



## Meeting Agenda Plat Committee

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Monday, June 12, 2023

6:00 PM

Betty J. Glick Assembly Chambers

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**Zoom Meeting ID: 907 714 2200**

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

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

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

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

### **B. ROLL CALL**

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

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

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

[KPB-5270](#) May 22, 2023 Plat Committee Meeting Minutes

Attachments: [C3. 052223 Plat Minutes](#)

4. Grouped Plats

[KPB-5236](#) June 12, 2023 Grouped Plats

1. Atkinson Subdivision 2023 Replat; KPB File 2023-052
3. Dairy Hill Subdivision Addition No. 1; KPB File 2023-057
4. A.A. Mattox 2023 Replat; KPB File 2023-050
5. Patch Subdivision 2023; KPB File 2023-030R1

Attachments: [Plat Grouped SR 061223](#)

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

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

1. [KPB-5271](#) Atkinson Subdivision 2023 Replat  
KPB File 2023-052  
Attachments: [E1. Atkinson Subdivision 2023 Replat Packet](#)
2. [KPB-5272](#) Butterfly Meadows No. 3  
KPB File 2023-056  
Attachments: [E2. Butterfly Meadows No. 3 Packet](#)
3. [KPB-5273](#) Dairy Hill Subdivision Addition No. 1  
KPB File 2023-057  
Attachments: [E3. Dairy Hill Sub Addn No. 1 Packet](#)
4. [KPB-5274](#) A.A. Mattox 2023  
KPB File 2023-050  
Attachments: [E4. A.A. Mattox 2023 Replat Packet](#)
5. [KPB-5275](#) Patch Subdivision  
KPB File 2023-030R1  
Attachments: [E5. Patch Subdivision 2023 Packet](#)  
[K-Bay APC Comment Desk Packet](#)



6. [KPB-5276](#) Dan Lee Subdivision No. 5  
KPB File 2023-051  
*Attachments:* [E6. Dan Lee Subdivision No. 5 Packet](#)
7. [KPB-5277](#) Riverwind Subdivision Sutherlin Addition  
KPB File 2023-055  
*Attachments:* [E7. Riverwind Sub Sutherlin Addn. Packet](#)
8. [KPB-5278](#) Roofe Subdivision  
KPB File 2023-054  
*Attachments:* [E8. Roofe Subdivision 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 26, 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 7:30 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](mailto:planning@kpb.us)

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

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

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

## **C. CONSENT AGENDA**

### **\*3. Minutes**

- a. May 22, 2023 Plat Committee Meeting Minutes

# Kenai Peninsula Borough

## Plat Committee

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

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May 22, 2023  
6:30 PM  
UNAPPROVED MINUTES

### A. CALL TO ORDER

Commissioner Gillham called the meeting to order at 6:30 p.m.

### B. ROLL CALL

#### *Plat Committee Members/Alternates*

Pamela Gillham, District 1 – Kalifornsky  
Troy Staggs, City of Seward  
David Stutzer, District 8 – Homer  
Franco Venuti, City of Homer

#### *Staff Present*

Vince Piagentini, Platting Manager  
Madeleine Quainton, Platting Specialist  
Ann Shirnberg, Planning 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. May 8, 2023 Plat Committee Meeting Minutes
- \*4. Grouped 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 2023-44
  - 6. Whisper Lake Subdivision Miller Addition Prather Replat; KPB File 2023-048

Staff report by Platting Manager Vince Piagentini..

Staff has grouped the following plats located under **AGENDA ITEM E**. They are grouped as simple or non-controversial. The type of plats grouped are lot splits, creating a small number of lots, replats, no exceptions required and no public comments were received. – 5 Plats

**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 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.

**END OF STAFF REPORT**

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

**MOTION:** Commissioner Staggs moved, seconded by Commissioner Stutzer to approve the agenda, the May 8, 2023 Plat Committee meeting minutes and grouped plates based on staff recommendations and compliance to borough code.

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

**MOTION PASSED BY UNANIMOUS VOTE**

Yes- 4	Gillham, Staggs, Stutzer, Venuti
No - 0	

**D. OLD BUSINESS – None**

**E. NEW BUSINESS**

Chair Gillham asked Administrative Assistant Shirnberg to read the planning commission public hearing procedures into the record.

**ITEM #1 - Bunnell's Subdivision 2023 Replat**

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

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

*\*Passed Under Grouped Plats Under The Consent Agenda*

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

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

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

*\*Passed Under Grouped Plats Under The Consent Agenda*

**ITEM #3 - Puffin Acres 2023**

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

<b>Parent Parcel No.:</b>	174-192-14
<b>Legal Description:</b>	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
<b>Assessing Use:</b>	Residential
<b>Zoning:</b>	Unrestricted
<b>Water / Wastewater</b>	On site / City of Homer

*\*Passed Under Grouped Plats Under The Consent Agenda*

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

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

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

Staff report given by Platting Manager Vince Piagentini. He noted the landowners had requested to postpone action on this item.

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

**MOTION:** Commissioner Staggs moved, seconded by Commissioner Stutzer to postpone until brought back by staff.

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

#### **MOTION PASSED BY UNANIMOUS VOTE**

Yes- 4	Gillham, Staggs, Stutzer, Venuti
No - 0	

#### ITEM #5 - Twin Creek 2023

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

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

*\*Passed Under Grouped Plats Under The Consent Agenda*

**ITEM #6 - Whisper Lake Subdivision Miller Addition Prather Replat**

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

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

*\*Passed Under Grouped Plats Under The Consent Agenda*

**F. PUBLIC COMMENT**

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

**G. ADJOURNMENT**

Commissioner Venuti moved to adjourn the meeting 6:39 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 June 12, 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. – 4 Plats

1. Atkinson Subdivision 2023 Replat; KPB File 2023-052
3. Dairy Hill Subdivision Addition No. 1; KPB File 2023-057
4. A.A. Mattox 2023 Replat; KPB File 2023-050
5. Patch Subdivision 2023; KPB File 2023-030R1

**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) – 4 Plats

2. Butterfly Meadows No. 3; KPB File 2023-056
6. Dan Lee Subdivision No. 5; KPB File 2023-051
7. Riverwind Subdivision Sutherlin Addition; KPB File 2023-055
8. Rooft Subdivision; KPB File 2023-054



## **E. NEW BUSINESS**

- 1. Atkinson Subdivision 2023 Replat; KPB File 2023-052  
Johnson Surveying / Denzine  
Location: Approximately MP 111.5 Sterling Highway  
Cohoe Area**

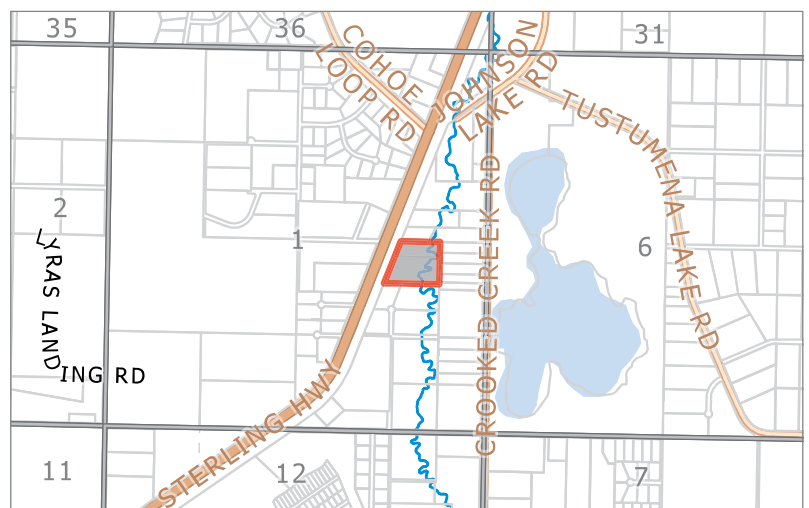
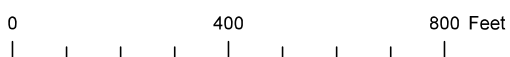


Vicinity Map



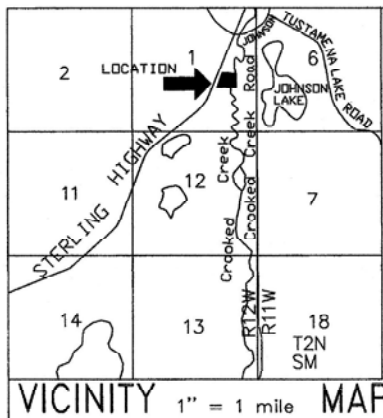
KPB File 2023-052  
T 02N R 12W SEC 01  
Cohoe

5/10/2023









# Atkinson Subdivision 2023 Replat Preliminary Plat

A replat combining Lots 1 & 2 Atkinson Subd. No. 2, KRD 80-126.  
Located in the SE 1/4 Section 1, T2N R12W, SM, Alaska.  
Kenai Recording District Kenai Peninsula Borough

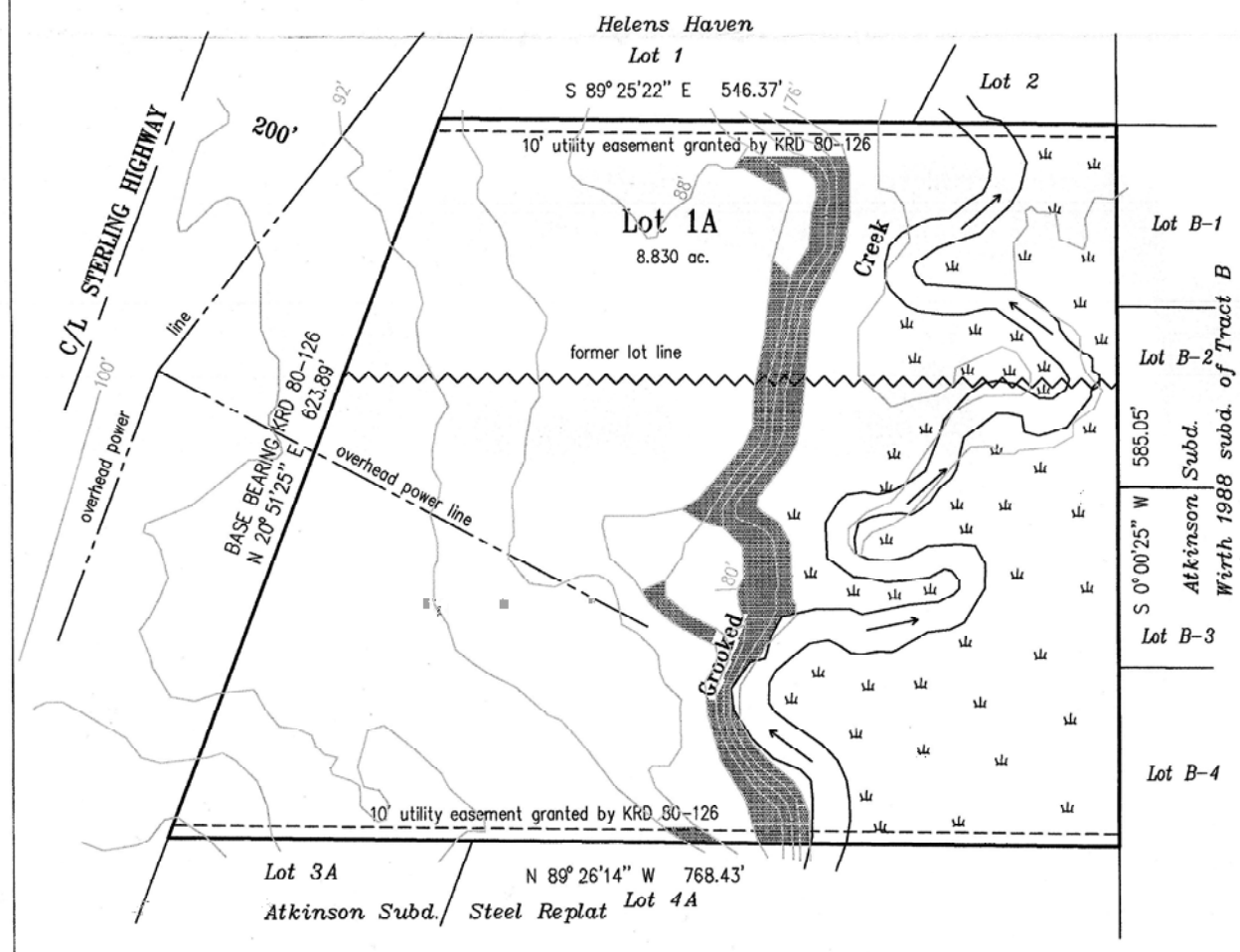
Prepared for  
David G & Susan J Denzine  
P.O. Box 755  
Kasilof, AK 99610

Prepared by  
Johnson Surveying  
P.O. Box 27  
Clam Gulch, Ak 99568

SCALE 1" = 100' Area = 8.830 15 April, 2023

## NOTES

1. A building setback of 20' from all street ROWs is required unless a lesser standard is approved by a resolution of the appropriate planning commission. Front 10' along streets is also a utility easement, extending to 20' within 5' of side lot lines.
2. No permanent structures shall be constructed or placed within a utility easement that would interfere with the ability of a utility to use the easement.
3. Property is subject to a Reservation Of Easement for highway purposes, and any assignments or uses thereof for recreational, utility or other purposes, as disclosed by Public Land Order No. 601, dated August 10, 1949 and amended by Public Land Order No. 757, dated October 10, 1959; Public Land Order No. 1613 dated April 7, 1958; and Dept. of the Interior Order No. 2665, dated October 16, 1951, Amendment No. 1 thereto, dated July 17, 1952 and Amendment No. 2 thereto, dated September 15, 1956, filed in the Federal Register.
4. Property is subject to an electrical easement granted to Homer Electric Association, Inc. in Kenai Records Misc. Book 4 Page 127. This is a general easement, no specific location given.
5. This is a paper plat replat. No field survey was conducted in conjunction with preparing this plat, no corners were found or set.
6. Contour interval 4'. Shaded areas indicate grades over 25%.



KPB 2023-052

AGENDA ITEM E. NEW BUSINESS

ITEM #1 – ATKINSON SUBDIVISION 2023 REPLAT

<b>KPB File No.</b>	2023-052
<b>Plat Committee Meeting:</b>	June 12, 2023
<b>Applicant / Owner:</b>	David and Susan Denzine, Kasilof, Alaska
<b>Surveyor:</b>	Jerry Johnson / Johnson Surveying
<b>General Location:</b>	Sterling Highway MP 111.5, Cohoe area

<b>Parent Parcel No.:</b>	137-260-19, 137-260-18
<b>Legal Description:</b>	Lots 1 & 2 Atkinson Subdivision
<b>Assessing Use:</b>	Residential
<b>Zoning:</b>	Rural Unrestricted
<b>Water / Wastewater</b>	Onsite

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STAFF REPORT

**Specific Request / Scope of Subdivision:** The proposed plat will combine two lots into on 8.830 acre lot. No new dedication is proposed with the plat.

**Location and Legal Access (existing and proposed):** The existing access to the property is by the Sterling Highway and will continue to be. There is no proposed vacation or dedication with this platting process.

The block length is not compliant and does not close. There are lots behind this plat to the east, that are not developable and unable to provide dedications. ***Staff recommends the plat committee concur an exception is not required, as any required dedications will not improve the block.***

KPB Roads Dept. comments	Out of Jurisdiction: No  Roads Director: Griebel, Scott Comments: No comments
SOA DOT comments	The ROW for Sterling Highway appears to be shown correctly. - Engineering

**Site Investigation:** According to KPB data there appears to be wetlands in the east side of the plat along Crooked Creek. The western part near Sterling Highway is relatively flat sloping towards the east with steep slopes just west of Crooked Creek.

There are several buildings on the site with most being to the north. Two driveways access the property, which addressing has said both current addresses will remain for that reason.

This subdivision is located within the Anadromous Waters Habitat Protection District. ***Staff recommendation: add the habitat protection note per KPB 20.30.290.***

KPB satellite imagery indicates this property may contain wet areas. ***Staff recommendation: place a note on the final plat indicating 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.***

KPB River Center review	A. Floodplain Reviewer: Hindman, Julie Floodplain Status: Not within flood hazard area Comments: Not within a mapped floodplain
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	B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: IS totally or partially within HPD Comments: i:0#.w\kpb\maldrige  C. State Parks Reviewer: VACANT Comments
State of Alaska Fish and Game	Crooked Creek is listed in the anadromous waters catalog (AWC: 244-30-10050-2024) and is important habitat for coho, chinook, pink, and silver salmon as well as Dolly Varden, Pacific lamprey, and steelhead trout. Any modifications to the streambank or be will require a fish habitat permit from the ADF&G Habitat Section in Soldotna (907-714-2475 or dfg.hab.infosxq@alaska.gov).

**Staff Analysis** The proposed plat is taking two lots and creating one larger lot located along the Sterling Highway. The plat is located in the SE1/4 of Section 1, T2N, R12W SM, Alaska KRD, Kenai Peninsula Borough. The subject property was originally platted as Tract A of Atkinson Subdivision KN 76-119. Tract A was then subdivided by Atkinson Subdivision No. 2 KN 80-126 into 6 lots. This plat is combining Lots 1 and 2 of Atkinson Subdivision No. 2 KN 80-126 into one lot.

A soils report will not be required as the lot is over 200,000 sq ft.

Notice of the proposed plat was mailed to the beneficial interest holder on May 11, 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 encroachment issues to or from this property.

**Utility Easements** There are no easements listed in the Certificate to Plat to be shown. An easement to Home Electric Association is a blanket type easement with no definite location recorded at Book 4 Page 127 shown at Plat Note #4. An overhead power line is shown on the plat.

There are 10 foot utility easements carried forward from Atkinson Subdivision No. 2 KN 80-126 shown 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	This is a single phase overhead primary electric line. Please provide a plat note that states, '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	Reviewer: Leavitt, Rhealyn
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	<p>Affected Addresses: 59445 STERLING HWY, 59365 STERLING HWY</p> <p>Existing Street Names are Correct: No</p> <p>List of Correct Street Names: STERLING HWY</p> <p>Existing Street Name Corrections Needed:</p> <p>All New Street Names are Approved: No</p> <p>List of Approved Street Names:</p> <p>List of Street Names Denied:</p> <p>Comments: BOTH ADDRESS WILL REMAIN DUE TO DRIVEWAYS AND IMPROVEMENTS</p>
Code Compliance	<p>Reviewer: Ogren, Eric</p> <p>Comments: No comments</p>
Planner	<p>Reviewer: Raidmae, Ryan</p> <p>There are not any Local Option Zoning District issues with this proposed plat.</p> <p>Material Site Comments: There are not any material site issues with this proposed plat.</p>
Assessing	<p>Reviewer: Windsor, Heather</p> <p>Comments: No comment</p>

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

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

- On the drawing, correct the name of Crooked Creek.
- Check spelling of Public in Plat Note #3.
- Add a space between the month and day of Plat Note #3 "October 16, 1951"
- Add KPB Code to end of Plat Note #5.
- The font and font size should be uniform throughout the 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 the KPB file number 2023-052 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:** *add the full right-of-way width of Sterling Highway.*
- D. A vicinity map, drawn to scale showing location of proposed subdivision, north arrow if different from plat orientation, township and range, section lines, roads, political boundaries, and prominent natural and manmade features, such as shorelines or streams;  
**Staff recommendation:** *Correct the overstrikes present on the map, check spelling of road names.*
- 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:** *to the north, move Helens Haven to the right to represent both lots. To the south, add "e" to spell Steele correctly. To the southeast correct the lot label.*
- H. Approximate locations of low wet areas, areas subject to inundation, areas subject to flooding or storm water overflow, and the line of ordinary high water. This information may be provided on an additional sheet if showing these areas causes the preliminary plat to appear cluttered and/or difficult to read;  
**Staff recommendation:** *With no legend present, it must be assumed the wetlands are indicated by the grass icons. Surveyor should confirm wetlands location.*

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#### **KPB 20.30 – Subdivision Design Requirements**

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

- 20.30.290. Anadromous Waters Habitat Protection District. If any portion of a subdivision or replat is located within an anadromous waters habitat protection district, the plat shall contain the following note:

**ANADROMOUS WATERS HABITAT PROTECTION DISTRICT NOTE:**

Portions of this subdivision are within the Kenai Peninsula Borough Anadromous Waters Habitat Protection District. See KPB Chapter 21.18, as may be amended, for restrictions that affect development in this subdivision. Width of the habitat protection district shall be in accordance with KPB 21.18.040.

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

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

- 20.40.010 Wastewater disposal.

*Platting Staff Comments:*

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

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#### **KPB 20.60 – Final Plat**

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

- 20.60.120. Accuracy of measurements. All linear measurements shall be shown to the nearest 1/10 foot, and angular measurements shall be at least to the nearest minute. All lot areas shall be shown to the nearest 10 square feet or to the nearest 1/1,000 of total acres. Meander lines, dry land areas and submerged land



areas shall be shown in addition to total area when applicable. All boundary closures shall be to a minimum accuracy of 1:5,000. Boundary and lot closure computations must be submitted with the final plat.

**Staff recommendation:** *provide boundary and lot closure computations with the paper final plat. KPB will verify closure complies with 20.60.120.*

20.60.180. Plat notes.

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

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

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

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

---

**RECOMMENDATION:**

**SUBJECT TO: STAFF RECOMMENDS:**

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

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

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

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

**END OF STAFF REPORT**

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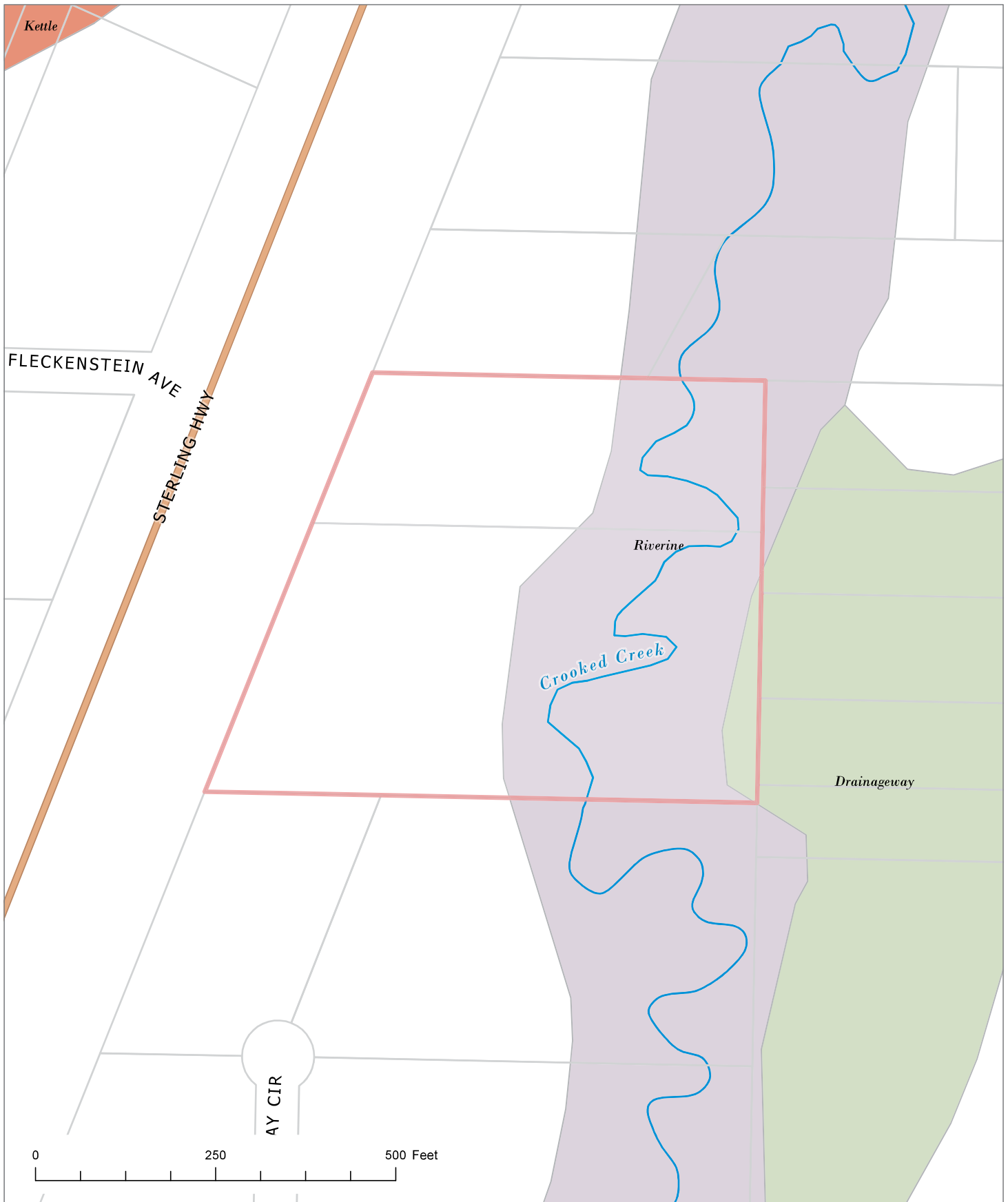
Aerial View







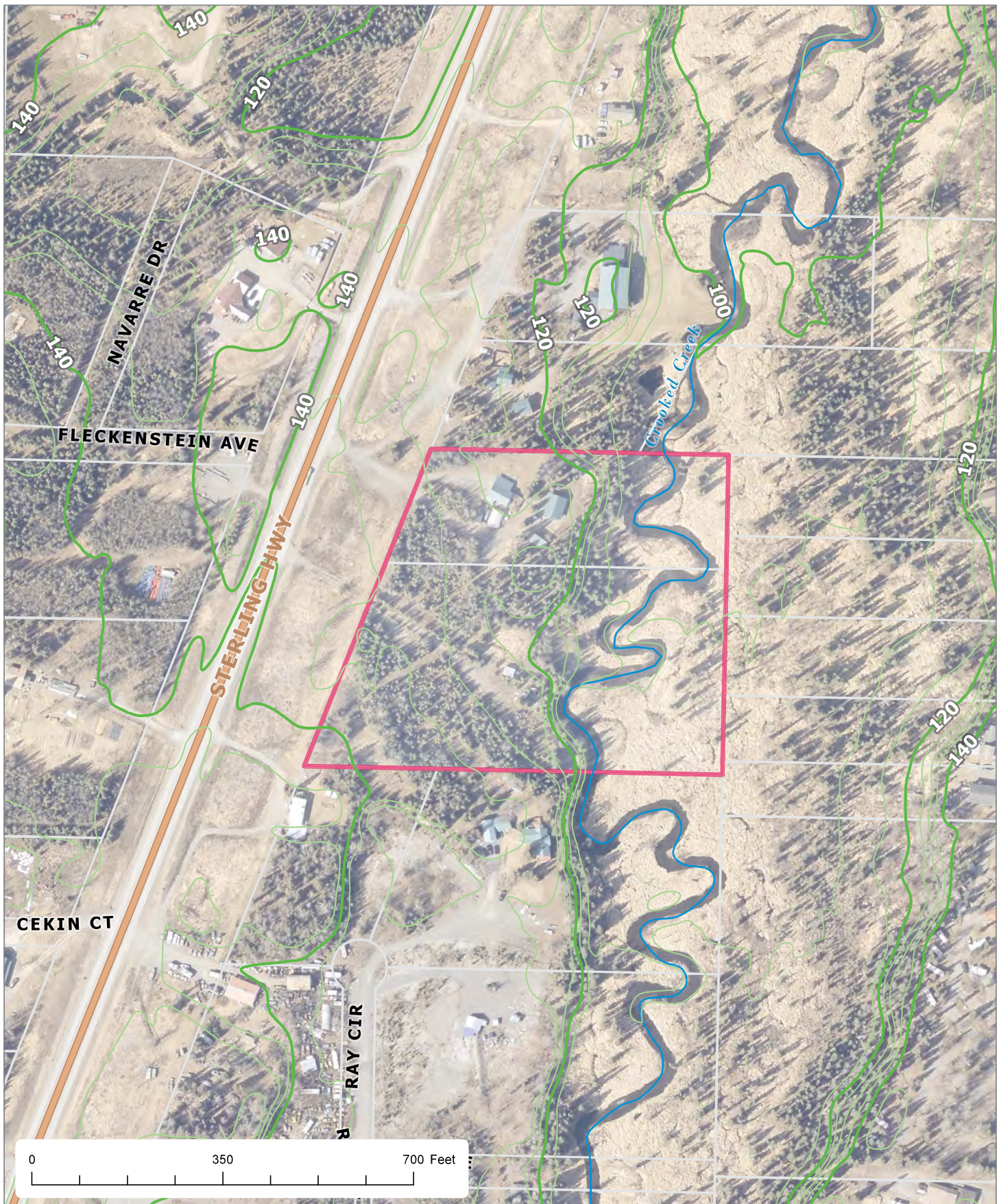
**Wetlands**







**Aerial with 5-foot Contours**





HELENS HAVEN S'1/4D.  
LIES NORTH OF &  
ABUTS THIS SUBD.



STERLING HIGHWAY

UNSUBDIVIDED LAND

SEC 12  
1967

TRACT A  
22.9 ACRES

PORTION OF  
NW 1/4 SE 1/4  
LYING EAST OF  
STERLING HWY.

W 1/2 NE 1/4 SE 1/4

TRACT E  
NW 1/4 SE 1/4 SE 1/4  
10 ± ACRES

TRACT D  
SW 1/4 SE 1/4 SE 1/4  
10 ± ACRES

TRACT B  
NE 1/4 NE 1/4 SE 1/4  
10 ± ACRES

TRACT C  
SE 1/4 SE 1/4 SE 1/4  
10 ± ACRES

CROOKED CREEK

UNSUBDIVIDED  
50' Red.  
PERMANENT  
TURNAROUND

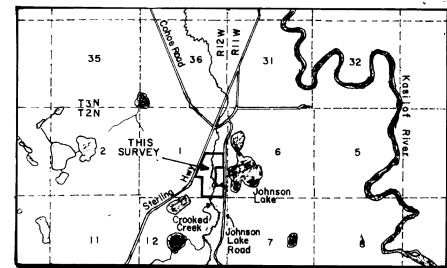
1/4 COR  
SEC  
16

69 KV. TRANSMISSION LINE  
50' H.E.A. R.O.W. EACH SIDE

JOHNSON  
LAKE

JOHNSON LAKE ROAD

SEC. COR  
1/6  
12/7  
1967  
SEC 6



Vicinity Map  
1" = Mile

#### CERTIFICATE OF OWNERSHIP & DEDICATION

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, roadways and alleys dedicated by me for public use.

*Leo M. Thompson*  
Dean Atkinson  
Box 433-Star Rt. 2  
Soldotna, Alaska 99669

*Kathy A. Atkinson*  
Kathy A. Atkinson  
Box 433-Star Rt. 2  
Soldotna, Alaska 99669

#### NOTARY'S ACKNOWLEDGEMENT

Subscribed and sworn before me this 15th day of July, 1976.

*Jimmy R. Paulic*  
Notary for Alaska

11/30/76  
My Commission Expires

#### PLAT APPROVAL

I hereby certify that this subdivision plat has been found to comply with the regulations of the Kenai Peninsula Borough and that said plat has been approved by the Kenai Peninsula Borough Planning Commission.

June 14, 1976  
Date

*Donald E. Helmer*  
Borough Mayor

#### SURVEYOR'S CERTIFICATE

I hereby certify that I am a registered land surveyor and that this plat was prepared by me and is based on a subdivision of the SE 1/4, Sec. 1, T2N, R12W, S.M., Alaska, as shown hereon. No corners have been established for any tracts within this subdivision.

June 15, 1976  
Date

*Leo M. Thompson*  
Surveyor

AREA 65.3 AC

PLAT OF

### ATKINSON SUBDIVISION

AN ALIQUOT PARTS SUBDIVISION

LOCATED IN  
SE 1/4, SEC. 1, T2N, R12W, S.M.,  
ALASKA

LEO M. THOMPSON  
ENGINEER SURVEYOR

Box 4-2751

Anchorage, Alaska, 99509

DATE: 6-14, 1976

SCALE: 1"=200'

DRAWN DCS

SHEET: 1 OF 1

CHECKED: LMT

JOB NO.: 76-PS-1

#### NOTES:

1. Acreage shown on all tracts within this subdivision includes adjacent road right-of-way except where subdivision abuts Sterling Hwy.
2. All bearings and distances and areas shown are based on protracted values and are approximate only.
3. A minimum 20' building setback exists along road right-of-ways.

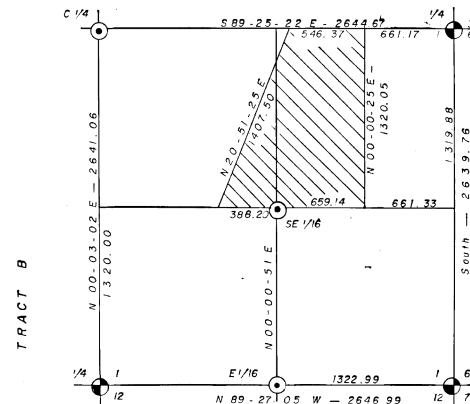
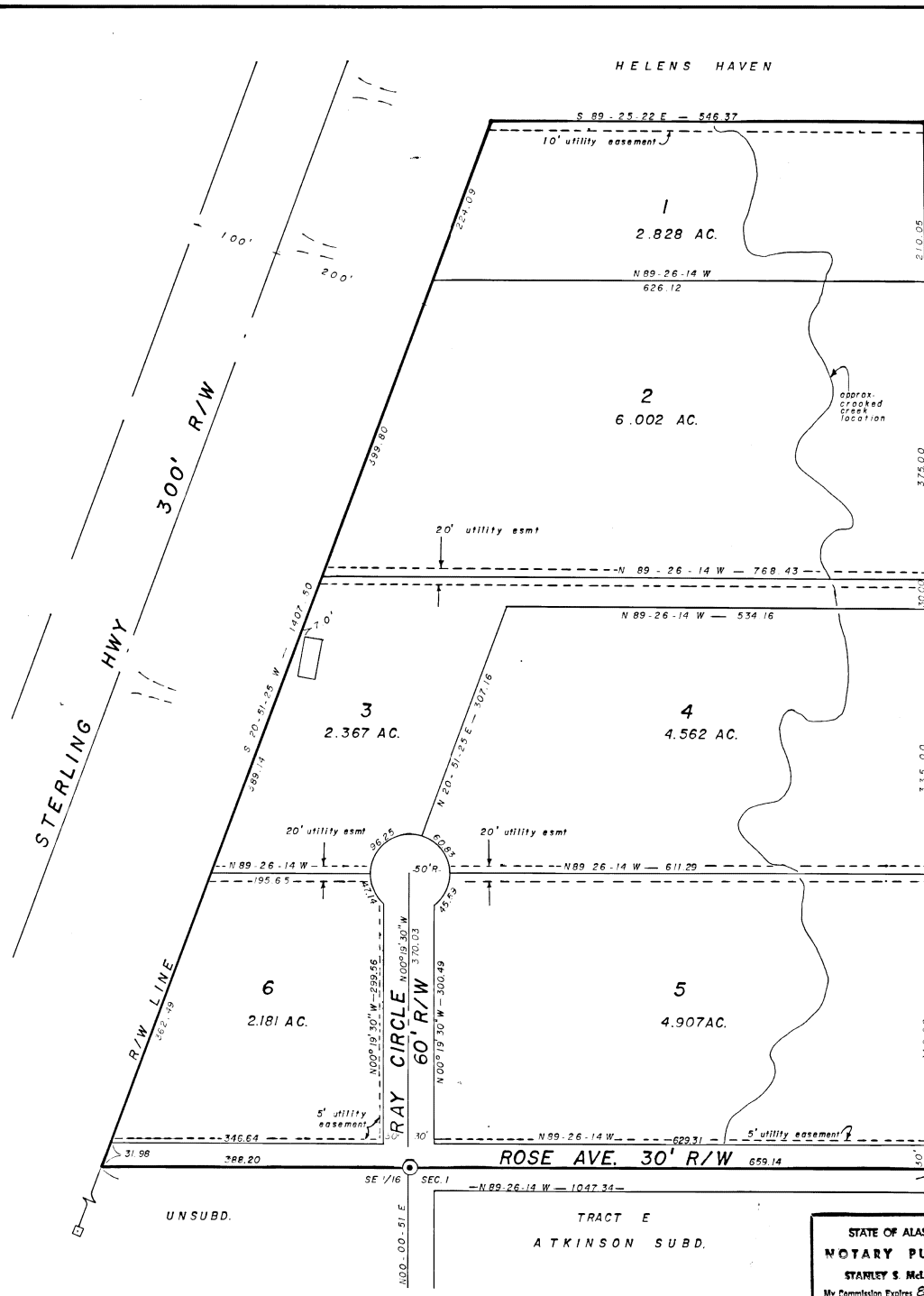
4. This subdivision at time of filing is not served by public water and/or sewage facilities. No on-site water and/or sewage disposal facilities may be constructed without prior approval of the Alaska Department of Environmental Conservation.
5. NO field survey was made nor were any stakes or monuments set.
6. Prior to any road construction, owner shall contact appropriate agencies concerning crossing of Crooked Creek.

#### CERTIFICATE & REQUEST

I hereby certify that I am the subdivider or representative of the subdivider of the lands shown on the plat hereon, and I further certify that the subdivider is aware of the Alaska Administrative Code concerning Title 18, Environmental Conservation: Chapter 72, Wastewater Disposal, and do hereby request recordation of said plat by the Kenai Peninsula Borough.

7/16/76  
Date

*Leo M. Thompson*  
Subdivider (or Representative)



#### CERTIFICATE OF OWNERSHIP AND DEDICATION

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

80-126

RECORDED - FILED 10

DATE 12-19-80

TIME 4:07 P.M.

Submitted by KPB

Address

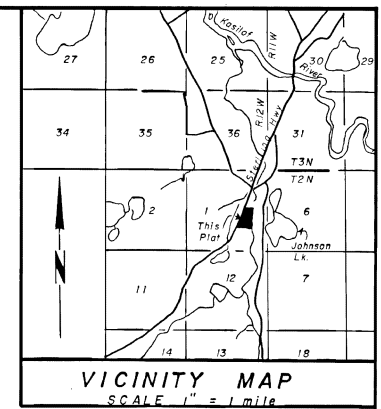
*Lloyd D. Atkinson*  
Lloyd D. Atkinson  
SR 2 Box 443  
Soldotna, Ak. 99669

*Kathy E. Atkinson*  
Kathy E. Atkinson



#### NOTARY'S ACKNOWLEDGEMENT

Subscribed and sworn before me this  
... day of ... 1980.  
My commission expires 8/2/83.  
*Stanley S. McLane*  
notary public for Alaska



#### LEGEND AND NOTES

- Found BLM brass cap monument
- ⊙ Found official survey brasscap monument 268-S
- ⊕ Set official survey AL monument.
- Found 1/2" diameter rebar
- Found Dept. of Hwy's R/W marker
- ⊥ Set 1/2" X 24" steel rebar at all lot corners

All bearings refer to the East bounds of Sec 1 as being South datum of Record.

Access to the Sterling Hwy. shall be on Rose Ave. or other existing driveways shown.

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

Building set back—A building set back of 20' is required from all street rights of ways unless a lesser standard is approved by resolution of the appropriate planning commission. Excepting existing home shown hereon.

#### PLAT APPROVAL

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of July 14, 1980.

Kenai Peninsula Borough

By *Richard Waring*  
Authorized Official

#### ATKINSON SUBDIVISION NO. 2

Dean Atkinson, owner  
Rt. 1 Box 433 Soldotna, Ak. 99669

LOCATION  
24.149 ac. located in the N 1/2 SE 1/4 Sec 1,  
T2N, R12W S.M. AK and the Kenai Peninsula  
Borough.

Surveyed By: McLane & Associates, Inc.  
Soldotna, AK. 99669

Date of Survey 6/25/80	Scale 1" = 100'	BK. No. 80 - 13
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## Quainton, Madeleine

---

**From:** Percy, Colton T (DFG) <colton.percy@alaska.gov>  
**Sent:** Tuesday, May 30, 2023 9:49 AM  
**To:** Quainton, Madeleine  
**Subject:** <EXTERNAL-SENDER>RE: PLAT REVIEW FOR June 12, 2023 MEETING: Plat Review State Group; GCI; Enstar; HEA; ACS

---

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

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Hi Madeleine,

Alaska Department of Fish and Game has reviewed the proposed platting actions and has **no objections**. The proposed action will not affect public access to public lands and waters. We do have the following comment for KPB 2023-052:

-Crooked Creek is listed in the anadromous waters catalog (AWC: 244-30-10050-2024) and is important habitat for coho, chinook, pink, and silver salmon as well as Dolly Varden, Pacific lamprey, and steelhead trout. Any modifications to the streambank or be will require a fish habitat permit from the [ADF&G Habitat Section in Soldotna](#) (907-714-2475 or [dfg.hab.infosxq@alaska.gov](mailto:dfg.hab.infosxq@alaska.gov)).

As always, thank you for the opportunity to review and comment on these platting actions.

### Colton Percy

#### Habitat Biologist

#### Access Defense Program

Alaska Department of Fish and Game  
Division of Wildlife Conservation  
333 Raspberry Rd  
Anchorage, AK 99518  
907-267-2118

---

**From:** Quainton, Madeleine <mquainton@kpb.us>  
**Sent:** Monday, May 22, 2023 11:49 AM  
**To:** 'Trevor.Brown@acsalaska.com' <Trevor.Brown@acsalaska.com>; Marsengill, Dale <DMarsengill@HomerElectric.com>; ENSTAR ROW <row@enstarnaturalgas.com>; Biloon, Joselyn (DOT) <joselyn.biloon@alaska.gov>; Keiner, Robert (DOT) <bob.keiner@alaska.gov>; 'ospdesign@gci.com' <ospdesign@gci.com>; Percy, Colton T (DFG) <colton.percy@alaska.gov>; 'Huff, Scott' <shuff@HomerElectric.com>  
**Cc:** 'Zubeck, Brad' <BZubeck@HomerElectric.com>  
**Subject:** PLAT REVIEW FOR June 12, 2023 MEETING: Plat Review State Group; GCI; Enstar; HEA; ACS

**CAUTION:** This email originated from outside the State of Alaska mail system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,

Attached are the plats to be reviewed for the **June 12, 2023** meeting.

- Dan Lee Subdivision No 5 KPB 2023-051
- A.A. Mattox 2023 Replat KPB 2023-050

- Atkinson Subdivision 2023 Replat KPB 2023-052
- Roofe Subdivision KPB 2023-054
- Riverwind I Subdivision Sutherlin Addition KPB 2023-055
- Patch Subdivision 2023 KPB 2023-030R1
- Dairy Hill Subdivision Addition No 1 KPB 2023-057
- Butterfly Meadows No 3 KPB 2023-056

Please provide comments by **May 31, 2023** to ensure the comments will be included in a preliminary plat staff report.

Preliminary plat comments will be accepted until the 1:00 p.m. Friday before the meeting date.

Thank you,

**Madeleine Quainton**

Platting Specialist

Planning Department

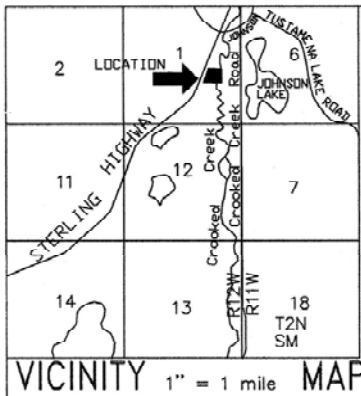
Ph: (907) 714-2200

Fx: (907) 714-2378

**KENAI PENINSULA BOROUGH**  
**144 North Binkley Street**  
**Soldotna, Alaska 99669**







# Atkinson Subdivision 2023 Replat Preliminary Plat

A replat combining Lots 1 & 2 Atkinson Subd. No. 2, KRD 80-126. Located in the SE 1/4 Section 1, T2N R12W, 5M, Alaska. Kenai Recording District Kenai Peninsula Borough

Prepared for  
David G & Susan J Denzine  
P.O. Box 755  
Kasilof, AK 99610

Prepared by  
Johnson Surveying  
P.O. Box 27  
Clam Gulch, Ak 99568

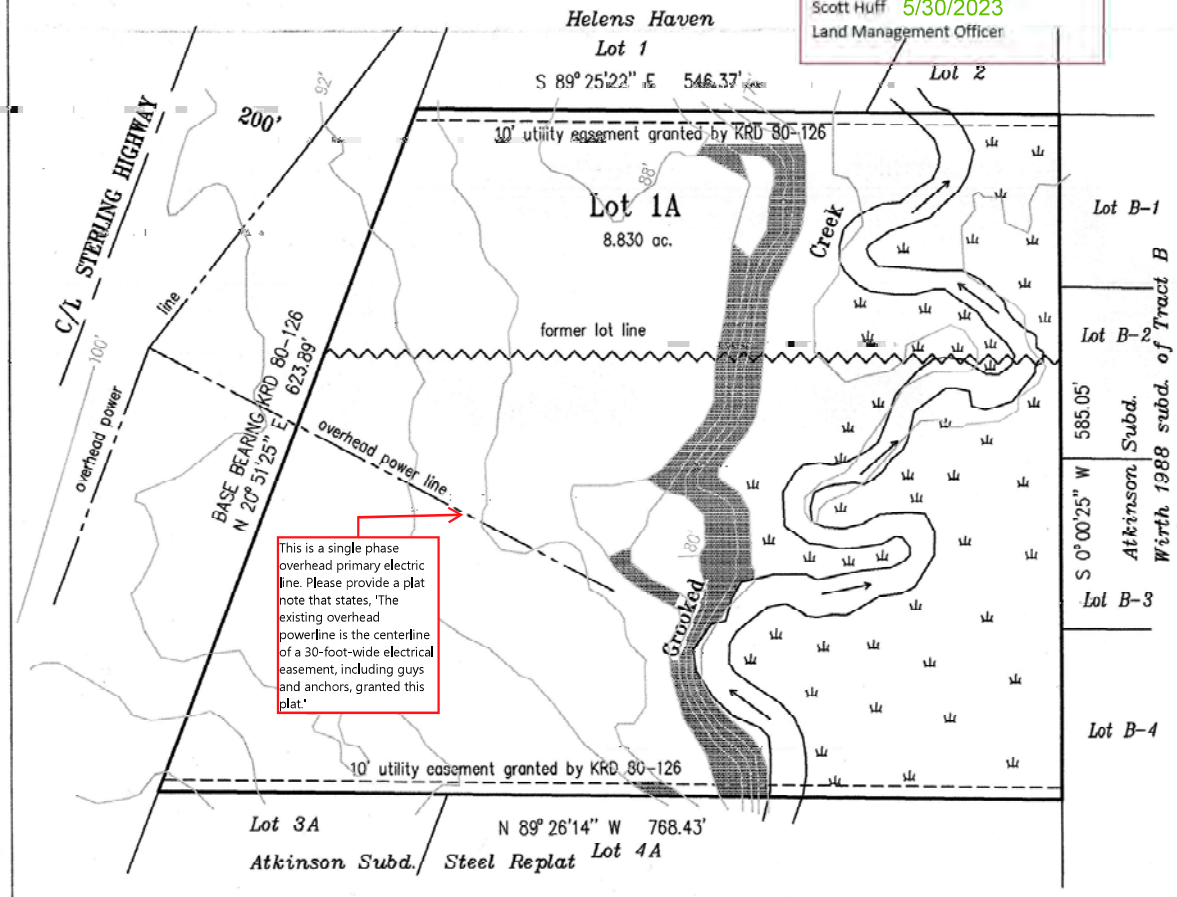
SCALE 1" = 100' Area = 8.830 15 April, 2023

## NOTES

1. A building setback of 20' from all street ROWs is required unless a lesser standard is approved by a resolution of the appropriate planning commission. Front 10' along streets is also a utility easement, extending to 20' within 5' of side lot lines.
2. No permanent structures shall be constructed or placed within a utility easement that would interfere with the ability of a utility to use the easement.
3. Property is subject to a Reservation Of Easement for highway purposes, and any assignments or uses thereof for recreational, utility or other purposes, as disclosed by Public Land Order No. 601, dated August 10, 1949 and amended by Public Land Order No. 757, dated October 10, 1959; Public Land Order No. 1613 dated April 7, 1958; and Dept. of the Interior Order No. 2665, dated October 16, 1951, Amendment No. 1 thereto, dated July 17, 1952 and Amendment No. 2 thereto, dated September, 15, 1956, filed in the Federal Register.
4. Property is subject to an electrical easement granted to Homer Electric Association, Inc. in Kenai Records Misc. Book 4 Page 127. This is a general easement, no specific location given.
5. This is a paper plat replat. No field survey was conducted in conjunction with preparing this plat, no corners were found or set.
6. Contour interval 4'. Shaded areas indicate grades over 25%.

