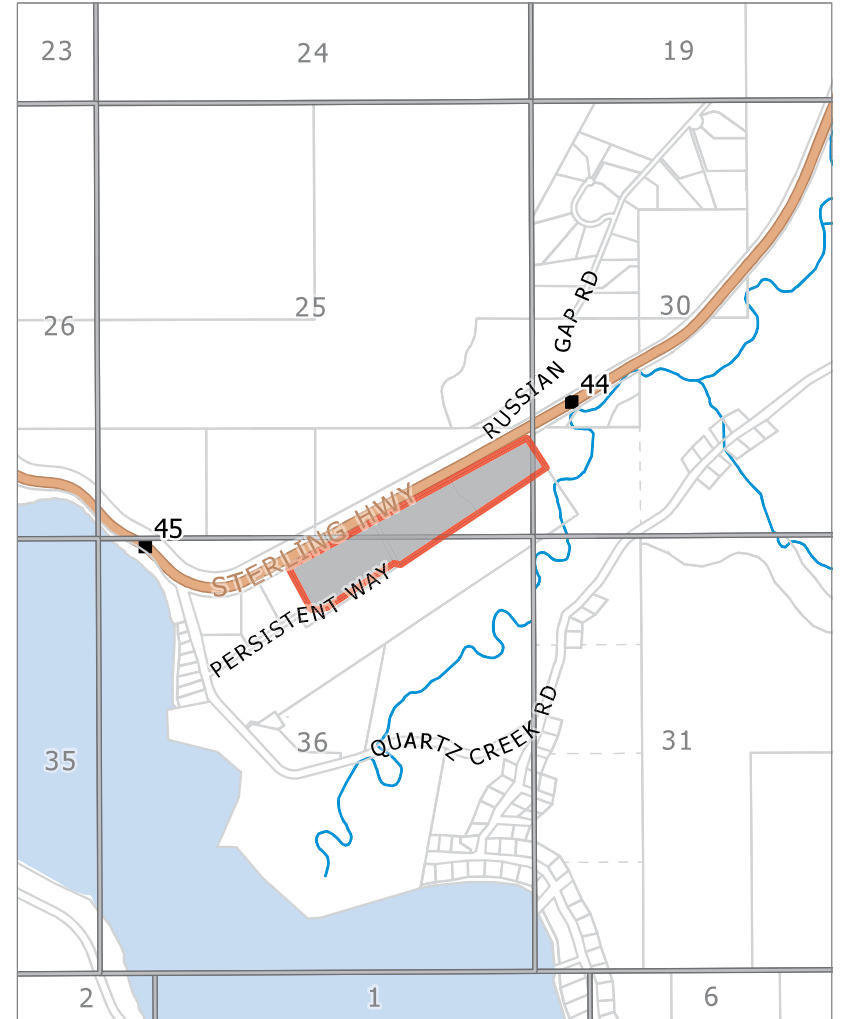
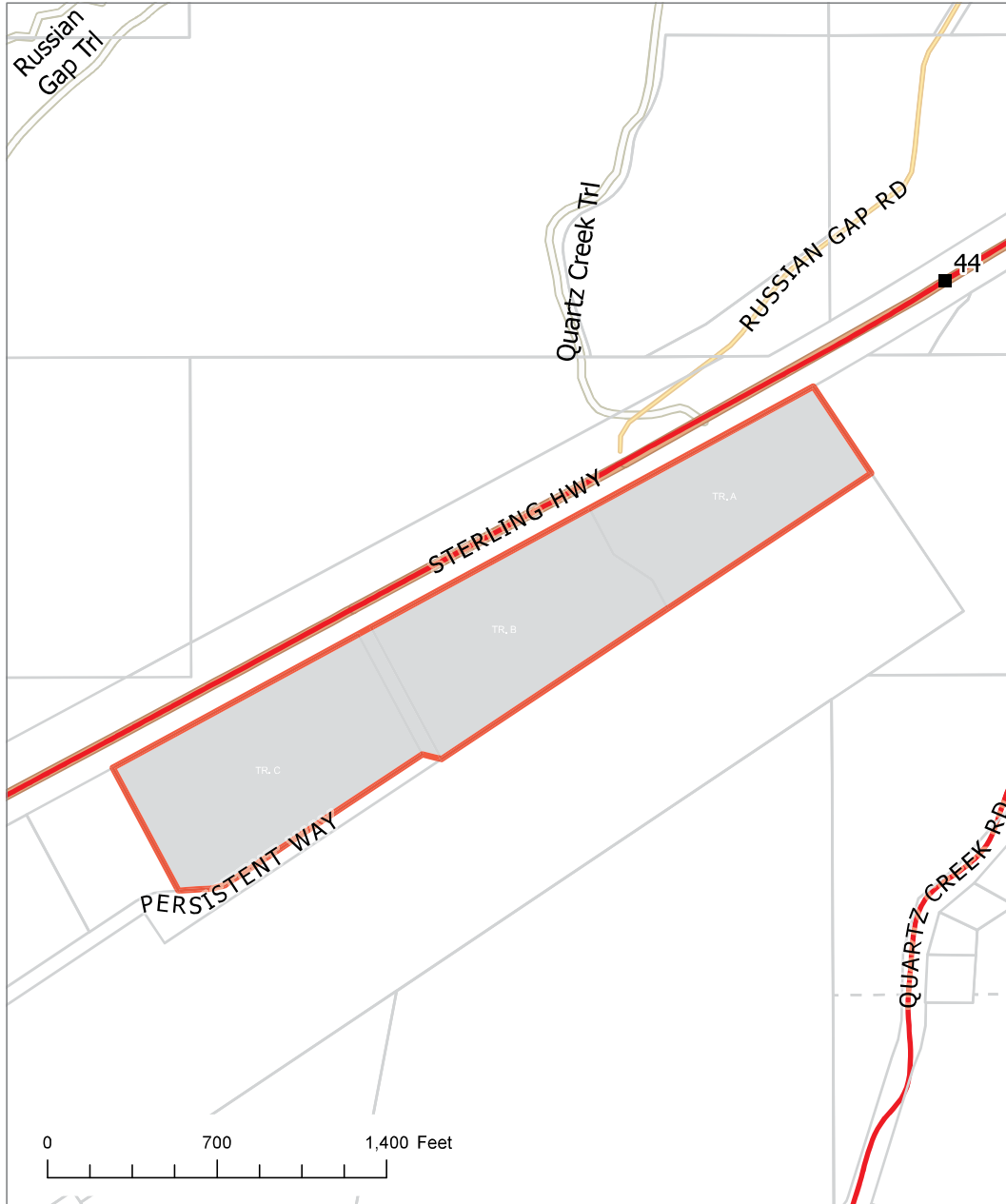


## **E. NEW BUSINESS**

- 8. Quartz Creek Sub Outfitters Way Replat; KPB File 2022-060  
Segesser Surveys / KPB & Three Bears Alaska Inc.  
Persistent Way & Sterling Highway  
Cooper Landing Area / Cooper Landing APC**



KPB File # 2022-060

S25 T05N R02W

S30 T05N R02W

S36 T05N R03W

Cooper Landing





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



# LEGEND:

- 3 1/4" ALUM. CAP MONUMENT BLM 1986 FOUND
- 2 1/2" ALUM. CAP MONUMENT LS5152 2000 FOUND
- 3 1/4" ALUM. CAP MONUMENT 1928-S 1992 FOUND
- 2 1/2" ALUM. CAP MONUMENT 4469-S 2003 FOUND
- 5/8" REBAR w/ 2" ALUM. CAP MCLANE 1994 FOUND
- 5/8" REBAR w/ PLASTIC CAP LS8859 SET
- ( ) RECORD DATUM PLAT 2004-9 KRD

North

## CERTIFICATE of ACCEPTANCE

THE UNDERSIGNED OFFICIAL IDENTIFIED BY NAME AND TITLE IS AUTHORIZED TO ACCEPT AND HEREBY ACCEPTS ON BEHALF OF THE KENAI PENINSULA BOROUGH FOR PUBLIC USES AND FOR PUBLIC PURPOSES THE REAL PROPERTY TO BE DEDICATED BY THIS PLAT INCLUDING EASEMENTS, RIGHTS-OF-WAY, ALLEYS, AND OTHER PUBLIC AREAS SHOWN ON THIS PLAT IDENTIFIED AS FOLLOWS: OUTFITTERS WAY DEDICATION. THE ACCEPTANCE OF LANDS FOR PUBLIC USE OR PUBLIC PURPOSE DOES NOT OBLIGATE THE PUBLIC OR ANY OTHER GOVERNING BODY TO CONSTRUCT, OPERATE, OR MAINTAIN IMPROVEMENTS.

