



## Meeting Agenda Plat Committee

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Monday, December 12, 2022

6:00 PM

Betty J. Glick Assembly Chambers

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**Zoom Meeting ID: 907 714 2200**

The hearing procedure for the Plat Committee public hearings are as follows:

- 1) Staff will present a report on the item.
- 2) The Chair will ask for petitioner's presentation given by Petitioner(s) / Applicant (s) or their representative – 10 minutes
- 3) Public testimony on the issue. – 5 minutes per person
- 4) After testimony is completed, the Planning Commission may follow with questions. A person may only testify once on an issue unless questioned by the Planning Commission.
- 5) Staff may respond to any testimony given and the Commission may ask staff questions.
- 6) Rebuttal by the Petitioner(s) / Applicant(s) to rebut evidence or provide clarification but should not present new testimony or evidence.
- 7) The Chair closes the hearing and no further public comment will be heard.
- 8) The Chair entertains a motion and the Commission deliberates and makes a decision.

All those wishing to testify must wait for recognition by the Chair. Each person that testifies must write his or her name and mailing address on the sign-in sheet located by the microphone provided for public comment. They must begin by stating their name and address for the record at the microphone. All questions will be directed to the Chair. Testimony must be kept to the subject at hand and shall not deal with personalities. Decorum must be maintained at all times and all testifiers shall be treated with respect.

### **A. CALL TO ORDER**

### **B. ROLL CALL**

### **C. APPROVAL OF AGENDA, EXCUSED ABSENCES, AND MINUTES**

*All items marked with an asterisk (\*) are consent agenda items. Consent agenda items are considered routine and noncontroversial by the Plat Committee and may be approved by one motion. There will be no separate discussion of consent agenda items unless a Planning Commissioner removes the item from the consent agenda. The removed item will then be considered in its normal sequence on the regular agenda. If you wish to comment on a consent agenda item, please advise the recording secretary before the meeting begins, and she will inform the Chair of your wish to comment.*

1. Agenda
2. Member / Alternate Excused Absences
3. Minutes

[KPB-4788](#) November 14, 2022 Plat Committee Meeting Minutes  
Attachments: [C3. 111422 Plat Committee Minutes](#)

#### **D. OLD BUSINESS**

#### **E. NEW BUSINESS**

1. [KPB-4789](#) Gateway Subdivision 2022 Lindquist Addition; KPB File 2022-164  
Attachments: [E1. Gateway Sub 2022 Lindquist Addn Packet](#)
2. [KPB-4790](#) Homer One Swan Cove Addition 2022 Replat; KPB File 2022-165  
Attachments: [E2. Homer One Swan Cove Addn 2022 Replat Packet](#)
3. [KPB-4791](#) McCall Subdivision 2022 Replat; KPB File 2022-166  
Attachments: [E3. McCall Sub 2022 Replat Packet](#)
4. [KPB-4792](#) Pace's Pleasant Haven 2022 Replat; KPB File 2022-168  
Attachments: [E4. Pace's Pleasant Haven 2022 Replat Packet](#)
5. [KPB-4793](#) Razdolna 2023 Replat Lot 10-D-2; KPB File 2022-163  
Attachments: [E5. Razdolna 2023 Replat Lot 10-D-2 Packet](#)
6. [KPB-4794](#) Tera Firma Subdivision Johnson Addition; KPB File 2022-171  
Attachments: [E6. Terra Firma Sub Johnson Addn Packet](#)
7. [KPB-4795](#) Petaluma Acres Koonz Addition; KPB File 2022-173  
Attachments: [E7. Petaluma Acres Koonz Addn Packet](#)
8. [KPB-4796](#) Thorsland Subdivision Addition No. 1; KPB File 2022-069R1  
Attachments: [E8. Thorsland Subdivision Addn. No. 1 Packet](#)

#### **F. PUBLIC COMMENT**

*(Items other than those appearing on the agenda or scheduled for public hearing. Limited to five minutes per speaker unless previous arrangements are made)*



**G. ADJOURNMENT****MISCELLANEOUS INFORMATIONAL ITEMS****NEXT REGULARLY SCHEDULED PLAT COMMITTEE MEETING**

The next regularly scheduled Plat Committee meeting will be held Monday, January 9, 2023 at 5:30 P.M. The Plat Committee meeting will not be physically open to the public. The meeting will be held via Zoom. The Plat Committee and staff will be attending via Zoom.

**KENAI PENINSULA BOROUGH PLANNING DEPARTMENT**

Phone: 907-714-2215

Phone: toll free within the Borough 1-800-478-4441, extension 2215

Fax: 907-714-2378

e-mail address: [planning@kpb.us](mailto:planning@kpb.us)

website: <http://www.kpb.us/planning-dept/planning-home>

Written comments will be accepted until 1:00 p.m. on the last business day (usually a Friday) before the day of the Plat Committee meeting in which the item is being heard. If voluminous information and materials are submitted staff may request seven copies be submitted. Maps, graphics, photographs, and typewritten information that is submitted at the meeting must be limited to 10 pages. Seven copies should be given to the recording secretary to provide the information to each Committee member. If using large format visual aids (i.e. poster, large-scale maps, etc.) please provide a small copy (8 ½ x 11) or digital file for the recording secretary. Audio, videos, and movies are not allowed as testimony. If testimony is given by reading a prepared statement, please provide a copy of that statement to the recording secretary.

An interested party may request that the Planning Commission review a decision of the Plat Committee by filing a written request within 10 days of the written notice of decision in accordance with KPB 2.40.080.

## **C. CONSENT AGENDA**

- \*3. November 14, 2022 Plat Committee Minutes

# Kenai Peninsula Borough

## Plat Committee

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Betty J. Glick Assembly Chambers, Kenai Peninsula Borough George A. Navarre Administration Building

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November 14, 2022  
5:30 PM  
UNAPPROVED MINUTES

### A. CALL TO ORDER

Chair Gillham called the meeting to order at 5:30 p.m.

### B. ROLL CALL

#### *Plat Committee Members/Alternates*

Pamela Gillham, District 1 – Kalifornsky  
Franco Venuti, City of Homer  
Dawson Slaughter, District 9 – South Peninsula  
Troy Staggs, City of Seward  
Michael Horton, District 4 - Soldotna

#### *Staff Present*

Robert Ruffner, Planning Director  
Walker Steinhage, Deputy Borough Attorney  
Todd Sherwood, Deputy Borough Attorney  
Madeline Quainton, Platting Technician  
Ann Shirnberg, Planning Administrative Assistant  
Rhonda Foster-Deskins, LMD Administrative Assistant

### C. APPROVAL OF AGENDA, EXCUSED ABSENCES, AND MINUTES

- \*3 Minutes
  - a. October 24, 2022 Plat Committee Meeting Minutes

- \*4 Grouped Plats

Chair Gillham asked Planning Administrative Assistant Ann Shirnberg to give the staff report for the grouped plats.

Planning Administrative Assistant Ann Shirnberg gave the staff report for the grouped plats. The following plat were a part of the Grouped Plats report:

- 7. Centennial Shores Subdivision 2023 Replat; KPB File 2022-156
- 8. Heath Subdivision No. 5; KPB File 2022-153
- 10. Cameron Subdivision; KPB File 2022-162
- 11. Lost Lake Subdivision Addition No. 8, KPB File 2019-040R1
- 12. Sleepy Hollow Subdivision Longmere Landing Addition; KPB File 2021-003R1

Chair Gillham asked if anyone from the public wished to speak to any of the items under the consent agenda. Hearing no one wishing to comment, discussion was opened among the commission.

**MOTION:** Commissioner Staggs moved, seconded by Commissioner Slaughter to approve the agenda, the October 24, 2022 Plat Committee meeting minutes and grouped plats based on staff recommendations and compliance to borough code and to move agenda item 5 – Bidarki Creek No. 5 to the end of new business. .

Seeing and hearing no objection or discussion, the motion was carried by the following vote:

**MOTION PASSED BY UNANIMOUS VOTE**

Yes	5	Gillham, Horton, Slaughter, Staggs, Venuti
No	0	

**E. NEW BUSINESS**

Chair Gillham asked Ms. Shirnberg to read into the record the public hearing procedures.

**ITEM E1 – ALASKA STATE LAND SURVEY NO. 2021-37 NORTH FORK MICRO AG SUBDIVISION**

<b>KPB File No.</b>	2022-158
<b>Plat Committee Meeting:</b>	November 14, 2022
<b>Applicant / Owner:</b>	State of Alaska Department of Natural Resources, Division of Mining, Land & Water of Anchorage, Alaska
<b>Surveyor:</b>	Jon Guffey / Global Positioning Services, Inc.
<b>General Location:</b>	North Fork Road, Anchor Point

<b>Parent Parcel No.:</b>	165-200-14
<b>Legal Description:</b>	Section 26, Township 4 South, Range 14 West
<b>Assessing Use:</b>	Residential
<b>Zoning:</b>	Rural Unrestricted
<b>Water / Wastewater</b>	On Site

Staff report given by Planning Director Robert Ruffner.

Chair Gillham opened the item for public comment.

Jon Guffey, Global Position Services, Inc.; 2603 Blueberry Rd., Anchorage, AK 99503: Mr. Guffey was the surveyor on this project and made himself available for questions.

Jamin Miller; 33597 BG Davis Street, Anchor Point, AK, 99556: Mr. Miller is a neighboring landowner and spoke in opposition to this plat. He would like to see this parcel used for agriculture purposes.

Craig Thomas; P.O. Box 3619, Homer, AK 99603: Mr. Thomas is a neighboring landowner. He asked if as a neighboring landowner could he approach the state directly to purchase any of these parcels.

Tim Shilling, Natural Resource Manager, DNR; 3700 Airport Way, Fairbanks, AK 99709: Mr. Shilling is the individual coordinating this project for the State. These lands are slated for the Spring 2024 State Land Sale. He informed Mr. Thomas that he would not be able to purchase the land before it is made available in the land sale. State statute requires that state lands intended for sale must be made available to all members of the public.

Seeing and hearing no one else wishing to comment, public comment was closed and discussion was opened among the committee.

**MOTION:** Commissioner Horton moved, seconded by Commissioner Slaughter to grant preliminary approval to ASLS No. 2021-37 North Fork Micro AG Subdivision, based on staff's recommendations and compliance to borough code.

Seeing and hearing no objection or discussion, the motion was carried by the following vote:

**MOTION PASSED BY UNANIMOUS VOTE**

Yes	5	Gillham, Horton, Slaughter, Staggs, Venuti
No	0	

**ITEM E2 – LLOYD RACE LOT 4 REPLAT**

<b>KPB File No.</b>	2022-157
<b>Plat Committee Meeting:</b>	November 14, 2022
<b>Applicant / Owner:</b>	Eric Bentson and Tasse Hibbard-Bentson of Calhoun, LA
<b>Surveyor:</b>	Gary Nelson / Ability Surveys
<b>General Location:</b>	Mission Road, City of Homer

<b>Parent Parcel No.:</b>	174-030-04
<b>Legal Description:</b>	Lot 4, Lloyd Race Addition, Plat HM 56-3009
<b>Assessing Use:</b>	Residential
<b>Zoning:</b>	Rural Residential District
<b>Water / Wastewater</b>	On Site

Staff report given by Planning Director Robert Ruffner

Chair Gillham opened the item for public comment. Seeing and hearing no one wishing to comment, public comment was closed and discussion was opened among the committee.

Commissioner Venuti asked to be recused from participating on this plat, as he had voted on this item in his capacity as a planning commissioner for the City of Homer.

**MOTION:** Commissioner Slaughter moved, seconded by Commissioner Staggs to grant preliminary approval to Lloyd Race Lot 4 Replat, based on staff's recommendations and compliance to borough code.

**EXCEPTION REQUEST MOTION:** Commissioner Slaughter moved, seconded by Commissioner Staggs to grant the exception request to KPB 20.30.190 – Lots-Dimensions (3:1 depth to width ratio for Lot 4A), citing findings 3-7 in support of standards one, two and three.

Seeing and hearing no objection or discussion, the motion was carried by the following vote:

**EXCEPTION REQUEST MOTION PASSED BY UNANIMOUS VOTE**

Yes	4	Gillham, Horton, Slaughter, Staggs
Recused	1	Venuti

Seeing and hearing no objection or discussion, the motion was carried by the following vote:

**MOTION PASSED AS AMENDED BY UNANIMOUS VOTE**

Yes	4	Gillham, Horton, Slaughter, Staggs
Recused	1	Venuti

**ITEM E3 – QUESTA WOODS SUBDIVISION UNREIN ADDITION**

<b>KPB File No.</b>	2022-159
<b>Plat Committee Meeting:</b>	November 14, 2022
<b>Applicant / Owner:</b>	James, Hayley, Emily, James, Leann Unrein all of Seward, Alaska
<b>Surveyor:</b>	Ken Lang / Lang and Associates, Inc.
<b>General Location:</b>	Guinevere Drive, Roundtable Drive, Bear Creek

<b>Parent Parcel No.:</b>	144-012-04, 144-210-01, 144-210-02
<b>Legal Description:</b>	Lots 1 and 2, Block 11, Camelot by the Sea Subdivision, Plat SW 76 and Tract H, Questa Wood Subdivision Southern Addition, SW 98-01
<b>Assessing Use:</b>	Residential
<b>Zoning:</b>	Rural Unrestricted
<b>Water / Wastewater</b>	On Site

Staff report given by Planning Director Robert Ruffner.

Chair Gillham opened the item for public comment.

Travis Wilson, Land & Associates; 11500 Daryl Avenue, Anchorage, AK 99515: Mr. Wilson is the surveyor on this project and made himself available for questions.

Seeing and hearing no one else wishing to comment, public comment was closed and discussion was opened among the committee.

**MOTION:** Commissioner Slaughter moved, seconded by Commissioner Staggs to grant preliminary approval to Questa Woods Subdivision Unrein Addition, based on staff's recommendations and compliance to borough code.

**EXCEPTION REQUEST MOTION:** Commissioner Slaughter moved, seconded by Commissioner Staggs to grant exception request KPB 20.30.030 – Proposed street layout-requirements & KPB 20.30.100 – Cul-de-sacs, citing findings 1-4, 6-13, 15 & 17 in support of standards one, two and three.

Seeing and hearing no objection or discussion, the motion was carried by the following vote:

**EXCEPTION REQUEST MOTION PASSED BY UNANIMOUS VOTE**

Yes	5	Gillham, Horton, Slaughter, Staggs, Venuti
No	0	

Seeing and hearing no objection or discussion, the motion was carried by the following vote:

**MOTION PASSED AS AMENDED BY UNANIMOUS VOTE**

Yes	5	Gillham, Horton, Slaughter, Staggs, Venuti
No	0	

**ITEM E4 – TATUM DENISE SUBDIVISION DERKS LAKE ADDITION**

<b>KPB File No.</b>	2022-155
<b>Plat Committee Meeting:</b>	November 14, 2022
<b>Applicant / Owner:</b>	Linda, Gene, and George Friendshuh all of Soldotna, Alaska
<b>Surveyor:</b>	James Hall / McLane Consulting Inc.
<b>General Location:</b>	Derks Lake Road, Ridgeway
<b>Parent Parcel No.:</b>	058-301-01, 058-301-02, 058-301-04, 058-320-51, 058-320-52, 058-320-53, 058-320-54, 058-320-55
<b>Legal Description:</b>	Tracts 1, 2, and 4, Derek's Lake Subdivision, Plat KN 74-9 and Lots 10A, 11A, 12A, 13A, and 14A, Tatum Denise Subdivision, Plat KN 2022-43
<b>Assessing Use:</b>	Residential
<b>Zoning:</b>	Rural Unrestricted
<b>Water / Wastewater</b>	On Site

Staff report given by Planning Director Robert Ruffner. Director Ruffner informed the committee that the surveyor had contact the department and requested that action on this plat be postponed.

Chair Gillham opened the item for public comment. Seeing and hearing no one wishing to comment, public comment was closed and discussion was opened among the committee.

**MOTION:** Commissioner Slaughter moved, seconded by Commissioner Horton to postpone action on this plat until brought back by staff.

Seeing and hearing no objection or discussion, the motion was carried by the following vote:

**MOTION PASSED BY UNANIMOUS VOTE**

Yes	5	Gillham, Horton, Slaughter, Staggs, Venuti
No	0	

**ITEM E6 – JAMES 2022**

<b>KPB File No.</b>	2022-161
<b>Plat Committee Meeting:</b>	November 14, 2022
<b>Applicant / Owner:</b>	Jesse James of Saint Maries, Idaho and Emily and Jeremy Rogers of Homer, Alaska
<b>Surveyor:</b>	Tom Latimer / Orion Surveys
<b>General Location:</b>	Potato Storage Circle, Lisa Street, James Road, Fritz Creek

<b>Parent Parcel No.:</b>	172-310-31 and 172-310-50
<b>Legal Description:</b>	Lot 5 James 2017, HM 2018-24 and Lot 3-B Lind Subdivision James 2008 Addition, HM 2008-37
<b>Assessing Use:</b>	Residential
<b>Zoning:</b>	Rural Unrestricted
<b>Water / Wastewater</b>	On Site

Staff report given by Planning Director Robert Ruffner.

Chair Gillham opened the item for public comment.

Tom Latimar, Orion Surveys; PO Box 15025, Fritz Creek, AK 99603: Mr. Latimar was the surveyor on this project and made himself available for questions.

Jessy James: 690 E. Meadowhurst Dr., Saint Maries, ID 83861: Mr. James is a neighboring landowner is a neighboring landowner and spoken in opposition to this plat.

Austin Jones & Katherine Koppman; 36786 Halftrack Street, Fritz Creek, AK 99603: Mr. Jones is a neighboring landowner and spoken in opposition to this plat.

GS Hart: 2225 S. Westboro Ave., Alambra, CA 84604: Mr. Hart is a neighboring landowner and spoken in opposition to this plat.

Seeing and hearing no one wishing to comment, public comment was closed and discussion was opened among the committee.

**MOTION:** Commissioner Slaughter moved, seconded by Commissioner Staggs to grant preliminary approval to James 2022, based on staff's recommendations and compliance to borough code.

**EXCEPTION REQUEST MOTION:** Commissioner Slaughter moved, seconded by Commissioner Staggs to grant exception request to KPB 20.30.190(B) – Lots-Dimensions (Length of flag for Lot 5A), subject to a plat note as outlined in KPB 20.30.190(B), citing findings 1-3, 7, 9-11, & 13-14 in support of standards one, two and three.

Seeing and hearing no objection or discussion, the motion was carried by the following vote:

**EXCEPTION REQUEST MOTION PASSED BY UNANIMOUS VOTE**

Yes	5	Gillham, Horton, Slaughter, Staggs, Venuti
No	0	

Seeing and hearing no objection or discussion, the motion was carried by the following vote:

**MOTION PASSED AS AMENDED BY UNANIMOUS VOTE**

Yes	5	Gillham, Horton, Slaughter, Staggs, Venuti
No	0	

**ITEM E7 - CENTENNIAL SHORES SUBDIVISION 2023 REPLAT**

<b>KPB File No.</b>	2022-156
<b>Plat Committee Meeting:</b>	November 14, 2022
<b>Applicant / Owner:</b>	Eric Ranguette of Soldotna, AK
<b>Surveyor:</b>	Jason Young, Mark Aimonetti / Edge Survey and Design, LLC
<b>General Location:</b>	Lupine Avenue, Keeven Lane, Nikiski area

<b>Parent Parcel No.:</b>	013-218-24
<b>Legal Description:</b>	Lot 1 Block 2, Centennial Shores Subdivision Number One, Plat KN 85-157
<b>Assessing Use:</b>	Residential
<b>Zoning:</b>	Rural Unrestricted
<b>Water / Wastewater</b>	On Site

*\*Passed Under Consent Agenda*

**ITEM E8 – HEATH SUBDIVISION NO. 5**

<b>KPB File No.</b>	2022-153
<b>Plat Committee Meeting:</b>	November 14, 2022
<b>Applicant / Owner:</b>	Janice and Donald Shields of Soldotna, Alaska
<b>Surveyor:</b>	Jason Young, Mark Aimonetti / Edge Survey and Design, LLC
<b>General Location:</b>	Sterling Highway, City of Soldotna

<b>Parent Parcel No.:</b>	059-320-43 and 059-320-44
<b>Legal Description:</b>	Lots 2A and 3A, Heath Subdivision No. 4, Plat KN 2006-97
<b>Assessing Use:</b>	Lodge-Multiple Cabins, Commercial
<b>Zoning:</b>	Split Zone – commercial for north halves and rural residential in the southern halves
<b>Water / Wastewater</b>	On Site

*\*Passed Under Consent Agenda*

**ITEM E9 – LEVAN-STERLING SUBDIVISION**

<b>KPB File No.</b>	2022-125R1
<b>Plat Committee Meeting:</b>	November 14, 2022
<b>Applicant / Owner:</b>	Mel Levan of Kodiak AK
<b>Surveyor:</b>	Jason Young, Mark Aimonetti / Edge Survey and Design, LLC
<b>General Location:</b>	Misty Morning Avenue, Sterling area

<b>Parent Parcel No.:</b>	063-330-47
<b>Legal Description:</b>	NE1/4 NW1/4 Section 12, Township 5 North, Range 9 West
<b>Assessing Use:</b>	Residential
<b>Zoning:</b>	Rural Residential
<b>Water / Wastewater</b>	Onsite

Staff report given by Planning Director Robert Ruffner.

Chair Gillham opened the item for public comment.

Jason Young, Edge Survey & Design; P.O. Box 208, Kasilof, AK 99610: Mr. Young was the surveyor on this project and made himself available for questions.



Seeing and hearing no one else wishing to comment, public comment was closed and discussion was opened among the committee.

**MOTION:** Commissioner Horton moved, seconded by Commissioner Slaughter to grant preliminary approval to Levan-Sterling Subdivision, based on staff's recommendations and compliance to borough code.

**EXCEPTION REQUEST A MOTION:** Commissioner Horton moved, seconded by Commissioner Slaughter to grant exception request to KPB 20.30.170 – Blocks Length Requirements, citing findings 1-5 & 9-16 in support of standards one two and three.

Seeing and hearing no objection or discussion, the motion was carried by the following vote:

**EXCEPTION REQUEST A MOTION PASSED BY UNANIMOUS VOTE**

Yes	4	Gillham, Slaughter, Staggs, Venuti
No	0	

**EXCEPTION REQUEST B MOTION:** Commissioner Horton moved, seconded by Commissioner Slaughter to grant exception request to KPB 20.30.100 – Cul-de-sacs, citing findings 1-7 in support of standards one, two and three.

Seeing and hearing no objection or discussion, the motion was carried by the following vote:

**EXCEPTION REQUEST B MOTION PASSED BY UNANIMOUS VOTE**

Yes	4	Gillham, Slaughter, Staggs, Venuti
No	0	

Seeing and hearing no objection or discussion, the motion was carried by the following vote:

**MOTION PASSED AS AMENDED BY UNANIMOUS VOTE**

Yes	4	Gillham, Slaughter, Staggs, Venuti
No	0	

**ITEM E5 – BIDARKI CREEK NO. 5**

<b>KPB File No.</b>	2022-160
<b>Plat Committee Meeting:</b>	November 14, 2022
<b>Applicant / Owner:</b>	McKennen and Rachael Lamb and Kristen Lamb Reilly all of Provo, Utah
<b>Surveyor:</b>	Tom Latimer / Orion Surveys
<b>General Location:</b>	Near mile 171 Sterling Highway, City of Homer

<b>Parent Parcel No.:</b>	175-250-12 and 175-250-13
<b>Legal Description:</b>	Tracts 1 and 2, Bidarki Creek No. 4, Plat HM 2012-27
<b>Assessing Use:</b>	Residential
<b>Zoning:</b>	Rural Residential District
<b>Water / Wastewater</b>	City

Staff report given by Planning Director Robert Ruffner.

Chair Gillham opened the item for public comment.

Tom Latimar, Orion Surveys; PO Box 15025, Fritz Creek, AK 99603: Mr. Latimar was the surveyor on this project. He noted he and the owner worked closely with staff from the City of Homer and the borough to make sure that they were meeting all code requirements. They also spoke with the City of Homer regarding the development plans for these new lots and again their development plans meet the city's code requirements. They were very disappointed that the City of Homer Planning Commission did not approve the plat. The city planner did remind the planning commission that if they were going to deny the plat, they would need to cite findings based on city code. However, when the planning commission denied the plat, no findings were cited. He noted the concerns raised by the public at the meeting had to do with the density of the development, but again the development plans meet city code.

McKennen Lamb; PO Box 3183, Homer, AK 99603: Mr. Lamb is one of the landowners of this parcel. He noted there are several developments in the area similar to the one that they are proposing. He then noted that one of the concerns expressed by the public is that the proposed cul-de-sac would not be large enough for an emergency vehicle. He noted Mr. Latimar had met with personnel from the fire department to ensure that the size and placement of the cul-de-sac would accommodate emergency vehicles and that their lines would be able to reach the homes at the far end of the lot.

Kristen Lamb Reilly; 279 Rolling Hills Drive, Homer, AK 99603: Ms. Lamb is one of the landowners of this parcel. She noted they have made efforts to comply with all the ordinances and covenants related to their development, as they are currently written. She understands the challenges that come with development, that area landowners might not like what is being proposed. It is easy to become accustomed to a certain visual around your property, and to find it challenging when that visual is changed. She noted that they have complied with code and have not asked for any variances. She also noted that they had reduced the number of proposed lots for this development by one, not out of any code requirements but as a way to address some of the concerns expressed by the neighborhood.

John Faulkner; 4621 West Hill Rd., Homer, AK 99603: Mr. Faulkner is a neighboring landowner and spoke in opposition to this plat and the proposed development. He does not believe that a replat is the appropriate mechanism for developing this property. There are other feasible options. He regards this proposed development as a rezone of the property because it creates all the visual and practical impacts of a higher density development. The development is not in line with the character of the neighborhood. He believes that the more appropriated development plan would be for this to be a condominium with common elements, not individual homes.

Linda Rourke; 1691 Hillside Place, Homer, AK 99603: Ms. Rourke is a neighboring landowner and spoke in opposition to this plat. She noted that she is in agreement with Mr. Faulkner. She does not believe that 10 lots on a parcel this size is feasible. She asked that the plat committee not override the local planning commission's recommendation.

Laura Karstens; PO Box 412, Homer, AK 99603: Ms. Karstens is a neighboring landowner and spoke in opposition to this plat and the proposed development. She noted that the area is zoned rural/residential and she believes that this proposed development is more in line with urban/residential.

Mark Sass; 1641 Hillside Place, Homer, AK 99603: Mr. Sass is a neighboring landowner and spoke in opposition to this plat and proposed development. He stated that he does not believe this proposed development fits within the rural/residential zoning for this area. This proposed development does not fit with the character of the neighborhood.

Tom Latimar, Orion Surveys; PO Box 15025, Fritz Creek, AK 99603: Mr. Latimar again noted that this plat complies with all city and borough code. He then stated that the landowner cannot move ahead with submitting development plans to the city without the approval of this plat. He noted that the landowner did consider a condominium option for their development plan. The owners chose not to go that route. He also noted the condo option would allow for a development of even greater density.

Commissioner Venuti noted when he reviewed the minutes from the City of Homer Planning Commission the main concern voiced by the public was the density of this development. One of the suggestions at the meeting was to reduce the number of lots down to five. Did the landowner give any consideration to this suggestion. Ms. Lamb replied that one of the challenges to any development is the cost of the improvements against the value of the lots. If the lots are too small, the cost of development can become cost prohibitive. She again stated that they worked with the city to ensure that their development plan would meet city code. She also noted they had reduced the number of lots by one from their original design. Mr. Latimar noted unlike properties outside of a city limits, city code requires that the roads and utilities be developed with the subdivision. Developing properties within the city carries a considerable upfront cost. Trying to figure out how to pay for that can be challenging. The owners felt that the lot configuration they went with would be their best option.

Seeing and hearing no one else wishing to comment, public comment was closed and discussion was opened among the committee.

**MOTION:** Commissioner Venuti moved to send this plat back to the City of Homer Planning Commission for reconsideration and to provide findings in support of their decision.

#### **MOTION FAILED DUE TO A LACK OF A SECOND**

**MOTION:** Commissioner Staggs moved, seconded by Commissioner Slaughter to grant preliminary approval to Bidarki Creek No. 5, based on staff's recommendations and compliance to borough code.

Commissioner Horton stated after hearing all the testimony and reviewing borough code referenced by staff, including the city zoning designation of rural/residential, he finds that this plat meets code and zoning requirements. In good conscience he cannot deny approval of a plat the meets code requirements. He then stated that he will be voting in favor of approving this plat.

Commissioner Slaughter stated that he was in agreement with Commissioner Horton and that he will be voting in favor of approving this plat.

Commissioner Staggs noted that the plat met code requirements and it was the responsibility of the commission to uphold code. He then stated that he will be voting in favor of approving this plat.

Commissioner Gillham noted that the denial from the city was not supported by any findings for the committee to consider. The job of the commission is to follow code. She then stated that the plat meets borough code and that she would be voting in a favor of approving this plat.

Commissioner Venuti stated that he is very familiar with this area and that he has been a builder working in this area for the last 40 years. When he looks at this lot, he cringes to think that they are going to put 10 buildings on the lot. The area has very steep terrain, and he wonders if they will be able to get approval from the state for the proposed driveway. He thinks that this is a terrible location to have 10 plus cars pulling in and out of. He was not able to attend the city's planning commission meeting but had he been there he would have voted it down. He then stated that he cannot support approving this plat now.

Seeing and hearing no objection or discussion, the motion was carried by the following vote:

#### **MOTION PASSED BY MAJORITY VOTE**

Yes	4	Gillham, Horton, Slaughter, Staggs
No	1	Venuti

#### **ITEM E10 – CAMERON SUBDIVISION**

<b>KPB File No.</b>	2022-162
<b>Plat Committee Meeting:</b>	November 14, 2022
<b>Applicant / Owner:</b>	Robert and Renae Wall of Sterling, Alaska
<b>Surveyor:</b>	John Segesser / Segesser Surveys
<b>General Location:</b>	Bear Road, Line Avenue, Sterling

<b>Parent Parcel No.:</b>	065-510-18
<b>Legal Description:</b>	SW1/4 SE1/4, Section 2, Township 5 North, Range 8 West
<b>Assessing Use:</b>	Residential
<b>Zoning:</b>	Rural Unrestricted
<b>Water / Wastewater</b>	On Site

*\*Passed Under Consent Agenda*

**ITEM E11 – LOST LAKE SUBDIVISION ADDITION NO. 8**

<b>KPB File No.</b>	2019-040R1
<b>Plat Committee Meeting:</b>	November 14, 2022
<b>Applicant / Owner:</b>	Dana and Kathie Rough of Seward, Alaska
<b>Surveyor:</b>	John Segesser / Segesser Surveys
<b>General Location:</b>	Hayden Berlin Road, Judan Road, Bear Creek

<b>Parent Parcel No.:</b>	125-010-61
<b>Legal Description:</b>	Tract C7, Lost Lake Subdivision 2022 Addition, Plat SW 2022-9
<b>Assessing Use:</b>	Residential
<b>Zoning:</b>	Rural Unrestricted
<b>Water / Wastewater</b>	On Site

*\*Passed Under Consent Agenda*

**ITEM E12 – SLEEPY HOLLOW SUBDIVISION LONGMERE LANDING ADDITION**

<b>KPB File No.</b>	2021-003R1
<b>Plat Committee Meeting:</b>	November 14, 2022
<b>Applicant / Owner:</b>	Estate of Kent Bangerter of Salt Lake City, UT
<b>Surveyor:</b>	John Segesser / Segesser Surveys
<b>General Location:</b>	Walton Way, Longmere Lake, Sterling

<b>Parent Parcel No.:</b>	063-630-53
<b>Legal Description:</b>	Lot 11, Block 1, Sleepy Hollow Subdivision First Addition, Plat KN 80-122
<b>Assessing Use:</b>	Residential
<b>Zoning:</b>	Rural Unrestricted
<b>Water / Wastewater</b>	On Site

*\*Passed Under Consent Agenda*

**F. PUBLIC COMMENT**

Chair Gillham asked if there was anyone from the public who would like to comment on anything not appearing on the agenda. No one wished to comment.

**G. ADJOURNMENT**

Commissioner Slaughter moved to adjourn the meeting 7:34 P.M.

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Ann E. Shirnberg  
Administrative Assistant

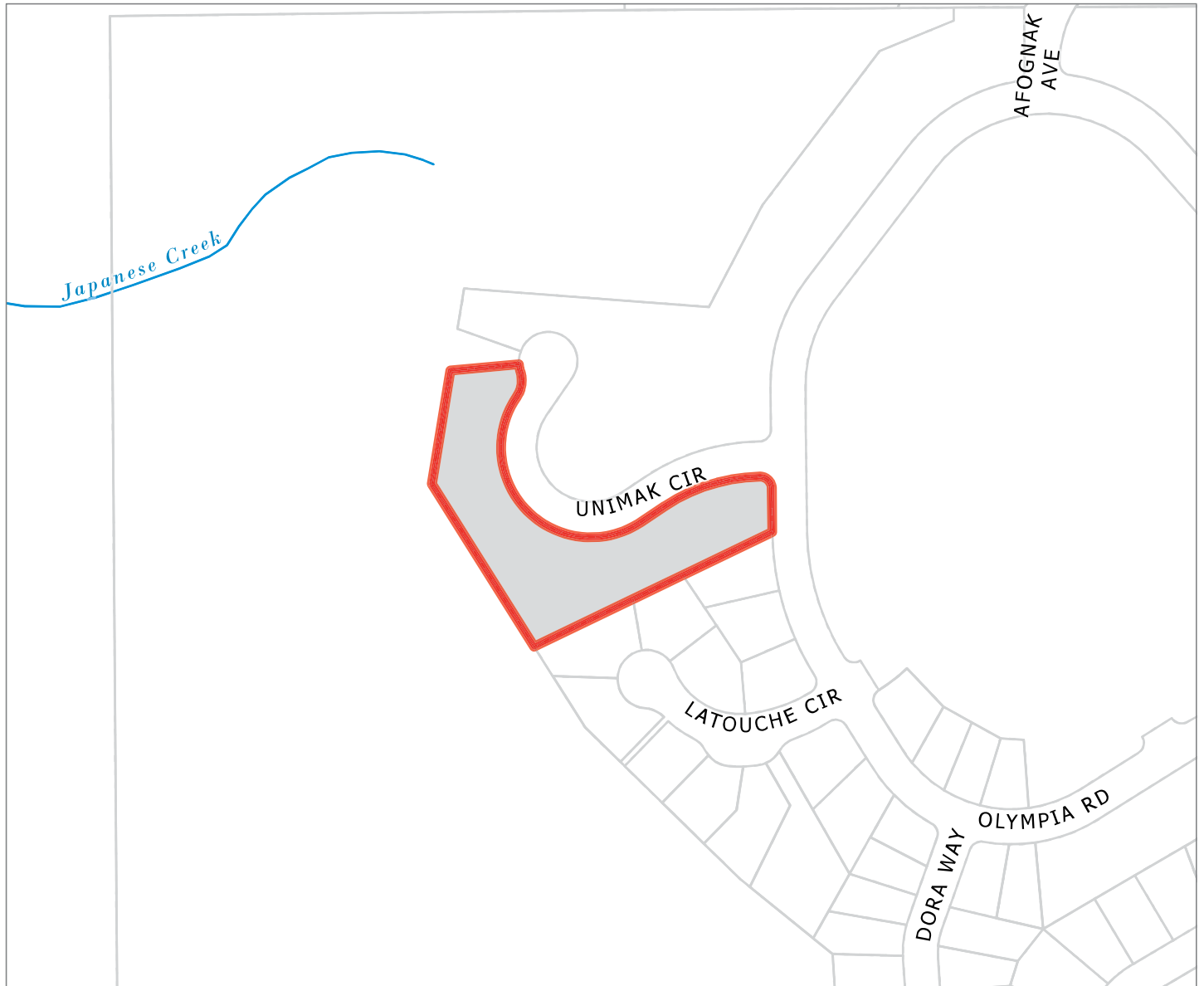
## **E. NEW BUSINESS**

- 1. Gateway Subdivision 2022 Lindquist Addition  
KPB File 2022-164**



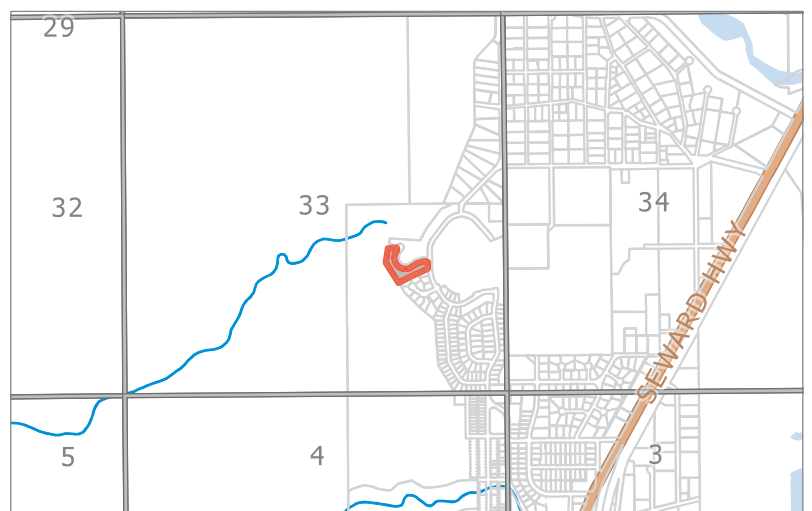
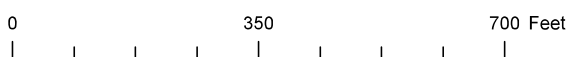
# Kenai Peninsula Borough Planning Department

## Vicinity Map



KPB File 2022-164  
T 01N R 01W SEC 33  
Seward

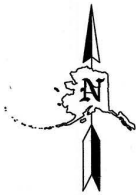
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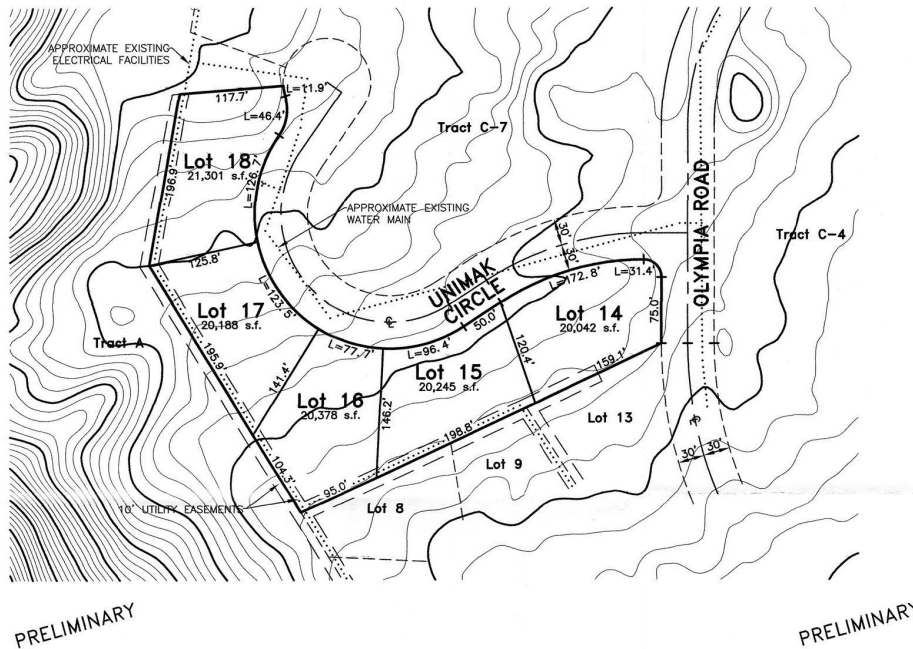






PRELIMINARY

PRELIMINARY



PRELIMINARY

PRELIMINARY

### WASTEWATER DISPOSAL

Plans for wastewater disposal, that meet regulatory requirements are on file at the Department of Environmental Conservation.

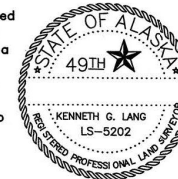
### PLAT APPROVAL

Plat approved by the Kenai Peninsula Borough Planning Commission at the meeting of \_\_\_\_\_

Borough Official \_\_\_\_\_

### SURVEYOR'S CERTIFICATE

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



### CERTIFICATE OF OWNERSHIP AND DEDICATION

I (we), hereby certify that I (we) am the owner of the real property shown and described hereon and that I hereby adopt this plan of subdivision and by my free consent dedicate all rights-of-ways and public areas to public use and grant all easements to the use shown.

### Owner

THOMAS A. LINDQUIST  
P.O. Box 133  
Moose Pass, Alaska 99631

HEATHER A. LINDQUIST  
P.O. Box 133  
Moose Pass, Alaska 99631

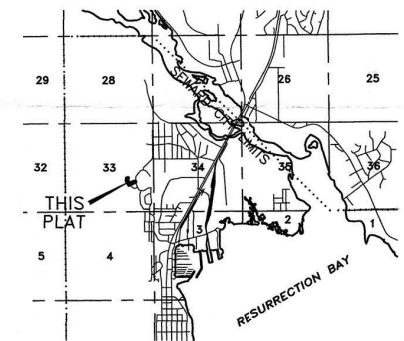
### Notary Acknowledgement

for \_\_\_\_\_ Subscribed and

sworn to before me this \_\_\_\_\_ day \_\_\_\_\_

Notary Public for the State of Alaska My Commission Expires \_\_\_\_\_

Vicinity Map Scale: 1" = 1 Mile



PLAT OF  
GATEWAY SUBDIVISION  
2022 LINDQUIST ADDITION  
Lots 14 thru 18, Block 8 - CONTAINING 2.345 Acres  
A SUBDIVISION OF TRACT B  
GATEWAY SUBDIVISION (Plat No. 84-18)  
LOCATED WITHIN THE SE 1/4, SECTION 33, T1N, R1W,  
SEWARD MERIDIAN, ALASKA  
KENAI PENINSULA BOROUGH  
SEWARD RECORDING DISTRICT

PREPARED BY:

Lang & Associates, Inc.  
Professional Land Surveyors  
11500 Danyl Avenue  
Anchorage, Alaska 99515-3049  
(907) 522-6476  
ken@langsurvey.com  
jonathan@langsurvey.com  
travis@langsurvey.com

State of Alaska AECC963

### OWNERS

THOMAS A. LINDQUIST &  
HEATHER A. LINDQUIST  
P.O. BOX 133  
MOOSE PASS, ALASKA  
99631

GRID: N/A	SCALE: 1" = 100'	DATE: 02 NOVEMBER 2022
DRAWN: JCL	SHEET 1 OF 1	PROJECT #: 22-452
JOB FILE: L22452pp.dwg		

KPB 2022-164



AGENDA ITEM E. NEW BUSINESS

ITEM 1 - GATEWAY SUBDIVISION 2022 LINQUIST ADDITION

KPB File No.	2022-164
Plat Committee Meeting:	December 12, 2022
Applicant / Owner:	Thomas & Heather Lindquist of Moose Pass, Alaska
Surveyor:	Kenneth Lang / Lang & Associates
General Location:	Unimak Circle, City of Seward

Parent Parcel No.:	145-353-18
Legal Description:	Tract B Gateway Subdivision Amended SW 84-18
Assessing Use:	Residential
Zoning:	Single-Family Residential
Water / Wastewater	City

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STAFF REPORT

**Specific Request / Scope of Subdivision:** The proposed plat will subdivide a 2.345 acres parcel into 5 lots ranging in size from 20,042 square feet to 21,301 square feet.

**Location and Legal Access (existing and proposed):** The proposed subdivision is located on the west side of the City of Seward. The subdivision fronts along the constructed 60 foot wide right-of-way Unimak Circle. One lot will be on the corner of Unimak Circle and Olympia Road. Miles 1.5 to 2.5 of state maintained Seward Highway contains multiple right-of-way dedications that provide access to Olympia Road and thus Unimak Circle and the proposed subdivision. Not all dedications are constructed but numerous routes are currently constructed. There will be no new dedications with this plat.

The block containing the proposed subdivision is incomplete due to this subdivision being accessed by a cul-de-sac as well as other nearby cul-de-sacs. The property to the west is a 64 acre parcel owned by the City of Seward. Beyond that parcel is a 424 acre parcel owned by Alaska DNR. Steep terrain is found west of this subdivision and Japanese Creek runs through portions of the neighboring properties. **Staff recommends the plat committee concur an exception to block length is not required as any required dedications will not improve the block.**

KPB Roads Dept. comments	Out of Jurisdiction: Yes Roads Director: Uhlin, Dil Comments: No comments
SOA DOT comments	

**Site Investigation:** There are no steep areas on this plat. Steep areas exist to the west of this property. There are no low wet areas present within the subdivision.

A portion of the subdivision is within the Seward Mapped Flood Data area. **Staff recommends the area be depicted and labeled on the plat and a plat note be added that includes the map panel information.**

There are no current improvements on the site and there does not appear to be any encroachment issues with neighboring properties.

KPB River Center review	A. Floodplain Reviewer: Carver, Nancy Floodplain Status: IS in flood hazard area Comments: Flood Zone: X (shaded), SMFDA Map Panel: 020012-4539D
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	In Floodway: False Floodway Panel:  B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments  C. State Parks Reviewer: Russell, Pam Comments: No Comments
State of Alaska Fish and Game	

**Staff Analysis** The property included within this subdivision was originally part of very old surveys done to layout the City of Seward. Gateway Subdivision, Plat SW 84-18, replatted the subject lot to its current configuration and dedicated Unimak Circle. A plat note on SW 84-18 stated that it vacated all of the right-of-way, lot lines and dedicated utility easements with U.S.S. 931 Terminal Addition. This proposed plat will now subdivide the tract into five lots that are similar to those done by Plat SW 84-18 in size and design.

Per the City of Seward Planning and Zoning Commission Resolution 2022-019, water is available but there is no current direct access to sewer. Per City of Seward code, required public improvements must be done prior to the sale of the lots. As the intent is to connect to city services, a soils report will not be required. An installation agreement or documentation from the city must be provided prior to final approval. If the City will not require installation prior to final, **staff recommends the surveyor verify with the City of Seward if the plat note from the parent plat "No building construction to occur until sewer and water is available to lots." or if a similar note regarding their current code requirements should be added.**

The City of Seward Planning and Zoning Commission heard the proposed plat at their October 11, 2022 meeting. They recommended approval and adopted their Resolution 2022-019. In addition to the Resolution recommending approval it contained the stipulation regarding the connection to water and sewer as stated above.

**Utility Easements** Gateway Subdivision Amended SW84-18 granted 10' utility easements along the west line and a portion of the south line of this plat as shown on the plat. **Staff recommends the label for the easement include "granted by SW 84-18" or a plat note be added.**

There are no easements by recorded documents to be shown.

10 foot utility easements are required by code to be granted adjacent to dedicated rights-of-way. The easement should be depicted and a plat note added. If depiction is difficult due to other required information a detail may be provided that shows the easement in relationship to the lot line and dedication.

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

**Utility provider review:**

HEA	Not within HEA's service area
ENSTAR	No comment or recommendations
ACS	No objections. ACS has no utilities in Seward area.
GCI	
SEWARD ELECTRIC	

CHUGACH ELECTRIC	No comments. Not located in our service area.
TELALASKA	

**KPB department / agency review:**

Addressing	<p>Reviewer: Haws, Derek  Affected Addresses:  2109 UNIMAK CIR</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names:  UNIMAK CIR  OLYMPIA RD</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: The city of Seward will advise on the affected address.</p>
Code Compliance	<p>Reviewer: Ogren, Eric  Comments: No comments</p>
Planner	<p>Reviewer: Raidmae, Ryan  There are not any Local Option Zoning District issues with this proposed plat.</p> <p>Material Site Comments:  There are not any material site issues with this proposed plat.  Review Not Required</p>
Assessing	<p>Reviewer: Windsor, Heather  Comments: No comment</p>

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

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

*Staff would like to note that a curve table should be provided that shows all required curve data as outlined in code.*

**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:** *The lots being created are not required within the title block and may be removed but if they are to remain it should be clarified by adding "Creating". Revise the parent subdivision by adding Amended at end. At the end of Seward Recording District, add City of Seward. Add KPB 2022-164 to title block or near title block.*

- D. A vicinity map, drawn to scale showing location of proposed subdivision, north arrow if different from plat orientation, township and range, section lines, roads, political boundaries, and prominent natural and manmade features, such as shorelines or streams;  
**Staff recommendation:** *Add road names to map and some major sites for detail. There are overstrikes that should be corrected. Add another City Limits label along the western limit boundary as it is difficult to make out the symbology as it coincides with the section lines.*
- 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:** *Adjacent lands need plat filings added. Lots to the south need Block 8 added.*
- J. Block and lot numbering per KPB 20.60.140, approximate dimensions and total numbers of proposed lots;  
**Staff recommendation:** *Add Block 8 to this plat since extending lot numbers*
- K. Within the limits of incorporated cities, the approximate location of known existing municipal wastewater and water mains, and other utilities within the subdivision and immediately abutting thereto or a statement from the city indicating which services are currently in place and available to each lot in the subdivision;  
**Staff recommendation:** *Per the city resolution the lots will have access to water but there is no current direct access to sewer.*

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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.*

- 20.30.270. Different standards in cities. Where cities have enacted by ordinance different subdivision design standards than those set forth in this chapter, the planning commission shall apply the city standards in lieu of those set forth in this chapter. Any appeal of a city design standard is subject to KPB 21.01.020(E).  
**Staff recommendation:** *The City of Seward does not meet the specified requirements for the application and consideration of different standards.*

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#### **KPB 20.40 – Wastewater Disposal**

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

- 20.40.010 Wastewater disposal.  
*Platting Staff Comments: If not connecting to city sewer a soils report will be required. If installation note required by the City prior to final, work with the city for any additional plat notes that may be required about future connections.*  
**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.*

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

**Staff recommendation:** *The City states water is available and sewer must be connected prior to selling of lots. An installation agreement or documentation from the city that one is not required will need to be provided.*

20.60.160. Easements.

A. The plat shall clearly show the location, width, and use of all easements. The easements must be clearly labeled and identified and, if already of record, the recorded reference given. If public easements are being granted by the plat, they shall be properly set out in the owner's certification of dedication.

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

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

**Staff recommendation:** *The pedestrian easement granted by Plat SW 84-18 should be depicted and noted on the plat. Comply with 20.60.160.*

20.60.180. Plat notes.

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

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

**Staff recommendation:** *Place the following notes on the plat.*

- *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.*
- *This subdivision is subject to the City of Seward's Zoning and Land Use Regulations.*
- *Lots are served by city water and sewer.*
- *The front 10 feet adjoining dedicated rights-of-way are granted by this plat as utility easements.*
- **FLOOD HAZARD NOTICE:**  
*Some or all of the property shown on this plat has been designated by the Kenai Peninsula Borough Seward Mapped Flood Data Area as a flood hazard area district as of the date this plat is recorded with the district recorder's office. Prior to development, the Kenai Peninsula Borough floodplain administrator should be contacted for current information and regulations. Development must comply with Chapter 21.06 of the Kenai Peninsula Borough Code. (Map Panel 020012-4539D).*

20.60.190. Certificates, statements, and signatures required.

**Staff recommendation:** *comply with 20.60.190. Revise the Certificate of Ownership and Dedication to be only plural, not both singular and plural. The current notary is a combination of acknowledgement and jurat. Revise to be either acknowledgment or jurat.*

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**RECOMMENDATION:**

**STAFF RECOMMENDS:**

- GRANT APPROVAL OF THE PRELIMINARY PLAT SUBJECT TO STAFF RECOMMENDATIONS, AND
- COMPLIANCE WITH KPB 20.25.070 (FORM AND CONTENTS), KPB 20.25.080 (PETITION REQUIRED), KPB 20.30 (DESIGN REQUIREMENTS); AND KPB 20.40 (WASTEWATER DISPOSAL), AND
- COMPLIANCE WITH KPB 20.60 TO ENSURE ADMINISTRATIVE APPROVAL OF THE FINAL PLAT.

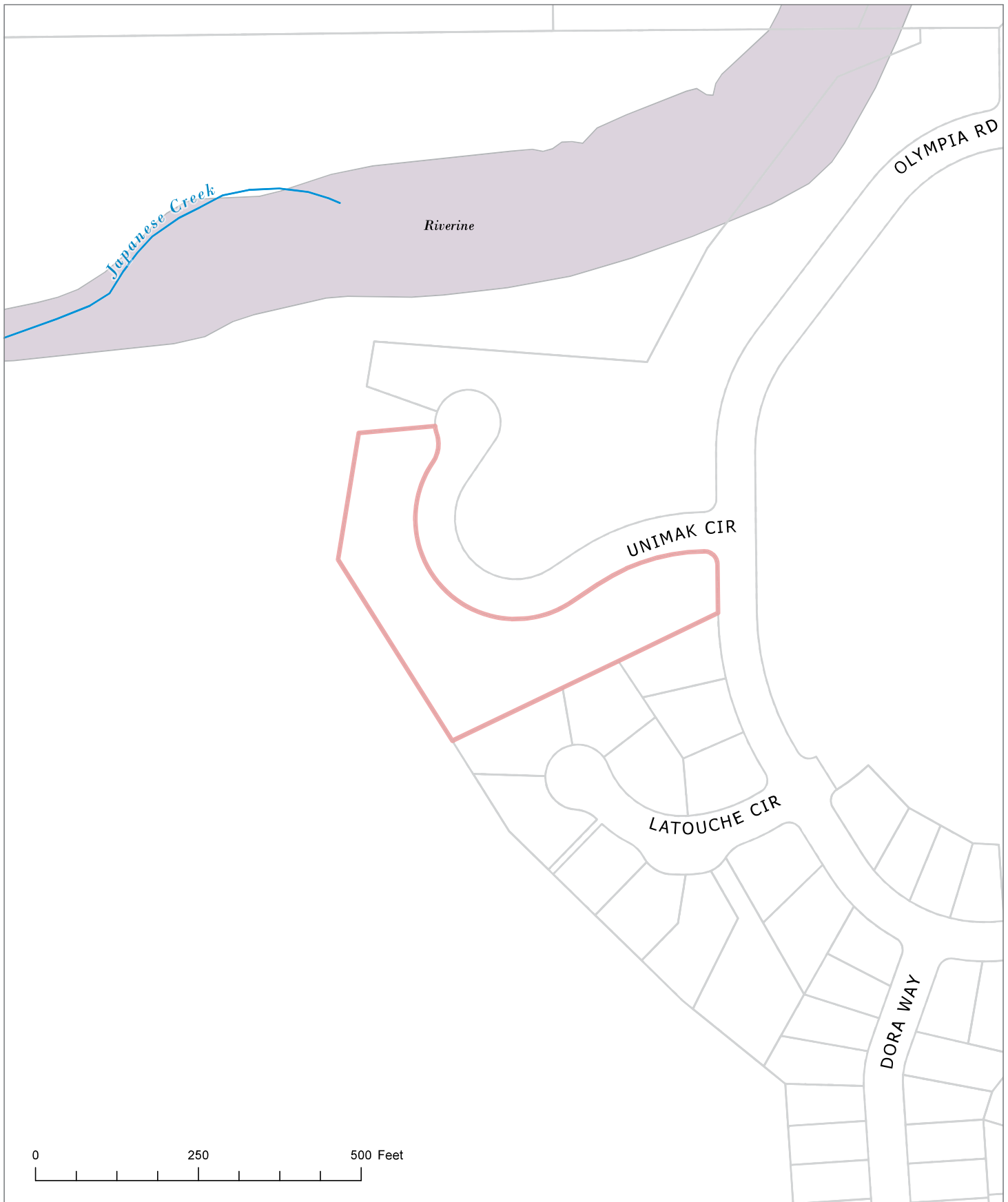
NOTE: 20.25.120. - REVIEW AND APPEAL.

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

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

END OF STAFF REPORT

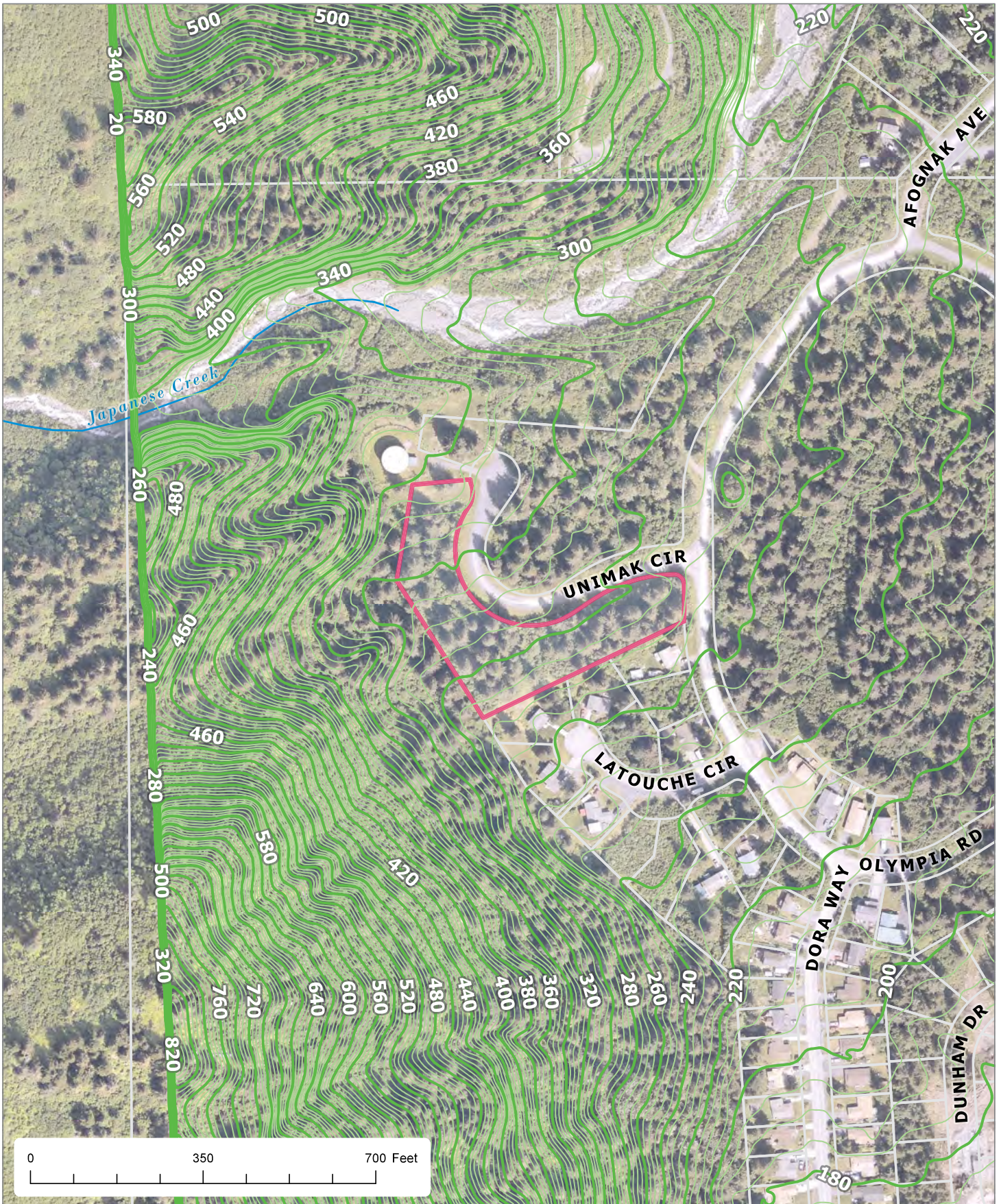
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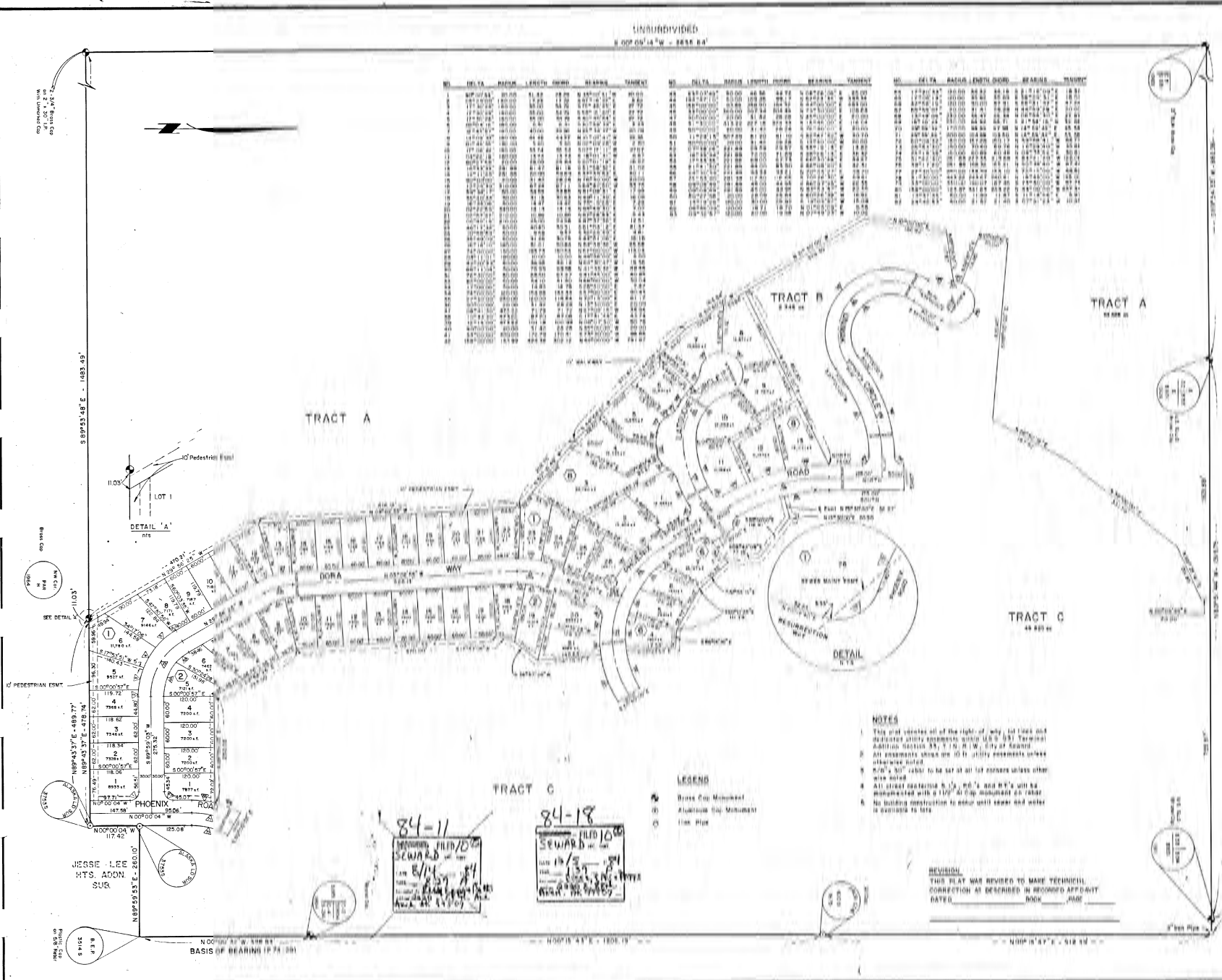


**Aerial with 5-foot Contours**





81-48 MS



**CERTIFICATE OF OWNERSHIP**  
We hereby certify that we are the owners of the property shown and described herein and that we hereby submit this plan of subdivision, and dedicate all right of ways and public streets to public use and grant all easements to the lot shown.

