



Meeting Agenda Plat Committee

Monday, August 28, 2023

7:00 PM

Betty J. Glick Assembly Chambers

Zoom Meeting ID: 907 714 2200

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

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

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

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF AGENDA, EXCUSED ABSENCES, AND MINUTES

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

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

[KPB-5433](#) August 14, 2023 Plat Committee Minutes

Attachments: [C3. 081423 Plat Committee Minutes](#)

4. Grouped Plats

[KPB-5447](#) August 28, 2023 Grouped Plats Staff Report

Attachments: [Plat Grouped SR_082823](#)

D. OLD BUSINESS

E. NEW BUSINESS

1. [KPB-5434](#) Bidarki Creek No. 5; KPB File 2022-160R1
Attachments: [E1. Bidarki Creek No.5 Packet](#)
2. [KPB-5435](#) Pacific Park Subdivision Blauvelt Addition; KPB File 2023-088
Attachments: [E2. Pacific Park Sub Blauvelt Addn Packet](#)
3. [KPB-5436](#) W.R. Bell Subdivision 2023 Addition; KPB File 2023-087
Attachments: [E3. W.R. Bell Sub 2023 Addn 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, September 11, 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

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. August 14, 2023 Plat Committee

Kenai Peninsula Borough

Plat Committee

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

August 14, 2023
5:30 PM
UNAPPROVED MINUTES

A. CALL TO ORDER

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

B. ROLL CALL

Plat Committee Members/Alternates

Pamela Gillham, Kalifornsky/Kasilof District
Jeremy Brantley, Ridgeway/Sterling/Funny River District
Dawson Slaughter, South Peninsula District
Franco Venuti, City of Homer

Staff Present

Robert Ruffner, Planning Director
Walker Steinhage, Deputy Borough Attorney
Vince Piagentini, Platting Manager
Madeleine Quainton, Platting Specialist
Jenny Robertson, Land Management Administrative Assistant
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. July 17, 2023 Plat Committee Meeting Minutes

- *4. Grouped Plats
3. Cooper Subdivision 2023 Replat; KPB File 2023-082
5. Tustumena Terraces 2023 Replat; KPB File 2023-080
7. Folz Subdivision 2023 Replat; KPB File 2023-085
9. Diamond Willow Kenai Wellness Estates Addition; KPB File 2023-079

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 Slaughter moved, seconded by Commissioner Brantley to approve the agenda, the July 17, 2023 Plat Committee meeting minutes and grouped plats 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	Brantley, Gillham, Slaughter, 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 – ANNETTE’S SUBDIVISION

KPB File No.	2023-086
Plat Committee Meeting:	August 14, 2023
Applicant / Owner:	Marvin & Annette Bellamy of Halibut Cove, Alaska
Surveyor:	Kenton Bloom / Seabright Survey + Design
General Location:	Halibut Cove
Parent Parcel No.:	093-330-75
Legal Description:	Part of USS 1541
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On Site

Staff report given by Platting Manager Vince Piagentini.

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.

MAIN MOTION: Commissioner Slaughter moved, seconded by Commissioner Brantley to grant preliminary approval to Annette’s Subdivision, based on staff recommendations and compliance to borough code and adopting and incorporating by reference the staff report and staff recommendations.

EXCEPTION REQUEST: Commissioner Slaughter moved, seconded by Commissioner Brantley to grant the exception request to KPB 20.30.210 – Lots, Access to Streets, citing findings 2-8 in support of standards one, two and three.

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

EXCEPTION REQUEST MOTION PASSED BY UNANIMOUS VOTE

Yes- 4	Brantley, Gillham, Slaughter, Venuti
No - 0	

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

MAIN MOTION PASSED AS AMENDED BY UNANIMOUS VOTE

Yes- 4	Brantley, Gillham, Slaughter, Venuti
No - 0	

ITEM 2 – BAREFOOT ACRES

KPB File No.	2023-073
Plat Committee Meeting:	August 14, 2023
Applicant / Owner:	Aaron Jackson of Anchorage, Alaska Konrad Jackson of Soldotna, Alaska Anna Marie Jackson Revocable Living Trust of Homer, Alaska
Surveyor:	Gary Nelson / Ability Surveys
General Location:	Kachemak City
Parent Parcel No.:	174-120-01
Legal Description:	PARENT PARCEL DESCRIPTION
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	City of Homer Sewer / On site water

Staff report given by Platting Manager Vince Piagentini.

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.

MAIN MOTION: Commissioner Brantley moved, seconded by Commissioner Slaughter to grant preliminary approval to Barefoot Acres, based on staff recommendations and compliance to borough code and adopting and incorporating by reference the staff report and staff recommendations.

EXCEPTION REQUEST A: Commissioner Brantley moved, seconded by Commissioner Slaughter to grant the exception request to KPB 20.30.190(A) Lot Dimensions 3:1 depth to width for lots two & three, citing findings 1-3 & 8 in support of standard one, findings 1-4 & 8 in support of standard two and findings 1-8 in support of standard three.

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

EXCEPTION REQUEST A MOTION PASSED BY UNANIMOUS VOTE

Yes- 4	Brantley, Gillham, Slaughter, Venuti
No - 0	

EXCEPTION REQUEST B: Commissioner Brantley moved, seconded by Commissioner Slaughter to grant the exception request to KPB 20.30.120 - Street Width Requirements, citing findings 3, 4 & 6 in support of standard one, findings 1, 3-5 & 7 in support of standard two and findings 1 & 3-7 in support of standard three.

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

EXCEPTION REQUEST B MOTION PASSED BY UNANIMOUS VOTE

Yes- 4	Brantley, Gillham, Slaughter, Venuti
No - 0	

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

MAIN MOTION PASSED AS AMENDED BY UNANIMOUS VOTE

Yes- 4	Brantley, Gillham, Slaughter, Venuti
No - 0	

ITEM 3 - Cooper Subdivision 2023 Replat

KPB File No.	2023-082
Plat Committee Meeting:	August 14, 2023
Applicant / Owner:	Alex & Lindsay Trieweler and Donal Ryan all of Homer, Alaska
Surveyor:	Stephen Smith / GEOVERA, LLC
General Location:	Alder Lane, Homer
Parent Parcel No.:	179-300-10
Legal Description:	Lot 5 Block 2 Cooper Subdivision HM72-764
Assessing Use:	Residential
Zoning:	Rural Residential District
Water / Wastewater	City / City

**Passed Under Grouped Plats Under the Consent Agenda*

ITEM 4 – SHIPLEY SUBDIVISION

KPB File No.	2023-070
Plat Committee Meeting:	August 14, 2023
Applicant / Owner:	Mark Shipley of Soldotna, Alaska
Surveyor:	John Segesser / Segesser Surveys
General Location:	Ridgeway area
Parent Parcel No.:	058-310-08
Legal Description:	E1/2 NE1/4 NE1/4 NE1/4, Section 22 Township 5 North Range 10 West
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On site

Staff report given by Platting Manager Vince Piagentini.

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.

MAIN MOTION: Commissioner Slaughter moved, seconded by Commissioner Brantley to grant preliminary approval to Shipley Subdivision, based on staff recommendations and compliance to borough code and adopting and incorporating by reference the staff report and staff recommendations.

EXCEPTION REQUEST: Commissioner Slaughter moved, seconded by Commissioner Brantley to grant the exception request to KPB 20.30.030(A) Proposed Street Layout Requirements, citing finding 1-7 in support of standards one, two & three.

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

EXCEPTION REQUEST MOTION PASSED BY UNANIMOUS VOTE

Yes- 4	Brantley, Gillham, Slaughter, Venuti
No - 0	

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

MAIN MOTION PASSED AS AMENDED BY UNANIMOUS VOTE

Yes- 4	Brantley, Gillham, Slaughter, Venuti
No - 0	

ITEM 5 – Tustamena Terraces 2023 Replat

KPB File No.	2023-080
Plat Committee Meeting:	August 14, 2023
Applicant / Owner:	Aaron & Carleen Ducker, Kasilof, AK
Surveyor:	Jerry Johnson / Johnson Surveying
General Location:	Between Burton Dr and Terrace Dr in Kasilof
Parent Parcel No.:	133-570-14 & 133-570-06
Legal Description:	Lots 19 & 42 Tustumena Terraces KRD 80-85
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On site

**Passed Under Grouped Plats Under the Consent Agenda*

ITEM 6 - ASLS No 2023-16 Anchors Aweigh North Subdivision

KPB File No.	2023-084
Plat Committee Meeting:	August 14, 2023
Applicant / Owner:	State of Alaska Department of Natural Resources, Division of Mining, Land & Water of Anchorage, Alaska
Surveyor:	James Hall / McLane Consulting Group
General Location:	Anchor Point/ Anchor Point APC
Parent Parcel No.:	159-180-22 & 159-180-23
Legal Description:	N1/2 SW1/4 & SW1/4 SW1/4 Sec 36 T3S R15W SM Alaska, Except Sterling Highway
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On site

Staff report given by Platting Manager Vince Piagentini.

Chair Gillham opened the item for public comment.

James Hall, McLane Consulting Group; P.O. Box 468, Soldotna, AK 99669: Mr. Hall was the surveyor on this project and made himself available for questions.

Joel Cooper, Stewardship Director, Kachemak Heritage Land Trust (KHLT); 315 Klondike Ave., Homer, AK 99603: Mr. Cooper noted KHLT is a neighboring landowner. KHLT is not opposed to this subdivision but wanted to make the Kenai Peninsula Borough and the subdivision landowners aware that KHLT's parcel is a protected salmon conservation area that is open to the public.

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

MAIN MOTION: Commissioner Slaughter moved, seconded by Commissioner Brantley to grant preliminary approval to ASLS 2023-16 Anchors Aweigh North Subdivision, based on staff recommendations and compliance to borough code and adopting and incorporating by reference the staff report and staff recommendations.

EXCEPTION REQUEST A: Commissioner Slaughter moved, seconded by Commissioner Brantley to grant the exception request to KPB 20.30.030 Proposed Street Layout Requirements & KPB 20.30.170 Block Length Requirements, citing findings 1-5 in support of standards one, two and three.

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

EXCEPTION REQUEST A MOTION PASSED BY UNANIMOUS VOTE

Yes- 4	Brantley, Gillham, Slaughter, Venuti
No - 0	

EXCEPTION REQUEST B: Commissioner Slaughter moved, seconded by Commissioner Brantley to grant the exception request to KPB 20.30.150(B) Street Intersection Requirements, citing findings 1-4 in support of standards one, two and three.

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

EXCEPTION REQUEST B MOTION PASSED BY UNANIMOUS VOTE

Yes- 4	Brantley, Gillham, Slaughter, Venuti
No - 0	

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

MAIN MOTION PASSED AS AMENDED BY UNANIMOUS VOTE

Yes- 4	Brantley, Gillham, Slaughter, Venuti
No - 0	

ITEM 7 - Folz Subdivision 2023 Replat

KPB File No.	2023-085
Plat Committee Meeting:	August 14, 2023
Applicant / Owner:	ZPA LLC / ANCHORAGE, AK
Surveyor:	James Hall / McLane Consulting Inc.
General Location:	Bear Creek area
Parent Parcel No.:	144-130-10, 144-130-87, 144-130-88
Legal Description:	Tract C Folz Subd Revised SW 24, Tracts E3 & E4 Folz Subd 2021 Addition SW2022-5
Assessing Use:	Commercial
Zoning:	Rural Unrestricted
Water / Wastewater	On Site

**Passed Under Grouped Plats Under the Consent Agenda*

ITEM 8 - Oberts Silver Salmon Subdivision

KPB File No.	2023-081
Plat Committee Meeting:	August 14, 2023
Applicant / Owner:	Nathan Oberts of Kenai , Alaska
Surveyor:	James Hall, McLane Consulting Inc
General Location:	Silver Salmon Drive off Kenai Spur Hwy, Kenai
Parent Parcel No.:	049-730-13
Legal Description:	Gov't Lot 10 & Portion of NE1/4 SE1/4 Section 7, T5N, R10W SM Alaska
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	Onsite

Staff report given by Platting Manager Vince Piagentini.

Chair Gillham opened the item for public comment.

James Hall, McLane Consulting Group; P.O. Box 468, Soldotna, AK 99669: Mr. Hall was the surveyor on this project and made himself available for questions.

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

MAIN MOTION: Commissioner Brantley moved, seconded by Commissioner Slaughter to grant preliminary approval to Oberts Silver Salmon Subdivision, based on staff recommendations and compliance to borough code and adopting and incorporating by reference the staff report and staff recommendations.

EXCEPTION REQUEST A: Commissioner Brantley moved, seconded by Commissioner Slaughter to grant the exception request to KPB 20.30.170 Block Length Requirements, citing findings 1, 3,&4 in support of standard one, findings 1-3 & 5 in support of standard two and findings 1 &3-5 in support of standard three.

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

EXCEPTION REQUEST A MOTION PASSED BY UNANIMOUS VOTE

Yes- 4	Brantley, Gillham, Slaughter, Venuti
No - 0	

EXCEPTION REQUEST B: Commissioner Brantley moved, seconded by Commissioner Slaughter to grant the exception request to KPB 20.30.190 Lot Dimensions, citing findings 1-6 in support of standards one, two and three.

