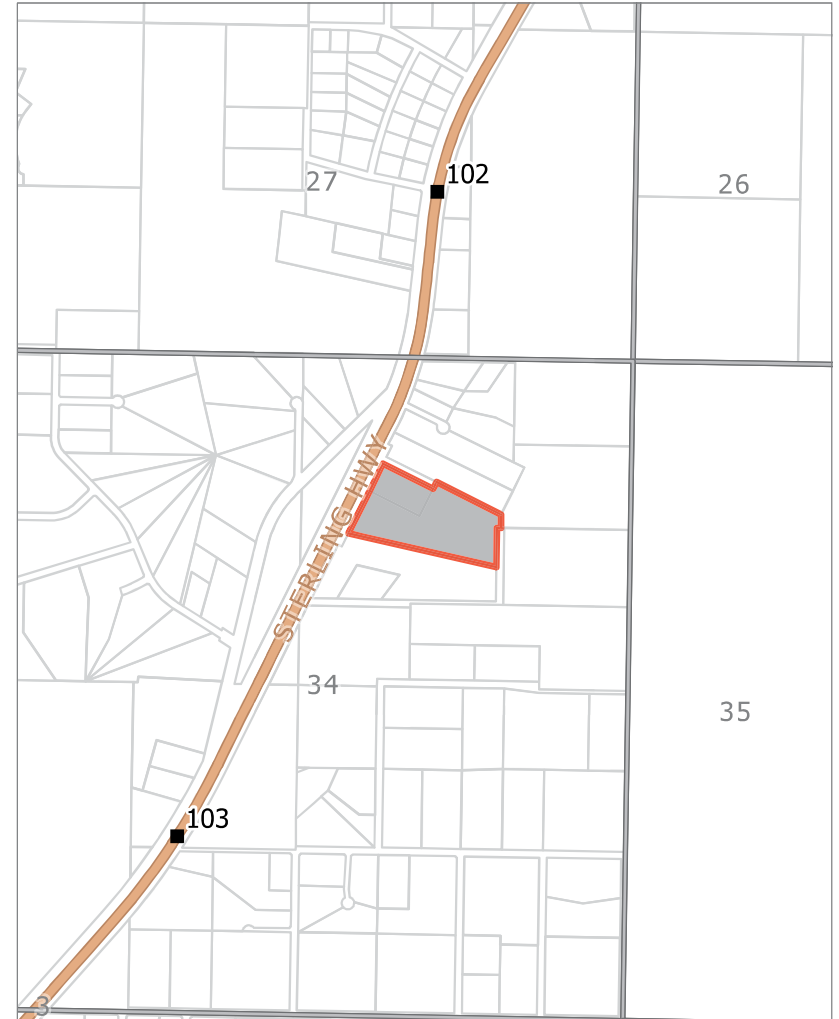
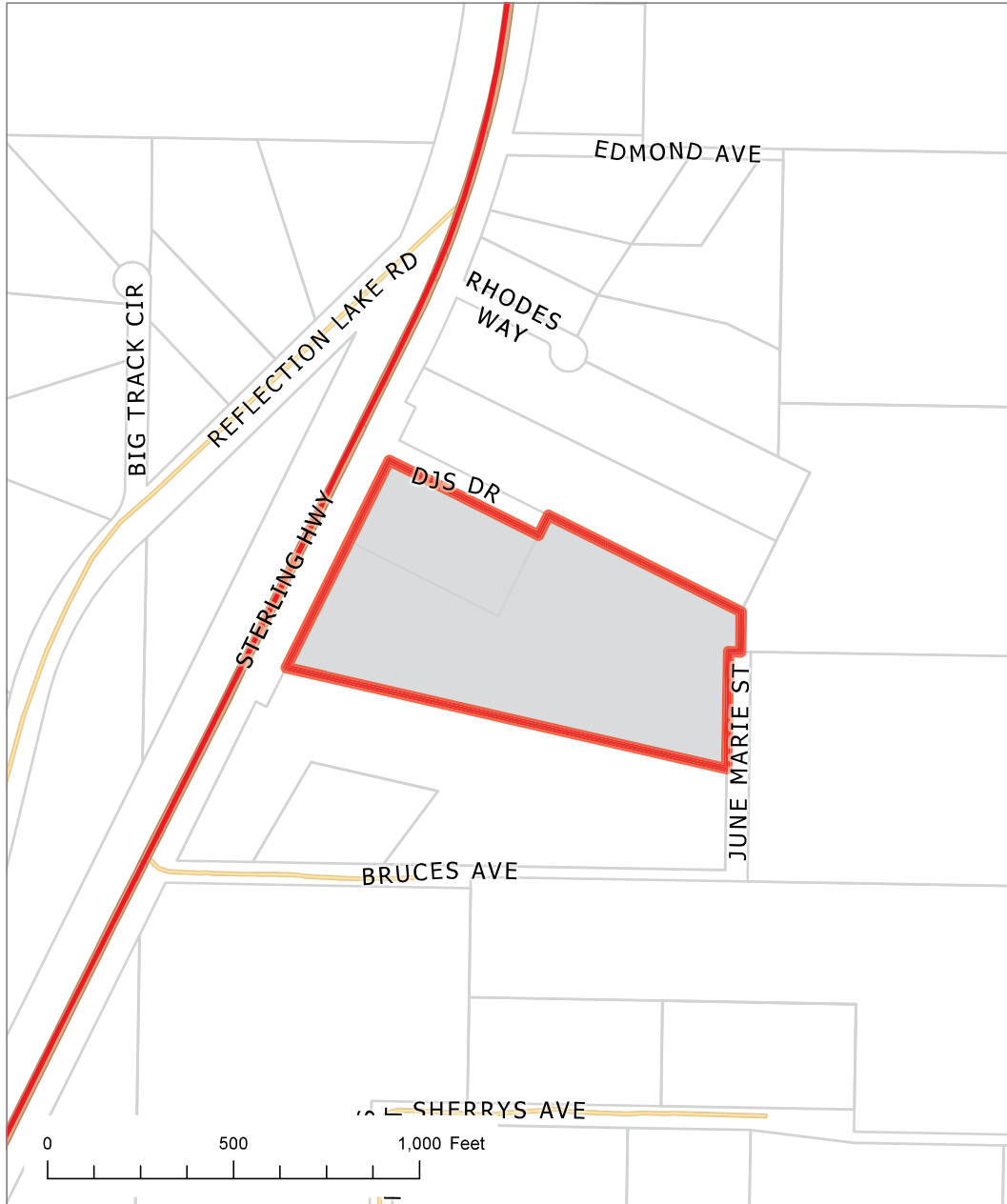


