



# Kenai Peninsula Borough

144 North Binkley Street  
Soldotna, AK 99669

## Meeting Agenda Planning Commission

*Jeremy Brantley, Chair – District 5 Sterling/Funny River*  
*Blair Martin, Vice Chair – District 2 Kenai*  
*Pamela Gillham – District 1 Kalifornsky*  
*Virginia Morgan, Parliamentarian – District 6 East Peninsula*  
*John Hooper – District 3 Nikiski*  
*Michael Horton – District 4 Soldotna*  
*VACANT – District 7 Central*  
*David Stutzer – District 8 Homer*  
*Dawson Slaughter – District 9 South Peninsula*  
*Diane Fikes – City of Kenai*  
*Franco Venuti – City of Homer*  
*Charlene Tautfest – City of Soldotna*  
*Troy Staggs – City of Seward*  
*VACANT – City of Seldovia*

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Monday, January 23, 2023

7:30 PM

Betty J. Glick Assembly Chambers

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**Zoom Meeting ID: 907 714 2200**

The hearing procedure for the Planning Commission 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 CONSENT AND REGULAR AGENDA

*All items marked with an asterisk (\*) are consent agenda items. Consent agenda items are considered routine and non-controversial by the Planning Commission and will be approved by one motion. There will be no separate discussion of consent agenda items unless a Planning Commissioner so requests in which case the item will be removed from the consent agenda and considered in its normal sequence on the regular agenda.*

*If you wish to comment on a consent agenda item or a regular agenda item other than a public hearing, please advise the recording secretary before the meeting begins, and she will inform the Chairman of your wish to comment.*

1. Time Extension Request
2. Planning Commission Resolutions
3. Plats Granted Administrative Approval

[KPB-4874](#) a. Bear Lahai Roi Subdivision Sockeye Run View Addition  
KPB File 2022-074

Attachments: [C3. Admin Approvals](#)

4. Plats Granted Final Approval (KPB 20.10.040)
5. Plat Amendment Request
6. Commissioner Excused Absences
7. Minutes

KPB-4875 January 9, 2023 Planning Commission Meeting Minutes

**Attachments:** C7. 010923 PC Minutes Draft

#### D. OLD BUSINESS

## E. NEW BUSINESS



1. [KPB-4876](#) Bidarki Creek No. 5; KPB File 2022-160

Attachments: [E1. Bidarki Creek No. 5 Packet](#)  
[E1. Bidarki Creek No. 5 Desk Packet](#)

## **F. PLAT COMMITTEE REPORT**

## **G. OTHER**

## **H. PUBLIC COMMENT/PRESENTATION**

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

## **I. DIRECTOR'S COMMENTS**

## **J. COMMISSIONER COMMENTS**

## **K. ADJOURNMENT**

### **MISCELLANEOUS INFORMATIONAL ITEMS**

#### **NO ACTION REQUIRED**

[KPB-4877](#) APC Meeting Minutes

Attachments: [Misc Info APC Minutes](#)

### **NEXT REGULARLY SCHEDULED PLANNING COMMISSION MEETING**

The next regularly scheduled Planning Commission meeting will be held Monday, February 13, in the Betty J. Glick Assembly Chambers of the Kenai Peninsula Borough George A. Navarre Administration Building, 144 North Binkley Street, Soldotna, Alaska at 7:30 p.m.

### **CONTACT INFORMATION**

#### **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>

A party of record may file an appeal of a decision of the Planning Commission in accordance with the requirements of the Kenai Peninsula Borough Code of Ordinances. An appeal must be filed with the Borough Clerk within 15 days of the notice of decision, using the proper forms, and be accompanied by the filing and records preparation fees. Vacations of right-of-ways, public areas, or public easements outside city limits cannot be made without the consent of the borough assembly.

Vacations within city limits cannot be made without the consent of the city council. The assembly or city council shall have 30 calendar days from the date of approval in which to veto the planning commission decision. If no veto is received within the specified period, it shall be considered that consent was given.

A denial of a vacation is a final act for which the Kenai Peninsula Borough shall give no further consideration. Upon denial, no reapplication or petition concerning the same vacation may be filed within one calendar year of the date of the final denial action except in the case where new evidence or circumstances exist that were not available or present when the original petition was filed.

## **C. CONSENT AGENDA**

- \*3. Plats Granted Administrative Approval**
  - a. Bear Lahai Roi Subdivision Sockeye Run View Addition**  
**KPB File 2022-074**



## Planning Department

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

Mike Navarre  
Borough Mayor

### ADMINISTRATIVE APPROVAL

Subdivision: Bear Lahai Roi Subdivision Sockeye Run View Addition  
KPB File 2022-074  
Kenai Recording District

The Kenai Peninsula Borough Planning Commission conditionally approved the preliminary subdivision plat on July 18, 2022. Approval for the plat is valid for two years from the date of approval.

The final plat complied with conditions of preliminary approval and KPB Title 20 (Subdivisions); therefore, per KPB 20.60.220, administrative approval has been granted by the undersigned on Friday, December 30, 2022.

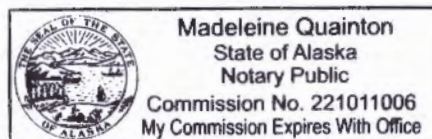
Vince Piagentini  
Platting Manager

State of Alaska  
Kenai Peninsula Borough

Signed and sworn (or affirmed) in my presence this 30 day of December 2022 by  
Vince Piagentini.

Notary Public for the State of Alaska

My commission expires: With office



The survey firm has been advised of additional requirements, if any, to be complied with prior to recording. After the original mylar has been signed by the KPB official, it must be filed with the appropriate district recorder within ten business days by the surveyor or the Planning Department.

## C. CONSENT AGENDA

- \*7. Minutes

- a. January 9, 2023 PC Meeting Minutes

# Kenai Peninsula Borough Planning Commission

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

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January 9, 2023

7:30 P.M.

**UNAPPROVED MINUTES**  
*(Meeting Held Via Zoom Only)*

## **AGENDA ITEM A.**      **CALL TO ORDER**

Chair Brantley called the meeting to order at 7:30 p.m.

## **AGENDA ITEM B.**      **ROLL CALL**

### *Commissioners Present*

Pamela Gillham, District 1 – Kalifornsky  
Blair Martin – District 2, Kenai  
John Hooper, District 3 – Nikiski  
Michael Horton, District 4 - Soldotna  
Jeremy Brantley, District 5 – Sterling/Funny River  
David Stutzer, District 8 – Homer  
Dawson Slaughter, District 9 – South Peninsula  
Troy Staggs, City of Seward  
Charlene Tautfest, City of Soldotna  
Franco Venuti, City of Homer

With 10 members of a 12-member seated commission in attendance, a quorum was present.

### *Staff Present*

Samantha Lopez, Acting Planning Director  
Marcus Mueller, Land Management Officer  
Walker Steinhage, Deputy Borough Attorney  
Vince Piagentini, Platting Manager  
Julie Hindman, Platting Specialist  
Ann Shirnberg, Planning Administrative Assistant  
Rhonda Foster-Deskins, Land Management Administrative Assistant

## **AGENDA ITEM C.**      **CONSENT & REGULAR AGENDAS**

### **\*3.      Plats Granted Administrative Approval**

- a. AA Mattox Subdivision Johnson Addition; KPB File 2022-064
- b. Bear Run Tract 2 Replat; KPB File 2022-043
- c. Beaver Creek Alaska Subdivision 2020 Replat; KPB File 2021-006
- d. Breakfield-McCaughey Subdivision; KPB File 2022-054
- e. Catkin Subdivision 2021 Replat; KPB File 2021-144
- f. C L Hatton Subdivision Eagles Crest Addition Byler Replat; KPB File 2022-027
- g. Crane-France Subdivision; KPB File 2022-096
- h. D & J subdivision; KPB File 2022-065
- i. Foothills Subdivision Sunset View Estate 2020 Addition; KPB File 2020-113P2

- j. Fritz Creek Acres 2022 Replat; KPB File 2022-095
- k. K.D.M. Subdivision 2022 Addition; KPB File 2022-146
- l. Kasilof Alaska Subdivision 2022 Replat; KPB File 2022-119
- m. Lillian Walli Estate 2022 Replat; KPB File 2022-083
- n. Lobdell Subdivision; KPB File 2022-018
- o. McClaren Subdivision; KPB File 2016-083
- p. Monk Acres; KPB File 2022-071
- q. Puffin Acres Bayweld 2022 Replat; KPB File 2022-046

**\*4. Plats Granted Final Approval**

- a. Alisyn Acres Subdivision McDonald Replat; KPB File 2022-149
- b. Foster Lake Subdivision Vasilie Replat; KPB File 2022-140
- c. Golf-Fairway 2022 Replat; KPB File 2022-138
- d. John Buchanan Subdivision; KPB File 2022-154

**\*6. Commissioner Excused Absences**

- a. Virginia Morgan, District 6 – East Peninsula
- b. Diane Fikes, City of Kenai
- c. City of Seldovia, Vacant
- d. District 7 – Central, Vacant

**\*7. Minutes**

- a. December 12, 2022 Planning Commission meeting minutes.

Chair Brantley asked Ms. Shirnberg to read the consent agenda items into the record.

Chair Brantley asked if anyone wished to speak to any of the items on the consent agenda.

Seeing and hearing no one wishing to comment Chair Brantley brought it back to the commission for a motion.

**MOTION:** Commissioner Slaughter moved, seconded by Commissioner Staggs to approve the regular and consent agendas.

Hearing no objection or further discussion, the motion was carried by the following vote:

**MOTION PASSED BY UNANIMOUS VOTE:**

Yes - 10	Brantley, Gillham, Hooper, Horton, Martin, Slaughter, Staggs, Stutzer, Tauffest, Venuti
Absent - 2	Fikes, Morgan

**AGENDA ITEM E. NEW BUSINESS**

Chair Brantley asked Ms. Shirnberg to read into the record the procedures for public hearings.

**ITEM E1 – BUILDING SETBACK ENCROACHMENT PERMIT  
LOT 2A SPRUCE LAKE ESTATES ADDN. NO. 2, PLAT HM 86-34**

<b>KPB File No.</b>	2022-176
<b>Planning Commission Meeting:</b>	January 9, 2023
<b>Applicant / Owner:</b>	Richard Shreves of Helena, Montana
<b>Surveyor:</b>	Jason Schollenberg / Peninsula Surveying, LLC
<b>General Location:</b>	Whiskey Gulch Street, Anchor Point, Anchor Point APC
<b>Parent Parcel No.:</b>	165-610-95
<b>Legal Description:</b>	Lot 2A Spruce Lake Estates Addn. No. 2, Plat HM 86-34
<b>Assessing Use:</b>	Residential
<b>Zoning:</b>	Rural Unrestricted

Staff report given by Platting Manager Vince Piagentini.

Chair Brantley opened the item for public comment.

Richard Shreves; 1800 Laurel Street, Helena, MT 59601: Mr. Shreves is the landowner. He noted that he uses the property during his summer stays in Alaska. He acknowledged that he made a mistake years ago when he built this structure. It would cost prohibitive to move the structure and would ask that the commission approve his permit.

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

**MOTION:** Commissioner Venuti moved, seconded by Commissioner Staggs to adopt PC Resolution 2023-01 granting a setback encroachment permit to Lot 2A, Spruce Lake Estates Subdivision No. 2, Plat HM 86-34 based on findings in the staff report.

Commissioner Stutzer stated he understands that mistakes are made but he has a difficult time approving these kinds of permits. He does not like approving encroachments after the fact. If possible, he would like to see the encroachment resolved by moving the structure. If moving it is cost prohibitive, he asked staff if a condition could be put on the permit that should the landowner conduct any kind of major renovations on the property that they would be required to move the structure. Ms. Hindman replied that the permit contains language that states any new, replacement, and/or additional construction will be subject to the 20-foot setback limit. She also noted that the encroachment issue was brought to the borough's attention by the Code Compliance Officer, Eric Ogren. Mr. Ogren went to the landowner to negotiate a resolution to the encroachment and that is why this application is coming forward tonight.

Commissioner Martin stated he agrees with Commissioner Stutzer's concerns. However when reviewing the staff report findings, such as the cost to move the structure, he is in favor of granting the permit. The structure can be moved in the future if the landowner wants to renovate the home.

Hearing no objection or further discussion, the motion was carried by the following vote:

**MOTION PASSED BY UNANIMOUS VOTE:**

Yes - 10	Brantley, Gillham, Hooper, Horton, Martin, Slaughter, Staggs, Stutzer, Tautfest, Venuti
Absent - 2	Fikes, Morgan

**ITEM E2 – BUILDING SETBACK ENCROACHMENT PERMIT  
LOT H-2 HOLLYWOOD SUBDIVISION #4, PLAT HM 85-90**

<b>KPB File No.</b>	2022-181
<b>Planning Commission Meeting:</b>	January 9, 2023
<b>Applicant / Owner:</b>	Jay Snow of Anchor Point, Alaska
<b>Surveyor:</b>	Jason Schollenberg / Peninsula Surveying, LLC
<b>General Location:</b>	Whiskey Gulch Street, Anchor Point, Anchor Point APC
<b>Parent Parcel No.:</b>	165-610-84
<b>Legal Description:</b>	Lot H-2 Hollywood Subdivision #4, Plat HM 85-90
<b>Assessing Use:</b>	Residential
<b>Zoning:</b>	Rural Unrestricted

Staff report given by Platting Manager Vince Piagentini.

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

**MOTION:** Commissioner Slaughter moved, seconded by Commissioner Staggs to adopt PC Resolution 2023-02 granting a setback encroachment permit to Lot H-2, Hollywood Subdivision No. 4, Plat HM 85-90 based on the findings as stated in the staff report.



Hearing no objection or further discussion, the motion was carried by the following vote:

**MOTION PASSED BY UNANIMOUS VOTE:**

Yes - 10	Brantley, Gillham, Hooper, Horton, Martin, Slaughter, Staggs, Stutzer, Taufest, Venuti
Absent - 2	Fikes, Morgan

**ITEM E3 – ORDINANCE 2022-46  
AMENDING KPB 21.02.230 TO MODIFY THE BOUNDARIES OF THE  
NIKISKI ADVISORY PLANNING COMMISSION**

Staff report given by Senior Planner Samantha Lopez.

Commissioner Gillham asked staff if the Tyonek Native Corporation had made any attempts to secure representation on the APC. Ms. Lopez replied that no applicants for the APC had been received from any residents on the westside. Commissioner Gillham then asked if the reduced boundary size of the APC being put forth, is the same one the Planning Commission initially recommended to the Assembly. Ms. Lopez replied that it was. She noted the ordinance reducing the boundary size was brought forth by several assembly members in response to the letter from the Tyonek Native Association.

Chair Brantley opened the item for public comment.

Len Niesen; PO Box 8485, Nikiski, AK 99635: Ms. Niesen spoke in support of leaving the Nikiski APC boundaries as they are. She noted that the Tyonek Native Corporation had received the same notice about the formation of the APC as the other area residents. They had the same opportunity to make comments then, but they chose not to. They chose to lodge their complaint after the fact, after the APC boundaries were approved. The native corporation actually owns very little land on the westside. In addition, there are energy companies that own lands on the westside that are based in Nikiski, as well as 150-plus properties on the westside that are privately owned. She feels that by reducing the APC boundaries, all the folks who are not a part of the native corporation will be losing a voice that they have been given. The native corporation can choose to participate or not, however they are not losing anything by remaining within the APC boundaries. She noted that most of the lands on the westside are publicly owned lands (Federal, State & Borough) and have the potential of being developed in the future. Some of these public lands may one day be transferred into private hands. She does not believe that the voices of the private landowners in the area should be shut down. She believes the westside is completely attached to Nikiski. The westside is included in their service area and those land should remain within the APC boundary. Making this change, after the fact, does not sit well with her. She would ask that the commission recommend rejecting this proposal.

Commissioner Slaughter asked Ms. Niesen if the APC had reached out to the Tyonek Native Corporation to discuss this matter. Ms. Niesen replied that they had not. She noted that the APC just recently had their first meeting and believed the open meetings act prohibited them from reaching out directly. The APC has not really had the time or opportunity to reach out to them.

Commissioner Slaughter noted that no one from the westside appears to be on the APC. It also sounds like the Tyonek Native Association may not have received any notice about the formation of the APC. He asked staff what resources were put into notifying residents on the westside about the APC. Ms. Lopez replied that once the APC boundaries were set, a notice was sent out to all landowners within the adopted boundary, informing them of the new APC, and that they had lands that resided within the boundary. The notice also contained information on how to apply to be a member of the APC board.

Len Niesen; PO Box 8485, Nikiski, AK 99635: Ms. Niesen wanted it noted that the Nikiski APC would welcome participation from the residents on the westside. She would be happy to relinquish her seat to allow for that to happen

Heidi Covey; 46990 Two Junes Ave., Kenai, AK 99611: Ms. Covey spoke in support of leaving the Nikiski APC boundaries as they are. She stated she keeps hearing concerns being expressed about the size of the APC. She doesn't believe that should be a concern, as there is nothing in code or statute about limiting the size of an APC. The Tyonek Native Association received the same notices as all the other area residents. The native association appears to be saying that they were left out of the process and we know that they were not. They chose to speak up only after the APC was established. The native corporation

states that they are not a part of the borough, however they do receive services paid for by borough tax payers. The native corporation is no different than any other area resident, they can exercise their civic duty and submit an application to be on the APC. She then noted that an owner of a business on the westside did just that, they submitted an application to sit on the APC. She stated that we need to be guided by the law and would encourage the commission to follow the law and allow the APC boundaries to remain as they were initially adopted.

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

**MOTION:** Commissioner Gillham moved, seconded by Commissioner Slaughter to forward to the Assembly a recommendation to adopt Ordinance 2022-46, amending KPB 21.02.230 to modify the boundaries of the Nikiski Advisory Planning Commission.

Commissioner Gillham stated that she thought when the commission initially recommended reducing the size of the boundary it was to give the westside the opportunity to create an APC and to have their own voice. It does not appear that the native corporation wants to do that. There are still other lands on the westside that are not apart of the native corporation and it seems to be unwise for them to not have any representation. Initially she supported the small boundary for this APC but she is now leaning towards supporting that the boundaries remain as they are. Just because the native corporation doesn't want a voice doesn't mean the other residents on the westside shouldn't have one. The borough already doesn't tell the native corporations what to do with their lands, so this APC won't negatively affect them.

Commissioner Staggs stated since the native corporation doesn't want to participate in the APC, the commission could just make a recommendation to remove the native corporation lands from the APC boundaries.

Commissioner Martin stated that he agrees with what the two testifiers and commissioner Gillham has said. He is inclined to vote against recommending approval of the ordinance.

Commissioner Stutzer asked what kind of jurisdiction does the borough have over federal and native lands? If we really don't have much jurisdiction over federal and native lands, he doesn't see how the APC would negatively affect them. If that is true, then he is inclined to recommend that the boundaries be left as they currently are. Ms. Lopez replied as far as what kind of lands are subject to the borough, it is her understanding that federal and native lands are still subject to code. For instance, any time there is any type of platting action, whether on private or public lands, those plats will still come before the commission for approval. The same would be true for conditional use and conditional land use permits. However, when it comes to the APC developing a land use plan, it would only apply to borough owned lands. Borough Attorney Walker Steinhage added generally in cases where federal and local laws are in conflict, federal law will control. The issue of the relationship of laws between native corporations/tribes and state/local municipalities are rapidly evolving and changing. Having said that, he doesn't believe that this would be implicated at the APC level, because the purpose of the APC is to give locals a voice and make recommendations. The APC is not a decision-making body.

Commissioner Brantley noted that the last time this came before the commission there was a lot of discussion about why the boundaries of this APC should be smaller. He noted that APCs are not in any way tied to the size of a service area. The service areas and APCs are two different bodies, that perform very different functions. The westside of the inlet is so unique, and while some would say that it is a part of Nikiski, it really isn't. It is a very different place to Nikiski. It would be like claiming that he, as a resident of Sterling, should have a say as to what goes on in Cooper Landing. These are two completely different areas. If the westside wants to represent themselves he believes that another APC would be appropriate. He hasn't changed his mind from the last time this came before the commission. He will be voting to recommend adopting the smaller boundary area. He also reminded the commission that the westside is represented by them. The Planning Commission represents the entire borough, so it is not like the westside is going without any representation.

Commissioner Horton stated he agreed with Commissioner Brantley. It would be like him, a resident of Sterling, saying that he should be making recommendations for the Funny River area.

Commissioner Gillham stated she believes it is beneficial to have a local voice, and she was concerned

that the residents of the westside would be going without a local voice. She has noticed that a number of the APCs have had difficulties finding residents willing to serve. She had been thinking that at least there were folks on the Nikiski APC willing to speak up for the westside. She recognizes that the westside is unique and it would be great if the Nikiski APC could get residents from over there to join their board. However, she agrees that the westside is not without representation, as they are represented by the KPB Planning Commission.

Commissioner Stutzer stated that he agreed with Commissioner Brantley. He doesn't believe that as a Homer resident, that he should be making recommendations for another community further up the peninsula. He is not from the area and the conditions in the area could be very different.

Commissioner Brantley stated he understands that the westside is a large area and noted that Tyonek is the town of the westside. Tyonek has stated that they do not want to be a part of the Nikiski APC. Perhaps in the future they may want to form an APC for the westside. The ordinance before us was what we originally recommended to the Assembly.

Commissioner Venuti stated he understands that Tyonek does not want to participate in the APC. One thing he has not heard discussed is how they would participate. Living in Homer he has reliable internet connections, he wonders what it is like on the westside. Being remote, the westside might be at a disadvantage. He wonders if this issue might play into their decision. Commissioner Brantley replied that Tyonek may be showing how much they do not want to participate by choosing to not participate at all.

Commissioner Slaughter says that he supports the smaller APC boundary. He has served on an APC and he believes it is beneficial to have the community involvement. However, if Tyonek does not want to participate in the APC he does not believe they should be forced to. The westside is not without representation, they do have the planning commission and the assembly. He will be voting in favor of adopting this ordinance.

Hearing no objection or further discussion, the motion was carried by the following vote:

**MOTION PASSED BY MAJORITY VOTE:**

Yes - 9	Brantley, Gillham, Hooper, Horton, Slaughter, Staggs, Stutzer, Tautfest, Venuti
No - 1	Martin
Absent - 2	Fikes, Morgan

**ITEM E4 – ORDINANCE 2023-xx**

**AUTHORIZING AN AMENDMENT TO THE KENAI PENINSULA ARCHERS LEASE TO PROVIDE A TEN-YEAR EXTENSION OF THE TERM AND A TEN-YEAR RENEWAL OPTION**

Staff report given by Marcus Mueller.

Chair Brantley opened the item for public comment.

Steve Latz, Kenai Peninsula Archers; P.O. Box 1892, Kenai, AK 99611: Mr. Latz is the Gaming Officer for the club and spoke in support of approving the lease amendment. He also made himself available for questions.

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

**MOTION:** Commissioner Slaughter moved, seconded by Commissioner Gillham to forward to the Assembly a recommendation to adopt Ordinance 2022-XX, authorizing an amendment to the Kenai Peninsula Archers lease to provide a ten-year extension of the term and a ten-year renewal option.

Hearing no objection or further discussion, the motion was carried by the following vote:

**MOTION PASSED BY UNANIMOUS VOTE:**

Yes - 10	Brantley, Gillham, Hooper, Horton, Martin, Slaughter Staggs, Stutzer, Tautfest, Venuti
Absent - 2	Fikes, Morgan

**ITEM E5 – RESOLUTION 2023-XX  
PROVIDING A 30-DAY APPLICATION PERIOD PRIOR TO INACTIVATING THE KACHEMAK BAY  
ADVISORY PLANNING COMMISSION**

Staff report given by Senior Planner Samantha Lopez.

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

**MOTION:** Commissioner Gillham moved, seconded by Commissioner Staggs to forward to the Assembly a recommendation to adopt Resolution 2023-XX, providing a 30-day application period prior to inactivating the Kachemak Bay Advisory Planning Commission.

Hearing no objection or further discussion, the motion was carried by the following vote:

**MOTION PASSED BY UNANIMOUS VOTE:**

Yes - 10	Brantley, Gillham, Fikes, Hooper, Horton, Martin, Staggs, Stutzer, Tautfest, Venuti
Absent - 2	Morgan, Slaughter

**AGENDA ITEM F.      PLAT COMMITTEE REPORT**

Commissioner Gillham reported the plat committee reviewed and granted preliminary approval to 8 plats.

**AGENDA ITEM G.      OTHER**

**AGENDA ITEM H.      PUBLIC COMMENT/PRESENTATIONS**

Chair Brantley 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.

**AGENDA ITEM K.      ADJOURNMENT**

Commissioner Venuti moved to adjourn the meeting at 9:02 PM.

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Ann E. Shirnberg  
Administrative Assistant

## **E. NEW BUSINESS**

- 1. Bidarki Creek No. 5; KPB File 2022-160  
Orion Surveys / Lamb & Reilly  
Location: Near MP 171 Sterling Highway  
City of Homer**



# NOTES:

1. This subdivision is subject to Homer City Code.
2. All wastewater disposal systems shall comply with existing applicable laws at the time of construction.
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. This subdivision is subject to the zoning regulations of the City of Homer. Portions of this subdivision may contain wetlands. Owners should consult with the City of Homer Planning Dept. and the Army Corps of Engineers prior to any development activity.
5. The location of the northerly edge of the ROW of the Sterling Highway is shown per Bidarki Creek No. 4 HM2012-27.
6. Per Plat HM2007-106 a 50' wide drainage easement is on each side of the centerline of Bidarki Creek for maintenance purposes regarding drainage for the Sterling Highway.
7. No access to state maintained rights-of-way permitted unless approved by the State of Alaska, Department of Transportation.
8. Covenants, conditions and restrictions which may affect portions of this subdivision are recorded in Bk. 68, Pg. 145 H.R.D.
9. The location of the northerly edge of the Sterling Highway is shown per Bidarki Creek No. 4 HM2012-27.
10. There is a 15' Utility and Drainage easement benefitting the City of Homer recorded per Serial No. 2003-1950, H.R.D.
11. Bidarki Creek is subject to periodic flooding.
12. 15' Utility and Drainage easement per Serial 2003-001950-0, HRD.

