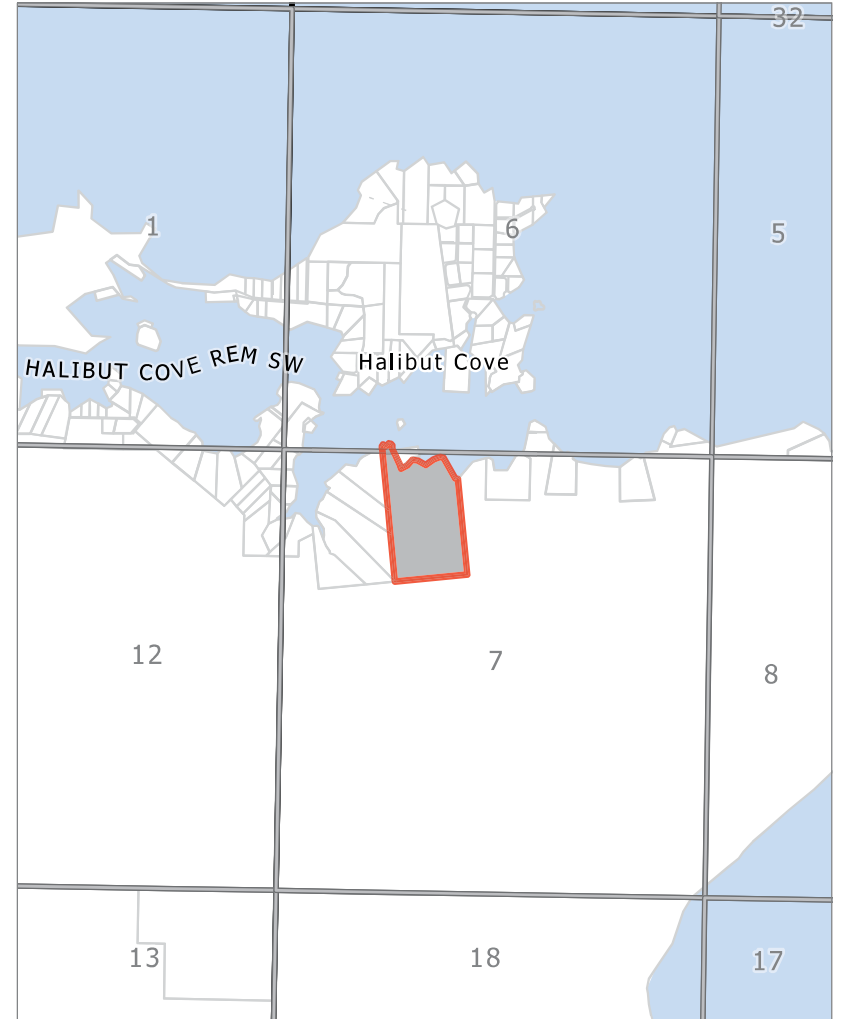
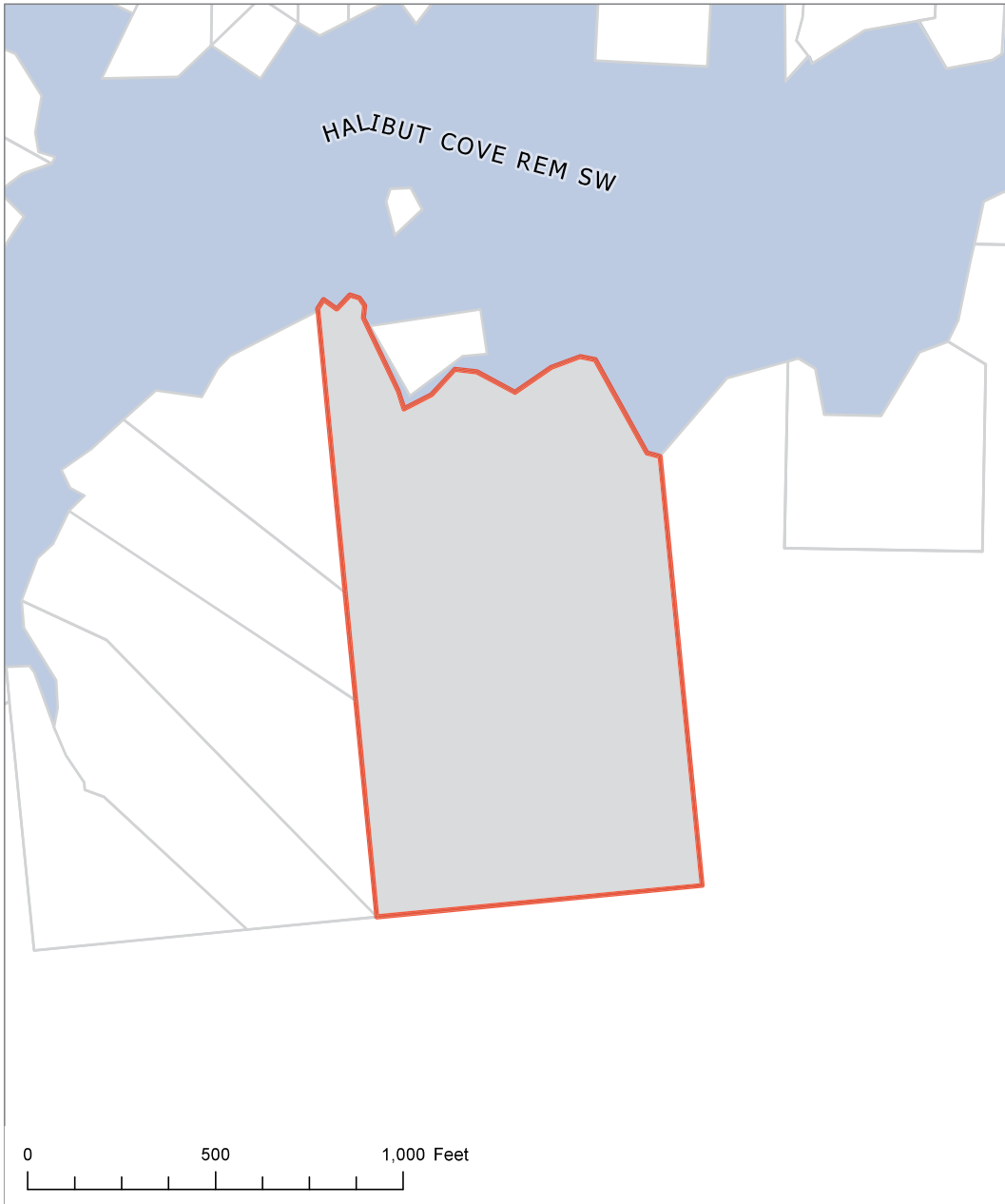


