



Meeting Agenda Planning Commission

Monday, November 13, 2023

7:30 PM

Betty J. Glick Assembly Chambers

Zoom Meeting ID: 907 714 2200

The hearing procedure for the Planning Commission public hearings are as follows:

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

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

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF CONSENT AND REGULAR AGENDA

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

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

1. Time Extension Request - NONE
2. Planning Commission Resolutions - NONE
3. Plats Granted Administrative Approval

- [KPB-5608](#)
- a. Granross Grove 2022 Replat; KPB File 2022-134
 - b. Patsy's Creek 2022 Replat; KPB file 2022-073
 - c. Puffin Acres 2023; KPB file 2023-046
 - d. Quartz Creek Subdivision 2023 Addition; KPB file 2023-034

Attachments: [C3. Consent Agenda Admin Approval](#)

4. Plats Granted Final Approval (KPB 20.10.040)

- [KPB-5609](#)
- a. Foster Lake Subdivision 2023 Replat; KPB File 2023-077
 - b. Stephens Subdivision Whitcomb Replat; KPB File 2023-049

Attachments: [C4. Final Approvals](#)

5. Plat Amendment Request - NONE
6. Commissioner Excused Absences

- a. Jeremy Brantley - Ridgeway, Sterling, Funny River District

7. Minutes

- [KPB-5610](#) October 23, 2023 PC Meeting Minutes

Attachments: [C7. 102323 PC Meeting Minutes](#)

D. OLD BUSINESS - NONE**E. NEW BUSINESS**

1. [KPB-5611](#) 1. Ordinance 2023-25: Approving Anchors Aweigh North Subdivision Single-Family Residential (R-1) Local Option Zoning District & Amending KPB 21.46.040

Attachments: [E1. LOZD - Anchors Aweigh North Packet](#)
2. [KPB-5612](#) 2. Right-Of-Way Vacation; KPB File 2023-114V
McLane Consulting / Triple-Knot Land & Livestock, Oliva
Request: Vacates a 110' x 30' portion of Park Rd. and the entire Sara Jane ROW of Rappe Park Subdivision, KN 1987-105
Nikiski Area / Nikiski APC

Attachments: [E2 Right-Of-Way Vacation; KPB File 2023-114V A](#)
[E2. ROWV KPB 2023-114V Desk Packet](#)
3. [KPB-5613](#) 3. ROW Vacation; KPB File 2023-115V
McLane Consulting / Asimakopoulos
Request: Reconfigures the Paulk Ave. cul-de-sac by vacating & relocating the current bulb and associated utility easements of Jakes Estate Salmon Nest Addition, KN 1988-56
Kalifornsky Area / Kalifornsky APC

Attachments: [E.3 ROW Vacation; KPB File 2023-115V Asimakopoulos A](#)

F. PLAT COMMITTEE REPORT

G. OTHER

1. [KPB-5634](#) 2024 Planning Commission Meeting Dates

Attachments: [G1. 2024 PC Meeting Dates](#)
2. [KPB-5614](#) Planning Commission Bylaw Review

Attachments: [G2. PC Bylaws Review](#)

H. PUBLIC COMMENT/PRESENTATION

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

I. DIRECTOR'S COMMENTS

J. COMMISSIONER COMMENTS

K. ADJOURNMENT

**MISCELLANEOUS INFORMATIONAL ITEMS
NO ACTION REQUIRED**

NEXT REGULARLY SCHEDULED PLANNING COMMISSION MEETING

The next regularly scheduled Planning Commission meeting will be held Monday, December 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.

**CONTACT INFORMATION
KENAI PENINSULA BOROUGH PLANNING DEPARTMENT**

Phone: 907-714-2215

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

Fax: 907-714-2378

e-mail address: planning@kpb.us

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

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

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

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

C. CONSENT AGENDA

- *3. Plats Granted Administrative Approval**
 - a. Granross Grove 2022 Replat; KPB File 2022-134**
 - b. Patsy's Creek 2022 Replat; KPB file 2022-073**
 - c. Puffin Acres 2023: KPB file 2023-046**
 - d. Quartz Creek Subdivision 2023 Addition; KPB file 2023-034**



Planning Department

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

Peter A. Micciche
Borough Mayor

ADMINISTRATIVE APPROVAL

Subdivision: Granross Grove 2022 Replat
KPB File 2022-134
Homer Recording District

The Kenai Peninsula Borough Planning Commission conditionally approved the preliminary subdivision plat on September 26, 2022. Approval for the plat is valid for two years from the date of approval.

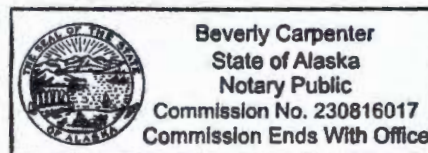
The final plat complied with conditions of preliminary approval and KPB Title 20 (Subdivisions); therefore, per KPB 20.60.220, administrative approval has been granted by the undersigned on Wednesday, October 25, 2023.

Vince Piagentini
Platting Manager

State of Alaska
Kenai Peninsula Borough

Signed and sworn (or affirmed) in my presence this 25 day of October 2023 by
Vince Piagentini.

Notary Public for the State of Alaska



My commission expires: with office

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



Planning Department

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Peter A. Micciche
Borough Mayor

ADMINISTRATIVE APPROVAL

Subdivision: Patsy's Creek 2022 Replat
KPB File 2022-073
Homer Recording District

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

The final plat complied with conditions of preliminary approval and KPB Title 20 (Subdivisions); therefore, per KPB 20.60.220, administrative approval has been granted by the undersigned on Wednesday, October 25, 2023.

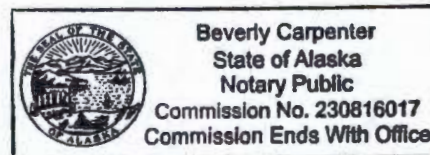
Vince Piagentini
Platting Manager

State of Alaska
Kenai Peninsula Borough

Signed and sworn (or affirmed) in my presence this 25 day of October 2023 by
Vince Piagentini.

Notary Public for the State of Alaska

My commission expires: With Office



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Peter A. Micciche
Borough Mayor

ADMINISTRATIVE APPROVAL

Subdivision: Puffin Acres 2023
KPB File 2023-046
Homer Recording District

The Kenai Peninsula Borough Planning Commission conditionally approved the preliminary subdivision plat on May 22, 2023. Approval for the plat is valid for two years from the date of approval.

The final plat complied with conditions of preliminary approval and KPB Title 20 (Subdivisions); therefore, per KPB 20.60.220, administrative approval has been granted by the undersigned on Friday, October 20, 2023.

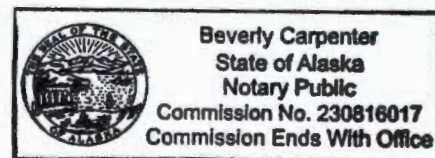
Vince Piagentini
Platting Manager

State of Alaska
Kenai Peninsula Borough

Signed and sworn (or affirmed) in my presence this 20 day of October 2023 by
Vince Piagentini.

Notary Public for the State of Alaska

My commission expires: with office



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Peter A. Micciche
Borough Mayor

ADMINISTRATIVE APPROVAL

Subdivision: Quartz Creek Subdivision 2023 Addition
KPB File 2023-034
Seward Recording District

The Kenai Peninsula Borough Planning Commission conditionally approved the preliminary subdivision plat on April 10, 2023. Approval for the plat is valid for two years from the date of approval.

The final plat complied with conditions of preliminary approval and KPB Title 20 (Subdivisions); therefore, per KPB 20.60.220, administrative approval has been granted by the undersigned on Wednesday, October 18, 2023.

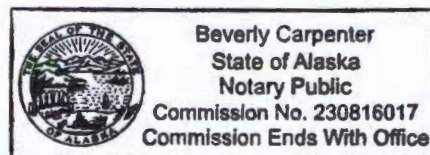
Vince Piagentini
Platting Manager

State of Alaska
Kenai Peninsula Borough

Signed and sworn (or affirmed) in my presence this 18 day of October 2023 by
Vince Piagentini.

Notary Public for the State of Alaska

My commission expires: with office



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

C. CONSENT AGENDA

- *4. Plats Granted Final Approval**
 - a. Foster Lake Subdivision 2023 Replat; KPB File 2023-077**
 - b. Stephens Subdivision Whitcomb Replat; KPB File 2023-049**



Planning Department

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

Peter A. Micciche
Borough Mayor

FINAL APPROVAL OF PLAT SUBMITTED UNDER 20.10.040

Subdivision: Foster Lake Subdivision 2023 Replat
KPB File 2023-077
Kenai Recording District

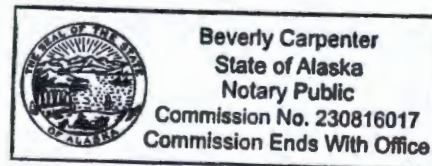
The Kenai Peninsula Borough Planning Department has reviewed the above referenced subdivision plat in accordance with 20.10.040 Borough Code of Ordinances. The final plat meets the conditions of the preliminary approval and complies with KPB Title 20; therefore, final approval has been granted by the undersigned on Wednesday, October 18, 2023.

Vince Piagentini
Platting Manager

State of Alaska
Kenai Peninsula Borough

Signed and sworn (or affirmed) in my presence this 18 day of October 2023 by
Vince Piagentini.

Notary Public for the State of Alaska



My commission expires: with office

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



Planning Department

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Peter A. Micciche
Borough Mayor

FINAL APPROVAL OF PLAT SUBMITTED UNDER 20.10.040

Subdivision: Stephens Subdivision Whitcomb Replat
KPB File 2023-049
Kenai Recording District

The Kenai Peninsula Borough Planning Department has reviewed the above referenced subdivision plat in accordance with 20.10.040 Borough Code of Ordinances. The final plat meets the conditions of the preliminary approval and complies with KPB Title 20; therefore, final approval has been granted by the undersigned on Wednesday, October 25, 2023.

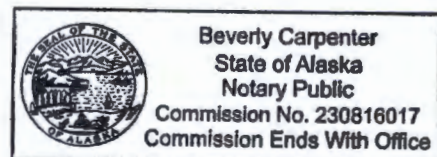
Vince Piagentini
Platting Manager

State of Alaska
Kenai Peninsula Borough

Signed and sworn (or affirmed) in my presence this 25 day of October 2023 by
Vince Piagentini.

Notary Public for the State of Alaska

My commission expires: with office



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

C. CONSENT AGENDA

***7. Minutes**

- a. October 23, 2023 PC Meeting Minutes**

Kenai Peninsula Borough Planning Commission

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

October 23, 2023
7:30 P.M.
APPROVED MINUTES

AGENDA ITEM A. CALL TO ORDER

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

Oath of Office

Commissioner Troy Staggs was reappointed by Mayor Micciche to serve another 3-year term on the commission. Ms. Shirnberg administered the oath of office to Commissioner Staggs

AGENDA ITEM B. ROLL CALL

Commissioners Present

Jeffery Epperheimer, Nikiski District
Virginia Morgan, Cooper Landing/Hope District
Jeremy Brantley, Ridgeway/Sterling District
Dawson Slaughter, South Peninsula District
Charlene Tautfest, City of Soldotna
Troy Staggs, City of Seward
Franco Venuti, City of Homer
Diane Fikes, City of Kenai

With 8 members of a 9-member seated commission in attendance, a quorum was present.

Staff Present

Robert Ruffner, Planning Director
Vince Piagentini, Platting Manager
Madeleine Quainton, Platting Specialist
Jenny Robertson, Land Management Administrative Assistant
Ann Shirnberg, Planning Administrative Assistant

AGENDA ITEM C. CONSENT & REGULAR AGENDAS

***3. Plats Granted Administrative Approval**

- a. A.A. Mattox 2023 Replat; KPB File 2023-050
- b. Crossman Ridgeview; KPB File 2022-044
- c. North 20 Subdivision AHO Replat; KPB File 2022-152
- d. Patch Subdivision 2023; KPB File 2023-030R1
- e. Stanley's Meadow 2023; KPB File 2023-024

***6. Commissioner Excused Absences**

- a. Pamela Gillham, Kalifornsky/Kasilof District

***7. Minutes**

- a. October 9, 2023 Planning Commission meeting minutes.

Chair Brantley asked Ms. Shirnberg to read the consent agenda items into the record. Chair Brantley then asked if anyone wished to speak to any of the items on the consent agenda. Seeing and hearing no one

wishing to comment, Chair Brantley brought it back to the commission for a motion.

MOTION: Commissioner Epperheimer moved, seconded by Commissioner Tautfest to approve the consent and regular agendas.

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

MOTION PASSED BY UNANIMOUS VOTE:

Yes - 8	Brantley, Epperheimer, Fikes, Morgan, Slaughter, Staggs, Tautfest, Venuti
Absent -1	Gillham

AGENDA ITEM D. NEW BUSINESS

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

ITEM #1 – BUILDING SETBACK ENCROACHMENT PERMIT – ASHTON PARK SUBDIVISION

KPB File No.	2023-097
PC Resolution	2023-30
Planning Commission Meeting:	October 23, 2023
Applicant / Owner:	Laurel Frison of Soldotna, Alaska
Surveyor:	John Segesser / Segesser Surveys
General Location:	Merrywood Avenue, Kalifornsky Area

Parent Parcel No.:	055-081-45
Legal Description:	T 5N R 11W SEC 35 Seward Meridian KN 0970074 Ashton Park Sub Lot 1 Blk 1
Assessing Use:	Residential
Zoning:	Rural Unrestricted

Platting Specialist Vince Piagentini gave the staff report. He noted that in the desk packet was a comment from Road Service Area (RSA) Director Scott Griebel. Mr. Griebel noted that the structure placement does not present an encroachment in to right of way and should not present impact RSA activities. However, the private property to the west may experience sight line issues entering the Merrywood right-of-way (ROW). Accounting for future potential of additional Merrywood ROW dedications and subdivision development of tax parcel # 055-07-337, coupled with the impact of potential development of Herr St. to the south, the structure could present sight line issues that may impact safety.

Chair Brantley opened the item for public comment.

Travis Frison, Applicant; 47490 Merrywood Avenue, Soldotna, AK 99669: Mr. Frison spoke in favor of approving the encroachment permit.

Rosemarie Meza; 34721 Pisces Court, Soldotna, AK 99669: Ms. Meza wanted to make sure that this structure would not impact the safety of her property. Chair Brantley replied that her property was not located on Merrywood Ave. so there would be no impact to the safety of her property.

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

MOTION: Commissioner Staggs moved, seconded by Commissioner Tautfest to adopt Planning Commission Resolution 2023-30, granting a setback encroachment permit to Block 1, Lot 1, Ashton Park Subdivision, Plat KN 097074.

Commissioner Venuti asked for clarification on RSA Director Griebel's report related to the setback request. RSA Director Griebel replied his approach to encroachment permit requests are to state his concerns and allow the Planning Commission to make their decision. Related to this specific request his comments are related to potential future development. He noted the area is a popular residential area and there are several large properties to the west and south of the subject parcel that could be developed. The proposed

encroachment would not impact RSA activities. However future development of the area and ROWs, sight lines potentially may be impacted, which in turn could also impact safety.

Commissioner Epperheimer asked RSA Director Griebel if he could elaborate on his concerns with potential sight line issues. RSA Director Griebel replied that he had visited the site and noted the proximity of the proposed structure to the ROW could affect the sight lines of vehicles pulling on to the ROW. Currently there is only one residence past the subject property, but there is the potential for future development of many more residences.

Commissioner Morgan referred to page D1-2 in the meeting packet which is an aerial view of the area. She noted that the neighboring parcel has developed their driveway off the end of Merrywood, and asked if a portion of the driveway is actually Merrywood Ave. Chair Brantley replied that Merrywood Ave. is only a 30-foot dedication and that the neighbor's driveway is not in the dedicated ROW. Commissioner Morgan then stated that Merrywood development appears to stop in front of the applicant's parcel. Chair Brantley replied that is correct, the full Merrywood dedication is not developed. However, if the neighboring parcel should ever subdivide, they would be required to provide a matching 30-foot dedication to bring Merrywood up to a full 60-foot ROW.

Commissioner Venuti then stated based on the RSA director's comments he does not believe that this permit meets standards two and three.

Commissioner Tautfest agreed with Commissioner Venuti, base on the RSA director's comment, standards two and three are not met.

Commissioner Staggs noted that in looking at the aerial image on page D1-2 of the meeting packet he doesn't see how the applicant can do anything else with their property, without having to move their house. There does not appear to be room in the back of the property to put the garage. He does not think that the line of sight is completely impacted. He then stated he would be supporting the applicant's request for a setback encroachment permit.

Commissioner Epperheimer noted that in the original staff report staff had recommended approval of this request. There is no additional information showing there is future development plans for the area. The Merrywood ROW appears to be a straight line. He then asked if Herr St. should ever extend north would the proposed building be in the setback? Chair Brantley replied currently there is no ROW dedication along the west boundary of the subject parcel so there is no setback requirement along that boundary.

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

MOTION FAILED DUE TO A TIE VOTE:

Yes – 4	Brantley, Epperheimer, Morgan, Staggs
No – 4	Fikes, Slaughter, Tautfest, Venuti
Absent -1	Gillham

MOTION: Commissioner Tautfest moved, seconded by Commissioner Venuti to attach the following finding in support of denial of the permit:

Standard Two Not Met: The building setback encroachment may not interfere with sight line or distances:

- Sight line and safety concerns identified in the comment from the RSA Director Scott Griebel.
- Finding #1 from staff report – There are several large parcels located west of the subject lot.
- Finding #9 from staff report – Merrywood Avenue is currently not fully developed.

Standard Three Not Met: The building setback encroachment may not create a safety hazard.

- Sight line and safety concerns identified in the comment from the RSA Director Scott Griebel.
- Finding #7 from staff report – Ashton Park Subdivision created the setbacks
- Finding #3 from staff report – there are no wetlands within the boundary of the lot.

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

MOTION PASSED BY MAJORITY VOTE:

Yes – 5	Brantley, Fikes, Slaughter, Tautfest, Venuti
No – 3	Epperheimer, Morgan, Staggs
Absent -1	Gillham

AGENDA ITEM E. UNFINISHED BUSINESS

**ITEM #1 – REMAND HEARING
BUILDING SETBACK ENCROACHMENT PERMIT – LAKE ESTATES SUBDIVISION**

KPB File No.	2022-121
PC Resolution	2023-31
Planning Commission Meeting:	October 23, 2023
Applicant / Owner:	David & Nancy Whitmore
Legal Description	Lot 10, Lake Estates Subdivision, Plat KN 1648
Surveyor:	John Segesser / Segesser Surveys
General Location:	GL Hollier Street – Ridgeway Area

Chair Brantley reminded the members of the audience that public comment was closed on this item. He then brought the item back to the commission for a motion.

Commissioner Staggs requested to be recused from this matter since he had not participated in the adjudicative session on 10/09/23. Chair Brantley approved his request.

MOTION: Commissioner Epperheimer moved, seconded by Commissioner Fikes to go into adjudicative session and requested Administrative Assistant Ann Shirnberg to join them.

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

MOTION PASSED BY UNANIMOUS VOTE:

Yes - 7	Brantley, Epperheimer, Fikes, Morgan, Slaughter, Tautfest, Venuti
Recused – 1	Staggs
Absent -1	Gillham

Chair Brantley informed the audience that this would be a short adjudicative session and when they come back into session the commission would be voting on the item.

The commission went into adjudicative session at 8:20 P.M.

Please Note: There is no video recording of the meeting going forward. The Zoom recording was stopped instead of paused for the the adjudicative session and the clerk was unable to restart the recording when the commission came back into session. The commission came back into session at 8:43 P.M.

MOTION: Commissioner Slaughter moved, seconded by Commissioner Fikes to adopt Planning Commission Resolution 2023-31 along with Attachment A – Finding of Fact & Conclusions of Law, granting a setback encroachment permit to Lot 10, Lakes Estate Subdivision, Plat KN 1648.

Commissioner Slaughter stated he would be supporting this request as he felt that the applicant had provided substantive evidence that the three standards had been met.

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

MOTION PASSED BY UNANIMOUS VOTE:

Yes - 7	Brantley, Epperheimer, Fikes, Morgan, Slaughter, Staggs, Tautfest, Venuti
Recused - 1	Staggs
Absent -1	Gillham

AGENDA ITEM G. OTHER

The Planning Commissioner reviewed the draft of the planning commission bylaws.

AGENDA ITEM H. PUBLIC COMMENT/PRESENTATIONS

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

AGENDA ITEM I DIRECTOR COMMENTS

Planning Director Ruffner informed the commission that the assembly had passed the rewrite of material site ordinance that has been works since 2017. The ordinance will not go into effect until October of 2024.

AGENDA ITEM J COMMISSIONER COMMENTS

- Commissioner Brantley asked for an excused absence for the 11/13/23 meeting.
- Commissioner Tautfest informed the commission that she would be out of state for the 11/13/23 meeting but she would try to attend via Zoom.

AGENDA ITEM K. ADJOURNMENT

Commissioner Staggs moved to adjourn the meeting at 9:31 P.M.

Ann E. Shirnberg
Administrative Assistant

E. NEW BUSINESS

- 1. Ordinance 2023-25 – Approving Anchors Aweigh North Subdivision Single-Family Residential (R-1) Local Option Zoning District & Amending KPB 21.46.040**

Kenai Peninsula Borough

Planning Department

MEMORANDUM

TO: Brent Johnson, Assembly President
Members, Kenai Peninsula Borough Assembly

THRU: Peter A. Micciche, Borough Mayor *AM*
Robert Ruffner, Planning Director *RR*
Samantha Lopez, River Center Manager *SL*

FROM: Ryan Raidmae, Planner *RR*

DATE: October 26, 2023

RE: Ordinance 2023-____, Approving Anchors Aweigh North Subdivision Single-Family Residential (R-1) Local Option Zoning District and Amending KPB 21.46.040 (Mayor)

The Alaska Department of Natural Resources submitted an application requesting the formation of a Single-Family Residential (R-1) Local Option Zoning District (LOZD) of the Anchors Aweigh North Subdivision in Happy Valley. The proposed LOZD includes 15 lots and 2 tracts, encompasses 39.4 acres, and is adjacent to the west side of the Sterling Highway.

The property within the proposed LOZD was approved by the Borough Planning Commission on August 14, 2023 as part of the ASLS No. 2023-16 Anchors Aweigh North Subdivision. The final plat has been submitted for staff review, but has not yet been finalized. The Planning Department's intent is to finalize and record the subdivision plat and LOZD concurrently.

Public notice was sent to property owners within a 300-foot radius of the proposed LOZD informing them of a scheduled community meeting to be held on October 18, 2023 at the Donald E. Gilman River Center. While there were no attendees at the meeting, the Planning Department received one inquiry regarding the proposed LOZD. The proposed LOZD appears to meet the formation requirements of KPB 21.44.040, and is consistent with the 2019 Kenai Peninsula Borough Comprehensive Plan which states, "Establish policies that better guide land use to minimize land use conflicts, maintain property values, protect natural systems and support individual land use freedoms."

Per KPB 21.44.060(A), the Assembly must approve, disapprove, or modify the proposed LOZD. If adopted, this Ordinance will approve the formation of the R-1 LOZD and amend KPB 21.46.040 to include the Anchors Aweigh North Subdivision LOZD.

Your consideration is appreciated.

