



# Kenai Peninsula Borough

144 North Binkley Street  
Soldotna, AK 99669

## Meeting Agenda Planning Commission

*Blair Martin, Chair – Kalifornsky Beach*  
*Robert Ruffner, Vice Chair – Kasilof/Clam Gulch*  
*Syverine Abrahamson-Bentz, Parliamentarian – Anchor Point/Ninilchik*  
*Jeremy Brantley – Sterling*  
*Cindy Ecklund – City of Seward*  
*Pamela Gillham – Ridgeway*  
*Davin Chesser – Northwest Borough*  
*Diane Fikes – City of Kenai*  
*Virginia Morgan – East Peninsula*  
*Franco Venuti – City of Homer*

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Monday, September 13, 2021

7:30 PM

Betty J. Glick Assembly Chambers

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**Zoom Meeting ID 208 425 9541**

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

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

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

**A. CALL TO ORDER****B. ROLL CALL****C. APPROVAL OF CONSENT AND REGULAR AGENDA**

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

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

## 1. Time Extension Request

## 2. Planning Commission Resolutions

## 3. Plats Granted Administrative Approval

- a. [KPB-3508](#) Beaver Dame Estates Part Seven; KPB File 2021-025R1

Attachments: [Beaver Dam Estates Part Seven](#)

- b. [KPB-3490](#) FBO Subdivision No. 11; KPB File 2021-076

Attachments: [FBO Sub No 11 KPB 2021-076](#)

- c. [KPB-3491](#) Marimac Subdivision Eischens Addition; KPB File 2021-044

Attachments: [Marimac Subdivision Eischens Addition KPB 2021-044](#)

- d. [KPB-3492](#) Pipers Haven 2021 Replat; KPB File 2021-074

Attachments: [Pipers Haven 2021 Replat KPB 2021-074](#)

## 4. Plats Granted Final Approval (KPB 20.10.040)

## 5. Plat Amendment Request

## 6. Commissioner Excused Absences

## 7. Minutes

[KPB-3493](#) August 23, 2021 Planning Commission Meeting Minutes

Attachments: [PC Minutes\\_082321\\_Draft](#)



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

1. [KPB-3494](#) Utility Easement Vacation; KPB File 2021-118V  
Townsite of Kenai - Kenaitze Courthouse Replat

Attachments:

- [1. MAP Vicinity](#)
- [2. MAP Aerial Map](#)
- [3. Plat Prelim KPB 2021-118V](#)
- [4. Staff Report Townsite of Kenai Kenaitze Courthouse Replat UEV 2021-118V](#)
- [5. MAP Utilities](#)
- [6. Plat Parent KN 2021-18](#)
- [7. Plat Parent KN 2012-11](#)
- [8. Plat Parent USS 2970 A & B](#)

2. [KPB-3495](#) Right-of-Way Vacation; KPB File 2021-112V  
Vacate Shane Rae Circle ROW Running as Shown & Dedicated on  
S&S Subdivision (Plat KN 86-112)

Attachments:

- [1. MAP Vicinity](#)
- [2. MAP Aerial\\_R](#)
- [3. Plat Prelim Sketch KPB 2021-112V](#)
- [4. Staff Report S and S Sub Shane Rae Circle ROWV KPB 2021-112V](#)
- [5. MAP Section Line Easement](#)
- [6. MAP Utilities](#)
- [7. MAP Aerial 2021](#)
- [8. MAP Wetlands](#)
- [9. Plat Parent KN 86-112](#)
- [10. Plat Parent KN 2015-77](#)
- [11. Minutes-Hensley Subdivision](#)
- [12. ENSTAR review](#)

3.     [KPB-3496](#)     Right-of-Way Vacation; KPB 2021-119V  
Vacate a Portion of Kuchta Street & Adjoining Utility Easement  
Kuchta Estates Hansen Addition
- Attachments:     [1. MAP Vicinity\\_R](#)  
                          [2. MAP Aerial Map\\_R](#)  
                          [3. Plat Prelim KPB 2021-119V](#)  
                          [4. Staff Report Kuchta Estates Hansen Addn Kuchta St ROWV 2021-119V](#)  
                          [5. MAP Access 2](#)  
                          [6. MAP Aerial 2021](#)  
                          [7. MAP Utility](#)  
                          [8. Plat Parent KN 77-189](#)  
                          [9. Plat Parent KN 77-33](#)
4.     [KPB-3497](#)     Right-of-Way Vacation; KPB 2021-122V  
Vacate a Portion of Derks Lake Road & Associated Utility Easements
- Attachments:     [1. MAP Vicinity](#)  
                          [2. MAP Aerial\\_R](#)  
                          [3. Plat Prelim KPB 2021-122V\(ROWV\)](#)  
                          [4. Staff Report Tatum Denise Sub Phase 1 Derks Lake Rd ROWV 2021-122V](#)  
                          [5. MAP Utility](#)  
                          [6. MAP Access](#)  
                          [7. Plat Parent KN 2021-15](#)  
                          [8. Plat Parent KN 94-27](#)
5.     [KPB-3498](#)     Section Line Easement Vacation; KPB 2021-123V  
Vacate Section Line Easements Associated with SE1/4 SE1/4 of  
Section 14 & NE1/4 NE1/4 of Section 23, Township 5 North, Range  
10 West, S.M.
- Attachments:     [1. MAP Vicinity](#)  
                          [2. MAP Aerial Map\\_R](#)  
                          [3. Plat Prelim KPB 2021-123V \(SLEV\)](#)  
                          [4. Staff Report Tatum Denise Sub Phase 1 Derks Lake Rd SLEV 2021-123V](#)  
                          [5. MAP Utility](#)  
                          [6. MAP Access](#)  
                          [7. Plat Parent KN 2021-15](#)  
                          [8. Plat Parent KN 94-27](#)

6. [KPB-3499](#) Marijuana Cultivation Facility License  
Alaska Off Grid Cannabis Company  
Attachments: [Staff Report R](#)
7. [KPB-3500](#) SN Resolution 2021-04; Naming a certain private road within Section 24, T04S, R11W, S.M.; within Emergency Service Number 202 to Silver Falls Drive.  
Attachments: [1.Staff Report SN2021-04](#)  
[2.Street Name Resolution SN2021-04](#)  
[3.Basemap AR21 SN2021-04](#)  
[4.Petition SN2021-04](#)  
[5.Plat HM199306](#)  
[6.Vicinity & Aerial Maps](#)  
[7.Public Hearing Notice SN2021-04](#)
8. [KPB-3501](#) Resolution 2021-\_\_: A resolution authorizing the acquisition by bequeath of 41.75 acres of land located in the Nikiski Area.  
Attachments: [1 Toloff Land Acquisition Memo](#)  
[2 Toloff Land Acquisition RESO](#)  
[3 Toloff Land Acquisition Parcel Map 01344036](#)

**F. PLAT COMMITTEE REPORT****G. OTHER****H. PUBLIC COMMENT/PRESENTATION**

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

**I. DIRECTOR'S COMMENTS****J. COMMISSIONER COMMENTS****K. ADJOURNMENT****MISCELLANEOUS INFORMATIONAL ITEMS****NO ACTION REQUIRED****NEXT REGULARLY SCHEDULED PLANNING COMMISSION MEETING**

The next regularly scheduled Planning Commission meeting will be held Monday, September 27, 2021 in the Betty J. Glick Assembly Chambers of the Kenai Peninsula Borough George A. Navarre Administration Building, 144 North Binkley Street, Soldotna, Alaska at 7:30 p.m.

**CONTACT INFORMATION**

**KENAI PENINSULA BOROUGH PLANNING DEPARTMENT**

Phone: 907-714-2215

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

Fax: 907-714-2378

e-mail address: [planning@kpb.us](mailto:planning@kpb.us)

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

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

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

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



## Planning Department

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

Charlie Pierce  
Borough Mayor

### ADMINISTRATIVE APPROVAL

Subdivision: Beaver Dam Estates Part Seven  
KPB File 2021-025R1  
Kenai Recording District

The Kenai Peninsula Borough Planning Commission conditionally approved the preliminary subdivision plat on April 12, 2021. Approval for the plat is valid for two years from the date of approval.

The final plat complied with conditions of preliminary approval and KPB Title 20 (Subdivisions); therefore, per KPB 20.60.220, administrative approval has been granted by the undersigned on September 3, 2021.

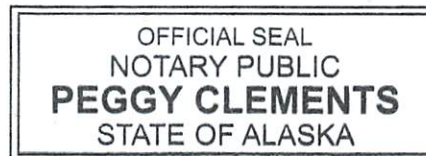
Scott A. Huff  
Platting Manager

State of Alaska  
Kenai Peninsula Borough

Signed and sworn (or affirmed) in my presence this 3 day of September 2021  
by Scott A. Huff.

Notary Public for the State of Alaska

My commission expires: 7.31.2022



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



## Planning Department

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Charlie Pierce  
Borough Mayor

### ADMINISTRATIVE APPROVAL

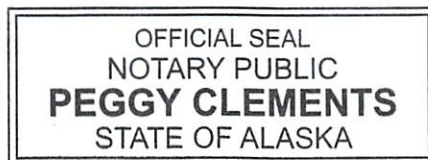
Subdivision: FBO Subdivision No 11  
KPB File 2021-076  
Kenai Recording District

The Kenai Peninsula Borough Planning Commission conditionally approved the preliminary subdivision plat on June 14, 2021. Approval for the plat is valid for two years from the date of approval.

The final plat complied with conditions of preliminary approval and KPB Title 20 (Subdivisions); therefore, per KPB 20.60.220, administrative approval has been granted by the undersigned on August 30, 2021.

Scott A. Huff  
Platting Manager

State of Alaska  
Kenai Peninsula Borough



Signed and sworn (or affirmed) in my presence this 30<sup>th</sup> day of August 2021  
by Scott A. Huff.

Notary Public for the State of Alaska

My commission expires: 7-31-2022

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Charlie Pierce  
Borough Mayor

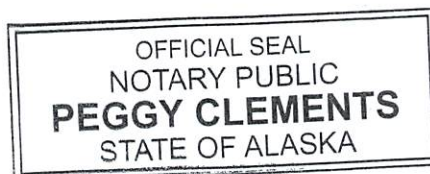
### ADMINISTRATIVE APPROVAL

Subdivision: Marimac Subdivision Eischens Addition  
KPB File 2021-044  
Homer Recording District

The Kenai Peninsula Borough Planning Commission conditionally approved the preliminary subdivision plat on April 26, 2021. Approval for the plat is valid for two years from the date of approval.

The final plat complied with conditions of preliminary approval and KPB Title 20 (Subdivisions); therefore, per KPB 20.60.220, administrative approval has been granted by the undersigned on August 30, 2021.

Scott A. Huff  
Platting Manager



State of Alaska  
Kenai Peninsula Borough

Signed and sworn (or affirmed) in my presence this 30th day of August 2021  
by Scott A. Huff.

Notary Public for the State of Alaska

My commission expires: 7-31-2022

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



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Charlie Pierce  
Borough Mayor

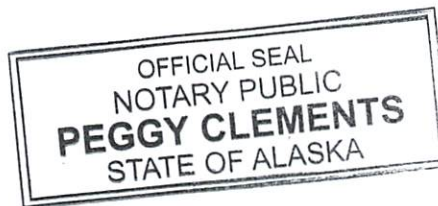
### ADMINISTRATIVE APPROVAL

Subdivision: Pipers Haven 2021 Replat  
KPB File 2021-074  
Homer Recording District

The Kenai Peninsula Borough Planning Commission conditionally approved the preliminary subdivision plat on June 14, 2021. Approval for the plat is valid for two years from the date of approval.

The final plat complied with conditions of preliminary approval and KPB Title 20 (Subdivisions); therefore, per KPB 20.60.220, administrative approval has been granted by the undersigned on August 30, 2021.

Scott A. Huff  
Platting Manager



State of Alaska  
Kenai Peninsula Borough

Signed and sworn (or affirmed) in my presence this 30th day of August 2021  
by Scott A. Huff.

Notary Public for the State of Alaska

My commission expires: 7-31-2022

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# Kenai Peninsula Borough Planning Commission

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

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August 23, 2021

7:30 P.M.

## UNAPPROVED MINUTES

### CALL TO ORDER

Chair Martin called the meeting to order at 7:30 p.m.

### ROLL CALL

#### *Commissioners Present*

Syverine Bentz, Anchor Point/ Ninilchik  
Jeremy Brantley, Sterling  
Cindy Ecklund, City of Seward  
Diane Fikes, City of Kenai  
Pamela Gillham, Ridgeway  
Blair Martin, Kalifornsky Beach  
Virginia Morgan, East Peninsula  
Robert Ruffner, Kasilof/Clam Gulch  
Franco Venuti, City of Homer

With 9 members of an 11-member commission in attendance, a quorum was present.

#### *Staff Present*

Melanie Aeschliman, Planning Director  
Sean Kelly, Legal Representative  
Marcus Mueller, Land Management Officer  
Samantha Lopez, River Center Manager  
Morgan Aldridge, Resource Planner  
Ann Shirnberg, Administrative Assistant  
Avery Harrison, Administrative Assistant  
Julie Hindman, Platting Specialist

### AGENDA ITEM B. ROLL CALL

#### 1. Oath of Office

Ms. Shirnberg invited Commissioner Ruffner to recite the oath of office.

- \*3. Plat Granted Administrative Approval
  - a. Chigmit Vista Estates Lynch Addition; KPB File 2020-138
- \*6. Commissioner Excused Absences
  - a. Davin Chesser, Northwest Borough
- \*7. Minutes
  - a. August 9, 2021 Planning Commission Meeting Minutes

Chair Martin asked if anyone present wanted to speak to any of the items on the consent or regular agendas. Ms. Shirnberg informed Chair Martin that Commissioner Chesser notified her that he was unable to attend the meeting due to work obligations. Chair Martin noted that Commissioner Chesser's absence was excused. Hearing no one wishing to comment, Chair Martin returned the discussion to the

Commission.

**MOTION:** Commissioner Ecklund moved, seconded by Commissioner Venuti to approve the consent agenda and the regular agenda.

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

**MOTION PASSED BY UNANIMOUS VOTE:**

Yes	9	No	0	Absent	1
Yes	Bentz, Brantley, Ecklund, Fikes, Gillham, Martin, Morgan, Ruffner, Venuti				
Absent	Chesser				

**AGENDA ITEM E. NEW BUSINESS**

Chair Martin asked Ms. Shirnberg to read the procedure for public testimony.

**AGENDA ITEM E1**

**RIGHT OF WAY VACATION**

**VACATE A 60' BY 254' PORTION OF WILDWOOD DRIVE ON THE SOUTHEAST BOUNDARY OF LOT 4-A BLOCK 8, BLACK GOLD ESTATES SUBDIVISION NO. 2 (PLAT KN 84-76)**

<b>KPB File No.</b>	2021-111V
<b>Planning Commission Meeting:</b>	August 23, 2021
<b>Applicant / Owner:</b>	Alexander Douthit of Kenai, Alaska
<b>Surveyor:</b>	James Hall / McLane Consulting Inc.
<b>General Location:</b>	City of Kenai
<b>Legal Description:</b>	Wildwood Drive, Black Gold Estates Subdivision No. 2 Plat KN 84-76, Kenai Recording District, Section 25, Township 06 North, Range 12 West, S.M.

Staff report given by Scott Huff.

**Specific Request / Purpose as stated in the petition:** Vacate a portion of the frontage road along Wildwood Drive. Wildwood Drive is a dedicated right of way that is constructed and paved and provides legal access from the Kenai Spur Highway. The westerly portion of the right of way is 120 feet in width with the majority of the right of way 180 feet in width. The frontage road has not been improved and is not being used for access.

This right of way was originally dedicated by Black Gold Estates Subdivision (amended) in 1962. The right of way was dedicated as a frontage road to provide access to the residential lots. Black Gold Estates Subd No. 2 (KN 84-76) replatted 9 lots and vacated alleyways to create one parcel that is 3.085 acres in size.

**Notification:** Public notice appeared in the August 12, 2021 issue of the Peninsula Clarion as a separate ad. The public hearing notice was published in the August 19, 2021 issue of the Peninsula Clarion as part of the Commission's tentative agenda.

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

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

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

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

Post Office of Kenai  
Nikiski Community Council

State of Alaska DOT  
 State of Alaska DNR Forestry  
 Emergency Services of Kenai  
 Kenai Peninsula Borough Land Management  
 Library of Kenai

Alaska Communication Systems (ACS)  
 ENSTAR Natural Gas  
 General Communication Inc. (GCI)  
 Homer Electric Association (HEA)

**Legal Access (existing and proposed):** Lot 4-A Block 8 fronts the Kenai Spur Highway a state maintained right of way with a width of 150 feet abutting the lot. Any access to Kenai Spur Highway required approval from SOA DOT. Lot 4-A Block 8 fronts on Wildwood Drive, a City of Kenai maintained right of way.

There are no proposed dedications, as it will reduce the right of way width down to 120 feet from 180 feet.

The block is irregular in shape but does comply with length requirements and is closed. Wildwood Drive, Kenai Spur Highway, an unnamed 60 foot right of way, Windflower Drive, and an unnamed 60 foot right of way, that appears to be an extension of Orchid Way, define the block. Windflower Drive and Wildwood Drive are maintained by the City of Kenai and Kenai Spur Highway is maintained by the State of Alaska. Other right of ways are not maintained or unconstructed.

No lots will be denied access if the vacation is approved.

KPB Roads Dept. comments	Out of jurisdiction, no comments
SOA DOT comments	Wildwood Drive is not a state road so we have no comments.

**Site Investigation:** The right of way proposed to be vacated is not affected by steep terrain or wetland areas. It does not appear that the right of way has been improved or is being used for vehicular access. There does appear to be local ATV trails that cut across Tract 4-A Block 8.

Floodplain Hazard Review	Within City of Soldotna/Kenai, no comments
Anadromous Waters Habitat Protection District Review	Is not within HPD, no comments
State Parks Review	No comments

**Staff Analysis:** The proposed vacation is along Wildwood Drive. The Wildwood complex was constructed in 1953 as a military communications base. In 1974, Wildwood was turned over to the Kenai Native Association as part of the native land settlement. In 1983, the State of Alaska began a lease with option to purchase, converted the structures, and opened the Wildwood Pretrial Facility.

Wildwood Drive was considered as a Federal Military right of way while it was operating as a military base. A subdivision, Black Gold Estates Subdivision (Plat KN 1335), subdivided the Carl F. Ahlstrom Homestead and it depicted the Wildwood Station Road as a military road. That plat was recorded in 1962. In 1964 the plat was revised, Black Gold Estates Subdivision Amended (Plat KN 1399). The amended plat depicted the federal right of way but provided a 60 foot wide right of way running adjoining the north edge of Wildwood Drive. This was to be a frontage road to provide access to the residential lots created by the plat.

When the ownership and use of the Wildwood Complex changed so did the ownership of the right of ways. The Wildwood Complex is under State of Alaska ownership and management but the right of way leading to the property is under the City of Kenai jurisdiction. Several right of ways intersect Wildwood Drive and private lots have direct access. Wildwood Drive right of way ends at the Wildwood Complex.

In 1984, the owner of nine lots combined the lots and vacated alleyways with the recording of Black Gold Estates Subdivision No. 2, Plat KN 84-76. This plat combined the land to create the current lot configuration for Lot 4A Block 8.

Wildwood Drive has a 120 foot width at the intersection of Kenai Spur Highway. Approximately 185 feet from the intersection, the width increases to 180 with the addition of the frontage right of way and continues at that width until it ends at the complex. While it was intended to be used as a frontage road, it was not constructed as such and there is no road name associated other than Wildwood Drive.

The proposed vacation will leave a width of 120 feet for Wildwood Drive. The portion being vacated will be combined back to Lot 4-A

No access to surrounding lots will be affected.

The original plats did not grant any utility easements along or abutting the proposed portion of the right of way vacation. The replat, KN 84-76, did grant a 10 foot utility easement along the eastern boundary. That easement stopped at the right of way dedication as right of ways may be used for utilities. To comply with subdivision code, the plat that will finalize the vacation will be required to grant 10 foot utility easements adjoining the right of ways. This requirement will provide a connection from the previously granted utility easement to Wildwood Drive.

The City of Kenai Planning and Zoning Commission reviewed the plat that will finalize the vacation, Black Gold Estates 2021 Replat, at their July 28, 2021 meeting. They have some conditions for the plat and stated the Kenai City Council must declare the right of way is not needed and approve the vacation.

The Kenai City Council will hear this at their September 2021 meeting if approved by the Planning Commission.

#### **20.65.050 – Action on vacation application**

- D. The planning commission shall consider the merits of each vacation request and in all cases; the planning commission shall deem the area being vacated to be of value to the public. It shall be incumbent upon the applicant to show that the area proposed for vacation is no longer practical for the uses or purposes authorized, or that other provisions have been made which are more beneficial to the public. In evaluating the merits of the proposed vacation, the planning commission shall consider whether:
1. The right-of-way or public easement to be vacated is being used;  
**Staff comments:** This portion was intended to be a frontage road but has not been improved and is not being used for public access. Wildwood Drive will remain and has been improved. The remaining right of way is being used and will provide public access.
  2. A road is impossible or impractical to construct, and alternative access has been provided;  
**Staff comments:** Wildwood Drive will remain 120 feet wide abutting the vacation area and provides an alternate access for the public.
  3. The surrounding area is fully developed and all planned or needed rights-of-way and utilities are constructed;  
**Staff comments:** The surrounding area has been subdivided with adequate right of ways and utility easements to provide access to all neighboring lots.
  4. The vacation of a public right-of-way provides access to a lake, river, or other area with public interest or value, and if so, whether equal or superior access is provided;  
**Staff comments:** The frontage road does not provide access to a lake, river, or other area with public interest as it only provides access to private lands.
  5. The proposed vacation would limit opportunities for interconnectivity with adjacent parcels, whether developed or undeveloped;  
**Staff comments:** There are additional right of ways within the parent subdivision as well as alleys to provide interconnectivity of public access and utilities.
  6. Other public access, other than general road use, exist or are feasible for the right-of-way;  
**Staff comments:** The width of Wildwood Drive will provide adequate width for other uses, such as pedestrian walkways or placement of utility lines, as needed.

7. All existing and future utility requirements are met. Rights-of-way which are utilized by a utility, or which logically would be required by a utility, shall not be vacated, unless it can be demonstrated that equal or superior access is or will be available. Where an easement would satisfactorily serve the utility interests, and no other public need for the right-of-way exists, the commission may approve the vacation and require that a utility easement be granted in place of the right-of-way.  
**Staff comments:** The vacation has been sent to the utility companies for review and comments. Utility providers have existing lines in this area. No new utility easements were requested. This platting action will provide a minimum of 10 foot utility easements adjoining all right of ways.
8. Any other factors that are relevant to the vacation application or the area proposed to be vacated.  
**Staff comments:** This section of the frontage road has not been improved and it not required as the separate lots have been replatted into one parcel.

If approved, Black Gold Estates 2021 Replat will finalize the proposed right of way vacation. The preliminary plat has not been submitted to schedule for a Plat Committee meeting at the time the staff report was prepared. If the sole purpose of the plat is to depict the area approved for vacation the preliminary plat may be submitted under KPB 20.10.080 – Vacation Plat. The plat will be reviewed by staff for completeness and will not require approval from the Planning Commission. If any exceptions from KPB code are requested the plat will need to be submitted for review by the Plat Committee and may not be reviewed under KPB 20.10.080.

**KPB department / agency review:**

Planner – Bryan Taylor	This is located within the City of Kenai and not subject to local option zoning districts or material site review by KPB.
Code Compliance – Eric Ogren	No comments
Addressing – Derek Haws	Affected Addresses: 14224 Kenai Spur Highway (will remain with Lot 4B – Block 8). Existing street names shown are correct
Assessing – Matt Bruns	No concerns form Assessing Department.

**Utility provider review:**

HEA	Reviewed, no comments.
ENSTAR	No comments or recommendations.
ACS	
GCI	Approved as shown.

**RECOMMENDATION:**

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

1. Consent by Kenai City Council.
2. Compliance with the requirements for preliminary plats per Chapter 20 of the KPB Code.
3. Grant utility easements requested by the Kenai City Council and utility providers.
4. Submittal of a final plat within a timeframe such that the plat can be recorded within one year of vacation consent (KPB 20.70.130).

**KPB 20.65.050 – Action on vacation application**

- H. A planning commission decision to approve a vacation is not effective without the consent of the city council, if the vacated area to be vacated is within a city, or by the assembly in all other cases. The council or assembly shall have 30 days from the date of the planning commission approval to either consent to or veto the vacation. Notice of veto of the vacation shall be immediately given to the planning commission. Failure to act on the vacation within 30 days shall be considered to be consent to the vacation. This provision does not apply to alterations**

of utility easements under KPB 20.65.070, which do not require the consent of the assembly or city council unless city code specifically provides otherwise.

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

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

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

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

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

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

## END OF STAFF REPORT

Chair Martin opened the meeting for public comment. Hearing no one wishing to comment, public comment was closed and discussion was opened among the commission.

Commissioner Brantley asked to be recused from this vote. He had done work for the petitioner on this



parcel. Chair Martin approved Commissioner Brantley's request to be recused.

**MOTION:** Commissioner Ruffner moved, seconded by Commissioner Ecklund to approve the vacation as petitioned based on the means of evaluating public necessity established by KPB 20.70, subject to staff recommendations and compliance with borough code.

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

**MOTION PASSED BY UNANIMOUS VOTE:**

Yes	8	Recused	1	Absent	1
Yes	Bentz, Ecklund, Fikes, Gillham, Martin, Morgan, Ruffner, Venuti				
Recused	Brantley				
Absent	Chesser				

**AGENDA ITEM E2**

Conditional Use Permit – Anadromous Waters Habitat Protection District

**KPB File No.** 2021-27  
**Planning Commission Meeting:** August 23, 2021  
**Applicant** Sharon Keating  
**Mailing Address** 134 Sierra Heights St  
Soldotna, AK 99669  
**Legal Description** T 5N R 10W SEC 19 SEWARD MERIDIAN KN 0970046  
**Physical Address** POACHER'S COVE MOORE ADDN AMENDED LOT 177B  
**KPB Parcel Number** None  
057-487-84

Staff report given by Morgan Aldridge.

**Project Description**

A Conditional Use Permit is sought pursuant to KPB 21.18 for the construction of a recreational structure within the 50-foot Habitat Protection District of the Kenai River, as established in KPB 21.18.040.

**Background Information**

Applicant proposes to remove a prior-existing trailer and replace with a new, two-story residential structure with a footprint measuring 17 by 37 feet. The portion of the structure that falls within the HPD is not along the flowing waters of the main stem of the Kenai River, but along the KPB regulated canal. The new structure will be built in compliance with the current FEMA Floodplain standards and will be elevated in accordance with the KPB Floodplain Permit 12812.

**Project Details within the 50-foot Habitat Protection District**

1. Construction of 17 by 37 foot cabin partially on prior existing structure footprint.
2. The footprint of this structure within the HPD will expand by approximately 150 square feet.
3. Placement of sonotubes into HPD to elevate in accordance to KPB Floodplain Permit RC #12812.
4. Revegetate any areas that are disturbed with the construction.

**General Standards**

**Pursuant to 21.18.081(D) General Standards, the following standards shall be met before conditional use approval may be granted:**

1. The use or structure will not cause significant erosion, sedimentation, damage within the habitat protection district, an increase in ground or surface water pollution, and damage to riparian wetlands and riparian ecosystems;

2. Granting of the conditional use shall be consistent with the purposes of this chapter, the borough comprehensive plan, other applicable chapters of the borough Code, and other applicable planning documents adopted by the borough;
3. The development of the use or structure shall not physically damage the adjoining property;
4. The proposed use or structure is water-dependent;
5. Applicant's or owner's compliance with other borough permits and ordinance requirements.

#### **Findings of fact pursuant to KPB 21.18.081 Conditional Use Permit**

1. Portions of this proposed project are within the 50-foot habitat protection district as defined by KPB 21.18.040.
2. Pursuant to KPB 21.18.081(B)(10) construction of an addition to a principal structure may be approved as a conditional structure/use within the habitat protection district.
3. Pursuant to 21.18.081(D) General Standards, staff finds that the proposed project meets the five general standards.
4. Pursuant to KPB 21.18.020(A), this chapter was established to protect and preserve the stability of anadromous fish through controlling shoreline alterations and disturbances along anadromous waters and to preserve nearshore habitat.
5. Pursuant to KPB 21.18.20(B)(5), one purpose of this chapter was established to separate conflicting land uses.
6. Pursuant to KPB 21.18.081(B)(10)
  - a. The parcel boundaries were defined prior to January 1, 2012.
  - b. The parcel is served by a public sewer system or sewage holding tank or septic system, provided the holding tank or septic system are located entirely outside the Habitat Protection District.
  - c. The parcel has an area of .3 acres or less and less than 4,000 square feet of total developed impervious coverage.
  - d. The parcel has less than 4,000 square feet of suitable development area outside the habitat protection district.
  - e. On the portion of the parcel within the Habitat Protection District, the total impervious coverage may not exceed 50% of the area able to sustain native vegetation, or 3,000 square feet of area able to sustain native vegetation, whichever is less.
  - f. The standard for development is to first utilize suitable parcel areas outside the habitat protection district. Within the Habitat Protection District, it is preferred to minimize impact by preserving the nearshore areas which may sustain native vegetation.
7. Pursuant to KPB 21.06.081(D)(3), the proposed work will occur on the applicant's property and shall not have an adverse effect on adjoining properties.
8. Kenai Peninsula Borough Planning Commission Resolution 2015-35 defines water-dependent as:  
*"...a use or structure located on, in or adjacent to water areas because the use requires access to the waterbody. The definition is applicable to facilities or activities that must be located at or near the shoreline and within the 50-foot buffer. An activity is considered water dependent if it is dependent on the water as part of the intrinsic nature of its operation. Examples of water dependent facilities may include, but are not limited to, piers, boat ramps, and elevated walkways."*
9. The River Center found the application complete and scheduled a public hearing for August 23, 2021.
10. Agency review was distributed on August 5, 2021. No comments or objections have been received from resource agencies to date.
11. Pursuant to KPB 21.11.030, public notice was mailed to all property owners within a radius of 300 feet of the project on August 11, 2021. A total of 62 mailings were sent.
12. Pursuant to KPB 21.11.020, public notice was published in the Peninsula Clarion on August 12, 2021 and August 19, 2021.
13. The applicant is currently in compliance with Borough permits and ordinances.

#### **Permit Conditions**

1. Construction techniques and best management practices shall be utilized to ensure that land disturbing activities do not result in runoff or sedimentation to the Kenai River.
2. The structure must be designed and installed to meet KPB 21.06 Floodplain Management requirements.



3. The permittee shall minimize damage to all vegetation and shall revegetate all disturbed areas with native vegetation.
4. For each tree removed, two seedlings less than 5.5-feet tall of a species native to the region will be planted within the 50-foot HPD.
5. Storage or use of fuel is prohibited within 50-feet of any open water.
6. The River Center shall be notified at least 3 days prior to the start of the project.
7. If changes to the approved project described above are proposed prior to or during its siting, construction, or operation, the permittee is required to notify the River Center to determine if additional approval is required.
8. The permittee shall be held responsible for the actions of the contractors, agents, or others who perform work to accomplish the approved plan.
9. The construction or installation phase of this Conditional Use Permit must be completed within one calendar year from the date of the permit's issuance, or the Conditional Use Permit shall expire unless the Planning Commission finds that more time is necessary to effectuate the purposes of this chapter, in which case the commission may extend the deadline for a maximum of six years from the date of issuance. Prior to its expiration date and upon written request, the Planning Director may grant a Conditional Use Permit extension for 12 months (KPB 21.18.081 (H)).
10. In addition to the penalties provided by KPB 21.18.110, and pursuant to KPB 21.50, the permit may be revoked if the permittee fails to comply with the provisions of this chapter or the terms and conditions of a permit issued under this chapter. The Borough Clerk shall provide at least 15 day's written notice to the permittee of a revocation hearing before the hearing officer (KPB 21.18.082).
11. The permittee shall comply with the terms, conditions and requirements of the Kenai Peninsula Borough Code of Ordinances Chapter 21.18, and any regulations adopted pursuant to this chapter.
12. The permittee is responsible for abiding by all other federal, state, and local laws, regulations, and permitting requirements applicable to the project (KPB 21.18.081 (G)).

#### **Recommendation**

Based on the findings, staff finds that the proposed project meets the five general standards of KPB 21.18.081. The Planning Commission could consider additional permit conditions to mitigate for any habitat loss if it chooses.

Staff recommends the Planning Commission grant a Conditional Use Permit for the proposed project details subject to adopted conditions as set forth in 2020-27.

**Note: An appeal of a decision of the Planning Commission may be filed to the Hearing Officer, in accordance with the requirements of the Kenai Peninsula Borough Code of Ordinances, Chapter 21.20.250. An appeal must be filed with the Borough Clerk within 15 days of date of the notice of the decision using the proper forms and be accompanied by the filing and records preparation fee.**

#### **END OF STAFF REPORT**

Chair Martin opened the meeting for public comment.

Bernard Szymaniak; P.O. Box 337, Verdi, NV 89439: Mr. Szymaniak owns the lot next door. He stated he does not see this permit creating any issues for his property. He does question why this permit would be issued when others have been told they cannot build in the HPD. He believes that a structure is something that is a part of the ground and does not agree that an RV should be considered an existing structure. He would just ask for fairness, that all should be treated the same.

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

**MOTION:** Commissioner Venuti moved, seconded by Commissioner Fikes to adopt PC Resolution 2021-27 granting a conditional use permit pursuant to KPB 21.18 for the construction of a recreational cabin within the 50-foot Habitat Protection District of the Kenai River.

Commissioner Ruffner informed the commission he had corresponded with the River Center earlier about some questions he had regarding this permit. He then asked staff if they would address the small lot

provision in code. He believed this provision is being used for this permit and not the prior existing use provision. He was not sure if this permit met the requirements for approval under the small lots provision. For instance, code states that 50% of the lot in the HPD, the total impervious coverage may not exceed 50% of the area able to sustain native vegetation. In looking at aerial imagery, it appears this lot does not meet that requirement as it shows there is no vegetation on the lot.

Ms. Lopez (River Center Manager) replied the project meets the requirements of KPB 21.18.081(B)(10). She then reviewed those requirements for the commission.

Commissioner Ruffner still was unclear as to what the numbers being used associated with this permit. He again noted that the imagery supplied in the staff report shows that there is no vegetation on this lot. If the lot is supposed to be able to sustain 50% native vegetation, he does not see how this can be met with the information they have before them. He stated he felt it would be helpful if in the future, if these numbers were contained in the staff report so that they could determine if any addition mitigation steps might be necessary. Commissioner Ruffner then asked staff if the definition for impervious surfaces included gravel pads.

Ms. Lopez replied the working group redefined the definition of impervious surfaces earlier this year and the group adopted the new definition. The new definition was specific to water penetration. In her opinion, she believes that water can pass through gravel pads.

Commissioner Ruffner replied that he remember working on this definition as a member of the working group. He stated he believed by almost every definition, gravel pads are considered an impervious surface.

Commissioner Ecklund then asked if the commission could add a condition requiring the applicant to plant native vegetation in the same amount as the increase of impervious surface that would be created by the new structure.

Mr. Kelly (Borough Attorney) replied that according to KPB 21.18.081(E) it is within the purview and authority of the commission to add conditions. He then noted this section of code specially states such conditions may include specifications for the type of vegetative shore cover.

Commissioner Ecklund then asked staff what is the difference in impervious surface area between the existing structure and the new proposed structure. Ms. Lopez replied that it is 150 sf. Commissioner Ecklund then asked if there was 150 sf available on the lot to plant native vegetation. Ms. Lopez replied that could be tricky, as the applicant does not actually own the land all the way down to the water's edge. There is a thin strip of land adjacent to the parcel that runs along the channel that is owned by the HOA, and it is the responsibility of landowner to maintain that strip of land on behalf of the HOA. Therefore, that strip of land is not included within the scope of this permit. She did note that it is part of the applicant's mitigation plan to plant vegetation on the narrow strip of land along the channel owned by the HOA. She did not include that information in the staff report because it could not be included with this permit; the activities were not going to be done on the parcel applying for the permit. She then noted that a permit is not needed to plant within the HPD.

Chair Martin then asked staff if they have a verbal agreement with the applicant that they will plant along the channel strip of land. Ms. Lopez replied that they do. Chair Martin replied that information does change how he views this permit. Ms. Lopez then apologized for not adding that information to the staff report.

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

**MOTION PASSED BY UNANIMOUS VOTE:**

Yes	9	No	0	Absent	1
Yes	Bentz, Brantley, Ecklund, Fikes, Gillham, Martin, Morgan, Ruffner, Venuti				
Absent	Chesser				

**AGENDA ITEM E3**

Ordinance 2021-08 authorizing a lease to Robert Gibson, dba Alaska Land & Cattle Company, for approximately 280 acres of Borough land in the Basargin Road area for agricultural use.

Staff report by Marcus Mueller

The Planning Commission at its regularly scheduled meeting on July 12, 2021 recommended approval of Ordinance 2021-28 to the assembly by unanimous vote.

Ordinance 2021-28 authorizes an agricultural lease to Alaska Land & Cattle Company. The agricultural lease is structured to authorize use and development according to a Farm & Rangeland Development Plan.

During the initial review of Ordinance 2021-28, the Farm and Rangeland Development Plan was not available to the Kachemak Bay Advisory Planning Commission (K-Bay APC), and the plan was presented to the Planning Commission as a laydown just prior to the July 12, 2021 meeting. The KPB Assembly postponed action on Ordinance 2021-28 in order that the K-Bay APC could review the plan and to allow the Planning Commission to consider the K-Bay APC comments.

The KPB Assembly additionally asked for clarification on aspects of the original plan, which the applicant has attempted to address in a plan amendment.

The meeting schedule for Ordinance 2021-28 taking into consideration the amended Farm & Rangeland Development Plan is as follows:

- |                                    |                   |
|------------------------------------|-------------------|
| • Kachemak Bay APC Special Meeting | August 19, 2021   |
| • KPB Planning Commission          | August 23, 2021   |
| • KPB Assembly Hearing             | September 7, 2021 |

The K-Bay APC held a special meeting on August 19, 2021 to review the Farm and Rangeland Development Plan. Mr. Gibson attended the meeting to answer any questions. At this meeting, the K-Bay APC recommended approval of this agricultural lease.

**END OF STAFF REPORT**

Chair Martin noted public comment was closed on this item. He then invited Mr. Gibson to the podium to answer any questions from commission.

Commissioner Bentz asked Mr. Gibson about the proposed location for the water holes and wanted to know what those water sources would look like. For instance, will they be ponds? Mr. Gibson replied he plans to try water dousing to find the best locations for waterholes. He will also look for natural depressions in the ground where water can accumulate via rain and snow. The reason for multiple waterholes is when fencing is put up it restricts cattle movement you must make sure there is a source of water within the area. He also noted it is very labor intensive to drive cattle. He does not want to have to drive cattle from one location to another in order to water them. He is looking for three locations for waterholes. One is a natural spring west of Basargin Road; the other two will most likely be located in higher locations. The higher locations will allow for better drainage and reduce the muddy areas that come from livestock congregating around waterholes. The locations for these two holes has not been determined but will be within the general area east of the haul road that goes up to East End Services gravel pit. Another possible option would be to pump water from the spring to another location using a method called ram pumping. Ram pumping is an ingenious way of pumping water uphill, which does not require electricity. He stated that he is planning to run about 50-75 head of cattle.

Commissioner Bentz asked staff if there was a plan for the borough to submit a water rights application on this property. Mr. Mueller replied property owners have access to water on the land without having to apply for water rights. It has been the practice of the borough to seldom apply for water rights. The only cases where he is aware of the borough applying for water rights has been with school facilities. Commissioner Bentz replied in cases related to agricultural leases it might be wise for the borough to consider longer-term water uses and apply for water rights. Not only would this provide valuable information on water use and water availability for borough properties, but this information would be valuable for regional planning

purposes as well. She understands this is not a part of the application before them tonight; however, she would encourage Land Management to consider this with future applications.

Chair Martin asked the commission if any believed that there was a need to amend their earlier motion. Seeing or hearing no comment from the commission, he moved on to the next item on the agenda.

#### **AGENDA ITEM E4**

PC Resolution 2021-28: Establishing the Appeal Procedure for Appeals of the Planning Director's Decision on Reconsideration to Uphold a Prior Decision Approving a Nonconforming Use Application within C&H Estates LOZD.

Staff report given by Sean Kelley.

Two appeals have been filed appealing the KPB Planning Director's Decision to the decision issued July 6, 2021 by KPB Planning Director Melanie Aeschliman to approve in part and deny in part a nonconforming use application for five (5) nonconforming uses of Lot 35A, C & H Estates, according to Plat 80-23, Homer Recording District (KPB Parcel ID #174-410-45).

Borough code does not provide an appeal procedure for appeals of staff decisions. Mr. Kelley then noted there is a plan to amend KPB 21.20 to add a section for appeals of staff decisions but that has not happened yet so a resolution setting a procedure for this hearing is required.

This resolution would establish a procedure for the parties and planning commission to follow for these two consolidated appeals (this "appeal").

Mr. Kelley noted that he will be advising the Planning Commission in this matter, and Acting Borough Attorney Patty Burley will be representing the Planning Department. A copy of this resolution was emailed to: (1) the KPB Planning Director; (2) Appellant Cutlers; and (3) Appellant/Applicant Lang.

This resolution provides a possible procedure for this appeal. The appellants, respectively, may submit their own proposed procedure and/or propose alternatives to the procedure proposed by this resolution. Mr. Kelly then noted that comments had been received from appellant Cutler and appellant Lang and neither had objections the procedure as laid out in the resolution. Appellant Lang did request the hearing be schedule for some time in October as he will be unavailable for the month of September.

There is also a place in the resolution for the commission to set an evidence deadline and hearing date.

#### **END OF STAFF REPORT**

Mr. Kelley made himself available for any questions the commission may have.

Commissioner Fikes asked what would happen if the commission takes no action on this resolution. Mr. Kelley replied since an appeal has already been filed, the option to take no action is not possible. Code states that a decision of the planning director may be appealed to the Planning Commission. Code does not address the procedure for hearing appeals of administrative decisions, which is why the resolution is needed. Commissioner Fikes asked if this resolution is just affirming the process from the last resolution. Mr. Kelley replied this is the second appeal from C&H LOZD; the earlier resolution was specific to the first case. This second resolution is similar to the first resolution but also includes some recommend changes from the commission from the previous hearing discussion. For instance instead of having a separate rebuttal and closing statements he has combined them into one rebuttal/closing statement as was recommended on the floor by the commission. He felt best practice in this situation was to set a specific procedure for this new appeal.

Chair Martin opened the meeting for public comment.

Craig Cutler, 40130 Portlock Drive, Homer AK, 99603: Mr. Cutler wanted to know if the resolution was going to be the agreed upon hearing procedure. He stated that he had no issues with the procedure laid

out in the resolution and he was fine with hearing being scheduled for some time in October.

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

**MOTION:** Commissioner Ruffner moved, seconded by Commissioner Brantley to adopt PC Resolution 2021-28: establishing the appeal procedure for appeals of the Planning Director's decision approving a nonconforming use application within the C&H Estates LOZD.

Commissioner Ecklund read into the record the hearing procedure as laid out in Section Two of the resolution.

Chair Martin stated if the commission was fine with the hearing procedure then all they had to do was set the hearing date. Mr. Kelley pointed out there were two dates that needed to be decided on. One date was the cutoff for the submission of evidence, which he recommended be 10 before the hearing date. The second date was the actual hearing date.

Commissioner Ruffner stated he would amend his motion to include the cutoff for the submission of evidence be 10 days before the hearing date. Chair Martin asked Commissioner Ruffner if he would also include in his amendment the date for the hearing. Commissioner Ruffner replied that he would.

Commissioner Ruffner noted having the hearing before the regularly Planning Commission meeting made the hearing feel rushed. Mr. Kelley replied it was within the commission's prerogative to schedule the hearing on a day outside of the regular meeting day and that it did not have to be in-person necessarily; it could be done via Zoom or a combination of both Zoom and in-person.

Commissioner Fikes noted if the hearing were scheduled before the regular meeting, she would not be able to attend, as it would conflict with her work schedule. She was not able to participate in the last hearing because of this.

Commissioner Ruffner stated he would support the hearing being both in-person and Zoom and on a day other than a regular meeting day, so all the commissioners could attend. He suggested October 18<sup>th</sup> as possible hearing date, all the commission agreed that October 18<sup>th</sup> would work.

Commissioner Ruffner as the maker of the motion and Commission Brantley as the seconded agreed to amend the motion to include the following:

- October 8, 2021 as the cutoff for the submission of evidence
- October 18, 2021 at 7:30 PM for the hearing

**AMENDED MOTION:** Commissioner Ruffner moved, seconded by Commissioner Brantley to adopt PC Resolution 2021-28: establishing the appeal procedure for appeals of the Planning Director's decision approving a nonconforming use application within the C&H Estates LOZD; setting October 8, 2021 as the cutoff date for the submission of evidence and October 18, 2021 at 7:30 PM as the date and time for the hearing.

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

**MOTION AS AMENDED PASSED BY UNANIMOUS VOTE:**

Yes	9	No	0	Absent	1
Yes	Bentz, Brantley, Chesser, Ecklund, Fikes, Gillham, Martin, Morgan, Ruffner, Venuti				
Absent	Chessser				

**AGENDA ITEM F. PLAT COMMITTEE REPORT**

Commissioner Ecklund informed the commission the plat committee approved 5 preliminary plats.

**AGENDA ITEM G. OTHER**

1. Plat Committee members for September 13, 2021 Plat Committee meeting.
  - Cindy Ecklund
  - Robert Ruffner
  - Jeremy Brantley
  - Franco Venuti

**AGENDA ITEM H. PUBLIC PRESENTATION - None****AGENDA ITEM I. DIRECTOR'S COMMENTS**

Ms. Aeschliman informed the commission the Sean Kelley would be their legal representative for Planning Commission matters and the Patti Burley would be the legal representative for planning department staff.

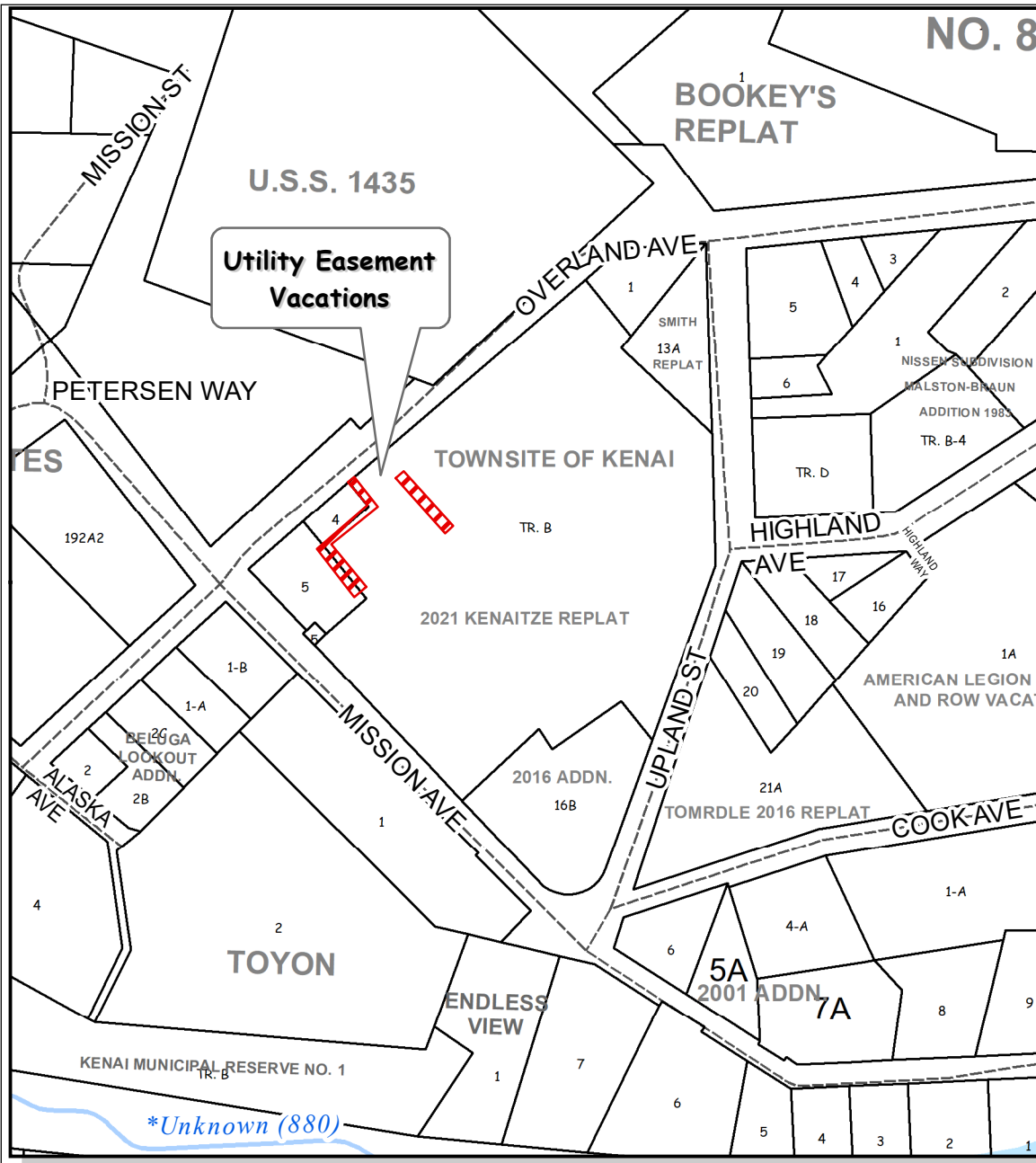
**AGENDA ITEM J. COMMISSIONER COMMENTS -None**

**AGENDA ITEM M. ADJOURNMENT** – Commissioner Ecklund moved to adjourn the meeting at 8:50 p.m.

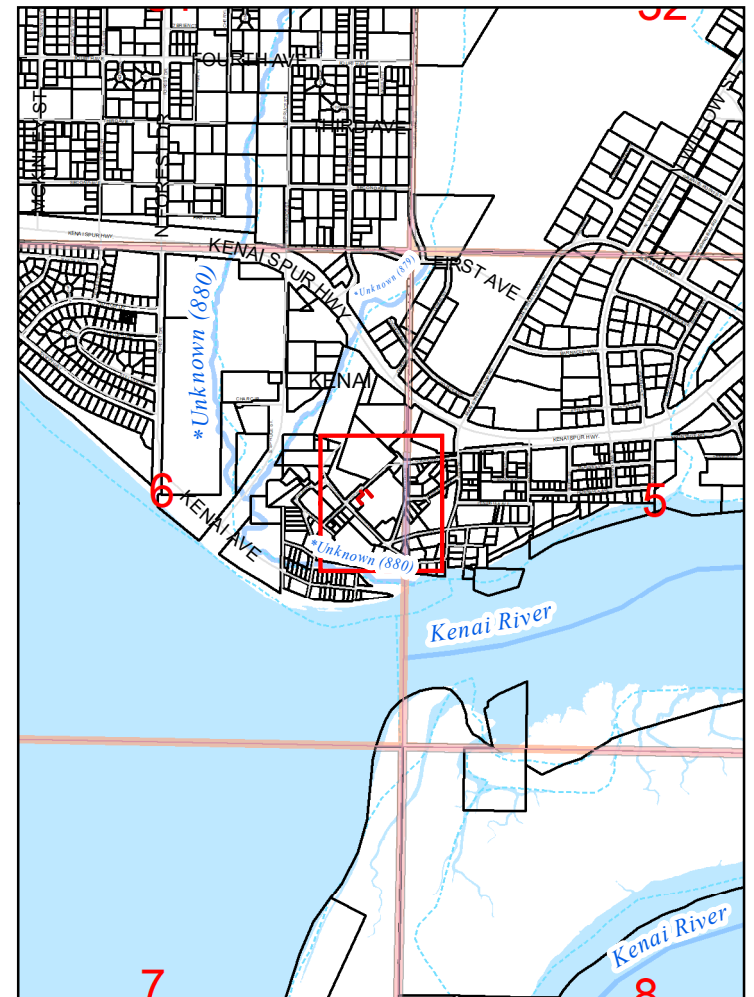
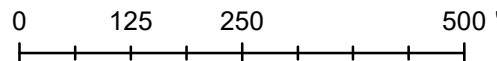
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Ann E. Shirnberg  
Administrative Assistant



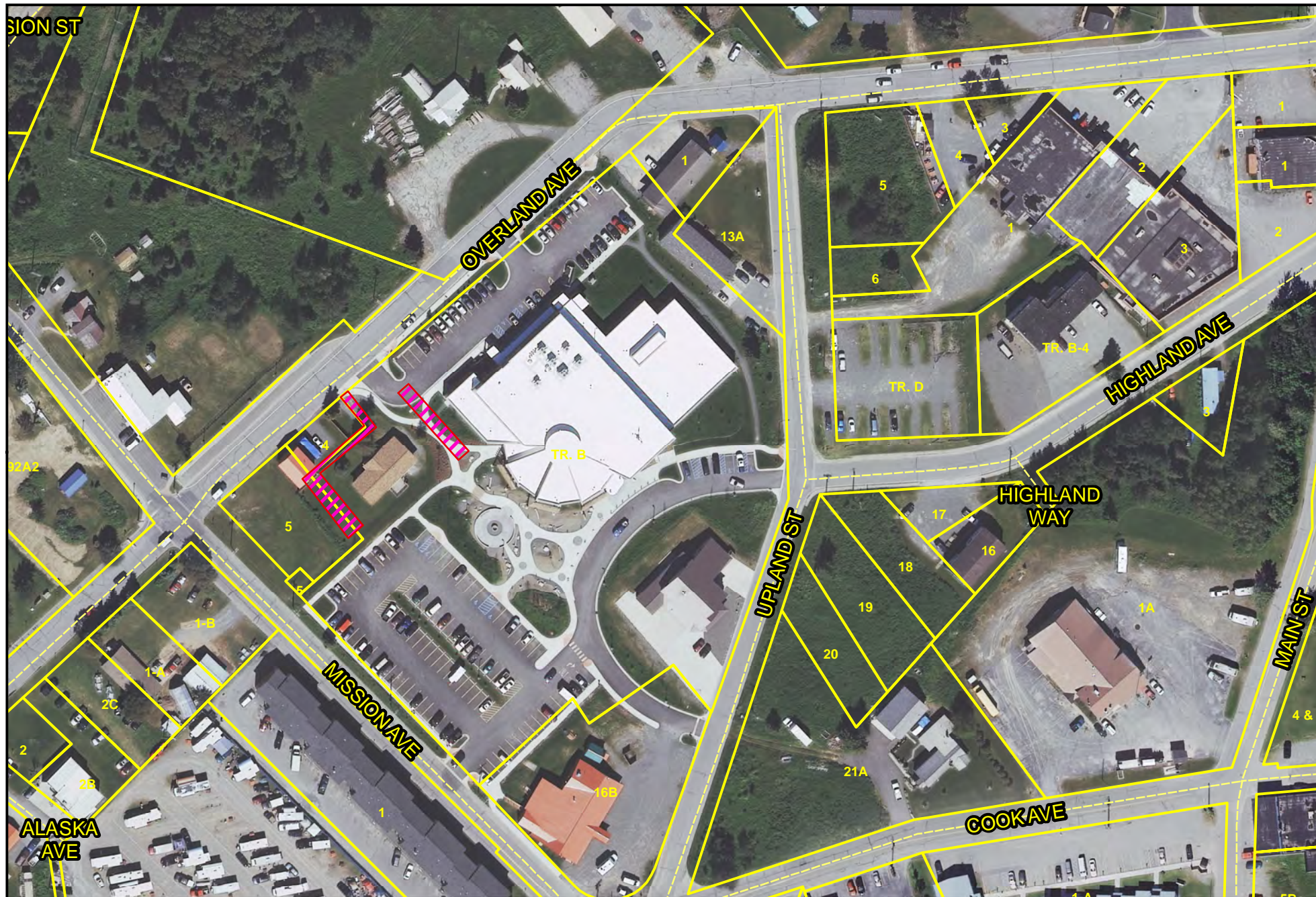


The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



**KPB 2021-118V**  
**S06 T05N R11W**  
**KENAI**






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.

0 37.5 75 150'

Aerial View



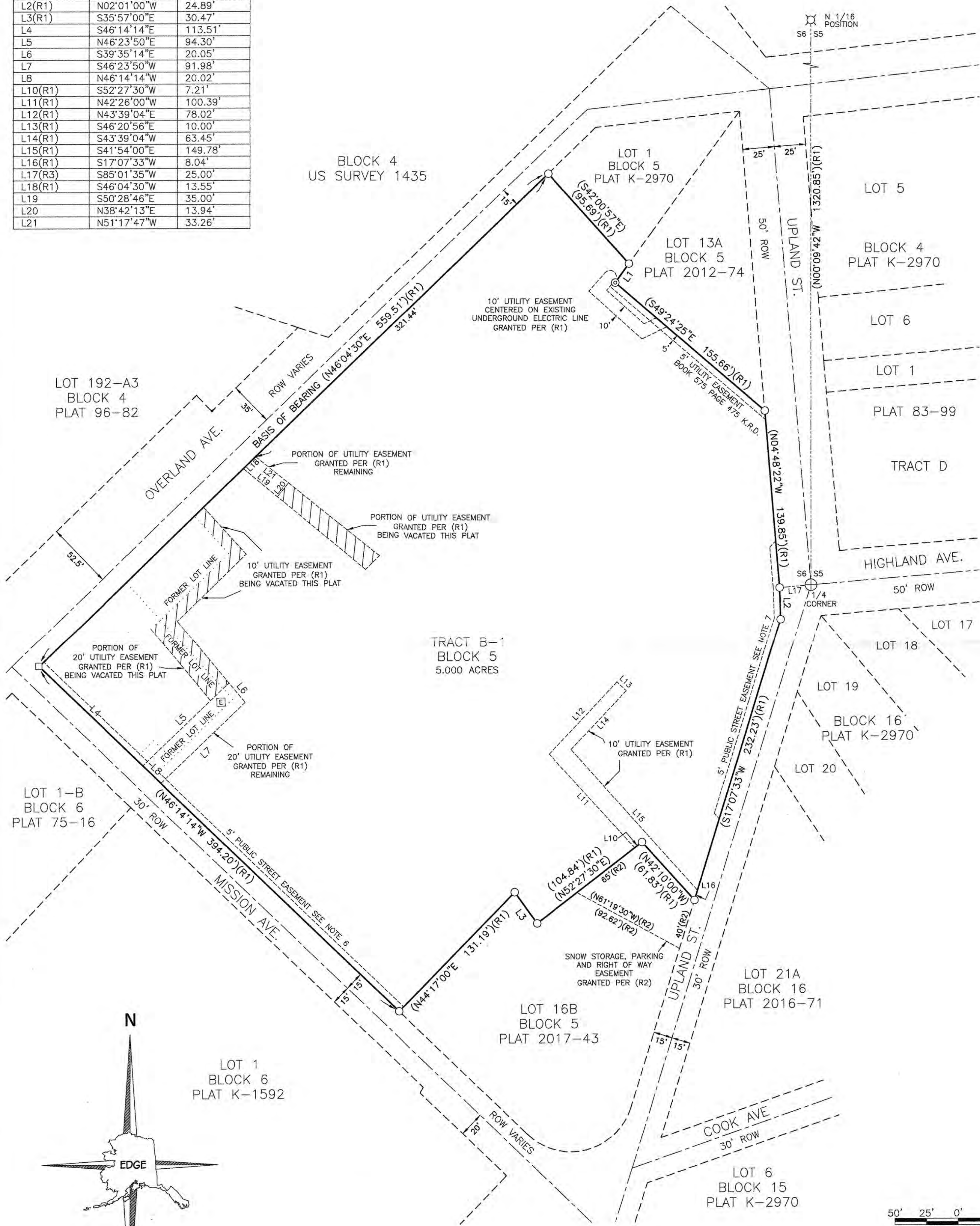
 Utility Easement Vacation

PClements, KPB 2021-118V  
Imagery SixInch Kenai



LINE TABLE

LINE	BEARING	DISTANCE
L1(R1)	N35°31'24"E	18.49'
L2(R1)	N02°01'00"W	24.89'
L3(R1)	S35°57'00"E	30.47'
L4	S46°14'14"E	113.51'
L5	N46°23'50"E	94.30'
L6	S39°35'14"E	20.05'
L7	S46°23'50"W	91.98'
L8	N46°14'14"W	20.02'
L10(R1)	S52°27'30"W	7.21'
L11(R1)	N42°26'00"W	100.39'
L12(R1)	N43°39'04"E	78.02'
L13(R1)	S46°20'56"E	10.00'
L14(R1)	S43°39'04"W	63.45'
L15(R1)	S41°54'00"E	149.78'
L16(R1)	S17°07'33"W	8.04'
L17(R3)	S85°01'35"W	25.00'
L18(R1)	S46°04'30"W	13.55'
L19	S50°28'46"E	35.00'
L20	N38°42'13"E	13.94'
L21	N51°17'47"W	33.26'



NOTES

1. THE SOLE PURPOSE OF THIS PLAT IS TO VACATE AN INTERIOR LOT LINE. NO FIELD WORK WAS PERFORMED FOR THIS PLATTING ACTION.
2. FURTHER DEVELOPMENT OF THE PROPERTY SHALL CONFORM TO ALL FEDERAL, STATE OF ALASKA AND LOCAL REGULATIONS.
3. DEVELOPMENT OF THIS PARCEL SUBJECT TO THE CITY OF KENAI ZONING REGULATIONS.
4. THE FRONT 10 FEET ADJACENT TO RIGHT OF WAY IS ALSO AN UTILITY EASEMENT. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH COULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
5. UTILITY EASEMENT VACATION APPROVED BY KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF SEPTEMBER 13, 2021.
6. EXISTING 5 FOOT EASEMENTS FOR PUBLIC STREET PURPOSES ADJOINING MISSION AVENUE RIGHT OF WAY, GRANTED TO THE CITY OF KENAI HAVING THE FOLLOWING RECORDING INFORMATION, KENAI RECORDING DISTRICT:  
DATE: OCTOBER 11, 1967 BOOK: 28 PAGE: 298-301
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DATE: SEPTEMBER 14, 1990 BOOK: 371 PAGE: 279  
DATE: SEPTEMBER 14, 1990 BOOK: 371 PAGE: 283-284  
DATE: SEPTEMBER 14, 1990 BOOK: 371 PAGE: 286
8. A GENERAL ELECTRIC EASEMENTS, LOCATION NOT DEFINED, GRANTED TO KENAI POWER CORPORATION HAVING THE FOLLOWING RECORDING INFORMATION, KENAI RECORDING DISTRICT:  
DATE: DECEMBER 1963 BOOK: 11 PAGE: 188, 235, 242, 262, 289
9. A GENERAL PUBLIC UTILITY EASEMENTS, LOCATION NOT DEFINED, GRANTED TO HOMER ELECTRIC ASSOCIATION HAVING THE FOLLOWING RECORDING INFORMATION, KENAI RECORDING DISTRICT:  
DATE: JANUARY 24, 2000 BOOK: 575 PAGE: 475
10. A GENERAL ELECTRIC EASEMENTS, EFFECTING PORTIONS OF FORMER TRACT B, GRANTED TO HOMER ELECTRIC ASSOCIATION HAVING THE FOLLOWING RECORDING INFORMATION, KENAI RECORDING DISTRICT:  
DATE: OCTOBER 29, 2012 SERIAL NUMBER: 2012-010713-0
11. WASTEWATER DISPOSAL: CITY WATER AND SEWER ARE AVAILABLE TO SERVE THIS PARCEL. PLANS FOR WASTEWATER TREATMENT AND DISPOSAL THAT MEET REGULATORY REQUIREMENTS ARE ON FILE AT THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

REFERENCES

- (R1) TOWNSITE OF KENAI KENAITZE ADDITION SUBDIVISION, PLAT 2012-11, KENAI RECORDING DISTRICT  
(R2) EASEMENT SERIAL NUMBER 2012-007066-0, KENAI RECORDING DISTRICT  
(R3) TOWNSITE OF KENAI 2021 KENAITZE REPLAT, PLAT 2021-18, KENAI RECORDING DISTRICT  
(R4) TOWNSITE OF KENAI, PLAT K-2970, KENAI RECORDING DISTRICT

LEGEND

- |      |   |     |                        |
|------|---|-----|------------------------|
| ⊕    | MONUMENT OF RECORD (R1) 2-1/2" BRASS MONUMENT IN CASE | —   | PARCEL BOUNDARY        |
| ⊗    | POSITION OF RECORD (R1)                               | --- | FORMER LOT LINE        |
| ○    | PROPERTY CORNER OF RECORD (R1) REBAR                  | --- | ADJACENT PROPERTY LINE |
| ⊙    | PROPERTY CORNER OF RECORD (R1) IRON PIPE              | --- | EASEMENT               |
| □    | PROPERTY CORNER OF RECORD (R4) 2"x2" WOOD STAKE       | --- | CENTERLINE             |
| (R1) | RECORD DATA, SEE REFERENCE                            | --- | MONUMENT TIE           |
|      |   | ▨   | EASEMENT BEING VACATED |

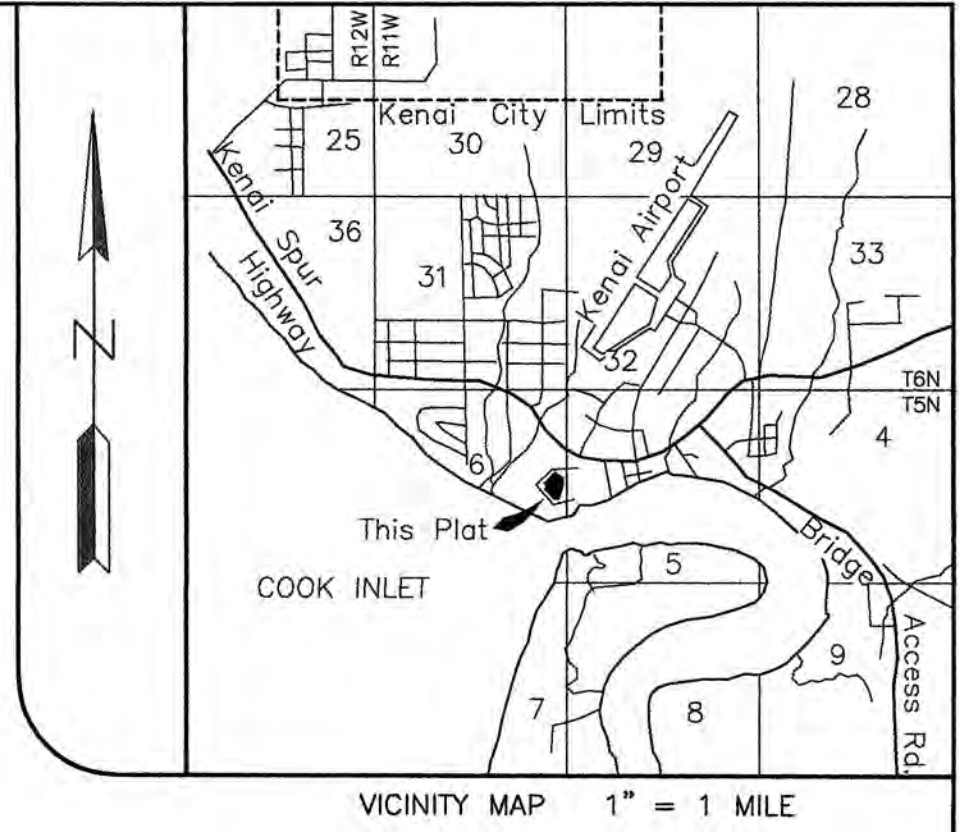
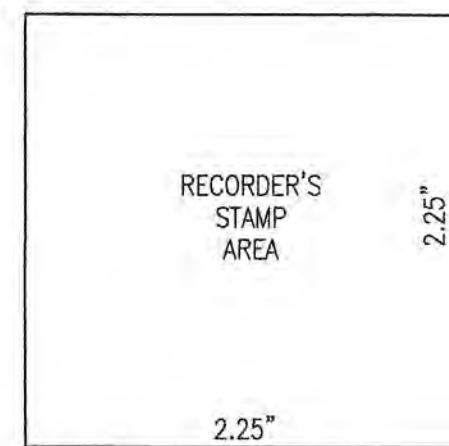
PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF SEPTEMBER 13, 2021.  
KENAI PENINSULA BOROUGH

AUTHORIZED OFFICIAL

CERTIFICATE OF SURVEYOR

I, MARK AMONETTI 13022-S, HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF ALASKA AND THAT THIS PLAT REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, AND THAT THE MONUMENTS SHOWN ON THIS SURVEY ACTUALLY EXIST AS DESCRIBED, AND THAT ALL DIMENSIONAL AND OTHER DETAILS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.



CERTIFICATE OF OWNERSHIP AND DEDICATION

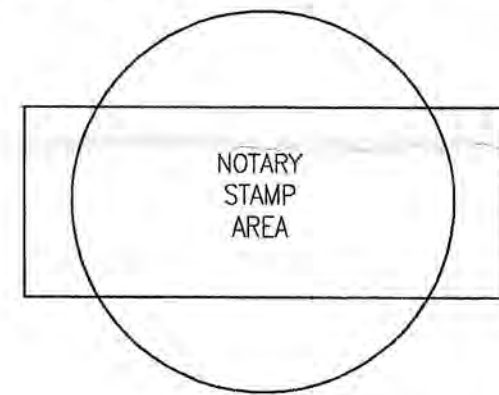
I HEREBY CERTIFY THAT KENAITZE INDIAN TRIBE IS THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HERE AND THAT ON BEHALF OF KENAITZE INDIAN TRIBE I HEREBY ADOPT THIS PLAN OF SUBDIVISION AND BY MY FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND GRANT ALL EASEMENTS TO THE USE SHOWN.

CHELSEA HENDRICKS, EXECUTIVE DIRECTOR  
PO BOX 988  
KENAI, ALASKA 99611  
KENAITZE INDIAN TRIBE IRA  
KENAITZE INDIAN TRIBE

NOTARY ACKNOWLEDGEMENT

FOR: CHELSEA HENDRICKS  
ACKNOWLEDGED BEFORE ME  
THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021

NOTARY PUBLIC SIGNATURE



KPB FILE No. 2021-000

TOWNSITE OF KENAI  
KENAITZE COURTHOUSE  
REPLAT

A REPLAT OF  
TRACT B BLOCK 5  
TOWNSITE OF KENAI 2021 KENAITZE REPLAT  
PLAT 2021-18  
AND  
REMAINDER OF LOT 4 AND LOT 5 BLOCK 5  
ORIGINAL TOWNSITE OF KENAI  
PLAT K-2970  
KENAI RECORDING DISTRICT

OWNERS:  
KEANAITZE INDIAN TRIBE IRA  
KEANAITZE INDIAN TRIBE  
PO BOX 988  
KENAI, ALASKA 99611

LOCATED WITHIN E 1/2, SECTION 6,  
T.5N., R.11W, S.M.  
STATE OF ALASKA  
KENAI PENINSULA BOROUGH  
KENAI RECORDING DISTRICT  
CITY OF KENAI  
CONTAINING 5.000 ACRES



12501 OLD SEWARD, D ANCHORAGE, AK 99515  
Phone (907) 344-5990 Fax (907) 344-7794  
AECL# 1392

DRAWN BY: JY	DATE: 7/15/2021	PROJECT: 21-582
CHECKED BY: MA	SCALE: 1" = 50'	SHEET: 1 OF 1

PRELIMINARY PLAT

KPB 2021-118V



AGENDA ITEM E. NEW BUSINESS

ITEM 1 – UTILITY EASEMENT VACATION  
TOWNSITE OF KENAI - KENAITZE COURTHOUSE REPLAT

KPB File No.	2021-118V
Planning Commission Meeting:	September 13, 2021
Applicant / Owner:	Kenaitze Indian Tribe IRA of Kenai, Alaska
Surveyor:	Mark Aimonetti, Jason Young / Edge Survey and Design, LLC
General Location:	City of Kenai

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STAFF REPORT

**Specific Request / Purpose as stated in the petition:** The petition did not state a purpose but a plat has been submitted to remove interior lot lines. The request is to remove the platted utility easements that are located on the former lot lines within the new lot.

**Notification:** Notice of vacation mailings were sent by regular mail to sixty owners of property within 600 feet. Notice of the proposed vacation was emailed to eight agencies and interested parties.

The public notice was posted on the Planning Department's bulletin board at the KPB Administration Building.

**Staff Analysis:** The preliminary plat supplied for the vacation of utility easements depicts several easements to be vacated. Per the submittal, the intent of the preliminary plat is to combine several lots into one 5 acre tract. Per the City of Kenai staff report, the Kenaitze Indian Tribe wishes to expand their tribal court building and provide additional parking. The extension of the building will not comply with city zoning and will encroach into a utility easement. The proposed changes will allow the building to be compliant.

The original plat, US Survey 2970, did not grant any utility easements. Plat KN 2012-11, Townsite of Kenai Kenaitze Addition Subdivision, vacated some of the right of ways in the area and granted some utility easements. Those easements were also depicted on Plat KN 2021-18, Townsite of Kenai 2021 Kenaitze Replat. .