## LEGEND

- Found Survey Monument
- Set 2" Alcap on 5/8"x30" rebar
- Fire Hydrant
- Bollard
- Abandoned CMP Well
- Utility Pole with anchor
- Wetland areas per KWF Wetland Assessment
- Approximate Slopes 20% or greater

Line Bearing	Distance
L1 S75°05'27"W	18.00
L2 N73°54'38"W	121.52
L3 S75°05'07"W	19.86
L4 S29°59'29"W	133.52

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	766.20	151.83	151.59	N68°14'01"W	112°15'
C2	20.00	22.25	21.12	S42°02'07"E	63°45'01"
C3	50.00	86.58	72.13	S27°48'07"E	92°19'01"
C4	50.00	21.38	21.41	S37°48'10"W	24°43'52"
C5	50.00	20.16	20.03	S54°41'07"W	23°06'29"
C6	50.00	22.70	22.57	S37°16'33"W	28°05'10"
C7	50.00	21.75	21.07	N71°58'16"W	31°24'43"
C8	50.00	20.17	20.04	S44°42'33"E	23°06'57"
C9	50.00	20.16	20.15	N67°18'25"W	3°01'09"
C10	530.00	30.46	30.46	S25°34'50"E	3°05'51"
C11	530.00	30.93	30.94	S20°02'07"E	3°15'00"
C12	530.00	34.89	34.68	N59°43'48"W	28°59'58"
C13	766.20	62.45	62.43	N64°31'29"W	44°01'19"
C14	766.20	19.32	18.68	S67°02'47"E	1°08'21"
C15	766.20	58.12	58.11	S70°02'21"E	4°20'48"
C16	766.20	22.71	22.71	S73°03'41"E	1°41'53"

## Plat Approval:

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of \_\_\_\_\_, 20\_\_\_\_

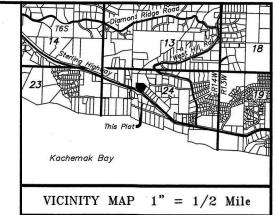
Kenai Peninsula Borough

By: \_\_\_\_\_  
Authorized Official

## Certificate of Acceptance

The undersigned official identified by name and title is authorized to accept and hereby accepts on behalf of the City of Homer for public use and for public purposes the Public Access Easement granted this plat. The acceptance of lands for public use or public purpose does not obligate the public or any governing body to construct, operate, or maintain improvements.

By: \_\_\_\_\_  
Rob Dunouchet, City Manager  
City of Homer



## Ownership Certificate:

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.

Kenneth Lamb, for former Tract 2  
2581 Timview Dr.  
Provo, UT 84604

## Notary's Acknowledgment:

For \_\_\_\_\_  
Acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Notary Public for Alaska  
My commission expires: \_\_\_\_\_

Rachael Lamb, for former Tract 1  
2581 Timview Dr.  
Provo, UT 84604

## Notary's Acknowledgment:

For \_\_\_\_\_  
Acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Notary Public for Alaska  
My commission expires: \_\_\_\_\_

Kristen Lamb Realty, for former Tract 1  
2795 Rolling Hills Dr.  
Provo, UT 84604

## Notary's Acknowledgment:

For \_\_\_\_\_  
Acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Notary Public for Alaska  
My commission expires: \_\_\_\_\_

## WASTEWATER CERTIFICATE:

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

Engineer \_\_\_\_\_ License # \_\_\_\_\_ Date \_\_\_\_\_



## BIDARKI CREEK No. 5

A subdivision of Tracts 1 and 2  
Bidarki Creek No. 4 HM2012-27  
Within NW1/4, Sec. 14, T6S, R14W, S4E,  
in the City of Homer, Kenai Peninsula Borough,  
Homer Recording District,  
Third Judicial District, Alaska  
Containing 3.114 Acres

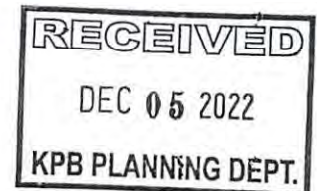
Prepared for:  
Kenneth and Rachael Lamb  
2581 Timview Dr.  
Provo, Utah 84604 and  
Kristen Lamb Realty  
2795 Rolling Hills Dr.  
Provo, Utah 84604

Prepared by:  
Orion Surveys  
PO Box 15025,  
36570 Maria Road,  
Fritz Creek, AK 99603  
(907) 399-7028  
tom@orionsurveys.com

Scale: 1"=30'  
Date: 8/24/2022  
Job# 365  
KPB File No. 2022-

KPB 2022-160

**Kenai Peninsula Borough Plat Committee  
Hearing and Review Procedures**



TO: Kenai Peninsula Borough Planning Director

FROM: Jonathan Faulkner

ADDRESS (Mailing): 4621 West Hill Rd  
Homer, AK 99603

Daytime Phone: 907-235-6970

Hearing and review procedures of Plat Committee decisions are governed by KPB 2.40.080.

**Review of a decision of the plat committee may be heard by the planning commission acting as the platting board by filing written notice thereof with the borough planning director on a form provided by the borough planning department. The request for review shall be filed within 10 days after notification of the decision of the plat committee by personal service or service by mail.**

**A request for review may be filed by any person or agency that participated at the plat committee hearing either by written or oral presentation. The request must have an original signature; filing electronically or by facsimile is prohibited.**

**The request for review must briefly state the reason for the review request and applicable provisions of borough code or other law upon which the request for review is based. Notice of the review hearing will be issued by staff to the original recipients of the plat committee public hearing notice.**

**Cases reviewed shall be heard de novo by the planning commission acting as the platting board.**

(Ord. No. 2007-34, § 1, 11-20-07; Ord. No. 2002-07, § 1, 4-16-02; Ord. No. 93-51, § 2, 1993; Ord. No. 73-34, §§ 1(part) and 2(part), 1973; KPC § 20.10.005(h))

I am requesting a review of a decision of the Kenai Peninsula Borough Plat Committee as set forth below.

1. Date of written notice of Plat Committee decision: See Attached



2. Brief description of the Plat Committee decision for which you are requesting review by the Planning Commission. (Example: Approval of the preliminary plat of Smith Subdivision.)

*See Attached*

3. List errors in the Committee's findings of fact or decision(s), including the sections of the borough code violated by the decision:

*See Attached*

4. State the relief you are requesting from the Planning Commission including whether you want the Plat Committee's decision reversed or modified.

*See Attached*

Signature (ORIGINAL SIGNATURE REQUIRED)

*Jan Fulkerson*

Date

*12/4/22*



To: Kenai Peninsula Planning Dept., Planning Director  
Fr: Jon Faulkner, Homer Resident   
Re: Re: Bidarki Creek No. 5 Preliminary Plat, KPB file Number: 2022-160  
Date: December 5, 2022

With reference to attached Notice of Decision, I am a "party of record" and request review of a decision by the Plat Committee on the above-referenced matter.

Responses here reference the numerically ordered questions on the attached form.

- 1) November 14, 2022.
- 2) Conditional Approval of the above referenced plat, based on findings noted on the attached Notice of Decision
- 3) The Committee grievously erred by giving exclusive weight to what was deemed to be applicant's technical compliance with KPB code, to the exclusion of all other considerations, namely three: 1) A negative vote from the Homer Planning Commission and from Homer's sole representative on committee, Mr. Venuti. 2) The unanimous opposition of surrounding residents; and 3) The reasonable likelihood based on the physical characteristics and topography of the proposed plat, that the applicant cannot meet the intent of local Homer ordinances.

I believe the decision undermines 20.10.010 "Purpose of the Provisions" insofar as the Committee's findings do not adequately account for the goal to *"protect and improve the health, safety and general welfare of the people."* Further, streets appear to be planned within 100' of Bidarki Creek, in violation of 20.30.040. Finally, there is no evidence on record the applicants has met the requirements for local approval needed under 20.25.060(b) and (d)—only that the applicant is confident she can meet them.

- 4) The relief I am requesting is to make approval of the plat conditional on the applicant actually receiving city of Homer Planning and Public Works approval for the following items:
  - a. Steep slope development, including a plan for erosion control.
  - b. A Landscaping plan, showing specific improvements or retention of natural vegetation.
  - c. Watershed and flood hazard mitigation plan for Bidarki Creek based on a 50 year event.
  - d. Permits for any shared water or wastewater improvements in a non-condominium, Single family home subdivision.
  - e. Arrangements to reimburse LID members for pro-rata share of original assessments, as sanctioned by the City of Homer or the courts.
  - f. Shared driveway access with conforming turn-around for emergency vehicles.
  - g. DOT approval of single curb cut serving one 11-home subdivision.

The relief requested is not punitive, insofar as it neither denies the subdivision, nor pre-empts in any way the applicant's ability to pursue permits it claims are easily acquired. Instead, it makes very clear the local permit contingencies necessary to overcome before final plat, and thus removes pressure on Homer Planning staff to fulfill an assumed outcome.



## Planning Department

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

Mike Navarre  
Borough Mayor

November 21, 2022

**NOTICE OF DECISION  
KENAI PENINSULA BOROUGH PLAT COMMITTEE  
MEETING OF NOVEMBER 14, 2022**

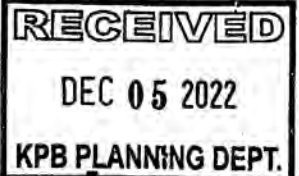
Re: Bidarki Creek No. 5 Preliminary Plat  
KPB File Number: 2022-160

The Plat Committee reviewed and granted conditional approval of the subject preliminary plat during their regularly scheduled meeting of November 14, 2022 based on the findings that the preliminary plat meets the requirements of the Kenai Peninsula Borough Code 20.25, 20.30, 20.40, and must meet 20.60.

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.

For additional information please contact the Planning Department, 907-714-2200 (1-800-478-4441 toll free within the Kenai Peninsula Borough).





## **Kenai Peninsula Borough Plat Committee Hearing and Review Procedures**

TO: Kenai Peninsula Borough Planning Director

FROM: Linda Schauer Rourke Party of Record and lot owner Hillside Acres Tract 7b

ADDRESS (Mailing): 1691 Hillside Place, Homer Alaska 99603

Daytime Phone: (907) 299 - 0415

Hearing and review procedures of Plat Committee decisions are governed by KPB 2.40.080. Review of a decision of the plat committee may be heard by the planning commission acting as the platting board by filing written notice thereof with the borough planning director on a form provided by the borough planning department. The request for review shall be filed within 15 days after notification of the decision of the plat committee by personal service or service by mail. A request for review may be filed by any person or agency that participated at the plat committee hearing either by written or oral presentation. The request must have an original signature; filing electronically or by facsimile is prohibited. The request for review must briefly state the reason for the review request and applicable provisions of borough code or other law upon which the request for review is based. Notice of the review hearing will be issued by staff to the original recipients of the plat committee public hearing notice. Cases reviewed shall be heard de novo by the planning commission acting as the platting board. (Ord. No. 2007-34, § 1, 11-20-07; Ord. No. 2002-07, § 1, 4-16-02; Ord. No. 93-51, § 2, 1993; Ord. No. 73-34, §§ 1(part) and 2(part), 1973; KPC § 20.10.005(h))

I am requesting a review of a decision of the Kenai Peninsula Borough Plat Committee as set forth below.

1. Date of written notice of Plat Committee decision:

**November 21, 2022**

2. Brief description of the Plat Committee decision for which you are requesting review by the Planning Commission. (Example: Approval of the preliminary plat of Smith Subdivision.)

**Conditional approval of the preliminary plat of Bidarki No. 5 - KPB File Number 2022-160**

3. List errors in the Committee's findings of fact or decision(s), including the sections of the borough code violated by the decision:

**Code 21.18.081** Technical compliance with borough code while excluding other important considerations. (Analogy: a "written document free of grammatical and punctuation errors, while not understandable") This proposal does not make "sense" for several reasons. More consideration given to physical characteristics, topography of the hillside - slope, wetlands and water runoff.

**Code 20.10.010** "Purpose of the Provisions" - need a response to the goal to "protect and improve the health, safety and general welfare of the people." There is unanimous opposition of surrounding residents. Concerns regarding the development of the hillside, density issues and increased traffic onto Sterling Highway.

**Code 20.25.060** Homer Planning Department denied this proposal. The details have not been yet been approved by the city of Homer. The KPB planning committee rushed this proposal through the meeting, seemingly without careful consideration.

Code 20.30.040 The Cul de Sac and potential for driveways to be planned within 100' of Bidarki Creek.

Code 20.30.190 This subdivision preliminary plat is not appropriate for the locality in which it is located. All of the neighboring lots are large in comparison, more regularly shaped and do not require considerations regarding size and dimensions. This request "pushes" the margins of what would be considered acceptable in this location.

4. State the relief you are requesting from the Planning Commission including whether you want the Plat Committee's decision reversed or modified.

The relief I am requesting is to require the applicant to receive city of Homer Planning and Public Works approval for the following items:

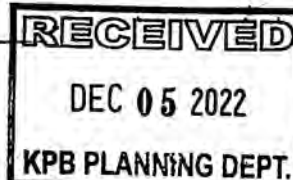
1. Steep slope development, including a plan for erosion control and water run off.
2. A plan, showing specific landscaping improvements and retention of natural vegetation.
3. Watershed and flood hazard mitigation plan for Bidarki Creek. This is a natural watershed, a ravine capable of channeling massive amounts of water. Its function should be protected as a natural drainage, the borders of this critical feature defined by survey.
4. Shared water or wastewater improvements in a non-condominium, single family home subdivision has not been allowed previously, and would possibly be contested by other landowners. Each lot should be required to have their own water, sewer and gas lines.
5. Consideration regarding the requirement for each individual lot to have its own water and sewer. With ten (10) proposed flag lots, six which are 20' wide, this seems impossible
6. Reconsider approval to fewer than ten (10) lots - four (4) were suggested at both Homer and KPB meetings.

Signature (**ORIGINAL SIGNATURE REQUIRED**)

 Date Dec. 5, 2022

Request for Review of a Kenai Peninsula Borough Plat Committee Decision  
Page 2 of 2





## **Kenai Peninsula Borough Plat Committee Hearing and Review Procedures**

**TO:** Kenai Peninsula Borough Planning Director

**FROM:** Mark A. Sass / Sass Investments LLC

Party of Record and lot owner Hillside Acres Tract 8

**ADDRESS (Mailing):** 1641 Hillside Place, Homer Alaska 99603

6275 Hummingbird Road, Excelsior Minnesota 55331

**Daytime Phone:** (612) 919 - 0735

Hearing and review procedures of Plat Committee decisions are governed by KPb 2.40.080.

Review of a decision of the plat committee may be heard by the planning commission acting as the platting board by filing written notice thereof with the borough planning director on a form provided by the borough planning department. The request for review shall be filed within 15 days after notification of the decision of the plat committee by personal service or service by mail.

A request for review may be filed by any person or agency that participated at the plat committee hearing either by written or oral presentation. The request must have an original signature; filing electronically or by facsimile is prohibited.

The request for review must briefly state the reason for the review request and applicable provisions of borough code or other law upon which the request for review is based. Notice of the review hearing will be issued by staff to the original recipients of the plat committee public hearing notice.

Cases reviewed shall be heard de novo by the planning commission acting as the platting board.

(Ord. No 2007-34, § 1, 11-20-07, Ord. No. 2002-07, § 1, 4-16-02, Ord. No. 93-51, § 2, 1993, Ord. No. 73-34, §§ 1(part) and 2(part), 1973, KPC § 20.10.005(h))

I am requesting a review of a decision of the Kenai Peninsula Borough Plat Committee as set forth below.

1. Date of written notice of Plat Committee decision: November 21, 2022

2. Brief description of the Plat Committee decision for which you are requesting review by the Planning Commission. (Example: Approval of the preliminary plat of Smith Subdivision.)

*Conditional approval of the preliminary plat of Bidarki No. 5 - KPB File Number 2022-160*

3. List errors in the Committee's findings of fact or decision(s), including the sections of the borough code violated by the decision:

Code 21.18.081 Approval without having full review by the city of Homer. Utility and construction to confirm that all codes could be met.

Code 20.25.060 Voting against a denial of Homer zoning, who should be able to share what they want their city to be.

Code 20.30.190 Setting a precedent like this with severe density presented will destroy the rural residential zoning and character of the area west of West Hill Road.

4. State the relief you are requesting from the Planning Commission including whether you want the Plat Committee's decision reversed or modified.

The relief I am requesting is to please consider the reality that this extreme density will put the natural protection of the wet slope and drainage system at risk, and put serious responsibility on the city of Homer to deal with, achieving this now within code and future development.

I seriously believe this would be a big loss to the rural residential character of this community.

Please modify your decision to support the city of Homer and residents to determine its own destiny on what they want their "village" to be.

Signature (ORIGINAL SIGNATURE REQUIRED) Mark A. Sam  
Date 10/4/22

Request for Review of a Kenai Peninsula Borough Plat Committee Decision

Page 2 of 2

AGENDA ITEM E. NEW BUSINESS

**ITEM 1 – BIDARKI CREEK NO. 5  
PRELIMINARY PLAT RECONSIDERATION**

<b>KPB File No.</b>	2022-160
<b>Planning Commission Meeting:</b>	January 23, 2023
<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

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**STAFF REPORT**

**Specific Request / Scope of Subdivision:** The proposed plat will subdivide two tracts into 10 lots with a cul-de-sac dedication. The lots will range in size from 10,015, square feet (approximately .23 acres) to 20,167 square feet (approximately .46 acres).

This preliminary plat was heard by the Kenai Peninsula Borough Plat Committee at their regularly scheduled meeting on November 14, 2022. The plat was approved by a majority vote, 4 yes and 1 no. This approval was granted after a motion failed to have the City of Homer Planning and Zoning Commission reconsider the application to provide finding to support their decision. The City of Homer Planning and Zoning Commission heard the plat at their September 21, 2022 meeting. The City of Homer Planning and Zoning Commission made a recommendation of denial by a vote of 3-2 but did not provide recommendations, requirements, or citing of deficiencies with Municipal Code, Borough Code, or Alaska Statutes. Kenai Peninsula Borough staff used the Homer Staff Report to aide in their recommendations to make sure the plat was meeting municipal code and zoning requirements.

After the November 14, 2022 Kenai Peninsula Borough Plat Committee meeting, notice of decisions were sent in accordance to KPB Code 20.10.120. Those receiving the notice were allowed to submit a written request for the plat committee decision to be reviewed by the planning commission if submitted within 15 days of the notice of decision distribution as provided in KPB Code 20.25.120. Multiple written requests were received to request a reconsideration by the Planning Commission. In accordance to KPB Code 2.40.080(C), these requests will be heard de novo by the Planning Commission. In addition to the information provided to the Plat Committee, additional staff comments, public comments, and the requests for review are being presented to the Planning Commission.

Staff would like to address some of the issues that were discussed within the requests for review. Concerns regarding application of portions of KPB Code.

- KPB Code 20.10.010 – Comments received: “Purpose of provisions – need a response to the goal to “protect and improve the health, safety and general welfare of the people. There is unanimous opposition of surrounding residents. Concerns regarding the development of the hillside, density issues and increased traffic onto Sterling Highway.” Staff response: This portion of KPB Code explains the necessity of the subdivision or platting code and the purpose of KPB Title 20 regarding subdivision regulations. It is to make sure there are minimum standards that must be met. Those minimum standards are to be used to protect all people of the Kenai Peninsula Borough, including those trying to go through the platting process. KPB 20.10.010 does not provide code authority to augment subdivision requirements or add standards not found in Title 20 on a case-by-case basis. Regarding the subject proposed preliminary plat, the minimum



standards appear to have been met. The plat has been forwarded to Alaska DOT for comment. It was also recommended in pre-submittal discussions that the owner/surveyor talk with DOT about the design proposed as well as the City of Homer regarding maintenance and snow removal. The surveyor indicated those conversations have been had and that there had been no negative response to the design. The design of the right-of-way will require acceptance by the City of Homer and they will be required to sign the final plat. This plat cannot be finalized without that signature.

- KPB Code 20.25.060 – Comments received: “Voting against denial of Homer zoning, who should be able to share what they want their city to be.” “Homer Planning Department denied this proposal. The details have not been yet been approved by the city of Homer. The KPB planning committee rushed this proposal through the meeting, seemingly without careful consideration.” Staff response: KPB Code 20.25.060 is in reference to second class cities. The City of Homer is one of five first class or home rule cities within the borough. The proper code would be KPB Code 20.25.050. Per KPB 20.25.050(A), Alaska Statute 29.40.010 does allow first class cities to request platting authority. Currently none of the cities within the Kenai Peninsula Borough have requested delegated platting powers; therefore all plats must be submitted to the Kenai Peninsula Borough for review. Per Alaska Statute 29.40.080, the assembly establishes the platting authority to administer subdivision regulations. Per KPB Code 2.40.070, all plats shall go through the planning commission. KPB Code 2.40.080 designates the plat committee to review platting items. The cities do have zoning and municipal code that is reviewed and any conflicts or violations may be presented to the Plat Committee, along with recommendations from city planning and zoning commissions, as reason for denial or revision. The City of Homer’s Planning and Zoning Commission did not cite any violations of KPB Code, Alaska Statute or Municipal Code as basis for their denial nor provide any additional comments or suggestions to the Kenai Peninsula Borough Plat Committee even at the urging of the City Planner. Alaska Statute requires reasons, in writing, be provided for disapproval of a plat. Per Alaska Statute 20.40.110 and KPB Code 20.25.100, once an application is submitted a decision must be reached on the plat within 60 days. If denied, specific section of code must be submitted to show how the plat does not meet code requirements. In accordance with KPB Code 20.25.050, the application was first submitted to the city for review. This review is done in accordance with municipal code and their review requirements. In this case it was reviewed by the Planning and Zoning Commission, which acts as an advisory planning commission to the borough. The surveyor/owner is required to work with the city to ensure that the proposal conforms to municipal code and requirements. Per the minutes submitted, the surveyor/owner was not provided any information on the ordinances or requirements not being met to allow them the ability to revise their design or to become compliant.
- KPB Code 20.30.040 – Comments received: “The cul-de-sac and potential for driveways to be planned within 100’ of Bidarki Creek.” Staff response: KPB Code 20.30.040, is for dedications within 100 feet of waterbodies. They are allowed when no other reasonable access exists. In this case the dedication will be further than 100 feet away from Bidarki Creek. The code does not have a provision for the driveway construction unless it falls within other areas of code with setbacks. Per the drainage easement already in existence, the driveway and any improvements on the lots will have to remain 50 feet from the creek. If any work is to be done in areas considered wetlands, a wetland determination will be required from the US Army Corps of Engineers and any of their requirements or permitting must be met.
- KPB Code 20.30.190 - Comments received: “Setting a precedent like this with severe density presented will destroy the rural residential zoning and character of the area west of West Hill Road.” “This subdivision preliminary plat is not appropriate for the locality in which it is located. All of the neighboring lots are large in comparison, more regularly shaped and do not require considerations regarding size and dimensions. This request “pushes” the margins of what would be considered acceptable in this location.” Staff response: The design as presented meets the requirements of KPB Code 20.30.190. If there are issues or concerns regarding how the design meets the requirements of a city zoning ordinance that information should have been presented to the Kenai Peninsula Borough. Upon reviewing the information presented, it did not appear that any zoning ordinances were being violated and that the design met the zoning requirements that the lot is currently bound. Lots comparable in size are located about a half mile to the west and to the east.
- KPB Code 21.18.081 – Comments received: “Approval without having full review by the City of Homer. Utility and construction to confirm that all codes could be met.” “This proposal does not make “sense” for several reasons. More consideration given to physical characteristics, topography of the hillside – slope, wetlands, and water runoff.” Staff response: KPB Code 21.18 is for the Anadromous Waters Habitat

Protection with section -.081 referring to Conditional Use Permits. Per the KPB River Center review and KPB GIS data there is not an anadromous stream within the boundary of the property. Bidarki Creek does run through a small portion of the subdivision and is subject to a 50 foot drainage easement as granted by Plat HM 2004-106 but is not subject to the code established within 21.18. All utility providers were provided a copy of the plat for their review and comment.

Some of the other concerns stated have to do with watershed and terrain stability. The City of Homer has the right to request drainage easements and one is already in place along the creek. KPB Code does not address watershed issues within Chapter 20. The terrain is considered when discussing on site water and wastewater. Per the submittal, the owners intend to connect to city services. The KPB will not approve the final plat until documentation from the city has been received if the city will require the roads and utilities to be installed prior to final approval and if they are required, that the city has approved the installation or an agreement is in place.

Looking at the terrain, the steep slopes can greatly hinder the ability to develop the driveways and access to the improvements intended for the lots. Proper engineering and funding can often allow such things to occur. Addressing staff's concerns, it has been shared that the surveyor has been working with City of Homer to develop an access easement in addition to the right-of-way that will provide feasible access. Staff's recommendation is that the easement be required to be granted on the plat or by document to be depicted on the plat.

KPB Code outlines how the property can be subdivided. The Borough does not have zoning authority on this property and the intended uses are not required to be divulged in order to get approval. The City of Homer Zoning and Planning Commission does have that authority if it is found that it does not comply with the zoning requirements in place at the time of submittal. Some of the requirements for construction or intended uses are not managed by the Kenai Peninsula Borough. While the plat may be approved, the intended development may be hindered if the proper permitting or requirements cannot be met that are managed by other entities.

Below is the remainder of the staff report as presented to the plat committee. No changes to the design have been requested by the owners so the comments from agencies and providers is from the initial review. Staff reviewed and has determined that previous Staff recommendations have not changed.

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The proposed plat is located just south of mile 171 of state maintained Sterling Highway. The existing lots have a share driveway directly from the highway. The plat is proposing to dedicate a cul-de-sac atop the main portion of the existing driveway to provide access to all lots. The majority of the lots will be flag lots to have access to the new dedication and one access to the highway.