Introduced by: Mayor
Date: 11/07/23
Hearing: 12/12/23
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2023-**

**AN ORDINANCE APPROVING ANCHORS AWEIGH NORTH SUBDIVISION
SINGLE-FAMILY RESIDENTIAL (R-1) LOCAL OPTION ZONING DISTRICT AND
AMENDING KPB 21.46.040**

- WHEREAS,** an application was submitted to the Kenai Peninsula Borough Planning Department signed by the record owner of six lots within the proposed Local Option Zoning District (“LOZD”); and
- WHEREAS,** pursuant to KPB 21.44.040, the proposed LOZD meets all formation requirements; and
- WHEREAS,** the Alaska Department of Natural Resources is the current and sole owner of the subject property; and
- WHEREAS,** the Planning Department held a community meeting at the Donald E. Gilman River Center on October 18, 2023, regarding this proposed LOZD as required by KPB 21.44.040(C); and
- WHEREAS,** the Planning Department received one public inquiry regarding the proposed LOZD; and
- WHEREAS,** Goal 2, Focus Area: Land Use, Objective A of the Kenai Peninsula Borough's 2019 Comprehensive Plan is to establish policies that better guide land use to minimize land use conflicts, maintain property values, protect natural systems and support individual land use freedoms; and
- WHEREAS,** the Kenai Peninsula Borough Planning Commission reviewed the proposed LOZD at its regularly scheduled meeting of November 13, 2023 and recommended _____;

NOW, THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:

SECTION 1. That the Assembly finds the adoption of Anchors Aweigh North, Local Option Zoning District to be consistent with surrounding land uses and the 2019 Kenai Peninsula Borough Comprehensive Plan.

SECTION 2. That KPB 21.46.040 is hereby amended as follows:
21.46.040. – Single - Family Residential (R-1) Districts.

A. The following Single-Family Residential (R-1) districts and official maps are hereby adopted:

...

14. Anchors Aweigh North is described as follows:

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 and Tracks A, B and C, Anchors Aweigh Subdivision, according to Alaska State Land Survey No. 2023-16, Homer Recording District

a. The local option zoning applies to any further replats within the Anchors Aweigh North LOZD.

SECTION 3. That Anchors Aweigh North Subdivision LOZD will be recorded in the proper recording district.

SECTION 4. That this ordinance shall be effective immediately upon enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS DAY OF _____, 2023.

Brent Johnson, Assembly President

ATTEST:

Michele Turner, CMC, Borough Clerk



LOCAL OPTION ZONING DISTRICT APPLICATION

(KPB 21.44.030A)

Kenai Peninsula Borough
Planning Department
134 N. Binkley St.
Soldotna, AK 99669
907-714-2206
1-800-478-4441 ext 2206
(Toll Free within Borough)

Formation Requirements: An LOZD formed under KPB 21.44.030(A) requires an application signed by the record owners of at least six lots within the proposed LOZD. The applicants shall be owners of parcels proposed for regulation. The formation of the LOZD may include portions of subdivisions.

Please fill in the following information.

FY24

PRIMARY CONTACT		SECONDARY CONTACT	
Name	Patrick Hall	Name	Tim Shilling
Mailing Address	3700 Airport Way	Mailing Address	3700 Airport Way
	Fairbanks, AK 99709		Fairbanks, AK 99709
Contact Phone (Day)	907-374-3737 (Mobile) Same	Contact Phone (Day)	907-451-2734 (Mobile) Same
Email	patrick.hall@alaska.gov	Email	timothy.shilling@alaska.gov

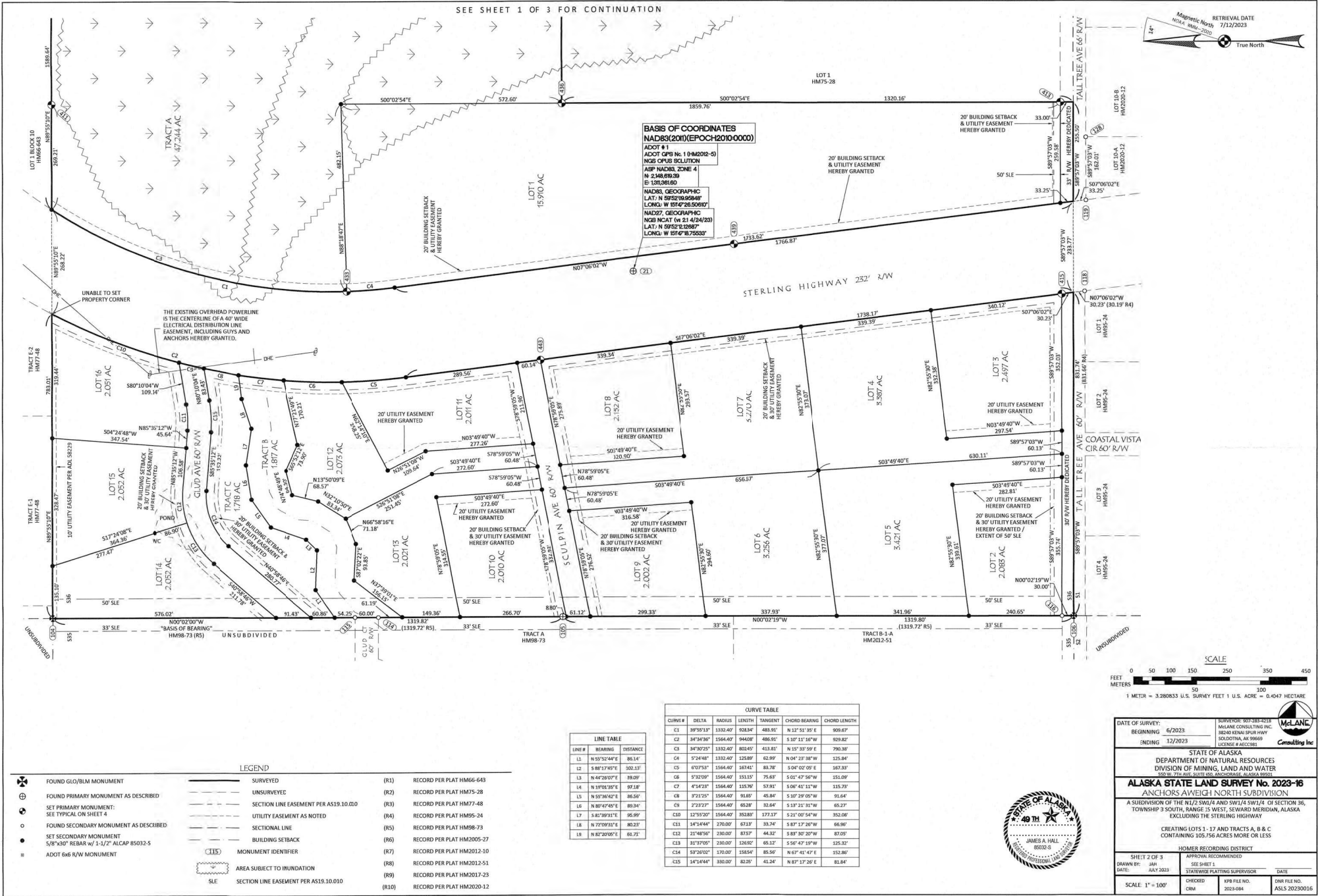
PROPERTY INFORMATION			
KPB Parcel ID # (000-000-00)	159-18-022	TOWNSHIP	3S RANGE 15W SECTION 36
SUBDIVISION	Anchor's Aweigh Subdivision	LOT	2-17 BLOCK _____ ACREAGE 39.4
If the permit is not being requested for the entire parcel, describe the specific location within the parcel to be permitted. e.g. N1/2 SW1/4 NE1/4 N/A			
KPB Parcel ID #: 159-18-022		Acreage: 42.76	
Physical Address: 27725 Sterling Highway			
Legal Description T 3S R 15W SEC 36 SEWARD MERIDIAN HM W1/2 SW1/4 LYING WEST OF STERLING HWY			









LOCAL OPTION ZONING DISTRICT		
<input checked="" type="checkbox"/> R-1 Single-Family Residential District	<input type="checkbox"/> R-2 Small Lot Residential District	<input type="checkbox"/> R-R Rural Residential District
<input type="checkbox"/> R-W Residential Waterfront District	<input type="checkbox"/> R-M Multi-Family Residential District	<input type="checkbox"/> C-3 Mixed Use District

STRUCTURE TYPE	
<input checked="" type="checkbox"/> Single-Family Dwelling	<input checked="" type="checkbox"/> Garage <input checked="" type="checkbox"/> Storage Shed <input checked="" type="checkbox"/> Other Kids Slide/Swing Set

I hereby certify that I am (or I have been authorized to act for) the owner of the property described above and that the construction will be completed as shown on the attached site plan.

Date 7/14/2023	Signature Patrick Hall
----------------	------------------------



REFERENCE TABLE - FOUND PRIMARY MONUMENTS THIS SURVEY						
MON #	DESC	BEARING TO	DISTANCE	SOURCE	STATUS	
(102)  1915	FOUND 2-1/2" BRASS CAP ON 1" IRON PIPE FLUSH w/ GROUND	6° SPRUCE	S 45° 05' W	21 LINKS	GLO	NOT FOUND
		8° SPRUCE	N 23° 00' W	22.5 LINKS	GLO	NOT FOUND
		L8 S2 SE - 3/4" REBAR	N 44° 52' W	42.5'	HMB6-83	COMPUTED
		L8 S2 SW - 1/4" REBAR	N 85° 33' W	41.1'	HMB6-83	COMPUTED
(103)  1915	FOUND 1" IRON PIPE FLUSH w/ GROUND	10° SPRUCE	N 80° E	22 LINKS	GLO	NOT FOUND
		10° SPRUCE	N 65° 05' W	25 LINKS	GLO	NOT FOUND
		L8 S2 SE - 3/4" REBAR	S 89° 55' W	50'	HMT5-37	COMPUTED
		L8 S2 SW - 1/4" REBAR	S 89° 55' W	35.2'	HMT5-37	COMPUTED
(104)  1915	FOUND 2-1/2" BRASS CAP ON 1" IRON PIPE FLUSH w/ GROUND	10° SPRUCE	S 48° 05' E	8 LINKS	GLO	NOT FOUND
		16° SPRUCE	N 30° 05' W	15 LINKS	GLO	NOT FOUND
		LE 1 SW - 1/4" REBAR	N 89° 55' E	39'	HMT7-48	COMPUTED
		LE 1 NW - 1/4" REBAR	N 99° 54' E	191.0'	HMT7-48	COMPUTED
(106)  2005	FOUND 2" IRON PIPE FLUSH w/ GROUND	6° SPRUCE	N 67° 50' E	43 LINKS	GLO	NOT FOUND
		6° SPRUCE	S 52° 25' E	17 LINKS	GLO	NOT FOUND
		14° SPRUCE	S 57° 05' W	60 LINKS	GLO	NOT FOUND
		12° SPRUCE	N 8° W	12 LINKS	GLO	NOT FOUND
(412)  2005	FOUND 2-1/2" ALMON 1.6" BELOW GRADE SET MAGNET 0.5' BELOW GRADE	L4 NW - 3/4" REBAR w/ 1" VPC	S 30° 10' E	30'	HMS9-24	COMPUTED
		TRC B-1-ASE - 3/4" REBAR w/ 1" VPC	N 30° 02' W	30'	HMS9-73	FOUND
		SM # 124	N 30° 04' W	33.0'	HM2002-10	FOUND
		SM # 126	S 42° 24' E	44.5'	HM2007-57A	FOUND
(105)  1998	FOUND 2-1/2" ALMON ON 2" AL POST FLUSH w/ GROUND NO RECORD BEARING TREES	SM # 127	N 42° 13' E	44.0'	HM2007-57A	FOUND
	(109)  2005	FOUND 2-1/2" ALMON ON 2" AL POST FLUSH w/ GROUND NO RECORD BEARING TREES	(123)  1995	FOUND 2-1/2" ALMON ON 2" AL POST FLUSH w/ GROUND NO RECORD BEARING TREES		

REFERENCE TABLE - SET PRIMARY MONUMENTS THIS SURVEY					
MON #	DESC	BEARING TO	DISTANCE	SOURCE	STATUS
411	SET PRIMARY MONUMENT	SET SECONDARY MONUMENT	S 89° 55' W	537.4'	
		SET SECONDARY MONUMENT	S 89° 55' W	269.7'	
413	SET PRIMARY MONUMENT	SM # 119	S 75° 15' W	259.5'	
		SM # 128	S 53° 31' W	111.1'	
415	SET PRIMARY MONUMENT	SM # 118	S 07° 06' E	60.5'	
		SM # 119	S 75° 26' E	249.4'	
433	SET PRIMARY MONUMENT	SET SECONDARY MONUMENT	S 04° 24' E	125.4'	
		SET SECONDARY MONUMENT	N 80° 51' W	232.1'	
436	SET PRIMARY MONUMENT	18° SPRUCE	S 86° 48' W	20.5'	
		12° SPRUCE	S 28° 23' E	59.7'	
438	SET PRIMARY MONUMENT	12° SPRUCE	N 65° 12' E	33.5'	
		18° SPRUCE	N 14° 55' E	20.7'	
439	SET PRIMARY MONUMENT	14° SPRUCE	N 73° 23' W	18.2'	
		18° SPRUCE	S 29° 57' W	19.2'	
443	SET PRIMARY MONUMENT	ADOT # 1 CP # 21	N 14° 58' W	269.3'	
		SET SECONDARY MONUMENT	S 50° 54' W	273.5'	
443	SET PRIMARY MONUMENT	SET SECONDARY MONUMENT	N 07° 06' W	60.1'	
		SET SECONDARY MONUMENT	S 78° 59' W	275.9'	

CERTIFICATE OF OWNERSHIP AND DEDICATION

I, THE UNDERSIGNED, HEREBY CERTIFY THAT I AM THE DIRECTOR, DIVISION OF MINING, LAND AND WATER AND THAT THE STATE OF ALASKA IS THE OWNER OF THE REAL PROPERTY AS SHOWN AND DESCRIBED HEREON. I HEREBY APPROVE THIS SURVEY AND PLAT FOR THE STATE OF ALASKA, AND DEDICATE FOR PUBLIC OR PRIVATE USE AS NOTED, ALL EASEMENTS, PUBLIC UTILITY AREAS AND RIGHTS-OF-WAY SHOWN AND DESCRIBED HEREON.

DIRECTOR, DIVISION OF MINING, LAND & WATER DATE

NOTARY'S ACKNOWLEDGEMENT

FOR: ACKNOWLEDGED BEFORE ME THIS

DAY OF 2023

MY COMMISSION EXPIRES

NOTARY PUBLIC FOR THE STATE OF ALASKA

CERTIFICATE OF ACCEPTANCE - KPB

THE UNDERSIGNED OFFICIAL IDENTIFIED BY NAME AND TITLE IS AUTHORIZED TO ACCEPT AND HEREBY ACCEPTS ON BEHALF OF THE KENAI PENINSULA BOROUGH FOR PUBLIC PURPOSES THE REAL PROPERTY TO BE DEDICATED BY THIS PLAT INCLUDING EASEMENTS, RIGHTS-OF-WAY (GLAD AVE, SCULPIN AVE & TALL TREE AVE ALLEYS, AND OTHER PUBLIC AREAS SHOWN ON THIS PLAT). THE ACCEPTANCE OF LANDS FOR PUBLIC USE OR PUBLIC PURPOSE DOES NOT OBLIGATE THE PUBLIC OR ANY GOVERNING BODY TO CONSTRUCT, OPERATE, OR MAINTAIN IMPROVEMENTS.

AUTHORIZED OFFICIAL DATE

WASTEWATER DISPOSAL - LOTS & TRACT C

SOIL CONDITIONS, WATER TABLE LEVELS, AND SOILSLOPES IN THIS SUBDIVISION HAVE BEEN FOUND SUITABLE FOR CONVENTIONAL ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEMS SERVING SINGLE-FAMILY OR DUPLEX RESIDENCES AND MEETING THE REGULATORY REQUIREMENTS OF THE KENAI PENINSULA BOROUGH. ANY OTHER TYPE OF ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEM MUST BE DESIGNED BY A PROFESSIONAL ENGINEER, REGISTERED TO PRACTICE IN ALASKA, AND THE DESIGN MUST BE APPROVED BY THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

CODY R. McLANE C.E. 11510 AK DATE

WASTEWATER DISPOSAL - TRACT A & LOT 1

THESE TRACTS ARE AT LEAST 20,000 SQUARE FEET IN SIZE AND CONDITIONS MAY NOT BE SUITABLE FOR ONSITE WASTEWATER TREATMENT AND DISPOSAL. ANY WASTEWATER TREATMENT OR DISPOSAL SYSTEM MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

WASTEWATER DISPOSAL - TRACT B

CONDITIONS MIGHT NOT BE SUITABLE FOR ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEMS. NO WASTEWATER WILL BE GENERATED OR DISPOSED OF ON THIS TRACT AS OF THE DATE OF THIS PLAT. IF CIRCUMSTANCES CHANGE TO ALLOW AWWFL ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEMS, THOSE SYSTEMS MUST MEET THE WASTEWATER DISPOSAL REQUIREMENTS OF KPB CHAPTER 20.40 AND THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.



SURVEYOR'S CERTIFICATE

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

JAMES A. HALL 85032-S REGISTERED LAND SURVEYOR

DATE

TYPICAL PRIMARY MONUMENT

SET THIS SURVEY



SET 3-1/4" ALUMINUM CAP w/ PRE-INSTALLED MAGNET UNDER CAP ON 2-3/8" x 20" FLANGED ALUMINUM PIPE SET CAP FLUSH WITH GROUND 3" PINK CASED MAGNET SET BELOW BASE OF MON. 3" x 6" CARBONITE POST w/ SURVEY MARKER LABEL SET 2' IN GROUND AS WITNESS POST

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF AUGUST 14, 2023.

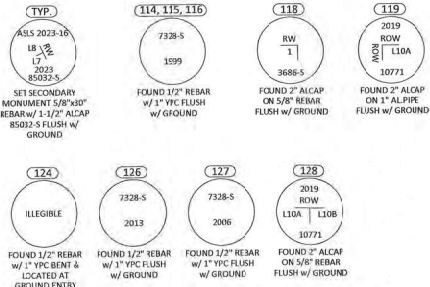
AUTHORIZED OFFICIAL

BASIS OF COORDINATES

(ADOT # 1) (CP # 21)



FOUND 2-1/2" BRASS DONUT ON 9/16"x35.5" STAINLESS STEEL ROD IN METAL CASING 0.3' BELOW GROUND



DATE OF SURVEY: BEGINNING 6/2023 ENDING 12/2023	SURVEYOR: 801283-4228 JAMES A. HALL 85032-S REGISTERED LAND SURVEYOR
STATE OF ALASKA DEPARTMENT OF NATURAL RESOURCES DIVISION OF MINING, LAND AND WATER 2019 ROW L10A L10B 10771	
ALASKA STATE LAND SURVEY No. 2023-16 ANCHORS AWEIGH NORTH SUBDIVISION	
A SUBDIVISION OF THE K1/2 S41/4 AND SW1/4 SW1/4 OF SECTION 36, T10W59 N 3 SOUTH, RANG 15 WEST, SEWARD MERIDIAN, ALASKA EXCLUDING THE STERLING HIGHWAY	
CREATING LOTS 1 - 17 AND TRACTS A, B & C CONTAINING 105.756 ACRES MORE OR LESS	
HICHER RECORDING DISTRICT	
SHEET 3 OF 3	APPROVAL RECOMMENDED
DRAWN BY: JAH	SEE SHEET 1
DATE: JULY 2023	STRATEGIC PLANNING SUPERVISOR DATE
SCALE: N/A	CHECKED: CRM
	DATE: 2023-08-14
	DATE: 2023-08-14



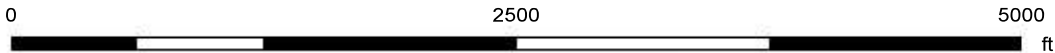
Project Overview and Vicinity Map

Anchors Aweigh North, Single-Family Residential (R-1), LOZD

 Project Area



Vicinity



Map created by Raidmae, Ryan

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.