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

EXCEPTION REQUEST B MOTION PASSED BY UNANIMOUS VOTE

Yes- 4	Brantley, Gillham, Slaughter, Venuti
No - 0	

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

MAIN MOTION PASSED AS AMENDED BY UNANIMOUS VOTE

Yes- 4	Brantley, Gillham, Slaughter, Venuti
No - 0	

ITEM 9 – DIAMOND WILLOW KENAI WELLNESS ESTATES ADDITION

KPB File No.	2023-079
Plat Committee Meeting:	August 14, 2023
Applicant / Owner:	Consolidated Development and Management LLC of Anchorage, Alaska
Surveyor:	James Hall / McLane Consulting
General Location:	Kalifornsky area
Parent Parcel No.:	055-270-70
Legal Description:	Tract A, Diamond Willow Estates Subdivision Sunville Acres Addition, KN 2015-69; Section 24 Township 5 North Range 11 West
Assessing Use:	Residential
Zoning:	Single-family Residential District (R-1); LOZD Diamond Willow – Fairfield Zoning District
Water / Wastewater	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 Brantley moved to adjourn the meeting 6:21 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 August 28, 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. – 2 Plats

1. Bidarki Creek No. 5; KPB File 2022-069R1
3. W.R. Bell Subdivision 2023 Addition; KPB File 2023-087

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

- B. Plats needing specific actions or controversial - (public comments received, major staff concerns, exceptions required) – 1 Plat

2. Pacific Park Subdivision Blauvelt Addition; KPB File 2023-088

E. NEW BUSINESS

- 1. Bidarki Creek No. 5; KPB File 2022-160R1
Orion Surveys / Lamb & Reilly
Location: Just Past MP 171 Sterling Highway
City of Homer**



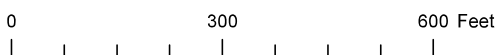
Kenai Peninsula Borough Planning Department

Vicinity Map



KPB File 2022-160R1
T 06S R 14W SEC 24
Homer

08/07/2023





NOTES:

1. This subdivision is subject to Homer City Code.
2. All wastewater disposal systems shall comply with existing applicable laws at the time of construction.
3. No permanent structure shall be constructed or placed within a utility easement which would interfere with the ability of a utility to use the easement.
4. This subdivision is subject to the zoning regulations of the City of Homer. Portions of this subdivision may contain wetlands. Owners should consult with the City of Homer Planning Dept. and the Army Corps of Engineers prior to any development activity.
5. Per Plat HM2007-106 a 50' wide drainage easement is on each side of the centerline of Bidarki Creek for maintenance purposes regarding drainage for the Sterling Highway.
6. No access to state maintained rights-of-way permitted unless approved by the State of Alaska, Department of Transportation.
7. Covenants, conditions and restrictions which may affect portions of this subdivision are recorded in 96, 66, Pg. 145 H.R.D.
8. The location of the northern edge of the Sterling Highway is shown per Bidarki Creek No. 4 HM2012-27. Per HM2012-27 the ROW was determined from calculations made using surveyed locations of sound monuments and record data from Plats HM73-81, HM73-531, DOT&PF Right of Way maps from Alaska Project II, F 022-1(13) Homer Hill, and the corresponding ROW "take" as shown in Book 251 Page 324.
9. There is a 15' Utility and Drainage easement benefitting the City of Homer recorded per Serial No. 1003-1950, H.R.D.
10. Bidarki Creek is subject to periodic flooding.
11. The Borough will not enforce private covenants, easement, or deed restrictions per KPB 20.60.170.

LEGEND

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

Line Bearing	Distance
1. S 76°09'42" W	118.00'
2. N 73°54'38" W	72.52'
3. S 73°55'17" W	118.66'
4. S 69°39'39" W	135.50'

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	766.20'	151.63'	151.59'	S 89°14'01" E	117°17'52"
C2	766.20'	71.00'	70.88'	N 63°17'41" W	57°58'48"
C3	766.20'	50.84'	50.83'	N 69°46'02" W	3°48'07"
C4	766.20'	26.99'	26.98'	N 72°47'22" W	2°14'33"

PLAT APPROVAL:

This plat was approved by the Homer Peninsula Borough Planning Commission at the meeting of _____, 20__.

Homer Peninsula Borough

By: _____
Authorized Official



VICINITY MAP 1" = 1/2 Mile

Ownership Certificate:

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

McNennen Lamb, for former Tract 2

2345 Timpleview Dr.

Primo, UT 84604

Notary's Acknowledgement:

For: _____
Acknowledged before me this _____ day of _____, 20__.

Notary Public for Alaska

My commission expires: _____

Rachael Lamb, for former Tract 2

2345 Timpleview Dr.

Primo, UT 84604

Notary's Acknowledgement:

For: _____
Acknowledged before me this _____ day of _____, 20__.

Notary Public for Alaska

My commission expires: _____

Kristen Lamb Realty, for former Tract 1

2755 Rolling Hills Dr.

Primo, UT 84604

Notary's Acknowledgement:

For: _____
Acknowledged before me this _____ day of _____, 20__.

Notary Public for Alaska

My commission expires: _____

WASTEWATER CERTIFICATE:

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

Engineer: _____ License #: _____ Date: _____

0 30 60 90

BIDARKI CREEK No. 5

A subdivision of Tracts 1 and 2

Bidarki Creek No. 4 HM2012-27

Within NW1/4, Sec. 14, T8S, R14W, S4M,

in the City of Homer, Homer Peninsula Borough,

Homer Recording District,

Third Judicial District, Alaska

Containing 3.114 Acres

Prepared for:

McNennen and Rachael

Lamb

2585 Timpleview Dr.

Primo, Utah 84604 and

Kristen Lamb Realty

2755 Rolling Hills Dr.

Primo, Utah 84604

Scale: 1" = 30'

Date: 8/1/2023

FBI: 24 Job# 965 KPB File No. 2022-160

KPB 2022-160R1

AGENDA ITEM E. NEW BUSINESS

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

KPB File No.	2022-160R1
Plat Committee Meeting:	August 28, 2023
Applicant / Owner:	McKennen and Rachael Lamb and Kristen Lamb Reilly all of Provo, Utah
Surveyor:	Tom Latimer / Orion Surveys
General Location:	Near mile 171 Sterling Highway, City of Homer

Parent Parcel No.:	175-250-12 and 175-250-13
Assessor Description:	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 2012027 BIDARKI CREEK NO 4 TRACT 1 & 2
Assessing Use:	Residential
Zoning:	Rural Residential District
Water / Wastewater	City
Exception Requested	

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide two tracts into four lots ranging in size from 31,440 sq. ft to 39,448 sq. ft.

This preliminary plat is a revised plat previously submitted with a different design, heard and approved by the KPB Plat Committee on November 14, 2022. It is being resubmitted as a major revision needing to be approved by the Plat Committee again.

Location and Legal Access (existing and proposed): The proposed plat is located just south of mile 171 of state maintained Sterling Highway. The proposed lots will have access from Sterling Highway. There is currently a driveway giving access to lots 2 and 3. The owners have provided a Mutual Access Easement Agreement to be recorded concurrently with the plat. Draft copy is for old edition of preliminary plat with ten lots, new easement agreement will need to be updated for current preliminary plat.

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

PER DOT: The platting action voids any previous issued permits. You need to reapply for driveway access permits to state ROW.

KPB Roads Dept. comments	
SOA DOT comments	The ROW for Sterling Highway appears to be shown correctly. – Engineering

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

The terrain may limit some of the developable areas. There is an existing structure contained within some of the steep slopes.

Bidarki Creek No. 3, Plat HM 2007-106, granted a 50-foot-wide drainage easement on each side of Bidarki Creek. The easement is shown, but not labeled. Surveyor should label the easement and reference to Plat Note #5.

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

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

The lots are all proposed under an acre, but above 31,000 sq. ft. Per KPB Code 20.30.200, if lots will be served by public wastewater disposal and water systems they must be at least 6,000 square feet.

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

Notice of the proposed plat was mailed to the beneficial interest holder on August 7, 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 proposed plat is within the City of Homer. It is scheduled to be on the August 16, 2023 City of Homer Planning Commission meeting.

The new plat layout has created a long narrow lot in Lot 3 and an exception 20.30.190 Lot- Dimensions 3:1 has been requested. Staff computed the ratio of the average depth of the lots to the three times the average width of Lot 3 and obtained 1.1:1. **Staff recommends that the Committee concur that an exception is not needed for KPB 20.30.190.**

Utility Easements A 10-foot-wide utility easement was granted along the northern boundary of the subdivision on Bidarki Creek Subdivision, Plat HM 73-81. Bidarki Creek No. 4, Plat HM 2012-27, granted a 10-foot water main easement along the eastern boundary

Bidarki Creek No. 3, Plat HM 2007-106, granted 15-foot utility easements that increased to 20 feet within 5 feet of the side lot lines adjacent to rights-of-way.

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

Utility provider review:

HEA	No comment
ENSTAR	Comments received, comments in packet, Surveyor comply recommendations
ACS	
GCI	

KPB department / agency review:

Addressing	<p>Reviewer: Leavitt, Rhealyn Affected Addresses: 1762 STERLING HWY, 1742 STERLING HWY</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names: STERLING HWY</p> <p>Existing Street Name Corrections Needed:</p> <p>All New Street Names are Approved: No</p> <p>List of Approved Street Names:</p> <p>List of Street Names Denied:</p> <p>Comments: CITY OF HOMER WILL ADVISE ON ADDRESSES</p>
Code Compliance	<p>Reviewer: Ogren, Eric Comments: No comments</p>
Planner	<p>Reviewer: Raidmae, Ryan There are not any Local Option Zoning District issues with this proposed plat.</p> <p>Material Site Comments: There are not any material site issues with this proposed plat. Review Not Required</p>
Assessing	<p>Reviewer: Windsor, Heather Comments: No comment</p>

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

STAFF RECOMMENDATIONS
CORRECTIONS / EDITS

Correct Plat Note #9 to read the entire serial number of the document as listed 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.

- A. Within the Title Block
1. Name of the subdivision which shall not be the same as an existing city, town, tract, or subdivision of land in the borough, of which a plat has been previously recorded, or so nearly the same as to mislead the public or cause confusion. The parent plat's name shall be the primary name of the preliminary plat.
 2. Legal description, location, date, and total area in acres of the proposed subdivision;
 3. Name and address of owner(s), as shown on the KPB records and the certificate to plat, and registered land surveyor.
- Staff recommendation:** *Change KPB file number to 2022-160R1. Change section number in legal to 24. Update owners address.*
- D. A vicinity map, drawn to scale showing location of proposed subdivision, north arrow if different from plat orientation, township and range, section lines, roads, political boundaries, and prominent natural and manmade features, such as shorelines or streams;
- Staff recommendation:** *Label Kachemak Bay. Add road names to vicinity map. Flag in 'this plat' on site location.*

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.*

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

Staff recommendation: *an installation agreement or documentation one is not required will need to be submitted to staff.*

20.60.200. Survey and monumentation.

Staff recommendation: *comply with 20.60.200*

F. Bearings and distances between the nearest subdivision property lines and official GLO or BLM monuments shall be accurately described and delineated on the plat and the basis of bearings shall be indicated.

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.

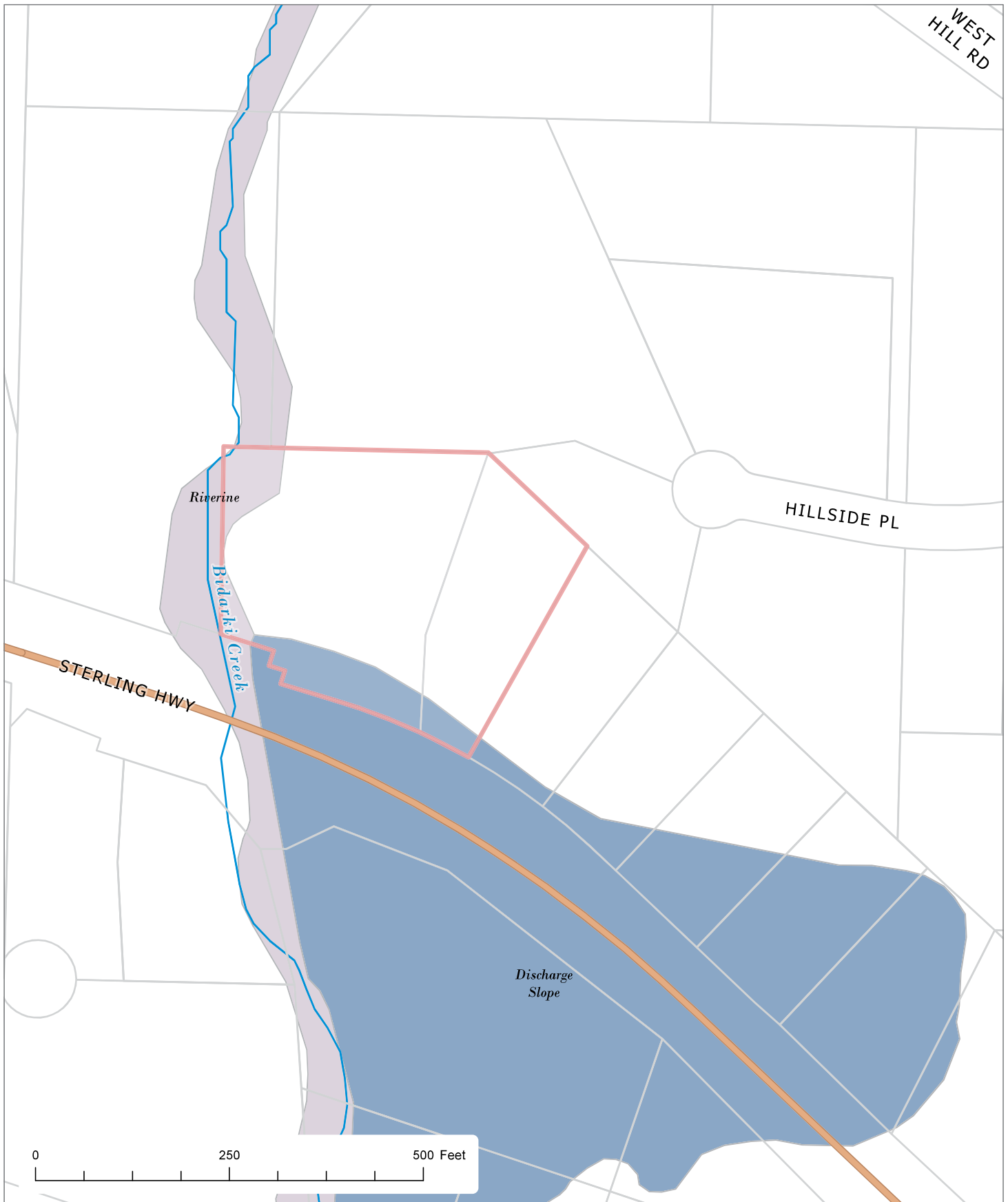
NOTE: 20.25.120. - REVIEW AND APPEAL.

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





MUTUAL ACCESS EASEMENT AGREEMENT

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

RECITALS

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

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

which are known as the "Grantor Tracts".

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

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

which are known as the "Grantee Tracts".

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

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

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

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

NOW, THEREFORE, the parties agree as follows:

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

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

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

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

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

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

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

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

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

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

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

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

IN WITNESS WHEREOF, the parties have executed this agreement on the ____ day of _____, 2022.

SIGNATURE OF GRANTORS:

MCKENNEN LAMB

RACHAEL LAMB

KRISTEN LAMB REILLY

SIGNATURE OF GRANTEEES:

MCKENNEN LAMB

RACHAEL LAMB

KRISTEN LAMB REILLY

STATE OF UTAH)
 : ss.

COUNTY)

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

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

NOTARY PUBLIC, State of Utah
My Commission Expires: _____

STATE OF UTAH)
 : ss.

