



Kenai Peninsula Borough

144 North Binkley Street
Soldotna, AK 99669

Meeting Agenda Plat Committee

Monday, September 9, 2024

6:30 PM

Betty J. Glick Assembly Chambers

Zoom Meeting ID: 907 714 2200

Remote participation will be available through Zoom, or other audio or video means, wherever technically feasible.

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

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

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

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF AGENDA, EXCUSED ABSENCES, AND MINUTES

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

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

[KPB-6294](#) August 26, 2024 Plat Committee Meeting

Attachments: [C3. 082624 Plat Minutes](#)

4. Grouped Plats

[KPB-6293](#) Grouped Plats Staff Report
E1. Ageya Homestead 2024 Replat; KPB 2024-088
E2. Eker Estates No. 3 Tract A-1 2024 Replat; KPB File 2024-089
E4. Iliamna Meadows 2024 Addition; KPB File 2024-087
E6. Sleepy Hollow Subdivision 2024 Addition; KPB File 2024-085

Attachments: [C4. Grouped Plats Staff Report](#)

D. OLD BUSINESS**E. NEW BUSINESS**

1. [KPB-6295](#) Ageya Homestead 2024 Replat; KPB File 2024-088
Seabright Surveying
Dee-Dolese Community Property Trust, SW Florida Home Decoeur Retirement LLC
Location: Arnold Avenue, Mae Street & Donald Avenue
Diamond Ridge Area / Kachemak Bay APC

Attachments: [E1. Ageya Homestead 2024 Replat Packet](#)

2. [KPB-6296](#) Eker Estates No. 3 Tract A-1 2024 Replat; KPB File 2024-089
Seabright Surveying / Weichhand, Van Sandt
Location: Skyline Drive, Scenic Place & Cottonwood Lane
City of Homer

Attachments: [E2. Eker Estates No. 3 Tract A-1 2024 Replat Packet](#)
3. [KPB-6297](#) Frank Raby 1971 Addition Tract M 2024 Replat; KPB File 2024-090
Seabright Surveying / Rhyneer
Location: Posh Community Drive
Seldovia Area

Attachments: [E3. Frank Raby 1971 Addn. Tract M 2024 Replat Packet](#)
4. [KPB-6298](#) Iliamna Meadows 2024 Addition; KPB File 2024-087
Johnson Surveying / Book
Location: Bonnard Circle & Katrina Boulevard
Ninilchik Area

Attachments: [E4. Ilimna Meadows 2024 Addn. Packet](#)
5. [KPB-6299](#) Libenthal Subdivision 2024 Addition; KPB File 2024-086
Johnson Surveying / Needs, Muller, Crowder
Location: Reid Street
Ninilchik Area

Attachments: [E5. Libenthal Sub 2024 Addn. Packet](#)
6. [KPB-6300](#) Sleepy Hollow Subdivision 2024 Addition; KPB File 2024-085
Johnson Surveying / Villa
Location: Alma Avenue & Van Dyke Street
Sterling Area

Attachments: [E6. Sleepy Hollow Sub 2024 Addn. Packet](#)

F. PUBLIC COMMENT

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

G. ADJOURNMENT

MISCELLANEOUS INFORMATIONAL ITEMS

NEXT REGULARLY SCHEDULED PLAT COMMITTEE MEETING

The next regularly scheduled Plat Committee meeting will be held Monday, September 23, 2024 in the Betty J. Glick Assembly Chambers of the Kenai Peninsula Borough George A. Navarre Administration Building, 144 North Binkley Street, Soldotna, Alaska at 7:30 p.m.

KENAI PENINSULA BOROUGH PLANNING DEPARTMENT

Phone: 907-714-2215

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

Fax: 907-714-2378

e-mail address: planning@kpb.us

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

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

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

C. CONSENT AGENDA

***3. Minutes**

a. August 26, 2024 Plat Committee Meeting

Kenai Peninsula Borough

Plat Committee

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

August 26 , 2024
7:00 PM
UNAPPROVED MINUTES

A. CALL TO ORDER

Commissioner Gillham called the meeting to order at 7:00 p.m. (*Late Meeting Start*)

Oath of Office

Paul Whitney was appointed by Mayor Micciche to serve a 3-year term on the commission for the City of Soldotna. Ms. Shirnberg administered the oath of office to Mr. Whitney

B. ROLL CALL

Plat Committee Members/Alternates

Pamela Gillham, Kalifornsky/Kasilof District
Virginia Morgan, Cooper Landing/Hope/Eastern Peninsula District
Jeremy Brantley, Sterling/Funny River District
Franco Venuti, City of Homer
Paul Whitney, City of Soldotna

Staff Present

Vince Piagentini, Platting Manager
Jenny Robertson, Land Management Administrative Assistant
Ann Shirnberg, Planning Administrative Assistant

With 5 members in attendance, a quorum was present.

Election of Chair for the Meeting

Commissioner Gillham nominated, seconded by Commissioner Venuti, Commissioner Brantley for the position of Plat Committee Chair for the meeting. Seeing and hearing no objections, discussion or other nominations, Commissioner Brantley was appointed Chair.

C. APPROVAL OF AGENDA, EXCUSED ABSENCES, AND MINUTES

- *3. Approval of Minutes
 - a. August 12, 2024 Plat Committee Meeting Minutes

- *4. Grouped Plats
 - E1. Ninilchik Townsite 2024 Replat; KPB File 2024-0823
 - E2. Yourkowski Subdivision; KPB File 2024-083

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

MOTION: Commissioner Whitney moved, seconded by Commissioner Gillham to approve the agenda, the August 12, 2024 Plat Committee meeting minutes and grouped plats based on staff recommendations and compliance to borough code.

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

MOTION PASSED BY UNANIMOUS VOTE

Yes - 5	Brantley, Gillham, Morgan, Venuti, Whitney
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E. NEW BUSINESS**ITEM #1 - PRELIMINARY PLAT
NINILCHIK TOWNSITE 2024 REPLAT**

KPB File No.	2024-082
Plat Committee Meeting:	August 26, 2024
Applicant / Owner:	Jacqueline Waldron & Gabriel Franey , Kenai Peninsula Borough
Surveyor:	Jerry Johnson / Johnson Surveying
General Location:	Civil Corps Rd, Ninilchik Area

Parent Parcel No.:	157-075-03 & 157-075-04
Legal Description:	T 1S R 14W SEC 34 SEWARD MERIDIAN HM 0650055 NINILCHIK TOWNSITE OF USS 3036 A & B LOTS 03 & 06 BLK 03
Assessing Use:	Vacant
Zoning:	Rural Unrestricted
Water / Wastewater	Onsite / Onsite
Exception Request	None

***Passed Under Consent Agenda**

**ITEM #2 - PRELIMINARY PLAT
YOURKOWSKI SUBDIVISION**

KPB File No.	2024-083
Plat Committee Meeting:	August 26, 2024
Applicant / Owner:	Michael Yourkowski, Mindy Lewis, Kara Yourkowski & Cameron Yourkowski
Surveyor:	Stephen Smith / Geovera, LLC
General Location:	Mile 10 East End Road, Homer, AK / Kachemak Bay APC

Parent Parcel No.:	172-060-02
Legal Description:	T 5S R 12W SEC 27 SEWARD MERIDIAN HM THAT PORTION OF THE W1/2 NE1/4 NE1/4 LYING NORTH OF HOMER EAST RD
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	Onsite / Onsite
Exception Request	None

***Passed Under Consent Agenda**

F. ADJOURNMENT

Commissioner Venuti moved to adjourn the meeting 7:06 P.M.

Ann E. Shirnberg
Administrative Assistant

C. CONSENT AGENDA

***4. Grouped Plats**

E1. Ageya Homestead 2024 Replat; KPB 2024-088

E2. Eker Estates No. 3 Tract A-1 2024 Replat; KPB File 2024-089

E4. Iliamna Meadows 2024 Addition; KPB File 2024-087

E6. Sleepy Hollow Subdivision 2024 Addition; KPB File 2024-085



August 12, 2024

Plat Committee

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

Jeremy Brantley, Chair
Sterling/Funny River
Term Expires 2024

Pamela Gillham, Vice Chair
Kalifornsky / Kaslof District
Term Expires 2026

Virginia Morgan
Cooper Landing / Hope
Eastern Peninsula District
Term Expires 2025

Diane Fikes
City of Kenai
Term Expires 2025

Paul Whitney
City of Soldotna
Term Expires 2027

Franco Venuti
City of Homer
Term Expires 2025

Vacant
City of Seward
Term Expires 2026

Jeffrey Epperheimer
Nikiski District
Term Expires 2026

Dawson Slaughter
South Peninsula District
Term Expires 2025

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

- A. The plats placed on the consent agenda are considered simple or non-controversial. They are generally lot splits, lot line adjustment, no exceptions or ones that received no public comments. The group plats on the consent agenda are as follows. – 4 Plats

- E1. Ageya Homestead 2024 Replat; KPB 2024-088
- E2. Eker Estates No. 3 Tract A-1 2024 Replat; KPB File 2024-089
- E4. Iliamna Meadows 2024 Addition; KPB File 2024-087
- E6. Sleepy Hollow Subdivision 2024 Addition; KPB File 2024-085

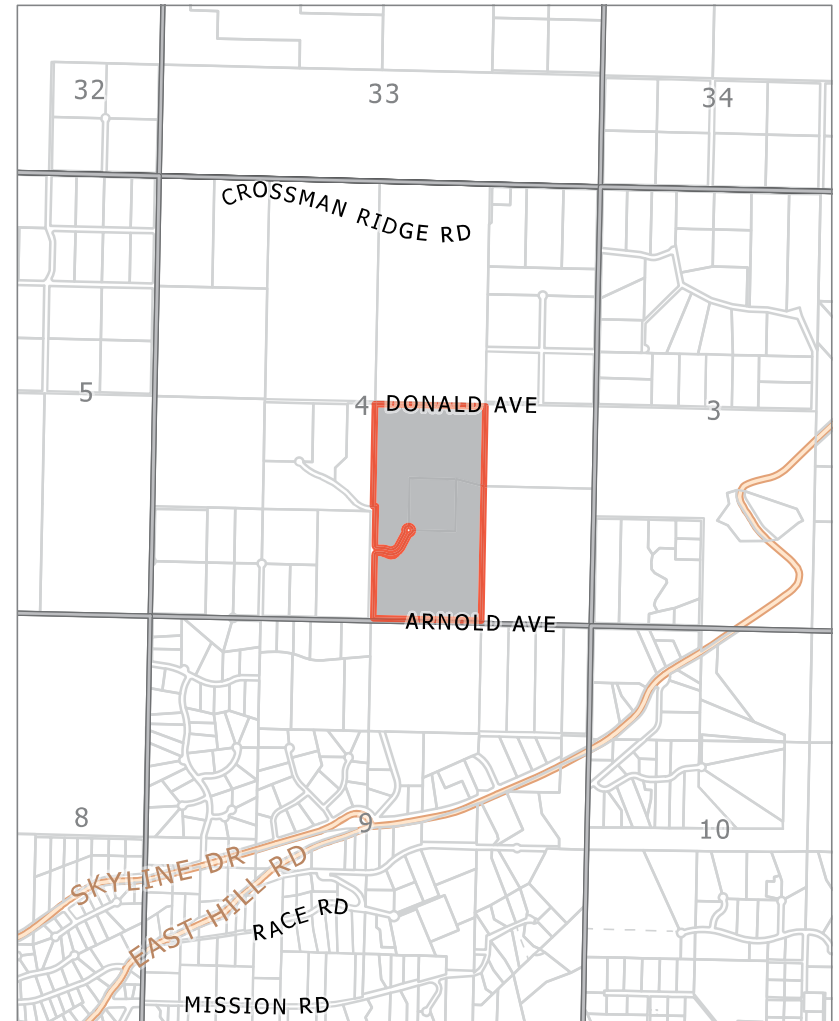
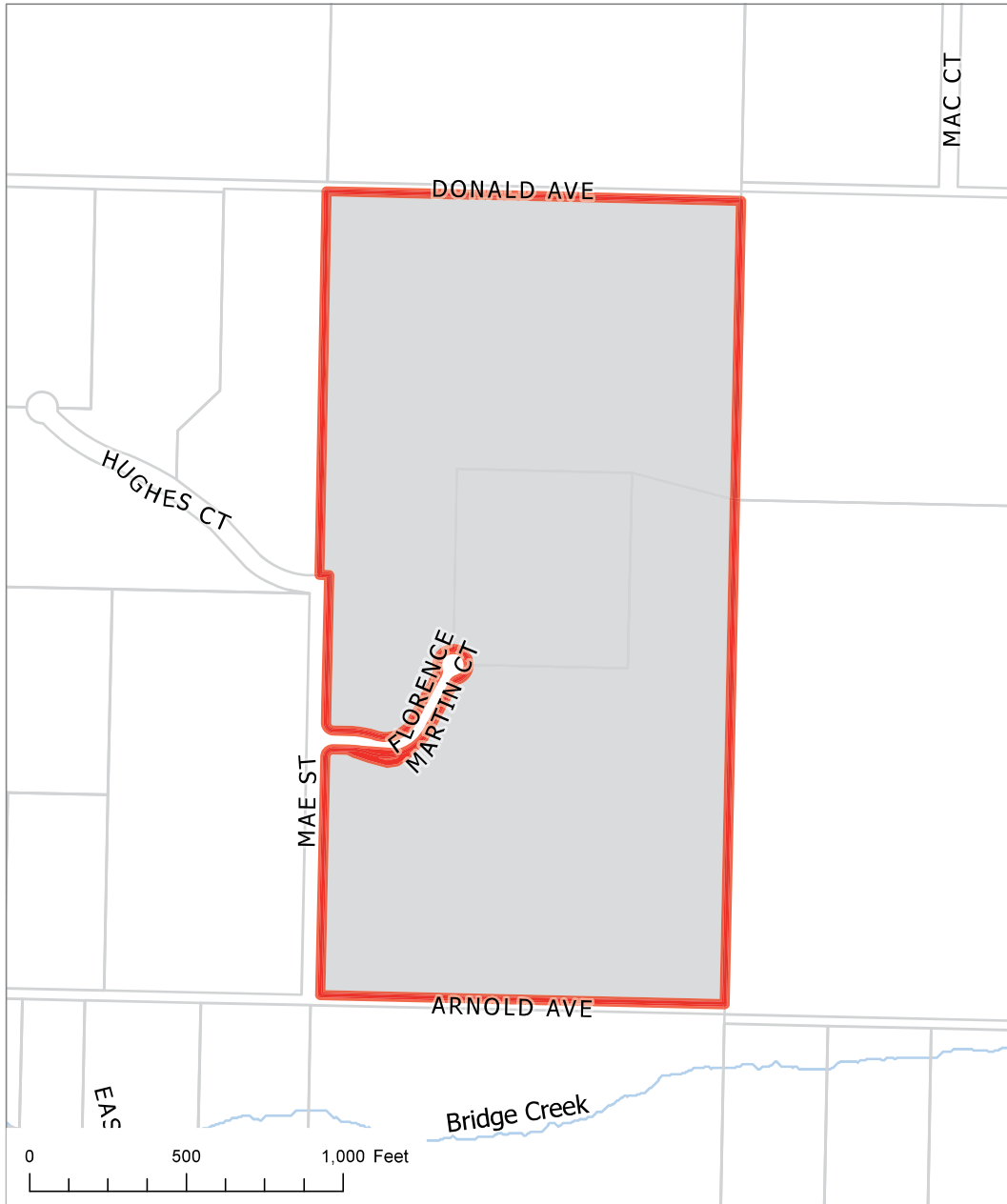
Staff recommends the committee determine whether any members of the public, surveyors or committee members wish to speak to any of the plats in this **group (A)** and remove the specific plats from the group, voting on the remainder of plats in the group in a single action to grant preliminary approval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

- B. Plats needing specific actions or controversial - (public comments received, major staff concerns, exceptions required) – 2 Plats

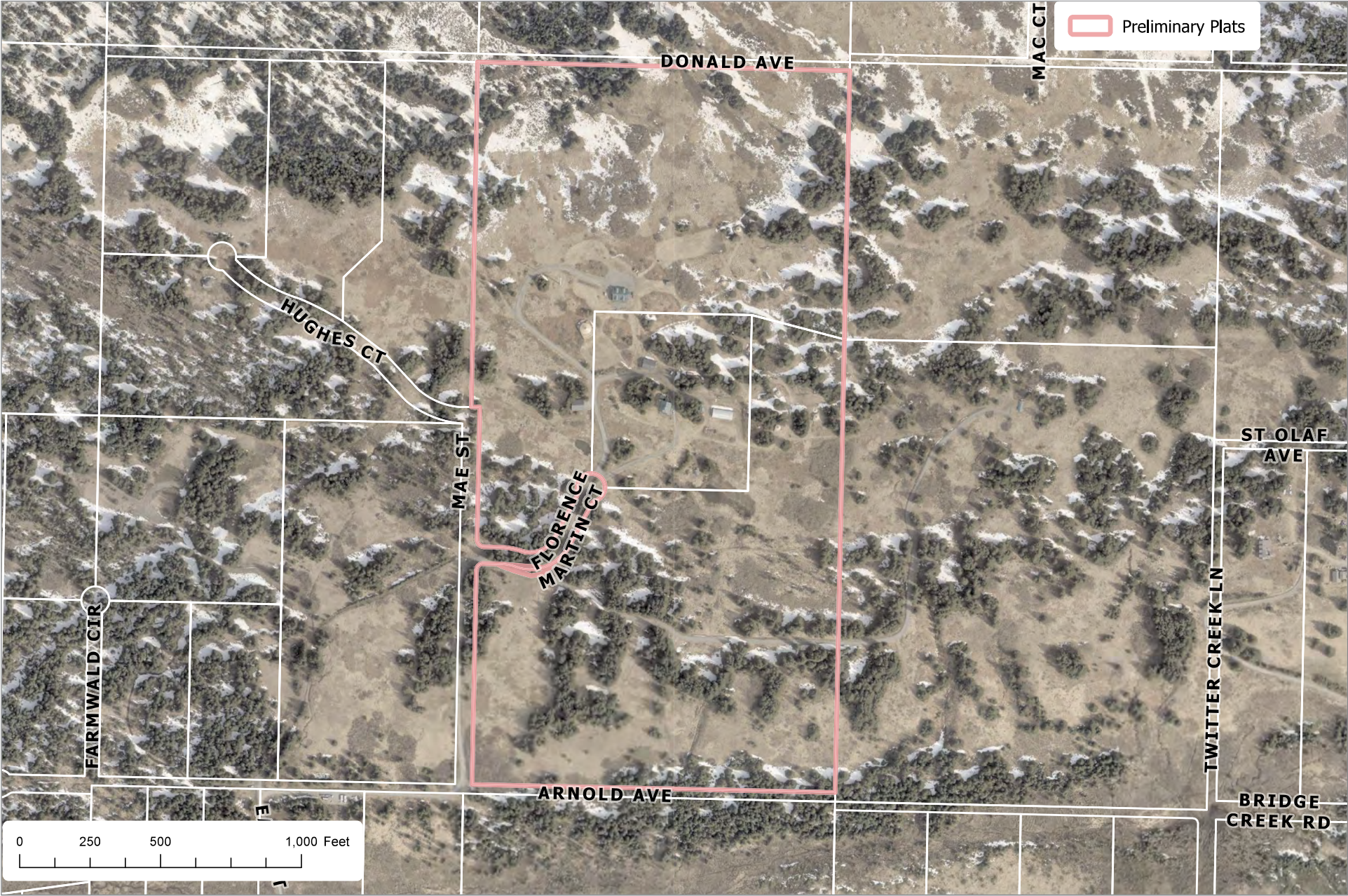
- E3. Frank Raby 1971 Addition Tract M 2024 Replat; KPB File 2024-090
- E5. Libenthal Subdivision 2024 Addition; KPB File 2024-086

E. NEW BUSINESS

- 1. Ageya Homestead 2024 Replat; KPB File 2024-088**
Seabright Surveying
Dee-Dolese Community Property Trust
SW Florida Home Decoeur Retirement LLC
Location: Arnold Avenue, Mae Street & Donald Avenue
Diamond Ridge Area / Kachemak Bay APC



KPB File 2024-088
T 06S R 13W SEC 04
Diamond Ridge



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

NOTES

1. A SETBACK OF 20' IS REQUIRED FROM ALL STREET RIGHT-OF-WAYS UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION. THE FRONT 10' ADJACENT TO RIGHTS-OF-WAY IS A UTILITY EASEMENT GRANTED THIS PLAT. NO PERMANENT STRUCTURES SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE SAID EASEMENT.
2. ALL WASTEWATER DISPOSAL SYSTEMS SHALL COMPLY WITH EXISTING APPLICABLE LAWS AT THE TIME OF CONSTRUCTION.
3. PROPERTY OWNER SHOULD CONTACT THE ARMY CORPS OF ENGINEERS PRIOR TO ANY ON-SITE DEVELOPMENT OR CONSTRUCTION ACTIVITY TO OBTAIN THE MOST CURRENT WETLAND DESIGNATION (IF ANY). PROPERTY OWNERS ARE RESPONSIBLE FOR OBTAINING ALL REQUIRED LOCAL, STATE AND FEDERAL PERMITS.
4. NO STRUCTURES ARE PERMITTED WITHIN THE PANHANDLE PORTION OF THE FLAG LOT(S).
5. LOTS ARE OR WILL BE SERVED BY ONSITE WATER AND SEWER.
6. THERE IS A 15' WIDE EASEMENT GRANTED TO HEA EXTENDING EASTWARDLY 461' W/4" FROM HEA POLE #53-04-4039, ONTO THE WEST 1/2 OF THE SE 1/4 OF SEC. 4 T.6S. R.13W. (TO HEA TRANSFORMER #53-04-4579), RECORDED BK 245 PG 749 HRD.
7. THERE IS AN EASEMENT GRANTED TO THE OWNER OF LOT 3 TALL COUNTRY ESTATES (HM 98-15) THAT AFFECTS THIS SUBDIVISION, RECORDED BK 253 PG 684 HRD.
8. THERE IS AN IMPRESS/CORESS EASEMENT RESERVATION THAT AFFECTS THIS SUBDIVISION, RECORDED BK 238 PG 41 HRD.
9. THERE IS A TEMPORARY EASEMENT AGREEMENT (EXPIRED ON 9/30/1997) THAT AFFECTS THIS SUBDIVISION, RECORDED BY 250 PG 740 HRD.
10. THERE IS A 10' WIDE UTILITY EASEMENT GRANTED TO HOMER ELECTRIC ASSOCIATION, INC. RECORDED #2008-004323-C HRD.
11. THERE IS AN EASEMENT & AGREEMENT FOR A 6' WIDE PEDESTRIAN TRAIL OVER THE N 90° OF THE E1/2 SE1/4 PER PW RES 84-25 HRD, GRANTED TO LOT 1 AGEYA HOMESTEAD (HM 96-09), RECORDED #2017-001439-C HRD.
12. THERE IS A 30' DRIVEWAY EASEMENT THAT AFFECTS THIS SUBDIVISION, RECORDED BY #2017-002599-C HRD, & AMENDED BY #2017-002586-C HRD.

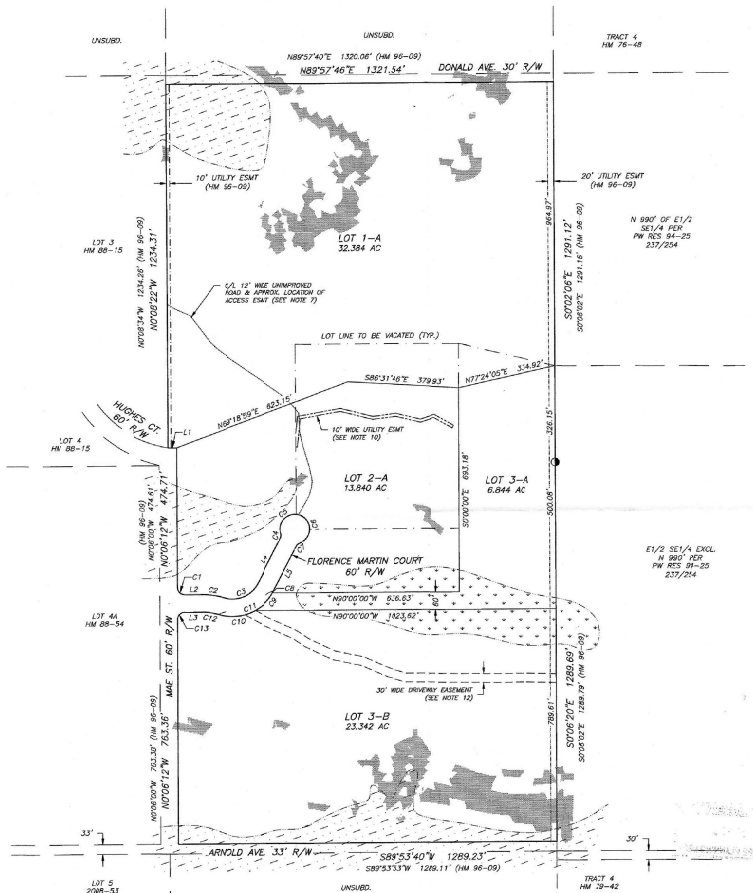
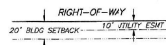
LEGEND

- FHO 2.5" AC 1988-1996
- UTILITY ESMT
- APPROX. AREA DEPRESSION (KWP WETLANDS ASSESSMENT KPB 05)
- APPROX. AREA DISCHARGE SLOPE (KWP WETLANDS ASSESSMENT KPB 05)
- APPROX. AREAS OF 20% SLOPE OR GREATER (KPB 05)

LINE TABLE		
LINE #	LENGTH	BEARING
L1	30.42'	S69°25'38"W
L2	60.11'	S69°36'42"W
L3	59.81'	S90°00'00"E
L4	171.11'	S26°40'19"W
L5	171.11'	S26°40'19"W

CURVE TABLE				
CURVE #	LENGTH	RADIUS	DELTA	CH. BEARING
C1	36.23'	21.00'	89°54'45"	N45°03'26"W
C2	74.45'	275.00'	18°32'51"	N80°43'34"W
C3	136.11'	51.32'	81°48'42"	S67°38'00"W
C4	18.69'	21.00'	42°50'50"	S37°10'04"W
C5	81.26'	56.04'	11°09'07"	S39°10'17"W
C6	136.56'	56.04'	15°41'14"	S73°32'41"E
C7	18.69'	24.96'	42°50'53"	S48°36'00"W
C8	5.65'	131.38'	2°50'04"	N27°15'42"E
C9	81.22'	151.38'	31°28'28"	N44°31'28"E
C10	136.03'	151.38'	48°18'09"	N84°23'42"E
C11	221.80'	151.38'	81°48'42"	N67°38'00"E
C12	55.03'	170.00'	18°32'52"	N80°43'35"W
C13	36.32'	21.00'	90°06'18"	N44°56'57"E

R/W TYPICAL DETAIL



WASTEWATER DISPOSAL

FORMER LOTS 1, 2 & 3 (PER HM 96-09): SOIL CONDITIONS IN THIS SUBDIVISION HAVE BEEN FOUND UNSUITABLE FOR CONVENTIONAL, ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEMS. PLANS SHOWING A SUITABLE ALTERNATE WASTEWATER DISPOSAL SYSTEM THAT COULD BE USED ON LOTS IN THIS SUBDIVISION ARE INCLUDED IN THE ENGINEER'S SUBDIVISION AND SOILS REPORT AND ARE AVAILABLE FROM THE HOMER PENINSULA BOROUGH. ALL ALTERNATE, ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEMS MUST BE DESIGNED FOR THE SPECIFIC INSTALLATION BY A QUALIFIED ENGINEER REGISTERED TO PRACTICE IN ALASKA, AND THE DESIGN MUST BE APPROVED BY THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION PRIOR TO CONSTRUCTION.

LOTS 1-A, 2-A, 3-A & 3-B: LOTS WHICH ARE AT LEAST 20,000 SQUARE FEET IN SIZE MAY NOT BE SUITABLE FOR ONSITE WASTEWATER TREATMENT AND DISPOSAL. ANY WASTEWATER TREATMENT OR DISPOSAL SYSTEM MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF _____, 2024.

BY: _____ AUTHORIZED OFFICIAL
KENAI PENINSULA BOROUGH

DATE

CERTIFICATE OF OWNERSHIP

I HEREBY CERTIFY THAT SW FLORIDA HOME DECORUR RETIREMENT LLC IS THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON, THAT ON BEHALF OF SW FLORIDA HOME DECORUR RETIREMENT LLC I HEREBY ADOPT THIS PLAN OF SUBDIVISION, AND BY MY FREE CONSENT DEDICATE ALL RIGHTS OF WAY AND PUBLIC AREAS TO PUBLIC USE, AND GRANT ALL EASEMENTS TO THE USE SHOWN HEREON.

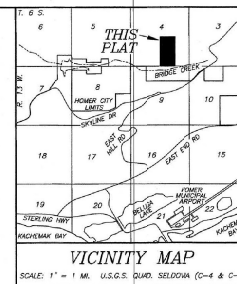
DAVID DECORUR, SOLE MEMBER
SW FLORIDA HOME DECORUR RETIREMENT LLC
P.O. BOX 1941
HOMER, AK 99603

NOTARY'S ACKNOWLEDGMENT

FOR: _____
ACKNOWLEDGED BEFORE ME THIS
DAY OF _____, 2024.

NOTARY PUBLIC FOR ALASKA

MY COMMISSION EXPIRES _____



CERTIFICATE OF OWNERSHIP

I HEREBY CERTIFY THAT DEE-DOLSE COMMUNITY PROPERTY TRUST IS THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON, THAT ON BEHALF OF DEE-DOLSE COMMUNITY PROPERTY TRUST I HEREBY ADOPT THIS PLAN OF SUBDIVISION, AND BY OUR FREE CONSENT DEDICATE ALL RIGHTS OF WAY AND PUBLIC AREAS TO PUBLIC USE, AND GRANT ALL EASEMENTS TO THE USE SHOWN HEREON.

KEVIN MICHAEL DEE, TRUSTEE
DEE-DOLSE COMMUNITY TRUST
3705 ARCTIC BLVD
ANCHORAGE, AK 99503

PATRICIA MARY DOLSE, TRUSTEE
DEE-DOLSE COMMUNITY TRUST
3705 ARCTIC BLVD
ANCHORAGE, AK 99503

NOTARY'S ACKNOWLEDGMENT

FOR: _____
ACKNOWLEDGED BEFORE ME THIS
DAY OF _____, 2024.

NOTARY PUBLIC FOR ALASKA

MY COMMISSION EXPIRES _____

NOTARY'S ACKNOWLEDGMENT

FOR: _____
ACKNOWLEDGED BEFORE ME THIS
DAY OF _____, 2024.

NOTARY PUBLIC FOR ALASKA

MY COMMISSION EXPIRES _____

HOMER RECORDING DISTRICT KPB FILE NO. 2024-088

AGEYA HOMESTEAD
2024 REPLAT

A SUBDIVISION OF LOTS 1, 2 & 3, AGEYA HOMESTEAD (HM 95-09), LOCATED IN THE W1/2 SE1/4 SEC. 4, T. 6 S., R. 13 W., SEWARD MERIDIAN, KENAI PENINSULA BOROUGH, THIRD JUDICIAL DISTRICT, ALASKA.

CONTAINING 76.410 ACRES

SEABRIGHT SURVEY + DESIGN
KATHERINE A. KIRSIS, P.L.S.

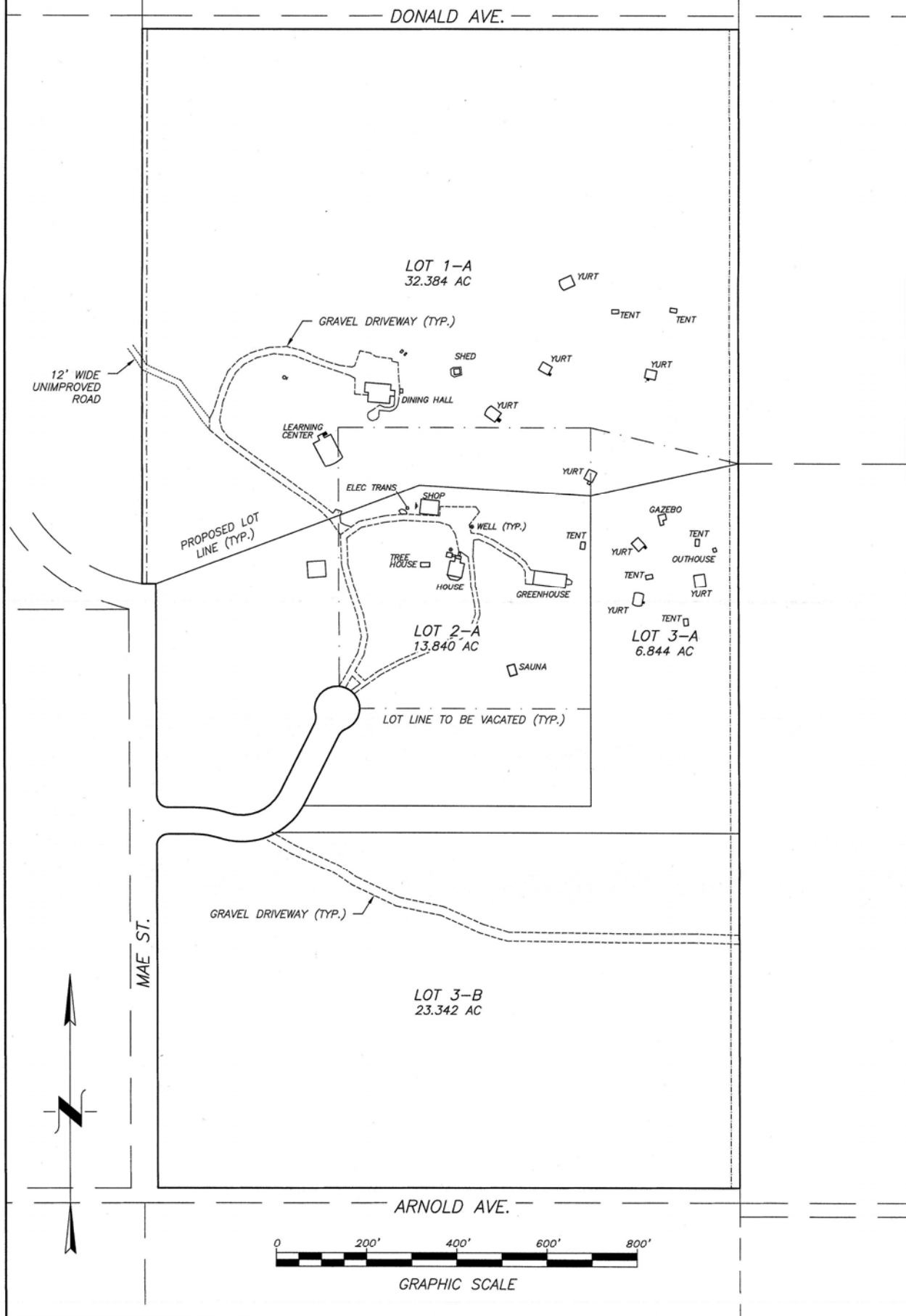
1044 EAST END ROAD, SUITE A
HOMER, ALASKA 99603
(907) 299-1580

OWNERS: DEE-DOLSE COMMUNITY PROPERTY TRUST
3705 ARCTIC BLVD., ANCHORAGE, AK 99503
SW FLORIDA HOME DECORUR RETIREMENT LLC
P.O. BOX 2941, HOMER, AK 99603

DRAWN BY: KR CHKD BY: KR JOB #2024-18
DATE: 08/2024 SCALE: 1"=200' SHEET #1 OF 1

KPB 2024-088

AGEYA HOMESTEAD 2024 REPLAT
SUPPLEMENTAL ASBUILT DIAGRAM
(ASBUILT SURVEY COMPLETED IN 2014)



AGENDA ITEM E. NEW BUSINESS

ITEM #1 - PRELIMINARY PLAT
AGEYA HOMESTEAD 2024 REPLAT

KPB File No.	2024-088
Plat Committee Meeting:	September 9, 2024
Applicant / Owner:	Dee-Dolese Community Property Trust of Anchorage, Alaska and SW Florida Home Decoeur Retirement LLC of Homer, Alaska
Surveyor:	Katherine A. Kirsis / Seabright & Design
General Location:	Diamond Ridge / Kachemak Bay APC

Parent Parcel No.:	17305241; 17305242; 17305243
Legal Description:	T 6S R 13W SEC 4 Seward Meridian HM 0960009 AGEYA HOMESTEAD LOTS 1, 2, AND 3
Assessing Use:	Residential, Commercial, and Accessory Building
Zoning:	Bridge Creek Watershed Protection District
Water / Wastewater	Onsite / Onsite
Exception Request	None Requested

STAFF REPORT

Specific Request / Scope of Subdivision:

The proposed plat will reconfigure three existing lots- one of 33.7 acres, one of 8 acres, and one of 34.7 acres- into four new lots. The new lots will be 32.384 acres, 13.840 acres, 6.844 acres, and 23.342 acres, totaling 76.410 acres.

Location and Legal Access (existing and proposed):

Legal access is along Donald Avenue to the north, Arnold Avenue to the south, Mae Street to the west, and by Florence Martin Court within the subdivision. Florence Martin Court is a constructed road, dedicated as a cul-de-sac running out to Mae Street on the west. Mae Street is also a constructed road from Florence Martin Court running south to Arnold Avenue. The 66 foot dedication of Mae Street runs from Arnold Ave north for only approximately 1320 feet. Arnold Avenue is within a 66-foot section line easement, being 33 feet on either side of the section line. Arnold Avenue connects to Twitter Creek Lane to the east, which then connects to Skyline Drive to the south. **Staff recommends** the surveyor identify the section line easements on both sides of section line along plat and east and west on drawing.

No dedications or vacations are proposed with this platting action.

There is a private right-of-way access easement for ingress and egress affecting Lots 1-A and 2-A, granted per Book 253 Page 684, depicted and noted as plat note number 7 for access to Lot 3, HM 88-15, to the west. When the plat is complete Lot 1-A will have access to Donald Ave which is currently undeveloped, the current access is by the road from Florence Martin Ct. The easement noted in plat note #7 only allows for access for the owner of Lot 3 to the west. Staff recommends a new easement between lots 2-A and 1-A be filed to cross Lot 2-A.

There is a 30-foot driveway easement for ingress and egress that affects Lot 3-B, for access to parcel D to the east, as described in recorded documents as serial number 2017-002599-0, Homer Recording District, and amended by serial number 2017-003566-0, Homer Recording District. The easement is depicted and noted as plat note #12. This document terminates the easement reservation granted per Book 238 Page 411, Homer Recording District, as noted as plat note #8. **Staff recommends** the surveyor combine these plat notes as #8 is terminated by documents in #12.

A temporary right-of-way access easement was granted by Book 250 Page 740 and expired September 30, 1997. It is noted as plat note #9. **Staff recommends** removing the plat note from the drawing due to the expiration of the easement.

A 6-foot-wide pedestrian easement affects Lot 1-A for access from the parcel to the east, the 990 feet of the E 1/2 SE 1/4 per Plat Waiver Resolution 94-25, Homer Recording District, per serial number 2017-001438-0. It is noted as plat note #11.

The block length is non-compliant. The replat is reconfiguring lots to utilize existing access easements and dedications. No dedications are requested. **Staff recommends the Planning Commissions concurrence that an exception is not required for KPB 20.30.170 Block Length.**

KPB Roads Dept. Comments	Out of Jurisdiction: No Roads Director: Griebel, Scott Comments: The Easy Street access to this subdivision is currently disputed. No additional RSA comments of objections.
SOA DOT Comments	No comments

Site Investigation:

Multiple structures are depicted on the supplemental asbuilt diagram which is included in the packet for viewing. Structures will be located on Lot 1-A, Lot 2-A, and Lot 3-A. The depiction of the structures demonstrates that there will be no encroachment issues with the new lot lines proposed.

Lot 3-A is a flag lot with the access portion being 60 feet wide from Florence Martin Ct, no exception for KPB 20.30.190(B) Lot dimensions is needed. The proper flag lot note is in place at plat note #4.

There is steep terrain shown on the plat with grades over 25% shaded. The shading should remain for the final submittal.

KWF Wetlands Assessment indicates discharge slopes and a depression area as depicted on the preliminary plat.

The River Center Reviewer has identified the plat to be within a FEMA designated flood hazard area, Zone X. No depiction is required. Per KPB 20.30.280(D), flood hazard notes should be added to the plat including the FEMA map panels and flood zone designation. The Floodplain Determination map is included in the staff packet.

This plat is not within a Habitat Protection District.

KPB River Center Review	A. Floodplain Reviewer: Hindman, Julie Floodplain Status: IS in flood hazard area Comments: The proposed subdivision is within a mapped Floodplain X. No depiction is required. Code required plat notes should be present. there are multiple FIRM panels as noted on the floodplain determination. Flood Zone: X Zone Map Panel: 02122C-2115E In Floodway: False Floodway Panel: B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments
State of Alaska Fish and Game	

Staff Analysis

Originally the land was an aliquot part of the W1/2 SE1/4 of Section 4, Township 6 South, Range 13 West, SM, HRD, Alaska. The land was given a plat waiver creating Parcels A, B, C & D of the SE1/4 of said Section 4. Ageya Homestead, HM 96-9, subdivided Parcels A and B of the land. The proposed subdivision will replat Lots 1 through 3 Ageya Homestead into four new lots.

The surveyor included locations of structures on the supplemental asbuilt diagram. Reviewing that information with KPB GIS imagery for that area, there does not appear to be any structure encroachment issues to or from the property.

There is an encroachment of the drive accessing Lot 1-A through 2-A. The easement noted in plat note #7 at Bk 253 Pg 684 HRD is written to only allow for the owner of Lot 3 to the west access. The owner of Lot 1-A

A soils report will not be required as these lots are all over 200,00 sq ft.

Notice of the proposed plat was mailed to the beneficial interest holder on August 19, 2024. The beneficial interest holder will be given 30 days from the date of the mailing of the notification to respond. They are given the opportunity to notify staff if their beneficial interest prohibits or restricts subdivision or requires their signature on the final plat. If no response is received within 30 days, staff will assume they have no requirements regarding the subdivision and it may be finalized.

Kachemak Bay APC is currently inactive. The plat being located in the Bridge Creek Watershed was submitted to and reviewed by the City of Homer. The plat was reviewed at the August 7, 2024 Homer Planning Commission meeting. The plat was giving unanimous consent by the Commission to be sent to the KPB Plat Committee for consideration and approval.

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

Utility Easements

There is 15-foot-wide utility easement granted to Homer Electric Association per Book 245 Page 749, noted on the plat as plat note #6. HEA has requested this easement to be depicted on the final plat.

A 10-foot-wide utility easement was granted to Homer Electric Association per serial number 2008-004323-0, Homer Recording District, depicted and noted on the plat as plat note #10.

The City of Homer Code 22.10.051 notes a requirement of a 15 foot utility easement. Their staff report stated that the drawing meets the requirements, yet shows and states a 10 foot utility easement. Staff recommends the surveyor verify with the City of Homer the requirement of 15 foot easement and if needed, please accommodate the city requirement along right-of-ways.

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

Utility Provider Review:

HEA	See comments attached and noted above in the packet
ENSTAR	No comments or recommendations
ACS	
GCI	No comments

KPB Department / Agency Review:

Addressing	<p>Reviewer: Leavitt, Rhealyn</p> <p>Affected Addresses: 61420 FLORENCE MARTIN CT, 61421 FLORENCE MARTIN CT, 61447 FLORENCE MARTIN CT</p> <p>Existing Street Names are Correct: No</p> <p>List of Correct Street Names: FLORENCE MARTIN CT, ARNOLD AVE, MAE ST, HUGHES CT, DONALD 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: 61420 FLORENCE MARTIN CT WILL REMAIN WITH LOT 1A 61421 FLORENCE MARTIN CT WILL REMAIN WITH LOT 2A 61447 FLORENCE MARTIN CT WILL REMAIN WITH LOT 3B</p>
Code Compliance	<p>Reviewer: Ogren, Eric</p> <p>Comments: No comments</p>
Planner	<p>Reviewer: Raidmae, Ryan</p> <p>There are not any Local Option Zoning District issues with this proposed plat.</p> <p>Material Site Comments: There are not any material site issues with this proposed plat.</p>
Assessing	<p>Reviewer: Windsor, Heather</p> <p>Comments: The driveway for Lot 3-A appears to be in a depression/wetlands area and could be an issue with access to the parcel.</p>

STAFF RECOMMENDATIONS**CORRECTIONS / EDITS**

Add the date of September 9, 2024 to the Plat Approval

PLAT NOTES TO ADD

- The borough will not enforce private covenants, easements, or deed restrictions per KPB 20.60.170(B).

KPB 20.25.070 – Form and contents required

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

A. Within the Title Block

1. Name of the subdivision which shall not be the same as an existing city, town, tract, or subdivision of land in the borough, of which a plat has been previously recorded, or so nearly the same as to mislead the public or cause confusion. The parent plat's name shall be the primary name of the preliminary plat.

2. Legal description, location, date, and total area in acres of the proposed subdivision;
3. Name and address of owner(s), as shown on the KPB records and the certificate to plat, and registered land surveyor.

Staff recommendation:

Modify KPB File No to 2024-088

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

Staff recommendation:

Label Donald Avenue to the northeast and northwest.

Identify the sections and section line easements to the south on both sides of the section line.

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

Staff recommendation:

Label roads to access property.

KPB 20.30 – Subdivision Design Requirements

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

KPB 20.40 – Wastewater Disposal

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

20.40.010 Wastewater disposal.

Platting Staff Comments:

Staff recommendation: comply with 20.40.

KPB 20.60 – Final Plat

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

RECOMMENDATION:

STAFF RECOMMENDS:

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

NOTE: 20.25.120. - REVIEW AND APPEAL.

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

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

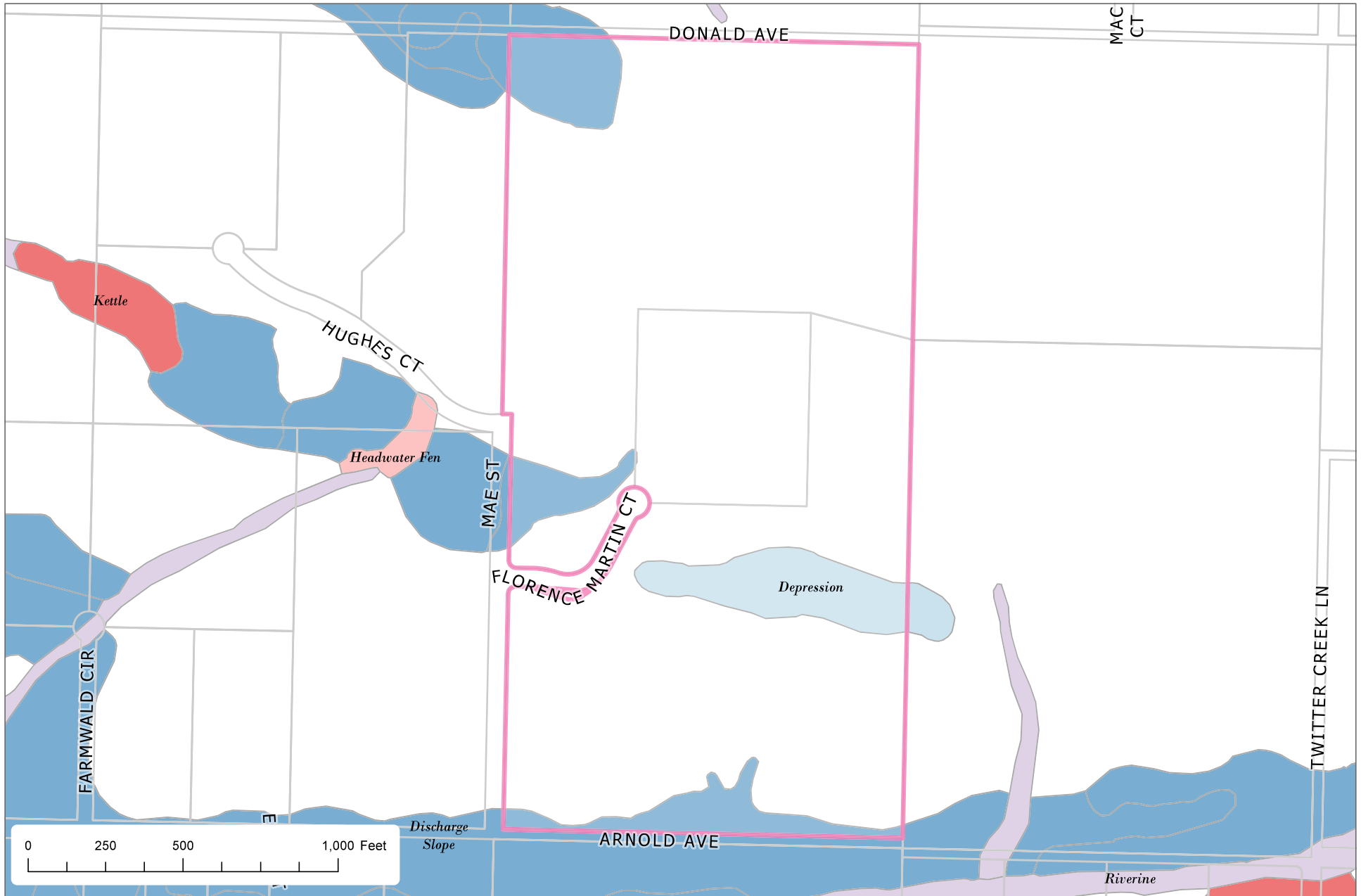
END OF STAFF REPORT



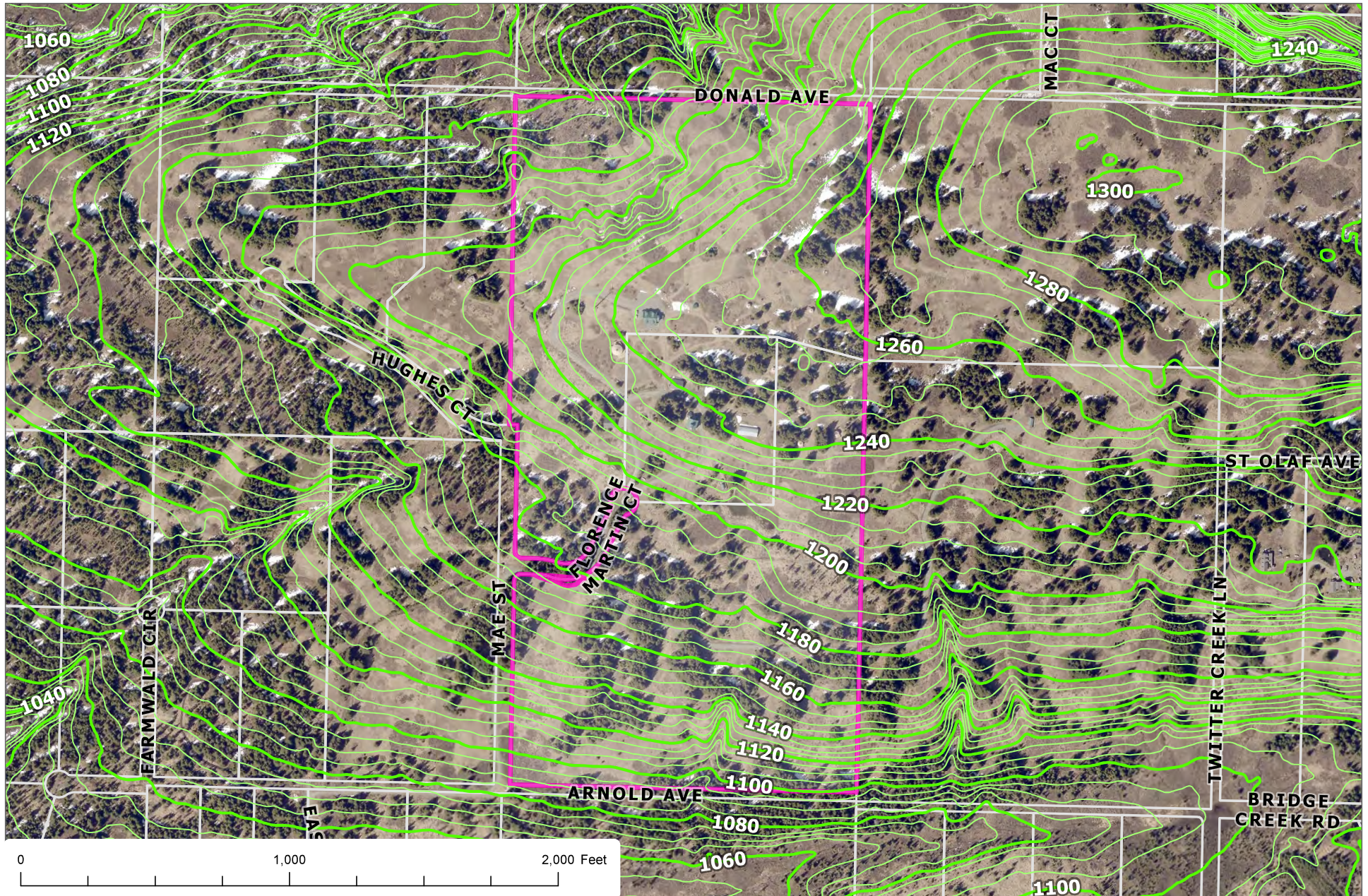
The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



Wetlands



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.