## **E. NEW BUSINESS**

- 6. Mallette Homestead Sub. No. 3  
KPB File 2023-001**



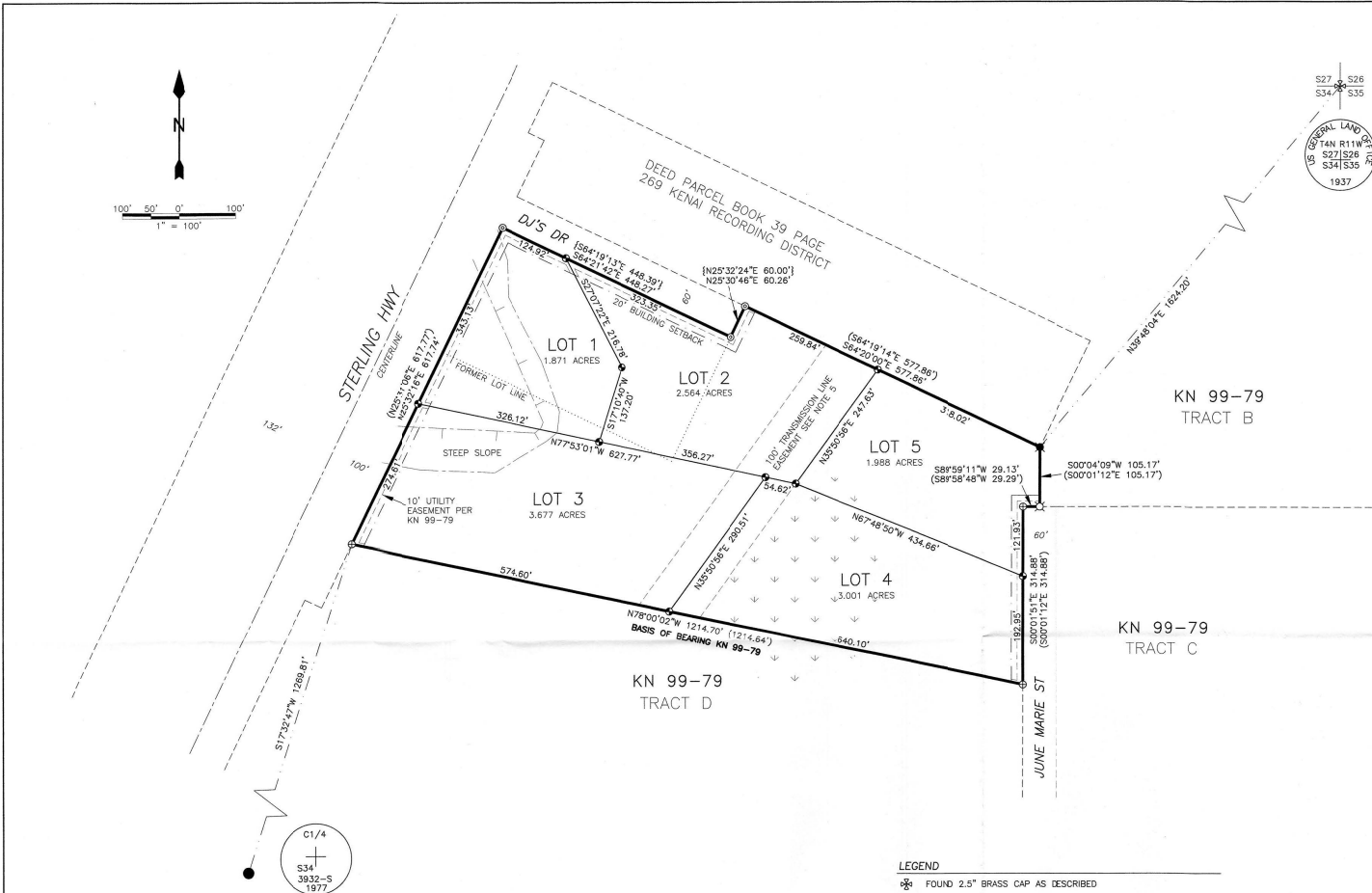
KPB File # 2023-001  
S34 T04N R11W  
Kaslifornsky





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.





#### WASTEWATER DISPOSAL

SOIL CONDITIONS, WATER TABLE LEVELS, AND SOIL SLOPES IN THIS SUBDIVISION HAVE BEEN FOUND SUITABLE FOR CONVENTIONAL ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEMS SERVING SINGLE-FAMILY OR DUPLEX RESIDENCES AND MEETING THE REGULATORY REQUIREMENTS OF THE KENAI PENINSULA BOROUGH. ANY OTHER TYPE OF ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEM MUST BE DESIGNED BY A QUALIFIED ENGINEER, REGISTERED TO PRACTICE IN ALASKA, AND THE DESIGN MUST BE APPROVED BY THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

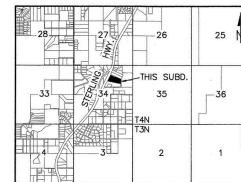
ENGINEER LICENSE # DATE

#### NOTES

- A BUILDING SETBACK OF 20' IS REQUIRED FROM ALL STREET RIGHTS-OF-WAY UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION. THE FRONT 10' ADJOINING DEDICATED RIGHTS-OF-WAY THAT INCREASE TO 20' WITHIN 5' OF THE SIDE LOT LINES IS ALSO A UTILITY EASEMENT.
- NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
- NO ACCESS TO STATE MAINTAINED RIGHTS-OF-WAY PERMITTED UNLESS APPROVED BY THE STATE OF ALASKA DEPARTMENT OF TRANSPORTATION.
- SUBJECT TO A GENERAL EASEMENT WITH NO DEFINITE LOCATION FOR HOMER ELECTRIC ASSOCIATION, INC. AS FOUND IN BOOK 3, PAGE 132 KENAI RECORDING DISTRICT, RECORDED ON JULY 31, 1959.
- 100' TRANSMISSION LINE EASEMENT IS CENTERED ON EXISTING TRANSMISSION LINE. CONSTRUCTION OF PUBLIC ROADS SHALL BE RESTRICTED TO THE OUTER 20' OF ONE SIDE OR THE OTHER, BUT NOT BOTH, OF THE EASEMENT. PUBLIC ROADS OR DRIVEWAYS CROSSING THE EASEMENT SHALL BE LOCATED AS NEARLY PERPENDICULAR TO THE TRANSMISSION LINE AS IS REASONABLY POSSIBLE. NO PORTION OF A ROAD OR DRIVEWAY SHALL BE CLOSER THAN 25' TO A TRANSMISSION LINE POLE/STRUCTURE. NO EXCAVATION OR FILL WITHIN THE EASEMENT IS ALLOWED WITHOUT THE EXPRESS WRITTEN PERMISSION OF HOMER ELECTRIC CORPORATION.
- SUBJECT TO A PUBLIC ACCESS EASEMENT AS DISCLOSED BY PUBLIC LAND ORDER NO. 601, DATED AUGUST 10, 1949 AND AMENDED BY PUBLIC LAND ORDER NO. 757, DATED OCTOBER 10, 1959; PUBLIC LAND ORDER NO. 1613, DATED APRIL 7, 1956; AND DEPARTMENT OF THE INTERIOR ORDER NO. 2665, DATED OCTOBER 16, 1951, AMENDMENT NO. 1 THERETO, DATED JULY 17, 1952 AND AMENDMENT NO. 2 THERETO, DATED SEPTEMBER 15, 1956, FILED IN THE FEDERAL REGISTER.

