THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON, THAT ON BEHALF OF EAST ROAD SERVICES, INC. I HEREBY ADOPT THIS PLAN OF SUBDIVISION, AND BY MY FREE CONSENT DEDICATE ALL RIGHTS OF WAY AND PUBLIC AREAS TO PUBLIC USE, AND GRANT ALL EASEMENTS TO THE USE SHOWN HEREON.

TROY A. JONES, PRESIDENT &  
AUTHORIZED SIGNATORY FOR  
EAST ROAD SERVICES, INC.  
13740 JONES DR.  
HOMER, AK 99603

FORMER LOT 4A BLK 1  
(HM 2021-33)

## LEGEND

- FNB 2" AC 7968-S 2021
- FNB 2" AC LS 10771 2005
- FNB 2" AC 5780-S 200-
- FNB 2" AC 5780-S 2005
- FNB 5/8" REBAR
- ⊗ FNB 2.5" BC MON 1301-S 1971
- ⊗ FNB 2.5" BC MON 3686-S 1983
- ⊗ FNB 1" CONC. FILLED IRON PIPE (BROKEN)

APPROX. LOCATION OF SLOPES 20% OR GREATER (NFB 60)

HOMER RECORDING DISTRICT KPB FILE NO. 2022-046

## PUFFIN ACRES BAYWELD 2022 REPLAT

A REPLAT OF LOT 4-A BLK 1 PUFFIN ACRES SHW 2021 REPLAT (HM 2021-33) & LOT 5 COMMERCE PARK (HM 1985-14), LOCATED WITHIN THE SW 1/4 SEC 11, T. 6 S., R. 13 W., SEWARD MERIDIAN, CITY OF HOMER, KENAI PENINSULA BOROUGH, THIRD JUDICIAL DISTRICT, ALASKA

CONTAINING 16.380 ACRES

SEABRIGHT SURVEY + DESIGN  
KENTON T. BLOOM, P.L.S.  
1044 EAST ROAD, SUITE A  
HOMER, ALASKA 99603  
(907) 299-1091

CLIENTS: EAST ROAD SERVICES, INC.  
13740 JONES DR. HOMER, AK 99603  
ALLEN ENGEBRETSEN & UNDA ENGEBRETSEN  
P.O. BOX 534 HOMER, AK 99603

DRAWN BY: KK CHKD BY: KB JOB #2021-75  
DATE: 03/2022 SCALE: 1"=100' SHEET #1 OF 1

KPB 2022-046

AGENDA ITEM E. NEW BUSINESS

ITEM 8 - PUFFIN ACRES BAYWELD 2022 REPLAT

<b>KPB File No.</b>	2022-046
<b>Plat Committee Meeting:</b>	May 9, 2022
<b>Applicant / Owner:</b>	East Road Services Inc and ENT Properties LLC of Homer, AK
<b>Surveyor:</b>	Kenton Bloom / Seabright Surveying
<b>General Location:</b>	East End Road, Little Fireweed Lane, City of Homer

<b>Parent Parcel No.:</b>	174-191-05 and 174-192-87
<b>Legal Description:</b>	Lot 4-A Block 1 Puffin Acres SVH 2021 Replat Plat No HM 2021-33 Lot 5 Commerce Park Plat No HM 1985-14
<b>Assessing Use:</b>	General Commercial
<b>Zoning:</b>	East End Mixed Use
<b>Water / Wastewater</b>	City

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STAFF REPORT

**Specific Request / Scope of Subdivision:** The proposed plat will reconfigure the lot line between two lots and dedicate a 30 foot wide right-of-way. Proposed Lot 4-A1 is reducing from the original size of 12.2 acres to 10.02 acres. Proposed Lot 5-A is increasing from the original size of 4.18 acres to 5.97 acres.

**Location and Legal Access (existing and proposed):** The proposed subdivision is located between East End Road and Little Fireweed Lane. The subdivision is located near mile 3 of East End Road, a 100 foot wide state maintained right-of-way. Proposed Lot 4-A1 has constructed access already in place from East End Road. Approximately at mile 2.75 of East End Road is Ternview Place, a varying width right-of-way that is constructed and provides a connection to Little Fireweed Lane. The dedications of Little Fireweed Lane vary but the right-of-way coincides with section line easements. Proposed Lot 5-A appears to have developed access from Little Fireweed Lane. Ternview Place and Little Fireweed Lane are under City of Homer jurisdiction.

The subdivision is proposing to dedicate a 30 foot wide right of way along the eastern boundary, Engebretsen Avenue, which should have a suffix of Street. This dedication will allow proposed Lot 4-A1 to have access from East End Road, Little Fireweed Lane, and Engebretsen Street. To the north is Lot 2-B-1 Block 1 of Puffin Acres SVH, Plat HM 2021-33, this lot does not have access via dedicated right-of-way. The current access is by an access easement through Lot 3 Block 1 Puffin Acres Sub, Plat HM 85-122. The dedication proposed on this plat will provide additional access to the lot.

Little Fireweed Lane does not appear to be constructed past Aksel Street. There is a travelway that crosses the right-of-way that allows lots to the north access to some lots to the south. Staff would like to note that there appears to be encroachments within Little Fireweed Lane and the section line easements to the east of this subdivision. Those issues would fall under state or the City of Homer jurisdiction.

This is a commercial area where there is multiple equipment moving between lots. The proposal will be changing Lot 5 into a flag lot with access from Engebretsen Street. While access is available along Little Fireweed Lane it appears there are many fences and gates being used and that this configuration may allow for internal routes to work better and provide a more controlled access point.