CURVE	DELTA	RADIUS	TANGENT	LENGTH
C1	80°00'00"	28.00'	28.00'	36.31'
C2	18°32'48"	170.00'	27.78'	50.03'
C3	42°50'00"	25.00'	8.81'	18.88'
C4	89°46'28"	30.00'	34.78'	80.74'
C5	108°20'00"	30.00'	59.24'	97.54'
C6	42°50'00"	25.00'	8.81'	18.88'
C7	81°48'44"	95.33'	82.89'	136.10'
C8	18°32'48"	170.00'	27.78'	50.03'
C9	80°00'00"	28.00'	28.00'	36.31'
C10	18°32'48"	170.00'	27.78'	50.03'
C11	81°48'44"	95.33'	108.50'	174.95'

LINE	BEARING	DISTANCE
1	S 26°43'04" W	121.10
2	S 80°55'38" W	80.00
3	E 45°	80.00
4	N 26°43'04" E	121.10

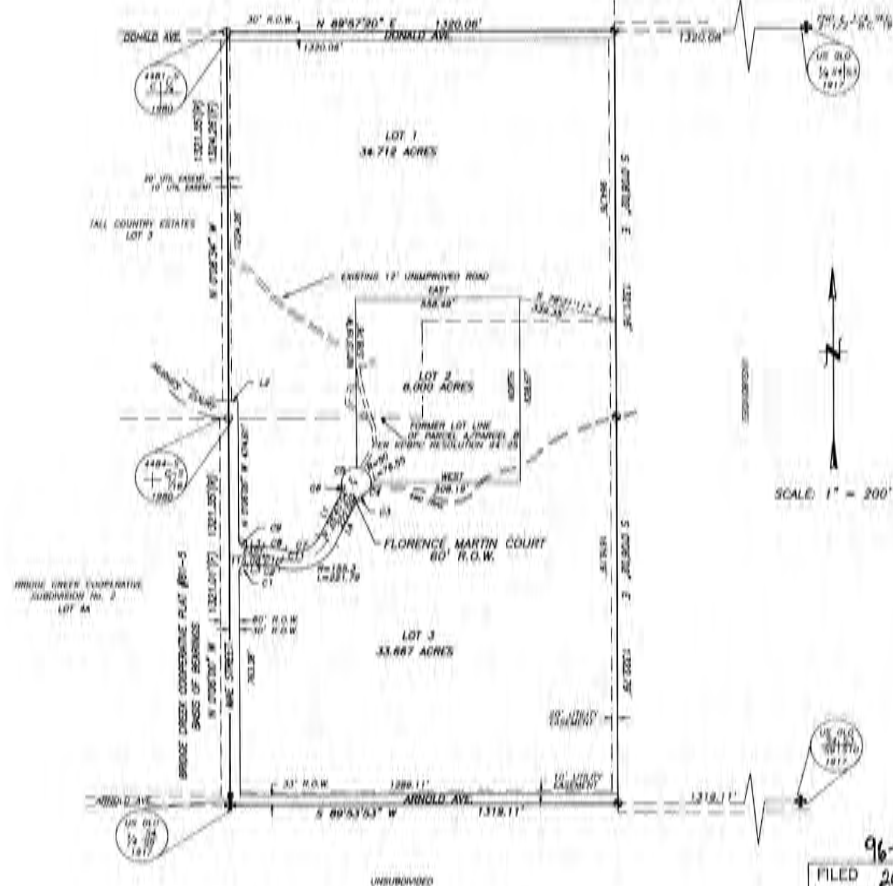
- ① INDICATES 2-1/2" R.C. RECOVERED THIS SURVEY
- ② INDICATES 8" ALUM BRASS CAP MONUMENT RECOVERED THIS SURVEY
- ③ INDICATES 8" R. X 20" REBAR WITH 2" (788-5, 1888) SET THIS SURVEY
- ④ INDICATES 8" R. X 20" REBAR WITH A FOUND THIS SURVEY
- ⑤ SET THIS SURVEY 3 1/4" AL-CAP ON 2" ALUM PIPE 788-5

[illegible]

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

DATE 4/19/20 REGISTRATION NO. 7800-5

W. C. P. Jones
REGISTERED LAND SURVEYOR



CONNECTIONS MAY NOT BE SUITABLE FOR WHITE WASTEWATER TREATMENT AND DISPOSAL. ANY WASTEWATER TREATMENT OR DISPOSAL SYSTEM MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION. SUBJECT TO ANY NOTED TO RESTRICTIONS, THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION APPROVES THIS SUBDIVISION FOR PLATTING.

DATE 4-18-88 FILE # 157-103-1000

0

KPH FILE No. 66-0349

THIS PLAN WAS APPROVED BY THE KENAI PENINSULA BOROUGH
PLANNING COMMISSION AT THE MEETING OF MARCH 25, 1996
KENAI PENINSULA BOROUGH

447 *Atanasio de Ascoli*

SUBSCRIBED AND SWORN TO BEFORE ME THIS _____
DAY OF _____, 1996.

FORM _____

NOTARY PUBLIC FOR ALASKA

MY COMMISSION EXPIRES _____

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

PATRICIA M. DOLESE
2817 FORAKER DRIVE
ANCHORAGE, ALASKA 99517-1155

SUBSCRIBED AND SWORN TO BEFORE ME THIS 17th
DAY OF JULY, 1996.

Page 1 of 1

NOTARY PUBLIC FOR ALASKA

MY COMMISSION EXPIRES 1-9-99

— *Journal of Management Education* 26(1)

AGNYA HOMESTEAD

A SUBDIVISION OF THE
W1/2 OF THE SE1/4 OF SECTION 4,
T8N, R13W, S.M., ALASKA
CONTAINING 80.100 ACRES M/L

STANDARD SURVEYING

STRAIGHT SURVEYING
1060 EAST ROAD

HOMER ALASKA 99603

(907) 235-4247 FAX 235-7564

HP/WR	DATE: 4/15/98	SCALE: 1"
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N.A.	HW #98-07	SHEET 1
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KENAI PENINSULA BOROUGH
PLANNING COMMISSION

BOOK 0237 PAGE 254

PLAT WAIVER RESOLUTION 94-25

HOMER RECORDING DISTRICT

GRANTING A PLATTING WAIVER FOR CERTAIN LANDS WITHIN SECTION 4, TOWNSHIP 6 SOUTH,
RANGE 13 WEST, SEWARD MERIDIAN, ALASKA

WHEREAS, MADELON MOTTET, PERSONAL REPRESENTATIVE OF THE ESTATE OF FLORENCE BOLDT GREEN
MARTIN, HAS PETITIONED FOR A WAIVER OF PLATTING REQUIREMENTS FOR THE FOLLOWING DESCRIBED PARCEL:

THE SOUTHEAST QUARTER OF SECTION 4, TOWNSHIP 6 SOUTH, RANGE 13 WEST,
SEWARD MERIDIAN, ALASKA CNTG. 160 ACRES.

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

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

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

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

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

PARCEL A: THE NW 1/4 SE 1/4, SECTION 4, TOWNSHIP 6 SOUTH, RANGE 13 WEST, SEWARD MERIDIAN,
ALASKA; EXCEPTING THE S 1/2 SE 1/4 NW 1/4 SE 1/4 SECTION 4, TOWNSHIP 6 SOUTH, RANGE 13 WEST,
SEWARD MERIDIAN, ALASKA, CONSISTING OF 35 ACRES.

PARCEL B: SW 1/4 SE 1/4 AND THE S 1/2 SE 1/4 NW 1/4 SE 1/4, SECTION 4, TOWNSHIP 6 SOUTH,
RANGE 13 WEST, SEWARD MERIDIAN, ALASKA CONSISTING OF 45 ACRES.

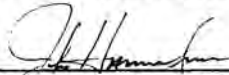
PARCEL C: THE NORTH 990 FEET OF THE E 1/2 SE 1/4, SECTION 4, TOWNSHIP 6 SOUTH, RANGE 13 WEST,
SEWARD MERIDIAN, ALASKA, CONSISTING OF 30 ACRES.

PARCEL D: THE EAST 1/2 SE 1/4 SECTION 4, TOWNSHIP 6 SOUTH, RANGE 13 WEST, SEWARD MERIDIAN,
ALASKA EXCEPT THEREFROM THE NORTH 990 FEET, CONSISTING OF 50 ACRES.

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

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

ADOPTED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH ON THIS
26 DAY OF September 1994.


JOHN HAMMELMAN, CHAIRPERSON
PLANNING COMMISSION

NOTARY ACKNOWLEDGEMENT:

SUBSCRIBED AND SWORN BEFORE ME THIS 26 DAY OF September 1994.


NOTARY PUBLIC FOR STATE OF ALASKA
MY COMMISSION EXPIRES: 1-16-95



94-3222

RECORDED - FILED	15 cc
Homer REC. DIST.	
DATE	10-3 1994
TIME	1:46 P.M.
Requested by	m/m mottet
Address	



City of Homer

www.cityofhomer-ak.gov

Planning

491 East Pioneer Avenue
Homer, Alaska 99603

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

Staff Report 24-037

TO: Homer Planning Commission **24-037**
FROM: Ryan Foster, AICP, City Planner
DATE: 8/7/24
SUBJECT: Ageya Homestead 2024 Replat Preliminary Plat

Requested Action: Approval of a preliminary plat to divide 3 lots into 4 lots.

General Information:

Applicants:	Dee Dolese Community Property Trust 3705 Arctic Blvd Anchorage, AK 99503	Seabright Survey & Design 1044 East End Rd, Suite A Homer, AK 99603
	SW Florida Home Decoeur Retirement LLC PO Box 2941 Homer, AK 99603	
Location:	North of Skyline Drive and Arnold Avenue.	
Parcel ID:	17305241, 17305242, and 17305243	
Size of Existing Lot(s):	34.7 acres, 8 acres, and 33.7 acres	
Size of Proposed Lots(s):	32.384 acres, 13.840 acres, 6.844 acres, and 23.342 acres	
Zoning Designation:	Bridge Creek Watershed Protection District	
Existing Land Use:	Residential, Commercial, and Accessory Building	
Surrounding Land Use:	North: Vacant South: Vacant East: Vacant and Accessory Building West: Vacant	
Comprehensive Plan:	Goal 1: Objective A: Pattern of growth.	
Wetland Status:	Discharge slopes and depression are present.	
Flood Plain Status:	Not within a flood plain.	
BCWPD:	Within the Bridge Creek Watershed Protection District.	
Utilities:	City water and sewer are not present	
Public Notice:	Notice was sent to 15 property owners of 18 parcels as shown on the KPB tax assessor rolls.	

Analysis: This subdivision is outside the City of Homer boundary, but is within the Bridge Creek Watershed District. This plat divides three lots into four proposed lots:

- Lot 1-A: 32.384 acres
- Lot 2-A: 13.840 acres
- Lot 3-A: 6.844 acres
- Lot 3-B: 23.342 acres

Homer City Code 22.10.051 Easements and rights-of-way

- A. The subdivider shall dedicate in each lot of a new subdivision a 15-foot-wide utility easement immediately adjacent to the entire length of the boundary between the lot and each existing or proposed street right-of-way.

Staff Response: The plat meets this requirement. The plat notes a 20-foot utility easement.

- B. The subdivider shall dedicate in each lot of a new subdivision any water and/or sewer easements that are needed for future water and sewer mains shown on the official Water/Sewer Master Plan approved by the Council.

Staff Response: The plat meets these requirements. City sewer and water are not provided in the vicinity. No additional easements are needed.

- C. The subdivider shall dedicate easements or rights-of-way for sidewalks, bicycle paths or other non-motorized transportation facilities required by HCC 11.04.120.

Staff Response: The plat meets these requirements. No new street is being accepted by the City for maintenance.

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

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

Staff Response: The plat meets these requirements.

- B. North point;

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements.

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

Staff Response: The plat does meets these requirements.

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

Staff Response: The plat meets these requirements.

- G. Status of adjacent lands, including names of subdivisions, lot lines, lock numbers, lot numbers, rights-of-way; or an indication that the adjacent land is not subdivided;

Staff Response: The plat meets these requirements.

- H. Approximate location of areas subject to inundation, flooding or storm water overflow, the line of ordinary high water, wetlands when adjacent to lakes or non-tidal streams, and the appropriate study which identifies a floodplain, if applicable;

Staff Response: The plat meets these requirements.

- I. Approximate locations of areas subject to tidal inundation and the mean high water line;

Staff Response: The plat meets these requirements.

- J. Block and lot numbering per KPB 20.60.140, approximate dimensions and total numbers of proposed lots;

Staff Response: The plat meets these requirements.

- K. Within the limits of incorporated cities, the approximate location of known existing municipal wastewater and water mains, and other utilities within the subdivision and immediately abutting thereto or a statement from the city indicating which services are currently in place and available to each lot in the subdivision;

Staff Response: The plat meets these requirements. City water and sewer are not present in the vicinity.

- L. Contours at suitable intervals when any roads are to be dedicated unless the planning director or commission finds evidence that road grades will not exceed 6 percent on arterial streets, and 10 percent on other streets;

Staff Response: The plat meets these requirements. No roads are dedicated.

- M. Approximate locations of slopes over 20 percent in grade and if contours are shown, the areas of the contours that exceed 20 percent grade shall be clearly labeled as such;

Staff Response: The plat meets this requirement. The plat identifies areas over 20 percent grade.

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

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements.

Public Works Comments: Public Works reviewed the plats and responded that they did not have any comments.

City Planner Comments: It has come to the attention of Planning Staff that a Grant of Easement exists on properties associated with this preliminary plat. This Grant of Easement has been included as an attachment and should be considered whether this should be incorporated into this replat.

Staff Recommendation:

Planning Commission recommends approval of the preliminary plat with additional comments below.

1. Review the Grant of Easement on Book 0253 Page 684 and consider whether this should be incorporated into this replat.

Attachments:

1. Preliminary Plat
2. Surveyor's Letter
3. Public Notice
4. Aerial Map
5. Grant of Easement Recorded on Book 0253 Page 684

NOTES

1. A SETBACK OF 20' IS REQUIRED FROM ALL STREET FRONTAGES UNLESS A LEGISLATIVE PLANNING COMMISSION THE FRONT 10' ADJACENT TO RIGHTS-OF-WAY IS A UTILITY EASEMENT AND PLAT NO. PERMANENT STRUCTURES SHALL BE CONSTRUCTED OR PLACED WITH A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE SAID EASEMENT.

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

3. PROPERTY OWNERS SHOULD CONDUCT THE ARMY CORPS OF ENGINEERS PRIOR TO ANY ON-SITE DEVELOPMENT OR CONSTRUCTION ACTIVITY TO OBTAIN THE MOST CURRENT WETLAND DESIGNATION OF ANY PROPERTY LINES ARE RESPONSIBLE FOR OBTAINING ALL REQUIRED LOCAL, STATE, AND FEDERAL PERMITS.

4. NO STRUCTURES ARE PERMITTED WITHIN THE FLOODABLE PORTION OF THE FLAG LOTS.

5. LOTS WILL BE SERVED BY ON-SITE WATER AND SEWER.

6. THERE IS A 15' WIDE EASEMENT GRANTED TO HOA EXTENDING EASTERLY 464' 5/8" FROM THE POLY-303-04-0000, DATED THE WEST 1/2 OF THE SE 1/4 OF SEC. 1, T10S, R10E, TO HOA TRACTFORMER 303-04-0000.

LEGEND

1. FND 2.5' AC 1988-3 1998

UTILITY EASEMENT

APPROX. AREA DEPRESSION (DWP WETLANDS ASSESSMENT, KPM GIS)

APPROX. AREA DRAINAGE (DWP WETLANDS ASSESSMENT, KPM GIS)

APPROX. AREAS OF 30% SLOPE OR GREATER (DWP GIS)

WASTEWATER DISPOSAL

FORMER LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

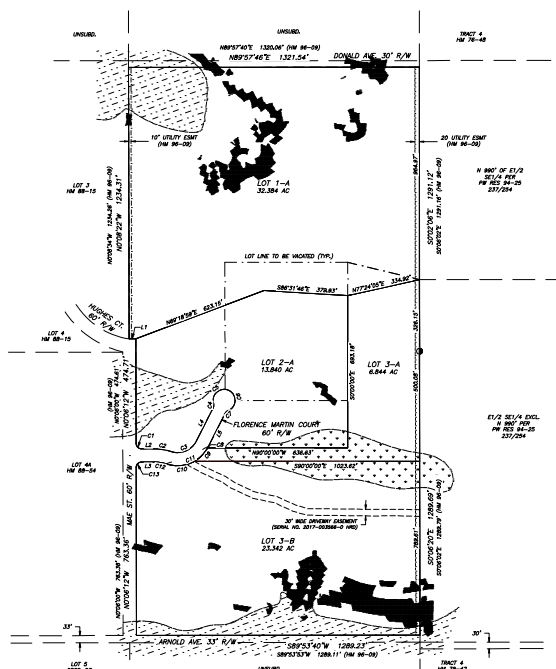
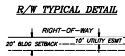
LINE #	LENGTH	BEARING
L1	30.23	89°54'40"
L2	60.10	280°20'30"
L3	68.88	280°20'30"
L4	171.10	328°43'10"
L5	171.10	328°43'10"

CURVE #	LENGTH	RADIUS	DELTA	CHL BEARING	CHL LENGTH
C1	38.23	25.00	89°54'40"	180°20'30"	38.23
C2	74.45	235.00	18°21'21"	180°43'24"	74.12
C3	136.11	85.30	81°48'40"	287°38'10"	124.81
C4	74.46	25.00	18°21'21"	327°31'00"	74.40
C5	67.28	85.00	71°28'07"	339°21'17"	62.80
C6	134.58	85.00	184°11'49"	373°21'17"	87.48
C7	74.45	25.00	18°21'21"	349°20'10"	74.40
C8	5.80	165.30	270°54'	107°46'42"	5.80
C9	85.20	165.30	37°28'28"	184°21'28"	84.16
C10	136.11	165.30	147°10'30"	184°21'28"	123.28
C11	281.80	165.30	81°48'40"	187°38'10"	263.40
C12	65.63	175.00	18°21'21"	180°43'24"	64.79
C13	38.23	25.00	89°54'40"	180°20'30"	38.23

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF _____ 2024.

BY: _____ AUTHORIZED OFFICIAL: _____ DATE: _____



CERTIFICATE OF OWNERSHIP

I HEREBY CERTIFY THAT SW FLORIDA HOME DECORATOR RETIREMENT TRUST IS THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON, THAT ON BEHALF OF SW FLORIDA HOME DECORATOR RETIREMENT TRUST I HEREBY ADOPT THIS PLAN OF SUBDIVISION, AND BY MY FINE CONSENT DEDICATE ALL RIGHTS OF WAY AND PUBLIC AREAS TO PUBLIC USE, AND GRANT ALL EASEMENTS TO THE USE SHOWN HEREON.

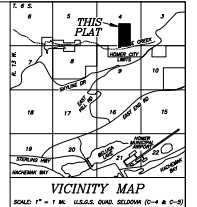
DAVID DECOUR, SOLE MEMBER
SW FLORIDA HOME DECORATOR RETIREMENT LLC
FINGER, AT 99003

NOTARY'S ACKNOWLEDGMENT

FOR: _____
ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2024.

NOTARY PUBLIC FOR ALASKA

MY COMMISSION EXPIRES: _____



CERTIFICATE OF OWNERSHIP

WE HEREBY CERTIFY THAT DEE-BOULEE COMMUNITY PROPERTY TRUST IS THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON, THAT ON BEHALF OF DEE-BOULEE COMMUNITY PROPERTY TRUST I HEREBY ADOPT THIS PLAN OF SUBDIVISION, AND BY OUR FINE CONSENT DEDICATE ALL RIGHTS OF WAY AND PUBLIC AREAS TO PUBLIC USE, AND GRANT ALL EASEMENTS TO THE USE SHOWN HEREON.

KENY MICHAEL GALE, TRUSTEE
DEE-BOULEE COMMUNITY TRUST
FINGER, AT 99003

PATRICIA DEE BOULEE, TRUSTEE
DEE-BOULEE COMMUNITY TRUST
FINGER, AT 99003

NOTARY'S ACKNOWLEDGMENT

FOR: _____
ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2024.

NOTARY PUBLIC FOR ALASKA

MY COMMISSION EXPIRES: _____

NOTARY'S ACKNOWLEDGMENT

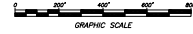
FOR: _____
ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2024.

NOTARY PUBLIC FOR ALASKA

MY COMMISSION EXPIRES: _____

HOMER RECORDING DISTRICT
KPM FILE NO. 2024-

AGEYA HOMESTEAD
2024 REPLAT
A SUBDIVISION OF LOTS 1, 2 & 3, AGEYA HOMESTEAD (ON 86-03), LOCATED IN THE 1/2 SE 1/4 SEC. 4, T. 8 S., R. 13 W., SEABRIGHT BOROUGH, KENAI PENINSULA BOROUGH, THIRD JUDICIAL DISTRICT, ALASKA.
CONTAINING 76.41 ACRES
SEABRIGHT SURVEY + DESIGN
KATHERINE A. KIRKIS, P.L.L.C.
1044 EAST END ROAD, SUITE A
HOMER, ALASKA 99603
(907) 239-1589
OWNER: DEE-BOULEE COMMUNITY PROPERTY TRUST
2706 BRITIS BULE, ANCHORAGE, AK 99503
SW FLORIDA HOME DECORATOR RETIREMENT LLC
P.O. BOX 2941, HOMER, AK 99603
DRAWN BY: KIC
CHECKED BY: KIC
DATE: 07/2024
SCALE: 1"=200'
SHEET #1 OF 1



SEABRIGHT SURVEY + DESIGN

Katherine A. Kirsis, P.L.S.

1044 East End Road Suite A

Homer, Alaska 99603

(907) 299-1580

seabrightz@yahoo.com

July 19, 2024

City of Homer

491 East Pioneer Ave

Homer, AK 99603

RE: Preliminary Submittal for "Ageya Homestead 2024 Replat"

Dear Planning Department,

We are pleased to submit the above referenced preliminary plat for your review on behalf the Dee-Dolese Community Property Trust & SW Florida Home DeCoeur Retirement, LLC. Included in this submittal packet you will find:

- 1 full size plat copy
- 1 11x17 plat copy
- Signed KPB plat submittal forms
- Check for \$400 plat review fee

In addition, we are emailing you a digital copy of the 11x17 plat.

Please let us know if there are any concerns or clarifications we can address.

Cordially,

Katherine A. Kirsis

Katherine A. Kirsis, PLS

Seabright Survey + Design

NOTICE OF SUBDIVISION

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

Proposed subdivision under consideration is described as follows:

Ageya Homestead 2024 Replat Preliminary Plat

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

A public meeting will be held by the Homer Planning Commission on Wednesday, August 7, 2024 at 6:30 p.m. In-person meeting participation is available in Cowles Council Chambers located downstairs at Homer City Hall, 491 E. Pioneer Ave., Homer, AK 99603. To attend the meeting virtually, visit zoom.us and enter the Meeting ID & Passcode listed below. To attend the meeting by phone, dial any one of the following phone numbers and enter the Webinar ID & Passcode below, when prompted: 1-253-215-8782, 1-669-900-6833, (toll free) 888-788-0099 or 877-853-5247.

Meeting ID: 979 8816 0903

Passcode: 976062

Additional information regarding this matter will be available by 5 p.m. on the Friday before the meeting. This information will be posted to the City of Homer online calendar page for August 2, 2024 at <https://www.cityofhomer-ak.gov/calendar>. It will also be available at the Planning and Zoning Office at Homer City Hall and at the Homer Public Library.

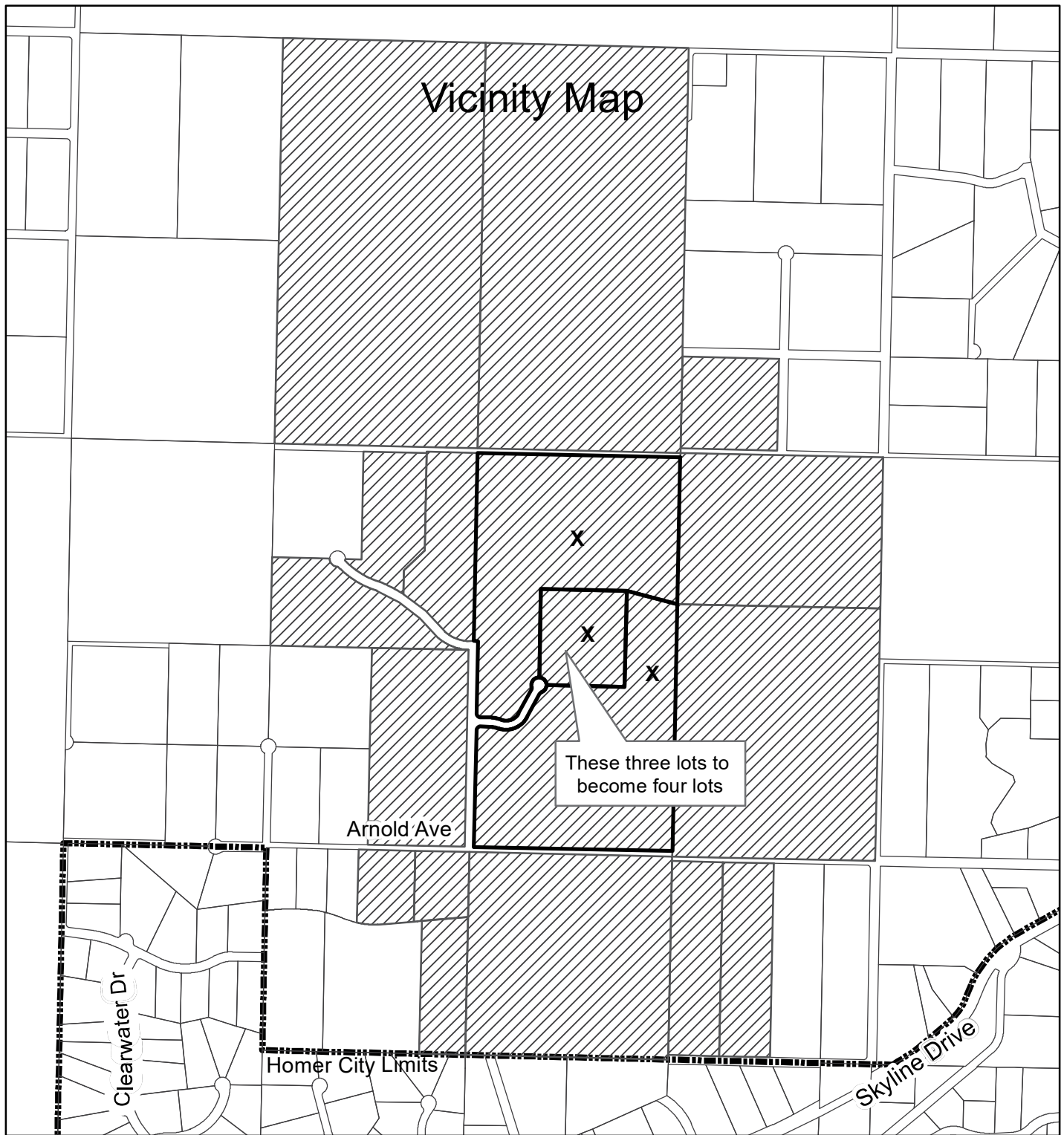
Written comments can be emailed to the Planning and Zoning Office at the address below, mailed to Homer City Hall at the address above, or placed in the Homer City Hall drop box at any time. Written comments must be received by 4 p.m. on the day of the meeting.

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

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

.....

VICINITY MAP ON REVERSE



City of Homer
Planning and Zoning Department

July 23, 2024

Ageya Homestead 2024 Replat Preliminary Plat

Marked lots are w/in 500 feet
and property owners notified.

0 250 500 1,000 1,500 2,000 Feet



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



Legend

Transportation

Mileposts

Roads

- Medium Collector
- Medium Volume - Unmaintained
- Medium Volume - Maintained
- Low / Seasonal
- Legal Trail
- Private
- State Hwy
- Platted / Proposed

Parcels and PLSS

Tax Parcels



9" Imagery

- Red: Red
- Green: Green
- Blue: Blue
- Red: Red
- Green: Green
- Blue: Blue
- Red: Red
- Green: Green

0 1000 2000 ft

NOTE: Every reasonable effort has been made to ensure the accuracy of these data. However, by accepting this material, you agree that the Kenai Peninsula Borough assumes no liability of any kind arising from the use of this data. The data are provided without warranty of any kind, either expressed or implied, including but not limited to time, money or goodwill arising from indemnify, defend, and hold harmless Kenai Peninsula Borough for any and all liability of any nature arising from the lack of accuracy or correctness of the data, or use of the data.

52

7/22/2024 3:15:16 PM

GRANT OF EASEMENT

THIS EASEMENT GRANT is made between Patricia Dolese (hereafter Grantor) whose address is 2517 Foraker Dr. Anchorage, Ak. 99517 and Jack and Eileen Hughes (hereafter Grantee) whose address is Box 1151 Homer, Ak. 99603. The parties acknowledge the following:

A. Grantor is the owner of two parcels of land described as follows and hereafter referred to as "Parcel 1":

**The SW 1/4 & NW 1/4 of the SE 1/4 of Section 4 T6S, R13W S.M. HRD
Third Judicial District, State of Alaska.**

B. Grantee is the owner of a parcel of land described as follows and hereafter described as "Parcel 2":

**Lot 3, Tall Country Estates, Homer Recording District, Third Judicial District,
State of Alaska.**

C. The Grantor grants and the Grantee receives an easement over, under and across that part of Parcel 1 described as follows and hereafter referred to as the "Easement":

The road shown on the attached map as Exhibit A where such road traverses Parcel 1 and the legal description of that road attached as Exhibit B. These Exhibits are incorporated herein by reference.

NOW for good and adequate consideration receipt for which is hereby acknowledged the following grants and agreements are made:

1. The Grantor hereby grants to Grantee, their heirs and assigns, as an easement appurtenant to Parcel 2, a perpetual easement over and across the Easement for the purpose of allowing access to Grantee's property.
2. Exclusive use of the Easement is not hereby granted, and the right to use the Easement is expressly reserved by the Grantor.
3. All provisions of this Grant of Easement run with the land and are binding upon and for the benefit of the heirs and assigns of the Grantor and the Grantee.

GRANTOR:

Patricia Dolese
Patricia Dolese : Dated 11-1-95

GRANTEE:

Eileen Hughes
Eileen Hughes: Dated 8/29/95

BOOK 0253 PAGE 685

Jack Hughes: Dated 5/23/95

STATE OF ALASKA)

THIRD JUDICIAL DISTRICT)

THIS IS TO CERTIFY that on this 1st day of November, 1995, before me the undersigned, a Notary Public in and for the State of Alaska, personally appeared Patricia Dolese known to me to be the person(s) who signed and executed the above document and acknowledged to me that (s)he signed and executed it freely and voluntarily for the uses and purposes therein mentioned.

IN WITNESS WHEREFORE, I have set my hand and seal the day and year hereinabove noted.

Grace M. Joiner
Notary Public in and for Alaska

My Commission Expires: 1-9-99



STATE OF ALASKA)

THIRD JUDICIAL DISTRICT)

THIS IS TO CERTIFY that on this 28th day of August, 1995, before me the undersigned, a Notary Public in and for the State of Alaska, personally appeared Jack and Eileen Hughes known to me to be the person(s) who signed and executed the above document and acknowledged to me that (s)he signed and executed it freely and voluntarily for the uses and purposes therein mentioned.

IN WITNESS WHEREFORE, I have set my hand and seal the day and year hereinabove noted.

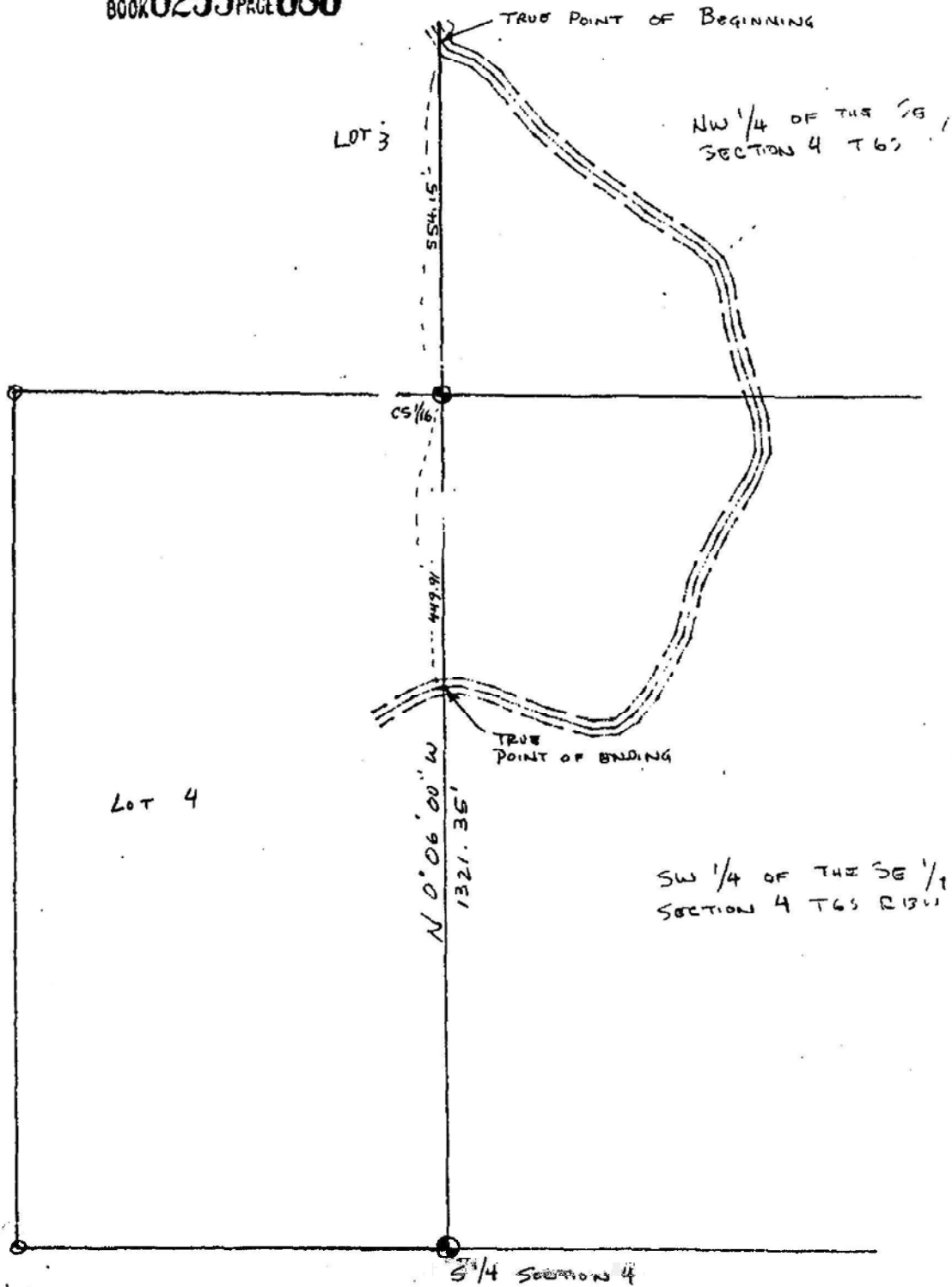
Katherine L. Lister
Notary Public in and for Alaska

My Commission Expires: 6/17/99



Return to:
Jack Hughes
P.O. Box 1151
HOMER, AK 99603

BOOK 0253 PAGE 686



Easement Description

Commencing at the CS 1/16 sec. 4 T6S R13W S.M., thence proceed N 0° 06' 00" W 554.15' to the TRUE POINT OF BEGINNING. From the TRUE POINT OF BEGINNING proceed S 34° 24' 29" E 22.54'; thence S 68° 53' 28" E 42.21'; thence S 52° 45' 50" E 39.45'; thence S 39° 26' 25" E 109.64'; thence S 50° 13' 16" E 69.22'; thence S 54° 11' 15" E 137.04'; thence S 57° 05' 36" E 93.93'; thence S 47° 57' 27" E 37.73'; thence S 21° 32' 15" E 43.04'; thence S 7° 57' 45" E 60.61'; thence S 14° 55' 44" E 61.27'; thence S 17° 27' 31" E 62.63'; thence S 18° 46' 35" E 26.74'; thence S 3° 50' 33" E 50.85'; thence S 23° 38' 30" W 51.49'; thence S 32° 16' 01" W 97.04'; thence S 24° 54' 39" W 81.29'; thence S 13° 05' 11" W 82.06'; thence S 28° 14' 02" W 104.87'; thence S 39° 08' 58" W 43.49'; thence S 56° 17' 40" W 31.24'; thence S 85° 54' 57" W 36.55'; thence N 74° 32' 29" W 73.43'; thence N 69° 02' 29" W 92.05'; thence N 75° 22' 44" W 50.02'; thence S 85° 47' 19" W 23.57' to the TRUE POINT OF ENDING; thence proceed S 0° 06' 00" E 871.44' to the S 1/4 Sec 4 T6S R13W S.M.

9 6-1 7 4 6
24-HOMER REG
DISTRICT
REQUESTED BY *Jack Hughes*

'96 MAY 24 AM 10 16

developing property inside of it to create a right-of-way along their property line, and questioned why the city doesn't have to follow the same rules.

Chair S. Smith closed the public comment period and opened the floor to questions and comments from the Commission.

Chair S. Smith referenced the letter from Steve Smith on page 39 of the packet. He highlighted a sentence in the second paragraph that read, "the project requires acquiring various properties to be put off limits for future development..." He shared that this sentence was a huge red flag for him, adding that he views it as playing with a partial deck of cards, and not really knowing what they're playing with. Acknowledging Mr. Arno's comments, Mr. Smith shared that he doesn't think the city should ask for exception to things that are going to require tax-payer funding.

Commissioner Barnwell stated that he thinks the city is jumping the gun by taking this piece of property. He added that he doesn't see the green infrastructure analysis to back it up. City Planner Foster reminded the Commission that they were to be discussing the merits plat consideration and any comments or recommendations the Commission might have for the Borough, not the validity of the project itself.

With no other questions posed, Chair S. Smith requested a motion and second.

SCHNEIDER/BARNWELL MOVED TO ADOPT STAFF REPORT 24-036 AND RECOMMEND APPROVAL OF THE STORM WATER WORKS TRACT ONE PRELIMINARY PLAT.

Commissioner Stark stated that this is a matter of due process and the Commission is responsible for looking at it that way. He added that all the issues raised will be investigated further in the next stage of the project.

VOTE: NON-OBJECTION: UNANIMOUS CONSENT.

Motion carried.

B. Staff Report 24-037, Ageya Homestead 2024 Replat, Preliminary Plat

Chair S. Smith introduced the item by reading of the title. City Planner Foster then provided a summary of his report included in the packet. Mr. Foster noted that this plat is outside of Homer City limits, but is within the Bridge Creek Watershed Protection District, which is why the Commission is taking a look at it.

Chair S. Smith then opened the floor for the applicant. Katie Kirsis, with Seabright Survey + Design, stated that it was a pretty straight-forward application and made herself available for questions.

Chair S. Smith opened the floor for public comments. There were none.

Chair S. Smith then opened the floor for questions and comments from the Commission.

Commissioner H. Smith asked Ms. Kirsis if she had reviewed the easement information, and if she would be comfortable with the Commissioner including the easement information along with what they send to the Borough. Ms. Kirsis stated that she would need to review it in depth, but that they are planning on granting shared private access easements across some of those existing driveways shown. She added that private access easements aren't typically shown on plats.

With no other comments or questions from the Commission, Chair S. Smith requested a motion and second.

H. SMITH/BARNWELL MOVED TO ADOPT STAFF REPORT 24-037 AND RECOMMEND APPROVAL OF THE AGEYA HOMESTEAD 2024 REPLAT PRELIMINARY PLAT WITH THE FOLLOWING COMMENT: 1. REVIEW THE GRANT OF EASEMENT ON BOOK 0253 PAGE 684 AND CONSIDER WHETHER THIS SHOULD BE INCORPORATED INTO THIS REPLAT.

Chair S. Smith asked for clarification on what “Book 0253 Page 684” was referencing. Ms. Kirsis explained that it’s the recording number for the document for the State of Alaska. She added that this area has a history of old trails that were used by different parties, rights-of-way were dedicated and easements were vacated and use was changed.

VOTE: NON-OBJECTION: UNANIMOUS CONSENT.

Motion carried.

C. Staff Report 24-038, Ekers Estate No. 3 Tract A-1 2024 Replat, Preliminary Plat

Chair S. Smith introduced the item by reading of the title. City Planner Foster then provided a summary of his report included in the packet.

Chair S. Smith then opened the floor for the applicant. Katie Kirsis, with Seabright Survey + Design, stated that this was a pretty straight-forward application. She noted that there are some steep slopes affecting this property. She added that an application/waiver for a setback to steep slopes for the proposed septic system for the upper lot has been conditionally approved by the Department of Environmental Conservation.

Chair S. Smith opened the floor for public comments. There were none.

Chair S. Smith then opened the floor for questions and comments from the Commission.

Commissioner H. Smith asked Ms. Kirsis how much of the new subdivision would be 20% or more on grade. Ms. Kirsis informed Mr. Smith that all of the shaded areas on the map were 20% or more on grade.

H. SMITH/SCHNEIDER MOVED TO ADOPT STAFF REPORT 24-038 AND RECOMMEND APPROVAL OF THE EKERS ESTATE NO. 3 TRACT A-1 2024 REPLAT PRELIMINARY PLAT.

There was no discussion.

VOTE: NON-OBJECTION: UNANIMOUS CONSENT.

Motion carried.

PENDING BUSINESS

NEW BUSINESS

A. Review of Capital Improvement Plan with Jenny Carroll, Special Projects Coordinator

INFORMATIONAL MATERIALS

NOTES

1. A SETBACK OF 20' IS REQUIRED FROM ALL STREET RIGHT-OF-WAYS UNLESS A LESSER STANDARD IS APPROVED BY THE APPLICABLE PLANNING COMMISSION. THE FRONT 10' ADJACENT TO RIGHTS-OF-WAY IS A UTILITY EASEMENT GRANTED TO THIS FLAT. NO PERMANENT STRUCTURES SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE SAID EASEMENT.
2. ALL WASTEWATER DISPOSAL SYSTEMS SHALL COMPLY WITH EXISTING APPLICABLE LAWS AT THE TIME OF CONSTRUCTION.
3. PROPERTY OWNER SHOULD CONTACT THE ARMY CORPS OF ENGINEERS PRIOR TO ANY ON-SITE DEVELOPMENT OR CONSTRUCTION ACTIVITY TO OBTAIN THE MOST CURRENT WETLAND DESIGNATION (IF ANY). PROPERTY OWNERS ARE RESPONSIBLE FOR OBTAINING ALL REQUIRED LOCAL, STATE AND FEDERAL PERMITS.
4. NO STRUCTURES ARE PERMITTED WITHIN THE FLOODABLE PORTION OF THE (FLOOD LOTS).
5. LOTS ARE OR WILL BE SERVED BY ONSITE WATER AND SEWER.
6. THERE IS A 15' WIDE EASEMENT GRANTED TO HEA EXISTING EASTERLY 484' W/4 FROM HEA POLE #13-04-008, ONTO THE WEST 1/2 OF THE SE 1/4 OF SEC. 4, T25S, R13W, NEA TRANSFORMER #13-04-008, RECORDED BK 245 PG 740 HRS.
7. THERE IS AN ACCESS EASEMENT GRANTED TO THE OWNER OF LOT 3 AND COUNTRY ESTATES (FM 88-15) THAT AFFECTS THIS SUBDIVISION, RECORDED BK 250 PG 740 HRS.
8. THERE IS AN EGRESS EASEMENT RECORDED BK 238 PG 411 HRS.
9. THERE IS A TEMPORARY EASEMENT AGREEMENT (EXP. 08/23/2025) THAT AFFECTS THIS SUBDIVISION, RECORDED BK 250 PG 740 HRS.
10. THERE IS A 10' WIDE UTILITY EASEMENT GRANTED TO HOMER ELECTRIC ASSOCIATION, INC. RECORDED #2008-00423-0 HRS.
11. THERE IS AN EASEMENT & AGREEMENT FOR A 6' WIDE PEDESTRIAN TRAIL OVER THE N 80% OF THE E1/2 SEC 1/4 NW FM 882 94-25 HRS, GRANTED TO LOT 1 ADENA HOMESTEAD (FM 96-08), RECORDED #2017-001438-0 HRS.
12. THERE IS A 30' DRIVEWAY EASEMENT THAT AFFECTS THIS SUBDIVISION, RECORDED #2017-002589-0 HRS & AMENDED BY #2017-002589-0 HRS.

LEGEND

- ① END 2.5' AC 7948-5 1996
- UTILITY EASEMENT
- APPROX. AREA DEPRESSION (KWP WETLANDS ASSESSMENT, KPB GIS)
- APPROX. AREA DISCHARGE SLOPE (KWP WETLANDS ASSESSMENT, KPB GIS)
- APPROX. AREAS OF 20% SLOPE OR GREATER (KPB GIS)

LINE TABLE		
LINE #	LENGTH	BEARING
L1	35.04'	S89°35'39"W
L2	80.18'	S89°55'49"W
L3	38.89'	S89°10'19"W
L4	175.10'	S28°47'39"W
L5	175.10'	S28°47'39"W

CURVE TABLE				
CURVE #	LENGTH	RADIUS	DELTA	CH. BEARING
C1	39.23'	25.00'	89°54'45"	N89°53'39"W
C2	74.45'	230.00'	18°32'51"	N89°43'34"W
C3	136.11'	85.30'	81°48'42"	S87°38'00"W
C4	18.69'	25.00'	42°50'00"	S51°18'54"W
C5	87.28'	30.00'	111°28'00"	S39°21'17"W
C6	124.56'	50.00'	154°11'49"	S7°32'41"E
C7	18.69'	25.00'	42°50'00"	S49°18'54"W
C8	1.60'	155.38'	2°00'34"	N87°49'52"E
C9	83.22'	155.38'	31°32'28"	N44°32'28"E
C10	130.83'	155.38'	48°18'08"	N44°23'47"E
C11	221.80'	155.38'	81°48'42"	N47°30'00"E
C12	35.03'	170.00'	18°32'32"	N89°43'35"W
C13	28.32'	25.00'	80°08'18"	N44°56'32"E

R/W TYPICAL DETAIL

RIGHT-OF-WAY
20' BLVD SETBACK
15' UTILITY EASEMENT



Please depict this easement on the final plat. This sketch depicts the location of the underground electric line from pole 13-04-008 to transformer 13-04-009.



WASTEWATER DISPOSAL

FORMER LOTS 1, 2 & 3 (PER FM 96-08):
SOIL CONDITIONS IN THIS SUBDIVISION HAVE BEEN FOUND UNSUITABLE FOR CONVENTIONAL ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEMS. PLANS SHOWING A SUITABLE ALTERNATE WASTEWATER DISPOSAL SYSTEM THAT COULD BE USED ON LOTS IN THIS SUBDIVISION ARE EXCLUDED BY THE ENGINEER'S SUPERVISION AND SHALL REMAIN THE RESPONSIBILITY OF THE OWNER. PENINSULA BOROUGH ALL ALTERNATE ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEMS MUST BE APPROVED FOR THE SPECIFIC INSTALLATION BY A QUALIFIED ENGINEER REGISTERED TO PRACTICE IN ALASKA, AND THE DESIGN MUST BE APPROVED BY THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION PRIOR TO CONSTRUCTION.

LOTS 1-A, 2-A, 3-A & 3-B:
LOTS WHICH ARE AT LEAST 20,000 SQUARE FEET IN SIZE MAY NOT BE SUITABLE FOR ONSITE WASTEWATER TREATMENT AND DISPOSAL. ANY WASTEWATER TREATMENT OR DISPOSAL SYSTEM MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF _____ 2024

BY: _____
AUTHORIZED OFFICIAL
KENAI PENINSULA BOROUGH

DATE

CERTIFICATE OF OWNERSHIP

I HEREBY CERTIFY THAT SW FLORIDA HOME DECORUP RETIREMENT LLC IS THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON. THAT ON BEHALF OF SW FLORIDA HOME DECORUP RETIREMENT LLC I HEREBY ADAPT THIS PLAN OF SUBDIVISION, AND BY MY FREE CONSENT DEEDGATE ALL RIGHTS OF WAY AND PUBLIC AREAS TO PUBLIC USE, AND GRANT ALL EASEMENTS TO THE USE SHOWN HEREON.

DAVID DECORUP, SOLE MEMBER
SW FLORIDA HOME DECORUP RETIREMENT LLC
P.O. BOX 2841
HOMER, AK 99603

FORMER LOT 1

NOTARY'S ACKNOWLEDGMENT

FOR:
ACKNOWLEDGED BEFORE ME THIS
DAY OF _____, 2024.

NOTARY PUBLIC FOR ALASKA

MY COMMISSION EXPIRES _____

CERTIFICATE OF OWNERSHIP

I HEREBY CERTIFY THAT THE KENAI PENINSULA COMMUNITY PROPERTY TRUST IS THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON. THAT ON BEHALF OF THE KENAI PENINSULA COMMUNITY PROPERTY TRUST WE HEREBY ADAPT THIS PLAN OF SUBDIVISION, AND BY OUR FREE CONSENT DEEDGATE ALL RIGHTS OF WAY AND PUBLIC AREAS TO PUBLIC USE, AND GRANT ALL EASEMENTS TO THE USE SHOWN HEREON.

KEVIN MICHAEL DEE, TRUSTEE
DEE-GOLESE COMMUNITY TRUST
3705 ARCTIC BLVD
ANCHORAGE, AK 99503

FORMER LOTS 2 & 3

KEVIN MICHAEL DEE, TRUSTEE
DEE-GOLESE COMMUNITY TRUST
3705 ARCTIC BLVD
ANCHORAGE, AK 99503

FORMER LOTS 4 & 5

NOTARY'S ACKNOWLEDGMENT

FOR:
ACKNOWLEDGED BEFORE ME THIS
DAY OF _____, 2024.

NOTARY PUBLIC FOR ALASKA

MY COMMISSION EXPIRES _____

NOTARY'S ACKNOWLEDGMENT

FOR:
ACKNOWLEDGED BEFORE ME THIS
DAY OF _____, 2024.

NOTARY PUBLIC FOR ALASKA

MY COMMISSION EXPIRES _____



GRAPHIC SCALE

KP8 2024-088

E. NEW BUSINESS

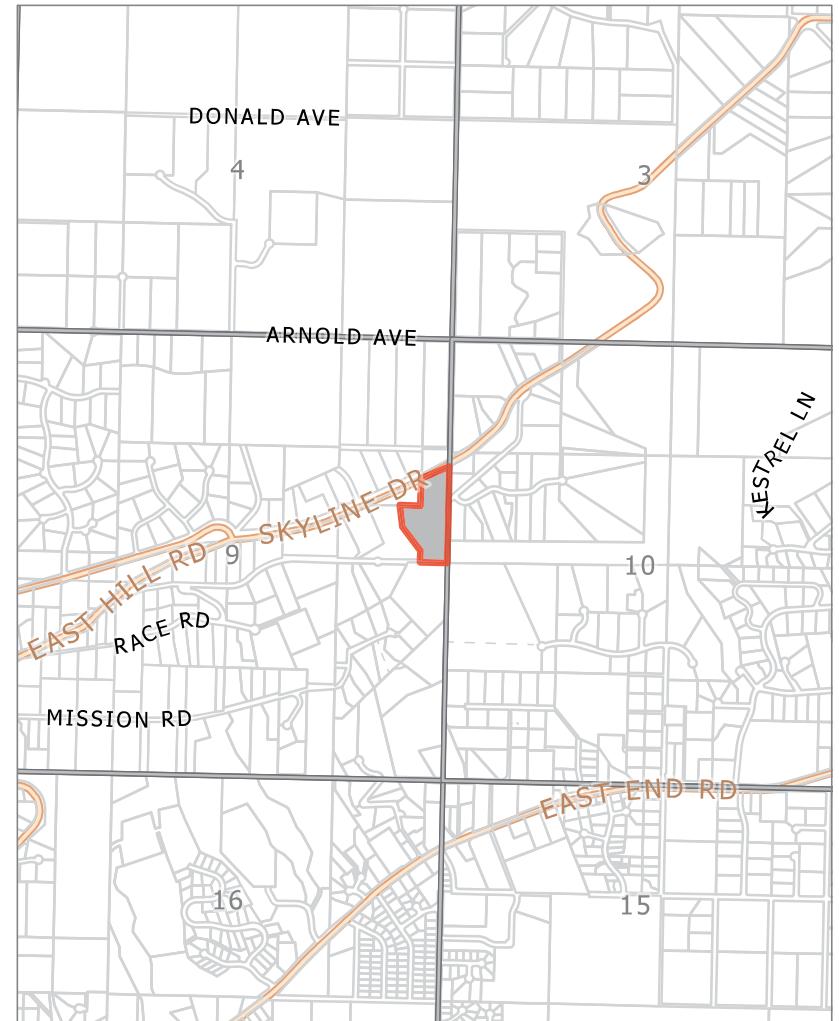
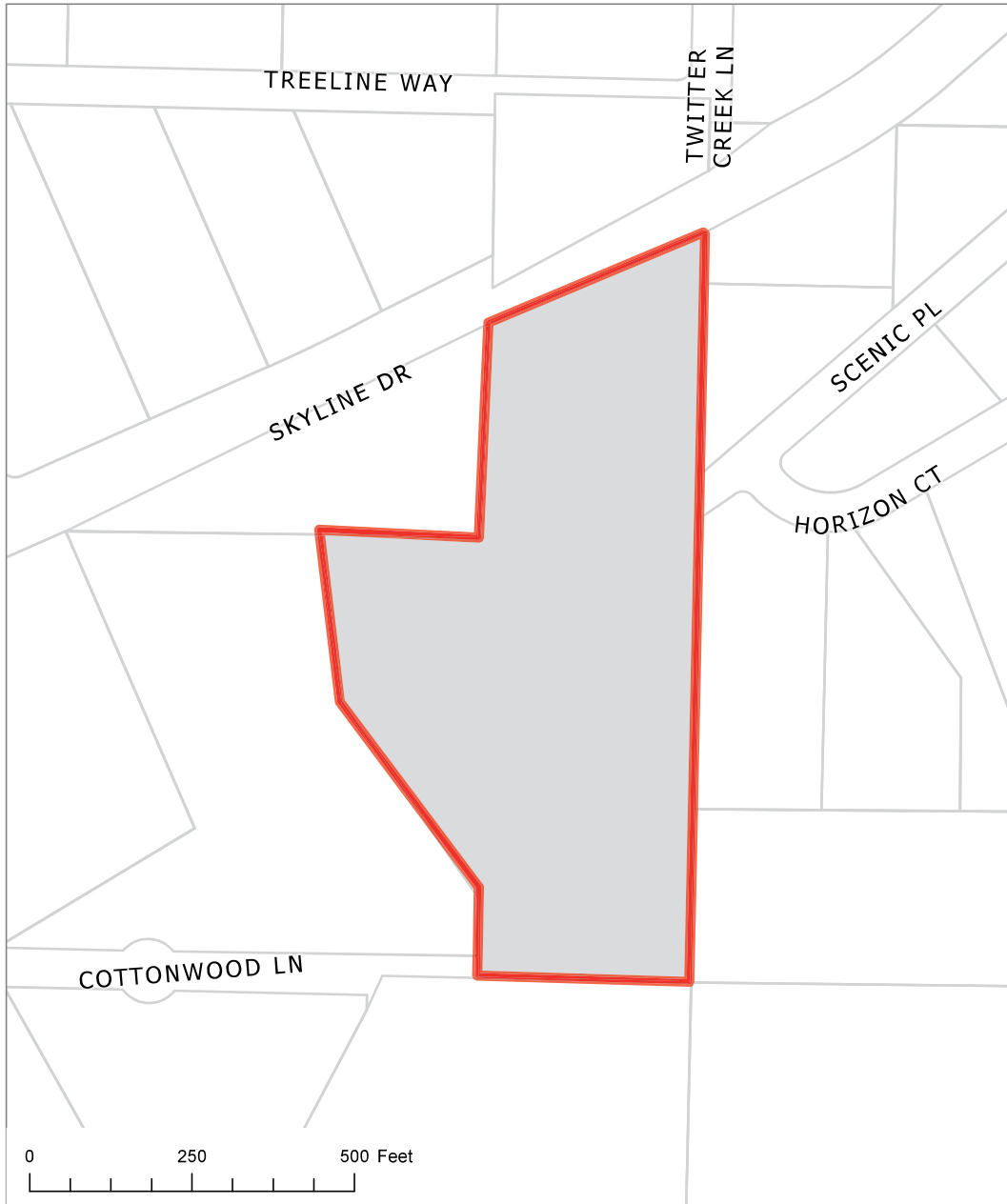
2. Eker Estates No. 3 Tract A-1 2024 Replat

KPB File 2024-089

Seabright Surveying / Weichhand, Van Sandt

Location: Skyline Drive, Scenic Place & Cottonwood Lane

City of Homer



KPB File 2024-089
T 06S R 13W SEC 09
City of Homer



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

NOTES

1. THE FRONT 15' ALONG THE RIGHT-OF-WAY AND THE 5' ADJACENT TO SIDE LOT LINES IS A UTILITY EASEMENT. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN AN EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
2. DEVELOPMENT OF THESE LOTS IS SUBJECT TO THE CITY OF HOMER ZONING REGULATIONS. REFER TO HOMER CITY CODE FOR ALL CURRENT SETBACK AND SITE DEVELOPMENT RESTRICTIONS. OWNERS SHOULD CHECK WITH THE CITY OF HOMER PRIOR TO DEVELOPMENT ACTIVITIES.
3. LOTS ARE SERVED BY ONSITE WATER AND SEWER.
4. NO ACCESS TO STATE MAINTAINED RIGHTS-OF-WAY PERMITTED UNLESS APPROVED BY THE STATE OF ALASKA DEPARTMENT OF TRANSPORTATION.
5. PORTIONS OF THE SUBJECT LOTS MAY BE SUBJECT TO WETLAND REGULATIONS. OWNERS SHOULD CONSULT THE ARMY CORPS OF ENGINEERS PRIOR TO ANY DEVELOPMENT ACTIVITY IN WETLANDS.
6. KPB PLAT COMMITTEE GRANTED AN EXCEPTION TO KPB 20.20.030 (EXTENSION OF SCENIC PLACE AND EXTENDING RIGHT-OF-WAY) TO THE 25-ACRE LANDLOCKED PARCEL AT THE SOUTHEASTERN CORNER OF TRACT A-1 (NM 2010-58).
7. KPB PLAT COMMITTEE GRANTED AN EXCEPTION TO KPB 20.20.160 (MINIMUM (ELOC LENGTH)), ON THE MEETING OF JULY 19, 2010 (NM 2010-58).
8. THE EXISTING PAVED CENTERLINE IS APPROXIMATELY 2.2' SOUTHEASTERLY OF THE PLATED CENTERLINE (NM 2010-58).
9. ACCEPTANCE OF THIS PLAT DOES NOT CONSTITUTE ACCEPTANCE OF ANY ENCROACHMENTS BY EITHER THE CITY OF HOMER OR THE KENAI PENINSULA BOROUGH.