**OWNERS**  
Randy A. Smith  
City Manager  
As approved by, Board of City, Council  
P.O. Box 107, Green, Alaska 99545

**NOTARY ACKNOWLEDGMENT**  
Subscribed and sworn to before me personally appeared Randy A. Smith  
this 27 day of August,  
1984.  
By Commission Expires August 27, 1985 Notary Public

**CERTIFICATE OF APPROVAL BY THE STATE**  
DEPARTMENT OF NATURAL RESOURCES  
This subdivision has been reviewed in accordance with  
18A.P.S. 110 and is approved subject to any noted restrictions.  
Surveyor John A. Smith Title Surveyor Date 8/27/84

**PLAT APPROVAL**  
This plat was measured by the Road Planning Borough Planning  
Commission at the meeting of 11/21/83  
Kenai Peninsula Borough  
By John A. Smith  
SURVEYOR'S CERTIFICATE  
The not and signature of the surveyor on the plat certifies that he is  
properly licensed and has been duly sworn in the State of  
Alaska, that the plat represents a survey made by him or under his  
direct supervision, and that the measurements shown thereon actually exist  
on the ground, and that all dimensions and other details are correct to the  
best of his knowledge.  
Surveyor John A. Smith Date 8/27/84

**AMENDED**

**VICINITY MAP** SCALE: 1" = 1 MILE

**PLAT OF**  
**GATEWAY SUBDIVISION**  
Lots 1 thru 20, Block 1, Lots 1 thru 21, Block 2,  
Lots 4 thru 7, Block 3, Lots 1 thru 13, Block 4 & Tracts A, B & C  
LOCATED IN  
SE 1/4, Section 32, T.1N, R.1W, S.M. Alaska  
CONTAINING 160 ACRES, MORE OR LESS

**REVISION**  
THIS PLAT WAS REVISED TO MAKE TECHNICAL  
CORRECTIONS AS DESCRIBED IN RECORDS ATTACHED  
DATED 8/27/84 BOOK 100 PAGE 100

**LEGEND**  
Brass Cap Monument  
Aluminum Cap Monument  
Iron Pipe

**NOTES**  
1. This plat vacates all of the right of way, lot lines and  
boundary lines shown on the 1/2" = 1" M.W. City of Green  
Additional Section 32, T.1N, R.1W, City of Green  
2. All easements shown are 10 ft utility easements unless  
otherwise noted.  
3. Easement 10 ft shall be set at all lot corners unless other  
wise noted.  
4. All street easements 10 ft, 20 ft and 30 ft shall be  
monumented with a 1/2" Al Cap monument on corner.  
5. No building construction to occur until sewer and water  
is available to lots.

**REVISION**  
THIS PLAT WAS REVISED TO MAKE TECHNICAL  
CORRECTIONS AS DESCRIBED IN RECORDS ATTACHED  
DATED 8/27/84 BOOK 100 PAGE 100

**Proclamations and Awards – None**

**City Administration Report.** Community Development Director Jason Bickling stated the department had been busy preparing for tonight's meeting. He announced that on October 17, 2022 the commission would have a joint work session with the Seward Bear Creek Flood Service Area Board (SBCFSAB) at the Seward Community Library. He said the November 1, 2022 P&Z meeting would be rescheduled to November 8, 2022 and would also be held at the Seward Community Library.

**Other Reports and Announcements – None**

**Presentations – None**

**PUBLIC HEARINGS**

**Resolutions Requiring Public Hearing**

**Resolution 2022-019.** Recommending Kenai Peninsula Borough Approval Of The Preliminary Replat Of Gateway Subdivision, Amended Tract B; Located At 2109 Unimak Circle; Creating Gateway Subdivision 2022 Lindquist Addition, Lots 14-18, Block 8.

**Motion to Approve (Charbonneau/Verhey)      Approve Resolution 2022-019**

**City Planner Courtney Bringhurst** recited the information in the agenda statement, reviewed the conditions being proposed, and recommended approval.

*Notice of the public hearing being posted and published as required by law was noted and the public hearing was opened.*

**Thomas Lindquist**, outside the city, supported this resolution.

**Carol Griswold**, inside city limits, requested the parcel widths and frontages in the resolution be corrected to say 60 feet.

*No one else appeared and the public hearing was closed.*

**Motion to Amend (Charbonneau/Verhey)**      **Amend Resolution 2022-019 in the 5<sup>th</sup>**  
Whereas by striking the words "30'-60'  
and" and "respectively" so that it reads,  
"...the parcels widths and frontages meet  
the required minimum of 60'."

**Motion to Amend Passed**      **Unanimous**

**Main Motion Passed**      **Unanimous**



**CITY OF SEWARD, ALASKA  
PLANNING AND ZONING COMMISSION  
RESOLUTION 2022-019**

**A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF SEWARD, ALASKA RECOMMENDING KENAI PENINSULA BOROUGH APPROVAL OF THE PRELIMINARY REPLAT OF GATEWAY SUBDIVISION, AMENDED TRACT B; LOCATED AT 2109 UNIMAK CIRCLE; CREATING GATEWAY SUBDIVISION 2022 LINDQUIST ADDITION, LOTS 14-18, BLOCK 8.**

**WHEREAS**, Thomas and Heather Lindquist have submitted a preliminary replat to the City of Seward for review and recommendation to the Kenai Peninsula Borough; and

**WHEREAS**, this replat creates 5 new parcels, Lots 14-18, Block 8 by subdividing Gateway Subdivision, Amended Tract B, also known as 2109 Unimak Circle, Seward, Alaska; and

**WHEREAS**, the parcels are zoned Single-Family Residential (R1); and

**WHEREAS**, the parcels are each approximately 20,000 square feet, which meets the required minimum buildable lot size of 6,000 square feet; and

**WHEREAS**, the parcel frontages meet the required minimum of 30'; and

**WHEREAS**, each of the subdivided parcels currently have access to a platted 60-foot public right of way; and

**WHEREAS**, each of the subdivided parcels currently have access to electric and water; and

**WHEREAS**, the subdivided parcels do not have direct access to sewer; and

**WHEREAS**, the developer will work with City administration according to Seward City Code §16.05.015(a) to complete the required public improvements, as outlined in §16.05.010, prior to any sales of the lots; and

**WHEREAS**, all conditions required by Seward City Code §16.01.015, Conditions to plat approval, were met; the property owners within 300 feet of the requested replat were notified of the proposed subdivision, and the property was posted with public notice signage; and

**WHEREAS**, it is the Planning and Zoning Commission's responsibility to act in an advisory capacity to the Kenai Peninsula Borough regarding subdivision plat proposals.

**NOW, THEREFORE, BE IT RESOLVED** by the Seward Planning and Zoning Commission that:

**Section 1.** The developer will work with City administration according to Seward City Code §16.05.015(a) to complete the required public improvements, as outlined in §16.05.010, before any sales of the lots.

**Section 2.** The Commission hereby recommends that, in accordance with Seward City Code Section 16.01.015 (B), the Kenai Peninsula Borough approve the submittal of the Replat of Gateway Subdivision, Amended Tract B; Located at 2109 Unimak Circle; Creating Gateway Subdivision 2022 Lindquist Addition, Lots 14-18, Block 8.

**Section 3.** This resolution shall take effect immediately upon its adoption.

**PASSED AND APPROVED** by the Seward Planning and Zoning Commission this 11<sup>th</sup> day of October, 2022.

**THE CITY OF SEWARD, ALASKA**

  
Clare Sullivan, Chair

AYES: Ulman, Hornseth, Charbonneau, Verhey, Staggs, Sullivan  
NOES: None  
ABSENT: Monaco  
ABSTAIN: None  
VACANT: None

ATTEST:

  
Brenda Ballou, MMC  
City Clerk





## Planning and Zoning Agenda Statement



Meeting Date: October 11, 2022

To: Planning and Zoning Commission

Through: Jason Bickling, Community Development Director

From: Courtney Bringhurst, Planner

Agenda Item: Resolution 2022-019: Recommending Kenai Peninsula Borough Approval of the Preliminary Replat of Gateway Subdivision, Amended Tract B; Located at 2109 Unimak Circle; Creating Gateway Subdivision 2022 Lindquist Addition, Lots 14-18, Block 8.

---

### Background and justification:

Attached for the Commission's review and recommendation to the Kenai Peninsula Borough Planning Commission is a preliminary replat submitted by Thomas and Heather Lindquist. This platting action will create Gateway Subdivision 2022 Lindquist Addition, Lots 14-18, Block 8, by subdividing Gateway Subdivision, Amended Tract B, also known as 2109 Unimak Circle.

This replat will create five (5) parcels available for development in a Single-Family Residential zoning district. The parcels already have access to a road, water, and electricity. The developer will work with City administration to ensure that sewer lines are connected to the five (5) parcels prior to any sales of the lots. This will satisfy the requirements listed in Seward City Code §16.05.010.

In accordance with Borough requirements, the City must review and comment on a plat before submittal to the Borough for approval.

### Subdivision Review:

**Zoning:** The property is zoned Single-Family Residential (R1).

**Size:** Lots 14-18 are between 20,042 s.f. and 21,301 s.f. (Required: Minimum of 7,000 s.f)

**Utilities:** The lots currently have access to water and electricity. Sewer will be connected by the developer prior to the sale of the properties.

**Existing Use:** The parcel is currently vacant.

**Access:** Primary access to the five (5) parcels will be from Unimak Circle, which connects to Olympia Road.

**Flood Zone:** According to the Kenai Peninsula Borough Floodplain map, the lots are not within a Flood Zone.

### Comprehensive and Strategic Plan Consistency Information

This legislation is consistent with (citation listed):

Comprehensive Plan: Vol 1, Chapter 2.2.11 – "Promote infill development by encouraging and

promoting construction on vacant sites in areas of the City which are already established."

Vol 1, Chapter 3.2.1 – "Promote residential and commercial development within the City of Seward and its vicinity in accordance with community values."

Vol 1, Chapter 3.3.1 – "Encourage development of new housing in Seward."

Vol 1, Chapter 3.3.1.2 – "Create incentives to provide land for housing development within the City of Seward."

Vol 1, Chapter 3.7.1.3 – "Continue to upgrade and expand utilities to meet existing needs and encourage future development"

Strategic Plan:	Promote Residential and Commercial Development Inside the City (Page 9-10) <ul style="list-style-type: none"><li>• Encourage construction of residential and seasonal housing at all market levels</li><li>• Develop infrastructure and utility expansion for currently undeveloped residential and commercial property</li><li>• Reduce utility costs</li></ul> Promote in-fill development by encouraging and promoting construction on vacant sites in already established areas of the City. (Page 10)
-----------------	--

#### Staff Comments

Department	Comments	No Comment	N/A
Building Department		X	
Fire Department		X	
Public Works Department		X	
Harbor Department		X	
Police Department		X	
Electric Department		X	
Telecommunications		X	

#### Public Comment

Property owners within three hundred (300) feet of the proposed platting action were notified of this public hearing. Public notice signs were posted on the property and all other public hearing requirements of Seward City Code §15.01.040 were complied with.

At the time of this publication the Community Development Department has received public inquiries. If any correspondence is received after publication of this agenda statement, it will be submitted to the Commissioners for their review.

#### Recommendation

Commission approve Resolution 2022-019, recommending Kenai Peninsula Borough Approval of the Preliminary Replat of Gateway Subdivision, Amended Tract B; Located at 2109 Unimak Circle; Creating Gateway Subdivision 2022 Lindquist Addition, Lots 14-18, Block 8.



**CITY OF SEWARD, ALASKA  
PLANNING AND ZONING COMMISSION  
RESOLUTION 2022-019**

**A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF SEWARD, ALASKA RECOMMENDING KENAI PENINSULA BOROUGH APPROVAL OF THE PRELIMINARY REPLAT OF GATEWAY SUBDIVISION, AMENDED TRACT B; LOCATED AT 2109 UNIMAK CIRCLE; CREATING GATEWAY SUBDIVISION 2022 LINDQUIST ADDITION, LOTS 14-18, BLOCK 8.**

**WHEREAS**, Thomas and Heather Lindquist have submitted a preliminary replat to the City of Seward for review and recommendation to the Kenai Peninsula Borough; and

**WHEREAS**, this replat creates 5 new parcels, Lots 14-18, Block 8 by subdividing Gateway Subdivision, Amended Tract B, also known as 2109 Unimak Circle, Seward, Alaska; and

**WHEREAS**, the parcels are zoned Single-Family Residential (R1); and

**WHEREAS**, the parcels are each approximately 20,000 square feet, which meets the required minimum buildable lot size of 7,000 square feet; and

**WHEREAS**, the parcels widths and frontages meet the required minimum of 30'-60' and 60' respectively; and

**WHEREAS**, each of the subdivided parcels currently have access to a platted 60-foot public right of way; and

**WHEREAS**, each of the subdivided parcels currently have access to electric and water; and

**WHEREAS**, the subdivided parcels do not have direct access to sewer; and

**WHEREAS**, the developer will work with City administration according to Seward City Code §16.05.015(a) to complete the required public improvements, as outlined in §16.05.010, prior to any sales of the lots; and

**WHEREAS**, all conditions required by Seward City Code §16.01.015, Conditions to plat approval, were met; the property owners within 300 feet of the requested replat were notified of the proposed subdivision, and the property was posted with public notice signage; and

**WHEREAS**, it is the Planning and Zoning Commission's responsibility to act in an

advisory capacity to the Kenai Peninsula Borough regarding subdivision plat proposals.

**NOW, THEREFORE, BE IT RESOLVED** by the Seward Planning and Zoning Commission that:

**Section 1.** The developer will work with City administration according to Seward City Code §16.05.015(a) to complete the required public improvements, as outlined in §16.05.010, before any sales of the lots.

**Section 2.** The Commission hereby recommends that, in accordance with Seward City Code Section 16.01.015 (B), the Kenai Peninsula Borough approve the submittal of the Replat of Gateway Subdivision, Amended Tract B; Located at 2109 Unimak Circle; Creating Gateway Subdivision 2022 Lindquist Addition, Lots 14-18, Block 8.

**Section 3.** This resolution shall take effect immediately upon its adoption.

**PASSED AND APPROVED** by the Seward Planning and Zoning Commission this 11<sup>th</sup> day of October, 2022.

**THE CITY OF SEWARD, ALASKA**

---

**Clare Sullivan, Chair**

AYES:

NOES:

ABSENT:

ABSTAIN:

VACANT:

ATTEST:

---

Brenda Ballou, MMC  
City Clerk

(City Seal)





## Community Development/ Planning & Zoning

410 Adams St, Seward, Alaska 99664 • (907) 224-4048 • (907) 224-4020  
or email: [planning@cityofseward.net](mailto:planning@cityofseward.net)

### PRELIMINARY PLAT SUBMITTAL FORM

- ☒ PRELIMINARY PLAT ☐ REVISED PRELIMINARY PLAT (no fee required)  
☐ PHASED PRELIMINARY PLAT ☐ PRELIMINARY PLAT FOR PRIVATE STREETS / GATED SUBDIVISION

All requirements of Seward Code Title 16 apply and must be met.

**SUBDIVISION PLAT NAME:** must not include business names, contact staff for assistance if needed.

Gateway Subdivision, 2022 Addition

#### PROPERTY INFORMATION:

legal description	Gateway Subdivision, Tract B	
Section, Township, Range	Section 33, T1N, R1W	
General area description	Unimak Circle and Phoenix Road	
City	Seward	Total Acreage 2.345

#### SURVEYOR

Company: Lang & Associates, Inc	Contact Person: Ken Lang
Mailing Address: 11500 Daryl Avenue	City, State, Zip Anchorage, Ak 99515
Phone: 907 522-6476	e-mail: <a href="mailto:ken@langsurvey.com">ken@langsurvey.com</a>

#### PROPOSED WASTEWATER AND WATER SUPPLY

WASTEWATER ☒ on site ☐ City

WATER ☐ on site ☒ City

#### SUBMITTAL REQUIREMENTS

A preliminary plat application will be scheduled for the next available Planning and Zoning meeting after a complete application has been received.

- ☒ Electronic file of Plat and  
☒ Preliminary plat NON-REFUNDABLE submittal fee \$75.00.  
☒ Certificate to plat for ALL parcels included in the subdivision  
☐ Documentation showing proof of signatory authority (partnerships, corporations, estates, trusts, etc.)  
☐ Public Notice Sign(s) Posted on property - City staff will contact you to pick up sign

**EXCEPTIONS REQUESTED TO PLATTING CODE:** A letter, to be presented to the Planning and Zoning commission, with substantial evidence justifying the requested exception and fully stating the grounds for the exception request, and the facts relied upon. MUST be attached to this submittal.

1. 2. 3.

**APPLICANT: SIGNATURES OF ALL LEGAL PROPERTY OWNERS ARE REQUIRED.** Additional signature sheets can be attached. When signing on behalf of another individual, estate, corporation, LLC, partnership, etc., documentation is required to show authority of the individual(s) signing. Contact KPB staff for clarification if needed.

**OWNER(s)**

Name (printed): Thomas A. Lindquist	Signature:
Phone: 907 288-3150	e-mail: <a href="mailto:thlj@arctic.net">thlj@arctic.net</a>

Name (printed): Heather A. Lindquist	Signature:
Phone: 907 288-3150	e-mail: <a href="mailto:thlj@arctic.net">thlj@arctic.net</a>

Name (printed):	Signature:
Phone:	e-mail:

FOR OFFICE USE ONLY

RECEIVED BY \_\_\_\_\_ DATE SUBMITTED \_\_\_\_\_ Receipt # \_\_\_\_\_

The preliminary plat shall be drawn to scale of sufficient size to be clearly legible and shall clearly show the following:

1.	Within the title block:	Not applicable to my plat.	The required information has been shown/noted.
a.	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;		✓
b.	Legal description, location, date, and total area in acres of the proposed subdivision; and		✓
c.	Name and address of owner(s), as shown on the KPB records and the certificate to plat, and registered land surveyor;		✓
2.	North point;		✓
3.	The location, width and name of existing or platted streets and public ways, railroad rights-of-way, and other important features such as section lines or political subdivisions or municipal corporation boundaries abutting the subdivision;		✓
4.	A vicinity map, drawn to scale showing location of proposed subdivision, north arrow if different from plat orientation, township and range, section lines, roads, political boundaries, and prominent natural and manmade features, such as shorelines or streams;		✓
5.	All parcels of land including those intended for private ownership and those to be dedicated for public use or reserved in the deeds for the use of all property owners in the proposed subdivision, together with the purposes, conditions, or limitations of reservations that could affect the subdivision;		✓
6.	The names and widths of public streets and alleys and easements, existing and proposed, within the subdivision;		✓
7.	Status of adjacent lands, including names of subdivisions, lot lines, block numbers, lot numbers, rights-of-way; or an indication that the adjacent land is not subdivided;		✓
8.	Approximate locations of areas subject to inundation, flooding, or storm water overflow, the line of ordinary high water, wetlands when adjacent to lakes or non-tidal streams, and the appropriate study which identifies a floodplain, if applicable;	✓	
9.	Approximate locations of areas subject to tidal inundation and the mean high water line;	✓	
10.	Block and lot numbering approximate dimensions and total numbers of proposed lots;		✓
11.	The approximate location of known existing municipal wastewater and water mains, and other utilities within the subdivision and immediately abutting thereto		✓
12.	Contours at suitable intervals when any roads are to be dedicated unless the planning director or commission finds evidence that road grades will not exceed 6 percent on arterial streets, and 10 percent on other streets;		✓
13.	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;	✓	
14.	Apparent encroachments, with a statement indicating how the encroachments will be resolved prior to final plat approval	✓	

Subdivision Name: GATEWAY, 2022 LINDRUSZ ADD Date 8/30/22





**Preliminary Replat of Gateway Subdivision,  
Amended Tract B; Creating Gateway Subdivision  
2022 Lindquist Addition, Lots 14-18, Block 8**

Due to different data sources property lines and aerial imagery do not overlay correctly. Map is to be used for orientation and reference purposes only.



**2109 Unimak Circle**

Drawn By: **Selena Soto**

0 60 120 240 Feet

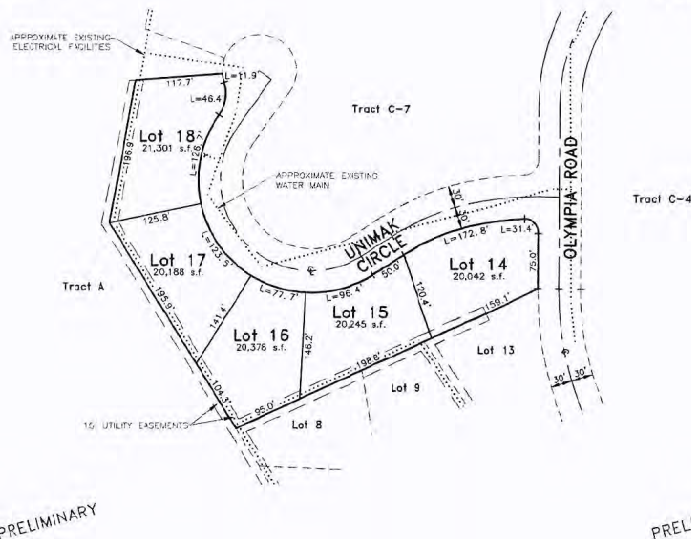
Mapping Assistance by Alaska Map Company, LLC





PRELIMINARY

PRELIMINARY



### CERTIFICATE OF OWNERSHIP AND DEDICATION

I (we), hereby certify that I (we) am the owner of the real property shown and described hereon and that I hereby adopt this plan of subdivision and by my free consent dedicate all rights-of-ways and public areas to public use and grant all easements to the use shown.

Owner

THOMAS A. LINDQUIST  
P.O. Box 133  
Moose Pass, Alaska 99631

FEATHER A. LINDQUIST  
P.O. Box 133  
Moose Pass, Alaska 99631

### Notary Acknowledgement

for \_\_\_\_\_ Subscribed and  
sworn to before me this \_\_\_\_\_ day \_\_\_\_\_

Notary Public for the State of Alaska My Commission Expires \_\_\_\_\_

### WASTEWATER DISPOSAL

Plans for wastewater disposal, that meet regulatory requirements are on file at the Department of Environmental Conservation.

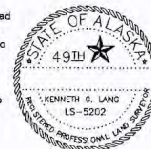
### PLAT APPROVAL

Plat approved by the Kenai Peninsula Borough Planning Commission at the meeting of \_\_\_\_\_

Borough Official \_\_\_\_\_

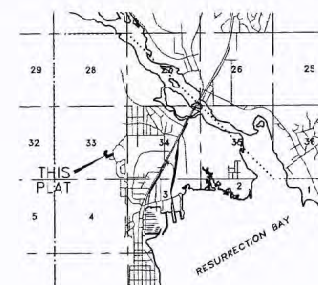
### SURVEYOR'S CERTIFICATE

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



### Vicinity Map

Scale: 1" = 1 Mile



PLAT OF  
GATEWAY SUBDIVISION  
2022 LINDQUIST ADDITION  
Lots 14 thru 18, Block 8 - CONTAINS 2.345 Acres  
A SUBDIVISION OF TRACT 9  
GATEWAY SUBDIVISION (Plat No. 84-18)  
LOCATED WITHIN THE SE 1/4, SECTION 33, T11N, R11W,  
SEWARD MERIDIAN, ALASKA  
KENAI PENINSULA BOROUGH  
SEWARD RECORDING DISTRICT

Lang & Associates, Inc.  
Registered Land Surveyors  
11500 Bary Avenue  
Anchorage, Alaska 99515  
(907) 522-6476  
(907) 522-4825 Fax

GRID: N/A SCALE: 1" = 100' DATE: 22 AUGUST 2022

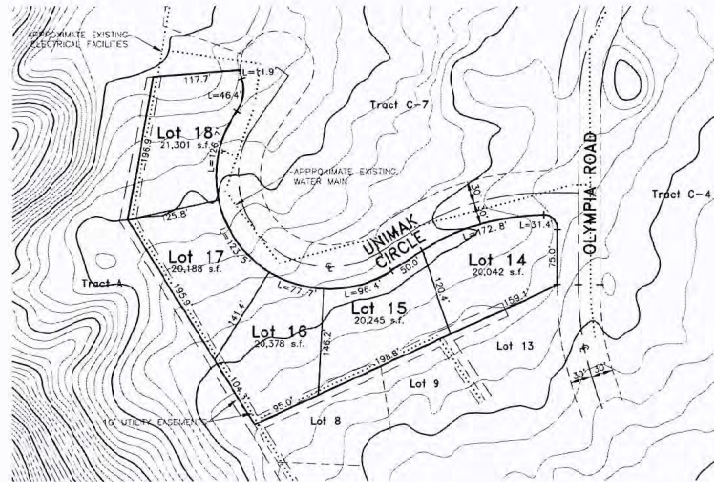
DRAWN: JCL SHEET 1 OF 1 PROJECT #: 22-452

JOB FILE: L22452pp.dwg



PRELIMINARY

PRELIMINARY



PRELIMINARY

PRELIMINARY

### CERTIFICATE OF OWNERSHIP AND DEDICATION

I (we), hereby certify that I (we) am the owner of the real property shown and described hereon and that I hereby adopt this plan of subdivision and by my free consent dedicate all rights-of-ways and public areas to public use and grant all easements to the use shown.

### Owner

THOMAS A. LINDQUIST  
P.O. Box 133  
Moose Pass, Alaska 99631

HEATHER A. LINDQUIST  
P.O. Box 133  
Moose Pass, Alaska 99631

### Notary Acknowledgement

for \_\_\_\_\_ Subscribed and  
sworn to before me this \_\_\_\_\_ day \_\_\_\_\_

Notary Public for the State of Alaska My Commission Expires \_\_\_\_\_

### WASTEWATER DISPOSAL

Plans for wastewater disposal, that meet regulatory requirements are on file at the Department of Environmental Conservation.

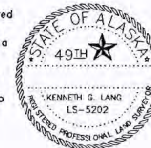
### PLAT APPROVAL

Plat approved by the Kenai Peninsula Borough Planning Commission at the  
meeting of \_\_\_\_\_

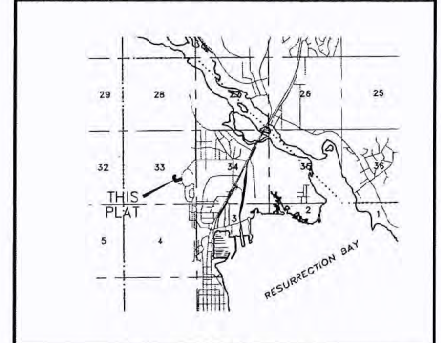
Borough Official \_\_\_\_\_

### SURVEYOR'S CERTIFICATE

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



Scale: 1" = 1 Mile



PLAT OF GATEWAY SUBDIVISION 2022 LINDQUIST ADDITION Lots 14 thru 18, Block 3 - CONTAINING 2.345 Acres A SUBDIVISION OF TRACT 8 GATEWAY SUBDIVISION (Plat No. 84-18) LOCATED WITHIN THE SE 1/4, SECTION 33, T14, R1W SEWARD MERIDIAN, ALASKA KENAI PENINSULA BOROUGH SEWARD RECORDING DISTRICT		
Lang & Associates, Inc. Registered Land Surveyors	11500 Darl Avenue Anchorage, Alaska 99515 (907) 522-6476 (907) 522-4625 Fax	
GRID: N/A	SCALE: 1" = 100'	DATE: 22 AUGUST 2022
DRAWN: JCL	SHEET 1 OF 1	PROJECT #: 23-452
JOB FILE: L22452pp.cwg		





**First American**

**First American Title Insurance Company**

PO Box 469 / 500 Adams St, Ste 100  
Seward, AK 99664  
Phn - (907)224-5272  
Fax - (907)224-5281

## **CERTIFICATE TO PLAT**

To: Lang & Associates Inc  
11500 Daryl AVE  
Anchorage, AK 99515

Order No.: 0227-3979877  
Plat: GATEWAY SUBDIVISION

Attn: Ken Lang

Fee: \$300.00

This is a Certificate as of July 19, 2022 at 8:00 A.M. for a proposed plat of the following described property:

Tract "B", GATEWAY SUBDIVISION, according to the official plat thereof, filed under Plat Number 84-18, Records of the Seward Recording District, Third Judicial District, State of Alaska.

The Company certifies that title is vested in:

THOMAS A. LINDQUIST and HEATHER A. LINDQUIST, husband and wife

free from all liens, encumbrances and objections EXCEPT AS FOLLOWS:

1. Reservations or exceptions in patents or in acts authorizing the issuance thereof.
2. Taxes due the Kenai Peninsula Borough, if any.
3. The effect of the notes which appear on the plat of said subdivision. (Copy Attached)
4. Easements as dedicated and shown on the plat of said subdivision. (Copy Attached)

This report is restricted to the use of the addressee, and is not to be used for closing any transaction affecting title to said property. Liability of the Company is limited to the amount of fee paid herein.

**First American Title Insurance Company**

Kristi A. Larson, Title Officer

Limitation of Liability for Informational Report

**IMPORTANT - READ CAREFULLY:** THIS REPORT IS NOT AN INSURED PRODUCT OR SERVICE OR A REPRESENTATION OF THE CONDITION OF TITLE TO REAL PROPERTY. IT IS NOT AN ABSTRACT, LEGAL OPINION, OPINION OF TITLE, TITLE INSURANCE COMMITMENT OR PRELIMINARY REPORT, OR ANY FORM OF TITLE INSURANCE OR GUARANTY. THIS REPORT IS ISSUED EXCLUSIVELY FOR THE BENEFIT OF THE APPLICANT THEREFOR, AND MAY NOT BE USED OR RELIED UPON BY ANY OTHER PERSON. THIS REPORT MAY NOT BE REPRODUCED IN ANY MANNER WITHOUT FIRST AMERICAN TITLE INSURANCE COMPANY'S PRIOR WRITTEN CONSENT. FIRST AMERICAN TITLE INSURANCE COMPANY DOES NOT REPRESENT OR WARRANT THAT THE INFORMATION HEREIN IS COMPLETE OR FREE FROM ERROR, AND THE INFORMATION HEREIN IS PROVIDED WITHOUT ANY WARRANTIES OF ANY KIND, AS-IS, AND WITH ALL FAULTS. AS A MATERIAL PART OF THE CONSIDERATION GIVEN IN EXCHANGE FOR THE ISSUANCE OF THIS REPORT, RECIPIENT AGREES THAT FIRST AMERICAN TITLE INSURANCE COMPANY'S SOLE LIABILITY FOR ANY LOSS OR DAMAGE CAUSED BY AN ERROR OR OMISSION DUE TO INACCURATE INFORMATION OR NEGLIGENCE IN PREPARING THIS REPORT SHALL BE LIMITED TO THE FEE CHARGED FOR THE REPORT. RECIPIENT ACCEPTS THIS REPORT WITH THIS LIMITATION AND AGREES THAT FIRST AMERICAN TITLE INSURANCE COMPANY WOULD NOT HAVE ISSUED THIS REPORT BUT FOR THE LIMITATION OF LIABILITY DESCRIBED ABOVE. FIRST AMERICAN TITLE INSURANCE COMPANY MAKES NO REPRESENTATION OR WARRANTY AS TO THE LEGALITY OR PROPRIETY OF RECIPIENT'S USE OF THE INFORMATION HEREIN.

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**2022-000329-0**

Recording Dist: 314 - Seward  
4/12/2022 09:34 AM Pages: 1 of 4



File for Record at Request of:  
**First American Title Insurance Company**

AFTER RECORDING MAIL TO:

Name: THOMAS A. LINDQUIST and HEATHER A. LINDQUIST

Address: PO Box 133

Moose Pass, AK 99631

File No.: 0224-3918269 (NBH)

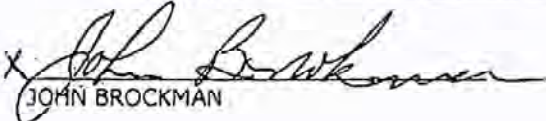
### STATUTORY WARRANTY DEED

THE GRANTOR, **JOHN BROCKMAN**, an unmarried man, whose mailing address is **1750 NE 17th Ave., Payette, ID 83661**, and **YVONNE RICHARDSON**, an unmarried woman, whose mailing address is **513 Winding Oak Court, Henderson, NV 89012**, for and in consideration of **TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION**, in hand paid, conveys and warrants to **THOMAS A. LINDQUIST and HEATHER A. LINDQUIST, husband and wife**, residing at **PO Box 133, Moose Pass, AK 99631**, the following described real estate, situated in the **Seward Recording District, Third Judicial District, State of Alaska**:

**Tract "B", GATEWAY SUBDIVISION, according to the official plat thereof, filed under Plat Number 84-18, Records of the Seward Recording District, Third Judicial District, State of Alaska.**

SUBJECT TO reservations, exceptions, easements, covenants, conditions and restrictions of record, if any.

Dated: March 31<sup>st</sup>, 2022

x   
JOHN BROCKMAN

\_\_\_\_\_  
YVONNE RICHARDSON



File for Record at Request of:  
First American Title Insurance Company

AFTER RECORDING MAIL TO:

Name: THOMAS A. LINDQUIST and HEATHER A. LINDQUIST  
Address: PO Box 133  
Moose Pass, AK 99631  
File No.: 0224-3918269 (NBH)

---

### STATUTORY WARRANTY DEED

THE GRANTOR, JOHN BROCKMAN, an unmarried man, whose mailing address is 1750 NE 17th Ave., Payette, ID 83661, and YVONNE RICHARDSON, an unmarried woman, whose mailing address is 513 Winding Oak Court, Henderson, NV 89012, for and in consideration of **TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION**, in hand paid, conveys and warrants to **THOMAS A. LINDQUIST and HEATHER A. LINDQUIST, husband and wife**, residing at **PO Box 133, Moose Pass, AK 99631**, the following described real estate, situated in the **Seward** Recording District, **Third** Judicial District, State of **Alaska**:

**Tract "B", GATEWAY SUBDIVISION, according to the official plat thereof, filed under Plat Number 84-18, Records of the Seward Recording District, Third Judicial District, State of Alaska.**

SUBJECT TO reservations, exceptions, easements, covenants, conditions and restrictions of record, if any.

Dated: April 7, 2022

\_\_\_\_\_  
JOHN BROCKMAN

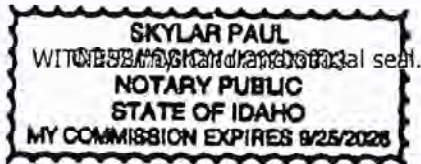
  
YVONNE RICHARDSON



STATE OF Idaho )

Payette County ) ss.  
)

THIS IS TO CERTIFY that on this 31st day of March, 2022, before me the undersigned Notary Public, personally appeared JOHN BROCKMAN, known to me and to me known to be the individual(s) described in and who executed the foregoing instrument and he/she/they acknowledged to me that he/she/they signed the same freely and voluntarily for the uses and purposes therein mentioned.



Skylar Paul  
Notary Public in and for Idaho  
My commission expires 9/25/2026

STATE OF Nevada )

County ) ss.  
)

THIS IS TO CERTIFY that on this \_\_\_\_\_ day of March, 2022, before me the undersigned Notary Public, personally appeared YVONNE RICHARDSON, known to me and to me known to be the individual(s) described in and who executed the foregoing instrument and he/she/they acknowledged to me that he/she/they signed the same freely and voluntarily for the uses and purposes therein mentioned.

WITNESS my hand and official seal.

\_\_\_\_\_  
Notary Public in and for Nevada  
My commission expires \_\_\_\_\_



STATE OF Idaho )  
 ) ss.  
 \_\_\_\_\_ County )

THIS IS TO CERTIFY that on this \_\_\_\_\_ day of March, 2022, before me the undersigned Notary Public, personally appeared JOHN BROCKMAN, known to me and to me known to be the individual(s) described in and who executed the foregoing instrument and he/she/they acknowledged to me that he/she/they signed the same freely and voluntarily for the uses and purposes therein mentioned.

WITNESS my hand and official seal.

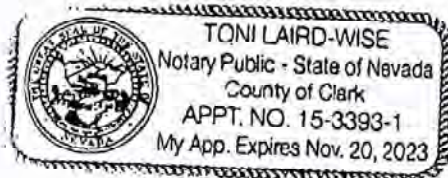
\_\_\_\_\_  
 Notary Public in and for Idaho  
 My commission expires

STATE OF Nevada )  
 ) ss.  
Clark County )

THIS IS TO CERTIFY that on this 7th day of ~~March~~ <sup>April</sup>, 2022, before me the undersigned Notary Public, personally appeared YVONNE RICHARDSON, known to me and to me known to be the individual(s) described in and who executed the foregoing instrument and he/she/they acknowledged to me that he/she/they signed the same freely and voluntarily for the uses and purposes therein mentioned.

WITNESS my hand and official seal.

*Cari A. Davis*  
 Notary Public in and for Nevada  
 My commission expires November 20, 2023





CITY OF SEWARD  
410 ADAMS STREET  
PO BOX 167  
SEWARD AK 99664  
phone: (907) 224-4050

RECEIPT # 43737  
9/01/2022

Received  
From

<u>Lookup</u>	<u>Name</u>	<u>Payment Type</u>	<u>Check #</u>	<u>Amounts</u>
11122	COMMUNITY DEVELOPMENT	Check	0010499	Due 75.00 Tendered 75.00 Change Due

**Description:**

Preliminary Plat Review-  
Unimak Circle

Taxes Payable - Sales	4.90
Zoning Fees	70.10



# CITY OF SEWARD, ALASKA

## AFFIDAVIT OF MAILING

### PUBLIC HEARING NOTICE



Courtney Brighthouse, upon oath, deposes and states:

That she is employed in the Community Development Office of the City of Seward, Alaska; and that on Sept 20, 2022 she mailed a Notice of Public Hearing to the real property owners within a 300-foot periphery of **Amended Tract B, Gateway Subdivision; Located at 2109 Unimak Circle** as prescribed by Seward City Code 15.01.040/16.01.015.

Affirmed and signed this 19 day of Sept 2022.

Courtney Brighthouse



## AFFIDAVIT OF POSTING


### PUBLIC HEARING NOTICE



I, Thomas Lindqvist, hereby certify that I have posted a Notice of Public Hearing, as prescribed by Seward City Code ' 15.01.040/16.01.015 on the property located at **Amended Tract B, Gateway Subdivision; physical address 2109 Unimak Circle**, the owners of which have petitioned for a Public Hearing to Subdivide Amended Tract B; Creating Gateway Subdivision 2022 Lindquist Addition, Lots 14-18, Block 8.

The notice was posted on 9/21/22, which is 19 days prior to the public hearing on this petition. I acknowledge this Notice must be posted in plain sight, maintained and displayed until all public hearings have been completed.

Affirmed and signed this 21<sup>st</sup> day of September 2022.

  
Signature

## **E. NEW BUSINESS**

- 2. Homer One Swan Cove Addn. 2022 Replat  
KPB File 2022-165**



KPB File # 2022-165  
S21 T06S R13W  
Homer





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. BASIS OF BEARING IS FROM THE PLAT OF HOMER ONE SWAN COVE ADDN. (HM 2012-23).
2. NO FIELD SURVEY WAS PERFORMED FOR THIS REPLAT AS PERMITTED BY KPB 20.60.200(A). MONUMENTS AND DIMENSIONS SHOWN ARE PER THE RECCRD PLAT OF HOMER ONE SWAN COVE ADDN. (HM 2012-23).
3. THIS LOT MAY BE SUBJECT TO FEMA JURISDICTIONAL FLOOD ZONE MANAGEMENT. FEMA FIRM PANEL 6045, NUMBER 02122C2020E DATED OCTOBER 20, 2016, REVISION 17-10-0041P-02017 EFFECTIVE 3/31/2017 IS CURRENT AT THIS PLAT'S COMPOSITION. CHECK WITH HOMER PLANNING DEPARTMENT FOR CURRENT STATUS PRIOR TO DEVELOPMENT.
4. 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.
5. PROPERTY IS SUBJECT TO CITY OF HOMER REGULATIONS. CHECK WITH HOMER PLANNING PRIOR TO ANY DEVELOPMENT ACTIVITIES.
6. ANY PERSON DEVELOPING THE PROPERTY IS RESPONSIBLE FOR OBTAINING ALL REQUIRED LOCAL, STATE, AND FEDERAL PERMITS, INCLUDING A U.S. ARMY CORPS OF ENGINEERS WETLAND DETERMINATION IF APPLICABLE.
7. THE ORDINARY HIGH WATER LINE AS DIMENSIONED WAS USED FOR AREA COMPUTATIONS. THE ORDINARY HIGH WATER LINE FORMS THE LITTORAL BOUNDARY AND GENERALLY IS IN A STATE OF CHANGE.

## WASTEWATER DISPOSAL

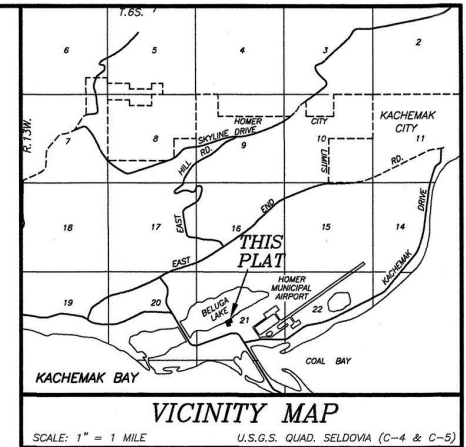
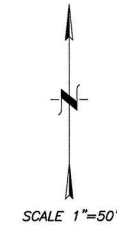
PLANS FOR WASTEWATER DISPOSAL THAT MEET REGULATORY REQUIREMENTS ARE ON FILE AT THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

## PLAT APPROVAL

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

BY: \_\_\_\_\_  
AUTHORIZED OFFICIAL  
KENAI PENINSULA BOROUGH

DATE \_\_\_\_\_



## CERTIFICATE OF OWNERSHIP

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

ROBERT BURL NORBERG  
CO-TRUSTEE, NORBERG COMMUNITY  
PROPERTY TRUST  
PO BOX 1875  
HOMER, ALASKA 99603

## NOTARY'S ACKNOWLEDGMENT

FOR ROBERT BURL NORBERG

ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_

DAY OF \_\_\_\_\_, 2022.

NOTARY PUBLIC FOR ALASKA \_\_\_\_\_

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

HOMER RECORDING DISTRICT KPB FILE No. 2022-???

## HOMER ONE SWAN COVE ADDN. 2022 REPLAT

THE COMBINATION OF LOTS A1, A2 AND A3,  
HOMER ONE SWAN COVE ADDN. (HM 2012-23)  
INTO LOT 1A-1

LOCATED WITHIN THE NE1/4 SW1/4, SEC 21,  
T. 6 S., R. 13 W., SEWARD MERIDIAN, CITY OF HOMER, KENAI  
PENINSULA BOROUGH, THIRD JUDICIAL DISTRICT, ALASKA  
CONTAINING 2.146 ACRES

OWNERS:  
THE NORBERG COMMUNITY PROPERTY TRUST  
PO BOX 1875 HOMER, ALASKA 99603

## GEOVERA, LLC

PO BOX 3235  
HOMER ALASKA 99603  
(907) 399-4345  
EMAIL: scsmith@gci.net

DRAWN BY: SCS

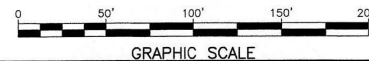
DATE: NOVEMBER 2022

SCALE: 1" = 50'

CHK BY: SCS

JOB #2022-54

SHEET 1 OF 1



## LEGEND

- INDICATES 2" ALCAP 7610-S 2012 (RECORD HM 2012-23)
- INDICATES 2" ALCAP 7610-S 2005 (RECORD HM 2012-23)
- ⊗ INDICATES 2" ALCAP 7610-S 2002 (RECORD HM 2012-23)
- INDICATES 1/2" REBAR PER HM 84-24 (RECORD HM 2012-23)

**KPB 2022-165**



AGENDA ITEM E. NEW BUSINESS

ITEM 2 - HOMER ONE SWAN COVE ADDN 2022 REPLAT

<b>KPB File No.</b>	2022-165
<b>Plat Committee Meeting:</b>	December 12, 2022
<b>Applicant / Owner:</b>	Norberg Community Property Trust of Homer, Alaska
<b>Surveyor:</b>	Stephen Smith / Geovera, LLC
<b>General Location:</b>	Lakeshore Drive, City of Homer

<b>Parent Parcel No.:</b>	179-191-06, 179-191-07, 179-191-08
<b>Legal Description:</b>	Lots A1, A2, and A3, Homer One Swan Cove Addn, Plat HM 2012-23
<b>Assessing Use:</b>	Residential / Commercial
<b>Zoning:</b>	General Commercial 1 District
<b>Water / Wastewater</b>	City

---

STAFF REPORT

**Specific Request / Scope of Subdivision:** The proposed plat will combine three lots into one lot that will be 2.146 acres.

**Location and Legal Access (existing and proposed):** The proposed plat is located in the City of Homer between Lakeshore Drive and Beluga Lake. Lakeshore Drive is a 50 foot wide dedicated right-of-way that is constructed and managed by the City of Homer. The subdivision has multiple access routes that come from state maintained Ocean Drive or FAA Road. The most direct is either using A Street or Douglas Place to connect to Lakeshore Drive, both are 50 foot wide dedications managed by the City of Homer.

The current lots are vacant with all three having access via Lakeshore Drive. The plat will combine the lots into one and access will remain on Lakeshore Drive. Access is also available from Beluga Lake.

A Street, Lakeshore Drive, Landings Street, and Beluga Lake define the block. The block is incomplete due to the inability to dedicate a connection due to Beluga Lake. All distances within the block are compliant.

Lakeshore Drive is dedicated at 50 feet wide. KPB Code requires a minimum width of 60 feet wide. An exception has been requested.

KPB Roads Dept. comments	Out of Jurisdiction: Yes  Roads Director: Uhlin, Dil Comments: No comments
SOA DOT comments	

**Site Investigation:** The proposed replat is along the shores of Beluga Lake. Lake Meander is shown per record. The preliminary plat does not indicate low wet areas. Per the Kenai Watershed Wetlands Assessment the entire subdivision is subject to a type of wetlands classification of either discharge slope or wetland/upland complex. The wetlands determination note is present. ***Staff recommends the wetlands not be required to be shown but the determination note remain.***

The City of Homer requested a plat note be added with flood panel information that has been added.

The property is currently vacant and there does not appear to be any encroachment issues. The City of Homer did hear at the same meeting a conditional use permit for the property. Any construction will comply with City of Homer zoning.

KPB River Center review	<p>A. Floodplain Reviewer: Carver, Nancy Floodplain Status: Within City of Homer 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** Bay View Subdivision, Plat HM 53-839, originally subdivided the area containing the subject plat. The plat created many lots around .25 acres and a few closer to .5 acres. The plat also dedicated the rights-of-way in the area. Excluding Ocean Drive, the roads on the plat were all dedicated with 50 foot width.

The subject lots were replatted by Homer One, Plat HM 84-24. That plat vacated B Street that originally went through the subject property to provide access to Beluga Lake.

The lots were replatted into their current configuration by Homer One, Swan Cove Addn, Plat HM 2012-23. That plat created four lots including two that were flag lots. Three of those lots are proposed to be reconfigured by this plat into one lot. This platting action will eliminate the flag lots and will increase the lots from under an acre each to a lot that is 2.146 acres.

City water and sewer are available. An installation agreement or documentation that one is not required will need to be submitted by the City of Homer.

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 City of Homer Planning Commission heard the preliminary plat at their October 19, 2022 regular meeting. They recommended approval with the following comments:

- “1. Include a plat note stating property is subject to the City of Homer regulations check with City of Homer Planning Department prior to any development activity.
2. Update plat note #3 to map number 02122C2020E effective 10/20/2016, revision 17-10-0041P-020107 effective 3/31/2017. Check with Kenai Peninsula Borough regarding panel number/format.
3. The City of Homer does not object to an exception to the roadway width of Lakeshore Drive.”

Items one and two have been addressed and item 3 shows their support for the exception request.

**Utility Easements** The original plat did not grant any easements on the subject property to carry over. The replat of the property did grant easements that are depicted and being carried over with source cited. The easements include 15 foot utility easements adjacent to Lakeshore Drive, 10 foot utility easements along the west and east boundary, and water and sewer easements within the former panhandles.

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

**Utility provider review:**

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

**KPB department / agency review:**

Addressing	<p>Reviewer: Haws, Derek  Affected Addresses:  1450 LAKESHORE DR  1472 LAKESHORE DR  1484 LAKESHORE DR</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names:  LAKESHORE DR</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:  The city of Homer will advise on affected addresses.</p>
Code Compliance	<p>Reviewer: Ogren, Eric  Comments: No comments</p>
Planner	<p>Reviewer: Raidmae, Ryan  There are not any Local Option Zoning District issues with this proposed plat.</p> <p>Material Site Comments:  There are not any material site issues with this proposed plat.  Review Not Required</p>
Assessing	<p>Reviewer: Windsor, Heather  Comments: No comment</p>

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

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

**KPB 20.25.070 – Form and contents required**

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

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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.

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

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

---

### **KPB 20.40 – Wastewater Disposal**

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

20.40.010 Wastewater disposal.

*Platting Staff Comments:* City water and sewer available.

**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.

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

**Staff recommendation:** Installation agreement or documentation one is not required must be submitted.

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 note for any exception granted.

20.60.190. Certificates, statements, and signatures required.

**Staff recommendation:** Correct typo at the beginning of Certificate of Ownership. Comply with 20.60.190.

### **EXCEPTIONS REQUESTED:**

#### **KPB 20.30.120 – Street-Width Requirements**

Surveyor's Discussion: I would like to request an exception KPB 20.30.120 for the right-of-way width. The city staff report and planning commission minutes show, the city does not object to the current width of the right-of-way.



Staff Discussion: KPB Code 20.30.120 states that the minimum right-of-way width shall be 60 feet. Lakeshore Drive is only a 50 foot wide dedication.

**Findings:**

1. KPB Code 20.30.120 required 60 foot wide rights-of-way.
2. Lakeshore Drive is only 50 feet wide.
3. Lakeshore Drive was dedicated as 50 feet wide in 1953.
4. Lakeshore Drive was one of several rights-of-way dedicated by Bay View Subdivision, Plat HM 53-839, that were only dedicated as 50 feet wide.
5. Numerous replats have occurred along Lakeshore Drive without requiring additional dedication for the right-of-way.
6. Lakeshore Drive is constructed and maintained by the City of Homer.
7. The majority of the lots along Lakeshore Drive have been developed and limit getting additional right-of-way widths.
8. At the October 19, 2022 City of Homer Planning Commission meeting they did not object the exception for right-of-way width being granted.
9. Allowing the 50 foot dedication to remain can be supported by the Kenai Peninsula Borough Comprehensive Plat 2019 as an effort to maintain the historic nature of the community.

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 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 3-9 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 3-9 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 3-9 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.**

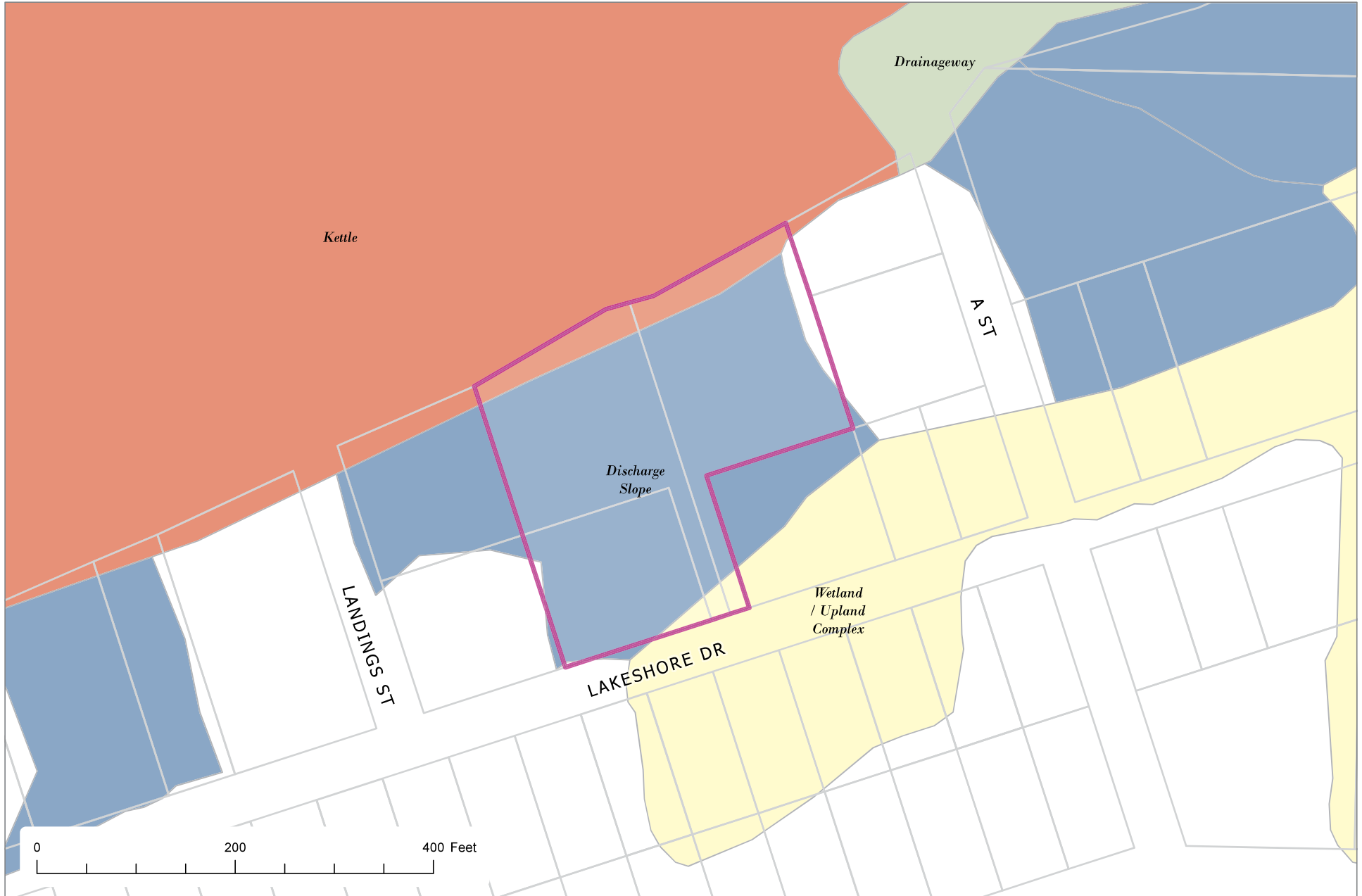
**A DECISION OF THE PLANNING COMMISSION MAY BE APPEALED TO THE HEARING OFFICER BY A PARTY OF RECORD WITHIN 15 DAYS OF THE DATE OF NOTICE OF DECISION IN ACCORDANCE WITH KPB 21.20.250.**

**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.





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







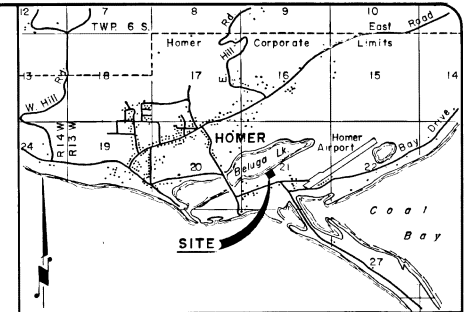
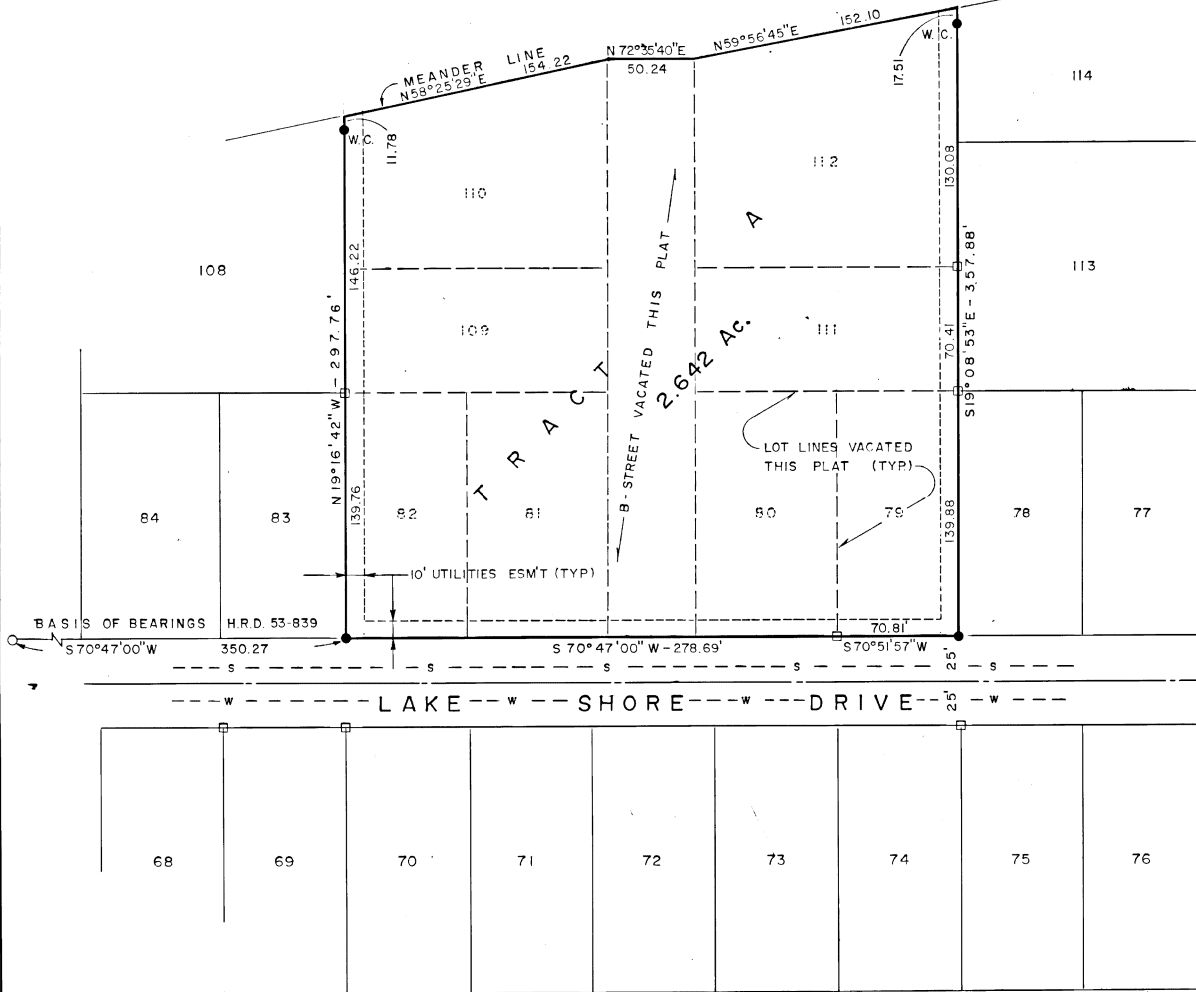


# LEGEND

- 2"x3" WOOD STAKE RECOVERED THIS SURVEY.
- 1/2"x30" STEEL PIN SET THIS SURVEY.
- S- EXISTING MUNICIPAL SEWER LINE.
- W- EXISTING MUNICIPAL WATER LINE.
- WC. WITNESS CORNER
- RECOVERED 1" IRON PIPE.