Along the northern boundary, adjacent to Lot 13A Block 5, a 10 foot utility easement, granted by KN 2012-11, centered over the existing underground line will remain as will a 5 foot utility easement granted by book and page.

Along the southeast are utility easements that were granted by KN 2012-11 atop a portion of the right of way vacation of Upland Way and Overland Way. This easement will remain. The easement is labeled as 10 foot utility easement but the width varies and in some areas not 10 feet. **Staff recommends** the label be corrected for the utility easement extending from Upland Street as the width of the easement is not 10 feet and varies with the former right of way width.

A utility easement extends from Overland Avenue into proposed Tract B-1. This request is to vacate the easterly approximately 125 feet. The remaining easement is approximately 13 feet wide and will be approximately 35 feet long.

Plat KN 2012-11 granted utility easements along the property lines in the southwest corner. The northern portion of the 10 foot utility easement adjoining the former lot line is requested to be vacated. When the easement extends to the southeast the width varies. Per KN 2012-11 a 20 foot utility easement was granted centered on the existing utility line. The plat only had the authority to grant the easement within the subdivision boundary. Staff did not find any record of the remaining 20 foot width being granted within Lot 5 Block 5. **Staff recommends** the depiction of the portion being vacated be corrected to match what was actually granted. **Staff recommends** this platting action grant the remaining width for the 20 foot wide utility easement that extends from Mission Avenue.

The City of Kenai Planning and Zoning Commission reviewed the plat at their regularly scheduled meeting on August 11, 2021. They approved the plat including the vacations subject to the Kenai City Council declaring the utility easements to be vacated are not needed for public purpose and approve the vacation as shown. If approved the Kenai City Council must consent or veto the vacation within 30 days from September 13, 2021.

The vacations are proposed to be finalized by plat Townsite of Kenai Kenaitze Courthouse Replat, KPB File 2021-118. The plat has been submitted and will be reviewed by the Plat Committee on September 13, 2021.

**Utility provider review:**

HEA	No objections
ENSTAR	Approved as shown
ACS	No objections
GCI	Approved as shown

**Findings:**

1. The petition states a utility company does not use the utility easements proposed for vacation.
2. ACS, ENSTAR, GCI, and HEA provided written non-objection to the proposed vacation.
3. Townsite of Kenai Kenaitze Addition Subdivision, Plat KN 2012-11, granted utility easements coinciding with portions of right of ways vacated by that plat.
4. Townsite of Kenai Kenaitze Addition Subdivision, Plat KN 2012-11, granted utility easements adjoining lot lines with the remainder of Lot 4 Block 5 and Lot 5 Block 5 of US Survey 2970.
5. A portion of the easement extending from Overland Avenue will be vacated with an approximately 35 foot segment to remain.
6. Additional utility easement will be granted within former Lot 5 Block 5 to allow the full 20 foot width centered on the existing electric overhead line.
7. No surrounding properties will be denied utilities.
8. The vacations are proposed to be vacated by plat, Townsite of Kenai Kenaitze Courthouse Replat.
9. The plat, if approved, will create a 5 acre lot with improvements owned by the Kenaitze Indian Tribe.
10. Per the City of Kenai staff report, the lot line removals and vacation of utility easements will allow the Kenaitze Indian Tribe the ability to add an addition to an existing building and comply with city zoning code requirements.

---

**RECOMMENDATION:**

Based on consideration of the merits as outlined by Staff comments and Staff findings, Staff recommends APPROVAL of the utility easement alteration as petitioned, subject to:

1. Consent by Kenai City Council.
2. Grant utility easements requested by the Kenai City Council and utility providers.
3. Finalizing the approval of the easement alteration by either;
  - a. The recording of a subdivision plat within 12 months or,
  - b. The recording of a utility easement alteration resolution within 90 days of the adoption of the resolution by the Planning Commission, with the following requirements:
    - i. An exhibit drawing showing, and dimensioning, the utility easement alteration area, prepared, signed and sealed by a licensed land surveyor. The exhibit drawing will be attached to, and recorded with, the resolution.
    - ii. The applicants will provide the recording fee for the resolution and its attachment to the Planning Department.
    - iii. The Planning Department is responsible for filing the Planning Commission resolution.

**20.65.070 Alteration of platted utility easements**

- E. A planning commission decision under this section is final. A notice of decision shall be sent to the petitioner. No reapplication or petition concerning the same alteration to platted utility easement may be filed within one calendar year of the date of the final denial action except in the case where new evidence or circumstances exist that were not available or present when the original petition was filed. If the reasons for denial are resolved, the petitioner may submit a new petition for alteration of platted utility easement with documentation that the issues have been resolved, accompanied by a new fee.
- F. An appeal of the planning commission decision under this section must be filed in the superior court in accordance with the Alaska Rules of Appellate Procedure.

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

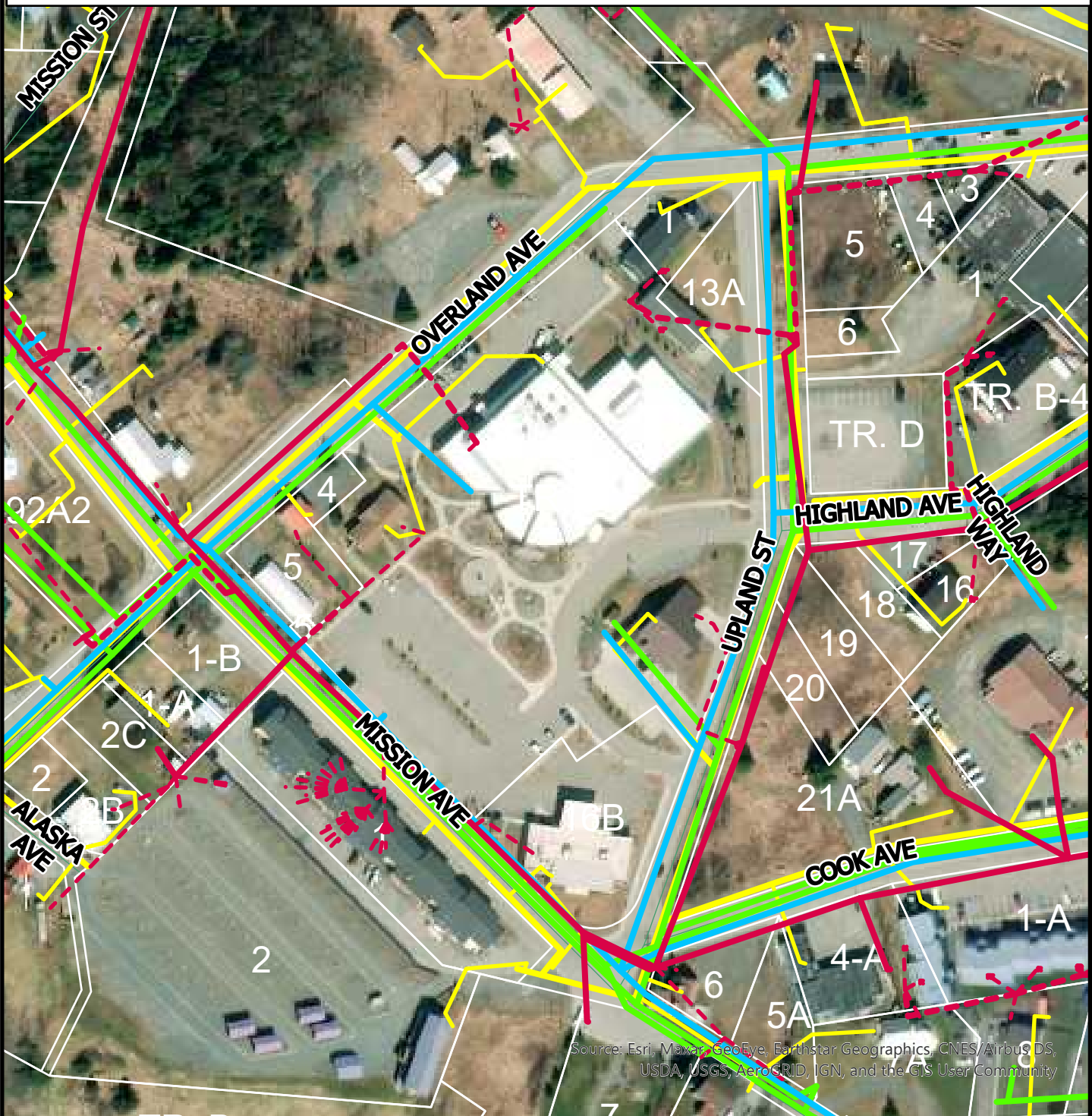
*Goal 3. Preserve and improve quality of life on the Kenai Peninsula Borough through increased access to local and regional facilities, activities, programs and services.*

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

---

**END OF STAFF REPORT**

Legend			
HEA Primary Conductor		HEA Secondary Conductor	KENAI SEWER LINES
Placement		Placement	Transmission Lines
overhead		overhead	ENSTAR DistributionMain
underground		underground	Material
<all other values>		<all other values>	<Unknown>
		KENAI WATER LINES	Coated Steel
			Bare Steel
			Plastic
			Copper
			Xtrube
			<all other values>

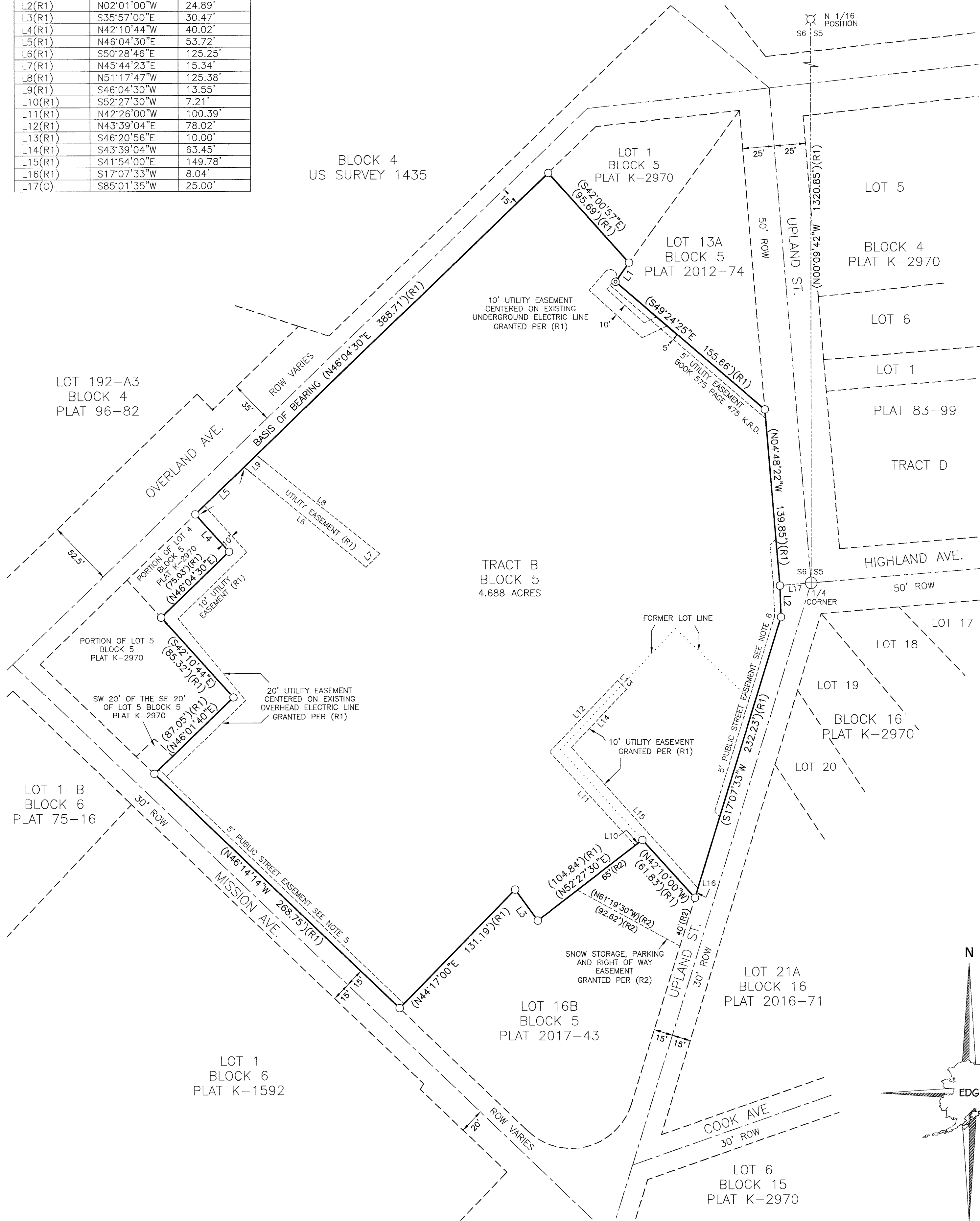


Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

<p>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.</p>	<p><b>AERIAL IMAGERY 2014 CONTOUR MAP</b></p> <p>Miles 0 0.02 0.04 0.08</p>	<p>Date: Scott Huff, Platting Manager, KPB</p>
--	---	--

LINE TABLE

LINE	BEARING	DISTANCE
L1(R1)	N35°31'24"E	18.49'
L2(R1)	N02°01'00"W	24.89'
L3(R1)	S35°57'00"E	30.47'
L4(R1)	N42°10'44"W	40.02'
L5(R1)	N46°04'30"E	53.72'
L6(R1)	S50°28'46"E	125.25'
L7(R1)	N45°44'23"E	15.34'
L8(R1)	N51°17'47"W	125.38'
L9(R1)	S46°04'30"W	13.55'
L10(R1)	S52°27'30"W	7.21'
L11(R1)	N42°25'00"W	100.39'
L12(R1)	N43°39'04"W	78.02'
L13(R1)	S46°20'56"E	10.00'
L14(R1)	S43°39'04"W	63.45'
L15(R1)	S41°54'00"E	149.78'
L16(R1)	S17°07'33"W	8.04'
L17(C)	S85°01'35"W	25.00'



NOTES

1. THE SOLE PURPOSE OF THIS PLAT IS TO VACATE AN INTERIOR LOT LINE. NO FIELD WORK WAS PERFORMED FOR THIS PLATTING ACTION.
2. FURTHER DEVELOPMENT OF THE PROPERTY SHALL CONFORM TO ALL FEDERAL, STATE OF ALASKA AND LOCAL REGULATIONS.
3. DEVELOPMENT OF THIS PARCEL SUBJECT TO THE CITY OF KENAI ZONING REGULATIONS.
4. THE FRONT 10 FEET ADJACENT TO RIGHT OF WAY IS ALSO AN UTILITY EASEMENT. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH COULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
5. EXISTING 5 FOOT EASEMENTS FOR PUBLIC STREET PURPOSES ADJOINING MISSION AVENUE RIGHT OF WAY, GRANTED TO THE CITY OF KENAI HAVING THE FOLLOWING RECORDING INFORMATION, KENAI RECORDING DISTRICT:  
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(R2) EASEMENT SERIAL NUMBER 2012-007066-0, KENAI RECORDING DISTRICT

LEGEND

⊕	MONUMENT OF RECORD (R1) 2-1/2" BRASS MONUMENT IN CASE	_____	PARCEL BOUNDARY
⊗	POSITION OF RECORD (R1)	.....	FORMER LOT LINE
○	PROPERTY CORNER OF RECORD (R1) REBAR	-----	ADJACENT PROPERTY LINE
⊙	PROPERTY CORNER OF RECORD (R1) IRON PIPE	-----	EASEMENT
(R1)	RECORD DATA, SEE REFERENCE	-----	CENTERLINE
(C)	COMPUTED	-----	MONUMENT TIE

PLAT APPROVAL

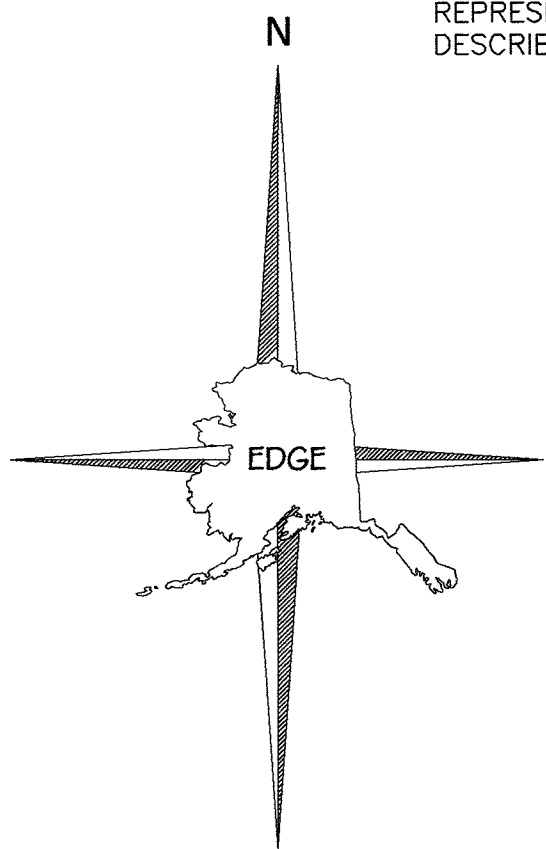
THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF APRIL 12, 2021.  
KENAI PENINSULA BOROUGH

*Scott W. [Signature]*  
AUTHORIZED OFFICIAL

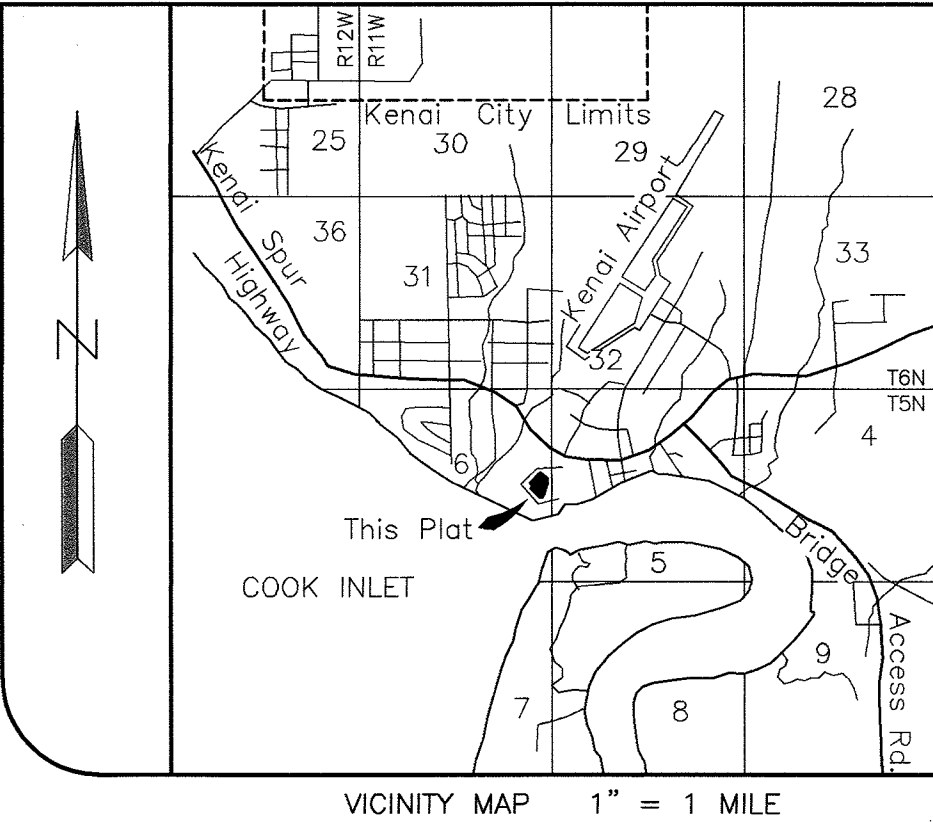
6/3/21

CERTIFICATE OF SURVEYOR

I, MARK AIMONETTI 13022-S, HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF ALASKA AND THAT THIS PLAT REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, AND THAT THE MONUMENTS SHOWN ON THIS SURVEY ACTUALLY EXIST AS DESCRIBED, AND THAT ALL DIMENSIONAL AND OTHER DETAILS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.



50' 25' 0' 50'  
1" = 50'



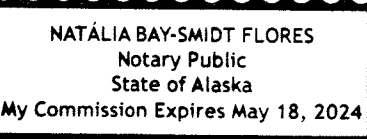
CERTIFICATE OF OWNERSHIP AND DEDICATION

I HEREBY CERTIFY THAT KENAITZE INDIAN TRIBE IS THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HERE AND THAT ON BEHALF OF KENAITZE INDIAN TRIBE I HEREBY ADOPT THIS PLAN OF SUBDIVISION AND BY MY FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND GRANT ALL EASEMENTS TO THE USE SHOWN.

*Dawn Nelson*  
DAWN NELSON, EXECUTIVE DIRECTOR  
PO BOX 988  
KENAI, ALASKA 99611  
KENAITZE INDIAN TRIBE IRA  
KENAITZE INDIAN TRIBE

NOTARY ACKNOWLEDGEMENT

FOR: DAWN NELSON  
ACKNOWLEDGED BEFORE ME  
THIS 4<sup>TH</sup> DAY OF May, 2021  
*Natalia Bay-Shoot Flores*  
NOTARY PUBLIC SIGNATURE



KPB FILE No. 2021-031

TOWNSITE OF KENAI  
2021 KENAITZE  
REPLAT

A REPLAT OF TRACT A AND LOT 22-A-1 BLOCK 5  
TOWNSITE OF KENAI KENAITZE ADDITION SUBDIVISION  
PLAT 2012-11  
KENAI RECORDING DISTRICT

OWNERS:  
KENAITZE INDIAN TRIBE IRA  
KENAITZE INDIAN TRIBE  
PO BOX 988  
KENAI, ALASKA 99611

LOCATED WITHIN E 1/2, SECTION 6,  
T.5N., R.11W. S.M.  
STATE OF ALASKA  
KENAI PENINSULA BOROUGH  
KENAI RECORDING DISTRICT  
CITY OF KENAI

CONTAINING 4.668 ACRES



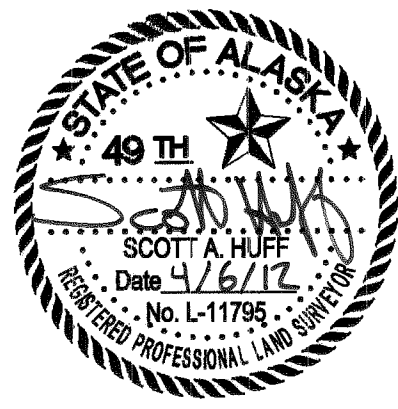
12501 OLD SEWARD, D ANCHORAGE, AK 99515  
Phone (907) 344-5990 Fax (907) 344-7794  
AECL# 1392

DRAWN BY: JY	DATE: 5/2/2021	PROJECT: 21-504
CHECKED BY: MA	SCALE: 1" = 50'	SHEET: 1 OF 1



# CERTIFICATE OF SURVEYOR

I hereby certify that; I am properly registered and licensed to practice land surveying in the State of Alaska, this plat represents a survey made by me or under my direct supervision, the monuments shown hereon actually exist as described, and all dimensions and other details are correct to the normal standards of practice of land surveyors in the State of Alaska.



## LEGEND:

- Monument (found)  
2 1/2" Brass Mon. in case markings illegible
- Rebar (found)
- Iron Pipe (found)
- 5/8" Rebar (set)
- Overhead Electric Utility Lines
- Underground Electric Utility Lines
- Electric Utility Pedestal
- Alley way - vacated
- Record Datum - Townsite of Kenai  
US Survey 192

U.S. Survey No. 1435  
Blk. 7

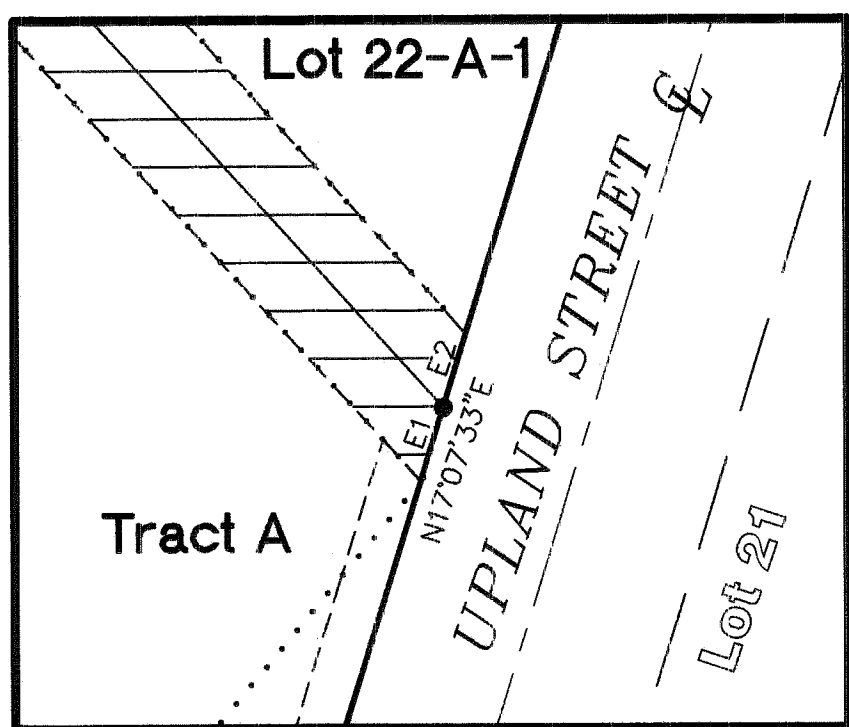
NORTH

Lot 192-A3  
Blk. 7

Lot 1-B  
Blk. 6

Lot 1  
Blk. 6

LINE	LENGTH	BEARING
E1	7.99'	N17°07'33"E
E2	8.04'	N17°07'33"E
E3	149.78'	S41°54'00"E
E4	63.45'	N43°39'04"E
E5	10.00'	N46°20'56"W
E6	78.02'	S43°39'04"W
E7	166.88'	S42°26'00"E
E8	53.72'	N46°04'30"E
E9	13.55'	N46°04'30"E
E10	125.38'	S51°17'47"E
E11	15.34'	S45°44'23"W
E12	125.25'	N50°28'46"W



Detail A  
Scale 1" = 20'

## CERTIFICATE OF OWNERSHIP AND DEDICATION

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

JAYLENE PETERSON-NYREN  
EXECUTIVE DIRECTOR  
KENAITZE INDIAN TRIBE I.R.A.

FORMER LOTS 2-4, 6-12, 15, 16, 18,  
19, 20 AND 23 OF ORIGINAL  
TOWNSITE OF KENAI, ALASKA

PO BOX 988  
KENAI, AK 99611-0988

SANDRA J. VOZAR-GINAVAN  
A.K.A. SANDRA J. VOZAR-BLAZY  
A.K.A. SANDRA J. VOZAR

FORMER LOT 22-A ORIGINAL  
TOWNSITE OF KENAI, VOZAR ADD.

PO BOX 230  
ANCHOR POINT, AK 99556-0230

## NOTARY'S ACKNOWLEDGMENT

FOR: JAYLENE PETERSON-NYREN  
SUBSCRIBED AND SWORN BEFORE ME THIS 22ND

DAY OF March, 2012

NOTARY PUBLIC FOR ALASKA  
MY COMMISSION EXPIRES 3/28/13

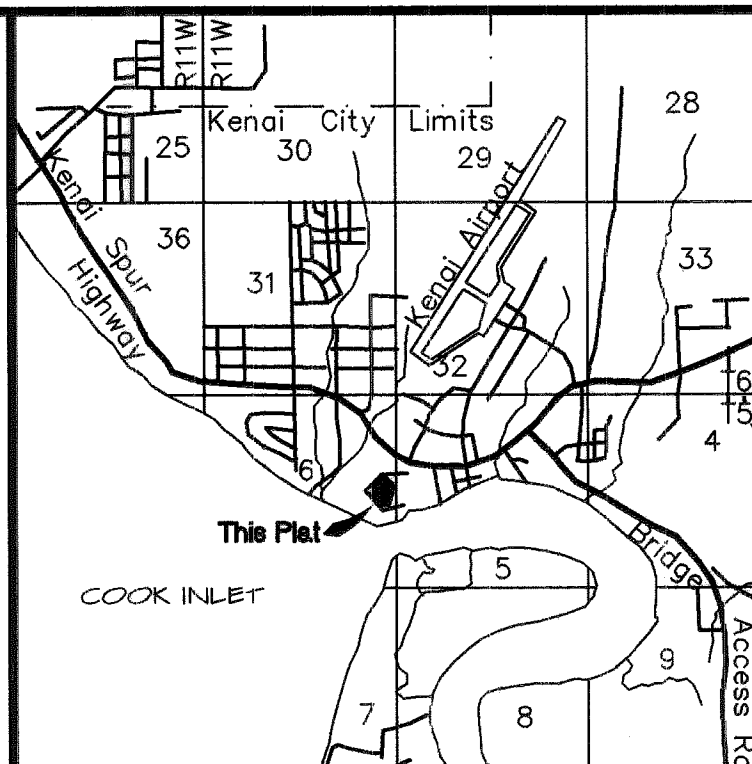
## NOTARY'S ACKNOWLEDGMENT

FOR: SANDRA J. VOZAR-GINAVAN A.K.A. SANDRA J. VOZAR  
SUBSCRIBED AND SWORN BEFORE ME THIS 22ND

DAY OF March, 2012

NOTARY PUBLIC FOR ALASKA  
MY COMMISSION EXPIRES 3/28/13

VICINITY  
MAP  
1" = 1 MILE



## PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF June 27, 2011

KENAI PENINSULA BOROUGH

AUTHORIZED OFFICIAL

KPB FILE No. 2011-077

## TOWNSITE OF KENAI KENAITZE ADDITION SUBDIVISION

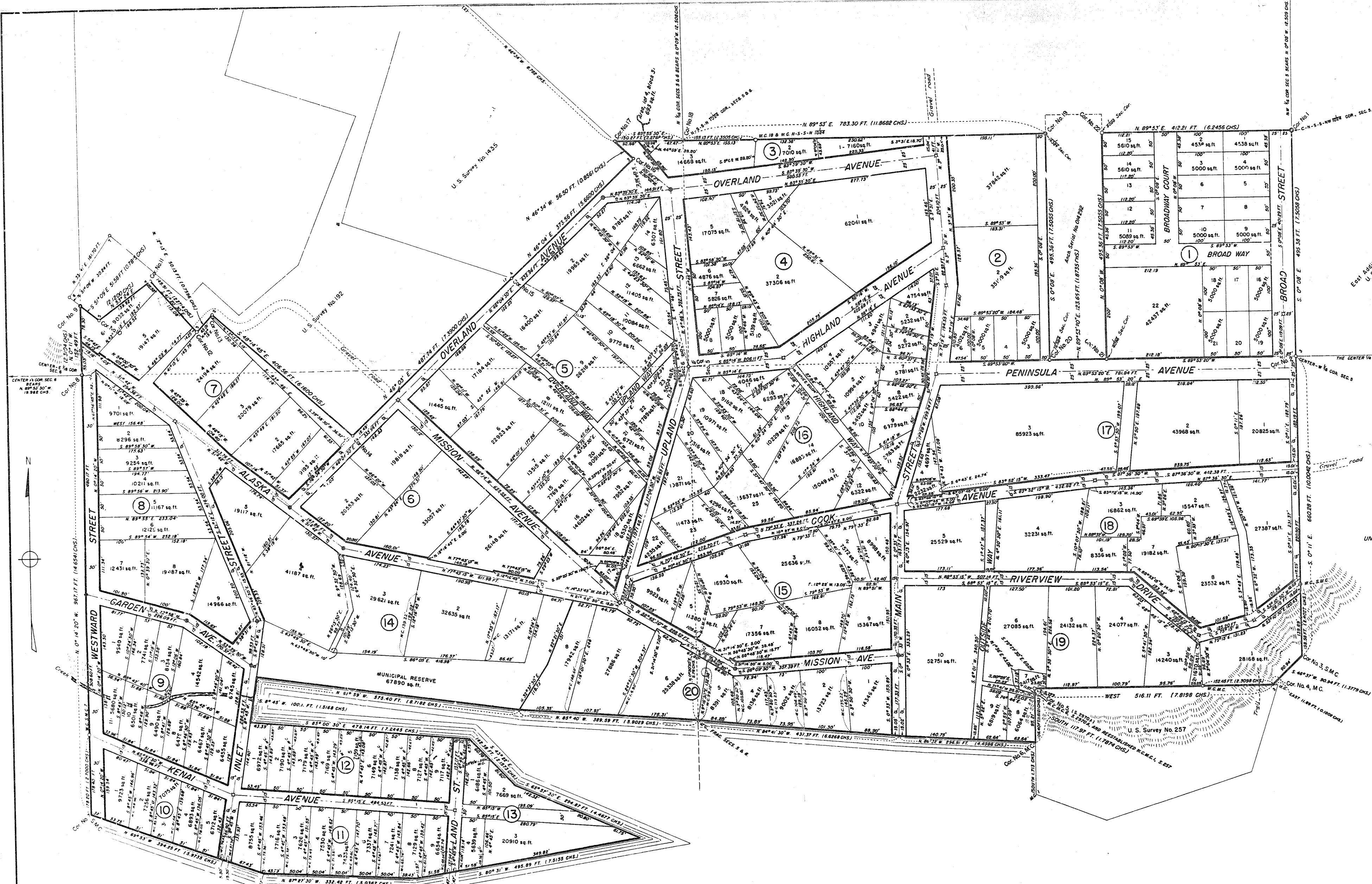
A replat of Lots 2-4, 6-12, 15, 16, 18-20, and 23 Block 5, Townsite of Kenai (US Survey 2970A) and Lot 22-A of Original Townsite of Kenai Vozar Addition (KN 2007-4) and showing a vacation of alleyways within Block 5 Located within the E1/2, Sec. 6, T5N, R11W, SM, City of Kenai, Kenai Recording District, Kenai Peninsula Borough, Alaska.

Containing 5.347 Acres

## INTEGRITY SURVEYS, INC.

43335 Kalifornsky Beach Road Suite 10, Soldotna, AK 99669  
SURVEYORS PHONE - (907) 262-5573 FAX - (907) 262-5574 PLANNERS

JOB NO:	29133	DRAWN:	22 March, 2012 SH
SURVEYED:	AUGUST - SEPT 2011	SCALE:	1" = 40'
FIELD BK:	2010-3 PG: 1-22 2011-6 PG: 19-22	FILE:	29133 FP.dwg



UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
WASHINGTON, D. C.  
April 4, 1951

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

For the Director:  
*William F. Richards*  
Chief, Branch of Surveys

**LEGEND**

- 2 inch iron post, 3 feet long, in concrete base and color .0 inches in diameter and 6 inches thick with brass cap 0 to 12 inches below surface of ground
- 2 inch iron post, 3 feet long, in concrete column 10 inches in diameter with brass cap 12 inches below surface of ground
- Brass cap 6 to 14 inches below surface of ground in concrete column 10 inches in diameter and 30 inches long

Note: All black and lot corners were monumented with 2 X 2 X 18 inch wooden stakes.

All street center-line and other monuments within roadways have been set approximately 12 inches below the surface

**TOWNSITE OF KENAI, ALASKA**  
U. S. SURVEY No. 2970 A - BOUNDARIES  
U. S. SURVEY No. 2970 B - SUBDIVISION  
AREA: 70.397 ACRES  
LATITUDE 60° 33' 05" N., LONGITUDE 151° 15' 31" W.,  
AT CORNER No. 1  
MAGNETIC DECLINATION 25° 00' E.

SCALE IN FEET  
0 80 160 240 320

SURVEYED BY ELLIOTT PEARSON, CADASTRAL ENGINEER,  
JUNE 16 TO JULY 17, 1950

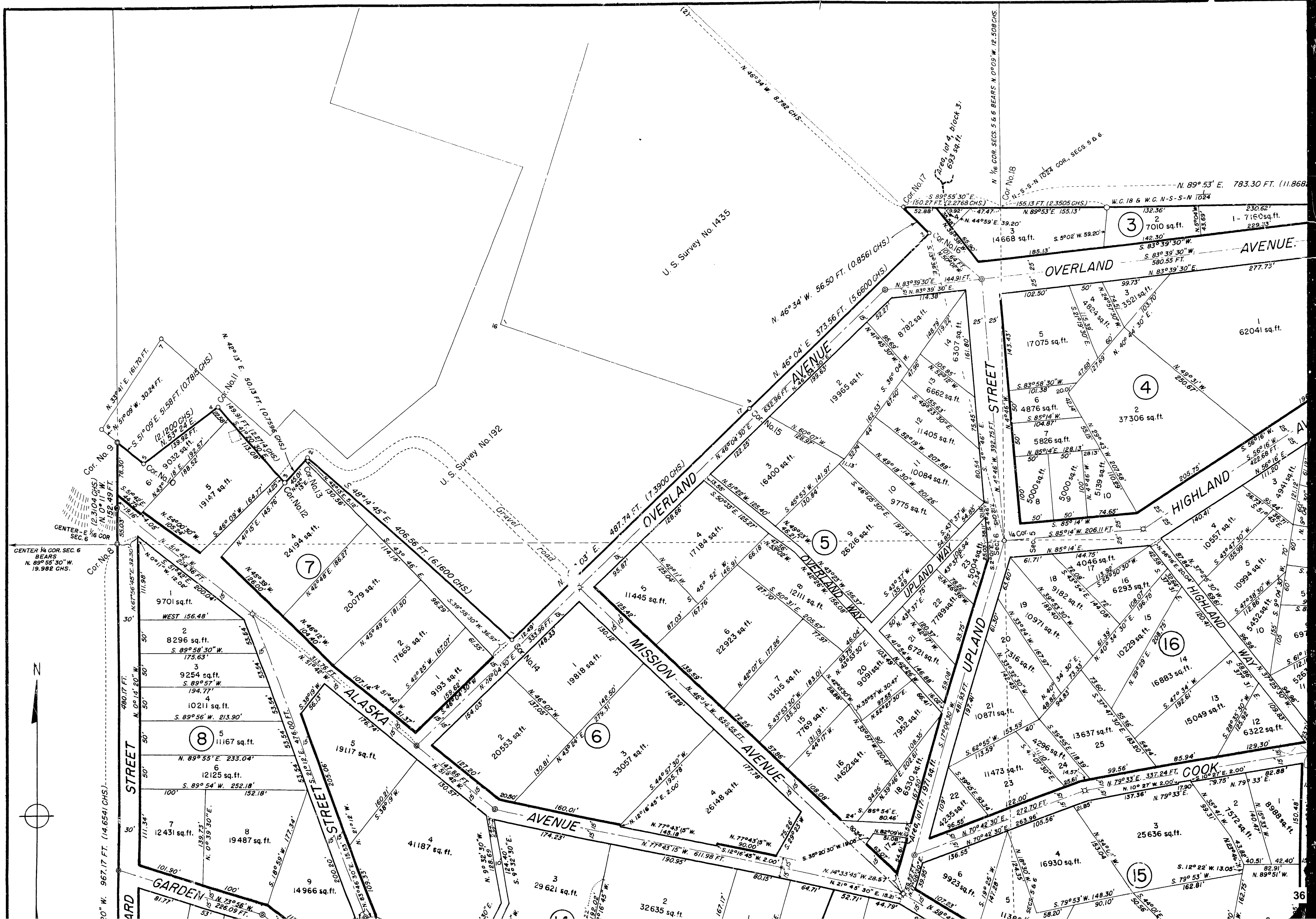
Plat # KT

KENAI RIVER



ALASKA		REPORT OF SUB-MINERAL SUR.	
Kind <u>Plat</u>	Recording Precinct		
Situated <u>Adak, Alaska</u>	Lat. <u>N. Long. <u>W.</u></u>		
Claimant	Deposit by Claimant		
Address			
Attorney			
Address			
Instructions Issued <u>May 10, 1950</u>	Survey Approved <u>April 1, 1951</u>		
Instructions Approved <u>June 1, 1950</u>	Survey Rejected		
	Sent to <u>Superintendent</u> for Acceptance <u>March 23, 1951</u>		
	Sent to Supervisor		
Instructions Issued	Accepted by Letter <u>April 1, 1951</u>		
	Rejected by Letter		
Sent to	Claimant Verified		
(Surveyor)	Plat and Transcript Entered on <u>R. &amp; R.</u>		
Assigned to Elliott Pearson <u>5.14.50</u>	Claimant's Plat		
Survey Made <u>June 10, 1950</u> <u>July 17, 1950</u>	Plat to Division Inspector		
Completed on <u>August 1, 1950</u>	Land Office <u>August 1, 1950</u>		
Returns filed <u>December 17, 1950</u>	Date of Patent		
Returned			
Amended Returns Filed			

THIS PLAT IS TOO  
LARGE TO MICROFILM

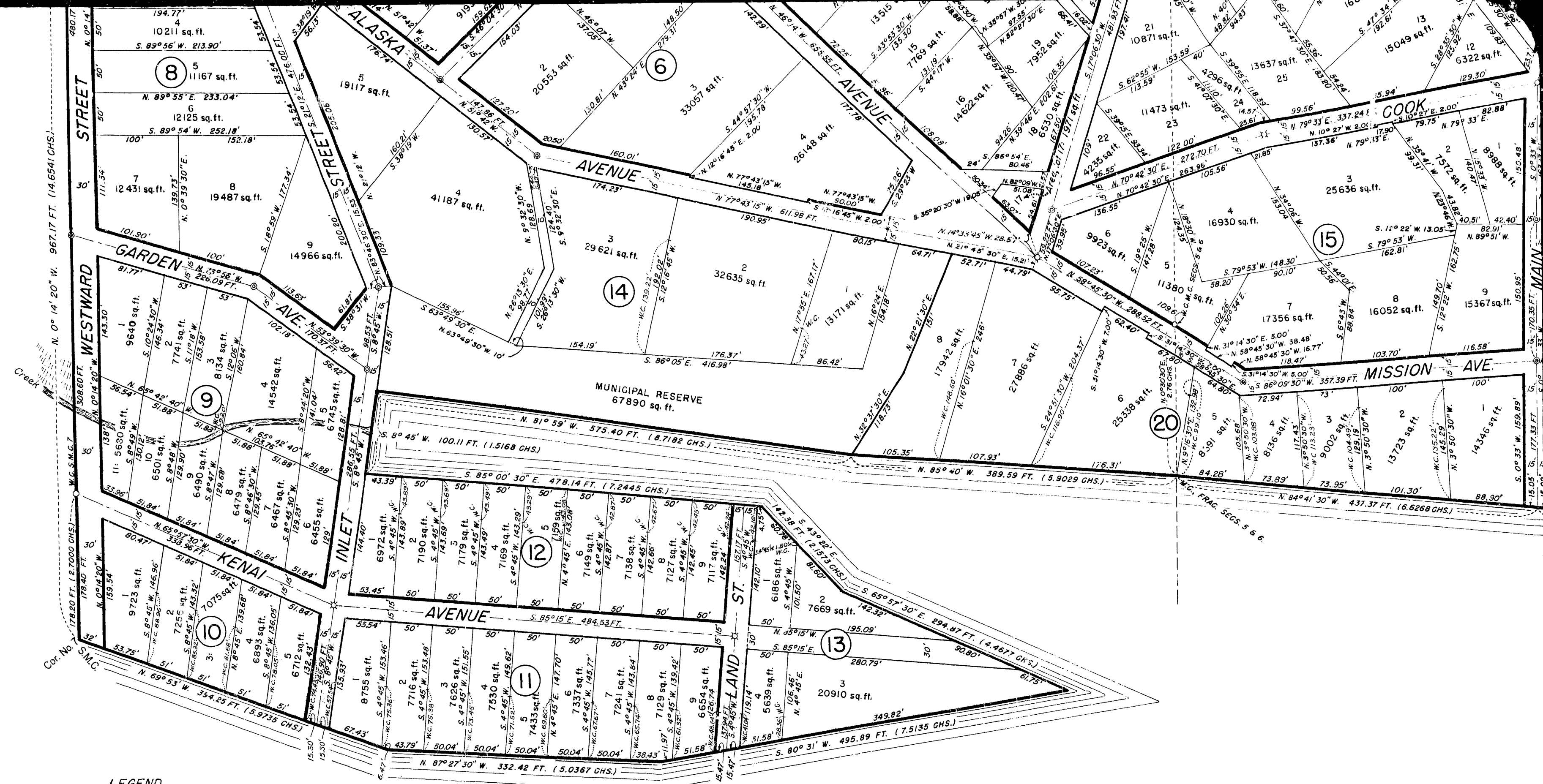




UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

WASHINGTON, D. C., April 4, 1951

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



# LEGEND

- 2 inch iron post, 3 feet long, in concrete base and collar 10 inches in diameter and 6 inches thick with brass cap 0 to 12 inches below surface of ground.
- ⊗ 2 inch iron post, 3 feet long, in concrete column 10 inches in diameter with brass cap 12 inches below surface of ground.
- ⊙ Brass cap 6 to 14 inches below surface of ground in concrete column 10 inches in diameter and 30 inches long.

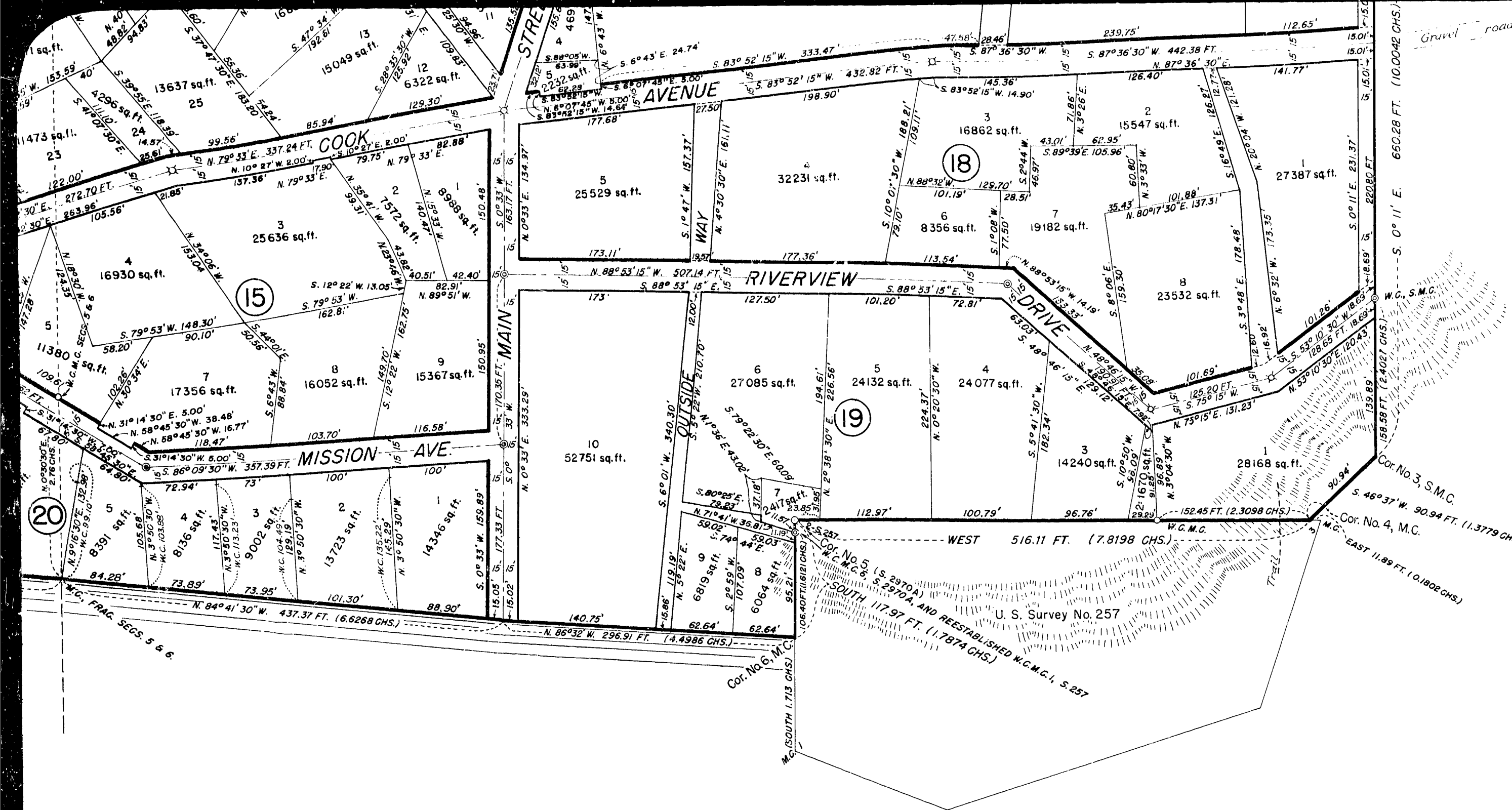
Note: All block and lot corners were monumented with 2 X 2 X 18 inch wooden stakes.

All street-center-line and other monuments within roadways have been set approximately 12 inches below the surface.

KENAI RIVER







UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

WASHINGTON, D. C., April 4, 1951

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

For the Director:

*William H. Richards*  
Chief, Branch of Surveys

KENAI RIVER

# TOWNSITE OF KENAI, ALASKA

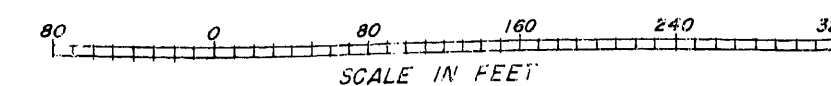
U. S. SURVEY No. 2970 A - BOUNDARIES

U. S. SURVEY No. 2970 B - SUBDIVISION

AREA: 70.397 ACRES

LATITUDE 60° 33' 05" N., LONGITUDE 151° 15' 31" W.,  
AT CORNER No. 1

MAGNETIC DECLINATION 25° 00" E.



SURVEYED BY ELLIOTT PEARSON, CADASTRAL ENGINEER,  
JUNE 16 TO JULY 17, 1950



U.S. SURVEY  
No. 2970 B, ALASKA  
Dependent Resurvey

This plat contains the entire survey record.

U.S. Survey No. 2970 ABB, Townsite of Kenai, Alaska, was surveyed by Elliott Pearson, Cadastral Engineer, in 1950.

The Nissen Subdivision, a Subdivision of part of Lots 1 and 2, Block 4, Townsite of Kenai, was resurveyed by Francis J.J. Malone, Registered Alaska Surveyor No. 631-S, as depicted on plat No. K-1387, filed July 9, 1964, in the Kenai recording district.

The Nissen Subdivision No. 2, a Replat of the Replat of Nissen Subdivision and of Lots 7, 8, 9 and 10, Block 4, Townsite of Kenai, was resurveyed by Stanley S. McLane, Registered Alaska Surveyor No. 610-S, as depicted on plat No. 82-98, filed September 29, 1982, in the Kenai recording district.

U.S. Survey No. 2970 B, Lots 5 and 6, Block 4, Townsite of Kenai, was resurveyed by John F. Segeesser, Registered Alaska Surveyor No. 8859-S, in 1998. This survey is not recorded.

This survey was executed by Thomas B. O'Toole, Cadastral Surveyor, September 27 through September 28, 2007. In accordance with the specifications as set forth in the Supplemental Special Instructions dated September 6, 2007, approved September 6, 2007 and Assignment Instructions dated September 17, 2007.

Field assistants were:

D. Scott Nations, Land Surveyor

Michael R. Stephen, Land Surveyor

Measurements were made with Global Positioning System (GPS), utilizing static relative and real time kinematic positioning techniques. Distances are horizontal distances reduced to their sea level equivalent and reported in the Foot unit. Azimuth refer to the true meridian.

Preliminary to the resurvey the lines of the original survey were retraced and a search was made for all corners and other calls of the record. The retracement data was thoroughly verified.

The mean magnetic declination was obtained using National Geodetic Survey declination calculator, based on the International Geomagnetic Reference Field (IGRF).

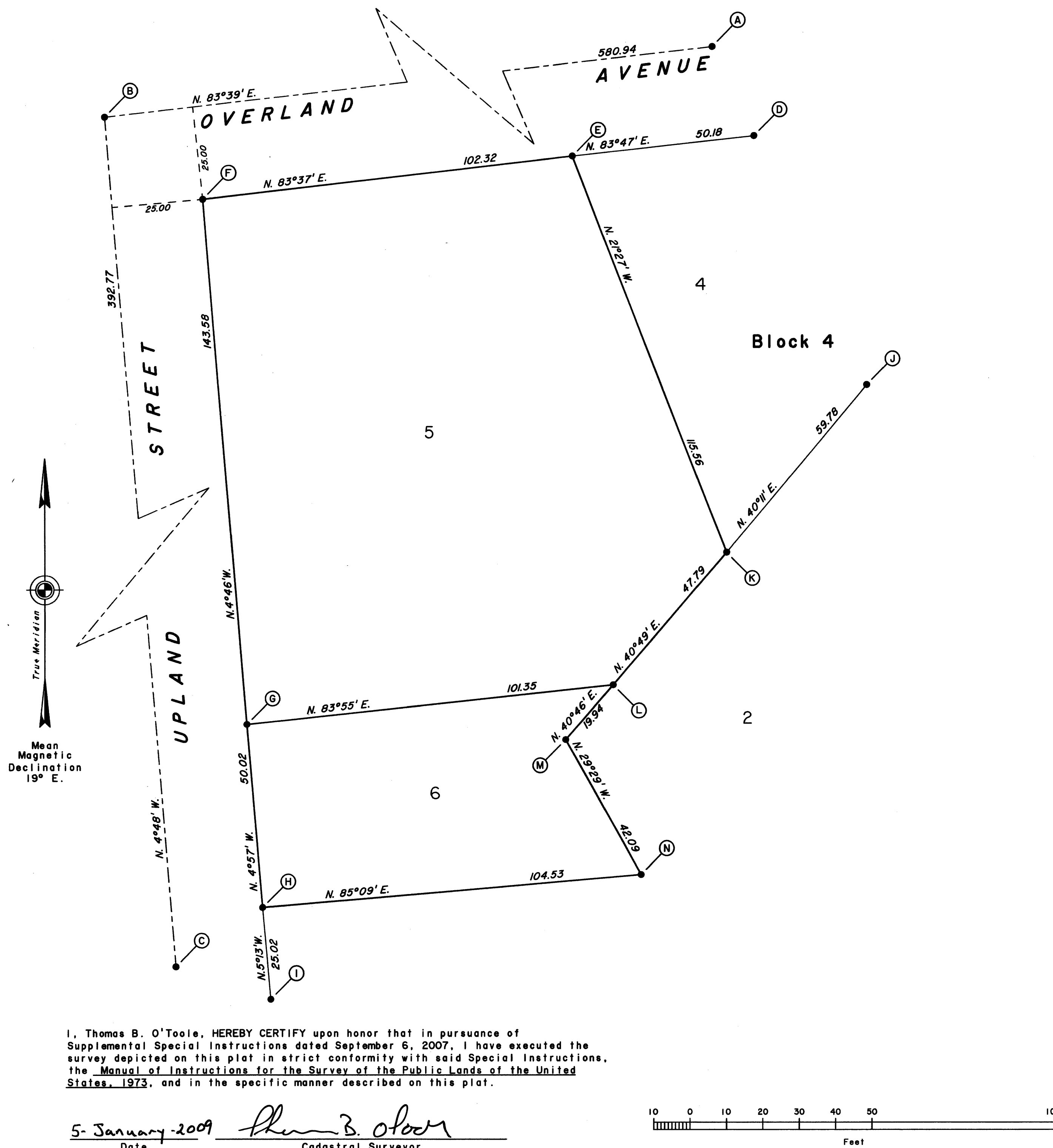
This survey is situated in Kenai, Alaska, in section 5, Township 5 North, Range 11 West, Seward Meridian, Alaska.

UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
Anchorage, Alaska

The survey represented by this plat, having been correctly executed in accordance with the requirements of law and the regulations of this Bureau, is hereby accepted.

For the Director

*John F. Segeesser* Jan. 08, '09  
Date  
Deputy State Director for Cadastral Survey, Alaska



DATE MARCH 19, 2009

Sheet 2 of 2 Sheets

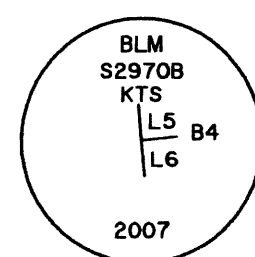
**U.S. SURVEY  
No. 2970 B, ALASKA  
Dependent Resurvey**

**A**

Found 2 1/2 in. brass cap, firmly set, 3 ins. below the surface of asphalt street, mkd. DIV OF HI-WAYS CENTER LINE MON.

This monument is a direct replacement of the original iron post, remonumented in the late 1980's or early 1990's, there is no available record. This information was obtained from Michael Swan, Alaska Registered Land Surveyor No. 6940-S.

Monument is located in a monument well in the center of Overland Ave. and Main St.

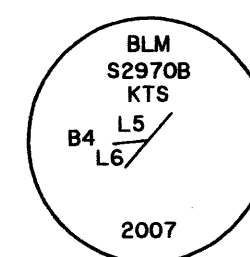
**G**

Found a rebar, 5/8 ins. diam., firmly set, flush with the surface of the ground, with 1 1/2 in. diam. aluminum cap attached, mkd. L.S. 8859 1998. This monument was set by John F. Segeesser, Registered Alaska Land Surveyor No. 8859-S, as depicted on an unrecorded survey plat, executed in 1998. This position is accepted as a faithful perpetuation of the original monument based on its relationship to other found monumentation throughout this block.

At the corner point

Set a rebar, 30 ins. long, 5/8 ins. diam., 2 ins. below the surface of the ground, with aluminum cap, 2 ins. diam., mkd. as shown.

Remove private rebar with aluminum cap.

**L**

Found a rebar, 5/8 ins. diam., firmly set, flush with the surface of the ground, with 1 1/2 in. diam. aluminum cap attached, mkd. 9 1998 other marks have been obliterated. This monument was set by John F. Segeesser, Alaska Registered Land Surveyor No. 8859-S, as depicted on an unrecorded survey plat, executed in 1998. This position is accepted as a faithful perpetuation of the original monument based on its relationship to other found monumentation throughout this block.

At the corner point

Set a rebar, 30 ins. long, 5/8 ins. diam., 5 ins. below the surface of the ground, with aluminum cap, 2 ins. diam., mkd. as shown.

Remove private rebar with aluminum cap.

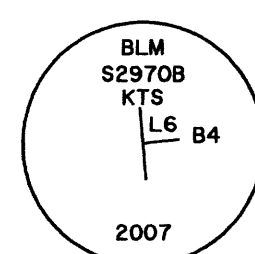
Corner is located under chain link fence, bears. N. 41° E. and S. 41° W.

**B**

Found 2 1/2 in. brass cap, firmly set, 20 ins. below the surface of asphalt street, mkd. DIV OF HI-WAYS CENTER LINE MON.

This monument is a direct replacement of the original iron post, remonumented in the late 1980's or early 1990's, there is no available record. This information was obtained from Michael Swan, Alaska Registered Land Surveyor No. 6940-S.

Monument is located in a monument well in the center of Overland Ave. and Upland St.

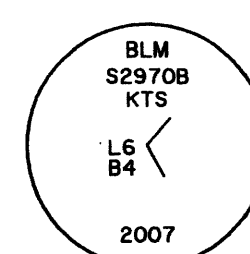
**H**

Found a rebar, 1/2 ins. diam., firmly set, flush with the surface of the ground, with 1 1/2 in. diam. aluminum cap attached, no marks visible. This monument is of unknown origin and is accepted as a faithful perpetuation of the original monument based on its relationship to other found monumentation throughout this block.

At the corner point

Set a rebar, 30 ins. long, 5/8 ins. diam., 2 ins. below the surface of the ground, with aluminum cap, 2 ins. diam., mkd. as shown.

Remove private rebar with aluminum cap.

**M**

Found a galvanized iron pipe, 3/4 ins. diam., firmly set, bent over projecting 1 in. above ground. This monument is not of record, but was used as the most westerly corner of lot 2, identical with an angle point on the east boundary of lot 6 by Francis J. J. Malone, Alaska Registered Land Surveyor No. 631-S, as depicted on plat No. K-1387, filed July 9, 1964 and Stanley S. McLane, Alaska Registered Land Surveyor No. 610, as depicted on plat No. 82-98, filed September 29, 1982.

At this same point found a rebar 1/2 ins. diam., firmly set, 3 ins. below the surface of the ground, with a yellow plastic cap mkd. MCLANE. There is no record of this monument being set.

The galvanized iron pipe and the rebar are accepted as a faithful perpetuation of the original monument based on their relationship to other found monumentation throughout this block.

At the corner point

Set a rebar, 30 ins. long, 5/8 ins. diam., 5 ins. below the surface of the ground, with aluminum cap, 2 ins. diam., mkd. as shown.

Remove rebar and iron pipe.

Corner is located at the intersection of chain link fences, extending N. 41° E. and S. 29° E.

**C**

Found a partially legible aluminum cap, 1 1/2 ins. diam., flush with the surface of asphalt street, mkd. 40 6 S5 C 1/4 1990.

This monument is a direct replacement of the original iron post, remonumented in 1990, there is no available record. This information was obtained from Michael Swan, Alaska Registered Land Surveyor No. 6940-S.

Monument is located in the center of Highland Ave. and Upland St.

**I**

Found a rebar, 5/8 ins. diam., firmly set, flush with the surface of a gravel driveway, with 1 1/2 in. diam. aluminum cap attached, cap is smashed and unreadable. This monument is of unknown origin, not remonumented. This monument is accepted as faithful reestablishment of the original cor. of Lots 7 and 8, Block 4, on the easterly right-of-way of Upland Street, based on its relationship to other found monuments in this block.

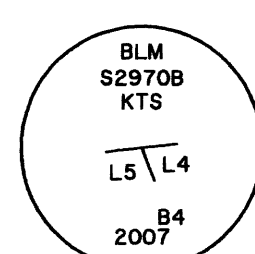
**J**

Found an iron pipe, 1 1/4 in. outside diam., firmly set, 2 ins. below the surface of the ground, not marked. This monument is of unknown origin, not remonumented. This monument is accepted as faithful reestablishment of the original cor. of Lots 1, 2, 3 and 4, Block 4, based on its relationship to other found monuments in this block.

Corner is located 1 lk. northwest of a chain link fence, bears. N. 41° E. and S. 41° W.

**D**

Found a rebar, 1/2 ins. diam., firmly set, bent over flush with gravel driveway, no cap attached. This monument is of unknown origin, not remonumented. This monument is accepted as faithful determination of the original cor. of Lots 3 and 4, Block 4, on the southerly right-of-way of Overland Avenue, based on its relationship to other found monuments in this block.

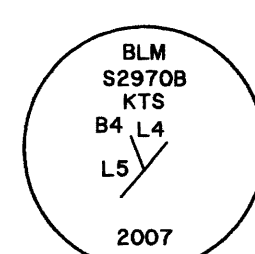
**E**

Found a rebar, 1/2 ins. diam., firmly set, flush with the ground, no cap attached. This monument is of unknown origin and is accepted as a faithful perpetuation of the original monument based on its relationship to other found monumentation throughout this block.

At the corner point

Set a rebar, 30 ins. long, 5/8 ins. diam., 30 ins. in the ground, with aluminum cap, 2 ins. diam., mkd. as shown.

Remove 1/2 in. rebar.

**K**

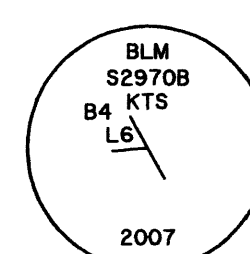
Found a rebar, 5/8 ins. diam., firmly set, 2 ins. below the surface of the ground, with 1 1/2 in. diam. aluminum cap attached, mkd. L.S. 8859 1998. This monument was set by John F. Segeesser, Registered Land Surveyor No. 8859-S, as depicted on an unrecorded survey plat, executed in 1998. This position is accepted as a faithful perpetuation of the original monument based on its relationship to other found monumentation throughout this block.

At the corner point

Set a rebar, 30 ins. long, 5/8 ins. diam., 5 ins. below the surface of the ground, with aluminum cap, 2 ins. diam., mkd. as shown.

Remove private rebar with aluminum cap.

Corner is located under chain link fence, bears. N. 41° E. and S. 41° W.

**N**

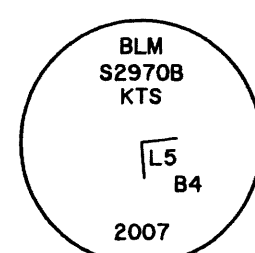
Found a rebar 1/2 ins. diam., firmly set, 3 ins. below the surface of the ground, with a yellow plastic cap mkd. C263. This monument was established by McLane and Associates Inc. in 1988, as depicted in a field book obtained from Mark Scott McLane, Registered Alaska Land Surveyor No. 4928. The rebar was accepted as a faithful perpetuation of the original monument based on its relationship to other found monumentation throughout this block.

At the corner point

Set a rebar, 30 ins. long, 5/8 ins. diam., 4 ins. below the surface of the ground, with aluminum cap, 2 ins. diam., mkd. as shown.

Remove rebar.

Corner is located under cyclone fence, bears. S. 29° E. and N. 29° W.

**F**

Found hole in the back of sidewalk, where a nail was previously set, determined at the intersection of a 25 ft. offset from the center line of Overland Ave. and a 25 ft. offset of the center line of Upland St., as depicted on an unrecorded survey plat, by John F. Segeesser, Registered Alaska Land Surveyor No. 8859-S, executed in 1998. This position is accepted as a faithful perpetuation of the original monument based on its relationship to other found monumentation throughout this block.

At the corner point

Drill a hole 3/4 in. diam., and set a rebar, 30 ins. long, 5/8 ins. diam., 30 ins. in the ground, with aluminum cap, 2 ins. diam., flush with the sidewalk mkd. as shown.

Corner is located on the back edge of sidewalk.

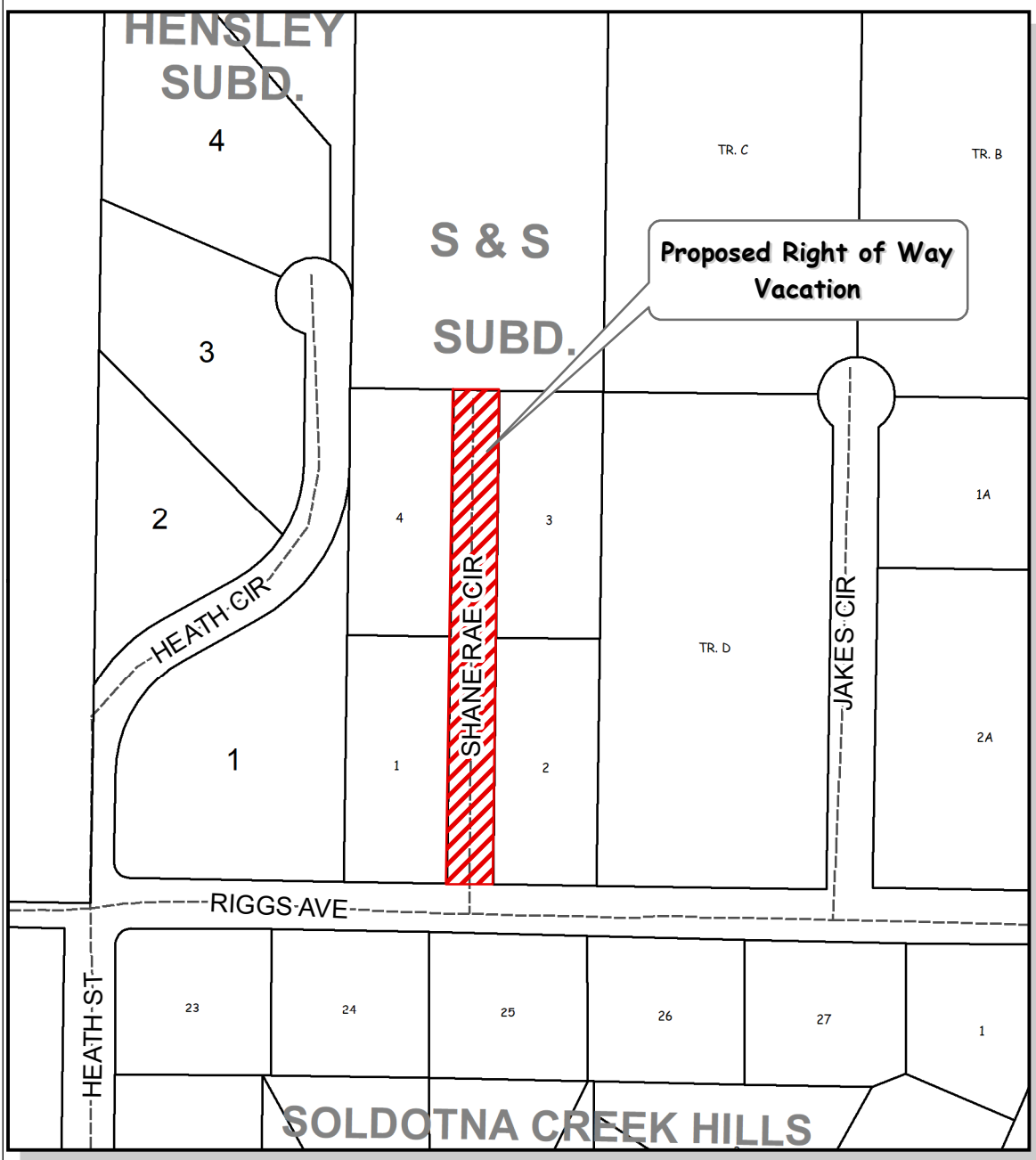
REFERENCE SHOULD BE MADE TO SHEET No. 1  
FOR SURVEY INFORMATION

UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
Anchorage, Alaska

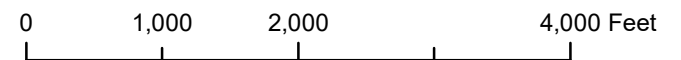
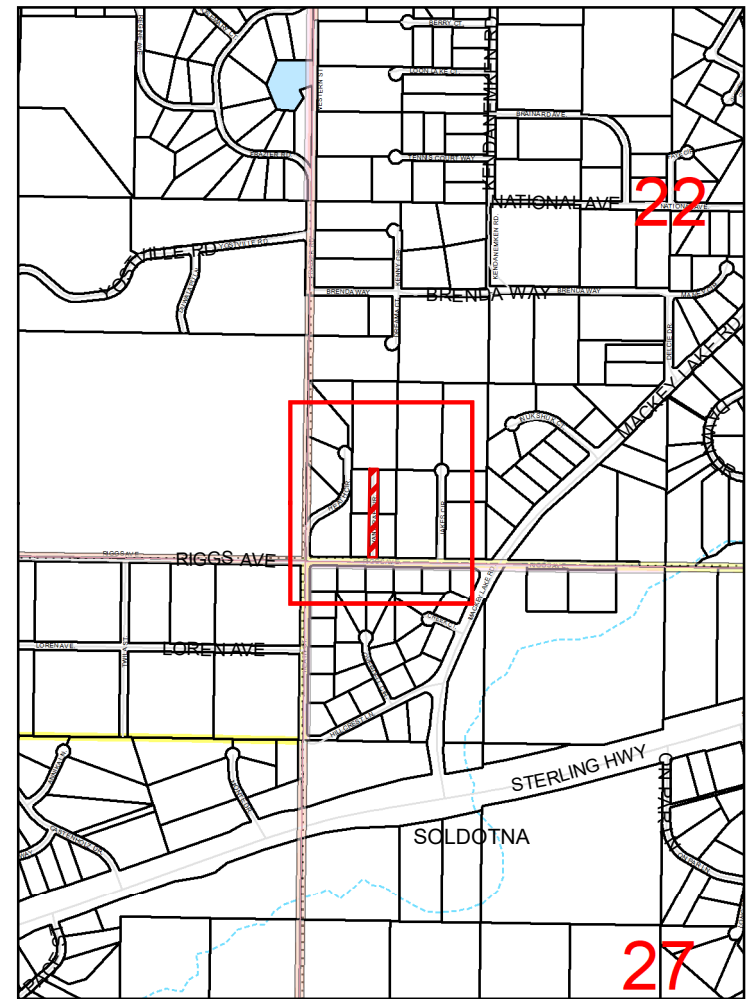
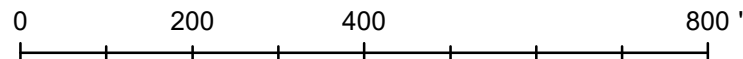
The survey represented by this plat, having been correctly executed in accordance with the requirements of law and the regulations of this Bureau, is hereby accepted.