LEGEND

- 1 FND 5/6" REBAR
- 2 FND 1.5" PLASTIC CAP 7614-S
- 3 FND 2" AC 1301-S 9990
- 15' UTILITY ESMI
- 20' BUILDING SETBACK
- SECTION LINE EASEMENT
- APPROX. AREAS OF 20% SLOPE OR GREATER (KPB 85 & 2024 TOPO SURVEY)

WASTEWATER DISPOSAL

- LOT 1: 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. AN ENGINEER'S SUBDIVISION AND SOILS REPORT IS AVAILABLE FROM THE KENAI PENINSULA BOROUGH. ANY OTHER TYPE OF ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEM MUST BE DESIGNED BY A QUALIFIED ENGINEER, REGISTERED TO PRACTICE IN ALASKA, AND THE DESIGN MUST BE APPROVED BY THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.
- LOT 2: WHICH IS AT LEAST 200,000 SQUARE FEET IN SIZE MAY NOT BE SUITABLE FOR ONSITE WASTEWATER TREATMENT AND DISPOSAL. ANY WASTEWATER TREATMENT OR DISPOSAL SYSTEM MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

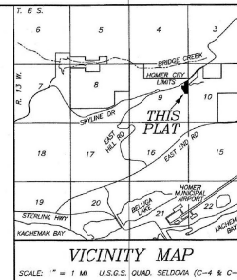
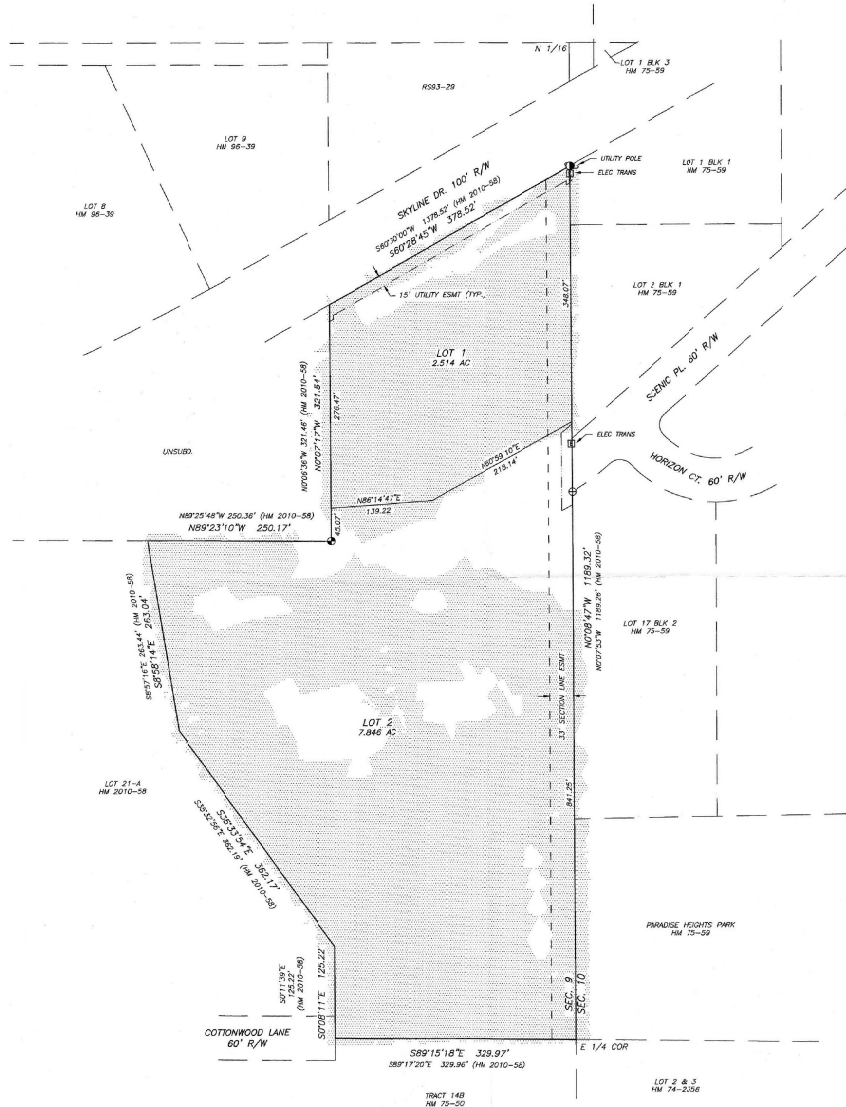
ENGINEER LICENSE NO. DATE

PLAT APPROVAL

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

BY: AUTHORIZED OFFICIAL DATE
KENAI PENINSULA BOROUGH

KPB 2024-089



CERTIFICATE OF OWNERSHIP

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

KURT WEICHARD
6855 SCENIC PLACE
HOMER, AK 99603

BETH VAN SANDT
6855 SCENIC PLACE
HOMER, AK 99603

NOTARY'S ACKNOWLEDGMENT

FOR: ACKNOWLEDGED BEFORE ME THIS
DAY OF , 2024

NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES

NOTARY'S ACKNOWLEDGMENT

FOR: ACKNOWLEDGED BEFORE ME THIS
DAY OF , 2024

NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES

HOMER RECORDING DISTRICT KPB FILE NO. 2024-

EKER ESTATES NO. 3 TRACT A-1 2024 REPLAT

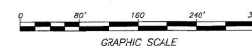
A SUBDIVISION OF TRACT A-1 EKER ESTATES NO. 3 REPLAT 2010 (NM 2010-58), LOCATED IN THE E1/2 SE1/4 NE1/4 SEC. 9, T. 4 S., R. 13 W., SEWARD MERIDIAN, WITHIN THE CITY OF HOMER, KENAI PENINSULA BOROUGH, THIRD JUDICIAL DISTRICT, ALASKA

CONTAINING 10.360 ACRES

SEABRIGHT SURVEY + DESIGN
KATHERINE A. KIRSIS, P.L.S.
1044 EAST END ROAD, SUITE A
HOMER, ALASKA 99603
(907) 799-1584

CLIENTS: KURT WEICHARD & BETH VAN SANDT
6855 SCENIC PL. HOMER, AK 99603

DRAWN BY: KK CHECK BY: KK JOB #2024-04
DATE: 08/20/2024 SCALE: 1"=80' SHEET #1 OF 1



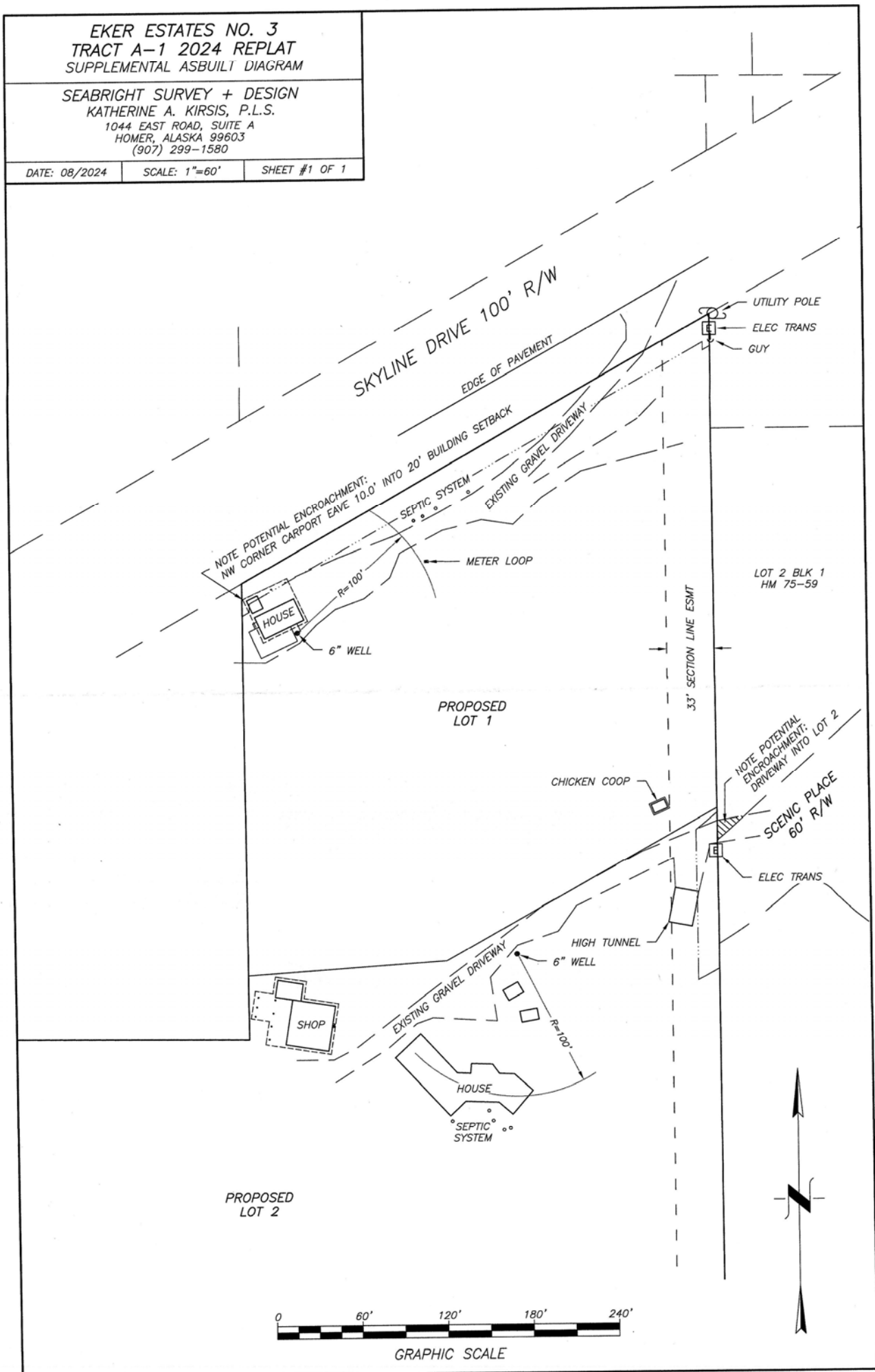
EKER ESTATES NO. 3
TRACT A-1 2024 REPLAT
SUPPLEMENTAL ASBUILT DIAGRAM

SEABRIGHT SURVEY + DESIGN
KATHERINE A. KIRSIS, P.L.S.
1044 EAST ROAD, SUITE A
HOMER, ALASKA 99603
(907) 299-1580

DATE: 08/2024

SCALE: 1"=60'

SHEET #1 OF 1



AGENDA ITEM E. NEW BUSINESS

ITEM #2 - PRELIMINARY PLAT
EKER ESTATES NO. 3 TRACT A-1 2024 REPLAT

KPB File No.	2024-089
Plat Committee Meeting:	September 9, 2024
Applicant / Owner:	Kurt Weichhand & Beth Ann Van Sandt of Homer, AK
Surveyor:	Katherine A. Kirsis / Seabright Survey & Design
General Location:	Skyline Drive, Scenic Place & Cottonwood Lane, City of Homer
Parent Parcel No.:	174-051-27
Legal Description:	T 6S R 13W SEC 9 Seward Meridian HM 2010058 EKER ESTATE NO 3 REPLAT 2010 TRACT A-1
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	Onsite / Onsite
Exception Request	None Requested

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide a 10.37-acre parcel into two lots ranging in size from 2.514 acres to 7.846 acres.

Location and Legal Access (existing and proposed):

Legal access to Lot 1 is provided by Skyline Drive to the north. Scenic Place to the east, and Cottonwood Lane to the west, provide access to Lot 2. Scenic Place is a constructed 60-foot-wide dedication which connects to Skyline Drive to the north. Cottonwood Lane is a partially constructed 60-foot-wide dedication that connects to East Hill Road. East Hill Road a 60 foot dedication and Skyline Drive a 100 foot dedication are both state maintained roads while the rest are maintained by the City of Homer.

A section line abuts the subdivision to the east, with a 33-foot easement located on the east and west sides of the section line. The sections are noted, but the section line easements need to be verified and shown on the drawing.

There are no dedications or vacations proposed with this platting action.

At plat note #6 it is noted that an exception to KPB 20.20.030 Extension of Scenic Place and extending the right-of-way to the 25-acre landlocked parcel at the southeastern corner of Tract A-1 (HM 201-58) was granted. **Staff recommends** the Plat Committee concur this exception shall be carried forward and can remain on the plat as noted.

The block length is non-compliant. An exception to KPB 20.20.160 Maximum Block Length is note at plat note #7 being carried forward from Eker Estates No. 3 Replat 2010 HM 2010-58. **Staff recommends** the Plat Committee concur this exception shall be carried forward and can remain on the plat as noted.

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

KPB Roads Dept. comments	Out of Jurisdiction: Yes Roads Director: Griebel, Scott Comments: Within the city of Homer. No RSA comment or objections.
SOA DOT comments	No comments

Site Investigation:

Multiple structures are depicted on the supplemental asbuilt diagram. The high tunnel depicted on Lot 2 is indicated as being located into the 33-foot section line easement. **Staff recommends** *It is noted to the land owner their responsibility to remove the high tunnel for future potential use of the section line easement by a utility company or government entity.*

Also shown on the supplemental asbuilt diagram in the northwest corner is a possible carport eave encroachment. The building setback is subject to the City of Homer Zoning Regulations and will need to be verified with the City of Homer Zoning Department.

There is steep terrain shown on the plat with grades over 25% shaded. **Staff recommends** *the shading to be shown on the final submittal.*

This plat is located inside the City of Homer, the City of Homer is considered an independent community by the National Flood Insurance Program (NFIP) and is not within the jurisdiction of the KPB Floodplain Management Program, no review was given for floodplain review by the KPB River Center. Homer administers their own floodplain management programs. For information on the flood plain regulations and required permits in Homer, please contact the Homer Planning Department at 907-235-3106 or at planning@ci.homer.ak.us. The City of Homer did not identify the plat as being in a flood plain or having wetlands on it. The city also did not identify the plat as being in the Bridge Creek Watershed Protection District.

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

Staff Analysis

Originally the land was an aliquot part of the NE1/4 of Section 9, Township 6 South, Range 13 West, SM City of Homer, Kenai Peninsula Borough, Alaska. Then the subdivision Eker Estates, HM 90-43 subdivided the land. Lot 21 was added to the parcel to the east and redivided into Lot 21-A and Tract A-1 by Eker Estates No. 3 Replat 2010, HM 2010-58. The proposed subdivision will replat Tract A-1 into Lot 1 and Lot 2.

City of Homer stated that City water and sewer are not present at this site location. A soils report will be required and an engineer will sign the final plat for Lot 1. Lot 2 will not need a soils report as it is over 200,000 sq ft.

The surveyor included locations of structures on the supplemental asbuilt diagram. This plat is governed by the City of Homer zoning requirements and is noted on the plat as note number 2. The high tunnel depicted on Lot 2 demonstrates an encroachment into the 33-foot section line easement.

Staff recommends *It is the responsibility of the owner to remove the high tunnel for future potential use of the section line easement.*

Per the preliminary Certificate to Plat, beneficial interest holders do not affect the proposed plat. Notification per KPB 20.10.100 will not be required unless the final Certificate to Plat states the property is affected by beneficial interest holders.

The plat is located inside the City of Homer and was presented to the Homer Planning Commission at their August 7, 2024 meeting. The commission reviewed and approved with a unanimous vote of consent to recommend approval of the preliminary plat of Ekers Estate No 3 Tract A-1 2024 Replat for presenting to the KPB Platting Committee.

Utility Easements

Eker Estates, HM 90-43, granted a utility easement within the front 10-feet of the setback line abutting rights-of-way. The City of Homer requires a 15 foot utility easement which shall override the 10 foot easement. Plat note #1 makes note of the 15 foot easement and it is also graphically shown on the drawing. the 15 foot utility easement should be added in the southwest near Cottonwood Lane.

The affected utility providers were emailed the subdivision plat public hearing notice as part of the routine notification process, to date all replies have been of no comment or acceptable as submitted. **Staff recommends** to grant utility easements requested by any utility provider or work with the utility providers to obtain approval.

Utility Provider Review:

HEA	No comments
ENSTAR	No comments or recommendations
ACS	
GCI	No comments

KPB Department / Agency Review:

Addressing	Reviewer: Leavitt, Rhealyn Affected Addresses: 1979 SKYLINE DR, 5655 SCENIC PL Existing Street Names are Correct: No List of Correct Street Names: SKYLINE DR, SCENIC PL, HORIZON CT, COTTONWOOD LN Existing Street Name Corrections Needed: All New Street Names are Approved: No List of Approved Street Names: List of Street Names Denied: Comments: CITY OF HOMER WILL ADVISE ON ADDRESSING
Code Compliance	Reviewer: Ogren, Eric Comments: No comments
Planner	Reviewer: Raidmae, Ryan There are not any Local Option Zoning District issues with this proposed plat. Material Site Comments: There are not any material site issues with this proposed plat. Review Not Required
Assessing	Reviewer: Windsor, Heather Comments: No comment

STAFF RECOMMENDATIONS

CORRECTIONS / EDITS

- In the Certificate of Ownership, Include Owner's middle name, "Beth Ann Van Sandt" to reflect KPB records and the certificate to plat.
- Include the Plat Approval date of September 9, 2024.

PLAT NOTES TO ADD

- Add reference to the document in Bk 201 Pg 374 as referenced in the CTP at #10
- Add a plat note indicating, "The borough will not enforce private covenants, easements, or deed restrictions per KPB 20.60.170(B)

KPB 20.25.070 – Form and contents required

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

- A. Within the Title Block
1. Name of the subdivision which shall not be the same as an existing city, town, tract, or subdivision of land in the borough, of which a plat has been previously recorded, or so nearly the same as to mislead the public or cause confusion. The parent plat's name shall be the primary name of the preliminary plat.
 2. Legal description, location, date, and total area in acres of the proposed subdivision;
 3. Name and address of owner(s), as shown on the KPB records and the certificate to plat, and registered land surveyor.
- Staff recommendation:**
Include Owner's middle name, "Beth Ann Van Sandt" to reflect KPB records and the certificate to plat.
Modify the KPB File no to 2024-089
- C. The location, width, and name of existing or platted streets and public ways, railroad rights-of-way, and other important features such as section lines or political subdivisions or municipal corporation boundaries abutting the subdivision;
- Staff recommendation:**
Correctly depict Cottonwood Lane to the southwest
Label Treeline Way to the north
Label the section line easements in all places applicable.
- D. A vicinity map, drawn to scale showing location of proposed subdivision, north arrow if different from plat orientation, township and range, section lines, roads, political boundaries, and prominent natural and manmade features, such as shorelines or streams;
- Staff recommendation:**
Add Cottonwood Lane to vicinity map
- F. The location, width and name of existing and platted streets and public ways, railroad rights-of-way, easements, and travel ways existing and proposed, within the subdivision;
- Staff recommendation:**
Add the 15' utility easement to near Cottonwood Lane on the plat.
-

KPB 20.30 – Subdivision Design Requirements

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

KPB 20.40 – Wastewater Disposal

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

20.40.010 Wastewater disposal.

Platting Staff Comments:

Staff recommendation: comply with 20.40.

KPB 20.60 – Final Plat

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

RECOMMENDATION:

STAFF RECOMMENDS:

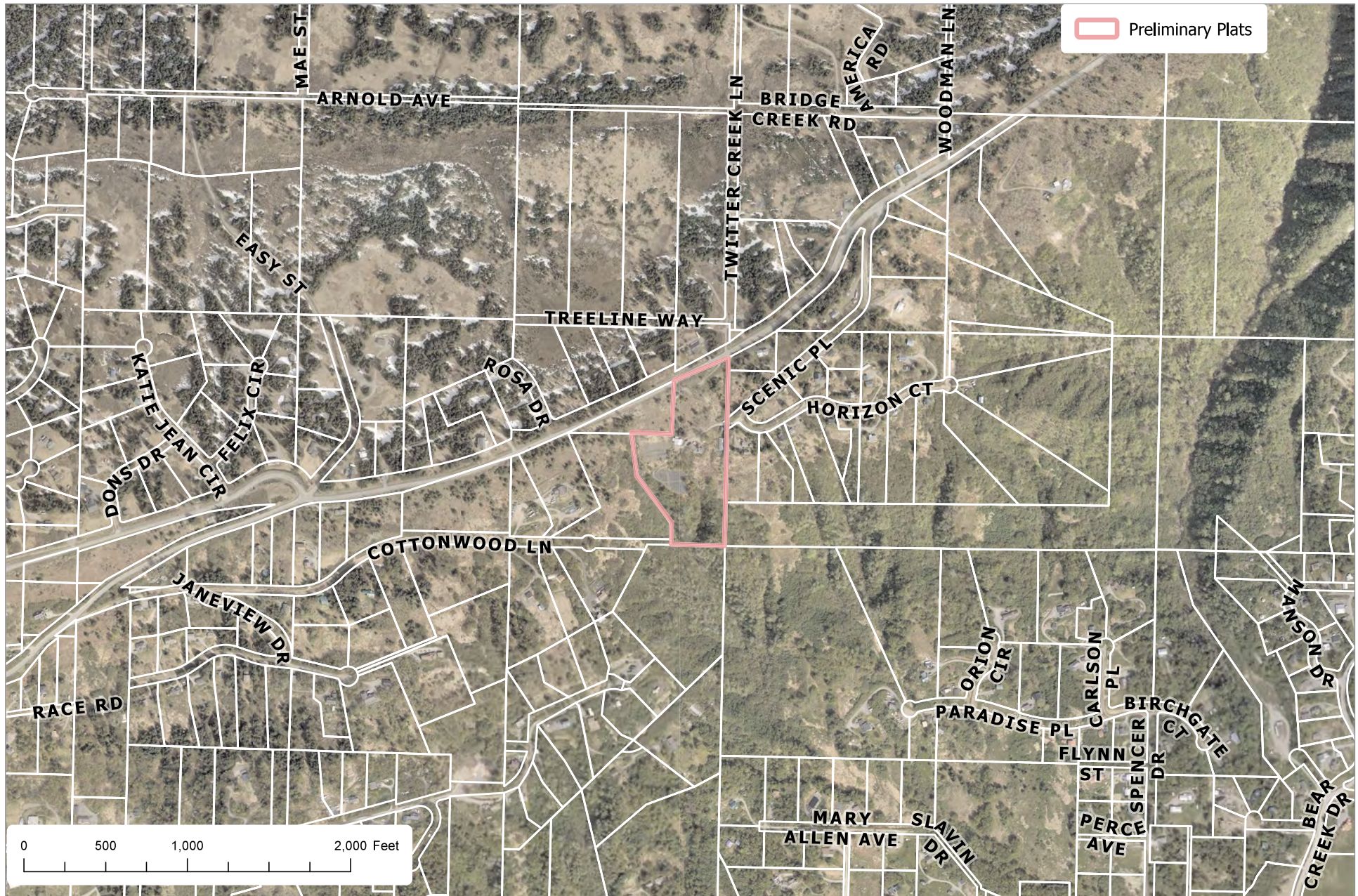
- GRANT APPROVAL OF THE PRELIMINARY PLAT SUBJECT TO STAFF RECOMMENDATIONS, AND
- COMPLIANCE WITH KPB 20.25.070 (FORM AND CONTENTS), KPB 20.25.080 (PETITION REQUIRED), KPB 20.30 (DESIGN REQUIREMENTS); AND KPB 20.40 (WASTEWATER DISPOSAL), AND
- COMPLIANCE WITH KPB 20.60 TO ENSURE ADMINISTRATIVE APPROVAL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

NOTE: 20.25.120. - REVIEW AND APPEAL.

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

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

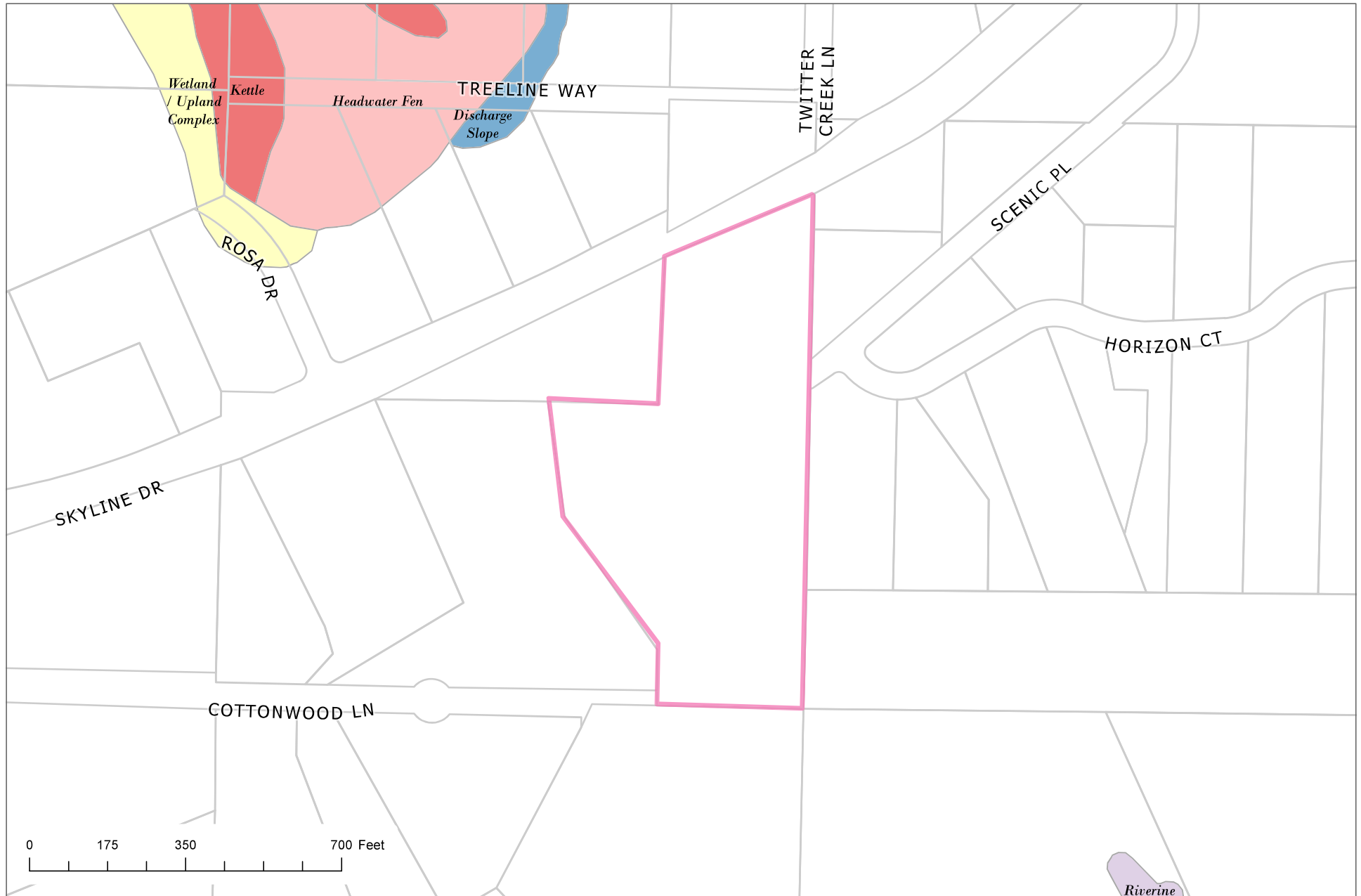
END OF STAFF REPORT



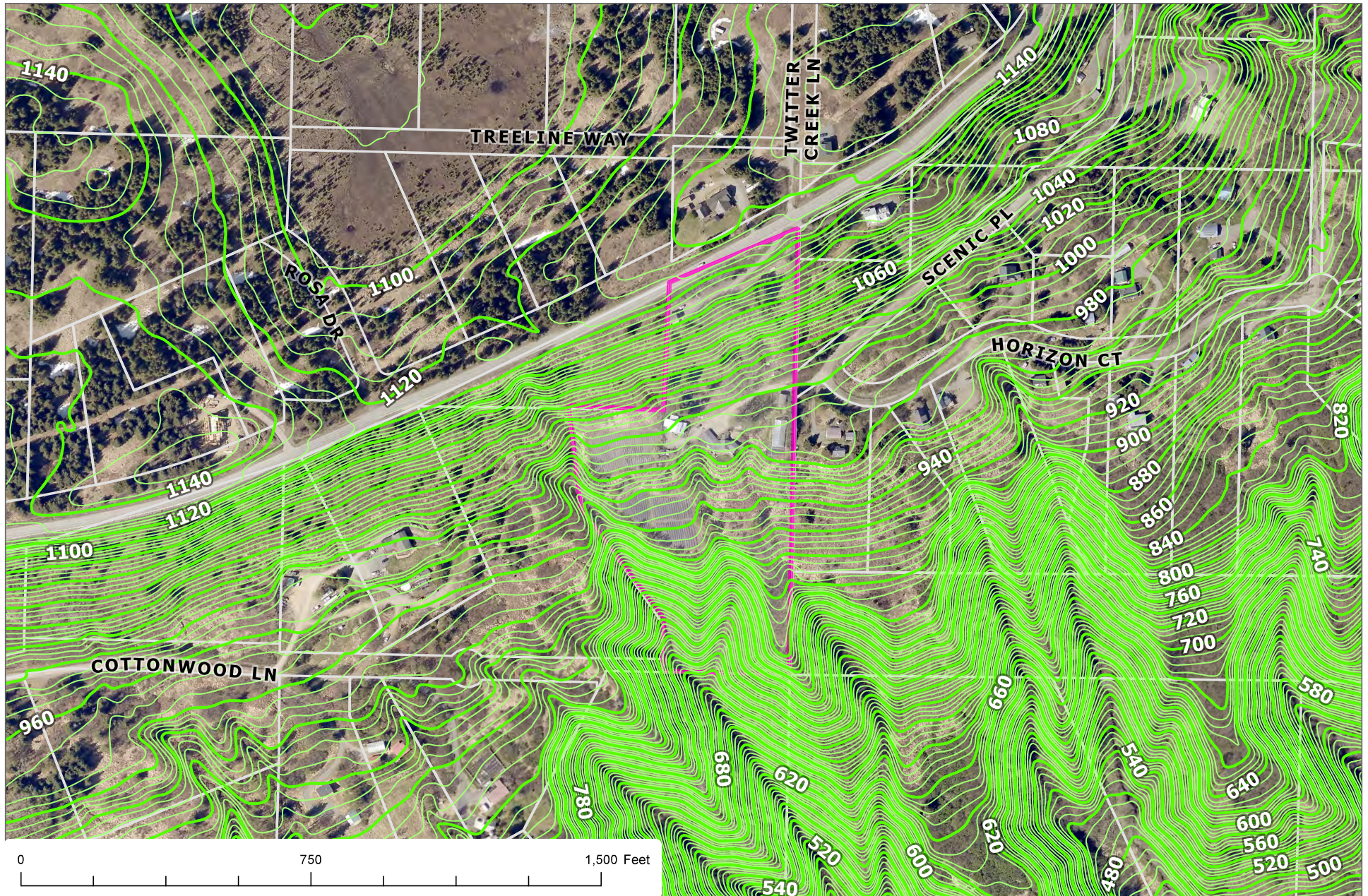
The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



Wetlands



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.

WASTEWATER DISPOSAL:

LOT 21-A AND TRACT A-1 ARE AT LEAST 200,000 SQUARE FEET OR NOMINAL 5 ACRES IN SIZE. 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.

NOTES

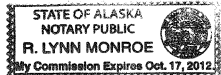
1. THE FRONT 15' ALONG THE RIGHT-OF-WAY AND THE 5' ADJACENT TO SIDE LOT LINES IS A UTILITY EASEMENT. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN AN EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
2. DEVELOPMENT OF THESE LOTS IS SUBJECT TO THE CITY OF HOMER ZONING REGULATIONS.
3. LOTS WILL BE SERVED BY ONSITE WATER AND SEWER.
4. NO ACCESS TO STATE MAINTAINED RIGHTS-OF-WAY PERMITTED UNLESS APPROVED BY THE STATE OF ALASKA DEPARTMENT OF TRANSPORTATION.
5. PORTIONS OF THE SUBJECT LOTS MAY BE SUBJECT TO WETLAND REGULATIONS. OWNERS SHOULD CONTACT THE ARMY CORPS OF ENGINEERS PRIOR TO ANY DEVELOPMENT ACTIVITY IN WETLANDS.
6. KPB PLAT COMMITTEE GRANTED AN EXCEPTION TO KPB 20.20.030 (EXTENSION OF SCENIC PLACE AND EXTENDING RIGHT-OF-WAY TO THE 25-ACRE LANDLOCKED PARCEL AT THE SOUTHEASTERN CORNER OF TRACT A-1), ON THE MEETING OF JULY 19, 2010.
7. KPB PLAT COMMITTEE GRANTED AN EXCEPTION TO KPB 20.20.160 (MAXIMUM BLOCK LENGTH), ON THE MEETING OF JULY 19, 2010.
8. THE EXISTING PAVED CENTERLINE IS APPROXIMATELY 2.2' SOUTHEASTERLY OF THE PLATTED CENTERLINE.
9. ACCEPTANCE OF THIS PLAT DOES NOT CONSTITUTE ACCEPTANCE OF ANY ENCROACHMENTS BY EITHER THE CITY OF HOMER OR THE KENAI PENINSULA BOROUGH.

NOTARY'S ACKNOWLEDGMENT

SUBSCRIBED AND SWORN TO BEFORE ME THIS 12th DAY OF October, 2010.

FOR Kurt Weichand by Beth Ann VanSandt
his attorney in fact
R. Lynn Monroe
NOTARY PUBLIC FOR ALASKA

MY COMMISSION EXPIRES 10-17-2012



NOTARY'S ACKNOWLEDGMENT

SUBSCRIBED AND SWORN TO BEFORE ME THIS 12th DAY OF October, 2010.

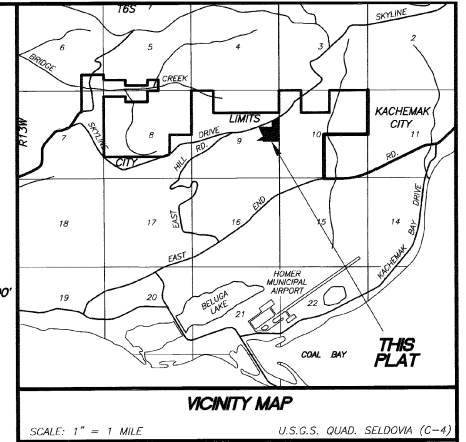
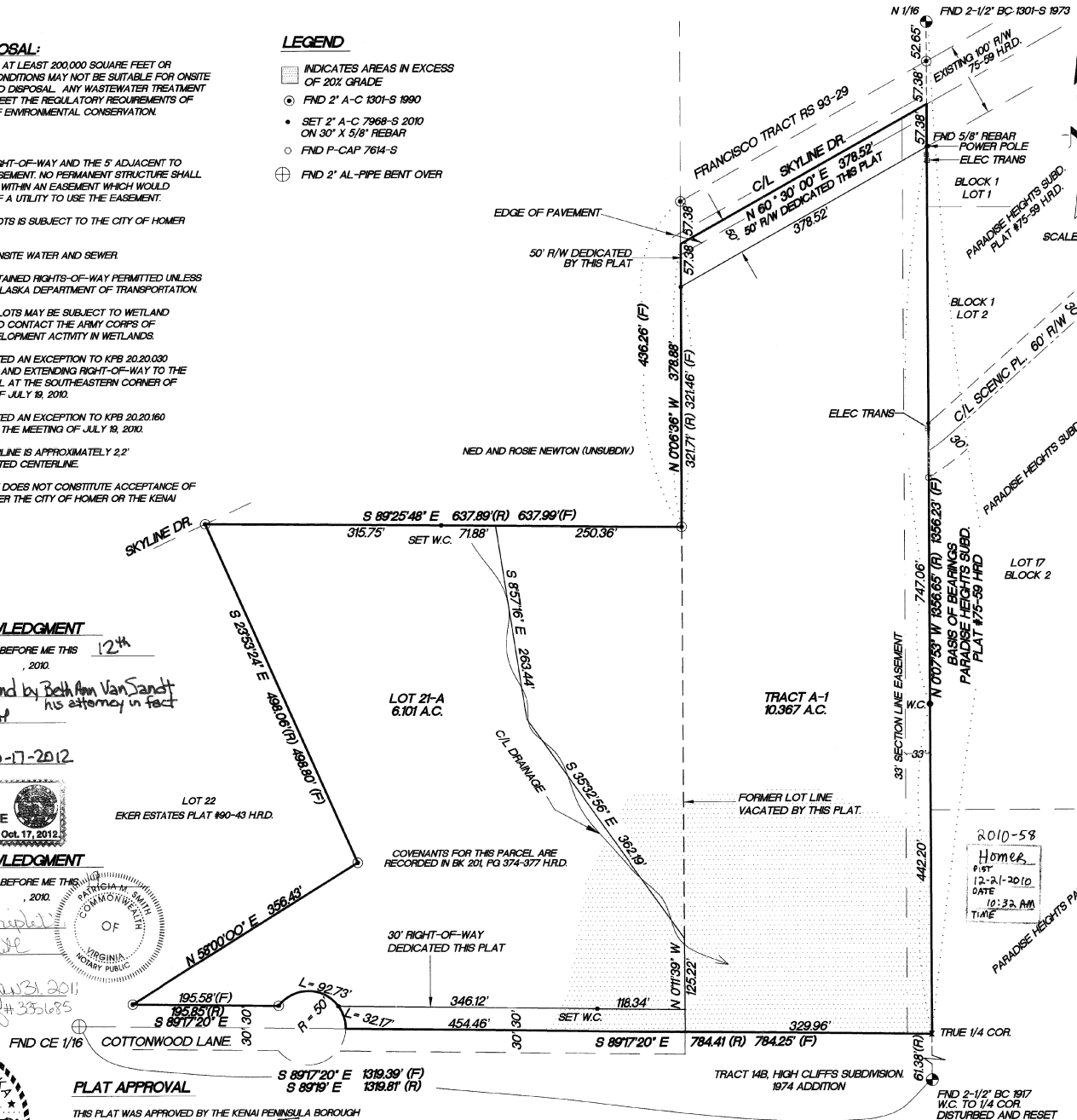
FOR Bonnie B. Triplett
NOTARY PUBLIC FOR VIRGINIA

MY COMMISSION EXPIRES Jan 31, 2011



LEGEND

- INDICATES AREAS IN EXCESS OF 20% GRADE
- FND 2" A-C 1301-S 1990
- SET 2" A-C 7968-S 2010 ON 30" X 5/8" REBAR
- FND P-CAP 7614-S
- FND 2" AL-PIPE BENT OVER



CERTIFICATE OF OWNERSHIP

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

Beth Ann VanSandt
BETH ANN VANSANDT TRACT A-1
5655 SCENIC PL.
HOMER, ALASKA 99603

Kurt Weichand by Beth Ann VanSandt his attorney in fact
KURT WEICHAND TRACT A-1
5655 SCENIC PL.
HOMER, ALASKA 99603

Bonnie B. Triplett 10/19/2010
BONNIE TRIPLETT LOT 21-A
2664 MOUNT TABOR RD.
BLACKSBURG, VA 24060

NOTARY'S ACKNOWLEDGMENT

SUBSCRIBED AND SWORN TO BEFORE ME THIS 12th DAY OF October, 2010.

FOR Beth Ann VanSandt
R. Lynn Monroe
NOTARY PUBLIC FOR ALASKA

MY COMMISSION EXPIRES 10-17-2012



HOMER RECORDING DISTRICT KPB FILE No. 2010-092

EKER ESTATES NO. 3 REPLAT 2010

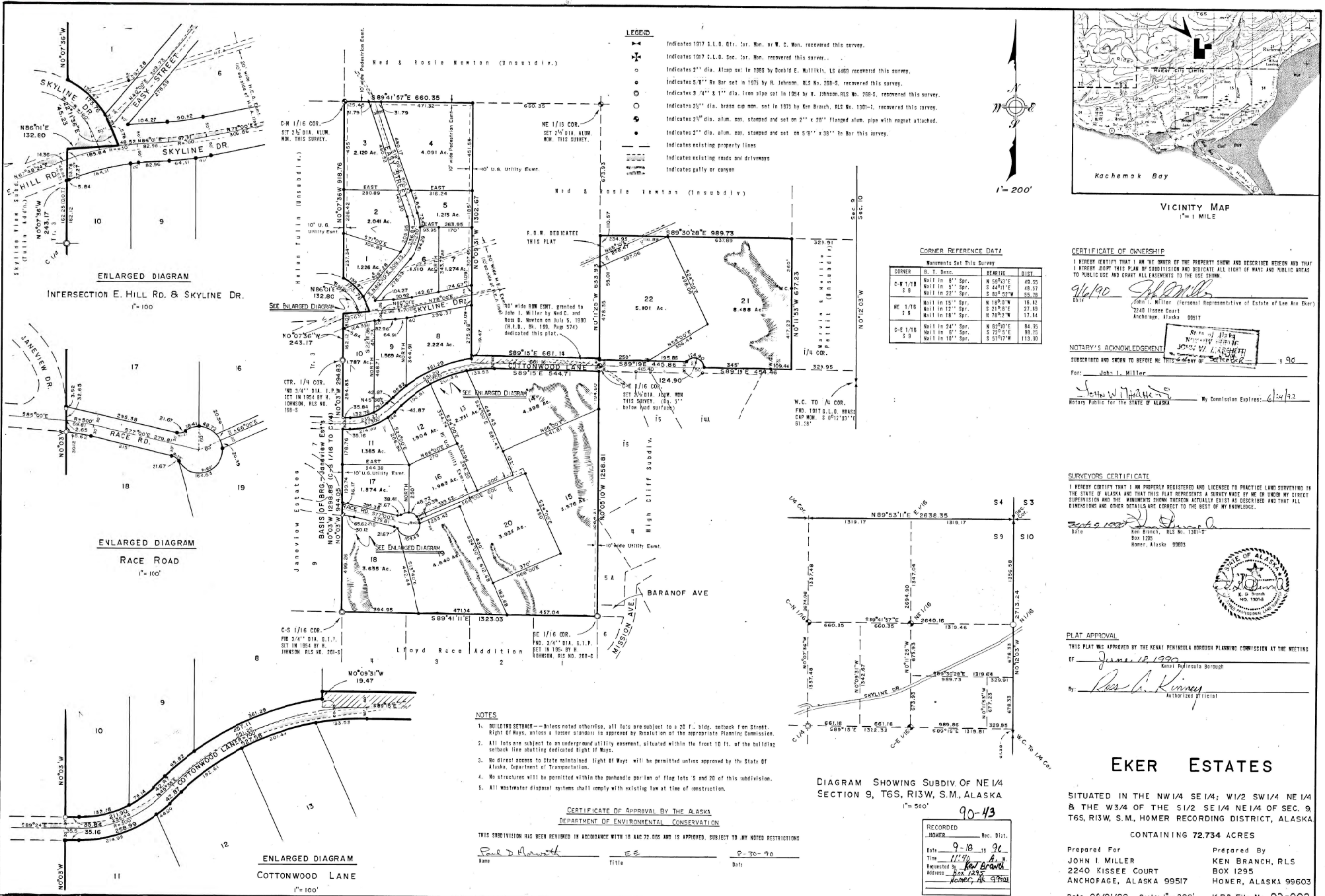
A RESUBDIVISION OF LOT 21, EKER ESTATES PLAT #90-43 H.R.D. AND THAT PORTION LYING SOUTH OF SKYLINE DR. LOCATED WITHIN THE E1/2 E1/2 SE1/4 NE1/4, SEC. 9, T. 6S, R. 19W, S.M. WITHIN THE CITY OF HOMER, KENAI PENINSULA BOROUGH, THIRD JUDICIAL DISTRICT, STATE OF ALASKA CONTAINING 17.220 ACRES

SEABRIGHT SURVEY + DESIGN

1044 EAST ROAD, SUITE A
HOMER ALASKA 99603
(907) 235-4247

EMAIL: seabright@seabrightalaska.com

DRAWN BY: K.B.	DATE: APRIL 2010	SCALE: 1" = 100'
CHK BY: K.B.	JOB #10-04	SHEET 1 OF 1





City of Homer

www.cityofhomer-ak.gov

Planning

491 East Pioneer Avenue
Homer, Alaska 99603

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

Staff Report 24-038

TO: Homer Planning Commission **24-038**
FROM: Ryan Foster, AICP, City Planner
DATE: 8/7/24
SUBJECT: Ekers Estates No3 Tract A-1 2024 Replat Preliminary Plat

Requested Action: Approval of a preliminary plat to divide one large lot into two smaller lots.

General Information:

Applicants:	Kurt Weichhand & Beth Van Sandt 5655 Scenic Place Homer, AK 99603	Seabright Survey & Design 1044 East End Rd, Suite A Homer, AK 99603
Location:	South of Skyline Drive and East of Scenic Place	
Parcel ID:	17405127	
Size of Existing Lot(s):	10.36 acres	
Size of Proposed Lots(s):	2.514 acres and 7.846 acres	
Zoning Designation:	Rural Residential District	
Existing Land Use:	Residential	
Surrounding Land Use:	North: Residential South: Vacant East: Vacant and Residential West: Vacant	
Comprehensive Plan:	1-C-1 Promote infill development in all housing districts.	
Wetland Status:	No wetlands present.	
Flood Plain Status:	Not within a flood plain.	
BCWPD:	Not within the Bridge Creek Watershed Protection District.	
Utilities:	City water and sewer are not present	
Public Notice:	Notice was sent to 30 property owners of 28 parcels as shown on the KPB tax assessor rolls.	

Analysis: This subdivision is within the Rural Residential District. This plat divides one large lot of 10.36 acres into two proposed lots, Lot 1 is 2.514 acres and Lot 2 is 7.846 acres.

Homer City Code 22.10.051 Easements and rights-of-way

- A. The subdivider shall dedicate in each lot of a new subdivision a 15-foot-wide utility easement immediately adjacent to the entire length of the boundary between the lot and each existing or proposed street right-of-way.

Staff Response: The plat meets this requirement. The plat notes a 15-foot utility easement.

- B. The subdivider shall dedicate in each lot of a new subdivision any water and/or sewer easements that are needed for future water and sewer mains shown on the official Water/Sewer Master Plan approved by the Council.

Staff Response: The plat meets these requirements. City sewer and water are not provided in the vicinity. No additional easements are needed.

- C. The subdivider shall dedicate easements or rights-of-way for sidewalks, bicycle paths or other non-motorized transportation facilities required by HCC 11.04.120.

Staff Response: The plat meets these requirements. No new street is being accepted by the City for maintenance.

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

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

Staff Response: The plat meets these requirements.

- B. North point;

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements.

- D. A vicinity map, drawn to scale showing location of proposed subdivision, north arrow if different from plat orientation, township and range, section lines, roads, political

boundaries and prominent natural and manmade features, such as shorelines or streams;

Staff Response: The plat meets these requirements.

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

Staff Response: The plat does meets these requirements.

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

Staff Response: The plat meets these requirements.

- G. Status of adjacent lands, including names of subdivisions, lot lines, lock numbers, lot numbers, rights-of-way; or an indication that the adjacent land is not subdivided;

Staff Response: The plat meets these requirements.

- H. Approximate location of areas subject to inundation, flooding or storm water overflow, the line of ordinary high water, wetlands when adjacent to lakes or non-tidal streams, and the appropriate study which identifies a floodplain, if applicable;

Staff Response: The plat meets these requirements.

- I. Approximate locations of areas subject to tidal inundation and the mean high water line;

Staff Response: The plat meets these requirements.

- J. Block and lot numbering per KPB 20.60.140, approximate dimensions and total numbers of proposed lots;

Staff Response: The plat meets these requirements.

- K. Within the limits of incorporated cities, the approximate location of known existing municipal wastewater and water mains, and other utilities within the subdivision and immediately abutting thereto or a statement from the city indicating which services are currently in place and available to each lot in the subdivision;

Staff Response: The plat meets these requirements. City water and sewer are not present in the vicinity.

- L. Contours at suitable intervals when any roads are to be dedicated unless the planning director or commission finds evidence that road grades will not exceed 6 percent on arterial streets, and 10 percent on other streets;

Staff Response: The plat meets these requirements. No roads are dedicated.

- M. Approximate locations of slopes over 20 percent in grade and if contours are shown, the areas of the contours that exceed 20 percent grade shall be clearly labeled as such;

Staff Response: The plat meets this requirement. Areas over 20 percent grade are indicated on the plat.

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

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements.

Public Works Comments: Public Works reviewed the plats and responded that they did not have any comments.

Staff Recommendation:

Planning Commission recommends approval of the preliminary plat.

Attachments:

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

NOTES

1. A SETBACK OF 20' IS REQUIRED FROM ALL STREET RIGHT-OF-WAYS UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION. THE FRONT 10' ADJACENT TO RIGHTS-OF-WAY IS A UTILITY EASEMENT GRANTED THIS PLAT. NO PERMANENT STRUCTURES SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE SAID EASEMENT.
2. THE FRONT 15' ALONG THE RIGHT-OF-WAY AND THE 5' ADJACENT TO SIDE LOT LINES IS A UTILITY EASEMENT. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN AN EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
3. DEVELOPMENT OF THESE LOTS IS SUBJECT TO THE CITY OF HOMER ZONING REGULATIONS.
4. LOTS ARE SERVED BY ONGITE WATER AND SEWER.
5. NO ACCESS TO STATE MAINTAINED RIGHTS-OF-WAY PERMITTED UNLESS APPROVED BY THE STATE OF ALASKA DEPARTMENT OF TRANSPORTATION.
6. PORTIONS OF THE SUBJECT LOTS MAY BE SUBJECT TO WETLAND REGULATIONS OWNERS SHOULD CONTACT THE ARMY CORPS OF ENGINEERS PRIOR TO ANY DEVELOPMENT ACTIVITY IN WETLANDS.
7. KPB PLAT COMMITTEE GRANTED AN EXCEPTION TO KPB 20.20.030 (EXTENSION OF SCENIC PLACE AND EXTENDING RIGHT-OF-WAY TO THE UNLOCKED PARCEL AT THE SOUTHEASTERN CORNER OF TRACT A-1 (HM 2010-58)).
8. KPB PLAT COMMITTEE GRANTED AN EXCEPTION TO KPB 20.20.180 (MAXIMUM BLOCK LENGTH), ON THE MEETING OF JULY 19, 2010 (HM 2010-58).
9. THE EXISTING PAVED CENTERLINE IS APPROXIMATELY 2.2' SOUTHEASTERLY OF THE PLATTED CENTERLINE (HM 2010-58).
10. ACCEPTANCE OF THIS PLAT DOES NOT CONSTITUTE ACCEPTANCE OF ANY ENCROACHMENTS BY EITHER THE CITY OF HOMER OR THE KENAI PENINSULA BOROUGH.