Hunter Street, Coyote Way, section line easements, West Hill Road, and the Sterling Highway define the block. The block exceeds allowable limits. The other dedications within the block are incomplete or end with cul-de-sacs. There is steep terrain to the north and a creek within the western portion of the subdivision. Due to previous road designs, terrain, and exiting improvements, **staff recommends the plat committee concur that this plat cannot improve the block length.**

While the width of the Sterling Highway varies, **staff recommends the width to the centerline be shown and record source for the right-of-way be provided in a label or plat note if it differs than that noted in note 5.**

Staff discussed with the surveyor during a pre-application conference the concerns regarding the length of the cul-de-sac in regards to maintenance and snow removal in addition to its entry to the Sterling Highway. The surveyor stated he has been working with City of Homer Public Works, Roads and DOT on the design.

KPB Roads Dept. comments	Out of Jurisdiction: Yes  Roads Director: Uhlin, Dil Comments: No comments
SOA DOT comments	The ROW for Sterling appears to be shown correctly. – Engineering.

**Site Investigation:** Wetlands have been determined to be within the western and southern portions of the subdivision. The western wetlands are around the existing creek that meanders through a portion of the western area. The southern wetlands are considered discharge slope as are the neighboring portions of the right-of-way. The preliminary plat contains the wetland areas. Plat note 4 contains the required wetland determination note. **Staff recommends** the wetlands remain on the final plat as the southern wetlands may impact access and development.

The surveyor provided a separate contour map but the main preliminary has slopes greater than 20 percent shown. The terrain may limit some of the developable areas. There is an existing structure contained within some of the steep slopes. The steep slopes are found within some of the access portions of the lots.

The creek is depicted on the plat. Bidarki Creek No. 3, Plat HM 2007-106, granted a 50 foot wide drainage easement on each side of Bidarki Creek. The creek is depicted and the easement edge is depicted within the bounds of the subdivision. **Staff recommends** a reference to plat note 6 be added to the setback label and the spelling of the creek be updated in all locations.

No known encroachments exist. The City Planner noted that the original design they reviewed contained encroachment issues with their side lot line requirements. The plat has been adjusted and **staff recommends** the owner/surveyor verify with the Homer Planning Department that they will be compliant.

KPB River Center review	<p>A. Floodplain Reviewer: Carver, Nancy Floodplain Status: Not within flood hazard area Comments: Located in a Non-Regulatory D - Zone, undetermined flood risk</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	The correct name of the creek is Bidarki Creek, not Bidarka as depicted on the plat and the plat notes. Bidarki Creek is not anadromous.

**Staff Analysis** This is a replat of property that has been replatted numerous times. The first plat was Bidarki Creek Subdivision, HM 73-81. The most recent plat is Bidarki Creek No. 4, HM 2012-27.

The plat is proposing to create ten lots with six being traditional flag lots. All flag lots comply with the width and length requirements. **Staff recommends** a plat note be added regarding no improvements within the flag lots.

The lots are all proposed under a half acre. Per KPB Code 20.30.200, if lots will be served by public wastewater disposal and water systems they must be at least 6,000 square feet. There were some concerns discussed at the City of Homer meeting about the terrain and the lot sizes. KPB Code does have restrictions with street grades and that all lots must have access that is practical and economical. The surveyor submitted a draft mutual access easement agreement. That will allow for a single driveway to provide access for multiple lots. This plan will allow for a reduced amount of driveways having access to the small proposed right-of-way and also to take advantage of the terrain and build the driveway in the best location. **Staff recommends** the mutual access easement agreement be revised as some lots have been changed, the owners consult with an attorney to make sure the easement is not viewed as self-serving or adjust to not be, and that the easement must be recorded with the State of Alaska Homer Recording Office concurrently with the plat.

Concurrent recordings occur on occasion and the Platting Staff can help the surveyor with the process and steps required to insure both documents have the needed information. This will allow for the easement to be depicted on the final plat with recording information being added at the recording office. The City of Homer Planner also requested a depiction of the easement on the plat.

The lots will be served by City of Homer water and sewer. A soils report will not be required but an installation agreement or documentation that one is not required must be provided.

Notice of the proposed plat was mailed to the beneficial interest holder on October 25, 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 proposed plat is within the City of Homer. The Homer Planning Commission heard the plat at their September 21, 2022 meeting. They took public testimony with many being opposed due to terrain and size of the lots. The owners' intent to use this subdivision as a tiny home development. The City Planner noted that the proposed plans and configuration follow the requirements for the current zoning and that their minimum lot size was 10,000 square feet. It was questioned that it was not taking terrain into consideration and the City Planner noted it was complying with KPB Code. The City Planner also advised that if they voted to deny, the applicants still could present to the KPB Planning Commission as they are just making a recommendation. The Homer Planning Commission denied the preliminary plat by a vote of 3-2. There was no requested amendments or citing of code for the KPB Staff to take into consideration or to review. Due to the discussions during the public meeting, the design before the KPB Plat Committee has been reduced from 11 lots to 10 to provide more space for the lots. The change also allowed an exception for 3:1 depth to width ratio to not be required as many objected to exceptions being granted. The adjustment also allows for an existing structure to comply with municipal code side lot line setbacks.

KPB Code does not require approval from the City Planning Commissions. It is required that they are presented to them for possible hearings with minutes or memos being sent with the application. While the Homer Planning Commission denied the proposed plat, KPB Staff reviewed the Homer Staff Report for the recommendations made by the Planning Department to incorporate those recommendations as allowed by code.

A couple of additional requests is that a street name must be provided for the new cul-de-sac. They also requested a name be granted to the easement as it will be used for access by multiple lots and this can assist with 9-1-1 calls. It is not uncommon to name easements or driveways if they serve more than three separate residents/businesses as it can assist with routing emergency services. ***Staff recommends the owners/surveyor work with the KPB Addressing Officer on road names and the possibility of naming the easement.***

**Utility Easements** A 10 foot wide utility easement was granted along the northern boundary of the subdivision on Bidarki Creek Subdivision, Plat HM 73-81. Bidarki Creek No. 4, Plat HM 2012-27, granted a 10 foot water main easement along the eastern boundary. ***Staff recommends both easements be depicted and labeled including the plat number granting the easements.***

Bidarki Creek No. 3, Plat HM 2007-106, granted 15 foot utility easements that increased to 20 feet within 5 feet of the side lot lines adjacent to rights-of-way. This would be the 15 foot utility easement adjacent to the Sterling Highway. ***Staff recommends the depiction be updated to include the 20 foot portions and labeled that it was granted by HM 2007-106.***

The plat is depicting 15 foot utility easements along the new dedication being granted by this plat. ***Staff recommends the depiction and label remain but include a plat note regarding the easement being granted.***

Several easements have been granted by recorded document and are noted and depicted if location is known.

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:  1762 STERLING HWY  1742 STERLING HWY</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names:  STERLING HWY</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:  City of Homer will advise on affected street name.  New street name needed for newly dedicated row.</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**

*A depiction within Lot 1, between the right-of-ways, is unclear on what it is representing. Provide a new symbol or update the depiction.  
Are bollards being set for corners?*

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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:** Update the section. Verify Kristen Lamb Reilly's address as KPB Assessing has Rolling Knolls. Please update or if KPB records are incorrect, advise contacting KPB Assessing to update.

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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.

20.30.190. Lots-Dimensions.

A. The size and shape of lots shall provide usable sites appropriate for the locality in which the subdivision is located and in conformance with the requirements of any zoning ordinance effective for the area in which the proposed subdivision is located. Generally, lots shall be square or rectangular. Lots shall be at least 60 feet wide on the building setback line. The minimum depth shall be no less than 100 feet, and the average depth shall be no greater than three times the average width.

B. The access portion of a flag lot shall not be less than 20 feet wide. A flag lot with the access portion less than 60 feet wide may be subject to a plat note indicating possible limitations on further subdivision based on access issues, development trends in the area, or topography. If the access portion is less than 60 feet wide, it may not exceed 150 feet in length. The access portion may not be used for permanent structures or wastewater disposal area, must meet the design standards of KPB 20.30.030(A) and 20.30.090 for access, and, if at least 60 feet wide, will be subject to the building setback restrictions of KPB 20.30.240.

**Staff recommendation:** place the standard note on the plat for the flag lot(s): No structures are permitted within the panhandle portion of the flag lot(s).

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

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

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

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

20.40.010 Wastewater disposal.

*Platting Staff Comments:* Soils report not required, city water and sewer are available.

**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:** An installation agreement will be required or documentation that one is not required.

20.60.180. Plat notes.

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

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

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

- The borough will not enforce private covenants, easements, or deed restrictions per KPB 20.60.170.
- No structures are permitted within the panhandle portion of the flag lot(s).
- If the driveway agreement is required to be recorded concurrently, a plat note may be needed unless fully depicted and noted on the plat.

*Plat notes 5 and 9 are similar and only one is required.*

*Plat notes 10 and 12 are similar and only one is required (if 10 is left correct the serial number).*

*There is a typo within plat note 8 to be corrected.*

20.60.190. Certificates, statements, and signatures required.

**Staff recommendation:** Street name added to City Acceptance. Verify the owner's address for signature line. 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**

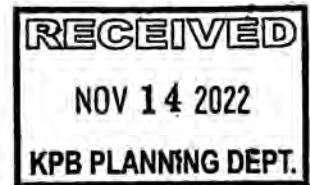
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November 13, 2022

TO: Madeleine Quainton  
Kenai Peninsula Borough Planning Department

From: Norm Story  
1716 Sterling Highway  
Homer, Alaska 99603  
907-299-1453



Re: Bidarki Creek 5 Preliminary Plat.

I just realized that my written testimony to the Homer Planning Commission regarding the Bidarki Creek 5 Preliminary Plat Notice may not have been included with the actions taken by Homer.

If you did not receive my testimony with the Homer Notice of Action I would greatly appreciate you providing the Kenai Peninsula Planning Commission the attached comments from me. I know this is beyond the date for inclusion but I was relying on Homer including my comments in the minutes from Homers Meeting.

I would greatly appreciate your consideration in this matter.

## Quinton, Madeleine

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**From:** Rick Abboud <RAbboud@ci.homer.ak.us>  
**Sent:** Monday, November 14, 2022 10:28 AM  
**To:** Quinton, Madeleine  
**Cc:** normstory@gmail.com  
**Subject:** <EXTERNAL-SENDER>HPC public comments  
**Attachments:** Norm Story comments.pdf

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

Madeleine,

I wanted to double up in case it was missed, but we did have a comment from Norm Story that should have been of the record for our Preliminary review of Bidarki 5. Attached is a copy.

Thanks,

**RICK ABBOD, AICP**

City Planner  
491 E Pioneer Ave  
Homer, AK 99603  
(o) 907-235-3106  
(f) 907-235-3118

To: Homer Planning Commission

09/21/2022

From: Norman L. Story  
1716 Sterling Highway  
Homer, Alaska 99603

Subject: Comments on Bidarki Creek No. 5 Preliminary Plat.

I am in support of reasonable and responsible development, this preliminary plat is neither! It is far beyond our current Rural Residential Zoning requirements and even if it could be developed the results would create privacy issues for surrounding residents. The issues include overcrowding, watershed problems, public safety concerns on a major highway and would for ever be a maintenance concern for the City of Homer concerning water/sewer service, snow removal and conflicts among future residences within the subdivision.

I purchased and built my home here because I thought and expected the current zoning would be adhered to by neighboring properties. I did not expect to have the equivalent of a multiplex apartment building developed next door

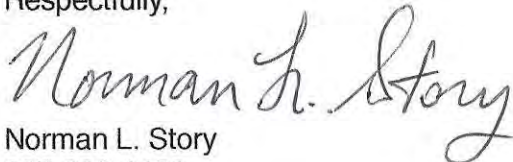
This proposed development certainly does not adhere to the principals of the Scenic Gateway Corridor Overlay District which states:

21.38010 Purpose and Intent.

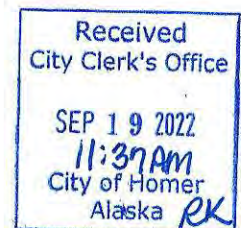
a. The primary purpose of the Scenic Overlay District is to make additional provision for preservation of scenic vistas, to enhance the compatibility of development and minimize future traffic congestion and maintain safety along the Sterling Highway Corridor.

This proposed development would most likely reduce property values in the area. In closing, I appreciate the opportunity to comment and urge the Commission to not support the proposed subdivision.

Respectfully,



Norman L. Story  
907-299-1453



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*



## **E. NEW BUSINESS**

**5. Bidarki Creek No. 5; KPB File 2022-160**

**November 14, 2022 Meeting Packet Materials**



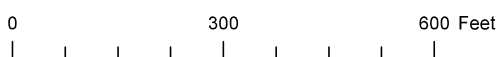
# Kenai Peninsula Borough Planning Department

## Vicinity Map



KPB File 2022-160  
T 06S R 14W SEC 24  
Homer

10/24/2022







# NOTES:

1. This subdivision is subject to Homer City Code.
2. All wastewater disposal systems shall comply with existing applicable laws at the time of construction.
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. This subdivision is subject to the zoning regulations of the City of Homer. Portions of this subdivision may contain wetlands. Owners should consult with the City of Homer Planning Dept. and the Army Corps of Engineers prior to any development activity.
5. The location of the northerly edge of the ROW of the Sterling Highway is shown per Bidarki Creek No. 4 HM2012-27.
6. Per Pat HM2007-106 a 50' wide drainage easement is on each side of the centerline of Bidarki Creek for maintenance purposes regarding drainage for the Sterling Highway.
7. No access to state maintained rights-of-way permitted unless approved by the State of Alaska, Department of Transportation.
8. Covenants, conditions and restrictions which may affect portions of this subdivision are recorded in Bk. 48, Pg. 145 H.R.D.
9. The location of the northerly edge of the Sterling Highway is shown per Bidarki Creek No. 4 HM2012-27.
10. There is a 15' Utility and Drainage easement benefitting the City of Homer recorded per Serial No. 2003-1950, H.R.D.
11. Bidarki Creek is subject to periodic flooding.
12. 15' Utility and Drainage easement: per Serial 2003-001950-0, HRD.

## Plat Approval:

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of \_\_\_\_\_, 20\_\_\_\_.

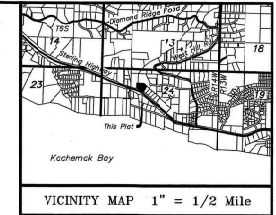
Kenai Peninsula Borough

By: \_\_\_\_\_  
Authorized Official

## Certificate of Acceptance

The undersigned official identified by name and title is authorized to accept and hereby accepts on behalf of the City of Homer for public use and for public purposes the Public Access Easement granted this plat. The acceptance of lands for public use or public purpose does not obligate the public or any governing body to construct, operate, or maintain improvements.

By: \_\_\_\_\_  
Rob Danouchi, City Manager  
City of Homer



**Owenship Certificate:**  
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.

**Notary's Acknowledgment:**  
For \_\_\_\_\_  
Acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**Notary Public for Alaska**  
My commission expires: \_\_\_\_\_

**Notary's Acknowledgment:**  
For \_\_\_\_\_  
Acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**Notary Public for Alaska**  
My commission expires: \_\_\_\_\_

**Notary's Acknowledgment:**  
For \_\_\_\_\_  
Acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**Notary Public for Alaska**  
My commission expires: \_\_\_\_\_

**WASTEWATER CERTIFICATE:**  
Plans for wastewater disposal that meet regulatory requirements are on file at the Department of Environmental Conservation.

Engineer \_\_\_\_\_ License # \_\_\_\_\_ Date \_\_\_\_\_

## BIDARKI CREEK No. 5

A subdivision of Tracts 1 and 2  
Bidarki Creek No. 4 HM2012-27  
Within NW1/4, Sec. 14, T6S, R14W, SK,  
in the City of Homer, Kenai Peninsula Borough,  
Homer Recording District,  
Third Judicial District, Alaska  
Containing 3.11+ Acres

Prepared for:  
McKinnon and Rachael Lamb  
2585 Timpanow Dr.  
Primo, Utah 84604 and  
Kristen Lamb Realty  
2755 Rolling Hills Dr.  
Primo, Utah 84604  
Scale: 1"=30'  
Job# 965  
KPB File No. 2022-160

Prepared by:  
Orion Surveys  
PO Box 15035,  
36570 Maria Road,  
Frisco, TX 75034  
(972) 390-9228  
ton@orionsurveys.com  
Date: 6/24/2022  
KPB File No. 2022-160

# LEGEND

- Found Survey Monument
- Set 2" Alap on 5/8"x30" rebar
- Fire Hydrant
- Bolard
- Abandoned CMP Well
- Utility Pole with anchor
- Wetland areas per KWF Wetland Assessment
- Approximate Slopes 20% or greater

Line Bearing	Distance
L1 S16°05'22"W	13.90'
L2 N42°54'46"W	12.36'
L3 S15°53'07"W	13.86'
L4 S29°59'25"W	33.52'

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	786.20	141.83	151.58	N68°14'01"W	112°11'15"
C2	20.90	22.28	21.12	S42°02'07"E	63°45'01"
C3	50.90	88.36	72.13	S27°45'07"E	92°19'01"
C4	50.90	21.58	21.41	S37°46'10"W	244°43'52"
C5	50.90	20.16	20.03	S54°41'07"W	230°59'22"
C6	50.90	22.78	22.57	S27°16'53"W	160°08'10"
C7	50.90	27.75	27.07	N71°58'16"W	31°24'41"
C8	50.90	20.17	20.04	S44°42'33"E	230°59'22"
C9	530.00	20.16	20.15	N0°00'00"W	0°00'00"
C10	530.00	20.46	20.46	S25°34'53"E	30°59'51"
C11	530.00	20.33	20.34	S20°00'00"W	33°30'00"
C12	530.00	20.49	20.49	N09°43'49"W	225°23'28"
C13	786.20	62.45	62.43	N64°31'29"W	42°01'13"
C14	786.20	15.51	15.51	S6°49'47"E	2°08'29"
C15	786.20	58.12	58.11	S70°02'01"E	42°04'46"
C16	786.20	22.71	22.71	S73°03'41"E	1°41'53"

KPB  
PRELIMINARY

# NOTES:

1. This subdivision is subject to Homer City Code.
2. All wastewater disposal systems shall comply with existing applicable laws at the time of construction.
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. This subdivision is subject to the zoning regulations of the City of Homer. Portions of this subdivision may contain wetlands. Owners should consult with the City of Homer Planning Dept. and the Army Corps of Engineers prior to any development activity.
5. The location of the northerly edge of the ROW of the Sterling Highway is shown per Bidarki Creek No. 4 HMC2012-27.
6. Per Plat HMC2007-104 a 50' wide drainage easement is on each side of the centerline of Bidarki Creek for variance purposes regarding drainage for the Sterling Highway.
7. No access to state maintained roads shall be permitted unless approved by the State of Alaska, Department of Transportation.
8. Covenants, conditions and restrictions which may affect portions of this subdivision are recorded, a/c 68, 74, 145 H.R.D.
9. The location of the northerly edge of the Sterling Highway is shown per Bidarki Creek No. 4 HMC2012-27.
10. There is a 15' Utility and Drainage easement benefiting the City of Homer recorded per Serial No. 2403-1850, H.R.D.
11. Bidarki Creek is subject to periodic flooding.
12. 15' Utility and Drainage easement per Serial 2403-1850-0, H.R.D.

## Pilot Approval:

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of \_\_\_\_\_, 20\_\_.

Kenai Peninsula Borough

By: \_\_\_\_\_

Authorized Official

## Certificate of Acceptance

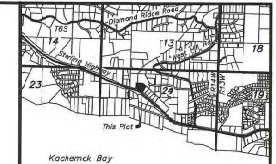
The undersigned official identified by name and title is authorized to accept and hereby accepts on behalf of the City of Homer for public use and for public purposes the Public Access Easement granted the plat. The acceptance of lands for public use or public purpose does not obligate the public or any governing body to construct, operate, or maintain improvements.

By: \_\_\_\_\_

Rob Damosch, City Manager

City of Homer

Date: \_\_\_\_\_



VICINITY MAP 1" = 1/2 Mile

**Ownership Certificate:**  
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 as is shown.

McKenna Lamb, for former Tract 2

2585 Timeview Dr.

Provo, UT 84604

**Notary's Acknowledgment:**

For \_\_\_\_\_

Acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Notary Public for Alaska

My commission expires: \_\_\_\_\_

Rachael Lamb, for former Tract 2

2585 Timeview Dr.

Provo, UT 84604

**Notary's Acknowledgment:**

For \_\_\_\_\_

Acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Notary Public for Alaska

My commission expires: \_\_\_\_\_

Fristen Lamb Realty, for former Tract 1

2755 Rolling Hills Dr.

Provo, UT 84604

**Notary's Acknowledgment:**

For \_\_\_\_\_

Acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Notary Public for Alaska

My commission expires: \_\_\_\_\_

## WASTEWATER CERTIFICATE

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

Engineer \_\_\_\_\_ License # \_\_\_\_\_ Date \_\_\_\_\_



## BIDARKI CREEK No. 5

A subdivision of Tracts 1 and 2  
Bidarki Creek No. 4 HMC2012-27  
Within NW1/4, Sec. 14, T6S, R14E, S4E,  
in the City of Homer, Kenai Peninsula Borough,  
Homer Recording District,  
Tenth Judicial District, Alaska  
Containing 3.114 Acres

Prepared for:  
McKenna and Rachael Lamb  
2585 Timeview Dr.  
Provo, Utah 84604  
Fristen Lamb Realty  
2755 Rolling Hills Dr.  
Provo, Utah 84604  
Scale: 1"=30'  
FBI: 24

Prepared by:  
Gron Surveys  
P.O. Box 15025,  
35377 Marie Road,  
Pitts Creek, AK 99603  
(907) 395-7029  
terri@gronsurveys.com  
Date: 8/24/2022  
KPB File No. 2022-

## LEGEND

- Found Survey Monument
- Set 2" Acap on 5/8"x30" rebar
- Fire Hydrant
- Bollard
- Approved CMP Wet
- Utility Pole with anchor
- Wetland areas per KWF Wetland Assessment
- Approximate Slopes 20% or greater

Line	Bearing	Distance
L1	S76°25'25"W	118.00'
L2	N74°24'24"W	131.58'
L3	S75°58'07"W	19.66'
L4	S29°29'29"W	33.59'

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	769.20	151.43	151.43	S67°41'01"W	172°15'
C2	720.00	22.25	21.12	S42°02'07"E	83°45'30"
C3	9000	86.56	12.13	S27°45'00"E	92°29'01"
C4	9000	21.58	21.41	S30°46'10"W	24°43'10"
C5	5000	26.16	26.03	S54°41'07"E	23°06'25"
C6	9000	24.78	25.57	S75°16'51"W	28°05'00"
C7	9000	24.41	25.02	S77°48'16"W	31°24'15"
C8	9000	26.17	26.04	S44°42'33"E	23°06'57"
C9	235.00	20.46	20.15	N3°08'15"E	2°01'08"
C10	235.00	20.46	20.48	S25°14'53"E	2°01'08"
C11	235.00	20.39	20.81	S20°02'27"E	2°01'08"
C12	235.00	20.49	24.86	N69°43'49"W	28°29'58"
C13	769.20	62.43	62.43	N64°31'29"E	43°01'15"
C14	769.20	58.19	58.19	S67°41'01"W	43°01'15"
C15	769.20	58.19	58.19	S70°09'21"E	43°01'15"
C16	769.20	22.71	22.71	S73°03'41"E	174°53'

Contours from KPB GIS  
Contour interval = 4'

KPB 2022-160



AGENDA ITEM E. NEW BUSINESS

ITEM 5 – 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

**Specific Request / Scope of Subdivision:** The proposed plat will subdivide two tracts into 10 lots with a cul-de-sac dedication. The lots will range in size from 10,015, square feet (approximately .23 acres) to 20,167 square feet (approximately .46 acres).

**Location and Legal Access (existing and proposed):** The proposed plat is located just south of mile 171 of state maintained Sterling Highway. The existing lots have a share driveway directly from the highway. The plat is proposing to dedicate a cul-de-sac atop the main portion of the existing driveway to provide access to all lots. The majority of the lots will be flag lots to have access to the new dedication and one access to the highway.

Hunter Street, Coyote Way, section line easements, West Hill Road, and the Sterling Highway define the block. The block exceeds allowable limits. The other dedications within the block are incomplete or end with cul-de-sacs. There is steep terrain to the north and a creek within the western portion of the subdivision. Due to previous road designs, terrain, and exiting improvements, **staff recommends** the plat committee concur that this plat cannot improve the block length.

While the width of the Sterling Highway varies, **staff recommends** the width to the centerline be shown and record source for the right-of-way be provided in a label or plat note if it differs than that noted in note 5.

Staff discussed with the surveyor during a pre-application conference the concerns regarding the length of the cul-de-sac in regards to maintenance and snow removal in addition to its entry to the Sterling Highway. The surveyor stated he has been working with City of Homer Public Works, Roads and DOT on the design.

KPB Roads Dept. comments	Out of Jurisdiction: Yes  Roads Director: Uhlin, Dil Comments: No comments
SOA DOT comments	The ROW for Sterling appears to be shown correctly. – Engineering.

**Site Investigation:** Wetlands have been determined to be within the western and southern portions of the subdivision. The western wetlands are around the existing creek that meanders through a portion of the western area. The southern wetlands are considered discharge slope as are the neighboring portions of the right-of-way. The preliminary plat contains the wetland areas. Plat note 4 contains the required wetland determination note. **Staff recommends** the wetlands remain on the final plat as the southern wetlands may impact access and development.

The surveyor provided a separate contour map but the main preliminary has slopes greater than 20 percent shown. The terrain may limit some of the developable areas. There is an existing structure contained within some of the steep slopes. The steep slopes are found within some of the access portions of the lots.

The creek is depicted on the plat. Bidarki Creek No. 3, Plat HM 2007-106, granted a 50 foot wide drainage easement on each side of Bidarki Creek. The creek is depicted and the easement edge is depicted within the bounds of the subdivision. **Staff recommends** a reference to plat note 6 be added to the setback label and the spelling of the creek be updated in all locations.

No known encroachments exist. The City Planner noted that the original design they reviewed contained encroachment issues with their side lot line requirements. The plat has been adjusted and **staff recommends** the owner/surveyor verify with the Homer Planning Department that they will be compliant.