Kenai Peninsula Borough Planning Department

Habitat Protection Area Map

Anchors Aweigh North, Single-Family Residential (R-1), LOZD



Project Area

River Miles

Tax Parcels

Habitat

KPB 2118 - KPB 2118

Anadromous Streams

- Exempt
- Managed
- Unregulated
- others

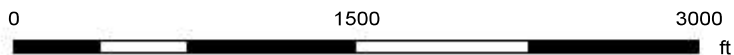
KPB 2118 - KPB 2118

Anadromous Lakes and Areas

- Exempt
- Managed
- Unregulated
- n/a

Map created by Raidmae, Ryan

Friday, October 20, 2023

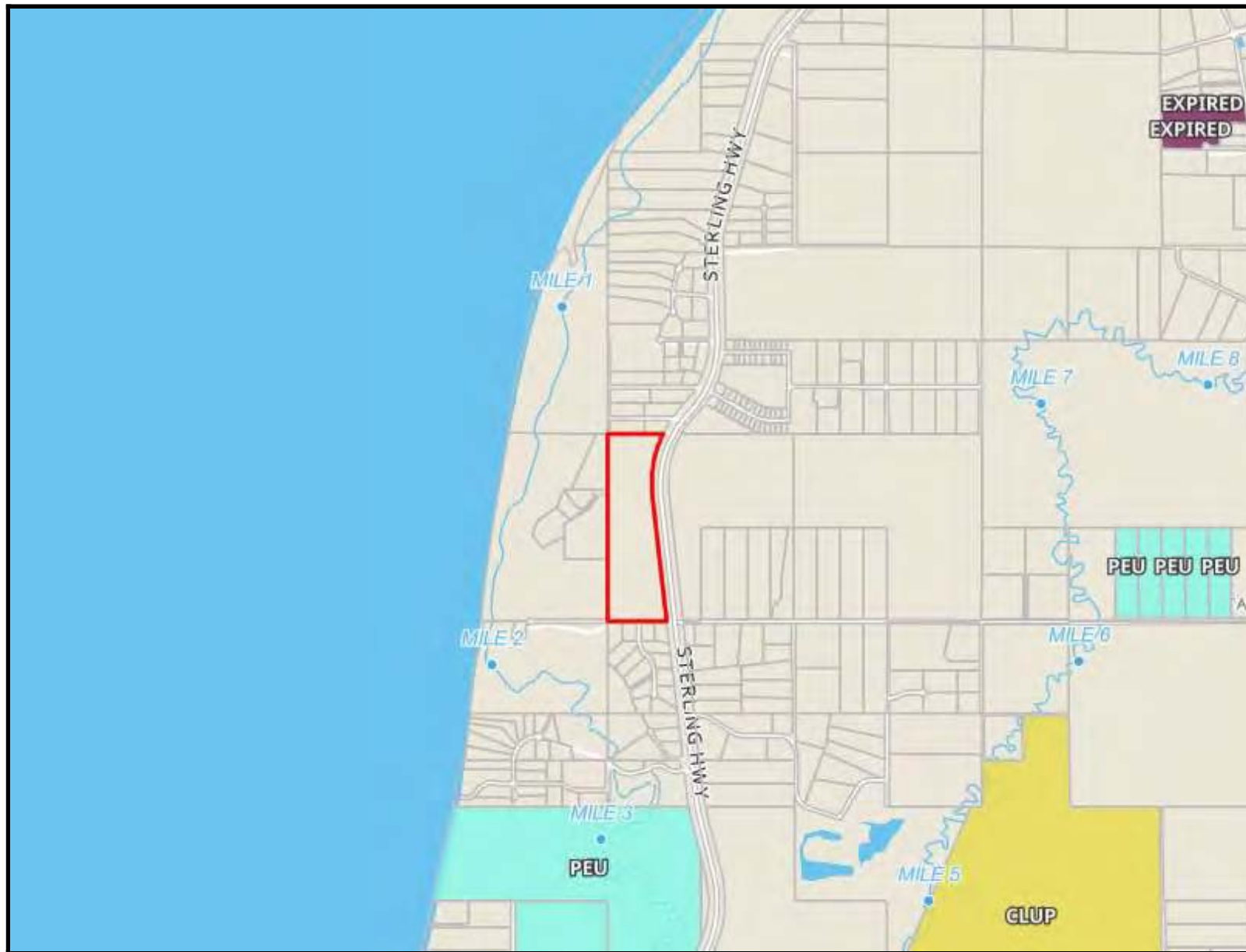




Kenai Peninsula Borough Planning Department

Regulatory Map

Anchors Aweigh North, Single-Family Residential (R-1), LOZD



Project Area

River Miles

Tax Parcels

Material Sites

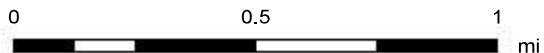
PEU

CLUP

EXPIRED

Map created by Raidmae, Ryan

Friday, October 20, 2023

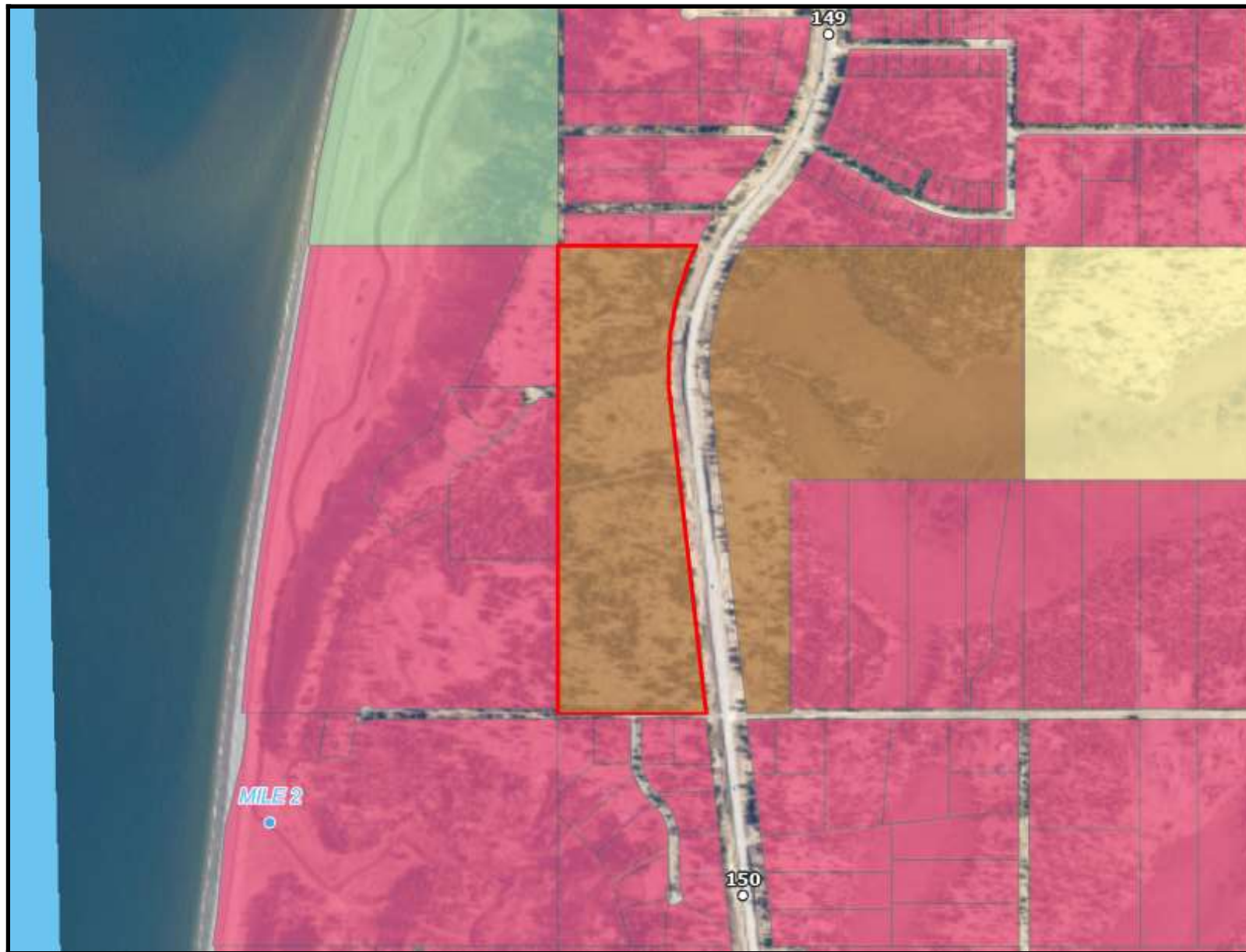




Kenai Peninsula Borough Planning Department

Ownership Map

Anchors Aweigh North, Single-Family Residential (R-1), LOZD



Project Area

River Miles

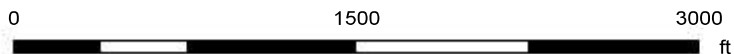
Parcels by Use / Ownership

Parcel Ownership Type

- Borough
- Federal
- Native
- Native Allotment
- Municipal
- Private
- State

Map created by Raidmae, Ryan

Friday, October 20, 2023





Kenai Peninsula Borough Planning Department

Wetlands Map

Anchors Aweigh North, Single-Family Residential (R-1), LOZD



- Project Area**
- River Miles
 -
- Tax Parcels
 -
- Landcover Features
 - KWF Wetlands Assessment**
 - DISTURB
 - Depression
 - Discharge Slope
 - Drainageway
 - Floating Island
 - Headwater Fen
 - Kettle
 - LAKE
 - Lakebed
 - Late Snow Plateau
 - Riverine
 - Tidal
 - Wetland / Upland Complex

Map created by Raidmae, Ryan

30 day, October 20, 2023

0 1500 3000 ft



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.

E1-14

AGENDA ITEM E. NEW BUSINESS

ITEM # – LOCAL OPTION ZONING DISTRICT, SINGLE – FAMILY RESIDENTIAL (R-1), ANCHORS AWEIGH NORTH, APPROXIMATELY 0.5 MILES SOUTH OF MP 149 STERLING HIGHWAY

KPB File No: Ordinance #####-##
PC Meeting: November 13, 2023
Applicant: Patrick Hall, Department of Natural Resources
Land Owner: Alaska Department of Natural Resources
Parcel(s) No. 159-180-22
Legal Description: T 3S R 15W SEC 36 SEWARD MERIDIAN HM W1/2 SW1/4 LYING WEST OF STERLING HWY.
General Location: About MP 149.5 of the Sterling Highway, Anchor Point Alaska, 99556
Zoning: Rural Unrestricted
Exceptions Requested: None

STAFF REPORT

BACKGROUND INFORMATION:

The Alaska Department of Natural Resources (ADNR), who is the sole applicant and owner of the subject parcels, has submitted a Local Option Zoning District (LOZD), Single Family Residential (R-1) application. Along with the application, ADNR also submitted a preliminary plat that subdivides parcels 159-180-22 into 15 lots and 2 tracks. Pursuant to Kenai Peninsula Borough (KPB) 21.44.030(B), Any Type of LOZD may be proposed at the time of preliminary or final plat approval.

On Oct. 18, 2023, a community meeting was held, as required by KPB 21.44.040(C), at the Donald E. Gilman River Center. The notice was sent to property owners within the proposed LOZD and the 300-foot notification area.

The Planning Department has reviewed the application for the proposed district using the criteria contained in KPB 21.44.040(A). Based upon land use, location, access, soils, topography, availability of utilities, encumbrances and permits, staff has determined the boundaries of the proposed LOZD is appropriate as requested.

PUBLIC NOTICE:

Public notice of the hearing was mailed on or before October 25, 2023 to the owners of the 1 parcel within the boundaries of the LOZD and the 22 parcels within 300 feet of the proposed LOZD. A public hearing was held on the November 13, 2023, meeting of the Kenai Peninsula Borough Planning Commission and public notice of the application was published in the November 2th and 9th, 2023 issues of the Homer News.

ATTACHMENTS

Project Overview and Vicinity Map
Land Use Map
Ownership Map
Habitat Protection Area Map
Regulatory Map
Wetlands Map
Application
Paper Plat

STAFF RECOMMENDATION

Staff recommends that the planning commission forward this application to the assembly with the recommendation to approve the creation of the Single-Family Residential (R-1) District as described in the legal description above.

END OF STAFF REPORT

**KENAI PENINSULA BOROUGH PLANNING COMMISSION
NOTICE OF PUBLIC HEARING**

«OWNER»
«ATTENTION»
«ADDRESS»
«CITY», «STATE» «ZIPCODE»

What is this notice?

The Kenai Peninsula Borough (KPB) Planning Department received a request to place a Single-Family (R-1) Local Option Zoning District (LOZD) onto a property in the Happy Valley area. If approved, this zone would adopt greater land use restrictions, limiting the property to single-family residential developments.

Why am I receiving this notice?

You are a property owner within 300 feet of the proposed LOZD, and are being invited to provide input at an upcoming meeting of the KPB Planning Commission.

Petition Information:

Petitioner: Alaska Department of Natural Resources
Vicinity: Happy Valley, approximately MP 149.5 of the Sterling Highway
Subdivision: Anchors Aweigh North
Lot(s): Lots 2-16 and Tracks B-C
Legal: T 3S R 15W SEC 36 SEWARD MERIDIAN HM W1/2 SW1/4 LYING WEST OF STERLING HWY

Public Hearing Information:

Date/Time: November 13, 2023 at 7:30 pm
Address: Borough Administrative Building
144 N. Binkley St., Soldotna, Alaska
Zoom Link: <https://us06web.zoom.us/j/9077142200>
Meeting ID: 907 714 2200
Telephonic: 1-888-788-0099 or 1-877-853-5247

How do I comment on the matter?

Anyone wishing to testify may attend the meeting in person or electronically, or may submit written comment to our office. Written comments **must be submitted by 1:00 pm Thursday, November 9, 2023**, and can be sent via email, in-person, or mail:

Email: planning@kpb.us
Mail or in- KPB Planning Department
person: 144 N Binkley St.
Soldotna, Alaska 99669

For additional information, contact Ryan Raidmae at rraidmae@kpb.us or (907) 714-2462.

Ryan Raidmae
KPB Planner



Kenai Peninsula Borough

Parcels Within 300 Feet of Proposed LOZD

Printed on 10/23/2023



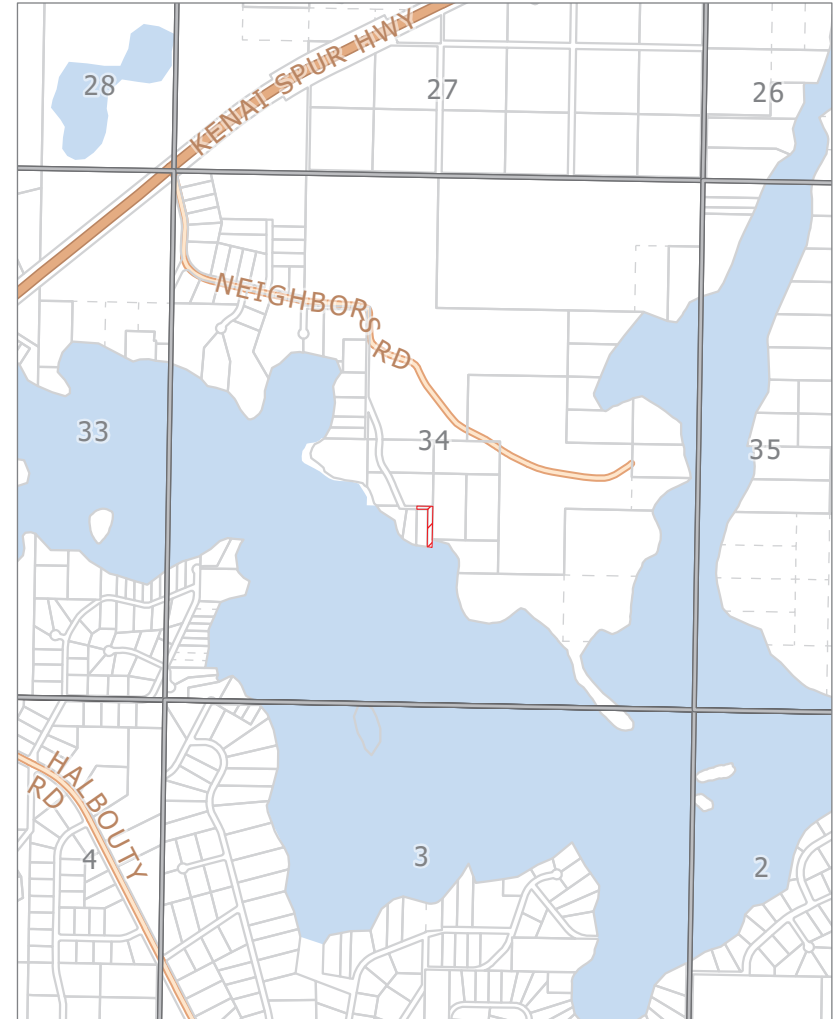
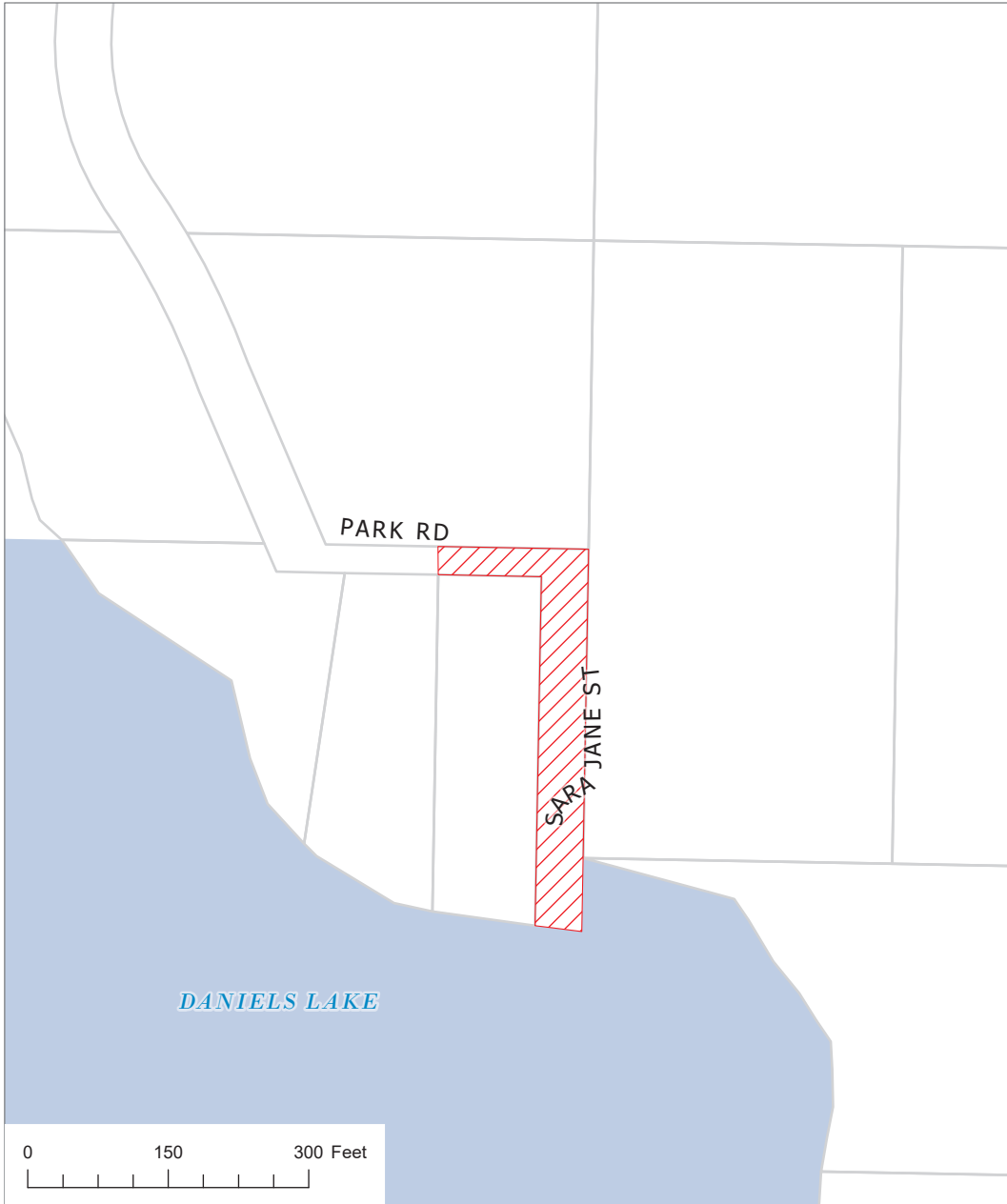
E. NEW BUSINESS

2. Right-Of-Way Vacation; KPB File 2023-114V

McLane Consulting / Triple-Knot Land & Livestock, Oliva

**Request: Vacates a 110' x 30' portion of Park Rd. and the entire
Sara Jane ROW of Rappe Park Subdivision, KN 1987-105**

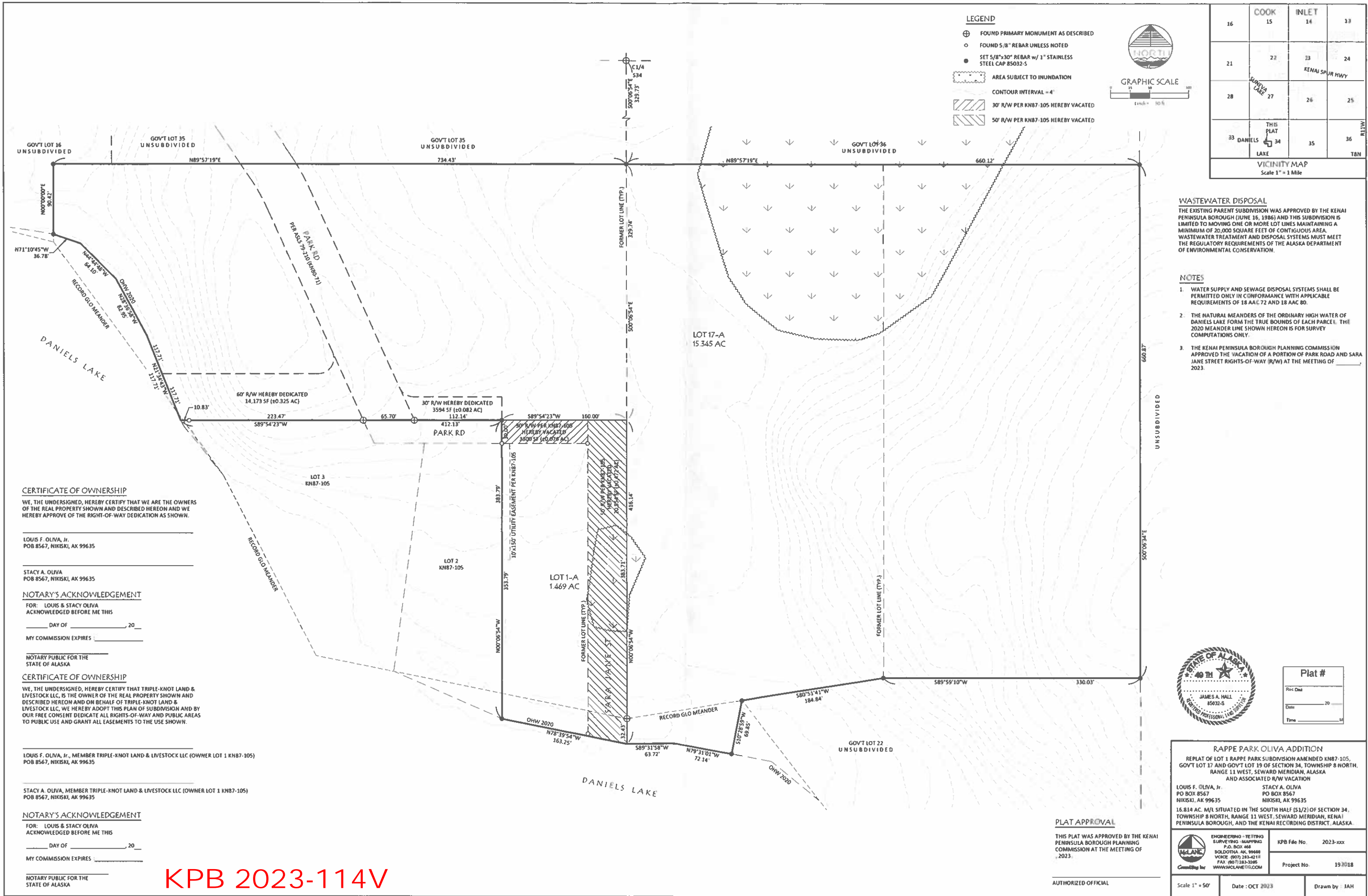
Nikiski Area / Nikiski APC



KPB File 2023-114V
T 08N R 11W SEC 34
Nikiski



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



KPB 2023-114V

AGENDA ITEM E. NEW BUSINESS

**ITEM #2 - RIGHT OF WAY VACATION
RAPPE PARK SUBDIVISION VACATE PORTION OF PARK ROAD AND SARA JANE STREET**

KPB File No.	2023-114V
Planning Commission Meeting:	November 13, 2023
Applicant / Owner:	Louis and Stacy Oliva of Nikiski, Alaska
Surveyor:	James Hall / McLane Consulting Inc
General Location:	Park Road and Sara Jane Street, Nikiski, Nikiski APC
Parent Parcel No.:	013-410-37, 013-410-53, and 013-410-69
Legal Description:	Government Lot 17 of Section 34 Township 8N Range 11W

STAFF REPORT

Specific Request / Purpose as stated in the petition: A portion of Park Road (shown as Craig Drive on KN87-105) and all of Sara Jane Street (as Shown on KN87-105) is being vacated. Petitioner owns property on both sides of Sara Jane Street. The existing ROWs disrupt and limit owner's use and enjoyment of property. There are ponded wetlands on Sara Jane Street preventing lake access.

Notification: The public hearing notice was published in the November 8th issue of the Peninsula Clarion as part of the Commission's tentative agenda.

The public notice was posted on the Planning Commission bulletin board at the Kenai Peninsula Borough George A. Navarre Administration building. Additional notices were mailed to the following with the request to be posted for public viewing.

Library of Nikiski

Post Office of Nikiski

Four certified mailings were sent to owners of property within 300 feet of the proposed vacation. Zero receipts had been returned when the staff report was prepared.

Public hearing notices were sent by regular mail to six owners within 600 feet of the proposed vacation.

Sixteen public hearing notices were emailed to agencies and interested parties as shown below;

State of Alaska Dept. of Fish and Game
State of Alaska DNR
State of Alaska DOT
State of Alaska DNR Forestry
Advisory Planning Commission
Emergency Services of Nikiski
Kenai Peninsula Borough Office

Kenai Peninsula Borough Land Management
Nikiski Community Council
Alaska Communication Systems (ACS)
ENSTAR Natural Gas
General Communications Inc, (GCI)
Homer Electric Association (HEA)

Legal Access (existing and proposed): This parcel is located at approximately mile 30.5 along the Kenai Spur Highway at access point to Neighbors Road then to Parks Road. Neighbors Road and Parks Road are both Borough maintained. Parks Road maintenance ends at the turn to the east. Sara Jane Street is a 50-foot-wide right-of-way and currently not constructed. In addition to the proposed vacation, two dedications are proposed. A 30-foot-wide portion of Park Road is proposed north and east of the existing dedication. A 60-foot-wide dedication is also proposed to provide access to Daniels Lake west of Park Road. The provided drawing with the submittal does not have a proposed name for the west dedication. ***Staff recommends: when the preliminary plat is submitted a name be provided for review and approval by the KPB Addressing Officer.***

KPB Roads Dept. comments	<p>Out of Jurisdiction: No</p> <p>Roads Director: Griebel, Scott</p> <p>Comments: A bulb dedication at the end of Park Rd would be preferable to support contractor equipment turn-around. The alternative lake access dedication (for Sara Jane St) has very steep water approach grades.</p>
SOA DOT comments	No comments - Engineering

Site Investigation: There are some steep areas on the drawing to the west. **Staff recommends:** top and toe be shown on the subdivision plat when submitted.