E. NEW BUSINESS

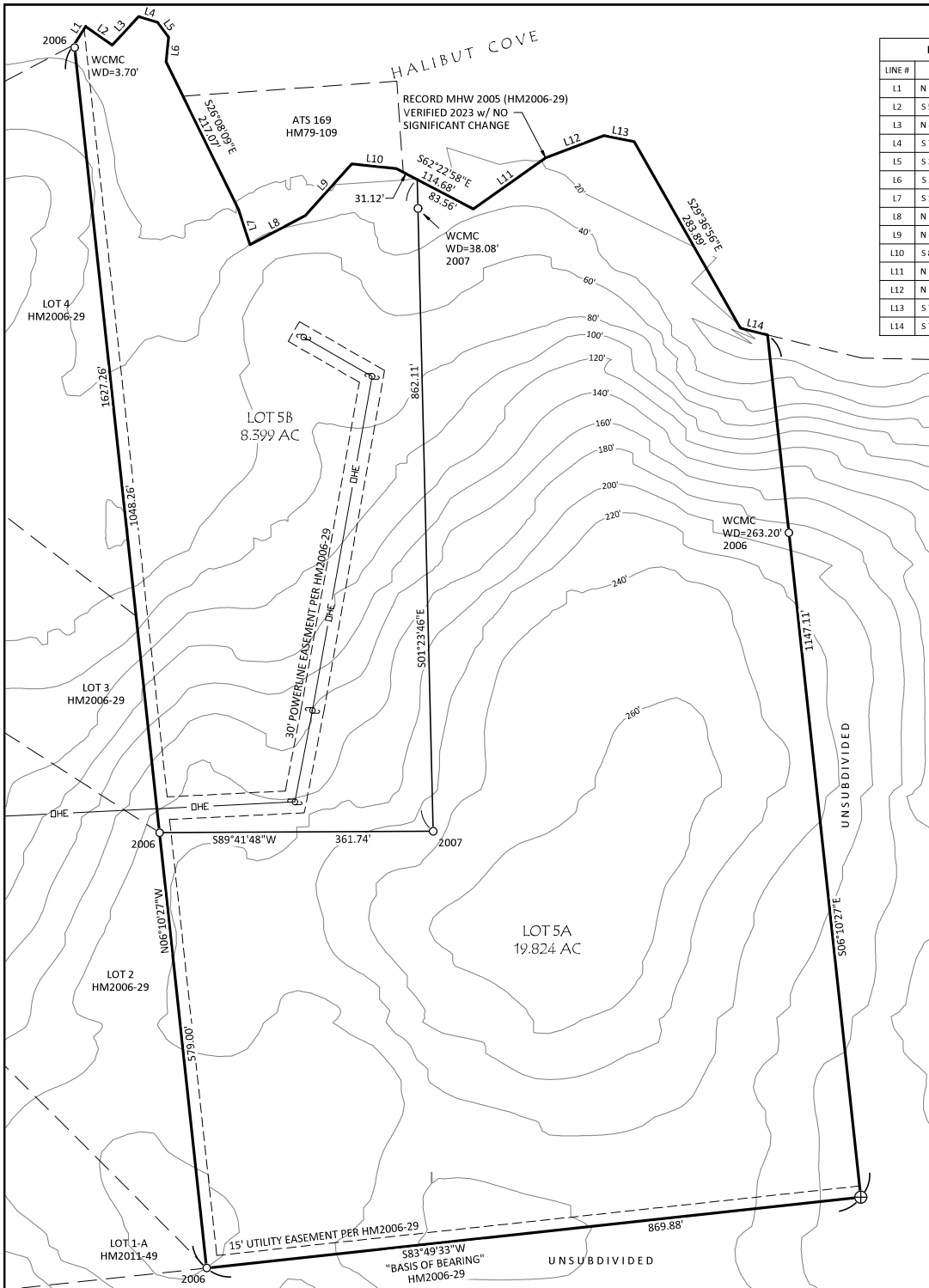
- 4. Broken Axle No. 2; KPB File 2023-134**
McLane Consulting Group / Taeschner
Location: Remote
Halibut Cove Area



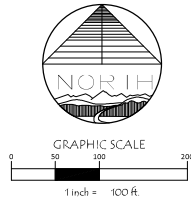
KPB File 2023-134
T 05S R 11W SEC 07
Halibut Cove



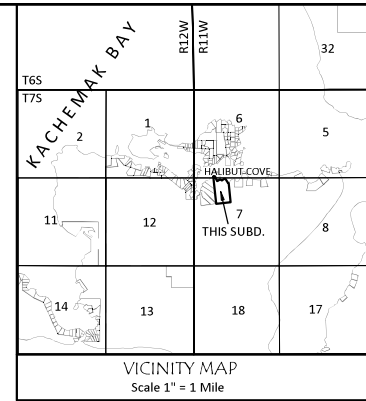
The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



LINE TABLE		
LINE #	BEARING	DISTANCE
L1	N 31°26'31" E	28.16'
L2	S 55°20'03" E	43.18'
L3	N 42°24'50" E	51.34'
L4	S 72°33'55" E	26.38'
L5	S 37°03'18" E	24.55'
L6	S 5°52'38" W	32.97'
L7	S 18°12'47" E	49.34'
L8	N 62°05'36" E	82.64'
L9	N 41°55'26" E	91.82'
L10	S 83°53'56" E	59.39'
L11	N 54°43'54" E	117.20'
L12	N 69°16'37" E	82.40'
L13	S 79°04'20" E	40.79'
L14	S 75°58'54" E	36.97'



- LEGEND**
- ⊕ FOUND PRIMARY MONUMENT AS DESCRIBED
 - FOUND 2" ALCAP 4469-S w/ DATE NOTED
 - SET 5/8"x30" REBAR w/ 1" STAINLESS STEEL CAP 85032-S
 - ⊙ POWER POLE
 - DHE OVERHEAD ELECTRIC
 - CONTOUR INTERVAL = 20'



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.

KIP A. TAESCHNER
48760 WENDY LN, SOLDOTNA, AK 99669

NOTARY'S ACKNOWLEDGEMENT

FOR: KIP A. TAESCHNER
ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2023
MY COMMISSION EXPIRES: _____
NOTARY PUBLIC FOR THE STATE OF _____

NOTES

- 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.
- THE EXISTING OVERHEAD POWERLINE IS THE CENTERLINE OF A 30' WIDE ELECTRICAL DISTRIBUTION LINE EASEMENT INCLUDING GUYS AND ANCHORS PER HM2006-29.
- THIS PARCEL MAY BE AFFECTED BY THE FOLLOWING:
 - AN ELECTRIC EASEMENT GRANTED TO HOMER ELECTRIC ASSOCIATION ON DECEMBER 26, 1966 IN BOOK 14, PAGE 328, SELDOVIA RECORDING DISTRICT, LOCATION NOT DEFINED.

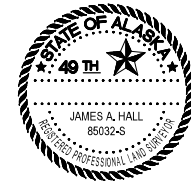
WASTEWATER DISPOSAL

THESE LOTS ARE AT LEAST 200,000 SQUARE FEET 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.