COUNTY)

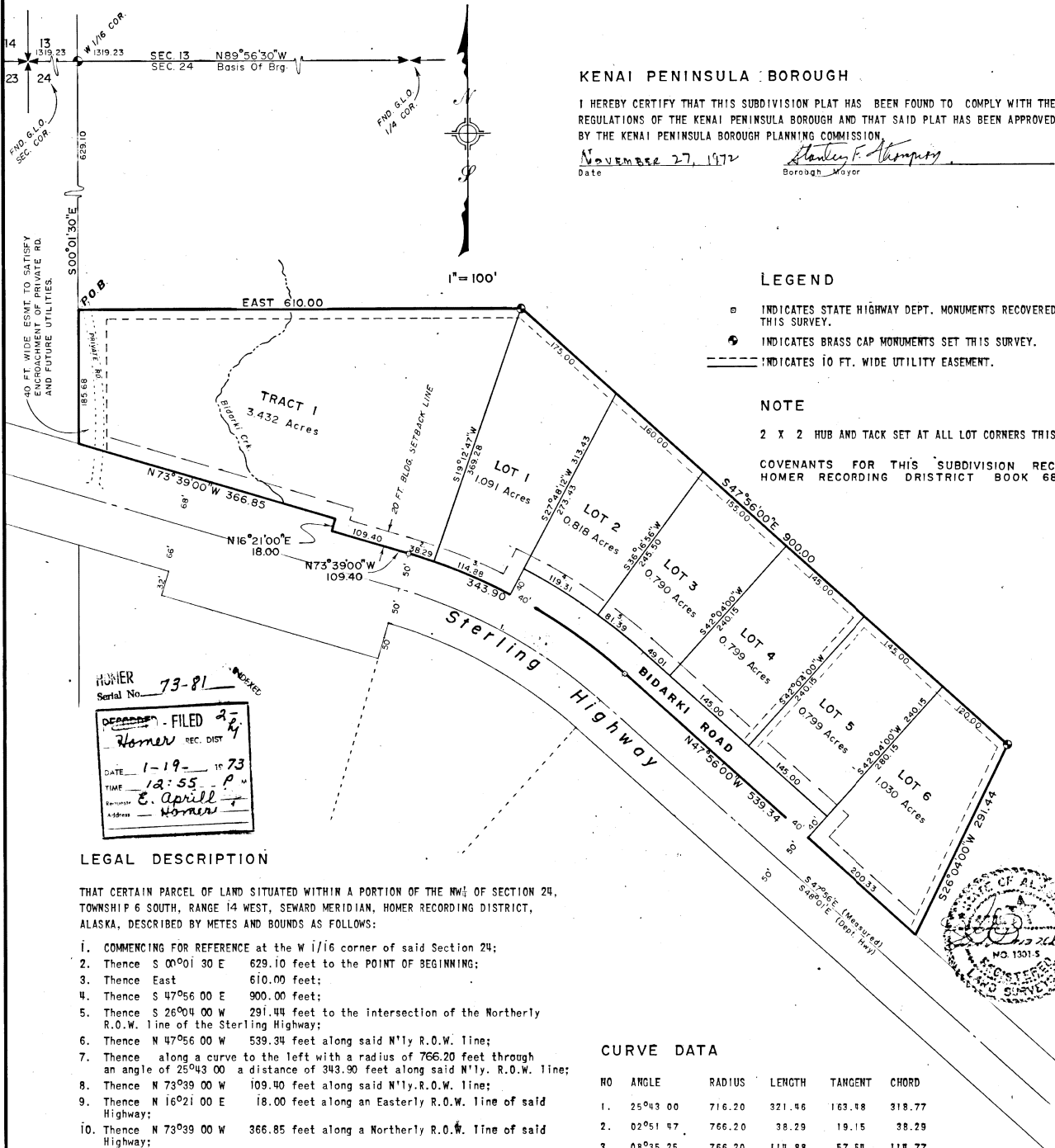
THIS IS TO CERTIFY that on this _____ day of _____, 2022, before me the undersigned Notary Public in and for the State of Utah, personally appeared KRISTEN LAMB REILLY known to me to be the person named in the foregoing instrument, and acknowledged to me that she executed the same freely and voluntarily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

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

NOTARY PUBLIC, State of Utah
My Commission Expires: _____

RETURN TO:

AGREEMENT FOR DRIVEWAY EASEMENT
LAMB/LAMB
Page 4 of 4



KENAI PENINSULA BOROUGH

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

November 27, 1972
Date

Stanley F. Thompson
Borough Mayor

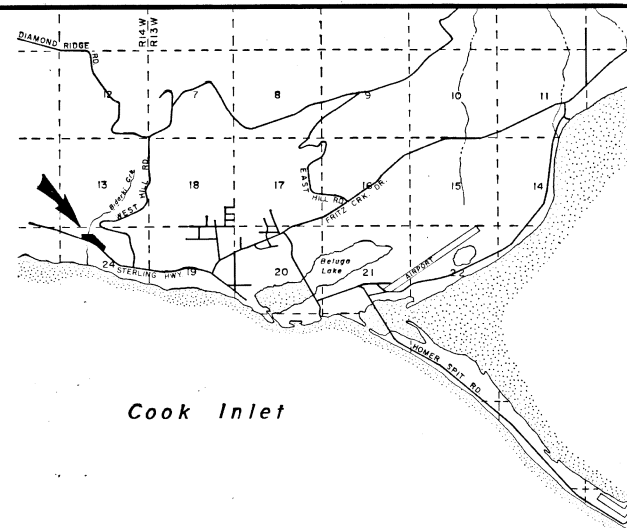
LEGEND

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

NOTE

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

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



Cook Inlet

VICINITY MAP

1"=1 MILE

CERTIFICATE OF OWNERSHIP

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT WE HEREBY ADOPT THIS PLAN OF SUBDIVISION WITH OUR FREE CONSENT AND DEDICATE ALL STREETS, EASEMENTS AND OTHER OPEN SPACES TO PUBLIC USE.

December 27, 1972
Date

Elisabeth D. Aprill
Notary Public

NOTARY'S ACKNOWLEDGMENT

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

Notary In and for the State of Alaska.

My Commission Expires

SURVEYOR'S CERTIFICATE

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

12/13/72
Date

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

BIDARKI CREEK SUBDIVISION

SITUATED IN

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

PREPARED FOR

PREPARED BY

DATE

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

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

OCTOBER 20, 1972
SCALE
1"= 100'

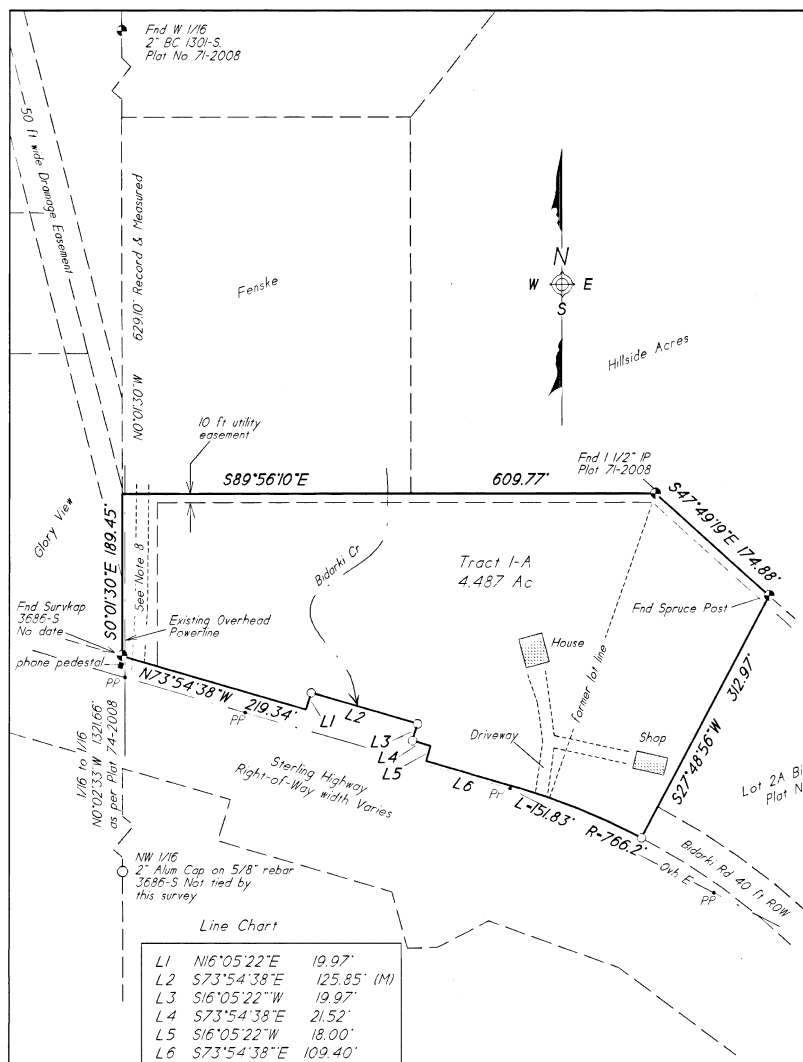
LEGAL DESCRIPTION

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

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

CURVE DATA

NO	ANGLE	RADIUS	LENGTH	TANGENT	CHORD
1.	25°43' 00"	716.20	321.46	163.18	318.77
2.	02°51' 47"	766.20	38.29	19.15	38.29
3.	08°35' 25"	766.20	114.88	57.54	114.77
4.	08°28' 44"	806.20	119.31	59.76	119.20
5.	05°47' 04"	806.20	81.39	40.73	81.36



NOTES

1. All wastewater disposal systems shall comply with existing applicable laws at the time of construction.
2. No permanent structures shall be constructed or placed within an easement which would interfere with the ability of a utility to use the easement.
3. No access to State maintained rights-of-way permitted unless approved by State of Alaska Department of Transportation.
4. Set a 2" self identifying Aluminum Cap on 5/8" x 36" long steel rebar at all lot corners and ROW points of curvature for this survey (unless noted otherwise).
5. Basis of Bearing for this survey is Bidarki Creek Subdivision Plat No. 73-81 Homer Recording District. The record inverse from the W 1/4 to the SW cor of Tract I: S0°0'30"E 84.78' (R) 818.55' (M).
6. Covenants, conditions, and restrictions affecting this lot are recorded in Bk 68 Page 145, HRD.
7. State of Alaska Permit and Certificate of Appropriation of Water recorded in Bk 102 Page 290, HRD.
8. 40 ft wide easement to satisfy encroachment of private road and future utilities (as per Parent Plat).
9. Existing overhead powerline is located within a 10 ft wide electrical distribution line easement which adjoins the west line of Tract I-A.
10. The location of the Northerly edge of the ROW of the Sterling Highway was determined from calculations made using surveyed locations of found monuments and record data from Plat No. 73-81 Plat No. 73-551 DOT&PF Right-of-Way Maps from Alaska Project No. F-021-1371 Homer Hill, and the corresponding ROW "Take" as shown in Book 251 Page 324.
11. This subdivision is subject to the zoning regulations of the City of Homer.

PLAT APPROVAL

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of
March 27, 2000

KENAI PENINSULA BOROUGH
 By: [Signature]
 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.

Date: April 20, 2000 Roger W. Imhoff LS 5780



2000-56 7080
 REC DIST
 Date: 12/14 2000
 Time: 2:53 P.M.
 Requested by: Imhoff
 Address: _____

OWNERSHIP CERTIFICATE

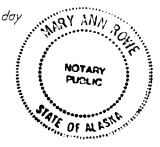
We hereby certify that we are the owners of the real property shown and described hereon and that we hereby adopt this plan of subdivision and by our free consent dedicate all rights-of-way to public use and grant all easements to the use shown.

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

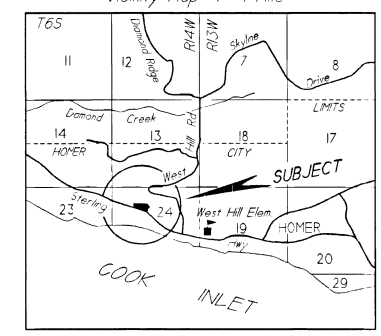
Earl Lee Breckenridge Pamela Kae Ackling 9/19/00
 Earl Lee Breckenridge Date
 PO Box 455
 Homer Ak 99603

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

Mary Ann Rowe
 Notary Public for Alaska
 My Commission Expires 7-30-02



Vicinity Map 1" = 1 Mile



WASTEWATER DISPOSAL

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

The purpose of this platting action is to vacate a lot line, which may provide greater available wastewater disposal area as described by 20.14.020(A)(a).

[Signature] April 20, 2000
 Roger W. Imhoff LS-5780 Date

LEGEND

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

Bidarki Creek No. 2

Being a Replat of Tract I and Lot 1 according to Bidarki Creek Subdivision Plat No. 73-81

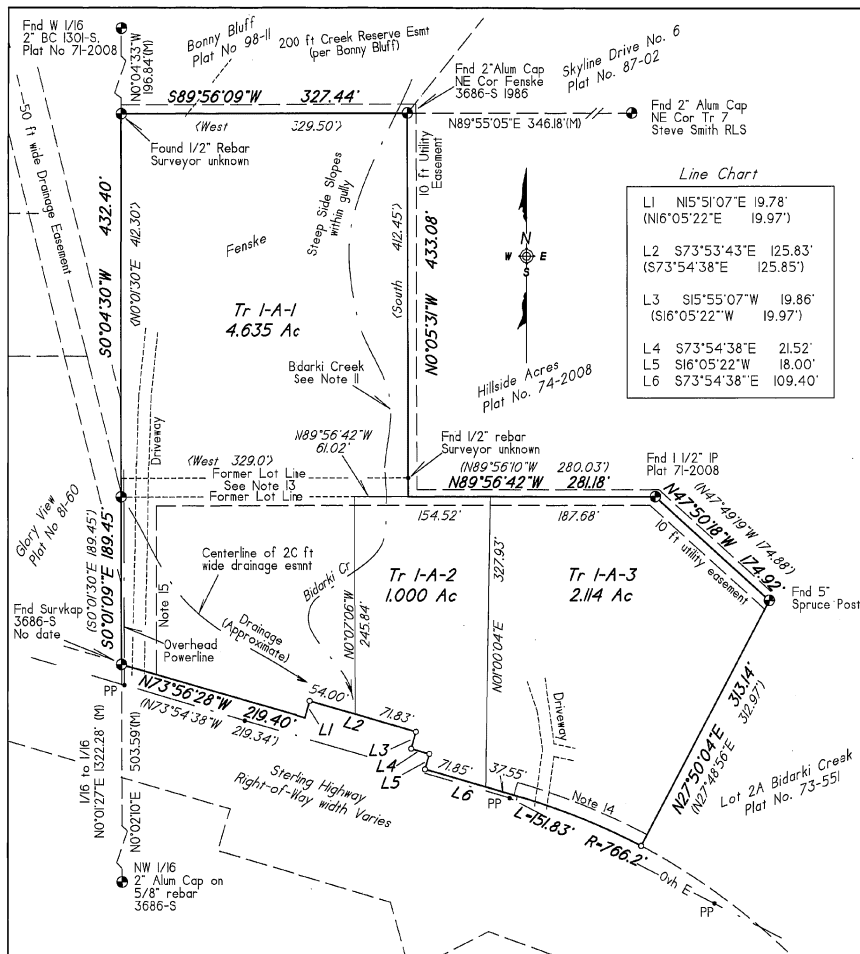
Located within the NW 1/4 Section 24 T6S, R14W, SM, in the City of Homer

Homer Recording District
 Third Judicial District, Alaska

Contains 4.487 Acres, more or less

Clients: Breckenridge & Ackling PO Box 455 Homer Ak 99603	Surveyor: Roger W. Imhoff, RLS PO Box 2588 Homer Ak 99603
Drawn: RWH	Date: 1-17-2000
Scale 1" = 100 ft	KPB File No. 2000-044

Files bidarki.vcd
 bidarki.cgo



Surveyors Certificate

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

Nov 7, 2007
Date
Roger W. Imhoff LS 5780

Legend

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

Wastewater Disposal

Tract I-A-1: These lots is at least 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.