The preliminary drawing does have an area labeled as “subject to inundation” within the portion of Sara Jane Street being vacated. Staff recommends: if the vacation is approved the depiction remain on the final plat submittal.

KPB River Center review	<p>A. Floodplain Reviewer: Hindman, Julie Floodplain Status: Not within flood hazard area Comments: No comments</p> <p>B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: IS totally or partially within HPD Comments: i:0#.w kpb\maldrige</p> <p>C. State Parks Reviewer: VACANT Comments:</p>
-------------------------	---

Staff Analysis: The Kenai Peninsula Borough Planning Commission heard a petition to vacate ROW Permit ADL 220394 north of the existing Park Road dedication on February 8, 2021. The ADL is a state-managed easement. The Planning Commission recommended approval, subject to providing a matching 30-foot right-of-way dedication for Park Road by subdivision plat. The Kenai Peninsula Borough Assembly reviewed that decision on March 2, 2021, and consented to the Planning Commission decision. The owner proceeded to work with the State of Alaska on the vacation of the ADL. A final decision was approved on June 14, 2022. Approval of the vacation was granted subject to the western portion of the ADL being dedicated prior to final approval. These right-of-way vacations and dedications are to fulfill the requirements outlined by the state to allow the approved vacation of the ADL to record.

The State of Alaska Fish and Game Division of Wildlife Conservation sent comments in which are included in the packet.

Nikiski Advisory Planning Commission minutes for the November 9, 2023 meeting were not available when the staff report was prepared (KPB 21.02.020). These will be provided with the desk packet if available.

20.65.050 – Action on vacation application

- D. The planning commission shall consider the merits of each vacation request and in all cases the planning commission shall deem the area being vacated to be of value to the public. It shall be incumbent upon the applicant to show that the area proposed for vacation is no longer practical for the uses or purposes authorized, or that other provisions have been made which are more beneficial to the public. In evaluating the merits of the proposed vacation, the planning commission shall consider whether:

1. The right-of-way or public easement to be vacated is being used;
Staff comments: *Both Sara Jane and Park Ave (Craig Dr) are undeveloped and no public use occurs*
2. A road is impossible or impractical to construct, and alternative access has been provided;
Staff comments: *there is an area of inundation in the vacation area. New dedication is proposed*
3. The surrounding area is fully developed and all planned or needed rights-of-way and utilities are constructed;
Staff comments: *No*
4. The vacation of a public right-of-way provides access to a lake, river, or other area with public interest or value, and if so, whether equal or superior access is provided;
Staff comments: *The proposed vacation of the undeveloped 50' width of Sara Jane ROW provides legal access to Daniels Lake, contains a low wet area. Equal or superior access will be provided via the new dedication because the new dedication to the lake does not contain low wet areas, and is 60' in width.*
5. The proposed vacation would limit opportunities for interconnectivity with adjacent parcels, whether developed or undeveloped;
Staff comments: *No*
6. Other public access, other than general road use, exist or are feasible for the right-of-way;
Staff comments: *No*
7. All existing and future utility requirements are met. Rights-of-way which are utilized by a utility, or which logically would be required by a utility, shall not be vacated, unless it can be demonstrated that equal or superior access is or will be available. Where an easement would satisfactorily serve the utility interests, and no other public need for the right-of-way exists, the commission may approve the vacation and require that a utility easement be granted in place of the right-of-way.
Staff comments: *HEA requested a 15' utility easement for an overhead electric line through the proposed dedication of Park Road and above the vacated area.*
8. Any other factors that are relevant to the vacation application or the area proposed to be vacated.
Staff comments: *applicant owns all the land surrounding vacation area. A 30-foot-wide portion of Park Road is proposed north and east of the existing dedication, that will contain a turnaround bulb. A 60-foot-wide dedication is also proposed to provide access to Daniels Lake west of Park Road.*

A KPB Planning Commission decision denying a vacation application is final. A KPB Planning Commission decision to approve the vacation application is subject to consent or veto by the KPB Assembly, or City Council if located within City boundaries. The KPB Assembly, or City Council must hear the vacation within thirty days of the Planning Commission decision.

The Assembly will hear the vacation at its scheduled December 12, 2023, meeting.

If approved, Rappe Park Oliva Addition will finalize the proposed right-of-way vacations. The Planning Department has not received a preliminary submittal at the time of this staff report.

KPB department / agency review:

Addressing	Reviewer: Leavitt, Rhealyn Affected Addresses: 52377 PARK RD, 52360 SARA JANE ST Existing Street Names are Correct: Yes
------------	--

	List of Correct Street Names: SARA JANE ST, PARK RD Existing Street Name Corrections Needed: All New Street Names are Approved: No List of Approved Street Names: List of Street Names Denied: Comments: 52360 SARA JANE ST WILL BE DELETED AND A NEW ADDRESS ASSIGNED.
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
State of Alaska Fish and Game	See comment in Packet

Utility provider review:

HEA	Locate and depict the overhead primary electric line. Provide a label or plat note stating, "The existing overhead powerline is the centerline of a 15-foot-wide electrical easement, including guys and anchors, granted this plat."
ENSTAR	
ACS	No objections
GCI	

RECOMMENDATION:

Based on consideration of the merits as per KPB 20.65.050(D) as outlined by Staff comments, Staff recommends APPROVAL as petitioned, subject to:

1. Consent by KPB Assembly.
2. Compliance with the requirements for preliminary plats per Chapter 20 of the KPB Code.
3. Dedication of the 60' access to Daniels Lake and 30' Parks Road as shown.
4. A turnaround bulb east of existing Parks Road, in the new dedication area.
5. Grant of utility easements requested by the utility providers.
6. Submittal of a final plat within a timeframe such that the plat can be recorded within one year of vacation consent (KPB 20.70.130).

KPB 20.65.050 – Action on vacation application

H. A planning commission decision to approve a vacation is not effective without the consent of the city council, if the vacated area to be vacated is within a city, or by the assembly in all other cases. The

council or assembly shall have 30 days from the date of the planning commission approval to either consent to or veto the vacation. Notice of veto of the vacation shall be immediately given to the planning commission. Failure to act on the vacation within 30 days shall be considered to be consent to the vacation. This provision does not apply to alterations of utility easements under KPB 20.65.070 which do not require the consent of the assembly or city council unless city code specifically provides otherwise.

- I. Upon approval of the vacation request by the planning commission and no veto by the city council or assembly, where applicable, the applicant shall have a surveyor prepare and submit a plat including the entire area approved for vacation in conformance with KPB 20.10.080. Only the area approved for vacation by the assembly or council may be included on the plat. The final plat must be recorded within one year of the vacation consent.
- J. A planning commission decision denying a vacation application is final. No reapplication or petition concerning the same vacation may be filed within one calendar year of the date of the final denial action except in the case where new evidence or circumstances exist that were not available or present when the original petition was filed.
- K. An appeal of the planning commission, city council or assembly vacation action under this chapter must be filed in the superior court in accordance with the Alaska Rules of Appellate Procedure.

The 2019 Kenai Peninsula Borough Comprehensive Plan adopted November, 2019 by Ordinance No. 2019-25. The relevant objectives are listed.

Goal 3. Preserve and improve quality of life on the Kenai Peninsula Borough through increased access to local and regional facilities, activities, programs and services.

- *Focus Area: Energy and Utilities*
 - o *Objective A - Encourage coordination or residential, commercial, and industrial development with extension of utilities and other infrastructure.*
 - *Strategy 1. Near – Term: Maintain existing easements (especially section line easements) in addition to establishing adequate utility rights of way or easements to serve existing and future utility needs.*
 - *Strategy 2. Near – Term: Maintain regular contact with utility operators to coordinate and review utility easement requests that are part of subdivision plat approval.*
 - *Strategy 3. Near – Term: Identify potential utility routes on Borough lands.*
- *Housing*
 - o *Objective D. Encourage efficient use of land, infrastructure and services outside incorporated cities by prioritizing future growth in the most suitable areas.*
 - *Strategy 1. Near – Term: Collaborate with the AK Department of Transportation, incorporated cities within the borough, utility providers, other agencies overseeing local services, and existing communities located adjacent to the undeveloped areas that are appropriate for future growth, to align plans for future expansion of services to serve future residential development and manage growth.*

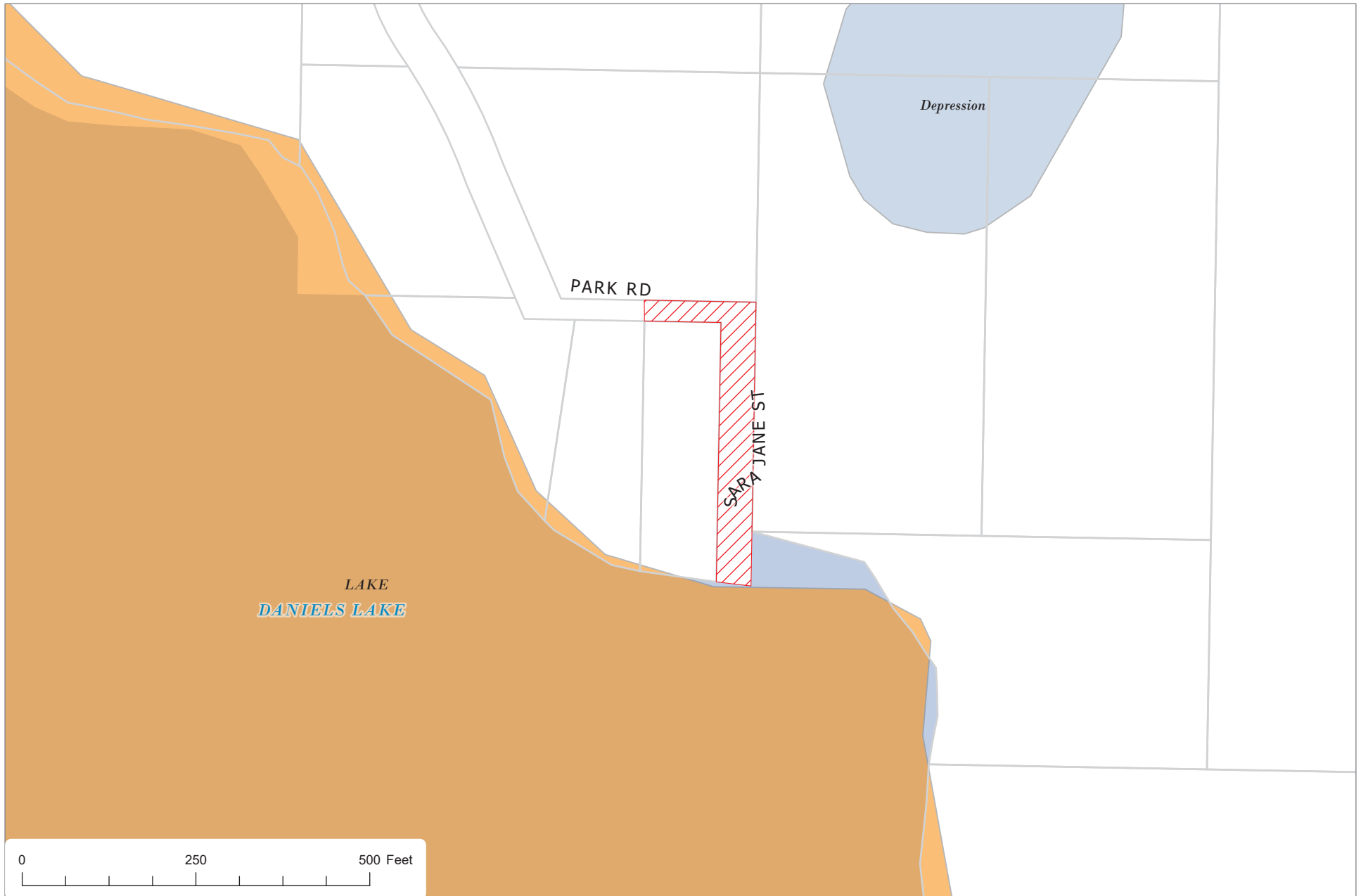
Goal 4. Improve access to, from and connectivity within the Kenai Peninsula Borough

- *Focus Area: Transportation*
 - o *Objective B. Ensure new roads are developed in alignment with existing and planned growth and development.*
 - *Strategy 2. Near – Term: Establish subdivision codes that dictate road construction standards to accommodate future interconnectivity and/or public safety.*
 - *Strategy 3. Near – Term: Identify areas of anticipated growth to determine future access needs.*

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.

GOV'T LOT 17 UNSUBDIVIDED

FD 3 1/4" ALUM. MON.

GOV'T LOT 17

UNSUBDIVIDED

FD 3 1/4" ALUM. MON.

(R/W PERMIT ADL 220394)

CRAIG DRIVE
(present name of existing road)

LOT 3
41339 S.F.
AREA

LOT 2
40525 S.F.
AREA

LOT 1
40310 S.F.
AREA

AREA FOR
SEWER INSTALLATION

AREA FOR
WELL INSTALLATION

Limits of
Swamp

LEGEND

● OFFICIAL SURVEY MONUMENT FOUND

⊕ 5/8" REBAR SET

NOTES

1) THE ACTUAL SHORELINE OF DANIELS LAKE FORMS THE BOUNDARY OF LOTS. THE MEANDER LINES SHOWN (M.L.) ARE FOR THE PURPOSE OF COMPUTING LOT AREAS ONLY.

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

3) SOILS ON THESE LOTS MAY OR MAY NOT BE SUITABLE FOR CONVENTIONAL ON-SITE WASTE DISPOSAL SYSTEMS. NO PERSON MAY CONSTRUCT, INSTALL, MAINTAIN, OR OPERATE A PRESSURIZED WATER SYSTEM OR A WATER-BORNE WASTE DISPOSAL SYSTEM UNLESS APPROVAL OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION IS OBTAINED. IN ADDITION ALL SEWER SYSTEMS SHALL BE INSTALLED WITHIN THE DESIGNATED AREA SHOWN ON THIS PLAT.

4) NO PART OF THIS SUBDIVISION IS WITHIN A KNOWN FLOOD PLAIN.

5) WATER WELLS AND SEPTIC SYSTEMS MAY ONLY BE INSTALLED IN THE AREAS DESIGNATED FOR SUCH INSTALLATION.

AMENDMENTS

1) THE DELINEATION OF THE WATER AND SEWER INSTALLATION AREAS HAS BEEN ADDED TO THIS PLAT.

THE ABOVE REVISION CONSTITUTES THE SOLE CHANGE MADE TO THE PLAT, ASIDE FROM THE NOTATION THEREON.

THE ABOVE REVISIONS DO NOT ALTER LOT AREAS AND DO NOT AFFECT OR INFLUENCE ANY CHANGE OF OWNERSHIP, DRAINAGE FEATURES, RIGHTS-OF-WAY OR ANY OTHER ITEM WHICH WOULD ADVERSELY AFFECT THIS OR ADJACENT PROPERTIES. WE THEREFORE ARE SUBMITTING THIS PLAT FOR REFILE AS CORRECTED.

C 1/4 S 34
610 S
1979

FD 3 1/4" ALUM. MON.

NE COR
LOT 18
610 S

FD 1 1/4" ALUM. CAP

PATENT DB 31, P299 KRD.)

PATENT DB 27, P65 KRD)

UNSUBDIVIDED

GOV'T LOT 19

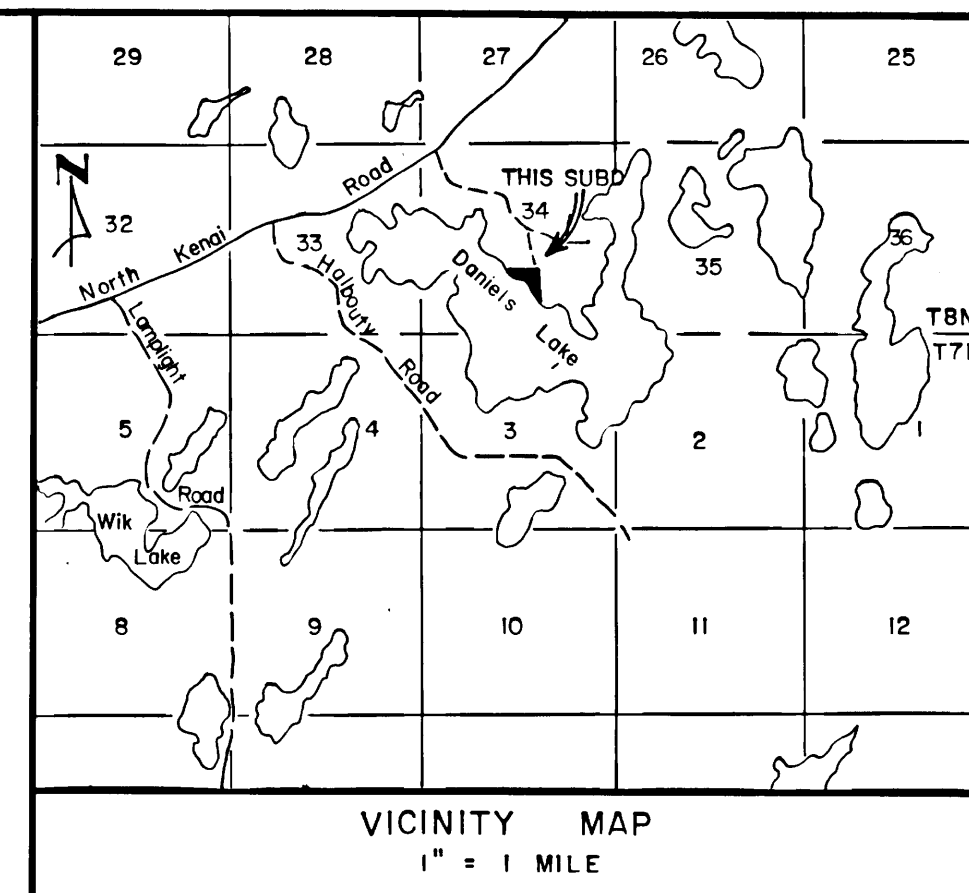
87-105
RECORDED FILED 20-
Kenai REC. DIST.
DATE 8/27 1986
TIME 3:23 P.
Surveyed by Malone

86-219
FILED 20-
Kenai REC. DIST.
DATE 11/12 1986
TIME 1:36 P.
Surveyed by Malone

FD 3" BRASS CAP MON

C
S 34
C
1955
BLM

87-49
FILED 20-
Kenai REC. DIST.
DATE April 1 1987
TIME 1:55 P.
Surveyed by Malone



CERTIFICATE OF OWNERSHIP AND DEDICATION

I certify that I am the representative for the estate of Leslie A. Rappe, which is the owner of the property shown and described hereon, and that, on behalf of the estate of Leslie A. Rappe, I hereby adopt this plan of subdivision and dedicate all rights-of-way to public use and grant all easements to the use shown on.

Craig Rappe
CRAIG RAPPE
BOX 112062
ANCHORAGE, ALASKA 99511

PERSONAL REPRESENTATIVE FOR THE ESTATE OF LESLIE A. RAPPE

NOTARY'S ACKNOWLEDGEMENT

For Craig E. Rappe
Subscribed to and sworn before me
this 25th day of August, 1986.
My commission expires 5/14/89

Debra A. Mail
Notary Public for Alaska

PLAT APPROVAL

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

JUNE 16, 1986
Kenai Peninsula Borough

By Richard P. Torgerson
Authorized Official

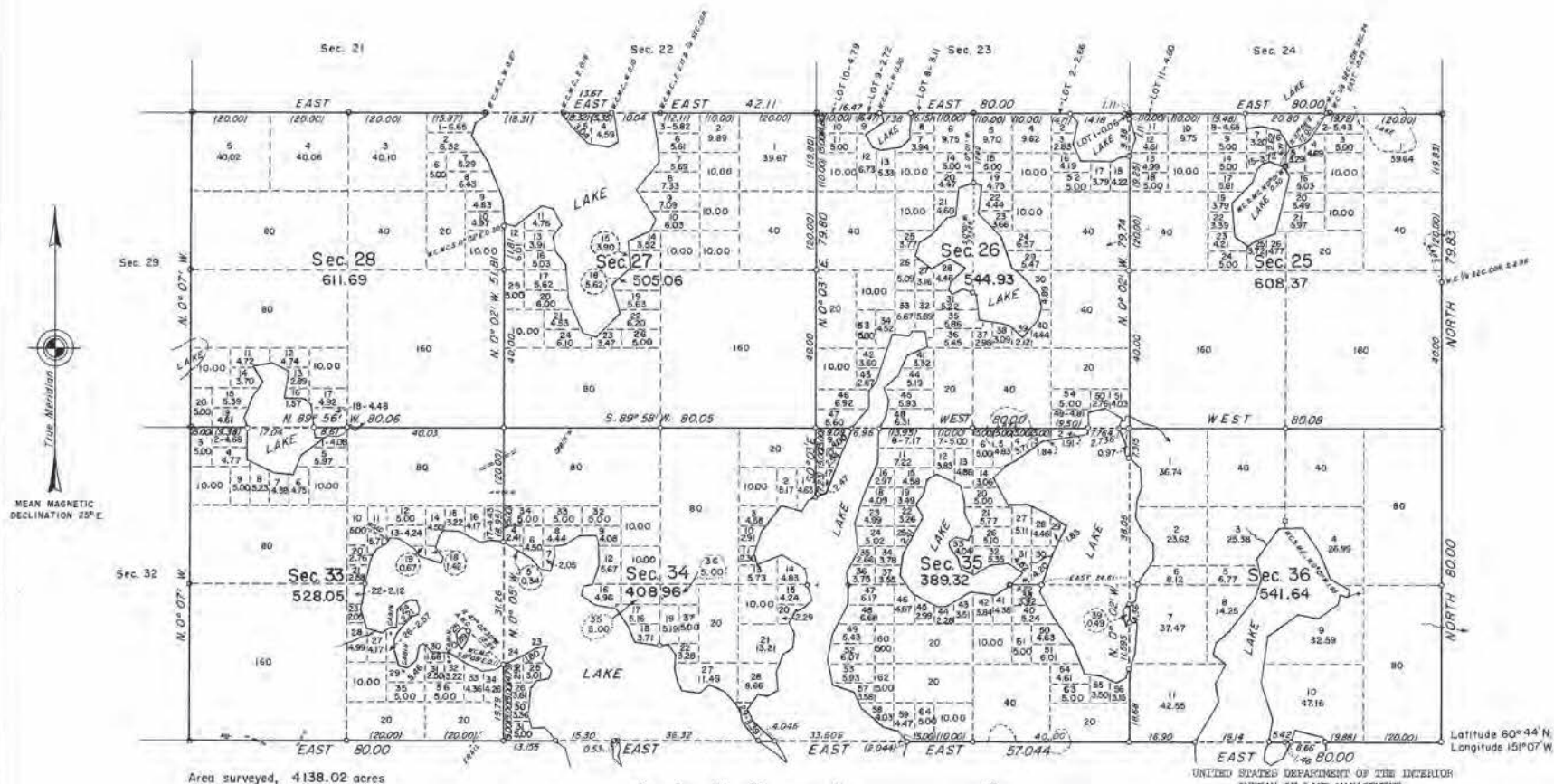
AMENDED

RAPPE PARK SUBDIVISION

GOV'T LOT 18 IN THE NE 1/4 SW 1/4 SECTION 34
T8N R11W SEWARD MERIDIAN, ALASKA

CONTAINING 3.464 ACRES
KENAI RECORDING DISTRICT

FOR CRAIG RAPPE BOX 112062 ANCHORAGE, ALASKA 99511 PERSONAL REPRESENTATIVE FOR THE ESTATE OF LESLIE A. RAPPE	MALONE SURVEYING BOX 566 KENAI, ALASKA 99611
SCALE 1 inch = 50 feet	K.P.B. FILE NO. 86-187
JOB 86014	FB 86-08
DRAWN BY dpw	DATE OF SURVEY 7/13/86
CHECKED Hm 7/15/86	