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF _____, 2023.

AUTHORIZED OFFICIAL _____ DATE _____



Plat #
Rec Dist
Date
Time

BROKEN AXLE No. 2

A RESUBDIVISION OF LOT 5, BROKEN AXLE SUBDIVISION (HM2006-29)

KIP A. TAESCHNER, OWNER
48760 WENDY LN
SOLDOTNA, AK 99669

28.223 AC. M/L SITUATED IN THE NW1/4 OF SECTION 7, TOWNSHIP 7 SOUTH, RANGE 11 WEST, SEWARD MERIDIAN, KENAI PENINSULA BOROUGH, AND THE HOMER RECORDING DISTRICT, ALASKA.

ENGINEERING - TESTING
SURVEYING - MAPPING
P.O. BOX 468
SOLDOTNA, AK, 99669
VOICE: (907) 283-4218
FAX: (907) 283-0265
WWW.MCLANECG.COM

KPB FILE NO. 2023-xxx

PROJECT NO. 232019

SCALE: 1" = 100'

DATE: NOV. 2023

FB: 22-02

DRAWN BY: JAH

AGENDA ITEM E. NEW BUSINESS

ITEM #4 - PRELIMINARY PLAT
Broken Axle No. 2

KPB File No.	2023-134
Plat Committee Meeting:	December 11, 2023
Applicant / Owner:	Kip Taeschner of Soldotna AK
Surveyor:	James Hall / McLane Consulting LLC
General Location:	Halibut Cove

Parent Parcel No.:	193-281-05
Legal Description:	Lot 5 Broken Axle Subdivision HM2006-29
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	Onsite
Exception Request	20.30.210, 20.30.030 & 20.30.050

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide a 28.223 acre lot into 2 new lots ranging in size from 8.399 acres to 19.824 acres.

Location and Legal Access (existing and proposed): The subdivision is located on the mainland part of the Halibut Cove area across from Ismailof Island. Access to the plat will be by boat, landing at a private dock. **Staff recommends** a plat note be added stating that access to the subdivision will be by water.

This plat is not granting any dedications, as there are no roads in the vicinity for use or to connect to. An exception to KPB 20.30.210 Lots – Access to Street has been requested.

KPB Roads Dept. comments	Out of Jurisdiction: No Roads Director: Griebel, Scott Comments: No comments
SOA DOT comments	

Site Investigation:

Contours have been supplied on the drawing and indicate there is steep terrain on the property. **Staff recommends:** the surveyor label on the final top and toe or steep terrain on the final and contours can be removed.

Improvements are shown on the Alaska Tidal Survey. The surveyor should locate any structures near the boundary lines for encroachment issues and if found provide a remedy for the problem.

KPB River Center review	A. Floodplain Reviewer: Hindman, Julie Floodplain Status: Not within flood hazard area Comments: No comments B. Habitat Protection Reviewer: Aldridge, Morgan
-------------------------	--

	Habitat Protection District Status: Is NOT within HPD Comments: No comments C. State Parks Reviewer: Comments:
State of Alaska Fish and Game	

Staff Analysis

The plat is located on the mainland off Halibut Cove and was originally surveyed as US Survey No 3366 by the US Bureau of Land Management (BLM) in 1956. The survey was then subdivided by Broken Axle Subdivision HM 2006-29. This plat is dividing Lot 5 of HM2006-29.

A soils report will not be required and an engineer will sign the final plat as the lots are over 200,000 sq ft.

The property is not within an advisory planning commission.

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

Utility Easements

Broken Axle Subdivision HM2006-29 shows a 30 foot Powerline easement on Lot 5 that has been carried forward to this subdivision and properly identified. There are no other easements indicated on the previous plat or within the certificate to plat.

No new utility easement are being proposed at this time.

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 comment
ENSTAR	
ACS	No comment
GCI	
SEWARD ELECTRIC	
CHUGACH ELECTRIC	
TELALASKA	

KPB department / agency review:

Addressing	Reviewer: Leavitt, Rhealyn Affected Addresses: 51647 HALIBUT COVE REM SW Existing Street Names are Correct: No List of Correct Street Names:
------------	--

	<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: ADDRESS WILL BE DELETED AND NEW ADDRESSES ASSIGNED UPON OWNER REQUEST.</p>
Code Compliance	<p>Reviewer: Ogren, Eric</p> <p>Comments: No comments</p>
Planner	<p>Reviewer: Raidmae, Ryan</p> <p>There are not any Local Option Zoning District issues with this proposed plat.</p> <p>Material Site Comments: There are not any material site issues with this proposed plat.</p>
Assessing	<p>Reviewer: Windsor, Heather</p> <p>Comments: No comment</p>

STAFF RECOMMENDATIONS
CORRECTIONS / EDITS

Add 134 to KPB File no 2023-xxx

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.

- M. Approximate locations of slopes over 20 percent in grade and if contours are shown, the areas of the contours that exceed 20 percent grade shall be clearly labeled as such;
Staff recommendation:
Top and toe / steep slope need identified on drawing.
- N. Apparent encroachments, with a statement indicating how the encroachments will be resolved prior to final plat approval;
Staff recommendation:
ATS 169 shows structures, confirm location when doing field work.

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.

KPB 20.40 – Wastewater Disposal

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

20.40.010 Wastewater disposal.

Platting Staff Comments:

Staff recommendation: comply with 20.40.

KPB 20.60 – Final Plat

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

20.60.180. 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.

- The borough will not enforce private covenants, easements, or deed restrictions per KPB 20.60.170.
- The natural meanders of ordinary high water (or mean high water line as applicable) is for area computations only, the true corners being on the extension of the sidelines and the intersection with the natural meanders.

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: comply with 20.60.190.

Add to the Plat Approval December 11

Change the date to 2024 on the Notary's Acknowledgement as completion is estimated to be after January 1, 2024.

EXCEPTIONS REQUESTED:

A. KPB 20.30.210 Lots –Access to streets, 20.30.030 Street Layout & 20.30.050 Legal Access

Surveyor's Discussion:

Findings;

1. This is a remote parcel on the south side of Kachemak Bay.
2. The navigable waters of Kachemak Bay are the access to this property.
3. Both proposed lots front on Kachemak Bay.
4. The back of the proposed lots shares a boundary line with the Kenai National Wildlife refuge.
5. There are no adjoining R/W's to connect or project through the property.

Staff Discussion: Staff has lumped all three exceptions together as they are similar in nature of the request.

KPB 20.30.210 Each lot shall abut on a fee simple dedicated street except as provided by KPB 20.30.030(B).

20.30.030. - Proposed street layout—Requirements.

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

B. Subdivision of land classified as agricultural conveyed subject to AS 38.05.321(a)(2)(B) may provide public access easements in lieu of fee simple dedications if necessary to comply with the minimum lot size restriction

of the statute. The public access easements must meet all applicable right-of-way design criteria of Title 20 and are subject to the building setback requirements set forth in KPB 20.30.240.