#### LEGEND

- FOUND 2.5" BRASS CAP AS DESCRIBED
- FOUND 3.25" ALUMINUM CAP AS DESCRIBED
- FOUND 1.5" ALUMINUM MONUMENT 1999, 5152-S
- FOUND 1/2" REBAR WITH PLASTIC CAP (NO VISIBLE MARKINGS)
- FOUND 1/2" REBAR
- FOUND 5/8" REBAR
- SET 3/8" X 36" REBAR WITH 2.5" ALUMINUM CAP 2023, 14488-S
- RECORD DATA PER PLAT KN 99-79
- RECORD DATA PER PLAT KN 91-34
- WETLANDS PER THE KENAI WATERSHED FORUM COOK INLET
- WETLANDS MAPPING



#### CERTIFICATE OF OWNERSHIP AND DEDICATION

I HEREBY CERTIFY THAT I AM THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I HEREBY ADOPT THIS PLAN OF SUBDIVISION AND BY MY OWN FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND GRANT ALL EASEMENTS TO THE USE SHOWN.

DAWN L. MALLETTE (TRACT E & LOT 1)  
48339 DJS DRIVE, SOLDOTNA, AK 99669

#### NOTARY ACKNOWLEDGMENT

FOR: DAWN L. MALLETTE  
ACKNOWLEDGED BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_, 2023

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

#### CERTIFICATE OF OWNERSHIP AND DEDICATION

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

DANIEL ROUGGELY (LOT 1) JESSICA ROUGGELY (LOT 1)  
48339 DJS DRIVE, SOLDOTNA, AK 99669 48339 DJS DRIVE, SOLDOTNA, AK 99669

#### NOTARY ACKNOWLEDGMENT

FOR: DANIEL ROUGGELY AND JESSICA ROUGGELY  
ACKNOWLEDGED BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_, 2023

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

#### PLAT APPROVAL

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

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

KPB FILE NUMBER:

PENINSULA SURVEYING, LLC  
10535 KATRINA BOULEVARD, NINILCHIK, AK 99639  
(907)306-7065  
PLAT OF  
**MALLETTE HOMESTEAD SUBDIVISION  
NO. 3**

A SUBDIVISION OF  
LOT 1, MALLETTE HOMESTEAD SUBDIVISION NO. 1, KN 91-34 AND  
TRACT E, MALLETTE HOMESTEAD SUBDIVISION NO. 2, KN 99-79  
LOCATED WITHIN  
NE 1/4 SEC. 34, T.4N., R.11W., S.4M.  
KENAI RECORDING DISTRICT, KENAI PENINSULA BOROUGH  
CONTAINING 13.101 ACRES  
OWNERS: DAWN L. MALLETTE, DANIEL ROUGGELY, JESSICA ROUGGELY  
48339 DJS DRIVE, SOLDOTNA, AK 99669



SCALE: 1" = 100' DATE: NOVEMBER 16, 2022  
DRAWN: JLS SHEET: 1 OF 1

KPB 2023-001

AGENDA ITEM E. NEW BUSINESS

ITEM 6 – MALLETTE HOMESTEAD SUBDIVISION NO. 3

KPB File No.	2023-001
Plat Committee Meeting:	February 13, 2023
Applicant / Owner:	Dawn Mallette, Daniel and Jessica Rouggy all of Soldotna, Alaska
Surveyor:	Jason Schollenberg / Peninsula Surveying, LLC
General Location:	Sterling Highway, DJ's Drive, June Marie Street, Kalifornsky

Parent Parcel No.:	131-700-12, 131-480-50
Legal Description:	Lot 1 Mallette Homestead Subdivision No. 1, Plat KN 91-34 and Tract E Mallette Homestead Subdivision No. 2, Plat KN 99-79
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On site

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STAFF REPORT

**Specific Request / Scope of Subdivision:** The proposed plat will subdivide two parcels into five lots ranging in size from 1.871 to 3.677 acres.

**Location and Legal Access (existing and proposed):** The proposed subdivision is located along state maintained Sterling Highway near mile 102.5. DJ's Drive is a 60 foot wide dedication that provides access along the northern boundary to both parent lots. June Marie Street is a 60 foot side dedication that provides access to parent Tract E from the east. June Marie Street is accessed from the south by Bruces Avenue, a varying width right-of-way that intersect the Sterling Highway. The western portion of Bruces Avenue is maintained by the borough within the 60 foot dedication. The road is constructed within the 30 foot dedication but is not maintained. June Marie Street is also constructed but not maintained. Construction ends at the corner of the subdivision with a driveway continuing to the northeast for the neighboring lot. DJs Drive is being used for access to the parent parcels but is not maintained.

DJs Drive contains driveways that provide access to improvements within parent Lot 1. Some of the improvements may be over the property line into Tract E but is unknown if permanent structures. The proposed plat will place some of the improvements within proposed Lot 1 and others within Lot 2. Reviewing the placement of the lot lines it does not appear any encroachment issues will be created by this platting action.

Proposed Lots 1 and 2 will be able to continue using their existing access from DJs Drive. Lots 4 and 5 will have access from June Marie Street. Lot 3 will only have access from the Sterling Highway. The correct plat note is present that access to state rights-of-way required permission from Alaska DOT.

Exceptions to KPB 20.30.030-proposed street layout requirements and KPB 20.30.170-Blocks-length requirements have been requested.

KPB Roads Dept. comments	Out of Jurisdiction: No  Roads Director: Painter, Jed Comments: No comments
SOA DOT comments	No comments - Engineering

**Site Investigation:** The proposed plat has some low wet areas that will primarily be within proposed Lot 4. Looking at KPB GIS imagery, there may be an area of standing water present. **Staff recommends if open water is present to indicate as such or note if seasonal pond.**

There is some steep terrain present along the western portion of the subdivision within the area proposed for Lots 1 and 3. The terrain is depicted and **staff recommends the steep slopes remain on the final plat**. The location of the improvements and steep terrain on Lot 1 may limit the ability for replacement wastewater systems. The soils analysis report will indicate possible limitations that may impact the proposed design.

There are structures on Lot 1 and these will be split into proposed Lot 1 and Lot 2. There does not appear to be any encroachment issues.

KPB River Center review	<p>A. Floodplain Reviewer: Carver, Nancy Floodplain Status: Not within flood hazard area Comments: No comments</p> <p>B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments</p> <p>C. State Parks Reviewer: Russell, Pam Comments: No Comments</p>
State of Alaska Fish and Game	

**Staff Analysis** Parent Lot 1 was created by Mallette Homestead Subdivision No. 1, KN 91-34. This created the 2.5 acre lot and left a 69 acre unsubdivided remainder. In 1998 the Planning Commission approved Plat Waiver Resolution 98-52 to subdivide 5 acres from the southern portion of the unsubdivided remainder. Mallette Homestead Subdivision No. 2, KN 99-79, replatted the unsubdivided remainder as well as the 5 acre lot created by the Plat Waiver and created parent Tract E. Parent Lot 1 and Tract E are proposed to be subdivided further into 5 lots.

