



**Meeting Agenda
Plat Committee**

Monday, May 22, 2023

6:30 PM

Betty J. Glick Assembly Chambers

Zoom Meeting ID: 907 714 2200

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

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

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

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF AGENDA, EXCUSED ABSENCES, AND MINUTES

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

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

[KPB-5207](#) May 8, 2023 Plat Committee Meeting Minutes

Attachments: [C3. 050822 Plat Committee Minutes](#)

4. Grouped Plats
Grouped Plats

[KPB-5236](#) May 22, 2023 Grouped Plats

Attachments: [Plat Grouped SR 052223](#)

D. OLD BUSINESS

E. NEW BUSINESS

1. [KPB-5208](#) Bunnell's Subdivision 2023 Replat; KPB File 2023-047
Ability Surveys / Malone, Hendrix
Location: Swatzell Street & West Pioneer Avenue
City of Homer

Attachments: [E1. Bunnell's Subdivision 2023 Replat Packet](#)
2. [KPB-5209](#) Fourth of July Creek Subdivision Seward Marine Industrial Center
Duchess Replat; KPB File 2023-045
Lang & Associates Inc. / City of Seward
Location: Delphine Street, Olga Street & Morris Avenue
City of Seward

Attachments: [E2. Fourth of July Creek Seward Marine Industrial Ctr Duchess Replat Packet](#)
3. [KPB-5210](#) Puffin Acres 2023; KPB File 2023-046
Ability Surveys / Hall
Location: Crested Crane Street & East End Road
Kachemak City

Attachments: [E3. Puffin Acres Packet](#)

4. [KPB-5211](#) Right-of-Way Acquisition Park Road; KPB File 2023-033
McLane Consulting Group / Oliva
Location: Park Road
Nikiski Area / Nikiski APC

Attachments: [E4. ROW Acquisition Park Rd.](#)

5. [KPB-5212](#) Twin Creek 2023: KPB 2023-044
Geovera, LLC / Paul
Location: Nearly Level Road & Monroe Street
Diamond Ridge Area / Kachemak Bay APC

Attachments: [E5. Twin Creek 2023 Packet](#)

6. [KPB-5213](#) Whisper Lake Subdivision Miller Addition Prather Replat
KPB File 2023-048
Segesser Surveys / Prather
Location: Ben Court
Sterling Area

Attachments: [E6. Whisper Lake Sub Miller Addn Prather Replat Packet](#)

F. PUBLIC COMMENT

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

G. ADJOURNMENT

MISCELLANEOUS INFORMATIONAL ITEMS

NEXT REGULARLY SCHEDULED PLAT COMMITTEE MEETING

The next regularly scheduled Plat Committee meeting will be held Monday, June 12, 2023 in the Betty J. Glick Assembly Chambers of the Kenai Peninsula Borough George A. Navarre Administration Building, 144 North Binkley Street, Soldotna, Alaska at 5:30 p.m.

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

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

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

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

C. CONSENT AGENDA

***3. Minutes**

May 8, 2023 Plat Committee Meeting Minutes

Kenai Peninsula Borough

Plat Committee

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

May 8, 2023
6:00 PM
UNAPPROVED MINUTES

A. CALL TO ORDER

Commissioner Horton called the meeting to order at 6:00 p.m.

B. ROLL CALL

Plat Committee Members/Alternates

Michael Horton, District 4 - Soldotna
Troy Staggs, City of Seward
David Stutzer, District
Franco Venuti, City of Homer

Staff Present

Robert Ruffner, Planning Director
Walker Steinhage, Deputy Borough Attorney
Vince Piagentini, Platting Manager
Ann Shirnberg, Planning Administrative Assistant
Rhonda Foster-Deskins, Land Management Administrative Assistant

With 4 members of a 4-member committee in attendance, a quorum was present.

C. APPROVAL OF AGENDA, EXCUSED ABSENCES, AND MINUTES

- *3. Approval of Minutes
a. April 24, 2023 Plat Committee Meeting Minutes

Commissioner Horton asked Ms. Shirnberg to read the consent agenda items into the record.

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

MOTION: Commissioner Staggs moved, seconded by Commissioner Venuti to approve the agenda, the April 24, 2023 Plat Committee meeting minutes.

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

MOTION PASSED BY UNANIMOUS VOTE

Yes- 4	Horton, Staggs, Stutzer, Venuti
Absent - 0	

D. OLD BUSINESS – None

E. NEW BUSINESS

Commissioner Horton asked Administrative Assistant Shirnberg to read the planning commission public hearing procedures into the record.

ITEM 1 – OBSIDIAN SUBDIVISION

KPB File No.	2023-042
Plat Committee Meeting:	May 8, 2023
Applicant / Owner:	Frederick Norman Thomas, Trustee of the Betty Irene Thomas Trust of Meeteetse, Wyoming
Surveyor:	Kenton Bloom / Seabright Survey and Design
General Location:	Fritz Creek / Kachemak APC

Parent Parcel No.:	172-131-10
Legal Description:	W ½ E ½ NW ¼ NE ¼
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On site

Staff report given by Platting Manager Vince Piagentini. Mr. Piagentini stated that after the publishing of the staff report an exception request was received. He then referred the committee to the staff report addendum that was in the desk packet.

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

MOTION: Commissioner Staggs moved, seconded by Commissioner Stutzer to grant preliminary approval to Obsidian Subdivision, based on staff recommendations and compliance to borough code and adopting and incorporating by reference the staff report and staff recommendations.

EXCEPTION REQUEST: Commissioner Staggs moved, seconded by Commissioner Stutzer to grant the exception request to KPB 20.30.170 – Block Length Requirements, citing findings 1-5 in support of standards one, two, and three.

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

EXCEPTION REQUEST MOTION PASSED BY UNANIMOUS VOTE

Yes- 4	Horton, Staggs, Stutzer, Venuti
Absent - 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	Horton, Staggs, Stutzer, Venuti
Absent - 0	

ITEM 2 – SKIPPER'S VIEW 2023 ADDITION

KPB File No.	2023-026
Plat Committee Meeting:	May 8, 2023
Applicant / Owner:	The Canyon Creek Trust of Homer, Alaska
Surveyor:	Tom Latimer / Orion Surveys
General Location:	Waterman Road, Mile 5 of East End Road, Fritz Creek.

Parent Parcel No.:	174-420-01 and 02
Legal Description:	Lots 1 and 2, Skipper's View, Plat HM 81-32, Township 5 South, Range 13 West, Section 36 and Township 6 South, Range 13 West, Section 1
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On site

Staff report given by Platting Manager Vince Piagentini.

Commissioner Horton opened the item for public comment.

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

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

MAIN MOTION: Commissioner Staggs moved, seconded by Commissioner Stutzer to grant preliminary approval to Skipper's View 2023 Addition, based on staff recommendations and compliance to borough code and adopting and incorporating by reference the staff report and staff recommendations.

EXCEPTION REQUEST A : Commissioner Staggs moved, seconded by Commissioner Stutzer to grant the exception request to KPB 20.30.030(A) Proposed Street Layout Requirements and KPB 20.30.120 Street Width Requirements, citing findings 1-4, 6 & 8 in support of standard one and findings 1-4 & 6-9 in support of standards 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	Horton, Staggs, Stutzer, Venuti
Absent - 0	

EXCEPTION REQUEST B : Commissioner Staggs moved, seconded by Commissioner Stutzer to grant the exception request to KPB 20.30.100 – Cul-de-sacs, citing findings 1-4 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	Horton, Staggs, Stutzer, Venuti
Absent - 0	

EXCEPTION REQUEST C : Commissioner Staggs moved, seconded by Commissioner Stutzer to grant the exception request to KPB 20.30.170 – Block Length Requirement, citing findings 2, 4-6 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 C MOTION PASSED BY UNANIMOUS VOTE

Yes- 4	Horton, Staggs, Stutzer, Venuti
Absent - 0	

EXCEPTION REQUEST D : Commissioner Staggs moved, seconded by Commissioner Stutzer to grant the exception request to KPB 20.60.200 – Survey & Monumentation, citing findings 1, 2, 4, 6-8 & 10 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 D MOTION PASSED BY UNANIMOUS VOTE

Yes- 4	Horton, Staggs, Stutzer, Venuti
Absent - 0	

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

MAIN MOTION PASSED AS AMENDED BY UNANIMOUS VOTE

Yes- 4	Horton, Staggs, Stutzer, Venuti
Absent - 0	

**ITEM 3 – RIGHT-OF-WAY ACQUISITION SEWARD HIGHWAY MP 25.5 TO 36
TRAIL RIVER TO STERLING WYE REHABILITATION**

KPB File No.	2022-063R1
Plat Committee Meeting:	May 8, 2023
Applicant / Owner:	State of Alaska Department of Transportation and Public Facilities
Surveyor:	Travis Test and Robert Keiner / State of Alaska DOT&PF
General Location:	Seward Highway, Moose Pass / Moose Pass APC

Parent Parcel No.:	Multiple
Legal Description:	Highway Rehabilitation from MP 25.5 to 36

Staff report given by Platting Manager Vince Piagentini.

Commissioner Horton opened the item for public comment.

Kirsten Valentine, Project Engineer - DOT&PF; P.O. Box 196900, Anchorage, AK 99519: Ms. Valentine is the project engineer and she gave a brief update on the project and made herself available for questions.

Roland Dickason; 32598 Seward Hwy., Moose Pass, AK 99631: Mr. Dickason spoke in opposition to this project. He owns land that will be affected by this project. He has a lodge on his property and expressed concerns related to the amount of land he will have to give up. Losing the land will negatively affect his business. Currently he is able to walk out about 100' from his front door to the river and fish for salmon. He is also concerned that this project could negatively affect the area salmon fisheries.

Jacqueline Broyles; 24441 Benson Circle, Anchorage, AK 99503: Ms. Broyles spoke in opposition to this project. She stated she has been working with Mr. Dickason for several years to promote and build his lodge business. She was very concerned about the potential negative environmental impacts from this project. She noted that there was no current environmental study. She requested the commission postpone action on this plat until there was a current environmental study completed. She understands the need to improve the highway but she does not believe that it needs to be widened. She also had been told that there were individuals encouraging folks not to register any anadromous streams on their properties.

Jeff Estes; P.O. Box 26, Moose Pass, AK 99631: Mr. Estes owns the local store in Moose Pass. He stated that many years ago in April of 1951 his father had an agreement with the federal government and the bureau of highways. He noted that the agreement stated that they would provide the fill and the reimbursement of the cost to move the building within an easement of the 80-foot road. He stated that an exception was documented for the 7-foot encroachment of the store into the easement.

Stephanie Wright; P.O. Box 531 Seward, AK 99664: Ms. Wright spoke in opposition to this project. She noted during the August meeting with DOT there was someone there who was advising folks not to register their anadromous streams. She stated she register the stream on her property. She then noted that the redesign on the new plat excluded the area of her stream. She stated she could not say if the two issues are related.

Chris Bentz, Project Manager, DOT&PF; P.O. Box 196900, Anchorage, AK 99519: Mr. Bentz noted that the state does not have any information on an exception for the store's encroachment into the easement. And the encroachment will need to be resolved. He then stated that no one from the State would encourage landowners to not register an anadromous stream on their property.

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

Commissioner Horton stated that per code and state statute he can find no reason not to grant preliminary approval for this plat. He also understands the community's displeasure on the current process. He does not like the process himself. However, he understands that the State needs the preliminary approval of this plat to secure monies that will allow them to conduct appraisals and enter into negotiations with the affected landowners. He then noted that he will vote in favor of granting preliminary approval for this plat.

MOTION: Commissioner Staggs moved, seconded by Commissioner Stutzer to grant preliminary approval to Right-Of-Way Acquisition Seward Highway MP 25.5 to 36 Trail River To Sterling WYE Rehabilitation, based on staff recommendations and compliance to borough code and adopting and incorporating by reference the staff report and staff recommendations.

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

MOTION PASSED BY UNANIMOUS VOTE

Yes- 4	Horton, Staggs, Stutzer, Venuti
Absent - 0	

F. PUBLIC COMMENT

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

G. ADJOURNMENT

Commissioner Staggs moved to adjourn the meeting 7:27 P.M.

Ann E. Shirnberg
Administrative Assistant



Plat Committee Grouped Plats Staff Report

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

GROUPED PLATS KPB Plat Committee Meeting May 22, 2023

Staff has grouped the following plats located under **AGENDA ITEM C4 – Grouped Plats (AGENDA ITEM F - FINAL PLATS WILL NEED SEPARATE REVIEW)**. They are grouped as:

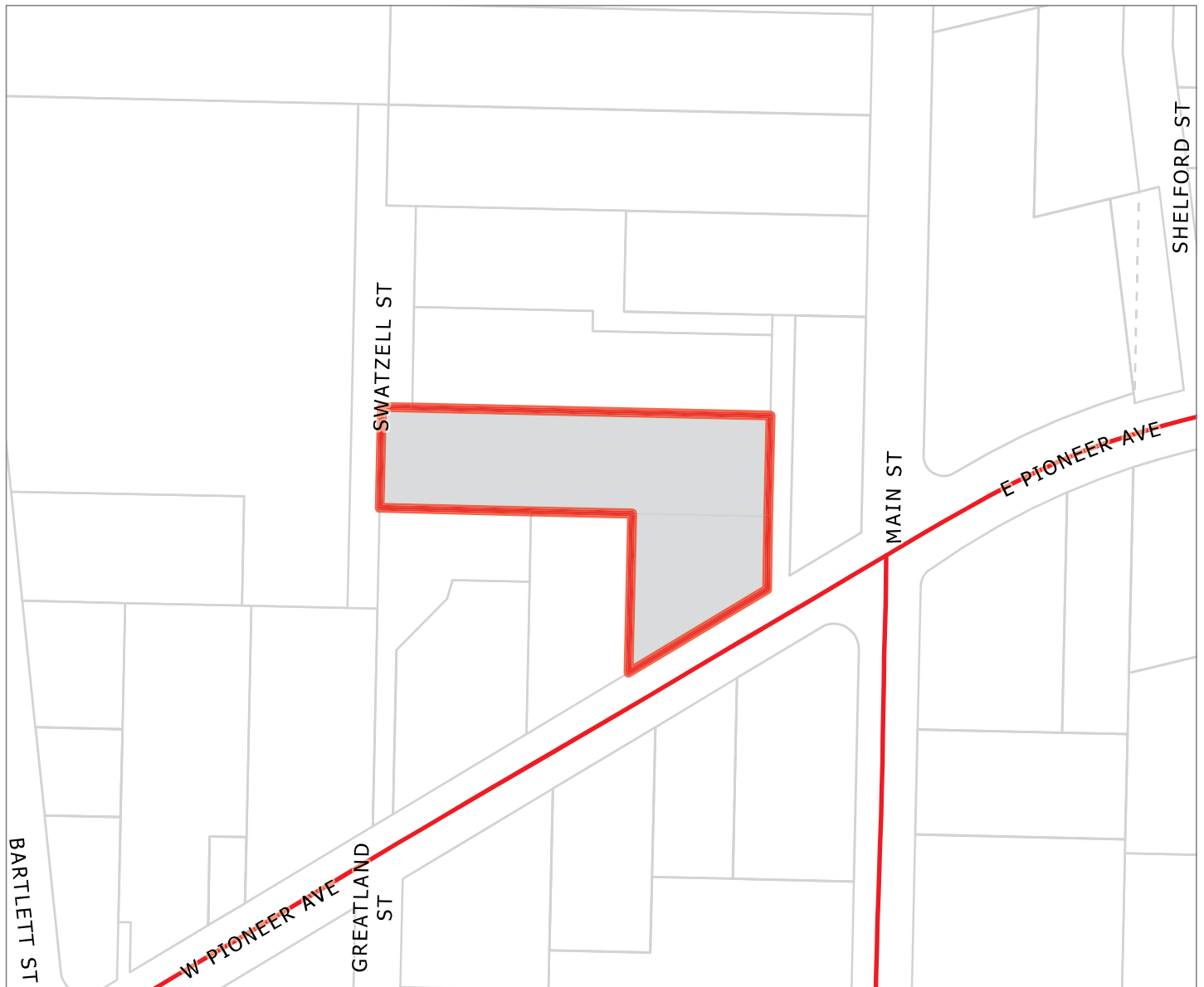
- A. The plats placed on the consent agenda are considered simple or non-controversial. They are generally lot splits, lot line adjustment, no exceptions or ones that received no public comments. The group plats on the consent agenda are as follows. – 5 Plats
 - 1. Bunnell's Subdivision 2023 Replat; KPB File 2023-047
 - 2. Fourth of July Creek Subdivision Seward Marine Industrial Center Duchess Replat; KPB File 2023-045
 - 3. Puffin Acres 2023; KPB File 2023-046
 - 5. Twin Creek 2023; KPB File 2023-044
 - 6. Whisper Lake Subdivision Miller Addition Prather Replat; KPB File 2023-048

Staff recommends the committee determine whether any members of the public, surveyors or committee members wish to speak to any of the plats in this **group (A)** and remove the specific plats from the group, voting on the remainder of plats in the group in a single action to grant preliminary approval to the plats subject to staff recommendations and the conditions noted in the individual staff reports.

- B. Plats needing specific actions or controversial - (public comments received, major staff concerns, exceptions required) – 1 Plat
 - 4. Right-of-Way Acquisition Park Road; KPB File 2023-033
McLane Consulting Group / Oliva
Location: Park Road
Nikiski Area / Nikiski APC

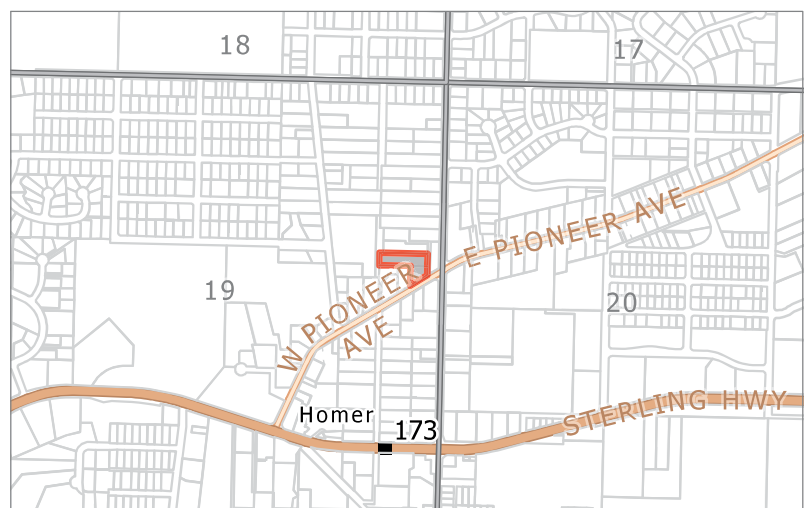
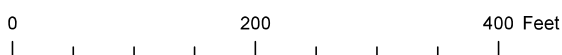
E. NEW BUSINESS

- 1. Bunnell's Subdivision 2023 Replat; KPB File 2023-047
Ability Surveys / Malone, Hendrix
Location: Swatzell Street & West Pioneer Avenue
City of Homer**



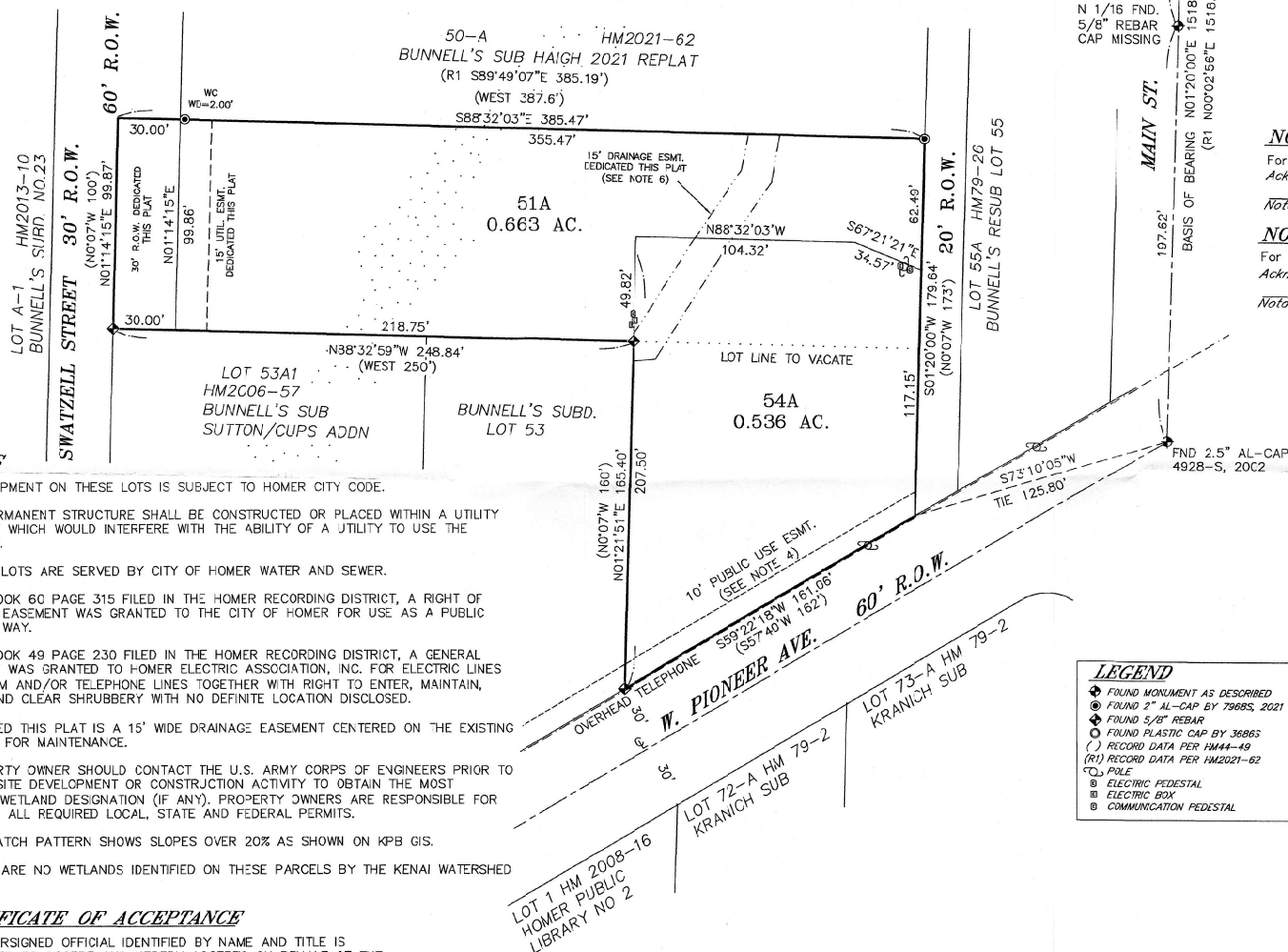
KPB File 2023-047
T 06S R 13W SEC 19
Homer

4/28/2023





KPB 2023-047



NOTES

1. DEVELOPMENT ON THESE LOTS 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. THESE LOTS ARE SERVED BY CITY OF HOMER WATER AND SEWER.
4. PER BOOK 60 PAGE 315 FILED IN THE HOMER RECORDING DISTRICT, A RIGHT OF WAY AND EASEMENT WAS GRANTED TO THE CITY OF HOMER FOR USE AS A PUBLIC RIGHT OF WAY.
5. PER BOOK 49 PAGE 230 FILED IN THE HOMER RECORDING DISTRICT, A GENERAL EASEMENT WAS GRANTED TO HOMER ELECTRIC ASSOCIATION, INC. FOR ELECTRIC LINES OF SYSTEM AND/OR TELEPHONE LINES TOGETHER WITH RIGHT TO ENTER, MAINTAIN, REPAIR AND CLEAR SHRUBBERY WITH NO DEFINITE LOCATION DISCLOSED.
6. GRANTED THIS PLAT IS A 15' WIDE DRAINAGE EASEMENT CENTERED ON THE EXISTING DRAINAGE FOR MAINTENANCE.
7. PROPERTY OWNER SHOULD CONTACT THE U.S. 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.
8. DOT HATCH PATTERN SHOWS SLOPES OVER 20% AS SHOWN ON KPB GIS.
9. THERE ARE NO WETLANDS IDENTIFIED ON THESE PARCELS BY THE KENAI WATERSHED FORUM.