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

20.30.050. - Legal access.

A. The applicant shall provide an access plan to the planning department verifying the existence of legal access to the subdivision boundary. The plan shall consist of the documents depicting the access, a map depicting the location of the access, and topographic information indicating that construction which meets the design requirements set forth in KPB Chapter 20.30 is practical and economical. In this title, legal access exists where an unrestricted, public right-of-way connects the subdivision to the state highway system, the state marine highway system or a regularly served public airport, and one of the following is met:

1. Ingress and egress will be provided over section line easements located within a surveyed section;
2. The applicant provides copies of borough-accepted recorded conveyances creating the public easement or right-of-way where the access is located;
3. That access is a State of Alaska maintained road or municipal maintained road;
4. The applicant provides documentation satisfactory to the borough demonstrating that public legal access is guaranteed through judicial decree; or
5. The right-of-way is an easement or fee interest at least 60 feet in width dedicated or irrevocably conveyed to the public and acceptable to the planning commission.

B. The following situations may qualify for a waiver of the legal access requirement:

1. Upon finding that no practical means of providing road access to a proposed subdivision exists and upon presentation of credible and convincing evidence by the applicant that permanent public access by air, water, or railroad is both practical and feasible, the planning commission may waive the legal access requirements of KPB 20.30.050(A). If access other than by road is approved, the mode of access shall be noted on the plat.
2. Where only a 30-foot dedication exists over all or a portion of the legal access to a subdivision, the provisions of KPB 20.30.050(A) may be considered met if it is reasonable to expect that the other 30 feet will be dedicated in the future.
3. Where a road is in use for physical access but there is no right-of-way document for all or part of the access road, the provisions of KPB 20.30.050(A) may be considered met if it is reasonable to expect that the right-of-way will be dedicated in the future.

Findings:

6. No interior lots are being created.
7. No surrounding properties will be denied access.
8. Access to the area is by plane or boat.
9. Dedications have not been required on any of the plats to the west, being the only connections possible.
10. An exception to 20.20.200 Lot – Access to Streets was granted to the original plat Broken Axle Subdivision HM2006-29 at the February 27, 2006 KPB Plat Committee meeting.

Staff reviewed the exception request and recommends granting approval.

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 committee shall make findings of fact meeting the following standards before granting any exception:

1. That special circumstances or conditions affecting the property have been shown by application;
Findings 1-5, 8 & 10 appear to support this standard.
2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title;
Findings 1-5, 7 & 8 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 1, 4 & 7 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.

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



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

NOTES:

1. The purpose of this plat is to subdivide U.S. Survey No. 3366 into 5 lots.

2. **BASIS OF BEARING:** The basis of bearing was determined by global positioning system using high precision differentially corrected Real Time Kinematic methods and using Tripod Data Systems GPS Survey Pro version 3.2 software with Javad Legacy and Legacy-E receivers. A local grid was established oriented to true geodetic north at Lat: 59°35'26.57"N and Long: 151°13'56.37"W, NAD 83.

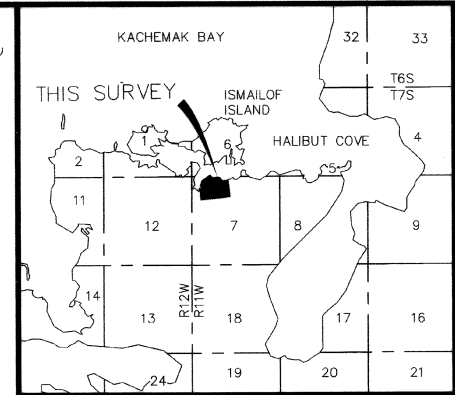
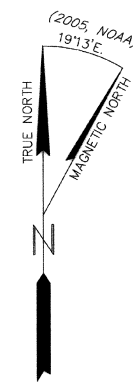
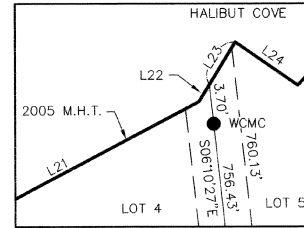
3. No permanent structure shall be constructed or placed within the utility easement which would interfere with the ability of the utility to use the easement.

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

6. An exception to K.P.B. 20.20.200 was granted at the Plat Committee meeting of Feb. 27, 2006.

7. Existing Overhead Power Line is the centerline of a 30 foot wide electrical distribution line easement including guys and anchors.

- LEGEND:**
- Found 3 1/4" BLM Brass Cap, 1979
 - Found 3 1/4" Aluminum Cap, 1979, 610-S
 - Set 2" Aluminum cap on 30" rebar
 - (R1) Record data per Small Cove Subd. #2, Plat No. 96-56, H.R.D.
 - (R2) Record data per U.S. Survey No. 3366
 - OHP- Overhead Powerline
 - M.H.T. Mean High Tide
 - Power Pole
 - WCMC Witness Corner to Meander Corner



VICINITY MAP SOURCE: USGS SELDOVIA (C-4) 1987
SCALE: 1" = 1 MILE

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 to public use and grant all easements to the use shown.

Jeri El-Masry
Jeri El-Masry

As Successor Co-Trustee of the Alvin Taeschner Family Trust
P.O. Box 56
Soldotna, AK 99669-0056

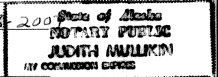
Notary's Acknowledgement

Subscribed and sworn before me this 25th day of May, 2006 for *Jeri El-Masry*

Judith Mullikin
Judith Mullikin

Notary Public for Alaska

My Commission Expires: 6-18-2009



Kip A. Taeschner
Kip A. Taeschner

As Successor Co-Trustee of the Alvin Taeschner Family Trust
48760 Wendy Lane
Soldotna, AK 99669-9358

Notary's Acknowledgement

Subscribed and sworn before me this 26 day of May, 2006 for *Kip Taeschner*

Patricia Hartley
Patricia Hartley

Notary Public for Alaska

My Commission Expires: 3-7-09

Plat Approval:

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of February 27, 2006.