KPB River Center review	<p>A. Floodplain Reviewer: Carver, Nancy Floodplain Status: Not within flood hazard area Comments: Located in a Non-Regulatory D - Zone, undetermined flood risk</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	The correct name of the creek is Bidarki Creek, not Bidarka as depicted on the plat and the plat notes. Bidarki Creek is not anadromous.

**Staff Analysis** This is a replat of property that has been replatted numerous times. The first plat was Bidarki Creek Subdivision, HM 73-81. The most recent plat is Bidarki Creek No. 4, HM 2012-27.

The plat is proposing to create ten lots with six being traditional flag lots. All flag lots comply with the width and length requirements. **Staff recommends** a plat note be added regarding no improvements within the flag lots.

The lots are all proposed under a half acre. Per KPB Code 20.30.200, if lots will be served by public wastewater disposal and water systems they must be at least 6,000 square feet. There were some concerns discussed at the City of Homer meeting about the terrain and the lot sizes. KPB Code does have restrictions with street grades and that all lots must have access that is practical and economical. The surveyor submitted a draft mutual access easement agreement. That will allow for a single driveway to provide access for multiple lots. This plan will allow for a reduced amount of driveways having access to the small proposed right-of-way and also to take advantage of the terrain and build the driveway in the best location. **Staff recommends** the mutual access easement agreement be revised as some lots have been changed, the owners consult with an attorney to make sure the easement is not viewed as self-serving or adjust to not be, and that the easement must be recorded with the State of Alaska Homer Recording Office concurrently with the plat.

Concurrent recordings occur on occasion and the Platting Staff can help the surveyor with the process and steps required to insure both documents have the needed information. This will allow for the easement to be depicted on the final plat with recording information being added at the recording office. The City of Homer Planner also requested a depiction of the easement on the plat.

The lots will be served by City of Homer water and sewer. A soils report will not be required but an installation agreement or documentation that one is not required must be provided.

Notice of the proposed plat was mailed to the beneficial interest holder on October 25, 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 proposed plat is within the City of Homer. The Homer Planning Commission heard the plat at their September 21, 2022 meeting. They took public testimony with many being opposed due to terrain and size of the lots. The owners' intent to use this subdivision as a tiny home development. The City Planner noted that the proposed plans and configuration follow the requirements for the current zoning and that their minimum lot size was 10,000 square feet. It was questioned that it was not taking terrain into consideration and the City Planner noted it was complying with KPB Code. The City Planner also advised that if they voted to deny, the applicants still could present to the KPB Planning Commission as they are just making a recommendation. The Homer Planning Commission denied the preliminary plat by a vote of 3-2. There was no requested amendments or citing of code for the KPB Staff to take into consideration or to review. Due to the discussions during the public meeting, the design before the KPB Plat Committee has been reduced from 11 lots to 10 to provide more space for the lots. The change also allowed an exception for 3:1 depth to width ratio to not be required as many objected to exceptions being granted. The adjustment also allows for an existing structure to comply with municipal code side lot line setbacks.

KPB Code does not require approval from the City Planning Commissions. It is required that they are presented to them for possible hearings with minutes or memos being sent with the application. While the Homer Planning Commission denied the proposed plat, KPB Staff reviewed the Homer Staff Report for the recommendations made by the Planning Department to incorporate those recommendations as allowed by code.

A couple of additional requests is that a street name must be provided for the new cul-de-sac. They also requested a name be granted to the easement as it will be used for access by multiple lots and this can assist with 9-1-1 calls. It is not uncommon to name easements or driveways if they serve more than three separate residents/businesses as it can assist with routing emergency services. **Staff recommends** the owners/surveyor work with the KPB Addressing Officer on road names and the possibility of naming the easement.

**Utility Easements** A 10 foot wide utility easement was granted along the northern boundary of the subdivision on Bidarki Creek Subdivision, Plat HM 73-81. Bidarki Creek No. 4, Plat HM 2012-27, granted a 10 foot water main easement along the eastern boundary. **Staff recommends** both easements be depicted and labeled including the plat number granting the easements.

Bidarki Creek No. 3, Plat HM 2007-106, granted 15 foot utility easements that increased to 20 feet within 5 feet of the side lot lines adjacent to rights-of-way. This would be the 15 foot utility easement adjacent to the Sterling Highway. **Staff recommends** the depiction be updated to include the 20 foot portions and labeled that it was granted by HM 2007-106.

The plat is depicting 15 foot utility easements along the new dedication being granted by this plat. **Staff recommends** the depiction and label remain but include a plat note regarding the easement being granted.

Several easements have been granted by recorded document and are noted and depicted if location is known.

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:  1762 STERLING HWY  1742 STERLING HWY</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names:  STERLING HWY</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:  City of Homer will advise on affected street name.  New street name needed for newly dedicated row.</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**

*A depiction within Lot 1, between the right-of-ways, is unclear on what it is representing. Provide a new symbol or update the depiction.*

**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;

Page 4 of 6

3. Name and address of owner(s), as shown on the KPB records and the certificate to plat, and registered land surveyor.

**Staff recommendation:** Update the section. Verify Kristen Lamb Reilly's address as KPB Assessing has Rolling Knolls. Please update or if KPB records are incorrect, advise contacting KPB Assessing to update.

---

#### 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.

##### 20.30.190. Lots-Dimensions.

A. The size and shape of lots shall provide usable sites appropriate for the locality in which the subdivision is located and in conformance with the requirements of any zoning ordinance effective for the area in which the proposed subdivision is located. Generally, lots shall be square or rectangular. Lots shall be at least 60 feet wide on the building setback line. The minimum depth shall be no less than 100 feet, and the average depth shall be no greater than three times the average width.

B. The access portion of a flag lot shall not be less than 20 feet wide. A flag lot with the access portion less than 60 feet wide may be subject to a plat note indicating possible limitations on further subdivision based on access issues, development trends in the area, or topography. If the access portion is less than 60 feet wide, it may not exceed 150 feet in length. The access portion may not be used for permanent structures or wastewater disposal area, must meet the design standards of KPB 20.30.030(A) and 20.30.090 for access, and, if at least 60 feet wide, will be subject to the building setback restrictions of KPB 20.30.240.

**Staff recommendation:** place the standard note on the plat for the flag lot(s): No structures are permitted within the panhandle portion of the flag lot(s).

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:* Soils report not required, city water and sewer are available.

**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:** An installation agreement will be required or documentation that one is not required.



20.60.180. Plat notes.

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

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

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

- *The borough will not enforce private covenants, easements, or deed restrictions per KPB 20.60.170.*
- *No structures are permitted within the panhandle portion of the flag lot(s).*
- *If the driveway agreement is required to be recorded concurrently, a plat note may be needed unless fully depicted and noted on the plat.*

*Plat notes 5 and 9 are similar and only one is required.*

*Plat notes 10 and 12 are similar and only one is required (if 10 is left correct the serial number).*

*There is a typo within plat note 8 to be corrected.*

20.60.190. Certificates, statements, and signatures required.

**Staff recommendation:** *Street name added to City Acceptance. Verify the owner's address for signature line. Comply with 20.60.190.*

---

**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.

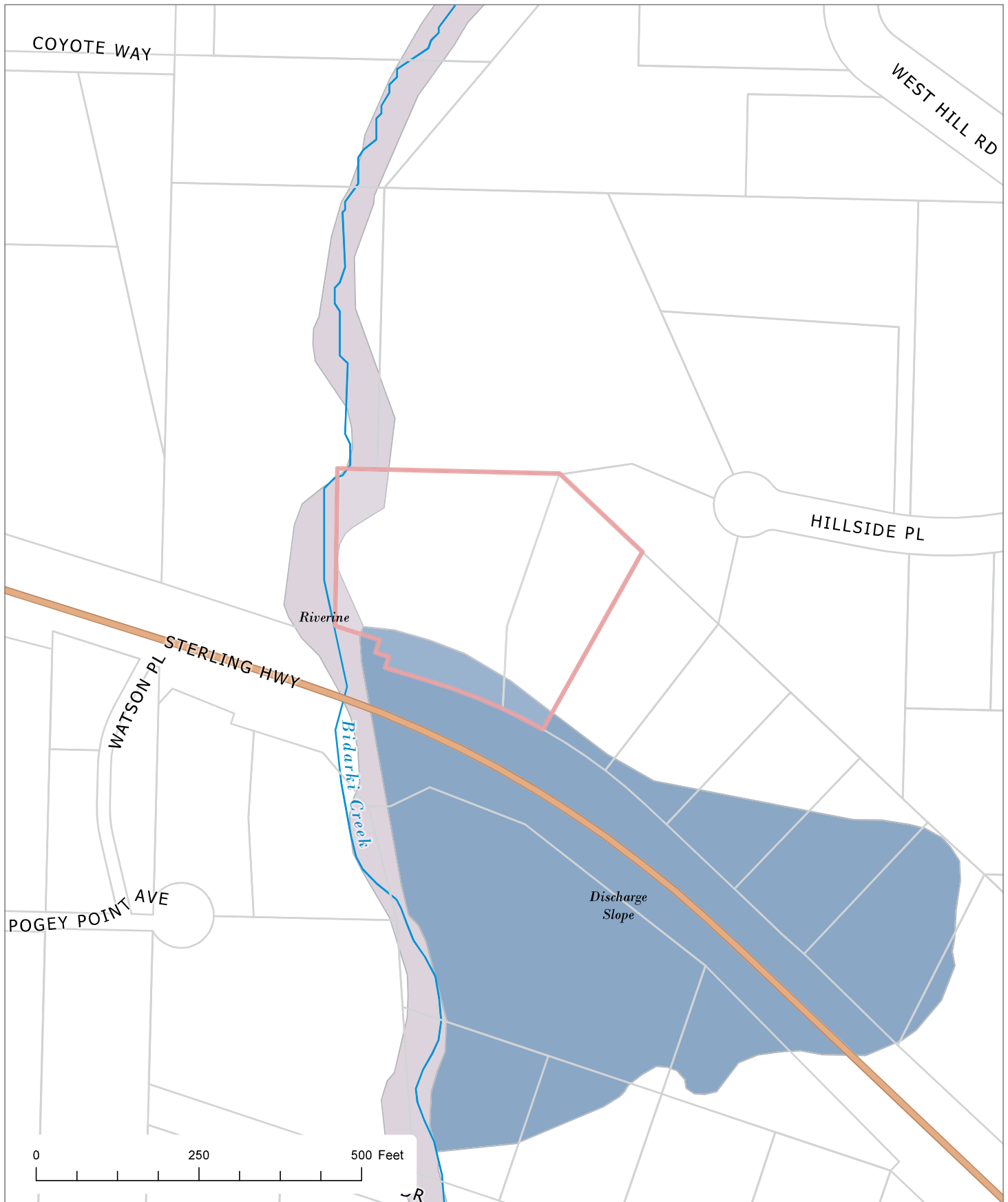
END OF STAFF REPORT







**Wetlands**



## MUTUAL ACCESS EASEMENT AGREEMENT

**THIS MUTUAL ACCESS EASEMENT AGREEMENT** (this "Agreement"), by and between **MCKENNEN LAMB** and **RACHAEL LAMB**, of 2585 Timpview Dr., Provo, Utah 84604, and **KRISTEN LAMB REILLY**, of 2795 Rolling Knolls Dr., Provo, Utah 84604, hereinafter referred to as "**GRANTORS**", and **MCKENNEN LAMB** and **RACHAEL LAMB**, of 2585 Timpview Dr., Provo, Utah 84604, and **KRISTEN LAMB REILLY**, of 2795 Rolling Knolls Dr., Provo, Utah 84604, hereinafter referred to as "**GRANTEES**", in connection with adjacent properties in Homer Recording District, Kenai Peninsula Borough, Alaska, owned by Grantors and Grantees.

### **RECITALS**

A. **WHEREAS**, Grantors are the owners of real property legally described as:

**LOTS 7 THROUGH 10, BIDARKI CREEK NO. 5**, according to Plat No. \_\_\_\_\_, Homer Recording District, Third Judicial District, State of Alaska.

which are known as the "Grantor Tracts".

B. **WHEREAS**, Grantees are the owners of real property legally described as:

**LOTS 6 THROUGH 11, BIDARKI CREEK NO. 5**, according to Plat No. \_\_\_\_\_, Homer Recording District, Third Judicial District, State of Alaska.

which are known as the "Grantee Tracts".

C. **WHEREAS**, \_\_\_\_\_ (road name), a public road, does not continue onto the Grantee Tracts. A shared private driveway runs from \_\_\_\_\_ (road) through the boundaries between the Grantor Tracts and the Grantee Tracts.

D. **WHEREAS**, Grantees wish to obtain pedestrian and vehicle access to the Grantee Tracts from \_\_\_\_\_ (road) over the shared private driveway on Grantor Tracts.

E. **WHEREAS**, Grantors and Grantees wish to enter into this Agreement to allow Grantees to access the Grantee Tracts over the shared private driveway on the Grantor Tracts for residential purposes. Grantors and Grantees also wish to set out the terms and conditions that will govern use of the shared private driveway for the benefit of the Grantee Tracts, and to provide for the maintenance and repair of the shared private driveway.

**WHEREAS**, it is the intent of the parties hereto that Grantors shall grant and convey unto Grantees a Mutual Access Easement across that certain shared private driveway which is presently in existence and set forth in "Exhibit A" which is attached hereto and incorporated herein by reference for all purposes.

**NOW, THEREFORE**, the parties agree as follows:

1. **GRANT OF EASEMENT**. For good consideration, Grantors hereby grant to Grantees for the benefit of, and appurtenant to, the Grantee Tracts, a non-exclusive, perpetual easement for pedestrian and vehicle ingress and egress between \_\_\_\_\_ (road) and the Grantee Tracts over and across the shared private driveway (the "Easement Area") that is located in approximately the location depicted on the attached **Exhibit A**. The easement is limited to the purpose of access for residential use of the Grantee Tracts.

2. **AS IS**. Grantees accept the use of the Easement Area in its present condition, AS IS, with all defects, apparent or latent, without any representation or warranty by Grantors or any representative of Grantors, expressed or implied. Grantees hereby assume all risk of Grantees' use of the Easement Area.

3. **MAINTENANCE AND REPAIR**. Grantees shall maintain the Easement Area to be reasonably flat and readily passable by pedestrians and Class \_\_\_\_ vehicles. Grantees shall divide the expense of maintenance of the shared private driveway in proportion to the use made of the easement by each holder of an interest in the easement. OR PROPORTION? Ex. Lot 11: 1/10; Lot 10: 2/10; etc.

4. **BINDING EFFECT**. This Agreement, and the rights and obligations herein, run with the land and bind and benefit the future owners of the Grantor Tract and the Grantee Tract. This Agreement is intended to create a covenant running with the land.

5. **NO DEDICATION**. This Agreement shall not be interpreted or



construed to create any third-party beneficiary rights in any person other than the Grantors, the Grantees, and their respective successors and assigns with respect to the fee ownership of the Grantor Tracts and the Grantee Tracts, and any subdivision or parcel thereof. This Agreement shall not be deemed a gift or dedication of the Easement Area or any other portion of any property to any governmental agency, to any private third party, or to the general public whatsoever.

6. **EMERGENCY VEHICLE ACCESS AND TURN AROUND.** Grantors and Grantees agree that no party shall utilize the Easement Area in a manner that may impede use of Easement Area by emergency vehicles, or emergency vehicle use of the Emergency Vehicle Turn Around Area marked in **Exhibit A**.

7. **ATTORNEYS' FEES.** In the event suit or action is instituted to interpret, enforce, or rescind this Agreement, the prevailing party shall be entitled to recover from the other party such sum as the court may adjudge as attorneys' fees.

8. **MODIFICATIONS.** Any modifications to this Agreement must be in writing and signed by the parties, or by their respective heirs, successors, or assigns.

9. **GOVERNING LAW.** This Agreement is made under Alaska law.

10. **SEVERABILITY.** Any provision of this Agreement which is found to be invalid or in violation of any statute, rule, regulation, or common law shall be considered null and void, with the remaining provisions remaining in effect.

11. **ENTIRE AGREEMENT.** This Agreement constitutes the entire agreement of the Parties with respect to the Easement Area. This Agreement supersedes any written and oral agreements previously made or existing between the Parties with respect to the Easement Area.

**IN WITNESS WHEREOF,** the parties have executed this agreement on the \_\_\_\_\_ day of \_\_\_\_\_, 2022.

**SIGNATURE OF GRANTORS:**

\_\_\_\_\_  
**MCKENNEN LAMB**

\_\_\_\_\_  
**RACHAEL LAMB**

\_\_\_\_\_  
**KRISTEN LAMB REILLY**

**SIGNATURE OF GRANTEES:**

\_\_\_\_\_  
**MCKENNEN LAMB**

\_\_\_\_\_  
**RACHAEL LAMB**

\_\_\_\_\_  
**KRISTEN LAMB REILLY**

STATE OF UTAH                    )  
  : ss.  
\_\_\_\_\_  
COUNTY )

**THIS IS TO CERTIFY** that on this \_\_\_\_\_ day of \_\_\_\_\_, 2022, before me the undersigned Notary Public in and for the State of Utah, personally appeared MCKENNEN LAMB and RACHAEL LAMB known to me to be the persons named in the foregoing instrument, and acknowledged to me that they executed the same freely and voluntarily for the uses and purposes therein contained.

**IN WITNESS HEREOF**, I have hereunto set my hand and seal the day and year first hereinabove written.

\_\_\_\_\_  
NOTARY PUBLIC, State of Utah  
My Commission Expires: \_\_\_\_\_

STATE OF UTAH                    )  
  : ss.  
\_\_\_\_\_  
COUNTY )

**THIS IS TO CERTIFY** that on this \_\_\_\_\_ day of \_\_\_\_\_, 2022, before me the undersigned Notary Public in and for the State of Utah, personally appeared KRISTEN LAMB REILLY known to me to be the person named in the foregoing instrument, and acknowledged to me that she executed the same freely and voluntarily for the uses and purposes therein contained.

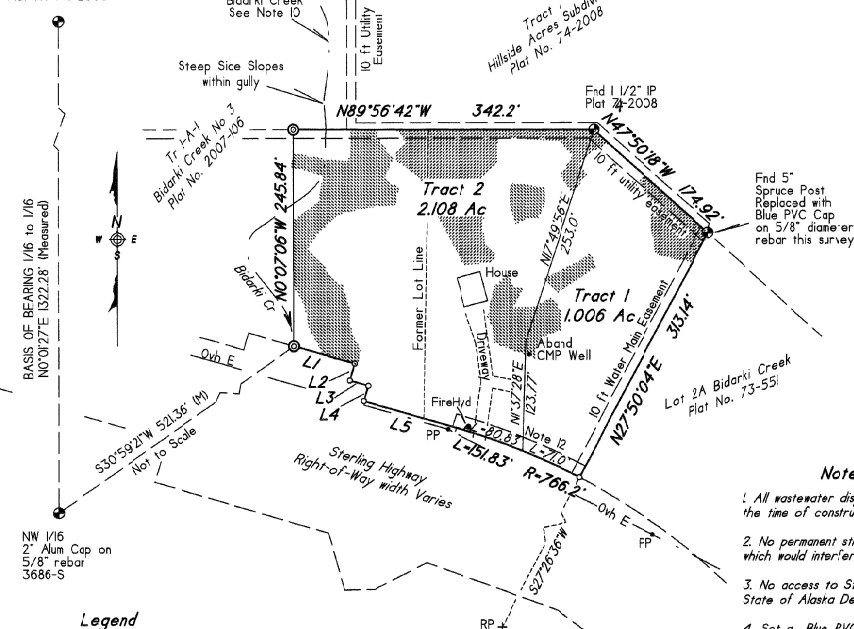
**IN WITNESS HEREOF**, I have hereunto set my hand and seal the day and year first hereinabove written.

\_\_\_\_\_  
NOTARY PUBLIC, State of Utah  
My Commission Expires: \_\_\_\_\_

RETURN TO:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Find W 1/16  
2" BC 301-S  
Plat No 74-2008



- Legend**
- Found Monument as described
  - Found 2" Alum Cap Lounsbury and Associates
  - Found 2" Alum Cap on 5/8" Rebar 5780-S per Plat No. 2007-106
  - Dimension of Record Metes and Bounds Description Book 102 Page 4, HRD
  - Dimension of Record Bidarki Creek No. 2 Plat No. 2000-56
  - Approximate Slopes 20% or greater

#### Wastewater Disposal

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

#### Surveyors Certificate

I hereby certify that I am a Registered Land Surveyor and that this plat represents a survey made by me or under my direct supervision and the monuments shown hereon actually exist as described and that the dimensions and other details are correct to the best of my knowledge.

Date 7-17-2012 R. W. Imhoff  
Roger W. Imhoff LS 5780



#### Plat Approval

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of

June 11, 2012

KENAI PENINSULA BOROUGH

By Mark Bredt  
Authorized Official

#### Ownership Certificate

I hereby certify that I am the owner of the real property shown and described herein and that I hereby adopt this plan of subdivision and by my free consent dedicate all rights-of-way to public use and grant all easements to the use shown.

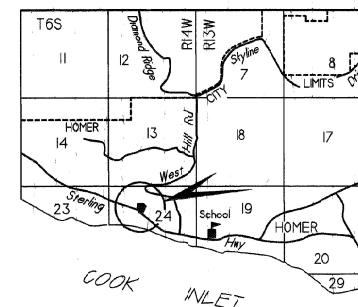
I further certify that the Deed of Trust affecting this property does not contain restrictions which would prohibit this subdivision or require signature and approval of the beneficiary.

Pamela Breckenridge 7/19/2012  
Pamela Breckenridge Date  
PO Box 453  
Homer AK 99603

Notary's Acknowledgement:  
Subscribed and sworn to me before me this 19th day  
of July, 2012  
for Pamela Breckenridge  
Kathy Oakland  
Notary Public for Alaska  
My Commission Expires 7-16-13

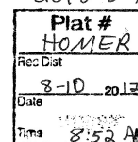


#### Vicinity Map 1" = 1 Mile



#### Notes

- All wastewater disposal systems shall comply with existing applicable laws at the time of construction.
- No permanent structures shall be constructed or placed within an easement which would interfere with the ability of a utility to use the easement.
- No access to State maintained rights-of-way permitted unless approved by State of Alaska Department of Transportation.
- Set a Blue PVC Cap on 5/8" x 33" long steel rebar at all lot corners and ROW points of curvature for this survey (unless noted otherwise).
- Basis of Bearing between the NW 1/16 Corner and the W 1/16 Corner as shown.
- Covenants, conditions, and restrictions which may effect portions of this subdivision are recorded in Bk 68 Page 145, HRD.
- State of Alaska Permit and Certificate of Appropriation of Water recorded in Bk 102 Page 290, HRD.
- The location of the Northerly edge of the ROW of the Sterling Highway was determined from calculations made using surveyed locations of found monuments and record data from Plat No. 73-81, Plat No. 73-551, DOT&PF Right-of-Way Maps from Alaska Project No. F 021-11371 Homer Hill and the corresponding ROW Take as shown in Book 251 Page 324.
- This subdivision is subject to the zoning regulations of the City of Homer. Portions of this subdivision may contain wetlands. Owners should consult with the City of Homer Planning Dept and the Army Corps of Engineers prior to any development activity.
- Per Plat No. 2007-105 HRD, a 50 ft wide drainage easement on each side of the centerline of Bidarki Creek for maintenance purposes regarding drainage for the Sterling Highway.
- The 15 ft fronting the edge of right-of-way and the 20 ft fronting the edge of right-of-way within 5 ft of each side of any side lot line is a utility easement. No permanent structure shall be constructed or placed within the utility easement which would interfere with the ability of the utility to use the easement.
- A 15 ft Utility & Drainage Easement benefiting the City of Homer per Serial No. 2003-1950.
- Bidarki Creek is subject to periodic flooding.



Files  
bidarkino3.vcd  
bidarki.cco  
FB 2006-7

#### Bidarki Creek No. 4

Being a subdivision of Tract 1-A-2 and 1-A-3  
Bidarki Creek No. 3 as shown on Plat No. 2007-106

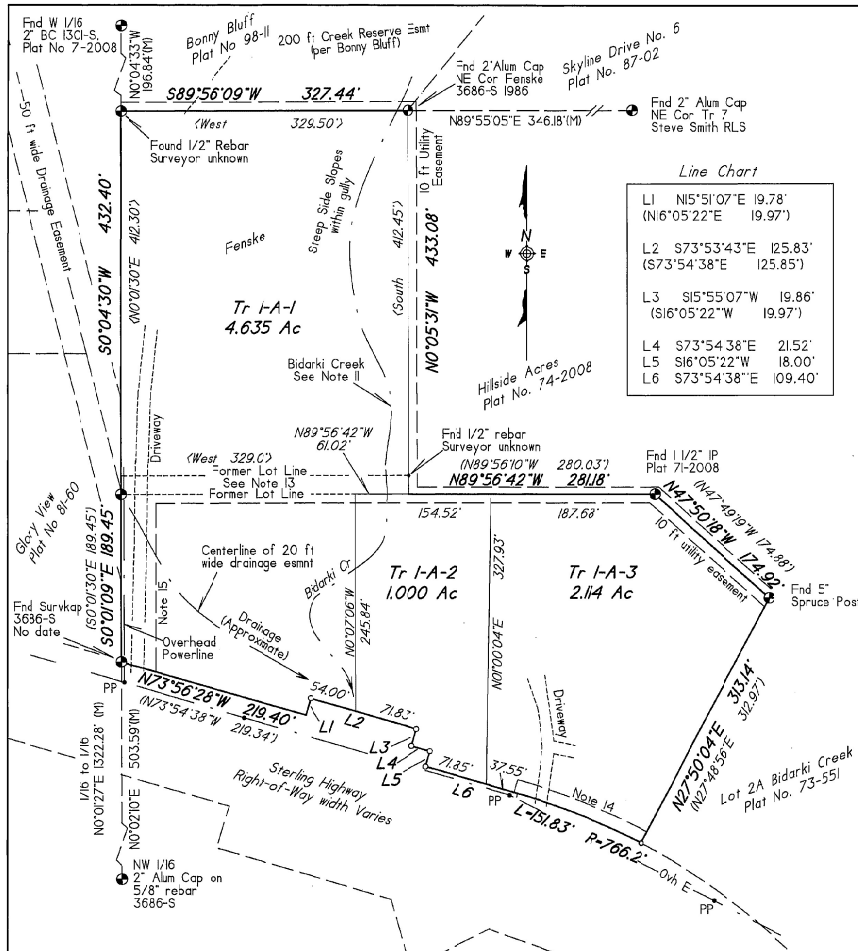
Located within the NW 1/4 Section 24,  
T6S, R14W, S14 in the City of Homer  
Kenai Peninsula Borough

Homer Recording District  
Third Judicial District, Alaska

Contains 3.114 Acres, more or less

Clients: Breckenridge PO Box 453 Homer AK 99603	Surveyor: Roger W. Imhoff, RLS PO Box 2582 Homer AK 99603
Drawn: RWI	Date: April 2012
Scale 1" = 100 ft	KPB File No. 2012-266





### Surveyors Certificate

I hereby certify that I am a Registered Land Surveyor and that this plat represents a survey made by me or under my direct supervision and the monuments shown hereon actually exist as described and that the dimensions and other details are correct to the best of my knowledge.