BELUGA

LAKE



VICINITY MAP  
U.S.G.S. Quadrangle Seldovia (C4,C5) Ak Scale: 1" = 1 Mile

## CERTIFICATE OF OWNERSHIP

We hereby certify that we are the owners of the property shown and described hereon and that we hereby adopt this plan of subdivision and dedicate all streets, alleys, and other open spaces to public use, and easements to the use shown.

Wayne F. Larson, Maryjo E. Larson  
SRA BOX 10326, FAIRBANKS, AK 99701  
HIS ATTORNEY HER ATTORNEY  
IN FACT IN FACT  
MAURICE A. LARSON, NELLIE C. LARSON  
SRA BOX 10326, FAIRBANKS, AK 99701  
(BOTH BY WAYNE F. LARSON, POWER OF ATTORNEY)

## NOTARY'S ACKNOWLEDGEMENT

Subscribed and sworn before me this 29th day of February, 1984, for Wayne F. Larson and Maryjo E. Larson  
Notary Public for Alaska

My commission expires

\* WAYNE F. LARSON AS AN INDIVIDUAL AND WAYNE F. LARSON AS ATTORNEY-IN-FACT FOR MAURICE A. LARSON AND NELLIE C. LARSON

## SURVEYOR'S CERTIFICATE

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

Martin L. Hanson, L.S.  
Reg. No. 3815-S  
3-19-84  
Date

## PLAT APPROVAL

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of 11/13/83, 12/7/83  
Kenai Peninsula Borough  
By

HOMER ONE	
RESUBDIVISION OF LOTS 79, 80, 81, 82, 109, 110, 111, 112, AND VACATION OF "B" STREET, all within BAY VIEW SUBDIVISION, situated within NE 1/4, SW 1/4, Sec 21, T6S, R13W, S.M. within the City of Homer, Alaska Containing 2.642 Acres	
HANSON & COMPANY REGISTERED SURVEYORS	
BOX 490 HOMER, ALASKA 99603-235-8179	
DATE: NOV, 1983	COMP FILE: HCH-1-P59
DRAFT: J.B.M.H. DWC No. 8147-2	JOB No. 8147

FILED 10-84	REC.DIST.
DATE 3-20-84	
TIME 1109 A.M.	
Requested By Hanson	
Address for KFB	
Validation	





## NOTES

1. DEVELOPMENT ON THESE LOTS IS SUBJECT TO HOMER CITY REGULATION.
2. THESE LOTS MAY CONTAIN WETLANDS. PERSONS CONTEMPLATING DEVELOPMENT SHOULD CHECK WITH THE ARMY CORPS OF ENGINEERS FOR CURRENT WETLAND STATUS AND REGULATION.
3. THESE LOTS MAY BE SUBJECT TO FEMA JURISDICTIONAL FLOOD ZONE MANAGEMENT. FEMA FIRM PANEL 6045, NUMBER 0201076045B DATED SEPTEMBER 25, 2009 IS CURRENT AT THIS PLAT'S COMPOSITION, BUT IS CURRENTLY UNDER REVISION REVIEW BY FEMA. CHECK WITH HOMER PLANNING DEPARTMENT FOR CURRENT STATUS PRIOR TO DEVELOPMENT.
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. NO STRUCTURES ARE PERMITTED WITHIN THE PANHANDLE PORTION OF THE FLAG LOTS.
6. THE ORDINARY HIGH WATER LINE AS DIMENSIONED WAS USED ONLY FOR AREA COMPUTATIONS. THE ORDINARY HIGH WATER LINE FORMS THE LITTORAL BOUNDARY AND GENERALLY IS IN A STATE OF CHANGE.

7. EASEMENTS FOR WATER AND SEWER SERVICE LINES ARE HEREBY GRANTED OVER PANHANDLE PORTIONS OF LOTS A2 AND A3.
8. BEARINGS ARE GRID BEARINGS (WITH A TRUE BEARING BASIS) BASED ON HOMER CITY COORDINATE SYSTEM AS REPORTED ON HM94-6, THE CENTERLINE OF BAY AVENUE (SEE BELOW).
9. SQUARE FOOTAGE AREAS ARE ROUNDED TO THE NEAREST 10 SQUARE FEET.

## LEGEND

- ⊗ FOUND 2"ALUM-CAP BY 7610-S (2002)
- ⊗ SET 2"ALUM-CAP THIS SURVEY
- ⊗ FOUND 2"ALUM-CAP BY 7610-S (2005)
- ⊗ FOUND 1/2"REBAR PER HM84-24
- ⊗ FOUND 2"BRASS CAP PER HM94-6
- ⊗ POWER POLE
- FOUND MONUMENT AS DESCRIBED

## CERTIFICATE OF OWNERSHIP

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 grant all easements to the use shown.

Robert B. Norberg  
ROBERT B. NORBERG  
3500 LANDINGS ST.  
Homer, AK 99603

Katherine J. Norberg  
KATHERINE J. NORBERG  
3500 LANDINGS ST.  
Homer, AK 99603

## NOTARY'S ACKNOWLEDGEMENT

For Robert B. Norberg  
Subscribed and sworn to before me this July 2nd day of July, 2012.  
Max J. Best 9-17-13 #114506  
Notary public for Alaska My Commission Expires

## NOTARY'S ACKNOWLEDGEMENT

For Katherine J. Norberg  
Subscribed and sworn to before me this 2nd day of July, 2012.  
Max J. Best 9-17-13 #114506  
Notary public for Alaska My Commission Expires



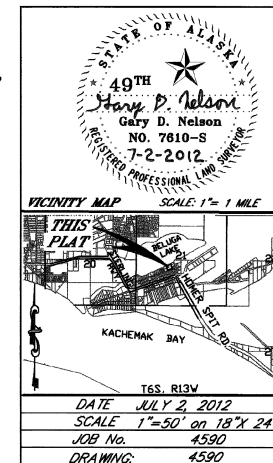
## PLAT APPROVAL

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of 2/13/2012  
KENAI PENINSULA BOROUGH  
BY Max J. Best  
Authorized Official

## WASTEWATER DISPOSAL:

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

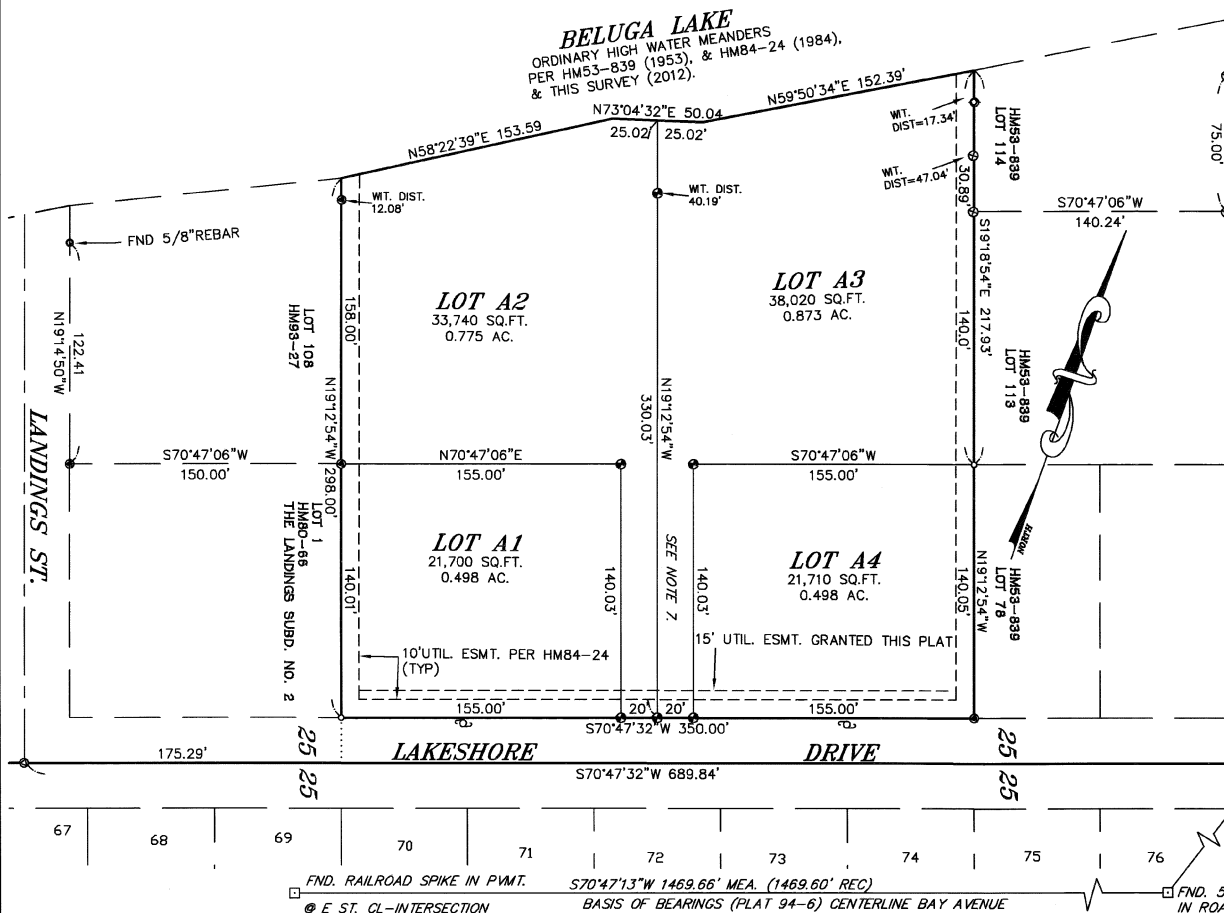
Gary D. Nelson 7/2/2012  
GARY D. NELSON, LICENSE #7610-5 DATE



## HOMER ONE, SWAN COVE ADDN.

A SUBDIVISION OF TRACT A, HOMER ONE SUBD. (HM84-24), WITHIN BAY VIEW SUBD. SITUATE IN THE NE1/4 SW1/4 SEC 21, T6S, R13W, S.M., CITY OF HOMER, KENAI PENINSULA BOROUGH, THIRD JUDICIAL DISTRICT, HOMER RECORDING DISTRICT, STATE OF ALASKA, CONTAINING 2.644 ACRES

**ABILITY SURVEYS**  
GARY D. NELSON, P.L.S.  
(907)235-8440  
152 DEHEL AVE., HOMER, ALASKA





Commissioner Stark concluded his comments noting that the Commission needs to strike a balance addressing tourism and nature, Homer is a destination for photographers, bear viewing and consideration of the property owners selling their property and reaping those benefits of their hard earned efforts.

VOTE. YES. VENUTI, HIGHLAND, CONLEY, STARK, BARNWELL

Motion carried.

Vice Chair Highland called a recess at 8:11 p.m. The meeting was called back to order at 8:20 p.m.

**PLAT CONSIDERATION(S)**

A. Staff Report 22-63, Preliminary Plat Homer One Swan Cove Addn.2022 Replat

Vice Chair Highland introduced the item and deferred to the City Planner.

City Planner Abboud provided a summary of Staff Report 22-63 for the Commission.

Matt Hambrick, representative for the applicant stated he was present and available for questions from the Commission.

Vice Chair Highland opened the public comment period.

Vice Chair Highland closed the comment period having no one in Council Chambers from the public and no indication from members of the public attending via Zoom wanting to provide comment on the action.

Vice Chair Highland requested questions from the Commission for the City Planner and the Applicant.

Hearing no questions from the Commission, Vice Chair Highland requested a motion and second.

CONLEY/BARNWELL MOVED TO ADOPT STAFF REPORT 22-63 AND RECOMMEND APPROVAL OF THE PRELIMINARY PLAT WITH THE FOLLOWING COMMENTS:

1. INCLUDE A PLAT NOTE STATING PROPERTY IS SUBJECT TO THE CITY OF HOMER REGULATIONS CHECK WITH CITY OF HOMER PLANNING DEPARTMENT PRIOR TO ANY DEVELOPMENT ACTIVITY.
2. UPDATE PLAT NOTE #3 TO MAP NUMBER 02122C2020E EFFECTIVE 10/20/2016, REVISION 17-10-0041P-020107 EFFECTIVE 3/31/2017 CHECK WITH KENAI PENINSULA BOROUGH REGARDING PANEL NUMBER/FORMAT.
3. THE CITY OF HOMER DOES NOT OBJECT TO AN EXCEPTION TO THE ROADWAY WIDTH OF LAKESHORE DRIVE.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.



# City of Homer

[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

## Planning

491 East Pioneer Avenue  
Homer, Alaska 99603

[Planning@ci.homer.ak.us](mailto:Planning@ci.homer.ak.us)

(p) 907-235-3106

(f) 907-235-3118

### Staff Report 22-63

TO: Homer Planning Commission **22-63**  
FROM: Rick Abboud, City Planner, AICP  
DATE: 10/19/2022  
SUBJECT: Homer One Swan Cove Addn. 2022 Replat

**Requested Action:** Approval of a Preliminary Plat that combines three lots.

#### General Information:

Applicants:	Robert Burl Norberg PO Box 1875 Homer, AK 99603	Steve Smith Geovera, LLC PO Box 3235 Homer, AK 99603
Location:	1450 Lakeshore Drive	
Parcel ID:	17919106, 17919107 & 17919108	
Size of Existing Lot(s):	.5, .77 & .87 Acres	
Size of Proposed Lots(s):	2.146 Acres	
Zoning Designation:	General Commercial 1 District	
Existing Land Use:	Vacant	
Surrounding Land Use:	North: Beluga Lake South: Residential/storage/vacant East: Residential/storage West: Residential	
Comprehensive Plan:	Goal 4: Support the development of a variety of well-defined commercial/business districts for a range of commercial purposes.	
Wetland Status:	Area may be a discharge slope.	
Flood Plain Status:	Area along edge of Beluga Lake has an A21 flood plain designation.	
BCWPD:	Not within the Bridge Creek Watershed Protection District.	
Utilities:	City water and sewer are available	
Public Notice:	Notice was sent to 74 property owners of 57 parcels as shown on the KPB tax assessor rolls.	

**Analysis:** This subdivision is within the General Commercial 1 District. This plat combines 3 lots into 1 lot.

**Homer City Code 22.10.051 Easements and rights-of-way**

- A. The subdivider shall dedicate in each lot of a new subdivision a 15-foot-wide utility easement immediately adjacent to the entire length of the boundary between the lot and each existing or proposed street right-of-way.

**Staff Response:** The plat meets these requirements.

- B. The subdivider shall dedicate in each lot of a new subdivision any water and/or sewer easements that are needed for future water and sewer mains shown on the official Water/Sewer Master Plan approved by the Council.

**Staff Response:** The plat meets these requirements.

- C. The subdivider shall dedicate easements or rights-of-way for sidewalks, bicycle paths or other non-motorized transportation facilities in areas identified as public access corridors in the Homer Non-Motorized Transportation and Trail Plan, other plans adopted by the City Council, or as required by the Kenai Peninsula Borough Code.

**Staff Response:** The plat meets these requirements.

**Preliminary Approval, per KPB code 20.25.070 Form and contents required.** The commission will consider a plat for preliminary approval if it contains the following information at the time it is presented and is drawn to a scale of sufficient size to be clearly legible.

- A. Within the Title Block:
1. Names 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;
  2. Legal description, location, date, and total area in acres of the proposed subdivision; and
  3. Name and address of owner(s), as shown on the KPB records and the certificate to plat, and registered land surveyor;

**Staff Response:** The plat meets these requirements.

- B. North point;

**Staff Response:** The plat meets these requirements.

- C. The location, width and name of existing or platted streets and public ways, railroad rights-of-way and other important features such as section lines or political subdivisions or municipal corporation boundaries abutting the subdivision;

**Staff Response:** The plat meets these requirements.

- D. A vicinity map, drawn to scale showing location of proposed subdivision, north arrow if different from plat orientation, township and range, section lines, roads, political

boundaries and prominent natural and manmade features, such as shorelines or streams;

**Staff Response:** The plat meets these requirements.

- E. All parcels of land including those intended for private ownership and those to be dedicated for public use or reserved in the deeds for the use of all property owners in the proposed subdivision, together with the purposes, conditions or limitation of reservations that could affect the subdivision;

**Staff Response:** The plat meets these requirements.

- F. The names and widths of public streets and alleys and easements, existing and proposed, within the subdivision; [Additional City of Homer HAPC policy: Drainage easements are normally thirty feet in width centered on the drainage. Final width of the easement will depend on the ability to access the drainage with heavy equipment. An alphabetical list of street names is available from City Hall.]

**Staff Response:** The plat meets these requirements.

- G. Status of adjacent lands, including names of subdivisions, lot lines, lock numbers, lot numbers, rights-of-way; or an indication that the adjacent land is not subdivided;

**Staff Response:** The plat meets these requirements.

- H. Approximate location of areas subject to inundation, flooding or storm water overflow, the line of ordinary high water, wetlands when adjacent to lakes or non-tidal streams, and the appropriate study which identifies a floodplain, if applicable;

**Staff Response:** The plat meets these requirements.

- I. Approximate locations of areas subject to tidal inundation and the mean high water line;

**Staff Response:** The plat meets these requirements.

- J. Block and lot numbering per KPB 20.60.140, approximate dimensions and total numbers of proposed lots;

**Staff Response:** The plat meets these requirements.

- K. Within the limits of incorporated cities, the approximate location of known existing municipal wastewater and water mains, and other utilities within the subdivision and immediately abutting thereto or a statement from the city indicating which services are currently in place and available to each lot in the subdivision;

**Staff Response:** The plat meets these requirements.

- L. Contours at suitable intervals when any roads are to be dedicated unless the planning director or commission finds evidence that road grades will not exceed 6 percent on arterial streets, and 10 percent on other streets;

**Staff Response:** The plat meets these requirements.



- 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 Response:** The plat meets these requirements.

- N. Apparent encroachments, with statement indicating how the encroachments will be resolved prior to final plat approval; and

**Staff Response:** The plat meets these requirements.

- O. If the subdivision will be finalized in phases, all dedications for through streets as required by KPB 20.30.030 must be included in the first phase.

**Staff Response:** The plat meets these requirements.

**Public Works Comments:**

1. No objections.

A development agreement is not required

**Fire Department Comments:** *None*

**Staff Recommendation:**

Planning Commission recommend approval of the preliminary plat with the following comments:

1. Include a plat note stating "Property is subject to City of Homer regulations. Check with Homer Planning prior to any development activity."
2. Update plat note #3 to map number 02122C2020E effective 10/20/2016, *Revision 17-10-0041P-020107 effective 03/31/2017....* Check with Kenai Peninsula Borough regarding panel number/format.
3. The City of Homer does not object to an exception to the roadway wide of Lakeshore Drive.

**Attachments:**

1. Preliminary Plat
2. Surveyor's Letter
3. Public Notice
4. Aerial Map

**NOTES**

1. BASIS OF BEARING IS FROM THE PLAT OF HOMER ONE SWAN COVE ADDN. (HM 2012-23).

2. NO FIELD SURVEY WAS PERFORMED FOR THIS REPLAT AS PERMITTED BY KPB 20.60.200(A). MONUMENTS AND DIMENSIONS SHOWN ARE PER THE RECORD PLAT OF HOMER ONE SWAN COVE ADDN. (HM 2012-23).

3. THIS LOT MAY BE SUBJECT TO FEMA JURISDICTIONAL FLOOD ZONE MANAGEMENT. FEMA FIRM PANEL 6045, NUMBER 02122C2020E DATED OCTOBER 20, 2016 IS CURRENT AT THIS PLAT'S COMPOSITION. CHECK WITH HOMER PLANNING DEPARTMENT FOR CURRENT STATUS PRIOR TO DEVELOPMENT.

4. 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.

5. ANY PERSON DEVELOPING THE PROPERTY IS RESPONSIBLE FOR OBTAINING ALL REQUIRED LOCAL, STATE, AND FEDERAL PERMITS, INCLUDING A U.S. ARMY CORPS OF ENGINEERS WETLAND DETERMINATION IF APPLICABLE.

6. THE ORDINARY HIGH WATER LINE AS DIMENSIONED WAS USED FOR AREA COMPUTATIONS. THE ORDINARY HIGH WATER LINE FORMS THE LITTORAL BOUNDARY AND GENERALLY IS IN A STATE OF CHANGE.

**WASTEWATER DISPOSAL**

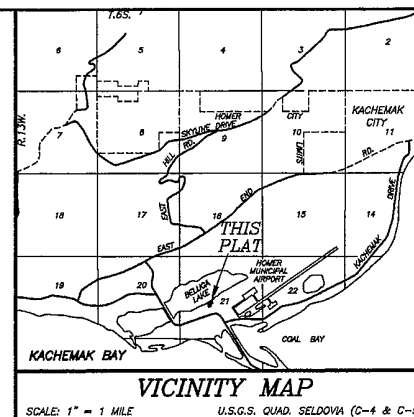
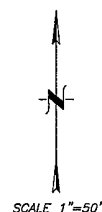
PLANS FOR WASTEWATER DISPOSAL THAT MEET REGULATORY REQUIREMENTS ARE ON FILE AT THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

**PLAT APPROVAL**

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

BY: \_\_\_\_\_  
AUTHORIZED OFFICIAL  
KENAI PENINSULA BOROUGH

DATE \_\_\_\_\_

**CERTIFICATE OF OWNERSHIP**

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

ROBERT BURL NORBERG  
CO-TRUSTEE, NORBERG COMMUNITY  
PROPERTY TRUST  
PO BOX 1875  
HOMER, ALASKA 99603

**NOTARY'S ACKNOWLEDGMENT**

FOR ROBERT BURL NORBERG  
ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_  
DAY OF \_\_\_\_\_, 2022.

NOTARY PUBLIC FOR ALASKA

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

HOMER RECORDING DISTRICT KPB FILE No. 2022-???

**HOMER ONE SWAN COVE ADDN.  
2022 REPLAT**

THE COMBINATION OF LOTS A1, A2 AND A3,  
HOMER ONE SWAN COVE ADDN. (HM 2012-23)  
INTO LOT 1A-1

LOCATED WITHIN THE NE1/4 SW1/4, SEC 21,  
T. 6 S., R. 13 W., SEWARD MERIDIAN, CITY OF HOMER, KENAI  
PENINSULA BOROUGH, THIRD JUDICIAL DISTRICT, ALASKA  
CONTAINING 2.146 ACRES

OWNERS:  
THE NORBERG COMMUNITY PROPERTY TRUST  
PO BOX 1875 HOMER, ALASKA 99603

**GEOVERA, LLC**

PO BOX 3235  
HOMER ALASKA 99603  
(907) 399-4345  
EMAIL: scsmith@gci.net

DRAWN BY: SCS	DATE: SEPT. 2022	SCALE: 1" = 50'
CHK BY: SCS	JOB #2022-54	SHEET 1 OF 1

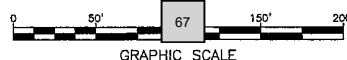
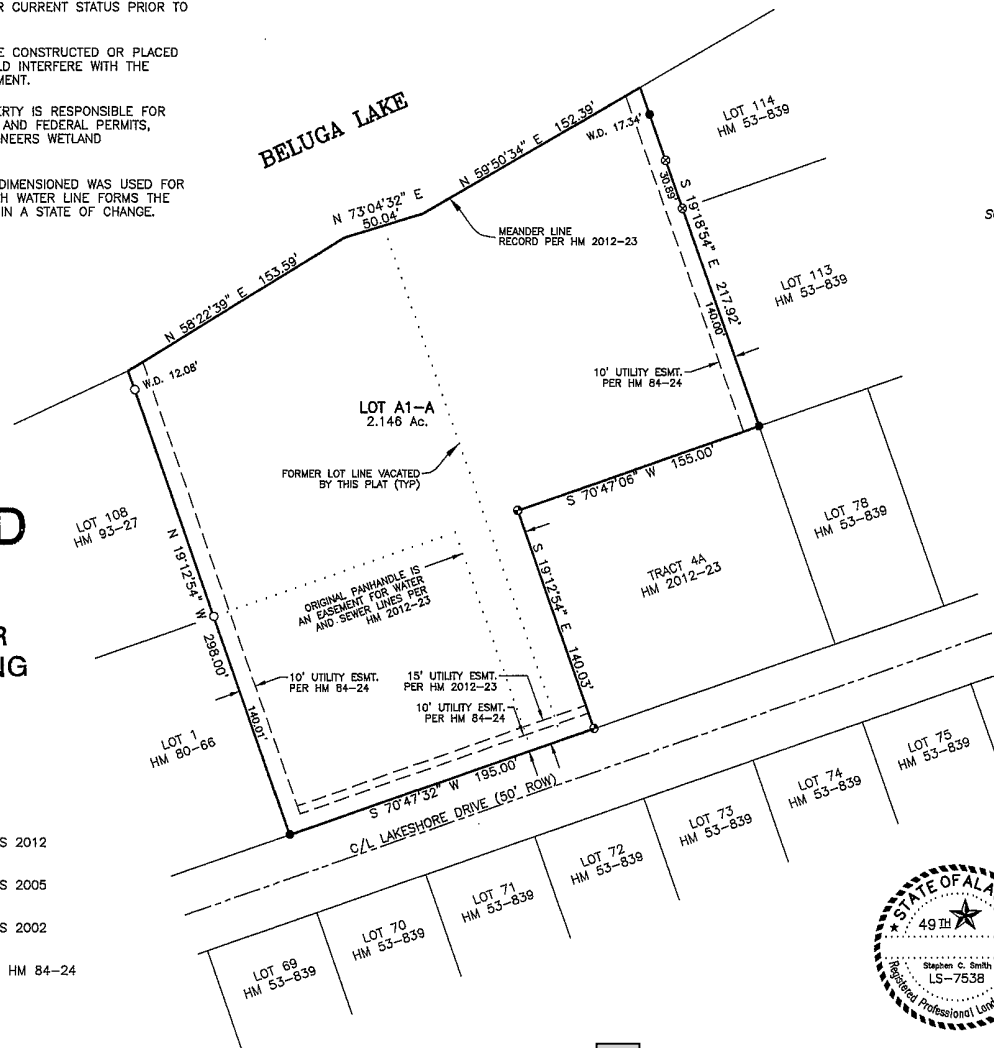
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SEP 20 2022

**CITY OF HOMER  
PLANNING/ZONING**

**LEGEND**

- INDICATES 2" ALCAP 7610-S 2012 (RECORD HM 2012-23)
- INDICATES 2" ALCAP 7610-S 2005 (RECORD HM 2012-23)
- ⊗ INDICATES 2" ALCAP 7610-S 2002 (RECORD HM 2012-23)
- INDICATES 1/2" REBAR PER HM 84-24 (RECORD HM 2012-23)



**Geovera, LLC**

PO Box 3235 • Homer, Alaska 99603 • (907) 399-4345 • scsmith@gci.net

September 13, 2022

City of Homer  
Planning Department  
Julie Engebretsen, Deputy City Planner  
491 E. Pioneer Ave.  
Homer, Alaska 99603

**RECEIVED**

SEP 20 2022

**CITY OF HOMER  
PLANNING/ZONING**

RE: Homer One Swan Cove Addn. 2022 Replat

Julie,

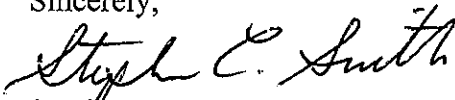
Please find enclosed (1) full size copy and (2) 11X17 copies of the preliminary plat of Homer One Swan Cove Addn. 2022 Replat, and a \$300.00 check for the submittal fee.

This plat combines Lots A1, A2 and A3 into a single lot. This plat was prepared using record data from the plat of Homer One Swan Cove Addn. (HM 2012-23 in accordance with KPB 20.60.200(A). No field survey is being done.

The note on the parent plat referencing the FEMA FIRM panel data has been revised to reflect the current FIRM panel designation. The plat references the water and sewer service easement within the original panhandle portion of original Lots A2 and A3 as described in Note 7 of the parent plat. Those easements will remain.

Please let me know if you have any questions. You can reach me at any time at (907) 399-4345. Thanks!

Sincerely,

  
Stephen C. Smith P.L.S.



## NOTICE OF SUBDIVISION

Public notice is hereby given that a preliminary plat has been received proposing to subdivide or replat property. You are being sent this notice because you are an affected property owner within 500 feet of a proposed subdivision and are invited to comment.

Proposed subdivision under consideration is described as follows:

### **Homer One Swan Cove Addn. 2022 Replat**

The location of the proposed subdivision affecting you is provided on the attached map. A preliminary plat showing the proposed subdivision may be viewed at the City of Homer Planning and Zoning Office. Subdivision reviews are conducted in accordance with the City of Homer Subdivision Ordinance and the Kenai Peninsula Borough Subdivision Ordinance. A copy of the Ordinance is available from the Planning and Zoning Office. **Comments should be guided by the requirements of those Ordinances.**

A public meeting will be held by the Homer Planning Commission on Wednesday, August 3, 2022 at 6:30 p.m. In-person meeting participation is available in Cowles Council Chambers located downstairs at Homer City Hall, 491 E. Pioneer Ave., Homer, AK 99603. To attend the meeting virtually, visit [zoom.us](https://zoom.us) and enter the Meeting ID & Passcode listed below. To attend the meeting by phone, dial any one of the following phone numbers and enter the Webinar ID & Passcode below, when prompted: 1-253-215-8782, 1-669-900-6833, (toll free) 888-788-0099 or 877-853-5247.

Meeting ID: 979 8816 0903

Passcode: 976062

Additional information regarding this matter will be available by 5pm on the Friday before the meeting. This information will be posted to the City of Homer online calendar page for October 19, 2022 at <https://www.cityofhomer-ak.gov/calendar>. It will also be available at the Planning and Zoning Office at Homer City Hall and at the Homer Public Library.

Written comments can be emailed to the Planning and Zoning Office at the address below, mailed to Homer City Hall at the address above, or placed in the Homer City Hall drop box at any time. Written comments must be received by 4pm on the day of the meeting.

If you have questions or would like additional information, contact Rick Abboud at the Planning and Zoning Office. Phone: (907) 235-3106, email: [clerk@cityofhomer-ak.gov](mailto:clerk@cityofhomer-ak.gov), or in-person at Homer City Hall.

**NOTICE TO BE SENT TO PROPERTY OWNERS WITHIN 500 FEET OF PROPERTY.**

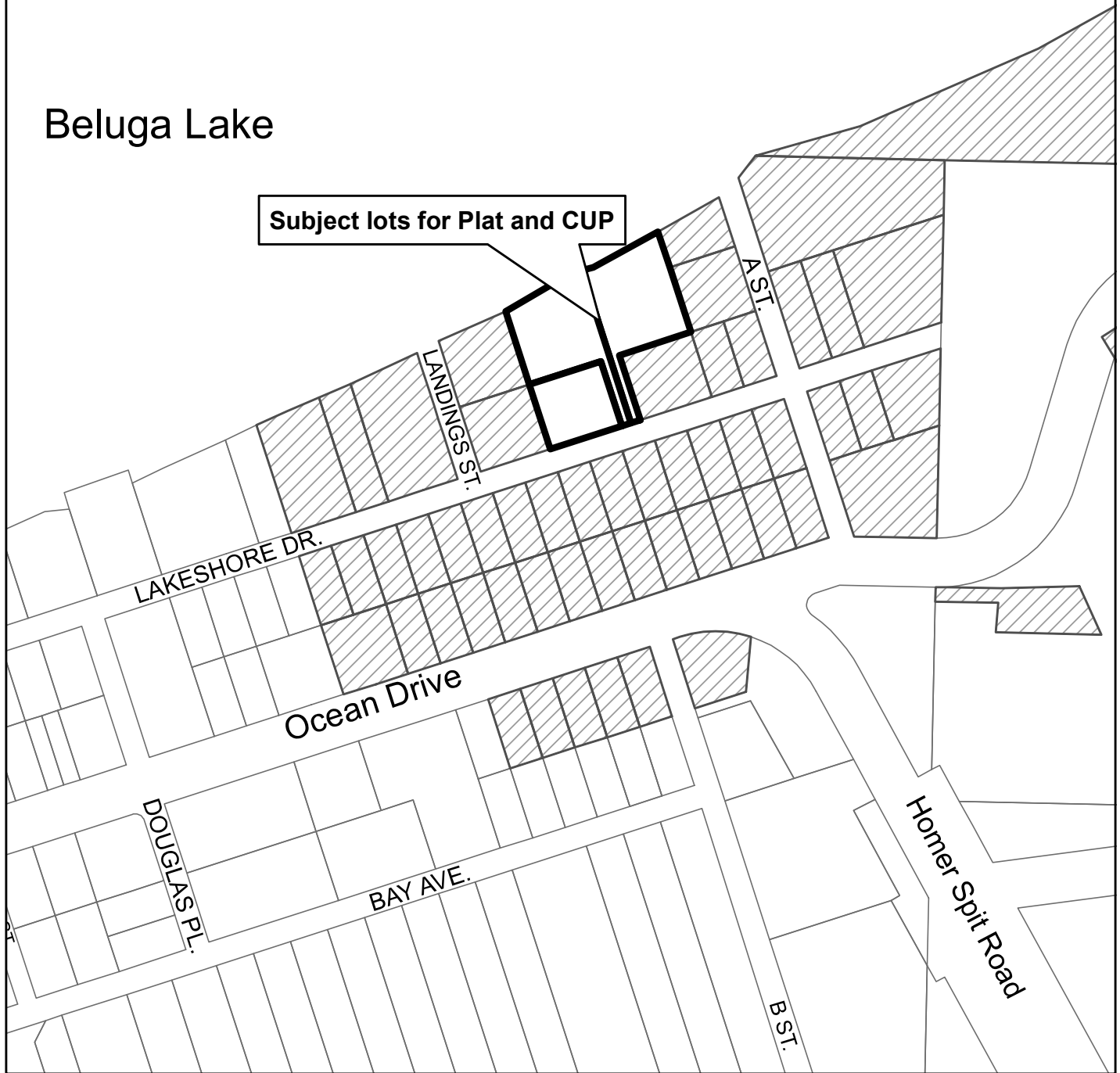
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## VICINITY MAP ON REVERSE

# Vicinity Map

Beluga Lake

Subject lots for Plat and CUP



City of Homer  
Planning and Zoning Department

October 4, 2022

## Request for Preliminary Plat and Conditional Use Permit

Marked lots are within the 500 feet  
and have recieved notification.

0 65 130 260 390 520 Feet



*Disclaimer:  
It is expressly understood the City of  
Homer, its council, board,  
departments, employees and agents are  
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contained herein, or deductions, interpretations  
or conclusions drawn therefrom.*

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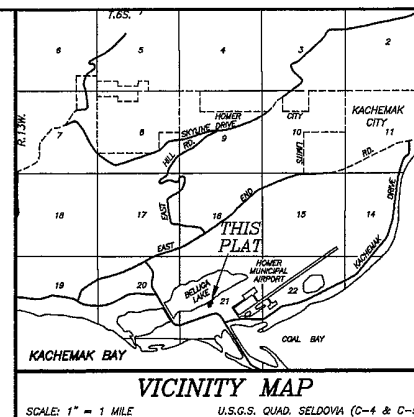
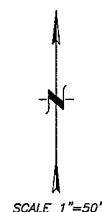
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BY: \_\_\_\_\_  
AUTHORIZED OFFICIAL  
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DATE \_\_\_\_\_

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DAY OF \_\_\_\_\_, 2022.

NOTARY PUBLIC FOR ALASKA \_\_\_\_\_

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

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DATE: SEPT. 2022

SCALE: 1" = 50'

CHK BY: SCS

JOB #2022-54

SHEET 1 OF 1

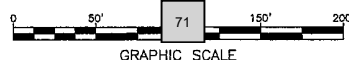
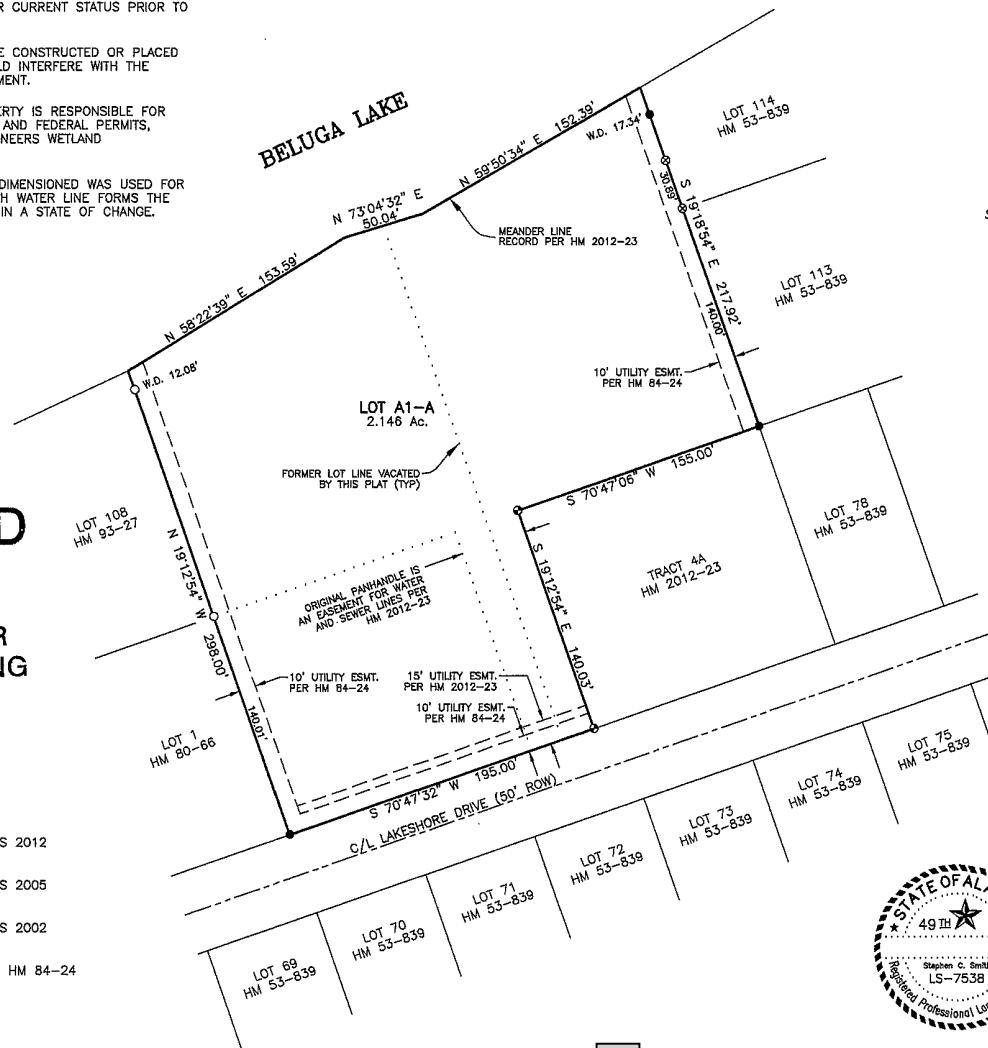
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SEP 20 2022

**CITY OF HOMER  
PLANNING/ZONING**

**LEGEND**

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- INDICATES 1/2" REBAR PER HM 84-24 (RECORD HM 2012-23)





# Aerial Map

Beluga Lake

Subject lots for Plat and CUP



City of Homer  
Planning and Zoning Department

October 4, 2022

## Request for Preliminary Plat and Conditional Use Permit 1450 Lakeshore Drive

Marked lots are within the 500 feet  
and have recieved notification.

0 65 130 260 390 520 Feet



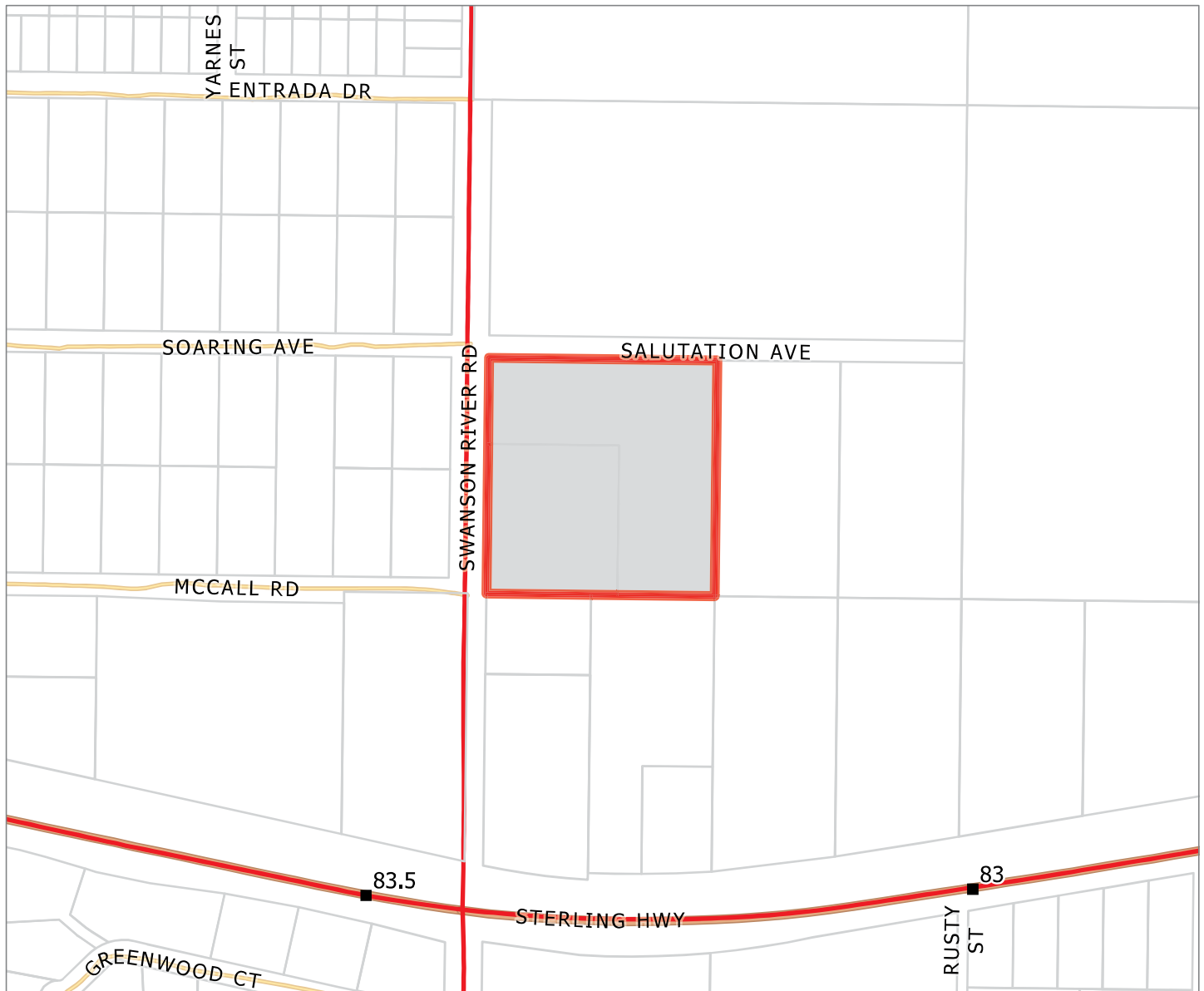
*Disclaimer:*  
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departments, employees and agents are  
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contained herein, or deductions, interpretations  
or conclusions drawn therefrom.

## **E. NEW BUSINESS**

### **3. McCall Subdivision 2022 Replat KPB File 2022-166**

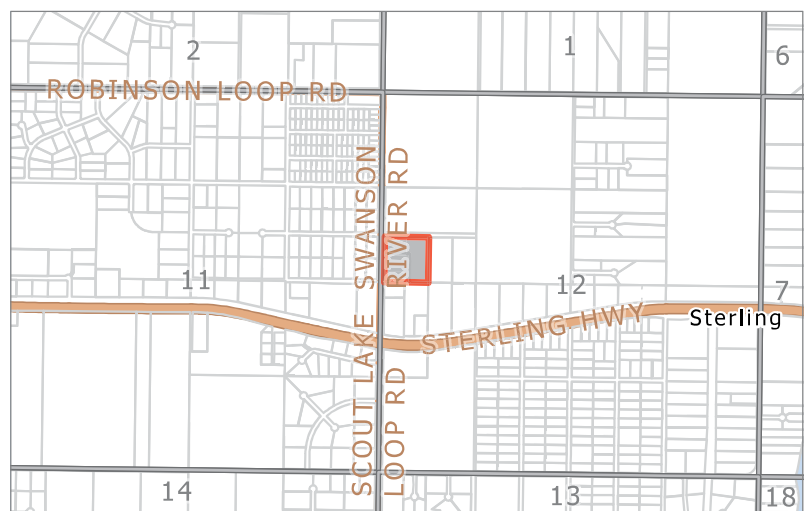
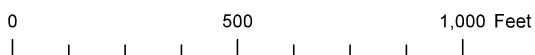


Vicinity Map



KPB File 2022-166  
T 05N R09W SEC 12  
Sterling

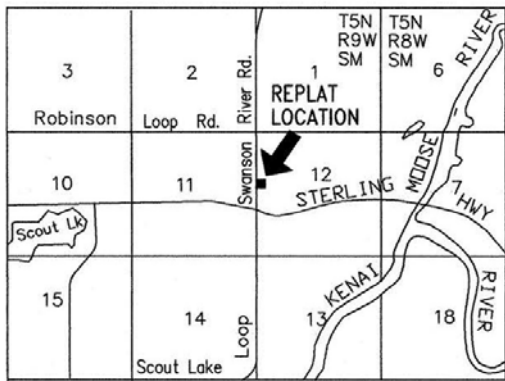
11/14/2022











VICINITY 1" = 1 mile MAP

# McCall Subdivision, 2022 Replat Preliminary Plat

A replat combining Tract A1 McCall Subd., #2, (KRD 85-109) with an adjacent deed parcel.  
Located in the NW 1/4 Section 12, T5N R9W, SM, Sterling, Alaska.  
Kenai Recording District Kenai Peninsula Borough

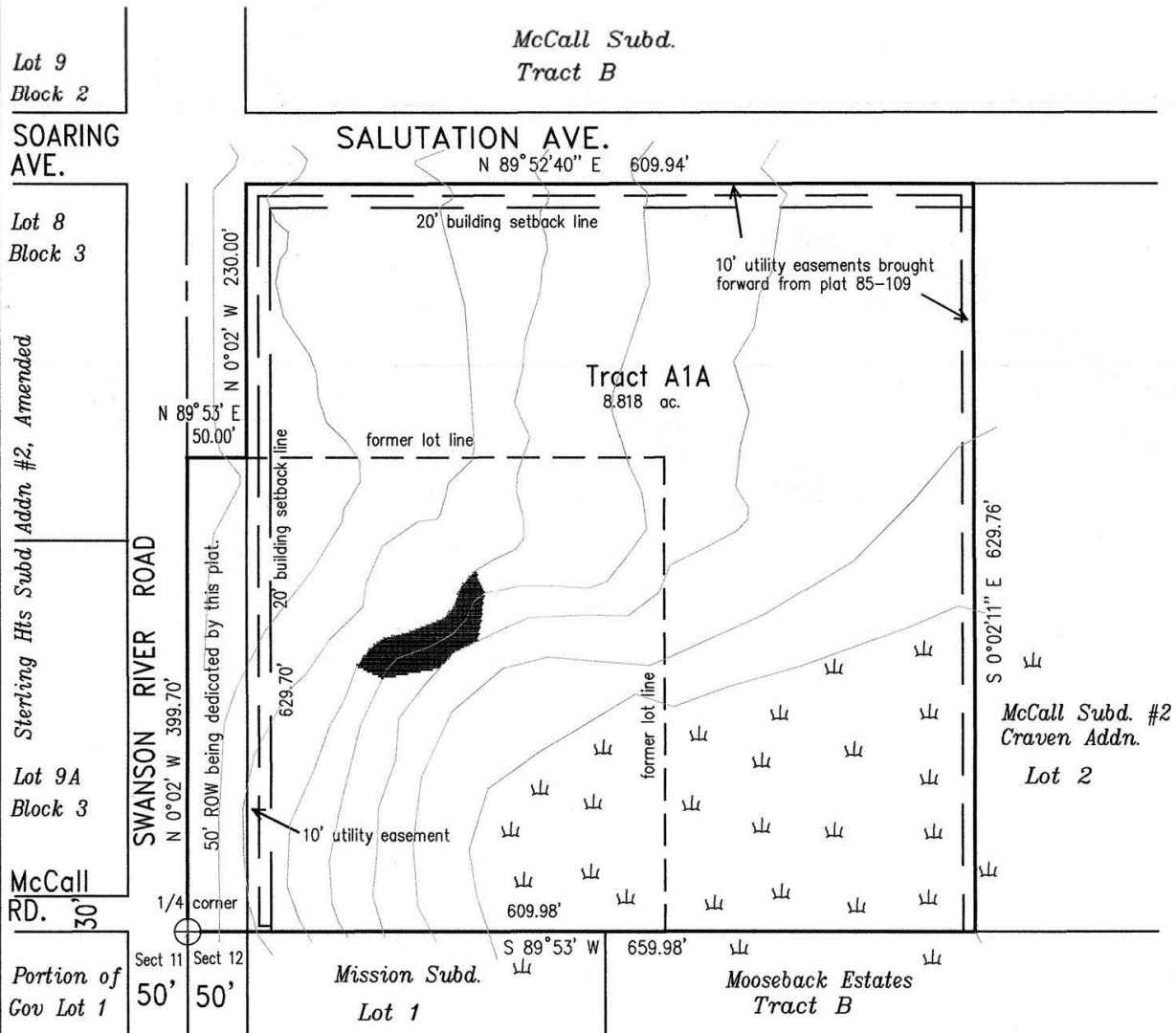
**Prepared for**  
Donald W & Royce R Marlowe  
38540 Swanson River Rd.  
Sterling, AK 99672

**Prepared by**  
Johnson Surveying  
P.O. Box 27  
Clam Gulch, Ak 99568  
(907) 262-5772

SCALE 1" = 100' AREA = 9.277 acres  
1 September, 2022

## NOTES

1. A building setback of 20' from all street ROWs is required unless a lesser standard is approved by a resolution of the appropriate planning commission.  
Front 10' adjoining ROWs is also a utility easement, extending to 20' within 5' of side lot lines.
2. No permanent structure shall be constructed or placed within a utility easement which would interfere with the ability of a utility to use the easement.
3. This property is subject to a Reservation of Easement for highway purposes, and any assignments or uses thereof for recreational, utility or other purposes, as disclosed by Public Land Order No. 601, dated August 10, 1949 and amended by Public Land Order No. 757, dated October 10, 1959; Public Land Order No. 1613, dated April 7, 1958; and Department of the Interior No. 2665, dated September 15, 1956, filed in the Federal Register.
4. This property is subject to electrical easements granted to Homer Electric Association, Inc. by Kenai Records Misc Books 11 Page 115 and Book 12 Page 27. These are general easements, no definite locations given.
3. Contour interval 4'. shaded areas indicate grades over 25%.



KPB 2022-166

AGENDA ITEM E. NEW BUSINESS

ITEM 3 - MCCALL SUBDIVISION 2022 REPLAT

<b>KPB File No.</b>	2022-166
<b>Plat Committee Meeting:</b>	December 12, 2022
<b>Applicant / Owner:</b>	Donald and Royce Marlowe
<b>Surveyor:</b>	Jerry Johnson / Johnson Surveying
<b>General Location:</b>	Swanson River Road, Salutation Avenue, Sterling

<b>Parent Parcel No.:</b>	063-330-41 and 063-330-42
<b>Legal Description:</b>	Deed parcel and Tract A1 McCall Subdivision #2, Plat KN 85-109
<b>Assessing Use:</b>	Residential
<b>Zoning:</b>	Rural Unrestricted
<b>Water / Wastewater</b>	On Site

STAFF REPORT

**Specific Request / Scope of Subdivision:** The proposed plat will combine two parcels into one tract that will be 8.818 acres and dedicate a portion of Swanson River Road.

**Location and Legal Access (existing and proposed):** The subdivision is located along Swanson River Road and Salutation Avenue. Swanson River Road is located near mile 83.5 of the Sterling Highway. Swanson River Road is a varying width right-of-way atop section line easements and is constructed and maintained by the State of Alaska. Swanson River Road is to be a 100 foot wide right-of-way. This plat will be dedicating a portion of a 50 foot width along the deed parcel. Salutation Avenue is a 60 foot wide constructed right-of-way that is not maintained by the borough or state.

The proposed plat contains a deed parcel. While KPB GIS mapping excludes the area for the Swanson River Road the area adjacent has not been formally dedicated. This plat will dedicate that adjoining 50 foot portion. The tract was previously subdivided and dedicated the 50 foot for Swanson River Road for the adjacent portion.

The deed parcel has access from Swanson River Road while the tract as access from Swanson River Road and Salutation Avenue. The replat will continue to have access from both rights-of-way. A developed access appears to be onto the deed parcel from Swanson River Road. There does not appear to be access constructed from Salutation Avenue and all structures within the two lots are accessed from the same driveway off Swanson River Road.

Section line easements are located within the Swanson River Road dedication. The section line easements do not need to be noted except in relation to the depiction of the Government Lot located to the southwest. That lot has not been platted and the Swanson River Road dedication does not appear to have occurred. The lot depiction should be revised and it should be noted that a section line easement is present.

The block is incomplete and not compliant to KPB Code. The block is currently defined by the Sterling Highway, Swanson River Road and Salutation Avenue. The length along Swanson River Road between the Sterling Highway and Salutation Avenue is approximately 1,450 feet. KPB Code requires blocks to not be more than 1,320 feet. KPB Code also states blocks along state maintained rights-of-way should be no less than 800 feet. Requiring a dedication along the southern boundary will make the block less than 800 feet. A dedication along the south will also go through low wet areas and potential waters located to the east if the road was to continue. Salutation Avenue should extend further to the east in future to provide a closed block by connecting to Grandview Drive. ***Staff recommends the plat committee concur an exception to block length is not required nor any new dedications as any new dedications will not provide the best location for right-of-way continuations and future projections, dedications will not close the block, and future continuation of Salutation Avenue will provide a closed larger block.***



KPB Roads Dept. comments	Out of Jurisdiction: No Roads Director: Uhlin, Dil Comments: No comments
SOA DOT comments	

**Site Investigation:** Low wet areas are present within the southeastern portion of the subdivision. **Staff recommends** the depiction of the low wet areas remain on the final plat and a wetlands determination note be added.

A small area of steep slopes is present within the deed parcel. The impact to development is minimal and existing structures are on the property. **Staff recommends** contours and steep slopes may be removed from the final plat.

The deed parcel contains a residential dwelling and the tract contains multiple out buildings. The buildings do not appear to create any encroachment issues but some may be close or crossing property lines that will be removed by this plat. Any encroachment issues will be resolved by this platting action.

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

**Staff Analysis** The proposed plat will combine a deed parcel with a previously platted tract. The deed parcel will provide any required dedications and utility easements per outlined in KPB Code. The tract was originally part of McCall Subdivision, Plat KN 76-175 and was later replatted by McCall Subdivision No. 2, Plat KN 85-109. All easements and required plat notes will be carried over from the parent plats.

A soils report will not be required as this platting action will be increasing the usable area into a tract larger than 200,000 square feet.

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 not within an advisory planning commission.

**Utility Easements** McCall Subdivision, Plat KN 76-176, did not create any utility easements to carry over as the standard easements along dedicated rights-of-way were not required. A building setback was created. McCall Subdivision No. 2, Plat KN 85-109, granted 10 foot utility easements along Salutation Avenue, originally named Hi Avenue, and along the eastern property line. The plat has carried over the easements. **Staff recommends** the label for the easement be revised to state "granted by plat KN 85-109".

This plat will be granting 10 foot utility easements that increase to 20 feet within 5 feet of the side lot lines. These easements will be granted along Swanson River Road's existing dedication and the new dedication. **Staff recommends** the label include "granted by this plat".

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

**Utility provider review:**

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

**KPB department / agency review:**

Addressing	<p>Reviewer: Haws, Derek  Affected Addresses:  38540 SWANSON RIVER RD  38580 SWANSON RIVER RD</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names:  SWANSON RIVER RD  MCCALL RD  SALUTATION AVE  SOARING AVE</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:  38540 SWANSON RIVER RD will remain with tract A1A.  38580 SWANSON RIVER RD will be deleted.</p>
Code Compliance	<p>Reviewer: Ogren, Eric  Comments: No comments</p>
Planner	<p>Reviewer: Raidmae, Ryan  There are not any Local Option Zoning District issues with this proposed plat.</p> <p>Material Site Comments:  There are not any material site issues with this proposed plat.</p>
Assessing	<p>Reviewer: Windsor, Heather  Comments: No comment</p>

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

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

- Add legend to drawing

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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:** *The legal description will need to include more information regarding the deed parcel. As the legal description is long it may state "Deed parcel as described in warranty deed found in Book 188, Page 86, KRD.*

C. The location, width, and name of existing or platted streets and public ways, railroad rights-of-way, and other important features such as section lines or political subdivisions or municipal corporation boundaries abutting the subdivision;

**Staff recommendation:** *Provide a width label for Salutation Avenue.*

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:** *It appears that the portion of Government Lot 1 should be drawn to the section line with the section line easement labeled for that portion. Width label for Soaring Avenue should be added and update McCall Road width to 40 foot for the portion shown.*

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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.*

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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 is not required as lots are increasing in size and will be over 200,000 square feet. Add correct wastewater disposal notes.*

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

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**KPB 20.60 – Final Plat**

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

20.60.040. Dedication of public use lands. Any land shown on a plat as a street, public park or other public area must be dedicated on the final plat to a tax exempt governmental entity. If the governmental entity is not



the Kenai Peninsula Borough, the governmental entity shall be required to execute an acceptance of the dedication on the plat.