The dedication is proposed as 30 feet wide. This is a typical dedication requirement with the other 30 foot expected from neighboring lots in the future. Due to the use of the land in this area and the improvements already in place a full dedication in the future may be limited. The City of Homer reviewed the plat and did not request additional width. ***Staff recommends allowing a 30 foot width dedication as additional dedications could occur in the future***

*but at this time this will provide access to the lot to the north and provide an intersection with Little Fireweed Lane that can be used by multiple commercial lots.*

East End Road, Davis Street, Kachemak Drive, Little Fireweed Lane, and Ternview Place define the block. While the block is closed it is longer than allowed by code. This is an area with multiple larger lots with commercial usage. The proposed dedication, if ever dedicated through, will divide the long block to improve the distances although the western block will be slightly longer than allowed. **Staff recommends** an exception is not needed as the plat is proposing a dedication that will improve the block that best fits the included lots as well as the surrounding lots.

KPB Roads Dept. comments	Out of Jurisdiction: Yes  Roads Director: Uhlin, Dil Comments: No comments
SOA DOT comments	The 100' ROW for East End Road is as shown on Sheet 21 of 27 Homer East Road MP 0-3.75 Lake Street to Kachemak Bay Drive (Plat 2010-32 HRD) and appears to be shown correctly.

**Site Investigation:** Per the Kenai Watershed Forum data, there are discharge slopes within the southern portion of proposed Lot 4-A1 and the flag of proposed Lot 5-A. The correct notes are in place on the plat. **Staff recommends** the low wet areas be depicted on the final plat.

There are some slopes present within the subdivision and are shown on the plat. A portion of those slopes is located at the end for the proposed right-of-way. The City of Homer reviewed the plat and did not request any additional right-of-way width or easements for road construction.

The plat depicts multiple items such as overhead powerlines and structures. Unless the powerlines are to depict an easement within the boundary of the subdivision they may be removed. Buildings, gates, and travelways may be removed unless being used to denote encroachments. Fences are currently shown on the plat and it appears multiple portions are within utility easements. Fences are not a permanent feature and while staff does not recommend the placement within the utility easements they will not need to be shown on the plat. Staff does wish to advise that utility providers have the right to remove the fences at any time or request removal or relocation if needed. The plat note regarding encroachments is present and shall remain on the plat.

KPB River Center review	A. Floodplain Reviewer: Carver, Nancy Floodplain Status: Within City of Homer Comments: Located in Zone D - non-regulatory  B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments  C. State Parks Reviewer: Russell, Pam Comments: No Comments
State of Alaska Fish and Game	No comments

**Staff Analysis** The lots within this subdivision were originally created with Commerce Park, Plat HM 85-14, and Puffin Acres, Plat HM 85-122. Lot 5 from Commerce Park has been unchanged and this will be reconfiguring it into a flag lot with a panhandle with access to the newly proposed dedication. Lot 4 of Puffin Acres has been replatted a few times with the most recent being on Plat HM 2021-33, Puffin Acres SVH 2021 Replat.

The lots are part of a large area that is used commercially with many internal paths between these lots as well as adjacent lots.

An exception was requested by the surveyor for KPB 20.30.190(B), Lots-Dimensions, flag lot length. The code does not allow flag lots to have an access portion less than 60 feet wide to exceed 150 feet in length. The proposed design of the flag lot indicates an access portion of 115 feet wide that is 599.56 feet in length. Staff would like to note that access portions with a 60 foot wide portion is subject to a building setback on the neighboring lot to ensure that are not issues if the access portion is later dedicated as right-of-way. **Staff recommends the plat committee concur the exception is not needed as it complies and the setback is not required as this is within the City of Homer and the setbacks should be determined by their code but a flag lot note should be added.**

The City of Homer Planning Commission heard the replat on March 3, 2022. They approved Staff Report 22-17 and recommended approval subject to displaying 15 foot utility easements adjacent to all rights-of-way. Minutes indicate a conversation was had regarding possible encroachments prior to their approval.

A soils report will not be required. The City of Homer staff report states the lots are already being served by city water and sewer. **Staff recommends an installation agreement will need to be submitted to the borough or documentation from the City of Homer that one is not required.**

Notice of the proposed plat was mailed to the beneficial interest holder on April 7, 2022. The beneficial interest holder will be 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.

**Utility Easements** The parent plats have granted various utility easements through the years. The easements appear to be depicted and labeled correctly. Per the City of Homer's request, additional 5 feet of utility easement is being dedicated in the area formerly within Lot 5 and along the new dedication. This will bring all the utility easements along rights-of-way into compliance with the City of Homer's request.

There are various utility easements granted by document noted within the plat notes. Those with known locations are depicted with reference to the plat note. The owner/surveyor may wish to look further into the easement noted within plat note 12 as a defined location was given. If the location can be determined it should be depicted. If it no longer applies to the property within the subdivision the surveyor may work with the title company to see if it may be removed. If the location cannot be determined, note as such in the plat note.

Plat note 11 refers to a joint use and maintenance agreement between lots for a septic system that may affect this subdivision. The lots listed are not within this subdivision but due to replats it may apply depending on the location. The note should remain in place.