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

Ownership Certificate

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

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

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

Notes

- All wastewater disposal systems shall comply with existing applicable laws at the time of construction.
- No permanent structures shall be constructed or placed within an easement which would interfere with the ability of a utility to use the easement.
- No access to State maintained rights-of-way permitted unless approved by State of Alaska Department of Transportation.
- Set a 2" self identifying Aluminum Cap on 5/8" x 33" long steel rebar at all lot corners and ROW points of curvature for this survey (unless noted otherwise).
- Basis of Bearing was GPS RTK best fit of found monumentation in Bidarki Creek Subdivision Plat No. 73-81 Homer Recording District.
- Covenants, conditions, and restrictions which may effect portions of this subdivision are recorded in Bk 68 Page 143, HRD.
- State of Alaska Permit and Certificate of Appropriation of Water recorded in Bk 102 Page 290, HRD.
- Existing overhead powerline is located within a 10 ft wide electrical distribution line easement which adjoins the west line of former Tract I-A.
- The location of the Northerly edge of the ROW of the Sterling Highway was determined from calculations made using surveyed locations of found monuments and record data from Plat No. 73-81, Plat No. 73-551, DOT&PF Right-of-Way Maps from Alaska Project No. F 021-1371 Homer Hill, and the corresponding ROW "Take" as shown in Book 251 Page 324.
- This subdivision is subject to the zoning regulations of the City of Homer. Portions of this subdivision may contain wetlands. Owners should consult with the City of Homer Planning Dept and the Army Corps of Engineers prior to any development activity.
- This plat grants a 50 ft wide drainage easement on each side of the centerline of Bidarki Creek for maintenance purposes regarding drainage for the Sterling Highway.
- The 15 ft fronting the edge of right-of-way and the 20 ft fronting the edge of right-of-way within 5 ft of each side of any side lot line is a utility easement. No permanent structure shall be constructed or placed within the utility easement which would interfere with the ability of the utility to use the easement.
- This strip of land approximately 21 ft wide is effected by that "Default Judgement" per Case No 340-06-274CI recorded Serial No. 2007-3720.
- A 15 ft Utility & Drainage Easement benefitting the City of Homer per Serial No. 2003-1950.
- 40 ft wide easement to satisfy encroachment of private road and future utilities per Plat No. 73-81 HRD.

2007-106
HOMER REC DIST
Date 11/29 2007
Time 2:29 PM
Requested By Amber St
Address _____

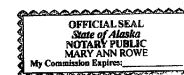
Sheet 1 of 2
Sheet 2 is a Signature
Sheet Only

Files
bidarkino3.vcd
bidarki.cgo
FB 2006-7

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

for Pamela Kae Breckenridge

May J. Best
Notary Public for Alaska
My Commission Expires 7-30-10



Plat Approval

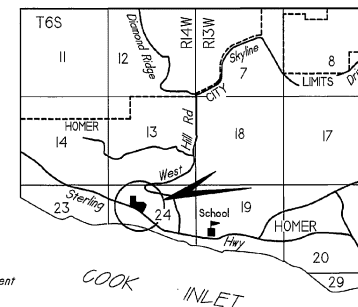
This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of

October 9, 2006

KENAI PENINSULA BOROUGH

By: May J. Best
Authorized Official

Vicinity Map 1" = 1 Mile



Bidarki Creek No. 3

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

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

Homer Recording District
Third Judicial District, Alaska

Contains 7.748 Acres, more or less

Clients:
Breckenridge & Fenske
Homer Ak 99603

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


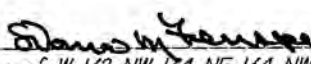
Drawn: RWI
Scale 1" = 100 ft

Date: Sept 2007
KPB File No. 2006-191

Signature Sheet
Sheet 2 of 2

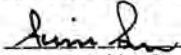
We hereby certify that we are the owners of the real property shown and described hereon and that we hereby adopt this plan of subdivision and by our free consent dedicate all rights-of-way to public use and grant all easements to the use shown.

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

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

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

for John E. Fenske and Donna M. Fenske


Notary Public for Alaska
My Commission Expires 12-3-07



Bidarki Creek No. 3

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

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

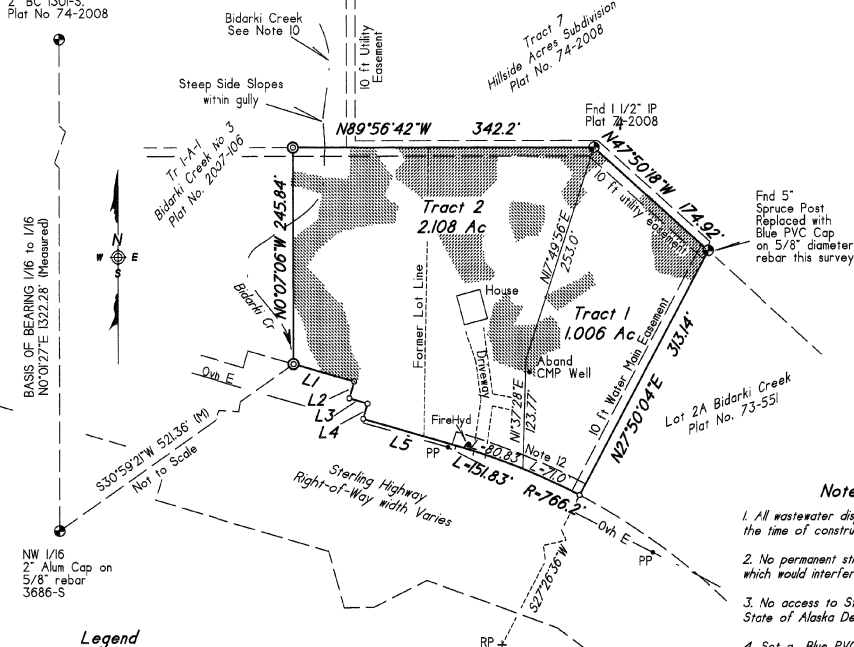
Homer Recording District
Third Judicial District, Alaska

Contains 7.748 Acres, more or less

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

Homer 2007-106

Find W 1/16
2" BC 1301-S
Plat No 74-2008



Legend

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

Line Chart

L1	S73°53'43"E	71.83'
	(S73°54'38"E	71.83')
L2	S15°55'07"W	19.86'
	(S16°05'22"W	19.97')
L3	S73°54'38"E	21.52'
L4	S16°05'22"W	18.00'
L5	S73°54'38"E	109.40'

Wastewater Disposal

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

Surveyors Certificate

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

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



Plat Approval

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

June 11, 2012

KENAI PENINSULA BOROUGH

By: *[Signature]*
Authorized Official

Ownership Certificate

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

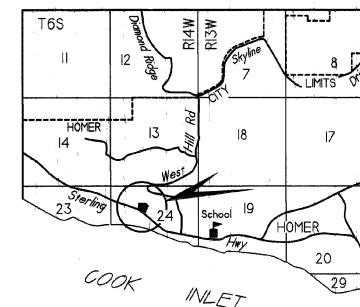
I further certify that the Deed of Trust affecting this property does not contain restrictions which would prohibit this subdivision or require signature and approval of the beneficiary.

[Signature] 7/19/2012
Date
Pamela Breckenridge
PO Box 455
Homer AK 99603

Notary's Acknowledgment
Subscribed and sworn to me before me this 19th day of July, 2012
for Pamela Breckenridge
[Signature]
Notary Public for Alaska
My Commission Expires 7-16-13

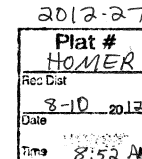


Vicinity Map 1" = 1 Mile



Notes

- All wastewater disposal systems shall comply with existing applicable laws at the time of construction.
- No permanent structures shall be constructed or placed within an easement which would interfere with the ability of a utility to use the easement.
- No access to State maintained rights-of-way permitted unless approved by State of Alaska Department of Transportation.
- Set a Blue PVC Cap on 5/8" x 33" long steel rebar at all lot corners and ROW points of curvature for this survey (unless noted otherwise).
- Basis of Bearing between the NW 1/16 Corner and the W 1/16 Corner as shown.
- Covenants, conditions, and restrictions which may effect portions of this subdivision are recorded in Bk 68 Page 145, HRD.
- State of Alaska Permit and Certificate of Appropriation of Water recorded in Bk 102 Page 290, HRD.
- The location of the Northerly edge of the ROW of the Sterling Highway was determined from calculations made using surveyed locations of found monuments and record data from Plat No. 73-81, Plat No. 73-551, DOT&PF Right-of-Way Maps from Alaska Project No. F 021-11371 Homer Hill and the corresponding ROW 'Take' as shown in Book 251 Page 324.
- This subdivision is subject to the zoning regulations of the City of Homer. Portions of this subdivision may contain wetlands. Owners should consult with the City of Homer Planning Dept and the Army Corps of Engineers prior to any development activity.
- Per Plat No. 2007-106 HRD, a 50 ft wide drainage easement on each side of the centerline of Bidarki Creek for maintenance purposes regarding drainage for the Sterling Highway.
- The 15 ft fronting the edge of right-of-way and the 20 ft fronting the edge of right-of-way within 5 ft of each side of any side lot line is a utility easement. No permanent structure shall be constructed or placed within the utility easement which would interfere with the ability of the utility to use the easement.
- A 15 ft Utility & Drainage Easement benefitting the City of Homer per Serial No. 2003-1950.
- Bidarki Creek is subject to periodic flooding.



Files
bidarkino3.vcd
bidarki.cgo
FB 2006-7

Bidarki Creek No. 4

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

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

Homer Recording District
Third Judicial District, Alaska

Contains 3.114 Acres, more or less

Clients: Breckenridge PO Box 455 Homer AK 99603	Surveyor: Roger W. Imhoff, RLS PO Box 2588 Homer AK 99603
Drawn: RWI	Date: April 2012
Scale 1" = 100 ft	KPB File No. 2012-066



City of Homer

www.cityofhomer-ak.gov

Planning

491 East Pioneer Avenue
Homer, Alaska 99603

Planning@ci.homer.ak.us

(p) 907-235-3106

(f) 907-235-3118

Kenai Peninsula Borough Planning Department, Platting Division

The City of Homer Planning Department has received a revised Bidarki Creek No 5 preliminary plat and the Homer Planning Commission will consider the plat at their regular meeting on August 16, 2023. It is anticipated that any comments of the Homer Planning Commission will be provided to the applicant on August 17, 2023, with the understanding that the applicant is seeking to schedule their application for consideration by the Kenai Peninsula Borough Planning Commission on August 28, 2023. Please let me know if you need any additional information.

Sincerely,

Ryan Foster, AICP, City Planner

E. NEW BUSINESS

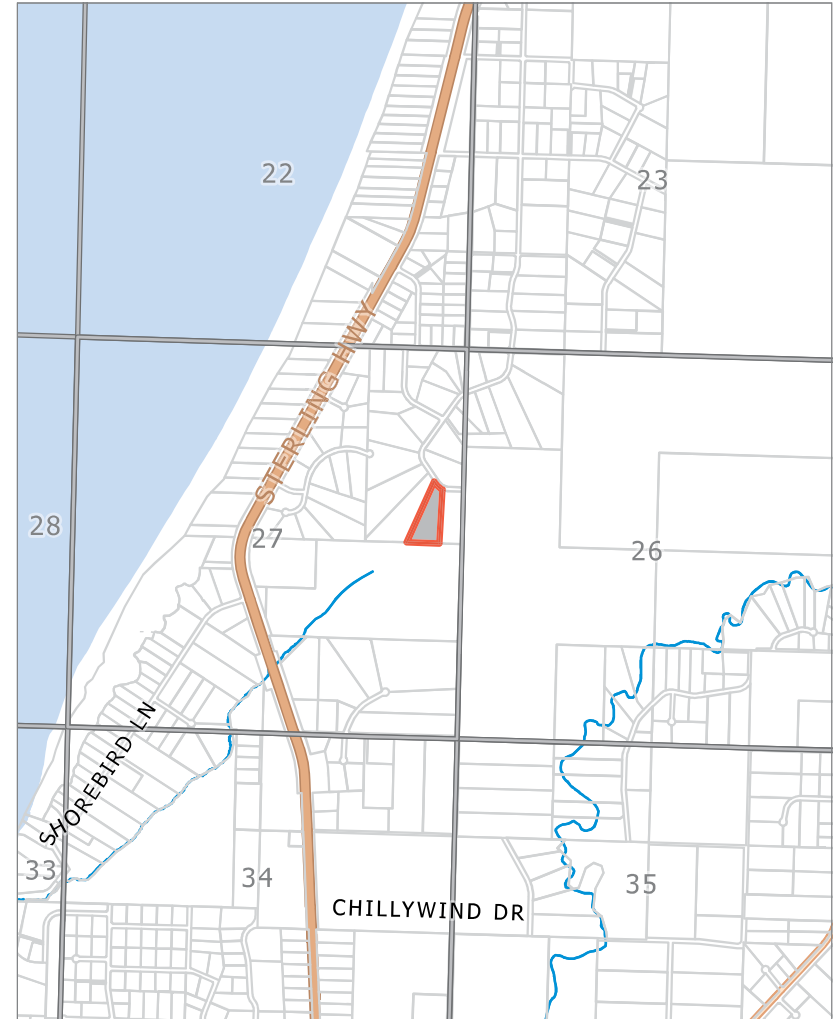
2. Pacific Park Subdivision Blauvelt Addition

KPB File 2023-088

Fineline Surveys Inc. / Blauvelt

Location: Whiskey Gulch Street

Anchor Point Area / Anchor Point APC



KPB File 2023-088
T 04S R 15W SEC 27
Anchor Point



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

NOTES:

1. NO ACCESS TO STATE MAINTAINED RIGHTS OF WAY PERMITTED UNLESS APPROVED BY THE STATE OF ALASKA DEPT. OF TRANSPORTATION.

2. THE FRONT 10 FEET OF ADJOINING RIGHTS-OF-WAY, AND 20' WITHIN 5 FEET OF THE SIDE LOT LINES IS A UTILITY EASEMENT. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN THE UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF THE UTILITY TO USE THE EASEMENT.