HEA REVIEWED - SEE COMMENTS

Scott Huff  
5/30/2023  
Land Management Officer



KPB 2023-052

## **E. NEW BUSINESS**

### **2. Butterfly Meadows No. 3; KPB File 2023-056**

**Orion Surveys**

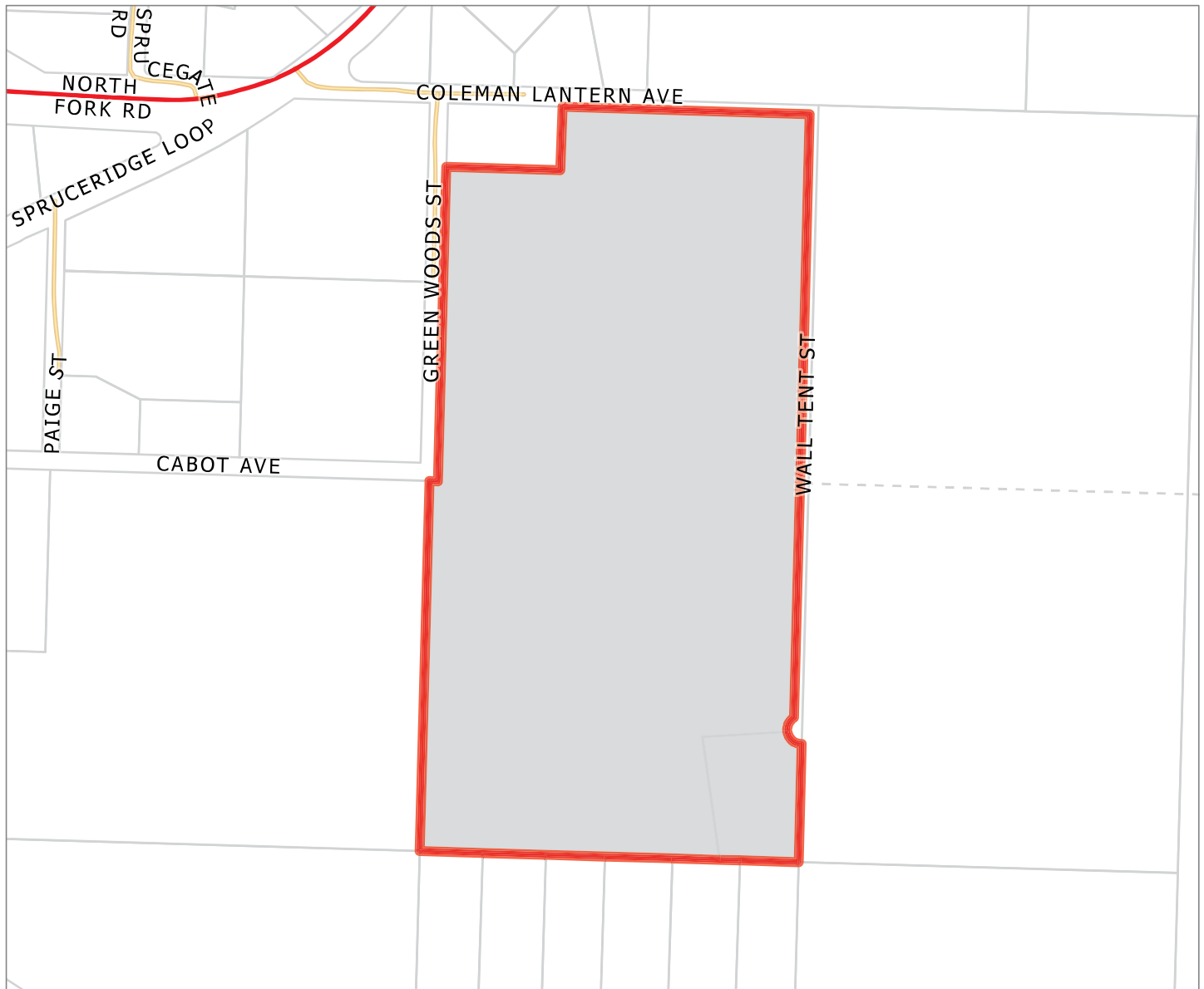
**Don w. Bailey & Gloria Ann Bailey Living Trust, Bailey**

**Location: Green Woods St., Coleman Lantern Ave. & Wall Tent St.**

**Anchor Point Area / Anchor Point APC**

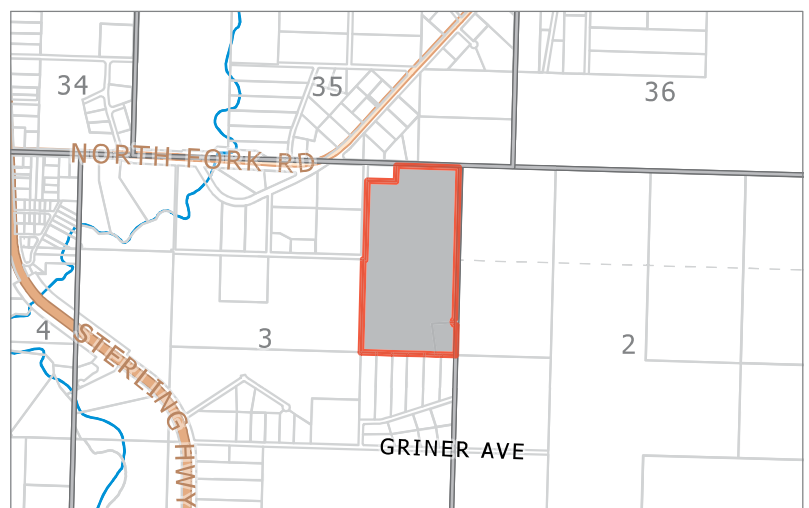
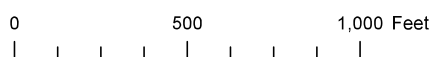


Vicinity Map

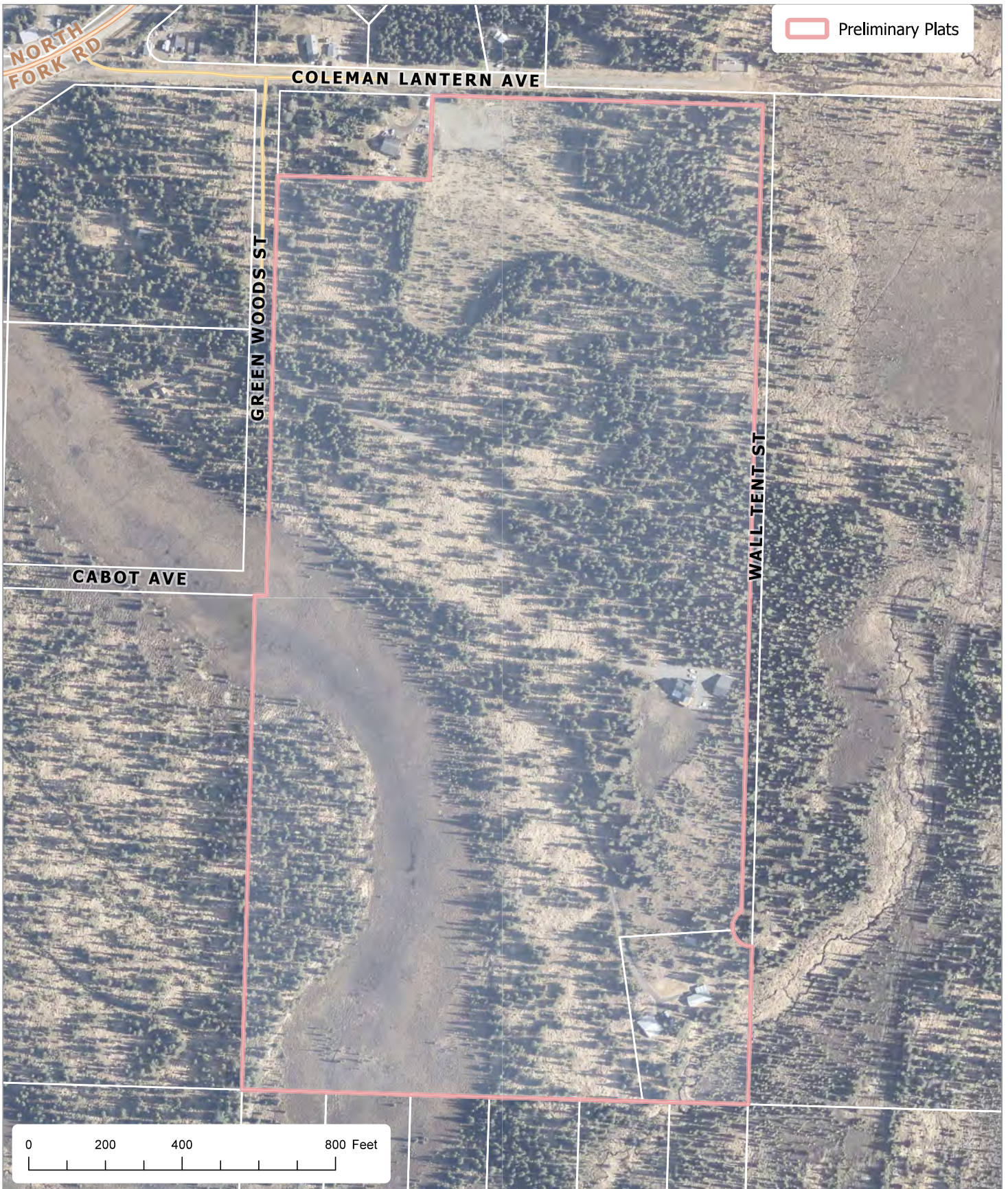


KPB File 2023-056  
T 05S R 15W SEC 03  
Anchor Point

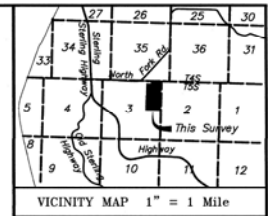
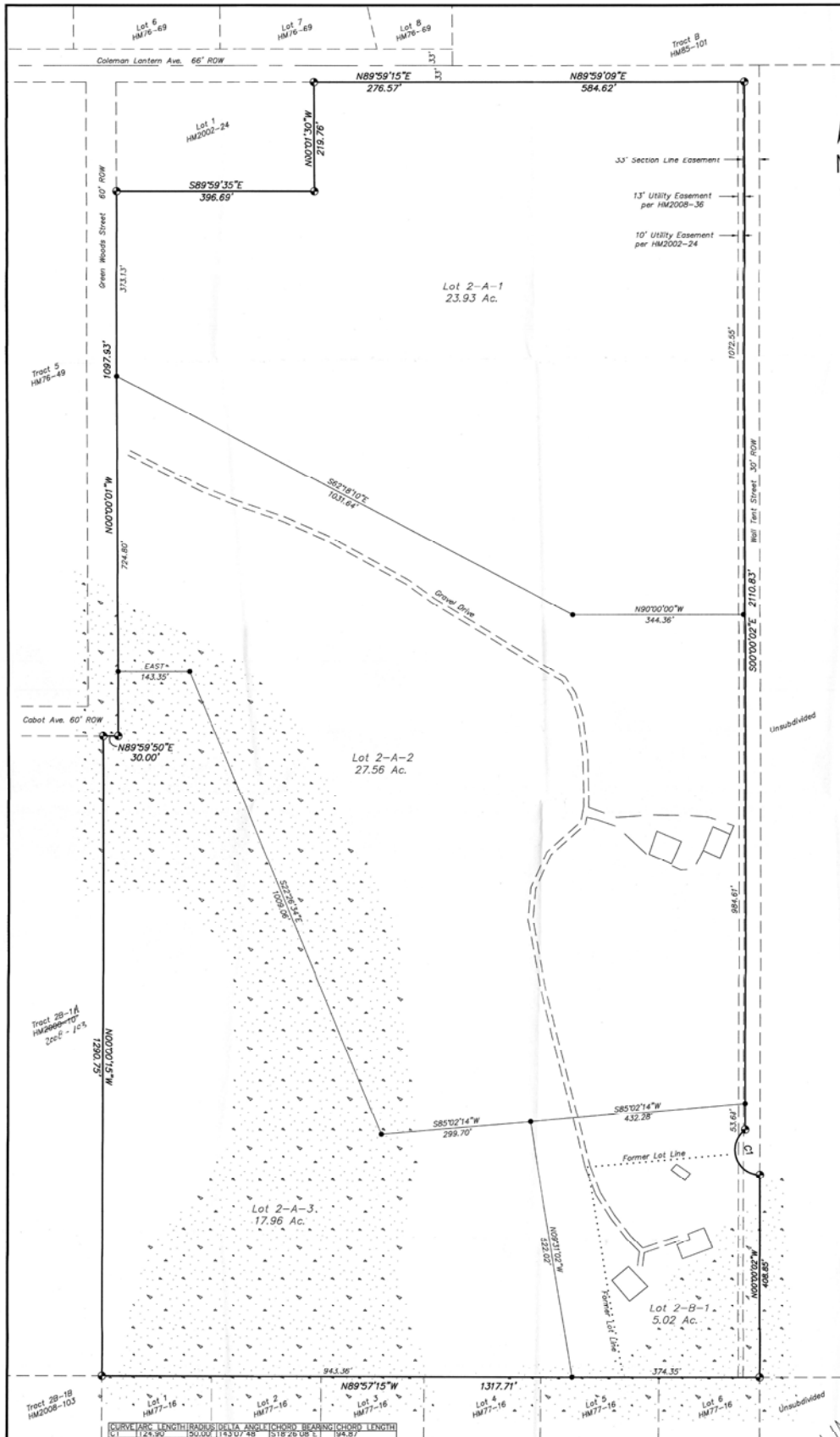
5/20/2023











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

Don W. Bailey Date  
For the Don W. and Gloria Ann Bailey Living Trust  
PO Box 416  
Anchor Point, AK 99556

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

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

Von R. Bailey Date  
PO Box 404  
Anchor Point, AK 99556

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

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

Joanne Bailey Date  
PO Box 404  
Anchor Point, AK 99556

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

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

- NOTES:**
1. A building setback of 20' is required from all street rights-of-way unless a lesser standard is approved by resolution of the appropriate Planning Commission. The front 15' and the entire setback within 5 ft. of side lot lines is a utility easement. No permanent structures shall be constructed or placed within a utility easement which would interfere with the ability of the utility to use the easement.
  2. Per KPB 21.40.160 lots in this subdivision are subject to the zoning restrictions of the "North Fork Deer" Zoning District (KPB Ordinance 99-54)
  3. The creek in the S.E. corner of Lot 2-B-1 may be subject to inundation during floods.
  4. There is a general easement for electric lines and system to Homer Electric Association Inc. recorded in Bk. 28 Pg. 415 H.A.B. (No location given).
  5. This subdivision may be subject to several Oil and Gas leases and assignments of leases recorded in Bk. 11 Pg. 64, Bk. 21 Pg. 317, Bk. 104 Pg. 353, Bk. 274 Pg. 685, Bk. 303 Pg. 308, Bk. 310 Pg. 798, and Bk. 310 Pg. 805.
  6. Any person developing this property is responsible for obtaining all required local, state, and federal permits, including a U.S. Army Corps of Engineers wetlands determination, if applicable.
  7. A private Easement/Egress easement recorded as 2009-004616 may affect this subdivision.



**Wastewater Certificate Lot 4**  
This lot is at least 200,000 square feet or a nominal 5 acres in size and conditions may not be suitable for onsite wastewater treatment and disposal. Any wastewater treatment or disposal system must meet the regulatory requirements of the Alaska Department of Environmental Conservation.

**Plat Approval:**  
This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of \_\_\_\_\_  
Kenai Peninsula Borough  
By: \_\_\_\_\_  
Authorized Official

- LEGEND**
- RECOVERED MONUMENT AS DESCRIBED
  - SET 2" ALCAP ON 5/8"x30" REBAR 10603-S
  - LOW WET AREAS

PRELIMINARY

BUTTERFLY MEADOWS No. 3	
A subdivision of Lots 2-A and 2-B, Butterfly Meadows No. 2 HM2008-36 Within E1/2 NE1/4, Section 3 T5S, R15W, S4M, Kenai Peninsula Borough, Homer Recording District, Third Judicial District, Alaska Containing 76.019 Acres	
Prepared by: Don & Gloria Ann Bailey PO Box 416 Anchor Point AK 99556	Prepared by: Orion Surveys PO Box 15025 36570 Maria Road Pitts Creek, AK 99603 (907) 399-7028 bom@orionsurveys.com
Von and Joanne Bailey PO Box 404 Anchor Point, AK 99556	Date: 12/1/2022
Scale: 1"=100'	File No. _____
Job# 955	KPB File No. _____

KPB 2023-056

AGENDA ITEM E. NEW BUSINESS

ITEM #2 - BUTTERFLY MEADOWS NO 3

<b>KPB File No.</b>	2023-056
<b>Plat Committee Meeting:</b>	June 12, 2023
<b>Applicant / Owner:</b>	The Don W. Bailey and Gloria Ann Bailey Living Trust of Anchor Point, Alaska Von and Joanne Bailey of Anchor Point, Alaska
<b>Surveyor:</b>	Tom Latimer / Orion Surveys
<b>General Location:</b>	Green Woods Street, Coleman Lantern Avenue, and Wall Tent Street, Anchor Point Area / Anchor Point APC

<b>Parent Parcel No.:</b>	169-190-30 and 169-190-31
<b>Legal Description:</b>	Lots 2-A and 2-B, Butterfly Meadows No 2, Plat HM 2008-36
<b>Assessing Use:</b>	Residential
<b>Zoning:</b>	Single-family Dwellings (R-1), North Fork One LOZD
<b>Water / Wastewater</b>	On site

---

STAFF REPORT

**Specific Request / Scope of Subdivision:** The proposed plat will reconfigure two lots into four lots ranging in size from 5.02 acres to up to 27.56 acres.

**Location and Legal Access (existing and proposed):**

Coleman Lantern Avenue, previously named Anchor Point Avenue, is a 66-foot-wide right-of-way atop of a section line easement along the northern boundary of the subdivision. A portion of Coleman Lantern Avenue is borough maintained, but maintenance ends in front of the adjacent Lot 1 Butterfly Meadows HM 2002-24. The parent plat, Butterfly Meadows HM 2002-24, granted a matching 33 feet to Trident Subdivision HM 76-69 33 foot dedication, to complete the full 66 foot right-of-way.

Green Woods Street is a 60-foot-wide dedication along the west boundary. Green Woods Street is partially constructed and borough maintained. Green Woods Street was originally half dedicated from Spruceridge Subdivision HM 76-49 for 1320 feet. Butterfly Meadows HM 2002-24 granted a matching 30 feet for the total width of 60 feet. An exception for KPB 20.30.030 Proposed Street Layout has been requested to not continue the dedication of Green Woods Street.

Wall Tent Street is a 30-foot-wide half dedication ending in a cul-de-sac on the east boundary. Butterfly Meadows No 2 HM 2008-36 dedicated Wall Tent Street atop a 66-foot-wide section line easement. When the adjacent parcel subdivides, the owners will be required to provide a matching dedication for a full 60 feet.

There is a 33-foot section line easement along the east line of the plat that still affects Lot 2-B-1 and 3 feet of Lots 2-A-1 and 2-A-2.

The block length is not compliant. Due to wetlands, and large parcels in the area. An exception for KPB 20.30.170 Block Length has been requested.

There is currently a private easement for the benefit of Lot 2-B Butterfly Meadows No 2 HM 2008-36. It was recorded in the Homer Recording District under serial number 2009-004616-0. The correct plat note is shown.

KPB Roads Dept. comments	Out of Jurisdiction: No  Roads Director: Griebel, Scott
--------------------------	---

	Comments: Lot 2-B-1 will continue to be stranded without full ROW dedication and accessed only through private drive. ROW access for lot 2-A-3 is centered on an area noted as a "drainage way".
SOA DOT comments	No comments - Engineering

#### **Site Investigation:**

Both existing lots have structures built on them.

From KPB imagery and the submitted preliminary design the structures within proposed Lot 2-A-2 one of the structures was built in 2011 after Butterfly Meadows No 2 HM 2008-36 was filed. This building could possibly be in the building setback that was granted on Butterfly Meadows No. 2 HM 2008-36. **Staff recommends:** *the surveyor determine if the building's location and if subject to the 20 foot setback, if so, the surveyor should submit in writing how encroachment will be addressed.*

The majority of the subdivision is flat lying east of the drainageway running through it starting near Green Woods Street. There are some steep slopes on the western side of the plat that need shown. **Staff recommends:** *the steep slopes be indicated on the final with a top and toe shown.*

There are large areas classified by the Kenai Watershed Forum within the subdivision. The two classifications found are Drainageway and Riverine and can be seen on the Wetland Map provided.

The subdivision is designated in FEMA Flood Hazard Zone D, which is an area of undetermined flood hazard.

KPB River Center review	<p>A. Floodplain</p> <p>Reviewer: Hindman, Julie Floodplain Status: IS in flood hazard area Comments: Flood Zone: D Map Panel: 02122C-1895E In Floodway: False Floodway Panel:</p> <p>B. Habitat Protection</p> <p>Reviewer: Aldridge, Morgan Habitat Protection District Status: IS totally or partially within HPD Comments: i:0#.w kpb\maldridge</p> <p>C. State Parks</p> <p>Reviewer: VACANT Comments:</p>
State of Alaska Fish and Game	No objections

**Staff Analysis** the land was originally divided by Butterfly Meadows HM 2002-24 from the E1/2 of the NE1/4 of Sec 3, T5S, R15W, SM, Third Judicial District, Alaska

Lot 2 of Butterfly Meadows HM 2002-24 was subdivided again by Butterfly Meadows No 2 HM 2008-36 which created the current configurations of the lots.

Current Lot 2-B had a soils report done and is on file with the borough. Per KPB Code 20.40.020(A1B and A2) Lot 2-B is increasing in size and a new soils report will not be required.

A soils report will not be required for Lots 2-A-1, 2-A-2 or 2-A-3 as they are over 200,000 sq ft.

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.

Anchor Point 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.

This subdivision is subject to the North Fork One Local Option Zoning District (LOZD). The Planner has reviewed the preliminary design and determined the plat complies with zoning. His comments can also be found in this report.

**Utility Easements** there is a 10 foot utility easement from the previous plat Butterfly Meadow No. 2 HM 2008-36 to be carried forward and to be shown along all rights-of-way.

There is also a 20 foot building setback line from the previous plat Butterfly Meadow No. 2 HM 2008-36 to be carried forward and to be shown along all rights-of-way.

**Staff recommends** both the utility easement and the setback either be shown on the plat or a typical detail of them be added to reduce congestion 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	No comments
ENSTAR	No comments or recommendations.
ACS	No objections
GCI	Approved as shown

**KPB department / agency review:**

Addressing	Reviewer: Leavitt, Rhealyn Affected Addresses: 34186 GREEN WOOD ST, 34184 GREEN WOODS ST  Existing Street Names are Correct: Yes  List of Correct Street Names: CABOT AVE, GREEN WOODS ST, COLEMAN LANTERN AVE, WALL TENT ST.  Existing Street Name Corrections Needed:  All New Street Names are Approved: No  List of Approved Street Names:  List of Street Names Denied:  Comments: ASSIGNED ADDRESSES WILL REMAIN WITH RESPECTIVE LOTS
Code Compliance	Reviewer: Ogren, Eric



	Comments: No comments
Planner	<p>Reviewer: Raidmae, Ryan  Located Within an LOZD  LOZD Name: North Fork One  LOZD Comments:  This proposed plat is located within the North Fork One Local Option Zoning District. The zoning designation for this property is Single-Family Dwellings (R-1). The proposed plat meets the requirements of the R-1 District. The new parcels will continue to be subject to the land use regulations contained in KPB 21.44 generally, and specifically KPB 21.44.160.</p> <p>Conditional Land Use Permit  CLUP Resolution Number: 2018-22  CLUP Approval Date: 7/16/2018  Material Site Comments:  An existing CLUP is located on the adjacent parcel 169-190-32, which is directly West of the parcel in question.</p>
Assessing	<p>Reviewer: Windsor, Heather  Comments: No comment</p>
Anchor Point 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 distance on line in northwest corner of Lot 2-A-3

#### **FLOOD HAZARD NOTICE:**

Some or all of the property shown on this plat has been designated by FEMA or the Kenai Peninsula Borough Seward Mapped Flood Data Area as a flood hazard area district as of the date this plat is recorded with the district recorder's office. Prior to development, the Kenai Peninsula Borough floodplain administrator should be contacted for current information and regulations. Development must comply with Chapter 21.06 of the Kenai Peninsula Borough Code.

#### **ANADROMOUS WATERS HABITAT PROTECTION DISTRICT NOTE:**

Portions of this subdivision are within the Kenai Peninsula Borough Anadromous Waters Habitat Protection District. See KPB Chapter 21.18, as may be amended, for restrictions that affect development in this subdivision. Width of the habitat protection district shall be in accordance with KPB 21.18.040.

---

#### **KPB 20.25.070 – Form and contents required**

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

#### **A. Within the Title Block**

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

**Staff recommendation:** *The owners name should reflect what is on the deeds and certificate to plat.*

- 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 correct any overstrikes. Please depict all ranges within the vicinity.*

- 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:** *There are missing block designations in the subdivisions to the north and south. To the northwest there are two tracts created by HM 76-49 needing to be shown. To the southwest the labeling needs corrected.*

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

**Staff recommendation:** *Please determine if the structure within proposed lot 2-A-2 is encroaching and subject to the building setback. If it is found the structure is encroaching in the building setback, please detail in writing how the encroachment will be addressed.*

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#### **KPB 20.30 – Subdivision Design Requirements**

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

##### **20.30.240. Building setbacks.**

- D. When a subdivision is affected by a Local Option Zoning District (LOZD), an approved by the assembly, all building setbacks shall be graphically depicted and labeled on the lots. A local option zoning setback shall be noted on the plat in the following format:

Building setback – This subdivision is located within (name of LOZD) Local Option Zoning District as contained in KPB Chapters 21.44 and 21.46 and adopted by KPB Ordinance (number), recorded under (serial no. and recording district). Information regarding the zoning restrictions and copies of the ordinance are available from the KPB Planning Department.

**Staff recommendation:** *if depiction of the building setback interferes with data, please provide a typical description.*

- 20.30.290. Anadromous Waters Habitat Protection District. If any portion of a subdivision or replat is located within an anadromous waters habitat protection district, the plat shall contain the following note:

##### **ANADROMOUS WATERS HABITAT PROTECTION DISTRICT NOTE:**

Portions of this subdivision are within the Kenai Peninsula Borough Anadromous Waters Habitat Protection District. See KPB Chapter 21.18, as may be amended, for restrictions that affect development in this subdivision. Width of the habitat protection district shall be in accordance with KPB 21.18.040.

*Platting Staff Comments:*

**Staff recommendation:** *comply with 20.30.290.*

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

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

20.40.010 Wastewater disposal.

*Platting Staff Comments: the note will need to be updated to "Lots which are at least 200,000 square feet in size 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."*

**Staff recommendation:** Remove Lot 4 from the note and comply with 20.40.

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**KPB 20.60 – Final Plat**

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

20.60.110. Dimensional data required.

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.

*On the east line, the distance shown is 0.43 feet longer than the previous plat. Surveyor should verify in field the data shown on parent plat Butterfly Meadows No. 2 HM 2008-36 Detail A and reference to Plat Southeast Forty HM 85-101 and Detail A as shown and use information to best of surveyor's knowledge.*

20.60.150. Utility easements.

A. The utility easements approved by the planning commission shall be clearly shown on the final plat in dimensioned graphic form or as a note.

B. The following note shall be shown on the final plat:

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

**Staff recommendation:** 33 foot Section Line Easement should be labeled in Lot 2-B-1 and comply with 20.60.150.

20.60.180. Plat notes.

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

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

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

*If the travel way 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 road shown is for use of owners only and is not dedicated to public use.*

**EXCEPTIONS REQUESTED:**

**A. KPB 20.30.030 Proposed Street Layout and KPB 20.30.170 Block Length**

Surveyor's Discussion: For the extension of Green Woods Street. Access to Lot 2B-1A that does not require crossing wetlands exists via Paige Street and Cabot Avenue. The access we propose to Lot 2-A-3 would be a small driveway rather than a borough standard road. We propose Lot 2-A-3 with the knowledge that a crossing of the wetlands may not be able to be permitted. If that determination can't be made before the final plat we will hold back

the creating of Lot 2-A-3 for a Phase 2 of the plat in the future. Due to wetland and creeks it appears the block cannot be extended south. The lot to the east is owned by the owners of this subdivision and is not planned for development. All lots in this subdivision and surrounding area appear well served by the existing dedications

Staff Discussion: Staff grouped the exceptions together. If the Planning Commission wishes to address the exceptions or the portions of the right-of-way exceptions separately this may be done by making separate motions.

**Findings:**

1. There are large wetland areas that make a road difficult to develop.
2. Large parcels in the area could provide better location for dedications as owners subdivide.
3. Per KPB GIS contour information, south of the wetland is a steep slope.
4. Each parcel within the subdivision, and the adjacent parcels, will front on a dedicated right of way.
5. A matching dedication for Wall Tent Street in the future will improve the block.
6. Large parcels in the area will provide dedications in future subdivisions.
7. Habitat Protection District has limited the locations of constructible and permissible rights-of-ways.
8. A matching dedication for Wall Tent Street in the future will improve the block
9. A dedication extending Green Woods Street would encounter low wet areas.

Staff reviewed the exception request and recommends granting approval.

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

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

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

1. That special circumstances or conditions affecting the property have been shown by application;  
**Findings 2-6, 8 and 9 appear to support this standard.**
2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title;  
**Findings 1, 2, 3, 7 and 9 appear to support this standard.**
3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.  
**Findings 1, 2, 4-6 and 8 appear to support this standard.**

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

Staff reviewed the exception request and recommends granting approval.

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**RECOMMENDATION:**

**SUBJECT TO EXCEPTION(S) GRANTED, STAFF RECOMMENDS:**

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

NOTE: 20.25.120. - REVIEW AND APPEAL.

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

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

END OF STAFF REPORT

Orion Surveys  
PO Box 15025  
Fritz Creek, AK 99603

May 31, 2023,

Planning Staff,  
KPB Planning Department  
144 N. Binkley,  
Soldotna, AK 99669

Re: Butterfly Meadows No. 3, Preliminary Plat submittal additional information

Staff,

We would like to clarify the request for exception to KPB 20.30.030 Proposed Street Layout, for the extension of Green Woods Street. There are some steep slopes along the edges of the wetland near the southern extent of the current dedication of Greenwood St. A direct extension of Greenwood St. would encounter an even larger steep slope at the south edge of the wetlands.

We propose to access Lot 2-A-3 with a driveway from Greenwood St. that will be able to traverse the edges of the wetlands at more opportune spots with less ground disturbance.

Please contact me if you have any questions.

Sincerely

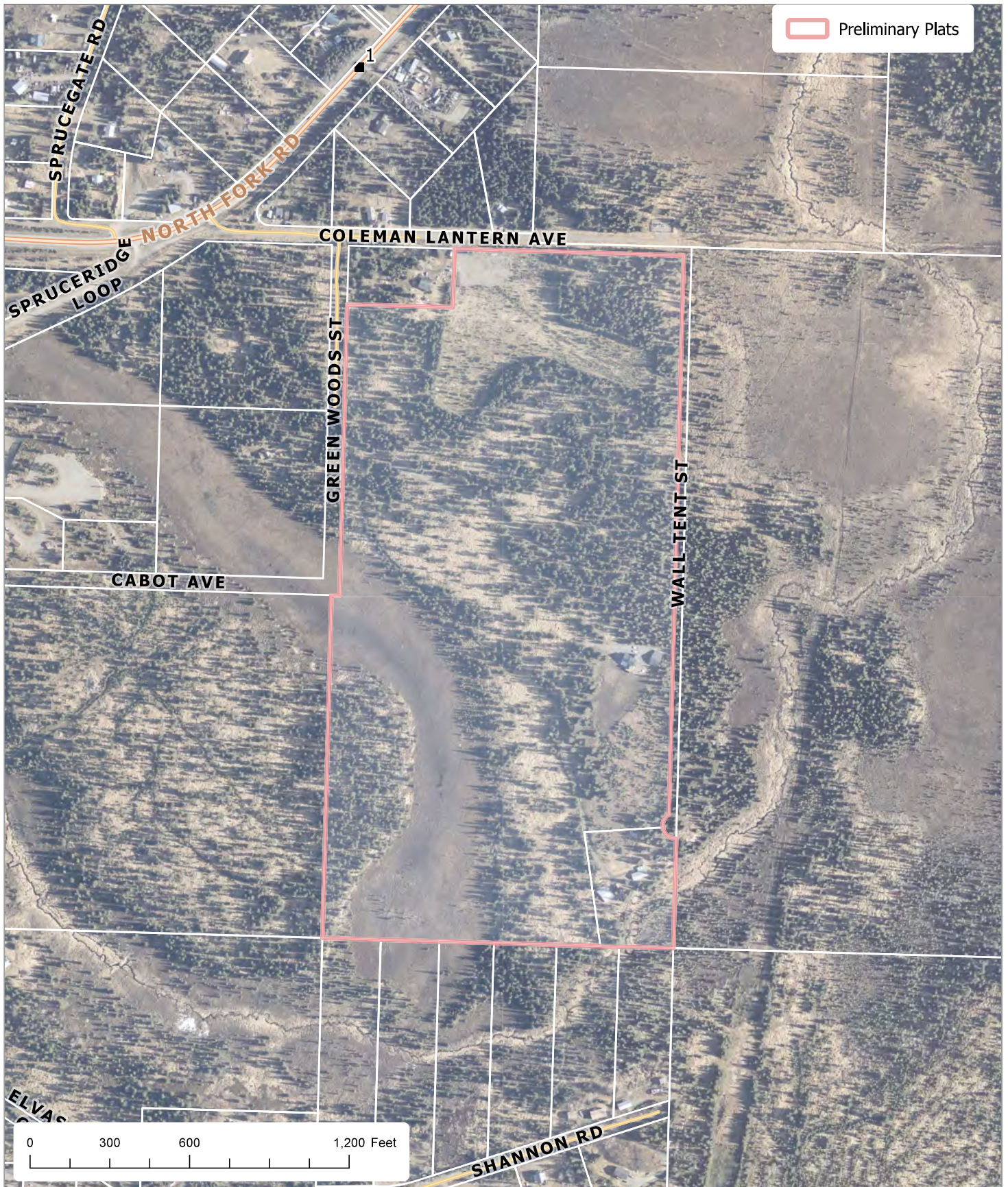


Tom Latimer, PLS

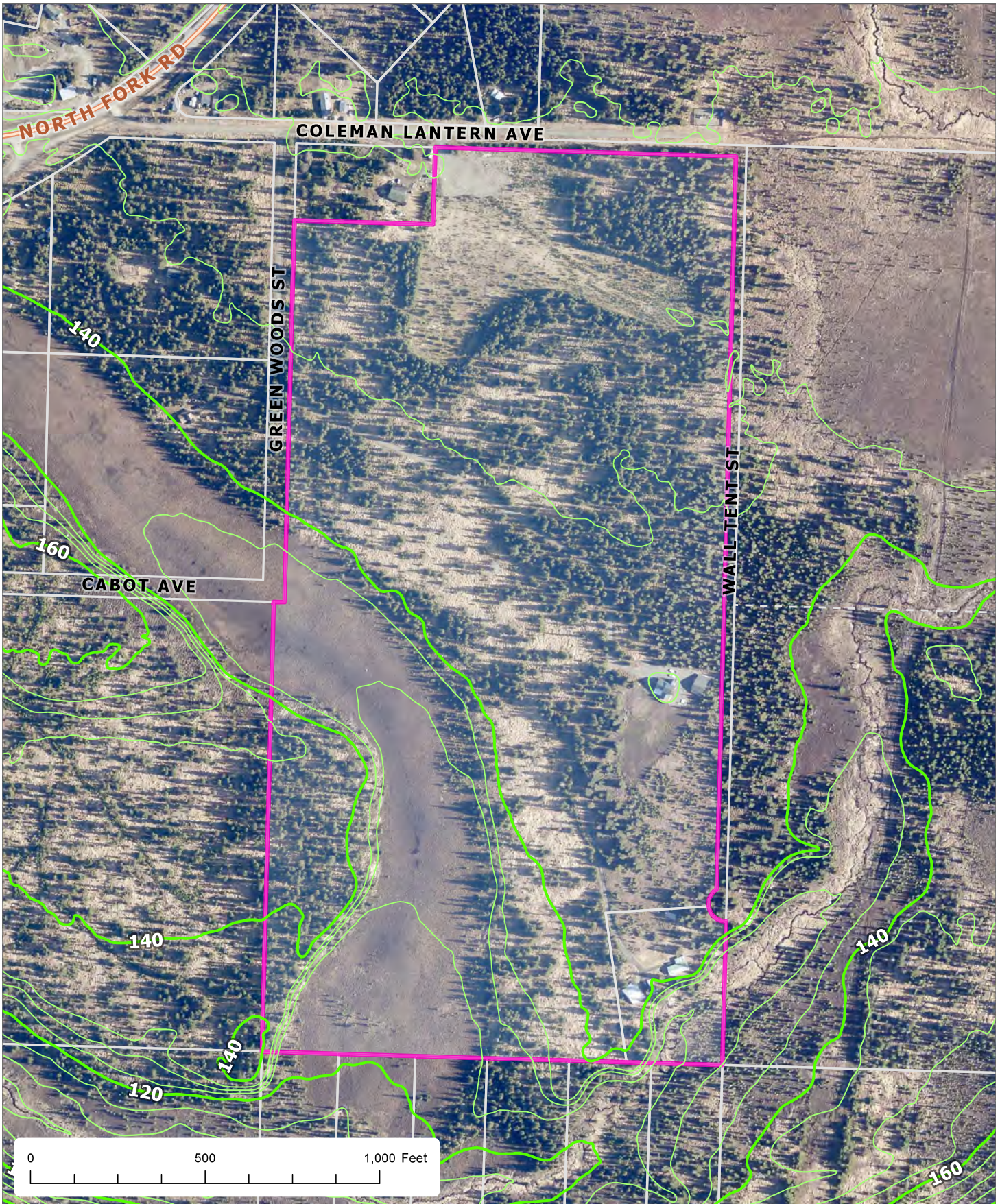




Aerial View



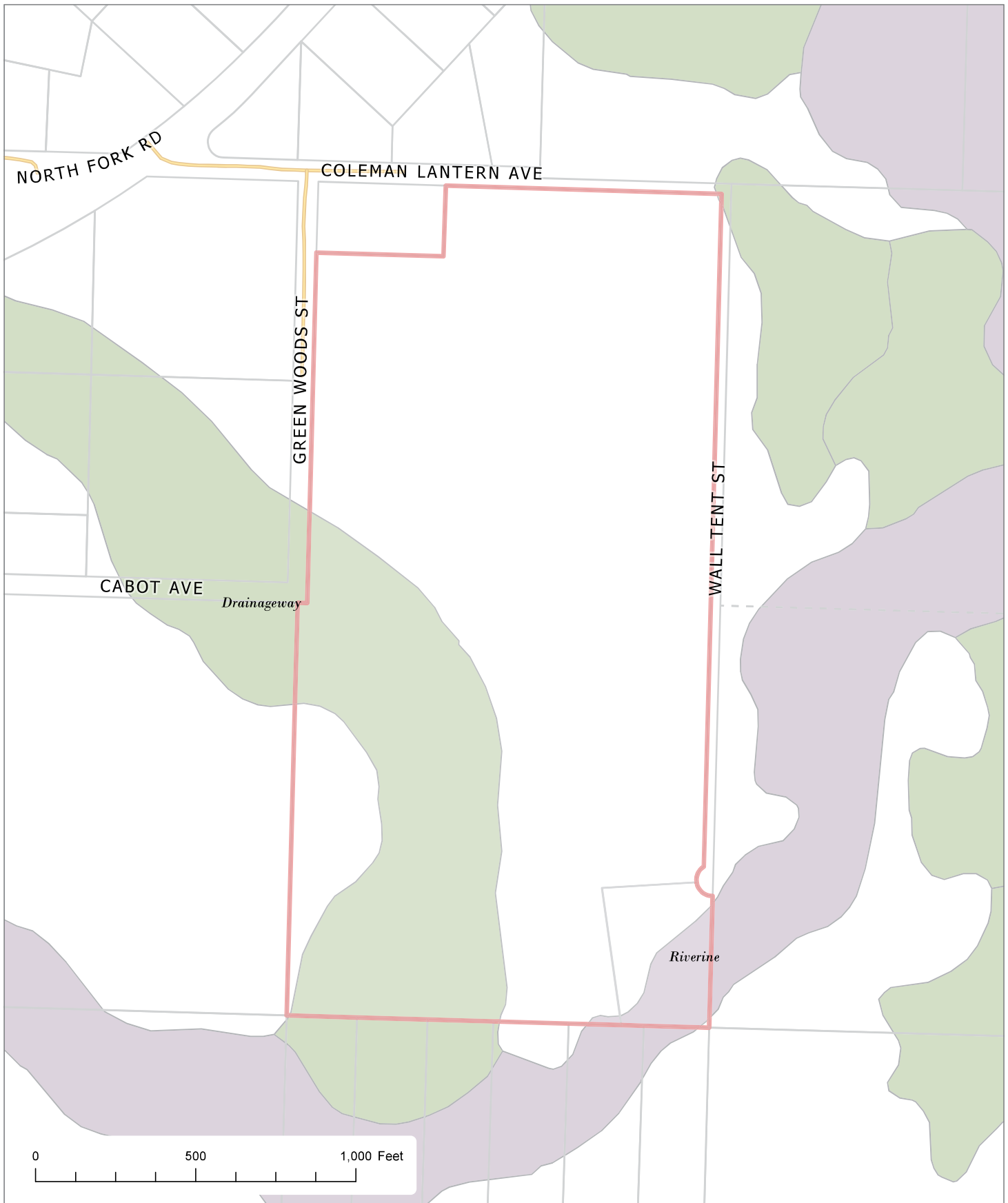








**Wetlands**







## **E. NEW BUSINESS**

### **3. Dairy Hill Subdivision Addition No. 1; KPB File 2023-057**

**Joshua Varney / Leirer Family Limited Partnership, Leirer, Laurie**

**Location: Phoenix Rd., Bayview Place, Aialik St., Dairy Hill Lane,  
Third Ave. & Seward Hwy.**

**City of Seward**





# Kenai Peninsula Borough Planning Department

## Vicinity Map

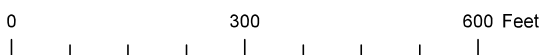


KPB File 2023-057

T 01S R 01W SEC 03 & 04

Seward

5/22/2023



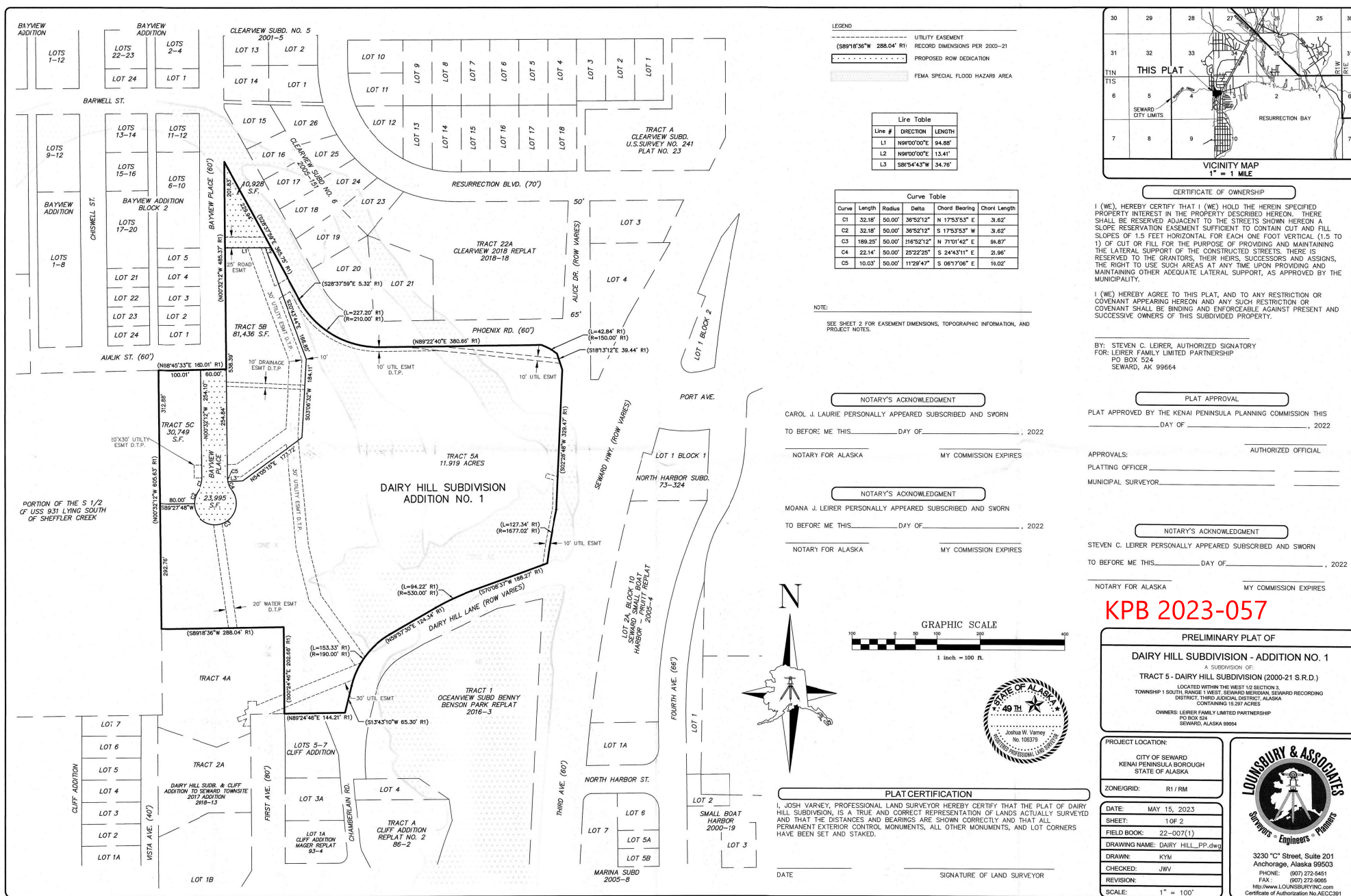


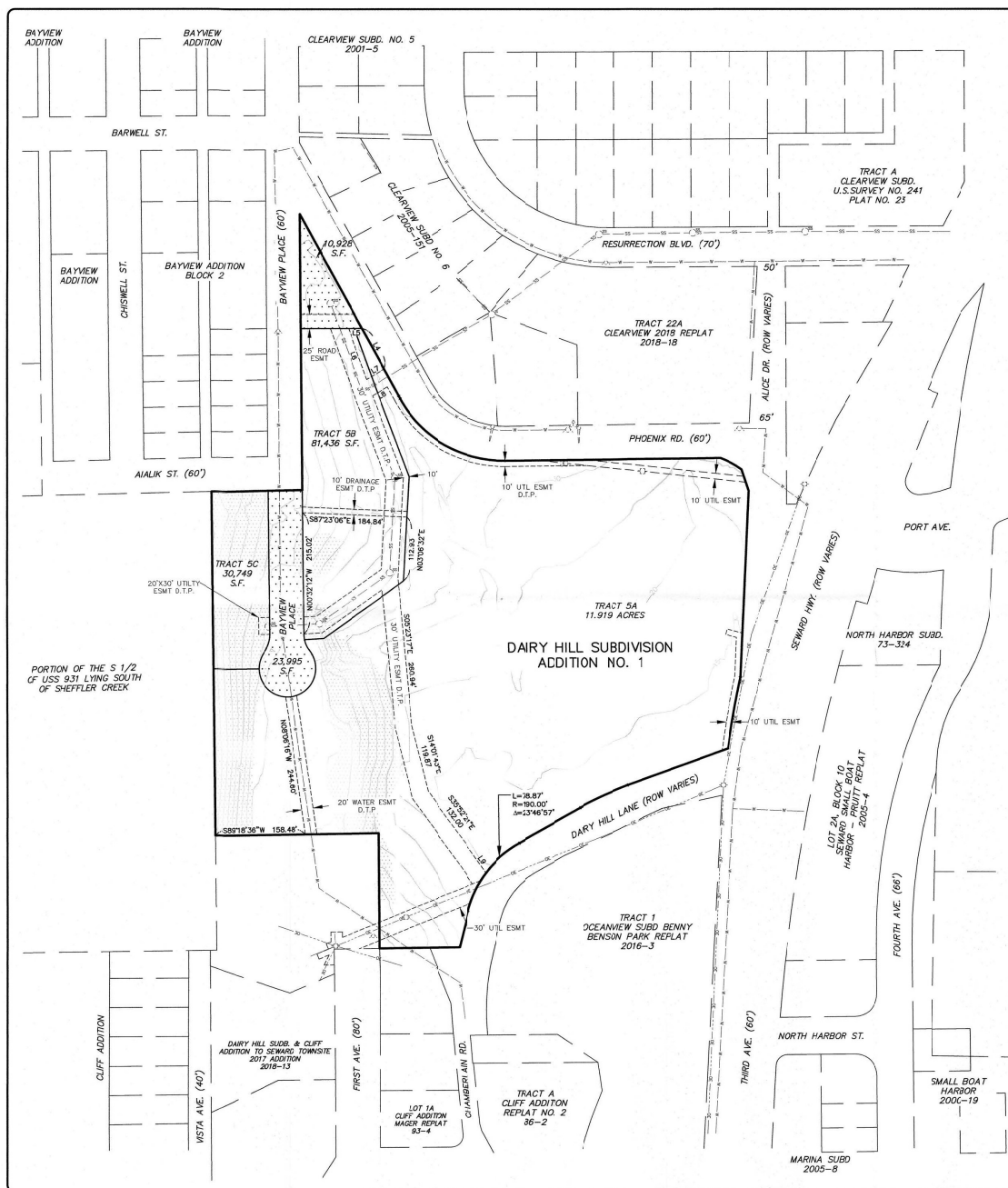


Aerial View





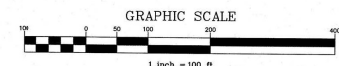
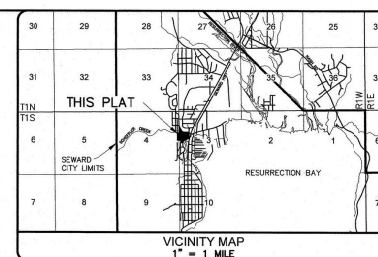




- [illegible]

LEGEND	
	OVERHEAD ELECTRIC (APPROXIMATE LOCATION)
	UNDERGROUND SANITARY SEWER LOCATE
	UNDERGROUND WATER LOCATE (APPROXIMATE LOCATION)
	UTILITY EASEMENT
	PROPOSED ROW DEDICATION
	GROUND SLOPES EXCEEDING 20%
	MAJOR CONTOUR
	MINOR CONTOUR
	UTILITY POLE (APPROXIMATE LOCATION)
	FIRE HYDRANT (APPROXIMATE LOCATION)
	SANITARY SEWER MANHOLE
	TELEPHONE PEDESTAL
	ELECTRIC TRANSFORMER
	STREET LIGHT ON WOODEN POWER POLE

Line Table		
Line #	DIRECTION	LENGTH
L5	N50°00'00"W	24.04'
L6	S19°45'28"E	95.58'
L7	N59°13'39"E	35.87'
L8	N59°13'39"E	30.39'
L9	S34°43'27"E	45.64'



PRELIMINARY PLAT OF

DAIRY HILL SUBDIVISION - ADDITION NO. 1

A SUBDIVISION OF:

TRACT 5 - DAIRY HILL SUBDIVISION (2000-21 S.R.D.)

LOCATED WITHIN THE WEST 1/2 SECTION 3,  
TOWNSHIP 1 SOUTH, RANGE 1 WEST, SEWARD MERIDIAN, Seward Recording  
DISTRICT, THIRD JUDICIAL DISTRICT, ALASKA  
CONTAINING 15.297 ACRES

OWNERS: LEIFER FAMILY LIMITED PARTNERSHIP  
PO BOX 524  
SEWARD, ALASKA 99664

PROJECT LOCATION:	
CITY OF SEWARD KENAI PENINSULA BOROUGH STATE OF ALASKA	
ZONE/GRID: R1 / RM	
DATE: MAY 15, 2023	
SHEET: 2 OF 2	
FIELD BOOK: 22--007(1)	
DRAWING NAME: DAIRY HILL_PP.dwg	
DRAWN: KYM	
CHECKED: JWV	
RE/ISION:	
SCALE: 1" = 100'	



KPB 2023-057



AGENDA ITEM E. NEW BUSINESS

ITEM #3 - DAIRY HILL SUBDIVISION ADDITION NO 1

<b>KPB File No.</b>	2023-057
<b>Plat Committee Meeting:</b>	June 12, 2023
<b>Applicant / Owner:</b>	Leirer Family Limited Partnership of Seward, Alaska
<b>Surveyor:</b>	Joshua Varney / Lounsbury & Associates Inc
<b>General Location:</b>	Phoenix Road, Bayview Place, Aialik Street, Dairy Hill Lane, Third Avenue, and Seward Highway, City of Seward

<b>Parent Parcel No.:</b>	145-104-14
<b>Legal Description:</b>	Tract 5, Dairy Hill Subdivision, Plat SW 2000-21
<b>Assessing Use:</b>	Residential
<b>Zoning:</b>	Resource Management (RM) and Single-family Residential (R1)
<b>Water / Wastewater</b>	City

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STAFF REPORT

**Specific Request / Scope of Subdivision:** The proposed plat will subdivide a 15.3 acre parcel into three tracts ranging in size from 30,749 square feet (.71 acres) to up to 51,919.64 square feet (11.919 acres).