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 USES AND FOR PUBLIC PURPOSES THE REAL PROPERTY TO BE DEDICATED BY THIS PLAT INCLUDING EASEMENTS, RIGHTS-OF-WAY, ALLIES AND OTHER PUBLIC AREAS SHOWN ON THIS PLAT IDENTIFIED AS FOLLOWS: SWATZELL ST.

THE ACCEPTANCE OF LANDS FOR PUBLIC USE OR PUBLIC PURPOSES DOES NOT OBLIGATE THE PUBLIC OR ANY GOVERNING BODY TO CONSTRUCT, OPERATE, OR MAINTAIN IMPROVEMENTS.

BY: _____ DATE: _____
NAME AND TITLE OF AUTHORIZED OFFICIAL
CITY OF HOMER.

WASTEWATER NOTES

PLANS FOR WASTEWATER DISPOSAL THAT MEET REGULATORY REQUIREMENTS ARE ON FILE AT THE

PLAT APPROVAL

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of MM/DD/YYYY.
KENAI PENINSULA BOROUGH

BY _____
Authorized Official

LEGEND	
◆	FOUND MONUMENT AS DESCRIBED
⊙	FOUND 2" AL-CAP BY 7968S, 2021
⊙	FOUND 5/8" REBAR
⊙	FOUND PLASTIC CAP BY 3686S
()	RECORD DATA PER HM44-49
(R1)	RECORD DATA PER HM2021-62
⊙	POLE
⊙	ELECTRIC PEDESTAL
⊙	ELECTRIC BOX
⊙	COMMUNICATION PEDESTAL

PLAT #	
Rec Dist	
Date	20__
Time	__M

KPB FILE No. 2023-000

CERTIFICATE OF OWNERSHIP

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

SUSAN MALONE
P.O. BOX 2415
HOMER, AK 99603

JOHN L HENDRIX
2000 ATWOOD DR
ANCHORAGE, AK 99517

CANDACE L HENDRIX
2000 ATWOOD DR
ANCHORAGE, AK 99517

NOTARY'S ACKNOWLEDGEMENT

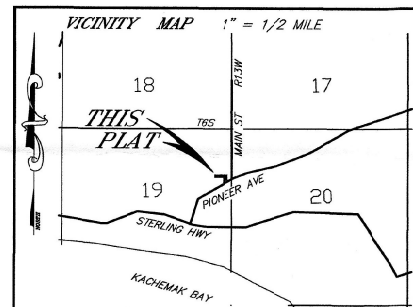
For SUSAN MALONE
Acknowledged before me this ____ day of _____, 2023.

Notary public for Alaska My Commission Expires _____

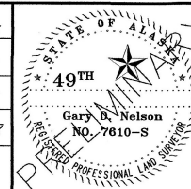
NOTARY'S ACKNOWLEDGEMENT

For JOHN L & CANDACE L HENDRIX
Acknowledged before me this ____ day of _____, 2023.

Notary public for Alaska My Commission Expires _____



DATE	4-21-2023
SCALE	1" = 40'
JOB No.	5468
DRAWING:	5468_5467_SP2



BUNNELL'S SUBDIVISION 2023 REPLAT

A REPLAT OF LOTS 51 & 54, BUNNELL'S SUBDIVISION (HM44-49), IN THE NE1/4 SEC. 19, T6S, R13W, S.M., KENAI PENINSULA BOROUGH, HOMER RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA CONTAINING 1.25 ACRES

OWNERS: SUSAN MALONE JOHN L HENDRIX
P.O. BOX 2415 CANDACE L HENDRIX
HOMER, AK 99603 2000 ATWOOD DR
ANCHORAGE, AK 99517

ABILITY SURVEYS

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

DRAWN BY: BT CHECKED: GN

AGENDA ITEM E. NEW BUSINESS

ITEM #1 - Bunnell's Subdivision 2023 Replat

KPB File No.	2023-047
Plat Committee Meeting:	May 22, 2023
Applicant / Owner:	Susan Malone of Homer, AK and John and Candace Hendrix of Anchorage, AK
Surveyor:	Gary Nelson / Ability Surveys
General Location:	LOCATION / APC

Parent Parcel No.:	175-142-18 and 175-142-23
Legal Description:	PARENT PARCEL DESCRIPTION
Assessing Use:	Residential and Commercial
Zoning:	Central Business District and Medical District
Water / Wastewater	City

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will reconfigure two lots ranging in size from .536 acres and .663 acres.

Location and Legal Access (existing and proposed): The subdivision is located off of two streets in the city of Homer. Lot 54 is currently accessed from W Pioneer Ave which is a constructed state maintained road. Lot 51 is currently accessed of Swatzel Street and unconstructed road maintained by Homer. There is a 20 foot alley on the east side of the subdivision both lots currently access. This subdivision will be dedicating a 30 foot half dedication to Swatzel Street completing the right of way to 60 feet at this portion of Swatzel Street. Lot 51A will continue to access Swatzel Street and the alley and Lot 54A will continue to access W Pioneer Ave and the alley.

The block length is not compliant. The block is defined by W Pioneer Ave, Main Street, W Fairview Ave and Bartlett Street. A dedication from this subdivision will not improve the block length. **Staff recommends:** the Plat Committee concur that an exception to block length is not required as a dedication will not improve the block.

PER DOT: The platting action voids any previous issued permits. Owners will need to work with DOT to reapply for driveway access permits to State ROW.

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

Site Investigation: The terrain is flat near Swatzel Street and then drops along a slope to the east towards the natural drain way in the back of proposed Lots 51A and 54A. Then the terrain is relatively flat draining towards W Pioneer Ave. The City of Home has requested a 15 foot drainage easement be added along the drain way. **Staff recommends:** adding the drainage easement to the *Certificate of Acceptance*.

There is no low wet area on the proposed subdivision.

There are improvements on Lot 54 which is also using a parking lot that is spread over into Lot 51. The encroachment of the parking lot will be corrected with this subdivision, the north line of Lot 54 is being moved to encompass the parking lot, with the creation of Lot 54A.

KPB River Center review	<p>A. Floodplain</p> <p>Reviewer: Hindman, Julie Floodplain Status: Comments: Flood Zone: Map Panel: In Floodway: False Floodway Panel:</p> <p>Within the City of Homer</p> <p>B. Habitat Protection</p> <p>Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments</p> <p>C. State Parks</p> <p>Reviewer: VACANT Comments:</p>
State of Alaska Fish and Game	No objections

Staff Analysis Bunnell's Subdivision HM44-49 Homer Alaska, was subdivided out of the East ½ of the Northeast ¼ and the Northeast ¼ of the Southeast ¼ of Section 19, Township 6 South, Range 13 West of the Seward Meridian in 1944 in the Seldovia Recording Precinct 3rd Division, Territory of Alaska. The subdivision created 78 lots, including Lots 51 and 54. The subdivision dedicated 4 roads and one alley and reserved a half dedication for a road at the location of Main Street.

A soils report will not be required as this will be connected to City utilities. Before signing the plat KPB will require either an Installation Agreement or documentation one is not needed.

Notice of the proposed plat was mailed to the beneficial interest holder on May 1, 2023. 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 property is not within an advisory planning commission.

Utility Easements

There are no platted easements from the previous subdivision to be carried forward.

Staff received a comment from HEA concerning an underground powerline and a 15-foot-wide electrical distribution line easement asking for a label or plat note be added to the subdivision.

Utility easements are noted in the certificate to plat and are noted in the plat notes.

There is a proposed 15 foot utility easement proposed along the dedication for Swatzel Street as shown on the subdivision drawing. **Staff recommends** adding the 15 foot easement to W Pioneer Ave side of Lot 54A.

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	See comments for recommendations
ENSTAR	No comments or recommendations
ACS	No objections
GCI	Approved as shown

KPB department / agency review:

Addressing	
Code Compliance	Reviewer: Ogren, Eric Comments: No comments
Planner	Reviewer: Raidmae, Ryan There are not any Local Option Zoning District issues with this proposed plat. Material Site Comments: There are not any material site issues with this proposed plat. Review Not Required
Assessing	Reviewer: Windsor, Heather Comments: No comment

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

STAFF RECOMMENDATIONS
CORRECTIONS / EDITS

PLAT NOTES?

KPB 20.25.070 – Form and contents required

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

- A. Within the Title Block
1. Name of the subdivision which shall not be the same as an existing city, town, tract, or subdivision of land in the borough, of which a plat has been previously recorded, or so nearly the same as to mislead the public or cause confusion. The parent plat's name shall be the primary name of the preliminary plat.
 2. Legal description, location, date, and total area in acres of the proposed subdivision;
 3. Name and address of owner(s), as shown on the KPB records and the certificate to plat, and registered land surveyor.

Staff recommendation: Add "City of Homer" to the title block.

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

Staff recommendation: Label adjacent alley "Alley"

- D. A vicinity map, drawn to scale showing location of proposed subdivision, north arrow if different from plat orientation, township and range, section lines, roads, political boundaries, and prominent natural and manmade features, such as shorelines or streams;
Staff recommendation: Label where Pioneer Avenue end and East End Road begins.

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.

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).

KPB 20.40 – Wastewater Disposal

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

20.40.010 Wastewater disposal.

Platting Staff Comments:

Staff recommendation: comply with 20.40.

KPB 20.60 – Final Plat

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

20.60.110. Dimensional data required.

A. The bearing and length of every lot line, block line, and boundary line shall be shown. Dimensions of lots shall be given as net dimensions to the boundaries of adjoining streets and shall be shown in feet. No ditto marks shall be used. Information shall be shown for all curves, including radius, central angle, arc length, chord length and chord bearing. The initial point of survey shall be shown and labeled. All non-radial lines shall be labeled. If monumented lines were not surveyed during this platting action, show the computed data per the record plat information.

B. The natural meanders of ordinary high water (or mean high water line as applicable) is for area computations only, the true corners being on the extension of the sidelines and the intersection with the natural meanders.

C. Any discrepancy between the survey and the record description, and the source of all information used in making the survey shall be indicated. When an inconsistency is found including a gap or overlap, excess or deficiency, erroneously located boundary lines or monuments, or when any doubt as to the location on the ground of the true boundary or property rights exists, the nature of the inconsistency shall be clearly shown on the drawing.

Staff recommendation: comply with 20.60.110. there is a difference in the north south distances originating near W. Pioneer Ave, verification is needed of the distances and pins along the right-of-way.

20.60.180. Plat notes.

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

Staff recommendation: Place the following notes on the plat.

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

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: Add the 15-foot drainage easement to the certificate of acceptance and 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.

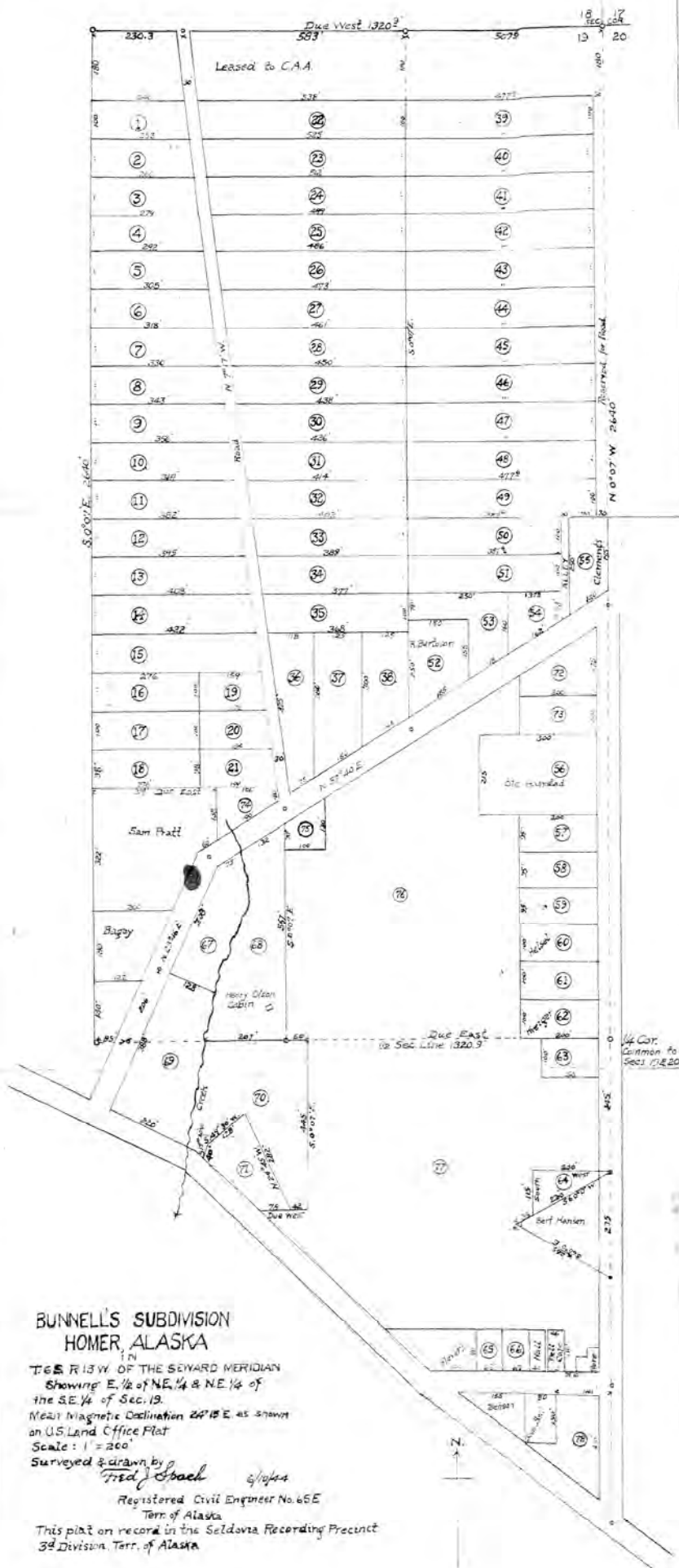
A PARTY OF RECORD MAY REQUEST THAT A DECISION OF THE PLAT COMMITTEE BE REVIEWED BY THE PLANNING COMMISSION BY FILING A WRITTEN REQUEST WITHIN 15 DAYS OF NOTIFICATION OF THE DECISION IN ACCORDANCE WITH KPB 2.40.080.

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





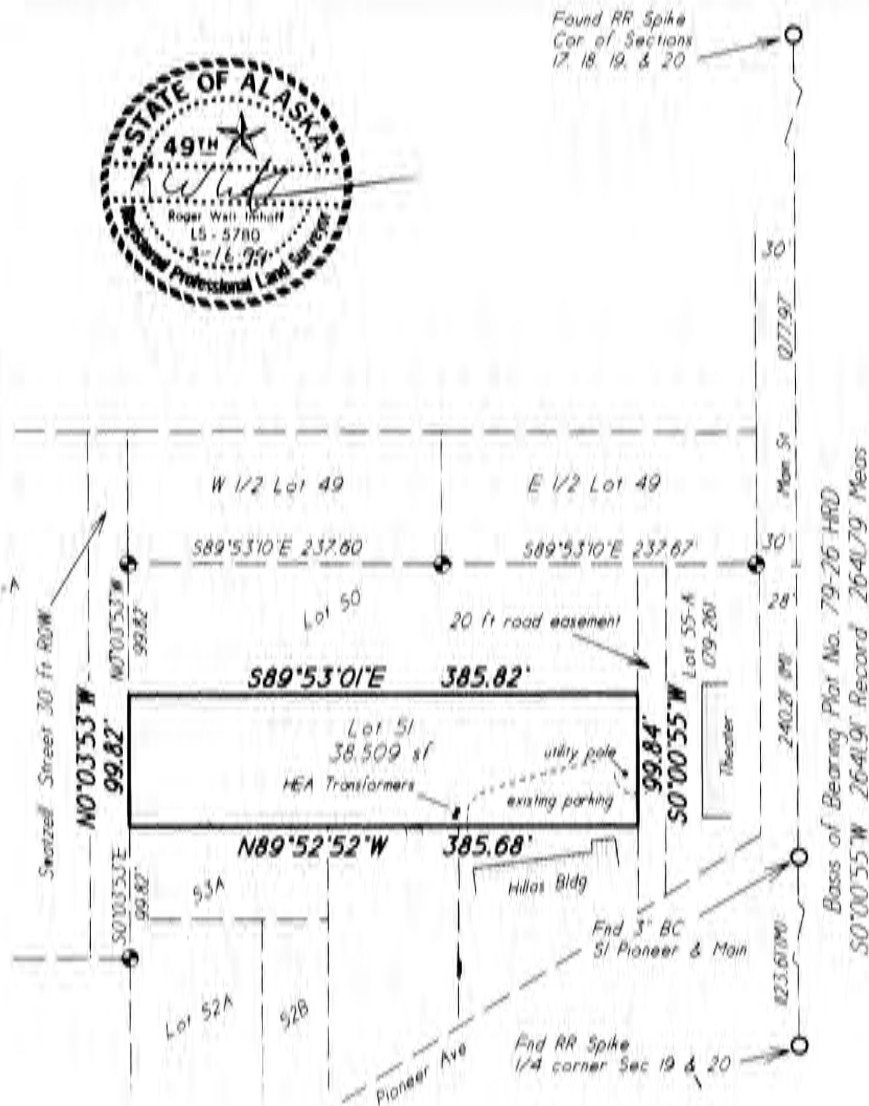


No 49.

FILED FOR RECORD AT REQUEST OF		
<i>M. B. Bunnell</i>		
<i>Homer, Alaska</i>		
on	<i>23</i>	day of <i>June</i> 19 <i>44</i>
at		
and recorded in Volume <i>1</i>		
of Records <i>Deeds</i> Page No. <i>329</i>		
Seldovia, Alaska		
ALASKA DEPARTMENT OF ALASKA		
<i>J. M. Chambers</i>		Recorder.



Found RR Spike
Cor. of Sections
17, 18, 19, & 20



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.

3-16-99

Date

Roger W. Imhoff LS 5780

NOTES

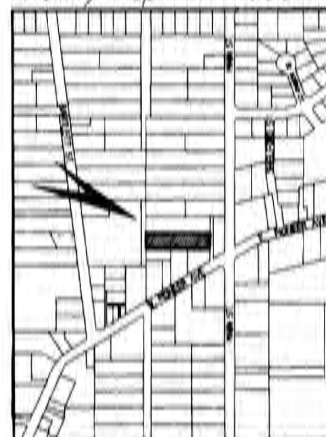
1. Set 2" Aluminum Cap on 5/8" rebar at NW and SW corners of the subject lot. The remaining corners are to be monumented after spring breakup.

2. This survey does not constitute a subdivision as defined by A.S. 40.15.190.2

LEGEND

Found 2" Al Cap on 5/8" rebar 5780.S. 1997

Vicinity Map 1" = 1000 ft



SCALE



Record of Survey

Lot 51 Bunnell Subdivision
as shown on Plat No. 44-49
Homer Recording District

Located in the
NE 1/4 Section 19, T6S. R13W. SM

Third Judicial District, Alaska
containing 0.884 acres, more or less

Clients: Alice Hartig First Metro Ltd 311 'C' St Ste 100 Anchorage Ak 99503	Surveyed By: Roger W. Imhoff, RLS PO Box 2588 Homer Ak 99603
Date of Survey 2-19-99	File L51Bunnl.vcd
Drawn RWI	Scale 1" = 100 ft

99-9
RECORDED - FILED
HOMER REC DIST
Date 3/19/99
Time 2:31 PM
Requested by
Roger Imhoff
PO Box 2588
Homer Ak 99603



City of Homer

www.cityofhomer-ak.gov

Planning

491 East Pioneer Avenue
Homer, Alaska 99603

Planning@ci.homer.ak.us

(p) 907-235-3106

(f) 907-235-3118

Memorandum

Agenda Changes/Supplemental Packet

TO: PLANNING COMMISSION
FROM: RENEE KRAUSE, DEPUTY CITY CLERK II
DATE: APRIL 19, 2023
SUBJECT: SUPPLEMENTAL

10. PENDING BUSINESS

10. A. Bunnell's Subdivision 2023 Replat Preliminary Plat
Memorandum PL 23-025

Page 2

12. INFORMATIONAL MATERIALS

12. C. Homer: Guiding Growth
Community Meeting Announcement

Page 14



City of Homer

www.cityofhomer-ak.gov

Planning

491 East Pioneer Avenue
Homer, Alaska 99603

Planning@ci.homer.ak.us
(p) 907-235-3106
(f) 907-235-3118

Staff Report 23-025

TO: Homer Planning Commission
FROM: Julie Engebretsen, Economic Development Manager
THROUGH: Rick Abboud, AICP, City Planner
DATE: 4/5/2023
SUBJECT: Bunnell Subdivision 2023 Replat Preliminary Plat

Requested Action: Approval of a preliminary plat to shift a common lot line and dedicate a portion of Swatzell Street.

General Information:

Applicants:	John & Candace Hendrix 2000 Atwood Dr Anchorage, AK 99517	Susan Malone PO Box 2415 Homer, AK 99603	Ability Surveys 152 Dehel Ave. Homer, AK 99603
Location:	Near corner of W. Pioneer and Main St, west of the Movie Theater		
Parcel ID:	17514223, 17514218		
Size of Existing Lot(s):	0.36, 0.89		
Size of Proposed Lots(s):	1.25 acres		
Zoning Designation:	Central Business District and Medical District		
Existing Land Use:	Mixed use office building (Hillas Building), parking lot, and vacant lot		
Surrounding Land Use:	North: Vacant/Residential South: Commercial restaurant, salon, East: Movie Theater West: Four small commercial structures, including restaurant and offices, Church		
Comprehensive Plan:	Chapter 4 Goal 1 Implementation item 1-D-4: Encourage a concentrated development pattern to reduce the need for vehicle trips and encourage non-motorized transportation.		
Wetland Status:	No mapped wetlands but there is a drainage; see discussion.		
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 32 property owners of 49 parcels as shown on the KPB tax assessor rolls.
----------------	---

Analysis: This subdivision is within the Central Business District (southern lot) and Medical District (northern lot). This plat shifts the common lot line between the two lots. The southern lot contains the two story mixed use Hillas Building, and the land behind the building is used for parking. This plat allows the Hillas Building owner to purchase the parking area from the adjacent land owner. A half right of way will also be dedicated along Swatzell Street.