LEGEND

- 1. FND 5/8" REBAR
- 2. FND 1.2" PLASTIC CAP 7614-S
- 3. FND 2" AC 1301-S 1390
- 15' UTILITY ESMT
- 20' BUILDING SETBACK
- SECTION LINE EASEMENT
- APPROX. AREAS OF 20% SLOPE OR GREATER (KPB GIS)

WASTEWATER DISPOSAL

LOT 1: 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. AN ENGINEER'S SUBDIVISION AND SOILS REPORT IS AVAILABLE FROM THE KENAI PENINSULA BOROUGH. ANY OTHER TYPE OF ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEM MUST BE DESIGNED BY A QUALIFIED ENGINEER, REGISTERED TO PRACTICE IN ALASKA, AND THE DESIGN MUST BE APPROVED BY THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

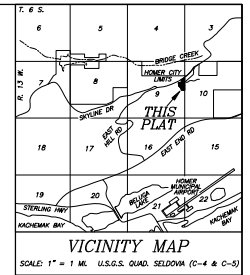
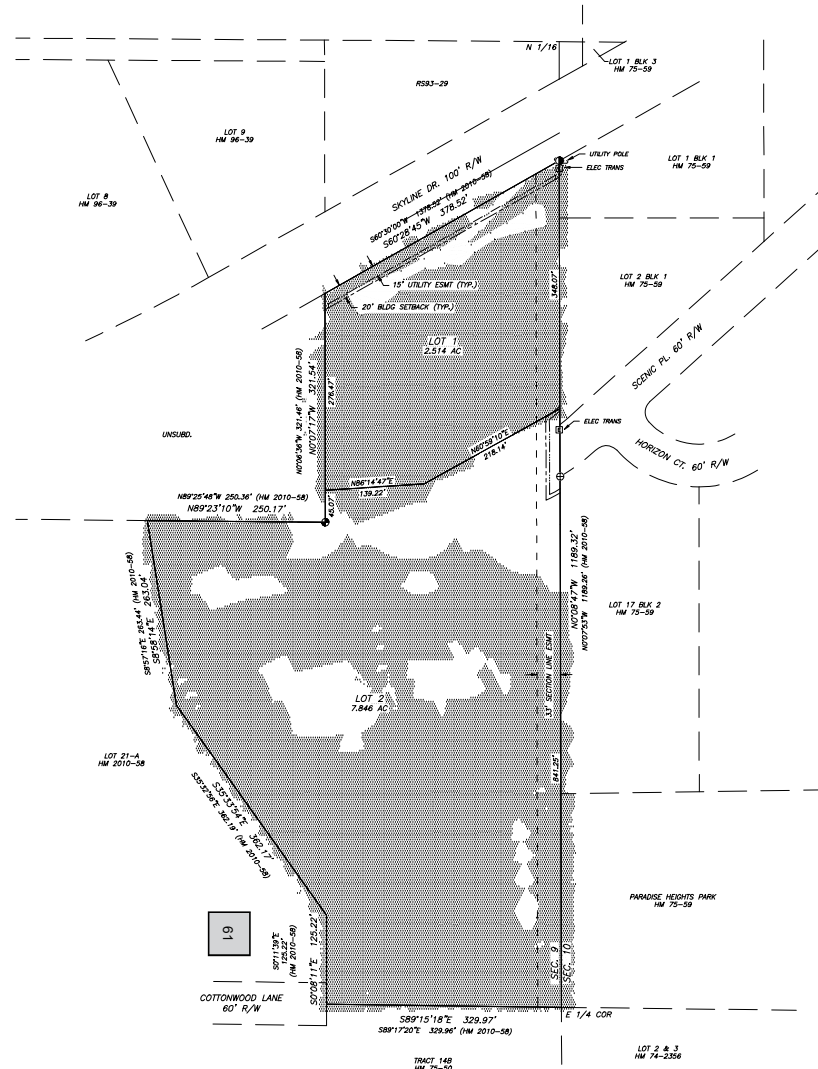
LOT 2: WHICH IS AT LEAST 200,000 SQUARE FEET IN SIZE MAY NOT BE SUITABLE FOR ONSITE WASTEWATER TREATMENT AND DISPOSAL. ANY WASTEWATER TREATMENT OR DISPOSAL SYSTEM MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

ENGINEER LICENSE NO. DATE

PLAT APPROVAL

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

BY: AUTHORIZED OFFICIAL KENAI PENINSULA BOROUGH DATE



CERTIFICATE OF OWNERSHIP

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

KURT WEICHAND
6655 SCENIC PLACE
HOMER, AK 99603

BETH VAN SANT
5655 SCENIC PLACE
HOMER, AK 99603

NOTARY'S ACKNOWLEDGMENT

FOR: ACKNOWLEDGED BEFORE ME THIS DAY OF, 2024.

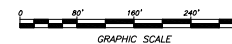
NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES

NOTARY'S ACKNOWLEDGMENT

FOR: ACKNOWLEDGED BEFORE ME THIS DAY OF, 2024.

NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES

HOMER RECORDING DISTRICT	KPB FILE NO. 2024-_____
EKER ESTATES NO. 3 TRACT A-1, 2024 REPLAT	
A SUBDIVISION OF TRACT A-1 EKER ESTATES NO. 3 REPLAT 2010 (HM 2010-58), LOCATED IN THE E1/2 SE1/4 NE1/4 SEC. 9, T. 6 S., R. 13 W., SEWARD MERIDIAN, WITHIN THE CITY OF HOMER, KENAI PENINSULA BOROUGH, THIRD JUDICIAL DISTRICT, ALASKA	
CONTAINING 10.360 ACRES	
SEABRIGHT SURVEY + DESIGN KATHERINE A. KIRSIS, P.L.S. 1044 EAST END ROAD, SUITE A HOMER, ALASKA 99603 (907) 299-1580	
CLIENTS: KURT WEICHAND & BETH VAN SANT 5655 SCENIC PL. HOMER, AK 99603	
DRAWN BY: KK	CHKD BY: KK
DATE: 07/2024	SHEET #1 OF 1



SEABRIGHT SURVEY + DESIGN

Katherine A. Kirsis, P.L.S.

1044 East End Road Suite A

Homer, Alaska 99603

(907) 299-1580

seabrightz@yahoo.com

July 18, 2024

City of Homer

491 East Pioneer Ave

Homer, AK 99603

RE: Preliminary Submittal for "Eker Estates No. 3 Tract A-1 2024 Replat"

Dear Planning Department,

We are pleased to submit the above referenced preliminary plat for your review on behalf Kurt Weichhand and Beth Van Sandt. Included in this submittal packet you will find:

- 1 full size plat copy
- 1 11x17 plat copy
- Signed KPB plat submittal form
- Supplemental asbuilt diagram
- Check for \$300 plat review fee

In addition, we are emailing you a digital copy of the 11x17 plat.

Please let us know if there are any concerns or clarifications we can address.

Cordially,

Katherine A. Kirsis

Katherine A. Kirsis, PLS
Seabright Survey + Design

NOTICE OF SUBDIVISION

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

Proposed subdivision under consideration is described as follows:

Eker Estates No. 3 Tract A-1 2024 Replat Preliminary Plat

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

A public meeting will be held by the Homer Planning Commission on Wednesday, August 7, 2024 at 6:30 p.m. In-person meeting participation is available in Cowles Council Chambers located downstairs at Homer City Hall, 491 E. Pioneer Ave., Homer, AK 99603. To attend the meeting virtually, visit zoom.us and enter the Meeting ID & Passcode listed below. To attend the meeting by phone, dial any one of the following phone numbers and enter the Webinar ID & Passcode below, when prompted: 1-253-215-8782, 1-669-900-6833, (toll free) 888-788-0099 or 877-853-5247.

Meeting ID: 979 8816 0903

Passcode: 976062

Additional information regarding this matter will be available by 5 p.m. on the Friday before the meeting. This information will be posted to the City of Homer online calendar page for August 2, 2024 at <https://www.cityofhomer-ak.gov/calendar>. It will also be available at the Planning and Zoning Office at Homer City Hall and at the Homer Public Library.

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

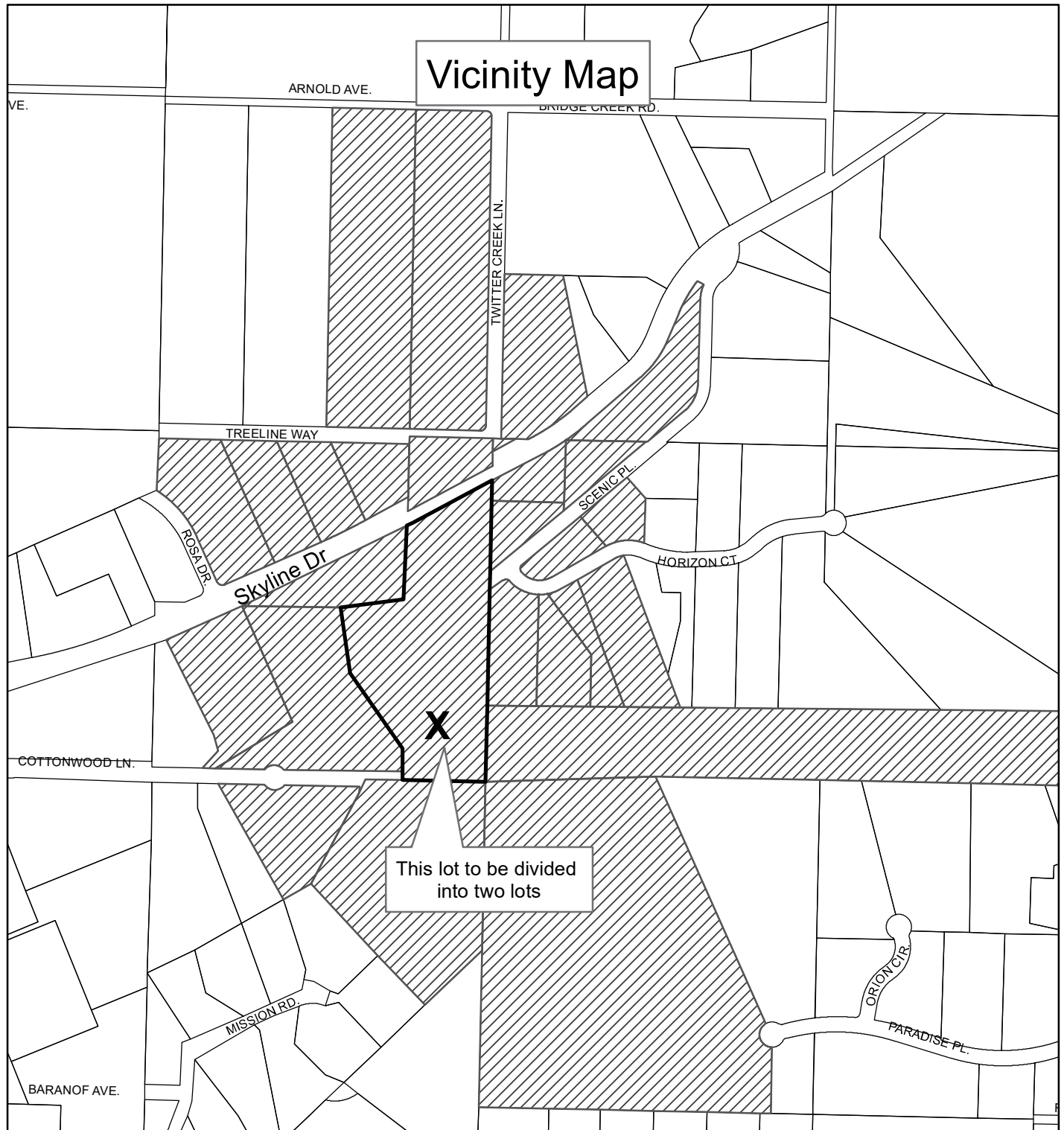
If you have questions or would like additional information, contact Ryan Foster at the Planning and Zoning Office. Phone: (907) 235-3106, email: clerk@cityofhomer-ak.gov, or in-person at Homer City Hall.

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

.....

VICINITY MAP ON REVERSE

Vicinity Map



City of Homer
Planning and Zoning Department
July 22, 2024

Eker Estates No. 3 Tract A-1 2024 Replat Preliminary Plat

Marked lots are w/in 500 feet
and property owners notified.

0 250 500 1,000
Feet

64



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



Legend

Transportation

Mileposts

Roads

- Medium Collector
- Medium Volume - Unmaintained
- Medium Volume - Maintained
- Low / Seasonal
- Legal Trail
- Private
- State Hwy
- Platted / Proposed

Parcels and PLSS

Tax Parcels

9" Imagery

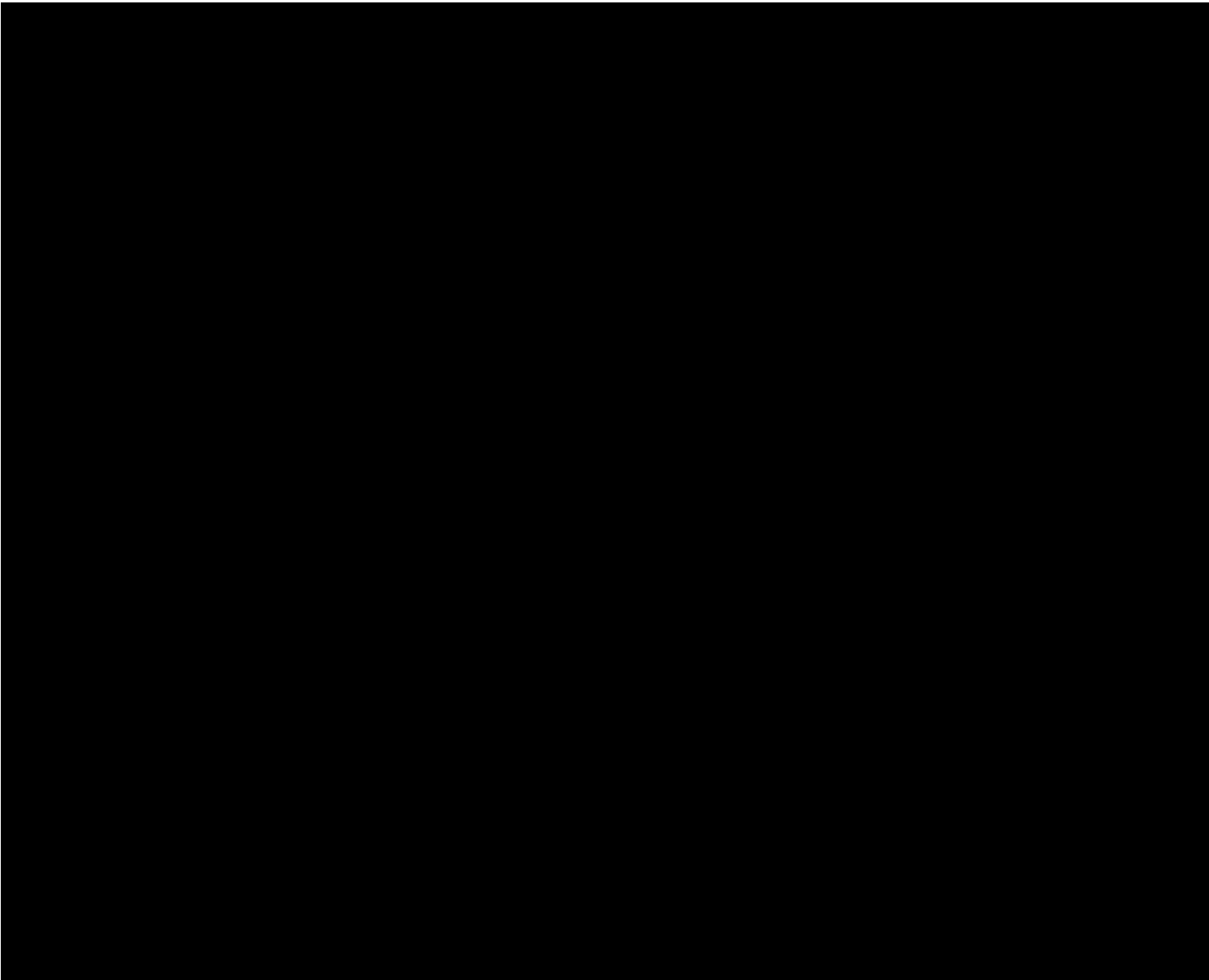
- Red: Red
- Green: Green
- Blue: Blue

0 400 800 ft

NOTE: Every reasonable effort has been made to ensure the accuracy of these data. However, by accepting this material, you agree that the Kenai Peninsula Borough assumes no liability of any kind arising from the use of this data. The data are provided without warranty of any kind, either expressed or implied, including but not limited to time, money or goodwill arising from indemnify, defend, and hold harmless Kenai Peninsula Borough for any and all liability of any nature arising from the lack of accuracy or correctness of the data, or use of the data.

65

7/22/2024 1:53:20 PM



C. Staff Report 24-038, Ekers Estate No. 3 Tract A-1 2024 Replat, Preliminary Plat

Chair S. Smith introduced the item by reading of the title. City Planner Foster then provided a summary of his report included in the packet.

Chair S. Smith then opened the floor for the applicant. Katie Kirsis, with Seabright Survey + Design, stated that this was a pretty straight-forward application. She noted that there are some steep slopes affecting this property. She added that an application/waiver for a setback to steep slopes for the proposed septic system for the upper lot has been conditionally approved by the Department of Environmental Conservation.

Chair S. Smith opened the floor for public comments. There were none.

Chair S. Smith then opened the floor for questions and comments from the Commission.

Commissioner H. Smith asked Ms. Kirsis how much of the new subdivision would be 20% or more on grade. Ms. Kirsis informed Mr. Smith that all of the shaded areas on the map were 20% or more on grade.

H. SMITH/SCHNEIDER MOVED TO ADOPT STAFF REPORT 24-038 AND RECOMMEND APPROVAL OF THE EKERS ESTATE NO. 3 TRACT A-1 2024 REPLAT PRELIMINARY PLAT.

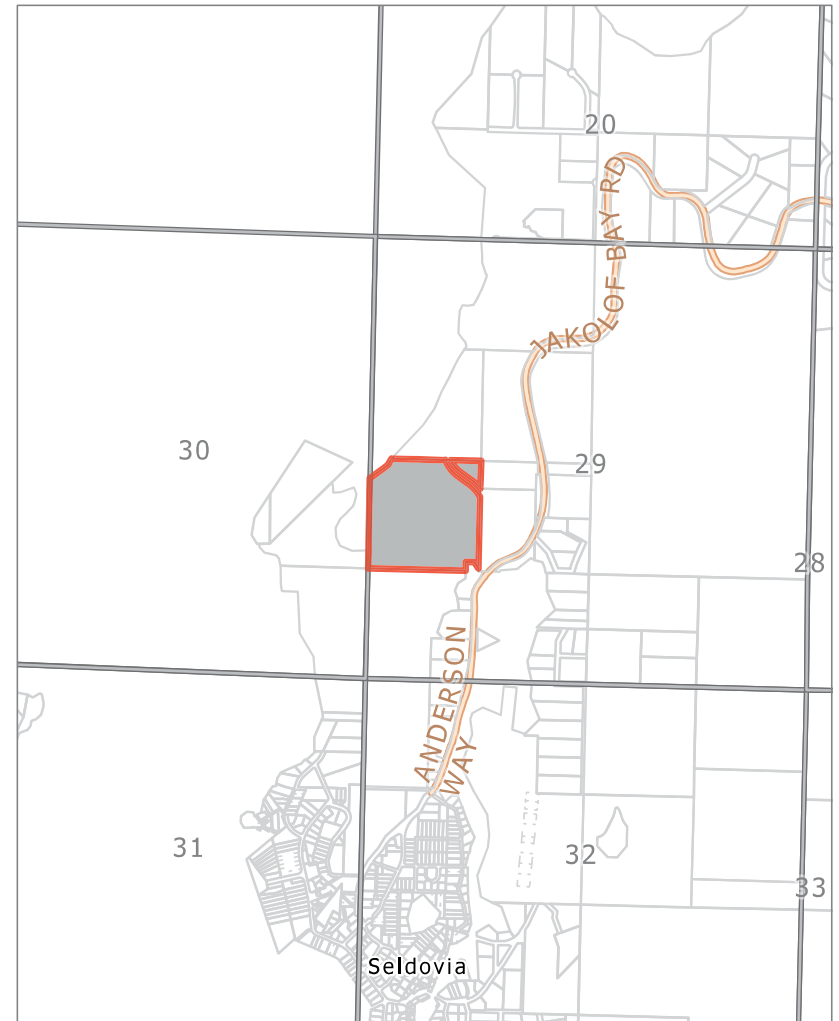
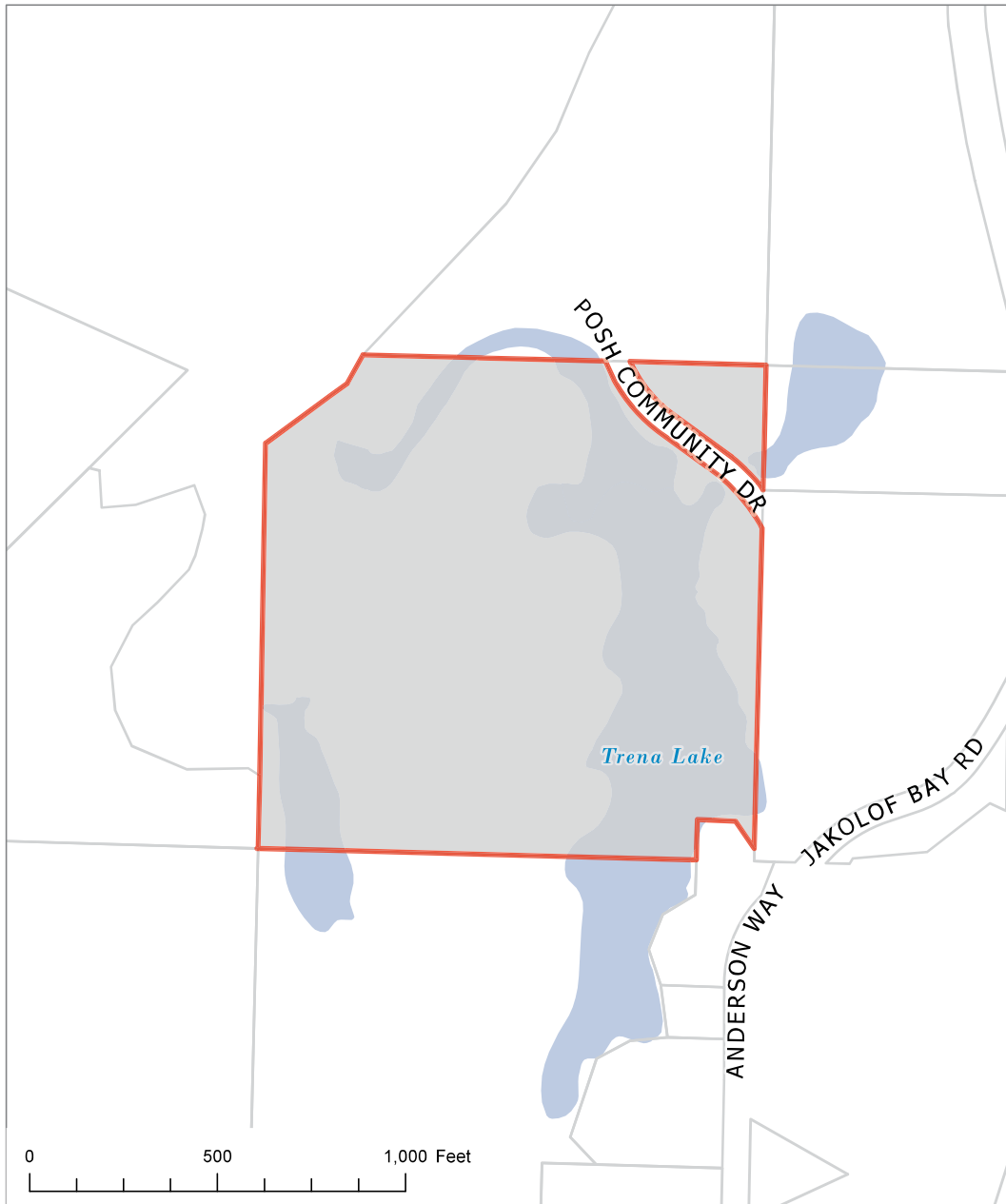
There was no discussion.

VOTE: NON-OBJECTION: UNANIMOUS CONSENT.

Motion carried.

E. NEW BUSINESS

- 3. Frank Raby 1971 Addition Tract M 2024 Replat**
 - KPB File 2024-090**
 - Seabright Surveying / Rhyneer**
 - Location: Posh Community Drive**
 - Seldovia Area**



KPB File 2024-090
T 08S R 14W SEC 29
Seldovia



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

NOTES

1. A SETBACK OF 20' IS REQUIRED FROM ALL STREET RIGHT-OF-WAYS UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION. THE FRONT 10' ADJACENT TO RIGHTS-OF-WAY IS A UTILITY EASEMENT GRANTED THIS PLAT. NO PERMANENT STRUCTURES SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE SAID EASEMENT.
2. ALL WASTEWATER DISPOSAL SYSTEMS SHALL COMPLY WITH EXISTING APPLICABLE LAWS AT THE TIME OF CONSTRUCTION.
3. PROPERTY OWNER SHOULD CONTACT THE ARMY CORPS OF ENGINEERS PRIOR TO ANY ON-SITE DEVELOPMENT OR CONSTRUCTION ACTIVITY TO OBTAIN THE MOST CURRENT WETLAND DESIGNATION (IF ANY). PROPERTY OWNERS ARE RESPONSIBLE FOR OBTAINING ALL REQUIRED LOCAL, STATE, AND FEDERAL PERMITS.
4. ROADS MUST MEET THE DESIGN AND CONSTRUCTION STANDARDS ESTABLISHED BY THE BOROUGH IN ORDER TO BE CONSIDERED FOR CERTIFICATION AND INCLUSION IN THE ROAD MAINTENANCE PROGRAM (KPB 14.06).
5. THE NATURAL MEANDERS OF MEAN HIGH WATER IS FOR AREA COMPUTATIONS ONLY. THE TRUE CORNERS BEING ON THE EXTENSION OF THE SIDELINES AND THE INTERSECTION WITH THE NATURAL MEANDERS.

CERTIFICATE OF ACCEPTANCE

THE UNDERSIGNED OFFICIAL, IDENTIFIED BY NAME AND TITLE IS AUTHORIZED TO ACCEPT AND HEREBY ACCEPTS ON BEHALF OF THE KENAI PENINSULA BOROUGH FOR PUBLIC USES AND FOR PUBLIC PURPOSES THE REAL PROPERTY DESIGNATED BY THIS PLAT IDENTIFIED AS FOLLOWS: RUSH COMMUNITY DRIVE. 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
KENAI PENINSULA BOROUGH

DATE

LINE #	LENGTH	BEARING
L1	106.50'	S07°00'24"E
L2	100.00'	S89°59'36"W
L3	104.52'	N34°09'13"W
L4	120.00'	S31°15'32"E
L5	89.01'	S58°59'41"E
L6	37.67'	S21°15'57"E
L7	11.68'	S21°15'57"E
L8	89.01'	S58°59'41"E
L9	22.20'	S31°33'21"E

CURVE #	LENGTH	RADIUS	DELTA	CH. BEARING	CH. LENGTH
C1	177.19'	375.00'	27°26'20"	S45°16'31"E	175.50'
C2	236.96'	395.00'	35°43'43"	S41°07'49"E	233.14'
C3	199.55'	325.00'	35°43'43"	S41°07'49"E	196.33'
C4	205.83'	435.00'	27°26'20"	S45°16'31"E	203.96'

WASTEWATER DISPOSAL

TRACT M-1, LOTS WHICH ARE AT LEAST 200,000 SQUARE FEET IN SIZE MAY NOT BE SUITABLE FOR ON-SITE WASTEWATER TREATMENT AND DISPOSAL. ANY WASTEWATER TREATMENT OR DISPOSAL SYSTEM MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

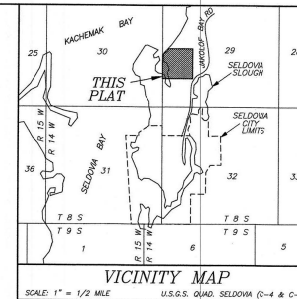
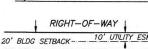
TRACT M-2: SOIL CONDITIONS, WATER TABLE LEVELS, AND SOIL SLOPES IN THIS SUBDIVISION HAVE BEEN FOUND SUITABLE FOR CONVENTIONAL ON-SITE WASTEWATER TREATMENT AND DISPOSAL SYSTEMS SERVING SINGLE-FAMILY OR DUPLEX RESIDENCES. AN ENGINEER'S SUBDIVISION AND SOILS REPORT IS AVAILABLE FROM THE KENAI PENINSULA BOROUGH. ANY OTHER TYPE OF ON-SITE WASTEWATER TREATMENT AND DISPOSAL SYSTEM MUST BE DESIGNED BY A QUALIFIED ENGINEER, REGISTERED TO PRACTICE IN ALASKA, AND THE DESIGN MUST BE APPROVED BY THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

ENGINEER LICENSE NO. DATE

LEGEND

- FND 5/8" REBAR
- FND 1" IRON PIPE
- FND 2.5" BC CAP ON 1" IP 2685-1970
- FND 2.5" BC MON 2685-1977
- FND 1.5" IRON ROD
- OVERHEAD POWERLINE
- UTILITY POLE

R/W TYPICAL DETAIL



CERTIFICATE OF OWNERSHIP

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

AMY C. RHYNEER
16555 POINT LENA POINT
JUNEAU, AK 99801

NOTARY'S ACKNOWLEDGMENT

FOR: AMY C. RHYNEER
ACKNOWLEDGED BEFORE ME THIS
DAY OF _____, 2024

NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES _____

PLAT APPROVAL

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

BY: _____ AUTHORIZED OFFICIAL
KENAI PENINSULA BOROUGH

KPB 2024-090



GRAPHIC SCALE
0 100' 200' 300' 400'

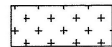
SELKOVIA RECORDING DISTRICT KPB FILE NO. 2024-XXXX

FRANK RABY 1971 ADDN. TRACT M 2024 REPLAT A SUBDIVISION OF TRACT "M" FRANK RABY 1971 ADDITION AMENDED (SL 72-60), LOCATED WITHIN SECTION 29, T. 8 S., R. 14 W., SEWARD MERIDIAN, SELKOVIA, ALASKA CONTAINING 38,758 AC	
SEABRIGHT SURVEY + DESIGN KATHERINE A. KIRSIS, P.L.S. 1044 EAST END ROAD, SUITE A HOMER, ALASKA 99603 (907) 239-1580	
CLIENTS: AMY C. RHYNEER 16555 POINT LENA LOOP JUNEAU, AK 99801	DRAWN BY: KK CHWD BY: KK JOB #2024-24
DATE: 08/2024	SCALE: 1"=100' SHEET #1 OF 1

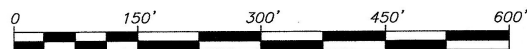
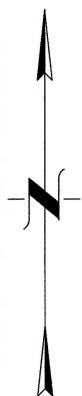
LEGEND



APPROX. AREAS OF 20% SLOPE OR GREATER
(THIS SURVEY)



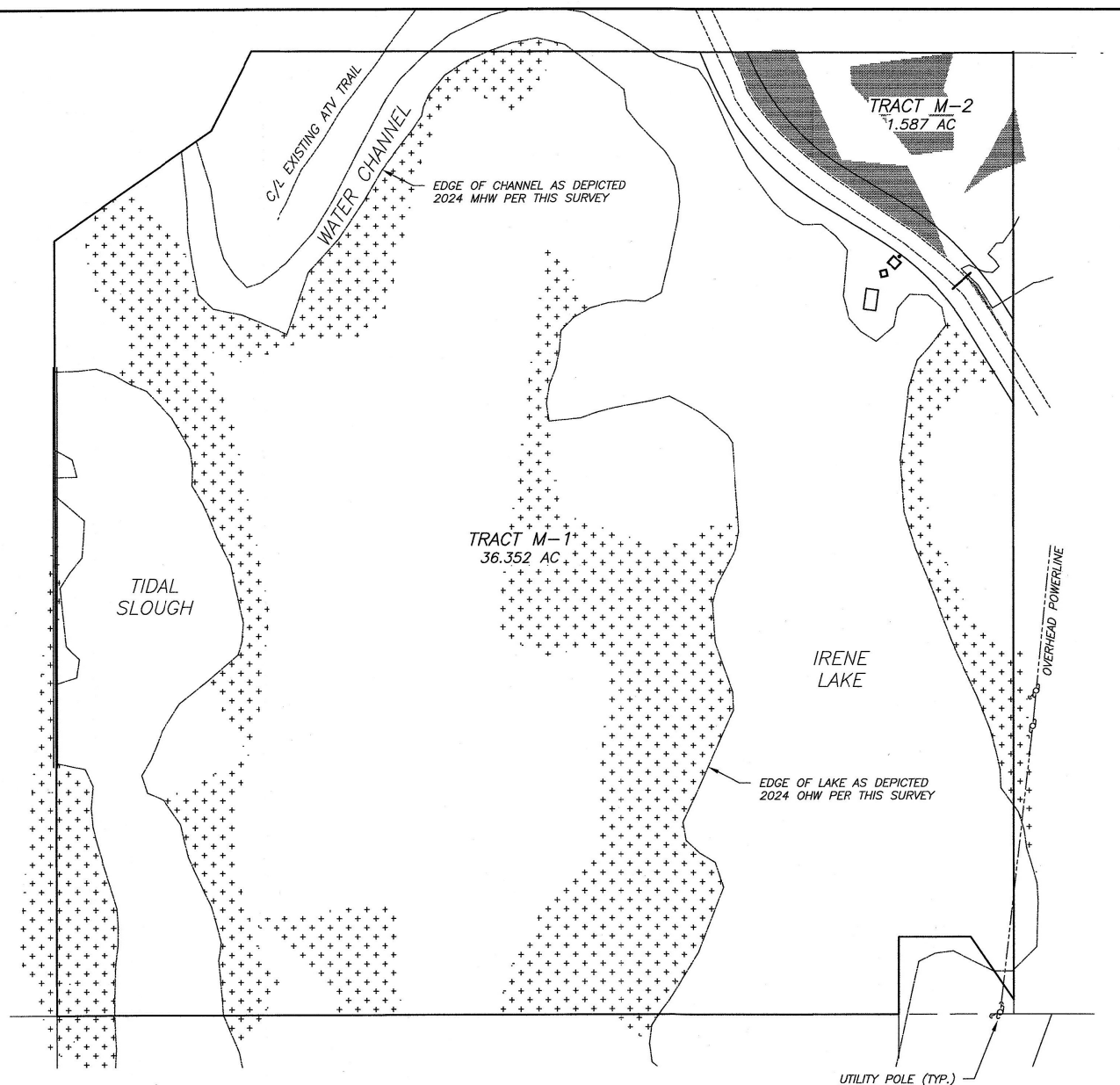
APPROX. AREAS OF 20% SLOPE OR GREATER
(USGS US TOPO 7.5 MINUTE MAP SELDOVIA
B-5 NW, AK 2018)

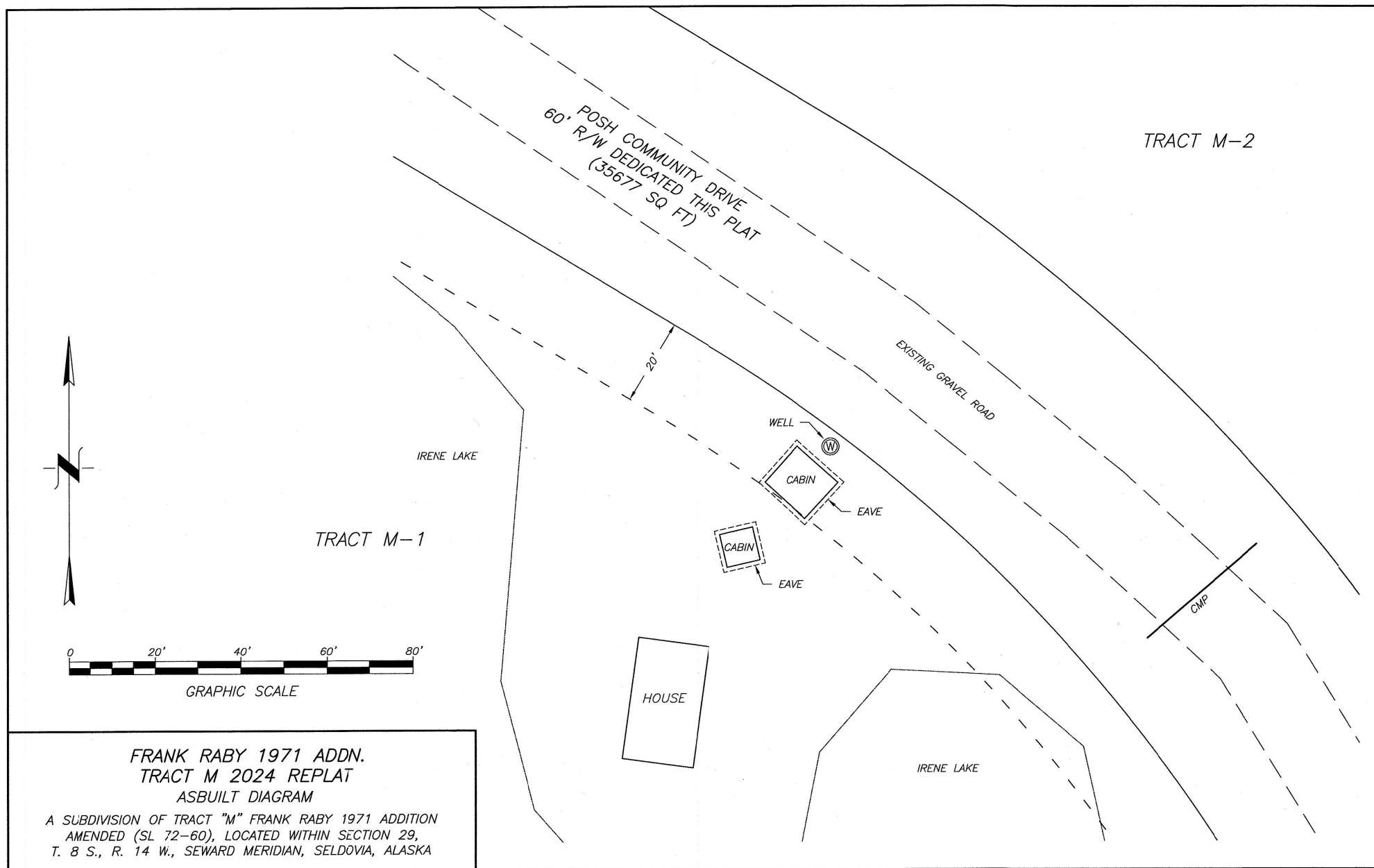


GRAPHIC SCALE

FRANK RABY 1971 ADDN. TRACT M 2024 REPLAT STEEP SLOPES DIAGRAM

A SUBDIVISION OF TRACT "M" FRANK RABY 1971 ADDITION
AMENDED (SL 72-60), LOCATED WITHIN SECTION 29,
T. 8 S., R. 14 W., SEWARD MERIDIAN, SELDOVIA, ALASKA





AGENDA ITEM E. NEW BUSINESS

**ITEM #3 - PRELIMINARY PLAT
FRANK RABY 1971 ADDITION TRACT M 2024 REPLAT**

KPB File No.	2024-090
Plat Committee Meeting:	September 9, 2024
Applicant / Owner:	Amy C. Rhyneer of Juneau, AK
Surveyor:	Katherine Kirsis / Seabright Survey & Design
General Location:	North of Seldovia

Parent Parcel No.:	191-180-01
Legal Description:	T 8S R 14W SEC 29 SEWARD MERIDIAN SL 0720060 FRANK RABY SUB 1971 ADDN AMD TRACT M
Assessing Use:	Residential
Zoning:	Unrestricted
Water / Wastewater	Onsite / Onsite
Exception Request	None Requested

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide a 38.758-acre parcel into two tracts: one of 1.587 acres and another of 36.352 acres, along with a 60-foot-wide dedication.

Location and Legal Access (existing and proposed):

The plat is located north of the City of Seldovia and can be accessed via Anderson Way to Posh Community Drive, which crosses the northeast corner of the plat. Both tracts will have direct access to Posh Community Drive.

The plat proposes dedicating Posh Community Drive as a 60-foot dedication to the Kenai Peninsula Borough. However, it will continue to be maintained by the City of Seldovia to provide access to Outside Beach to the north.

The plat is affected by a 33-foot section line on the west side, as shown, also being located on the west side of the section line.

Block length is not compliant. Staff recommends the Plat Committee concur and that an exception is not needed, as the plat is unable to provide relief due to the location of Trena Lake and the water channel near Posh Community Drive.

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

Site Investigation:

There are structures located on the plat, upon finalization, will be situated on Tract M-1. These structures are more clearly depicted on the As-built Diagram provided by the surveyor. The well and one of the cabins are located within the 10-foot utility easement, but they predate the creation of this easement. If these structures were to be moved or demolished, they would need to comply with current code and setback requirements.

A wooden boardwalk, used for the "Otterbahn Trail," is located along the west property line within the 33-foot section line easement. To accommodate the boardwalk and any trail crossing the property related to the "Otterbahn Trail," a 10-foot Pedestrian Easement should be added, along with a corresponding plat note.

The River Center review identified that the plat is located in a FEMA designated flood hazard area. Therefore, the flood hazard note from KPB 20.30.280(D) should be added to the drawing, including the relevant FEMA Flood Panels and Flood Zones listed below. The River Center flood determination map is included in the packet.

According to the River Center review, the plat is not located within a habitat protection district.

KPB River Center Review	<p>See attachments</p> <p>A. Floodplain Reviewer: Hindman, Julie Floodplain Status: IS in flood hazard area Comments: The property is subject to mapped floodplains. There are multiple V zones (velocity) and an A zone. The zones should be depicted and labeled. Code required plat notes must be added. The additional FIRM panel are listed within the determination attached. Flood Zone: A, V, C Map Panel: 020012-5045A In Floodway: False Floodway Panel:</p> <p>B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments</p>
State of Alaska Fish and Game	

Staff Analysis

The original plat consisted of aliquot Lots 4 and 5 in Section 29, Lot 2 in Section 30, and Lot 2 in Section 32, all situated within Township 8 South, Range 14 West, Seward Meridian, Seldovia, Alaska. Frank Raby 1971 Addition, SL 71-104, initially platted these lots, creating Tracts "K" through "M". Subsequently, the Frank Raby 1971 Addition Amended, SL 72-60, was filed to correct a typographical error. This platting action proposes to subdivide Tract M.

A soils report will be required and an engineer will sign the final plat for Tract M-2. Tract M-1 will not need a soils report as it is over 200,000 sq ft in size.

Per the preliminary Certificate to Plat, beneficial interest holders do not affect the proposed plat. Notification per KPB 20.10.100 will not be required unless the final Certificate to Plat states the property is affected by beneficial interest holders.

The property is outside the city limits of Seldovia; however, it was requested to be reviewed by the City. Posh Community Drive, which crosses the property, is maintained by the City of Seldovia and provides access to Outside Beach to the north, also owned by the City of Seldovia.

On July 24, 2024 the plat was reviewed by the City of Seldovia Planning Commission. It was unanimously approved and recommended for submission to the Kenai Peninsula Borough for approval. The minutes from the City of Seldovia are included in the packet for review.

This plat is not within an advisory planning commission.

A wooden boardwalk, used for the "Otterbahn Trail," is located along the west property line within the 33-foot section line easement. To accommodate the boardwalk and any trail crossing the property related to the "Otterbahn Trail," a 10-foot Pedestrian Easement should be added, along with a corresponding plat note.

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

Utility Easements

The plat is proposing a 10-foot utility easement adjacent to the right-of-way as stated in plat note number 1. **Staff recommends** the surveyor depict this 10-foot utility easement on the drawings also.

The certificate to plat does not indicate any easements of record to be shown.

HEA has requested a 40-foot electrical easement be shown over the existing overhead power line in the southeast corner of the plat. The request is noted below and is included in the packet.

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

Utility Provider Review:

HEA	Provide a label or plat note stating, "The existing overhead powerline is the centerline of 40 ft wide electrical distribution line, including guys and anchors, granted this plat."
ENSTAR	No comments or recommendations
ACS	No response
GCI	Approved as shown

KPB Department / Agency Review:

Addressing	Reviewer: Leavitt, Rhealyn Affected Addresses: None Existing Street Names are Correct: No List of Correct Street Names: POSH COMMUNITY DR Existing Street Name Corrections Needed: All New Street Names are Approved: No List of Approved Street Names: List of Street Names Denied: Comments: No other comments
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. Conditional Land Use Permit CLUP Resolution Number: 2006-33 CLUP Approval Date: 6/26/2006 Material Site Comments: A CLUP owned by the State of Alaska and managed by the Aviation Division is directly to the Northeast of the parcel in question. PID: 191-121-09.
Assessing	Reviewer: Windsor, Heather Comments: No comment

STAFF RECOMMENDATIONS

CORRECTIONS / EDITS

Correct the owners address in the Certificate of Ownership

The outer lines of the plat need to be darkened to stand out from the interior lot lines.

Modify the KPB File number in the title block to show 2024-090

KPB 20.25.070 – Form and contents required

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

- C. The location, width, and name of existing or platted streets and public ways, railroad rights-of-way, and other important features such as section lines or political subdivisions or municipal corporation boundaries abutting the subdivision;
Staff recommendation:
Verify the section line easement width to the west, parallel to this subdivision
- D. A vicinity map, drawn to scale showing location of proposed subdivision, north arrow if different from plat orientation, township and range, section lines, roads, political boundaries, and prominent natural and manmade features, such as shorelines or streams;
Staff recommendation:
Add Posh Community Drive to the vicinity map
- F. The location, width and name of existing and platted streets and public ways, railroad rights-of-way, easements, and travel ways existing and proposed, within the subdivision;
Staff recommendation:
Verify the name of the lake to whether it is Irene Lake or Trena Lake, both have been viewed on maps
- G. The status of adjacent lands within 100 feet of the proposed subdivision boundary or the land status across from any dedicated rights-of-way that adjoin the propose subdivision boundary, including names of subdivisions, lot lines, block numbers, lot numbers, rights-of-way; or an indication that the adjacent land is not subdivided;
Staff recommendation:
Add labels to the parcels to the north and northeast.
-

KPB 20.30 – Subdivision Design Requirements

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

20.30.280. Floodplain requirements.

- D. All subdivisions or replats within the Flood Insurance Rate Map (FIRM) area or SMFDA, as amended, as defined by KPB 21.06.030, shall contain the following note:

FLOOD HAZARD NOTICE:

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

KPB 20.40 – Wastewater Disposal

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

20.40.010 Wastewater disposal.

Platting Staff Comments:

Staff recommendation: comply with 20.40.

KPB 20.60 – Final Plat

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

RECOMMENDATION:

STAFF RECOMMENDS:

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

NOTE: 20.25.120. - REVIEW AND APPEAL.

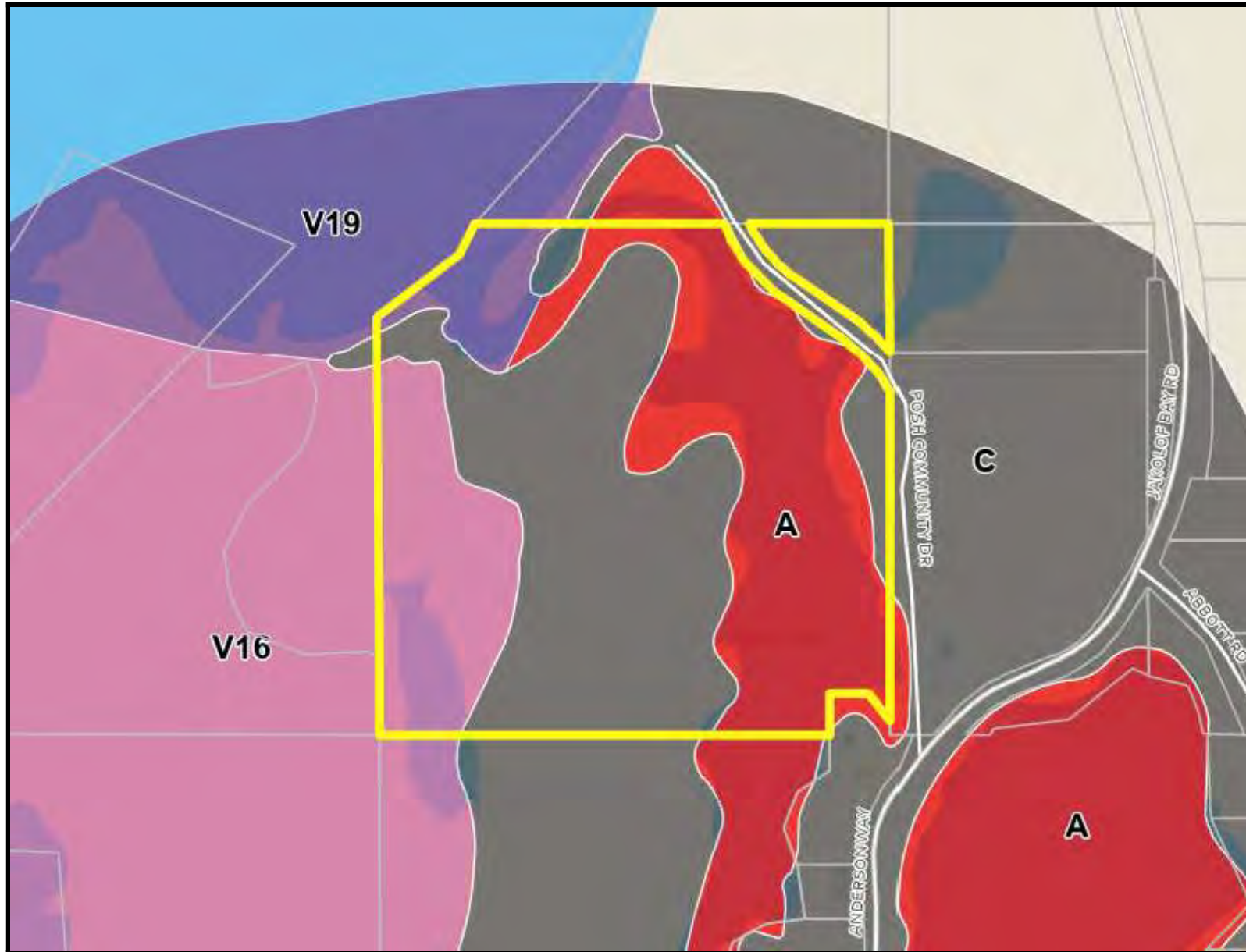
A PARTY OF RECORD MAY REQUEST THAT A DECISION OF THE PLAT COMMITTEE BE REVIEWED BY THE PLANNING COMMISSION BY FILING A WRITTEN REQUEST WITHIN 15 DAYS OF NOTIFICATION OF THE DECISION IN ACCORDANCE WITH KPB 2.40.080.

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

END OF STAFF REPORT



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 Parcel ID(s):

19118001

Selected Parcel Boundary or
Boundaries



Tax Parcels



Regulatory Floodplain

Floodplain



V16



V19



C

**Community Flood Insurance
Rate Map (FIRM) Panel(s):**

0200125045A, 0200125065A,
0200125055A

*For a detailed description of the mapped
floodplain areas, please see the letter
accompanying this map.*

0 1000 2000
ft

FRANK RABY 1971 ADDITION

LOCATED IN LOTS 4 & 5 SEC. 29, LOT 2 SEC. 30, LOT 2 SEC. 32,
T8S. R14W. S.M.; SELDOVIA, ALASKA.
CONTAINING 135.024 AC.

VICINITY MAP
1" = 1/2 M.

SCALE
1" = 200'
OCT. 20,
1971



CERTIFICATE OF OWNERSHIP & DEDICATION

WE HEREBY CERTIFY, THAT WE ARE THE OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREON, AND THAT WE ADOPT THIS PLAN OF SUBDIVISION, AND DEDICATE ALL STREETS TO PUBLIC USE AND TO THE USE OF PUBLIC UTILITIES.