AUTHORIZED OFFICIAL  
KENAI PENINSULA BOROUGH

DATE

SW 2005-10  
Tract I

SW 2005-10  
Tract J

Sterling Highway  
ROW Information from Alaska Department of Transportation  
and Public Facilities right-of-way base map project number  
0212015/7530140000 pages 26 and 27 of 33.

Tract B1  
24.238 Ac.

SW 93-8  
Tract B

Tract C1  
14.444 Ac.

SW 2005-14  
Tract D2

SW 2005-14  
Tract D1



## PLAT APPROVAL

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

KENAI PENINSULA BOROUGH

AUTHORIZED OFFICIAL

## SURVEYOR'S CERTIFICATE

I hereby certify that I am properly registered and licensed to practice land surveying in the State of Alaska, this plat represents a survey made by me or under my direct supervision, the monuments shown hereon actually exist as described, and all dimensions and other details are correct.

Date

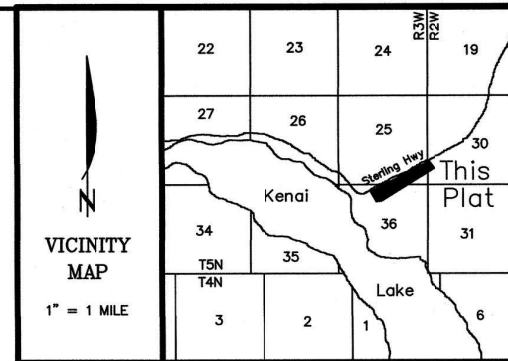
KPB 2022-060

CURVE	DELTA ANGLE	RADIUS	ARC LENGTH	TANGENT	CHORD LENGTH	CHORD BEARING
C1	29°59'58"	170.00'	89.01'	45.55'	88.00'	S71°30'44" W

LINE	BEARING	DISTANCE
L1	N72°01'32" E	345.53'
L2	S86°30'42" W	131.71'
L3	N61°55'50" E	116.51'
L4	S27°35'00" E	126.44'
L5	N56°13'41" W	190.16'
L6	N28°15'26" W	142.46'

## NOTES:

- 1) Basis of bearing taken from Russian Gap Subdivision 2004 Addition, Plat 2004-9, Seward Recording District.
- 2) Building Setback-A setback of 20 feet is required from all street Rights-of-Way unless a lesser standard is approved by resolution by the appropriate Planning Commission.
- 3) Covenants, conditions, and restrictions which affect this subdivision are recorded in Book 90 Page 831 Seward Recording District. The borough will not enforce private covenants, easements, or deed restrictions per KPB 21.44.080.
- 4) An easement between the Kenai Peninsula Borough and Pixie A. Smith is recorded in Book 90 Page 833 Seward Recording District.
- 5) Roads must meet the design and construction standards established by the Borough in order to be considered for certification and inclusion in the Borough road maintenance program.
- 6) This property is subject to a reservation of easement for highway purposes, and any assignments or uses thereof for recreational, utility or other purposes, as disclosed by Public Land Order No. 601, dated August 10, 1949; and amended by Public Land Order Number No. 757, dated October 10, 1959; Public Land Order No. 1613, dated April 7, 1958; Department of the Interior Order Number 2665, dated October 16, 1951, Amendment Number 1 thereto, dated July 17, 1952 and Amendment Number 2 thereto, dated September 15, 1958, filed in the Federal Register.
- 7) No private access to State maintained ROW's permitted unless approved by the State of Alaska Department of Transportation.
- 8) An easement for electrical lines or system and/or telephone lines which affects a portion of Tract A, granted to Chugach Electric Association, Inc. is recorded as serial number 2004-000989-0, Seward Recording District.
- 9) Front 10 feet adjacent to right-of-ways and 20 feet within 5 feet of the side lot lines is a utility easement. No permanent structure shall be constructed or placed within a utility easement which would interfere with the ability of a utility to use the easement.
- 10) WASTEWATER DISPOSAL: These lots are at least 200,000 square feet and conditions may not be suitable for onsite wastewater treatment and disposal. Any wastewater treatment or disposal system must meet the regulatory requirements of the Alaska Department of Environmental Conservation.



## CERTIFICATE of OWNERSHIP and DEDICATION

I, THE UNDERSIGNED, HEREBY CERTIFY THAT THE KENAI PENINSULA BOROUGH IS THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON, AND ON BEHALF OF THE KENAI PENINSULA BOROUGH, I HEREBY ADOPT THIS PLAN OF SUBDIVISION, AND BY MY FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND GRANT ALL EASEMENTS TO THE USE SHOWN.

CHARLIE PIERCE, MAYOR  
KENAI PENINSULA BOROUGH  
144 N BINKLEY STREET  
SOLDOTNA, ALASKA 99669  
TRACTS A AND C

## CERTIFICATE of OWNERSHIP and DEDICATION

I, THE UNDERSIGNED, HEREBY CERTIFY THAT THREE BEAR ALASKA INC IS THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON, AND ON BEHALF OF THREE BEAR ALASKA INC, I HEREBY ADOPT THIS PLAN OF SUBDIVISION, AND BY MY FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND GRANT ALL EASEMENTS TO THE USE SHOWN.

DAVID A. WEISZ, PRESIDENT/CEO  
THREE BEARS ALASKA INC  
445 N. PITTMAN ROAD, SUITE B  
WASILLA, ALASKA 99623  
Tract B

## NOTARY'S ACKNOWLEDGEMENT

FOR  
ACKNOWLEDGED BEFORE ME THIS DAY OF 20

NOTARY PUBLIC FOR ALASKA  
MY COMMISSION EXPIRES

## NOTARY'S ACKNOWLEDGEMENT

FOR  
ACKNOWLEDGED BEFORE ME THIS DAY OF 20

NOTARY PUBLIC FOR ALASKA  
MY COMMISSION EXPIRES

KPB FILE No.

## Quartz Creek Subdivision Outfitters Way Replat and Section Line Easement Vacation

A resubdivision of Tracts A, B, and C, Quartz Creek Subdivision  
Plat 94-11, Seward Recording District.

Located within the SW1/4 Section 30, T5N, R2W, the SE1/4  
Section 25 and the N1/2 Section 36, T5N, R3W, S.M.,  
Kenai Peninsula Borough, Alaska.

Containing 40.040 Ac.