Drainage

There is a drainage that runs from the north to the east, flowing along the back side of the parking lot, then south to Pioneer Ave between the Twisted Goat Restaurant and the octagon building. (See Attachments) The City acquired a 15-foot drainage easement centered on the creek during a recent platting action to the north. The City is requesting a continuation of this easement on the lots within this subdivision.

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: Dedicate a 15-foot utility easement along the newly dedicated Swatzel Street.

- 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 required by HCC 11.04.120.

Staff Response: The plat meets these requirements. No requests from Public Works.

- D. The City Council may accept the dedication of easements or rights-of-way for non-motorized transportation facilities that are not required by subsection (c) of this section, if the City Council determines that accepting the dedication would be Consistent with the adopted plans of the City.

Staff Response: The plat meets these requirements.

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

- A. Within the Title Block:
 - 1. Names of the subdivision which shall not be the same as an existing city, town, tract or subdivision of land in the borough, of which a plat has been previously recorded, or so nearly the same as to mislead the public or cause confusion;
 - 2. Legal description, location, date, and total area in acres of the proposed subdivision; and
 - 3. Name and address of owner(s), as shown on the KPB records and the certificate to plat, and registered land surveyor;

Staff Response: The plat meets these requirements.

- B. North point;

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements.

- D. A vicinity map, drawn to scale showing location of proposed subdivision, north arrow if different from plat orientation, township and range, section lines, roads, political boundaries and prominent natural and manmade features, such as shorelines or streams;

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements.

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

Staff Response: Dedicate a 15-foot utility easement centered on the drainage. This continues the drainage easement from the north.

- 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. Information is on file with the Public Works Department.

- 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. Contours are shown.

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

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements.

Public Works Comments:

1. There will need to be a drainage easement that continues from Lot 50-A.
2. Dedicate a 15' drainage easement centered on the creek of Lots 51A and possibly through the north west corner of lot 54A.
3. Dedicate a 15' utility easement fronting the newly dedicated Swatzell Street.
4. There currently exists a water and sewer stub out for lot 51A on the south east property boundary. These services will need to be relocated north as to serve the lot directly and not via an easement.
5. The property owner will need to relocate the services prior to recording the plat, or enter into an installation agreement with the City, in which they will bond the cost of relocating the services in an agreed upon time frame. This will allow the plat to be recorded prior to the work being completed.

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' drainage easement centered on the creek of Lots 51A and possibly through the north west corner of lot 54A.
3. There currently exists a water and sewer stub out for lot 51A on the south east property boundary. These services will need to be relocated north as to serve the lot directly and not via an easement.
4. The property owner will need to relocate the services prior to recording the plat, or enter into an installation agreement with the City, in which they will bond the cost of relocating the services in an agreed upon time frame. This will allow the plat to be recorded prior to the work being completed.

Attachments:

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

E. NEW BUSINESS

- 2. Fourth of July Creek Subdivision Seward Marine Industrial Center
Duchess Replat; KPB File 2023-045
Lang & Associates Inc. / City of Seward
Location: Delphine Street, Olga Street & Morris Avenue
City of Seward**

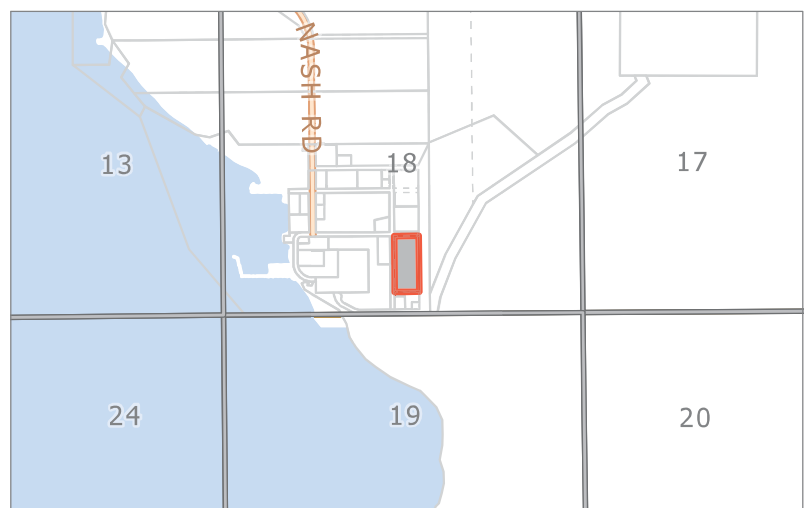
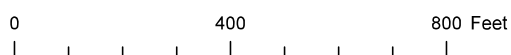


Vicinity Map

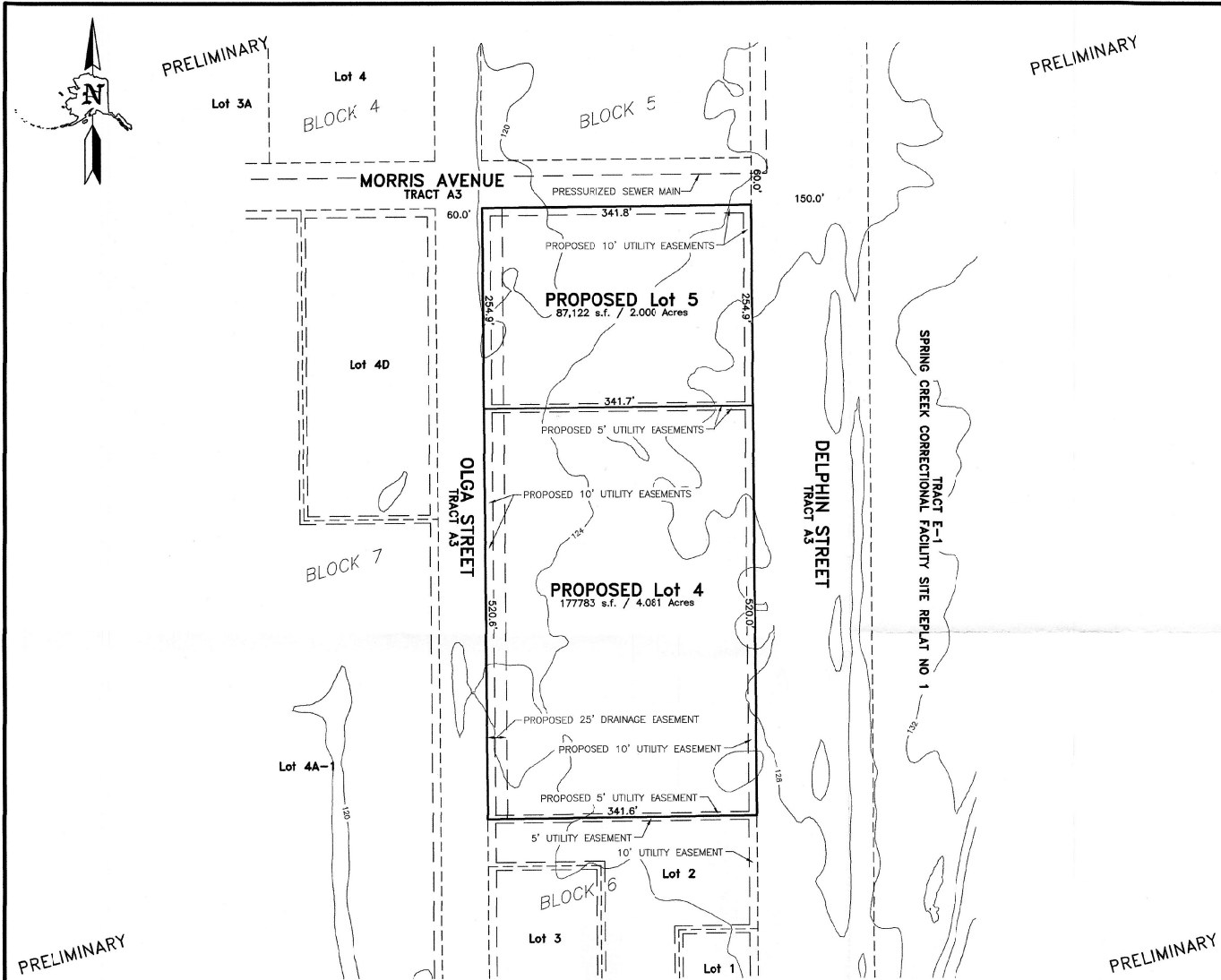


KPB File 2023-045
T 01S R 01E SEC 18
Seward

4/21/2023







CERTIFICATE OF OWNERSHIP AND DEDICATION
 I, on behalf of the City of Seward, hereby certify that I am the owner of the real property shown and described hereon and that I hereby adopt this plan of subdivision and by my free consent dedicate all rights-of-ways and public areas to public use and grant all easements to the use shown.

Owner

JANETTE BOWER, CITY MANAGER
 CITY OF SEWARD
 P.O. BOX 167
 SEWARD, ALASKA 99664

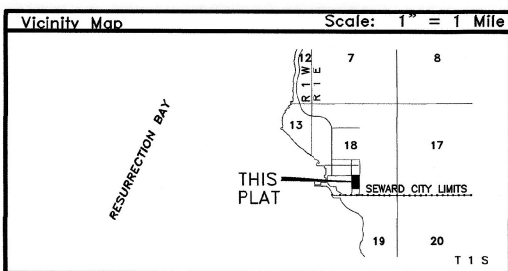
Notary Acknowledgement

for _____ Subscribed
 before me this _____ day _____

Notary Public for the State of Alaska My Commission Expires _____

PLATS

- 1) FOURTH OF JULY CREEK SUBDIVISION, SEWARD MARINE INDUSTRIAL CENTER (Plat No. 97-27), CREATING Lot 1, BLOCK 6 AND THE UNSUBDIVIDED REMAINDER OF BLOCK 6.
- 2) FOURTH OF JULY CREEK SUBDIVISION, SEWARD MARINE INDUSTRIAL CENTER, ADDITION NUMBER ONE (Plat No. 2001-2), CREATING Lots 2 & 3, BLOCK 6 AND THE UNSUBDIVIDED REMAINDER OF BLOCK 6.



PLAT OF
FOURTH OF JULY CREEK SUBDIVISION
SEWARD MARINE INDUSTRIAL CENTER
DUCHESS REPLAT
 - CONTAINING 6.082 Acres
 A SUBDIVISION OF THE UNSUBDIVIDED REMAINDER OF Block 6
 FOURTH OF JULY CREEK SUBDIVISION, SEWARD MARINE INDUSTRIAL CENTER,
 ADDITION NUMBER ONE (Plat No. 2001-2)
 LOCATED WITHIN THE S.E. 1/4, SECTION 16, T15S, R1E, SEWARD MERIDIAN, ALASKA
 KENAI PENINSULA BOROUGH
 SEWARD RECORDING DISTRICT

Lang & Associates, Inc.
 Professional Land Surveyors
 11500 Daryl Avenue
 Anchorage, Alaska 99515-3049
 (907) 522-6476
 ken@langsurvey.com
 jonathan@langsurvey.com
 travis@langsurvey.com
 State of Alaska AECC963

Owner
 CITY OF SEWARD
 P.O. BOX 167
 SEWARD, ALASKA
 99664

SURVEYOR'S CERTIFICATE

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

PLAT APPROVAL

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

Borough Official _____



NOTES

- 1) PROPOSED EASEMENTS HAVE BEEN REQUESTED BY THE SEWARD HARBOR MASTER.
- 2) THE SEWER MAIN IS PRESSURIZED AND NOT AVAILABLE FOR USE.

WASTEWATER DISPOSAL

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

KPB 2023-045

GRID: N/A	SCALE: 1" = 100'	DATE: 14 APRIL 2023
DRAWN: JCL	SHEET 1 OF 1	PROJECT #: 23-015
JOB FILE: L23015pp_TW.dwg		

AGENDA ITEM E. NEW BUSINESS

ITEM #2 - Fourth of July Creek Subdivision Seward Marine Industrial Center Duchess Replat

KPB File No.	2023-045
Plat Committee Meeting:	May 22, 2023
Applicant / Owner:	City of Seward of Seward, AK
Surveyor:	Kenneth G. Lang / Lang & Associates Inc.
General Location:	Morris Avenue, Olga Street, and Delphin Street in City of Seward

Parent Parcel No.:	145-340-44
Legal Description:	Unsubdivided remainder of Block 6, Fourth of July Creek Subdivision Seward Marine Industrial Center Addition Number One, SW 2001-2
Assessing Use:	Commercial / Residential
Zoning:	Industrial Zoning District
Water / Wastewater	City

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide a 6.082 acre parcel into two lots ranging in size from 2.000 to 4.081 acres. There will be no dedications with this subdivision.

Location and Legal Access (existing and proposed): The proposed plat is located on the eastern side of Resurrection Bay at the end of Nash Road. Nash Road intersects at Morris Ave which then intersects at Olga Street. The preliminary plat is an industrial area that is owned by the City of Seward and used as lease property. Due to the nature of the property's use, dedicated roads do not provide access to the lots. A tract has been created that provides 60 foot wide private access, this is Tract A4. All lots on the subdivision front on a portion of the tract. Tract A4 is defined with street names, with Morris Ave on the north and Olga Street on the west. Delphin Street on the East is the only dedicated right of way at 150 feet, near the subdivision. Morris Ave and Delphin Street are undeveloped while Olga Street is developed.

Proposed Lot 4 has access from Olga Street and Delphin Street. Proposed Lot 5 will have access from Olga Street, Morris Ave and Delphin Street.

No new dedication is being proposed with this subdivision.

Using Tract A4, the private service road tract, the block is compliant. The block is defined by the Tract A4 with the following names Sorrel Road, Olga Street, Morris Avenue and dedication Delphin Street.

KPB Code 20.30.050 – Legal access, requires that the lots have legal access. **Staff recommends the plat committee concur that Tract A4 provides legal access to the property and fulfills the requirements of 20.30.050.**

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

Site Investigation: The property is relatively flat with no steep contours. There are no low wet areas within the boundary of the subdivision.

The subdivision is within Floodplain Zone D, undetermined flood risk, which is not regulated. **Staff recommends the flood notes from parent plats be carried over unless the City of Seward requests changes, additional, or removal of the notes.**

KPB River Center review	<p>A. Floodplain</p> <p>Reviewer: Hindman, Julie Floodplain Status: Within City of Seward Comments: No comments</p> <p>B. Habitat Protection</p> <p>Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments</p> <p>C. State Parks</p> <p>Reviewer: VACANT Comments:</p>
State of Alaska Fish and Game	No objections

Staff Analysis This is a preliminary plat for property that has been surveyed multiple times. The City of Seward through the years has been platting and replating the lots to meet the needs of the City and the lessees. The allowance of using the tract for access allows them to control the people accessing a very heavy industrial area.

The City of Seward Planning and Zoning Commission met on April 4th, 2023, and approved Resolution 2023-006 recommending Seward City Council and Kenai Peninsula Borough approval of the Preliminary Plat of Fourth of July Creek Subdivision, Seward Marine Industrial Center (SMIC), Duchess Replat.

The Seward City Council will hear the preliminary plat at their May 22, 2023 meeting. Approval is subject to the council adopting Resolution 2023-006 at that meeting.

The City of Seward Fire Department reviewed and supplied no comment.

A soils report will not be required. Per the City of Seward Resolution, city services are within acceptable proximity. An installation agreement or documentation that one is not required will need to be provided.

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

Utility Easements Utility easements were granted in Fourth of July Creek Subdivision Seward Marine Industrial Center SW 97-27 and need to be carried forward to this plat. **Staff recommends** Carry forward and label utility easements from SW 97-27 correctly. Identify adjacent easement sources.

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 within HEA service area
ENSTAR	No comments or recommendations.
ACS	No objections
GCI	Approved as shown
SEWARD ELECTRIC	
CHUGACH ELECTRIC	Chugach as no comments. The plat for review are not located in our service area.
TELALASKA	

KPB department / agency review:

Addressing	<p>Reviewer: Robinson, Celina Affected Addresses: 110 OLGA ST</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names: MORRIS AVE, OLGA ST, DELPHIN ST</p> <p>Existing Street Name Corrections Needed:</p> <p>All New Street Names are Approved: No</p> <p>List of Approved Street Names:</p> <p>List of Street Names Denied:</p> <p>Comments: 110 OLGA ST WILL NEED REVIEWED BY THE CITY OF SEWARD ADDRESSING AUTHORITY</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

Add KPB File 2023-045 to drawing

KPB 20.25.070 – Form and contents required

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

- A. Within the Title Block
1. Name of the subdivision which shall not be the same as an existing city, town, tract, or subdivision of land in the borough, of which a plat has been previously recorded, or so nearly the same as to mislead the public or cause confusion. The parent plat's name shall be the primary name of the preliminary plat.
 2. Legal description, location, date, and total area in acres of the proposed subdivision;
 3. Name and address of owner(s), as shown on the KPB records and the certificate to plat, and registered land surveyor.
- Staff recommendation:** Add the City of Seward.
- C. The location, width, and name of existing or platted streets and public ways, railroad rights-of-way, and other important features such as section lines or political subdivisions or municipal corporation boundaries abutting the subdivision;
- Staff recommendation:** Delphin Street is not included in Tract Plat, relabel as right of way. On the tracts, relabel to Tract A4 and identify the source.
- G. The status of adjacent lands within 100 feet of the proposed subdivision boundary or the land status across from any dedicated rights-of-way that adjoin the propose subdivision boundary, including names of subdivisions, lot lines, block numbers, lot numbers, rights-of-way; or an indication that the adjacent land is not subdivided;
- Staff recommendation:** Lot 1 Block 5 to the north is missing the lot label. Please update. The block to the west is has been submitted to the Borough for replatting, it is suggested before finalizing the plat that the status of those parcels be checked.
- J. Block and lot numbering per KPB 20.60.140, approximate dimensions and total numbers of proposed lots;
- Staff recommendation:** Add block six label to both proposed lots.

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.

- 20.30.250. Building setbacks-Within cities. The building setback requirements for subdivisions located within cities shall be governed by the provisions of municipal zoning districts. Building setbacks as depicted, or noted, on recorded plats shall not be carried forward on a new subdivision plat located within a municipal zoning district. Provide a plat note stating, "Per KPB 20.30.250 the building setback of record has been removed. All development must comply with the municipal zoning requirements."
- Staff recommendation:** A plat note that this falls under City of Seward zoning must be added to the plat.
- 20.30.270. Different standards in cities. Where cities have enacted by ordinance different subdivision design standards than those set forth in this chapter, the planning commission shall apply the city standards in lieu of those set forth in this chapter. Any appeal of a city design standard is subject to KPB 21.01.020(E).
- Staff recommendation:** The City of Seward does not meet the specified requirements for the application and consideration of different standards.

KPB 20.40 – Wastewater Disposal

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

20.40.010 Wastewater disposal.

Platting Staff Comments: City services are within acceptable proximity.

Staff recommendation: comply with 20.40.

KPB 20.60 – Final Plat

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

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

Staff recommendation: An installation agreement will need to be provided or documentation that one is not required.

20.60.110. Dimensional data required.

A. The bearing and length of every lot line, block line, and boundary line shall be shown. Dimensions of lots shall be given as net dimensions to the boundaries of adjoining streets and shall be shown in feet. No ditto marks shall be used. Information shall be shown for all curves, including radius, central angle, arc length, chord length and chord bearing. The initial point of survey shall be shown and labeled. All non-radial lines shall be labeled. If monumented lines were not surveyed during this platting action, show the computed data per the record plat information.

B. The natural meanders of ordinary high water (or mean high water line as applicable) is for area computations only, the true corners being on the extension of the sidelines and the intersection with the natural meanders.

C. Any discrepancy between the survey and the record description, and the source of all information used in making the survey shall be indicated. When an inconsistency is found including a gap or overlap, excess or deficiency, erroneously located boundary lines or monuments, or when any doubt as to the location on the ground of the true boundary or property rights exists, the nature of the inconsistency shall be clearly shown on the drawing.

Staff recommendation: comply with 20.60.110. Add bearings to all lines. Side lines need overall distances shown.

20.60.180. Plat notes.

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.

- Development of these lots are subject to the City of Seward's zoning regulations.
- Lots within this subdivision may be located within a designated flood hazard area; if such is the case, development must comply with Title 15 of the City of Seward's Charter and Code of Laws. A survey to determine the elevation of the property may be required prior to construction.
- Tract A4 is a service road access easement restricted to lessees, City, and other authorized personnel.

- 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.

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: *The Notary's acknowledgement is a combination of acknowledgement and jurat. This must be revised to a jurat or comply with acknowledgement wording as shown in KPB Code 20.60.190. Update the Certificate of Acceptance for the City of Seward and listing that they are accepting utility easements and 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





LEGEND

- Found Monument as described
- Found Rebar and Aluminum Cap
Stamped: LS 5152 1994
- Found Rebar and Plastic Cap
Stamped: S&S 3167-S
- Set 5/8x30" Rebar with Plastic Cap, Stamped: LS7569
- Measured this Survey
- Record Information Plat 97-27
Seward Recording District

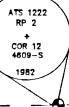
NOTES

- This Subdivision is subject to the City of Seward Zoning Regulations.
- The front 10' along Right of Ways and 5' each side of Interior lot lines is reserved as a Utility Easement. No permanent structure shall be constructed or placed within a Utility Easement which would interfere with the ability of a utility to use the easement.
- Lots within this subdivision may be located within a designated flood hazard area. Development must comply with Chapter 21 of the Kenai Peninsula Borough Code of Ordinances. A survey to determine the elevation of the property may be required prior to construction.
- Tract A, also shown hereon as Morris Ave and Olga Street is a service road access easement limited to lessees, City and other authorized personnel, per Plat 97-27 S.R.D.

WASTEWATER DISPOSAL

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

Found 2 3/4" Aluminum Cap on 2 1/2" Steel Pipe



BLOCK 7

Section 18
Section 19

LESSEE CERTIFICATE

I hereby certify that we are the lessee of Lot 2 as shown hereon, and that we hereby approve this subdivision.

William M. Holzheimer
Glacier Communications, Inc./KPFN Radio
P.O. Box 230004
Anchorage, Ak. 99523

NOTARY'S ACKNOWLEDGEMENT

FOR William M. Holzheimer
SUBSCRIBED AND SWORN TO BEFORE ME THIS 15
DAY OF January, 2001

NOTARY FOR ALASKA MY COMMISSION EXPIRES 12/12/01



2001-2
RECDIST
Date 1/29/2001
Time 9:40 A.M.
Requested By Cline
Address

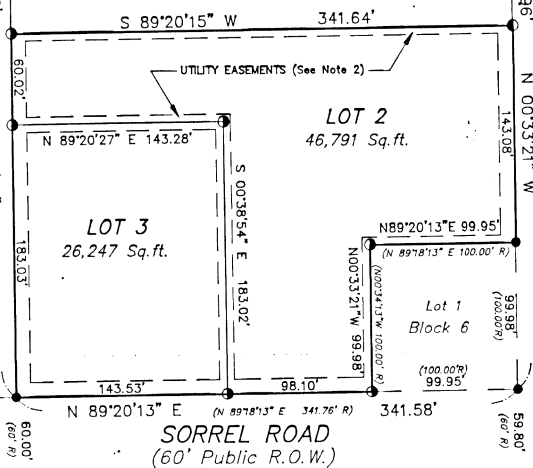
BLOCK 5

TRACT A
MORRIS AVENUE
(60' Private R.O.W.)