A soils report will be required and an engineer will sign the final plat.

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

The property is within the Kalifornsky advisory planning commission that is currently inactive.

**Utility Easements** The parent plats granted the code required 10 foot utility easements adjacent to dedicated rights-of-way as well as increasing the width to 20 feet within 5 feet of the side lot lines. The preliminary plat is carrying those easements over correctly and is providing additional 20 feet within 5 feet of the new side lot lines. Any additional dedications required will be subject to the utility easement they should be depicted.

The property is subject to a recorded easement to HEA. A note is present with the document information.

The property is subject to a 100 foot wide transmission line easement. This easement is shown on parent subdivision Mallette Homestead Subdivision No. 2, KN 99-79. The plat note from the parent plat is being carried over. Per the restrictions within that note, staff did confer with HEA regarding the potential of a right-of-way dedication and advised that there does not appear to be any issue if a dedication is required.

ENSTAR provided a comment requesting an easement over an existing service line. They provided two options to grant the easement either by granting on the plat or by document. If the owners choose to grant by document, they

will need to work with ENSTAR on the easement and it must be recorded prior to the approval of the final plat so that a plat note may be added with the recording information.

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	There are existing natural gas service lines which appears to cross proposed Lot 1 to serve Lot 2. ENSTAR objects to this plat unless one of the following scenarios is met: 1. Add a note which says, "There is a ten foot (10 ft) wide natural gas easement centered on the existing service line." And draw in the approximate location of the service line on the map and add, "Approximate location of natural gas service line and centerline of ten foot (10 ft) wide natural gas easement." 2. Owner signs an ENSTAR Natural Gas Easement document for a ten foot (10 ft) wide natural gas easement, centered on the service line at this location.
ACS	No objections
GCI	Approved as shown

**KPB department / agency review:**

Addressing	<p>Reviewer:</p> <p>Affected Addresses:</p> <p>48339 DJS DR</p> <p>50875 STERLING HWY</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names:</p> <p>STERLING HWY</p> <p>DJS DR</p> <p>JUNE MARIE ST</p> <p>Existing Street Name Corrections Needed:</p> <p>All New Street Names are Approved: No</p> <p>List of Approved Street Names:</p> <p>List of Street Names Denied:</p> <p>Comments:</p> <p>Mquainton - Addresses will be reviewed at final stage. Platting action may require an address request upon plat finalization.</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:</p> <p>There are not any material site issues with this proposed plat.</p>
Assessing	<p>Reviewer: Windsor, Heather</p> <p>Comments: No comment</p>

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

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

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**KPB 20.25.070 – Form and contents required**

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

- A. Within the Title Block
1. Name of the subdivision which shall not be the same as an existing city, town, tract, or subdivision of land in the borough, of which a plat has been previously recorded, or so nearly the same as to mislead the public or cause confusion. The parent plat's name shall be the primary name of the preliminary plat.
  2. Legal description, location, date, and total area in acres of the proposed subdivision;
  3. Name and address of owner(s), as shown on the KPB records and the certificate to plat, and registered land surveyor.
- Staff recommendation:** *Add "Alaska" to the location.*
- 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:** *Provide the source for the Sterling Highway either within the depiction or reference a plat note.*
- J. Block and lot numbering per KPB 20.60.140, approximate dimensions and total numbers of proposed lots;
- Staff recommendation:** *Lot 1 is a portion of parent Lot 1. A different designation should be provided such as Lot 1A.*

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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.*

20.30.150. Streets-Intersection requirements.

- A. Street intersections shall be as nearly at right angles as possible, and no intersection shall be at an angle of less than 60 degrees. Where acute street intersections are designed, a minimum 50-foot radius corner at the right-of-way line of the acute angle shall be provided.
- B. Offset intersections are not allowed. The distance between intersection centerline shall be no less than 150 feet.
- C. Intersections of access streets with arterial streets or state maintained roads shall be limited to those intersections required for safe access consistent with KPB Title 14.
- D. Intersections of access streets with arterial streets or state maintained roads must be designed to the American Association of State Highway and Transportation Officials (AASHTO) standards.
- Staff recommendation:** *If continuations of DJ's Drive and June Marie Street are dedicated, comply with 20.30.150.*



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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:* Soils report will be required and an engineer will need to sign the plat.

**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.

##### 20.60.180. 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.

- Add a plat note for any exceptions granted.
- If dedications are required add "Roads must meet the design and construction standards established by the borough in order to be considered for certification and inclusion in the road maintenance program (KPB 14.06)."

*Within plat note 4 add "Misc" to the book description.*

##### 20.60.190. Certificates, statements, and signatures required.

**Staff recommendation:** If dedications are required, add a Certificate of Acceptance as outlined in KPB 20.60.190. Comply with 20.60.190.

##### 20.60.200. Survey and monumentation.

**Staff recommendation:** comply with 20.60.200 Verify monuments found, monuments identified with a cross in a circle show a different pin per reference documents.

#### **EXCEPTIONS REQUESTED:**

#### **KPB 20.30.030 – Proposed Street Layout (continuation of DJs Drive and June Marie Street) and KPB 20.30.170. – Block Length**

Surveyor's Discussion: This plat will not comply with KPB code without connecting DJs Drive and June Marie St. This would require a right-of-way dedication of approximately 600'. Even if this connection was made, neither of these roads are likely to be extended further in the future due to the layout of the surrounding lots. This connection is not likely to ever be constructed since there is already better access to the surrounding lots from the Sterling Hwy, DJs Drive, and June Marie Street. The new lots in this proposed subdivision have better access from existing, constructed roads. This dedication would take up nearly an acre of the plat, which would limit the landowner's ability to develop the property.

Staff Discussion: The block exceeds allowable limits. In order to find a complete block section line easements must

be used and are well outside the length limits as stated within KPB Code. Reviewing the existing design, it appears the intention was to continue DJs Drive and June Marie Street. Per KPB 20.30.030 dedications must provide for continuation or appropriate projection of all streets in surrounding areas. The continuation of DJs Drive and June Marie Street would fulfil the requirements of 20.30.030 as well as bring the block closer to compliance as outlined in KPB 20.30.170. The required continuations will result in DJS Drive, June Marie Street, Bruces Avenue, and the Sterling Highway defining the block. All block lengths will comply except along Bruces Avenue, which will be approximately 1,600 feet in length.

Lots along the rights-of-way that define the block are mostly larger parcels that can be further subdivided. State of Alaska DOT is trying to reduce the number of driveway entrances on highways and major rights-of-way. Providing rights-of-way that provide access to proper intersections is important. Providing a compliant and closed block will allow multiple routes in case of emergencies. If some of the larger lots are further subdivided multiple routes will help with traffic flow.