3. PROPERTY SUBJECT TO RESERVATION OF AN EASEMENT FOR ALL MINERALS, OIL, GAS, AND HYDROCARBONS BELOW THE DEPTH OF 50 FEET. (SERIAL NUMBER 2004-001090-0 03/15/2004)

4. THIS PROPERTY MAY BE SUBJECT TO COVENANTS, CONDITIONS, OR DEED RESTRICTIONS RECORDED IN BK 804, PG 337 (SERIAL NUMBER 2004-002402-0 05/25/2004)

5. HOMER ELECTRIC ASSOCIATION, INC. WAS GRANTED AN EASEMENT (BK. 32, PG. 12 HRD 03/02/1964) FOR ELECTRIC LINES AND SYSTEM, WITH THE RIGHT TO ENTER, MAINTAIN, OR REPAIR AND CLEAR SHRUBBERY. NO DEFINITE LOCATION DISCLOSED.

6. NO STRUCTURES PERMITTED WITHIN THE PANHANDLE PORTION OF FLAG LOT.

7. THE BOROUGH WILL NOT ENFORCE PRIVATE COVENANTS, EASEMENTS, OR DEED RESTRICTIONS PER KPB 20.60.170.

8. POSSIBLE LIMITATIONS ON FURTHER SUBDIVISION BASED ON ACCESS ISSUES, DEVELOPEMENT TRENDS IN THE AREA, OR TOPOGRAPHY.

9. THE DRIVEWAY IN THE PANHANDLE OF LOT 9B SHALL BE SHARED USE FOR ACCESS TO BOTH LOTS.

LINE	BEARING	DISTANCE			
L1	S 35°42'00" E	40.30'			
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	230.00'	119.47'	118.13'	S 50°34'51" E	29°45'41"

PLAT APPROVAL:

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

KENAI PENINSULA BOROUGH

BY: _____

AUTHORIZED OFFICIAL: _____

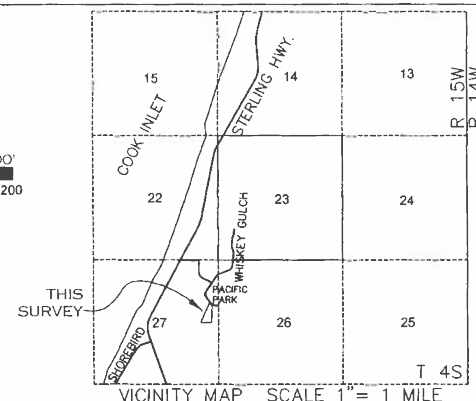
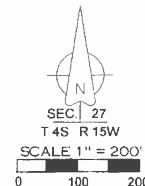
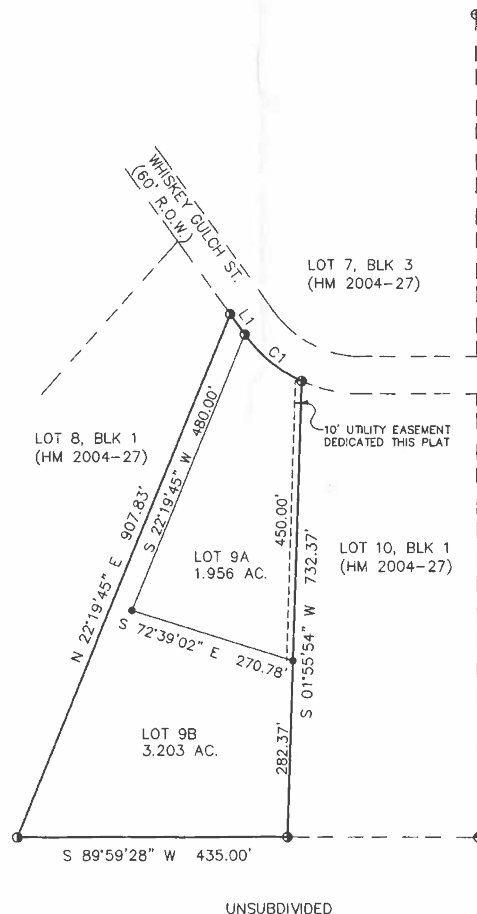
WASTEWATER DISPOSAL:

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 QUALIFIED ENGINEER, REGISTERED TO PRACTICE IN ALASKA, AND THE DESIGN MUST BE APPROVED BY THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

ENGINEER LICENSE # DATE

LEGEND:

- GLO BRASS CAP 1917 1/4 CORNER SECS 26 & 27
- ⊕ FOUND 2" ALUMIUM MONUMENT (5780-S 2004) NE 1/16TH SECS 26 & 27
- FOUND 5/8" REBAR WITH 2" ALUMINUM CAP (5780-S 2004)
- FOUND 5/8" REBAR
- SET 5/8" REBAR WITH 2" ALUMINUM CAP (10771-S 2023)



CERTIFICATE OF OWNERSHIP:

WE, THE UNDERSIGNED, HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREIN, AND WE HEREBY ADOPT THIS SUBDIVISION PLAN AND BY OUR FREE CONSENT GRANT ALL EASEMENTS TO USE SHOWN.

WALTER BLAUVELT
PO BOX 85
ANCHOR POINT, AK
99556

BRANDI BLAUVELT
PO BOX 85
ANCHOR POINT, AK
99556

NOTARY'S ACKNOWLEDGEMENT:
FOR: WALTER BLAUVELT & BRANDI BLAUVELT

ACKNOWLEDGED BEFORE ME THIS 20 DAY OF _____

NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES _____

SURVEYORS CERTIFICATE:

I HEREBY CERTIFY THAT I AM PROPERLY REGISTERED AND LICENSED TO PRACTICE LAND SURVEYING IN THE STATE OF ALASKA, AND THAT THE PLAT REPRESENTS A SURVEY MADE BY ME, AND THAT THE MONUMENTS SHOWN HEREON ACTUALLY EXIST AS DESCRIBED, AND THAT ALL DIMENSIONS AND OTHER DETAILS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

PACIFIC PARK SUBD. BLAUVELT ADDITION,
K.P.B. FILE # 2023-

A SUBDIVISION OF LOT 9, PACIFIC PARK SUBD (HM2004-27),
NE 1/4 SECTION 27, TOWNSHIP 4 SOUTH, RANGE 15 WEST, SEWARD MERIDIAN,
KENAI PENINSULA BOROUGH, ALASKA. HOMER RECORDING DISTRICT,
containing 5.160 acres.
OWNERS: WALTER & BRANDI BLAUVELT
PO BOX 85 ANCHOR POINT, AK 99556

FINELINE SURVEYS

P.O. Box 774
Anchor Point, Alaska 99556
Dmitri D. Kimbrell, RLS (907) 360 6382

SCALE: 1"=200' DATE: 7/17/2023

KPB 2023-088

AGENDA ITEM E. NEW BUSINESS

**ITEM #2 – PRELIMINARY PLAT
PACIFIC PARK SUBDIVISION BLAUVELT ADDITION**

KPB File No.	2023-088
Plat Committee Meeting:	August 28, 2023
Applicant / Owner:	Walter and Brandi Blauvet of Anchor Point, Alaska
Surveyor:	Dmitri Kimbrell / Fineline Surveys
General Location:	Anchor Point area / Anchor Point APC

Parent Parcel No.:	165-165-09
Assessor Description:	T 4S R 15W SEC 27 SEWARD MERIDIAN HM 2004027 PACIFIC PARK LOT 9 BLK 1
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On site
Exceptions Requested	20.30.190(B)

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide a 5.160 acre parcel into two lots ranging in size from 1.956 acres and 3.203 acres.

Location and Legal Access (existing and proposed): This subdivision is located at the south end of Whiskey Gulch Street. Whiskey Gulch Street is a 60-foot-wide right-of-way and borough maintained to the property. The subdivision is accessed from mile marker 154.5 of the Sterling Highway to Valleyside Avenue then Pacific Park Street then Whiskey Gulch Street. Whiskey Gulch Street ends to the east of the property with the intent to continue the dedication.

Block length is not compliant due to wetlands to the south and unsubdivided parcel to the south and east. Until future subdividing occurs this plat cannot improve the block lengths. ***Staff recommends: the plat committee concur an exception is not needed.***

KPB Roads Dept. comments	
SOA DOT comments	No comment

Site Investigation: This area is covered by large portions of wetland classification from the Kenai Watershed Forum. Staff would like to remind the surveyor that approximate locations of low wet areas, areas subject to inundation are required on preliminary submittals. If showing the information makes information hard to read a supplemental map would suffice. ***Staff recommends: any wetlands or areas subject to inundation be shown on the final plat.***

This subdivision is in a Flood Hazard Area and ***staff recommends the correct plat note be shown with the map panel information provided by the Floodplain – Planner be included.***

Terrain for the area is relatively flat with some gentle slopes running north to south towards the classified Lakebed area to the south.

The subject parcel is currently vacant and no improvements are apparent from imagery.

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	<p>See attachments</p> <p>A. Floodplain Reviewer: Hindman, Julie Floodplain Status: IS in flood hazard area Comments: Flood Zone: D Map Panel: 02122C-1890E 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	

Staff Analysis

This parcel has only been subdivided once and was originally part of a large aliquot description parcel. The parent plat, Pacific Park HM 2004-24, created Lot 9 Block 1 and dedicated this portion of Whiskey Gulch Street.

Plat note #9 indicates the driveway will be located in the panhandle portion of Lot 9B and will be a share access for both lots. Staff recommends to be added to the note, that a joint access agreement be drawn up when new ownership of the lots occurs.

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.

Anchor Point Advisory Planning Commission cancelled the August meeting and this plat was not reviewed.

Utility Easements

The parent plat, HM 2004-24, granted 10-foot utilities along all rights-of-ways and the correct note has been carried over. This easement should be shown on the drawing.

The plat is proposing a 10' utility easement along the east line of Lot 9A. HEA has reviewed and made the comment to increase the easement to 15' wide as that is standard width.

The Certificate to Plat indicates there is an easement for the benefit of Homer Electric Association, Inc and is reflected within plat note five. **Staff recommends:** all plat notes referencing recorded documents include "Homer Recording District" in the note.

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	Revise the easement width to 15' as this is the standard width for underground electric service installation.
ENSTAR	No comment
ACS	
GCI	

KPB department / agency review:

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

Show building setback on drawing
Needs distances and bearings to tie to the pins to the east.

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 block designation and KPB file number 2023-088.

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

Staff recommendation: Add Street to Whisky Gulch and remove Pacific Park.

- J. Block and lot numbering per KPB 20.60.140, approximate dimensions and total numbers of proposed lots;
Staff recommendation: Add block 1 to label

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.

20.30.280. Floodplain requirements.

- D. All subdivisions or replats within the Flood Insurance Rate Map (FIRM) area or SMFDA, as amended, as defined by KPB 21.06.020, shall contain the following note:

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.

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 analysis will be required and an engineer will need to sign the final plat.
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.

EXCEPTIONS REQUESTED:

A. KPB 20.30.190(B) – Lots - Dimensions

Staff Discussion: 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

Findings:

1. Large classified wetlands in the area.
2. The panhandle will be the shared driveway for both proposed lots.
3. No permanent structures can be constructed in the panhandle.
4. The width of the panhandle is 40.30 feet.
5. The length of the panhandle is 480 feet.
6. Both lots have large buildable areas still.

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

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

1. That special circumstances or conditions affecting the property have been shown by application;
Findings 1, 2, 3 & 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, 2, 3 & 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, 2, 3 & 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.

RECOMMENDATION:

SUBJECT TO EXCEPTION(S) GRANTED, STAFF RECOMMENDS:

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

NOTE: 20.25.120. - REVIEW AND APPEAL.

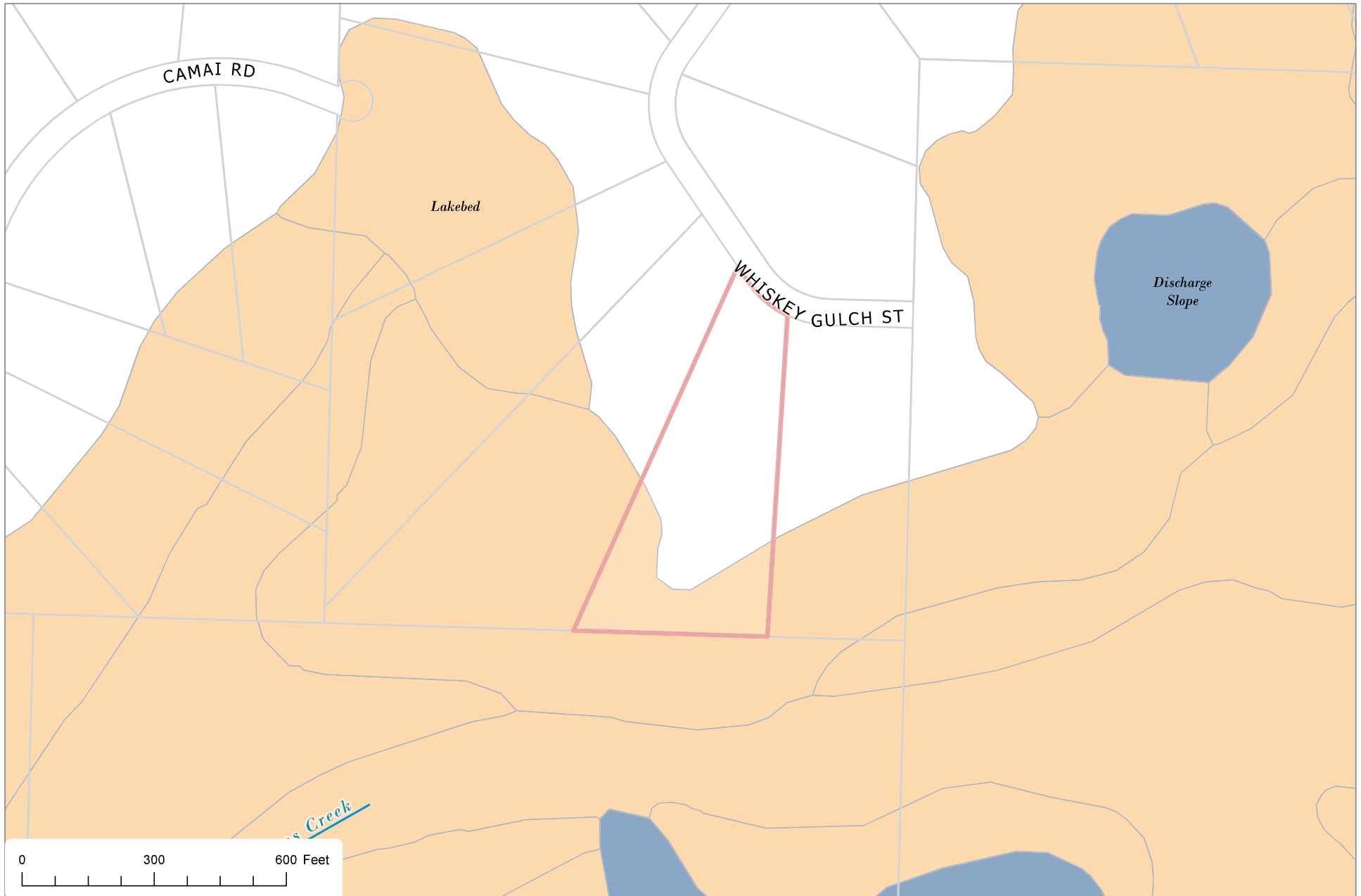
A PARTY OF RECORD MAY REQUEST THAT A DECISION OF THE PLAT COMMITTEE BE REVIEWED BY THE PLANNING COMMISSION BY FILING A WRITTEN REQUEST WITHIN 15 DAYS OF NOTIFICATION OF THE DECISION IN ACCORDANCE WITH KPB 2.40.080.