N 89°25'56" E 341.76' R
N 89°25'36" E 341.84'

UNSUBDIVIDED REMAINDER BLOCK 6
6.082 Acres

TRACT A
OLGA STREET
(60' Private R.O.W.)



SORREL ROAD
(60' Public R.O.W.)

N 89°18'13" E (1008.80' R) 1008.69'
BASIS OF BEARING PLAT 97-27 S.R.D.

Found 3 1/4" Brass Cap on 2 1/2" Steel Pipe



149.88' (150' R)

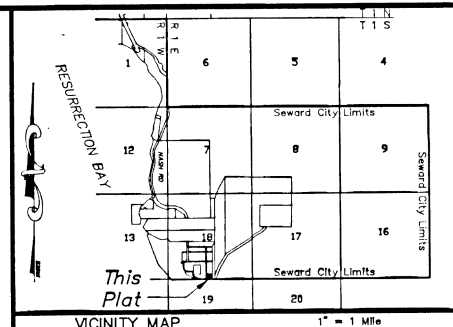
149.90' (150' R)

149.90' (150' R)

DELPHIN STREET
(150' Public R.O.W.)

149.93' (150' R)

Tract E Fourth of July Creek Tracts
N 00°33'46" W 466.02'



CERTIFICATE OF OWNERSHIP AND DEDICATION

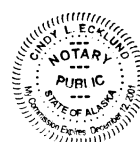
I hereby certify that we are the owners of the real property shown and described hereon and that we hereby adopt this plan of subdivision and by our free consent dedicate and grant all easements to the use shown hereon.

W. Scott Janke, City Manager
City of Seward
P.O. Box 167
Seward, AK. 99664

NOTARY'S ACKNOWLEDGEMENT

FOR W.S. Janke
SUBSCRIBED AND SWORN TO BEFORE ME THIS 12
DAY OF January, 2001

NOTARY FOR ALASKA MY COMMISSION EXPIRES 12/12/01



PLAT APPROVAL

This plat was approved by the Kenai Peninsula Borough Planning Commission in accordance with Section 20.04.070 Kenai Peninsula Borough Subdivision Regulations.

Date January 25, 2001

Borough Official

SURVEYOR'S CERTIFICATE

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

DATE 1/29/2001



FOURTH OF JULY CREEK SUBDIVISION SEWARD MARINE INDUSTRIAL CENTER ADDITION NUMBER ONE

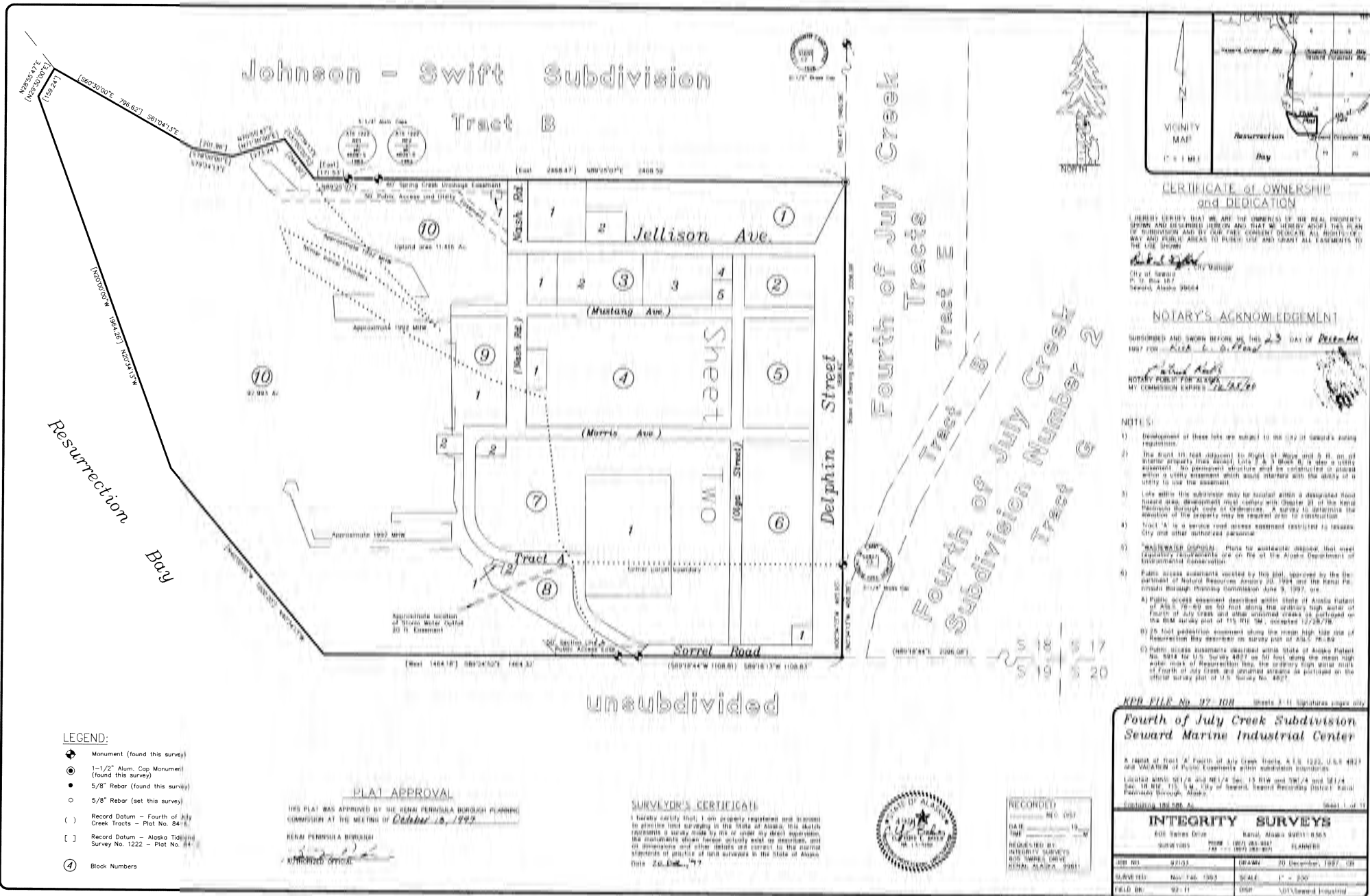
A SUBDIVISION OF:
A PORTION OF BLOCK 6, FOURTH OF JULY CREEK SUBD.
SEWARD MARINE INDUSTRIAL CENTER
LOCATED WITHIN THE SW 1/4 AND THE SE 1/4 SECTION 18
TOWNSHIP 1 SOUTH RANGE 1 EAST
CITY OF SEWARD
SEWARD RECORDING DISTRICT

CLINE AND ASSOCIATES LAND SURVEYORS

416 4th AVENUE PO BOX 2703 SEWARD, AK 99664
(907) 224-7324 FAX (907) 224-6088

DATE: 01-12-01 SCALE: 1" = 60'
DRAWN: WNC DRAWING NO.: 98-080C

K.P.B. FILE #: 99-208 & 2000-016



CALL TO ORDER

The April 4, 2023 regular meeting of the Seward Planning & Zoning Commission was called to order at 7:00 p.m. by Chair Clare Sullivan.

OPENING CEREMONY

Commissioner Nathaniel Charbonneau led the Pledge of Allegiance to the flag.

ROLL CALL

There were present:
Clare Sullivan presiding, and
Vanessa Verhey
Victoria Monaco
Troy Staggs

Nathaniel Charbonneau
Brenan Hornseth
Sean Ulman

Comprising a quorum of the Commission; and

Jason Bickling, Community Development Director
Selena Soto, Planning Technician
Kris Peck, Acting City Clerk

Excused – None

Absent – None

Vacant –None

CITIZEN COMMENTS ON ANY SUBJECT EXCEPT THOSE ITEMS SCHEDULED FOR PUBLIC HEARING – None

APPROVAL OF AGENDA AND CONSENT AGENDA

Motion (Charbonneau/Verhey)

Approval of Agenda and Consent Agenda

Motion Passed

Unanimous

The clerk read the following approved consent agenda items:

Approval of the February 7, 2023 Planning & Zoning Meeting Minutes.

SPECIAL ORDERS, PRESENTATIONS AND REPORTS

Proclamations and Awards – None

City Administration Report

Community Development Director Jason Bickling said it was good to see a full house of Planning & Zoning Commissioners. Bickling noted that City Planner Courtney Bringhurst was attending a planning conference in Philadelphia. Bickling wanted to address the process of short-term rentals that were mainly open during the summer. There were two categories of compliance: Level 1 compliance pertained to the necessary paperwork such as the city business license and bed tax. Level 2 compliance pertained to actual misuse of the property. Bickling wanted to help P&Z understand the administrative side of the compliance process. It was stated in city code for Community Development to notify P&Z about any compliance issues.

Other Reports and Announcements – None

Presentations – None

PUBLIC HEARINGS

Resolutions Requiring Public Hearing

Resolution 2023-006, Recommending City Council And Kenai Peninsula Borough Approval Of The Preliminary Replat Of Fourth Of July Creek Subdivision, Seward Marine Industrial Center (SMIC), Unsubdivided Remainder Of Block 6, Physical Location 110 Olga Street, Creating Two Lots; Lots 4 & 5, Block 6, Fourth Of July Creek Subdivision SMIC, Duchess Replat.

Motion (Charbonneau/Staggs)

Approve Resolution 2023-006

Bickling recited the information in the agenda statement, reviewed the conditions being proposed, and recommended approval.

Notice of the public hearing being posted and published as required by law was noted and the public hearing was opened. No one appeared and the public hearing was closed.

Charbonneau said the resolution felt pretty straight forward and the fire hydrant installation issue had been addressed.

Motion Passed

Unanimous

Resolution 2023-007, Recommending The City Council Update The Municipal Lands Inventory And Management Plan To Include Recommendations To Increase Day Use Parking At The Spring Creek Campground, Request An Easement To Maintain Beach Access To The North Of The Campground, And Plat The Area Into One Parcel And Rezone To Park.

Motion (Hornseth/Staggs)

Approve Resolution 2023-007

Bickling recited the information in the agenda statement, reviewed the conditions being proposed, and recommended approval.

Notice of the public hearing being posted and published as required by law was noted and the public hearing was opened. No one appeared and the public hearing was closed.

Charbonneau noted that Ms. Griswold's citizen comments and input were helpful in drafting Resolution 2023-007.

Motion Passed

Unanimous

Resolution 2023-008, Recommending The City Council Update The Municipal Lands Inventory And Management Plan To Include Recommendations To Improve And Designate Parking And Access At The Fourth Of July Beach And Plat The Area Into One Parcel And Rezone To Park.

Motion (Charbonneau/Staggs)

Approve Resolution 2023-008

Bickling recited the information in the agenda statement, reviewed the conditions being proposed, and recommended approval.

Notice of the public hearing being posted and published as required by law was noted and the public hearing was opened. No one appeared and the public hearing was closed.

Charbonneau noted that Ms. Griswold's citizen comments and input were helpful in drafting Resolution 2023-008.

Motion Passed

Unanimous

Resolution 2023-009, A Resolution Of The Planning And Zoning Commission Of The City Of Seward, Alaska, Granting A Conditional Use Permit To John Wisel, To Construct A Mixed-Use Commercial Building With More Than Two Apartments At 213 Fifth Ave, Original Townsite Of Seward, South 10 Feet Of Lot 13 & The North 25 Feet Of Lot 14, Block 9; Within A Central Business (CB) Zoning District.

Motion (Staggs/Monaco)

Approve Resolution 2023-009

Bickling recited the information in the agenda statement, reviewed the conditions being proposed, and recommended approval.

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

John Wisel, outside city limits, said that Covid-19 put a halt to his previous CUP back in 2020. Currently, Wisel was up and running and ready to take on more construction. Wisel already had a few applicants interested in this mixed-use commercial building and he was looking forward to starting this project.

No one else appeared and the public hearing was closed.

Charbonneau said the CUP lined out all the issues and the parking looked acceptable. Charbonneau typically liked to see an enclosure covering the trash cans, but in this case, the trash cans would be located in the alley and out of street view.

Sullivan asked if this CUP was identical to the one issued in 2020. Wisel confirmed it was exactly the same.

Verhey was concerned that there was already a lot of empty office space around town. Wisel said he had been approached by businesses like acupuncture, chiropractic, and retail. The office space being new and modern would be a draw.

Sullivan noted that tearing down the existing building would be a huge improvement for the area.

Resolution 2023-010, A Resolution Of The Planning And Zoning Commission Of The City Of Seward, Alaska, Granting A Conditional Use Permit To Colaska Inc. Dba QAP To Extract Gravel From Portions Of The Resurrection River Located On Seward Meridian SW NE ¼ SW ¼ And Seward Meridian SW West 330 Feet Of NW ¼ Lying Within Seward City Limits And Seward Meridian SW Portion NW ¼ SE ¼ Lying Within Seward City Limits Excluding West 330 Feet; Within A Resource Management (RM) Zoning District.

Motion (Charbonneau/Monaco)

Approve Resolution 2023-010

Bickling recited the information in the agenda statement, reviewed the conditions being proposed, and recommended approval.

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

Jerry Fogg, inside the city, noted that Resurrection River was designated as a salmon bearing body of water. Fogg asked how P&Z could grant permission for QAP to drive machinery in the river when locals were not even allowed to drive an ATV in the river. Bickling responded that both Fish & Game and the Kenai River Center had approved of a small window of time for QAP to work in the river.

No one else appeared and the public hearing was closed.

Charbonneau felt the resolution was pretty straight forward and ready for approval.

Sullivan noted that all the other required permitting looked to be in order and this resolution looked to be in good shape.

Motion Passed

Unanimous

UNFINISHED BUSINESS – None

NEW BUSINESS

Resolutions – None

Other New Business Items

Nominate and elect a Chair.

Charbonneau nominated Clair Sullivan as chair. There were no other nominations.

Motion (Charbonneau/Verhey)

Elect Clare Sullivan as Chair with a term to expire February, 2024.

Motion Passed

Unanimous

Nominate and elect a Vice Chair.

Charbonneau nominated Vanessa Verhey as Vice Chair. There were no other nominations.

Motion (Charbonneau/Sullivan)

Elect Vanessa Verhey as Vice Chair with a term to expire February, 2024.

Motion Passed

Unanimous

Discuss Topics For April 18, 2023 Work Session. Title 15 Updates, Long-Term Rental, Lot Frontages, Bunkhouses/Dormitories And Awning Discussion Introduction.

Sullivan confirmed the topics were the same as provided in the agenda.

INFORMATIONAL ITEMS AND REPORTS

Reminder: Tuesday, April 18, 2023 Planning and Zoning Work Session at 6:00pm in the Council Chambers, City Hall.

*Reminder: Tuesday, May 9, 2023 regular meeting at 7:00 pm in the Council Chambers, City Hall. *Rescheduled from May 2nd due to the elections being held on that day.*

CITIZEN COMMENTS – None

COMMISSION AND ADMINISTRATION COMMENTS AND RESPONSES TO CITIZEN COMMENTS

Verhey said it was great to have everyone at the meeting.

Charbonneau thanked the public who came to the meetings. He also thanked Community Development and P&Z for their work.

Hornseth thanked Sullivan for serving as Chair and Verhey for serving as Vice Chair.

Ulman thanked administration for all their hard work.

Sullivan thanked all the commissioners for attending the meeting and noted how their actions helped the real world make progress.

ADJOURNMENT

The meeting was adjourned at 7:42 p.m.

Kris Peck
Acting City Clerk

(City Seal)

Clare Sullivan
Chair

**CITY OF SEWARD, ALASKA
PLANNING AND ZONING COMMISSION
RESOLUTION 2023-006**

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF SEWARD, ALASKA, RECOMMENDING CITY COUNCIL AND KENAI PENINSULA BOROUGH APPROVAL OF THE PRELIMINARY REPLAT OF FOURTH OF JULY CREEK SUBDIVISION, SEWARD MARINE INDUSTRIAL CENTER (SMIC), UNSUBDIVIDED REMAINDER OF BLOCK 6, PHYSICAL LOCATION 110 OLGA STREET, CREATING TWO LOTS; LOTS 4 & 5, BLOCK 6, FOURTH OF JULY CREEK SUBDIVISION SMIC, DUCHESS REPLAT

WHEREAS, the City of Seward, per the request of Duchess LLC, has submitted a preliminary replat to the City of Seward for review and recommendation to the City Council and the Kenai Peninsula Borough; and

WHEREAS, this replat creates two new parcels, Lots 4 & 5, Block 6 on the property known as 110 Olga Street; and

WHEREAS, Duchess LLC is interested in leasing proposed Lot 5 from the City of Seward to store boats; and

WHEREAS, the parcels are zoned Industrial (I); and

WHEREAS, the parcels currently have access to municipal road, electric, and sewer on the north end, but not water; and

WHEREAS, International Fire Code requires a fire hydrant to be installed if a building is constructed within a distance greater than 500 feet from an existing fire hydrant; and

WHEREAS, Lot 5 is the only parcel that will be currently leased, and Duchess LLC has been informed of these requirements; and

WHEREAS, the City of Seward has plans to extend the water and sewer lines to these parcels and install fire hydrants as development demands; and

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

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

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

Section 1. The Commission hereby recommends that, in accordance with Seward City Code Section 16.01.015 (B), the City Council and Kenai Peninsula Borough approve the submittal of the Replat of Fourth of July Creek Subdivision, Seward Marine Industrial Center (SMIC), Unsubdivided Remainder of Block 6, Creating Two Lots, Lots 4 & 5, Block 6, Fourth of July Creek Subdivision SMIC, Duchess Replat.

Section 2. This resolution shall take effect immediately upon its adoption.


PASSED AND APPROVED by the Seward Planning and Zoning Commission this 4th day of April, 2023.

THE CITY OF SEWARD, ALASKA


Clare Sullivan, Chair

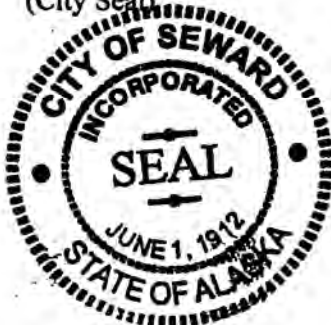
AYES: Charbonneau, Ulman, Hornseth, Monaco, Staggs, Verhey, Sullivan
NOES: None
ABSENT: None
ABSTAIN: None
VACANT: None

ATTEST:



Brenda Ballou, MMC
City Clerk

(City Seal)



Kris Peck
Acting city clerk

Planning and Zoning Agenda Statement



Meeting Date: March 7, 2023

To: Planning and Zoning Commission

Through: Jason Bickling, Community Development Director

From: Courtney Bringham, Planner

Agenda Item: Resolution 2023-006: Recommending City Council and Kenai Peninsula Borough Approval of the Preliminary Replat of Fourth of July Creek Subdivision, Seward Marine Industrial Center (SMIC), Unsubdivided Remainder of Block 6, Physical Location 110 Olga Street, Creating Two Lots, Lots 4 & 5, Block 6, Fourth of July Creek Subdivision SMIC, Duchess Replat

Background and justification:

Attached for the Commission's review and recommendation to the City Council and the Kenai Peninsula Borough Planning Commission is a preliminary replat submitted by the City of Seward per the request of Duchess LLC. This platting action creates two new parcels, Lot 4 & 5, Block 6, Fourth of July Creek Subdivision SMIC, Duchess Replat, by subdividing Fourth of July Creek Subdivision, SMIC, Unsubdivided Remainder of Block 6, also known as 110 Olga Street Seward, Alaska in the Seward Marine Industrial Center.

Duchess LLC requested this platting action to establish a parcel, Lot 5, which they would lease for boat storage from the City of Seward.

Roads and electric are currently accessible to the proposed parcels, and sewer is available on the north end where the proposed parcel for lease is located. However, water is not available. International Fire Code requires a fire hydrant to be installed if a building is constructed within a distance greater than 500 feet from an existing fire hydrant. The applicant and future lessee have been informed of this requirement. The City has plans to extend the water and sewer lines to all of the parcels in SMIC that do not currently have access, as development and use demands.

According to Seward City Code 16.01.015, property owners within 300 feet of the requested platting action were notified, and the property was posted with public notice signage.

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

Subdivision Review:

Zoning: The property is zoned Industrial (I).

Size: Lot 4 is 4.081 acres and Lot 5 is 2 acres

Utilities: These Lots currently have access to City roads and electric. Lot 5 has access to sewer. The sewer will be extended to Lot 4 as development demands. Water lines and a fire hydrant will be required if a building is ever built on either parcel.

Existing Use: These lots are currently vacant.

Access: Lot 4 and 5 are both accessed from Olga Street. Access could be developed from Morris Street or Delphin Street, but is not currently established.

Flood Zone: The lots are within a Flood Zone D. The Zone D designation is used for areas where there are possible but undetermined flood hazards.

Comprehensive and Strategic Plan Consistency Information

This legislation is consistent with (citation listed):

Comprehensive Plan: *Vol 1 Ch 2.2.11* - The Comprehensive Plan encourages completing the development of SMIC as a revenue source with year-round employment opportunities.

Vol 1 Ch 3.5.1.2 - Support the SMIC Development Plan to include new market trends and modern technologies for ship repair and construction, shipping of natural resource products, boat storage, and other compatible industries, soliciting support from Alaska Industrial Development and Export Authority (AIDEA) and the US Economic Development Administration (EDA).

Strategic Plan: "Expand development in the Seward Marine Industrial Center" (page 7).

Staff Comments

Department	Comments	No Comment	N/A
Building Department		X	
Fire Department	A fire hydrant will need to be installed if a building is constructed on either parcel.		
Public Works Department		X	
Harbor Department		X	
Police Department		X	
Electric Department		X	
Telecommunications		X	

Public Comment

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

At the time of this publication the Community Development Department has received no public inquiries. If any correspondence is received after publication of this agenda statement, it will be submitted to the Commissioners for their review.