Surveyor  
Segesser Surveys  
30485 Rosland St.  
Soldotna, AK 99669  
(907) 262-3909

Owners  
Three Bears Alaska Inc  
Kenai Peninsula Bor. 445 N Pittman Rd.  
144 N Binkley St. Suite B  
Soldotna, AK 99669 Wasilla, AK 99623

JOB NO. 22031 DRAWN: 4-27-22  
SURVEYED: March, 2022 SCALE: 1"=200'  
FIELD BOOK: 22-1 SHEET: 1 of 1



AGENDA ITEM E. NEW BUSINESS

ITEM 8 - QUARTZ CREEK SUBDIVISION OUTFITTERS WAY REPLAT

<b>KPB File No.</b>	2022-060
<b>Plat Committee Meeting:</b>	June 13, 2022
<b>Applicant / Owner:</b>	Three Bears of Alaska of Wasilla, AK Kenai Peninsula Borough of Soldotna, AK
<b>Surveyor:</b>	John Segesser / Segesser Surveys
<b>General Location:</b>	Cooper Landing / Cooper Landing APC

<b>Parent Parcel No.:</b>	119-124-17, 119-124-18, and 119-124-19
<b>Legal Description:</b>	Tracts A, B, and C of Quartz Creek Subdivision Plat No SW 94-11
<b>Assessing Use:</b>	Residential Vacant
<b>Zoning:</b>	Rural Unrestricted
<b>Water / Wastewater</b>	On site

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STAFF REPORT

This proposed plat was originally scheduled for the May 23, 2022 Plat Committee meeting. Per the request from the Cooper Landing Advisory Planning Commission and the owner, the Kenai Peninsula Borough, the item was postponed. The staff report presented is based on the information presented with the application and what was available to staff at the time the report was prepared. Any additional information will be presented in the desk packet.

**Specific Request / Scope of Subdivision:** The proposed plat will finalize section line easement vacations and dedicate a frontage right-of-way.

**Location and Legal Access (existing and proposed):** The proposed plat is located between miles 44 and 45 of the Sterling Highway, a state maintained right-of-way. Additional access is available by a 60 foot wide right-of-way between two of the tracts that contains a turn to intersect with Quartz Creek Road. The right-of-way is Persistent Way and is not constructed at this time. Quartz Creek Road is constructed and maintained by the State of Alaska DOT.

The plat will be finalizing some section line easement vacations that were scheduled for a hearing by the Planning Commission on May 23, 2022. The hearing was postponed and rescheduled for hearing at the June 13, 2022 Planning Commission meeting. There are section line easements still present outside of this subdivision boundary.

The plat is proposing to dedicate a 60 foot wide right-of-way adjacent to the Sterling Highway and is proposed to be named Outfitters Way. This dedication is to provide a frontage right-of-way to the properties fronting along the Sterling Highway. There have been discussions with the State of Alaska DOT and Three Bears Alaska on the best options to allow access along the northern portion of their property while not creating safety concerns on the highway.

The block containing Tract C1 is closed. Persistent Way, Quartz Creek Road, and the Sterling Highway define the block. The lengths along the block are not compliant and exceed allowable limits. The vacation of the section line easements, the location of an airstrip to the south, and anadromous streams between Tract A2 and B2, limit the ability to get a closed block for the eastern portion of the proposal. Tract A1 is owned by the Kenai Peninsula Borough (KPB) and is used as a transfer site. Tract C1 is also owned by the KPB and could be subdivided in the future. ***Staff recommends the plat committee concur that an exception is not required and additional dedications are not needed at this time.***

KPB Roads Dept. comments	Out of Jurisdiction: No
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	Roads Director: Uhlin, Dil Comments: No comments
SOA DOT comments	Please see attached email comments that were submitted separately from the Sterling Highway 45-60 project team to Marcus Mueller.

**Site Investigation:** The area is relatively flat within the subdivision boundary and there are no steep slopes within the lots are proposed dedication. There are some low wet areas within the subdivision. **Staff recommends low wet areas be depicted on the final plat and a wetland determination plat note be added to the plat.**

Per the parent plat, Quartz Creek Subdivision SW 94-11, the boundary between parent parcels, Tracts A and B, is a thread of creek that forms the tract boundaries. A 100 foot easement is centered over the creek. The easement is depicted and labeled. **Staff recommends the shared boundary line be labeled as "Thread of Creek forms Tract Boundary."**

The creek is within the Anadromous Waters Habitat Protection catalog and the appropriate plat note must be added to the final plat.

Alaska State Land Survey No. 92-22, Plat SW 93-8, depicted the creek and showed a 50 foot public access easement on each side of the creek. Quartz Creek Subdivision, Plat SW 94-11, carried over the depiction but stated it was a pedestrian access easement. Per the Certificate to Plat there are rights of the public to have access to the creek and to portions lying below the mean high water mark. The plat is proposing to carry over the label from the original plat and states it is "100' Public Access Easement". **Staff recommends allowing the label to match the first plat as any development of access within the easement may require permitting.**

KPB River Center review	A. Floodplain Reviewer: Carver, Nancy 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: KPB\maldrige  C. State Parks Reviewer: Russell, Pam Comments: No Comments
State of Alaska Fish and Game	No objections

**Staff Analysis** This land was federal land as shown on the US BLM section plat recorded September 28, 1992. The property was transferred to the State of Alaska and then subdivided by Alaska State Land Survey 92-22, Plat SW 93-8. The borough acquired Tract A, ASLS 92-22 and further subdivided the land as shown on Quartz Creek Subdivision, Plat SW 94-11.

The ownership of Tract B has changed several times and is currently owned by Three Bears Alaska, Inc. The ownership of Tracts A and B is still the Kenai Peninsula Borough. Tract A is currently being used as a waste transfer site.

A petition to vacate the section line easements within Tract B was heard and approved by the Kenai Peninsula Borough Planning Commission on September 14, 2020. The Kenai Peninsula Borough Assembly consented to the vacation at their October 13, 2020 meeting. Some issues arose at the state level about the plan in place. Three



Bears Alaska have been working with the state and the borough and are now seeking approval of a new design that includes additional section line easements to be vacated and a frontage right-of-way dedication.

The preliminary plat is proposing to alter some conservation easements. These easements were created by an Ordinance and they were later put into the deed that transferred ownership from the borough. Any alterations or removal of those conservation easements may be discussed at the Plat Committee meeting but any formal action will require an Ordinance that will be presented to the Planning Commission for recommendations to the Assembly. The proposed right-of-way dedication is atop one of the conservation easements and the other easements are proposed to be removed or reduced. The status of the conservation easements will be required to be the configuration at the time of recording with correct depiction and notations. **Staff recommends the plat committee review the right-of-way dedication and if the preliminary plat is approved it will be subject to approval by the Assembly to alter or remove the conservation easement.**

A soils report will not be required due to the size of the lots.

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.

Cooper Landing Advisory Planning Commission reviewed the preliminary plat on May 4, 2022. It was explained that the proposed right-of-way would be a frontage road that extends to the waste transfer site. The traffic safety team at DOT has been involved with the design to bring traffic from Quartz Creek road and to improve the turning safety to Russian Gap Road. The highway access for Persistence Way would be removed and would reduce the waste transfer site driveways to one. It was confirmed that the frontage road would extend from the parking lot of the Sunrise Inn to the transfer site. The concerns by the APC were in regards to the conservation easements and the possibility of altering the frontage road dedication to still allow some greenspace or conservation easement as a buffer. The postponement from the May 23, 2022 plat committee meeting would allow for continued discussion at the June 8, 2022 Cooper Landing Advisory Planning Commission meeting.