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

**Utility provider review:**

HEA	No comments
ENSTAR	No comments or recommendations
ACS	No objections
GCI	Approved as shown

**KPB department / agency review:**

Addressing	Reviewer: Haws, Derek Affected Addresses: 3301 EAST END RD
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	<p>3385 EAST END RD</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names: EAST END RD LITTLE FIREWEED LN</p> <p>Existing Street Name Corrections Needed:</p> <p>All New Street Names are Approved: No List of Approved Street Names:</p> <p>List of Street Names Denied: ENGEBRETSEN AVE should be ENGEBRETSEN ST due to north/south direction per Homer City Code 11.12.040</p> <p>Comments: City of Homer will advise on affected addresses. ENGEBRETSEN AVE should be ENGEBRETSEN ST.</p>
Code Compliance	<p>Reviewer: Ogren, Eric</p> <p>Comments: No comments</p>
Planner	<p>Reviewer: Raidmae, Ryan</p> <p>There are not any Local Option Zoning District issues with this proposed plat.</p> <p>Material Site Comments: There are not any material site issues with this proposed plat. Review Not Required</p>
Assessing	<p>Reviewer: Wilcox, Adeena</p> <p>Comments: No Comment</p>

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

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

#### **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:** Correct owner to ENT Properties LLC instead of Engebretsen. Verify the address for ENT Properties LLC.



- C. The location, width, and name of existing or platted streets and public ways, railroad rights-of-way, and other important features such as section lines or political subdivisions or municipal corporation boundaries abutting the subdivision;  
**Staff recommendation:** *Note that Little Fireweed Lane is 66 feet wide west of Aksel Street.*
- 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:** *Need to include the status of the lots south of Little Fireweed Lane. Government Lots 8 and 9 should be labeled and depicted as well as Lots 6, 7, and 8 from Plat HM 2017-052.*
- 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:** *Low wet areas are within the southern portion of Lot 4-A1. Wetland designation note is present.*

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#### **KPB 20.30 – Subdivision Design Requirements**

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

20.30.160. Streets-Name requirements. Streets shall be named to conform to KPB Chapter 14.10

**Staff recommendation:** *Correct suffix.*

20.30.250. Building setbacks-Within cities. The building setback requirements for subdivisions located within cities shall be governed by the provisions of municipal zoning districts. Building setbacks as depicted, or noted, on recorded plats shall not be carried forward on a new subdivision plat located within a municipal zoning district. Provide a plat note stating, "Per KPB 20.30.250 the building setback of record has been removed. All development must comply with the municipal zoning requirements."

**Staff recommendation:** *Commerce Park, Plat HM 85-14, contained the setback note. As lot 5 has not been replatted the note removing the setback is needed. It does not appear that the setback from Puffin Acres, Plat HM -122, had been officially removed from the parent plat, HM 2021-33.*

20.30.270. Different standards in cities. Where cities have enacted by ordinance different subdivision design standards than those set forth in this chapter, the planning commission shall apply the city standards in lieu of those set forth in this chapter. Any appeal of a city design standard is subject to KPB 21.01.020(E).

**Staff recommendation:** *The City of Homer does not meet the specified requirements for the application and consideration of different standards.*

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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:** *City sewer and water is present. Correct notes present and no soils analysis required.*

**Staff recommendation:** *comply with 20.40.*

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#### **KPB 20.60 – Final Plat**

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

20.60.040. Dedication of public use lands. Any land shown on a plat as a street, public park or other public area must be dedicated on the final plat to a tax exempt governmental entity. If the governmental entity is not the Kenai Peninsula Borough, the governmental entity shall be required to execute an acceptance of the dedication on the plat.

**Staff recommendation:** *City of Homer will sign and is present on the preliminary. Update "30' right-of-way" to include the name of the right-of-way. Also, update the street name to correct spelling and suffix when listing the utility easements.*

20.60.080. Improvements-Installation agreement required. A final plat of a subdivision located within city limits shall not be recorded with the district recorder prior to compliance with any city ordinances concerning the installation of improvements. Evidence of compliance shall be provided by the subdivider in the form of a written statement from the appropriate city official that improvements required by city ordinance are or will be installed. Evidence of compliance shall be a part of the final plat submission and the time for action required by KPB 20.60.210 shall not commence until evidence of compliance is submitted.

**Staff recommendation:** *Provide documentation from the City of Homer that it installation agreement is in place or one is not required.*

20.60.180. Plat notes.

A. Plat notes shall not be placed on a final plat unless required by borough code or by the planning commission in order to promote or protect the public health, safety, and welfare consistent with borough and state law.

B. Revision of, or not carrying forward, an existing plat note from the parent plat will adhere to KPB 20.50.010. Separate advertising of the plat note removal is not required, Notification of the requested change will be sent by regular mail to all owners within the subdivision (parent plat and subsequent replats) as shown on the borough tax rolls. Upon approval by the planning commission, the revision or removal of the record plat note shall be finalized by recording a planning commission resolution or subdivision plat.

**Staff recommendation:**

*Within plat note 4, remove reference to parent plats. Any relevant requirements or restrictions on parent plats should be carried over to this plat. All other zoning is regulated by the City of Homer.*

*Add the following plat notes*

- *"Per KPB 20.30.250 the building setback of record has been removed. All development must comply with the municipal zoning requirements."*
- *No structures are permitted within the panhandle portion of the flag lot.*

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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: 20.25.120. - REVIEW AND APPEAL.**