Mary Beth
Kenai Peninsula Borough Authorized Official

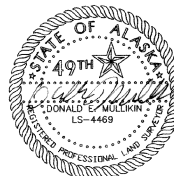
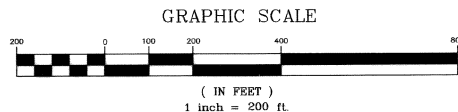
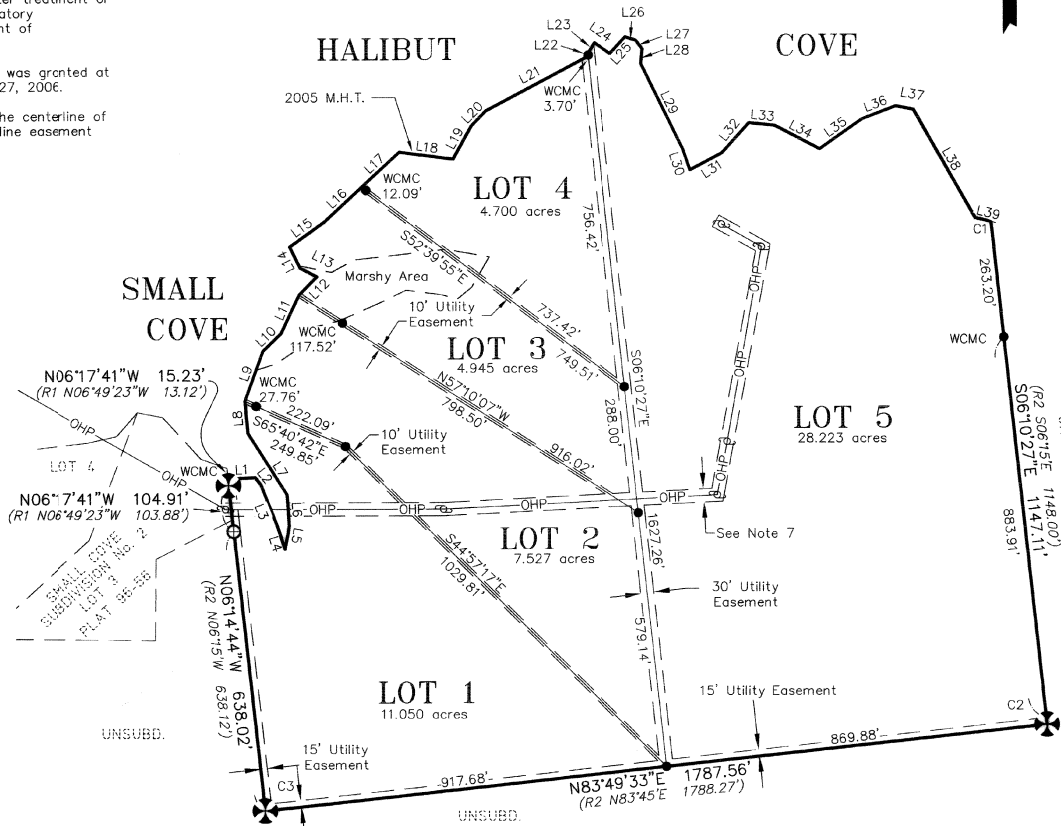
BROKEN AXLE SUBDIVISION

A subdivision of U.S. Survey No. 3366
Located within the NW1/4 Section 7, T7S, R11W,
Seward Meridian, Homer Recording District,
Third Judicial District, Alaska,
Containing 56.445 Acres,
creating Lots 1-5

SURVEYOR: MULLIKIN SURVEYS P.O. BOX 790 HOMER, AK 99603	DRAWN BY: GDS DATE: 5-25-06	FB: 248
OWNERS: JERI EL-MASRY P.O. BOX 56 SOLDOTNA, AK 99669	KIP A. TAESCHNER 48760 WENDY LANE SOLDOTNA, AK 99669	
SCALE: 1" = 200'	CHECKED DEM	Dwg Name: KPB File 2006-030 S3366.DWG

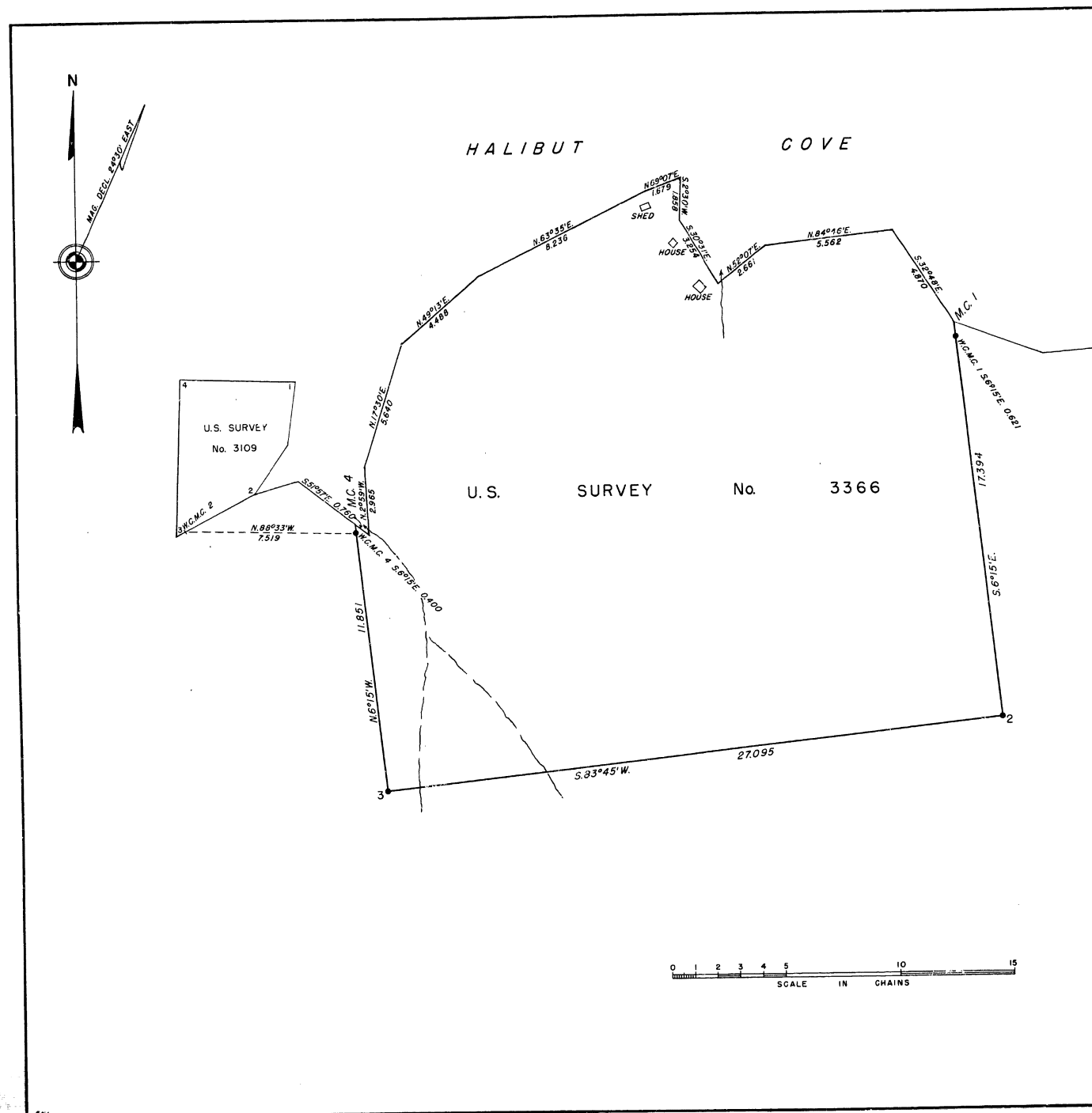
MULLIKIN SURVEYS
P.O. BOX 790
HOMER, ALASKA 99603
(907) 235-8975