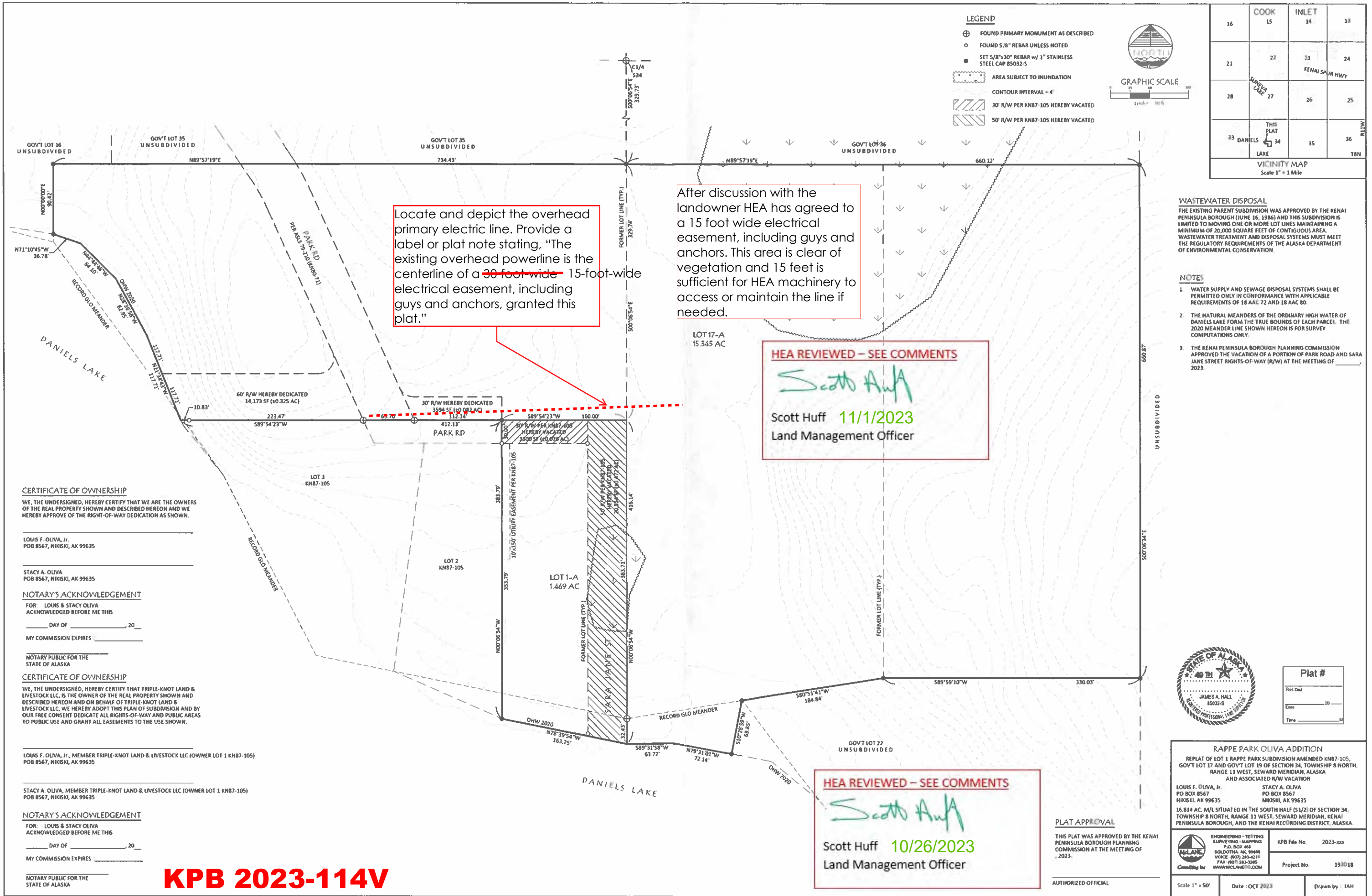


Dependent resurvey of the south boundary of secs. 23 and 24 and the completion survey of Township 8 North, Range 11 West, Seward Meridian, Alaska, was executed by Robert Q. Pickering July 28 to November 11, 1955 under special instructions for Group 86, Alaska, dated December 9, 1952.

This plat is strictly conformable to the approved field notes, and the survey, having been correctly executed in accordance with the requirements of law and the regulations of this Bureau, is hereby accepted.

Carl G. Harrington
Cadastral Engineering Staff Officer

AP KENAI C3, C4, D3, D4
AS 1246



16	COOK	15	14	13
21	22	23	24	
28	27	26	25	
33	DANIELS LAKE	34	35	36
VICINITY MAP Scale 1" = 1 Mile				

WASTEWATER DISPOSAL
THE EXISTING PARENT SUBDIVISION WAS APPROVED BY THE KENAI PENINSULA BOROUGH (JUNE 16, 1986) AND THIS SUBDIVISION IS LIMITED TO MOVING ONE OR MORE LOT LINES MAINTAINING A MINIMUM OF 20,000 SQUARE FEET OF CONTIGUOUS AREA. WASTEWATER TREATMENT AND DISPOSAL SYSTEMS MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

- NOTES**
1. WATER SUPPLY AND SEWAGE DISPOSAL SYSTEMS SHALL BE PERMITTED ONLY IN CONFORMANCE WITH APPLICABLE REQUIREMENTS OF 18 AAC 72 AND 18 AAC 80.
 2. THE NATURAL MEANDERS OF THE ORDINARY HIGH WATER OF DANIELS LAKE FORM THE TRUE BOUNDS OF EACH PARCEL. THE 2020 MEANDER LINE SHOWN HEREON IS FOR SURVEY COMPUTATIONS ONLY.
 3. THE KENAI PENINSULA BOROUGH PLANNING COMMISSION APPROVED THE VACATION OF A PORTION OF PARK ROAD AND SARA JANE STREET RIGHTS-OF-WAY (R/W) AT THE MEETING OF 2023.

CERTIFICATE OF OWNERSHIP

WE, THE UNDERSIGNED, HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND WE HEREBY APPROVE OF THE RIGHT-OF-WAY DEDICATION AS SHOWN.

LOUIS F. OLIVA, Jr.
POB 8567, NIKISKI, AK 99635

STACY A. OLIVA
POB 8567, NIKISKI, AK 99635

NOTARY'S ACKNOWLEDGEMENT

FOR: LOUIS & STACY OLIVA
ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 20____
MY COMMISSION EXPIRES _____

NOTARY PUBLIC FOR THE
STATE OF ALASKA

CERTIFICATE OF OWNERSHIP

WE, THE UNDERSIGNED, HEREBY CERTIFY THAT TRIPLE-KNOT LAND & LIVESTOCK LLC, IS THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND ON BEHALF OF TRIPLE-KNOT LAND & LIVESTOCK LLC, WE HEREBY ADOPT THIS PLAN OF SUBDIVISION AND BY OUR FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

LOUIS F. OLIVA, Jr., MEMBER TRIPLE-KNOT LAND & LIVESTOCK LLC (OWNER LOT 1 KN87-105)
POB 8567, NIKISKI, AK 99635

STACY A. OLIVA, MEMBER TRIPLE-KNOT LAND & LIVESTOCK LLC (OWNER LOT 1 KN87-105)
POB 8567, NIKISKI, AK 99635

NOTARY'S ACKNOWLEDGEMENT

FOR: LOUIS & STACY OLIVA
ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 20____
MY COMMISSION EXPIRES _____

NOTARY PUBLIC FOR THE
STATE OF ALASKA

KPB 2023-114V

After discussion with the landowner HEA has agreed to a 15 foot wide electrical easement, including guys and anchors. This area is clear of vegetation and 15 feet is sufficient for HEA machinery to access or maintain the line if needed.

HEA REVIEWED - SEE COMMENTS

Scott Huff
Scott Huff 11/1/2023
Land Management Officer

HEA REVIEWED - SEE COMMENTS

Scott Huff
Scott Huff 10/26/2023
Land Management Officer

PLAT APPROVAL
THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF 2023.
AUTHORIZED OFFICIAL



Plat #
Rec Date
Date
Time

RAPPE PARK OLIVA ADDITION
REPLAT OF LOT 1 RAPPE PARK SUBDIVISION AMENDED KN87-105, GOVT LOT 17 AND GOVT LOT 19 OF SECTION 34, TOWNSHIP 8 NORTH, RANGE 11 WEST, SEWARD MERIDIAN, ALASKA AND ASSOCIATED R/W VACATION

LOUIS F. OLIVA, Jr.
PO BOX 8567
NIKISKI, AK 99635

STACY A. OLIVA
PO BOX 8567
NIKISKI, AK 99635

16.814 AC. M/L SITUATED IN THE SOUTH HALF (S1/2) OF SECTION 34, TOWNSHIP 8 NORTH, RANGE 11 WEST, SEWARD MERIDIAN, KENAI PENINSULA BOROUGH, AND THE KENAI RECORDING DISTRICT, ALASKA.

ENGINEERING - TETTING SURVEYING & MAPPING
P.O. BOX 468
SOLDOTNA, AK 99688
VOICE: (907) 283-4218
FAX: (907) 283-3285
WWW.MCLANE.COM

KPB File No. 2023-xxx
Project No. 190018

Scale 1" = 50'
Date: OCT 2023
Drawn by: JAH

From: [Huff, Scott](#)
To: [Carpenter, Beverly](#)
Subject: <EXTERNAL-SENDER>updated plat review KPB 2023-114V
Date: Wednesday, November 1, 2023 8:44:39 AM
Attachments: [Plat Prelim KPB 2023-114V Reduced HEA reviewed 110123.pdf](#)

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

Beverly,

Attached is an update plat review for KPB 2023-114V. After discussion with the landowner a 15-foot-wide easement will be sufficient to allow HEA to access the power line with equipment. The land is generally flat, with no trees, and has an improved drive in this area.

Thanks,

SCOTT HUFF | Land Management Officer

Homer Electric Association, Inc.

280 Airport Way | Kenai, Alaska 99611

office 907.335.6209 | toll free 800.478.8551 | www.homerelectric.com

Your Member-Owned Electric Cooperative

CONFIDENTIALITY NOTICE: The contents of this email message and any attachments are intended solely for the addressee(s) and may contain confidential and/or privileged information and may be legally protected from disclosure.

From: [Percy, Colton T \(DFG\)](#)
To: [Carpenter, Beverly](#)
Cc: [Piagentini, Vincent](#); [Smith, Tracy A \(DFG\)](#); [Gates, Jenny L \(DFG\)](#); [Demma, Nick J \(DFG\)](#); [Perschbacher, Jeffrey T \(DFG\)](#); [Cafferty-SOA, Kaitlynn](#); [Miller, Matthew G \(DFG\)](#); [Dye, Jason E \(DFG\)](#); [Carter, Marla M \(DFG\)](#); [Mulligan, Benjamin J \(DFG\)](#); [Lipka, Colton G \(DFG\)](#)
Subject: <EXTERNAL-SENDER>RE: ROW VACATION REVIEW FOR November 13, 2023 MEETING: ROW State Review Group, HEA, ACS, ENSTAR, GCI
Date: Thursday, November 2, 2023 3:50:51 PM
Attachments: [image001.png](#)

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Hi Beverly,

The Alaska Department of Fish and Game (ADF&G) has reviewed the preliminary plat KPB 2023-114V, Right Of Way (ROW) Vacation Plat within Rappe Park Subdivision Lot 1 and Government Lot 19 within Section 34, T8N, R11W, SM. The petitioners, Louis and Stacy Olivia, are requesting to vacate the following ROWs:

- The 50' wide public access easement along the east boundary of Lot 1 as reserved under federal patent # 1233765, known as Sara Jane Street
- The 30' wide ROW along a portion of Park Rd, including a portion of the south 30' of Government Lot 17 as dedicated by the State of Alaska in 1985 and recorded in 2018 under ADL 220394

The petitioners are proposing to dedicate an alternative public access easement along the south 60' of Government Lot 17 to provide public access to Daniels Lake.

ADF&G previously commented on KPB 2020-059V in June of 2020 and again on the revised plat in October of 2020. ADF&G originally objected to the ROW vacation as the alternate access did not provide adequate public access to Daniel's Lake.

We would like to reiterate our previous comments that ADF&G's main concern is to maintain safe and practical public access to Daniels Lake for anglers and other outdoor recreators. The above-described trail improvements do appear to provide reasonable access for pedestrians that will potentially be more appealing to the public than the current ROW through the petitioners developed property. However, the steep grade, even with the installed steps, will make the site subject to significant erosion without continued maintenance. Such erosion would impact water quality as well as decrease the usability of the site for access.

Therefore, if the KPB Planning Commission were to approve the proposed ROW Vacations and associated dedication of alternative public access, ADF&G would request that the petitioners identify an entity that could commit to long-term maintenance to ensure the site continues to provide adequate access to Daniels Lake.

Thank you for the opportunity to review and comment on this preliminary platting action. Please feel free to contact me regarding these comments. ADF&G requests notification of the Planning Commission's decision.

Colton Percy

Habitat Biologist

Access Defense Program

Alaska Department of Fish and Game

Division of Wildlife Conservation

333 Raspberry Rd

Anchorage, AK 99518

907-267-2118

From: Carpenter, Beverly <BCarpenter@kpb.us>

Sent: Thursday, October 26, 2023 9:56 AM

To: Biloon, Joselyn (DOT) <joselyn.biloon@alaska.gov>; Donohue, Joseph M (DNR) <joseph.donohue@alaska.gov>; Rinke, Hans J (DNR) <hans.rinke@alaska.gov>; Kastner, Lorraine S (DOT) <lorraine.kastner@alaska.gov>; Keiner, Robert (DOT) <bob.keiner@alaska.gov>; Marsengill, Dale <DMarsengill@HomerElectric.com>; 'Brown, Trevor' <Trevor.Brown@acsalaska.com>; ENSTAR ROW <row@enstarnaturalgas.com>; 'OSP Design Group' <ospdesign@gci.com>; Percy, Colton T (DFG) <colton.percy@alaska.gov>; Huff, Scott' <shuff@HomerElectric.com>

Cc: 'Zubeck, Brad' <BZubeck@HomerElectric.com>

Subject: ROW VACATION REVIEW FOR November 13, 2023 MEETING: ROW State Review Group, HEA, ACS, ENSTAR, GCI

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

Hello,

Attached are the sketches to be reviewed for the **November 13, 2023** meeting.

- Rappe Park Subdivision Vacate Portion Park Road and Sara Jane Street KPB 2023-114V
- Jake Estates Vacate Portion Paulk Avenue KPB 2023-115V

Please provide comments by **November 1, 2023** to ensure the comments will be included in a right-of-way vacation staff report.

Right-of-way vacation comments will be accepted until 1:00p.m. Thursday before the meeting date.

Beverly Carpenter

Platting Technician

Planning Department

Ph: (907) 714-2200

KENAI PENINSULA BOROUGH

144 North Binkley Street

Soldotna, Alaska 99669



DESK PACKET

(MATERIALS SUBMITTED AFTER MEETING PACKET PUBLICATION)

2. Right-Of-Way Vacation; KPB File 2023-114V

McLane Consulting / Triple-Knot Land & Livestock, Oliva

**Request: Vacates a 110' x 30' portion of Park Rd. and the entire
Sara Jane ROW of Rappe Park Subdivision, KN 1987-105**

Nikiski Area / Nikiski APC

From: [James Hall](#)
To: [Piagentini, Vincent](#); [Shirnberg, Ann](#)
Subject: <EXTERNAL-SENDER>KPB 2023-114v
Date: Thursday, November 9, 2023 2:31:09 PM
Attachments: [image002.png](#)
[4. STAFF REPORT Rappe Park Subdivision Vacate Park Road and Sara Jane Street KPB 2023-114V.pdf](#)
[Comment KPB 2023-114V ADFG YES.pdf](#)

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

Good Afternoon,

Please add the below comment regarding the comment from ADF&G.

The owners request that the Planning Commission reject the request by ADF&G, which has no authority over the rights of way proposed to be vacated. The owners will provide an alternate 60' right of way to Daniels Lake that they have partially developed to be suitable for pedestrian traffic, in exchange for vacating: (1) a portion of Craig Drive per Plat KN87-105, which is a driveway not maintained by the Borough, and (2) Sara Jane Street per Plat KN87-105, which is undeveloped and runs through swamp land. The Borough code only requires that the Planning Commission consider whether there is "equal or superior access" in order to vacate a right of way that provides access to a lake or river -- and that applies only to Sara Jane Street in this case. KPB 20.65.070(D)(7). The Borough Code does not require a particular type of access, or that the owner develop the access. The owners believe that they provided either equal or superior access. There is no requirement in Borough Code that they develop the alternate access any further, or that they are obliged to maintain the alternate access they have provided.

Thanks for your time
James Hall, PLS
McLane Consulting, Inc.
907-283-4218 office
907-953-5886 cell

From: Shirnberg, Ann <ashirnberg@kpb.us>
Sent: Tuesday, November 7, 2023 9:35 AM
To: James Hall <jhall@mcclanecg.com>
Subject: 11/13/23 Planning Commission Meeting

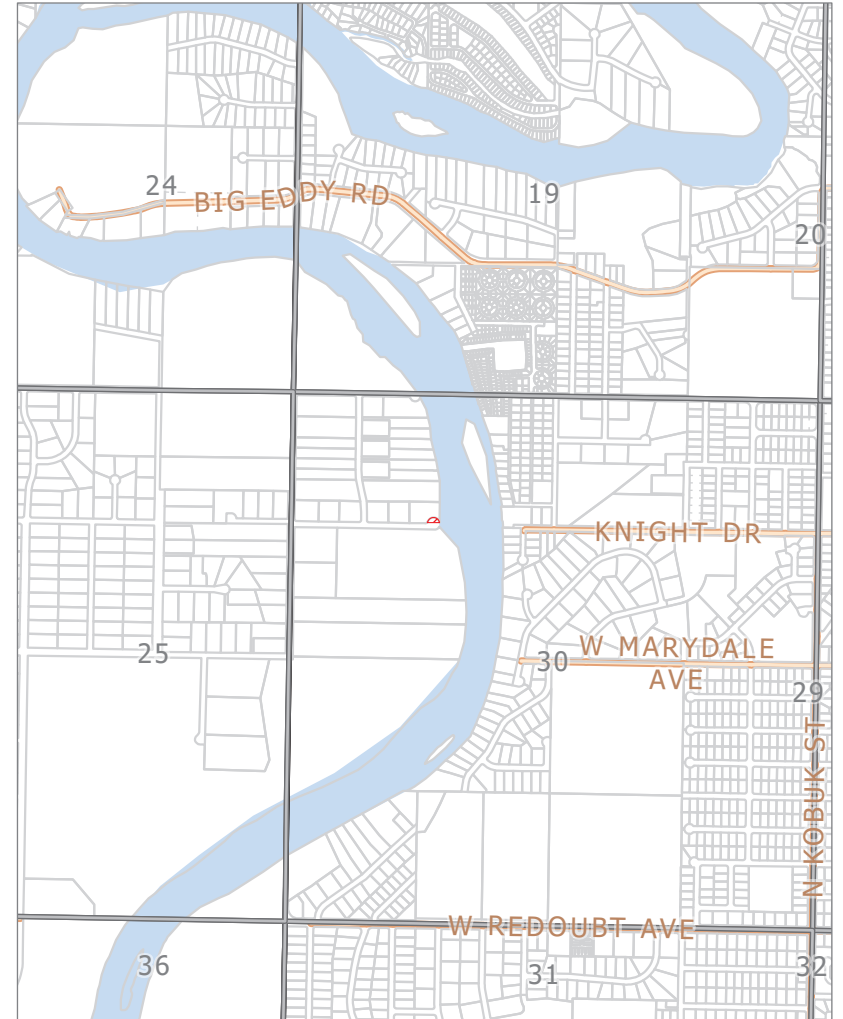
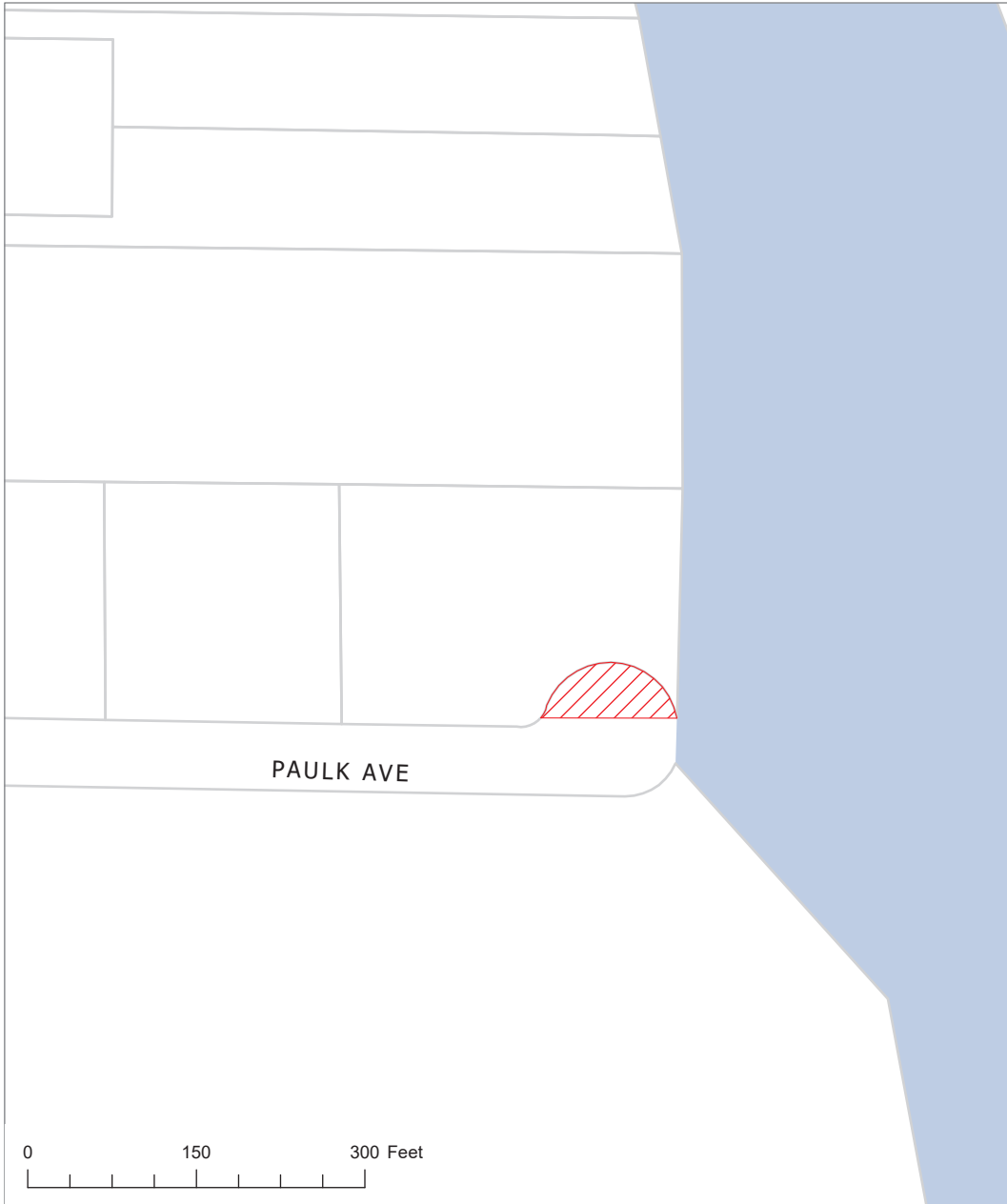
Good Morning,