For the Director

*John B. Lewis* Jan. 28, '09  
Date  
FOR Deputy State Director for Cadastral Survey, Alaska



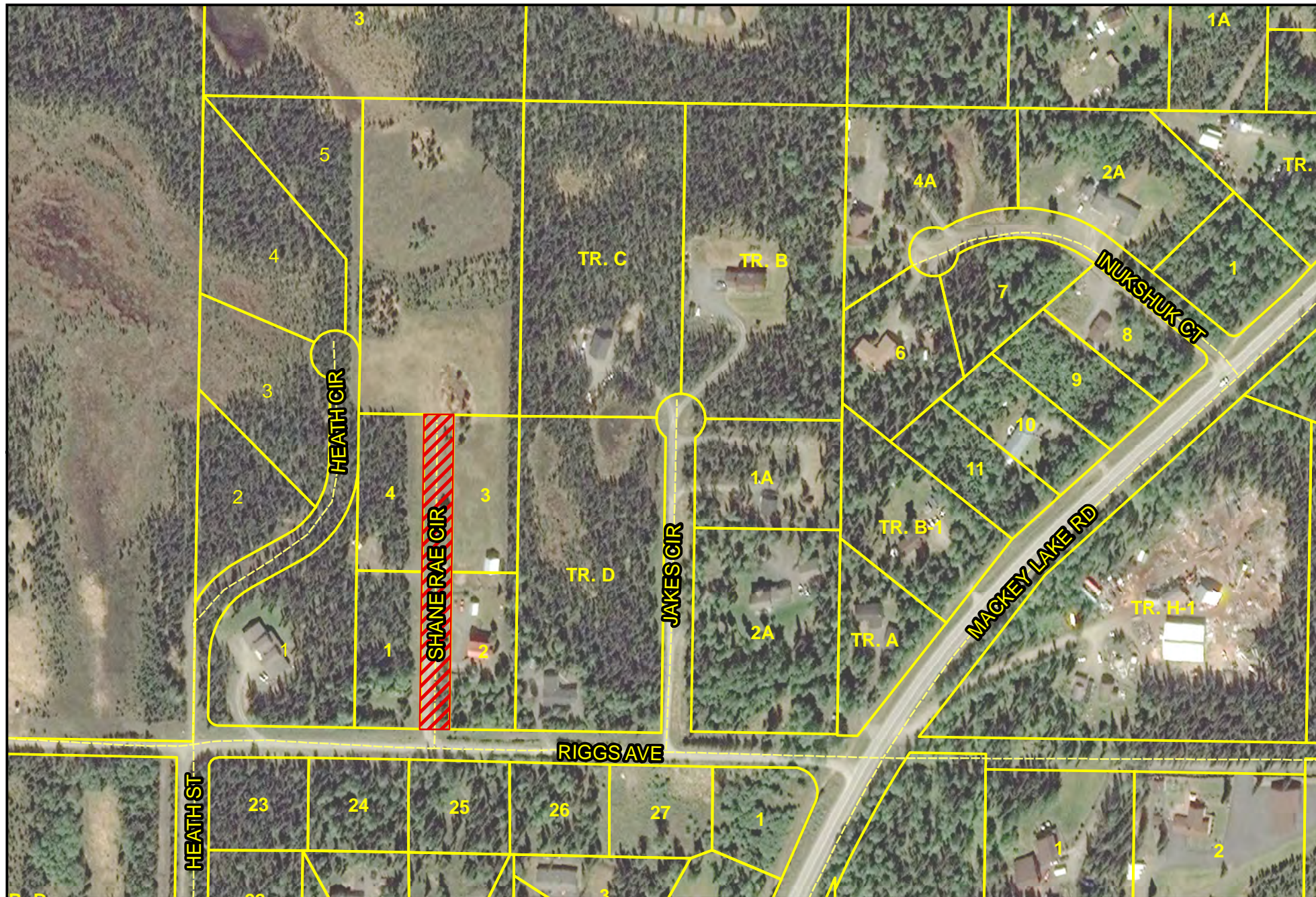
The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



**KPB 2021-112V**  
**S22 T05N R10W**  
**RIDGEWAY**

PClements, KPB 2021-112V Date: 8/6/2021





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.

0 100 200 400'

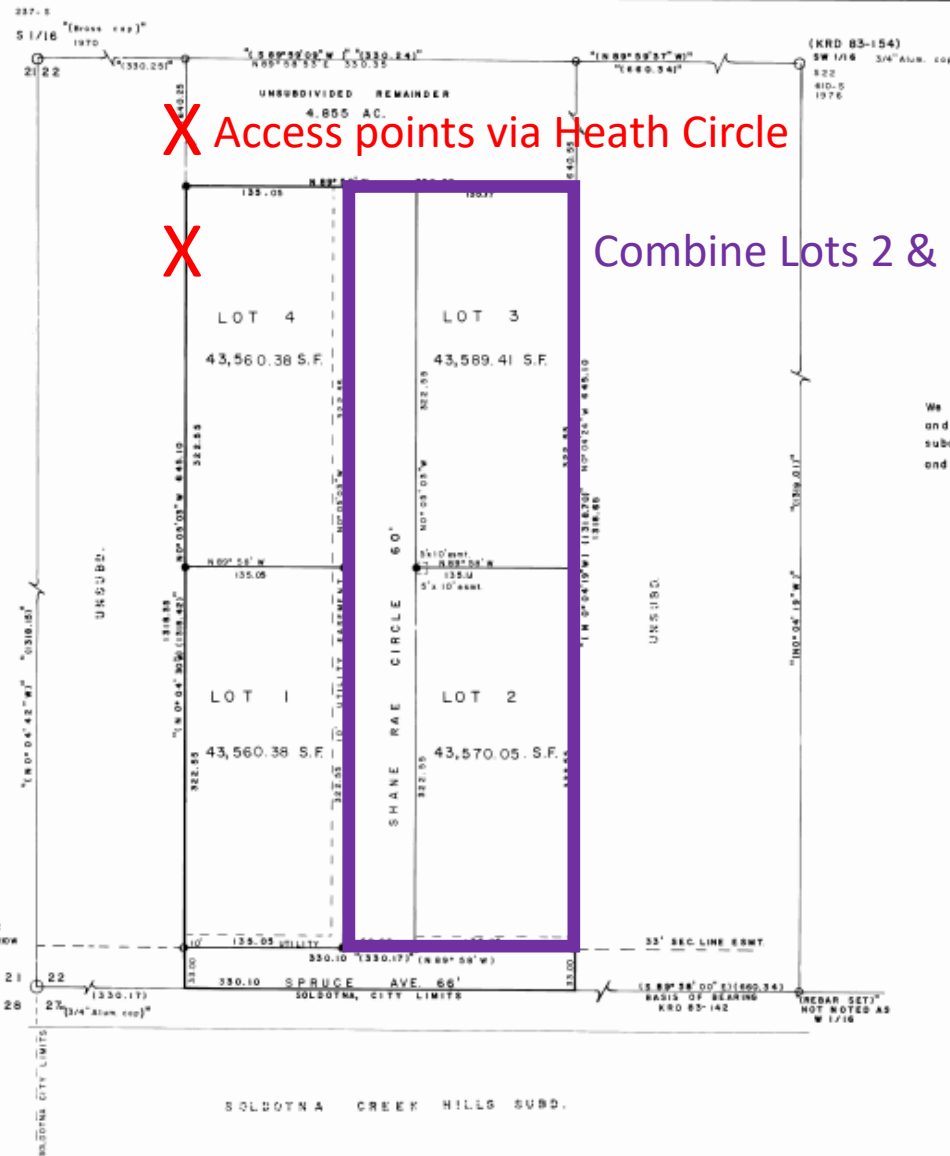
Aerial View



 Right of Way Vacation

PClements, KPB 2021-112V  
Imagery Soldotna 2018





X Access points via Heath Circle

X Combine Lots 2 & 3.

#### OWNERS CERTIFICATE 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 rights of way to public use and grant all easements to the use shown.

Steven R. Tachick Sally E. Tachick  
STEVEN R. TACHICK SALLY E. TACHICK  
P.O. BOX 275  
SOLDOTNA, AK. 99669

#### LEGEND

- ( ) = Record data
- o = 5/8" Rebar found
- \* = 5/8" x 30" Rebar set this survey
- = Record monument
- "1)" = Data from previous, unrecorded private boundary survey.

#### NOTES

- 1) There is a 20' building setback along all rights of way, unless a lesser standard is approved by resolution of the appropriate planning commission.
- 2) All wastewater disposal systems shall comply with existing laws at time of construction.

#### NOTARY'S ACKNOWLEDGEMENT

Subscribed and sworn to before me this 17th day of April, 1986.  
Richard P. Tracy  
Notary Public for the State of ALASKA  
and Steven R. & Sally E. Tachick.  
My commission expires: 5-2-87

#### PLAT APPROVAL

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of March 24, 1986.  
By: Richard P. Tracy  
Authorized Official



CERTIFICATE OF APPROVAL BY THE ALASKA  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
This subdivision has been reviewed in accordance with  
16AAC07.060 and is approved subject to any noted restrictions.  
SIGNATURE TITLE DATE

SBS SUBDIVISION  
LOCATED IN THE 6 1/2 W 1/2 SW 1/4 SW 1/4  
SEC. 22 T 3 N R 10 W S.M. ALASKA  
AND IN THE KENAI PENINSULA BOROUGH,  
CONTAINING 4.89 ACRES AND CONSISTING  
OF 4 LOTS.

SURVEYOR: DAVID L. BEAR  
P.O. BOX 38283  
NINILCHIK, AK 99639

KPB 2021-112V



AGENDA ITEM E. NEW BUSINESS

ITEM 2 - RIGHT OF WAY VACATION

VACATE SHANE RAE CIRCLE RIGHT OF WAY RUNNING (60' X 645.10') AS SHOWN AND DEDICATED ON S & S SUBDIVISION (PLAT KN 86-112)

<b>KPB File No.</b>	2021-112V
<b>Planning Commission Meeting:</b>	September 13, 2021
<b>Applicant / Owner:</b>	Jessica A and Cole B Young of Soldotna, Alaska
<b>Surveyor:</b>	None at this time
<b>General Location:</b>	Located off of Riggs Avenue from Mackey Lake Road.
<b>Legal Description:</b>	Shane Rae Circle right of way, S & S Sub KN 86-112 E1/2 W1/2 SW1/4 SW1/4, Section 22 Township 5 North Range 10 West Kenai Recording District

---

STAFF REPORT

**Specific Request / Purpose as stated in the petition:**

*We are requesting to vacate Shane Rae Circle. We own all five of the lots in the S & S Subdivision. We are proposing the following changes to the plat:*

- Lot 1 currently has access from Riggs Ave. Lot 1 would continue to share the current driveway for access.*
- Lot 2 & 3 to be combined and absorb the Shane Rae Circle land. The combined Lots 2 & 3 will share the current driveway access from Riggs Avenue.*
- Lot 4 is double frontage lot with Shane Rae Circle and Heath Circle. As it is served by both accesses, there will be no impact when Shane Rae Circle is vacated. As it is now, an exception had to be made for the construction of Heath Circle due to the depth of the lot.*
- The back 4.86 unsubdivided acreage of the S & S Subdivision sits on the cul-de-sac of Heath Circle. Vacating Shane Rae Circle will have no impact on this lot. Currently the Shane Rae Circle access is only platted and not fully constructed. The access via Heath Circle is onto an established gravel cul-de-sac.*

*As we operate a business with valuable equipment and machinery parked outside, we placed a gate and fence on our driveway for security reasons. We own all of the surrounding lots, so there is not a reason for anyone to travel down Shane Rae Circle. Vacating Shane Rae Circle will not have a negative impact on future owners or require amendments to the plat because all the properties have accessible entry points.*

**Notification:** Public notice appeared in the September 2, 2021 issue of the Peninsula Clarion as a separate ad. The public hearing notice was published in the September 9, 2021 issue of the Peninsula Clarion as part of the Commission's tentative agenda.

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

Library of Soldotna  
Post Office of Sterling

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

Public hearing notices were sent by regular mail to 14 owners within 600 feet of the proposed vacation.

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

State of Alaska Dept. of Fish and Game  
State of Alaska DNR  
State of Alaska DOT  
State of Alaska DNR Forestry  
Central Emergency Services  
Alaska Communication Systems (ACS)

ENSTAR Natural Gas  
General Communications Inc, (GCI)  
Homer Electric Association (HEA)

**Legal Access (existing and proposed):** Shane Rae Circle is off Riggs Avenue (originally Spruce Avenue) and is located approximately 920 feet west from the intersection of Riggs Avenue and Mackey Lake Road. Mackey Lake Road is a state maintained right of way. The Kenai Peninsula Borough maintains Riggs Avenue.

Riggs Avenue is the boundary between the Kenai Peninsula Borough (located to the north) and the City of Soldotna (located to the south).

Lots 1 and 2 front Riggs Avenue and Shane Rae Circle. Lot 3 fronts Shane Rae Circle. Lot 4 and the unsubdivided remainder front on Shane Rae Circle and Heath Circle. No other lots use Shane Rae Circle for access.

An overall preliminary design has not been submitted at this time. Per the comments with the vacation petition, no additional right of way is proposed to be dedicated.

KPB Roads Dept. comments	Within KPB jurisdiction, no comments.
SOA DOT comments	No comments.

**Site Investigation:** The area within the right of way vacation, including the abutting lots, is relatively flat. There are some low wet areas located within the Heath Circle cul-de-sac bulb.

Shane Rae Circle appears to be improved with a driveway but has not been constructed to KPB standards.

Floodplain Hazard Review	Not located within a floodplain.
Anadromous Waters Habitat Protection District Review	Not affected by a Habitat Protection District.
State Parks Review	No comments.

**Staff Analysis:** Shane Rae Circle is a 60 foot wide by 645 foot long right of way dedicated by S & S Subdivision, Plat KN 86-112.

The right of way was given a suffix of Circle. Per KPB Code 14.10.070, circle is “any right of way laying in a north-south direction and ending in a cul-de-sac.” Based on the naming convention used it would appear there was intent to further subdivide and extend the right of way. Per current code KPB 20.30.100(A), cul-de-sacs are to be permanently closed and no more than 1,000 feet long.

The block is closed but the block length is not compliant. There are numerous dedications in the area that would have improved block length requirements but many end in cul-de-sacs. Due to wetlands and area configurations, the ability to obtain a compliant block length with a continuation of Shane Rae Circle will be difficult.

If the unsubdivided parcel at the north end of Shane Rae Circle were to be subdivided, a right of way connection between Shane Rae Circle and Heath Circle would be required.

Heath Circle, located to the west, received exceptions for length as the right of way was dedicated to avoid wetland areas. A dedication along the section line easement was not required as the section line easement is affected by low wet areas.

From the intersection of Mackey Lake Road and Riggs Avenue to the dedication of Heath Circle, there are three right of way dedications within approximately 1,400 feet. All three are designated at Circles and two currently end with bulbs, Shane Rae Circle is the only one without a bulb or turnaround area dedicated.

KPB GIS imagery shows Shane Rae Circle is partially constructed. Per the submittal, the constructed portion is used as their driveway as all the lots that have access from Shane Rae Circle are under common ownership. Per 2021 imagery, Heath Circle is constructed.

The parent plat granted a 10 foot utility easement adjoining the west side of Riggs Avenue. The application did not indicate any request to vacate the utility easements. Per the submittal, the vacated Shane Rae Circle right of way will be combined into Lot 2 and Lot 3. Lot configurations for Lot 1 and Lot 4, including the utility easement will remain unchanged. There is a 5 x 10 easement on the shared lot line for Lots 2 and 3. If Shane Rae Circle is approved to be vacated, an additional easement will be required to provide a connection to the easement in Lot 1 and Lot 4.

The remainder portion of the S&S Subdivision, and Lot 4 would have legal access on Heath Circle only. The unsubdivided portion is 4.86 acres. The 4.8 acre parcel has 117 feet of frontage on Heath Circle. Lot 4 has 104 feet of frontage on Heath Circle.

The owners of the lands around Shane Rae Circle installed a gate to protect their business equipment. They have been contacted by the Roads Department and were told the gate would need to be removed. If the vacation is approved, the gate may remain but if denied the gate will be required to be removed. Staff would like to note that even if approved, the vacation is not final until the recording of the plat. Compliance issues should be worked out with the Roads Department and Code Compliance.

#### **20.65.050 – Action on vacation application**

- D. The planning commission shall consider the merits of each vacation request and in all cases the planning commission shall deem the area being vacated to be of value to the public. It shall be incumbent upon the applicant to show that the area proposed for vacation is no longer practical for the uses or purposes authorized, or that other provisions have been made which are more beneficial to the public. In evaluating the merits of the proposed vacation, the planning commission shall consider whether:
1. The right-of-way or public easement to be vacated is being used;  
**Staff comments:** The owners are currently using it as access to their property. All surrounding parcels are under common ownership. If the vacation of right of way is approved, a plat will be required to alter the property boundaries so that all lots in S and S Subdivision front on a dedicated right of way.
  2. A road is impossible or impractical to construct, and alternative access has been provided;  
**Staff comments:** The right of way is able to be constructed to KPB standards. I subdivision plat will be required to change the parcel boundaries so that Heath Circle and Riggs Avenue will provide legal access to all lots.
  3. The surrounding area is fully developed and all planned or needed rights-of-way and utilities are constructed;  
**Staff comments:** The surrounding area is generally developed. The 4.6 acre parcel to the north of Shane Rae Circle can be further subdivided. All nearby lots have legal access.
  4. The vacation of a public right-of-way provides access to a lake, river, or other area with public interest or value, and if so, whether equal or superior access is provided;  
**Staff comments:** Shane Rae Circle right of way does not provide access to public interest lands or water bodies.

5. The proposed vacation would limit opportunities for interconnectivity with adjacent parcels, whether developed or undeveloped;  
**Staff comments:** Due to the design of lots, existing structures, wetlands, and nearby right of ways, the ability to connect, or extend, right of ways is limited. The vacation may have an impact on the northern lot, as the access will be reduced to 128 feet along Heath Court. A connection between Shane Rae Circle and Heath Circle would be required if the 4.6 acre parcel were subdivided.
6. Other public access, other than general road use, exist or are feasible for the right-of-way;  
**Staff comments:** All the parcels that front on Shane Rae Circle are currently under common ownership. Shane Rae Circle does not provide a benefit to the public.
7. All existing and future utility requirements are met. Rights-of-way which are utilized by a utility, or which logically would be required by a utility, shall not be vacated, unless it can be demonstrated that equal or superior access is or will be available. Where an easement would satisfactorily serve the utility interests, and no other public need for the right-of-way exists, the commission may approve the vacation and require that a utility easement be granted in place of the right-of-way.  
**Staff comments:** There is a 10 foot utility easement along the eastern boundary of Lot 1 and Lot 4 that will remain in place and the petitioner will need to work with the utility providers if additional utility easements are needed.
8. Any other factors that are relevant to the vacation application or the area proposed to be vacated.  
**Staff comments:** A code compliant plat will be required that changes the boundaries so that all lots will have adequate access and utility easements.

A plat has not been submitted at this time. A plat will be required to be submitted for review by the Plat Committee and a final recorded within one year of the vacation consent. Staff notes that exceptions to block length (20.30.170) and depth to width ratio (20.30.190) may be required.

If approved, the vacation is subject to consent or veto by the Kenai Peninsula Borough Assembly. The vacation is tentatively scheduled for the September 21, 2021 Assembly meeting.

**KPB department / agency review:**

Planner – Bryan Taylor	There are not any Local Option Zoning District issues with this proposed plat.  There are not any material site issues with this proposed plat.
Code Compliance – Eric Ogren	Code Compliance review not available.
Addressing – Derek Haws	Affected Addresses: 42924 SHANE RAE CIR 42960 SHANE RAE CIR  Existing Street Names are Correct: No  List of Correct Street Names: SHANE RAE CIR  Existing Street Name Corrections Needed: SPRUCE AVE should be RIGGS AVE  All New Street Names are Approved: No  List of Approved Street Names:  List of Street Names Denied:

	Comments: 42924 RIGGS AVE will remain with new combined lot. 42960 RIGGS AVE will be deleted.
Assessing – Matt Bruns	No concerns from Assessing Dept.

**Utility provider review:**

HEA	
ENSTAR	ENSTAR has reviewed the proposed vacation of Shane Rae Circle under KPB 2021-112V S&S Subdivision and advises that natural gas facilities are installed within the existing right of way as shown on the attached sketch labeled Exhibit B. ENSTAR objects to approval unless one of the following conditions are met. - Owner grant ENSTAR document easement for a fifteen feet (15 FT) wide natural gas easement centered on the existing natural gas pipeline facilities. - Add a note to the plat which says, "There is a fifteen feet (15 FT) wide natural gas easement centered on the existing main.", draw in the approximate location of the main on the plat map and add "Approximate location of natural gas main and centerline of fifteen feet (15 FT) wide natural gas easement."
ACS	No objections.
GCI	Approved as shown.

**RECOMMENDATION:**

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

1. Consent by KPB Assembly.
2. Compliance with the requirements for preliminary plats per Chapter 20 of the KPB Code.
3. Grant utility easements requested by utility providers.
4. Submittal of a final plat within a timeframe such that the plat can be recorded within one year of vacation consent (KPB 20.70.130).

**KPB 20.65.050 – Action on vacation application**

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



the original petition was filed.

**K. An appeal of the planning commission, city council or assembly vacation action under this chapter must be filed in the superior court in accordance with the Alaska Rules of Appellate Procedure.**

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

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

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

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

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

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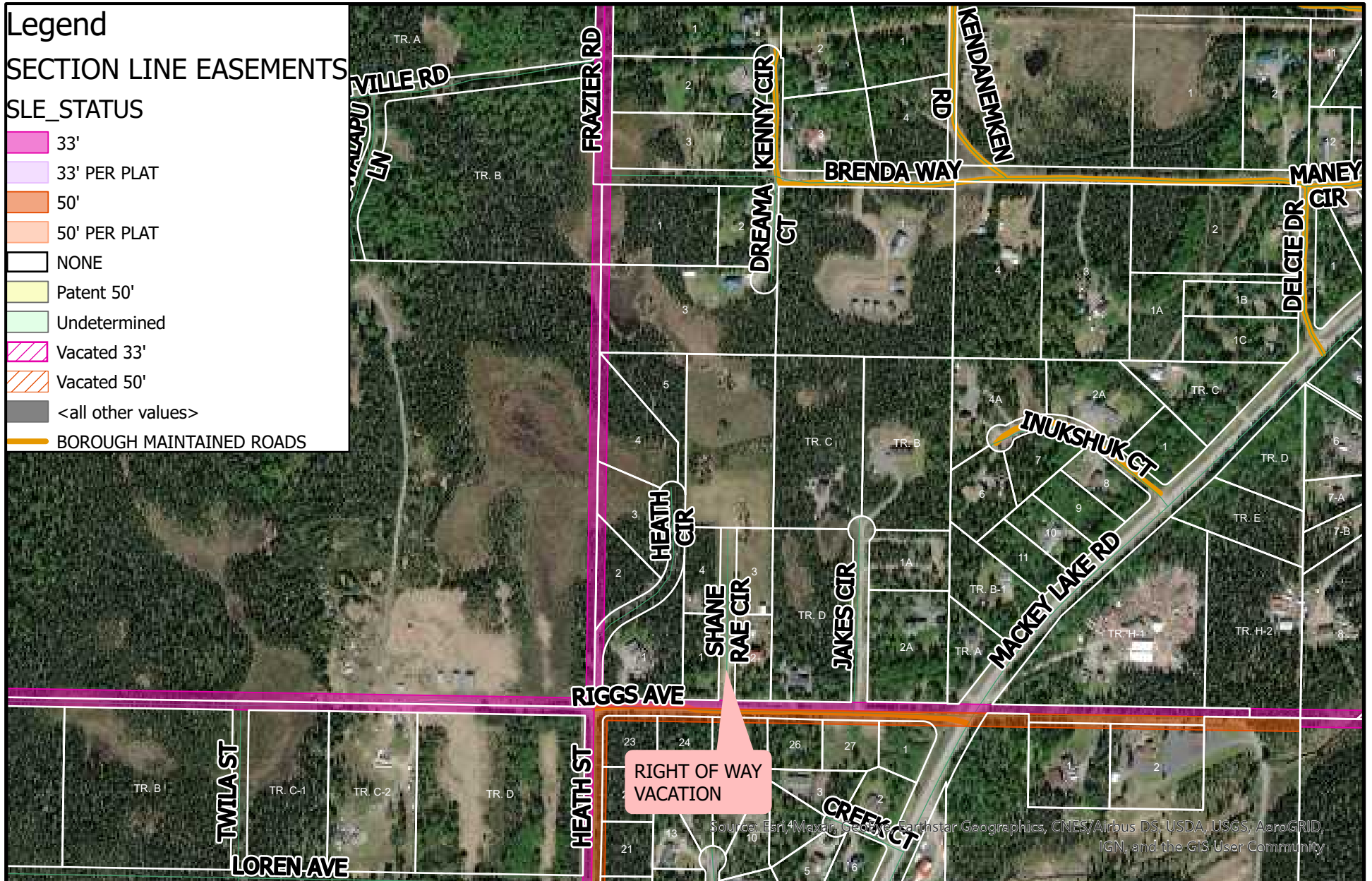
**END OF STAFF REPORT**

# Legend

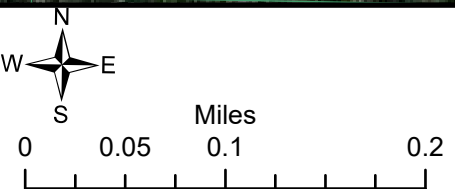
## SECTION LINE EASEMENTS

### SLE\_STATUS

- 33'
- 33' PER PLAT
- 50'
- 50' PER PLAT
- NONE
- Patent 50'
- Undetermined
- Vacated 33'
- Vacated 50'
- <all other values>
- BOROUGH MAINTAINED ROADS



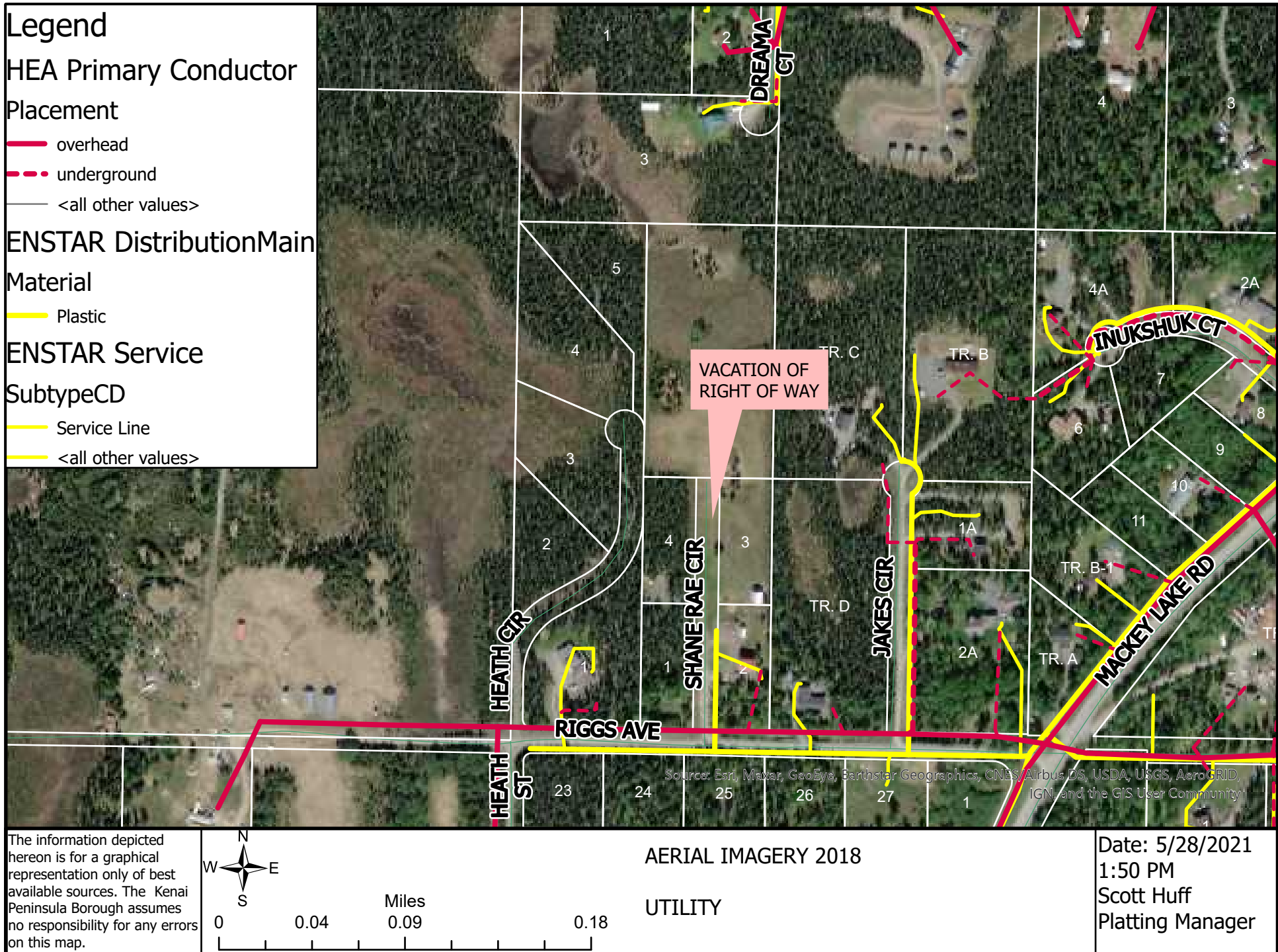
The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



AERIAL IMAGERY 2018

WETLAND MAPPING

Date: 5/28/2021  
1:50 PM  
Scott Huff  
Platting Manager



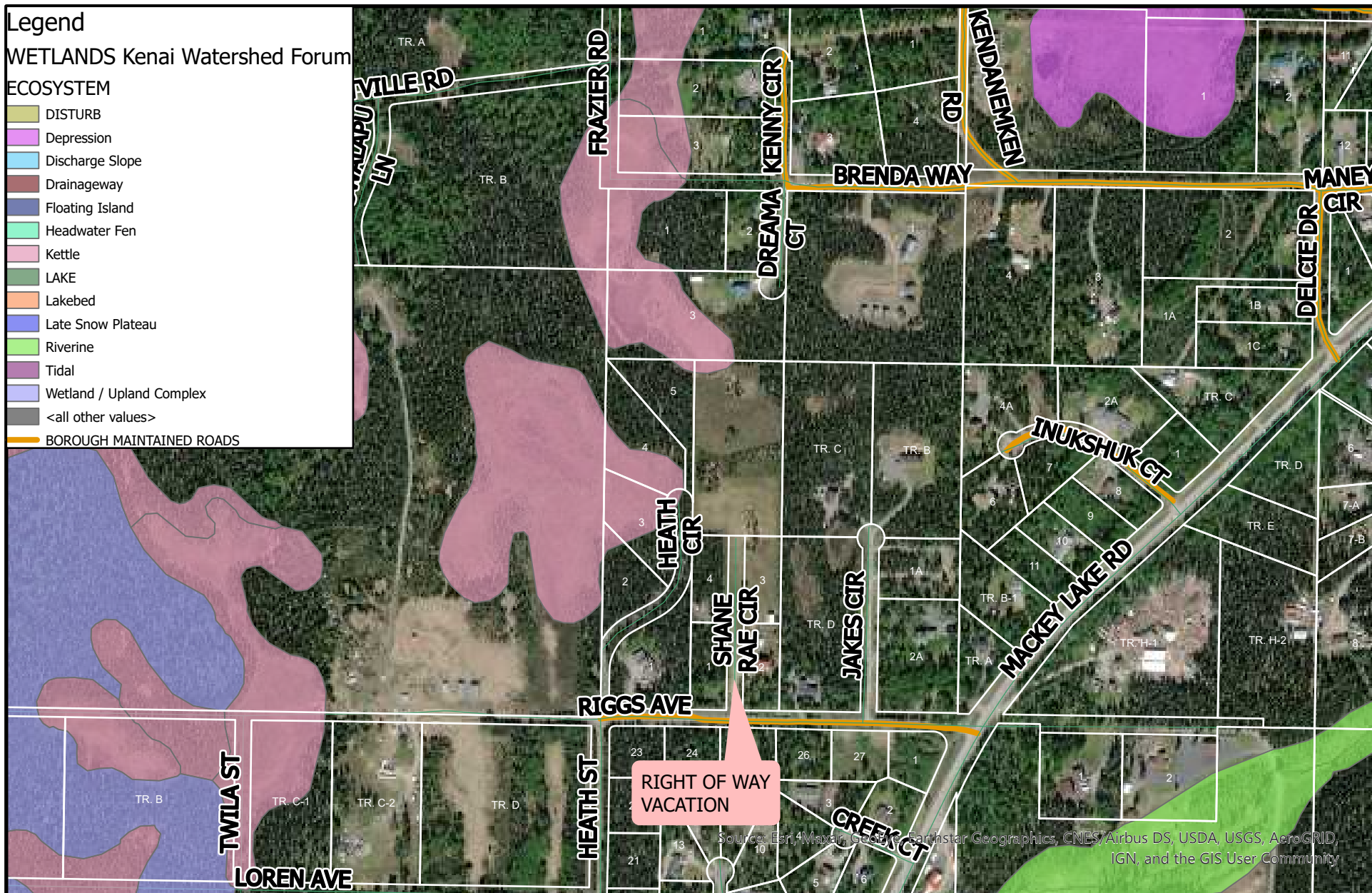




© All Pictometry



- DISTURB
- Depression
- Discharge Slope
- Drainageway
- Floating Island
- Headwater Fen
- Kettle
- LAKE
- Lakebed
- Late Snow Plateau
- Riverine
- Tidal
- Wetland / Upland Complex
- <all other values>
- BOROUGH MAINTAINED ROADS

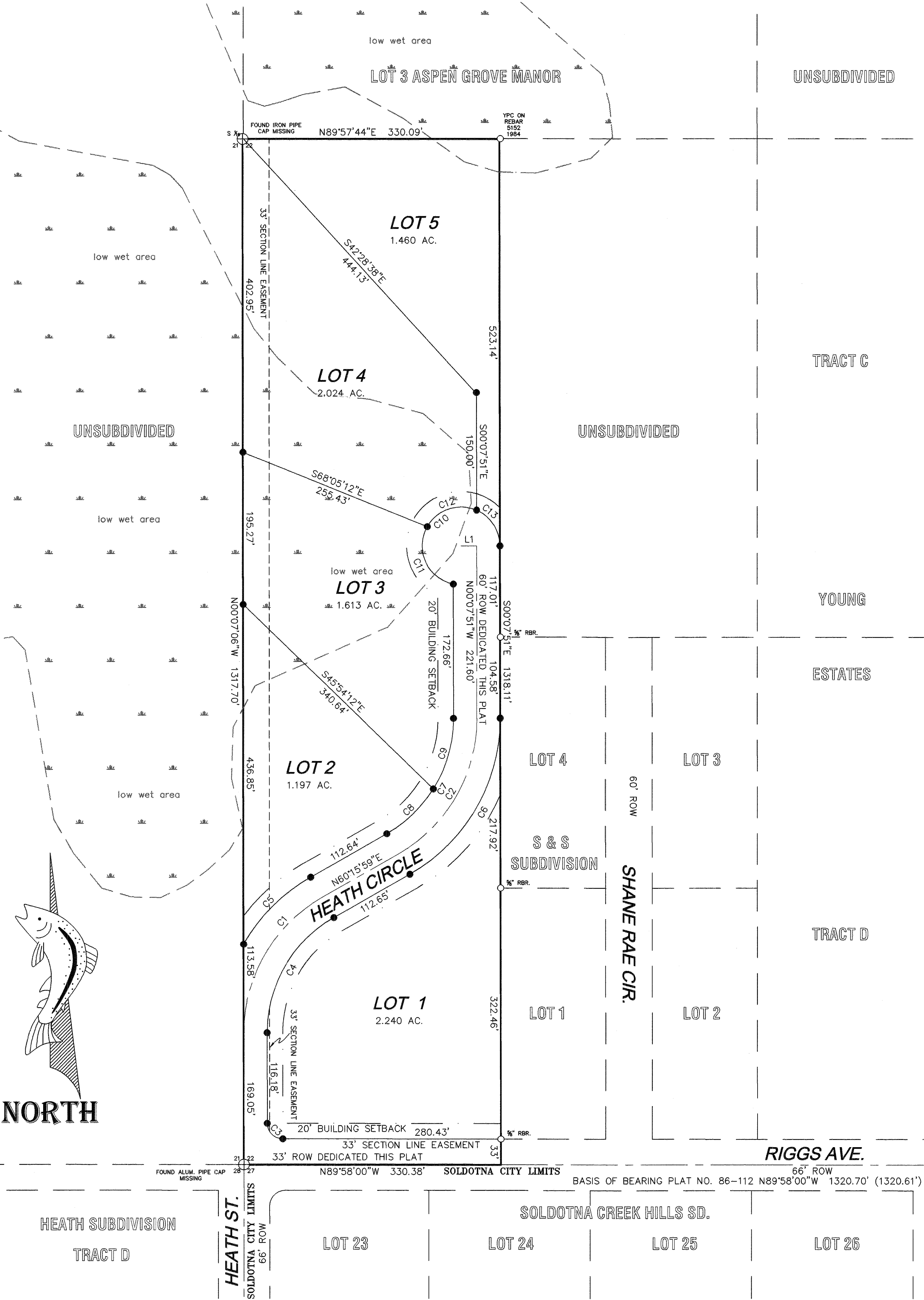


WETLAND MAPPING

Date: 5/28/2021  
1:50 PM  
Scott Huff  
Platting Manager





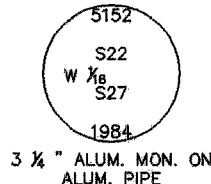


- NOTES:**
- 1) BUILDING SETBACK - A SETBACK OF 20 FEET IS REQUIRED FROM ALL STREET RIGHTS-OF-WAY UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
  - 2) FRONT 15 FEET OF THE BUILDING SETBACK ADJACENT TO THE RIGHTS-OF-WAY IS ALSO A UTILITY EASEMENT. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
  - 3) THESE PARCELS MAY BE AFFECTED BY LOW WET AREAS. ANY PERSON DEVELOPING THE PROPERTY IS RESPONSIBLE FOR OBTAINING ALL REQUIRED LOCAL, STATE AND FEDERAL PERMITS, INCLUDING A U.S. ARMY CORPS OF ENGINEERS WETLAND DETERMINATION IF APPLICABLE.
  - 4) AN EXCEPTION TO KPB 20.30.170 (BLOCK LENGTH) AND KPB 20.30.100 (CUL-DE-SAC LENGTH) WAS GRANTED ON THE AUGUST 10, 2015 PLAT COMMITTEE MEETING.
  - 5) NO STRUCTURES ARE PERMITTED WITHIN THE PANHANDLE PORTION OF LOT 5.
  - 6) THESE PARCELS MAY BE AFFECTED BY THE FOLLOWING EASEMENTS:
    - RIGHT OF WAY EASEMENT GRANTED TO ALASKA PIPELINE COMPANY ON JUNE 13, 1960 IN BK 5 PG 165 KRD. EASEMENT IS 60 FEET IN WIDTH WITH NO EXACT LOCATION DISCLOSED.
    - RIGHT OF WAY EASEMENT GRANTED TO HOMER ELECTRIC ASSOCIATION, INC. ON JULY 10, 1961 IN BK 7 PG 7 KRD. EASEMENT IS A BLANKET EASEMENT WITH NO DEFINED LOCATION.
  - 7) WASTEWATER DISPOSAL: SOIL CONDITIONS, WATER TABLE LEVELS, AND SOIL SLOPES IN THIS SUBDIVISION HAVE BEEN FOUND SUITABLE FOR CONVENTIONAL ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEMS SERVING SINGLE-FAMILY OR DUPLEX RESIDENCES AND MEETING THE REGULATORY REQUIREMENTS OF THE KENAI PENINSULA BOROUGH. ANY OTHER TYPE OF ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEM MUST BE DESIGNED BY A PROFESSIONAL ENGINEER, REGISTERED TO PRACTICE IN ALASKA, AND THE DESIGN MUST BE APPROVED BY THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.
- M. Tuuriamen* 3380-E 5 Nov 15  
ENGINEER LICENSE # DATE

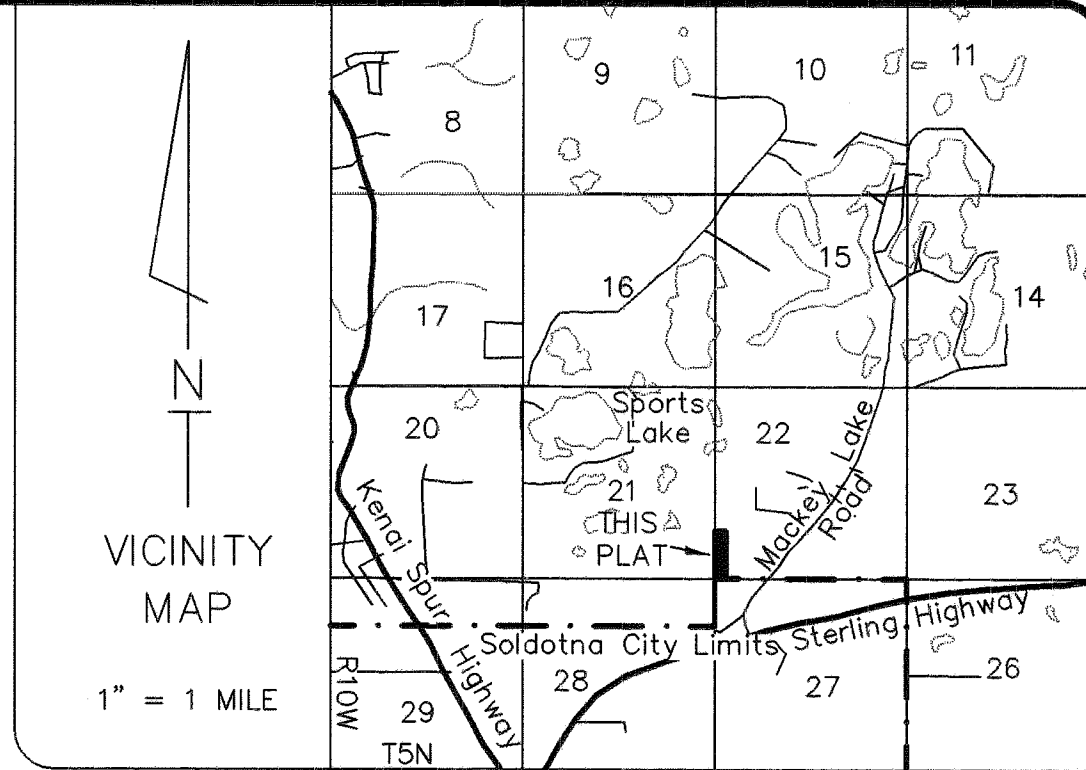
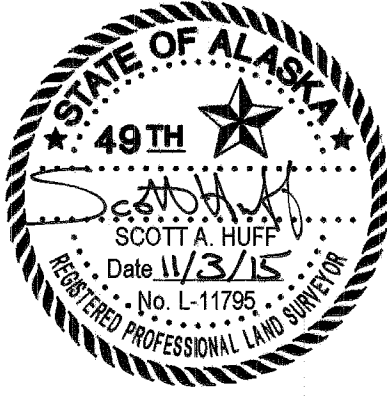
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	200.00'	210.78'	201.16'	S30°04'27"W	60°23'05"
C2	200.00'	210.83'	201.20'	N30°04'04"E	60°23'50"
C3	20.00'	31.36'	28.25'	S45°02'33"E	89°50'54"
C4	170.00'	179.16'	170.99'	S30°04'27"W	60°23'05"
C5	230.00'	123.61'	122.13'	S44°52'12"W	30°47'34"
C6	230.00'	242.45'	231.38'	N30°04'04"E	60°23'50"
C7	170.00'	179.20'	171.02'	N30°04'04"E	60°23'50"
C8	170.00'	83.70'	82.86'	N46°09'39"E	28°12'39"
C9	170.00'	95.50'	94.25'	N15°57'44"E	32°11'11"
C10	50.00'	225.60'	77.43'	S50°39'56"W	258°31'09"
C11	50.00'	94.42'	81.00'	S24°29'41"E	108°11'55"
C12	50.00'	73.17'	66.81'	S71°31'33"W	83°50'34"
C13	50.00'	58.01'	54.81'	N33°18'50"W	66°28'40"

LINE	BEARING	DISTANCE
L1	N89°52'09"E	20.00'

- LEGEND**
- ⊕ PRIMARY MONUMENT RECOVERED AS NOTED
  - SECONDARY MONUMENT RECOVERED
  - SECONDARY MONUMENT SET THIS SURVEY
  - YPC YELLOW PLASTIC CAP
  - ( ) RECORD PER S & S SUBDIVISION PLAT NO. 86-112

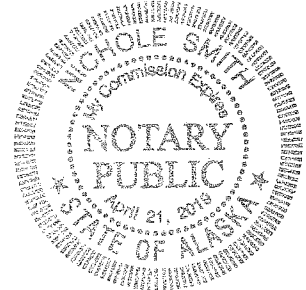


**CERTIFICATE OF SURVEYOR**  
I HEREBY CERTIFY THAT I AM PROPERLY REGISTERED AND LICENSED TO PRACTICE LAND SURVEYING IN THE STATE OF ALASKA, THIS PLAT REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, THE MONUMENTS SHOWN HEREON ACTUALLY EXIST AS DESCRIBED, AND ALL DIMENSIONS AND OTHER DETAILS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



**CERTIFICATE OF OWNERSHIP AND DEDICATION**  
WE, THE UNDERSIGNED, HEREBY CERTIFY THAT LITTLEKNIFE INC., IS THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND ON BEHALF OF LITTLEKNIFE INC., WE HEREBY ADOPT THIS PLAN OF SUBDIVISION AND BY OUR FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND GRANT ALL EASEMENTS TO THE USE SHOWN.  
*Haley Bowen* *Steve Bowen*  
HALEY BOWEN STEVE BOWEN  
LITTLEKNIFE INC.  
36496 HALEYS WAY  
SOLDOTNA, AK 99669

**NOTARY'S ACKNOWLEDGMENT**  
FOR: HALEY BOWEN AND STEVE BOWEN  
ACKNOWLEDGED BEFORE ME THIS 2nd DAY OF Nov 2015  
*Notary Public*  
NOTARY PUBLIC FOR ALASKA  
MY COMMISSION EXPIRES 4/21/19



**PLAT APPROVAL**  
THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF August 10, 2015  
KENAI PENINSULA BOROUGH  
*Max J. Best*  
AUTHORIZED OFFICIAL

KPB FILE No. 2015-075  
**HENSLEY SUBDIVISION**  
A SUBDIVISION OF W1/2 W1/2 SW1/4 SW1/4 SECTION 22. T5N, R10W, SEWARD MERIDIAN  
OWNER: STEVE BOWEN  
PRESIDENT OF LITTLEKNIFE INC.  
36496 HALEYS WAY  
SOLDOTNA, AK 99669  
LOCATED WITHIN THE W1/2 W1/2 SW1/4 SW1/4 SECTION 22, T5N, R10W, SEWARD MERIDIAN, KENAI RECORDING DISTRICT, KENAI PENINSULA BOROUGH, ALASKA  
CONTAINING 9.993 ACRES

**INTEGRITY SURVEYS INC.**  
820 SET NET DRIVE KENAI, AK 99611  
SURVEYORS PHONE - (907) 283-9047 FAX - (907) 283-9071  
PLANNERS integritysurveys@alaska.net  
JOB NO: 215062 DRAWN: SEPT. 9, 2015, JY/SH  
SURVEYED: JULY - SEPT. 2015 SCALE: 1" = 80'  
FIELD BK: 2015-2 PG 37-40 FILE: 215062 FP.dwg

3. Lot 6A contains 30,439 square feet.
4. The parent plat was recorded in 1961, prior to formation of KPB.
5. The replat brings the lot closer to compliance with KPB 20.30.200.
6. The replat creates a better situation.
7. The increase in size is voluntary; KPB cannot require the replat.
8. Development on the lots must comply with all local, state and federal regulations.
9. All wastewater disposal systems must comply with ADEC regulations.
10. The subdivision is approximately 650 feet from Soldotna City limits.
11. It is reasonable to expect that city water and/or sewer service will be available to this area in the future.

**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. Increases size of lot by combining them together.
2. Per the parent plat, the three lots contained 10,125; 10,125; and 10,247 square feet.
3. Lot 6A contains 30,439 square feet.
4. The parent plat was recorded in 1961, prior to formation of KPB.
5. The replat brings the lot closer to compliance with KPB 20.30.200.
6. The replat creates a better situation.
7. The increase in size is voluntary; KPB cannot require the replat.
8. Development on the lots must comply with all local, state and federal regulations.
9. All wastewater disposal systems must comply with ADEC regulations.
10. The subdivision is approximately 650 feet from Soldotna City limits.
11. It is reasonable to expect that city water and/or sewer service will be available to this area in the future.

**Standard 3.** That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.

*Findings*

1. Increases size of lot by combining them together.
2. Per the parent plat, the three lots contained 10,125; 10,125; and 10,247 square feet.
3. Lot 6A contains 30,439 square feet.
5. The replat brings the lot closer to compliance with KPB 20.30.200.
6. The replat creates a better situation.
8. Development on the lots must comply with all local, state and federal regulations.
9. All wastewater disposal systems must comply with ADEC regulations.

**AMENDMENT VOTE:** The motion passed by unanimous consent.

CARLUCCIO YES	ECKLUND YES	ISHAM YES	MARTIN YES	WHITNEY YES	5 YES
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**MAIN MOTION VOTE:** The motion passed by unanimous consent.

CARLUCCIO YES	ECKLUND YES	ISHAM YES	MARTIN YES	WHITNEY YES	5 YES
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**AGENDA ITEM E. SUBDIVISION PLAT PUBLIC HEARINGS**

4. Riggs Subdivision ← Hensley Subdivision  
KPB File No. 2015-075; Integrity/Littleknife, LLC

Location: west of Mackey Lake Road, Soldotna area  
Proposed Use: Residential, Recreational, Commercial, Agricultural  
Water/Sewer: On-site  
Zoning: Unrestricted  
Assessing Use: Vacant  
Parent Parcel Number(s): 058-033-06

Supporting Information:

The proposed plat subdivides a 10-acre parcel into 5 lots ranging in size from 1.3 to 2.0 acres. A soils report is required, and an engineer will sign the plat. This platting action brings the parcel into compliance with the 3:1 depth to width ratio (KPB 20.30.190). The subdivision fronts KPB maintained Riggs Avenue. This platting action is dedicating a 60-foot cul-de-sac that will serve the interior lots and a matching 33-foot dedication for Riggs Avenue per KPB 20.30.030 and 20.30.110.

Notice of the proposed plat was mailed to the beneficial interest holder on July 22, 2015. 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.

A physical address has not been assigned to the parent parcel.

The property is not within an advisory planning commission.

**Staff recommends** that notes be placed on the final plat indicating any exceptions granted by the Plat Committee with the meeting date.

Exception Requested: Block length (KPB 20.30.170)

Staff Discussion: Based on the number of cul-de-sacs, the low wet areas, the pond, and existing development, it is unlikely this block will be able to strictly conform to 20.30.170. Cul-de-sac roadways cannot be considered with block connections but block length requirements also regulate the proximity of intersections with each other, i.e., "Blocks shall not be less than 330 feet or more than 1320 feet in length." The proposed street is 200 feet west of Shane Rae Circle as shown on the preliminary plat.

**Findings**

1. The section line easement (66 feet total width within the block) crosses a low wet area (approximately 650 feet) and a pond (approximately 1500 feet) to the north.
2. The block has 3 developed cul-de-sacs and 1 unfinished cul-de-sac (Shane Rae Circle).
3. Low wet areas within the plat have been shown and labeled.
4. Per KPB GIS 4-foot contours, the block is not affected by slopes greater than 20 percent.
5. The location and number of cul-de-sacs makes location for right-of-way for the block so it will conform to 20.30.170 problematic.
6. Low wet areas and the pond limit the location for constructible right-of-way.
7. The majority of rights-of-way that assist with block length are maintained by KPB (Riggs Avenue, Celcie Drive, Brenda Way) or the State of Alaska (Mackey Lake Road).
8. Rights-of-way that could have brought the block into or closer to compliance with 20.30.170 based on their locations were designed as cul-de-sacs.
9. Sufficient rights-of-way serve the surrounding parcels.
10. No surrounding parcels will be denied access.
11. As submitted, three intersections with Riggs Avenue will exist within 500 feet of each other.

Staff reviewed the exception request and recommends granting **conditional approval** based upon redesign



of the intersection with Riggs Ave. **Staff recommends** the intersection be aligned with Heath Street to the south and follow the section line north for a minimum distance of 60 feet from the right-of-way dedication line to provide ample landing (straight and reasonably flat) area for large vehicles. This redesign will remove the need for an exception to KPB 20.30.030. The roadway can then be routed easterly to the proposed alignment. **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 1-10 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 1-10 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 7, 9, and 10 support this standard.**

#### **STAFF RECOMMENDATIONS:**

- **GRANT APPROVAL OF THE PRELIMINARY PLAT SUBJECT TO ANY ABOVE RECOMMENDATIONS, AND**
- **REQUIRE 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), SUBJECT TO EXCEPTION(S) GRANTED.**

#### **20.25.070 - Form and contents required.**

Platting staff comments: Additional information is provided for the following portions of 20.25.070 or additional information, revision or corrections are required

- 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;  
*Platting Staff Comments: **Staff recommends** the city limits be shown and labeled.*
- 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;  
*Platting Staff Comments: **Staff recommends** the location of the city limits be adjusted. Per KPB GIS mapping the centerline of Riggs Avenue is the city's boundary line.*
- F. The names and widths of public streets and alleys and easements, existing and proposed, within the subdivision;

*Platting Staff Comments: **Staff recommends** the surveyor/owner work with Carrie Henson, Addressing Officer, to select a name for the cul-de-sac. Based on its orientation, it is a Circle.*

*The 33-foot section line easement has been shown and labeled. Staff is recommending a redesign and partial dedication (+/- 100 feet) of the section line easement. The remainder of the section line easement will remain in place for utilities and/or pedestrian or all-terrain vehicle traffic in the winter.*

- H. Approximate locations 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;

*Platting Staff Comments: The low wet area has been shown and labeled.*

**Staff recommends** a note be placed on the final plat indicating any person developing the property is responsible for obtaining all required local, state, and federal permits, including a U.S. Army Corps of Engineers wetland determination if applicable.

### **KPB 20.30 Design Requirements**

Platting staff comments: Additional information is provided for the following portions of 20.30 or additional information, revision or corrections are required.

#### 20.30.030. Proposed street layout – Requirements.

- A. The streets provided on the plat must provide fee simple right-of-way dedications to the appropriate governmental entity. These dedications must provide for the continuation or appropriate projection of all streets in surrounding areas and provide reasonable means of ingress for surrounding acreage tracts. Adequate and safe access for emergency and service vehicle traffic shall be considered in street layout.

*Platting Staff Comments: Per the submittal the proposed street lies 200 feet west of an existing intersection (Shane Rae Cir / Riggs Ave.) and 300 feet east of an existing intersection (Heath St / Riggs Ave). KPB Code limits block lengths to a 330-foot minimum and offset intersections are not allowed per KPB 20.30.150 (B).*

**Staff recommends** the proposed intersection be initially aligned with Heath Street and continue north along the section line a minimum of 60 feet from the right-of-way dedication line to provide a suitable landing (straight and reasonably flat) area for large vehicles.

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

- A. Streets designed to have one end permanently closed shall be no more than 1000 feet long. The closed end of the cul-de-sac shall have a suitable turnaround with a minimum radius of 50 feet to the property line. The turnaround shall be constructible to a 4 percent grade or less.

*Platting Staff Comments: Per the initial submittal, the cul-de-sac is longer than 1,000 feet. A second submittal states the length is 990 feet. With the recommended realignment at Riggs Avenue, **staff recommends** compliance with 20.30.100.*

#### 20.30.280. Floodplain requirements.

*Platting Staff Comments: Per River Center review, the plat is not affected by a mapped flood hazard zone.*

#### 20.30.290. Anadromous habitat protection district.

*Platting Staff Comments: Per River Center review, the subdivision is not affected by the Anadromous Habitat Protection District.*

*Per KPB GIS mapping, no anadromous streams flow through the subdivision.*

**STAFF RECOMMENDATIONS: COMPLIANCE WITH KPB 20.60 TO ENSURE ADMINISTRATIVE APPROVAL OF THE FINAL PLAT.**

Platting staff comments: Additional information is provided for the following portions of 20.60 or additional information, revision or corrections are required

20.60.020. Filing-Form and number of copies required.

The subdivider shall file a standard number of prints as determined by the planning director. All prints shall be folded as required by KPB 20.25.030 except those to be recorded with the district recorder.

*Platting Staff Comments: **Staff recommends** one full-sized paper copy of the plat be submitted for final review prior to submittal of the Mylar.*

20.60.110. Dimensional data required.

- A. The bearing and length of every lot line, block line, and boundary line shall be shown. Dimensions of lots shall be given as net dimensions to the boundaries of adjoining streets and shall be shown in feet. No ditto marks shall be used. Information shall be shown for all curves, including radius, central angle, arc length, chord length and chord bearing. The initial point of survey shall be shown and labeled.

*Platting Staff Comments: The curve data for the cul-de-sac and a bearing are missing. **Staff recommends** compliance with 20.60.110.*

20.60.120. Accuracy of measurements.

All boundary closures shall be to a minimum accuracy of 1:5,000. Boundary and lot closure computations must be submitted with the final plat.

*Platting Staff Comments: **Staff recommends** compliance with 20.60.120.*

20.60.160. Easements.

- A. The plat shall clearly show the location, width, and use of all easements. The easements must be clearly labeled and identified and, if already of record, the recorded reference given. If public easements are being granted by the plat, they shall be properly set out in the owner's certification of dedication.

*Platting Staff Comments: **Staff recommends:***

- 1) *Provide a plat note for the 60-foot right-of-way easement granted to Alaska Pipeline Company.*
- 2) *Provide a plat note for the blanket easement of recorded granted to Homer Electric Association.*

20.60.190. Certificates, statements, and signatures required.

*Platting Staff Comments: Per the State of Alaska corporation database, Haley Bowen is also an owner of Littleknife, Inc. **Staff recommends** both owners of the corporation sign the Mylar. An option is for one owner to provide the Planning Department written authorization for the other owner to sign the Mylar.*

20.60.200. Survey and monumentation.

*Platting Staff Comments: **Staff recommends** compliance with 20.60.200.*

**NOTE: 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 10 DAYS OF NOTIFICATION OF THE DECISION IN ACCORDANCE WITH KPB 2.40.080.**

**PARTIES OF RECORD (KPB 20.90.010): UNLESS SPECIFIED OTHERWISE MEANS THOSE PERSONS WHO HAVE COMMENTED IN A WRITTEN AND SIGNED DOCUMENT OR IN PERSON ON AN AGENDA ITEM BEFORE THE PLANNING COMMISSION OR PLAT COMMITTEE WHO OWN PROPERTY WITHIN THE NOTIFICATION RADII ESTABLISHED IN THIS CHAPTER.**

END OF STAFF REPORT

Chairman Martin read the rules by which public hearings were conducted.

Chairman Martin opened the meeting for public comment.

1. Scott Huff, Integrity Surveys

Mr. Huff is the surveyor on this project. Staff conditionally recommended granting the Block Length exception which means that the shape of the right of way would need to be changed to have a curve so that it meets the intersection. He stated that the parent lot was a difficult lot to subdivide since it is very narrow being ¼ miles deep by 330 feet wide. What makes the most sense for being able to use this lot was to put a right of way road on the eastern side with the useable lots being on the western side of the property. Mr. Huff requested that the condition be removed from the exception so that a curve would not be required in the road. He reiterated that staff recommended approval of the exception but required it to be redesigned so that the road starts on Heath St, goes north on the western boundary, curves through the entire middle of the parcel, then meets the eastern boundary and back up the eastern boundary to where the cul-de-sac terminates. It would make a big "S" in the right of way. If they did that it would take up a lot of the useable land that is good land for development. Mr. Huff stated that a 60 foot swath through there chews up the long narrow parcel. He asked that the exception request be approved but leave the right of way on the eastern side of the parcel as proposed on the preliminary plat.

Mr. Huff also stated that an exception to the cul-de-sac length would need to be granted if the committee approves the exception request with the redesign requirement.

Chairman Martin asked if there were questions for Mr. Huff. Hearing none, the public hearing continued.

2. Jessica Young

Ms. Young lives on Lot 2 just off of Shane Rae Circle. She and her husband own Lots 1, 2, 3, 4 and the unsubdivided area.

Ms. Young supported the road placement of it starting on Heath St and moving across the property. She expressed concern for a low wet area that is along there which will be problematic for building a road. Their lots are only 135 feet across, which limits them from having a front or back yard if they are to put a house on Lot 4. She also expressed concern with the area where the cul-de-sac was located because it is a very wet area in the spring. Ms. Young questioned how high the road would have to be constructed if the road was built in the wet areas. She expressed concern of the watershed coming off her property to the new lots which would build up and make their lots not as useable. There will be standing water for most of the spring and was concerned with the installation of a septic in an area of standing water for most of the spring and going into the summer. She felt the Commission was correct in placing the road where staff suggested.

Chairman Martin asked if there were questions for Ms. Young. Hearing none the public hearing continued.

3. Cole Young, 42924 Riggs Ave.

Mr. Young stated that they are the owners of S & S Subdivision. There is an unsubdivided area that is undeveloped because of the drainage that goes through there as shown on the aerial. He felt a road in this area was not a good idea. A lack of planning on their part should not constitute construction on his part of Lots 1 and 4.

Mr. Young stated that Lot 1 will have a triple frontage and Lot 4 will have a double road frontage if the plat was approved as submitted. He moves against the subdivision replat.

Chairman Martin asked if there were questions for Mr. Young. Hearing none the public hearing continued.

4. Steve Bowen, 36496 Haleys Way, Soldotna

Mr. Bowen has been building a four-plex for Febra Hensley on proposed Lot 1 so he has a pretty good deal of experience with the soils in that immediate area. He felt the soils are very favorable to any kind of construction since he was there for the test holes that were dug along the east boundary and seeing the type of soils there. At a considerable depth the soils are solid, dry and drainable.



Mr. Bowen stated that they have run into a lot of trouble on the west side even with the driveway and the fill for the building that they put in with deep holes of unfavorable building soils. It has cost up to \$10,000 in extra gravel to get the pad and driveway in with the construction of the four-plex. He felt that they would most likely encounter quite a bit of problems that would add up to a lot of extra costs with the construction of the road if a road was to be built along the western boundary that follows the north boundary of Lot 1.

Mr. Bowen also stated that he will be involved in all of this supervised construction for whatever they end up building for a road to access these new lots. He stated that their intention was to build something that would minimally impact and as tastefully as they can get it done without interfering with the privacy and the aesthetics of the neighbors.

Chairman Martin asked if there were questions for Mr. Bowen.

Chairman Martin asked if he was building on Lot 1. Mr. Bowen replied that they are currently building on the proposed Lot 1.

There being no further comments or questions, the public hearing continued.

5. Febra Hensley, 36963 Beau Circle, Soldotna

Ms. Hensley is the owner of Hensley Subdivision and assured the commission that they have given the upmost care and thought to subdividing this property. She stated that they are actually looking for something favorable to the neighborhood and Borough which is why they have proposed having nice large parcels. Ms. Hensley pointed out that they will be creating covenants on the proposed plat that will be beneficial to the neighborhood.

Ms. Hensley stated that the Corp of Engineers looked at imagery of the area and agreed that they were right on with the original suggested placement of the right of way which is on the east lot line. She pointed out to the Corp of Engineers that there are lower lands and more wetlands which would be more difficult to construct a right of way if they are required to construct it on the west lot line. Also she believed that Heath St was not intended to go all the way through. With the Corp of Engineers looking at the imagery, they said they see no danger or harm to the wetlands and found their proposed right of way location in line with thought and care of the wetlands. They are also willing to write a letter, if needed.

Ms. Hensley also stated that their right of way easement was properly thought of and expressed that to all of the neighbors that may have concerns. The original right of way with it being on higher ground is economically more beneficial. The Borough's proposed right of way crosses over the lowlands on the west side increasing the amount of materials and changes that will have to happen to that parcel. It will increase the distance of the project and costs to improve it. They have a bonded licensed contractor to install the right of way whichever the way the Borough leans to whether it will be on the east or west lot line. The licensed, bonded contractor will be conforming to all Borough requirements. She wanted everyone to understand and acknowledge that the Corp of Engineers is behind them with this project.

Chairman Martin asked if there were questions for Ms. Hensley. Hearing none the public hearing continued.

Seeing and hearing no one else wishing to comment, Chairman Martin closed the public hearing and opened discussion among the Committee.

**MAIN MOTION:** Commissioner Isham moved, seconded by Commissioner Carluccio to grant approval of the preliminary plat subject to staff recommendations.

Mr. Voeller commented that a testifier stated that they would be losing buildable ground however the lots would be picking up the 60 foot strip where the road is proposed to be located. It is a bit of an exchange and felt that they would not be losing much ground. He requested to see the soils and test holes results which may

have a big influence on his recommendations.

Commissioner Ecklund understood that staff recommended having a new cul-de-sac starting at the intersection of Riggs & Heath St then goes north and then does some sort of a "S". She asked where it heads west. Mr. Voeller recommended that it be pushed up about 100 feet and do a diagonal curve and tie into the alignment. It would probably tie in somewhere in the neighborhood of where Lot 2 fronts where the proposed road is now. Chairman Martin understood that it would then proceed as drawn. Mr. Voeller replied that was correct.

Commissioner Carluccio thought it might be helpful in making their decision if they were able to see the Corp of Engineers report. Mr. Voeller agreed that it would be good to see the report once they did a field site visit.

Commissioner Ecklund asked what staff's reasoning was in recommending starting that road at Heath and Riggs. Mr. Voeller replied that is was twofold. It is a natural progression of a street but was coming intersections reasonably far apart so that isn't an abundance of intersections with a road. He felt that Riggs may have the potential of becoming fairly well traveled with higher speed roads sometime in the future. All of these little intersections close together make it a dangerous situation as well as butting up against Lot 1 and Lot 4 of the neighboring subdivision.

Chairman Martin asked if the surveyor needed an exception for double frontage. Mr. Voeller replied that double frontage doesn't apply to corner lots. The code states that a double frontage lot shall not be less than 250 feet deep. Chairman Martin asked how deep Lot 4 was in the existing subdivision. Mr. Voeller replied that Lot 4 was 135 feet deep.

Commissioner Ecklund asked if the design was the widths of the existing S&S Subdivision lots. Mr. Voeller believed so. Commissioner Ecklund understood that there couldn't be a double frontage road on lots less than 250 feet which makes someone that wants to build a subdivision on their property having to abide by that. Mr. Voeller replied that by putting the proposed roadway where they have it would be making Lots 1 and 4 double frontage lots so they would have the right to use this access also. He thought they would not be subject to the building setback because it was not their property. Mr. Best clarified that it was in the design portion of the Code which should be taken into consideration when a subdivision was being designed adjacent to another subdivision.

Commissioner Carluccio asked for clarification the Lots 1 & 4 wouldn't have to abide by the setbacks. Mr. Voeller replied they wouldn't have to on the new right of way. Commissioner Carluccio asked why. Mr. Voeller replied that it was a situation that was forced upon them. Commissioner Carluccio stated she didn't want to see a house constructed five feet from the road. Mr. Voeller replied that was true but he discussed this with other staff members who felt that the setback couldn't be imposed on a neighboring lot. Commissioner Carluccio asked if this was a bad design. Mr. Voeller replied that it could be better.

With the approval of the Commission, Chairman Martin asked if the surveyor could address the committee

Chairman Martin asked why the surveyor did not want to follow staff's recommendations.

#### Scott Huff, Integrity Surveys

Mr. Huff requested to keep the right of way on the eastern boundary. It is the simplest and best layout that they could come up with. It makes the most useable lots on the western side. The road is on the one side with the lots on the other side. He submitted a letter to staff giving nine findings supporting the granting of the block length exception. They do not want to redesign the subdivision.

Commissioner Ecklund asked if he was aware of the design requirements in the code that made the design of a new subdivision have to take into consideration an adjoining subdivision. Mr. Huff replied that he wasn't directly aware of that but he normally looks at neighboring property when the preliminary plat was drawn. The neighboring lots to the east are not very deep and the lot being subdivided is a tough one to subdivision being long and narrow.

Chairman Martin asked him to address the concerns of drainage. Mr. Huff replied that it looks like there is some drainage with slight slopes to the property from east to west. The low wet areas are up around Lots 3 & 4. The way that the subdivision was designed was that each lot would have a useable area to build a house and part of the area would be a nice view of the low wet and open area. The contractor will have to take into consideration the low wet area south of the cul-de-sac that goes across from east from the unsubdivided remainder through the subject subdivision and continues to the west when the road is constructed.

Commissioner Isham asked if it was too wet to build a road on the west side within the right of way. Mr. Huff replied that he has seen roads in a lot worse conditions than that being constructed. It would have to be approved and go through the Borough review and the contractor would have to make sure he could build it. Commissioner Isham felt it would solve the safety and double frontage problems if the road were built on the west side. Mr. Huff felt they could do that at the Heath St intersection. There would be a 200 foot radius for the center of the road where it curves off to the east and then a 200 foot radius where it curves back to the west if the road was started at the Heath St intersection. Commissioner Isham thought the road could go straight up Heath St on the west. Mr. Huff replied that they would run into the low wet areas if Heath St went straight up. Commissioner Isham asked if it was too wet to go straight up Heath. Mr. Huff replied yes, it was too wet on the west side. He stated that the road design would create weird triangle part of the lots that nobody could really use which was what he was trying to avoid.

Mr. Voeller asked if the subdivision could be designed by starting on the west, aligning with Heath St, curving through as staff suggested and still have good building sites on every lot. Mr. Huff replied yes, it could be redesigned but preferred not to.

Commissioner Ecklund referred to Mr. Huff's finding which states, "*A plat note can be added to the plat requiring that all lots use the dedicated ROW cul-de-sac to access Riggs Ave.*" She asked if that was only for the five lots in the subject subdivision. Mr. Huff replied that it would only be the lots in the subject subdivision would be required to use the new cul-de-sac to access Riggs Ave. Commissioner Ecklund asked how else they could get out. Mr. Huff replied that Lot 1 could have a direct driveway onto Riggs Ave. He stated that staff expressed concern with having too many driveways and right-of-ways along Riggs Ave. One option was to make sure that every lot fronts and uses the new cul-de-sac.

**AMENDMENT A MOTION:** Commissioner Isham moved, seconded by Commissioner Whitney to grant exception to KPB 20.30.170, Block Length; citing the 11 findings and tying them to the three standards in the following manner.

Standard 1. That special circumstances or conditions affecting the property have been shown by application.

*Findings*

1. The section line easement (66 feet total width within the block) crosses a low wet area (approximately 650 feet) and a pond (approximately 1500 feet) to the north.
2. The block has 3 developed cul-de-sacs and 1 unfinished cul-de-sac (Shane Rae Circle).
3. Low wet areas within the plat have been shown and labeled.
4. Per KPB GIS 4-foot contours, the block is not affected by slopes greater than 20 percent.
5. The location and number of cul-de-sacs makes location for right-of-way for the block so it will conform to 20.30.170 problematic.
6. Low wet areas and the pond limit the location for constructible right-of-way.
7. The majority of rights-of-way that assist with block length are maintained by KPB (Riggs Avenue, Celcie Drive, Brenda Way) or the State of Alaska (Mackey Lake Road).
8. Rights-of-way that could have brought the block into or closer to compliance with 20.30.170 based on their locations were designed as cul-de-sacs.
9. Sufficient rights-of-way serve the surrounding parcels.
10. No surrounding parcels will be denied access.

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. The section line easement (66 feet total width within the block) crosses a low wet area (approximately 650 feet) and a pond (approximately 1500 feet) to the north.
2. The block has 3 developed cul-de-sacs and 1 unfinished cul-de-sac (Shane Rae Circle).
3. Low wet areas within the plat have been shown and labeled.
4. Per KPB GIS 4-foot contours, the block is not affected by slopes greater than 20 percent.
5. The location and number of cul-de-sacs makes location for right-of-way for the block so it will conform to 20.30.170 problematic.
6. Low wet areas and the pond limit the location for constructible right-of-way.
7. The majority of rights-of-way that assist with block length are maintained by KPB (Riggs Avenue, Celcie Drive, Brenda Way) or the State of Alaska (Mackey Lake Road).
8. Rights-of-way that could have brought the block into or closer to compliance with 20.30.170 based on their locations were designed as cul-de-sacs.
9. Sufficient rights-of-way serve the surrounding parcels.
10. No surrounding parcels will be denied access.

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*

7. The majority of rights-of-way that assist with block length are maintained by KPB (Riggs Avenue, Celcie Drive, Brenda Way) or the State of Alaska (Mackey Lake Road).
9. Sufficient rights-of-way serve the surrounding parcels.
10. No surrounding parcels will be denied access.

**AMENDMENT A VOTE:** The motion passed by unanimous consent.

CARLUCCIO YES	ECKLUND YES	ISHAM YES	MARTIN YES	WHITNEY YES	5 YES
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Chairman Martin asked if the main motion was to for conditional approval per staff recommendations. Commissioner Isham replied that was correct. Commissioner Carluccio also wondered if the motion was to approve the plat as submitted or to grant conditional approval based on the realignment of the right-of-way. Ms. Hartley clarified that the main motion was to grant approval of the preliminary plat subject to staff recommendations. Chairman Martin stated that they are not granting approval of what the surveyor requested but was aligning with staff's conditional approval based on redesign. Mr. Voeller replied that was correct.

Mr. Voeller replied that if redesign is approved then an exception to cul-de-sac length would need to be addressed. The length that was noted on the preliminary plat was incorrect. It is actually about 990 feet now. The incorporation of a couple curves would probably put it a little over 1,000 feet.

Commissioner Carluccio asked if staff wanted them to address the exception now or wait until it was redesigned. Mr. Voeller preferred that it be addressed and granted now. Chairman Martin stated that they will need to cite findings to match the standards.