LINE	LENGTH	BEARING
L1	62.33'	N86°57'10"E
L2	21.64'	S37°35'38"E
L3	102.29'	S21°28'19"E
L4	53.22'	S18°06'18"E
L5	53.79'	N10°45'37"E
L6	71.24'	N04°04'38"W
L7	164.85'	N32°14'00"W
L8	73.31'	S05°17'48"E
L9	120.28'	S20°00'04"W
L10	57.67'	S45°46'01"W
L11	96.56'	N25°01'13"E
L12	57.74'	N44°51'35"E
L13	42.71'	N62°50'39"W
L14	53.65'	N26°19'30"W
L15	96.92'	N54°13'22"E
L16	116.26'	N47°08'26"E
L17	116.26'	S47°08'26"W
L18	123.53'	N82°26'29"W
L19	86.60'	S28°45'43"W
L20	46.72'	S44°09'58"W
L21	255.79'	S62°13'57"W
L22	11.41'	S31°26'32"W
L23	28.16'	N31°28'32"E
L24	43.18'	S55°20'02"E
L25	51.34'	N42°24'51"E
L26	26.38'	S72°33'54"E
L27	24.55'	S37°03'17"E
L28	32.97'	S05°52'39"W
L29	217.07'	S26°08'08"E
L30	49.34'	S18°12'46"E
L31	82.64'	N62°05'37"E
L32	91.82'	N41°55'27"E
L33	59.39'	S83°53'55"E
L34	114.68'	S62°22'57"E
L35	117.20'	N54°43'55"E
L36	82.40'	N69°16'38"E
L37	40.79'	S79°04'19"E
L38	283.89'	S29°36'55"E
L39	36.97'	S75°58'53"E



2006-29 20
HOMER
Date: 5/31/06
Time: 1:16 P
Requested by: Mullikin
Address: [illegible]

ORIGINAL



U.S. SURVEY No. 3366 ALASKA

SITUATED
ON THE EASTERLY SIDE OF A SMALL COVE
SOUTH OF ISMAILOFF ISLAND IN HALIBUT COVE
KACHEMAK BAY

AREA: 57.92 ACRES
Latitude 59°35'31" N. Longitude 151°13'10" W.
AT WITNESS MEANDER CORNER NO. 1

Surveyed By
EDWARD T. HUTCHISON, CARTOGRAPHER (CADASTRAL)
September 22 to 24, 1954
UNDER SPECIAL INSTRUCTIONS
DATED JULY 21, 1954
AND APPROVED JULY 26, 1954

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Washington, D. C. February 1, 1955

This plat is strictly conformable to the approved
field notes, and the survey, having been correctly
executed in accordance with the requirements of law
and the regulations of this Bureau, is hereby accepted.

For the Director
Earl G. Harrington
Cadastral Engineering Staff Officer

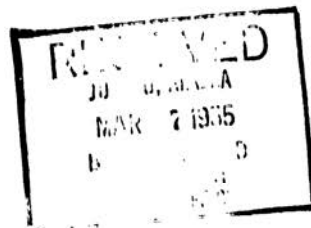
ORIGINAL

203

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

FIELD NOTES

OF



U. S. SURVEY NO. 3366

SITUATED

ON THE EASTERLY SIDE OF A SMALL COVE

SOUTH OF ISMAILOF ISLAND

IN HALIBUT COVE, KACHEMAK BAY

IN

Latitude 59° 35' 31" N.

Longitude 151° 13' 10" W.

At Witness Meander Cor. No. 1

Of the Meridian,

In the State of TERRITORY OF ALASKA

EXECUTED BY

EDWARD T. HUTCHISON, CARTOGRAPHER (CADASTRAL)

Under special instructions dated July 21, 1954, which provided
U.S. Survey
for the surveys included under Group No. 3366, approved July 26, 1954
and assignment instructions dated August 12, 1954

Survey commenced September 22, 1954

Survey completed September 24, 1954

U. S. SURVEY NO. 3366

Chains

Survey commenced September 22, 1954 and executed with a W. and L.E. Gurley transit Serial No. 38744. The horizontal plates read by double opposite verniers to single minutes of arc which is also the least count of the vernier of the vertical circle. After satisfactory tests the instrument was found free from appreciable error. Prior to beginning the survey, I examine all the adjustments of the transit and find them correct.

All measurements are made with a 5 chain steel tape, graduated every link throughout, first and last link graduated to tenths. The tape was tested on a base laid out with a 66 foot standard steel tape and found correct. Measurements are made on the slope and the vertical angle for each interval ascertained with the transit circle. The horizontal equivalents are entered in the field note record.

Due to cloudy weather there was no opportunity to take an altitude observation on the sun for latitude or an observation for azimuth; therefore all lines are deflected from the true meridian as established by Harold Radcliff, Cadastral Engineer, in the execution of U.S. Survey No. 3109.

The geographical position of witness meander corner No. 1 is latitude $59^{\circ} 35' 31''$ N., longitude $151^{\circ} 13' 10''$ W., as based upon the plat of U.S. Survey No. 3109.

The mean magnetic declination is $24^{\circ} 30'$ E.

Begin at point for meander cor. No. 1 at line of mean high tide Halibut Cove; impracticable to monument due to liability to destruction by tidal action.

S. $6^{\circ} 15'$ E.

On line 1-2, ascending over steep N. slope through heavy spruce timber with dense alder undergrowth.

0.621 Point selected on suitable ground for witness meander cor. No. 1.

Set an iron post, 28 ins. long, $2\frac{1}{2}$ ins. diam., 20 ins. in the ground, to bedrock and in a mound of stone, 4 ft. base, 8 ins. high, with brass cap mkd.:

MC
S 3366
C 1

1954

No other accessories available.

5.75 Top of ascent; thence descend gradually over SE. slope.

17.394 Point for cor. No. 2.

Set an iron post, 28 ins. long, $2\frac{1}{2}$ ins. diam., 27 ins. in the ground, with brass cap mkd.

S 3366
C 2

1954

from which

A spruce, 14 ins. diam., bears N. 45° W., 0.09 chs. dist., mkd. S 3366 C2 BT.

A spruce, 6 ins. diam., bears S. 53° W., 0.31 chs. dist., mkd. S 3366 C2 BT.

U. S. SURVEY NO. 3366

Chains

S. $83^{\circ} 45'$ W.

On line 2--3, ascend gradually over SE. slope through heavy spruce timber.

5.75

Top of ascent; thence descend gradually over NW. slope.