The following plats are being heard at the 11/13/23 Plat Committee meeting:

- Bings Landing Subdivision Gregory Addition
- Evenson Subdivision 2023 Replat

E. NEW BUSINESS

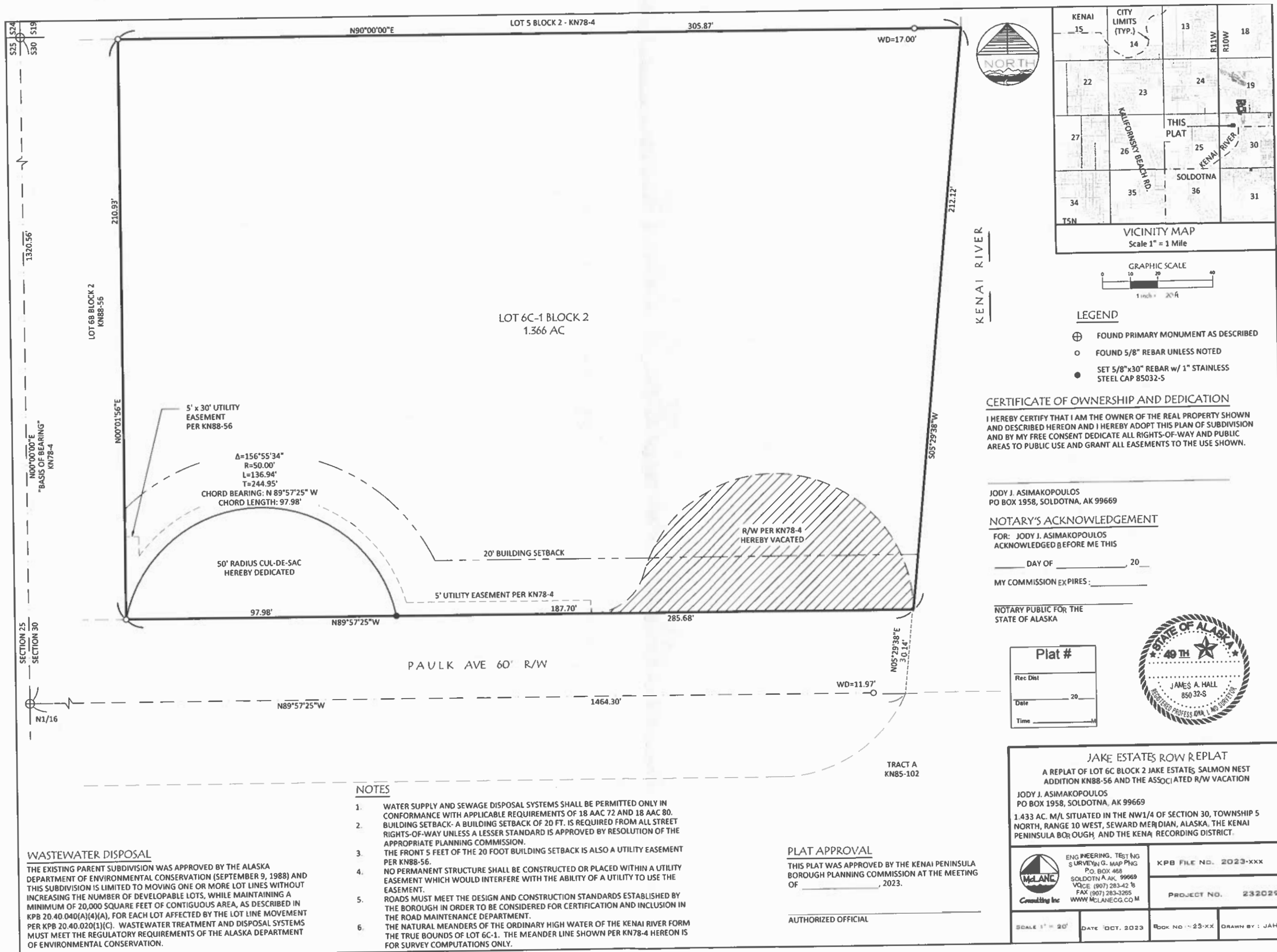
3. ROW Vacation; KPB File 2023-115V
McLane Consulting / Asimakopoulos
Request: Reconfigures the Pulk Ave. cul-de-sac by vacating & relocating the current bulb and associated utility easements of Jakes Estate Salmon Nest Addition, KN 1988-56
Kalifornsky Area / Kalifornsky APC



KPB File 2023-115V
T 05N R 10W SEC 30
Kalifornsky



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



AGENDA ITEM E. NEW BUSINESS

**ITEM #3 - RIGHT OF WAY VACATION
VACATE A PORTION PAULK AVENUE AND ASSOCIATED UTILITY EASEMENTS**

KPB File No.	2023-115V
Planning Commission Meeting:	November 13, 2023
Applicant / Owner:	Jody Asimakopoulos of Soldotna, Alaska
Surveyor:	James Hall / McLane Consulting Inc
General Location:	Kalifornsky
Parcels No.:	055-370-28
Legal Description:	<u>T 5N R 10W SEC 30 Seward Meridian KN 0880056 Jake Estates Sub Salmon Nest Addn Lot 6C BLK 2</u>

STAFF REPORT

Specific Request / Purpose as stated in the petition: Alternate cul-de-sac will be relocated to the western side of lot 6C KN88-56. Current use of the backyard is limited with the majority of it being dedicated cul-de-sac. Relocation of cul-de-sac is better situated for current use of a turnaround area. All surrounding parcels remain with legal access including access to the Kenai River.

Notification: The public hearing notice was published in the November 8th issue of the Peninsula Clarion as part of the Commission's tentative agenda.

The public notice was posted on the Planning Commission bulletin board at the Kenai Peninsula Borough George A. Navarre Administration building. Additional notices were mailed to the following with the request to be posted for public viewing.

Library of Soldotna

Post Office of Soldotna

Six certified mailings were sent to owners of property within 300 feet of the proposed vacation. Two receipts had been returned when the staff report was prepared.

Public hearing notices were sent by regular mail to nine owners within 600 feet of the proposed vacation.

Fourteen public hearing notices were emailed to agencies and interested parties as shown below;

State of Alaska Dept. of Fish and Game
State of Alaska DNR
State of Alaska DOT
State of Alaska DNR Forestry

Emergency Services of CES
Alaska Communication Systems (ACS)
ENSTAR Natural Gas
General Communications Inc, (GCI)
Homer Electric Association (HEA)

Legal Access (existing and proposed): This area is located off of Kalifornsky Beach Road to E Poppy Lane, Poppy Ridge Road, Bonita Avenue, then Paulk Avenue. Paulk Avenue and portions of Bonita Avenue are borough maintained with maintenance ending just before the driveway of the subject property. The cul-de-sac bulb is adjoining the Kenai River to the east providing access to the river. The applicants have contacted the River Center and Platting staff prior to submittal of the application and were very clear the access to the river will remain, but relocating the cul-de-sac bulb will help reduce the amount of bank loss. The applicants indicated the soils are silty and having the parking area moved to the west will reduce damage to the river banks.

The portion of Paulk Avenue right-of-way will remain 60-feet-wide all the way to the river.

A new dedication to replace the vacated right-of-way is proposed on the west side of the lot.

The RSA Director has reviewed the design and indicated the location of the proposed bulb will provide better turnaround area for the public and neighbors..

Block length for the area is not compliant due to the Kenai River to the east and a large unsubdivided parcel to the south currently owned by State of Alaska Fish and Game. **Staff recommends:** *the plat committee concur an exception is not required.*

KPB Roads Dept. comments	Out of Jurisdiction: No Roads Director: Griebel, Scott Comments: The public river access appears to be preserved. The shift of the traffic bulb away from the proximity to the river bank is a positive from both a construction and habitat preservation perspective. There is some history of Paulk ROW encroachments by adjacent residents. Public access to the resource is the intent of the dedication and should be protected.
SOA DOT comments	No comments – Engineering

Site Investigation: This area is located within a mapped flood hazard area, floodway, and habitat protection area for the Kenai River. **Staff recommends:** *the corresponding notes for these items be added to the final submittal including the panel map provided by the Floodplain-Planner.*

This area is generally flat with a slight decline towards the river to the east.

The current location for the bulb area falls within the classified Riverine wetland. The proposed location will be outside of any classified wetlands.

KPB River Center review	See attachments A. Floodplain Reviewer: Hindman, Julie Floodplain Status: IS in flood hazard area Comments: Flood Zone: A4,B,Floodway Map Panel: 020012-2045C In Floodway: True Floodway Panel: 020012-0013 B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: IS totally or partially within HPD Comments: i:0#.w kpb\maldridge C. State Parks Reviewer: VACANT Comments:
-------------------------	--

Staff Analysis: 30 feet of Paulk Avenue and the bulb area was granted by Jake Estate Subdivision, KN 78-4. A matching 30-feet was dedicated by Channel Shores Subdivision, KN 85-102.

Lot 6 of KN 78-4 was subdivided into three lots by Jake Estates Salmon Nest Addition, KN 88-56. No other platting actions have happened for this lot.

Alaska Fish and Game owns the large tract on the south side of Paulk Avenue and were sent a notice of the subdivision plat. 60-feet of the right-of-way will remain to the river to continue public access.

There are utilities in the area and all service providers were sent the design for review. Homer Electric Association Inc. (HEA) did provide a comment regarding a power pole in the current utility easement of the main right-of-way of Paulk Ave. Prior to any road development **staff recommends the developer contact HEA and the KPB Roads Department for all needed permits.**

20.65.050 – Action on vacation application

D. The planning commission shall consider the merits of each vacation request and in all cases the planning commission shall deem the area being vacated to be of value to the public. It shall be incumbent upon the applicant to show that the area proposed for vacation is no longer practical for the uses or purposes authorized, or that other provisions have been made which are more beneficial to the public. In evaluating the merits of the proposed vacation, the planning commission shall consider whether:

1. The right-of-way or public easement to be vacated is being used;
Staff comments: Yes
2. A road is impossible or impractical to construct, and alternative access has been provided;
Staff comments: *No, just impractical and destructive. Alternative proposed in better location.*
3. The surrounding area is fully developed and all planned or needed rights-of-way and utilities are constructed;
Staff comments: Yes
4. The vacation of a public right-of-way provides access to a lake, river, or other area with public interest or value, and if so, whether equal or superior access is provided;
Staff comments: *60 feet of right-of-way will still remain, but the cul-de-sac bulb is being relocated for river bank protection.*
5. The proposed vacation would limit opportunities for interconnectivity with adjacent parcels, whether developed or undeveloped;
Staff comments: *No affect to adjacent parcels*
6. Other public access, other than general road use, exist or are feasible for the right-of-way;
Staff comments: *Access via end Paulk Rd will remain open.*
7. All existing and future utility requirements are met. Rights-of-way which are utilized by a utility, or which logically would be required by a utility, shall not be vacated, unless it can be demonstrated that equal or superior access is or will be available. Where an easement would satisfactorily serve the utility interests, and no other public need for the right-of-way exists, the commission may approve the vacation and require that a utility easement be granted in place of the right-of-way.
Staff comments:
8. Any other factors that are relevant to the vacation application or the area proposed to be vacated.
Staff comments:

A KPB Planning Commission decision denying a vacation application is final. A KPB Planning Commission decision to approve the vacation application is subject to consent or veto by the KPB Assembly, or City Council if located within City boundaries. The KPB Assembly, or City Council must hear the vacation within thirty days of the Planning Commission decision.

The Assembly will hear the vacation at their scheduled December 12, 2023 meeting.

If approved, Jakes Estates ROW Replat will finalize the proposed right of way vacations. A subdivision plat will not be accompanying this vacation and will be finalized under 20.10.080 – Vacation Plat.

KPB department / agency review:

Addressing	<p>Reviewer: Leavitt, Rhealyn Affected Addresses: 45730 PAULK AVE</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names: PAULK AVE</p> <p>Existing Street Name Corrections Needed:</p> <p>All New Street Names are Approved: No</p> <p>List of Approved Street Names:</p> <p>List of Street Names Denied:</p> <p>Comments: No additional comments</p>
Code Compliance	<p>Reviewer: Ogren, Eric Comments: Current Imagery shows multiple ROW encroachments. Limits public access to the River.</p>
Planner	<p>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.</p>
Assessing	<p>Reviewer: Windsor, Heather Comments: No comment</p>

Utility provider review:

HEA	Power pole G6-30-1720 is currently located in the outer 10 foot utility corridor of the right of way, which is an approved location. After the right of way dedication, the pole will be out of compliance, but twill be grandfathered. Any improvements to the cul-de-sac will require the pole to be relocated at the cost of the road developer.
ENSTAR	
ACS	No objections
GCI	

RECOMMENDATION:

Based on consideration of the merits as per KPB 20.65.050(D) as outlined by Staff comments, Staff recommends APPROVAL as petitioned, subject to:

1. Consent by KPB Assembly.
2. Compliance with the requirements for preliminary plats per Chapter 20 of the KPB Code.
3. Grant utility easements requested by the utility providers.

4. Submittal of a final plat within a timeframe such that the plat can be recorded within one year of vacation consent (KPB 20.70.130).
-

KPB 20.65.050 – Action on vacation application

- H. A planning commission decision to approve a vacation is not effective without the consent of the city council, if the vacated area to be vacated is within a city, or by the assembly in all other cases. The council or assembly shall have 30 days from the date of the planning commission approval to either consent to or veto the vacation. Notice of veto of the vacation shall be immediately given to the planning commission. Failure to act on the vacation within 30 days shall be considered to be consent to the vacation. This provision does not apply to alterations of utility easements under KPB 20.65.070 which do not require the consent of the assembly or city council unless city code specifically provides otherwise.
- I. Upon approval of the vacation request by the planning commission and no veto by the city council or assembly, where applicable, the applicant shall have a surveyor prepare and submit a plat including the entire area approved for vacation in conformance with KPB 20.10.080. Only the area approved for vacation by the assembly or council may be included on the plat. The final plat must be recorded within one year of the vacation consent.
- J. A planning commission decision denying a vacation application is final. No reapplication or petition concerning the same vacation may be filed within one calendar year of the date of the final denial action except in the case where new evidence or circumstances exist that were not available or present when the original petition was filed.
- K. An appeal of the planning commission, city council or assembly vacation action under this chapter must be filed in the superior court in accordance with the Alaska Rules of Appellate Procedure.

The 2019 Kenai Peninsula Borough Comprehensive Plan adopted November, 2019 by Ordinance No. 2019-25. The relevant objectives are listed.

Goal 3. Preserve and improve quality of life on the Kenai Peninsula Borough through increased access to local and regional facilities, activities, programs and services.

- *Focus Area: Energy and Utilities*
 - o *Objective A - Encourage coordination or residential, commercial, and industrial development with extension of utilities and other infrastructure.*
 - *Strategy 1. Near – Term: Maintain existing easements (especially section line easements) in addition to establishing adequate utility rights of way or easements to serve existing and future utility needs.*
 - *Strategy 2. Near – Term: Maintain regular contact with utility operators to coordinate and review utility easement requests that are part of subdivision plat approval.*
 - *Strategy 3. Near – Term: Identify potential utility routes on Borough lands.*
- *Housing*
 - o *Objective D. Encourage efficient use of land, infrastructure and services outside incorporated cities by prioritizing future growth in the most suitable areas.*
 - *Strategy 1. Near – Term: Collaborate with the AK Department of Transportation, incorporated cities within the borough, utility providers, other agencies overseeing local services, and existing communities located adjacent to the undeveloped areas that are appropriate for future growth, to align plans for future expansion of services to serve future residential development and manage growth.*

Goal 4. Improve access to, from and connectivity within the Kenai Peninsula Borough

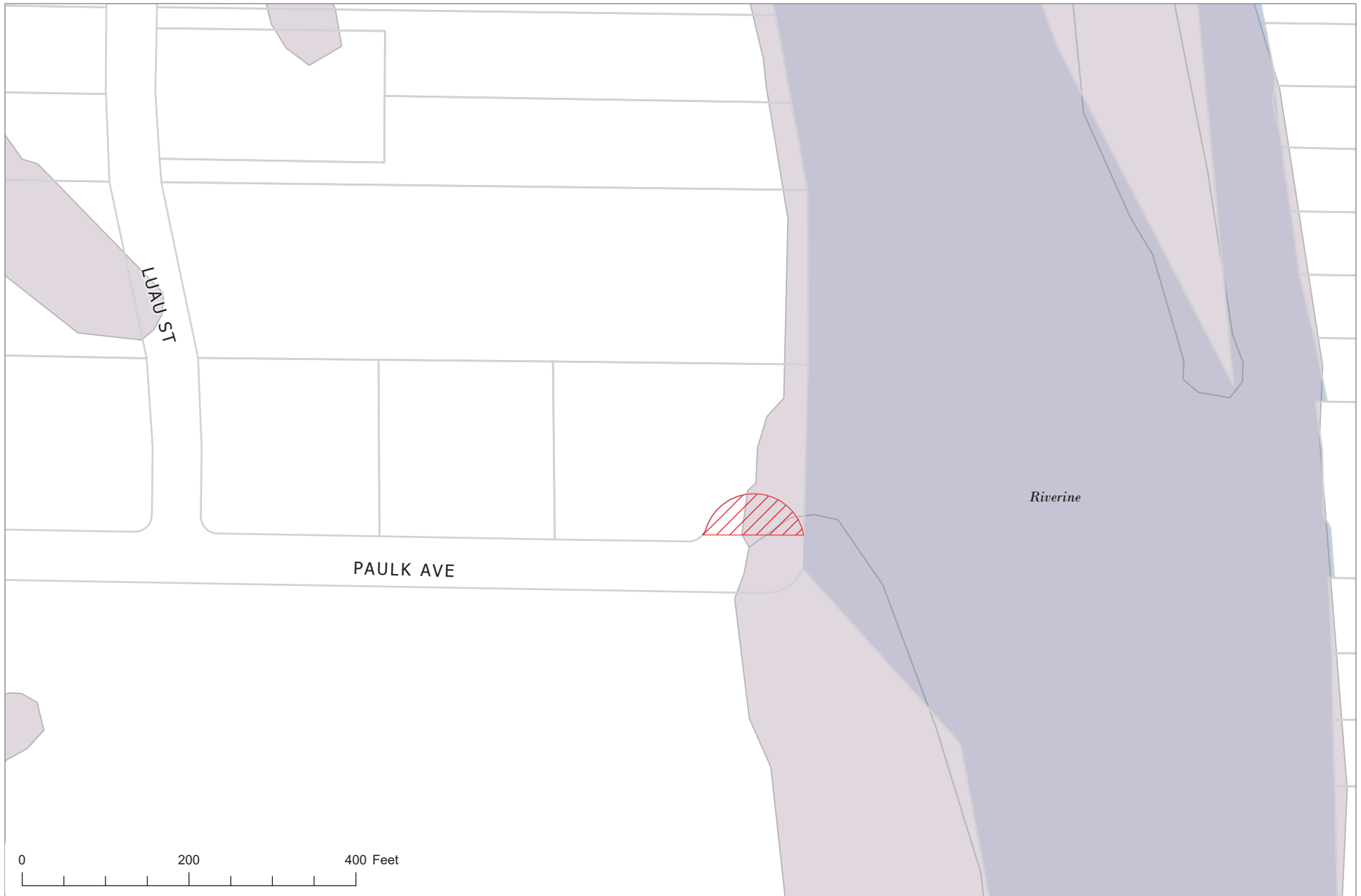
- *Focus Area: Transportation*

- *Objective B. Ensure new roads are developed in alignment with existing and planned growth and development.*
 - *Strategy 2. Near – Term: Establish subdivision codes that dictate road construction standards to accommodate future interconnectivity and/or public safety.*
 - *Strategy 3. Near – Term: Identify areas of anticipated growth to determine future access needs.*

END OF STAFF REPORT



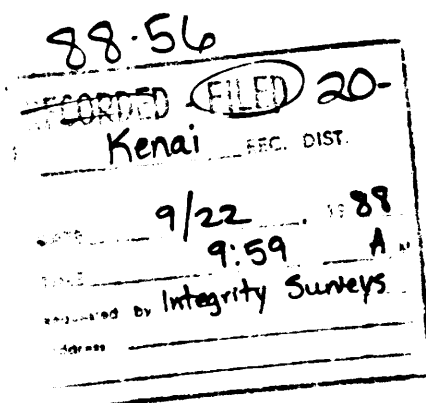
The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



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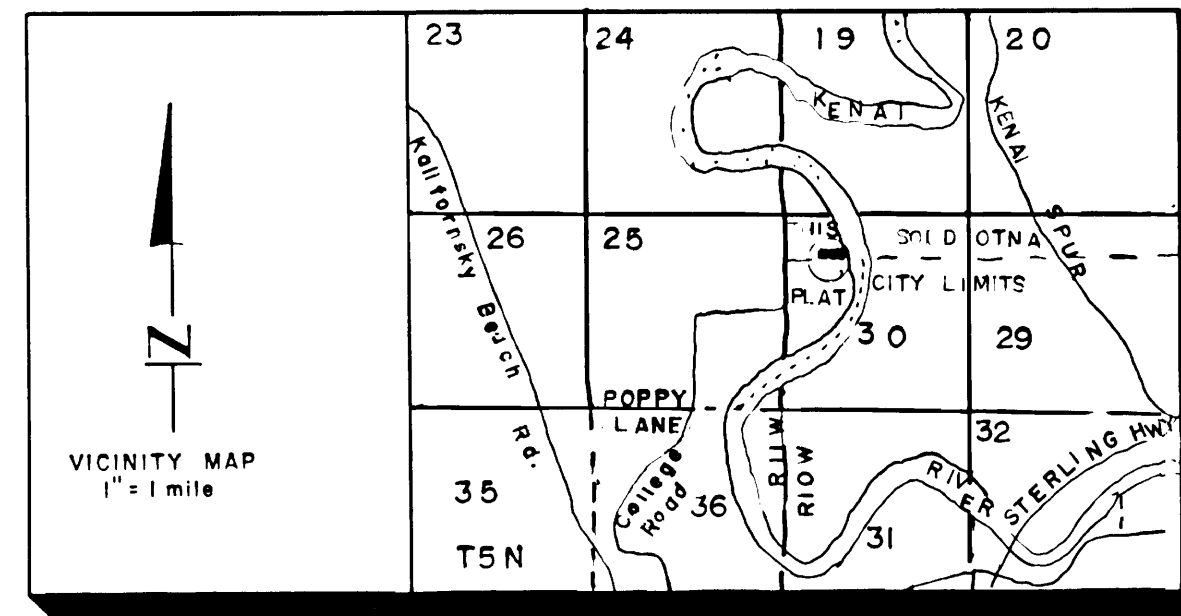


FLOOD PLAIN NOTE:

LOTS WITHIN THIS SUBDIVISION MAY BE LOCATED WITHIN A DESIGNATED FLOOD HAZARD AREA. DEVELOPEMENT MUST COMPLY WITH CHAPTER 21 OF THE KENAI PENINSULA BOROUGH CODE OF ORDINANCES. A SURVEY TO DETERMINE THE ELEVATION OF THE PROPERTY MAY BE REQUIRED PRIOR TO CONSTRUCTION.