**Location and Legal Access (existing and proposed):** Currently the plat fronts on several dedications adjacent to the property. Dairy Hill Lane to the south has a varied width right-of way. To the east is Seward Highway with a varied width right-of-way also. Coming up from the south to intersect Dairy Hill Lane and Seward Highway is Third Avenue with a varied width right-of-way widening out of 60-foot right-of-way. Alice Drive is also to the east, just north of Seward Highway having a width directly adjacent to this plat of 65 feet. Phoenix Road along the northeast side of the plat has a 60-foot width right-of-way. Bayview Place along the northwest side of the plat has a 60-foot-wide right-of-way. Aialik Street located on the northwest corner of the plat also has a 60-foot-wide right-of-way.

This plat is proposing to dedicate a cul-de-sac running south of the in the northwest corner of the subdivision at the intersection of Aialik Street and Bayview Place. The dedication will be and extension of Bayview Place at a length of 304 feet to the center of the cul-de-sac bulb.

The plat is also proposing a dedication of the intersection of Bayview Place and Phoenix Road to take the pointed portion off where driving is occurring. **Staff recommends:** *applying curves to the ends at each street to smooth the turning.*

The block is defined by Bayview Place, Phoenix Road, Seward Highway, Dairy Hill Lane and a possible section line easement, making it compliant.

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

**Site Investigation:** According to KPB data and the Kenai Watershed Forum, there appears to be areas with a classification of Kettle located in the southeast corner of proposed Tract 5A. Scheffler Creek is running through the proposed subdivision in a north to south direction. The eastern part of the subdivision is relatively flat with a slope to the south.

The western side of the plat has some steep slopes shown by the topography on the plat. **Staff recommends:** *showing top and toe of steep slopes over 20% on the final.*

KPB satellite imagery indicates this property may contain wet areas. **Staff recommendation:** *place a note on the final plat indicating 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.*

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

#### **Staff Analysis**

In 2000 the subdivision Dairy Hill Subdivision, Plat SW 2000-21 created the configuration that we currently have. Dairy Hill Subdivision Plat SW 2000-21 contains lands that were originally part of US Survey 241, part of Bay View Addition to Seward Townsite, Plat SW 10 and cliff Addition to Seward Townsite, Plat SW 3.

Per the City Resolution 2023-11 Tracts 5B and 5C will be connecting to city water and sewer. Tract 5A will remain undeveloped at this time. A soils report will not be required. An installation agreement or notice that one is not required will need to be submitted from the City of Seward.

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

The City of Seward heard the preliminary plat at their May 9, 2023 Planning and Zoning Commission meeting. Resolution 2023-011 was adopted and recommended approval. The Resolution does state that the applicant must enter into a subdivision agreement with the city.

**Utility Easements** The utility easement from the previous plat are shown correctly on the plat, they should be labeled with the source data for these easements.

Easements listed in the plat notes should be referenced on the plat at the location of their use if possible.

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	This plat is not located inside HEA service area. No additional comments.
ENSTAR	No comments or recommendations
ACS	No objections
GCI	Approved as shown
SEWARD ELECTRIC	
CHUGACH ELECTRIC	No comments. The plat for review is not located within our service area.
TELALASKA	

**KPB department / agency review:**

Addressing	<p>Reviewer: Leavitt, Rhealyn  Affected Addresses:  1601 PHOENIX RD, 213 DAIRY HILL LN, 212 DAIRY HILL LN</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names:  CHISWELL ST, AIALIK ST, BAYVIEW PL, PHOENIX RD, ALICE DR,  SEWARD HWY, DAIRY HILL LN, CHAMBERLIN RD, VISTA AVE, FIRST  AVE.</p> <p>Existing Street Name Corrections Needed:</p> <p>All New Street Names are Approved: No</p> <p>List of Approved Street Names:</p> <p>List of Street Names Denied:</p> <p>Comments:  ADDRESSES 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 number 2023-057 to drawing.
- Lot labels, blocks, subdivision designations need updated throughout.
- Carry over plat notes from parent plat that apply.
- L4 is missing from the table.
- Lot labels and subdivision labels should carryover to page 2.

---

#### **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:** *include NE ¼ of Section 4 to the legal description.*
- 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:** *Source information for Seward Highway, other streets need ROW width added.*
- 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:** *The Chugach Forest should be labeled.*
- 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:** *several lots are missing correct plat numbers and block designations. These will need to be added.*

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#### **KPB 20.30 – Subdivision Design Requirements**

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

##### 20.30.060. Easements-Requirements.

- D. Unless a utility company requests additional easements, the front ten feet adjoining rights-of-way shall be designated as a utility easement, graphically or by note. Within the boundaries of an incorporated city, the width and location of utility easements will be determined by the city and affected utility providers.
- Staff recommendation:** *depict the source of easements being carried over from parent plats.*  
*The affected utility providers were emailed the subdivision plat public hearing notice as part of the routine notification process. **Grant utility easements requested by the utility providers.***

##### 20.30.100. Cul-de-sacs.

- A. Streets designed to have one end permanently closed shall be no more than 1000 feet long. The closed end of the cul-de-sac shall have a suitable turnaround with a minimum radius of 50 feet to the property line. The turnaround shall be constructible to a 4 percent grade or less. **Staff recommendation:** *depict the minimum 50 foot radius for cul-de-sac portion of the proposed Bayview Place dedication.*

Page 4 of 6



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 note stating "This plat is subject to City of Seward planning and zoning regulations."

---

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

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

20.40.010 Wastewater disposal.

*Platting Staff Comments: If connecting to city water and sewer no soils report required and the correct wastewater note should be used.*

**Staff recommendation:** comply with 20.40.

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#### **KPB 20.60 – Final Plat**

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

20.60.040. Dedication of public use lands. Any land shown on a plat as a street, public park or other public area must be dedicated on the final plat to a tax exempt governmental entity. If the governmental entity is not the Kenai Peninsula Borough, the governmental entity shall be required to execute an acceptance of the dedication on the plat.

**Staff recommendation:** An acceptance will be needed for the new right-of-way dedications and drainage easements.

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:** City of Seward will need to send notification to the Borough when installation agreement has been satisfied before plat can be finalized.

20.60.180. Plat notes.

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

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

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

- "No access to state maintained rights-of-way permitted unless approved by the State of Alaska Department of Transportation."
- 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 wording of the certificate of ownership should be revised to be on behalf of the LLC. The name and title of the person signing the mylar will need to be added to the signature line. Signature lines for all authorized signors need to be shown. A certificate of acceptance needs to be provided for the new right-of-way dedications and comply with 20.60.190.*

*KPB 20.60.190 corrected the Notary's Acknowledgement so it is an acknowledgement instead of a combination of an acknowledgement and a jurat.*

**Staff recommendation:** *The Notary's Acknowledgement on the final plat must comply with 20.60.190.*

*The signer should match the name being notarized.*

---

**RECOMMENDATION:**

**STAFF RECOMMENDS:**

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

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

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

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

**END OF STAFF REPORT**

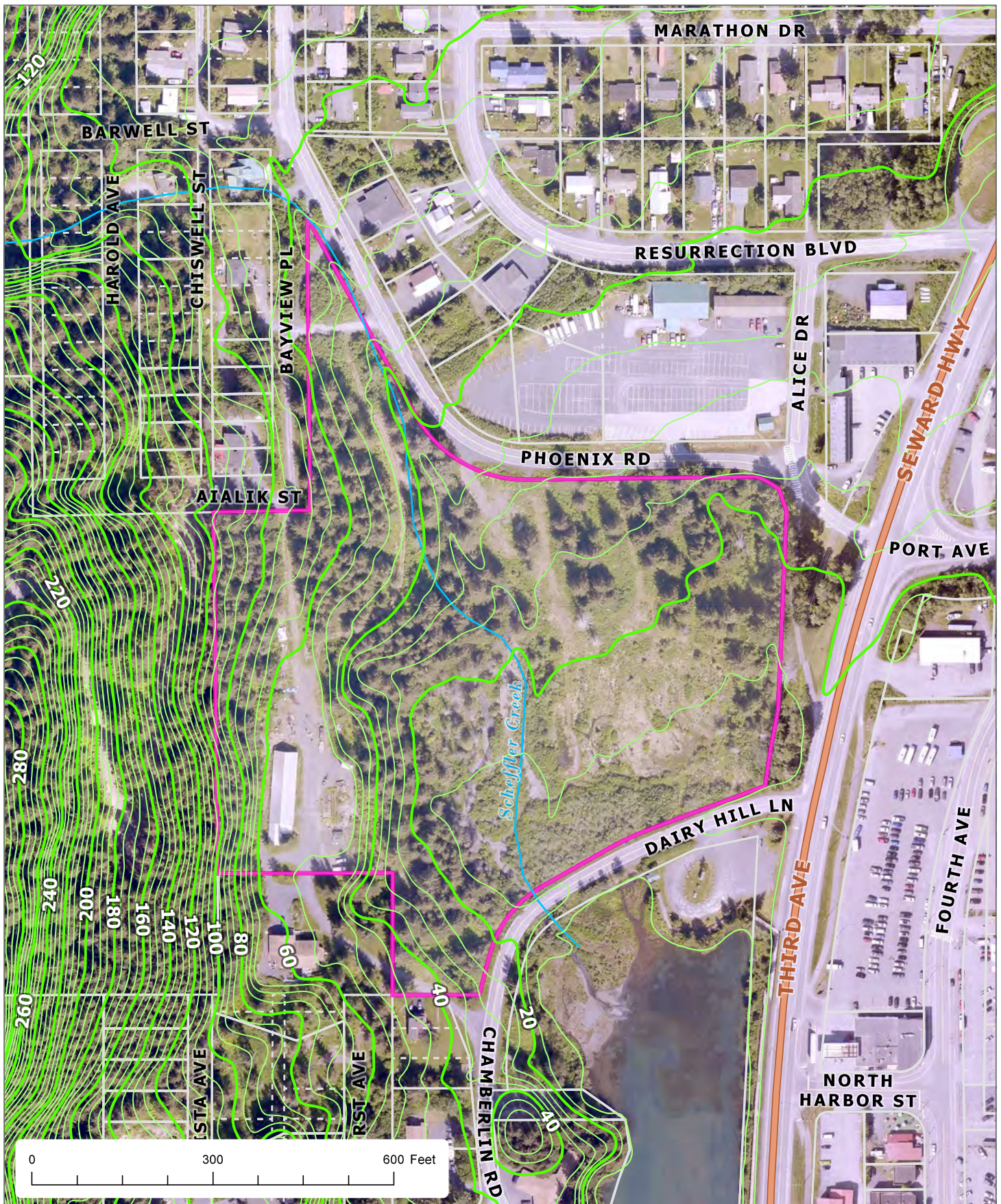




Aerial View



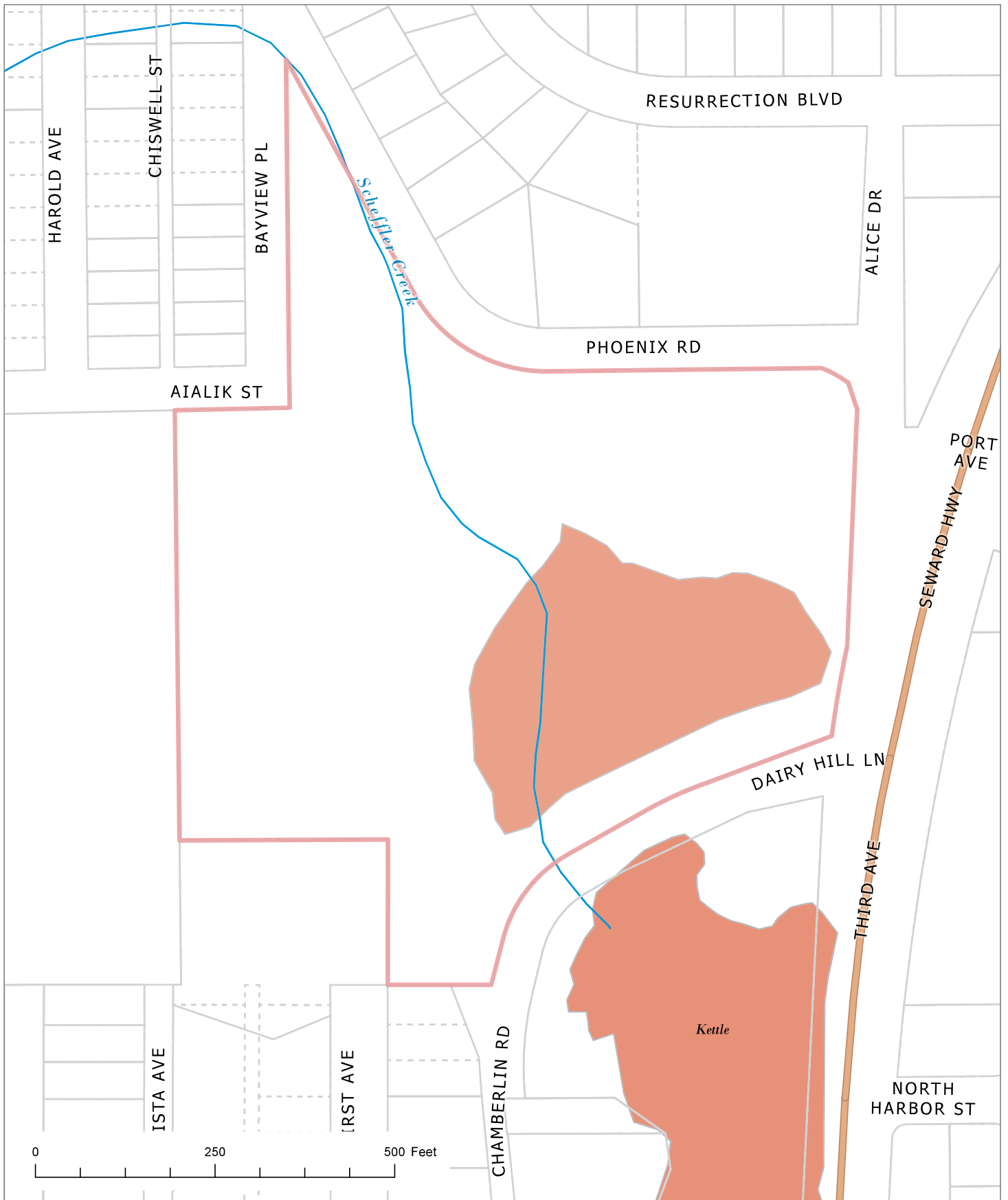








Wetlands



Survey No. 1117

PLAT OF

# CLIFF ADDITION SEWARD TOWNSITE

T.1S. R.1W, Seward Meridian  
ALASKA

Scale: 1 inch = 100 feet  
Survey commenced July 28, Completed Sept. 27, 1915  
Area Subdivided: 25.15 Acres

## LEGEND:

Black corners are 5/8 inch posts 3/16 X 3/16 inches, lot corners 1/4 X 1/4 X 3/16 inches, iron post reference monuments 1 inch diameter 1/4 inch long, sunk 1 foot beneath surface of the ground are located at intersection of center lines of streets and indicated thus:

DEPARTMENT OF THE INTERIOR  
GENERAL LAND OFFICE

Washington, D.C., May 22, 1918  
I hereby certify that this plat of CLIFF ADDITION to SEWARD TOWNSITE in the T.1S. R.1W, Seward Meridian, Alaska, as surveyed under instructions dated May 15, 1915 by J. Frank Warner and F.H. Whelan, U.S. Surveyors, in accordance with the provisions of the act of March 15, 1914 (38 Stat. 205) is strictly conformable to the field notes of the survey thereof on file in this office which have been examined and approved.

Approved: May 22, 1918.

William C. Edes  
Chief of Alaska Engineering Commission

Territory of Alaska  
Third Division  
Ketchikan District  
This Plat was filed at the request of J. Christensen, Manager of Land and Industrial Department, Alaska Engineering Commission at 2 o'clock P.M. April 22, 1918 as of Dec. 3, 1916.  
Wm. H. Whelan  
U.S. Commissioner and Co-Official Recorder

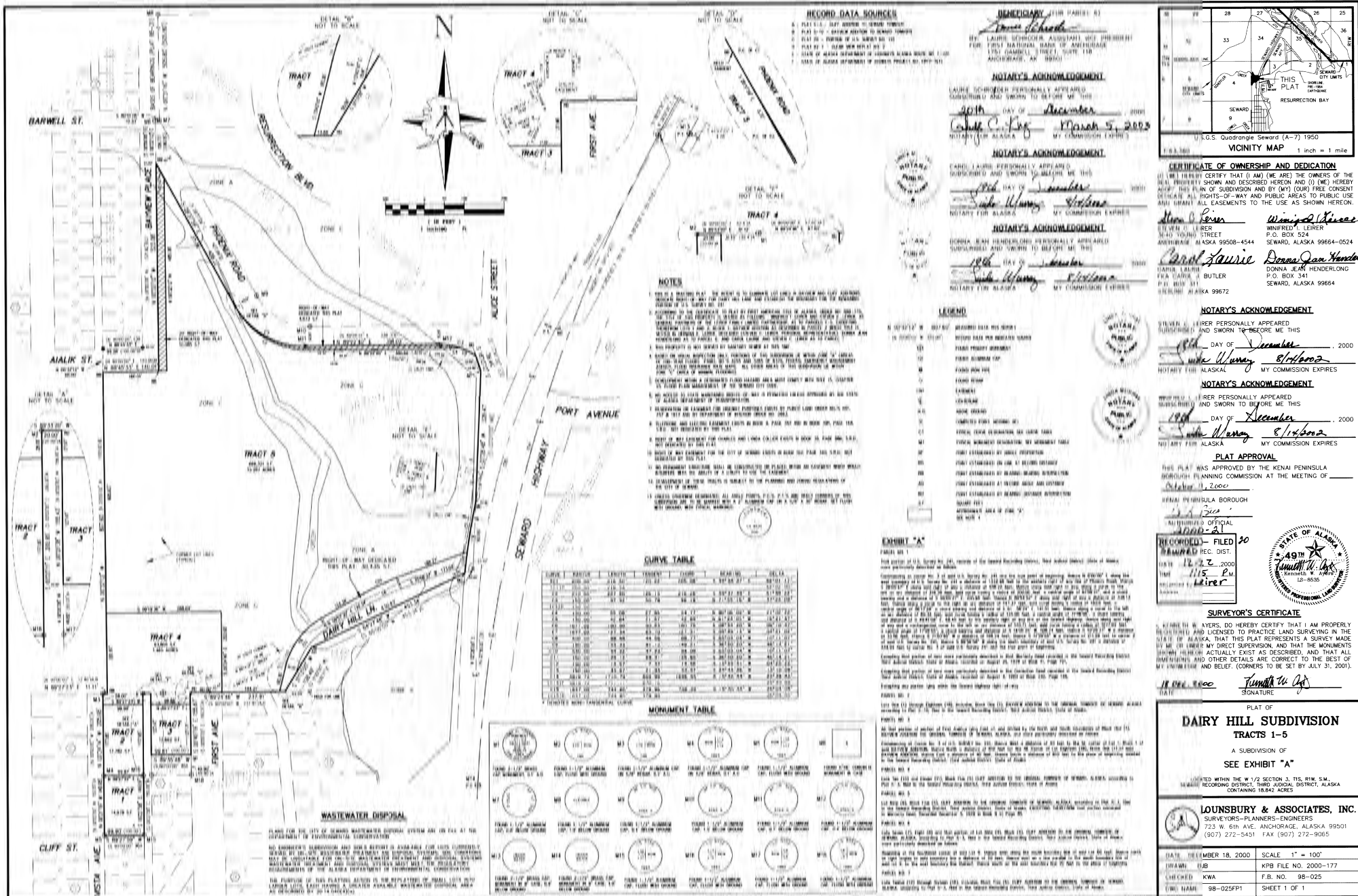
CLIFF ADDITION  
TO SEWARD TOWNSITE  
TOWNSHIP 1 SOUTH  
RANGE 1 WEST PLAT NO. 3  
#32



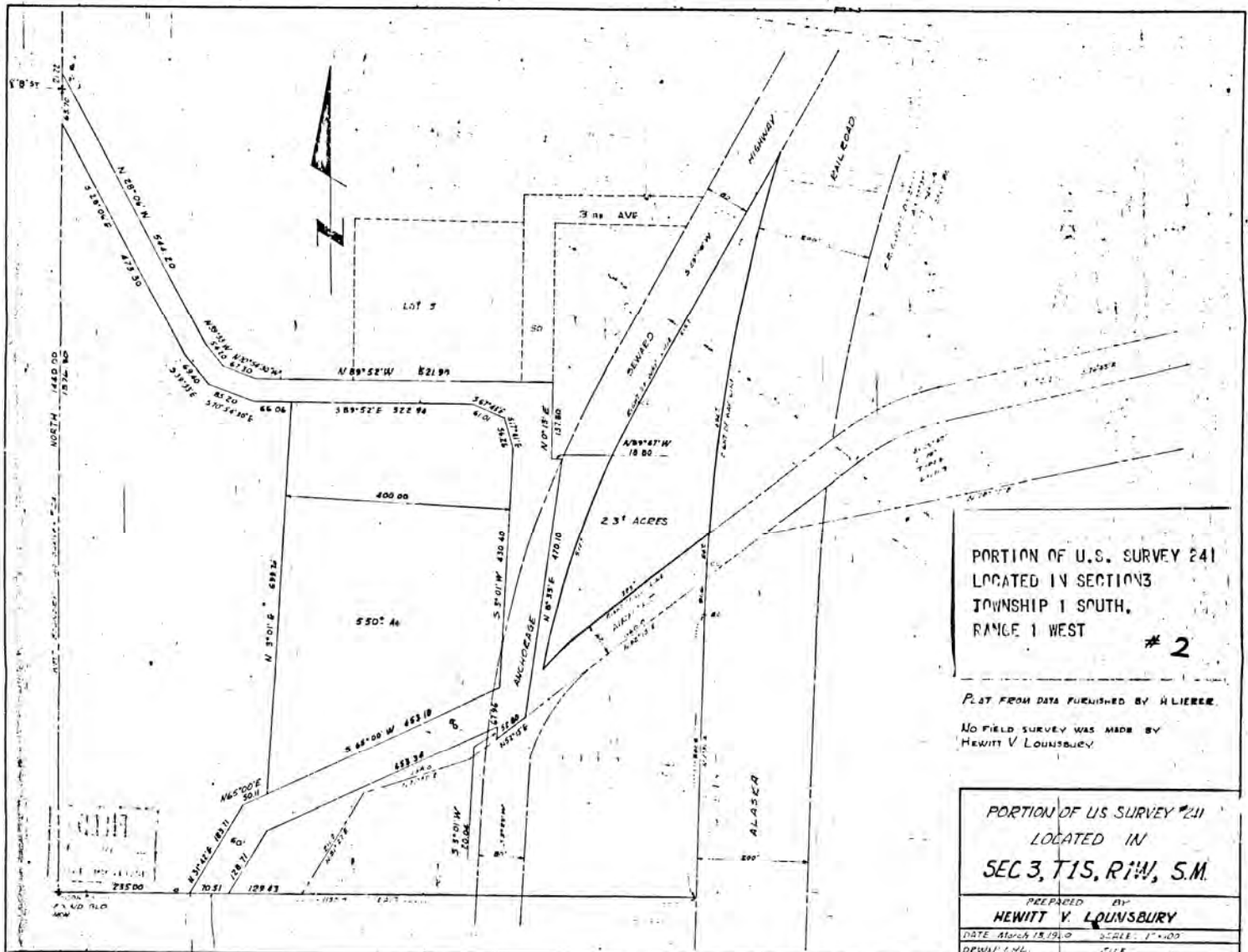
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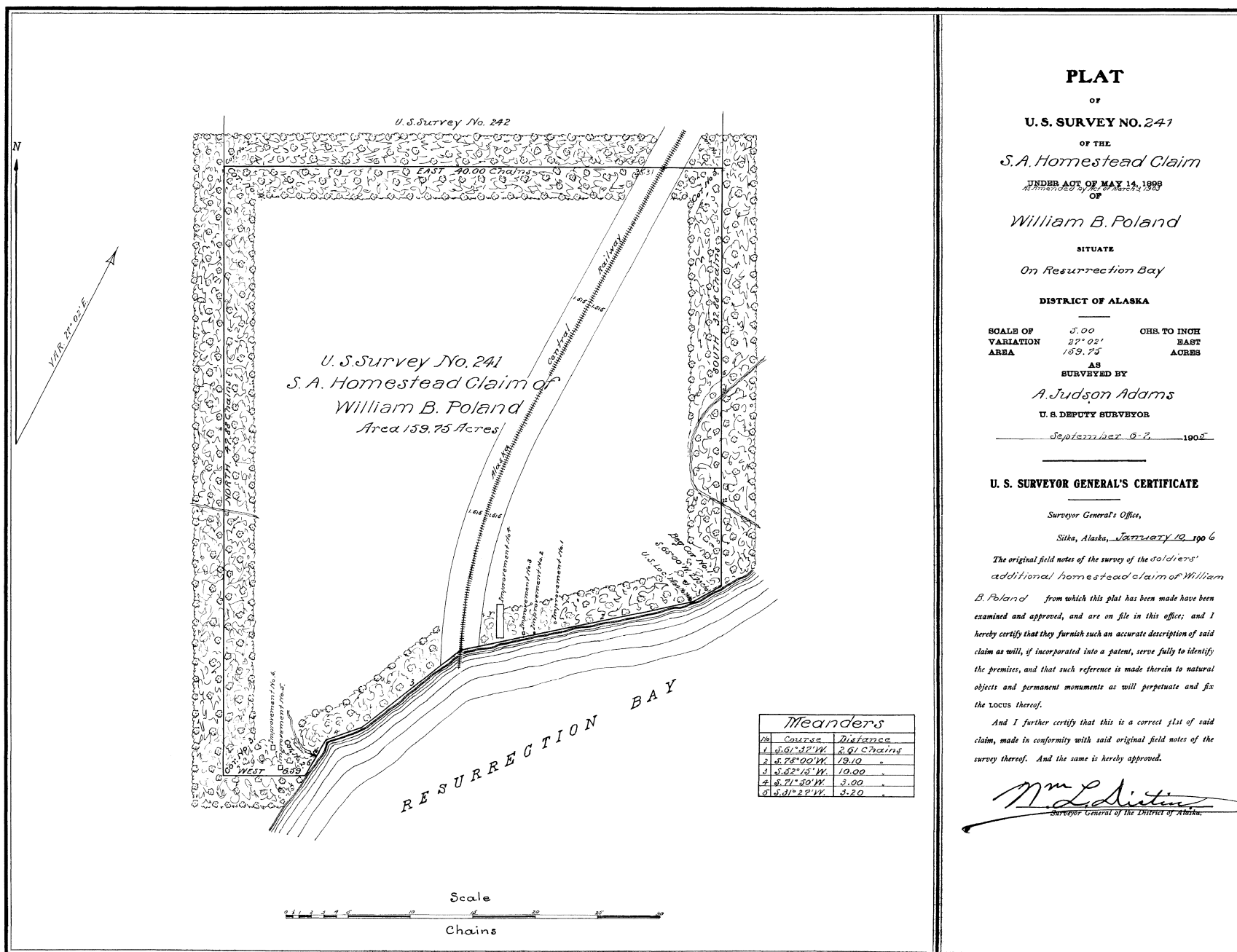
**E3-15**











Survey No. 1117  
PLAT OF  
**CLIFF ADDITION**  
TO  
**SEWARD TOWNSITE**  
T.1S. R.1W., Seward Meridian  
**ALASKA**

Scale: 1 inch = 100 feet  
Survey commenced July 28, Completed Sept. 27, 1915.  
Area Subdivided 25.15 Acres.

**LEGEND**

Block corners are Fir posts 3X3X30 inches; lot corners 1/2X1/2X30 inches. Iron post reference monuments 1 inch diameter 1/4 inches long, sunk 1 foot beneath surface of the ground are located at intersection of center lines of streets and indicated thus: x

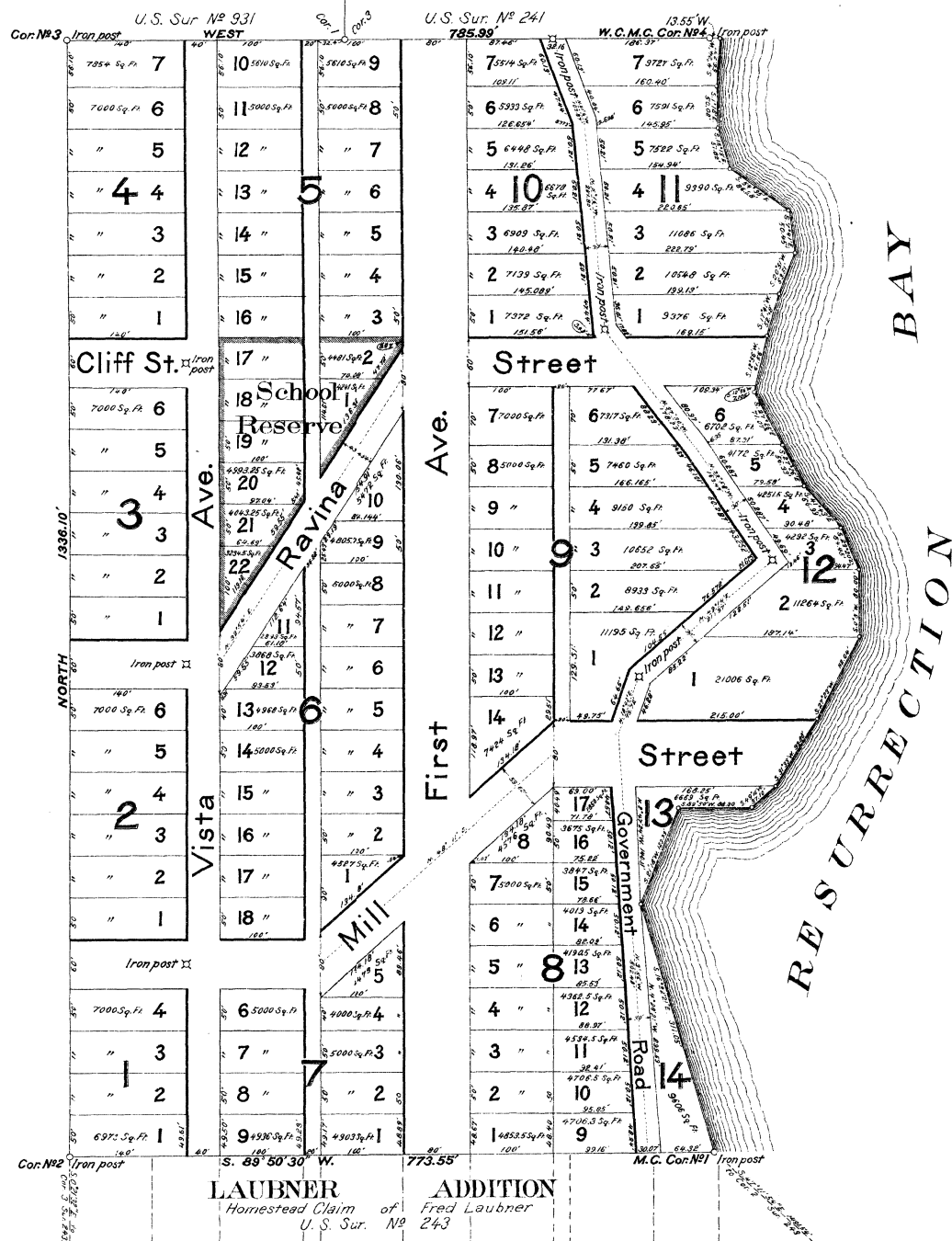
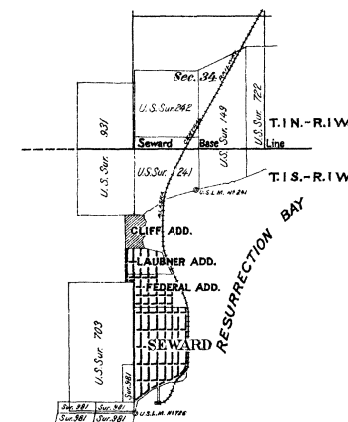
DEPARTMENT OF THE INTERIOR  
GENERAL LAND OFFICE

Washington, D.C., May 22, 1916  
I hereby certify that this plat of CLIFF ADDITION TO SEWARD TOWNSITE in Twp. 1 S., R. 1 W., Seward Meridian, Alaska, as surveyed under instructions dated May 15, 1915 by J. Frank Warner and V.H. Wilhelm, U.S. Surveyors, in accordance with the provisions of the act of March 12, 1914 (38 Stats. 305) is strictly conformable to the field notes of the survey thereon on file in this office which have been examined and approved.

*Capalman*  
Commissioner

Approved..... May 22, 1916.

*Milhaus C Edes*  
Chairman Alaska Engineering Commission



## CALL TO ORDER

The May 9, 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

Courtney Bringhurst, City Planner  
Brenda Ballou, City Clerk

Excused – Staggs  
Absent – None

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

## APPROVAL OF AGENDA AND CONSENT AGENDA

**Motion (Charbonneau/Monaco)**

**Approval of Agenda and Consent Agenda**

**Motion Passed**

**Unanimous**

The clerk read the following approved consent agenda items:

**Approval of the April 4, 2023 P&Z Meeting Minutes.**

## SPECIAL ORDERS, PRESENTATIONS AND REPORTS

**Proclamations and Awards – None**

**City Administration Report.**

**City Planner Courtney Bringhurst** stated she had attended the American Planning Association national conference in Philadelphia and it had been a great opportunity to interact with



other planners. She included in tonight's packet a comprehensive write up of key takeaways from several areas, including public engagement, housing, zoning and equity, parking, and accessible and inclusive environments. She learned a lot and wanted to incorporate many of the best practices into the commission's work.

**Other Reports and Announcements – None**

**Presentations – None**

**PUBLIC HEARINGS**

**Resolutions Requiring Public Hearing**

**Resolution 2023-011, Recommending Kenai Peninsula Borough Approval Of The Preliminary Replat Of Dairy Hill Subdivision, Tracts 1-5, Tract 5; Located At 212 & 213 Dairy Hill Ln & 1601 Phoenix Rd; Creating Dairy Hill Subdivision Addition No. 1, Tracts 5A, 5B & 5C.**

**Motion (Charbonneau/Verhey)**

**Approve Resolution 2023-011**

Bringhurst said this resolution would create two new parcels, both of which already had access to sewer and water. There was a road continuation platted, but the road would need to be constructed. Electric would have to be brought in, as well as a fire hydrant at the end of the newly-constructed cul-de-sac portion of the new road. The remainder of the parcel would remain in its current state. Lot 5A would be the only lot in the flood zone.

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

**Steve Leirer**, inside the city, had provided a laydown earlier today. He wished to divide the property so that new homes could be constructed on a portion of the land.

**Jennifer Carr**, inside the city, lived near this property. She came to the meeting tonight to understand where the housing was proposed to be developed.

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

Bringhurst said lots 5A and 5B were proposed to be developed.

Charbonneau was pleased that the utility easements were already in place. He had walked the property and thought the lots in question looked buildable. Monaco concurred; she had also walked the property and thought the lots looked good for developing.

**Motion Passed**

**Unanimous**

**Resolution 2023-012, Recommending City Council Approval Of The Land Use Amendment To Rezone A Portion Of Proposed Tract 5A, Dairy Hill Subdivision Addition No. 1, From Single-Family Residential (R1) Zoning District To Resource Management (RM) Zoning District.**

**Motion (Charbonneau/Monaco)**

**Approve Resolution 2023-012**

Bringhurst said Tract 5A was one parcel, but was currently split into two zones. This resolution would remove the split and make the entire Tract 5A a single zone of Resource Management (RM).

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

Steve Leirer, inside the city, said this rezone would correct the split zoning on Tract 5A. He wanted to remove the R1 zoning and make it all RM.

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

**Motion Passed**

**Unanimous**

**Resolution 2023-013, Recommending The City Council Amend Portions Of Seward City Code; 15.10.140(B) Definitions, Pertaining To Bunkhouse, Lot, And Long-Term Rental; 15.10.222 Development Requirements Table, Updating The Minimum Buildable Lot Size For Single- And Two-Family Residential Zoning Districts, And Adding Table Notes For Lot Frontage; And 15.10.226 Land Uses Allowed Table, Adding Long-Term Rental, And Changing The Outright Use Of Dormitories In The Office Residential And Institutional Zoning Districts To Require Conditional Use Permits.**

**Motion (Charbonneau/Verhey)**

**Approve Resolution 2023-013**

Bringhurst said the commission had conducted work sessions on this topic starting in November last year and going through April this year.

*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.*

Sullivan thought the commission had done a lot of work on developing this resolution. Charbonneau concurred and thought the commission had been thorough.

**Motion Passed**

**Unanimous**

**UNFINISHED BUSINESS – None**

**NEW BUSINESS**

## **Other New Business Items**

**Discuss 2023 Planning and Zoning Priorities for the joint work session with city council on May 22, 2023.**

Bringhurst reviewed the commission's 2023 priorities.

**Discuss the topic for the May 23, 2023 work session: Cemetery Presentation and Cemetery Master Plan Review.**

## **INFORMATIONAL ITEMS AND REPORTS**

*Reminder: P&Z Joint Work Session with City Council on May 22, 2023 at 6:00 p.m. A quorum is required.*

*Reminder: P&Z Work Session on May 23, 2023 at 6:00 p.m.*

*Reminder: P&Z Meeting on June 6, 2023 at 7:00 p.m.*

**CITIZEN COMMENTS – None**

## **COMMISSION AND ADMINISTRATION COMMENTS AND RESPONSES TO CITIZEN COMMENTS**

**Ulman** thanked Bringhurst for the great information from the APA conference.

**Hornseth** appreciated Bringhurst for bringing good information back to the commission and thanked the clerk for working with the commission.

**Charbonneau** thanked administration and the clerk.

**Verhey** was pleased to see members of the public at the meeting tonight. She thanked Bringhurst and the clerk.

**Monaco** thanked Bringhurst for attending the APA conference and wished the clerk well.

**Sullivan** appreciated everyone coming to tonight's meeting. She was thankful that there had been public interaction. She thanked Bringhurst for the meeting and thanked the clerk for her years of service.



## **ADJOURNMENT**

The meeting was adjourned at 7:51 p.m.

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Brenda Ballou  
City Clerk

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Clare Sullivan  
Chair

(City Seal)

DRAFT

## **E. NEW BUSINESS**

- 4. A.A. Mattox 2023 Replat; KPB File 2023-050  
Geovera, LLC / Church on the Rock Homer  
Location: Pennock Street & East End Road  
City of Homer**

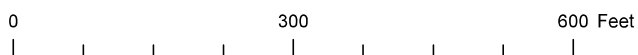


Vicinity Map



KPB File 2023-050  
T 06S R 13W SEC 17  
Homer

5/5/2023









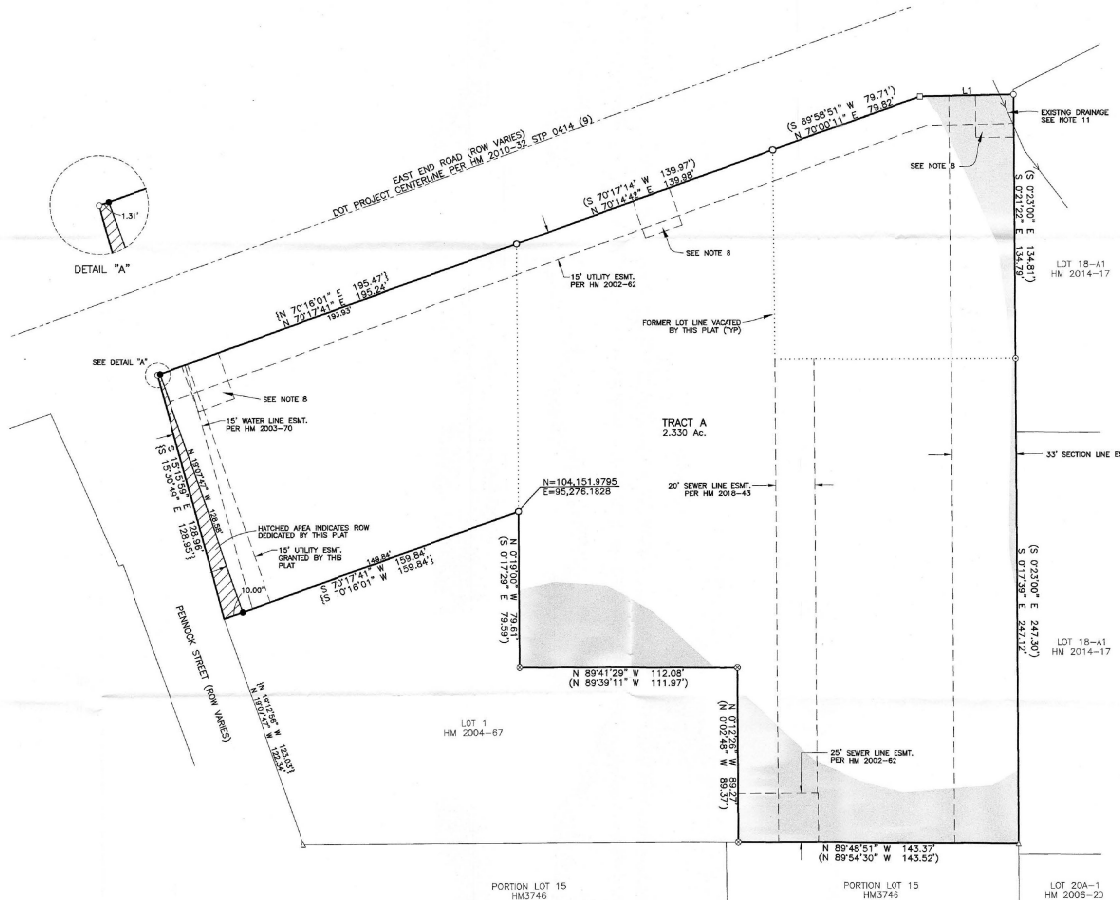
1. BASIS OF BEARING FOR THIS SURVEY) WAS DETERMINED BY A HIGH PRECISION GPS SURVEY USING TOPCON DUAL-FREQUENCY HIPER V SURVEYING EQUIPMENT. COORDINATES WERE ORIGINALLY CORRECTED AND PROCESSED WITH MAGNET OFF-STATE VERSION 3.1 SOFTWARE. NAD83 ALASKA STATE PLANE GRID COORDINATES (U.S. SURVEY FEET) OBTAINED FROM THE SURVEY WERE USED AS THE BASIS FOR THE NOW PUBLISHED VALUES FOR FEDERAL BASE NETWORK CONTROL STATION "HOMAR" (PID T1155).
2. TRUE BEARINGS AND DISTANCES WERE DETERMINED BY ROTATING AND SCALING FROM THE COORDINATE POINTS TO THE NETWORK POINTS. DISTANCES WERE OBTAINED BY A SCALING POINT. TRUE BEARINGS WERE DETERMINED BY ROTATING GRID INVERSE AZIMUTHS  $-117^{\circ}13.4''$ . TRUE DISTANCES WERE OBTAINED BY DIVIDING GRID INVERSE DISTANCES BY 0.99998666.
3. THE RESULTING SCALD COORDINATES WERE TRANSLATED TO A LOCAL COORDINATE SYSTEM BASED ON FEDERAL BASE NETWORK CONTROL STATION "HOMAR"  $N=100,000$  U.S. FEET. THE TRANSLATION REPRESENTS APPROXIMATE DISTANCES IN A FLAT FEET ORIENTED TO TRUE NORTH.
4. NO DIRECT ACCESS TO STATE MAINTAINED ROAD-OF-WAY PERMITTED UNLESS APPROVED BY THE STATE OF ALASKA DEPARTMENT OF TRANSPORTATION.
5. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED ON THE EASEMENT. THE EASEMENT SHALL INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
6. PROPERTY IS SUBJECT TO CITY OF HOMER REGULATIONS, CHECK WITH HOMER PLANNING PRIOR TO ANY DEVELOPMENT ACTIVITIES.
7. PROPERTY OWNER SHOULD CONTACT THE ARMY CORPS OF ENGINEERS PRIOR TO ANY ON-SITE DEVELOPMENT OR CONSTRUCTION OF ANY STRUCTURE ON THE TRACT AND DESIGNATION (IF ANY). PROPERTY OWNERS ARE RESPONSIBLE FOR OBTAINING ALL REQUIRED LOCAL, STATE AND FEDERAL PERMITS.
8. DRAINAGE EASEMENTS GRANTED TO THE STATE OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES REFERENCE BOOK 316, PAGE 899.
9. THESE LOTS ARE AFFECTED BY AN EASEMENT OF RECORD WITH THE STATE OF ALASKA GRANTED TO HOMER ELECTRIC ASSOCIATION (0874, PG 105 HDR).
10. GRAY SHADING REPRESENTS DISCHARGE SLOPE WETLANDS PER KENAI WATERSHED FORUM AS DEPICTED ON KENAI PENINSULA BROWHOUD 95.
11. A DRAINAGE MAINTENANCE EASEMENT IS HEREBY GRANTED TO THE STATE OF ALASKA DEPARTMENT OF TRANSPORTATION AS SHOWN. THE EASEMENT EXTENDS 10 FEET TO THE WEST OF THE EXISTING DRAINAGE TO AND THE BOUNDARY OF TRACT A ON THE

### PLAT APPROVAL

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

BY: AUTHORIZED OFFICIAL  
KENN PENINSULA BOROUGH

DATE \_\_\_\_\_



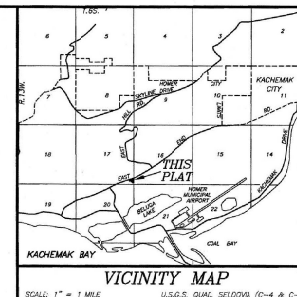
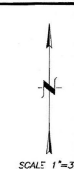
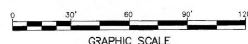
### LEGEND

- ☐ INDICATES 2" ALCAP 5780-S 2002 RECOVERED THIS SURVEY
- ☐ INDICATES 2" ALCAP 5780-S 2003 RECOVERED THIS SURVEY
- ☒ INDICATES 2" ALCAP 5780-S 2004 RECOVERED THIS SURVEY
- ☐ INDICATES 2" ALCAP 7610-S 2013 RECOVERED THIS SURVEY
- ☐ INDICATES 1-1/2" ALCAP 3815-S 1985 RECOVERED THIS SURVEY
- ☐ INDICATES 2" ALCAP 10771-S 2005 RECOVERED THIS SURVEY
- ☒ INDICATES 2" ALCAP ON 5/8" REBAR (7538-S 2023) SET THIS SURVEY
- ☐ INDICATES RECORDS DATA PER PARENT PLAT HM 18-43
- ☐ INDICATES RECORDS DATA PER PARENT PLAT 2003-77

## WASTEWATER DISPOSAL

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

LINE	BEARING	DISTANCE
L1	N 88°47'43" E	48.00'
(L1)	S 88°23'27" W	47.93'



**CERTIFICATE OF OWNERSHIP**

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

AARON R. WESSER  
DESIGNEE, CHURCH ON THE ROCK HOMER  
PO BOX 268E  
HOMER, ALASKA 99603

## NOTARY'S ACKNOWLEDGMENT

FOR AARON F. WEISSE

ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_  
DAY OF \_\_\_\_\_, 2023.

NOTARY PUBLIC FOR ALASKA

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

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

## A.A. MATTOX 2023 REPLAT

THE COMBINATION OF LOT 14-A2, AA MATTOX SUBDIVISION  
PENNOCK PLACE ADDITION NO. 2 (HM 2003-70)

AND  
LOTS 14-B1-A AND 14-C1, A.A. MATTOX SUBDIVISION 2018  
(HM 2018-43)

LOCATED WITHIN THE SE1/4 SE1/4, SEC 17,  
T. 6 S. R. 13 W., SEWARD MERIDIAN, CITY OF HOMER, KEN.

PENNSULA BOROUGH, THIRD JUDICIAL DISTRICT,  
CONTAINING 2.347 ACRES  
OWNERS:  
CHURCH ON THE ROCK  
PO BOX 2689 HOMER, ALASKA 99603

**GEOVERA, LLC**

GEOVERA, LLC  
PO BOX 3235

HOMER ALASKA 99603

(907) 399-4345  
EMAIL: [conan@alaska.com](mailto:conan@alaska.com)

EMAIL: [scsmith@gci.net](mailto:scsmith@gci.net)

DRAWN BY: SCS	DATE: APRIL 2023	SCALE: 1" = 30'
CHK BY: SCS	JOB #2023-5	SHEET 1 OF 1

CHK BY: SCS	JOB #2023-5	SHEET 1 OF 1
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AGENDA ITEM E. NEW BUSINESS

ITEM 4 - A.A. MATTOX 2023 REPLAT

KPB File No.	2023-050
Plat Committee Meeting:	June 12, 2023
Applicant / Owner:	Church of the Rock
Surveyor:	Stephen Smith / Geovera, LLC
General Location:	City of Homer

Parent Parcel No.:	177-054-09, 177-054-12, 177-054-13
Legal Description:	Lot 14A-2 AA Mattox Subdivision Pennock Place Addition No 2 HM2003-70 and Lot 14-C1 and Lot 14-B1-A of A.A. Mattox Subdivision 2018 HM218-43
Assessing Use:	Institutional (Lot 14-B1-A), Commercial (Lot 14-C1), and Residential (Lot 14A-2)
Zoning:	Residential Office District
Water / Wastewater	City

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STAFF REPORT

**Specific Request / Scope of Subdivision:** The proposed plat will combine three lots into one lot and give a small dedication to Pennock Street.

**Location and Legal Access (existing and proposed):** The proposed preliminary plat is located at the corner of East End Road and Pennock Street. Currently legal access is directly to state maintained East End Road, access is available to Pennock Street also, but has not been utilized.

There are improvements to the property with two structures being located on the plat.

A 33-foot-wide section line easement is shown on the east side of the plat. The section line easement should be verified as it was not shown on previous plats. **Staff recommends:** the surveyor do some research into the easement and patent information and report the findings back to staff.

The block is incomplete and exceeds allowable lengths per code, being more than 1320 feet to a connecting cross street to the south at Virginia Lynn Way between Pennock Street and Mattox Road. **Staff recommends:** the plat committee concur that a dedication is not possible with this plat and exception to 20.30.170 Block-Length Requirement is not needed.

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

**Site Investigation:** The terrain of the proposed subdivision is relatively flat with slopes headed towards the southeast across the property. There is a drainage ditch in the northeast corner of the plat which has an easement extending 10 feet west of the ditch and east to the property line. The easement is granted to the City of Homer with this plat.