**Nov 7, 2007**  
 Date  
 Roger W. Imhoff LS 5780

### Legend

- Found Monument as described
- Found 2" Alum Cap Lounsbury and Associates
- < > Dimension of Record Metes and Bounds Description Book 102 Page 4, HRD
- ( ) Dimension of Record Bidarki Creek No. 2 Plat No. 2000-56

### Wastewater Disposal

Tract I-A-1: These lots is at least 206,000 square feet or around 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.

Tract I-A-2 and Tract I-A-3: Plans for wastewater that meet regulatory requirements are on file at the State of Alaska Department of Environmental Conservation.

### Ownership Certificate

I hereby certify that I am the owners 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 to public use and grant all easements to the use shown.

I further certify that the Deed of Trust affecting this property does not contain restrictions which would prohibit this subdivision or require signature and approval of the beneficiary.

**Pamela Kae Breckenridge**  
 Owner of former Tract I-A Bidarki Creek No. 2  
 Pamela Kae Ackling aka Pamela Kae Breckenridge Date 11/9/07  
 PO Box 455  
 Homer AK 99603

### Notes

- All wastewater disposal systems shall comply with existing applicable laws at the time of construction.
- No permanent structures shall be constructed or placed within an easement which would interfere with the ability of a utility to use the easement.
- No access to State maintained rights-of-way permitted unless approved by State of Alaska Department of Transportation.
- Set a 2" self identifying Aluminum Cap on 5/8" x 33" long steel rebar at all lot corners and POW points of curvature for this survey (unless noted otherwise).
- Basis of Bearing was GPS RTK best fit of found monumentation in Bidarki Creek Subdivision Plat No. 73-81 Homer Recording District.
- Covenants, conditions, and restrictions which may effect portions of this subdivision are recorded in Bk 68 Page 143, HRD.
- State of Alaska Permit and Certificate of Appropriation of Water recorded in Bk 102 Page 290, HRD.
- Existing overhead powerline is located within a 10 ft wide electrical distribution line easement which adjoins the west line of former Tract I-A.
- The location of the Northerly edge of the ROW of the Sterling Highway was determined from calculations made using surveyed locations of found monuments and record data from Plat No. 73-81, Plat No. 73-551, DOT&PF Right-of-Way Maps from Alaska Project No. F 02-1371 Homer Hill, and the corresponding ROW "Tie" as shown in Book 251 Page 324.
- This subdivision is subject to the zoning regulations of the City of Homer. Portions of this subdivision may contain wetlands. Owners should consult with the City of Homer Planning Dept and the Army Corps of Engineers prior to any development activity.
- This plat grants a 50 ft wide drainage easement on each side of the centerline of Bidarki Creek for maintenance purposes regarding drainage for the Sterling Highway.
- The 15 ft fronting the edge of right-of-way and the 20 ft fronting the edge of right-of-way within 5 ft of each side of any side lot line is a utility easement. No permanent structure shall be constructed or placed within the utility easement which would interfere with the ability of the utility to use the easement.
- This strip of land approximately 21 ft wide is effected by that "De'ault Judgement" per Case No 340-06-274CI recorded Serial No. 2007-3720.
- A 15 ft Utility & Drainage Easement benefitting the City of Homer per Serial No. 2003-1950.
- 40 ft wide easement to satisfy encroachment of private road and future utilities per Plat No. 73-81 HRD.

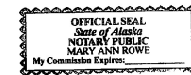
2007-106  
 HOMER REC DIST  
 Date 11/29/2007  
 Time 2:29 PM  
 Requested by [Signature]  
 Address \_\_\_\_\_

Sheet 1 of 2  
 Sheet 2 is a Signature  
 Sheet Only

Files  
 bidarkino3.vcd  
 bidarki.cao  
 FB 2006-7

Notary's Acknowledgment  
 Subscribed and sworn to me before me this 9 day of November 2007

for **Pamela Kae Breckenridge**  
 Notary Public for Alaska  
 My Commission Expires 7-30-10



### Plat Approval

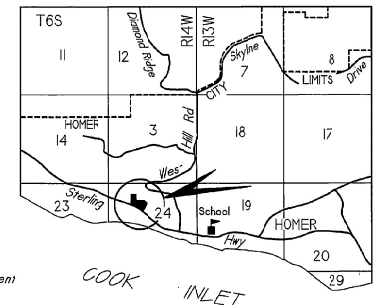
This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of

October 9, 2006

KENAI PENINSULA BOROUGH

By: **May A. Best**  
 Authorized Official

### Vicinity Map 1" = 1 Mile



### Bidarki Creek No. 3

Being a subdivision of Tract I-A Bidarki Creek No. 2 as shown on Plat No. 2000-56 and those parcels described in Book 102 Page 4 and Serial No. 2007-3720, HRD

Located within the NW 1/4 Section 24, T6S, R14W, S1M, in the City of Homer, Kenai Peninsula Borough.

Homer Recording District  
 Third Judicial District, Alaska

Contains 7.748 Acres, more or less

Clients: Breckenridge & Fanske Homer AK 99603	Surveyor: Roger W. Imhoff, RLS PO Box 2588 Homer AK 99603
Drawn: RW	Date: Sept 2007
Scale 1" = 100 ft	KPB File No. 2006-191

**Signature Sheet**  
**Sheet 2 of 2**

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.

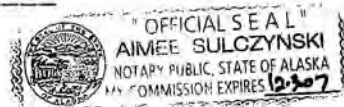
We further certify that the Deed of Trust affecting this property does not contain restrictions which would prohibit this subdivision; or require signature and approval of the beneficiary.

*[Signature]* 11/03/2007 *[Signature]* 11/03/07  
Owner of former M/B Parcel Portion of W 1/2 NW 1/4 NE 1/4 NW 1/4  
Section 24  
John E. Fenske Date Donna M. Fenske Date  
PO Box 2112  
Homer Ak 99603

Notary's Acknowledgement  
Subscribed and sworn to me before me this 8th day  
of November, 2007

for John E. Fenske and Donna M. Fenske

*[Signature]*  
Notary Public for Alaska  
My Commission Expires 12-3-07



**Bidarki Creek No. 3**

Being a subdivision of Tract I-A Bidarki Creek No. 2  
as shown on Plat No. 2000-56 and that parcel described in  
Book 102 Page 4. HRD and Serial No. 2007-3720

Located within the NW 1/4 Section 24.  
T6S, R14W, SM. in the City of Homer  
Kenai Peninsula Borough

Homer Recording District  
Third Judicial District, Alaska

Contains 7.748 Acres, more or less

Clients: Breckenridge & Fenske Homer Ak 99603	Surveyor: Roger W. Imhoff, RLS PO Box 2588 Homer Ak 99603
Drawn: RWI	Date: Sept 2007
Scale 1" = 100 ft	KPB File No. 2006-191

Homer 2007-106



[illegible]

NOTES

1. All wastewater disposal systems shall comply with existing applicable laws at the time of construction.
2. No permanent structures shall be constructed or placed within an easement which would interfere with the ability of a utility to use the easement.
3. No access to State maintained rights-of-way permitted unless approved by State of Alaska Department of Transportation.
4. Set a 2" self identifying Aluminum Cap on 5/8" x 36" long steel rebar at all lot corners and ROW points of curvature for this survey (unless noted otherwise).
5. Basis of Bearing for this survey is Bidarki Creek Subdivision Plat No. 73-81 Homer Recording District. The record inverse from the W 1/6 to the SW cor of Tract I: S0°01'30"E 814.78' (R) 818.55' (M).
6. Covenants, conditions, and restrictions affecting this lot are recorded in Bk 68 Page 145. HRD.
7. State of Alaska Permit and Certificate of Appropriation of Water recorded in Bk 102 Page 290 HRD.
8. 40 ft wide easement to satisfy encroachment of private road and future utilities (as per Parent Plat).
9. Existing overhead powerline is located within a 10 ft wide electrical distribution line easement which adjoins the west line of Tract I-A.
10. The location of the Northernly edge of the ROW of the Sterling Highway was determined from calculations made using surveyed locations of found monuments and record data from Plat No. 73-81, S. 73-55, D. 0275 Right-of-Way Maps from Alaska Project No. F 021-1337 Homer Hill and the corresponding ROW "Take" as shown in Book 251 Page 324.
11. This subdivision is subject to the zoning regulations of the City of Homer.

## OWNERSHIP CERTIFICATE

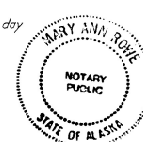
We hereby certify that we are the owners of the real property shown and described hereon and that we hereby adopt this plan of subdivision and by our free consent dedicate all rights-of-way to public use and grant all easements to the use shown.

We further certify that the Deed of Trust affecting this property does not contain restrictions which would prohibit this subdivision; or require signature and approval of the beneficiary.

Earl Lee Breckenridge Pamela Kay Ackling 9/19/00  
 Earl Lee Breckenridge Date Pamela Kay Ackling Date  
 PO Box 455  
 Homer, AK 99603

Notary's Acknowledgement  
Subscribed and sworn to me before me this 19 day  
of September, 2000  
for Earl Lee Breckenridge and Pamela Kae Ackling

Notary Public for Alaska  
My Commission Expires 7.30.02



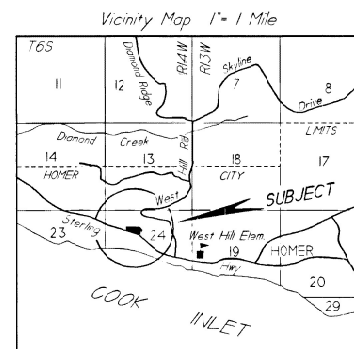
### PLAT APPROVAL

*This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of*

March 27, 2000

KENAI PENINSULA BOROUGH

By: Mary Kent  
Authorized Official



*SURVEYOR'S CERTIFICATE*

I hereby certify that I am a Registered Land Surveyor and that this plat represents a survey made by me or under my direct supervision and the monuments shown hereon actually exist as described and that the dimensions and other details are correct to the best of my knowledge.

and other details are correct to the best of my knowledge.

Date: April 20, 1980 [Signature] Roger W. Inhoff US 5780



## WASTEWATER DISPOSAL

*Soil conditions may be unsuitable for onsite wastewater treatment and disposal systems. Wastewater treatment and disposal systems must meet the regulatory requirements of the Alaska Department of Environmental Conservation.*

The purpose of this platting action is to vacate a lot line, which may provide greater available wastewater disposal area as described by 2014.020(A)(a).

*[Signature]* April 22, 2000  
Roger W. Inhofe LS-5780 Date

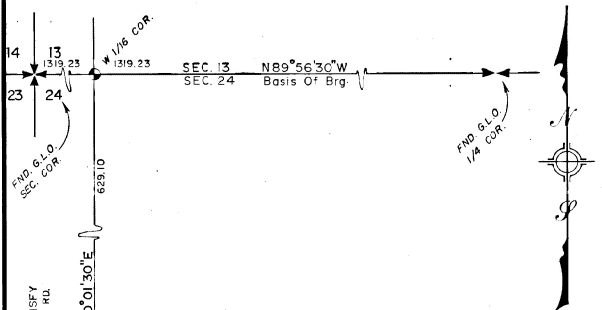
*LEGEND*

- ☐ Found Monument as described
- ☐ Found 2" Alum Cap Lounsbury and Associates

2006-56 70  
Homee REC DIST + 2  
Date 12/4 2000  
Time 2:53 P M  
Requested By Imhoff  
Address \_\_\_\_\_

Files bidarki.vcd  
bidarki.cgo

Clients: Breckenridge & Ackling PO Box 455 Homer Ak 99603	Surreyori: Roger W. Imhof, RLS PO Box 2589 Homer Ak 99603
Drawn: RWI	Date: 1-7-2000
Scale 1" = 100 ft	KPB File No. 2000-04



# KENAI PENINSULA BOROUGH

I HEREBY CERTIFY THAT THIS SUBDIVISION PLAT HAS BEEN FOUND TO COMPLY WITH THE REGULATIONS OF THE KENAI PENINSULA BOROUGH AND THAT SAID PLAT HAS BEEN APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION.

NOVEMBER 27, 1972  
Date

Stanley F. Thompson  
Borough Mayor

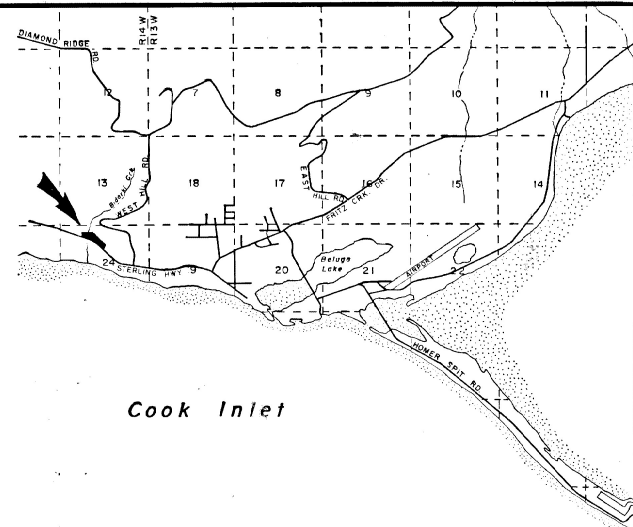
## LEGEND

- INDICATES STATE HIGHWAY DEPT. MONUMENTS RECOVERED THIS SURVEY.
- INDICATES BRASS CAP MONUMENTS SET THIS SURVEY.
- INDICATES 10 FT. WIDE UTILITY EASEMENT.

## NOTE

2 X 2 HUB AND TACK SET AT ALL LOT CORNERS THIS SURVEY.

COVENANTS FOR THIS SUBDIVISION RECORDED IN HOMER RECORDING DISTRICT BOOK 68 PAGE 145.



Cook Inlet

## VICINITY MAP

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 WITH OUR FREE CONSENT AND DEDICATE ALL STREETS, EASEMENTS AND OTHER OPEN SPACES TO PUBLIC USE.

December 27, 1972  
Date

Wm J. Upchurch  
Elisabeth D. Aprill

## NOTARY'S ACKNOWLEDGMENT

CERTIFICATE OF OWNERSHIP SUBSCRIBED AND SWORN TO BEFORE ME THIS 27 DAY OF December 1972.

My Commission Expires

7/28/73

## SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR AND THAT THIS PLAT REPRESENTS A SURVEY MADE UNDER MY DIRECT SUPERVISION AND THAT MONUMENTS ACTUALLY EXIST AS LOCATED AND THAT DIMENSIONAL AND OTHER DETAILS ARE CORRECT.

12/13/72  
Date

E. G. Branch, R.L.S.

## BIDARKI CREEK SUBDIVISION

SITUATED IN

A PORTION OF THE NW 1/4 OF SECTION 24, TOWNSHIP 6 SOUTH, RANGE 14 WEST, S.M., HOMER RECORDING DISTRICT, ALASKA. 9.251 ACRES

PREPARED FOR

PREPARED BY

DATE

MRS. ELISABETH D. APRILL  
C/O "TOTEM REALTY"  
HOMER, ALASKA

KEN BRANCH, R.L.S.  
746 "F" STREET  
ANCHORAGE, ALASKA

OCTOBER 20, 1972  
SCALE  
1"=100'

HOMER  
Serial No. 73-81

DECEMBER 27, 1972  
HOMER SEC. DIST.  
DATE 1-19-73  
TIME 12:55 P.  
Surveyor E. Aprill  
Address Homer

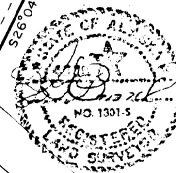
## LEGAL DESCRIPTION

THAT CERTAIN PARCEL OF LAND SITUATED WITHIN A PORTION OF THE NW 1/4 OF SECTION 24, TOWNSHIP 6 SOUTH, RANGE 14 WEST, SEWARD MERIDIAN, HOMER RECORDING DISTRICT, ALASKA, DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

- COMMENCING FOR REFERENCE at the W 1/16 corner of said Section 24;
- Thence S 00°01'30" E 629.10 feet to the POINT OF BEGINNING;
- Thence East 610.00 feet;
- Thence S 47°56'00" E 900.00 feet;
- Thence S 26°04'00" W 291.44 feet to the intersection of the Northerly R.O.W. line of the Sterling Highway;
- Thence N 47°56'00" W 539.34 feet along said N'ly R.O.W. line;
- Thence along a curve to the left with a radius of 766.20 feet through an angle of 25°43'00" a distance of 343.90 feet along said N'ly R.O.W. line;
- Thence N 73°39'00" W 109.40 feet along said N'ly R.O.W. line;
- Thence N 16°21'00" E 18.00 feet along an Easterly R.O.W. line of said Highway;
- Thence N 73°39'00" W 366.85 feet along a Northerly R.O.W. line of said Highway;
- Thence N 00°01'30" W 185.68 feet to the POINT OF BEGINNING;
- Said parcel of land containing an area of 9.251 Acres more or less.

## CURVE DATA

NO	ANGLE	RADIUS	LENGTH	TANGENT	CHORD
1.	25°43'00"	716.20	321.46	163.48	318.77
2.	02°51'47"	766.20	38.29	19.15	38.29
3.	08°35'25"	766.20	114.88	57.54	114.77
4.	08°28'44"	806.20	119.31	59.76	119.20
5.	05°47'04"	806.20	81.39	40.73	81.36





## 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

October 28, 2022

## Homer Advisory Planning Commission

### Notice of Action

**Request:** Approval of Bidarki Creek 5 Preliminary Plat

Applicants:

McKennen and Rachel Lamb  
2585 Timpview Dr.  
Provo, UT 84604

Kristen Lamb-Reilly  
2795 Rolling Meadows Dr.  
Provo, UT 84604

Tom Latimer  
Orion Surveys  
PO Box 15025  
Fritz Creek, AK 99603

At the regular meeting of September 21, 2022 the Homer Advisory Planning Commission forwarded a **recommendation for denial** of the preliminary plat with staff recommendations and the attached minutes to the Kenai Peninsula Borough Planning Commission.

Should you have any questions, please contact the planning office at 235-3106.

Cc: Madeleine Quinton, Platting Technician, Kenai Peninsula Borough

Session 22-13, a Regular Meeting of the Planning Commission was called to order by Chair Scott Smith at 6:36 p.m. on September 7, 2022 at the Cowles Council Chambers in City Hall, located at 491 E. Pioneer Avenue, Homer, Alaska, and via Zoom Webinar.

**PRESENT:** COMMISSIONERS SMITH, CHIAPPONE, HIGHLAND, CONLEY, AND STARK

**ABSENT:** COMMISSIONERS BARNWELL, VENUTI (EXCUSED)

**STAFF:** CITY PLANNER ABBOD  
DEPUTY CITY CLERK KRAUSE

### **AGENDA APPROVAL**

Chair Smith noted that there was a request to address Plat Considerations, Item A before Public Hearing Item A and requested a motion to amend the agenda.

HIGHLAND/CONLEY MOVED TO AMEND THE AGENDA TO ADDRESS PLAT CONSIDERATION ITEM A BEFORE PUBLIC HEARING ITEM A.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

Chair Smith requested a motion and second to approve the amended agenda.

HIGHLAND/CONLEY MOVED TO APPROVE THE AGENDA AS AMENDED.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

### **PUBLIC COMMENTS ON ITEMS ALREADY ON THE AGENDA**

### **RECONSIDERATION**

### **CONSENT AGENDA**

- A. Unapproved Regular Meeting Minutes for September 7, 2022

Chair Smith requested a motion and second to approve the Consent Agenda.

HIGHLAND/CONLEY MOVED TO APPROVE THE CONSENT AGENDA AS PRESENTED.

There was no further discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

### **PRESENTATIONS / VISITORS**



A. Homer Quality of Life - A Presentation of City of Homer Economic Development Advisory Commission Presented by Karin Marks, Chair and Julie Engebretsen, Economic Development Manager

Chair Smith introduced Chair Marks and Economic Development Manager Engebretsen. He then advised that the Commission will be given the opportunity to ask questions at the end of the presentation.

Ms. Marks and Ms. Engebretsen presented on what is positive economic growth for Homer and how it leads to the quality of life and growth outcomes desired by the community. They stated that the Economic Development Advisory Commission (EDC) has conducted an analysis on Strengths, Weaknesses, Opportunities and Threats (SWOT) for Homer's quality of life dividing these into four categories of Business Climate, Built Environment, Natural Environment, and Social Climate. This analysis is offered as a gateway to a larger community conversation about Homer's future as a place to live, work, and thrive.

Ms. Marks and Ms. Engebretsen responded to questions and comments regarding the following:

- Weaknesses – Local regulations is not resulting in the patterns and development the community would like to see references zoning and development in downtown Homer and where you want people to walk and have a dense community. Building setbacks and parking standards need to be addressed on Pioneer Avenue if you want downtown to be pedestrian friendly and have more activity requires changes to be made to our building blocks.
  - o Specifics were not addressed by the EDC it was general information that as things in a dense area there could be some zoning issues and differences.
- Under Business Climate, Threats and Weaknesses – too many people moving in at a rate faster than the City can increase infrastructure and housing will destroy what is here and Homer will be like everywhere else. Were there any ideas or discussions on that?
  - o The City has miles of water and sewer pipe and maintains it. The City is doing okay, but not going too far on that point, but typically the preference is for more customers per mile of pipe to have financial stability of the utility. The City needs to think about how to have more people living in the same space that it currently has rather than annexing of other areas further out which would require more pipe and then more space for people.
- Under Built Environment – Opportunities- Rethink Chamber marketing.
  - o The EDC has not come up with specific ways to do this, as there needs to be more conversation as there are always two perspectives. That is why bringing this into the discussion now the City can reflect more specifically when working on the comprehensive plan using details of what is being experienced.
    - Relationship with the Homer Chamber is interesting in that it is a private entity and at a recent meeting that even the Mayor attended and encouraged the City to have a closer relationship with the Chamber.
    - Part of the Chamber's mission is to promote businesses and sound business climate while the City has the interest not to create impediments but to control where certain types of businesses are located with like businesses. The City is in the process of getting these changes on how the town is laid out, how the town wants to work and addressing business growth in a responsible and appropriate manner.
- Under Business Climate Risk of Over-regulation – Please provide further clarification.



- Not over-regulating businesses to the point that they do not want to bring, buy, or do business in the City. The City needs to ensure the level of regulations matches our community desire or acceptance of that regulation. The EDC was careful in the language used in the SWOT and hence why the word “risk” was chosen.
  - Homer is a unique place with many perspectives
- The EDC is hoping to have this included in the structure of the Comprehensive Plan and have each Commission provide input on some of the points on how things can change.
- EDC top priorities and recommendations to the Planning Commission
  - Will be re-evaluating specifics for 2023 but continue to be interested in Housing
    - They have received informational presentation on short-term rentals
    - Transportation
    - Day Care
    - Small Business Development Assistance
    - Strategic Plan of the EDC will be provided to the Planning Commission when updated.
- EDC top three requests or suggestions to the Planning Commission
  - When considering things at the Planning Commission level consider sending to the EDC for input.

Ms. Marks stated that she could only provide her personal opinion and not speaking for the EDC in response to Commissioner Stark on what the Planning Commission should keep on their radar, would be zoning changes, conditional use permit changes, in terms of density, the need for middle housing. There is a need for year round housing for people who want to live in the area and there is no housing available.

#### **STAFF & COUNCIL REPORT/COMMITTEE REPORTS**

##### **A. Staff Report 22-58, City Planner's Report**

City Planner Abboud provided a summary of Staff Report 22-58 for the Commission. He elaborated on the following topics:

- Homeless Coordinator Position with the Borough funded through a HUD grant for three years
- Transportation Planning – Homer can do better than just a voucher
  - Survey will be distributed soon
- RFP/RFQ being drafted for the Comprehensive Plan update.
- Work continues on the Grading ordinance and will be presented to the Commission for input
- Short term Rentals – passing around ideas, research on ways to address the issue, no policy discussion as yet

Chair Smith will submit a written report and Commissioner Stark will attend in person.

City Planner Abboud responded to questions on the following:

- Number of homeless in Homer
- Brief description on what the grading ordinance will encompass and or address.

## PLAT CONSIDERATION

### A. Staff Report 22-60, Bidarki Creek No. 5 Preliminary Plat

Chair Smith introduced the item by reading of the title and deferred to City Planner Abboud.

City Planner Abboud reviewed Staff Report 22-60 for the Commission. He shared screen so that a larger view of the map could be provided for those in attendance in Council Chambers.

Chair Smith noted the laydowns provided in the supplemental packet.

Tom Latimer, surveyor for the Applicant; McKennen & Rachael Lamb, Kristen Lamb-Reilly, Applicants

Mr. Latimer noted the letter included in the supplemental packet should address questions the Commission may have as the one in the packet is incorrect; the plat in the packet is incorrect please do not reference it; the encroachment of the deck they are working with Public Works on language for an easement; he understands that it is not allowed by code. The Borough will not allow it to occur. As for the 3:1 width requirement they will be providing valid reasons to allow that and the Borough is the last authority to allow the exception. He further provided comment on those reasons. He then provided information on the drainage and what the Engineer is working on to address those issues. The owners are trying to provide more affordable housing for the community. He then provided some input on neighboring properties that are built to the same percentage of 35% the one difference is they are proposing shared driveways.