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

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

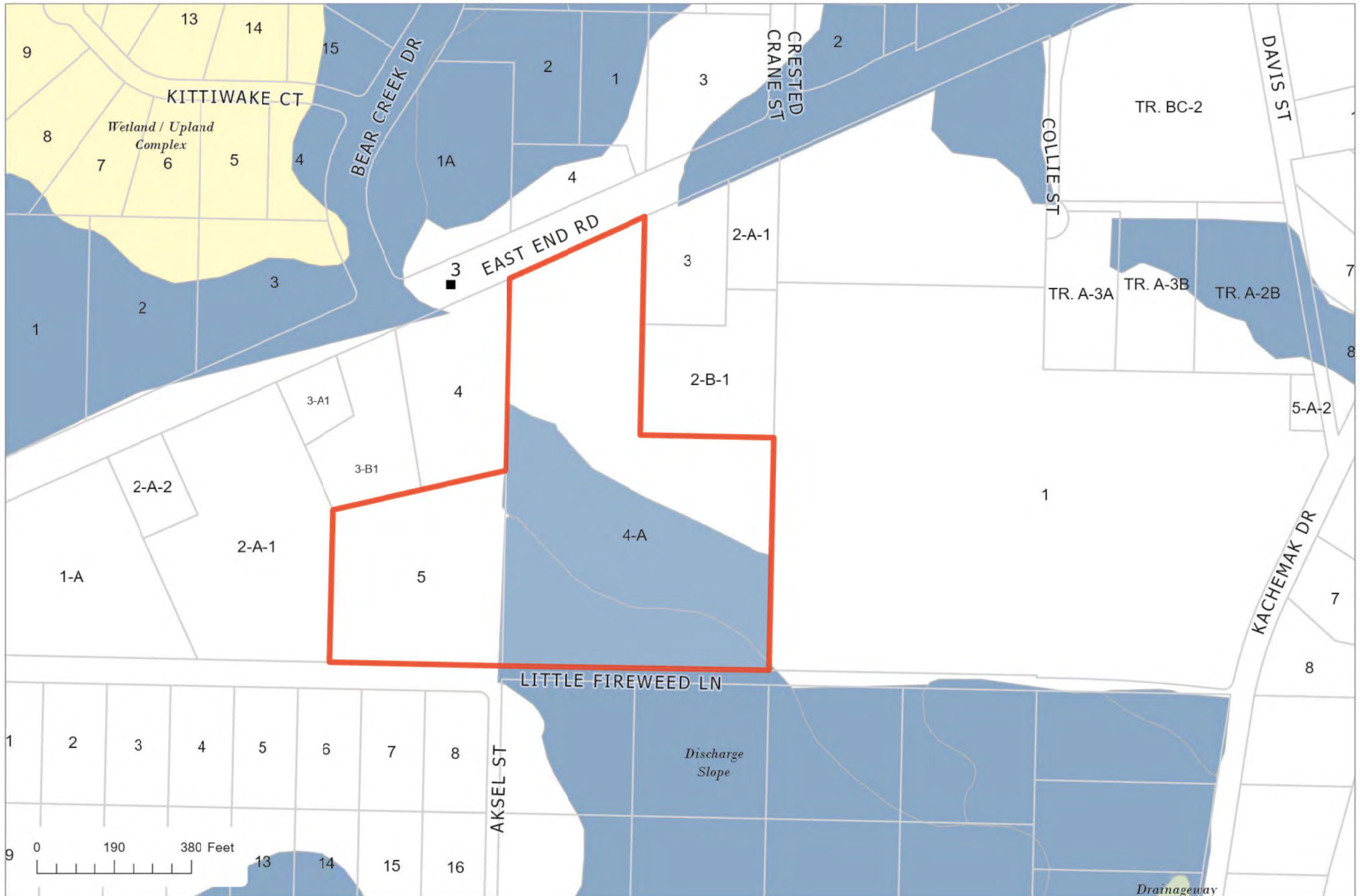
**END OF STAFF REPORT**





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





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8. THERE IS A RIGHT-OF-WAY EASEMENT THAT AFFECTS THIS SUBDIVISION GRANTED TO HOMER ELECTRIC ASSOCIATION, INC. RECORDED BK 118 90 914 1901.
9. EXCEPTIONS TO KRS 20.30.170 (BROWN LENGTH REQUIREMENTS) AND KRS 20.30.170 (LOT ACCESS TO STREET) WERE GRANTED BY THE KENAI PENINSULA BOROUGH PLAT COMMITTEE AT THE MEETING OF MARCH 15, 2021.
10. ACCEPTANCE OF THIS PLAT BY THE KENAI PENINSULA BOROUGH DOES NOT INDICATE ACCEPTANCE OF ANY ENCROACHMENTS.
11. FOR EAST END ROAD RIGHT OF WAY INFORMATION REFER TO STREET 21 OF ALASKA DOT & BY HOME MAP STP-0414(9), RECORDED AS PLAT 2010-33 1905.
12. THIS SUBDIVISION MAY BE AFFECTED BY A RETAIL SYSTEM RIGHT USE AND MAINTENANCE AGREEMENT AS RECORDED ON DECEMBER 22, 1995 IN BK 248 PG 878 1905.

## GPS CONTROL DATA

1. BASIS OF COORDINATES FOR THIS SURVEY IS FROM GPS STATION OBSERVATIONS TAKEN ON THE MONUMENT POSITION AS SHOWN ON THIS PLAT. THE ALASKA STATE PLANE GRID COORDINATES OBTAINED FROM THE GPS OBSERVATIONS WERE BASED ON THE NAD 83 PUBLISHED VALUES FOR THE MONUMENT STATION.
2. TRUE BEARINGS AND DISTANCES WERE DETERMINED BY ROTATING AND SHIFTING FROM GRID USING USCGS TRISTATION VARIATION AS A REFERENCE POINT. TRUE BEARINGS WERE DETERMINED BY ROTATING FROM INVERSE CALCULATED  $\pm 171.44^\circ$  TRUE DISTANCES WERE OBTAINED BY DIVIDING GRID INVERSE DISTANCES BY 0.999986666.
3. THE RESULTING SOLID COORDINATES WERE TRANSFERRED TO A LOCAL COORDINATE SYSTEM BASED ON USCGS TRISTATION VARIATION AS A REFERENCE POINT. E=100,000. ALL COORDINATE VALUES REPRESENT ORIGINAL DISTANCES OBTAINED TO TRUE NORTH.