The lot to the north is a five acre lot that is long and narrow. The ability to further subdivide that lot is limited due to the right-of-way configuration. The back half of the lot has no access to a dedicated right-of-way. If that owner wishes to subdivide, they could dedicate right-of-way in the future but design will have to be watched to avoid an offset dedication as the full 60 foot for DJs Drive was dedicated from the parent property of this preliminary plat.

#### **Surveyor's Findings:**

1. Neither of these roads are likely to be extended further in the future due to the layout of the surrounding lots.
2. This connection is not likely to ever be constructed since there is already better access to the surrounding lots from the Sterling Hwy, DJs Dr, and June Marie St.
3. The new lots in this proposed subdivision have better access from existing, constructed roads.
4. This dedication would take up nearly an acre of the plat which would limit the landowner's ability to develop the property.

#### **Staff's Findings:**

5. KPB Code 20.30.030(A) states "The streets provided on the plat must provide fee simple right-of-way dedications to the appropriate governmental entity. These dedications must provide for the continuation or appropriate projection of all streets in surrounding areas and provide reasonable means of ingress for surrounding acreage tracts. Adequate and safe access for emergency and service vehicle traffic shall be considered in street layout."
6. KPB Code 20.30.170 states "Blocks shall not be less than 330 feet or more than 1,320 feet in length. Along arterial streets and state maintained roads, block lengths shall not be less than 800 feet. Block lengths shall be measured from centerline intersections."
7. Edmond Avenue, section line easements, Sherrys Avenue, Libbys Run Street, Johns Road, and the Sterling Highway currently define a closed block that includes the preliminary plat.
8. Block distance along the Sterling Highway is approximately 4,350 feet.
9. A continuation of the rights-of-way would result in DJs Drive, June Marie Street, Bruces Avenue, and the Sterling Highway defining the block containing the preliminary plat.
10. DJs Drive was dedicated as a 60 foot wide right-of-way by Mallette Homestead Subdivision No. 1, KN 91-34.
11. June Marie Street was dedicated as a 60 foot side right-of-way by Mallette Homestead Subdivision No. 2, KN 99-79.
12. DOT has not provided a comment on the ability of Lot 3 to access via the Sterling Highway but the standard note is present.
13. DOT did comment on Mallette Homestead No. 2, KN 99-79, as stated in the Plat Committee minutes of October 12, 1998 "No access to the Sterling Highway is permitted."
14. Providing through dedications provide multiple access routes and encourage development to use side roads as access versus the Sterling Highway.
15. Mallette Homestead Subdivision No. 2, KN 99-79, was heard and conditionally approved by the Kenai Peninsula Borough Plat Committee at the October 12, 1998 regular meeting.
16. Per the Plat Committee minutes of October 12, 1998, staff did not recommend the extension of DJs Drive

but recommended extending if Tract E was further subdivided.

17. At the October 12, 1998 Plat Committee meeting, staff recommended extending the north/south right-of-way between Tracts C and D (June Marie Street) to provide better access for Tract B and to allow better access if Tract B was ever further subdivided.
18. The surveyor on the project requested an exception at the October 12, 1998 Plat Committee meeting to not extend the right-of-way between Tracts C and D as leaving as proposed allowed the option to design a curve to go into the back of the Char Subdivision (located to the north) or to provide a match to DJs Drive.
19. At the October 12, 1998 Plat Committee meeting the committee approved the preliminary plat with an exception to not extend the 60 foot right-of-way to allow the property owner flexibility to extend to DJS Drive or curve into Tract B.
20. The terrain in the areas where DJs Drive and June Marie Street would be extended is free from steep terrain and wetlands.
21. A dedication of DJs Drive will require a crossing of a 100 foot transmission line easement.
22. Per a comment from HEA, they do not object to a right-of-way dedication and prefer the dedication to be perpendicular as opposed to parallel.
23. HEA verified the nearest pole to the proposed continuation of DJs Drive would be approximately 162 feet.
24. If the dedications are required, a notice will be sent to the owner of Tract B to allow them the opportunity to comment on the change of design as they would be required to match dedications of June Marie Street if they ever subdivide.
25. The lot to the north of DJs Drive is 5 acres in size.
26. The lot to the north is approximately 212 feet wide and 1,050 feet in length.
27. The lot to the north, if the owners choose to subdivide, is limited on design due to right-of-way access.
28. If through dedications are not granted, proper turnarounds should be granted to comply with KPB 20.30.100.
29. KPB 20.30.100 requires a cul-de-sac bulb for permanently closed rights-of-way.
30. KPB 20.30.100 allows for hammerhead or t-type turnarounds on a case-by-case basis.

Denial of the exception request will require dedications to provide the proper continuations of DJs Drive and June Marie Street and to be designed to be compliant with KPB Code.

Staff would like to note that hammerhead or t-type turnarounds are generally requested when there are terrain issues or concerns and to allow right-of-way continuations in the future. If it thought future continuations may be wanted in the future it would be recommended to require the full dedications at this time due to the proposed size of the lots and possible issues with future developments limiting the ability to get needed dedications in the future. If the plat committee grants the exceptions ***staff recommends the plat committee may a motion requiring a code compliant turnaround area and if they wish to limit the type of turnaround that it be stated within the motion.***

Staff reviewed the exception request and recommends **denial** based on findings 5-9, 13, 14, 16-20, 22, 23, and 27.

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

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

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

1. That special circumstances or conditions affecting the property have been shown by application;  
**Findings ——— appear to support this standard.**



2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title;  
**Findings** ~~appear to support this standard.~~
3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.  
**Findings** ~~appear to support this standard.~~

**Staff recommendation:** place notes on the final plat indicating any exceptions granted by the Plat Committee with the meeting date.

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**RECOMMENDATION:**

**SUBJECT TO EXCEPTION(S) GRANTED, 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**

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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.



[illegible]

6) **WASTEWATER DISPOSAL** Tanks and pits of at least 2100/1000 square feet in normal 3 acres in size and conditions may not be suitable for onsite wastewater treatment and disposal. Any wastewater treatment or disposal system must meet the regulatory requirements of the Alaska Department of Environmental Conservation.

**WASTEWATER DISPOSAL.** Good conditions, water intake tests, and no sewage for 1 1/2 ft. of the shoreline have been found suitable for the construction of a sewage treatment and disposal system serving single-family or duplex residences and meeting the regulatory requirements of the North American Benthic Act. Any other type of waste wastewater treatment and disposal system must be designed by a professional engineer, registered in practice in Alaska, and the design must be approved by the Alaska Dept. of Environmental Conservation.