Mr. Voeller suggested the following findings in support of granting the cul-de-sac length exception.

### *Findings*

1. The length of the cul-de-sac will provide for the best use of the land for building by exceeding 1,000 feet.
2. The cul-de-sac is slightly more than the maximum allowable length.

**AMENDMENT B MOTION:** Commissioner Carluccio, seconded by Commissioner Isham to grant exception to the KPB 20.30.100, Cul-de-sac Length citing the 2 findings and tying them to the three standards.



### Findings

1. The length of the cul-de-sac will provide for the best use of the land for building by exceeding 1,000 feet.
2. The cul-de-sac length is slightly more than the maximum allowable length.

**AMENDMENT B VOTE:** The motion passed by unanimous consent.

CARLUCCIO YES	ECKLUND YES	ISHAM YES	MARTIN YES	WHITNEY YES	5 YES
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Commissioner Ecklund stated that staff mentioned that there are 3 driveways or roadways within 500 feet. She asked if he was talking about Jakes Cir, Shane Rae Cir and Riggs Ave. Mr. Voeller replied that Riggs Ave would be the fourth one. The third one was Heath St.

Commissioner Ecklund stated that she liked the design that was presented by the surveyor and the applicants. She did not support redesign.

There being no further comments or questions, Chairman Martin called for a roll call vote.

**MAIN MOTION VOTE:** The motion passed by majority consent.

CARLUCCIO YES	ECKLUND NO	ISHAM YES	MARTIN YES	WHITNEY YES	4 YES 1 NO
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### AGENDA ITEM E. SUBDIVISION PLAT PUBLIC HEARINGS

7. Rosewood Subdivision  
KPB File 2015-084; Geovera/Rainwater

Staff Report given by Patti Hartley

Plat Committee Meeting: 8/10/15

Location: Fritz Creek area  
Proposed Use: Residential  
Water/Sewer: On-site  
Zoning: Unrestricted  
Assessing Use: Accessory Building  
Parent Parcel Number(s): 172-031-17

#### Supporting Information:

The proposed plat subdivides a 10-acre landlocked parcel into 5 lots ranging in size from 1 to 5 acres. A 60-foot cul-de-sac, which is generally aligned with the 60-foot driveway access easement to the west, provides interior access. A soils report is required, and an engineer will sign the plat.

Notice of the proposed plat was mailed to two beneficial interest holders on July 28, 2015. 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.

A physical address has not been assigned to the parent parcel.

Kachemak Bay Advisory Planning Commission is inactive at this time.



**ENSTAR Natural Gas Company**  
A DIVISION OF SEMCO ENERGY  
Engineering Department, Right of Way Section  
401 E. International Airport Road  
P. O. Box 190288  
Anchorage, Alaska 99519-0288  
(907) 277-5551  
FAX (907) 334-7798

September 1<sup>st</sup>, 2021

Submitted via email to: pclements@kpb.us

Peggy Clements  
Planning Department  
144 North Binkley Street  
Soldotna, Alaska 99669-7520

Dear Mrs. Clements:

Alaska Pipeline Company (APC), operated by ENSTAR Natural Gas Company (ENSTAR has reviewed the preliminary plat proposal for **KPB 2021-051 Kalifornsky Meadows 2021 Addition** and requests that Note 4 is revised to read: "A right-of-way for gas transmission pipelines in favor of Alaska Pipeline Company granted by BLM and identified as Serial No. A-051647, and reserved under Federal Patent 1232767 and referenced in Book 40, Page 219, Kenai Recording District. All excavation and ground disturbing activities within the pipeline right-of-way require approval from APC." APC further requests that the easement be shown on the plat. A sketch map of the natural gas transmission pipeline and easement labeled Exhibit A is attached for reference.

ENSTAR has reviewed the proposed vacation of Shane Rae Circle under KPB 2021-112V S & S Subdivision and advises that natural gas facilities are installed within the existing right of way as shown on the attached sketch labeled Exhibit B. ENSTAR objects to approval unless one of the following conditions are met:

- Owner(s) grant ENSTAR document easement(s) for a fifteen feet (15 FT) wide natural gas easement centered on the existing natural gas pipeline facilities.
- Add a note to the plat which says, "There is a fifteen feet (15 FT) wide natural gas easement centered on the existing main.", draw in the approximate location of the main on the plat map and add "Approximate location of natural gas main and centerline of fifteen feet (15 FT) wide natural gas easement."

ENSTAR has also reviewed the following proposals for platting actions and right of way vacations and has no comments or objections:

- KPB 2021-113 Kasilof Alaska Subdivision 2021 Addition
- KPB 2021-114 Bodnar Subdivision 2021 Replat
- KPB 2021-115 Pipers Haven Unit 3 2021 Replat
- KPB 2021-116 Collins Tustumena Subdivision
- KPB 2021-117 Cohoe Estates Subdivision 2021 Addition
- KPB 2021-118 Townsite of Kenai Kenaitze Courthouse Replat
- KPB 2021-119 Kuchta Estates Hansen Addition
- KPB 2021-120 East Cohoe Subdivision Hedger Replat
- KPB 2021-119V Kuchta Estates Hansen Addition Kuchta Street Right of Way Vacation
- KPB 2021-122V Tatum Denise Subdivision Phase 1 Derks Lake Road Right of Way Vacation



**ENSTAR Natural Gas Company**  
**A DIVISION OF SEMCO ENERGY**  
Engineering Department, Right of Way Section  
401 E. International Airport Road  
P. O. Box 190288  
Anchorage, Alaska 99519-0288  
(907) 277-5551  
FAX (907) 334-7798

- KPB 2021-122V & 2021-123V Tatum Denise Subdivision Phase 1 Derks Lake Road Section Line Easement Vacattion
- KPB 2021-118V Townsite of Kenaitze Courthouse Replat Utility Easement Vacation

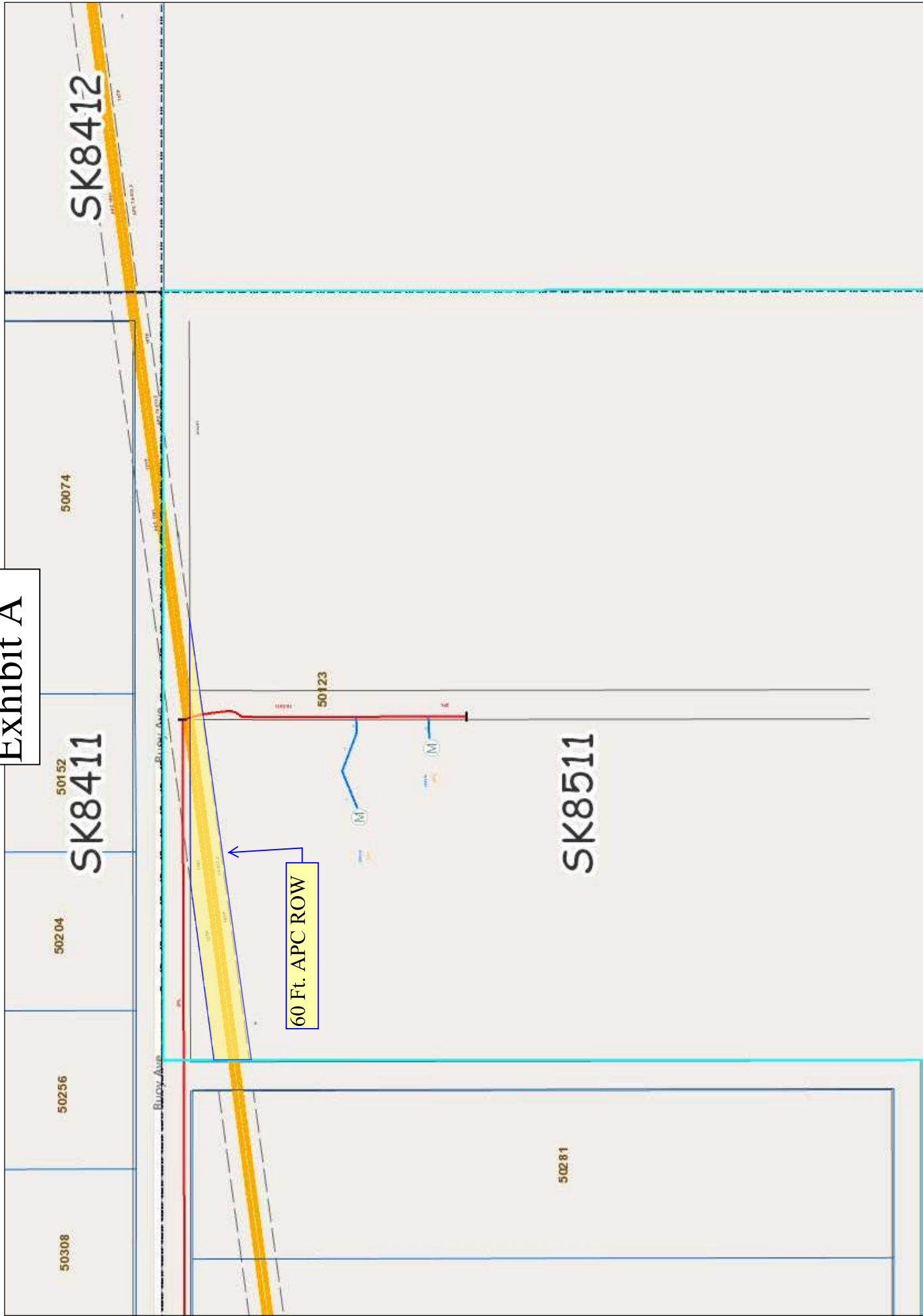
If you have any questions, please feel free to contact me at (907) 334-7911 or by email at [sterling.lopez@enstarnaturalgas.com](mailto:sterling.lopez@enstarnaturalgas.com).

Sincerely,

A handwritten signature in blue ink, appearing to read "Sterling Lopez", is written over a horizontal line.

Sterling Lopez  
Sr. ROW & Permitting Agent  
ENSTAR Natural Gas Company

Exhibit A





**Exhibit B**

TRACT D

SK8326

SK8426

Riggs Ave

Jakes Circle

42996

42924

42960

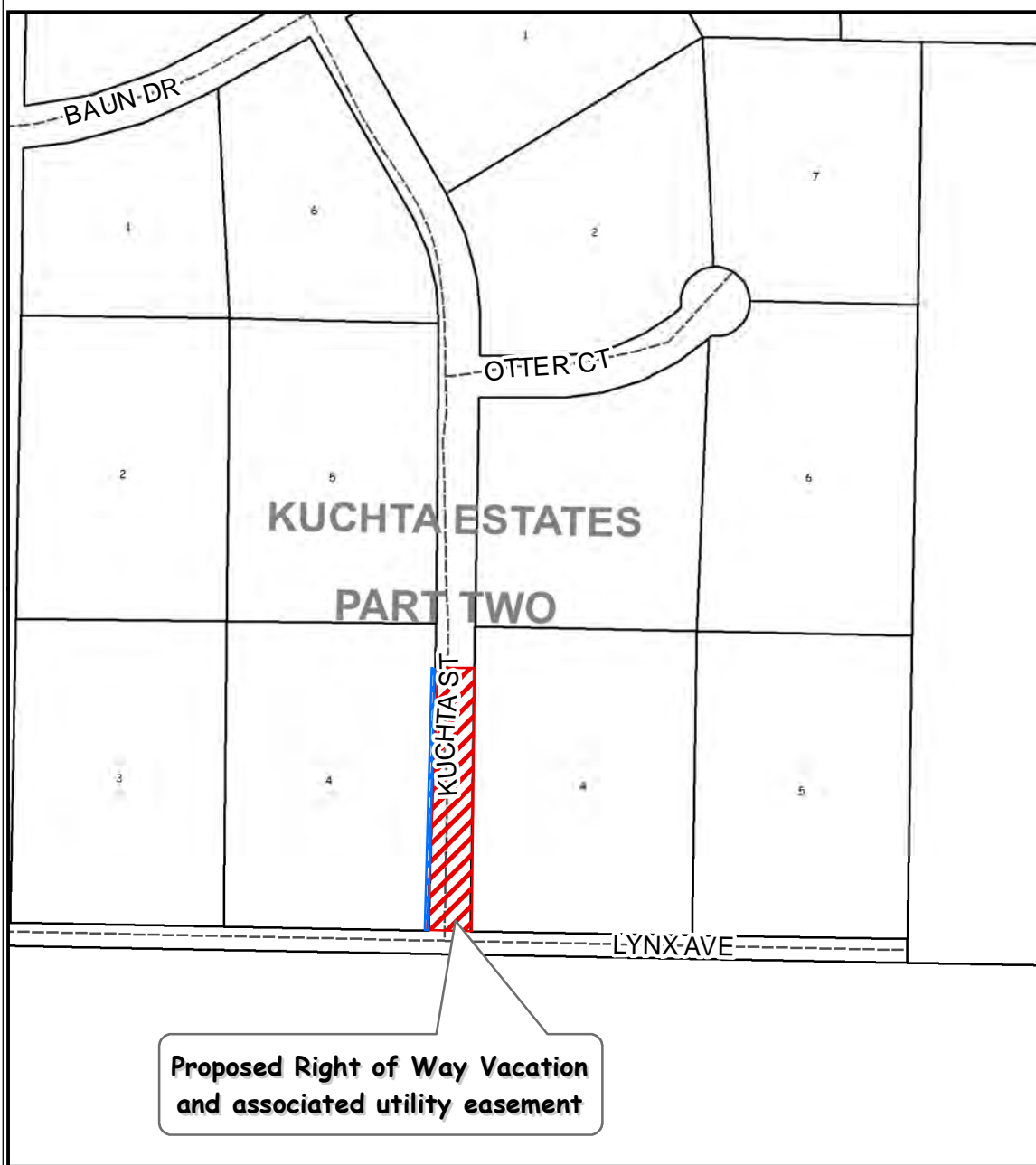
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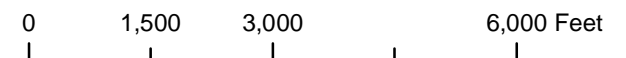
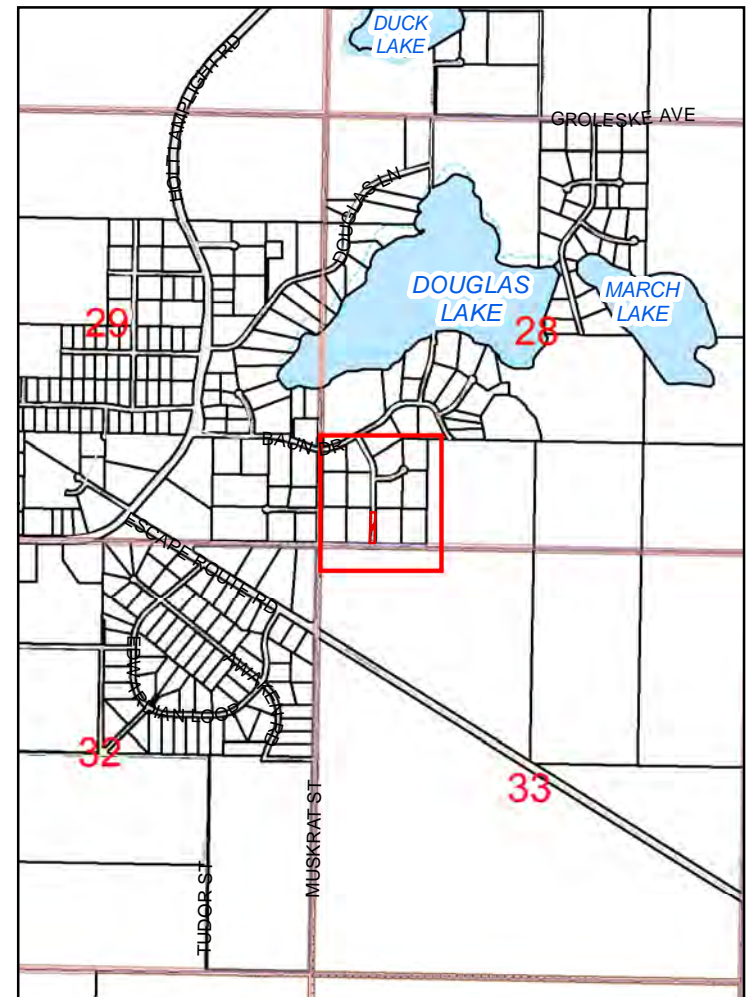
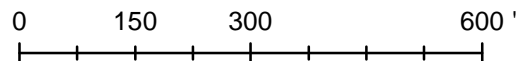
21 22 27 28 33

24 25 26 27

ENSTAR Natural Gas Company, © 2021 Microsoft Corporation © 2021 TomTom, MOA, MISB, KFB, US Government ESRI, ENSTAR Natural Gas Company



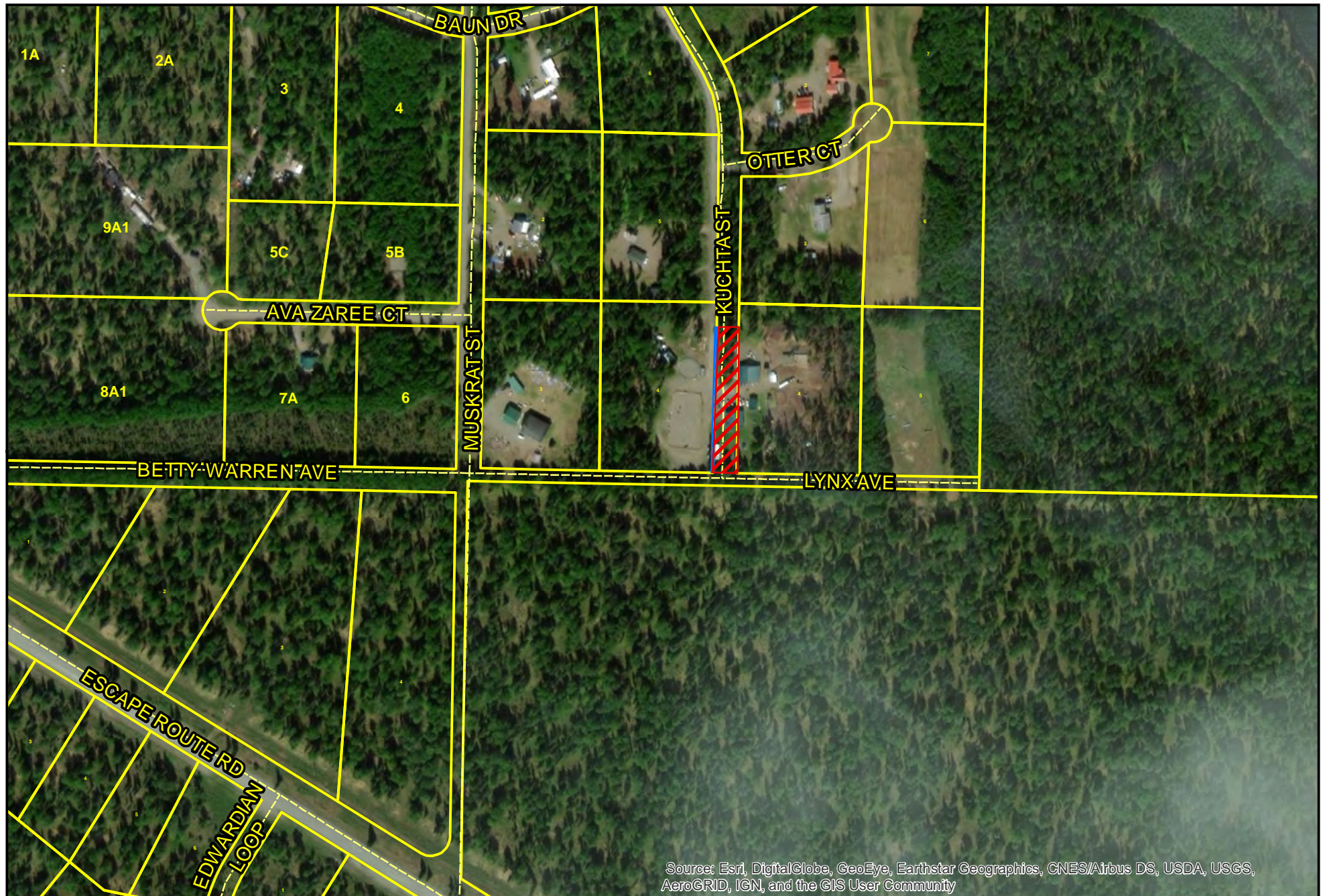
The information depicted hereon  
is for a graphical representation  
only of best available sources.  
The Kenai Peninsula Borough  
assumes no responsibility  
for any errors on this map.



**KPB 2021-119V  
S28 T07N R11W  
NIKISKI**

PClements, KPB 2021-119V Date: 8/19/2021







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.

0 100 200 400'

Aerial View



 Right of Way Vacation  
 Utility Easement Vacation

PClements, KPB 2021-119V  
Imagery World







AGENDA ITEM E. NEW BUSINESS

**ITEM 3 - RIGHT OF WAY VACATION  
VACATE A PORTION OF KUCHTA STREET AND ADJOINING 5' UTILITY EASEMENT  
KUCHTA ESTATES HANSEN ADDITION**

<b>KPB File No.</b>	2021-119V
<b>Planning Commission Meeting:</b>	September 13, 2021
<b>Applicant / Owner:</b>	Daniel Hansen and Hara Hansen-Biesiot of Kenai, Alaska
<b>Surveyor:</b>	Mark Aimonetti, Jason Young / Edge Survey and Design LLC
<b>General Location:</b>	Nikiski
<b>Legal Description:</b>	Kuchta Street / Kuchta Estates Subdivision Part One, KN 77-33, and Kuchta Estates Subdivision Part Two, KN 77-189, Kenai Recording District, Section 28, Township 7 North, Range 11 West, S.M.

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**STAFF REPORT**

**Specific Request / Purpose as stated in the petition:** Justification was not included with the petition. A preliminary plat design was submitted as part of the application showing the intent to combine 3 lots into one 8.6 acre parcel. Kuchta Street is between two of the lots. The subdivision plat depicts a new right of way being dedicated on the north and east boundary.

**Notification:** Public notice appeared in the September 2, 2021 issue of the Peninsula Clarion as a separate ad. The public hearing notice was published in the September 9, 2021 issue of the Peninsula Clarion as part of the Commission's tentative agenda.

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

- Library of Nikiski
- Post Office of Nikiski

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

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

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

State of Alaska Dept. of Fish and Game	Nikiski Community Council
State of Alaska DNR	Alaska Communication Systems (ACS)
State of Alaska DOT	ENSTAR Natural Gas
State of Alaska DNR Forestry	General Communications Inc, (GCI)
Nikiski Emergency Services	Homer Electric Association (HEA)
Kenai Peninsula Borough Land Management	

**Legal Access (existing and proposed):** Kuchta Street is access from Baun Drive which is located near mile 2.5 of state maintained Holt Lamplight Road. Baun Drive is a 60 foot wide borough maintained right of way.

Additional access is available from the Escape Route Road via Muskrat Street and Betty Warren Avenue/Lynx Avenue. Betty Warren Avenue/Lynx Avenue is an unconstructed east-west right of that is not constructed. Muskrat Street is a right of way that runs north-south and is not constructed south of Betty Warren Avenue/Lynx Avenue.

The proposed plat indicates the intention to dedicate two new right of ways. Biesiot Avenue will be a 60 foot wide right of way that extends east along the north boundary. At the east end of Biesiot Avenue a proposed 30 foot wide dedication extending south and connecting to the end of the Lynx Avenue dedication. Both of those right of ways will require street names approved by the Kenai Peninsula Borough Addressing Officer.

Currently only one of the parent lots is within a closed block. The proposed dedication will allow the entire subdivision to be within a closed and compliant block.

Per staff records, a 33 foot section line easement is located south of Lynx Avenue that runs from the Muskrat Street dedication and to the east. A 50 foot section line easement is present to the east of the subdivision running east-west.

KPB Roads Dept. comments	Within KPB jurisdiction. A portion of this vacate is maintained by the RSA. The current turnaround will be vacated, which will create an issue of maintenance.
SOA DOT comments	No comments.

**Site Investigation:** The area is relatively flat and not affected by low wet areas.

Floodplain Hazard Review	Not within a flood hazard area.
Anadromous Waters Habitat Protection District Review	Not within a HPD.
State Parks Review	No comments.

**Staff Analysis:** The lots associated with the vacation and the right of way being vacated were created by two plats. Kuchta Estates Subdivision, Part One, Plat KN 77-33, dedicated the western 30 foot width for Kuchta Street and created Lot 4 Block 4. A 5 foot utility easement adjoins the right of way within Lot 4 Block 4. Kuchta Estates Subdivision, Part Two, Plat KN 77-189, dedicated the eastern 30 feet of Kuchta Street and created Lots 4 and 5 Block 3. The plat did not grant utility easements along Kuchta Street.

Per KPB GIS data, Kuchta Street is constructed and a portion is maintained by the borough. The access map prepared by staff indicates the approximate location road maintenance ends. Per KPB GIS imagery, there are structures possibly within the right of way, building setback, or are very close to the right of way.

Lot 4 Block 4 and Lots 4 and 5 Block 3 are all under the same ownership. The owners are attempting to combine their three lots and allow right of way access to be provided surrounding the north and east edge of their property versus going through the middle.

To the east is a 40 acre lot owned by the Bureau of Indian Affairs. If the vacation and dedication is approved, a matching 30 foot dedication will be required with any future subdivision. To the south of Lynx Avenue is a 465 acre parcel owned by Salamatof Native Association. If the parcel is subdivided, a minimum 30 foot wide dedication will be required along Lynx Avenue.

Plat KN 77-33, granted a 5 foot utility easement along the western boundary of Kuchta Street as well as along Lynx Avenue. Plat KN 77-189 did not grant any easements along Kuchta Street but did grant a 5 foot utility easement along Lynx Avenue. The petition does request to vacate the associated 5 foot easement where adjoining the Kuchta Street vacation. The plat is proposing to grant 15 foot utility easements along new and existing right of way dedications.

Homer Electric Association did comment that they have an existing distribution line along or within the west portion of Kuchta Street. They are requesting a 20 foot wide easement centered on the existing line.

## 20.65.050 – Action on vacation application

- D. The planning commission shall consider the merits of each vacation request and in all cases the planning commission shall deem the area being vacated to be of value to the public. It shall be incumbent upon the applicant to show that the area proposed for vacation is no longer practical for the uses or purposes authorized, or that other provisions have been made which are more beneficial to the public. In evaluating the merits of the proposed vacation, the planning commission shall consider whether:
1. The right-of-way or public easement to be vacated is being used;  
**Staff comments:** The portion being vacated is being used but appears to only be providing access to the lots adjacent to the vacation area and does not appear to be used for access to neighboring parcels.
  2. A road is impossible or impractical to construct, and alternative access has been provided;  
**Staff comments:** The area to be vacated can be constructed to comply with KPB road standards. An alternative access is being dedicated to allow the construction of a new roadway around the applicant's property.
  3. The surrounding area is fully developed and all planned or needed rights-of-way and utilities are constructed;  
**Staff comments:** The area to the north and west has been subdivided with legal access to all lots. The areas to the east and south remain unsubdivided and will be required to provide a matching right of way dedication with subdivided in the future.
  4. The vacation of a public right-of-way provides access to a lake, river, or other area with public interest or value, and if so, whether equal or superior access is provided;  
**Staff comments:** The right of way does not provide access to water body or other public interest area.
  5. The proposed vacation would limit opportunities for interconnectivity with adjacent parcels, whether developed or undeveloped;  
**Staff comments:** The vacation will not deny any access as the new dedications will create a complete and compliant block. Large acreage lots to the east and south will be able to dedicate right of ways that fit their design plan.
  6. Other public access, other than general road use, exist or are feasible for the right-of-way;  
**Staff comments:** Other public access is feasible within the vacation area but it does not appear to be used by the public at this time. Sufficient right of ways exist for public access.
  7. All existing and future utility requirements are met. Rights-of-way which are utilized by a utility, or which logically would be required by a utility, shall not be vacated, unless it can be demonstrated that equal or superior access is or will be available. Where an easement would satisfactorily serve the utility interests, and no other public need for the right-of-way exists, the commission may approve the vacation and require that a utility easement be granted in place of the right-of-way.  
**Staff comments:** A power line is located on the west side of the vacation. Homer Electric Association is requesting an easement over an existing line. The proposed plat will be granting a 20 foot utility easement on the existing overhead line as well as 15 foot utility easements adjoining all right of ways.
  8. Any other factors that are relevant to the vacation application or the area proposed to be vacated.  
**Staff comments:** From aerial imagery it appears that the applicant has improvements within the right of way, or within the 20 foot building setback. The vacation and replat will remove any encroachment issues.

If approved, Kuchta Estate Hansen Addition will finalize the proposed right of way vacations. The Plat Committee is scheduled to review the plat on September 13, 2021.



Finalizing the vacation is subject to consent or veto by the Kenai Peninsula Borough Assembly within 30 days. The vacation is tentatively scheduled for the September 21, 2021 Assembly meeting.

**KPB department / agency review:**

Planner – Bryan Taylor	There are no local option zoning district issues or material site issues associated with this right of way vacation.
Code Compliance – Eric Ogren	Review not available.
Addressing – Derek Haws	<p>Affected Addresses: 47071 KUCHTA ST 47050 KUCHTA ST</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names: KUCHTA ST LYNX AVE</p> <p>Existing Street Name Corrections Needed:</p> <p>All New Street Names are Approved: No</p> <p>List of Approved Street Names: BIESIOT AVE</p> <p>List of Street Names Denied: CARIBOU RUN ST is denied because CARIBOU is on the prohibited names list.</p> <p>Comments: 47071 KUCHTA ST will be deleted. 47050 KUCHTA ST will remain with new Lot 4A. CARIBOU RUN is denied, please contact dhaws@kpb.us for any questions regarding street naming.</p>
Assessing – Matt Bruns	Comments: No concerns from Assessing Dept.
Advisory Planning Commission	N/A

**Utility provider review:**

HEA	Approximate location shown on map of HEA Overhead Powerline, centerline of a 20 foot wide electrical distribution line easement is requested.
ENSTAR	Approved as shown
ACS	No objections
GCI	No objections

**RECOMMENDATION:**

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

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

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

#### **KPB 20.65.050 – Action on vacation application**

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

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

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

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

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

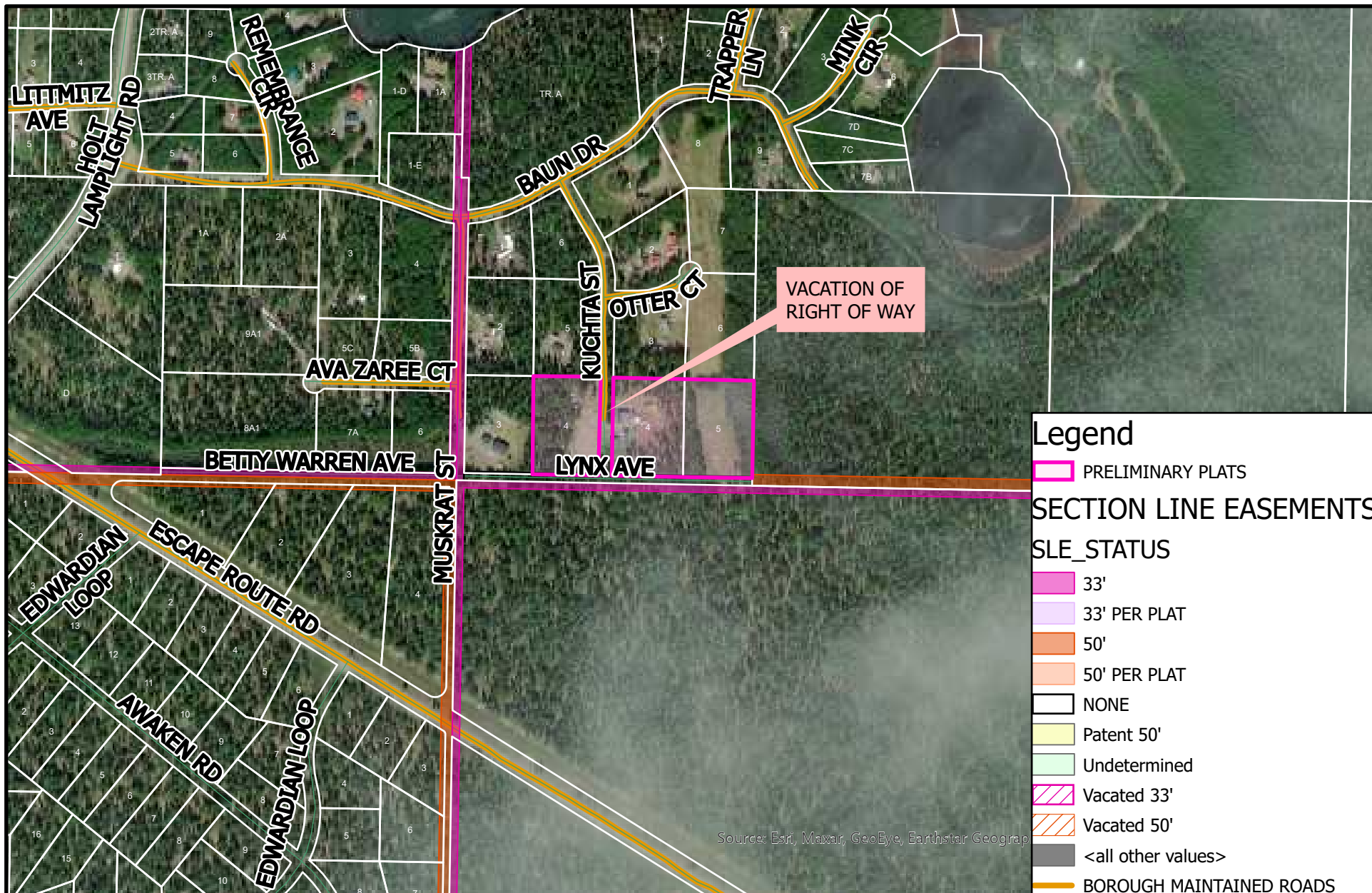
- *Focus Area: Transportation*

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

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**END OF STAFF REPORT**

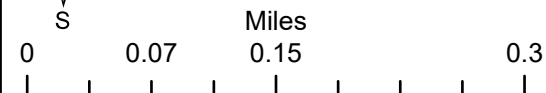




### Legend

- PRELIMINARY PLATS
- SECTION LINE EASEMENTS**
- SLE\_STATUS**
- 33'
- 33' PER PLAT
- 50'
- 50' PER PLAT
- NONE
- Patent 50'
- Undetermined
- Vacated 33'
- Vacated 50'
- <all other values>
- BOROUGH MAINTAINED ROADS

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 IMAGERY 2018

ACCESS MAP

Date: 5/28/2021  
1:50 PM  
Scott Huff  
Platting Manager





© All Pictometry





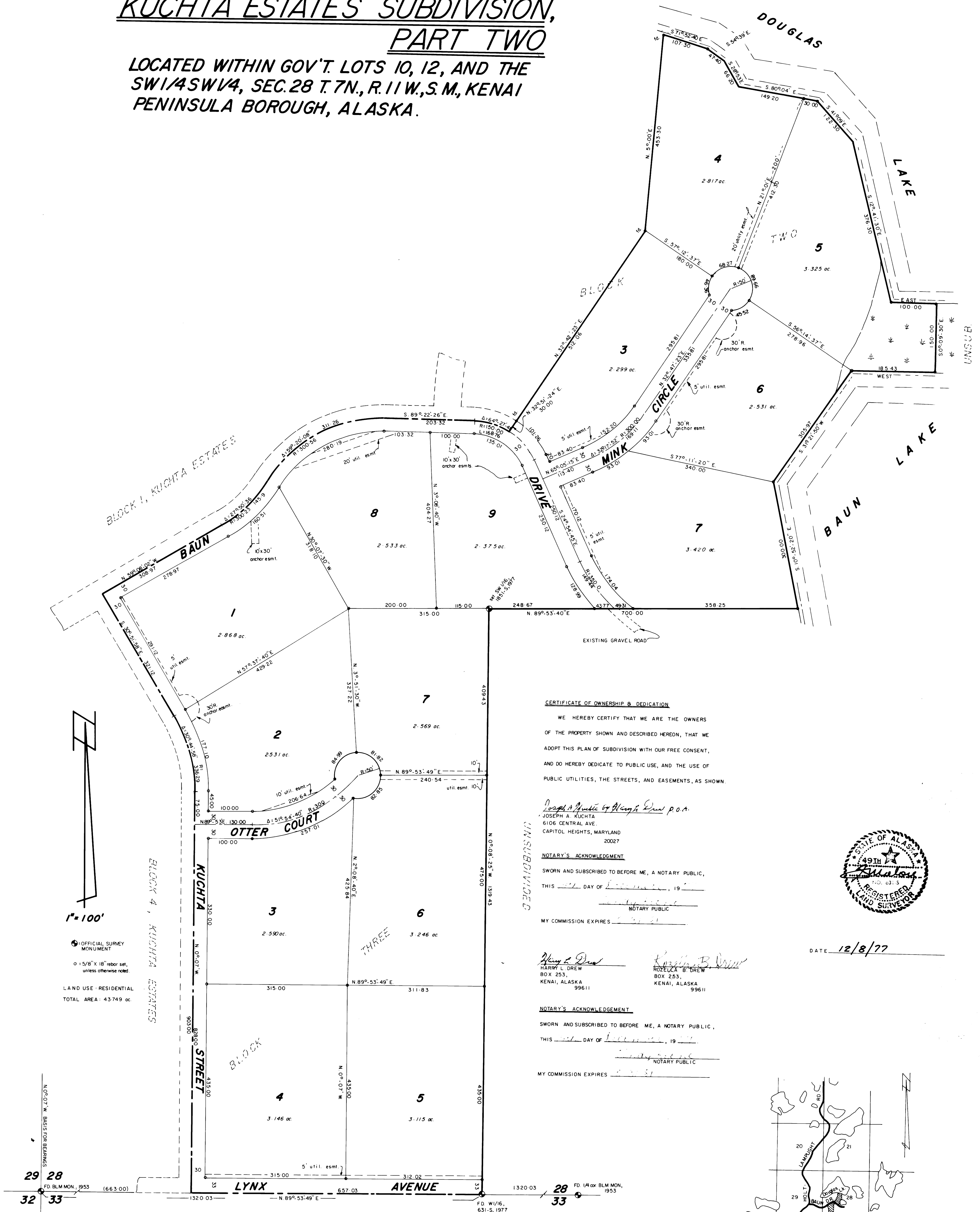
Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

<p>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.</p>		<p>AERIAL IMAGERY 2018</p> <p>UTILITY MAP</p>	<p>Date: 5/28/2021 1:50 PM Scott Huff Platting Manager</p>
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# BLOCK 3 AND A PORTION OF 2, KUCHTA ESTATES SUBDIVISION, PART TWO

LOCATED WITHIN GOV'T LOTS 10, 12, AND THE  
SW1/4SW1/4, SEC.28 T.7N, R.11W, S.M, KENAI  
PENINSULA BOROUGH, ALASKA.



## CERTIFICATE OF OWNERSHIP & DEDICATION

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

*Joseph A. Kuchta by HARRY L. DREW p.o.a.*  
JOSEPH A. KUCHTA  
6106 CENTRAL AVE.  
CAPITOL HEIGHTS, MARYLAND  
20027

## NOTARY'S ACKNOWLEDGMENT

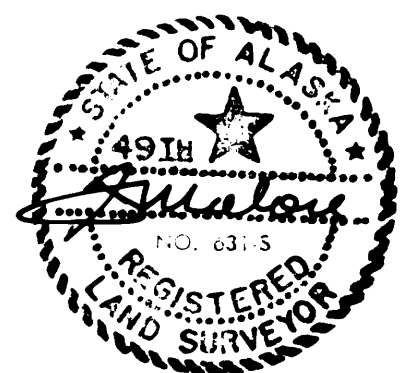
SWORN AND SUBSCRIBED TO BEFORE ME, A NOTARY PUBLIC,  
THIS 12 DAY OF December, 19 77  
\_\_\_\_\_  
NOTARY PUBLIC  
MY COMMISSION EXPIRES 12/31/81

*HARRY L. DREW*  
HARRY L. DREW  
BOX 253,  
KENAI, ALASKA  
99611

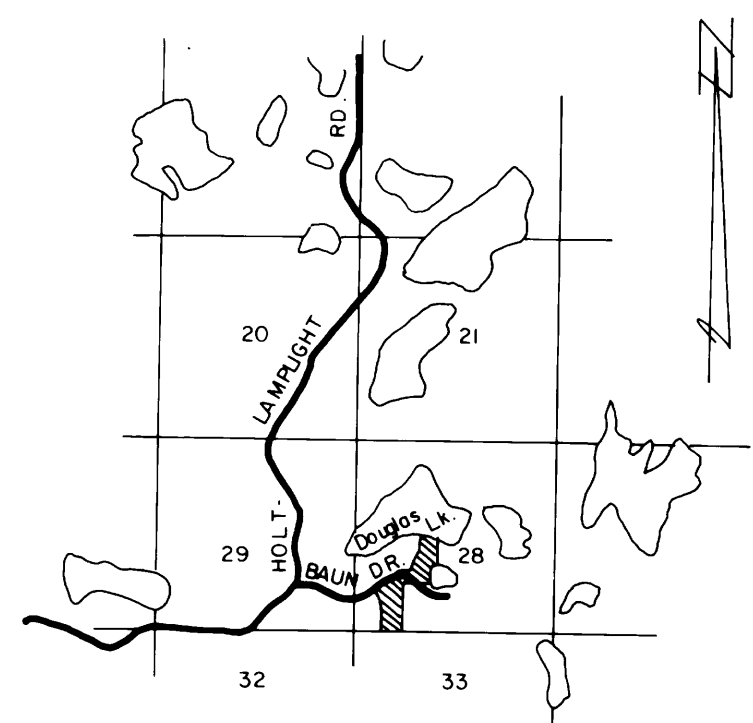
*Rozella B. Drew*  
ROZELLA B. DREW  
BOX 253,  
KENAI, ALASKA  
99611

## NOTARY'S ACKNOWLEDGEMENT

SWORN AND SUBSCRIBED TO BEFORE ME, A NOTARY PUBLIC,  
THIS 12 DAY OF December, 19 77  
\_\_\_\_\_  
NOTARY PUBLIC  
MY COMMISSION EXPIRES 12/31/81



DATE 12/8/77



VICINITY MAP POR T.7N, R.11W, S.M.  
1" = 1 mi.

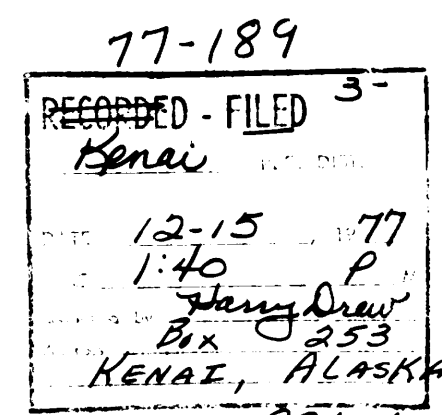
NOTES: 1) 20' BUILDING SET-BACK ALONG ALL DEDICATED RIGHTS-OF-WAY.  
2) ALL WASTEWATER DISPOSAL SYSTEMS SHALL COMPLY WITH  
EXISTING LAW AT TIME OF INSTALLATION.

## PLAT APPROVAL

THIS PLAT, HAVING BEEN APPROVED BY THE KENAI  
PENINSULA BOROUGH PLANNING COMMISSION, AS  
RECORDED IN THE OFFICIAL MINUTES OF THE MEETING  
OF September 19, 1977, IS HEREBY  
ACKNOWLEDGED AS THE OFFICIAL PLAT, SUBJECT TO  
ANY AND ALL CONDITIONS AND REQUIREMENTS OF  
ORDINANCES AND LAW APPERTAINING THERETO.

KENAI PENINSULA BOROUGH

BY: *Philip Warming*



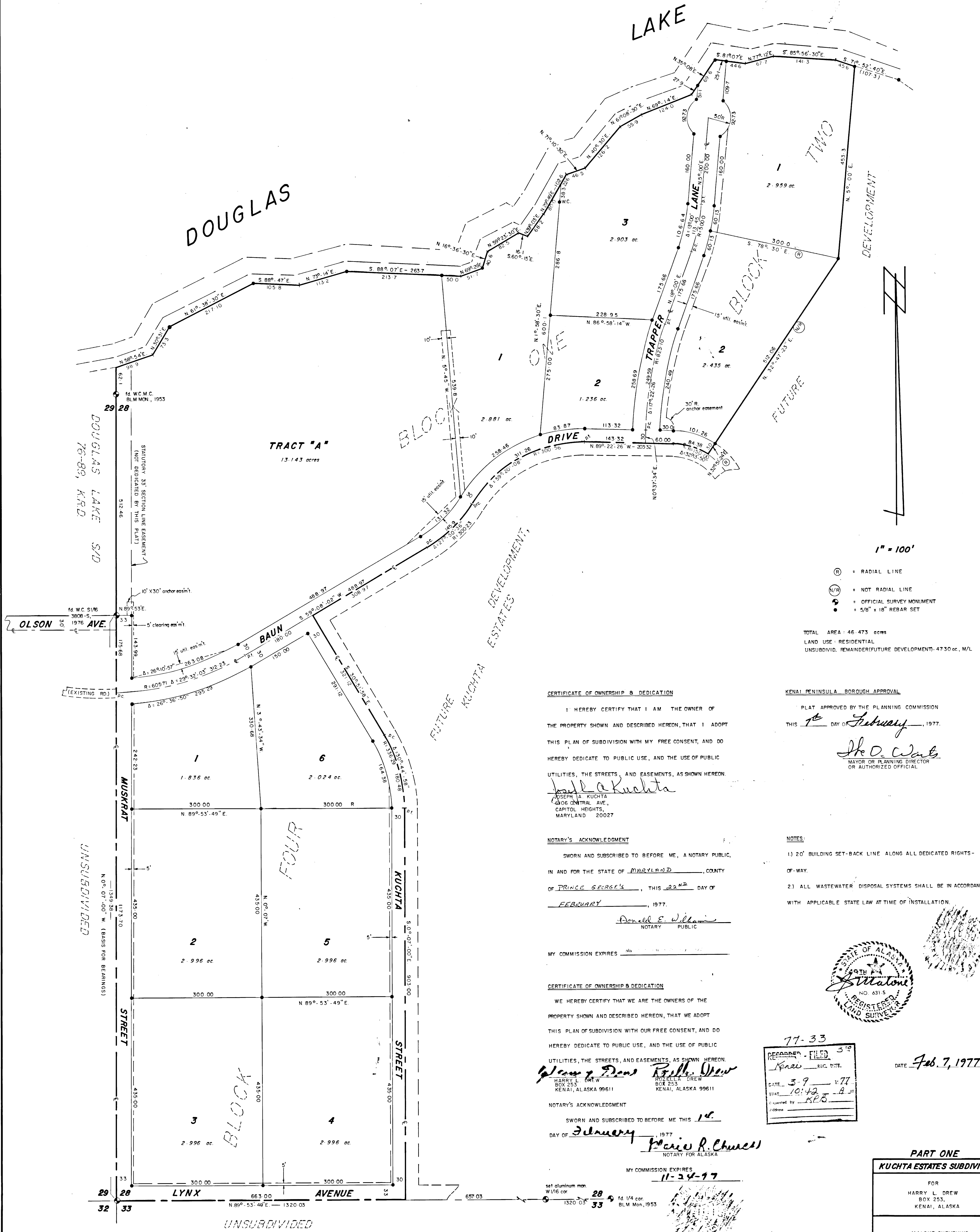
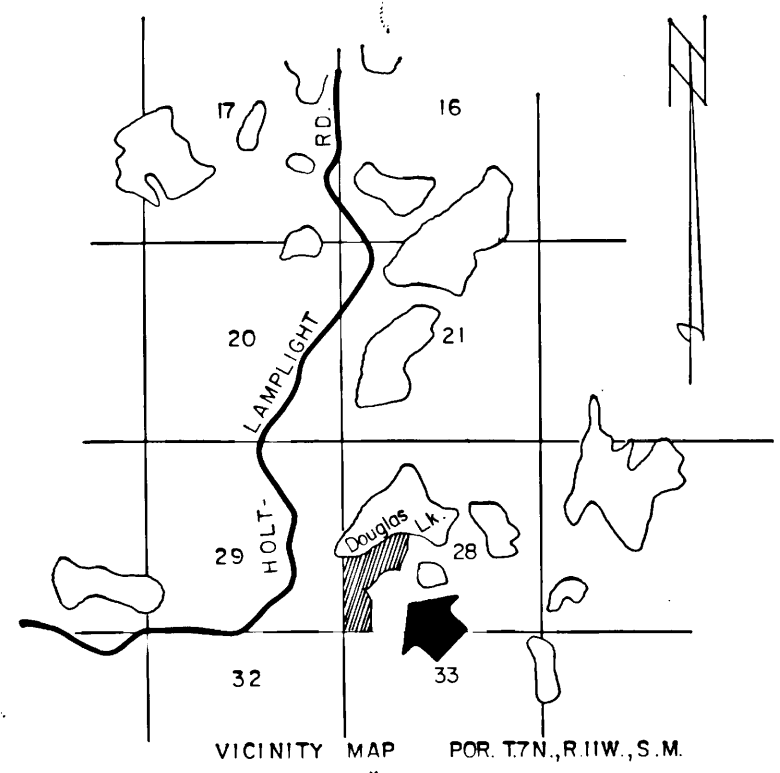
## KUCHTA ESTATES, PART 2

HARRY L. DREW  
BOX 253,  
KENAI, ALASKA

MALONE SURVEYING  
BOX 566  
KENAI, ALASKA

# BLOCKS 1, 4, and a portion of 2, KUCHTA ESTATES SUBDIVISION, PART ONE

LOCATED WITHIN GOV'T. LOTS 10, 12, AND THE SW 1/4 SW 1/4,  
SEC. 28, T.7N., R.11W., S.M., KENAI PENINSULA BOROUGH, ALASKA.



## CERTIFICATE OF OWNERSHIP & DEDICATION

I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON, THAT I ADOPT THIS PLAN OF SUBDIVISION WITH MY FREE CONSENT, AND DO HEREBY DEDICATE TO PUBLIC USE, AND THE USE OF PUBLIC UTILITIES, THE STREETS, AND EASEMENTS, AS SHOWN HEREON.

*John A. Kuchta*  
JOHN A. KUCHTA  
6806 CENTRAL AVE.  
CAPITOL HEIGHTS,  
MARYLAND 20027

## NOTARY'S ACKNOWLEDGMENT

SWORN AND SUBSCRIBED TO BEFORE ME, A NOTARY PUBLIC, IN AND FOR THE STATE OF MARYLAND, COUNTY OF PRINCE GEORGES, THIS 22<sup>ND</sup> DAY OF FEBRUARY, 1977.

*Donald E. Williams*  
NOTARY PUBLIC

## MY COMMISSION EXPIRES

## CERTIFICATE OF OWNERSHIP & DEDICATION

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

*Harry L. Drew*  
HARRY L. DREW  
BOX 253  
KENAI, ALASKA 99611

*Rozella L. Drew*  
ROZELLA L. DREW  
BOX 253  
KENAI, ALASKA 99611

## NOTARY'S ACKNOWLEDGMENT

SWORN AND SUBSCRIBED TO BEFORE ME THIS 14<sup>TH</sup> DAY OF February, 1977.

*Marie R. Chumey*  
NOTARY FOR ALASKA

## MY COMMISSION EXPIRES

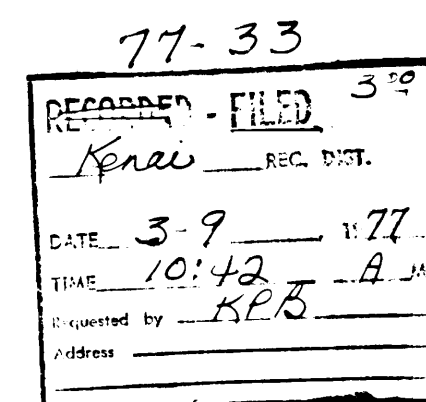
## KENAI PENINSULA BOROUGH APPROVAL

PLAT APPROVED BY THE PLANNING COMMISSION THIS 1<sup>ST</sup> DAY OF February, 1977.

*John A. Kuchta*  
MAYOR OR PLANNING DIRECTOR OR AUTHORIZED OFFICIAL

## NOTES:

- 1) 20' BUILDING SET-BACK LINE ALONG ALL DEDICATED RIGHTS-OF-WAY.
- 2) ALL WASTEWATER DISPOSAL SYSTEMS SHALL BE IN ACCORDANCE WITH APPLICABLE STATE LAW AT TIME OF INSTALLATION.

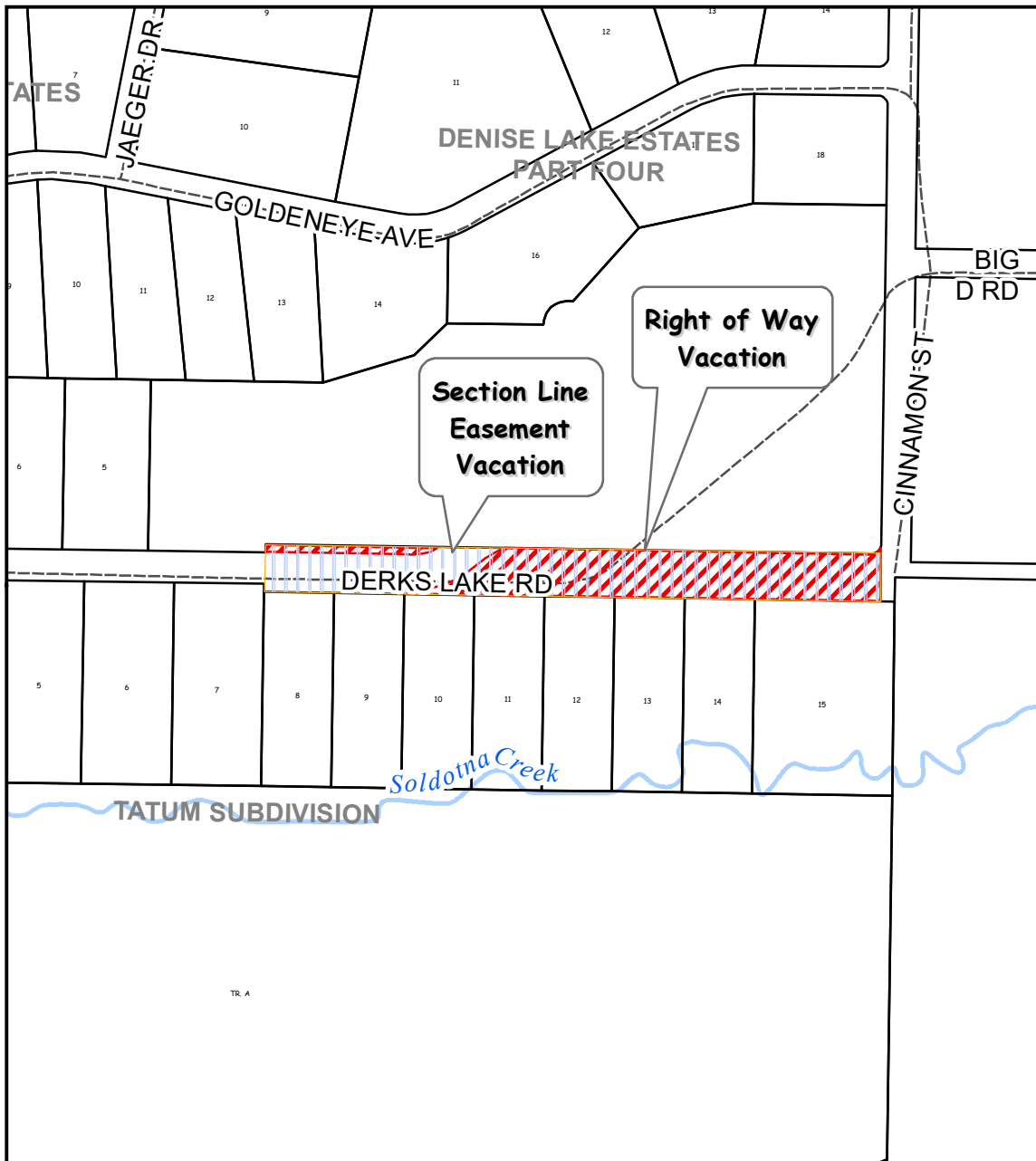


DATE Feb. 7, 1977

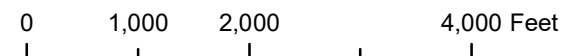
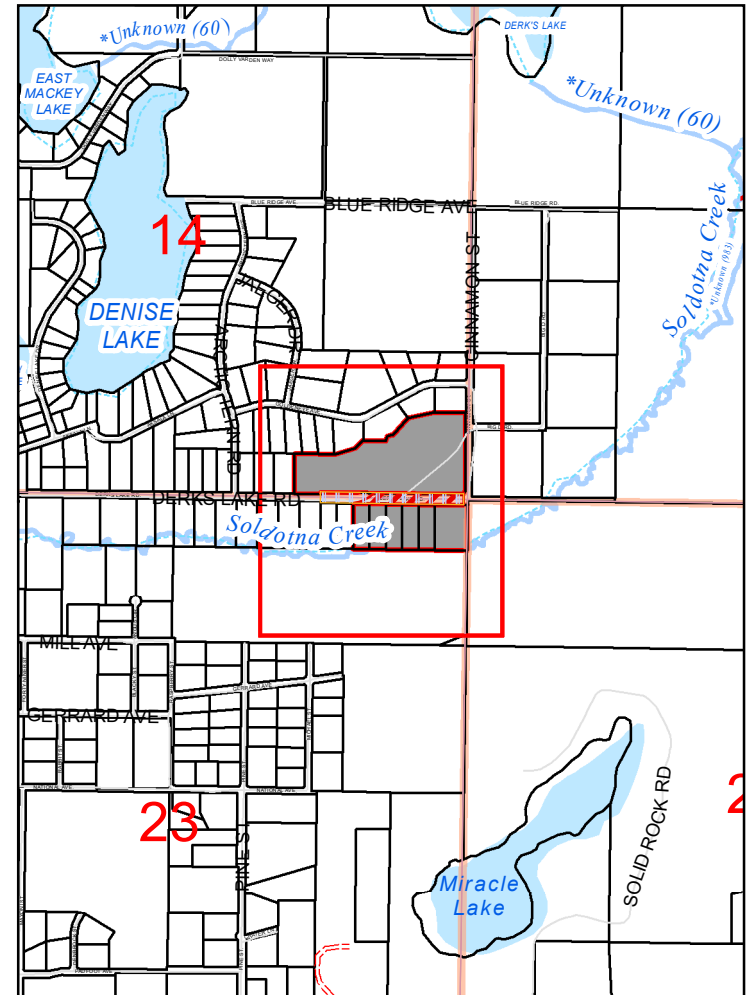
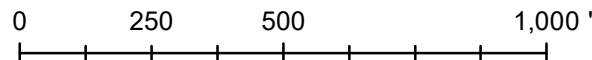
## PART ONE KUCHTA ESTATES SUBDIVISION

FOR  
HARRY L. DREW  
BOX 253,  
KENAI, ALASKA

MALONE SURVEYING  
BOX 566,  
KENAI, ALASKA



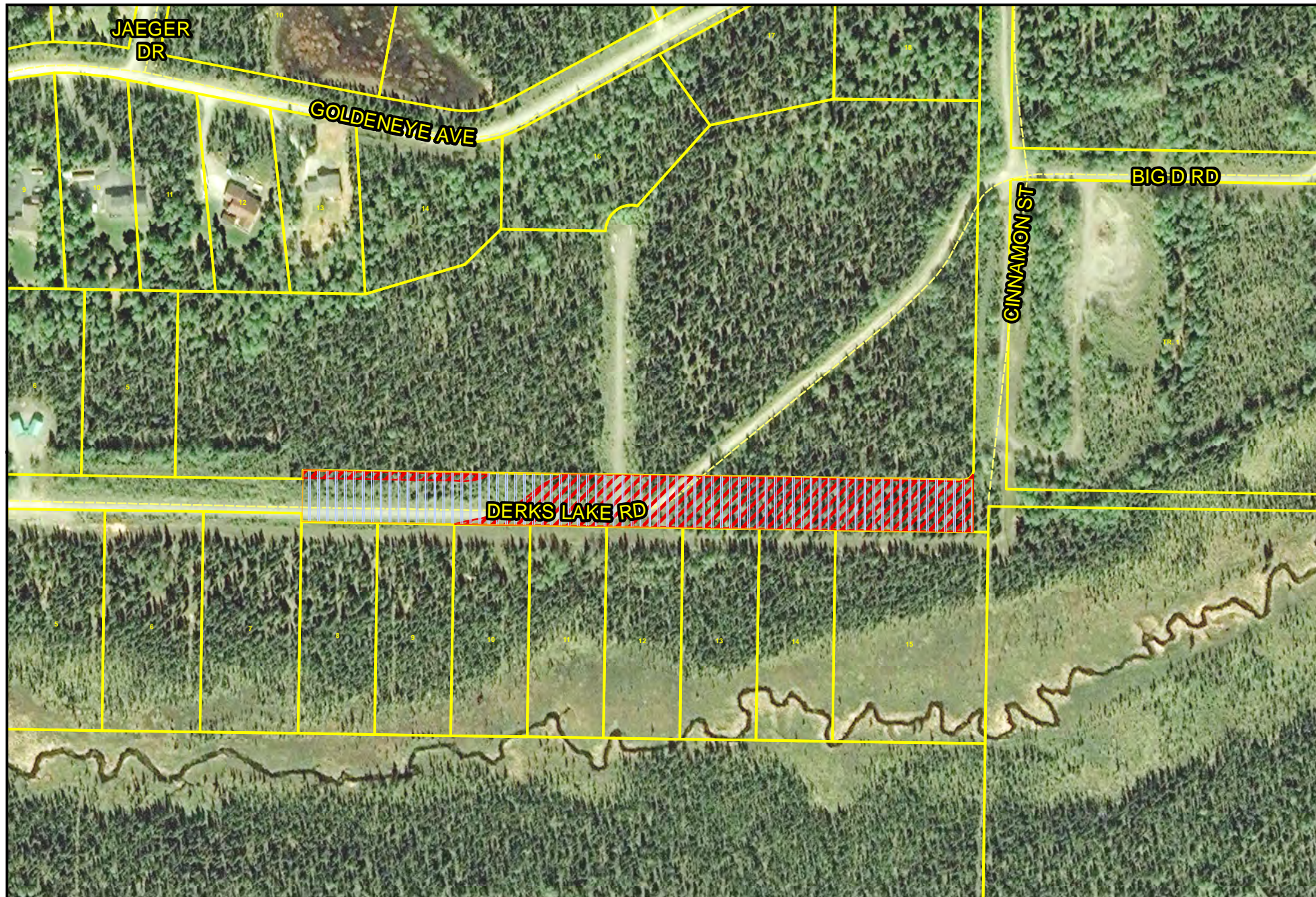
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**KPB 2021-122V  
S23 T05N R10W  
S14 T05N R10W  
STERLING**

PClements, KPB 2021-122V Date: 8/25/2021







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.

0 75 150 300'

Aerial View



 SLEV  
 Right of Way Vacation

PClements, KPB 2021-122V  
Imagery Sterling 2018



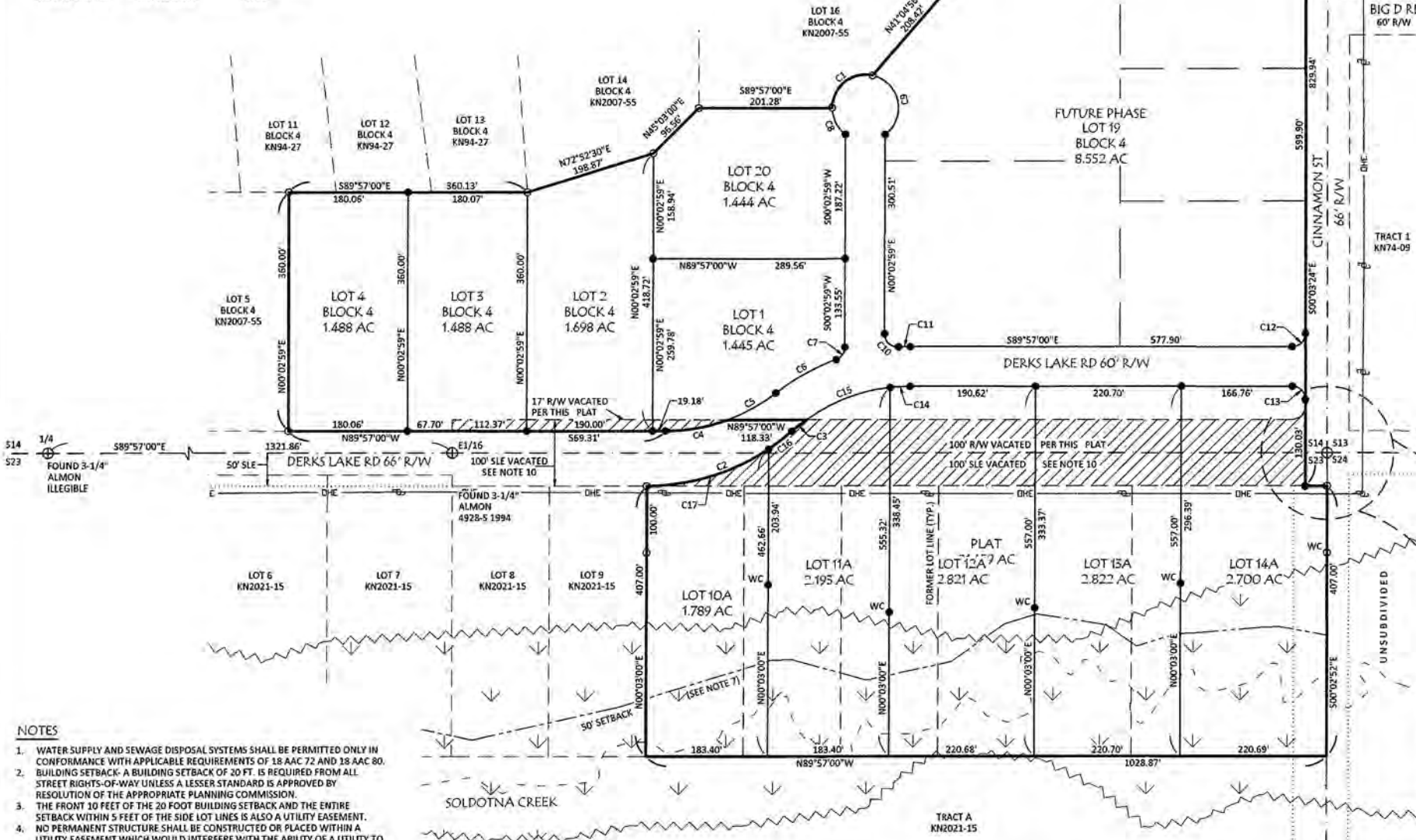
# WASTEWATER DISPOSAL - TRACT A

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

## WASTEWATER DISPOSAL - LOTS

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

CODY R. McLANE C.E. 11510 AK DATE



### NOTES

1. WATER SUPPLY AND SEWAGE DISPOSAL SYSTEMS SHALL BE PERMITTED ONLY IN CONFORMANCE WITH APPLICABLE REQUIREMENTS OF 18 AAC 72 AND 18 AAC 80.
2. BUILDING SETBACK: A BUILDING SETBACK OF 20 FT. IS REQUIRED FROM ALL STREET RIGHTS-OF-WAY UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
3. THE FRONT 10 FEET OF THE 20 FOOT BUILDING SETBACK AND THE ENTIRE SETBACK WITHIN 5 FEET OF THE SIDE LOT LINES IS ALSO A UTILITY EASEMENT. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
4. 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.
5. ANY PERSON DEVELOPING THE PROPERTY IS RESPONSIBLE FOR OBTAINING ALL REQUIRED LOCAL, STATE, AND FEDERAL PERMITS, INCLUDING A U.S. ARMY CORPS OF ENGINEERS WETLAND DETERMINATION IF APPLICABLE.
6. PORTIONS OF THIS SUBDIVISION ARE WITHIN THE KENAI PENINSULA BOROUGH 50-FOOT ANADROMOUS STREAM HABITAT PROTECTION AREA. DEVELOPMENT MAY BE RESTRICTED UNDER CHAPTER 21.18 BOROUGH CODE OF ORDINANCES.
7. THIS PARCEL MAY BE AFFECTED BY THE FOLLOWING:
  - 8.1. CONDITIONAL LAND USE PERMIT TO OPERATE A SAND, GRAVEL OR MATERIAL SITE PER PLANNING COMMISSION RESOLUTION 2020-38 AND RECORDED AS SERIAL NO. 2021-003985-KRD.
  - 8.2. AN ELECTRIC EASEMENT GRANTED TO HOMER ELECTRIC ASSOCIATION ON AUGUST 4, 1961 IN MISC. BOOK 7, PAGE 38, KENAI RECORDING DISTRICT, LOCATION NOT DEFINED.
8. THE KENAI PENINSULA BOROUGH PLANNING COMMISSION APPROVED THE VACATION OF A PORTION OF DERKS LAKE ROAD AND THE ASSOCIATED UTILITY EASEMENT AT THE MEETING OF \_\_\_\_\_, 2021.
9. THE STATE OF ALASKA APPROVED THE VACATION OF THE SECTION LINE EASEMENT PER PLAT KN2021-XX.

LOT # / TRACT #  
5' 10'

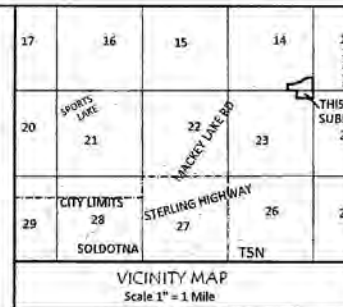
### SETBACK DETAIL

20' BUILDING SETBACK  
UTILITY EASEMENT - SEE NOTE 2  
DEDICATED RIGHTS-OF-WAY

CURVE #	DELTA	RADIUS	LENGTH	TANGENT	CHORD BEARING	CHORD LENGTH
C1	100°27'36"	50.00	89.41	62.25	N 51°16'59" E	77.97
C2	41°24'32"	330.00	238.50	124.73	N 69°20'44" E	233.34
C3	5°58'47"	270.00	26.88	34.10	N 51°37'51" E	28.17
C4	20°16'25"	270.00	96.32	48.66	S 79°19'40" W	95.81
C5	17°31'45"	270.00	82.50	41.63	S 60°50'43" W	82.88
C6	18°08'00"	330.00	104.44	52.66	S 61°08'50" W	104.01
C7	70°09'51"	20.00	24.49	14.05	S 35°07'55" W	22.99
C8	53°08'01"	50.00	46.37	25.00	S 76°30'48" E	44.72
C9	130°40'00"	50.00	114.03	108.87	N 12°09'13" W	90.88
C10	93°04'23"	20.00	32.49	21.10	N 46°29'13" W	29.03
C11	3°04'24"	330.00	17.70	8.85	S 88°30'48" W	17.70
C12	90°06'24"	20.00	31.45	20.04	S 44°59'48" W	28.31
C13	89°53'36"	20.00	31.38	19.96	S 45°00'12" E	28.26
C14	6°23'30"	270.00	20.12	15.08	N 86°51'15" E	20.10
C15	29°02'16"	270.00	136.84	69.92	N 68°08'22" E	135.38
C16	7°38'46"	330.00	44.04	22.05	N 52°27'51" E	44.03
C17	33°45'48"	330.00	194.46	100.15	N 73°10'09" E	191.68

### LEGEND

- ⊕ FOUND PRIMARY MONUMENT AS DESCRIBED
- FOUND 5/8" REBAR UNLESS NOTED
- SET 5/8"x30" REBAR W/ 1" STAINLESS STEEL CAP 85032-S
- ⚡ POWER POLE
- OVERHEAD ELECTRIC
- ▨ AREA SUBJECT TO INUNDATION
- CONTOUR INTERVAL = 4'



### CERTIFICATE OF OWNERSHIP

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND 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.

GENE J. FRIENDSHUH, OWNER LOTS 10 THRU 15 TATUM SUBD. KN2021-15  
35581 KENAI SPUR HWY, SOLDOTNA, AK 99669

LINDA A. FRIENDSHUH, OWNER LOTS 10 THRU 15 TATUM SUBD. KN2021-15  
35581 KENAI SPUR HWY, SOLDOTNA, AK 99669

GEORGE U. FRIENDSHUH, OWNER LOTS 10 THRU 15 TATUM SUBD. KN2021-15  
35581 KENAI SPUR HWY, SOLDOTNA, AK 99669

### NOTARY'S ACKNOWLEDGEMENT

FOR: GENE J. FRIENDSHUH, LINDA A. FRIENDSHUH, GEORGE U. FRIENDSHUH  
ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_

DAY OF \_\_\_\_\_, 20\_\_\_\_

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

NOTARY PUBLIC FOR THE  
STATE OF ALASKA

### CERTIFICATE OF OWNERSHIP

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND 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.