## WASTEWATER DISPOSAL

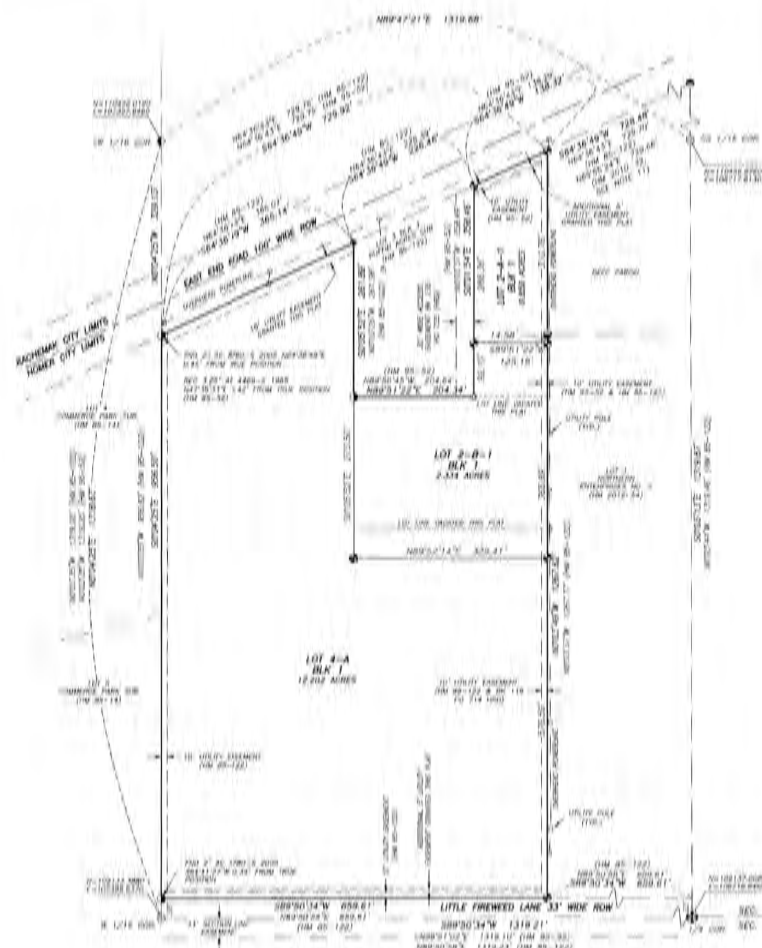
PLANS FOR WASTEWATER DISPOSAL THAT MEET REGULATORY REQUIREMENTS ARE ON FILE AT THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

## LEGEND

- 1. LOT 21-20 7888-15 2021
- 2. LOT 21-20 7888-15 2021 BY PERM
- 3. LOT 21-20 7888-15 2021 BY PERM
- 4. LOT 21-20 7888-15 2021 BY PERM
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- 100. LOT 21-20 7888-15 2021 BY PERM



0 100' 200' 300' 400'  
GRAPHIC SCALE



## NOTARY'S ACKNOWLEDGMENT

FOR Linda Engelbrecht

ACKNOWLEDGED BEFORE ME THIS 14<sup>th</sup>

DAY OF June, 2021

HOMER PUBLIC, FOR ALASKA

MY COMMISSION EXPIRES 8/21/22

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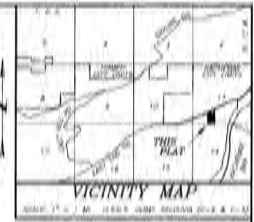
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## CERTIFICATE OF OWNERSHIP

I HEREBY CERTIFY THAT I AM THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON, THAT I HEREBY ACKNOWLEDGE THIS PLAT OF SUBDIVISION, AND BY MY FREE CONTENT I DEDICATE ALL RIGHTS OF WAY AND PUBLIC AREAS TO PUBLIC USE, AND GRANT ALL EASEMENTS TO THE USE SHOWN HEREON.

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## PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF March 15, 2021.

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# PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF 14 March 1995

KENAI PENINSULA BOROUGH

BY: *[Signature]*  
AUTHORIZED OFFICIAL

## LINE TABLE

LINE	BEARING	DISTANCE	REMARKS
1	N 11° 15' 00" E	11.14	TO CORNER OF LOT 1
2	N 89° 50' 00" W	11.14	TO CORNER OF LOT 1
3	N 89° 50' 00" W	11.14	TO CORNER OF LOT 1
4	N 11° 15' 00" E	11.14	TO CORNER OF LOT 1