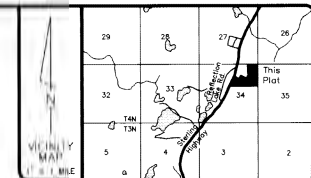
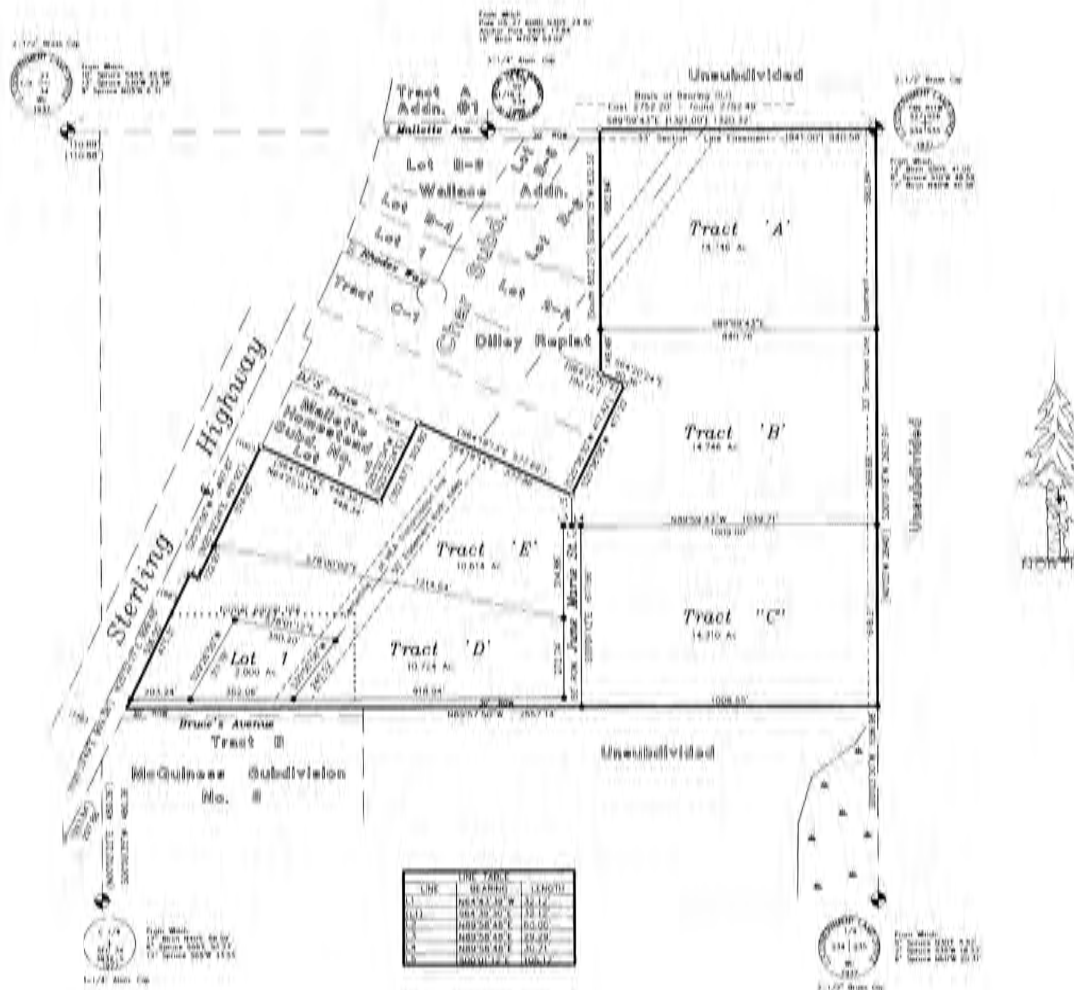
CHARGE: 06 8301 DATE: 11-18-99  
 LICENSE: 1 DATE:

Material: (found)  
 1/2" Racer (found)  
 4" x 6" Corporate R/W Multimeter (found)  
 5/8" Racer (set)  
 Record Station - Vehicle Inspection  
 (Add No. 1, Plot # 11 34)  
 Record Station - (40)  
 Record Station - (One Side)  
 (Add No. 1, Plot # 11 34)



I hereby certify that, I am properly registered and bonded to practice land surveying in the State of Alaska, this plot represents a survey made by me or under my direct supervision, the measurements shown herein actually exist as described, and all dimensions and other details are correct to the current standards of practice of land surveys in the State of Alaska.

DATE \_\_\_\_\_



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

(Parcel 2, PWR 98-52)  
(Unsubdivided portion of  
N1/2 NE1/4 Sec. 34  
east of the Sterling Hwy)

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

HC2 Box 329  
Soldotna, Alaska 99669  
(Parcel 1, PWR 98-52)

WITNESSED AND SWORN BEFORE ME THIS 29th DAY OF November  
1999 FOR JOHN M. Mallette, Doug Mallette, Holly Mallette

Alaska  
 MY EXPIRATION DATE: SEP 24, 2003

OFFICIAL SEAL  
 JEANEROWN SCHIGLEY  
 MEMBER FOR: 01/01/1971 - 12/31/2002



THE PLAN WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING  
COMMISSION AT THE MEETING OF October 12, 1998

KEITH PENNINGTON AND OTHERS

\_\_\_\_\_ 28.78

RECORDED 20  
KENAL

DATE: 12-10 1999  
TIME: 3:08 PM

REQUESTED BY:  
INTEGRITY SURVEYS  
605 CHARLES BOULE

FILE No. 98-236

A lot and subdivision of Plat Waiver Resolution 98-52  
adjacent with adjacent properties.

A lot and subdivision of Plat Waiver Resolution 98-52  
adjacent with adjacent properties.

Located within the NE1/4 Section 34, T4N, R11W, S.M.,  
Kenai Recording District, Kenai Peninsula Borough, Alaska

containing 68.990 Acres

### Integrity Surveys

## 8115 Swires Drive Kenai, Alaska 99611-8363

8115 Swires Drive Kenai, Alaska 99611-8363

SURVEYORS      PHONE - (907) 283-9047      PLANNERS  
 FAX ---- (907) 283-9071

98198	DRAWN: 17 November, 1999
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Sept. - Oct. 1998	SCALE: 1" = 200'
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98-6, Pg. 126-153	DISK: Mollette
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## KENAI PENINSULA BOROUGH PLANNING COMMISSION

## PLAT WAIVER RESOLUTION 98-52

## KENAI RECORDING DISTRICT

GRANTING A PLATTING WAIVER FOR CERTAIN LANDS WITHIN SECTION 34, TOWNSHIP 4  
NORTH, RANGE 11 WEST, SEWARD MERIDIAN, ALASKA

WHEREAS, June M. Mallette has petitioned for a waiver of platting requirements for the following described parcel:

N1/2 S1/2 NE1/4 Section 34, Township 4 North, Range 11 West, S.M., AK  
lying easterly of Sterling Highway

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

WHEREAS, it has been determined that all requirements have been met.

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

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

Section 2: That the plat waiver is being granted for the purpose of creating two parcels described as follows:

Parcel 1: The south 350' NW1/4 SW1/4 NE1/4 east of Sterling Highway and the west 200' of the south 350' of NE1/4 SW1/4 NE1/4 Sec. 34, T4N, R11W, S.M., AK; cntg 5± acres.

Parcel 2: N1/2 S1/2 NE1/4 Sec. 34, T4N, R11W, S.M., AK lying easterly of Sterling Highway; excepting therefrom the south 350' NW1/4 SW1/4 NE1/4 east of Sterling Highway and the west 200' of the south 350' of NE1/4 SW1/4 NE1/4 cntg 32± acres.