**Utility Easements** Alaska State Land Survey 92-22, did not grant any utility easements that affect this property. Quartz Creek Subdivision, Plat SW 94-11, did not grant any utility easements. Some of the areas fronting rights-of-way are conservation easements and there is no depiction or note to create easements along Persistent Way. Plat note 8 contains the information for a utility easement granted by document and it is depicted on the plat within proposed Tract A1.

Plat note 9 indicates the intent to grant 10 foot utility easements adjacent to rights-of-way. The easements should be depicted on the plat. If the creation of the utility easements fall within a conservation easement area, it should be noted that those areas are excluded or easements should be granted outside the conservation easement if requested by utility providers. **Staff recommends the utility easements be depicted and if they overlap with conservation easements the plat note specify those areas are excluded.**

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	Not within HEA service area
ENSTAR	No comments or recommendations
ACS	Not an Alaska Communications Service Area – No objections
GCI	Approved as shown
SEWARD ELECTRIC	
CHUGACH ELECTRIC	



TELALASKA	
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**KPB department / agency review:**

Addressing	<p>Reviewer: Haws, Derek  Affected Addresses:  21919 STERLING HWY  21971 STERLING HWY  21949 STERLING HWY</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names:  STERLING HWY  PERSISTANT WAY</p> <p>Existing Street Name Corrections Needed:</p> <p>All New Street Names are Approved: Yes</p> <p>List of Approved Street Names:  OUTFITTERS WAY</p> <p>List of Street Names Denied:</p> <p>Comments:  21919 STERLING HWY and 21949 STERLING HWY will be deleted and replaced with OUTFITTERS WAY addresses.</p>
Code Compliance	<p>Reviewer: Ogren, Eric  Comments: No comments</p>
Planner	<p>Reviewer: Raidmae, Ryan  There are not any Local Option Zoning District issues with this proposed plat.</p> <p>Material Site Comments:  There are not any material site issues with this proposed plat.</p>
Assessing	<p>Reviewer: Wilcox, Adeena  Comments: No comment</p>
Advisory Planning Commission	<p>Disapprove the plat as presented and recommend for extended time for public review and comment regarding the design options.</p>

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

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

*The same line style is used for the setback, public access easements, conservation easements, and utility easements. **Staff recommends** different line styles be used to depict various items present within the subdivision.*

**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.

- D. A vicinity map, drawn to scale showing location of proposed subdivision, north arrow if different from plat orientation, township and range, section lines, roads, political boundaries, and prominent natural and manmade features, such as shorelines or streams;  
**Staff recommendation:** *Include labels for the Chugach National Forest, which is located on both sides of Kenai Lake.*
- 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:** *Include a 60 foot wide label between Tracts B1 and C1.*
- 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:** *Update the labels for Tract D1 and D2 to the southwest of the subdivision to include hyphens, D-1 and D-2.*

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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.*

##### 20.30.240. Building setbacks.

- A. A minimum 20-foot building setback shall be required for dedicated rights-of-way in subdivisions located outside incorporated cities.
- A. The setback shall be graphically depicted and labeled on the lots; if such depiction will interfere with the legibility of the plat, a typical lot showing the depiction and label may be provided on the plat, clearly indicating that the typical setback applies to all lots created by the plat.
- B. The setback shall be noted on the plat in the following format:  
Building setback- A setback of 20 feet is required from all dedicated street right-of-ways unless a lesser standard is approved by resolution of the appropriate planning commission.
- C. When a subdivision is affected by a Local Option Zoning District (LOZD), an approved by the assembly, all building setbacks shall be graphically depicted and labeled on the lots. A local option zoning setback shall be noted on the plat in the following format:  
Building setback – This subdivision is located within (name of LOZD) Local Option Zoning District as contained in KPB Chapters 21.44 and 21.46 and adopted by KPB Ordinance (number), recorded under (serial no. and recording district). Information regarding the zoning restrictions and copies of the ordinance are available from the KPB Planning Department.

**Staff recommendation:** *Depictions may need to be revised once conservation easements are determined. Suggest using a different line style.*

##### 20.30.290. Anadromous Waters Habitat Protection District. If any portion of a subdivision or replat is located within an anadromous waters habitat protection district, the plat shall contain the following note:

###### ANADROMOUS WATERS HABITAT PROTECTION DISTRICT NOTE:

Portions of this subdivision are within the Kenai Peninsula Borough Anadromous Waters Habitat Protection District. See KPB Chapter 21.18, as may be amended, for restrictions that affect development in this subdivision. Width of the habitat protection district shall be in accordance with KPB 21.18.040.

**Platting Staff Comments:** *A creek is present between Tract A1 and Tract B2. This is anadromous and should be labeled as a creek and the Anadromous Waters note should be added.*

**Staff recommendation:** *comply with 20.30.290.*



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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:* The lots are all over 200,000 square feet. Correct plat notes are present.

**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:** The jurisdiction on the proposed dedication will need to be reviewed to determine the correct acceptance.

##### 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.

1. Special purpose easements being granted by the plat shall be clearly defined for allowed use. Special purpose easements may require a signed acceptance statement on the plat.

B. Private easements may not be granted on the plat.

**Staff recommendation:** A public easement is in place along the creek and is depicted. Conservation easements will need to be further reviewed and adjusted by Ordinance. Comply with 20.60.160.

##### 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:** Place the following notes on the plat.

- Any person developing the property is responsible for obtaining all required local, state, and federal permits, including a U.S. Army Corps of Engineers wetland determination if applicable.
- ANADROMOUS WATERS HABITAT PROTECTION DISTRICT NOTE:  
Portions of this subdivision are within the Kenai Peninsula Borough Anadromous Waters Habitat Protection District. See KPB Chapter 21.18, as may be amended, for restrictions that affect development in this subdivision. Width of the habitat protection district shall be in accordance with KPB 21.18.040.
- Notes will be required to note the date the Planning Commission and the Assembly approved the section line easement vacations.
- Conservation easements will require notes to indicate creation and/or documents altering the easements.

Correct plat note 3 to reference KPB Code 20.60.170.

KPB 20.70 – Vacation Requirements

**Staff recommendation.** *If the section line easement vacations are approved, the plat will need to be recorded within four years of consent.*

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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.