LINDA A. FRIENDSHUH, OWNER 1/2 INTEREST IN S1/2 OF SE1/4 SEC. 14, T5N, R10W, SM, AK EXCEPT KN86-214, KN94-27, KN97-18 & KN2007-55  
35581 KENAI SPUR HWY, SOLDOTNA, AK 99669

GEORGE URBAN FRIENDSHUH, OWNER 1/2 INTEREST IN S1/2 OF SE1/4 SEC. 14, T5N, R10W, SM, AK EXCEPT KN86-214, KN94-27, KN97-18 & KN2007-55  
35581 KENAI SPUR HWY, SOLDOTNA, AK 99669

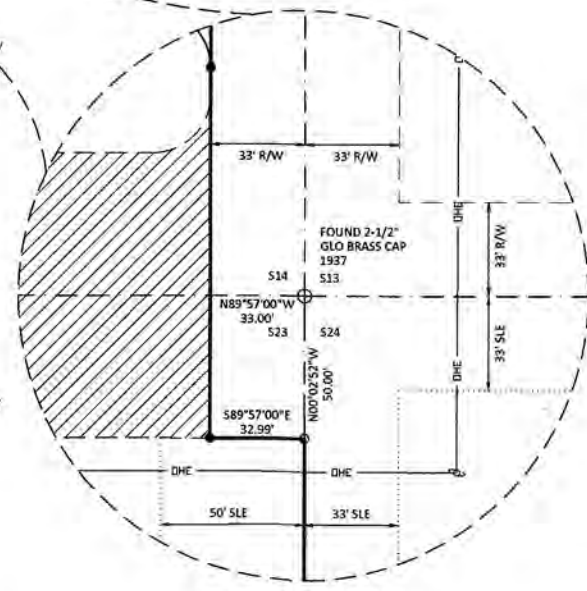
### NOTARY'S ACKNOWLEDGEMENT

FOR: LINDA A. FRIENDSHUH, GEORGE URBAN FRIENDSHUH  
ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_

DAY OF \_\_\_\_\_, 20\_\_\_\_

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

NOTARY PUBLIC FOR THE  
STATE OF ALASKA



SECTION CORNER DETAIL  
SCALE: 1" = 30'



### Plat #

Plat Dist. \_\_\_\_\_

Date: \_\_\_\_\_

Time: \_\_\_\_\_

### TATUM DENISE SUBDIVISION PHASE 1

A RESUBDIVISION OF LOTS 10 THRU 15 TATUM SUBDIVISION (KN2021-15) AND THE S1/2 OF SE1/4 SECTION 14, TOWNSHIP 5 NORTH, RANGE 10 WEST, SEWARD MERIDIAN, ALASKA EXCEPTING DENISE LAKE ESTATES PART ONE (KN86-214), DENISE LAKE ESTATES PART TWO (KN94-27), DENISE LAKE ESTATES PART THREE (KN97-18) & DENISE LAKE ESTATES PART FOUR (KN2007-55) AND THE ASSOCIATED R/W VACATION

GENE J. FRIENDSHUH, OWNER  
35581 KENAI SPUR HWY, SOLDOTNA, AK 99669

LINDA A. FRIENDSHUH, OWNER  
35581 KENAI SPUR HWY, SOLDOTNA, AK 99669

GEORGE U. FRIENDSHUH, OWNER  
35581 KENAI SPUR HWY, SOLDOTNA, AK 99669

29.301 AC. M/L SITUATED IN THE E1/2 OF SECTION 21, TOWNSHIP 5 NORTH, RANGE 9 WEST, SEWARD MERIDIAN, KENAI PENINSULA BOROUGH, AND THE KENAI RECORDING DISTRICT, ALASKA.

ENGINEERING - TESTING SURVEYING - MAPPING P.O. BOX 488 SOLDOTNA, AK 99669 VOICE: (907) 283-4214 FAX: (907) 283-5268 WWW.MCLANECOG.COM	KPB FILE NO. 2021-KXX
PROJECT NO. 212022	
SCALE: 1" = 100'	DATE: AUG. 2021
BOOK: REC. 121-KXX	DRAWN BY: JAH

### PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF \_\_\_\_\_, 2021.

AUTHORIZED OFFICIAL

DATE

KPB 2021-122V(ROWV)

AGENDA ITEM E. NEW BUSINESS

**ITEM 4 - RIGHT OF WAY VACATION  
VACATE A PORTION OF DERKS LAKE ROAD AND ASSOCIATED UTILITY EASEMENTS**

<b>KPB File No.</b>	2021-122V
<b>Planning Commission Meeting:</b>	September 13, 2021
<b>Applicant / Owner:</b>	Gene, George, and Linda Friendshuh of Soldotna, Alaska
<b>Surveyor:</b>	James Hall / McLane Consulting, Inc
<b>General Location:</b>	Ridgeway Area
<b>Legal Description:</b>	Derks Lake Road as dedicated on Denise Lake Estates Part Two, KN 94-27 and Tatum Subdivision, KN 2021-15, Kenai Recording District, Sections 14 and 23 Township 05 North Range 10 West S.M.

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**STAFF REPORT**

**Specific Request / Purpose as stated in the petition:** Lots along south side of Derks Lake Road are pressed between right of way and Soldotna Creek. By re-routing Derks Lake Road the additional property gained will allow the owners space to build homes.

**Notification:** Public notice appeared in the September 2, 2021 issue of the Peninsula Clarion as a separate ad. The public hearing notice was published in the September 9, 2021 issue of the Peninsula Clarion as part of the Commission's tentative agenda.

A petition has also been received for section line easement vacations that coincide with the right of way vacation. Public notices posted and mailed contained the information for each item so only one notice was required. The public notice was posted on the Planning Commission bulletin board at the Kenai Peninsula Borough George A. Navarre Administration building. Additional notices were mailed to the following with the request to be posted for public viewing.

- Library of Soldotna
- Post Office of Sterling

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

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

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

State of Alaska Dept. of Fish and Game  
State of Alaska DNR  
State of Alaska DOT  
State of Alaska DNR Forestry  
Advisory Planning Commission  
Central Emergency Services

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

**Legal Access (existing and proposed):** Legal access to Derks Lake road is via Mackdy Lake Road to Denise Lake Road. An alternate route is from Denise Lake to Aksala Lane and Arctic Tern Road.

Nearby right of ways Goldeneye Avenue, Big D Road, and Cinnamon Street provide additional access. Cinnamon Street does not appear to be improved. Bid D street appears to have a constructed road. Neither right of way is maintained by KPB.



Per KPB GIS data, Derks Lake Road maintenance stops approximately 200 feet east of Arctic Tern Road and the portion being requested for vacation is not constructed or maintained. The preliminary plat design shows a realignment of Derks Lake Road. KPB GIS Imagery appears to show a roadway that angles to the north of the dedication and connects to Big D Road. The proposed dedication does not appear to follow the existing trail or drive.

The proposed vacation has an underlying section line easement and a petition has been received to vacate the corresponding area. The public hearing for the section line easement vacation will be heard at the same meeting as this petition.

The parent subdivision Tatum Denise Subdivision, KN 2021-15, did receive an exception for block length. The preliminary plat to finalize the vacation will also need to request an exception for block length.

KPB Roads Dept. comments	Within KPB jurisdiction. The RSA has no comments at this time.
SOA DOT comments	No comments.

**Site Investigation:** There are no low wet areas or steep terrain within the right of way vacation or within the proposed dedication areas. The area proposed to be vacated and dedicated appear to be relatively flat.

Floodplain Hazard Review	Not within a flood hazard area.
Anadromous Waters Habitat Protection District Review	Not within a HPD.
State Parks Review	No comments.

**Staff Analysis:** Per the petition, the lots south of Derks Lake Road have limited buildable area due to restrictions associated with Soldotna Creek wetlands and the existing right of way. The realignment of Derks Lake Road will provide additional square footage to develop the lots.

Denise Lake Estates Part Two, KN 94-27, and Tatum Subdivision, KN 2021-15 originally dedicated the portion of Derks Lake Road proposed for vacation. Both of those subdivisions dedicated 50 foot wide right of way atop 50 foot wide section line easements to create a 100 foot wide right of way. To the west of the 100 foot wide dedication the right of way width is reduced to 66 feet and coincides with section line easements.

This petition is requesting the vacation of the east approximately 1000 feet of Derks Lake Road, and the north 17 foot wide by approximately 570 foot section of Derks Lake Road.

A new dedication for Derks Lake Road is proposed to curve northeasterly and connect to Cinnamon Street. KPB GIS imagery shows a constructed road in this area but it will not align with the new right of way. The location of the proposed right of way will allow the best subdivision design with usable area for all lots.

A 10 foot wide utility easement will adjoin all dedicated right of ways within the proposed subdivision. The vacation of the right of way includes the vacation of associated utility easements. There does appear to be Homer Electric Association utilities running parallel to the proposed vacation. The line appears to be approximately 15 feet from the right of way. The parent plat only granted a 10 foot utility easement along the right of way. **Staff recommends the utility easement association with the right of way be vacated and the applicant work with the utility provider to determine an agreeable width and grant an easement centered over the existing powerline line.**

Approval of the vacation will be subject to consent or veto by the Kenai Peninsula Borough Assembly. The petition to vacate is tentatively scheduled for the September 21, 2021 Assembly meeting.

## **20.65.050 – Action on vacation application**

- D. The planning commission shall consider the merits of each vacation request and in all cases the planning commission shall deem the area being vacated to be of value to the public. It shall be incumbent upon the applicant to show that the area proposed for vacation is no longer practical for the uses or purposes authorized, or that other provisions have been made which are more beneficial to the public. In evaluating the merits of the proposed vacation, the planning commission shall consider whether:
1. The right-of-way or public easement to be vacated is being used;  
**Staff comments:** The portion of right of way being vacated is not being used for vehicular or pedestrian access. An overhead electric line is located to the south of the right of way.
  2. A road is impossible or impractical to construct, and alternative access has been provided;  
**Staff comments:** The area being vacated is constructible as a roadway. A new right of way dedication is being provided to the north of the vacation and will provide a connection.
  3. The surrounding area is fully developed and all planned or needed rights-of-way and utilities are constructed;  
**Staff comments:** The surrounding area has been subdivided, or will be subdivided with this plat. All needed right-of-ways and utility easements have been provided.
  4. The vacation of a public right-of-way provides access to a lake, river, or other area with public interest or value, and if so, whether equal or superior access is provided;  
**Staff comments:** The right of way proposed to be vacated does not provide access to public areas.
  5. The proposed vacation would limit opportunities for interconnectivity with adjacent parcels, whether developed or undeveloped;  
**Staff comments:** A proposed right of way dedication in conjunction with the proposed right of way vacation will provide connectivity of the roads and utility easements for nearby parcels.
  6. Other public access, other than general road use, exist or are feasible for the right-of-way;  
**Staff comments:**
  7. All existing and future utility requirements are met. Rights-of-way which are utilized by a utility, or which logically would be required by a utility, shall not be vacated, unless it can be demonstrated that equal or superior access is or will be available. Where an easement would satisfactorily serve the utility interests, and no other public need for the right-of-way exists, the commission may approve the vacation and require that a utility easement be granted in place of the right-of-way.  
**Staff comments:** Utility easements will be granted to adjoin the proposed dedicated right of way.
  8. Any other factors that are relevant to the vacation application or the area proposed to be vacated.  
**Staff comments:** A proposed realignment will provide continuation of the right of way.

If approved, Tatum Denise Subdivision Phase 1 will finalize the proposed right of way vacations. A separate action to vacate the section line easement is proposed to finalize the section line easement vacations. The Plat Committee is scheduled to review Tatum Denise Subdivision Phase 1 on September 27, 2021.

**KPB department / agency review:**

Planner – Bryan Taylor	There are not any Local Option Zoning District issues with this proposed plat.  There are not any material site issues with this proposed plat.
Code Compliance – Eric Ogren	Code compliance review not available.
Addressing – Derek Haws	Affected Addresses: None  Existing Street Names are Correct: Yes

	List of Correct Street Names: DERKS LAKE RD CINNAMON ST BIG D RD  Existing Street Name Corrections Needed:  All New Street Names are Approved: No  List of Approved Street Names:  List of Street Names Denied:  Comments: No addresses affected by this subdivision.
Assessing – Matt Bruns	No concerns from Assessing Department.

**Utility provider review:**

HEA	
ENSTAR	
ACS	
GCI	Approved as shown.

**RECOMMENDATION:**

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

1. Consent by KPB Assembly.
2. Compliance with the requirements for preliminary plats per Chapter 20 of the KPB Code.
3. Grant utility easements requested by the utility providers.
4. Submittal of a final plat within a timeframe such that the plat can be recorded within one year of vacation consent (KPB 20.70.130).

**KPB 20.65.050 – Action on vacation application**

**H. A planning commission decision to approve a vacation is not effective without the consent of the city council, if the vacated area to be vacated is within a city, or by the assembly in all other cases. The council or assembly shall have 30 days from the date of the planning commission approval to either consent to or veto the vacation. Notice of veto of the vacation shall be immediately given to the planning commission. Failure to act on the vacation within 30 days shall be considered to be consent to the vacation. This provision does not apply to alterations of utility easements under KPB 20.65.070 which do not require the consent of the assembly or city council unless city code specifically provides otherwise.**

**I. Upon approval of the vacation request by the planning commission and no veto by the city council or**



assembly, where applicable, the applicant shall have a surveyor prepare and submit a plat including the entire area approved for vacation in conformance with KPB 20.10.080. Only the area approved for vacation by the assembly or council may be included on the plat. The final plat must be recorded within one year of the vacation consent.

- J. A planning commission decision denying a vacation application is final. No reapplication or petition concerning the same vacation may be filed within one calendar year of the date of the final denial action except in the case where new evidence or circumstances exist that were not available or present when the original petition was filed.
- K. An appeal of the planning commission, city council or assembly vacation action under this chapter must be filed in the superior court in accordance with the Alaska Rules of Appellate Procedure.

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

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

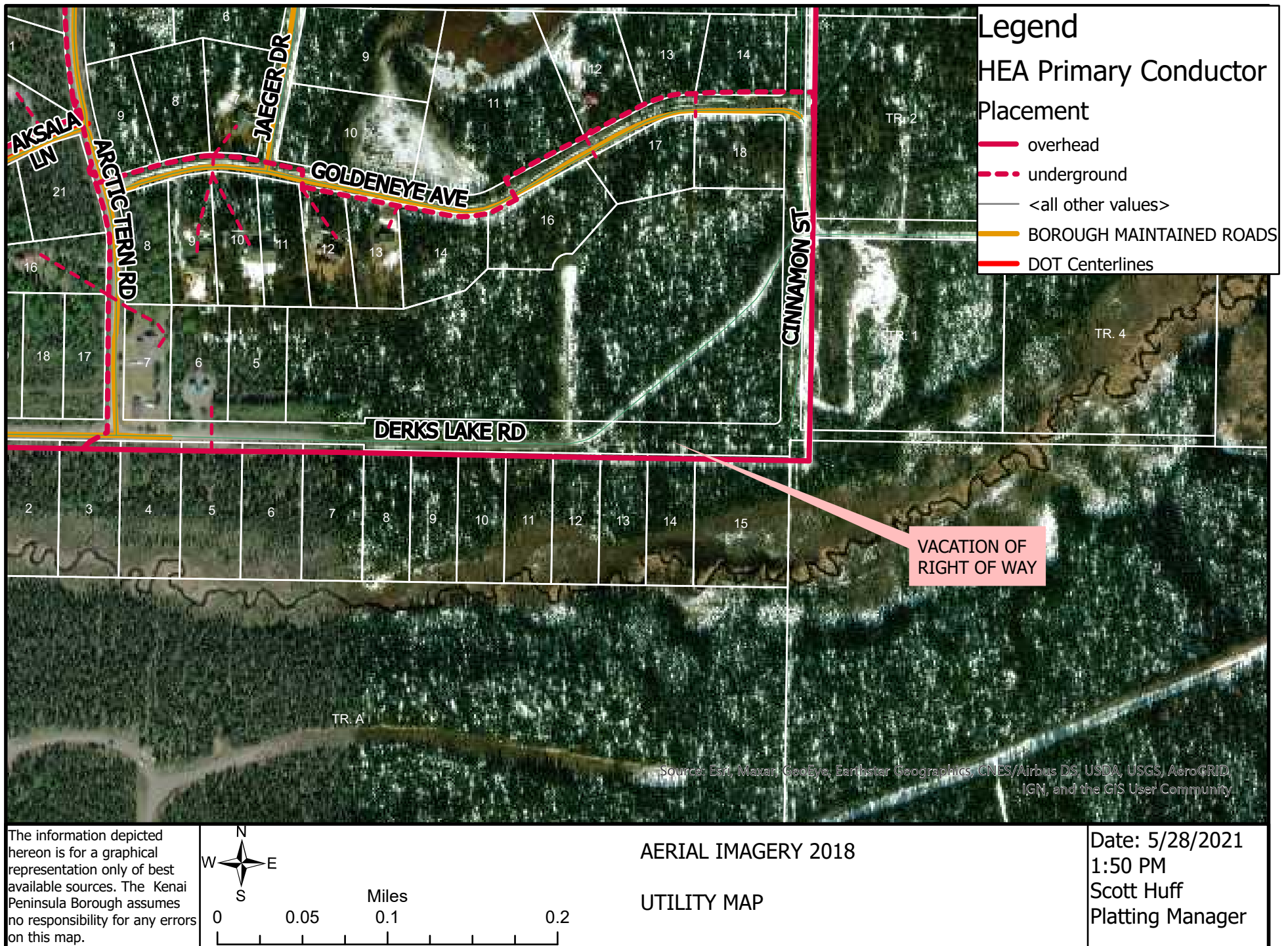
- *Focus Area: Energy and Utilities*
  - o *Objective A - Encourage coordination or residential, commercial, and industrial development with extension of utilities and other infrastructure.*
    - *Strategy 1. Near – Term: Maintain existing easements (especially section line easements) in addition to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

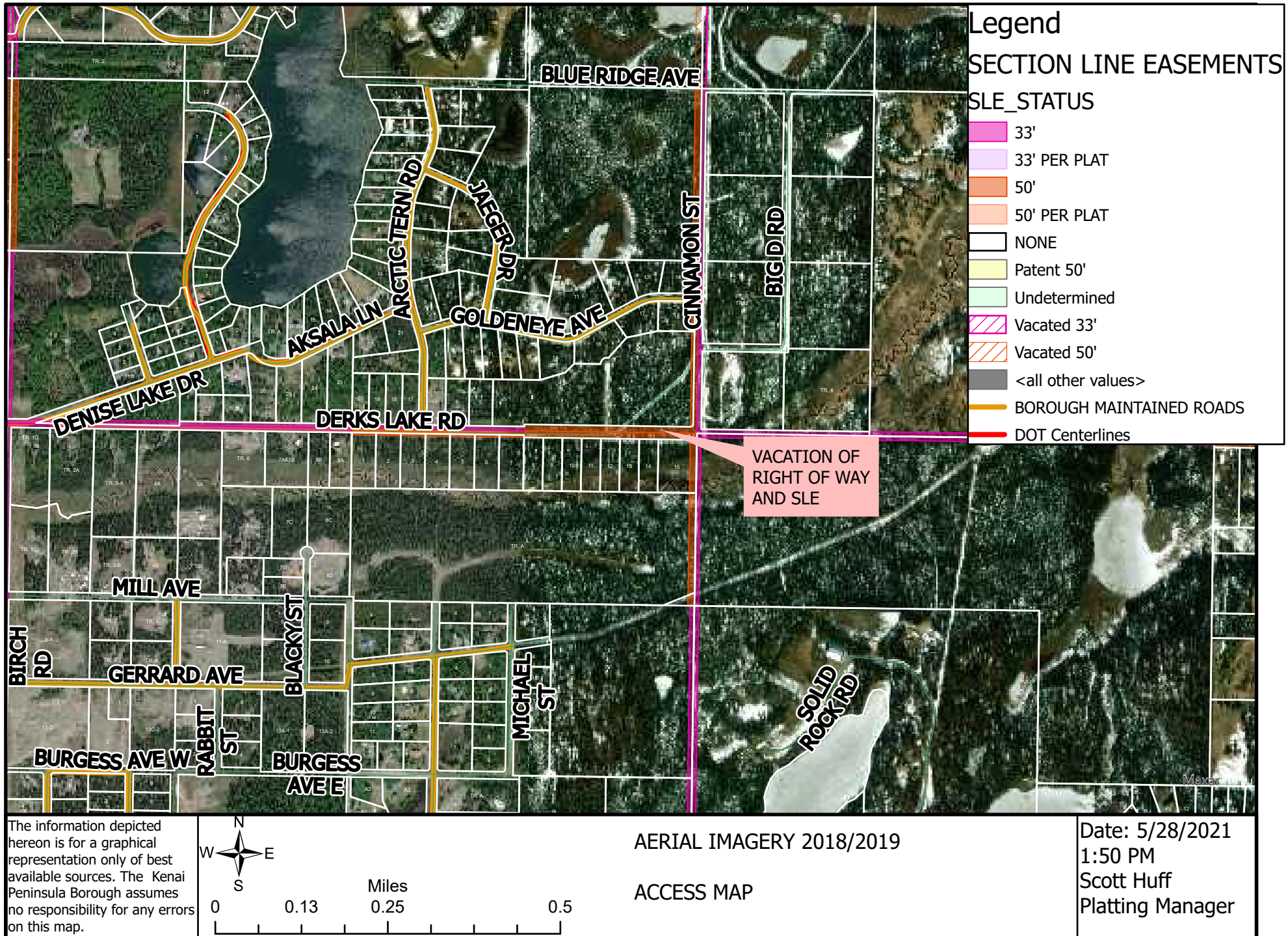
*Goal 4. Improve access to, from and connectivity within the Kenai Peninsula Borough*

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

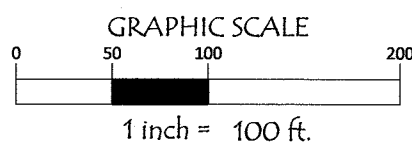
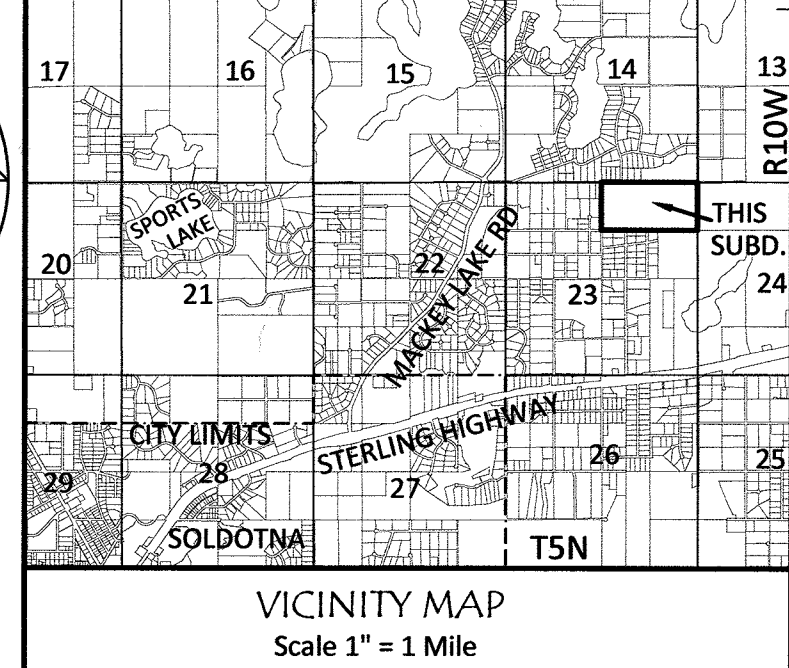
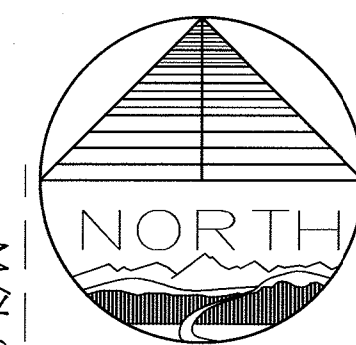
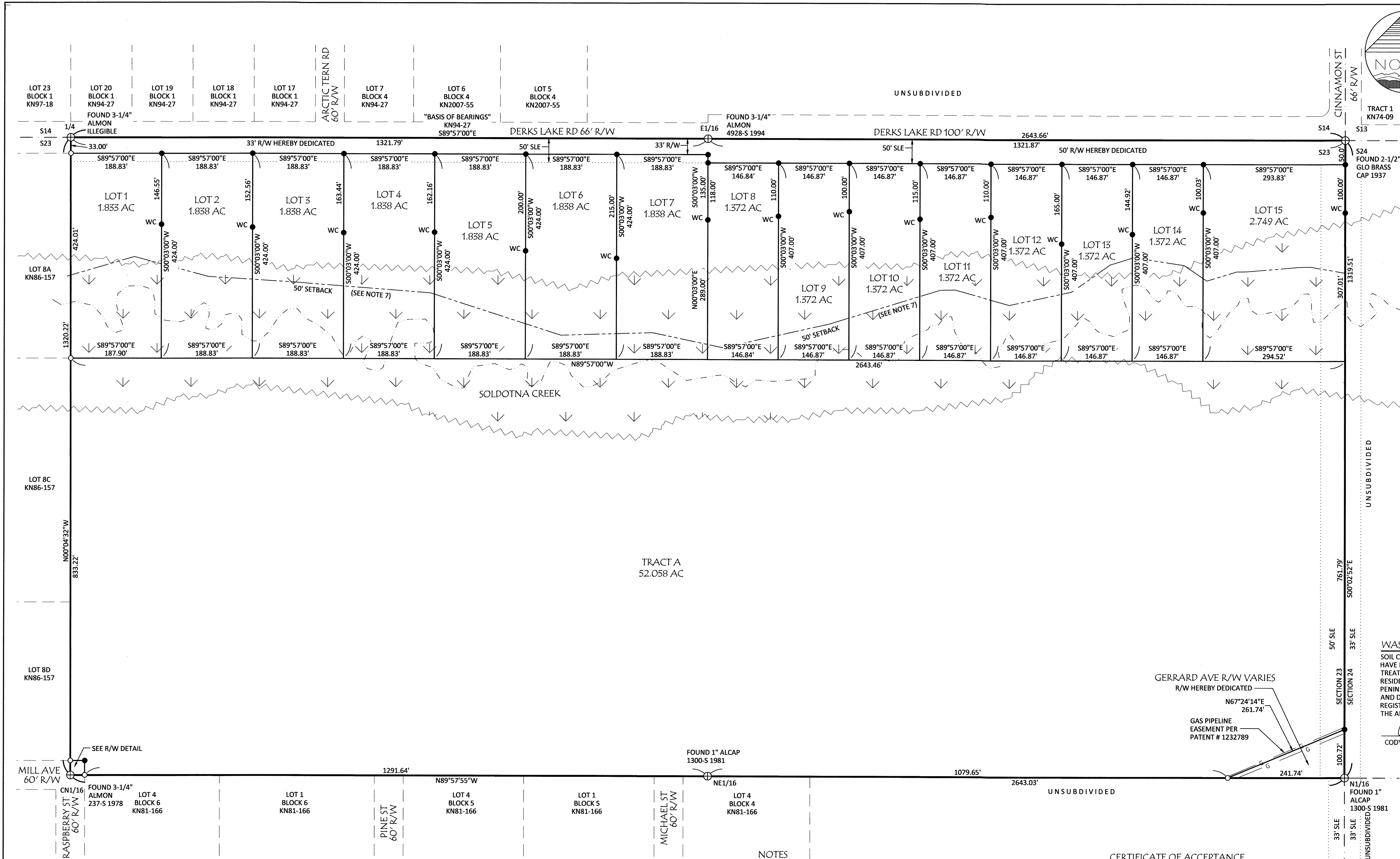
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**END OF STAFF REPORT**



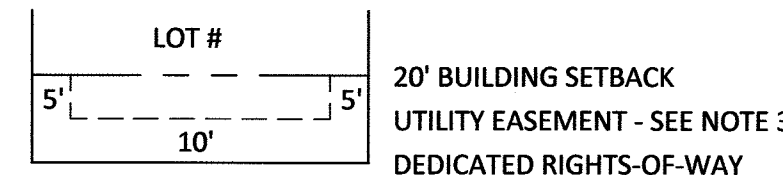




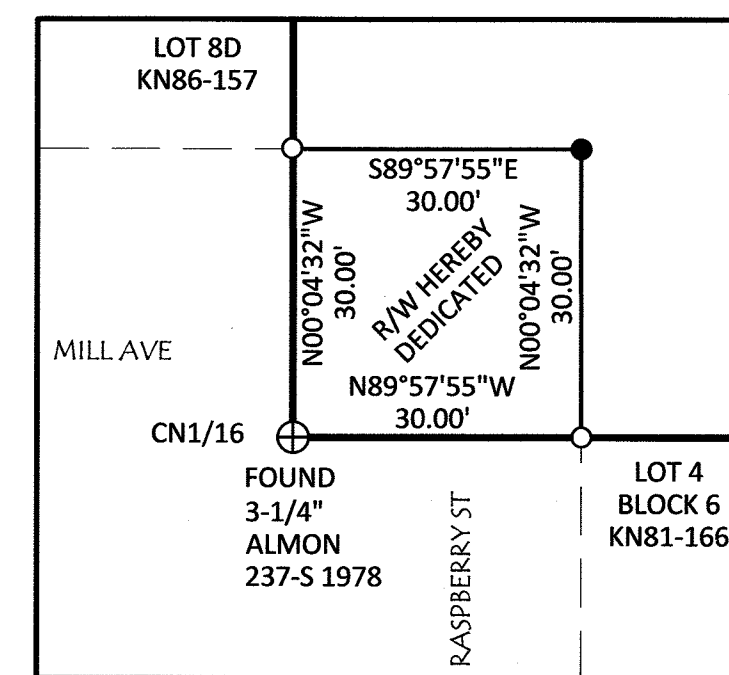


LEGEND

- FOUND PRIMARY MONUMENT AS DESCRIBED
- FOUND 1/2" REBAR UNLESS NOTED
- SET 5/8"x30" REBAR w/ 1" STAINLESS STEEL CAP 85032-S
- SECTION LINE EASEMENT
- AREA SUBJECT TO INUNDATION



SETBACK DETAIL



R/W DETAIL

WASTEWATER DISPOSAL - LOTS 1 THRU 10

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

CODY R. McLANE C.E. 11510 AK DATE 5/19/2021

WASTEWATER DISPOSAL - TRACT A

THIS TRACT IS AT LEAST 200,000 SQUARE FEET OR NOMINAL 5 ACRES IN SIZE AND CONDITIONS MAY NOT BE SUITABLE FOR ONSITE WASTEWATER TREATMENT AND DISPOSAL. ANY WASTEWATER TREATMENT OR DISPOSAL SYSTEM MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

WASTEWATER DISPOSAL - LOTS 11 THRU 15

SOIL CONDITIONS IN THIS SUBDIVISION HAVE BEEN FOUND UNSUITABLE FOR CONVENTIONAL ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEMS. PLANS FOR A TYPICAL ALTERNATE WASTEWATER DISPOSAL SYSTEM FOR USE ON LOTS IN THIS SUBDIVISION ARE INCLUDED IN THE ENGINEER'S SUBDIVISION AND SOILS REPORT AND ARE AVAILABLE FROM THE KENAI PENINSULA BOROUGH. ALL ALTERNATE ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEMS MUST BE DESIGNED BY A PROFESSIONAL ENGINEER REGISTERED TO PRACTICE IN ALASKA AND THE DESIGN MUST BE APPROVED BY THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION PRIOR TO CONSTRUCTION.

CODY R. McLANE C.E. 11510 AK DATE 5/19/2021

CERTIFICATE OF OWNERSHIP AND DEDICATION

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND 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.

Ronald T. Rozak  
RONALD T. ROZAK  
1201 DENALI ST APT 303, ANCHORAGE, AK 99501

L. Marie Rozak  
L. MARIE ROZAK  
1201 DENALI ST APT 303, ANCHORAGE, AK 99501

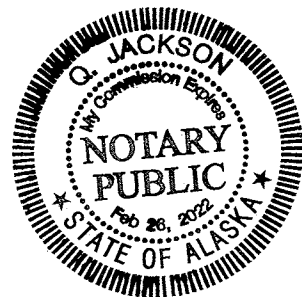
NOTARY'S ACKNOWLEDGEMENT

FOR: RONALD T. ROZAK & L. MARIE ROZAK  
ACKNOWLEDGED BEFORE ME THIS

18th DAY OF May, 2021

MY COMMISSION EXPIRES: Feb. 26, 2022

NOTARY PUBLIC FOR THE STATE OF ALASKA



NOTES

- WATER SUPPLY AND SEWAGE DISPOSAL SYSTEMS SHALL BE PERMITTED ONLY IN CONFORMANCE WITH APPLICABLE REQUIREMENTS OF 18 AAC 72 AND 18 AAC 80.
- BUILDING SETBACK- A BUILDING SETBACK OF 20 FT. IS REQUIRED FROM ALL STREET RIGHTS-OF-WAY UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
- THE FRONT 10 FEET OF THE 20 FOOT BUILDING SETBACK AND THE ENTIRE SETBACK WITHIN 5 FEET OF THE SIDE LOT LINES IS ALSO A UTILITY EASEMENT.
- NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
- 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.
- ANY PERSON DEVELOPING THE PROPERTY IS RESPONSIBLE FOR OBTAINING ALL REQUIRED LOCAL, STATE, AND FEDERAL PERMITS, INCLUDING A U.S. ARMY CORPS OF ENGINEERS WETLAND DETERMINATION IF APPLICABLE.
- PORTIONS OF THIS SUBDIVISION ARE WITHIN THE KENAI PENINSULA BOROUGH 50-FOOT ANADROMOUS STREAM HABITAT PROTECTION AREA. DEVELOPMENT MAY BE RESTRICTED UNDER CHAPTER 21.18 BOROUGH CODE OF ORDINANCES.
- EXCEPTION GRANTED TO STREET LAYOUT (KPB 20.30.030) AND BLOCK LENGTH (KPB 20.30.170) BY THE PLANNING COMMISSION AT THE APRIL 12, 2021 MEETING.
- THIS PROPERTY IS SUBJECT TO A CONDITIONAL LAND USE PERMIT TO OPERATE A SAND, GRAVEL OR MATERIAL SITE PER PLANNING COMMISSION RESOLUTION 2020-38 AND RECORDED AS SERIAL NO. 2021-003985-0 KRD.

CERTIFICATE OF ACCEPTANCE

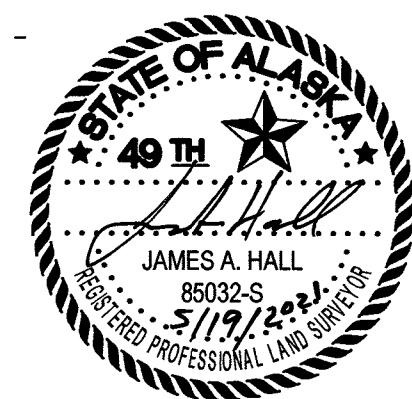
THE UNDERSIGNED OFFICIAL IDENTIFIED BY NAME AND TITLE IS AUTHORIZED TO ACCEPT AND HEREBY ACCEPTS ON BEHALF OF THE KENAI PENINSULA BOROUGH FOR PUBLIC PURPOSES THE REAL PROPERTY TO BE DEDICATED BY THIS PLAT INCLUDING EASEMENTS, RIGHTS-OF-WAY (GERRARD AVE, DERKS LAKE RD, MILL AVE & RASPBERRY ST), ALLEYS,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

5/21/21  
AUTHORIZED OFFICIAL DATE


PLAT APPROVAL

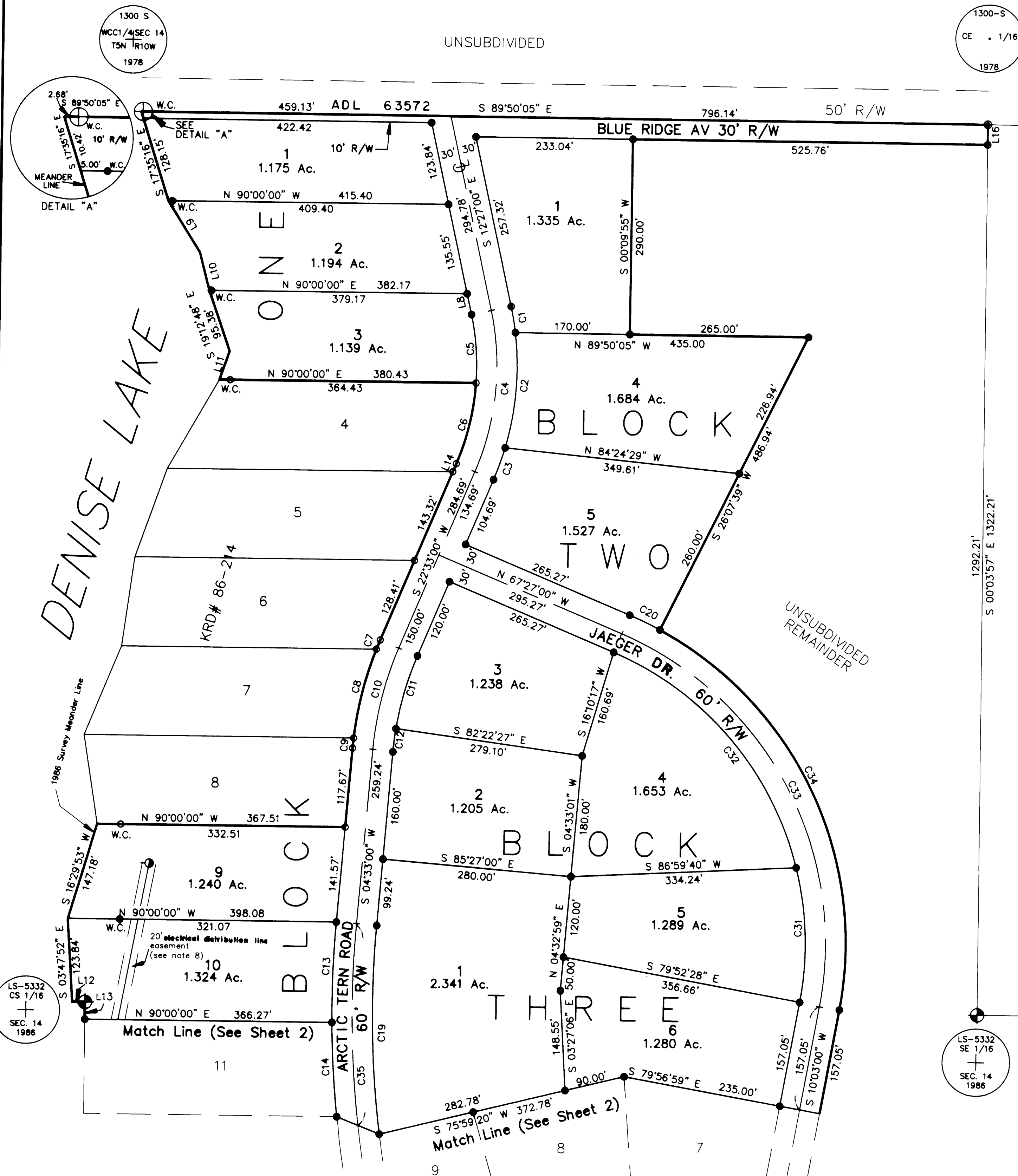
THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF APRIL 12, 2021.

5/21/21  
AUTHORIZED OFFICIAL



2021-15  
Plat #  
Kenai  
Rec Dist  
5/24/2020  
Date  
Time 11:46 AM

TATUM SUBDIVISION			
SUBDIVISION OF THE N1/2 OF NE1/4 OF SECTION 23, TOWNSHIP 5 NORTH, RANGE 10 WEST, 5M, AK			
RONALD T. ROZAK, OWNER 1201 DENALI ST APT 303 ANCHORAGE, AK 99501		L. MARIE ROZAK, OWNER 1201 DENALI ST APT 303, ANCHORAGE, AK 99501	
80.093 AC. M/L SITUATED IN NE1/4 OF SECTION 23, TOWNSHIP 5 NORTH, RANGE 10 WEST, SEWARD MERIDIAN, KENAI PENINSULA BOROUGH, AND THE KENAI RECORDING DISTRICT, ALASKA.			
 ENGINEERING - TESTING SURVEYING - MAPPING P.O. BOX 468 SOLDOTNA, AK 99669 VOICE: (907) 283-4218 FAX: (907) 283-3265 WWW.MCLANECGS.COM		KPB FILE NO. 2021-028	
Consulting Inc		PROJECT NO. 212006	
SCALE 1" = 100'		DATE: FEB 2021	
		BOOK NO.: 20-08 21-01	
		DRAWN BY: JAH	



SHEET INDEX  
1"=300'

LINE	DIRECTION	DISTANCE
L8	N 12°27'00" W	31.85'
L9	N 32°05'10" W	89.85'
L10	S 14°40'22" E	58.14'
L11	N 19°10'39" E	44.78'
L12	N 89°53'51" W	19.00'
L13	S 00°05'14" E	25.64'
L14	S 22°33'00" W	12.96'
L16	S 00°03'57" E	30.00'

LOT	CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
LOT 1 BLOCK 2	C1	430.00'	39.50'	19.76'	39.49'	N 09°49'06" W	05°15'48"
LOT 4 BLOCK 2	C2	430.00'	172.58'	87.47'	171.42'	N 04°18'40" E	22°59'44"
LOT 5 BLOCK 2	C3	430.00'	50.59'	25.33'	50.56'	N 19°10'46" E	06°44'28"
Arctic Tern Rd	C4	400.00'	244.35'	126.12'	240.56'	N 05°03'00" E	35°00'00"
LOT 3 BLOCK 1	C5	370.00'	101.90'	51.28'	101.58'	N 04°33'36" W	15°48'49"
LOT 4 BLOCK 1	C6	370.00'	124.12'	62.65'	123.53'	N 12°56'24" E	19°13'11"
LOT 6 BLOCK 1	C7	530.00'	14.83'	7.41'	14.83'	S 21°44'54" W	01°38'11"
LOT 7 BLOCK 1	C8	530.00'	136.54'	68.65'	136.16'	S 13°34'00" W	14°45'39"
LOT 8 BLOCK 1	C9	530.00'	15.14'	7.57'	15.13'	S 05°22'05" W	01°38'10"
Arctic Tern Rd	C10	500.00'	157.08'	79.19'	156.43'	S 13°33'00" W	18°00'00"
LOT 4 BLOCK 3	C11	470.00'	112.65'	56.59'	112.38'	S 15°41'02" W	13°43'56"
LOT 3 BLOCK 3	C12	470.00'	35.01'	17.51'	35.00'	S 06°41'02" W	04°16'04"
LOT 10 BLOCK 1	C13	1530.00'	149.38'	74.75'	149.32'	S 01°45'11" W	05°35'38"
LOT 11 BLOCK 1	C14	1530.00'	140.34'	70.22'	140.29'	S 03°40'18" E	05°15'19"
LOT 1 BLOCK 3	C19	1470.00'	310.18'	155.67'	309.60'	N 01°29'42" W	12°05'23"
LOT 5 BLOCK 2	C20	530.00'	50.02'	25.03'	50.00'	N 64°44'47" W	05°24'26"
LOT 6 BLOCK 3	C31	470.00'	201.54'	102.34'	200.00'	N 02°14'04" W	24°34'08"
LOT 5 BLOCK 3	C32	470.00'	434.20'	233.98'	401.29'	N 40°59'04" W	52°55'52"
Jaeger Lp	C33	500.00'	676.31'	385.72'	623.75'	N 25°59'47" W	72°05'34"
Boundary	C34	530.00'	666.87'	299.40'	623.75'	N 01°10'40" W	11°27'19"
Arctic Tern Rd	C35	1500.00'	299.90'	150.45'	299.40'	N 01°10'40" W	11°27'19"

NOTES

- 1) Water supply and sewage disposal systems shall be permitted only in conformance with applicable requirements of 18 AAC 70, 18 AAC 72, and 18 AAC 80.
- 2) No direct access to state maintained ROWS permitted unless approved by State of Alaska Department of Transportation.
- 3) No permanent structure shall be constructed or placed within an easement which would interfere with the ability of a utility to use the easement.
- 4) The 1986 survey meander line shown hereon is for computational purposes only. The true bounds of those lots which front along Denise Lake is the ordinary high water line of said lake.
- 5) BUILDING SET BACK - A building set back of 20 ft. is required from all street rights-of-way unless a lesser standard is approved by resolution of the appropriate Planning Commission.
- 6) Found data and data of record are identical or within allowable limits of closure error.
- 7) The front 10' building setback is to be used for utility easement.
- 8) Existing powerline is centerline of a 20 ft. electrical distribution line easement.

LEGEND

- Found GLO standard brass cap attached to reg. post
- Found 3 1/4" alum. capped monument
- Found 1/2" rebar with McLane & Assoc. cap attached
- Found 1 1/2" aluminum cap
- Set 3 1/4" alum. cap, 2 3/8" x 30" flanged alum. pipe.
- Set 1/2" X 24" rebar with McLane & Assoc. cap attached
- Power pole

NOTARY'S ACKNOWLEDGEMENT

FOR: Linda A. Friendshuh

Subscribed and sworn before me this

11<sup>th</sup> day of May, 1994.

My commission expires Oct 3, 1994

Denise R. Saul  
Notary Public for the State of Alaska

NOTARY'S ACKNOWLEDGEMENT

FOR: Rochelle M. Friendshuh

Subscribed and sworn before me this

11<sup>th</sup> day of May, 1994.

My commission expires Oct 3, 1994

Denise R. Saul  
Notary Public for the State of Alaska

CERTIFICATE OF OWNERSHIP AND DEDICATION

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

Linda A. Friendshuh Rochelle M. Friendshuh  
Linda A. Friendshuh Rochelle M. Friendshuh

CERTIFICATE OF APPROVAL BY THE ALASKA  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

This subdivision has been reviewed in accordance with 18AAC72.065 and is approved, subject to any noted restrictions.

Scott Ingue EEAII 5/12/94  
Signature Title Date

PLAT APPROVAL

This plat was approved by the KENAI PENINSULA BOROUGH PLANNING COMMISSION at the meeting of

APRIL 17, 1986

KENAI PENINSULA BOROUGH by

Ch. M. May  
Authorized Official

DENISE LAKE ESTATES  
PART TWO

Linda & Rochelle Friendshuh, owners  
35581 Kenai Spur Hwy  
Soldotna, AK 99669

LOCATION

56.041 AC. M/L SITUATED WITHIN SE 1/4 SEC. 14, T5N, R10W, S.M. AK. AND THE KENAI PENINSULA BOROUGH AND KENAI RECORDING DISTRICT

Surveyed by:  
McLane and Associates  
Box 468 Soldotna, AK 99669

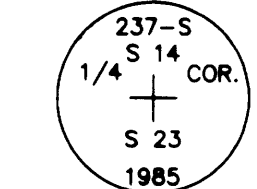
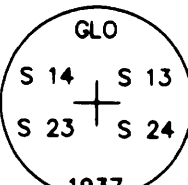
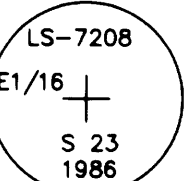
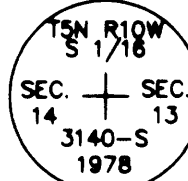
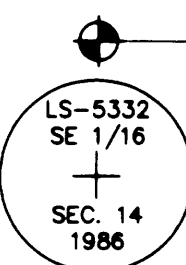
Date of Survey July-Sept., 1986	Book No. 86-09,43	Project/Dwg. No. 942005
Drawn by PO Checked By MSM	Scale 1" = 100'	K.P.B. File No. 94-074





LOT	CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
LOT 11 BLOCK 1	C14	1530.00'	140.34'	70.22'	140.29'	S 03°40'18" E	05°15'19"
LOT 12 BLOCK 1	C15	1530.00'	125.40'	62.74'	125.37'	S 08°38'51" E	04°41'46"
LOT 13 BLOCK 1	C16	1530.00'	122.36'	61.21'	122.32'	S 13°17'11" E	04°34'55"
LOT 14 BLOCK 1	C17	1530.00'	50.00'	25.00'	50.00'	S 16°30'50" E	01°52'21"
Arctic Tern Rd	C18	1500.00'	276.06'	138.42'	275.67'	S 12°10'40" E	10°32'41"
LOT 9 BLOCK 3	C21	1470.00'	254.26'	127.45'	253.94'	N 12°29'42" W	09°54'37"
LOT 15 BLOCK 1	C22	470.00'	83.51'	41.87'	83.40'	N 12°21'35" W	10°10'51"
LOT 16 BLOCK 1	C23	470.00'	60.04'	30.06'	60.00'	N 03°36'35" W	07°19'09"
Arctic Tern Rd	C24	500.00'	152.72'	76.96'	152.12'	N 08°42'00" W	17°30'00"
LOT 8 BLOCK 4	C25	530.00'	161.88'	81.57'	161.25'	N 08°42'00" W	17°30'00"
LOT 9 BLOCK 3	C26	530.00'	127.19'	63.90'	126.89'	S 79°25'30" W	13°45'01"
LOT 8 BLOCK 3	C27	530.00'	127.19'	63.90'	126.88'	N 86°49'30" W	13°44'59"
Goldeneye Av	C28	500.00'	239.98'	122.35'	237.69'	S 86°18'00" W	27°30'00"
LOT 9 BLOCK 4	C29	470.00'	112.79'	56.67'	112.52'	S 79°25'30" W	13°45'01"
LOT 10 BLOCK 4	C30	470.00'	112.79'	56.67'	112.52'	N 86°49'30" W	13°44'59"

LINE	DIRECTION	DISTANCE
L1	S 17°26'57" E	20.00'
L2	N 72°33'00" E	22.65'
L3	N 72°33'00" E	30.00'
L4	S 79°57'00" E	20.00'
L5	S 79°57'00" E	50.00'
L6	N 79°57'00" W	30.00'
L7	S 38°59'24" W	68.56'
L15	S 00°03'00" W	17.00'



#### LEGEND

- Found GLO standard brass cap attached to reg. post
- Found 3 1/4" alum. capped monument
- Found 1/2" rebar with McLane & Assoc. cap attached
- Found 1 1/2" aluminum cap
- Set 3 1/4" alum. cap, 2 3/8" x 30" flanged alum. pipe.
- Set 1/2" x 24" rebar with McLane & Assoc. cap attached
- Power Pole

#### NOTES

- 1) Water supply and sewage disposal systems shall be permitted only in conformance with applicable requirements of 18 AAC 70, 18 AAC 72, and 18 AAC 80.
- 2) No direct access to state maintained ROWS permitted unless approved by State of Alaska Department of Transportation.
- 3) No permanent structure shall be constructed or placed within an easement which would interfere with the ability of a utility to use the easement.
- 4) The 1986 survey meander line shown hereon is for computational purposes only. The true bounds of those lots which front along Denise Lake is the ordinary high water line of said lake.
- 5) BUILDING SET BACK - A building set back of 20 ft. is required from all street rights-of-way unless a lesser standard is approved by resolution of the appropriate Planning Commission.
- 6) Found data and data of record are identical or within allowable limits of closure error.
- 7) The front 10' building setback is to be used for utility easement.
- 8) Existing powerline is centerline of a 20 ft. electrical distribution line easement.

S 89°57'00" E 2643.87'  
BASIS OF BEARING (KRD 86-214)

UNSUBDIVIDED

94-27

RECORDED  
KENAI REC. DIST

DATE June 14 1994  
TIME 2:26 P.M.

REQUESTED BY: McLane & Assoc.  
ADDRESS P.O. Box 468  
Soldotna, AK. 99669

#### DENISE LAKE ESTATES PART TWO

Linda & Rochelle Friendshuh, owners  
35581 Kenai Spur Hwy  
Soldotna, AK 99669

#### LOCATION

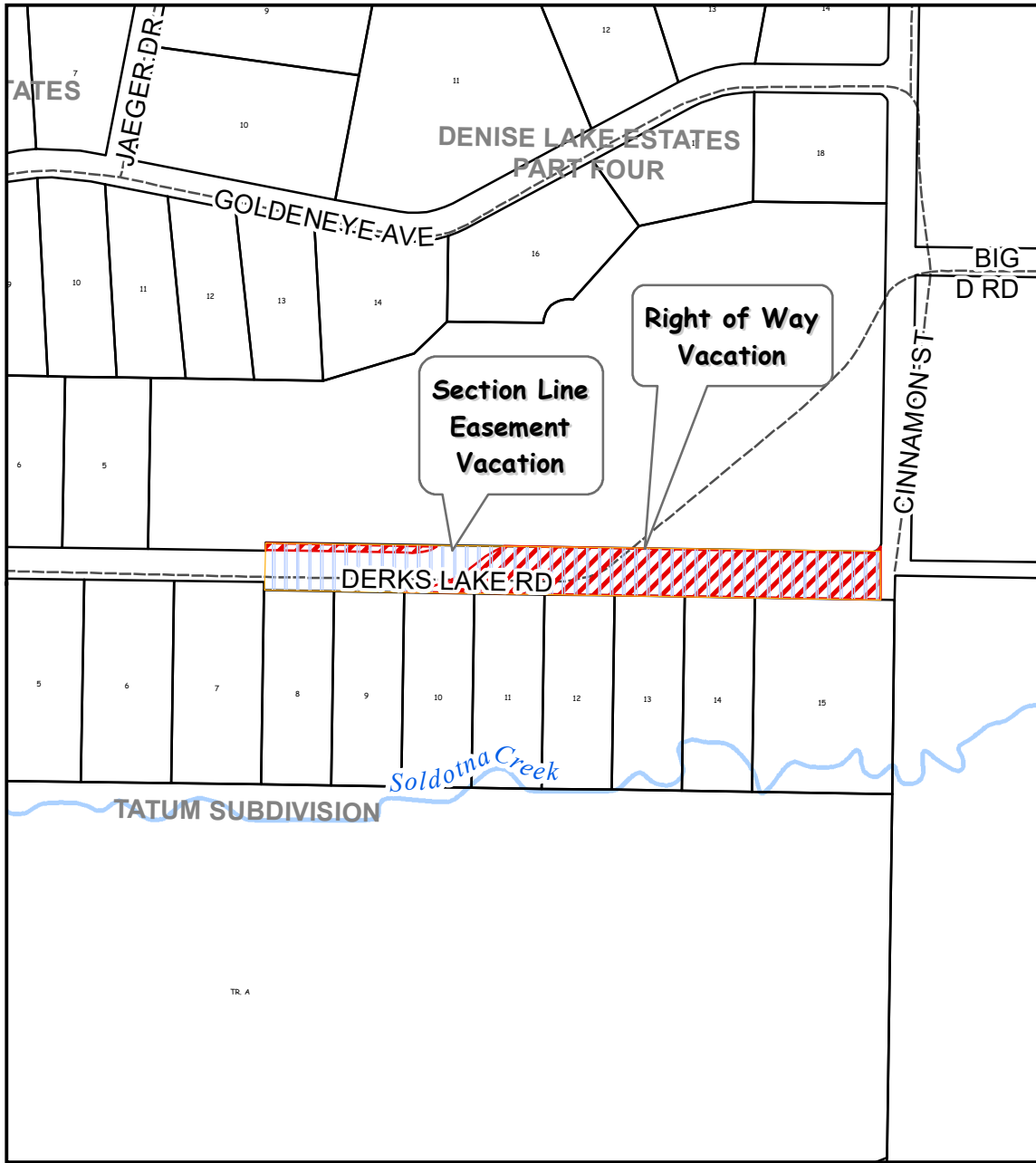
56.041 AC. M/L SITUATED WITHIN SE 1/4 SEC. 14, T5N, R10W, S.M. AK, AND THE KENAI PENINSULA BOROUGH AND KENAI RECORDING DISTRICT



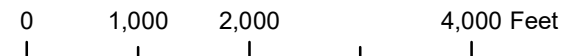
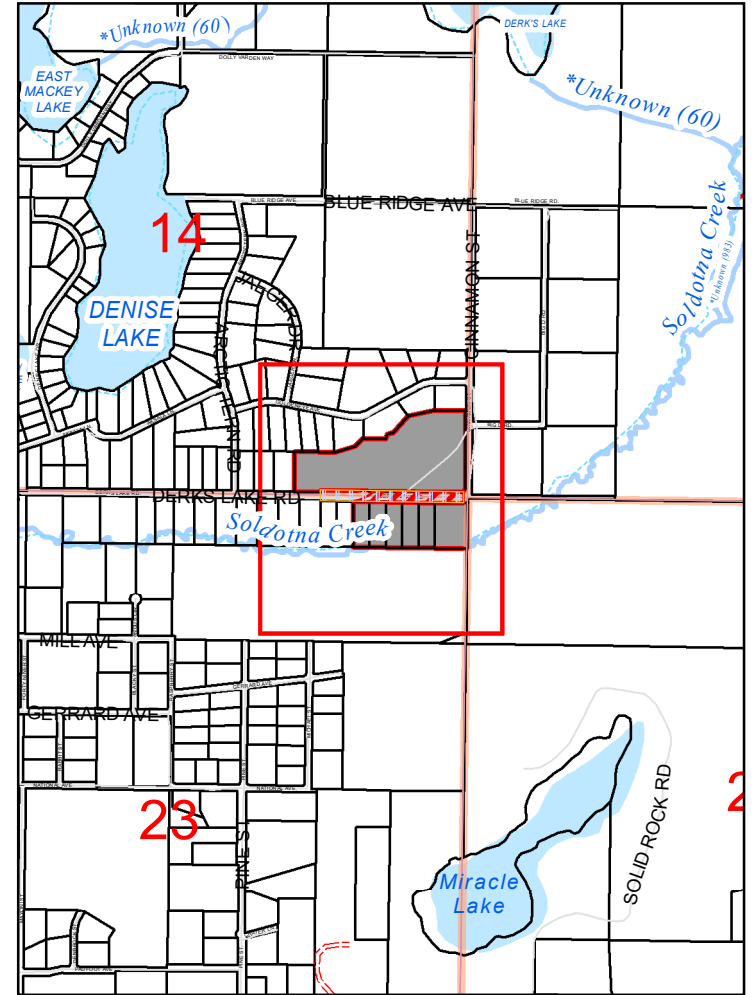
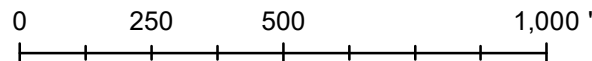
Surveyed by:  
McLane & Associates  
Box 468 Soldotna, AK 99669

Date of Survey July-Sept., 1986	Book No. 86-09,43	Project/Dwg. No. 942005
Drawn by PO	Scale 1" = 100'	K.P.B. File No. 94-074
Checked By MSM		





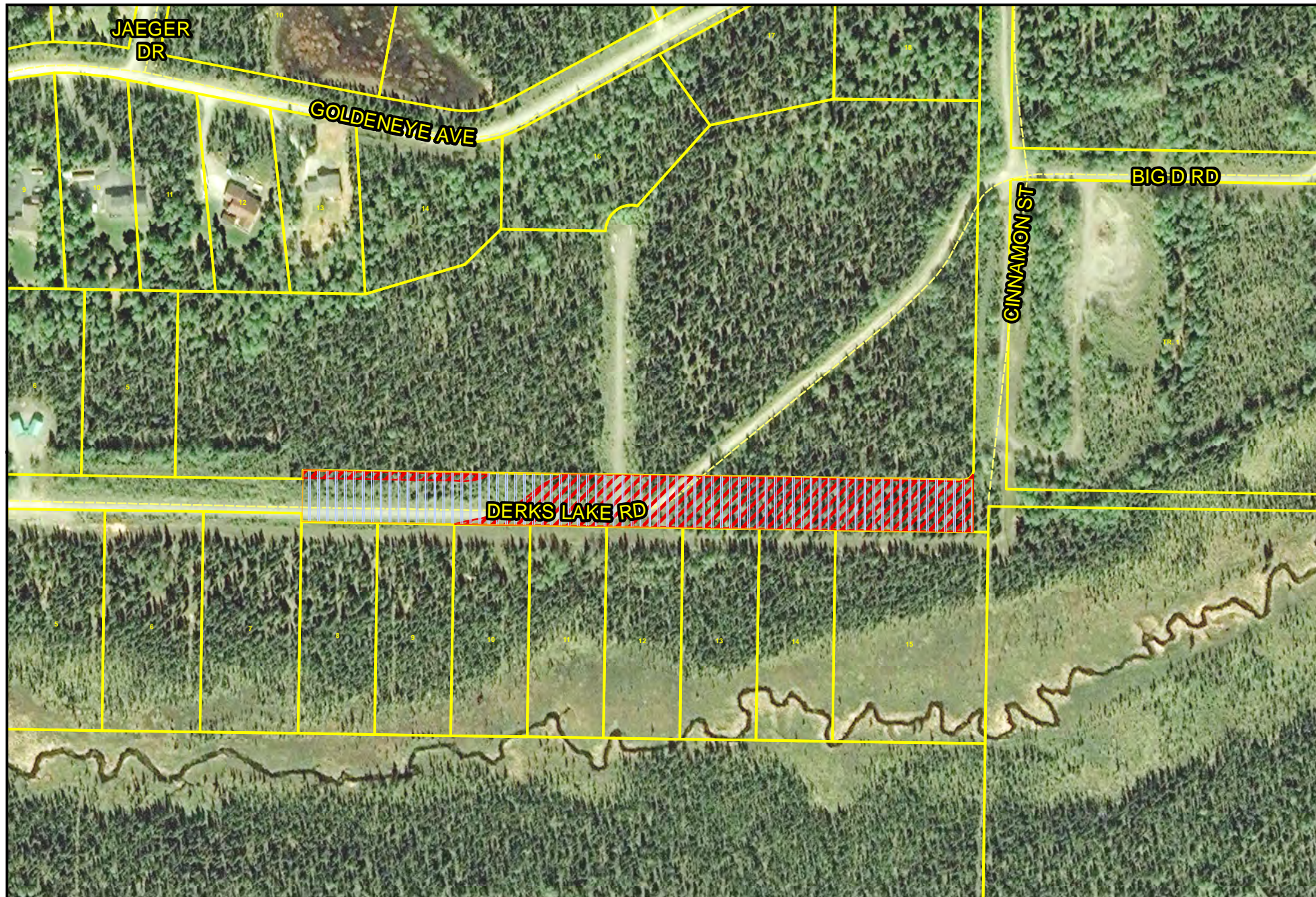
The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



**KPB 2021-122V  
S23 T05N R10W  
S14 T05N R10W  
STERLING**

PClements, KPB 2021-122V Date: 8/25/2021





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.

0 75 150 300'

Aerial View



SLEV  
 Right of Way Vacation

PClements, KPB 2021-122V  
Imagery Sterling 2018



#### NOTES:

1. DIAGONALLY HATCHED AREA INDICATES THE PORTION OF THE SECTION LINE EASEMENT BEING VACATED WITHIN SECTION 14 & 23, T5N, R10W, S.M., ALASKA.
2. NO FIELD SURVEY HAS BEEN CONDUCTED IN RELATION TO THE PREPARATION OF THIS SECTION LINE EASEMENT VACATION PLAT.
3. THIS VACATION WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION ON \_\_\_\_\_, 2021.
4. ALTERNATE ACCESS IS PROVIDED VIA THE RE-ROUTE OF DERKS LAKE ROAD DEDICATED R/W PER TATUM DENISE SUBDIVISION KN2021-XX.

#### CERTIFICATE OF OWNERSHIP

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND 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.

GENE J. FRIENDSHUH, OWNER LOTS 10 THRU 15 TATUM SUBD. KN2021-15  
35581 KENAI SPUR HWY, SOLDOTNA, AK 99669

LINDA A. FRIENDSHUH, OWNER LOTS 10 THRU 15 TATUM SUBD. KN2021-15  
35581 KENAI SPUR HWY, SOLDOTNA, AK 99669

GEORGE U. FRIENDSHUH, OWNER LOTS 10 THRU 15 TATUM SUBD. KN2021-15  
35581 KENAI SPUR HWY, SOLDOTNA, AK 99669

#### NOTARY'S ACKNOWLEDGEMENT

FOR: GENE J. FRIENDSHUH, LINDA A. FRIENDSHUH, GEORGE U. FRIENDSHUH  
ACKNOWLEDGED BEFORE ME THIS

DAY OF \_\_\_\_\_, 20\_\_

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

NOTARY PUBLIC FOR THE  
STATE OF ALASKA

#### CERTIFICATE OF OWNERSHIP

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND 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.

LINDA A. FRIENDSHUH, OWNER 1/2 INTEREST IN S1/2 OF SE1/4 SEC. 14, T5N,  
R10W, SM, AK EXCEPT KN86-214, KN94-27, KN97-18 & KN2007-55  
35581 KENAI SPUR HWY, SOLDOTNA, AK 99669

GEORGE URBAN FRIENDSHUH, OWNER 1/2 INTEREST IN S1/2 OF SE1/4 SEC.  
14, T5N, R10W, SM, AK EXCEPT KN86-214, KN94-27, KN97-18 & KN2007-55  
35581 KENAI SPUR HWY, SOLDOTNA, AK 99669

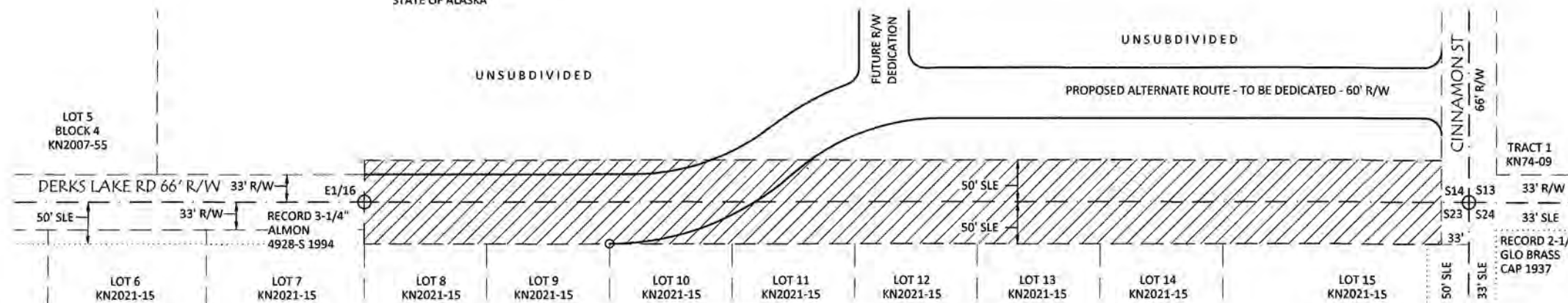
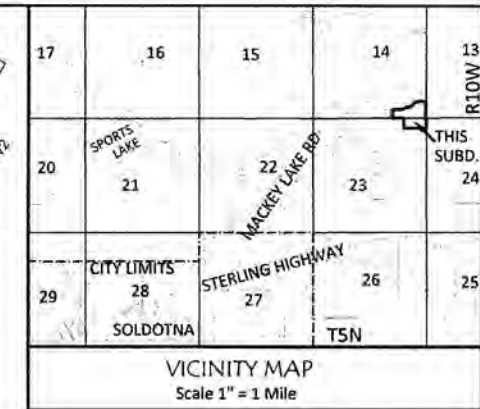
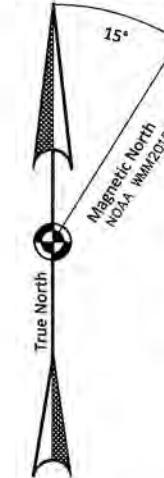
#### NOTARY'S ACKNOWLEDGEMENT

FOR: LINDA A. FRIENDSHUH, GEORGE URBAN FRIENDSHUH  
ACKNOWLEDGED BEFORE ME THIS

DAY OF \_\_\_\_\_, 20\_\_

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

NOTARY PUBLIC FOR THE  
STATE OF ALASKA



#### SECTION LINE EASEMENT VACATION CERTIFICATE APPROVAL RECOMMENDATION

STATE OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES  
THE VACATION STATEMENT, AS SHOWN HEREON, HAS BEEN REVIEWED BY THE CENTRAL REGIONAL OFFICE AND  
IS HEREBY RECOMMENDED FOR APPROVAL BY THE COMMISSIONER.

RECOMMENDED BY: \_\_\_\_\_ DATE: \_\_\_\_\_

TITLE: REGIONAL CHIEF RIGHT-OF-WAY AGENT

#### STATE OF ALASKA DIVISION OF LAND

THE VACATION STATEMENT, AS SHOWN HEREON, HAS BEEN REVIEWED BY THE DIVISION OF LAND AND IS HEREBY  
RECOMMENDED FOR APPROVAL BY THE COMMISSIONER.

RECOMMENDED BY: \_\_\_\_\_ DATE: \_\_\_\_\_

TITLE: DIRECTOR, DIVISION OF LAND

#### STATE OF ALASKA

ACTING BY AND THROUGH THE COMMISSIONER OF THE DEPARTMENT OF NATURAL RESOURCES AND THE  
COMMISSIONER OF THE DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES, DOES HEREBY STATE AND  
DECLARE THAT THE STATE OF ALASKA VACATES AND RELEASES ALL RIGHTS AND TITLE TO ANY AND ALL PORTIONS  
OF SECTION LINE EASEMENTS FOR PUBLIC HIGHWAYS RESERVED TO IT UNDER AS 19.10.010 (SPECIFIC AREA  
DELINEATED BY DIAGONAL HATCHING ON THIS PLAT).

DATE: \_\_\_\_\_ APPROVED: \_\_\_\_\_

COMMISSIONER  
DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

DATE: \_\_\_\_\_ APPROVED: \_\_\_\_\_

COMMISSIONER  
DEPARTMENT OF NATURAL RESOURCES

#### PLAT APPROVAL

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

AUTHORIZED OFFICIAL

#### LEGEND

⊕ RECORD MONUMENT AS DESCRIBED

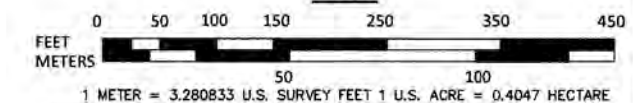
CONTOUR INTERVAL = 4'

SECTION LINE EASEMENT VACATED THIS PLAT

#### Plat #

Rec Dist \_\_\_\_\_  
Date \_\_\_\_\_ 20\_\_  
Time \_\_\_\_\_ M

#### SCALE



DATE OF SURVEY BEGINNING NO FIELD SURVEY ENDING \_\_\_\_\_  
NAME OF SURVEYOR McLANE CONSULTING, INC. P.O. Box 468 Soldotna, AK 99669

STATE OF ALASKA  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF LAND  
ANCHORAGE, ALASKA

#### SECTION LINE EASEMENT VACATION PLAT

ASSOCIATED WITH  
TATUM SUBDIVISION (KN2021-15), SOUTHEAST QUARTER OF  
SOUTHEAST QUARTER (SE1/4 SE1/4) SECTION 14,  
TOWNSHIP 5 NORTH, RANGE 10 WEST, SEWARD MERIDIAN,  
KENAI PENINSULA BOROUGH,  
KENAI RECORDING DISTRICT, ALASKA

DRAWN BY: JAH

DATE: AUG. 16, 2021

SCALE: 1" = 100'

APPROVAL

Statewide Platting Supervisor Date \_\_\_\_\_

FILE NO.

EV-

K.P.B. FILE NO.



#### SURVEYOR'S CERTIFICATE

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

Date \_\_\_\_\_

Registration Number \_\_\_\_\_

Registered Land Surveyor

KPB 2021-122V(SLEV)



AGENDA ITEM E. NEW BUSINESS

**ITEM 5 – SECTION LINE EASEMENT VACATION  
VACATE SECTION LINE EASEMENTS ASSOCIATED WITH  
SE1/4 SE1/4 OF SECTION 14 AND  
NE1/4 NE1/4 OF SECTION 23,  
TOWNSHIP 5 NORTH RANGE 10 WEST S.M.**

<b>KPB File No.</b>	2021-123V
<b>Planning Commission Meeting:</b>	September 13, 2021
<b>Applicant / Owner:</b>	Gene, George, and Linda Friendshuh of Soldotna, Alaska
<b>Surveyor:</b>	James Hall / McLane Consulting, Inc
<b>General Location:</b>	Ridgeway Area
<b>Legal Description:</b>	50 foot section line easements associated with the SE1/4 SE1/4 of Section 14 and the NE1/4 NE1/4 of Section 23 Township 05 North Range 10 West S.M.

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**STAFF REPORT**

**Specific Request / Purpose as stated in the petition:** Lots along south side of Derks Lake Road are pressed between R/W and Soldotna Creek. By re-routing Derks Lake Road the additional property gained will allow the owners space to build homes.

**Notification:** Public notice appeared in the September 2, 2021 issue of the Peninsula Clarion as a separate ad. The public hearing notice was published in the September 9, 2021 issue of the Peninsula Clarion as part of the Commission's tentative agenda.

A petition has also been received for right of way vacations that coincide with the section line easement vacations. Public notices posted and mailed contained the information for each item so only one notice was required. The public notice was posted on the Planning Commission bulletin board at the Kenai Peninsula Borough George A. Navarre Administration building. Additional notices were mailed to the following with the request to be posted for public viewing.

- Library of Soldotna
- Post Office of Sterling

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

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

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

State of Alaska Dept. of Fish and Game	Alaska Communication Systems (ACS)
State of Alaska DNR	ENSTAR Natural Gas
State of Alaska DOT	General Communications Inc, (GCI)
State of Alaska DNR Forestry	Homer Electric Association (HEA)
Advisory Planning Commission	
Central Emergency Services	

**Legal Access (existing and proposed):** Legal access to Derks Lake road is via Mackdy Lake Road to Denise Lake Road. An alternate route is from Denise Lake to Aksala Lane and Arctic Tern Road.