JAKE ESTATES

No.	Delta	Radius	Arc Length
C1	07°49'51"	806.21	109.48
C2	90°10'56"	20.00	31.48
C3	73°23'57"	20.00	25.62
C4	31°41'53"	50.00	121.91



CERTIFICATE of OWNERSHIP and DEDICATION

I HEREBY CERTIFY THAT I AM THE OWNER(S) OF THE PROPERTY SHOWN & DESCRIBED HEREON & THAT I HEREBY ADOPT THIS PLAN OF SUBDIVISION & DEDICATE ALL RIGHT-OF-WAYS & PUBLIC AREAS TO PUBLIC USE & GRANT ALL EASEMENTS TO THE USE SHOWN.

Ramona M. Paulk
 RAMONA M. PAULK
 P.O. BOX 191
 SOLDOTNA, ALASKA 99669

NOTARY'S ACKNOWLEDGEMENT

SUBSCRIBED AND SWORN BEFORE ME THIS 3 DAY OF AUGUST, 1988 FOR *Ramona M. Paulk*

C. B. Baker
 NOTARY PUBLIC FOR ALASKA
 MY COMMISSION EXPIRES 8/12/99

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF 7-25-88

KENAI PENINSULA BOROUGH
Richard B. Taylor
 AUTHORIZED OFFICIAL

K.P.B. FILE NO. 88-058

JAKE ESTATES
SALMON NEST ADDITION

A RESUBDIVISION OF LOT 6 BLOCK 2
 JAKE ESTATES SUBDIVISION LOCATED
 WITHIN THE N1/2 NW 1/4 SEC. 30, T5N, R10W,
 S.M. KENAI RECORDING DISTRICT, KENAI
 PENINSULA BOROUGH, ALASKA

CONTAINING 3.32 Ac INTO 3 PARCELS

INTEGRITY SURVEYS

P.O. BOX 1831
 SOLDOTNA, ALASKA 99669
 262-9461

SURVEYORS	PLANNERS
JOB NO.: 88-23	FIELD BOOK: 88-4
DISK NO.: D4	FILE NAME: JAKE ESTATES
SURVEYED: JULY 88	PLATTED: AUGUST 88
DRAFTED: CB / JS	SCALE: 1" = 60'
CHECKED: CB	SHEET:

LOT 5

LOT 5

BLOCK 1

BLOCK 2

LOT 6

2 1/2" BC

237-S
 1/16
 S25 S30
 1980

TR - K

TR - A

CHANNEL SHORES SUBD.

LEGEND

MONUMENT (Found this survey)

MONUMENT (Set this survey)

1/2" REBAR (Found this survey)

5/8" x 30" REBAR (Set this survey)

() RECORD DATUM KRD 78-4

(NT) NON-TANGENT
 CB CHORD BEARING

MEANDER NOTE:

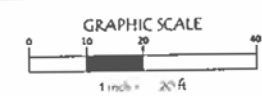
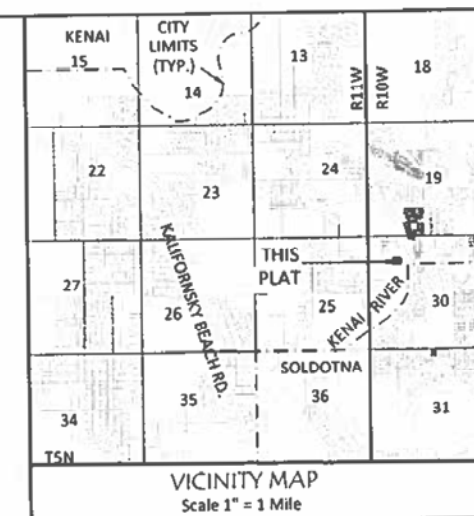
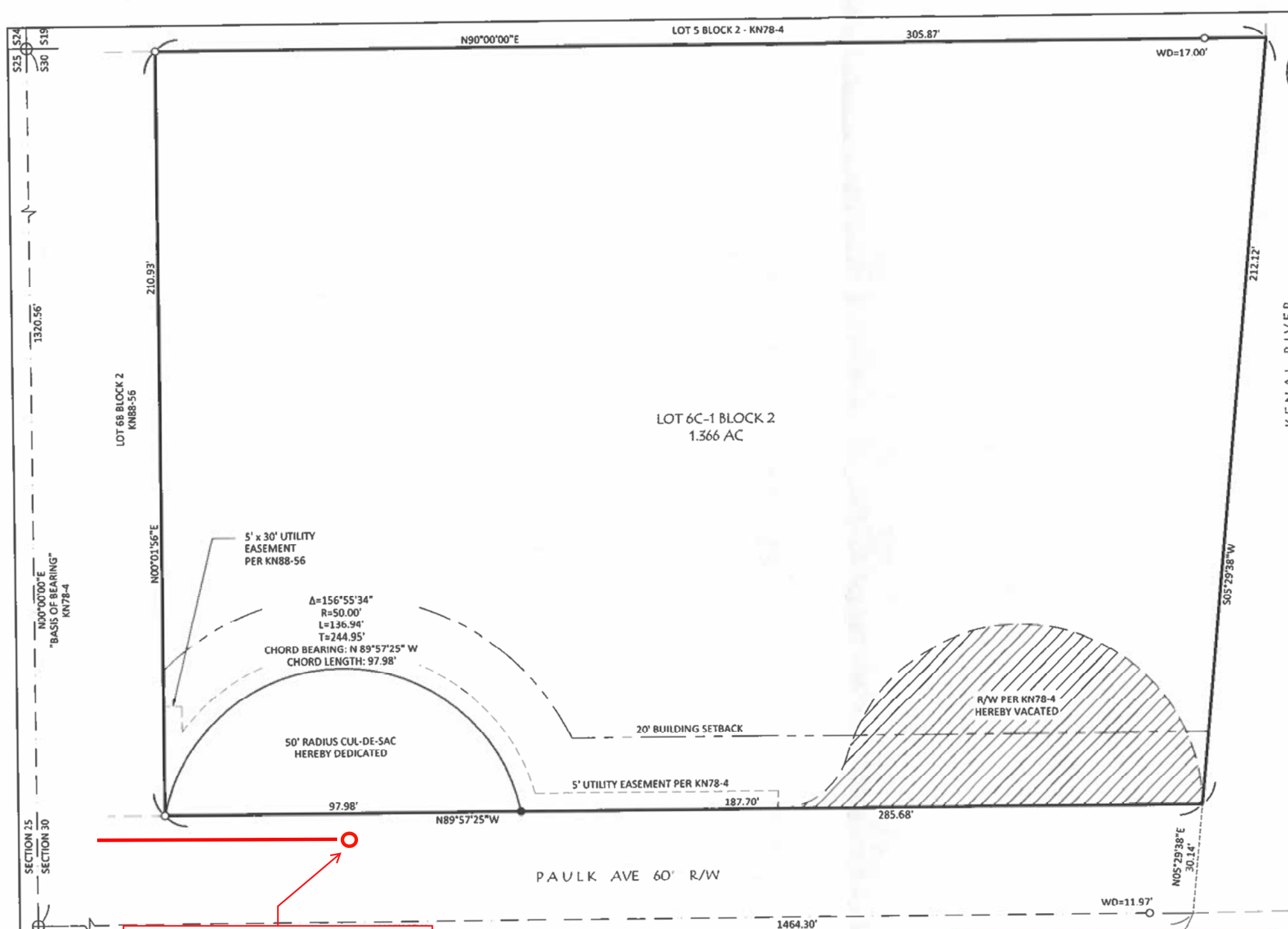
THE NATURAL MEANDERS OF THE LINE OF MEAN HIGH WATER OR ORDINARY HIGH WATER FORMS THE TRUE BOUNDS OF THE SUBD. THE APPROXIMATE LINE OF MEAN HIGH WATER OR ORDINARY HIGH WATER, AS SHOWN, IS FOR COMPUTATIONS ONLY. THE TRUE SUBDIVISION CORNERS BEING ON THE EXTENSION OF THE SUBDIVISION SIDE LINES AND THEIR INTERSECTION WITH THE NATURAL MEANDERS.

CERTIFICATE OF APPROVAL BY THE ALASKA
 DEPARTMENT OF ENVIRONMENTAL CONSERVATION
 THIS SUBDIVISION HAS BEEN REVIEWED IN ACCORDANCE WITH
 18 AAC 72.065 AND IS APPROVED, SUBJECT TO ANY NOTED RESTRICTIONS.

Paul D. Howarth EE 9/9/88
 SIGNATURE TITLE DATE

NOTES:

- 1) PROPOSED LAND USES ARE RECREATIONAL, RESIDENTIAL & AGRICULTURAL.
- 2) A SETBACK OF 20 FEET IS REQ'D FROM ALL STREET RIGHT-OF-WAYS UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
- 3) ALL WASTEWATER DISPOSAL SYSTEMS SHALL COMPLY WITH EXISTING LAWS AT THE TIME OF CONSTRUCTION.
- 4) THE FRONT 5 FEET OF BUILDING SETBACK IS RESERVED AS A UTILITY EASEMENT
- 5) DUE TO HIGH WATER TABLE ALL LOTS WILL REQUIRE ENGINEERED MOUND DISPOSAL SYSTEM WITH ADEC APPROVAL PRIOR TO INSTALLATION, 18 AAC 72.060.



LEGEND

- ⊕ FOUND PRIMARY MONUMENT AS DESCRIBED
- FOUND 5/8" REBAR UNLESS NOTED
- SET 5/8"x30" REBAR w/ 1" STAINLESS STEEL CAP 85032-S

CERTIFICATE OF OWNERSHIP AND DEDICATION

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

JODY J. ASIMAKOPOULOS
PO BOX 1958, SOLDOTNA, AK 99669

NOTARY'S ACKNOWLEDGEMENT

FOR: JODY J. ASIMAKOPOULOS
ACKNOWLEDGED BEFORE ME THIS

____ DAY OF _____, 20____
MY COMMISSION EXPIRES: _____

NOTARY PUBLIC FOR THE
STATE OF ALASKA



Plat # _____
Rec Dist _____
Date _____ 20____
Time _____

HEA REVIEWED - SEE COMMENTS
Scott Huff
Scott Huff 10/26/2023
Land Management Officer

PLAT APPROVAL
THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF _____, 2023.

AUTHORIZED OFFICIAL

NOTES

1. WATER SUPPLY AND SEWAGE DISPOSAL SYSTEMS SHALL BE PERMITTED ONLY IN CONFORMANCE WITH APPLICABLE REQUIREMENTS OF 18 AAC 72 AND 18 AAC 80.
2. BUILDING SETBACK- A BUILDING SETBACK OF 20 FT. IS REQUIRED FROM ALL STREET RIGHTS-OF-WAY UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
3. THE FRONT 5 FEET OF THE 20 FOOT BUILDING SETBACK IS ALSO A UTILITY EASEMENT PER KN88-56.
4. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
5. 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 DEPARTMENT.
6. THE NATURAL MEANDERS OF THE ORDINARY HIGH WATER OF THE KENAI RIVER FORM THE TRUE BOUNDS OF LOT 6C-1. THE MEANDER LINE SHOWN PER KN78-4 HEREON IS FOR SURVEY COMPUTATIONS ONLY.

KPB

WASTEWATER

THE EXISTING PARCEL DEPARTMENT OF ENVIRONMENTAL CONSERVATION. THIS SUBDIVISION IS LIMITED TO MOVING ONE OR MORE LOT LINES WITHOUT INCREASING THE NUMBER OF DEVELOPABLE LOTS, WHILE MAINTAINING A MINIMUM OF 20,000 SQUARE FEET OF CONTIGUOUS AREA, AS DESCRIBED IN KPB 20.40.040(A)(4)(A), FOR EACH LOT AFFECTED BY THE LOT LINE MOVEMENT PER KPB 20.40.020(1)(C). WASTEWATER TREATMENT AND DISPOSAL SYSTEMS MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

Power pole G6-30-1720 is currently located in the outer 10 foot utility corridor of the right of way, which is an approved location. After the right of way dedication the pole will be out of compliance, but will be grand fathered.

Any improvements to the cul-de-sac will require the pole to be relocated at the cost of the road developer.

JAKE ESTATES ROW REPLAT
A REPLAT OF LOT 6C BLOCK 2 JAKE ESTATES SALMON NEST ADDITION KN88-56 AND THE ASSOCIATED R/W VACATION
JODY J. ASIMAKOPOULOS
PO BOX 1958, SOLDOTNA, AK 99669
1.433 AC. M/L SITUATED IN THE NW1/4 OF SECTION 30, TOWNSHIP 5 NORTH, RANGE 10 WEST, SEWARD MERIDIAN, ALASKA, THE KENAI PENINSULA BOROUGH, AND THE KENAI RECORDING DISTRICT.

ENGINEERING - TESTING SURVEYING - MAPPING P.O. BOX 468 SOLDOTNA, AK 99669 VOICE (907) 283-4218 FAX (907) 283-3265 WWW.MCLANECG.COM	KPB FILE NO. 2023-XXX
PROJECT NO. 232029	
SCALE 1" = 20'	DATE: OCT. 2023
BOOK NO.: 23-XX	DRAWN BY: JAH

DESK PACKET

(MATERIALS SUBMITTED AFTER MEETING PACKET PUBLICATION)

G. OTHER

1. 2024 Planning Commission Meeting Dates



Planning Commission

144 N. Binkley Street, Soldotna, Alaska 99669 • (907) 714-2215 • (907) 714-2378 Fax
 Betty J. Glick Assembly Chambers, Kenai Peninsula Borough George A. Navarre Administration Building

2024 PLANNING COMMISSION MEETING DATES

January 8, 2024 – ZOOM ONLY
January 22, 2024
February 12, 2024
February 26, 2024
March 18, 2024
April 8, 2024
April 22, 2024
May 13, 2024
May 28, 2024 (Tuesday)
June 10, 2024
June 24, 2024
July 22, 2024
August 12, 2024
August 26, 2024
September 9, 2024 – ZOOM ONLY
September 23, 2024
October 14, 2024
October 28, 2024
November 18, 2024
December 16, 2024
January 13, 2025 <i>Tentative</i>

PLANNING COMMISSION PAYDAY					
January 19th	February 16th	March 29th	April 26th	May 24th	June 21st
July 19th	August 30th	September 27th	October 25th	November 22nd	December 20th

DESK PACKET

(MATERIALS SUBMITTED AFTER MEETING PACKET PUBLICATION)

G. OTHER

2. Planning Commission Bylaw Review

MEMORANDUM

TO: Jeremy Brantley, Chair
Member, Kenai Peninsula Planning Commission

FROM: A. Walker Steinhage, Deputy Borough Attorney
Robert Ruffner, Director of Planning

DATE: November 13, 2023

RE: Planning Commission Bylaws

The most recent draft of the Planning Commission Bylaws is included in your packet, along with the prior versions from the March 20th and October 23rd meeting packets. Between the March and October meetings, three portions were removed from the first draft based upon lack of discussion at the March 20th meeting:

1. Article III, Section 6, regarding Commissioner absences;
2. Article IV, Section 7, the portion regarding late packet submission; and
3. Article IV, Section 12, the portion regarding Zoom and remote meeting attendance.

During the latest round of edits, Section 5 (“Adjudicatory Sessions”) and Section 6 (“Executive Sessions”) were updated based upon the Planning Commission’s request to provide for participation by teleconference for Commissioners who for good cause may be unable to attend such sessions in person.

Any and all relevant topics are eligible for additional discussion, including what is listed above. Once the Planning Commission is satisfied with the final product, it will be brought back at the following meeting along with a proposed resolution for adoption of the Bylaws.

Your review and input are appreciated.

DRAFT

BYLAWS OF THE KENAI PENINSULA BOROUGH PLANNING COMMISSION A Commission of the Kenai Peninsula Borough A Municipal Corporation

PREAMBLE

The Kenai Peninsula Borough (the "Borough" or "KPB") Planning Commission (the "Commission") will provide for the systematic and organized development of the Borough.

ARTICLE I

Planning Commission Establishment- Government-Name

- Section 1. Name: The name of the Commission is the "KENAI PENINSULA BOROUGH PLANNING COMMISSION.
- Section 2. Establishment: The Commission is required by AS 29.40.020 and was established by Borough Ordinance 15, adopted on the 19th day of April, 1966.
- Section 3. Government: The Commission's operations are governed by Alaska statutes, particularly Chapter 29.40; and the Kenai Peninsula Borough Code of Ordinances, broad duties are described in KPB Chapter 2.40. The Commission further administers, in full or in part, KPB Titles 20 and 21 and other provisions of the Borough code as may be adopted by the Assembly and made applicable to the Commission.

ARTICLE II

Bylaws

- Section 1. These Bylaws are adopted to govern the conduct of the Commission's affairs pursuant to KPB 2.40.110.
- Section 2. References to Borough code, state statutes, and other provisions of law within these Bylaws are as the provisions of law as they now exist or may from time to time be amended by the Assembly, the Alaska State Legislature or other applicable law-making body.
- Section 3. These Bylaws are procedural in nature and should not conflict with the rules, ordinances, statutes and regulations governing the Commission. In the event these Bylaws conflict with applicable rules, ordinances, statutes and regulations governing the Commission, such applicable provisions supersede these Bylaws.

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ARTICLE III Commissioners

Section 1. Establishment - Appointment: As provided for by A.S. 29.40.020 and KPB 2.40.015.

Section 2. Powers and Duties of the Commission: Pursuant to A.S. 29.40.020, the Commission will:

- 1) Prepare and submit to the Assembly a proposed comprehensive plan in accordance with AS 29.40.030 for the systematic and organized development of the Borough.
- 2) Review, recommend, and administer measures necessary to implement the comprehensive plan, including measures provided under AS 29.40.040.

In addition, the Commission's duties as prescribed by Ordinance are as follows:

- 1) Consistent with the provisions of KPB 2.40.040, the Commission will prepare from time-to-time plans for the systematic development and betterment of the Borough as a place of residence or for business. It may employ engineers, attorneys, clerks and a secretary, or other personnel considered necessary, subject to the approval of the Assembly. The Assembly will fix the compensation of persons employed by the Commission. The compensation and necessary expenses of the Commission will be paid out of the Borough treasury in the same manner as other expenses of the Borough government, within the limits of appropriations by the Assembly for that purpose. In no event may the Commission be authorized to create a deficiency.
- 2) Consistent with the provisions of KPB 2.40.050, the Commission may consider and investigate subject matter tending to the development and betterment of the Borough and make recommendations as it considers advisable to any department of the Borough government and to the Assembly. The Commission may make or have made surveys, maps or plans.
- 3) Consistent with the provisions of KPB 2.40.060, the Commission may investigate and report before final action is taken by the Borough or a department of it, on the location and design of any public building, dock, beach, ski ground, statue, memorial park, parkway, boulevard, street or alley, playground, public street, alley or the grade thereof.
- 4) Consistent with KPB 2.40.080, the Commission in its capacity as the platting board is authorized to delegate powers to hear and decide cases involving platting to a plat committee composed of those Commissioners present for such hearing so long as there are at least four Commissioners present. The following procedures are prescribed for hearings and reviews:

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- A) Cases may be decided by a majority vote of the plat committee members present.
- B) Review of a decision of the plat committee may be heard by the Commission acting as platting board by filing written notice thereof with the Borough Planning director on a form provided by the Borough Planning department. The request for review must be filed within fifteen days of date of distribution of the decision of the plat committee by personal service or service by mail. A request for review may be filed by any person or agency that was sent a notice of decision. The request for review must briefly state the reason for the review request and applicable provisions of Borough code or other law upon which the request for review is based. Notice of the review hearing will be issued by staff to the original recipients of the plat committee public hearing notice.
- C) Cases reviewed will be heard de novo by the planning commission acting as the platting board.

5) Perform other functions as delegated by the Assembly.

Section 3. Qualifications: Pursuant to KPB 2.40.015(D), Commissioners are appointed for their expertise and knowledge of the community, Borough land use, and planning issues and must represent the entire Borough.

Section 4. Terms: As provided for in KPB 2.40.030.

Section 5. Resignation and Vacancies: As provided for in KPB 2.40.030.

Section 6. Conflicts of Interest: Commissioners are "municipal employees" of the Borough as defined by KPB 2.58.010. Accordingly, Commissioners are subject to, and must comply with, the applicable provisions of KPB Chapter 2.58.

Section 7. Code of Ethics: Commissioners are Borough "employees" as defined by KPB 2.90.320. Accordingly, Commissioners are subject to, and must comply with, the applicable provisions of Article II of KPB Chapter 2.90.

ARTICLE IV Meetings

Section 1. Commission Meetings: The Commission will meet periodically at a regularly scheduled time and place in consultation with the Borough administration. Special meetings of the Commission may be called by the Chair, Planning Director or by three Commissioners upon one day's notice thereof published in a newspaper or via radio having general public distribution. The notice will state the specific matter or matters to be included on the agenda and include the time and the place of the meeting and will be e-

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mailed, mailed or telephoned to each member. The attendance of a Commissioner at a meeting constitutes a waiver of notice of the meeting. All meetings and work sessions, with the exception of executive sessions or adjudicatory sessions, are open to the public as provided in AS 29.20.20 and AS 44.62.310 and in accordance with the policies set forth in AS 44.62.312.

- Section 2. Quorum: Pursuant to KPB 2.40.120, A majority of the Commissioners who have been appointed by the Mayor and confirmed by the Assembly will constitute a quorum, except in no case may a quorum consist of fewer than five Commissioners. All Commission actions will be by vote of a majority of the Commissioners who are present and voting. No hearing may be held or decision made in the absence of a quorum, except that a Commissioner disqualified by law from voting on a question may be considered present for purposes of constituting a quorum.
- Section 3. Voting: Consistent with AS 44.62.310, the vote at a meeting held by teleconference must be taken by roll call. A roll-call vote also is required for all quasi-judicial matters. Other normal business matters, including legislative items, are eligible for approval by unanimous consent.
- Section 4. Work Session: Work session meetings of the Commission may be called at any time by the Chair, Planning Director or any three Commissioners, upon at least one day's notice. The Commission cannot take any official action at a work session. The Commission need not, but may, provide for audience participation at a work session. Public notice is required.
- Section 5. Adjudicatory Sessions: Upon a majority vote in favor by the Commissioners present, the Commission may convene in adjudicatory session to deliberate on quasi-judicial matters. Under a provision of the Alaska Open Meetings Act (AS 44.62.310(d)(1)), adjudicatory sessions are exempt from open meetings requirements. Commissioners must be physically present to participate in adjudicatory sessions, unless the Chair authorizes attendance by teleconference as described below.
- 1) The Chair may authorize a Commissioner to attend an adjudicatory session due to absences necessitated by work-related events, family emergencies, health issues, or other good cause. Commissioners who cannot be physically present for an adjudicatory session must, if circumstances allow, notify the Chair no later than two hours prior to the scheduled meeting time of their need to appear by teleconference. The Chair will announce on the record that the Commissioner was allowed to attend via teleconference based upon a prior conversation. However, no notice is necessary if the Commission decides to adjourn to adjudicatory session during the course of a regularly-scheduled Commission meeting.
 - 2) Prior to beginning an adjudicatory session with a Commissioner attending via teleconference, the Chair will confirm with the Commissioner who is attending via teleconference that the

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Commissioner is alone and that to the best of the Commissioner's knowledge no one else is able to overhear the adjudicatory session.

- 3) "Teleconference" means remote participation by telephone or other electronic means, at the Chair's discretion, which must enable the remote Commissioner, for the duration of the adjudicatory session, to clearly hear and be heard by the other Commissioners and any other participants.