Chair Smith opened the public comment portion.

Kristen Lamb-Reilly, applicant, introduced herself and her son and their intent to build a pleasing and aesthetic development and provided a brief history of their relationship living and visiting Homer.

McKennen Lamb, resident and applicant spoke to the application and the intent to work with the City and neighboring property owners on their project. If they can fix the deck encroachment they will and if a lot needs to be removed then that can happen.

Linda Rourke, adjacent property owner to the west at the end of Hillside, expressed concerns with drainage, and the density of the project and it appears very overwhelming and did not support exceptions to code. She continued by stating that the land shakes when you put large equipment on it. She has submitted written testimony as well. She opined that large development projects will make it not a nice place to live.

Jon Faulkner, city resident, close property owner, spoke in opposition to the project, in his opinion this appeared to be a subdivision plat when it should be a rezone. He believed it was effectively rezoning rural residential land. He questioned where the zoning ordinances that relate to rezoning, as they regard findings of fact that the Commission typically has to make relating to impacts of adjacent values. He questioned the public need for smaller lots, how many existing lots were for sale in town with utilities. He did not think that there was a demand for smaller lots. Mr. Faulkner then stated that it was not in character and keeping with the surrounding neighborhood which was one of the findings that typically are in conjunction with a rezone application. He stated that this is a gateway to this town and then expressed the aesthetic values that the current development on Baycrest provides. Mr. Faulkner urged the commission to consider this a back door rezone and that the entire neighborhood of Hillside is on record opposing this sort of rezone.

Sarah Faulkner, city resident, echoed the comments expressed by Linda Rourke and her husband Jon Faulkner. She stated further that they live between West Hill and Hillside Acres in neighboring subdivisions and fought really hard to keep it that way during the earlier meeting regarding rezoning earlier this year.



The neighbors are not happy with the proposed project and you have a lot letters in your packets from neighbors who are unhappy about this project. They just found out about this today as they were not included in the notification. She expressed concerns regarding the exceptions to code, the encroachments, setbacks, parking, steep slope development and fire response. Ms. Faulkner noted that there were wetlands and runoff drainages into the Bidarki Creek as well.

Susan Jeffrey, city resident, sharing a property line with the proposed development, expressed her concerns about the slope and removal of vegetation and the possible significant erosion that would cause. She noted that there was very wet soil there and it did not conduct water well and it is a jiggly mess. Ms. Jeffrey stated that she is not opposed to developing this project but thought it was overkill and requested the applicants to consider half the lots not eleven.

Mike Jeffrey, city resident, he lives right up the hill above the proposed development and he expressed concerns on installation of utilities, removal of trees, the land is hilly and not sure how they would develop them and possible erosion. He understands that the town needs more affordable places to rent or live.

Chair Smith stated for the record that the Applicants and Mr. Latimer will be able to respond to comments after the public comment period is closed.

Chair Smith hearing and seeing no other members of the public wishing to provide comment closed the public comment period. He offered rebuttal to City Planner Abboud who declined.

Chair Smith then opened the floor to questions from the Commission, noting that they could question the City Planner, Applicant, Mr. Latimer or any of the members of the public who commented.

The Following questions were responded to by the Applications and Mr. Latimer:

- Motive for creating eleven lots.
  - o The intent was to create a development of small lots and small affordable houses and to disturb the soil as minimally as possible.
  - o The reason for maximizing the number of lots was primarily to make it affordable. This cannot be accomplished with fewer lots and not naturally increase the cost of the overall project. The cost of the infrastructure would then be split between less numbers of lots. There is a need to have a safe refuge in economic troubling times.
- Creating less lots and constructing duplexes or triplexes
  - o Considerations was given to construction of condominiums which creates a clustering of homes but this does not change the infrastructure
  - o Condominiums or similar developments then depend on creation of a oversight for maintenance for the life of the project. If there is one non-payer then that share of cost is spread to all other property owners. IT is believed that the pride of ownership being a property owner and creation of requirements and rules written into the development agreement will take care of that and empower people to be responsible and not have to police each other.
- Creating underground utilities versus overhead
  - o All utilities will be underground unless there is a reason that it cannot be constructed as such.



- City Code requires underground utilities

Chair Smith recognized Mr. Faulkner stating that the public comment period has expired and he would have to request a motion to suspend the rules.

- When standing on the sidewalk at the highway level and looking at the land, the existing houses are higher up but the area between the house and road are lower, is there plans to bring in fill for that area
  - One of the issues with bringing fill in would be extensive compaction and if that is not done right you would create avalanche slope effect and the water gets underneath and wash it out which we do not want it washing into Bidarki Creek. The area was reviewed for the placement of the homes with the surveyor on the placement of the structures based on the natural clearings to minimize the amount of trees and vegetation removal and maintaining the strongest strength of soil naturally. Further explanation was provided on proposed building foundations.
- Awareness of the soils, wetlands, Bidarki Creek cutting through and in the event of an earthquake possible jellification of the slopes, was there any concerns?
  - John Bishop, Engineer has reviewed this property and while he has been very busy and has not been able to devote and extreme amount of time, he has expressed that the issues you have brought up are solvable and they will be minimizing the impact on any disturbance by using the helical piles.

There was no further questions or comments from the Commission.

Chair Smith requested a motion and second.

HIGHLAND/STARK MOVED TO ADOPT STAFF REPORT 22-60 AND RECOMMEND APPROVAL OF A PRELIMINARY PLAT TO DEDICATE A CUL DE SAC AND SUBDIVIDE TWO LOTS INTO ELEVEN LOTS WITH THE FOLLOWING COMMENTS:

1. INCLUDE A PLAT NOTE STATING "PROPERTY OWNER SHOULD CONTACT THE ARMY CORPS OF ENGINEERS PRIOR TO ANY ON-SITE DEVELOPMENT OR CONSTRUCTION ACTIVITY TO OBTAIN THE MOST CURRENT WETLAND DESIGNATION (IF ANY). PROPERTY OWNERS ARE RESPONSIBLE FOR OBTAINING ALL REQUIRED LOCAL, STATE AND FEDERAL PERMITS."
2. DEDICATE A 15 FOOT UTILITY EASEMENT ADJACENT TO ALL RIGHTS OF WAY PER HCC 22.10.051.
3. RESOLVE THE DECK AND STAIRWAY ENCROACHMENT BETWEEN LOTS 5 AND 7 AND ENSURE ALL STRUCTURES MEET ZONING CODE SETBACK REQUIREMENTS.
4. ALL FUTURE DEVELOPMENT MUST MEET APPLICABLE REGULATIONS AT THE TIME OF CONSTRUCTION, INCLUDING SETBACK REQUIREMENTS FOR DECKS AND STAIRWAYS.
5. A STREET NAME IS REQUIRED FOR THE NEW CUL-DE-SAC.
6. THE LONG SHARED DRIVEWAY EASEMENTS SHOULD BE NOTED ON THE PLAT AND PREFERABLY NAMED FOR E- 911 PURPOSES. THE SHORTER WESTERN SHARED DRIVEWAY EASEMENT SHOULD BE NOTED ON THE PLAT BUT DOES NOT NEED TO BE NAMED.
7. VERIFY PROPERTY OWNERS TO BE INCLUDED ON THE PLAT.



Discussion ensued with Commissioners expressing their concern on the amount of development proposed for this property and while supportive of a tiny home development this property is not the appropriate place; technical issues of drainage, slope and soils can be addressed but comments from the public should be addressed; the concept of eleven different homes and properties on this property with regard to the slope and drainage issues; total of three acres and developing nine additional homes and rural residential does not encompass the number of structures on the amount of buildable property; the consideration of reducing the number of lots and constructing condominiums and or duplexes/triplexes which may be a more suitable; previously considering to rezone the area from Rural Residential to Urban Residential.

City Planner Abboud advised that if the Commission votes this down that they are very specific on the reasons for voting in opposition as it will go before the Borough and the City is advisory to the Borough.

Chair Smith expressed that there is a concern on having shared driveways and possible litigation between owners over damages, encroachments, etc., and public safety access.

McKennen Lamb responded quickly in response to the public safety concerns by relating his discussions with their attorney and the Fire Chief with regard to the proposed design.

Commissioner Chiappone commented on not wanting to make decisions based on aesthetics or if it was the right thing for Homer and did not see that there was a codified reason to vote against this action.

Further discussion followed pointing out the following:

- creating affordable housing needs to start somewhere
- Affordable housing may be developed on the outer edges of town, but then there is a lack of transportation.
- Applicant may come back with a condominium project which presents ambiguity
- Applicant can address concerns expressed and reduce the size and number of the lots which creates an area denser than expected or seen in the area.
- Commission is only voting on the preliminary plat and the Applicant has expressed a willingness to work with the neighboring property owners.

CONLEY/HIGHLAND MOVED TO SUSPEND THE RULES TO ALLOW THE PUBLIC TO COMMENT AGAIN ON THE ISSUE.

Commissioner Highland expressed that it was highly unusual to allow a second public comment period.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Chair Smith invited Mr. Faulkner to speak to the Commission.

Mr. Faulkner, city resident, commented on raising his hand to ask a technical question and was will to wait until the end of the meeting, and stated it was not his intent to provide more testimony. He continued by asking, how is the subdivision that creates lots that are not allowed in the zoning district legal and is there a determination by an authority on this, that it is legal? he reiterated his opinion that this was a technical question.

Chair Smith deferred to City Planner Abboud.



City Planner Abboud responded that he would not recommend anything illegal, and in city code for Rural Residential District, if property is served by water and sewer, lots can be subdivided to 10,000 square feet.

Sarah Faulkner, stated that she understood the 10,000 square foot size but did not believe the contour of the parcel was not conducive to that, maybe if it was flat it may make sense. She continued by that there is so much that is undevelopable that you are squishing the development into the areas that are available. Ms. Faulkner further commented that Homer does not have a house shortage, what they have is a housing shortage due to all the short term rentals which the City still has not figured out how to manage and regulate. Ms. Faulkner continued by commenting that there are plenty of houses, it's just people of renting only short term and if that gets solved then there will be plenty of homes for people.

Mr. Jeffrey posed a question that you are making an exception to the rules you are then not following the rules.

City Planner Abboud responded that they were following Borough code and this is allowed. There is a provision for making these decisions. In Homer you can divide into 10000 square foot lots and the Commission can recommend whether they support the exceptions or not.

Commissioner Highland stated that this is the problem with this, referring to suspension of the rules to allow public comment, as members of the public and applicants were speaking without being recognized.

Mr. Lamb responded to concerns regarding lot size, 3:1 and doing what was best for the property and neighbors and if they were required to reduce by a lot then they will reduce the number of lots.

Karin Marks, city resident, commented on hearing a presentation on short term rentals and the housing issue is much more complex than having to do with short term housing. She then noted that the neighborhood that is at the corner of West Hill Road and Sterling Highway is made up of 10,000 square foot lots which is a somewhat dense complex so in her opinion it would not be unthinkable for one to see another dense neighborhood while traveling up Baycrest Hill.

Chair Smith closed the second public comment period.

Discussion continued on the concerns brought forward and the following points were reiterated:

- final decision is at the Borough level
  - o In past decisions the borough has followed the recommendations of the City and did not want the sentiment of the Borough will handle this issue to be part of this Commission's thinking.
  - o Commission appears to be divided on this action by comments expressed
- the action is meeting the regulations and requirements in code and what would direct us to request the smaller lot size
- Referral to the Comprehensive Plan recommendations
- Consideration to make an amendment to the motion to make less lots
  - o If they reduce the recommendation to lower the subdivision to five lots from eleven lots can they do this procedurally

City Planning Abboud responded that the applicant has submitted their plat and paid the fees, the Commission votes it up or down, the Applicant can make amendments to their plans and resubmit to the



Commission or they can take it to the Borough. If they submit something different to the Borough, the Borough will contact the City and ask if the Planning Commission wants to review this again which due to the response we have gotten he will tell them yes. It might be a small thing and you can reconfigure a lot but it would be worth reviewing it again at this body to get a positive recommendation up to the Borough.

Commissioner Stark commented on the application being within the legal rights but the negative response from the public and neighboring properties that the Applicants should work further with the City Planner to address the concerns expressed tonight. He then stressed they are voting on the preliminary plat.

Commissioner Highland expressed the main the concern is that if this Commission votes to recommend approval it goes to the Borough and they will approve it and this Commission will not see it again.

City Planner Abboud confirmed that the Applicant could bring this action to the Borough even though the Commission did not recommend approval.

**STARK/HIGHLAND MOVED TO AMEND MOTION TO REDUCE THE NUMBER OF LOTS.**

A brief discussion on just recommending the number of lots be reduced without being specific on the number of lots to reduce to; over regulations on development; provide the opportunity to the applicants to reduce the number of lots and bring it back to the Commission; amending the motion does exactly that as the Applicant has expressed a willingness to work with the city and neighbors.

**VOTE. NO. SMITH, CHIAPPONE, CONLEY**

**VOTE. YES. HIGHLAND, STARK**

Motion failed.

There was no further discussion on the main motion.

**VOTE. YES. CHIAPPONE, STARK**

**VOTE. NO. HIGHLAND, CONLEY, SMITH.**

Motion failed.

Chair Smith called for a recess at 8:50 p.m. He called the meeting back to order at 8:58 p.m.

## **PUBLIC HEARINGS**

A. Staff Report 22-59, Conditional Uses and Structures - Draft Ordinance Amending Title 21 Sections 21.12. Rural Residential District; 21.14, Urban Residential District; 21.16 Residential Office District 21.18 Central Business District; 21.20 Town Center District; 21.22 Gateway Business District; 21.24 GC1 General Commercial District 1; 21.26 GC2 General Commercial District 2; 21.27 East End Mixed Use District Regarding Conditional Uses in Each District. Planning Commission.

Staff Report 22-59 Conditional Use Permit Reduction

Chair Smith introduced the item by reading of the title and deferred to City Planner Abboud.

City Planner Abboud reviewed Staff Report 22-59 and noted the actions taken by the Planning Commission in each of the zoning districts. He noted the ordinance provides the input from the Commissioners at the September 7, 2022 regular meeting. City Planner Abboud stated that he has made some minor changes on intent and impact and provided the comprehensive review on the proposed amendments.



Chair Smith open the Public Hearing.

Karen Marks, city resident, commented that she appreciated the Commissions work on this and believed it will move toward an easier business climate and provides the time to work on those things that exceptionally difficult.

Jon Faulkner, 35 year city resident, owner operator of Lands' End Resort urged the Commission to consider a broader outreach as this significant change warrants more than social media, newspaper, and radio as they don't quite capture getting the word out to the community. He believed that this was a community consensus-driven process, and should use direct mail to advise the community. He believed that would be worth the costs of a dollar per resident at 3200 residents. He lives here and very specifically engaged and he learned about this because of attending the meeting to comment on another matter, but he believes that there are a lot of people like himself who care a great deal about this town and they may not be aware of some of these significant changes that this Commission is putting a lot of time into and Mr. Faulkner applauded the Commission for that effort. He then stated that he is an expert in development as he has spent a lifetime doing it. Condominium, hotel, residential, etcetera, etcetera. He believed that if you are truly interested in affordable housing because it is becoming the same word and almost a justification for everything that is being done he would like the Commission to apply the brakes on it for a bit and think about the context of these changes. What developer like himself might actually think about building affordable housing? An 8000 square foot limitation is the biggest impediment in his view to multifamily inexpensive housing. You are not going to get it from detached houses and that is where you keep focusing your energy. He referenced the development by Alex Treweiler located in Old Town as being a successful model. Mr. Faulkner provided an example of developing an 8000 square foot lot and the difficulties that would present to a developer. He requested the Commission to think about direct mailing the residents so that they can gain consensus on these changes.

Ken Castner, stated that when he became Mayor it was his ambition to reduce the number of conditional use permits, because that's been the root of almost all city litigation in court, and he urged the Commission at that time to either allow it or not. When there is a condition that can be permitted under certain set of circumstances, you are going to tell them how they have to conform. So there is a conformity issue, as well as the application where what you have effectively done through this change, and I congratulate you on doing it, because he believes it brings certainty by definitively stating what is either allowed or not. A person can still go for a conditional use permit, but with the expectation that there is going to be conditions.

Chair Smith seeing no further persons coming forward to provide testimony closed the public hearing. He then deferred to questions from the Commission.

Commissioner Highland noted a typographical error on line 18 of the draft ordinance, the word should be "forth" not "for" as written. She then questioned the number of residents in Homer is more in the number of 5500 referring to the comment from Mr. Faulkner regarding mailing notice of action to all city residents.

City Planner Abboud provided clarification that there are a few more opportunities to comment on this action as it will be going before the City Council. He then provided additional clarification and purpose for the changes that the Commission is recommending.

Chair Smith requested a motion and second.

HIGHLAND/CONLEY MOVE TO ADOPT STAFF REPORT 22-59 AND FORWARD DRAFT ORDINANCE AMENDING HOMER CITY CODE SECTIONS 21.12 RURAL RESIDENTIAL DISTRICT; 21.14, URBAN RESIDENTIAL DISTRICT; 21.16 RESIDENTIAL OFFICE DISTRICT; 21.18, CENTRAL BUSINESS DISTRICT; 21.20, TOWN CENTER DISTRICT;



21.22, GATEWAY BUSINESS DISTRICT; 21.24, GENERAL COMMERCIAL 1 DISTRICT; 21.26, GENERAL COMMERCIAL 2 DISTRICT; AND HOMER CITY CODE 21.27, EAST END MIXED USE DISTRICT REGARDING CONDITIONAL USES IN EACH DISTRICT TO CITY COUNCIL.

Commissioners commented on the time spent and the efforts expending in putting the information together to make all the changes.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

**PENDING BUSINESS**

- A. Memorandum from Deputy City Clerk re: Final Draft Recommendations for Ordinance 22-42

Chair Smith introduced the item by reading of the title and deferred to City Planner Abboud.

City Planner Abboud reviewed the Memorandum prepared by Deputy City Clerk Krause.

Chair Smith requested any amendments from the Commission, noting that the Clerk has requested all amendments be made by a motion.

HIGHLAND/STARK MOVED TO AMEND THE MEMORANDUM, RECOMMENDATION NUMBER TWO, TO STRIKE LANGUAGE AFTER THE WORD "PLANS".

Chair Smith noted that this amended statement was more representative of the overall discussion by the Commission to be sent to Council.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Chair Smith requested additional amendments to the memorandum and hearing none he then requested a motion and second to adopt the memorandum as amended.

HIGHLAND/STARK MOVED TO ADOPT THE MEMORANDUM REGARDING RECOMMENDATIONS ON ORDINANCE 22-42 AS AMENDED AND FORWARD TO CITY COUNCIL FOR THE SEPTEMBER 26, 2022 MEETING.

There was no further discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Mayor Castner confirmed with the Clerk that there was a position on the Council agenda for this item.

## **NEW BUSINESS**

### **INFORMATIONAL MATERIALS**

- A. Memorandum from City Clerk re: Implementation of New Agenda Management Software
- B. Planning Commission Calendar 2022
- C. City Manager's Report for City Council Meeting on September 12, 2022

### **COMMENTS OF THE AUDIENCE**

### **COMMENTS OF THE STAFF**

Deputy City Clerk Krause commented that the Commission did some fine work getting through everything on the agenda tonight.

### **COMMENTS OF THE COMMISSION**

Commissioner Conley expressed his appreciation for the work provided by the staff and the Commission working through the items.

Commissioner Chiappone expressed his appreciation for the work of the Clerk and the City Planner and that it was a very interesting meeting.

Commissioner Stark expressed his appreciation for everyone wrestling through a very difficult situation.

Chair Smith thanked everyone for their work tonight and doing what their conscious allows. He then noted the Transportation meeting on October 1<sup>st</sup> and encouraged everyone to attend that event however he may not as it competition with a Mariners playoff game during the same time. His attention will be divided.

### **ADJOURN**

There being no further business before the Commission, the meeting was adjourned at 9:30 p.m. The next Regular Meeting is Wednesday, October 5, 2022 at 6:30 p.m. A worksession is scheduled for 5:30 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska and via Zoom webinar.

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RENEE KRAUSE, MMC, DEPUTY CITY CLERK II

Approved: \_\_\_\_\_



# 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 22-60

TO: Homer Planning Commission **22-60**  
FROM: Rick Abboud, City Planner, AICP  
DATE: 9/15/2022  
SUBJECT: Bidarki Creek No. 5 Preliminary Plat

**Requested Action:** Recommend approval of a preliminary plat to dedicate a cul de sac, and subdivide two lots into eleven lots.

#### General Information:

Applicants:	McKennen and Rachael Lamb	Tom Latimer, Orion Surveys
Kristen Lamb-Reilly	2585 Timpview Dr	PO Box 15025
2795 Rolling Meadows Dr	Provo, UT 84604	36570 Maria Rd
Provo, UT 84604		Fritz Creek, AK 99603
Location:	Sterling Highway, west of West Hill Road, just east of Bidarki Creek	
Parcel ID:	17525012, 17525013	
Size of Existing Lot(s):	1.01 and 2.11 acres	
Size of Proposed Lots(s):	11 lots of 10,000 to 12,000 square feet	
Zoning Designation:	Rural Residential District	
Existing Land Use:	Residential, Vacant	
Surrounding Land Use:	North: Residential South: Vacant/residential East: Residential West: Residential	
Comprehensive Plan:	Chapter 4 item 1-C-1 Promote infill housing in all housing districts	
Wetland Status:	The 2005 wetland mapping shows wetlands along Bidarki Creek. The creek itself appears to be west of these properties.	
Flood Plain Status:	Zone D, flood hazards undetermined.	
BCWPD:	Not within the Bridge Creek Watershed Protection District.	
Utilities:	City water and sewer are available	
Public Notice:	Notice was sent to 36 property owners of 30 parcels as shown on the KPB tax assessor rolls.	



**Analysis:** This subdivision is within the Rural Residential District. This plat dedicates a cul de sac, and subdivides two lots into eleven lots. Staff has had discussion with the surveyor that this subdivision may not extend beyond the preliminary plat phase. This development proposal may come back to the Planning Commission as a condominium project, which would use the Conditional Use Permit process. Please be aware if the applicant applies for a conditional use permit, all ex-parte communication must be disclosed.

#### Subdivision review

The City of Homer does not have code regarding lot configuration, or driveways on private property. The survey stated in his July 1, 2022 letter to the City that he would be asking an exception to KPB20.30.190(A) for lots 4,5 and 6, which requires lots be 60 feet in width at the building setback line. Additionally, he may ask for an exception to the 3:1 depth to width requirement, if needed. Generally, the City of Homer is not in favor of non-complaint lot configurations. These lots will be served by city water and waste water, so there are no issues with well and septic system separation. Providing physical and utility access quickly becomes challenging. However there is nothing in City code that prevents the use of a shared driveway to access future homes on lots 6-11. Shared driveway easement should be part of the platting process, as some lots will be undevelopable without it.

Commission should make recommendation regarding exceptions. The Applicant has met with Public Works and has made a workable plan for the development of the lots.

#### Land development/zoning issues

There are a few issues with this proposed development that are outside the platting process but will affect the development as proposed.

The surveyor letter states they will use Mutual Use Agreements for any decks and stairs that cross property lines, however Homer City Code does not allow for this type of encroachments into side yard setbacks. Lots 5 and 7 have a shared deck and stairwell that does not meet the 5 foot side yard setback requirement. This should be resolved prior to final platting or a zoning violation will be created by the platting action. Parking for a single family home must be provided on the zone lot.

Portions of this subdivision contain steep areas. Steep slope development regulations may apply, particularly for the installation of water and sewer lines to the building sites, as those must lie within the panhandle portion of each subject lot. Utility connections between the main lines in the right of way, and the home sites, must stay within the property lines of the parcel they serve.

**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 does not meet these requirements. Dedicate a 15 foot utility easement adjacent to all rights of way per HCC 22.10.051

- 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 does not meet this requirement; a street name is required for the new cul-de-sac.

- 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 does not meet these requirements. The long shared driveway should be noted and preferably named for E 911 purposes. The shorter western shared driveway should be noted but does not need to be named.

- 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 this 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 does not meet these requirements. Lots 5 and 7 have a shared deck and stairwell that does not meet the 5 foot side yard setback requirement.

- 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. A Development Agreement is required. This will include but is not limited to water and waste water mainline extensions and construction of the new right of way dedication.

**Fire Department Comments:** No comments received.

**Staff Recommendation:**

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

1. Include a plat note stating "Property owner should contact the Army Corps of Engineers prior to any on-site development or construction activity to obtain the most current wetland designation (if any). Property owners are responsible for obtaining all required local, state and federal permits."
2. Dedicate a 15 foot utility easement adjacent to all rights of way per HCC 22.10.051.
3. Resolve the deck and stairway encroachment between lots 5 and 7 and ensure all structures meet zoning code setback requirements.
4. All future development must meet applicable regulations at the time of construction, including setback requirements for decks and stairways.
5. A street name is required for the new cul-de-sac.
6. The long shared driveway easements should be noted on the plat and preferably named for E-911 purposes. The shorter western shared driveway easement should be noted on the plat but does not need to be named.
7. Verify property owners to be included on the plat.

**Attachments:**

1. Preliminary Plat
2. Working Drawing w/contours
3. Surveyor and Applicant Letters
4. Public Notice
5. Aerial Map

# NOTES:

1. This subdivision is subject to Homer City Code.
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 subdivision is subject to the zoning regulations of the City of Homer. Portions of this subdivision may contain wetlands. Owners should consult with the City of Homer Planning Dept. and the Army Corps of Engineers prior to any development activity.
4. The location of the northerly edge of the ROW of the Sterling Highway is shown per Bidarki Creek No. 4 HM2012-27.
5. Per Plat HM2007-106 a 50' wide drainage easement on each side of the centerline of Bidarki Creek for maintenance purposes regarding drainage for the Sterling Highway.