Recommendation

Commission approve Resolution 2023-006, recommending City Council and Kenai Peninsula Borough Approval of the Preliminary Replat of Fourth of July Creek Subdivision, Seward Marine Industrial Center (SMIC), Unsubdivided Remainder of Block 6, Physical Location 110 Olga Street, Creating Two Lots, Lots 4 & 5, Block 6, Fourth of July Creek Subdivision SMIC, Duchess Replat

E. NEW BUSINESS

3. Puffin Acres 2023; KPB File 2023-046

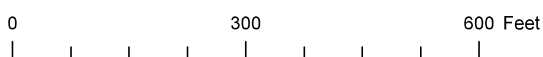
Ability Surveys / Hall

**Location: Crested Crane Street & East End Road
Kachemak City**

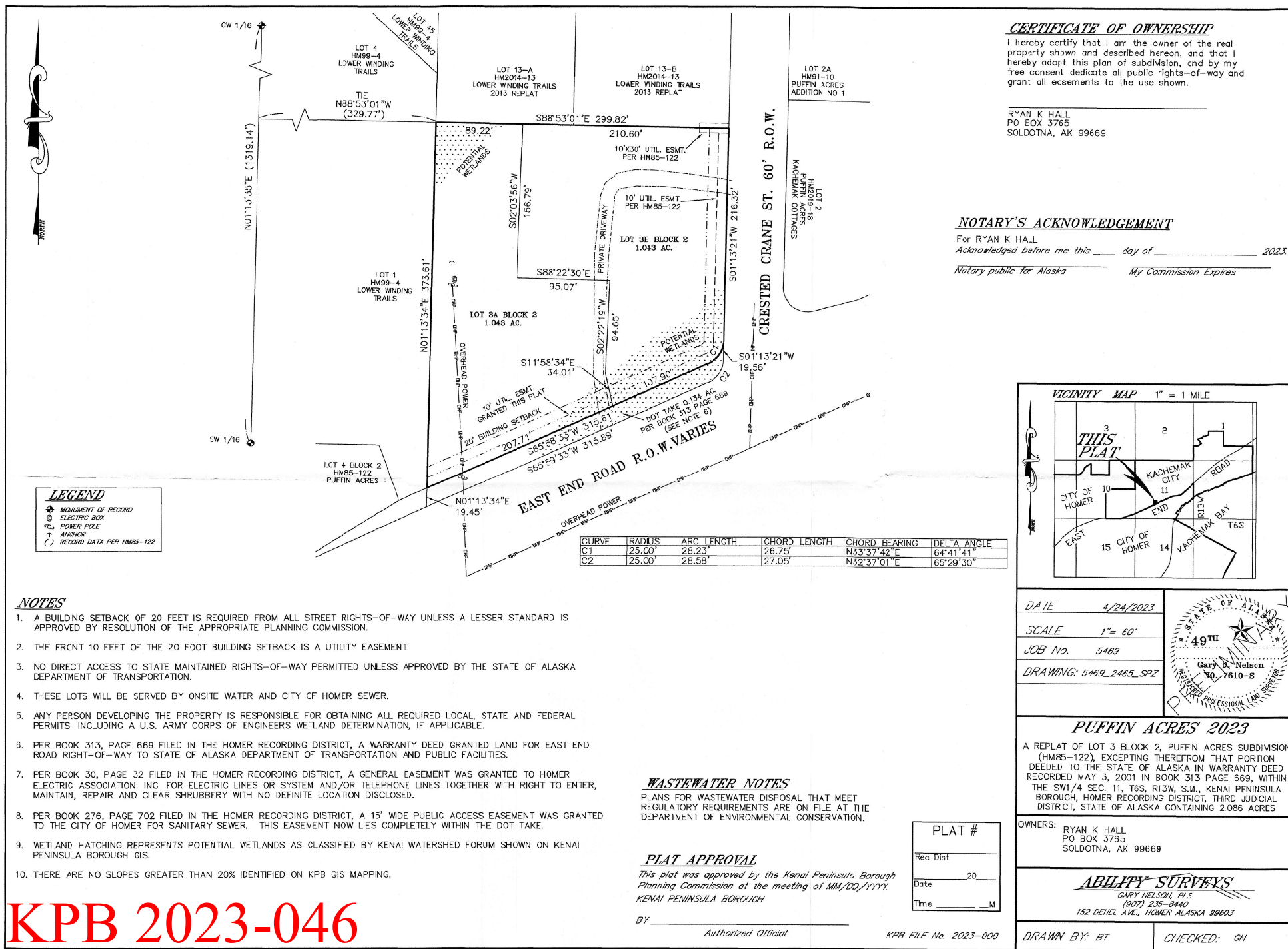


KPB File 2023-046
T 06S R 13W SEC 11
Kachemak

4/28/2023







AGENDA ITEM E. NEW BUSINESS

ITEM ## - Puffin Acres 2023

KPB File No.	2023-046
Plat Committee Meeting:	May 22, 2023
Applicant / Owner:	Ryan K Hall of Soldotna, AK
Surveyor:	Gary Nelson / Ability Surveys
General Location:	East End Road and Crested Crane Street, City of Kachemak

Parent Parcel No.:	174-192-14
Legal Description:	Lot 3 Block 2 Puffin Acres, HM 85-122 Excepting Therefrom that portion conveyed to the State of Alaska DOT&PF by warranty deed recorded in Book 313 Page 669
Assessing Use:	Residential
Zoning:	Unrestricted
Water / Wastewater	On site / City of Homer

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide a 2.086 acre parcel into two 1.043 acre lots. No new dedication is proposed with this plat.

Location and Legal Access (existing and proposed): the preliminary plat is located at the northwest corner of East End Road and Crested Crane Street in the City of Kachemak. East End Road is state-maintained with varying widths along its right-of-way. East End Road was originally dedicated as a 100 foot right of way by Puffin Acres HM 85-122. A deed was recorded in Book 313 Page 669 to the Alaska DOT as an acquisition for addition right of way from Lot 3 Block 2 along East End Road. Crested Crane street was originally named Old Squaw Street as dedicated on Puffin Acres HM 85-122 and is a 60-foot dedication.

Lot 3 Block 2 originally had access to both East End Road and Crested Crane Street. With the new lots, Lot 3A Block 2 will have direct access to East End Road, and Lot 3B Block 2 will have access to East End Road and Crested Crane Street. There is a private drive that starts on East End Road inside Lot 3A and exits onto Crested Crane Street through Lot 3B. Both lots appear to use the private drive. **Staff recommends** a plat note be added to the Final Plat concerning the use of the private drive "Private driveway shown, is for use of owners of these lots only and is not dedicated to the use of the public."

The block is closed and compliant as defined by the following roads: East End Road, Bear Creek Drive, Winding Trails Lane and Crested Crane Street.

PER DOT: The platting action voids any previous issued permits. The owners will need to reapply for driveway access permits to state right-of-way East End Road.

KPB Roads Dept. comments	Out of Jurisdiction: Yes Roads Director: Griebel, Scott Comments: No comments
SOA DOT comments	ROW for East End Rd appears to be shown correctly

Site Investigation: The proposed subdivision has smooth flat terrain from the north towards the south. There are wetlands present in the northwest corner and the southeast corner of the subdivision as shown, they are designated as discharge slopes. **Staff recommends** the wetlands remain identified on the final plat.

There are improvements on both lots of the proposed subdivision. **Staff recommends** the surveyor locate the structures to verify location to setbacks and lot lines. If there is an issue to notify staff and present a solution to the problem.

The proposed subdivision is located in a FEMA Flood Hazard Zone. The property is located in Zone X which is an area of minimal flooding possibility.

KPB River Center review	<p>A. Floodplain</p> <p>Reviewer: Hindman, Julie Floodplain Status: IS in flood hazard area Comments: Flood Zone: X (unshaded) Map Panel: 02122C-2115E In Floodway: False Floodway Panel:</p> <p>B. Habitat Protection</p> <p>Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments</p> <p>C. State Parks</p> <p>Reviewer: VACANT Comments:</p>
State of Alaska Fish and Game	No Objections

Staff Analysis The subdivision was originally an aliquot part of Section 11, Township 6 South, Range 13 West of the Seward Meridian, City of Kachemak, Alaska. The original subdivision was then platted from the East ½ of the Southwest ¼ of said Section 11 into Puffin Acres HM 85-122, creating two blocks, Lots 1-4 Block 1 and Lots 1 – 11 Block 2 and an unsubdivided remainder. The subdivision also dedicated four street right of ways.

The new subdivision will create two lots and no new dedication.

A soil report not will be required and the correct plat note is shown.

Notice of the proposed plat was mailed to the beneficial interest holder on April 28, 2023. 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 property is not within an advisory planning commission.

There does not appear to be any encroachments on the subdivision. Improvements on Lot 3B Block 2 may be located near a setback on the east line. The improvement looks to have been built in 1996 and would be subject to municipal standards of the City of Kachemak Zoning.

Utility Easements

The parent plat dedicated a 10 foot utility easement along the east and south side of the lot. The south is now within the right-of-way dedication in technicality. This plat is dedicating a new 10 foot utility easement along the right of way of East End Rd. Both easements are indicated correctly.

There is a general electrical utility easement granted to Homer Electric Association in Book 30 Page 32 with no specific location given noted on the plat.

A 15 foot sanitary sewer easement granted to the City of Homer at Book 276 Page 702 which now lies within the right of way as dedicated to Alaska DOT in Book 313 Page 669 is noted on the plat.

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

Utility provider review:

HEA	
ENSTAR	No comments or recommendations.
ACS	No Objections
GCI	Approved as shown

KPB department / agency review:

Addressing	<p>Reviewer: Robinson, Celina Affected Addresses: 60456 EAST END RD</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names: EAST END RD; CRESTED CRANE ST</p> <p>Existing Street Name Corrections Needed:</p> <p>All New street Names are Approved: No</p> <p>List of Approved Street Names:</p> <p>Comments: 60456 EAST END RD ADDRESS WILL REMAIN WITH LOT 3B AFTER RECORDING</p>
Code Compliance	<p>Reviewer: Ogren, Eric Comments: No comments</p>
Planner	<p>Reviewer: Raidmae, Ryan There are not any Local Option Zoning District issues with this proposed plat.</p> <p>Material Site Comments: There are not any material site issues with this proposed plat.</p> <p>There is a licensed Marijuana Store located on proposed Lot 3B. The proposed subdivision does not appear to affect the Marijuana site plan, access or pedestrian routes.</p>
Assessing	<p>Reviewer: Windsor, Heather</p>

	Comments: No comment
City of Kachemak	Approved

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

City of Kachemak City Council at the meeting of April 12, 2023 voted unanimously to write a letter of non-objection to the subdivision of Puffin Acres 2023.

STAFF RECOMMENDATIONS
CORRECTIONS / EDITS

Add KPB file number.

KPB 20.25.070 – Form and contents required

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

- A. Within the Title Block
1. Name of the subdivision which shall not be the same as an existing city, town, tract, or subdivision of land in the borough, of which a plat has been previously recorded, or so nearly the same as to mislead the public or cause confusion. The parent plat's name shall be the primary name of the preliminary plat.
 2. Legal description, location, date, and total area in acres of the proposed subdivision;
 3. Name and address of owner(s), as shown on the KPB records and the certificate to plat, and registered land surveyor.

Staff recommendation: *Add City of Kachemak.*

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

Staff recommendation: *If the total width of East End Road cannot be shown please show the centerline and the boundary for Kachemak City within the dedication.*

- D. A vicinity map, drawn to scale showing location of proposed subdivision, north arrow if different from plat orientation, township and range, section lines, roads, political boundaries, and prominent natural and manmade features, such as shorelines or streams;

Staff recommendation: *Please add missing section labels.*

- G. The status of adjacent lands within 100 feet of the proposed subdivision boundary or the land status across from any dedicated rights-of-way that adjoin the propose subdivision boundary, including names of subdivisions, lot lines, block numbers, lot numbers, rights-of-way; or an indication that the adjacent land is not subdivided;

Staff recommendation: *Correct the plat number for Lots 1, 4 and 5 of Lower Winding Trails to HM 99-44.*

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.*

- 20.30.250. Building setbacks-Within cities. The building setback requirements for subdivisions located within cities shall be governed by the provisions of municipal zoning districts. Building setbacks as depicted, or noted, on recorded plats shall not be carried forward on a new subdivision plat located within a municipal zoning

district. Provide a plat note stating, "Per KPB 20.30.250 the building setback of record has been removed. All development must comply with the municipal zoning requirements."

Staff recommendation: *Provide a plat note stating, "Per KPB 20.30.250 the building setback of record has been removed. All development must comply with the municipal zoning requirements."*

KPB 20.40 – Wastewater Disposal

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

20.40.010 Wastewater disposal.

Platting Staff Comments:

Staff recommendation: *comply with 20.40.*

KPB 20.60 – Final Plat

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

20.60.110. Dimensional data required.

A. The bearing and length of every lot line, block line, and boundary line shall be shown. Dimensions of lots shall be given as net dimensions to the boundaries of adjoining streets and shall be shown in feet. No ditto marks shall be used. Information shall be shown for all curves, including radius, central angle, arc length, chord length and chord bearing. The initial point of survey shall be shown and labeled. All non-radial lines shall be labeled. If monumented lines were not surveyed during this platting action, show the computed data per the record plat information.

B. The natural meanders of ordinary high water (or mean high water line as applicable) is for area computations only, the true corners being on the extension of the sidelines and the intersection with the natural meanders.

C. Any discrepancy between the survey and the record description, and the source of all information used in making the survey shall be indicated. When an inconsistency is found including a gap or overlap, excess or deficiency, erroneously located boundary lines or monuments, or when any doubt as to the location on the ground of the true boundary or property rights exists, the nature of the inconsistency shall be clearly shown on the drawing.

Staff recommendation: *comply with 20.60.110. Check the distances given, the south line appears to be off.*

Check closure on all parcels, could not get them to close.

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.

If the driveway shown on the plat is a private drive, staff suggests the following note be placed on the final plat to avoid confusion about public use in the future: "Private driveway shown, is for use of owners of these lots only and is not dedicated to the use of the public."

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.

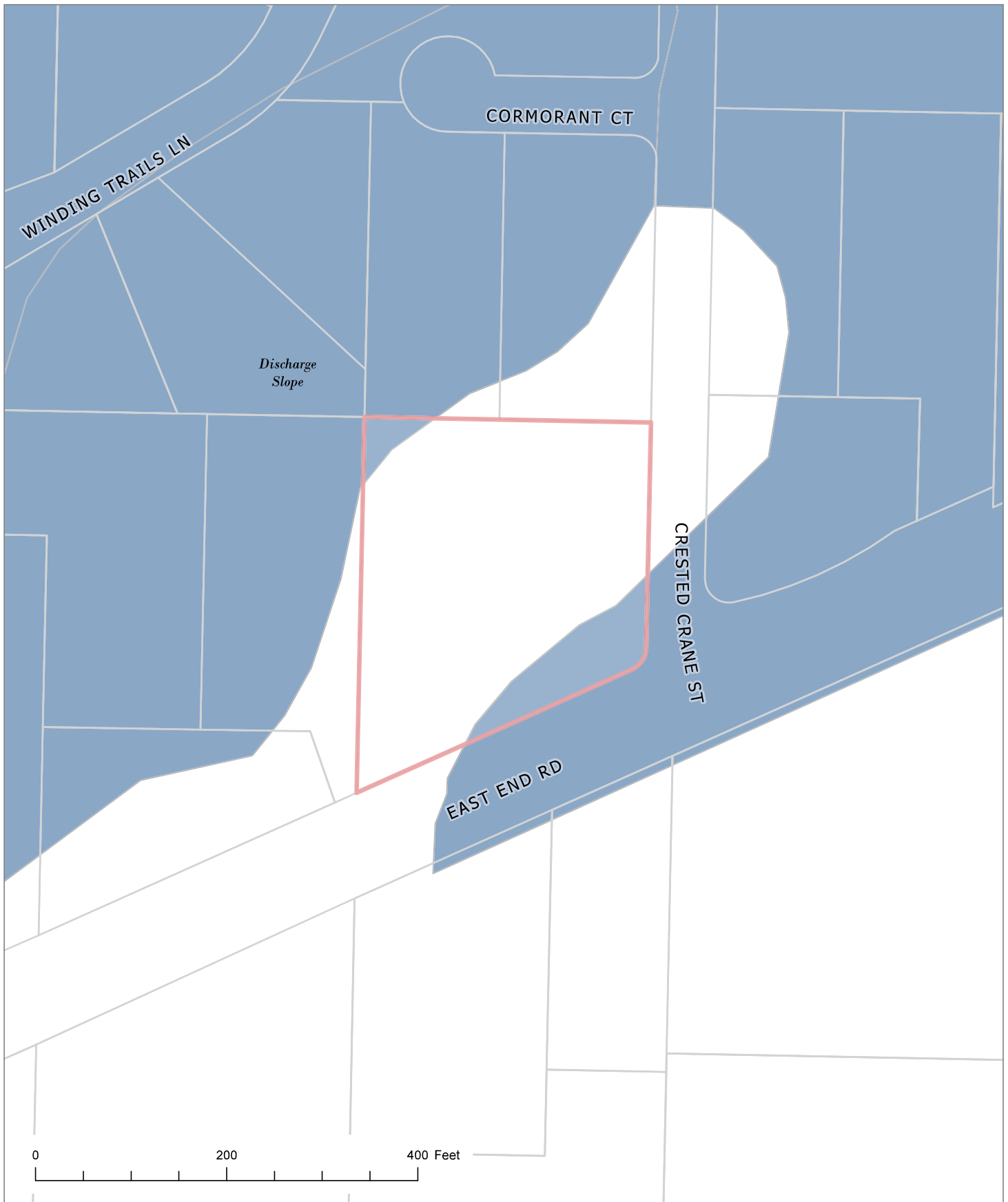
A DECISION OF THE PLANNING COMMISSION MAY BE APPEALED TO THE HEARING OFFICER BY A PARTY OF RECORD WITHIN 15 DAYS OF THE DATE OF NOTICE OF DECISION IN ACCORDANCE WITH KPB 21.20.250.

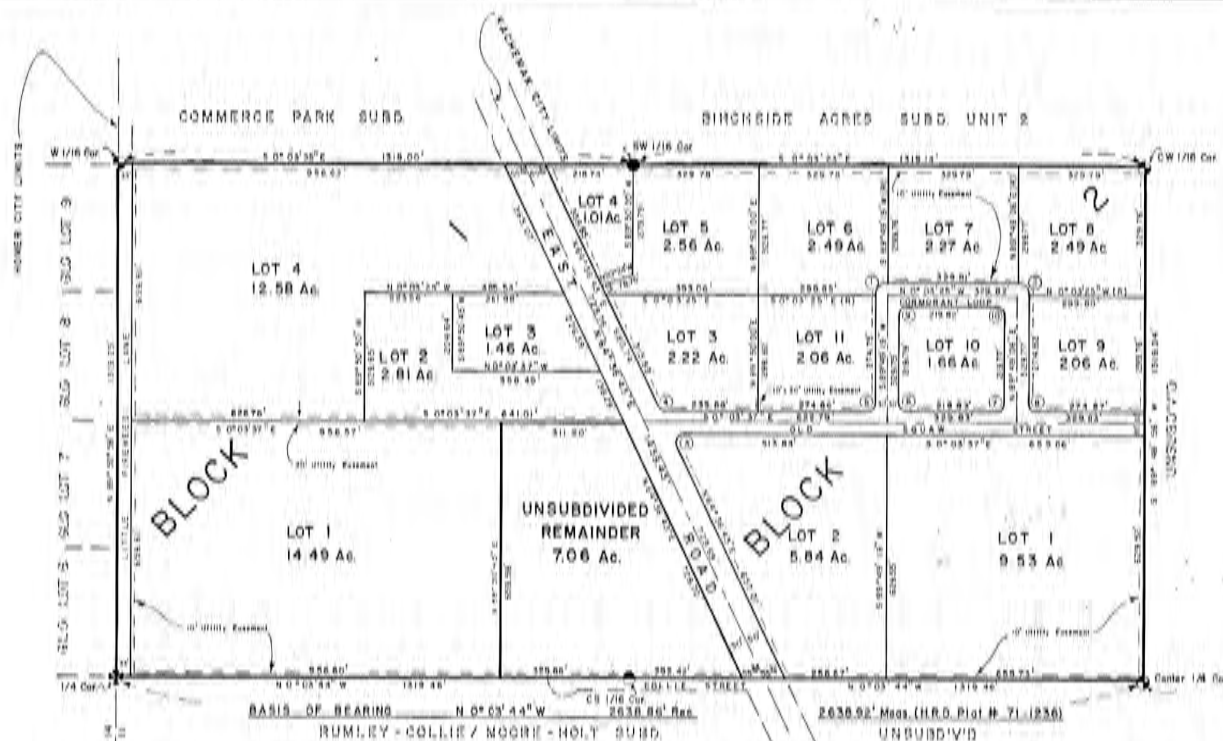
END OF STAFF REPORT





Wetlands





A building setback of 20 feet is required from all street rights of way unless a lesser standard is approved by a resolution of the appropriate planning commission.

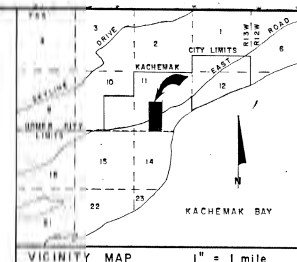
No direct access to state maintained ROWs permitted unless approved by State of Alaska Department of Transportation.

1/8" rebar set at each 1st corner

The drainage pattern within this survey involves only normal runoff water.

Water supply and sewage disposal systems shall be permitted only in conformance with applicable requirements of IB AAC 70, IB AAC 72, and IB AAC 80.

The lots on Lot 4, Block 2 of this subdivision are unsuitable for conventional on-site waste disposal systems. Wastewater may not be disposed of on this lot until public sewers is available.



CERTIFICATE OF OWNERSHIP

We hereby certify that we are the owners of the property shown and described hereon, and that we hereby adopt this plan of subdivision, and dedicate all right-of-ways to public use, and grant all easements to the use shown.

James L. Guthrie - James L. Guthrie

NOTARY'S ACKNOWLEDGEMENT for James L. Colkins

SUBSCRIBED AND SWORN TO BEFORE ME THIS

_____ DAY OF _____

1985. State of Alaska

NOTARY PUBLIC - AS

CERTIFICATE OF APPROVAL BY THE ALASKA

DEPARTMENT OF ENVIRONMENTAL CONSERVATION

This subdivision has been reviewed in accordance

AA/PL065 and is approved, subject to any noted res

Est. Buchholz EFO 21 Nov
DONATEE 2 171 DATE

REPORT DATE	FILE	DATE
1/1/19	100-100000	1/1/19

PUFFIN ACRES

SUBDIVISION OF EAST 1/2 SW 1/4 SECTION 11 T.6 S.,
R 13 W. 8 M. ALASKA

CONTAINING 72.84 Acres

Scale: 1" = 150'

By

Corine Freeman

03040 Mc Neil Canyon Rd

Homer, Alaska

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 herein actually exist as described and that dimensions and other details are correct.

Nov 29, 1988 *Carlos Finerman*
Date Carlos Finerman, L.O. #129

CURVE DATA

- | | | |
|---|--|--|
| ① | $\Delta = 90^\circ 02' 48''$
$\alpha = 90^\circ$ | $L = 47.05^\circ$ |
| ② | $\Delta = 90^\circ 07' 00''$
$\alpha = 90^\circ$ | $L = 47.19^\circ$ |
| ③ | $\Delta = 118^\circ 19' 40''$
$\alpha = 85^\circ$ | $L = 30.49^\circ$
$L = 10.52^\circ$ |
| ④ | $\Delta = 88^\circ 40' 20''$
$\alpha = 85^\circ$ | $L = 18.05^\circ$
$L = 28.57^\circ$ |
| ⑤ | $\Delta = 90^\circ 01' 04''$
$\alpha = 85^\circ$ | $L = 38.05^\circ$
$L = 49.52^\circ$ |
| ⑥ | $\Delta = 87^\circ 50' 20''$
$\alpha = 85^\circ$ | $L = 24.95^\circ$
$L = 39.22^\circ$ |
| ⑦ | $\Delta = 90^\circ 03' 12''$
$\alpha = 85^\circ$ | $L = 37.05^\circ$
$L = 50.57^\circ$ |
| ⑧ | $\Delta = 87^\circ 52' 40''$
$\alpha = 85^\circ$ | $L = 34.90^\circ$
$L = 50.52^\circ$ |
| ⑨ | $\Delta = 90^\circ 03' 40''$
$\alpha = 85^\circ$ | $L = 35.05^\circ$
$L = 50.55^\circ$ |
| ⑩ | $\Delta = 87^\circ 52' 32''$
$\alpha = 85^\circ$ | $L = 34.85^\circ$
$L = 50.55^\circ$ |

LEGEND

- | | |
|---|----------------------------|
|  | Fed B E Mon Data 61.0 1917 |
|  | Fed B C Mon 1301 5 1971 |
|  | Fed B C Mon 3006 5 1983 |
|  | Fed Airm Mon 4465 5 1985 |
- — — indicates in fact Utility Expense

PLAT APPROVAL

This plot was approved by the Koori Peninsula Planning Commission at the meeting of .