**Staff recommendation:** *The dedication of Swanson River Road will need to be accepted by State of Alaska DOT. Please work with DOT for correct authorized personnel and acquiring signature.*

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.*

- *"No access to state maintained rights-of-way permitted unless approved by the State of Alaska Department of Transportation."*
- *WASTEWATER DISPOSAL: Wastewater treatment and disposal systems must meet the regulatory requirements of the Alaska Department of Environmental Conservation.*
- *Restriction apply for water well locations per the terms and conditions within Book 286 Page 651, KRD.*
- *The borough will not enforce private covenants, easements, or deed restrictions per KPB 20.60.170.*
- *Any person developing the property is responsible for obtaining all required local, state, and federal permits, including a U.S. Army Corps of Engineers wetland determination if applicable.*

*Check plat note numbers before submitting the final.*

*Plat note 3 should include the original date with amendments being noted with their dates.*

*Plat note 4, replace "Kenai Records" with "Kenai Recording District" or "KRD".*

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**RECOMMENDATION:**

**STAFF RECOMMENDS:**

- **GRANT APPROVAL OF THE PRELIMINARY PLAT SUBJECT TO STAFF RECOMMENDATIONS, AND**
- **COMPLIANCE WITH KPB 20.25.070 (FORM AND CONTENTS), KPB 20.25.080 (PETITION REQUIRED), KPB 20.30 (DESIGN REQUIREMENTS); AND KPB 20.40 (WASTEWATER DISPOSAL), AND**
- **COMPLIANCE WITH KPB 20.60 TO ENSURE ADMINISTRATIVE APPROVAL OF THE FINAL PLAT.**

**NOTE: 20.25.120. - REVIEW AND APPEAL.**

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

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

**END OF STAFF REPORT**



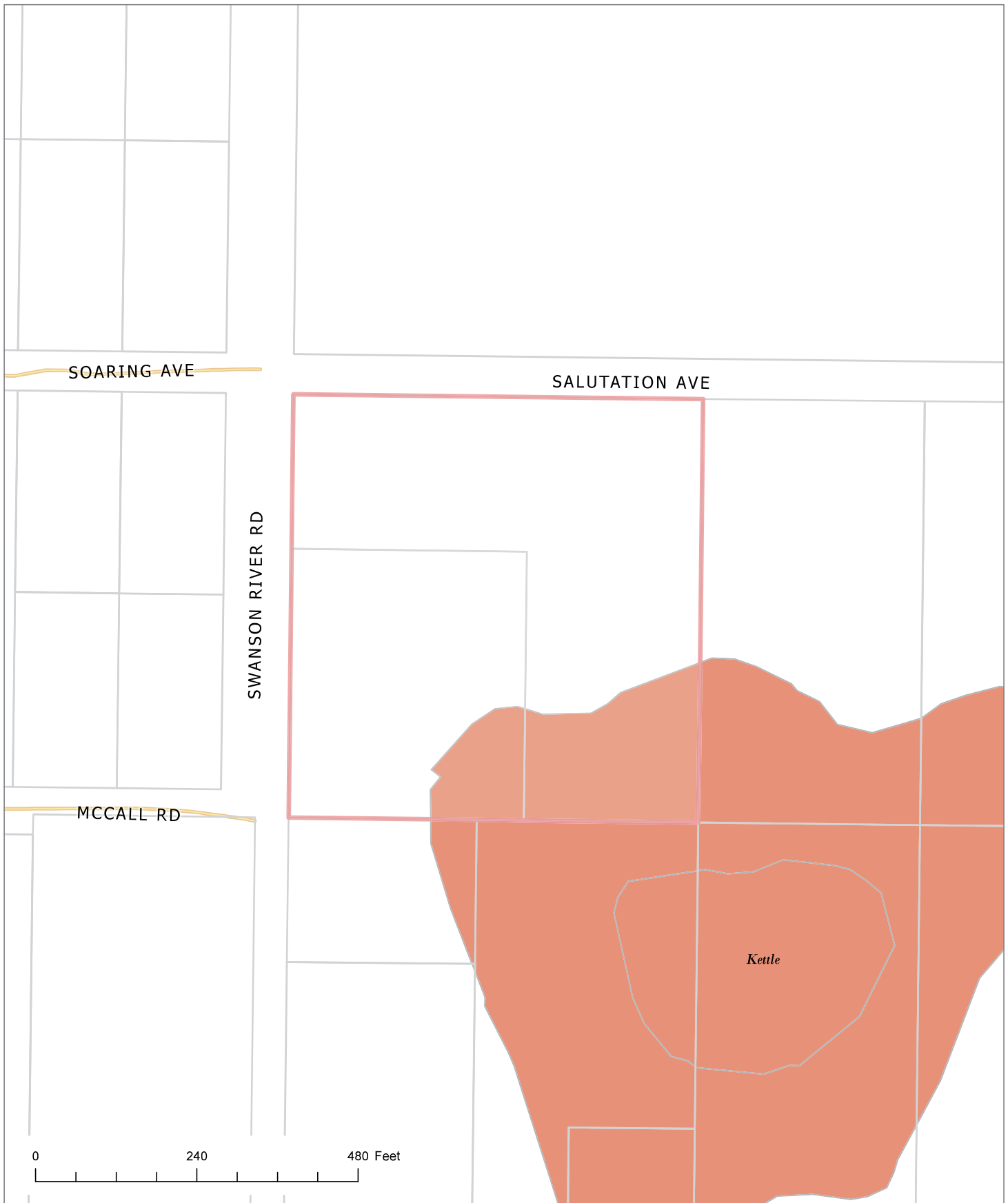


**Aerial View**

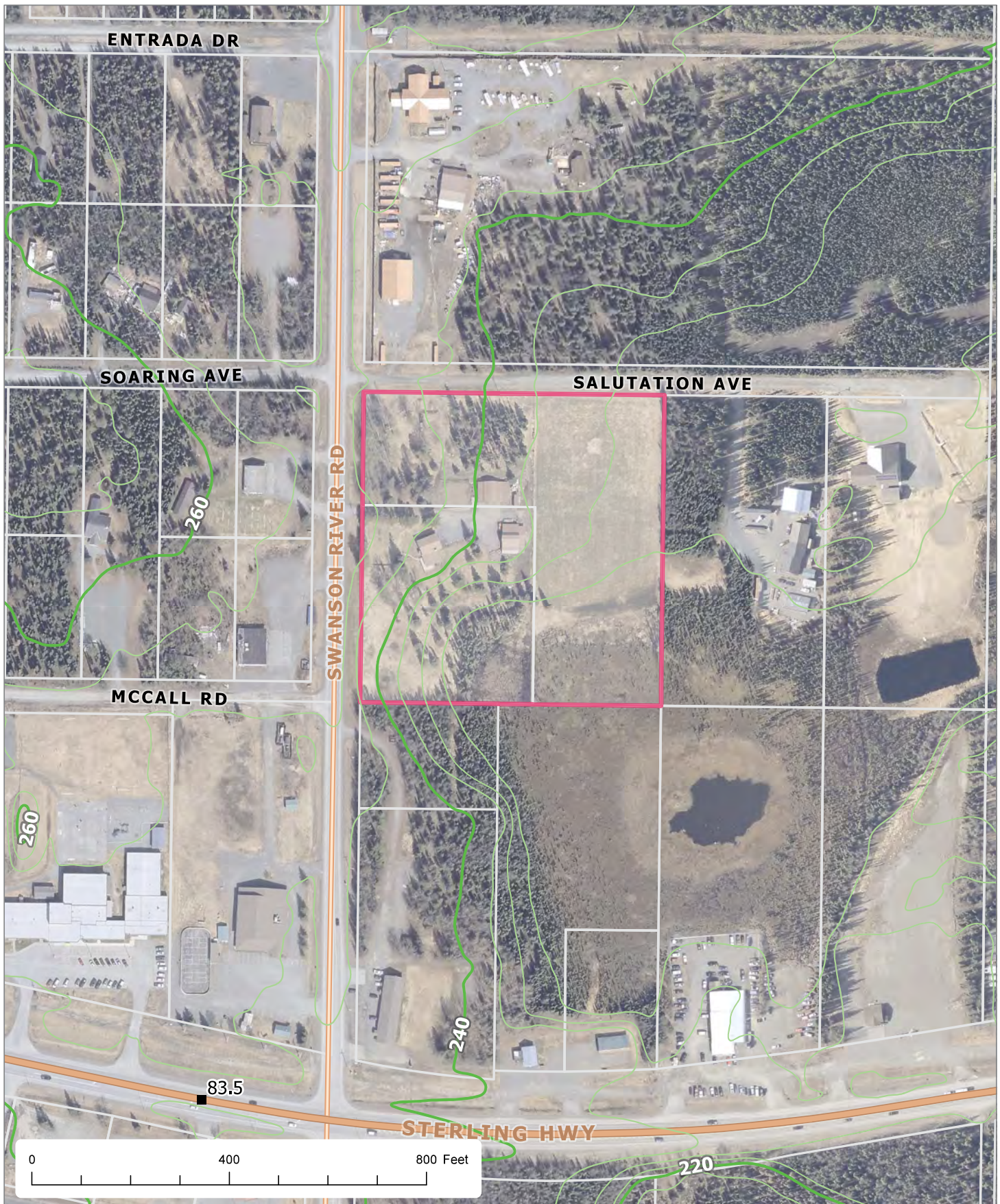




**Wetlands**









(S 89° 57' W — 5276.70)

1 6  
12 7

Donald W. Marlowe  
Donald W. Marlowe—owner—Box 3, Sterling, AK. 99672

Royce R. Marlowe  
Royce R. Marlowe—owner

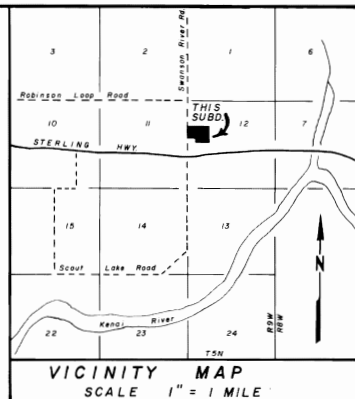


NOTARY'S ACKNOWLEDGEMENT

Subscribed and sworn before me this 9<sup>th</sup> day of December, 1976.

My commission expires September 21, 1980  
Carolyn R. Thompson  
notary public for Alaska

(NORTH — 5580.00)

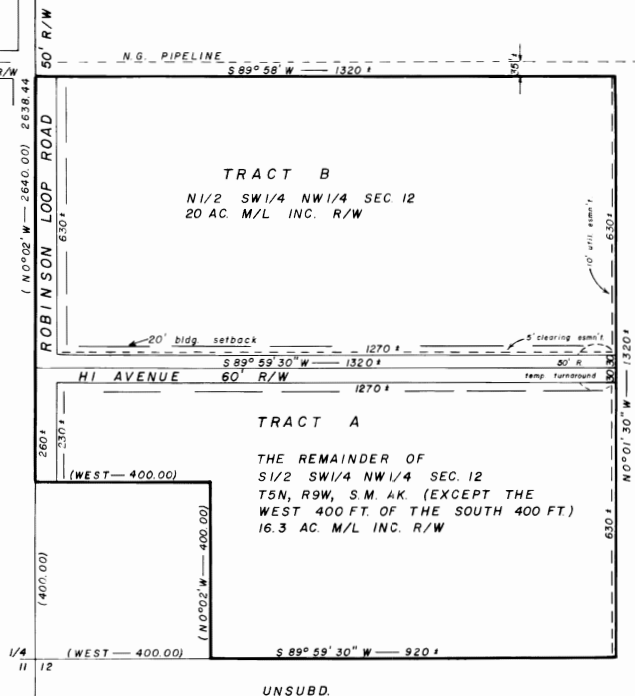


STERLING HEIGHTS SUBD.

UNSUBD.

ENTRADA DRIVE 60' R/W

UNSUBD. McCall  
Remainder 40 AC.



CERTIFICATE OF OWNERSHIP AND DEDICATION

We hereby certify that we are the owners of said property, and request the approval of this plat showing such easements for public utilities, roadways, and/or streets dedicated by us for public use

Fred F. McCall  
Fred F. McCall—owner—Box 592, Sterling, Ak. 99672

Thelma F. McCall  
Thelma F. McCall—owner

NOTARY'S ACKNOWLEDGEMENT

Subscribed and sworn before me this 15<sup>th</sup> day of November, 1976.

My commission expires June 19, 1977

NOTES:

This is a paper plat subdivision of the remainder of SW 1/4 NW 1/4 SECTION 12, T5N, R9W, S.M. AK. divided by aliquot parts.

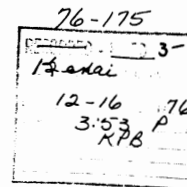
All bearings and distances refer to the G.L.O. official township plat of T5N, R9W, S.M. AK.

Date of record shown in ( ).

No field survey was accomplished this date nor were any monuments, stakes, or etc. set.

All wastewater disposal systems shall comply with existing law at time of construction.

Louise M. Mendoza  
notary public for Alaska



PLAT APPROVAL

Plat approved by the Commission this 1<sup>st</sup> day of December, 1976.

John W. Winters  
Mayor or  
Planning Director

12 7  
13 18

McCALL SUBDIVISION

Fred F. and Thelma F. McCall, owners  
Box 592, Sterling, Ak. 99672

DESCRIPTION  
THE REMAINDER OF SW 1/4 NW 1/4 SECTION 12  
T5N, R9W, S.M. AK. (EXCEPTING THE WEST  
400 FT. OF THE SOUTH 400 FT.) CONTAINING  
36.3 ACRES M/L IN THE KENAI PENINSULA  
BOROUGH.

Prepared by: McLane & Associates

DATE  
Sept. 23, 1976

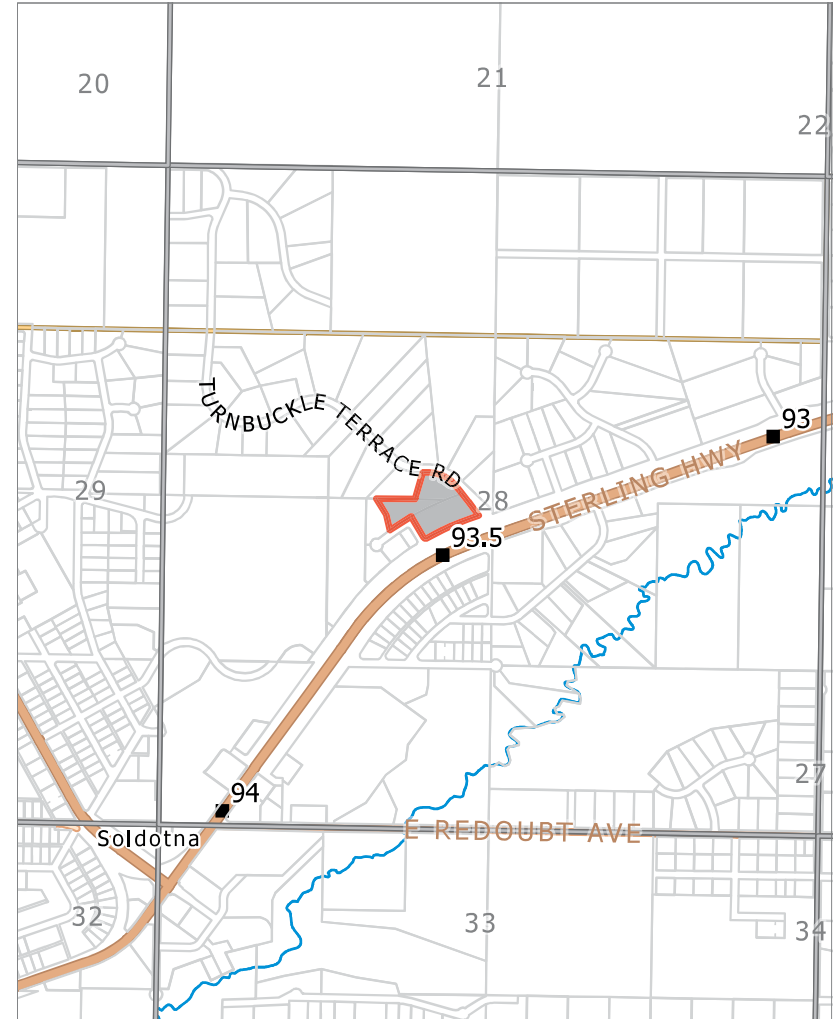
SCALE  
1" = 200'





## **E. NEW BUSINESS**

### **4. Pace's Pleasant Haven 2022 Replat KPB File 2022-168**



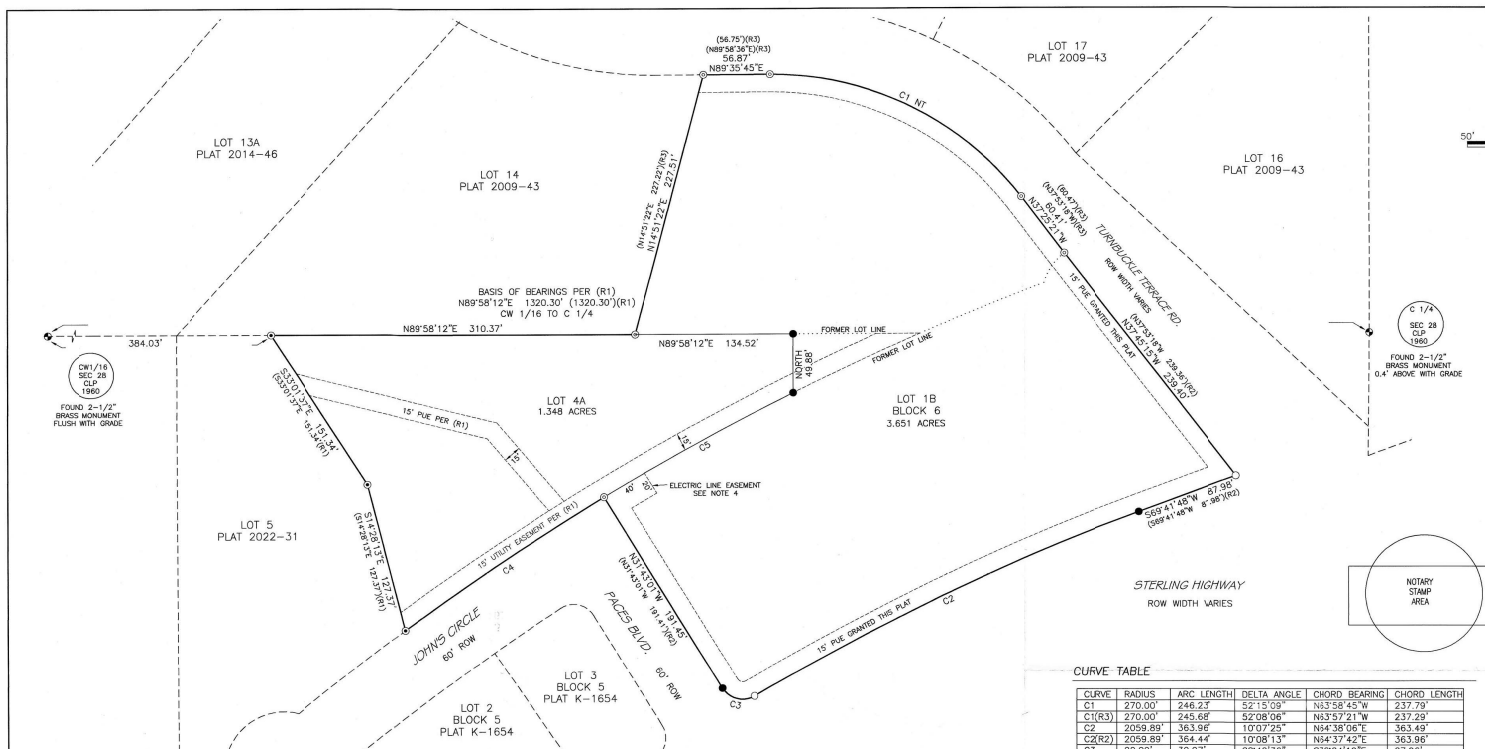
KPB File # 2022-168  
S28 T05N R10W  
Soldotna





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.





PRELIMINARY

## LEGEND

●	FOUND PRIMARY MONUMENT AS REFERENCED	—————	SUBDIVISION BOUNDARY
○	FOUND SECONDARY MONUMENT 1/2" REBAR	—————	INTERIOR LOT LINE
⊙	FOUND SECONDARY MONUMENT 5/8" REBAR WITH 2" ALUMINUM CAP STAMPED LS 4928-S	—————	ADJACENT PROPERTY LINE
⊙	FOUND SECONDARY MONUMENT 5/8" REBAR WITH 2" ALUMINUM CAP STAMPED EDGE SURVEY LS-13022 1022	—————	EASEMENT
●	SET SECONDARY MONUMENT 5/8" x 30" REBAR WITH 2" ALUMINUM CAP STAMPED EDGE SURVEY LS-13022 2022	—————	FORMER LOT LINE
		(R#)	RECORD DATA, SEE REFERENCE
		NT	NON-TANGENTIAL, HELD RECORD RADIUS

## REFERENCES

- (R1) PACE'S PLEASANT HAVEN SUBDIVISION ADDITION NO. 3, PLAT NO. 2022-31, KENAI RECORDING DISTRICT  
 (R2) PACE'S PLEASANT HAVEN SUBDIVISION ADDITION NO. 2, PLAT NO. 2010-59, KENAI RECORDING DISTRICT  
 (R3) EASTGATE SUBDIVISION, PLAT NO. 2009-43, KENAI RECORDING DISTRICT

## PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF DECEMBER 12, 2022.  
 KENAI PENINSULA BOROUGH

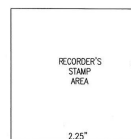
AUTHORIZED OFFICIAL

## NOTES

- THIS SUBDIVISION IS SUBJECT TO CITY OF SOLDOTNA ZONING REGULATIONS.
- THE FRONT 15 FEET ADJACENT TO THE RIGHTS-OF-WAY IS A UTILITY EASEMENT. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
- THIS SUBDIVISION SUBJECT TO RESERVATION OF EASEMENT FOR HIGHWAY PURPOSES, AND ANY ASSIGNMENTS OR USES THEREOF FOR RECREATIONAL, UTILITY OR OTHER PURPOSES, AS DISCLOSED BY PUBLIC LAND ORDER NO. 601, DATED AUGUST 10, 1949 AND AMENDED BY PUBLIC LAND ORDER NO. 757, DATED OCTOBER 10, 1959; PUBLIC LAND ORDER NO. 1613, DATED APRIL 7, 1995; 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.
- FORMER LOT 1A SUBJECT TO EASEMENT FOR ELECTRIC LINES OR SYSTEM AND/OR TELEPHONE LINES TOGETHER WITH RIGHT TO ENTER, MAINTAIN, REPAIR AND CLEAR SHRUBBERY, RECORDED: APRIL 21, 2021, VOLUME/PAGE: 2021-003904-0, GRANTED TO HOMER ELECTRIC ASSOCIATION, INC.
- FORMER LOT 15 SUBJECT TO EASEMENT, WITH NO DEFINED LOCATION, FOR ELECTRIC LINES OR SYSTEM AND/OR TELEPHONE LINES TOGETHER WITH RIGHT TO ENTER, MAINTAIN, REPAIR AND CLEAR SHRUBBERY, RECORDED: OCTOBER 31, 2008, VOLUME/PAGE: 2008-011300-0, GRANTED TO HOMER ELECTRIC ASSOCIATION, INC.
- THIS SUBDIVISION SUBJECT TO COVENANTS, CONDITIONS AND RESTRICTIONS, INCLUDING THE TERMS AND PROVISIONS THEREOF, BUT DELETING ANY COVENANT, CONDITION OR RESTRICTION INDICATING A PREFERENCE, LIMITATION OR DISCRIMINATION BASED ON RACE, COLOR, RELIGION, SEX, HANDICAP, FAMILIAL STATUS OR NATIONAL ORIGIN TO THE EXTENT SUCH COVENANT, CONDITION OR RESTRICTION VIOLATES 42 USC 3604 (C), AS CONTAINED IN AN INSTRUMENT, RECORDED: AUGUST 4, 2009, SERIAL NO.: 2009-007713-0.
- THE KENAI PENINSULA BOROUGH WILL NOT ENFORCE PRIVATE COVENANTS, EASEMENTS, OR DEED RESTRICTIONS PER KPB 20.60.170.
- WASTE WATER DISPOSAL: WASTEWATER TREATMENT AND DISPOSAL SYSTEMS MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

## CERTIFICATE OF SURVEYOR

I, MARK AMONETTI 13022-S, HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF ALASKA AND THAT THIS PLAT REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, AND THAT THE MONUMENTS SHOWN ON THIS SURVEY ACTUALLY EXIST AS DESCRIBED, AND THAT ALL DIMENSIONAL AND OTHER DETAILS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.



## CERTIFICATE OF OWNERSHIP AND DEDICATION

I HEREBY CERTIFY THAT KOA FAMILY TRUST AND WHISTLE HILL LLC, IS THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND THAT ON BEHALF OF KOA FAMILY TRUST AND WHISTLE HILL LLC, I HEREBY ADOPT THIS PLAN OF SUBDIVISION AND BY MY FREE CONSENT DEDICATE ALL RIGHTS-OF-WAYS AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

KOA FAMILY TRUST  
 HENRY KRULL, CO-TRUSTEE  
 36156 TREMOLO CIRCLE  
 SOLDOTNA, ALASKA 99669

WHISTLE HILL LLC  
 HENRY KRULL, CO-TRUSTEE  
 43550 WHISTLE HILL LOOP  
 SOLDOTNA, ALASKA 99669

## NOTARY ACKNOWLEDGEMENT

FOR: HENRY KRULL  
 ACKNOWLEDGED BEFORE ME

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023

NOTARY PUBLIC SIGNATURE

KPB FILE No. 2022-000

## PACE'S PLEASANT HAVEN 2022 REPLAT

A REPLAT OF  
 LOTS 1A AND 4  
 PACE'S PLEASANT HAVEN SUBDIVISION  
 ADDITION NO. 3 PLAT 2022-31  
 AND  
 LOT 15  
 EASTGATE SUBDIVISION  
 PLAT 2009-43

## OWNERS:

KOA FAMILY TRUST  
 36156 TREMOLO CIRCLE  
 SOLDOTNA, ALASKA 99669  
 AND  
 WHISTLE HILL LLC  
 43550 WHISTLE HILL LOOP  
 SOLDOTNA, ALASKA 99669

LOCATED WITHIN SW 1/4 SECTION 28,  
 T-5N, R-10W, S-4M,  
 STATE OF ALASKA  
 KENAI PENINSULA BOROUGH  
 KENAI RECORDING DISTRICT  
 CITY OF SOLDOTNA  
 CONTAINING 4.999 ACRES



12501 OLD SEWARD, D ANCHORAGE, AK 99515  
 Phone (907) 344-5990 Fax (907) 344-7794

AEC# 1392

DRAWN BY:	DATE:	PROJECT:
JY	11/15/2022	22-588
CHECKED BY:	SCALE:	SHEET:
MA	1" = 50'	1 OF 1

KPB 2022-168

AGENDA ITEM E. NEW BUSINESS

ITEM 4 - PACE'S PLEASANT HAVEN 2022 REPLAT

<b>KPB File No.</b>	2022-168
<b>Plat Committee Meeting:</b>	December 12, 2022
<b>Applicant / Owner:</b>	KOA Family Trust and Whistle Hill LLC both of Soldotna, Alaska
<b>Surveyor:</b>	Jason Young, Mark Aimonetti / Edge Survey and Design
<b>General Location:</b>	Whistle Hill Loop, Paces Boulevard, Turnbuckle Terrace Road, City of Soldotna

<b>Parent Parcel No.:</b>	059-012-18, 059-260-11, and 059-260-12
<b>Legal Description:</b>	Lot 1A Block 6 Pace's Pleasant Haven Subdivision Addition No. 2, Plat KN 2010-59, Lot 15 Eastgate Subdivision, Plat KN 2009-43, and Lot 4 Pace's Pleasant Haven Subdivision Addition No. 3, Plat KN 2022-31
<b>Assessing Use:</b>	General Commercial, Residential
<b>Zoning:</b>	Commercial
<b>Water / Wastewater</b>	On Site

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STAFF REPORT

**Specific Request / Scope of Subdivision:** The proposed plat will reconfigure three lots into two parcels that will be 3.651 acres and 1.348 acres.

**Location and Legal Access (existing and proposed):** The subdivision is located within the City of Soldotna near mile 93.5 of the Sterling Highway. Within the Sterling Highway dedication is state maintained frontage road Whistle Hill Loop. Whistle Hill Loop provides access to the subdivision. City managed roads Paces Boulevard and Turnbuckle Terrace Road are off Whistle Hill Loop and provide additional access. Proposed Lot 4A will continue having access from Paces Boulevard and also from Johns Circle located at the end of Paces Boulevard. Proposed Lot 1B will continue have constructed access from Whistle Hill Loop and Turnbuckle Terraces Road and access from Paces Boulevard.

The block does not close. Johns Circle ends in a cul-de-sac. Proposed Lot 1B has improvements that limit the continuation of Johns Circle to Turnbuckle Terrace Road. A continuation of Paces Boulevard would greatly affect the lots north of the subdivision in addition to splitting the intended Lot 4A. ***Staff recommends the plat committee concur that an exception is not required, as any required dedication would not improve the block.***

KPB Roads Dept. comments	Out of Jurisdiction: Yes  Roads Director: Uhlin, Dil Comments: No comments
SOA DOT comments	

**Site Investigation:** There are no low wet areas present within the subdivision. Some steep terrain does appear to be present where the existing driveway connects to Turnbuckle Terrace Road. As this is an existing drive and the City of Soldotna had no concerns, ***staff recommends the terrain not be shown and no additional information is required regarding construction of access.***

Proposed Lot 4A is current vacant. Proposed Lot 1B will contain multiple existing businesses and parking areas. Per the City of Soldotna Planning and Zoning minutes, the owners are constructing a solar farm on some of the property and the reconfiguration of the lots will help with the layout and construction. The city zoning also requires parking lots be located on the lot the lot services. The expansion of the lot will allow for additional parking to be added as development on the lots expands and the parking needs expand.

KPB River Center review	<p>A. Floodplain Reviewer: Carver, Nancy Floodplain Status: Within City of Soldotna/Kenai 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** The proposed subdivision will be reconfiguring three lots into two lots. The proposed Lot 4A is relatively unchanged except for the east triangle piece that will be removed and added to Lot 1B which also combines the other two parent lots. Parent Lot 4 was created by Pace's Pleasant Haven Subdivision Addition No. 3, Plat KN 2022-31 when that plat subdivided an aliquot remainder parcel. Parent Lot 15 was created by Eastgate Subdivision, Plat KN 2009-43 that subdivided a remainder of property. Parent Lot 1A was created by Pace's Pleasant Haven Subdivision Addition No. 2, Plat KN 2010-59 when the plat reconfigured and vacated a right-of-way created by Pace's Pleasant Haven Subdivision Addition No. 1, Plat K-1654.

Municipal sewer and water are not available. Lot 1B is combining lots and increasing available acreage. Lot 4A is decreasing 1.408 acres to 1.348 acres. A soils analysis report was performed for Pace's Pleasant Haven Subdivision Addition No. 3, Plat KN 2022-31. Due to the location of the existing well and sewer on the neighboring lot the soils report showed the ideal location for the well would be in the northwest corner of Lot 4 and a test hole was done on the eastern portion of the subdivision. The analysis determined that the soils were not suited for a conventional system. The City of Soldotna Planning and Zoning Resolution PZ 2022-015 indicates city services are not available but expansion is planned. Due to the minor change in acreage, future city services, and that future systems will still need to comply with the previous supplied soils analysis report, **staff recommends the plat committee concur that a new soils report for Lot 4A is not required and additional plat notes be added to show the previous reports findings and how the soils report may be obtained.**

Notice of the proposed plat was mailed to the beneficial interest holder on November 28, 2022. The beneficial interest holder will be given 30 days from the date of the mailing of the notification to respond. They are given the opportunity to notify staff if their beneficial interest prohibits or restricts subdivision or requires their signature on the final plat. If no response is received within 30 days, staff will assume they have no requirements regarding the subdivision and it may be finalized.

The City of Soldotna Planning and Zoning Commission heard and recommended approval at their November 2, 2022 meeting. They adopted Resolution PZ2022-015. The resolution notes that city water and sewer are not available at this time and that an installation is not required.

**Utility Easements** Several easements have been granted by recorded documents and are depicted if locations are known and plat notes have been added. 15 foot utility easements within parent Lot 4 were created by Pace's Pleasant Haven Subdivision Addition No. 3, Plat KN 2022-31 and are depicted. **Staff recommends the labels be revised from "Per" to "granted by".**

The 15 foot easement within Lot 4A should include the original notation. **Staff recommends a plat note be added or a label that states "centered on existing power poles including poles, anchors, and guys."**



Along Turnbuckle Terrace Road a 10 foot utility easement was granted by Eastgate Subdivision, Plat KN 2009-43, within Lot 15. **Staff recommends** either a depiction of the ten foot be added citing Plat KN 2009-43 or a plat note be added or note 2 be revised to state 10 foot was created by Plat KN 2009-43 within parent lot 15 and is being increased by 5 feet for a 15 foot utility easement.

This plat is granting 15 foot utility easements along all dedications.

It was commented by HEA that a request for line installation was received and that they prepared an easement document for an easement over the new line. They are requesting that it be reviewed to determine if additional easements will be required. **Staff recommends** the owners/surveyor work with HEA to determine if new easements are required and if easements are being created by document that they be noted and depicted on the final.

ACS noted that there is an existing plant within Lot 4A that goes to Lot 14 to the north. The original comment received from ACS required clarification from staff. ACS went to expect the area in question and believes the plat as submitted is acceptable. **Staff recommends** the surveyor verify the true location of the utilities and if within an existing utility easement there will be no additional easements required but if found outside the easements a new 15 foot easement centered on the line will be required.

Due to the known requests, **staff recommends** the surveyor provide the final plat to HEA and ACS to allow their review and to provide written agreement or non-objection to staff with the final submittal.

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	HEA received construction plans that have been used to design a new underground electric line. The proposed line is shown in the easement document that was prepared by HEA and is attached. Verify that the new lot line will not create a situation where an easement may be necessary for the electric line to be installed.
ENSTAR	No comments or recommendations
ACS	ACS updated comment states if utilities are within existing utility easements there are no objections.
GCI	Approved as shown

**KPB department / agency review:**

Addressing	<p>Reviewer: Haws, Derek</p> <p>Affected Addresses:</p> <p>43540 WHISTLE HILL LOOP</p> <p>43550 WHISTLE HILL LOOP</p> <p>43556 WHISTLE HILL LOOP</p> <p>43544 WHISTLE HILL LOOP</p> <p>43546 WHISTLE HILL LOOP</p> <p>231 JOHNS CIR</p> <p>Existing Street Names are Correct: No</p> <p>List of Correct Street Names:</p> <p>TURNBUCKLE TERRACE RD</p> <p>PACES BLVD</p> <p>JOHNS CIR</p> <p>STERLING HWY</p>
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	<p>Existing Street Name Corrections Needed: WHISTLE HILL LOOP would be between STERLING HWY and Lot 1B block 6.</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: The city of Soldotna will advise on affected addresses.</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> <p>Review Not Required</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.

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

- Add recorded distance from CW1/16 corner to NW corner of Lot 4A

#### **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:** The parent legal description needs to be updated.
- C. The location, width, and name of existing or platted streets and public ways, railroad rights-of-way, and other important features such as section lines or political subdivisions or municipal corporation boundaries abutting the subdivision;
- Staff recommendation:** Within the dedication is the frontage road, Whistle Hill Loop. Update the labeling to indicate that the subdivision is access from Whistle Hill Loop.
- D. A vicinity map, drawn to scale showing location of proposed subdivision, north arrow if different from plat orientation, township and range, section lines, roads, political boundaries, and prominent natural and manmade features, such as shorelines or streams;

**Staff recommendation:** Correct overstrikes

- 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 proposed 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:** The frontage road is within the Sterling Highway dedication, the ROW width varies label may remain but the depiction should go to within 100 feet or to centerline if further than 100 feet.

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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.

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

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

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#### **KPB 20.40 – Wastewater Disposal**

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

- 20.40.010 Wastewater disposal.

*Platting Staff Comments:* Asking for concurrence for soils analysis report due to the previous plat's report and require additional plat notes.

**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.

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

**Staff recommendation:** Not required per the City of Soldotna Resolution No. PZ2022-015.

- 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.

- "No access to state maintained rights-of-way permitted unless approved by the State of Alaska Department of Transportation."



- Include a plat note to clarify the 15 foot utility easement per R1 is “centered on existing power poles including pole, anchors, and guys.
- Add a plat note for any new easements being granted if clarification is needed.
- Add a plat note for any new easements granted by recorded document since the title report was prepared.
- If concurrence is granted by the Plat Committee add, “Pace’s Pleasant Haven Subdivision Addition No. 3, Plat KN 2022-31, had a soils analysis report prepared for Lot 4 and found the soil conditions unsuitable for conventional onsite wastewater treatment and disposal systems. A new soils report was not required for Lot 4A and the parent subdivision soils report is available from the Kenai Peninsula Borough.

The recording district shall be added to notes 4-6.

20.60.190. Certificates, statements, and signatures required.

**Staff recommendation:** Additional documentation for signatures is required and updates to signature lines may be required. Staff is working with the owner for the documentation. Add which former lot the trust and LLC is signing on behalf of. Comply with 20.60.190.

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#### **RECOMMENDATION:**

#### **STAFF RECOMMENDS:**

- GRANT APPROVAL OF THE PRELIMINARY PLAT SUBJECT TO STAFF RECOMMENDATIONS, AND
- COMPLIANCE WITH KPB 20.25.070 (FORM AND CONTENTS), KPB 20.25.080 (PETITION REQUIRED), KPB 20.30 (DESIGN REQUIREMENTS); AND KPB 20.40 (WASTEWATER DISPOSAL), AND
- COMPLIANCE WITH KPB 20.60 TO ENSURE ADMINISTRATIVE APPROVAL OF THE FINAL PLAT.

NOTE: 20.25.120. - REVIEW AND APPEAL.

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

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

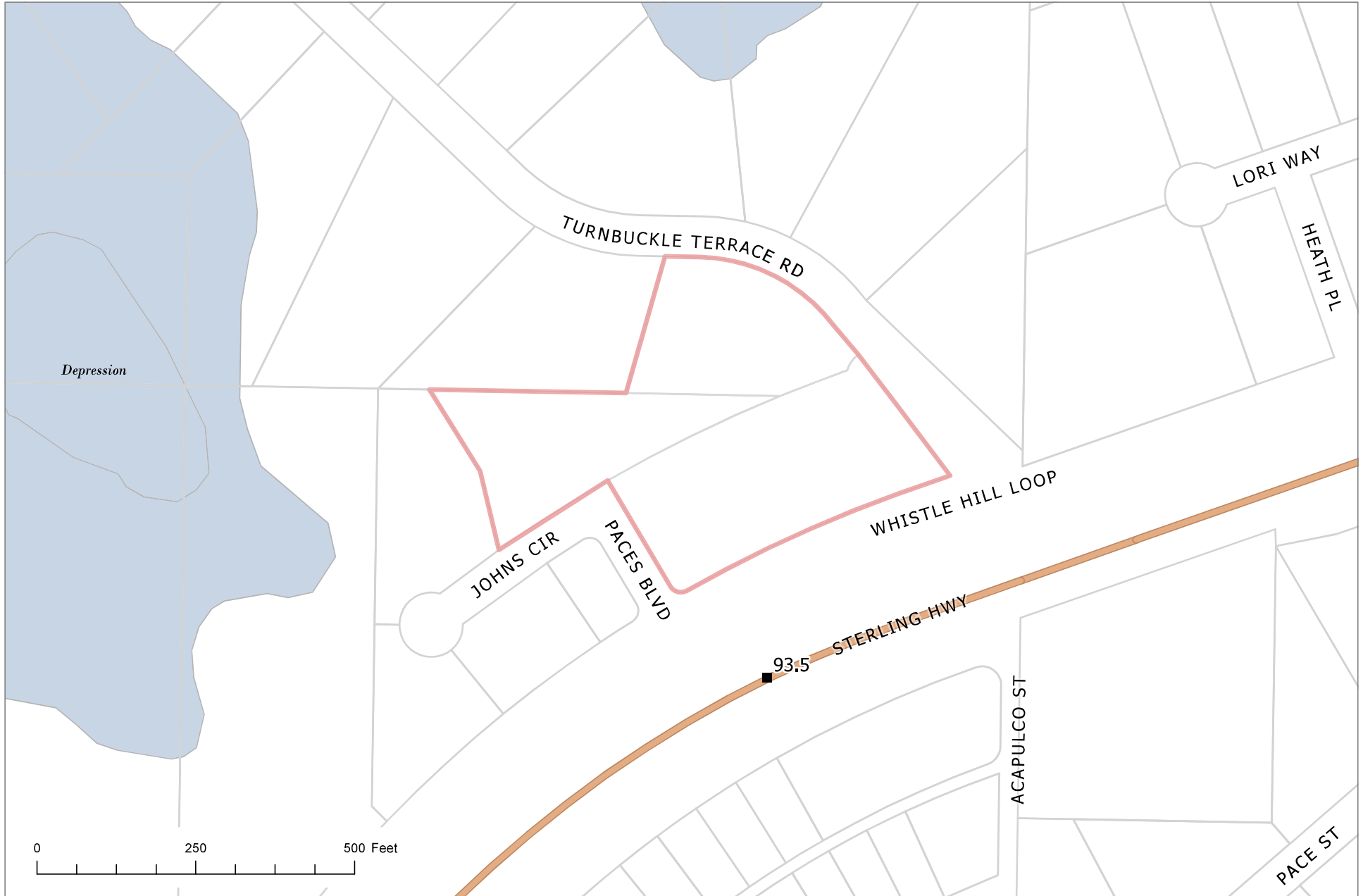
END OF STAFF REPORT





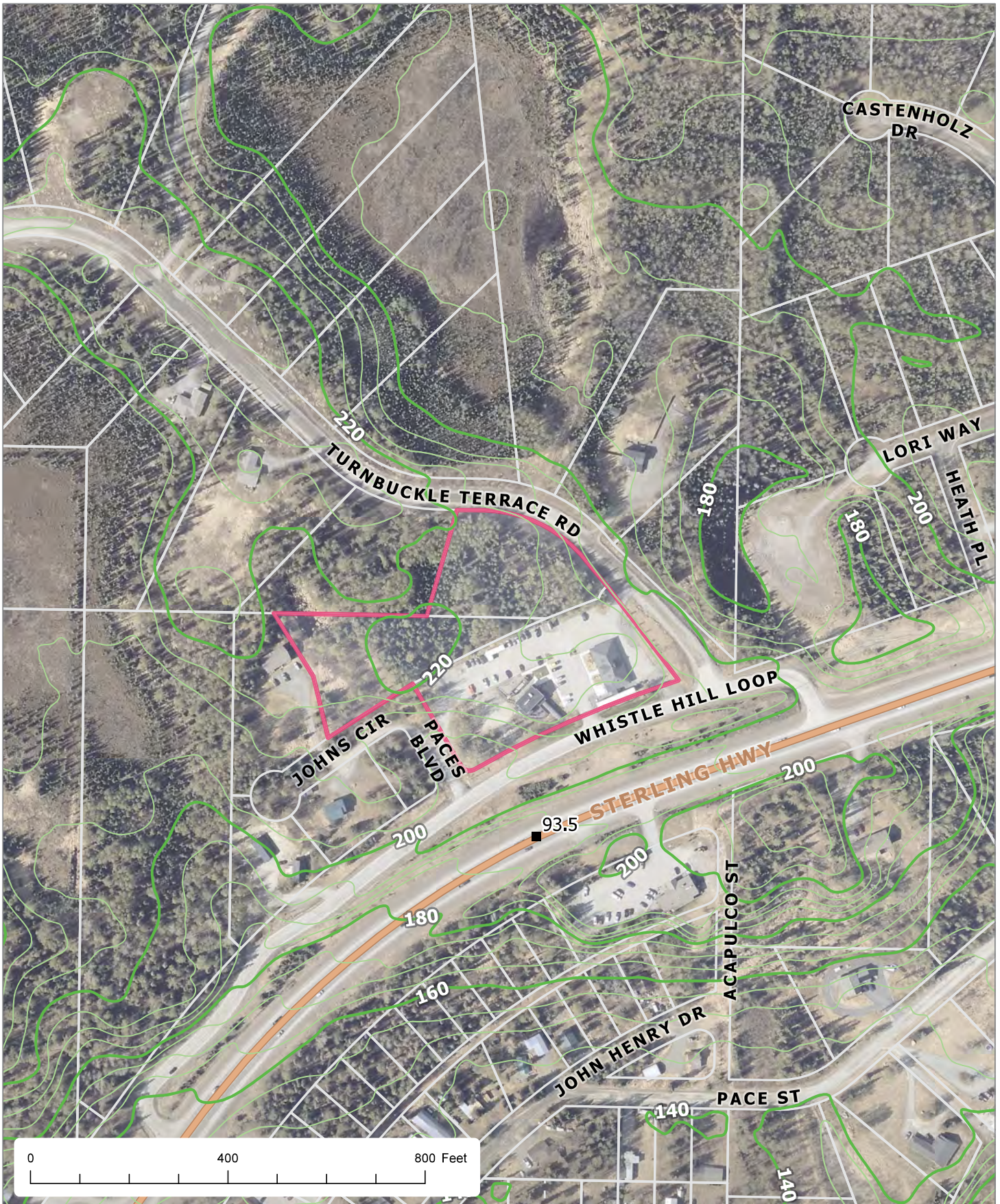
The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.





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.







PACE'S UNSURVEYED REMAINDER 82 ACRES ±

CW 1/4  
SEC 26  
(237-3)

R E STIRITZ  
Deeds Bx 56 P 69

N 89° 55' W ~ 303.40

K-1654  
10-15-69  
10:30 PM

file  
230

SW 1/4  
SEC 28  
(237-3)

E. C. PACE (undeveloped)

L. HEATH (undeveloped)



LEGEND AND NOTES

- Found official survey brass cap monument
- Found 3/8" steel rod
- Set 1" Al. Cap
- Set 1/2" x 16" steel rod (re-bar) at all other lot corners

The N-S center line of Section 28 is the base line for this survey, with the bearing of S 0° 06' E.

LEGAL DESCRIPTION:

COMMENCING FROM THE CENTER X CORNER OF SECTION 28, T5N, R10W, S.M., ALASKA, FOUND OFFICIAL SURVEY MONUMENT, THIS BEING THE TRUE POINT OF BEGINNING, THENCE S 0° 06' E - 79.30 FEET ALONG THE N-S CENTER LINE OF SECTION 28 TO A POINT ON THE NORTHERLY EDGE OF THE STERLING HIGHWAY RIGHT OF WAY, BEING 150 FEET FROM CENTER LINE OF SAID HIGHWAY, THENCE S 69° 47' 30" W - 309.41 FEET ALONG SAID R/W TO THE POINT OF CURVE, THENCE CONTINUE ALONG SAID R/W ON A CURVE WHOSE CENTRAL ANGLE IS 74° 37' AND RADIUS IS 2,059.89 FEET FOR A DISTANCE OF 964.05 FEET TO A POINT, THENCE N 45° 51' W - 33.23 FEET TO A POINT, THENCE N 0° 03' W - 286.74 FEET TO A POINT, THENCE N 9° 57' E - 3930 FEET TO A POINT ON THE WEST EDGE OF A 50 FOOT RADIUS TURN AROUND, THENCE AROUND THE NORTH EDGE OF 50 FOOT RADIUS TURNAROUND A DISTANCE OF 90.01 FEET TO THE POINT OF INTERSECTION WITH THE NORTH EDGE OF A 60 FOOT STREET R/W, THENCE NORTHEASTERLY ALONG THE NORTH EDGE OF STREET ON A CURVE WHOSE CENTRAL ANGLE IS 74° 37' AND RADIUS IS 2769.89 FEET A DISTANCE OF 735.73 FEET TO THE POINT OF INTERSECTION WITH A 50 FOOT RADIUS TURNAROUND, THENCE ALONG THE NORTH EDGE OF 50 FOOT RADIUS A DISTANCE OF 149.40 FEET TO A POINT, THENCE N 0° 06' E - 180.00 FEET TO A POINT ON THE N-S CENTER LINE OF SECTION 28, THENCE S 0° 06' E - 28.21 FEET TO THE TRUE POINT OF BEGINNING, THUS EMBRACING 5.469 ACRES OF LAND MORE OR LESS.

CERTIFICATE OF OWNERSHIP AND DEDICATION:

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREON. WE REQUEST THE APPROVAL OF THIS PLAT SHOWING SUCH EASEMENTS FOR PUBLIC UTILITIES, ROADWAYS AND OR STREETS DEDICATED BY US FOR PUBLIC USE.

DATE Oct 14, 1969 E. C. Pace John R. R.  
OWNER

NOTARY'S ACKNOWLEDGEMENT:

SUBSCRIBED AND SHOWN BEFORE ME THIS 14th DAY OF Oct, 1969.

MY COMMISSION EXPIRES July 1, 1970  
Edw. S. Best  
NOTARY PUBLIC FOR ALASKA



RECORDED - FILED  
3 Kani sec dist  
DATE 10-15-69  
TIME 10:30 AM  
K-1654

Plat approved by the KENAI PENINSULA BOROUGH planning commission this 6th day of Oct, 1969  
George A. Rawson  
Chairman

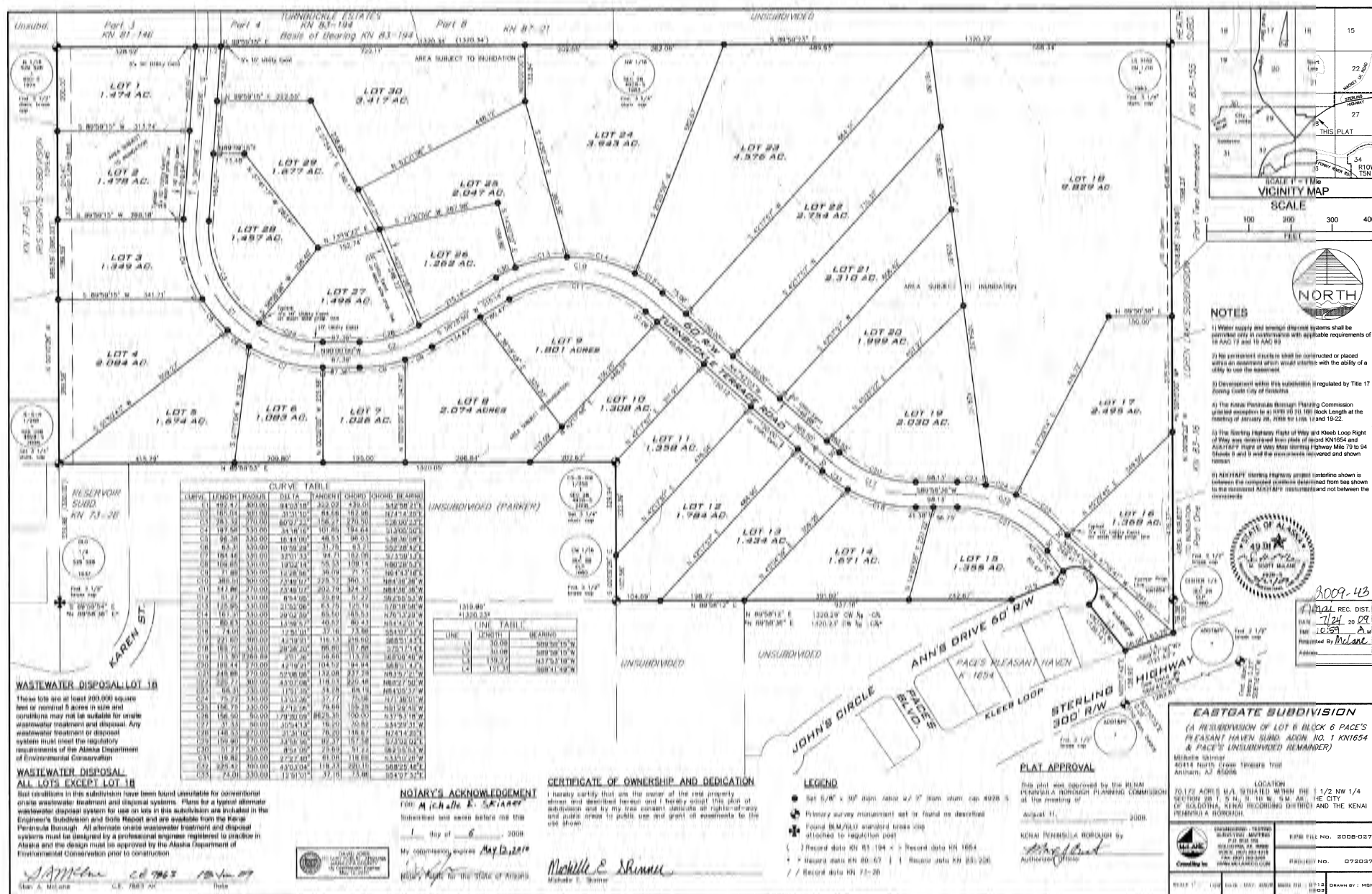
PACE'S PLEASANT HAVEN SUBDIVISION, ADDITION NO. 1

E. C. PACE, owner  
Box 386, Soldotna, Alaska.

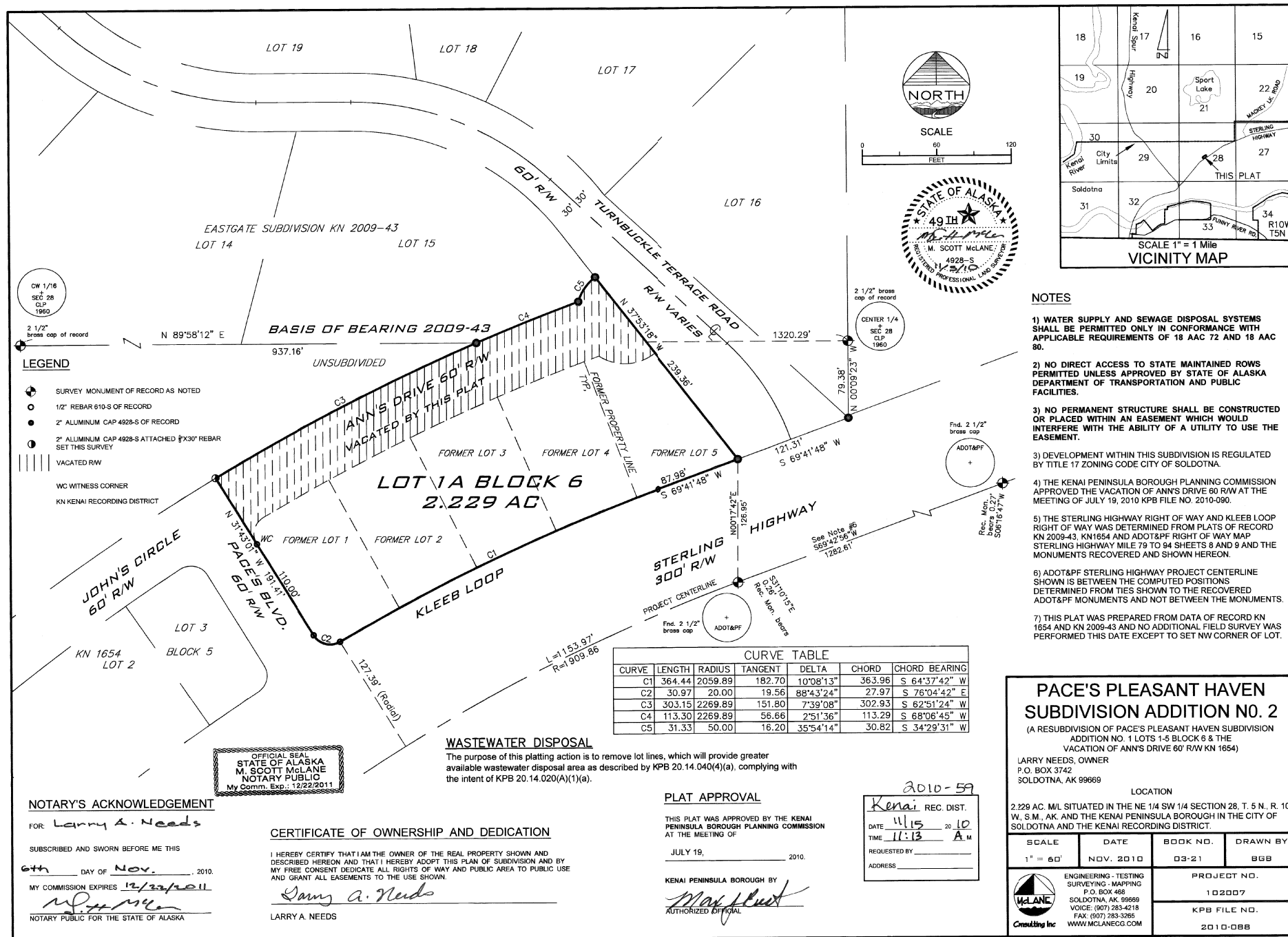
5.469 ACRES SITUATED IN THE NE 1/4 SW 1/4 SEC. 28, T5N, R10W, S.M. AND IN SOLDOTNA, ALASKA.

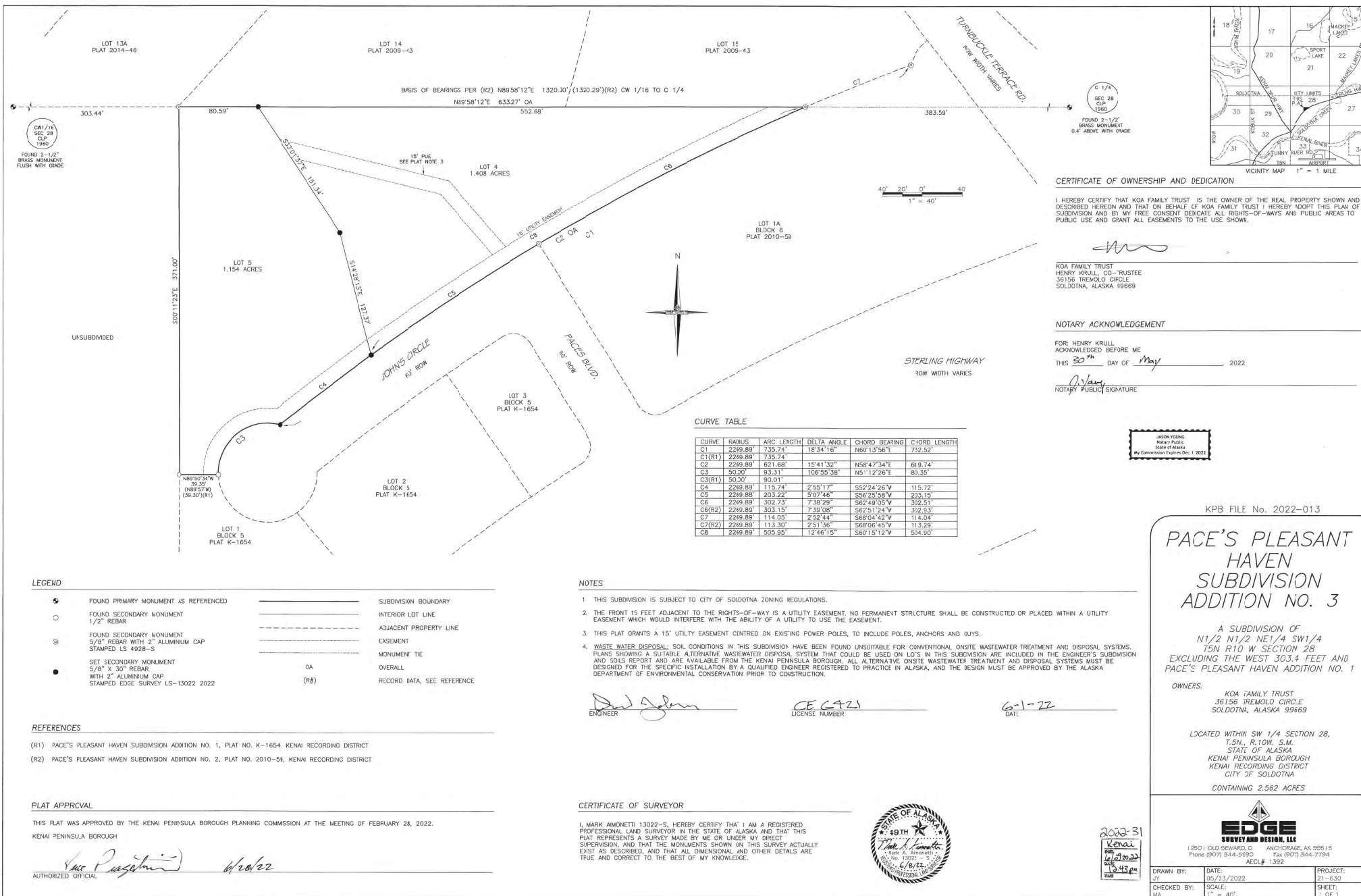
SURVEYED AND PREPARED BY: S.S. McLANE, R.L.S.

DATE OF SURVEY  
July 14, 1969 To July 31, 1969  
SCALE  
1" = 100'









### CALL TO ORDER & PLEDGE OF ALLEGIANCE

A Regular Meeting of the Soldotna Planning and Zoning Commission was held on November 2, 2022. Chair Vadla called the meeting to order at 5:30 p.m.

There were present:

Kaitlin Vadla, Chair  
Mark Burton  
Charlene Tautfest

Sonja Barbaza  
Dennis Murray

[Informational note: Sonja Barbaza arrived at 5:40 after approval of the agenda]

Comprising a quorum of the Commission.

There were absent:

Jenny Smithwick-Aley  
Thomas Anderson

Also in attendance were:

Dave Carey, City Council Ex-Officio  
John Czarnezki, Director of Economic Development and Planning Department  
Jennifer Hester, Associate Planner

### APPROVAL OF THE AGENDA

The agenda was approved without objection.

### APPROVAL OF THE MINUTES

The October 5, 2022 meeting minutes were approved without objection.

### NEW BUSINESS

#### **Resolution PZ 2022-014 – Recommending Approval of the Slikok Creek Alaska Subdivision Moore Replat**

MOTION: Commission Member Burton moved to approve Resolution PZ 2022-014.

Associate Planner Hester summarized the written staff report.

Commissioner Burton inquired as to the access point for the rear utility easement.

Associate Planner Hester stated it is off Katmai Street based on the parent plat.

Chair Vadla asked if the rear yard easement was the easement that staff deemed unnecessary.

Associate Planner Hester stated that the easement staff believed unnecessary was on the preliminary plat, plat note number 3. This easement is along the right-of-way in the front yard.

Director Czarnezki stated that it was likely a mistake by the surveyor in that it is a generic plat note from previous plats. The existing utility easement in the rear yard provides access to utilities. If it wasn't an error, it was believed to be unnecessary. Staff made note to call attention to the Kenai Peninsula Borough.



Chair Vadla inquired if similar configurations of lot lines have occurred within the City.

Commissioner Murray inquired if the easement is for electric as well as other utilities.

Director Czarnezki stated that the utility easement is for all utilities. Staff's comment is not a condition on the resolution, but to call attention to the Kenai Peninsula Borough. The Borough may know of a requirement for the front yard easement, but staff was unaware if it was necessary. Director Czarnezki stated the existing development is already served by utilities, to add an extra ten-feet of easement seems unnecessary.

Commissioner Murray expressed his concern that Lot 7A would not have access to the utility easement.

Director Czarnezki stated there is no easement on the adjoining parcels along the right-of-way. However, Lot 7A would be disjoined from the rear utility easement and would need to be granted access to the rear yard through Lot 6A for the existing utilities.

Chair Vadla inquired as to what utilities are in the easement.

Director Czarnezki stated staff is unsure what utilities, be it gas, electric or phone, that are present.