OWNER	ADDRESS
Frank Raby	Seldovia, Alaska
City of Seldovia	Robert Williams
William Williams	Seldovia, Alaska

NOTARY'S ACKNOWLEDGEMENT

SUBSCRIBED AND SWORN BEFORE ME THIS 17 DAY OF November 1971
MY COMMISSION EXPIRES 1-12-73

NOTARY FOR ALASKA

KENAI PENINSULA BOROUGH

APPROVED November 22, 1971
BY: *James A. Murrell*

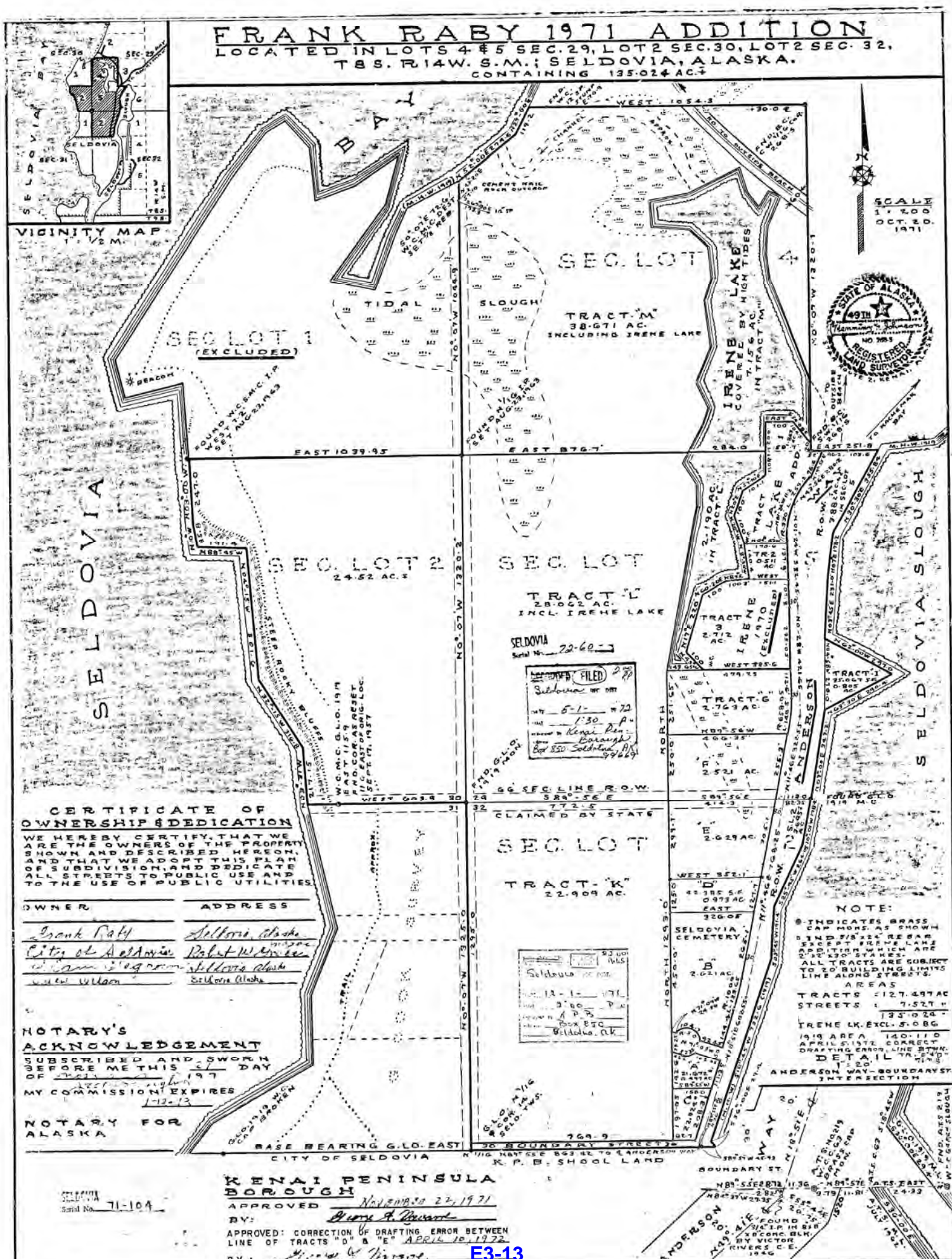
APPROVED: CORRECTION OF DRAFTING ERROR BETWEEN LINE OF TRACTS "D" & "E" APRIL 10, 1972

BY: *James A. Murrell*

E3-13

NOTE:

① INDICATES BRASS CAP MONS. AS SHOWN
② IND. 7/8" x 2 1/2" REBAR
③ EXCEPT FROM LAKE ADDITION WHICH ARE 12" x 20" STAKES.
ALL TRACTS ARE SUBJECT TO 20' BUILDING LIMITS LINE ALONG STREETS.
AREAS
TRACTS 127.497 AC
STREETS 7.527 "
135.024
IRENE LK. EXCL. 5.086
1919 AREA 140.110
APRIL 5, 1972. CORRECT
DRAFTING ERROR, LINE BTH.
DETAIL 7/8" x 20"
ANDERSON WAY-BOUNDARY INTERSECTION



SURVEYED TOWNSHIP 8 SOUTH, RANGE 14 WEST OF THE SEWARD MERIDIAN, ALASKA

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

MTP
SUPPL SECS 29-32

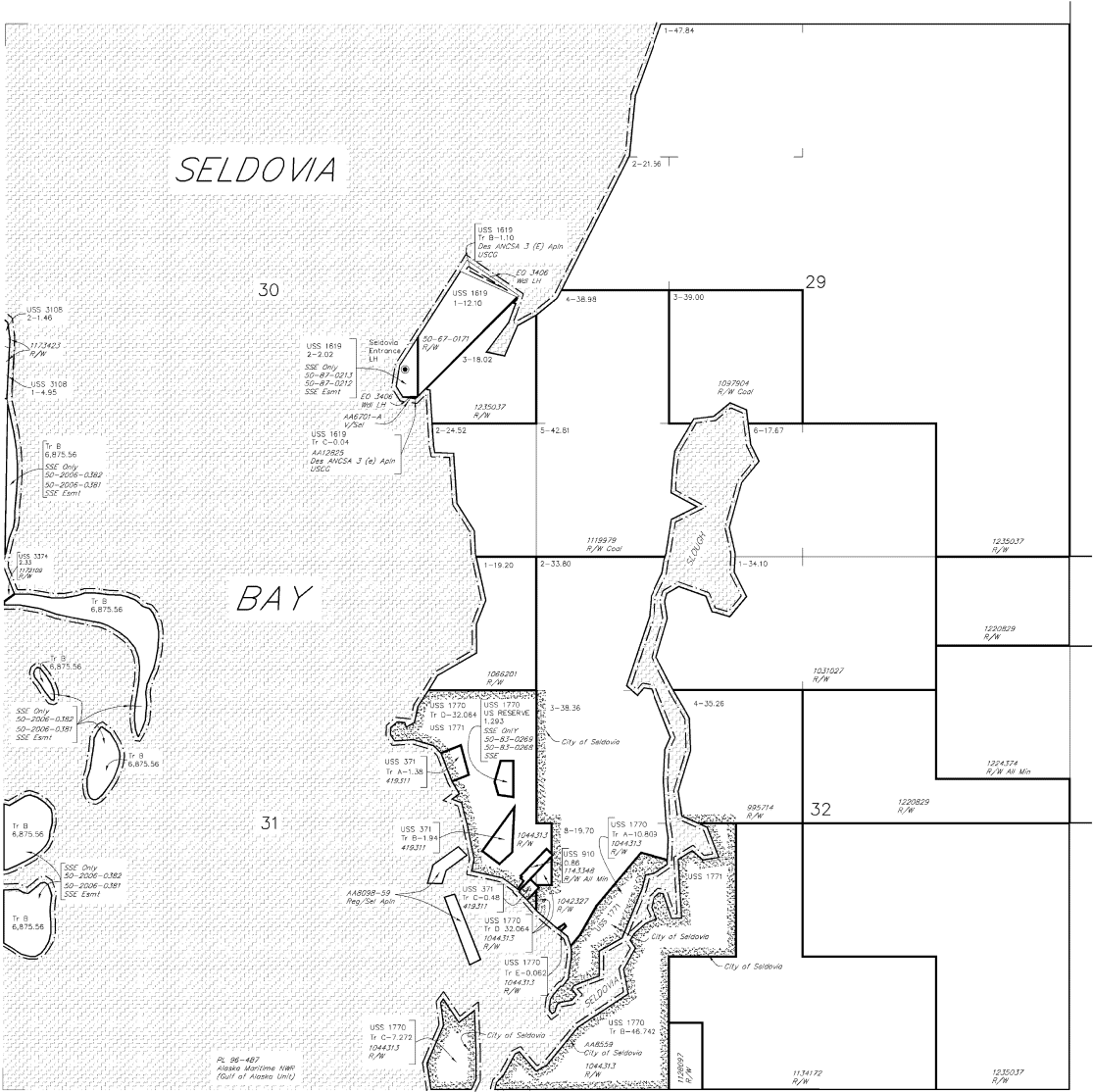
NO 2
FOR ORDERS EFFECTING DISPOSAL OR USE OF UN-
IDENTIFIED LANDS WITHDRAWN FOR CLASSIFICATION
MINERALS, WATER AND/OR OTHER PUBLIC PURPOSES
REFER TO INDEX OF MISCELLANEOUS DOCUMENTS.

A057388 SS entire Tr Amdt Excl prior valid rights,
claims, Pat lands Amdt 6/16/1972

A058732 SS Reserved Min Estate Only

PL 02-20.3 W/ AA6701

PLD 5184 W/ C affects Lds/Interest not conveyed



CURRENT TO		NO 2
9-20-2016		Sew Mer 8 S
		T 14 W
		ACAD

WARNING:
This map is the Bureau's Record of Title, and should be used
only as a graphic display of the township survey data. Rec-
ords shown do not reflect title changes which may have been
affected by lateral movements of rivers or other bodies of water.
Refer to the cadastre survey for official survey information.

KENAI PENINSULA BOROUGH

MEETING OF THE PLANNING & ZONING COMMISSION - APRIL 10, 1972

7:30 P. M. - BOROUGH BUILDING - SOLDOTNA

AGENDA

1. Public Hearings:
 - a. Anchor Subdivision, South Addition (Vacation & Replat)
 - b. Carver Part 2 Subdivision (Final - Section Line Right of Way Vacation)
 - c. Davis Rezoning Request
 - d. Jesse Lee Heights Addition No. 1 (Swetmann Avenue Vacation)
2. Consideration of Submitted Plats:
 - a. Crossman Ridge Subdivision (Preliminary/Final)
 - b. Echo Acres Subdivision (Preliminary/Final)
 - c. Greenwood Heights Subdivision (Preliminary/Final)
 - d. Lewis Subdivisions No. 1 & 2 (Preliminary/Final)
 - e. Raby (Frank) 1971 Addition (Special Consideration)**
 - f. Svedlund, Nils O. (Replat)
3. Moss Exception Request
4. Bennett Exception Request
5. Planning Director's Report
6. Other Business
7. Approval of Minutes - March 6 & 20, 1972
8. Adjourn Meeting

A letter from the surveyor was read. The planning staff has reviewed the plat and recommends final approval subject to:

1. The Greer Tract included be given a tract letter;
2. Greer, Gillan & Finch all sign the plat;
3. Finch Street be dedicated as 50 feet; with Gillan dedicating the other 25'.
4. Temporary cul-de-sacs be provided for Hill, Bay and Finch Streets at their west terminus.

There was considerable discussion over where the additional 25' of road should come from.

Commissioner Peck moved, seconded by Commissioner Baldwin, to approve the plat subject to the staff's recommendations. Motion carried with Mrs. Dimmick dissenting.

D. LEWIS SUBDIVISIONS NO. 1 & 2 (PRELIMINARY/FINAL)

Mr. Best presented the staff report noting these subdivisions are located South of Daniel's Lake in North Kenai.

Note that these plats are a result of the subdivision enforcement program.

The planning staff has reviewed the plats and recommends final approval subject to 10 foot utility easement along the South boundary of Subdivision No. 2.

Commissioner Leirer moved, seconded by Commissioner Baldwin, to approve this subdivision plat subject to the staff's recommendations. Motion carried unanimously.

E. RABY (FRNAK) 1971 ADDITION (SPECIAL CONSIDERATION)

Mr. Best presented the staff report noting this subdivision is located North of the school property and adjacent the North City limits of Seldovia.

This plat was approved in November of 1971 and recorded in December of 1971; subsequently, a drafting error was discovered. The error has been corrected and according to the regulations the plat as corrected needs commission approval. The planning staff therefore recommends approval.

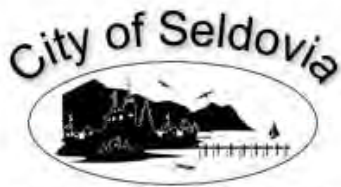
Commissioner Baldwin moved, seconded by Commissioner Leirer, to approve this plat as submitted. Motion carried unanimously.

F. SVEDLUND, NILS O. (REPLAT)

Mr. Best presented the staff report noting this replat is located in the City of Homer near the Great Lander Cafe and adjacent property.

This subdivision replat was approved by the Homer Advisory Planning Commission on April 5, 1972. The planning staff has reviewed the plat and recommends approval.

Commissioner Leirer moved, seconded by Commissioner Baldwin, to approve this plat as submitted. Motion carried unanimously.



www.cityofseldovia.com

CITY OF SELDOVIA

PO Box B, 245 Dock Street
Seldovia, Alaska 99663
Phone 907-234-7643

Special Planning Commission Meeting

Wednesday, July 24th, 2024

6:00PM

Hybrid Meeting

For more information-

Email cityclerk@cityofseldovia.com

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AGENDA
SELDOVIA PLANNING COMMISSION
WEDNESDAY, JULY 24, 2024, 6:00PM
SPECIAL MEETING-

In Person at Multipurpose Building, 260 Seldovia Street
or by Zoom Webinar:

<https://us02web.zoom.us/j/82080044206?pwd=c3UzNXlocGg3SmhER3VCMmxZeEJudz09>

or join by telephone by dialing: +1 346 248 7799 or +1 669 900 9128

Webinar ID: 820 8004 4206

Passcode: 884748

KROLL REIN SWEET FORSBERG BLANCHARD

- A. Call to order;
- B. Roll Call;
- C. Approval of the Agenda;
- D. Approval of Minutes: June 19th, 2024
- E. Public Comments Regarding Items Not on the Agenda;
- F. Public Hearings, Prior Notice;
 - 1. Application to Rezone Three Properties from Commercial Business (CB) District to Waterfront Commercial Residential (WCR) District.
 - A. Presentation by Staff or Commission
 - B. Public Presentation or Hearing
 - C. Commission Discussion
 - D. Action/Disposition
- G. Consideration of Site Plans;
- H. Commission Business:
 - 1. Frank Raby 1971 Addn. Tract M 2024 Preliminary Replat
 - A. Presentation by Staff or Commission
 - B. Public Presentation or Hearing
 - C. Commission Discussion
 - D. Action/Disposition
- I. Staff Reports;
- J. Informational Items Not Requiring Action:
 - 1. The regular election for the City of Seldovia will be held October 1, 2024. The candidate filing period opens August 1, 2024 and closes August 15, 2024 at 4:30pm.
- K. Comments of the Public;
- L. Comments of the Commission;
- M. Next Meeting: Regular scheduled meeting, August 7, 2024
- N. Adjournment:

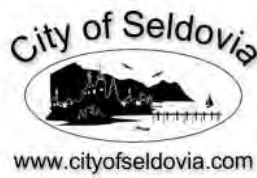
TO ATTEND THE MEETING VIRTUALLY:

- 1. As technology allows, this meeting will be available as a Zoom Webinar for individuals to attend virtually at the link provided on the agenda. **To provide public comments directly via Zoom Webinar sign up with the City Clerk's office by 3:00 p.m. the day of the meeting.** 907-234-7643 or cityclerk@cityofseldovia.com.
- 2. This meeting will also be Live-Streamed to the City of Seldovia YouTube Channel as technology allows. To find the meeting log onto YouTube and search for the City of Seldovia. *Public comments will not be able to made directly while watching the meeting live on YouTube and must be submitted in writing beforehand by 3:00pm the day of the meeting.*

TO SUBMIT PUBLIC COMMENT:

- 1. Public comment submissions received by 3:00 p.m. the day of the meeting will be provided to the City Council by the City Clerk. Submit your public comment specifying which discussion you would like to provide comment for by email to the cityclerk@cityofseldovia.com, in person to the Seldovia City Office at 245 Dock Street, or by mail to City of Seldovia, PO Box B, Seldovia, AK 99663.

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P.O. Box B Seldovia, Alaska 99663 Phone: (907) 234-7643, email: cityclerk@cityofseldovia.com

TO: Seldovia Planning Commission
FROM: Liz Diamant, City Clerk
DATE: July 22, 2024
SUBJECT: Application for Rezone of Three Properties from the Commercial Business (CB) District to Waterfront Commercial Residential (WCR) District

Application Background:

On May 11, 2024, three property owners submitted an initial application to rezone the listed three properties from the Commercial Business (CB) zoning district to Waterfront Commercial Residential (WCR) zoning district. The initial application was discussed at a Seldovia Planning Commission Special Meeting on June 19, 2024 and supplemental information was requested to complete the application for review. On June 21, 2024 supplemental information was provided by petitioner Jerry Stranik, including maps of the area and more detailed information to address the criteria for rezoning. The application was reviewed by staff and a Public Hearing was scheduled for July 24th, 2024 at 6pm. On July 1st public notice of the rezoning application was mailed out to property owners within 300 feet per Seldovia Municipal Code (SMC). Public notice was posted at the Seldovia Post Office, multipurpose Building, City Office and City website, as well as emailed to the Public Notifications List.

Legal Description of Properties Requested for Rezoning:

T 8S R 14W SEC 32 Seward Meridian SL 0670030 WATERFRONT RESUB NO 1 LOT 2 BLK 13
T 8S R 14W SEC 32 Seward Meridian SL 0670030 WATERFRONT RESUB NO 1 LOT 3 BLK 13
T 8S R 14W SEC 32 Seward Meridian SL 0670030 WATERFRONT RESUB NO 1 LOT 4 BLK 13

Petitioners:

Gerald Stranik, Leslee Martin, William C. Lethin

Amendment Procedure:

Seldovia Municipal Code (SMC) Title 18 provides for a process to amend the Seldovia Zoning Code and Official Map. Under SMC 18.97 Amendment Procedures, amendments to the Zoning Code or Map may be initiated by the Seldovia City Council, by the Seldovia Planning Commission, by a submission of petition of the majority of property owners in the area to be amended, or by petition of 50 registered voters withing the City. *(This Petition is from all three property owners in the area to be amended)*

The zoning amendment request shall include the names and addresses of the applicant, the name of each record owner with the legal description and Borough tax parcel number of each lot that is the subject of the proposed amendment, a statement of justification, a map showing the lots comprising the area that is the subject of the proposed amendment, the present and proposed zoning, a nonrefundable fee as set forth in the Seldovia Fee Schedule adopted by the City Council, and any other pertinent information requested by the City.

A completed application, as described in this section, shall be submitted to the administrative official. The administrative official shall schedule a public hearing and make notification arrangements.

The City Planning Commission shall hold a public hearing in accordance with the procedures and provisions as provided in Chapter 18.96 and shall consider and determine:

1. The need and justification of the proposed amendment;
2. Whether the proposed amendment is in conformance with the Comprehensive Plan or will further the purposes of the Plan;
3. The effect of the proposed change on surrounding properties or the area; and
4. The amount of undeveloped land in the general area having the same district classification as that requested by the proposed amendment.
5. Will it be reasonable to implement and enforce;
6. Will it promote the present and future public health, safety, and welfare;
7. Is in the best interest of the public, considering the effect of development permitted under the amendment, and the cumulative effect of similar development on property within and in the vicinity of the area subject to the amendment and on the community, including without limitation effects on the environment, transportation, public services and facilities, and land use patterns.

The Commission shall, upon public hearing, forward its written recommendation to the Seldovia City Council, along with an excerpt of the Commission minutes showing the consideration of the proposal, all public testimony on the proposal, and public records relating to the proposed amendment.

The Seldovia City Council in accordance with the provisions of the Seldovia Municipal Code, may or may not adopt the amendment as a City Ordinance. (18.97.010 Amendment Procedure)

Seldovia Zoning History:

Establishment of the Zoning Code of Ordinances

The Uniform Building Codes were adopted with Urban Renewal, (Ordinance 66-3) and later with (Ordinances 74, 25-28). The Seldovia Municipal Code was adopted in September 1962 with the incorporation of the City as a first-class city. A Zoning Code was included in the establishment of the Seldovia Municipal Code.

Records indicate that further zoning codes were established with Urban Renewal (Ordinance 66-2). Chapters included were as follows: 18.04 Planning Commission, 18.08 Design and Platting Requirements, 18.12 Board of Adjustment
18.16 Appeals Procedure

During that time, the established districts and zoning map appears to have been incorporated within the Kenai Peninsula Borough Code of Ordinances not Seldovia's Zoning Code and that KPB zoning code for Seldovia included the following districts: Residential, General (RG) Residential, Special Apartment (RSA), Waterfront Commercial Residential (WCR), Commercial (C), Marine Commercial (MC), Industrial, and Alaska State Housing Authority (ASHA)

Seldovia Zoning Regulations Powers- 1998

Through Resolution 98-10, the City of Seldovia requested the power to provide zoning regulations within city limits from the Kenai Peninsula Borough. KPB granted those powers through KPB Ordinance 98-50 and the City of Seldovia established the Seldovia Zoning Code through Ordinance 98-07.

Zoning Code of Ordinances Update 2005

The Seldovia Zoning Map went through a review and update in 2005 and was adopted by Ordinance 06-05. Review of both maps indicates that while most zones remained relatively the same the Commercial Marine District was expanded along the waterfront and across the street, and those areas were previously zoned as Industrial and Commercial Residential. Additionally, the residential district expanded between Vista and Winifred Avenue. The three parcels petitioning for rezoning were already in the Commercial Marine District.

Commercial Marine to Commercial Business and Long-Term Residential Rentals- 2020

In 2019-2020 the Commercial Marine District went through a zoning review and overhaul in an attempt to more accurately capture the changes in the district and better define residential dwelling units as incidental secondary uses. Ordinance 20-05 was adopted with those changes which also included an administrative permit for long-term residential rentals.

Comparison of CB District and WCR District:

The CB District and WCR District have differing purpose statements, permitted uses, setback requirements, building height requirements, parking, minimum lot size and open space requirements. The CB District requires a primary Commercial Use, while WCR District provides a choice for residential, commercial or mixed-use with no requirement to have a commercial purpose. CB District properties are considered Commercial for the purpose of Water/Sewer Rates while WCR properties can be billed at Residential or Commercial rates based on use. Please see the Comparison and Land Use Tables attached to compare the two zoning districts.

Staff Analysis of Requirements for Petition and Evaluation criteria for Zoning Planning Amendments listed in SMC.

The application and supplemental information submitted by the petitioners was reviewed by staff and considered complete.

1. The need and justification of the proposed amendment;

A justification was provided by petitioners that it meets the Desired Future Lands Uses on page 33 of the 2014 Comprehensive Plan.

2. Whether the proposed amendment is in conformance with the Comprehensive Plan or will further the purposes of the Plan;

The proposed amendment would align the 3 parcels with the Desired Slough District in the Future Preferred Land Uses within the 2014 Comprehensive Plan.

3. The effect of the proposed change on surrounding properties or the area; and

The effect of the zoning amendment on surrounding properties within the general area would be to change the nature of the area from commercial to mixed use, and or residential.

4. The amount of undeveloped land in the general area having the same district classification as that requested by the proposed amendment.

There is no undeveloped land in the area.

5. Will it be reasonable to implement and enforce;

Yes. It will require a code ordinance change and mapping updates. Current structures would need to be evaluated for open space requirements of WCR.

6. Will it promote the present and future public health, safety, and welfare;

The rezoning has no discernable impact on present and future public health, safety or welfare.

7. Is in the best interest of the public, considering the effect of development permitted under the amendment, and the cumulative effect of similar development on property within and in the vicinity of the area subject to the amendment and on the community, including without limitation effects on the environment, transportation, public services and facilities, and land use patterns.

Rezoning would result in possible reduction of water/sewer revenue for the three properties listed. A reduction from Small Commercial Rate to Residential Rate for 3 parcels would have a fiscal impact of approximately \$1,000 annually at current water/sewer rates. (Small Commercial is \$188.43 +tax monthly, Residential Rate is \$94.84+tax).

Rezoning would remove the requirement to have a commercial purpose and would permit a primary residential use along the waterfront area.

A reduction or change in property tax revenue is not anticipated as a result of the change. Per KPB, property tax assessment is based on building use, not zoning districts. Residential buildings are assessed as residential and commercial buildings as commercial regardless of where they are located.

Public Comments Received:

Seven written public comments were received, one from a petitioner on the application and six from other property owners in the vicinity. Three neighboring property owners wrote in support of the rezoning and three submitted comments opposing the rezoning application. Comments are attached.

Proposed Timeline for Rezoning Process

- June 19, 2024 – Submittal of Initial Petition to Planning Commission, Supplemental Information was requested.
- June 21, 2024 – Supplemental Information, including proposed map and justifications submitted.
- July 1, 2024- Notice mailed to neighboring property owners
- July 24, 2024 - Public Hearing before Seldovia Planning Commission
- August 7, 2024 – Seldovia Planning Commission Regular Meeting
Seldovia Planning Commission discussion on recommending zoning change.
(If recommended, a draft ordinance will be approved and transmitted to City Council. If not recommended, a statement will be transmitted to the City Council.)
- August 26, 2024 – City Council Meeting
If recommended, Draft Ordinance introduced from Planning Commission. Scheduled for recommended public hearing at the following Council meeting.
- September 9, 2024 – City Council Meeting
Recommended Public hearing for Draft Ordinance and possible action by City Council

Staff Recommendation

Staff Recommends that the Commissioners consider the application complete and hold a Public Hearing to evaluate the Request for Rezoning.

Attachments:

Public Hearing Notice

Initial Application Submitted

Supplemental Application Information and Maps

Current Zoning Map

Written Public Comments Received as of 7/19/2024

Title 18 Zoning Code

Seldovia Comprehensive Plan pages 33 and 50.

Commercial Business District (CB) Waterfront Commercial District (WCR)
Comparison Chart

	<u>CB District</u>	<u>WCR District</u>
District Purpose	The CB District is established to provide an area for convenient, attractive and concentrated commercial development. Regulations applying to this zone are designed to encourage a compact group of business of the type which are mutually beneficial and located close enough together to encourage walk-in trade.	This district is designed to preserve and enhance the following characteristics of Seldovia: 1. Marine orientation of the community 2. Pedestrian orientation 3. Variety of compatible mixed use development 4. Scenic features due to the natural terrain and vegetation
Permitted Uses/Conditional Uses/Prohibited Uses	Primary Commercial Use Required Secondary Uses allowed with Primary Purpose. Long-Term Residential Rentals as Primary Commercial Use By Administrative Permit (10% of District) See Land Use Table for Use Comparison	No Commercial Primary Use Required. See Land Use Table for Comparison
Minimum Area and Lot Width	A. 5000 square feet B. Lot area shall be sufficient to meet the parking and setback standards.	A. No minimum lot area is established, but the actual lot area shall be sufficient to meet the parking, open space, natural area and setback standards of this chapter. B. Residential uses shall provide at least 1000 square feet of open space per dwelling unit. The open space may not be used for parking or permanent structures; however, 50 percent may be a covered patio or similar structure.
Open Space Requirements	N/A	25 percent of the land area involved shall be left with the natural vegetation and terrain existing prior to development.
Parking	A. Residential uses, same as required in the Residential District; B. Retail sales, one space per 200 square feet of gross usable floor area; C. Service business and offices, one space for each 300 square feet of gross usable floor area; D. Restaurants, bars and other entertainment establishments, one	Two off-street parking spaces are required for any dwelling unit, otherwise parking requirements are the same as the Commercial District. For residential use only, the parking spaces may be made of dirt, gravel, asphalt, concrete or wood and, if unenclosed, may be within the setback from an adjacent right-of-way. If the applicant adequately demonstrates that the use will be residential, or serve

	<p>parking space for each four seats based on maximum seating capacity;</p> <p>E. Transient housing, one parking space for each three rooms;</p> <p>F. In addition to the above requirements, one parking space for every four employees shall be provided;</p> <p>G. If the applicant adequately demonstrates that the use will serve customers who are not dependent on motor vehicles to reach the business, the parking requirements may be reduced accordingly by the City Planning Commission;</p>	<p>customers who are not dependent on motor vehicles to reach the business, the parking requirements may be reduced accordingly by the City Planning Commission.</p>
Building Setback	<p>A. Ten (10) from all rights-of-way if the right-of-way meets existing requirements;</p> <p>B. If the adjacent right-of-way is less than required by existing standards, the setback shall be equal to $\frac{1}{2}$ the required right-of-way width plus ten (10) feet measured from the right-of-way centerline. Required right-of-way shall be that required by City plans or ordinance. If no City plan or ordinance exists, the right-of-way requirements of the Borough subdivision requirements shall apply;</p> <p>C. Six (6) feet from all property boundaries not bordering right-of-way, unless adequate fire-walls are provided and adequate access to the rear of the building is otherwise provided.</p> <p>D. The setback for a deck or dock proposed along the shore of the Seldovia Small Boat Harbor (defined as any waterfront lot on Main St. between lots 19307917 and 19203059) shall be the mean high tide line. Any deck or dock proposed beyond the mean high tide shall be heard by the Planning and Zoning Commission under the conditional use permitting process</p>	<p>A. Five (5) feet from all rights-of-way if the right-of-way meets existing requirements;</p> <p>B. If the adjacent right-of-way is less than required by existing standards, the setback shall be equal to $\frac{1}{2}$ the required right-of-way width plus 5 feet measured from the right-of-way centerline. Required right-of-way shall be that required by City plans or ordinance. If no City plan or ordinance exists, the right-of-way requirements of the Borough subdivision requirements shall apply;</p> <p>C. Six (6) feet from all property boundaries not bordering right-of-way, unless adequate fire-walls are provided and adequate access to the rear of the building is otherwise provided. (Ord. 00-08)</p>

Building Height	The maximum building height is twenty-eight (28) feet measured from the centerline of Main Street.	The maximum building height is twenty-eight (28) feet measured from where the final grade meets the average of the two highest foundation corners. Below grade walls shall not exceed ten (10) feet and shall not cause the vertical height of the structure to exceed twenty-eight (28) feet from where the final grade meets the average of the two highest foundation corners and not to exceed an overall height of thirty-eight (38) feet.
Signage	Combined signage serving the Commercial Business District shall not exceed 15% of wall surface area as viewed from any lot line.	Combined signage serving the Waterfront Commercial Residential District shall not exceed six square feet in area and shall be located so as not to impede visibility or traffic. C. Combined signage serving Conditional Uses shall not exceed 20 square feet in area and shall be located so as not to impede visibility or traffic.
Visibility at Intersections	A. No vehicle shall be parked within thirty feet (30') of any existing municipality street intersection; B. To ensure that a vehicle's driver has good visibility at street intersections, on corner lots both public and privately owned, there shall not be a fence, wall, hedge, planting or structure, or other obstacle including vehicles that will impede visibility between a height of 2-1/3 feet and 8 feet and greater than one foot wide above the centerline grades of the intersecting streets unless parked in already approved and designated parking area.	A. No vehicle shall be parked within thirty feet (30') of any existing municipality street intersection; B. To ensure that a vehicle's driver has good visibility at street intersections, on corner lots both public and privately owned, there shall not be a fence, wall, hedge, planting or structure, or other obstacle including vehicles that will impede visibility between a height of 2-1/3 feet and 8 feet and greater than one foot wide above the centerline grades of the intersecting streets unless parked in already approved and designated parking area.

Commercial Business District (CB) Waterfront Commercial District (WCR)

Land Use Table Comparison

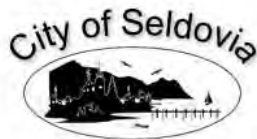
(All uses in the two districts are highlighted, Differences between are highlighted on the land use column)

Key:	P- Permitted Use	S - Secondary Use	C - Conditional Use	N- Not Permitted
ZONING DISTRICTS				

LAND USES	RG	RSM	WCR	C	I	CB	CR	A	P
Residential Land Use Types									
Accessory Structure on an Unoccupied lot (without main building)	C	N	P	P	P	N	P	N	N
Accessory Use or Structure	P	P	P	P	P	P	P	C	P
Dwelling Unit, Attached Residential (apartment in a commercial building (limited to one unit))	N	N	P	P	P	S	P	N	N
Dwelling Unit, Attached multi-residential (apartment in a commercial building (two or more unit))	N	N	P	P	C	S	P	N	N
Dwelling Units, structures containing four or less units	P	C	P	C	C	N	P	N	N
Dwelling Units, structures containing five or more units	C	P	C	P	C	N	P	N	N
Mobile Homes	P	N	P	C	N	N	P	N	N
Mobile Home Parks	C	N	N	C	N	N	C	N	N
Commercial Land Use Types									
Dwelling unit- nightly rentals	P	N	P	C	C	S	P	N	N
Bed and Breakfasts	P	N	P	C	C	S	P	N	N
Business/Consumer Services (other than a home occupation)	N	P	P	P	P	P	P	N	N
Business/Personal Services (other than a home occupation)	N	P	P	P	P	P	P	N	N
Cabin Rentals	P	N	P	C	C	C	P	N	N
Commercial Recreation	N	N	P	P	P	P	P	N	N
Entertainment Uses	N	N	P	P	P	P	P	N	N
Garage, Commercial	N	N	P	P	P	C	P	P	N
Home Occupation	P	P	P	P	P	S	P	N	N
Hostels	C	N	P	C	C	C	P	N	N
Marijuana Cultivation Facility, manufacturing facilities, retail facilities, and testing facilities as defined by state law, SMC 18.78 and SMC Ord. 16-09	N	N	C	C	C	C	C	N	N
Motel/Hotel (five or more units considered motel/hotel)	C	P	P	P	N	P	P	N	N
Kennel, Commercial	C	N	C	C	C	N	C	N	N
Lodge (contains five or fewer units)	C	P	P	P	N	P	P	N	N

Offices	S	P	P	P	S	S	P	S	N
Restaurant	N	N	P	P	N	P	P	N	N
Retail Business (other than a home occupation)	N	N	P	P	P	P	P	N	N
Wholesale Business	N	N	P	P	P	P	P	N	N
Industrial Land Use Types									
Automotive Repair, Services, and Sales (Was Motor Vehicles before)	N	N	C	P	P	C	C	N	N
Equipment sales, repairs and service (Heavy equip, or machine)	N	N	N	P	P	N	P	N	N
Extraction of natural resources for sale not incidental to development of the area for a permitted use (surface or subsurface)	N	N	N	N	N	N	N	N	N
Gas Station	N	N	N	C	C	N	N	N	N
Junkyard	N	N	N	P	P	N	N	N	N
Lumberyard	N	N	N	P	P	N	C	N	N
Manufacturing/Fabricating/ Assembly	N	N	N	C	P	C	C	N	N
Marine equipment sales, service, repair, construction and storage	N	N	P	P	P	P	P	N	N
Mini-Storage Facility	N	N	C	P	P	N	P	N	N
Utility, public facility (Was Public utility plants)	C	N	P	P	P	N	P	P	P
Gas manufacturer/Storage (Was Public utility and approved fuel storage)	C	N	C	P	P	N	C	P	N
Seafood Processing	N	N	C	P	P	C	C	N	N
Storage Facility	N	N	P	P	P	N	P	P	N
Storage Yard	N	N	N	P	P	N	P	N	N
Freight storage and staging for transportation except for flammable, explosive or corrosive materials not for use on the site	N	N	P	P	P	N	P	P	N
Freight storage and staging for transportation of flammable, explosive or corrosive materials	N	N	N	N	C	N	N	N	N
Warehouse	N	N	N	P	P	N	N	N	N
Wholesale outlets	N	N	P	P	P	C	P	P	N
PUBLIC/INSTITUTIONAL/OTHER									
Airport Compatible Uses (instead of related)	C	C	P	P	P	C	P	P	N

Churches	C	C	P	P	C	C	P	C	N
Clinics	C	C	C	P	C	P	P	C	N
Fraternal Organizations	C	C	C	C	C	C	C	C	N
Parks and Recreation	C	C	P	P	P	C	P	C	P
Schools	C	C	C	C	C	C	C	C	C
Hospitals	C	C	C	C	C	C	C	C	N
Public buildings	C	C	P	P	P	P	P	P	P
Signage uses in excess of those specified in Section 18.36.080, Subsection A.	C	C	C	C	C	C	C	C	C
Keeping of Livestock may be permitted provided the provisions set forth are satisfied	C	C	C	C	C	C	C	C	N
Building of decks and docks within the Seldovia Small Boat Harbor (as defined by SMC 18.52.070 D) beyond the mean high tide may be permitted if provisions set forth are met	N	N	C	N	N	C	N	N	N
Any use which causes excessive noise, odors, effluent, smoke, dust, vibrations, electrical interference, bright or flashing light, or other non-objectionable conditions which would interfere with the quiet enjoyment of a residential neighborhood	N	N	N	C	C	N	N	N	N



www.cityofseldovia.com

P.O. Box B Seldovia, Alaska 99663 Phone: (907) 234-7643 email: cityclerk@cityofseldovia.com

PUBLIC NOTICE

July 1, 2024

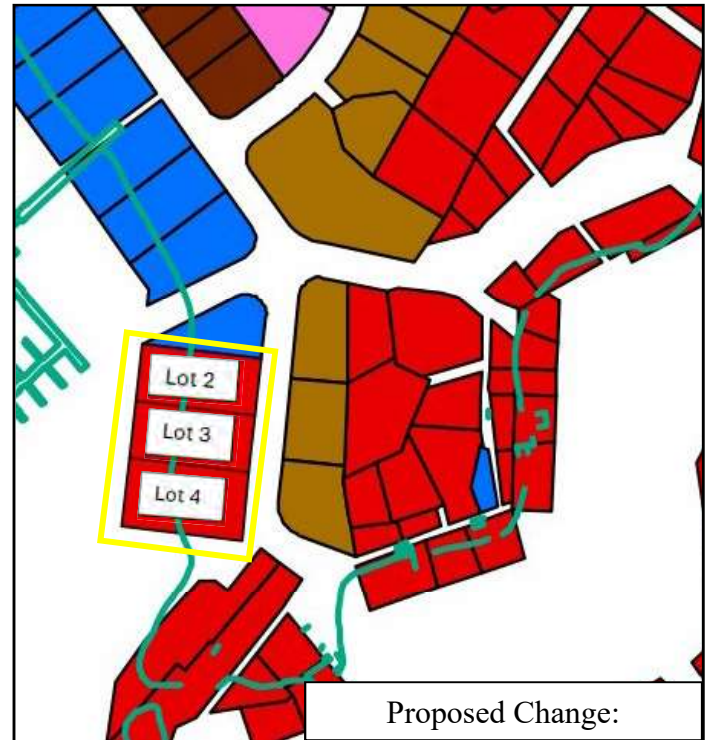
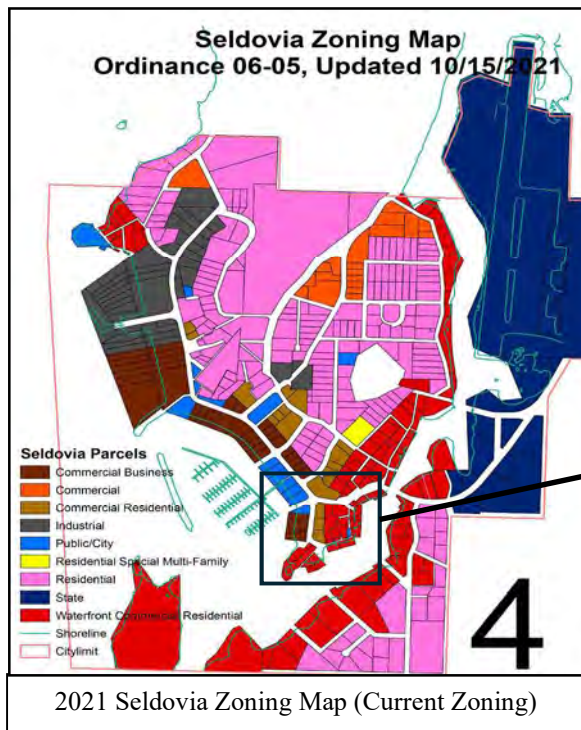
Notice is hereby given that an application has been received for an amendment to the Seldovia Zoning Code and Official Map, Seldovia Municipal Code, Section 18.97.

1. Location (s): T 8S R 14W SEC 32 Seward Meridian SL 0670030

WATERFRONT RESUB NO 1 LOT 2 BLK 13

WATERFRONT RESUB NO 1 LOT 3 BLK 13

WATERFRONT RESUB NO 1 LOT 4 BLK 13



1. Zoning Amendment Requested: Petitioners are requesting three properties be rezoned from the Commercial Business District to the Waterfront Commercial Residential District.

2. Petitioner(s):

Leslee Martin
PO Box 245
Seldovia, AK 99663

William C. Lethin
PO Box 264
Seldovia, AK 99663

Gerald M. Stranik
PO Box 173
Seldovia, AK 99663

The Seldovia Planning Commission will hold a public hearing at a special meeting,

Wednesday, July 24th, 2024.

The meeting will be held in the Council Chambers, Seldovia Multi-Purpose Building, 260 Seldovia St., Seldovia, AK, beginning at 6:00PM.

Posted 07/01/2024 www.cityofseldovia.com Seldovia City Office, Seldovia Post Office, and the Multi-Purposed Building

In accordance with the procedures and provisions as provided in Chapter 18.96, the City Planning Commission shall consider and determine:

1. The need and justification of the proposed amendment;
2. Whether the proposed amendment is in conformance with the Comprehensive Plan or will further the purposes of the Plan;
3. The effect of the proposed change on surrounding properties or the area; and
4. The amount of undeveloped land in the general area having the same district classification as that requested by the proposed amendment.
5. Will it be reasonable to implement and enforce;
6. Will it promote the present and future public health, safety, and welfare;
7. Is in the best interest of the public, considering the effect of development permitted under the amendment, and the cumulative effect of similar development on property within and in the vicinity of the area subject to the amendment and on the community, including without limitation effects on the environment, transportation, public services and facilities, and land use patterns.

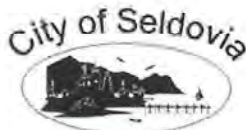
The Commission shall, upon public hearing, forward its written recommendation to the Seldovia City Council, along with an excerpt of the Commission minutes showing the consideration of the proposal, all public testimony on the proposal, and public records relating to the proposed amendment.

Written comments may be submitted to the attention of Liz Diamant, Seldovia City Clerk's Office – PO Box B – Seldovia, Alaska 99663. You may also submit written comments by email to cityclerk@cityofseldovia.com. **Written comments should be received by the City office no later than Friday, July 19, 2024.**

Additional information, including the complete application packet, can be found at www.cityofseldovia.com. For questions and additional information, please contact Liz Diamant at the Seldovia City office 907-234-7643 for additional information.

Liz Diamant

City Clerk



www.cityofseldovia.com

P.O. Drawer B Seldovia, Alaska 99663 Phone: (907) 234-7643, Fax: (907) 234-7430 email: cityclerk@cityofseldovia.com

**ZONING AMENDMENT
APPLICATION PETITION**

(A map of the areas involved is required)

Name of Owner(s)/Petitioner(s): Lether, Martin, Stronik

Legal description of lot/lots covered by this application (use additional sheets if necessary): Waterfront Resub. No. 1, Lot 4, 3, 2, 1, Blk 13

Request District Change: From Zone: Commercial Marine Waterfront
To Residential Commercial Marine Waterfront

Description of neighboring land use: See Comprehensive Plan for City

The need and justification of the proposed amendment: City Comprehensive Plan

Please provide written narrative explaining the following (use additional sheets if necessary):

1. How is the proposed change beneficial to the public interest? See City Comprehensive Plan
2. How is the proposed change compatible with surrounding zoning districts and the established land use pattern? Would it permit uses not compatible with adjacent land use? See City Comprehensive Plan

3. Are public facilities such as schools, utilities and streets adequate to support the proposed change? See City Comprehensive Plan

4. How does the proposed use not constitute spot zoning? See City Comprehensive Plan

Petitioners:

Signature: [Signature]
Name: Leslee J. Martin
Address: 173 Main
PO Box 245
Seldovia, AK 99663

Owner of: NO. 1 Lot 3 Block 13

Signature: [Signature]
Name: WILLIAM LETHIN
Address: 175 MAIN ST.
P.O. BOX 264
SELDOVIA, AK 99663

Owner of: NO. 1 LOT 4, BLK 13

Signature: [Signature]
Name: GERALD M. SPANIK
Address: 182 BAY ST BOX 173
SELDOVIA, AK 99663

Owner of: NO. 1 LOT 2 BLK 13

Signature: _____
Name: _____
Address: _____

Owner of: _____

Date Received: _____
Receipt No: _____
Public Hearing: _____

For City Office use only

P&Z Approval: _____

Attest: _____

Dear Seldovia Council Members,

I have prepared some copies of the currant Seldovia Comprehensive Plan in regard to Land use. Page 33 shows a map of the preferred land use senario. Page 34, under goal 2 B, it refers to the Town Center (business district) as being between Airport Ave. and Iliamna St. I believe the 3 lots south of Airport Ave. were spot zoned by circumstance. No fault of anyone. If you were to look up the meaning of spot zoning, you will find that it is illegal when not done in accord with a comprehensive plan. It is my belief that the law would work in reverse to correct the 3 lots shown, to make them compatable with the surrounding lots. I believe the currant plan does just that. The 3 lots are not contiguous with like zoning. In fact they are 635' from the closest waterfront business lot. It is not A thru street and very little parking. I also believe the lots could pose a detriment or nuisance to the neighborhood an to themselves if left in the currant zoning. I believe the folks that put togeather this year long plan addressed this. I would hope each of you consider the goals of the Comprehensive plan and correct this matter. That would be amending the map to reflect these lot to be in the zoning they are surrounded by. Thanks for your consideration.

Walt Martin

Leslee Martin



City of Seldovia

Map Date: 12/14/21

- Milepost
- Major Rd
- Highway
- Tax Parcels
- City Limits



0 255 510 Feet

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.

Seldovia
Bay



Zoning Amendment Application Petition
(A map of the areas involved is required)
Additional information for previously submitted application

Name of Owners: Lethin, Martin, Stranik

Legal description of lot/lots by this application (use additional sheets if necessary):

- T 8S R 14W SEC 32 Seward Meridian SL 0670030 WATERFRONT RESUB NO 1 LOT 2 BLK 13
Gerald Stranik
- T 8S R 14W SEC 32 Seward Meridian SL 0670030 WATERFRONT RESUB NO 1 LOT 3 BLK 13
Leslee Martin
- T 8S R 14W SEC 32 Seward Meridian SL 0670030 WATERFRONT RESUB NO 1 LOT 4 BLK 13
William C. Lethin

Request District Change:

From: Commercial Business District

To: Waterfront Commercial Residential District

Description of neighboring land use: Waterfront Commercial Residential – Mixed use development, recreational access, and semi-historic character.

The need and justification of proposed amendment. Incorporate into existing Waterfront Commercial Residential District in alignment with the 2014 Seldovia Comprehensive Plan Land Use Desired Future Conditions Concept described on p. 33 2013 – 2033 Preferred Land Use Scenario.

How is the proposed change beneficial to the public interest?

Aligns with the 2014 Seldovia Comprehensive Plan. Meets community desires to have an expanded Slough District.

How is the proposed change compatible with the surrounding zoning districts and established land use pattern?

The current zoning is Commercial Business District which allows mixed use, the properties on Main Street from Airport Road to the Waterfront Commercial District are residential in appearance and historic character consistent with the Waterfront Commercial Residential District.

Would it permit uses not compatible with adjacent land use. No, it would actually be more compatible with the adjacent land use as it would become the same as adjacent in the Waterfront Commercial Resident District. And the houses across the Main Street are currently zoned Commercial Residential.

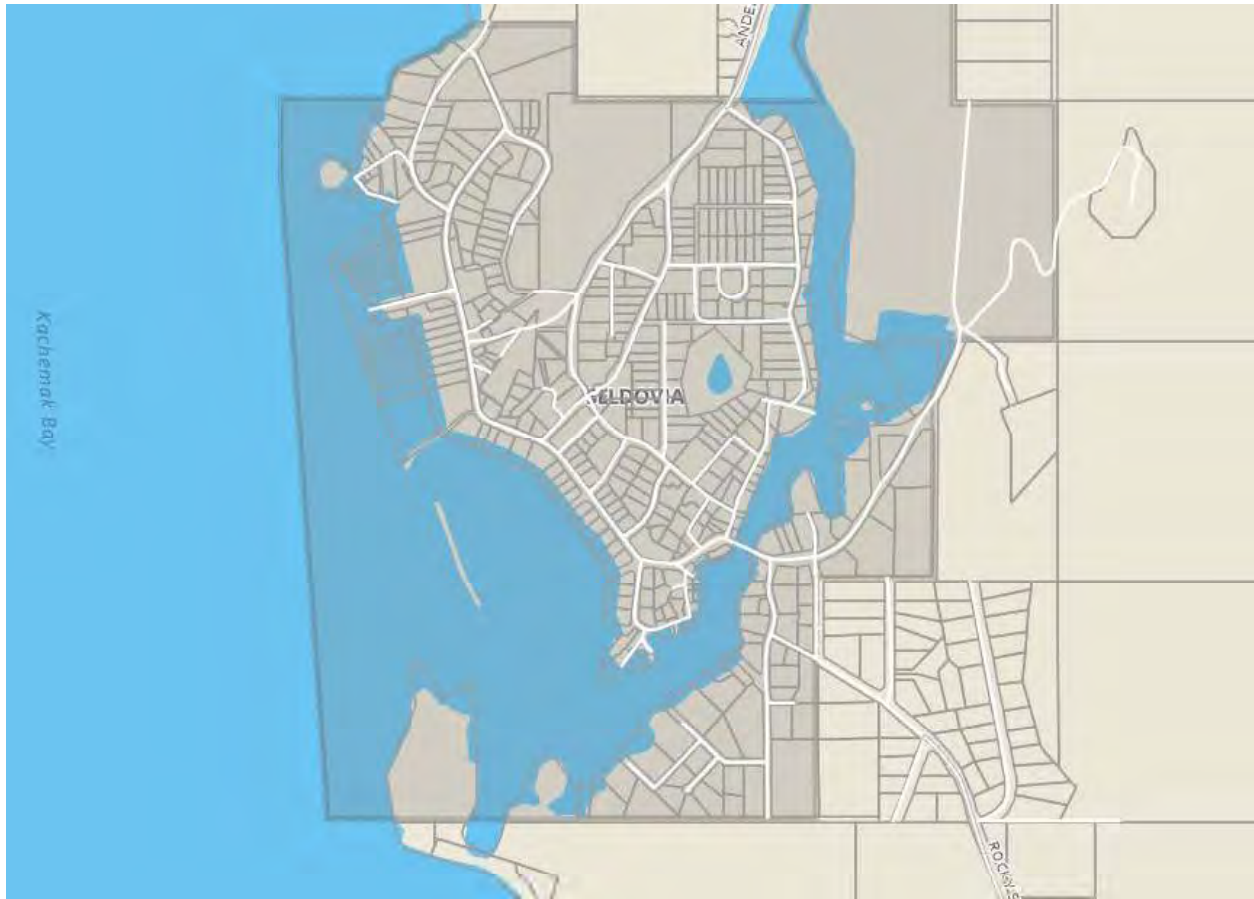
Are public facilities such as schools, utilities and streets to support the proposed change?

No. No material impact.

How does the proposed use not constitute spot zoning. It actually consolidates the Waterfront Commercial Residential District as drawn up 2013-2033 Preferred Land-Use Scenario.

Zoning Amendment Application Petition Additional Map

City of Seldovia Map



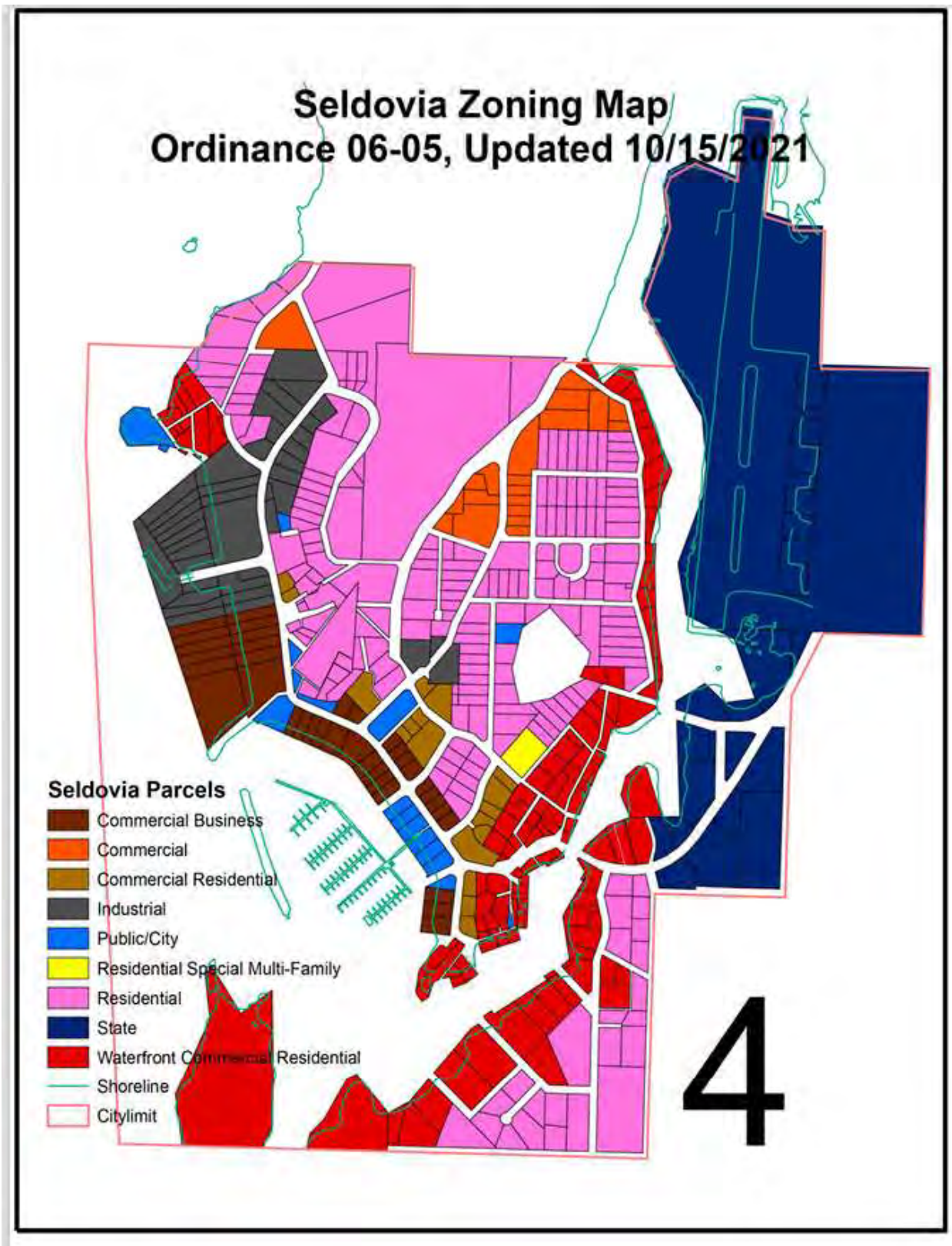
Zoning Amendment Application Petition Additional Map

Map of Rezoning Request Waterfront Resub No. 1, Lot 4, 3, 2 Block 13

- T 8S R 14W SEC 32 Seward Meridian SL 0670030 WATERFRONT RESUB NO 1 LOT 2 BLK 13 Gerald Stranik
- T 8S R 14W SEC 32 Seward Meridian SL 0670030 WATERFRONT RESUB NO 1 LOT 3 BLK 13 Leslee Martin
- T 8S R 14W SEC 32 Seward Meridian SL 0670030 WATERFRONT RESUB NO 1 LOT 4 BLK 13 William C. Lethin



Zoning Amendment Application Petition
Additional Map

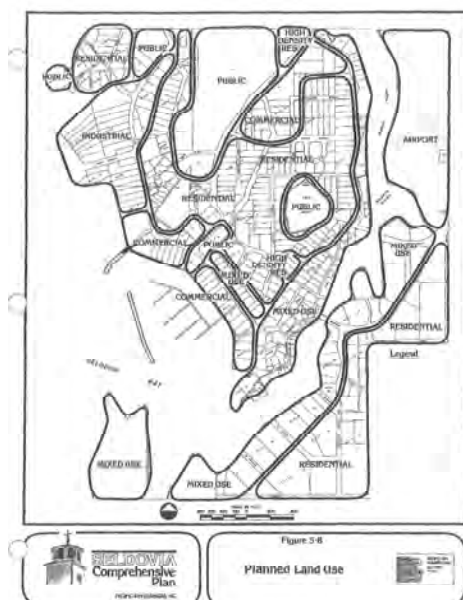
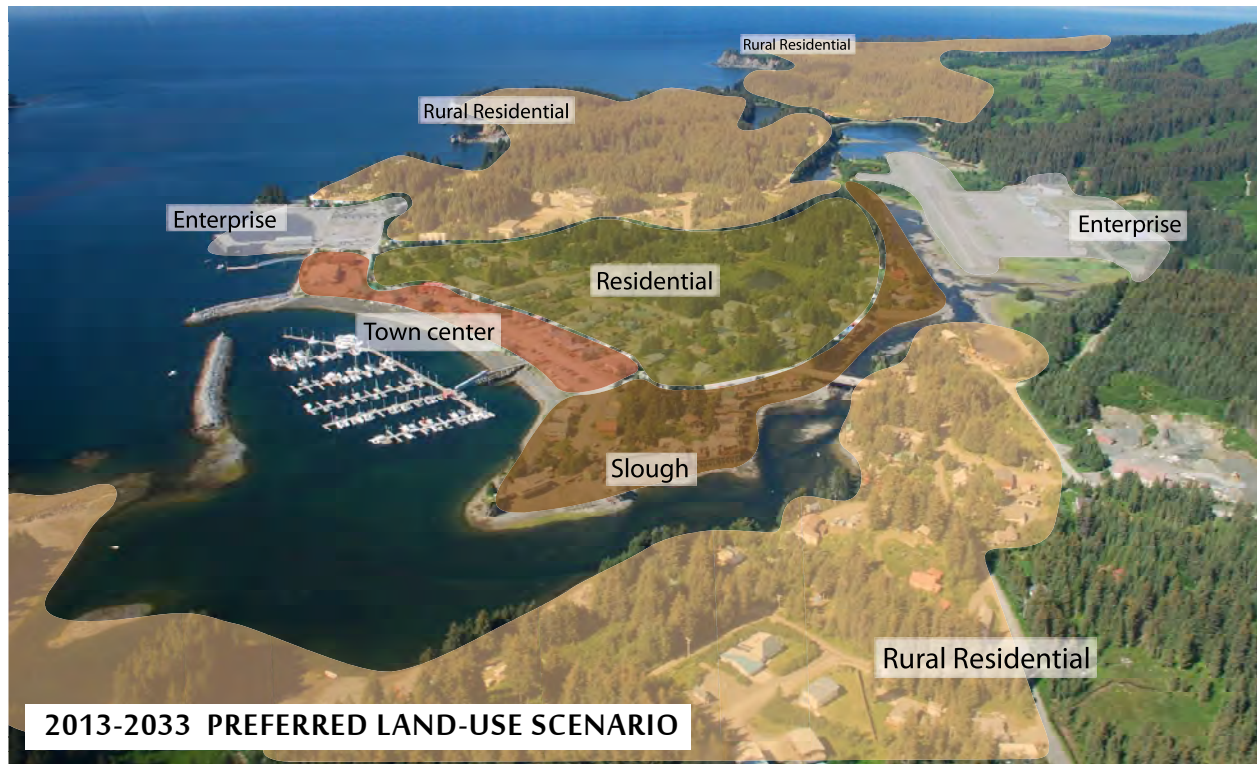


LAND USE

Desired Future Conditions Concept

The diagram below captures residents' **preferred future land-use scenario**, to include:

- ~ A vibrant **Town Center** with first floor retail and service businesses, and upper story residential.
- ~ A **Slough District** with mixed use development, recreational access, and a semi-historic character.
- ~ **Enterprise Zones** with value-added, light industrial, and other mixed economic and community uses.
- ~ **Residential Neighborhoods**, with compact living in town, and rural living in surrounding areas.