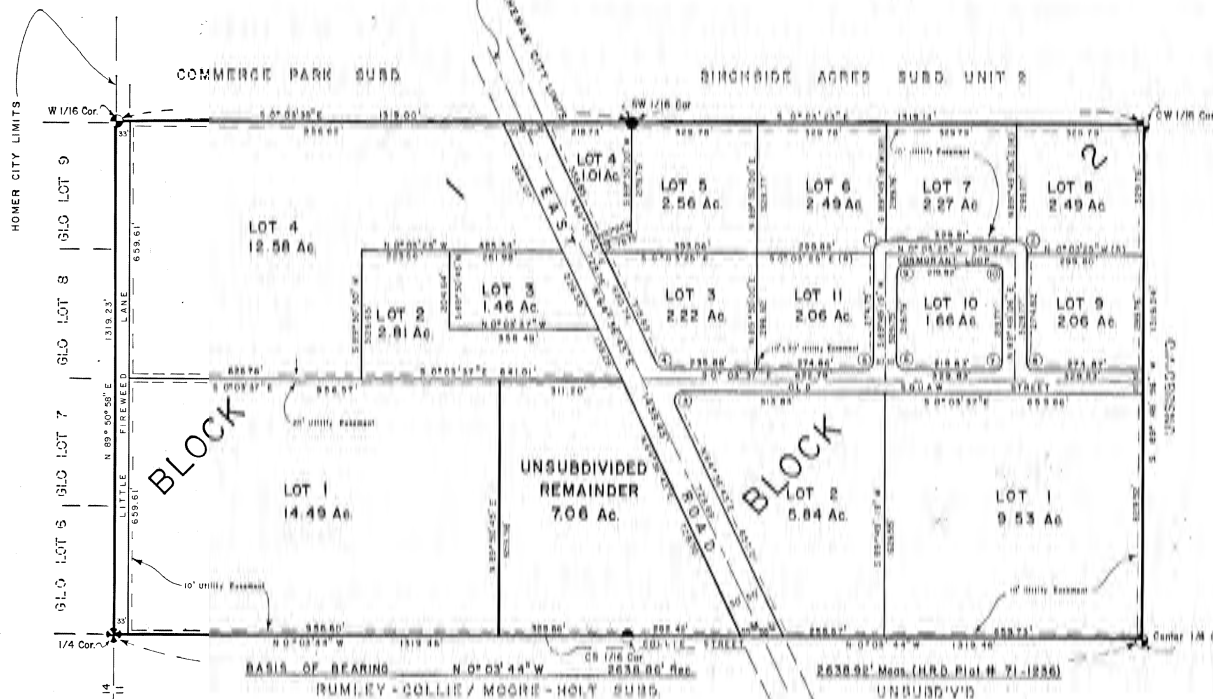
## LEGEND

- + INDICATES BRASS CAP MONUMENT (4400-5, 1995) RECOVERED THIS SURVEY
- INDICATES BRASS CAP MONUMENT (4400-5, 1995) RECOVERED THIS SURVEY
- ⊕ INDICATES ALUMINUM CAP MONUMENT (4400-5, 1995) RECOVERED THIS SURVEY
- INDICATES 5/8" X 30" REBAR WITH 2" ALUMINUM CAP SET THIS SURVEY
- (REC) RECORD
- (MEAS) MEASURED

## NOTES

1. BASIS OF BEARING FOR THIS SURVEY IS WITHIN A BRASS CAP MONUMENT AT THE W1/4 SEC. 11, T. 14 N., R. 13 W. (4400-5, 1995). A THOROUGH RETRACEMENT OF BOUNDARY WAS CONDUCTED AND IT WAS DETERMINED THAT ALL OF THE ORIGINAL 1/2" REBAR SET AT THE CORNERS OF LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 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1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2





**NOTES**

A building setback of 30 feet is required from all street rights of way unless a lesser standard is approved by a resolution of the appropriate planning commission.

No structures permitted within the subsurface portion of Lot 6/Block 2. Lot 10/Block 2 restricted to one access only.

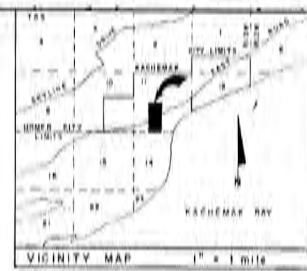
No direct access to state maintained ROWs permitted unless approved by State of Alaska Department of Transportation.

1/2" rather set at each lot corner.

The drainage pattern within this survey involves only normal runoff water.

Water supply and sewage disposal systems shall be permitted only in conformance with applicable requirements of 18 AAC 70, 18 AAC 72, and 18 AAC 80.

The lots on Lot 4, Block 2 of this subdivision are unsuitable for construction on site water disposal systems. Wastewater may not be disposed of on this lot until public sewer is available.



**CERTIFICATE OF OWNERSHIP**

We hereby certify that we are the owners of the property shown and described herein, and that we hereby adopt this plan of subdivision, and dedicate all rights of ways in public use, and agree to easements to the use shown, *as shown*.

Date: *11/22/85* James L. Colkins, Notary Public, Alaska

**NOTARY'S ACKNOWLEDGEMENT** for James L. Colkins  
 SUBSCRIBED AND SWORN TO BEFORE ME THIS *23* DAY OF *November* 1985.

*James L. Colkins* Notary Public, Alaska  
 My Comm. Expires *11/22/88*



**SURVEYOR'S CERTIFICATE**

I hereby certify that I am a Registered Land Surveyor and that this plan represents a survey made by me or under my direct supervision, and the monuments shown herein actually exist as described and that dimensions and other details are correct.

*16/24/1985*  
 Date *Corrie Fraumeni, L.S.*



**CURVE DATA**

① A = 88°52'44" R = 30' L = 47.06'	⑥ A = 88°52'44" R = 30' L = 34.95'
② A = 88°01'39" R = 30' L = 47.19'	⑦ A = 88°01'39" R = 30' L = 35.02'
③ A = 118°16'40" R = 85' L = 50.40'	⑧ A = 88°52'44" R = 30' L = 34.95'
④ A = 88°40'50" R = 25' L = 15.83'	⑨ A = 88°52'44" R = 30' L = 34.95'
⑤ A = 88°01'39" R = 30' L = 47.19'	⑩ A = 88°52'44" R = 30' L = 34.95'

**LEGEND**

• For 8.5 Min. Curve 1917  
 • For 12 Min. 1901 & 1917  
 • For 8.0 Min. 3000 & 1908  
 • For 10 Min. 4400 & 1988

— — — indicates 10 foot utility easement

**PLAT APPROVAL**

This plan was approved by the Homer Peninsula Planning Commission at its meeting of

