



Kenai Peninsula Borough

144 North Binkley Street
Soldotna, AK 99669

Meeting Agenda Lands Committee

Cindy Ecklund, Chair
Brent Hibbert, Vice Chair
Tyson Cox

Tuesday, November 7, 2023

3:30 PM

Betty J. Glick Assembly Chambers
Meeting ID: 884 7373 9641 Passcode: 671108
[https://us06web.zoom.us/j/88473739641?](https://us06web.zoom.us/j/88473739641?pwd=dW1sY2RYV0F4dURjV25yVW9WUGw3QT09)
[pwd=dW1sY2RYV0F4dURjV25yVW9WUGw3QT09](https://us06web.zoom.us/j/88473739641?pwd=dW1sY2RYV0F4dURjV25yVW9WUGw3QT09)

Meeting ID: 884 7373 9641 Passcode: 671108

NEW BUSINESS

2. Ordinances for Introduction

- *e. [2023-25](#) An Ordinance Approving Anchors Aweigh North Subdivision Single-Family Residential (R-1) Local Option Zoning District and Amending KPB 21.46.040 (Mayor) (Hearing on 12/12/23)

Attachments:

[Ordinance 2023-25](#)

[Memo](#)

[Anchors Aweigh North - Local Option Zoning District](#)

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

**KENAI PENINSULA BOROUGH
ORDINANCE 2023-25**