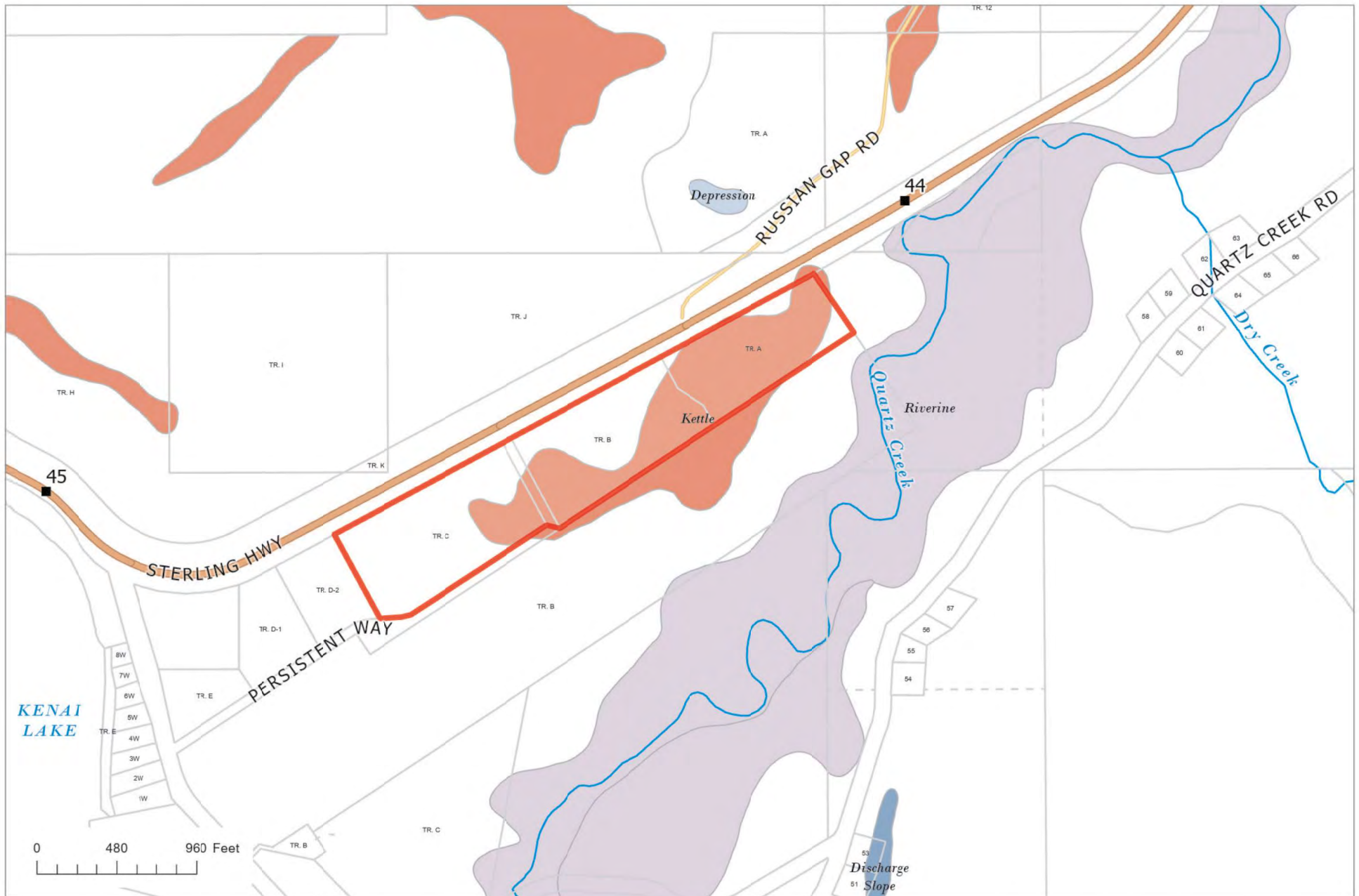
END OF STAFF REPORT





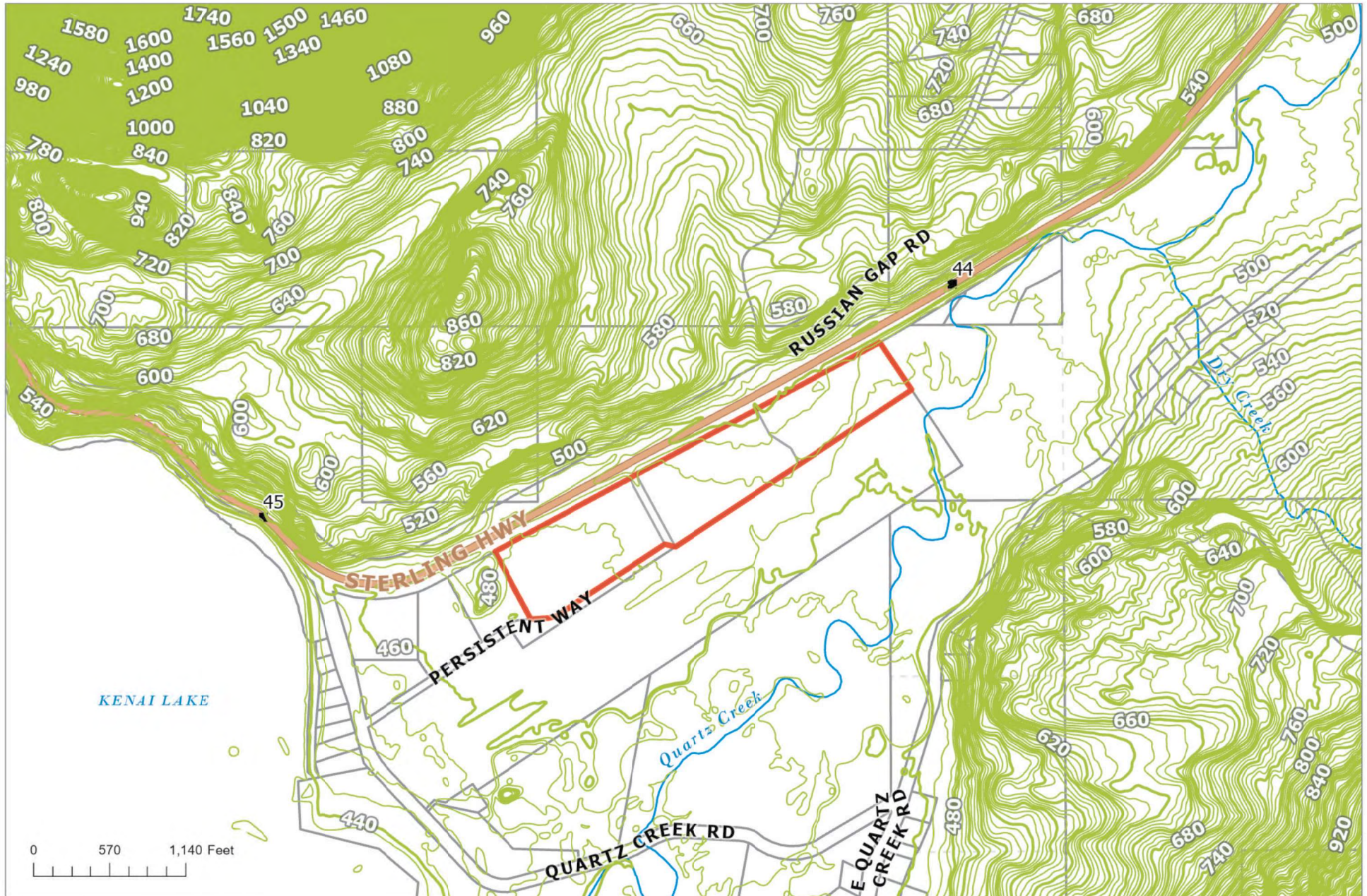
The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.





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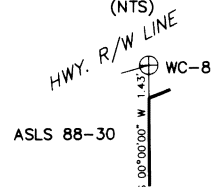
# CURVE TABLE

LOT	CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
C/L Highway	C1	818.38'	1070.80'	627.60'	996.03'	S 80°40'29" E	74°58'04"
R/W Highway	C2	918.38'	131.45'	65.84'	131.34'	N 65°56'31" E	08°12'03"
TRACT C	C3	170.00'	89.01'	45.55'	88.00'	N 71°23'36" E	30°00'00"
TRACT D	C4	230.00'	120.43'	61.63'	119.06'	N 71°23'36" E	30°00'00"
CL 60' R/W	C5	200.00'	104.72'	53.59'	103.53'	N 71°23'36" E	30°00'00"
CL 60' R/W	C6	200.00'	104.72'	53.59'	103.53'	N 71°23'36" E	30°00'00"

## LINE TABLE

LINE	DIRECTION	DISTANCE
L1	S 27°51'10" E	194.13'
L2	N 56°29'51" W	190.16'
L3	S 28°31'36" E	135.53'
L4	N 86°23'36" E	60.84'
L5	N 33°36'24" W	154.17'
L6	N 11°51'21" W	32.30'
L7	N 11°51'21" W	32.30'
L8	N 56°23'36" E	24.00'
L9	S 56°23'36" W	93.22'
L10	N 61°47'15" E	117.02'
L11	N 61°47'15" E	74.50'

Detail "A"  
(NTS)



Determined Highway centerline and R/W from existing AK DOT & PF monumentation and record centerline tangent length.