Section 3. That this resolution is void if not recorded in the appropriate Recording District within thirty days of adoption.

Section 4. That this resolution becomes effective upon being properly recorded.

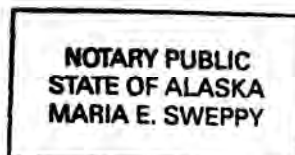
ADOPTED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH ON THIS  
14 DAY OF September, 1998.

Philip Bryson, Vice Chairperson  
Planning Commission

## NOTARY ACKNOWLEDGEMENT:

Subscribed and sworn before me this 14 day of September, 1998.

Maria E. Sweppy  
Notary Public for State of Alaska  
My Commission Expires: 1-16-99



008513

REC

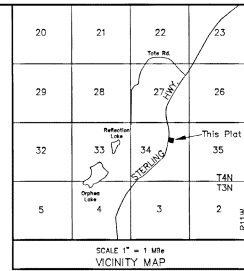
DIS NOT

TESTED BY

Integrity  
by KPB

'98 SEP 15 PM 2 06

DATE	REVISION	BY
11/10/91	1	SM
11/10/91	2	SM



**LEGEND**

- Found Official Survey monument
- Found 1/8" X 24" rebar with McLane & Assoc. cap attached
- Found 1"x6" cone R/W Monument
- Found 1/2" rebar
- Found 1/8" rebar w/cap
- Monument of record not recovered
- Monument of record not recovered

**NOTES**

- 1) Water supply and sewage disposal systems shall be permitted only in accordance with applicable requirements of 18 AAC 70, 18 AAC 72, and 18 AAC 80.
- 2) Minimum 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.
- 3) No direct access to state maintained ROWS permitted unless approved by State of Alaska Department of Transportation.
- 4) No permanent structure shall be constructed or placed within an easement which would interfere with the ability of a utility to use the easement.
- 5) The front 10' of building setback is also a utility easement to the entire setback within 5' of side lot lines.

**NOTARY'S ACKNOWLEDGEMENT**  
 FOR: June M. Mallette  
 Subscribed and sworn before me this 19th day of June, 1991.  
 My commission expires May 3, 1991.  
 Notary Public for the State of Alaska

**CERTIFICATE OF OWNERSHIP AND DEDICATION**  
 I hereby certify that I am the owner of the real property shown and described herein and that I hereby adopt the plan of subdivision and by my free consent dedicate all rights of way to public use and grant all easements to the use shown.

**WASTEWATER DISPOSAL:** Soil conditions, water table levels, and soil slopes in this subdivision have been found suitable for conventional onsite wastewater treatment and disposal systems serving single-family or duplex residences and meeting the regulatory requirements of the 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.  
 Approved: [Signature] Date: May 15, 1991  
 Alaska Department of Environmental Conservation  
 Approving official

**PLAT APPROVAL**  
 This plat was approved by the KENAI PENINSULA BOROUGH PLANNING COMMISSION at the meeting of:  
 Date: May 15, 1991  
 Approved by: [Signature]  
 KENAI PENINSULA BOROUGH  
 Planning Director



91-341  
 APPROVED BY  
 KENAI PENINSULA BOROUGH  
 MAY 15 1991  
 MAY 15 1991  
 KENAI PENINSULA BOROUGH  
 PLANNING COMMISSION

**MALLETTE HOMESTEAD SUBDIVISION No.1**  
 June M. Mallette, owner  
 June 1991  
 Kenai, AK 99569  
**LOCATION**  
 1/4 SEC. 34, T4N, R11W,  
 KENAI, ALASKA, KENAI PENINSULA BOROUGH AND THE  
 KENAI RECORDING DISTRICT.  
 Drawn by: MJP  
 Scale 1" = 200'  
 Project No.: 902034  
 Sheet: 1 of 1  
 Dwg File: 902034  
 Date: 5/10/91  
 Book No.: 91-04  
 Scale 1" = 200'  
 Project No.: 902034  
 Sheet: 1 of 1  
 Dwg File: 91-030





1. Correct or add to the legal description/location/area. Subdivision is within the NE1/4 section.
2. Show existing streets with name and width.
3. Show section line easement(s). If vacated, reference vacation plat.
4. Vicinity Map - Label Reflection Lake Road.
5. Indicate the approximate location of the area subject to inundation by storm or tidal flooding. If applicable, cite the study identifying the flood plain.
6. Identify by name and width all streets to be dedicated.
7. Show location of slopes greater than 20%.
8. Correct spelling of Mallette Avenue
9. Line labeled "Former Parcel Line" - delete - no record of an existing lot line.
10. Delete one of the 30' ROW notations adjacent to the south of Lot 1. This will help eliminate confusion over the width of the right-of-way.
11. Show section line easement(s) within the northern boundary. If vacated, reference vacation plat.

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

12. State right-of-way. Show source of information for data used.
13. Survey and monumentation to meet Ordinance requirements; or an exception having been granted.
14. Conform to conditions of KPB Planning Commission Resolution 78-6.
15. Compliance with Chapter 20.16.155 D and 20.14 Wastewater Disposal regulations.
16. Compliance with Ordinance 90-38(Substitute) - Ownership.
17. Compliance with Ordinance 93-59 - Payment of all taxes due prior to final approval. If final approval and filing of plat are sought between January 1 and the tax due date, the full amount of the estimated taxes will be on deposit with the Finance Department.

**Note: Appeal may be taken from the decision of the plat committee to the planning commission acting as platting board by filing written notice thereof with the borough planning director within 10 days after notification of the decision of the plat committee by personal service, service by mail, or publication. (2.40.080 Borough Code of Ordinances)**

**END OF STAFF REPORT**

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

Commissioner Whitmore-Painter asked if the surveyor had comments. Mr. Baker requested exceptions to extending Mallette Avenue, Bruce's Avenue, and dedicating the section line easement along the eastern boundary.

Mr. Baker said the north/south section line crosses wetlands. The section line is also adjacent to the moose range so it is unlikely it will ever be matched. Mr. Baker doubted an easement existed on the moose range boundary.

Mr. Baker believed 20.20.230 had been met by dedicating Bruce's Avenue across much of the southern boundary. He gave the Committee a letter from the property owner to the south. (*Clerk's Note: The letter was provided for the subject file.*) The property owner to the south does not want to be restricted to a road pattern until she decides how she wants to develop her property, which is a large parcel. Mallette Avenue is a section line so it is likely an easement is already in place.

Mr. Baker did not want to extend the unnamed north/south right-of-way 60 feet as recommended by staff. He believed the 30' dedication provided better access than many flag lots. By ending the easement as shown on the plat, the option to design a curve to come into the back of Char Subdivision or provide a match to DJ's Drive is available. The size of the parcels allows flexibility for different designs.

Mr. Baker requested the standard DOT statement for the plat. He added that the property owner, Doug Mallette, wished

to comment.