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

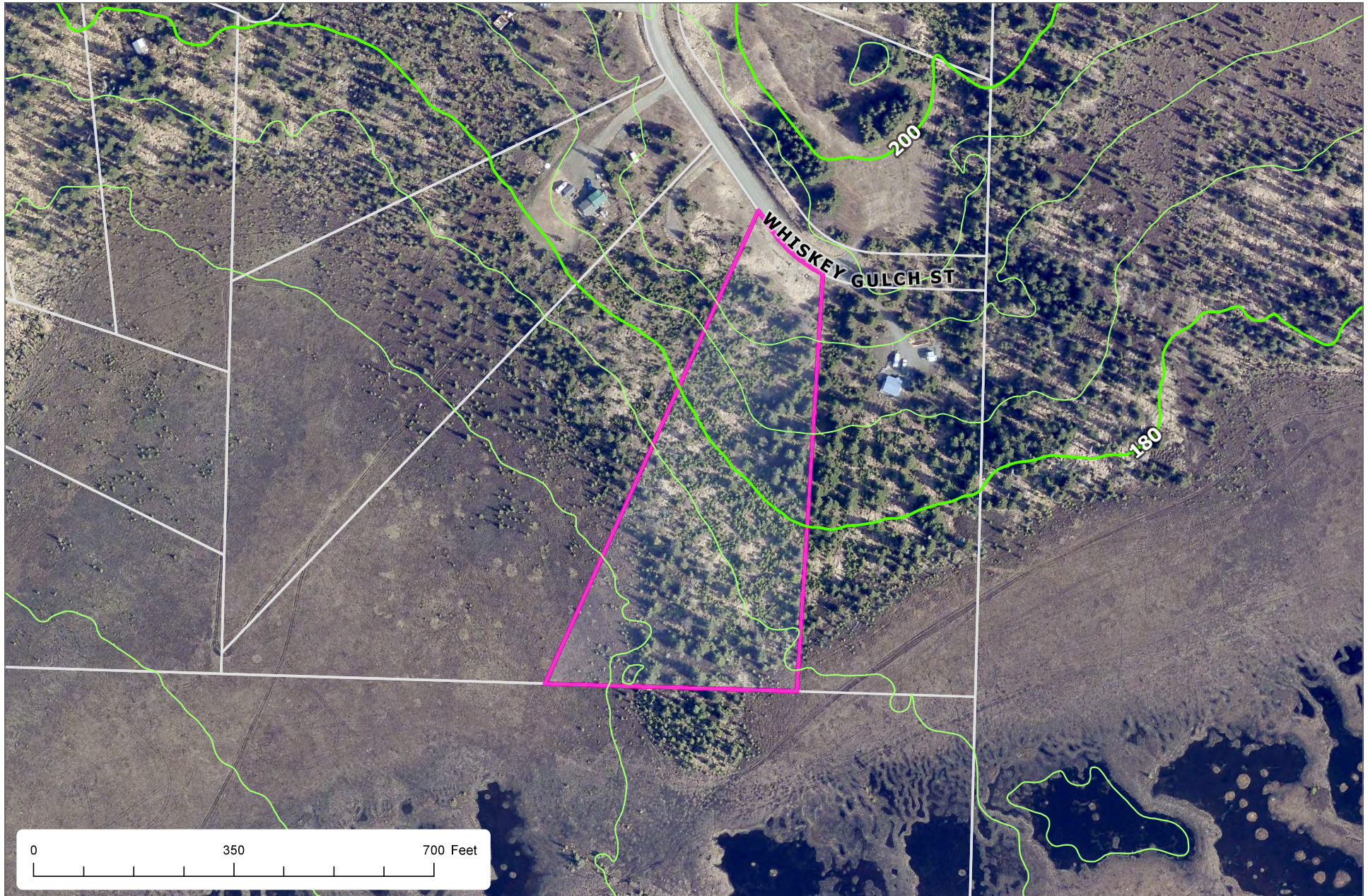
END OF STAFF REPORT



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



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



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: dmitri <flccdmitri@ak.net>
Sent: Wednesday, August 9, 2023 9:32 AM
To: Quainton, Madeleine
Subject: <EXTERNAL-SENDER>Re: Pacific Park Subdivision Blauvelt Addition KPB 2023-088

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

Madeleine

missed that.
yes, I would like to request an exception to this code.
thank you, have a good week.

dmitri

From: [Quainton, Madeleine](#)
Sent: Wednesday, August 09, 2023 9:01 AM
To: 'flccdmitri@ak.net'
Cc: [Piagentini, Vincent](#)
Subject: Pacific Park Subdivision Blauvelt Addition KPB 2023-088

Good morning Dimitri,

I am working on the staff report for this above referenced file. Per KPB code 20.30.190(B) an exception is needed for the length of the panhandle. Below is the portion of code I am referencing.

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](#).

Please let me know if you know would like to request this exception.

Thanks!

Madeleine Quainton
Platting Specialist
Planning Department
Ph: (907) 714-2200

Link Chart

1	N51°00'00"E	209.96'
2	N51°00'00"E	255.00'
3	N8°55'10"W	154.70'
4	N45°43'37"E	280.00'
5	N00°48'43"E	126.94'
6	S62°47'E	28.00'
7	S34°00'00"W	80.00'
8	N0°30'00"E	20.98'
9	N0°18'43"E	70.05'
10	N8°55'10"W	79.12'
11	N0°18'43"E	25.00'
12	S15°42'E	40.30'

Ownership Certificate

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

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 5-19-04
 Pioneer Land Company, LLC
 By: Thomas E. Hall, Manager
 1000 East End Road
 Homer AK 99603

Richard Synhorst 5-19-04
 Pioneer Land Company, LLC
 By: Richard Synhorst, Manager
 1000 East End Road
 Homer AK 99603

Notary Acknowledgment:
 Subscribed and sworn to me before this 19 day of May, 2004
 for **Thomas E. Hall, mgr.**
Notary Public for Alaska
 My Commission Expires: 7-20-06

Notary Acknowledgment:
 Subscribed and sworn to me before this 19 day of May, 2004
 for **Richard Synhorst**
Notary Public for Alaska
 My Commission Expires: 7-20-06



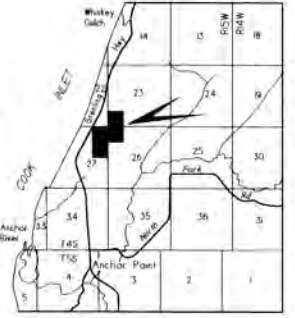
Curve Chart

C1	62°47'00"	delta L=306.82	R=280'
C2	62°42'00"	delta L=243.30	R=200'
C3	54°18'00"	delta L=109.54	R=200'
C4	34°06'00"	delta L=78.55	R=100'
C5	62°18'00"	delta L=270.00	R=248'
C6	24°25'50"	delta L=57.27	R=370'
C7	24°43'23"	delta L=86.30	R=200'
C8	19°32'33"	delta L=106.20	R=370'
C9	24°01'23"	delta L=80.26	R=430'
C10	80°54'18"	delta L=39.23	R=25'
C11	90°05'42"	delta L=39.21	R=25'
C12	83°13'00"	delta L=38.31	R=25'
C13	96°47'00"	delta L=42.23	R=25'
C14	90°02'59"	delta L=39.20	R=25'
C15	95°29'02"	delta L=40.66	R=25'
C16	84°30'58"	delta L=36.88	R=25'
C17	95°29'02"	delta L=40.66	R=25'
C18	84°30'58"	delta L=36.88	R=25'
C19	88°41'09"	delta L=36.70	R=25'
C20	80°18'51"	delta L=36.84	R=25'
C21	89°50'15"	delta L=39.24	R=25'
C22	81°34'44"	delta L=40.52	R=30'
C23	10°49'45"	delta L=52.37	R=130'
C24	01°54'35"	delta L=9.00	R=270'
C25	3°28'27"	delta L=20.62	R=340'
C26	5°09'41"	delta L=38.03	R=400'
C27	24°43'23"	delta L=77.38	R=470'
C28	01°50'32"	delta L=4.79	R=460'

Legend

- Fixed Primary Monument as described
- PUE Public Utility Easement
- C22 or C23 Curve Typical
- L4 or L4A Line Typical
- L=204.0' Length of Curve Typical
- Record dimension as shown
- ① Block number

Vicinity Map 1" = 1 Mile



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 herein are as described and that the dimensions and other details are correct to the best of my knowledge.

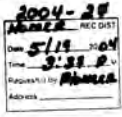
5-19-04 **RWR**
 Date Roger W. Hall, L.S. 5780



Plot Approval

This plot was approved by the Kana Peninsula Borough Planning Commission at the meeting of March 22, 2004.

KENAI PENINSULA BOROUGH
 By: **Mary Tall**
 Authorized Official



Wastewater Disposal

Soil conditions, water table levels, and soil slopes in the subdivision have been found suitable for conventional onsite wastewater treatment and disposal system serving single family homes or duplex residences and that are designed in accordance with the regulatory requirements of the Kenai Peninsula Borough and the Alaska Department of Environmental Conservation. Certain lots may require modified systems to meet Alaska Department of Environmental Conservation requirements for separation from water table. Refer to the Soil Report for Pacific Park Subdivision dated April 26, 2004 to determine recommended types of onsite wastewater treatment and disposal systems for specific lots.

Pacific Park

Being a subdivision of the SW 1/4 NW 1/4 Sec. 23, NW 1/4 NW 1/4 Sec. 25, E 1/2 NE 1/4 Sec. 27, of all lots T-45, R-58, S-4

Homer Recording District
 The-6 Judicial District, Alaska

Containing 59.660 Acres more or less.

Client: Pioneer Land Co LLC 1000 E End Rd Homer AK 99603	Surveyor: Roger W. Hall, L.S. 1000 E End Rd Homer AK 99603
Date: January, 2004	File: pacificparked
Draw: RWR	Scale: 1"=200.0' KPB File No: 2004-070

Notes

1. All wastewater disposal system shall comply with existing applicable laws at the time of construction.
2. A building setback of 20 feet is required from the edge of street right-of-way unless a lesser standard is approved by resolution of the appropriate Planning Commission.
3. The front (0) feet of the 20 foot building setback and the entire setback within 5 feet of side lot lines is a utility easement. No permanent structure shall be constructed or placed within the utility easement which would interfere with the ability of the utility to use the easement.
4. The Basis of Bearing for this survey is based on Geodetic Observations.
5. Set 2" wall identifying aluminum top on 5/8" diameter steel rebar at all lot corners and ROW points at variance unless otherwise noted.
6. Portions of right-of-way will not be annexed until the rights of way have been cleared and underground utilities installed or no later than December 31, 2005.
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. There is a 60 ft wide section line easement centered on Valley Side Ave and Catching Street.
9. At its meeting on March 22, 2004, the KPB Planning Commission granted an exception to KPB 20.20.80 Length-Width Ratio for Lot 8 Block 1.