## LEGEND

- Found Survey Monument
- Set 2" Alcap on 5/8"x30" rebar
- Fire Hydrant
- Bollard
- Abandoned CHP Well
- Utility Pole with anchor

Wetlands areas per KWF Wetland Assessment (Typical)

Line	Bearing	Distance
1	S76°02'22"W	118.00'
2	S74°52'46"W	121.50'
3	S75°40'07"W	119.86'
4	S23°33'05"W	136.74'

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	766.20	151.83	151.59	S68°14'01"E	112°11'15"
C2	20.00	22.25	21.72	S42°02'07"E	63°46'01"
C3	50.00	60.56	52.71	S27°45'02"E	52°12'01"
C4	50.00	21.58	21.41	N30°46'10"E	244°33'32"
C5	50.00	120.16	20.03	S94°41'07"W	233°06'22"
C6	50.00	22.76	22.57	S79°16'54"W	263°05'10"
C7	50.00	27.41	27.07	S71°58'18"E	312°24'31"
C8	50.00	10.77	10.04	N44°42'41"E	233°06'53"
C9	230.00	20.16	20.15	S30°38'28"E	50°11'19"
C10	230.00	20.46	20.46	S25°34'50"E	50°55'21"
C11	230.00	20.95	20.94	S20°29'50"E	51°11'10"
C12	230.00	21.67	21.66	N15°06'49"W	52°33'59"
C13	230.00	43.22	43.16	N07°45'02"E	104°46'00"
C14	766.20	152.45	152.43	S64°53'29"E	124°40'24"
C15	766.20	18.35	18.35	N67°32'47"W	07°18'51"
C16	766.20	158.12	158.11	N70°09'11"W	42°02'46"
C17	766.20	22.71	22.71	N73°03'41"E	174°15'33"

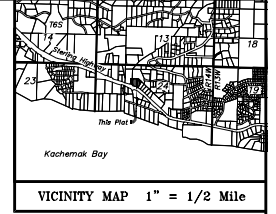


## Plat Approval:

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of \_\_\_\_\_, 20\_\_.

Kenai Peninsula Borough

By: \_\_\_\_\_  
Authorized Official



## Ownership Certificate:

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.

McKennen Lamb, for former Tract 2  
2585 Timview Dr.  
Provo, UT 84604

## Notary's Acknowledgment:

For  
Acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Notary Public for Alaska  
My commission expires: \_\_\_\_\_

Rachael Lamb, for former Tract 2  
2585 Timview Dr.  
Provo, UT 84604

## Notary's Acknowledgment:

For  
Acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Notary Public for Alaska  
My commission expires: \_\_\_\_\_

Kristen Lamb Reilly, for former Tract 1  
2795 Rolling Hills Dr.  
Provo, UT 84604

## Notary's Acknowledgment:

For  
Acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Notary Public for Alaska  
My commission expires: \_\_\_\_\_

## WASTEWATER CERTIFICATE:

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

Engineer \_\_\_\_\_ License # \_\_\_\_\_ Date \_\_\_\_\_



## BIDARKI CREEK No. 5

A subdivision of Tracts 1 and 2  
Bidarki Creek No. 4 HM2012-27  
Within NW1/4, Sec. 14, T6S, R14W, S4M,  
in the City of Homer, Kenai Peninsula Borough,  
Homer Recording District,  
Third Judicial District, Alaska  
Containing 3.114 Acres

Prepared for:  
McKennen and Rachael Lamb  
2585 Timview Dr.  
Provo, Utah 84604 and  
Kristen Lamb Reilly  
2795 Rolling Hills Dr.  
Provo, Utah 84604

Prepared by:  
Orion Surveys  
PO Box 15025,  
36570 Maria Road,  
Fritz Creek, AK 99603  
(907) 399-7028  
tom@orionsurveys.com

Scale: 1"=30'  
Date: 8/24/2022  
KPB File No. 2022-  
Job# 965

PRELIMINARY

# NOTES:

1. This subdivision is subject to Home City Code.
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 subdivision is subject to the zoning regulations of the City of Homer. Portions of this subdivision may contain wetlands. Owners should consult with the City of Homer Planning Dept. and the Army Corps of Engineers prior to any development activity.
4. The location of the northern edge of the ROW of the Sterling Highway is shown per Bidarka Creek No. 4 HM2012-27.
5. Per-Act HM2007-106 a 50' wide drainage easement on each side of the centerline of Bidarka Creek for maintenance purpose regarding drainage for the Sterling Highway.

## LEGEND

- Survey Monument
- Set 2" cap on 5/8"x3/8" rebar
- Fire hydrant
- Bollard
- Abandoned CMP Well
- Utility Pole with anchor

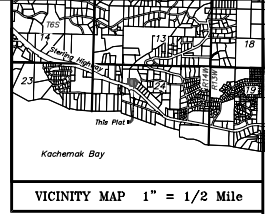
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C4	50.00	21.58	21.41	N30°46'10"E	244°3'32"
C5	50.00	20.16	20.03	S54°41'07"W	245°55'22"
C6	50.00	22.76	22.57	S79°46'54"W	265°05'10"
C7	50.00	27.41	27.07	S71°58'18"E	312°24'31"
C8	50.00	20.17	20.04	N44°41'11"E	218°5'51"
C9	230.00	20.16	20.15	S30°38'25"E	50°11'19"
C10	230.00	20.46	20.46	S25°34'50"E	50°55'51"
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C12	230.00	21.67	21.66	N15°06'49"W	52°3'52"
C13	230.00	43.22	43.18	S07°01'52"E	97°12'01"
C14	766.20	152.45	152.43	S04°53'28"E	244°0'24"
C15	766.20	18.35	18.35	N67°35'47"W	07°18'51"
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C17	766.20	22.71	22.71	N71°03'41"W	141°53'31"



## Plat Approval:

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of \_\_\_\_\_, 20\_\_\_\_.  
Kenai Peninsula Borough  
By: \_\_\_\_\_  
Authorized Official



**Ownership Certificate:**  
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.

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Notary Public for Alaska  
My commission expires: \_\_\_\_\_

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2585 Timview Dr.  
Provo, UT 84604

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Acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Notary Public for Alaska  
My commission expires: \_\_\_\_\_

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Provo, UT 84604

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Engineer \_\_\_\_\_ License # \_\_\_\_\_ Date \_\_\_\_\_



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in the City of Homer, Kenai Peninsula Borough,  
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Scale: 1"=30'  
Date: 8/24/2022  
Job # 965  
KPB File No. 2022-

Contours from KPB GIS  
Contour interval = 4'

PRELIMINARY



Orion Surveys  
PO Box 15025  
Fritz Creek, AK 99603

July 1, 2022,

Planning Staff,  
City of Homer Planning Department  
491 East Pioneer Avenue,  
Homer, AK 99669

Re: Bidarka Creek 5, preliminary plat submittal

Staff,

Please find enclosed two full size copies and one reduced (11"x17") copy of this plat and check #295 for the ~~\$300.00~~ plat submittal fee.

\$1100.00 *DR*

This proposed plat reconfigures two adjoining lots along the Sterling Highway on Baycrest hill into 11 lots. Additional right of way needs to be dedicated as shown. These lots are served by City water and sewer.

The owners plan to work with the city on a comprehensive development plan for all these lots. The plan generally is to build tiny houses on each lot using a Techno Metal post type foundation. Lot configurations are guided by this plan. All lots meet the current 10,000 Sq. Ft. size requirement for this zone.

The owners plan to grant Mutual Use Driveway Agreements to enable some common use of the flag portions of the lots if needed to meet city code for parking. They also plan to use Mutual Use Agreements for any decks that cross property lines as does the deck and stairs between Lots 5 and 7. This will allow for shared decks and stairs where applicable and will be addressed in the development plan with the city.

We plan to ask the KPB Plat Committee for exception to:

KPB 20.30.190 (A) for Lots 4, 5, and 6. While city code governs the setback on these lots these lots do not meet the borough requirement to be 60' wide at the building setback. While flag portions could be designed on these lots the configuration shown is governed by the existing houses. These lots will be difficult to evaluate for the 3:1 depth to width requirement but it is likely that Lots 4 and 5 will be close. If the KPB staff determines that these lots do not meet the 3:1 criteria we will be asking for exception to that part of the code also.

Please contact me if you have any questions.

Sincerely



Tom Latimer

encl

Full size paper plats (2)

Reduced paper plat (11"x17")

Plat fee \$300.00, Check #295

#1100<sup>00</sup>  
T2

July 6, 2022

Homer City, To Whom It May Concern:

I just wanted to do a quick introduction. Our family has been coming to Alaska every summer for the past almost 20 years. We LOVE Homer and have dreamed of having it as part of what we call "home". My son and his wife (McKennen and Rachael Lamb) moved there a few years ago for work during the summers but made the decision last year to make it their year round home. (I miss them dearly and look for every opportunity to visit.)

My husband and I bought the property next to my son and we decided to create this development together so that we could find more ways to spend time there with them. My background is in interior design and construction but I also served on the planning commission for the Town of Woodland Hills in Utah. My greatest concern while I lived and served in WH was to make sure we were able to maintain the natural beauty that drew us there. We feel the same way about Homer. Our goal in this process is to create a beautiful gateway community that sets a standard anyone would be proud to call home.

There are several things we looked at while creating this site plan which we think you'll appreciate.

1. We love the trees and wanted to protect them with as little disruption as possible, leaving the natural surroundings intact. As you'll notice, we've designed the cul-de-sac into the natural clearing that's already there. Although it's not easily seen on the plat, the cul-de-sac is actually much farther away from the main road than it appears which we love. It lets you safely enter and exit the subdivision with one well designed access point instead of each lot trying to enter the busy road from multiple locations.
2. We wanted to make sure the homes could be placed in undisturbed locations as well which you can see on the plans with the tentative sample build zones. They are in natural clearings where beautiful usable yards can be easily maintained.
3. We've also thought through parking. Though we've shown the plat with the minimum 2 stalls per lot, we also wanted to consider the visiting guest as well. We've been that "guest" on many occasions over the years when we've come to visit Homer and parking was a bit challenging so we've planned a few extra "guests parking" spots off the road for good measure. We hope you don't mind that we added those into the mix.
4. We wanted to create something that was affordable AND beautiful. The homes aren't large but will be inviting and functional. Young couples or old would enjoy the beauty we are creating. Beautiful "affordable" homes are hard to find so we felt like this would be a perfect place.

We are excited to be part of the permanent community and want to help keep the natural beauty that exists and bring a fun vibe with us in all that we create together with the city of Homer. We are anxious to move forward so please let us know if we've missed anything.

Sincerely,  
Kristen Lamb-Reilly (801-420-5812)



## 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:

### **Bidarki Creek No. 5 Preliminary Plat**

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 August 3, 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.

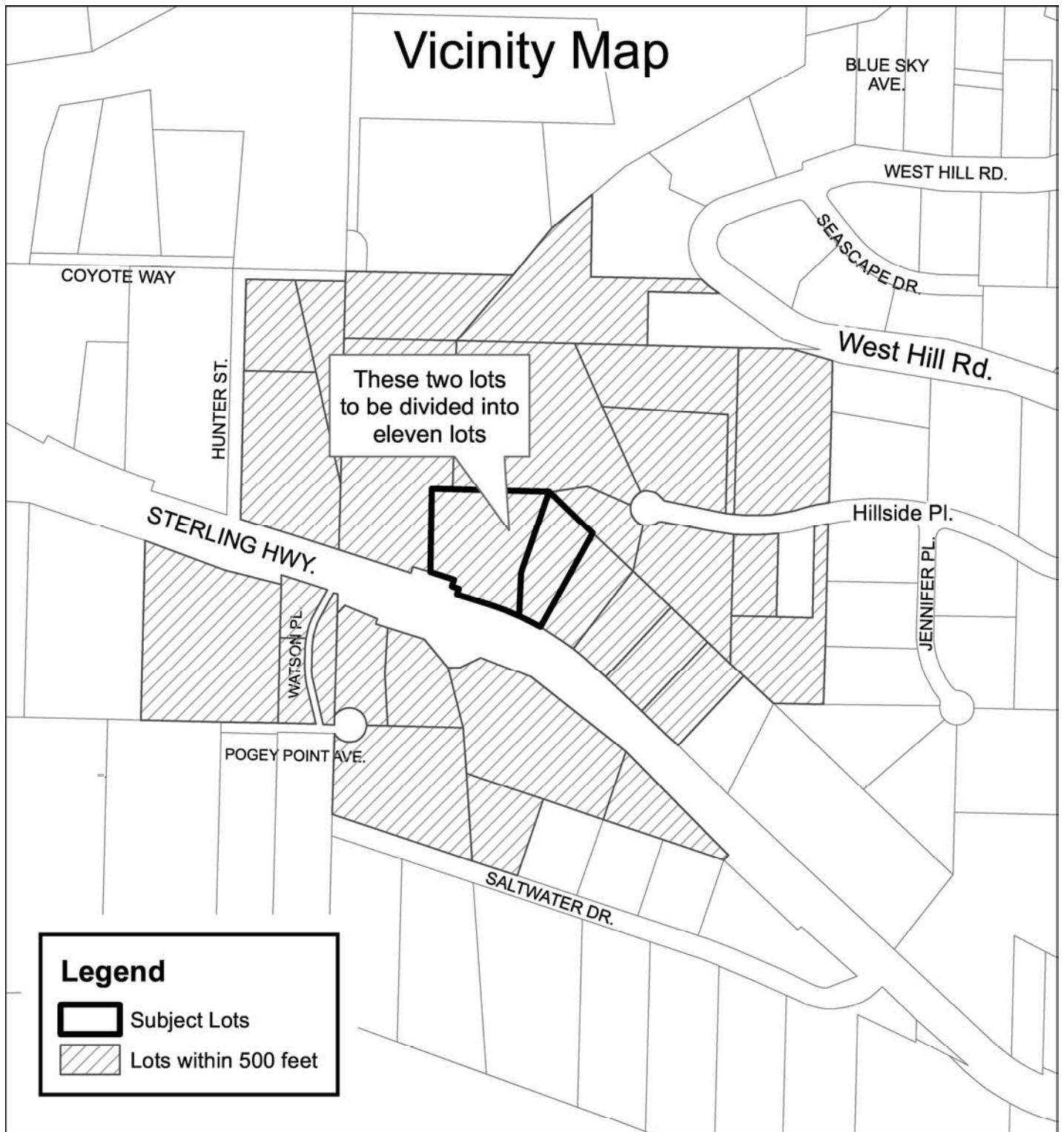
If you have questions or would like additional information, contact Rick Abboud at the Planning and Zoning Office. Phone: (907) 235-3106, email: [clerk@cityofhomer-ak.gov](mailto:clerk@cityofhomer-ak.gov), or in-person at Homer City Hall.

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

-----

## VICINITY MAP ON REVERSE

# Vicinity Map



## Legend



Subject Lots



Lots within 500 feet



City of Homer  
Planning and Zoning Department

July 21, 2022

## Request for Bidarki Creek 5 Preliminary Plat

Marked lots are within 500 feet and  
property owners notified.

0 250 500 Feet



**Disclaimer:**  
It is expressly understood the City of  
Homer, its council, board,  
departments, employees and agents are  
not responsible for any errors or omissions  
contained herein, or deductions, interpretations  
or conclusions drawn therefrom.

# NOTES:

1. This subdivision is subject to Homer City Code.
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 subdivision is subject to the zoning regulations of the City of Homer. Portions of this subdivision may contain wetlands. Owners should consult with the City of Homer/Planning Dept. and the Army Corps of Engineers prior to any development activity.
4. The location of the northerly edge of the ROW of the Sterling Highway is shown per Bidarki Creek No. 4 HM2012-27.
5. Per Plat HM2007-106 a 50' wide drainage easement on each side of the centerline of Bidarki Creek for maintenance purposes regarding drainage for the Sterling Highway.

## LEGEND

- Found Survey Monument
- Set 2" Alcap on 5/8"x30" rebar
- Fire Hydrant
- Bollard
- Abandoned CHP Well
- Utility Pole with anchor

Wetlands areas per KWF Wetland Assessment (Typical)

Line	Bearing	Distance
1	S76°02'22"W	118.00'
2	S74°42'46"W	101.00'
3	S75°40'07"W	118.86'
4	S23°33'05"W	136.14'

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	766.20	151.83	151.59	S68°14'01"E	112°11'15"
C2	20.00	22.25	21.12	S42°02'07"E	63°46'01"
C3	50.00	80.56	72.13	S27°45'01"E	52°12'01"
C4	50.00	21.58	21.41	N30°46'10"E	244°33'32"
C5	50.00	120.16	120.03	S54°41'07"W	233°36'22"
C6	50.00	22.76	22.57	S29°16'54"W	263°55'10"
C7	50.00	27.41	27.07	S71°58'18"E	31°24'31"
C8	50.00	10.17	10.04	N44°42'41"W	233°36'53"
C9	230.00	20.16	20.15	S30°38'25"E	50°11'19"
C10	230.00	20.46	20.46	S25°34'50"E	55°55'51"
C11	230.00	20.95	20.94	S20°29'50"E	51°11'10"
C12	230.00	21.67	21.66	N15°06'49"W	52°33'59"
C13	230.00	43.22	43.16	N07°01'52"E	10°46'00"
C14	766.20	162.45	166.43	S64°53'29"E	14°40'12"
C15	766.20	18.35	18.35	N67°32'47"W	07°18'51"
C16	766.20	158.12	158.11	N70°09'11"W	4°20'46"
C17	766.20	22.71	22.71	N73°03'41"E	1°41'53"

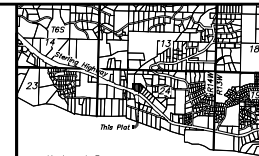


## Plat Approval:

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of \_\_\_\_\_, 2022

Kenai Peninsula Borough

By: \_\_\_\_\_  
Authorized Official



VICINITY MAP 1" = 1/2 Mile

## Ownership Certificate:

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.

McKennen Lamb  
2585 Timpanew Dr.  
Provo, UT 84604

## Notary's Acknowledgement:

For \_\_\_\_\_  
Acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Notary Public for Alaska  
My commission expires: \_\_\_\_\_

Rachael Lamb  
2585 Timpanew Dr.  
Provo, UT 84604

## Notary's Acknowledgement:

For \_\_\_\_\_  
Acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Notary Public for Alaska  
My commission expires: \_\_\_\_\_

## WASTEWATER CERTIFICATE:

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

Engineer \_\_\_\_\_ License # \_\_\_\_\_ Date \_\_\_\_\_



## BIDARKI CREEK No. 5

A subdivision of Tracts 1 and 2  
Bidarki Creek No. 4 HM2012-27  
Within NW1/4, Sec. 14, T6S, R14W, S4M,  
in the City of Homer, Kenai Peninsula Borough,  
Homer Recording District,  
Third Judicial District, Alaska  
Containing 3.114 Acres

Prepared for:  
McKennen and Rachael Lamb  
2585 Timpanew Dr.  
Provo, Utah 84604

Prepared by:  
Orion Surveys  
PO Box 15025,  
36570 Maria Road,  
Fritz Creek, AK 99603  
(907) 399-7028  
tom@orionsurveys.com

Scale: 1"=30'  
PB: 24 Job# 965 Date: 5/5/2022  
KPB File No. 2022-

PRELIMINARY



# Aerial Map



**City of Homer**  
**Planning and Zoning Department**

July 21, 2022

## Request for Bidarki Creek 5 Preliminary Plat

Marked lots are within 500 feet and  
property owners notified.

0 250 500 Feet



**Disclaimer:**  
It is expressly understood the City of  
Homer, its council, board,  
departments, employees and agents are  
not responsible for any errors or omissions  
contained herein, or deductions, interpretations  
or conclusions drawn therefrom.

AUG 02 2022 PM 01:50  
RT

August 2, 2022

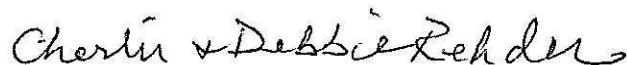
Attention: Homer Planning Commission

We have major concerns about the new Bidarki Creek No.5 Preliminary Plat that is up for consideration.

Since we are zoned Rural Residential and would like to remain that way, we feel this proposed subdivision is too dense in relationship to the surrounding area and the watershed needs to be factored in. We would request that no exceptions to our current rules and regulations be made for the newly proposed subdivision.

As lifelong Homer residents, we feel there is enough Urban Residential area East of West Hill and would like to maintain the Rural Residential feel that we currently have.

Thank you for your time,



Charlie and Debbie Rehder



**From:** Travis Brown  
**To:** Rick Abboud  
**Subject:** FW: Written Testimony for Commission/Board Meetings  
**Date:** Tuesday, August 2, 2022 10:31:01 AM

---

Just want to make sure you got this

**From:** Jeffres <homer-ak@municodeweb.com>  
**Sent:** Tuesday, August 2, 2022 4:46 AM  
**To:** Travis Brown <tbrown@ci.homer.ak.us>  
**Subject:** Written Testimony for Commission/Board Meetings

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Written Testimony for the Planning Commission Name:  
Susan Jeffres Email: [Fljeffres@msn.com](mailto:Fljeffres@msn.com) Phone: 303-909-4280 Residency: City Resident Meeting to  
Participate In: Planning Commission Regular Meeting  
Wed, 08/03 Plat Consideration (Planning Commission  
Only) - Citizens may comment on plats scheduled for  
consideration. Bidarki Creek No. 5 Written Testimony:  
I am writing in opposition to the proposed platting change  
to Bidarki Creek No. 5. We live on 7-A and have first  
hand knowledge of the drainage issues and steep slopes  
that some of these lots will have. Also, with the  
watershed right there, the environmental impact is huge.  
Additionally, the density of housing is not in keeping with  
the surrounding neighborhood. Please abide by the  
codes and regulations already in place and deny this  
change.

Electronic Signature: Susan Jeffres Submitted on  
Tuesday, August 2, 2022 - 4:45am The results of this  
submission may be viewed at: <https://www.cityofhomer-ak.gov/node/60481/submission/49651>



# DESK PACKET

*(ITEMS THAT CAME IN AFTER MEETING PACKET WAS POSTED)*

**E5. Bidarki Creek No. 5; KPB File 2022-160**

## Quinton, Madeleine

---

**From:** Kristen Lamb <kristen.lamb10@gmail.com>  
**Sent:** Tuesday, November 8, 2022 11:45 AM  
**To:** Quinton, Madeleine  
**Subject:** <EXTERNAL-SENDER>Bidarki Creek No 5

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

Madeleine,

Thanks for sending the certified letter regarding the Bidarki Creek No 5 Subdivision. Nothing in the Deed of Trust within Serial Number 2021-003891-01-0, Homer Recording District prohibits or limits the request for subdivision. Please consider this the formal notice of NON-OBJECTION which will allow the plat to proceed prior to the end of the 30-day time frame. We fully support the process.

Let me know if you need something mailed to you as well, if not, Im good with this being printed and standing as our formal support.

Kristen Lamb  
801-420-5812  
[kristen.lamb10@gmail.com](mailto:kristen.lamb10@gmail.com)

Fax 907-714-2378

File No 2022-160

Paul Finney wish to oppose  
this subdivision / Replat

For the same reasons the  
City of Homer THE Residents vote  
it down once before Hope  
Borough Does the same

THANK YOU

Paul Finney  
1588 Hillside Place  
Homer AK 99603

Public Hearing Nov 14/22 530pm



November 1, 2022

Kenai Peninsula Borough - Planning and Zoning Committee

KPB File No. 2022 -160

Petitioner(s)/Land Owners:

McKennen and Rachael Lamb and Kristen Lamb Reilly of Provo, Utah

I am writing this as a concerned property owner, (Hillside Acres Tract 7B), which borders the proposed Bidarki Creek #5 Preliminary Plat.

First and foremost - the land west of West Hill Road is zoned Rural Residential, which has been addressed at numerous Homer zoning meetings. The following decisions have been made:

April 20, 2022 - Minutes Homer Planning Commission - Land west of West Hill Road remains "rural residential"; east of West Hill Road rezoned "urban residential"

August 2022 - The initial Bidarki proposal was withdrawn by owners

September 21, 2022 - Minutes Homer Planning Commission - Recommendation for this proposal was denied by Homer Planning and Zoning

Please do not override local jurisdiction on this matter.

In my review, this preliminary proposal is flawed in many ways:

1. Rural Residential was designed to be low in population density this proposal creates a high density population area
2. The excavation to create all ten access areas (driveways) and to install all the water/ sewer lines will be very disruptive to the hillside area

3. The topography of the area (much over 20% slope, wetlands and watershed) will also make this type of development not only disruptive, but somewhat impossible - Homer City Planning committee referred to the need for the army corp of engineers
4. The cost of \$26k per lot to hook up city water/sewer would be considered a deterrent
5. This water/sewer charges also raises a question with Homer city finance as to whether original lot owners would get a rebate on their portions of water/sewer costs
6. The fire department must have an opportunity to view this proposal.
7. Parking ideas are an unresolved issue - shared driveways are not a good solution and the cul-de-sac is half wetlands
8. Utility easements are not met (HCC 22.10.051)

In conclusion, my requests are:

- **NO** special concessions be allowed, this is not the type of development for this area
- **NO** conditional Use Permits be considered
- **NO** exceptions to ANY codes
- **NO** exceptions be made for Lot configuration
- **NO** exceptions to KPB20.30.190A regarding width and setbacks/ 3:1 Depth/ Width ration
- **NO** Mutual Use agreements crossing property lines - encroaching into setbacks

Please do not allow this proposal to move forward as presented.

Sincerely,

*LS Rourke*

Linda Schauer Rourke / Owner adjacent property



## Quainton, Madeleine

---

**From:** Cody Booth <mayancodybooth@gmail.com>  
**Sent:** Tuesday, November 8, 2022 9:28 AM  
**To:** Quainton, Madeleine  
**Subject:** <EXTERNAL-SENDER>Opposition: Bidarki Creek #5 Preliminary Plat

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

Hello,

I am the owner of the house located at 1587 Hillside Place in Homer, Alaska.

I am writing this email as my formal opposition to the rezoning proposal to the Bidarki Creek #5 Preliminary Plat.

I have lived on this specific area of town for over 30 years. I grew up here and later built a house a few doors down. I have a family of my own and chose to live here based on the surrounding neighbors who share my similar beliefs. I also chose this specific subdivision and area of town because I've always enjoyed the space between neighbors, the ability to have pets (chickens, horses, dogs etc...) and the distance and trees between my house and the highway. I strongly oppose the rezoning proposal for the Bidarki Creek #5 Preliminary Plat. Please reach out to me if you have further questions.