See Detail "A"

ASLS 88-30

TRACT E  
3.48 AC.

TRACT D  
10.18 AC.

TRACT C  
15.81 AC.

TRACT B  
13.52 AC.

TRACT A  
10.71 AC.

STERLING HIGHWAY 300' R/W  
(PER OMNIBUS ACT PUBLIC LAW 86-70)

TRACT B

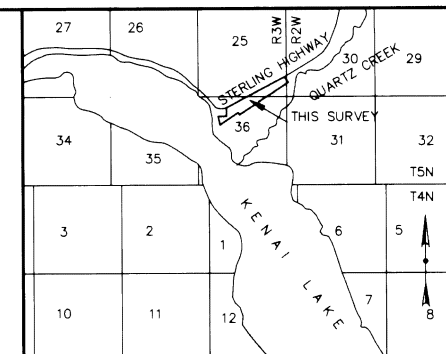
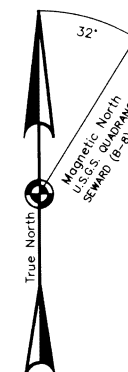
TRACT C

Kenai Lake

U.S. SURVEY No. 7937

LOT 4

LOT 3



VICINITY MAP  
U.S.G.S. SEWARD (B-8) 1952 Quadrangle  
SCALE 1" = 1 MILE (1:63360)

## LEGEND

- ⊕ PRIMARY MONUMENT RECOVERED THIS SURVEY
- SECONDARY MONUMENT RECOVERED THIS SURVEY
- ⊞ AK DOT & PF 6" x 6" CONC. R/W MONUMENT RECOVERED THIS SURVEY
- ⊙ PRIMARY MONUMENT SET THIS SURVEY
- SECONDARY MONUMENT SET THIS SURVEY
- 1/2" REBAR WITH PLASTIC CAP.

## NOTES

- 1) 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.
- 2) No direct access to state maintained ROWS permitted unless approved by State of Alaska Department of Transportation.
- 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 SET BACK - A building set back of 20 ft. is required from all street rights-of-way unless a lesser standard is approved by resolution of the appropriate Planning Commission.

## WASTEWATER DISPOSAL TRACTS A,B,C & D

Wastewater treatment and disposal systems must meet the regulatory requirements of the Alaska Department of Environmental Conservation.

The Alaska Department of Environmental Conservation approves this subdivision for platting.

## TRACT E

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 Alaska Department of Environmental Conservation. Any other type of wastewater treatment and disposal system must be approved by the Alaska Department of Environmental Conservation.

Subject to any noted restrictions, the Alaska Department of Environmental Conservation approves this subdivision for platting.

Signature: Donald E. Gilman Title: Mayor Date: 3-23-94

## NOTARY'S ACKNOWLEDGEMENT

FOR: RICHARD A. LEPIEVRE

Subscribed and sworn before me this

18TH day of APRIL, 1994.

My commission expires 12-10-96

Ronald Morales  
Notary Public for the State of Alaska



## CERTIFICATE OF OWNERSHIP AND DEDICATION

We hereby certify that we are the owners of the real property shown and described hereon and we hereby adopt this plan of subdivision and by our free consent dedicate all rights-of-way and public areas to public use and grant all easements to the use shown.

Donald E. Gilman  
Donald E. Gilman, Mayor Kenai Peninsula Borough

DKM  
Director, Division of Land, State of Alaska

## NOTARY'S ACKNOWLEDGEMENT

FOR: Donald E. Gilman

Subscribed and sworn before me this

23rd day of March, 1994.

My commission expires 7/22/97

Bonnie J. O'Neil  
Notary Public for the State of Alaska



## PLAT APPROVAL

This plat was approved by the KENAI PENINSULA BOROUGH PLANNING COMMISSION at the meeting of

December 13, 1993.

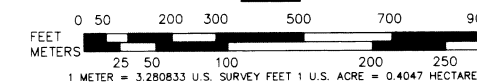
KENAI PENINSULA BOROUGH by

Donald E. Gilman  
Authorized Official



94-11  
RECORDED  
SEWARD REC. DIST. 20  
DATE 5/5 19 94  
TIME 3:34 P.M.  
REQUESTED BY: McLANE & ASSOC.  
ADDRESS: P.O. BOX 468  
SOLDOTNA, AK 99669

## SCALE



## QUARTZ CREEK SUBDIVISION (A Resubdivision of Tract A ASLS 92-22)

KENAI PENINSULA BOROUGH, OWNER

144 N. Binkley

Soldotna, AK 99669

LOCATION

58.814 AC. M/L WITHIN UNSURVEYED SEC. 30, T. 5 N., R. 2 W., AND UNSURVEYED SEC.'S 25 & 36, T. 5 N., R. 3 W., S.M., AK, THE KENAI PENINSULA BOROUGH IN SEWARD RECORDING DISTRICT.

Surveyed by: McLANE & ASSOCIATES  
P.O. BOX 468  
Soldotna, AK 99669

Date : Nov. 29, 1993	Book No. : 92-08	Project No. 922018p
Drawn by : Checked by : MSM	Scale 1" = 200'	KPB File No. 93-185



**COOPER LANDING ADVISORY PLANNING COMMISSION**  
**REGULAR MEETING**  
**LOCATION: ZOOM TELECONFERENCE**  
**WEDNESDAY, MAY 04, 2022**  
**6:00 PM**  
**UNAPPROVED MINUTES**

1. CALL TO ORDER – 6:00 pm
2. ROLL CALL – J. Cadieux, K. Recken, Y. Galbraith, C. Degernes, L. Johnson, D. Story present. H. Harrison excused absent.
  - a. Nancy Carver; Kenai River Center, Jonathan Tymick ADOT&PF, Marcus Mueller; KPB Land Management, Aaron Hughes; KPB Land Management, Dakota Truitt; KPB Land Management, Alice Rademacher, Carol Fox, Rhonda Lynn, Phil Weber, Jerry Fox, Kim Neis, Jerry Neis, Virginia Morgan attending.
3. APPROVAL OF AGENDA – C. Degernes moves to approve the agenda as amended. L. Johnson seconds. All approve.
4. APPROVAL OF MINUTES for April 06, 2022 - This items was mistakenly skipped and will be addressed at the June 8 meeting.
5. CORRESPONDENCE - none
6. PUBLIC COMMENT/PRESENTATION WITHOUT PREVIOUS NOTICE – none
7. REPORT FROM BOROUGH
  - a. DOT&PF Sterling Hwy MP 45-60 Project report and questions/answers. Jonathan Tymick, PE, Project Manager, AKDOT&PF.
    - i. Lane closures at MP 58 for blasting were successful. There will be other closures to be determined at a future date.
    - ii. Open house was successful.
    - iii. Construction is finally happening on the pioneer roads. There will be a temporary cul-de-sac on Langille Road for emergency vehicles.
    - iv. There will be more publicly available firewood this year so stay tuned.
  - b. No KPB report other than those items in the agenda
8. OLD BUSINESS - none