**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

Yes:

No:

Absent:

Kenai Peninsula Borough

Planning Department

MEMORANDUM

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

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

FROM: Ryan Raidmae, Planner *RR*

DATE: October 26, 2023

RE: Ordinance 2023-25, 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.



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 | Contact Phone (Day) | 907-451-2734 |
| | (Mobile) Same | | (Mobile) Same |
| Email | patrick.hall@alaska.gov | Email | timothy.shilling@alaska.gov |

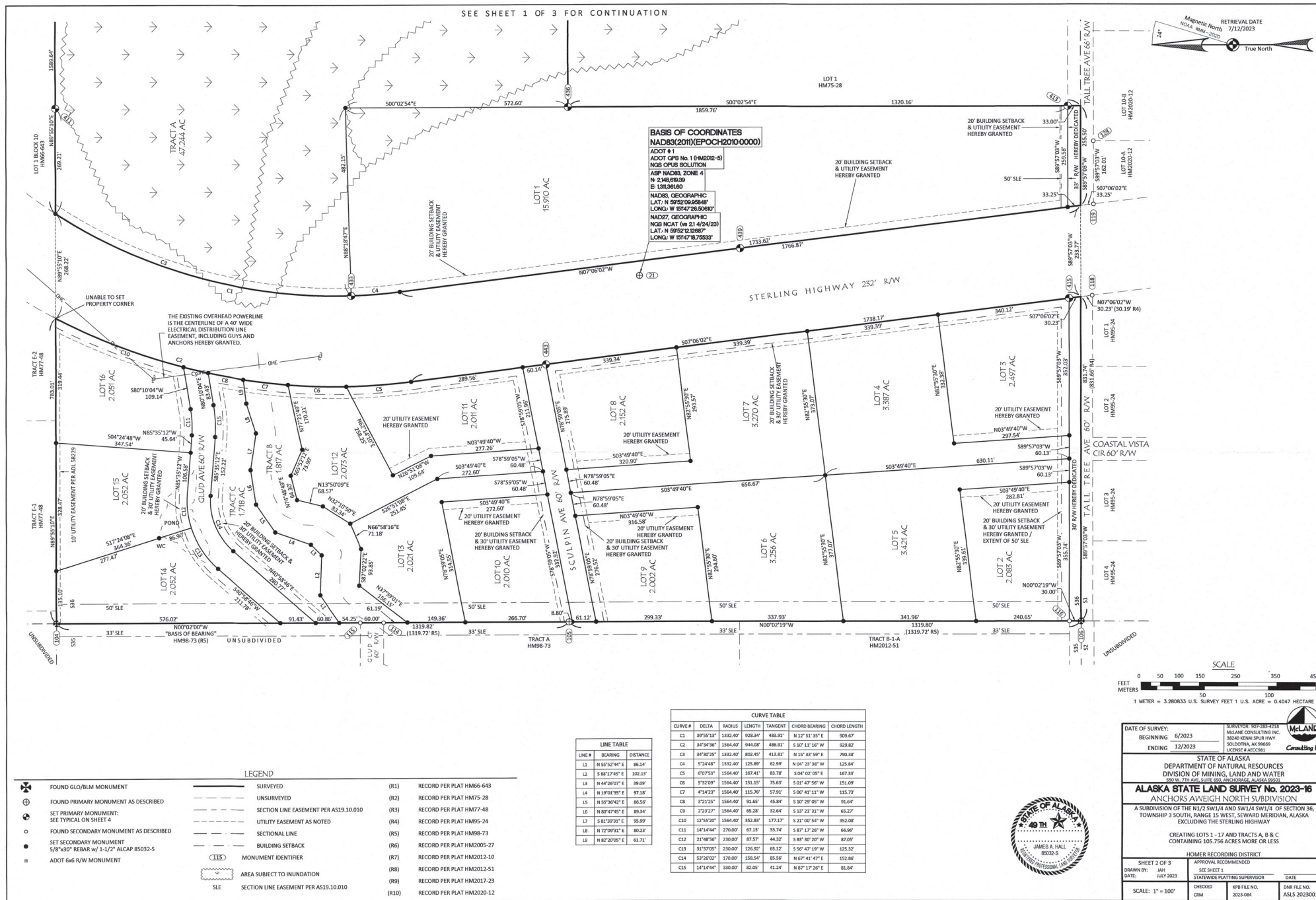
| PROPERTY INFORMATION | | | |
|---|----------------------------|----------------|------|
| KPB Parcel ID # (000-000-00) | 159-18-022 | TOWNSHIP | 3S |
| | | RANGE | 15W |
| | | SECTION | 36 |
| SUBDIVISION | ANCHORS AWEIGH Subdivision | LOT | 2-17 |
| | | BLOCK | |
| | | ACREAGE | 39.4 |
| If the permit 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 | | | |