Nearby right of ways Goldeneye Avenue, Big D Road, and Cinnamon Street provide additional access. Cinnamon Street does not appear to be improved. Big D street appears to have a constructed road. Neither right of way is maintained by KPB.

The proposed vacation has associated right of way dedications and a petition has been received to vacate that area and is scheduled for the September 13, 2021 Planning Commission meeting.

KPB Roads Dept. comments	Within KPB jurisdiction. The RSA has no comments at this time.
SOA DOT comments	No comments.

**Site Investigation:** There are no low wet areas or steep terrain within the right of way vacation or within the proposed dedication areas. The area proposed to be vacated and dedicated appear to be relatively flat.

Floodplain Hazard Review	Not within a flood hazard area
Anadromous Waters Habitat Protection District Review	Not within a HPD.
State Parks Review	No comments

**Staff Analysis:** Per the petition, the lots south of Derks Lake Road have limited buildable area due to restrictions associated with Soldotna Creek wetlands and the existing right of way. The realignment of Derks Lake Road will provide additional square footage to develop the lots.

This petition is requesting to vacate approximately 1,300 feet of two 50 foot section line easements.

A new dedication for Derks Lake Road is proposed to curve northeasterly and connect to Cinnamon Street. KPB GIS imagery shows a constructed road in this area but it will not align with the new right of way. The location of the proposed right of way will allow the best subdivision design with usable area for all lots.

Approval of the vacation will be subject to consent or veto by the Kenai Peninsula Borough Assembly. The petition to vacate is tentatively scheduled for the September 21, 2021 Assembly meeting.

The State of Alaska has final jurisdiction over the section line easements. Per KPB Code 20.65.020, the planning commission, as the platting authority, has no authority to vacate public easements under the jurisdiction of the state. The planning commission may provide a recommendation to the state on the vacation.

#### **20.65.050 – Action on vacation application**

- D. The planning commission shall consider the merits of each vacation request and in all cases the planning commission shall deem the area being vacated to be of value to the public. It shall be incumbent upon the applicant to show that the area proposed for vacation is no longer practical for the uses or purposes authorized, or that other provisions have been made which are more beneficial to the public. In evaluating the merits of the proposed vacation, the planning commission shall consider whether:
1. The right-of-way or public easement to be vacated is being used;  
**Staff comments:** The portion of section line easement being vacated is not being used for vehicular or pedestrian access. An overhead electric line is located to the south of the section line easement.
  2. A road is impossible or impractical to construct, and alternative access has been provided;  
**Staff comments:** The area being vacated is constructible as a roadway. A new right of way dedication is being provided to the north of the vacation and will provide a connection.

3. The surrounding area is fully developed and all planned or needed rights-of-way and utilities are constructed;  
**Staff comments:** The surrounding area has been subdivided, or will be subdivided with this plat. All needed right-of-ways and utility easements have been provided.
4. The vacation of a public right-of-way provides access to a lake, river, or other area with public interest or value, and if so, whether equal or superior access is provided;  
**Staff comments:** The section line easement proposed to be vacated does not provide access to public areas.
5. The proposed vacation would limit opportunities for interconnectivity with adjacent parcels, whether developed or undeveloped;  
**Staff comments:** A proposed right of way dedication in conjunction with the proposed section line easement vacation will provide connectivity of the roads and utility easements for nearby parcels.
6. Other public access, other than general road use, exist or are feasible for the right-of-way;  
**Staff comments:**
7. All existing and future utility requirements are met. Rights-of-way which are utilized by a utility, or which logically would be required by a utility, shall not be vacated, unless it can be demonstrated that equal or superior access is or will be available. Where an easement would satisfactorily serve the utility interests, and no other public need for the right-of-way exists, the commission may approve the vacation and require that a utility easement be granted in place of the right-of-way.  
**Staff comments:** Utility easements will be granted to adjoin the proposed dedicated right of way.
8. Any other factors that are relevant to the vacation application or the area proposed to be vacated.  
**Staff comments:** A proposed realignment will provide continuation of the right of way.

If approved, a Section Line Easement Vacation Plat will finalize the proposed section line easement vacations. Per KPB Code 20.10.080, if the sole purpose of the plat is to depict an area approved for vacation the plat does not require review by the planning commission. It will be reviewed as a final plat by the Planning Department.

The plat Tatum Denise Subdivision Phase 1 is proposed to finalize the right of way vacation and is scheduled to be heard by the Planning Commission on September 27, 2021.

**KPB department / agency review:**

Planner – Bryan Taylor	There are not any Local Option Zoning District issues with this proposed plat.
	There are not any material site issues with this proposed plat.
Code Compliance – Eric Ogren	Code Compliance review not available.
Addressing – Derek Haws	<p>Affected Addresses: None</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names: DERKS LAKE RD CINNAMON ST BIG D RD</p> <p>Existing Street Name Corrections Needed:</p> <p>All New Street Names are Approved: No</p>



	List of Approved Street Names:  List of Street Names Denied:  Comments: No addresses Affected by this Subdivision.
Assessing – Matt Bruns	No concerns from Assessing Department.

**Utility provider review:**

HEA	
ENSTAR	
ACS	
GCI	Approved as shown.

**RECOMMENDATION:**

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

1. Consent by KPB Assembly.
2. Approval by the State of Alaska.
3. Compliance with the requirements for preliminary plats per Chapter 20 of the KPB Code.
4. Grant utility easements requested by the utility providers.
5. Submittal of a final plat within a timeframe such that the plat can be recorded within four years of vacation consent (KPB 20.25.110).

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**KPB 20.65.050 – Action on vacation application**

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

the original petition was filed.

**K. An appeal of the planning commission, city council or assembly vacation action under this chapter must be filed in the superior court in accordance with the Alaska Rules of Appellate Procedure.**

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

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

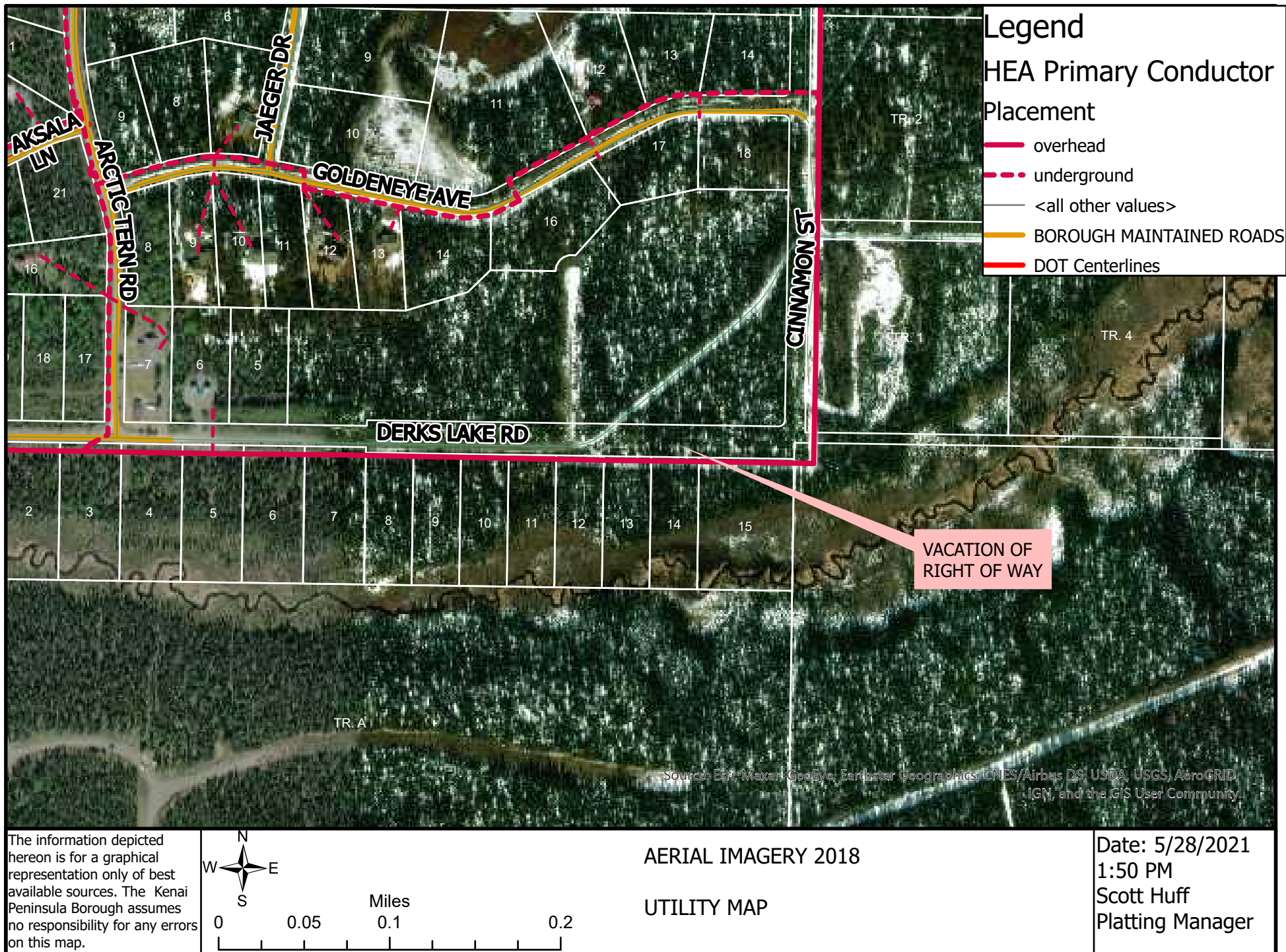
- *Focus Area: Energy and Utilities*
  - o *Objective A - Encourage coordination or residential, commercial, and industrial development with extension of utilities and other infrastructure.*
    - *Strategy 1. Near – Term: Maintain existing easements (especially section line easements) in addition to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

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

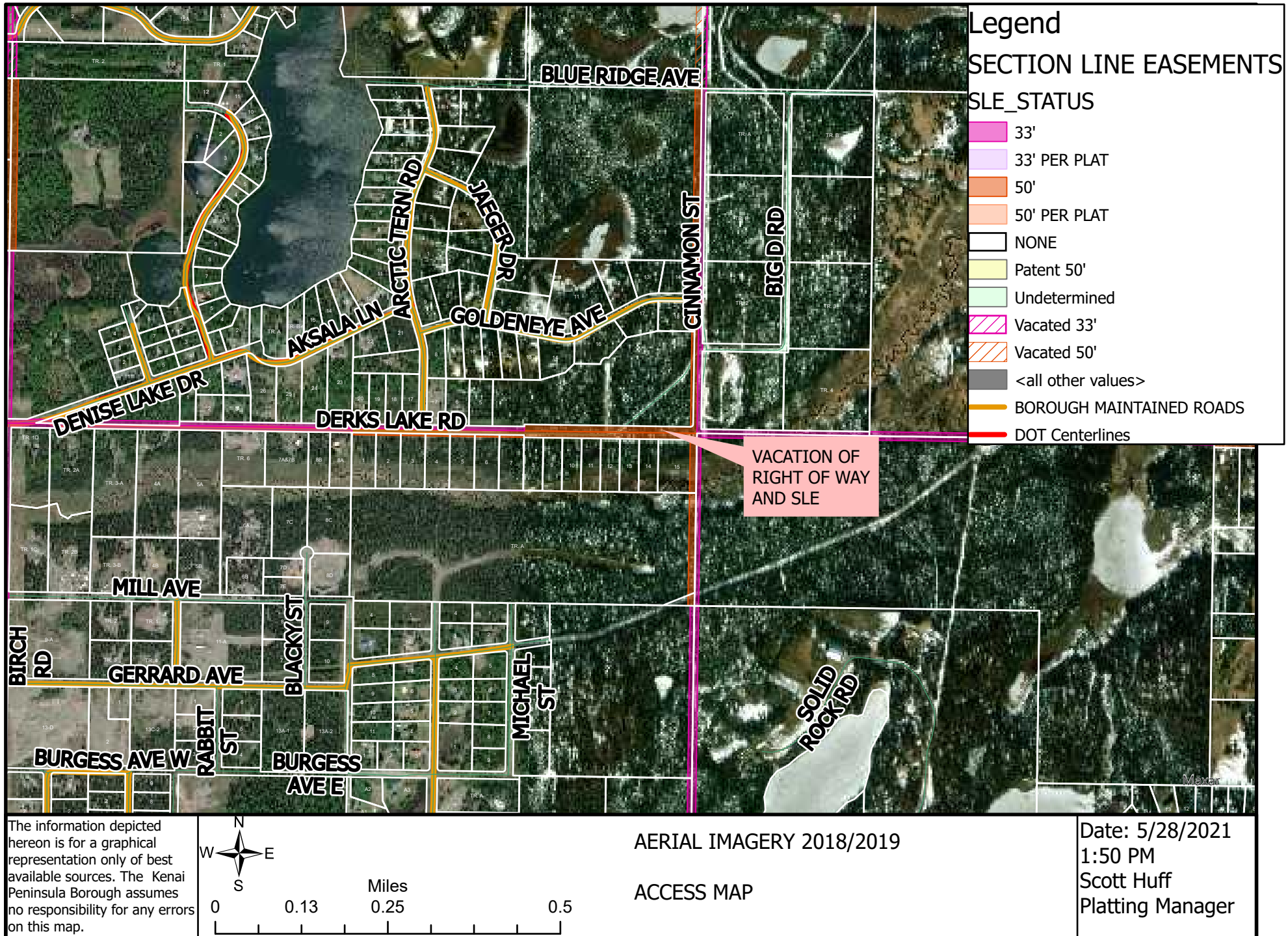
- *Focus Area: Transportation*
  - o *Objective B. Ensure new roads are developed in alignment with existing and planned growth and development.*
    - *Strategy 2. Near – Term: Establish subdivision codes that dictate road construction standards to accommodate future interconnectivity and/or public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

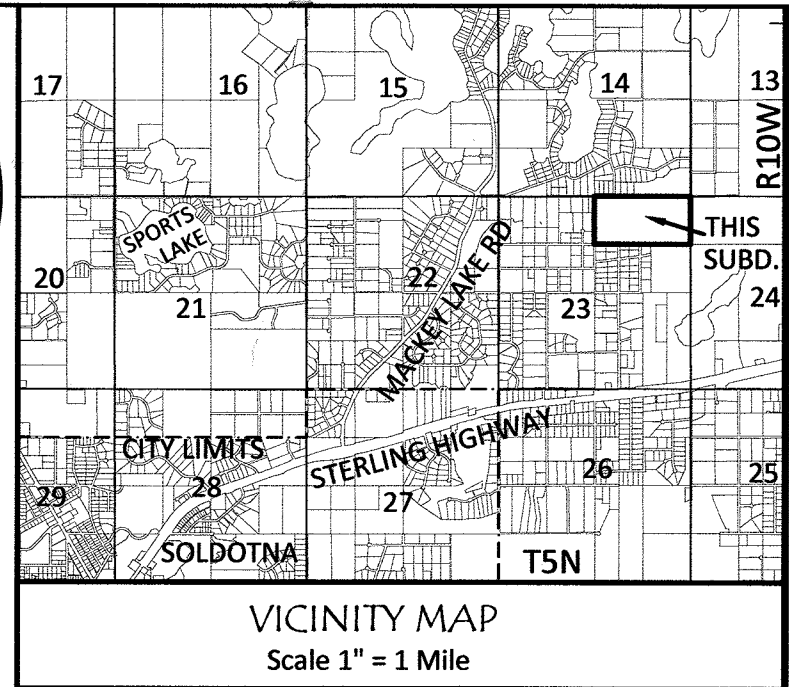
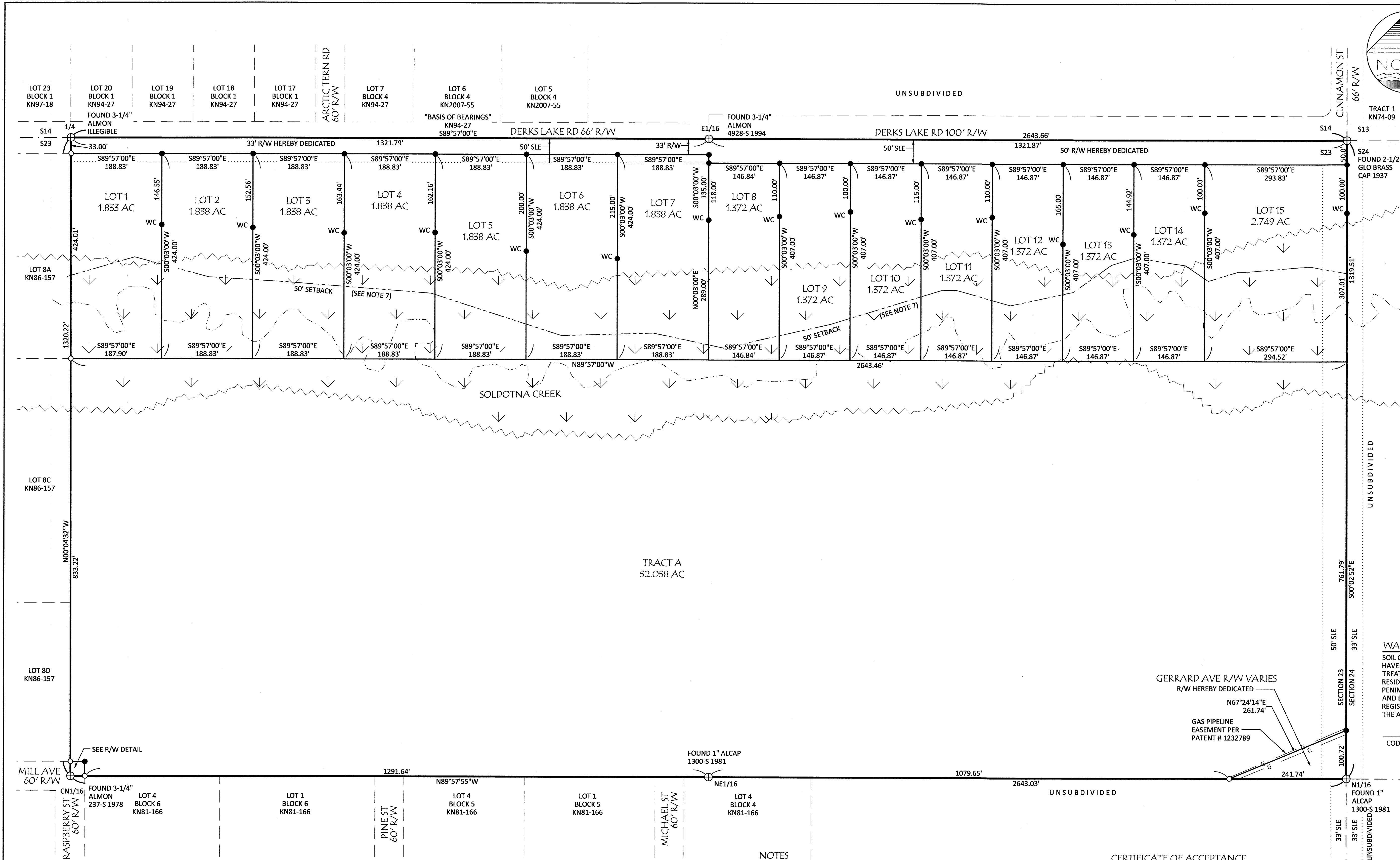
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**END OF STAFF REPORT**



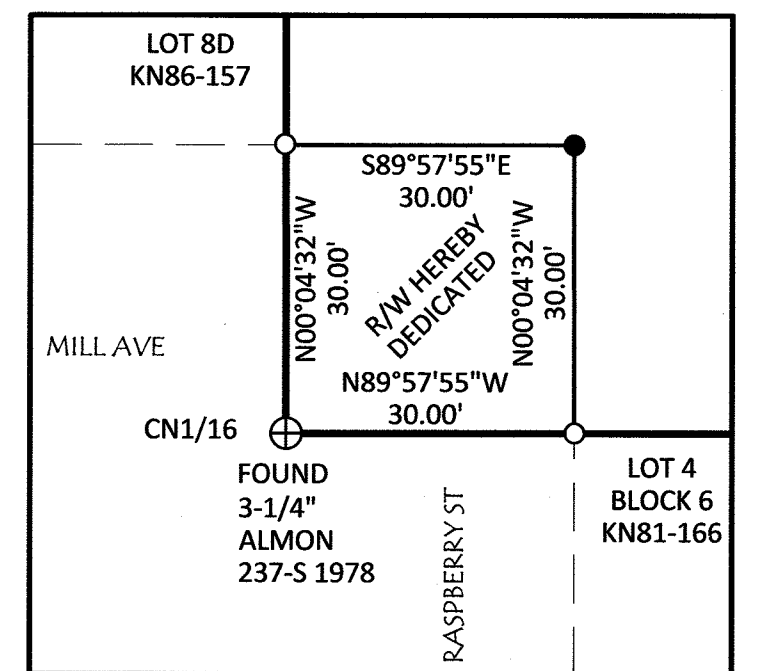
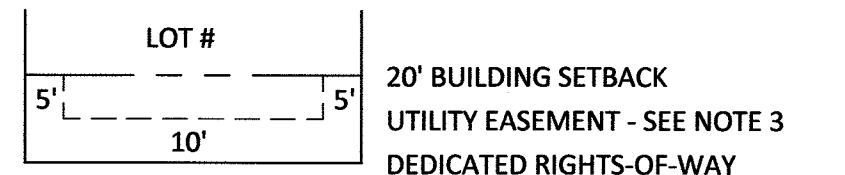






#### LEGEND

- ⊕ FOUND PRIMARY MONUMENT AS DESCRIBED
- FOUND 1/2" REBAR UNLESS NOTED
- SET 5/8"x30" REBAR w/ 1" STAINLESS STEEL CAP 85032-S
- SLE SECTION LINE EASEMENT
- AREA SUBJECT TO INUNDATION



#### WASTEWATER DISPOSAL - LOTS 1 THRU 10

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

CODY R. McLANE C.E. 11510 AK DATE 5/19/2021

#### WASTEWATER DISPOSAL - TRACT A

THIS TRACT IS AT LEAST 200,000 SQUARE FEET OR NOMINAL 5 ACRES IN SIZE AND CONDITIONS MAY NOT BE SUITABLE FOR ONSITE WASTEWATER TREATMENT AND DISPOSAL. ANY WASTEWATER TREATMENT OR DISPOSAL SYSTEM MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

#### WASTEWATER DISPOSAL - LOTS 11 THRU 15

SOIL CONDITIONS IN THIS SUBDIVISION HAVE BEEN FOUND UNSUITABLE FOR CONVENTIONAL ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEMS. PLANS FOR A TYPICAL ALTERNATE WASTEWATER DISPOSAL SYSTEM FOR USE ON LOTS IN THIS SUBDIVISION ARE INCLUDED IN THE ENGINEER'S SUBDIVISION AND SOILS REPORT AND ARE AVAILABLE FROM THE KENAI PENINSULA BOROUGH. ALL ALTERNATE ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEMS MUST BE DESIGNED BY A PROFESSIONAL ENGINEER REGISTERED TO PRACTICE IN ALASKA AND THE DESIGN MUST BE APPROVED BY THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION PRIOR TO CONSTRUCTION.

CODY R. McLANE C.E. 11510 AK DATE 5/19/2021

#### CERTIFICATE OF OWNERSHIP AND DEDICATION

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND 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.

Ronald T. Rozak  
RONALD T. ROZAK  
1201 DENALI ST APT 303, ANCHORAGE, AK 99501

L. Marie Rozak  
L. MARIE ROZAK  
1201 DENALI ST APT 303, ANCHORAGE, AK 99501

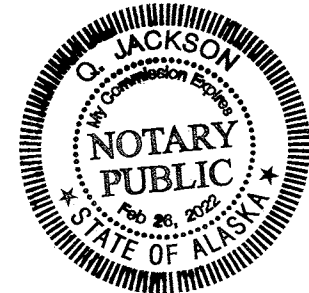
#### NOTARY'S ACKNOWLEDGEMENT

FOR: RONALD T. ROZAK & L. MARIE ROZAK  
ACKNOWLEDGED BEFORE ME THIS

18th DAY OF May, 2021

MY COMMISSION EXPIRES: Feb. 26, 2022

NOTARY PUBLIC FOR THE STATE OF ALASKA



#### NOTES

1. WATER SUPPLY AND SEWAGE DISPOSAL SYSTEMS SHALL BE PERMITTED ONLY IN CONFORMANCE WITH APPLICABLE REQUIREMENTS OF 18 AAC 72 AND 18 AAC 80.
2. BUILDING SETBACK- A BUILDING SETBACK OF 20 FT. IS REQUIRED FROM ALL STREET RIGHTS-OF-WAY UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
3. THE FRONT 10 FEET OF THE 20 FOOT BUILDING SETBACK AND THE ENTIRE SETBACK WITHIN 5 FEET OF THE SIDE LOT LINES IS ALSO A UTILITY EASEMENT.
4. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
5. ROADS MUST MEET THE DESIGN AND CONSTRUCTION STANDARDS ESTABLISHED BY THE BOROUGH IN ORDER TO BE CONSIDERED FOR CERTIFICATION AND INCLUSION IN THE ROAD MAINTENANCE PROGRAM.
6. ANY PERSON DEVELOPING THE PROPERTY IS RESPONSIBLE FOR OBTAINING ALL REQUIRED LOCAL, STATE, AND FEDERAL PERMITS, INCLUDING A U.S. ARMY CORPS OF ENGINEERS WETLAND DETERMINATION IF APPLICABLE.
7. PORTIONS OF THIS SUBDIVISION ARE WITHIN THE KENAI PENINSULA BOROUGH 50-FOOT ANADROMOUS STREAM HABITAT PROTECTION AREA. DEVELOPMENT MAY BE RESTRICTED UNDER CHAPTER 21.18 BOROUGH CODE OF ORDINANCES.
8. EXCEPTION GRANTED TO STREET LAYOUT (KPB 20.30.030) AND BLOCK LENGTH (KPB 20.30.170) BY THE PLANNING COMMISSION AT THE APRIL 12, 2021 MEETING.
9. THIS PROPERTY IS SUBJECT TO A CONDITIONAL LAND USE PERMIT TO OPERATE A SAND, GRAVEL OR MATERIAL SITE PER PLANNING COMMISSION RESOLUTION 2020-38 AND RECORDED AS SERIAL NO. 2021-003985-0 KRD.

#### CERTIFICATE OF ACCEPTANCE

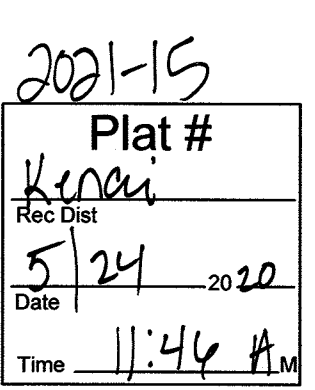
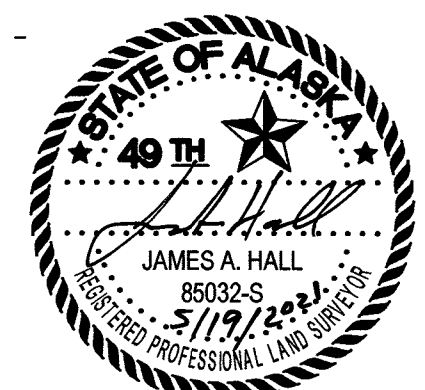
THE UNDERSIGNED OFFICIAL IDENTIFIED BY NAME AND TITLE IS AUTHORIZED TO ACCEPT AND HEREBY ACCEPTS ON BEHALF OF THE KENAI PENINSULA BOROUGH FOR PUBLIC PURPOSES THE REAL PROPERTY TO BE DEDICATED BY THIS PLAT INCLUDING EASEMENTS, RIGHTS-OF-WAY (GERRARD AVE, DERKS LAKE RD, MILL AVE & RASPBERRY ST), ALLEYS,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

5/21/21  
AUTHORIZED OFFICIAL DATE

#### PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF APRIL 12, 2021.

5/21/21  
AUTHORIZED OFFICIAL



#### TATUM SUBDIVISION

SUBDIVISION OF THE N1/2 OF NE1/4 OF SECTION 23, TOWNSHIP 5 NORTH, RANGE 10 WEST, SM, AK

RONALD T. ROZAK, OWNER  
1201 DENALI ST APT 303  
ANCHORAGE, AK 99501

L. MARIE ROZAK, OWNER  
1201 DENALI ST APT 303  
ANCHORAGE, AK 99501

80.093 AC. M/L SITUATED IN NE1/4 OF SECTION 23, TOWNSHIP 5 NORTH, RANGE 10 WEST, SEWARD MERIDIAN, KENAI PENINSULA BOROUGH, AND THE KENAI RECORDING DISTRICT, ALASKA.

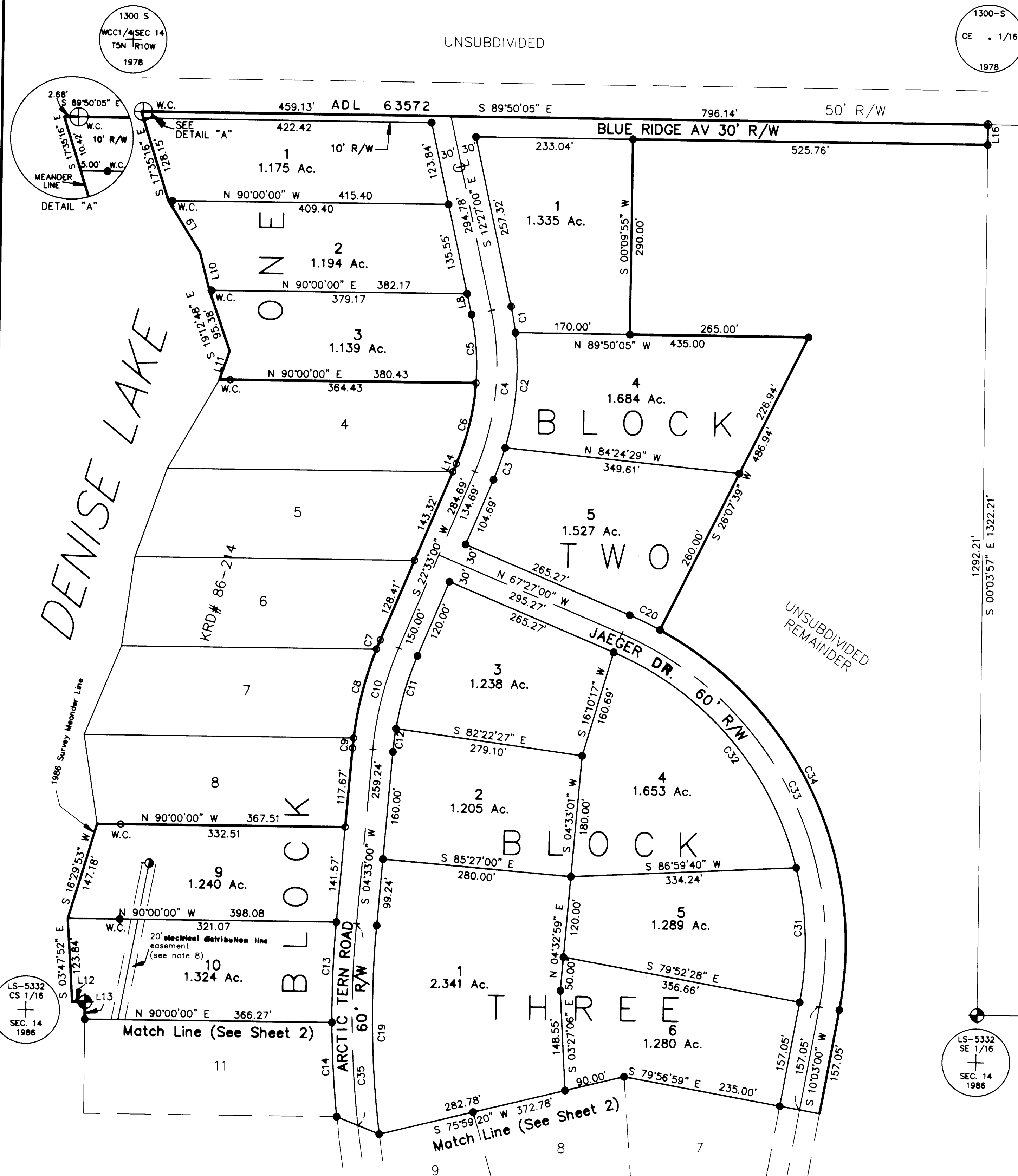
ENGINEERING - TESTING  
SURVEYING - MAPPING  
P.O. BOX 468  
SOLDOTNA, AK 99669  
VOICE: (907) 283-4218  
FAX: (907) 283-3265  
WWW.MCLANECGS.COM

KPB FILE NO. 2021-028

PROJECT NO. 212006

SCALE 1" = 100' DATE: FEB 2021 BOOK NO.: 20-08 21-01 DRAWN BY: JAH





SHEET INDEX  
1"=300'

LINE	DIRECTION	DISTANCE
L8	N 12°27'00" W	31.85'
L9	N 32°05'10" W	89.85'
L10	S 14°40'22" E	58.14'
L11	N 19°10'39" E	44.78'
L12	N 89°53'51" W	19.00'
L13	S 00°05'14" E	25.64'
L14	S 22°33'00" W	12.96'
L16	S 00°03'57" E	30.00'

LOT	CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
LOT 1 BLOCK 2	C1	430.00'	39.50'	19.76'	39.49'	N 09°49'06" W	05°15'48"
LOT 4 BLOCK 2	C2	430.00'	172.58'	87.47'	171.42'	N 04°18'40" E	22°59'44"
LOT 5 BLOCK 2	C3	430.00'	50.59'	25.33'	50.56'	N 19°10'46" E	06°44'28"
Arctic Tern Rd	C4	400.00'	244.35'	126.12'	240.56'	N 05°03'00" E	05°00'00"
LOT 3 BLOCK 1	C5	370.00'	101.90'	51.28'	101.58'	N 04°33'36" W	15°48'49"
LOT 4 BLOCK 1	C6	370.00'	124.12'	62.65'	123.53'	N 12°56'24" E	19°13'11"
LOT 6 BLOCK 1	C7	530.00'	14.83'	7.41'	14.83'	S 21°44'54" W	01°38'11"
LOT 7 BLOCK 1	C8	530.00'	136.54'	68.65'	136.16'	S 13°34'00" W	14°45'39"
LOT 8 BLOCK 1	C9	530.00'	15.14'	7.57'	15.13'	S 05°22'05" W	01°38'10"
Arctic Tern Rd	C10	500.00'	157.08'	79.19'	156.43'	S 13°33'00" W	18°00'00"
LOT 4 BLOCK 3	C11	470.00'	112.65'	56.59'	112.38'	S 15°41'02" W	13°43'56"
LOT 3 BLOCK 3	C12	470.00'	35.01'	17.51'	35.00'	S 06°41'02" W	04°16'04"
LOT 10 BLOCK 1	C13	1530.00'	149.38'	74.75'	149.32'	S 01°45'11" W	05°35'38"
LOT 11 BLOCK 1	C14	1530.00'	140.34'	70.22'	140.29'	S 03°40'18" E	05°15'19"
LOT 1 BLOCK 3	C19	1470.00'	310.18'	155.67'	309.60'	N 01°29'42" W	12°05'23"
LOT 5 BLOCK 2	C20	530.00'	50.02'	25.03'	50.00'	N 64°44'47" W	05°24'26"
LOT 6 BLOCK 3	C31	470.00'	201.54'	102.34'	200.00'	N 02°14'04" W	24°34'08"
LOT 5 BLOCK 3	C32	470.00'	434.20'	233.98'	401.29'	N 40°59'04" W	52°55'52"
Jaeger Lp	C33	500.00'	676.31'	385.72'	623.75'	N 25°59'47" W	72°05'34"
Boundary	C34	530.00'	666.87'	299.40'	623.75'	N 01°10'40" W	11°27'19"
Arctic Tern Rd	C35	1500.00'	299.90'	150.45'			

NOTES

- 1) Water supply and sewage disposal systems shall be permitted only in conformance with applicable requirements of 18 AAC 70, 18 AAC 72, and 18 AAC 80.
- 2) No direct access to state maintained ROWS permitted unless approved by State of Alaska Department of Transportation.
- 3) No permanent structure shall be constructed or placed within an easement which would interfere with the ability of a utility to use the easement.
- 4) The 1986 survey meander line shown hereon is for computational purposes only. The true bounds of those lots which front along Denise Lake is the ordinary high water line of said lake.
- 5) BUILDING SET BACK - A building set back of 20 ft. is required from all street rights-of-way unless a lesser standard is approved by resolution of the appropriate Planning Commission.
- 6) Found data and data of record are identical or within allowable limits of closure error.
- 7) The front 10' building setback is to be used for utility easement.
- 8) Existing powerline is centerline of a 20 ft. electrical distribution line easement.

LEGEND

- Found GLO standard brass cap attached to reg. post
- Found 3 1/4" alum. capped monument
- Found 1/2" rebar with McLane & Assoc. cap attached
- Found 1 1/2" aluminum cap
- Set 3 1/4" alum. cap, 2 3/8" x 30" flanged alum. pipe.
- Set 1/2" X 24" rebar with McLane & Assoc. cap attached
- Power pole

NOTARY'S ACKNOWLEDGEMENT

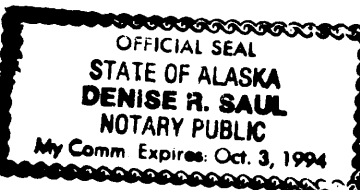
FOR: Linda A. Friendshuh

Subscribed and sworn before me this

11<sup>th</sup> day of May, 1994.

My commission expires Oct 3, 1994

Denise R. Saul  
Notary Public for the State of Alaska



NOTARY'S ACKNOWLEDGEMENT

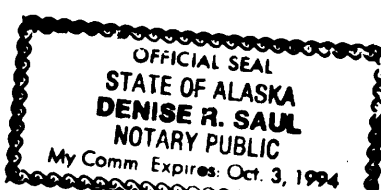
FOR: Rochelle M. Friendshuh

Subscribed and sworn before me this

11<sup>th</sup> day of May, 1994.

My commission expires Oct 3, 1994

Denise R. Saul  
Notary Public for the State of Alaska



CERTIFICATE OF OWNERSHIP AND DEDICATION

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

Linda A. Friendshuh Rochelle M. Friendshuh  
Linda A. Friendshuh Rochelle M. Friendshuh

CERTIFICATE OF APPROVAL BY THE ALASKA  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

This subdivision has been reviewed in accordance with 18AAC72.065 and is approved, subject to any noted restrictions.

Scott Ingue EEAII 5/12/94  
Signature Title Date

PLAT APPROVAL

This plat was approved by the KENAI PENINSULA BOROUGH PLANNING COMMISSION at the meeting of

APRIL 17, 1986

KENAI PENINSULA BOROUGH by

Ch. M. May  
Authorized Official

DENISE LAKE ESTATES  
PART TWO

Linda & Rochelle Friendshuh, owners  
35581 Kenai Spur Hwy  
Soldotna, AK 99669

LOCATION

56.041 AC. M/L SITUATED WITHIN SE 1/4 SEC. 14, T5N, R10W, S.M. AK. AND THE KENAI PENINSULA BOROUGH AND KENAI RECORDING DISTRICT



Surveyed by:  
McLane and Associates  
Box 468 Soldotna, AK 99669

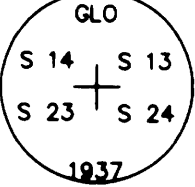
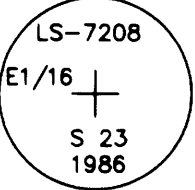
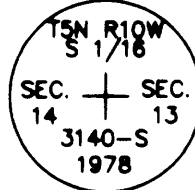
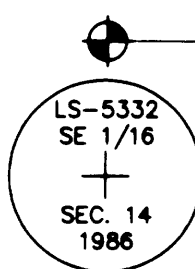
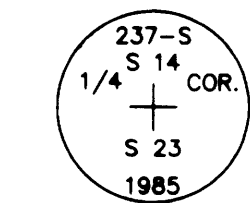
Date of Survey July-Sept., 1986	Book No. 86-09,43	Project/Dwg. No. 942005
Drawn by PO Checked By MSM	Scale 1" = 100'	K.P.B. File No. 94-074





LOT	CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
LOT 11 BLOCK 1	C14	1530.00'	140.34'	70.22'	140.29'	S 03°40'18" E	05°15'19"
LOT 12 BLOCK 1	C15	1530.00'	125.40'	62.74'	125.37'	S 08°38'51" E	04°41'46"
LOT 13 BLOCK 1	C16	1530.00'	122.36'	61.21'	122.32'	S 13°17'11" E	04°34'55"
LOT 14 BLOCK 1	C17	1530.00'	50.00'	25.00'	50.00'	S 16°30'50" E	01°52'21"
Arctic Tern Rd	C18	1500.00'	276.06'	138.42'	275.67'	S 12°10'40" E	10°32'41"
LOT 9 BLOCK 3	C21	1470.00'	254.26'	127.45'	253.94'	N 12°29'42" W	09°54'37"
LOT 15 BLOCK 1	C22	470.00'	83.51'	41.87'	83.40'	N 12°21'35" W	10°10'51"
LOT 16 BLOCK 1	C23	470.00'	60.04'	30.06'	60.00'	N 03°36'35" W	07°19'09"
Arctic Tern Rd	C24	500.00'	152.72'	76.96'	152.12'	N 08°42'00" W	17°30'00"
LOT 8 BLOCK 4	C25	530.00'	161.88'	81.57'	161.25'	N 08°42'00" W	17°30'00"
LOT 9 BLOCK 3	C26	530.00'	127.19'	63.90'	126.89'	S 79°25'30" W	13°45'01"
LOT 8 BLOCK 3	C27	530.00'	127.19'	63.90'	126.88'	N 86°49'30" W	13°44'59"
Goldeneye Av	C28	500.00'	239.98'	122.35'	237.69'	S 86°18'00" W	27°30'00"
LOT 9 BLOCK 4	C29	470.00'	112.79'	56.67'	112.52'	S 79°25'30" W	13°45'01"
LOT 10 BLOCK 4	C30	470.00'	112.79'	56.67'	112.52'	N 86°49'30" W	13°44'59"

LINE	DIRECTION	DISTANCE
L1	S 17°26'57" E	20.00'
L2	N 72°33'00" E	22.65'
L3	N 72°33'00" E	30.00'
L4	S 79°57'00" E	20.00'
L5	S 79°57'00" E	50.00'
L6	N 79°57'00" W	30.00'
L7	S 38°59'24" W	68.56'
L15	S 00°03'00" W	17.00'



#### NOTES

- 1) Water supply and sewage disposal systems shall be permitted only in conformance with applicable requirements of 18 AAC 70, 18 AAC 72, and 18 AAC 80.
- 2) No direct access to state maintained ROWS permitted unless approved by State of Alaska Department of Transportation.
- 3) No permanent structure shall be constructed or placed within an easement which would interfere with the ability of a utility to use the easement.
- 4) The 1986 survey meander line shown hereon is for computational purposes only. The true bounds of those lots which front along Denise Lake is the ordinary high water line of said lake.
- 5) BUILDING SET BACK - A building set back of 20 ft. is required from all street rights-of-way unless a lesser standard is approved by resolution of the appropriate Planning Commission.
- 6) Found data and data of record are identical or within allowable limits of closure error.
- 7) The front 10' building setback is to be used for utility easement.
- 8) Existing powerline is centerline of a 20 ft. electrical distribution line easement.

#### LEGEND

- Found GLO standard brass cap attached to reg. post
- Found 3 1/4" alum. capped monument
- Found 1/2" rebar with McLane & Assoc. cap attached
- Found 1 1/2" aluminum cap
- Set 3 1/4" alum. cap, 2 3/8" x 30" flanged alum. pipe.
- Set 1/2" x 24" rebar with McLane & Assoc. cap attached
- Power Pole

S 89°57'00" E 2643.87'  
BASIS OF BEARING (KRD 86-214)

UNSUBDIVIDED

94-27  
RECORDED  
KENAI REC. DIST  
DATE June 14 1994  
TIME 3:26 P.M.  
REQUESTED BY: McLane & Assoc.  
ADDRESS P.O. Box 468  
Soldotna, AK. 99669

#### DENISE LAKE ESTATES PART TWO

Linda & Rochelle Friendshuh, owners  
35581 Kenai Spur Hwy  
Soldotna, AK 99669

#### LOCATION

56.041 AC. M/L SITUATED WITHIN SE 1/4 SEC. 14, T5N, R10W, S.M. AK, AND THE KENAI PENINSULA BOROUGH AND KENAI RECORDING DISTRICT



Surveyed by:  
McLane & Associates  
Box 468 Soldotna, AK 99669

Date of Survey July-Sept., 1986	Book No. 86-09,43	Project/Dwg. No. 942005
Drawn by PO	Scale 1" = 100'	K.P.B. File No. 94-074
Checked By MSM		

State application for a Standard Marijuana Cultivation Facility license; Nikolaevsk area.

STAFF REPORT

PC MEETING: Monday, September 13, 2021

**Applicant:** Alaska Off Grid Cannabis Co.

**Landowner:** Shawn McDonough

**Parcel ID#:** 165-113-19

**Legal Description:** T 4S R 14W SEC 13 SEWARD MERIDIAN HM 2000048 - RS CAMPO DE ORO SUB TRACT 19

**Location:** 30992 Ram Rack Road, Nikolaevsk, AK

**BACKGROUND INFORMATION:** On November 17, 2020, the borough received notification from the Alcohol and Marijuana Control Office (AMCO) that the applicant had initiated the application to the state for a Standard Marijuana Cultivation Facility license. On December 14, 2020, the applicant supplied the borough with a signed acknowledgement form and a site plan of the proposed marijuana cultivation facility on the above-described parcel. The AMCO notified the borough that the application was complete on August 3, 2021. Staff has reviewed the completed license that has been submitted to the state and the site plan submitted to the borough and has found the following concerning the standards contained in KPB 7.30.020:

1. The Borough finance department has been notified of the complete application and they report that the applicant is in compliance with the borough tax regulations.
2. Borough planning department staff has evaluated the application and has determined that the proposed facility will be located greater than 1,000 feet from any school.
3. Borough planning department staff has evaluated the application and has determined that the proposed facility will be located greater than 500 feet from all recreation or youth centers, and all buildings in which religious services are regularly conducted, and all correctional facilities.
4. The proposed facility is not located within a local option zoning district.
5. The proposed facility is not located where there is sufficient ingress and egress for traffic to the parcel.
  - During a site visit on August 19, 2021, staff measured the width of the driveway accessing Ram Rack Road, a dedicated, unmaintained KPB right-of-way, at 12 feet. A perimeter fence around the property allows an opening for access of only 15 feet at the same location.
  - KPB 7.30.020(C)(1)(a) requires that, except for limited cultivation facilities, marijuana establishments shall be located where an approach meeting a borough right-of-way had a minimum width of 24 feet.
  - The signed acknowledgement form indicates that there will not be any parking in borough rights-of-way.
  - The site plan indicates a clear route for delivery vehicles which allows vehicles to turn safely.
  - On-site parking and loading areas are designated at a location that would preclude vehicles from backing out into the roadway.
6. The signed acknowledgement form indicates that the proposed facility will not conduct any business on, or allow any consumer to access, the retail marijuana store's licensed premises, between the hours of 2:00 a.m. and 8:00 a.m.

KPB 7.30.020(E) allows the recommendation of additional conditions on a license to meet the following standards:

- protection against damage to adjacent properties,
- protection against offsite odors,

- protection against noise,
- protection against visual impacts,
- protection against road damage,
- protection against criminal activity, and
- protection of public safety.

The Alaska Marijuana Control Board will impose a condition that a local government recommends unless the board finds the recommended condition is arbitrary, capricious, and unreasonable (3 ACC 306.060b). If the Planning Commission recommends additional conditions, additional findings must be adopted to support the conditions.

PUBLIC NOTICE: Public notice of the application was mailed on August 20, 2021, to the 13 landowners of the parcels within 300 feet of the subject parcel. Public notice of the application was published in the September 1, 2021, & September 8, 2021, issues of the Peninsula Clarion.

#### ATTACHMENTS

- State marijuana establishment application with associated submitted documents
- Acknowledgement form
- Site Plan
- Aerial map
- Area land use map with 500' & 1,000' parcel radius

#### STAFF RECOMMENDATION

Staff recommends that the planning commission forward this application to the assembly with the findings contained in this staff report and with the recommendation that the following conditions be placed on the state license pursuant to 3 AAC 306.060(b):

1. The approach from the property onto Ram Rack Road be constructed to a minimum width of 24 feet as required by KPB 7.30.020(C)(1)(a) in order to maintain public safety and protect against road damage.
2. The marijuana establishment shall conduct their operation consistent with the site plan submitted to the Kenai Peninsula Borough.
3. There shall be no parking in borough rights-of-way generated by the marijuana establishment.
4. The marijuana establishment shall remain current in all Kenai Peninsula Borough tax obligations consistent with KPB 7.30.020(A).

END OF STAFF REPORT





THE STATE  
of **ALASKA**  
GOVERNOR MIKE DUNLEAVY

Department of Commerce,  
Community,  
and Economic Development

Alcohol and Marijuana Control Office

550 West 7<sup>th</sup> Avenue, Suite 1600  
Anchorage, AK 99501  
Main: 907.269.0350

August 3, 2021

Kenai Peninsula Borough

Attn: Johni Blankenship

VIA Email: [jblankenship@kpb.us](mailto:jblankenship@kpb.us)

CC: [micheleturner@kpb.us](mailto:micheleturner@kpb.us)

[tshassetz@kpb.us](mailto:tshassetz@kpb.us)

[sness@kpb.us](mailto:sness@kpb.us)

[mjenkins@kpb.us](mailto:mjenkins@kpb.us)

[btaylor@kpb.us](mailto:btaylor@kpb.us)

[MBerg@kpb.us](mailto:MBerg@kpb.us)

[shuff@kpb.us](mailto:shuff@kpb.us)

License Number:	27711
License Type:	Standard Marijuana Cultivation Facility
Licensee:	Alaska Off Grid Cannabis Co.
Doing Business As:	Alaska Off Grid Cannabis Co.
Physical Address:	30992 Ram Rack Rd Anchor Point, AK 99556
Designated Licensee:	Shawn McDonough
Phone Number:	907-299-1829
Email Address:	alaskaoffgridcannabis@gmail.com

☒ **New Application**      ☐ **New Onsite Consumption Endorsement Application (Retail Only)**

AMCO has received a complete application for a marijuana establishment within your jurisdiction. This notice is required under 3 AAC 306.025(d)(2). Application documents will be sent to you separately via ZendTo.

To protest the approval of this application pursuant to 3 AAC 306.060, you must furnish the director **and** the applicant with a clear and concise written statement of reasons for the protest within 60 days of the date of this notice, and provide AMCO proof of service of the protest upon the applicant. If the protest is a "conditional protest" as defined in 3 AAC 306.060(d)(2) and the application otherwise meets all the criteria set forth by the regulations, the Marijuana Control Board may approve the license, but require the applicant to show to the board's satisfaction that the requirements of the local government have been met before the director issues the license.

3 AAC 306.010, 3 AAC 306.080, and 3 AAC 306.250 provide that the board will deny an application for a new license if the board finds that the license is prohibited under AS 17.38 as a result of an ordinance or election conducted under AS 17.38 and 3 AAC 306.200, or when a local government protests an application on the grounds that the proposed licensed premises are located in a place within the local government where a local zoning ordinance prohibits the marijuana establishment, unless the local government has approved a variance from the local ordinance.

This application will be in front of the Marijuana Control Board at our August 18-19, 2021 meeting.

Sincerely,

A handwritten signature in dark ink, appearing to read "Glen Klinkhart". The signature is fluid and cursive, with the first name "Glen" being more legible than the last name "Klinkhart".

Glen Klinkhart, Director

[amco.localgovernmentonly@alaska.gov](mailto:amco.localgovernmentonly@alaska.gov)



## Alaska Marijuana Control Board

**Form MJ-00: Application Certifications****What is this form?**

This application certifications form is required for all marijuana establishment license applications. Each person signing an application for a marijuana establishment license must declare that he/she has read and is familiar with AS 17.38 and 3 AAC 306.

This form must be completed and submitted to AMCO's main office by each proposed licensee (as defined in 3 AAC 306.020(b)(2)) before any license application will be considered complete.

**Section 1 – Establishment Information**

Enter information for the business seeking to be licensed, as identified on the license application.

Licensee:	Alaska Off Grid Cannabis Co.	License Number:	27711		
License Type:	Standard Marijuana Cultivation Facility				
Doing Business As:	Alaska Off Grid Cannabis Co.				
Premises Address:	30992 Ram Rack Road				
City:	Anchor Point	State:	Alaska	ZIP:	99556

**Section 2 – Individual Information**

Enter information for the individual licensee.

Name:	Shawn McDonough
Title:	Director, Secretary, Shareholder, Vice President

**Section 3 – Other Licenses**

Ownership and financial interest in other licenses:

Yes No

Do you currently have or plan to have an ownership interest in, or a direct or indirect financial interest in another marijuana establishment license?

☒☐

If "Yes", which license numbers (for existing licenses) and license types do you own or plan to own?

I plan to own additional Marijuana Cultivation Facilities.





Alaska Marijuana Control Board

## Form MJ-00: Application Certifications

### Section 4 – Certifications

Read each line below, and then sign your initials in the box to the right of each statement:

Initials

I certify that I have not been convicted of a felony in any state or the United States, including a suspended imposition of sentence, for which less than five years have elapsed from the time of the conviction to the date of this application.

I certify that I am not currently on felony probation or felony parole.

I certify that I have not been found guilty of selling alcohol without a license in violation of AS 04.11.010.

I certify that I have not been found guilty of selling alcohol to an individual under 21 years of age in violation of 04.16.051 or AS 04.16.052.

I certify that I have not been convicted of a misdemeanor crime involving a controlled substance, violence against a person, use of a weapon, or dishonesty within the five years preceding this application.

I certify that I have not been convicted of a class A misdemeanor relating to selling, furnishing, or distributing marijuana or operating an establishment where marijuana is consumed within the two years preceding this application.

I certify that my proposed premises is not within 500 feet of a school ground, recreation or youth center, a building in which religious services are regularly conducted, or a correctional facility, as set forth in 3 AAC 306.010(a).

I certify that my proposed premises is not located in a liquor licensed premises.

I certify that I meet the residency requirement under AS 43.23 for a permanent fund dividend in the calendar year in which I am initiating this application.

I certify that all proposed licensees (as defined in 3 AAC 306.020(b)(2)) have been listed on my online marijuana establishment license application. Additionally, if applicable, all proposed licensees have been listed on my application with the Division of Corporations.

I certify that I understand that providing a false statement on this form, the online application, or any other form provided by AMCO is grounds for denial of my application.



Alcohol and Marijuana Control Office  
550 W 7<sup>th</sup> Avenue, Suite 1600  
Anchorage, AK 99501  
[marijuana.licensing@alaska.gov](mailto:marijuana.licensing@alaska.gov)  
<https://www.commerce.alaska.gov/web/amco>  
Phone: 907.269.0350

Alaska Marijuana Control Board

## Form MJ-00: Application Certifications

Read each line below, and then sign your initials in the box to the right of each statement:

Initials

I certify and understand that I must operate in compliance with the Alaska Department of Labor and Workforce Development's laws and requirements pertaining to employees.



I certify and understand that I must operate in compliance with each applicable public health, fire, safety, and tax code and ordinance of this state and the local government in which my premises is located.



Read each line below, and then sign your initials in the box to the right of only the applicable statement:

Initials

Only initial next to the following statement if this form is accompanying an application for a marijuana testing facility license:

I certify that I do not have an ownership in, or a direct or indirect financial interest in a retail marijuana store, a marijuana cultivation facility, or a marijuana products manufacturing facility.




Only initial next to the following statement if this form is accompanying an application for a retail marijuana store, a marijuana cultivation facility, or a marijuana products manufacturing facility license:

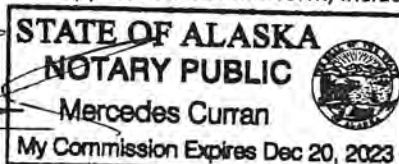
I certify that I do not have an ownership in, or a direct or indirect financial interest in a marijuana testing facility license.




### All marijuana establishment license applicants:

As an applicant for a marijuana establishment license, I declare under penalty of unsworn falsification that I have read and am familiar with AS 17.38 and 3 AAC 306, and that the online application and this form, including all accompanying schedules and statements, is true, correct, and complete.

  
Signature of licensee



  
Notary Public in and for the State of Alaska

Shawn McDonough

Printed name of licensee

My commission expires: 12/20/2023

Subscribed and sworn to before me this 26<sup>th</sup> day of January, 2021.





Alaska Marijuana Control Board

## Form MJ-00: Application Certifications

### What is this form?

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Enter information for the business seeking to be licensed, as identified on the license application.

Licensee:	Alaska Off Grid Cannabis Co.	License Number:	27711		
License Type:	Standard Marijuana Cultivation Facility				
Doing Business As:	Alaska Off Grid Cannabis Co.				
Premises Address:	30992 Ram Rack Road				
City:	Anchor Point	State:	Alaska	ZIP:	99556

### Section 2 – Individual Information

Enter information for the individual licensee.

Name:	Walter Love Jr.
Title:	Director, President, Shareholder, Treasurer

### Section 3 – Other Licenses

Ownership and financial interest in other licenses:

Yes No

Do you currently have or plan to have an ownership interest in, or a direct or indirect financial interest in another marijuana establishment license?

☐☒

If "Yes", which license numbers (for existing licenses) and license types do you own or plan to own?

--





Alaska Marijuana Control Board

## Form MJ-00: Application Certifications

### Section 4 – Certifications

Read each line below, and then sign your initials in the box to the right of each statement:

Initials

I certify that I have not been convicted of a felony in any state or the United States, including a suspended imposition of sentence, for which less than five years have elapsed from the time of the conviction to the date of this application.

I certify that I am not currently on felony probation or felony parole.

I certify that I have not been found guilty of selling alcohol without a license in violation of AS 04.11.010.

I certify that I have not been found guilty of selling alcohol to an individual under 21 years of age in violation of 04.16.051 or AS 04.16.052.

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I certify that I have not been convicted of a class A misdemeanor relating to selling, furnishing, or distributing marijuana or operating an establishment where marijuana is consumed within the two years preceding this application.

I certify that my proposed premises is not within 500 feet of a school ground, recreation or youth center, a building in which religious services are regularly conducted, or a correctional facility, as set forth in 3 AAC 306.010(a).

I certify that my proposed premises is not located in a liquor licensed premises.

I certify that I meet the residency requirement under AS 43.23 for a permanent fund dividend in the calendar year in which I am initiating this application.

I certify that all proposed licensees (as defined in 3 AAC 306.020(b)(2)) have been listed on my online marijuana establishment license application. Additionally, if applicable, all proposed licensees have been listed on my application with the Division of Corporations.

I certify that I understand that providing a false statement on this form, the online application, or any other form provided by AMCO is grounds for denial of my application.



Alaska Marijuana Control Board

**Form MJ-00: Application Certifications**

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I certify and understand that I must operate in compliance with each applicable public health, fire, safety, and tax code and ordinance of this state and the local government in which my premises is located.



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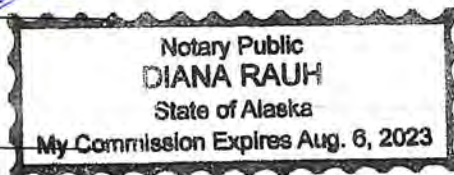
**All marijuana establishment license applicants:**

As an applicant for a marijuana establishment license, I declare under penalty of unsworn falsification that I have read and am familiar with AS 17.38 and 3 AAC 306, and that the online application and this form, including all accompanying schedules and statements, is true, correct, and complete.

Signature of licensee

Walter Love Jr.

Printed name of licensee



Notary Public in and for the State of Alaska

My commission expires:

Subscribed and sworn to before me this 12<sup>TH</sup> day of February, 2021.

Department of Commerce, Community, and Economic  
Development

## CORPORATIONS, BUSINESS & PROFESSIONAL LICENSING

[State of Alaska](#) / [Commerce](#) / [Corporations, Business, and Professional Licensing](#) / [Search & Database](#)

[Download](#) / [Corporations](#) / [Entity Details](#)

# ENTITY DETAILS

## Name(s)

Type	Name
Legal Name	Alaska Off Grid Cannabis Co.

**Entity Type:** Business Corporation

**Entity #:** 10147296

**Status:** Good Standing

**AK Formed Date:** 11/10/2020

**Duration/Expiration:** Perpetual

**Home State:** ALASKA

**Next Biennial Report Due:** 1/2/2022

**Entity Mailing Address:** P.O. BOX 346 , ANCHOR POINT, AK 99556

**Entity Physical Address:** 1255 HIGHLAND DR., HOMER, AK 99603

## Registered Agent

**Agent Name:** Walter Love

**Registered Mailing Address:** 1255 HIGHLAND DR., HOMER, AK 99603

**Registered Physical Address:** 1255 HIGHLAND DR., HOMER, AK 99603

## Officials

☐ Show Former



AK Entity #	Name	Titles	Owned
	Shawn McDonough	Director, Secretary, Shareholder, Vice President	50.00
	Walter Love	Director, President, Shareholder, Treasurer	50.00

## Filed Documents

Date Filed	Type	Filing	Certificate
11/10/2020	Creation Filing	<a href="#">Click to View</a>	<a href="#">Click to View</a>
12/30/2020	Initial Report	<a href="#">Click to View</a>	

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State of Alaska  
Department of Commerce, Community, and Economic Development  
Corporations, Business, and Professional Licensing

## Certificate of Incorporation

The undersigned, as Commissioner of Commerce, Community, and Economic Development of the State of Alaska, hereby certifies that a duly signed and verified filing pursuant to the provisions of Alaska Statutes has been received in this office and has been found to conform to law.

ACCORDINGLY, the undersigned, as Commissioner of Commerce, Community, and Economic Development, and by virtue of the authority vested in me by law, hereby issues this certificate to

**Alaska Off Grid Cannabis Co.**



IN TESTIMONY WHEREOF, I execute the certificate and affix the Great Seal of the State of Alaska effective **November 10, 2020**.

A handwritten signature in cursive script, appearing to read "Julie Anderson".

Julie Anderson  
Commissioner



THE STATE  
of ALASKA

Department of Commerce, Community, and Economic Development  
Division of Corporations, Business, and Professional Licensing  
PO Box 110806, Juneau, AK 99811-0806  
(907) 465-2550 • Email: [corporations@alaska.gov](mailto:corporations@alaska.gov)  
Website: [corporations.alaska.gov](http://corporations.alaska.gov)

AK Entity #: 10147296  
Date Filed: 11/10/2020  
State of Alaska, DCCED

FOR DIVISION USE ONLY

Web-11/10/2020 10:12:06 AM

## Articles of Incorporation

### Domestic Business Corporation

#### 1 - Entity Name

**Legal Name:** Alaska Off Grid Cannabis Co.

#### 2 - Purpose

The farming, processing, wholesaling, and other lawful activities related to the production of marijuana and marijuana derivatives.

#### 3 - NAICS Code

111419 - OTHER FOOD CROPS GROWN UNDER COVER

#### 4 - Registered Agent

**Name:** Walter Love, JR

**Mailing Address:** 1255 Highland Dr., Homer, AK 99603

**Physical Address:** 1255 Highland Dr., Homer, AK 99603

#### 5 - Entity Addresses

**Mailing Address:** P.O. Box 346 , Anchor Point, AK 99556

**Physical Address:** 1255 Highland Dr., Homer, AK 99603

#### 6 - Shares

Complete the below stock information on record with the Department.

Class	Series	Authorized	Par Value	Amount Issued
Common		100	0	

#### 7 - Officials

Name	Address	% Owned	Titles
Walter Love, JR			Incorporator
Shawn McDonough			Incorporator



**Name of person completing this online application**

This form is for use by the named entity only. Only persons who are authorized by the above Incorporator(s) of the named entity may make changes to it. If you proceed to make changes to this form or any information on it, you will be certifying under penalty of perjury that you are authorized to make those changes, and that everything on the form is true and correct. In addition, persons who file documents with the commissioner that are known to the person to be false in material respects are guilty of a class A misdemeanor. Continuation means you have read this and understand it.

**Name:** Walter Love



# THE STATE of ALASKA

Department of Commerce, Community, and Economic Development  
Division of Corporations, Business, and Professional Licensing  
PO Box 110806, Juneau, AK 99811-0806  
(907) 465-2550 • Email: [corporations@alaska.gov](mailto:corporations@alaska.gov)  
Website: [corporations.alaska.gov](http://corporations.alaska.gov)

AK Entity #: 10147296  
Date Filed: 12/30/2020  
State of Alaska, DCCED

FOR DIVISION USE ONLY

## Domestic Business Corporation

### Initial Biennial Report

**Entity Name:** Alaska Off Grid Cannabis Co.

**Entity Number:** 10147296

**Home Country:** UNITED STATES

**Home State/Prov.:** ALASKA

**Physical Address:** 1255 HIGHLAND DR., HOMER, AK 99603

**Mailing Address:** P.O. BOX 346 , ANCHOR POINT, AK 99556

**Registered Agent** information cannot be changed on this form. Per Alaska Statutes, to update or change the Registered Agent information this entity must submit the Statement of Change form for this entity type along with its filing fee.

**Name:** Walter Love

**Physical Address:** 1255 HIGHLAND DR., HOMER, AK 99603

**Mailing Address:** 1255 HIGHLAND DR., HOMER, AK 99603

**Officials:** The following is a complete list of officials who will be on record as a result of this filing.

- **Provide all officials and required information. Use only the titles provided.**
- **Mandatory Officers (3) and Directors (1), who must be individuals:** this entity must have a President, Secretary, and Treasurer. The President and Secretary cannot be the same person unless the President is 100% Shareholder. This entity must have at least one (1) Director. Provide all the individuals who are directors.
- **Shareholders:** the entity must provide all Shareholders who own 5% or more of the Issued Shares. Shareholders may be an individual or another entity.
- **Alien Affiliates:** the entity must provide all Alien Affiliates (non-U.S.), which may be an individual or another entity.

Full Legal Name	Complete Mailing Address	% Owned	Alien Affiliate	Assistant Secretary	Assistant Treasurer	Director	President	Secretary	Shareholder	Treasurer	Vice President
Walter Love	1255 Highland Drive, Homer , AK 99603	50				X	X		X	X	
Shawn McDonough	PO Box 349, Anchor Point, AK 99556	50				X		X	X		X

If necessary, attach a list of additional officers on a separate 8.5 X 11 sheet of paper.

**NAICS Code:** 111419 - OTHER FOOD CROPS GROWN UNDER COVER

**New NAICS Code (optional):**

**Issued Shares:** The entity must provide the number of Issued Shares

- Do not leave Issued Shares blank.
- If there are Shareholders then you must provide a number of Issued Shares. Do not exceed the number of Authorized Shares.
- If there are no Issued Shares (and no Shareholders) then provide "0" or "zero" or "none".
- To change Class, Series, Authorized Shares, or Par Value submit an amendment.

Class	Series	Authorized Shares	Par Value	Number of Issued Shares
Common		100	0.00000	100

***Mandatory. Do not leave blank.***

This form is for use by the named entity only. Only persons who are authorized by the above Official(s) of the named entity may make changes to it. If you proceed to make changes to this form or any information on it, you will be certifying under penalty of perjury that you are authorized to make those changes, and that everything on the form is true and correct. In addition, persons who file documents with the commissioner that are known to the person to be false in material respects are guilty of a class A misdemeanor. Continuation means you have read this and understand it.

**Name:** Laurel Linneman



## BYLAWS

### OF

**Alaska Off Grid Cannabis Co.**

**Adopted the 23rd day of February, 2021.**

### PREAMBLE

THESE BYLAWS (these “Bylaws”) are adopted as of the 23rd day of February, 2021, by and among the shareholders, or a counterpart thereof, of Alaska Off Grid Cannabis Co., an Alaska business corporation (hereinafter referred to as the “Corporation”).

### ARTICLE I. CORPORATE FORMATION AND ARTICLES

1.1. References Thereto. Any reference made herein to the Corporation's “Articles” will be deemed to refer to its Articles of Incorporation and all amendments thereto which are on file with the Alaska Department of Commerce, Community, and Economic Development at any given time, together with any and all certificates theretofore filed by the Corporation with the Alaska Department of Commerce, Community, and Economic Development pursuant to the Alaska Statutes.

1.2. Seniority Thereof. The Articles will in all respects be considered senior and superior to these Bylaws, with any inconsistency to be resolved in favor of the Articles, and with these Bylaws to be deemed automatically amended from time to time to eliminate any such inconsistency which may then exist.

1.3. Purpose. The purpose of the Corporation shall be to own and operate a commercial marijuana cultivation facility, and any other lawful purpose as determined by the Board of Directors (the “Board”).

### ARTICLE II. SHAREHOLDERS' MEETINGS

2.1. Annual Meetings. Annual meetings of the shareholders shall be held on the 4th day of January of each year at a time of day and place as determined by the Board (or, in the absence of action by the Board, as set forth in the notice given, or waiver signed, with respect to such meeting pursuant to Section 2.3 below). If any such annual meeting is for any reason not held on the date determined as aforesaid, a special meeting may thereafter be called and held in lieu thereof, and the same proceedings (including the election of directors) may be conducted thereto as at an annual meeting.

2.2. Special Meetings. Special meetings of the shareholders may be held whenever and wherever called for by the President or the Board, or by the written demand of the holders of not fewer than ten percent (10%) of all issued and outstanding shares of stock, regardless of class. The  
ALASKA OFF GRID CANNABIS CO.  
BYLAWS

business which may be conducted at any such special meeting will be confined to the purposes stated in the notice thereof, and to such additional matters as the chairman of such meeting may rule to be germane to such purpose.

2.3. Notices. At least ten (10) but no more than sixty (60) days (inclusive of the date of meeting) before the date of any meeting of the shareholders, the Secretary will cause a written notice setting forth the day, time and place and, in the case of a special meeting the purpose or purposes of the meeting, to be deposited in the mail, with postage prepaid, addressed to each shareholder of record at his last address as it then, or on the applicable record date, appears on the stock transfer books of the Corporation. Any shareholder may expressly waive call or notice of any annual or special meeting (and any adjournment thereof) at any time before, during or after it is held. The waiver shall be in writing, signed by the shareholder entitled to the call or notice and delivered to the corporation for inclusion in the minutes or filing with the corporate records. Attendance by a shareholder at any such meeting in person or by proxy will automatically evidence his waiver thereof without a writing unless he or his proxy at the beginning of the meeting objects to holding the meeting or transacting business at the meeting. A shareholder's attendance shall also be deemed a waiver of objection to a consideration of a particular matter at the meeting that is not within the purposes described in the meeting notice, unless the shareholder objects to considering the matter when it is presented. No call or notice of a meeting of the shareholders will be necessary if each of them waives the same in writing or by attendance as aforesaid.

2.4. Registered Shareholders. To determine the shareholders entitled to notice of any shareholders' meeting, to demand a special meeting, to vote or to take any other action by consent or otherwise, the Board may fix in advance a date, not exceeding seventy (70) days preceding the date of such meeting or action, as a record date for the determination of shareholders of record entitled to notice of, and to vote at, such meeting or to take such action. The shares of stock, and the shareholders, "entitled to vote" (as that or any similar term is hereafter used) at any meeting of the shareholders will be determined as of the applicable record date if one has been fixed as aforementioned; otherwise, as of four o'clock in the afternoon (4:00 P.M.) on the day before notice of the meeting is sent, first demand is made, or action is taken; or, if notice is waived, at the commencement of the meeting.

2.5. Proxies. Any shareholder entitled to vote thereat may vote by proxy at any meeting of the shareholders (and at any adjournment thereof) which is specified in such proxy, provided that his proxy is executed in writing by him (or by his duly authorized attorney-in-fact) within twelve (12) months prior to the date of the meeting so specified, unless otherwise provided in the proxy or permitted or prohibited by law. The burden of proving the validity of any undated proxy at any such meeting of the shareholders will rest with the person seeking to exercise the same. An electronic message, telegram, cablegram, or other means of electronic transmission appearing to have been transmitted by a shareholder (or by his duly authorized attorney-in-fact) may be accepted as a sufficiently written and executed proxy.

2.6 Corporate Shareholders. Any other corporation entitled to vote shares of the Corporation's stock at any meeting of the Corporation's shareholders may be represented at the meeting by such persons designated by the bylaws of such corporation or by resolution of its board

of directors, and such officer or other person so designated may vote such corporation's stock in this Corporation in person or by proxy appointed by him.

2.7. Quorum. At any meeting of the shareholders, the presence in person or by proxy of the holders of a majority of all issued and outstanding shares of the Corporation which would then be entitled to vote on any single subject matter which may be brought before the meeting will constitute a quorum of the shareholders for all purposes. In the absence of a quorum, any meeting may be adjourned from time to time, until a quorum is present, by the affirmative vote thereof by the holders of a majority of shares then present, without notice other than by announcement thereat of the time and place of the adjourned meeting, except as otherwise provided by law. At any such adjourned meeting at which a quorum is present, any business may be transacted which might have been transacted at a meeting as originally noticed. The shareholders present at a duly organized meeting may continue to transact business until adjournment, notwithstanding the withdrawal of enough shareholders to leave less than a quorum, provided, that if the shares then represented are less than required to constitute a quorum, the affirmative vote on any matter must be such as would constitute a majority if a quorum were present.