- applied for and others are still being sought but all is in process and none yet confirmed.
- b. M. Mueller explained the framework this ordinance provides is the same whether it is a timber sale or a service contract.
8. Y. Galbraith moved to recommend approval of the ordinance with the amended language for Whereas #12. L. Johnson seconds.
- a. The modification of the language is as follows:  
“Whereas, treatments will establish, preserve, and regulate logging infrastructure such as roads, resource management access, and recreational trails, along with methods to close out temporary forest access; and”
- iv. D. Story suggested the modification of the language of Whereas 15 to read, “...forest management sale reports designed for a given unit may exceed the standards of the Alaska Forest Resource and Practices Act, and should in areas determined to be sensitive, susceptible to damage, and in need of additional protection; and”
- 1. Y. Galbraith agreed to the amended motion to include the modified language for Whereas #15 as well as #12 as proposed.
  - 2. All approved, motion passed.
  - 3. C. Degernes said she appreciates the work of KPB staff members on this important project.
- d. Permit for floodplain action Drift Worldwide, Inc.
- i. After group discussion of the structure type, location, and adequacy of the onsite septic, C. Degernes moves to recommend approval of the permit for construction of the structures. Y. Galbraith seconds. D. Story recuses. All approve. Motion passes.
- e. Ordinance 2021-19-51 Land Trust Fund monies for investigation and land planning in Unit 395
- i. Respect is the firm that has been selected and the ordinance is asking the land trust for monies to fund the investigation and land planning in Unit 395.
    - 1. C. Degernes moves to support the ordinance as written. L. Johnson seconds. All approve. Motion passes.

## 10. PLAT REVIEW

- a. Plat Preliminary 2022-060 Outfitters Way replat
  - i. M. Mueller explained that this plat is to lay out the right-of-way for a frontage road extending to the waste transfer site. It was brought by DOT to limit the accesses to the highway. The traffic safety team at DOT has been involved with this frontage road to bring the traffic from Quartz Creek Rd. and improve the turning safety to Russian Gap Rd. It would remove access to the highway

- from Persistence Way and reduce the driveways at the KPB waste transfer site to just the one across from Russian Gap Rd.
- ii. Conservation easement on the plat goes across Tracts A and B. Tract B also has a conservation easement that surrounds the tract. In the ordinance that authorized the sale to Sherman Smith it created that 50' easement. The KPB is trying to figure out the mechanics of unwinding the conservation easements to 25' on two of the sides and subsequently an action to modify the deed.
  - iii. On the plat the Outfitters Way frontage road would lay over the existing conservation easement on the north side of the tracts and the remaining conservation easements would be reduced from 50' to 25'.
  - iv. K. Recken asked for confirmation that the frontage road would extend from the parking lot of the Sunrise Inn to the transfer site with no conservation easements.
    - 1. M. Mueller explained that that is correct.
  - v. J. Cadieux asked if it is because there is not enough room for both the conservation easement and the frontage road.
    - 1. M. Mueller said that they occupy the same location.
  - vi. V. Morgan asked where she could access the plat.
    - 1. J. Cadieux said the CLAPC had only gotten this information yesterday.
    - 2. N. Carver confirmed that the plat is up for review at the May 23, 2022 Planning Commission Meeting. Comments are due May 11<sup>th</sup>.
  - vii. J. Tymick shared a graphic to help explain.
    - 1. He said that the Three Bears access congests the MP 45-60 project and this proposed project may help with access and the Russian Gap turning lane.
  - viii. J. Neiss said that one of the issues with the transfer station is that we get a lot of non-residents dumping and this layout would help reduce that.
    - 1. K. Recken clarified that the plans show that the highway access to the transfer station will still be preserved so it would not prevent the non-resident dumping.
  - ix. J. Tymick said that the conservation easement being reclassified started with the DOT's belief that a frontage road is in the best interest of the project.
  - x. J. Cadeiux said that the community had a series of meetings that fielded many comments saying that a frontage road was not desirable but that a compromise had been achieved to allow a frontage road as far as the Cozy Bear property then the road would pass through Tract C and on to Tract B.
  - xi. L. Johnson asked whether the reduction of the greenbelt would continue down to Tract D.



1. M. Mueller said this would not alter Tract D's conservation easement.
- xii. J. Cadieux asked if the conservation easement would be vacated on the other boundaries of Tract B to allow the new owner to use more of the land. M. Mueller indicated that was so though the 50' conservation easement would remain next to the parcel's boundary with Dena'ina Creek, an anadromous stream.
- xiii. K. Recken asked why the frontage road couldn't go on the same alignment as on Tract D and if it was just because Three Bears doesn't want the conservation agreement that we approved during their initial plat request. J. Tymick referred back to the drawing showing the space available along Tracts C and B would require elimination of the conservation easement to make way for the frontage road.
- xiv. J. Cadieux said that it seems like if we are not having access to the highway why can't we return to the plans we spent so much time at previous CLAPC meetings with KPB and a hired design professional.
  1. J. Tymick said that the proposed frontage road is intended to stay within the DOT right of way and not mean DOT would need to take possession of the maintenance of the frontage road.
  2. J. Cadieux asked that since the planning process of Tract C involved notable community effort over multiple meetings, can the original planning for Tract C be on the table or has it been abandoned and we have to give up our green space.
    - a. M. Mueller indicated it might be possible.
- xv. D. Story said that the timing of this information is hard to support since it is just being presented and the community was not informed via draft agenda that this change was proposed.
- xvi. J. Cadieux asked if this is something that needs to happen right now.
  1. M. Mueller said that from his standpoint in land management there is not a time crunch but the platting process does have a statutory timeframe.
- xvii. C. Degernes said that one of the biggest benefits to the community is DOT's willingness to provide safe ingress and egress to Russian Gap Rd. but that the loss of the 50' treed buffer is a big deal. C. Degernes said that a hybrid might be that there is a spur road from the transfer site side to Tract B but the 50' buffer remains and the frontage road across Tracts C and B from Quartz Creek runs south of the 50' buffer.
- xviii. J. Cadieux said that she also supports the improvement to the ingress/egress.
- xix. D. Story said that the resistance to a frontage road at the entry to our community seemed to come from the desire to keep it from

feeling like a strip mall. He said that the Brewery's treatment of the 50' conservation easement seemed like a good compromise with the need for a business to be seen and maintaining greenspace that ties the community to the land management intent.

- xx. L. Johnson said she agreed with D. Story
- xxi. K. Recken said that the importance of the conservation easement is considerable for the community.
- xxii. C. Degernes said that another possible compromise is to move the frontage road further in. The businesses get more access and the community retains the buffer. They lose some of the usable area of their property but maintain the easements that are a part of their property. Right now it seems like Three Bears doesn't lose much while the community does.
- xxiii. D. Story said that in this short discussion we have already had several ideas for compromise or change and we are the only ones in the community that know that this is a discussion. He said that it seems like our obligation is to make sure the community has more opportunity for input.
- xxiv. V. Morgan speaking, not as a Planning Commission member but as a community member, said this should be brought before the community.
- xxv. R. Lynn asked whether it can be withdrawn from the May 23<sup>rd</sup> Planning Commission Meeting.
  - 1. M. Mueller said that he would consult the platting specialist for KPB and find out more about bringing this up for the June CLAPC meeting.
- xxvi. D. Story moves to recommend disapproval of the plat as presented and recommend for extended time for public review and comment regarding the design options. L. Johnson seconds. All approve. Motion passes.

## 11. INFORMATION and ANNOUNCEMENTS

- a. Ordinance 2022-07 Re-Appportionment of Board of Education
  - i. V. Morgan said that this is a part of a regular review of the districts and their populations. She explained that there are generally two options for changes which are presented with the review. In this case it is a 9 district option and an 11 district options. She said that the conceptual maps presented in the voting pamphlets are just that and after the vote the KPB will make the actual map based on the census blocks. She said this is also for the assembly districts and that there is a cost increase with an 11 district model and that the 11 district model is what was recommended by the committee.
- b. The new Planning Department Director is Robert Ruffner.