20.11

Creek, 3 lks. wide, 3 ins. deep, course NW.; thence ascend gradually over NE. slope.

25.69

Creek, 2 lks. wide, 2 ins. deep, course N.

27.095

Point for cor. No. 3.

Set an iron post, 28 ins. long, $2\frac{1}{2}$ ins. diam., 27 ins. in the ground, with brass cap mkd.

S 3366

C 3

1954

from which

A spruce, 8 ins. diam., bears N. $0^{\circ} 30'$ E., 0.55 chs. dist., mkd. S 3366 C3 BT.A spruce, 8 ins. diam., bears N. 44° E., 0.55 chs. dist., mkd. S 3366 C3 BT.N. $6^{\circ} 15'$ W.

On line 3-4, ascending gradually over NE. slope through heavy spruce timber and dense undergrowth.

11.451

Point selected on suitable ground for witness meander cor. No. 4.

Set an iron post, 28 ins. long, $2\frac{1}{2}$ ins. diam., 27 ins. in the ground with brass cap mkd.

MC

WC

S 3366

C4

1954

from which

A spruce, 6 ins. diam., bears S. $63\frac{1}{4}^{\circ}$ E., 0.14 chs. dist., mkd. WC S3366 C4 MC BT.A spruce, 14 ins. diam., bears N. $18\frac{1}{4}^{\circ}$ E., 0.11 chs. dist., mkd. WC S3366 C4 MC BT.Witness meander cor. No. 2, U.S. Survey No. 3109, as determined by traverse, bears N. $88^{\circ} 33'$ W., 7.519 chs. dist.

11.851

Point for meander cor. No. 4, at line of mean high tide Halibut Cove; impracticable to monument due to liability to destruction by tidal action.

Thence by meanders along the southerly shore of Halibut Cove at line of mean high tide.

S. $51^{\circ} 57'$ E., 0.76 chs.

U. S. SURVEY NO. 3366

Chains

N. 2° 59' W.,	2.965 chs.	At 0.15 chs., creek 4 lks. wide, 4 ins. deep, course from SE.
N. 17° 30' E.,	5.640 chs.	
N. 49° 13' E.,	4.488 chs.	
N. 63° 35' E.,	8.236 chs.	At end of course, most northerly cor. of shed, frame 18x12 ft., long side extends S. 70° W., bears S. 15° E., 0.51 chs. dist.
N. 69° 07' E.,	1.679 chs.	
S. 2° 30' W.,	1.858 chs.	At end of course, most easterly cor. of house, log, 12 x 12 ft., extends NW., and SE., bears S. 5½° W., 1.06 chs. dist.
S. 30° 31' E.,	3.254 chs.	At end of course, most easterly cor. of house, log, 20x16 ft., long side extends NW., bears S. 71¼° W., 0.56 chs. dist.
N. 52° 07' E.,	2.661 chs.	At 0.15 chs., creek, 3 lks. wide, 2 ins. deep, course from S.
N. 84° 46' E.,	5.562 chs.	
S. 32° 48' E.,	4.87 chs.	Meander cor. No. 1, and place of beginning, containing 57.92 acres.

ADDITIONAL MEANDERS

From meander cor. No. 1

S. 70° 08' E.,	4.15 chs.
N. 85° 50' E.,	6.00 chs. (approximate)

From meander cor. No. 4

N. 51° 57' W.,	3.12 chs.	
S. 74° 34' W.,	2.044 chs.	to meander cor. No. 2, U.S. Survey No. 3109.

GENERAL DESCRIPTION

This survey is situated on the easterly side of a small cove, south of Ismailof Island in Halibut Cove, Kachemak Bay. The land is gently rolling except for approximately one third of the easterly portion which is a high hill. The timber is a heavy growth of spruce with dense alder undergrowth. The soil is a black loam.

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FIELD ASSISTANTS

[illegible]

16-53565-2

CERTIFICATE OF CADASTRAL ENGINEER

I, Edward T. Hutchison, HEREBY CERTIFY upon honor that, in pursuance of special instructions bearing date of the 21st day of July, 1954, I have surveyed U.S. Survey No. 3366 situated on the easterly side of a small cove, south of Ismailof Island in Halibut Cove, Kachemak Bay

of the _____ Meridian, in the State of _____ Territory of Alaska, which are represented in the foregoing field notes as having been executed by me and under my direction; and that said survey has been made in strict conformity with said instructions, the Manual of Instructions for the Survey of the Public Lands of the United States, and in the specific manner described in the foregoing field notes.

Juneau, Alaska
December 30, 1954

Edward T. Hutchison
 Edward T. Hutchison
 Cartographer (Cadastral)

CERTIFICATE OF APPROVAL

BUREAU OF LAND MANAGEMENT,

Washington, D. C., FEB 1 1955, 19____

The foregoing field notes of the survey of U.S. Survey No. 3366 situated on the easterly side of a small cove, south of Ismailof Island in Halibut Cove, Kachemak Bay

executed by Edward T. Hutchison, Cartographer (Cadastral)

having been critically examined and found correct, are hereby approved.

Carl G. Harrington
 Chief, Division of Cadastral Engineering.
 Cadastral Engineering Staff Officer

CERTIFICATE OF TRANSCRIPT

I CERTIFY that the foregoing transcript of the field notes of the above-described surveys in Alaska, is a true copy of the original field notes.

Chief, Division of Cadastral Engineering.

AGENDA ITEM E. SUBDIVISION PLAT PUBLIC HEARINGS

9. Broken Axle No. 2
 KPB 2007-089; Mullikin/Taeschner

Staff Report reviewed by Patti Hartley

Plat Committee Meeting: 4/9/07

Location:	east side of Kachemak Bay in Halibut Cove
Proposed Use:	Residential
Zoning:	Unrestricted
Sewer/Water:	On-site
Assessing Use:	Residential Cabin

Supporting Information:

The proposed plat subdivides a 28-acre lot into two lots containing 8.3 and 19.9 acres. A soils report is not required. The appropriate wastewater disposal note is on the plat. Both lots front Halibut Cove

Slopes greater than 20 percent, which have been shown and labeled, affect much of the subdivision.

The 2005 mean high tide line has been shown and labeled.

Development within the subdivision may be subject to the administrative policies and/or enforceable policies of the KPB Coastal Zone Management Program (Ordinance 90-20).

An existing overhead power line that is centerline of a 30-foot wide electrical distribution line easement (including guys and anchors) has been carried forward from the parent plat. The 15-foot utility easements have been carried forward from the parent plat.

The recording information for a general easement granted to Homer Electric Association and for Appropriation of Water has been noted on the plat.

An exception to maximum block length (KPB 20.20.160) was requested. Steep slopes affect a significant portion of the subdivision. The common lot line between 5A and 5B, where an east/west dedication might logically be placed, is affected by steep terrain. Additionally, a 30-foot utility easement with an existing overhead line is located in this area. The subdivision is bounded by a +20,000-acre DNR parcel on two sides. The Plat Committee concurred with staff's determination that existing conditions justified a variation from KPB 20.20.160 for the parent plat. Staff interprets this decision to carry forward to the proposed replat, and no exception is required.