（作者为湖北经济学院教授）

KENAI PENINSULA BOROUGH

B.L.B.T.

Authorized Official

85-122

RECORDED - FILED 10
HOMER REC. DIST.
DATE 12-2-1988
TIME 3:54 P
Requested by J. Calkins
Approved for KPB
Sally

City of Kachemak
P.O. Box 958
Homer, AK 99603
p. 907.235.8897 e. cityclerk@kachemak.city

Kenai Peninsula Borough
ATTN: Planning Department
144 North Binkley Street
Soldotna, AK 99669


April 13, 2023

RE: Puffin Acres Replat

To Whom it May Concern:

The Kachemak City Council met on April 12, 2023, and voted unanimously to write a letter of non-objection to the Subdivision Plat of Puffin Acres Lot 3, Block 2, T 6S R 13W SEC 11 SEWARD MERIDIAN HM 0850122 PUFFIN ACRES SUB LOT 3 BLK 2 EXCLUDING DOT ROW.

Please let us know if you have any questions.


Connie Isenhour,
Mayor

E. NEW BUSINESS

4. Right-of-Way Acquisition Park Road; KPB File 2023-033
McLane Consulting Group / Oliva
Location: Park Road
Nikiski Area / Nikiski APC

AGENDA ITEM E. NEW BUSINESS

ITEM 4 – RIGHT-OF-WAY ACQUISITION PARK ROAD KPB 2023-033

KPB File No.	2023-033
Plat Committee Meeting:	May 22, 2023
Applicant / Owner:	Louis and Stacy Oliva of Nikiski, Alaska
Surveyor:	James Hall / McLane Consulting Inc
General Location:	Park Road, Nikiski, Nikiski APC

Parent Parcel No.:	013-410-69
Legal Description:	Government Lot 17 of Section 34 Township 8N Range 11W

STAFF REPORT

This item is being postponed at the request of the land owner. Staff recommends that the item be opened for public comment as it was publicly noticed.

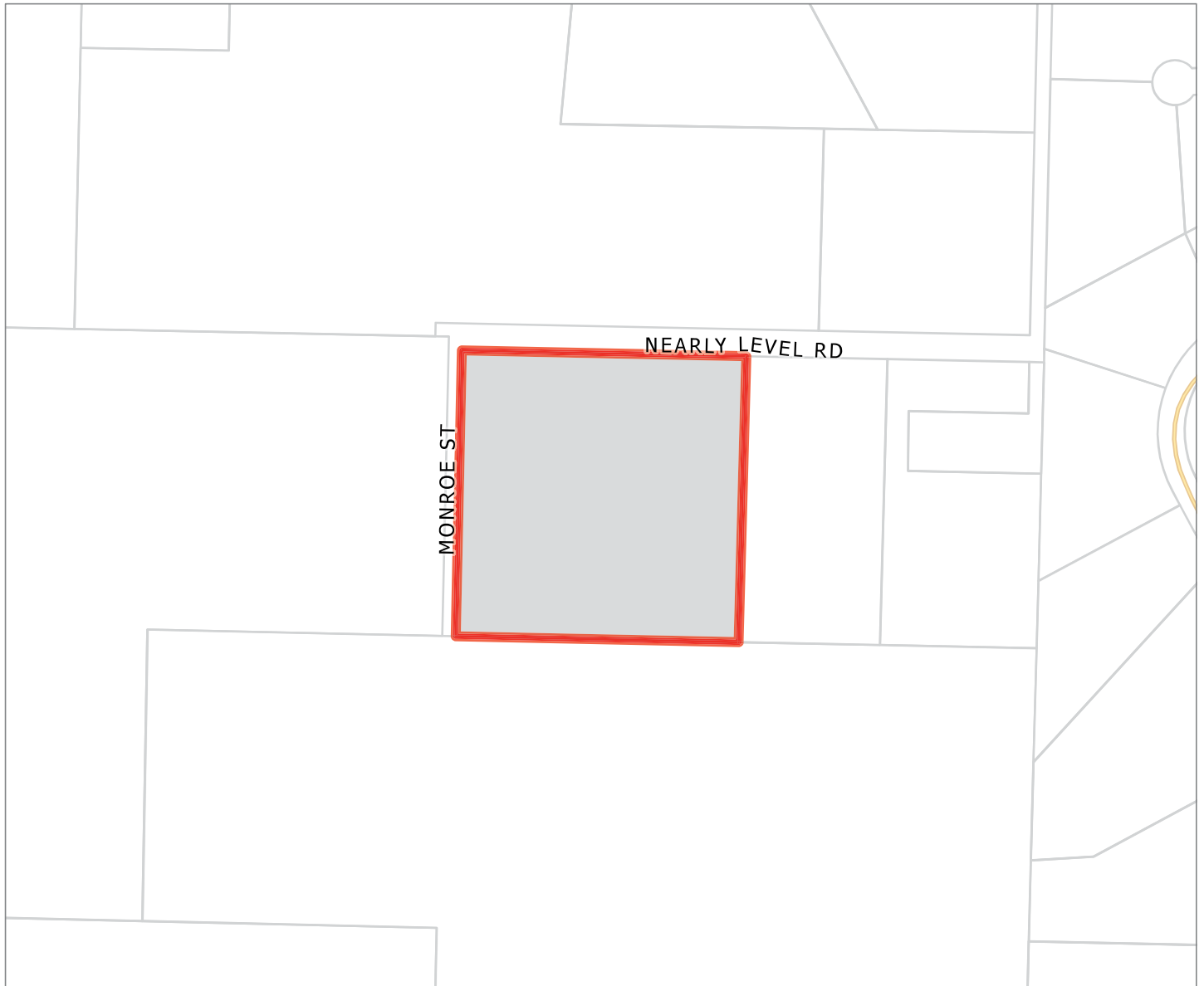
E. NEW BUSINESS

5. Twin Creek 2023: KPB 2023-044

Geovera, LLC / Paul

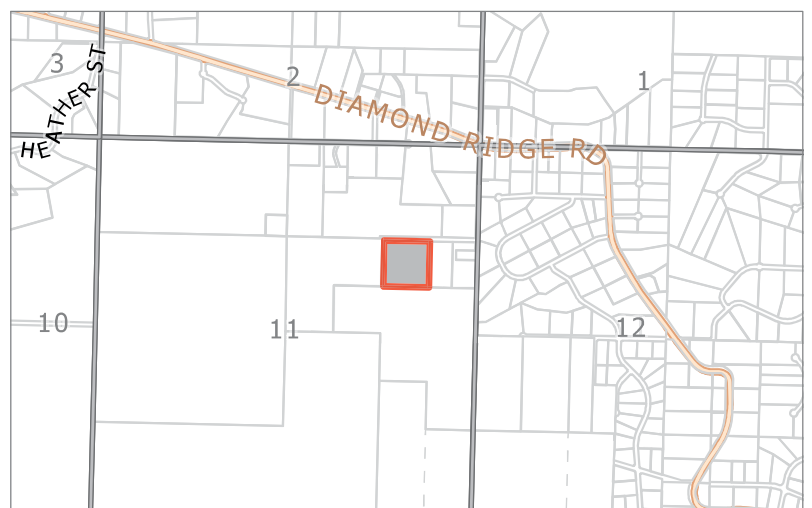
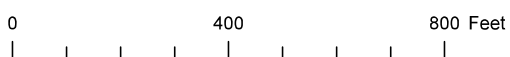
Location: Nearly Level Road & Monroe Street

Diamond Ridge Area / Kachemak Bay APC



KPB File 2023-044
T 06S R 14W SEC 11
Diamond Ridge

4/21/2023





NOTES

1. BASIS OF BEARING FOR THIS SURVEY WAS DETERMINED BY A HIGH PRECISION GPS SURVEY USING TOPCON DUAL-FREQUENCY HiPer V RECEIVERS, DIFFERENTIALLY CORRECTED AND PROCESSED WITH MAGNET OFFICE VERSION 3.1 SOFTWARE. NAD83 ALASKA STATE PLANE GRID COORDINATES (U.S. SURVEY FEET) OBTAINED FROM THE GPS OBSERVATIONS WERE BASED ON THE NGS PUBLISHED VALUES FOR FEDERAL BASE NETWORK CONTROL STATION "HOMAIR" (PID TT0155).

2. TRUE BEARINGS AND DISTANCES WERE DETERMINED BY ROTATING AND SCALING FROM GRID USING FEDERAL BASE NETWORK CONTROL STATION "HOMAIR" AS A SCALING POINT. TRUE BEARINGS WERE DETERMINED BY ROTATING GRID INVERSE AZIMUTHS $-1^{\circ}17'13.4''$. TRUE DISTANCES WERE OBTAINED BY DIVIDING GRID INVERSE DISTANCES BY 0.999986696.

3. THE RESULTING SCALED COORDINATES WERE TRANSLATED TO A LOCAL COORDINATE SYSTEM BASED ON FEDERAL BASE NETWORK CONTROL STATION "HOMAIR" $N=100,000$ $E=100,000$. ALL COORDINATE VALUES REPRESENT GROUND DISTANCES IN U.S. SURVEY FEET ORIENTED TO TRUE NORTH.

2. ALL WASTEWATER DISPOSAL SYSTEMS SHALL COMPLY WITH EXISTING APPLICABLE LAWS AT THE TIME OF CONSTRUCTION.

3. A BUILDING SETBACK OF 20 FEET IS REQUIRED FROM ALL RIGHT-OF-WAYS UNLESS A LESSER STANDARD IS APPROVED BY A RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.

4. THE FRONT 10' OF THE BUILDING SETBACK IS A UTILITY EASEMENT. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.

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

NOTARY'S ACKNOWLEDGMENT

FOR REBECCA PAUL

ACKNOWLEDGED BEFORE ME THIS

DAY OF _____, 2023.

NOTARY PUBLIC FOR ALASKA

MY COMMISSION EXPIRES: _____

LEGEND

- INDICATES 3" ALCAP MON (1301-S, 1981) RECOVERED THIS SURVEY
- ✱ INDICATES 1" IRON PIPE FILLED WITH CONCRETE (CAP MISSING) (GLD 1918) RECOVERED THIS SURVEY
- INDICATES 2" ALCAP (7538-S 1996) RECOVERED THIS SURVEY
- INDICATES 5/8" X 30" REBAR WITH 2" ALCAP (7538-S, 2023) SET THIS SURVEY
- () INDICATES RECORD DATA AS SHOWN

INDICATES AREAS WITH SLOPES GREATER THAN 20%

INDICATES EXISTING DRAINAGE

PLAT APPROVAL

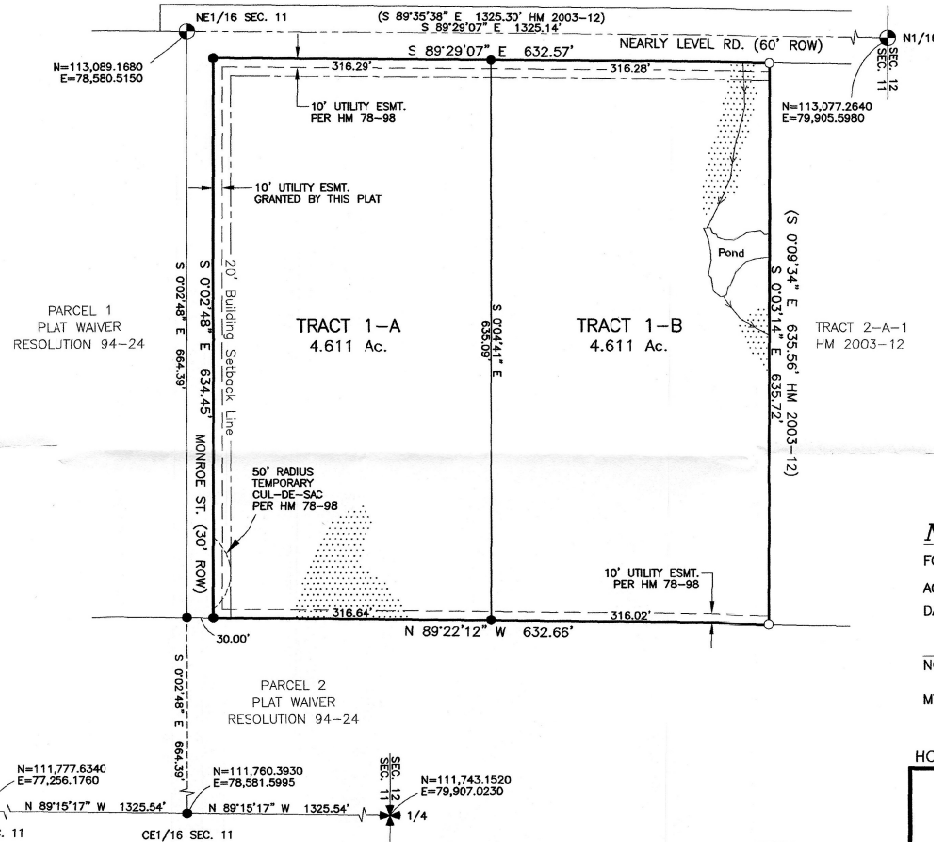
THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF ???

BY: _____
AUTHORIZED OFFICIAL
KENAI PENINSULA BOROUGH

DATE _____

TRACT 3C
HM 90-26

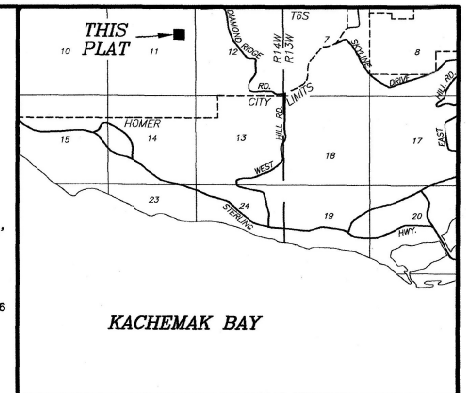
SCALE 1"=100'



WASTEWATER DISPOSAL

TRACTS 1-A AND 1-B

THESE LOTS ARE AT LEAST 200,000 SQUARE FEET IN SIZE AND CONDITIONS MAY NOT BE SUITABLE FOR ON-SITE WASTEWATER TREATMENT AND DISPOSAL. ANY WASTEWATER TREATMENT OR DISPOSAL SYSTEM MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.



VICINITY MAP

SCALE: 1" = 1 MILE U.S.G.S. QUAD. SELDOVIA (C-4 & C-5)

CERTIFICATE OF OWNERSHIP

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

MICHAEL B. PAUL
502 MOUNTAIN VIEW DRIVE
HOMER, ALASKA 99603

REBECCA PAUL
502 MOUNTAIN VIEW DRIVE
HOMER, ALASKA 99603

NOTARY'S ACKNOWLEDGMENT

FOR MICHAEL B. PAUL

ACKNOWLEDGED BEFORE ME THIS

DAY OF _____, 2023.

NOTARY PUBLIC FOR ALASKA

MY COMMISSION EXPIRES: _____

HOMER RECORDING DISTRICT KPB FILE No. 2023-???

TWIN CREEK 2023

THE SUBDIVISION OF TRACT 1, TWIN CREEK (HM 78-98) LOCATED WITHIN THE SE1/4 NE1/4, SEC 11, T. 6 S., R. 14 W., SEWARD MERIDIAN, KENAI PENINSULA BOROUGH, THIRD JUDICIAL DISTRICT, ALASKA CONTAINING 9.223 ACRES

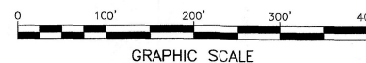
OWNERS:
MICHAEL B. PAUL
502 MOUNTAIN VIEW DRIVE HOMER, ALASKA 99603
REBECCA PAUL
502 MOUNTAIN VIEW DRIVE HOMER, ALASKA 99603

GEOVERA, LLC

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

DRAWN BY: SCS	APRIL 2023	SCALE: 1" = 100'
CHK BY: SCS	JOB #2023-13	SHEET 1 OF 1

KPB 2023-044



AGENDA ITEM E. NEW BUSINESS

ITEM #5 - Twin Creek 2023

KPB File No.	2023-044
Plat Committee Meeting:	May 22, 2023
Applicant / Owner:	Michael Paul and Rebecca Paul of Homer, AK
Surveyor:	Stephen C. Smith / Geovera, LLC
General Location:	Nearly Level Road, Monroe Street, Diamond Ridge / Kachemak Bay APC

Parent Parcel No.:	173-032-40
Legal Description:	Tract 1, Twin Creek, HM 78-98
Assessing Use:	Rural Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide a 9.223 acres parcel into two tracts, 4.611 acres each.

Location and Legal Access (existing and proposed): The preliminary plat is located on Nearly Level Road. The preliminary plat is accessed off the Sterling Highway near mile marker 167 onto Diamond Ridge Road then to Nearly Level Road which then turns along the north side of the subdivision. Additional access is available off Sterling Highway near mile marker 172 at West Hill Road to Diamond Ridge Road and Nearly Level Road.

Tract 1-A will have access to Monroe Street on the west, which is a 30 foot unconstructed half dedication from parent plat Twin Creek HM 78-98 and Nearly Level Road, a 60 foot constructed dedication, on the north. Nearly Level Road was half dedicated by Twin Creek HM 78-98 and half by Surreal Subdivision HM 82-6. Tract 1-B will have access to Nearly Level Road.

There will be no new dedication with this subdivision.

Block length is not compliant due to unsubdivided parcels in the area. As these parcels subdivide, roads will be dedicated to improve the block. A dedication will not make the block any more compliant. ***Staff recommends: the plat committee concur an exception is not needed.***

KPB Roads Dept. comments	Out of Jurisdiction: No Roads Director: Griebel, Scott Comments: Would prefer to see an additional 30' of "Monroe St" dedication, but lodge no protest given the lack of full 60'upstream ROW dedications
SOA DOT comments	No comment

Site Investigation: There are some steep areas on the proposed subdivision located along the south line of proposed Tract 1-A and the northeast corner of proposed Tract 1-B, both are depicted on the drawing.

There is a shallow pond in the northeast corner of proposed Tract 1-B that per correspondence from the surveyor was created by damming up a small drainage on the property, being the only wetlands on the property. ***Staff recommends the pond remain on the final plat as well as the wetland determination plat note.***

The proposed subdivision is located in a FEMA Flood Hazard Zone. The property is located in Zone X which is an

area of minimal flooding possibility.

KPB River Center review	<p>A. Floodplain</p> <p>Reviewer: Hindman, Julie Floodplain Status: IS in flood hazard area Comments: Flood Zone: X (unshaded) Map Panel: 02122C-2015E In Floodway: False Floodway Panel:</p> <p>B. Habitat Protection</p> <p>Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments</p> <p>C. State Parks</p> <p>Reviewer: VACANT Comments:</p>
State of Alaska Fish and Game	No objections

Staff Analysis Twin Creek HM 78-98 was created out of aliquot described parcels of Sec 11, Township 6 South, Range 14 West, Seward Meridian, Alaska. Twin Creek HM 78-98 dedicated a 30 foot right of way for Nearly Level Avenue and Monroe Street. Included in Twin Creek HM 78-98 subdivision was a temporary cul-de-sac at the end of Monroe Street, a 20 foot building setback line along all right of way lines and 10 foot utility easement on the north and south lines.

A soils report will not be required as lots are greater than 200,000 sq. ft. Appropriate note shown.

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

Kachemak Bay Advisory Planning Commission minutes were not available when the staff report was prepared (KPB 21.02.020). These will be provided with the desk packet if available.

There are no improvements located on the subdivision per KPB GIS. No encroachments appear per KPB GIS either.

Utility Easements The parent plat Twin Creek HM 78-98 granted 10-foot utility easements on the north and south boundary lines of Tract 1 which have been carried over and are correctly shown on the subdivision. The proposed subdivision is granting a 10-foot utility easement along Monroe Street as indicated in the plat notes and on the drawing.

Twin Creek HM 78-98 also granted a 20-foot building setback line which has been carried forward to the proposed plat.

Homer Electric Association has requested a 30-foot easement be noted for an overhead powerline running through proposed Tract 1-A.

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

Utility provider review:

HEA	Provide a label for plat note stating, "The existing overhead powerline is the centerline of a 30-foot-wide electrical easement, including guys and anchors, granted this plat."
ENSTAR	No comments or recommendations.
ACS	No objections
GCI	Approved as shown

KPB department / agency review:

Addressing	<p>Reviewer: Robinson, Celina Affected Addresses: NO EXISTING ADDRESSES</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names: NEARLY LEVEL RD; MONROE ST</p> <p>Existing Street Name Corrections Needed:</p> <p>All New Street Names are Approved: No</p> <p>List of Approved Street Names:</p> <p>List of Street Names Denied:</p> <p>Comments: NO COMMENTS AT THIS TIME</p>
Code Compliance	<p>Reviewer: Ogren, Eric Comments: No comments</p>
Planner	<p>Reviewer: Raidmae, Ryan There are not any Local Option Zoning District issues with this proposed plat.</p> <p>Material Site Comments: There are not any material site issues with this proposed plat.</p>
Assessing	<p>Reviewer: Windsor, Heather Comments: No comment</p>
Advisory Planning Commission	

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

STAFF RECOMMENDATIONS
CORRECTIONS / EDITS

*Add KPB file number to the title block.
Correct the numbering of the plat notes*

KPB 20.25.070 – Form and contents required

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

- D. A vicinity map, drawn to scale showing location of proposed subdivision, north arrow if different from plat orientation, township and range, section lines, roads, political boundaries, and prominent natural and manmade features, such as shorelines or streams;
Staff recommendation: Show more the roads on the north and less of Kachemak Bay
- M. Approximate locations of slopes over 20 percent in grade and if contours are shown, the areas of the contours that exceed 20 percent grade shall be clearly labeled as such;
Staff recommendation: Leave the slopes over 20% on the final.

KPB 20.30 – Subdivision Design Requirements

Staff recommendation: final plat submittals must comply with 20.30. Additional information, revisions, and/or corrections are required as noted below.

KPB 20.40 – Wastewater Disposal

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

20.40.010 Wastewater disposal.

Platting Staff Comments:

Staff recommendation: comply with 20.40.

KPB 20.60 – Final Plat

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

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.