The Commission's decision on quasi-judicial matters must be made on the record and during a public meeting.

Pursuant to KPB 21.20.210(A)(6), "quasi-judicial decisions" are those decisions where general law or policy are applied or affect an individual's property interests. Such decisions include but are not limited to preliminary and final plat approvals, conditional use permits, and exception and variance applications.

- Section 6. Executive Sessions: The provisions of AS 44.62.310 will govern the Commission's executive sessions. Upon a majority vote of the Commissioners present, the Commission may convene in executive session. Commissioners must be physically present to participate in executive sessions, except the provisions regarding participation by teleconference set forth in Section 5 above apply.

The Commission's decision after executive session will be made on the record and during a public meeting.

- Section 7. Agenda: An agenda for the meetings will be distributed to all Commissioners prior to the meeting, including a packet of any supporting documentation.

- Section 8. Minutes: All proceedings of meetings and work sessions will be electronically recorded, and minutes permanently recorded in print. The electronic recording will be maintained for a period of one year, and the written record will be distributed to commissioners. After the minutes are approved, a copy will be forwarded to the Borough Clerk for the Borough Mayor and the assembly.

- Section 9. Order of Business: The order of business at all meetings and work sessions will be in accordance with the adopted agenda for that meeting; however, the Commission may change the order of business by motion to accommodate the public, Commissioners, or the business being conducted. The Chair may limit or alter the time periods for Commission's debate and public presentation.

- Section 10. Chair: The Chair or Vice-chair will preside at all meetings of the Commission and will remain a voting member of the Commission. When presiding during a meeting, the Chair or Vice-chair, as applicable, will have the discretion to pass the gavel in order to speak to a matter on the floor.

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- Section 11. Procedure: Meetings will be conducted in accordance with the most recent edition of Robert's Rules of Order, Newly Revised unless the Commission adopts other procedural rules for the conduct of meetings. In the event Robert's Rules of Order conflict with applicable rules, ordinances, statutes, regulations, or these Bylaws governing the Commission, such applicable provisions supersede Robert's Rules of Order.
- Section 12. Medium. Meetings may be held by teleconference in compliance with AS 44.62.310.

ARTICLE V Commission Officers

- Section 1. Election of Officers- Terms- Qualifications: Pursuant to KPB 2.40.020, the Commission annually will select and appoint a Chair and Vice-chair.
- Section 2. Chair: The Chair's duties are as set forth in recent edition of Robert's Rules of Order, Newly Revised.
- Section 3. Vice-Chair: The Vice-chair's duties are as set forth in recent edition of Robert's Rules of Order, Newly Revised.
- Section 4. The Commission may establish other Commission offices by amendment consistent with Article VII, Section 1.

ARTICLE VI Records

- Section 1. Commission Records. The Commission records will be open for public inspection as provided for in Alaska Statutes, Borough ordinances, resolutions and policies. Commission records will be maintained and retained in accordance with Borough ordinance, resolutions and policies and procedures.

ARTICLE VII Amendments

- Section 1. Bylaws Adoption, Amendments or Repeal: The Commission may adopt, amend, or repeal these Bylaws at any regular or special meeting of the Commission.
- Section 2. Voting Requirements: No Bylaw may be adopted, amended, or repealed except by majority vote of sitting Commissioners.

These Bylaws are hereby approved unanimously by the Commission and adopted on _____.

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Jeremy Brantley, Chair

Attest:

Robert Ruffner, Director

BYLAWS OF THE
KENAI PENINSULA BOROUGH PLANNING COMMISSION
A Commission of the Kenai Peninsula Borough
A Municipal Corporation

PREAMBLE

The Kenai Peninsula Borough (the "Borough" or "KPB") Planning Commission (the "Commission") will provide for the systematic and organized development of the Borough.

ARTICLE I

Planning Commission Establishment- Government-Name

- Section 1. Name: The name of the Commission is the "KENAI PENINSULA BOROUGH PLANNING COMMISSION.
- Section 2. Establishment: The Commission is required by AS 29.40.020 and was established by Borough Ordinance 15, adopted on the 19th day of April, 1966.
- Section 3. Government: The Commission's operations are governed by Alaska statutes, particularly Chapter 29.40; and the Kenai Peninsula Borough Code of Ordinances, broad duties are described in KPB Chapter 2.40. The Commission further administers, in full or in part, KPB Titles 20 and 21 and other provisions of the Borough code as may be adopted by the Assembly and made applicable to the Commission.

ARTICLE II

Bylaws

- Section 1. These Bylaws are adopted to govern the conduct of the Commission's affairs pursuant to KPB 2.40.110.
- Section 2. References to Borough code, state statutes, and other provisions of law within these Bylaws are as the provisions of law as they now exist or may from time to time be amended by the Assembly, the Alaska State Legislature or other applicable law-making body.
- Section 3. These Bylaws are procedural in nature and should not conflict with the rules, ordinances, statutes and regulations governing the Commission. In the event these Bylaws conflict with applicable rules, ordinances, statutes and regulations governing the Commission, such applicable provisions supersede these Bylaws.

ARTICLE III
Commissioners

Section 1. Establishment - Appointment: As provided for by A.S. 29.40.020 and KPB 2.40.015.

Section 2. Powers and Duties of the Commission: Pursuant to A.S. 29.40.020, the Commission will:

- 1) Prepare and submit to the Assembly a proposed comprehensive plan in accordance with AS 29.40.030 for the systematic and organized development of the Borough.
- 2) Review, recommend, and administer measures necessary to implement the comprehensive plan, including measures provided under AS 29.40.040.

In addition, the Commission's duties as prescribed by Ordinance are as follows:

- 1) Consistent with the provisions of KPB 2.40.040, the Commission will prepare from time-to-time plans for the systematic development and betterment of the Borough as a place of residence or for business. It may employ engineers, attorneys, clerks and a secretary, or other personnel considered necessary, subject to the approval of the Assembly. The Assembly will fix the compensation of persons employed by the Commission. The compensation and necessary expenses of the Commission will be paid out of the Borough treasury in the same manner as other expenses of the Borough government, within the limits of appropriations by the Assembly for that purpose. In no event may the Commission be authorized to create a deficiency.
- 2) Consistent with the provisions of KPB 2.40.050, the Commission may consider and investigate subject matter tending to the development and betterment of the Borough and make recommendations as it considers advisable to any department of the Borough government and to the Assembly. The Commission may make or have made surveys, maps or plans.
- 3) Consistent with the provisions of KPB 2.40.060, the Commission may investigate and report before final action is taken by the Borough or a department of it, on the location and design of any public building, dock, beach, ski ground, statue, memorial park, parkway, boulevard, street or alley, playground, public street, alley or the grade thereof.
- 4) Consistent with KPB 2.40.080, the Commission in its capacity as the platting board is authorized to delegate powers to hear and decide cases involving platting to a plat committee composed of those Commissioners present for such hearing so long as there are at least four Commissioners present. The following procedures are prescribed for hearings and reviews:

- A) Cases may be decided by a majority vote of the plat committee members present.
- B) Review of a decision of the plat committee may be heard by the Commission acting as platting board by filing written notice thereof with the Borough Planning director on a form provided by the Borough Planning department. The request for review must be filed within fifteen days of date of distribution of the decision of the plat committee by personal service or service by mail. A request for review may be filed by any person or agency that was sent a notice of decision. The request for review must briefly state the reason for the review request and applicable provisions of Borough code or other law upon which the request for review is based. Notice of the review hearing will be issued by staff to the original recipients of the plat committee public hearing notice.
- C) Cases reviewed will be heard de novo by the planning commission acting as the platting board.

5) Perform other functions as delegated by the Assembly.

Section 3. Qualifications: Pursuant to KPB 2.40.015(D), Commissioners are appointed for their expertise and knowledge of the community, Borough land use, and planning issues and must represent the entire Borough.

Section 4. Terms: As provided for in KPB 2.40.030.

Section 5. Resignation and Vacancies: As provided for in KPB 2.40.030.

Section 6. Conflicts of Interest: Commissioners are "municipal employees" of the Borough as defined by KPB 2.58.010. Accordingly, Commissioners are subject to, and must comply with, the applicable provisions of KPB Chapter 2.58.

Section 7. Code of Ethics: Commissioners are Borough "employees" as defined by KPB 2.90.320. Accordingly, Commissioners are subject to, and must comply with, the applicable provisions of Article II of KPB Chapter 2.90.

ARTICLE IV Meetings

Section 1. Commission Meetings: The Commission will meet periodically at a regularly scheduled time and place in consultation with the Borough administration. Special meetings of the Commission may be called by the Chair, Planning Director or by three Commissioners upon one day's notice thereof published in a newspaper or via radio having general public distribution. The notice will state the specific matter or matters to be included on the agenda and include the time and the place of the meeting and will be e-

mailed, mailed or telephoned to each member. The attendance of a Commissioner at a meeting constitutes a waiver of notice of the meeting. All meetings and work sessions, with the exception of executive sessions or adjudicative sessions, are open to the public as provided in AS 29.20.20 and AS 44.62.310 and in accordance with the policies set forth in AS 44.62.312.

- Section 2. Quorum: Pursuant to KPB 2.40.120, A majority of the Commissioners who have been appointed by the Mayor and confirmed by the Assembly will constitute a quorum, except in no case may a quorum consist of fewer than five Commissioners. All Commission actions will be by vote of a majority of the Commissioners who are present and voting. No hearing may be held or decision made in the absence of a quorum, except that a Commissioner disqualified by law from voting on a question may be considered present for purposes of constituting a quorum.
- Section 3. Voting: Consistent with AS 44.62.310, the vote at a meeting held by teleconference must be taken by roll call. A roll-call vote also is required for all quasi-judicial matters. Other normal business matters, including legislative items, are eligible for approval by unanimous consent.
- Section 4. Work Session: Work session meetings of the Commission may be called at any time by the Chair, Planning Director or any three Commissioners, upon at least one day's notice. The Commission cannot take any official action at a work session. The Commission need not, but may, provide for audience participation at a work session. Public notice is required.
- Section 5. Adjudicatory Sessions: Upon a motion by a Commissioner and a majority vote in favor by the Commissioners present, the Commission may, from time to time, convene in adjudicatory session to deliberate on quasi-judicial matters. Pursuant to AS 44.62.310(d)(1), adjudicatory sessions are exempt from open meetings requirements. Commissioners must be physically present to participate in adjudicatory sessions. The Commission's decision on quasi-judicial matters will be made on the record and during a public meeting.
- Pursuant to KPB 21.20.210(A)(6), "quasi-judicial decisions" are those decisions where general law or policy are applied or affect an individual's property interests. Such decisions include but are not limited to preliminary and final plat approvals, conditional use permits, and exception and variance applications.
- Section 6. Executive Sessions: The provisions of AS 44.62.310 will govern the Commission's executive sessions. Upon a motion by a Commissioner and a majority vote of the Commissioners present, the Commission may, from time to time, convene in executive session. Commissioners must be physically present to participate in executive sessions. The Commission's decision after executive session will be made on the record and during a public meeting.

- Section 7. Agenda: An agenda for the meetings will be distributed to all Commissioners prior to the meeting, including a packet of any supporting documentation.
- Section 8. Minutes: All proceedings of meetings and work sessions will be electronically recorded, and minutes permanently recorded in print. The electronic recording will be maintained for a period of one year, and the written record will be distributed to commissioners. After the minutes are approved, a copy will be forwarded to the Borough Clerk for the Borough Mayor and the assembly.
- Section 9. Order of Business: The order of business at all meetings and work sessions will be in accordance with the adopted agenda for that meeting; however, the Commission may change the order of business by motion to accommodate the public, Commissioners, or the business being conducted. The Chair may limit or alter the time periods for Commission's debate and public presentation.
- Section 10. Chair: The Chair or Vice-chair will preside at all meetings of the Commission and will remain a voting member of the Commission. When presiding during a meeting, the Chair or Vice-chair, as applicable, will have the discretion to pass the gavel in order to speak to an matter on the floor.
- Section 11. Procedure: Meetings will be conducted in accordance with the most recent edition of Robert's Rules of Order, Newly Revised unless the Commission adopts other procedural rules for the conduct of meetings. In the event Robert's Rules of Order conflict with applicable rules, ordinances, statutes, regulations, or these Bylaws governing the Commission, such applicable provisions supersede Robert's Rules of Order.
- Section 12. Medium. Meetings may be held by teleconference in compliance with AS 44.62.310.

ARTICLE V Commission Officers

- Section 1. Election of Officers- Terms- Qualifications: Pursuant to KPB 2.40.020, the Commission annually will select and appoint a Chair and Vice-chair.
- Section 2. Chair: The Chair's duties are as set forth in recent edition of Robert's Rules of Order, Newly Revised.
- Section 3. Vice-Chair: The Vice-chair's duties are as set forth in recent edition of Robert's Rules of Order, Newly Revised.
- Section 4. The Commission may establish other Commission offices by amendment consistent with Article VII, Section 1.

ARTICLE VI
Records

Section 1. Commission Records. The Commission records will be open for public inspection as provided for in Alaska Statutes, Borough ordinances, resolutions and policies. Commission records will be maintained and retained in accordance with Borough ordinance, resolutions and policies and procedures.

ARTICLE VII
Amendments

Section 1. Bylaws Adoption, Amendments or Repeal: The Commission may adopt, amend, or repeal these Bylaws at any regular or special meeting of the Commission.

Section 2. Voting Requirements: No Bylaw may be adopted, amended, or repealed except by majority vote of sitting Commissioners.

These Bylaws are hereby approved unanimously by the Commission and adopted on _____.

Jeremy Brantley, Chair

Attest:

Robert Ruffner, Director

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BYLAWS OF THE KENAI PENINSULA BOROUGH PLANNING COMMISSION A Commission of the Kenai Peninsula Borough A Municipal Corporation

PREAMBLE

The Kenai Peninsula Borough (the "Borough" or "KPB") Planning Commission (the "Commission") will provide for the systematic and organized development of the Borough.

ARTICLE I

Planning Commission Establishment- Government-Name

- Section 1. Name: The name of the Commission is the "KENAI PENINSULA BOROUGH PLANNING COMMISSION.
- Section 2. Establishment: The Commission is required by AS 29.40.020 and was established by Borough Ordinance 15, adopted on the 19th day of April, 1966.
- Section 3. Government: The Commission's operations are governed by Alaska statutes, particularly Chapter 29.40; and the Kenai Peninsula Borough Code of Ordinances, broad duties are described in KPB Chapter 2.40. The Commission further administers, in full or in part, KPB Titles 20 and 21 and other provisions of the Borough code as may be adopted by the Assembly and made applicable to the Commission.

ARTICLE II

Bylaws

- Section 1. These Bylaws are adopted to govern the conduct of the Commission's affairs pursuant to KPB 2.40.110.
- Section 2. References to Borough code, state statutes, and other provisions of law within these Bylaws are as the provisions of law now exist or may from time to time be amended by the Assembly, the Alaska State Legislature or other applicable law-making body.
- Section 3. These Bylaws are procedural in nature and should not conflict with the rules, ordinances, statutes and regulations governing the Commission. In the event these Bylaws conflict with applicable rules, ordinances, statutes and regulations governing the Commission, such applicable provisions supersede these Bylaws.

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ARTICLE III Commissioners

Section 1. Establishment - Appointment: As provided for by A.S. 29.40.020 and KPB 2.40.015

Section 2. Powers and Duties of the Commission: Pursuant to A.S. 29.40.020, the Commission will:

- 1) Prepare and submit to the Assembly a proposed comprehensive plan in accordance with AS 29.40.030 for the systematic and organized development of the Borough.
- 2) Review, recommend, and administer measures necessary to implement the comprehensive plan, including measures provided under AS 29.40.040.

In addition, the Commission's duties as prescribed by Ordinance are as follows:

- 1) Consistent with the provisions of KPB 2.40.040, the Commission will prepare from time-to-time plans for the systematic development and betterment of the borough as a place of residence or for business. It may employ engineers, attorneys, clerks and a secretary, or other personnel considered necessary, subject to the approval of the Assembly. The Assembly will fix the compensation of persons employed by the Commission. The compensation and necessary expenses of the Commission will be paid out of the borough treasury in the same manner as other expenses of the Borough government, within the limits of appropriations by the Assembly for that purpose. In no event may the Commission be authorized to create a deficiency.
- 2) Consistent with the provisions of KPB 2.40.050, the Commission may consider and investigate subject matter tending to the development and betterment of the Borough and make recommendations as it considers advisable to any department of the Borough government and to the Assembly. The Commission may make or have made surveys, maps or plans.
- 3) Consistent with the provisions of KPB 2.40.060, the Commission may investigate and report before final action is taken by the Borough or a department of it, on the location and design of any public building, dock, beach, ski ground, statue, memorial park, parkway, boulevard, street or alley, playground, public street, alley or the grade thereof.
- 4) Consistent with KPB 2.40.080; The Commission in its capacity as the platting board is authorized to delegate powers to hear and decide cases involving platting to a plat committee composed of those Commissioners present for such hearing so long as there are at least four Commissioners present. The following procedures are prescribed for hearings and reviews:

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- A) Cases may be decided by a majority vote of the plat committee members present.
- B) Review of a decision of the plat committee may be heard by the Commission acting as platting board by filing written notice thereof with the Borough Planning director on a form provided by the Borough Planning department. The request for review must be filed within fifteen days of date of distribution of the decision of the plat committee by personal service or service by mail. A request for review may be filed by any person or agency that was sent a notice of decision. The request for review must briefly state the reason for the review request and applicable provisions of Borough code or other law upon which the request for review is based. Notice of the review hearing will be issued by staff to the original recipients of the plat committee public hearing notice.
- C) Cases reviewed will be heard de novo by the planning commission acting as the platting board.

5) Perform other functions as delegated by the Assembly.

Section 3. Qualifications: Pursuant to KPB 2.40.015(D), Commissioners are appointed for their expertise and knowledge of the community, Borough land use, and planning issues and must represent the entire Borough.

Section 4. Terms: As provided for in KPB 2.40.030.

Section 5. Vacancies: As provided for in KPB 2.10.015(E).

Section 6. Absences: [For Commission discussion]

Section 7. Conflicts of Interest: Commissioners are "municipal employees" of the Borough as defined by KPB 2.58.010. Accordingly, Commissioners are subject to, and must comply with, the applicable provisions of KPB Chapter 2.58.

Section 8. Code of Ethics: Commissioners are Borough "employees" as defined by KPB 2.90.320. Accordingly, Commissioners are subject to, and must comply with, the applicable provisions of Article II of KPB Chapter 2.90.

ARTICLE IV Meetings

Section 1. Commission Meetings: The Commission will meet periodically at a regularly scheduled time and place in consultation with the Borough administration. Special meetings of the Commission may be called by the Chair, Planning Director or by three Commissioners upon one day's notice thereof published in a newspaper or via radio having general public distribution.

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The notice will state the specific matter or matters to be included on the agenda and include the time and the place of the meeting and will be emailed, mailed or telephoned to each member. The attendance of a Commissioner at a meeting constitutes a waiver of notice of the meeting. All meetings and work sessions, with the exception of executive sessions or adjudicative sessions, are open to the public as provided in AS 29.20.20 and AS 44.62.310 and in accordance with the policies set forth in AS 44.62.312.

- Section 2. Quorum: Pursuant to KPB 2.40.120, A majority of the Commissioners who have been appointed by the Mayor and confirmed by the Assembly will constitute a quorum, except in no case may a quorum consist of fewer than five Commissioners. All Commission actions will be by vote of a majority of the Commissioners who are present and voting. No hearing may be held or decision made in the absence of a quorum, except that a Commissioner disqualified by law from voting on a question may be considered present for purposes of constituting a quorum.
- Section 3. Voting: [Roll-call vote for legislative and quasi-judicial items? Unanimous consent? Legal needs to do some more research.]
- Section 4. Work Session: Work session meetings of the Commission may be called at any time by the Chair, Planning Director or any three Commissioners, upon at least one day's notice. The Commission cannot take any official action at a work session. The Commission need not, but may, provide for audience participation at a work session. Public notice is required.
- Section 5. Adjudicatory Sessions: Upon a motion by a Commissioner and a majority vote in favor by the Commissioners present, the Commission may from time to time, convene in adjudicatory session to deliberate on quasi-judicial matters. Pursuant to AS 44.62.310(d)(1), adjudicatory sessions are exempt from open meetings requirements. Commissioners must be physically present to participate in adjudicatory sessions. The Commission's decision on quasi-judicial matters will be made on the record and during a public meeting.
- Pursuant to KPB 21.20.210(A)(6), "quasi-judicial decisions" are those decisions where general law or policy are applied or affect an individual's property interests. Such decisions include but are not limited to preliminary and final plat approvals, conditional use permits, and exception and variance applications.
- Section 6. Executive Sessions: The provisions of AS 44.62.310 will govern the Commission's executive sessions. Upon a motion by a Commissioner and a majority vote of the Commissioners present, the Commission may, from time to time, convene in executive session. Commissioners must be physically present to participate in executive sessions. The Commission's decision after executive session will be made on the record and during a public meeting.

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- Section 7. Agenda: An agenda for the meetings will be distributed to all Commissioners prior to the meeting, including a packet of any supporting documentation. [For Commission/staff discussion: How to handle late submissions to PC packet. Bylaws? Resolution? Website?]
- Section 8. Minutes: All proceedings of meetings and work sessions will be electronically recorded, and minutes permanently recorded in print. The electronic recording shall be maintained for a period of one year, and the written record shall be distributed to commissioners. After the minutes are approved, a copy will be forwarded to the Borough Clerk for the Borough Mayor and the assembly.
- Section 9. Order of Business: The order of business at all meetings and work sessions will be in accordance with the adopted agenda for that meeting; however, the Commission may change the order of business by motion to accommodate the public, Commissioners, or the business being conducted. The Chair may limit or alter the time periods for Commission's debate and public presentation.
- Section 10. Chair: The Chair or Vice-chair will preside at all meetings of the Commission and will remain a voting member of the Commission. When presiding during a meeting, the Chair or Vice-chair, as applicable, will have the discretion to pass the gavel in order to speak to an item on the floor.
- Section 11. Procedure: Meetings will be conducted in accordance with the most recent edition of Robert's Rules of Order, Newly Revised unless the Commission adopts other procedural rules for the conduct of meetings. In the event Robert's Rules of Order conflict with applicable rules, ordinances, statutes and regulations governing the Commission, such applicable provisions supersede Robert's Rules of Order.
- Section 12. Medium. Meetings may be held by teleconference in compliance with AS 44.62.310. [For Commission discussion about Zoom/remote meeting attendance.]

ARTICLE V Commission Officers

- Section 1. Election of Officers- Terms- Qualifications: Pursuant to KPB 2.40.020, the Commission annually will select and appoint a Chair and Vice-chair.
- Section 2. Chair: [For Commission discussion]
- Section 3. Vice-Chair: [For Commission discussion]
- Section 4. Resignation-Vacancies: Resignation and vacancies will be governed by KPB 2.40.030.

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ARTICLE VI Records

Section 1. Commission Records. The Commission records will be open for public inspection as provided for in Alaska Statutes, Borough ordinances, resolutions and policies. Commission records will be maintained and retained in accordance with Borough ordinance, resolutions and policies and procedures.

ARTICLE VII Amendments

Section 1. Bylaws Adoption, Amendments or Repeal: The Commission may adopt, amend, or repeal these Bylaws at any regular or special meeting of the Commission.

Section 2. Voting Requirements: No Bylaw may be adopted, amended, or repealed except by majority vote of sitting Commissioners.

These Bylaws are hereby approved unanimously by the Commission and adopted on _____.

Chair

Attest:

Director