Commissioner Murray expressed his concern that by approving the replat, that a condition for an easement to be granted across Lot 6A to the landlocked Lot 7A.

MOTION TO AMEND: Commissioner Murray moved to amend Resolution PZ 2022-014 as follows:

To provide an easement across Lot 6A to allow Lot 7A access to utilities on the backside of the property.

VOTE ON MOTION TO AMEND:

Yes: Barbaza, Burton, Murray, Tautfest, Vadla

No: None

Absent: Anderson, Smithwick-Aley

MOTION PASSED: 5 Yes, 0 No, 2 Absent

Chair Vadla asked for public comment. With no one wishing to speak, the item was back before the Commission.

VOTE ON MOTION:

Yes: Barbaza, Burton, Murray, Tautfest, Vadla

No: None

Absent: Anderson, Smithwick-Aley

MOTION PASSED: 5 Yes, 0 No, 2 Absent

### **Resolution PZ 2022-015 – Recommending Approval of the Pace's Pleasant Haven 2022 Replat**

MOTION: Commission Member Burton moved to approve Resolution PZ 2022-015.

Associate Planner Hester summarized the written staff report.

Commissioner Murray stated that the solar farm is currently being constructed.

Chair Vadla inquired if the reason to combine lots is for ease of construction.

Associate Planner Hester stated staff discussed with the owners Soldotna Municipal Code requirement of parking that serves a parcel be located on the parcel unless there is a legally recorded cross parking agreement. The same process to legally record a parking agreement

would have also been required for an access agreement between the parcels. This is because the intended access for the development on Lot 15 is from Whistle Hill Loop.

Director Czarnezki stated that the addressing would be from Whistle Hill Loop, which plays into their development.

Commissioner Murray inquired if the existing parking lot would be sufficient after further development.

Associate Planner Hester stated that with additional developments staff reviews code in a site plan review. The parking needs expand as development expands. With each square-footage of retail space that increases, the parking needs increase. The owners plan to develop additional parking areas on the existing Lot 15.

**VOTE ON MOTION:**

Yes: Barbaza, Burton, Murray, Tautfest, Vadla

No: None

Absent: Anderson, Smithwick-Aley

MOTION PASSED: 5 Yes, 0 No, 2 Absent

## **REPORTS**

Council Member Carey reported Council is thrilled with the reality the community approved the Field House. Additionally, the bond issues for the school district will make a significant improvement to the quality of education for the staff and the students.

Council Member Carey also stated that with the money coming from the Federal Government for infrastructure improvements, there will be more direct & indirect assistance, such as work force development. We will need to find the people to do the work necessary. Quality of life will be enhanced, but finding the people will be difficult. This will take focused development and integration. One project to think about is staffing in order to build up and build out. The City will look at how we can work together to accomplish the goals in the timeline with financial efficiency. The small community lets us depend on each other for development. The boundaries of the City, although small, serve many non-residents who have commercial interests inside of City Limits.

Council Member Carey expressed his gratitude and how impressed he is with the Commissioners in giving up their time to serve. The thoroughness and knowledge the commissioners bring to the meeting is impressive, noting Commissioner Murray as an example. The staff does a huge amount of work and are well trained in order to provide information to the Commission. He closed his statement with an encouragement to vote.

Director of ED & P Czarnezki reported that there is a work session immediately after the meeting tonight. He also stated there are two Planning and Zoning Commissioner terms coming up for renewal and encourages those two seats to reapply.

## **COMMISSION COMMENTS**

Commissioner Dennis inquired as to the zoom attendance.

Associate Planner Hester stated she is able to see the attendance and the only person is Charlene tonight. The live streaming is published online so that the meeting is archived and can be streamed after the fact. The Clerk's Office has mentioned some meetings do have a number of streams of the published, archived meetings.

Commissioner Burton expressed his gratitude for the work that is done for and during the meetings.

Commissioner Barbaza thanked Council Member Carey for his work and for being a mentor.

Chair Vadla commented that the commission is able to invite others to sit during the work sessions to help plan the future of the City. The challenge is that the Ordinances are not always in line with the vision. Finding the balance can be difficult.

Chair Vadla inquired as to the public input on design and needs of the field house.

## ADJOURNMENT

There being no further business to come before the Commission, Chair Vadla adjourned the November 2, 2022 Planning & Zoning Commission meeting at 6:05 p.m. The work session for Downtown Land Use & Zoning began directly after the regular meeting. The work session ended at 7:25. The next regular meeting is scheduled for 5:30 p.m. on December 7, 2022.

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Jennifer Hester, Associate Planner

Approved by the Commission: \_\_\_\_\_

unapproved



CITY OF SOLDOTNA  
PLANNING AND ZONING COMMISSION  
RESOLUTION NO. PZ2022-015

A RESOLUTION RECOMMENDING APPROVAL OF  
PACE'S PLEASANT HAVEN 2022 REPLAT

WHEREAS, the attached plat for the Pace's Pleasant Haven 2022 Replat was referred to the City of Soldotna Planning and Zoning Commission, and initially received from Edge Survey and Design LLC. on September 28, 2022; and

WHEREAS, the City of Soldotna Planning and Zoning Commission find:

1. The Pace's Pleasant Haven 2022 Replat combines Lot 1A, Lot 15, and a portion of Lot 4 to create Lot 1B. Lot 4 is reduced in size by 2,614 square feet and becomes Lot 4A;
2. The parent plat includes Lot 1A, which is 97,139 square feet in size, Lot 4, which is 64,469 square feet in size, and Lot 15, which is 59,024 square feet in size;
3. The three existing lots are owned by the applicant, Whistle Hill LLC;
4. Lot 4 and Lot 15 are vacant, and Lot 1A contains an eating and drinking establishment, a retail store and a coffeehouse;
5. The plat creates Lot 1B, which is 159,038 square feet in size, and Lot 4A, which is 58,719 square feet in size;
6. The property is zoned Commercial;
7. The surrounding zoning to the north is Commercial and Rural Residential and surrounding zoning to the east, south and west is Commercial;
8. Municipal water is not available. Municipal sewer is not available, but expansion of service is planned;
9. Lot 1B has access from Whistle Hill Loop, Turnbuckle Terrace Road and Paces Boulevard. Lot 4A has access from Johns Cricle and Paces Boulevard;
10. The plat does subdivide property within a public improvement district subject to special assessments. At this time, no assessments have been made. There is not a delinquency amount owed to the City of Soldotna for the referenced property;
11. An installation or subdivision agreement is not required;
12. The replat meets all other general standards of Soldotna Municipal Code; and,

WHEREAS, in accordance with SMC 16.10.040.E the City mailed 19 notices to property owners within 300 feet notifying them of the proposed action;

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF SOLDOTNA, ALASKA:

Section 1. That the Commission recommends the Kenai Peninsula Borough Planning Commission approve the Pace's Pleasant Haven 2022 Replat subject to findings as stated above.

Section 2. A copy of this resolution shall be forwarded to the Kenai Peninsula Borough Planning Department for their consideration.

Section 3. This resolution shall become effective immediately upon its adoption.

PASSED BY THE PLANNING AND ZONING COMMISSION THIS 2<sup>nd</sup> DAY OF NOVEMBER, 2022.

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Kaitlin Vadla, Chair

ATTEST:

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Jennifer Hester, Associate Planner

Yes: Barbaza, Burton, Murray, Tautfest, Vadla  
No: None  
Absent: Anderson, Smithwick-Aley

**TO:** Planning and Zoning Commission  
**THROUGH:** John Czarnecki, Director of Economic Development & Planning  
**FROM:** Jennifer Hester, Associate Planner  
**DATE:** October 6, 2022  
**SUBJ:** Resolution PZ 2022-015 Recommending Approval of the Pace's Pleasant Haven 2022 Replat

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## GENERAL INFORMATION

**Applicants:** Henry Krull Jason Young  
Whistle Hill LLC Edge Survey  
36156 Tremolo Cir P.O. Box 208  
Soldotna, AK 99669 Kasilof, AK 99610

**Legal descriptions:** T 5N R 10W SEC 28 SEWARD MERIDIAN KN 2009043  
EASTGATE SUB LOT 15  
  
T 05N R 10W SEC 28 SEWARD MERIDIAN KN 2010059  
PACES PLEASANT HAVEN SUB ADDN 2 LOT 1A BLOCK 6  
  
T 05N R 10W SEC 28 SEWARD MERIDIAN KN 2022031  
PACES PLEASANT HAVEN SUB ADDN 3 LOT 4

**Parcel IDs:** 059-012-18 (Lot 15)  
059-260-11 (Lot 1A)  
059-260-12 (Lot 4)

**Physical Addresses:** 43544 Whistle Hill Loop (Lot 15)  
43546 Whistle Hill Loop (Lot 15)  
43540 Whistle Hill Loop (Lot 1A)  
43550 Whistle Hill Loop (Lot 1A)  
43556 Whistle Hill Loop (Lot 1A)  
231 Johns Circle

**Location:** Whistle Hill Loop spanning the area from Paces Boulevard to Turnbuckle Terrace Road



**Size of Existing Lots:** 1.36 acres (Lot 15)  
2.23 acres (Lot 1A)  
1.408 acres (Lot 4)

**Size of Proposed Lots:** 3.651 acres (Lot 1B)  
1.348 acres (Lot 4A)

**Zoning:** Commercial

**Existing Land Use:** Hydroponic retail and personal services will be on the northern portion of proposed Lot 1B  
  
An eating and drinking establishment, a coffeehouse, a retail store and a B&B already exist on the southern portion of proposed Lot 1B  
  
A solar farm will be developed on proposed Lot 4A

**Surrounding Land Use and (Zoning):**

<b>North:</b>	Rural Residential Commercial	Vacant Residential Dwelling
<b>South:</b>	Commercial	Eating & Drinking Establishment
<b>East:</b>	Commercial	Undeveloped
<b>West:</b>	Commercial	Office Building Multi-Family Residential Housing

**Kenai River Overlay District (KROD):** The property does not contain land within the KROD.

**Utilities:** The property is not served by municipal sewer or sewer.  
Plans for a Special Assessment District are in place for municipal sewer.

**Access:** Whistle Hill Loop provides access to Lot 1B via a constructed driveway.  
  
Paces Boulevard provides access to Lot 1B and Lot 4A via constructed driveways.  
  
Turnbuckle Terrace provides access to 1B.  
  
John Circle provides access to Lot 4A.

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## BACKGROUND INFORMATION

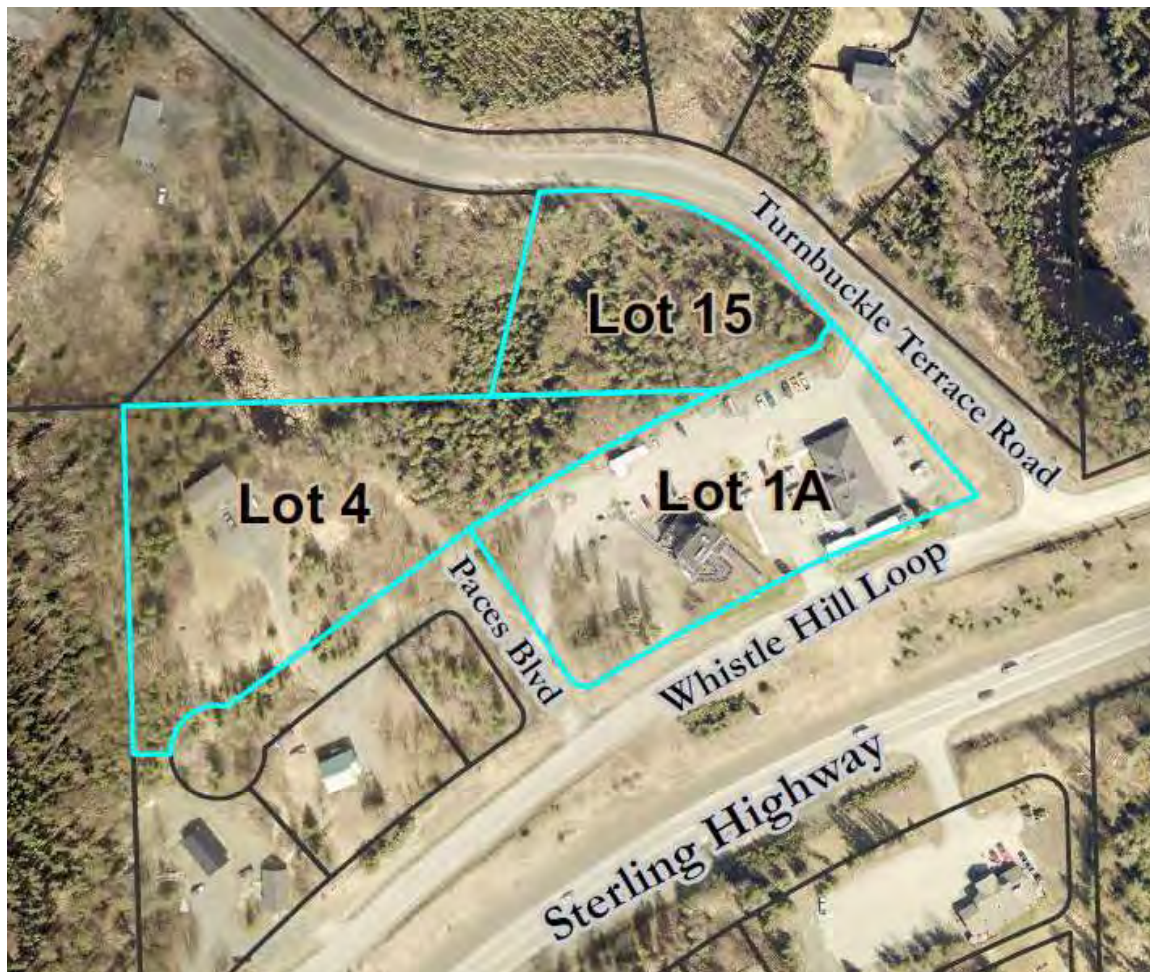
The proposed preliminary plat creates two parcels from three existing parcels. This is accomplished by combining two parcels, Lot 1A and Lot 15, and a portion of Lot 4 into a single new lot (Lot 1B). Lot 4 is reduced in size and becomes Lot 4A.

The parcels are zoned Commercial, as are the surrounding parcels to the north, east, south and west. A portion of the parcels to the north are in the Rural Residential District. Lot 4 is vacant with plans to develop a solar farm. Lot 15 is vacant with plans to develop a hydroponic farm and retail as well

as a structure that will contain personal services. Lot 1A is developed with an eating & drinking establishment, a coffeehouse and a retail store. Future plans include the development of Lot 1A with a B&B. Soldotna Municipal Code (SMC) 17.10.330 requires parking to be located on the same lot as the use the parking serves. The proposed lot combination would negate the requirement for a cross parking agreement and comply with SMC.

Legal access to proposed Lot 1B is from Whistle Hill Loop, Paces Boulevard and Turnbull Terrace Road. Legal access to proposed Lot 4A is from Paces Boulevard and Johns Circle

All three lots are owned by the applicant. Authority to review and approve proposed vacations, abbreviated subdivision plats, subdivision plat waivers, and preliminary plats showing a subdivision of land within the corporate boundary of the City of Soldotna is provided by AS 29.40.010 and Kenai Peninsula Borough (KPB) code 20.25.050, and is codified within Soldotna Municipal Code (SMC) 16.10.040.



**Figure 1.** Three subject lots, Lot 1A, Lot 4, and Lot 15, to be combined into two parcels.

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## ANALYSIS

### Commercial District

The intent of the Commercial District is to provide an area that is convenient, visually pleasing, contributes to the economic welfare of the community, and allows a wide range of general business and other compatible uses. Both lots 1B and 4A would be zoned Commercial. The preliminary plat meets all the following general standards for the Commercial District, which can be found under Section 17.10.265 of the SMC and are summarized in the table below:

Commercial District					
Standard		Required	Provided		Code Reference
			Lot 1B	Lot 4A	
Minimum Lot Size;		See note*	3.651 acres	1.348 acres	17.10.265.E.1
Minimum Lot Width		See note*	402 ft.	248 ft.	17.10.265.E.2
Maximum Lot Coverage		30%	No structure	3%	17.10.265.E.3
Maximum Building Height		48 ft.	No structure	<48 ft.	17.10.265.E.4
Minimum Yard Setback	Front:	See note*	No structure	10 ft.°	17.10.265.E.5
	Back:			85 ft.°	
	Side:			80 ft.°	

\*area, width, coverage and yard setback requirements shall be governed by off-street parking, loading, landscaping, building, and fire code requirements

°Approximate distances based on staff overlay of the submitted plat with imagery

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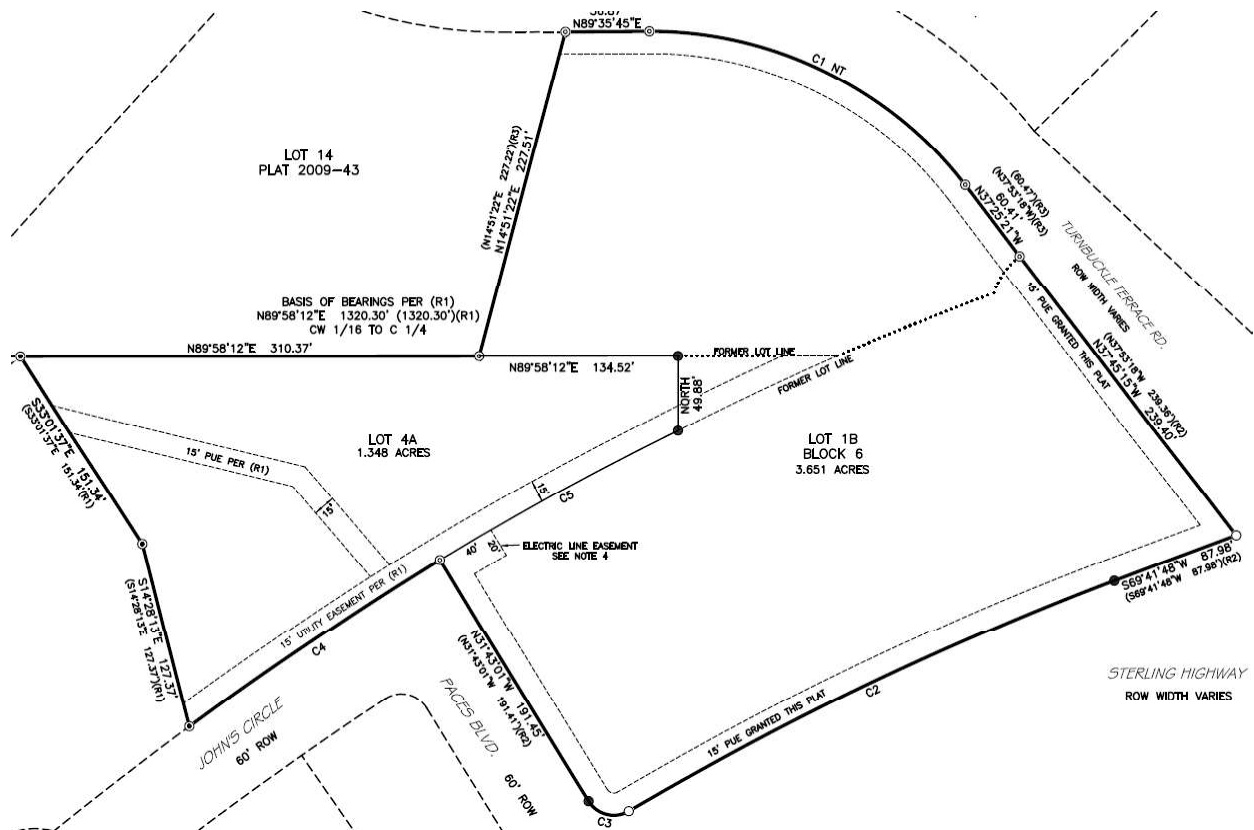
### STAFF COMMENTS

This plat is a redistribution of land from three lots into two. No exceptions are being requested.

The plat was circulated to City Staff for review and comments.

Nineteen notices were mailed on October 6, 2022 to neighboring property owners within 300 feet. No comments had been received at the time this report was drafted.





*Figure 2. Preliminary plat proposes to recombine areas from three parcels into two parcels.*

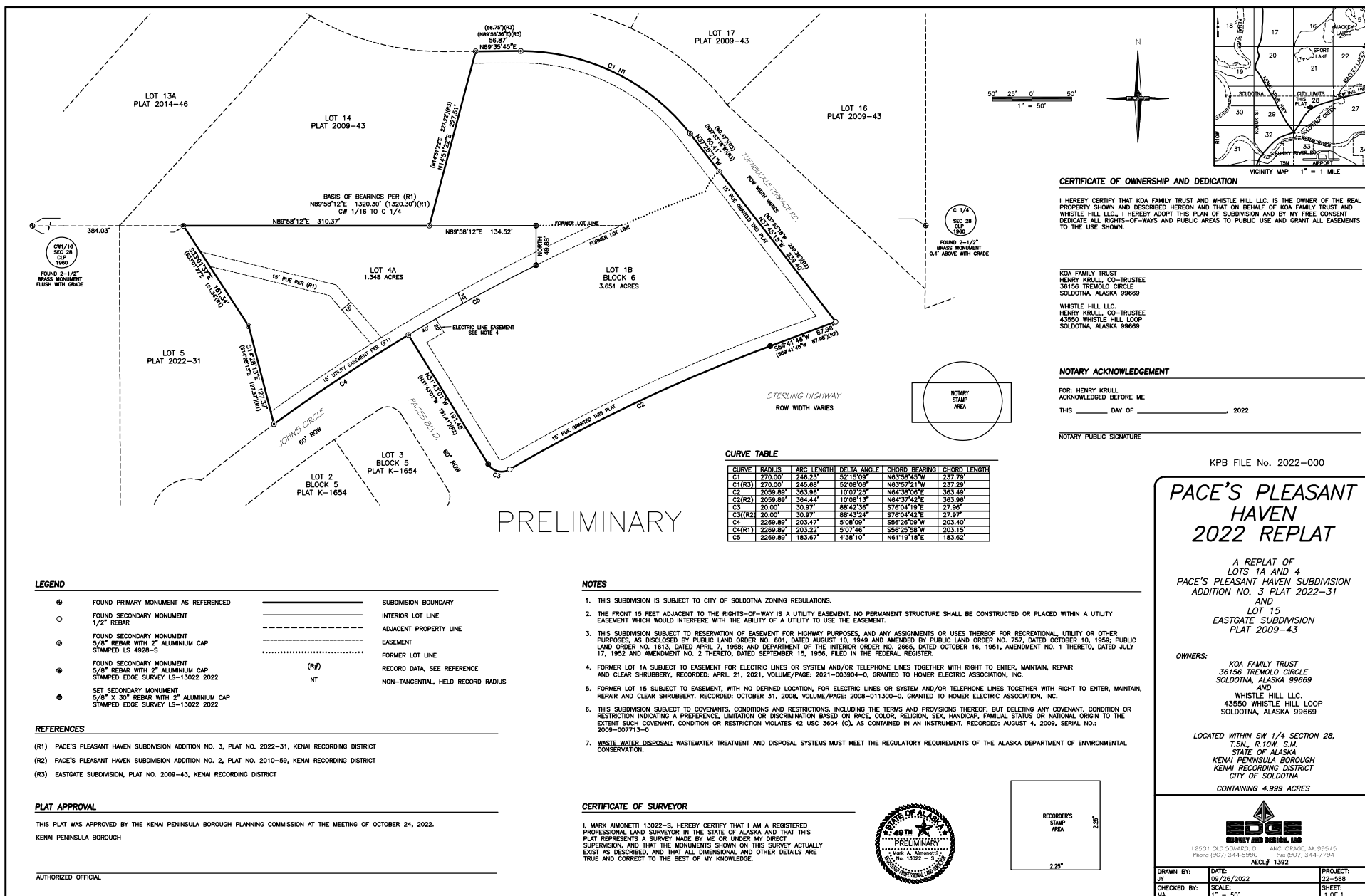
## STAFF RECOMMENDATION

Staff finds the preliminary plat for the Pace's Pleasant Haven 2022 Replat meets the general standards of the Soldotna Municipal Code, and therefore recommends approval.

Resolution PZ 2022-015 has been provided for your use, and would recommend approval to the Kenai Peninsula Borough.

### Attachments:

- A. Location Map
- B. Preliminary Plat, Pace's Pleasant Haven 2022 Replat
- C. Parent Plat, Pace's Pleasant Haven Subdivision No. 3
- D. Parent Plat, Pace's Pleasant Haven Subdivision No. 2
- E. Parent Plat, Eastgate Subdivision





# Planning Department

144 N. Binkley Street, Soldotna, Alaska 99669 • (907) 714-2200 • (907) 714-2378 Fax

## PRELIMINARY PLAT SUBMITTAL FORM

☒ **PRELIMINARY PLAT** ☐ **REVISED PRELIMINARY PLAT (no fee required)**

☐ **PHASED PRELIMINARY PLAT** ☐ **PRELIMINARY PLAT FOR PRIVATE STREETS / GATED SUBDIVISION**

– all requirements of chapter 20, excluding 20.30.210 and 20.50 apply and must be met.

**SUBDIVISION PLAT NAME:** must be a unique name, contact staff for assistance if needed.

--

### PROPERTY INFORMATION:

legal description	Lot 15 plat 2009-43 and Lot 1A and 4 plat 2022-31		
Section, Township, Range	T5N R10W Section 28		
General area description	East Soldotna		
City (if applicable)	Soldotna	Total Acreage	5

### SURVEYOR

Company:	Edge Survey	Contact Person:	Jason Young
Mailing Address:	PO Box 208	City, State, Zip	Kasilof, AK 99610
Phone:	907-283-9047	e-mail:	jason@edgesurvey.net

### PROPOSED WASTEWATER AND WATER SUPPLY

WASTEWATER ☒ on site ☐ City ☐ community

WATER ☒ on site ☐ City ☐ community

### SUBMITTAL REQUIREMENTS

**A preliminary plat application will be scheduled for the next available plat committee meeting after a complete application has been received.**

- ☐ 1 – full size paper copy
- ☐ 7 – reduced sized drawing (11 x 17)
- ☐ preliminary plat NON-REFUNDABLE submittal fee \$400
- ☐ City Planning Commission minutes when located within city limits or Bridge Creek Watershed District
- ☐ certificate to plat for ALL parcels included in the subdivision
- ☐ documentation showing proof of signatory authority (partnerships, corporations, estates, trusts, etc.)
- ☐ ALL requirements of KPB 20.25.070 (see page 2 for checklist) and KPB 20.25.080

**EXCEPTIONS REQUESTED TO PLATTING CODE:** A letter, to be presented to the commission, with substantial evidence justifying the requested exception and fully stating the grounds for the exception request, and the facts relied upon, MUST be attached to this submittal.

1. \_\_\_\_\_ 2. \_\_\_\_\_ 3. \_\_\_\_\_

**APPLICANT: SIGNATURES OF ALL LEGAL PROPERTY OWNERS ARE REQUIRED.** Additional signature sheets can be attached. When signing on behalf of another individual, estate, corporation, LLC, partnership, etc., documentation is required to show authority of the individual(s) signing. Contact KPB staff for clarification if needed.

### OWNER(s)

Name (printed):	Henry G Krull	Signature:	
Phone:	907-398-2930	e-mail:	hgkrull@gmail.com

Name (printed):		Signature:	
Phone:		e-mail:	

Name (printed):		Signature:	
Phone:		e-mail:	

FOR OFFICE USE ONLY

RECEIVED BY \_\_\_\_\_

DATE SUBMITTED \_\_\_\_\_

KPB FILE # \_\_\_\_\_









177 N. Birch St.  
Soldotna, AK 99669  
Phone: 907.262.9107  
Fax: 907.262.1245  
[www.soldotna.org](http://www.soldotna.org)

## **CITY OF SOLDOTNA PLANNING AND ZONING COMMISSION**

### **NOTICE OF PRELIMINARY PLAT SUBMISSION**

Notice is hereby given that a preliminary plat has been received by the City of Soldotna to combine two lots into one and allocate land from a third lot. You are being sent this notice because you are a property owner within three hundred (300) feet of the proposed plat.

The preliminary plat combines existing lots 1A and 15, and allocates 2,614 ft<sup>2</sup> from Lot 4 into a new 3.651 acre lot, 1B. The properties are zoned Commercial. A copy of the preliminary plat is enclosed and is described below:

#### **Resolution PZ 2022-015 Recommending Approval of the Pace's Pleasant Haven 2022 Replat.**

Although final approval lies with the Kenai Peninsula Borough government, the City of Soldotna Planning and Zoning Commission has first review of any platting applications. The Planning and Zoning Commission meeting is an opportunity for any individual to submit commentary on this plat in person or via other communication methods (see below).

A meeting will be held by the City of Soldotna Planning and Zoning Commission on **Wednesday, November 2, 2022**, commencing at 5:30 p.m. The meeting will be held at 177 N. Birch Street, Soldotna, Alaska 99669.

Anyone wishing to testify may come to the above meeting to give testimony; or may submit a written statement to the attention Jennifer Hester, Associate Planner, City of Soldotna, 177 N. Birch Street, Soldotna, Alaska 99669; faxed to 907-714-1234; or emailed to [jhester@soldotna.org](mailto:jhester@soldotna.org)

The Zoom Webinar ID is: 845 1108 3895. To join the webinar from a computer visit <https://us02web.zoom.us/j/84511083895> or to join by telephone call 1-669-900-6833

***A MAP SHOWING THE PARCEL REPLAT LOCATION IS ON THE BACK OF THIS NOTICE.***

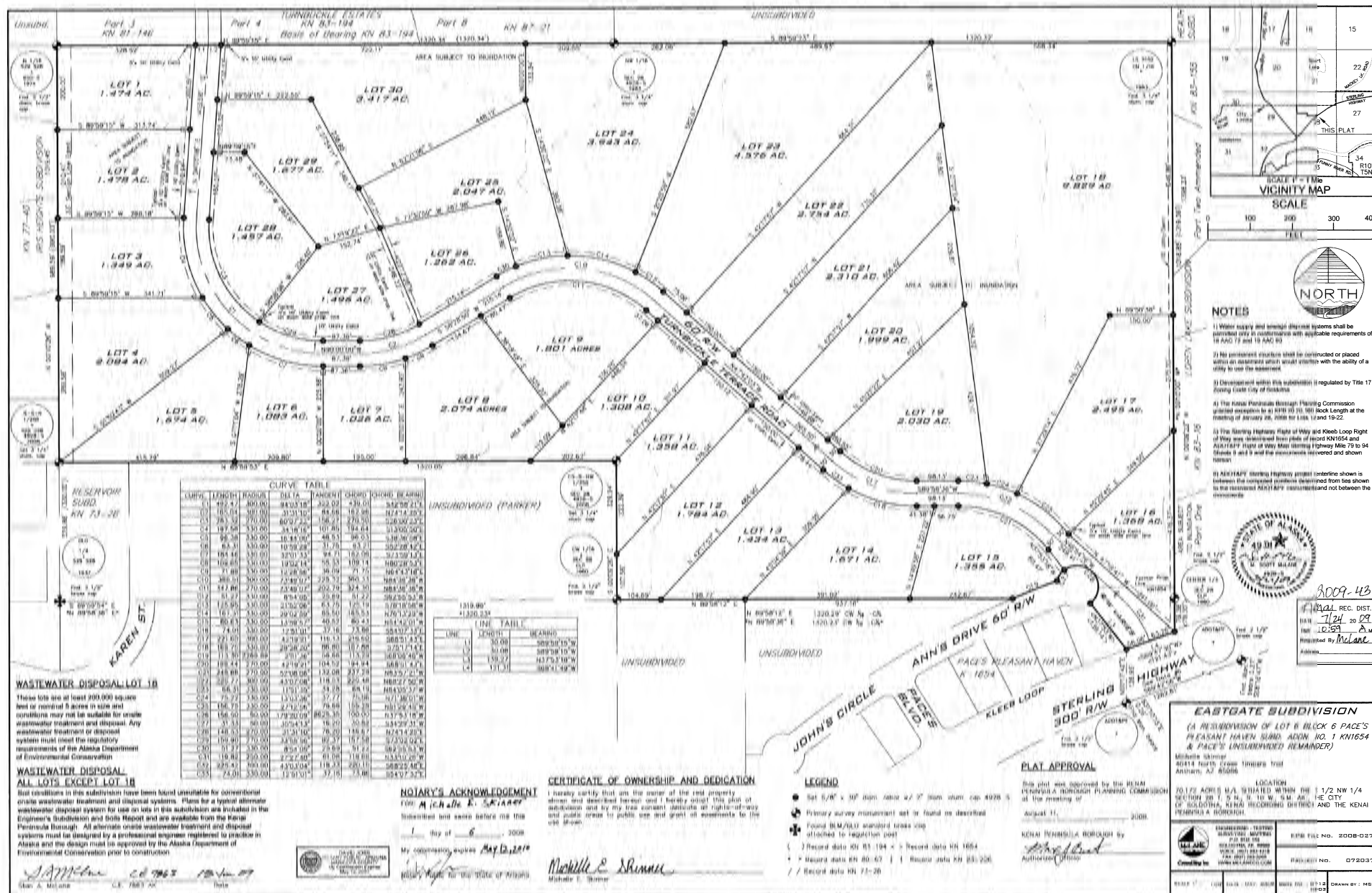
***A COPY OF THE PROPOSED PLAT IS INCLUDED.***

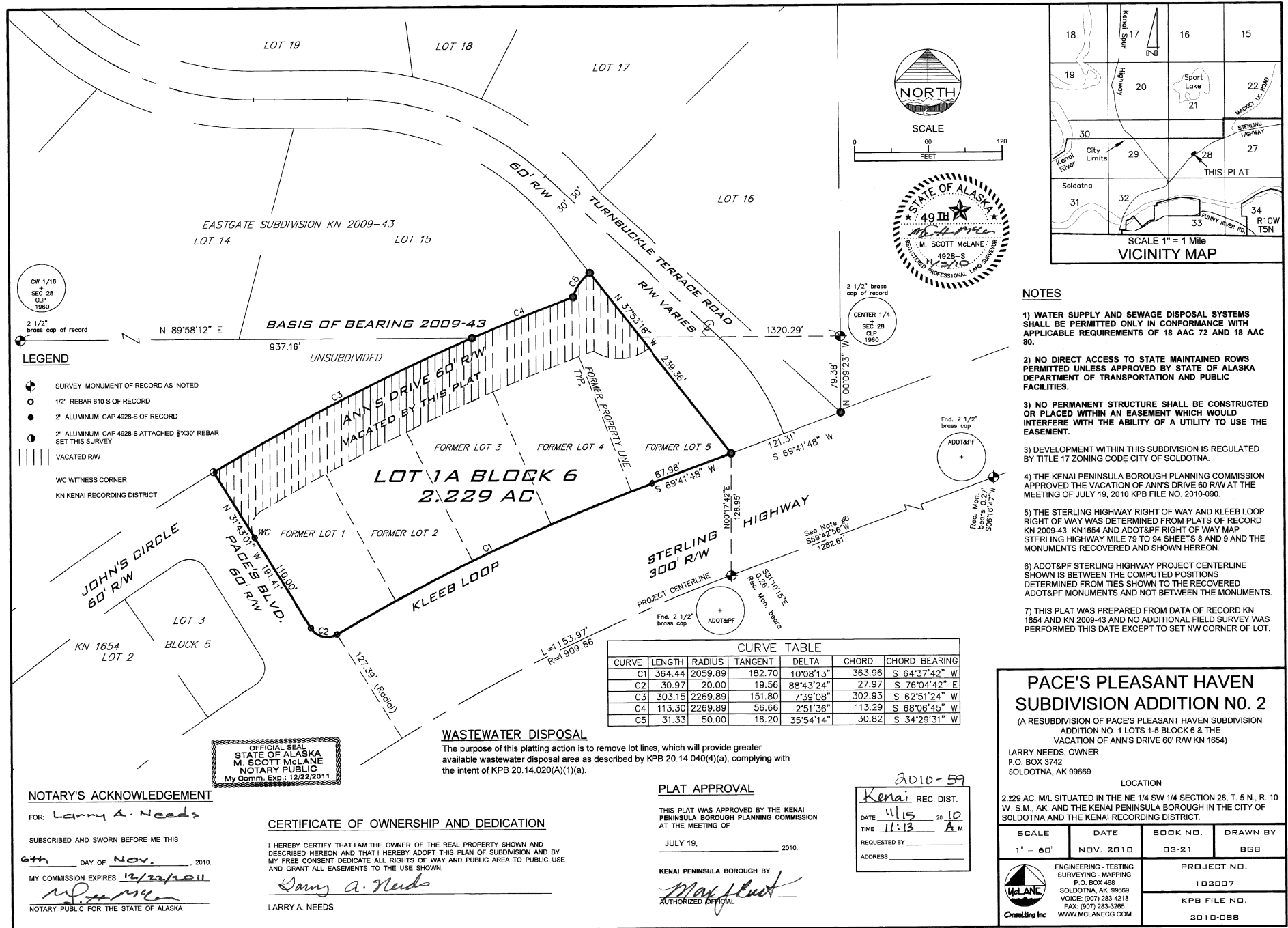
Public Noting List  
to Property Owners within 300 ft

OWNER	ADDRESS	CITY STATE ZIP
KOA FAMILY TRUST	36156 TREMOLO CIR	SOLDOTNA, AK 99669
SKINNER MICHELLE E	1838 W TANYA TRL	PHOENIX, AZ 85086
WHISTLE HILL LLC	36156 TREMOLO CIR	SOLDOTNA, AK 99669
SALTENBERGER DAVID F	PO BOX 2743	SOLDOTNA, AK 99669
ALDRIDGE DAKOTAH E	PO BOX 2957	SOLDOTNA, AK 99669
SHRAMEK MARCUS ALAN	PO BOX 140652	ANCHORAGE, AK 99514
KLAWITTER JUSTIN	1812 COCONUT PALM CIR	NORTH PORT, FL 34288
BARAK WILLIAM S Jr	PO BOX 875	STERLING, AK 99672
PRICE MARITAL II TRUST	34862 OLIVE TREE LN	YUCAIPA, CA 92399
BMH PROPERTIES LLC	44989 EDDY HILL DR	SOLDOTNA, AK 99669
JOHN THOMAS LLC	3317 MOUNTAIN VIEW DR	ANCHORAGE, AK 99501
RODRIGUEZ-RINCON JUAN A	43543 STERLING HWY	SOLDOTNA, AK 99669
DAWSON JACOB	36927 JACOBSEN AVE	STERLING, AK 99672
ANDERSON SCOTT E	827 E RIVERSIDE DR APT F140	EAGLE, ID 83616



## PARENT PLAT



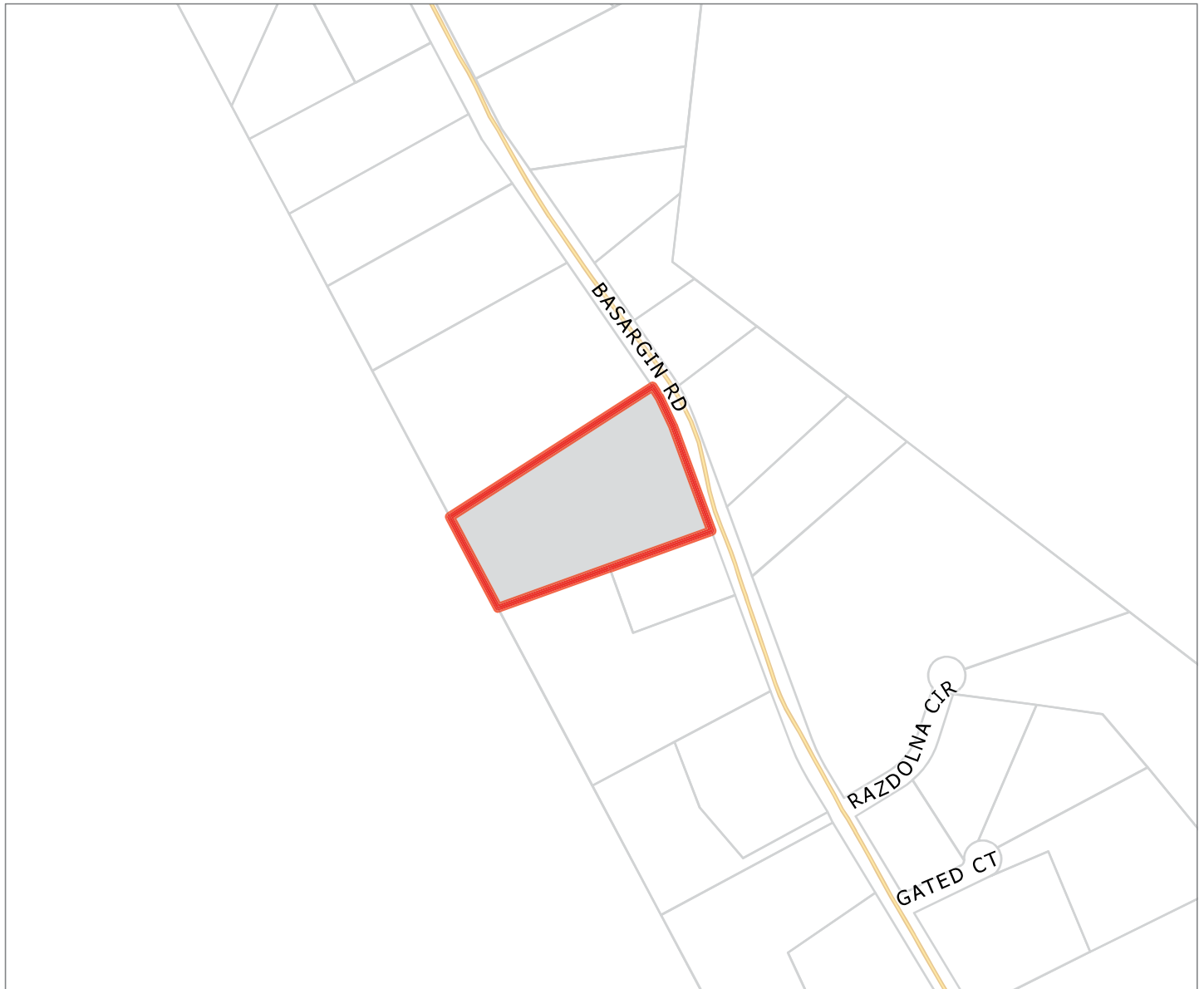






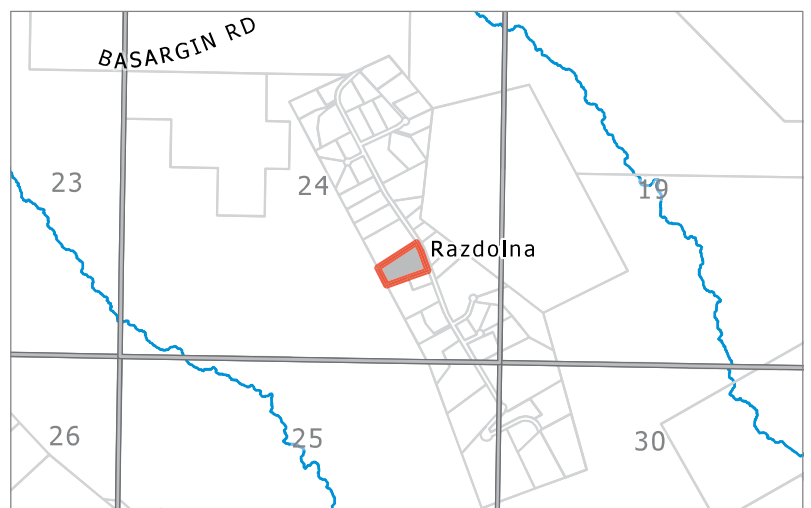
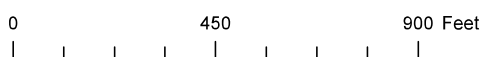
## **E. NEW BUSINESS**

**5. Razdolna 2023 Replat Lot 10-D-2  
KPB File 2022-163**



KPB File 2022-163  
T 04S R 11W SEC 24  
Fox River

11/9/2022





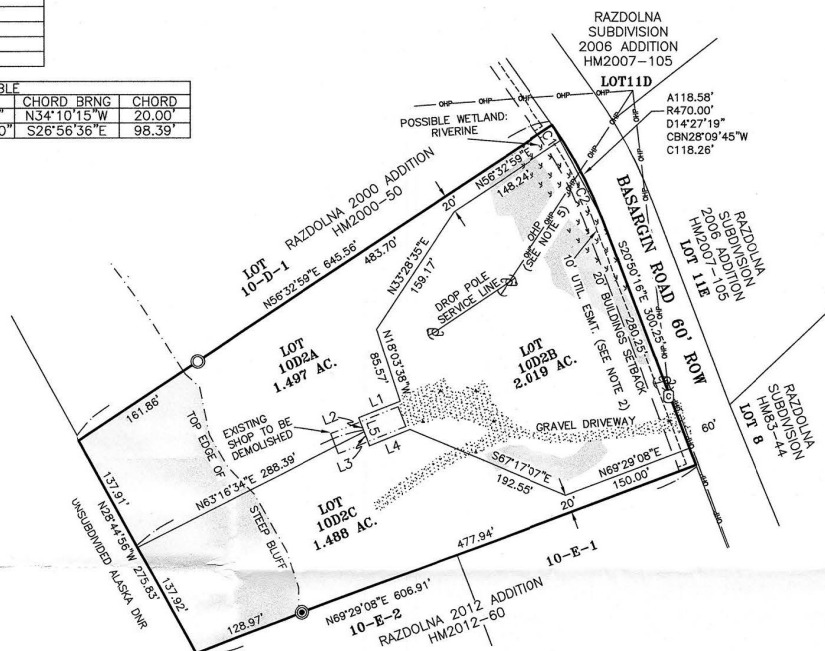
**Aerial View**





LINE TABLE		
LINE	BEARING	DISTANCE
L1	N68°11'01"E	50.54'
L2	S21°06'10"E	16.93'
L3	S21°06'10"E	16.93'
L4	N68°11'01"E	49.40'
L5	S21°06'10"E	33.86'

CURVE TABLE				
CURVE	LENGTH	RADIUS	DELTA	CHORD BRNG
C1	20.00'	470.00'	2°26'19"	N34°10'15"W
C2	98.57'	470.00'	12°01'00"	S26°56'36"E



#### WASTEWATER NOTE

TBD

#### NOTES

1. A BUILDING SETBACK OF 20 FEET IS REQUIRED FROM ALL STREET RIGHTS-OF-WAY UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
2. THE FRONT 10 FEET OF THE 20 FOOT BUILDING SETBACK AND THE ENTIRE SETBACK WITHIN 5 FEET OF SIDE LOT LINES IS A UTILITY EASEMENT PER HM2000-50.
3. 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.
4. NO STRUCTURES ARE PERMITTED WITHIN THE PANHANDLE PORTION OF THE FLAG LOT(S) PER KPB 20.30.190(B).
5. PER HM2000-50 THERE IS A 10' UTILITY EASEMENT EACH SIDE OF CENTERLINE OF EXISTING POWER LINES INCLUDING GUYS AND ANCHORS AS GRANTED BY HM83-44.
6. GREY SHADING REPRESENTS SLOPES STEEPER THAN 20% AS SHOWN ON KENAI PENINSULA BOROUGH GIS MAPPING.
7. WETLAND HATCHING REPRESENTS POTENTIAL WETLANDS AS CLASSIFIED BY KENAI WATERSHED FORUM SHOWN ON KENAI PENINSULA BOROUGH GIS MAPPING.

#### LEGEND

- ⊙ FD 2" AL-CAP SET BY 4469S IN 1997
- ⊙ FD 2" AL-CAP SET BY 4469S IN 2000
- ⊙ POWER POLE
- ⊙ POWER POLE ANCHOR
- ⊙ TELEPHONE PEDESTAL

#### PLAT #

Rec Dist \_\_\_\_\_  
Date \_\_\_\_\_  
Time \_\_\_\_\_M

KPB FILE No. 2022-\_\_\_\_\_

#### CERTIFICATE OF OWNERSHIP

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 free consent dedicate all public rights-of-way and grant all easements to the use shown.

MARIA K BASARGIN  
P.O. BOX 3363  
Homer, AK 99603

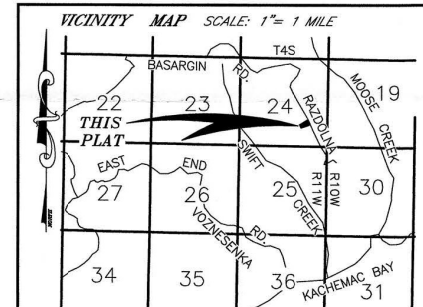
#### NOTARY'S ACKNOWLEDGEMENT

For Maria K Basargin  
Acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2023.  
Notary public for Alaska \_\_\_\_\_ My Commission Expires \_\_\_\_\_

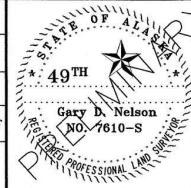
#### PLAT APPROVAL

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of \_\_\_\_\_  
KENAI PENINSULA BOROUGH

BY \_\_\_\_\_  
Authorized Official



DATE 11-2-2022  
SCALE 1" = 100'  
JOB No. 5436  
DRAWING: 5436\_5232\_5086



#### RAZDOLNA 2023 REPLAT LOT 10-D-2

A SUBDIVISION OF LOT 10-D-2, RAZDOLNA 2000 ADDITION, HM2000-50 LOCATED WITHIN THE SE1/4 SEC. 24, T4S, R11W, S.M., KENAI PENINSULA BOROUGH, HOMER RECORDING DISTRICT, STATE OF ALASKA CONTAINING 5.004 ACRES

OWNERS: MARIA K BASARGIN  
PO BOX 3363  
HOMER, AK 99603

#### ABILITY SURVEYS

GARY NELSON, PLS  
(907) 235-8440  
152 DEHEL AVE., HOMER ALASKA 99603

KPB 2022-163

AGENDA ITEM E. NEW BUSINESS

ITEM 5 - RAZDOLNA 2023 REPLAT LOT 10-D-2

<b>KPB File No.</b>	2022-163
<b>Plat Committee Meeting:</b>	December 12, 2022
<b>Applicant / Owner:</b>	Maria K. Basargin of Homer, AK
<b>Surveyor:</b>	Gary Nelson / Ability Surveys
<b>General Location:</b>	Basargin Road, Fox River

<b>Parent Parcel No.:</b>	185-460-37
<b>Legal Description:</b>	Lot 10-D-2 Razdolna 2000 Addition
<b>Assessing Use:</b>	Residential
<b>Zoning:</b>	Rural Unrestricted
<b>Water / Wastewater</b>	On Site

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STAFF REPORT

**Specific Request / Scope of Subdivision:** The proposed plat will subdivide a 5.004 acre parcel into 3 lots ranging in size from 1.488 acre to 2.019 acres.

**Location and Legal Access (existing and proposed):** The proposed plat is in the located off Basargin Road in the Razdolna area. Basargin Road is a borough maintained right-of-way that was dedicated as a 60-foot right-of-way by Razdolna Subdivision HM 83-44. The road is long and meanders through the area. It is accessed near mile 19 of state maintained East End Road.

The parent lot currently has a driveway constructed from Basargin Road. The new lot configuration will allow for all three lots to have access from Basargin Road. Access will remain on the northeast side of the lot from Basargin Road with two of the lots being accessed by panhandles to the back portion of the lots. Per the preliminary plat, it appears the gravel driveway may provide access to proposed Lot 10D2C. If any of the lots will share access, **staff recommends driveway or access easements be granted once the ownership of the lots change.**

Block length is not compliant. The property contains steep slopes that continue into the adjacent property. The adjacent property is 205 acres owned by the State of Alaska DNR. **Staff recommends the plat committee concur that an exception is not required as any dedication required will not improve the block, provide needed access, and terrain limits continuations.**

KPB Roads Dept. comments	Out of Jurisdiction: No  Roads Director: Uhlin, Dil Comments: No comments
SOA DOT comments	

**Site Investigation:** The subdivision contains low wet areas classified as Riverine by the Kenai Watershed Forum Wetland Assessment. The area is along Basargin Road and is depicted with symbols. Per plats HM 2000-50 and HM 97-36, there is a creek in that location. Both plats depict the creek with a note that it may be subject to flooding 5 feet on each side. **Staff recommends a wetlands determination note be added, the wetland depiction be removed so that the depiction of the creek can be added with a label or plat note being added that carries over the flooding note from parent plats.**

The plat has shaded areas steeper than 20 percent. Areas are found along the back portion of the subdivision and adjacent to the low wet area. As a portion of the steep areas appear to be adjacent or slightly within the access portion for Lot 10D2A, **staff recommends the steep areas remain on the final plat, the top of the steep bluff should**

remain depicted and labeled.

There are improvements on proposed Lot 10D2B and an existing building that straddles the intersection of all three lot lines. Per the submittal, this structure is to be torn down and a new garage built on Lot 10D2B. **Staff recommends the building must be removed prior to administrative approval with staff notified of the status in writing.**

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** The proposed plat will divide one lot into three lots. The existing house will be on the front lot, Lot 10D2B, and two new lots will be located behind and accessed as flag lots, one on each side of the front lot.

The property was originally part of US Survey 3015 that created a 129.54 acre lot. Razdolna Subdivision, Plat HM 83-44, further subdivided US Survey 3015 and created Lot 10. The lot was then subdivided by Razdolna 1997 Addition HM 97-36, creating Lot 10-D. Razdolna 2000 Addition HM 2000-50, further subdivided the property into the current configuration creating Lot 10-D-2.

A soils report will be required and an engineer will sign the final plat. Existing systems shall be located to make sure the systems do not encroach onto the proposed lots. The plat cannot create an encroachment and if any are found will require resolution prior to administrative approval being granted.

The plat is within the Kachemak Bay Advisory Planning Commission boundary which is inactive at this time.

The plat cannot create an encroachment issue but per the submittal, the existing shop will be moved or demolished.

**Utility Easements** There is a 10' Utility Easement each side of the centerline of the existing power lines including guys and anchors as granted by Razdolna 1997 Addition, HM 83-44. Per Razdolna 2000 Addition, Plat HM 2000-50, a portion of the overhead line is within the parent lot and it carried over the utility easement. Plat note and the depiction on the plat are carrying over the easement. Plat HM 83-44 also created 10 foot utility easements that increased to 20 feet within 5 feet of the side lot lines. Plat HM 2000-50 carried over that easement but granted new easements along the new lot line being created. The plat is carrying over the existing easements as found on Plat HM 2000-50 as found in plat note 2. No additional easements are proposed along the side lot lines per the depiction.

Utility providers received the plat for comment. HEA has noted some clarifications that need to occur regarding existing easements and the need for a new easement. The comment will be forwarded to the surveyor so the owner/surveyor may make necessary adjustments or work with the provider for agreeable terms.

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	Comments included in the packet.
ENSTAR	No comment or recommendations
ACS	No objections
GCI	Approved as shown

**KPB department / agency review:**

Addressing	<p>Reviewer: Haws, Derek  Affected Addresses:  46575 BASARGIN RD</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names:  BASARGIN RD</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: 46575 BASARGIN RD will remain with lot 10D2B</p>
Code Compliance	<p>Reviewer: Ogren, Eric  Comments: No comments</p>
Planner	<p>Reviewer: Raidmae, Ryan  There are not any Local Option Zoning District issues with this proposed plat.</p> <p>Material Site Comments:  There are not any material site issues with this proposed plat.</p>
Assessing	<p>Reviewer: Windsor, Heather  Comments: No comment</p>

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

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

Due to the amount of information needing presented along the front property lines, staff would request changing the scale in an effort to make depictions and information easier to read as long as other required items fit on the plat.

**KPB 20.25.070 – Form and contents required**

- D. A vicinity map, drawn to scale showing location of proposed subdivision, north arrow if different from plat orientation, township and range, section lines, roads, political boundaries, and prominent natural and manmade features, such as shorelines or streams;  
**Staff recommendation:** Update the spelling of Kachemak Bay. Remove what appears to be village names or use a font style that differs from the street labels.

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

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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.

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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 analysis report will be required and an engineer's signature will be required on the final.

**Staff recommendation:** Plat must 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.

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**20.60.110. Dimensional data required.**

A. The bearing and length of every lot line, block line, and boundary line shall be shown. Dimensions of lots shall be given as net dimensions to the boundaries of adjoining streets and shall be shown in feet. No ditto marks shall be used. Information shall be shown for all curves, including radius, central angle, arc length, chord length and chord bearing. The initial point of survey shall be shown and labeled. All non-radial lines shall be labeled. If monumented lines were not surveyed during this platting action, show the computed data per the record plat information.

B. 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.

C. Any discrepancy between the survey and the record description, and the source of all information used in making the survey shall be indicated. When an inconsistency is found including a gap or overlap, excess or deficiency, erroneously located boundary lines or monuments, or when any doubt as to the location on the ground of the true boundary or property rights exists, the nature of the inconsistency shall be clearly shown on the drawing.

**Staff recommendation:** Comply with 20.60.110.

**20.60.180. Plat notes.**

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

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

**Staff recommendation:** Place the following notes on the plat.

- Any person developing the property is responsible for obtaining all required local, state, and federal permits, including a U.S. Army Corps of Engineers wetland determination if applicable.
- 

**RECOMMENDATION:**

**STAFF RECOMMENDS:**

- GRANT APPROVAL OF THE PRELIMINARY PLAT SUBJECT TO STAFF RECOMMENDATIONS, AND
- COMPLIANCE WITH KPB 20.25.070 (FORM AND CONTENTS), KPB 20.25.080 (PETITION REQUIRED), KPB 20.30 (DESIGN REQUIREMENTS); AND KPB 20.40 (WASTEWATER DISPOSAL), AND
- COMPLIANCE WITH KPB 20.60 TO ENSURE ADMINISTRATIVE APPROVAL OF THE FINAL PLAT.

NOTE: 20.25.120. - REVIEW AND APPEAL.

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

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

END OF STAFF REPORT

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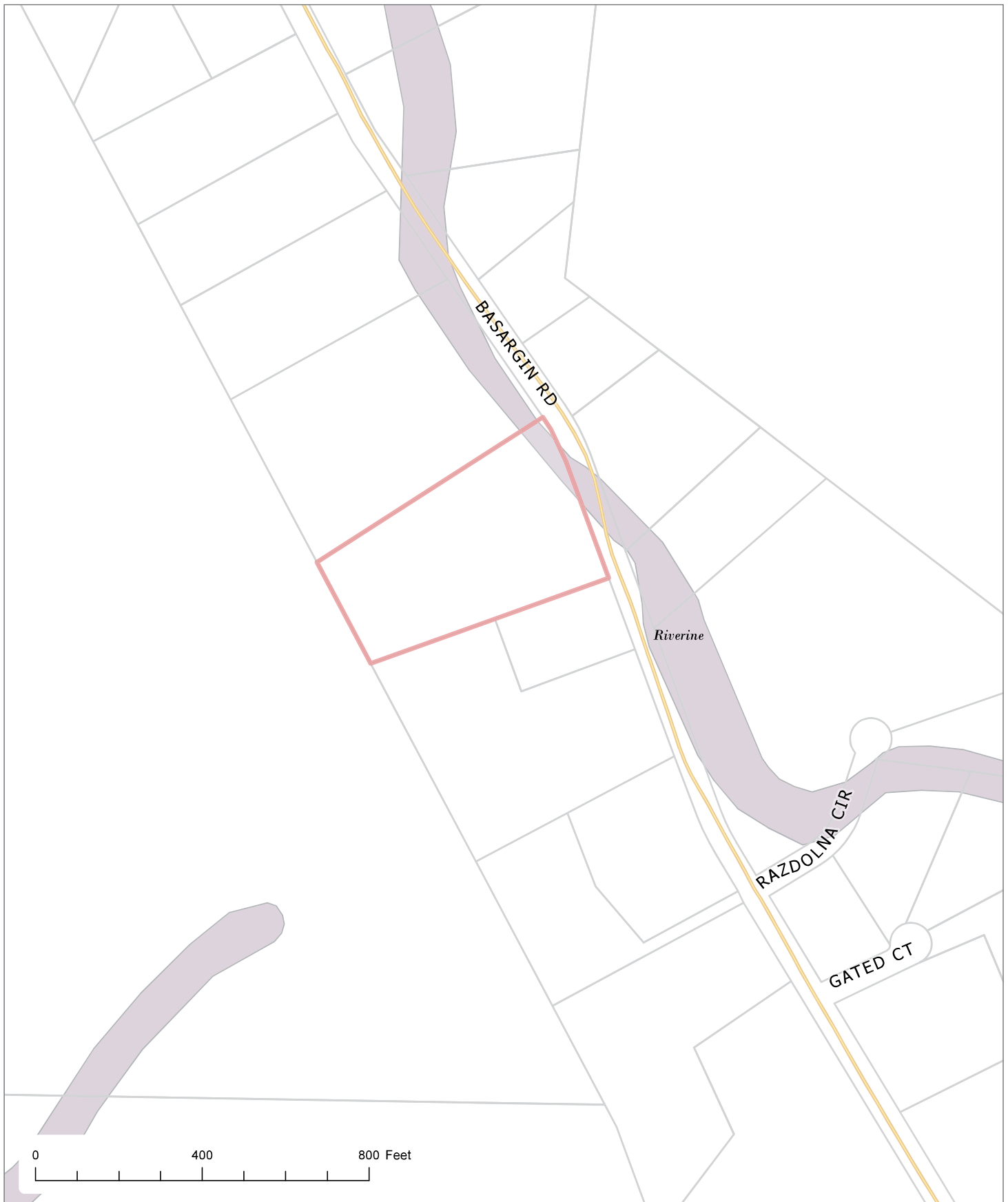
Aerial View







**Wetlands**



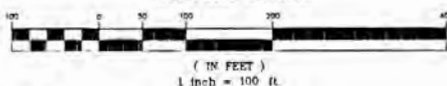






HM 2000-50

GRAPHIC SCALE



**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.

LEGEND:

- Found Al. Cap on 5/8" Rebar, 4469-S, 1997
- Monument of Record, not recovered this survey
- Found 5/8" Rebar, 4469-S, 1983
- WC Witness Corner
- ▲ Set 2" Al. Cap on 5/8" Rebar, 4469-S, 2000
- Found Al. Cap on 5/8" Rebar, 4469-S, 1999

(REC.) Razdolna 1997 Record data, Plat 97-36 HRD.