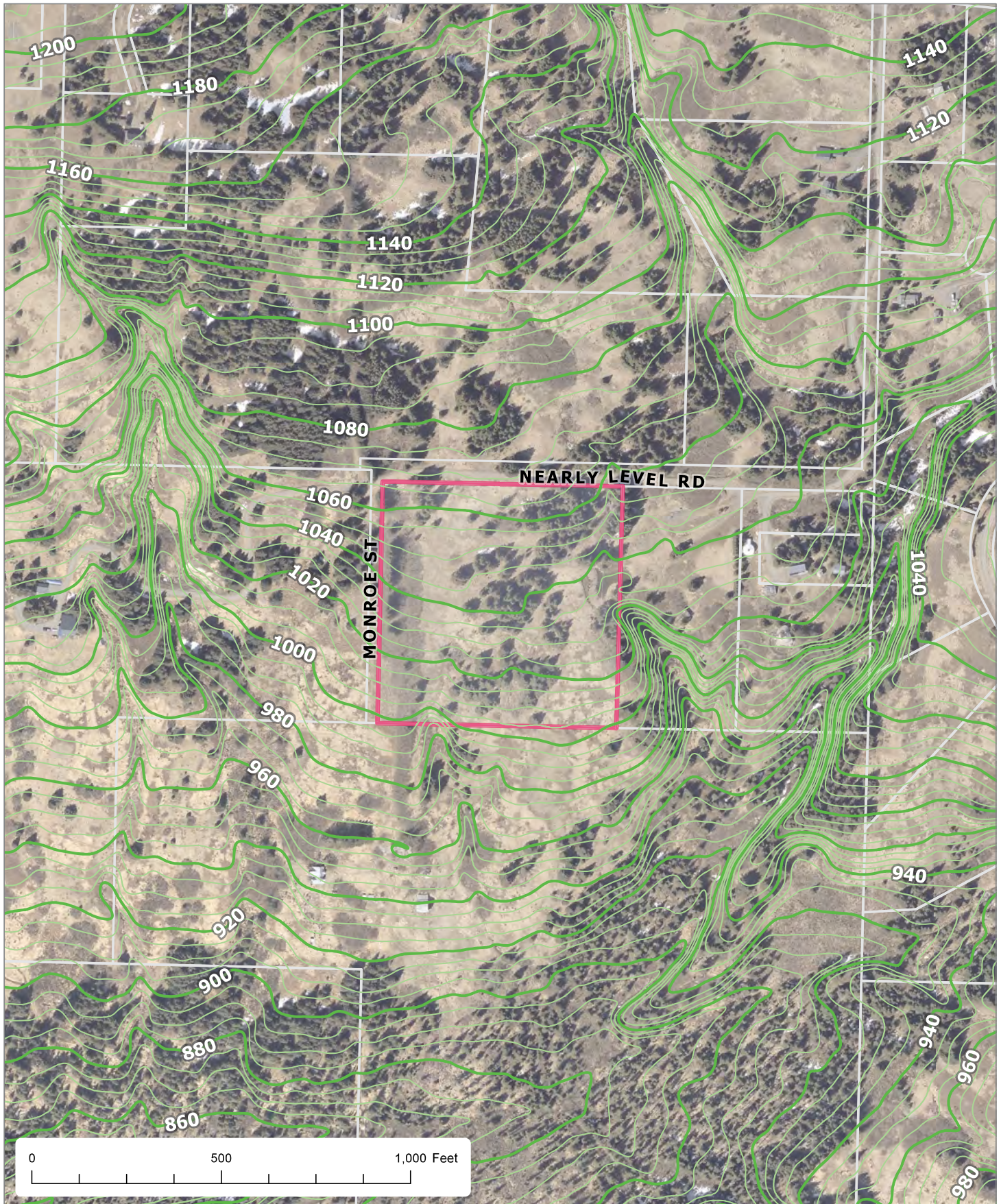
NOTE: 20.25.120. - REVIEW AND APPEAL.

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.

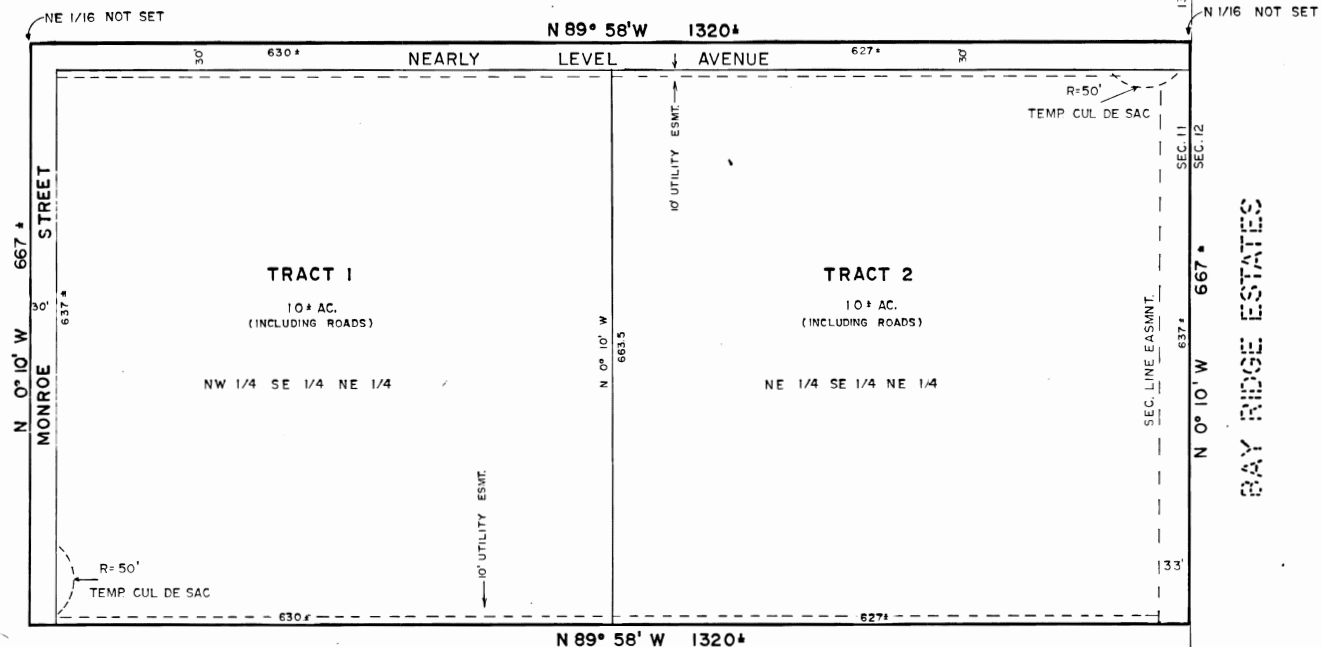
A DECISION OF THE PLANNING COMMISSION MAY BE APPEALED TO THE HEARING OFFICER BY A PARTY OF RECORD WITHIN 15 DAYS OF THE DATE OF NOTICE OF DECISION IN ACCORDANCE WITH KPB 21.20.250.

END OF STAFF REPORT





UNSUBD.



UNSUBD.

NOTES:

1. ALL WASTEWATER DISPOSAL SYSTEMS SHALL COMPLY WITH EXISTING LAW AT TIME OF CONSTRUCTION.
2. A 20' BUILDING SETBACK LINE EXISTS ALONG ALL RIGHTS OF WAY.
3. THE STATE OF ALASKA REQUIRES ALL WASTEWATER DISPOSAL SYSTEMS TO BE A MINIMUM OF 100' FROM ANY WATER SOURCE.
4. NO SURVEY WAS MADE NOR WERE ANY STAKES OR MONUMENTS SET.

78-98
RECORDED FILED 3 -
Homer REC. DIST.
DATE 10-6-1978
TIME 10:08 A.M.
SURVEYED BY KIB



SECTION CORNER NOT FOUND

N 1/16 NOT SET

RAY RIDGE ESTATES

1/4 CORNER NOT FOUND

CERTIFICATE OF OWNERSHIP

I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON. I HEREBY REQUEST APPROVAL OF THIS PLAT SHOWING SUCH EASEMENTS FOR PUBLIC UTILITIES AND ROADWAYS, DEDICATED BY ME FOR PUBLIC USE.

Royce Perkins
ROYCE PERKINS
GENERAL DELIVERY Box 1457
HOMER, ALASKA

NOTARY'S ACKNOWLEDGEMENT

SUBSCRIBED AND SWORN TO BEFORE ME THIS 10th DAY OF JULY 1977.
Shirley Ann Wilson
NOTARY PUBLIC FOR AK. MY COMMISSION EXPIRES July 19, 1980

SURVEYOR'S CERTIFICATE

I, THE UNDERSIGNED REGISTERED SURVEYOR, HEREBY CERTIFY THAT THE INFORMATION SHOWN ON THIS PLAT IS BASED UPON THE MOST RECENT PLATS OF THE PROPERTIES SHOWN, AND THAT NO FIELD SURVEY WAS PERFORMED.

Jerry Anderson 7-22-77
JERRY ANDERSON, 3686-S

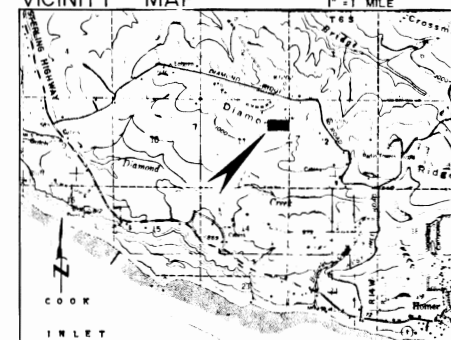
PLAT APPROVAL

THIS PLAT HAVING BEEN APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AS RECORDED IN THE OFFICIAL MINUTES OF THE MEETING OF May 16, 1977, IS HEREBY ACKNOWLEDGED AND ACCEPTED AS THE OFFICIAL PLAT, SUBJECT TO ANY AND ALL CONDITIONS AND REQUIREMENTS OF ORDINANCES AND LAW APPERTAINING THERETO.

KENAI PENINSULA BOROUGH

BY: *Philip Waring*

VICINITY MAP



DATE: APRIL, 1977

SCALE: 1" = 100'

DESIGNED BY: J. A.

CHECKED BY: R. P.

DRAWN BY: J. H.



TWIN CREEK

AN ALIQUOT PARTS PLAT
SITUATED IN THE N1/2 SE1/4 NE1/4, SEC.11, T6S, R14W, S.M.

CONTAINING 20+ ACRES

ABILITY SURVEYS

JERRY ANDERSON

BOX 1263

HOMER, AK

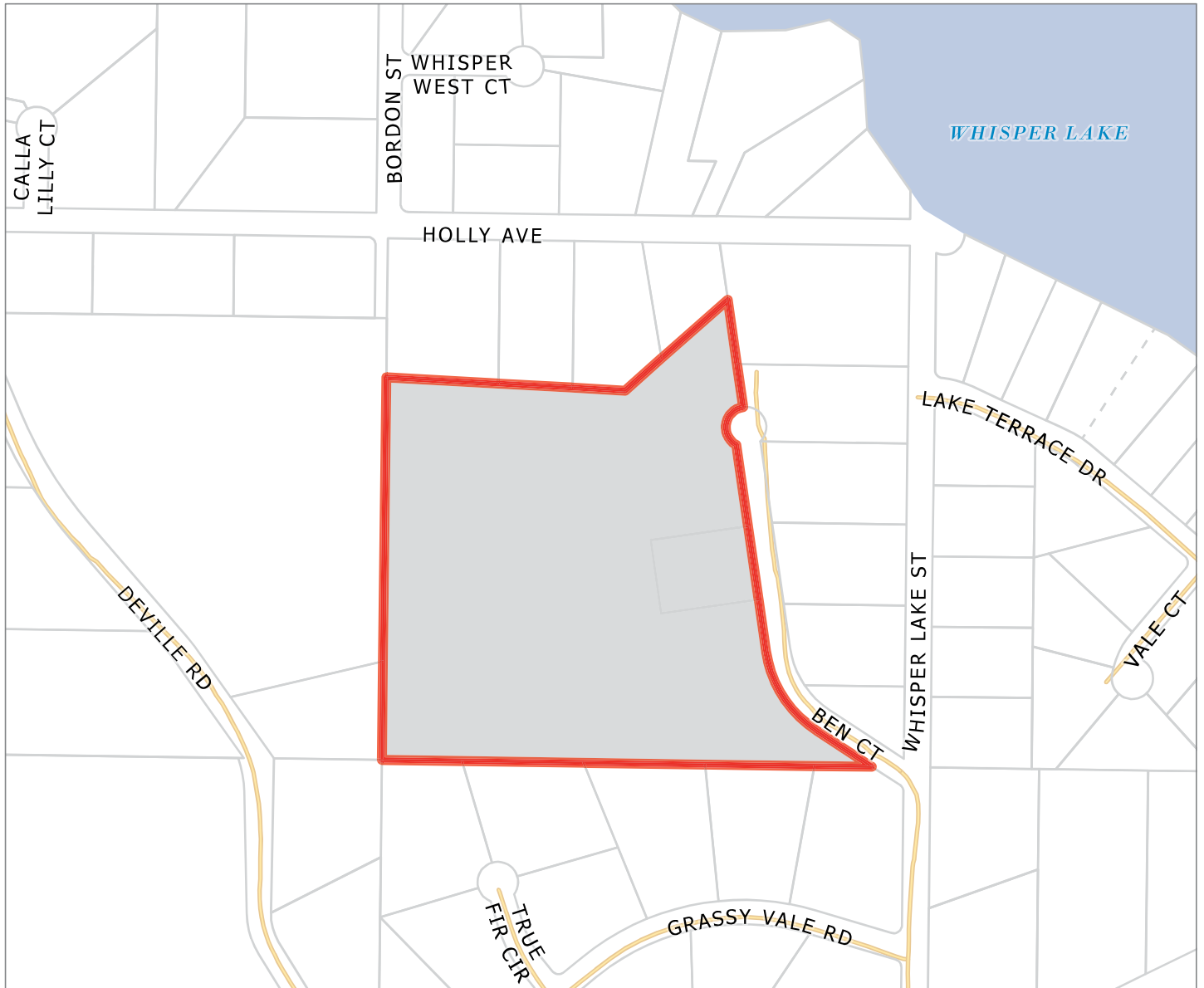
E. NEW BUSINESS

- 6. Whisper Lake Subdivision Miller Addition Prather Replat
KPB File 2023-048
Segesser Surveys / Prather
Location: Ben Court
Sterling Area**



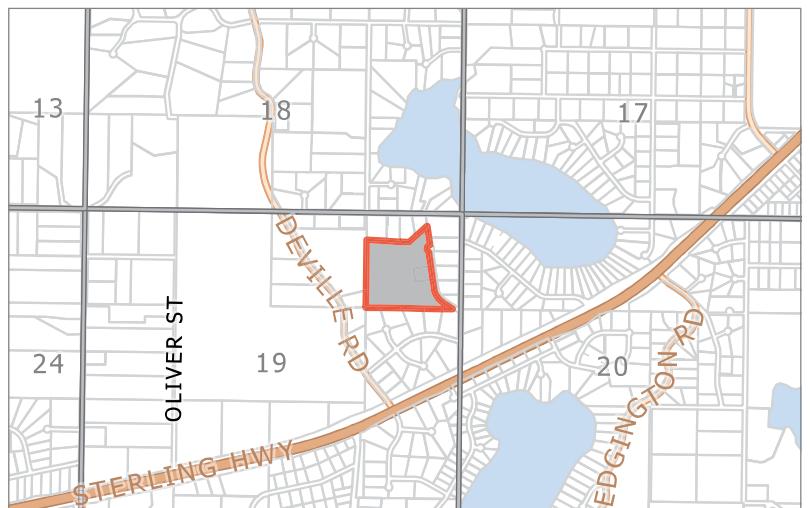
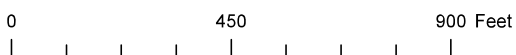
Kenai Peninsula Borough Planning Department

Vicinity Map



KPB File 2023-048
T 05N R 09W SEC 19
Sterling

4/28/2023





Aerial View



LEGEND:

- G.L.O. MONUMENT RECORD
 3 1/4" ALUM. CAP MONUMENT RECORD
 2 1/2" BRASS CAP MONUMENT RECORD
 5/8" REBAR w/PLASTIC CAP FOUND
 () RECORD DATUM PLAT 99-B KRD

NOTES:

- 1) Basis of bearing taken from Whisper Lake Subdivision Miller Addition, Plat KN 99-81, Kenai Recording District.
- 2) Building Setback-A setback of 20 feet is required from all street Right-of-Way unless a lesser standard is approved by resolution by the appropriate Planning Commission.
- 3) Front 10 feet adjacent to right-of-ways and 20 feet within 5 feet of the side lot lines is a utility easement. No permanent structure shall be constructed or placed within a utility easement which would interfere with the ability of a utility to use the easement.
- 4) **WASTEWATER DISPOSAL:** Tract B-2 is at least 200,000 square feet and conditions may not be suitable for onsite wastewater treatment and disposal. Any wastewater treatment or disposal system must meet the regulatory requirements of the Alaska Department of Environmental Conservation.

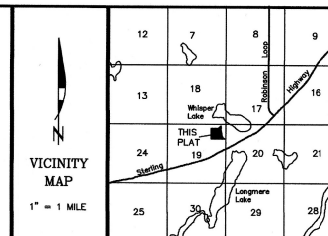
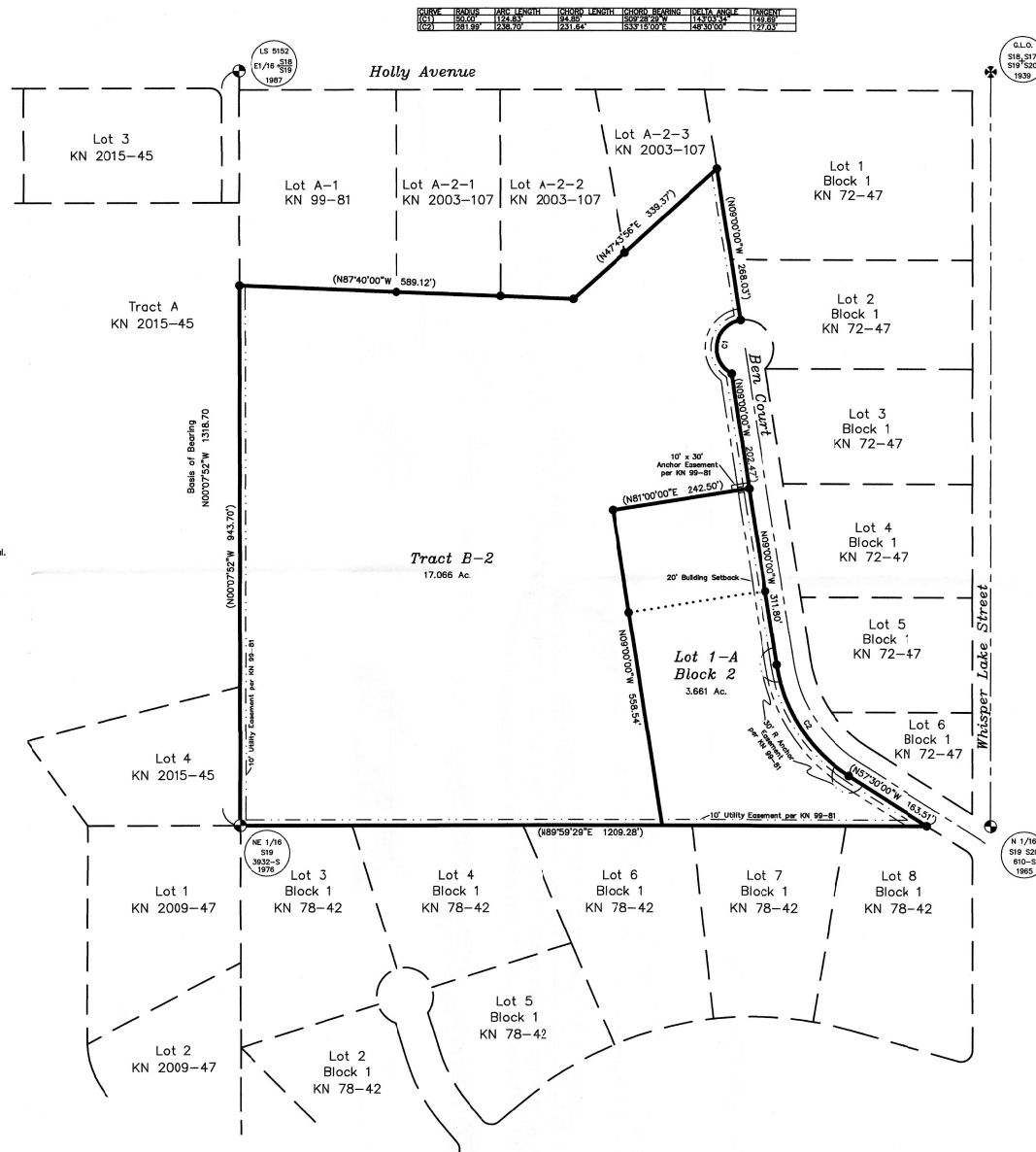
WASTEWATER DISPOSAL: Soil conditions, water table levels, and soil slopes in Lot 1-A, Block 2 have been found suitable for conventional onsite wastewater treatment and disposal systems serving single-family or duplex residences and meeting the regulatory requirements of the Kenai Peninsula Borough. Any other type of onsite wastewater treatment and disposal system must be designed by a professional engineer, registered to practice in Alaska, and the design must be approved by the Alaska Department of Environmental Conservation.

Engineer License No. date

**SURVEYOR'S CERTIFICATE**

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

Date _____

**CERTIFICATE of OWNERSHIP and DEDICATION**

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

LARRY M. PRATHER
P.O. BOX 842
SOLDOTNA, AK 99669

NOTARY'S ACKNOWLEDGEMENT

FOR _____
ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____ 20__

NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES _____

PLAT APPROVAL

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

KENAI PENINSULA BOROUGH

AUTHORIZED OFFICIAL _____

KPB FILE No.**Whisper Lake Subdivision Miller Addition Prather Replat**

A Replat of Lot 1 Block 2, Replat of Whisper Lake Subdivision and addition No. 1, Plat No. 72-47, and Tract B-1, Whisper Lake Subdivision Miller Addition, Plat No. 99-81, Kenai Recording District.

Located within the NE1/4 NE1/4 Section 19, T5N, R9W, S.M., Kenai Peninsula Borough, Alaska.

Containing 20.727 Acres

Surveyor Segesser Surveys 30485 Rosland St. Soldotna, AK 99669 (907) 262-3909	Owner Larry M. Prather P.O. Box 842 Soldotna, AK 99669
--	--

JOB NO. 23034	DRAWN: March 2023
SURVEYED: March 2023	SCALE: 1"=100'
FIELD BOOK: 22-7	SHEET: 1 of 1

KPB 2023-048

AGENDA ITEM E. NEW BUSINESS

ITEM #6 - Whisper Lake Subdivision Miller Addition Prather Replat

KPB File No.	2023-048
Plat Committee Meeting:	May 22, 2023
Applicant / Owner:	Larry Prather of Soldotna, AK
Surveyor:	John Segesser / Segesser Surveys Inc
General Location:	Ben Court, Sterling

Parent Parcel No.:	063-600-06 and 063-600-37
Legal Description:	Lot 1 Block 2, Replat of Whisper Lake Subdivision and Addition No 1 Tract B-1 Whisper Lake Subdivision Miller Addition
Assessing Use:	Tract B: Commercial Lot 1 Block 2: Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will reconfigure two parcels from a lot with 1.016 acres and a tract with 19.711 acres to a lot with 3.661 acres and a tract with 17.066 acres.