*December 19, 1984*

KENAI PENINSULA BOROUGH  
*Richard R. Tugler*  
 Authorized Official

**PUFFIN ACRES**

SUBDIVISION OF EAST 1/2 SW 1/4 SECTION 11 T6S, R13W, 5M, ALASKA

CONTAINING 72.84 ACRES

Date: Jan 28, 1985

Scale: 1" = 150'

For:  
 James L. Colkins  
 Box 1-08  
 Homer, Alaska

By:  
 Corrie Fraumeni  
 53045 McNeil Canyon Rd  
 Homer, Alaska

*85-122*

FILED 12-2-85  
 HOMER, ALASKA  
*James L. Colkins*  
 Notary Public  
 My Comm. Expires *11/22/88*



# LEGEND

● SET 3 1/4" ALUMINUM MONUMENT ON 5/8" REBAR

----- UTILITY EASEMENT

REPLACED 1/2" REBAR WITH 2 1/2" ALUMINUM MONUMENT, 4469-S, 1985

SW 1/16

## PLAT APPROVAL

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of 12/17/84.

KENAI PENINSULA BOROUGH

By: Hand D. Fager  
Authorized Official

## OWNERSHIP CERTIFICATE

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 right-of-ways to public use, and grant all easements to the use shown.

Patrick M. Hickey  
Patrick M. Hickey  
341 E. Tudor Rd., Suite 101  
Anchorage, Ak. 99503

## NOTARY'S ACKNOWLEDGEMENT

Subscribed and sworn before me this 18<sup>th</sup> day of January, 1985, for Patrick M. Hickey.

Judith M. Mullikin  
Notary Public for Alaska  
My Commission Expires: 4-18-87

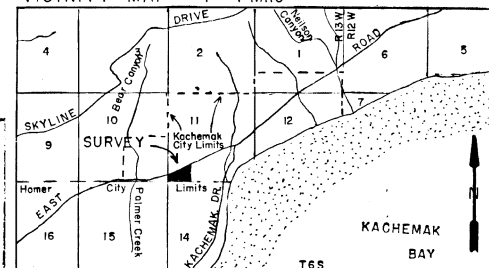
State of Alaska  
NOTARY PUBLIC  
JUDITH MULLIKIN  
MY COMMISSION EXPIRES 4/18/87

## PUFFIN ACRES NOTES:

(PRELIMINARY)

1. All wastewater disposal systems shall comply with existing applicable laws at time of construction.
2. The State of Alaska requires that all wastewater disposal systems be a minimum of 100' from any water source.
3. Building Setback-- A setback of 20' is required from all street right-of-ways unless a lesser standard is approved by resolution of the appropriate Planning Commission.
4. No direct access to state maintained ROWs permitted unless approved by State of Alaska Department of Transportation.

## VICINITY MAP 1" = 1 Mile



## COMMERCE PARK

That portion of SW 1/4 SW 1/4 Sec. 11, T6S, R13W, S.M., lying south of East Road, Kenai Peninsula Borough, Ak. Containing 21.312 Acres

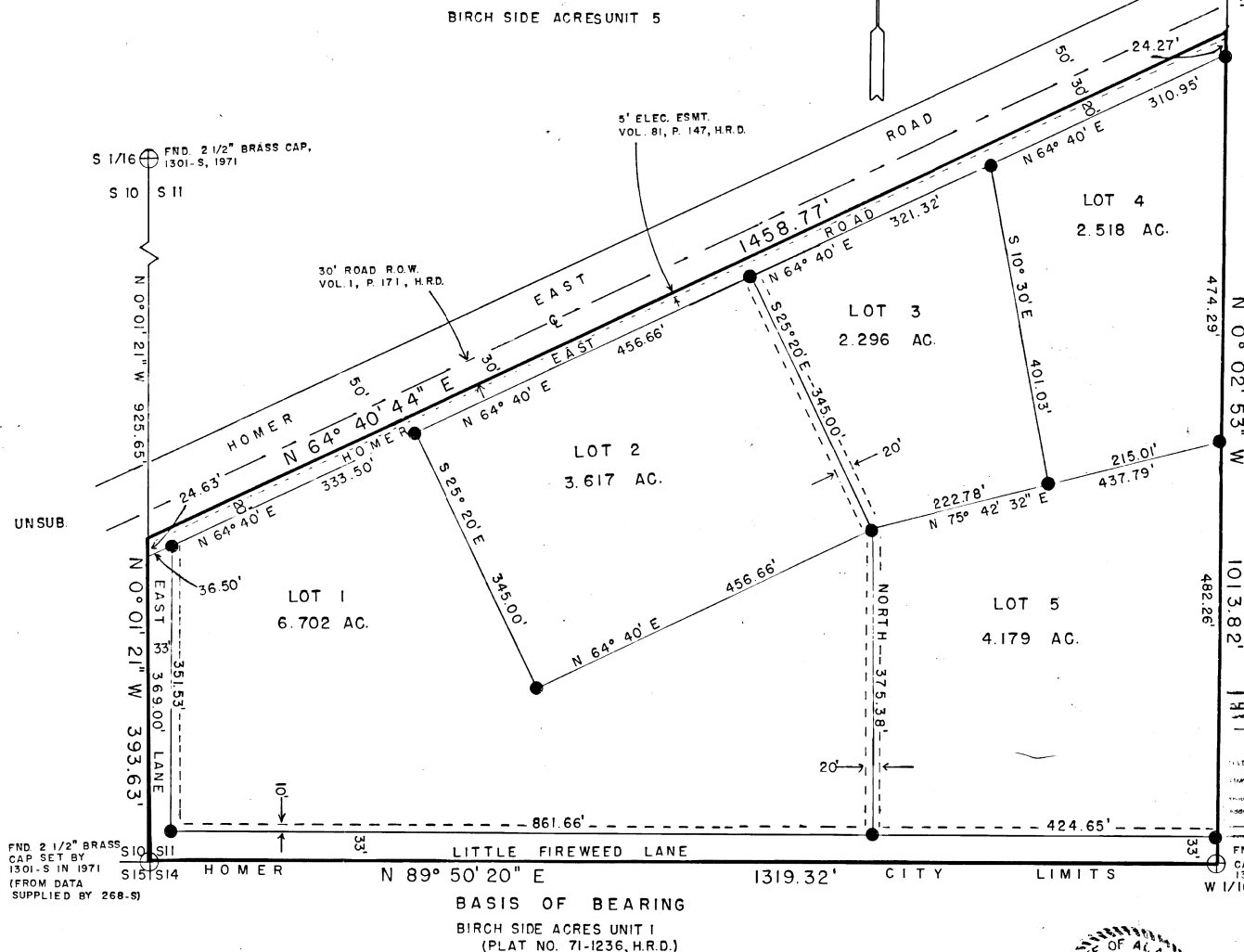
Surveyed by:  
Donald E. Mullikin, R.L.S.  
MULLIKIN SURVEYS  
Box 790, Homer, Ak.