## 12. COMMISSIONER'S COMMENTS

Introduced by: Mayor  
Date: April 30, 1991  
Hearing: June 18, 1991  
Action: FAILED AS AMENDED  
Vote: 6 YES, 9 NO  
MOTION TO RECONSIDER: BROWN  
Reconsidered: 7/9/91  
Action: ENACTED AS AMENDED  
Vote: 9 YES, 5 NO

KENAI PENINSULA BOROUGH  
ORDINANCE 91-20

AUTHORIZING A LEASE WITH OPTION TO PURCHASE FOR SHERMAN C. SMITH ON LANDS LOCATED IN THE COOPER LANDING VICINITY AND LOCATED WITHIN A PORTION OF THE NW $\frac{1}{4}$ NE $\frac{1}{4}$  OF SECTION 36 AND A PORTION OF THE S $\frac{1}{2}$ SE $\frac{1}{4}$  OF SECTION 25, TOWNSHIP 5 NORTH, RANGE 3 WEST, SEWARD MERIDIAN AND CLASSIFYING THESE LANDS AS "SALE LANDS"

WHEREAS, an application has been received from Sherman C. "Red" Smith for purchase of ten acres, more or less, located in the Cooper Landing area, for industrial development; and,

WHEREAS, the borough selected the subject land pursuant to the Municipal Entitlement Act and has received a final decision from the State of Alaska approving the selection; and

WHEREAS, a final decision does transfer certain management rights of the land allowing the borough to enter into leases, grant permits, easements, rights-of-way and dispose of lands; and,

WHEREAS, it is not borough policy to sell or otherwise convey title in lands until patent has been issued by the State of Alaska and received by the borough; and,

WHEREAS, on March 11, 1991, a memorandum, maps and supporting backup was sent out for review and comments to the School District, Cooper Landing Community Club, Cooper Landing Advisory Planning Commission, East Peninsula Road Service Area and departments of the borough; and,

NOW THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:

Section 1. That a long-term lease with option to purchase is hereby authorized for ten acres, more or less, located within a portion of NW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 36 and S $\frac{1}{2}$ SE $\frac{1}{4}$  of Section 25, Township 5 North, Range 3 West, Seward Meridian, Alaska.

Section 2. That the subject lands are hereby classified as "Sale Lands" pursuant to Chapter 17.04 of the KPB Code of Ordinances.



Section 3. That the plat which creates the subject ten acre parcel shall designate a fifty foot conservation easement around the perimeter of the site, exclusive of a fifty foot wide entry and exit wherein no live, naturally existing vegetation over 3" in diameter shall be removed.

Section 4. That the annual lease shall be at the rate of six percent (6%) of the borough assessed valuation and shall be reappraised every five (5) years and the fee adjusted accordingly.

Section 5. That upon the borough receiving patent, the lessee may exercise his option to purchase the subject land at the current fair market value. Said purchase may be made by payment in full or a minimum down payment of ten percent (10%) of the fair market value with the remaining principal balance payable in installments at the rate of ten (10%) percent interest.

Section 6. That the Mayor is authorized to sign any documents necessary to effectuate this ordinance and deemed to be in the best interest of the borough.

ENACTED THIS 9<sup>th</sup> DAY OF July BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH.

  
James W. Skogstad, Assembly President

ATTEST:

  
Borough Clerk

90-831  
DISTRICT

Return To: Grantee

**STATUTORY WARRANTY DEED**  
(AS 34.15.030)

0903 The GRANTOR, KENAI PENINSULA BOROUGH, an Alaska municipal corporation, whose address is 144 North Binkley Street, Soldotna, Alaska 99669, for ten dollars (\$10.00) and other good and valuable consideration, receipt of which is hereby acknowledged, and pursuant to Assembly Ordinance 91-20 enacted July 9, 1991, conveys and warrants unto the GRANTEE(S), Pixie A. Smith, a single person, whose address of record is 309 Katmai Avenue, Soldotna, Alaska 99669, her heirs, successors and assigns, the following described real property:

Tract B, Quartz Creek Subdivision, according to Plat No. 94-11, on file in the Seward Recording District, Third Judicial District, State of Alaska,

TOGETHER WITH all the improvements thereon, if any, and all rights of the Grantor to any and all hereditaments and appurtenances hereto, and

SUBJECT TO any taxes and assessments, exceptions, reservations, restrictions, conditions, covenants, easements, rights-of-way, encroachments either of record or ascertainable by physical inspection, including without limitation, pursuant to Ordinance 91-20, a 50-foot conservation easement around the perimeter of the parcel wherein no live, naturally existing vegetation over 3" in diameter shall be removed except for a 50-foot wide entry and a 50-foot wide exit, and

FURTHER SUBJECT TO a restrictive covenant pursuant to KPB 17.10.130(D), that the real property described in this conveyance instrument shall be used for commercial and light industrial purposes as defined hereinbelow, and that the use of the land for any other purpose is prohibited, provided that this restriction may be modified by the Borough Assembly pursuant to KPB 17.10.130(F) as presently enacted. Pursuant to KPB 17.10.250(D), "commercial" means lands suitable for development or location of service oriented facilities such as stores, offices, medical clinics, restaurants, lodges, vehicular service stations, hotels, and camper parks, and able to support on-sight water and sewer systems or capable of receiving water and/or sewer service, near public utilities and in proximity to residential areas. Pursuant to KPB 17.10.250(R) and legislative intent supporting adoption of KPB Ordinance 91-20, "light industrial" means lands suitable for industrial uses that generally do not have offensive characteristics and can be conducted primarily inside closed buildings. Such uses may include warehousing, storage inside enclosed area, light manufacturing not inside buildings, and the development of sawmills or other wood processing.

KENAI PENINSULA BOROUGH:

Mike Navarre  
Mike Navarre, Mayor  
Dated: 4-30-98

GRANTEE(S):

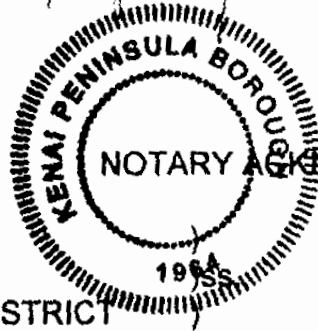
Pixie A. Smith  
Pixie A. Smith  
Dated: 5-1-98

ATTEST:

APPROVED AS TO LEGAL FORM  
AND SUFFICIENCY:

Linda S. Murphy, Deputy  
Linda S. Murphy,  
Borough Clerk

Colette G. Thompson  
Colette G. Thompson,  
Borough Attorney



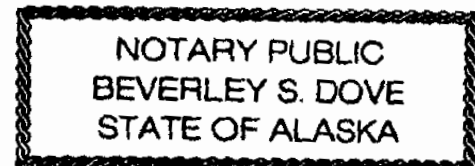
STATE OF ALASKA

THIRD JUDICIAL DISTRICT

The foregoing instrument was acknowledged before me this 30<sup>th</sup> day of April, 1998, by Mike Navarre, Mayor of the Kenai Peninsula Borough, an Alaska municipal corporation, on behalf of the corporation.

Beverley S. Dove  
Notary Public in and for Alaska  
My commission expires: Aug 22, 1999

NOTARY ACKNOWLEDGMENT



STATE OF ALASKA )  
 )ss.  
THIRD JUDICIAL DISTRICT )

The foregoing instrument was acknowledged before me this first day of May, 1998, by Pixie A. Smith.

Sammie L. Cole  
Notary Public in and for Alaska  
My commission expires: 6/17/2001

696  
5/13/98  
8:35 AM  
Registered by Smith