After Urban Renewal, downtown Seldovia was an empty gravel pad. In 1980 residents envisioned downtown with a thriving commercial district (see diagram, left).

Today, 35 years later, only a handful of properties on Main Street have overcome the economic challenge of sustaining a viable, year-round business. At the same time, "waterfront commercial" properties are attractive for seasonal residences, despite Urban Renewal plat restrictions and local zoning ordinances that require commercial use. This makes downtown quiet, especially in the winter, and locks in building designs and land use patterns that detract from a thriving main street atmosphere. A number of residents expressed a desire for this comprehensive plan to resolve this issue.

The concept presented here is to create special tax incentives for the waterfront commercial district (such as a property or sales tax rebate) on the basis of meeting specific criteria: first floor levels host walk-in businesses that are open to the public; sales are generated at least ten months of the year; an annual sales tax threshold of \$1,000, etc. At the same time, upper story residential/accommodations are encouraged.

May 14, 2014



B. Resources & Timeline

Successful implementation over the long-run requires a realistic pace that matches human capacity and local resources. This section offers suggestions to help guide such efforts over a 20-year timeline.

As this planning effort began, the City of Seldovia was already working with partners and a volunteer base to implement some actions in this plan. Throughout this planning process, residents voiced appreciation for the City and advocates taking a proactive, positive approach. Yet there was also guarded concern that Seldovia not “take on too much” or consider radical changes.

Balancing these sentiments, Seldovia will benefit from a slow and steady approach to implementation. This includes respecting human and financial resource limitations, and the need to build buy-in and test the waters before moving headlong into any major course of action.

For its initial actions, the City needs to focus on building a track record for success by finishing projects that are already underway. A related strategy is to start with “low hanging fruit,” and win-win relationship building opportunities.

As implementation moves ahead, it is useful to hold open discussions about outcomes, lessons learned, and also to edit this plan. By encouraging transparency and reflection, Seldovia’s civic culture can become more adept at mid-course reality checks, and at responding constructively to changing circumstances.

Finally, wait to undertake more challenging efforts until working relationships with partners are solid, and there is at-large community agreement over the specific project’s scope, costs, and benefits.

Implementing this plan over 20 years will stretch the community. At the same time, residents voiced concern that inaction offers a harder road ahead. Without coordinated, strategic action, Seldovia is unlikely to be economically relevant, or to preserve its iconic character and quality of life. Seldovians expressed a willingness to take responsibility for their common future, honor the legacy of those who have done so much for the community, and to work to improve life for future generations to come.



Public Comment Received as of June 19, 2024

to: seldovia planning commission

from: walt sonen, resident P.O. box 107, seldovia

subject: rezoning applications from CB district to WCR district

17 july 2024

i would like to give my perspective and considerations on the proposal being put forward by the resident/owners of the three city lots just south of the city pavilion. these lots along with most of the lots facing the seldovia harbor became available for purchase at reasonable prices after urban renewal. however, ownership carried with it the obligation to operate a harbor related business. this was clearly stated and understood for good reasons, among which were to prevent these properties from becoming unrestricted private properties. over the years we have seen compliance to the business aspect of these conditions somewhat spotty and lax.

these three adjoining properties, while not contiguous with similar properties in the CB (commercial business) district, are every much a part of the district addressing the harbor. it is doubtful that their compliance to the commercial business aspect of the zoning code would negatively impact the other businesses in town. one might consider the opportunities and advantages offered by the casual traffic proceeding through this section of main street on its way to the boardwalk, certainly a considerable portion of our daily visitors.

while adjacent, these properties are clearly not along the slough. should they be re-zoned to WCR (waterfront commercial residential), they would become the only properties in that category not addressing the slough and which are built on the shot rock of the urban renewal project.

each one of these properties originally had at least a tenuous connection to the harbor as was required at the time. lot 2 was a shop/warehouse owned by fred elvsaas to support his two large commercial vessels. for a time it also had a game room and more recently an apartment at one end. lot 3 had a 1st floor shop in support of a commercial seiner owned by toggle int-hout who had his residence on the 2nd floor. the residence on lot 4 was constructed as a boathouse for a boat which was used commercially for halibut fishing by kris lethin for a few years, then later reconfigured as a residence.

time goes on and rules change, however i believe it is in the long term interests of the city to encourage vitality. this responsibility should not be compromised by the request of these applicants to relieve themselves of their obligations.

From: Cmichaelsage.ak@gmail.com
To: [Liz Diament](#)
Subject: Amendment for locations T 8S R 14W SEC 32 Seward Meridian SL 0670030
Date: Tuesday, July 9, 2024 11:05:41 AM

To whom it may concern.

We support the amendment to rezone the above mentioned properties.

Respectfully,

C. Michael and Catherine Sage also know as Golden Plover Trust

Sent from my iPad

To: Seldovia Planning Commission

From: Sachiko Scott, Resident

Subject: Zoning Amendment Requests for Seldovia Waterfront Resub No.1,
Lot 2,3,& 4

The 3 lots of which the owners request for zoning amendments sit on Seldovia harbor waterfront. The lots are zoned as "Commercial Business District" for the unique aspect of their location with a view of the harbor and beyond which could promote business. "Commercial Business District" zoning requires a business establishment on the premises.

The three owners, each & separately, acquired the property with an understanding of this obligation. The area has been zoned "commercial" for a long time. Previously, its zoning title was "Commercial Marine District". Now the owners are petitioning for the change of zoning from current "Commercial Business District" to "Waterfront Commercial Residential District". The latter does not require a business on the property, but one may have a business if he chooses to do so.

If these petitions come through, won't it be easier for the owners to sell their properties? On one of the properties, a larger, taller private home could be built.

Is that what we want? Private houses on the waterfront?

I'd like to talk about the business establishments along the Main Street in the area zoned as "Commercial Business District". Supporting these businesses allows us to enjoy the waterfront view, may it be the restaurant, the bar, or the inn. The hotel/restaurant may come back in full operation again.

The other businesses for groceries, good coffee, a spa, pet care, gifts, liquor, etc., meet locals' needs and are much appreciated. The transportation rental is a great success with visitors. They all contribute to the City's revenue.

The City zoning had a big role in this. And the property owners are complying and making it work.

I appreciate the effort put in, all the way around.

My thought on this "Zoning Amendment Requests" ----
the current zoning on the 3 lots should remain as is.

Sachiko Scott
P.O.Box 15, Seldovia
July 18, 2024

From: [collinsarchitect](#)
To: [Liz Diamant](#)
Subject: Waterfront Zoning Amendment
Date: Thursday, July 11, 2024 1:57:06 PM

Liz,

Regarding the Public Notice for Waterfront Lots 2,3,&4, Cynthia and I have no issue with the proposed change. We are in favor of the amendment.

Thank you.

Jason & Cynthia Collins
164 Main St.

July 16, 2024

Planning and Zoning Commission:

RE: Rezoning amendment request by petitioners Lethin, Martin, Stranik lots 4,3,2.

I received notice of the application for zoning change as I live within 300 ft radius of the proposed change.

Let me state as a resident, tax payer and concerned citizen of the city I am not in favor of rezoning the above stated lots from current commercial business district to waterfront commercial residential district for the reasons below:

- Historically , (during and after Urban Renewal)the three lots (along with the waterfront) were dedicated to be part of the business district and were sold for the purpose of economic development in the harbor area of the commercial business district. These lots do not face the slough , but the harbor.
- They were sold for the purpose of being a business first and a residence second (if the criteria of operating a business was upheld.)
- To allow a rezoning takes away the business opportunity that currently exists for the economic future of Seldovia. Not only in economic development, but revenue stream as well, ie business revenue and commercial utility fees.
- To consider removing 3 business opportunities that exist within this area and loose the potential for economic advancement is contradictory to the current and future development of Seldovia.
- If rezoning is allowed the parcels when sold would be sold as WCR with no restrictions and a financial loss to the city. The implications of this are obvious - the lots would be strictly a residence on the harbor waterfront. This was not the intent of the original sales.
- I believe the three lots are consistent with the concept of business traffic opportunity. The Boardwalk is a tourist destination which at this time includes 2 operating business along the walk. This meets the strategy of the comprehensive plan of encouraging economic development.
- If we allow the change of zoning, you have lots that are freely open for residential development. I don't think this is in the best interest of Seldovia's future.

Does the application meet the criteria of:

1- Need and justification of amendment- **My opinion is there is no need or justification other than the property owners do not want to be obligated to be in compliance with the current ordinance. The City's requirements to be a business are minimal making it possible to explore various ideas.**

2-Proposed amendment is in conformance with Comprehensive plan or further purposes of the plan.- **Again my opinion, one of the many purposes of the Comprehensive plan is to encourage economic development, in this case far out weigh proposed amendment change.**

3-Effect of the proposed change on surrounding properties or area- **In my opinion changing zoning puts limitations to the potential use from the public.**

4-N/A

5-

6-Will it promote the present and future public health, safety and welfare-**Changing the zoning requirements will not change what exists currently.**

7-Is in best interest...- **In my opinion changing the zoning code is not in the best interests of the public - it limits an area for business potential that can be enjoyed by residents and visitors alike. The loss of public access by becoming WCR (business is optional) this limits public services, facilities. The land use pattern for the area (Boardwalk-tourism/business) if allowed to become residential as primary use, will be at a great loss to the community.**

In conclusion, I don't see this change being in the best interest of the community, but a release to the property owners from their commitment to build a business when they purchased the properties. Sadly, I don't foresee the lots if changed to WCR taking the opportunity to be a business based on the current resistance.

Thank you for the opportunity to give my input on this issue.

Vivian Rojas
195 Lookout Aly
PO Box 226
Seldovia, AK 99663

Watt Martin 194 bay st.

To City of Seldovia leaders,

In Response To The public notice
of July 1 2024.

Questions

1. The need + justification would
be To protect The existing
neighborhood From unwanted ~~commercial~~
commercial Activities + to comply
with Alaska Statute 29-40-040.

2. This change will comply with
The Seldovia Comprehensive plan
as per "map" page 33 of plan and
will keep more aggressive commercial
between Airport Ave. + Illiamna St.
(Page 34)
as stated in Comp Plan. (See Attached
map)

3. Will have a more positive
effect on the semi-Residential
neighborhood.

4. none That is undeveloped.

5. Will be reasonable + Easier to
implement + enforce Than if not changed

6. These 3 lots are served by a dead end street and all Traffic has to make a ~~turn~~ u-turn Requiring backing up. This is a safety issue. Heavier Commercial ~~use~~ will only create more traffic.

7. Because They have been used as Residential since built it will have no effect of adverse change. The less aggressive use will help protect the integrity of the existing homes and the pavilion.

Thank you for your consideration

neighbor in the
"slough district" since 2015

Walt Martin

LAND USE

Desired Future Conditions Concept

The diagram below captures residents' **preferred future land-use scenario**, to include:

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After Urban Renewal, downtown Seldovia was an empty gravel pad. In 1980 residents envisioned downtown with a thriving commercial district (see diagram, left).

Today, 35 years later, only a handful of properties on Main

Street have overcome the economic challenge of sustaining a viable, year-round business. At the same time, "waterfront commercial" properties are attractive for seasonal residences, despite Urban Renewal plat restrictions and local zoning ordinances that require commercial use. This makes downtown quiet, especially in the winter, and locks in building designs and land use patterns that detract from a thriving main street atmosphere. A number of residents expressed a desire for this comprehensive plan to resolve this issue.

The concept presented here is to create special tax incentives for the waterfront commercial district (such as a property or sales tax rebate) on the basis of meeting specific criteria: first floor levels host walk-in businesses that are open to the public; sales are generated at least ten months of the year; an annual sales tax threshold of \$1,000, etc. At the same time, upper story residential/accommodations are encouraged.



May 5, 2014

It was still alive

LAND USE GOALS

GOAL 1



Manage the land resource as a strategic asset.

The City has a small land base and a compact settlement pattern. To ensure it can meet or adapt to unforeseen future demands, a well-studied and publicly considered course is warranted before extinguishing rights, or committing to permanent uses of public assets.

Focus Areas:

- Revise zoning and development regulations to increase adaptability.
- Revise administrative policy to increase the public's role in reviewing and evaluating land use and development policy.
- Encourage multiple uses on individual parcels, particularly in the downtown core.
- Expand municipal services beyond existing municipal boundaries only as a condition of annexation.

Recommendations:

A-2, A-3, A-4, A-5, A-8, A-9, A-10, A-11, A-12, A-13, A-14, A-15, P-2, P-3, P-4, P-5, P-6, P-7, P-8, P-9, P-10, P-11, S-4, S-6, S-7, S-10, S-11, C-1, C-2, C-3, C-4, C-5, C-6.

GOAL 2



Develop and sustain an active town center.

Seldovia's small economy makes complying with commercial use requirements on all waterfront commercial properties a challenge. Residents appreciate this, but want a way to prevent part-time residential uses from displacing and precluding a vibrant business district.

Focus Areas:

- Manage City-owned waterfront property to the best strategic advantage.
- Retain a working waterfront nature, with industry and commercial uses along the water's edge between Airport Avenue and Iliamna Street.
- Permit some degree of waterfront residential use, but limit it to upper floors in commercial and industrial districts.
- Emphasize retail, dining, public open space, and accommodation uses in the town center along Main Street, particularly between Fulmore Avenue and English Drive.

Recommendations:

A-1, A-2, A-3, A-4, A-5, A-8, A-9, A-10, A-13, A-14, A-15, P-2, P-3, P-4, P-5, P-6, P-9, S-1, S-3, S-5, S-6, S-7, S-10, S-11, C-3, C-5, C-6.

GOAL 3



Implement land use designations.

Seldovia residents dislike adversarial zoning disruptive to small town relationships. They expressed the desire for an administrative culture around zoning that offers up-front support and information to property owners and realtors, while rewarding compliance.

Focus Areas:

- Clarify land use and development standards, making them consistent with land use policy.
- Consistently enforce zoning requirements.
- Make the permitting process transparent.
- Solicit public input on City decisions related to land use and development.

Recommendations:

A-9, A-13, A-14, P-1, P-2, P-3, P-4, P-5, P-6, P-7, P-9, S-2, S-10, C-5.

From: [Leslee Martin](#)
To: [Liz Diament](#)
Subject: Re: Public Notice: Petition for rezoning
Date: Friday, July 19, 2024 10:47:53 AM
Attachments: [image003.png](#)

City of Seldovia Planning and Zoning Commission,

My comments concerning the 7 points the Planning and Zoning need to consider in accordance with chapter 18.96 are as follows:

1. Justification: It will protect the existing residential neighborhood from any future business that could compromise the residential aesthetics the area has now from harsher commercial enterprises that the existing zoning could allow. It complies, exactly, with the Comprehensive Plan adopted by the Seldovia Commission in 2014, and complies with State Statute (sec 29.40.040)
2. The proposed amendment is very much in conformance with the Comprehensive Plan. The map on page 33 clearly shows the lots in question fall within the Slough District and states on page 34 that all commercial properties should be between Airport Ave and Iliamna St.
3. The proposed changes would have no affect on surrounding properties.
4. There is no undeveloped land in the area of the 3 lots in question.
5. The proposed amendment would be easy and reasonable to implement and enforce. All that's needed, if approved, would be paperwork.
6. The proposed amendment would protect the integrity of the surrounding neighborhood since this part of Main street is not a through street. It would maintain the minimal traffic pattern and the congestion at the turn-a-round that's already there. It would also discourage any future commercial venture that could compromise the existing congestion at the turn-a-round.
7. The best interest of the public would not be adversely affected by the amendment. No environmental or transportation issues, no public service and facilities or land use patterns would be disrupted. Since this area has always been residential, this amendment would change nothing.

Thank you,
Leslee Martin, petitioner
173 Main St

From: Liz Diament <cityclerk@cityofseldovia.com>
Sent: Tuesday, July 2, 2024 9:55 PM
Subject: Public Notice: Petition for rezoning

Hello,

You have been included on this email because you are listed on the City of Seldovia's Public Notice and City Council Meeting Notification List.

Please see the attached public hearing notice for a petition to amend the Seldovia Zoning Code and Map. Petitioners are requesting three properties be rezoned from the Commercial Business District to the Waterfront Commercial Residential District.

The Seldovia Planning Commission will hold a public hearing at a special meeting, **Wednesday, July 24th, 2024**. The meeting will be held in the Council Chambers, Seldovia Multi-Purpose Building, 260 Seldovia St., Seldovia, AK, beginning at 6:00PM.

For additional information or to view the complete application please contact the Seldovia City Clerk's Office or visit <https://www.cityofseldovia.com>

Thank you,

Liz Diament

City Clerk
City of Seldovia
(907)234.7643 (office)
(907)234.7430 (fax)



Public Records Law Disclosure: This e-mail may be considered public record and be subject to public disclosure.
Confidentiality Notice: This e-mail may contain confidential or privileged information. It is intended only for the use of the recipient named above. If you believe you have received this message in error, please notify me immediately by reply email, delete the message from your computer, and destroy any paper copies.

NOTES

1. A SETBACK OF 20' IS REQUIRED FROM ALL STREET RIGHT-OF-WAYS UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION. THE FRONT 10' ADJACENT TO RIGHTS-OF-WAY IS A UTILITY EASEMENT GRANTED THIS PLAT. NO PERMANENT STRUCTURES SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE SAID EASEMENT.
2. ALL WASTEWATER DISPOSAL SYSTEMS SHALL COMPLY WITH EXISTING APPLICABLE LAWS AT THE TIME OF CONSTRUCTION.
3. PROPERTY OWNER SHOULD CONTACT THE ARMY CORPS OF ENGINEERS PRIOR TO ANY ON-SITE DEVELOPMENT OR CONSTRUCTION ACTIVITY TO OBTAIN THE MOST CURRENT WETLAND DESIGNATION (IF ANY). PROPERTY OWNERS ARE RESPONSIBLE FOR OBTAINING ALL REQUIRED LOCAL, STATE, AND FEDERAL PERMITS.
4. ROADS MUST MEET THE DESIGN AND CONSTRUCTION STANDARDS ESTABLISHED BY THE BOROUGH IN ORDER TO BE CONSIDERED FOR CERTIFICATION AND INCLUSION IN THE ROAD MAINTENANCE PROGRAM (KPB 14.06).

CERTIFICATE OF ACCEPTANCE

THE UNDERSIGNED, OFFICIAL IDENTIFIED BY NAME AND TITLE IS AUTHORIZED TO ACCEPT AND HEREBY ACCEPTS ON BEHALF OF THE KENAI PENINSULA BOROUGH FOR PUBLIC USES AND FOR PUBLIC PURPOSES THE REAL PROPERTY DEICATED BY THIS PLAT IDENTIFIED AS FOLLOWS FROM COMMUNITY DRIVE. 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
KENAI PENINSULA BOROUGH

DATE

LINE #	LENGTH	BEARING
L1	106.50'	S0°00'24"E
L2	100.00'	S89°59'36"W
L3	104.52'	N04°09'13"W
L4	120.02'	S31°33'21"E
L5	89.01'	S08°04'17"E
L6	37.67'	S23°15'57"E
L7	11.68'	S23°15'57"E
L8	89.01'	S08°04'17"E
L9	22.20'	S31°33'21"E

CURVE #	LENGTH	RADIUS	DELTA	CH. BEARING	CH. LENGTH
C1	177.19'	370.00'	27°26'20"	S45°16'31"E	175.50'
C2	236.96'	380.00'	39°43'43"	S41°02'49"E	233.14'
C3	199.55'	320.00'	39°43'43"	S41°02'49"E	196.33'
C4	205.93'	430.00'	27°26'20"	S45°16'31"E	203.96'

WASTEWATER DISPOSAL

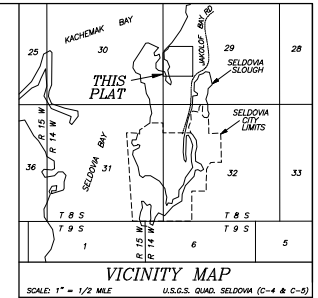
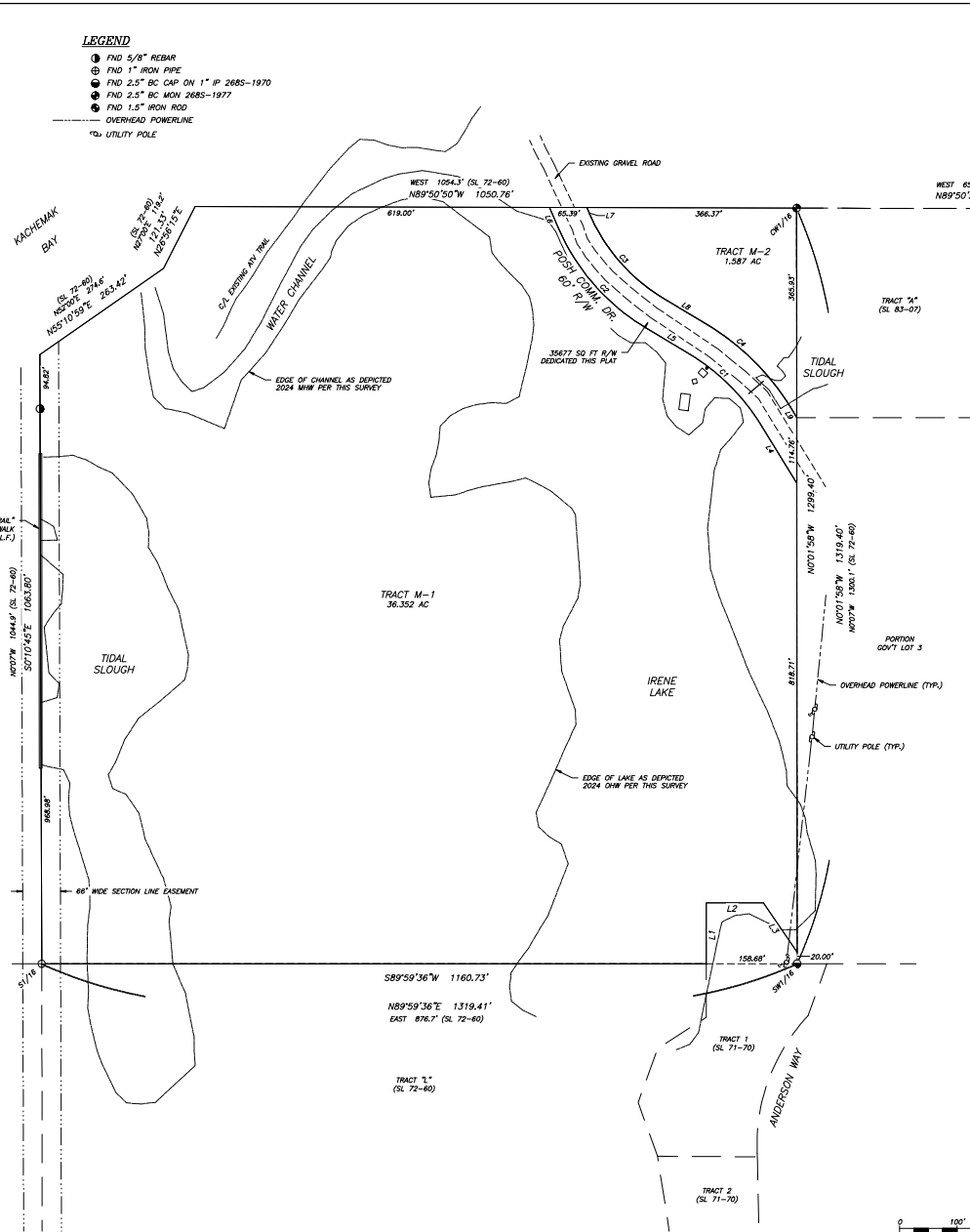
TRACT M-1: LOTS WHICH ARE AT LEAST 200,000 SQUARE FEET IN SIZE MAY NOT BE SUITABLE FOR ONSITE WASTEWATER TREATMENT AND DISPOSAL. ANY WASTEWATER TREATMENT OR DISPOSAL SYSTEM MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

TRACT M-2: 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, AN ENGINEER'S SUBDIVISION AND SOILS REPORT IS AVAILABLE FROM THE KENAI PENINSULA BOROUGH. ANY OTHER TYPE OF ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEM MUST BE DESIGNED BY A QUALIFIED ENGINEER, REGISTERED TO PRACTICE IN ALASKA, AND THE DESIGN MUST BE APPROVED BY THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

ENGINEER LICENSE NO. DATE

LEGEND

- ① FND 5/8" REBAR
- ② FND 1" IRON PIPE
- ③ FND 2.5" BC CAP ON 1" IP 2685-1970
- ④ FND 2.5" BC MON 2685-1977
- ⑤ FND 1.5" IRON ROD
- OVERHEAD POWERLINE
- UTILITY POLE



CERTIFICATE OF OWNERSHIP

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

AMY C. RHYNEER
16955 POINT LENA POINT
JUNEAU, AK 99801

NOTARY'S ACKNOWLEDGMENT

FOR: AMY C. RHYNEER
ACKNOWLEDGED BEFORE ME THIS
DAY OF _____, 2024
NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES _____

PLAT APPROVAL

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

BY: _____ AUTHORIZED OFFICIAL
KENAI PENINSULA BOROUGH

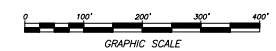
SELDOVIA RECORDING DISTRICT KPB FILE NO. 2024-XXX

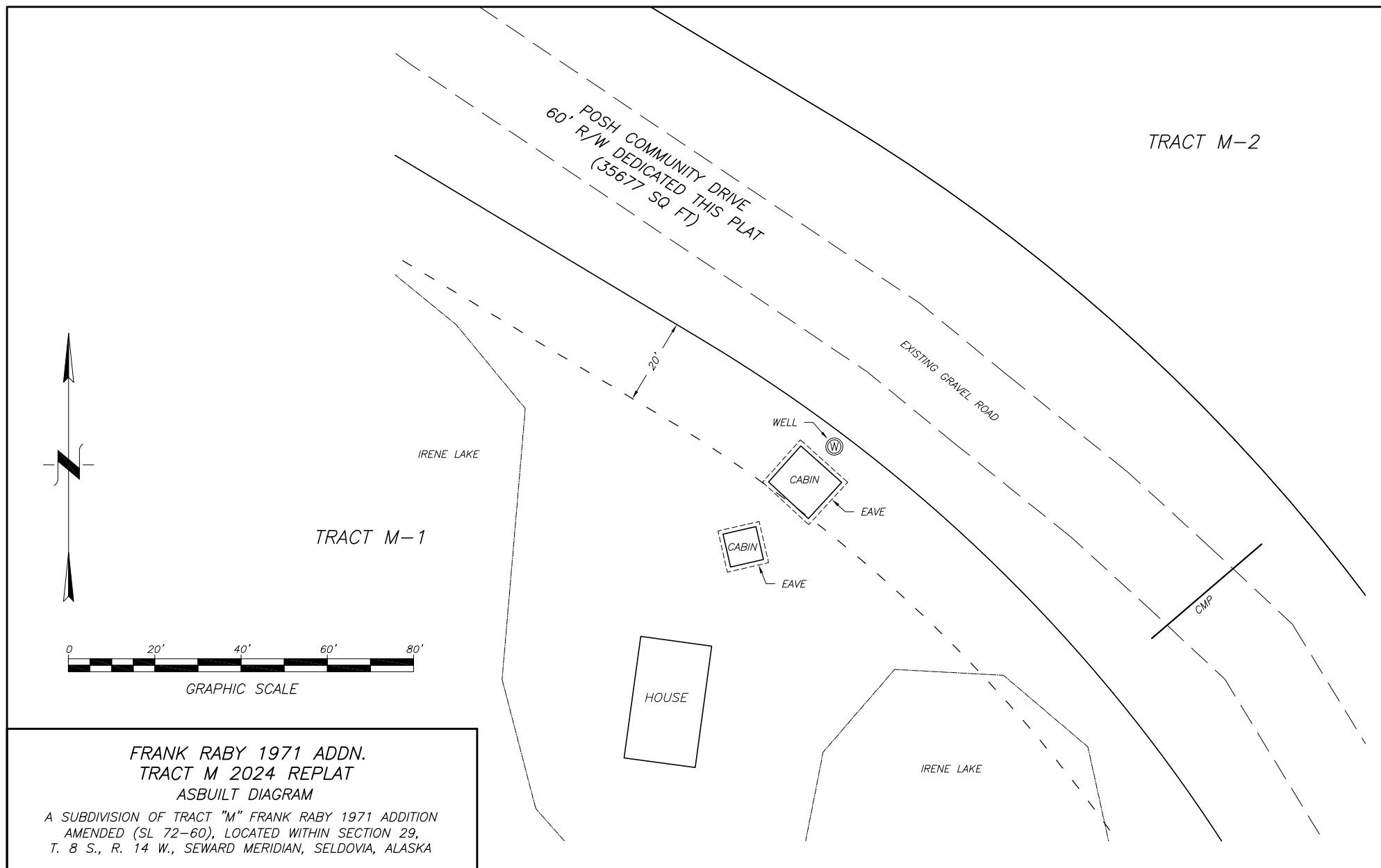
FRANK RABY 1971 ADDN.
TRACT M 2024 REPLAT
A SUBDIVISION OF TRACT "M" FRANK RABY 1971 ADDITION
AMENDED (SL 72-60), LOCATED WITHIN
SECTION 29, T. 8 S., R. 14 W.,
SEWARD MERIDIAN, SELDOVIA, ALASKA
CONTAINING 38.758 AC

SEABRIGHT SURVEY + DESIGN
KATHERINE A. KIRSIS, P.L.S.
1044 EAST END ROAD, SUITE A
HOMER, ALASKA 99603
(907) 299-1580

CLIENTS: AMY C. RHYNEER
16955 POINT LENA LOOP JUNEAU, AK 99801

DRAWN BY: KK CHKD BY: KK JOB #2024-24
DATE: 07/2024 SCALE: 1"=100' SHEET #1 OF 1

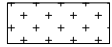




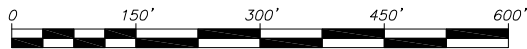
LEGEND



APPROX. AREAS OF 20% SLOPE OR GREATER
(THIS SURVEY)



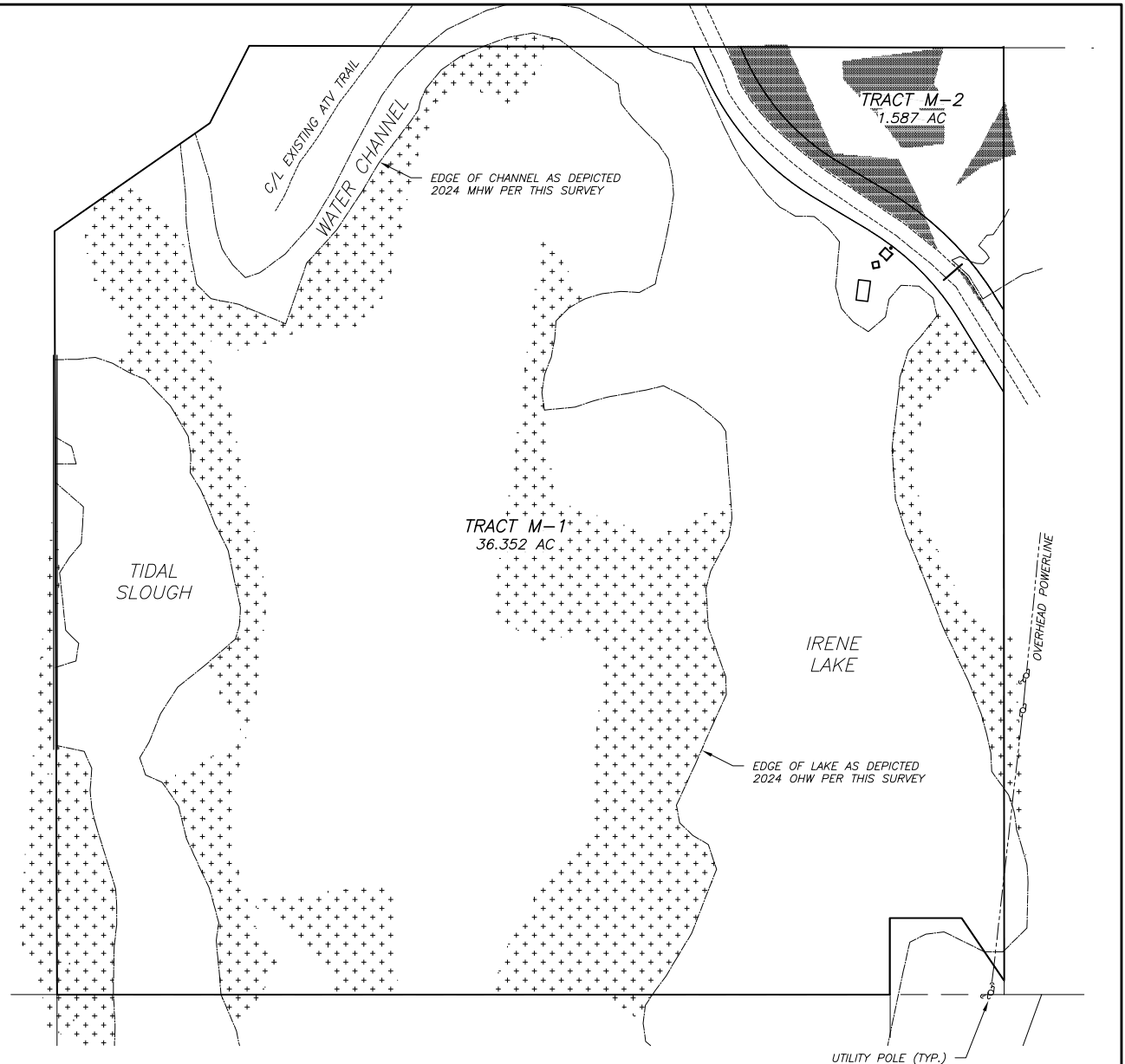
APPROX. AREAS OF 20% SLOPE OR GREATER
(USGS US TOPO 7.5 MINUTE MAP SELDOVIA
B-5 NW, AK 2018)



GRAPHIC SCALE

FRANK RABY 1971 ADDN. TRACT M 2024 REPLAT STEEP SLOPES DIAGRAM

A SUBDIVISION OF TRACT "M" FRANK RABY 1971 ADDITION
AMENDED (SL 72-60), LOCATED WITHIN SECTION 29,
T. 8 S., R. 14 W., SEWARD MERIDIAN, SELDOVIA, ALASKA



**Seldovia Planning Commission
Special Meeting
Laydown
July 24th, 2024**

Minutes from June 19, 2024..... pg 3

Staff Report on preliminary replat submittal..... pg 5

NOTES

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**MINUTES
SELDOVIA PLANNING COMMISSION
WEDNESDAY, JUNE 19, 2024, 6:00PM
SPECIAL MEETING-**

REIN
SWEET
FORSBERG
KROLL

- A. Call to order; CHAIR SWEET CALLED THE MEETING TO ORDER AT 6:02PM
- B. Roll Call; Present were REIN, SWEET and KROLL
- C. Approval of the Agenda;

REIN/FORSBERG MOVED TO APPROVE THE AGENDA
ROLL CALL VOTE/ REIN- Y, SWEET-Y, KROLL-Y
MOTION PASSED 3 YES, 1 Absent

- D. Approval of Minutes: May 1st, 2024

KROLL/REIN MOVED TO APPROVE THE AGENDA
ROLL CALL VOTE/ REIN- Y, SWEET-Y, KROLL-Y
MOTION PASSED 3 YES, 1 Absent

- E. Public Comments Regarding Items Not on the Agenda; None
- F. Public Hearings, Prior Notice; None
- G. Consideration of Site Plans; None
- H. Commission Business:

1. Request to Update the Seldovia Zoning Map to reflect the Seldovia 2014 Comprehensive Plan

A. Presentation by Staff or Commission

Clerk Diamant presented the application as submitted to the City and supporting information previously submitted by Mr. Martin. CHAIR SWEET spoke to the process of amending the City Zoning Map and whether the application submitted was complete. CHAIR SWEET provided a map that she had put together illustrating the area to be rezoned. considering receipt of an application for rezoning submitted by the three petitioners to the City.

B. Public Presentation or Hearing

Jerry Stranik, applicant, spoke to his application for rezoning.

Kris Lethin, applicant, spoke to the completeness of the rezoning application.

C. Commission Discussion

There was discussion, including the rezoning applicants, on additional information needed to formally receive the application packet as complete. Applicants agreed to add the map provided by CHAIR SWEET to their application and the application would be corrected to request a zoning change from the Commercial Business District to Waterfront Commercial Residential District. Further detailed information addressing the specific evaluation criteria was requested from the applicants.

D. Action/Disposition

REIN/KROLL MOVE THAT THE COMMISSION WILL SCHEDULE A PUBLIC HEARING
WHEN WE GET THE COMPLETED APPLICATION.

ROLL CALL/ REIN Y, SWEET-Y, KROLL-Y

MOTION PASSED 3 Yes, 1 Absent

2. Commercial Business District- Review and Action on Recommendations

A. Presentation by Staff or Commission

Presented The process For Going Through the Worksheets Provide. If accepted staff will note and the changes will be incorporated into the draft ordinance.

REIN/KROLL MOVED TO SUSPEND THE RULES AND INCLUDE ECOLA COLLIER, MEMBER OF
THE SUBCOMMITTEE IN THE DISCUSSION.

ROLL CALL/ REIN Y, SWEET-Y, KROLL-Y

MOTION PASSED 3 Yes, 1 Absent

B. Public Presentation or Hearing

C. Commission Discussion

There was discussion on the worksheets provided in the packet and recommendations were noted to be included in the Draft Ordinance for review.

D. Action/Disposition

None

REIN/KROLL MOVED TO POSTPONE H3 AND H4 MEETING TO THE AUGUST 7TH REGULAR
MEETING

ROLL CALL/ REIN-Y, SWEET-Y, KROLL-Y

MOTION PASSED 3 Yes, 1 Absent

3. Ordinance 24-04 Adverse Topographical Impacts: Update and Discussion

**** Postponed to the August 7th Regular Meeting ****

- A. Presentation by Staff or Commission
- B. Public Presentation or Hearing
- C. Commission Discussion
- D. Action/Disposition

4. Parks and Recreation

**** Postponed to the August 7th Regular Meeting ****

- A. Presentation by Staff or Commission
- B. Public Presentation or Hearing
- C. Commission Discussion
- D. Action/Disposition

I. Staff Reports:

- 1. Written Staff Review of 2014 Comprehensive Plan Implementation Goals was provided.

J. Informational Items Not Requiring Action:

- 1. The July 3rd Regularly scheduled meeting of the Seldovia Planning Commission will not be held.

K. Comments of the Public: None

L. Comments of the Commission: None

M. Next Meeting: Regular scheduled meeting, August 7, 2024

N. Adjournment:

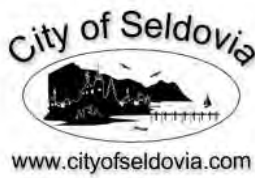
REIN/KROLL MOVED TO ADJOURN AT 8:21PM.

NO OBJECTION/MOTION PASSED

I certify the above represents accurate minutes of the Seldovia Planning Commission Special Meeting of June 19th, 2024

Liz Diamant, City Clerk

Approved by Council _____



P.O. Box B Seldovia, Alaska 99663 Phone: (907) 234-7643, email: cityclerk@cityofseldovia.com

TO: Seldovia Planning Commission
FROM: Liz Diament, City Clerk
DATE: July 24, 2024
SUBJECT: Staff Report 25-02 Preliminary Plat Review- Frank Raby 1971 Addition
Tract M 2024 Replat

KPB PARCEL ID#: 19118001

LEGAL DESCRIPTION:

T 8S R 14W SEC 29 SEWARD MERIDIAN SL 0720060
FRANK RABY SUB 1971 ADDN AMD TRACT M

SURVEYOR/ENGINEER:

Seabright Survey & Design, Kathereine A. Kirsis, P.L.S.

PETITIONER:

Amy C. Rhyneer
19955 Point Lena Loop Rd
Juneau AK 99801

REQUEST: The purpose of the replat is to legally separate the two areas that are physically separated by Posh Community Drive and dedicate Posh Community Drive as a 60 ft ROW, originally depicted as Rd. to Outside Beach in PLAT 72-60, Seldovia Recording District. The 38.758 acre parcel is proposed to be divided into Tract M-1, a 36.352 acre parcel southwest of Posh Community Drive and Tract M-2, a 1.587 Acre parcel northeast of Posh Community Drive.

Per Seldovia Municipal Code (SMC) 18.04.030 the Seldovia Planning Commission is advisory to the City Council as well as the Borough. The Kenai Peninsula Borough retains platting and replat authority. Comments of the Seldovia Planning Commission will be included by the Petitioner with their submission to the Kenai Peninsula Borough Planning Department.

The requested replat is outside of Seldovia city limits. However, the City of Seldovia owns adjacent public land (Outside Beach) that is accessed through the Posh Community Drive Right-of-Way (ROW) and currently maintains the ROW from Jakolof Bay Rd to Outside Beach through a permanent easement on the adjacent private property recorded in 2006.

FINDINGS OF FACT

1. The City of Seldovia owns an adjacent property and currently maintains the Posh Community Drive ROW.
2. Posh Community Drive is an existing road, as noted in the 1972 plat 72-60, used to access City owned public land.
3. Dividing Tract M into M-1 and M-2, which will both have frontage on Posh Community Drive, and dedicating the ROW preserves access to City owned public land.

4. The preliminary as-built lists existing structures within the 20 ft setback from the ROW and 10 ft utility easement.
5. There are no objections from City staff or departments.
6. There were no objections from the public submitted.

Conclusion:

Staff recommends that the Commission make a motion of approval or non-objection, and attach relevant findings, for this replat to be submitted to the Kenai Peninsula Borough.

Attachments

Aerial Imagery
Preliminary Replat
Preliminary As-Built
Preliminary Steep Slopes
Plat 72-60, Seldovia Recording District

KPB Parcel Viewer Imagery of Parcel 19118001



NOTES

1. A SETBACK OF 20' IS REQUIRED FROM ALL STREET RIGHT-OF-WAYS UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION. THE FRONT 10' ADJACENT TO RIGHTS-OF-WAY IS A UTILITY EASEMENT GRANTED THIS PLAT. NO PERMANENT STRUCTURES SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE SAID EASEMENT.
2. ALL WASTEWATER DISPOSAL SYSTEMS SHALL COMPLY WITH EXISTING APPLICABLE LAWS AT THE TIME OF CONSTRUCTION.
3. PROPERTY OWNER SHOULD CONTACT THE ARMY CORPS OF ENGINEERS PRIOR TO ANY ON-SITE DEVELOPMENT OR CONSTRUCTION ACTIVITY TO OBTAIN THE MOST CURRENT WETLAND DESIGNATION (IF ANY). PROPERTY OWNERS ARE RESPONSIBLE FOR OBTAINING ALL REQUIRED LOCAL, STATE, AND FEDERAL PERMITS.
4. ROADS MUST MEET THE DESIGN AND CONSTRUCTION STANDARDS ESTABLISHED BY THE BOROUGH IN ORDER TO BE CONSIDERED FOR CERTIFICATION AND INCLUSION IN THE ROAD MAINTENANCE PROGRAM (KPB 14.06).

CERTIFICATE OF ACCEPTANCE

THE UNDERSIGNED, OFFICIAL IDENTIFIED BY NAME AND TITLE IS AUTHORIZED TO ACCEPT AND HEREBY ACCEPTS ON BEHALF OF THE KENAI PENINSULA BOROUGH FOR PUBLIC USES AND FOR PUBLIC PURPOSES THE REAL PROPERTY DEICATED BY THIS PLAT IDENTIFIED AS FOLLOWS FROM COMMUNITY DRIVE. 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
KENAI PENINSULA BOROUGH

DATE

LINE #	LENGTH	BEARING
L1	106.50'	S0°00'24"E
L2	100.00'	S89°59'36"W
L3	104.52'	N04°09'13"W
L4	120.02'	S31°33'21"E
L5	89.01'	S08°04'17"E
L6	37.67'	S23°15'57"E
L7	11.68'	S23°15'57"E
L8	89.01'	S58°59'41"E
L9	22.20'	S31°33'21"E

CURVE #	LENGTH	RADIUS	DELTA	CH. BEARING	CH. LENGTH
C1	177.19'	370.00'	27°26'20"	S45°16'31"E	175.50'
C2	236.96'	380.00'	39°43'43"	S41°02'49"E	233.14'
C3	199.55'	320.00'	39°43'43"	S41°02'49"E	196.33'
C4	205.93'	430.00'	27°26'20"	S45°16'31"E	203.96'

WASTEWATER DISPOSAL

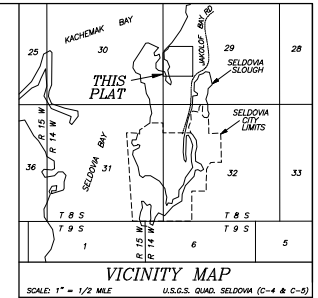
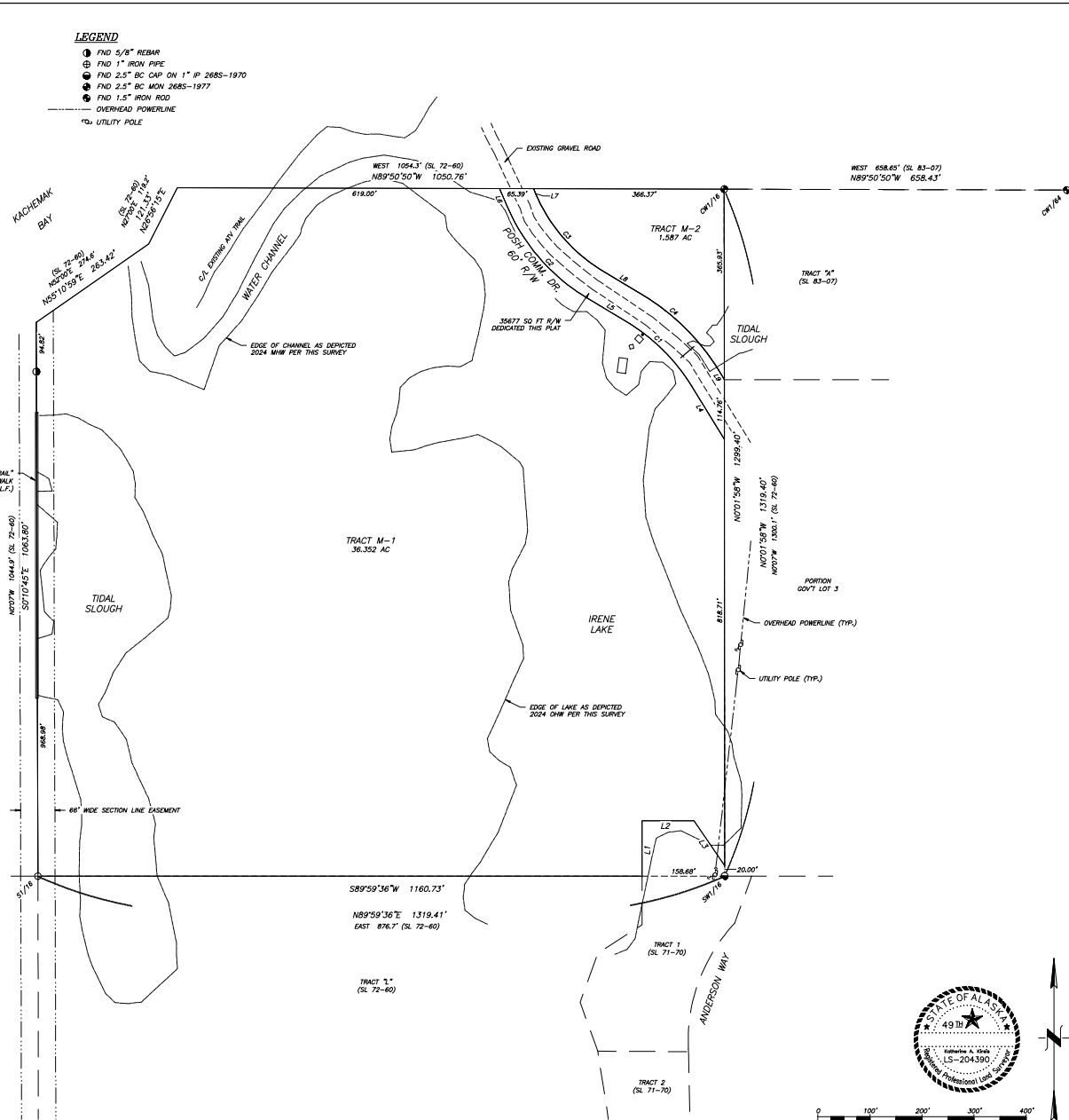
TRACT M-1: LOTS WHICH ARE AT LEAST 200,000 SQUARE FEET IN SIZE MAY NOT BE SUITABLE FOR ONSITE WASTEWATER TREATMENT AND DISPOSAL. ANY WASTEWATER TREATMENT OR DISPOSAL SYSTEM MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

TRACT M-2: 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, AN ENGINEER'S SUBDIVISION AND SOILS REPORT IS AVAILABLE FROM THE KENAI PENINSULA BOROUGH. ANY OTHER TYPE OF ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEM MUST BE DESIGNED BY A QUALIFIED ENGINEER, REGISTERED TO PRACTICE IN ALASKA, AND THE DESIGN MUST BE APPROVED BY THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

ENGINEER LICENSE NO. DATE

LEGEND

- ① FND 5/8" REBAR
- ② FND 1" IRON PIPE
- ③ FND 2.5" BC CAP ON 1" IP 2685-1970
- ④ FND 2.5" BC MON 2685-1977
- ⑤ FND 1.5" IRON ROD
- OVERHEAD POWERLINE
- UTILITY POLE



CERTIFICATE OF OWNERSHIP

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

AMY C. RHYNEER
16955 POINT LENA POINT
JUNEAU, AK 99801

NOTARY'S ACKNOWLEDGMENT

FOR: AMY C. RHYNEER
ACKNOWLEDGED BEFORE ME THIS
DAY OF , 2024
NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES

PLAT APPROVAL

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

BY: AUTHORIZED OFFICIAL DATE
KENAI PENINSULA BOROUGH

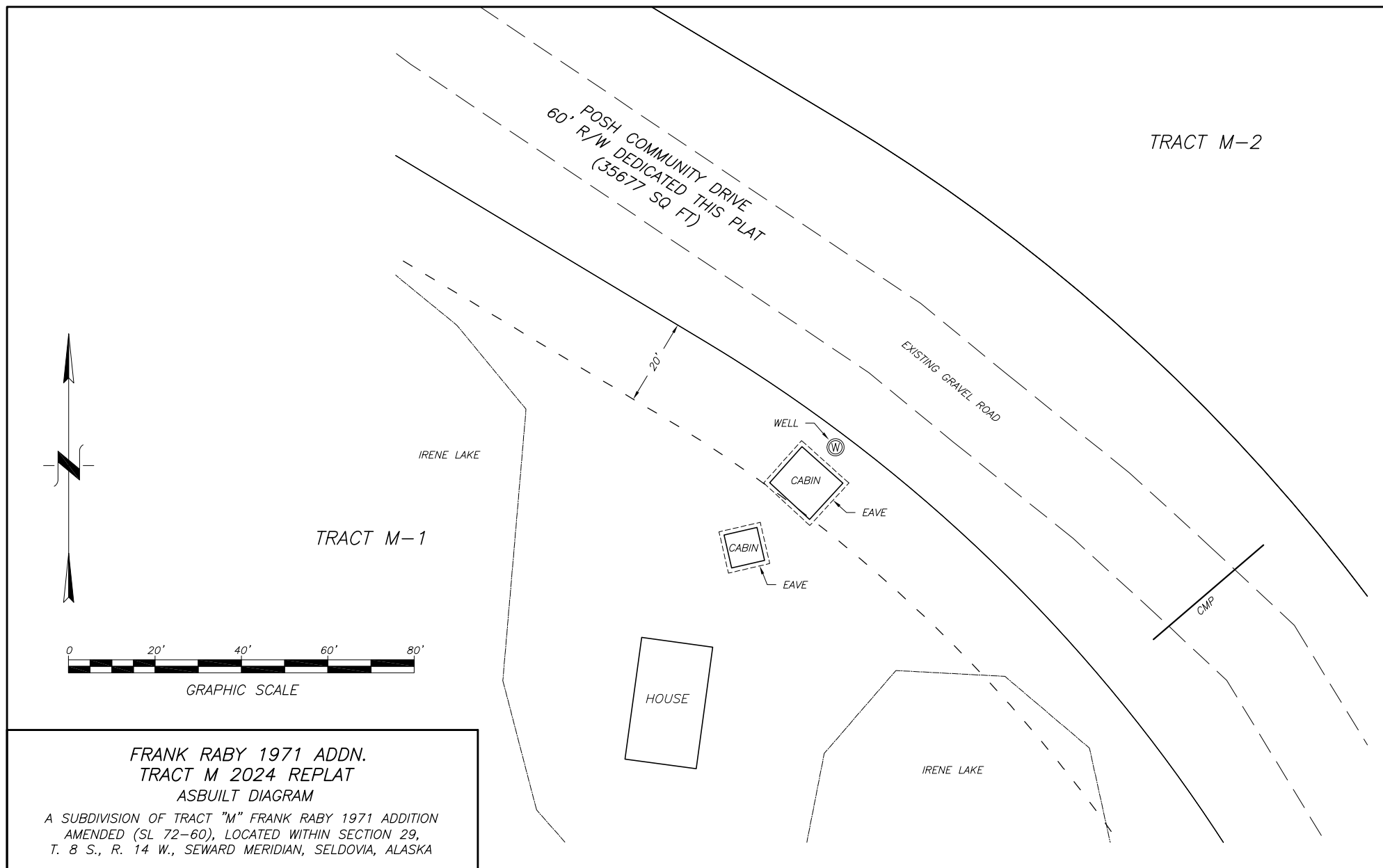
SELDOWIA RECORDING DISTRICT KPB FILE NO. 2024-XXXX