Surveyed for:  
Patrick M. Hickey  
341 W. Tudor Rd., Suite 101  
Anchorage, Ak. 99503

Date: DECEMBER 1984

Scale: 1" = 100'

Field Book No. 64



FND 2 1/2" BRASS CAP SET BY 1301-S IN 1971 (FROM DATA SUPPLIED BY 268-S)

FND 2 1/2" BRASS CAP SET BY 1301-S IN 1971 (FROM DATA SUPPLIED BY 268-S)

UNSUB.



AFFIDAVIT FOR ISOLATED SUBDIVISION RECD WITH ADEC

Deputy City Planner Engebretsen reviewed Staff Report 22-15 highlighting the following:

- opportunity for training virtually in conjunction with the Alaska Planners Conference
- April 23<sup>rd</sup>, 2022 deeper dive into specific and technical questions
- At the Planning Conference Week of April 22<sup>nd</sup>-24<sup>th</sup> presentations on Coastal Setback regulations and challenges to take the technical information and turn into land use regulations
- EDC has identified affordable workforce housing and balancing the quality of life as the community grows
- New plans for the property at the corner of Pioneer and Sterling Highway information available on the city website
- Notice to property owners regarding changes in zoning

Deputy City Planner Engebretsen provided information in response to Commissioner questions on the proposed community multi-use center and where the information was located on the city website, demolition schedule, and funding.

### **PUBLIC HEARINGS**

#### **A. Staff Report 22-16, Storage Container Dwellings**

Chair Smith introduced the item by reading of the title.

Deputy City Planner Engebretsen reviewed Staff Report 22-16 for the Commission.

Chair Smith opened the public hearing and having no one present he closed the public hearing.

Chair Smith requested a motion and second.

**HIGHLAND/VENUTI - MOVED TO ADOPT STAFF REPORT 22-16 AND RECOMMEND FORWARDING TO CITY COUNCIL THE DRAFT ORDINANCE AMENDING HOMER CITY CODE 21.03.040 DEFINITIONS USED IN ZONING CODE, "DWELLING" OR "DWELLING UNIT" TO EXCLUDE THE USE OF CONNEX BOXES OR OTHER SIMILAR INTERMODAL SHIPPING CONTAINERS.**

There was no discussion.

**VOTE. NON-OBJECTION. UNANIMOUS CONSENT.**

Motion carried

### **PLAT CONSIDERATION**

#### **A. Staff report 22-17, Puffin Acres Bayweld 2022 Replat**

Chair Smith introduced the item by reading of the title.

Commissioner Conley declared he had a conflict of interest.

HIGHLAND/VENUTI MOVED THAT COMMISSIONER CONLEY HAS A CONFLICT OF INTEREST.

Commissioner Conley stated that he is employed by Bayweld but personally he would not financially benefit more than his employment.

VOTE. NO. VENUTI, SMITH, CHIAPPONE, BARNWELL.

VOTE. YES. HIGHLAND.

Motion failed.

Deputy City Planner Engebretsen declared that in accordance with city code she does not have a conflict as the parties involved relationship is not as defined in Homer City Code. She explained that the applicants were her husband's grandfather's brother.

Deputy City Planner Engebretsen reviewed and provided a summary of Staff Report 22-17 for the commission.

Chair Smith opened the public comment period and having no public present he closed the public comment period and requested a motion.

HIGHLAND/VENUTI - MOVED TO ADOPT STAFF REPORT 22-17 AND RECOMMEND APPROVAL OF THE PRELIMINARY PLAT TO MOVE A LOT LINE SHARED BY TWO PARCELS WITH THE FOLLOWING COMMENT:

1. DISPLAY A 15 FOOT UTILITY EASEMENT ADJACENT TO ALL RIGHTS OF WAY.

There was a discussion on the lot line placement and the distance from the structure and any possible encroachments and the Borough does not allow the moving of lot lines if there will be an encroachment.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

## **PENDING BUSINESS**

### **A. Staff Report 22-18, Building Codes**

Chair Smith Introduced the item by reading of the title and invited Deputy City Planner Engebretsen to speak to the staff report.

Deputy City Planner Engebretsen reported that a memorandum was provided for the commission review and requested a motion of approval and forward to City Council. She noted that a typographical error on second to last line on the first page should have the word "are" inserted after the word "Homer".

Commissioner Highland reported an additional typographical error on page two, second to last line, the word should be "versus" not "verses".