E. NEW BUSINESS

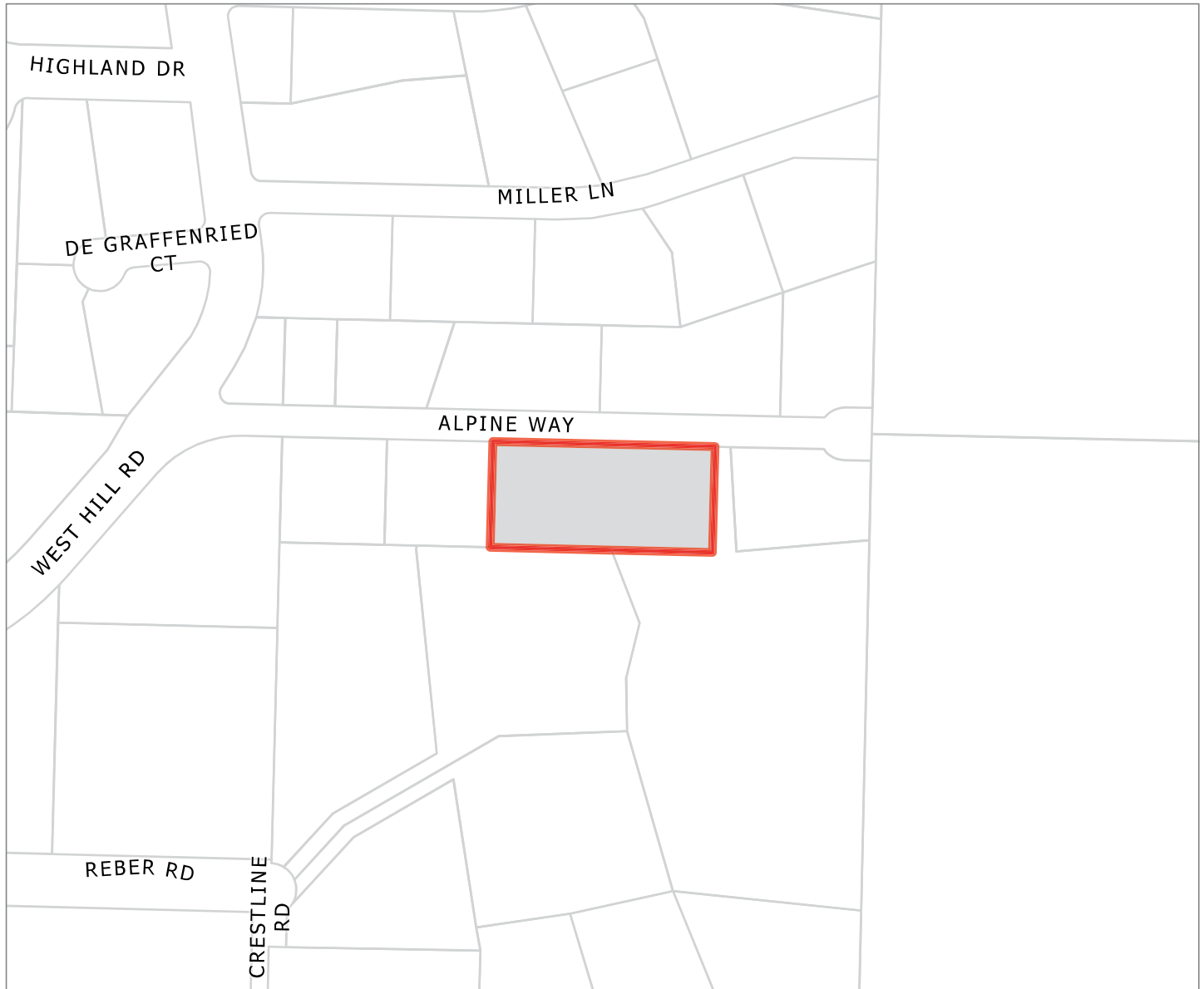
3.W.R. Bell Subdivision 2023 Addition

KPB File 2023-087

Ability Surveys / Busby Enterprises

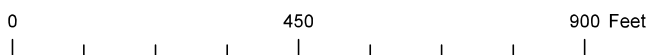
Location: Alpine Way

City of Homer

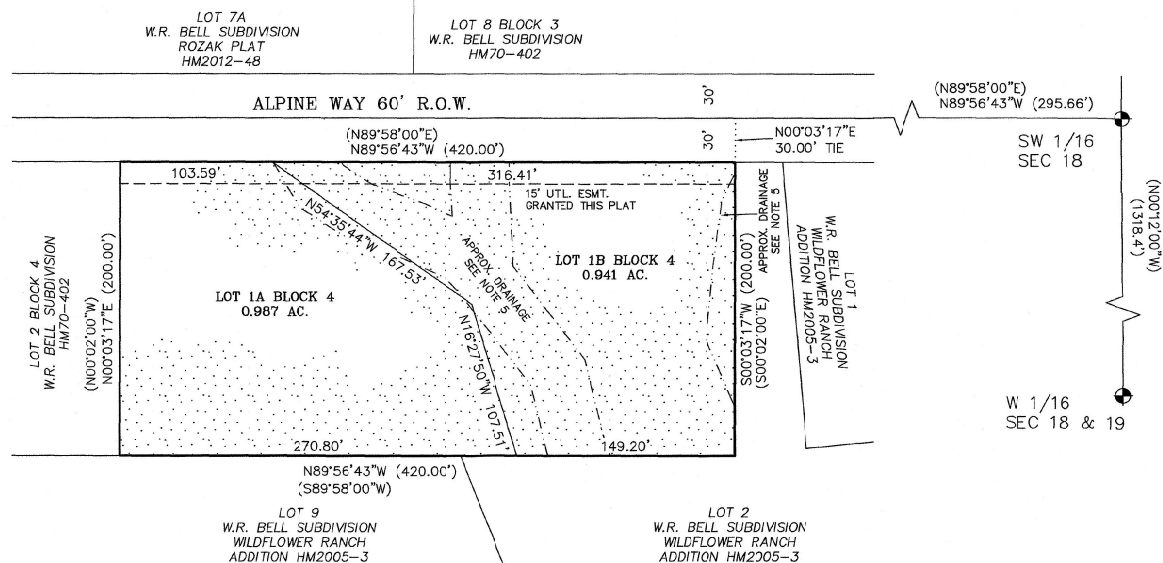


KPB File 2023-087
T 06S R 13W SEC 18
Homer

8/1/2023





**NOTES**

1. PER KPB 20.30.250 THE BUILDING SETBACK OF RECORD HAS BEEN REMOVED. ALL DEVELOPMENT MUST COMPLY WITH THE MUNICIPAL ZONING REQUIREMENTS.
2. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
3. 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.
4. PROPERTY IS SUBJECT TO CITY OF HOMER REGULATIONS. CHECK WITH HOMER PLANNING PRIOR TO ANY DEVELOPMENT ACTIVITIES.
5. THE EXISTING DRAINAGES ARE THE CENTER OF A 40-FOOT DRAINAGE EASEMENT GRANTED THIS PLAT.
6. DOT HATCH PATTERN SHOWS SLOPES GREATER THAN 20% IDENTIFIED ON KPB GIS MAPPING.
7. THERE ARE NO WETLANDS IDENTIFIED ON KPB GIS MAPPING.

LEGEND

- ◆ MONUMENT OF RECORD
 () RECORD DATA PER HM70-402

NOTARY'S ACKNOWLEDGEMENT

For MICHAEL R. BUSBY AND EMMA L. BUSBY
 Acknowledged before me this ____ day of ____ 2023.
 Notary public for Alaska My Commission Expires ____

NOTARY'S ACKNOWLEDGEMENT

For KYENNA S. BUSBY
 Acknowledged before me this ____ day of ____ 2023.
 Notary public for Alaska My Commission Expires ____

CERTIFICATE OF ACCEPTANCE

THE UNDERSIGNED OFFICIAL IDENTIFIED BY NAME AND TITLE IS AUTHORIZED TO ACCEPT AND HEREBY ACCEPTS ON BEHALF OF THE CITY OF HOMER FOR PUBLIC USES AND FOR PUBLIC PURPOSES THE REAL PROPERTY TO BE DEDICATED BY THIS PLAT INCLUDING EASEMENTS, RIGHTS-OF-WAY, ALLIES AND OTHER PUBLIC AREAS SHOWN ON THIS PLAT IDENTIFIED AS FOLLOWS: 40-FOOT DRAINAGE EASEMENT
 THE ACCEPTANCE OF LANDS FOR PUBLIC USE OR PUBLIC PURPOSES DOES NOT OBLIGATE THE PUBLIC OR ANY GOVERNING BODY TO CONSTRUCT, OPERATE, OR MAINTAIN IMPROVEMENTS.

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

WASTEWATER NOTES

TBD

(SIGNATURE OF) ENGINEER _____ LICENSE # _____ DATE _____

PLAT #	
Rec Dist	_____
Date	____ 20 ____
Time	____ M

KPB 2023-087

KPB FILE No. 2023- _____

CERTIFICATE OF OWNERSHIP

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

MICHAEL R. BUSBY, PARTNER, BUSBY ENTERPRISES
 P.O. BOX 70
 CHICKEN, AK 99732

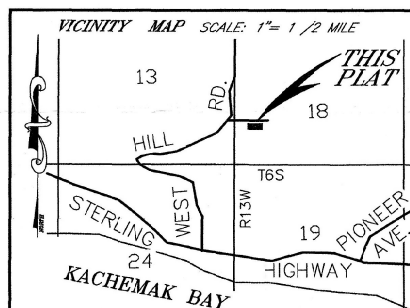
EMMA L. BUSBY, PARTNER, BUSBY ENTERPRISES
 P.O. BOX 70
 CHICKEN, AK 99732

KYENNA S. BUSBY, PARTNER, BUSBY ENTERPRISES
 P.O. BOX 70
 CHICKEN, AK 99732

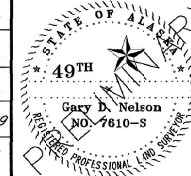
PLAT APPROVAL

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

BY _____
 Authorized Official



DATE 7-28-2023
 SCALE 1" = 60'
 JOB No. 5497
 DRAWING: 5497_5494_5439
 DRAWN BY: BT
 CHECKED: BT

**W.R. BELL SUBDIVISION 2023 ADDITION**

A SUBDIVISION OF LOT 1 BLOCK 4, W.R. BELL SUBDIVISION (HM70-402), IN THE SW1/4 SEC. 18, T6S, R13W, S.M., CITY OF HOMER, KENAI PENINSULA BOROUGH, HOMER RECORDING DISTRICT, STATE OF ALASKA CONTAINING 1.928 ACRES

OWNERS: BUSBY ENTERPRISES
 P.O. BOX 70
 CHICKEN, AK 99732

ABILITY SURVEYS

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

AGENDA ITEM E. NEW BUSINESS

**ITEM #3 - PRELIMINARY PLAT
W.R. BELL SUBDIVISION**

KPB File No.	2023-087
Plat Committee Meeting:	August 28, 2023
Applicant / Owner:	Busby Enterprises, Chicken, AK
Surveyor:	Gary Nelson / Ability Surveys
General Location:	Alpine Way in Homer Alaska

Parent Parcel No.:	175-240-01
Legal Description:	Lot 1 Block 4 W R Bell Subdivision
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On site
Exception Requested	None

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide a 1.928 acre parcel into two lots ranging in size from 0.941 acres to 0.987 acres.

Location and Legal Access (existing and proposed):

The preliminary plat is located on Alpine Way off of West Hill Road which is off the Sterling Highway near milepost 172 in the City of Homer. Alpine Road is a constructed 60-foot-wide dedicated road maintained by the City of Homer.

Alpine Way ends in an odd shaped cul-de-sac to the east. The block is not compliant because of this and does not close. A dedication is not possible from this piece of land. There are large tracts to the east of the cul-de-sac that can be developed and extend roads to make reasonable blocks ***Staff recommends the commission concur an exception is not needed.***

KPB Roads Dept. comments	
SOA DOT comments	No comments – Engineering

Site Investigation: The terrain on this plat is very extreme as there are two steep drainage ditches running through or near the plat. Besides the ditches the terrain falls off to the south near the back of the property that is not affected by the ditches. The ditch in the middle of the subdivision is being granted a 40-foot drainage easement. The ditch to the east has some of the easement overlapping into the plat.

There are improvements that will be located on Lot 1A when the plat is complete. There does not appear to be any encroachment issues to or from the proposed subdivision.

Even though there are drainage ditches crossing the plat, there are no wetlands on the property.

KPB River Center review	A. Floodplain Reviewer: Hindman, Julie Floodplain Status: Within City of Homer 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	

Staff Analysis Lot 1 Block 4 W. R. Bell Subdivision HM70-402 was platted from previously unplatted land in the W1/2 of the SW1/4 of Section 18 T6S R13W SM Kenai Peninsula Borough, Alaska.

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.

On June 21, 2023 at the regular meeting of the Homer Advisory Planning Commission, the Commission forwarded a recommendation of approval of the preliminary plat W. R. Bell Subdivision 2023 Addition. An installation agreement or documentation one is not required will be required to be submitted to staff.

Utility Easements There are no easements to be carried forward from the previous plats and no easements were identified in the certificate to plat.

No recommendations have been received from utility providers at the time of writing this staff report.

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	
GCI	

KPB department / agency review:

Addressing	Reviewer: Leavitt, Rhealyn Affected Addresses: 943 ALPINE WAY Existing Street Names are Correct: Yes List of Correct Street Names: ALPINE WAY Existing Street Name Corrections Needed: All New Street Names are Approved: No List of Approved Street Names: List of Street Names Denied:
------------	---

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

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

STAFF RECOMMENDATIONS **CORRECTIONS / EDITS**

Add KPB number 2023-087 to 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.*

- D. A vicinity map, drawn to scale showing location of proposed subdivision, north arrow if different from plat orientation, township and range, section lines, roads, political boundaries, and prominent natural and manmade features, such as shorelines or streams;
Staff recommendation: *Add R 14 W to the map. A portion of the city limits of Homer are not in the northwest corner of section 13. Please update.*
- 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: *Lots to the north need to have subdivision, lot, and block designations 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.*

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

KPB 20.40 – Wastewater Disposal

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

20.40.010 Wastewater disposal.

Platting Staff Comments:

Staff recommendation: comply with 20.40.

KPB 20.60 – Final Plat

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

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

Staff recommendation: an installation agreement or documentation one is not required will be required to be submitted to staff.

20.60.200. Survey and monumentation.

Staff recommendation: All monuments of record essential to the subdivision must be found. Need to find the 1/16th corner to the west to tie down the line on the north for the GLO tie and comply with 20.60.200

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.