Mr. Mallette concurred with Mr. Baker. The back three lots belong to Mr. Mallette's brother and sisters, who do not know the property has been surveyed. Mr. Mallette thought it would be unfair for him to decide the location of the roads, etc. He planned to construct the roads dedicated by the proposed plat. His brother and sisters know that if they further subdivide, they will have to provide access.

Commissioner Whitmore-Painter asked Mr. Best if he had comments. Mr. Best concurred with the request to not extend the unnamed 60' right-of-way. Being able to go to DJ's Drive or curve into Tract B seems to be a logical explanation for not extending the unnamed road at this time.

Ms. Sweppy read the letter from the property owner to the south into the record:

*To Whom it May Concern:*

*I do not wish to extend Bruce's Avenue any further than has already been dedicated. I am the registered owner of this property (Clerk's Note: Tax Parcel No. 131-700-07).*

*Deborah Taft*

Ms. Sweppy added that two witnesses signed Ms. Taft's note.

Mr. Best said the moose range was to the east. He did not object to not dedicating the section line easement on the eastern boundary. Any further subdivision of the parcels will require a matching dedication be provided per the Borough Code.

Commissioner Whitmore-Painter asked Mr. Best if he objected to not extending Bruce's Avenue. Mr. Best said he wanted the record to reflect that any further subdivision will require a matching dedication.

Commissioner Whitmore-Painter entertained a motion for the exception requests.

**MOTION:** Commissioner Gannaway moved, seconded by Commissioner Boscacci, to grant the following exceptions:

- 1) not dedicate the section line easement to the east
  - a. The section line easement crosses wetlands.
  - b. Any further subdivision will require matching dedication.
  - c. The moose range adjoins the section line.
- 2) not extend the 60' unnamed right-of-way
  - a. Not extending the right-of-way at this time will allow the property owner flexibility to extend to DJ's Drive or curve into Tract B.
- 3) not extend Mallette Avenue and Bruce's Avenue
  - a. Any further subdivision will require matching dedication per the Borough Code.
  - b. Mallette Avenue is a section line.

Referencing Mr. Best's comment about a matching dedication when further subdivision is done, Mr. Baker said Bruce's Avenue would not be fully extended due to the swamp. He inquired about the matching dedication. Mr. Best said if the property owner to the south matched the 30' dedication on the section line, the owner of Tract C will have to match that dedication during any further subdivision.

At the request of Ms. Sweppy, Mr. Best explained that if the property owner to the south subdivided and dedicated a half right-of-way, the owner of Tract C will provide a matching dedication. Commissioner Whitmore-Painter asked if the Committee objected to the requested exceptions.

Commissioner Clutts commented that it would have been better if the exceptions had been addressed and resolved with

staff before the Plat Committee met. He observed that the Committee revised plats during the meeting, whereas the concerns should be worked out with staff prior to the Plat Committee meetings.

Ms. Sweppy re-stated the three exceptions requested.

**VOTE:** The motion to grant the exceptions passed by unanimous consent.

BOSCACCI YES	CLUTTS YES	GANNAWAY YES	WHITMORE-PAINTER YES	FOUR YES
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**VOTE:** The motion to approve the plat per staff recommendations passed by unanimous consent.

BOSCACCI YES	CLUTTS YES	GANNAWAY YES	WHITMORE-PAINTER YES	FOUR YES
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AGENDA ITEM E.          CONSIDERATION OF PLATS

7.          Marimac Four, Lot A-2A Replat (Preliminary)  
            KPB FILE 98-232 [Carlos Freeman]

Staff report as read by Maria Sweppy.

Plat Committee Meeting 10/12/98

Location:          East End Road, approximately 1/2 mile southwesterly of Hutler Road

Proposed Use:      Need Statement

Zoning:            Unrestricted

Sewer/Water:      Need Statement

Supporting Information: This is the subdivision of Lot A-2A, Block 3, Marimac Four and a deed parcel to relocate a common lot line. The submittal partially states, "Owners wish to exchange equal size areas of their properties."

Comments from Kachemak Bay Advisory Planning Commission were not received at the time of report preparation.

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

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

1.          Revise subdivision name. Work with staff.
2.          Correct or add to the legal description/location/area. Complete the description of what is included within the subdivision and include reference to both 1/4 sections.
3.          Provide name/address of owner(s).
4.          Show existing streets with name and width.
5.          Show block number on plat.

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

6.          Boundary of subdivision must be wider line weight.
7.          Identify existing easements and label use; or cite record reference.
8.          Provide or correct dedication and/or approval statement(s) with notary's acknowledgement as needed.
9.          Survey and monumentation to meet Ordinance requirements; or an exception having been granted.
10.        Place note on plat "No access to State maintained rights-of-way permitted unless approved by State of Alaska Department of Transportation."



## Hindman, Julie

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**From:** Huff, Scott <shuff@HomerElectric.com>  
**Sent:** Wednesday, February 1, 2023 10:36 AM  
**To:** Hindman, Julie  
**Cc:** Piagentini, Vincent  
**Subject:** <EXTERNAL-SENDER>RE: Easement note

CAUTION:This email originated from outside of the KPB system. Please use caution when responding or providing information. Do not click on links or open attachments unless you recognize the sender, know the content is safe and were expecting the communication.

Julie,

This is a standard note for a transmission line easement which is 100 feet in width. It does seem like this note has not been used on recent plats but looking back in HEA's records this is the standard note that we request for transmission line easements. HEA would like the parent note to be carried forward on this plat.

HEA does not object to the ROW being dedicated across the transmission line easement. HEA prefers that the ROW cross perpendicular to the easement as opposed to parallel with the easement. From my records it shows that the nearest pole is +/- 162 feet from where the new ROW will be dedicated so there should not be an issue with a potential road being too close to a power pole.

Let me know if you need anything else.

Thanks,

**SCOTT HUFF**  
**907-335-6209**

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**From:** Hindman, Julie <jhindman@kpb.us>  
**Sent:** Wednesday, February 1, 2023 10:15 AM  
**To:** Huff, Scott <shuff@HomerElectric.com>  
**Cc:** Piagentini, Vincent <vpagentini@kpb.us>  
**Subject:** Easement note

**Caution:** This Email originated from outside HEA. DELETE IT NOW if it's from anyone @ HEA! Only click on links if you expected this message.

Scott,

Below is a link to a plat with a 100 foot transmission line easement. The plat note on this plat limits road construction. I am wondering about the note and if you would know if that is something on all major lines or why this note is on there. I don't recall seeing this note before on plats with similar transmission lines.

The issue is the lots are to be replatted which I think you reviewed already. Per code, they should be dedicating DJs Drive and June Marie Street to connect for proper projection and block length requirements. Can you let me know what HEA's stance on that would be and if dedications would change your stance on the plat note being carried over?

Thanks!

[KN199979.tif \(kpb.us\)](#)

*Julie Hindman*

Platting Specialist

Ph: (907) 714-2210

Fx: (907) 714-2378

**KENAI PENINSULA BOROUGH**  
**144 North Binkley Street**  
**Soldotna, Alaska 99660**