KPB satellite imagery indicates this property may contain wet areas. **Staff recommendation:** the U.S. Army Corps of Engineers wetland determination plat note remain on the final plat.

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

**Staff Analysis** The property was originally subdivision by A.A. Mattox 1958 Addition HM 3746 as Lot 14. AA Mattox Subdivision Pennock Place Addition HM 2002-62 subdivided in three lots (14-A, 14-B and 14-C). AA Mattox Subdivision Pennock Place Addition No 2 HM 2003-70 divided Lot 14-A into two lots (14A-1 and 14A-2). AA Mattox Subdivision Pennock Place Addition No 3 HM 2004-67 adjusted the lines of Lot 14A-1, AA Mattox Subdivision Pennock Place Addition No 2 HM 2003-70 and 14-B, AA Mattox Subdivision Pennock Place Addition HM 2002-62 into two new lots (Lot 1 and Lot 14-B1). AA Mattox Subdivision 2018 HM 2018-43 adjusted the lines of Lot 14-B1, AA Mattox Subdivision Pennock Place Addition No 3 HM 2004-67 and Lot 14-C, AA Mattox Subdivision Pennock Place Addition HM 2002-62 into Lots 14-B1-A and Lot 14-C1. With this plat, Lots 14-C1, 14-B1-A, AA Mattox Subdivision 2018 HM 2018-43 and 14A-2, AA Mattox Subdivision Pennock Place Addition No 2 HM 2003-70 will be combined into one lot and a small dedication will be taken out for Pennock Street.

A soils report will not be required as this plat is inside the City of Homer. The appropriate wastewater note is on the plat.

Notice of the proposed plat was mailed to the beneficial interest holder on May 8, 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 City of Homer Planning Commission heard and reviewed the preliminary plat AA Mattox 2023 Replat at their April 5, 2023 meeting. There was unanimous consent by the Planning Commission with 5 comments that have been taken care of prior to submittal to KPB for review.

**Utility Easements** Parent plats granted 15 foot utility easements adjacent to right of ways that have been carried over to this plat. A new 15 foot utility easement is being granted along Pennock Street to accommodate the dedication to the street.

There are storm sewer easement crossing the eastern and southern part of the plat from previous plats that have been carried forward also that are shown 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	No comments
ENSTAR	No comment or recommendations
ACS	No objections
GCI	Approved as shown

CITY OF SEWARD: SPECIAL ASSESSMENTS	The assessment does not need to be paid off for the re-platting. The assessment would move to the new parcel.
---	---

**KPB department / agency review:**

Addressing	<p>Reviewer: Sjogren, Bobbi Affected Addresses: 1061 EAST END RD, 1091 EAST END RD</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names: EAST END RD, PENNOCK ST</p> <p>Existing Street Name Corrections Needed:</p> <p>All New Street Names are Approved:</p> <p>List of Approved Street Names:</p> <p>List of Street Names Denied:</p> <p>Comments: ADDRESSES WILL NEED REVIEWED BY THE CITY OF HOMER 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 the KPB file number to the title block.

**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:** *In the legal change the statement "The Combination of" to "A Subdivision to Combine"*

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

**Staff recommendation:** *Instead of Tract A, label new parcel as "Lot 14D" keeping with the same designation nomenclature numbering of the lot.*

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

**Staff recommendation:** *Lot to the east needs corrected.*

---

#### KPB 20.30 – Subdivision Design Requirements

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

---

#### KPB 20.40 – Wastewater Disposal

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

##### 20.40.010 Wastewater disposal.

*Platting Staff Comments:*

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

---

#### KPB 20.60 – Final Plat

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

- 20.60.040. Dedication of public use lands. Any land shown on a plat as a street, public park or other public area must be dedicated on the final plat to a tax exempt governmental entity. If the governmental entity is not the Kenai Peninsula Borough, the governmental entity shall be required to execute an acceptance of the dedication on the plat.

**Staff recommendation:** *add a Certificate of Acceptance for Pennock Street dedication and drainage easement.*

##### 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. Need overall distances shown on lines where appropriate.

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

**Staff recommendation:** *comply with 20.60.190.*



- Add the date of June 12, 2023 to the Plat Approval certificate
- Add an Acceptance Certificate for the road dedication and the drainage easement to appropriate entity.

**RECOMMENDATION:**

**SUBJECT TO, STAFF RECOMMENDS:**

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

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

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

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

**END OF STAFF REPORT**

---

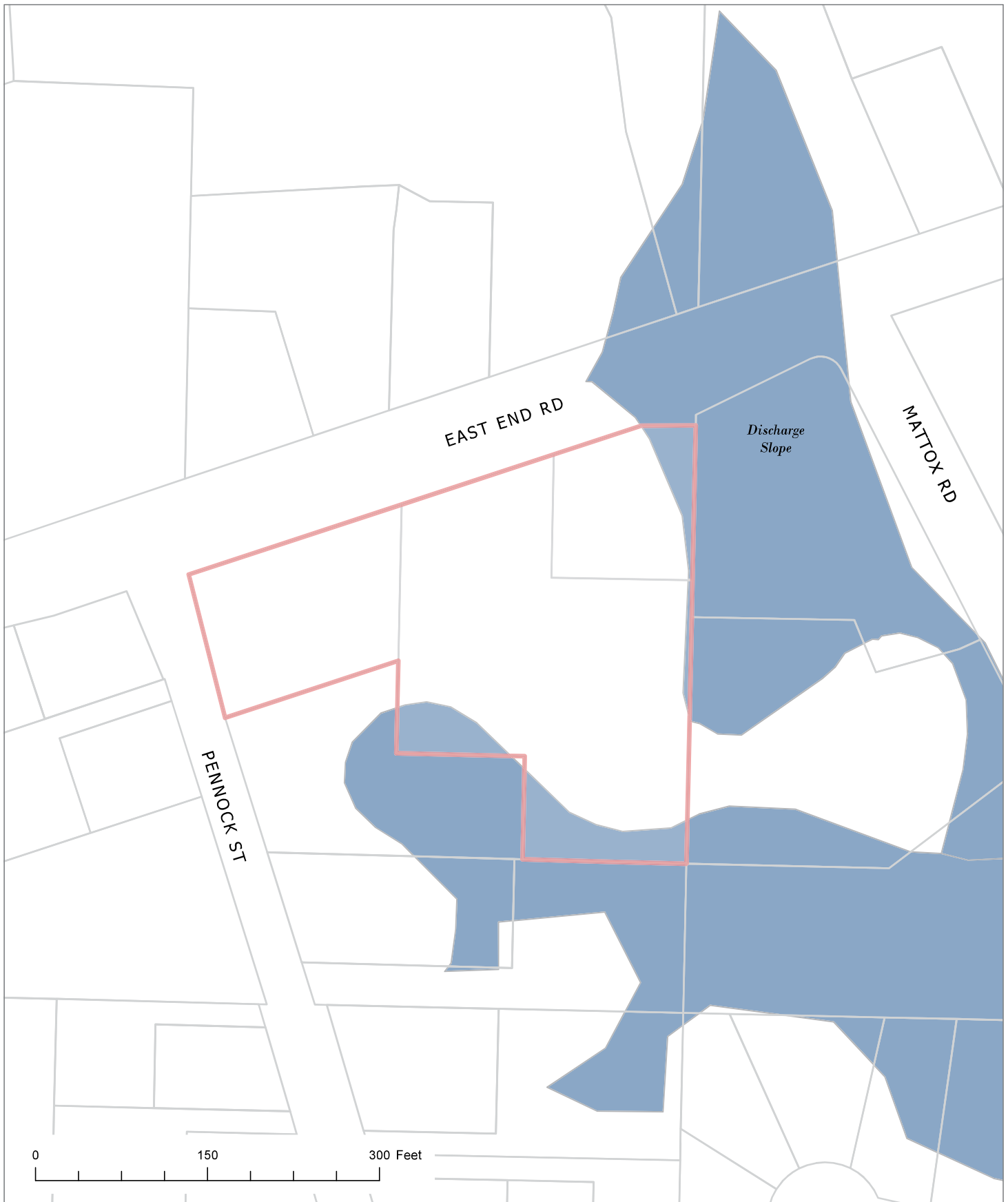


Aerial View





**Wetlands**









# A. A. MATTOX 1958 ADDITION

LOCATED IN SE  $\frac{1}{4}$  SE  $\frac{1}{4}$  SEC. 17, T6S-R13W S.M. ALASKA

TRACT A  
11.84 AC

TRACT B  
5.83 AC

No. 3716  
FILED FOR RECORDING  
18 MAY 1958 at 2:15 PM  
Vol. 12 Page 180  
Homer Recording District  
Terr. of Alaska  
At the Request of [Signature]

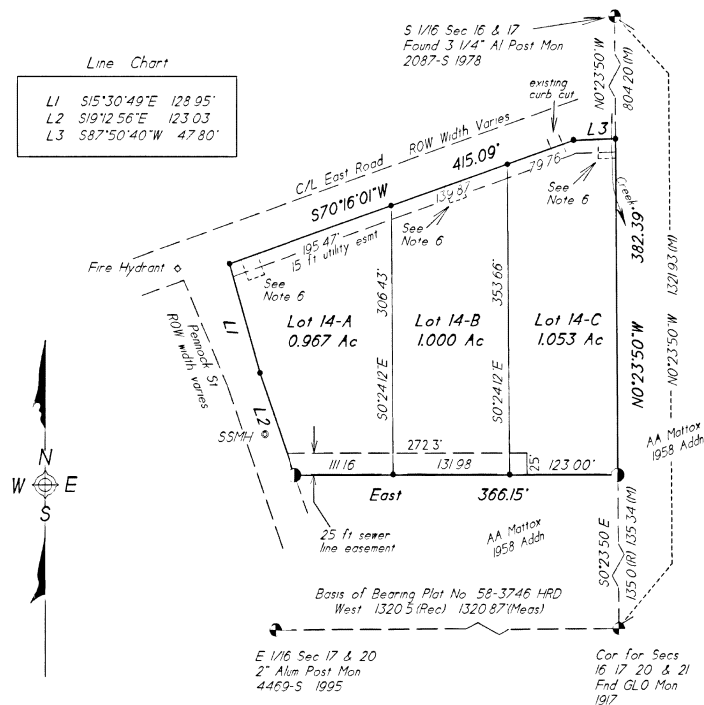
1. THIS PLAT PURPORTS TO SHOW A CLOSED SURVEY OF LAND PREVIOUSLY CONVEYED BY A. A. MATTOX OF HOMER, ALASKA, BASED ON A THOROUGH SEARCH OF THE RECORDS AND OF PHYSICAL EVIDENCE OF EXISTENT CORNERS.  
2. LOTS HAVE BEEN DESIGNATED BY NUMBERS FOR CONVENIENCE OF REFERENCE.  
3. LOTS 14 AND 15 AND LOTS 14 AND 16 ARE STRICTLY CONFORMABLE TO PREVIOUS DEEDS.  
4. LOTS 12 AND 13 ARE CONFORMABLE TO PREVIOUS DEEDS EXCEPT WHERE ENCRUMBED ON BY KALLMAN ROAD.  
5. NEW DEEDS SHOULD BE EFFECTED FOR LOTS 3, 10, 11, 15, 18 AND 19 DUE TO ORIGINAL VAGUE AND INDEFINITE DESCRIPTIONS.

SCALE 1"=100'

SURVEYED & DRAWN BY: Merwin E. Johnson 2/10/83

## Line Chart

L1 S15°30'49"E 128.95'  
L2 S19°12'56"E 123.03'  
L3 S87°50'40"W 47.80'



## Legend

- Found 1 1/2" Alum Cap 3815-S 1985
- Set 2" Al Cap on 5/8" rebar for this survey

## Notes

- All wastewater disposal systems shall comply with existing applicable laws at the time of construction.
- No permanent structures shall be constructed or placed within an easement which would interfere with the ability of a utility to use the easement.
- WASTEWATER DISPOSAL** Plans for wastewater that meet regulatory requirements are on file at the State of Alaska Department of Environmental Conservation.
- No access to State maintained rights-of-way permitted unless approved by State of Alaska Department of Transportation.
- This subdivision is subject to the zoning regulations of the City of Homer. The creek in Lot 14-C is subject to Army Corps of Engineers wetlands restrictions.
- Drainage easements granted to State of Alaska Dept of Transportation and Public Facilities reference Bk 316 Page 959.
- General easement granted to Homer Electric Association for the construction operation and maintenance of electric transmission lines and/or telephone distribution lines, no location given reference Bk 74 Page 105.
- The location of East End Road was calculated using data from Plot No. 58-3746 HRD and the dimensional data from the State of Alaska Dept of Transportation and Public Facilities right-of-way "takes" as per Bk 316 Page 955 HRD.



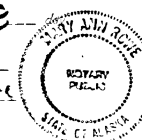
Richard Synhorst 11-7-02  
Richard Synhorst, General Partner HTM Date  
331 E Pioneer Suite A  
Homer AK 99603

Notary's Acknowledgment  
Subscribed and sworn to me before me this  
of Nov 2002  
for RICHARD SYNHORST  
Mary Ann Pine  
Notary Public for Alaska  
My Commission Expires 7.30.06



Nancy Synhorst 11.9.02  
Nancy Synhorst, General Partner HTM Date  
331 E Pioneer Suite A  
Homer AK 99603

Notary's Acknowledgment  
Subscribed and sworn to me before me this  
of Nov 2002  
for NANCY SYNHORST  
Mary Ann Pine  
Notary Public for Alaska  
My Commission Expires 7.30.06



Louise J. Gross-Hall 11.11.02  
Louise J. Gross-Hall General Partner HTM Date  
331 E Pioneer Suite A  
Homer AK 99603

Notary's Acknowledgment  
Subscribed and sworn to me before me this  
of November 2002  
for LOUISE J. GROSS-HALL  
Mary Ann Pine  
Notary Public for Alaska  
My Commission Expires 7.30.06



## Plat Approval

This plat was approved by the Kenai Peninsula  
Borough Planning Commission at the meeting of  
September 23, 2002

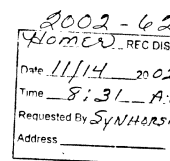
KENAI PENINSULA BOROUGH

By Mary Ann Pine  
Authorized Official

## Surveyor's Certificate

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

Roger W. Imhoff 11-07-02  
Roger W. Imhoff LS 5780 Date



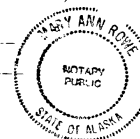
## Ownership Certificate

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

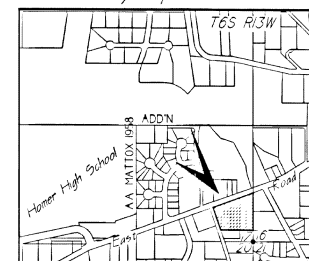
We further certify that the Deed of Trust affecting this property  
does not contain restrictions which would prohibit this subdivision;  
or require signature and approval of the beneficiary

Thomas E. Hall 11-7-02  
Thomas E. Hall General Partner HTM Date  
331 E Pioneer Suite A  
Homer AK 99603

Notary's Acknowledgment  
Subscribed and sworn to me before me this  
of Nov 2002  
for THOMAS E. HALL  
Mary Ann Pine  
Notary Public for Alaska  
My Commission Expires 7.30.06



## Vicinity Map 1"-1000 ft



## AA Mattox Subdivision

## Pennock Place Addition

Being a subdivision of Lot 14 AA Mattox  
1958 Addition as shown on Record Plat No. 58-3746  
Homer Recording District

Located within the  
SE 1/4 SE 1/4 Sec 17, T6S R13W S14  
within the City of Homer  
Third Judicial District, Alaska

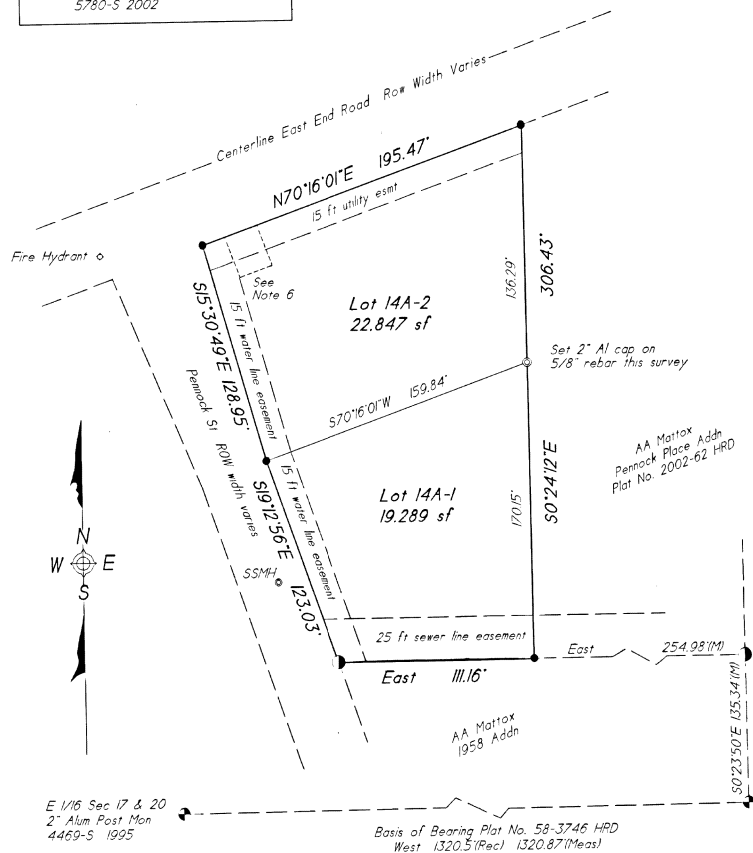
Contains 3020 Acres more or less

Clients: HTM 331 E Pioneer Suite A Homer AK 99603		Surveyor: Roger W Imhoff RLS PO Box 2588 Homer AK 99603
Drawn R/W	FB 2002-3	Date 7-08-02
Scale 1"=400 ft	File AAMattox-pennock vcd	KPB File No 2002-208



## Legend

- Found 1 1/2" Alum Cap 3815-S 1985
- Found 2" AI Cap on 5/8" rebar 5780-S 2002



## Notes

1. All wastewater disposal systems shall comply with existing applicable laws at the time of construction.
2. No permanent structures shall be constructed or placed within an easement which would interfere with the ability of a utility to use the easement.
3. WASTEWATER DISPOSAL: Plans for wastewater that meet regulatory requirements are on file at the State of Alaska Department of Environmental Conservation.
4. No access to State maintained rights-of-way permitted unless approved by State of Alaska Department of Transportation.
5. This subdivision is subject to the zoning regulations of the City of Homer.
6. Drainage easements granted to State of Alaska Dept of Transportation and Public Facilities reference Bk 316 Page 959.
7. General easement granted to Homer Electric Association for the construction, operation, and maintenance of electric transmission lines and/or telephone distribution lines, no location given reference Bk 74 Page 105.
8. The location of East End Road was calculated using data from Plat No. 58-3746 HRD, and the dimensional data from the State of Alaska Dept of Transportation and Public Facilities right-of-way 'notes' as per Bk 316 Page 955 HRD.

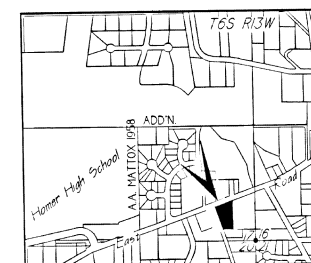
## Ownership Certificate

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

Kathy L. Westerburg  
The Elan Group LLC  
by Kathy L. Westerburg Date 8/22/03  
PO Box 2376  
Homer Ak 99603

Notary's Acknowledgement  
Subscribed and sworn to me before me this 22nd day of August, 2003  
for Kathy L. Westerburg  
Kathy L. Westerburg  
Notary Public for Alaska  
My Commission Expires 4/18/07

Vicinity Map 1"=1000 ft



## AA Mattox Subdivision

## Pennock Place Addition No. 2

Being a subdivision of Lot 14-A AA Mattox Pennock Place Addition as shown on Record Plat No. 2002-62 Homer Recording District

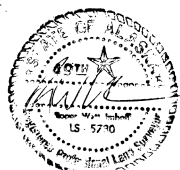
Located within the  
SE 1/4 SE 1/4 Sec. 17, T6S, R13W, SM  
within the City of Homer  
Third Judicial District, Alaska

Contains 0.967 Acres, more or less

## Surveyor's Certificate

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

R. W. Imhoff 8-17-03  
Roger W. Imhoff LS 5780 Date



## Plat Approval

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

July 14, 2003

KENAI PENINSULA BOROUGH

By Mary Joell  
Authorized Official

2003-90  
HOMER REC DIST  
Date 11/17 2:03  
Time 8:13 A M  
Requested By Imhoff  
Address \_\_\_\_\_

Clients  
Elan Group  
PO Box 2376  
Homer Ak 99603

Surveyor:  
Roger W. Imhoff, RLS  
PO Box 2588  
Homer Ak 99603

Drawn RWI

FB

Date 5-08-03

Scale 1" = 50 ft

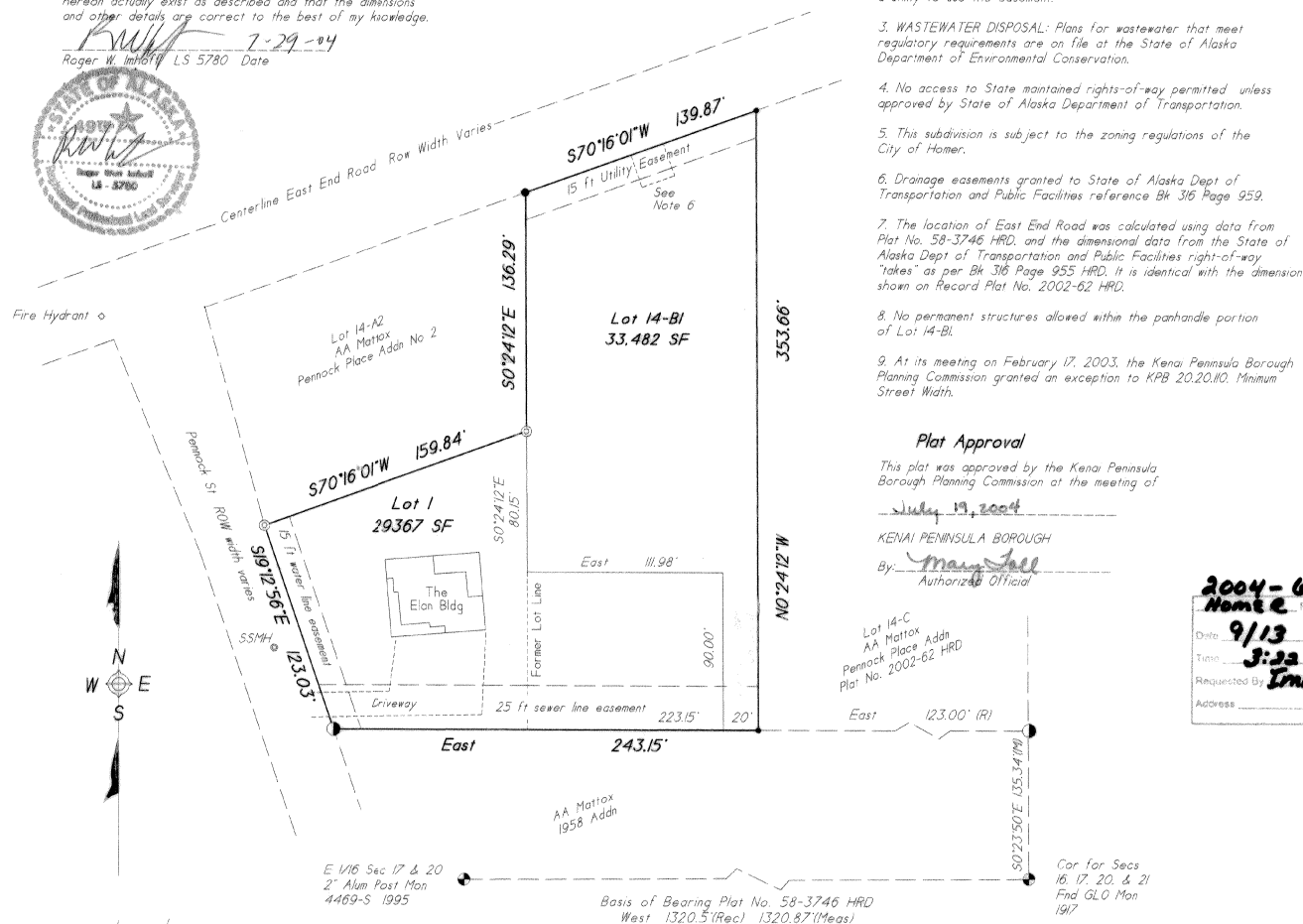
File AA Mattox-westerburg.vcd

KPB File No 03 145

### Surveyor's Certificate

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

*RW* 7-29-04  
Roger W. Imhoff LS 5780 Date



### Legend

- Found 1 1/2" Alum Cap 3815-S 1985
- Found 2" Al Cap on 5/8" rebar 5780-S 2002
- ⊙ Found 2" Al Cap on 5/8" rebar 5780-S 2003

Set 2" Al Cap on 5/8" diameter rebar at all lot corners for this survey unless shown otherwise

*Thomas E. Hall* 8-3-04  
Owner of Former Lot 14-B  
Pioneer Land Company, LLC  
by Thomas E. Hall, Manager  
1091 East End Road  
Homer Ak 99603

*Richard Synhorst* 7-30-04  
Owner of Former Lot 14-B  
Pioneer Land Company, LLC  
by Richard Synhorst, Manager  
1091 East End Road  
Homer Ak 99603



### Notes

- All wastewater disposal systems shall comply with existing applicable laws at the time of construction.
- No permanent structures shall be constructed or placed within an easement which would interfere with the ability of a utility to use the easement.
- WASTEWATER DISPOSAL: Plans for wastewater that meet regulatory requirements are on file at the State of Alaska Department of Environmental Conservation.
- No access to State maintained rights-of-way permitted unless approved by State of Alaska Department of Transportation.
- This subdivision is subject to the zoning regulations of the City of Homer.
- Drainage easements granted to State of Alaska Dept of Transportation and Public Facilities reference Bk 316 Page 959.
- The location of East End Road was calculated using data from Plat No. 58-3746 HRD, and the dimensional data from the State of Alaska Dept of Transportation and Public Facilities right-of-way "takes" as per Bk 316 Page 955 HRD. It is identical with the dimension shown on Record Plat No. 2002-62 HRD.
- No permanent structures allowed within the panhandle portion of Lot 14-B1.
- At its meeting on February 17, 2003, the Kenai Peninsula Borough Planning Commission granted an exception to KPB 20.20.110 Minimum Street Width.

### Plat Approval

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

July 19, 2004

KENAI PENINSULA BOROUGH

By: *Mary-Jane*  
Authorized Official

Lot 14-C  
AA Mattox Addn  
Pennock Place Addn  
Plat No. 2002-62 HRD

2004-67  
Homer REC DIST  
Date: 9/13/04  
Time: 3:32 PM  
Requested by: Imhoff  
Address:

### Ownership Certificate

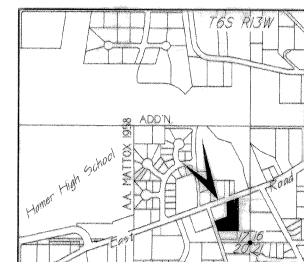
We hereby certify that we are the owners of the real property shown and described hereon and that we hereby adopt this plan of subdivision and by our free consent dedicate all rights-of-way to public use and grant all easements to the use shown.

*Kathy L. Westerburg*  
The Elan Group LLC  
by Kathy L. Westerburg Date 8/3/04  
PO Box 2376  
Homer Ak 99603

Notary's Acknowledgment  
Subscribed and sworn to me before me this 3rd day of August, 2004  
for *Kathy Westerburg for Elan Group LLC*  
*Kathy Oakland*  
Notary Public for Alaska  
My Commission Expires 1-1-05



### Vicinity Map 1"=1000 ft



### AA Mattox Subdivision

### Pennock Place Addition No. 3

Being a subdivision of Lot 14-A1 AA Mattox Pennock Place Addition No. 2 as shown on Record Plat No. 2003-70 HRD and Lot 14-B AA Mattox Pennock Place Addition as shown on Record Plat No. 2002-62 HRD

Located within the SE 1/4 Sec. 17, T6S, R13W, S1M,  
within the City of Homer  
Homer Recording District  
Third Judicial District, Alaska

Contains 1.443 Acres, more or less

Clients  
Elan Group  
PO Box 2376  
Homer Ak 99603

Surveyor:  
Roger W. Imhoff, RLS  
PO Box 2588  
Homer Ak 99603

Drawn RWI

FB 2004-5

Date 5-14-04

Scale 1" = 50 ft

File AAMattox-westerburg.vcd

KPB File No 04-190

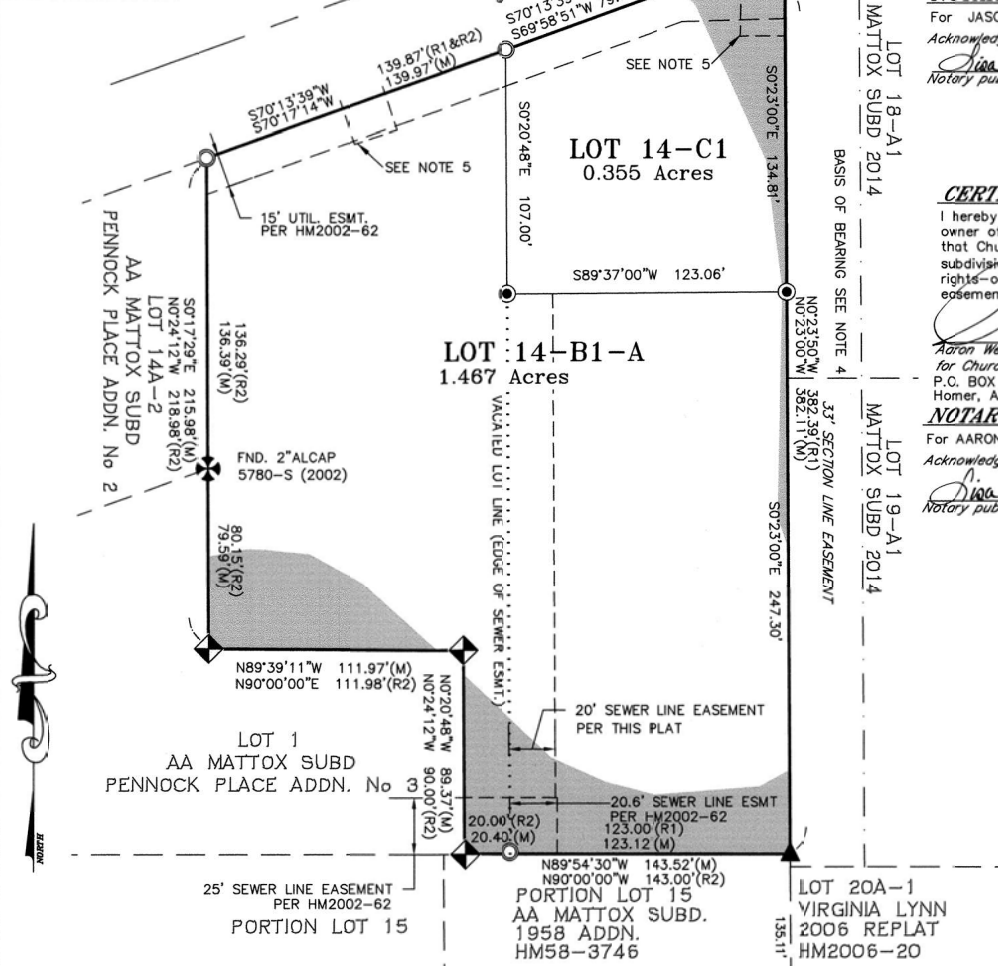
# **CERTIFICATE OF ACCEPTANCE**

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 EASEMENT, RIGHTS-OF-WAYS, ALLEYS AND OTHER PUBLIC AREAS SHOWN ON THIS PLAT IDENTIFIED AS FOLLOWS:

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

BY: Katie Koester  
KATIE KOESTER AS HOMER CITY MANAGER

DATE: 10.12.18



## **LEGEND**

- SET 2" ALCAP
- FOUND 2" ALCAP 7610-S (2014)
- FOUND 2" ALCAP 5780-S (2003)
- ▲ FOUND 1.5" ALCAP 3815-S (1985)
- ◆ FOUND 2" ALCAP 5780-S (2004)
- △ FOUND 2" ALCAP 10771-S (2005)
- ⊕ FOUND MONUMENT AS DESCRIBED
- (R1) RECORD DATA PER HM2002-62
- (R2) RECORD DATA PER HM2004-67
- (M) MEASURED DATA

## **NOTES**

- THESE LOTS ARE SUBJECT TO HOMER CITY CODE.
- NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
- NO DIRECT ACCESS TO STATE MAINTAINED R.O.W. PERMITTED UNLESS APPROVED BY STATE OF ALASKA DEPARTMENT OF TRANSPORTATION.
- THE BASIS OF BEARINGS IS N00°23'W (MEASURED 1322.15') FROM SECTION CORNER OF 16, 17, 20, & 21 (A FOUND 3" BLM BRASS CAP, 1917 & 1988) TO THE S1/16TH CORNER OF SECTIONS 16 AND 17 (A FOUND 3" AL-MON BY 2087-S, 1978, PER HM56-3017).
- DRAINAGE EASEMENTS GRANTED TO STATE OF ALASKA DEPT OF TRANSPORTATION AND PUBLIC FACILITIES REFERENCE BK 316 PAGE 959.
- 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.
- GREY SHADING REPRESENTS DISCHARGE SLOPE WETLANDS PER KENAI WATERSHED FORUM AS DEPICTED ON KENAI PENINSULA BOROUGH GIS.
- THERE IS AN EASEMENT TO HOMER ELECTRIC ASSOCIATION WITH RIGHT TO ENTER, MAINTAIN, REPAIR AND CLEAR SHRUBBERY FOR ELECTRIC LINES OR SYSTEMS PER BOOK 74 PAGE 105.

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

## **PLAT APPROVAL**

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of August 13, 2019 KENAI PENINSULA BOROUGH

BY: Max Bux Nov 27, 2018  
Authorized Official

KPB FILE No. 2018-59

# **CERTIFICATE OF OWNERSHIP**

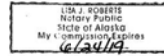
We hereby certify that we are the owners of the real property shown and described hereon, and that we hereby accept this plan of subdivision, and by our free consent dedicate all rights-of-way and public areas to public use and grant all easements to the use shown.

Jason Weissner for lot 14-C  
P.O. BOX 2913  
Homer, AK 99603

Jessica Weissner for lot 14-C  
P.O. BOX 2913  
Homer, AK 99603

## **NOTARY'S ACKNOWLEDGMENT**

For JASON WEISSNER AND JESSICA WEISSNER  
Acknowledged before me this 11th day of October 2018.  
Don Roberts 6/24/19  
Notary public for Alaska My Commission Expires



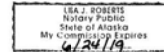
## **CERTIFICATE OF OWNERSHIP**

I hereby certify that Church on the Rock Homer is the owner of the real property shown and described hereon, and that Church on the Rock Homer hereby accepts this plan of subdivision, and by its free consent dedicate all rights-of-way and public areas to public use and grant all easements to the use shown.

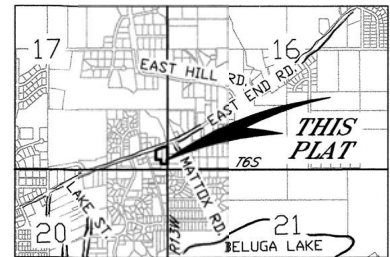
Aaron Weissner, Vice President  
for Church on the Rock Homer for lot 14-B1  
P.C. BOX 2689  
Homer, AK 99603

## **NOTARY'S ACKNOWLEDGMENT**

For AARON WEISSNER  
Acknowledged before me this 11th day of October 2018.  
Don Roberts 6/24/19  
Notary public for Alaska My Commission Expires



## **VICINITY MAP SCALE: 1" = 2000'**



DATE 10/10/2018

SCALE 1" = 40'

GRID No. AR-70

JOB No. 5008

DRAWING: 5008frm4889.dwg



## **A.A. MATTOX SUBDIVISION 2018**

A SUBDIVISION OF LOT 14-C, A.A. MATTOX SUBD. PENNOCK PLACE ADDN., (HM2002-62), AND LOT 14-B1, A.A. MATTOX SUBD. PENNOCK PLACE ADDN. No. 3, (HM2004-67), LOCATED WITHIN THE SE 1/4, SEC 17, T6S, R13W, S. M., CITY OF HOMER, KENAI PENINSULA BOROUGH, THIRD JUDICIAL DISTRICT, HOMER RECORDING DISTRICT, STATE OF ALASKA, CONTAINING 1.822 ACRES

OWNERS:  
Jason Weissner and Jessica Weissner  
P.O. BOX 2913  
Homer, AK 99603  
Church on the Rock Homer  
P.O. BOX 2689  
Homer, AK 99603

## **ABILITY SURVEYS**

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

Page 1 of 1



The deadline was established so that there was time for staff to get the materials distributed to the website and the Commission and anything submitted after the deadline there was no guarantee that the Commission would receive the information or the public to have access as well to that material.

Deputy City Clerk Krause responded stating that policy follows generally what is established by Council and that she will consult with the City Clerk to see if that can be amended.

Chair Smith called for a point of order and requested any additional questions from the Commission hearing none, he requested a motion.

HIGHLAND/VENUTI MOVED TO ADOPT STAFF REPORT 23-023 AND RECOMMEND APPROVAL OF CONDITIONAL USE PERMIT 23-04 WITH FINDINGS ONE THROUGH ELEVEN.

There was a brief comment on the conditional use permit being very straight forward.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

## **9. PLAT CONSIDERATION(S)**

9. A. A.A. Mattox 2023 Replat Preliminary Plat - Staff Report PC 23-024

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

Acting City Planner Engebretsen provided a summary review of Staff Report 23-024 commenting on the very small creek and drainage with historical overflows and the process conducted by the City over time in this area regarding right of way dedication.

There was no applicant present.

Chair Smith opened the Public Comment Period seeing no one that was attending the meeting in person or via Zoom coming forward to provide comment, he closed the Public Comment Period and opened the floor to questions from the Commission.

There were no questions from the Commission.

HIGHLAND/VENUTI MOVED TO ADOPT STAFF REPORT 23-024 AND RECOMMEND APPROVAL OF THE PRELIMINARY PLAT TO VACATE LOT LINES TO CREATE A LARGER LOT FROM THREE SMALLER LOTS WITH THE FOLLOWING COMMENTS:

1. CREATE A PLAT NOTE STATING "PROPERTY OWNER SHOULD CONTACT 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 IF ANY."
2. THERE WILL NEED TO BE RIGHT OF WAY DEDICATION ON THE EAST SIDE OF PENNOCK STREET. EXACT DEDICATION REQUIREMENT IS UNKNOWN AS THE RIGHT OF WAY VARIES ADJACENT TO THE LOT. PAST CITY REQUIREMENTS REQUESTED 9.85 FEET. DIMENSIONS SHALL BE VERIFIED.

3. DEDICATE A 15 FOOT UTILITY EASEMENT FRONTING THE UNDETERMINED DEDICATION ON EAST SIDE OF PENNOCK STREET.
4. THE PROPERTY OWNER WILL NOT BE REQUIRED TO ENTER INTO AN INSTALLATION AGREEMENT WITH THE CITY.
5. DEDICATE A 20 FOOT DRAINAGE EASEMENT CENTERED ON THE DRAINAGE ON THE NORTHEASTERN PROPERTY CORNER.

There was a brief comment on the known drainage issues being addressed with the easement.

VOTE: NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

9. B. Bunnell's Subdivision 2023 Replat Preliminary Plat - Staff Report PC 23-025

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

Acting City Planner Engebretsen provided a summary review of Staff Report PC 23-025. She noted that there was a previous action that dedicated a 15 drainage easement centered on the creek and the City would like to continue that easement. Ms. Engebretsen continued by providing a brief description of the creek path and this dedication will assist in prevention of future flooding. She then noted an oversight in not carrying over the recommendation regarding dedication of a 15 foot utility easement and the Commission will need to address that issue. Ms. Engebretsen stated that she can provide additional clarification if needed when appropriate.

Gary Nelson, Ability Surveys, applicant, provided a brief history of the project and noted that they would like to offer a counter recommendation to staff recommendation number four, noting that this has taken the owner by surprise and will add an additional cost of \$10,000 or more to the project. He stated that the property owner is trying to rectify a bad situation and suggested that instead of bonding and requiring installation if it could be changed to say no building permit would be offered or approved for Lot 51 A until services are installed. Mr. Nelson acknowledged that services must be installed but the cheapest way to take care of the situation is to abandon in place the stub services and install new ones 50 feet north of the existing location. Further adding that to hire a contractor to do this work before it's needed is really adding expense and the services will not be needed until someone wants to build on that lot. He continued explaining how the process would work, tying up capital and advocating for the requirement to be delayed until needed.

John Hendrix, property owner and applicant, provided historical ownership and use of the land, issues and legal options available. He noted that they are giving up 15 feet on the Swatzell side and now the City is asking to give an additional 15 feet for the creek and pay additional for the removal of the existing services which is unreal to him. He questioned how much a person has to give to do it right.

Chair Smith opened the public comment period and confirmed with the Clerk that there was no one on Zoom that wanted to comment and noted that there was no one present in chambers who wanted to comment he closed the public comment period. He then opened the floor to questions from the Commission and noted that Ms. Engebretsen can provide guidance on the amendment as well at this time.

Ms. Engebretsen stated that amending may not be under the purview of the Commission and requested a moment to review code as she believed that lay in Title 11.

Commissioner Highland commented that she did not recollect ever amending recommendations and felt that Public Works would be involved. She further noted that she did not believe they needed a decision tonight.

Chair Smith requested a motion and second before continuing discussion.

VENUTI/CHIAPPONE MOVED TO POSTPONE THIS ITEM TO THE NEXT MEETING TO ALLOW A RESPONSE FROM PUBLIC WORKS ON THIS ISSUE.

Ms. Engebretsen cited for the record the following: Homer City Code 22.10.050 Improvement requirements – General. (a)(2) All other utilities and public improvements to be constructed in the rights-of-way and easements dedicated by the plat, including water, sewer, electric, communications, and gas lines, and applicable means for non-motorized transportation; adding that the Commission cannot exempt the requirement under Homer City Code 22.10.050 (b) *The Commission may exempt a plat from the provisions of subsection (a) of this section as provided in Homer City Code 22.10.040*, since this plat does involve the dedication of a right of way. She acknowledged the expense and frustration but noted that this action was a standard in city code, and frequently when you see a lot line vacation a service has to be abandoned, dug up and in this case relocated with installation of a new service for the northern lot.

Chair Smith requested Mr. Nelson to come forward to speak on the record.

Mr. Nelson stated that Ms. Engebretsen left out the language, “or an installation agreement being in place.”

Ms. Engebretsen responded that Mr. Nelson was correct, and further commenting that typically people perform all the relocations before they record because it is easier, since they do not want it to be left hanging out there that long, other options are through the bonding process and Public Works usually handles all those details.

Mr. Nelson opined that installation agreements are commonly used and Ms. Engebretsen agreed but added that there is always an installation agreement but whether you install all those improvements before recording the plat, and typically on a bigger plat it is, you can choose either way to record this particular plat, if you have the installation agreement in place.

Mr. Nelson restated that was his desire to have the conditions in the subdivision development agreement that whatever is figured out, and a building permit could not be issued until such time as those improvements are installed but they can talk about it more with this postponement.

Chair Smith called for a point of order noting the motion on the floor for postponement. He requested discussion on the motion.

Ms. Engebretsen stated that she did not believe the Commission has purview on this, but if the Commission would like to postpone and since the applicant is requesting this for a more thorough review, staff can do that however this does not preclude the Commission from approving this plat tonight but if the Commission would prefer to consider it in the future with more information staff can facilitate that.



Chair Smith inquired about the details of the additional recommendation that Ms. Engebretsen stated was omitted when she was providing her report.

Ms. Engebretsen noted that the recommendation to dedicate a 15 foot utility easement was in the report under Public Works comments but was not carried forward under Staff recommendations.

Ms. Engebretsen fielded questions regarding the following:

- There is nothing that the applicant can do if this action is postponed tonight to change the outcome
- the Commission can recommend approval to the Borough, the installation issue is a discussion for Public Works as it is addressed by Title 11 in Homer City Code
- Under Title 22 the Commission cannot waive this exemption
- this action will come back at the next meeting with a little more information in the staff report but nothing else will have changed
- the requirement of the new stub is because they are dealing with two lots
- If the applicant purchased the lot they could then vacate the lot line and still would be required to abandon and excavate the old service.

Commissioner Stark commented that approving the motion to postpone provides the applicant additional time to speak with staff regarding the application and referenced the advice of the Mayor to have most if not everything resolved and identified prior to approving the plat even though it is preliminary.

Chair Smith stated that the applicant was wishing to speak to the Commission and requested a motion to suspend the rules to allow them to speak. He then acknowledged his error previously allowing Mr. Nelson to speak earlier in the meeting.

HIGHLAND/CHAIPPONE MOVED THAT THE COMMISSION SUSPEND THE RULES TO ALLOW THE APPLICANT TO ADDRESS THE COMMISSION.

There was no discussion.

VOTE: NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Mr. Hendrix jokingly offered to pay the city to install the new service stub in order to move this process along. He reiterated that he is trying to cure an old problem but can just as well use the parking lot as is and start litigation.

Chair Smith countered that he understands that a postponement delays the applicant's grief but assured the applicant that they are trying to reach a successful outcome and this postponement will allow Mr. Nelson to speak with Public Works. He noted that this item will be on the agenda under pending business.

## **10. PENDING BUSINESS**

## **11. NEW BUSINESS**

## **12. INFORMATIONAL MATERIALS**

- 12.A. City Manager's Report  
CM Report for March 28, 2023

## **13. COMMENTS OF THE AUDIENCE**

## **14. COMMENTS OF THE STAFF**

Acting City Planner Engebretsen commented her appreciation for a very efficient meeting.

Deputy City Clerk Krause echoed Ms. Engebretsen's comments regarding the short meeting.

## **15. COMMENTS OF THE COMMISSION**

Commissioner Highland commented that they had a short meeting, a little complication but she suspected that it will get taken care of, and thanked everyone.

Commissioner Stark expressed his appreciation for the Commissioners attending in person and on Zoom and the Acting City planner for a very succinct Planner's Report. He advised that he will require one additional eye surgery but will gladly provide the report via Zoom and in person after he gets back as always. He then requested Julie to contact him regarding information for the CDL feedback on the Transportation survey.

Commissioner Venuti commented that it was an interesting and short meeting.

Commissioner Chiappone stated that he will not be at the next two meetings as he will be traveling out of the country, and thanked Julie for filling in.

Chair Smith expressed his appreciation for the efficient meeting and the efforts of the staff. He thanked Julie for filling in noting that it was always a pleasure working with her.

## **16. ADJOURNMENT**

There being no further business before the Commission, the meeting was adjourned at 7:30 p.m. The next Regular Meeting is Wednesday, April 19, 2023 at 6:30 p.m. A worksession is scheduled for 5:30 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska and via Zoom webinar.



Renee Krause, MMC, Deputy City Clerk II

Approved: \_\_\_\_\_ April 19, 2023

## Quainton, Madeleine

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**From:** Jean Hughes <jhughes@ci.homer.ak.us>  
**Sent:** Monday, May 1, 2023 11:17 AM  
**To:** Quainton, Madeleine  
**Subject:** <EXTERNAL-SENDER>FW: Revised A.A. Mattox 2023 Replat  
**Attachments:** A.A. Mattox 2023 Replat Preliminary\_20230427.pdf

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

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Good Moring Madeleine,

The City of Homer Planning and Public Works Department(s) have reviewed the above referenced plat and the right-of-way dedication (as depicted), and we have no objections to the proposed plat.

Thank you!

-----Original Message-----

From: Stephen C. Smith <scsmith@gci.net>  
Sent: Thursday, April 27, 2023 4:27 PM  
To: Jean Hughes <jhughes@ci.homer.ak.us>  
Cc: Julie Engebretsen <JEngebretsen@ci.homer.ak.us>  
Subject: Revised A.A. Mattox 2023 Replat

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

Hi Jean and Julie,

Attached is a revised plat of A.A. Mattox 2023 Replat. We tied all of the existing corners and now the plat shows a resulting acreage of Tract A after the dedication of right-of-way along Pennock Street.

The plat shows a tie from the SW corner of Tract A to the SW corner of the Tract to the south. I used that bearing to extend the right-of-way line up to East End Road. The existing Pennock Street right-of-way to the south is 40 feet wide so I moved the right -of-way line 10 feet east so that there will be 30 feet from centerline if the other side of the street gets dedicated in a similar way.

Let me know if this works for the city. I would like to get this in to the borough as soon as possible, so if you find this configuration acceptable, please email me to let me know and I will forward that email on to the borough. Thanks for taking a look at this. I appreciate it.

Steve

Stephen C. Smith, P.L.S.



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 0.99998608.

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.

4. NO DIRECT ACCESS TO STATE MAINTAINED RIGHT-OF-WAY PERMITTED UNLESS APPROVED BY THE STATE OF ALASKA DEPARTMENT OF TRANSPORTATION.

5. 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.

6. PROPERTY IS SUBJECT TO CITY OF HOMER REGULATIONS. CHECK WITH HOMER PLANNING PRIOR TO ANY DEVELOPMENT ACTIVITIES.

7. 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.

8. DRAINAGE EASEMENTS GRANTED TO THE STATE OF ALASKA  
DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES REFERENCE  
BOOK 316, PAGE 959.

9. THESE LOTS ARE AFFECTED BY AN EASEMENT OF RECORD WITH NO DEFINED LOCATION GRANTED TO HOMER ELECTRIC ASSOCIATION (BK74, PG 105 HRD).