NOTES

1. Soils on these lots may or may not be suitable for conventional on-site waste disposal systems. No person may construct, install, maintain, or operate a pressurized water system or water-borne waste disposal system unless approved of the Alaska Department of Environmental Conservation is obtained.
2. Building Setback: A setback 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 permanent structure shall be constructed or placed within an easement which would interfere with the ability of a utility to use the easement.
4. The State of Alaska requires that all wastewater disposal systems be a minimum of 100 ft. from any water source.
5. No access to State maintained rights-of-way permitted unless approved by State of Alaska Department of Transportation.
6. Existing utility easement 10' each side of centerline of existing powerlines including guys and anchors as granted on Razdolna Subdivision, Plat #83-44, Homer Recording District.
7. The front 10 feet of the building setback and the entire setback within 5 feet of the side lot lines is a public utility easement.
8. The right-of-way curve radius point was established at record radius with a distance-distance intersection from the found monuments.
9. The land owner is responsible for obtaining any necessary local, state, or federal permits required for crossing the creek.

Curve Data

(REG.)	(REG.)
R=470.00'	R=470.00'
L=118.58'	L=118.70'
T=59.61'	T=59.67'
C=118.27'	C=118.39'
N28°09'30"W	N28°01'36"W
Δ14°27'22"	Δ14°28'15"



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. We further certify that Dead(s) of Trust affecting this property do not contain restrictions which would prohibit this subdivision, or require signature and approval of beneficiary.

Vasily V. Basargin and Evdokia G. Basargin  
Vasily V. Basargin and Evdokia G. Basargin  
P.O. Box 2325, Homer, AK 99603

Notary's Acknowledgement

Subscribed and sworn before me this 30 day of October, 2000, for Vasily V. Basargin and Evdokia G. Basargin.

Naum Rave  
Notary Public for State of Alaska  
My Commission Expires: 7-30-02

Brass Cap, Al. Div. of Lands  
1301-S, 1983, recovered in 1999

Plat Approval

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of April 12, 2000.

KENAI PENINSULA BOROUGH

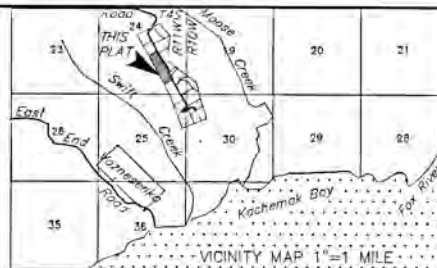
By [Signature]  
Authorized Official

2000-50  
Homee - REC DIST  
Date: 11/21/00  
Time: 9:48 AM  
Requested By: [Signature]  
Address: [Blank]

**RAZDOLNA  
2000 ADDITION**  
SUBDIVISION OF LOT 10-D,  
RAZDOLNA 1997 SUBDIVISION,  
PLAT #97-36, HOMER RECORDING  
DISTRICT, THIRD JUDICIAL DISTRICT,  
LOCATED IN THE SW 1/4 SE 1/4,  
NE 1/4 SE 1/4, NW 1/4 SE 1/4,  
SE 1/4 SE 1/4, S 24, T4S, R11W,  
SEWARD MERIDIAN, ALASKA,  
CONTAINING 11.001 ACRES

SURVEYOR	CLIENTS
MULLIKIN SURVEYS P.O. Box 790 Homer, AK 99603	Vasily V. Basargin Evdokia G. Basargin P.O. Box 2325 Homer, AK 99603
Scale: 1" = 100'	Date: March, 2000
Book No. 155	Dwg. File: Razdolna
Drawn By: TLM	Checked By: TLM

LINE	DIRECTION	DIST.
L1	S 28°24'51" E	293.27'
L2	N 61°16'13" E	100.22'



- NOTES:**
1. Suits on these lots may or may not be suitable for conventional on-site waste disposal systems. No person may construct, install, maintain, or operate a pressurized water system or water-borne waste disposal system unless approval of the Alaska Department of Environmental Conservation is obtained.
  2. Building Setback: A setback 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 permanent structure shall be constructed or placed within an easement which would interfere with the ability of a utility to use the easement.
  4. The State of Alaska requires that all wastewater disposal systems be a minimum of 100 ft. from any water source.
  5. No access to State maintained rights-of-way permitted unless approved by State of Alaska Department of Transportation.
  6. Existing utility easement 10' each side of centerline of existing powerlines including guys and anchors as granted on Razdolna Subdivision, Plat #83-44, Homer Recording District.
  7. The front 10 feet of the building setback and the entire setback within 5 feet of the side lot lines is a public utility easement.

#### LEGEND:

- Set Al. Cap on 5/8" Rebar, 4469-S, 1997.
- Found 1 1/2" Al. Cap on 1/2" Rebar, 4469-S, 1983.
- Found 5/8" Rebar, 4469-S, 1983.
- Set 5/8" Rebar, 4469-S, 1997.
- WC Witness Corner

#### Certificate of Ownership and Dedication

We hereby certify that we are the owners of the real property shown and described herein 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.

*Vasily V. Basargin and Evdokia G. Basargin*  
Vasily V. Basargin and Evdokia G. Basargin  
P.O. Box 2325, Homer, AK 99603

#### Notary's Acknowledgement

Subscribed and sworn before me this 10th day of March, 1997, for Vasily V. Basargin and Evdokia G. Basargin.

*Donald E. Mullikin*  
Notary Public for State of Alaska  
My Commission Expires: 11/19/97

77-36  
FILED 19  
HOMER REC. DIST.  
DATE 7/5/1997  
TIME 10:00 AM  
Requested by Mullikin  
Address \_\_\_\_\_

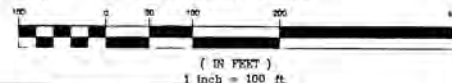
**RAZDOLNA**  
**1997 ADDITION**  
SUBDIVISION OF LOT 10,  
RAZDOLNA SUBDIVISION,  
PLAT #83-44, HOMER RECORDING  
DISTRICT, THIRD JUDICIAL DISTRICT,  
LOCATED IN THE SW 1/4 NE 1/4,  
NE 1/4 SW 1/4, NW 1/4 SW 1/4,  
SE 1/4 SW 1/4, SW 1/4 SW 1/4,  
SECTION 24, T4S, R11W, S.M.,  
ALASKA.  
CONTAINING 26.490 ACRES

SURVEYOR	CLIENTS
MULLIKIN SURVEYS Donald E. Mullikin, P.L.S. P.O. Box 790 Homer, AK 99603	Vasily V. Basargin Evdokia G. Basargin P.O. Box 2325 Homer, AK 99603
Scale: 1" = 100'	Date: February 10, 1997
Dwg. File: Razdolna	
Book No. 39	K.P.B. File No. 97-043
Drawn By: TLM	Checked By: DEM

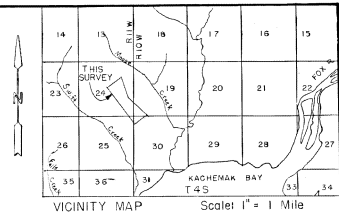


#### Plot Approval

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of March 10, 1997  
KENAI PENINSULA BOROUGH  
By: *[Signature]*  
Authorized Official







#### PLAT APPROVAL

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of April 12, 1983.

KENAI PENINSULA BOROUGH

By: [Signature]  
Authorized Official

#### OWNERSHIP CERTIFICATE

I hereby certify that I am the owner of the property shown and described hereon and that I hereby adopt this plan of subdivision, and dedicate all right-of-ways to public use and grant all easements to the use shown.

Vasily A. Basargin  
Vasily A. Basargin  
P.O. Box 1423  
Homer, Ak. 99603

#### NOTARY'S ACKNOWLEDGEMENT

Subscribed and sworn before me this 11<sup>th</sup> day of April, 1983, for Vasily A. Basargin

[Signature]  
Notary Public for Alaska  
My Commission Expires Sept. 7, 1985

#### NOTES:

1. All wastewater disposal systems shall comply with existing applicable laws at time of construction.
2. The State of Alaska requires that all wastewater disposal systems be a minimum of 100' from any water source.
3. Building Setback--A setback of 20' is required from all street right-of-ways unless a lesser standard is approved by resolution of the appropriate Planning Commission.
4. Creek may be subject to flooding 5' each side.
5. Water supply and sewage disposal systems shall be permitted only in conformance with applicable requirements of 18 AAC 70, 18 AAC 72, and 18 AAC 80.
6. Utility easements are 10' each side of centerline of all existing powerlines including guys and anchors.

#### OWNERSHIP CERTIFICATE

I hereby certify that I am the owner of the property shown and described hereon and that I hereby adopt this plan of subdivision and dedicate all right-of-ways to public use and grant all easements to the use shown.

Faddey V. Basargin  
Faddey V. Basargin  
P.O. Box 1423  
Homer, Ak. 99603

#### NOTARY'S ACKNOWLEDGEMENT

Subscribed and sworn before me this 11<sup>th</sup> day of April, 1983, for Faddey V. Basargin.

[Signature]  
Notary Public for Alaska  
My Commission Expires Sept. 7, 1985

83-44  
FILED  
Homer, AK  
DATE: 5-1-83  
TIME: 12:23 P  
RECORDED  
BY: [Signature]

#### RAZDOLNA SUBDIVISION

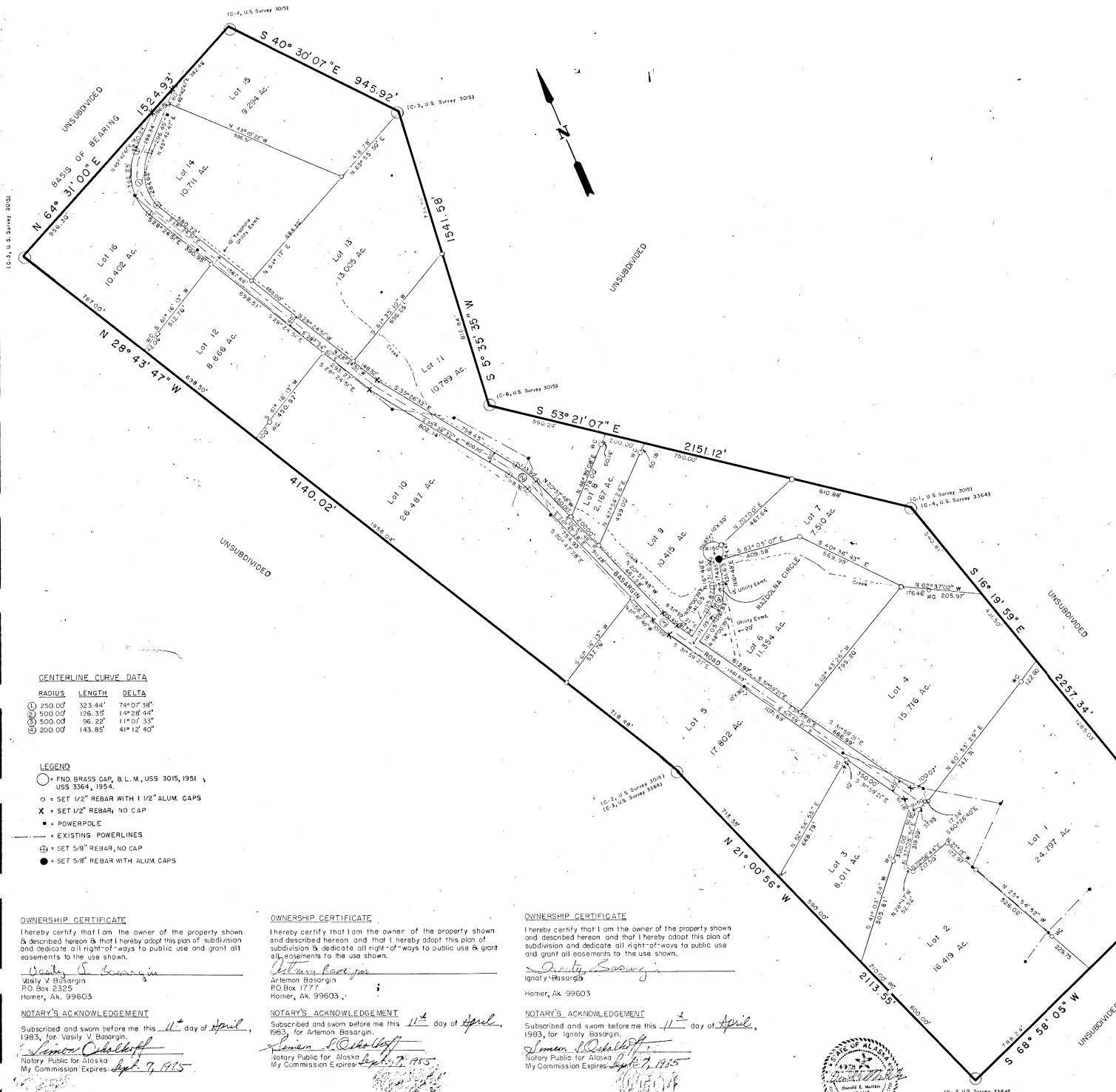
A subdivision of U.S. Surveys 3015 & 3364, lying within the following protracted sections: the E 1/2 Sec. 24 and the NE 1/4 NE 1/4 Sec. 25, T4S, R11W, S.M. and SW 1/4 SW 1/4 Sec. 19 and the NW 1/4 NW 1/4 Sec. 30, T4S, R10W, S.M., Ak. Containing 211.794 Acres

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

Surveyed for:  
Vasily A. Basargin  
P.O. Box 1423  
Homer, Ak. 99603

Date: September 1982 Scale: 1" = 200'

Field Book No.: 24 & 26 & 39



#### CENTERLINE CURVE DATA

RADIUS	LENGTH	DELTA
① 250.00'	323.44'	74°07'35"
② 500.00'	126.35'	14°22'44"
③ 500.00'	96.22'	11°01'33"
④ 200.00'	143.85'	41°12'40"

#### LEGEND

- FND. BRASS CAP, B.L.M., USS 3015, 1951  
USS 3364, 1954.
- SET 1/2" REBAR WITH 1 1/2" ALUM. CAPS
- X SET 1/2" REBAR, NO CAP
- POWERPOLE
- EXISTING POWERLINES
- ⊕ SET 5/8" REBAR, NO CAP
- SET 5/8" REBAR WITH ALUM. CAPS

#### OWNERSHIP CERTIFICATE

I hereby certify that I am the owner of the property shown and described hereon and that I hereby adopt this plan of subdivision and dedicate all right-of-ways to public use and grant all easements to the use shown.

Vasily A. Basargin  
Vasily A. Basargin  
P.O. Box 2325  
Homer, Ak. 99603

#### NOTARY'S ACKNOWLEDGEMENT

Subscribed and sworn before me this 11<sup>th</sup> day of April, 1983, for Vasily A. Basargin.

[Signature]  
Notary Public for Alaska  
My Commission Expires Sept. 7, 1985

#### OWNERSHIP CERTIFICATE

I hereby certify that I am the owner of the property shown and described hereon and that I hereby adopt this plan of subdivision and dedicate all right-of-ways to public use and grant all easements to the use shown.

Artemon Basargin  
Artemon Basargin  
P.O. Box 1777  
Homer, Ak. 99603

#### NOTARY'S ACKNOWLEDGEMENT

Subscribed and sworn before me this 11<sup>th</sup> day of April, 1983, for Artemon Basargin.

[Signature]  
Notary Public for Alaska  
My Commission Expires Sept. 7, 1985

#### OWNERSHIP CERTIFICATE

I hereby certify that I am the owner of the property shown and described hereon and that I hereby adopt this plan of subdivision and dedicate all right-of-ways to public use and grant all easements to the use shown.

Ignaty Basargin  
Ignaty Basargin  
Homer, Ak. 99603

#### NOTARY'S ACKNOWLEDGEMENT

Subscribed and sworn before me this 11<sup>th</sup> day of April, 1983, for Ignaty Basargin.

[Signature]  
Notary Public for Alaska  
My Commission Expires Sept. 7, 1985



E5-14



LINE TABLE		
LINE	BEARING	DISTANCE
L1	N68°11'01"E	50.54'
L2	S21°06'10"E	16.93'
L3	S21°06'10"E	16.93'
L4	N68°11'01"E	49.40'
L5	S21°06'10"E	33.86'

CURVE TABLE				
CURVE	LENGTH	RADIUS	DELTA	CHORD BRNG
C1	20.00'	470.00'	2°26'19"	N34°10'15"W
C2	98.57'	470.00'	12°01'00"	S26°56'36"E

For the overhead primary electric line, provide a label or plat note stating, "The existing overhead powerline is the centerline of a 30-foot-wide electrical easement, including guys and anchors, granted this plat."

The service line does not need an easement as it is the service line to the parcel and is not crossing any boundaries.

#### WASTEWATER NOTE

TBD

#### NOTES

1. A BUILDING SETBACK OF 20 FEET IS REQUIRED FROM ALL STREET RIGHTS-OF-WAY UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
2. THE FRONT 10 FEET OF THE 20 FOOT BUILDING SETBACK AND THE ENTIRE SETBACK WITHIN 5 FEET OF SIDE LOT LINES IS A UTILITY EASEMENT PER HM2000-50.
3. 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.
4. NO STRUCTURES ARE PERMITTED WITHIN THE PANHANDLE PORTION OF THE FLAG LOT(S) PER KPB 20.30.190(B).
5. PER HM2000-50 THERE IS A 10' UTILITY EASEMENT EACH SIDE OF CENTERLINE OF EXISTING POWER LINES INCLUDING GUYS AND ANCHORS AS GRANTED BY HM83-44.
6. GREY SHADING REPRESENTS SLOPES STEEPER THAN 20% AS SHOWN ON KENAI PENINSULA BOROUGH GIS MAPPING.
7. WETLAND HATCHING REPRESENTS POTENTIAL WETLANDS AS CLASSIFIED BY KENAI WATERSHED FORUM SHOWN ON KENAI PENINSULA BOROUGH GIS MAPPING.

Plat 83-44 HM does not depict the portion of electric line where the current label 'see note 5' is located. Plat 83-44 HM only depicts an overhead line near the eastern boundary adjoining Basargin Road near Lot 10-E. Revise the location of the 'see note 5' label to the portion of electric line depicted in the parent plat.

#### LEGEND

- FD 2" AL-CAP SET BY 4469S IN 1997
- FD 2" AL-CAP SET BY 4469S IN 2000
- ⚡ POWER POLE
- ⚡ POWER POLE ANCHOR
- ⊙ TELEPHONE PEDESTAL

#### PLAT #

Rec Dist \_\_\_\_\_  
Date \_\_\_\_\_ 20\_\_\_\_  
Time \_\_\_\_\_ M

KPB FILE No. 2022- \_\_\_\_\_

#### CERTIFICATE OF OWNERSHIP

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 free consent dedicate all public rights-of-way and grant all easements to the use shown.

MARIA K BASARGIN  
P.O. BOX 3363  
Homer, AK 99603

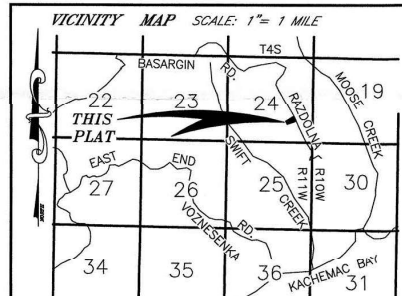
#### NOTARY'S ACKNOWLEDGEMENT

For Maria K Basargin  
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



DATE 11-2-2022  
SCALE 1" = 100'  
JOB No. 5436  
DRAWING: 5436\_5232\_5086



#### RAZDOLNA 2023 REPLAT LOT 10-D-2

A SUBDIVISION OF LOT 10-D-2, RAZDOLNA 2000 ADDITION, HM2000-50 LOCATED WITHIN THE SE1/4 SEC. 24, T4S, R11W, S.M., KENAI PENINSULA BOROUGH, HOMER RECORDING DISTRICT, STATE OF ALASKA CONTAINING 5.004 ACRES

OWNERS: MARIA K BASARGIN  
PO BOX 3363  
HOMER, AK 99603

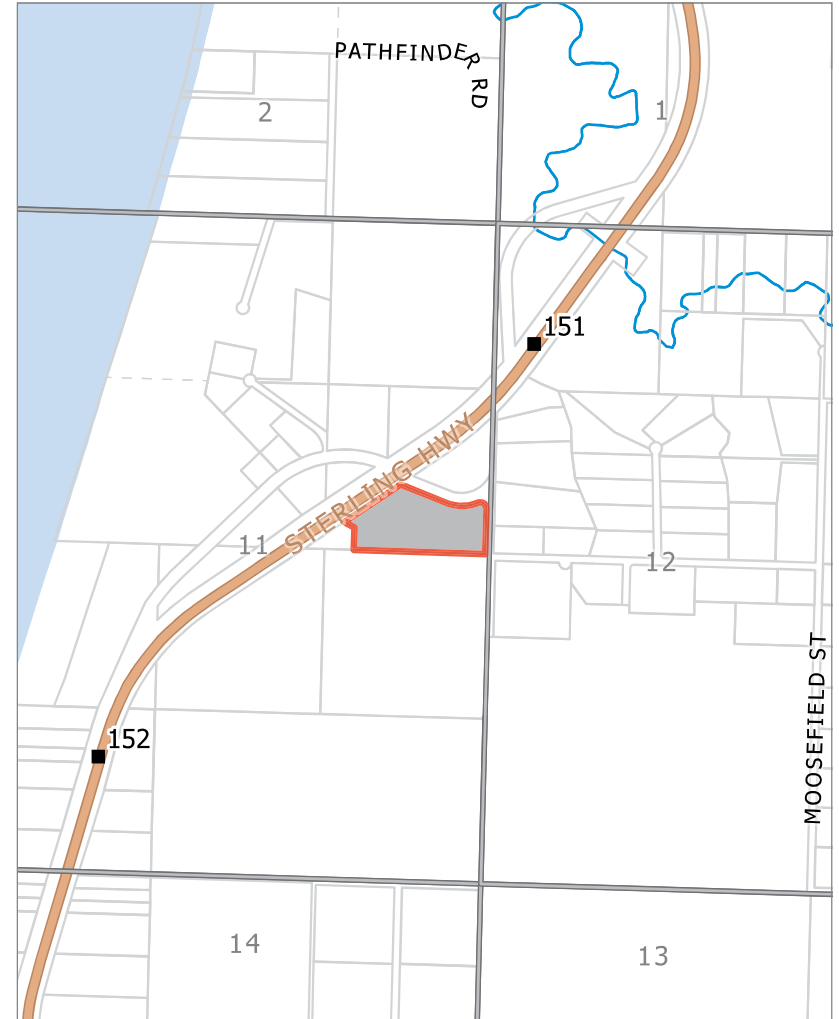
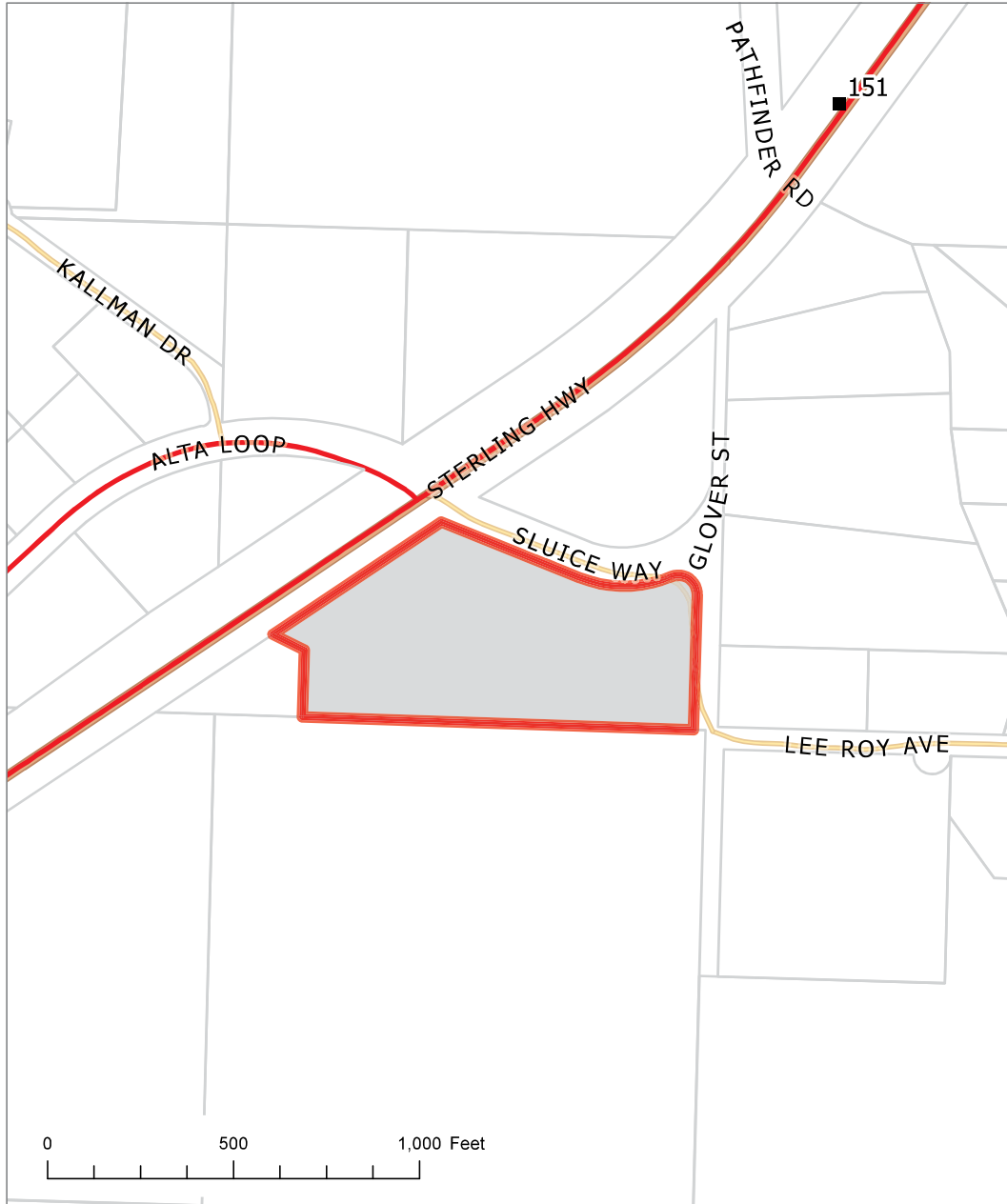
#### ABILITY SURVEYS

GARY NELSON, PLS  
(907) 235-8440  
152 DEHEL AVE., HOMER ALASKA 99603

KPB 2022-163

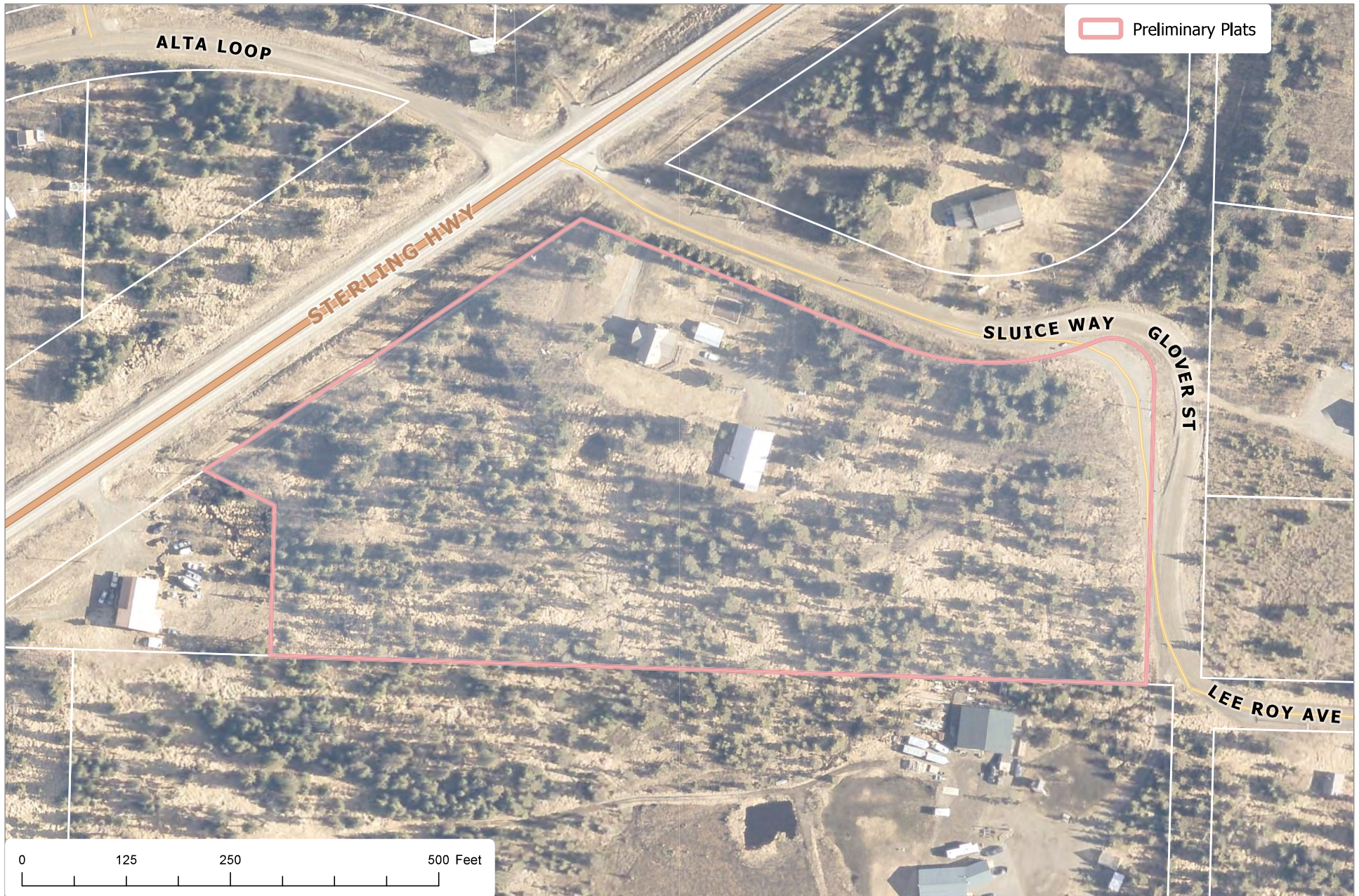
## **E. NEW BUSINESS**

- 6. Terra Firma Subdivision Johnson Addition  
KPB File 2022-171**



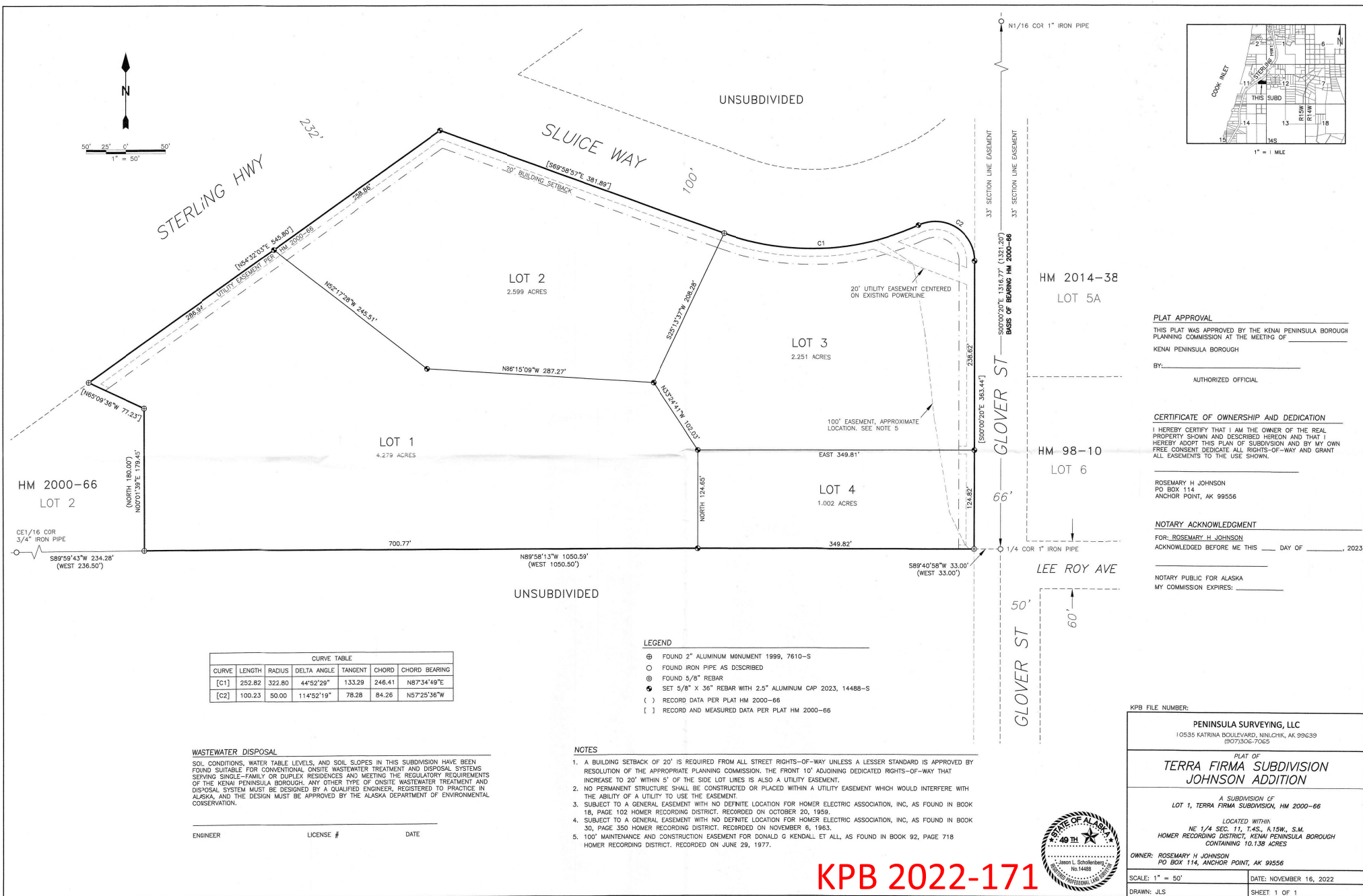
KPB File # 2022-171  
S11 T04S R15W  
Anchor Point





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.





AGENDA ITEM E. NEW BUSINESS

ITEM 6 - TERRA FIRMA SUBDIVISION JOHNSON ADDITION

<b>KPB File No.</b>	2022-171
<b>Plat Committee Meeting:</b>	December 12, 2022
<b>Applicant / Owner:</b>	Rosemary Johnson of Anchor Point, AK
<b>Surveyor:</b>	Jason Schollenberg / Peninsula Surveying, LLC
<b>General Location:</b>	Sterling Highway, Sluice Way, Glover Street, Anchor Point

<b>Parent Parcel No.:</b>	165-711-51
<b>Legal Description:</b>	Lot 1 Terra Firma Subdivision HM 2000-66
<b>Assessing Use:</b>	Residential
<b>Zoning:</b>	Rural Unrestricted
<b>Water / Wastewater</b>	Onsite

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STAFF REPORT

**Specific Request / Scope of Subdivision:** The proposed plat will subdivide a 10.138 acre parcel into 4 lots ranging in size from 1.002 acres to 4.279 acres.

**Location and Legal Access (existing and proposed):** The proposed plat is located on Sluice Way between Sterling Highway and Glover Street. Sterling Highway is a state maintained right-of-way that is 232 feet wide in this area. Sluice Way is located near Sterling Highway mile marker 151.5. Sluice Way is 100 feet wide and was a former portion of state maintained Old Sterling Highway. The name of the right-of-way was changed to Sluice Way by Resolution SN 2010-01. Jurisdiction of the right-of-way was given from the state to the borough and is borough maintained. Glover Street is dedicated as a 66 foot wide right-of-way atop 66 foot wide section line easements. The portion adjacent to the subdivision is constructed and borough maintained. Glover Street is only constructed to Lee Roy Avenue where the roadway turns and continues. South of the subdivision Glover Street has only received a 50 foot dedication for the eastern portion but a 33 foot section line easement provides additional width.

Existing access is developed from Sluice Way and will continue to provide access to proposed Lot 2. Lot 3 will have access from Sluice Way and Glover Street and Lot 4 will have access from Glover Street. Lot 1 is proposed to have access from the Sterling Highway. Access to the highway must be permitted by Alaska DOT. A plat note will be required that states access must be approved by the State of Alaska.

An access easement was granted by a document that is depicted and noted within note 5.

It appears that a portion of constructed travelway is within proposed Lot 3 that appears to be the portion of the access easement that was used prior to dedications. Imagery from 1996 shows this portion constructed as the dedication did not occur until 2000. Current imagery shows the new constructed road within the dedication and what appears to be barriers to limit access through Lot 3. Staff requests verification from the surveyor when the field work is completed to let us know if that portion is still in use.

The block is large and relies on section line easements to be closed. The block is currently defined by Sterling Highway, Sluice Way, Glover Street, and section line easements. Due to improvements on the lot to the west and south a dedication to provide a closed block by this subdivision would not be possible. Any dedications through this property to then connect to the Sterling Highway would create a block that does not comply with minimal distance along a state right-of-way. There are several large acreage parcels to the south that could potential give additional rights-of-way in the future but approximately 500 feet south of this subdivision are low wet areas that will make road construction difficult. ***Staff recommends the plat committee concur that an exception is not required as this plat cannot provide dedications to improve the block.***



**Staff recommends** source for highway information should be cited either by label or plat note.

KPB Roads Dept. comments	Out of Jurisdiction: No Roads Director: Uhlin, Dil Comments: No comments
SOA DOT comments	

**Site Investigation:** There does not appear to be any low wet areas within the proposed subdivision. No steep terrain is present within the proposed subdivision or within the existing adjoining dedications.

There are improvements located on the subdivision that will be located on Lot 2 of the proposed subdivision. There does not appear to be any encroachment issues but the surveyor will need to confirm the back structure will not encroach the new property line.

KPB River Center review	A. Floodplain Reviewer: Carver, Nancy Floodplain Status: Not within flood hazard area Comments: Located in Zone D – Undetermined Flood Risk  B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments  C. State Parks Reviewer: Russell, Pam Comments: No Comments
State of Alaska Fish and Game	

**Staff Analysis** This parcel was originally divided by Terra Firma Subdivision HM 2000-66. It created two lots and dedicated the west half of Glover Street south of Old Sterling highway now known as Sluice Way. This plat is taking Lot 1 and dividing it into 4 lots ranging in size from 1.002 acres to 4.279 acres.

The original plat of Terra Firma Subdivision had a soils report done for Lot 2 only as Lot 1 was over 10 acres in size and did not require an analysis. A soils report will be required and an engineer will need to 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 proposed plat is within the Anchor Point Advisory Planning Commission.

**Utility Easements** Terra Firma Subdivision, Plat HM 2000-66, granted 10 foot utility easements adjoining dedicated rights-of-way that increased to 20 feet within 5 feet of side lot lines. The 10 foot easement is depicted and labeled per HM 2000-66. **Staff recommends** the label include the width.

Per plat note 1 this plat will also be adding to the existing easement by granting 20 feet within 5 feet of the new side lot lines. **Staff recommends** the depiction be updated to show the 20 foot along all side lot lines.

A 20-foot utility easement centered on the existing power line located on the east side of the subdivision coming from the parent plat. HEA has requested the source of the easement be stated. **Staff recommends** that the easement be labeled “as granted on plat HM 2000-66”.

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	Provide a label for the width of the easement of record (10 ft). Add "as granted on plat 2000-66 HM" on 20 foot easement
ENSTAR	No comments or recommendations
ACS	No objections
GCI	Approved as shown

**KPB department / agency review:**

Addressing	<p>Reviewer: Haws, Derek Affected Addresses: 29115 SLUICE WAY</p> <p>Existing Street Names are Correct: Yes List of Correct Street Names: SLUICE WAY STERLING HIGHWAY GLOVER ST LEE ROY AVE</p> <p>Existing Street Name Corrections Needed:</p> <p>All New Street Names are Approved: No List of Approved Street Names: List of Street Names Denied:</p> <p>Comments: 29115SLUICE WAY will remain with Lot 2.</p>
Code Compliance	<p>Reviewer: Ogren, Eric Comments: No comments</p>
Planner	<p>Reviewer: Raidmae, Ryan There are not any Local Option Zoning District issues with this proposed plat.</p> <p>Material Site Comments: There are not any material site issues with this proposed plat.</p>
Assessing	<p>Reviewer: Windsor, Heather Comments: No Comment</p>
Emergency Services	<p>Deputy Fire Chief Mathis Western Emergency Services Comments: No comments on this at this time.</p>

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

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

**KPB 20.25.070 – Form and contents required**

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

- 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 proposed 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 a depiction of the centerline of the Sterling Highway, if less than 100 feet to centerline then include the full width of the Sterling Highway in the depiction.

- N. Apparent encroachments, with a statement indicating how the encroachments will be resolved prior to final plat approval;

**Staff recommendation:** There is an existing structure that looks like it may be close to the new lot line. This will require verification and resolution if found to cross the new lot line.

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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.

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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 analysis 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.

- “No access to state maintained rights-of-way permitted unless approved by the State of Alaska Department of Transportation.”
- Add the reservation of easement for highway purposes as described in the Certificate to Plat including all order numbers and dates.

Correct plat note 5 to “...et al...”

---

#### **RECOMMENDATION:**

#### **STAFF RECOMMENDS:**



- GRANT APPROVAL OF THE PRELIMINARY PLAT SUBJECT TO STAFF RECOMMENDATIONS, AND
- COMPLIANCE WITH KPB 20.25.070 (FORM AND CONTENTS), KPB 20.25.080 (PETITION REQUIRED), KPB 20.30 (DESIGN REQUIREMENTS); AND KPB 20.40 (WASTEWATER DISPOSAL), AND
- COMPLIANCE WITH KPB 20.60 TO ENSURE ADMINISTRATIVE APPROVAL OF THE FINAL PLAT.

NOTE: 20.25.120. - REVIEW AND APPEAL.

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

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

END OF STAFF REPORT

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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.





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.







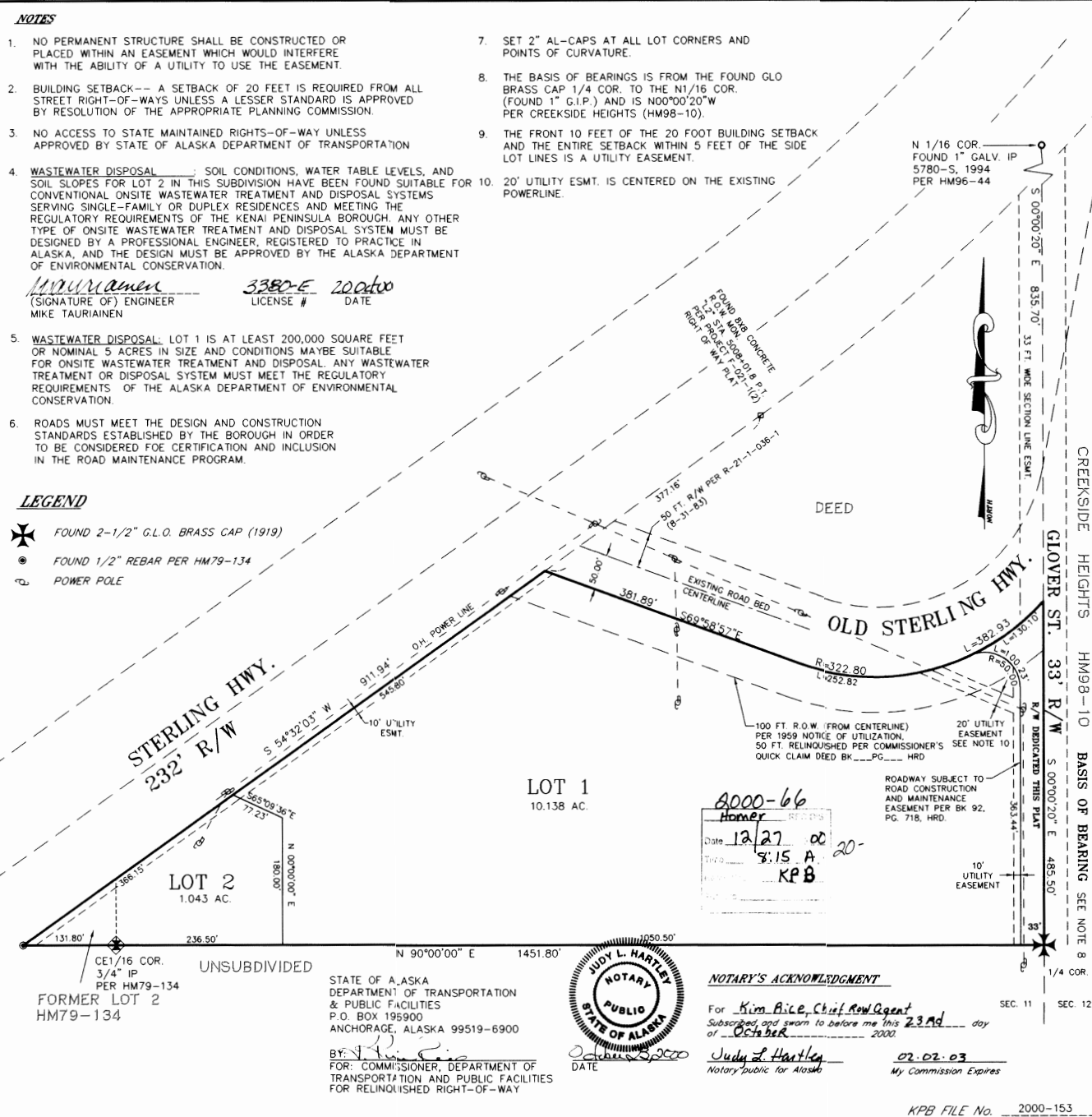
## NOTES

- NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN AN EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
- BUILDING SETBACK-- A SETBACK OF 20 FEET IS REQUIRED FROM ALL STREET RIGHT-OF-WAYS UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
- NO ACCESS TO STATE MAINTAINED RIGHTS-OF-WAY UNLESS APPROVED BY STATE OF ALASKA DEPARTMENT OF TRANSPORTATION
- WASTEWATER DISPOSAL: SOIL CONDITIONS, WATER TABLE LEVELS, AND SOIL SLOPES FOR LOT 2 IN THIS SUBDIVISION HAVE BEEN FOUND SUITABLE FOR CONVENTIONAL ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEMS SERVING SINGLE-FAMILY OR DUPLEX RESIDENCES AND MEETING THE REGULATORY REQUIREMENTS OF THE KENAI PENINSULA BOROUGH. ANY OTHER TYPE OF ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEM MUST BE DESIGNED BY A PROFESSIONAL ENGINEER, REGISTERED TO PRACTICE IN ALASKA, AND THE DESIGN MUST BE APPROVED BY THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.
- WASTEWATER DISPOSAL: LOT 1 IS AT LEAST 200,000 SQUARE FEET OR NOMINAL 5 ACRES IN SIZE AND CONDITIONS MAYBE 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.
- 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.
- SET 2" AL-CAPS AT ALL LOT CORNERS AND POINTS OF CURVATURE.
- THE BASIS OF BEARINGS IS FROM THE FOUND GLO BRASS CAP 1/4 COR. TO THE N1/16 COR. (FOUND 1" G.I.P.) AND IS N00°00'20"W PER CREEKSIDE HEIGHTS (HM98-10).
- THE FRONT 10 FEET OF THE 20 FOOT BUILDING SETBACK AND THE ENTIRE SETBACK WITHIN 5 FEET OF THE SIDE LOT LINES IS A UTILITY EASEMENT.
- 20' UTILITY ESMT. IS CENTERED ON THE EXISTING POWERLINE.

Mike Tauriainen 3380-E 200400  
(SIGNATURE OF) ENGINEER LICENSE # DATE  
MIKE TAURIAINEN

## LEGEND

- ✱ FOUND 2-1/2" G.L.O. BRASS CAP (1919)  
● FOUND 1/2" REBAR PER HM79-134  
⊕ POWER POLE



## CERTIFICATE OF OWNERSHIP

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

Charles L. Johnson  
CHARLES L. JOHNSON  
PO BOX 114  
Anchor Point, AK 99556

Rosemary H. Johnson  
ROSEMARY H. JOHNSON  
PO BOX 114  
Anchor Point, AK 99556



## NOTARY'S ACKNOWLEDGMENT

For Charles L. Johnson and Rosemary H. Johnson.  
Subscribed and sworn to before me this 20 day  
of October 2000.

Stacy R. Nelson 8129101  
Notary public for Alaska My Commission Expires

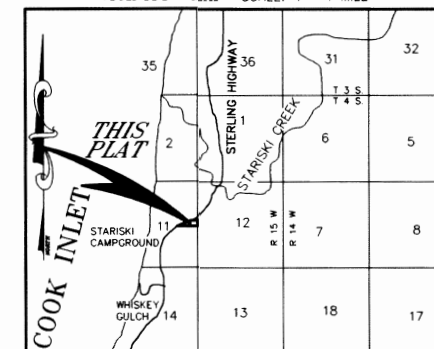
## PLAT APPROVAL

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of 9/11/00

KENAI PENINSULA BOROUGH

Authorized Official W.R. [Signature]

VICINITY MAP SCALE: 1" = 1 MILE



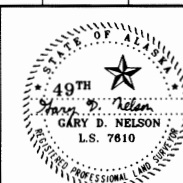
DATE OCTOBER 2000

SCALE 1" = 100'

GRID No. AR-1

JOB No. 2949

DRAWING: 2949



## TERRA FIRMA SUBDIVISION

A SUBDIVISION OF LAND LAST CONVEYED BY DEED IN BOOK 84, PAGE 36, TOGETHER WITH LOT 2, BLK 3, STARISKI PARK 1979 ADDY (HM79-134) WITHIN A PORTION OF NE1/4, SEC. 11, T4S, R15W, S4M, KENAI PENINSULA BOROUGH, in the HOMER RECORDING DISTRICT, ALASKA CONTAINING 11.574 ACRES

## ABILITY SURVEYS

GARY D. NELSON, PLS  
(907) 235-8440  
152 DEHEL AVE, HOMER, ALASKA

## NOTARY'S ACKNOWLEDGMENT

For Kim Rice, Chief Row Agent  
Subscribed and sworn to before me this 23rd day  
of October 2000.

Judy L. Hartley 02-02-03  
Notary public for Alaska My Commission Expires

KPB FILE No. 2000-153

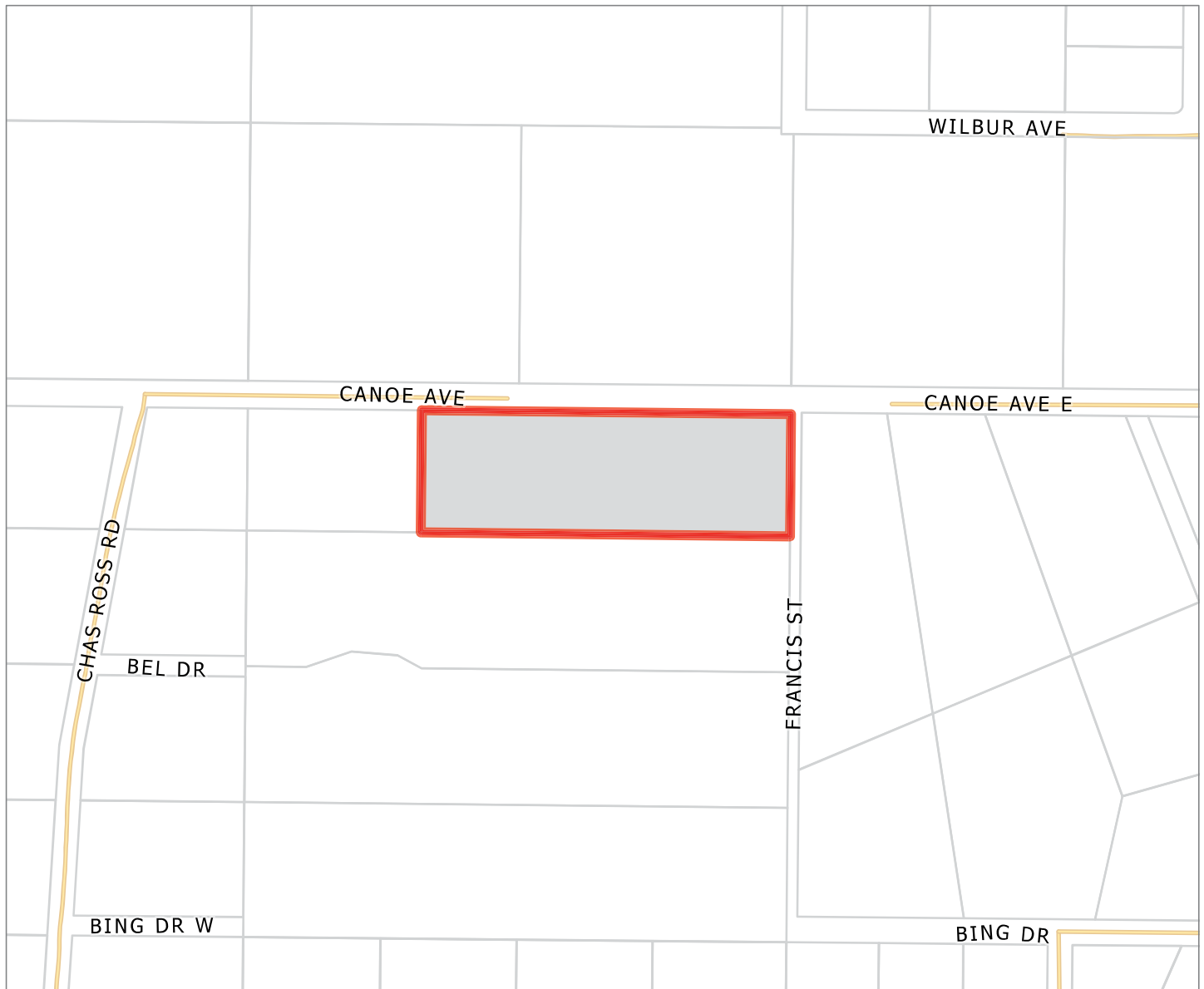
## **E. NEW BUSINESS**

### **7. Petaluma Acres Koonz Addition KPB File 2022-173**





Vicinity Map

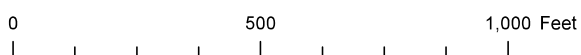


KPB File 2022-172

T 05N R 08W SEC 14

Sterling

11/21/2022







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



# LEGEND:

- 2 1/2" BRASS. CAP MON. GLO 1939 FOUND
- 5/8" REBAR w/PLASTIC CAP LS6101 FOUND
- 5/8" REBAR w/PLASTIC CAP LS6101 FOUND
- RECORD DATUM PLAT 86-194 KRD

## 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 FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

TERESA R. KOONZ  
P.O. BOX 547  
STERLING, ALASKA 99672

## NOTARY'S ACKNOWLEDGEMENT

FOR \_\_\_\_\_  
ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

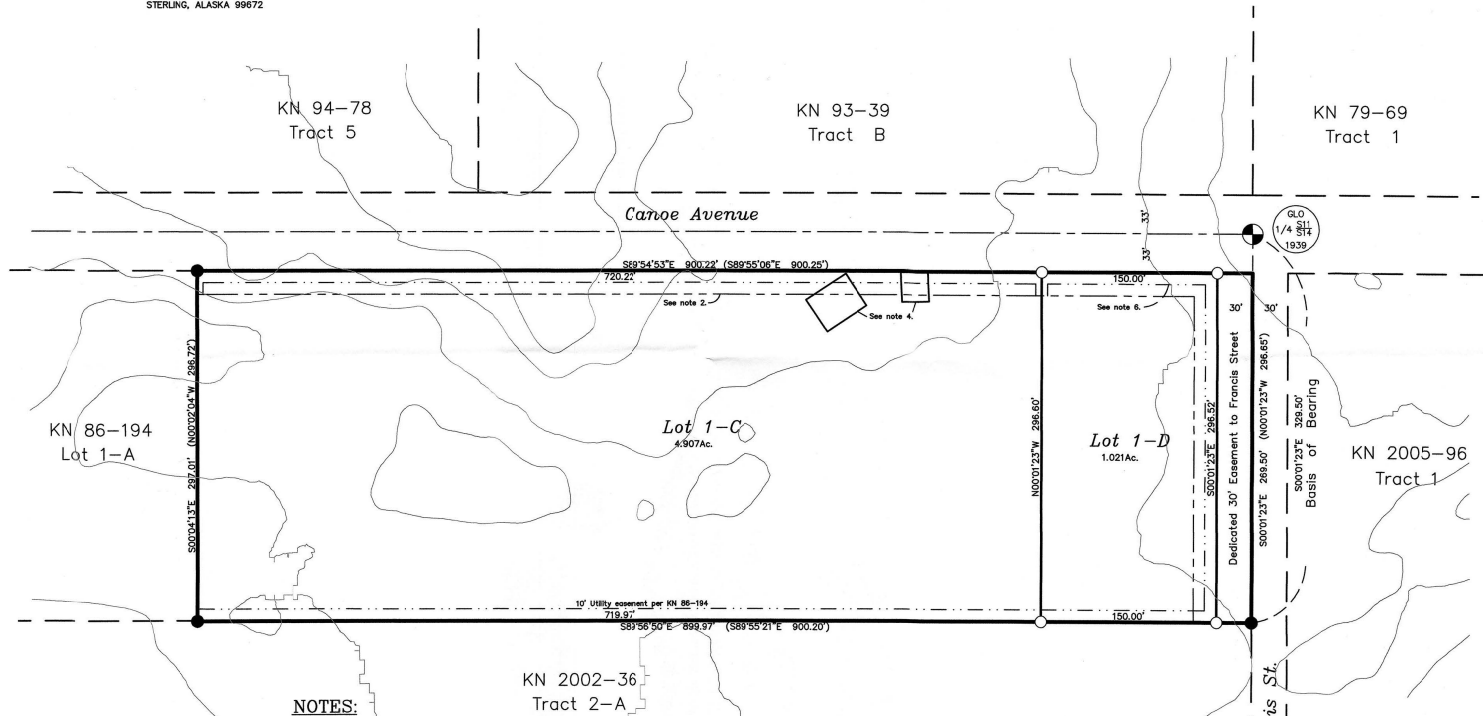
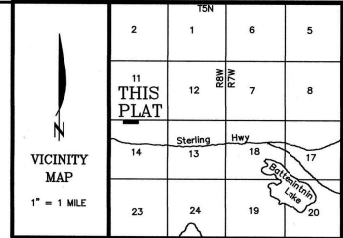
NOTARY PUBLIC FOR ALASKA  
MY COMMISSION EXPIRES \_\_\_\_\_

## PLAT APPROVAL

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

KENAI PENINSULA BOROUGH

AUTHORIZED OFFICIAL \_\_\_\_\_



## NOTES:

- 1) Basis of bearing taken from Petaluma Acres No. 3 Subdivision, Plot 86-194 Kenai Recording District.
- 2) Building Setback-A setback of 20 feet is required from all street Rights-of-Way unless a lesser standard is approved by resolution by the appropriate Planning Commission.
- 3) Covenants, conditions, and restrictions which affect this subdivision are recorded in Book 463 Page 909 Kenai Recording District. The borough will not enforce private covenants, easements, or deed restrictions per KPB 21.44.080.
- 4) This property is subject to Kenai Peninsula Borough Planning Commission Resolution 2002-16, recorded in Volume 642 Page 262 Kenai Recording District.
- 5) Roads must meet the design and construction standards established by the Borough in order to be considered for certification and inclusion in the Borough road maintenance program.
- 6) Front 10 feet adjacent to right-of-ways and 20 feet within 5 feet of the side lot lines is a utility easement. No permanent structure shall be constructed or placed within a utility easement which would interfere with the ability of a utility to use the easement.
- 7) WASTEWATER DISPOSAL: Lot 1-C This lot is at least 200,000 square feet and conditions may not be suitable for onsite wastewater treatment and disposal. Any wastewater treatment or disposal system must meet the regulatory requirements of the Alaska Department of Environmental Conservation.