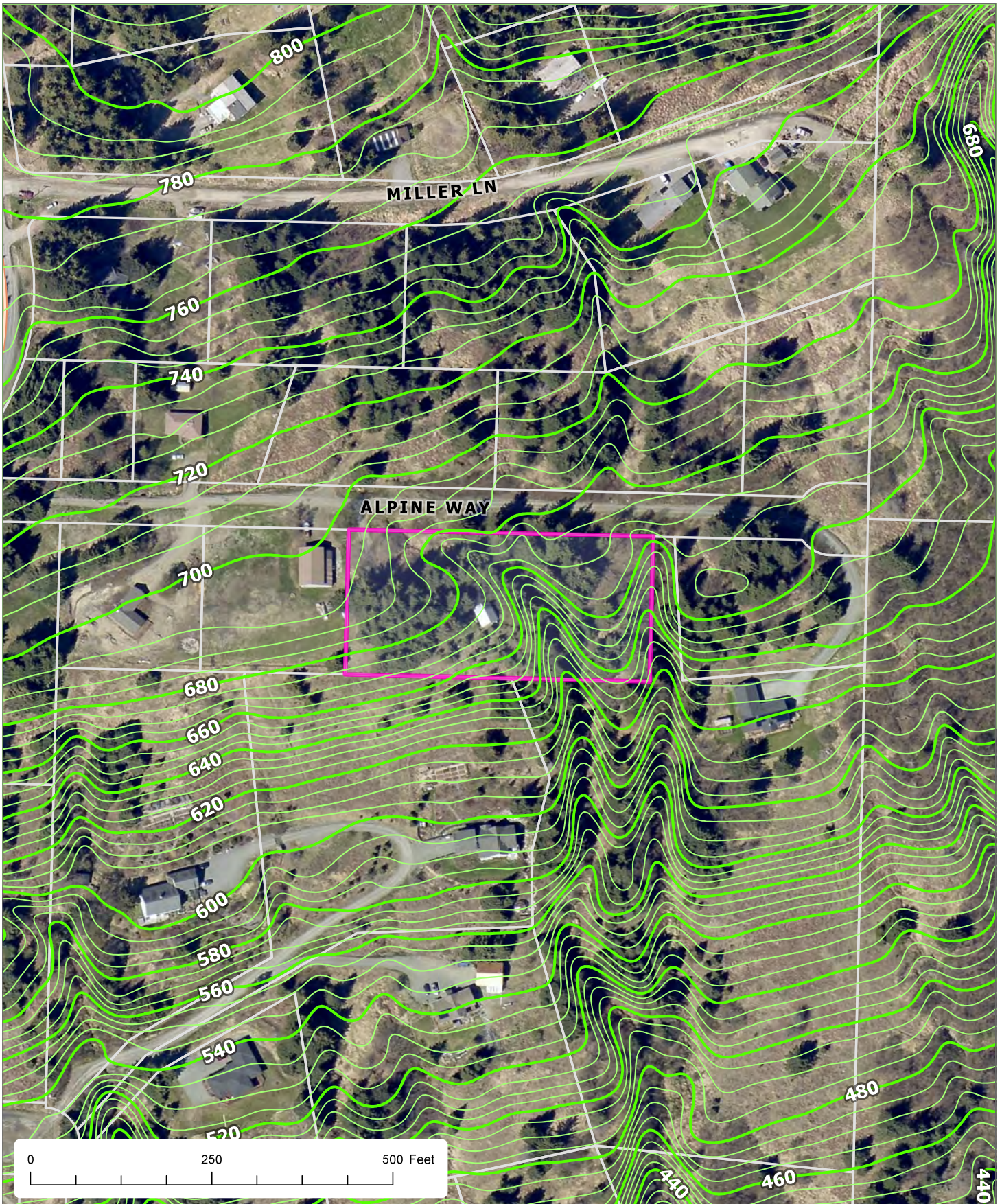
NOTE: 20.25.120. - REVIEW AND APPEAL.

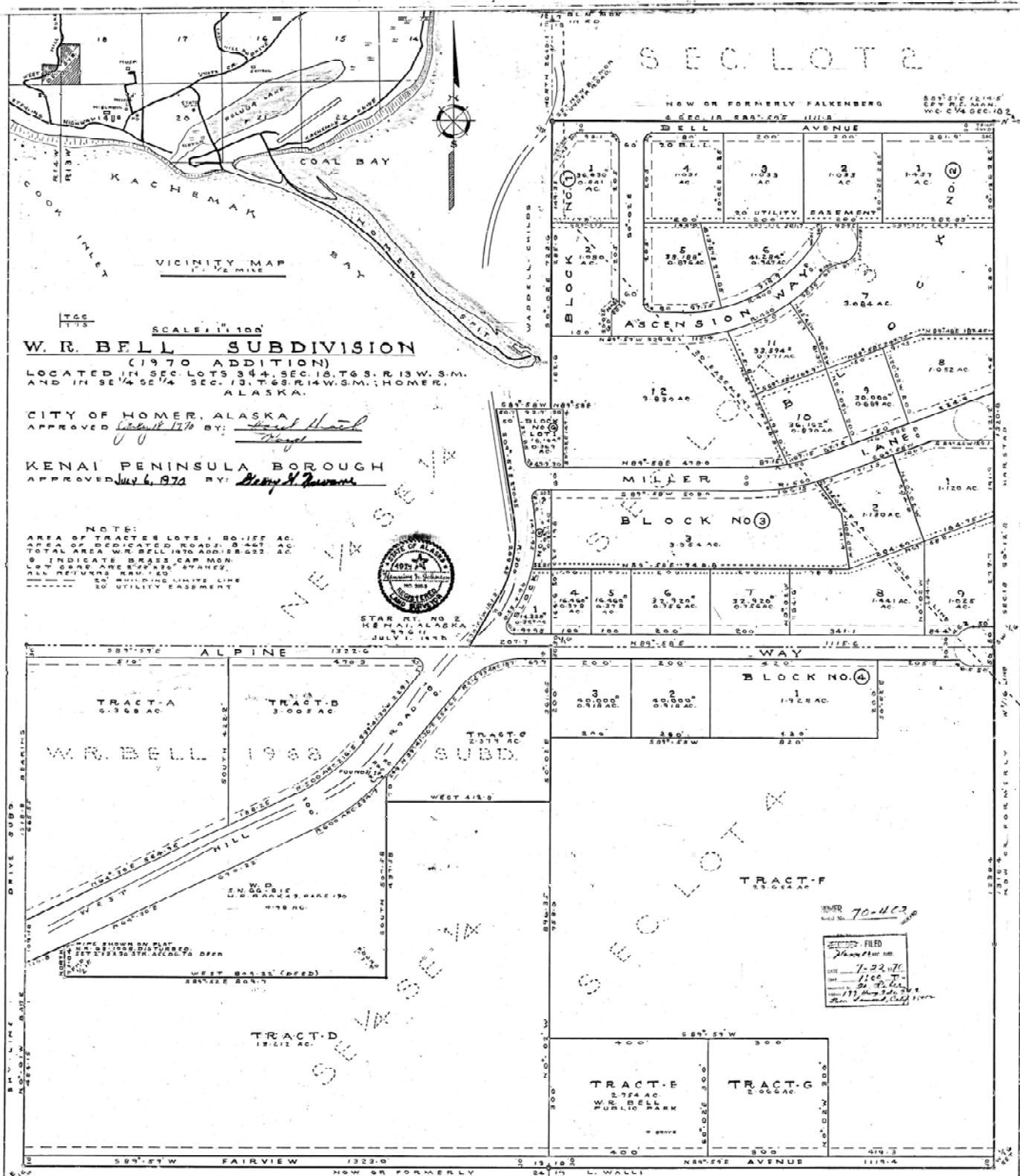
A PARTY OF RECORD MAY REQUEST THAT A DECISION OF THE PLAT COMMITTEE BE REVIEWED BY THE PLANNING COMMISSION BY FILING A WRITTEN REQUEST WITHIN 15 DAYS OF NOTIFICATION OF THE DECISION IN ACCORDANCE WITH KPB 2.40.080.

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









City of Homer

www.cityofhomer-ak.gov

Planning
491 East Pioneer Avenue
Homer, Alaska 99603

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

July 18, 2023

Homer Advisory Planning Commission

Notice of Action

Request: Approval of W.R. Bell Subdivision 2023 Addition

Applicants:

Busby Enterprises
P.O. Box 70
Chicken, Ak 99732

Gary Nelson
Ability Surveys
152 Dehel Ave
Homer, Ak 99603

At the regular meeting of June 21, 2023 the Homer Advisory Planning Commission forwarded a **recommendation for approval** of the preliminary plat with staff recommendations and the attached minutes to the Kenai Peninsula Borough Planning Commission.

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

Cc: Beverly Carpenter, Platting Technician, Kenai Peninsula Borough

Session 23-12, a Regular Meeting of the Planning Commission was called to order by Chair Scott Smith at 6:30 p.m. on June 21, 2023 at the Cowles Council Chambers in City Hall, located at 491 E. Pioneer Avenue, Homer, Alaska, and via Zoom Webinar. A worksession was held at 5:30 p.m. On the agenda was a presentation on the Greater Homer Housing Conversation by Acting City Planner Foster.

1. CALL TO ORDER

PRESENT: COMMISSIONERS HIGHLAND, SMITH, STARK, VENUTI AND CONLEY

ABSENT: COMMISSIONER BARNWELL (UNEXCUSED)

STAFF: ACTING CITY PLANNER FOSTER, DEPUTY CITY CLERK KRAUSE

COUNCIL: MAYOR CASTNER

2. AGENDA APPROVAL

HIGHLAND/ CONLEY MOVED TO APPROVE THE AGENDA AS PRESENTED.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

3. PUBLIC COMMENTS ON ITEMS ALREADY ON THE AGENDA The public may speak to the Commission regarding matters on the agenda that are not scheduled for public hearing or plat consideration. (3 minute time limit).

4. RECONSIDERATION

5. CONSENT AGENDA All items on the consent agenda are considered routine and non- controversial by the Planning Commission and are approved in one motion. If a separate discussion is desired on an item, a Commissioner may request that item be removed from the Consent Agenda and placed on the Regular Agenda under New Business. No Motion is necessary

5. A. PC Meeting Minutes
Unapproved Regular Meeting Minutes of June 7, 2023

5. B. Decisions and Findings CUP 23-06 for more than one building with a permitted principle use on a lot at 3153 Sterling Highway

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

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

6. PRESENTATIONS / VISITORS

7. REPORTS

7. A. Staff Report 23-36, City Planner's Report

Acting City Planner Foster reviewed Staff Report 23-36 providing summary reports on Council action since the last Planning Commission meeting. He remarked on the specific items addressing the following items:

- Ordinance 23-40, Amending Title 21 regarding Conditional Use Permits in all Zoning Districts for more than one
- Resolution 23-60, Awarding a Task Order to Kinney Engineering to Conduct a Traffic Impact Analysis for the Homer Spit.
- Further Clarified the definition of Bluff and Coastal Edge Setbacks with regard to development pointing out that a recent action before the Commission that was in question was more than 300 feet from the mean high water line of the bay so the 40 foot setback was within the setback guidelines.
- There were no volunteers for the Council report on June 26th so the Chair will submit a written report.

Commissioner Venuti commented on the actions previously taken by the Commission and their intent for protection of the bluff setting the setback minimums. He referenced some previous incidents with erosion and a house sliding off the bluff and believed that further clarification and definition should be done so that it is more specific. He requested this item to be on a future worksession agenda to address further refining the language in city code.

Mayor Castner remarked that the issue was unique to Alaska as most coastal community areas in the United States have a coastal Zone Management Plan. These definitions are carried within the Coastal Zone Management Plan so they are uniform throughout the state whether it is a rock bound coast of Maine or something in Cape Cod. Coastal Zone Management Plans are quite adaptable but very rigorous. In Alaska this management plan is not subscribed to so it is difficult to find an easy ordinance for referral.

Commissioner Highland echoed the sentiments to having a worksession on the topic.

8. PUBLIC HEARINGS

9. PLAT CONSIDERATION

9. A. Staff Report 23-37, Cooper Subdivision 2023 Replat

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

Acting City Planner Foster reviewed Staff Report 23-37 for the Commission. He specifically addressed the following:

- Additional water and sewer easements were not required.

Chair Smith confirmed with the Clerk that the Applicant was not present.

Chair Smith opened the public comment period and upon confirmation from the Clerk that there were no attendees by Zoom and noting there were no members of the public in Council Chambers, he closed the public comment period and opened the floor to questions from the Commission.

Acting City Planner Foster facilitated discussion on the following:

- Clarification on the drawing depicting a 10 foot utility easement on the western property border and a 15 foot utility easement on the eastern property boundary

Chair Smith requested a motion and second.

HIGHLAND/VENUTI MOVED TO ADOPT STAFF REPORT 23-37 AND RECOMMEND APPROVAL OF THE PRELIMINARY PLAT TO DIVIDE ONE LARGER LOT INTO TWO SMALLER LOTS WITH NO ADDITIONAL COMMENTS.

There was no additional discussion.

VOTE: NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

9. B. Staff Report 23-38, W.R. Bell Subdivision 2023 Addition

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

Acting City Planner Foster reviewed Staff Report 23-38 for the Commission. He noted the following:

- The requested second drainage easement along the significant grade changes shown on along the property boundary, noting the area where the lot would naturally drain.
- Public Works reported that a development agreement was not required for this action.

Chair Smith opened the public comment period and upon confirmation from the Clerk that there were no attendees by Zoom and noting there were no members of the public in Council Chambers, he closed the public comment period and opened the floor to questions from the Commission.

Acting City Planner Foster facilitated discussion and responses to the following:

- No wetlands depicted even though there are drainages
- Lots are pretty steep and the percentages are not indicated on the plat
- Two drainages addressed but it appeared in one map that there might be a third drainage
- acknowledged the challenges with development and the variable topography of the two lots
- Development challenges would be addressed if and when a zoning permit application was submitted

HIGHLAND/CONLEY MOVED TO ADOPT STAFF REPORT 23-38 AND RECOMMEND APPROVAL OF THE PRELIMINARY PLAT TO DIVIDE ONE LARGE LOT INTO TWO SMALLER LOTS WITH THE FOLLOWING COMMENTS:

1. PROPERTY IS SUBJECT TO CITY OF HOMER REGULATIONS.CHECK WITH HOMER PLANNING DEPARTMENT PRIOR TO ANY DEVELOPMENT ACTIVITIES.
2. THE CITY REQUESTS A 40 FOOT DRAINAGE EASEMENT CENTERED ON THE DRAINAGE AS DEPICTED ON THE PLAT IN THE CENTER OF THE SUBDIVISION.
3. THE CITY REQUESTS A 40 FOOT DRAINAGE EASEMENT CENTERED IN THE DRAINAGE ADJACENT TO THE EASTERN LOT BOUNDARY. THE DRAINAGE IS DEPICTED ON THE ATTACHED MAP OF REQUESTED DRAINAGE (page 39 of 64)

There was no additional discussion.

VOTE: NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

10. PENDING BUSINESS

11. NEW BUSINESS

11. A. Ordinance 23-40, Amending Homer City Code Sections 21.12, Rural Residential District; 21.14 Urban Residential District; 21.18 Central Business District; 21.24 General Commercial 1 District; 21.26 General Commercial 2 District Regarding Conditional Uses in each District

Memorandum PC 23-39 from Acting City Planner as backup

Chair Smith introduced the topic by reading of the title and deferred to Acting City Planner Foster.

Acting City Planner Foster reviewed Memorandum PC 23-39 for the Commission. He noted that a Joint Worksession was scheduled with the Economic Development Commission on July 19th at 5:30 p.m. and that there would be one more opportunity for a worksession, on August 2, 2023, if the Commission feels that they need additional discussion at the Worksession. He provided the action timeline to address the amendments to the conditional use permit requirement in each district.

Chair Smith recognized Mayor Castner's attendance at the meeting and asked if he wanted to speak to this topic.

Mayor Castner stated that he was available to answer any questions noting that his name was on the ordinance as well.

Chair Smith opened the floor to comments or questions from the Commission.

Commissioner Highland expressed that she was always uncomfortable with the changes to allowing the four residential units and heard people in the community express concerns about that so she was