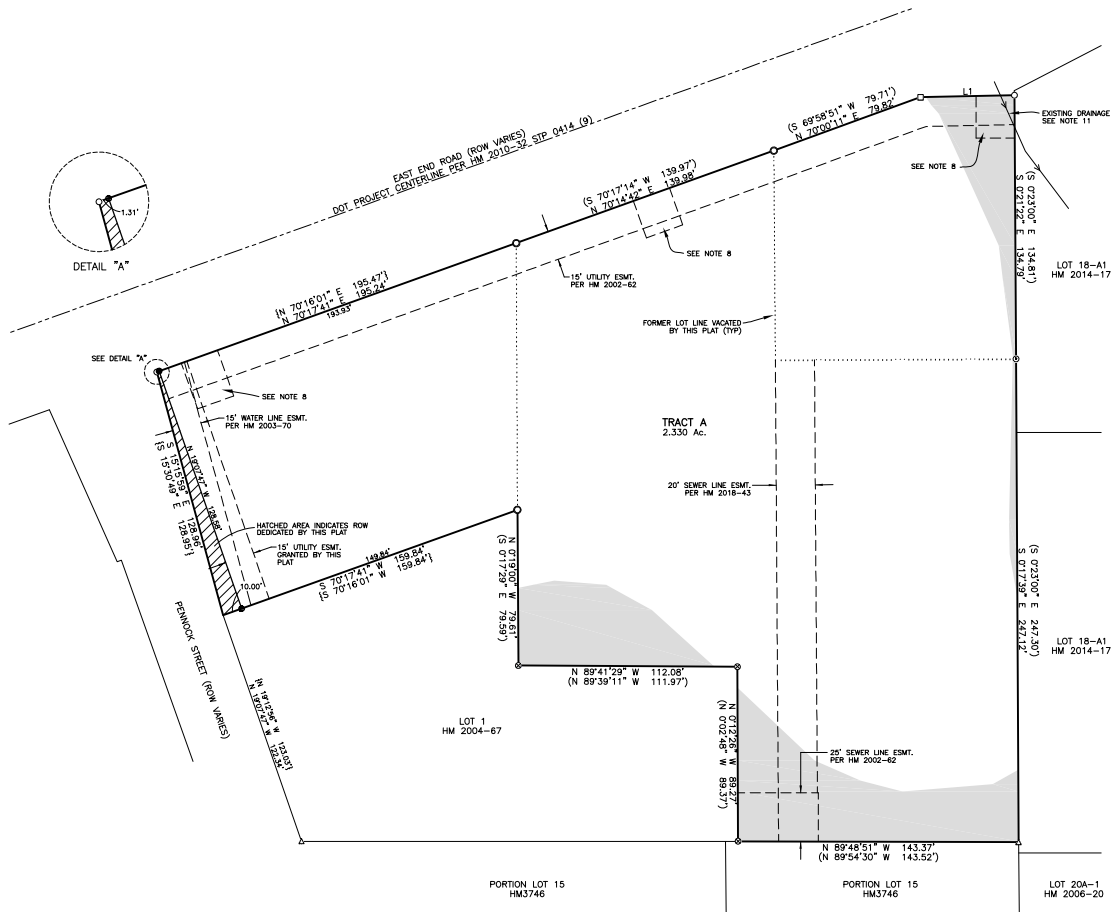
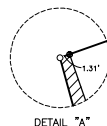
10. GRAY SHADING REPRESENTS DISCHARGE SLOPE WETLANDS PER KENAI WATERSHED FORUM AS DEPICTED ON KENAI PENINSULA BOROUGH GIS.

11. A DRAINAGE MAINTENANCE EASEMENT IS HEREBY GRANTED TO THE CITY OF HOMER CENTERED ON THE EXISTING DRAINAGE AS SHOWN. THE EASEMENT EXTENDS 10 FEET TO THE WEST OF THE EXISTING DRAINAGE AND TO THE BOUNDARY OF TRACT A ON THE EAST SIDE OF THE DRAINAGE.

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

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

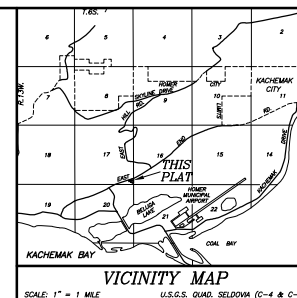
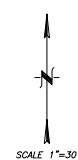
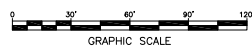
DATE \_\_\_\_\_



- O INDICATES 2" ALCAP 5780-S 2002 RECOVERED THIS SURVEY
- O INDICATES 2" ALCAP 5780-S 2003 RECOVERED THIS SURVEY
- @ INDICATES 2" ALCAP 5780-S 2004 RECOVERED THIS SURVEY
- @ INDICATES 2" ALCAP 7610-S 2018 RECOVERED THIS SURVEY
- Δ INDICATES 1-1/2" ALCAP 3815-S 1985 RECOVERED THIS SURVEY
- INDICATES 2" ALCAP 10771-S 2005 RECOVERED THIS SURVEY
- INDICATES 2" ALCAP ON 5/8" REBAR (7538-S 2023) SET THIS SURVEY
- ( ) INDICATES RECORD DATA PER PARENT PLAT HM 2018-43
- { } INDICATES RECORD DATA PER PARENT PLAT HM 2003-70

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

LINE	BEARING	DISTANCE
L1	N 88°47'43" E	48.00'
(11)	S 88°23'27" W	47.93'



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

AARON R. WEISSER  
DESIGNEE, CHURCH ON THE ROCK HOMER  
PO BOX 2689  
HOMER, ALASKA 99603

FOR AARON R. WEISSER  
ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_  
DAY OF \_\_\_\_\_, 2023.

NOTARY PUBLIC FOR ALASKA

MY COMMISSION EXPIRES:



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

THE COMBINATION OF LOT 14-A2, AA MATTOX SUBDIVISION  
PENNOCK PLACE ADDITION NO. 2 (HM 2003-70)  
AND

LOTS 14-B1-A AND 14-C1, A.A. MATTOX SUBDIVISION 2018  
(HM 2018-43)  
INTO TRACT A

LOCATED WITHIN THE SE1/4 SE1/4, SEC 17,  
T. 6 S., R. 13 W., SEWARD MERIDIAN, CITY OF HOMER, KENAI  
PENINSULA BOROUGH, THIRD JUDICIAL DISTRICT, ALASKA

OWNERS:  
CHURCH ON THE ROCK  
PO BOX 2689 HOMER, ALASKA 99603

PO BOX 3235

HOMER ALASKA 99603

(907) 399-4345  
EMAIL: [consmith@alaska.net](mailto:consmith@alaska.net)

EMAIL: <a href="mailto:scsmith@gci.net">scsmith@gci.net</a>		
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DRAWN BY: SCS	DATE: APRIL 2023	SCALE: 1" = 30'
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CHK BY: SCS	JOB #2023-5	SHEET 1 OF 1
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# City of Homer

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

## Planning

491 East Pioneer Avenue

Homer, Alaska 99603

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

(p) 907-235-3106

(f) 907-235-3118

### Staff Report 23-024

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

**Requested Action:** Approval of a preliminary plat to vacate lot lines, creating one large lot from three smaller lots.

#### General Information:

Applicants:	Aaron Weisser, Designee Church on the Rock PO Box 2689 Homer, AK 99603	Geovera, LLC PO Box 3235 Homer, AK 99603
Location:	Corner of Pennock Street and East End Road	
Parcel ID:	17705409, 17705412, 17705413	
Size of Existing Lot(s):	0.52, 0.36 and 1.47 acres	
Size of Proposed Lots(s):	2.347 acres	
Zoning Designation:	Residential Office District	
Existing Land Use:	Professional Office, church administrative and small gathering space.	
Surrounding Land Use:	North: Professional Office, Vacant South: Residential and vacant East: Multifamily housing, special needs housing West: Residential, professional office	
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:	Potential discharge slope wetlands as shown on the preliminary plat	
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 55 property owners of 67 parcels as shown on the KPB tax assessor rolls.

**Analysis:** This subdivision is within the Residential Office District. This plat vacates the lot line between three lots, creating one large lot. The property has an existing small office (approximately 800 sq feet) and a larger building around 5,500 square feet that serves as the administrative offices and auxiliary uses for Church on the Rock. Small assemblies are also held in this building; Sunday church services are conducted at another location.

**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' utility easement fronting the newly (undetermined) dedication off Pennock Street. An easement already exists along East End Road.

- 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 trails are shown on adopted City plans through the property. East End Road has a sidewalk along the length of the property.

- 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. No additional easements are proposed.

**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:** Staff requests a 20-foot drainage easement centered on the drainage on the northeastern property corner. DOT has an easement for the culvert outfall, but the easement does not extend further down the creek. Further south, properties have granted a 20-foot drainage easement.

Staff recommends acquiring a drainage easement as part of this plat. (Its likely on the outfall and a very small portion of the creek are on the subject property.)

- 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. Municipal water and wastewater system 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.

- 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. No known encroachments.

- 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 some right-of-way dedication off the east side of Pennock Street. Not sure what exactly that the dedication will be because it appears the right-of-way varies adjacent to the lot. In the past the City has been asking 9.85 feet. This dimension will need to be verified.
2. Dedicate a 15 foot utility easement fronting the newly (undetermined) dedication off Pennock Street.
3. The property owner(s) will not be required to enter into an installation agreement with the City.
4. Dedicate a 20 foot drainage easement centered on the drainage on the northeastern property corner.

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

**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. There will need to be some right-of-way dedication off the east side of Pennock Street. Not sure what exactly that the dedication will be because it appears the right-of-way varies adjacent to the lot. In the past the City has been asking 9.85 feet. This dimension will need to be verified.
3. Dedicate a 15 foot utility easement fronting the newly (undetermined) dedication off Pennock Street.
4. The property owner(s) will not be required to enter into an installation agreement with the City.
5. Dedicate a 20-foot drainage easement centered on the drainage on the northeastern property corner.



**Attachments:**

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

## NOTICE OF SUBDIVISION

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

Proposed subdivision under consideration is described as follows:

### **A.A. Mattox 2023 Replat Preliminary Plat**

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

A public meeting will be held by the Homer Planning Commission on Wednesday, April 5, 2023 at 6:30 p.m. In-person meeting participation is available in Cowles Council Chambers located downstairs at Homer City Hall, 491 E. Pioneer Ave., Homer, AK 99603. To attend the meeting virtually, visit [zoom.us](https://zoom.us) and enter the Meeting ID & Passcode listed below. To attend the meeting by phone, dial any one of the following phone numbers and enter the Webinar ID & Passcode below, when prompted: 1-253-215-8782, 1-669-900-6833, (toll free) 888-788-0099 or 877-853-5247.

Meeting ID: 979 8816 0903

Passcode: 976062

Additional information regarding this matter will be available by 5 p.m. on the Friday before the meeting. This information will be posted to the City of Homer online calendar page for April 5, 2023 at <https://www.cityofhomer-ak.gov/calendar>. It will also be available at the Planning and Zoning Office at Homer City Hall and at the Homer Public Library.

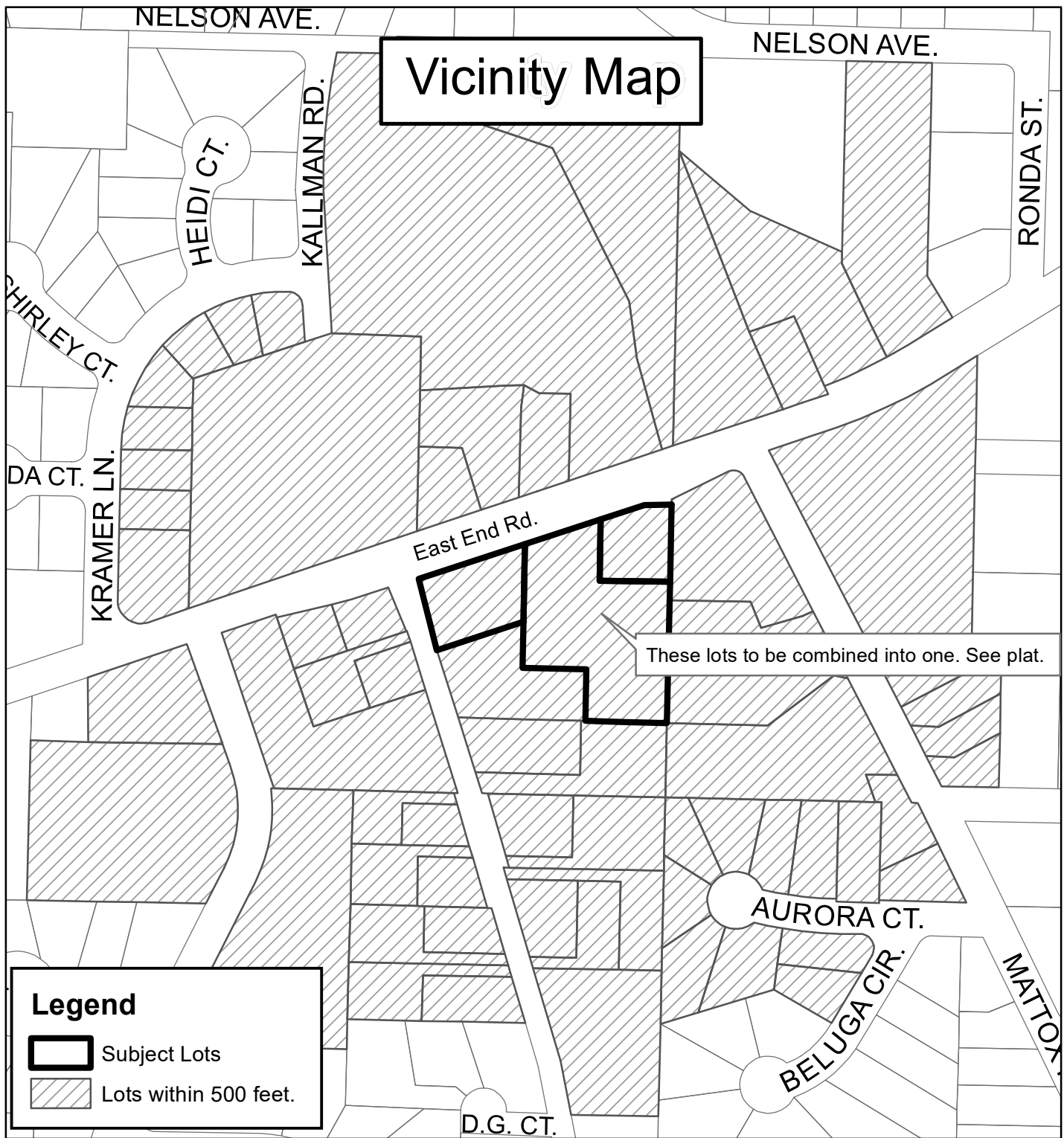
Written comments can be emailed to the Planning and Zoning Office at the address below, mailed to Homer City Hall at the address above, or placed in the Homer City Hall drop box at any time. Written comments must be received by 4 p.m. on the day of the meeting.

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

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

.....

## VICINITY MAP ON REVERSE



City of Homer  
Planning and Zoning Department

March 16, 2023

## Request for A.A. Mattox Subdivision Replat

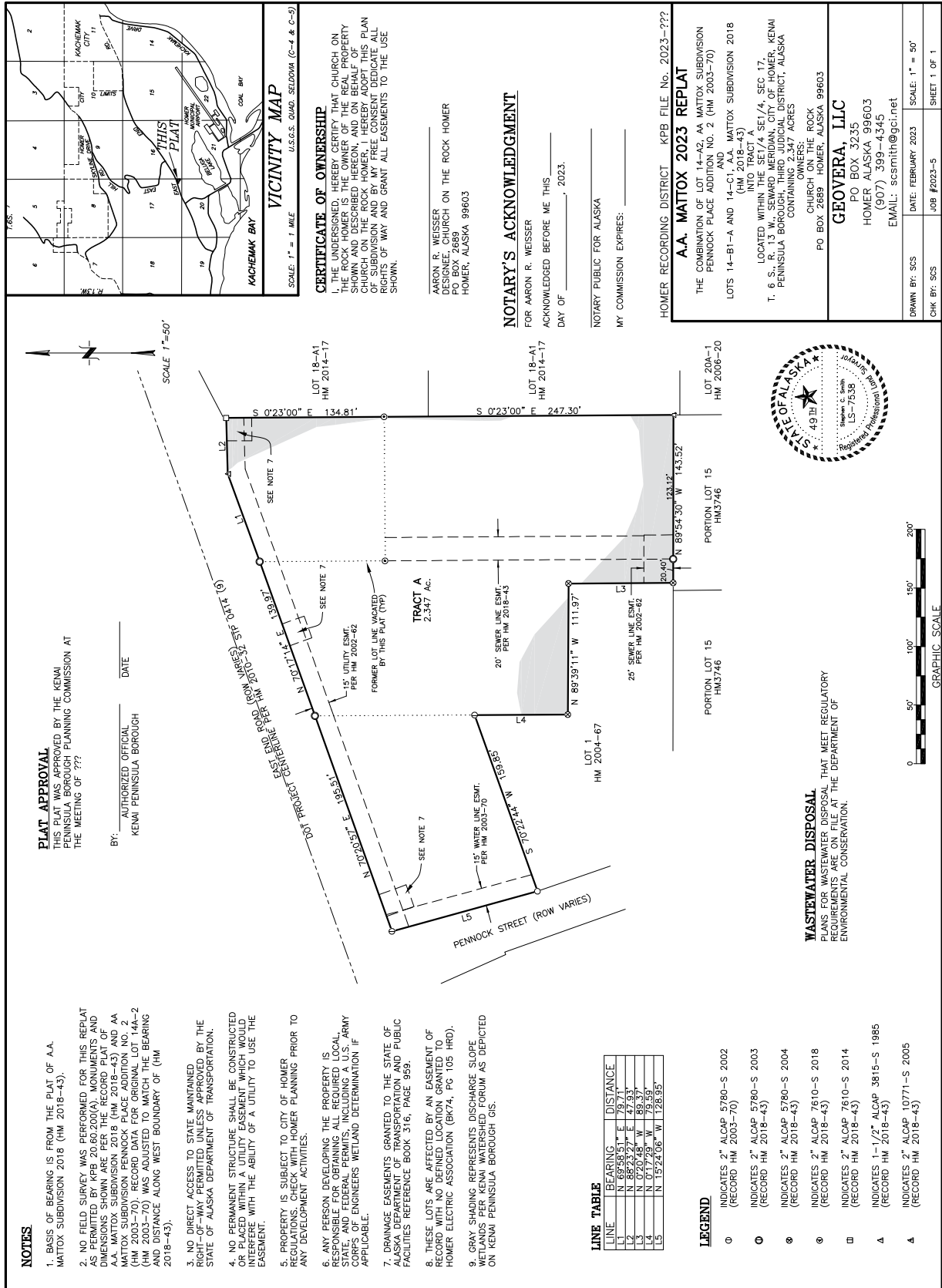
Marked lots are within 500 feet and  
property owners notified.

0 165 330 Feet



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





RECEIVED

MAR 08 2023

CITY OF HOMER  
PLANNING/ZONING

PLAT APPROVAL

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

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

NOTES

1. BASIS OF BEARING IS FROM THE PLAT OF A.A. MATTOX SUBDIVISION 2018 (HM 2018-43).
2. NO FIELD SURVEY WAS PERFORMED FOR THIS REPLAT AS PERMITTED BY KPB 20.60.001(A), MONUMENTS AND DIMENSIONS SHOWN ARE PER THE RECORD PLAT OF A.A. MATTOX SUBDIVISION 2018 (HM 2018-43) AND A.A. MATTOX SUBDIVISION PENNOCK PLACE ADDITION NO. 2 (HM 2003-70). RECORD DATA FOR ORIGINAL LOT 14A-2 (HM 2003-70) WAS ADJUSTED TO MATCH THE BEARING AND DISTANCE ALONG WEST BOUNDARY OF (HM 2018-43).
3. NO DIRECT ACCESS TO STATE MAINTAINED RIGHT-OF-WAY PERMITTED UNLESS APPROVED BY THE STATE OF ALASKA DEPARTMENT OF TRANSPORTATION.
4. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
5. PROPERTY IS SUBJECT TO CITY OF HOMER REGULATIONS. CHECK WITH HOMER PLANNING PRIOR TO ANY DEVELOPMENT ACTIVITIES.
6. ANY PERSON DEVELOPING THE PROPERTY IS RESPONSIBLE FOR OBTAINING ALL REQUIRED LOCAL PERMITS FROM THE KENAI PENINSULA BOROUGH, ARMY CORPS OF ENGINEERS WETLAND DETERMINATION IF APPLICABLE.
7. DRAINAGE EASEMENTS GRANTED TO THE STATE OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES REFERENCE BOOK 316, PAGE 999.
8. THESE LOTS ARE AFFECTED BY AN EASEMENT OF RECORD WITH NO DEFINED LOCATION GRANTED TO HOMER ELECTRIC ASSOCIATION (BK74, PG 105 HRD).
9. GRAY SHADING REPRESENTS DISCHARGE SLOPE VETULUS FORS FOR KENAI WATERSHED FORUM AS DEPICTED ON KENAI PENINSULA BOROUGH GIS.

LINE TABLE

LINE	BEARING	DISTANCE
1-1	N 89°58'51" E	79.71'
1-2	N 89°58'51" E	79.71'
2-3	N 02°04'48" W	60.97'
3-4	N 01°12'28" W	75.59'
4-5	N 15°24'06" W	128.95'

LEGEND

- INDICATES 2" ALDAP 5780-S 2002 (RECORD HM 2003-70)
- INDICATES 2" ALDAP 5780-S 2003 (RECORD HM 2018-43)
- ⊙ INDICATES 2" ALDAP 5780-S 2004 (RECORD HM 2018-43)
- ⊙ INDICATES 2" ALDAP 7610-S 2018 (RECORD HM 2018-43)
- INDICATES 2" ALDAP 7610-S 2014 (RECORD HM 2018-43)
- 4 INDICATES 1-1/2" ALDAP 3815-S 1985 (RECORD HM 2018-43)
- 4 INDICATES 2" ALDAP 10771-S 2005 (RECORD HM 2018-43)

WASTEWATER DISPOSAL

PLANS FOR WASTEWATER DISPOSAL  
REQUIREMENTS AND REGULATORY  
ENVIRONMENTAL CONSERVATION.



GRAPHIC SCALE



VICINITY MAP

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

CERTIFICATE OF OWNERSHIP

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

AARON R. WEISSER  
DESIGNEE, CHURCH ON THE ROCK HOMER  
PO BOX 2689  
HOMER, ALASKA 99603

NOTARY'S ACKNOWLEDGMENT

FOR AARON R. WEISSER  
ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_  
DAY OF \_\_\_\_\_, 2023.

NOTARY PUBLIC FOR ALASKA

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

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

A.A. MATTOX 2023 REPLAT

THE COMBINATION OF LOT 14-A2, A.A. MATTOX SUBDIVISION  
PENNOCK PLACE ADDITION NO. 2 (HM 2003-70)  
AND

LOTS 14-B1-A AND 14-C1, A.A. MATTOX SUBDIVISION 2018  
(HM 2018-43)  
INTO TRACT A

LOCATED WITHIN THE SE1/4, SE1/4, SEC 17,  
T. 6 S., R. 13 W., SEWARD MERIDIAN, CITY OF HOMER, KENAI  
PENINSULA BOROUGH, THIRD JUDICIAL DISTRICT, ALASKA  
CONTAINING APPROXIMATELY \_\_\_\_\_ ACRES  
OWNERS:

CHURCH ON THE ROCK  
PO BOX 2689 HOMER, ALASKA 99603

GEOVERA, LLC

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

DRAWN BY: SCS DATE: FEBRUARY 2023 SCALE: 1" = 50'

CHK BY: SCS JOB #2023-4 SHEET

# Geovera, LLC

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

February 10, 2023

City of Homer  
Planning Department  
Rick Abboud, Planning Director  
491 E. Pioneer Ave.  
Homer, Alaska 99603

RE: A.A. Mattox 2023 Replat

Rick,

Please find enclosed (1) full size copy and (2) 11X17 copies of the preliminary plat of A.A. Mattox 2023 Replat, and a \$300.00 check for the submittal fee.

This plat combines Lot 14-A2, (HM 2003-70) and Lots 14-B1-A and 14-C1, (HM 2018-43). Into a single lot in accordance with KPB 20.60.200(A). No field survey is being done.

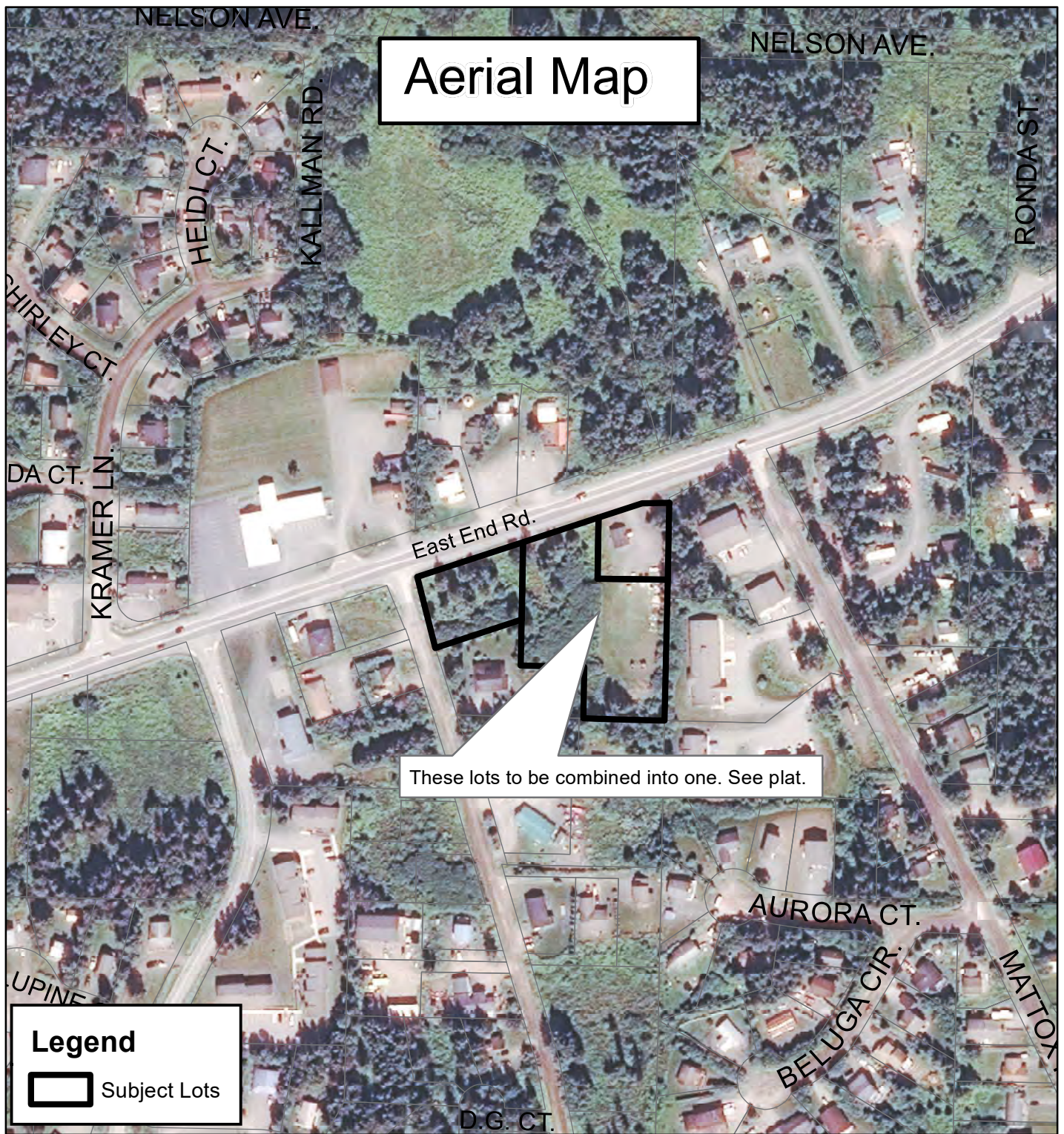
Existing easements as shown on the parent plats will remain. Notes from the parent plats have been carried forward on this plat.

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

Sincerely,

  
Stephen C. Smith P.L.S.





City of Homer  
Planning and Zoning Department

March 30, 2023

## Request for A.A. Mattox Subdivision Replat

0 165 330 Feet

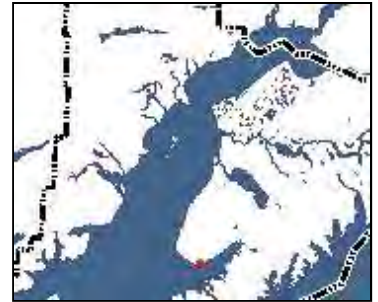


**Disclaimer:**  
It is expressly understood the City of Homer, its council, board, departments, employees and agents are not responsible for any errors or omissions contained herein, or deductions, interpretations or conclusions drawn therefrom.





# A.A. Mattox Subdivision Replat



## Legend

- Mileposts
- City Limits
- Highways
- Major Roads
- Roads
  - Town Medium Volume
  - Town Low/Seasonal; Other
  - Proposed

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. It is not to be used for navigation.

## Notes

Type any notes here.

DATE PRINTED: 3/30/2023

## **E. NEW BUSINESS**

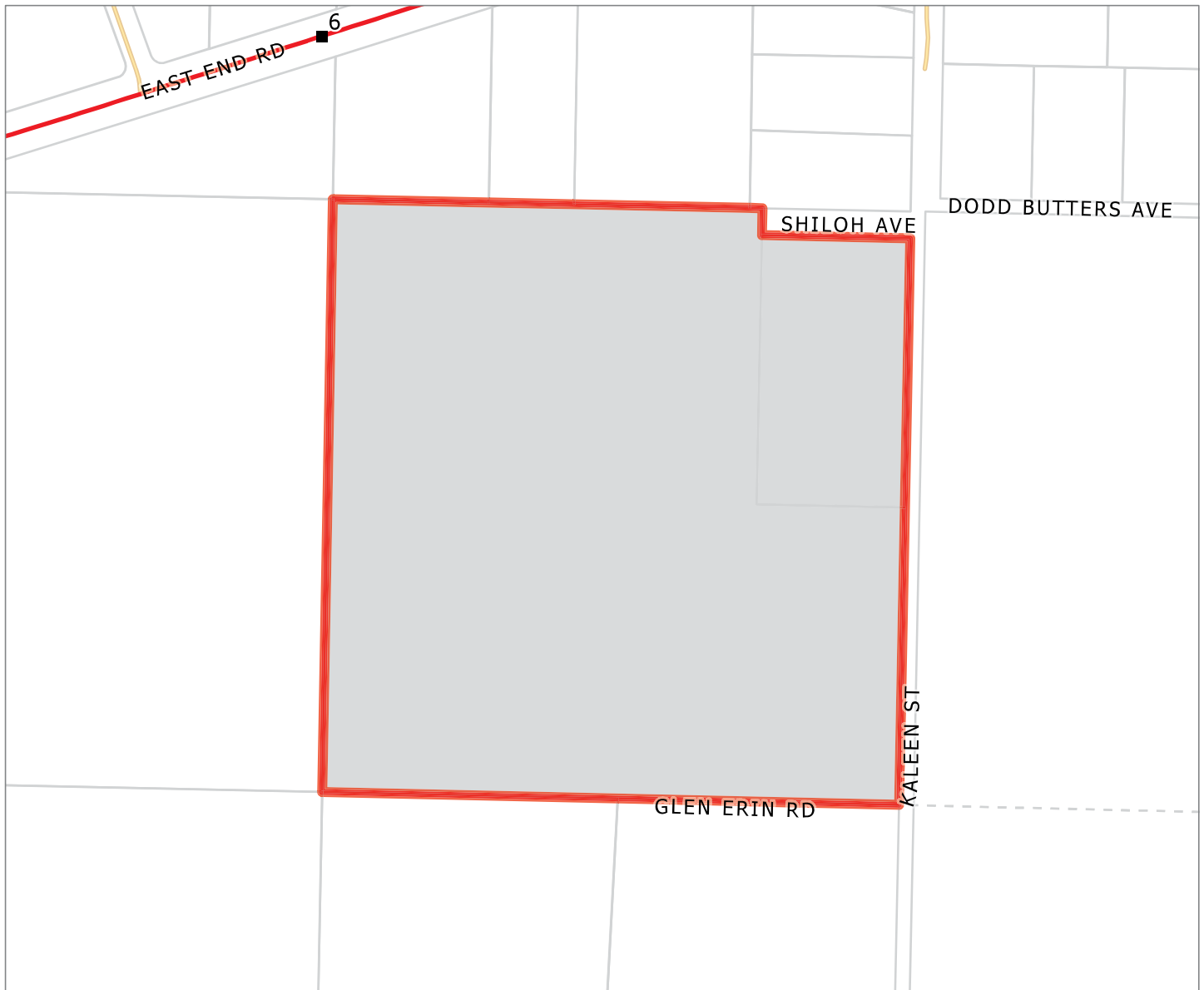
- 5. Patch Subdivision 2023; KPB File 2023-030R1  
Geovera, LLC / Patch Shafford  
Location; Kaleen Street & Shiloh Avenue  
Fritz Creek Area / Kachemak Bay APC**





# Kenai Peninsula Borough Planning Department

## Vicinity Map

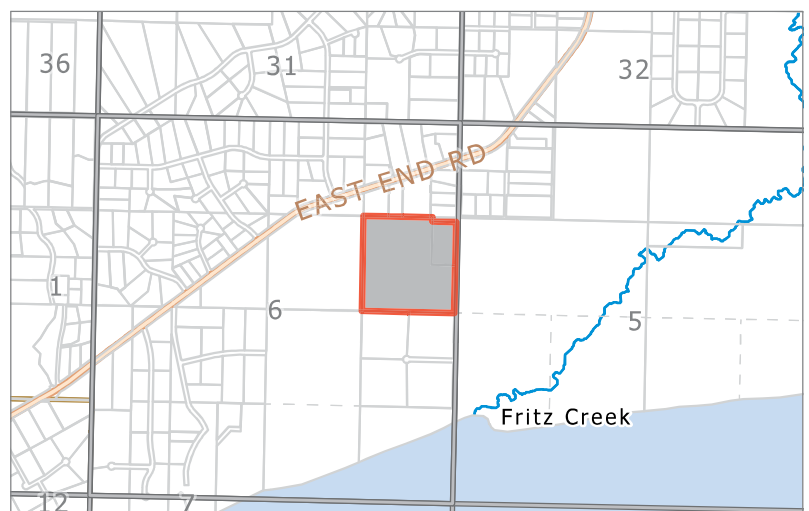
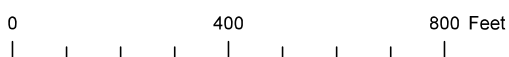


KPB File 2023-030R1

T 06S R 12W SEC 06

Fritz Creek

5/20/2023







**Aerial View**





1. BASIS OF BEARING FOR THIS SURVEY IS FROM THE PARENT PLAT OF PATCH SUBDIVISION (2007-46 HRD).
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.
4. 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.
5. ROADS MUST MEET THE DESIGN AND CONSTRUCTION STANDARDS ESTABLISHED BY THE BOROUGH IN ORDER TO BE CONSIDERED FOR CERTIFICATION AND INCLUSION IN THE ROAD MAINTENANCE PROGRAM (BKP 14.06).
6. THESE LOTS ARE AFFECTED BY AN EASEMENT OF RECORD WITH NO DEFINED LOCATION GRANTED TO HOMER ELECTRIC ASSOCIATION (BK49, PG 294 HRD).
7. THE ENTIRE SUBDIVISION CONTAINS POSSIBLE LOW WET AREAS PER THE KENAI WETLANDS FORUM WETLANDS ASSESSMENT.

THE UNDERSIGNED OFFICIAL IDENTIFIED BY NAME AND TITLE IS AUTHORIZED TO ACCEPT AND HEREBY ACCEPTS ON BEHALF OF THE KENAI PENINSULA BOROUGH FOR PUBLIC USES AND FOR PUBLIC PURPOSES THE REAL PROPERTY TO BE DEDICATED BY THIS PLAT INCLUDING EASEMENTS, RIGHTS-OF-WAY, ALLEYS, AND OTHER PUBLIC AREAS SHOWN ON THIS PLAT IDENTIFIED AS FOLLOWS:

THE SHILOH AVE. RIGHT-OF-WAY.  
THE MANDOLIN AVE. RIGHT-OF-WAY  
THE PRIMA VISTA ST. RIGHT-OF-WAY

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

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

TRACT A-1

THIS TRACT IS AT LEAST 200,000 SQUARE FEET IN SIZE AND CONDITIONS MAY NOT BE SUITABLE FOR ONSITE WASTEWATER TREATMENT AND DISPOSAL. ANY WASTEWATER TREATMENT OR DISPOSAL SYSTEM MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

SOIL CONDITIONS HAVE BEEN FOUND UNSUITABLE FOR CONVENTIONAL  
ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEMS. PLANS  
SHOWING A SUITABLE ALTERNATE WASTEWATER DISPOSAL SYSTEM THAT  
THAT COULD BE USED ON THIS TRACT IN THIS SUBDIVISION ARE  
INCLUDED IN THE ENGINEER'S SUBDIVISION AND SOILS REPORT AND  
ARE AVAILABLE FROM THE KENAI PENINSULA BOROUGH. ALL  
ALTERNATE ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEMS  
MUST BE DESIGNED FOR THE SPECIFIC INSTALLATION BY A QUALIFIED  
ENGINEER LICENSED TO PRACTICE IN THE STATE OF ALASKA. THE DESIGN  
MUST BE APPROVED BY THE ALASKA DEPARTMENT OF ENVIRONMENTAL  
CONSERVATION PRIOR TO CONSTRUCTION.

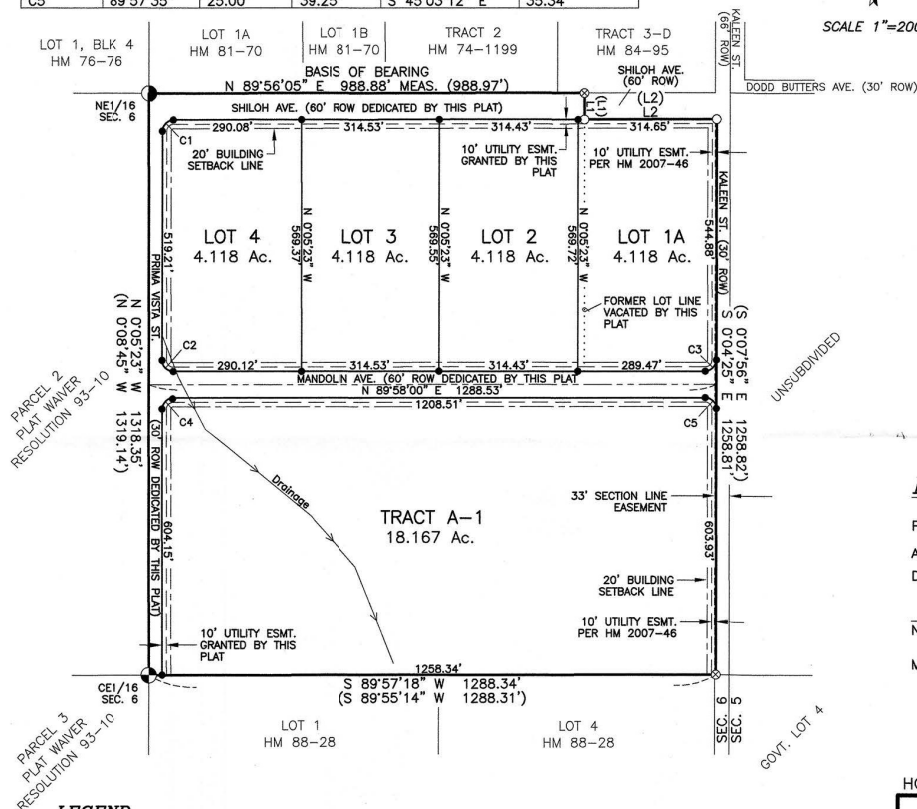
LINE	BEARING	DISTANCE
L1	S 0°04'37" E	60.00'
(L1)	S 0°08'08" E	60.00'
L2	N 89°56'05" E	299.83'
(L2)	N 89°56'05" E	299.65'

CURVE	DELTA	RADIUS	LENGTH	CHORD BRNG	CHORD DIST
C1	90'01".28"	25.00'	39.28'	N 44°55'21" E	35.36'
C2	89°56'.37"	25.00'	39.28'	N 45°03'41" W	35.36'
C3	90°02'.25"	25.00'	39.29'	S 44°56'48" W	35.37'
C4	90°03'.23"	25.00'	39.29'	N 44°56'19" E	35.37'
C5	89°57'.35"	25.00'	39.25'	S 45°03'12" E	35.34'

THIS PLAT WAS APPROVED BY THE KENAI  
PENINSULA BOROUGH PLANNING COMMISSION AT  
THE MEETING OF APRIL 10, 2023

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

DATE \_\_\_\_\_

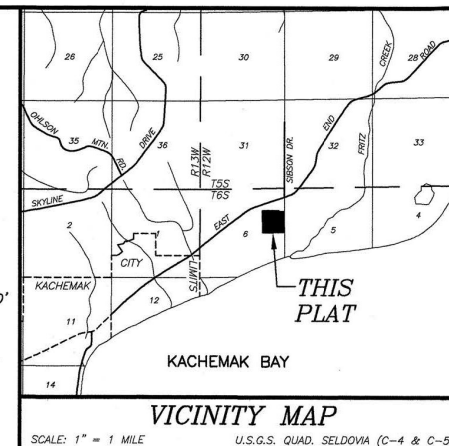
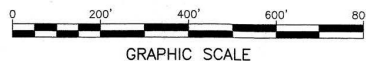


- INDICATES 2-1/2" BRASS CAP W/ON (4469-S, 1980)  
RECOVERED THIS SURVEY
- INDICATES 1" IRON PIPE (5780-S HM 2007-46)  
RECOVERED THIS SURVEY
- INDICATES 5/8" REBAR (CAP MISSING)  
RECOVERED THIS SURVEY
- ⊗ INDICATES 2" ALCAP (5780-S 2007)  
RECOVERED THIS SURVEY
- INDICATES 5/8" X 30" REBAR WITH 2" ALCAP  
(7538-S, 2023) SET THIS SURVEY
- ( ) INDICATES RECORD DATA PER PARENT PLAT (HM 2007-46)



ENGINEER \_\_\_\_\_ LICENSE # \_\_\_\_\_ DATE \_\_\_\_\_

KPB 2023-030R1



I HEREBY CERTIFY THAT I AM THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON, 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 HEREON.

MICHAEL P. PATCH  
40457 KALEEN STREET  
HOMER, ALASKA 99603

FOR MICHAEL P. PATCH  
ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_  
DAY OF \_\_\_\_\_, 2023.  
\_\_\_\_\_  
NOTARY PUBLIC FOR ALASKA  
\_\_\_\_\_  
MY COMMISSION EXPIRES: \_\_\_\_\_

HOMER RECORDING DISTRICT KPB FILE No. 2023-030

THE SUBDIVISION OF TRACT A,  
PATCH SUBDIVISION (HM 2007-46C)  
LOCATED WITHIN THE SE1/4, NE1/4, SEC 6,  
T. 6 S., R. 12 W., SEWARD MERIDIAN, KENAI PENINSULA BOROUGH,  
THIRD JUDICIAL DISTRICT, ALASKA  
CONTAINING 38.091 ACRES  
OWNER:  
MICHAEL P. PATCH  
40457 KALEEN STREET HOMER, ALASKA 99603

DRAWN BY: SCS	MAY 2023	SCALE: 1" = 200'
CHK BY: SCS	JOB #2023-9	SHEET 1 OF 1



AGENDA ITEM E. NEW BUSINESS

ITEM 5 – PATCH SUBDIVISION 2023

<b>KPB File No.</b>	2023-030R1
<b>Plat Committee Meeting:</b>	June 12, 2023
<b>Applicant / Owner:</b>	Michael Patch of Homer, Alaska & Eric Shafford of Fritz Creek, Alaska
<b>Surveyor:</b>	Stephen Smith / Geovera, LLC
<b>General Location:</b>	Kaleen Street, Shiloh Avenue, Fritz Creek, Kachemak Bay APC

<b>Parent Parcel No.:</b>	174-320-34 & 174-320-33
<b>Legal Description:</b>	Lot 1 & Tract A, Patch Subdivision, Plat HM 2007-46
<b>Assessing Use:</b>	Residential
<b>Zoning:</b>	Rural Unrestricted
<b>Water / Wastewater</b>	On site

---

STAFF REPORT

**Specific Request / Scope of Subdivision:** The proposed plat will subdivide a 34.5 acre parcel into three lots and a tract and reconfigure one existing lot. The four lots created will be equal in acreage at 4.118 acres and the tract will be 18.167 acres. Three dedications are proposed; a continuation of Shiloh Avenue, Mandolin Avenue, through the middle of the plat, and a half dedication on the west side of the plat for Prima Vista Street.

**Location and Legal Access (existing and proposed):** The proposed subdivision is located near mile 6 of state maintained East End Road. Kaleen Street provides the access and connects to East End Road. Kaleen Street is a varying width right-of-way with the northern 500 feet maintained by the Kenai Peninsula Borough (KPB). The portion of Kaleen Street abutting the proposed subdivision is only dedicated as 30 feet wide. Per KPB data there is a 33 foot section line easement along the eastern boundary and it is depicted on the plat. The eastern half of the Kaleen Street has not yet been dedicated and per KPB data, a section line easement is not present for that side of the section line.

Shiloh Avenue is a 60 foot wide dedication located along the north of the subdivision. Shiloh Avenue is connected to Kaleen Street. It appears that the existing, approximately 360 feet, dedication of Shiloh Avenue is not constructed. The proposed plat will be extending the dedication of Shiloh Avenue along the northern boundary of the subdivision. The four lots being created will have access from Shiloh Avenue and Mandolin Avenue. Lot 1A will have access from Kaleen Street. Lot 4 will have access from Prima Vista Street. Existing improvements will remain on Tract A-1 with access from Kaleen Street, Mandolin Avenue and Prima Vista Street.

The block is compliant, being completed by Kaleen Street, Mandolin Avenue, Prima Vista Street and Shiloh Avenue. There is a 33 foot section line easement along the section to the east of this property, with 3 feet still inside Lot 1A and Tract A-1.

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

**Site Investigation:** The entire subdivision is covered with wetland designations. Most of the subdivision is considered discharge slopes with riverine around the drainage area and some area of disturb located in the southern portion. The plat does not show wetlands but the drainage area is depicted and the plat has a note that the entire subdivision may contain low wet areas. The wetland determination plat note is present. **Staff recommends the final plat not change the depictions or notes.**

There does not appear to be any steep slopes present within the subdivision. The property has gentle slopes that slope to the southeast.

There does not appear to be any encroachment issue with the proposed subdivision. There is an access being used for some lots to the south instead of the dedicated right-of-way, Cline Court, which is unconstructed. **Staff recommends** the location of the access road, known for 9-1-1 purposes as Glen Erin Road, be verified and if any portion is within the subdivision boundary an easement be drawn up to encompass the encroachment.

KPB River Center review	<p>A. Floodplain  Reviewer: Hindman, Julie  Floodplain Status: IS in flood hazard area  Comments: Flood Zone: X (shaded)  Map Panel: 02122C-2120E  In Floodway: False  Floodway Panel:</p> <p>B. Habitat Protection  Reviewer: Aldridge, Morgan  Habitat Protection District Status: Is NOT within HPD  Comments: No comments</p> <p>C. State Parks  Reviewer: VACANT  Comments:</p>
State of Alaska Fish and Game	No objections

**Staff Analysis** The proposed subdivision is a replat of land that was originally subdivided by Plat Waiver Resolution 93-10. The Plat Waiver created three lots from aliquot lands and a government lot. The property was considered Parcel 1 of the resolution. Parcel 1 was subdivided by Patch Subdivision, HM 2007-46 and created Lot 1 and Tract A. This plat will adjust Lot 1 and create three new lots and dedicate three new road locations.

A soils report was done last month on the location of Lot 4. Soil conditions were found to be unsuitable for conventional onsite wastewater treatment and disposal systems. The engineer has stated the soils are the same going east. **Staff recommends:** The committee concur no more soil reports are required nor is an exception. Appropriate notes are present.

Notice of the proposed plat was mailed to the beneficial interest holder on May 24, 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.

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.

**Utility Easements** There are utility easements being carried forward from parent plat HM 2007-46. The correct notes source is being shown. New 10 foot utility easements are being granted along all new right-of-way dedications.

The Certificate to Plat detailed a blanket easement granted to Homer Electric Association and the correct plat note is show.

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

**Utility provider review:**

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

**KPB department / agency review:**

Addressing	<p>Reviewer: Leavitt, Rhealyn Affected Addresses: 40457 KALEEN ST</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names: SHILOH AVE, KALEEN STREET, DODD BUTTERS AVE</p> <p>Existing Street Name Corrections Needed:</p> <p>All New Street Names are Approved: Yes</p> <p>List of Approved Street Names: MANDOLIN AVE, PIMA VISTA ST</p> <p>Comments: 40457 KALEEN ST WILL REMAIN BECAUSE THE DRIVEWAY TO THE STRUCTURE IS FROM KALEEN ST</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>
Kachemak Bay Advisory Planning Commission	

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

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

- Change KPB File number to 2023-030R1



**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 Eric Shafford to owners along with his address. Make owner – owners.

---

**KPB 20.30 – Subdivision Design Requirements**

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

---

**KPB 20.40 – Wastewater Disposal**

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

20.40.010 Wastewater disposal.

*Platting Staff Comments:*

**Staff recommendation:** comply with 20.40.

---

**KPB 20.60 – Final Plat**

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

20.60.110. 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. *Overall distances need to be shown on lines totaling individual lines up, specifically on the north and south lines of Lots 1A and 2-4.*

20.60.180. Plat notes.

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

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

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

- Update the plat note numbers

20.60.190. Certificates, statements, and signatures required.

**Staff recommendation:** *comply with 20.60.190.*

*Update the date of Plat Approval to June 12, 2023.*

*KPB 20.60.190 corrected the Notary's Acknowledgement so it is an acknowledgement instead of a combination of an acknowledgement and a jurat.*

**Staff recommendation:** *the Notary's Acknowledgement on the final plat must comply with 20.60.190.*

---

**RECOMMENDATION:**

**STAFF RECOMMENDS:**

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

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

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

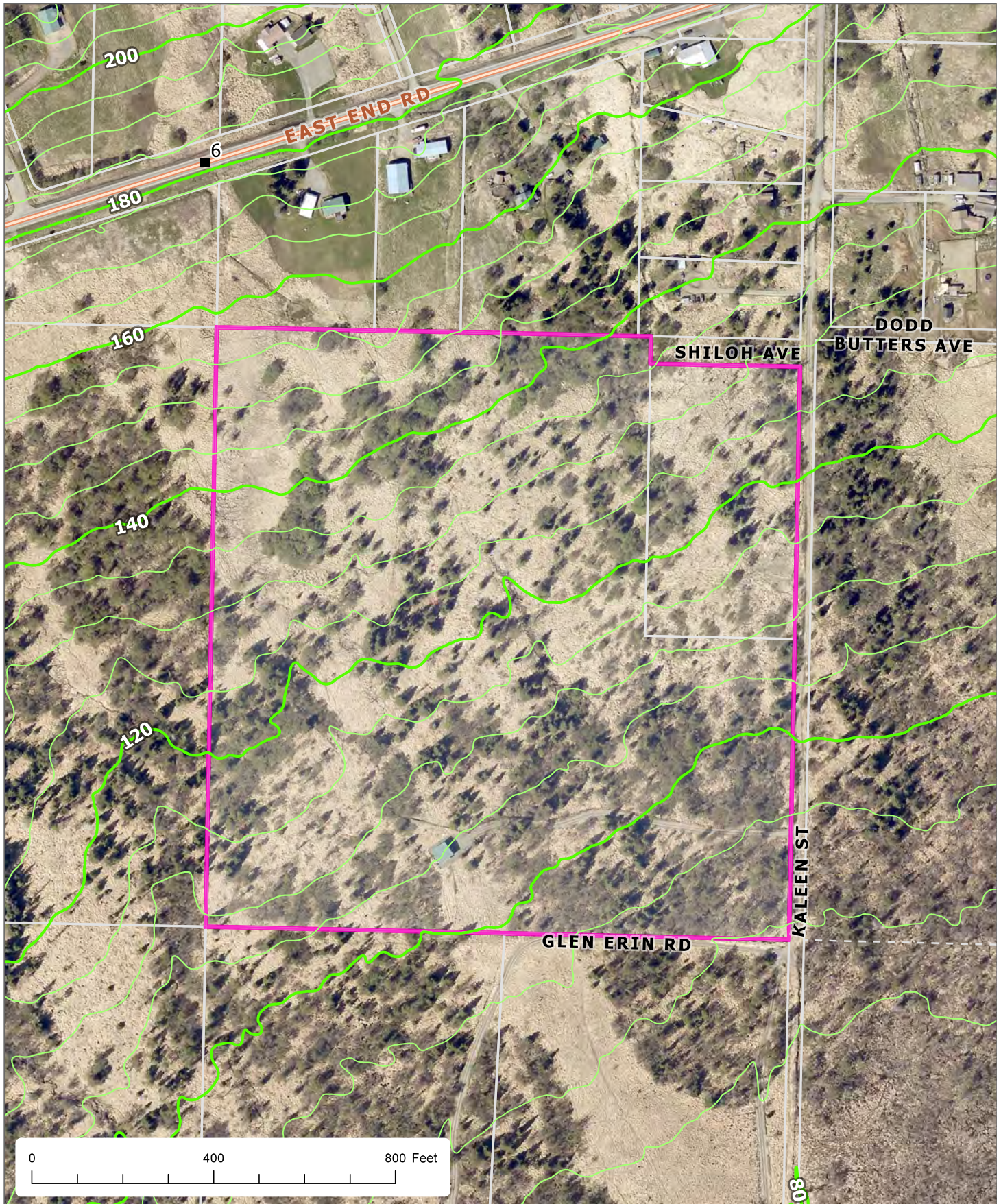
A DECISION OF THE PLANNING COMMISSION MAY BE APPEALED TO THE HEARING OFFICER BY A PARTY OF RECORD WITHIN 15 DAYS OF THE DATE OF NOTICE OF DECISION IN ACCORDANCE WITH KPB 21.20.250.