Engineer \_\_\_\_\_ License No. \_\_\_\_\_ Date \_\_\_\_\_



## SURVEYOR'S CERTIFICATE

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

Date \_\_\_\_\_

KPB 2022-173

KPB FILE No. \_\_\_\_\_

## Petaluma Acres Koonz Addition

A resubdivision of Lot 1-B, Petaluma Acres No. 3, Plot 96-194 Kenai Recording District.

Located within the NE1/4 NW1/4 Section 14, T1N, R1W, S1M, Kenai Peninsula Borough, Alaska.

Containing 6.13 Ac.

Surveyor <b>Secesser Surveys</b> 30485 Rosland St. Soldotna, AK 99669 (907) 262-3908	Owner <b>Teresa R. Koonz</b> P.O. Box 547 Sterling, AK 99672
JOB NO. 22349	DRAWN: SMB
SURVEYED: October 2022	SCALE: 1"=50'
FIELD BOOK: 22-6	SHEET: 1 of 1



AGENDA ITEM E. NEW BUSINESS

ITEM 7 - PETALUMA ACRES KOONZ ADDITION

<b>KPB File No.</b>	2022-173
<b>Plat Committee Meeting:</b>	December 12, 2022
<b>Applicant / Owner:</b>	Teresa Koonz of Sterling, AK
<b>Surveyor:</b>	John Segesser / Segesser Surveys
<b>General Location:</b>	Canoe Ave and Francis Street, Sterling area

<b>Parent Parcel No.:</b>	065-240-35
<b>Legal Description:</b>	Lot 1-B Petaluma Acres No. 3 Plat KN 86-194
<b>Assessing Use:</b>	Residential
<b>Zoning:</b>	Rural Unrestricted
<b>Water / Wastewater</b>	Onsite

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STAFF REPORT

**Specific Request / Scope of Subdivision:** The proposed plat will subdivide a 6.13 acres parcel into 2 lots that will be 1.021 acres and 4.907 acres.

**Location and Legal Access (existing and proposed):** This subdivision is located on the corner of Canoe Avenue and Francis Street in the Sterling area. There are multiple routes dedicated to provide access but many are unconstructed. The subdivision is accessed near mile 78 of the Sterling Highway by taking Chas Ross Road, a borough maintained right-of-way. Chas Ross Road goes north until it intersects with Canoe Avenue. Canoe Avenue is a 66 foot wide dedication that coincides with section line easements. The portion from Chas Ross Road to the improvements within this subdivision is constructed and maintained by the borough. This access from Canoe Avenue will continue to be the access to proposed Lot 1-C. Lot 1-D will be a corner lot and access from Canoe Avenue or Francis Street are available but it appears that no portion of Francis Street is constructed. Canoe Avenue construction is short of the newly proposed lot and Canoe Avenue E, which is located east of Francis Street, is only partially constructed. Access from the east is approximately 250 feet from Lot 1-D to the constructed and maintained portion of Canoe Avenue E.

Francis Street is currently only a 30 foot wide dedication. This plat will be providing a 30 foot wide dedication to make a compliant 60 foot wide right-of-way for the adjacent portion.

There are some incomplete dedications in the area and road designs currently create non-compliant block lengths. Taking future continuations of right-of-way into consideration the block will be better but will still exceed code defined distances. **Staff recommends the plat committee concur that an exception to block length is not needed as any required dedications will not improve the block at this time and future developments will improve the block.**

KPB Roads Dept. comments	Out of Jurisdiction: No  Roads Director: Uhlin, Dil Comments: No comments
SOA DOT comments	

**Site Investigation:** There are no low wet areas or steep areas present within this proposed subdivision or within adjacent rights-of-way.

Multiple improvements are located on the parent lot. It appears that all the structures will remain on Lot 1-C. The preliminary plat has two structures shown that predate the 20' setback requirement as set forth in the plat Petaluma

Acres No. 3 Plat 86-194 as indicated at Note 4 on this subdivision. The Planning Commission resolution stated in Note 4, Resolution 2002-16, did not give an exception or remove the setback but the resolution did clarify that the buildings pre-dated the plat. Another structure does appear on KPB GIS imagery between the house and Canoe Avenue. This structure appears to be close to the building setback but it may also be a non-permanent structure. **Staff recommends the surveyor provide staff an update on the structure type and if it falls within the 20 foot building setback how it will be resolved.**

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** This is a replat of a 6.13 acres lot created by Petaluma Acres No. 3 Plat 86-194. That plat was a replat of Lot 1 of Petaluma Acres Plat K-1779.

A soils report will be required and an engineer will sign the final plat for Lot 1-D. Lot 1-C will be exempt as it is over 200,000 square feet.

It was determined that the structures shown predated the creation of the setback as stated in KPB PC Resolution 2002-16. The resolution did not discuss the utility easements. Reviewing the creation of the utility easements and using the information provided within the resolution, the buildings pre-date the utility easement.

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 not within an advisory planning commission.

**Utility Easements** Petaluma Acres, Plat K-1779, created 10 foot utility easements that ran along the west, south, and east property lines of Tract 1. When Tract 1 was replatted by Petaluma Acres No. 3, Plat KN 86-194, the easements from the parent plat were carried over and depicted. The plat also granted a 10 foot utility easement along Canoe Avenue dedication, the road was named Kelly Lane at the time. This replat indicates the intent to carry over the easements. The eastern easement will now be within the dedication for Frances Street but a new easement will be granted along the dedication. **Staff recommends the easements to the south state "granted per K-1779, and revise plat note 6 to the following, "The front 10 feet adjacent to Canoe Avenue is a utility easement granted by Plat KN 86-194. This plat will be granting a 10 foot utility easement along the dedication for Francis Street and increasing all 10 foot utility easements adjacent to rights-of-way to 20 feet within 5 feet of the side lot lines. No permanent..."**

HEA has requested that the line for the 10' Utility Easement be removed from inside the two structures on the north line and a note be added to the plat. Staff reviewed this request and would like for the lines for the easement and setback to remain on the plat as the easement was created, no vacation has been granted, and the buildings predate. While the current situation will result in a utility easement that cannot be currently used but if the structures

were to ever be moved or destroyed the easement and setback would remain for any new improvements. **Staff recommends the depiction as shown on the preliminary remain but additional notes be added to clarify.**

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	Remove the depictions of the easement within the improvements as the improvements predate the granting of the easements on the parent plat. Provide an additional plat note stating that the buildings predate the granting of the easements as the resolution only identifies the building setback.
ENSTAR	No comments or recommendations
ACS	No comment
GCI	Approved as shown

**KPB department / agency review:**

Addressing	<p>Reviewer: Haws, Derek Affected Addresses: 29625 CANOE AVE</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names: CANOE AVE FRANCIS STREET</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: 29625 CANOE AVE will remain with Lot 1-C</p>
Code Compliance	<p>Reviewer: Ogren, Eric Comments: Appears that structures are set within the building set back.</p>
Planner	<p>Reviewer: Raidmae, Ryan There are not any Local Option Zoning District issues with this proposed plat.</p> <p>Material Site Comments: There are not any material site issues with this proposed plat.</p>
Assessing	<p>Reviewer: Windsor, Heather Comments: No comment</p>

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

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



The Certificate to Plat references Plat KN 96-194. This appears to be a typo found in several locations of the title report. Please work with the title company to have corrected on the final report.

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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:** Change plat number reference to 86-194
- C. The location, width, and name of existing or platted streets and public ways, railroad rights-of-way, and other important features such as section lines or political subdivisions or municipal corporation boundaries abutting the subdivision;
- Staff recommendation:** Add section lines easement designation to Canoe Avenue.
- D. A vicinity map, drawn to scale showing location of proposed subdivision, north arrow if different from plat orientation, township and range, section lines, roads, political boundaries, and prominent natural and manmade features, such as shorelines or streams;
- Staff recommendation:** Center the plat location on the map, add road names to map
- E. All parcels of land including those intended for private ownership and those to be dedicated for public use or reserved in the deeds for the use of all property owners in the proposed subdivision, together with the purposes, conditions, or limitations of reservations that could affect the subdivision;
- Staff recommendation:** 30' dedication for Francis St. label needs to be revised to 30 foot right-of-way dedicated this plat.

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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.

---

**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:* A soils report will be required for Lot 1-D. Due to size Lot 1-C does not require an analysis report.

**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.

- 20.60.040. Dedication of public use lands. Any land shown on a plat as a street, public park or other public area must be dedicated on the final plat to a tax exempt governmental entity. If the governmental entity is not

the Kenai Peninsula Borough, the governmental entity shall be required to execute an acceptance of the dedication on the plat.

**Staff recommendation:** An acceptance to be signed by the borough will be required for the right-of-way dedication.

20.60.120. Accuracy of measurements. All linear measurements shall be shown to the nearest 1/10 foot, and angular measurements shall be at least to the nearest minute. All lot areas shall be shown to the nearest 10 square feet or to the nearest 1/1,000 of total acres. Meander lines, dry land areas and submerged land areas shall be shown in addition to total area when applicable. All boundary closures shall be to a minimum accuracy of 1:5,000. Boundary and lot closure computations must be submitted with the final plat.

**Staff recommendation:** provide boundary and lot closure computations with the paper final plat. KPB will verify closure complies with 20.60.120. Check the recorded distance listed on the of the plat and confirm. Need to check area calculations. The area left from the lots for the ROW computes to a 3.2 foot shortage in the north/south distance of the ROW size or a shortage in the ease/west distance not given and intended to be 30'.

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:**

Make the following corrections to plat notes.

- Add the reference to code for note 5, (KPB 14.06).
- Update the code cited in note 3, 20.60.170.
- Revise Plat Note 4 or add additional notes. "...Kenai Recording District. The buildings shown predate the creation of the building setback and the utility easement adjacent to Canoe Avenue. The structures do not constitute an encroachment but any new structures or additions to the existing footprints are subject to the setback and utility easement."

20.60.190. Certificates, statements, and signatures required.

**Staff recommendation:** comply with 20.60.190. Add Certificate of Acceptance for Francis Street.

20.60.200. Survey and monumentation.

**Staff recommendation:** comply with 20.60.200 In the Legend, the open circle indicates as found monuments instead of being set as shown on the drawing, please correct accordingly.

---

#### **RECOMMENDATION:**

#### **STAFF RECOMMENDS:**

- GRANT APPROVAL OF THE PRELIMINARY PLAT SUBJECT TO STAFF RECOMMENDATIONS, AND
- COMPLIANCE WITH KPB 20.25.070 (FORM AND CONTENTS), KPB 20.25.080 (PETITION REQUIRED), KPB 20.30 (DESIGN REQUIREMENTS); AND KPB 20.40 (WASTEWATER DISPOSAL), AND
- COMPLIANCE WITH KPB 20.60 TO ENSURE ADMINISTRATIVE APPROVAL OF THE FINAL PLAT.

**NOTE: 20.25.120. - REVIEW AND APPEAL.**

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

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

**END OF STAFF REPORT**

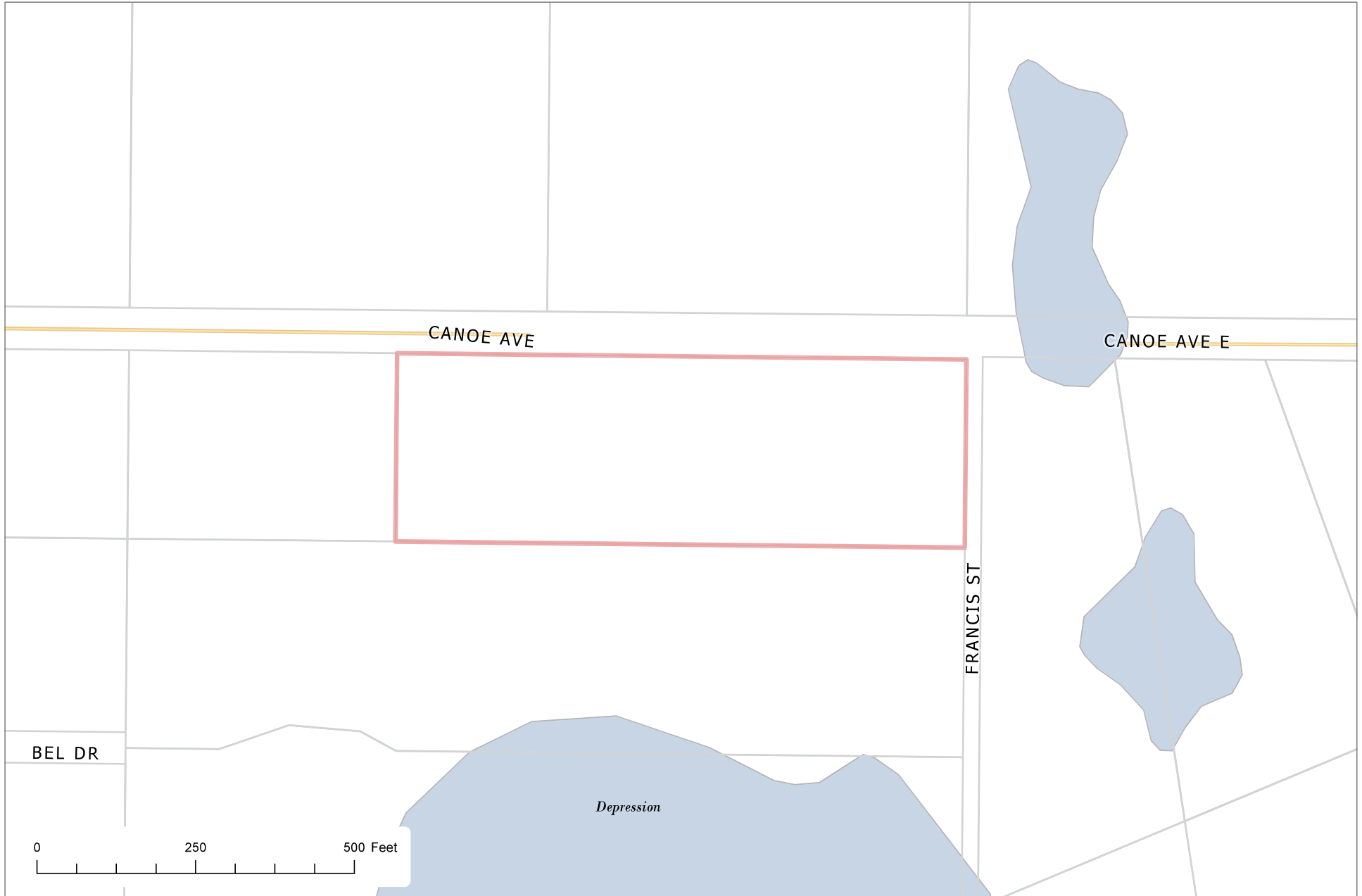
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The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



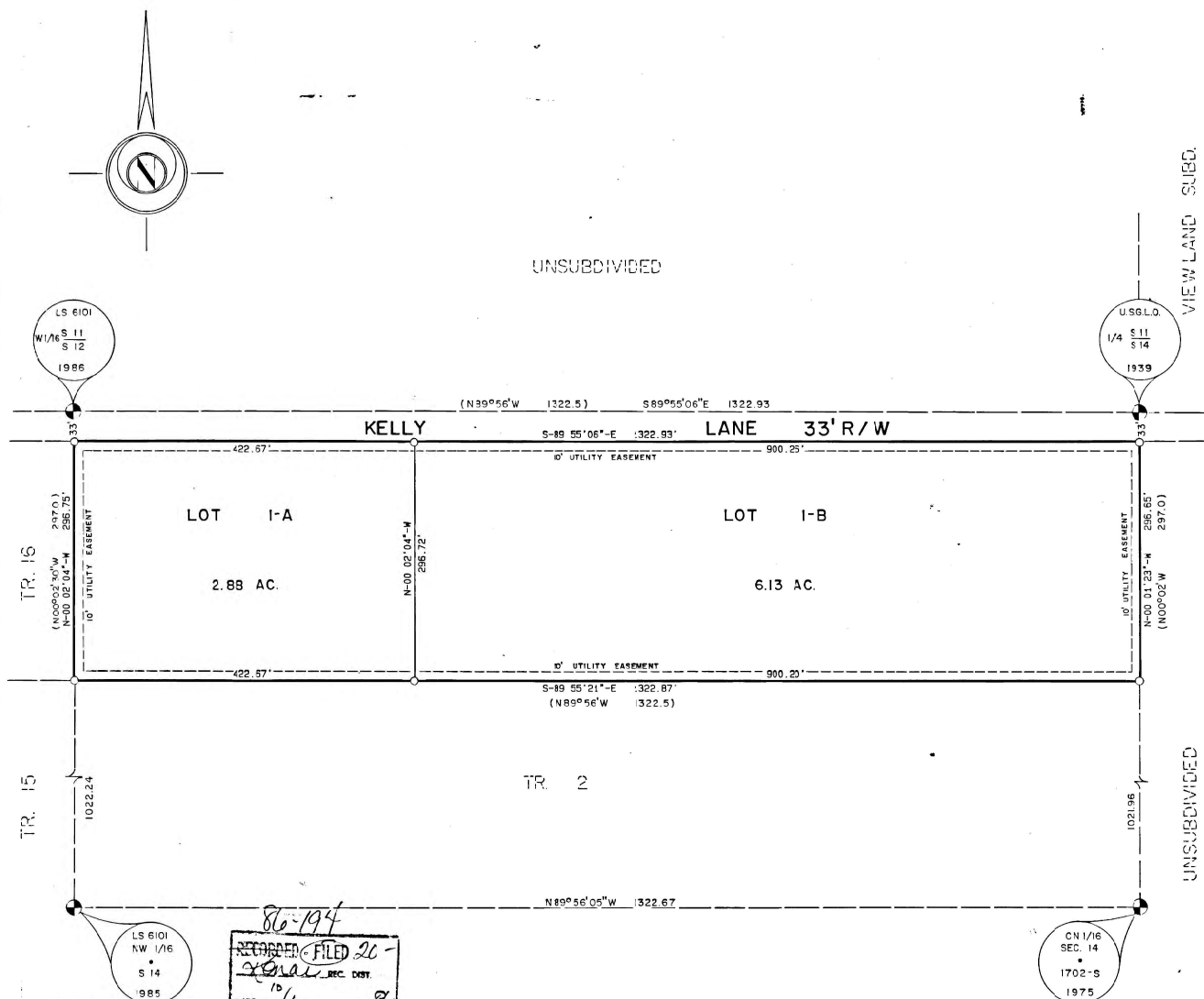


The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.







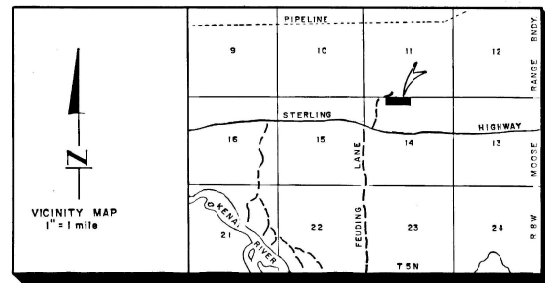


Soils on these lots may or may not be suitable for conventional on-site waste disposal systems. No person may construct, install, maintain, or operate a pressurized water system or a water-borne waste disposal system unless approval of the Alaska Department of Environmental Conservation is obtained.

A soils investigation has been performed for this subdivision by a Registered Professional Engineer. Copies of this report are on file at the Kenai Peninsula District Office of the A.D.E.C. and at the office of Rice-Whitford & Associates.

**NOTES:**

- 1) Source of record survey information is plat to K-1779 K.R.D.
- 2) A setback of 20' feet is required from all street right-of-ways unless a lesser standard is approved by resolution of the appropriate planning commission.
- 3) Water supply and sewage disposal systems shall be permitted only in conformance with applicable requirements of 18 ACC 7C, 18 ACC 72, and 18 ACC 80.
- 4) Basis of Bearing refers to the west line of the NW 1/4 Section 14, T5N, R6W, as N 0° C3' W datum of record K.R.D. 95-193.



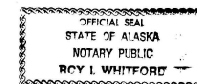
**CERTIFICATE OF OWNERSHIP AND DEDICATION**

I (We) hereby certify that I am (we are) the owner (s) of the property shown and described hereon and that I (we) hereby adopt this plan of subdivision, and dedicate all Right-of-Ways and public areas to public use, and grant all easements to the use shown.

*Jeanne Diane Belnap*  
JEANNE DIANE BELNAP  
P.O. BOX 32 STERLING ALASKA 99672

**NOTARY'S ACKNOWLEDGEMENT**

Subscribed and sworn before me this 24th day of July 1986 for *Jeanne Diane Belnap*



*Roy Whitford*  
NOTARY PUBLIC FOR ALASKA  
MY COMMISSION EXPIRES 2-21-90

**CERTIFICATE OF REGISTERED SURVEYOR**

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

DATE 7-21-86 REGISTRATION NUMBER LS-6101



*Roy Whitford*  
ROY L. WHITFORD  
REGISTERED LAND SURVEYOR

**PLAT APPROVAL**

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of July 12, 1986

KENAI PENINSULA BOROUGH  
BY *Richard P. Tingle*  
Authorized Official

**PETALUMA ACRES NO. 3**

A RESUBDIVISION OF TRACT 1 PETALUMA ACRES. LOCATED WITHIN THE NW 1/4 SECTION 14, T5N, R6W, S.M. AK.

2 LOTS - 9.01 ACRES

**RICE-WHITFORD and ASSOCIATES**

155 SMITH WAY SOLDOTNA, ALASKA 99669

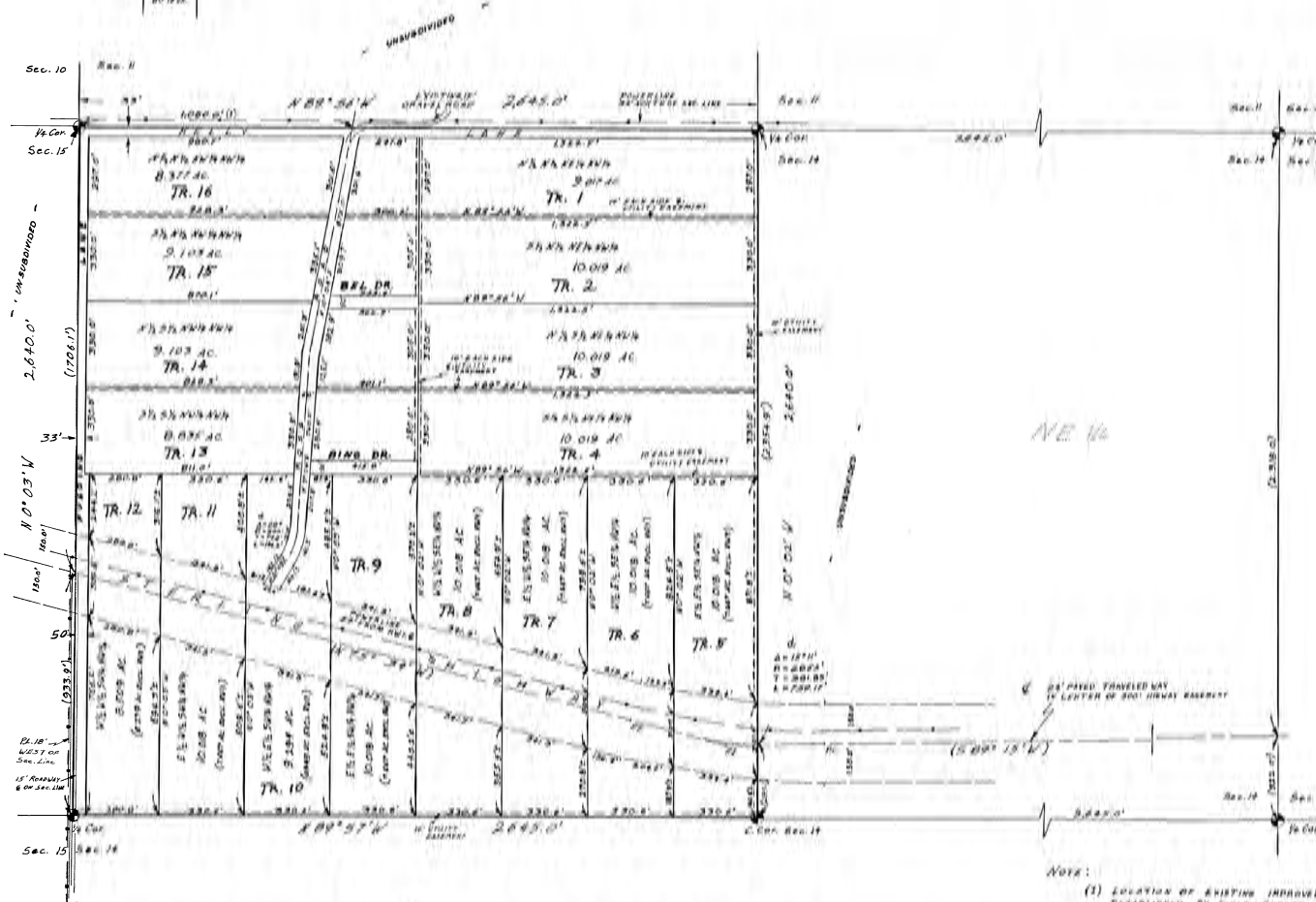
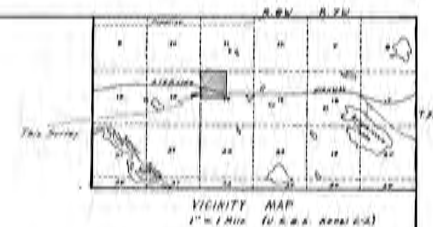
ENGINEERS 262 - 9011 SURVEYORS

SURVEYED: 6-86 / B.N.D. 86-4 PLATTED: 6-86

DRAFTED: RW SCALE: 1" = 100'

CHECKED: RW KPB FILE NO 86-226

DATA FROM G.L.O. PLAT  
T.5N, R.6W of S.M.  
DATED JUNE 24, 1943  
1" = 80.0 ft.



CERTIFICATE OF OWNERSHIP AND DEDICATION

I hereby certify that I am the Owner of the Property Shown and Described Hereon and That I hereby Adopt This Plan Of Subdivision and Dedicate All Streets and Utility Easements As Shown To Public Use.  
DATE 9-10-71 OWNER *James Voss*

NOTARY'S ACKNOWLEDGMENT

Subscribed And Sworn Before Me This 10<sup>th</sup> Day of Sept. 1971.  
*James Voss*  
NOTARY FOR ALASKA BY COMMISSION EXPIRES

ENGINEER'S CERTIFICATE

I, The Undersigned Registered Surveyor, Hereby Certify That This Plat is a Compilation Of Data From Existing Available Maps, And Field Survey Has Been Made (Except As Indicated by Note 1).  
DATE 9-10-71 SURVEYOR

PLAT APPROVAL

Plat Approved By The BOROUGH PERMITS & RECORDS PLANNING COMMISSION This 22<sup>nd</sup> Day of October, 1971.  
*David N. Voss*  
Authorized Official

LAND USE: RESIDENTIAL, CONTAINING 160.303 ACRES, MORE OR LESS.

PETALUMA ACRES	
A SUBDIVISION OF THE N.W. 1/4 OF SECTION NO. 14 T.5N., R.6W. OF THE SEWARD MERIDIAN, ALASKA	
DATE: 9-10-71	SCALE: 1" = 80.0'
DRAWN BY: <i>David N. Voss</i>	DAVID N. VOSS, L.S.
CHECKED BY: <i>David N. Voss</i>	ANCHORAGE, ALASKA

- NOTES:
- (1) LOCATION OF EXISTING IMPROVED ROAD ESTABLISHED BY FIELD SURVEY, 8' OF 12' GRAVEL ROADWAY CHANGES APPROX. 10% & OF 60' R.O.W. HEREBY DEDICATED.
  - (2) INDICATED DATA FROM JULY R.O.W. MAPS ADJUSTED TO MATCH G.L.O. PLAT INTERCEPTS OF HIGHWAY EASEMENT CURVE SINES AND A-B PROPERTY LINES ARE CALCULATED. M.P. R.O.W. LOCATION NOT VARIED BY FIELD SURVEY.

— PREPARED IN ACCORDANCE WITH SEC. 20.15.046 (2) OF BOROUGH CODE —

**KENAI PENINSULA BOROUGH PLANNING COMMISSION  
RESOLUTION 2002-16**

CLARIFYING THAT AN EXCEPTION TO A PORTION OF THE TWENTY FOOT BUILDING SETBACK LIMIT FOR LOT 1-B PETALUMA ACRES NO. 3 (PLAT 86-194 KENAI RECORDING DISTRICT) IS NOT REQUIRED FOR TWO POLE BARN; WITHIN SECTION 14, TOWNSHIP 5 NORTH, RANGE 8 WEST, SEWARD MERIDIAN, ALASKA

WHEREAS, a setback of twenty feet is required by designation on the plat in accordance with Kenai Peninsula Borough Code of Ordinances; and

WHEREAS, the setback restriction was imposed in 1986 by plat of Petaluma Acres No. 3; and

WHEREAS, KPB Assessing records indicate the house and shop were constructed in 1973, with no information about the pole barns; and

WHEREAS, 1985 aerial photography shows the barns in place; and

WHEREAS, the Kenai Peninsula Borough Planning Commission addressed all concerns about this situation at their April 8, 2002, meeting.

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

Section 1. That the two pole barns shown on a 1992 as-built survey predate the 1986 building setback restriction.

Section 2. That the two pole barns do not constitute an encroachment.

Section 3. That any new and/or additional construction will be subject to the 20-foot building setback limit.

Section 4. That an as-built survey showing the location of the structures on the lot as of 1992 be recorded with this resolution and made a part of this resolution, becoming page 2 of 2.


Section 5. That this resolution is void if not recorded in the appropriate Recording District within 90 days of adoption.

Section 6. That this resolution becomes effective upon being properly recorded.

ADOPTED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH  
ON THIS 8 DAY OF April, 2002.

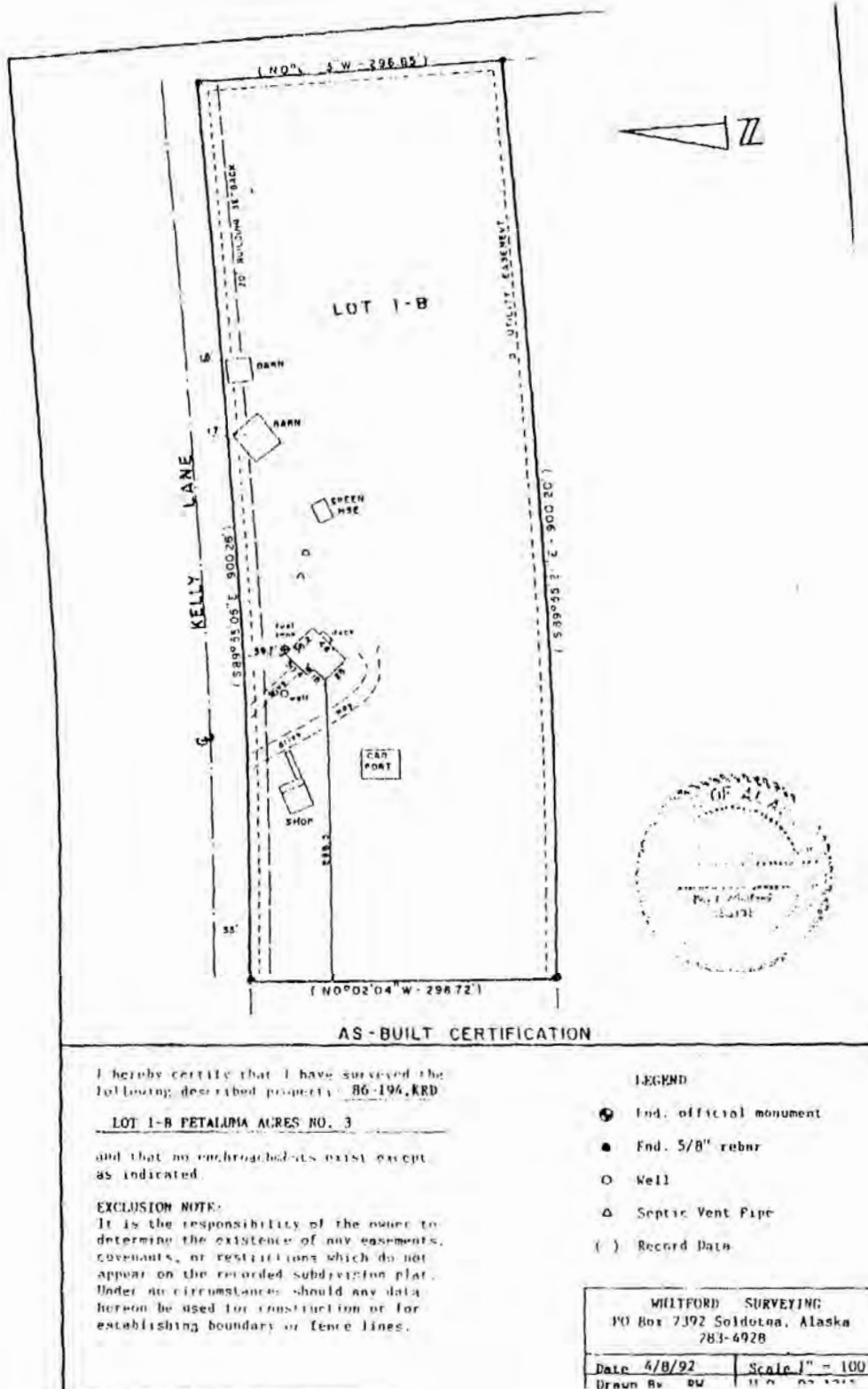
  
Philip Bryson, Vice Chairperson  
Planning Commission

ATTEST:

  
Maria Sweppy, Administrative Assistant

Please return to:  
Planning Department  
Kenai Peninsula Borough  
144 North Binkley Street  
Soldotna, Alaska 99669-7599





KPB #2002-060

KPB Planning Commission Resolution 2002-16 Page 2 of 2

003440  
REHAI  
RECORDING DISTRICT

2002 APR 16 A 11:48

REQUESTED BY  
Tipler

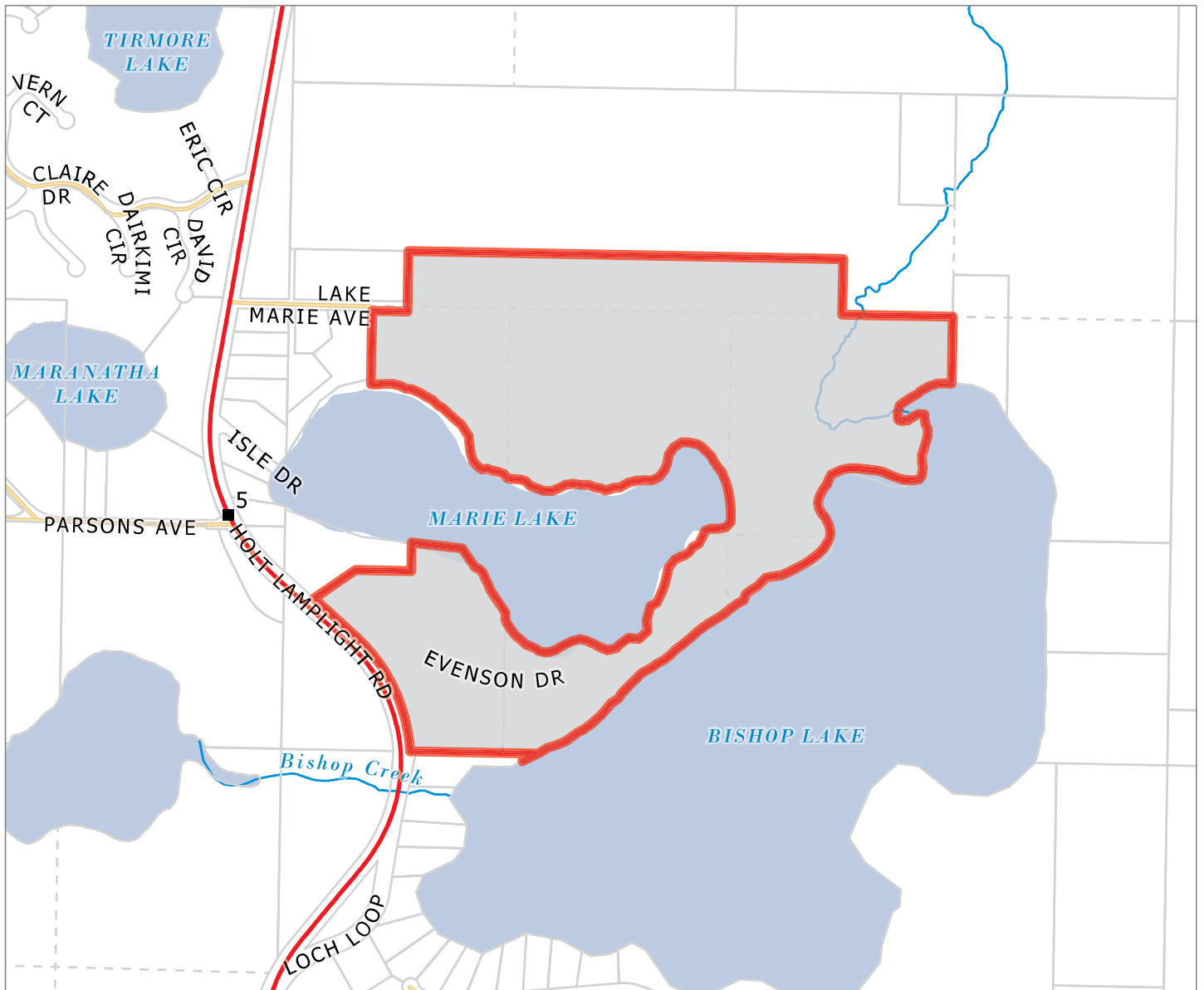
## **E. NEW BUSINESS**

- 8. Thorsland Subdivision Addition No. 1  
KPB File 2022-069R1**



# Kenai Peninsula Borough Planning Department

## Vicinity Map

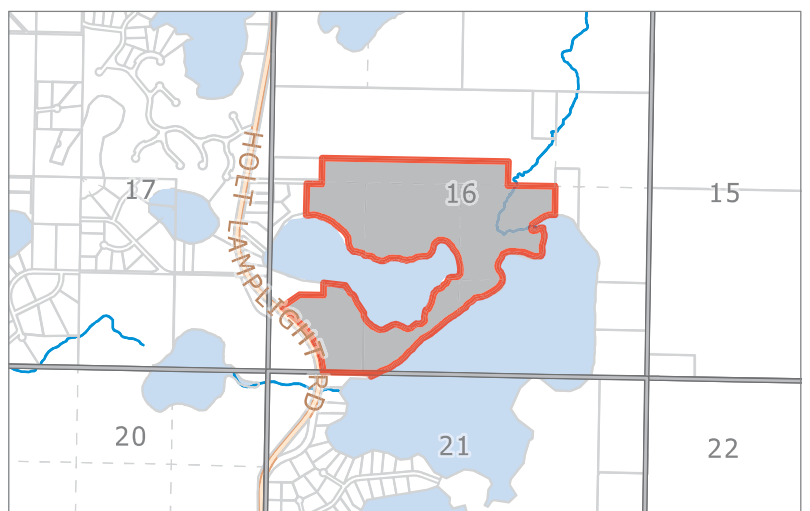
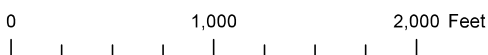


KPB File 2022-069R1

T 07N R 11W SEC 16

Nikiski

11/21/2022



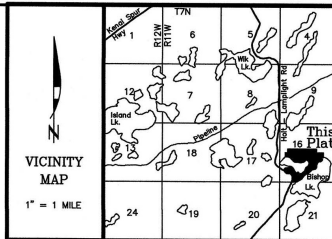




Aerial View







CERTIFICATE of OWNERSHIP  
and DEDICATION

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

THOR EVENSON, EXECUTOR  
ESTATE OF JAMES L. AND NEDRA T. EVENSON  
4140 FOLKER ST. APT 205  
ANCHORAGE, ALASKA 99508

NOTARY'S ACKNOWLEDGEMENT

FOR \_\_\_\_\_  
ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

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

## PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH  
PLANNING COMMISSION AT THE MEETING OF JUNE 13, 2022.

KENAI PENINSULA BOROUGH

**AUTHORIZED OFFICIAL**

KPB FILE No. 2022-069

Thorsland Subdivision  
Addition No. 1

A resubdivision of Lot 7-1 Thorland Subdivision, Plat 2016-20, and Government Lots 4, 5, 6, 8, and 9, and the S1/2 S1/2 S1/2 NW1/4 and the S1/2 SW1/4 SW1/4 NE1/4 Section 16, T7N, R11W, S.M., Excepting therefrom; Senior Shore, Plat 2003-71; Senior Shore Addition No. 1, Plat 2006-43; Senior Shore Addition No. 2, Plat 2010-30, Kenai Recording District.

Located Within the SW1/4 SW1/4 Section 16, T7N, R11W, S.M.,  
Kenai Peninsula Borough, Alaska.

<b>Surveyor</b> <b>Segesser Surveys</b> 30485 Rosland St. Soldotna, AK 99669 (907) 282-3909	<b>Owner</b> Estate of James L. & Nedra T. Evenson 4140 Folker St., Apt 205 Anchorage, AK 99508
<b>JOB NO.</b> 21358	<b>DRAWN:</b> 7-26-22
<b>SURVEYED:</b> Nov., 2021	<b>SCALE:</b> 1"=200'
<b>FIELD BOOK:</b> 21-6	<b>SHEET:</b> 1 of 2

Unsubdivided

N89°58'00"W 2588.05'

LEGEND:

- ✖ 3 1/4" BLM MONUMENT AS SHOWN FOUND  
 ● 5/8" REBAR FOUND  
 ○ 5/8" REBAR w/PLASTIC CAP LS8859 SET  
 ( ) RECORD DATUM PLAT 2016-20 KRD

Tract A  
105.120 Ac.

*Bishop Creek*  
Area subject to  
inundation

**North**

### CERTIFICATE of ACCEPTANCE

[illegible]

AUTHORIZED OFFICIAL  
KENAI PENINSULA BOROUGH

DATE \_\_\_\_\_

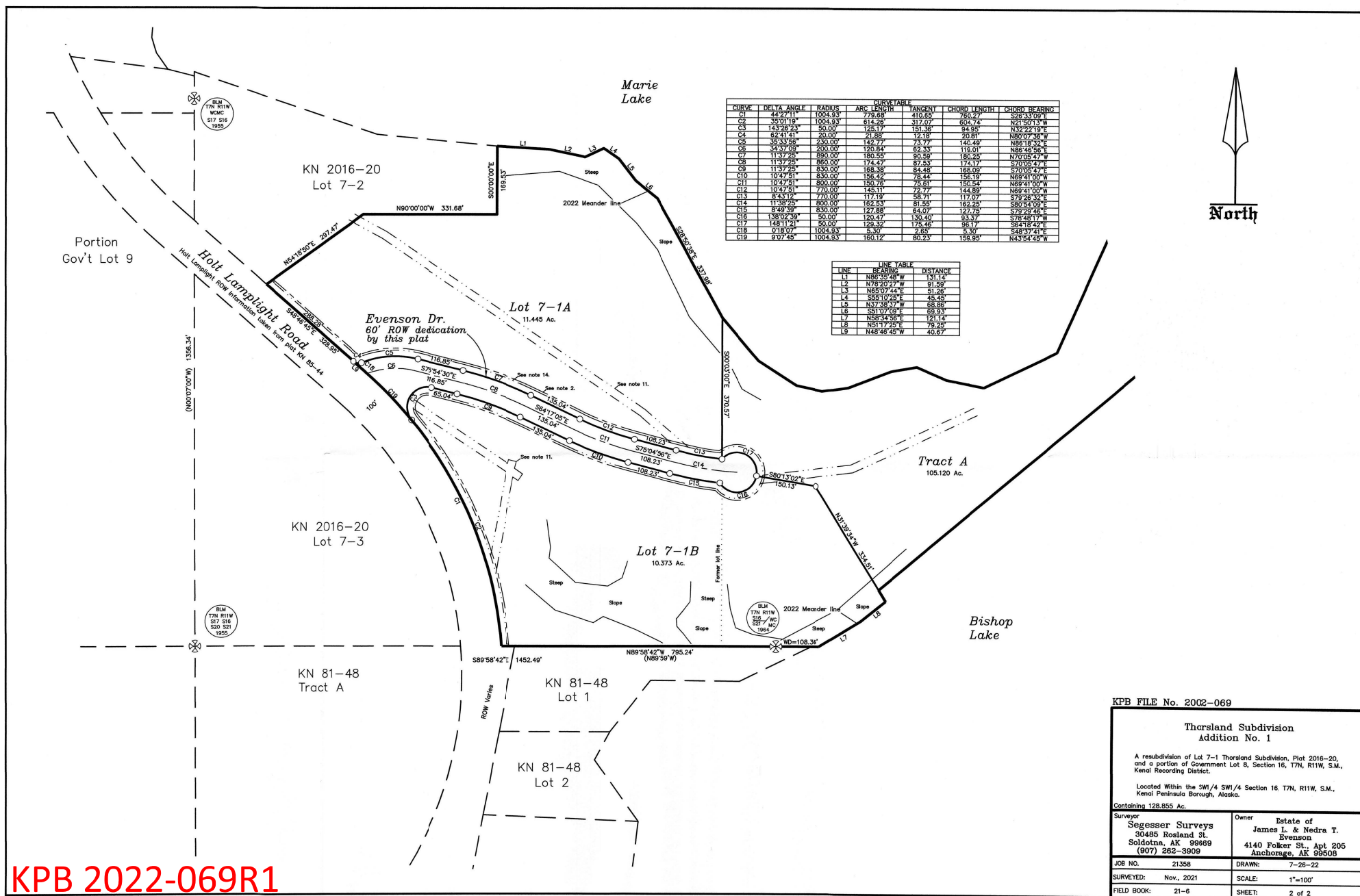
### SURVEYOR'S CERTIFICATE

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

Date \_\_\_\_\_

KPB 2022-069R1

**E8-3**





AGENDA ITEM E. NEW BUSINESS

ITEM 8 - THORSLAND SUBDIVISION ADDITION NO 1

<b>KPB File No.</b>	2022-069R1
<b>Plat Committee Meeting:</b>	June 13, 2022
<b>Applicant / Owner:</b>	Evenson Estate of Anchorage, AK
<b>Surveyor:</b>	John Segesser / Segesser Surveys
<b>General Location:</b>	Holt Lamplight Road, Lake Marie Avenue, Nikiski

<b>Parent Parcel No.:</b>	013-105-12 and 013-105-15
<b>Legal Description:</b>	Lot 7-1 Thorsland Subdivision KN 2016-20, Government Lots 4-6, 8, 9, S1/2 S1/2 S1/2 NW1/4 and S1/2 SW1/4 SW1/4 NE1/4 (excluding Plats KN 2003-71, KN 2006-43, and KN 2010-30, in Section 16, Township 7 North, Range 11 West
<b>Assessing Use:</b>	Residential
<b>Zoning:</b>	Rural Unrestricted
<b>Water / Wastewater</b>	On site

---

STAFF REPORT

**Specific Request / Scope of Subdivision:** The proposed plat will reconfigure a lot, government lots, and aliquot parcels into one tract and two lots. The tract will be 105 acres and the lots will be 10.373 acres and 11.445 acres. A new right-of-way dedication is proposed.

The preliminary plat received approval at the June 13, 2022 Plat Committee meeting. The surveyor has requested this preliminary plat return to the Plat Committee to review an exception request. Approval of the exception will not change the approval date of the overall design.

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 totally or partially within HPD Comments: I:0#.W KPB\maldridge</p> <p>C. State Parks Reviewer: Russell, Pam Comments: No Comments</p>
Alaska State Fish and Game	2022-069R1: Tract A contains a portion of Bishop Creek (AWC 247-90-10030) and borders Bishop lake (AWC 247-90-10030-0010), both of which have been cataloged as anadromous. These waters are important spawning habitat for Coho, Pink, and Silver Salmon as well as important habitat for Dolly Varden. Any modifications to the streambanks, streambed, lake bank, or lakebed will require a Fish Habitat Permit from the Division of Habitat.

**Utility Easements**

**Staff recommends** the owner and surveyor work with the utility providers to determine the required easements and that they be depicted and granted by this plat.

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	HEA has requested a standard 30' easement centered on Primary overhead lines and a note added. Also to have utility poles located along Evenson Drive to verify that the pole will not be located within the proposed ROW dedication which would prohibit a KPBM maintained road from being able to be constructed.
ENSTAR	No comment
ACS	No objections
GCI	Approved as shown

**KPB department / agency review:**

Addressing	Reviewer: Haws, Derek Affected Addresses: 49576 EVENSON DR  Existing Street Names are Correct: No  List of Correct Street Names: EVANSON DR HOLT LAMPLIGHT RD PARSONS AVE LAKE MARIE AVE ISLE DR  Existing Street Name Corrections Needed:  List of Approved Street Names:  List of Street Names Denied:  Comments: 49576 EVENSON DR will remain with Tract A.
Code Compliance	Reviewer: Ogren, Eric Comments: No comments
Planner	Reviewer: Raidmae, Ryan There are not any Local Option Zoning District issues with this proposed plat.  Material Site Comments: There are not any material site issues with this proposed plat.
Assessing	Reviewer: Windsor, Heather Comments: No Comment

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:** *Both sheets should match legal descriptions*

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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.*

20.60.190. Certificates, statements, and signatures required.

**Staff recommendation:** *The certificate of ownership will need to be revised to be on behalf of the estate and provide the name of the executor or representative. Comply with 20.60.190.*

**EXCEPTIONS REQUESTED:**

**KPB 20.60.200 – Survey and monumentation** Tract A.

Surveyor's Discussion: I am resubmitting this and would like to request an exception to surveying and monumentation for Tract A. Thank you.

Staff Discussion: Per KPB Code 20.60.200,

"A. All subdivisions shall be surveyed except subdivisions which only eliminate existing property lines.

B. The subdivision of sections into aliquot parts and restoration of lost corners shall be performed in accordance with the current U.S. Bureau of Land Management Manual of Surveying Instructions unless the historical survey record indicates otherwise. Reference to the BLM manual used shall be noted on the plat. All section subdivision details executed as part of the subdivision work shall be monumented and shown on the plat. When a center ¼ corner must be determined it shall be set. A minimum survey accuracy of 1:5000 is required. Monuments shall be set in a professional manner.

C. All corners and monuments found and set shall be shown and described on the plat with the following information: date set, type of monument, and surveyor, as well as any other information marked on the corner or monument. Standard or recurring information may be shown in the monument description in the legend.



D. All monuments of record essential to the subdivision must be found. If any monument is missing or is found disturbed or destroyed, it shall be remonumented or reference monumented as appropriate.

E. Monuments shall be set at all  $\frac{1}{4}$  and  $\frac{1}{16}$  corners controlling the location of a subdivision. When these requirements cannot be met, a reference monument shall be tied to the subdivision lines. Exterior angle points in the subdivision and lot corners shall be marked by at least  $\frac{5}{8}$ "  $\times$  24" iron rod and cap if not otherwise monumented. Unless approved by the planning director, only monuments pertinent to the boundary of the subdivision, lot corners, angle points, or points on line needed due to topography or to keep the distance between monumented points to less than 1,320 feet may be set. Extraneous or incorrectly set monuments shall be removed prior to filing the final plat.

F. Bearings and distances between the nearest subdivision property lines and official GLO or BLM monuments shall be accurately described and delineated on the plat and the basis of bearings shall be indicated.

G. Unless otherwise provided, the  $\frac{1}{4}$  and  $\frac{1}{16}$  monuments required by KPB [20.60.200](#)(E) shall consist of a marker equivalent in permanence to a metal marker which is 30 inches in length and has a metal cap at the top with a minimum diameter of 2 inches. Such monuments shall clearly display the following information: year set, monument identification (township, range, section, and corner number), and registration number of surveyor."

This is only a request for Tract A. The other two lots being created as well as the new right-of-way dedication will require surveying and monument placement. As there are surveyed lots within the northwest area as well as a right-of-way dedication, staff would like for the shared lot lines to have monuments found and if missing reset. If this exception is granted the surveyor will not be required to survey the remaining portions of Tract A and will use record or computed data for the remainder of the lot. No monuments will be placed along the north, east, or near the lakes.

If the exception request is denied, a required monuments must be found or set for all of Tract A.

**Findings:**

1. Tract A is proposed as a 105 acre parcel.
2. No further development is proposed for Tract A.
3. Tract A is mostly abutting two lakes.
4. Tract A will abut the two new lots being created.
5. Tract A will abut Lake Marie Avenue and two existing lots in the northwest area.
6. The two new lot being created must be fully surveyed with monuments being set.
7. The new right-of-way dedication will be surveyed with monuments set.
8. Any additional subdivision of Tract A will be required to comply with KPB Code at the time of subdivision.

Staff reviewed the exception request and recommends granting approval subject to locating and setting monuments with the northwest corner abutting existing subdivided lots and Lake Marie Avenue dedication.

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 1-3 and 6-8 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 1-3 and 6-8 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 1-3 and 6-8 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**

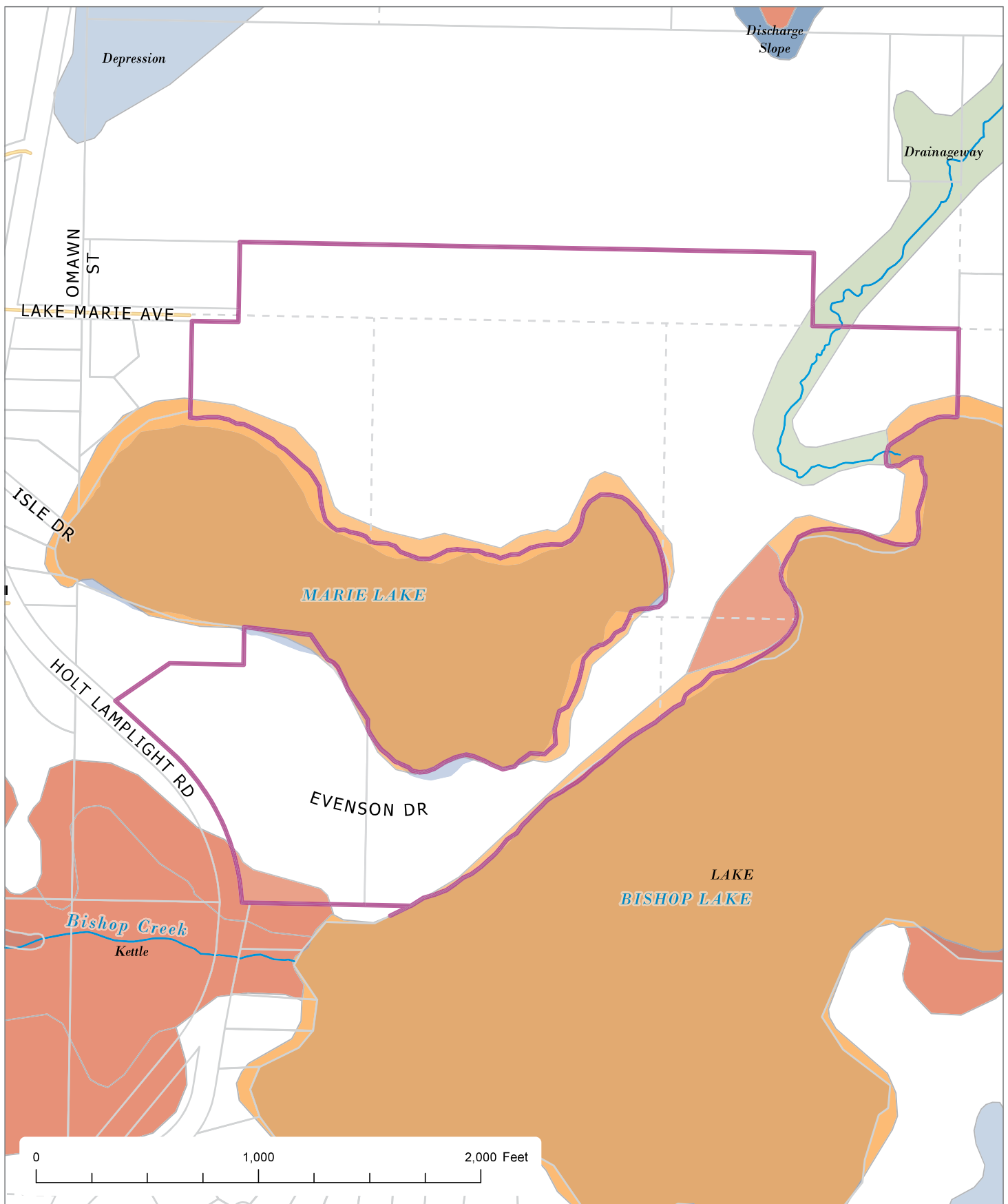




Aerial View

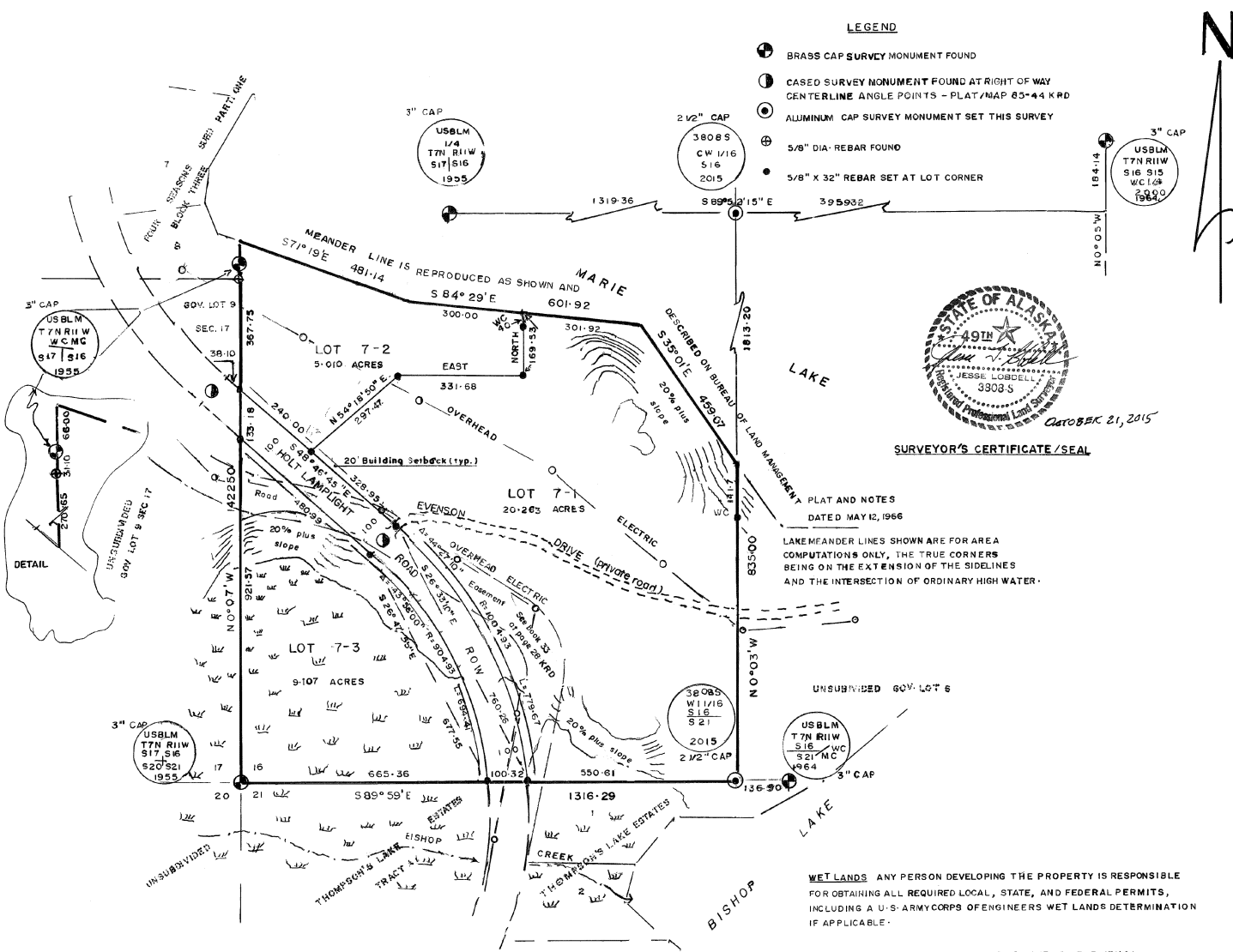












**CERTIFICATE OF OWNERSHIP AND DEDICATION**

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.

*James L. Evenson* *Nedra T. Evenson*  
JAMES L. EVENSON NEDRA T. EVENSON  
P O BOX 324  
KENAI, ALASKA

**NOTARY'S ACKNOWLEDGEMENT**

FOR *James L. Evenson* AND *Nedra T. Evenson*  
ACKNOWLEDGED BEFORE ME THIS 22nd DAY OF October, 2015

*Susan C. Tauriainen*  
NOTARY PUBLIC FOR ALASKA  
MY COMMISSION EXPIRES: 2/1/2017

State of Alaska  
Notary Public  
Susan C. Tauriainen

**PLAT APPROVAL**

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF OCTOBER 12, 2015.