Location and Legal Access (existing and proposed): The subdivision is located on Ben Court, which is borough maintained. Ben Court via Whisper Lake Street connects to Sterling Highway at mile marker 89 which is all Borough maintained.

Ben Court was dedicated originally as Ben Drive on Whisper Lake Subdivision Plat K-1748 as a 60 foot through dedication to Holly Avenue on the north. Replat of Whisper Lake Subdivision and Addition No. 1 KN 72-47 vacated the northern part of Ben Drive and created the cul-de-sac as Ben Court is now.

Lot 1 Block 2 and Tract B-1 currently have access to Ben Court, after replatting, Lot 1-A Block 2 and Tract B-2 will continue to access Ben Court. No new dedications are proposed.

The block is defined by Deville Road, Holly Avenue, Whisper Lake Street, and Grassy Vale Road and is not compliant. With the airstrip running diagonally though Tract B-1, a dedication at this time would not improve the block. ***Staff recommends the Plat Committee concur an exception to block length is not required as this plat is unable to improve block length requirements.***

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

Site Investigation:

The terrain of this subdivision is relatively flat. An airstrip crosses from northeast to southwest across Tract B-1. There are improvements on both Lot 1 Block 2 and Tract B-1. The new configuration looks to be cleaning up some lot line crossing of improvements by Lot 1 Block 2 with the creation of Lot 1-A Block 2 and adding other structures to the proposed lot.

There are no wetland classifications or floodways located within the subdivision boundaries.

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

Staff Analysis

This area has been replatted several times and was originally an unsubdivided remainder of Whisper Lake Subdivision K-1748. Lot 1 Block 2 and the Ben Drive vacation were finalized by Replat of Whisper Lake Subdivision and Addition No 1 KN 72-47 leaving an unsubdivided portion. The unsubdivided portion was subdivided by Whisper Lake Subdivision Addition No 2 KN 79-67. The current configuration of Tract B-1 was created by Whisper Lake Subdivision Miller Addition KN 99-81.

Building setbacks were granted by Replat of Whisper Lake Subdivision and Addition No 1 KN 72-47 for Lot 1 Block 2 and Whisper Lake Subdivision Addition No 2 KN 79-67 for Tract B-1.

An exception was requested for 20.40 by the surveyor citing the lot has a current system in place. Per KPB Code 20.40.020 (2) if a lot increased the size by 1,000 square feet or more a soils review is not required. **Staff recommends the Plat Committee concur that an exception is not needed.**

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

The property is not within an advisory planning commission.

Utility Easements

Whisper Lake Subdivision Addition No. 2 KN 79-67 granted 30 foot radius anchor easements adjacent to Ben Ct that have been carried forward to this subdivision, along with a 10 foot by 30 foot utility easement on the north side of Lot 1 Block 2 adjacent to Ben Ct. Whisper Lake Subdivision Miller Addition KN 99-81 granted a 10 foot utility easement adjacent to Ben Ct, has been carried forward to this subdivision.

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	Additional easements requested and comments is in the packet.
ACS	No objections
GCI	Approved as shown

KPB department / agency review:

Addressing	<p>Reviewer: Robinson, Celina Affected Addresses: 36845 BEN CT</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names:</p> <p>Existing Street Name Corrections Needed: HOLLY AVE; BEN CT; WHISPER LAKE ST</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: 36845 BEN CT WILL REMAIN WITH LOT 1-A AFTER RECORDING</p>
Code Compliance	<p>Reviewer: Ogren, Eric Comments: No comments</p>
Planner	<p>Reviewer: Raidmae, Ryan There are not any Local Option Zoning District issues with this proposed plat.</p> <p>Material Site Comments: There are not any material site issues with this proposed plat.</p>
Assessing	<p>Reviewer: Windsor, Heather Comments: No comment</p>

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

STAFF RECOMMENDATIONS
CORRECTIONS / EDITS
PLAT NOTES?

- A plat note be added for the 5-foot utility easement created by plat number KN 79-67 and increased to 10-feet by KN 99-81.

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.

- C. The location, width, and name of existing or platted streets and public ways, railroad rights-of-way, and other important features such as section lines or political subdivisions or municipal corporation boundaries abutting the subdivision;
Staff recommendation: width of Ben Court to be depicted.
- D. A vicinity map, drawn to scale showing location of proposed subdivision, north arrow if different from plat orientation, township and range, section lines, roads, political boundaries, and prominent natural and manmade features, such as shorelines or streams;
Staff recommendation: Township and Range need to be shown. Add label to Kenai River in section 28.

Page 3 of 4

- G. The status of adjacent lands within 100 feet of the proposed subdivision boundary or the land status across from any dedicated rights-of-way that adjoin the propose subdivision boundary, including names of subdivisions, lot lines, block numbers, lot numbers, rights-of-way; or an indication that the adjacent land is not subdivided;
Staff recommendation: *Street labels and widths need to be shown for rights-of-ways shown on the plat.*

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.*

20.30.170. Blocks-Length requirements. Blocks shall not be less than 330 feet or more than 1,320 feet in length. Along arterial streets and state maintained roads, block lengths shall not be less than 800 feet. Block lengths shall be measured from centerline intersections.

Staff recommendation: *Plat Committee concur due to the airstrip running diagonally through Tract B-1 a dedication at this time would not improve the block*

KPB 20.40 – Wastewater Disposal

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

20.40.010 Wastewater disposal.

Platting Staff Comments:

Staff recommendation: *comply with 20.40.*

KPB 20.60 – Final Plat

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

RECOMMENDATION:

STAFF RECOMMENDS:

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

NOTE: 20.25.120. - REVIEW AND APPEAL.

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

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

END OF STAFF REPORT



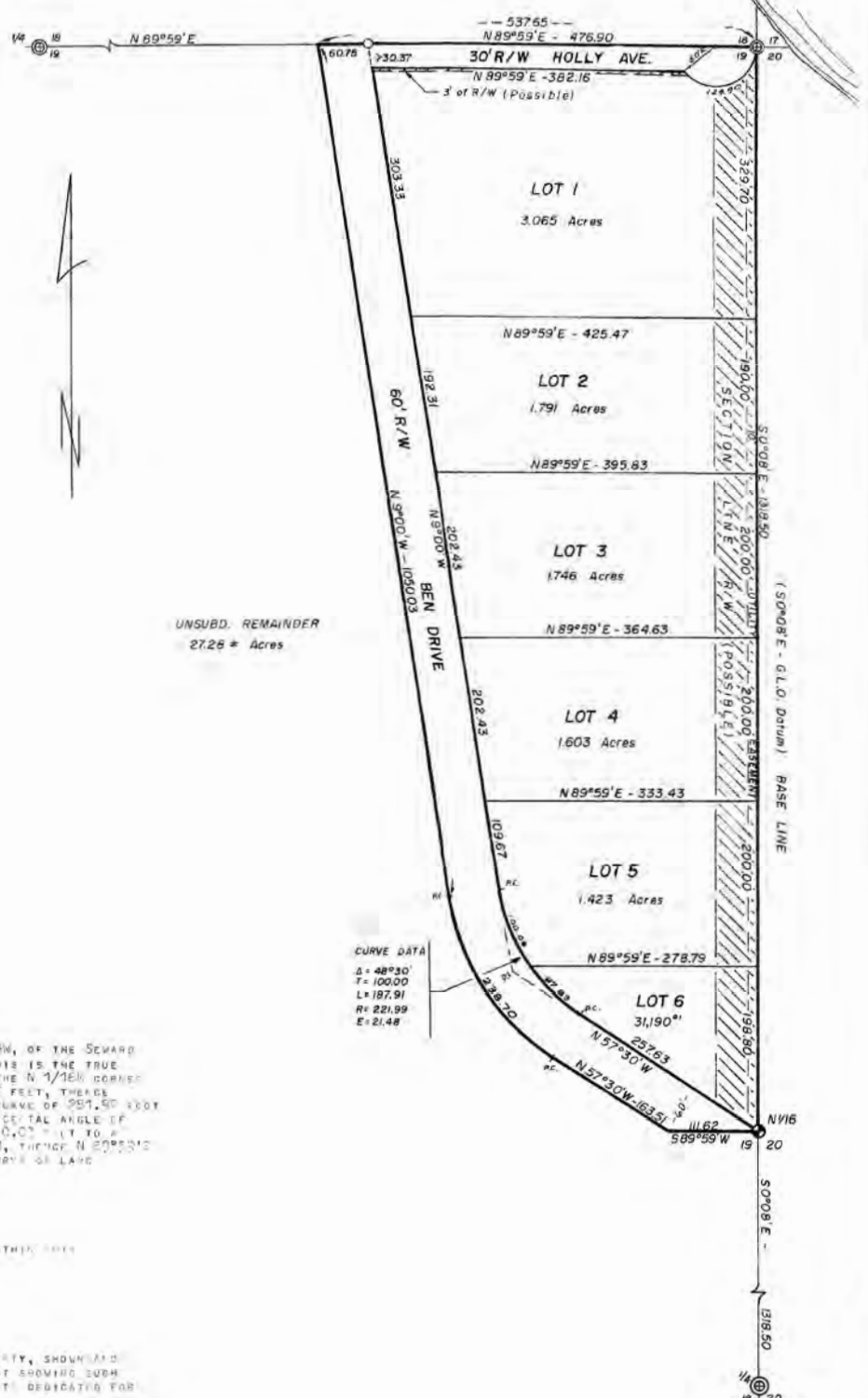
Aerial View





Aerial with 5-foot Contours





LEGEND AND NOTES

- Found U.S.G.L.O. brass cap monument.
- Set 2 1/2" brass cap attached to 3/4" pipe.
- Set 1" Al Surv. Kap.
- Set 1/2" x 18" steel re-rod.

All bearings refer to the G.L.O. datum of N 0° 08' W for the East line of Section 19.

The section line road R/W is possible along the East boundary of Section 19 between Ben Drive and Holly Ave. as shown.

UNSUBD. REMAINDER
27.28 ± Acres

RECORDED/CHECKED
K-1748
DISTRICT
Dec 29 3 07 PM '70
REQUESTED BY K-1748
ADDRESS Box 250
Soldotna
Plat # K-1748
Page # 235

LEGAL DESCRIPTION:

COMMENCING FROM THE N.E. CORNER OF SECTION 19, T5N, R9W, OF THE SEWARD MERIDIAN, AK., FOUND U.S.G.L.O. BRASS CAP MONUMENT, THIS IS THE TRUE POINT OF BEGINNING, THENCE S 0° 08' E - 1396.50 FEET TO THE N 1/4 CORNER COMMON TO SECTIONS 19 AND 20, THENCE S 89° 59' W - 171.62 FEET, THENCE S 72° 50' W - 167.21 FEET TO THE BEGINNING OF A TANGENT CURVE OF 251.50 FEET RADIUS CURVE TO THE NE, THENCE NORTHEASTERLY THRU A CENTRAL ANGLE OF 48° 30' - DISTANCE OF 258.70 FEET, THENCE N 9° 00' W - 107.02 FEET TO A POINT ON THE SECTION LINE COMMON TO SECTIONS 19 AND 20, THENCE N 20° 08' E - 1396.50 FEET TO THE T.P.O., THUS ENBRACING 10 1/4 ACRES OF LAND.

COVENANT:

NO MORE THAN TWO DOGS PER HOUSEHOLD WILL BE ALLOWED WITHIN THIS SUBDIVISION UNLESS APPROVED BY ALL LOT OWNERS.

CERTIFICATE OF OWNERSHIP AND DEDICATION:

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

DATE Aug. 25, 1970 G.C. Holly Viola D. Holly
OWNER OWNER

NOTARY'S ACKNOWLEDGEMENT:

I, George A. Hansen, Notary Public for Alaska, do hereby certify and swear before me this 25 day of August, 1970, that the foregoing is a true and correct copy of the original.

NOTARY PUBLIC FOR ALASKA

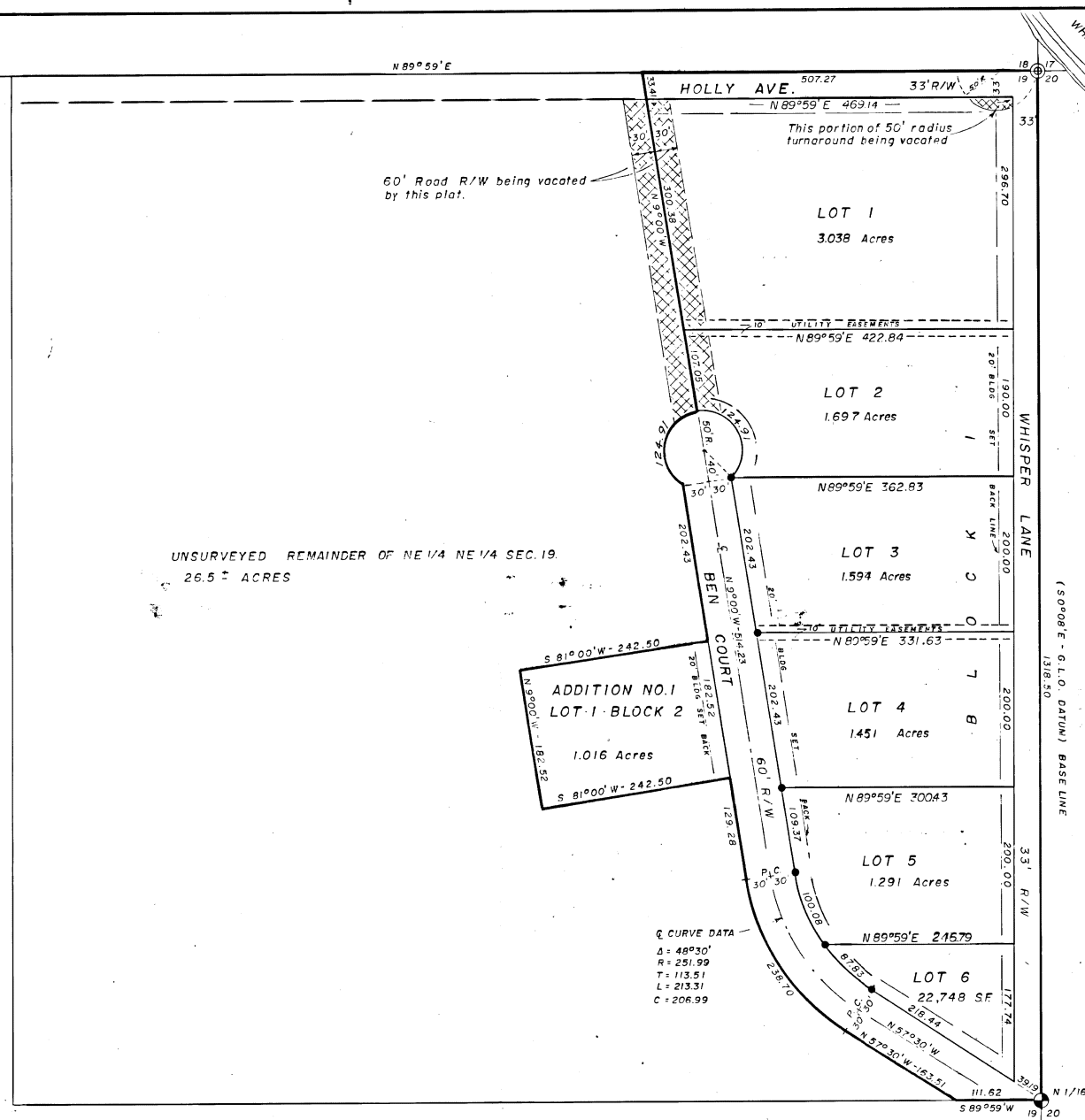
PLAT APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION THIS 27 DAY OF August, 1970.

George A. Hansen
CHAIRMAN

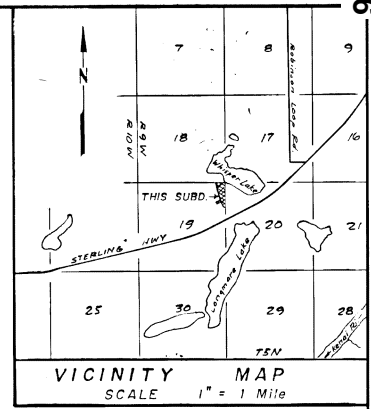


WHISPER LAKE SUBDIVISION		
G.C. Holly and Viola D. Holly, owners Box 235 - Rt. A, Anchorage, Ak.		
12.718 ACRES SITUATED WITHIN THE NE 1/4 NE 1/4 OF SECTION 19, T5N, R9W, OF THE SEWARD MERIDIAN, ALASKA, AND BEING A PORTION OF THE HOLLY HOMESTEAD.		
Surveyed by	S.S. McLane Soldotna, Ak.	
DATE OF SURVEY	SCALE	BK. NO.
June 9, 1965	1" = 100'	4-60

WHISPER LAKE SUBDIVISION
K-1748



72 002563 12-47
 RECORDED-FILED
 KENAI REC. DISTRICT
 Sep 12 2 52 PM '72
 REQUESTED BY KPB
 ADDRESS _____



LEGEND AND NOTES.

- Found G.L.O. brass cap monument.
- Found 2 1/2" brass cap (610-S)
- Found 1/2" x 18" steel rebar.
- Set 1/2" x 24" steel rebar at all other lot corners.

All bearings refer to the G.L.O. datum of N 0° 08' W for the east line of Sec. 19.
 Indicates R/W being vacated by this plat.
 This is a resurvey and replat of this subd. vacating the portions of right of way shown and dedicating the 33' section line R/W's.

CERTIFICATE OF OWNERSHIP AND DEDICATION:

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

DATE Aug 11, 1972 Russell R. Miller Aurel A. Miller
 OWNERS OF LOTS 1-3 BK 1

NOTARY'S ACKNOWLEDGEMENT:

SUBSCRIBED AND SWORN BEFORE ME THIS 11 DAY OF August

MY COMMISSION EXPIRES July 1, 1974

DATE June 21, 1972 H. C. Holly Jr. Viola D. Holly
 CLERK OF THE DISTRICT OF THE SUBDIVISION

NOTARY'S ACKNOWLEDGEMENT:

SUBSCRIBED AND SWORN BEFORE ME THIS 21 DAY OF JUNE 1972.

MY COMMISSION EXPIRES 4-8-73 Barclay Johnson
 CLERK FOR



REPLAT OF WHISPER LAKE SUBDIVISION AND ADDITION NO.1.

G.C. and Viola D. Holly, (owners)
 Box 217, Star Rt A, Anchorage, AK. 99507

DESCRIPTION
 13.431 ACRES SITUATED IN THE NE 1/4 NE 1/4 OF SECTION 19, T5N, R9W, S.M., AK., AND THE KENAI PENINSULA BOROUGH.

Surveyed by: S.S. McLane, R.L.S.
 Soldotna, AK.

DATE OF SURVEY May 11, 1972	SCALE 1" = 100'	BK. NO. 37-70
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PLAT APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION

THIS 12 DAY OF JUNE 1972.
George A. Hovane

UNSUBDIVIDED

2641.68'

N 89°59'35"E (N89°59'E)

HOLLY AVENUE

1320.84'

CERTIFICATE OF OWNERSHIP AND DEDICATION

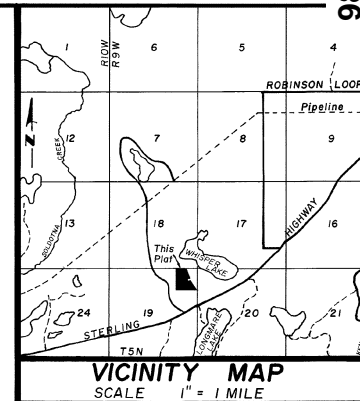
We hereby certify that we are the owners of the property shown and described hereon and that we hereby adopt this plan of subdivision, and dedicate all streets, alleys, walks, parks, utility easements, and other open spaces to public use.

Don Prather *Janet Prather*
Don Prather Janet Prather
P.O. Box 842
Soldotna, Alaska 99669

NOTARY'S ACKNOWLEDGEMENT

Subscribed and sworn to before me this 20th day of Sept, 1978

G. S. Best
Notary Public for Alaska
My Commission Expires July 1, 1982



VICINITY MAP
SCALE 1" = 1 MILE

LEGEND AND NOTES

- Found U.S.G.L.O. brass cap monument (1939)
 - Found 3 1/4" aluminum cap monument (3932 - S 1976)
 - Found 2 1/2" brass cap monument (610 - S 1965)
 - Set 1/2" x 24" steel rebar.
 - Found 1/2" x 24" steel rebar
 - Set 1 1/2" aluminum cap monument (1300 - S 1978)
- All bearings refer to the westerly R.O.W line of Ben Court as being S09°00'00"W.

All datum of record shown thus ().

All lots are subject to a 20' bldg. setback along all dedicated R/W's.

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

CERTIFICATE OF OWNERSHIP AND DEDICATION

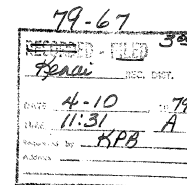
We hereby certify that we are the owners of the property shown and described hereon and that we hereby adopt this plan of subdivision, and dedicate all streets, alleys, walks, parks, utility easements, and other open spaces to public use.

Russell R. Miller *Averal Miller*
Russell R. Miller Averal Miller
345 Netheravon Road, Changi, Singapore 17
Republic of Singapore

REPUBLIC OF SINGAPORE
CITY OF SINGAPORE
EMBASSY OF THE
UNITED STATES OF AMERICA
NOTARY'S ACKNOWLEDGEMENT

Subscribed and sworn to before me this 18th day of October, 1978

Stirling Byers Nelson
Notary Public for Alaska Stirling Byers Nelson
Vice Consul of the
My Commission Expires: United States America



PLAT APPROVAL

This plat having been approved by the Kenai Peninsula Borough Planning Commission as recorded in the official minutes of the meeting of August 7, 1978, is hereby acknowledged and accepted as the official plat, subject to any and all conditions and requirements of ordinances and law appertaining thereto.

KENAI PENINSULA BOROUGH
By: *Philip Waring*

TRACT A

7.047 acres

N87°40'00"W
818.47'

TRACT B

18.869 acres

242.50'
S81°00'00"W
LOT 1, BLOCK 2,
ADDN. NO. 1

N81°00'00"E
242.50'

CURVE DATA
Δ = 48°30'
R = 281.99'
T = 127.03'

REPLAT OF WHISPER LAKE SUBD.

30' radius anchor easement
57°30'00"E
163.51'

LONGMERE ESTATES SUBD. — PART FOUR

WHISPER LAKE SUBDIVISION ADDITION NO. 2		
DESCRIPTION: 27.550 acres located within the NE 1/4 NE 1/4 Section 19, T5N, R9W, S.M., AK. and the Kenai Peninsula Borough.		
OWNERS: Russell R. Miller, et al 345 Netheravon Road Changi, Singapore 17 Republic of Singapore		
P.O. Box 476	G. S. Best	Soldotna, Ak 99669
Geologist, Registered Land Surveyor		
Date Surveyed July 11, 1978	Scale 1" = 100'	Bk. No. 77-3