**END OF STAFF REPORT**





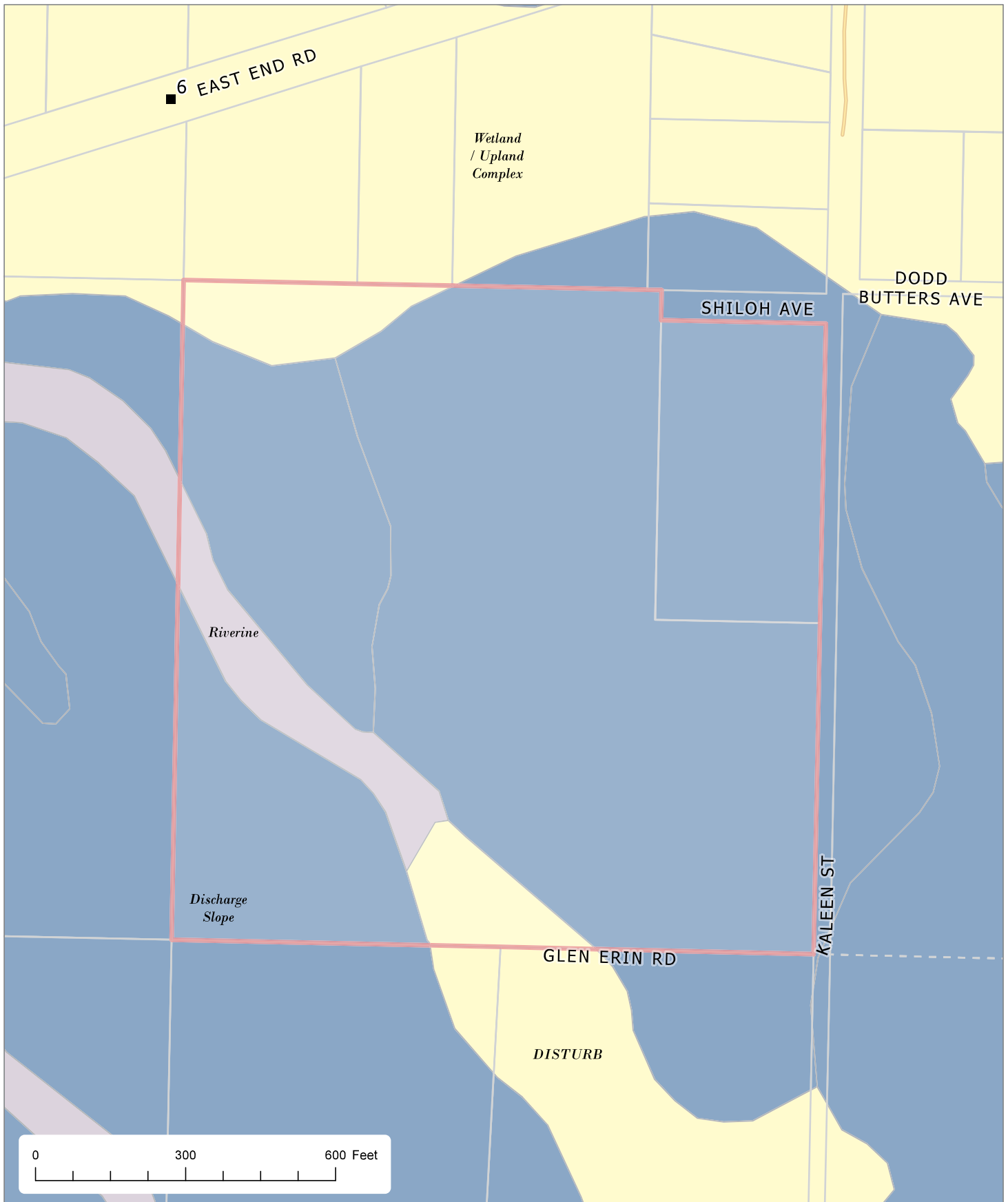








**Wetlands**





### Notes

1. All wastewater disposal systems shall comply with existing applicable laws at the time of construction.
2. Set a self identifying 2" aluminum cap on 5/8" x 3/32" steel rebar at all lot corners and ROW points of curvature for this survey, unless shown otherwise.
3. The 10 ft fronting the rights-of-way is a utility easement. No permanent structure shall be constructed or placed within a utility easement which would interfere with the ability of the utility to use the easement.
4. A building setback of 20 feet is required from all street rights-of-way unless a lesser standard is approved by the appropriate Planning Commission.
5. Kaleen Street overlays a portion of the existing section line easement.
6. Basis of Bearing for this subdivision is from Plat No. 75-22, Schroer Subdivision. From the Corner for Sections 31, 32, 5, & 6 to the 1/4 Corner for Sections 31 & 32, N0°09'00"W 2640.44' (Measured) (2639.34' record distance Plat No. 77-17).
7. Roads must meet the design and construction standards established by the Borough in order to be considered for certification and inclusion in the road maintenance program.
8. Record dimensions shown in parentheses where applicable.
9. WASTEWATER DISPOSAL These tracts are at least 200,000 square feet or nominal 5 acres in size and conditions may not be suitable for onsite wastewater treatment and disposal. Any wastewater treatment or disposal system must meet the regulatory requirements of the Alaska Department of Environmental Conservation.

10. This subdivision may or may not contain areas of wetlands. Owners and developers are encouraged to contact the Army Corps of Engineers for any required permits prior to any development activities within the subdivision boundary.

### 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.

*Roger W. Imhoff* 5/7/07  
 Roger W. Imhoff LS 5780 Date



2007-46  
 REC DIST  
 Date 6/13/07  
 Time 11:21 AM  
 Requested By Imhoff  
 Address

### Ownership Certificate

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

*Michael P. Patch* May 15, 2007  
 Michael P. Patch Date  
 40530 Kaleen St  
 Homer, AK 99603

Notary's Acknowledgement  
 Subscribed and sworn to me before me this 15th day  
 of May, 2007

for Michael P. Patch

*Kathy Oakland*  
 Notary Public for Alaska  
 My Commission Expires 7-16-09



### Plat Approval

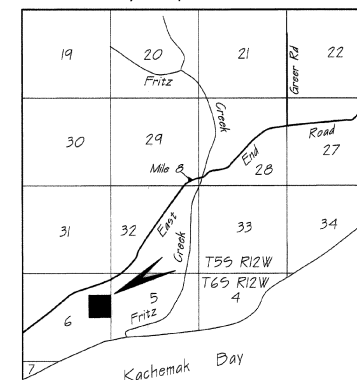
This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of

April 9, 2007

KENAI PENINSULA BOROUGH

By: *Mark Best*  
 Authorized Official

Vicinity Map 1" = 1 Mile



### Patch Subdivision

Being a subdivision of Parcel 1 Plat Waiver Resolution 93-10  
 SE 1/4 NE 1/4 Section 6,  
 T6S, R12W, S4E

Located within the Kenai Peninsula Borough  
 Homer Recording District, Third Judicial District, Alaska  
 containing 39.923 Ac. more or less

Clients:  
 Michael Patch  
 40530 Kaleen St  
 Homer, AK 99603

Surveyor:  
 Roger W. Imhoff, RLS  
 PO Box 2588  
 Homer AK 99603

FB 2006-6 Drawn: RWI 3-05-07  
 Scale 1" = 200 ft File patch.vcd KP8 File No. 2006-303



**KENAI PENINSULA BOROUGH PLANNING COMMISSION  
PLAT WAIVER RESOLUTION 93-10**

**HOMER RECORDING DISTRICT**

GRANTING A PLATTING WAIVER FOR CERTAIN LANDS WITHIN SECTION 6, TOWNSHIP 6 SOUTH, RANGE 12 WEST, SEWARD MERIDIAN, HOMER RECORDING DISTRICT, ALASKA.

WHEREAS, A.R. CRONIN; FRANCES P. CRONIN; AND, NICHOLAS J. GANGL DBA/ N.J.G. INDUSTRIES HAS PETITIONED FOR A WAIVER OF PLATTING REQUIREMENTS FOR THE FOLLOWING DESCRIBED PARCEL:

THE S 1/2, NE 1/4 AND THE NW 1/4 SE 1/4, AND GOV'T LOT 6; ALL WITHIN SECTION 6, TOWNSHIP 6 SOUTH, RANGE 12 WEST, SEWARD MERIDIAN, ALASKA; CNTG 148.53± ACRES.

WHEREAS, 29.04.090 OF ALASKA STATUTES PROVIDES THAT THE PLATTING AUTHORITY SHALL WAIVE THE PREPARATION, SUBMISSION FOR APPROVAL, AND RECORDING OF A PLAT UPON SATISFACTORY EVIDENCE THAT CERTAIN CONDITIONS EXIST.

WHEREAS, IT HAS BEEN DETERMINED THAT ALL REQUIREMENTS HAVE BEEN MET.

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

SECTION 1. THAT A WAIVER OF PLATTING REQUIREMENTS IS HEREBY GRANTED FOR THE ABOVE DESCRIBED PARCEL.

SECTION 2. THAT THE PLAT WAIVER IS BEING GRANTED FOR THE PURPOSE OF CREATING THREE PARCELS DESCRIBED AS FOLLOWS:

PARCEL 1. SE 1/4 NE 1/4 SECTION 6, TOWNSHIP 6 SOUTH, RANGE 12 WEST, SEWARD MERIDIAN, ALASKA; CNTG 40± ACRES.

PARCEL 2. SW 1/4 NE 1/4 SECTION 6, TOWNSHIP 6 SOUTH, RANGE 12 WEST, SEWARD MERIDIAN, ALASKA; CNTG 40± ACRES; EXCEPTING THEREFROM EAST END ROAD RIGHT-OF-WAY.

PARCEL 3. NW 1/4 SE 1/4 AND GOV'T LOT 6; ALL WITHIN SECTION 6, TOWNSHIP 6 SOUTH, RANGE 12 WEST, SEWARD MERIDIAN, ALASKA; CNTG 68.53± ACRES.

SECTION 3. THAT THIS RESOLUTION IS VOID IF NOT RECORDED IN THE APPROPRIATE RECORDING DISTRICT WITHIN TEN DAYS OF ADOPTION.

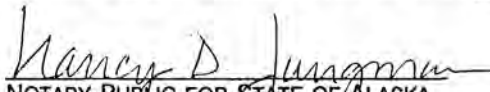
SECTION 4. THAT THIS RESOLUTION BECOMES EFFECTIVE UPON BEING PROPERLY RECORDED.

ADOPTED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH ON THIS 22<sup>nd</sup>, DAY OF March, 1993.

  
JOHN HAMMELMAN, CHAIRPERSON  
PLANNING COMMISSION

**NOTARY ACKNOWLEDGEMENT:**

SUBSCRIBED AND SWORN BEFORE ME THIS 22<sup>nd</sup> DAY OF March, 1993.

  
NOTARY PUBLIC FOR STATE OF ALASKA  
MY COMMISSION EXPIRES: 10-13-93

Notary Public  
St. of ALASKA  
**NANCY D. JUNGMAN**

93-0921

HOMER REC  
DISTRICT  
REQUESTED BY A.R. Cronin

'93 APR 8 PM 2 37

# **DESK PACKET**

**(MATERIALS SUBMITTED AFTER MEETING PACKET PUBLICATION)**

## **MISC. INFO**

- Kachemak Bay APC 06-05-23 Meeting Minutes

**KACHEMAK BAY ADVISORY PLANNING COMMISSION**  
**Unapproved Meeting Minutes**  
**MONDAY JUNE 5, 2023 - 7:00 PM**

1. CALL TO ORDER, called to order 7:05 pm

2. ROLL CALL

Present: Penelope Haas, Seat A; Hal Shepherd, Seat B; Owen Meyer, Seat C; Courtney Cox Brod, Seat D; Willy Dunne, Seat G

Excused: Louise Seguela, Seat E

Staff: Ryan Raidmae, KPB Planner

3. APPROVAL OF AGENDA

Agenda approved with the addition of Fox Sparrow plat, KPB 2023-060

4. APPROVAL OF May 1, 2023 MINUTES

Minutes approved as submitted

5. BOROUGH BUSINESS

a. REPORTS

i. PLANNER

Nothing to report

b. PLATTING

i. NOD for KPB 2023-026V, no comment

ii. NOD for KPB 2023-026, no comments

iii. NOD for KPB 2023-042

General discussion regarding exceptions made by PC to accommodate steep slopes which are difficult or impossible to develop. Ryan indicated the PC often approves exceptions to plats, otherwise properties could not be transferred. He also said Borough has no authority or duty to warn potential buyers about site limitations. There is a concern among the APC members that buyers could be stuck with land they cannot develop even though the PC approved plats with steep slopes and/or wetlands.

iv. NOD for KPB 2023-024V, no additional comments

v. NOD for KPB 2023-044, no additional comments

vi. Patch Subdivision, KPB 2023-030R1:



**Motion: The KBay APC recommends that before approval, the Plat Committee and Planning Commission require wetlands be indicated on this plat as required by KPB Code 20.25.070 h.** Discussion around the “drainage” indicated on plat and if that is a creek, KPB Code requires adjacent wetlands be delineated. **Motion passed without objection.**

There are also concerns about the low lying nature of the parcel resulting in poor drainage and potential flooding if a road is constructed in the proposed ROW. Site conditions also could result in wastewater systems having adverse effects on neighboring parcels.

vii. Fox Sparrow Subdivision KPB 2023-060

It was noted that the easternmost portion of this parcel is extremely wet.

**Motion: The KBay APC recommends the Planning Commission consider ways to protect wetlands in light of the recent SCOTUS decision in Sackett v EPA.** Discussion included ideas for potential Code changes to protect wetlands if the EPA no longer has that authority. If we (the Borough) continues to approve plats with substandard drainage and steep slopes, the taxpayers will be faced with paying to fix problems like the flooding being mitigated by KPB in the KBeach area. Poor drainage and adverse site conditions can also result in septic systems adversely impacting adjacent residents. **Motion passed without objection.**

6. OLD BUSINESS

a. Future meeting location and format:

Louise will continue to work with KBNERR to have a space for hybrid in person/Zoom meetings.

7. NEW BUSINESS

a. Schedule site visit to Gibson Ag Lease on Basargin Rd.

Commissioners indicated an interest in visiting the site in early August. Courtney will contact the lease holder to schedule a time to meet on site.

b. FY24 APC budget discussion

The FY24 budget being considered by KPB Assembly includes \$15,800 for APCs under “Contractual Services”. Ryan indicated these funds can be used to cover costs for meeting spaces and incidental supplies like paper, ink cartridges, mailings, etc. Equipment cannot be purchased with these funds.

8. PUBLIC COMMENT/PRESENTATION: none

9. COMMISSIONER COMMENTS

We thanked Owen Meyer for his service on the APC and wish him well as incoming President of the local Rotary Club.

## 10. ADJOURNMENT

Adjourned at 8:08 pm.

Next meeting will be at 7:00 pm on Monday August 7, 2023 (no meeting in July)

## **E. NEW BUSINESS**

**6. Dan Lee Subdivision No. 5; KPB File 2023-051**

**Segesser Surveys / Johnson**

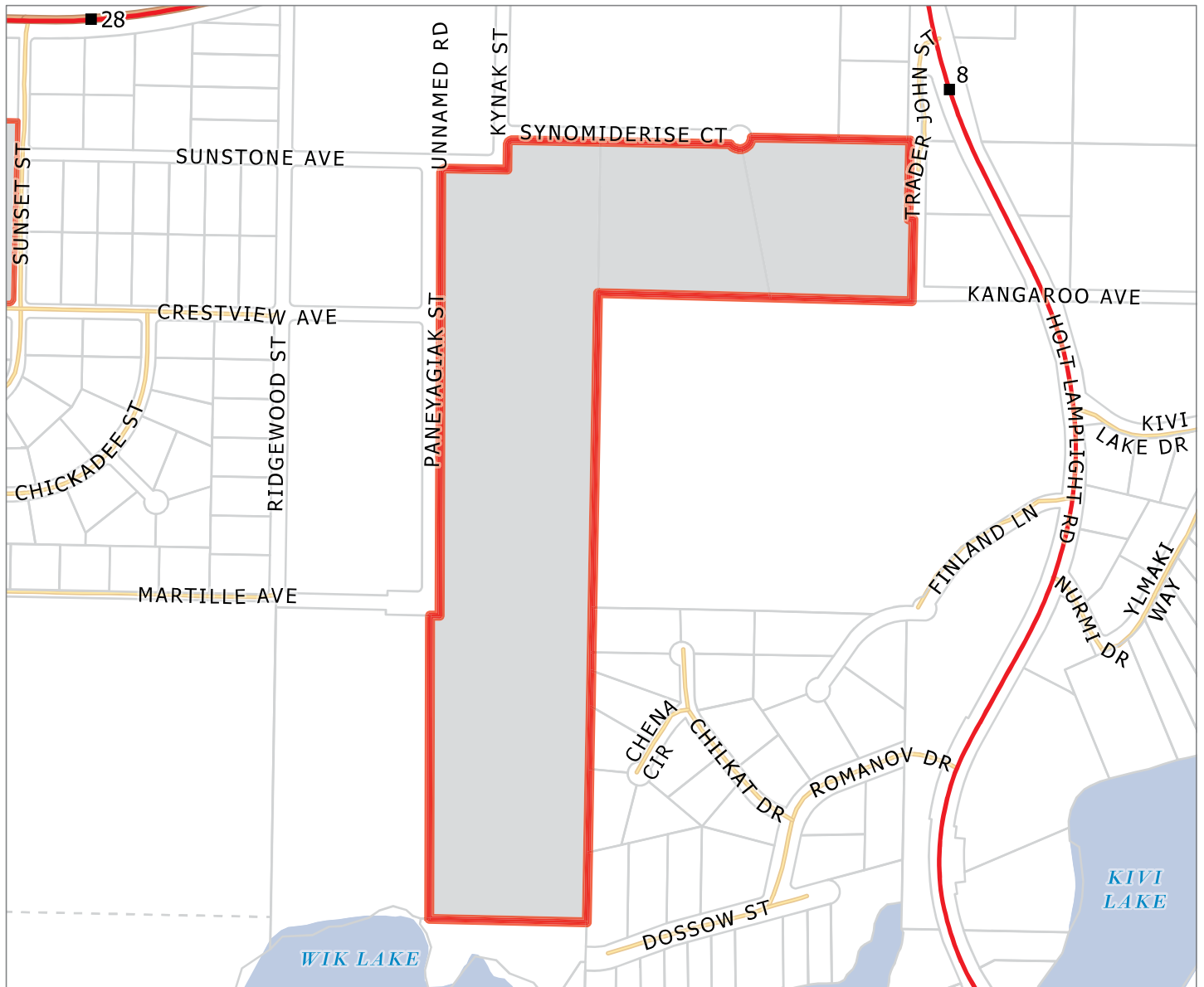
**Location: Syomiderise Court, Sunstone Ave. & Paneyagiak St.  
Nikiski Area / Nikiski APC**





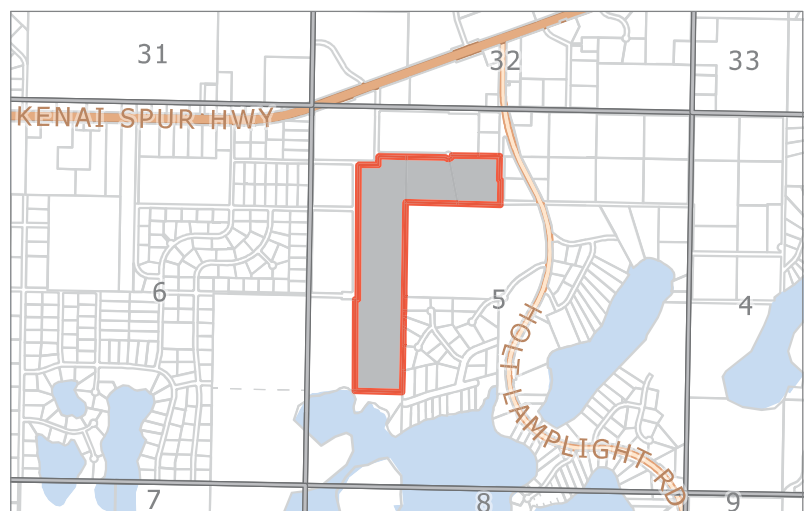
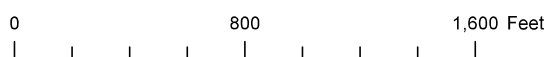
# Kenai Peninsula Borough Planning Department

## Vicinity Map



KPB File 2023-051  
T 07N R 11W SEC 05  
Nikiski

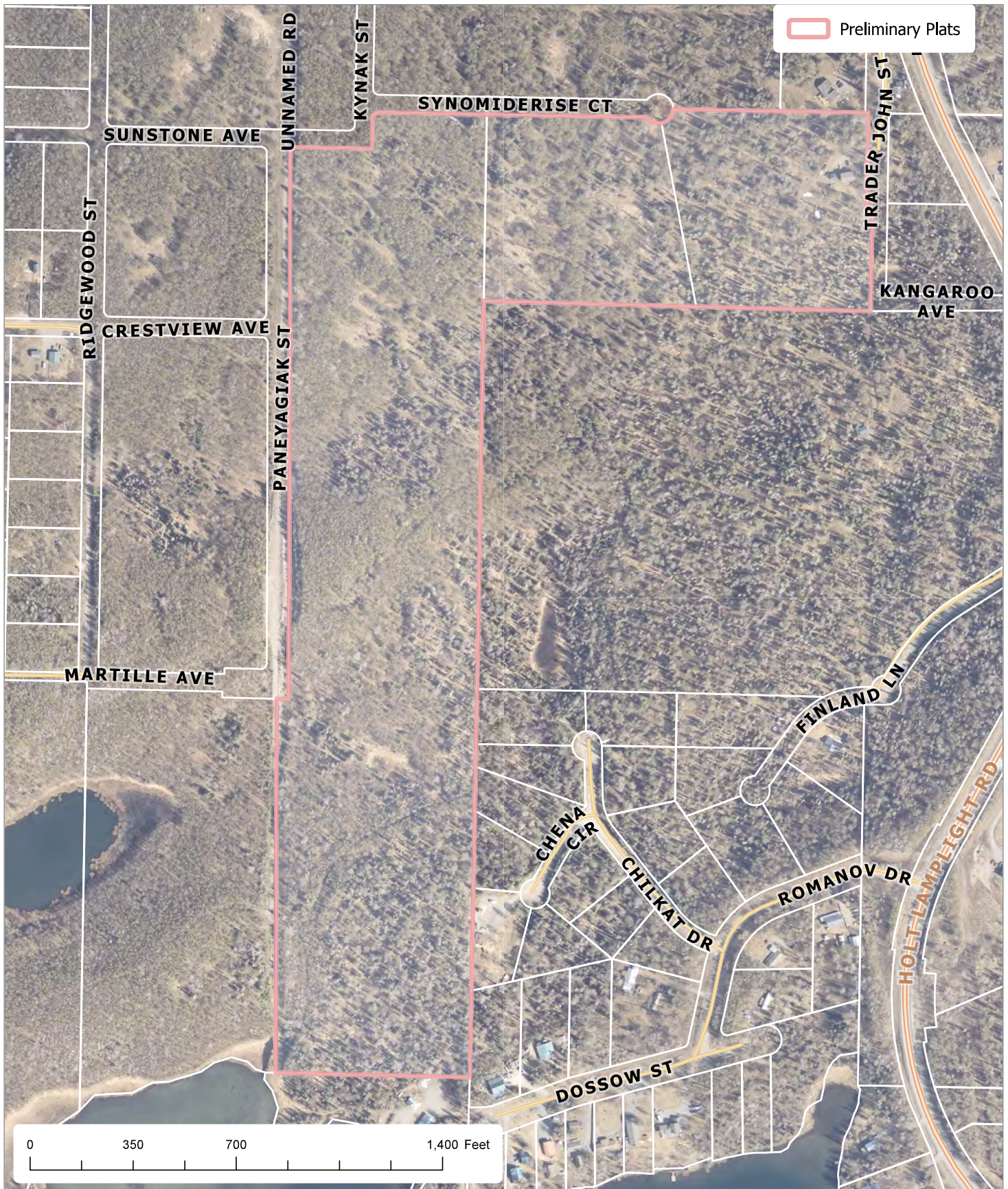
5/8/2023



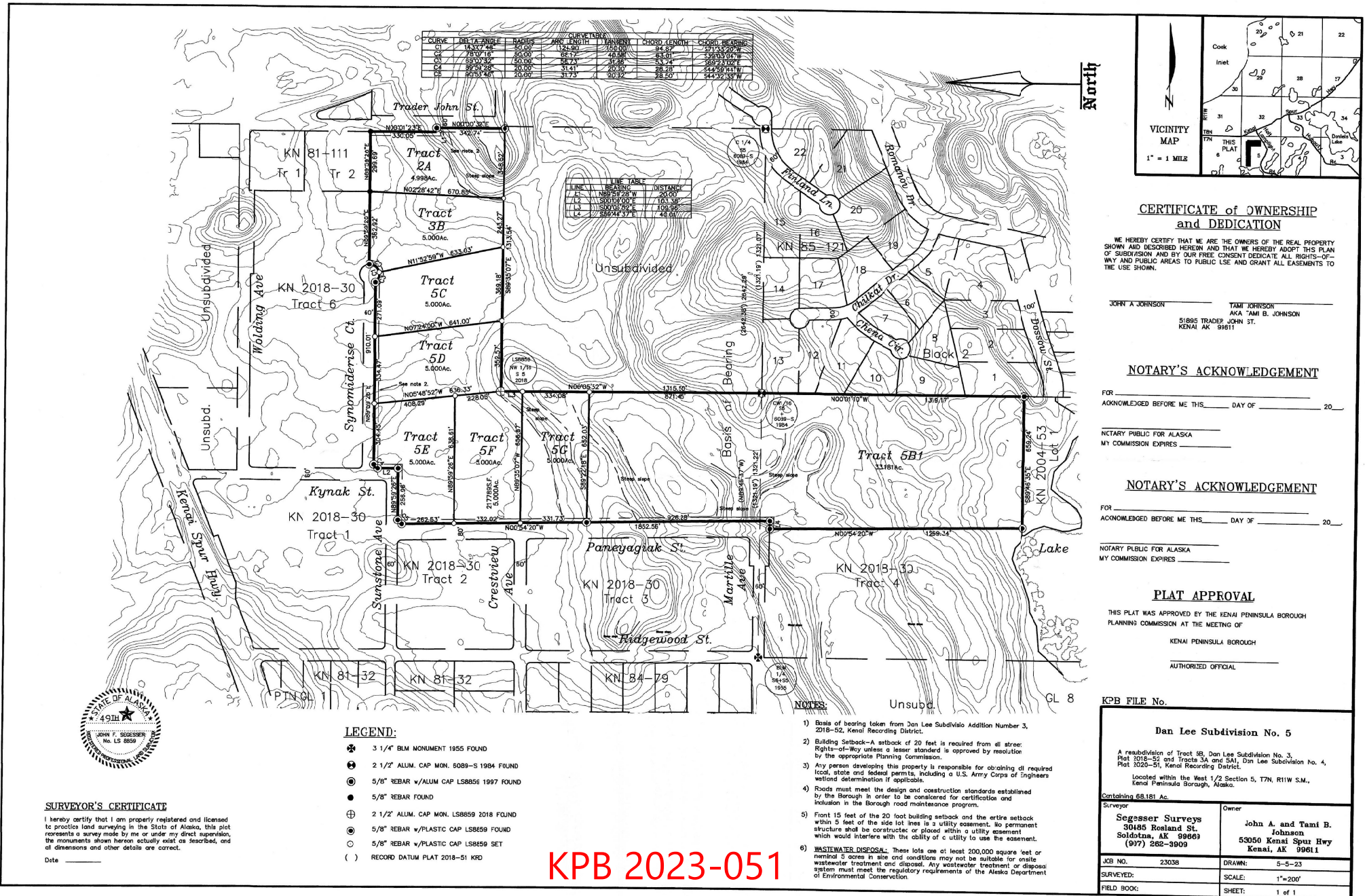




Aerial View









AGENDA ITEM E. NEW BUSINESS

ITEM #6 – DAN LEE SUBDIVISION NO 5

KPB File No.	2023-051
Plat Committee Meeting:	June 12, 2023
Applicant / Owner:	John and Tami Johnson
Surveyor:	John Segesser / Segesser Surveys
General Location:	Trader John St and Paneyagiak St, Nikiski

Parent Parcel No.:	013-212-62, 013-212-61, 013-212-60,
Legal Description:	Tract 5B Dan Lee Subdivision No. 3 KN2018-51 and Tracts 3A and 5A1 Dan Lee Subdivision No. 4 KN202-51
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	Onsite

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STAFF REPORT

**Specific Request / Scope of Subdivision:** The proposed plat will subdivide three tracts into seven tracts near 5.00 acres and one larger tract at 33.181 acres. The lots will be larger than 200,000 sq. ft. so a soils report is not required, and an engineer will not be required to sign the plat.

**Location and Legal Access (existing and proposed):**

Access to the subdivision is off state maintained Kenai Spur Highway. Tract 2A has access from Kenai Spur Highway by Holt Lamplight Road to Trader John Street which is undeveloped. Tracts 3B, 5C, 5D and 5E have access along Synomiderise Court which is undeveloped. Synomiderise Court connects to undeveloped Kynak Steet to Kenai Spur Highway. Tracts 5E, 5F, 5G and 5B1 have access from developed Paneyagiak Street which connects to Kenai Spur Highway by Ridgewood Street and Kynak Street. All the roads adjacent to the plat are 60-foot right-of-way except the north part of Trader John Street next to Tract 2A, which is an 80-foot right-of-way.

There will be no new dedications with this plat.

Block length is not compliant. An exception to KPB 20.30.170 Block – Length requirements, has been requested.

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

**Site Investigation:**

There are several areas of steep slopes indicated on the plat with notation and close contours.

There are improvements on the property located on Tract 2A, but there are no encroachment issues. There does appear to be a possible encroachment onto Tract 5B1 near the east line. **Staff recommends: the surveyor checks for encroachments when doing the field survey and if finding any, identify them and address how they will be reconciled before approval and recording.**

There are some wetlands on Tract 5B1 according to KPB GIS data that were not shown.

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

**Staff Analysis** This is a replat of over 68 acres into eight tracts. Dan-Lee Subdivision KN 81-111 created three tracts from the unsubdivided government Lot 3 of the NE1/4 of the NW1/4 of Section 5, T7N, R11W SM Kenai Peninsula Borough, Alaska. Dan Lee Subdivision No. 2 KN 2018-20 and Amended KN 2018-30 subdivided more of government Lot 3, 4 and 9 located in the SW1/4 SW1/4 Section 5, T7N, R11W SM and a portion of the SW1/4 SW1/4 Section 32, T8N, R11W SM, Kenai Peninsula Borough, Alaska, creating six tracts. Dan Lee Subdivision No. 3 KN 2018-52 divided Tract 5 of Dan Lee Subdivision No.2 Amended KN 2018-30 into two new tracts. Dan Lee Subdivision No. 4 KN 2020-51 divided the east tract of Dan Lee Subdivision No. 3 KN 2018-52 and the south tract of Dan-Lee Subdivision KN 81-111 into two new tracts. This plat will take the two tracts of Dan Lee Subdivision No. 4 KN 2020-51 and Tract 5B of Dan Lee Subdivision No. 3 KN 2018-52 and subdivide them into eight new tracts.

A soils report will not be required for this subdivision, as the lots are over 200,000 sq ft. **Staff recommends:** *correcting the verbiage in the Wastewater Disposal note.*

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.

Nikiski 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.

**Utility Easements** A 10 foot utility easement granted by Dan-Lee Subdivision KN 81-111, located at the south boundary of Tract 3 need to be shown on the drawing with the source listed. An existing 15 foot utility along road rights-of-way was carried forward from previous plats and is noted, but not shown on the drawing.

An existing 10 foot utility easement needs to be carried forward as shown on Dan Lee Subdivision No 4 KN 2020-51 that was granted by KN 81-111. This would be within proposed Tracts 2A and 3B.

The Certificate to Plat provided a general easement for the benefit of Homer Electric Association. **Staff recommends:** *this be added to the plat notes.*

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

**Utility provider review:**

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

**KPB department / agency review:**

Addressing	<p>Reviewer: Leavitt, Rhealyn Affected Addresses: 51835 TRADER JOHN ST</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names: TRADER JOOHN ST, WOLDING AVE, KYNAK ST, SYNOMIDERISE CT, SUNSTONE AVE, CRESTVIEW AVE, PANEYAGIAK ST, MARTILLE AVE, RIDGEWOOD ST, KENAI SPUR HWY, CHENA CIR, CHILKAT DR, FINLAND LN, ROMANOV DR, DOSSOW 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: 51835 TRADER JOHN ST WILL BE ASSIGNED TO TRACT 2A</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>
Nikiski 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 2023-051 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:** verify correct owner address and update 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 Kangaroo Avenue right-of-way to the east. Show the north right-of-way width of Trader John Street by Tract 2A.
- H. Approximate locations of low wet areas, areas subject to inundation, areas subject to flooding or storm water overflow, and the line of ordinary high water. This information may be provided on an additional sheet if showing these areas causes the preliminary plat to appear cluttered and/or difficult to read;  
**Staff recommendation:** Label low wet area south of Martille Avenue on final plat.
- N. Apparent encroachments, with a statement indicating how the encroachments will be resolved prior to final plat approval; by aerial photo it appears there may be an encroachment on the southeast side of the plat from Lot 9 Block 2 Wiki Lake Terrace Subdivision Addition No 1.  
**Staff recommendation:** Surveyor field check along the line for any encroachments and address them with a statement that they will be taken care of before approval and recording the subdivision.

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#### **KPB 20.30 – Subdivision Design Requirements**

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

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

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

20.40.010 Wastewater disposal.

*Platting Staff Comments:*

**Staff recommendation:** comply with 20.40.

---

#### **KPB 20.60 – Final Plat**

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

20.60.180. Plat notes.

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

- Correct spelling in note #1
- Note #4 is not need as no right of way is being dedicated
- Correct the Wastewater Disposal note to the correct verbiage of the note.

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.

- ☐ 20.60.190. Certificates, statements, and signatures required.  
**Staff recommendation:** Add the date of June 12, 2023 to the Plat Approval note and comply with 20.60.190.

### **EXCEPTIONS REQUESTED:**

#### **A. KPB 20.30.170 – Blocks – Length requirements**

Surveyor's Discussion: We would like to ask for an exception to Block length for Tract 5B1. This tract is large enough to subdivide in the future as is the 40 acre tract to the east.

Staff Discussion: An exception has been received for the plat specifically Tract 5B1, block length exception was previously granted for these subdivisions along this same stretch where no development is proposed.

#### **Findings:**

1. Exceptions to KPB 20.30.170 Block Length were granted for the parent plats
2. Lot 5B1 is large enough to be further divided.
3. The parcel to the east is approximately 20 acres.
4. The parcel to the west is approximately 54 acres.
5. No surrounding parcels will be denied access.
6. Future subdivision of large tracts may dedicate and design rights-of-ways that will provide adequate access and compliance with borough code.

Staff reviewed the exception request and recommends granting approval.

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

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

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

1. That special circumstances or conditions affecting the property have been shown by application;  
**Findings 1-6 appear to support this standard.**
2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title;  
**Findings 1-6 appear to support this standard.**
3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.  
**Findings 1-6 appear to support this standard.**

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

Add a note "Further development of Tract 5B1 will require dedications to reduce block length for compliance with KPB 20.30.170."

**RECOMMENDATION:**

**SUBJECT TO EXCEPTION(S) GRANTED, STAFF RECOMMENDS:**

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

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

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

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

**END OF STAFF REPORT**

---



## Piagentini, Vincent

---

**From:** seggy@ptialaska.net  
**Sent:** Thursday, May 25, 2023 11:45 AM  
**To:** Piagentini, Vincent  
**Subject:** <EXTERNAL-SENDER>RE: Dan Lee Subdivision No 5

---

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

---

Vincent,

We would like to ask for an exception to Block length for Tract 5B1. This tract is large enough to subdivide in the future as is the 40 acre tract to the east.

John F. Segesser  
Segesser Surveys Inc  
907-262-3909 Office  
907-252-3421 Cell

---

**From:** Piagentini, Vincent <vpagentini@kpb.us>  
**Sent:** Thursday, May 25, 2023 10:46 AM  
**To:** 'seggy@ptialaska.net' <seggy@ptialaska.net>  
**Cc:** Quainton, Madeleine <mquainton@kpb.us>  
**Subject:** Dan Lee Subdivision No 5

John

I was working on the staff report for this site and it looks like this either needs and exception to KPB 20.30.170 Block length or we're going to need to recommend some dedications in Tract 5B1. If you can send me soon as possible an exception request with findings I can get it added.

Thanks

**Vince Piagentini, PLS**  
Platting Manager  
Planning Department  
Ph: (907) 714-2212  
Fx: (907) 714-2378

**KENAI PENINSULA BOROUGH**  
144 North Binkley Street  
Soldotna, Alaska 99669





Wetlands



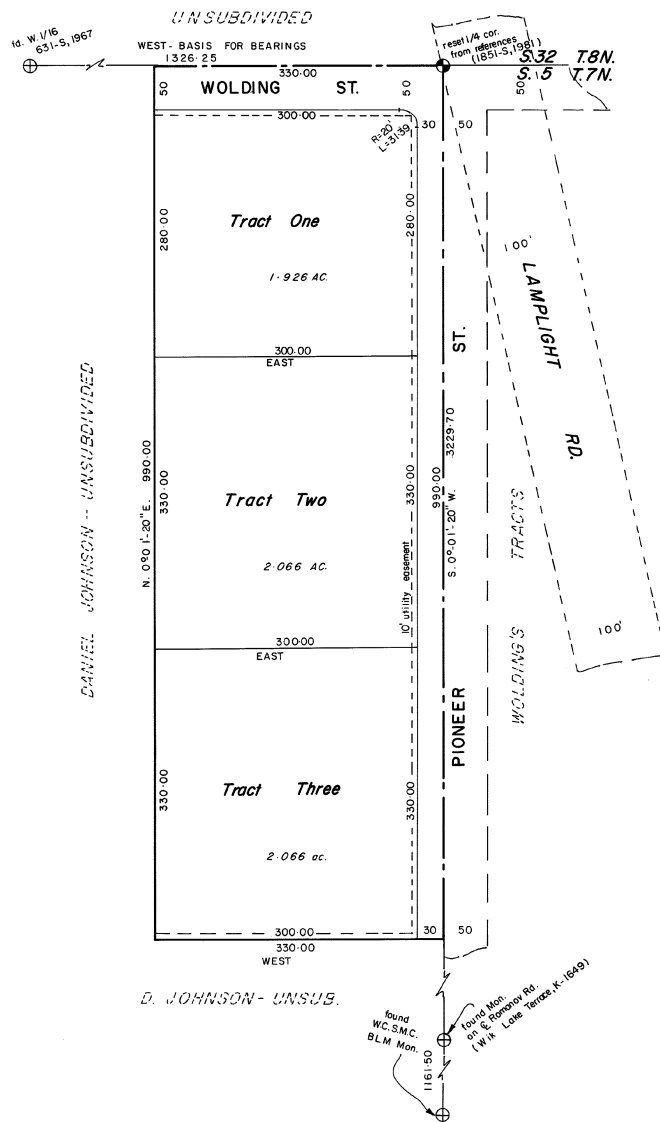
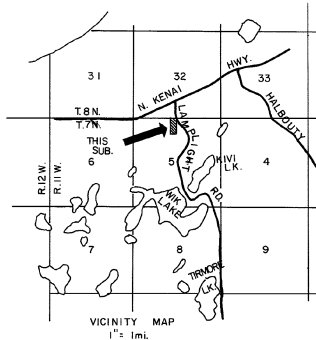




Aerial with 5-foot Contours







# CERTIFICATE OF OWNERSHIP AND DEDICATION

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

*Daniel Johnson*  
DANIEL JOHNSON

RTE 1,  
KENAI, AK. 99611

*Goldie L. Johnson*  
GOLDIE L. JOHNSON

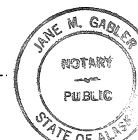
RTE 1,  
KENAI, AK. 99611

## NOTARY'S ACKNOWLEDGMENT FOR DANIEL JOHNSON AND GOLDIE L. JOHNSON

SWORN AND SUBSCRIBED BEFORE ME, A NOTARY PUBLIC, THIS 27th DAY OF August, 1981.

*Jane M. Gable*  
NOTARY PUBLIC FOR ALASKA

MY COMMISSION EXPIRES Sept. 13, 1981.



## PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF July 20, 1981.

KENAI PENINSULA BOROUGH

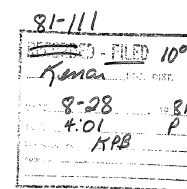
BY: *Frank D. Lyle*  
AUTHORIZED OFFICIAL

BUILDING SETBACK -- A BUILDING SETBACK OF 20 FEET IS REQUIRED FROM ALL STREET RIGHTS-OF-WAY UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.

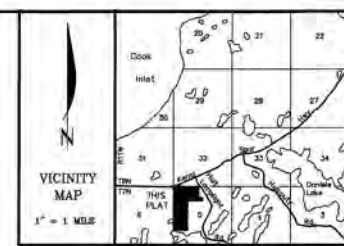
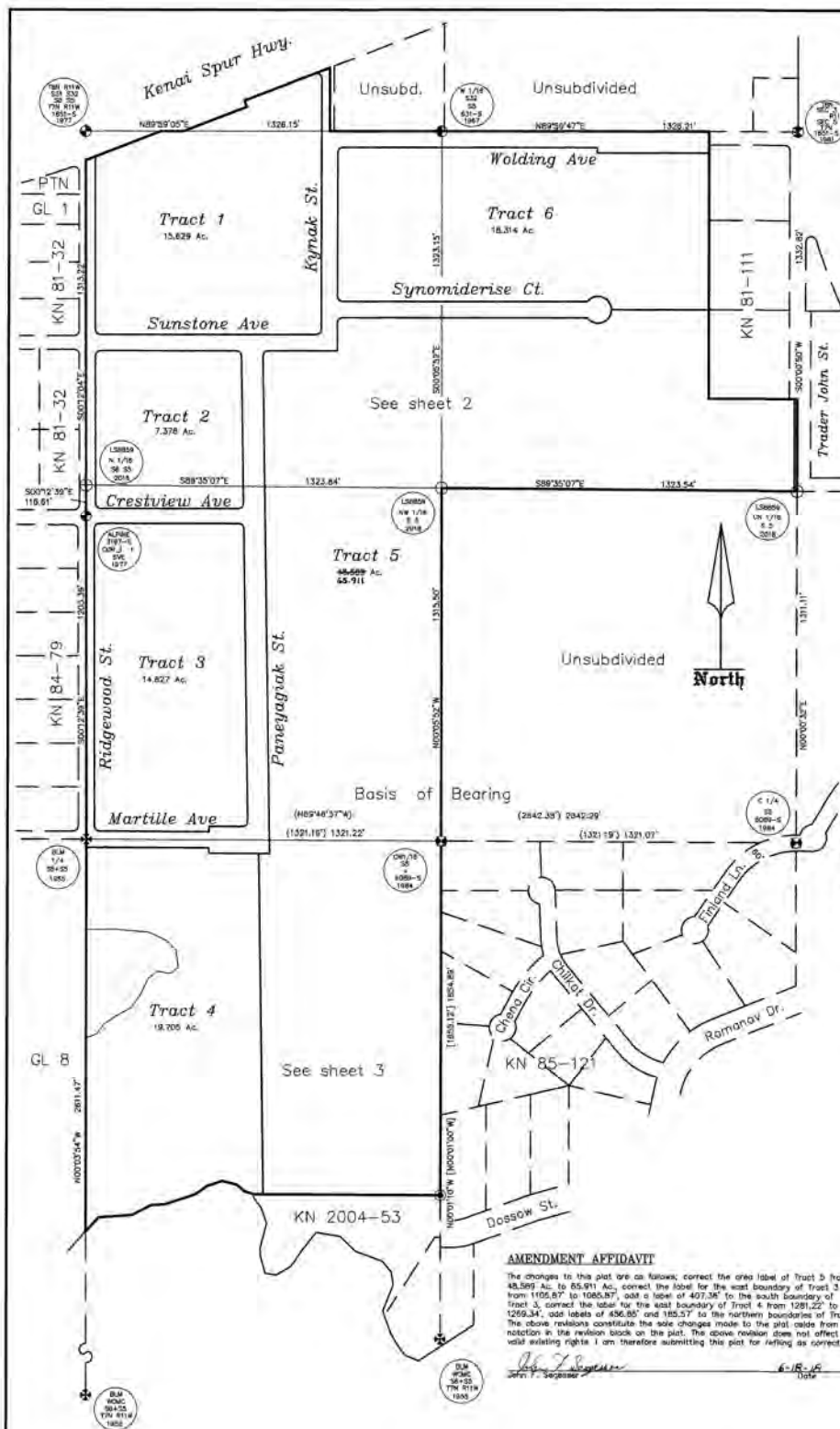
LAND USE: RESIDENTIAL  
TOTAL AREA: 7.500 AC.

DATE OF SURVEY 8-18-81

5/8" rebar set at all lot corners



DAN-LEE SUBDIVISION	
LOCATED WITHIN GOVT. LOT 3 (NE 1/4 NW 1/4), SEC. 5, T. 7 N., R. 11 W., S. 1 M., KENAI PENINSULA BOROUGH, ALASKA.	
	DANIEL JOHNSON RTE. 1, KENAI, ALASKA 99611
	MALONE SURVEYING BOX 566, KENAI, ALASKA 99611



- LEGEND:**
- 3 1/4" BLM MONUMENT 1955 FOUND
  - 3 1/4" ALUM. CAP MON. 1851-S 1977 FOUND
  - 2 1/2" ALUM. CAP MON. 1851-S 1981 FOUND
  - 2 1/2" ALUM. CAP MON. 5085-S 1984 FOUND
  - 2" BRASS CAP IN CONCRETE 631-S 1987 FOUND
  - 6X6 CONCRETE HIGHWAY MONUMENT FOUND
  - 5/8" REBAR w/ALUM. CAP L58859 1987 FOUND
  - 5/8" REBAR FOUND
  - 2 1/2" ALUM. CAP MON. L58859 2016 SET
  - 5/8" REBAR w/PLASTIC CAP L58859 SET
  - ( ) RECORDED DATUM PLAT 85-121 KRD
  - [ ] RECORDED DATUM PLAT 2004-53 KRD

**CERTIFICATE of OWNERSHIP and DEDICATION**

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

*Michael Owen Johnson*  
 EXECUTOR FOR THE ESTATE OF DANIEL JOHNSON  
 51855 TRADER JOHN ST.  
 KENAI, AK 99611

**NOTARY'S ACKNOWLEDGMENT**

FOR Michael Owen Johnson  
 ACKNOWLEDGED BEFORE ME THIS 13 DAY OF March, 2018.

*Patricia Hartley*  
 NOTARY PUBLIC FOR ALASKA  
 MY COMMISSION EXPIRES 3-7-21

OPTIONAL SEAL  
 STATE OF ALASKA  
 PATRICIA HARTLEY  
 NOTARY PUBLIC

**PLAT APPROVAL**

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF SEPTEMBER 11, 2017.

KENAI PENINSULA BOROUGH  
*Patricia Hartley* 4-26-2018  
 AUTHORIZED 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 herein actually exist as described, and all dimensions and other details are correct.

Date 3-5-18

**NOTES:**

- 1) Basis of bearing taken from Wk Lake Terrace Addition Number One, Plat 85-121, Kenai Recording District.
- 2) Building Setback-A setback of 20 feet is required from all street Rights-of-Way unless a lesser standard is approved by resolution by the appropriate Planning Commission.
- 3) An easement for electric lines or system and/or telephone lines granted to Homer Electric Association is recorded in Book 2 Page 104 Kenai Recording District.
- 4) The centerline of an overhead electrical distribution line is the centerline of a 20 foot wide electrical easement.
- 5) Any person developing this property is responsible for obtaining all required local, state and federal permits, including a U.S. Army Corps of Engineers wetland determination if applicable.
- 6) Roads must meet the design and construction standards established by the Borough in order to be considered for certification and inclusion in the Borough road maintenance program.
- 7) No private access to State maintained ROWs permitted unless approved by the State of Alaska Department of Transportation.
- 8) Information for the Kenai Spur Highway was taken from Alaska Department of Highway project no. S-0490(2) page 27 of 29.
- 9) Exceptions to KRS 20.30.030, extending Ridgewood Street to the south, and KRS 20.30.170, (Shoe length), were granted by the Plat Committee at the meeting of September 11, 2017.

- 10) This property is subject to a reservation of easement for highway purposes, and any easements or uses thereof for recreational, utility or other purposes, as disclosed by Public Land Order No. 601, and amended by Public Land Orders Numbers 757 and 1611 and Department Order Number 2665, Amendment Number 1 and Amendment Number 2 thereto, filed in the Federal Register.
- 11) Front 15 feet of the 20 foot building setback and the entire setback within 5 feet of the side lot (less 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).
- 12) **WASTEWATER DISPOSAL:** These lots are of least 200,000 square feet or nominal 3 acres 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.