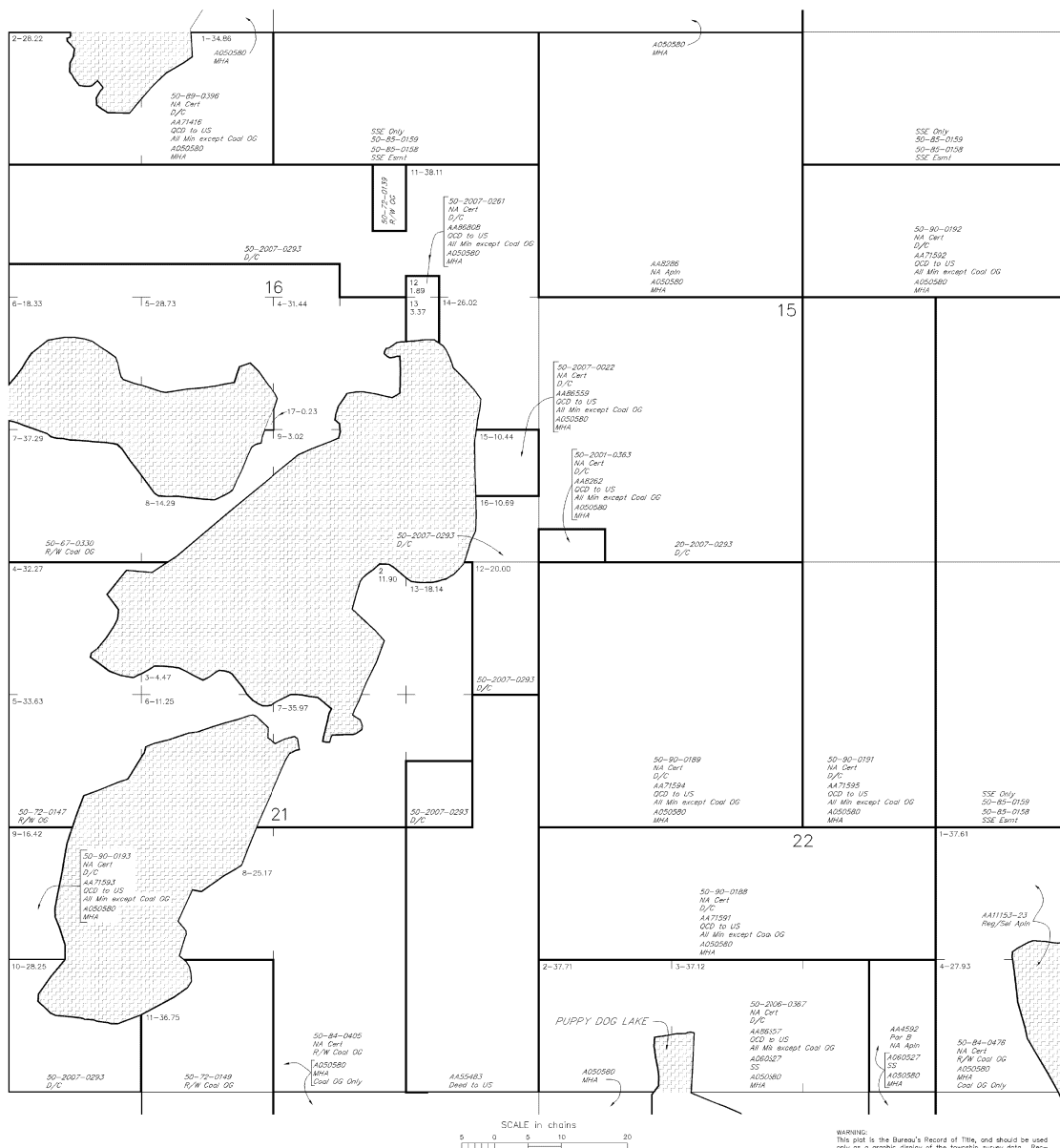
KENAI PENINSULA BOROUGH

BY: *Max A. Burt*  
AUTHORIZED OFFICIAL

THORSLAND SUBDIVISION			
A SUBDIVISION OF GOVERNMENT LOT 7 IN SEC. 16 T7N R11W OF THE SEWARD MERIDIAN SITUATED WITHIN THE KENAI PENINSULA BOROUGH, ALASKA			
SCALE 1" = 200'	AREA SUBDIVIDED INCLUDING ROWS 37.275 ACRES	SURVEY COMPLETED DATE: <u>APR 14, 2016</u>	
JIM AND NEDRA EVENSON OWNERS P O BOX 324 KENAI, ALASKA 99611		JESSE LOBDELL - SURVEYOR P O BOX 7517 NIKISKI, ALASKA 99635	
BASIS OF BEARING - N 0° 07' W FOR THE LINE BETWEEN SECTIONS 16 AND 17, PLAT OF MAY 12, 1966 U.S. BUREAU OF LAND MANAGEMENT			K P B FILE NUMBER 2015-107
KENAI RECORDING DISTRICT			



## SURVEYED TOWNSHIP 7 NORTH RANGE 11 WEST OF THE SEWARD MERIDIAN, ALASKA

STATUS OF PUBLIC DOMAIN  
LAND AND MINERAL TITLES**MTP  
SUPPL SEC 15,16,21,22**

NO 4

FOR ORDERS EFFECTING DISPOSAL OR USE OF UN-  
IDENTIFIED LANDS WITHDRAWN FOR CLASSIFICATION  
MINERALS, WATER AND/OR OTHER PUBLIC PURPOSES  
REFER TO INDEX OF MISCELLANEOUS DOCUMENTS.

PL 92-203 W/ AA6698, Lds W/ AA6698-A

P.L.O. 5183 W/ 42d of Leg & Cl affects Lds/Interests  
not conveyed W/ Kenai National Moose Range

P.L.O. 5184 W/ Cl affects Lds/Interests not conveyed

AA6698-A v. Tel. Apin Excl. Nav. waters, patented Lds &  
Lds W/ 2 miles of the city limits of Kenai & Soldotna

A060527 SS Amdt PL 96-487 Sec 806(e) Top Filed

A058731 SS Reserved Min Estate Only

Group Survey 854, approved on 1/23/2007, affects  
lands within section 15

CURRENT TO		NO 4
8-17-2007		Sew Mer
		T 7 N
		R 11 W

ACAD

**ITEM E8 – QUARTZ CREEK SUBDIVISION OUTFITTERS WAY REPLAT**

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

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

Staff report given by Platting Specialist Julie Hindman. Ms. Hindman noted that the Cooper Landing APC had reviewed this plat and made several recommendations which are noted in the staff report addendum. The landowners were supportive of the recommendations. The APC recommended approval of this plat with the recommendations sited in the June 8, 2022 Cooper Landing APC meeting minutes.

Chair Brantley open the meeting for public comment. Seeing and hearing no one wishing to comment, public comment was closed and discussion was open among the committee.

**MOTION:** Commissioner Martin moved, seconded by Commissioner Hooper, to grant preliminary approval to Quartz Creek Subdivision Outfitters Way Replat, based on staff recommendations and compliance to borough code and subject to items 1-5 found in the staff report addendum.

Seeing and hearing no objection or discussion, the motion was carried by the following vote:

**MOTION PASSED BY UNANIMOUS VOTE**

Yes	4	Brantley, Hooper, Martin, Venuti
No	0	

**ITEM E9 - THORSLAND SUBDIVISION ADDITION NO 1**

<b>KPB File No.</b>	2022-069
<b>Plat Committee Meeting:</b>	June 13, 2022
<b>Applicant / Owner:</b>	Evenson Estate of Anchorage, AK
<b>Surveyor:</b>	John Segesser / Segesser Surveys
<b>General Location:</b>	Holt Lamplight Road, Lake Marie Avenue, Nikiski

<b>Parent Parcel No.:</b>	013-105-12 and 013-105-15
<b>Legal Description:</b>	Lot 7-1 Thorsland Subdivision KN 2016-20, Government Lots 4-6, 8, 9, S1/2 S1/2 S1/2 NW1/4 and S1/2 SW1/4 SW1/4 NE1/4 (excluding Plats KN 2003-71, KN 2006-43, and KN 2010-30, in Section 16, Township 7 North, Range 11 West
<b>Assessing Use:</b>	Residential
<b>Zoning:</b>	Rural Unrestricted
<b>Water / Wastewater</b>	On site

Staff report given by Platting Specialist Julie Hindman.

Chair Brantley open the meeting for public comment. Seeing and hearing no one wishing to comment, public comment was closed and discussion was open among the committee.

**MOTION:** Commissioner Martin moved, seconded by Commissioner Hooper, to grant preliminary approval to Thorsland Subdivision Addition No. 1, based on staff recommendations and compliance to borough code.

**AMENDMENT MOTION:** Commissioner Martin moved, seconded by Commissioner Hooper, to grant exception request to KPB 20.30.030 – Proposed Street Layout Requirements, for the continuation of Lake Marie Ave., citing findings 1, 2, 4 & 7-9 in support of standards one, two and three.

Seeing and hearing no objection or discussion, the motion was carried by the following vote:

**AMENDMENT MOTION PASSED BY UNANIMOUS VOTE**

Yes	4	Brantley, Hooper, Martin, Venuti
No	0	

Seeing and hearing no objection or discussion, the motion was carried by the following vote:

**MOTION PASSED AS AMENDED BY UNANIMOUS VOTE**

Yes	4	Brantley, Hooper, Martin, Venuti
No	0	

**ITEM E10 – RIGHT-OF-WAY PROJECT SEWARD HIGHWAY MP 25.5-36 TRAIL RIVER TO STERLING WYE, REHABILITATION 0311(031) / Z546590000**

<b>KPB File No.</b>	2022-063
<b>Plat Committee Meeting:</b>	June 13, 2022
<b>Applicant / Owner:</b>	State of Alaska Department of Transportation and Public Facilities
<b>Surveyor:</b>	Travis Test and Robert Keiner / State of Alaska DOT&PF
<b>General Location:</b>	Seward Highway, Moose Pass / Moose Pass APC

<b>Parent Parcel No.:</b>	Multiple
<b>Legal Description:</b>	Highway Rehabilitation from MP 25.5 to 36

Staff report given by Platting Specialist Julie Hindman.

Chair Brantley open the meeting for public comment.

Chris Bentz, Engineer; AK DOT, P.O. Box 196900, Anchorage, AK 99519: Mr. Bentz is one of the engineers on this project. He noted receiving preliminary plat approval is the first step in this process. This will allow them to submit the initial funding request. Once funding is secured, they will begin to reach out and enter into negotiations with effected landowners. He then made himself available for questions.

The following individuals spoke in opposition to granting preliminary approval to this plat. General concerns expressed was the lack of transparency, lack proper noticing, important information left off the plat & plat drawings difficult to understand. There were several requests to postpone action on this plat to allow for more time for review and discussions with AK DOT.

*Members of the public who testified in-person:*

1. John Smart; PO Box 243, Moose Pass, 99631
2. Edward Estes; PO Box 26, Moose Pass, AK 99631
3. Jennifer Boyle; PO Box 121, Moose Pass, AK 99631
4. Nancy Erickson; PO Box 185, Moose Pass, AK 99631
5. Bruce Jaffa; PO Box 107, Moose Pass, AK 99631
6. Joseph Boyle; PO Box 121, Moose Pass, AK 99631
7. Linda Dickerson; PO Box 146, Moose Pass, AK 99631
8. Marla Heilit; Moose Pass
9. Lynne Lawrence; PO Box 122, Moose Pass, AK 99631

*Member of the public who testified via Zoom:*

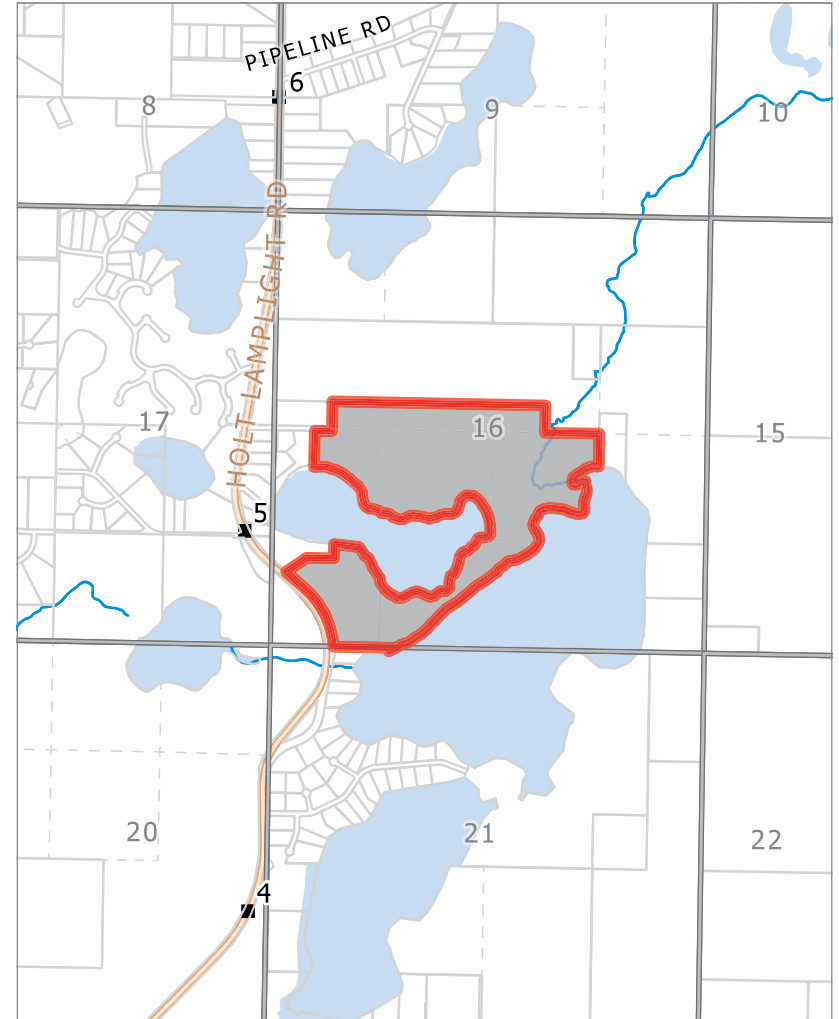
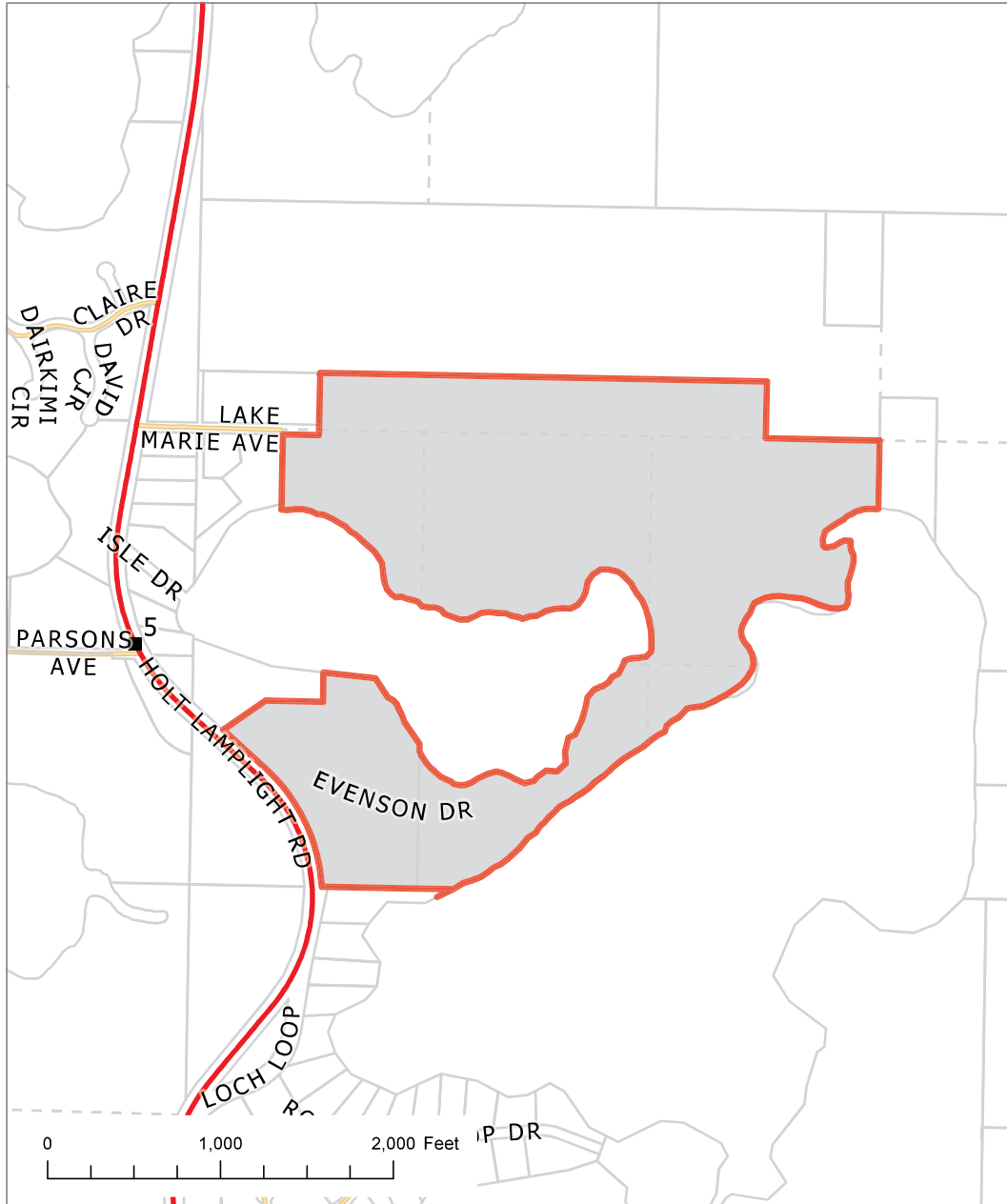
10. Melissa Guersey; 41658 Seward Hwy., Moose Pass, AK 99631
11. Wendy Milligan; PO Box 112, Moose Pass, AK 99631
12. Phillip Hendersol, Volunteer Fire Chief; 30305 Toklat Way, Moose Pass, AK 99631
13. Marry Melissa Robinson; 1120 Huffman Road, #24, Anchorage, AK 99515



## **E. NEW BUSINESS**

- 9. Thorsland Subdivision Addition No. 1; KPB File 2022-069  
Segesser Surveys / Evenson  
Location: Lake Marie Ave. & Holt Lamplight Rd.  
Nikiski Area**

**June 13, 2022 Meeting Packet Materials**



KPB File # 2022-069  
S16 T07N R11W  
Nikiski



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



**LEGEND:**

- 3 1/4" BLM MONUMENT AS SHOWN FOUND
- 5/8" REBAR FOUND
- 5/8" REBAR w/PLASTIC CAP L58359 SET
- ( ) RECORD DATUM PLAT 2016-20 KRD

**Tract A**  
105.120 Ac

**Lot 7-1A**  
11.445 Ac

**Lot 7-1B**  
10.373 Ac

**Tract B**  
105.120 Ac

**Tract C**  
105.120 Ac

**Tract D**  
105.120 Ac

**Tract E**  
105.120 Ac

**Tract F**  
105.120 Ac

**Tract G**  
105.120 Ac

**Tract H**  
105.120 Ac

**Tract I**  
105.120 Ac

**Tract J**  
105.120 Ac

**Tract K**  
105.120 Ac

**Tract L**  
105.120 Ac

**Tract M**  
105.120 Ac

**Tract N**  
105.120 Ac

**Tract O**  
105.120 Ac

**Tract P**  
105.120 Ac

**Tract Q**  
105.120 Ac

**Tract R**  
105.120 Ac

**Tract S**  
105.120 Ac

**Tract T**  
105.120 Ac

**Tract U**  
105.120 Ac

**Tract V**  
105.120 Ac

**Tract W**  
105.120 Ac

**Tract X**  
105.120 Ac

**Tract Y**  
105.120 Ac

**Tract Z**  
105.120 Ac

**VICINITY MAP**  
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 ADAPT 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.

JAMES L. EVENSON      NEDRA T. EVENSON  
4140 FOLKER ST. APT 205  
ANCHORAGE, ALASKA 99503

**NOTARY'S ACKNOWLEDGEMENT**

FOR \_\_\_\_\_  
ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

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

**NOTARY'S ACKNOWLEDGEMENT**

FOR \_\_\_\_\_  
ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

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

**PLAT APPROVAL**

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

KENAI PENINSULA BOROUGH  
AUTHORIZED OFFICIAL \_\_\_\_\_

**KPB FILE NO.**

**Thorland Subdivision Addition No. 1**

A resubdivision of Lot 7-1 Thorland Subdivision, Plat 2016-20, and a portion of Government Lot 8, Section 16, T7N, R11W, S4M, Kenai Peninsula Borough, Alaska.

Located Within the SW1/4 SW1/4 Section 16, T7N, R11W, S4M, Kenai Peninsula Borough, Alaska.

Containing 128.855 Ac.	Surveyor	Owner
Segesser Surveys 30485 Rosland St. Soldotna, AK 99686 (907) 262-3905	James L. & Nedra T. Evenson 4140 Folker St., Apt 205 Anchorage, AK 99503	

JOB NO.	21358	DRAWN	5-19-22
SURVEYED	Nov., 2021	SCALE:	1"=200'
FIELD BOOK:	21-6	SHEET:	1 of 2

**NOTES:**

- 1) Basis of bearing taken from Thorland Subdivision, Plat 2016-20, Kenai Recording District.
- 2) Building Setback-A setback of 20 feet is required from all street Rights-of-Way unless a lesser standard is approved by resolution by the appropriate Planning Commission.
- 3) Roads must meet the design and construction standards established by the Borough in order to be considered for certification and inclusion in the Borough road maintenance program.
- 4) No private access to State maintained ROWs permit unless approved by the State of Alaska Department of Transportation.
- 5) An easement for right-of-way granted to the State if Alaska is recorded in Book 33 Page 28, Kenai Recording District.
- 6) An easement for electric lines or system and/or telephone lines granted to Homer Electric Association Inc is recorded in Book 65 Page 189, Kenai Recording District. No definite location disclosed.
- 7) An easement for public road granted to the Kenai Peninsula Borough is recorded in Book 223 Page 220, Kenai Recording District.
- 8) Front 10 feet adjacent to right-of-ways and 20 feet within 5 feet of the side lot lines is a utility easement. No permanent structure shall be constructed or placed within a utility easement which would interfere with the ability of a utility to use the easement.
- 9) **WASTEWATER DISPOSAL:** These lots are at least 200,000 square feet and conditions may not be suitable for onsite wastewater treatment and disposal. Any wastewater treatment or disposal system must meet the regulatory requirements of the Alaska Department of Environmental Conservation.

**CERTIFICATE of ACCEPTANCE**

THE UNDERSIGNED OFFICIAL IDENTIFIED BY NAME AND TITLE IS AUTHORIZED TO ACCEPT AND HEREBY ACCEPTS ON BEHALF OF THE KENAI PENINSULA BOROUGH FOR PUBLIC USES AND FOR PUBLIC PURPOSES THE REAL PROPERTY TO BE DEDICATED BY THIS PLAT INCLUDING EASEMENTS, RIGHTS-OF-WAY, ALLEYS, AND OTHER PUBLIC AREAS SHOWN ON THIS PLAT IDENTIFIED AS FOLLOWS: AS YET UNNAMED ROAD DEDICATION.

THE ACCEPTANCE OF LANDS FOR PUBLIC USE OR PUBLIC PURPOSE DOES NOT OBLIGATE THE PUBLIC OR ANY OTHER GOVERNING BODY TO CONSTRUCT, OPERATE, OR MAINTAIN IMPROVEMENTS.

AUTHORIZED OFFICIAL \_\_\_\_\_ DATE \_\_\_\_\_  
KENAI PENINSULA BOROUGH

**SURVEYOR'S CERTIFICATE**

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

Date \_\_\_\_\_

JOHN F. SEGESSER  
No. LS 8889  
49TH

KPB 2022-069



AGENDA ITEM E. NEW BUSINESS

ITEM 9 - THORSLAND SUBDIVISION ADDITION NO 1

<b>KPB File No.</b>	2022-069
<b>Plat Committee Meeting:</b>	June 13, 2022
<b>Applicant / Owner:</b>	Evenson Estate of Anchorage, AK
<b>Surveyor:</b>	John Segesser / Segesser Surveys
<b>General Location:</b>	Holt Lamplight Road, Lake Marie Avenue, Nikiski

<b>Parent Parcel No.:</b>	013-105-12 and 013-105-15
<b>Legal Description:</b>	Lot 7-1 Thorsland Subdivision KN 2016-20, Government Lots 4-6, 8, 9, S1/2 S1/2 S1/2 NW1/4 and S1/2 SW1/4 SW1/4 NE1/4 (excluding Plats KN 2003-71, KN 2006-43, and KN 2010-30, in Section 16, Township 7 North, Range 11 West
<b>Assessing Use:</b>	Residential
<b>Zoning:</b>	Rural Unrestricted
<b>Water / Wastewater</b>	On site

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STAFF REPORT

**Specific Request / Scope of Subdivision:** The proposed plat will reconfigure a lot, government lots, and aliquot parcels into one tract and two lots. The tract will be 105 acres and the lots will be 10.373 acres and 11.445 acres. A new right-of-way dedication is proposed.

**Location and Legal Access (existing and proposed):** The proposed plat is located near mile 5 of Holt Lamplight Road, a state maintained right-of-way. The newly proposed right-of-way will be directly off Holt Lamplight Road and will provide access to all three parcels being created. Lake Marie Avenue is a borough maintained right-of-way located to the north that provides additional access to proposed Tract A. The Nikiski Senior Center is located on Lake Marie Avenue and is adjacent to proposed Tract A.

The proposed cul-de-sac appears to be proposed on an existing drive that provides access to an improvement that is located between Marie Lake and Bishop Lake. The proposed length of the cul-de-sac exceeds the length limits stated within KPB 20.30.100. The surveyor has discussed with staff that the dedication could be shortened to comply. ***Staff recommends the length of the cul-de-sac be revised to comply with KPB Code unless an exception is requested and granted.***

There are two recorded easements that were granted for right-of-way or public roads. They are noted on the plat. The locations are defined within the documents and should be verified that they pertain to this plat. If they are within the boundary of the proposed plat, the location should be depicted if possible. If depiction is difficult, the plat note should give an approximate location of the easements. It is possible that these easements are now within areas that have since been dedicated as right-of-way and should be noted as such. ***Staff recommends the easements be verified and depicted and noted in detail.***

The depiction of Lake Marie Avenue on sheet one appears to need revision. The current depiction indicates that the right-of-way narrows to 30 feet that is only dedicated on the northern side of the right-of-way. Senior Shore Addition Number 2, Plat KN 2010-30, created Tract B to the north and also dedicated a full 60 foot wide right of way from the eastern edge of Tract A-3 to the eastern edge of Tract B. ***Staff recommends the depiction of Lake Marie Avenue be revised to show existing dedications.***

The block is not closed. Tract A is proposed to be 105 acres with frontage along Marie Lake and Bishop Lake. Bishop Creek is also present within the eastern portion of the Tract. Due to the location of the water bodies and the large size of the property a compliant block will be difficult. ***Staff recommends the plat committee concur that an exception to block length nor additional dedications to improve block length are required at this time.***



An exception has been requested to KPB 20.30.030, to not dedicate an extension of Lake Marie Avenue at this time.

KPB Roads Dept. comments	Out of Jurisdiction: No Roads Director: Uhlin, Dil Comments: No comments
SOA DOT comments	The ROW for Holt Lamplight Road is generally as shown on KPB Right of Way Map Lamplight Rd. Phase II (Kenai Plat 85-44) and appears to be shown correctly.

**Site Investigation:** The proposed plat is along the shores of Marie Lake and Bishop Lake. The narrowest portion between the two lakes is approximately 170 feet. Per KPB Imagery, a structure is located between the two lakes. Within the eastern portion of proposed Tract A is Bishop Creek. Bishop Creek is an anadromous stream that goes through the property and connects to Bishop Lake. **Staff recommends** Bishop Creek be depicted on the plat and the anadromous note be added to the plat as well as notes regarding the meander lines of the lakes and any source information for the meanders be listed.

Other than the lakes the majority of the property is free from low wet areas. Per KPB GIS data, there is some additional wetlands near Bishop Lake in addition to some low wet areas surrounding the creek. **Staff recommends** the low wet areas be depicted on the final plat and the wetland determination note be added to the plat.

There are some steep slopes present within the subdivision. Most of these areas are found along the edge of the lakes or near Bishop Creek. The slopes do not appear to impact the area proposed for right-of-way dedication. There are some additional steep areas found throughout the subdivision with the majority being with proposed Tract A. Due to the size of the proposed Tract A, staff does not feel the steep slopes need to be depicted within its boundary at this time however, the two lots should have any steep slopes shown as it may impact development. **Staff recommends** any steep slopes present within proposed Lot 7-1A and Lot 7-1B be depicted on the final plat if the information will not interfere with other required information.

KPB River Center review	A. Floodplain Reviewer: Carver, Nancy Floodplain Status: Not within flood hazard area Comments: No comments  B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: IS totally or partially within HPD Comments: KPB\maldridge  C. State Parks Reviewer: Russell, Pam Comments: No Comments
State of Alaska Fish and Game	No objections

**Staff Analysis** The property within this subdivision is from a large acreage parcel that included aliquot described land in addition to government lots. Several subdivisions have been done from this original property. Several plats off Lake Marie Avenue have been done as well as the Thorsland Subdivision from which one of the lots in this plat is from. The largest portion of this subdivision is what would be considered an unsubdivided remainder from those plats and is now going to be part of this survey.

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

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

The property is not within an advisory planning commission.

**Utility Easements** The plat contains the note to grant utility easements within the front 10 feet adjacent to rights-of-way that increases to 20 feet within 5 feet of the side lot lines. Due to the scale of the plat and the size of Tract A, **staff recommends** a detail that shows the typical setback and utility easements being created by this plat.

The parent Lot 7-1 had some easements granted with the recording of Thorsland Subdivision, Plat KN 2016-20. The parent plat granted 15 foot utility easements along Holt Lamplight Road. **Staff recommends** sheet two depict the 15 foot utility easements and provide a note stating they were “granted per KN 2016-20.”

Some overhead powerlines are depicted on the plat. The ones that were depicted on Thorsland Subdivision, Plat KN 2016-20, were granted 20 foot wide easements per the plat note located on the plat. “Existing overhead power line is the centerline of a 20 foot wide distribution line easement including guys and anchors.” **Staff recommends** the existing easements be depicted and labeled with width and site the source of creation or depict and refer to a plat note that contains the additional details.

Additional powerlines are indicated within this subdivision but outside the original Thorsland Subdivision, Plat KN 2016-20. An additional easement was granted by recorded document and is included in plat note 6. That easement had no defined location. If it is determined that the existing power lines fall under this already granted easement then no additional easements for the power lines will be required. **Staff recommends** the owner and surveyor work with the utility providers to determine the required easements and that they be depicted and granted by this plat.

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	
ENSTAR	
ACS	No objections
GCI	

**KPB department / agency review:**

Addressing	<p>Reviewer: Haws, Derek</p> <p>Affected Addresses:</p> <p>49576 EVENSON DR</p> <p>Existing Street Names are Correct: No</p> <p>List of Correct Street Names:</p> <p>PARSONS AVE</p> <p>LAKE MARIE AVE</p> <p>Existing Street Name Corrections Needed:</p> <p>Newly dedicated ROW should be labeled EVENSON DR (SN 2009-11)</p> <p>HOLT - LAMPLIGHT RD should be HOLT LAMPLIGHT RD</p> <p>All New Street Names are Approved: No</p>
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	List of Approved Street Names:  List of Street Names Denied:  Comments: 49576 EVENSON DR will remain with Tract A. Newly dedicated ROW should be labeled EVENSON DR (SN 2009-11).
Code Compliance	Reviewer: Ogren, Eric Comments: No comments
Planner	Reviewer: Raidmae, Ryan There are not any Local Option Zoning District issues with this proposed plat.  Material Site Comments: There are not any material site issues with this proposed plat.
Assessing	Reviewer: Wilcox, Adeena Comments: No Comment

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

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

#### **KPB 20.25.070 – Form and contents required**

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

- A. Within the Title Block
1. Name of the subdivision which shall not be the same as an existing city, town, tract, or subdivision of land in the borough, of which a plat has been previously recorded, or so nearly the same as to mislead the public or cause confusion. The parent plat's name shall be the primary name of the preliminary plat.
  2. Legal description, location, date, and total area in acres of the proposed subdivision;
  3. Name and address of owner(s), as shown on the KPB records and the certificate to plat, and registered land surveyor.
- Staff recommendation:** The legal description needs to be updated to include all the government lots, the aliquot portions, and excluding the three Senior Shore Subdivision plats. The ownership will need to be updated to the Estate has both owners listed have passed.
- C. The location, width, and name of existing or platted streets and public ways, railroad rights-of-way, and other important features such as section lines or political subdivisions or municipal corporation boundaries abutting the subdivision;
- Staff recommendation:** Provide width labels for Lake Marie Avenue and Isle Drive on sheet 1. Provide a label for Holt Lamplight Road that includes the plat number for the right-of-way information, Plat KN 85-44. Remove the hyphen from Holt Lamplight labels.
- D. A vicinity map, drawn to scale showing location of proposed subdivision, north arrow if different from plat orientation, township and range, section lines, roads, political boundaries, and prominent natural and manmade features, such as shorelines or streams;
- Staff recommendation:** Shaded "this plat" is not shown in vicinity.
- F. The location, width and name of existing and platted streets and public ways, railroad rights-of-way, easements, and travel ways existing and proposed, within the subdivision;



**Staff recommendation:** The proposed dedication is atop a private road that had been named Evenson Drive. Include the name for the new dedication on both sheets and a width label is needed on sheet 1.

- 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 proposed 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:** Sheet 1 – The lots adjacent to Holt Lamplight Road along the east have block designations that should be added, update the recording number for Tract A-3 that is adjacent to the plat, provide a label width for Parsons Avenue, review the depiction of the Parsons Avenue intersection and update as needed, revised the depiction for the lot south of Parsons Avenue as this appears to be two lots in that area and both will need labels.

Sheet 2 – Update the depiction of the lots across Holt Lamplight Road and provide labels, and add labels for the lots adjacent to Lot 7-2.

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#### KPB 20.30 – Subdivision Design Requirements

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

##### 20.30.100. Cul-de-sacs.

A. Streets designed to have one end permanently closed shall be no more than 1000 feet long. The closed end of the cul-de-sac shall have a suitable turnaround with a minimum radius of 50 feet to the property line. The turnaround shall be constructible to a 4 percent grade or less.

B. Hammerhead or T -type turnarounds may be allowed on a case-by-case basis. Adequate turning radii, width and depth must be provided for road maintenance and emergency vehicle access. Plans must be reviewed with a recommendation by emergency service providers and the KPB Road Service Area Board prior to submittal for planning commission review.

C. Temporary turnarounds and self-vacating turnarounds shall not be granted or reserved on plats.

**Staff recommendation:** The cul-de-sac will need to be shortened unless an exception is requested and received.

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

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

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

*Platting Staff Comments:* Bishop Creek is located in the northeast corner and should be depicted with the correct plat note added.

**Staff recommendation:** comply with 20.30.290.

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#### KPB 20.40 – Wastewater Disposal

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

##### 20.40.010 Wastewater disposal.

*Platting Staff Comments:* Lots will be larger than 200,000 square feet and a soils analysis report will not be required.

**Staff recommendation:** comply with 20.40.

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**KPB 20.60 – Final Plat**

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

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

**Staff recommendation:** the right-of-way will need the name added to the certificate of acceptance.

20.60.180. Plat notes.

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

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

**Staff recommendation:** Place the following notes on the plat.

- Any person developing the property is responsible for obtaining all required local, state, and federal permits, including a U.S. Army Corps of Engineers wetland determination if applicable.
- ANADROMOUS WATERS HABITAT PROTECTION DISTRICT NOTE:  
Portions of this subdivision are within the Kenai Peninsula Borough Anadromous Waters Habitat Protection District. See KPB Chapter 21.18, as may be amended, for restrictions that affect development in this subdivision. Width of the habitat protection district shall be in accordance with KPB 21.18.040.
- The natural meanders of ordinary high water is for area computations only, the true corners being on the extension of the sidelines and the intersection with the natural meanders.
- Subject to rights of the public and/or governmental agencies in and to that portion of said premises lying below the mean high water mark of Bishop Creek, Bishop Lake, and Marie Lake and any questions or right of access to the water in the event said lands do not in fact abut the water.

Plat notes 5 and 7 refer to specific locations for right-of-way easements. Determine the location and if needed provide additional information on the locations within the notes or provide a depiction on the plat.

20.60.190. Certificates, statements, and signatures required.

**Staff recommendation:** The certificate of ownership will need to be revised to be on behalf of the estate and provide the name of the executor or representative. Comply with 20.60.190.

**EXCEPTIONS REQUESTED:**

**KPB 20.30.030 – Proposed street layout-requirements** Continuation of Lake Marie Avenue.

Surveyor's Discussion: My clients have no intention of developing that property at this time.

Staff Discussion: Per KPB Code, dedications must provide for continuation or appropriate projection of all streets in surrounding areas. A continuation of Lake Marie Avenue would be required with this subdivision plat. A straight through dedication at this time would split the owner's property and result in an additional lot being created that they do not wish to create. There are some large acreage lots in the area that are owned by Alaska Mental Health Trust Authority. There are two lots that are to the east and north of the proposed plat. The access to those properties is

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unknown and they may have access easements or use navigable waters for access. One of those lots is private while the other is under Bureau of Indian Affairs ownership. A dedication of Lake Marie Avenue will not provide them access at this time and anything that would be of benefit would require crossing an anadromous stream.

If the exception request is denied, a dedication to continue Lake Marie Avenue will be required.

**Findings:**

1. Tract A is proposed as a 105 acre parcel.
2. A dedication will split the owner's property, thus creating an additional lot.
3. The dedication will provide access to Alaska Mental Health Trust Lands right at Bishop Creek.
4. The large acreage tracts surrounding the subdivision have additional access.
5. The access for the smaller lots in the area is unknown.
6. The only lot with potential to benefit would be the Bureau of Indian Affairs property.
7. The BIA property would acquire a 30 foot width access that crosses steep terrain, wetlands, and an anadromous stream.
8. Future development of the large acreage tract can provide appropriate continuations of the right-of-way at that time.
9. Isle Drive provides public access to Marie Lake.
10. Public access to Bishop Lake is undetermined due to unknown status of some section line easements in the area.

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 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 1, 2, 4, and 7-9 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, 2, 4, and 7-9 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, 2, 4, and 7-9 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**

Page 7 of 8



- COMPLIANCE WITH KPB 20.25.070 (FORM AND CONTENTS), KPB 20.25.080 (PETITION REQUIRED), KPB 20.30 (DESIGN REQUIREMENTS); AND KPB 20.40 (WASTEWATER DISPOSAL), AND
- COMPLIANCE WITH KPB 20.60 TO ENSURE ADMINISTRATIVE APPROVAL OF THE FINAL PLAT.

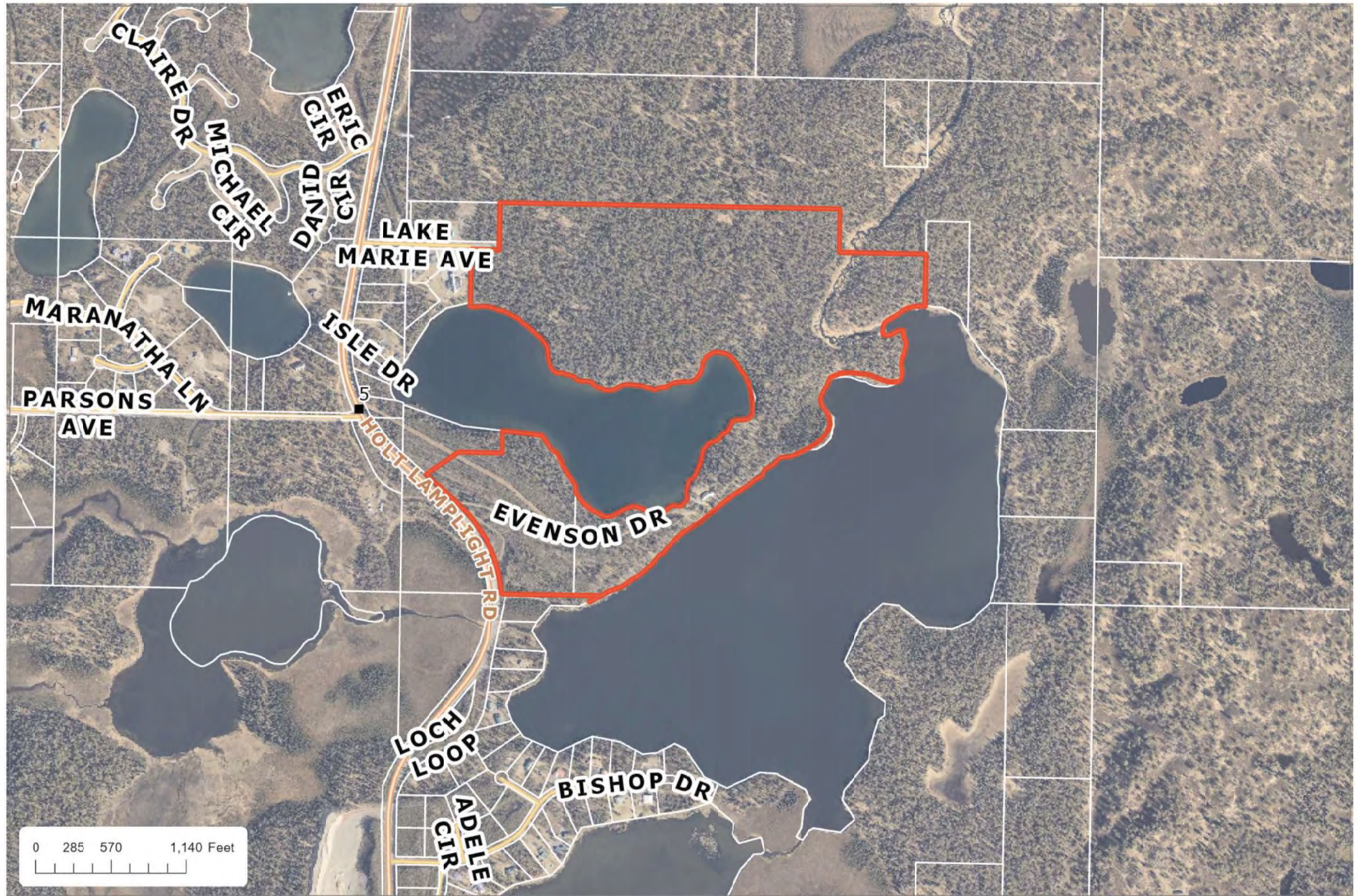
NOTE: 20.25.120. - REVIEW AND APPEAL.

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

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

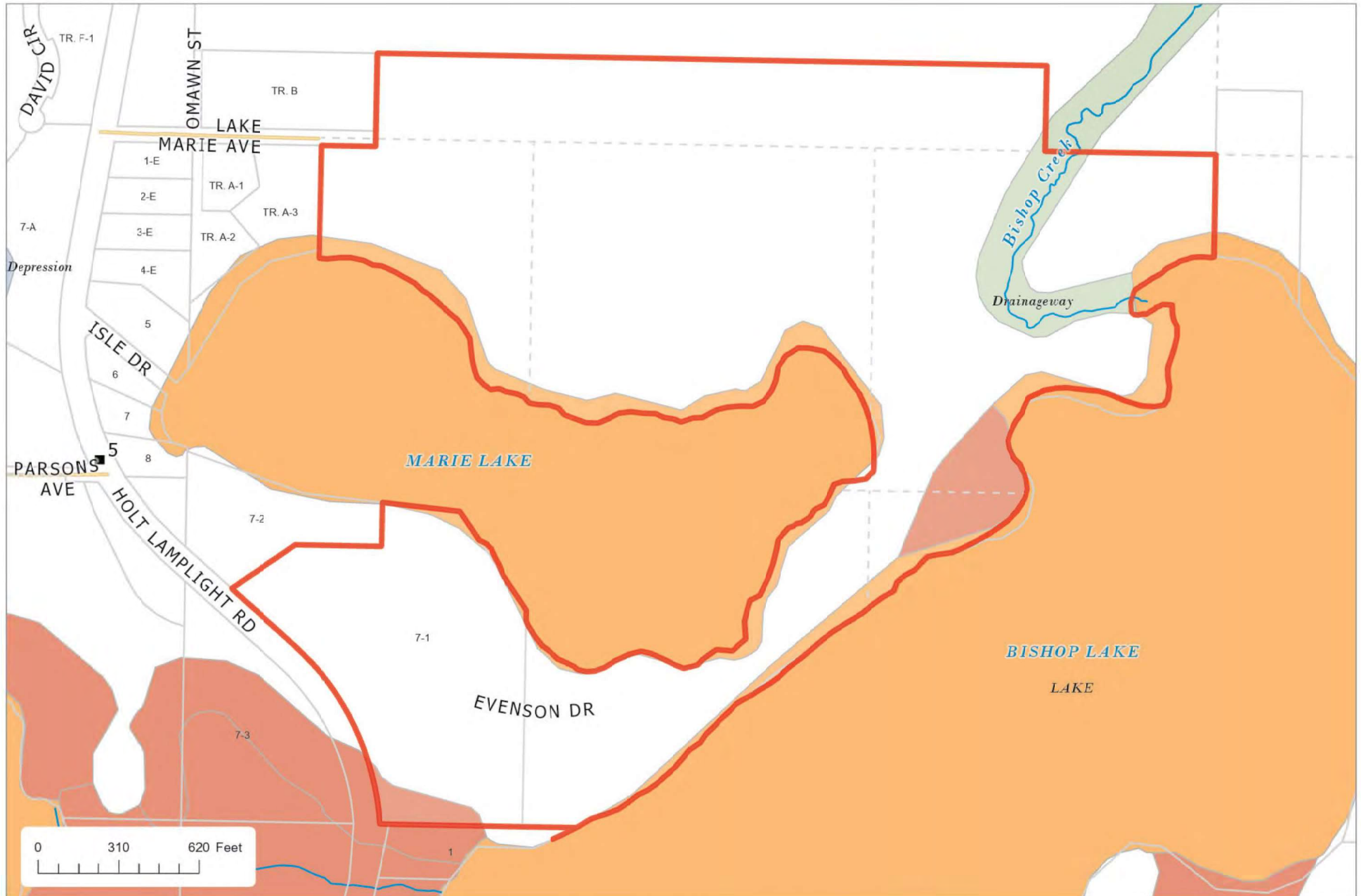
END OF STAFF REPORT





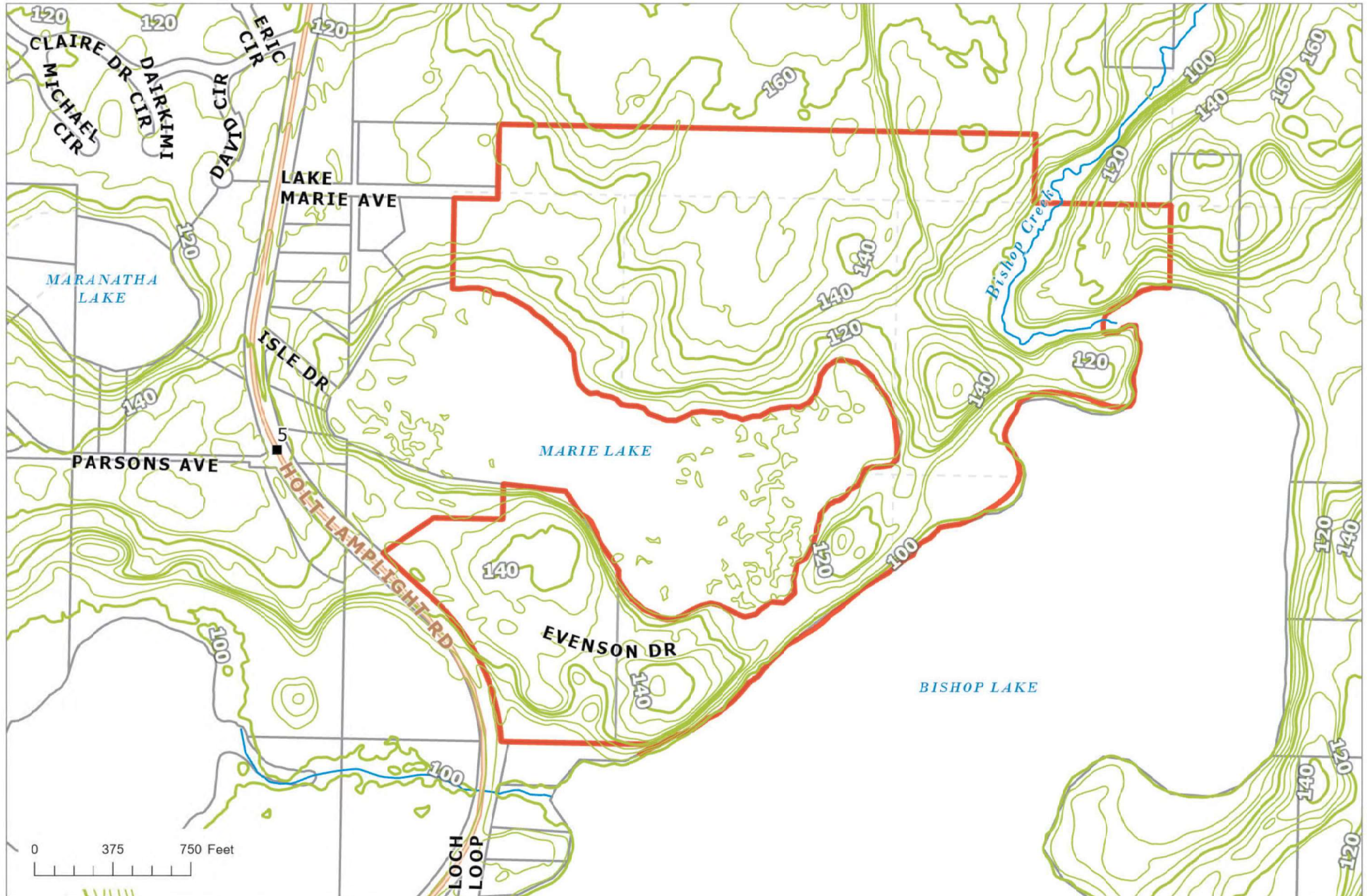
The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.





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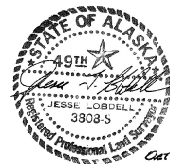




The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.

## LEGEND

- BRASS CAP SURVEY MONUMENT FOUND
- CASED SURVEY MONUMENT FOUND AT RIGHT OF WAY CENTERLINE ANGLE POINTS - PLAT/MAP 83-44 KRD
- ⊙ ALUMINUM CAP SURVEY MONUMENT SET THIS SURVEY
- ⊕ 5/8" DIA. REBAR FOUND
- 5/8" X 32" REBAR SET AT LOT CORNER



## SURVEYOR'S CERTIFICATE/SEAL

PLAT AND NOTES  
DATED MAY 12, 1966

LAKE MEANDER LINES SHOWN ARE FOR AREA COMPUTATIONS ONLY, THE TRUE CORNERS BEING ON THE EXTENSION OF THE SIDELINES AND THE INTERSECTION OF ORDINARY HIGH WATER.

UNSUBDIVIDED GOV. LOT 8

**WET LANDS** ANY PERSON DEVELOPING THE PROPERTY IS RESPONSIBLE FOR OBTAINING ALL REQUIRED LOCAL, STATE, AND FEDERAL PERMITS, INCLUDING A U.S. ARMY CORPS OF ENGINEERS WET LANDS DETERMINATION IF APPLICABLE.

**EXCEPTION** FOR BLOCK LENGTH - KPB 20-30-170 WAS GRANTED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THEIR MEETING OF OCTOBER 12, 2015.

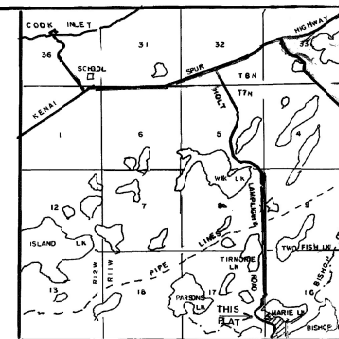
**BUILDING SETBACK** - A SETBACK OF 20 FEET IS REQUIRED FROM ALL STREET RIGHT-OF-WAYS UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.

**EASEMENTS** - GENERAL FORELECTRIC LINES OR SYSTEMS GRANTED HOMER ELECTRIC ASSOCIATION RECORDED AT BOOK 65 PAGE 189 KRD. EXISTING OVERHEAD POWER LINE IS THE CENTERLINE OF A 20 FT. WIDE DISTRIBUTION LINE EASEMENT INCLUDING GUYS AND ANCHORS.

NO PERMANENT STRUCTURE SHALL BE PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT. THE FRONT 15 FEET OF THE 20 FOOT BUILDING SETBACK AND THE ENTIRE SETBACK WITHIN 5 FEET OF THE SIDE LOT LINES IS A UTILITY EASEMENT.

**PORTIONS** OF THIS SUBDIVISION ARE WITHIN KENAI PENINSULA BOROUGH 50 FOOT ANADROMOUS STREAM HABITAT PROTECTION DISTRICT. SEE CHAPTER 21-B BOROUGH CODE OF ORDINANCES FOR RESTRICTIONS THAT AFFECT DEVELOPMENT OF THIS SUBDIVISION.

2010-20  
Kenai  
JESSE LOBDELL  
1/18/16  
TAND



LOCATION MAP 1" = 1 mi

## 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.

*James L. Evenson* and *Nedra T. Evenson*  
JAMES L. EVENSON NEDRA T. EVENSON  
P.O. BOX 324  
KENAI, ALASKA

## NOTARY'S ACKNOWLEDGEMENT

FOR *James L. Evenson* AND *Nedra T. Evenson*  
ACKNOWLEDGED BEFORE ME THIS *22nd* DAY OF *October*, 2015

*Susan C. Tauriainen*  
NOTARY PUBLIC FOR ALASKA  
MY COMMISSION EXPIRES: *3/12/17*  
State of Alaska  
Notary Public  
Susan C. Tauriainen

## PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF OCTOBER 12, 2015.

KENAI PENINSULA BOROUGH

BY: *Max B. Burt*  
AUTHORIZED OFFICIAL

## WASTEWATER DISPOSAL

LOTS WHICH ARE AT LEAST 200,000 SQUARE FEET OR NOMINAL FIVE ACRES IN SIZE MAY NOT BE SUITABLE FOR ON SITE WASTEWATER TREATMENT AND DISPOSAL. ANY WASTEWATER TREATMENT OR DISPOSAL SYSTEM MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

## THORSLAND SUBDIVISION

A SUBDIVISION OF GOVERNMENT LOT 7 IN SEC. 16 T7N R11W OF THE SEWARD MERIDIAN SITUATED WITHIN THE KENAI PENINSULA BOROUGH, ALASKA

SCALE 1" = 200' AREA SUBDIVIDED INCLUDING ROWS 37.275 ACRES SURVEY COMPLETED DATE: APR 14 2016

JIM AND NEDRA EVENSON OWNERS P.O. BOX 324 KENAI, ALASKA 99511 JESSE LOBDELL - SURVEYOR P.O. BOX 7517 NIKISKI, ALASKA 99633

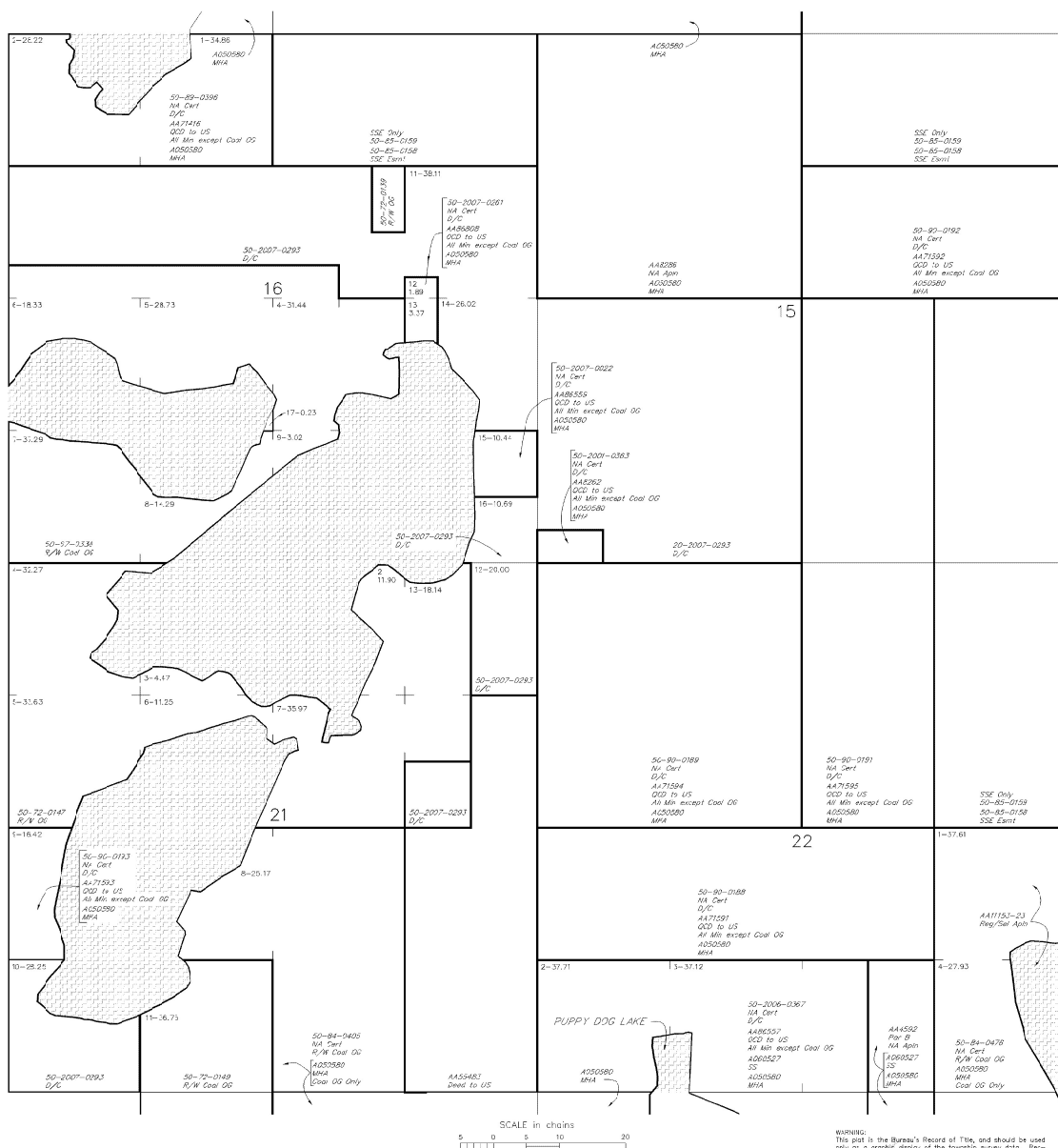
BASIS OF BEARING - N0°07'W FOR THE LINE BETWEEN SECTIONS 16 AND 17, PLAT OF MAY 12, 1966 US BUREAU OF LAND MANAGEMENT KPB FILE NUMBER 2015-107

KENAI RECORDING DISTRICT

Page 1 of 1



SURVEYED TOWNSHIP 7 NORTH RANGE 11 WEST OF THE SEWARD MERIDIAN, ALASKA

STATUS OF PUBLIC DOMAIN  
LAND AND MINERAL TITLES

MTP  
SUPPL SEC 15,16,21,22

NO 4

FOR ORDERS EFFECTING DISPOSAL OR USE OF UN-  
IDENTIFIED LANDS WITHDRAWN FOR CLASSIFICATION  
MINERALS, WATER AND/OR OTHER PUBLIC PURPOSES  
REFER TO INDEX OF MISCELLANEOUS DOCUMENTS.

PL 92-203 WJI AA6598, Ljs W/1 A46598-A

*PL0 5183 Wall Aid of Leg & CI affects Lds/Interests  
not conveyed W/i Kenai National Moose Range*

*PLD 5184 Wdl Cl affects Lds/interests not conveyed*

AA669B-A V/Sel Apln Exci Nav waters, patented Lds & Lds W/i 2 miles of the city limits of Kenai & Soldina

A060527 SS Arndt PL 96-487 Sec 306(e) Top Filed

4058731 SS Reserved Min Estate Only

Group Survey 954, approved on 1/23/2007, affects lands within section 15

**WARNING:**  
This plat is the Bureau's Record of Title, and should be used only as a graphic display of the township survey data. Records herein do not reflect title changes which may have been affected by later improvements of rivers or other bodies of water. Refer to the coastal surveys for official survey information.

NO 4

☐ Sew Mer

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R 11 W