Thank you for your time,

Maya Rourke

1587 Hillside Place  
Homer, Alaska  
907-299-6292

**November 9, 2022**

**Kenai Peninsula Borough- Planning and Zoning Committee**

**KPB File No. 2022-160**

**Petitioner(s) Land Owners:**

**McKennen and Rachael Lamb and Kristen Lamb Reilly of Provo, Utah**

**We are writing this letter concerning the proposed Bidarki Creek #5 Preliminary Plat.**

**We currently own three Lots that border Bidarki Creek and are behind these two Lots. We were happy to see the Land west of West Hill Road remain "rural residential" and east of West Hill Road rezoned "urban residential" because of the current subdivisions that are already being developed there.**

**We request that no exceptions be made for this area and that you do not override local jurisdiction on this matter.**

**Thank you for your time,**

**Charlie and Debbie Rehder**

**From:** Mark Sass  
**To:** [Planning Dept.](#)  
**Cc:** [Gmail](#)  
**Subject:** <EXTERNAL-SENDER>Notice of subdivision/replat KPB file # 2022-160  
**Date:** Thursday, November 10, 2022 8:22:10 PM

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

Petitioner/Land owners  
McKennen and Rachael Lamb Reilly

This property plan was denied in past meeting of September 21,2022

This land is zoned Rural Residential  
The density does not fit with all land West of West Hill Rd.  
Spot zoning this dense property is NOT correct and certainly does not match the area.

Challenges  
Complexity of utilities including sewer water electricity in such a tight wet boggy drainage area would be very challenging along with future Maintance added to the narrow lot property lines. For city and homeowners  
Setbacks of structures shared driveways and all kinds of agreements needed.  
10 lots shared driveways then dumping into busy traffic coming down a hill with speed. Fire protection?  
Maintance added to the narrow lot property lines.

I do not believe the city or borough should have to amend and adjust all kinds of codes to accommodate this kind of density.

I absolutely do not want city and planning to have to start making any variances and exceptions to accommodate this.  
This development should NOT proceed as shared.

Thank you for all your work on this.  
Mark Sass  
612-919-0735  
Property owner near this property  
1641 Hillside Place.

Sent from my iPhone



# DESK PACKET

Information that came in after the  
01-06-23 meeting packet publish date

1. Bidarki Creek No. 5; KPB File 2022-160  
Orion Surveys / Lamb & Reilly  
Location: Near MP 171 Sterling Highway  
City of Homer

Kenai Peninsula Borough Planning Commission,  
144 N. Binkley,  
Soldotna, AK 99669

***Subdividers response to petitions for review of plat approval of Bidarki Creek 5, KPB File No. 2022-160 by the Kenai Peninsula Planning Commission, Plat Committee.***

This plat was approved by the Plat Committee on November 14, 2022. Several sections of Borough code have been cited by the three petitioners. Below are responses to each section of code cited.

***20.10.010. - Purpose of provisions.***

*The purpose of this title is to promote an adequate and efficient street and road system, to provide necessary easements, to provide minimum standards of survey accuracy and proper preparation of plats, and to protect and improve the health, safety and general welfare of the people.*

20.10.010 was cited by two of the petitioners. "Protect and improve the health, safety and general welfare of the people" covers all the people, neighbors and developers alike. The numerous requirements in Zoning Code, Development Standards, and Subdivision Code are all designed with this protection in mind. In cases where exceptions to code are required this section of code should be relied on but that is not the case with this subdivision. Probably the strongest protections in this case are the development standards in the City of Homer codes.

***20.25.60. - Subdivision or replat in second class city submittal procedure.***

- A. *Preliminary subdivision plats or replats lying within the corporate boundary of a second class city shall be first submitted to the city for review prior to submittal of the plat to the borough planning department.*
- B. *A preliminary plat shall not be submitted to the borough planning department for review unless the aspects of the subdivision subject to the city authority have been first approved by the city.*
- C. *The preliminary plat submitted to the city shall comply with the requirements of KPB [20.25.070](#) and [20.25.080](#).*
- D. *The city council or its designee, and, if required by city code or requested by the city council, other appropriate municipal departments, shall review the plat or replat and prepare written comments which shall be included with the submittal of the plat to the borough. The subdivider bears the responsibility for presentations to, and discussions with, the city to ensure that the final plat will conform to lawful ordinances and requirements of said city.*
- E. *Final plats submitted to the borough for approval will be submitted by the borough to said city for review by the city council or its designee when the design deviates from the preliminary plat as a condition of preliminary planning commission approval by a substantial change in alignment or a dedication of right-of-way, addition of lots, or major change in lot design which has not been*

- recommended by the city council or its designee.*
- F. *A final plat may not deviate from the preliminary plat unless the proposed revision has first been submitted to the city by the subdivider and has been approved by the city council or its designee.*
- (Ord. No. [2020-45](#), § 10, 3-2-21; Ord. No. [2014-02](#), § 1, 2-11-14)

20.25.060 was cited by all three petitioners. As to the denial of the plat by City of Homer Planning Commission, the city has determined how they want development to proceed in the city and have written their subdivision codes, development standards and zoning to control this. All parties are subject to these codes. We have demonstrated that all these codes have been and/or can and will be met during discussions with City of Homer Public Works. The plat was not rushed through the city platting process. In response to questions about code compliance for the development of this subdivision we requested postponement of the plat from the first scheduled hearing to the next Planning Commission meeting to allow time for consultation. After a review of the preliminary plans for development of these lots, staff at Public Works agreed that the development plan would be able to meet city requirements. Only after this consultation did we submit the plat to City of Homer Planning Commission for approval.

At this time preliminary engineering is underway and the plan as presented to the City of Homer is proceeding as expected with minor revisions. The engineer on the project is working with the staff at Public Works to ensure compliance with all standards. Finally, KPB is the platting authority in the entire borough including within the City of Homer. The city plat review is advisory to KPB. Any violation of city standards or code would almost certainly be honored in the KPB platting review. Prior to submittal of this plat to the City of Homer Planning Commission we checked again and again for compliance with both city and borough code and found no conflicts. Following the City of Homer Planning Commission meeting we made several minor lot redesigns and combination of two lots into a single lot. No exceptions to code were needed after these changes.

#### **20.30.040. - Streets within 100 feet of waterbodies.**

*No dedications are allowed within 100 feet of the ordinary high water line of a waterbody unless necessary for access to a lot where no reasonable alternative access exists or the dedication provides access to a bridge or public facility, waterbody or watercourse. Final plats must comply with KPB [20.60.050](#) and [20.60.060](#).*

(Ord. No. [2014-02](#), § 1, 2-11-14)

As shown on the preliminary plat the ROW dedication is greater than 100' from Bidarki creek. This separation distance was checked in the field with a tape measure and confirmed. This section of code has been complied with.

#### **20.30.190. - Lots—Dimensions.**

- A. *The size and shape of lots shall provide usable sites appropriate for the locality in which the subdivision is located and in conformance with the requirements of any zoning ordinance effective for the area in which the proposed subdivision is located. Generally lots shall be square or rectangular. Lots shall be at least 60 feet wide on the building setback line. The minimum depth shall be no less than 100 feet, and the average depth shall be no greater than three times the average width.*
- B. *The access portion of a flag lot shall not be less than 20 feet wide. A flag lot with the access portion less than 60 feet wide may be subject to a plat note indicating possible limitations on further subdivision based on access issues, development trends in the area, or topography. If the access portion is less than 60 feet wide, it may not exceed 150 feet in length. The access portion may not be used for permanent structures or wastewater disposal area, must meet the design standards of KPB [20.30.030\(A\)](#) and [20.30.090](#) for access, and, if at least 60 feet wide, will be subject to the building setback restrictions of KPB [20.30.240](#).*



The comment from Mr. Sass was that this could set a precedent for future dense developments. As we understand it the City of Homer has a goal of promoting increased density of housing within the city. A denial of this plat without a basis in code could also have the effect of creating uncertainty for future development making attainment of this goal and subdivisions in general more difficult.

Ms. Rourke's comment was that this subdivision is not appropriate for the neighborhood. This area is zoned for minimum 10,000 sq. ft. lots as we have proposed. The fact that the surrounding lots are larger than the minimum allowed in city code doesn't mean that smaller lots are to be prohibited. There are other lots of similar size adjacent to the Sterling Highway within ½ mile East of this subdivision.

### **21.18.081- Conditional use permit.**

- A. *Intent. The intent of this section is to allow special uses and structures which may be compatible with KPB [21.18.071](#) in the habitat protection district through the approval of a conditional use, if certain standards and conditions exist.*

This section of code is for conditional use permits in the Habitat Protection District and is not applicable to this subdivision.

### **Responses to Petitioners Requests for relief.**

Each of the petitioners have requested relief based on these sections of code and in some cases personal preferences. Responses to these requests for relief are listed below in order as listed on the petitioner's forms.

#### **Requests by Mr. Faulkner**

- A. We have calculated, and the city has concurred, that development on these lots is not subject to the city's steep slope development ordinance based on the method of measurement in that ordinance. The development plan takes the areas of steep slopes that do exist into consideration. Since the development plan will need approval from Public Works there is oversight built into the process.
- B. Per Homer code 21.12.050, development in the Rural Residential zone must comply with level one site development standards. These standards are very specific on landscaping requirements. The development plan being proposed is designed to meet or exceed all these standards.
- C. Flood hazard mitigation is required as part of the development plan.
- D. Plans for water and wastewater for these lots have already been discussed with Public Works staff and are proceeding as planned. Shared driveway and utility easements are already a condition of approval of the final plat.
- E. These lots are subject to a Local Improvement District for Sewer and Water. Homer City code 17.02.100 governs "Subdivision after levy of assessments". Subsection (g) states that subdivided property connection fees collected under this section shall be deposited in the Homer accelerated water sewer program fund. While code previously may have allowed for a

recalculation of assessments and distribution of funds as Mr. Faulkner requests, that is not currently the process laid out in city code. Further the owners will have no control over the disbursement of these fees after they are paid to the City according to the rules of the LID and city code.

- F. Shared driveways and driveway easements are being designed with emergency vehicle turn-arounds.
- G. AKDOT has reviewed this subdivision and has not objected to the planned cul-de-sac. The existing curb cut will be replaced by a standard intersection with the Sterling highway. Roads with single access points serving significantly more than 11 lots are common along the Sterling Highway.

#### Requests by Ms. Rourke

- 1. See item A above
- 2. See item B above
- 3. See Item C above
- 4. The preliminary plan was for a sewer main extension extending up through the shared driveway and utility easement. The current plan is for each lot in this subdivision to have its own water and sewer service with any extension of the main lines located in or near the new cul-de-sac dedication. There are instances in the city where sewer services are located in an easement along common property lines. Meadow-Wood subdivision is one.
- 5. Same answer as 4.
- 6. There is no basis in code to dictate the number of lots in a subdivision. This is governed by many other sections of code which have already been discussed.

#### Requests by Mr. Sass.

- 1. The subdivision codes and development standards have been developed to address these issues. Development on these lots will be subject to these standards and codes. In addition, it is not in the owners interest to create a problem with drainage or wetlands.

In summary, we feel that none of the comments of the petitioners has a basis in either City of Homer or KPB code. Each point of concern they have listed is already covered by the subdivision code and development standards.

We ask the KPB Planning Commission to recognize that, while development standards are not a part of either City of Homer or KPB code, the owners recognize that future development in this subdivision will be subject to the same code and standards that all the neighbors are subject to. Oversight by the City of Homer Public Works will ensure that all these standards are met.

Respectfully submitted,

Tom Latimer, PLS

For owners  
Kristen Lamb-Reilly  
McKennen Lamb  
Rachael Lamb

## Quainton, Madeleine

---

**From:** Planning Dept,  
**Sent:** Wednesday, January 18, 2023 1:17 PM  
**To:** Quainton, Madeleine  
**Subject:** FW: <EXTERNAL-SENDER>Written Testimony KPB file No. 2022-160  
**Attachments:** Linda's letter KPB PDF 2.pdf

## Madeleine

---

**From:** lsrouрке@xyz.net <lsrouрке@xyz.net>  
**Sent:** Wednesday, January 18, 2023 12:07 PM  
**To:** Planning Dept, <planning@kpb.us>  
**Cc:** lsrouрке@xyz.net  
**Subject:** <EXTERNAL-SENDER>Written Testimony KPB file No. 2022-160

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

Please see attached document and confirm receipt.

Thank you!

January 18, 2023

Kenai Peninsula Planning Commission

Regarding KPB File No. 2022-160

Please review this testimony as it pertains to this subdivision replat.

### **KPB Code 20.30.190 Lot Dimensions**

A. “The size and shape of lots shall provide usable sites appropriate for the locality in which the subdivision is located.”

“Generally lots shall be square or rectangular.”

The Hillside Acres Subdivision, zoned Rural Residential, contains lots that are mostly rectangular in nature and have one home on lots that average 2.5 acres in size.

The Bidarki Creek Subdivision, zoned Rural Residential, also contains lots that are mostly rectangular and average 1 acre in size, and have ONE home per lot.

The Bidarki Creek #5 Plat proposal is an anomaly - it drastically deviates from the surrounding area in every possible way, and should not be approved without attention to this code .

This proposal puts TEN houses on 3.4 acres, which the surrounding area would only have ONE house.

Based on these comparable properties, the largest number of homes on this 3.4 acre property should be limited to FOUR, (this number was discussed at both previous meetings in Homer and Soldotna.

B. Flag lot requirements - there is need for review.

There are an excessive number of flag lots in this proposal, which includes SIX flag lots with 20’ access portions.

### **Examples:**

# 7508163 Jeffres 4.46 acres - One House





# 17508164 Rourke .69 acres - One house



# 17508147 Chalup 1.78 acres - One House



# 17508117 Finney 2.97 acres - One House



# 1708156 Rourke .71 acres - One House



# 17508142 Faulkner 1.52 acres - One House



# 17525005 Story .93 acres - One House



Thank you for your attention to this important matter.  
Linda Schauer Rourke ([lsrourke@xyz.net](mailto:lsrourke@xyz.net))

## Quainton, Madeleine

---

**From:** Planning Dept,  
**Sent:** Wednesday, January 18, 2023 1:16 PM  
**To:** Quainton, Madeleine  
**Subject:** FW: <EXTERNAL-SENDER>KPB File No. 2022-160

## Madeleine

---

**From:** Mark Sass <markasass@gmail.com>  
**Sent:** Wednesday, January 18, 2023 12:50 PM  
**To:** Planning Dept, <planning@kpb.us>  
**Cc:** Gmail <markasass@gmail.com>  
**Subject:** <EXTERNAL-SENDER>KPB File No. 2022-160

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

Mark A Sass/ Sass Investments LLC  
Hillside Acres Tract 8 Owner

Additional information re review of this subdivision.



picture front of property





Ariel view

3 flag lots next to Bidarki Creek ?

Code 20.30.040

The character of this property will be severely damaged Full stand of mature trees. Would like defined to meet this code.

Code 21.18.081

Serious precedent will be set for entire area forever

Code 20.25.060

I believe this 10 unit density with 6 flag lots + simply does not fit the character or zoning of Rural Residential area

Code 20.30.190

Please let the City of Homer define an appropriate solution.

Sincerely

Mark A Sass

612-919-0735

Sent from my iPhone

# DESK PACKET

Information that came in after the  
01-06-23 meeting packet publish date

## MISC. INFORMATION

# **Funny River Advisory Planning Commission**

## **November 15th, 2022 Agenda**

- **Call to Order (Invocation, Pledge)**

*7:03pm Don F.*

- **Roll Call**

*Glenda, Mike, Jerry, Don, Kevin Present*

- **Approval of Unapproved minutes Oct 6, 2022**

*Glenda 1st, Mike 2nd, All approve.*

- **Approval of Agenda**

*Glenda 1st, Mike 2nd, All approve.*

- **Public Comment(5 minute limit)**

*None*

- **Report:**

- **Comprehensive plan status**

*Glenda volunteered to start writing a rough draft version of the Funny River comprehensive plan based on the survey results.*

*Morgan from planning agreed to email a link or copy of Cooper Landing's comprehensive plan.*

*It was also decided to explore grant opportunities that might be available to have a professional help draft the final version of the plan.*

- **Survey Results**

*The survey results were presented at the Funny River Community Association's October meeting.*

*The results were received with positive responses from the community, in particular regards to focus on improving FR road.*

*Glenda and Kevin plan on setting a meeting on how/what to display the survey results, to be incorporated into the comprehensive plan.*

- **Post office**

*It was decided that the establishing a Post Office in Funny River is outside the scope of APC.*

*It was voted 4 in favor of removing the Post Office as an ongoing agenda Item.*

- **Funny River road maintenance.**

*The civil engineer working on the FR road project, spoke at the last FRCA's Oct. meeting.*

*The design was completed 3 months ago and was approved 3 weeks ago.*

*Construction will start early summer '23 and will entail: resurfacing, new guard rails, new signage, ditch work and minor repairs.*

*No comment in regards to improving or replacing the Funny River bridge.*

- **Robert Ruffner**

*The Funny River commissioners accepted the guidance/redirection that Mr. Ruffner presented.*



*It was established that the FR APC's primary objective should be developing the comprehensive plan based on the survey results.*

*Discussion on whether \$75 is enough to cover rent for use of the community since Nicole Wolf(FRCA secretary) is supplying IT services.*

*More discussion around the possibilities of getting a bluetooth mic for clearer audio quality during meetings.*

- **New Business**

- **Julie Von Kanel resignation letter**

*Jerry 1st, Mike 2nd and all approved Julie's letter of resignation.*

*There was some discussion on how or if Julie's seat can be filled before her term is up.*

*Don Fritz stepped down as Chair of the FR APC and it was determined that new chair would be voted on at the next meeting.*

- **Adjournment**

*8:22pm Don F.*

# **Funny River Advisory Planning Commission**

## **December 22nd, 2022 Agenda**

- **Call to Order (Invocation, Pledge)**  
*7:12pm by Don F.*
- **Roll Call**  
*Don, Glenda, Mike, Jerry, Kevin and Jim*
- **Approval of Unapproved minutes Oct 6, 2022**  
*All approve*
- **Approval of Agenda**  
*All approve*
- **Public Comment(5 minute limit)**  
*None*
- **Report**
  - **Comprehensive plan**  
*Glenda has estimated that she should have rough draft version of the plan finished by February. Then the plan is schedule a meeting with Robert Ruffner to review it, along with the borough legal department.*
  - **Role of APC**  
*It was determined that Funny River commissioners are now more aware of what the purpose and range of what the planning commission can and con not do after some guidance from the Planning director.*
  - **Grant applications**  
*It was decided that applying for grants may post-pone the development of the comprehensive plan and to continue to develop it independently.*
- **New Business**
  - **Budget for 2023**  
*The budget will include zoom account, rent for the use of the community center for monthly meeting and postage for*

*mailing postcards for announcing the comprehensive plan meetings.*

- **Electing a new Chair**

*Jim H. nominated Glenda Radvansky as the new chairwoman and a vote of 5 to 0 all in favor.*

- **FR APC meeting dates**

*The meeting dates that the borough has established for the FR APC will be reviewed by the Funny River Community Association to make sure none of the dates conflict with any existing planned events at the community center. The current scheduled FRAPC meeting dates for 2023 are: 1/4, 2/8, 3/15, 4/5, 5/3, 6/7, 7/12, 8/9, 9/6, 10/4, 11/8, 12,6.*

- **Adjournment**

**MOOSE PASS ADVISORY PLANNING COMMISSION**  
**REGULAR MEETING**

Monica Adams, Jennifer Boyle, Kevin Dunham, Jeff Estes, Jeff Hetrick, Bruce Jaffa, David Pearson  
Thursday, January 05, 2023 – 6:00 PM

Draft Meeting Notes

1. CALL TO ORDER: 6:15
2. ROLL CALL: Bruce Jaffa, Jen Boyle, Jeff Estes, Kevin Dunham, Monika Adam (zoom), David Pearson (zoom), Nancy Carver (zoom). Jeff Hetrick (at 6:34)
3. APPROVAL OF MINUTES OF PREVIOUS MEETING October 06, Meeting: Unanimous approval
4. APPROVAL OF AGENDA: motion to add FS bike trail application under new business Jeff Estes, Kevin 2<sup>nd</sup>. Unanimous approval of agenda as amended.
5. CORRESPONDENCE/ Report from the Chair
  - a. Base Camp LLC: Bruce spoke with the owners; one lives in Anchorage, the other in Seattle. Their vision is a “barn-topia for themselves. “Moose Pass is a great place for bear hunting”. They are very interested in supporting the community. They spent a lot of money on the road because they wanted the borough to take over maintenance/plowing. The barricades on the road should not be there. It is just the way Metco left it when they are finished. It will not be a commercial operation. The owner that lives in Seattle plans on being up here this summer and would like to attend a future MPC meeting.
  - b. DNR called to state that DOT had responded and permit for the Lawing gravel quarry is eminent. Notice is out. Deadline for public comments is Jan 12<sup>th</sup>.
  - c. Grant Lake KHL land permit: Notice is up at post office. Individuals can comment now.
  - d. Bruce called Brad Zubek at Homer electric. Asked him to engage with MPAPC about 1) update on Kenai Hydro. 2) Seward Electric sale to HEA. Will impact the portion of the community that is on Seward Electric. Probably the rest of the community as well. Their public information folks will be reaching out to us.
6. PUBLIC COMMENT/PRESENTATION WITHOUT PREVIOUS NOTICE:  
-Steve Wilson: concerns on 35/45 mph speed zone areas. Can we expand the 35mph further south (to the top of the hill)? We must discuss this with DOT. Bruce will engage with DOT.
7. PRESENTATION: None
8. REPORT FROM THE BOROUGH  
-Nancy Carver: -Borough attorneys are looking to do a presentation on Open meetings act. Tentatively on Feb 16<sup>th</sup> at 5:30.  
- Nancy is retiring on May 1<sup>st</sup>. Hopefully we will have survey ready to go before then.  
-Jeff mentioned Chugach Electric meeting is also on the 16<sup>th</sup> at 7:30.  
-Nancy mentioned new APC being formed for Nikiski. Kachemack Bay APC went inactive.
9. OLD BUSINESS
  - a. Survey Final review  
Borough IT will take our survey in the format that we have created it and will “make it work” to get it distributed. Can we keep it as a google form, so it can still process the data? Nancy will check with IT department tomorrow. The borough will be the one to distribute the survey.



We can still make hard copies available and have people drop them in “drop boxes”. Nancy can compile the hard copy information and return the hardcopies to us with people’s names redacted. Nancy can compile the results for us. Or we (the APC) can do it. For example: Nancy is doing it for Hope because they are a smaller community and they wanted to keep the results unanimous.

-Updates made to introduction, rearrangement of some questions... Updated version of the survey is here: <https://forms.gle/XAg1nzmMvCi9wSV27>

- Items to bring up for future discussion at public meetings: lack of tourism services (such as bathrooms, railroad stop). A question will be added to the survey to address these questions.

- Should Moose Pass pursue becoming a more independent entity (be it service district or second - class city). A question will be developed for this.

- There will be one more meeting to refine the questions.

**\*\*Aside\*\*** Discussion about Community Assistance Program funding was in jeopardy. But it sounds like Moose Pass will still be receiving funding as per usual.

## 10. NEW BUSINESS

a. Motion to print and distribute Survey via KPB offices: Delayed until we finalize survey

b. Other methods of distribution: Delayed until we finalize survey.

c. FS application for TAP funding to build bike path from vicinity of RR trestle to Johnson Pass Trailhead:

### **Moose Pass/ Iditarod National Historic Trail Connector Segment**

This project would make a connection from the Iditarod National Historic Trail (INHT) into the community of Moose Pass via a new pedestrian bridge over the Trail Lake narrows and extend the existing 1-mile bike path that heads north from downtown Moose Pass to nearby trailheads. This work could potentially be done concurrently with AK DOT’s Seward Highway MP 25.5 to 36 Rehabilitation Project, which already has realignment and rehabilitation of the existing 1-mile bike path within scope. Including the proposed bike path extension in this highway project could realize project efficiencies while serving community goals. A pedestrian bridge would be constructed over Trail Lake as it narrows behind downtown Moose Pass, adjacent to the Alaska Railroad trestle. This would provide a dedicated pedestrian link for INHT users into Moose Pass, allowing the community to serve as a proper access point for this important trail. Extending the current 1-mile bike path an additional 2.5 miles to the Johnson Pass TH would route INHT “thru-hikers” (and users of the proposed Alaska Long Trail) through the community of Moose Pass, offering a resupply point and economic benefits for the community. This would also expedite finishing these ambitious projects, as the alternative connection through the area would require a much longer and more complex build on the far side of the lake, bypassing the community altogether.

**Jeff Hetrick motion to approve chair to write letter in support of this project. David Pearson 2<sup>nd</sup>. Unanimous approval to write a letter in support. Letter is due to the Forest Service by February 1<sup>st</sup>, 2023.**

11. ANNOUNCEMENTS: Jen Boyle asked about budget proposal. We are getting \$1000 dollars from borough. If we need to seek addition funding for rent we need to request that on top of the \$1000, PO boxes, etc. The borough will not pay for equipment. Budget would need to be submitted ASAP.

**The APC determined that we will also need an additional \$900 dollars to cover rent and utilities for use of the community center. Total budget request will be \$1900.00**

12. NEXT MEETING: February 9th, 2023, 6 pm

## 13. COMMISSIONERS’ COMMENTS:

Kevin Dunham: Words in support of library

Jen Boyle: Exited to support extension of the bike path

David Pearson: Would have been there in person, but feeling sick

Bruce Jaffa: Thanks to the commissioners for attending and their good work. Praise for Cindy Eklund and her

support of the community  
No other comments.

**14.** ADJOURNMENT: Bruce 1<sup>st</sup>, Jeff Hetrick 2<sup>nd</sup>. Unanimous approval. Adjourned at 8:27 pm.

pt/planning-commissions/moose-pass-apc

Participants may join By ZOOM or phone:

<https://us06web.zoom.us/j/5787372110>

To Attend the Zoom meeting by telephone,  
call toll-free **888 788 0099** or **877 853 5247**  
**Meeting ID: 578 737 2110**