**AMENDMENT AFFIDAVIT**

The changes to this plat are as follows: correct the area label of Tract 5 from 45,589 Ac. to 45,911 Ac., correct the label for the east boundary of Tract 3 from 1105.87 to 1085.87, add a label of 407.38' to the south boundary of Tract 5, correct the label for the east boundary of Tract 4 from 1291.22' to 1259.34', add labels of 456.85' and 185.57' to the northern boundaries of Tract 4. The above revisions constitute the sole changes made to the plat aside from its notation in the revision block on the plat. The above revision does not affect any valid existing rights I am therefore submitting this plat for filing as corrected.

*Michael Owen Johnson*  
 13-1-2018

Amended

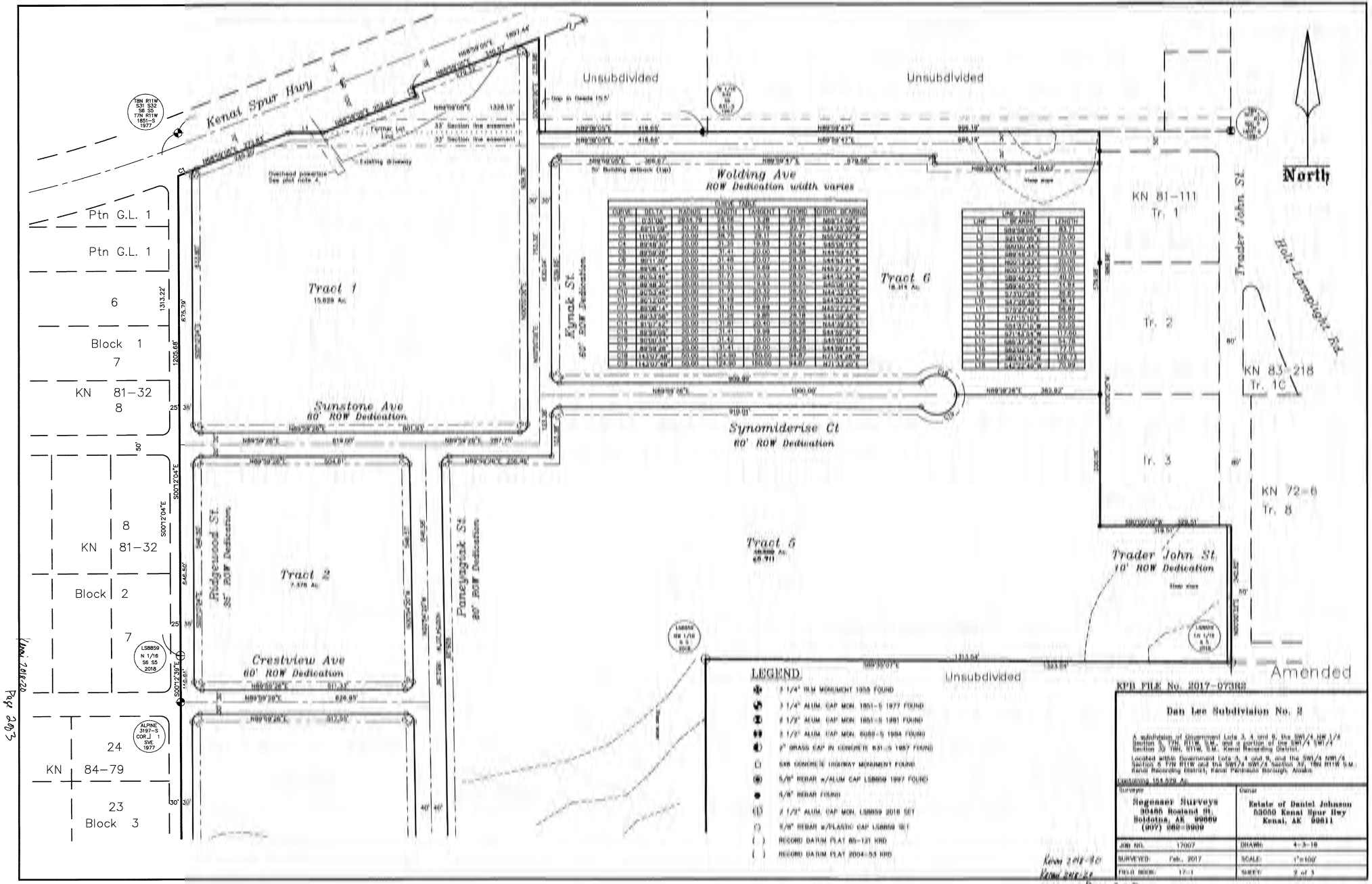
KPB FILE No. 2017-073R2

**Dan Lee Subdivision No. 2**

A subdivision of Government Lots 3, 4 and 9, the SW1/4 NW 1/4 Section 32 T8N, R11W, S4E, and a portion of the SW1/4 SW1/4 Section 32 T8N, R11W, S4E, Kenai Recording District.  
 Located within Government Lots 3, 4 and 9, and the SW1/4 NW 1/4 Section 32 T8N, R11W, S4E, the SW1/4 SW1/4 Section 32 T8N, R11W, S4E, Kenai Recording District, Kenai Peninsula Borough, Alaska.  
 Containing 154.529 Ac.

Surveyor	Owner
Segesser Surveys 30485 Roland St. Soldotna, AK 99609 (907) 262-3909	Estate of Daniel Johnson 55050 Kenai Spur Hwy Kenai, AK 99611
JOB NO: 17007	DRAWN: 2-28-18
SURVEYED: Feb., 2017	SCALE: 1"=200'
FIELD BOOK: 17-1	SHEET: 1 of 3

Kenai 2018-20  
 Kenai 2018-20  
 Page 103



L58959 1/16 S 1/4 1977

L58959 1/16 S 1/4 1977





# LEGEND:

- 3 1/4" BLM MONUMENT (1950 FOUND)
- 2 1/2" ALUM. CAP MON. 6088-5 1984 FOUND
- 5/8" REBAR w/ALUM CAP 158855 1997 FOUND
- 5/8" REBAR FOUND
- 2 1/2" ALUM. CAP MON 158855 2018 FOUND
- 5/8" REBAR w/PLASTIC CAP 158855 SET
- ( ) RECORD DATUM PLAT 85-121 HHD

## NOTES:

- 1) Beasle of bearing taken from Wk Lake Terrace Addition Number One, Plat 85-121, Kenai Recording District.
- 2) Building Setback-A setback of 20 feet is required from all street Rights-of-Way unless a lesser standard is approved by resolution by the appropriate Planning Commission.
- 3) Any person developing this property is responsible for obtaining all required local, state and federal permits, including a U.S. Army Corps of Engineers wetland determination if applicable.
- 4) Roads must meet the design and construction standards established by the Borough in order to be considered for certification and inclusion in the Borough road maintenance program.
- 5) An exception to KPB 20.30.170, Block length, was granted by the Plat Committee at the meeting of September 11, 2017.
- 6) Front 15 feet of the 20 foot building setback and the entire setback within 5 feet of the side lot lines is a utility easement; no permanent structure shall be constructed or placed within a utility easement which would interfere with the ability of a utility to use the easement.
- 7) WASTEWATER DISPOSAL: These lots are of total 300,000 square feet or nominal 5 acres in size and conditions may not be suitable for onsite wastewater treatment and disposal. Any wastewater treatment or disposal system must meet the regulatory requirements of the Alaska Department of Environmental Conservation.



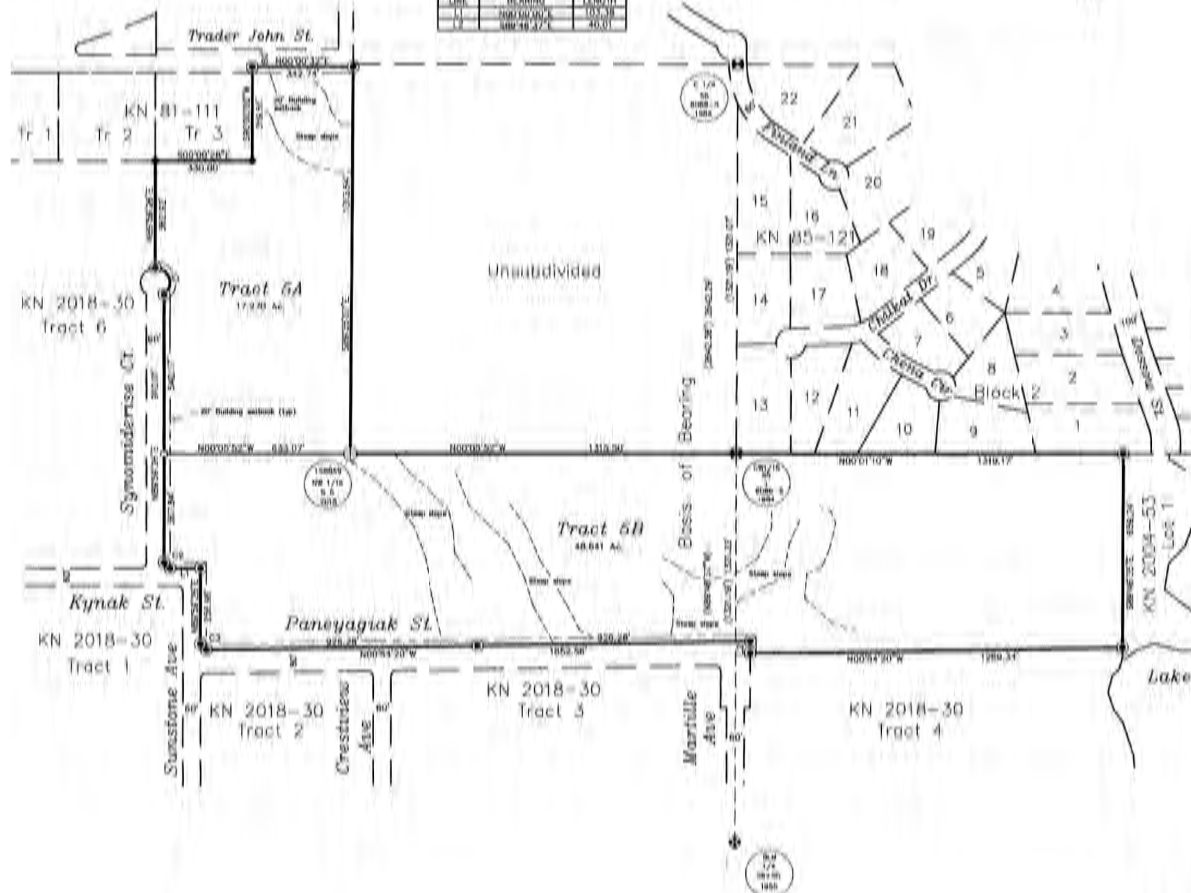
## SURVEYOR'S CERTIFICATE

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 9-5-18

CURVE TABLE						
CURVE	DEG.	RADIUS	CHORD	ARC LENGTH	CHORD BEARING	CHORD BEARING
01	143.30	200.00	174.80	100.00	94.87	N21.33 E 200.00
02	89.30	200.00	111.31	50.00	58.28	S44.28 E 100.00
03	30.53	200.00	31.73	20.32	28.80	S44.32 E 100.00

LINE TABLE		
LINE	BEARING	LENGTH
01	N00°00'00"E	100.00
02	S89°46'47"E	40.00



## CERTIFICATE of OWNERSHIP and DEDICATION

I, THE UNDERSIGNED, HEREBY CERTIFY THAT THE ESTATE OF DANIEL JOHNSON IS THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON, AND ON BEHALF OF THE ESTATE OF DANIEL JOHNSON, I HEREBY ADOP THIS PLAN OF SUBDIVISION AND BY MY FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND GRANT ALL EASEMENTS TO THE USE SHOWN.

*Michael Owen Johnson*  
 MICHAEL OWEN JOHNSON  
 EXECUTOR FOR THE ESTATE OF DANIEL JOHNSON  
 51600 TRADER JOHN ST.  
 KENAI, AK 99601

## NOTARY'S ACKNOWLEDGMENT

FOR Michael Owen Johnson  
 ACKNOWLEDGED BEFORE ME THIS 13th DAY OF September, 2018  
*Peggy Clements*  
 NOTARY PUBLIC FOR ALASKA  
 MY COMMISSION EXPIRES 9.30.2022



## PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF AUGUST 13, 2018.

KENAI PENINSULA BOROUGH  
*Michael Owen Johnson*  
 AUTHORIZED OFFICIAL

KPB FILE No. 2018-068

## Dan Lee Subdivision No. 3

A resubdivision of Tract 5, Dan Lee Subdivision No. 2 (Amended), Plat 2018-30, Kenai Recording District.

Located within the West 1/2 Section 5, T19N, R11W S.M., Kenai Peninsula Borough, Alaska

Containing 65,841 Ac.

Surveyor	Owner
Seussner Surveys 30445 Roseland Dr. Soldotna, AK 99669 (907) 268-1809	Estate of Daniel Johnson 53550 Kenai Spur Hwy Kenai, AK 99601
Job No. 18110	Drawn: 8-4-18
Surveyed: Feb., 2017	Scale: 1"=2000'
Field Book: 12-1	Sheet: 1 of 1

Page 1 of 1

## LEGEND:

- ⊕ 2 1/2" ALUM. CAP MGN. LS8859 2018 FOUND
- 5/8" REBAR w/PLASTIC CAP LS8859 1997 FOUND
- 5/8" REBAR FOUND
- 5/8" REBAR w/PLASTIC CAP LS8859 SET
- ( ) RECORD DATUM PLAT 2018-30 KRD



## NOTES:

- 1) Basis of bearing taken from Dan Lee Subdivision No. 2 (Amended) Plat 2018-30, Kenai Recording District.
- 2) Building Setback-A setback of 20 feet is required from all street Rights-of-Way unless a lesser standard is approved by resolution by the appropriate Planning Commission.
- 3) Any person developing this property is responsible for obtaining all required local, state and federal permits, including a U.S. Army Corps of Engineers wetland determination if applicable.
- 4) Exceptions to KPB 20.30.030, Proposed street layout and KPB 20.30.170, Block lengths, were granted by the Plat Committee at the meeting of June 22, 2020.
- 5) An easement for electric lines or system and/or telephone lines granted to Homer Electric Association is recorded in Book 2 Page 97, Kenai Recording District.
- 6) Front 15 feet of the 20 foot building setback and the entire setback within 5 feet of the side lot lines is a utility easement. No permanent structure shall be constructed or placed within a utility easement which would interfere with the ability of a utility to use the easement.
- 7) **WASTEWATER DISPOSAL.** These lots are at least 200,000 square feet or nominal 5 acres in size and conditions may not be suitable for onsite wastewater treatment and disposal. Any wastewater treatment or disposal system must meet the regulatory requirements of the Alaska Department of Environmental Conservation.

KN 2018-52  
Tract 5B

Tract 5A1  
9.540 Ac.

Tract 3A  
10.000 Ac.

Line Table		
Line #	Direction	Length
L1	N90°00'00"W	20.00'

Curve Table						
Curve #	Delta	Radius	Length	Tangent	Chord	Chord Bearing
C1	124.90	50.00'	124.90'	150.00'	94.87'	N71°33'20"E
C2	56.73	50.00'	56.73'	31.86'	53.73'	S69°22'52"E
C3	68.18	50.00'	68.18'	40.58'	63.02'	N39°03'13"E

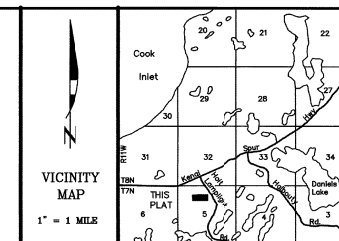
Basis of Bearing  
Unsubdivided



## 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 8-24-2020

CERTIFICATE of OWNERSHIP  
and DEDICATION

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

John J. Johnson Tami B. Johnson  
JOHN J. JOHNSON TAMAMI B. JOHNSON  
TRACTS 3 AND 5A AKA TAMI JOHNSON  
TRACT 5A  
51835 TRADER JOHN ST.  
KENAI, AK 99611

## NOTARY'S ACKNOWLEDGEMENT

FOR John J. Johnson and Tami B. Johnson  
ACKNOWLEDGED BEFORE ME THIS 27 DAY OF August 2020

Sandra Kaye Fletcher STATE OF ALASKA  
NOTARY PUBLIC FOR ALASKA SANDRA KAYE FLETCHER  
MY COMMISSION EXPIRES 4-1-2024 MY COMMISSION EXPIRES: 4-1-24

## NOTARY'S ACKNOWLEDGEMENT

FOR \_\_\_\_\_  
ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

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

## PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF JUNE 22, 2020.

KENAI PENINSULA BOROUGH  
Shawn M. Malt  
AUTHORIZED OFFICIAL

KPB FILE No. 2020-044

## Dan Lee Subdivision No. 4

A resubdivision of Tract 3, Dan Lee Subdivision, Plat 81-111, and Tract 5A, Dan Lee Subdivision No. 3, Plat 2018-52, Kenai Recording District.

Located within the NW1/4 Section 5, T7N, R11W, S.M., Kenai Peninsula Borough, Alaska.

Containing 19.540 Ac.

Surveyor	Owners
<b>Segesser Surveys</b> 30485 Rosland St. Soldotna, AK 99669 (907) 262-3909	<b>John A. and Tami B. Johnson</b> 51835 Trader John St. Kenai, AK 99611
JOB NO. 20047	DRAWN: 8-24-2020
SURVEYED: Feb., 2017	SCALE: 1"=100'
FIELD BOOK: 20-1	SHEET: 1 of 1



Page 191



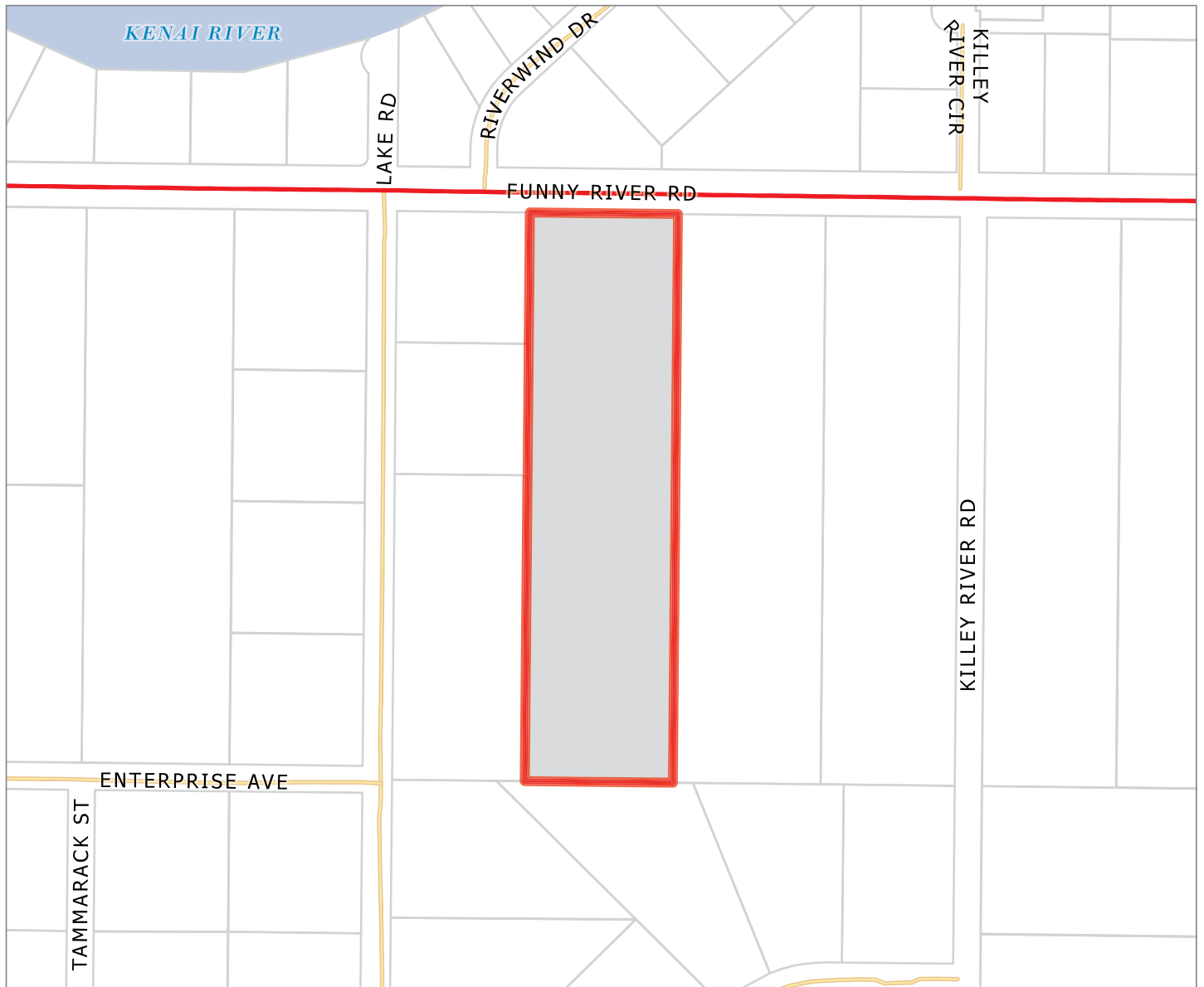
## **E. NEW BUSINESS**

- 7. Riverwind Subdivision Sutherlin Addition; KPB File 2023-055  
Segesser Surveys / Haggart  
Location: Approximately MP 16.5 Funny River Road  
Funny River Area / Funny River APC**



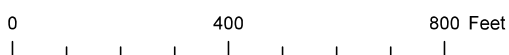
# Kenai Peninsula Borough Planning Department

## Vicinity Map



KPB File 2023-055  
T 05N R 08W SEC 20  
Funny River

5/20/2023









# LEGEND:

- 2" BRASS CAP MONUMENT ILLEGIBLE FOUND
- 2" BRASS CAP MONUMENT DOT FOUND
- 3 1/4" ALUM. MONUMENT 3932-S 1978
- 5/8" REBAR FOUND
- 5/8" REBAR w/PLASTIC CAP LS8859 SET
- RECORD DATUM PLAT 78-57 KRD

## NOTES:

- Basis of bearing taken from Riverwind I Subdivision Downs Addition, Plat 2016-43, Kenai Recording District.
- Building Setback-A setback of 20 feet is required from all street Rights-of-Way unless a lesser standard is approved by resolution by the appropriate Planning Commission.
- No private access to State maintained ROW's permitted unless approved by the State of Alaska Department of Transportation.
- 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.
- WASTEWATER DISPOSAL: Soil conditions, water table levels, and soil slopes in this subdivision have been found suitable for conventional onsite wastewater treatment and disposal systems serving single-family or duplex residences and meeting the regulatory requirements of the Kenai Peninsula Borough. Any other type of onsite wastewater treatment and disposal system must be designed by a professional engineer, registered to practice in Alaska, and the design must be approved by the Alaska Department of Environmental Conservation.

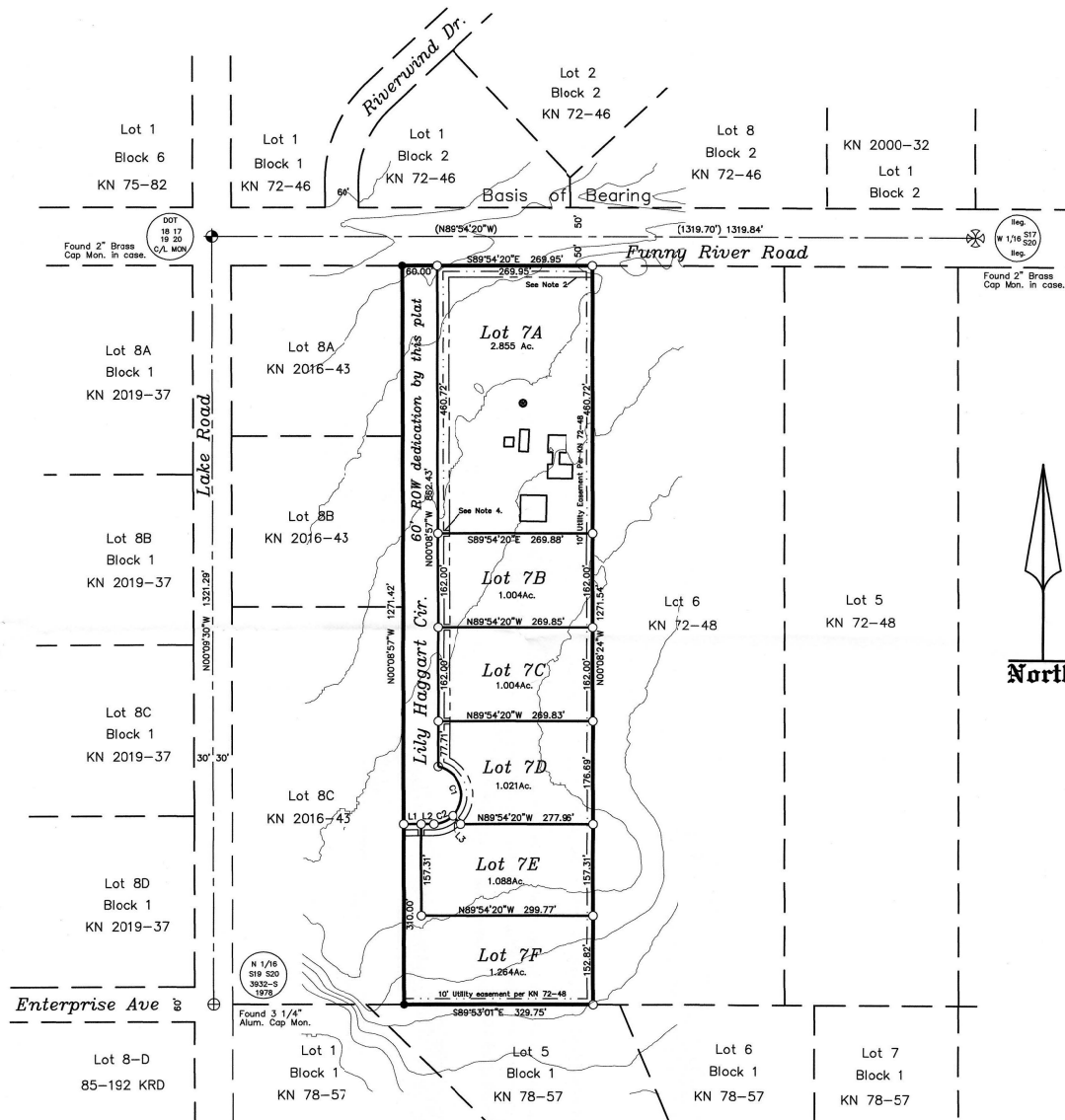
Engineer License No. Date



## SURVEYOR'S CERTIFICATE

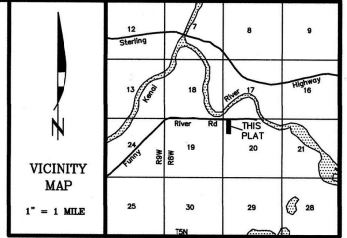
I hereby certify that I am properly registered and licensed to practice land surveying in the State of Alaska, this plat represents a survey made by me or under my direct supervision, the monuments shown herein actually exist as described, and all dimensions and other details are correct.

Date \_\_\_\_\_



CURVE	DELTA ANGLE	RADIUS	ARC LENGTH	TANGENT	CHORD LENGTH	CHORD BEARING
C1	124°12'59"	50.00	108.40	84.47	89.35	N16°28'45" W
C2	42°05'2"	50.00	36.73	19.24	35.91	N68°40'25" E

LINE	BEARING	DISTANCE
L1	S89°54'20" E	30.00
L2	S89°54'20" E	21.84
L3	N44°22'18" W	20.00



## 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.

SUSAN S. HAGGART  
32907 FUNNY RIVER ROAD  
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.

Riverwind I Subdivision  
Sutherland Addition

A resubdivision of Lot 7 Riverwind I Subdivision, Plat 72-48, Kenai Recording District

Located within the W1/2 W1/2 NW1/4 Section 20, T5N, R8W, S.M., Kenai Peninsula Borough, Alaska.

Containing 9.628 Acres

Surveyor	Owner
Segesser Surveys 30485 Rosland St. Soldotna, AK 99669 (907) 262-3909	Susan S. Haggart 32907 Funny River Rd. Soldotna, AK 99669
JOB NO. 23010	DRAWN: 5-18-23
SURVEYED: February 2023	SCALE: 1"=100'
FIELD BOOK: 22-7	SHEET: 1 of 1

KPB 2023-055

AGENDA ITEM E. NEW BUSINESS

ITEM #7 - RIVERWIND I SUBDIVISION SUTHERLIN ADDITION

<b>KPB File No.</b>	2023-055
<b>Plat Committee Meeting:</b>	June 12, 2023
<b>Applicant / Owner:</b>	Susan Haggart of Soldotna, Alaska
<b>Surveyor:</b>	John Segesser / Segesser Surveys Inc
<b>General Location:</b>	Funny River Road in Funny River Area / Funny River APC

<b>Parent Parcel No.:</b>	066-161-02
<b>Legal Description:</b>	Lot 7 Riverwind Subdivision, Plat KN 72-48
<b>Assessing Use:</b>	Residential
<b>Zoning:</b>	Rural Unrestricted
<b>Water / Wastewater</b>	On site

---

STAFF REPORT

**Specific Request / Scope of Subdivision:** The proposed plat will subdivide a 9.62 acre parcel into six lots ranging in size from 1.004 acres to up to 2.855 acres.

**Location and Legal Access (existing and proposed):**

This subdivision currently only has access via state maintained Funny River Road. This section of Funny River Road is a 100 foot wide dedication atop of a 66 foot wide section line easement. The subdivision is proposing a 60 foot wide dedicated right-of-way ending in a cul-de-sac to provide access to the proposed six lots.

Lot 7A would have frontage along Funny River road and the new dedication named Lily Haggart Circle.

The block is defined by Funny River Road and Lake Road and complies. The north to south block closes, but is more than allowable distances. If the proposed dedication was located on the east side of the subdivision this would improve the block, but due to existing structures the road cannot be place on the east side. ***Staff recommends: the plat committee concur and exception to block length is not required.***

The offset intersection distance between Riverwind Drive and Lily Haggart Circle is less than the allowable distance of 150 feet. The surveyor has requested an exception to KPB Code 20.30.150 – Street Intersection Requirements.

KPB Roads Dept. comments	Out of Jurisdiction: No  Roads Director: Griebel, Scott Comments: No comments
SOA DOT comments	The ROW for Funny River appears to be shown correctly. – Engineering

**Site Investigation:**

There are not documented steep slopes or wetlands within the subdivision. A majority of the subdivision has gentle slopes throughout.

There are several existing structures that will all be within proposed Lot 7A. There does not appear to be any encroachment issues.

KPB River Center review	<p>A. Floodplain</p> <p>Reviewer: Hindman, Julie Floodplain Status: Not within flood hazard area Comments: Not within a mapped floodplain.</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 original subdivision of the North Half of the Northwest Quarter of Section 20, Township 5 North, Range 8 West, SM, Alaska was Riverwind I Subdivision KN72-48, creating 8 lots and two full and a half road dedication. This subdivision takes Lot 7 of Riverwind I Subdivision KN72-48 and will further divide it into 6 lots and a 60 foot wide cul-de-sac road dedication.

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

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

Funny River 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.

### **Utility Easements**

The parent plat granted 10-foot utility easements along the east and south boundaries and are shown correctly. There were no other utility easements to carry over. The proposed design will be granting 20-foot building setbacks and 10 foot utility easements along Funny River Road and Lily Haggart Circle.

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

### **Utility provider review:**

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

### **KPB department / agency review:**

Addressing	<p>Reviewer: Leavitt, Rhealyn Affected Addresses: 32907 FUNNY RIVER RD</p>
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	<p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names: ENTERPRISE AVE, LAKE RD, FUNNY RIVER RD, RIVERWIND DR</p> <p>Existing Street Name Corrections Needed:</p> <p>All New Street Names are Approved: Yes</p> <p>List of Approved Street Names: LILY HAGGART CIR</p> <p>List of Street Names Denied:</p> <p>Comments: 32907 FUNNY RIVER RD WILL REMAIN WITH LOT 7A BECAUSE THE DRIVEWAY TO THE STRUCTURE IS FROM FUNNY RIVER RD</p>
Code Compliance	<p>Reviewer: Ogren, Eric</p> <p>Comments: No comments</p>
Planner	<p>Reviewer: Raidmae, Ryan</p> <p>There are not any Local Option Zoning District issues with this proposed plat.</p> <p>Material Site Comments: There are not any material site issues with this proposed plat.</p>
Assessing	<p>Reviewer: Windsor, Heather</p> <p>Comments: No comment</p>
Funny River 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 2023-055 to drawing.
- Add date of June 12, 2023 to Plat Approval.
- Add Certificate of Acceptance 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.

- 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:** The recording district for Lot 8-D located southwest of the subdivision should be updated to KN to match other formats listed.

- 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 1 0 percent on other streets;  
**Staff recommendation:** *remove contours from 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.*

20.30.150. Streets-Intersection requirements.

A. Street intersections shall be as nearly at right angles as possible, and no intersection shall be at an angle of less than 60 degrees. Where acute street intersections are designed, a minimum 50-foot radius corner at the right-of-way line of the acute angle shall be provided.

B. Offset intersections are not allowed. The distance between intersection centerline shall be no less than 150 feet.

C. Intersections of access streets with arterial streets or state maintained roads shall be limited to those intersections required for safe access consistent with KPB Title 14.

D. Intersections of access streets with arterial streets or state maintained roads must be designed to the American Association of State Highway and Transportation Officials (AASHTO) standards.

**Staff recommendation:** *The offset intersection with Riverwind Drive is less than the allowable distance. An exception has been requested*

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).*

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#### KPB 20.40 – Wastewater Disposal

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

20.40.010 Wastewater disposal.

*Platting Staff Comments: a soils report will be required for all lots an engineer will need to sign the final plat.*

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

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#### KPB 20.60 – Final Plat

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

- 20.60.040. Dedication of public use lands. Any land shown on a plat as a street, public park or other public area must be dedicated on the final plat to a tax exempt governmental entity. If the governmental entity is not the Kenai Peninsula Borough, the governmental entity shall be required to execute an acceptance of the dedication on the plat.

**Staff recommendation:** *comply with 20.60.040.*

20.60.180. Plat notes.

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

- *Roads must meet the design and construction standards established by the borough in order to be considered for certification and inclusion in the road maintenance program (KPB 14.06).*

#### **EXCEPTIONS REQUESTED:**

##### **A. KPB 20.30.150(B) Street Intersection Requirements**

B. Offset intersections are not allowed. The distance between intersection centerlines shall be no less than 150 feet.

##### **Findings:**

1. Subdivision located near the end of Funny River Road at approximately mile post 16.5.
2. Only six lots would be utilizing Lily Haggart Circle.
3. The adjacent lots to the west could potentially use Lake Road for access.
4. Existing structures on the east side of lot 7 prevent Lily Haggart Circle from being placed there.
5. The distance between the intersections Riverwind Dr and Lily Haggart Cir is approximately 135 feet.
6. Lily Haggart Cir will be designated as permanently closed with the bulb being built.

Staff reviewed the exception request and recommends granting approval.

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

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

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

1. That special circumstances or conditions affecting the property have been shown by application;  
**Findings 1-4, and 6 appear to support this standard.**
2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title;  
**Findings 2-4 and 6 appear to support this standard.**
3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.  
**Findings 1-6 appear to support this standard.**

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

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#### **RECOMMENDATION:**

#### **SUBJECT TO EXCEPTION(S) GRANTED, STAFF RECOMMENDS:**



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

NOTE: 20.25.120. - REVIEW AND APPEAL.

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

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

END OF STAFF REPORT

## Quainton, Madeleine

---

**From:** seggy@ptialaska.net  
**Sent:** Thursday, May 25, 2023 1:57 PM  
**To:** Quainton, Madeleine  
**Subject:** <EXTERNAL-SENDER>RE: Riverwind I Subdivision Sutherlin Addition KPB 2023-055

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

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Madeleine,

We would like to request an exception to KPB 20.30.150 street intersection requirements. Thank you.

John F. Segesser  
Segesser Surveys Inc  
907-262-3909 Office  
907-252-3421 Cell

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**From:** Quainton, Madeleine <mquainton@kpb.us>  
**Sent:** Thursday, May 25, 2023 1:02 PM  
**To:** 'seggy@ptialaska.net' <seggy@ptialaska.net>  
**Cc:** Piagentini, Vincent <vpagentini@kpb.us>  
**Subject:** RE: Riverwind I Subdivision Sutherlin Addition KPB 2023-055

John,

I am sorry. We do not need an exception for the length of the dedication. I didn't factor in the flag of 7F. However, the intersections between Riverwind Drive and Lily Haggart do not comply. Please request an exception for 20.30.150 – Streets-Intersection Requirements.

Madeleine

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**From:** Quainton, Madeleine  
**Sent:** Thursday, May 25, 2023 12:30 PM  
**To:** 'seggy@ptialaska.net' <[seggy@ptialaska.net](mailto:seggy@ptialaska.net)>  
**Cc:** Piagentini, Vincent <[vpagentini@kpb.us](mailto:vpagentini@kpb.us)>  
**Subject:** Riverwind I Subdivision Sutherlin Addition KPB 2023-055

John,

Please request an exception for 20.30.100 Cul-de-sacs if you would like the current configuration. The length of Lily Haggart Circle is longer than the allowable 100 feet.

Thank you,

**Madeleine Quinton**

Platting Specialist

Planning Department

Ph: (907) 714-2200

Fx: (907) 714-2378

**KENAI PENINSULA BOROUGH**  
**144 North Binkley Street**  
**Seldovia, Alaska 99689**







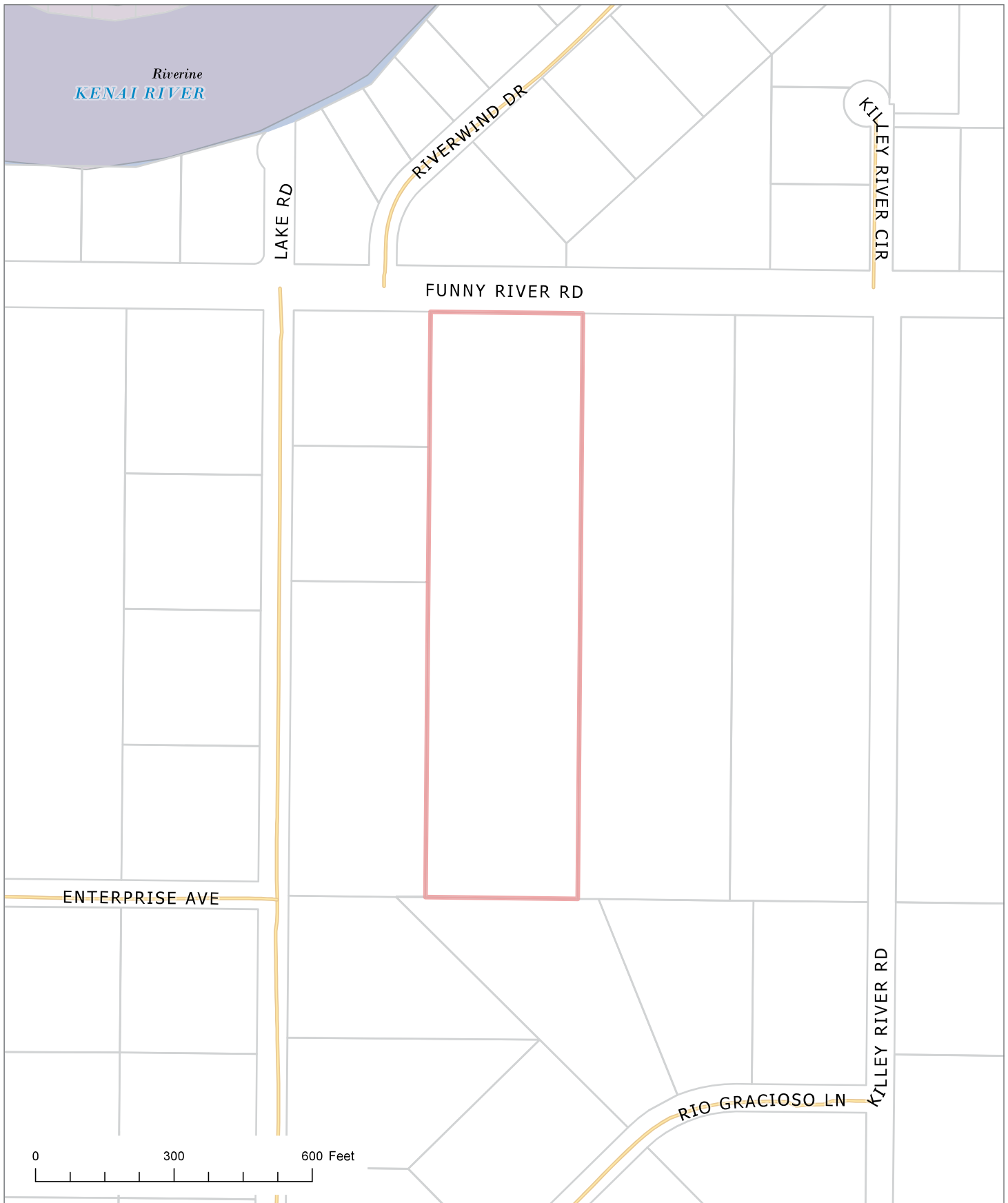








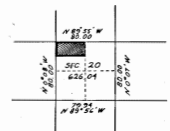
**Wetlands**





DATA FROM G.L.O. PLAT  
T.5N., R.8W. OF S.M.  
JUNE 24, 1943  
7" x 20"

KPB NOTE: SEE PC RESOLUTION 2016-26



7-002606  
RECORDED  
FILED  
JUL 25 1972  
REGISTERED-ACPS  
ADDRESS



**CERTIFICATE OF OWNERSHIP AND DEDICATION**

I Herby Certify That I am The Owner Of The Property Shown And Described Herein And That I Herby Adopt This Plan Of Subdivision And Dedicate All Streets And Utility Easements As Shown To Public Use.

DATE 7/1/72, OWNER *William H. Voss*  
*William Voss*

**NOTARY'S ACKNOWLEDGMENT**

Subscribed And Sworn Before Me This 1<sup>st</sup> Day of Sept. 1972,  
*James J. Jorgensen* August 13, 1975  
NOTARY FOR ALASKA MY COMMISSION EXPIRES

**ENGINEER'S CERTIFICATE**

I, The Undersigned Registered Surveyor, Herby Certify That This Plat Is A Compilation Of Data From Presently Available Maps. No Field Survey Has Been Made.

DATE APR. 2, 1972, SURVEYOR *David R. Voss*

**PLAT APPROVAL**

Plat Approved By The SENIOR PERMITS & BUREAU PLANNING COMMISSION. This is Use Of ALASKA, 1972.

*David R. Voss*  
Authorized Official



LAND USE: RESIDENTIAL, CONTAINING 70.000 ACRES, MORE OR LESS.

**RIVERWIND I**

A SUBDIVISION OF THE NW 1/4 OF THE NW 1/4 OF SEC. 20, T.5N., R.8W., SEWARD MERIDIAN, ALASKA

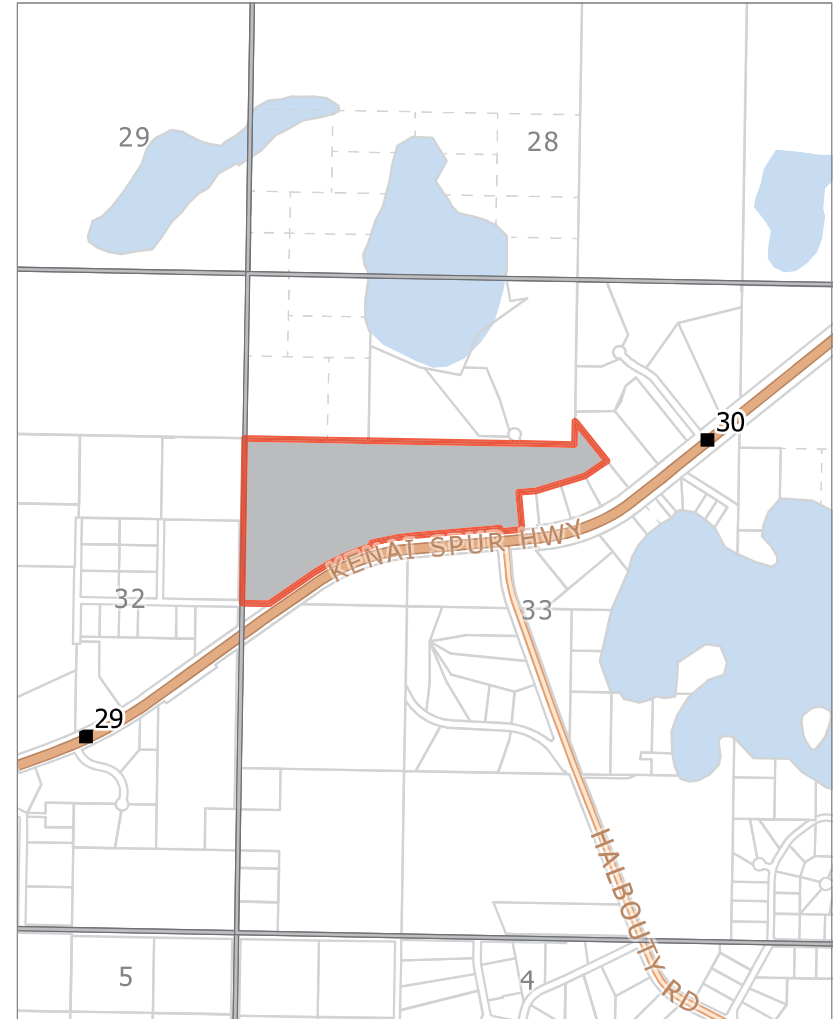
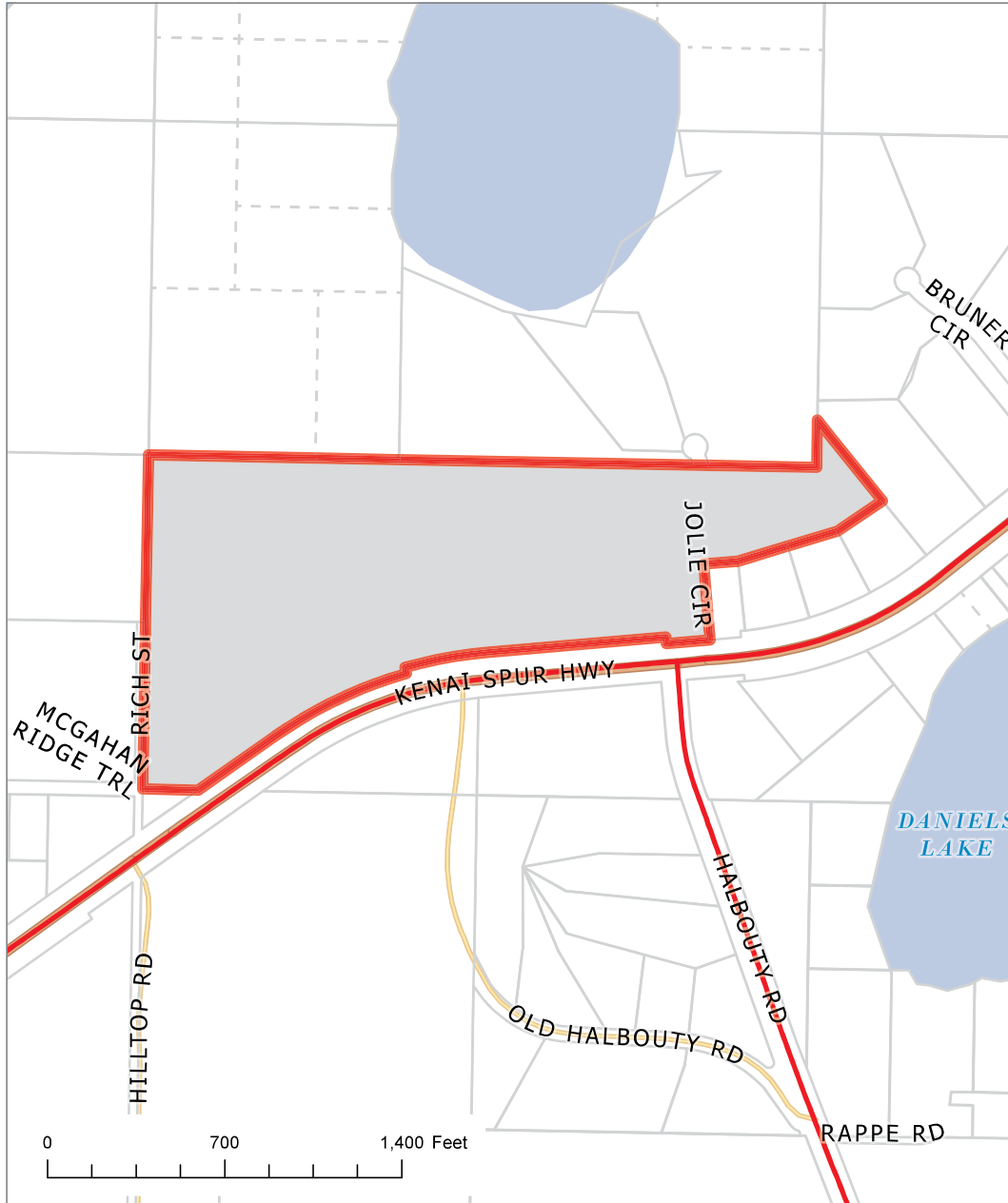
DATE: MAY 16, 1972 SCALE: 1" = 200'  
DRAWN BY: 20 DAVID R. VOSS, L.S.  
CHECKED BY: ANDRUSKIE, ALASKA

## **E. NEW BUSINESS**

### **8. Roofe Subdivision; KPB File 2023-054**

**Segesser Surveys / Roofe**

**Location: Rich St., Terry Ray Avenue, Jolie Circle & Kenai Spur Hwy.  
Nikiski Area / Nikiski APC**



KPB File # 2023-054  
S33 T08N R11W  
Nikiski





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

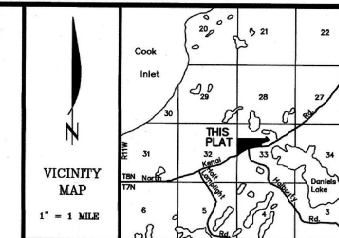
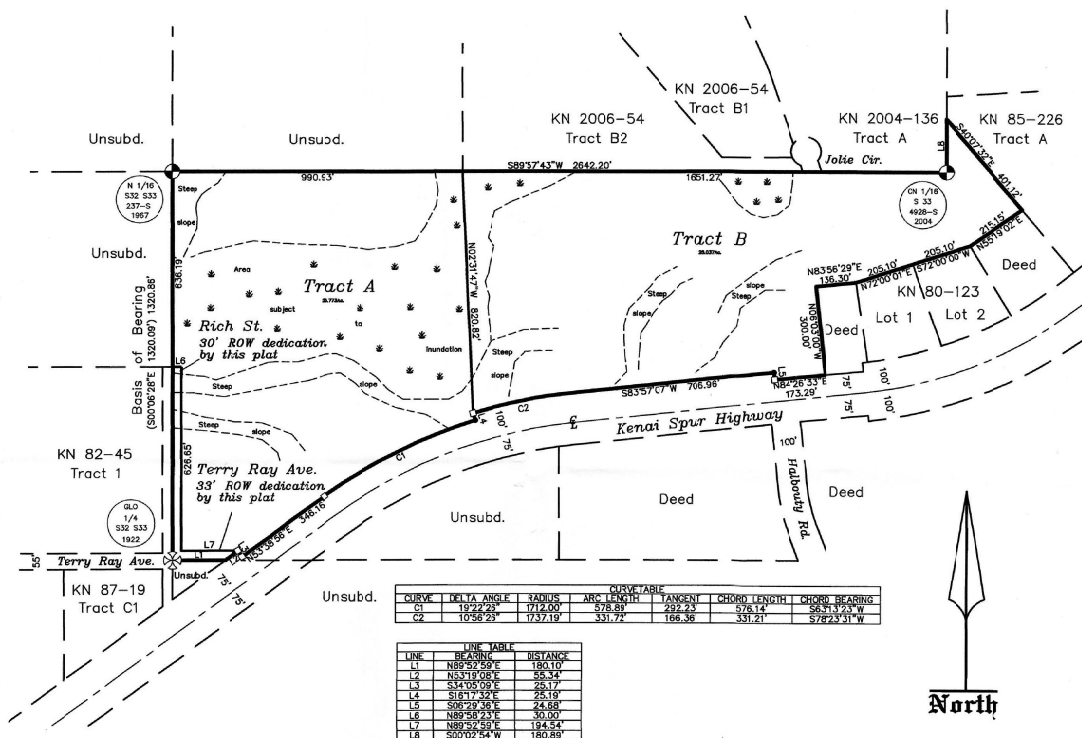


**LEGEND:**

- ☒ 1/2" ERASS, CAP MON. GLO 1922 FOUND  
 ● 1/2" ALUM. CAP MON. 4928-S 2004 FOUND  
 ☐ 1/2" ERASS, CAP MON. 237-S 1967 FOUND  
 □ 6"x8" CONCRETE HIGHWAY MONUMENT FOUND  
 □ 1/2" REBAR NO CAP FOUND  
 ○ 5/8" REBAR w/PLASTIC CAP LBS859 SET  
 ( ) RECORD DATUM PLAT 2004-136 KRD

**NOTES:**

- 1) Basis of bearing taken from Myers Lake Subdivision, Plat 2004-136, Kenai Recording District.
- 2) Building Setback-A setback of 20 feet is required from all street Rights-of-Way unless a lesser standard is approved by resolution by the appropriate Planning Commission.
- 3) All waste disposal systems shall comply with existing laws at the time of construction.
- 4) Roads must meet the design and construction standards established by the Borough in order to be considered for certification and inclusion in the Borough road maintenance program.
- 5) No private access to State maintained ROW's permitted unless approved by the State of Alaska Department of Transportation.
- 6) This property is subject to a reservation of easement for highway purposes, and any assignments or uses thereof for recreational, utility or other purposes, as disclosed by Public Land Order No. 601, dated August 10, 1949; and amended by Public Land Order No. 757, dated October 10, 1959; Public Land Order No. 1611, dated April 7, 1959; Department of the Interior Order Number 2665, dated October 16, 1951, Amendment Number 1 thereto, dated July 17, 1952 and Amendment Number 2 thereto, dated September 15, 1956, filed in the Federal Register.
- 7) Information for the Kenai Spur Highway was taken from State of Alaska Department of Highways Right of Way Map Alaska Project No. S-0490(2), page 29 of 29.
- 8) An easement in favor of Gerald D. Moore and Loretta J. Moore is recorded in Book 33 Page 282, Kenai Recording District. No definite location disclosed.
- 9) An right-of-way easement in favor of Halibut Alaska Oil Company is recorded in Book 3 Page 9, Kenai Recording District.
- 10) An easement for electric lines or system and/or telephone lines granted to Homer Electric Association is recorded in Book 3 Page 70, Kenai Recording District. No definite location disclosed.
- 11) 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 utility to use the easement.
- 12) **WASTEWATER DISPOSAL:** These lots are at least 200,000 square feet and conditions may not be suitable for onsite wastewater treatment and disposal. Any wastewater treatment or disposal system must meet the regulatory requirements of the Alaska Department of Environmental Conservation.