2.8. Participation in Shareholders' Meeting. The Board may permit any or all shareholders to participate in an annual or special shareholders' meeting by or conduct the meeting through use of any means of communication by which all shareholders participating may simultaneously hear each other during the meeting. If the Board in its sole discretion elects to permit participation by such means of communication, the notice of the meeting shall specify how a shareholder may participate in the meeting by such means of communication. The participation may be limited by the Board in its sole discretion to specified locations or means of communications. A shareholder participating in a meeting by this means is deemed to be present in person at the meeting.

2.9. Election Inspectors. The Board, in advance of any shareholders' meeting, may appoint an election inspector or inspectors to act at such meeting (and any adjournment thereof). If an election inspector or inspectors are not so appointed, the chairman of the meeting may, or upon the request of any person entitled to vote at the meeting will, make such appointment. If any person appointed as an inspector fails to appear or to act, a substitute may be appointed by the chairman of the meeting. If appointed, the election inspector or inspectors (acting through a majority of them if there is more than one) will determine the number of shares outstanding, the authenticity, validity and effect of proxies and the number of shares represented at the meeting in person and by proxy; they will receive and count votes, ballots and consents and announce the results thereof; they will hear and determine all challenges and questions pertaining to proxies and voting; and, in general, they will perform such acts as may be proper to conduct elections and voting with complete fairness to all shareholders. No such election inspector need be a shareholder of the Corporation.

2.10. Organization and Conduct of Meetings. Each shareholders' meeting will be called to order and thereafter chaired by the President, or if the President is unavailable, then by such other officer of the Corporation or such shareholder as may be appointed by the Board. The Corporation's Secretary will act as secretary of each shareholders' meeting; in his absence, the chairman of the meeting may appoint any person (whether a shareholder or not) to act as secretary thereat. After calling a meeting to order, the chairman thereof may require the registration of all shareholders



intending to vote in person, and the filing of all proxies, with the election inspector or inspectors, if one or more have been appointed (or, if not, with the secretary of the meeting). After the announced time for such filing of proxies has ended, no further proxies or changes, substitutions or revocations of proxies will be accepted. If directors are to be elected, a tabulation of the proxies so filed will, if any person entitled to vote in such election so requests, be announced at a meeting (or adjournment thereof) prior to the closing of the election polls. Absent a showing of bad faith on his part, the chairman of a meeting will, among other things, have absolute authority to fix the period of time allowed for the registration of shareholders and the filing of proxies, to determine the order of the business to be conducted at such meeting and to establish reasonable rules for expediting the business of the meeting (including any informal, or question and answer portions thereof).

2.11. Voting. Except for the election of directors (which will be governed by the cumulative voting laws of Alaska) and except as may otherwise be required by the Corporation's Articles or by statutes, each issued and outstanding share of the Corporation's capital stock (specifically excluding shares held in the treasury of the Corporation) represented at any meeting of the shareholders in person or by a proxy given as provided in Section 2.5 above, will be entitled to one (1) vote. The voting on any question as to which a ballot vote is demanded, prior to the time the voting begins, by any person entitled to vote on such question; otherwise, a voice vote will suffice. No ballot or change of vote will be accepted after the polls have been declared closed following the ending of the announced time for voting.

2.12. Shareholder Approval or Ratification. The Board may submit any contract or act for approval or ratification at any duly constituted meeting of the shareholders, the notice of which either includes mention of the proposed submittal or is waived as provided in Section 2.3 above. If any contract or act so submitted is approved or ratified by a majority of the votes cast thereon at such meeting, the same will be valid and as binding upon the Corporation and all of its shareholders as it would be if approved and ratified by each and every shareholder of the Corporation, except as specifically provided to the contrary by statute.

2.13. Action Without a Meeting. Any action required to be taken at a meeting of the shareholders of the Corporation, or any action that may be taken at a meeting of the shareholders, may be taken without a meeting and without notice if a consent in writing setting forth the action so taken, shall be signed by all of the shareholders entitled to vote with respect to the subject matter thereof. This consent shall have the same effect as a unanimous vote of the shareholders. Unless otherwise specified in the consent or consents, the action is effective on the date that the last consenting shareholder signs, except where notice to non-voting shareholders requires a different effective date as specified under the Alaska Statutes.

2.14. Informalities and Irregularities. All informalities or irregularities in any call or notice of a meeting, or in the areas of credentials, proxies, quorums, voting and similar matters, will be deemed waived if no objection is made regarding call, notice, proxy or quorum, at the beginning of the meeting, and regarding voting for specific matters, when the matter is presented.

2.15. List of Shareholders. The officer who has charge of the stock ledger of the Corporation or its equivalent shall prepare and make available, at least ten (10) days before every meeting of shareholders, a complete list of the shareholders entitled to vote, arranged in alphabetical

order, and showing the address and number of shares issued in the name of each shareholder. Such list shall be open to the examination of any shareholder, for any purpose germane to the meeting at the corporation's principal office, the office of the corporation's transfer agent if specified in the meeting notice or at another place identified in the meeting notice in the city where the meeting will be held. The list shall also be produced and kept at the place of the meeting during the whole time thereof and may be inspected by any shareholder present.

### **ARTICLE III. BOARD OF DIRECTORS**

3.1. Number and Qualification. The business and affairs of the Corporation shall be managed by a Board of Directors comprised of no less than one (1), but no more than five (5) members. The directors need not be shareholders of the Corporation or residents of the State of Alaska. The Board may appoint from its members a "Chairman of the Board" to preside over all meetings of shareholders and of the Board.

3.2. Election. The members of the initial Board shall hold office until the first annual meeting of the shareholders and until their successors shall have been elected and qualified. At the first annual meeting of shareholders, and at each annual meeting thereafter or special meeting in lieu of an annual meeting called for such purpose, the shareholders shall elect the directors to hold office until the next succeeding annual meeting. The directors shall hold office for the term for which they are elected and until their successors shall be elected and qualified.

3.3. Vacancies. Except as provided in Section 3.4 below, any vacancy in the Board caused by death, resignation, removal, increase in the number of directors, or any other cause, may be filled for the unexpired term by a majority vote of the remaining directors though less than a quorum, or by a sole remaining director. In the event that there are no directors then in office, the vacancy may be filled by majority vote of the shareholders at the next annual meeting or at any special meeting called for that purpose.

3.4. Removal of Directors. Unless prohibited or restricted by an agreement to the contrary, any director may be removed at any time, either with or without cause, by the affirmative vote of the holders of a majority of the stock of the Corporation issued and outstanding and entitled to vote, given at a special meeting of such shareholders called for that purpose, provided that if less than the entire Board is to be removed, one of the directors may not be removed if the votes cast against his removal would be sufficient to elect him if then cumulatively voted at an election of the entire Board, and the vacancy in the Board caused by any such removal may be filled by the shareholders at such meeting.

3.5. Regular Meetings. A regular annual meeting of the directors is to be held immediately after the adjournment of each annual shareholders' meeting at the place at which such shareholders' meeting was held for the purpose of organization, election of officers and consideration of any other business that may properly come before the meeting. Regular meetings, other than as specified herein, may be held at regular intervals at such places and at such times as the Board may provide.

3.6. Participation in Directors' Meetings. The Board may permit any or all directors to participate in a regular or special meeting by or conduct the meeting through the use of any means of communication by which all directors participating may simultaneously hear each other during the meeting. A director participating in a meeting by this means is deemed to be present in person at the meeting.

3.7. Special Meetings. Special meetings of the Board may be held whenever and wherever called for by the President or the number of directors which would be required to constitute a quorum.

3.8. Notices. No notice need be given of regular annual meetings of the Board. Written notice of the day, place and time (but not necessarily the purpose or all the purposes) of any regular meeting, other than annual meetings, or any special meeting shall be given to each director in person or by mail or telefacsimile addressed to him at his latest address appearing on the Corporation's records. Notice to any director of any such special meeting will be deemed given sufficiently in advance when, if given by mail, the same is deposited in the United States mail, with postage prepaid, at least four (4) days before the meeting date. Notice is sufficiently given if delivered personally or by telefacsimile to the director, or by telephone, at least forty-eight (48) hours prior to the convening of the meeting. Any director may expressly waive call or notice of any meeting (and any adjournment thereof) at any time before, during or after it is held. Such waiver shall be in writing, signed by the director entitled to the call or notice and filed with the minutes or corporate records. Attendance of a director at any meeting shall evidence his waiver without a writing of call and notice of such meeting (and any adjournment thereof) unless the director, at the beginning of the meeting or promptly upon his arrival, objects to holding the meeting or transacting business at the meeting and does not thereafter vote for or assent to action taken at the meeting. No call or notice of a meeting of directors will be necessary if each of them waives the same in writing or by attendance as aforementioned. Any meeting, once properly called and noticed (or as to which call and notice have been waived as aforementioned) and at which a quorum is present, may be adjourned to another time and place by a majority of those in attendance, and notice of any adjourned meeting need not be given, other than by announcement at the meeting at which such action to adjourn be taken.

3.9. Quorum. A quorum for the transaction of business at any meeting or adjourned meeting of the directors will consist of a majority of the number of directors in office immediately before the meeting begins. Any act of a majority of the directors present at a meeting at which a quorum is present shall be the act of the Board unless the act of a greater number is required by statute, the Articles or these Bylaws. If a quorum shall not be present at any meeting of the Board, any meeting may be adjourned from time to time until a quorum is present by the affirmative vote of the directors then present, without notice other than by announcement thereat of the time and place of the adjourned meeting at which a quorum is present, any business may be transacted which might have been transacted at the original meeting which was adjourned.

3.10. Executive Committee. The Board may, by resolution adopted by a majority of the whole Board, name two (2) or more of its members as an "Executive Committee." Except as otherwise prohibited by statute, such Executive Committee will have and may exercise the powers of the Board in the management of the business and affairs of the Corporation while the Board is not in session, subject to such limitations as may be included in the Board's resolution and the prohibited



actions in the Alaska Statutes. A majority of those named to the Executive Committee will constitute a quorum. In the event that vacancy occurs in the Executive Committee, the vacancy shall be filled by the Board.

3.11. Other Committees. Other standing or temporary committees may from time to time be appointed from its own membership by the Board and be vested with such powers as the Board may lawfully delegate. All committees are to keep regular minutes of the transactions of their meetings and make such minutes available to the Board at large.

3.12. Presumption of Assent. A director of the Corporation who is present at a meeting of the Board, or of any committee, at which action is taken on any corporate matter will be presumed to have assented to the action taken unless his dissent is entered in the minutes of the meeting or unless he files his written dissent to such action with the Secretary of the Corporation by five o'clock in the afternoon (5:00 P.M.) of the next day after the adjournment of the meeting, holidays and weekends excepted. A right to dissent will not be available to a director who voted in favor of the action.

3.13. Action Without A Meeting. Any action that may be taken at a meeting of the Board may be taken without a meeting if a consent in writing, setting forth the action so taken, shall be signed by all the directors or committee members, whichever is applicable. Such consent shall have the same effect as a unanimous vote. Unless otherwise specified in the consent or consents, the action is effective on the date that the last consenting director signs.

3.14. Compensation. Each director, in consideration of his serving as such, shall be entitled to receive from the Corporation such amount per annum or such fees for attendance at directors' meetings, or both, as the Board shall from time to time determine, together with reimbursement for the reasonable expenses incurred by him in connection with the performance of his duties. Nothing contained herein shall preclude the director from serving the Corporation, its affiliates or subsidiaries in any other capacity and receiving proper compensation, therefore. Members of any committee established may be allowed such similar compensation and reimbursement as determined by the Board.

## **ARTICLE IV. OFFICERS**

4.1. Officers. The officers of the Corporation shall consist of a President, Secretary and Treasurer, and may consist of one or more Vice-Presidents and such additional officers, agents and employees as shall be appointed in accordance with the provisions of Section 4.2 hereof. Any two (2) or more offices may be held by the same person. Officers need not be directors of the Corporation. The Board may require any such officer, agent, or employee to give security for the faithful performance of his duties.

4.2. Additional Officers. The Board may appoint such subordinate officers, agents or employees as it may deem necessary or advisable, each of whom shall hold office for such period, have such authority and perform such duties as are provided in these Bylaws or as the Board may from time to time determine. The Board may delegate to any executive officer or to any committee the power to appoint any such additional officers, agents, or employees.

4.3. Election; Term of Office. The officers of the Corporation shall be elected at the annual meeting of the Board, each of whom shall serve with such power and duties and for such tenure as provided by these Bylaws or as the Board may from time to time determine and shall hold office until his successor has been duly elected and qualified, or until his death, resignation, or removal.

4.4. Removal. Unless prohibited or restricted by an agreement to the contrary, any officer of the Corporation may be removed, either with or without cause, at any time, by a majority of the whole Board at a special meeting thereof called for that purpose, or by any committee or executive officer upon whom such power of removal may be conferred by the Board.

4.5. Resignations. Any director or officer may resign his office at any time, by giving written notice of his resignation to the President or Secretary of the Corporation. Such resignation shall take effect at the time specified therein, or if no time be specified therein, at the time of the receipt thereof, and the acceptance thereof shall not be necessary to make it effective.

4.6. Vacancies. A vacancy in any office, because of death, resignation, removal, or any other cause, shall be filled by the Board, and the officer so elected shall hold office until his successor is elected and qualified.

4.7. Salaries. The salaries of the officers and employees of the Corporation, if any, shall be fixed from time to time by the Board, or (except as to his own) be left to the discretion of the President, and none of the officers of the Corporation shall be prevented from receiving a salary by reason of the fact that he is also a member of the Board; and any officer who shall also be a member of the Board shall be entitled to vote in the determination of the amount of the salary that shall be paid to him.

4.8. The President. The President shall be the chief executive officer of the Corporation and shall supervise and manage the business and affairs of the Corporation, subject to the control of the Board. He shall see that all orders and resolutions of the Board are carried into effect. He may sign, with the Secretary or an Assistant Secretary, certificates of stock of the Corporation; and he may sign, execute and deliver in the name of the Corporation all instruments of conveyance, evidences of indebtedness, contracts or other instruments authorized by the Board, except in cases where the signing, execution or delivery thereof shall be expressly delegated by the Board or by these Bylaws to some other officer or agent of the Corporation or where any thereof shall be required by law to be otherwise signed, executed and delivered. In general, he shall perform all duties as may from time to time be assigned to him by these Bylaws or by the Board.

4.9. Vice-President. Each Vice-President shall have such powers and perform such other duties as the Board or the President may, from time to time, prescribe.

4.10. The Treasurer. The Treasurer shall have charge and custody of, and be responsible for, all the funds and securities of the Corporation and shall keep full and accurate accounts of receipts and disbursements in books belonging to the Corporation in such banks or other depositories as may be designated by the Board; he shall disburse the funds of the Corporation under the direction of the President or the Board, taking proper vouchers for such disbursements, and shall render to the

President and to the directors at the regular meetings of the Board or whenever they may require it, a statement of all his transactions as Treasurer and a statement of the financial condition of the Corporation; and, in general, he shall perform all the duties incident to the office of Treasurer and such other duties as the Board or the President may from time to time prescribe.

4.11. The Secretary. The Secretary shall attend all meetings of the shareholders and of the Board, and shall keep, or cause to be kept in a book provided for the purpose, a true and complete record of the proceedings of these meetings. He shall be custodian of the stock book and also of other books, records and the seal of the Corporation, if any, and shall affix the seal of the Corporation to all certificates of stock and all documents, the execution of which on behalf of the Corporation under its seal is duly authorized. He may sign, with the President or a Vice-President, certificates of stock of the Corporation. He shall cause to be given all notices of meetings of the shareholders and directors and shall perform such other duties as the Board or the President may from time to time prescribe.

## **ARTICLE V. RECORDS**

5.1. Records to be Kept. The Corporation shall keep as permanent records, minutes of all meetings of its shareholders and the Board, a record of all actions taken by the shareholders or Board without a meeting and a record of all actions taken by a committee of the Board in place of the Board on behalf of the Corporation. The Corporation shall also keep appropriate accounting records.

5.2. Shareholder List. The Corporation or its agent shall maintain a record of its shareholders in a form that permits preparation of a list of the names and addresses of all shareholders and in alphabetical order by class of shares showing the number and class of shares held by each.

5.3. Form of Records. The Corporation shall maintain its records in written form or in another form capable of conversion into written form within a reasonable time.

5.4. Records Available for Inspection. The Corporation shall keep a copy of all of the following records, at its known place of business or at the office of its agents, for the purpose of inspection within five (5) days of an appropriate demand by a qualifying shareholder: (i) the Articles or restated Articles of Incorporation and all amendments to them currently in effect; (ii) the Bylaws or restated Bylaws and all amendments to them currently in effect; (iii) resolutions adopted by the Board creating one (1) or more classes or series of shares and fixing their relative rights, preferences and limitations, if shares issued pursuant to those resolutions are outstanding; (iv) the minutes of all shareholders' meetings and records of all action taken by shareholders without a meeting for the past three (3) years; (v) all written communications to shareholders generally within the past three (3) years, including the financial statements furnished for the past three (3) years; (vi) a list of the names and business addresses of the current directors and officers; (vii) the most recent Annual Report delivered to the Alaska Department of Commerce, Community, and Economic Development; and (viii) any agreements among shareholders.



## ARTICLE VI. INDEMNIFICATION; SHAREHOLDER LIABILITY

6.1. Indemnification. The Corporation shall indemnify every director (including outside directors) and every officer, employee, or agent to the full extent consistent with public policy and to the full extent permitted by and in fulfillment of the conditions found in the indemnification provisions of the Alaska Statutes or of any amended or successor statute thereto. Such indemnification shall be mandatory and shall extend to both liability and expenses (including advances for expenses) as those terms are defined in under Alaska law.

6.2. Shareholder Liability. The private property of the shareholders of the Corporation shall be exempt from liability for corporate debts.

## ARTICLE VII. STOCK CERTIFICATES

7.1. Certificates. Certificates of stock shall be in such form as required by statute and as approved by the Board and shall be issued and signed by the President or a Vice-President and by the Secretary or an Assistant Secretary, and impressed with the seal of the Corporation, if any.

7.2. Shares Without Certificates. The Board of the Corporation may authorize the issuance of some or all of the shares of any or all of its classes or series without certificates. Notwithstanding such authorization by the Board, every holder of uncertified shares is entitled to receive a certificate that complies with statutory requirements upon request to the Corporation. The authorization does not affect shares already represented by certificates until such certificates are surrendered to the Corporation. Within a reasonable time after the issuance or transfer of shares without certificates, the Corporation shall send the shareholder a written statement of the information required on certificates by statute.

7.3. Ownership. The Corporation will be entitled to treat the registered owner of any share as the absolute owner thereof and, accordingly, will not be bound to recognize any beneficial, equitable or other claim to, or interest in, such share on the part of any other person, whether or not it has notice thereof, except as may expressly be provided by statute.

7.4. Transfers. Transfers of stock shall be made only on the books of the Corporation by the holder of the shares in person, or by his duly authorized attorney or legal representative, and upon surrender and cancellation of certificates for a like number of shares.

7.5. Lost Certificates. In the event of the loss, theft or destruction of any certificate of stock of this Corporation or of any predecessor corporation, the Corporation may issue a certificate in lieu of that alleged to be lost, stolen or destroyed, and cause the same to be delivered to the owner of the stock represented thereby, provided that the owner shall have submitted such evidence showing the circumstances of the alleged loss, theft or destruction, and his ownership of the certificate, as the Corporation considers satisfactory, together with any other facts which the Corporation considers pertinent, and, if required by the Board of Directors, a surety bond in the form and amount satisfactory to the Corporation, unless the stock represented by the certificate lost, stolen or destroyed has at the time of issuance of the new certificate a market value of five hundred dollars

(\$500.00) or less (as determined by the Corporation on the basis of such information as it may select), in which case the requirement of a surety bond shall be waived.

## **ARTICLE VIII. DIVIDENDS**

8.1. Dividends. Subject to such restrictions or requirements as may be imposed by law or the Corporation's Articles or as may otherwise be binding upon the Corporation, the Board may from time to time declare dividends on stock of the Corporation outstanding on the dates of record fixed by the Board, to be paid in cash, in property or in shares of the Corporation's stock on or as of such payment or distribution dates as the Board may prescribe.

## **ARTICLE IX. AMENDMENT**

9.1. Amendment. These Bylaws may be altered, amended, repealed, or temporarily or permanently suspended, in whole or in part, or new bylaws adopted, at any duly constituted meeting of the shareholders or the Board, the notice of which meeting either includes the proposed action in respect thereof or is waived as provided above in Section 2.3 or 3.8 (whichever is applicable). If, however, any such action arises as a matter of necessity at any such meeting and is otherwise proper, no notice thereof will be required. The Board may exercise all emergency powers permitted under the Alaska Statutes. These Bylaws may contain any provisions for the regulation and management of the affairs of the Corporation not prohibited by law or the Articles.

## **ARTICLE X. TERMINATION OF CORPORATION**

10.1. Termination of Corporation. The Corporation shall cease to exist only upon the first to happen of the following events: (i) the death of the last surviving shareholder; or (ii) voluntary or involuntary dissolution pursuant to the laws governing the same for an Alaska private corporation organized for profit.

## **ARTICLE XI. MISCELLANEOUS**

11.1. Gender. All pronouns and any variations thereof shall be deemed to refer to the masculine, feminine, neuter, singular or plural as the identity of the person or persons may require.

11.2. Governing Law. These Bylaws shall be construed and enforced in accordance with the laws of the State of Alaska, as interpreted by the courts of the State of Alaska, notwithstanding any rules regarding choice of law to the contrary.

11.3. Separability of Provisions. Each provision of these Bylaws shall be considered separable. If for any reason any provision or provisions herein are determined to be invalid and contrary to any existing or future law, such invalidity shall not impair the operation of or affect those portions of these Bylaws which are valid.

11.4. Section Titles. Section titles are for descriptive purposes only and shall not control or alter the meaning of these Bylaws as set forth in the text.

11.5. Entire Agreement. These Bylaws embody the entire agreement and understanding between the shareholders, officers, and Board hereto with respect to the subject matter hereof and supersedes all prior agreements and understandings relating to such subject matter.


Authorization of Further Actions

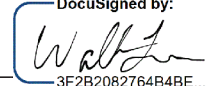
RESOLVED, that the officers of the Corporation are, and each of them hereby is, authorized, empowered, and directed, for and on behalf of the Corporation, to execute all documents and to take all further actions they may deem necessary, appropriate, or advisable to affect the purposes of each of the foregoing resolutions.

RESOLVED, that any and all actions taken by any officer of the Corporation in connection with the matters contemplated by the foregoing resolutions are hereby approved, ratified, and confirmed in all respects as fully as if such actions had been presented to the Board for approval prior to such actions being taken.

IN WITNESS WHEREOF, each of the undersigned, being all the directors of the Corporation, has executed this Written Consent as of the date set forth below.

Date: 2/23/2021

DocuSigned by:  
  
68BEA156667F47F...  
Shawn McDonough  
Vice President of Alaska Off Grid Cannabis Co.

DocuSigned by:  
  
3F2B2082764B4BE...  
Walter Love  
President of Alaska Off Grid Cannabis Co.





Alaska Marijuana Control Board

## Form MJ-01: Marijuana Establishment Operating Plan

### What is this form?

An operating plan is required for all marijuana establishment license applications. Applicants should review **Title 17.38** of **Alaska Statutes** and **Chapter 306** of the **Alaska Administrative Code**. This form will be used to document how an applicant intends to meet the requirements of those statutes and regulations. If your business has a formal operating plan, you may include a copy of that operating plan with your application, but all fields of this form must still be completed per 3 AAC 306.020(c).

### What must be covered in an operating plan?

Applicants must identify how the proposed premises will comply with applicable statutes and regulations regarding the following:

- Control plan for persons under the age of 21
- Security
- Business records
- Inventory tracking of all marijuana and marijuana product on the premises
- Employee qualification and training
- Health and safety standards
- Transportation and delivery of marijuana and marijuana products
- Signage and advertising

Applicants must also complete the corresponding operating plan supplemental forms (**Form MJ-03**, **Form MJ-04**, **Form MJ-05**, or **Form MJ-06**) to meet the additional operating plan requirements for each license type.

### Section 1 – Establishment & Contact Information

Enter information for the business seeking to be licensed, as identified on the license application.

Licensee:	Alaska Off Grid Cannabis Co.	MJ License #:	27711		
License Type:	Standard Marijuana Cultivation Facility				
Doing Business As:	Alaska Off Grid Cannabis Co.				
Premises Address:	30992 Ram Rack Road				
City:	Anchor Point	State:	Alaska	ZIP:	99556
Mailing Address:	PO Box 346				
City:	Anchor Point	State:	Alaska	ZIP:	99556
Designated Licensee:	Shawn McDonough				
Main Phone:	907-299-1829	Cell Phone:	907-299-1829		
Email:	alaskaoffgridcannabis@gmail.com				



**Form MJ-01: Marijuana Establishment Operating Plan****Section 2 – Control Plan for Persons Under the Age of 21**

**2.1. Describe how the marijuana establishment will prevent persons under the age of 21 from gaining access to any portion of the licensed premises and marijuana items:**

Alaska Off Grid Cannabis Co. (AOGCC) will have policies and employee training designed to stop people under the age of 21 from accessing the Licensed Premises. The licensed premises will be deemed a restricted access area that will be closed to the public. Signs stating "Restricted Access Area: Visitors Must Be Escorted," "No One Under 21 Years of Age Allowed," and "Video Surveillance in Progress" shall be posted on the building and around the premises. Video surveillance cameras will be visibly installed inside the small and hi tunnels and outside to cover the entire licensed premises. Surveillance cameras will continuously monitor and record the entire property to prevent unauthorized or underage individuals from entering the premises (property). Motion sensors will be strategically placed throughout the property, which when activated, will trigger an alarm if an attempted intrusion occurs. If an alarm is triggered, Licensees will receive an electronic notification. With the exception of law enforcement, AMCO Enforcement, or other duly authorized individuals, any visitors to requesting a tour or conducting business with AOGCC are required to schedule an appointment with Licensees or management staff. Licensees will not allow anyone who cannot produce a valid photo identification indicating they are at least 21 years of age to enter the building. All forms of identification must be unexpired and unaltered. Examples of identification include; (1) a valid unaltered passport; (2) a valid driver's license; instruction permit, or identification card of any state or territory of the United States, the District of Columbia, or a province in Canada; and (3) an identification card issued by a federal or state agency authorized to issue a driver's license or identification card. Any individual without a proper form of identification will be escorted from the premises immediately. If necessary, law enforcement will be contacted to enforce this policy.

**Section 3 – Security****Restricted Access Areas (3 AAC 306.710):**

**3.1. Describe how you will prevent unescorted members of the public from entering restricted access areas:**

AOGCC will have signs posted around the property that state "Restricted Access Area. Visitors Must Be Escorted" to deter any unescorted individuals from accessing restricted access areas. The signs will be no less than twelve (12") inches long and twelve (12") inches wide, with letters at least one-half (1/2") inch in height. The letters will be colored to clearly differentiate from the background of the sign. Surveillance cameras will continuously monitor all restricted interiors and exteriors of the small and hi tunnels, perimeter and all . All doors will be locked at all times with commercial-grade locks. All employees are required to wear ID badges at all times. Any visitors on the licensed premises are required to wear visitor badges on their person at all times. Employee badges will contain a photo of the employee, the name of the employee, License doing business as name, and the license number.

**3.2. Describe your recordkeeping and processes for admitting visitors into and escorting them through restricted access areas:**



Any person visiting AOGCC will be denied access to any part of the building unless they have scheduled a pre-approved appointment (with the exception of regulatory agents, agents of the MCB or law enforcement). Once a properly approved and scheduled visitor has arrived at the licensed premises, they will be directed to wait at the main entrance to the property, where they will be met by a Licensee or designated employee. The visitor will be asked to confirm their identity by producing a valid form of government-issued photo identification proving they are at least 21 years of age. Once confirmed, the visitor will sign into the guest log, recording their full name, date, time in and out of the licensed premises, and purpose for the visit. The visitor will be given a visitor badge, which will be clearly displayed on their person during the entire visit and returned upon exiting the licensed premises. Licensees or an employee will escort and actively supervise visitors at all times. At the conclusion of the visit, all visitors must leave the licensed premises immediately. At no time will there be more than five (5) visitors per supervising Licensee or employee. All guest logs will be kept as an official business record and be made readily available to AMCO and enforcement upon request.





## Form MJ-01: Marijuana Establishment Operating Plan

3.3. Provide samples of licensee-produced identification badges that will be displayed by each licensee, employee, or agent while on the premises, and of visitor identification badges that will be worn by all visitors while in restricted access areas:

### Security Alarm Systems and Lock Standards (3 AAC 306.715):

3.4. Exterior lighting is required to facilitate surveillance. Describe how the exterior lighting will meet this requirement:

The lighting fixtures of AOGCC will be designed and installed to discourage theft and/or trespassing, and enhance surveillance video. Commercial LED exterior lighting will be positioned throughout the property and perimeter. The lighting fixtures will keep the licensed premises well lit, and allow the exterior surveillance cameras to record up to 20 feet from all entry points to the Hi and Small Tunnels. The lighting fixtures will be installed with sturdy housings at an inaccessible height to deter vandalism and prevent obstructions. A Licensee or designated employee will conduct frequent checks to verify that each light is fully operational and has not become blocked or ineffective.



**Form MJ-01: Marijuana Establishment Operating Plan**

3.5. An alarm system is required for all license types that must be activated on all exterior doors and windows when the licensed premises is closed for business. Describe the security alarm system for the proposed premises, explain how it will meet all regulatory requirements, and outline your policies and procedures regarding the actions to be taken by a licensee, employee, or agent when the alarm system alerts of an unauthorized breach:

AOGCC will install an alarm system that will cover all perimeter entry points and portals to deter and prevent unauthorized entrance into the premises and designate a Licensee or an employee to monitor the system. The alarm system will be active whenever there are no Licensees or employees on the property. The last Licensee or employee to leave the cultivation property each night will activate the alarm system and the first Licensee or employee to arrive in the morning will deactivate the system. Due to the cultivation being in small and hi tunnels, the alarm will be triggered by motion sensors which will be strategically placed throughout the property to ensure that no one or nothing can set foot on the property without triggering the alarm. In the event that the alarm system sends an immediate electronic notification to the Licensees or local law enforcement to notify them of an unauthorized breach of security, the employees will be directed to move to a pre-determined safe location. A designated employee will take a head count of all employees and visitors on the premises to ensure everyone is accounted for. The Licensee or employee will await instruction from law enforcement and comply with all directives. Once it is safe to do so, employees will return to the small and Hi Tunnels and inspect for property damage, theft, take product inventory, and submit all necessary and requested documentation to law enforcement and AMCO Enforcement. If law enforcement is ever called to the property, a Licensee will notify AMCO Enforcement via email as soon as possible, and not more than 24 hours after the event occurs.

3.6. Describe your policies and procedures for preventing diversion of marijuana or marijuana product, including by employees:

Video surveillance will monitor 24/7 all activity inside the licensed premises. Employees must take weekly inventory counts to ensure that the business records match Metrc generated reports. Weekly counts are documented as business records. If it is discovered or suspected that theft, inversion or diversion has occurred, employees will immediately inform the licensees and/or management. Employees must complete mandatory training in identifying theft, inversion and diversion of marijuana. If it has been determined that an employee has been stealing marijuana, law enforcement will be notified promptly, and AOGCC will follow with all law enforcement and AMCO directives, and provide the necessary information and records for a thorough investigation. Once a theft is reported, management will update both the business records of the company and product records in Metrc. Continued on Page 11...

3.7. Describe your policies and procedures for preventing loitering:

AOGCC will utilize business practices that discourage loitering. The exterior will be well lit and equipped with 24 hour video surveillance and "No Loitering" signs. Licensees and employees of AOGCC will have a noticeable presence around the property to monitor and serve as a deterrence to loitering, and prevent unauthorized entrances onto the licensed premises. All loiterers will be promptly escorted off of the premises. Law enforcement will be notified if individuals do not vacate the premises. No visitors will be permitted to remain on the property after their escorted visit has concluded.

You must be able to certify the statement below. Read the following and then sign your initials in the box to the right:

Initials

3.8. I certify that if any additional security devices are used, such as a motion detector, pressure switch, and duress, panic, or hold-up alarm, to enhance security of the licensed premises, I will have written policies and procedures describing their use.



**Form MJ-01: Marijuana Establishment Operating Plan****Video Surveillance (3 AAC 306.720):**

You must be able to certify each statement below. Read the following and then sign your initials in the corresponding box: Initials

3.9. The video surveillance and camera recording system for the licensed premises covers each restricted access area, and both the interior and exterior of each entrance to the facility.

3.10. Each video surveillance recording: is preserved for a minimum of 40 days, in a format that can be easily accessed for viewing (consistent with the Alcohol & Marijuana Control Office's approved format list); clearly and accurately displays the time and date; and is archived in a format that does not permit alteration of the recorded image.

3.11. The surveillance room or area is clearly defined on the Form MJ-02: Premises Diagram that is submitted with this application.

3.12. Surveillance recording equipment and video surveillance records are housed in a designated, locked, and secure area or in a lock box, cabinet, closet or other secure area where access is limited to the licensee(s), an authorized employee, and law enforcement personnel (including an agent of the Marijuana Control Board).

3.13. Describe how the video cameras will be placed to produce a clear view adequate to identify any individual inside the licensed premises, or within 20 feet of each entrance to the licensed premises:

Multiple cameras will be used to record all interiors and exteriors of the premises. Cameras will be angled to capture all activities and installed at an inaccessible height to prevent any blockages from fixtures, posts, display cases, or other equipment. Security cameras, with the help of bright lighting, will capture the best possible facial image of anyone present inside the licensed premises and within 20 feet of the perimeter egress or ingress. As the entire premises is a restricted access area, cameras will be installed to cover any area of the property where marijuana is grown, harvested, trimmed, processed, packaged, shipped, stored, quarantined and wasted. A failure notification system will be installed to provide an audible and visual notification of any electronic monitoring system failures. All video cameras and recording equipment will run on generator and solar power with a battery backup system to ensure continuous recording and in the event of a power shut down, continued operation for at least one hour via battery back up.

3.14. Describe the locked and secure area where video surveillance recording equipment and original copies of surveillance records will be housed and stored, and how you will ensure the area is accessible only to authorized personnel, law enforcement, or an agent of the Marijuana Control Board. If you will be using an offsite monitoring service and offsite storage of video surveillance records, your response must include how the offsite facility will meet these security requirements:

The required 6 month business records and surveillance records will be stored on-site in the secured office, and will be intermittently backed up to the cloud or an off-site hard drive. Business records will be stored in the AOGCC office, separate from all marijuana products and currency storage. Only Licensees and authorized employees will have access to the business records. To prevent any data tampering, the security system will be password-protected and kept in the secured office area. Surveillance video will be stored as an official business record for a minimum of 40 days. All recordings will be date and time stamped, and archived in a format that prevents alteration of the recording. AOGCC records will be managed by the Licensees in accordance with standard retention policies to ensure that business records are stored in a consistent and searchable manner. All surveillance footage will be accessible for upload to a separate hard drive to assist with criminal, civil, or administrative investigations.













**Form MJ-01: Marijuana Establishment Operating Plan****Section 4 – Business Records**

Review the requirements under 3 AAC 306.755. All licensed marijuana establishments must maintain, in a format that is readily understood by a reasonably prudent business person, certain business records.

4.1. I certify that the following business records will be maintained and kept on the licensed premises:

Initials

- a. all books and records necessary to fully account for each business transaction conducted under my license for the current year and three preceding calendar years (*records for the last six months must be maintained on the licensed premises; older records may be archived on or off-premises*); 
- b. a current employee list setting out the full name and marijuana handler permit number of each licensee, employee, and agent who works at the marijuana establishment; 
- c. the business contact information for vendors that maintain video surveillance systems and security alarm systems for the licensed premises; 
- d. records related to advertising and marketing; 
- e. a current diagram of the licensed premises, including each restricted access area; 
- f. a log recording the name, and date and time of entry of each visitor permitted into a restricted access area; 
- g. all records normally retained for tax purposes; 
- h. accurate and comprehensive inventory tracking records that account for all marijuana inventory activity from seed or immature plant stage until the retail marijuana or retail marijuana product is sold to a consumer, to another marijuana establishment, or destroyed; 
- i. transportation records for marijuana and marijuana product, as required by 3 AAC 306.750(f); and 
- j. registration and inspection reports of scales registered under the Weights and Measures Act, as required by 3 AAC 306.745. 

4.2. A marijuana establishment is required to exercise due diligence in preserving and maintaining all required records. Describe how you will prevent records and data, including electronically maintained records, from being lost or destroyed:

The required 6 month business records such as operational and regulatory documents, recordings, surveillance, financial books, inventory and employment records, logs, manifests, and communications will be stored on-site in the secured AOGCC office. Company records will be managed the Licensees in accordance with standard retention policies to ensure that business records are stored in a consistent and searchable manner. All hard copy business records will be kept for a minimum of five (5) years, AOGCC does not intend to remove or delete digital business records from the cloud-based storage system.

All required records will be electronically stored and secured on the company's hard drive or in a cloud-based storage system. All video surveillance recordings will be stored for at least 40 days, will be time and date stamped, stored in a seachable manner and will be made readily available to AMCO upon request. All surveillance footage will be accessible for upload to a separate hard drive to assist with criminal, civil, or administrative investigations.



**Form MJ-01: Marijuana Establishment Operating Plan****Section 5 – Inventory Tracking of All Marijuana and Marijuana Product**

Review the requirements under 3 AAC 306.730. All licensed marijuana establishments must use a marijuana inventory tracking system capable of sharing information with Metrc to ensure all marijuana cultivated and sold in the state, and each marijuana product processed and sold in the state, is identified and tracked from the time the marijuana is propagated from seed or cutting, through transfer to another licensed marijuana establishment, or use in manufacturing a marijuana product, to a completed sale of marijuana or marijuana product, or disposal of the harvest batch of marijuana or production lot of marijuana product.

You must be able to certify each statement below. Read the following and then sign your initials in the corresponding box: Initials

5.1. My marijuana establishment will be using Metrc, and if any other tracking software is used, it will be capable of sharing information with Metrc.

5.2. All marijuana delivered to a marijuana establishment will be weighed on a scale registered in compliance with 3 AAC 306.745.

5.3. My marijuana establishment will use registered scales in compliance with AS 45.75.080 (Weights and Measures Act), as required by 3 AAC 306.745.

**Section 6 – Employee Qualification and Training**

Review the requirements under 3 AAC 306.700. All licensees, and every employee or agent of the marijuana establishment who sells, cultivates, manufactures, tests, or transports marijuana or a marijuana product, or who checks the identification of a consumer or visitor, must obtain a marijuana handler permit from the board before being licensed or beginning employment at a marijuana establishment.

You must be able to certify each statement below. Read the following and then sign your initials in the corresponding box: Initials

6.1. All licensees, and each employee or agent of the marijuana establishment who sells, cultivates, manufactures, tests, or transports marijuana or marijuana product, or who checks the identification of a consumer or visitor, shall obtain a marijuana handler permit from the board before being licensed or beginning employment at the marijuana establishment.

6.2. Each licensee, employee, or agent who is required to have a marijuana handler permit shall keep that person's marijuana handler permit card in that person's immediate possession (or a valid copy on file on the licensed premises) when on the licensed premises.

6.3. Each licensee, employee, or agent who is required to have a marijuana handler permit shall ensure that that person's marijuana handler permit card is valid and has not expired.

6.4. Describe any in-house training that will be provided to employees and agents (apart from a marijuana handler course):

All Licensees and employees of AOGCC are required to have a current marijuana handler permit on or before the start date of employment and must keep it current for the duration of their employment. AOGCC will verify employees' handler card status from time to time to ensure they are kept up-to-date. AOGCC will create an in-house training plan that will include; internal policies and procedures, state statutes and regulations, Federal and State laws, diversion, theft, and inversion prevention, cultivation techniques, sanitation and hygiene, Metrc and safety protocols. Training will be arranged by a Licensee or a designated employee at the beginning of employment. Training will be periodically refreshed, as needed.



**Form MJ-01: Marijuana Establishment Operating Plan****Section 7 – Health and Safety Standards**

Review the requirements under 3 AAC 306.735.

You must be able to certify each statement below. Read the following and then sign your initials in the corresponding box: Initials

- 7.1. I understand that a marijuana establishment is subject to inspection by the local fire department, building inspector, or code enforcement officer to confirm that health or safety concerns are not present. ☐
- 7.2. I have policies regarding health and safety standards (including: ensuring a person with an illness or infection does not come into contact with marijuana or marijuana product; good hygienic practices; cleaning and maintenance of equipment and the premises; pest deterrence; chemical storage; sanitation principles; and proper handling of marijuana and marijuana product) and will take all reasonable measures and precautions to ensure that they are met or exceeded. ☐
- 7.3. I have policies to ensure that any marijuana or marijuana product that has been stored beyond its usable life, or was stored improperly, is not salvaged and returned to the marketplace. ☐
- 7.4. I have policies to ensure that in the event information about the age or storage conditions of marijuana or marijuana product is unreliable, the marijuana or marijuana product will be handled in accordance with 3 AAC 306.735(d). ☐

Answer "Yes" or "No" to each of the following questions:

Yes No

- 7.5. Adequate and readily accessible toilet facilities that are maintained and in good repair and sanitary condition are clearly indicated on my Form MJ-02: Premises Diagram. ☒ ☐
- 7.6. Convenient handwashing facilities with running water at a suitable temperature are clearly indicated on my Form MJ-02: Premises Diagram. ☒ ☐

7.7. If you answered "No" to either 7.5 or 7.6 above, describe how toilet and/or handwashing facilities are made accessible, as required by 3 AAC 306.735(b)(2):

**Section 8 – Transportation and Delivery of Marijuana and Marijuana Products**

Review the requirements under 3 AAC 306.750.

8.1. Describe how marijuana or marijuana product will be prepared, packaged, and secured for shipment. Include a description of the type of locked, safe, and secure storage compartments to be used in vehicles transporting marijuana or marijuana product:








Accompanying all marijuana in transit will be a Metro-generated transport manifest, which will be maintained as a business record. The manifest will document the strain name, batch number, weight, name of the transporter and handler's ID, time of departure and expected delivery, and the make, model, and license plate of the transporting vehicle. The transport vehicle will not make any unnecessary stops on its route. Marijuana will be sealed, in containers holding ten (10lbs) pounds or less, inside a locked storage compartment within the vehicle or truck bed for wholesale transactions, and up to one (1oz) ounce containers for sale by retailers without additional handling besides adding the retail sticker/logo to the packaging. At no time during transit will marijuana be visible outside the vehicle. The shipping container will have a label stating that a licensed testing facility has tested each batch in the shipment and list: (1) the date of final testing; (2) the cannabinoid potency profile, expressed as a range of percentages that extends from the lowest percentage to highest percentage of concentration for each cannabinoid listed from every test conducted on that strain of marijuana from AOGCC within the last three months; (3) a statement listing the results of microbial testing, including molds, mildew, filth, herbicides, pesticides, fungicides, and harmful chemicals. Any packaging done on the premises will be performed in an area specifically set aside for packaging and monitored with 24 hour surveillance. Packaging will be uniform with secure and prominently displayed labels. Continued on page 11...





## Form MJ-01: Marijuana Establishment Operating Plan

You must be able to certify each statement below. Read the following and then sign your initials in the corresponding box: Initials

- 8.2. The marijuana establishment from which a shipment of marijuana or marijuana product originates will ensure that any individual transporting marijuana shall have a marijuana handler permit required under 3 AAC 306.700. 
- 8.3. The marijuana establishment that originates the transport of any marijuana or marijuana product will use the marijuana inventory tracking system to record the type, amount, and weight of marijuana or marijuana product being transported, the name of the transporter, the time of departure and expected delivery, and the make, model, and license plate number of the transporting vehicle. 
- 8.4. The marijuana establishment that originates the transport of any marijuana or marijuana product will ensure that a complete printed transport manifest on a form prescribed by the board must be kept with the marijuana or marijuana product at all times during transport. 
- 8.5. During transport, any marijuana or marijuana product will be in a sealed package or container in a locked, safe, and secure storage compartment in the vehicle transporting the marijuana or marijuana product, and the sealed package will not be opened during transport. 
- 8.6. Any vehicle transporting marijuana or marijuana product will travel directly from the shipping marijuana establishment to the receiving marijuana establishment, and will not make any unnecessary stops in between except to deliver or pick up marijuana or marijuana product at any other licensed marijuana establishment. 
- 8.7. When the marijuana establishment receives marijuana or marijuana product from another licensed marijuana establishment, the recipient of the shipment will use the marijuana inventory tracking system to report the type, amount, and weight of marijuana or marijuana product received. 
- 8.8. The marijuana establishment will refuse to accept any shipment of marijuana or marijuana product that is not accompanied by the transport manifest. 

### Section 9 – Signage and Advertising

Review the requirements under 3 AAC 306.770.

9.1. Describe any signs that you intend to post on your establishment, including quantity, dimensions, graphics, and location on your establishment (photos or drawings may be attached):

AOGCC does not intend to post any signs with a logo or business name on the property.





## Form MJ-01: Marijuana Establishment Operating Plan

9.2. Describe any advertising you intend to distribute for your establishment. Include medium types and business logos (photos or drawings may be attached):

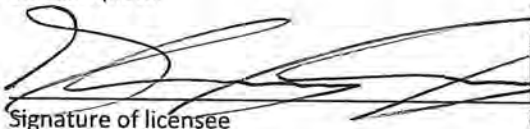
AOGCC may utilize the following medium types when distributing advertisements:

- °Newspaper Ads
- °Radio Ads
- °Social Media (for featuring specific strains)
- °Magazine Ads
- °Sponsorships & Fundraisers
- °AOGCC website
- °Platforms such as LeafLinks, etc.

All advertisements will include all AMCO warning statements, as regulated.

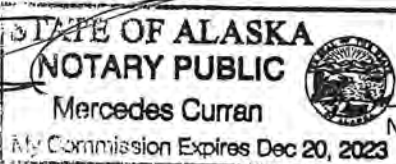
AOGCC's logo is still in development, and will be submitted to AMCO once complete.

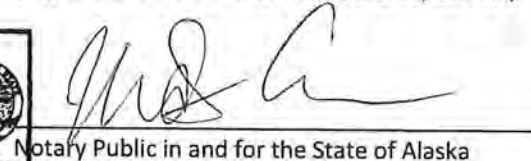
I declare under penalty of unsworn falsification that this form, including all accompanying schedules and statements, is true, correct, and complete.

  
Signature of licensee

**Shawn McDonough**

Printed name of licensee



  
Notary Public in and for the State of Alaska

My commission expires: 12/20/2023

Subscribed and sworn to before me this 26<sup>th</sup> day of January, 2021.

**Form MJ-01: Marijuana Establishment Operating Plan**

(Additional Space as Needed):

3.6 Continued: Documentation related to any theft will be maintained as business records and be available to AMCO or law enforcement upon request. Only designated personnel will have access to marijuana storage areas. Continuous video surveillance will record and monitor the marijuana storage areas and individuals entering and exiting these areas. Video records will be stored for at least 40 days. Cameras will be installed throughout the property in order to provide a clear view of all areas. Security recording equipment will be stored in the secured AOGCC office.

8.1 Continued: AOGCC will use certified scales, in compliance with the Alaska Weights and Measures Act, and will maintain registration and inspection reports as an official business record. After employees package marijuana, it will be placed in sanitized, air-tight containers, labeled with all compliant labeling information and given a barcode for the inventory control system. Plastic packaging will be heat-sealed without an easy-open tab dimple corner or flap. Packaged marijuana will be stored in a secured area until ready for transport. All packaging will be inspected, accepted or rejected and recorded in the log. A licensee or designated employee will check all final packages to ensure that they will secure marijuana from contamination and not impart toxic or deleterious substances. Labels will include; (1) the name and license number of the cultivator; (2) the date the marijuana was harvested; (3) the harvest batch number assigned to the marijuana; (4) the date the marijuana was packaged; (5) the net weight and the quantity of usable marijuana packaged in a standard measure compatible with the inventory tracking system; (6) a complete list of all pesticides, fungicides and herbicides used in the cultivation of the marijuana. AOGCC may contract with a third-party transport company and will ensure that they have active, valid marijuana handler permits.





## Alaska Marijuana Control Board Form MJ-02: Premises Diagram

### What is this form?

A detailed diagram of the proposed licensed premises is required for all marijuana establishment license applications, per 3 AAC 306.020(b)(8). **All areas designated as the licensed premises of a single license must be contiguous. All diagrams must have the licensed premises area labeled, and outlined or shaded as appropriate.**

### What must be submitted with this form?

Applicants must attach multiple diagrams to this form, including (as applicable):

- **Diagram 1:**  
a diagram showing only the licensed premises areas that will be ready to be **operational at the time of your preliminary inspection** and license issuance;
- **Diagram 2:**  
if different than Diagram 1, a diagram outlining **all areas for which the licensee has legal right of possession** (a valid lease or deed), and clearly showing those areas' relationship to the current proposed licensed premises (*details of any planned expansion areas do not need to be included; a complete copy of Form MJ-14: Licensed Premises Diagram Change must be submitted and approved before any planned expansion area may be added to the licensed premises*);
- **Diagram 3:**  
a **site plan or as-built of the entire lot**, showing all structures on the property and clearly indicating which area(s) will be part of the licensed premises;
- **Diagram 4:**  
an **aerial photo of the entire lot and surrounding lots**, showing a view of the entire property and surrounding properties, and clearly indicating which area(s) will be part of the licensed premises (*this can be obtained from sources like Google Earth*); and
- **Diagram 5:**  
a diagram of the **entire building in which the licensed premises is located**, clearly distinguishing the licensed premises from unlicensed areas and/or premises of other licenses within the building. If your proposed licensed premises is located within a building or building complex that contains multiple business and/or tenants, please provide the addresses and/or suite numbers of the other businesses and/or tenants (*a separate diagram is not required for an establishment that is designating the entire building as a single licensed premises*).

**This form, and all necessary diagrams that meet the requirements on Page 2 of this form, must be completed and submitted to AMCO's main office before any new or transfer license application will be considered complete.**

### Section 1 – Establishment Information

Enter information for the business seeking to be licensed, as identified on the license application.

Licensee:	Alaska Off Grid Cannabis Co.	MJ License #:	27711		
License Type:	Standard Marijuana Cultivation Facility				
Doing Business As:	Alaska Off Grid Cannabis Co.				
Premises Address:	30992 Ram Rack Road				
City:	Anchor Point	State:	Alaska	ZIP:	99556



**Form MJ-02: Premises Diagram****Section 2 – Required Information**

For your security, do not include locations of security cameras, motion detectors, panic buttons, and other security devices. Items marked with a double asterisk (\*\*) are only required for those retail marijuana establishments that are also applying for an onsite consumption endorsement.

The following details must be included in all diagrams:

- ☐ License number and DBA
- ☐ Legend or key
- ☐ Color coding
- ☐ Licensed Premises Area Labeled and Shaded, or Outlined as appropriate
- ☐ Dimensions
- ☐ Labels
- ☐ True north arrow

The following additional details must be included in Diagram 1:

- ☐ Surveillance room
- ☐ Restricted access areas
- ☐ Storage areas
- ☐ Entrances, exits, and windows
- ☐ Walls, partitions, and counters
- ☐ Any other areas that must be labeled for specific license or endorsement types
- ☐ \*\* Serving area(s)
- ☐ \*\*Employee monitoring area(s)
- ☐ \*\*Ventilation exhaust points, if applicable

The following additional details must be included in Diagram 2:

- ☐ Areas of ingress and egress
- ☐ Entrances and exits
- ☐ Walls and partitions

The following additional details must be included in Diagrams 3 and 4:

- ☐ Areas of ingress and egress
- ☐ Cross streets and points of reference

The following additional details must be included in Diagram 5:

- ☐ Areas of ingress and egress
- ☐ Entrances and exits
- ☐ Walls and partitions
- ☐ Cross streets and points of reference

I declare under penalty of unsworn falsification that I have attached all necessary diagrams that meet the above requirements, and that this form, including all accompanying schedules, statements, and depictions is true, correct, and complete.

Signature of licensee

Shawn McDonough

Printed name of licensee

STATE OF ALASKA  
NOTARY PUBLIC

Mercedes Curran

My Commission Expires Dec 20, 2023



Notary Public in and for the State of Alaska

My commission expires: 12/20/2023

Subscribed and sworn to before me this 26<sup>th</sup> day of January, 2021.



Alaska  
OFF GRID CANNABIS CO.  
License # 27111

Diagrams 1, 2 + 5



- N
- - Frontier Hemp Farmers w/ 12' Fence
  - - proposed licensed premises / Restricted Access Area w/ 8' fence





Alaska Off Grid Cannabis Co.  
License # 27711  
Diagram 4

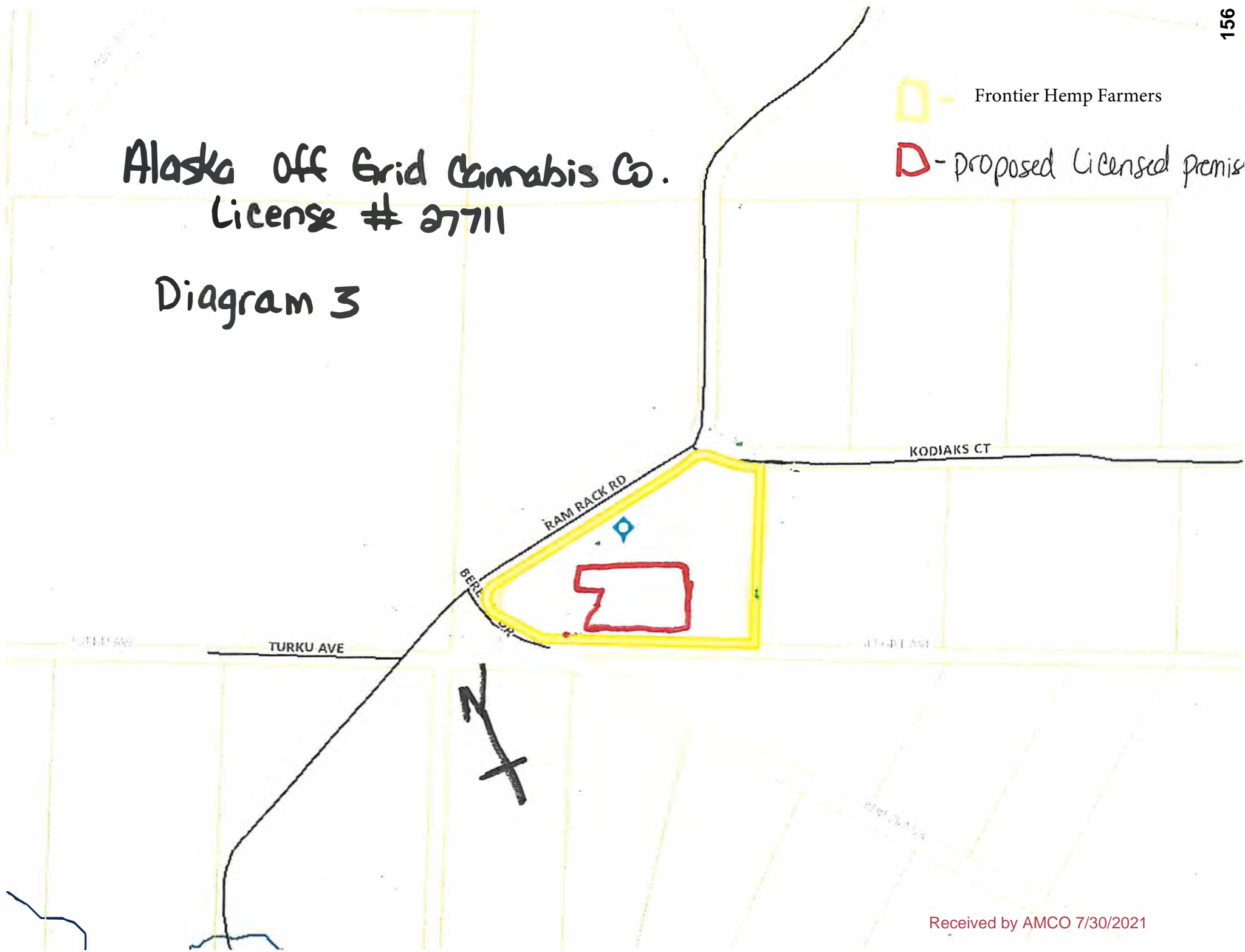




Alaska Off Grid Cannabis Co.  
License # 27711

Diagram 3

 - Frontier Hemp Farmers  
 - proposed Licensed premises





## Alaska Marijuana Control Board Operating Plan Supplemental Form MJ-04: Marijuana Cultivation Facility

### What is this form?

This operating plan supplemental form is required for all applicants seeking a marijuana cultivation facility license and must accompany **Form MJ-01: Marijuana Establishment Operating Plan**, per 3 AAC 306.020(b)(11). Applicants should review **Chapter 306: Article 4** of the **Alaska Administrative Code**. This form will be used to document how an applicant intends to meet the requirements of the statutes and regulations.

If your business has a formal operating plan, you may include a copy of that operating plan with your application, but all fields of this form must still be completed per 3 AAC 306.020 and 3 AAC 306.420(2).

### What additional information is required for cultivation facilities?

Applicants must identify how the proposed establishment will comply with applicable regulations regarding the following:

- Prohibitions
- Cultivation plan
- Waste disposal
- Odor control
- Testing procedure and protocols
- Packaging and labeling

**This form must be completed and submitted to AMCO's main office before any new or transfer application for a standard marijuana cultivation facility or limited marijuana cultivation facility license will be considered complete.**

### Section 1 – Establishment Information

Enter information for the business seeking to be licensed, as identified on the license application.

Licensee:	Alaska Off Grid Cannabis Co.	MJ License #:	27711		
License Type:	Standard Marijuana Cultivation Facility				
Doing Business As:	Alaska Off Grid Cannabis Co.				
Premises Address:	30992 Ram Rack Road				
City:	Anchor Point	State:	Alaska	ZIP:	99556

**Section 2 – Overview of Operations**

**2.1. Provide an overview of your proposed facility's operations. Include information regarding the flow of marijuana from seed or clone to harvest and transfer from your premises:**

All marijuana cultivated at Alaska Off Grid Cannabis Co. (AOGCC) will be tracked via Metrc from seed or clone to sale or destruction. If any marijuana is destroyed for any reason, it will be rendered unusable and disposed of in accordance with current AMCO policies. All plants that reach eight inches (8in.) will be tagged and assigned a Metrc tracking number. In accordance with current testing regulations, marijuana will be harvested and grouped into batches, which will be of one single strain and assigned a Metrc harvest batch number. Random sample(s) will be collected from each batch and sent to a licensed testing facility. Until testing results are received, the remainder of the batch will be segregated in the secured quarantined product area.

All transfers of marijuana to other licensed facilities will be done in compliance with the state and local regulations and AOGCC's internal transportation policies. A Metrc transport manifest will accompany each transfer of marijuana to another licensed facility. Marijuana will be sealed in containers not exceeding ten pounds (10lbs) and placed inside a locked storage compartment within the vehicle or truck bed for wholesale transactions and up to one-ounce (1oz.) containers for re-sale by retailers without additional handling besides adding the retailers sticker/logo. Package labels will include: (1) the name and license number of the cultivation facility; (2) the date the marijuana was harvested; (3) the harvest batch number assigned to the marijuana; (4) the date the marijuana was packaged; (5) the net weight and the quantity of usable marijuana (in a standard measure compatible with the inventory tracking system); (6) a complete list of all pesticides, fungicides, and herbicides used on the batch.

**Section 3 – Prohibitions**

Review the requirements under 3 AAC 306.405 and 3 AAC 306.410.

**3.1. I certify that the marijuana cultivation facility will not:**

Initials

- a. sell, distribute, or transfer any marijuana or marijuana product to a consumer, with or without compensation;
- b. allow any person, including a licensee, employee, or agent, to consume marijuana or marijuana product on the licensed premises or within 20 feet of the exterior of any building or outdoor cultivation facility; or
- c. treat or otherwise adulterate marijuana with any organic or nonorganic chemical or compound to alter the color, appearance, weight, or odor of the marijuana.

**Section 4 – Cultivation Plan**

Review the requirements under 3 AAC 306.420 and 3 AAC 306.430.

**4.1. Describe the size of the space(s) the marijuana cultivation facility intends to be under cultivation, including dimensions and overall square footage. Provide your calculations below:**

Alaska Off Grid Cannabis Co. will have the following buildings for cultivation on the property:

12 - 30 x 72 Hi-Tunnels = 2,160 square feet each totaling 25,920 square feet.

4 - 20 x 32 Small Tunnels = 640 square feet each totaling 2,560 square feet.

1 - 16 x 24 Starter House = 384 Square feet.

Total area under cultivation = 28,864 square feet



**Form MJ-04: Marijuana Cultivation Facility Operating Plan Supplemental**

You must be able to certify the statement below. Read the following and then sign your initials in the box to the right:

Initials

**4.2. The proposed area(s) for cultivation are clearly identified on the Form MJ-02: Premises Diagram that is submitted with this application.**

Answer "Yes" or "No" to the following question:

Yes

No

**4.3. Will the marijuana cultivation facility include outdoor production?****If "Yes", describe the outdoor structure(s) or the expanse of open or clear ground and how it is fully-enclosed by a physical barrier:**

The proposed premises is in a rural area, and all outdoor cultivation areas will be set well away from lot lines to prevent disturbing any passersby or neighboring properties. All outdoor cultivation areas will take place in greenhouses, obstructing the view of marijuana. Continued on Page 7...

**4.4. Describe the method(s) used to ensure that any marijuana at the marijuana cultivation facility, whether indoors or outdoors, cannot be observed by the public from outside the facility:**

The highest priorities when transporting or moving marijuana will be discretion and compliance. AOGCC will ensure that no marijuana will be visible to the public from outside the facility, and no marijuana will be visible during transport. (in accordance with 3 AAC 306.430) To prevent passersby from viewing marijuana, all growing, processing, curing, packaging and labeling activities will be done inside the office or the greenhouse. Before being moved to the transport vehicle, all marijuana will be organized, securely packaged and labeled. A 12' privacy fence, encircling the entire perimeter of the property which the licensed area is located with an additional 8' fence encircling the licensed premises.

**4.5. Describe the marijuana cultivation facility's growing medium(s) to be used:**

The growing mediums used may include: peat, promix, cocoa coir, perlite, Alaska hummus, soil, bio char, compost, earthworm castings, rockwool, hydroton rock and water.

**4.6. Provide the complete product name and EPA registration # (if applicable) for each of the cultivation facility's pesticide and pest control product to be used. All proposed products must be on DEC's list of approved pesticides in the state of Alaska:**

AOGCC does not anticipate using any pesticides at the facility. However, if the need arises, AOGCC may utilize any of the pesticides approved for use on cannabis in the State of Alaska that are found on the DEC approved pesticide list on DEC's website.

**4.7. Describe all other fertilizers, chemicals, gases, and delivery systems, including carbon dioxide management, to be used at the marijuana cultivation facility:**

AOGCC will be using fertilizers, including; Floraflex (V1, V2, B1, B2, Full Tilt, Veg Foliar, Bloom Foliar), Veg Bloom (Veg+Bloom, Shine), Botanicare Cal-Mag Plus, Mendocino Flowering Cal Mag, Clonex (Clone Solution, Rooting Gel), Mammoth P microbes, and Cultured Solutions UC Roots, General Hydro, Emerald Harvest (King Kola, Emerald Goddess & Root Wizard),

Chemicals used will include sulfuric acid, bleach (in solution) and hydrogen peroxide. All fertilizers and chemicals will have a Material Safety Data Sheet (MSDS) on file.

No CO2 will be used in the facility.



## Form MJ-04: Marijuana Cultivation Facility Operating Plan Supplemental

### 4.8. Describe the marijuana cultivation facility's irrigation and waste water systems to be used:

At first, AOGCC will be hand-watering all plants, creating very little to no wastewater. AOGCC may also use drip irrigation for the outdoor grow. Drip Irrigation will be closely monitored and on a timer to ensure plants are not over-watered. Even with the use of Drip Irrigation, a licensee or an employee will closely monitor each plant and hand water. Any excess water will be captured in drip trays and will likely evaporate due to the greenhouse and outdoor conditions. If the option of re-using water is available, AOGCC will exercise that option.

## Section 5 – Waste Disposal

Review the requirements under 3 AAC 306.740.

You must be able to certify the statement below. Read the following and then sign your initials in the box to the right:

Initials

5.1. The marijuana cultivation facility shall give the board at least three days written notice required under 3 AAC 306.740(c) before making marijuana waste unusable and disposing of it.



5.2. Describe how you will store, manage, and dispose of any solid or liquid marijuana waste, including wastewater generated during marijuana cultivation, in compliance with any applicable laws. Include details about the material(s) you will mix with ground marijuana waste and the processes that you will use to make the marijuana waste unusable for any purpose for which it was grown:

AOGCC will be disposing of: (1) marijuana that is identified as contaminated, infected or is otherwise rejected for quality or fails to satisfy quality testing; (2) waste from marijuana flowers, plant material and trimmings; (3) runoff water from cultivation and processing; (4) any other materials or containers in contact with marijuana that risks contamination; (5) any other marijuana deemed as waste by the Marijuana Control Board.

Prior to leaving the facility for disposal, all marijuana waste will be stored away from all other marijuana in a locked container and will be rendered unusable. A notice via email will be sent to AMCO Enforcement not later than three days prior to rendering waste unusable and will be recorded in Metrc. Marijuana waste will be ground and rendered unusable by mixing it with other compostable materials such as; food waste, yard waste, vegetable-based grease or oils and will be composted on site. In the event that marijuana waste cannot be composted, it will be mixed with non-compostable material such as; paper waste, cardboard waste, plastic waste, or oil, until the resulting mixture is no more than fifty percent (50%) marijuana waste. Management will maintain a log on the status of all marijuana waste, tracking the type, date of disposal, reason for disposal, date it was rendered unusable, and final destination.

AOGCC will be hand-watering all plants, and/or using drip irrigation and does not anticipate producing large quantities of liquid waste, as the drip irrigation and added hand-watering technique prevents "over-watering". Waste water will likely evaporate due to the outdoor and greenhouse conditions. Waste information will be recorded in the disposal log and securely stored as a business record, available to AMCO upon request.

**Form MJ-04: Marijuana Cultivation Facility Operating Plan Supplemental****Section 6 – Odor Control**

Review the requirements under 3 AAC 306.430.

Answer "Yes" or "No" to the following question:

Yes No

- 6.1. Have you received an exemption from your local government for the odor control requirement set forth in 3 AAC 306.430(c)(2)?

☐☒

If "Yes", you must be able to certify the statement below. Read the following and then sign your initials in the box:

Initials

I am attaching to this form documentation of my odor control exemption from the local government.

If "No" to question 6.1., describe the odor control method(s) to be used and how the marijuana cultivation facility will ensure that any marijuana at the facility does not emit an odor that is detectable by the public from outside the facility:

AOGCC is located in a very rural area, the outdoor cultivation will minimize odor by growing all marijuana in greenhouses, which are set well away from all lot lines. No neighboring properties are developed.

A Licensee or designated employee will frequently partake in "smell tests" where they will walk the perimeter of the licensed premises and attempt to "smell" marijuana. If smell is detected, AOGCC will either utilize commercial fans, or install additional odor control methods. Smell tests will be logged and kept as an official business record.

**Section 7 – Testing Procedure and Protocols**

Review the requirements under 3 AAC 306.455 and 3 AAC 306.465.

You must be able to certify each statement below. Read the following and then sign your initials in the corresponding box:

Initials

- 7.1. I understand and agree that the board or director will, from time to time, require the marijuana cultivation facility to provide samples of the growing medium, soil amendments, fertilizers, crop production aids, pesticides, or water for random compliance checks.

- 7.2. I will ensure that any individual responsible for collecting random, homogenous samples for required laboratory testing under 3 AAC 306.455 will prepare the necessary accompanying signed statement, provide the signed statement to the marijuana testing facility, and maintain a copy as a business record under 3 AAC 306.755.

- 7.3. Describe the testing procedures and protocols the marijuana cultivation facility will follow:

Marijuana will be harvested and grouped into batches. For testing purposes, all batches will be of one single strain and will be assigned a Metrc harvest batch number. In compliance with 3 AAC 306.455, random sample(s) will be collected from each batch and sent to a licensed testing facility. The employee collecting sample will create a signed statement attesting that each sample was randomly selected, which will be sent to the testing facility and maintained as a business record. The remainder of the batch will be segregated in the secured quarantined product area until the testing results are received. During this segregation period, the quarantined marijuana will be maintained in a secure, cool, and dry location to prevent it from becoming contaminated or losing its efficacy. AOGCC will transport all samples to a licensed testing facility in compliance with the state regulations and the company's transportation policies. AOGCC will ensure that any individual transporting marijuana has a valid AMCO marijuana handler permit. The facility will maintain all testing results as part of its official business records and will enter the results in Metrc.

AOGCC will comply with any request from AMCO for a random sample from any growing medium, soil amendment, fertilizer, crop production aid, pesticide, or water and shall bear the expense for all such requests.





## Form MJ-04: Marijuana Cultivation Facility Operating Plan Supplemental

## Section 8 – Packaging and Labeling

Review the requirements under 3 AAC 306.470 and 3 AAC 306.475.

Answer "Yes" or "No" to the following question:

Yes

No

8.1. Will the marijuana cultivation facility be packaging marijuana for a retail marijuana store to sell to a consumer without repackaging?



If "Yes", describe how the marijuana cultivation facility will ensure that the marijuana sold will meet the packaging requirements in 3 AAC 306.470, and provide a sample label that the facility will use to meet the labeling requirements set forth in 3 AAC 306.475:

AOGCC will package all marijuana in sealed, tamper-evident shipping containers with labels stating that a licensed testing facility has tested each batch in the shipment, and list: (1) the date of final testing; (2) the cannabinoid potency profile, expressed as a range of percentages that extends from the lowest percentage to the highest percentage of concentration for each cannabinoid listed from every test conducted on that strain of marijuana from the same AOGCC facility within the last three months; (3) a statement listing the results of microbial testing; and (4) a statement listing the contaminants for which the marijuana was tested, including molds, mildew, filth, herbicides, pesticides, fungicides, and harmful chemicals. Any packaging done at the facility will be performed in an area specifically set aside for packaging and monitored with continuous surveillance. Packaging will be uniform with labels secured and prominently displayed. AOGCC will use certified scales (in compliance with the Alaska Weights and Measures Act) and will maintain associated reports as a business record. Continued on page 7...

Answer "Yes" or "No" to the following question:

Yes

No

8.2. Will the marijuana cultivation facility be packaging marijuana in wholesale packages?

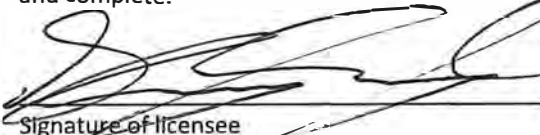


If "Yes", describe how the marijuana cultivation facility will ensure that the marijuana sold will meet the packaging requirements in 3 AAC 306.470, and provide a sample label that the facility will use to meet the labeling requirements set forth in 3 AAC 306.475:

Wholesale packages of marijuana will be sold to other licensed facilities in packages up to ten (10lbs) pounds consisting of a single strain or a mixture of strains. Strain names will be identified on the label. Plastic packaging will be heat-sealed without an easy-open tab, dimple, corner, or flap. Packaged marijuana will be stored in a secured area until ready for transport. All packaging will be inspected, accepted or rejected, and recorded in the log, and a Licensee or a designated employee will check all final packages to ensure that they will secure marijuana from contamination and not impart toxic or deleterious substances. AOGCC will also disclose in writing, with each shipment, all soil/medium amendments, fertilizers used, name of testing lab and results of test, and identify any pesticides, herbicides, and/or fungicides that were used in the cultivation of that strain of marijuana (AOGCC does not intend to use any pesticides, but will adhere to this operating plan if the need arises). Continued on page 7...

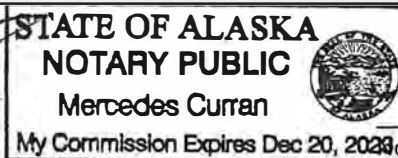
I certify that as a marijuana cultivation facility, I will submit monthly reports to the Department of Revenue and pay the excise tax required under AS 43.61.010 and AS 43.61.020 on all marijuana sold or provided as a sample to a marijuana establishment, as required under 3 AAC 306.480.


I declare under penalty of unsworn falsification that this form, including all accompanying schedules and statements, is true, correct, and complete.

  
Signature of licensee

Shawn McDonough

Printed name of licensee



  
Notary Public in and for the State of Alaska

My commission expires: 12/20/2023

Subscribed and sworn to before me this 26<sup>th</sup> day of January, 2021.



## Form MJ-04: Marijuana Cultivation Facility Operating Plan Supplemental

(Additional Space as Needed):

Section 4.3 Continued: A 12' privacy fence, encircling the entire perimeter of the property which the licensed area is located with an additional 8' fence encircling the licensed premises.