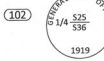



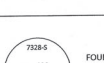
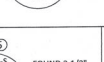


| LOCAL OPTION ZONING DISTRICT | | |
|--|--|---|
| <input checked="" type="checkbox"/> R-1 Single-Family Residential District | <input type="checkbox"/> R-2 Small Lot Residential District | <input type="checkbox"/> R-R Rural Residential District |
| <input type="checkbox"/> R-W Residential Waterfront 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 type="checkbox"/> Garage |
| <input checked="" type="checkbox"/> Storage Shed | <input 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 |  | FOUND 2-1/2" BRASS CAP ON 1" IRON PIPE FLUSH w/ GROUND | 6" SPRUCE | S 46° 05' W | 21 LINKS | GLO | NOT FOUND |
| | | 8" SPRUCE | N 23° 00' W | 22.5 LINKS | GLO | NOT FOUND | |
| | | L8 B2 SE - 3/4" REBAR | N 44° 52' W | 42.5' | HM86-83 | COMPUTED | |
| | | L8 B2 SW - 3/4" REBAR | N 85° 33' W | 411.1' | HM86-83 | COMPUTED | |
| 103 |  | 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 B12 SE - 3/4" REBAR | S 89° 55' W | 50' | HM75-37 | COMPUTED | |
| | | L8 B12 SW - 3/4" REBAR | S 89° 55' W | 357.2' | HM75-37 | COMPUTED | |
| 104 |  | 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 - 3/4" REBAR | N 89° 55' E | 33' | HM77-48 | COMPUTED | |
| | | LE-1 NW - 3/4" REBAR | N 09° 54' E | 192.0' | HM77-48 | COMPUTED | |
| 106 |  | 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 |  | FOUND 2-1/2" ALMON 1.6' BELOW GRADE SET MAGNET 0.5' BELOW GRADE | L4 NW - 3/4" REBAR w/ 1" YPC | S 00° 10' E | 30' | HM95-24 | COMPUTED |
| | | TRC B-1-A SE - 3/4" REBAR w/ 1" YPC | N 00° 02' W | 30' | HM98-73 | FOUND | |
| | | SM # 124 | N 00° 04' W | 33.0' | HM2012-10 | FOUND | |
| | | SM # 126 | S 42° 24' E | 44.5' | HM2007-57A | FOUND | |
| 105 |  | FOUND 2-1/2" ALMON ON 2" AL POST FLUSH w/ GROUND NO RECORD BEARING TREES | SM # 127 | N 42° 13' E | 44.6' | HM2007-57A | FOUND |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| 109 |  | FOUND 2-1/2" ALMON ON 2" AL POST FLUSH w/ GROUND NO RECORD BEARING TREES | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| 123 |  | 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 | 269.2' | |
| 413 | SET PRIMARY MONUMENT | SM # 119 | S 75° 15' W | 259.9' | |
| | | 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 | 249.6' | |
| 433 | SET PRIMARY MONUMENT | SET SECONDARY MONUMENT | S 04° 24' E | 125.8' | |
| | | SET SECONDARY MONUMENT | N 80° 51' W | 232.7' | |
| 436 | SET PRIMARY MONUMENT | 18" SPRUCE | S 86° 48' W | 20.5' | |
| | | 12" SPRUCE | S 28° 23' E | 59.2' | |
| 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 | 269.0' | |
| | | SET SECONDARY MONUMENT | S 50° 54' W | 273.6' | |
| 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 ASLS No. 2023-16 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 (GLUD 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 SOIL SLOPES IN THIS SUBDIVISION HAVE BEEN FOUND SUITABLE FOR CONVENTIONAL ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEMS SERVING SINGLE-FAMILY OR DUPLEX RESIDENCES AND MEETING THE REGULATORY REQUIREMENTS OF THE KENAI PENINSULA BOROUGH. ANY OTHER TYPE OF ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEM MUST BE DESIGNED BY A PROFESSIONAL ENGINEER, REGISTERED TO PRACTICE IN ALASKA, AND THE DESIGN MUST BE APPROVED BY THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

CODY R. McLane C.E. 11510 AK DATE

WASTEWATER DISPOSAL - TRACT A & LOT 1

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

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 LAWFUL 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 30" FLANGED ALUMINUM PIPE

SET CAP FLUSH WITH GROUND

3" PINK CASED MAGNET SET BELOW BASE OF MON.

3" x 6" CARSONITE POST w/ SURVEY MARKER LABEL

SET 2" IN GROUND AS WITNESS POST

BASIS OF COORDINATES

(ADOT # 1)

(CP # 21)



FOUND 2-1/2" BRASS DONUT ON

9/16" x 36.5" STAINLESS DRIVE

ROD IN METAL CASING 0.3"

BELOW GROUND

PLAT APPROVAL

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

AUTHORIZED OFFICIAL

Plat

Filed Date

Date

Time

| | |
|--|--|
| DATE OF SURVEY: BEGINNING 6/2023 ENDING 12/2023 | SURVEYOR: 807-385-4258 MCLEAN CONSULTING INC. 3840 KENAI SPUR HWY SLODOWNA, AK 99586 LICENSE # A000001 |
| STATE OF ALASKA DEPARTMENT OF NATURAL RESOURCES DIVISION OF MINING, LAND AND WATER 3030 N. 170 AVE. SUITE 550 ANCHORAGE, ALASKA 99503 | |
| ALASKA STATE LAND SURVEY No. 2023-16 ANCHORS AWEIGH NORTH SUBDIVISION | |
| A SUBDIVISION OF THE N1/2 SW1/4 AND SW1/4 SW1/4 OF SECTION 36, TOWNSHIP 3 SOUTH, RANGE 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 | |
| HOMER RECORDING DISTRICT | |
| SHEET 3 OF 3 | APPROVAL RECOMMENDED |
| DRAWN BY: JAH 6/14/2023 | SEE SHEET 1 |
| DATE: | STATUTORY PLATTING SUPERVISOR DATE |
| SCALE: N/A | CHECKED: CRM KPM FILE NO. 2023-084 |
| | DNR FILE NO. ASLS 20230016 |