Per Planning Commission Resolution 2000-25, if the Certificate to Plat indicates any beneficial interests affect this property, they will be notified and given 30 days from the date of the mailing of the notification to respond. They are given the opportunity to notify staff if their beneficial interest prohibits or restricts subdivision or requires their signature on the final plat. If no response is received within 30 days, staff will assume they have no requirements regarding the subdivision and it may be finalized.

If the Certificate to Plat shows the property is affected by private covenants, **staff recommends** the recording information of the private covenants and restrictions of record in effect at the time the final plat is approved be noted on the plat (KPB 20.16.140).

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

The surveyor verified that the parent plat, a former U.S. Survey, is not subject to a section line easement; this resubdivision is not subject to a section line easement.

Exception(s) Requested: 20.20.200 (Lots – Access to Streets)

Findings

1. The subdivision is in a remote area.
2. Dedications would not connect to any existing dedications.
3. The subdivision is bounded on two sides by a State Department of Natural Resources parcel containing more than 20,000 acres.
4. No interior lots are being created.
5. All lots front Halibut Cove, a public water body.
6. Per the submittal, much of the subdivision is affected by slopes exceeding 20 percent.
7. The steep terrain limits the locations that are feasible for dedications.
8. KPB 20.20.080 requires subdividers to demonstrate dedications can be constructed to Borough standards.
9. Access to the area is by airplane or boat.
10. The subject parcel is not accessible by any road system.
11. The adjoining State DNR parcel, with associated section line easements, fronts Halibut Cove.
12. No surrounding properties will be denied access.
13. Public beaches and water bodies have been considered public access for previously approved subdivisions in remote areas.

14. Right-of-way dedications were not required when three subdivisions to the west (Small Cove Subdivision, Small Cove Subdivision No. 2, and Library Subdivision) were approved.
15. An exception to KPB 20.20.200 was granted to the parent plat on February 27, 2006.
16. Recreational cabin use is usually indicative of seasonal use.
17. Per the February 27, 2006 Plat Committee minutes, during the field survey for the parent plat, there was no evidence found of any trails accessing other property, which pass through the parent plat.

Staff reviewed the exception request and recommends granting approval. **Staff recommends** the Committee select the findings they determine are applicable, make additional findings if needed, tie the findings to the following facts, and vote on the exception in a separate motion.

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

1. That special circumstances or conditions affecting the property have been shown by application;
Findings 1-7, 9-15 appear to support this condition.
2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title;
Findings 1-7 and 9-17 appear to support this condition.
3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.
Findings 1-7 and 9-17 appear to support this condition.

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. Verify the subdivision does not extend into Section 6.

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

2. Add Kenai Peninsula Borough to the title block.
3. Correct the date under the Notary's Acknowledgement.
4. Renummer the plat notes so they are sequential.
5. Survey and monumentation must meet the ordinance requirements (KPB 20.16.160).
6. Conform to conditions of KPB Planning Commission Resolution 78-6.
7. Compliance with Ordinance 90-38 (Substitute) - Ownership.
8. Compliance with Ordinance 93-59 - Payment of all taxes due prior to final approval. If final approval and filing of plat is sought between January 1 and the tax due date, the full amount of the estimated taxes will be on deposit with the Finance Department.

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

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

END OF STAFF REPORT

Chairman Johnson opened the public testimony.

1. Tom Latimer, Mullikin Surveys
Mr. Latimer was available for questions.

Chairman Johnson asked if there were questions for Mr. Latimer.

Commissioner Foster asked if the proposed lots had harborage. Mr. Latimer replied he was not certain but thought there was one on Lot 5A. He stated both lots have access to the water. There is a beach across the front of the property that the surveyor walked when he meandered it. Commissioner Foster asked if the lots had a beach at low tide. Mr. Latimer replied yes.

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

MOTION: Commissioner Tauriainen moved, seconded by Commissioner Gross to grant exception to KPB 20.20.200, Lots – Access to Streets, adopt the 17 findings cited by staff and tie them to the three facts in the following manner.

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

Findings

1. The subdivision is in a remote area.
2. Dedications would not connect to any existing dedications.
3. The subdivision is bounded on two sides by a State Department of Natural Resources parcel containing more than 20,000 acres.
4. No interior lots are being created.
5. All lots front Halibut Cove, a public water body.
6. Per the submittal, much of the subdivision is affected by slopes exceeding 20 percent.
7. The steep terrain limits the locations that are feasible for dedications.
9. Access to the area is by airplane or boat.
10. The subject parcel is not accessible by any road system.
11. The adjoining State DNR parcel, with associated section line easements, fronts Halibut Cove.
12. No surrounding properties will be denied access.
13. Public beaches and water bodies have been considered public access for previously approved subdivisions in remote areas.
14. Right-of-way dedications were not required when three subdivisions to the west (Small Cove Subdivision, Small Cove Subdivision No. 2, and Library Subdivision) were approved.
15. An exception to KPB 20.20.200 was granted to the parent plat on February 27, 2006.

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

Findings

1. The subdivision is in a remote area.
2. Dedications would not connect to any existing dedications.
3. The subdivision is bounded on two sides by a State Department of Natural Resources parcel containing more than 20,000 acres.
4. No interior lots are being created.
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- Small Cove Subdivision No. 2, and Library Subdivision) were approved.
15. An exception to KPB 20.20.200 was granted to the parent plat on February 27, 2006.
 16. Recreational cabin use is usually indicative of seasonal use.
 17. Per the February 27, 2006 Plat Committee minutes, during the field survey for the parent plat, there was no evidence found of any trails accessing other property, which pass through the parent plat.

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

Findings

1. The subdivision is in a remote area.
2. Dedications would not connect to any existing dedications.
3. The subdivision is bounded on two sides by a State Department of Natural Resources parcel containing more than 20,000 acres.
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16. Recreational cabin use is usually indicative of seasonal use.
17. Per the February 27, 2006 Plat Committee minutes, during the field survey for the parent plat, there was no evidence found of any trails accessing other property, which pass through the parent plat.

VOTE: The motion passed by unanimous consent.

CARLUCCIO ABSENT	COLLINS YES	FOSTER YES	GROSS YES	HEIMBUCH ABSENT	JOHNSON YES	TAURIAINEN YES	5 YES 2 ABSENT
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MOTION: Commissioner Tauriainen moved, seconded by Commissioner Gross to grant approval of the preliminary plat per staff recommendations.

VOTE: The motion passed by unanimous consent.

CARLUCCIO ABSENT	COLLINS YES	FOSTER YES	GROSS YES	HEIMBUCH ABSENT	JOHNSON YES	TAURIAINEN YES	5 YES 2 ABSENT
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