**CERTIFICATE of OWNERSHIP and DEDICATION**

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

CHRISTOPHER G. ROOPE LAURA ROOPE  
P.O. Box 1775  
KENAI, ALASKA 99611

**NOTARY'S ACKNOWLEDGEMENT**

FOR \_\_\_\_\_  
ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

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

**NOTARY'S ACKNOWLEDGEMENT**

FOR \_\_\_\_\_  
ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

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

**SURVEYOR'S CERTIFICATE**

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

Date \_\_\_\_\_

**PLAT APPROVAL**

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

KENAI PENINSULA BOROUGH

AUTHORIZED OFFICIAL \_\_\_\_\_

**Legal Description**

That portion of Section 33, Township 8 North, Range 11 West, Seward Meridian, Third Judicial District, State of Alaska, described as follows:

From a Point of Beginning at the West quarter corner of Section 33, N89°53'E 180.1 feet to the Right-of-Way of the Kenai Spur Highway, 100 feet from centerline, thence along said line N83°52'52"E 33.4 feet; thence S38°24'30"E 25.0 feet; thence N57°03'30"E 546.1 feet to the point of curvature on a 1712.0 foot radius curve to the right 578.33 feet; thence on a radial the N17°03'W 25.0 feet; thence on a 1737.0 foot radius curve to the right 332.33 feet to a point of tangency; thence N83°56'30"E 708.8 feet; thence S06°03'E 25.0 feet; thence N83°56'30"E 173.6 feet to Corner No. 5 of a 0.943 acre tract; thence adjoining this tract N06°03'W 300 feet; thence N83°56'30"E 136.3 feet to Corner No. 3 of a 1.514 acre tract; thence adjoining this tract N2°00'E 102.2 feet to Corner No. 4 of a 4.507 acre tract; thence adjoining this tract N50°00'E 214.0 feet to the Southwest boundary of a 4.507 acre tract; thence adjoining this tract N39°59'W 400.0 feet to the centerline of said Section 33; thence on this centerline S00°07'E 182.4 feet to the Center-North 1/16th corner of Section 33; thence on the North 1/16th line of Section 33, S89°59'W 2644.2 feet to the North 1/16th corner on the West boundary of Section 33; thence on this section line, S00°09'W 1310.6 feet to the point of beginning at the West quarter corner of Section 33; lying entirely within the South one-half of the Northwest one-quarter (SW/4 NW/4), the Northwest one-quarter of the Northeast one-quarter (NW/4 NE/4), and Lot Ten (10) of Section 33, Township 8 North, Range 11 West, Seward Meridian, Kenai Recording District, Third Judicial District, State of Alaska.

KPB FILE No. \_\_\_\_\_

**Roofe Subdivision**

Located at the S1/2 NW1/4, NW1/4 NE1/4, and Government Lot 10, Section 33, T8N, R11W, S4M, Kenai Recording District, Kenai Peninsula Borough, State of Alaska.

Containing 50.810 Ac.

Surveyor <b>Seeger Surveys</b> 30485 Rosland St. Soldotna, AK 99663 (907) 262-3909	Owner <b>Christopher G. and Laura Roope</b> P.O. Box 1775 Kenai, Alaska 99611
JOB NO. 23045	DRAWN: 5-13-23
SURVEYED: May, 2023	SCALE: 1"=200'
FIELD BOOK: 23-1	SHEET: 1 of 1

KPB 2023-054

AGENDA ITEM E. NEW BUSINESS

ITEM #8 – ROOFE SUBDIVISION

<b>KPB File No.</b>	2023-054
<b>Plat Committee Meeting:</b>	June 12, 2023
<b>Applicant / Owner:</b>	Laura and Christopher Roofe
<b>Surveyor:</b>	John Segesser / Segesser Surveys
<b>General Location:</b>	Kenai Spur Highway MP 29.5, Nikiski

<b>Parent Parcel No.:</b>	013-140-59
<b>Legal Description:</b>	Part of S1/2 NW1/4 & NW1/4 NE1/4 & Gov't Lot 10 Sec 33, T8N, R11W SM KRD Alaska
<b>Assessing Use:</b>	Residential
<b>Zoning:</b>	Unrestricted
<b>Water / Wastewater</b>	onsite

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STAFF REPORT

**Specific Request / Scope of Subdivision:** The proposed plat will a previously undivided parcel and subdivide it into two large tracts with half road dedications on the west.

**Location and Legal Access (existing and proposed):**

Both tracts are accessed from Kenai Spur Highway to the south at mile marker 29.5. Tract A has access on the west from Rich St and Terry Ray Ave which are both currently undeveloped.

Rich Street is proposing a straight half dedication, ending at the adjacent dedication. If the road were ever developed there would be no ability for vehicles or emergency vehicles specifically to be able to turn around. If the road were ever extended north or east, a bulb would need to be broken and vacated, where a t-style does not need to be.

**Staff recommends:** *the committee concur that a t-style turn around be recommended and added to the dedication for safety and turn around purposes.*

McGahan Ridge Trail crosses the southwest corner of the plat also as shown by KPB GIS data.

There is a section line easement on the west line per KPB data. **Staff recommends:** *the surveyor should verify and if there show on the drawing if applicable.*

Patent easements are shown to the north. The surveyor should verify if there are patent easements across this plat and if so show them if applicable.

An easement to the property to the north exist as recorded in Book 33 Page 282, as listed at Plat Note #8

Block length is not complete. An exception has been requested.

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

**Site Investigation:** There are some low wet areas as indicated on the plat. These low areas are mostly on Tract A and along the line between the two tracts. **Staff recommends:** *the low wet areas be depicted on the final plat and a Corps of Engineers plat note be added also.*



There are also steep slopes present throughout the property. The toe and top of slopes are depicted on the plat. **Staff recommends** the depictions of slopes remain on the final plat.

Per KPB GIS imagery and KPB Assessing information, the subject property is currently vacant. There does not appear to be any encroachments present.

KPB satellite imagery indicates this property may contain wet areas. **Staff recommendation:** place a note on the final plat indicating 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.

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

### **Staff Analysis**

The plat is being subdivided from a tract aliquot part of Section 33, Township 8 North, Range 11 West Seward Meridian, Kenai Peninsula Borough, Alaska.

A soils report not be will be required as the lots are over 200,000 sq ft.

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.

Nikiski 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.

### **Utility Easements**

This property is previously unsubdivided, so there are no easements to be carried forward. The certificate to plat lists an easement for electric lines of system and / or telephone lines to Home Electric Association recorded at Book 3 page 70 with no definite location.

A new 10 foot utility easement along the right of way and 20 feet within 5 feet of side lot lines is being granted by this plat, along with a 20 foot building setback. **Staff recommends:** showing the utility easement and setback line on the drawing or adding a typical detail of the easement and setback.

KPB data shows a section line easement on the west line of the plat. The surveyor should verify if it was issued and show if applicable.

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	A single phase overhead electric line is located in this approximate location. Provide a depiction of the electric line and a plat note that states, '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: Haws, Derek Affected Addresses: None</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names: FOSTER AVE LOPEZ AVE</p> <p>Existing Street Name Corrections Needed:</p> <p>All New Street Names are Approved: No</p> <p>List of Approved Street Names:</p> <p>List of Street Names Denied:</p> <p>Comments: 52713 JOLIE CIR WILL REMAIN WITH TRACT B</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>
Nikiski Advisory Planning Commission	

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

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

In Plat Note #6, check the dates and PLO # for correct listing on the patents in the certificate to plat.

---

**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:** Change the name on highway to Kenai Spur Highway

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

**Staff recommendation:** to the north of Tract A KN 2003-55, tract needs labeling.

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

**Staff recommendation:**

---

#### **KPB 20.30 – Subdivision Design Requirements**

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

---

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

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

20.40.010 Wastewater disposal.

*Platting Staff Comments:*

**Staff recommendation:** comply with 20.40.

---

#### **KPB 20.60 – Final Plat**

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

- 20.60.040. Dedication of public use lands. Any land shown on a plat as a street, public park or other public area must be dedicated on the final plat to a tax exempt governmental entity. If the governmental entity is not the Kenai Peninsula Borough, the governmental entity shall be required to execute an acceptance of the dedication on the plat.

**Staff recommendation:** Add Certificate of Acceptance for two dedications.

- 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,

Page 4 of 6



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. Need to add record data to the plat

**Staff recommendation:** *comply with 20.60.110.*

20.60.190. Certificates, statements, and signatures required.

**Staff recommendation:** *comply with 20.60.190.*

*Add Certificate of Acceptance for the two dedications.*

*KPB 20.60.190 corrected the Notary's Acknowledgement so it is an acknowledgement instead of a combination of an acknowledgement and a jurat.*

**Staff recommendation**

20.60.200. Survey and monumentation.

**Staff recommendation:** *Add monumentation along dedications, at back between tracts and on east lot lines comply with 20.60.200.*

### **EXCEPTIONS REQUESTED:**

#### **A. KPB 20.30.170 – Block length requirements**

Surveyor's Discussion: We would Like to request an exception to the street dedication as the owners do not want to have 2 tax lots. The area between the lots is wetlands.

Staff Discussion: there is a driveway with an access to the owner's house currently crossing the proposed Tract B. To the north are large undeveloped tracts

#### **Findings:**

1. **The land along the line between tracts is low wet area, make a poor location.**
2. **Future development of Tract B would dedicate a road to the north cul-de-sac Joile Cir.**
3. **Steep slopes are present through out the rest of the property.**
4. **The easement for access is the only location for future dedication, located on Tract B.**

Staff reviewed the exception request and recommends granting approval.

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

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

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

1. That special circumstances or conditions affecting the property have been shown by application;  
**Findings 1-4 appear to support this standard.**
2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is

the most practical manner of complying with the intent of this title;  
**Findings 1-4 appear to support this standard.**

3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.  
**Findings 1-4 appear to support this standard.**

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

---

**RECOMMENDATION:**

**SUBJECT TO EXCEPTION(S) GRANTED, STAFF RECOMMENDS:**

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

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

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

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

**END OF STAFF REPORT**

**From:** [seggy@ptialaska.net](mailto:seggy@ptialaska.net)  
**To:** [Piagentini, Vincent](#)  
**Subject:** RE: <EXTERNAL-SENDER>RE: Roofe Subdivision  
**Date:** Friday, May 26, 2023 12:19:38 PM  
**Attachments:** [image001.png](#)

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

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Vincent,

We would like to request an exception to the street dedication as the owners do not want to have 2 tax lots. The area between the lots is wetlands.

John F. Segesser  
Segesser Surveys Inc  
907-262-3909 Office  
907-252-3421 Cell

---

**From:** Piagentini, Vincent <[vpiagentini@kpb.us](mailto:vpiagentini@kpb.us)>  
**Sent:** Friday, May 26, 2023 11:44 AM  
**To:** 'seggy@ptialaska.net' <[seggy@ptialaska.net](mailto:seggy@ptialaska.net)>  
**Subject:** RE: <EXTERNAL-SENDER>RE: Roofe Subdivision

Ok. Go ahead and ask for an exception and let that be known in the request. They own the house to the north to do they not?

What about a dedication between the tracts?

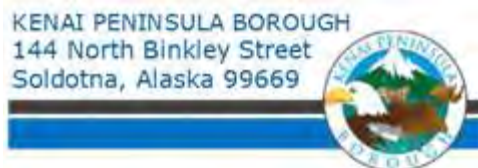
**Vince Piagentini, PLS**

Platting Manager

Planning Department

Ph: (907) 714-2212

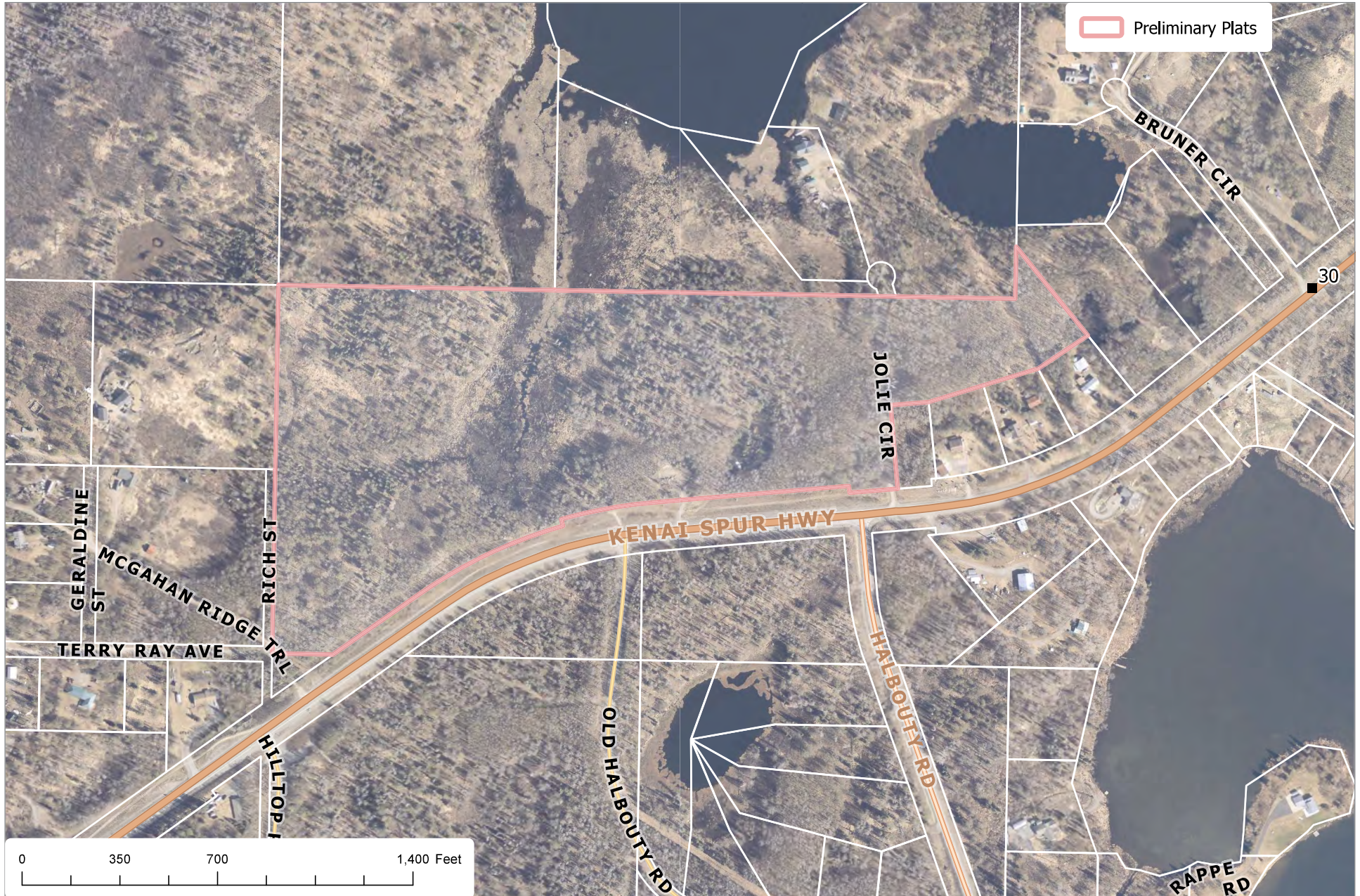
Fx: (907) 714-2378



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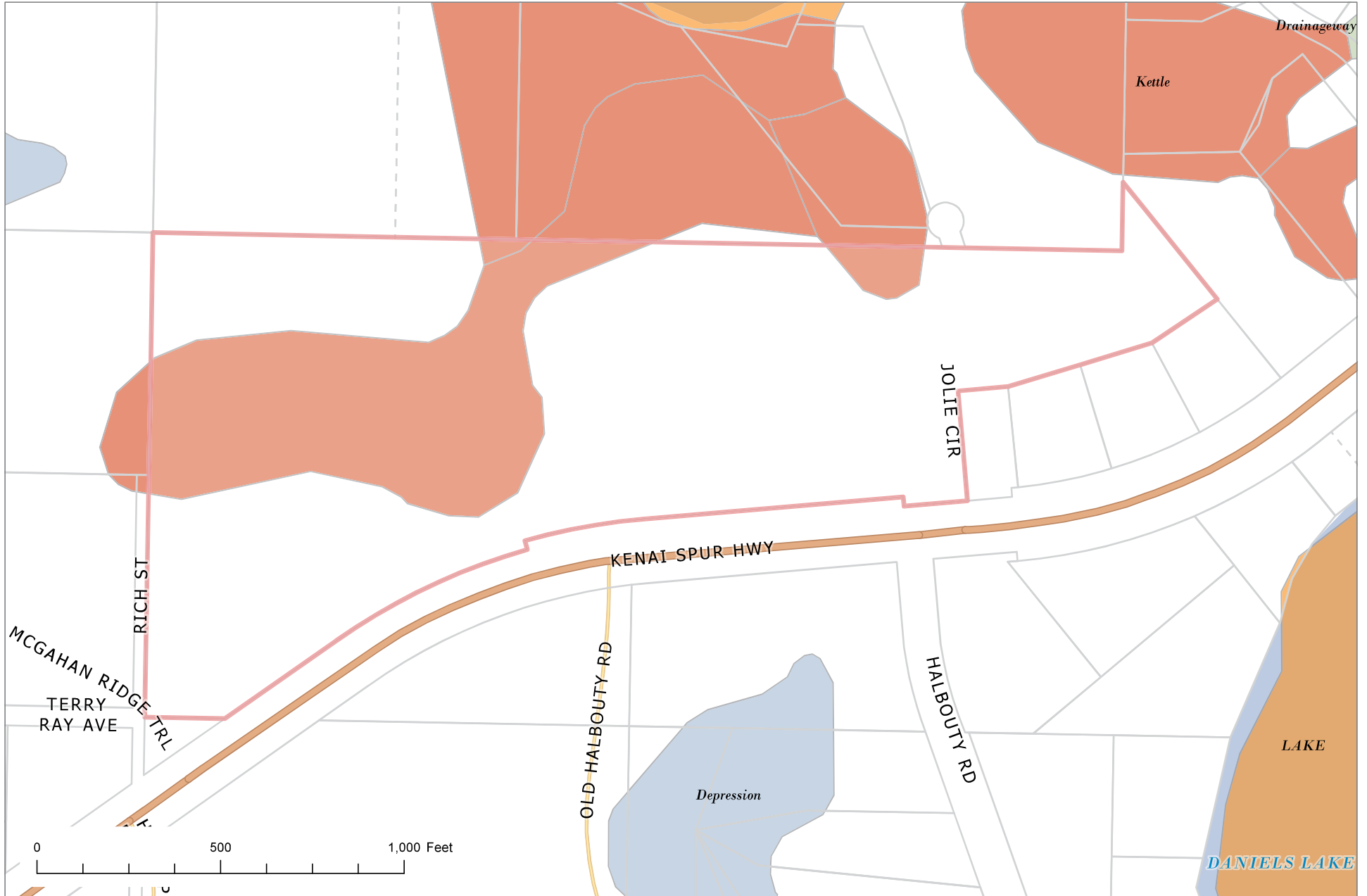
**From:** [seggy@ptialaska.net](mailto:seggy@ptialaska.net) <[seggy@ptialaska.net](mailto:seggy@ptialaska.net)>  
**Sent:** Friday, May 26, 2023 11:36 AM  
**To:** Piagentini, Vincent <[vpiagentini@kpb.us](mailto:vpiagentini@kpb.us)>  
**Subject:** <EXTERNAL-SENDER>RE: Roofe Subdivision





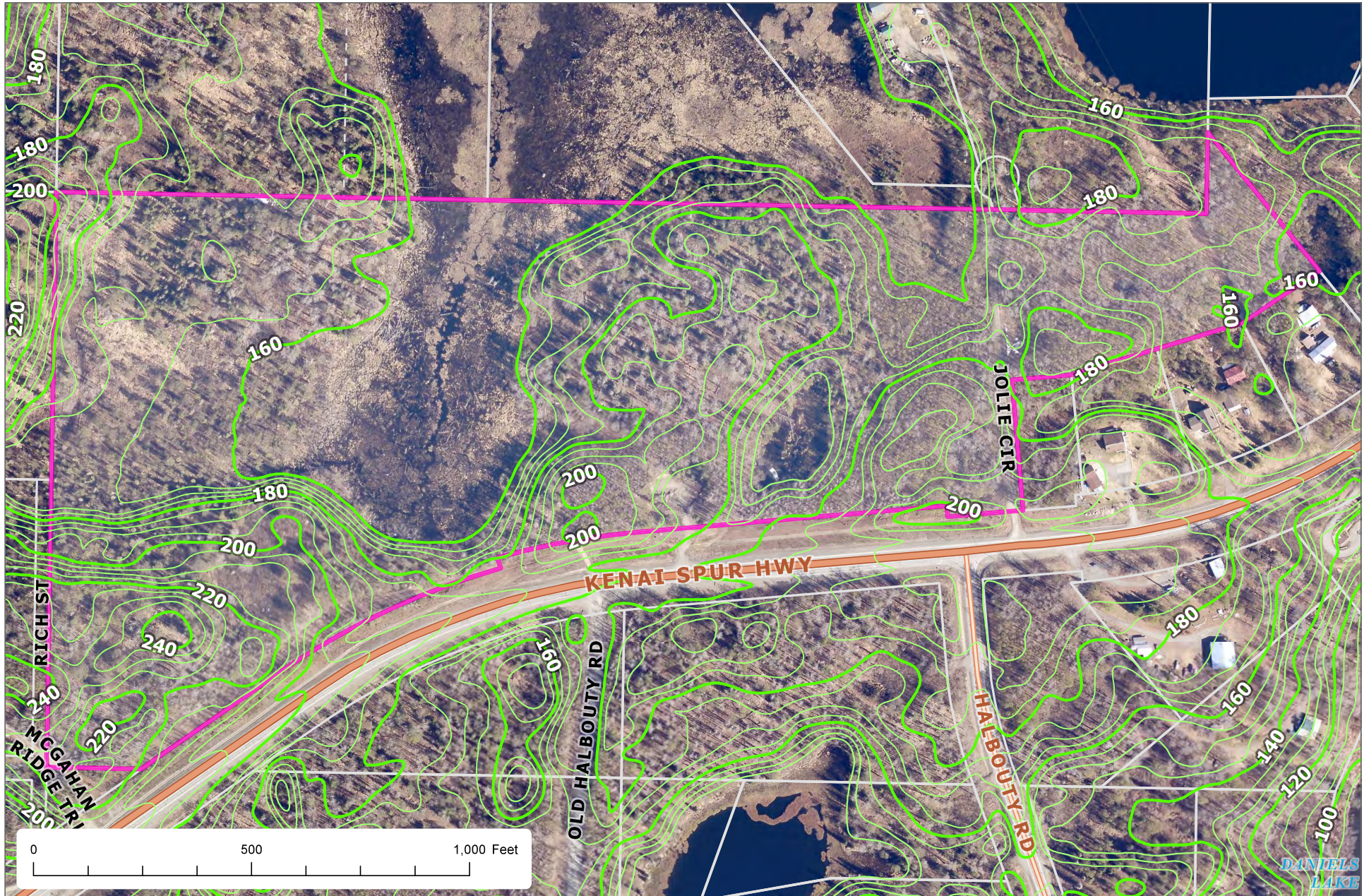
The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.





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





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



## Quainton, Madeleine

---

**From:** Keiner, Robert (DOT) <bob.keiner@alaska.gov>  
**Sent:** Tuesday, May 23, 2023 9:53 AM  
**To:** Quainton, Madeleine  
**Subject:** <EXTERNAL-SENDER>RE: PLAT REVIEW FOR June 12, 2023 MEETING: Plat Review State Group; GCI; Enstar; HEA; ACS  
**Attachments:** rwa206.sharpmx6240@alaska.gov\_20230523\_100202.pdf

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Madeleine,

The SOA Central Region Right of Way (ROW) Engineering section has reviewed the following plats for interpretation of any existing State ROW. We are not including comments on any possible concerns from a planning, design, safety, or traffic position. Plats not mentioned below are not on the State road system, therefore no comment was made.

**Riverwind I Subdivision Sutherlin Addition, KPB File 2023-055** – The ROW for Funny River appears to be shown correctly.

**Atkinson Subdivision 2023 Replat, KPB File 2023-052** – The ROW for Sterling Highway appears to be shown correctly.

**A.A. Mattox 2023 Replat, KPB File 2023-050** – The ROW for East End Road appears to be shown correctly.

**Roofe Subdivision, KPB File 2023-054** – The ROW for Kenai Spur appears mostly correct. (scanned info attached)

The ROW width label nearest the  $\frac{1}{4}$  corner of S32|S33 should be 100' instead of 75'.

The Warranty Deed legal description for Parcel 81 also differs from the ROW Map graphics, as it doesn't appear to narrow the ROW back to 75' at Station 958+00 of Kenai Spur Highway, and instead carries the 100' ROW to approximate Station 960+95.9.

I would also request that they show the approximate location of the old PLO ROW for FAS Route 490. There aren't any dimensions on the old ROW Map, so just an approximation would suffice to make people aware of the potential existence of the additional PLO. (I couldn't find any relinquishment or vacation for this area)

Thank you for the opportunity to review these plats.

Bob Keiner, P.L.S.

**ROW Engineering Supervisor**  
Central Region DOT/PF  
(907) 269-0713

---

**From:** Quainton, Madeleine <mquainton@kpb.us>  
**Sent:** Monday, May 22, 2023 11:49 AM  
**To:** 'Trevor.Brown@acsalaska.com' <Trevor.Brown@acsalaska.com>; Marsengill, Dale <DMarsengill@HomerElectric.com>; ENSTAR ROW <row@enstarnaturalgas.com>; Biloan, Joselyn (DOT) <joselyn.biloan@alaska.gov>; Keiner, Robert (DOT) <bob.keiner@alaska.gov>; 'ospdesign@gci.com' <ospdesign@gci.com>; Percy, Colton T (DFG) <colton.percy@alaska.gov>; 'Huff, Scott' <shuff@HomerElectric.com>

STATE OF ALASKA  
DEPARTMENT OF HIGHWAYS

# MEMORANDUM OF AGREEMENT

PROJECT NO. S-0490(2)  
LOCATION Wildwood North  
PARCEL NO. 81  
STATE HIGHWAY NO. 490 DISTRICT 1

AGREEMENT has been reached this 24th day of March, A.D., 19 66, between the owner or owners of the above designated parcel or parcels and THE DEPARTMENT OF HIGHWAYS, STATE OF ALASKA, for the purchase of said parcel or parcels. The amounts to be paid, and other considerations to be given in full satisfaction of this Agreement, are as follows:

For Land ( _____ Acres) _____	\$ 65.00
For Improvements _____	\$5.00
For Damages _____	0.00
TOTAL _____	\$ 70.00

## Other Conditions

*It is agreed by the parties hereto, that in the event any portion or all of the right of way purchased in this transaction is no longer needed, or to be used for the purposes for which it is purchased, that it will be sold, conveyed & quitclaimed to the abutting owner, or owners as their interests may appear at the time of said conveyance*

1. Taxes and Special Assessments, if any, delinquent from former years, and Taxes and Special Assessments for the current year, if due and/or payable, shall be paid by the vendor or vendors.
2. THIS MEMORANDUM embodies the whole Agreement between the parties hereto, and there are no promises, terms, conditions or obligations referring to the subject matter hereof, other than as contained herein.
3. The vendor or vendors hereby agree that the compensation herein provided to be paid, includes full compensation for their interests, and the interests of their life tenants, remaindermen, reversioners, lienors and lessees, and any and all other legal and equitable interests which are or may be outstanding, and said vendor or vendors agree to discharge the same.
4. THIS AGREEMENT shall be deemed a CONTRACT extending to and binding upon the parties hereto and upon the respective heirs, devisees, executors, administrators, legal representatives, successors and assigns of the parties, only when the same shall have been approved by one of the following, on behalf of the Department: Chief Right of Way Agent, Assistant Chief Right of Way Agent, District Engineer, Assistant District Engineer or District Construction Engineer.
5. Excepted from this agreement is the right of way which was reserved by Act of Congress of July 24, 1947 (48 U.S.C. 321d).

Of the total amount of compensation hereinabove agreed upon, the sum of \$ 70.00 shall be paid upon execution and delivery of a good and sufficient:

<input checked="" type="checkbox"/> WARRANTY DEED _____	<input type="checkbox"/> QUIT CLAIM DEED _____
<input type="checkbox"/> SPECIAL WARRANTY DEED _____	<input type="checkbox"/> ACCESS DEED _____
<input type="checkbox"/> EASEMENT _____	<input type="checkbox"/> _____

and the balance of the compensation, amounting to \$ None, shall be paid upon compliances by the vendor or vendors with the terms hereof.

Please order Warrant in the amount of \$ 70.00, payable to Gerald D. Moore & Loretta J. Moore and Alaska State Bank, Kenai Branch \_\_\_\_\_ as their interests may appear.

The terms of this Agreement are understood and assented to by us and payment is to be made in accordance with the above. It is further understood and agreed that, except as noted or specified above, IMMEDIATE POSSESSION of said premises, and the right to enter thereon, is HEREBY GRANTED to the Department, its duly authorized Agents and Contractors.

THE DEPARTMENT OF HIGHWAYS OF THE STATE OF ALASKA

BY: George S. Linn  
APPROVED FOR PAYMENT AS ABOVE: RIGHT OF WAY NEGOTIATOR

Neil Chubb  
CHIEF RIGHT OF WAY AGENT

DISTRICT ENGINEER — DISTRICT CONSTRUCTION ENGINEER

NOTE: DISTRICT ENGINEER OR HIS DESIGNEE TO SIGN WHEN CONSTRUCTION CONSIDERATION IS INVOLVED ONLY.

Gerald D. Moore  
Loretta J. Moore  
ALASKA STATE BANK, Kenai Branch  
By: T. D. Rice  
T. D. Rice, Assistant Vice Pres. & Manager

VENDOR OR VENDORS

DISTRIBUTION: WHITE — JUNEAU HEADQUARTERS  
YELLOW — DISTRICT R/W OFFICE  
PINK — VENDOR  
GOLDENROD — DISTRICT ENGINEER



The GRANTOR S Gerald D. Moore & Loretta J. Moore, husband & wife,

for and in consideration of Seventy & no/100-----(\$70.00)-----  
DOLLARS  
 conveys and warrants to the STATE OF ALASKA, the following described real estate  
 situated in the State of Alaska, to-wit:

81. A tract of land situate in the  $S\frac{1}{2}$  NW $\frac{1}{4}$  of Section 33, T. 8 N., R. 11 W.,  
 S.M., Third Judicial District, State of Alaska, more particularly described  
 as follows, to-wit:

Beginning at a point on the southerly line of the  $S\frac{1}{2}$  NW $\frac{1}{4}$  of Section 33,  
 T. 8 N., R. 11 W., S.M., said point bears S.89°57'07"E. a distance of 178.2  
 feet from the quarter corner common to Section 32 and said Section 33; thence  
 N.53°38'45"E. a distance of 58.2 feet; thence S.36°21'15"E. a distance of 25.0  
 feet; thence N.53°38'45"E. a distance of 346.1 feet; thence along a 3°20'48"  
 curve to the right (radius equals 1712.02 feet) through an arc of 19°23'11" a  
 distance of 579.27 feet; thence N.16°58'04"W. a distance of 25.0 feet; thence  
 from a tangent that bears N.73°01'56"E. along a 3°17'55" curve to the right  
 (radius equals 1737.02 feet) through an arc of 10°57'55" a distance of 332.4  
 feet; thence N.83°59'45"E. a distance of 1002.7 feet; thence S.6°00'15"E. a  
 distance of 175.0 feet; thence S.83°59'45"W. a distance of 1002.7 feet; thence  
 along a 3°40'05" curve to the left (radius equals 1562.02 feet) through an arc  
 of 30°21' a distance of 827.4 feet; thence S.53°38'45"W. a distance of 167.0 feet;  
 thence N.89°57'07"W. a distance of 294.9 feet to the point of beginning.

Containing 7.365 acres, more or less, of which 7.076 acres, more or less,  
 are contained in existing right of way of FAS Route 490. Net area equals 0.289  
 of an acre, more or less.

Dated this 24th day of March, 19 66.

Gerald D. Moore  
Loretta J. Moore

ACKNOWLEDGMENT OF GRANTOR S

STATE OF ALASKA )  
 ) ss.  
THIRD JUDICIAL DIST.)

On this 24th day of March, 19 66, before  
 me, the undersigned, a Notary Public in and for the said State, personally appeared  
Gerald D. Moore & Loretta J. Moore, husband and wife,

the Grantor S, known to me to be the identical person S who executed the foregoing  
 instrument and they acknowledged to me that they signed the same as their  
 free voluntary act and deed, with full knowledge of its contents, for the uses and  
 purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal  
 the day and year above written.

My Commission expires: My Commission Expires  
April 27, 1969

George G. Sims  
 Notary Public

PROJECT NO. S-0490(2)  
 PARCEL NO. 81



DH 242

ACKNOWLEDGMENT OF GRANTOR

STATE OF ALASKA )

) ss.

On this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, before me, the undersigned, a Notary Public in and for the said State, personally appeared \_\_\_\_\_ the Grantor, known to me to be the identical person who executed the foregoing instrument and he acknowledged to me that he signed the same as \_\_\_\_\_ free voluntary act and deed, with full knowledge of its contents, for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year above written.

My commission expires:

\_\_\_\_\_  
Notary Public

CORPORATE ACKNOWLEDGMENT

STATE OF ALASKA )

) ss.

On this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, before me, the undersigned, a Notary Public in and for the said State, personally appeared \_\_\_\_\_ and \_\_\_\_\_ respectively \_\_\_\_\_ President and \_\_\_\_\_ Secretary of \_\_\_\_\_, A corporation, known to me to be the identical individuals who executed the foregoing instrument and they acknowledged to me that they executed the same as their free voluntary act and deed, with full authority so to do and with full knowledge of its contents, for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year above written.

My commission expires:

\_\_\_\_\_  
Notary Public

CERTIFICATE OF ACCEPTANCE

THIS IS TO CERTIFY that the STATE OF ALASKA, Grantee herein, acting by and through its Commissioner of Highways, hereby accepts for public purposes the real property, or interest therein, described in this instrument and consents to the recordation thereof:

IN WITNESS WHEREOF, I have hereunto set my hand this \_\_\_\_\_ 4th day of April, 1966.

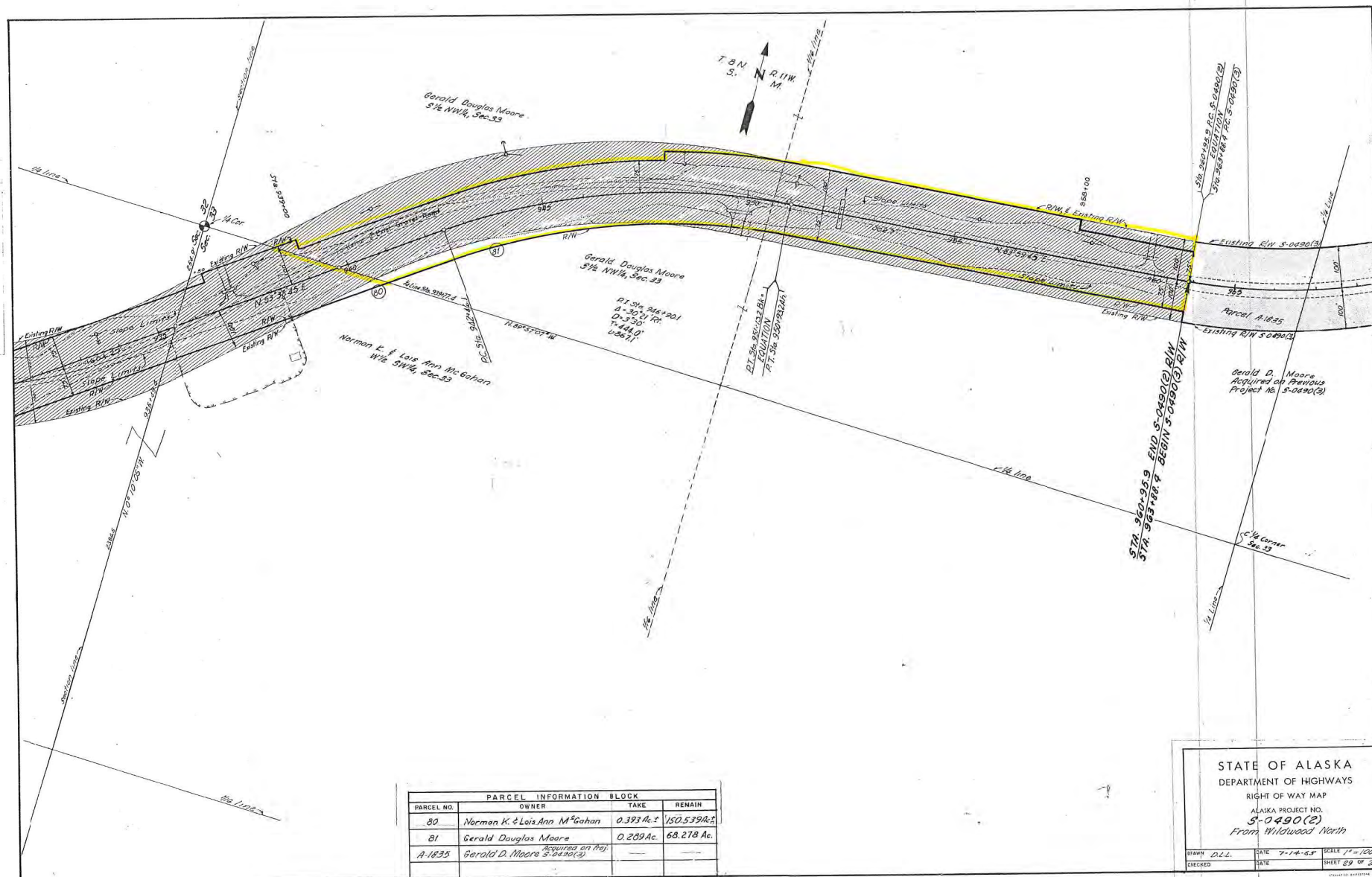
RECORDED - FILED	
REC. DIST.	
DATE	4/11/66
TIME	4:15 PM
Submitted by	ATK
Address	

DEPARTMENT OF HIGHWAYS

By: \_\_\_\_\_  
For the Commissioner

179







**LEGEND:**

- ✕ 2 1/2" BRASS. CAP MON. GLO 1922 FOUND  
 Ⓢ 2 1/2" ALUM. CAP MON. 4928-S 2004 FOUND  
 Ⓢ 2 1/2" BRASS. CAP MON. 237-S 1967 FOUND  
 □ 6"x6" CONCRETE HIGHWAY MONUMENT FOUND  
 ● 1/2" REFAR NO CAP FOUND  
 ○ 3/8" REBAR W/PLASTIC CAP L38839 SE.1  
 ( ) RECORD DATUM PLAT 2004-136 R01

**NOTES:**

- 1) Basis of bearing taken from Myers Lake Subdivision, Plat 2004-136, Kenai Recording District.
- 2) Building Setback-A setback of 20 feet is required from all street Rights-of-Way unless a lesser standard is approved by resolution by the appropriate Planning Commission.
- 3) All waste disposal systems shall comply with existing laws at the time of construction.
- 4) Roads must meet the design and construction standards established by the Borough in order to be considered for certification and inclusion in the Borough road maintenance program.
- 5) No private access to State maintained ROW's permitted unless approved by the State of Alaska Department of Transportation.
- 6) This property is subject to a reservation of easement for highway purposes, and any assignments or uses thereof for recreational, utility or other purposes, as disclosed by Public Land Order No. 601, dated August 10, 1949; and amended by Public Land Order No. 757, dated October 10, 1959; Public Land Order No. 1613, dated April 7, 1958; Department of the Interior Order Number 2865, dated October 16, 1951; Amendment Number 1 thereto, dated July 17, 1952; and Amendment Number 2 thereto, dated September 15, 1956, filed in the Federal Register.
- 7) Information for the Kenai Spur Highway was taken from State of Alaska Department of Highways Right of Way Map Alaska Project No. S-0490(2), page 29 of 29.
- 8) An easement in favor of Gerald D. Moore and Loretta J. Moore is recorded in Book 33 Page 282, Kenai Recording District. No definite location disclosed.
- 9) An right-of-way easement in favor of Halibut Alaska Oil Company is recorded in Book 3 Page 9, Kenai Recording District.
- 10) An easement for electric lines or system and/or telephone lines granted to Homer Electric Association is recorded in Book 3 Page 70, Kenai Recording District. No definite location disclosed.
- 11) 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.
- 12) **WASTEWATER DISPOSAL:** These lots are at least 200,000 square feet and conditions may not be suitable for onsite wastewater treatment and disposal. Any wastewater treatment or disposal system must meet the regulatory requirements of the Alaska Department of Environmental Conservation.

**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.

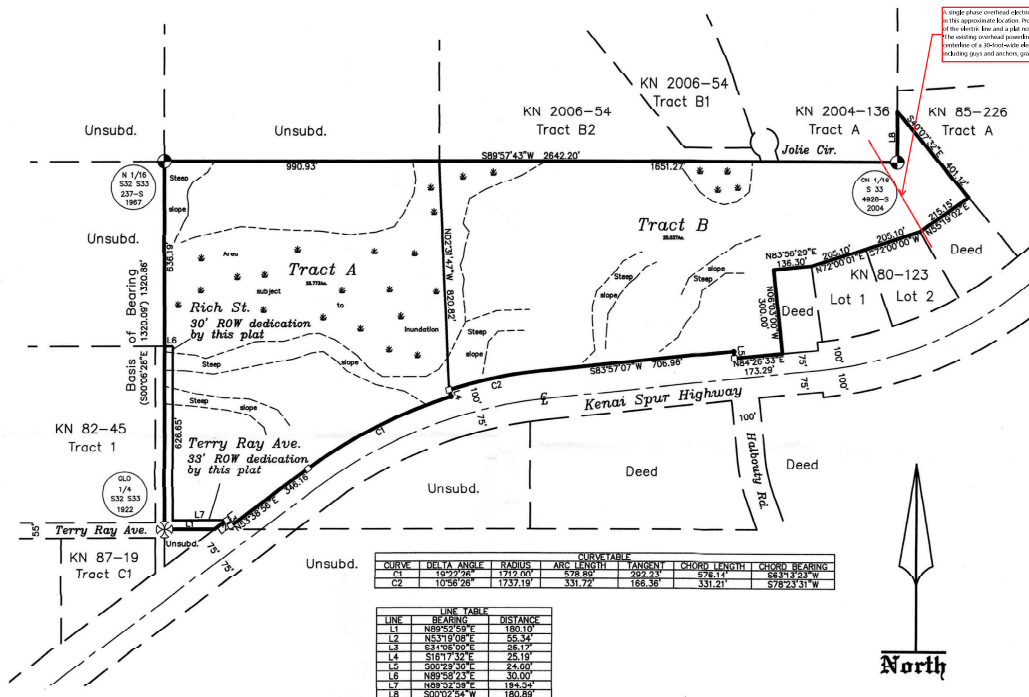
Date \_\_\_\_\_

**PLAT APPROVAL**

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

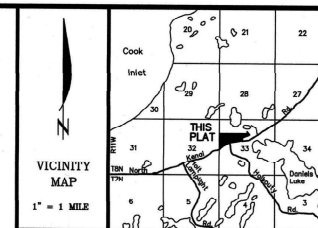
KENAI PENINSULA BOROUGH

AUTHORIZED OFFICIAL \_\_\_\_\_

**Legal Description**

That portion of Section 33, Township 8 North, Range 11 West, Seward Meridian, Third Judicial District, State of Alaska, described as follows:

From a point of Beginning at the West quarter corner of Section 33, N89°53'E 180.1 feet to the Right-of-Way of the Kenai Spur Highway, 100 feet from centerline; thence along said line N33°56'30"E 53.4 feet; thence S38°24'30"E 25.0 feet; thence N53°35'30"E 346.1 feet to the point of curvature on a 1712.0 foot radius curve to the right 579.33 feet; thence on a radial line N17°01'W 25.0 feet; thence on a 1737.0 foot radius curve to the right 332.33 feet to a point of tangency; thence N85°56'30"E 708.8 feet; thence S06°03'E 25.0 feet; thence N85°56'30"E 173.0 feet to Corner No. 3 of a 0.943 acre tract; thence adjoining this tract N06°03'W 300 feet; thence N83°56'30"E 136.3 feet to Corner No. 4 of a 3.070 acre tract; thence adjoining this tract N72°00'E 410.2 feet to Corner No. 3 of a 1.534 acre tract; thence adjoining this tract N55°00'E 214.0 feet to the Southwest boundary of a 4.507 acre tract; thence adjoining this tract N30°59'W 400.0 feet to the centerline of said Section 33; thence on this centerline S00°07'E 182.4 feet to the Center-North 1/16th corner of Section 33; thence on the North 1/16th line of Section 33, S89°59'W 2644.2 feet to the North 1/16th corner on the West boundary of Section 33; thence on this section line, S00°09'W 1320.8 feet to the point of beginning at the West quarter corner of Section 33; lying entirely within the South one-half of the Northwest one-quarter (SW1/4 NW1/4), the Northwest one-quarter of the Northeast one-quarter (NW1/4 NE1/4), and Lot Ten (10) of Section 33, Township 8 North, Range 11 West, Seward Meridian, Kenai Recording District, Third Judicial District, State of Alaska.

**CERTIFICATE of OWNERSHIP and DEDICATION**

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

CHRISTOPHER G. ROOFE \_\_\_\_\_ LAURA ROOFE \_\_\_\_\_  
P.O. BOX 1775  
KENAI, ALASKA 99611

**NOTARY'S ACKNOWLEDGEMENT**

FOR \_\_\_\_\_  
ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

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

**NOTARY'S ACKNOWLEDGEMENT**

FOR \_\_\_\_\_  
ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

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



KPB FILE No. \_\_\_\_\_

**Roofe Subdivision**

Located with the S1/2 NW1/4, NW1/4 NE1/4, and Government Lot 10, Section 33, T8N, R11W, S4M, Kenai Recording District, Kenai Peninsula Borough, State of Alaska.

Containing 50.810 Ac.

Surveyor	Owner
Segeberger Surveys 30485 Rosland St. Soldotna, AK 99669 (907) 262-3900	Christopher G. and Laura Roofe P.O. Box 1775 Kenai, Alaska 99611
JOB NO. 23045	DRAWN: 5-13-23
SURVEYED: May, 2023	SCALE: 1"=200'
FIELD BOOK: 23-1	SHEET: 1 of 1

KPB 2023-054