Section 8.1 Continued: After agents package marijuana, it will be placed in sanitized, air-tight containers, labeled with all compliant information, and be given a bar code for Metrc inventory control. Plastic packaging will be heat-sealed without an easy-open tab, dimple, corner, or flap. Packaged marijuana will be stored in a secured area until ready for transport. All packaging will be inspected, accepted or rejected, and recorded in the log. The Licensee or a designated employee will check all final packages to ensure that they will secure marijuana from contamination and not impart toxic or deleterious substances, and no images that appeal to children, such as cartoons or similar images, are on the packaging. Labels will include: (1) the name and license number of the cultivation facility; (2) the date the marijuana was harvested; (3) the harvest batch number assigned to the marijuana; (4) the date the marijuana was packaged; (5) the net weight and the quantity of usable marijuana packaged in a standard of measure compatible with the inventory tracking system; (6) a complete list of all pesticides, fungicides, and herbicides used in the cultivation. All marijuana shipped to a retailer will not exceed one ounce (1oz.) for resale to consumers without additional handling by the retail marijuana store except to add the retail marijuana store's own name or logo and license number.

Section 8.2 Continued: The sealed, tamper-evident shipping container will have a label stating that a licensed testing facility has tested each batch in the shipment, and list: (1) the date of final testing; (2) the cannabinoid potency profile, expressed as a range of percentages that extends from the lowest percentage to highest percentage of concentration for each cannabinoid listed from every test conducted on that strain of marijuana from the same marijuana cultivation facility within the last three months; (3) a statement listing the results of microbial testing; and (4) a statement listing the contaminants for which the marijuana was tested, including molds, mildew, filth, herbicides, pesticides, fungicides, and harmful chemicals. Any packaging done at the facility will be performed in an area specifically set aside for packaging and monitored with continuous surveillance.

Front of Package

Back of Package

\*window to view product\*

Strain Name

Indica-Dominant

Net Weight: 3.5 g (0.124 oz.)

PLACE HOLDER FOR RETAILER TO PUT  
RETAILER STICKER LABEL

Cultivator: Alaska Off Grid Cannabis Co.

License #: 27711

HBL: northstarvalley252018

Strain: North Star OG

METRC #: 36B8750003645115AB

Testing Lab: ABC Lab License #:

Testing Date: 02/05/2018

Fungicides: None Herbicides: None Pesticides:

None

Cannabinoid Profile:

Total THC: XXXX% Total CBD: XXXX% THC:

XXXX%

CBD: XXXX% THC-A: XXXX% CBD-A: XXXX%

CBN: XXXX%

Alaska Safety Warning: Marijuana has intoxicating effects and may be habit forming and addictive. Marijuana impairs concentration, coordination and judgment. Do not operate a vehicle or machinery under its influence. There are health risks associated with consumption of marijuana. For use only by adults twenty-one and older. Keep out of the reach of children. Marijuana should not be used by women who are pregnant or breast feeding.

Retailer:

License No:

Cultivator: Alaska Off Grid Cannabis Co. License No: 27711

Harvest Batch No:

Package No:

Net MJ Weight: OZ( g)

Strain:

Testing Facility:

License No:

THC:

THCA:

CBD:

CBDA:

CBN:

Microbial Test:

Fungicides:

Pesticides:

Herbicides:

Fertilizers:

Soil Amendment:

Alaska Safety Warning: Marijuana has intoxicating effects and may be habit forming and addictive.

Marijuana impairs concentration, coordination and judgment. Do not operate a vehicle or machinery under its influence. There are health risks associated with consumption of marijuana. For use only by adults twenty-one and older. Keep out of the reach of children. Marijuana should not be used by women who are pregnant or breast feeding.

\*or similar format and content

\*Logo to be added





Alaska Marijuana Control Board

## Form MJ-07: Public Notice Posting Affidavit

### What is this form?

A public notice posting affidavit is required for all marijuana establishment license applications, per 3 AAC 306.020(b)(10). As soon as practical after initiating a marijuana establishment license application, an applicant must give notice of the application to the public by posting a true copy of the application for ten (10) days at the location of the proposed licensed premises and one other conspicuous location in the area of the proposed premises, per 3 AAC 306.025(b)(1).

This form must be completed and submitted to AMCO's main office before any new or transfer license application will be considered complete.

### Section 1 – Establishment Information

Enter information for the business seeking to be licensed, as identified on the license application.

Licensee:	Alaska Off Grid Cannabis Co.	License Number:	27711		
License Type:	Standard Marijuana Cultivation Facility				
Doing Business As:	Alaska Off Grid Cannabis Co.				
Premises Address:	30992 Ram Rack Road				
City:	Anchor Point	State:	AK	ZIP:	99556

### Section 2 – Certification

I certify that I have met the public notice requirement set forth under 3 AAC 306.025(b)(1) by posting a copy of my application for the following 10-day period at the location of the proposed licensed premises and at the following conspicuous location in the area of the proposed premises:

Start Date: 11/23/2020

End Date: 12/03/2020

Other conspicuous location: The Warehouse Grocery Store Bulletin Board 72445 Ester Ave, Anchor Point AK 99556

I declare under penalty of unsworn falsification that this form, including all accompanying schedules and statements, is true, correct, and complete.

Signature of licensee

Shawn McDonough

Printed name of licensee

STATE OF ALASKA  
NOTARY PUBLIC

Mercedes Curran

My Commission Expires Dec 20, 2023

Notary Public in and for the State of Alaska

My commission expires: 12/20/2023

Subscribed and sworn to before me this 26<sup>th</sup> day of January, 2021.





Alaska Marijuana Control Board

## Form MJ-08: Local Government Notice Affidavit

### What is this form?

A local government notice affidavit is required for all marijuana establishment license applications with a proposed premises that is located within a local government, per 3 AAC 306.025(b)(3). As soon as practical after initiating a marijuana establishment license application, an applicant must give notice of the application to the public by submitting a copy of the application to each local government and any community council in the area of the proposed licensed premises. For an establishment located inside the boundaries of city that is within a borough, both the city and the borough must be notified.

This form must be completed and submitted to AMCO's main office before any new or transfer license application will be considered complete.

### Section 1 – Establishment Information

Enter information for the business seeking to be licensed, as identified on the license application.

Licensee:	Alaska Off Grid Cannabis Co.	License Number:	27711		
License Type:	Standard Marijuana Cultivation Facility				
Doing Business As:	Alaska Off Grid Cannabis Co.				
Premises Address:	30992 Ram Rack Road				
City:	Anchor Point	State:	AK	ZIP:	99556

### Section 2 – Certification

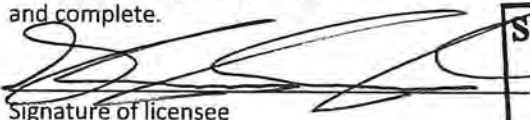
I certify that I have met the local government notice requirement set forth under 3 AAC 306.025(b)(3) by submitting a copy of my application to the following local government (LG) official(s) and community council (if applicable):

Local Government(s): Kenai Peninsula Borough Date Submitted: 11/17/2020

Name/Title of LG Official 1: Johni Blankenship/Borough Clerk Name/Title of LG Official 2: \_\_\_\_\_

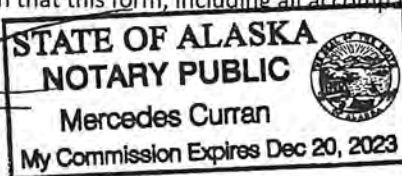
Community Council: N/A Date Submitted: \_\_\_\_\_  
(Municipality of Anchorage and Matanuska-Susitna Borough only)

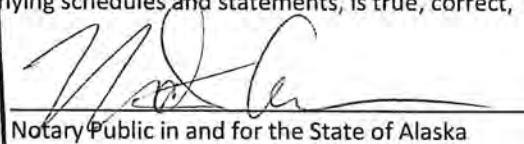
I declare under penalty of unsworn falsification that this form, including all accompanying schedules and statements, is true, correct, and complete.

  
Signature of licensee

Shawn McDonough

Printed name of licensee



  
Notary Public in and for the State of Alaska

My commission expires: 12/20/2023

Subscribed and sworn to before me this 26<sup>th</sup> day of January, 2021



## Alaska Marijuana Control Board

**Form MJ-09: Statement of Financial Interest****What is this form?**

A statement of financial interest completed by each proposed licensee (as defined in 3 AAC 306.020(b)(2)) is required for all marijuana establishment license applications, per 3 AAC 306.020(b)(4). A person other than a licensee may not have direct or indirect financial interest (as defined in 3 AAC 306.015(e)(1)) in the business for which a marijuana establishment license is issued, per 3 AAC 306.015(a).

This form must be completed and submitted to AMCO's main office by each proposed licensee before any license application will be considered complete.

**Section 1 – Establishment Information**

Enter information for the business seeking to be licensed, as identified on the license application.

Licensee:	Alaska Off Grid Cannabis Co.	License Number:	27711		
License Type:	Standard Marijuana Cultivation Facility				
Doing Business As:	Alaska Off Grid Cannabis Co.				
Premises Address:	30992 Ram Rack Road				
City:	Anchor Point	State:	AK	ZIP:	99556

**Section 2 – Individual Information**

Enter information for the individual licensee.

Name:	Shawn McDonough				
Title:	Director, Secretary, Shareholder, Vice President				
SSN:		Date of Birth:			





Alaska Marijuana Control Board

**Form MJ-09: Statement of Financial Interest**

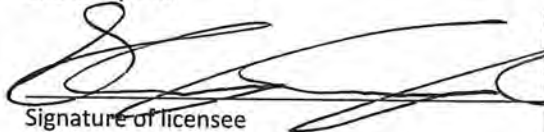
**Section 3 – Certifications**

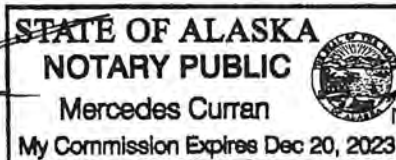
I certify that no person other than a proposed licensee listed on my marijuana establishment license application has a direct or indirect financial interest, as defined in 3 AAC 306.015(e)(1), in the business for which a marijuana establishment license is being applied for.

I further certify that any ownership change shall be reported to the board as required under 3 AAC 306.040.

I understand that my fingerprints will be used to check the criminal history records of the Federal Bureau of Investigation (FBI), and that I have the opportunity to complete or challenge the accuracy of the information contained in the FBI identification record.  
*The procedures for obtaining a change, correction, or updating an FBI identification record are set forth in Title 28, CFR, 16.34.*

I declare under penalty of unsworn falsification that this form, including all accompanying schedules and statements, is true, correct, and complete.

  
Signature of licensee



  
Notary Public in and for the State of Alaska

**Shawn McDonough**

Printed name of licensee

My commission expires: 12/20/2023

Subscribed and sworn to before me this 26<sup>th</sup> day of January, 2021.





Alaska Marijuana Control Board

## Form MJ-09: Statement of Financial Interest

### What is this form?

A statement of financial interest completed by each proposed licensee (as defined in 3 AAC 306.020(b)(2)) is required for all marijuana establishment license applications, per 3 AAC 306.020(b)(4). A person other than a licensee may not have direct or indirect financial interest (as defined in 3 AAC 306.015(e)(1)) in the business for which a marijuana establishment license is issued, per 3 AAC 306.015(a).

This form must be completed and submitted to AMCO's main office by each proposed licensee before any license application will be considered complete.

### Section 1 – Establishment Information

Enter information for the business seeking to be licensed, as identified on the license application.

Licensee:	Alaska Off Grid Cannabis Co.	License Number:	27711		
License Type:	Standard Marijuana Cultivation Facility				
Doing Business As:	Alaska Off Grid Cannabis Co.				
Premises Address:	30992 Ram Rack Road				
City:	Anchor Point	State:	AK	ZIP:	99556

### Section 2 – Individual Information

Enter information for the individual licensee.

Name:	Walter Love Jr.				
Title:	Director, President, Shareholder, Treasurer				
SSN:		Date of Birth:			



Alaska Marijuana Control Board

**Form MJ-09: Statement of Financial Interest**


**Section 3 – Certifications**

I certify that no person other than a proposed licensee listed on my marijuana establishment license application has a direct or indirect financial interest, as defined in 3 AAC 306.015(e)(1), in the business for which a marijuana establishment license is being applied for.

I further certify that any ownership change shall be reported to the board as required under 3 AAC 306.040.

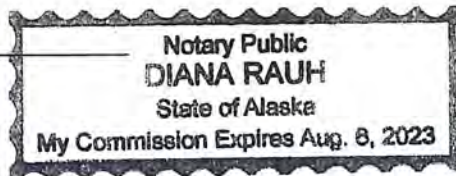
I understand that my fingerprints will be used to check the criminal history records of the Federal Bureau of Investigation (FBI), and that I have the opportunity to complete or challenge the accuracy of the information contained in the FBI identification record.  
*The procedures for obtaining a change, correction, or updating an FBI identification record are set forth in Title 28, CFR, 16.34.*

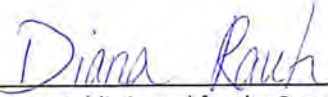
I declare under penalty of unsworn falsification that this form, including all accompanying schedules and statements, is true, correct, and complete.

  
Signature of licensee

**Walter Love Jr.**

Printed name of licensee



  
Notary Public in and for the State of Alaska

My commission expires: Aug. 6, 2023

Subscribed and sworn to before me this 12<sup>TH</sup> day of February, 2021.

# Alcohol & Marijuana Control Office

Initiating License Application

11/17/2020 10:55:56 AM

**License Number:** 27711**License Status:** New**License Type:** Standard Marijuana Cultivation Facility**Doing Business As:** Alaska Off Grid Cannabis Co.**Business License Number:** 2117028**Designated Licensee:** Shawn McDonough**Email Address:** alaskaoffgridcannabis@gmail.com**Local Government:** Kenai Peninsula Borough**Local Government 2:****Community Council:****Latitude, Longitude:** 59.823601, -151.620264**Physical Address:** 30992 Ram Rack Rd  
Anchor Point, AK 99556  
UNITED STATES**Licensee #1****Type:** Entity**Alaska Entity Number:** 10147296**Alaska Entity Name:** Alaska Off Grid Cannabis Co.**Phone Number:** 907-299-6921**Email Address:** alaskaoffgridcannabis@gmail.com**Mailing Address:** P.O. Box 346  
Anchor Point, AK 99556  
UNITED STATES**Entity Official #1****Type:** Individual**Name:** Shawn McDonough**SSN:** [REDACTED]**Date of Birth:** [REDACTED]**Phone Number:** 907-299-1829**Email Address:** alaskaoffgridcannabis@gmail.com**Mailing Address:** P.O. Box 346  
Anchor Point, AK 99556  
UNITED STATES**Entity Official #2****Type:** Individual**Name:** Walter Love JR**SSN:** [REDACTED]**Date of Birth:** [REDACTED]**Phone Number:** 907-299-6921**Email Address:** walterwlove@gmail.com**Mailing Address:** P.O. Box 346  
Anchor Point, AK 99556  
UNITED STATES**Note:** No affiliates entered for this license.



## LEASE AGREEMENT

This LEASE (the "Lease"), entered into by and between Shawn McDonough ("Landlord"), whose address is PO Box 346, Anchor Point, AK 99556 and Alaska Off Grid Cannabis Co., an Alaska Limited Liability Company ("Tenant"), whose address is 1255 Highland Drive, Homer, AK 99603, goes into effect on the 22nd day of February, 2021 ("Effective Date").

**PREMISES.** Landlord, in consideration of the lease payments provided in this Lease, leases to Tenant (the "Premises") the leased building area and associated parking areas located at 30992 Ram Rack Rd, Anchor Point, AK 99556.

**TERM.** The Lease begins on February 22, 2021 and shall be a twenty-four-month term ("Initial Term"), with automatic renewals for additional 24 month terms. In the event either party opts not to renew this Lease, said non-renewing party shall notice the other not less than thirty (30) days prior to expiration of the initial term. Either party may terminate the Lease upon substantial breach of this Agreement and prior to written notice to the other party giving a ten (10) day notice to cure the defect to avoid the termination.

**LEASE PAYMENTS.** Tenant shall pay to Landlord monthly installments of \$1000.00 per month. If payment is not received by the 10<sup>th</sup> day of the month a late charge of \$20.00 per day thereafter will be charged. Landlord shall give Tenant written notice of the past due lease payment. On the 15<sup>th</sup> the Landlord may give notice of breach, as stated above and Tenant shall agree to vacate the premise if the breach is not remedied within ten (10) days.

**USE OF PREMISES.** Tenant may sublease this property with written consent of Landlord. Tenant may use the Premises for the licensed cultivation of cannabis. Tenant shall build out the premises in a manner necessary for its or its subtenant's intended use. Tenant shall be responsible for all costs and expenses associated with such build out.

Tenant shall notify Landlord of any anticipated extended absence of 5 days or more from the Premises not later than the first day of the extended absence.

### UTILITIES AND SERVICES

Tenant shall be responsible for all utilities and services in connection with the Premises.

**TAXES.** Taxes attributable to the Premises or the use of the Premises shall be allocated as follows:

**REAL ESTATE TAXES.** Tenant shall pay pro-rata share of the property's real estate taxes and assessments for the Premises.

**PERSONAL TAXES.** Tenant shall pay all personal taxes and any other charges which may be levied against the Premises and which are attributable to Tenant's use of the Premises, along with all sales and/or use taxes (if any) that may be due in connection with lease payments.

PROPERTY INSURANCE. At all times during the Lease Term, Tenant shall procure and maintain, at its sole expense, special form ("all risk") property insurance, in an amount not less than one hundred percent (100%) of the replacement cost, covering the Premises (including all leasehold improvements), the contents thereof, and the Building in which the Premises are located (collectively, the "Property Insurance"). The Property Insurance shall contain business income ("loss of rents") coverage for a period of time not less than twelve (12) months following the insured casualty. Landlord shall be named as an additional insured on the Property Insurance. Landlord and Landlord's mortgagee each shall be named as loss payees on the Property Insurance with respect to proceeds attributable to damage to the Premises and the Building. Landlord shall be named as loss payee on the Property Insurance with respect to business income coverage. Tenant shall not be a loss payee with respect to proceeds attributable to damage to the Premises or the Building or with respect to business income coverage, but Tenant shall be the loss payee for its personal property located in the Premises. The proceeds of the Property Insurance shall be used for the repair or replacement of the property so insured except that if this Lease is terminated following a casualty, the proceeds applicable to the Building, Premises and leasehold improvements contained therein shall be paid to Landlord and the proceeds applicable to Tenant's personal property shall be paid to Tenant. The Property Insurance policy shall be in a form and contain such endorsements as are normal and customary for property insurance policies carried on similar property or properties or by similarly situated parties.

DEFAULTS. Tenant shall be in default of this Lease if Tenant fails to fulfill any lease obligation or term by which Tenant is bound. Subject to any governing provisions of law to the contrary, if Tenant fails to cure any financial obligation within 15 days (or any other obligation within 30 days) after written notice of such default is provided by Landlord to Tenant, Landlord may take possession of the Premises without further notice (to the extent permitted by law), and without prejudicing Landlord's rights to damages. In the alternative, Landlord may elect to cure any default and the cost of such action shall be added to Tenant's financial obligations under this Lease. Tenant shall pay all costs, damages, and expenses (including reasonable attorney fees and expenses) suffered by Landlord by reason of Tenant's defaults. All sums of money or charges required to be paid by Tenant under this Lease shall be additional rent, whether or not such sums or charges are designated as "additional rent". The rights provided by this paragraph are cumulative in nature and are in addition to any other rights afforded by law. In the event of a default by Tenant, Landlord will contact the Alaska Marijuana Control Office and ensure Enforcement for AMCO removes all marijuana and marijuana product from facility.

HOLDOVER. If Tenant maintains possession of the Premises for any period after the termination of this Lease ("Holdover Period"), Tenant shall pay to Landlord lease payment(s) during the Holdover Period at a rate equal to the most recent rate preceding the Holdover Period. Such holdover shall constitute a month-to-month extension of this Lease.

CUMULATIVE RIGHTS. The rights of the parties under this Lease are cumulative and shall not be construed as exclusive unless otherwise required by law.

NON-SUFFICIENT FUNDS. Tenant shall be charged \$100.00 for each check that is returned to Landlord for lack of sufficient funds.

**REMODELING OR STRUCTURAL IMPROVEMENTS.** Tenant shall have the obligation to conduct any construction or remodeling (at Tenant's expense) that may be required to use the Premises as specified above. Tenant may also construct such fixtures on the Premises (at Tenant's expense) that appropriately facilitate its use for such purposes.

**ACCESS BY LANDLORD TO PREMISES.** Subject to Tenant's consent (which shall not be unreasonably withheld), Landlord shall have the right to enter the Premises to make inspections, provide necessary services, or show the unit to prospective buyers, mortgagees, tenants or workers. However, Landlord does not assume any liability for the care or supervision of the Premises. As provided by law, in the case of an emergency, Landlord may enter the Premises without Tenant's consent. During the last three months of this Lease, or any extension of this Lease, Landlord shall be allowed to display the usual "To Let" signs and show the Premises to prospective tenants. Landlord must abide by Tenant's visitor policy and ensure that no agent or prospective tenant of Landlord attempts to enter the property that is under the age of 21, presents a valid state or federal identification card, signs into and out of the visitor's log, visibly wears a visitor badge, and remains in eyesight of a designated agent of Tenant's at all times. Landlord may not bring more than 5 persons at a time into the facility per supervising licensee/employee.

**INDEMNITY REGARDING USE OF PREMISES.** To the extent permitted by law, Tenant agrees to indemnify, hold harmless, and defend Landlord from and against any and all losses, claims, liabilities, and expenses, including reasonable attorney fees, if any, which Landlord may suffer or incur in connection with Tenant's possession, use or misuse of the Premises, except Landlord's act or negligence.

**COMPLIANCE WITH REGULATIONS.** Tenant, or Tenant's subtenant, shall promptly comply with all laws, ordinances, requirements and regulations of the state, county, municipal and other authorities, and the fire insurance underwriters.

**ACKNOWLEDGEMENT OF USE FOR MARIJUANA COMMERCIAL ACTIVITIES AND WAIVER OF ANY DEFENSES OF ILLEGALITY DUE TO FEDERAL LAW OR VOID FOR PUBLIC POLICY:** Landlord is aware of and agrees this premise shall be used for marijuana state and local licensed commercial activities. The parties are aware that marijuana cultivation and marijuana sale is illegal under federal law and therefore waive all defenses of non-performance of this contract related to defenses such as void for public policy and illegality under federal law.

**MECHANICS LIENS/CLAIM OF LIEN.** Neither the Tenant nor anyone claiming through the Tenant shall have the right to file mechanics liens/claim of lien or any other kind of lien on the Premises and the filing of this Lease constitutes notice that such liens are invalid. Further, Tenant agrees to (1) give actual advance notice to any contractors, subcontractors or suppliers of goods, labor, or services that such liens will not be valid, and (2) take whatever additional steps that are necessary in order to keep the premises free of all liens resulting from construction done by or for the Tenant.

**ARBITRATION.** Any controversy or claim relating to this contract, including the construction



or application of this contract, will be settled by binding arbitration under the rules of the American Arbitration Association, and any judgment granted by the arbitrator(s) may be enforced in any court of proper jurisdiction.

NOTICE. Notices under this Lease shall not be deemed valid unless given or served in writing and forwarded by mail, postage prepaid, addressed as follows:

**LANDLORD:**

Shawn McDonough  
PO Box 346  
Anchor Point, AK  
99556

**TENANT:**

Alaska Off Grid Cannabis Co.  
PO Box 346  
Anchor Point, AK  
99556

Such addresses may be changed from time to time by either party by providing notice as set forth above. Notices mailed in accordance with the above provisions shall be deemed received on the third day after posting.

GOVERNING LAW. This Lease shall be construed in accordance with the laws of the State of Alaska.

ENTIRE AGREEMENT/AMENDMENT. This Lease Agreement contains the entire agreement of the parties and there are no other promises, conditions, understandings or other agreements, whether oral or written, relating to the subject matter of this Lease. This Lease may be modified or amended in writing, if the writing is signed by the party obligated under the amendment.

SEVERABILITY. If any portion of this Lease shall be held to be invalid or unenforceable for any reason, the remaining provisions shall continue to be valid and enforceable. If a court finds that any provision of this Lease is invalid or unenforceable, but that by limiting such provision, it would become valid and enforceable, then such provision shall be deemed to be written, construed, and enforced as so limited.


WAIVER. The failure of either party to enforce any provisions of this Lease shall not be construed as a waiver or limitation of that party's right to subsequently enforce and compel strict compliance with every provision of this Lease.

BINDING EFFECT. The provisions of this Lease shall be binding upon and inure to the benefit of both parties and their respective legal representatives, successors and assigns.

Tenant – Alaska Off Grid Cannabis Co.

DocuSigned by:  
  
By: \_\_\_\_\_ Date: 2/23/2021  
Walter Love, President of Alaska Off Grid Cannabis Co.

Landlord – Shawn McDonough

DocuSigned by:  
  
By: \_\_\_\_\_ Date: 2/23/2021  
Shawn McDonough

# PUBLISHER'S AFFIDAVIT

UNITED STATES OF AMERICA,  
STATE OF ALASKA

} SS:


Jeff Hayden being first duly sworn, on oath deposes and says:  
That I am and was at all times here in this affidavit mentions,  
Supervisor of Legals of the Sound Publishing / Homer News, a  
newspaper of general circulation and published at Homer, Alaska, that  
the advertisement, a printed copy of which is hereto annexed was  
published in said paper on the dates listed below:

Marijuana license transfer - Offgrid Cannabis

11/19/20

11/26/20

12/03/20

x 

SUBSCRIBED AND SWORN before me on this

11<sup>th</sup> day of December, 2020.



NOTARY PUBLIC in favor for the State of Alaska.

My commission expires 3-6-24

Elizabeth A. McDonald  
Notary Public, State of Alaska  
Commission #200306009  
My Commission Expires March 6, 2024

## Marijuana License Application

Alaska Off Grid Cannabis Co. is applying under 3 AAC 306.400(a)(1) for a new Standard Marijuana Cultivation Facility license, license #27711, doing business as Alaska Off Grid Cannabis Co., located at 30992 Ram Rack Rd, Anchor Point, AK, 99556, UNITED STATES.

Interested persons may object to the application by submitting a written statement of reasons for the objection to their local government, the applicant, and the Alcohol & Marijuana Control Office (AMCO) not later than 30 days after the director has determined the application to be complete and has given written notice to the local government. Once an application is determined to be complete, the objection deadline and a copy of the application will be posted on AMCO's website at <https://www.commerce.alaska.gov/web/amco>. Objections should be sent to AMCO at [marijuana.licensing@alaska.gov](mailto:marijuana.licensing@alaska.gov) or to 550 W 7th Ave, Suite 1600, Anchorage, AK 99501.

Pub: Nov 19, 26 & Dec. 3, 2020

913919



OFF GRID CANNABIS CO.

December 14 2020





## Office of the Borough Clerk

144 North Binkley Street, Soldotna, Alaska 99669 • (907) 714-2160 • (907) 714-2388 Fax

Johni Blankenship, MMC  
Borough Clerk

### **MARIJUANA LICENSE LOCAL REVIEW STANDARDS ACKNOWLEDGEMENT FORM**

Please review the statements below and acknowledge your understanding of the conditions and intent to comply by your signature below.

There shall be no parking in borough rights-of-way generated by the marijuana establishment.

If I have a retail marijuana license, I will not conduct any business on, or allow any consumer to access, the premises, between the hours of 2:00 a.m. and 8:00 a.m. each day.

I must stay current in obligations owed to the Kenai Peninsula Borough or my license may be subject to a protest by the KPB Assembly.

It is my responsibility to abide by all federal, state, and local laws applicable to my marijuana establishment.

I understand Kenai Peninsula Borough staff will enter my property for purposes of evaluating ongoing compliance with KPB 7.30 and any conditions placed on the license by the State of Alaska Marijuana Control Board.

I have received, read and understand the additional review standards and conditions set out in KPB 7.30.

Alaska Off Grid Cannabis Co.

30992 Ram Rack Road, Anchor Point, AK 99556; T 4S R 14W SEC 13 SEWARD MERIDIAN  
HM 2000048 - RS CAMPO DE ORO SUB TRACT 19

Application for Standard Marijuana Cultivation Facility (License Number: 27711)

Signature

12/14/20

Date

Please return completed form along with site development plan to the KPB Clerk's



OFF GRID CANNABIS CO.

December 14 2020





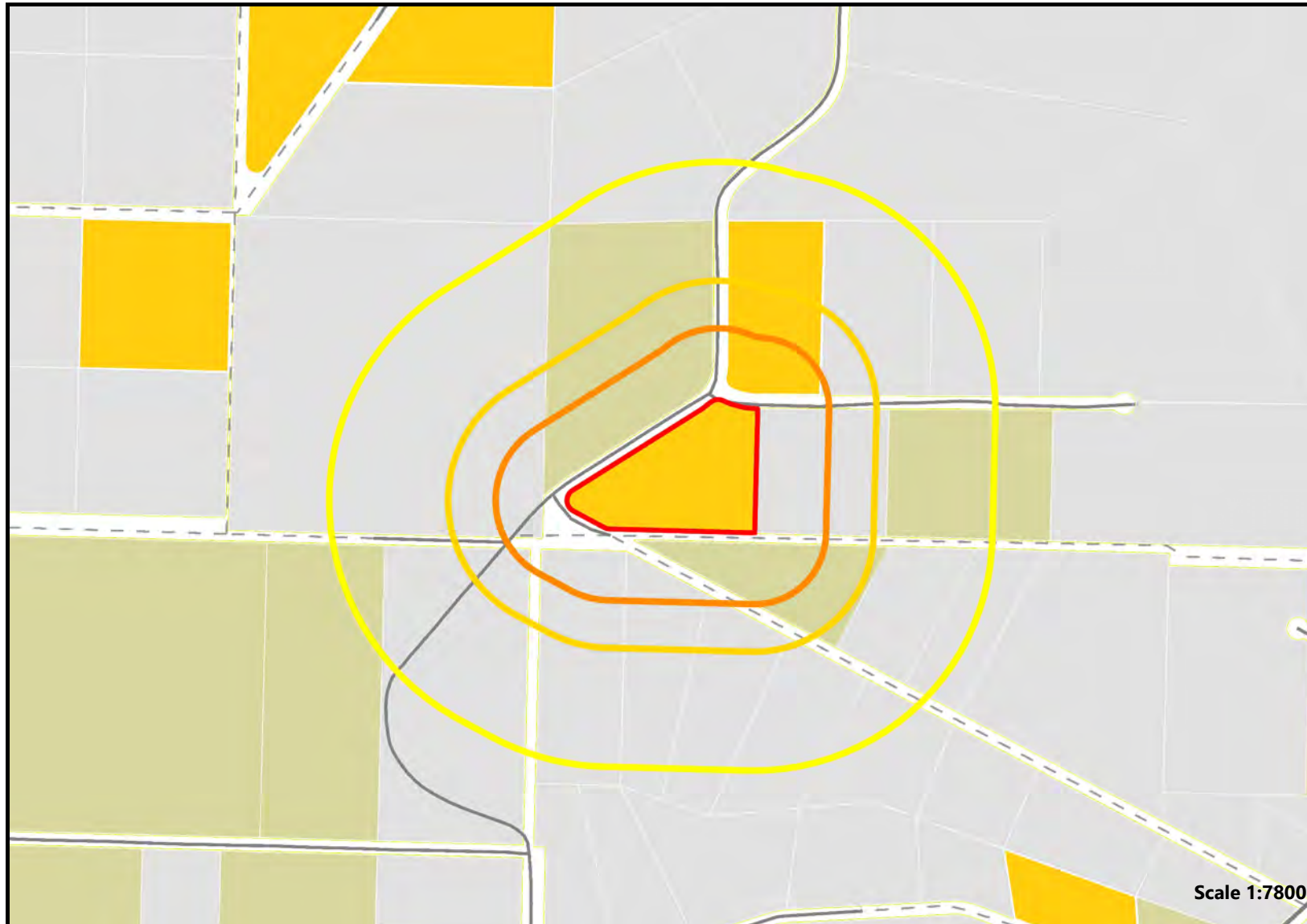


## Recommendation on State Application for Standard Marijuana Cultivation Facility

**Applicant: Alaska Off Grid Cannabis Co.**

**KPB Parcel ID:** 16511319

### Adjacent Land Use Map



**AMCO #** 27711

- 1000ft Radius
- 500ft Radius
- 300ft Notification Area
- Parcel Boundary

#### Land Usage in 1000ft radius

- Accessory Building  
2 parcels
- Residential  
4 parcels
- Vacant  
16 parcels

#### Vicinity



*Radii shown depict the distance from the parcel boundaries. KPB 7.30 states that the distance must be measured by the shortest pedestrian route. If there were relevant facilities within the 500-foot or 1,000-foot radius, the shortest pedestrian path would be measured and depicted here.*



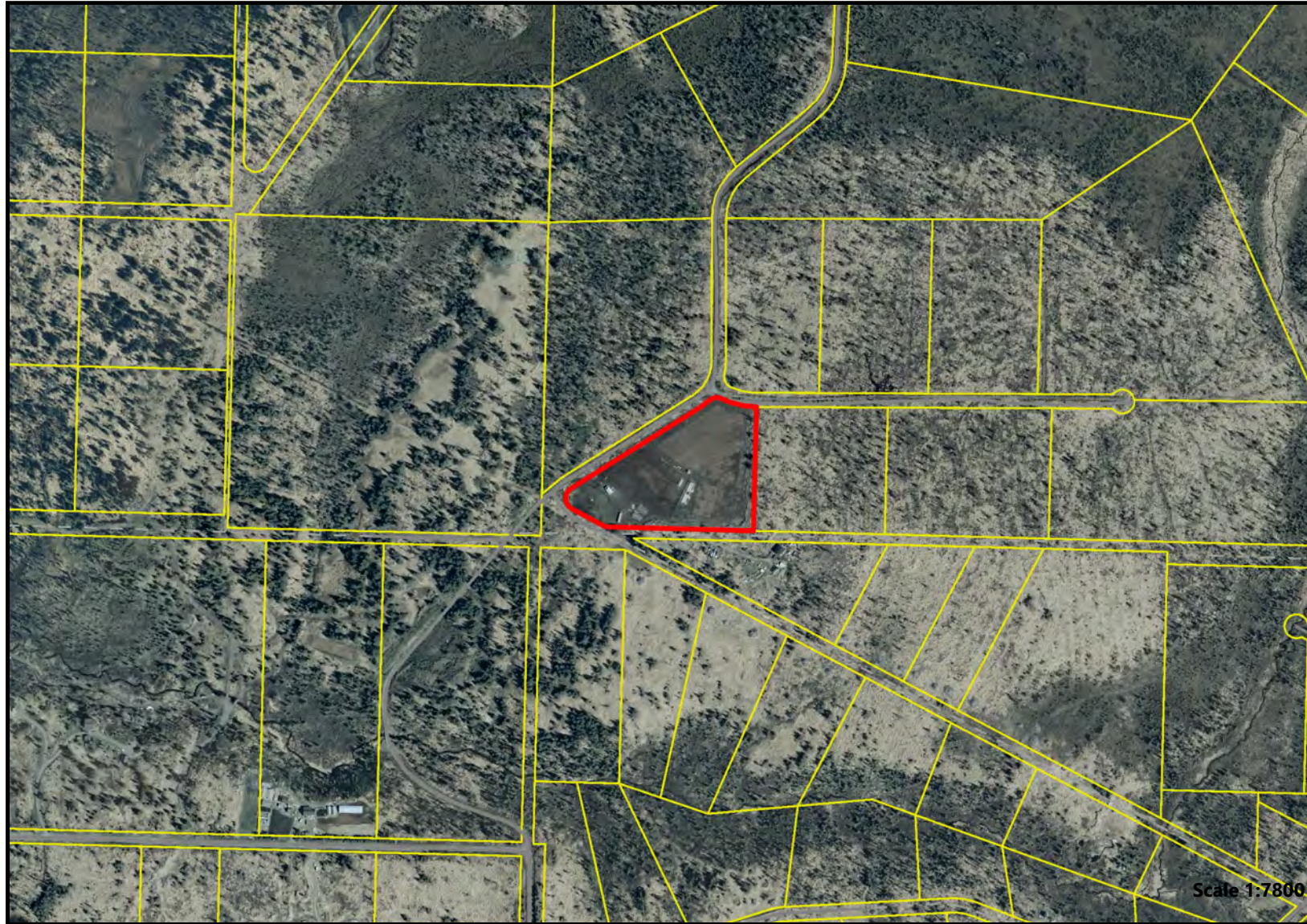




Recommendation on State Application for Standard Marijuana Cultivation Facility

**Applicant: Alaska Off Grid Cannabis Co.**

**KPB Parcel ID: 16511319**

**Aerial Imagery Map**



-  Parcel Boundary
-  All Other Parcels

**Vicinity**



AGENDA ITEM E      NEW BUSINESS

2.      An unnamed private road in Section 24, T04S, R11W; Seward Meridian, Kenai Peninsula Borough, AK; in the Fox River Community; ESN 202

STAFF REPORT

PC MEETING: August 9, 2021

Applicant:    David Reutov of Homer, AK

Existing right-of-way names:    None

Name proposed by petitioner:    Silver Falls Dr

Reason for Change:    Private road that will serve multiple addresses

Background:

Name	<b>unnamed</b>
ESN	202
Community	Fox River
YR Named	n/a
Constructed	Yes
Total Lots	2
Residential	2
Commercial	0
E911 Address	1
Mailing	1

Review and Comments:

Notice was sent by mail to the owners of the two parcels fronting the unnamed private road, as listed on the KPB tax roll.

No comments from property owners were received by the writing of this staff report.

The road name request has been emailed to the Kenai Peninsula Borough Road Maintenance for review. The KPB Roads Department supplied a statement that the Road Service Area has no objections at this time.

Staff Discussion:

A petition was received from one of the property owners accessed by the 1,800 ft unnamed private road. The petition included signatures from 2 out of 2 landowners fronting the private road.

The unnamed private road can be found in the Fox River area and currently provides access to one E911 address. The property owner anticipates several additional family homes will be added to this property in the future. The petitioner has stated that the unnamed private road has been constructed and that the name Silver Falls Dr has been used informally for many years.

The petition contained no additional suggested names. Silver is on the prohibited names list because there are 19 instances of the word silver used for street naming within the Borough; however, none are within neighboring ESNs.



The petitioner has stated that the chosen name meets borough code and the requirements of the borough street naming procedure which do not reference the prohibited names list.

On August 3<sup>rd</sup>, the petitioner called requesting to postpone the resolution until the next planning commission meeting due to a schedule conflict.

**STAFF RECOMMENDATION:** Choose a different road name (staff preference) or name the unnamed private road **Silver Falls St** due to north-south direction by the adoption of Resolution SN 2021-04.

END OF STAFF REPORT

KENAI PENINSULA BOROUGH  
PLANNING COMMISSION RESOLUTION

**RESOLUTION SN 2021-04**

NAMING A CERTAIN PRIVATE ROAD WITHIN SECTION 24, T04S, R11W; SEWARD MERIDIAN;  
WITHIN EMERGENCY SERVICE NUMBER (ESN) 202

WHEREAS, a procedure has been developed to help implement the Enhanced 9-1-1 Street Naming and Addressing project; and

WHEREAS, eliminating duplicate and sound-alike street names will enable 9-1-1 Emergency Services to respond to emergencies in an efficient timely manner, thereby avoiding delays in providing necessary emergency services; and

WHEREAS, adding a post directional or changing the name of portions of jump streets will enable 9-1-1 Emergency Services to respond to emergencies in an efficient timely manner, thereby avoiding delays in providing necessary emergency services; and

WHEREAS, naming private roads that provide access to three or more structures will enable 9-1-1 Emergency Services to respond to emergencies in an efficient timely manner, thereby avoiding delays in providing necessary emergency services; and

WHEREAS, per KPB 14.10.060, the naming of an unnamed road will not constitute a legal dedication for public right-of-way or for road maintenance purposes; and

WHEREAS, on April 12, 2021 public hearings were held by the Kenai Peninsula Borough Planning Commission to address all concerns about the proposed private road naming; and

WHEREAS, Chapter 14.10 of the Kenai Peninsula Borough Code of Ordinances authorizes the Planning Commission to accomplish private road naming by Resolution.

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

Section 1. That the private road listed below is named as follows:

DESCRIPTION	FROM	TO	BASE MAP
a. An unnamed private road in Section 24, T04S, R11W; Seward Meridian, Kenai Peninsula Borough, AK; in the Fox River Community; ESN 202	Unnamed	Silver Falls DR	AR21

Section 2. That according to Kenai Peninsula Borough Code of Ordinance 14.10.030, the official street name map, 1:500 scale series base map, AR21; is hereby amended to reflect these changes.

Section 3. That the map showing the location of the named private road be attached to, and made a permanent part of this resolution.

Section 4. That this Resolution takes effect immediately upon adoption.

ADOPTED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH THIS 9<sup>th</sup> DAY  
OF AUGUST 2021.

\_\_\_\_\_  
Blair J. Martin, Chairperson  
Planning Commission

State of Alaska  
Kenai Peninsula Borough

Signed and sworn to (or affirmed) in my presence this \_\_\_\_\_ day of \_\_\_\_\_ 2021 by  
\_\_\_\_\_.

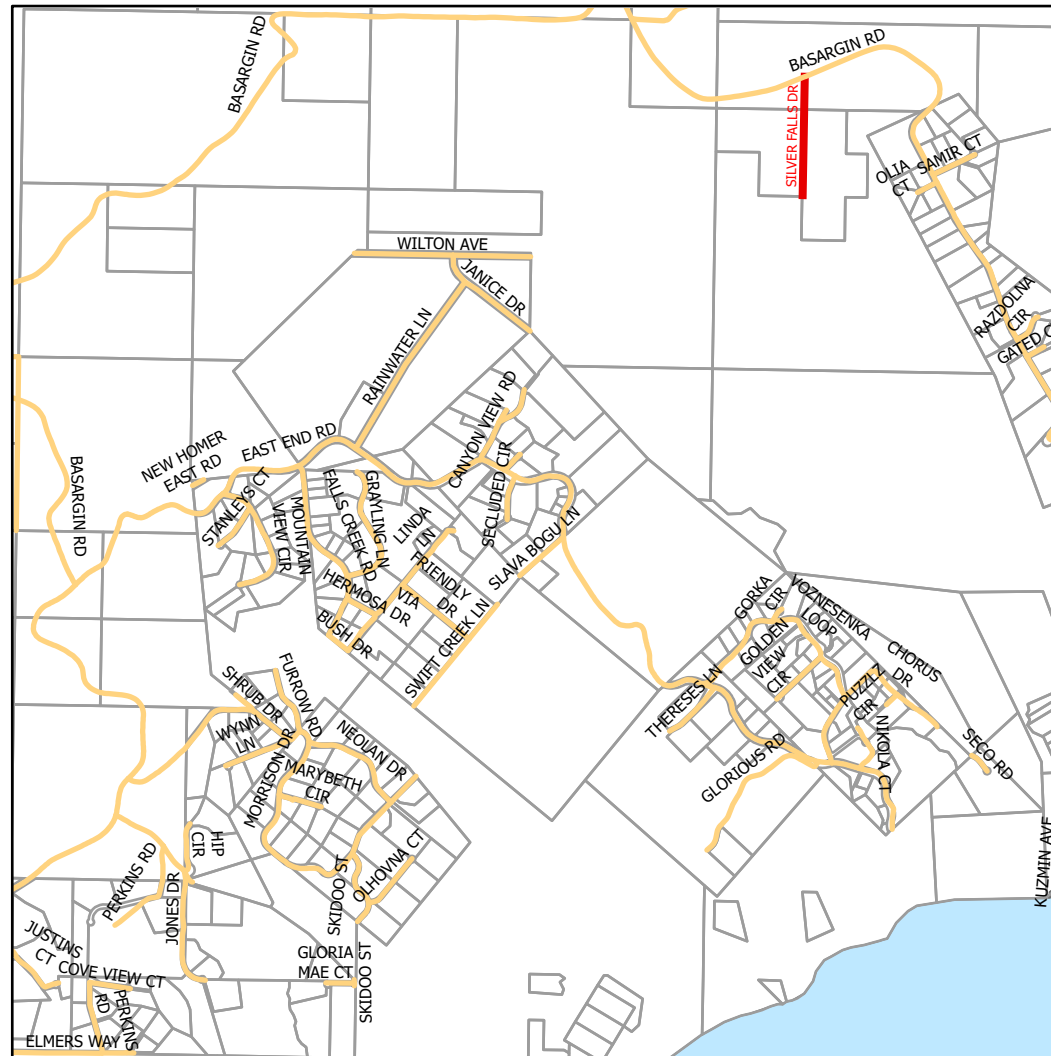
\_\_\_\_\_  
Notary Public

My Commission expires \_\_\_\_\_





Private Road Naming  
Resolution SN 2021-04



# PETITION FOR RENAMING A STREET

Existing Road Name: NONE

Proposed Road Name: SILVER FALLS DR

Name of Primary Petitioner: DAVID F REUTOV

Identify the Owners of Land affected (include mortgage holders, contract holders and, if owned by a corporation or partnership, provide the needed authority to sign):

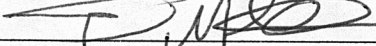
Name (print): David F Reutov Phone: 235-3609

Signature: 

Mailing Address: PO Box 3609 Homer AK 99603

Legal Description: \_\_\_\_\_

Name (print): Feodor Martushev Phone: 299-1331

Signature: 

Mailing Address: PO Box 2148 Homer, AK 99603

Legal Description: \_\_\_\_\_

Name (print): Filip Martushev Phone: \_\_\_\_\_

Signature: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Legal Description: \_\_\_\_\_

Name (print): \_\_\_\_\_ Phone: \_\_\_\_\_

Signature: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Legal Description: \_\_\_\_\_

Name (print): \_\_\_\_\_ Phone: \_\_\_\_\_

Signature: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Legal Description: \_\_\_\_\_

To be considered complete, the application must be accompanied by the following items:

1. Petition signed by property owners (see instructions).
2. A map showing the road to be named and surrounding property.
3. The filing and sign fees are established by KPB Planning Commission Resolutions 96-22 and 85-3, as follows:

- (A) For name changes or naming of public street dedications other than those named during the subdivision process:

Check Applicable Boxes

- |     |  |       |                          |
|-----|--|-------|--------------------------|
| (1) | Street Naming Petition and Hearing Advertising Fee   | \$300 | <input type="checkbox"/> |
| (2) | Installation of each new Borough Service Area Sign, Post, etc. (per sign)                            | \$150 | <input type="checkbox"/> |
| (3) | Replacement of existing Borough Service Area Sign, due to change where no post is needed. (per sign) | \$ 80 | <input type="checkbox"/> |

*The minimum fee shall be either a combination of 1 and 2 OR 1 and 3 above; however, all signs that need to be changed and / or maintained by a Borough Service Area must be paid for upon completion of the project.*

- (B) For Private Road Naming:

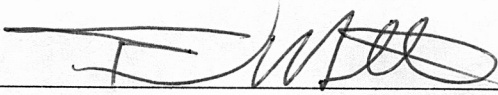
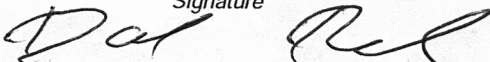
- |     |  |        |                                     |
|-----|--|--------|-------------------------------------|
| (1) | Street Naming Petition and Hearing Advertising Fee   | \$300  | <input checked="" type="checkbox"/> |
| (2) | Installation of each new Borough Service Area sign, Post, etc. (per sign)                            | \$150  | <input type="checkbox"/>            |
| (3) | Replacement of existing Borough Service Area Sign, due to change where no post is needed. (per sign) | \$ 80  | <input type="checkbox"/>            |
| (4) | If no signs are required   | No Fee | <input type="checkbox"/>            |

TOTAL FEE SUBMITTED \$ \_\_\_\_\_

Additionally, if the Right-of-Way was created by a document other than a recorded plat, a copy of that document must be submitted with this application..

**NOTE: INCOMPLETE APPLICATIONS WILL BE RETURNED.**

I, the undersigned, hereby affirm that all information made part of this application is true, correct and complete to the best of my knowledge.

 _____ Signature	6-24-21 _____ Date
	6-24-21





## Planning Department

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

### PETITION TO NAME / RENAME A STREET

Kenai Peninsula Borough Planning Department

ATTENTION: E911 Addressing Officer

144 North Binkley Street Soldotna, AK 99669-7520 (907) 714-2200

**Petitioner's Name:** (Please Print) David F Reutor

**Mailing Address:** PO Box 3609 Homer AK 99603

**E-mail Address:** frantartic@gmail

**Telephone:** 907-235-3609

**Current Street Name:** ~~47689 Basargin RD~~

**Proposed Street Name:** ~~47689~~ Silver Falls DR

**Location of Current Street:** Township: \_\_\_\_\_ Range: \_\_\_\_\_ Section: \_\_\_\_\_

Subdivision: \_\_\_\_\_

The Right-of-Way is: (Please Check)

Public

Private

Is the Right-of-Way in use?

☐ Yes

☒ No

Is the road constructed?

☒ Yes

☐ No

Is there a street sign along the Right-of-Way?

☐ Yes

☒ No

**Reason for Requested Change:** long private road to  
multiple addresses.

List Three (3) Choices for a new Street Name, in order of preference.

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

New Name Suggestions must not be on the Road Inventory List which can be found at:  
[https://www.kpb.us/images/KPB/PLN/911/Road\\_Inventory.pdf](https://www.kpb.us/images/KPB/PLN/911/Road_Inventory.pdf)

New Street Names must be checked, and approved by the E911 Addressing Officer by email [addressing@kpb.us](mailto:addressing@kpb.us); fax 714-2378; or phone 714-2200.



## Planning Department

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

### **STREET NAMING PROCEDURE KENAI PENINSULA BOROUGH**

#### **STREET NAMING PROCEDURE**

To name or rename a street requires action by the Planning Department, the Kenai Peninsula Borough Planning Commission, and the person requesting the change. The following outlines how the process works and the areas of responsibility.

#### **THE PLANNING DEPARTMENT**

The Planning Department will process all formal requests to name or rename public or private rights-of-way. The Department will accept applications to name or rename a right-of-way upon receipt of a petition signed by at least 75% of the owners of land fronting that roadway.

The petition must include a map showing the location of the right-of-way, the required fees, if applicable, and the proposed new name. The new name must not create a duplicate with any name already in the Road Inventory, the Road Inventory list can be found here:

[https://www.kpb.us/images/KPB/PLN/911/Road\\_Inventory.pdf](https://www.kpb.us/images/KPB/PLN/911/Road_Inventory.pdf)

The new name must be checked and approved by the E911 Addressing Officer of the Kenai Peninsula Borough Planning Department.

Email: [addressing@kpb.us](mailto:addressing@kpb.us)  
 Fax: 714-2378  
 Phone: 714-2200  
 Mail: KPB PLANNING DEPT, 144 NORTH BINKLEY STREET, SOLDOTNA, AK 99669

#### **THE KENAI PENINSULA BOROUGH PLANNING COMMISSION**

A public hearing before the Planning Commission will be scheduled in accordance with KPB Code of Ordinances, Chapter 14.10, and a public notice announcing the hearing will be placed in a local newspaper.

The Planning Commission will act by resolution after the public hearing and consultation with affected property owners, agencies, and other interested parties. Written notification of the Planning Commission's decision will be sent to the previously identified property owners, agencies, and interested parties.

The Planning Commission has final authority to approve or deny the petition.

#### **THE PETITIONER**

It is the petitioner's responsibility to provide all information and documentation as requested on the application.

#### **DEFINITIONS**

**Public Right-of-Way:** A right-of-way for public use dedicated by either plat or document.

**Private Road:** A non-dedicated, non-platted right-of-way. An easement may be required. A driveway is may be considered a private road if the driveway provides access to three or more structures.

**Duplicate Street Name:** A name that sounds similar to or identical to the name of any other street within the Borough Road Inventory. A different suffix (street, avenue, etc.) does not constitute a different name (KPB 14.10.040).







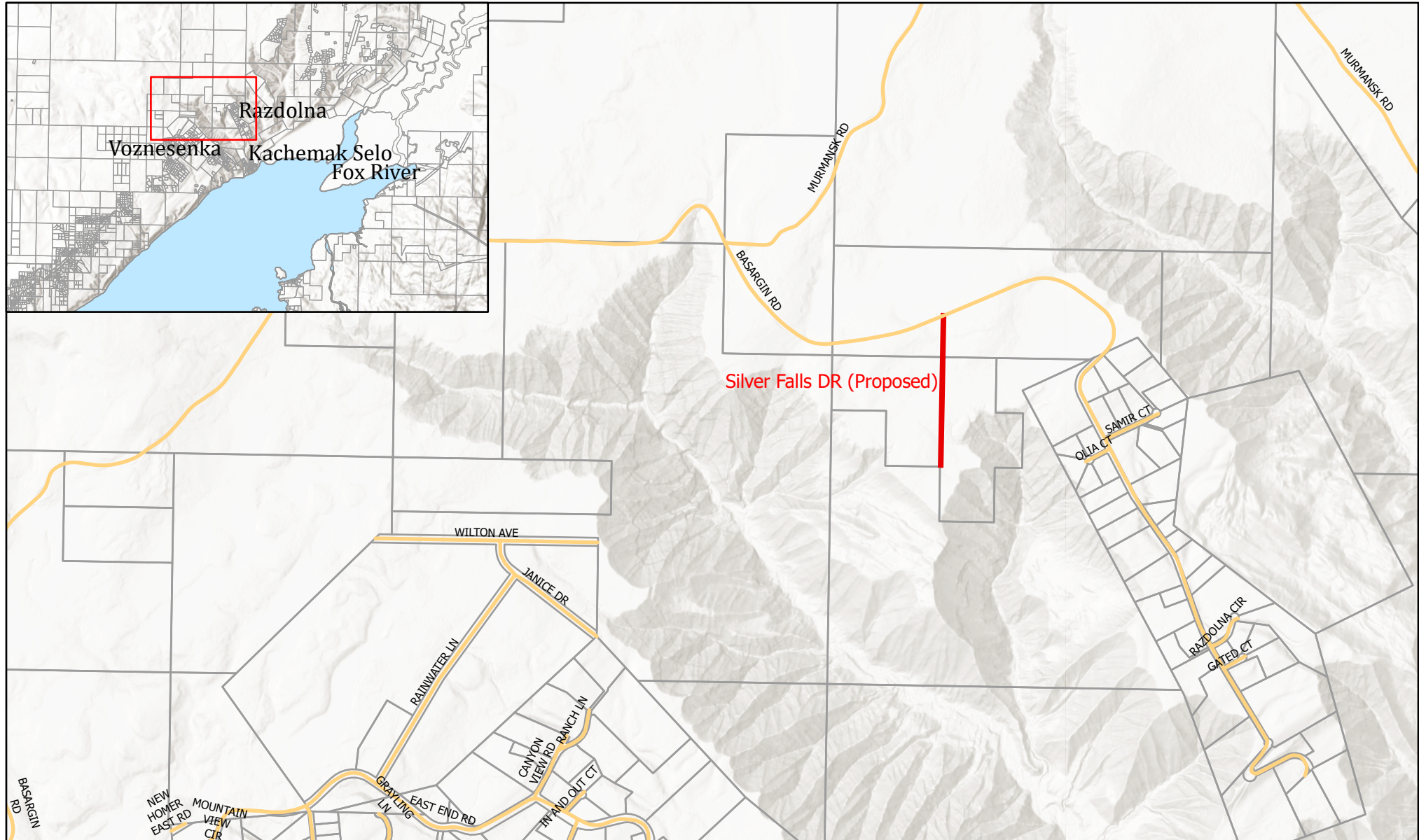
# Kenai Peninsula Borough Planning Department

## Vicinity Map

Date: 6/28/2021



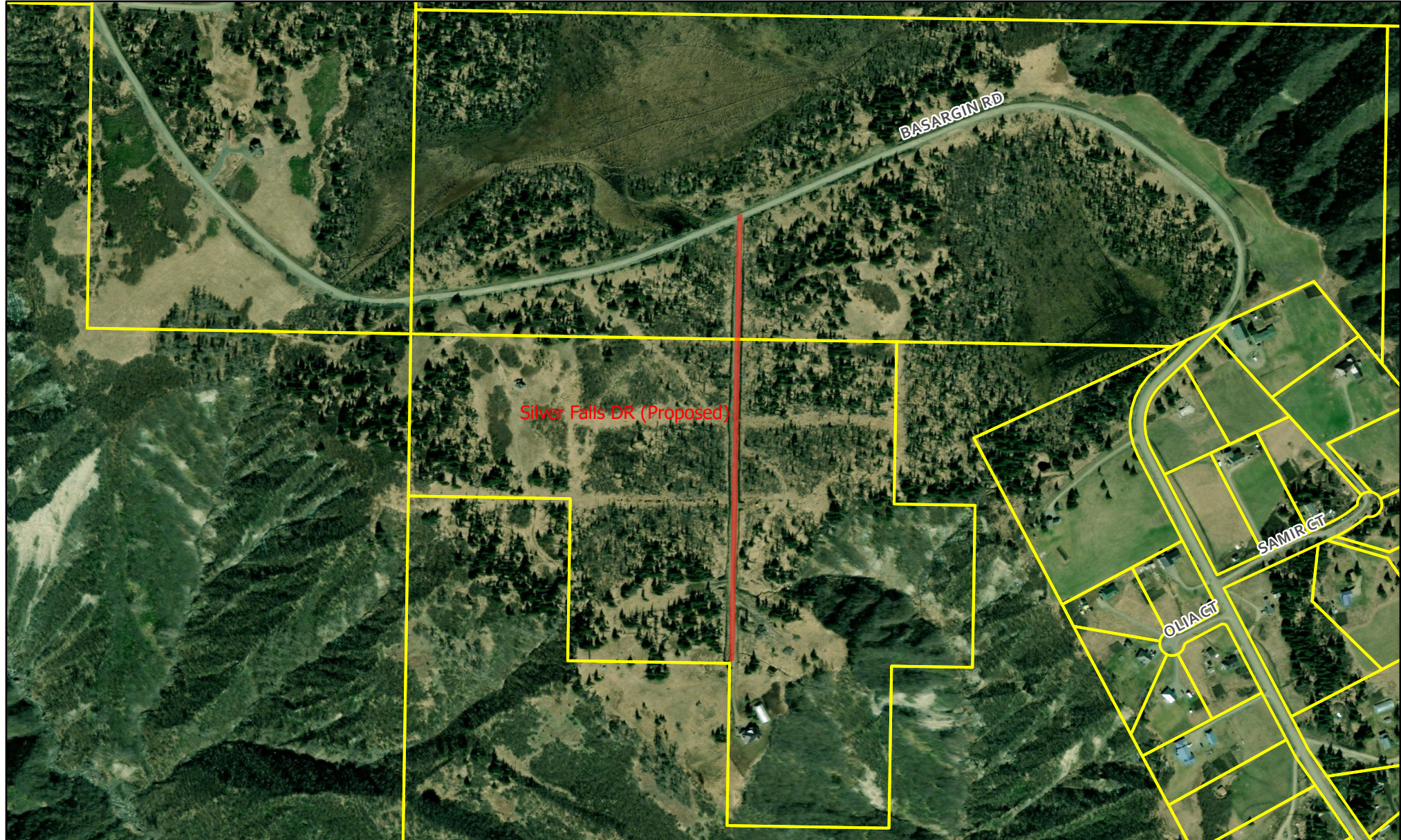
Private Road Naming  
Resolution SN 2021-04







Private Road Naming  
Resolution SN 2021-04







# Planning Department

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

Charlie Pierce  
Borough Mayor

## PENINSULA CLARION

### KENAI PENINSULA BOROUGH PLANNING COMMISSION NOTICE OF PUBLIC HEARING TO NAME A PRIVATE ROAD

Public notice is hereby given that a petition was received to name a private road in the Fox River area. Area under consideration is described as follows:

- A. **Location:** *Unnamed private road; Section 24, T04S, R11W; Seward Meridian, Kenai Peninsula Borough, AK; in the Fox River Community; ESN 202* **Reason for Renaming:** *Private road that will serve multiple addresses;* **Proposed Name:** *Silver Falls 8F*
- B. Purpose as stated in petition: Long private road to multiple addresses
- C. Petitioner(s): David Reutov

Public hearing will be held by the Kenai Peninsula Borough Planning Commission on **Monday, August 9, 2021**, commencing at **7:30 p.m.**, or as soon thereafter as business permits. The meeting is being held in the Betty J. Glick Assembly Chambers of the Kenai Peninsula Borough George A. Navarre Administration Building, 144 N. Binkley Street, Soldotna, Alaska.

Meeting materials may be found at <https://www.kpb.us/planning-dept/planning-commission> as well as any updates to meeting procedures.

Anyone wishing to testify, but cannot attend the zoom meeting, may submit a written statement to the attention of Addressing, Kenai Peninsula Borough Planning Department, 144 N. Binkley Street, Soldotna, Alaska 99669. The Planning Department recommends that written comments be received by **Friday, August 6, 2021**. [Written comments may also be sent by email to the address below or by Fax to 907-714-2378].

For additional information contact Addressing ([addressing@kpb.us](mailto:addressing@kpb.us)), Planning Department, 714-2200 (1-800-478-4441 toll free within Kenai Peninsula Borough).

New name suggestions must not be on the 911 Street Naming Master Street Address Guide List: [https://www.kpb.us/images/KPB/PLN/911/Road\\_Inventory.pdf](https://www.kpb.us/images/KPB/PLN/911/Road_Inventory.pdf) AND new name suggestions must be checked and approved by the Planning Department.

PLEASE NOTE: The Planning Commission may approve a name suggested by landowners, interested parties, or the planning staff. An entirely different name can also be suggested and approved by the Commission during the public hearing.

PLEASE NOTE: Upon adoption of a street name change resolution, no reapplication or petition concerning the name of the same street may be filed within one calendar year of the final adoption, except in the case where new evidence or circumstances exist that were not available, present or reasonably ascertainable when the original resolution was adopted (KPB 14.10.050).





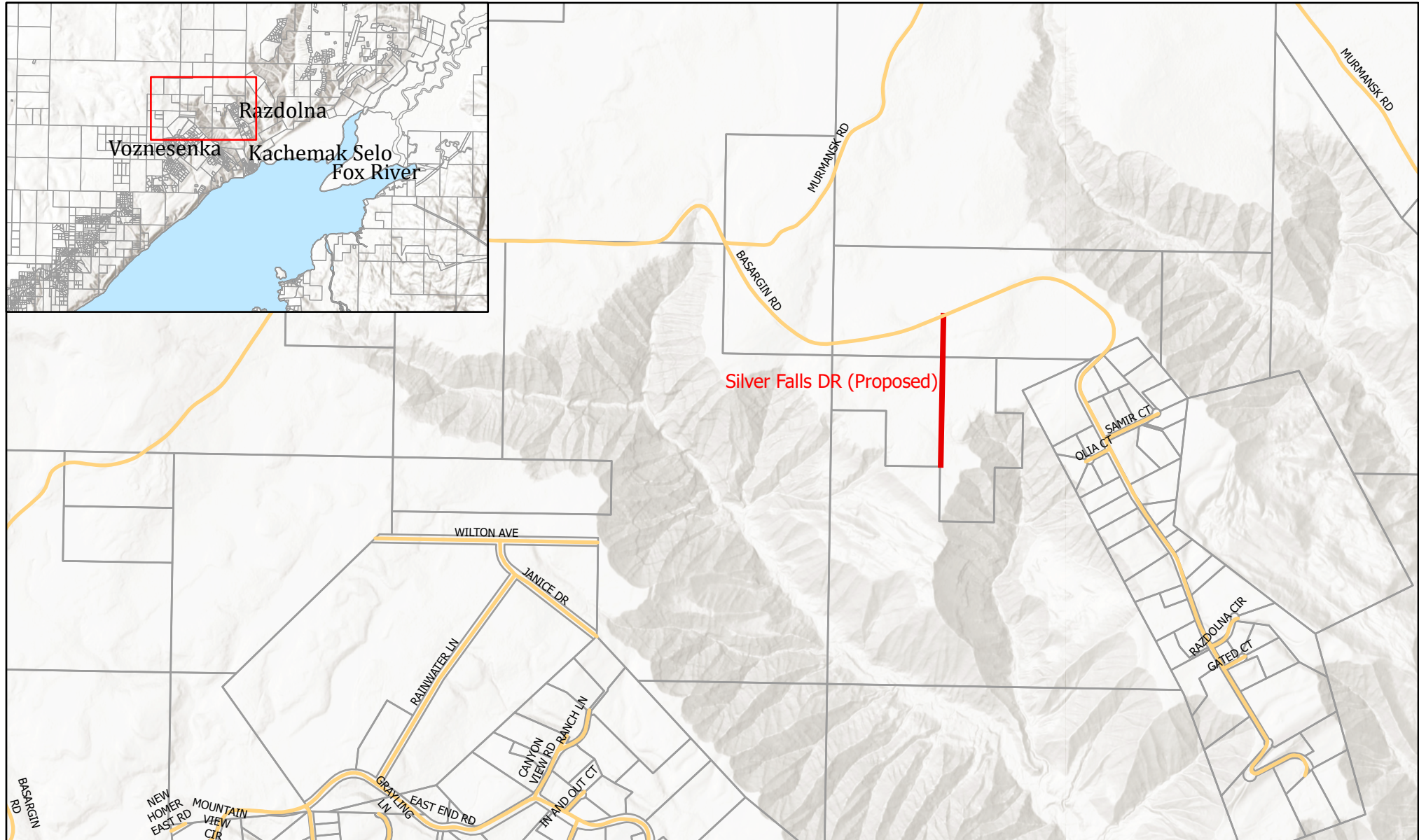
# Kenai Peninsula Borough Planning Department

## Vicinity Map

Date: 6/28/2021



Private Road Naming  
Resolution SN 2021-04



# Kenai Peninsula Borough

## Planning Department – Land Management Division

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### MEMORANDUM

**TO:** Brent Hibbert, Assembly President  
Kenai Peninsula Borough Assembly Members

**THRU:** Charlie Pierce, Mayor  
Melanie Aeschliman, Planning Director

**FROM:** Marcus Mueller, Land Management Officer

**DATE:** August 31, 2021

**RE:** Resolution 2021-\_\_\_\_, Authorizing the Acquisition by Bequeath of  
41.75 Acres of Land Located in the Nikiski Area

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The Estate of Thomas A. Toloff bequeathed to the Kenai Peninsula Borough a 41.75-acre tract of land in the Nikiski Area “for wildlife preservation”. KPB does not have specific wildlife management programming and cannot commit funds to actively managing the property for wildlife preservation. The borough does however manage land of a similar character and has land classifications that can account for a wide variety of resource management purposes and values. The property, in its current state, has a variety of wildlife habitats. At the same time, the deed provided by the Estate is without any restrictions.

The attached resolution would authorize the borough to accept the title to Tract B, Thomas Toloff Subdivision, 2018 Addition.

Your review and consideration of this resolution is appreciated.

Introduced by:  
Date:  
Action:  
Vote:

Mayor  
09/21/21

**KENAI PENINSULA BOROUGH  
RESOLUTION 2021-**

**A RESOLUTION AUTHORIZING THE ACQUISITION BY BEQUEATH OF 41.75  
ACRES OF LAND LOCATED IN THE NIKISKI AREA**

**WHEREAS,** the Estate of Thomas A. Toloff notified the borough in 2020 that Mr. Toloff's Last Will and Testament bequeathed to the borough a parcel of property in the Nikiski area (KPB PIN #01344036); and

**WHEREAS,** the bequeath provides that the gift of the property is "for wildlife preservation"; and

**WHEREAS,** the borough has notified the estate that the borough does not have areawide wildlife preservation, wildlife management, or recreational powers, and therefore the borough cannot commit any resources or funds to actively managing the property for wildlife preservation; and

**WHEREAS,** the borough notified the estate that the borough will not accept any deed restrictions that require the property be held for wildlife preservation in perpetuity; and

**WHEREAS,** on June 25, 2021, the estate provided a valid, executed Personal Representative's Deed without any restrictions; and

**WHEREAS,** a Phase I Environmental Site Assessment was conducted and the reported revealed no evidence of "recognized environmental conditions"; and

**WHEREAS,** the KPB Planning Commission, at its regularly scheduled meeting of September 13, 2021, recommended \_\_\_\_\_ ;

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

**SECTION 1.** That the acquisition of the following described real property is in the best interest of the borough:

TRACT B, THOMAS TOLOFF SUBDIVISION 2018 ADDITION, filed under Plat No. KN-2018081, Kenai Recording District, Third Judicial District, State of Alaska (KPB Parcel No: 01344036).

**SECTION 2.** That the mayor is authorized to accept and execute the Personal Representative's Deed. The date of transfer shall be June 25, 2021, which is the date the Personal



Representative executed the deed.

**SECTION 3.** That the property will be classified with a co-classification of Preservation and Resource Management. The property will be retained by the borough. The property is not eligible for sale or lease to a third party without further action by the assembly.

**SECTION 4.** That this resolution shall take effect immediately upon its adoption.

**ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2021.**

\_\_\_\_\_  
Brent Hibbert, Assembly President

ATTEST:

\_\_\_\_\_  
Johni Blankenship, Borough Clerk



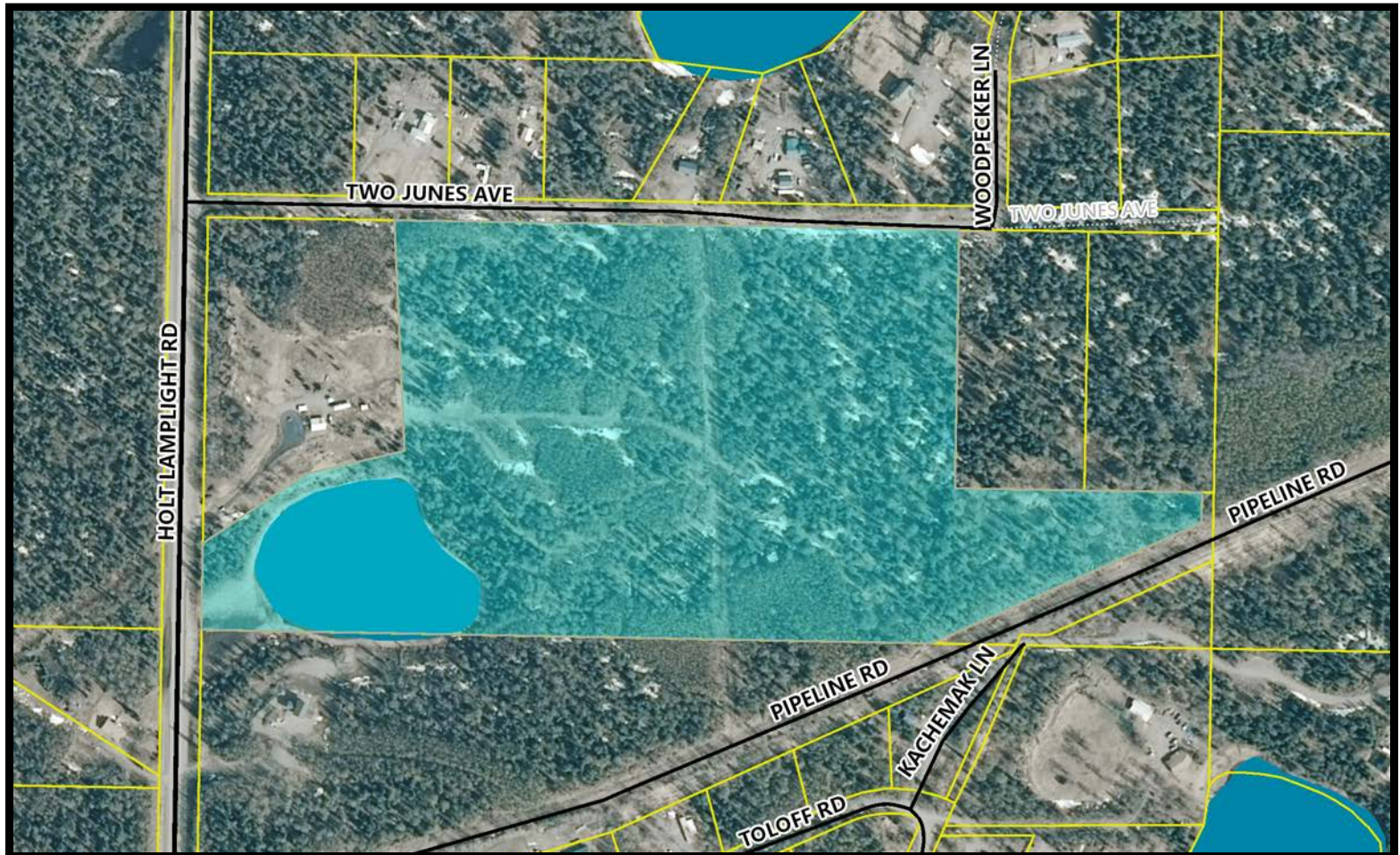
## PARCEL REPORT

8/31/2021 4:37

**PARCEL ID: 01344036**

**Total Acreage:**

**41.75**



### LEGAL DESCRIPTION:

T 07N R 11W SEC 9 SEWARD MERIDIAN KN 2019007 THOMAS TOLOFF SUB 2018 ADDN AMENDED TRACT B

### ALL PHYSICAL ADDRESSES ON THIS PARCEL:

**LAND VALUE:** \$109,500

**IMPROVEMENT VALUE:** \$0

**ASSESSED VALUE:** \$109,500

**TAXABLE VALUE:** \$109,500

### OWNER:

TOLOFF THOMAS ANTHONY  
51185 HOLT LAMPLIGHT RD  
KENAI, AK 99611