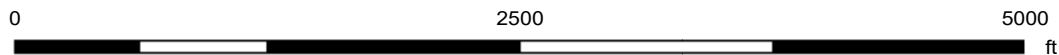
Project Overview and Vicinity Map

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

 **Project Area**



Vicinity



Map created by Raidmae, Ryan



 **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

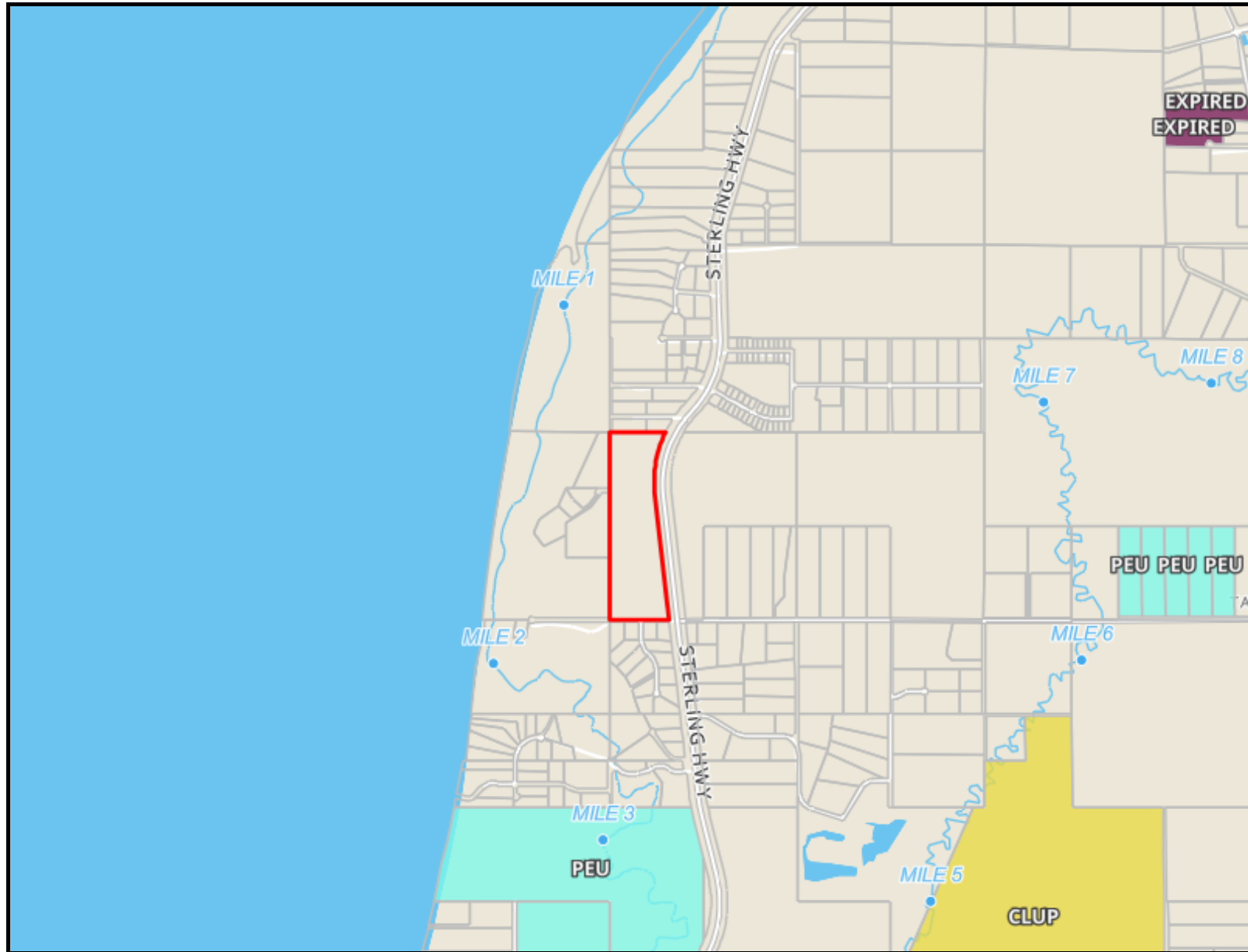