FRANK RABY 1971 ADDN.
TRACT M 2024 REPLAT
A SUBDIVISION OF TRACT "M" FRANK RABY 1971 ADDITION
AMENDED (SL 72-60), LOCATED WITHIN
SECTION 29, T. 8 S., R. 14 W.,
SEWARD MERIDIAN, SELDOVIA, ALASKA
CONTAINING 38.758 AC

SEABRIGHT SURVEY + DESIGN
KATHERINE A. KIRSIS, P.L.S.
10444 EAST END ROAD, SUITE A
HOMER, ALASKA 99603
(907) 299-1580

CLIENTS: AMY C. RHYNEER
16955 POINT LENA LOOP JUNEAU, AK 99801

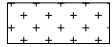
DRAWN BY: KK CHKD BY: KK JOB #2024-24
DATE: 07/2024 SCALE: 1"=100' SHEET #1 OF 1



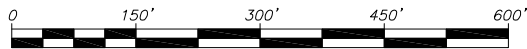
LEGEND



APPROX. AREAS OF 20% SLOPE OR GREATER
(THIS SURVEY)



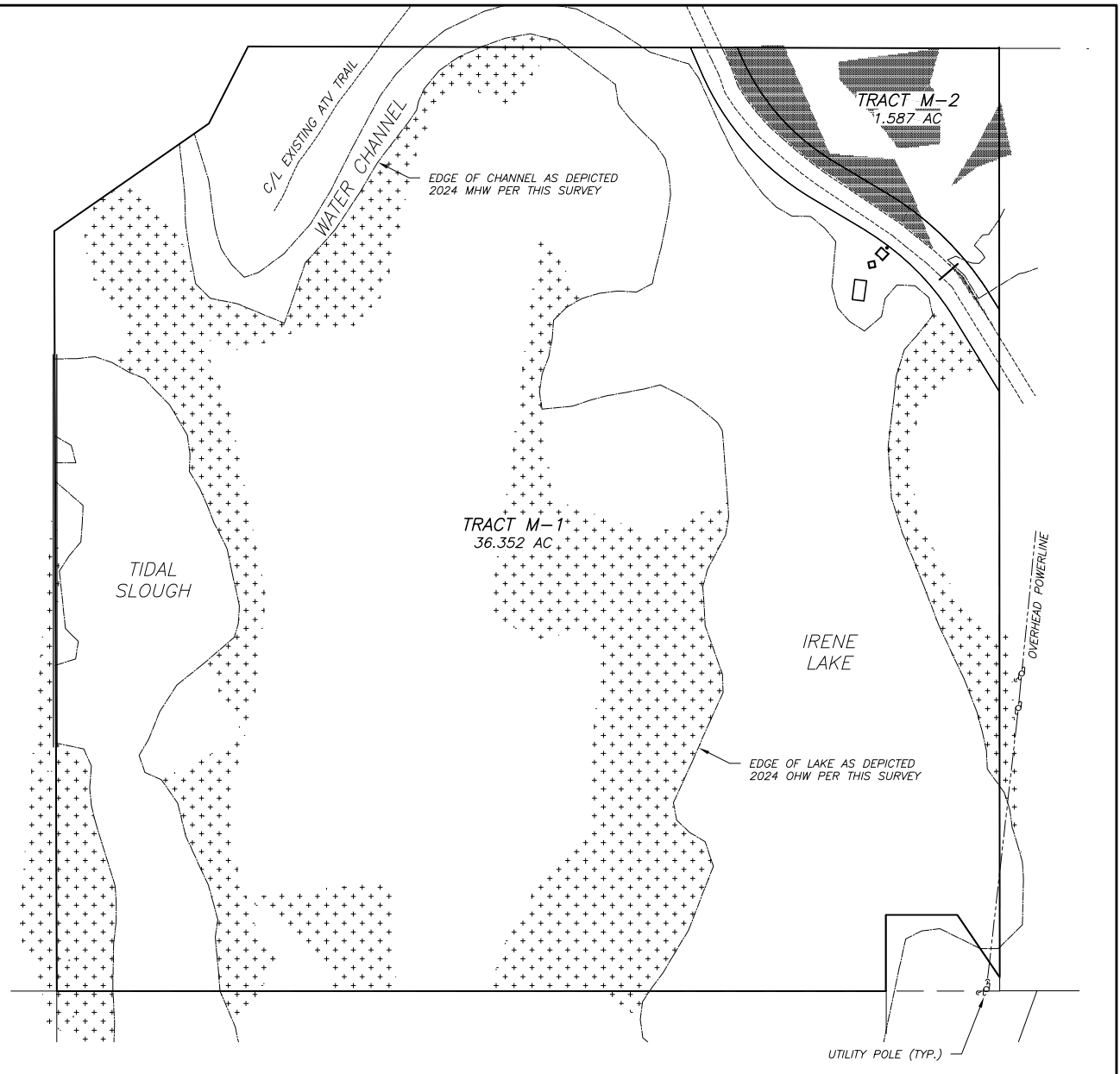
APPROX. AREAS OF 20% SLOPE OR GREATER
(USGS US TOPO 7.5 MINUTE MAP SELDOVIA
B-5 NW, AK 2018)



GRAPHIC SCALE

FRANK RABY 1971 ADDN. TRACT M 2024 REPLAT STEEP SLOPES DIAGRAM

A SUBDIVISION OF TRACT "M" FRANK RABY 1971 ADDITION
AMENDED (SL 72-60), LOCATED WITHIN SECTION 29,
T. 8 S., R. 14 W., SEWARD MERIDIAN, SELDOVIA, ALASKA



MINUTES- DRAFT
SELDOVIA PLANNING COMMISSION
WEDNESDAY, JULY 24, 2024, 6:00PM
SPECIAL MEETING-

In Person at Multipurpose Building, 260 Seldovia Street
or by Zoom Webinar:

KROLL REIN SWEET FORSBERG BLANCHARD

- A. Call to order; CHAIR SWEET called the meeting to order at 6:08PM
- B. Roll Call;
Present were KROLL, REIN, SWEET and BLANCHARD
FORSBERG was absent.
- C. Approval of the Agenda;
REIN/BLANCHARD MOVED TO APPROVE THE AGENDA
ROLL CALL VOTE/ KROLL-Y, REIN-Y, SWEET-Y, BLANCHARD-Y
MOTION PASSED 4 Yes, 1 Absent
- D. Approval of Minutes: June 19th, 2024
REIN/ KROLL MOVED TO APPROVE THE MINUTES
ROLL CALL VOTE/ KROLL-Y, REIN-Y, SWEET-Y, BLANCHARD-Y
MOTION PASSED 4 Yes, 1 Absent
- E. Public Comments Regarding Items Not on the Agenda; None
- F. Public Hearings, Prior Notice;
1. Application to Rezone Three Properties from Commercial Business (CB) District to Waterfront Commercial Residential (WCR) District.
 - A. Presentation by Staff or Commission
Clerk Diamant presented the initial application for rezoning, the additional information submitted by the applicants to complete the application, which included maps, and the written public comment submitted. A copy of the public notice and a staff report was included in the packet.
 - B. Public Presentation or Hearing
Vivian Rojas, resident, spoke in opposition to the rezoning application and read her written public comment onto the record.
Kathleen Gruber, resident, spoke in opposition to the rezoning application.
Walt Sonen, resident, read his written public comment opposing the rezoning application onto the record.
Jerry Stranik, applicant, spoke in support of the rezoning application.
 - C. Commission Discussion
There was discussion on the meetings from the Commercial Business District Subcommittee, the history and appearance of the properties requesting rezone, the preferred land use plan in the 2014 Comprehensive Plan, and public interest in the expansion of the historic boardwalk along the harbor waterfront.
 - D. Action/Disposition

REIN/BLANCHARD MOVED THAT THE COMMISSION PROVIDE A RECOMMENDATION TO THE CITY CONCIL THAT THE REZONING REQUEST BE GRANTED.

**REIN MOVED TO AMEND THE MOTION ADDING TO ASK STAFF TO DETERMINE
IF IT'S APPROPRIATE TO ADD A REQUIREMENT FOR A BOARDWALK EASEMENT AS

PART OF THE REZONING

ROLL CALL/ KROLL-N, REIN-Y, SWEET Y, BLANCHARD -Y
MOTION TO AMEND PASSED 3 Yes, 1 No

** BACK TO MAIN MOTION AS AMENDED.

THE COMMISSION PROVIDE A RECOMMENDATION TO THE CITY CONCIL THAT THE REZONING REQUEST BE GRANTED AND ASK STAFF TO DETERMINE IF ITS APPROPRIATE TO ADD A REQUIREMENT FOR A BOARDWALK EASEMENT AS PART OF THE REZONING

CHAIR SWEET restated the main motion as amended and called for discussion.

ROLL CALL VOTE/ KROLL-Y, REIN-Y, SWEET-Y, BLANCHARD -Y
MOTION PASSED 4 Yes, 1 Absent.

REIN/KROLL MOVED TO ATTACH THE STAFF REPORT, ALL ACCOMPANYING DOCUMENTS, SUBMITTED TESTIMONY, AND THE FOLLOWING FINDINGS:

**FINDINGS

1. A justification was provided by petitioners that it meets the Desired Future Lands Uses on page 33 of the 2014 Comprehensive Plan.
2. The proposed amendment would align the 3 parcels with the Desired Slough District in the Future Preferred Land Uses within the 2014 Comprehensive Plan.
3. The effect of the zoning amendment on surrounding properties within the general area would be to align the zoning with the current use of the properties.
4. There is no undeveloped land in the area.
5. It will be reasonable to implement; the amendment requires a code ordinance change and mapping updates. Current structures would need to be evaluated for open space requirements of WCR.
6. The zoning amendment has no discernable impact on present and future public health, safety or welfare.
7. The public hearing provided an array of opinions, both pro and con, on what was in the best interest of the public.

ROLL CALL VOTE/ KROLL-Y, REIN-Y, SWEET-Y, BLANCHARD -Y,
MOTION PASSED 4 Yes, 1 Absent

G. Consideration of Site Plans; None

H. Commission Business:

1. Frank Raby 1971 Addn. Tract M 2024 Preliminary Replat

A. Presentation by Staff or Commission

CLERK DIAMENT presented the submitted preliminary replat, a staff report with findings, and was available for questions.

B. Public Presentation or Hearing

CHAIR SWEET called for comments from the public. None were heard.

C. Commission Discussion

There was discussion on the plat dedicating a portion of the public use easement known as Posh Community Drive and maintained by the City of Seldovia as a 60ft ROW to the Kenai Peninsula Borough

D. Action/Disposition

REIN/BLANCHARD MOVED IN NON-OBJECTION TO THE REPLAT AND TO ATTACH AND SUBMIT THE STAFF REPORT WITH RELEVANT FINDINGS TO THE KENAI PENINSULA BOROUGH.

ROLL CALL VOTE/ KROLL-Y, REIN-Y, SWEET-Y, BLANCHARD-Y
MOTION PASSED 4 Yes, 1 Absent

I. Staff Reports: None

J. Informational Items Not Requiring Action:

1. The regular election for the City of Seldovia will be held October 1, 2024. The candidate filing period opens August 1, 2024 and closes August 15, 2024 at 4:30pm.

K. Comments of the Public: None

L. Comments of the Commission:

REIN and BLANCHARD thanked CHAIR SWEET for a good meeting.

M. Next Meeting: Regular scheduled meeting, August 7, 2024

N. Adjournment:

BLANCHARD/REIN MOVED TO ADJOURN AT 8:09PM
NO OBJECTION/MOTION PASSED

I certify the above represents accurate minutes of the Seldovia Planning Commission meeting of July 24th, 2024.

Liz Diamant, City Clerk

Approved by Commission _____

NOTES

1. A setback of 30' is required from all street right-of-ways unless a lesser standard is approved by resolution of the appropriate planning commission. The front 10' adjacent to points-of-way is a utility easement. Within this plat, no permanent structures shall be constructed or placed within a utility easement which would interfere with the ability of a utility to use said easement.
2. All wastewater disposal systems shall comply with existing applicable laws at the time of construction.
3. Property owner should contact the Army Corps of Engineers prior to any on-site development or construction activity to obtain the most current wetland designation (if any). Property owners are responsible for obtaining all required local, state, and federal permits.
4. Roads must meet the design and construction standards established by the Borough in order to be considered for certification and inclusion in the Road Maintenance Program (KPB 14.06).
5. The natural meanders of mean high water is for area computations only. The true corners being on the extension of the sidelines and the intersection with the natural meanders.

CERTIFICATE OF ACCEPTANCE

THE UNDERSIGNED OFFICIAL, IDENTIFIED BY NAME AND TITLE, IS AUTHORIZED TO ACCEPT AND HEREBY ACCEPTS ON BEHALF OF THE KENAI PENINSULA BOROUGH FOR PUBLIC USES AND FOR PUBLIC PURPOSES THE REAL PROPERTY DEICATED BY THIS PLAT IDENTIFIED AS FOLLOWS: POSH COMMUNITY ONE. THE ACCEPTANCE OF LAND FOR PUBLIC USE OR PUBLIC PURPOSE DOES NOT OBLIGATE THE PUBLIC OR ANY GOVERNING BODY TO CONSTRUCT, OPERATE OR MAINTAIN IMPROVEMENTS.

AUTHORIZED OFFICIAL
KENAI PENINSULA BOROUGH

DATE

LINE TABLE		
LINE #	LENGTH	BEARING
L1	106.50'	S07°02'41"E
L2	100.00'	S89°59'36"W
L3	104.53'	N34°09'13"W
L4	120.02'	S31°33'21"E
L5	89.01'	S58°59'41"E
L6	37.67'	S23°16'57"E
L7	11.80'	S23°16'57"E
L8	89.01'	S58°59'41"E
L9	22.20'	S31°33'21"E

CURVE TABLE					
CURVE #	LENGTH	RADIUS	DELTA	CH. BEARING	CH. LENGTH
C1	177.18'	272.00'	272°20'00"	S45°16'31"E	175.50'
C2	236.86'	385.00'	35°43'43"	S41°02'49"E	233.14'
C3	189.55'	305.00'	35°43'43"	S41°02'49"E	186.33'
C4	205.93'	435.00'	272°20'00"	S45°16'31"E	203.86'

WASTEWATER DISPOSAL

TRACT M-1, LOTS 1 AND 2, ARE AT LEAST 200,000 SQUARE FEET IN SIZE AND MAY NOT BE SUITABLE FOR ON-SITE WASTEWATER TREATMENT AND DISPOSAL. ANY WASTEWATER TREATMENT OR DISPOSAL SYSTEM MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

TRACT M-2, SOIL CONDITIONS, WATER TABLE LEVELS, AND SOIL SLOPES IN THIS SUBDIVISION HAVE BEEN FOUND SUITABLE FOR CONVENTIONAL ON-SITE WASTEWATER TREATMENT AND DISPOSAL. SYSTEMS SERVING SINGLE-FAMILY OR DUPLEX RESIDENCES. AN ENGINEER'S SUBDIVISION AND SOILS REPORT IS AVAILABLE FROM THE KENAI PENINSULA BOROUGH AND MUST BE REVIEWED BY THE BOROUGH. WASTEWATER TREATMENT AND DISPOSAL SYSTEM MUST BE DESIGNED BY A QUALIFIED ENGINEER, SUBMITTED TO PRACTICE IN ALASKA, AND THE DESIGN MUST BE APPROVED BY THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

ENGINEER

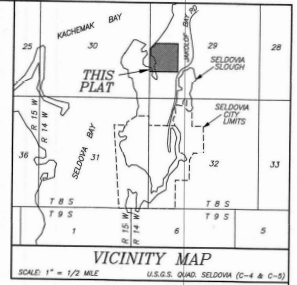
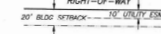
LICENSE NO.

DATE

LEGEND

- 1 PND 3/8" REDAR
- 2 PND 1" IRON PIPE
- 3 PND 2.5" BC CAP ON 1" IP 2685-1970
- 4 PND 2.5" BC MON 2685-1977
- 5 PND 1.5" IRON R/O
- 6 OVERHEAD POWERLINE
- 7 UTILITY POLE

R/W TYPICAL DETAIL



CERTIFICATE OF OWNERSHIP

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

AMY C. RHYNEER
16955 POINT LENA POINT
JUNEAU, AK 99801

NOTARY'S ACKNOWLEDGMENT

FOR AMY C. RHYNEER
ACKNOWLEDGED BEFORE ME THIS
DAY OF 2024

NOTARY PUBLIC FOR ALASKA

MY COMMISSION EXPIRES

PLAT APPROVAL

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

BY: AUTHORIZED OFFICIAL
KENAI PENINSULA BOROUGH

SELDOWIA RECORDING DISTRICT

KPB FILE NO. 2024-090

FRANK RABY 1971 ADDN.
TRACT M 2024 REPLAT
A SUBDIVISION OF TRACT "M" FRANK RABY 1971 ADDITION
AMENDED (SL 72-60) LOCATED WITHIN
SECTION 29, T. 8 S., R. 14 W.,
SEWARD MERIDIAN, SELDOWIA, ALASKA
CONTAINING 38.758 AC

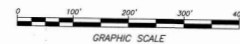
SEABRIGHT SURVEY + DESIGN
KATHERINE A. KIRSIS, P.L.S.
1044 EAST END ROAD, SUITE A
JUNEAU, ALASKA 99801
(907) 259-1580

CLIENTS: AMY C. RHYNEER
16955 POINT LENA LOOP JUNEAU, AK 99801

DRAWN BY: KK CHKD BY: KK JOB #2024-24

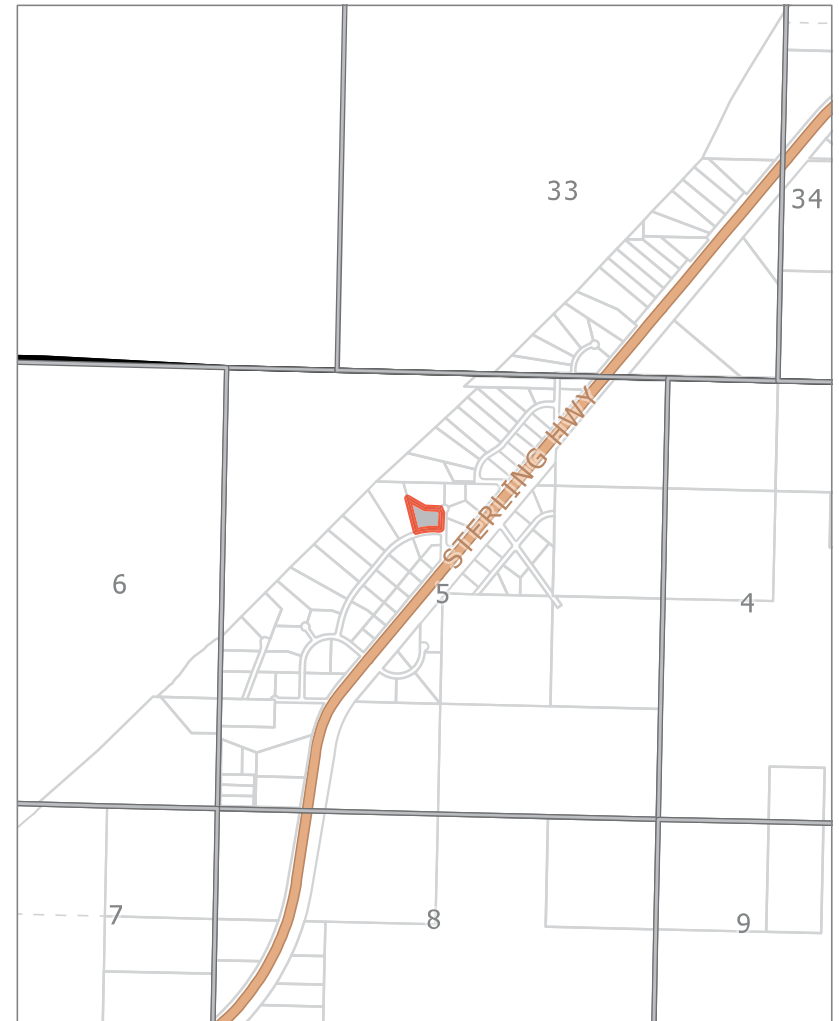
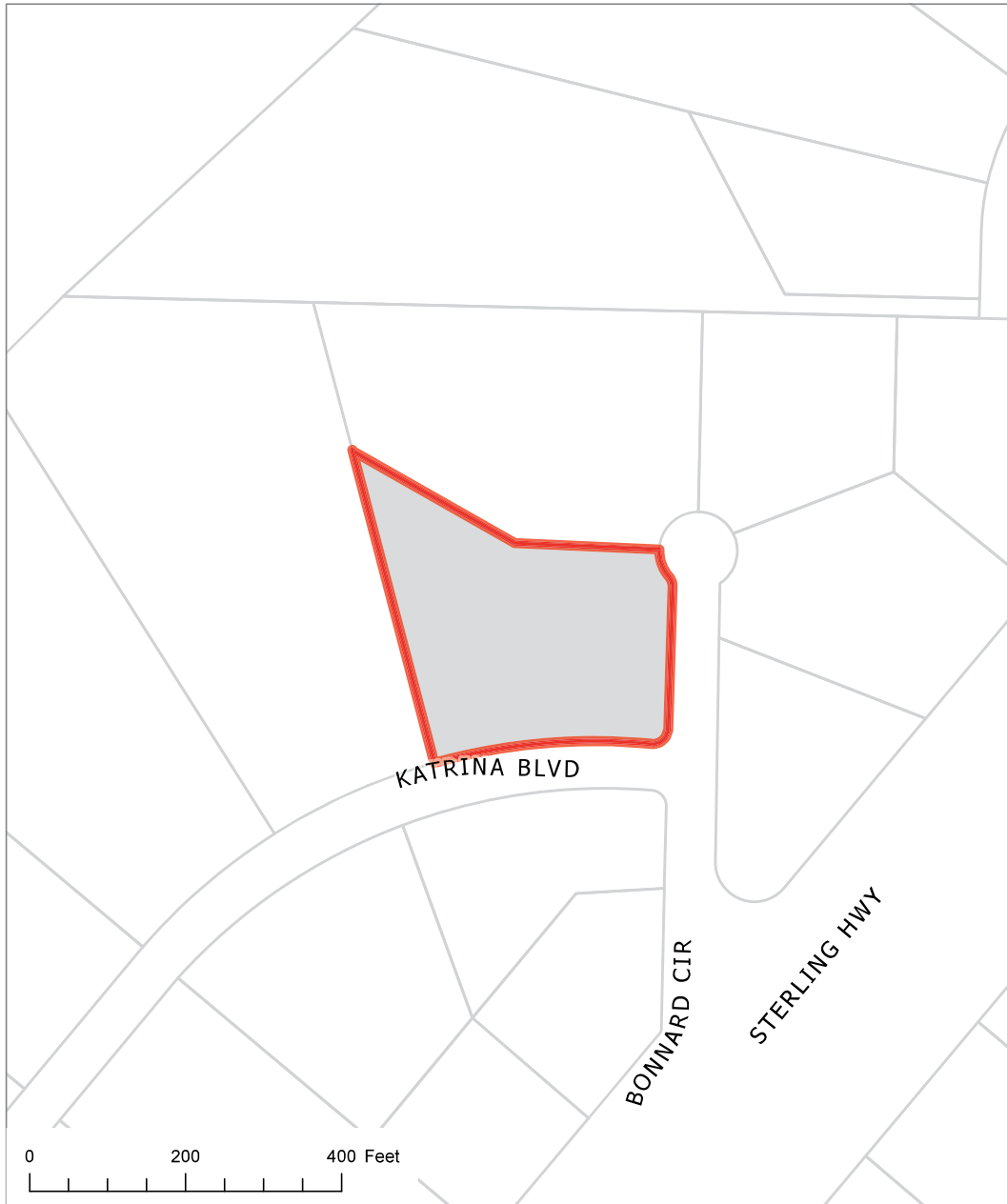
DATE: 05/2024 SCALE: 1"=100' SHEET #1 OF 1

KPB 2024-090



E. NEW BUSINESS

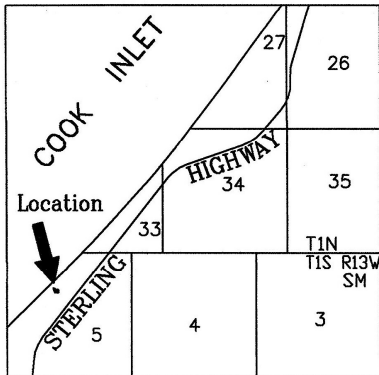
- 4. Iliamna Meadows 2024 Addition; KPB File 2024-087**
Johnson Surveying / Book
Location: Bonnard Circle & Katrina Boulevard
Ninilchik Area



KPB File 2024-087
T 01S R 13W SEC 05
Ninilchik



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.



Iliamna Meadows

2024 Addition Preliminary Plat

A subdivision of Lot 2 Iliamna Meadows (HRD 77-46).
 Located in the SW1/4 Section 5, T1S R13W, SM, Alaska.
 Homer Recording District Kenai Peninsula Borough

Prepared for
 Jimmie E Book
 30624 Boulder Ct.
 Soldotna, AK 99669

Prepared by
 Johnson Surveying
 P.O. Box 27
 Clam Gulch, Ak 99568
 (907) 262-5772

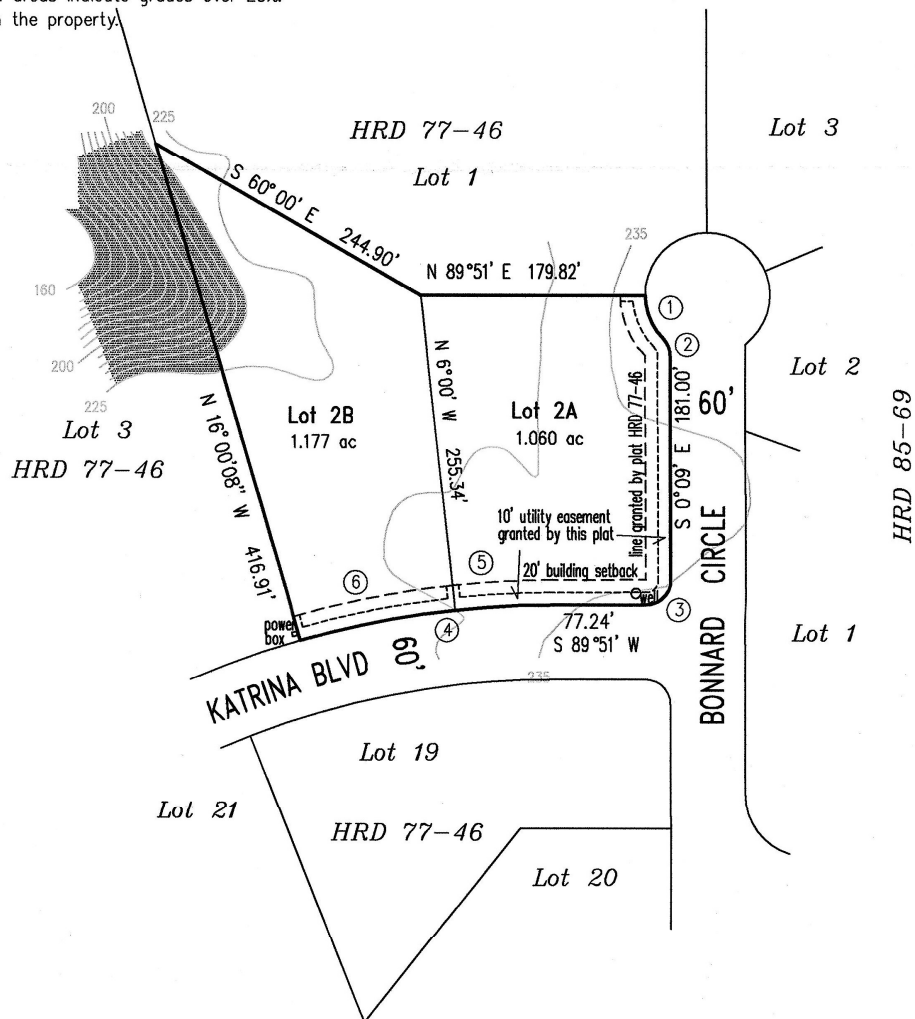
VICINITY 1" = 1 mile MAP

SCALE 1" = 100'

2.237 acres 23 July, 2024

NOTES

1. A building setback of 20' from all street ROW's is required unless a lesser standard is approved by a resolution of the appropriate planning commission. Front 10' of building setback is also a utility easement, as is the entire setback within 5' of side lot lines. Well shown predates granting of this easement and is not subject to it. Plat HRD 77-46 granted a 5' utility easement fronting on streets, now contained within this new easement.
2. No permanent structure shall be constructed or placed within a utility easement which would interfere with the ability of a utility to use the easement.
3. Contour interval 5'. Shaded areas indicate grades over 25%. There are no wet areas on the property.



KPB 2024-087

AGENDA ITEM E. NEW BUSINESS

**ITEM #4 - PRELIMINARY PLAT
ILIAMNA MEADOWS 2024 ADDITION**

KPB File No.	2024-087
Plat Committee Meeting:	September 9, 2024
Applicant / Owner:	Jimmie E Book of Soldotna, Alaska
Surveyor:	Jerry Johnson / Johnson Surveying
General Location:	Bonnard Circle & Katrina Boulevard, Ninilchik

Parent Parcel No.:	157-210-21
Legal Description:	T 1S R 13W SEC 5 Seward Meridian HM 0770046 ILIAMNA MEADOWS SUB LOT 2
Assessing Use:	Residential Dwelling
Zoning:	Unrestricted
Water / Wastewater	Onsite / Onsite
Exception Request	None Requested

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide a 2.237-acre parcel into two lots having sizes of 1.060 acres and 1.177 acres

Location and Legal Access (existing and proposed):

Legal access is available via Katrina Boulevard to the south and Bonnard Circle to the east. Bonnard Circle, a borough-maintained 60-foot road connects to the Sterling Highway to the south and ends in a cul-de-sac to the north. It intersects with Katrina Boulevard to the west. Katrina Boulevard, also a borough-maintained 60-foot dedication, connects Bonnard Circle to the East and Marsha Way to the West which also leads out to the Sterling Highway.

No dedications or vacation are proposed with this platting action.

The block length is non-compliant. **Staff recommends** the Planning Commission's concur an exception is not needed for KPB 20.30.170 Block Length, due to multiple limiting factors specifically being a corner lot and being near to backing to the Cook Inlet.

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

Site Investigation:

An existing structure is shown on KPB imagery and will be located on lot 2A. There is a well depicted in the 10-foot utility easement. Per plat note 1, the well predates granting of the 5' utility easement of the parent plat.

There is steep terrain shown on the plat with grades over 25% shaded. **Staff recommends** the shading remain for the final submittal and the contours be removed. Add arrows to show the direction of slope.

No zoning restriction or wetlands affect this plat. The River Center review did not identify this plat to be located in a FEMA flood hazard area or habitat protection district.

KPB River Center review	A. Floodplain Reviewer: Hindman, Julie Floodplain Status: Not within flood hazard area Comments: No comments B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments
State of Alaska Fish & Game	

Staff Analysis

Originally the land was designated as Government lots 3 and 4 and the NE1/4 SW1/4 of Section 5, Township 1 South, Range 13 West, Seward Meridian, Homer Recording District, Alaska. Iliamna Meadows KN77-46 subdivided the area into 40 lots and seven dedications lying on both sides of the Sterling Highway. The proposed subdivision will subdivide Lot 2, Iliamna Meadows, KN 77-46.

A soils report will be required and an engineer will sign the final plat.

Per the preliminary Certificate to Plat, beneficial interest holders do not affect the proposed plat. Notification per KPB 20.10.100 will not be required unless the final Certificate to Plat states the property is affected by beneficial interest holders.

The property is not within an advisory planning commission.

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

Utility Easements

The parent plat, Iliamna Meadows, HM 77-46, granted a 5-foot utility easement along all streets. The proposed plat grants a 10-foot utility easement adjoining rights-of-way, containing the 5-foot utility easement. Plat note #1 mentions the 5' easement. Plat note should be modified to note that the well predates the 10' easement created by this plat and remove mention of the 5' easement.

An easement was granted to Homer Electric Association with no location disclosed per Book 18 Page 127, HRD. Surveyor should add a plat note address this easement.

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

Utility Provider Review:

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

KPB department / agency review:

Addressing	Reviewer: Leavitt, Rhealyn Affected Addresses: 10335 BONNARD CIR Existing Street Names are Correct: Yes List of Correct Street Names: BONNARD CIR, KATRINA BLVD
------------	--

	Existing Street Name Corrections Needed: All New Street Names are Approved: No List of Approved Street Names: List of Street Names Denied: Comments: 10335 BONNARD CIR WILL REMAIN WITH LOT 2A
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

STAFF RECOMMENDATIONS

CORRECTIONS / EDITS

Add curve data to the plat
Add a Plat Approval with the date of September 9, 2024

PLAT NOTES TO ADD

- Add a plat indicating "The borough will not enforce private covenants, easements, or deed restrictions per KPB 20.60.170(B)."

KPB 20.25.070 – Form and contents required

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

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

Staff recommendation:

Correct the subdivision name in the title block.
Add the KPB File No 2024-087 to the title block

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

Staff recommendation:

Show the plat location on the map closer to where it should be located. The site is straight north of the C1/4 per the plat.

- F. The location, width and name of existing and platted streets and public ways, railroad rights-of-way, easements, and travel ways existing and proposed, within the subdivision;
Staff recommendation:
Add plat note indicating HEA easement per CTP # 7
Add the 30' R anchor easement in SW corner from parent plat.

KPB 20.30 – Subdivision Design Requirements

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

KPB 20.40 – Wastewater Disposal

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

20.40.010 Wastewater disposal.

Platting Staff Comments:

Staff recommendation: comply with 20.40.

KPB 20.60 – Final Plat

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

RECOMMENDATION:

STAFF RECOMMENDS:

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

NOTE: 20.25.120. - REVIEW AND APPEAL.

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

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

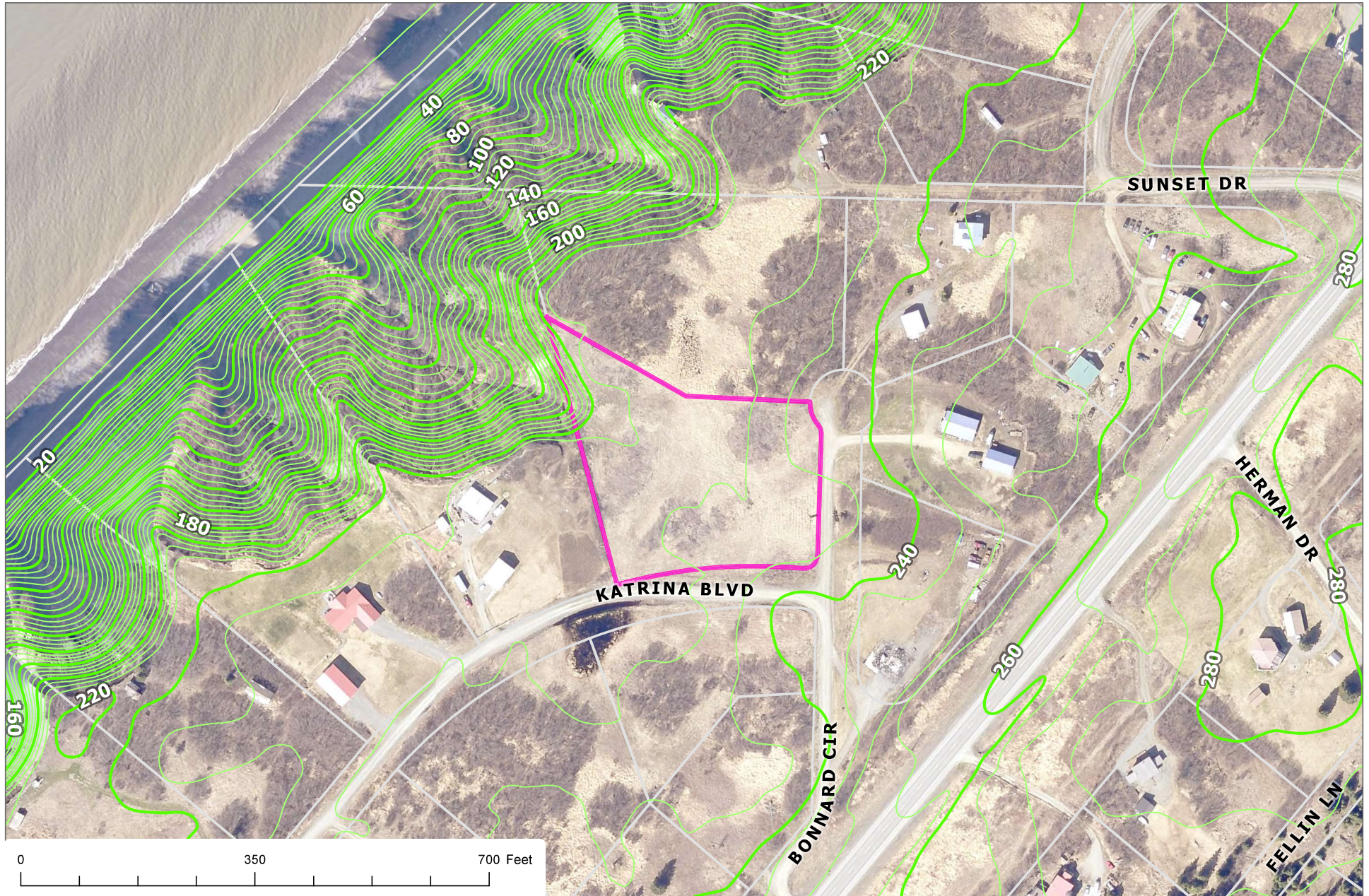
END OF STAFF REPORT



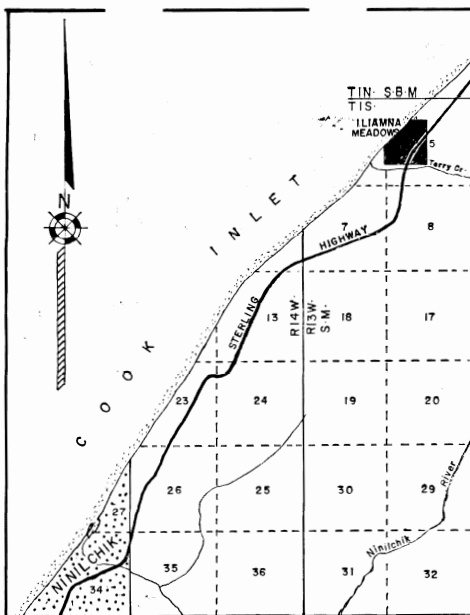
Aerial Map



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.



VICINITY MAP SCALE=1"=1 MILE

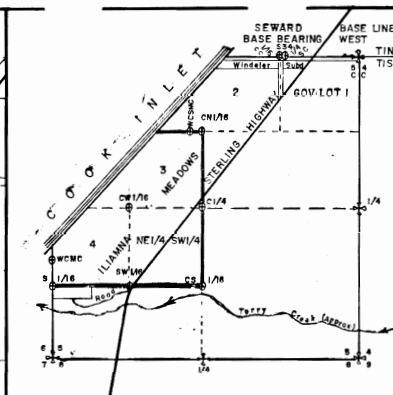
KENAI PENINSULA BOROUGH

July 26, 1976
Approved by planning commission

By: *Philip Waring*
Mayor



BOX 27 CLAM GULCH
ALASKA 99568

SEC 5
SCALE=1"=1500'

ILIAMNA

MEADOWS

SCALE=1"=200'

AREA=120.086 AC

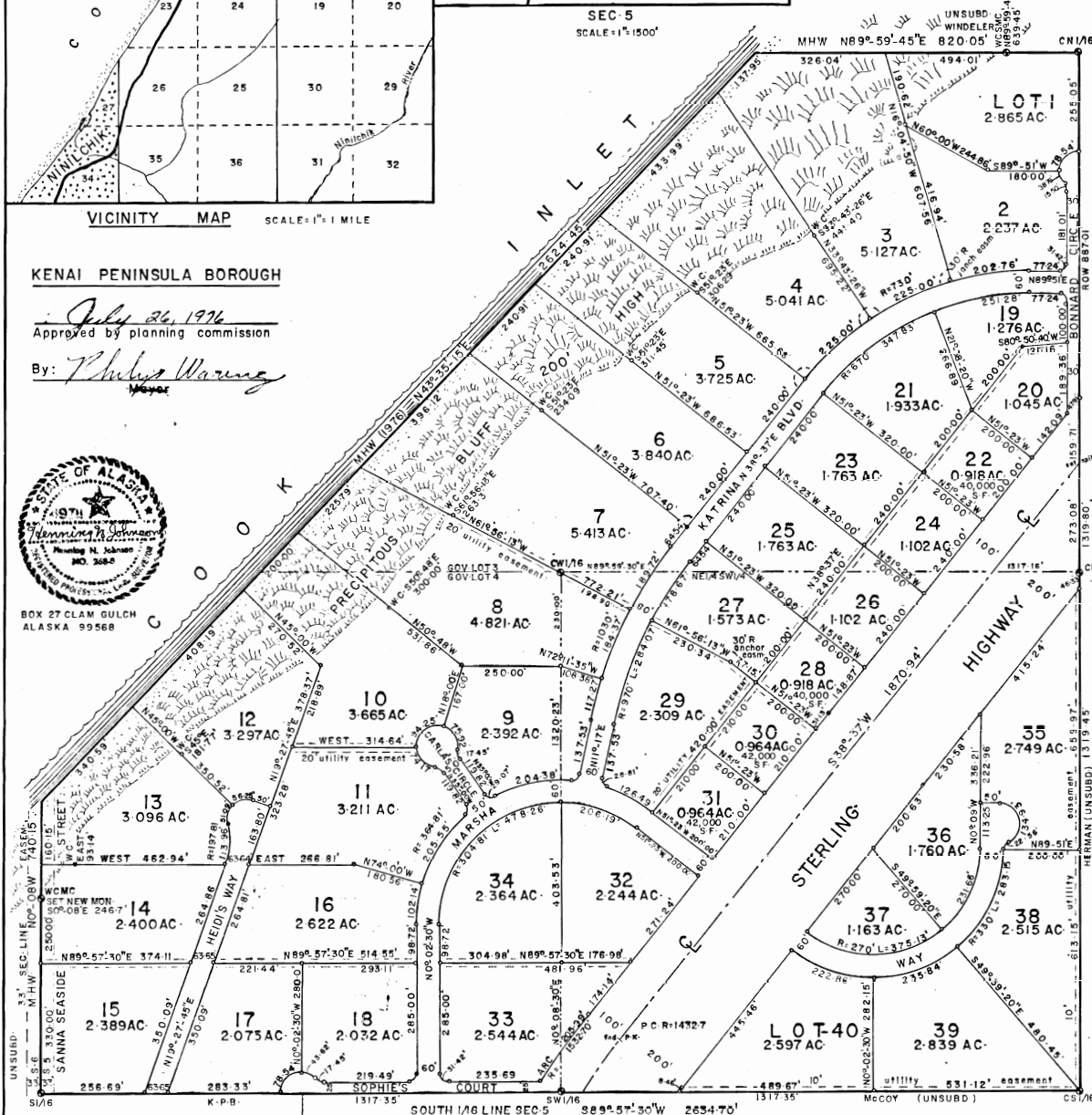
JULY 17, 1976

LOCATED IN GOV. LOTS 3 AND 4 AND NE 1/4 SW 1/4 SEC 5,
T1S R13W S.M.; NINILCHIK, ALASKA
99639

BY: ILIAMNA MEADOWS INCORPORATED, 330 "L" STREET, ANCHORAGE,
ALASKA, 99501

LEGEND

- Indicates GLO mon. found as described in record.
- Ind. standard K.P.B. brass cap on 3/4" X 3/8" set.
- Ind. 5/8" X 24" rebar set.
- Ind. 8" X 8" X 40" conc. Dept Hwys. ROW mon. found.
- NOTE: All cut de sac radii 50'. All return radii 20' except as shown.
- A 20' flag set-back line along all streets.
- A 5' clearing and U.G. utility easement along all streets for Homer Elect.
- Double front lots, front on interior streets.



CERTIFICATE OF OWNERSHIP AND DEDICATION

We hereby certify that we are the owners of the property shown and described hereon, and that we hereby adopt this plan of subdivision, and dedicate all streets to public use and to the use of public utilities:

Peter Walton
Peter Walton, President, Iliamna Meadows Inc.
330 "L" STREET, ANCHORAGE, ALASKA 99501

77-46
77-2236-6
RECORDED FILED
JAN 12 1977
TIME 2:40 P.M.
RECORDED KPB
ADDRESS Soldatna

STATE OF ALASKA, THIRD JUDICIAL DISTRICT.

Subscribed and sworn before me this 5th day of July 1976

James P. Walpav
NOTARY PUBLIC FOR ALASKA

My commission expires 11-27-80

SURVEYED TOWNSHIP 1 SOUTH RANGE 13 WEST OF THE SEWARD MERIDIAN, ALASKA

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

MTP

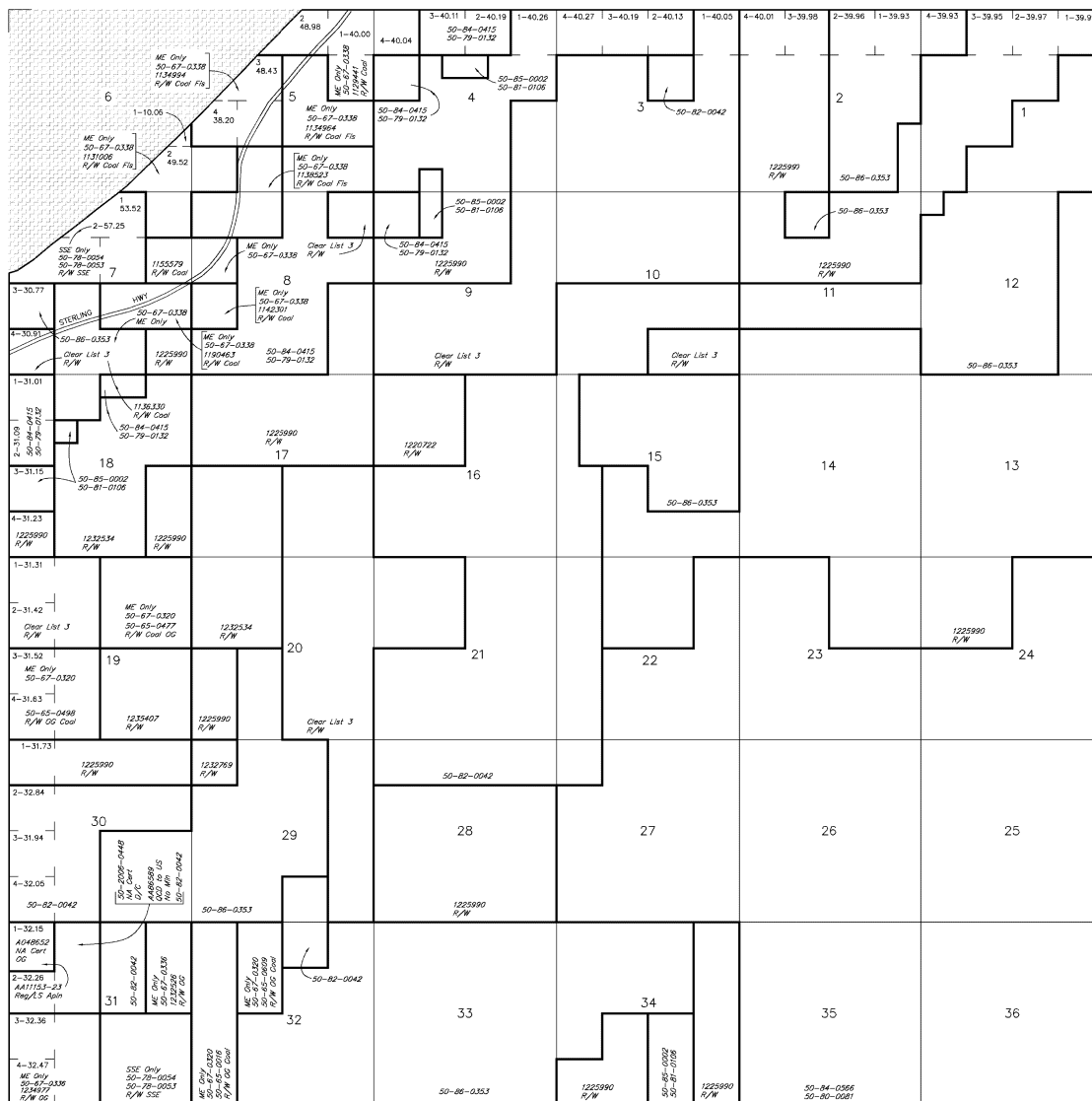
FOR ORDERS EFFECTING DISPOSAL OR USE OF UN-IDENTIFIED LANDS WITHDRAWN FOR CLASSIFICATION MINERALS, WATER AND/OR OTHER PUBLIC PURPOSES REFER TO INDEX OF MISCELLANEOUS DOCUMENTS.

A050483 SS entire Tp

A056658 SS entire Tp

P.L.O. 5194 W&J affects Lds/Interests not conveyed

AA84492 Acq' Cons Esmt affects W1/2NE1/4NE1/4 & W1/2SE1/4NE1/2 of Sec 31



Lot 60°02'14.000"N
Long 151°25'14.396"W

SCALE in chains
10 5 0 10 20 30 40 50

WARNING:
This plat is the Bureau's Record of Title, and should be used only as a graphic display of the township survey data. Records herein do not reflect title changes which may have been effected by isolated movements of rivers or other bodies of water. Refer to the cadastral surveys for official survey information.

CURRENT TO		Sew Mer
10-16-2006		T 1 S
		R 13 W

ACAD

E. NEW BUSINESS

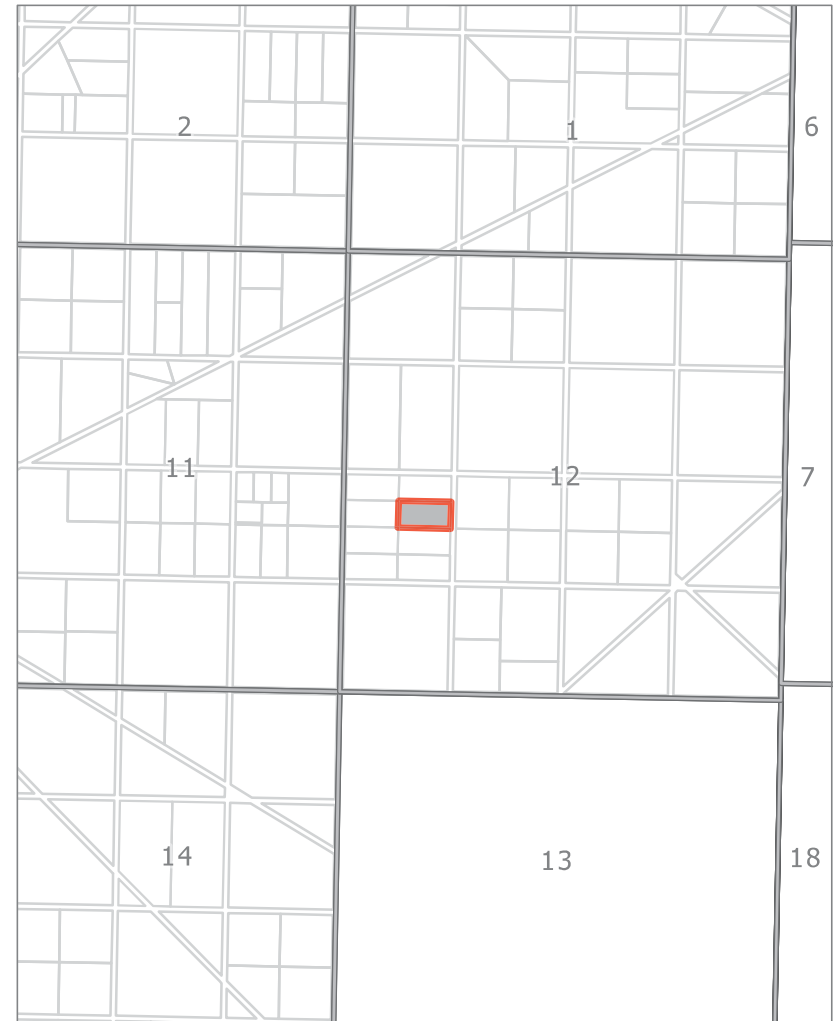
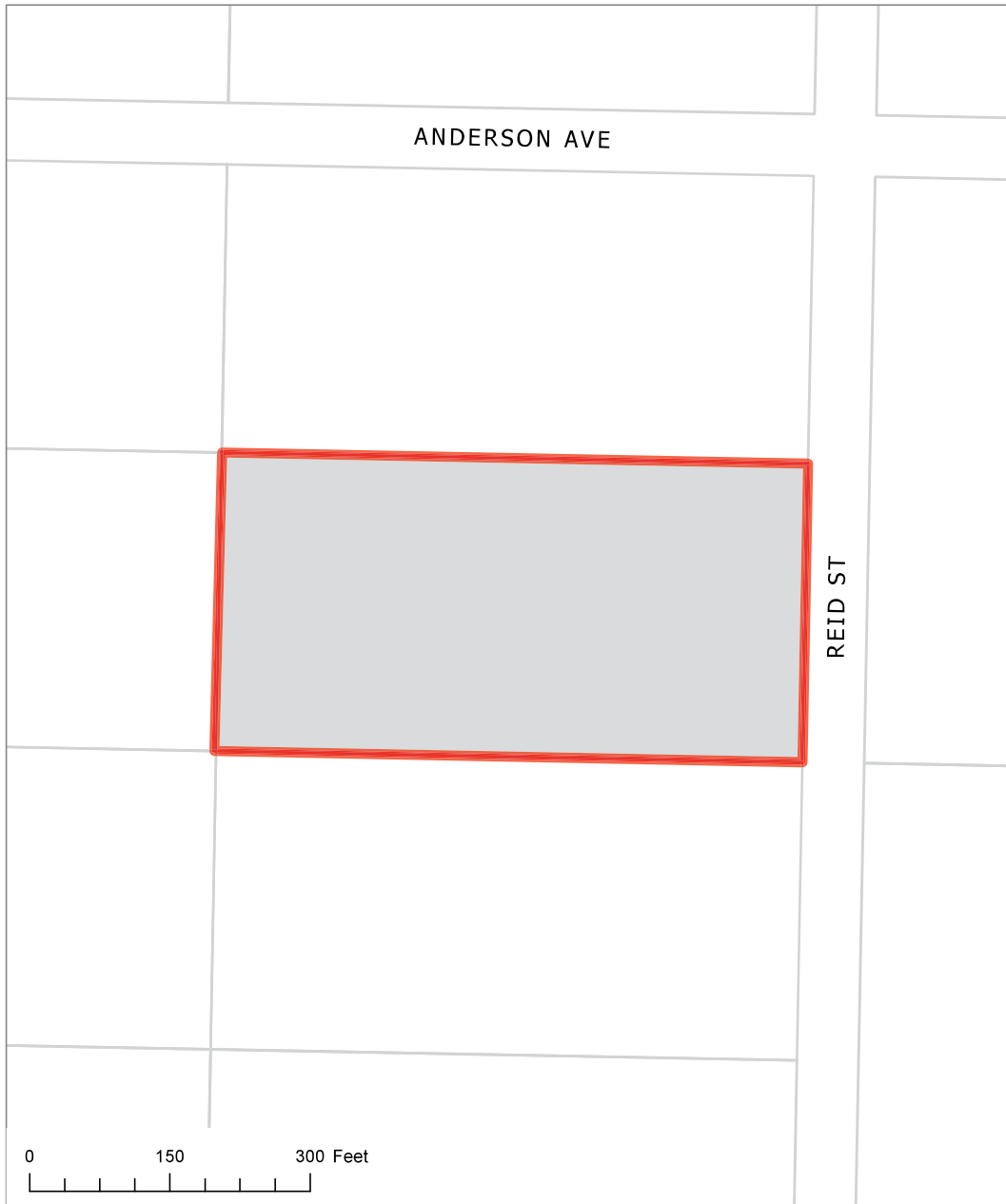
5. Libenthal Subdivision 2024 Addition

KPB File 2024-086

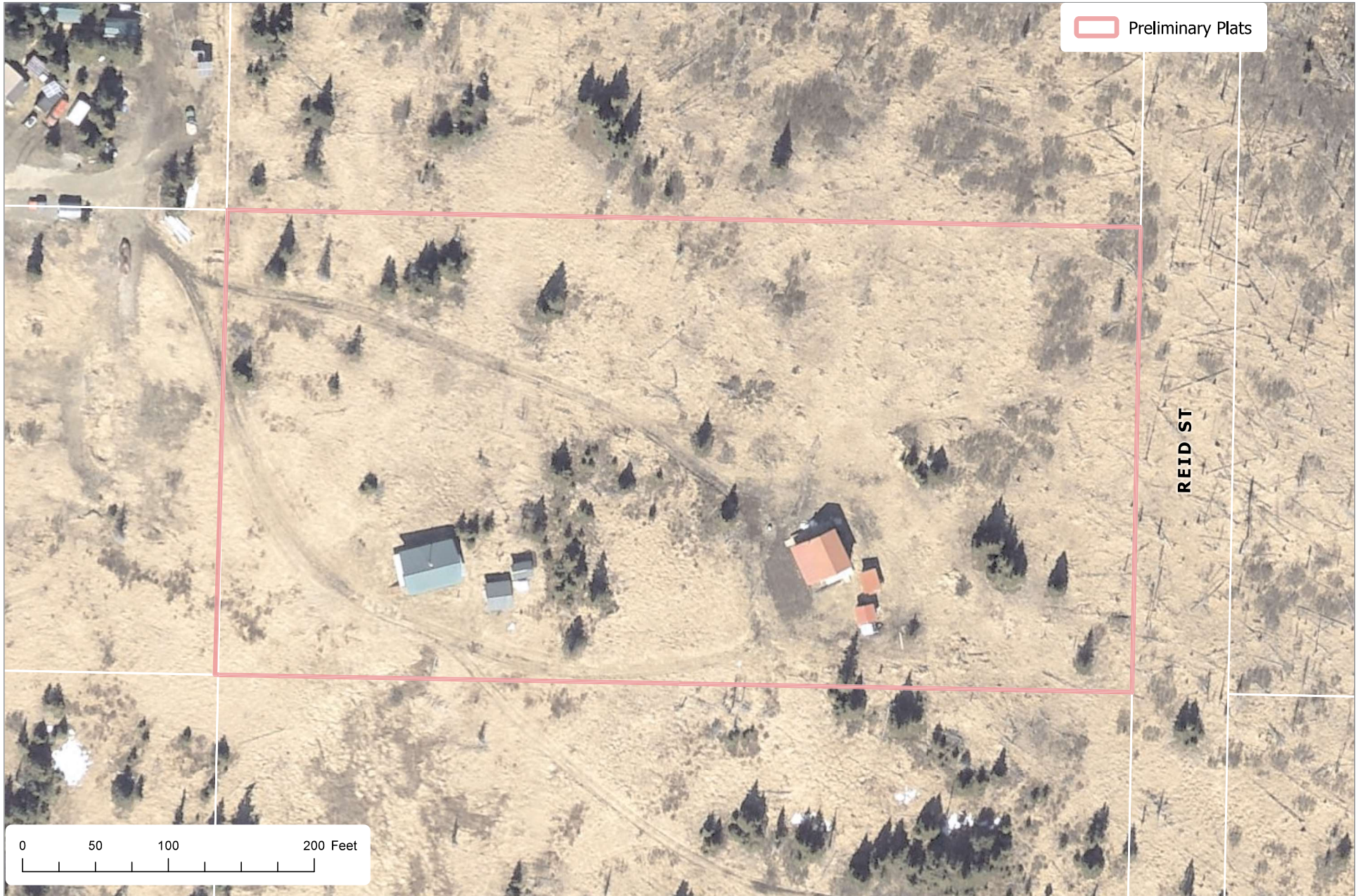
Johnson Surveying / Needs, Muller, Crowder

Location: Reid Street

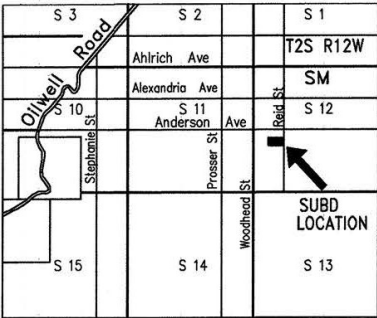
Ninilchik Area



KPB File 2024-086
T 02S R 12W SEC 12
Ninilchik



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VICINITY 1" = 1 mile MAP

Liebenthal Subdivision 2024 Addition Preliminary Plat

A Subdivision of Tract 2 Liebenthal Subd., HRD 2001-60.
Located in the NW1/4 SW1/4 Section 12, T2S R12W, SM, Alaska.
Homer Recording District Kenai Peninsula Borough File 2024

Prepared for

Rick Needs
39929 Bubba's Ave
Soldotna, AK 99669

Gary Leo &
Lela Karlene Muller
P.O. Box 889
Sterling, AK 99672

Keith R Crowder
P.O. Box 936
Soldotna, AK 99669

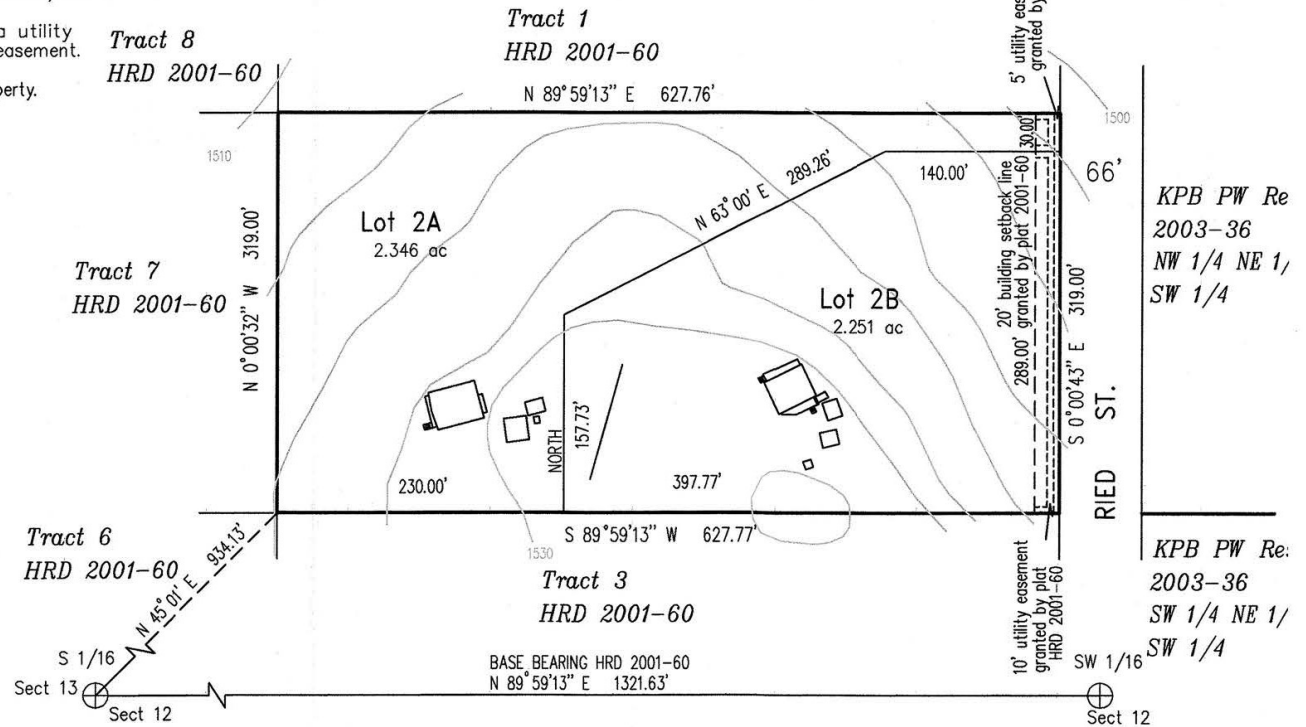
Prepared by

Johnson Surveying
P.O. Box 27
Clam Gulch, Ak 99568
(907) 262-5772

NOTES

1. A building setback of 20' from all street ROWs is required unless a lesser standard is approved by a resolution of the appropriate planning commission. Front 10' of building setback is also a utility easement, as is the entire setback within 5' of side lot lines.
2. No permanent structure shall be constructed or placed within a utility easement which would interfere with the ability of a utility to use the easement.
3. No structures permitted on the panhandle portion of flag lots.
4. Contour interval 5'. No grades exceed 20%. There are no wet areas on the property.

SCALE 1" = 100' AREA = 4.597 acres 23 July, 2024



KPB 2024-086

AGENDA ITEM E. NEW BUSINESS

**ITEM #5 - PRELIMINARY PLAT
LIBENTHAL SUBDIVISION 2024 ADDITION**

KPB File No.	2024-086
Plat Committee Meeting:	September 9, 2024
Applicant / Owner:	Rick Needs of Soldotna, Alaska / Gary & Lela Muller of Sterling, AK / Keith Crowder of Soldotna, Alaska
Surveyor:	Jerry Johnson / Johnson Surveying
General Location:	Caribou Hills

Parent Parcel No.:	185-516-23
Legal Description:	T 2S R 12W SEC 12 SEWARD MERIDIAN HM 2001060 LIEBENTHAL SUB TRACT 2
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	Onsite/ Onsite
Exception Request	20.40

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide a 4.597 acre parcel into two lots of size 2.251 acres and 2.346 acres.

Location and Legal Access (existing and proposed):

Legal access to the lots is via Reid Street, a 66-foot dedication on the east side of the plat. Access to Reid Street is from Straight in Trail Rem SW to Prosser Street, then to Anderson Avenue, and finally to Reid Street. Reid Street is currently undeveloped, and access to the plat is at the northwest corner of the parent subdivision at Anderson Avenue and Woodhead Street. At the intersection of Anderson Avenue and Woodhead Street, a driveway accesses Tract 8 of the parent plat, running toward Tract 2 and crossing the corner of Tract 7. The certificate to plat does not indicate any easement agreements between lots for this drive. It is suggested that if this remains in use as an access point, easement agreements be created for use between landowners.

The plat is not proposing new dedications or vacations and is not affected by a section line easement.

Block length is compliant, being completed by Reid Street, Arneson Avenue, Woodhead Street and Anderson Ave.

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

Site Investigation:

There are recreational cabins and storage buildings located on the plat. Upon finalization of the plat, these structures will be divided between the lots, with one on each.

The plat is relatively level, with the highest point situated in the middle of the south line, near the new lot line where the structures are located. The hill slopes away to the west, north, and east at a gradient of approximately 7-13 percent slope.

There are no wetlands located on the plat, and the River Center Reviewers confirmed that the plat is not within a

FEMA designated flood hazard area or habitat protected district.

KPB River Center Review	A. Floodplain Reviewer: Hindman, Julie Floodplain Status: Not within flood hazard area Comments: No comments B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments
State of Alaska Fish & Game	

Staff Analysis

The land was originally aliquot parcels of Section 12, Township 2 South, Range 12 West, Seward Meridian, Alaska, within the Homer Recording District of the Kenai Peninsula Borough. According to the Right of Way Map, this area was designated as Tract 217. Tract 217 was subsequently subdivided by the Liebenthal Subdivision, HM 2001-60, into eight Tracts, each with 33-foot dedications abutting them. Lot 2 is now being replatted with the proposed plat.

At the intersection of Anderson Avenue and Woodhead Street, a driveway accesses Tract 8 of the parent plat, running toward Tract 2 and crossing the corner of Tract 7. The certificate to plat does not indicate any easement agreements between lots for this drive. It is suggested that if this remains in use as an access point, easement agreements be created for use between landowners.

A soils report is required for the plat, but the developer has requested an exception to Chapter 20.40 Wastewater Disposal requirements.

There does not appear to be any encroachment issue per KPB GIS data. The surveyor should note any that may be noticed when doing the field work though and notify staff of any findings.

Per the preliminary Certificate to Plat, beneficial interest holders do not affect the proposed plat. Notification per KPB 20.10.100 will not be required unless the final Certificate to Plat states the property is affected by beneficial interest holders.

The property is not within an advisory planning commission.

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

Utility Easements

The plat maintains a 10-foot utility easement, extending within 5 feet of the side lot lines and the entire 20-foot building setback from the parent plat. No new utilities have been proposed.

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

Utility Provider Review:

HEA	No facilities in the area
ENSTAR	No comments or recommendations
ACS	No response
GCI	No comments

KPB Department / Agency Review:

Addressing	Reviewer: Leavitt, Rhealyn Affected Addresses: 52991 ANDERSON AVE Existing Street Names are Correct: No List of Correct Street Names: REID ST Existing Street Name Corrections Needed: All New Street Names are Approved: No List of Approved Street Names: List of Street Names Denied: Comments: 52991 ANDERSON AVE WILL REMAIN WITH LOT 2A
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.
Assessing	Reviewer: Windsor, Heather Comments: No comment

STAFF RECOMMENDATIONS
CORRECTIONS / EDITS

Check the font of the plat notes for uniformity throughout.

Add plat note regarding covenants as listed in the certificate to plat.

Add plat note, "The borough will not enforce private covenants, easements, or deed restrictions per KPB 20.60170(B).

KPB 20.25.070 – Form and Contents Required

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

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

Staff recommendation:

Revise the KPB File to 2024-086

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

Staff recommendation:

Correct the spelling of Reid Street

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

Staff recommendation:

Oil Well Road is two words in the vicinity map

KPB 20.30 – Subdivision Design Requirements

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

KPB 20.40 – Wastewater Disposal

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

20.40.010 Wastewater disposal.

Platting Staff Comments:

Staff recommendation: comply with 20.40.

KPB 20.60 – Final Plat

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

EXCEPTIONS REQUESTED:

A. KPB 20.40 Wastewater review

Surveyor's Discussion:

Findings:

1. Lots are in a remote area not readily accessible to equipment to dig test holes
2. Lots are to recreational use only, not permanently occupied.
3. No wells or septic systems are intended on these lots

Staff Discussion:

20.40.010. - Wastewater disposal.

A. All lots within a proposed subdivision in the Kenai Peninsula Borough must meet the following applicable standards of this chapter for wastewater disposal.

Findings:

4. The structures are existing.
5. No adjacent properties will be affected with the granting of this exception.

Staff reviewed the exception request and recommends granting approval.

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

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

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

1. That special circumstances or conditions affecting the property have been shown by application;
Findings 1-4 appear to support this standard.
2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title;
Findings 1-4 appear to support this standard.
3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.
Findings 5 appear to support this standard.

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

RECOMMENDATION:

SUBJECT TO EXCEPTION(S) GRANTED, STAFF RECOMMENDS:

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

NOTE: 20.25.120. - REVIEW AND APPEAL.

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

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

END OF STAFF REPORT



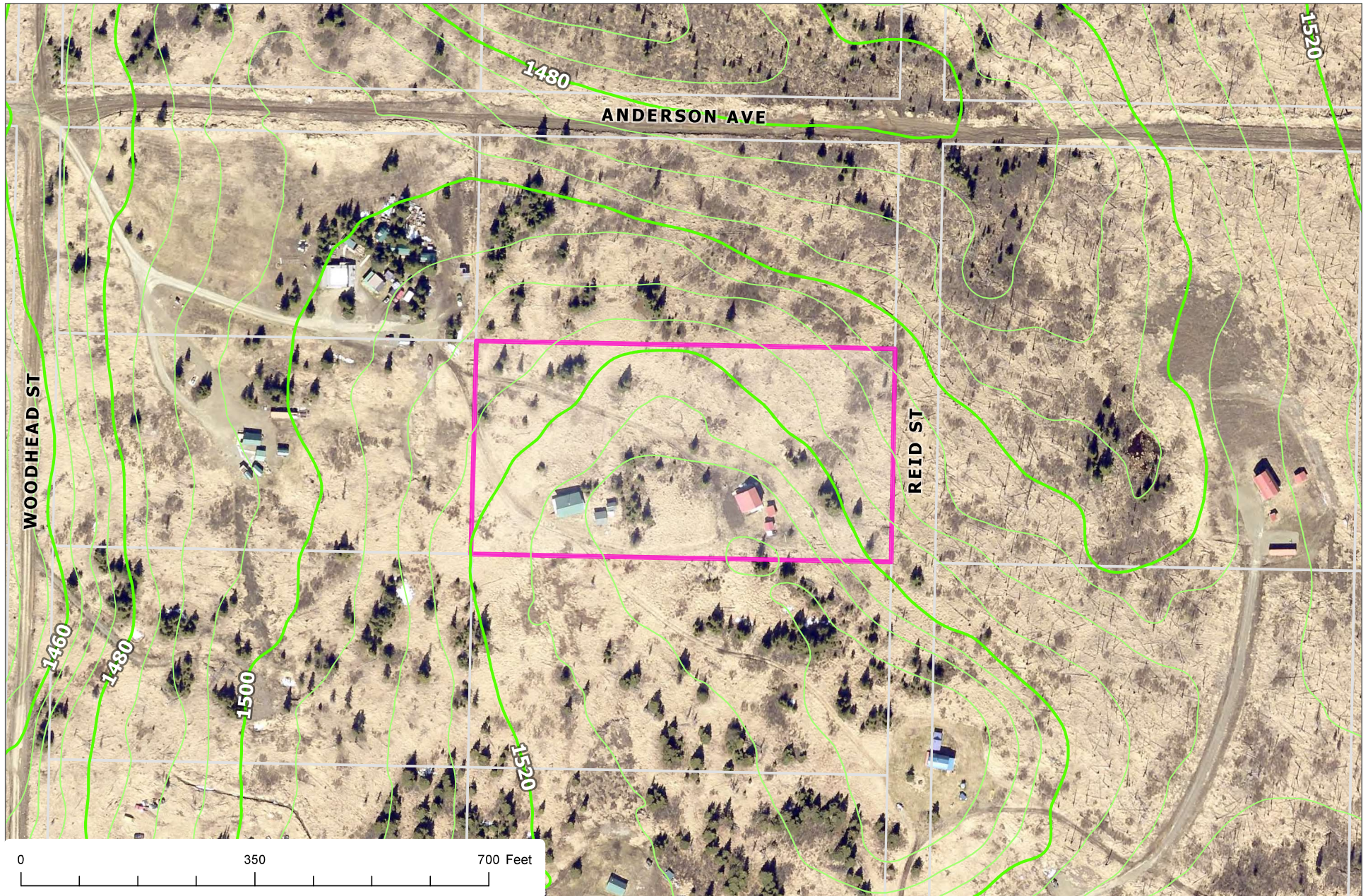
Aerial Map



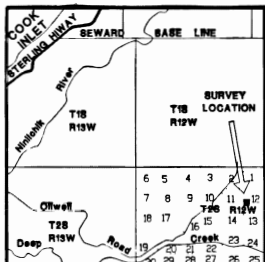
The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



Aerial with 5-foot Contours



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VICINITY 1" = 4 miles MAP

LIEBENTHAL SUBDIVISION

DF Tract 217 of NNAT RDV Map (HRD 84-115)
Located in the NW1/4 SW1/4 Section 12, T2S R12W SM
Homer Recording District KPB File 2001-178

Prepared for

Jon & Sheri Liebenthal
PO Box 39185
Ninilchik AK 99639

Prepared by

Johnson Surveying
Box 27
Clam Gulch, AK 99568



SCALE 1" = 200' AREA = 36.155 acres 8 Sept, 2001

LEGEND

- ✱ - 3 1/2" USBLM brass cap monument 1987 Found
- ⊙ - 3 1/2" alcap monument 610-S, 1992 Found
- ⊕ - 2 1/2" x 30" aluminum monument set
- └ - 1/2" x 4" rebar with 1" plastic cap set

PLAT APPROVAL

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of 22 October 2001

KENAI PENINSULA BOROUGH

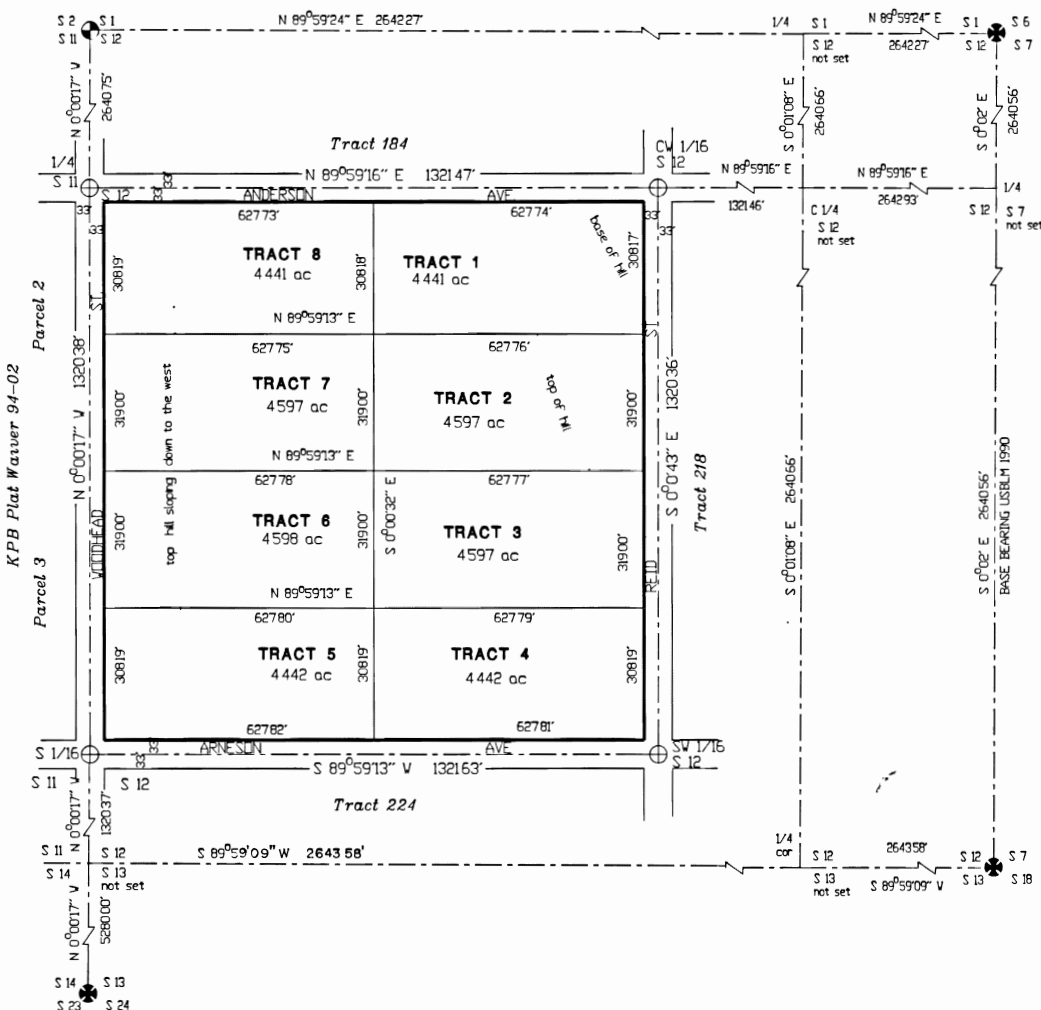
BY: Mary J. Best December 19, 2001
Authorized Official Date

WASTEWATER DISPOSAL

These lots are at least 200,000 square feet or a nominal 5 acres in size and conditions may not be suitable for onsite wastewater treatment and disposal. Any wastewater treatment and disposal system must meet the regulatory requirements of the Alaska Dept of Environmental Conservation.

NOTES

- 1 A building setback of 20' from all street RDV's is required unless a lesser standard is approved by a resolution of the appropriate planning commission. Front 10' of building setback is also a utility easement as is the entire setback within 5' of side lot lines.
- 2 No permanent structure shall be constructed or placed within an easement which would interfere with the ability of a utility to use the easement.



OWNERSHIP CERTIFICATE

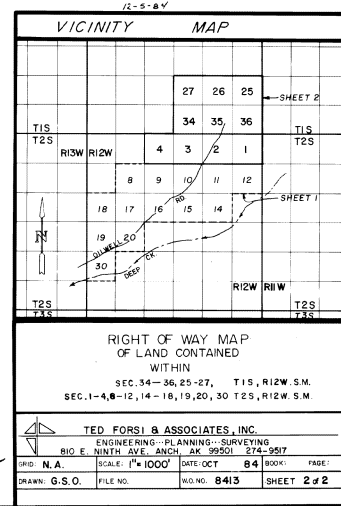
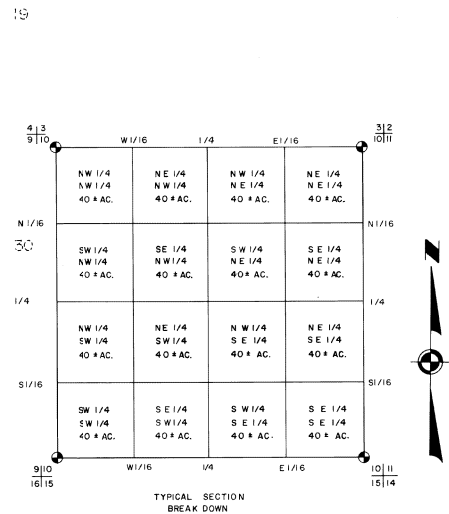
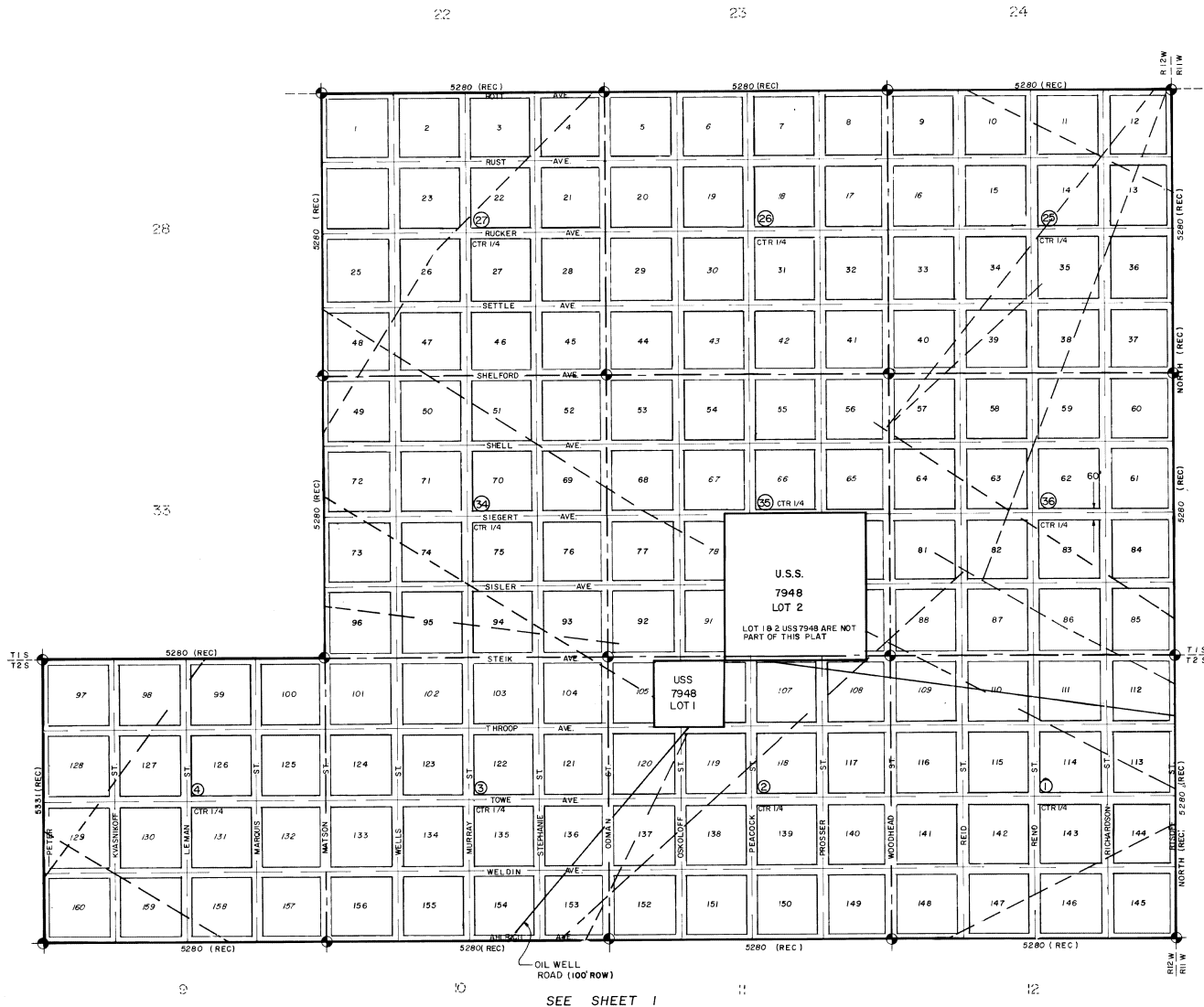
I hereby certify that I am the owner of the real property shown and described hereon, and that I hereby adopt this plan of subdivision, and by my free consent grant all easements to the use shown.

Sheri A. Liebenthal
Sheri A. Liebenthal Formerly Sheri A. Stonecipher
PO Box 39185 Ninilchik AK 99639-0185

NOTARY'S ACKNOWLEDGEMENT

For: Sheri A. Liebenthal
Subscribed and sworn to before me this 17
day of December 2001
Carrie M. Evers
Notary Public for Alaska
My commission expires: 7/3/2004





84-115
HOMER
12-7-84
9-24-84
S. Wilson
KPB
Sold to 26

HM 84-115

NINILCHIK R.O.W. MAP

E. NEW BUSINESS

6. Sleepy Hollow Subdivision 2024 Addition

KPB File 2024-085

Johnson Surveying / Villa

Location: Alma Avenue & Van Dyke Street

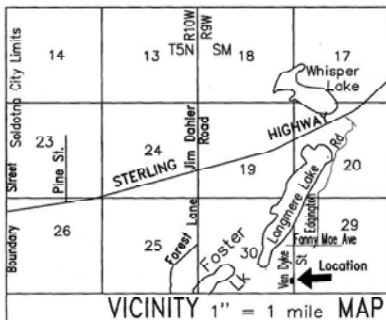
Sterling Area



KPB File 2024-085
T 05N R 09W SEC 30
Sterling



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Sleepy Hollow Subdivision 2024 Addition Preliminary Plat

A subdivision of Lot 4 Block 3 Sleepy Hollow Subd., KRD 78-79.
Located in the SE1/4 Section 30, T5N R10W, SM, Alaska.
Kenai Recording District Kenai Peninsula Borough

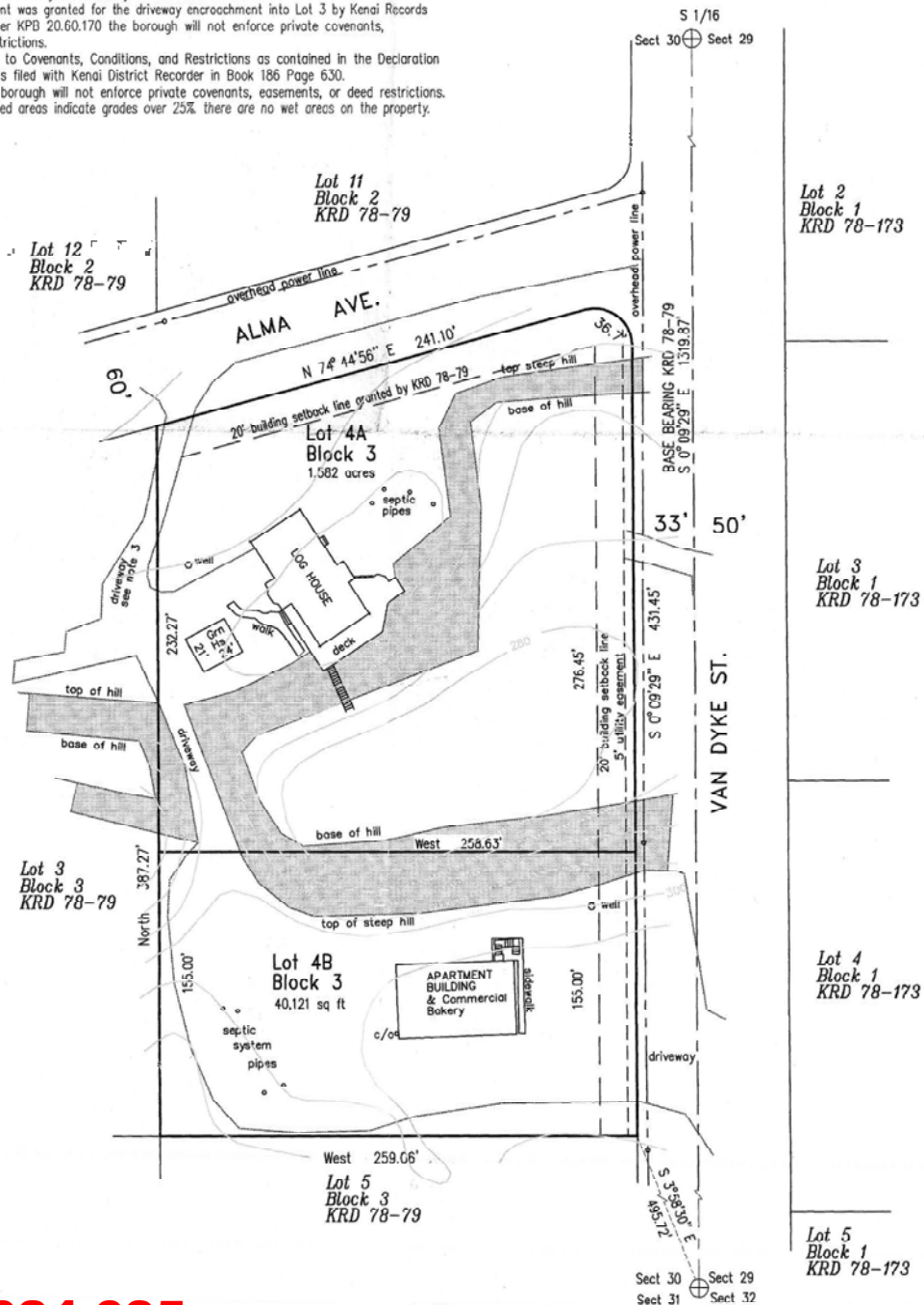
Prepared for
Alexander E & Annette B Villa
39035 Alma Ave.
Soldotna, AK 99669

Prepared by
Johnson Surveying
P.O. Box 27
Clam Gulch, AK 99568
(907) 262-5772

SCALE 1" = 50' 2.503 acres 26 June, 2024

NOTES

1. A building setback of 20' from all street ROWs is required unless a lesser standard is approved by a resolution of the appropriate planning commission. Front 10' adjacent to rights of way and 20' within 5' of side lot line are granted by this plat as utility easements.
2. No permanent structure shall be constructed or placed within a utility easement which would interfere with the ability of a utility to use the easement.
3. A private access easement was granted for the driveway encroachment into Lot 3 by Kenai Records Deed bk 307 pg 233. Per KPB 20.60.170 the borough will not enforce private covenants, easements, or deed restrictions.
4. This property is subject to Covenants, Conditions, and Restrictions as contained in the Declaration of Protective Restrictions filed with Kenai District Recorder in Book 186 Page 630. Per KPB 20.60.170 the borough will not enforce private covenants, easements, or deed restrictions.
5. Contour interval 5'. Shaded areas indicate grades over 25% there are no wet areas on the property.



KPB 2024-085

AGENDA ITEM E. NEW BUSINESS

**ITEM 6 - PRELIMINARY PLAT
SLEEP HOLLOW SUBDIVISION 2024 ADDITION**

KPB File No.	2024-085
Plat Committee Meeting:	September 9, 2024
Applicant / Owner:	Alexander E & Annette B Villa of Sterling, Alaska
Surveyor:	Jerry Johnson / Johnson Surveying
General Location:	Alma Avenue & Van Dyke Street, Sterling

Parent Parcel No.:	063-630-10
Legal Description:	T 5N R 9W SEC 30 Seward Meridian KN 0780079 SLEEPY HOLLOW SUB LOT 4 BLK 3
Assessing Use:	Residential Dwellings 2-4
Zoning:	Unrestricted
Water / Wastewater	Onsite / Onsite
Exception Request	None Requested

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide a 2.50-acre parcel into two lots: ranging in size of 1.582 acres and the other 0.921 acres (40,121 sq ft).

Location and Legal Access (existing and proposed):

Legal access is provided by Alma Avenue to the north and Van Dyke Street to the east, both maintained by the borough. Alma Avenue a 60-foot dedication that runs west from Van Dyke Street an 83 foot dedication and intersects with Hager Boulevard to the west. Van Dyke Street and Hager Blvd both run north to Fannie Mae Ave running east to intersect with Edgington Road, both borough-maintained, intersects with the Sterling Highway near mile 88.

There are no dedications proposed by this plat, or vacations being finalized.

The block length is compliant, with Labrador Cir, Retriever Ave, Van Dyke St, Alma Ave, Hager Blvd and Coulter Ct completing the block rounding with cul-de-sacs.

There is a private right-of-way access easement for ingress and egress affecting Lot 4A, Block 3, noted as plat note #3 onto Lot 3 to the west. Remove the covenant note in the second sentence of plat note #3 as this is not a covenant. Note on drawing should be more prominent.

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

Site Investigation:

An existing house and greenhouse are depicted on the plat and will be located on proposed Lot 4A, Block 3. On proposed Lot 4B, Block 3, an existing apartment building structure is depicted. The depiction of the structures demonstrates that there will be no encroachment issues with the new lot lines proposed. The drive encroachment to the west has been taken care of with a right-of-way easement as noted on the plat at plat note #3.

There is steep terrain shown on the plat with grades over 25% shaded. Contours can be removed for the final submittal, but the shading of the steep areas should remain.

No zoning or wetlands affect this plat. The River Center review did not indicate the plat to be located in a FEMA flood hazard area or a habitat protection district.

KPB River Center Review	A. Floodplain Reviewer: Hindman, Julie Floodplain Status: Not within flood hazard area Comments: No comments B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments
State of Alaska Fish & Game	

Staff Analysis

Originally the land was platted as government lots 6 & 7 and a portion of the SE1/4 of Section 30, Township 5 North, Range 9 West, SM Alaska. Then Sleepy Hollow Subdivision KN 78-79 subdivided Lot 6 & 7 and the S1/2 of the SE1/4 of said Section 30 giving the current lot being divided. The proposed subdivision will subdivide Lot 4, Block 3, Sleepy Hollow Subdivision, KN 78-79. The preliminary plat will be creating two lots.

The surveyor included locations of structures. Reviewing that information with KPB GIS imagery for that area, there does not appear to be any encroachment issues.

A soils report will be required and an engineer will sign the final plat.

There is an encroachment of the driveway coming into Lot 4A from Alma Ave tat crosses into Lot 3. This was addressed above and is taken care of with a private access easement noted at plat note #3.

Notice of the proposed plat was mailed to the beneficial interest holders on August 13, 2024. The beneficial interest holders will be given 30 days from the date of the mailing of the notification to respond. They are given the opportunity to notify staff if their beneficial interest prohibits or restricts subdivision or requires their signature on the final plat. If no response is received within 30 days, staff will assume they have no requirements regarding the subdivision and it may be finalized.

The property is not within an advisory planning commission.

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

Utility Easements

The parent plat, Sleepy Hollow Subdivision, KN 78-79, granted a 5-foot utility easement along Van Dyke Street. The proposed plat grants a 10-foot utility easement adjoining all rights-of-ways and should be shown on the plat. the 5' utility easement can be removed on the drawing and can remain as a plat note being carried forward from the parent plat.

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

Utility Provider Review:

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

KPB Department / Agency Review:

Addressing	Reviewer: Leavitt, Rhealyn Affected Addresses: 39035 ALMA AVE; 35131 VAN DYKE ST Existing Street Names are Correct: Yes List of Correct Street Names: ALMA AVE; VAN DYKE ST Existing Street Name Corrections Needed: All New Street Names are Approved: No List of Approved Street Names: List of Street Names Denied: Comments: ADDRESSES WILL NOT BE AFFECTED.
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

STAFF RECOMMENDATIONS**CORRECTIONS / EDITS**

- Remove from plat note number 3, the portion regarding KPB 20.60.170.

KPB 20.25.070 – Form and Contents Required

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

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

Staff recommendation:

Correct the range in the legal description.

Correct the owner's mailing address to reflect KPB records.

Add the KPB File number 2024-085 to title block.

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

Staff recommendation:

Correct the spelling of Fannie Mae Avenue.

Move Soldotna city limits label to the South to reflect location more accurately.

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

Staff recommendation:

Label southwest lot 6, block 3, KN 78-79.

KPB 20.30 – Subdivision Design Requirements

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

KPB 20.40 – Wastewater Disposal

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

20.40.010 Wastewater disposal.

Platting Staff Comments:

Staff recommendation: *comply with 20.40.*

KPB 20.60 – Final Plat

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

RECOMMENDATION:

STAFF RECOMMENDS:

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

NOTE: 20.25.120. - REVIEW AND APPEAL.

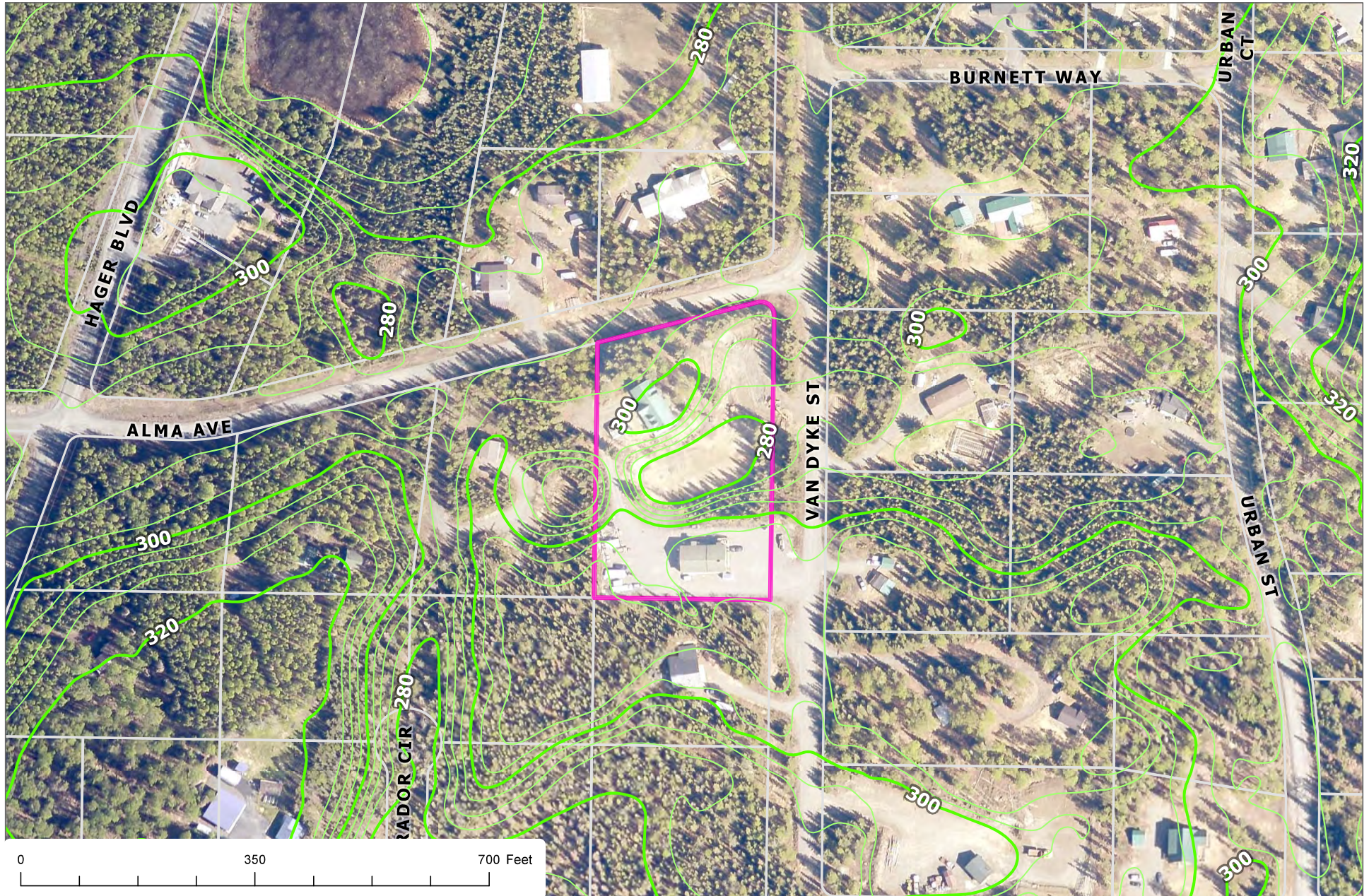
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A DECISION OF THE PLANNING COMMISSION MAY BE APPEALED TO THE HEARING OFFICER BY A PARTY OF RECORD WITHIN 15 DAYS OF THE DATE OF NOTICE OF DECISION IN ACCORDANCE WITH KPB 21.20.250.

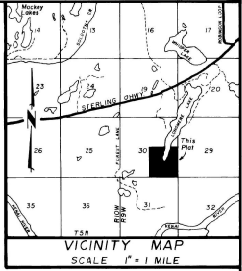
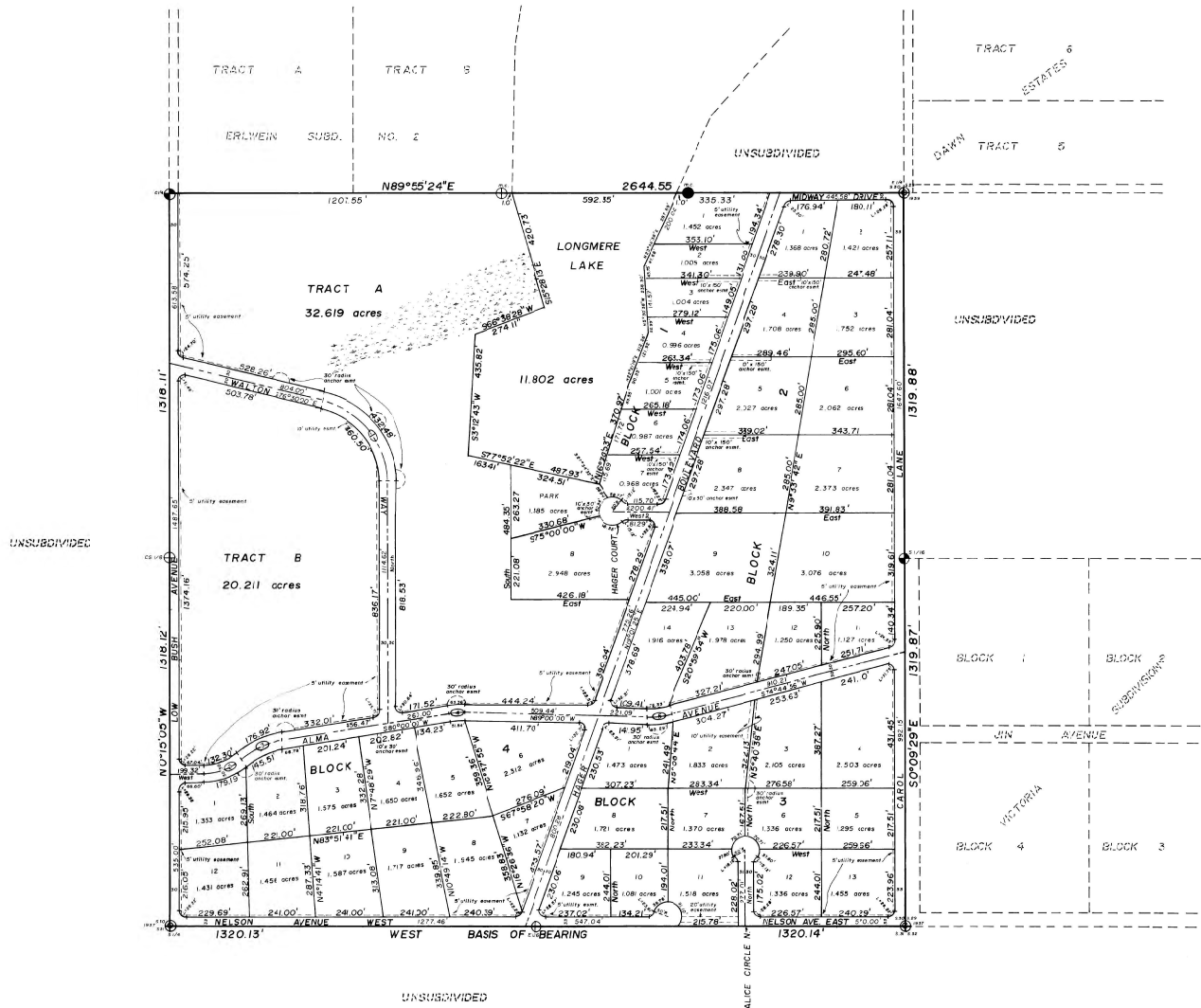
END OF STAFF REPORT



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- LEGEND AND NOTES**
- Set 3 1/4" alum. cap monument (1300-S)
 - ⊙ Found U.S.G.L.D. B.C. monument
 - ⊙ Found official survey alum. cap monument (237-S)
 - ⊙ Set 1/2" x 24" steel rebar.
 - ⊕ Set 1 1/2" Aluminum Cap monument (1300-S)

All datum of record shown thus ().

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

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

All corner returns have a radius of 20'.

CERTIFICATE OF OWNERSHIP AND DEDICATION

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

William Schneider J. H. Company
Peter Walton J. H. Company
 William Schneider, President Peter Walton, Secretary

NOTARY'S ACKNOWLEDGEMENT

Subscribed and sworn to before me this 10th day of May, 1978.

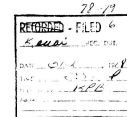
Curry S. Thompson
 Notary Public for Alaska

4-21-78
 My Commission Expires _____

PLAT APPROVAL

This plat having been approved by the Kenai Peninsula Borough Planning Commission as recorded in the official minutes of the meeting of January 9, 1978, is hereby acknowledged and accepted as the official plat, subject to any and all conditions and requirements of ordinances and law pertaining thereto.

KENAI PENINSULA BOROUGH
 By *Samuel J. Hallgren*



SLEEPY HOLLOW SUBDIVISION

DESCRIPTION

Located within U.S. Govt. Lots 6 & 7 and the S 1/2 SE 1/4 Section 30, T5N, R9W, 3 M., AK. containing 160 acres M/L including the lake.

Owner: J. H. Company
 By Peter Walton, Attorney-in-Fact
 330 L Street
 Anchorage, Alaska 99501

PD Box 476 Sold to: AL

Geologist, Registered Land Surveyor

Date Surveyed: April, 1978 Scale: 1" = 200' Bk No: 77-3

CENTERLINE CURVE DATA			
No.	Δ	Radius	Length
1	76°30'00"	300.00	236.90'
2	40°00'00"	226.37	82.53'
3	30°00'00"	307.89	82.53'
4	11°00'00"	300.00	28.87'
5	18°15'04"	300.00	42.83'