 Exempt

 Managed

 Unregulated

 n/a





Project Area

River Miles



Tax Parcels



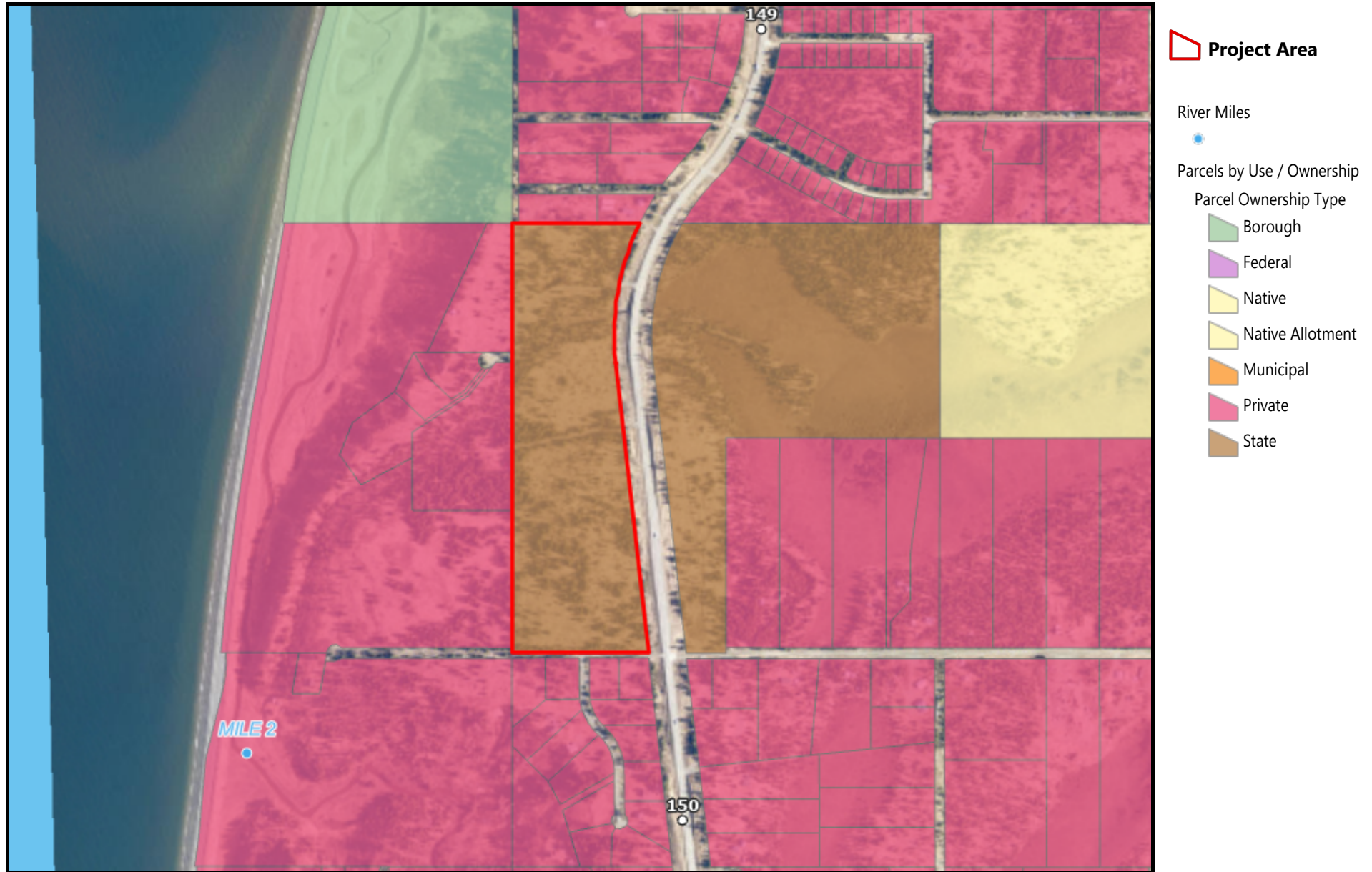
Material Sites

PEU

CLUP

EXPIRED







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

